

EL PASO COUNTY



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SP-20-10 Bent Grass East Commercial Filing 3
Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
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FINDINGS AND CONCLUSIONS:

1. This is a preliminary plan proposal by Land First, Inc. ("Applicant"), to subdivide an approximately 5.35 acre parcel (the "Property") into 6 commercial lots, plus 1 tract for a private access road and utilities. The Property is zoned CS (Commercial Service).

2. *The Applicant has provided for the source of water to derive from the Woodmen Hills Metropolitan District ("District" or "WHMD"). Pursuant to the Water Supply Information Summary ("WSIS"), the Applicant estimates its annual water needs to serve commercial use for the entire subdivision at 5.88 acre-feet, which includes 3.79 acre-feet for the 6 lots, plus 2.09 acre-feet for irrigation. Based on these figures, the Applicant must be able to provide a supply of 1,764 acre-feet of water (5.88 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.*

3. *The District's Engineer provided a letter of commitment for Bent Grass East Commercial Filing 3 dated November 24, 2020, in which the District committed to providing water service to the subdivision of 6 commercial lots at an annual amount of 5.88 acre-feet. The Engineer stated that "[t]his commitment is for 16.66 SFE and a water commitment of 5.88 Acre-feet/year. WHMD has adequate 300-year water supplies to meet the anticipated additional demand."*

4. *Applicant also provided a Water Resource Report for Woodmen Hills Metropolitan District-Bent Grass East Commercial Filing 3 dated November 2020*

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("Report") which detailed the District's water supply. The Report notes that the District's water supply includes both "renewable sources and Denver Basin non-renewable sources. The District's total legal supply on a 300-year basis currently stands at 1459.48 annual acre-feet." The Report concludes that "Woodmen Hills Metropolitan District has an adequate Water Supply to meet the needs of Bent Grass East Commercial Filing 3 (Water Demand Estimate --- 5.88 Annual Acre-feet (16.66 SFE) on a 300-year basis."

5. In a letter dated December 29, 2020, the State Engineer reviewed the application to subdivide the 5.35 +/- acres into 6 commercial lots and 1 tract. The State Engineer reviewed this matter based on information provided in the WSIS, the District's letter dated November 24, 2020, and the *Water Resources Report*, which estimated a water demand of 5.88 acre-feet per year for the subdivision. The State Engineer stated that information in their files indicates "the District's water supply totals approximately 1,426 acre-feet/year¹ for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1,092 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations, for a total commitment of 1,122 acre-feet/year." The State Engineer further stated that the uncommitted annual water supply of "305 acre-feet/year is more than the estimated annual demand of 5.88 acre-feet/year" for the subdivision. Finally, the State Engineer stated that "pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

6. Analysis: As indicated above, the District provided a *Water Resource Report* dated November 2020, detailing the sources of the District's water supply, which is based on both renewable and non-renewable sources. With a proposed annual demand of 5.88 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 for Bent Grass East Commercial Filing 3.

7. 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.

8. 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.

¹ Note: State Engineer's figures for water supply differ slightly from figures provided in the *Water Resources Report*; however, both figures represent an adequate water supply for this subdivision.

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.

cc: Kari Parsons, Project Manager, Planner III