

RESOLUTION NO. R-015- 119

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION APPROVING AMENDMENTS TO SECTION 18A OF THE
DOUGLAS COUNTY ZONING RESOLUTION

WHEREAS, the Planning Services Division has prepared amendments to Section 18A, Water Supply Overlay District of the *Douglas County Zoning Resolution* ("Amendments"), which are attached hereto and incorporated as Exhibit A (Project No. DR2013-012); and

WHEREAS, said Amendments were reviewed and recommended for approval by the Planning Commission on September 14, 2015; and

WHEREAS, the Board of County Commissioners considered said Amendments at a public hearing held on October 13, 2015; and

WHEREAS, the Board desires to reflect its approval of said Amendments by the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas, State of Colorado, that amendments to Section 18A are hereby made to the *Douglas County Zoning Resolution*, to read as provided on said Exhibit A; and

FURTHER RESOLVED, that said Amendments shall be effective as of October 13, 2015.

PASSED AND ADOPTED this 13 day of October, 2015, in Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

BY:

Jill E. Repella, Chair

David A. Weaver

ATTEST:

Codie Brenner

Deputy Clerk to the Board

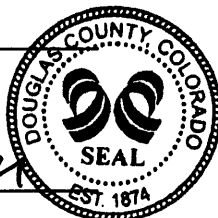


EXHIBIT A

SECTION 18A WATER SUPPLY - OVERLAY DISTRICT

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1801A Intent (Amended 8/22/07)

To ensure that development in all areas of Douglas County provides for a water supply that is sufficient in terms of quantity, quality, and dependability. [§30-28-133 (3)(d), C.R.S.]

In order to accomplish the intent, this section includes methods and provisions for:

- delineating the various water supply areas of the County;
- aligning the water supply standards with statutory provisions;
- restricting the dependence on nonrenewable water sources;
- encumbering groundwater through the use of restrictive covenants;
- verifying water rights and adjudication of these rights;
- identifying minimum water demand standards;
- identifying minimum water supply standards;
- identifying the land-use process affected by these standards; and
- providing an appeal process to prove water-supply sufficiency.

Compliance with the following water-supply standards permits a presumption that a proposed water supply meets the standards set forth in these regulations. Any landowner may appeal these water-supply standards to the Board to prove a sufficient water supply, as set forth in Section 1810A. (Amended 3/26/13)

1802A Applicability (Amended 10/13/15)

The Water Supply - Overlay District shall be applied as a supplemental regulation to those set forth in the underlying zoning district and to all applications submitted pursuant to the following regulations.

Unless otherwise appealed as set forth in Section 1810A, the Board shall determine the adequacy of the water supply for a proposed development within a Preliminary Plan, Minor Development, Final Plat, or Use by Special Review application, as applicable.

1802A.01 Douglas County Zoning Resolution:

- Planned Development
- Rezoning
- Use by Special Review

1802A.02 Douglas County Subdivision Resolution:

- Preliminary Plan
- Final Plat
- Minor Development Final Plat - Single-Family, Multifamily and Nonresidential

1802A.03 Douglas County Building Code:

- Building Permit

1802A.04 County Review of Special District Applications

All of the restrictions and requirements set forth in other applicable regulations remain in full force and effect. In the case of overlapping or conflicting requirements, the most restrictive provision shall apply.

1803A Boundaries

The Water Supply - Overlay District encompasses the entire area of Douglas County. The District is divided into zones identified as Pike/Rampart, Margin A, Margin B and the Central Basin, as depicted on the Water Supply - Overlay District Map, Figure 18A, attached hereto and incorporated herein with this reference.

1803A.01 When a proposed land use overlies 2 or more of the water supply zones, the water supply shall comply with the requirements of the zone from which the water is supplied.

1803A.02 When a water supply is proposed to be obtained from multiple water supply zones, the regulations for each zone shall apply based upon the proportionate land area within each zone and the land's corresponding water availability. (*Amended 4/12/00*)

These zones will be periodically reviewed by the County, as new data are available, and boundaries adjusted, as needed, to meet changing aquifer conditions.

1804A Minimum Water Demand Standards (*Amended 8/22/07*)

The following minimum water demand standards are required unless amended through the appeal process, or when an Existing District providing the water supply has its own standards:

1804A.01 Residential:
ER, RR, LRR, A-1 zone districts: 1 acre-foot/year/residence
All other zone districts: 0.75 acre-foot/year/residence

1804A.02 Irrigated lawn/garden or golf course: 2.50 acre-feet/year/acre

1804A.03 Commercial/office/industrial: 0.75 acre-feet/year per 6,695 square feet of building space

1804A.04 Other uses: Sufficient water supply for the proposed uses, based on the estimate of the proposed usage and analysis by the County.

1805A Water Supply Documentation Standards (*Amended 10/13/15*)

The following water supply documentation standards shall apply to all applications proposing a water supply from an Existing District, either directly or through execution of an intergovernmental agreement with a New Special District:

1805A.01 Existing Districts

1805A.01.1 For rezoning and Planned Development amendments to increase the number of dwelling units, increase the Planned Development boundary, or change allowed land use categories the applicant shall submit:

- (1) A letter from the Existing District referencing the development name (as submitted to the county), stating:
 - a) The district's intent to serve the development.
 - b) The conditions under which the district will commit to serving the development.
 - c) Whether the development has been included in the district.
 - d) The estimated demand of the development based on the minimum water demand standards in Section 1804A.
 - e) The amount of water that can be supplied to the development.
 - f) The proposed uses, the uses of the Existing District's water rights, and that the proposed uses correspond to the uses of the Existing District's water rights.
 - g) Demonstration that the water supply is potable, or what steps will be taken to ensure the potability of the water supply.
 - h) A statement regarding the feasibility of extending service to the development.
- (2) A report from the Existing District documenting the amount of water that can be supplied to the development, containing the following:
 - a) A summary of the water rights owned and controlled by the Existing District.
 - b) The anticipated yield of these rights in both an average and dry year.
 - c) The present demand on the Existing District and the anticipated demand due to commitments for service entered into by the Existing District that are not yet supplied.
 - d) The amount of uncommitted firm supply the Existing District has available for future commitment and development.
 - e) A summary of what water rights the applicant will convey to the Existing District and/or what water credits the applicant must purchase from the Existing District, if any, to serve the development.
 - f) A map of the Existing District's service area.

