

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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### Rolling Hills Ranch Subdivision

PUDSP-19-9 PUD Development Plan/Preliminary Plan

Reviewed by: Cole Emmons, Senior Assistant County Attorney  
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*MCE*

### **FINDINGS AND CONCLUSIONS:**

1. This is a PUD Development Plan/Preliminary Plan proposal by GTL Development, Inc. ("Applicant"), to subdivide an approximately 251 +/- acre parcel into 725 single-family lots, plus landscaping, open space, and trails. 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 242 acre-feet, based on the District's 0.33 annual acre-feet per single-family equivalent. This equates to approximately 239 acre-feet for household use (0.33 acre-feet x 725 lots), plus 1.8 acre-feet for common area landscaping irrigation, for a total of 242 acre-feet/year. Based on these figures, the Applicant must be able to provide a supply of 72,600 acre-feet of water (242 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 PUD dated August 30, 2019 in which the District committed to providing water service to the subdivision of 725 residential lots at an annual amount of water of 242 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 1,362 acre-feet. The Manager states that "Rolling Hills Ranch will add an additional demand of 242 Ac-Ft per year based on the Water Resource Report dated May 2019 and developed by the MSMD engineer. The additional 242 Ac-Ft demand results

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an [sic] approximate overall demand of 1,603 Ac-Ft, which leaves a surplus of 516 Ac-Ft per year.”

4. Applicant provided a *Water Resource and Waste Water Report for Rolling Hills Ranch PUD dated February 2020* (“Water 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.” It states the District’s total available supply on a 300-year basis is 2,119 annual acre-feet.

5. In a letter dated January 23, 2020, the State Engineer reviewed the application to subdivide the 251 acres<sup>1</sup> into 725 single-family residential lots. The Engineer reviewed this matter based on the Water Supply Information Summary (“WSIS”) which estimated a water demand of “239 acre-feet/year for household use and 1.8 acre-feet/year for irrigation for a total estimated water demand is [sic] 242 acre-feet/year.” The State Engineer also reviewed the District letter dated August 30, 2019, in which the District committed a water supply of 242 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 1,429 acre-feet/year committed to supplying subdivisions and 30.2 acre-feet/year committed to replacement obligations, for a total commitment of 1,459 acre-feet/year.” And further, an “uncommitted annual water supply of 629 acre-feet/year<sup>2</sup> is more than the estimated annual demand of 242 acre-feet/year for Rolling Hills Ranch PUD.” 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 February 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 242 acre-feet, plus the current commitments of the District of 1,362 acre-feet per year, the District’s stated total available water supply of 2,119 acre-feet, and the remaining surplus of 516 acre-feet per year (629 acre-feet based on the State Engineer’s figures), it appears the proposed water supply will be sufficient for the Rolling Hills Ranch PUD.

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.

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<sup>1</sup> Note: In the letter from the State Engineer – they incorrectly listed the acreage at 521 acres.

<sup>2</sup> This number (629 acre-feet) differs from the number provided by the District (516 acre-feet). Notwithstanding, the amounts set forth by both entities reflect an adequate water supply available for this subdivision.

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.

**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