



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL
FROM: JEFF GOBLE, PUBLIC WORKS DIRECTOR
CHRIS MCGINNIS, TOWN ENGINEER
RE: LAKE HILL EXTRA-TERRITORIAL WATER SERVICE APPLICATION
DATE: OCTOBER 24, 2023

Summary and Background:

On July 13, 2023, the Town received an Extra-Territorial Water Application from Summit County for the Lake Hill Housing project. The request is for 440.8 EQR's. The application indicates a phase II that could require an additional 384.2 EQR's, but this application is only for 440.8 EQR's. Included with the application were payment of the appropriate fees, a project narrative, and a drawing indicating how the proposed development would use the property.

Town staff and legal counsel met on July 25, 2023, to discuss the application and formulate a response to the County requesting more information. A formal response from the Town was sent to the County on July 31, 2023. The County responded to the Town's comments and questions on August 16, 2023. No additional follow-up has occurred since the August 16, 2023, response, as both parties agreed that the next course of action should be a work session with the Council and the County. All documents related to this application are included with this memo.

During the October 10, 2023, work session, Summit County staff presented their water request to the Town Council for extra-territorial water taps for the proposed Lake Hill housing project. The County staff and consultants fielded questions and comments from the Council and helped Town staff understand the areas of concern that the Town Council was indicating.

At the October 24, 2023, work session, Town staff will further discuss the application with the Council and start discussing the details of the application that will inform the development of an agreement with Summit County for the Town Council to consider in response to this application.

Analysis:

Recently, Ordinance 23-05 was approved, which modified Chapter 171 of the Town code by adding an application process for Extra-Territorial water taps. The new process requires prospective water users outside the Town of Frisco to submit a written application, dedicate water rights, submit a written will-serve letter from Frisco Sanitation District, and other conditions per the ordinance. Town Council will then grant denial or approval with conditions based on the "best interest of Town residents". In addition, the ordinance states that the

Council will consider whether the request will result in detrimental secondary impacts to Town or its residents. If Council approves a request, the applicant is required to meet all conditions, dedicate water rights, pay all fees and reimbursements, and execute the Extra-Territorial Tap Contract.

It is the Manager's intent for staff to brief the Council on their initial analysis of the water application including water provision, site use, and elements of the proposal. Staff will also brief Council on potential mitigation conditions including ped/bike connections, transportation impacts, sewer service, phase I/phase II timing, mobility provisions and any other subjects that are involved in the application or project. This analysis and review with Council is intended to highlight what areas of the application are adequate and what possible conditions of approval that the Council might consider including in future consideration of the application. This discussion will also help staff understand other areas where we might need more information or other areas of consideration that the Council might want staff analysis. In addition, next steps in processing this application will be discussed.

Financial Impact:

Any financial impact to the Town has not yet been quantified.

Alignment with Strategic Plan:

The ET process and provision of water under the ordinance follows the Quality Core Services strategic goal in protecting the Towns water sources. As well, provision of water under this process and for this project would support our Inclusivity goals and Thriving Economy goals by providing water to a workforce housing project that would house workforce that are employed at businesses and services in Frisco. The Council also has an opportunity through this application process to mitigate concerns that could result in detrimental secondary impacts to Town or our residents.

Environmental Sustainability:

This item aligns with the Council's environmental sustainability goals in that if approved, the County will dedicate water rights that can be released upstream of Frisco which may help maintain healthy stream flows for riparian and aquatic flora and fauna. The County is also proposing net zero buildings and low water use landscaping in their building proposal.

Staff Recommendation:

Staff recommends that the Council listen to the staff's analysis of this application and discuss or ask questions about all the areas of water provision, mitigation, and any other subjects that are important to the future processing and analysis of this application. It is also recommended that a discussion of next steps and expectations of timing of considering a decision on the application be discussed with staff.

Reviews and Approvals: This report has been reviewed and approved by:
Tom Fisher, Town Manager
Diane McBride, Assistant Town Manager

Leslie Edwards, Finance Director
Chris McGinnis, Town Engineer
Thad Renaud, Town Attorney

Attachments:

Attachment 1: Extra-Territorial Water Service Application

Attachment 2: Project Narrative

Attachment 3: Project Sketch

Attachment 4: Letter to County w/ County's response

Attachment 5: County's Work Session Presentation

All other documents that have been provided by the County – what are these documents?