

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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Cloverleaf Subdivision Filing No. 1  
Final Plat SF-21-14

Reviewed by: Lori Seago, Senior Assistant County Attorney  
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### **FINDINGS AND CONCLUSIONS:**

1. This is a proposal by PT Cloverleaf, LLC ("Applicant"), for a final plat of 3 residential lots on 1.5 acres of land (the "Property"). A preliminary plan is currently under consideration to subdivide 38.73 +/- acres which includes the 3 lots which are the subject of this final plat proposal. The final plat parcels are zoned RS-20000 (Residential Suburban).

2. The Applicant has provided that the source of water for the subdivision will derive from the Woodmoor Water and Sanitation District ("District"). Pursuant to the Water Supply Information Summary ("WSIS"), the Applicant estimates its annual water needs at 1.08 acre-feet for the 3 lots (0.36 acre-feet/lot). Based on these figures, the Applicant must be able to provide a supply of 324 acre-feet of water (1.08 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

3. The Applicant also provided a *Water Resources and Water Quality Report for Cloverleaf Subdivision* (the "Report") prepared by JR Engineering, LLC dated April 2021, which identified the 3 lots of Cloverleaf Filing No.1. As detailed in the *Report*, the average daily use for each of the 3 lots in Filing 1 will be 0.3584 acre-feet/year for a total demand of 1.08 acre-feet/year. The *Report* detailed the Long Range Plan for the District, including improvements, projects, and potential expansions to the District's water system.

4. The District Manager of the Woodmoor Water & Sanitation District provided a letter of commitment regarding this proposal dated February 10, 2021. The District Manager identified this proposal as 3 single-family detached homes across 1.507 acres

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of land, noting that this Filing 1 is part of a larger preliminary plan proposal totaling 150 lots. 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.”

The District Manager described the supplemental water supply agreement between the District and the Applicant, identified as *Supplemental Water Usage and Service Agreement by and between Woodmoor Water & Sanitation District No. 1 and PT Cloverleaf, LLC* dated July 16, 2020 (“*Agreement*”). A supplemental water service agreement is required by the District when a subdivision’s water demand exceeds the District standard water policy rate of one-half (1/2) acre-foot of water per acre/year. The *Agreement* details the overall subdivision’s water demand at 54.63 acre-feet/year. Due to a *Water Allowance Transfer Agreement* dated April 29, 2003, the District agreed to allocate a water service commitment in the amount of 4.923 acre-feet/year to the subdivision. Based on that transfer, anticipated supplemental water demand is 50.337 acre-feet/year. The *Agreement* further details the provisions for water supply agreed to between the District and the Applicant regarding the Cloverleaf Subdivision.

5. The State Engineer’s Office provided a letter dated February 16, 2021, in which they referred to their letter dated July 14, 2020. They noted that the “proposed source of water supply ... is to be served by the Woodmoor Water and Sanitation District.” The State Engineer said the current referral of 3 lots for the final plat proposal “does not change the water supply requirements for this portion of the subdivision; therefore, please refer to our previous comments ....” The preliminary plan proposal referred to in the July 14<sup>th</sup> letter stated that the water supply for the 150 lots of the preliminary plan was 53.76 acre-feet, which equates to 0.358 acre-feet/lot and which includes the 1.08 acre-feet for the 3 lots of the Filing 1 final plat. The State Engineer stated that “[a]ccording to this office’s records, it appears that District has adequate water resources to serve 53.76 acre-feet for the proposed development.” Further, the State Engineer stated that “pursuant 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.”

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 that may be provided by El Paso County Public Health.

7. Analysis. The Woodmoor Water & Sanitation District entered into a supplemental water supply agreement with the Applicant dated July 16, 2020. Pursuant to the District's letter dated February 10, 2021, the District has a sufficient water supply available to serve Cloverleaf Filing 1 and is willing to serve the subdivision in accordance with the Applicant's supplemental water service agreement. With a proposed annual demand of 1.08 acre-feet required for Cloverleaf Filing No. 1 and based on current commitments and the available water supply of the District, it appears the proposed water supply will be sufficient.

8. Therefore, based on the above analysis and the requirements below, given the commitment to serve by the District, the commitments in the supplemental water service option agreement and the finding of the State Engineer's Office that the proposed water supply can be provided without injury to existing water rights and is expected to be adequate, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. El Paso County Public Health may wish to confirm that the District is in compliance with the water quality regulations.

#### REQUIREMENTS:

- A. Applicant, its successors and assigns, and all future owners of lots within this filing shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the District.
- B. Prior to recording the final plat, the District shall upload an updated commitment letter to eDARP referencing the updated JR Engineering Report dated April 2021 and specifically committing to serve the Cloverleaf Filing No. 1 Subdivision in the amount of 1.08/acre-feet/year pursuant to the supplemental water service option agreement.

cc: Ryan Howser, Planner I