

FEE IN-LIEU-OF (FILO) PROGRAM

City of San Antonio Department of Public Works

April 2013



IMPORTANT PROGRAM FACTS

- Fee In-Lieu-Of Program (FILO) was originally created in 1997.
- Current regional drainage needs are \$868 Million.
- Current FILO has not changed since 1997.
- New FILO rate is based on increase of impervious cover.
- New FILO rate will be effective April 1, 2013.

Frequently Asked Questions

1. What is Fee In-Lieu-Of (FILO)?

The Fee In-Lieu-of (FILO) is a payment to the regional storm water fund in-lieu-of on site detention as a mitigation option.

2. How do I qualify to participate in the FILO Program?

A development may qualify for participation in the FILO program by submitting an Adverse Impact Analysis or Storm Water Management Plan prepared by a licensed professional engineer for the proposed development. Once City staff has reviewed and concurred that the Adverse Impact Analysis or the Storm Water Management Plan shows no adverse impact up to 2,000 feet downstream of the development, the FILO can be paid.

3. Is FILO required?

No. However, all developers shall participate in the Regional Storm Water Management Program (RSWMP) in one of three ways:

- payment of a fee-in-lieu-of on site detention (except in mandatory detention areas);
- construction of on-site or off-site detention (typically storm water detention facilities) to mitigate increase in runoff resulting from the proposed development; or
- construction or participation in the construction of an off-site regional storm water facility to mitigate increased storm water runoff anticipated from ultimate development of the watershed.



4. How will the fee be assessed?

The fee will be assessed based on an increase of impervious cover and type of development.

The fee is based on Fee Schedule 35-C109 Table 1 (see page three):

5. When do I pay the fees?

The fee must be paid before a subdivision plat is recorded for single family or two family (duplex) development.

For all other types of developments, the fee must be paid prior to the release of the building permit.

6. Can I complete recordation of a plat without paying FILO?

The fee must be paid before a subdivision plat is recorded for single family or two family (duplex) development.

All other development can complete recordation of plat prior to paying the fee.

7. Can I pay the FILO partially?

The FILO can be paid partially for proposed development acreage associated with a specific permit application at the building or site permit phase. The FILO fee must be paid in full for subdivision plats of single family or two family (duplex) development prior to recordation of a subdivision plat.

8. Are schools exempt from the increase (e.g. public, private, universities)?

Schools are not exempt from the increase. However, all school projects funded through either a bond or maintenance tax note prior to April 1, 2013 are to be assessed 50% of the proposed fee.

9. Do I pay the FILO for a building permit if I am in the Extraterritorial Jurisdiction (ETJ)?

Yes. All developers shall participate in the Regional Storm Water Management Program (RSWMP) in one of three ways as described in Question #3.

10. What is the minimum FILO fee?

The FILO fee is based on the development type and the increase of impervious cover. Any development that has an increase of impervious cover greater than 100 sq ft is subject to the FILO fee.

11. Who pays the fee (e.g. developers, engineers)?

The property owner, developer or the authorized designee will pay the fee.

12. Who collects the FILO fee?

The City of San Antonio Department of Public Works.

13. What do I need in order to qualify for participation in the FILO program?

In order to qualify for the FILO program:

- The property or the development must not be located in a mandatory detention area.
- There must be no adverse impact within 2,000 linear feet downstream of the development, or to the nearest downstream Regional Storm Water Facility(s), or to the nearest FEMA floodplain, whichever is less. An adverse impact study with ultimate analysis must be accepted and approved by the City of San Antonio Department of Public Works.

For details about adverse impact analysis and design criteria, please refer to the City of San Antonio's Unified Development Code Section 35-504.

Frequently Asked Questions Continued



14. I have a residential one acre lot and I paid the FILO during the platting stage. Can I get a refund if there is a decrease of impervious cover within my lot?

Per Ordinance No. 2013-01-31-0074, no refunds will be provided for any reductions in impervious cover or if the calculated difference is less than previous fees paid.

15. I have a four acre lot within the City's mandatory detention area and I want to develop only 25,000 sq ft (i.e. less than 15% increased of impervious cover). Will I have to pay the FILO or need to do detention?

Detention must be provided in a mandatory detention area.

16. I have an existing property that has been previously platted and the FILO fee has been paid for the entire acreage per the current ordinance. If the property was to be replatted would it fall under the new FILO fee structure? If so, how would the new FILO be calculated?

Yes. For redevelopment projects, the new FILO fee will only be assessed for the increase of impervious cover based on land use categories and fees in Table 1.

17. What will be the FILO for semi-permeable or semi-impervious cover when I use permeable interlocking concrete pavement in my parking lots, driveways, subdivision roads or sidewalks?

There is no FILO fee for pervious pavers or pervious concrete; however, the engineer must submit the manufacturers information to prove the porosity of the material along with a maintenance schedule.

Fee Schedule 35-C109 Table I

Development Type/ Land Use	Fee Effective April 1, 2013 (per sq ft of impervious cover)	Fee Effective December 1, 2015 (per sq ft of impervious cover)
Single Family or Two Family (Duplex)	\$0.15	\$0.15
Multi Family	\$0.15	\$0.20
Industrial	\$0.15	\$0.20
Commercial	\$0.20	\$0.25
Public Facilities (including schools)	\$0.15	\$0.20
All school projects funded through either a bond or maintenance tax note prior to April 1, 2013 are to be assessed 50% of the proposed fee.		
Inner City Reinvestment Infill Policy (ICRIP) - all land uses as approved by City Council on January 10, 2013	50% of proposed fee	50% of proposed fee
Infill Development Zone (IDZ)-all land uses	No fee	No fee
Impervious Cover Increases Less Than 100 Square Feet	No fee	No fee