1805A.01.2 For preliminary plan and minor development final plat applications the applicant shall submit:

- (1) A letter from the Existing District referencing the subdivision name (as submitted to the county), stating:
 - a) The district's commitment to serve the subdivision.
 - b) That the commitment is irrevocable, or the conditions under which the commitment may be revoked.
 - c) That the property that is the subject of the application has been included in the Existing District.
 - d) The estimated demand of the subdivision based on the minimum water demand standards in Section 1804A.
 - e) The amount of water that can be supplied to the subdivision.
 - f) The proposed uses, the uses of the Existing District's water rights, and that the proposed uses correspond to the uses of the Existing District's water rights.
 - g) A statement regarding the feasibility of extending service to the development.
- (2) A report from the Existing District documenting the amount of water that can be supplied to the subdivision, containing the following:
 - a) A summary of the water rights owned and controlled by the Existing District.
 - b) The anticipated yield of these rights in both an average and dry year.
 - c) The present demand on the Existing District, and the anticipated demand due to commitments for service entered into by the Existing District that are not yet supplied.
 - d) The amount of uncommitted firm supply the Existing District has available for future commitment and development.
 - e) A summary of what water rights the applicant will convey to the district and/or what water credits the applicant must purchase from the Existing District, if any, to serve the development.
 - f) A map of the Existing District's service area.

The above information should be provided in a manner that demonstrates that the Existing District has sufficient water resources to meet its commitments in terms of an overall annual water supply and daily availability.
- (3) Evidence concerning the potability of the proposed water supply for the subdivision. [§30-28-133(3)(d), C.R.S.]

1805A.01.3 For final plat applications where the previous review process (preliminary plan) did not undergo the review in the Section 1805A.01.2, the application shall be subject to review under the standards of Section 1805A.01.2. For all other preliminary plan and final plat applications the applicant shall submit:

- (1) A letter from the Existing District reaffirming the district's commitment to serve and either verifying that the statements made in the letters and reports for the previous review process are still true and accurate, or identifying what conditions have changed since the previous review process. If the changes have the potential to negatively impact the districts' ability to serve the subdivision, the applicant shall submit updated letters and reports as set forth in Section 1805A.01.2.
- (2) Evidence that the water rights to serve the subdivision have been conveyed to the Existing District and/or that the water credits to serve the subdivision have been purchased from the Existing District (as necessary).

1805A.01.4 For use by special review applications the applicant shall submit:

- (1) A letter from the Existing District referencing the development name (as submitted to the county), stating:
 - a) The district's commitment to serve the development.
 - b) That the commitment is irrevocable, or the conditions under which the commitment may be revoked.
 - c) Whether the property that is the subject of the application has been included in the Existing District.
 - d) The estimated demand of the development based on the minimum water demand standards in Section 1804A.
 - e) The amount of water that can be supplied to the development.
 - f) The proposed uses, the uses of the Existing District's water rights, and that the proposed uses correspond to the uses of the Existing District's water rights.
 - g) A statement regarding the feasibility of extending service to the development.
- (2) A report from the Existing District documenting the amount of water that can be supplied to the development, containing the following:
 - a) A summary of the water rights owned and controlled by the Existing District.
 - b) The anticipated yield of these rights in both an average and dry year.
 - c) The present demand on the Existing District, and the anticipated demand due to commitments for service entered into by the Existing District that are not yet supplied.
 - d) The amount of uncommitted firm supply the Existing District has available for future commitment and development.

- e) A summary of what water rights the applicant will convey to the district and/or what water credits the applicant must purchase from the Existing District, if any, to serve the development.

- f) A map of the Existing District's service area.

The above information should be provided in a manner that demonstrates that the Existing District has sufficient water resources to meet its commitments in terms of an overall annual water supply and daily availability.

1805A.02 New Special Districts entering into intergovernmental agreements ("IGAs") with Existing Districts

1805A.02.1 For rezonings and Planned Development amendments to increase the number of dwelling units, increase the Planned Development boundary, or change allowed land use categories the applicant shall submit:

- (1) A letter from the Existing District, referencing the development name (as submitted to the county), stating:
 - a) The district's intent to serve the development.
 - b) The conditions under which the district will commit to serving the development.
 - c) The estimated demand of the development based on the minimum water demand standards in Section 1804A.
 - d) The amount of water that can be supplied to the development.
 - e) The proposed uses, the uses of the Existing District's water rights, and that the proposed uses correspond to the uses of the Existing District's water rights.
 - f) Demonstration that the water supply is potable, or what steps will be taken to ensure the potability of the water supply.
 - g) A statement regarding the feasibility of extending service to the development.
- (2) A letter from the New Special District, if previously organized, referencing the development name (as submitted to the county), stating:
 - a) The district's intent to serve the development.
 - b) The conditions under which the district will commit to serving the development.
 - c) Whether the development has been included in the district.
 - d) The estimated demand of the development based on the minimum water demand standards in Section 1804A.
 - e) The amount of water that can be supplied to the development.

- f) A statement regarding the feasibility of extending service to the development.
- (3) A report from the Existing District documenting the amount of water that can be supplied to the development, containing the following:
 - a) A summary of the water rights owned and controlled by the Existing District.
 - b) The anticipated yield of these rights in both an average and dry year.
 - c) The present demand on the Existing District and the anticipated demand due to commitments for service entered into by the Existing District that are not yet supplied.
 - d) The amount of uncommitted firm supply the Existing District has available for future commitment and development.
 - e) A summary of what water rights the applicant will convey to the Existing District and/or what water credits the applicant must purchase from the Existing District, if any, to serve the development.
 - f) A map of the Existing District's service area.

1805A.02.2 For preliminary plan and minor development final plat applications the applicant shall submit:

- (1) A letter from the Existing District, referencing the subdivision name (as submitted to the county), stating:
 - a) The district's commitment to serve the subdivision.
 - b) That the commitment is irrevocable, or the conditions under which the commitment may be revoked.
 - c) The estimated demand of the subdivision based on the minimum water demand standards in Section 1804A.
 - d) The amount of water that can be supplied to the subdivision.
 - e) The proposed uses, the uses of the Existing District's water rights, and that the proposed uses correspond to the uses of the Existing District's water rights.
 - f) A statement regarding the feasibility of extending service to the development.
- (2) A letter from the New Special District referencing the subdivision name (as submitted to the county), stating:
 - a) The district's commitment to serve the subdivision.
 - b) That the commitment is irrevocable, or the conditions under which the commitment may be revoked.
 - c) That the property that is the subject of the application has been included in the New Special District.
 - d) The estimated demand of the subdivision based on the minimum water demand standards in Section 1804A.

