

# EL PASO COUNTY



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SF-17-24 Branding Iron at Sterling Ranch Filing No. 1  
Final Plat

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

1. This is a proposal by SR Land, LLC ("Applicant"), for a final plat to subdivide approximately 10.545 acres into 51 single-family residential lots. Applicant's property is zoned RS-5000 (Residential Suburban). This filing is a portion of the Sterling Ranch Preliminary Plan approved by the Board of County Commissioners on May 26, 2015.
2. The Applicant has provided for the source of water to come from a central water system – Sterling Ranch Metropolitan District No. 1 (hereinafter "District"). The Applicant estimates its annual water requirements to serve 51 single family lots at 17.85 acre-feet annually (0.35 acre-feet per lot). The Applicant will need to provide a supply of 5,355 acre-feet of water (17.85 acre-feet/year x 300 years) to meet El Paso County's 300 year water supply requirement.
3. The Water Resources and Wastewater Report for Sterling Ranch Phase One dated May 2015 details the source of the water supply for the District. The District's water supply will originate from Arapahoe and Laramie-Fox Hills aquifer wells, provided through 3 decrees granted in District Court Water Division 2: Case No. 86CW18, providing an allocation of 575 acre-feet per year (191.67 acre-feet per year for 300 years); Case No. 86CW19, providing an allocation of 539 acre-feet per year (179.67 acre-feet per year for 300 years); and Case No. 08CW113, providing an allocation of 0.4 acre-feet per year (0.13 acre-feet per year for 300 years). Therefore, the total water allocation available is 1,114.4 acre-feet per year based on withdrawal for 100 years or 371.47 acre-feet per year based on El Paso County's 300-year rule.

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4. In a letter dated December 4, 2017, James Morley, President, states that the District commits to providing water service to the subdivision and specifically commits to “the fifty-one single family residential lots in Branding Iron at Sterling Ranch Filing No. 1, with an annual water requirement of 17.85 acre feet .... The District has the existing legal and physical water supply to meet the expected demand.”

5. In a letter dated September 5, 2018, the State Engineer’s Office reviewed the submittal to subdivide the 10.545 +/- acres of land into 51 residential lots.<sup>1</sup> Pursuant to the Water Supply Information Summary, the State Engineer’s Office reviewed the submittal based on water requirements of 0.35 acre-feet/year for household use for a total estimated water demand of 17.85 acre-feet per year for the subdivision. The State Engineer reviewed the available water supply of the District pursuant to the decrees and the District’s Water Resources Report dated May 2015, and noted an “annual amount of withdrawal of 1,114.4 acre-feet year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 201.11 acre-feet/year for Sterling Ranch Phase I” which encompasses 457 residential lots and commercial parcels. Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply “can be provided without injury to existing water rights.”

6. The water quality requirements of Section 8.4.7.B.10 of the El Paso County Land Development Code must be satisfied.

7. Analysis: Based on the information provided in the Water Supply Information Summary, the Water Resources Report dated May 2015, and the District’s commitment to serve the Branding Iron at Sterling Ranch subdivision at the amount of 17.85 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

Based on the information contained in JDS Hydro’s Water Resources and Wastewater Report dated May 2015, the Sterling Ranch Metropolitan District No. 1 is in the process of putting its water and wastewater infrastructure in place. The November 2017 Addendum to the Water Resources Report states that the District drilled 2 deep wells in the spring of 2017 (Well Permit No. 80131-F (Arapahoe aquifer) and 80132-F (Laramie-Fox Hills aquifer)). The District also indicates it completed a 1,000,000 gallon water storage tank and main delivery lines to the initially platted areas. The Addendum also indicates the District has begun construction of a lift station and force main and the District “anticipates completion of both prior to recordation of ... final plats.”

8. Based upon the finding of sufficiency and no injury by the State Engineer, the District’s commitment to serve, and pursuant to the requirements below, the County

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<sup>1</sup> Note: The State Engineer’s Office correctly indicates the subdivision encompasses 51 lots in paragraph 1, but incorrectly states the number of lots as “61” in paragraph two. Since the math in paragraph 2 corresponds with the correct number of 51 lots – the balance of this analysis will indicate 51 lots.

Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

**REQUIREMENTS:**

A. Prior to recording the final plat, Applicant shall provide an engineer's certification that all Sterling Ranch Metropolitan District No. 1 infrastructure necessary to serve the subdivision has been constructed in accordance with CDPHE construction approval and final design plans and specifications.

B. The following plat note shall be added to the face of the final plat:

State law requires that, upon meeting the state definition of a public water system, Sterling Ranch Metropolitan District No. 1 shall obtain approval from the Colorado Department of Public Health and Environment of its Technical, Managerial and Financial Capacity Assessment. Should the District fail to comply with this requirement, no further building permits shall be issued until compliance is achieved.

C. Applicant 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 Sterling Ranch Metropolitan District No. 1.

cc: Kari Parsons, Project Manager/Planner II