



Discussion of Proposed Amendments to the Southern Lowcountry Stormwater Design Manual's Fee-In- Lieu Program

Presentation to Town Council

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Request



Staff requests that Town Council provide direction on the proposed amendments to the Southern Lowcountry (SoLoCo) Stormwater Design Manual as it pertains to Fee-In-Lieu as it relates to Maximum Extent Practicable (MEP) Analysis, as presented.

Background



- Maximum Extent Practicable (MEP) is the language of the Clean Water Act that sets the standards to evaluate efforts pursued to achieve pollution reduction to local waterways.
- As a MS4, the Town must require controls to reduce the discharge of pollutants to the MEP. This is accomplished through the use of the Town's Unified Development Ordinance (UDO) and SoLoCo Stormwater Design Manual (SWDM).
- Through the SWDM, developers may submit for MEP when the proposed development has site constraints which prevent full conformance with SWDM requirements, specifically stormwater retention volume (SWRv) requirements.

Fee-In-Lieu



- Proposed edits to the SWDM include establishing a mechanism for SWRv Fee-In-Lieu (FIL).
- When a development project cannot accommodate the required SWRv due to on-site constraints identified in the approved MEP analysis, the developer could opt to pay a Fee-In-Lieu (FIL) to the Town of Bluffton for the shortfall according to the FIL fee schedule to be adopted as part of the FY26 budget Master Fee Schedule.

Qualified Uses



- Funds collected through FIL payments would then be used by the Town to fund other qualified uses that protect water quality within the same watershed as the original development including:
 - The construction and maintenance of impervious restoration program water quality BMPs;
 - Purchase of land for increased conservation areas, application of Better Site Design to the approved Master Plan, buffers, undisturbed open space, and natural resource of significance areas, and
 - Purchase of development rights.

Monetary Basis



- FIL payment would be based and equal to a unit of SWRv in cubic feet or designating a conservation area/easement area that protects a qualified natural resource that would otherwise require the same SWRv treatment if developed.
- The monetary value for a unit of SWRv would be based on typical costs for the following:
 - Current land acquisition,
 - Cost of design, permitting, construction, management; and,
 - On-going maintenance and inspection of water quality BMPs.
- If the developer and/or private property owner take responsibility for maintaining the BMP or provide land, then the associated cost for a unit of SWRv could be lessened accordingly.

Master Fee Schedule



- The SWRv FIL rate would be found as part of the Town's Master Fee Schedule, under Section VII "Stormwater Management Fees," allowing for annual review and updates as needed based on the Consumer Price Index (CPI) or based on updated information regarding the cost of water quality BMP construction and maintenance, changes in the construction industry, availability of supplies, etc.

Compliance Calculator



- FIL would be added to the Compliance Calculator to show applicants the potential FIL amount should a MEP approach be considered.
- The FIL rate in the Compliance Calculator would be updated annually to reflect any changes to the Town's Master Fee Schedule.

	A	B	C	D	E	F
1	Southern Lowcountry Stormwater Compliance Calculator - TOB V1					
2						
3	Site Name	Watershed Office				
4						
5	Target Retention Volume (cf)	Retention Volume Achieved (cf)	Retention Volume Deficit (cf)	FIL Fee Rate	FIL Fee Total	
6	7,719	2,710	5,009	\$151.92	\$760,929.30	
7						
8						
9	Breakdown of Unit Cost (per cf)					
10	Construction Cost		\$37.50			
11	Design/Permitting Cost		\$7.50			
12	Construction Management Cost		\$3.75			
13	Town Program Management Cost		\$7.50			
14	Long-Term Operations and Maintenance Cost		\$37.50			
15	Land Cost		\$7.53			
16	Mitigation Fee		\$50.64			
17		FIL Fee Rate	\$151.92			
18						
19						
20						
21						
22						
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	Site Data	BMPs	Detention	Lookup Tables	Fee-in-Lieu	+

Examples



	A	B	C	D	E	F
1	Numbers provided from user on PDF Spreadsheet	Target Retention Volume	Retention Volume Achieved	Retention Volume Deficit	FIL Fee Rate	FIL Fee Total
2		<i>cf</i>	<i>cf</i>	<i>cf</i>		
3	Commercial	14,695	6,994	7,701	\$ 151.92	\$ 1,169,935.92
4						
5						
6	Academic Institution	22,018	220	21,798	\$ 151.92	\$ 3,311,552.16
7						
8						
9	Small Commercial	7,746	6,357	1,389	\$ 151.92	\$ 211,016.88
10						
11						
12	Small Commercial - Redevelopment	14,307	799	13,508	\$ 151.92	\$ 2,052,135.36
13						

Considerations



- Below is a list of items for Town Council consideration, should you choose to move forward with amending the SoLoCo Stormwater Design Manual.
 - Consider monetary basis for Fee-in-Lieu?
 - Consider Fee-in-Lieu qualified uses?
 - Do you want to include a Fee-in-Lieu fee schedule as part of the Town's FY26 Master Fee Schedule?
 - If so, staff will make sure to include the Fee-in-Lieu rate fee as part of the Town's FY26 Master Fee Schedule.
 - Do you want to exempt Public Projects from Fee-in-Lieu?
 - If so, staff will make sure to include specific exemptions within the proposed amendments to the SoLoCo Stormwater Design Manual.

Next Steps



- 11/20/2024 – Planning Commission
- 12/5/2024 – Watershed Action Plan Advisory Committee
- 3/11/2025 – Town Council Adoption by Resolution
- 4/1/2025 – Implementation of proposed Certain Amendments to regional Southern Lowcountry Stormwater Design Manual and Post-Construction Stormwater Ordinance



QUESTIONS & DISCUSSION