Chapter 15.11
FEE IN LIEU OF
STORM WATER DETENTION

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15.11.010 Definitions.
For the purposes of this chapter, the following definitions shall apply:

A. “Develop” shall mean the erection or construction of any building, structure, parking lot or other impervious surface that results in an increase in storm water runoff. “Develop” shall also mean the erection or construction of any addition to existing buildings where the addition increases impervious area by 500 square feet or more and on sites where an existing building is replaced with a new building.

B. “Development” shall mean, where a proposed new development or redevelopment creates 500 square feet of impervious area or greater, the developer shall provide storm water detention on-site to mitigate the impact of the development or when approved by the city engineer, pay a fee in lieu of detention. However, neither detention nor the fee will be applicable when the city engineer determines, in his/her sole discretion, that there will be no material adverse impact to the system capacity and/or water quality.

C. “Additions” shall mean, where the proposed development consists solely of an addition to an existing structure, building, or parking lot and the net new impervious area of the addition is 500 square feet or greater, the developer shall provide storm water detention on-site to mitigate the impact of the addition, or when approved by the city engineer, pay a fee in lieu of detention. However, neither detention nor the fee will be applicable when the city engineer determines, in his/her sole discretion, that there will be no material adverse impact to the system capacity and/or water quality.

D. “Developer” shall mean the owner or builder of the property to be developed.

E. “Subdivision” shall mean the division of, or the act of division of, land into two or more lots for the purposes of building development including short subdivisions and long subdivisions. (Ord. 00C-08 § 1).

15.11.020 Storm water detention facilities.
The city of Mercer Island adopted a storm water management program through Ordinance No. 95C-118. The program identifies the Washington State Department of Ecology’s Stormwater Management Manual
for the Puget Sound Basin as the minimum standards for storm water management. These standards include criteria for storm water detention. (Ord. 00C-08 § 1).

15.11.030 Fee in lieu.
A. The developer may pay a fee in lieu of constructing the storm water detention facilities required by this section or by Chapter 15.09 MICC, Storm Water Management Program, when authorized by the city engineer. The fee is based on 100 percent of the estimated cost of constructing a detention facility on-site and excludes the costs associated with designing such a facility. The developer shall submit to the city engineer calculations determining the total impervious area as the basis for determining the fee amount. Appendix 1 – Minimum Storm Water Detention Fee, shall be used to determine the fee based on the total impervious area calculated.

B. If the total impervious area of a development or addition exceeds the areas shown in Appendix 1, the fee will be based on the estimated cost of constructing on-site detention. In this case, the developer shall hire a licensed civil engineer to calculate the size of detention system and prepare a cost estimate for construction of the system for review by the city engineer.

C. A developer will not have the option to pay a fee in lieu of constructing a storm water detention facility if, in the opinion of the city engineer, undetained runoff from the development may materially adversely exacerbate an existing problem. (Ord. 00C-08 § 1).

15.11.040 Annual adjustment of fee.
The fees in Appendix 1 shall be adjusted upward on July 1, 2001, and every July 1 thereafter by multiplying the rates in effect on the prior July 1 by 100 percent of the percentage increase in the Consumer Price Index (CPI) for the 12-month period ending the preceding April. The fees shall remain the same in the event the CPI indicates a decrease. If the index ceases to be published on a monthly basis, the adjustment shall be based on the CPI for the most recent 12-month period. The CPI to be used shall be the Consumer Price Index – All Urban Consumers as published by the United States Department of Labor for the Seattle/Tacoma/Bremerton Metropolitan area. In the event the Department of Labor ceases to publish such an index for the Seattle/Tacoma/Bremerton Metropolitan area, then its index for the Puget Sound region or the state shall be used. (Ord. 00C-08 § 1).

15.11.050 Use of fee.
A fee paid in lieu of constructing storm water detention at the development or addition shall be held by the city of Mercer Island’s storm water utility for the construction of storm water management projects designed to serve the immediate or future needs of the city to reduce storm water flooding and/or erosion, and to enhance water quality, in ravines and watercourses. (Ord. 09C-02 § 1; Ord. 00C-08 § 1).

15.11.060 Payment of fee.
Payment of the fee shall be made based on the following:

A. Single-Lot Development or Addition. Prior to the issuance of a building permit; or
B. Subdivision. Prior to recording the final subdivision, payment may be deferred by the city engineer to issuance of a building permit when determined to be in the best interest of the city. (Ord. 00C-08 § 1).

15.11.070 Building permit.
No building permit shall be issued for development as provided herein, until all requirements of this chapter are met to the satisfaction of the city engineer. (Ord. 00C-08 § 1).

Appendix 1

Note: Appendix 1 has been updated, please see updated Fee in Lieu Table (please click here for a updated Fee in Lieu Table)

<table>
<thead>
<tr>
<th>Impervious Surface Area</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1,000 sq. ft.</td>
<td>$5,500</td>
</tr>
<tr>
<td>1,000 – 2,000 sq. ft.</td>
<td>$6,260</td>
</tr>
<tr>
<td>2,000 – 3,000 sq. ft.</td>
<td>$6,800</td>
</tr>
<tr>
<td>3,000 – 4,000 sq. ft.</td>
<td>$7,320</td>
</tr>
<tr>
<td>4,000 – 5,000 sq. ft.</td>
<td>$7,850</td>
</tr>
<tr>
<td>5,000 – 6,000 sq. ft.</td>
<td>$8,375</td>
</tr>
<tr>
<td>6,000 – 7,000 sq. ft.</td>
<td>$8,900</td>
</tr>
<tr>
<td>7,000 – 8,000 sq. ft.</td>
<td>$9,425</td>
</tr>
<tr>
<td>8,000 – 9,000 sq. ft.</td>
<td>$9,950</td>
</tr>
<tr>
<td>9,000 – 10,000 sq. ft.</td>
<td>$10,500</td>
</tr>
<tr>
<td>greater than 10,000 sq. ft.</td>
<td>**</td>
</tr>
</tbody>
</table>

Appendix 1

* If the city engineer determines, in his/her sole discretion, that actual construction costs would exceed the fee determined in accordance with Appendix 1 by more than 25 percent, the fee shall be adjusted to be equal to city engineer’s construction cost estimate.

** Fees for impervious areas exceeding 10,000 square feet shall be determined on a case-by-case basis. The applicant’s engineer shall calculate the size of the detention system necessary for the project and
develop a construction cost estimate. The cost estimate shall be the amount of the fee upon approval by the city engineer.