

# Frequently Asked Questions: Aspen's Stormwater Fee-In-Lieu

## What is the problem we are solving?

Aspen's stormwater infrastructure is aging and significantly undersized. Many of the downtown pipe systems cannot carry even a moderate storm's runoff. Therefore, during most intense rain events, water runs dangerously in streets which can cause damage to buildings and threaten the safety of the public. Additionally, the Roaring Fork River is impacted by these damaging flows. Stormwater runoff from urban areas increases pollutant load, causes erosion, damages stream habitat and increases flooding risks along the river.

## How are we solving the problem?

Aspen is addressing the problem in two ways. First, a capital construction plan has been developed and is being updated. The capital plan estimates that over \$15 million must be spent on repairing or enlarging pipes and drains, and in protecting the Roaring Fork from the pollution that stormwater runoff carries. Second, Aspen has upgraded its design requirements for new development and redevelopment from one of allowing developments to increase flooding and pollution downstream to a more modern standard of reducing those flows to something that more closely mimics the natural flow and reduces the impact of development.



## What are the particulars of the new standard?

Impervious area increases the volume and timing of stormwater runoff (i.e. rain runs off of hard surfaces harder and faster than it runs off of grassy fields). The new standard requires development and redevelopment to manage and control stormwater so that it leaves the site at the same rate it would leave the site if it were covered with grasses. This management of stormwater is typically referred to as detention – capturing runoff, holding it for some period of time, and then releasing it at a controlled rate. The goal is to mimic nature and trick the river into thinking Aspen is a natural area rather than an urban area.



## What projects will this new standard apply to?

The new standard will be applied to all new developments and redevelopments that add **or** disturb and replace 1,000 square feet of impervious area or more. If the disturbed or added impervious area is less than 25% of the total area of the site, then only the new area must be so treated. If the disturbed or added impervious area is more than 25% of the total area of the site, then the site shall be treated as a new development and the total site shall meet the new detention requirements.

This 25% trigger is based on studies that show that once an area is 25% developed, the receiving stream becomes significantly impaired. If the site disturbs more than 1000 square feet and more than 50% of the structure, then the entire site will be treated as a new development and the total site shall meet the new detention requirements.

## What if a site cannot meet these standards? Is there an alternative?

The City recognizes that this requirement may be difficult or costly to meet on any particular site. So the City has provided the option of payment of a voluntary **fee-in-lieu of detention**. The amount of the fee is based on an estimate of the cost of providing detention in Aspen. However, if a developer can show that their own cost of detention is less than the City estimate, the City has the option of accepting this lesser amount or asking the developer to go ahead and build detention on-site.



### **How much is the fee and how was the fee calculated?**

The Urban Runoff Management Plan approach for detention sizing was used to determine storage requirements for a range of typical site sizes in Aspen. The average calculation showed that the volume of detention needed is approximately 6.20 cubic feet of rainwater runoff per 100 square feet of impervious area for the maximum design storm. The City requested cost estimates from local design engineers and contractors which determined that it costs approximately \$70.00 per cubic foot of detention in Aspen. The fee-in-lieu then works out to be \$434 per 100 square feet of impervious area added or redeveloped. For a 6000 square foot lot-line-to-lot-line development, approximately 372 cubic feet of detention is required OR the site can pay a \$26,040 fee-in-lieu of detention to the City.

### **Do I still have to pay the Stormwater System Development Fee?**

No. The stormwater system development fee will no longer be collected by the City. There is no mandatory stormwater fee now, only the optional fee-in-lieu of detention that will only be paid in cases where the project does not want to provide detention on-site.

### **How will the revenue from the Fee-In-Lieu be used by the City?**

The fees collected through the fee-in-lieu program will be used to improve conveyance and detention throughout the City and reduce the impacts of urban runoff on the river. The concept behind the optional fee is that detention must be provided somehow, someway. Sites can provide the required detention themselves, or the City can improve conveyance and detention downstream so that individual sites don't have to worry about it. In most cases regional (City-provided) detention is ideal, because the City can maintain it and it provides economies of scale. However, in Aspen, where land value is expensive and the funding is short, the City is not able to provide all of the detention needed to support the urban landscape. Therefore, some detention will be handled site by site and some will be handled regionally.



### **Will my project still be required to detain the water quality capture volume?**

Yes. The quality of stormwater is improved every time it is treated. Therefore, the City is working toward a "treatment train" approach. This is similar to primary, secondary, and tertiary treatment at wastewater treatment plants. Each development and redevelopment in Aspen is required to provide *primary* treatment. The City's Clean River Initiative builds regional water quality treatment facilities that function as *secondary* treatment facilities. So, yes, each project will still be required to detain and treat the water quality capture volume calculated for the site. The calculation of the fee took into account that some detention would be provided in the treatment of the water quality capture volume.

### **Are there any exceptions? Can I apply for a variance?**

Yes. Some lots in town are part of a larger development, such as Burlingame, and the detention for the entire development was provided in the master plan and has already been built. Additionally any development can apply for a variance by following the variance procedures outlined in the Urban Runoff Management Plan.

### **I can think of a lot more questions – are there answers?**

This voluntary fee is a new idea developed to assist developers in meeting detention requirements. There will be many site specific questions, and answers will be developed, vetted, and placed in a policy document. Every attempt will be made to provide fair and impartial policies. However, in the end, developments must meet applicable modern standards in all aspects of development: electrical, plumbing, concrete mix... and stormwater runoff. These standards are there to protect all City residents and visitors, and to promote safety and preserve and enhance the quality of the City that makes Aspen an attractive place to live and recreate.