

EL PASO COUNTY



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SP-20-6 Paint Brush Hills Filing No. 14
 Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
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FINDINGS AND CONCLUSIONS:

1. This is a proposal by Aeroplaza Fountain, LLC ("Applicant") for approval of a preliminary plan for development of 224 lots, plus tracts for landscaping, open space, and utilities, in the Paint Brush Hills Filing 14 subdivision on 88.63 +/- acres. 32.734 acres of the property site is zoned RS-20000 (Residential Suburban) and 55.898 acres is zoned RS-6000 (Residential Suburban) (approved by the Board of County Commissioners on October 15, 2020).
2. The Applicant has provided for the source of water to derive from the Paint Brush Hills Metropolitan District ("District" or "PBHMD"). Applicant submitted a Water Supply Information Summary ("WSIS") which estimates its annual water needs to serve household use for the 224 single family lots as follows: 44.35 acre-feet annually for household use and 36.29 acre-feet for irrigation for a total water demand of 80.64 acre-feet/year for the subdivision. Based on these figures, Applicant must be able to provide a supply of 24,192 acre-feet of water (80.64 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.
3. In a letter dated January 29, 2021, the District's Manager committed to serve water to Paint Brush Hills Filing 14. The District Manager stated that the District "has reviewed the plans for 224 single-family residences contained in Paint Brush Hills Filing No. 14 The District has the capacity, ability and will provide domestic water service to the Project." The District Manager noted that Filing 14 will require

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80.64 acre-feet, including irrigation: 44.35 acre-feet for inside household use; and 36.29 acre-feet for irrigation. Finally, the District Manager said that "PBHMD will have a surplus of 53.98 af upon completion of filing 14."

4. Applicant submitted a *Water Master Plan for Paint Brush Hills Metropolitan District Update ("Plan")* dated September 2020 by RG and Associates, LLC, detailing the water resources for the District. The *Plan* states "the district's existing water rights are sufficient to provide water to meet the current and future demands of the district" which includes Paint Brush Hills Filing 14.
5. In a letter dated March 24, 2021, the State Engineer reviewed the proposal to subdivide 88 acres of land into 224 lots, plus tracts for landscaping, open space, and utilities. The State Engineer reviewed the WSIS and a District letter dated January 29, 2021, committing to serve the subdivision in the amount of 80.64 acre-feet/year. The State Engineer noted that the "water rights available to the District total 147,550 acre-feet over a period of 300 years.... The District's commitments to supply water total 138,490 acre-feet of water over a period of 300 years.... Those commitments include this subdivision, Paint Brush Hills, Filing No. 14." The State Engineer indicated that the District has sufficient water resources to supply the proposed development and states that pursuant to "Section 30-28-136(1)(h)(II), it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights, so long as the District is committed to supplying 80.64 acre-feet per year (24,192 acre-feet total) to Paint Brush Hills Filing No. 14."
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: With a proposed annual demand of 80.64 acre-feet and given the commitments of the District and the State Engineer's opinion that this demand is within the remaining supply limits of the District, it appears the proposed water supply will be sufficient.
8. Therefore, based on the above analysis, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability as to the 224 lots in Paint Brush Hills Filing 14 preliminary plan.

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; including the specific requirements detailed in the District's January 29, 2021 "Will Serve Letter" for Paint Brush Hills Filing No. 14.
- B. The *Water Master Plan for Paint Brush Hills Metropolitan District Update* dated September 2020 must be updated and uploaded to EDARP prior to recording of the final plat, indicating that Filing 14 is 224 lots, which requires a correction to page 13 of the *Master Plan* which currently reads 227 lots.

cc: Kari Parsons, Planner III