

EL PASO COUNTY



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Estates at Rolling Hills Ranch Filing No. 1

SF-19-19 Final Plat
PUDSP-19-7 PUD Development Plan/Preliminary Plan

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

1. This is a PUD Development Plan/Preliminary Plan and Final Plat proposal by GTL Development, Inc. ("Applicant"), to subdivide an approximately 29 acre parcel into 16 single-family lots. The property is zoned PUD (Planned Unit Development).

2. The Applicant has provided for the source of water to derive from the Meridian Service Metropolitan District ("District"). Pursuant to the Water Supply Information Summary, the Applicant estimates its annual water needs to serve household use for the entire subdivision at 5.3 acre-feet, based on the District's 0.33 annual acre-feet per single-family equivalent. Based on these figures, the Applicant must be able to provide a supply of 1,590 acre-feet of water (5.3 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.

3. The District's General Manager provided a letter of commitment for the Rolling Hills Ranch Subdivision dated December 10, 2019 in which the District committed to providing water service to the subdivision of 16 residential lots at an annual amount of water of 5.3 acre-feet. The District Manager identified that the District currently has 2,119 acre-feet per year of water available for developments, with approved commitments in the amount 1,424 acre-feet. The Manager states that the "additional 5.3 Ac-Ft demand results [in] an overall demand of 1,430 Ac-Ft which leaves a surplus of 689 Ac-Ft per year."

4. Applicant also provided a *Water Resource and Waste Water Report for Estates at Rolling Ranch Filing 1 dated August 2019, Revised December 2019* ("Water

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Resources 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 total legal supply on a 300-year basis is 2,119 annual acre-feet.

5. In a letter dated January 16, 2020, the State Engineer reviewed the application to subdivide the 28.9 acres into 16 single-family residential lots. The Engineer reviewed this matter based on information provided in the Water Supply Information Summary (“WSIS”) which estimated a water demand of 6.0 acre-feet/year. Note: The Applicant later provided a WSIS which estimated the water demand at 5.3 acre-feet/year. The State Engineer also reviewed District letters dated August 19, 2019, November 18, 2019, and December 10, 2019 in which the District committed a water supply of 5.3 acre-feet/year to the subdivision. The State Engineer indicated that information in their files indicates “the District’s water rights total approximately 2,088 acre-feet/year for a period of 300 years (1,888 acre-feet/year from bedrock aquifers and 200 acre-feet/year from the alluvial aquifer), and it has approximately 1,24¹acre-feet/year committed to supply subdivisions and 30.2 acre-feet/year committed to replacement obligations, for a total commitment of 1,454 acre-feet/year.” And further, an “uncommitted annual water supply of 634 acre-feet/year² is more than the estimated annual demand of 5.3 acre-feet/year for Estates at Rolling Hills Ranch, Filing No. 1.” Finally, the 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 Applicant provided a Water Resources Report dated December 2019, 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 5.3 acre-feet, plus the current commitments of the District of 1,424 acre-feet per year, the available resulting water supply of 2,119 acre-feet, and the remaining surplus of 689 acre-feet per year (634 acre-feet based on the State Engineer’s figures), it appears the proposed water supply will be sufficient for the Estates at Rolling Hills Ranch Filing No. 1.

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

¹ This appears to be a typographical error. Based on the total amount of 1,454 acre-feet/year of commitments, the correct figure is 1,424 acre-feet/year, which is consistent with the figures provided by the District.

² This number (634 acre-feet) differs slightly from the number provided by the District (689 acre-feet). Notwithstanding, the amounts set forth by both entities reflect an adequate water supply available for this subdivision.

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.

cc: Nina Ruiz, Project Manager, Planner III