

Stormwater Management and “Fee in Lieu of Detention,” Information and Application

The City’s Stormwater Management Ordinance can be found in Article 11-3 of the Municipal Code. Article 20-7-1 defines the fee in lieu of detention.

Article 11-3 describes the methods used to calculate stormwater detention and the instances in which the fee in lieu is sometimes used. The ordinance applies to both commercial and residential development in the City. All commercial development must comply as well as any residential development greater than one acre.

The City’s Stormwater Management Ordinance requires a specific release rate of stormwater from the subject property, measured in cubic feet per second (cfs). Our ordinance defines a release rate of 0.15 cfs per acre. This amount multiplied by the site’s area is determined to be the site’s allowable release.

Onsite stormwater management is often designed for controlled release through a restrictor that is sized based on the runoff calculations. A restrictor is a sized orifice that controls the release rate and serves as the outflow to the City’s sewer system. The City’s ordinance does not allow a restrictor to be sized smaller than 3” in diameter because anything smaller becomes easily clogged with debris. Because our community is almost fully developed, developments are often small in size (typically in the 1-3 acre range). This means the allowable release becomes very small because the site area is small. The allowable release for most sites requires a restrictor smaller than 3”; therefore installation of 3” restrictor exceeds the allowable release rate.

The detention volume is then re-calculated with the minimum 3” restrictor. The difference in the required volume and the re-calculated actual volume is referred to as “excessive release.” This is measured in cubic feet; Article 20-7 requires the developer to pay \$30/cubic foot of excessive release or 5% of the construction cost, whichever is less. This constitutes the “fee in lieu of detention,” which is deposited into the Sewer Fund.

The fee in lieu is only utilized in conjunction with all reasonable onsite detention also being provided. The City does not allow developers to opt out of detention and simply pay the fee. They are required to run the analysis and provide the maximum detention possible, and can only exercise the fee in cases of excessive release due to site constraints or unreasonable restrictor size.

The City’s Stormwater Management Ordinance is stricter than most surrounding communities as well as the Metropolitan Water Reclamation District’s ordinance. The goal is always to maximize the amount of onsite detention provided by a development.

The Engineering Division reviews all development plans for compliance with the Stormwater Management Ordinance. A Building Permit is not issued until the Engineering Division approves the development’s Stormwater Management Plan and calculations. The Engineering staff works very closely with the developer’s engineer throughout the design process to ensure that the development complies with our ordinance and that it provides the maximum onsite detention possible, while ensuring there is no negative impact to neighboring properties.