

# **ADAMS COUNTY, COLORADO**

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## **STORMWATER UTILITY POLICY MANUAL**

**Created 1/1/2013  
Revision Adopted 3/7/2017**



## Contents

|   |           |
|---|-----------|
| <b>Chapter 1</b> .....                                      | <b>6</b>  |
| 1.1 Authority .....   | 8         |
| 1.2 List of Major SWU Policy Manual Changes .....           | 8         |
| 1.3 Organization of the Stormwater Utility Enterprise ..... | 9         |
| 1.4 Stormwater Advisory Board .....                         | 9         |
| 1.5 Stormwater Utility Purpose.....                         | 10        |
| 1.6 Definitions .....                                       | 10        |
| <br>  |           |
| <b>Chapter 2</b> .....                                      | <b>14</b> |
| 2.0 Stormwater Utility Service Area.....                    | 14        |
| <br>  |           |
| <b>Chapter 3</b> .....                                      | <b>15</b> |
| 3.0 Stormwater Utility Annual Budget.....                   | 15        |
| 3.1 Stormwater Utility Revenue.....                         | 15        |
| 3.2 Stormwater Utility Expenditures.....                    | 15        |
| 3.3 Budget Policy and Procedures.....                       | 16        |
| 3.4 Benefits to the Community .....                         | 16        |
| <br>  |           |
| <b>Chapter 4</b> .....                                      | <b>17</b> |
| 4.0 Stormwater Utility Fee Structure .....                  | 17        |
| 4.1 Rate Structure .....                                    | 17        |
| 4.2 Ownership Property Types.....                           | 18        |
| 4.3 Stormwater Utility Fee Calculation Formula.....         | 20        |
| 4.4 Exemptions .....  | 21        |

**Chapter 5** ..... 23

5.1 Billing Cycle..... 23

5.2 Payment Options ..... 23

5.3 Insufficient Funds ..... 24

5.4 Credit Balance ..... 24

5.5 Refunds..... 24

5.6 Payment Plan..... 24

5.7 Partial Payment ..... 24

5.8 Late Payment..... 24

5.9 Request for Waiver of Interest Charge ..... 24

5.10 Certified Unpaid Fees ..... 25

5.11 Property owner Responsibilities ..... 25

5.12 Change of Property Ownership..... 25

5.13 New Stormwater Utility Customers ..... 26

5.14 Stormwater Utility Customers annexed to a City ..... 26

5.15 Customer Service ..... 26

**Chapter 6** ..... 28

6.0 Stormwater Utility Fee Adjustments..... 28

6.1 New Impervious Area ..... 28

6.2 Impervious Area Removed ..... 28

6.3 Corrections ..... 28

6.4 Credits ..... 28

**Chapter 7** ..... 29

7.0 Stormwater Utility Fee Appeal ..... 29

7.1 Basis for an Appeal ..... 29

7.2 Appeal Process ..... 30

7.3 Appeal Submittal ..... 30

7.4 Appeal Determination ..... 31

7.5 Third Party Referee ..... 31

7.6 Stormwater Utility Fee Adjustment due to Appeal ..... 31

**Chapter 8**..... 32

8.0 Adams County Stormwater Utility Credit Policy ..... 32

8.1 Credit Criteria ..... 32

8.2 Eligibility for 100% Credit ..... 33

8.3 Credit Amount ..... 33

8.4 Maintenance ..... 34

8.5 Location ..... 34

8.6 Lot Size..... 34

8.7 Credit accumulation ..... 34

8.8 Credit Duration..... 34

8.9 Credit Application Process ..... 34

8.10 Credit Submittal Review..... 35

8.11 Credit Appeal Process ..... 35

8.12 Stormwater Utility Fee Adjustment due to Credit & Timing ..... 36

**Chapter 9**..... **Error! Bookmark not defined.**

9.0 Purchasing Policies and Procedures..... 37

**Chapter 10**..... 37

10.0 Storm Sewer Design, Plan Review, Construction and System Modification ..... 37

**Chapter 11**..... 37

11.0 Ownership and Private Long-term Maintenance..... 37

**Chapter 12**..... 37

12.0 Inspection Access and Right of Entry ..... 37

**Chapter 13**..... 37  
13.0 Enforcement Actions, Remedial Compensation, Emergency and Abatement ..... 37

**Chapter 14**..... 37  
14.0 Storm Sewer Use ..... 37

**Chapter 15**..... 377  
15.0 Five (5) Year Improvement Plan..... 377

**Chapter 16**..... 38  
16.0 Minimum Standards of Service ..... 38

**Chapter 17**..... 38  
17.0 Flooding Liability Disclaimer..... 38

**Chapter 18**..... 38  
18.0 Annual Report ..... 38

**Appendix A: Stormwater Utility Service Area Map** ..... 39

## Chapter 1

### Overview

The intent of this policy is to provide the customers of Adams County's Stormwater Utility (SWU) and the employees of Adams County with a policy that documents the processes that the SWU follows.

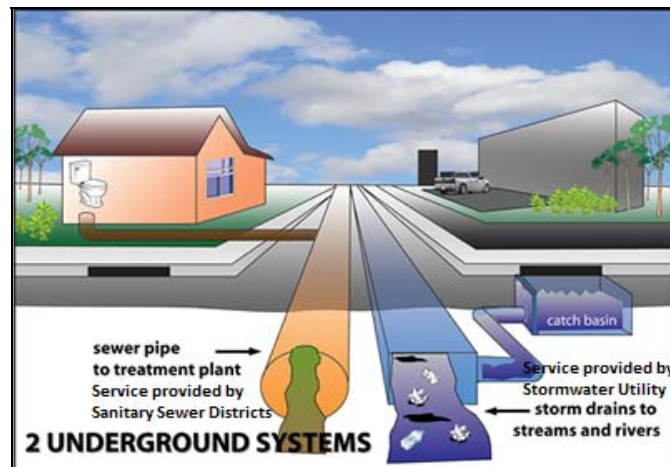
### 1.0 Introduction

Adams County owns and maintains the public storm sewer system, which is designed to drain stormwater from impervious surfaces such as paved streets, parking lots, sidewalks, roofs and private drainage ponds. Stormwater is runoff from rain or snow melt events. The public storm sewer system conveys stormwater, eventually discharging into channels, lakes, creeks or rivers.

