

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
Peter A. Lichtman
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney

July 23, 2020

SF-20-15 Sterling Ranch Filing No. 2
Final Plat

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by SR Land, LLC ("Applicant"), for a final plat to subdivide approximately 49.64 +/- acres into 49 single-family residential lots, plus 1 tract for future development, and tracts for right-of-way and landscaping ("Property"). Applicant's property is zoned RS-5000 (Residential Suburban). This filing is included in the original Phase I preliminary plan approved in 2015.

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 49 single-family lots at 17.30 acre-feet ("AF") annually (0.353 AF per lot, reflecting 0.18 AF for household use and 0.173 AF for outdoor use). The Applicant will need to provide a supply of 5,190 AF of water (17.30 AF/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 Metropolitan District #1* by JDS-Hydro updated May 2020 ("Report") details the source of the water supply for the District. The District's water supply will originate from Arapahoe and Laramie-Fox Hills aquifer wells, provided through 4 decrees granted in District Court Water Division 2:

- Case No. 86CW18, providing an allocation of 575 AF per year (191.67 AF per year for 300 years);
- Case No. 86CW19, providing an allocation of 539 AF per year (179.67 AF per year for 300 years);
- Case No. 93CW018, providing an allocation of 552 AF per year (184 AF per year for 300 years); and

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



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

- Case No. 08CW113, providing an allocation of 0.4 AF per year (0.13 AF per year for 300 years).

Therefore, the total water allocation available is 1,666.4 AF per year based on withdrawal for 100 years or 555.47 AF per year based on El Paso County's 300-year rule. 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 AF/year.

4. In a revised letter dated May 29, 2020, Jim Morley, District President, states that "Sterling Ranch Metropolitan District #1 will serve central water and sewer to the above-named subdivision [Sterling Ranch Filing No. 2] which includes approximately 49 single family lots and 17.296 AC-FT/year. The annual water committed is 17.296 acre-feet/year."

5. In a letter dated July 8, 2020, the State Engineer's Office reviewed the submittal to subdivide a 29.37 +/- acre tract of land into 49 single family lots. The State Engineer referred to their previous findings for Sterling Ranch Phase I dated March 19, 2015 and noted that the 49 lots are a portion of the "457 residential lots and 6 commercial lots in the Sterling Ranch Phase I Preliminary Plan" with a total estimated water demand of 255.96 for the entire Phase I Preliminary Plan.

In the current proposal, the State Engineer stated that the water demand for the development is "17.30 acre-feet/year for 49 residential lots (0.35 acre-feet/year per residential lot, including 0.173 acre-feet/year for outdoor use), which is a portion of the total estimated water demand of 255.96 acre-feet/year for Sterling Ranch Phase I Preliminary Plan." 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.

7. Analysis: Based on the information provided in the Water Supply Information Summary, the *Water Resources and Wastewater Report* dated May 2020, and the District's commitment to serve Sterling Ranch Filing No. 2 subdivision at the amount of 17.296 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. Prior to plat recording, Applicant shall submit an updated commitment letter from the District, committing to provide 17.30 acre-feet per year for the subdivision pursuant to the figure used in the Water Supply Information Summary.
- B. 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