

EL PASO COUNTY



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January 5, 2021

Riverbend Crossing Subdivision

SP-18-7 Preliminary Plan
SF-18-43 Final Plat (Filing 1)
SF-18-44 Final Plat (Filing 2)

Reviewed by: Lori Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP

FINDINGS AND CONCLUSIONS:

1. This is a Preliminary Plan and Final Plat proposal by Avatar Equities, LLC and Avatar Fountain, LP ("Applicant"), to subdivide a 51.999 acre parcel into 209 single-family lots. Filing 1 proposes development of 127 residential lots and Filing 2 proposes development of 82 residential lots. There is a concurrent rezoning proposal to rezone the parcel from PUD (Planned Unit Development) to RS-5000 (Residential Suburban).

2. The Applicant has provided for the source of water to derive from the Security Water District ("District"). Pursuant to the Water Supply Information Summary, the Applicant estimates its annual water needs to serve household use for the entire subdivision at 104.50 acre-feet, based on the District's 0.50 annual acre-feet per single-family equivalent, plus irrigation of common areas in the additional amount of 0.3515 acre-feet, for a total amount of 104.8515 acre-feet/year. Based on these figures, the Applicant must be able to provide a supply of 31,455.45 acre-feet of water (104.8515 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.

3. The District's General Manager provided a letter of commitment for the Riverbend Crossing Subdivision dated October 23, 2020, in which the District committed to providing water service to the subdivision of 209 residential lots at an annual amount of water of 105 acre-feet. The General Manager stated that the "Security Water and Sanitation Districts currently have overall capacities that exceed current commitments.

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Upon your submission of an application for final plat to the El Paso County Development Services Department, the Security Water District agrees to commit sufficient water resources”

4. Applicant also provided a *Water Resources Report for Riverbend Crossing Subdivision* dated October 23, 2020 (“*Report*”) which detailed the water supply required by the subdivision.

5. In a letter dated November 23, 2020, the State Engineer reviewed the application to subdivide the 51.99 acres into 209 single-family residential lots, plus 14.25 acres of open space.

The State Engineer detailed the subdivision water supply needs as follows:

Use	Amount	Water Use Rate	Demand (acre-feet/year)
Residences	209 units	0.50 AF per unit	104.50
Irrigation	7867.5 square feet	0.044/AF/year per 1,000 square feet	0.3515
Total			104.8515

The Engineer reviewed this matter based on information provided in the *Water Supply Information Summary* which estimated a water demand of 104.8515 acre-feet/year. The State Engineer also reviewed the District letter dated October 23, 2020, confirming “the company’s ability to provide water service to the subdivision and states Security is able to provide water service to the project.” Finally, the State Engineer stated that “pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for the Riverbend Crossing Subdivision can be provided without causing injury to decreed water rights.”

6. Analysis: As indicated above, the Applicant provided a *Water Resources Report* dated October 23, 2020, detailing the water demand for the subdivision and that the Applicant had obtained an Inclusion Agreement with the District. With a proposed annual demand of 104.8515 acre-feet and the District’s commitment to provide water services to the subdivision in the amount of 105 acre-feet/year, it appears the proposed water supply will be sufficient for the 209 lots of the Riverbend Crossing Subdivision.

7. 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.

8. 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 wish to 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: Nina Ruiz, Planning Manager