Adams County does not provide potable water or sanitary sewer services. It is important to distinguish the difference between the following separate underground collection systems:

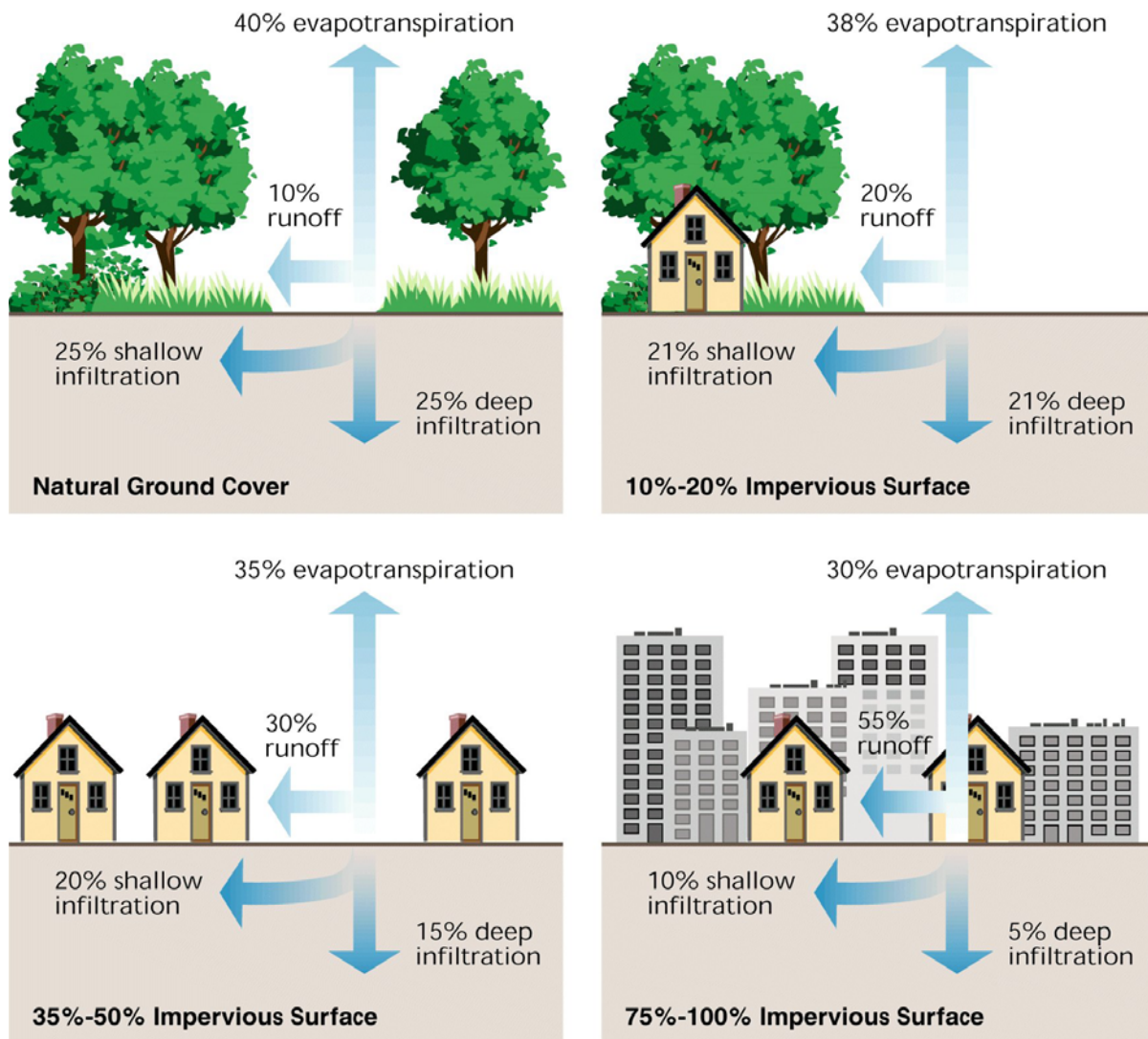
- Sanitary sewers
- Storm drains

While the sanitary sewer system conveys household wastewater to a sewage treatment plant, the storm drain system conveys rainwater runoff discharging directly to our local ponds and rivers.



As stormwater runoff travels over urban landscapes, the flow increases and water quality decreases. Urban landscapes—unlike forests, wetlands, and grasslands that trap water and allow it to filter slowly into the ground—contain great areas of impermeable surfaces like buildings and pavement that prevent water from seeping into the ground increasing runoff flows. Stormwater also picks up pollutants as it travels across hard surfaces. Pollutants such as motor oil, pesticides, fertilizers, trash, and sediment can harm the water quality of our local creeks, rivers, and lakes.

**Increase in stormwater runoff with urbanization**



In Stream Corridor Restoration: Principles, Processes, and Practices (10/98).  
 By the Federal Interagency Stream Restoration Working Group (FISRWG) (15 Federal agencies of the U.S.)

As Adams County continues to develop, the impact of urbanization on the County’s storm sewer system increases. In an effort to maintain and improve the County’s existing public drainage system as well as plan for and mitigate the impact of future development, Adams County established a Stormwater Utility to be accounted for and administered as a Water Activity Enterprise. Stormwater Utility Service Area was defined within the western portion of Unincorporated Adams County. The Stormwater Utility is an independent funding mechanism to pay for the cost of services related to the implementation of the stormwater management program.

**1.1 Authority**

Colorado law allows counties to provide stormwater services and infrastructure and to bill property owners for such services and infrastructure. September 19, 2012, Adams County passed two resolutions establishing a Stormwater Utility to provide such stormwater services and infrastructure in the urbanized areas of the county and to bill affected property owners accordingly. The Stormwater Utility became effective on January 1, 2013.

The 2013 Stormwater Utility Policy Manual was adopted per resolution on 11/26/2012 by Adams County Board of County Commissioners (BoCC). As of this revision, the Stormwater Utility Policy Manual and future amendment(s) are subject to approval by the BoCC.

**1.2 List of Major SWU Policy Manual Changes**

| <b>2013 SWU Policy Manual</b>   | <b>2016 SWU Policy Manual</b>  |
|---|--|
| Public Works Director allowed to amend SWU Policy Manual per resolution adopted on 11/26/2012.                      | Authority returns to BoCC.   |
| Treasurer Office allowed to bill and collect fees thru property taxes.  | Billing and collection by Finance Department. Annual statement separate and independent from property taxes. |
| Administration authority held by Public Works Director, in coordination with Finance Director and County Treasurer. | Administration authority held by Transportation Director, in coordination with Finance Director.             |
| Annual report required.   | Reference added to the Annual Budget Book  |
| No Credit Policy in the Manual  | Credit Policy approved by Resolution No 15-185 on 9/15/2015 by BoCC has been incorporated to the Manual.     |
| Enforcement actions in the Policy Manual - Section 5.3 (2013) Remedial Compensation.                                | Enforcement actions referenced to County Ordinances and Development Standards and Regulations.               |
| Right of Entry - Section 10.2 (2013).   | Right of Entry referenced to Ordinances and Development Standards and Regulations.                           |
| Emergency and Abatement - Section 10.4 and 10.5 (2013).   | Emergency and abatement referenced to Ordinances and Development Standards and Regulations.                  |
| Public and Private Facilities - Section 5.1 and 5.2   | Ownership and maintenance responsibilities   |



|   |   |
|---|---|
| (2013).   | referenced to Ordinances and Development Standards and Regulations.   |
| Storm Sewer System Modification - Section 10.1 (2013) Permit Requirements.                    | Removed- Storm sewer system modifications and permit requirements in Ordinances and Development Standards and Regulations.  |
| Stormwater Advisory Board - Adopted by BoCC, but not included in 2013 SWU Policy Manual.      | Stormwater Advisory Board/Committee – process formalized in SWU Policy Manual (2016).   |
| SWU fee exemption:<br>1) Public roads only  | SWU fee exemption:<br>1) Public roads,<br>2) Tanks with a secondary containment,<br>3) Water surfaces, such as lakes, and swimming pools,<br>4) Structures with 3 (three) or less enclosed walls and no floor; and<br>5) Gravel surfaces are not considered impervious area.<br>6) Patios above 6ft with impervious area under structure. |
| SWU fee applied to all developed properties with at least 100 square feet of impervious area. | SWU fee applied to all developed properties with at least 500 square feet of impervious area.   |
| Appeal process due date by April 1 <sup>st</sup> of each year.                                | Appeal needs to be submitted by June 30 <sup>th</sup> of each year.   |
| No SWU service area map included in the Manual.   | SWU service area map included in attachment.  |

**1.3 Organization of the Stormwater Utility Enterprise**

The County’s Transportation Department Director, in coordination with the Finance Director and Community and Economic Development Director, shall administer the Stormwater Utility Enterprise. Administration responsibilities include, but are not limited to, planning, developing, implementing, financing, constructing, maintaining, rehabilitating, inspecting, managing existing and new public stormwater infrastructure, collecting fees and charges, implementing and enforcing the provisions of these policies and other Adams County regulations related to storm sewer use.

