

EL PASO COUNTY



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SF-18-003 Largent Subdivision (Big O Tires)

Reviewed by: Lori Seago, Senior Assistant County Attorney *LS*
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FINDINGS AND CONCLUSIONS:

1. This is a proposal by Hammers Construction ("Applicant") for a Final Plat to plat an existing 1.22 acre parcel into a legal commercial parcel. The property is zoned CC (Commercial Community).

2. The Applicant has provided that the source of water for the subdivision will be a central water system—Woodmen Hills Metropolitan District ("District" or "WHMD") – which is supplied by the Denver Basin. The Applicant submitted a Water Supply Information Summary estimating the annual water requirement to serve the 1-lot commercial subdivision at 0.525 acre-feet per year. Based on these numbers, the Applicant will need to provide a supply of 157.5 acre-feet of water (0.525 acre-feet per year x 300 years) to meet El Paso County's 300 year requirement.

3. In a letter dated January 9, 2018, the Board President for the District provided a commitment to serve the Big O Tire Store commercial subdivision. The District stated "Woodmen Hills is committing to providing water ... for the proposed Big O Tire Store to be located at 6985 N. Meridian Road. Water usage is estimated to be - 0.73 acre feet of water per year" The Board President further stated that the "property is not within Woodmen Hills Metropolitan District's boundaries." Therefore, arrangements would need to be made to include the property in the District, otherwise, the property would need to pay "out of District" monthly tap fees instead of "in District" fees. In the *Water Resources & Wastewater Report* provided by JDS-Hydro dated January 2018, the report noted that the "facility will be served by the District and annexed into its service area boundary."



4. In a letter dated February 22, 2018, the State Engineer's Office stated the proposed water supplier for the proposal is Woodmen Hills Metropolitan District and that the estimated water requirement is 0.525 acre-feet per year for sanitary and irrigation purposes. The State Engineer acknowledged receipt of the January 9, 2018 letter from the District committing to provide a total of 0.73 acre-feet of water per year. The State Engineer noted that "2,963 acre-feet/year of WHMD water supply comes from Denver Basin bedrock aquifers, based on a 100 year aquifer life." This amount is reduced to one third to encompass El Paso County's 300-year rule and results in an available supply of 988 acre-feet/year for a maximum of 300 years. The State Engineer also notes that "439 acre-feet of the WHMD's supply is water produced from alluvial sources, which are currently considered to be renewable. Therefore, based on a 300-year aquifer life allocation, the WHMD has a potential annual water supply of approximately 1,427 acre-feet." Based on the District's current commitments of 964.18 acre-feet – the "uncommitted annual water supply of 462.37 acre-feet is more than the estimated annual demand of 0.73 acre-feet for Largent Subdivision."¹ As a result of the foregoing, the State Engineer declared that "pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and [sic] be provided without causing injury to decreed water rights."

NOTE: The Water Supply Information Summary and the *Water Resources & Wastewater Report* both cite the water demand for the Largent Subdivision as 0.525 acre-feet per year. The District letter commits to providing a water supply of 0.73 acre-feet per year to the subdivision and the State Engineer used those calculations in their analysis. The remainder of this review will utilize the 0.73 acre-feet water supply amount.

The State Engineer's Office also referred to an existing well on the property (Well Permit No. 115022). The State Engineer noted that because the well was originally issued without consideration of material injury to other water rights, the well cannot continue to operate under its current permit number. The Engineer states that the "well could continue to operate only if it is re-permitted as a large capacity well pursuant to a Determination of Water right and Replacement Plan approved by the Colorado Ground Water Commission."

5. 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.

¹ In the District letter dated January 9, 2018, the District cites an uncommitted water supply of 472.96. For purposes of this review, we will utilize the 462.37 uncommitted water supply figure pursuant to the analysis of the State Engineer's Office.

6. Analysis: Based on the State Engineer's analysis, the District's available water supply is 1,427 acre-feet annually, including the water from alluvial sources, which the State Engineer states is an annually renewable and permanent source of water. The District currently has annual commitments of 964.18 acre-feet and an uncommitted annual supply of 462.37 acre-feet. The 0.73 acre-feet necessary for the Largent commercial subdivision would be deducted from the uncommitted water supply, leaving a balance of approximately 461.64 acre-feet for the District. Therefore, based on the foregoing, it appears the proposed water supply will be sufficient to meet the demands of the Largent commercial subdivision.

7. Based upon the finding of sufficiency and no injury to existing water rights by the State Engineer's Office, and based upon the commitment letter from the Woodmen Hills Metropolitan District committing a water supply of 0.73 acre-feet per year to the commercial subdivision, the County Attorney's Office recommends a finding that the proposed water supply is sufficient in terms of quantity and dependability, subject to the conditions set forth below. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

CONDITIONS OF COMPLIANCE:

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. Prior to recording the final plat, Applicant shall provide written proof to the Planning and Community Services Department and the County Attorney's Office as to whether the Largent Subdivision has been annexed into the Woodmen Hills Metropolitan District for purposes of water and wastewater services.

cc: Kari Parsons, Planner II, Project Manager