- e) The amount of water that can be supplied to the subdivision.
 - f) A statement regarding the feasibility of extending service to the development.
 - (3) A report from the Existing District documenting the amount of water that can be supplied to the subdivision, containing the following:
 - a) A summary of the water rights owned and controlled by the Existing District.
 - b) The anticipated yield of these rights in both an average and dry year.
 - c) The present demand on the Existing District, and the anticipated demand due to commitments for service entered into by the Existing District that are not yet supplied.
 - d) The amount of uncommitted firm supply the Existing District has available for future commitment and development.
 - e) A summary of what water rights the applicant will convey to the district and/or what water credits the applicant must purchase from the Existing District, if any, to serve the development.
 - f) A map of the Existing District's service area.
- The above information shall be provided in a manner that demonstrates that the Existing District has sufficient water resources to meet its commitments in terms of an overall annual water supply and daily availability.
- (4) Evidence concerning the potability of the proposed water supply for the subdivision. [§30-28-133(3)(d)]
 - (5) Evidence that the New Special District has been organized.
 - (6) Evidence that the IGA with the Existing District has been executed by both parties.

1805A.02.3 For final plat applications where the previous review process (preliminary plan) did not undergo the review in the Section 1805A.02.2, the application shall be subject to review under the standards of Section 1805A.02.2. For all other preliminary plan and final plat applications the applicant shall submit:

- (1) Letters from both the New Special District and the Existing District reaffirming the districts' commitment to serve and either verifying that the statements made in the letters and reports for the previous review process are still true and accurate, or identifying what conditions have changed since the previous review process. If the changes have the potential to negatively impact the districts' ability to serve the subdivision, the applicant shall submit updated letters and reports as set forth in Section 1805A.02.2.

- (2) Evidence that the water rights to serve the subdivision have been conveyed to the Existing District and/or that the water credits to serve the subdivision have been purchased from the Existing District (as necessary).

1805A.02.4 For use by special review applications the applicant shall submit:

- (1) A letter from the Existing District referencing the development name (as submitted to the county), stating:
 - a) The district's commitment to serve the development.
 - b) That the commitment is irrevocable, or the conditions under which the commitment may be revoked.
 - c) The estimated demand of the development based on the minimum water demand standards in Section 1804A.
 - d) The amount of water that can be supplied to the development.
 - e) The proposed uses, the uses of the Existing District's water rights, and that the proposed uses correspond to the uses of the Existing District's water rights.
 - f) Demonstration that the water supply is potable, or what steps will be taken to ensure the potability of the water supply.
 - g) A statement regarding the feasibility of extending service to the development.
- (2) A letter from the New Special District, if previously organized, referencing the development name (as submitted to the county), stating:
 - a) The district's commitment to serve the development.
 - b) That the commitment is irrevocable, or the conditions under which the commitment may be revoked.
 - c) Whether the property that is the subject of the application has been included in the Existing District.
 - d) The estimated demand of the development based on the minimum water demand standards in Section 1804A.
 - e) The amount of water that can be supplied to the development.
 - f) A statement regarding the feasibility of extending service to the development.
- (3) A report from the Existing District documenting the amount of water that can be supplied to the development, containing the following:
 - a) A summary of the water rights owned and controlled by the Existing District.
 - b) The anticipated yield of these rights in both an average and dry year.
 - c) The present demand on the Existing District, and the anticipated demand due to commitments for service

entered into by the Existing District that are not yet supplied.

- d) The amount of uncommitted firm supply the Existing District has available for future commitment and development.
- e) A summary of what water rights the applicant will convey to the district and/or what water credits the applicant must purchase from the Existing District, if any, to serve the development.
- f) A map of the Existing District's service area.

The above information shall be provided in a manner that demonstrates that the Existing District has sufficient water resources to meet its commitments in terms of an overall annual water supply and daily availability.

- (4) Evidence that the IGA with the Existing District has been executed by both parties.

1805A.03 The Board may defer, through conditions of approval or Planned Development commitments, these water supply documentation requirements, in whole or in part, to a later stage of development review for reason of good cause shown.

1806A Pike/Rampart - Water-Supply Zone (Amended 8/22/07)

A renewable water supply is required for land uses proposed within Pike/Rampart, except for issuance of a building permit only. The following methods of providing a water supply are allowed, in compliance with the standards set forth below:

1806A.01 Existing District

When service is proposed by an Existing District, the applicant shall submit documentation of the district's ability to serve, the amount of water available, and the feasibility of extending service. A water supply sufficient in terms of quantity, quality, and dependability shall be required [§30-28-133 (3)(d), C.R.S.]. The documentation shall meet the standards in Section 1805A.01.

1806A.02 Extraterritorial District

When service is proposed by an Extraterritorial District, either directly or through an IGA with another district, the applicant, in coordination with the Extraterritorial District, shall demonstrate through a water supply plan that definite provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability. [§30-28-133 (3)(d), C.R.S.] Approval of the water supply plan shall be based upon compliance with the following:

- 1806A.02.1 The proposed water supply for any development proposed to be located within Pike/Rampart shall be obtained from renewable water rights;

AND/OR

from beneath land located in the Central Basin that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement, in accordance with the standards in section 1809A.04.

A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

- 1806A.02.2 An attorney's opinion letter shall be provided stating ownership by the applicant and/or Extraterritorial District of, or an executed contract granting rights to the applicant and/or Extraterritorial District for, sufficient adjudicated water rights and a copy of the court decree adjudicating the water rights.
- 1806A.02.3 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- 1806A.02.4 The available water rights are sufficient based on the minimum water demand standards (*Sec. 1804A*).
- 1806A.02.5 The applicant, in coordination with the Extraterritorial District, has demonstrated that the water rights can be used for the proposed use(s).
- 1806A.02.6 The reliability of the water right has been analyzed and is deemed sufficient by the County based on its priority date within the Colorado System of Water Rights Administration and the additional volume that can be extracted from this water right.
- 1806A.02.7 The water storage capacity is deemed sufficient by the County to ensure that no water supply shortages will occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.

1806A.02.8 Delivery of the water supply to the development is deemed adequate and feasible by the County.

1806A.02.9 The applicant has provided a letter from the Extraterritorial District stating its commitment and ability to serve the proposed development.

1806A.03 New Special District

The organization of a New Special District to provide water service is authorized by §32-1-201, et seq., C.R.S. The Board is authorized by §32-1-203, C.R.S., to review and approve the service plan.

A water supply sufficient in terms of quantity, quality, and dependability shall be required [§30-28-133 (3)(d), C.R.S.]. When service will be provided by an Existing District through an IGA with the New Special District, the applicant shall submit documentation in compliance with the standards in Section 1805A.02. When service will be provided by the New Special District, approval shall be based on compliance with the following service and facility standards: [§32-1-203(2.5)(b), C.R.S.]

1806A.03.1 The proposed water supply for any district proposed to be located within Pike/Rampart shall be obtained from renewable water rights;

AND/OR

from beneath land located in the Central Basin that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement, in accordance with the standards in section 1809A.04.

A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

1806A.03.2 An attorney's opinion letter has been provided stating ownership by the applicant and/or New Special District of, or an executed contract granting rights to the applicant and/or New Special District for, adjudicated renewable water rights along with a copy of the court decree adjudicating the renewable water rights.

