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MEMORANDUM

To: Board of County Commissioners
From: Keely Ambrose, Deputy County Attorney
Date: March 7, 2023
Re: Proposed Changes to Water Supply Contract Policy

Background:

Over the course of several work sessions, beginning with a discussion rooted in STRs in the fall of 2022 and extending into early 2023 with a broader scope, staff and the BOCC have discussed the various pros and cons of hot tubs in private homes utilizing well water. As related by the Office of the State Engineer, wells that are “exempt” from state permitting requirements and monitoring do not allow for uses such as hot tubs that are in addition to the “indoor use only” allowances that exempt wells are allocated. Single family homes and other residential units that utilize well water must re-permit their wells if they would like to add a hot tub or other use not covered by “indoor use only.” These re-permitted wells utilize augmentation water, which can be purchased from a variety of sources.

Summit County maintains a water augmentation program, which has historically allowed for purchase of water for hot tubs or, in limited cases, water features such as a pond. While water augmentation for hot tubs forms a relatively small percentage of the uses that Summit County’s water is put to, given all of the recent and well documented state-wide and national concerns around drought, water supply, and the mountain west, it seemed an appropriate time to reconsider the Water Supply Contract Policy.

The BOCC has declared that fighting and addressing climate change is a major goal of the County and the adopted Climate Action Plan contains numerous action items related to reducing emissions and overall energy usage. Hot tubs, like other desirable amenities such as heated walkways and driveways, use a significant amount of extra energy as well as extra water in order to provide the benefits they are known for. One study by the Davis Energy Group and Energy Solutions, done for the city of San Francisco in 2004, concludes that hot tubs, also known as spas, are generally the largest electrical consumer in the average home.

In addition, the BOCC has heard anecdotal evidence regarding the frequency of refills for hot tubs in Summit County, given the high visitor turnover rates and number of second homes, and the amount of water actually utilized by hot tubs using Summit County’s augmentation water may not be in accordance with the amount of water calculated as part of the augmentation plan’s baseline assumptions.

Therefore, in light of all of the above, Staff recommends that the BOCC change Summit County’s Water Supply Contract Policy to no longer sell water for hot tubs, and to specify that

outside uses such as ponds will only be allowed to purchase water when such use is in conjunction with a permitted ecological conservation project or use. This had been the original intent of the policy but the proposed revised language will make it more clear.

Homeowners utilizing well water in Summit County will still have other options if they wish to pursue having a hot tub or spa. Vidler Water Company will still sell water for hot tubs, and water can be purchased from outside the County and trucked in as well.

Staff believes that approving the changes to the Water Supply Contract Policy will result in a more environmentally responsible administration of the augmentation plan and is in line with the County efforts to reduce emissions and overall energy consumption.