

EL PASO COUNTY

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

December 21, 2021

PUDSP-21-2 Skyline at Lorson Ranch
Combined PUD/Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP



WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Lorson, LLC (“Applicant”) for subdivision of 85 single-family lots plus open space and right-of-way on a 15.764-acre parcel (the “property”). The development is a continuation of the existing Lorson Ranch development. The property is zoned PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision demand is 29.75 acre-feet/lot for in-house use (0.35 acre-feet/lot), plus 1.75 acre-feet for irrigation for a total of 31.50 acre-feet/year for the 85-lot subdivision. Based on the total demand, Applicant must be able to provide a supply of 9,450 acre-feet of water (31.50 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 Widefield Water and Sanitation District (“District”). Under Section 8.4.7.C.1. of the El Paso County Land Development Code (“Code”), “[w]ater provided from renewable ground water sources is considered to be annually renewable and, therefore, is considered to have a minimum life of three hundred (300) years.” As detailed in the District’s January 1, 2020 Annual Update and as incorporated in the *Water Demand Report for Skyline at Lorson Ranch Preliminary Plan* dated November, 2020 (“Report”), the District’s water supply “is based on surface water rights,

renewable groundwater, and a mix of various sources. The system does not rely on any non-renewable water sources.” Based on the foregoing, since the proposed water supply is an annually renewable source, it falls within the provisions of Section 8.4.7.C.1., and thus the proposed supply is considered to have a minimum life of 300 years. The *Report* indicates the District has a “current developed physical water supply of 5271 ac-ft of water per year and the three year average demand is 2615 ac-ft per year which is 49.6% of the existing physical supply.”

4. The District’s Engineer provided a letter of commitment for the Skyline at Lorson Ranch development dated November 20, 2020, in which the District committed to providing water service to the 85 residential lots plus irrigation with an annual water requirement of 31.50 acre-feet/year.

State Engineer’s Office Opinion

5. In a letter dated February 23, 2021, the State Engineer reviewed the proposal to subdivide the 16 +/- acre parcel into 85 single-family lots, plus irrigated green space. The State Engineer stated that the “proposed development is to be served by Widefield Water and Sanitation District. A letter of commitment dated November 20, 2020 from Widefield was provided with the materials and indicated that 31.50 acre-feet are committed to the proposed subdivision. ... According to the records of this office, Widefield has sufficient water resources to supply this development as described above.” 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 Skyline at Lorson Ranch development is 31.50 acre-feet per year to be supplied by the Widefield Water and Sanitation District.

Based on the water demand of 31.50 acre-feet/year for the development and the District’s availability of renewable water sources, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for the Skyline at Lorson Ranch 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 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 December 29, 2020, the *Water Demand Report* dated November, 2020, the Widefield Water and Sanitation District letter dated November 20, 2020, and the State Engineer Office’s Opinion dated February 23, 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.

cc. Kari Parsons, Planner III