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Factual Dispute Resolution Procedure for Consolidation of Contiguous Parcels

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 “percent impervious ⁽¹⁾” and the associated tier and rate per square foot, for non-single family residential properties ⁽²⁾. The method allows for the re-calculation of “percent impervious” for groups of contiguous parcels under common ownership under the resolution cited above.

The rationale for this appeal is to recognize that the total stormwater fee for a group of contiguous parcels should not be the addition of the fees for the individual parcels, but a single fee for the entire group of parcels, under certain conditions.

Therefore, contiguous parcels may be treated as one parcel for fee determination if the following conditions are met:

Conditions to Qualify for Fee Reduction

1. Parcels must be contiguous and must have a common stormwater system.
2. Parcels are owned by the same entity. If leased to a third party, the owner has responsibility under the lease, for maintenance of the stormwater system located on that parcel.
3. The entity that owns the parcels also controls, owns, operates, and maintains the stormwater system.

Application Process

1. Property owners are required to make application to SEMSWA for the recalculation.
2. The burden of proof is on the property owners to demonstrate they meet the “conditions to qualify for fee reduction” outlined above.
3. Changes in any of the above “conditions to qualify for fee reduction” require a new application.
4. Fees for the current calendar year shall be considered final and non-appealable unless an application by the property owner is filed with SEMSWA prior to September 1st of that calendar year.

Fee Reduction Process

1. Property owners meeting all “conditions 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. Prior to receiving reimbursement for the fee difference on parcels having met the “conditions to qualify for fee reduction,” property owners must pay their fee as they were originally billed on the Arapahoe County Property Tax Statement, or as invoiced by SEMSWA if located in Douglas County.
3. A reapplication is required each year to demonstrate no changes have been made or to reflect any changes that have been made. If the property owner’s application is approved prior to September 1, fees for the following year will be reduced to reflect the newly calculated fee in accordance with the above paragraphs.

Definitions:

- (1) “Percent impervious” is the impervious area of a parcel divided by the total area of a parcel, or in the case of this appeal, 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.