

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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April 2, 2020

SF-19-4 Homestead at Sterling Ranch Filing No. 2
Final Plat

L.S.

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

1. This is a proposal by SR Land, LLC ("Applicant"), for a final plat to subdivide approximately 29.66 +/- acres into 104 single-family residential lots. Applicant's property is zoned RS-5000 (Residential Suburban). This filing is a replat of Tract E, Sterling Ranch Filing No. 1, which was recorded in the records of the El Paso County Clerk and Recorder at Reception No. 218714151.

2. The Applicant has provided for the source of water to derive from a central water system – Sterling Ranch Metropolitan District No. 1 (hereinafter "District") through an intergovernmental agreement with Sterling Ranch Metropolitan District No. 2. The Applicant estimates its annual water requirements to serve 104 single family lots at 36.71 acre-feet annually (0.353 acre-feet per lot). The Applicant will need to provide a supply of 11,013 acre-feet of water (36.71 acre-feet/year x 300 years) to meet El Paso County's 300-year water supply requirement.

3. The Water Resources and Wastewater Report for the Sterling Ranch Service Area dated February 2019 details the source of the water supply for the District. The District's water supply will originate from Arapahoe and Laramie-Fox Hills aquifer wells, provided through 3 decrees granted in District Court Water Division 2: Case No. 86CW18, providing an allocation of 575 acre-feet per year (191.67 acre-feet per year for 300 years); Case No. 86CW19, providing an allocation of 539 acre-feet per year (179.67 acre-feet per year for 300 years); and Case No. 08CW113, providing an allocation of 0.4 acre-feet per year (0.13 acre-feet per year for 300 years). Therefore, the total water allocation available is 1,114.4 acre-feet per year based on withdrawal for 100 years or 371.47 acre-feet per year based on El Paso County's 300-year rule.

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4. In a letter dated February 20, 2019, James Morley, District Board President, states that the District commits to providing water service to the subdivision and specifically commits to “water and sewer to the above-named subdivision which includes approximately 104 single family lots or 36.71 AC-FT/year. The annual water committed is 36.71 acre-feet/year.”

5. In a letter dated March 27, 2019, the State Engineer’s Office reviewed the submittal to subdivide the 29.658 +/- acres of land into 104 residential lots. Pursuant to the Water Supply Information Summary, the State Engineer’s Office reviewed the submittal based on water requirements of 0.353 acre-feet/year for a total estimated water demand of 36.71 acre-feet per year for the subdivision. The State Engineer reviewed the available water supply of the District and noted an “annual amount of withdrawal of 1,114.4 acre-feet year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 201.11 acre-feet/year for Sterling Ranch Phase I.” Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply “can be provided without injury to existing water rights.”

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 that may be provided by El Paso County Public Health (EPCPH). In a memo dated May 21, 2019, EPCPH stated that a “finding of sufficiency in terms of water quality...is made.”

7. Analysis: Based on the information provided in the Water Supply Information Summary, the Water Resources Report dated February 2019, and the District’s commitment to serve the Homestead at Sterling Ranch subdivision in the amount of 36.71 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

On March 3, 2020, the Colorado Department of Public Health and Environment issued its approval of the District’s Assessment of Technical, Managerial and Financial Capacity. On April 1, 2020, the County received a professional engineer’s certification that the District’s drinking water system has been constructed consistent with CDPHE-approved design documents.

8. Based upon the finding of sufficiency and no injury by the State Engineer, the District’s commitment to serve, and pursuant to the requirements below, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and *comply with, any conditions, rules, regulations, limitations, and specifications* set by the Sterling Ranch Metropolitan District No. 1.

cc: Kari Parsons, Project Manager/Planner III