



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

Lori L. Seago
Steven A. Klaffky
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample
Dorey L. Spotts
Steven Martyn

February 28, 2022

PUDSP-21-7 Haven Valley PUDSP
PUD Preliminary Plan

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Richmond American Homes (“Applicant”), for a PUD preliminary plan of 98 residential lots on 11.76 acres of land (the “Property”). Approximately 11.4 acres of the Property is zoned PUD CAD-O (Planned Unit Development Commercial Airport Overlay District) and .3298 acres of the Property is zoned RS-6000 CAD-O (Residential Suburban Commercial Airport Overlay District).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the annual subdivision demand is 49 acre-feet for the 98 lots (0.5 acre-feet/year) for household use, plus 3.16 acre-feet for irrigated, xeriscaped common space, for a total of 52.16 acre-feet/year for the subdivision. Based on these figures, the Applicant must be able to provide a supply of 15,648 acre-feet of water (52.16 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Security Water and Sanitation (“District”). As detailed in the *Water Resources Report for Haven Valley* dated August 2021 (“Report”), the average daily use for each of the 98 lots will be 0.5 acre-feet/year for a water demand of 49 acre-feet/year, plus irrigation of common space and xeriscaped landscaping of 3.16 acre-feet/year for a total water demand of 52.16 acre-feet/year.

4. The District's Manager provided a letter of commitment for the Haven Valley development dated March 19, 2021, in which the District committed to providing water service to the 98 single-family equivalents. The District Manager stated that the development is located within the service boundaries of the District and that the District "agrees to commit sufficient water resources... to serve the property."

State Engineer's Office Opinion

5. In a letter dated June 3, 2021, the State Engineer reviewed the proposal to subdivide the 11.43¹ +/- acre parcel into 98 single-family lots. The State Engineer stated that the "proposed source of water supply is to be served by Security Water and Sanitation District." The State Engineer indicates the correct number of lots as 98 with a water demand of 52.16 acre-feet/year. The State Engineer indicates they received a letter of commitment dated March 19, 2021 from the District which indicated the District has water resources adequate to serve the proposed subdivision. Further, the State Engineer states that "[a]ccording to this office's records and the Water Information Summary Sheet, it appears that the District has adequate water resources to serve the estimated demand of 52.16 acre-feet/year for the proposed development." Finally, "[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 for Haven Valley Subdivision is adequate and can be provided without causing injury to decreed water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the Haven Valley Subdivision is 52.16 acre-feet per year to be supplied by the Security Water and Sanitation District.

Based on the water demand of 52.16 acre-feet/year for the subdivision and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Haven Valley Subdivision.

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.

¹ The State Engineer appears to be only referencing the portion of the Property zoned PUD. The total acreage of the development is 11.76 acres. Although the number of acres indicated by the State Engineer is incorrect, since the amounts of single-family lots and total water demand are consistent, the County Attorney's Office is proceeding with its findings but is requesting an updated State Engineer's Office letter/or email verifying amounts prior to this matter going before the Board of County Commissioners for approval.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary provided August 19, 2021, the *Water Resources Report* dated August 2021, the Security Water and Sanitation District letter dated March 19, 2021, and the State Engineer Office's Opinion dated June 3, 2021. 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.
- B. Prior to bringing this matter before the El Paso County Board of County Commissioners for approval, the State Engineer's Office must upload a corrected letter identifying, or an email acknowledging, the correct number of acres identified for the subdivision. See footnote 1.

cc. John Green, Planner