



Board Summary Report

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Agenda Date: 1/28/2025

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To: Board of County Commissioners

Through: Gini Pingnot, Director, Open Spaces

Prepared By:

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Subject:

Open Spaces Fees for Property Agreements

Purpose and Request:

Staff will seek the Board of County Commissioners' approval of the Department's proposed fees for agreements permitting new uses of Open Spaces' properties. Staff presented its recommendation in study session on January 21, 2025.

Background and Discussion: On June 13, 2024, Arapahoe County became the owner of 45 miles of the High Line Canal (HLC). As a regional trail that traverses densely populated metro areas, the HLC generates frequent requests from both private and public entities seeking to bisect or use the property. Additionally, Open Spaces owns and manages more than 5,000 acres of parks and open space throughout the County.

Since assuming ownership of the HLC, the County's Open Spaces Department has issued two licenses (one to Xcel Energy and one to Comcast) and two letters of authorization (one to SavATree and one to Cherry Hills Village Sanitation) to use the property. To date, one request for an easement on the HLC is in the works with an expected finalization to occur in January 2025.

For the past several months, the Department has worked to develop workflow processes and agreement templates to help ensure the careful coordination of Denver Water, the High Line Canal Conservancy and Arapahoe County when we receive requests for use of the HLC. Each of these entities reviews requests from a different lens. Denver Water considers a proposed project through the lens of its reserved water works purposes. The High Line Canal Conservancy reviews projects through the lens of compliance with the values of the High Line Canal conservation easement. Arapahoe County reviews projects from both a public health and safety

lens, as well as performing a technical review to ensure the project's feasibility on the property.

Depending on the particular use of the property, the types of agreements Open Spaces could issue include letters of authorization, licenses, temporary construction easements, and permanent easements. Currently, requests for a letter of authorization, license or easement require the applicant to pay a review fee to both Denver Water and Arapahoe County Public Works and Development (PWD). Over the last several months, Open Spaces has been monitoring the demands associated with each type of request and is proposing its own review fee to cover staff costs incurred by the Department for the benefit of private and public entities other than Arapahoe County. This Open Spaces review fee is distinct from the cost charged to the applicant for the use of the property itself.

The Department plays the lead role in coordinating reviews from PWD, Denver Water and the High Line Canal Conservancy. This involves ensuring all parties are looped into reviews early, helping track down answers and missing documentation from applicants about their projects, convening meetings for projects that are especially complex, reviewing proposed restoration approaches, developing workflow processes and technical solutions to track incoming requests and helping to avoid duplication of effort and/or things falling through the cracks.

Attachment A shows PWD's and Denver Water's current review fee structure (effective 2025). It also shows proposed review fees and the separate agreement costs for the Open Spaces Department.

The Department expects some projects will be more demanding of staff time than others. To date, staff has spent 1 to 2 hours reviewing and coordinating license requests and 3 to 5 hours reviewing and coordinating easement requests. These review hours are in addition to time spent by other Open Spaces and County Attorney staff assisting with finalizing the necessary agreements. The complexity and design phase iteration of each project will drive staff time.

While the vast majority of the letters of authorization, license and easement requests will stem from activities on the HLC, there are instances when these authorizations will be requested and needed for the Department's other properties.

Finally, the department recommends that the 2025 proposed fees be automatically increased every five years on January 1 by 20% of the amounts stated in Attachment A. For example, Open Spaces license fee and agreement fees would increase on January 1, 2030, to \$600 and \$2500, respectively.

Alternatives: The Board could decide to modify or deny the Department's request.

Fiscal Impact: According to Denver Water, requests for letters of authorization, licenses and easements on the HLC occur about once a week. Each one, however, is different and requires varying amounts of staff time and

coordination services. It is estimated that the Department might collect between \$24,000 and \$30,000 in the first year. While the review fees will not cover the staff time expended to date to operationalize the County's new responsibilities with the HLC, they are comparable to the review fees of other entities and are a decent proxy to capture the costs associated with processing requests.

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

Concurrence: N/A**Resolution:** Attached is a copy of the draft resolution.