

The background of the slide is a photograph of a large concrete dam. Water is cascading over the spillways of the dam, creating a white, frothy waterfall effect. The dam is situated in a rugged, mountainous area with steep, rocky slopes. There are several evergreen trees scattered across the slopes, particularly on the left and right sides. The sky is a pale blue with some light, wispy clouds. The overall scene is one of a powerful natural force harnessed by human engineering.

# **Water in Douglas County The Policy/Market Nexus**

**Terence T. Quinn, AICP**



# Water is an Issue

- **Over-appropriation of South Platte Basin**
  - In 2050 supply gap is estimated to be 16,200 acre-feet
- **Denver Basin groundwater**
  - 9,400 domestic wells
  - Town of Castle Rock – 89%
  - Parker W&S – 49%
  - Centennial W&S (Highlands Ranch) – 15%
- **County policies and regulations promote conservation and efficient use of water**



# Water in Douglas County – an Incentive Approach

- Incentives rather than regulations
- County is not a water provider, limited control of providers
- Flexibility in designing a supply
- Be efficient to prolong supply
- Market-driven actions
- Regulation requires staffing and enforcement



# Comprehensive Master Plan Water Supply Goal and Objectives

- Prolong the life of its finite Denver Basin water resources
- Develop renewable water resources and conjunctive use systems
- Ensure residents have an adequate water supply today and in the future

## Goal 7-1 Prolong the life of water resources.

Objective 7-1A Minimize water consumption.

Objective 7-1B Maximize the efficient use of water.

Objective 7-1C Support long-term water supply planning.

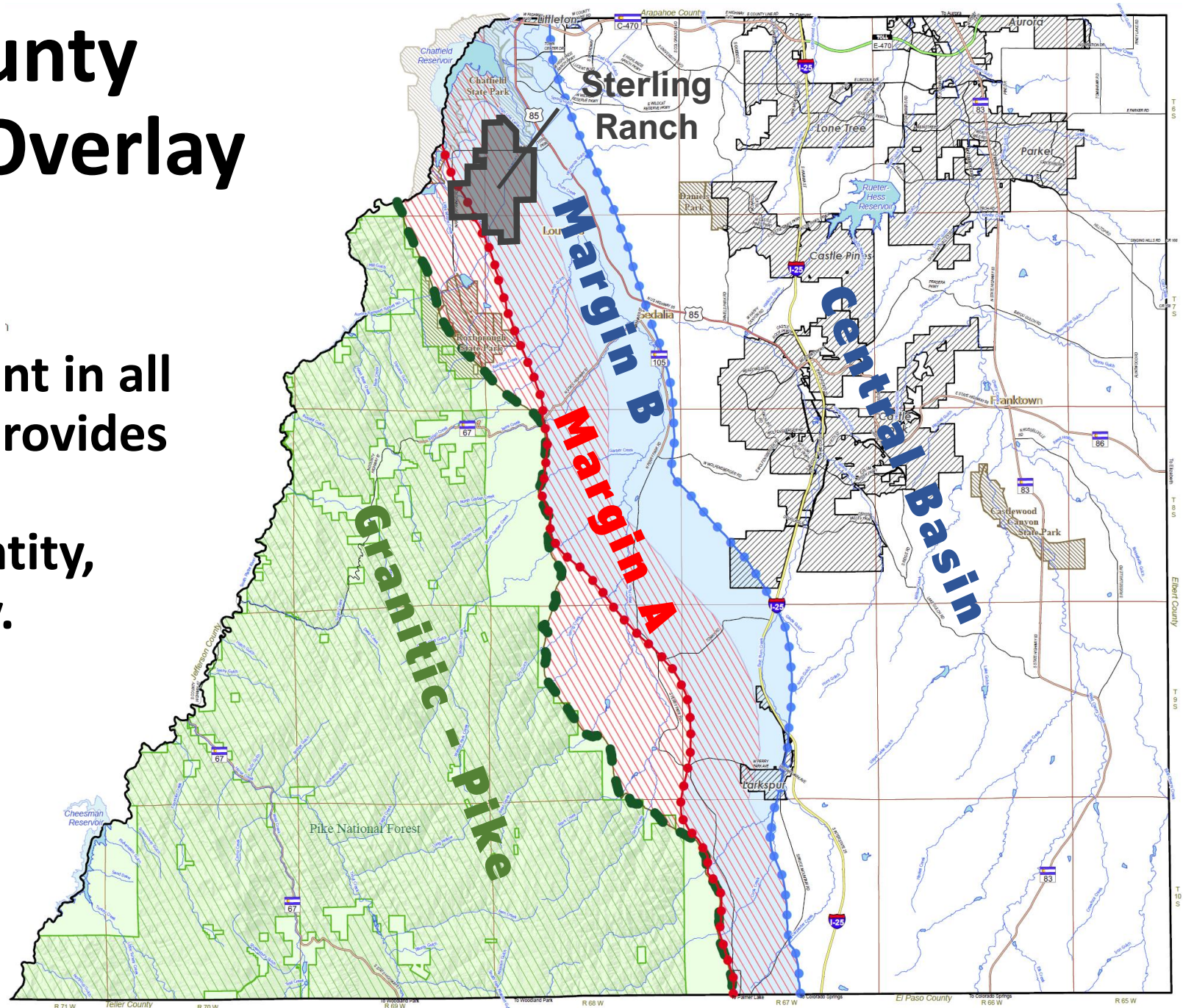
Objective 7-1D Promote public education and awareness about water.



