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December 9, 2022

PUD-SP-22-9 Waterside at Lake Woodmoor
Combined PUD/Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Planned Unit Development/Preliminary Plan proposal by Lake Woodmoor Holdings, LLC (“Applicant”), to subdivide an approximately 7.53 +/- acre tract of land into 52 townhome lots (the “Property”). The property is zoned R-4 (Residential Planned Development District) but is requesting a rezone to PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 13.988 acre-feet/year for 52 lots which includes irrigation. Based on this figure, the Applicant must be able to provide a supply of 4,196 acre-feet of water (13.988 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 Woodmoor Water and Sanitation District (“District”). As detailed in the *Water Resources Report* dated November 17, 2022 (“Report”), the average daily use for each of the 52 lots will be 0.269 acre-feet per dwelling unit/year for a total water demand of 13.988 acre-feet/year.

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4. The District's Manager provided a letter of commitment for Waterside at Lake Woodmoor dated October 10, 2022, in which the District Manager stated that the development is located within the service boundaries of the District which is committed to providing water service to the 52 multi-family units in the amount of 13.988 acre-feet per year. The Manager further outlines two conditions, 1) the Developer must enter into an agreement with the District for Supplemental Water Service at the District Board's sole and absolute discretion, and; 2) the development must comply with all District rules, regulations and policies.

State Engineer's Office Opinion

5. In a letter dated August 12, 2022, the State Engineer reviewed the proposal to subdivide the 7.5 +/- acre parcel into 52 household units. The State Engineer stated that the "proposed source of water supply and wastewater disposal is to be served by Woodmoor Water and Sanitation District." The State Engineer indicates the correct number of lots as 52; however, their letter goes on to indicate the project has a water demand of 17.784 acre-feet/year.¹ The State Engineer indicates they received a letter of commitment dated May 11, 2022 from the District which did not indicate a specific commitment volume for the development.² Further, the State Engineer states that "[a]ccording to this office's records, it appears that District has adequate water resources to serve 17.784 acre-feet/year for the proposed development." Finally, "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."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Waterside at Lake Woodmoor development is 13.988 acre-feet per year to be supplied by the Woodmoor Water and Sanitation District. **Based on the water demand of 13.988 acre-feet/year for the development and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Waterside at Lake Woodmoor.**

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.

¹ Although the acre-feet indicated by the State Engineer is incorrect, since the amount cited exceeds the actual water demand, the County Attorney's Office is proceeding with its findings but is requesting an updated State Engineer's Office letter or a written acknowledgement from the State Engineer's Office prior to recording the final plat.

² The District has since updated their Commitment Letter on October 10, 2022 to include their committed supply of 13.988 acre-feet/year.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary* provided November 23, 2022, the *Water Resources Report* dated November 17, 2022, the *Woodmoor Water and Sanitation District letter* dated October 10, 2022, and the *State Engineer Office's Opinion* dated August 12, 2022. 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.
- B. Prior to recording the final plat, the applicant must procure from the State Engineer's Office and upload into eDARP a corrected letter identifying the updated water demand and/or written acknowledgement of the water demand at 13.988 acre-fee/year. See footnote 1.

cc. Ryan Howser, Planner III