**1.4 Stormwater Advisory Board**

The Stormwater Advisory Board was established by Resolution No. 2014-005 adopted on 1/6/2014 by the Board of County Commissioners (BoCC).

The Stormwater Advisory Board can be established to encourage community involvement by individuals with relevant expertise in order to make recommendations to the BoCC regarding the priority of capital improvement projects and infrastructure needs for the stormwater utility. The Board can be formed on as needed basis, as specific assignments indicate the need for public involvement.

Stormwater Advisory Board shall consist of seven members, four (4) of whom shall be residents of unincorporated Adams County, three (3) of whom shall be residents of municipalities within Adams County, and all of whom must reside west of Schumaker Road. The Stormwater Advisory Board members shall be appointed by, and may be removed by, the BoCC.

The initial term for three (3) members of the Stormwater Advisory Board shall be for two (2) years and the initial term for the remaining four (4) members shall be for four (4) years, with all members to have four (4) year terms thereafter.

Per resolution the Stormwater Advisory Board is authorized to implement such by-laws and procedures as it deems necessary.

### **1.5 Stormwater Utility Purpose**

The purposes of the Stormwater Utility include, but are not limited to:

1. Effective management and financing for maintenance and construction of the storm sewer system within Adams County Stormwater Utility Service Area; and
2. Funding for mitigating the damaging effects resulting from uncontrolled and unplanned stormwater runoff; and
3. Public health, safety and welfare of Adams County citizens within the Stormwater Utility Service Area and the community by providing for the safe and efficient capture and conveyance of stormwater runoff and the mitigation of problems resulting from stormwater runoff; and
4. Establish and implement Master Drainage Plan(s) for stormwater runoff management, including the design, administration, coordination, construction, management, operation, maintenance, inspection and enforcement of related County ordinances, regulations and policies; and
5. Establish reasonable stormwater utility service charges based on each property's contribution of stormwater runoff to the public storm sewer system, and for the use and benefits of the services and facilities provided; and
6. Encourage facilitation of urban water resources management to include, but not be limited to, the retention and detention of stormwater runoff, improved stormwater conveyance when needed and the protection and enhancement of the environment.

### **1.6 Definitions**

For the purpose of this policy manual, words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning:

BoCC – Adams County Board of County Commissioners.

County – Adams County, Colorado.

Credit – A reduction in the Stormwater Utility fee for a customer, based upon the attainment of specified criteria listed in the Credit Policy.

Common Ownership Account - Accounts (parcels) that are owned in-common. Accounts for developments associated with apartments, condominiums, townhomes, or commercial lease lots.

Customer – A property owner, or user, within the Stormwater Utility Service Area that is assessed a Stormwater Utility Fee for a service provided by Adams County under the Stormwater Utility Enterprise Fund. This includes but is not limited to, tax exempt property owners, such as non-profit organizations, churches, schools and institutions, as well as properties owned by local, state or federal governmental entities.

Detention Basin - Engineered structure designed to temporarily hold a set amount of water while slowly draining to a gravity drainage conveyance system. A detention basin will reduce and control discharge rates by holding the stormwater for a lengthened period of time. Detention ponds are provided with a gravity outfall.

Director – Adams County’s Director of Transportation Department, Finance Director, or designee.

Developed Property – A property that has a structure(s) within the parcel boundary such as but not limited to roof tops, pavement, driveways, parking lots, walkways, sidewalks, patio areas, storage areas, or other surfaces that prohibit natural stormwater infiltration.

Drainage Infrastructure – Various drainage works, including but not limited to inlets, conduits, manholes, energy dissipation structures, channels, ditches, outlets, retention basins, detention basins, and other structural components of this nature.

Enterprise Fund – A fund that provides goods or services to the public for a fee making the entity self-supporting. This term is interchangeable with Stormwater Utility Enterprise Fund.

Existing – Present or in effect at the time of the adoption of this Policy Manual.

Impervious – Surfaces not allowing water to naturally infiltrate or soak into the ground. Surfaces that prohibit the passage of water into the underlying soils. The impervious area is measured by using an aerial/satellite image. Examples of impervious areas include, but are not limited to:

- Areas of asphalt or concrete such as driveways, parking lots, curbs, gutters, walkways and sidewalks,
- Fully enclosed man-made structures. For building structures, the impervious area is not the livable square footage of the house, but the outside footprint

measured from the top view (using an aerial/satellite image), this measurement includes roof awnings. Measurements are not taken at ground level.

- Patios made of any materials (i.e: wood, tile, pavers)

Infiltration – Passage or movement of stormwater runoff into the ground.

Private – A parcel or facility owned by someone other than a quasi-governmental agency, city, county, state, or federal government agency.

Property Owner – An individual, partnership, corporation or other legal entity holding the deed or record of title to the property.

Public – A parcel or facility owned by a city, county, state or federal government or agency thereof.

Public Trails – Trails identified on the Adams County Regional Trail Master Plan.

Regional Pond – Detention or retention basin designed as part of a watershed planning process to serve a watershed larger than 130 acres<sup>1</sup>. This drainage facility is identified on the County's Master Drainage Plan, and typically larger than private facilities.

Retention Basin – Engineered structure that holds stormwater runoff where the required volume generated by a major storm event is completely contained. Retention ponds do not have a gravity outfall, the only means of reducing the volume in a retention pond is by evaporation, evapotranspiration, infiltration or pumping.

Stormwater Runoff – Untreated rainwater or snowmelt flow that reaches streams, lakes, creeks, etc. by means of flowing across impervious or saturated surfaces. These surfaces include roads, parking lots, driveways, saturated lawns and roofs.

Stormwater Utility Enterprise – See Water Activity Enterprise.

Storm Sewer System – All drainage facilities, man-made structures, and natural watercourses used for collecting and carrying stormwater runoff to, through, and from drainage areas to and including points of final outlet. A Storm Sewer System may include but is not limited to inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention basins, detention basins, canals, creeks, lakes, catch basins, ditches, streams, drainage wells, gulches, gullies, flumes, culverts, siphons, dams, drainageways, floodwalls, levees, and pumping stations.

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<sup>1</sup> Per Urban Drainage and Flood Control District

Stormwater Utility Fee (SWU Fee) – The fee assessed on developed properties with minimum impervious areas located within the Stormwater Utility Service Area for stormwater management administration, operation, maintenance, mitigation and construction provided by Adams County.

Vacant Parcel, or Undeveloped Parcel – Real property void of any impervious surfaces or physical improvements that change the hydrology of the property from its natural state.

