



Douglas County Board of County Commissioners

Minutes of the Meeting of the Rural Water Authority of Douglas County

Wednesday, May 27, 2009

The Rural Water Authority met in the Philip S. Miller Building, 100 Third Street, Castle Rock, Colorado.

Present

Steven A. Boand, Commissioner
Gary Cammarata
Barry Gager
Anita Littlewolf
Jack McCormick
Charlotte Mirabella
Mike Owsiany
Priscilla Queen
Joseph Rottman
Geoff Withers

Douglas County Staff

Steve Koster-Long Range Planning Manager
Tim Murrell – Water Resource Planner
Judy Hammer-Planning Technician

Call to Order

The Rural Water Authority meeting was called to order at 7:00 pm. The April 22, 2009, minutes were reviewed and unanimously approved.

Rural Framework Committee

Commissioner Boand briefly reviewed the process and intent of the 25 member Rural Framework Committee and noted that two members of the Authority will serve on this committee: Charlotte Mirabella and Geoff Withers. The purpose of the committee is to evaluate the County's rural land use policies and regulations in order to draft recommended changes to the zoning and subdivision regulations and make recommendations for changes to the 2030 Comprehensive Master Plan as they apply to non-urban subareas and rural communities of Douglas County. He encouraged those who are interested to attend.

Rural Utility Service Recap

Tim Murrell reviewed the USDA Rural Development loan process and the benefits of the program. He noted the program is intended for rural populations under 10,000 and that the government allocated \$12 million in loans and \$3 million in grants for water delivery improvements. Loans and grants are awarded on a first come first serve basis and the interest rates are similar to a commercial loan. As part of the completed application

packet the USDA also requires preliminary engineering and an environmental assessment. Tim noted he has additional information for anyone who is interested. Commissioner Board stressed that the loans and grants are for governmental entities and noted a public improvement district would administer the funds.

By-Laws Committee Report

Geoff Withers quickly highlighted some of the processes in the draft bylaws and stated that the bylaws address: the methods to elect directors; distinctions between small water providers and corporate water providers; and the mechanism for participation on the Authority. Geoff noted the draft bylaws do not allow for alternate positions, due to possible legal issues; however, de facto members are encouraged to provide continuity and to train and groom others to hold the position once a member's term has expired. The Authority discussed the pros and cons of voting by proxy or having alternates. Commissioner Board reviewed additional content that will need to be added into the bylaws: the ability to call special board meetings; identifying the version of Robert's Rules of Order that the Authority will adhere to; and a statement that ensures that the bylaws comply with the creation agreement.

The Authority tabled the draft bylaw discussion until the June meeting. Commissioner Board noted the County Attorney will review the final version once it is completed to ensure that it does not conflict with the creation agreement and State statutes.

Section 18A

Steve Koster, Long Range Planning Manager, reviewed Section 18A of the Douglas County Zoning Resolution, which establishes water supply standards for new development and new special districts. He noted the intent of Section 18A is to ensure that new development can provide sufficient water in terms of quantity, quality and dependability. Section 18A was adopted by the Board of County Commissioners (BCC) in 1999 in response to State statutes that require counties to review water supply and demand for new development. Steve reviewed the water demand standards that a developer/builder must meet for each zoning district within each of the four water supply zones: Pike/Rampart; Margins A & B; and the Central Basin. He noted Section 18A does not restrict use of any of the four aquifers in the Denver Basin; however, a developer/builder must provide documentation that there is adequate water supply to meet the demand, which includes an augmentation plan. In addition, if the landowner is proposing to pump water from the Denver Basin Aquifers, then they must demonstrate to the BCC that they own all of the water below the property. If they don't own all of the water, then they must go through the appeal process to demonstrate that they have enough water for the proposed development. Steve noted that water supply requirements were revised to allow for water in aquifers that underlie open space to be exported to other areas; this makes it easier to negotiate with developers for more open space.