1806A.03.3 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation

Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.

- 1806A.03.4 The water rights are sufficient based on the minimum water demand standards (*Sec. 1804A*).
- 1806A.03.5 The applicant, in coordination with the New Special District, has demonstrated that the water rights can be used for the proposed use(s).
- 1806A.03.6 The reliability of the water right has been analyzed based on its priority date within the Colorado System of Water Rights Administration and the volume that can be extracted from this water right has been quantified.
- 1806A.03.7 The proposed water-storage capacity has been identified to ensure that no water-supply shortages occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.
- 1806A.03.8 The water delivery system has been identified and the system feasibility has been assessed.

1806A.04 Renewable Water - Surface Water Supply

When service is proposed by renewable tributary water rights the following standards shall apply:

- 1806A.04.1 An attorney's opinion letter shall be provided stating ownership by the applicant of, or an executed contract granting rights to the applicant for, adjudicated renewable water rights and a copy of the court decree adjudicating the renewable water rights.
- 1806A.04.2 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- 1806A.04.3 The water rights are sufficient based on the minimum water demand standards (*Sec. 1804A*).
- 1806A.04.4 The applicant has demonstrated that the water rights can be used for the proposed use(s).

- 1806A.04.5 The reliability of the water right is deemed sufficient, by the County, based upon its priority date within the Colorado System of Water Rights Administration and the volume that can be extracted from this water right.
- 1806A.04.6 The water storage capacity is deemed sufficient, by the County to ensure that no water supply shortages will occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.
- 1806A.04.7 Delivery of the water supply to the development is deemed adequate by the County.
- 1806A.05 Renewable Water - Groundwater from Granitic/Metamorphic Fractures
- A well in the granitic/metamorphic fractures may only be allowed as the source of water, when required for issuance of a building permit, for a principal or accessory use currently allowed by zoning on a legally created parcel as follows:
- 1806A.05.1 The landowner must submit evidence of a well test as follows:
- A minimum 4-hour, constant-discharge test that would require the well to be pumped at a constant rate commensurate with the ability of the aquifer to yield not less than 1 gpm, with water level measurements being made throughout the duration of the test. To conduct an acceptable well test, the pump shall be valved to maintain a constant rate, a calibrated flow meter used to measure flow, and a means to obtain water levels from the pumped well provided. The well test results must be signed by a licensed water well contractor, or professional geologist or engineer;
- OR
- 1806A.05.2 A statement signed by a licensed well contractor that the average yield of the well is greater than 10 gpm after 4 hours of airlifting.
- 1806A.05.3 If the water flow is less than 1 gpm, the applicant shall install a cistern in compliance with the Douglas County plumbing code, as amended. Further, if the water flow of the well is not sufficient to fill the cistern, as required by the plumbing code, the landowner shall submit an agreement with a water provider for the balance of the water, in a form acceptable to the County.

1807A Margin A - Water Supply Zone (Amended 8/22/07)

A renewable water supply is required for land uses proposed within Margin A, except for issuance of a building permit only. The following methods of providing a renewable water supply are allowed in compliance with the standards set forth below:

1807A.01 Existing District

When service is proposed by an Existing District, the applicant shall submit documentation of the district's ability to serve, the amount of water available, and the feasibility of extending service. A water supply sufficient in terms of quantity, quality, and dependability shall be required. [§30-28-133 (3)(d), C.R.S.]. The documentation shall meet the standards in Section 1805A.01.

1807A.02 Extraterritorial District

When service is proposed by an Extraterritorial District, either directly or through an IGA with another district, the applicant, in coordination with the Extraterritorial District, shall demonstrate through a water supply plan that definite provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability. [§30-28-133 (3)(d), C.R.S.] Approval of the water supply plan shall be based upon compliance with the following:

- 1807A.02.1** The proposed water supply for any development proposed to be located within Margin A shall be obtained from renewable water rights;

AND/OR

from beneath land located in the Central Basin or Margin B that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement, in accordance with the Denver Basin aquifer standards in section 1809A.04 or section 1808A.04 respectively.

A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

- 1807A.02.2** An attorney's opinion letter shall be provided stating ownership by the applicant and/or Extraterritorial District of, or an executed contract granting rights to the applicant and/or Extraterritorial District for, sufficient adjudicated water rights and a copy of the court decree adjudicating the water rights.

- 1807A.02.3 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- 1807A.02.4 The available water rights are sufficient based on the minimum water demand standards (*Sec. 1804A*).
- 1807A.02.5 The applicant, in coordination with the Extraterritorial District, has demonstrated that the water rights can be used for the proposed use(s).
- 1807A.02.6 The reliability of the water right has been analyzed and is deemed sufficient by the County based on its priority date within the Colorado System of Water Rights Administration and the additional volume that can be extracted from this water right.
- 1807A.02.7 The water storage capacity is deemed sufficient by the County to ensure that no water supply shortages will occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.
- 1807A.02.8 Delivery of the water supply to the development is deemed adequate and feasible by the County.
- 1807A.02.9 The applicant has provided a letter from the Extraterritorial District stating its commitment and ability to serve the proposed development.

1807A.03 New Special District

The organization of a New Special District to provide water service is authorized by §32-1-201, et seq., C.R.S. The Board is authorized by §32-1-203, C.R.S., to review and approve the service plan.

A water supply sufficient in terms of quantity, quality, and dependability shall be required. [§30-28-133 (3)(d), C.R.S.] When service will be provided by an Existing District through an IGA with the New Special District, the applicant shall submit documentation in compliance with the standards in Section 1805A.02. When service will be provided by the New Special District, approval shall be based on compliance with the following service and facility standards: [§32-1-203(2.5)(b), C.R.S.]

- 1807A.03.1 The proposed water supply for any New Special District proposed to be located within Margin A shall be obtained from renewable water rights;

AND/OR

from beneath land located in the Central Basin or Margin B that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement, in accordance with the Denver Basin aquifer standards in section 1809A.04 or section 1808A.04 respectively.

A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

- 1807A.03.2 An attorney's opinion letter shall be provided stating ownership by the applicant of, or an executed contract granting rights to the applicant for, adjudicated renewable water rights and a copy of the court decree adjudicating the renewable water rights.
- 1807A.03.3 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- 1807A.03.4 The water rights are sufficient based on the minimum water demand standards (*Sec. 1804A*).
- 1807A.03.5 The applicant, in coordination with the New Special District, has demonstrated that the water rights can be used for the proposed use(s).
- 1807A.03.6 The reliability of the water right has been analyzed based on its priority date within the Colorado System of Water Rights Administration and the volume that can be extracted from this water right has been quantified.
- 1807A.03.7 The proposed water-storage capacity has been identified to ensure that no water-supply shortages occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.