Water Activity Enterprise – Any government water activity business owned by a district, which enterprise receives under ten percent of its annual revenues in grants from all Colorado state and local governments combined. C.R.S. § 37-45.1-102. An “enterprise” is exempted from Taxpayer Bill Of Rights (TABOR).

Water Quality Feature – Detention or retention basin designed with a water quality feature such as permanent pool, extended detention or shallow wetland or other water quality best management practices (BMP) to help protect water quality by removing pollutants from stormwater.

## Chapter 2

### 2.0 Stormwater Utility Service Area

The Stormwater Utility Service Area encompasses properties located within the western portion of unincorporated Adams County.

This area is bordered on the north, south and west by the County boundary. The eastern boundary of the service area is Schumaker Road alignment. The service area excludes any properties located within the city limits of the following municipalities located within Adams County: City of Aurora, Town of Bennett, Town of Lochbuie, City of Northglenn, City of Thornton, City of Commerce City, City of Brighton, City of Westminster, City of Federal Heights, and City of Arvada.

As cities annex unincorporated areas the service area is adjusted accordingly every year. If and when the BoCC determines that a change in the service area would be beneficial to the County, the BoCC may amend said service area as County's impervious area increases east of Schumaker Road. See to Appendix A for 2016 Stormwater Utility Service Area Map.

Within the service area, the County is responsible for, but not limited to, construction and maintenance of the following public drainage infrastructures:

- Storm pipes and culverts;
- Storm manholes;
- Curb Inlets or catch basins;
- Unimproved swales<sup>2</sup> and channels; and
- Ponds.

Certain drainage infrastructure within the service area may be the property owner's or HOA's responsibility to own and maintain. Ownership and maintenance responsibilities can be found on the Plat, Subdivision Improvement Agreements, or other recorded documents.

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<sup>2</sup> When a property owner landscapes a public swale or channel it becomes the property owner's responsibility to maintain.

## Chapter 3

### 3.0 Stormwater Utility Annual Budget

The Stormwater Utility Annual budget is administered by Transportation Department. All revenues and expenses for Adams County's Water Activity Enterprise within the SWU service area shall be deposited and budgeted in the Stormwater Utility Enterprise Fund and shall be used exclusively for stormwater purposes.

Funding shall be equitably derived through methods which have a demonstrable relationship to:

- The varied demands and impacts imposed on the SWU program; and/or
- The level of service rendered by or resulting from the provision of stormwater and surface water management programs; and/or
- Other factors which impact the cost of the SWU program.

### 3.1 Stormwater Utility Revenue

Revenue includes stormwater utility service fees and interest charges, applicable permit fees and inspection fees, fines, and interest earnings on those revenues.

The Stormwater Utility may also seek to obtain outside contributions such as, but not limited to, grants and other financing options. The stormwater utility fee is reasonably related to the overall cost of providing services related to stormwater drainage and stormwater related activities in the service area.

### 3.2 Stormwater Utility Expenditures

Only expenditures that address a need or provide a benefit to the County's public drainage infrastructure, within the Stormwater Utility Service Area, shall be assessed to the Stormwater Utility.

Expenses include direct operating and capital expenses such as the cost of administering, acquiring, designing, constructing, maintaining, and contracting for the construction of stormwater facilities; as well as to manage stormwater quality and comply with the unfunded mandates and regulatory requirements of the National Pollutant Discharge Elimination System (NPDES) administered by the State of Colorado through the Colorado Discharge Permit System (CDPS).

Examples of the anticipated expenditures shall include, but are not limited to:

- 3.2.1 Storm sewer system operation and maintenance program.

- 3.2.2 Development and implementation of a capital improvement plan for drainage infrastructure.
- 3.2.3 Master Drainage Plans, Flood Hazard Area Delineations, Outfall System Plans, and updates of the same associated with the Stormwater Utility Service Area.
- 3.2.4 Property and property rights acquisitions in support of drainage infrastructure.
- 3.2.5 Stormwater Quality Program to maintain compliance with Adams County's Municipal Separate Storm Sewer System (MS4) discharge permit requirements.
- 3.2.6 Stormwater Utility billing, and customer service expenses.
- 3.2.7 Field location services of stormwater infrastructure within the Stormwater Utility Service Area.

### **3.3 Budget Policy and Procedures**

Adams County Budget Policy and Procedures, as amended from time to time and published in the County's Annual Budget Book, are hereby adopted by reference.

### **3.4 Benefits to the Community**

The Stormwater Utility benefits the community by providing a dedicated fund for stormwater management services. Benefits associated with stormwater management include, but are not limited to:

- 3.4.1 Flood Protection;
- 3.4.2 Water quality improvements;
- 3.4.3 Wetland and stream bank protection;
- 3.4.4 Erosion and sediment control;
- 3.4.5 Drainage system maintenance;
- 3.4.6 Community education; and
- 3.4.7 Improved fish and wildlife habitat, and recreational opportunities.



## Chapter 4

### 4.0 Stormwater Utility Fee Structure

Adams County adopted an impervious area rate methodology as the basis to assess the Stormwater Utility fee. The methodology was developed based on a direct proportional correlation between the amount of impervious area within a parcel and the demand on the public stormwater system generated from the parcel.

It is recognized that in some instances a developed property may hold runoff from entering into the storm sewer system. However, such a property may place demand on the stormwater system in some other way. The County cannot measure the exact amount of runoff or pollutants that each property produces during a storm event, nor quantify the exact impact to or benefit from the stormwater system. Whether a developed property is directly or indirectly contributing to the need for stormwater facilities and infrastructure, the owner and/or occupant does benefit from the stormwater utility's improvements throughout the community.

### 4.1 Rate Structure

4.1.1 SWU Fee - For developed properties with more than 1,000 square feet (sq ft) of impervious surface area, the rate per square foot is \$0.02004 per year.

4.1.2 Minimum SWU Fee - All developed properties with at least 500 sq ft up to 1,000 sq ft of billable impervious surface area are charged a minimum fee of \$20.04 per year. Note: The minimum fee does not apply to Special Billing Properties (known as "Non-Standard Groups" or "Pro-Rated Groups").

4.1.3 No SWU Fee - There is no SWU fee assessed for properties with less than 500 sq ft of impervious area.

4.1.4 Maximum SWU Fee/Cap Fees - On April 1, 2013 the BoCC adopted a resolution implementing a maximum fee structure for the 2013 fiscal year. This maximum fee structure was continued for the 2014 fiscal year through resolution on January 6, 2014. The BoCC adopted Resolution No. 2015-053 on February 10, 2015 indefinitely extending the maximum fee structure until further action by the BoCC.

The cap fees were determined by calculating the average fee per property type classification as determined by the Adams County Assessor's Office.

If the calculated fee for a property is more than the cap fee for that property type, the customer pays the fee rate per the Cap Fee Rate table. The cap fee rates are listed

according to seven (7) property classifications (residential, commercial, industrial, exempt, agricultural, state assessed and mine).

