

EL PASO COUNTY



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SP-17-008 Waterbury Subdivision Phase 2
Preliminary Plan

Reviewed by: Cole Emmons, Senior Assistant County Attorney
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FINDINGS AND CONCLUSIONS:

1. This is a Preliminary Plan proposal by 4-Way Ranch Joint Venture, LLC ("Applicant"), to subdivide an approximately 80 acre parcel into 235 single-family lots. The property is zoned PUD (Planned Unit Development). The entire Waterbury development encompasses 322 acres of land.

2. The Applicant has provided for the source of water to derive from the 4-Way Ranch Metropolitan District #1 ("District"). Pursuant to the Water Supply Information Summary and the *4-Way Ranch Water Resources & Wastewater Report for Waterbury Phase II Preliminary Plan dated July 2017*, the Applicant estimates its annual water needs to serve household use for this subdivision at 82.3 acre-feet, based on 0.35 annual acre-feet (including irrigation) per single-family equivalent (0.35 acre-feet per lot for 235 lots). Based on these figures, the Applicant must be able to provide a supply of 24,690 acre-feet of water (82.3 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement for the subdivision.

3. In a letter dated November 28, 2017, the State Engineer reviewed the application to subdivide the 80 acre parcel into 235 single-family residential lots. The Engineer reviewed this matter based on information provided in the Water Resources and Wastewater Report and the District's letter dated July 14, 2017, which estimated water requirements at 82.3 acre-feet per year for the subdivision. The Engineer noted that the District's water supply comes from Denver Basin bedrock aquifers and allows withdrawal of 797 acre-feet/year based on the County's 300-year rule. Based on the District's current commitments of 165.5 acre-feet per year, the State Engineer notes the "remaining uncommitted annual water supply of 631.5 acre-feet is more than the estimated annual

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demand of 82.3 acre-feet for the Waterbury Subdivision.” And further, “pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

4. The District’s Chairman of the Board provided a letter of commitment for the Waterbury Subdivision dated July 14, 2017. The Chairman identified the Annual Water Supply for the subdivision at 82.3 acre-feet and stated that the “4-Way Ranch Metropolitan District hereby commits to providing water and wastewater service to the above described development area in the volumes listed above.” While not highlighted in the District’s letter, the Water Resources & Wastewater Report notes that the District has a perpetual lease for 797 annual acre-feet of Arapahoe and Laramie Fox-Hills water pursuant to Colorado Ground Water Determination Nos. 510-BD and 511-BD.

5. Analysis: The Applicant provided the *4-Way Ranch Water Resources & Wastewater Report for Waterbury Phase II Preliminary Plan dated July 2017*, detailing the District’s lease of 797 annual acre-feet of water per year of Arapahoe and Laramie Fox-Hills water. Based on the current commitments of the District at 170.7 acre-feet (or 165.5 acre-feet as identified by the State Engineer), there remains at least 626.3 acre-feet available to serve the 82.3 acre-feet per year necessary for the Waterbury Subdivision. With a proposed annual demand of 82.3 acre-feet and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient.

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. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District’s commitment, and based on the requirements below, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

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. The following plat note shall be added that addresses the State Engineer’s admonition to advise landowners of potential limited water supplies in the Denver Basin:

“Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin Aquifers is evaluated based on a 300 year aquifer life, which is based on an allocation approach. Applicants, the Home Owners Association, and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers, and Applicants, their successors and assigns, including individual lot owners in the subdivision and the HOA may be required to acquire, develop, and incorporate alternative renewable water resources in a permanent water supply plan that provides future generations with a water supply.”

cc: Kari Parsons, Project Manager, Planner II