



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

Lori L. Seago
Steven A. Klaffky
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample
Dorey L. Spotts

LS

January 19, 2022

SF-21-23 Cloverleaf Final Plat Filing No. 2
Final Plat – Filing No. 2

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by PT Cloverleaf, LLC (“Applicant”), for a final plat of 131 residential lots on 37.28 acres of land (the “Property”). The final plat parcels are zoned RS-5000 (Residential Suburban).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision demand is 46.95 acre-feet for the 131 lots (0.3584 acre-feet/year) for household use, plus 0.87 acre-feet for irrigation of open space, for a total of 47.82 acre-feet/year for the subdivision. Based on these figures, the Applicant must be able to provide a supply of 14,346 acre-feet of water (47.82 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Woodmoor Water and Sanitation District (“District”). As detailed in the *Water Resources and Water Quality Report for Cloverleaf Subdivision* dated October 2021 (“Report”), the average daily use for each of the 131 lots in Filing 2 will be 0.3584 acre-feet/year for a water demand of 46.95 acre-feet/year, plus irrigation of open space and landscaping of 0.87 acre-feet/year for a total water demand of 47.82 acre-feet/year.

4. The District's Manager provided a letter of commitment for the Cloverleaf Filing 2 development dated September 27, 2021, in which the District committed to providing water service to the 131 single-family detached homes. The District Manager stated that the development is located within the service boundaries of the District and that the Applicant possesses a "supplemental water service option agreement from the District in sufficient quantity to meet the projected water demands of the development." The Manager further stated that as "currently proposed, District water and wastewater resources are adequate to serve the development and the District is committed to serving the development with water and wastewater services in accordance with the supplemental water service option agreement and all District rules, regulations and policies."

State Engineer's Office Opinion

5. In a letter dated December 2, 2021, the State Engineer reviewed the proposal to subdivide the 37.275 +/- acre parcel into 131 single-family lots. The State Engineer stated that the "proposed source of water supply and wastewater disposal is to be served by Woodmoor Water and Sanitation District." The State Engineer initially indicates the correct number of lots as 131; however, their letter goes on to indicate the project is for 150 lots with a water demand of 53.76 acre-feet/year.¹ The State Engineer indicates they received a letter of commitment dated September 27, 2021 from the District which indicated the District has water and wastewater resources adequate to serve the development. Further, the State Engineer states that "[a]ccording to the records of this office, Woodmoor has sufficient water resources to serve the proposed development." Finally, "[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 is adequate and can be provided without causing injury to decreed water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the Cloverleaf Final Plat development is 47.82 acre-feet per year to be supplied by the Woodmoor Water and Sanitation District.

Based on the water demand of 47.82 acre-feet/year for the development and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Cloverleaf Filing No. 2 development.

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply

¹ Although the number of lots and acre-feet indicated by the State Engineer are incorrect, since the amount cited exceeds the water demand, the County Attorney's Office is proceeding with its findings but is requesting an updated State Engineer's Office letter prior to this matter going before the Board of County Commissioners for approval.

operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary provided November 12, 2021, the *Water Resources and Water Quality Report* dated October 2021, the Woodmoor Water and Sanitation District letter dated September 27, 2021, and the State Engineer Office's Opinion dated December 2, 2021. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

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 bringing this matter before the El Paso County Board of County Commissioners for approval, the State Engineer's Office must upload a corrected letter identifying the correct number of lots and water demand identified for the subdivision. See footnote 1.

cc. John Green, Planner