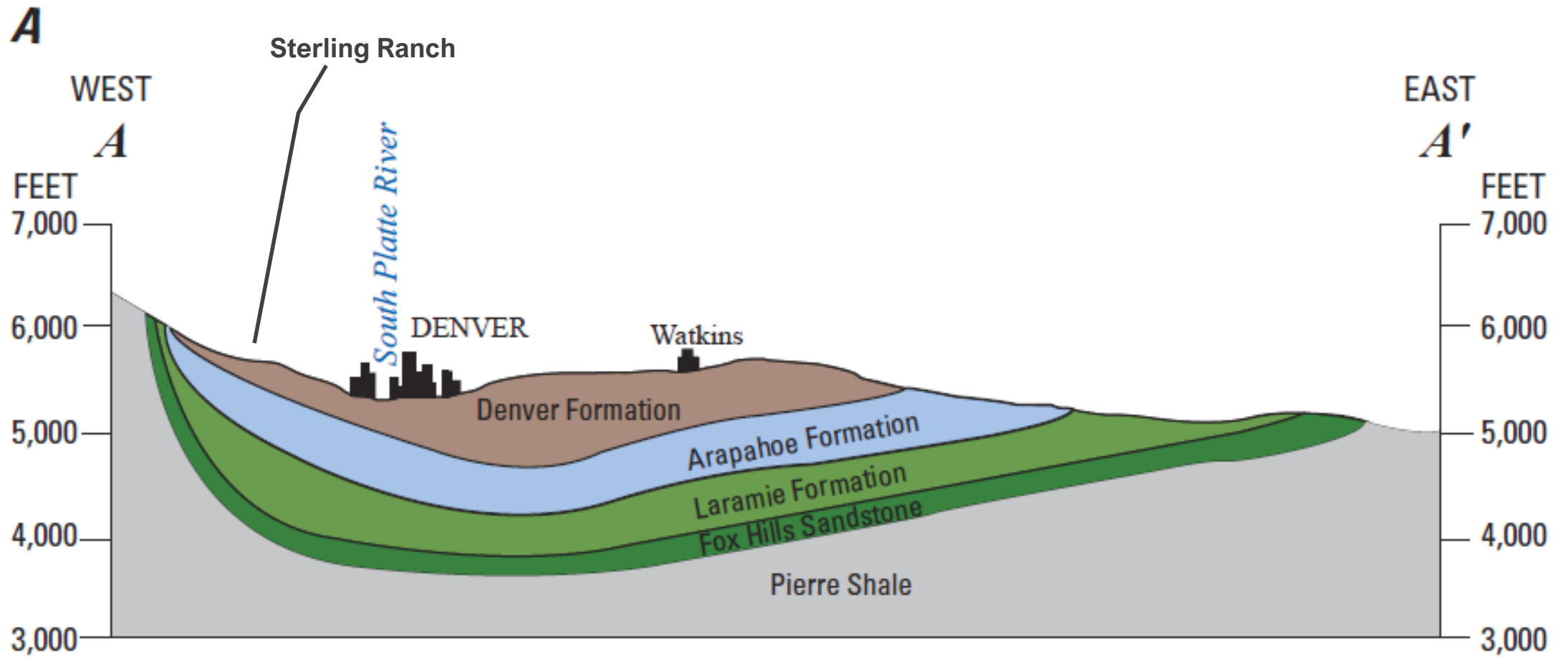
# Douglas County Water Supply Overlay

## Intent

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.]



