

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.

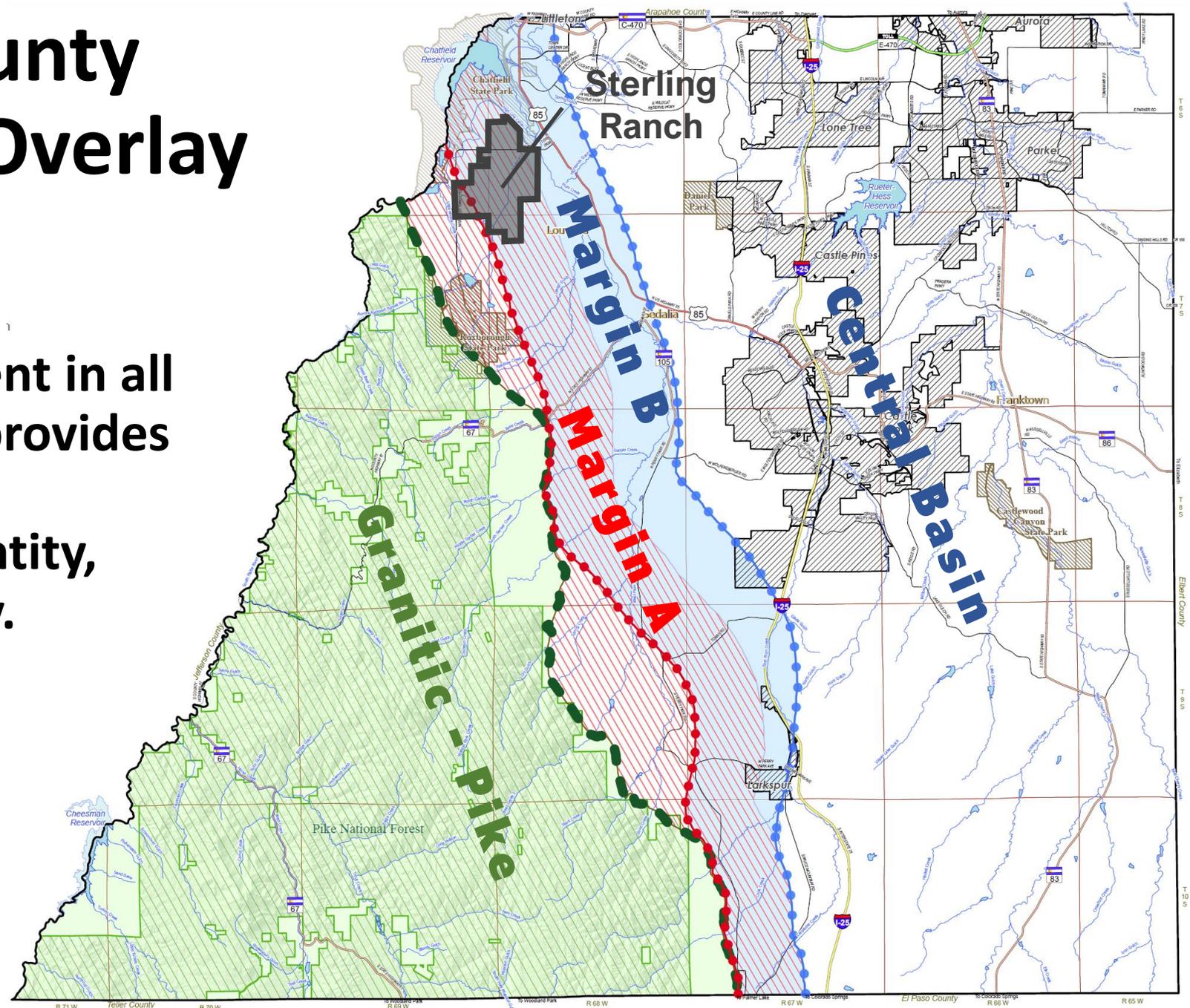
Objective 7-1C Support long-term water supply planning.

