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PUDSP-20-7 Midtown at Hannah Ridge Filing 3
PUD/Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
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WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a PUD and preliminary plan proposal by Classic Consulting Engineers & Surveyors LLC (“Applicant”) for subdivision of 42 single-family lots (the “property”). The property is currently zoned CS CAD-O (Commercial Services Commercial Airport Overlay District); however, there is a concurrent application pending to rezone the property to PUD CAD-O (Planned Unit Development – Commercial Airport Overlay District).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 9.24 acre-feet/per year, which reflects 0.20 acre-feet/lot for in-house use, plus .02 acre/lot for irrigation. Based on the total demand, Applicant must be able to provide a supply of 2,772 acre-feet of water (9.24 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 Cherokee Metropolitan District (“District” or “CMD”). As detailed the *Water Resources and Wastewater Report for Midtown Collection at Hannah Ridge Filing No. 3* dated May 2020 (“Report”), and as supplemented by *Memorandum* dated March 2, 2022, the District’s water supply is sourced entirely from groundwater, both renewable and Denver Basin non-renewable sources. The *Report* indicates that “[w]ith 4,443.0 annual acre-feet of exportable supply and 4,033.3 annual

acre-feet of commitments, CMD has a water balance of 409.7 annual acre-feet before the subject development. After commitment of 9.24 annual acre-feet to this development, the District will have 400.5 annual acre-feet remaining for additional commitments.”

4. The District’s General Manager provided a letter of commitment for the Midtown at Hannah Ridge development dated April 21, 2022, in which the District committed to providing water service to the 42 residential lots in the amount of 8.40 acre-feet/year, plus irrigation in the amount of .84 acre-feet/year, for an annual water requirement of 9.24 acre-feet/year.

Finally, the District’s commitment is only a conditional commitment: “[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment.”

State Engineer’s Office Opinion

5. In a letter dated October 2, 2020, the State Engineer reviewed the proposal to subdivide the 7.44 +/- acre parcel into 42 single-family lots, plus irrigated green space. The State Engineer stated that the proposed development is to be served by Cherokee Metropolitan District. A letter of commitment dated May 27, 2020¹ from Cherokee was provided with the materials and indicated that 9.24 acre-feet are committed to the proposed subdivision. “According to this office’s records, it appears Cherokee has adequate water resources to serve an additional 9.24 acre-feet/year for 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 can be provided without causing injury to decreed water rights, and the supply is expected to be adequate.”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for the Midtown at Hannah Ridge Filing No. 3 development is 9.24 acre-feet per year to be supplied by the Cherokee Metropolitan District.

Based on the water demand of 9.24 acre-feet/year for the development and the District’s availability of water resources, the County Attorney’s Office recommends a finding of conditional sufficiency of water quantity and dependability for Midtown at Hannah Ridge Filing No. 3.

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

¹ Note: An updated letter of commitment was provided on April 21, 2022.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary* provided April 21, 2022, the *Water Resources Report* dated May 2020 and *Memorandum* dated March 2, 2022, the *Cherokee Metropolitan District* letter dated April 21, 2022, and the *State Engineer Office's Opinion* dated October 2, 2020. 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. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated April 21, 2022 (approval must be provided by April 21, 2023), to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid. Once Applicant provides proof to the District that satisfies the District's condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.**

cc. Nina Ruiz, Planning Manager