

EL PASO COUNTY



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Meadowbrook Crossing
SP-17-002 (Preliminary Plan)
SF-17-002 (Final Plat)

Reviewed by: Cole Emmons, Senior Assistant County Attorney
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1. This is a proposal by Meadowbrook Crossing, LLC ("Applicant") for approval of a Preliminary Plan and Final Plat to subdivide approximately 32.27 acres* into 114 single-family residential lots, plus open space. The property is zoned RS-5000 (Residential Suburban).

*NOTE: Applicant and Planning and Community Development Department will have to resolve the discrepancy in the records received by the County Attorney's Office as to the acreage of this subdivision. Different acreage figures provided include 32.8 acres, 32.374 acres, and 32.27 acres.

2. The Applicant has provided that the source of water for the subdivision will derive from the Cherokee Metropolitan District ("District"). Pursuant to the Water Supply Information Summary and Master Water and Wastewater Report/Meadowbrook Crossing Subdivision dated May 5, 2017, which was provided with the proposal, the Applicant estimates the annual water requirement to serve 114 single family residential lots at 0.31 acre-feet per lot for a total water requirement of 35.34 acre-feet per year, plus 0.93 acre-feet for irrigation for a total water demand of 36.27 acre-feet per year for the subdivision. Based on this estimate, the Applicant will need to provide a supply from the District of 10,881 acre-feet (36.27 acre-feet x 300 yrs.) to meet the County's 300 year water supply requirement.

3. The General Manager of the District provided a formal commitment letter dated June 16, 2017. The General Manager stated that the "proposed development is located within the District's established boundaries and therefor is eligible for service connections from the District." Further, based on "114 platted lots for this development,



and the additional .93 acre feet per year requested for irrigation purposes, the District is able to supply 36.27 acre feet of water per year for this project."

4. In a letter dated July 11, 2017, the State Engineer reviewed information for the Meadowbrook Crossing Preliminary Plan and Final Proposal for 114 single-family lots on approximately 32.27 +/- acres.

The State Engineer stated that according to their records "it appears that Cherokee has adequate water resources to serve 36.27 acre-feet/year for the proposed development." And further, 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 related to the project's storm water collection and/or conveyance facilities. The Engineer advised the Applicant that ". . . unless the proposed improvements to the existing storm water structure can meet the requirements of a 'storm water detention and infiltration facility' . . . the structure may be subject to administration by this office. 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. 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 the El Paso County Health Department.

6. Analysis and Recommendation. Based upon the finding of sufficiency by the State Engineer's Office and no injury to existing water rights, based on Applicant's stated demand of 36.27 acre-feet per year, and based on the commitment by the District to serve the property in the amount of 36.27 acre-feet per year as required by the subdivision, subject to the requirements set forth below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

CONDITION 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, including the District's requirement that the project "must achieve appropriate zoning and a final plat from El Paso County Development Services within 12 months of the date of this letter" [letter dated June 16, 2017].

B. It is Applicant's responsibility, and not the County's, to comply with the advisory by the State Engineer's Office regarding its storm water collection and/or conveyance facilities to ensure that the structure meets the requirements of a 'storm water detention and infiltration facility' and that notice, construction and operation of the proposed structure meets statutory and administrative requirements.

cc: Kari Parsons, Project Manager, Planner II