

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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August 25, 2020

SF-19-29 Glenarm Tract A and Lot 1 Replat

Reviewed by: Lori Seago, Senior Assistant County Attorney *LS*
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FINDINGS AND CONCLUSIONS:

1. This is a vacation and replat proposal by Stratmoor Hills Water District and Golden Square Development, LLC ("Applicant") to vacate and replat Tract A and Lot 1 of the Glenarm Subdivision (approximately 5.7 acres) to create 2 lots with amended common lot lines. The properties are identified as 3115 and 3118 Glenarm Road and include 30 existing mobile home sites (Lot 1) (Graham Mobile Home Park) and a proposed Stratmoor Hills Water Treatment Plant (Lot 2). Due to the replat, the number of mobile home sites is being reduced to 29. The property is zoned PUD (Planned Unit Development).

2. The Applicant has provided for the source of water to derive from the Stratmoor Hills Water District ("District"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the Subdivision is comprised of 8.7 acre-feet/year for the 29-unit mobile home park, which equates to 0.30 acre-feet for use in each unit, 1.208 acre-feet/year for community irrigation, and 0.336 acre-feet/year for a water treatment plant.

Water use	Water Demand (acre-feet/year)
29 single family lots	8.7
Irrigation	1.208
Water Treatment Plant	0.336
Total	10.244

Based on the Applicant's figures, the Applicant must be able to provide a supply from the District of 3,073.2 acre-feet of water (10.244 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

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3. The District Manager provided a commitment letter dated June 16, 2020, in which the District noted that the properties with “street addresses of 3115 and 3118 Glenarm Road are located within the Stratmoor Hills Water and Sanitation District Service Area. This letter confirms that the Districts have the water and sanitation resources and capacities to serve these properties.” The District Manager further stated that “Stratmoor Hills Water agrees to serve the above referenced property with up to 29 single family water service taps and one water serve tap for the proposed water treatment plant (9,0145 gpd or 10.244 Ac-Ft/Yr).”

4. The Applicant provided a *Water Resources Report* dated August 10, 2020. The *Report* noted that the District has adequate water supply to serve its members. The District receives up to 600 acre-feet of water from the Fountain Valley Authority’s (“FVA”) Water Treatment Plant annually. The District also has ground water rights that can be used to supplement the FVA surface water during high demand periods.

5. In a letter dated February 7, 2020, the State Engineer reviewed the application to replat the 2 lots. The State Engineer noted that based on the “latest water supply report on file with this office, it appears the District has sufficient water supply requirements for the proposed subdivision;” however, the State Engineer noted that no information was provided to them concerning water supply requirements for the proposal. The State Engineer provided a subsequent letter dated August 25, 2020 following the receipt of additional information from the Applicant. In the August 25th letter, the State Engineer confirmed that the proposed water demand for the subdivision was 10.244 acre-feet/per year and that based on the letter received from the District, the District was committed to providing a water supply of 10.244 acre-feet/year for all proposed uses in the subdivision. Based on the updated information, the Engineer stated that “it appears the District has sufficient water resources to serve the proposed development” and 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 can be provided without causing injury to decreed water rights, and is expected to be adequate.”

6. 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 that may be provided by the El Paso County Health Department.

7. Analysis and Recommendation. Based on the Applicant’s estimated water demand of 10.244 acre-feet per year, the Stratmoor Hills Water District’s commitment to supply 10.244 acre-feet year to the Subdivision, and the finding of sufficiency and no injury to existing water rights by the State Engineer’s Office in their letter dated August 25, 2020, the County Attorney’s Office recommends a finding that the proposed water

supply is **sufficient** in terms of quantity and dependability. The County Attorney's Office recommendation is subject to the Conditions of Compliance noted below. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

CONDITION OF COMPLIANCE:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.

cc: Nina Ruiz, Planning Manager