

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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SP-20-3 Sterling Ranch Phase II  
Preliminary Plan

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 preliminary plan to subdivide approximately 74.6 +/- acres of land (the "Property") into 212 single-family residential lots, plus tracts for landscaping, drainage, utilities, future right-of-way, and future commercial sites. Applicant's Property is zoned RS-5000 CAD-O (Residential Suburban/Commercial Airport Overlay).

2. The Applicant has provided for the source of water to derive from a central water system – Sterling Ranch Metropolitan District No. 1 ("District"). As described in the Water Supply Information Summary ("WSIS"), the Applicant estimates its annual water requirements to serve 212 single family lots at 74.836 acre-feet annually (0.353 acre-feet per lot), plus commercial use for a lift station on 1.527 acres at 0.883 acre-feet, for a total of 75.719 acre-feet/year for the subdivision. The Applicant will need to provide a supply of 22,716 acre-feet of water (75.719 acre-feet/year x 300 years) to meet El Paso County's 300-year water supply requirement.

3. A *Water Resources Report for Sterling Ranch Phase II Preliminary Plan* by JDS-Hydro dated February 2021 ("*Report*"), details the source of the water supply for the District. A Water Resources Report was originally prepared in May of 2015 and has since been updated to include several addendums, additional service area, advancement of platting activities, and construction of the physical water system. 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.

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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 existing water supply on a 300-year basis available for the Sterling Ranch Subdivision Phases I and II is 371.47 acre-feet. *The Report concludes that the District “has adequate supply on a 300 year basis to meet all current commitments including Sterling Ranch Phase Two Preliminary Plan.”*

4. In a letter dated February 26, 2021, the District Board President committed to serve the Sterling Ranch Phase Two subdivision, stating the “Sterling Ranch Metropolitan District #1 will provide central water and sewer to the above named subdivision which includes approximately 212 single family lots and a lift station site. The annual water committed is 75.719 acre-feet/year ....”

5. In a letter dated August 24, 2020, the State Engineer’s Office reviewed the subdivision of 74.62 +/- acres, including 212 single family lots, a commercial lot, and 10 tracts for landscaping, drainage, and utilities. They reviewed the WSIS and District letter and confirmed water demand for the subdivision at 75.719 acre-feet/year. They further detailed the source of the District’s water supply

<b>Aquifer</b>	<b>Decree</b>	<b>Tributary Status</b>	<b>Volume (AF)</b>	<b>Annual Allocation 100 Year (AF Year)</b>	<b>Annual Allocation 300 Year (AF/Year)</b>
Laramie-Fox Hills	86CW19	NT	53,900	539	179.67
Laramie-Fox Hills	08CW113	NT	40	0.4	0.13
Arapahoe	86CW18	NT	57,500	575	191.67
<b>Total</b>			111,440	1,114.4	<b>371.47</b>

Based on the table above, the total Denver Basin water rights available to serve the entire Sterling Ranch subdivision, through Sterling Ranch Metropolitan District No. 1 are 371.47 acre-feet/year (for 300 years). The State Engineer noted that the May 2015 commitment for Sterling Ranch Phase I indicated that the “estimated water demand for the development would be 255.96 acre-feet/year, leaving approximately 115.51 acre-feet/year, which is greater than the annual estimated demand of 75.719 acre-feet/year for Sterling Ranch Phase II. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.” Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply “is expected to be adequate and 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.

7. Analysis: Based on the information provided in the Water Supply Information Summary, the *Water Resources Report* dated February 2021, and the District's commitment to serve the Sterling Ranch Phase II preliminary plan in the amount of 75.719 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal. The El Paso County Health Department may wish to confirm that the District is in compliance with water quality regulations.

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, Planner III