1807A.03.8 The water delivery system has been identified and the system feasibility has been assessed.

1807A.04 Renewable Water

When service is proposed by renewable tributary water rights the following standards shall apply:

1807A.04.1 An attorney's opinion letter shall be provided stating ownership by the applicant of, or an executed contract granting rights to the applicant for, adjudicated renewable water rights and a copy of the court decree adjudicating the renewable water rights.

1807A.04.2 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.

1807A.04.3 The water rights are sufficient based on the minimum water demand standards (*Sec. 1804A*).

1807A.04.4 The applicant has demonstrated that the water rights can be used for the proposed use(s).

1807A.04.5 The reliability of the water right is deemed sufficient, by the County, based on its priority date within the Colorado System of Water Rights Administration and the volume that can be extracted from this water right.

1807A.04.6 The water storage capacity is deemed sufficient by the County to ensure that no water supply shortages will occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.

1807A.04.7 Delivery of the water supply to the development is deemed adequate by the County.

1807A.05 Nonrenewable Water - Denver Basin Aquifers or Dakota Sandstone Formation

A groundwater well may only be allowed as the source of water, when required for issuance of a building permit, for a principal or accessory use currently allowed by zoning on a legally created parcel as follows:

1807A.05.1 The landowner must submit evidence of a well test as follows:

A minimum 4-hour, constant-discharge test that would require the well to be pumped at a constant rate commensurate with the ability of the aquifer to yield not less than 1 gpm, with water level measurements being made throughout the duration of the test. To conduct an acceptable well test, the pump shall be valved to maintain a constant rate, a calibrated flow meter used to measure flow, and a means to obtain water levels from the pumped well provided. The well test results must be signed by a licensed water well contractor, or professional geologist or engineer;

OR

1807A.05.2 A statement signed by a licensed well contractor that the average yield of the well is greater than 10 gpm after 4 hours of airlifting.**1807A.05.3 If the water flow is less than 1 gpm, the applicant shall install a cistern in compliance with the Douglas County plumbing code, as amended. Further, if the water flow of the well is not sufficient to fill the cistern, as required by the plumbing code, the landowner shall submit an agreement with a water provider for the balance of the water, in a form acceptable to the County.****1808A Margin B - Water Supply Zone (Amended 8/22/07)**

The following methods of providing a water supply are allowed for land uses proposed within Margin B, in compliance with the standards set forth below:

1808A.01 Existing District

When service is proposed by an Existing District, the applicant shall submit documentation of the district's ability to serve, the amount of water available, and feasibility of extending service. A water supply sufficient in terms of quantity, quality, and dependability shall be required. [§30-28-133 (3)(d), C.R.S.] The documentation shall meet the standards in Section 1805A.01.

1808A.02 Extraterritorial District

When service is proposed by an Extraterritorial District, either directly or through an IGA with another district, the applicant, in coordination with the Extraterritorial District, shall demonstrate through a water supply plan that definite provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability. [§30-28-133 (3)(d), C.R.S.] Approval of the water supply plan shall be based upon compliance with the following:

- 1808A.02.1 The proposed water supply for any development proposed to rely on Denver Basin aquifers may be obtained from the Denver Basin aquifers underlying the subject land;

AND/OR

from beneath land located in the Central Basin or Margin B that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement, in accordance with the Denver Basin aquifer standards in section 1809A.04 or 1808A.04 respectively.

A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

- 1808A.02.2 An attorney's opinion letter shall be provided stating ownership by the applicant and/or Extraterritorial District of, or an executed contract granting rights to the applicant and/or Extraterritorial District for, sufficient adjudicated water rights and a copy of the court decree adjudicating the water rights.
- 1808A.02.3 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- 1808A.02.4 The available water rights are sufficient based on the minimum water demand standards (Sec. 1804A).
- 1808A.02.5 The applicant, in coordination with the Extraterritorial District, has demonstrated that the water rights can be used for the proposed use(s).
- 1808A.02.6 The reliability of the water right has been analyzed and is deemed sufficient by the County based on its priority date within the Colorado System of Water Rights Administration and the additional volume that can be extracted from this water right.
- 1808A.02.7 The water storage capacity is deemed sufficient by the County to ensure that no water supply shortages will occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.

- 1808A.02.8 The water in all Denver Basin aquifers shall be reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.
- 1808A.02.9 The total annual demand of water proposed for the subject land, in accordance with the minimum water demand standards (Sec. 1804A), shall not exceed 50 percent of the total annual appropriable water supply contained within the Denver Basin aquifers underlying the subject land.
- 1808A.02.10 Delivery of the water supply to the development is deemed adequate and feasible by the County.
- 1808A.02.11 The applicant has provided a letter from the Extraterritorial District stating its commitment and ability to serve the proposed development.

1808A.03 New Special District

The organization of a New Special District to provide water service is authorized by §32-1-201, et seq., C.R.S. The Board is authorized by §32-1-203, C.R.S., to review and approve the service plan.

A water supply sufficient in terms of quantity, quality, and dependability shall be required. [§30-28-133 (3)(d), C.R.S.] When service will be provided by an Existing District through an IGA with the New Special District, the applicant shall submit documentation in compliance with the standards in Section 1805A.02. When service will be provided by the New Special District, approval shall be based on compliance with the following service and facility standards: [§32-1-203(2.5)(b), C.R.S.]

- 1808A.03.1 The proposed water supply for any New Special District proposed to rely on Denver Basin aquifers may be obtained from the Denver Basin aquifers underlying the subject land;

AND/OR

from beneath land located in the Central Basin or Margin B that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement, in accordance with the Denver Basin aquifer standards in Section 1809A.04 or 1808A.04 respectively.

A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

- 1808A.03.2 An attorney's opinion letter has been provided stating ownership by the applicant and/or New Special District of, or an executed contract granting rights to the applicant and/or New Special District for, all Denver Basin aquifers present beneath the subject land and a copy of the court decree adjudicating those water rights, if those water rights have been adjudicated.
- 1808A.03.3 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- 1808A.03.4 The water rights are sufficient based on the minimum water demand standards (*Sec. 1804A*).
- 1808A.03.5 The water in all Denver Basin aquifers shall be reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.
- 1808A.03.6 The total annual demand of water proposed for the subject land, in accordance with the minimum water demand standards (*Sec. 1804A*), shall not exceed 50 percent of the total annual appropriable water supply contained within the Denver Basin aquifers underlying the subject land.
- 1808A.03.7 Service Plan Provisions
- (1) The proposed service plan shall include a well-field analysis that demonstrates that such wells will not adversely impact existing water rights on adjoining lands, consistent with the provisions in §37-90-137(4)(c), C.R.S., as amended.
 - (2) The proposed service plan shall require the district to install an acceptable water level measuring device in all new district wells to measure and record water levels on a monthly basis, whether the water level obtained is a static or pumping water level, and provide for an annual report of such data to Douglas County.