Steve noted Section 18A regulations have an appeal process in which the applicant can appeal the demand or supply standards, or both during hearings before the Planning

Commission and the BCC. This requires that the applicant demonstrate that they have a sufficient water supply by alternate means. For example, the Solitude Water District appealed some of the requirements of Section 18A through a request to reserve only the amount of water under the regions that were slated for development; not the open space that was reserved in the subdivision.

Steve noted that in 2005, the County's water consultant, Bruce Lytle, reviewed the study that was originally used to determine the boundaries of the water supply zones. Mr. Lytle's report found that the delineated boundaries were justifiable due to the high pumping and low recharge rates in these areas. Lytle also determined that existing conditions do not warrant adjusting the boundaries. Steve reiterated that Section 18A requires 100% renewable water supply in Margins A and B.

Members of the Authority expressed concern about water being pumped from the aquifers and exported out of the County and suggested that some type of regulatory mechanism be put in place to monitor the impacts. Steve noted studies have not been conducted to determine the impacts of exporting water.

Steve briefly reviewed various water districts in Douglas County, including Centennial Water and Sanitation and Parker Water and Sanitation that are exempt from Section 18A review; principally, these are water providers who were established prior to the adoption of this regulation. He noted, one district that was created after the adoption of Section 18A, Ravenna Metro District, was able to circumvent the regulations, because they entered into a partnership with an extraterritorial water district (outside of the County and approved by other municipalities). There was a loophole in 18A that allowed for this type of partnership, thereby circumvention; this loophole has since been closed.

Steve noted Sterling Ranch has not submitted an appeal to Section 18A yet. The land use regulations do not require the applicant to apply for an appeal before they begin the rezoning process. The applicant is not required to submit an appeal before they submit an application for rezoning. It is necessary for the appeal to be filed concurrently with the Planning Commission and BCC review of the applicant's rezoning request.

Steve encouraged the Authority to work with the community and other boards and committees within the County, to determine a community-wide definition of sustainable water supply. He postulated the question as to whether or not it is economically, environmentally and socially sustainable to export water. The Authority discussed some possible sustainable definitions.

Commissioner Board noted the Colorado Division of Water Resources monitors some wells in the County. The County does not have the authority to stop citizens/developers from drilling wells; however, they can review the proposed use to determine if the supply will meet the demand.

Charlotte moved to form a committee to study and provide recommendations on Section 18A and allow non-director membership; the motions carried. Joe Rottman, Geoff Withers and several citizens attending the Authority meeting volunteered to be on the committee. Commissioner Board stated additional members from the Framework are also interested in reviewing Section 18A. Charlotte noted they will provide updates to the Authority on a monthly basis until the Framework Committee has convened.

Tim noted he will prepare responses to the questions that the Authority submitted to Commissioner Board about Section 18A and forward them to the Authority. He will also provide the Section 18A study committee with copies of the background documentation for Section 18A and the 2030 Comprehensive Master Plan water supply section.

2009 Budget

Commissioner Board noted that at this time all expenses have been paid from the Douglas County budget. He suggested that the Authority establish a budget during the September meeting and noted the 2010 budget should include membership fees.

Calendar Update

Tim asked for additions to the Authority's calendar and noted he will make revisions as per the Authority's request. Tim made note of the requested additions.

Other Items

Wendy Holmes, Public Relations Director, reviewed a plan to record video "B rolls" in order to begin creating a video that will be streamed on the Rural Water Authority website; this will give information to the public about the role of the Authority. She noted Public Relations will work with the Authority to ensure that they approve of the video before it is posted on their website, and asked the Authority if DC8 can begin filming the "B rolls" during the June meeting. The Authority agreed and noted they still have not voted for officers of the Authority.

The Authority discussed adding a separate heading on future agendas for citizen comment and decided to allow for public comment after each topic.

Commissioner Board noted that during the June meeting they will discuss services of the Authority and the Authority's public outreach program. He introduced the County's Intern, Travis Beach, who will provide public outreach recommendations to the Authority.

Adjournment

There being no further business, Commissioner Board adjourned the meeting at 9:26 p.m.