

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample

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PUDSP-20-5 Falcon Meadows at Bent Grass
PUD/Preliminary Plan

Reviewed by: Lori Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal

FINDINGS AND CONCLUSIONS:

1. This is a PUD/Preliminary Plan proposal by Challenger Communities, LLC ("Applicant"), to subdivide an approximately 67.012 +/- acre parcel into 267 single-family lots, plus right-of-way and open space. This subdivision is part of the Bent Grass Planned Unit Development (PUD) originally approved in 2007.

2. *The Applicant has provided for the source of water to derive from the Woodman Hills Metropolitan District ("District"). Pursuant to the Water Supply Information Summary, the Applicant estimates its annual water needs to serve household use for the subdivision at 94.25 acre-feet, plus 0.91 acre-fee for irrigation, for a total of 95.16 acre-feet for the entire subdivision. The household rate is based on the District's 0.353 annual acre-feet per single-family equivalent. Based on these figures, the Applicant must be able to provide a supply of 28,548 acre-feet of water (95.16 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement.*

3. *The District's Manager provided a letter of commitment for the Falcon Meadows at Bent Grass Subdivision dated December 11, 2020 in which the District committed to providing water service to the subdivision of 267 residential lots at an annual amount of 95.16 acre-feet. The Manager stated that "Woodmen Hills Metropolitan District commits to providing both water and sewer service for the above named subdivision." And further, "[t]his revised commitment is for 267 residential lots plus a small park with 0.37 acres of active irrigation for 0.91 AF annual use yielding a total water commitment*

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

of 95.16 AF/year. WHMD has adequate 300 year water supplies to meet the anticipated demand.”

4. The Applicant also provided a *Water Resource and Wastewater Report for Woodmen Hills Metropolitan District for the Falcon Meadows at Bentgrass Preliminary PUD* dated August 2020 (“Report”) which detailed the District’s water supply. The Report notes that the District’s water supply includes both “renewable sources and Denver Basin non-renewable sources. The District’s total legal supply on a 300-year basis currently stands at 1459.48 annual acre-feet.” The Report concludes that the District has an adequate water supply to serve this subdivision, but it relies on a previous iteration of the subdivision that identified 260 lots. In 2019, the District used only 830 acre-feet of water, or about 57% of its available supply.

5. In a letter dated September 16, 2020, the State Engineer reviewed the application to subdivide the 67.012 acres into 260 single-family residential lots.¹ The Engineer reviewed this matter based on information provided in a Water Supply Information Summary which set forth a water demand of 91.78 acre-feet, as well as a District letter dated August 4, 2020 committing to supply the subdivision with 91.78 acre-feet/year. The State Engineer indicated that information in their files indicates “the District’s water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 999 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations for a total commitment of 1,029 acre-feet/year.” The Engineer further state that the uncommitted annual water supply of “397 acre-feet/year is more than the estimated annual demand of 91.78² acre-feet/year” for the subdivision. Finally, the Engineer stated that “pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

6. Analysis: As indicated above, the District provided a Water Resource & Wastewater Report dated August 2020 detailing the sources of the District’s water supply, which is based on both renewable and non-renewable sources. With a proposed annual demand of 95.16 acre-feet as set forth in the Water Supply Information Summary based on 267 single-family lots and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient for the Falcon Meadows at Bent Grass Subdivision.

7. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where

¹ The number of proposed lots in the subdivision has been updated to 267 since the State Engineer’s Office provided their September 16th letter. While the State Engineer reviewed the proposal based on 260 lots with a water demand of 91.78 acre-feet, it is noted that the District has an adequate water supply for the updated number of 267 lots with a water demand of 95.16 acre-feet.

² The updated water demand is 95.16 acre-feet/year.

water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and *specifications set by the District.*
- B. Prior to recording the first Final Plat of this PUD/Preliminary Plan, a letter from the State Engineer's Office must be uploaded to this file in EDARP updating their review indicating the correct number of lots at 267 and updating the water demand to 95.16 acre-feet/year.
- C. Prior to recording the first Final Plat of this PUD/Preliminary Plan, an updated Water Resource Report must be uploaded to this file in EDARP *incorporating the correct number of lots at 267 and water demand at 95.16 acre-feet/year.*

cc: Kari Parsons, Project Manager, Planner III