

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

Board of County Commissioners
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August 29, 2023

SP-22-9 Waterview East-Commercial
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 Waterview Commercial Investors, LLC (“Applicant”), to subdivide an approximately 22.1 +/- acre parcel into 9 commercial lots. The property is zoned CAD-O (Commercial Airport Overlay District).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the Applicant estimated its annual water needs to serve this subdivision at 31.15 acre-feet/year, which equates to 3.46 acre-feet per year per lot and is comprised of 13.6 annual acre-feet for commercial/industrial use and 17.55 annual acre-feet for irrigation. Based on these figures, the Applicant must provide a supply of 9,345 acre-feet of water (31.15 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 Widefield Water and Sanitation District (“District”). As described in the Engineering Study for Waterview East – Commercial Preliminary Plan Water System Improvements dated July 10, 2023 (“*Report*”), the District’s water supply is sourced from a number of groundwater and surface water sources. The *Report* indicates that “the district is capable of servicing Waterview East - Commercial.”

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER

4. The District provided a letter of commitment for Waterview East-Commercial dated August 9, 2022, in which the District committed to providing water service for the 9 commercial lots, for an annual water requirement of 31.15 acre-feet.

State Engineer's Office Opinion

5. In a letter dated October 27, 2022, the State Engineer reviewed the application to subdivide the 22.1 +/- acres into 9 commercial lots. The State Engineer stated that "[a]ccording to records of this office, Widefield has sufficient water resources to supply this development. . ." Further, the State Engineer stated that "[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Waterview East-Commercial is 31.15 acre-feet per year for a total demand of 9,345 acre-feet for the subdivision for 300 years, to be supplied by Widefield Water and Sanitation District. **Based on the District's commitment to serve this subdivision and the State Engineer's conclusion that the District has sufficient water to provide such service, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Waterview East-Commercial.**

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 July 10, 2023, the *Widefield Water and Sanitation District* letter dated August 9, 2022, and the *State Engineer Office's Opinion* dated October 27, 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.

cc: Ryan Howser, Project Manager, Planner