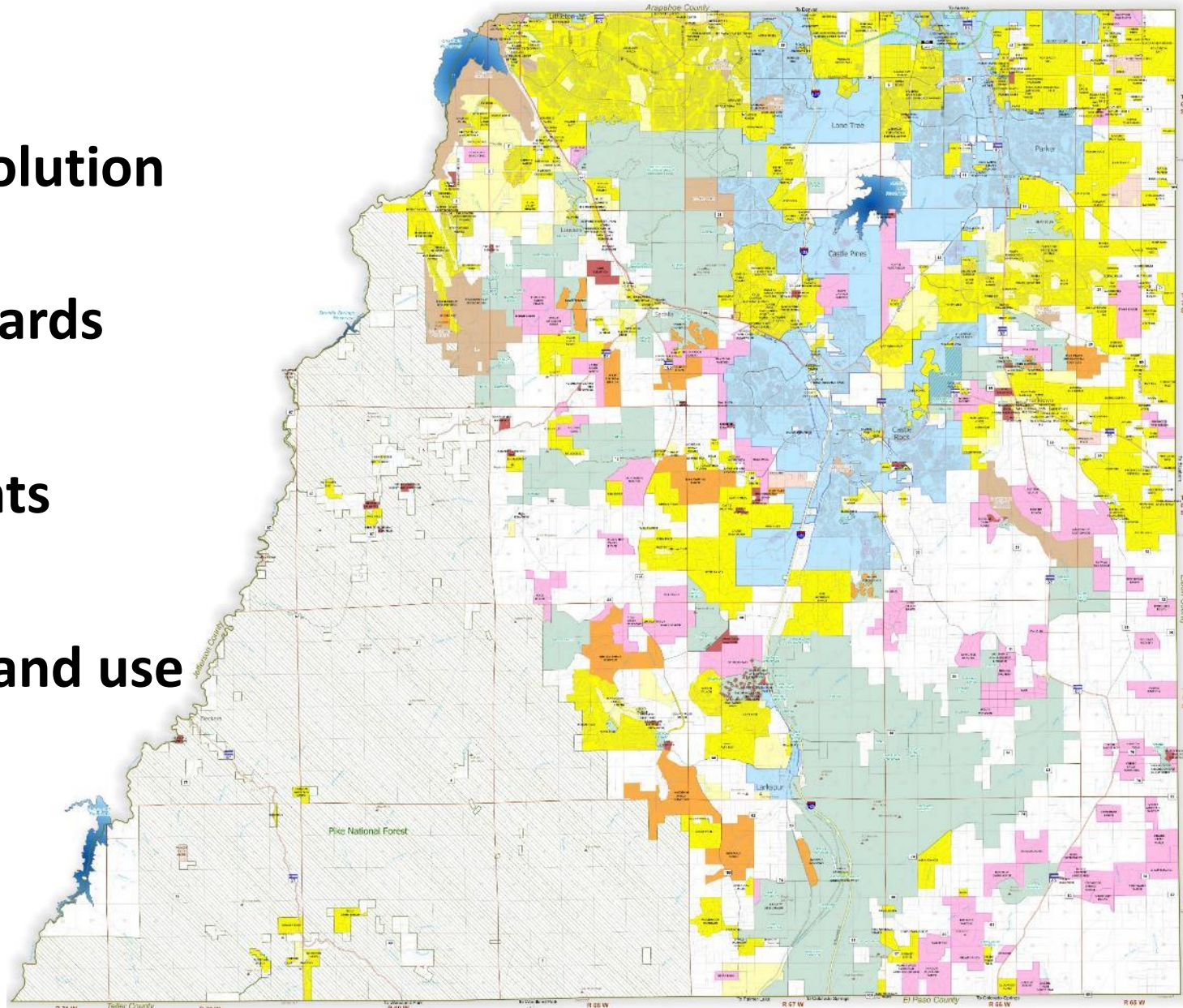
# Denver Basin Aquifers





# Douglas County Water Standards

- Douglas County Zoning Resolution Section 18A
- Presumptive demand standards
- Supply standards
- Documentation requirements
- Appeal provisions
- Generally applicable to all land use applications





# **County Water Appeal Process - DCZR 1808A**

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

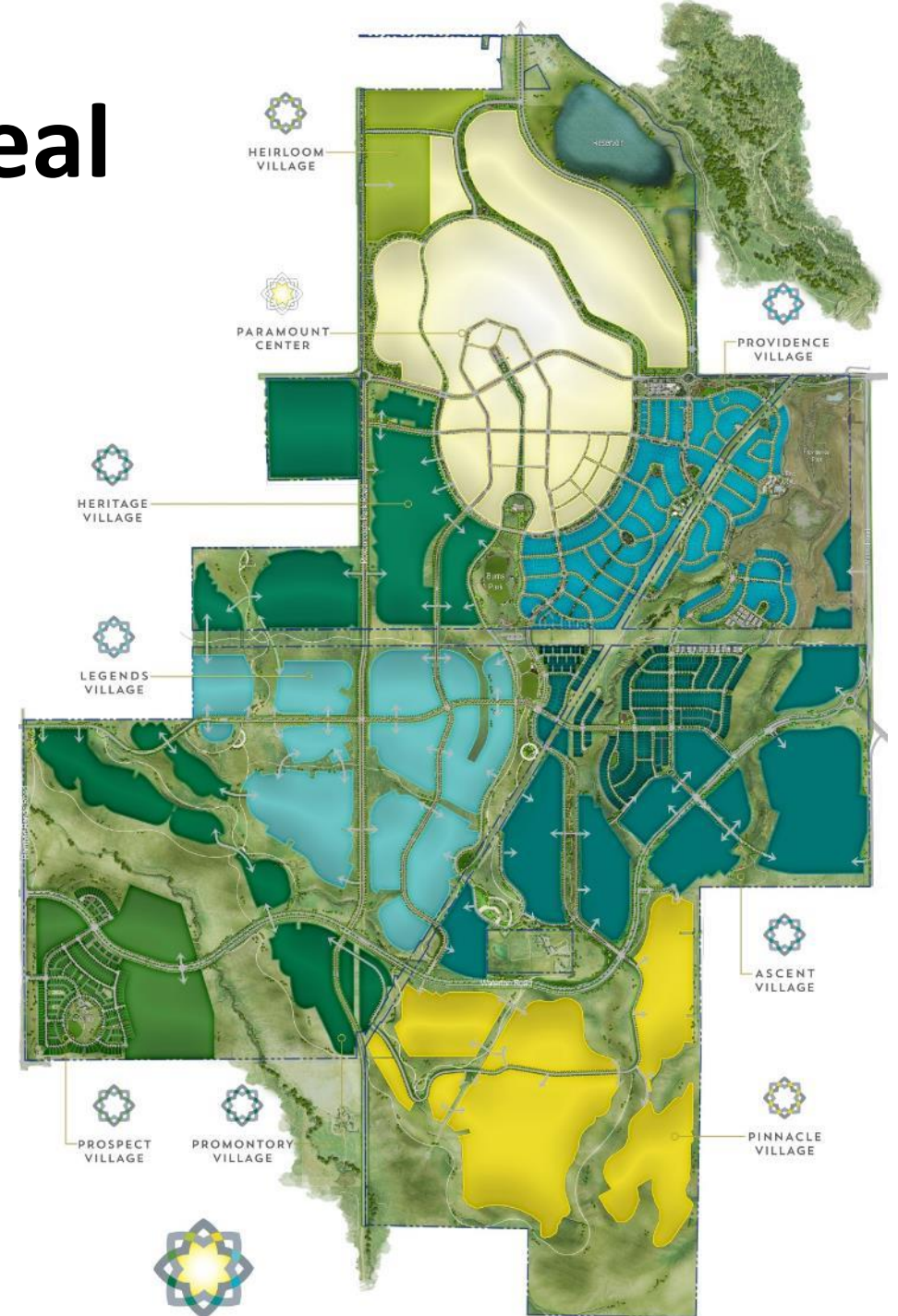
- 1. Not be detrimental to the public health, safety, or welfare of the present or future inhabitants of the County.**
- 2. Provides sufficient supporting data for alternate water standards for:**
  - Water Demand Standards Section 1805A, or**
  - Documentation Standards set forth in Section 1806A.**
- 3. For appeals to the timing of determining the adequacy of the water supply, the stage shall be identified.**



