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Factual Dispute Resolution Procedure for
Properties with Less Than Two Percent Imperviousness

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 a corrected method to calculate “impervious percent₍₁₎” for properties that were rounded up to 2% impervious, in the non-single family residential (detached) category₍₂₎. The method allows properties falling below 2.00% impervious, when calculated to the nearest 100th of a percentage point prior to rounding the parcel area or consolidated parcel area and prior to rounding the impervious area or consolidated impervious area, to pay no fees.

The rationale for this appeal is to recognize that the stormwater fee for properties that fall below 2% impervious are for all intents and purposes undeveloped and SEMSWA does not charge for undeveloped properties. Resolution No. 5, Series of 2006 (Adoption of Level of Service and Fix Rates and Rate Structure) states the following: “*Less than 2% impervious percent or less than 251 square feet, no fee*”.

Therefore, parcels, or groups of parcels with fees based on the consolidation of contiguous parcels (See Factual Dispute Resolution Procedure for Consolidation fo Contiguous Parcels for consolidation procedures), will be excluded from fees if the following conditions are met:

Condition to Qualify for No Fee

1. Calculations by SEMSWA result in a percent impervious of 1.99% or less (rounded to 1.99% or less).
2. Calculations will be completed rounding the total parcel area and the impervious area within the parcel or group of consolidated parcels to the nearest one (1) foot.

Application Process

1. Property owners are required to appeal to SEMSWA for the recalculation for 2007 fees.
2. SEMSWA will recalculate fees for all properties for 2008 prior to submitting the fees to the Arapahoe County Treasurer for billing and prior to billing of the Douglas County parcels.
3. Fees for the current calendar year shall be considered final and non-appealable unless an appeal by the property owner is filed with SEMSWA prior to September 1st of that calendar year.

Fee Reduction Process

1. Property owners meeting the “condition to qualify for fee reduction” outlined above, and granted 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 reduction” prior to receiving payment for the difference in fees.

Definitions:

- (1) “Impervious percent” is the impervious area of a parcel divided by the total area of a parcel, or the total impervious area of the contiguous parcels divided by the total (gross) area of the contiguous parcels.
- (2) “Non-single family residential detached” includes tax-exempt, commercial, industrial, religious, condo, townhouse, multi-unit buildings, common areas, and school parcels as classified by the Arapahoe County Assessor.