

EL PASO COUNTY



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SF-19-14 Bent Grass Residential Filing No. 2
Final Plat

Reviewed by: Cole Emmons, Senior Assistant County Attorney
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MCE

FINDINGS AND CONCLUSIONS:

1. This is a Final Plat proposal by Challenger Communities, LLC a/k/a Challenger Homes, Inc. ("Applicant"), to subdivide an approximately 50 acre parcel into 178 single-family lots, plus 13 tracts for landscape, utility, buffer, open space and/or drainage purposes. This Filing No. 2 is part of the Bent Grass Planned Unit Development (PUD) originally approved in 2006.

2. The Applicant has provided for the source of water to derive from the Woodman Hills Metropolitan District ("District"). Pursuant to the Water Supply Information Summary, the applicant estimates its annual water needs to serve household use for the entire subdivision at 62.83 acre-feet, based on the District's 0.353 annual acre-feet per single-family equivalent. Based on these figures, the Applicant must be able to provide a supply of 18,849 acre-feet of water (62.83 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.

3. The District's Manager provided a letter of commitment for the Bent Grass Residential Filing No. 2 Subdivision dated October 22, 2019 in which the District committed to providing water service to the subdivision of 178 residential lots at annual amount of 62.83 acre-feet. The Manager stated that this "final commitment is for 178 residential lots and a water commitment of 62.83 Acre-feet/year. WHMD has adequate water supplies to meet the anticipated additional demand."

4. Applicant also provided a *Water Resource and Waste Water Report for the Woodmen Hills Metropolitan District* dated October 2019 ("Report") which detailed the District's water supply. The Report notes that the District's water supply includes both

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“renewable sources and Denver Basin non-renewable sources. The District total legal supply on a 300-year basis has grown to 1459.48 annual acre-feet” since the last water resources report was completed in 2014.

5. In a letter dated February 27, 2020, the State Engineer reviewed the application to subdivide the 50 +/- acres into 178 single-family residential lots. The Engineer reviewed this matter based on information provided in the Water Supply Information Summary, the District’s letter dated October 22, 2019, and the 2019 Report, which estimated a water demand of 62.83 acre-feet per year for Filing 2. The State Engineer indicated 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 936 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations for a total commitment of 966 acre-feet/year.”¹ The Engineer further state that the uncommitted annual water supply of “460 acre-feet/year is more than the estimated annual demand of 62.83 acre-feet/year” for the subdivision. Finally, the Engineer stated that “pursuant to Section 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 Resource & Wastewater Report* dated October 2019, 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 62.83 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 Bent Grass Residential Filing No. 2 Subdivision.

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.

REQUIREMENTS:

¹ Note: The State Engineer noted that a modification of the Water Resources Report is necessary due to a discrepancy in how Determination of Water Right No. 1314-BD was calculated. The County will not further address that issue in this review as the District has available water resources to supply this subdivision.

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, Project Manager, Planner III