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June 15, 2023

PUDSP-22-2 Copper Chase at Sterling Ranch
Preliminary Plan

Reviewed by: Lori Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Preliminary Plan proposal by N.E.S. (“Applicant”), to subdivide an approximately 19.65 +/- acre tract of land into 138 single-family lots. The property is zoned RS-5000 (Residential Suburban) but desire to rezone to PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the Applicant estimated its annual water needs to serve this subdivision at 52.13 acre-feet/year. This calculation was based on the District’s annual acre-feet single-family equivalent of 0.35 acre-feet which results in an annual water demand of 48.71 acre-feet for residential use, plus irrigation of 3.42 acres, for a total water demand of 52.13 acre-feet/year for Copper Chase at Sterling Ranch PUDSP. Based on these figures, the Applicant must provide a supply of 15,639 acre-feet of water (52.13 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 Falcon Area Water and Wastewater Authority (“FAWWA” or “Authority”). The Authority was recently created to serve Sterling Ranch and The Retreat at TimberRidge, previously served by Sterling Ranch Metropolitan District. The *Water Resources Report – Copper Chase at Sterling Ranch* (“Report”) indicates the Authority’s water supply is sourced from on-site non-tributary water rights, including water from Denver, Arapahoe and Laramie-Fox Hills aquifer wells and from off-site sources

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known as the McCune, Bar X, and Shamrock water rights. The *Report* indicates that the current developed physical supply is 1901.83 annual acre-feet/300 years. The total water commitment is currently at 864.19 acre-feet/300 years. “This leaves a net excess of currently available water of 1037.64 AF/300 years....”

4. FAWWA provided a letter of commitment for Copper Chase at Sterling Ranch dated March 22, 2023, in which the District committed to providing water service for the 138 single family residential lots plus irrigation of park landscaping, for an annual water requirement of 52.13 acre-feet/year.

State Engineer’s Office Opinion

5. In a letter dated November 17, 2022, the State Engineer’s Office reviewed the application to subdivide the 19.674 +/- acres into 138 single-family lots. The State Engineer stated that “[t]he source of water for the proposed development is to be served by the Falcon Area Water and Wastewater Authority (“FAWWA”).” Further, the State Engineer stated that “[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is expected to be adequate and can be provided without injury to existing water rights.” The Engineer further advised that their opinion that the water can be provided without injury is based on the determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach is greater than the annual amount of water required to supply existing water commitments and the estimated demands of the proposed subdivision.

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Copper Chase at Sterling Ranch PUDSP is 52.13 acre-feet per year for a total demand of 15,639 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the District’s available water supply of approximately 1037.64 annual acre-feet, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Copper Chase at Sterling Ranch PUDSP.**

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*, the *Water Resources Report* dated October 2022, the *Falcon Area Water and Wastewater Authority* letter dated March 22, 2023, and the *State Engineer Office’s Opinion* dated November 17, 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.***

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, Senior Planner