

EL PASO COUNTY



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PUDSP-19-3 Copper Chase at Sterling Ranch
Combined PUD/Preliminary Plan

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 PUD rezoning and a Preliminary Plan to subdivide approximately 19.674 +/- acres into 132¹ single-family attached (townhome) units. Applicant's property is currently zoned RR-5 (Residential Rural) and RS-5000 (Residential Suburban). This filing is a portion of the Sterling Ranch Preliminary Plan approved by the Board of County Commissioners on May 26, 2015.

2. The Applicant has provided for the source of water to derive from a central water system – Sterling Ranch Metropolitan District No. 1 (hereinafter "District"). The Applicant estimates its annual water requirements to serve 132 townhome units at 46.596 acre-feet annually (0.353 acre-feet per lot). The Applicant will need to provide a supply of 13,978.8 acre-feet of water (46.596 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 the Sterling Ranch Service Area dated February 2019 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 3 decrees granted in District Court Water Division 2: Case No. 86CW18, providing an allocation of 575 acre-feet per year for 100 years (191.67 acre-feet per year for 300 years); Case No. 86CW19, providing an allocation of 539 acre-feet per year for 100 years (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-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.

¹ There is inconsistency in the number of lots indicated in Applicant's submittal. Several documents indicate there are 134 lots in the subdivision. This review is based on 132 single-family townhome units.

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4. In a letter dated February 21, 2019, James Morley, District Board President, states that the District commits to providing water service to the subdivision and specifically commits to "water and sewer to the above-named subdivision which includes approximately 132 single family lots or 46.596 AC-FT/year. The annual water committed is 46.596 acre-feet/year."

5. In a letter dated March 27, 2019, the State Engineer's Office reviewed the submittal to subdivide the 19.674 +/- acres of land into 132 single-family lots. Pursuant to the Water Supply Information Summary, the State Engineer's Office reviewed the submittal based on water requirements of 0.35 acre-feet/year for a total estimated water demand of 46.596 acre-feet per year for the subdivision. The State Engineer reviewed the available water supply of the District 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 that may be provided by El Paso County Public Health (EPCPH).

7. Analysis: Based on the information provided in the Water Supply Information Summary, the Water Resources Report dated February 2019, and the District's commitment to serve the Copper Chase at Sterling Ranch subdivision in the amount of 46.596 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

Based on the information contained in JDS Hydro's Water Resources and Wastewater Report dated February 2019, the Sterling Ranch Service Area is in the process of putting its water and wastewater infrastructure in place. The Report states that the first well site will be drilled with an Arapahoe Well (A-1) and Laramie-Fox Hills Well (LFH-1) and that permits "will be obtained as needed to ultimately continue to add to the system as needed." The Report also stated that "an initial tank has already been constructed at the Sterling site."

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 recording the final plat, Applicant shall provide an engineer's certification that all Sterling Ranch Metropolitan District No. 1 infrastructure, including well permits, necessary to serve the subdivision have been constructed in accordance with CDPHE construction approval and final design plans and specifications.

B. The following plat note shall be added to the face of the final plat:

State law requires that, upon meeting the state definition of a public water system, Sterling Ranch Metropolitan District No. 1 shall obtain approval from the Colorado Department of Public Health and Environment of its Technical, Managerial and Financial Capacity Assessment. Should the District fail to comply with this requirement, no further building permits shall be issued until compliance is achieved.

C. 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, Planner III