1808A.04 Denver Basin Aquifers

When the water supply is proposed from the Denver Basin aquifers, the following standards shall apply:

- 1808A.04.1 An attorney's opinion letter shall be submitted stating ownership, by the applicant of, or an executed contract granting rights to the applicant for, all Denver Basin aquifers present beneath the

subject land and a copy of the court decree adjudicating those water rights, if those water rights have been adjudicated.

- 1808A.04.2 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan; An adjudicated Augmentation Plan, if not available prior to the hearings, may be required as a condition of approval.
- 1808A.04.3 The water in all Denver Basin aquifers shall be reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.
- 1808A.04.4 The total annual demand of water proposed for the subject land, in accordance with, the minimum water demand standards (Sec. 1804A), shall not exceed 50 percent of the total annual appropriable water supply contained within the Denver Basin aquifers underlying the subject land.
- 1808A.04.5 For residential lots less than 35 acres in size well-site envelopes shall be established at least 600 feet from any other well on or off site for wells located in the same aquifer.
- 1808A.04.6 When the landowner does not own rights to all of the Denver Basin aquifers, a groundwater well may be allowed as the source of water as required for issuance of a building permit, for a principal or accessory use currently allowed by zoning, on a legally created parcel.

1809A Central Basin - Water Supply Zone (Amended 8/22/07)

The following methods of providing a water supply are allowed for land uses proposed within the Central Basin area, in compliance with the standards set forth below:

1809A.01 Existing District

When service is proposed by an Existing District, the applicant shall submit documentation of the district's ability to serve, the amount of water available, and feasibility of extending service. A water supply sufficient in terms of quantity, quality, and dependability shall be required [§30-28-133 (3)(d), C.R.S.]. The documentation shall meet the standards in Section 1805A.01.

1809A.02 Extraterritorial District

When service is proposed by an Extraterritorial District, either directly or through an IGA with another district, the applicant, in coordination with

the Extraterritorial District, shall demonstrate through a water supply plan that definite provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability [§30-28-133 (3)(d), C.R.S.]. Approval of the water supply plan shall be based upon compliance with the following:

- 1809A.02.1 The proposed water supply for any development proposed to rely on Denver Basin aquifers may be obtained from the Denver Basin aquifers underlying the subject land;

AND/OR

from beneath land located in the Central Basin that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement, in accordance with the Denver Basin aquifer standards in section 1809A.04.

A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

- 1809A.02.2 An attorney's opinion letter shall be provided stating ownership by the applicant and/or Extraterritorial District of, or an executed contract granting rights to the applicant and/or Extraterritorial District for, sufficient adjudicated water rights and a copy of the court decree adjudicating the water rights.
- 1809A.02.3 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- 1809A.02.4 The available water rights are sufficient based on the minimum water demand standards (Sec. 1804A).
- 1809A.02.5 The applicant, in coordination with the Extraterritorial District, has demonstrated that the water rights can be used for the proposed use(s).
- 1809A.02.6 The reliability of the water right has been analyzed and is deemed sufficient by the County based on its priority date within the Colorado System of Water Rights Administration and the additional volume that can be extracted from this water right.

- 1809A.02.7 The water storage capacity is deemed sufficient by the County to ensure that no water supply shortages will occur due to variations in the hydrologic cycle. At a minimum, storage capacity sufficient to provide 1-year of additional carryover storage, on an average annual basis, beyond that necessary to meet all demands under all anticipated hydrologic conditions will be required.
- 1809A.02.8 Delivery of the water supply to the development is deemed adequate and feasible by the County.
- 1809A.02.9 The applicant has provided a letter from the Extraterritorial District stating its commitment and ability to serve the proposed development.

1809A.03 New Special District

The organization of a New Special District to provide water service is authorized by §32-1-201, et seq., C.R.S. The Board is authorized by §32-1-203, C.R.S., to review and approve the service plan.

A water supply sufficient in terms of quantity, quality, and dependability shall be required. [§30-28-133 (3)(d), C.R.S.] When service will be provided by an Existing District through an IGA with the New Special District, the applicant shall submit documentation in compliance with the standards in Section 1805A.02. When service will be provided by the New Special District, approval shall be based on compliance with the following service and facility standards [§32-1-203(2.5)(b), C.R.S.]:

- 1809A.03.1 The proposed water supply for any New Special District proposed to rely on Denver Basin aquifers may be obtained from the Denver Basin aquifers underlying the subject land;

AND/OR

from beneath land located in the Central Basin that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement, in accordance with the Denver Basin aquifer standards in section 1809A.04.

A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

- 1809A.03.2 An attorney's opinion letter has been provided stating ownership by the applicant and/or New Special District of, or an executed contract granting rights to the applicant and/or New Special

District for, all Denver Basin aquifers present beneath the subject land and a copy of the court decree adjudicating those water rights, if those water rights have been adjudicated.

- 1809A.03.3 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated augmentation plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- 1809A.03.4 The applicant, in coordination with the New Special District, has demonstrated that the water rights can be used for the proposed use(s).
- 1809A.03.5 The water rights are sufficient based on the minimum water demand standards (*Sec. 1804A*).
- 1809A.03.6 The water in all Denver Basin aquifers shall be reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.
- 1809A.03.7 The total annual demand of water proposed for the subject land, in accordance with, the minimum water demand standards (*Sec. 1804A*), shall not exceed 100 percent of the total annual appropriable water supply contained within the Denver Basin aquifers underlying the subject land.
- 1809A.03.8 Service Plan Provisions.
- (1) The proposed service plan shall include a well-field analysis that demonstrates that such wells will not adversely impact existing water rights on adjoining lands, consistent with the provisions in §37-90-137(4)(c), C.R.S., as amended.
 - (2) The proposed service plan shall require the district to install an acceptable water level measuring device in all new district wells to measure and record water levels on a monthly basis, whether the water level obtained is a static or pumping water level, and provide for an annual report of such data to Douglas County.

1809A.04 Denver Basin Aquifers

The water supply may be provided from the Denver Basin aquifers, in compliance with the following:

- 1809A.04.1 An attorney's opinion letter stating ownership by the applicant of, or an executed contract granting rights to the applicant for, all

Denver Basin aquifers present beneath the subject land and a copy of the court decree adjudicating those water rights, if those water rights have been adjudicated.