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

Douglas County Water Supply Overlay

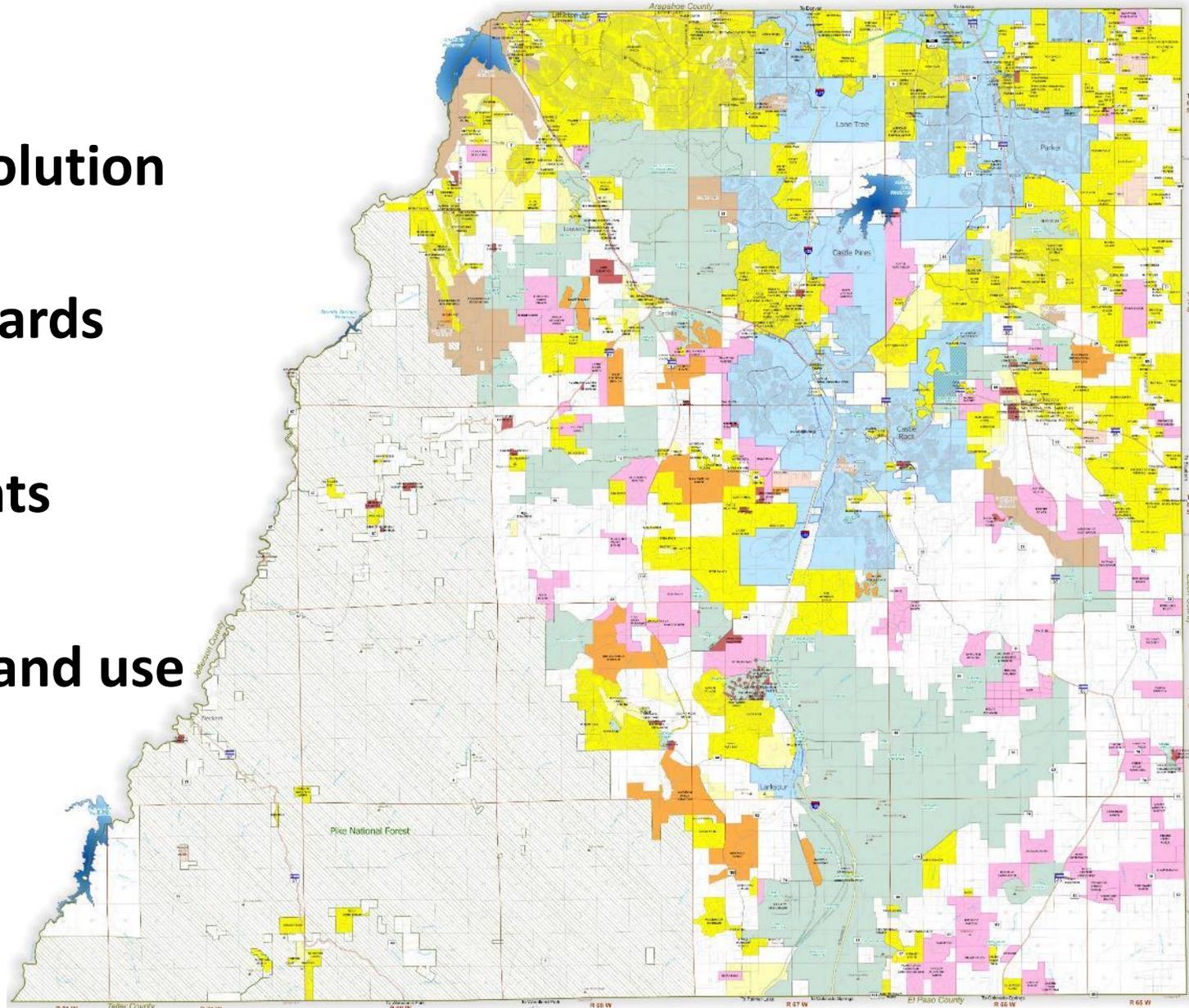
Intent

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.]



