

**Office of the County Auditor**  
**Auditor's Analysis**

**Council Resolution No. 122-2019**

Introduced: September 3, 2019

Auditor: Owen Clark

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Background:

Council Resolution 122-2019 would increase the Stormwater Management Fee-In-Lieu from \$72,000 to \$175,000 per acre foot of storage.

Section 18.909 of the County Code - "Fee in lieu of implementing best management practices" - allows for the payment of this fee to the County instead of implementing Environmental Site Design (ESD) to the maximum extent possible (MEP) or structural practices required to control the quantity of stormwater or runoff.

Although this fee-in-lieu has not been collected to date, County Code Section 18.909(d) indicates that collections are to be deposited into the Watershed Protection and Restoration Fund.

Fiscal Impact:

The fiscal impact of this legislation cannot be determined.

Per the Department of Planning and Zoning (DPZ), there is no history of this fee-in-lieu having been collected. However, they believe the increased Storm Drainage Design Manual standards, proposed via CR123-2019, could result in future fee-in-lieu payments. Owners of smaller parcels that lack space or determine it is too complex or costly to install the proper stormwater management may choose to pay the fee-in-lieu.

**NOTE: We requested the support and resulting calculations from the case study used to determine the new fee-in-lieu. As of September 11, 2019, the Administration has not provided this documentation.**

Comments:

This Resolution, along with CR123-2019, is the Administration's response to the recommendations called for by CR56-2018 (The Watershed Safety Act) to protect the watersheds from the effects of flooding.

According to DPZ, there is no formal requirement to track and report the usage of fee-in-lieu revenue and its correspondence to the locations from which it was derived. However, they indicated the revenue would be appropriated to Capital Projects to address the increased need for stormwater management capacity.