

# EL PASO COUNTY



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January 25, 2018

SF-17-022 Pioneer Landing Filing No. 3 at Lorson Ranch  
Final Plat

Reviewed by: Cole Emmons, Senior Assistant County Attorney  
Edi Anderson, Paralegal

### FINDINGS AND CONCLUSIONS:

1. This is a Final Plat proposal by Lorson, LLC ("Applicant"), to subdivide an approximately 1.836 +/- acre parcel within the Lorson Ranch development into 12 single-family lots. The parcel reflects tracts G, H, and K formerly of Pioneer Landing Filing No. 2. The property is zoned PUD (Planned Unit Development).
2. The Applicant has provided for the source of water to derive from the Widefield Water and Sanitation District ("District"). Pursuant to the Water Supply Information Summary and the Water Demand and Wastewater Disposal Report for Pioneer Landing Filing No. 3 dated September 2017, the Applicant estimates its annual water needs to serve household use for this filing at 4.20 acre-feet, based on the District's 0.35 annual acre-feet per single-family equivalent (0.35 acre-feet per lot for 12 lots). Based on these figures, Applicant must be able to provide a supply of 1,260 acre-feet of water (4.20 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement for Filing No. 3. Since the District's water is considered annually renewable, it is considered to already have a minimum life of 300 years, and therefore, does not have to reserve this total quantity of water.
3. Under Section 8.4.7.C.1. of the El Paso County Land Development Code (LDC), "[w]ater provided from renewable groundwater sources is considered to be annually renewable and, therefore, is considered to have a minimum life of 300 years." While not highlighted in this submittal, information in County Attorney's Office files, indicates that the general well locations in the District place most of the wells approximately within one to two miles of either Fountain Creek or Jimmy Camp Creek, and given the augmentation supply of transmountain Frying Pan/Arkansas Project water which is a tributary renewable source, it appears the proposed water supply is an

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annually renewable source and falls within the provisions of LDC Section 8.4.7.C.1., and thus the proposed supply is considered to have a minimum life of 300 years.

4. In a letter dated December 13, 2017, the State Engineer reviewed the application to subdivide the 1.836 +/- acres into 12 single-family residential lots. The Engineer reviewed this matter based on information provided in the Water Supply Information Summary, Water Demand and Wastewater Report, and the District's letter dated October 19, 2017, which estimated water requirements at 4.20 acre-feet for this Filing 3. The Engineer stated that according to their records, "it appears the District has sufficient water resources to supply this subdivision; therefore, ... pursuant 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 is expected to be adequate."

NOTE: The State Engineer's Office also provided an advisory to the Applicant that if the proposed subdivision includes "construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a 'storm water detention and infiltration facility' . . . the structure may be subject to administration by this office." And further, "the applicant should review the *DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* ... to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements."

5. The District's General Manager provided a letter of commitment for Pioneer Landing Filing No. 3 at Lorson Ranch subdivision dated October 19, 2017. The General Manager stated that the District "commits to and will serve water and sewer to the above named PUD subdivision which includes approximately 12 single family lots or 4.20 AC-FT/year."

6. PFCs. On May 19, 2016, the Environmental Protection Agency ("EPA") announced that it lowered the health advisory levels ("HAL") for perfluorinated compounds ("PFC"), to 70 parts per trillion. One of the three local water providers whose PFC levels now exceed the EPA's HAL is Widefield Water and Sanitation District. There has been much coverage in the local press and much public concern expressed over PFCs recently. The District Manager provided a letter dated July 29, 2016 (see **Exhibit 1** attached hereto), in which he explains that the PFCs are unregulated and unenforceable, and the new HAL ". . . in no way impacts or reduces Widefield Water and Sanitation District's water supply quantity or our ability to serve water to our current or future customers."

7. Analysis: The Applicant provided a Water Demand and Wastewater Disposal Report dated September 2017, detailing the District's current water system.

As stated in the Report, the District has a “current developed physical water supply of 5246 ac-ft of water per year and the current demand is 2248 ac-ft per year which is roughly 43% of the existing physical supply.” With a proposed annual demand of 4.20 acre-feet and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient.

8. 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.

9. 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 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.

cc: Kari Parsons, Project Manager, Planner II



RECEIVED

AUG 01 2016

El Paso County  
Attorney's Office

37 Widefield Boulevard, Colorado Springs, Colorado 80911

July 29, 2016

Cole Emmons  
County Attorney's Office  
27 East Vermijo Avenue  
Colorado Springs, Colorado 80903

**Re: Perfluorinated Compounds**

Dear Mr. Emmons:

Due to all of the negative media pertaining to PFC's in the water, I wanted to write to you to explain what has occurred and to reiterate in writing that the new health advisory level for PFC's in no way impacts or reduces Widefield Water and Sanitation District's water supply quantity or our ability to serve water to our current or future customers.

On May 19, 2016, the Environmental Protection Agency (EPA) announced it lowered the health advisory levels (HAL's) for both PFOS and PFOA to 70 parts per trillion. In addition, the Colorado Department of Public Health and Environment (CDPHE) decided to include PFHpA into the 70 parts per trillion combined level. By adding three of the PFC's together and lowering the level, the wells in the Widefield aquifer do not meet the new Health Advisory Level. Prior to May 19, 2016, Widefield Water and Sanitation District's well water was below the former Health Advisory Level for PFC's. PFC's are unregulated and unenforceable.

As an unregulated contaminant the EPA nor CDPHE requires public water suppliers to do anything about exceeding the health advisory level for PFC's other than notifying customers that the water may at times exceed the new HAL. WWSD can legally operate all of our wells without providing any form of treatment. Although we are not required by regulations to treat for or remove PFC's from the water, WWSD plans on designing and building a treatment plant(s) to remove PFC's in order to restore and maintain consumer confidence. We are also currently working with the Air Force, who has authorized funds to help us mitigate the PFC concerns, as it is suspected that the Air Force's use of firefighting foams may have contributed to, or caused the PFC contamination.

Widefield Water and Sanitation District water quantity or ability to deliver water is not at all impacted by the PFC issue in any way. In addition, we plan on having it mitigated before next year's high summer demand period.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Wilson".

Steve Wilson, District Manager