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

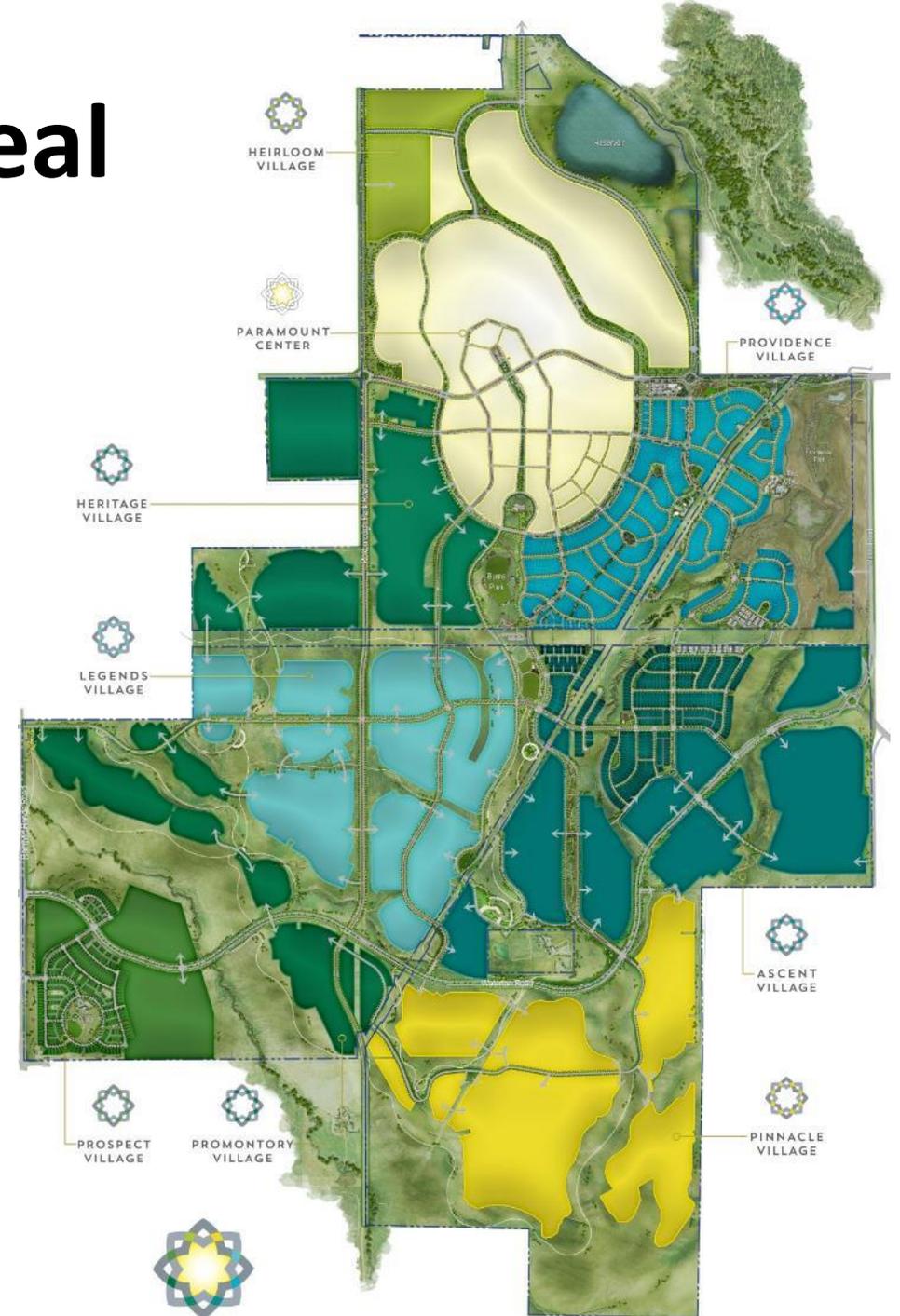
An appeal shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

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**
 - **Overtured 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

