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June 13, 2024

SP-20-7            Crossroads North 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 proposal by Colorado Springs Equities LLC (“Applicant”) to divide 44.34 acres into 15 commercial lots. The property is currently zoned CR CAD-O (Commercial Regional - Commercial Aviation District Overlay).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the annual demand is 49.6 total acre-feet. This allows for 45.7 acre-feet per year for commercial use, based on an estimate of 0.1 gallons-per-day/square foot of commercial space for 408,300 sq. ft. of developed commercial space and 3.9 acre-feet per year for irrigation of 1.69 acres. Based on this, the Applicant must provide a supply of 14,880 acre-feet of water (49.6 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

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### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from Cherokee Metropolitan District (“District”). As identified in the Water Resources Report, the annual water demand for the development is 49.6 acre-feet per year. Per the Water Resources Report, Cherokee’s total available water supply is approximately 4,443 acre-feet/year, while its existing water commitments total 4,295 acre-feet per year before the addition of the proposed development.

4. The General Manager of the District provided a letter dated October 18, 2023, committing to provide water service for the commercial lots within Crossroads North, which is located within the District’s boundaries. The District commits to 49.6 acre-feet per year.

The District notes that these commitments are “hereby made exclusively for this specific development project at this site within the District.” The District’s commitment is only a conditional commitment: “[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment.”

### State Engineer’s Office Opinion

5. In a letter dated May 23, 2024, the State Engineer reviewed the application to subdivide the 44.34 acres into 15 commercial lots. The State Engineer confirmed that the Cherokee Metropolitan District has committed a water supply of 49.6 acre-feet/year, which is the water demand identified in the WSIS. Further, the State Engineer declared 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 for Crossroads North is adequate and can be provided without causing injury to decreed water rights.”

### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Crossroads North is 49.6 acre-feet per year to be supplied by Cherokee Metropolitan District. **Based on the water demand of 49.6 acre-feet/year for the development and the District’s availability of water sources, but given the conditional nature of the District’s commitment to serve, the County Attorney’s Office recommends a finding of conditional sufficiency as to water quantity and dependability for Crossroads North.**

7. Quality. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply operating in conformance with the 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 October 2023, the Cherokee Metropolitan District letter dated October 18, 2023, and the State Engineer's Office Opinion dated May 23, 2024. 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 requirement 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, and specifications set by the District.

B. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated October 18, 2023 (approval must be provided by October 18, 2024), to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid. Once Applicant provides proof to the District that satisfies the District's condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.**

cc: Ryan Howser, Project Manager, Planner