

EL PASO COUNTY

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SF-19-18 Branding Iron at Sterling Ranch Filing No. 2
Final Plat

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

1. This is a proposal by SR Land, LLC ("Applicant"), for a final plat to subdivide approximately 18.88 acres into 75 single-family residential lots and one elementary school site. Applicant's property is zoned RS-5000 (Residential Suburban). This filing is a replat of Tract K, Sterling Ranch Filing No. 1, which was recorded in the records of the El Paso County Clerk and Recorder at Reception No. 218714151.

2. The Applicant has provided for the source of water to derive from a central water system – Sterling Ranch Metropolitan District No. 1 ("District"). As described in the Water Supply Information Summary, the Applicant estimates its annual water requirements to serve 75 single-family lots at 26.48 acre-feet annually (0.353 acre-feet per lot, reflecting 0.18 acre-feet for household use and 0.173 acre-feet for outdoor use). The Applicant also estimates its annual water requirements to serve the elementary school at 4.59 acre-feet annually, for a total of 31.07 acre-feet per year for the subdivision. The Applicant will need to provide a supply of 9,321 acre-feet of water (31.07 acre-feet/year x 300 years) to meet El Paso County's 300-year water supply requirement.

3. The *Water Resources and Wastewater Report for Sterling Ranch Service Area* by JDS-Hydro dated April 4, 2019 ("Report") details the source of the water supply for the District. A Water Resources Report was originally prepared in May of 2015 and has since been updated to include 2 additional final plats. The District's water supply will originate from Arapahoe and Laramie-Fox Hills aquifer wells, provided through 3 decrees granted in District Court Water Division 2: Case No. 86CW18, providing an allocation of 575 acre-feet per year (191.67 acre-feet per year for 300 years); Case No. 86CW19, providing an allocation of 539 acre-feet per year (179.67 acre-feet per year for 300 years); and Case No. 08CW113, providing an allocation of 0.4 acre-feet per year (0.13 acre-feet per year for 300 years). Therefore, the total water allocation available is 1,114.4 acre-

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feet per year based on withdrawal for 100 years or 371.47 acre-feet per year based on El Paso County's 300-year rule. The Report notes that the Branding Iron at Sterling Ranch Filing No. 2 subdivision is included in the original Phase I preliminary plan approved in 2015 which approved a total of 726 lots with a committed water supply of 255.96 acre-feet/year.

4. In a revised letter dated February 20, 2020, James Morley, President, states that the District commits to providing water service to the subdivision, including the single-family lots and the elementary school, and that the subdivision is within the original commitment of the Sterling Ranch Phase One Preliminary Plan. The President specifically commits to "serve central water and sewer to the above-named subdivision which includes approximately 75 single family lots and one elementary school or 31.07 AC-FT/year. The annual water committed is 31.07 acre-feet/year."

5. In an eDARP comment dated April 28, 2020, the State Engineer's Office noted that the Branding Iron at Sterling Ranch Filing 2 proposal was a portion of the total development previously approved in the Sterling Ranch Phase 1 preliminary plan. The State Engineer referred to their previous findings for Sterling Ranch Phase I dated March 19, 2015 and stated that the school site in Branding Iron at Sterling Ranch Filing 2 is being classified as part of the commercial water commitment. In the 2015 letter, the State Engineer's Office reviewed the proposal for 457 residential lots and 6 commercial lots on 182.86 acres. The Sterling Ranch Metropolitan District No. 1 committed a total annual water supply of 201.11 acre-feet for Sterling Ranch Phase 1, including 161.32 acre-feet per year for 457 residential lots, 26.16 acre-feet per year for commercial use, and 13.63 acre-feet per year for irrigation of landscaping and parks. The State Engineer reviewed the available water supply of the District pursuant to the District's preliminary letter of commitment dated November 17, 2014 and noted an "annual amount of withdrawal of 1,114.4 acre-feet/year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 201.11 acre-feet/year for Sterling Ranch Phase I." Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply "is expected to be adequate and can be provided without injury to existing water rights."

6. 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 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. In a memo provided March 26, 2020, El Paso County Public Health stated that "A finding for sufficiency in terms of water quality can be made for this Colorado Department of Public Health and Environment, Water Quality Control Division, approved water system."

7. Analysis: Based on the information provided in the Water Supply Information Summary, the *Water Resources and Wastewater Report* dated April 4, 2019, and the District's commitment to serve the Branding Iron at Sterling Ranch Filing No. 2

subdivision at the amount of 31.07 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

On March 3, 2020, the Colorado Department of Public Health and Environment issued its *approval of the District's Assessment of Technical, Managerial and Financial Capacity*. On April 1, 2020, the County received a professional engineer's certification that the District's drinking water system has been constructed consistent with CDPHE-approved design documents.

8. Based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment to serve, and pursuant to the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the Sterling Ranch Metropolitan District No. 1.

cc: Kari Parsons, Project Manager/Planner III