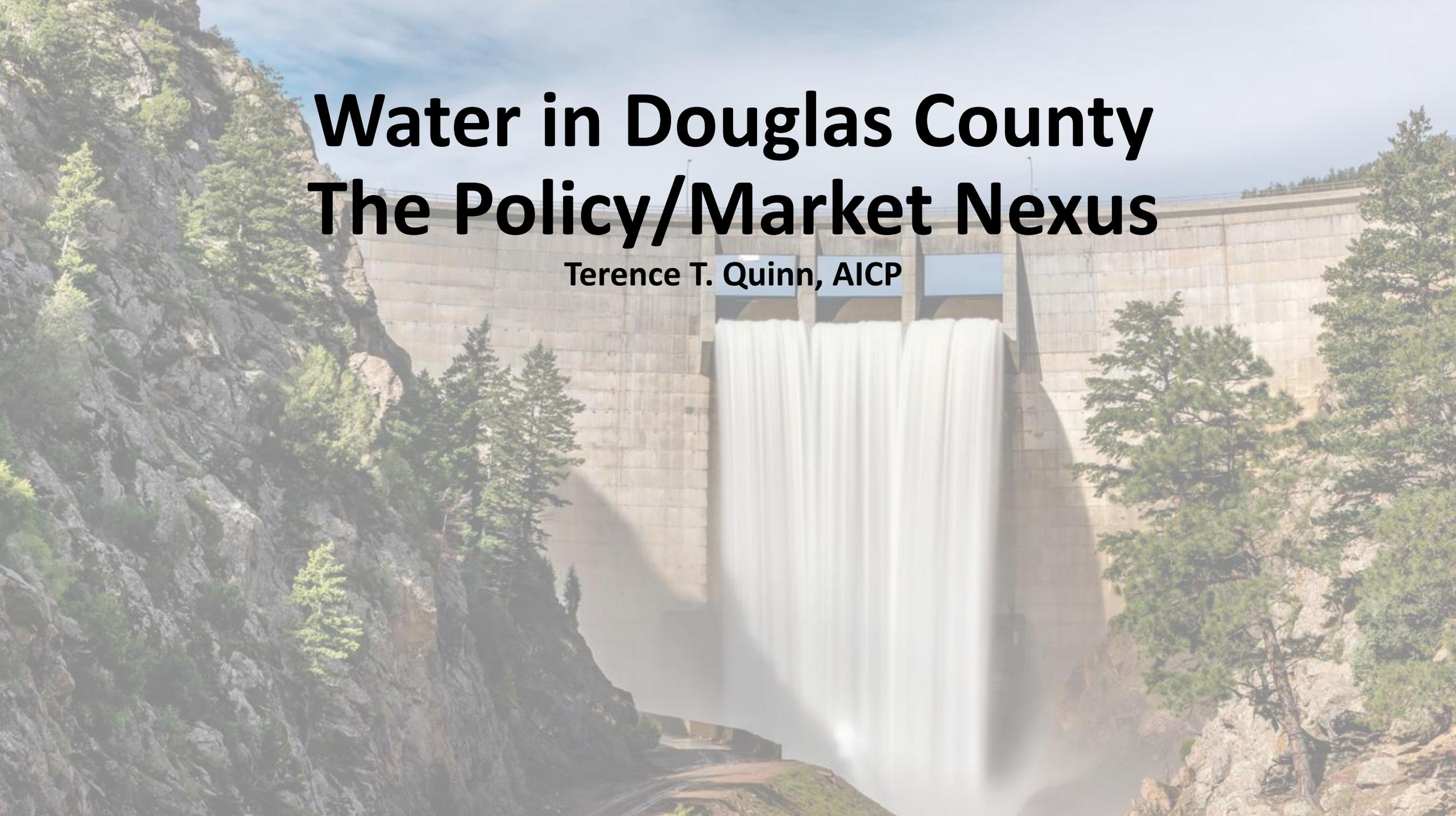
- General Assembly amended C.R.S. with SB13-125
- County amended Zoning Resolution
- Rezoning approved on July 2013
- Another appeal was dismissed by courts

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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