

Sec. 50-128. Development fees.

- (a) If a stormwater management facility is to be constructed as a system improvement and the applicant voluntarily enters into a development agreement with the county, a fee in lieu of construction of an on-site stormwater management facility may be accepted by the manager. To qualify for fee in lieu of detention, the entire development site must drain completely and directly into a major receiving stream which intercepts at least three square miles of contributing drainage area. Also it must be clearly demonstrated and accepted by the stormwater management division manager that no peak flow increases occur in the receiving stream for the two—100 year frequency flood events. Fee in lieu of detention shall be based upon a unit rate of \$5,000.00 per acre of imperviousness within the proposed development or upon the estimated avoided cost(s) of providing conventional detention, whichever is higher. Fee in lieu of detention will be allowed only in those watersheds in which regional detention facilities exist or are planned or in watersheds with active floodplain acquisition programs in place. Known downstream drainage or flooding problems will be sufficient cause to deny any proposal for fee in lieu of detention. The stormwater management division is under no obligation to accept an application for fee in lieu of detention. These provisions for fee-in lieu of detention above do not include Cobb County's requirements for channel protection or for water quality.
- (b) Credit for the land shall be determined in the method prescribed under the county's development agreement.
- (c) Upon payment of the fee under this section, in lieu of construction and acceptance by the county of the developer's site plan for stormwater facilities, to include the conveyance system to the regional facility and evaluations thereof, the developer of record may be entitled to utilize the county stormwater management facilities. So long as the site and site plan and the evaluation and conditions of the conveyance system accurately reflect the minimum requirements set forth in the county development standards and this division, the developer of record shall be deemed to have complied with the terms of this article.
- (d) The fees provided for in this section are in addition to any user fee established or required in any other section of this article.

(Ord. of 9-28-93; Code 1977, § 3-22.5A-13; Ord. of 4-13-04; Ord. of 1-24-06)