

EL PASO COUNTY



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WindingWalk at Meridian Ranch Subdivision
PUD and Preliminary Plan PUDSP-18-002

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney
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FINDINGS AND CONCLUSIONS:

1. This is a Preliminary Plan and PUD proposal by GTL Development, Inc. ("Applicant"). The Applicant is proposing a subdivision of 405 lots, plus right-of-way, parks, and open space on 139 acres of land. The property is currently zoned PUD ("Planned Unit Development").

2. The Applicant has provided for the source of water to come from the Meridian Service Metropolitan District ("District"). The Applicant estimates its annual water needs to serve household use as follows: 134 acre-feet annually for household use (0.33 acre-feet per lot for 405 lots) and irrigation of 3.9 acre-feet annually, which equates to 138 acre-feet of water demand for the subdivision on an annual basis. Based on these figures, the Applicant must be able to provide a supply of 41,400 acre-feet of water (138 acre-feet per year x 300 years) to meet the County's 300 year water supply requirement.

3. In a letter dated March 14, 2018, the State Engineer's Office reviewed the proposal to subdivide the approximately 139 acre parcel into 405 single-family residential lots. The State Engineer reviewed this matter based on information provided in the Water Resources Report dated December 2017, which estimated water requirements at a total of 134 acre-feet per year (0.33/lot) for household use and 3.9 acre-feet per year for irrigation for a total of 138 acre-feet per year. The State Engineer indicated that the source of water available to the District is a combination of bedrock aquifer allocations from the Denver Basin, as well as alluvial sources. The Engineer stated the water rights of the District total 2,050 acre-feet annually (based on the County's 300 year allocation requirement), including 1,850 acre-feet per year from bedrock aquifers and 200 acre-feet of water produced from alluvial sources, which are considered

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renewable. According to information available to the State Engineer's Office, the District currently has commitments to supply subdivisions and replacement obligations in the amount of 1,168 acre-feet per year; therefore, the District has 882 acre-feet remaining to provide for the demand of 138 acre-feet needed by WindingWalk at Meridian Ranch Subdivision. Pursuant to C.R.S. §§ 30-28-136(1)(h)(I) and (II), the State Engineer states "it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

NOTE: The State Engineer's calculations of water availability and commitments of the District vary slightly from those stated by the District in its commitment letter. The State Engineer's figures will be used for this water review.

4. The District Manager provided a letter of commitment dated November 15, 2017. The District commits to "providing water and sewer service to Windingwalk at Meridian Ranch, 405 lots." Further, the "current developed amount of water is 1,538 Ac-ft based on the El Paso county 300 year rule of supply and demand. Windingwalk at Meridian Ranch will add an additional demand of 138 Ac-Ft per year based on the Water Resource Report dated November 2017 and developed by the MSMD engineer. The additional 138 Ac-Ft demand will add an overall demand of 1269 Ac-Ft, which leaves a surplus of 269 Ac-Ft per year."

5. Analysis: Based on the State Engineer's figures, the available water supply of the District is 2,050 acre-feet annually (for 300 years). In addition, the District has current commitments of 1,168 acre-feet which leaves a surplus of approximately 882 acre-feet. The proposed annual water demand for WindingWalk at Meridian Ranch is 138 acre-feet. Based on the foregoing, and given the commitment to serve by the District, and the State Engineer's opinion that this demand is within the remaining supply limits of the District, it appears the proposed water supply will be sufficient.

6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development 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.

7. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

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. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin Aquifers is evaluated based on a 300 year aquifer life, which is based on an allocation approach. Applicants, the Home Owners Association, and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers, and Applicants, their successors and assigns, including individual lot owners in the subdivision and the HOA may be required to acquire, develop, and incorporate alternative renewable water resources in a permanent water supply plan that provides future generations with a water supply."

cc: Nina Ruiz, Project Manager, Planner II