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December 13, 2023

SP-23-5 Sterling Ranch East Filing No. 5
Preliminary Plan

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Classic SJF Land LLC (“Applicant”), to subdivide an approximately 47.168 +/- acre tract of land into 160 single-family lots. The property is zoned RS-5000/RR-0.5 (Residential Rural).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the Applicant estimated its annual water needs to serve this subdivision at 57.08 acre-feet/year. The Applicant estimates household indoor use at 54.66 annual acre-feet for 160 lots based on an average demand of 0.342 annual acre-feet per lot,¹ plus irrigation of 1.59 acres for a demand of 2.42 annual acre-feet, for a total water demand of 57.08 acre-feet/year for Sterling Ranch East Filing No. 5. Based on these figures, the Applicant must provide a supply of 17,124 acre-feet of water (57.08 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Falcon Area Water and Wastewater Authority (“FAWWA” or “Authority”). The Authority was recently created to serve Sterling Ranch and The Retreat at TimberRidge, previously served by Sterling Ranch

¹ The *Water Resources Report* breaks this calculation down further to estimate 0.318 annual acre-feet per lot for 52 smaller lots and 0.353 annual acre-feet per lot for 108 standard lots.

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Metropolitan District. The *Water Resources Report* (“Report”) indicates the Authority’s water supply is sourced from on-site non-tributary water rights, including water from Denver, Arapahoe and Laramie-Fox Hills aquifer wells. The *Report* indicates that the current developed physical supply is 1930.03 annual acre-feet/300 years. The total water commitment is currently at 957.84 annual acre-feet/300 years as of August 2023. “This leaves a net excess of currently available water of 972.19 annual AF/300 years and therefore there is more than sufficient water supply to meet the needs of Sterling Ranch East Filing 5 on the 300-year basis.”

4. The Falcon Area Water & Wastewater Authority provided a letter of commitment for Sterling Ranch East Filing 5 dated August 11, 2023, in which the Authority committed to providing water service for the 160 single family lots plus irrigation, for an annual water requirement of 57.08 acre-feet/year.

State Engineer’s Office Opinion

5. In a letter dated December 11, 2023, the State Engineer’s Office reviewed the application to subdivide the 47.1 +/- acres into 160 single-family lots. The State Engineer stated that “[t]he proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority (FAWWA).” Further, the State Engineer stated that “. . . pursuant to section 30-28-136(1)(h)(I) and 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.” The Engineer further advised that their opinion that the water can be provided without injury is based on the determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach is greater than the annual amount of water required to supply existing water commitments and the estimated demands of the proposed subdivision.

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Sterling Ranch East Filing No. 5 is 57.08 acre-feet per year for a total demand of 17,124 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority’s available water supply of approximately 972.19 annual acre-feet, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Sterling Ranch East Filing No. 5.**

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.

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated August

2023, the *Falcon Area Water & Wastewater Authority* letter dated August 11, 2023, and the *State Engineer Office's Opinion* dated December 12, 2023. 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.

cc: Kari Parsons, Project Manager, Senior Planner