**Cap Fee Rate Table**

|                      |              |                       |              |
|----------------------|--------------|-----------------------|--------------|
| <b>Residential *</b> | <b>\$83</b>  | <b>Commercial</b>     | <b>\$746</b> |
| <b>Exempt</b>        | <b>\$446</b> | <b>Industrial</b>     | <b>\$886</b> |
| <b>Agriculture</b>   | <b>\$131</b> | <b>State Assessed</b> | <b>\$886</b> |
| <b>Mining</b>        | <b>\$68</b>  |                       |              |

\*For Example: If a residential property has 4,142 square feet or less area of impervious surface, such as 3,000 sf, the fee is calculated using the rate of \$0.02004 per square foot.  
 i.e.: Annual fee = 3,000 sf x \$0.02004/sq ft= **\$60.12/year** → **the fee is \$60.12/year**

\*For Example: If a residential property has more than 4,142 square feet of impervious surface, such as 5,000 sf, the fee will be based on the cap fee.  
 i.e.: Annual Fee = 5,000 sf x \$0.02004/sq ft= **\$100.20/year** → **the fee is \$83/year**

In the case of multi-account parcels where the parcel has been assigned two (2) different property types by the County Assessor’s Office, the lower of the two (2) applicable cap fee rates will be applied to each parcel.

In the case of Special Billing Properties (Known as “Non-Standard Groups” or “Pro-Rated Groups”), the total actual fee is distributed equally amongst the property owners up to the cap fee rate for the parcel. See example in Section 4.3.2. If the total actual fee divided amongst the property owners is greater than the cap fee rate for the parcel, each owner pays the cap fee rate.

## 4.2 Ownership Property Types

All fees are billed and mailed to the property owner on record based on the County’s Property Tax Database, which is maintained by Adams County Assessor’s Office.

**4.2.1. Standard Properties** – Are single parcel properties where there is a single owner. In this case, the full amount of the Stormwater Utility fee is billed to the property owner on file in the County’s Property Tax Database, which is maintained by Adams County Assessor’s Office. See example in Section 4.3.1.

**4.2.2. Multiple Property Owners** – are single parcel properties where there is split-ownership or commonly-owned property. In this case, the Stormwater Utility fee is billed to the main contact on record based on the County’s Property Tax Database, which is maintained by Adams County Assessor’s Office.

**4.2.2. Special Billing Properties** – Known as “Non-Standard Groups” or “Pro-Rated Groups” are parcel properties located in a private development with common areas, such as commercial or apartment complex, mobile homes, condominiums, townhouses, multi-unit, multi-family, etc. In this case, the Stormwater Utility fee is divided and distributed equally amongst the total number of property owners on file for this private development. See example in Section 4.3.2

**4.2.3. Properties with Different Tax Districts** – When a parcel is divided by 2 or more tax districts, the parcel may have 2 or more Assessor’s R-account numbers. In this case the total amount of the fee is divided and distributed equally by the total number of tax districts. The R-account numbers are not shown on the statement; they are reflected as multiple separate line items with the same property information. See example below:

**ADAMS COUNTY**  
COLORADO

**Stormwater Management Division**  
4430 S. Adams County Parkway  
1st Floor, Suite W2000B  
Brighton, CO 80801-8212  
Contact Phone: 720.523.6400  
Email: swq@adcogov.org  
Pay Online: www.adcogov.org/stormwater

Bill To: JOE SMITH  
OR CURRENT OWNER  
123 MAIN STREET  
BRIGHTON CO 80801

**Annual Stormwater Utility Fee**

Customer Number: 381996  
Notification Date: 04/01/16  
Statement Number: 106283  
Annual Service Dates: Jan 1 to Dec 31

| Due Date           | Invoice Date | Invoice Type | Invoice Number | Parcel Number | Impervious Area  | Previous Balance | New Invoices | Payments Received | Adjustment | Outstanding Balance |
|--------------------|--------------|--------------|----------------|---------------|------------------|------------------|--------------|-------------------|------------|---------------------|
| 08/30/16           | 04/01/16     | Invoice      | 142549         | 172120102009  | 235,607.30 Sq Ft |                  | \$373.00     |                   |            | \$373.00            |
| 08/30/16           | 04/01/16     | Invoice      | 142549         | 172120102009  | 235,607.30 Sq Ft |                  | \$373.00     |                   |            | \$373.00            |
| <b>Balance Due</b> |              |              |                |               |                  |                  |              |                   |            | <b>\$746.00</b>     |

Note: Distribution of fees to renters or HOA members will be the responsibility of the property owner of the parcel.

### 4.3 Stormwater Utility Fee Calculation Formula

#### 4.3.1 Example for a Single Family Home:

**Step 1:** Calculate the total square feet of impervious area on the parcel. This is not the livable square footage of the house, but the outside footprint measured from the top view, including awnings and eaves.



$$\begin{array}{r}
 1,650 \text{ sq ft (Roof)} \\
 + \quad 683 \text{ sq ft (Driveway)} \\
 + \quad 250 \text{ sq ft (Patio)} \\
 + \quad 270 \text{ sq ft (Shed)} \\
 + \quad \underline{170 \text{ sq ft (Sidewalk)}} \\
 \hline
 3,023 \text{ sq ft (Total impervious area)}
 \end{array}$$

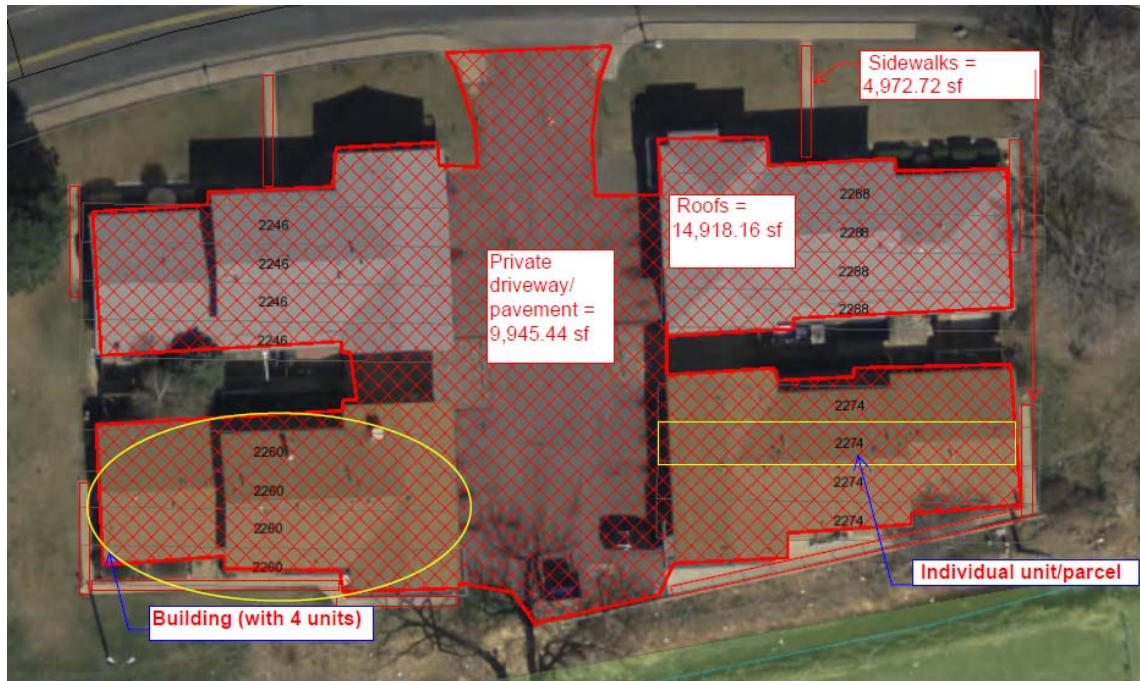
**Step 2:** Calculate the corresponding Stormwater Utility fee: the total square footage of impervious surface is multiplied by the rate (\$0.02004/sq ft)

$$3,023 \text{ sq ft} \times \$0.02004/\text{sq ft} = \$60.58 \text{ per year}$$

**Step 3:** Compare the calculated Stormwater Utility fee with the annual cap fee for the property type (residential=\$83/year). The amount of the fee is the lesser of the two. In this case the annual fee is \$60.58/year.

