



## Legislation Text

---

**File #:** 20-084, **Version:** 1

---

A Resolution Amending Resolution No. 153-19, 2020 Drainage Basin Fees, Bridge Fees, Detention Pond Facility and Land Fees, to Increase the Black Squirrel Creek Pond Land Fee and the Middle Tributary Basin Drainage Fee

### **Presenter:**

Richard Mulledy, P.E., Stormwater Enterprise Manager, Stormwater Enterprise  
Erin Powers, P.E., Senior Technical Engineer, Stormwater Enterprise

### **Summary:**

The Colorado Springs/El Paso County Drainage Board at their December 5, 2019, meeting approved the recommendation for an increase of \$2,950.00 per acre to the pond land fee for the Black Squirrel Creek Basin, and the recommendation for an increase of \$17,632.00 per acre to the drainage fee for the Middle Tributary Basin. The existing 2020 pond land fee for Black Squirrel Creek Basin is \$789.00 per acre. The new pond land fee for this basin would be \$3,739.00 per acre. The existing 2020 drainage fee for Middle Tributary Basin is \$7,275.00 per acre. The new drainage fee for this basin would be \$24,907.00 per acre.

### **Background:**

Actions by the Drainage Board to increase the Black Squirrel Creek Basin pond land fee and Middle Tributary Basin drainage fee to cover additional drainage basin costs represent a common practice used by the Drainage Board to cover unanticipated additional costs in new subdivision development. Unanticipated costs can be described as costs not shown in the Drainage Basin Planning Study for the drainage basin and/or costs that were not included in the original fee calculation for the basin.

The Drainage Board's action to increase the Black Squirrel Creek Basin pond land fee originated with a request by Allison Valley Development Company, LLC. JR Engineering, on behalf of Allison Valley Development Company, LLC, completed an analysis to determine if the current pond land fees were adequate to reimburse developers for the land associated with reimbursable ponds. The analysis determined that the current pond land fee was inadequate.

The Black Squirrel Creek Drainage Basin Planning Study (1989) estimated a total of 7.2 acres of reimbursable pond land. Due to an increase in the number and size of detention ponds, the estimated reimbursable pond land total is now 26.9 acres, resulting in a shortfall of \$1,203,721 in the Black Squirrel Creek pond land fund. The recommended increase would cover the excess cost of the reimbursable pond land.

The Drainage Board's action to increase the Middle Tributary Basin drainage fee originated with a request by Allison Valley Development Company, LLC., the developer for the Farm Filing No. 4. A box culvert was installed within the Middle Tributary basin as identified in the Middle Tributary Drainage Basin Planning Study. The estimated cost of the improvements in the Middle Tributary Drainage Basin Planning Study was \$104,751.00 (adjusted for inflation). The actual construction cost of \$492,471.55 exceeded the estimated cost by \$387,720.55. This fee increase is intended to cover the excess cost for the reimbursable improvements.

### **Previous Council Action:**

On December 10, 2019, the City Council approved Resolution No. 153-19 establishing the 2020 Drainage Basin Fees, Bridge Fees, and Detention Pond Facility and Land Fees. This resolution set the pond land fee for the Black Squirrel Creek Basin at \$789.00 per acre, and the drainage fee for the Middle Tributary basin at \$7,275.00 per acre.

**Financial Implications:**

Drainage fees are paid by developers and are used to reimburse other developers who construct drainage improvements. These basin fees are not utilized by the City of Colorado Springs for drainage infrastructure, maintenance or improvements. Instead, the fees are used to help offset the costs that developers incur to build public infrastructure that is beyond their obligation. The increase in the drainage fee should help preserve the financial integrity of this drainage basin. The revenue and expenditures for drainage fees are tracked in a separate fund. There is no impact to the General Fund.

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

The Colorado Springs/El Paso County Drainage Board at their December 5, 2019, meeting approved a recommendation to City Council for an increase of \$2,950.00 per acre to the pond land fee for the Black Squirrel Creek Basin. At the same meeting, the Drainage Board approved a recommendation to City Council for an increase of \$17,632.00 per acre to the drainage fee for the Middle Tributary Basin. The minutes from the December 5, 2019 meeting are attached as Exhibit B.

**Stakeholder Process:**

There was no public comment on either item presented at the Drainage Board meeting.

As requested by the Drainage Board, Allison Valley Development Company notified the remaining property owner in the basin, Pulpit Rock Investments, of the proposed fee increase prior to the December Drainage Board meeting. Pulpit Rock Investments indicated that they would not oppose the fee increase.

**Alternatives:**

Leave the pond land fee for the Black Squirrel Creek Basin and the drainage fee for the Middle Tributary Basin at the current amount. This could result in the fees being too low to cover all of the reimbursable improvement and land costs in the basins.

**Proposed Motion:**

A motion to amend Resolution 153-19, to increase the per acre pond land fee in the Black Squirrel Creek Basin of \$2,950.00, from \$789.00 per acre to \$3,739.00 per acre, and an increase to the per acre drainage fee in the Middle Tributary Drainage Basin of \$17,632.00, from \$7,275.00 per acre to \$24,907.00 per acre.

N/A