

County Attorney

Diana May, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
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January 25, 2021

SF-20-22 McLaughlin Road Plat Amendment (7615 McLaughlin Road a/k/a Lot 4
Woodmen Hills Filing No. 7)
Final Plat

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



FINDINGS AND CONCLUSIONS:

1. This is a Plat Amendment proposal by T-Bone Construction, Inc. ("Applicant") to subdivide an approximately 1.64 +/- acre parcel located at 7615 McLaughlin Road a/k/a Lot 4 Woodmen Hills Filing No. 7 (the "Property") into a commercial subdivision, including 2 lots, plus an additional tract. The property is zoned CR (Commercial Regional).

2. The Applicant has provided for the source of water to derive from the Woodmen Hills Metropolitan District ("District" or "WHMD"). Pursuant to the Water Supply Information Summary ("WSIS"), the applicant estimates its annual water needs to serve commercial use for the 2-lot subdivision at 0.909 acre-feet, reflecting 0.683 acre-feet/year for commercial use and 0.226 acre-feet/year for irrigation. Based on these figures, the Applicant must be able to provide a supply of 272.7 acre-feet of water (0.909 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 Property dated December 15, 2020, in which the District committed to providing water service to the subdivision at an annual amount of 0.909 acre-feet. The General Manager stated their commitment to provide water service to the property identified as Lot 4 of Woodmen Hills Filing #7, which will include 2 lots encompassing an office building and a restaurant. The General Manager stated that the "District is already committed to serving both water and wastewater to the exiting lot" and that the "water demand is 0.909 acre-feet/year."

4. Applicant provided a *Water Resources Report for the Woodmen Hills Metropolitan District (Lot 4, Woodmen Hills Filing #7)* dated December 2020 ("Report") which details the

ASSISTANT COUNTY ATTORNEYS

M. COLE EMMONS
LORI L. SEAGO

LISA A. KIRKMAN
STEVEN A. KLAFFKY

MARY RITCHIE
BRYAN E. SCHMID

NATHAN J. WHITNEY
MICHAEL J. DESMOND

CHRISTOPHER M. STRIDER
TERRY A. SAMPLE

District's water supply and the demand for this subdivision. The *Report* by JDS-Hydro notes that the District's water supply includes both "renewable sources and Denver Basin non-renewable sources. The Property's total legal supply on a 300-year basis currently stands at 1459.48 annual acre-feet." The Report also confirmed the water demand for this subdivision at 0.909 acre/feet year including indoor commercial use and irrigation, delineated as 0.561 acre-feet for office space and 0.348 acre-feet for a restaurant.

5. In a letter dated October 19, 2020, the State Engineer reviewed the application to subdivide Lot 4 Woodmen Hills Filing No. 7 into three separate parcels, which includes 2 lots and an additional tract. The State Engineer reviewed this matter based on information provided in the WSIS and the District's letter dated October 19, 2020, which indicated a water demand for the subdivision at 1.050 acre-feet/year.¹ The State Engineer stated that information in their files indicates "the District's water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1092 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations for a total commitment of 1,122 acre-feet/year." The State Engineer further stated that the uncommitted annual water supply of "305 acre-feet/year is more than the estimated annual demand of 1.050 acre-feet/year"² for the 7615 McLaughlin Road development. Finally, the Engineer stated that "pursuant to Sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

6. Analysis: As indicated above, the District provided a *Water Resources Report* dated December 2020, detailing the sources of the District's water supply, which is based on both renewable and non-renewable sources. With a proposed annual demand of 0.909 acre-feet and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient for the McLaughlin Road Plat Amendment located at 7615 McLaughlin Road (Lot 4 Woodmen Hills Filing No. 7).

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.

¹ Subsequent to the October 19th letter from the State Engineer, an updated WSIS and updated District letter was provided indicating a revised water demand of 0.909 acre-feet/year.

² Revised amount is 0.909 acre-feet/year.

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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, a letter from the State Engineer's Office must be uploaded to EDARP indicating the revised water demand of 0.909 acre-feet/year.
- C. Prior to recording the Final Plat, please replace the District's water commitment dated October 19, 2020 and replace it with the District's water commitment dated December 15, 2020 which is found in the Water Resources Report.

cc: Ryan Howser, Planner I

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