#### 4.3.2 Example for a Common Ownership Account – Multi-family:

**Step 1:** Calculate the total square feet of impervious area of the whole development. The total impervious area for this type of account includes all: rooftops, pavement (roads, driveways, internal roads, etc.), garages, patios, common walkways, etc. on the property.



$$\begin{aligned}
 &14,918.16 \text{ sq ft (Building Roofs)} \\
 + &4,972.72 \text{ sq ft (Internal Sidewalks)} \\
 + &\underline{9,945.44 \text{ sq ft (Pavement)}} \\
 &29,836.32 \text{ sq ft (Total impervious area)}
 \end{aligned}$$

**Step 2:** Multiply the total square footage by \$0.02004/year.

$$29,836.32 \text{ sq ft} \times \$0.02004/\text{sq ft} = \$597.92 \text{ per year}$$

**Step 3:** The total annual cost for each unit in the development is divided by the total number of units.

$$4 \text{ buildings} \times 4 \text{ units per building} = 16 \text{ units}$$

$$\text{Annual Fee} = \$597.92 / 16 \text{ units} = \mathbf{\$37.37 \text{ per unit per year} (*)^3}$$

## 4.4 Exemptions

**4.4.1** - Any facility or infrastructure within the public right-of-way, including County owned drainage facilities, public trails, public airport runways and taxiways, and private roadways that are functioning as a public roadway system in transporting the public, are

<sup>3</sup> Note that the cap fee for multi-family is \$83.00. In the case above, the calculated fee is less than the cap fee for each property owner, so the calculated fee is the amount billed.

exempted from the Stormwater Utility Fee. This exemption does not include private or internal roads or driveways.

Right-of-ways dedicated to Adams County address transportation needs that benefit all property owners. These right-of-ways also provide corridors for the conveyance of stormwater. Therefore, fees collected for right-of-ways would need to be equitably distributed to all property owners. Consequently, collecting a fee for right-of-ways, verses not collecting a fee, has the same effect on property owners. For these reasons, right-of-ways for roads and highways dedicated to Adams County and the State of Colorado Department of Transportation are exempt.

4.4.2 - Tanks with a secondary containment, such as oil and gas storage tanks, are not considered billable impervious area.

4.4.3 - Water surfaces, such as lakes, and swimming pools are not considered billable impervious area.

4.4.4 - Structures with 3 (three) or less enclosed walls and no floor are also exempt. This includes, but is not limited to lean-to, barns, or storage sheds.

4.4.5 - Gravel surfaces are not considered impervious area.

4.4.6 - Elevated patios, above 6ft without impervious area under structure.

## Chapter 5

### 5.0 Stormwater Utility Billing

The objective is to bill for stormwater utility services accurately and promptly, and to take timely and reasonable actions to collect past due amounts. All stormwater utility customers are billed by Adams County Finance Department.

Per Resolution No. 2014-003, adopted on 1/6/2014 by the BoCC, the County Manager is authorized to determine the billing procedure for the stormwater utility beginning in fiscal year 2014. The County Manager's billing procedure determination supersedes the procedure set forth in the County's September 19, 2012 resolutions.

### 5.1 Billing Cycle

The Stormwater Utility Fee shall be billed and mailed at least annually no later than April 30<sup>th</sup> of each year. Payment must be received by the due date: June 30<sup>th</sup> of each year, before 4:30 pm. The annual fee covers services provided from January 1<sup>st</sup> to December 31<sup>st</sup> of the current calendar year for which the fee is being collected. All fees are billed and mailed to the property owner on record based on the County's Property Tax Database, which is maintained by Adams County Assessor's Office.

### 5.2 Payment Options

5.2.1 In Person - The fee can be paid by cash, check, money order, debit and credit card (Visa, MasterCard, Discover, and American Express). The Customer Center office is located at the Adams County Government Center, 4430 S. Adams County Parkway, First Floor Suite W2000B, Brighton, CO 80601 and is open Monday through Friday from 8:00 a.m. to 4:30 p.m. (except County holidays).

5.2.2 Mail - Check or money order can be mailed to: Adams County Stormwater Management Division, 4430 S. Adams County Parkway, First Floor Suite W2000B, Brighton, CO 80601. Checks and money orders must be made payable to "Adams County Stormwater Management". Payments need to be mailed with the bottom portion of the statement before the due date using the return envelope provided.

5.2.3 Online - Online payment can be made with credit card, debit card or electronic check at [www.adcogov.org/stormwater](http://www.adcogov.org/stormwater). The link is available 24 hours a day, 7 days a week. Visa, MasterCard, Discover and American Express are accepted. Customer number is needed to process payment. An account does not need to be set up in order to make an online payment. The system does not allow for automatic deduction of online payments on an



annual basis. The online payment system is set up to accept the full amount only, no partial payments are accepted. There are no transaction fees by paying online.

### 5.3 Insufficient Funds

A \$20.00 fee will be charged for all returned payments due to insufficient funds. Any such fees will be added to the account.

### 5.4 Credit Balance

A credit balance on a statement (designated as Credit Memo) represents overpayment or money owed to the customer. Credits will be applied to the next year's fee. This credit will be reflected on the next annual statement.

### 5.5 Refunds

Refund of a credit balance will not be issued, unless requested by the customer. However, on a case-by-case basis a refund may be initiated by the Finance Department for credit balances over reasonable thresholds. Smaller amounts may be credited to the account instead of a issuing a refund.

### 5.6 Payment Plan

If a customer cannot pay the entire amount of past due charges at one time, a partial payment plan over a specified period of time based on account standing may be arranged. The customer must remain current with the payment schedule. If the customer does not honor the payment schedule, default or termination of any agreement will result.

### 5.7 Partial Payment

Partial payments are applied to the oldest delinquent annual fee and its associated interest charge first, prior to being applied to the current year fee.

### 5.8 Late Payment

The annual Stormwater Utility Fee becomes delinquent on July 1<sup>st</sup> of the same year. Late payments are subject to an interest charge. An additional statement may be mailed to the property owner following the due date for all unpaid fees. All late payments will accrue interest daily at the rate of 8% per annum according to Colorado statutory rate. This interest charge will be invoiced at the time a delinquency statement is issued.

If a customer's account has an unpaid amount as of December 31st for the prior year's SWU fee, interest will continue to accrue up until the date the unpaid account is certified to the Treasurer's Office for collection.

### 5.9 Request for Waiver of Interest Charge

Interest charges may be waived on a case by case basis when certain situations apply such as when a past due charge is a result of circumstances that are beyond the customer's control, or



due to administrative determination or error. Staff is responsible to document waived interest charges on the customer's account and report material amounts to a direct Supervisor. The Director may set a maximum dollar amount that may be waived directly by staff.