- 1809A.04.2 An adjudicated Augmentation Plan shall be provided, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan, if not available prior to the hearings, may be required as a condition of approval.
- 1809A.04.3 The water in all Denver Basin aquifers shall be reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.
- 1809A.04.4 The total annual demand of water proposed for the subject land, in accordance with the minimum water demand standards (Sec. 1804A), shall not exceed 100 percent of the total annual appropriable water supply contained within the Denver Basin aquifers underlying the subject land.
- 1809A.04.5 When the landowner does not own rights to all the Denver Basin aquifers, a groundwater well may be allowed as the source of water as required for issuance of a building permit, for a principal or accessory use currently allowed by zoning, on a legally created parcel.

1810A Appeal Process (Amended 8/22/07)

An appeal to the water supply standards is allowed as follows:

- 1810A.01 The applicant shall discuss the appeal informally with planning staff to discuss the procedures and submittal requirements.
- 1810A.02 The applicant shall submit an explanation in narrative form explaining the appeal and attach any information including site-specific data, for the Board to consider.
- 1810A.03 The following analysis will be required for appeals to Margins A/B:
 - 1810A.03.1 A static analysis to include an evaluation of the volume of the appropriable water supply for the proposed development
 - 1810A.03.2 A dynamic analysis that evaluates whether the appropriable water supply is sustainable for 100 years, including:
 - (1) Site-specific aquifer hydraulic characteristics.

- (2) Simulation of the current and future pumping effects from all pumping centers in the Denver Basin, using currently accepted estimates of present and future pumping volumes in the Basin.
- (3) Simulation of pumping of the applicant's proposed wells to evaluate if, under these pumping conditions, the applicant's wells can satisfy the Minimum 100-year Useful Life.
- (4) Simulation of the hydraulic control that is exerted by pumping of other wells in the confined portion of the aquifers - This will require simulation of the layering effects in the aquifers.
- (5) Simulation of the elevation differences within each aquifer, e.g., the bowl-shaped nature of the Basin.

1810A.03.3 A well-field analysis to evaluate impacts on neighboring wells using information gained from the dynamic analysis.

1810A.04 Upon receipt of the narrative and attached documents, staff shall submit this information for review by the County's water consultant and any other referral agencies deemed relevant by staff. Staff shall schedule the appeal before the Planning Commission and Board for public hearings and notify the applicant of the meeting dates and times.

1810A.05 The applicant is responsible for posting notice on the subject land in accordance with the public notice requirements set forth in Section 1811A, herein.

1810A.06 At a public hearing, the Planning Commission shall evaluate the application, based on the technical data, the water consultants' opinions, site-specific data, the water demand standards, the staff report, and public testimony, and shall make a recommendation to the Board to approve, conditionally approve, or deny the appeal. The Planning Commission's comments shall be based on the evidence presented.

1810A.07 At a public hearing, the Board shall evaluate the application based on the technical data, the water consultants' comments, site-specific data, the water demand standards, the staff report, the Planning Commission's recommendation, and public testimony and shall approve, conditionally approve, table for further study, or deny the appeal.

An appeal shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- (1) The request will not be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

- (2) For appeals to the minimum water demand standards set forth in Section 1804A or to the water supply standards set forth in Sections 1805A through 1809A, the application provides for a water supply that is sufficient in terms of quantity, quality, and dependability.
- (3) For appeals to the timing of determining the adequacy of the water supply, the application identifies the stage at which the determination of adequacy shall be made.

The Board's decision regarding an appeal shall supersede or adjust any conflicting County land use regulation, unless prohibited by law. *(Amended 3/26/13)*

1811A Public Notice Requirements - Appeal

In calculating the required time period for posting and publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission and the Board of County Commissioners for their respective public hearings. *(Amended 3/28/01)*

1811A.01 PUBLISHED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for an appeal concerning water regulations in the Douglas County Zoning Resolution for the property located at approximately *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.
File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARINGS BEFORE THE
PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for an appeal concerning water regulations in the Douglas County Zoning Resolution for the property located at approximately *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460. File #/Name:

1811A.02 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the property that is the subject of the appeal. The sign posting shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the lot line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Each sign shall measure not less than 3' by 4'. Letter size shall be a minimum of three inches high. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for an appeal concerning water regulations in the Douglas County Zoning Resolution. The public hearing is on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460. File #/Name:

When concurrent notice has been approved by staff the notice shall read:

**NOTICE OF PUBLIC HEARINGS BEFORE THE
PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for an appeal concerning water regulations in the Douglas County Zoning Resolution before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460. File #/Name:

1812A Definitions (*Amended 8/22/07*)

- 1812A.01 Appropriable Water Supply: The volume of water in storage in the Denver Basin aquifers beneath a parcel of land, exclusive of prior appropriated rights. The volume of appropriable water in storage is calculated based on overlying land area, aquifer saturated thickness, and the specific yield of the aquifer. Under Colorado law, 1/100th of the appropriable water in storage can be extracted on an annual basis from each Denver Basin aquifer.
- 1812A.02 Augmentation Plan: If a tributary or not-nontributary water right is sought to be appropriated, it is incumbent upon the applicant for these water rights to demonstrate non-injury to existing, vested senior water rights. If such analysis indicates that there is the potential for injury to existing vested senior water rights, an augmentation plan must be adjudicated in Water Court which defines the uses of the water sought in the appropriation, defines the extent of the injury that will occur due to this appropriation, and presents a plan that will fully mitigate injury to all existing vested senior water rights.
- 1812A.03 Colorado System of Water Rights Administration: Colorado operates under a "first in time, first in right" water rights administration for tributary waters of the state. This means that the most senior tributary water rights are wholly satisfied first, prior to any junior water rights diverting. If there is insufficient water to meet the water demands of all of the water rights, some water rights will be deemed "out of priority", and will not be allowed to divert any water until sufficient supply is available for all rights senior to that right.
- 1812A.04 Denver Basin: A large groundwater basin of sedimentary rock formations containing 4 principal aquifers, the Dawson, Denver, Arapahoe and Laramie-Fox Hills. This water basin extends from Greeley on the north to Colorado Springs on the south, Limon on the east to the foothills on the west. Groundwater contained within the Denver Basin aquifers is considered to be either nontributary or not-nontributary water under the Colorado Water Rights System.
- 1812A.04.1 Central Basin: The area comprising most of the eastern half of Douglas County that is underlain by the Denver Basin. This is the area of the Denver Basin where the four principal aquifers are present and where the aquifers are located at, or near, the base of the bowl-shaped Denver Basin. Due to the presence of the four principal aquifers and the relative location in the Central Basin, water supplies developed in this zone can provide the Minimum 100-Year Useful Life.

1812A.04.2 Margin B: An area west of the Central Basin of the Denver Basin, where aquifer elevations are comparable in relation to the Central Basin of the Denver Basin. Water supply availability in this zone may not provide a Minimum 100-Year Useful Life.