# Sterling Ranch Water Appeal

**Applicant appealed 18A to establish alternative water standards**

- **Development specific demand standards**
- **Conjunctive use supply**
- **Project-specific determinations of adequate water supply**
- **Approved May 2011**
- **County approval appealed by citizen organization**





# Colorado Revised Statutes

- **Development Permit Approval Process (C.R.S § 29-20-301, et. seq.)**
  - Determination of adequacy
  - Only once during the process
  - Local jurisdiction designation of stage at which determination is made
- **“106” Appeal of the rezoning by Chatfield Community Association**
  - Asserted State statute required a determination of adequacy of water supply for the entire project at rezoning (permit)
  - Asserted 18A did not authorize the Board to defer a determination of adequacy to a stage later than rezoning
  - Alleged procedural issues



# District Court Findings

- District Court: Chatfield Community Association, Inc., et. al. v. Board of County Commissioners of Douglas County Case Number 11CV1437
  - Overturned the rezoning in 2012
  - Statutes require adequacy determination at every stage
  - County regulations required adequacy determination at rezoning
  - County lacked authority to defer adequacy determination
  - Court remanded to Board of County Commissioners in 2012



# Response to District Court Decision

- General Assembly amended C.R.S. with SB13-125
- County amended Zoning Resolution
- Rezoning approved on July 2013
- Another appeal was dismissed by courts

District Court: Chatfield Community Association, Inc., et. al. v. Board of County Commissioners of Douglas County. Case Number 11CV1437

Appeals Court: Chatfield Community Association, Inc., et. al. v. Board of County Commissioners of Douglas County, et. al. Case Number 2014CA661



# Cited Court Cases

- District Court appeal of the 2011 approval: *Chatfield Community Association, Inc., et. al. v. Board of County Commissioners of Douglas County.*  
Case Number 11CV1437. Court Order filed August 22, 2012.
- District Court appeal of the 2013 approval: *Chatfield Community Association, Inc., et. al. v. Board of County Commissioners of Douglas County, et. al.*  
Case Number 13CV30329. Court Order filed February 19, 2014.
- Appeals Court case challenging the District Court's ruling in Case Number 13CV30329: *Chatfield Community Association, Inc., et. al. v. Board of County Commissioners of Douglas County, et. al.*  
Case Number 2014CA661. Court Order filed March 12, 2015. Not a “published” case.





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