



## Legislation Details (With Text)

**File #:** 22-757      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Mayor's Office

**File created:** 11/14/2022      **In control:** City Council

**On agenda:** 12/13/2022      **Final action:** 12/13/2022

**Title:** A Resolution to Amend Resolution No. 202- 22 eliminating the Sand Creek Drainage Basin Drainage Fee for the portion of the Sand Creek Drainage Basin within Banning Lewis Ranch

**Presenter:**  
Richard Mulledy, P.E., Enterprise Manager  
Travis Easton, P.E., Public Works Director

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Resolution - Basin Closure, 2. Exhibit B - Memo Basin Closure, 3. Staff Memo DRAFT 11-4-22\_RG edits, 4. SandCreekBLR\_BasinClosureRES-2022-11-14, 5. Signed Resolution No. 223-22, 6. Receipt 212258\_Sandcreek

Date	Ver.	Action By	Action	Result
12/13/2022	1	City Council	adopted	Pass
11/21/2022	1	Council Work Session	referred	

A Resolution to Amend Resolution No. 202- 22 eliminating the Sand Creek Drainage Basin Drainage Fee for the portion of the Sand Creek Drainage Basin within Banning Lewis Ranch

**Presenter:**

Richard Mulledy, P.E., Enterprise Manager  
Travis Easton, P.E., Public Works Director

**Summary:**

At its October 11, 2022 meeting, the City of Colorado Springs / El Paso County Drainage Board approved closing the Banning Lewis Ranch portion of the Sand Creek Drainage Basin conditioned upon the payment of existing unpaid fees in the amount of \$895,019. The October 11, 2022 Drainage Board Agenda Item is attached as Exhibit B.

**Background:**

The authorization and administration of the Drainage Basin fee program is described in the City of Colorado Springs City Code, Chapter 7, Planning, Development and Building, Article 7, Subdivision Regulations, Part 9, Subdivision Drainage Facilities; the Drainage Criteria Manual, and the Engineering Criteria Manual.

The closing of the Banning Lewis Ranch portion of the Sand Creek Drainage Basin would exempt future developers from paying the per acre drainage fee and erase the developer’s credits within the Banning Lewis Ranch portion of Sand Creek Drainage Basin (if any). The developer will be required

to construct the necessary drainage facilities within the closed basin, in accordance with the approved DBPS, with no opportunity for reimbursement.

This item supports the City's strategic goal relating to investing in infrastructure. Drainage infrastructure is vital to ensure the City's ability to protect its citizens and downstream neighbors from potential damage due to stormwater.

**Previous Council Action:**

The current Sand Creek Drainage Basin Planning Study ("2021 DBPS") set the Drainage Basin Fee based on the unplatted acreage and the facilities required. On March 9, 2021 City Council adopted Resolution No. 33-21 approving the modification of the Sand Creek Basin Fees, and on November 22, 2022 City Council adopted Resolution No. 202-22 approving the 2023 Drainage, Bridge and Pond Fees effective January 1, 2023.

**Financial Implications:**

Drainage, bridge and detention pond fees are paid by developers and are used to reimburse other developers who construct drainage improvements that cost more than their fee obligation. There are no financial implications to the City.

**City Council Appointed Board/Commission/Committee Recommendation:**

The City of Colorado Springs / El Paso County Drainage Board approved closing the Banning Lewis Ranch portion of the Sand Creek Drainage Basin conditioned with the payment of the unpaid fees at its October 11, 2022 meeting.

**Stakeholder Process:**

At its October 11, 2022 meeting, the City of Colorado Springs / El Paso County Drainage Board approved closing the Banning Lewis Ranch portion of the Sand Creek Drainage Basin and eliminating the drainage fee. The Board agendas are published and posted in advance for those interested in attending meetings. There were no comments either for or against by attendees.

**Alternatives:**

Approve or disapprove the closure of the Banning Lewis Ranch portion of the Sand Creek Basin Drainage for drainage fees only.

**Proposed Motion:**

Move to approve the resolution amending Resolution No. \_\_\_\_ - 22 eliminating the Sand creek Drainage Basin drainage fee for the portion of the Sand Creek Drainage Basin within Banning Lewis Ranch.

A Resolution to Amend Resolution No. \_\_\_\_ - 22 eliminating the Sand Creek Drainage Basin Drainage Fee for the portion of the Sand Creek Drainage Basin within Banning Lewis Ranch.