

July 7, 2020

To: Nick Nelson, P&Z Senior Planner

CC: Chris O'Keef, P&Z Director, Dean Santistevan, Div Engineer, Water Division 1, PPNA Board

From: Pleasant Park Neighborhood Association

Subject: Conifer Commons (Case #20-111200RZ) Water Supply Clarification and N. Nelson of July 6, 2020

Nick,

In response to your email of 7/6/2020, I do appreciate the need for a phased approach to detailed designs. My expectations for evaluating a sustainable water source and recharge for a new development during the rezoning process are set from reading the Zoning Resolution, Mountain Ground Water Overlay District *rezoning* paragraph, the Land Development Regulation Section 21, the Comprehensive Master Plan and the Conifer /285 Corridor Area Community Plan. The **timing** of documenting the adequacy and sustainability of the water source(s) and recharge relative to the **Rezoning** process for high density development is the point of my letter of July 3, 2020.



This is the sign currently posted on the Conifer Corners property sharing a border with the Conifer Commons parcel. The Conifer Corners Case (#05-146289RZ) side-stepped the proof of water “until platting”. That was 13-15 years ago. The water availability and sustainability has not been documented and the recharge design has not been reviewed. The rezone is complete. The Zoning Resolution current at the time of the Conifer Corners hearings is shown below:

Proof of Water

Zoning Resolution

SECTION 1: ADMINISTRATIVE PROVISIONS

(orig. 5-6-46)

A. Purpose

In pursuance of the authority conferred by Chapter 92, Session Laws of Colorado, 1939, this Zoning Resolution is enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Jefferson County by lessening the congestion in streets or roads, securing safety from fire and other dangers, providing light and air, avoiding undue congestion of population, facilitating the adequate provision of transportation, water, sewage, schools and other public requirements, securing protection of the tax base, and by other means in accordance with a Comprehensive Plan. (orig. 5-6-46)

I. Submittal Requirements

1. Pre-application Submittal: A minimum of ten (10) copies of all submittal requirements must be provided at the time of submittal for the Pre-application Process, unless otherwise specified by the Planning and Zoning Division. (orig. 10-25-05)
 2. Application Submittal: The Case Manager will identify the required submittal items and the number of copies necessary for application submittal. (orig. 10-25-05)
 3. All submittal requirements must be collated/packaged by the applicant. (orig. 10-25-05)
 4. Additional copies of submittal items will be required during the process and prior to public hearings. The Case Manager will identify these items and the necessary quantity. (orig. 10-25-05)
 5. The following Table shows the documents or items that shall/may be submitted. (orig. 10-25-05)
- SR Submittal Requirement: Required at the time of application submittal.

Water Supply Proof SR for Rezoning

Wastewater Collection Proof SR for Rezoning

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17. Water Supply Proof: One or more of the following documents to demonstrate a legal and adequate water supply: (orig. 2-22-00; am. 12-17-02; am. 10-25-05)

- a. A written statement from the appropriate water district verifying that all necessary water taps are available; or (orig. 12-17-02)
- b. Documentation that shows the water source is adequate and available for the proposed use. (orig. 12-17-02)

c. For Site Development Plans, evidence in compliance with the requirements of the Land Development Regulation. (orig. 7-23-02; am. 10-25-05)

18. Wastewater Collection Proof: One or more of the following documents to demonstrate availability of sewage disposal: (orig. 2-22-00; am. 10-25-05)

- a. A written statement from the appropriate sanitation district, verifying that all necessary taps are available or have been issued; (orig. 2-22-00)
- b. A written statement from the Jefferson County Department of Health and Environment indicating the viability of obtaining individual sewer disposal system permit(s). (orig. 2-22-00; am. 12-17-02; am. 10-25-05)

The hydrologic data was not provided at the time of rezoning. Water is an important issue for high density development in a well-based community. (I have the well test results that did exist at the time.) Water was side-stepped in that rezone case.

For Conifer Commons (Case #20-111200RZ), the LDR and Zoning Resolution have been revised over the past 13 years, but I believe the same language and intent relative to water and recharge exist. I will repeat from the July 3, 2020 correspondence:

The Jefferson County Zoning Resolution established the Mountain Ground Water Overlay District in 2007. The Intent and Purpose is “to promote the public health, safety and general welfare of the citizens of Jefferson County by regulating land uses in order to maintain ground water resources. This District was established to address water resources in the fractured rock environment.” These are great words. Quoting again from the **Rezoning** paragraph:

Demonstrate compliance with the Intent and Purpose of this District by providing well water supply information in accordance with the Water Supply Section of the Land Development Regulation. If an alternative water source is proposed, detailed plans shall be submitted for review. **The Plans shall contain the information necessary to determine if the proposed source is a viable sustainable water source.**

Nick, I do understand your response that the plans refer to an alternative water source and I realize that CMD is a Public Water System. My point is that CMD cannot currently supply an additional 33,000 GPD with their Wells #1-5 and the current capacity of 25,000GPD of CMD’s exfiltration gallery cannot support the additional new demand of 33,000GPD effluent. The “new construction” referred to in the Extraterritorial agreement to support the new demand is the alternate source. This “new construction” represents a new centralized system larger than either APMD, CMD or CWA. Regardless of who owns the new construction or who staffs the new construction, it is a new centralized water system. I think the purpose and intent of the Mountain Ground Water Overlay District rezoning paragraph is to determine (at rezoning) that this new system is a viable and sustainable source for the development in our fractured rock environment. Just pointing to CMD does not meet the intent and does not locate the wells or the recharge facilities.

Let’s not side-step the water and recharge issues for Conifer Commons (Case #20-111200RZ) due to an Extraterritorial Agreement or platting promise. Planning and Zoning should require an analysis of the water system sustainability based on hydrologic data during the **rezone** process. Making that information available during the referrals would be logical.