

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
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

April 25, 2023

PUDSP-22-7 FourSquare at Sterling Ranch
PUD/Preliminary Plan

Reviewed by: Lori Seago, Senior Assistant County Attorney

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a PUD/Preliminary Plan proposal by Classic SRJ Land, LLC (“Applicant”), to subdivide an approximately 36.76-acre tract of land into 158 single-family lots, plus tracts for parks, open space, utilities, landscaping, and stormwater detention. The property is proposed to be rezoned to PUD (Planned Unit Development) as part of this application.

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the Applicant estimated its annual water needs to serve this subdivision at 50.73 acre-feet/year. The Applicant estimates household use at 0.30 acre-feet per lot, which results in an annual water demand of 47.17 acre-feet for 158 lots, plus irrigation of 1.424 acres with a demand of 3.56 annual acre-feet, for a total water demand of 50.73 acre-feet/year for FourSquare at Sterling Ranch. Based on these figures, the Applicant must provide a supply of 15,219 acre-feet of water (50.73 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 Metropolitan District. The *Water Resources Report* (“Report”), which applies to the entire preliminary plan area for

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
DOREY L. SPOTTS

LORI L. SEAGO

BRYAN E. SCHMID
STEVEN W. MARTYN

TERRY A. SAMPLE
MERI GERINGER

FourSquare at Sterling Ranch, 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, and from off-site sources known as the McCune, Bar X, and Shamrock water rights. The *Report* indicates that the current developed physical supply is 1901.83 annual acre-feet/300 years. The total water commitment for the Authority is currently at 877.21 annual acre-feet. "This leaves a net excess of currently available water of 1024.62 annual AF/300 years and therefore there is more than sufficient water supply to meet the needs of FourSquare at Sterling Ranch PUD and Preliminary Plan on the 300-year basis."

4. FAWWA provided a letter of commitment for FourSquare at Sterling Ranch dated March 22, 2023, in which the Authority committed to providing water service for the 158 single family lots plus irrigation of landscaping, for an annual water requirement of 50.73 acre-feet/year.

State Engineer's Office Opinion

5. In a letter dated December 19, 2022, the State Engineer's Office reviewed the application to subdivide the 36.76 acres into 158 single-family lots. The State Engineer stated that "the proposed source of water supply . . . is to be served by the Falcon Area Water and Wastewater Authority (FAWWA) pursuant to an intergovernmental agreement with Sterling Ranch Metropolitan District No. 1." The letter noted that the estimated water demand for the development is 50.73 acre-feet/year and that the amount of decreed water owned by the District exceeds its annual estimated commitments. The State Engineer offered the opinion that "[p]ursuant to the provision of C.R.S. 30-28-136(1)(h)(II), it is the opinion of this office that the proposed water supply is expected to be adequate and can be provided without injury to existing water rights." The State Engineer further advised that their opinion that the water supply is adequate is based on the "determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the FourSquare at Sterling Ranch PUD/Preliminary Plan is 50.73 acre-feet per year for a total demand of 15,219 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority's available water supply of approximately 1901.83 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for FourSquare at Sterling Ranch.**

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* provided March 22, 2023, the *Water Resources Report* dated October 2022, the *FAWWA* letter dated March 22, 2023, and the *State Engineer Office's Opinion* dated December 19, 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 subdivision shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the Authority.

cc: Kari Parsons, Senior Planner