### 5.10 Certified Unpaid Fees

If full payment, including any interest owed or late payments, is not received by the end of December of the following year, the unpaid balance will be certified by the Adams County Clerk and Recorder and given over to the Treasurer's Office for collection as authorized by State law. For example: the 2015 stormwater utility fee must be paid by December 31, 2016 in order to avoid certification to the Treasurer for collection.

Unpaid fees, including interest charges, are certified to the Treasurer. The certification collection process is managed by the Treasurer's Office and payments must be made to that Office directly. This collection process will result in additional fees.

At least 30 days prior to certification of unpaid fees, a Final Notification Letter is mailed to each delinquent customer informing them of the upcoming certification process.

Once the unpaid fee is certified, this amount is coded in the billing system as "T" (for Treasurer) including the year of the annual fee (for example for the year 2014, the code is "T14"). This amount will show on the following customer statement as a deduction under the "Adjustment" column. Other write-off amounts may be listed under this column as well.

Currently, for an individual parcel of a multi-property owner the billing system only allows automatic certification of unpaid annual fees, not late fees. In the future, a program will be developed to be able to split the late fees for each parcel.

### 5.11 Property owner Responsibilities

It is the property owner's responsibility to ensure accurate property owner information is maintained with Adams County Assessor's Office.

Failure to receive a statement does not exempt the property owner from timely payment of the Stormwater Utility Fee. If the customer has not received the Stormwater Utility Fee statement, it is the customer's responsibility to contact the Stormwater Management Division at 720.523.6400 and request a duplicate statement.

### 5.12 Change of Property Ownership

SWU fees associated with a property stay with the property. The parties to a real property sale are responsible for apportioning the fee.

There is no process, nor application required to transfer the Stormwater Utility from the previous owner to the new property owner. Thus, no transfer fee is collected.

The stormwater utility transfer occurs automatically once the change of ownership and property title is recorded with Adams County Assessor's Office.

### 5.13 New Stormwater Utility Customers

New Stormwater Utility customers are identified through the application of a building permit or the identification of previously omitted impervious area. The County will include the impervious area in the GIS mapping layer using aerials or site plans filed with the County when applying for a building permit. Any newly developed parcel or previously omitted impervious area identified will be added to the Stormwater Utility billing system automatically once per year, the new customer will be billed the following billing cycle.

The contact information for new property owners through the sale of an existing property will be updated before statements or delinquent statements are mailed. There is no stormwater utility transfer process, nor a property ownership transfer fee. Stormwater utility records are linked to the Adams County Assessors database and updates are done automatically before billing.

### 5.14 Stormwater Utility Customers annexed to a City

Parcels annexed into cities will be removed from Adams County's Stormwater Utility. However, annexed parcels with an outstanding account balance will be kept open until payment has been received or the fee is certified and given to the Treasurer's Office for collection.

### 5.15 Customer Service

Customer Service is provided by the Community and Economic Development Department with the assistance of the Transportation Department and Finance Department. Customer service involves taking walk-in payments at the front counter, answering phone calls and emails and responding to voicemails.

The county desires to treat its customers in a fair and indiscriminate manner while recognizing that each customer has distinct needs and requirements. This policy is not meant to be all-inclusive but offers direction and guidance for the County employees.

County employees are empowered and trained to use this policy to deliver the highest quality of customer service to the customer in a reasonable, equitable and nondiscriminatory fashion. Employees are expected to be prompt, courteous, and professional in each interaction with the customer. Employees are expected to deal with each decision with empathy and understanding, listening carefully to the needs and requirements of individual customers.

When a customer's inquiry is received, the following procedures shall be followed:

- Initial contact by a customer should be directed to the One Stop Customer Center.
- The complaint may be pursued with the appropriate supervisor, manager, and Director, in that order, if the customer is not satisfied.

- Complaints concerning the charges, practices, facilities, or service of the Utility shall be investigated promptly and thoroughly.
- The Utility shall keep records of written complaints sufficient to enable review and analysis of its procedures and actions.
- Based on Utility staff judgment, a customer may be asked to submit a complaint in writing. A written complaint should contain name of customer, services location, contact information of the customer, the nature of the complaint, and the relief sought by the customer.

Non-Emergency calls should be directed to the One Stop Customer Center during regular business hours. The customer needs to call 911 for any emergency.

## Chapter 6

### 6.0 Stormwater Utility Fee Adjustments

The BoCC has the ability to increase or decrease fees by resolution. Listed below are other factors that may trigger a fee adjustment.

#### 6.1 New Impervious Area

Fees may increase if new impervious areas are added. This can be detected through application of a building permit or through annual review of aerial photography.

#### 6.2 Impervious Area Removed

Fees may decrease if an impervious area is removed. The property owner will need to file an appeal to provide detail and proof the impervious area has been removed. The appeal process is explained in Section 7.

#### 6.3 Corrections

Fees may increase or decrease resulting from corrections identified from annual review of aerial photography.

#### 6.4 Credits

Fees may decrease if a property owner applies for a credit. The process to apply for a credit is explained in Section 8.

## Chapter 7

### 7.0 Stormwater Utility Fee Appeal

The Stormwater Utility Fee Appeal process is administered by the Transportation Department. This process is available to any property owner that believes the calculated impervious area or property ownership shown on their billing statement is incorrect. The objective is to bring forth any discrepancies with the stated amount of impervious surface area shown in the calculated fee. The appeal process is not intended to contest the rate structure or the fee itself.

In the event a property owner does not agree with the calculated impervious area or property ownership information, the property owner should first contact the Adams County Stormwater Hotline at 720.523.6400 or [swq@adcogov.org](mailto:swq@adcogov.org). Adams County staff can answer any questions. If, after speaking with County staff, a property owner still feels the Stormwater Utility fee amount is calculated incorrectly, the fee amount may be appealed. A meeting with County staff may be scheduled at any time during the appeals process to resolve any issues. Described below are reasons that may warrant an appeal, the process to file an appeal, and the process that will be followed to make a final determination of an appeal.

#### 7.1 Basis for an Appeal

A property owner who wishes to appeal the Stormwater Utility fee that has a minimum error of 500 square feet (\$10.00) may do so by disputing the following:

##### 7.1.1 Incorrect Property Ownership

- a. All fees are billed and mailed to the property owner on record based on the County's Property Tax Database, which is maintained by Adams County Assessor's Office. Appeals are accepted if a property is no longer owned by the property owner listed in the database. Refer to Section 5.12 for change of ownership information.

##### 7.1.2 Amount of calculated impervious area

- a. The amount of impervious area is calculated using high resolution aerial imagery. This method was selected because it quantified impervious surfaces at the lowest possible cost to the County. Due to image quality and spectral-classification limitations, the tolerance for error on a parcel should be within approximately 500 square feet.
- b. It is possible that surfaces have been captured that do not meet defined impervious criteria.
- c. Demolition or removal of impervious area previously identified.

### 7.1.3 Incorrect Identification of impervious area

- a. A definition of what is considered impervious was established in advance of the measurement of the property's impervious area. A property owner may believe this definition was incorrectly applied and resulted in an incorrect fee.

### 7.1.4 Update of impervious area measurements

- b. A property owner may request to have the impervious area for a property reviewed for accuracy. The impervious area will be visually verified and manually corrected using the County's most current imagery.
- c. Surfaces in question found to not meet billable criteria will be manually removed and the fee for the property will be adjusted accordingly.
- d. Conversely, surfaces found to meet billable criteria will be manually added and the fee for the property will be adjusted accordingly.

