

County Attorney

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October 7, 2024

PUDSP-24-3 Urban Landing

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 Elite Properties of America Inc. (“Applicant”), to subdivide an approximately 6.57 +/- acre tract of land into 49 lots (the “Property”). The property is zoned R-4 (Residential).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the annual subdivision demand is 9.80 (0.20 acre-feet per unit) annual acre-feet for household use along with irrigation of 2.53 acres at 6.33 annual acre-feet, which results in an annual water demand of 16.13 acre-feet for Urban Landing. Based on these figures, the Applicant must provide a supply of 4,839 acre-feet of water (16.13 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 Donala Water & Sanitation District (“District”). As detailed in the *Water Resources Report June 2024* (“Report”), the total water demand for Urban Landing is 16.13 acre-feet/year.

The Report states that the District currently owns a total water supply of 3,216.3 acre-feet per year, consisting of both renewable and non-renewable sources. The Report estimates annual water usage in 2023 to be 1,922 acre-feet per year leaving 1,294.3 acre-feet per year.

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4. The District's Manager provided a letter of commitment for Urban Landing dated July 2, 2024, in which the District committed to provide water service to the Property in the amount of 16.13 acre-feet per year. The commitment letter remains in effect for one year from its date of issuance.

#### State Engineer's Office Opinion

5. In a letter dated August 6, 2024, the State Engineer reviewed the proposal to subdivide the 6.57 +/- acre parcel into 49 single-family detached residential lots. The State Engineer stated that the "[t]he proposed source of water supply and wastewater disposal is to be served by the Donala Water and Sanitation District."

The State Engineer offers their opinion 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 Urban Landing is 16.13 acre-feet per year to be supplied by the Donala Water and Sanitation District. **Based on the water demand of 16.13 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 Urban Landing.**

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 June 2024, the *Donala Water and Sanitation District letter* dated July 2, 2024, and the *State Engineer Office's Opinion* dated August 6, 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 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. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated July 2, 2024 (approval must be provided by July 2, 2025), to retain the District's water commitment. If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed void and no longer valid unless 1) an updated commitment letter from the District is provided with the final plat application and 2) the information provided in connection with and relied upon to complete this Review otherwise remains unchanged.

cc. Ryan Howser, Project Manager, Planner