

EL PASO COUNTY



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March 10, 2021

SP-20-11 Crossroads at Meadowbrook Mixed Use Subdivision
Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
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FINDINGS AND CONCLUSIONS:

1. This is a preliminary plan proposal by Colorado Springs Equities, LLC ("Applicant") for subdivision of 11 lots, plus tracts, on 29.04 +/- acres. The proposal includes 10 commercial lots and 1 lot dedicated to multi-family housing. The property is currently zoned CR (Commercial Regional); however, there is a concurrent zoning proposal to rezone 12.695 acres to RM-30 (Multi-family residential). The property is within the Commercial Aviation District Overlay (CAD-O), so all subdivision actions will be subject to any restrictions and limitations of the Airport Overlay.

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District" or "Cherokee"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the development is 84 acre-feet per year, which equates to 72.9 acre-feet for residential use, including irrigation, and 11.1 acre-feet for commercial use, including irrigation, as more fully detailed in Paragraph 3 below. Based on Applicant's figures, the Applicant must be able to provide a supply from the District of 25,200 acre-feet of water (84.0 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

3. The General Manager of the District provided a letter dated December 8, 2020, committing to provide water service for the 11 lots of the Crossroads at Meadowbrook Mixed Use Subdivision, which is located within the District's boundaries. The District's commitment is delineated as follows:

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



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

Type of Use	Demand (AF/yr)
Residential	
Domestic	61.2
Irrigation	11.7
Commercial	
Domestic	6.2
Irrigation	4.9
Development Total	84.0

The District notes that this commitment is “hereby made exclusively for this specific development project at this site within the District.” The District’s commitment is only a conditional commitment: “[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment.”

4. The Applicant provided a *Water Report for Crossroads Mixed Use (“Report”)* dated February 2021. The *Report* detailed the water demand for the subdivision and the water supply available from the District. The *Report* confirmed the water demand of 84.0 acre-feet/year. The *Report* states that Cherokee has “4,443.0 annual acre-feet of exportable supply and 4,111.7 annual acre-feet of commitments, CMD [Cherokee] has a water balance of 331.3 annual acre-feet before the subject development. After commitment of 84 annual acre-feet to this development, the District will have 247.3 annual acre-feet remaining for additional commitments.”

5. In a letter dated December 31, 2020, the State Engineer reviewed the application to subdivide the 29.04 acre tract into 11 lots, which includes 10 commercial lots and 1 lot that will include 360 multifamily residences. The State Engineer confirmed that the Cherokee Metropolitan District has committed a water supply of 84.0 acre-feet/year which is the water demand identified in the WSIS. Further, the State Engineer states that “[a]ccording to the records of this office, Cherokee has sufficient water resources to supply the development as described above.” Further, the State Engineer declared that “[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate.”

6. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply, which operates in conformance with the Colorado Primary Drinking Water Regulations and the CDPHE requirements, as clarified by El Paso County Public Health, and is determined to meet the required water quality standards.

7. Analysis: As indicated above, this review is based on a water demand of 84.0 acre-feet/year, which the District has committed to serve. The State Engineer determined that Cherokee Metropolitan District appears to have adequate water resources to serve the estimated demand of 84.0 acre-feet/year for the proposed development.

8. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, a water demand of 84.0 acre-feet/year and a commitment from the District in the amount of 84.0 acre-feet/year for a period of 300 years, but given the conditional nature of the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney's Office recommends a finding of **conditional sufficiency** as to water quantity and dependability for the Crossroads at Meadowbrook Mixed Use Subdivision.

CONDITIONS OF COMPLIANCE:

A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.

B. Applicant must obtain final plat approval for all property within the Preliminary Plan boundary and provide evidence thereof to the District within 12 months of the District's commitment letter dated December 8, 2020 (approval must be provided by December 8, 2021), to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid with respect to any portion of the property within the Preliminary Plan boundary that has not received final plat approval. Once Applicant provides proof to the District that satisfies the District's condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.**

cc: Kari Parsons, Planner III