1812A.04.3 Margin A: An area west of Margin B of the Denver Basin, which is characterized by the westernmost extent of the Denver Basin. Due to the outcrop of the Denver Basin in this area and the relative elevation of the Denver Basin aquifers compared to the remainder of the Basin, water supplies in this zone may not provide a Minimum 100-Year Useful Life.

1812A.05 Dynamic Analysis: Water supply availability and reliability evaluation required if a land use applicant wishes to use Denver Basin water in Margin A or more than 50 percent of the water supply availability in Margin B, as estimated from the static analysis. This analysis requires the use of a model that accurately simulates the geologic and hydro geologic characteristics of the Denver Basin and how aquifer parameters and water levels will change over time. A dynamic analysis can evaluate long-term water supply availability and reliability because it simulates actual conditions and how they likely will change in the future, rather than assuming constant values for all time, as in the static analysis. This analysis is typically completed using a numerical groundwater model.

1812A.06 Existing District: A special district currently offering water service, organized or validated pursuant to the Special District Act, §32-1-101, et seq., C.R.S., with a service plan or statement of purposes approved by Douglas County prior to August 12, 1998.

1812A.07 Extraterritorial District: A special district currently offering water service, organized or validated pursuant to the Special District Act, §32-1-101, et seq., C.R.S., with a service plan or statement of purposes approved by an entity other than Douglas County. Non-specified governmental and quasi-governmental entities including, but not limited to, municipalities, authorities, and public improvement districts, as well as private water companies, shall be considered Extraterritorial Districts for the purpose of this Section 18A.

1812A.08 Dakota Sandstone Formation: An area of the County that is depicted on the Water Supply - Overlay District Map in the area between the Pike/Rampart and the Denver Basin. This area consists of older sedimentary formations that generally underlie the Denver Basin aquifers but are uplifted to the surface in this area and are characterized by pronounced hogback and red sandstone features. Water supplies obtainable from these older sedimentary formations are quite limited and closely resemble the water availability of Margin Area A of the Denver Basin. Therefore, this area is considered part of Margin Area A

for the purposes of the regulations set forth in the Water Supply - Overlay District.

- 1812A.09 Minimum 100-Year Useful Life: A water supply that will reliably provide water for a minimum time frame of 100 years. The County policy to determine useful life requires a showing from both a static and dynamic basis that a proposed water supply will be viable for a minimum 100-year period. The static analysis would include evaluation of the volume of water that is appropriable for the proposed development. The dynamic analysis would evaluate whether the appropriable water supply is sustainable for 100 years, giving consideration to the location within the Basin, as well as impacts caused by both current and future pumping by others in the Basin.
- 1812A.10 New Special District: A special district offering water service, organized pursuant to the Special District Act, §32-1-101, et seq., C.R.S., with a service plan approved by Douglas County after August 12, 1998.
- 1812A.11 Non-Renewable Water: Water that is not annually recharged through the hydrologic cycle, and development of the water resource relies upon drawing water principally from storage in the aquifer. This is also referred to as a finite water supply.
- 1812A.12 Nonresidential Equivalent: The quantity of water necessary for light industrial or office uses which corresponds to the residential standard of .75 acre-foot per year. The nonresidential equivalent is equal to .75 acre-foot per year required for each 6,695 square feet of building space.
- 1812A.13 Nontributary Water: Waters of the Denver Basin that, when pumped, will not, within 100 years, affect the flow of any natural stream by greater than one-tenth of one percent of the annual pumping volume. This is a non-renewable water supply.
- 1812A.14 Not-Nontributary Water: Waters of the Denver Basin that, when pumped, will, within 100 years, affect the flow of a natural stream by greater than one-tenth of one percent of the annual pumping volume. Because the pumping of not-nontributary water will cause an impact to the surface stream system, an adjudicated plan for augmentation is required prior to the use of not-nontributary groundwater from the Denver Basin aquifers. This is a non-renewable water supply.
- 1812A.15 Pike/Rampart: The western portion of Douglas County that is characterized by the uplifted granitic mountains west of the Dakota Sandstone Formation and the Denver Basin. Water supplies in this zone are primarily through fractures in the granitic and metamorphic rock. While this water is renewable, due to the relatively low permeability of these fractures, water supply availability is relatively limited in the Pike/Rampart.

1812A.16 Renewable Water: Water that is annually recharged through the hydrologic cycle, such as streams, and alluvial aquifers associated with streams so that the water supply is sustainable over time.

1812A.17 Static Analysis: Water supply availability evaluation required for proposed land uses that plan to use Denver Basin water in Margin B or in the Central Basin. This analysis is based on assumed constant values for the land area, aquifer specific yield and aquifer-saturated thickness. Aquifer specific yield and saturated thickness values are obtained from the Denver Basin Rules, promulgated by the Colorado State Engineer's Office, or, when available, from a decree from the Water Court.

Annual water supply availability is calculated by static analysis as: land area available for appropriation X aquifer specific yield X aquifer saturated thickness / 100 years. A static analysis cannot evaluate the long-term reliability of a water supply.

1812A.18 Tributary Water: Water contained within the surface stream systems, or in groundwater that is hydraulically connected to the stream system. Tributary waters are considered waters of the state, are available for appropriation through the Colorado Water Rights System, and are subject to the Colorado System of Water Rights Administration. Tributary Water rights are based on the priority of the rights to the extent that they can be relied upon as a water supply and meet the minimum water supply criteria, herein. This is a renewable water supply.

1812A.19 Water Supply: The legal and physical delivery of water service that is sufficient in terms of quantity, quality, and dependability for proposed development.

1812A.20 Water Supply Plan: Documentation provided to Douglas County in support of a land-use application which details:

- (1) The water demands of the proposed development as specified in 1804A.
- (2) The source(s) of water to be used to meet the development demand.
- (3) The water-supply delivery system, including the structures to be used for the diversion or extraction of the water, the conveyance system, and the required storage facilities.
- (4) Demonstration of the reliability of the water supply, both from a physical and legal supply perspective, and including all losses associated with the delivery and storage system to be used.
- (5) Proof that the water supply is owned and can be used by the applicants for the purposes intended in the application.

- (6) Proof that all necessary decrees, permits, and any other legal requirements are in place that allow the legal use of the water supply.
- (7) The timing of the development demands through the buildout of the project.

1812A.21 Well-Field Analysis: Evaluation required with proposed land-uses that plan to use Denver Basin water in Margin B or the Central Basin, to assess whether a new proposed well field associated with the proposed land use will create water level change impacts such that neighboring wells, either on or off the subject property, will have their ability to produce their water rights impaired. A change in water level at an adjacent well is not, in and of itself, considered to be an impact. This analysis is typically completed using an analytical ground water model.