



## Legislation Text

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**File #:** 18-0364, **Version:** 2

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### A Resolution Closing the Wolf Ranch Portion of the Cottonwood Creek Drainage Basin

**Presenter:**

Travis Easton, P.E., Public Works Director  
Brian Kelley, P.E., Stormwater Capital Programs Manager

**Summary:**

At its May 3, 2018 meeting, the City of Colorado Springs / El Paso County Drainage Board approved closing the Wolf Ranch portion of the Cottonwood Creek Drainage Basin for drainage fees only. The May 3, 2018 Drainage Board Agenda is attached as Exhibit A, and the Drainage Board Meeting Summary is attached as Exhibit B.

**Previous Council Action:**

The current Cottonwood Creek Drainage Basin Planning Study ("2000 DBPS") was approved by City Council on July 11, 2000 by Resolution No. 104-00 which set the Drainage Basin Fee based on the unplatted acreage and the facilities required. On December 12, 2017 City Council adopted Resolution No. 157-17 approving the 2018 Drainage, Bridge and Pond Fees effective January 1, 2018 (2018 Drainage, Bridge and Pond Fees attached as Exhibit C).

**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 Wolf Ranch Development portion of the Cottonwood Creek Drainage Basin would exempt the developer from paying the per acre drainage fee and erase the developer's credits within the Wolf Ranch portion of Cottonwood Creek Drainage Basin. The developer would be required to construct the necessary drainage facilities within the Wolf Ranch Development with no opportunity for reimbursement, and the developer would still be required to pay the Cottonwood Creek Drainage Basin Bridge Fee. The Wolf Ranch Development Area is described on Exhibit D. The revised 2018 Drainage, Bridge and Pond Fee Schedule is attached as Exhibit E.

There was a previous request to close this portion of the basin in 2006 by Wolf Ranch, LLC. After City Council declined to close the basin, Wolf Ranch, LLC challenged the City's policy for assessing drainage fees as a violation of the Regulatory Impairment of Property Rights Act (the "Act"). In 2008, the Colorado Court of Appeals ruled that the Act was not triggered through the City's imposition of drainage fees and upheld the City's policy. Nothing stemming from that court decision prevents the Council from now closing the basin.

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

**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 City financial implications.

**Board/Commission Recommendation:**

The City of Colorado Springs / El Paso County Drainage Board approved closing the Wolf Ranch portion of the Cottonwood Creek Drainage Basin, as to the drainage fee only, at its May 3, 2018 meeting.

**Stakeholder Process:**

At its May 3, 2018 meeting, the City of Colorado Springs / El Paso County Drainage Board approved closing the Wolf Ranch portion of the Cottonwood 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 for this fee increase.

**Alternatives:**

Approve or disapprove the closure of the Wolf Ranch portion of the Cottonwood Creek Basin Drainage for drainage fees only.

**Proposed Motion:**

Move to approve the resolution closing the Wolf Ranch Portion of the Cottonwood Creek Drainage Basin for drainage fees only.

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