

# EL PASO COUNTY



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May 7, 2018

VR-17-012            Academy Village Filing No. 3  
                                 Final Plat

Reviewed by:        Lori L. Seago, Senior Assistant County Attorney   
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## FINDINGS AND CONCLUSIONS:

1. This is a proposal by Peoples National Bank ("Applicant") for a vacation and replat of Lot 4, Academy Village Filing No. 2 to subdivide a 2.94 +/- acre lot into 2 separate lots for commercial use. Lot 1 will encompass 2.2 acres and includes the existing Peoples National Bank building. Lot 2 will encompass approximately .71 acres for future commercial development. The property is currently zoned CS (Commercial Service).

2. The Applicant has provided that the source of water for the subdivision will be a central water system—Donala Water and Sanitation District ("District" or "Donala") – which is supplied by the Denver Basin. The Applicant submitted a Water Supply Information Summary estimating the annual water demand to serve the 2 lots at 2.4 acre-feet. Based on these numbers, the Applicant would need to provide a supply of 720 acre-feet of water (2.4 acre-feet per year x 300 years) if required to meet El Paso County's 300 year aquifer life requirement.

3. In a letter dated April 25, 2017, the General Manager for the District provided a commitment to serve water and wastewater to the Academy Village Filing No. 3 commercial subdivision in the amount of 2.58 acre-feet/annually. The District noted that the Academy Village Filing No. 2 development was originally approved in 1999 and, at that time, the District committed to serve and allocated 2.58 acre-feet of water for the newly-created Lot 4. A review of County records confirms that also in 1999, a waiver of the 300-year rule was approved for Lot 4, Academy Village Filing No.

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2. At the time the waiver was granted, the proposed uses for Lot 4 were a financial institution and retail, similar to the financial institution and office uses being proposed with this replat.

4. In a letter dated January 29, 2018, the State Engineer's Office provided their analysis of Academy Village Filing No. 3 based on the Water Resources Report dated November, 2017 included with the submittal. The State Engineer noted that the total water demand for the subdivision is 2.4 acre-feet/year, which equates to 1.58 acre-feet/year on Lot 1 (Peoples National Bank) and 0.82 acre-feet/year on Lot 2 (future development). The State Engineer noted that the District has allocated 2.58 acre-feet/year on this subdivision, based on previous approvals. The State Engineer stated that based on their records "the District has sufficient water resources to serve the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

5. Analysis and Recommendation. Based on the State Engineer's finding of sufficiency and no injury to existing water rights, on the letter of commitment from the District, on the previous waiver of the 300-year rule, and subject to the conditions set forth below, the County Attorney's Office would recommend a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

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.

#### **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.

cc: Kari Parsons, Planner II, Project Manager