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Factual Dispute Resolution Process for Incorrect Impervious Area

Purpose

An appeals process is available to parcel owners within SEMSWA for “potentially improperly calculated fees” as described in SEMSWA Resolution No. 13, series of 2007 (Factual Dispute Resolution Process). The process allows for fee modifications in order to provide fair and equitable fees to customers in line with the objective of charging each customer for the demand their parcel, or contiguous group of parcels, places on SEMSWA’s stormwater system.

This memorandum is guidance for implementing corrections in the delineation of impervious areas and parcel boundaries.. Impervious area within each parcel was identified using April 2006 aerial photography from Arapahoe County and parcel boundary information available from the County Assessor. This information was accurate, but has certain limitations for identifying impervious areas, the correct location of parcel boundaries, and the optimum method for billing multiple parcels.

Conditions to Qualify for Fee Corrections

- a) Identification of impervious area was not in accordance with the following criteria;
 - i) Areas that **should be identified as impervious** are:
 - (1) Hardened surfaces on or near the ground: Sidewalks, private roads, private streets, parking lots, walkways, patios, concrete slabs, runways, taxiways, aprons or other hardened surfaces consisting of asphalt, concrete, or other paving material.
 - (2) Hardened surfaces above ground: Buildings, foundations, storage tanks, rooftops, athletic courts and tracks
 - ii) Areas which **should not be identified as impervious** are:
 - (1) grass,
 - (2) gardens,
 - (3) landscaped areas (xeriscape, etc.),
 - (4) natural rock formations,
 - (5) wood decks,
 - (6) gravel,

- (7) dirt,
- (8) public right-of-way including streets and sidewalks
- iii) Areas that **may not** be impervious include the following materials set in porous fill such as sand, gravel, grass, or dirt. *Documentation to determine if these surfaces should be identified as impervious or pervious include the submission of pictures, designs, and specifications, by the customer and possible field investigations by SEMSWA.*
 - (1) bricks,
 - (2) pavers,
 - (3) wood, and
 - (4) stone,
- iv) Additional areas which **may not** be impervious include porous pavements and similar surfaces that allow water to infiltrate. *Documentation to determine if these surfaces should be identified as impervious or pervious include the submission of pictures, designs, and specifications, by the customer and possible field investigations by SEMSWA.*

Process

1. Property owners are required to contact SEMSWA and request a recalculation in accordance with the above “conditions to qualify for fee correction” and, if necessary, provide documentation to substantiate the request.
2. SEMSWA must issue a written document specifying any change in fees.
3. SEMSWA will submit the approved recalculated fees to the Arapahoe County Treasurer for billing and prior to billing of the Douglas County parcels.
4. Fees for the current calenday year shall be considered final and non-adjustable unless the property owner complies with Paragraph 1 above prior to September 1st of that calendar year.

Fee Refund and/or Reduction

1. Property owners meeting the “conditions to qualify for fee correction” outlined above, and granted written approval of the recalculation by SEMSWA, will be issued a check for the difference in fees calculated in accordance with the above paragraphs prior to December 31 of the year the fees are due.
2. Property owners must pay their fee as they were billed on the Arapahoe County Property Tax Statement, or if located in Douglas County as invoiced by SEMSWA, for their parcels which meet the “condition to qualify for fee correction” prior to receiving payment for the difference in fees.

3. The following year's fee will be corrected to the revised amount if submitted by September 1.