

## County Attorney

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April 6, 2023

SP-22-1 Cathedral Rock Commons Commercial  
Preliminary Plan

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

### WATER SUPPLY REVIEW AND RECOMMENDATIONS

#### Project Description

1. This is a Preliminary Plan proposal by YOW Architects, PC (“Applicant”), to subdivide an approximately 10.246 +/- acre tract of land into 3 lots and one tract (the “Property”). The property is zoned CC (Commercial Community).

#### Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the annual subdivision demand is 3.854 annual acre-feet for commercial use along with irrigation at .118 annual acre-feet, which results in an annual water demand of 3.972 acre-feet for Cathedral Rock Commons Commercial. Based on these figures, the Applicant must provide a supply of 1,191.6 acre-feet of water (3.972 acre-feet/year x 300 years) to meet the County’s 300 year water supply requirement for the subdivision.

#### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Donala Water & Sanitation District (“District”). As detailed in the *Water Resources Report* revised December 2022 (“Report”), the demand for each of the 3 lots will be as follows: 0.258 annual acre-feet for Lot 1; 3.316 annual acre-feet for Lot 2; 0.280 annual acre-feet for Lot 3, and 0.118 annual acre-feet for landscaping for a total water demand of 3.972 acre-feet/year.

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The Report states that the District currently owns a total water supply of 3216.3 acre-feet per year, consisting of both renewable (280 acre-feet/year) and non-renewable (2,936.3 acre-feet/year) sources. The Report estimates annual water usage in 2023 to be 1,922 acre-feet per year.

4. The District's Manager provided a letter of commitment for Cathedral Rock Commons Commercial dated December 20, 2022, in which the District committed to provide water service to the Property in the amount of 3.972 acre-feet per year. The commitment letter remains in effect for one year from its date of issuance.

#### State Engineer's Office Opinion

5. In a letter dated April 25, 2022, the State Engineer reviewed the proposal to subdivide the 10.23 +/- acre parcel into 3 lots. The State Engineer stated that the "...this development is to be served by the Donala Water and Sanitation District. . . According to our records it appears the District has sufficient water resources to supply the proposed development at a rate of 14.1 acre-feet/year.<sup>1</sup>

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Cathedral Rock Commons Commercial is 3.972 acre-feet per year to be supplied by the Donala Water and Sanitation District. **Based on the water demand of 3.972 acre-feet/year for the development and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Cathedral Rock Commons Commercial.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the 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.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary* provided January 4, 2023, the *Water Resources Report* dated revised December 2022, the *Donala Water and Sanitation District letter* dated December 20, 2022, and the *State Engineer Office's Opinion* dated April 25, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

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<sup>1</sup> Applicant must upload an updated letter from the State Engineer's Office indicating the correct water demand for this minor subdivision. See requirement B.

**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.
- B. Prior to recording the final plat, Applicant must upload an updated letter from the State Engineer's Office identifying the correct water demand for the subdivision. In the alternative, Applicant must upload written acknowledgement from the State Engineer's Office of the correct water demand figure.
- C. Prior to recording the final plat, Applicant must upload a corrected Water Resource Report correcting the number of lots in the introduction on p. 4 from 2 to 3 and the number of buildings from 3 to 4. The second and third paragraphs must also be deleted from Section 4.2 on p. 7 of the Report, as no waiver of El Paso County's 300-year water supply rule has been requested with this application.

cc. Ryan Howser, Planner III