## **7.2 Appeal Process**

A property owner may initiate an appeal by filling out the Adams County Stormwater Utility Fee Appeal Form. This Form can be found online at [www.adcogov.org/stormwater](http://www.adcogov.org/stormwater) or contact the Stormwater Hotline at 720.523.6400 or [swq@adcogov.org](mailto:swq@adcogov.org). The Form, along with supporting documentation, must be submitted to the Stormwater Management prior to June 30<sup>th</sup> of each year to allow adjustment of the current annual statement in the case the appeal is granted. Adjustments triggered by appeal submissions received after June 30<sup>th</sup> will be processed and become effective the following annual fee. Adjustment will not be retroactive to previous years. The appeal determination must be completed by Transportation Department within a reasonable timeframe of receipt of the Appeal Form.

## **7.3 Appeal Submittal**

The Form and supporting documentation will be reviewed for administrative completeness. An incomplete Form or an appeal lacking supporting documentation will be rejected. Failure to re-submit a complete Form with supporting documentation within 90 days of the rejection, shall be deemed a waiver of any further right to administrative consideration or review.

The Director may grant an extension in the case of extenuating circumstances. The property owner requesting the appeal may be required, at the property owner's expense, to provide supplemental information to the County. Supplemental information may include, but is not limited to, photos of the property or a survey prepared by a Colorado licensed professional engineer or surveyor, as appropriate, clearly showing the impervious area of the property.

### 7.4 Appeal Determination

Once a complete Form and all supporting documentation have been received, a determination will be provided in writing to the property owner within a reasonable amount of time. The determination decision shall be based solely on the information submitted with the Form. If, during review of an appeal, the County determines it necessary to conduct a confirmation site visit, the property owner will be contacted to schedule such a visit. The intent of the visit is not to physically measure the impervious area on-site, but to confirm the presence or not of a structure when the aerial imagery information is unclear or being contested.

### 7.5 Third Party Referee

If the property owner does not agree with the determination, the property owner shall state the reasons of such objection in writing to the County. Once received, the County shall provide copies of the written protest of the determination, including the original Form and supporting documentation, may be submitted to an independent third party referee for final resolution. By submitting such objection, the property acknowledges that a third party referee will be hired by the County to provide a conclusion regarding the appeal and recommendation of the fee amount.

All protests to the independent third party referee must be submitted within 30 days of the date of the determination.

All third party referee fees are subject to reimbursement by the property owner if the third party referee upholds the County's determination.

### 7.6 Stormwater Utility Fee Adjustment due to Appeal

The impervious area will be revised and adjusted for any appeal granted. The stormwater utility fee is re-calculated based on the new impervious area information. Approved appeals are not retroactive to previous years.

If the appeal form is submitted before June 30<sup>th</sup> and the determination results in a decrease of the fee, the fee will be adjusted and a corrected statement will be sent to the property owner immediately. Adjustments in this case are retroactive to January 1<sup>st</sup> of the same year the appeal is filed.

If the appeal form is submitted before June 30<sup>th</sup> and the fee determined is higher, the additional amount identified will be billed the following year.

Adjustments triggered by appeal submissions received after June 30<sup>th</sup> will be processed and become effective the following annual fee. Any adjusted fee triggering a credit shall follow Section 5.5 Refunds guidelines.

## Chapter 8

### 8.0 Adams County Stormwater Utility Credit Policy

The Credit Policy, as adopted on 9/15/2015 per Resolution No. 15-185 by the BoCC, is hereby incorporated in this Stormwater Utility Policy Manual. The program is administered by the Transportation Department. The Credit Policy is a limited credit program based on the recommendations described in the Adams County Stormwater Utility Credit Report Analysis and the Adams County Stormwater Utility Credit Eligibility Report created on January 14, 2014 by Raftelis Financial Consultant Inc., with Adams County Staff input.

### 8.1 Credit Criteria

The following credit criteria describe what type of credits are available; the maximum credit available for each credit type; the creditable structure or permit; eligible properties, and how the credit is calculated.

| SWU Credit Type   | Max. Credit Available | Creditable structure/permit  | Eligible Property Types  | Calculation   |
|---|-----------------------|--|--|---|
| 1. Water Quantity (volume)  | 35%                   | <ul style="list-style-type: none"> <li>• Private Detention basins; or</li> <li>• Private Retention ponds.</li> <li>• Regional <sup>(1)</sup> Drainage infrastructure on private property</li> </ul>  | Commercial<br>Industrial<br>Institutional  | Percent credit up to 35% calculated proportional to impervious area for which 1 (one) inch of runoff is treated   |
| 2. Water Quality (treatment)                                      | 25%                   | <ul style="list-style-type: none"> <li>• Private Detention basins w/ Structural Best Management Practices (BMP) ; or</li> <li>• Private Retention ponds; or</li> <li>• Regional Drainage infrastructure in private property; or</li> <li>• National Pollutants Discharge Elimination System (NPDES) Industrial Stormwater Discharge Permit; or</li> <li>• Colorado Discharge Permit System (CDPS) Discharge Permitting Requirements for Stormwater Discharges; or</li> <li>• Stormwater pollution prevention activity; or</li> <li>• Stormwater Pollution Prevention Plan (SWPPP) and its implementation.</li> </ul> | Owner Associations <sup>(2)</sup><br>Regional drainage infrastructure on private property <sup>(3)</sup> | Percent credit up to 25%: <ul style="list-style-type: none"> <li>• Calculated proportional to impervious area for which 1 (one) inch of runoff is treated</li> <li>• Calculated proportional to impervious area covered under NPDES Industrial Stormwater Discharge Permit</li> <li>• For only stormwater pollution prevention activity and Stormwater Pollution Prevention Plan (SWPPP) 5% max. credit available.</li> </ul> |
| <b>Total credit available for private drainage infrastructure</b> | <b>60%</b>            | <p><b>Note:</b> Except in unique circumstances described in section 8.2 below, credit will not exceed 60%. The remaining portion of the fee is intended to provide funding for public roadway and other public drainage cost (static cost).</p>  |  |   |



|  |            |  |   |  |
|--|------------|--|---|--|
| 3.Self-Maintenance (regional)  | 5%         | <ul style="list-style-type: none"> <li>Maintenance of regional drainage infrastructure on private property; or</li> <li>Repair/replacement of regional drainage infrastructure on private property, and routine maintenance</li> </ul>   | Regional drainage infrastructure on private property <sup>(3)</sup> | Credit for properties that drain into regional drainage infrastructure on private property that is maintained. |
| <b>Total Credit Available for regional drainage infrastructure on private property</b> | <b>65%</b> | <b>Note:</b> Except in unique circumstances described in section 8.2 below, credit will not exceed 65%. The remaining portion of the fee is intended to provide funding for public roadway and other public drainage cost (static cost). |   |  |

<sup>(1)</sup> Regional drainage infrastructure as defined and considered by Urban Drainage and Flood control District and/or included in Master Drainage Regional Plans.

<sup>(2)</sup> Credit only applies to impervious areas on parcels that are owned by the Owner’s Association (OA), not to each of the single family properties that are associated with the OA. If there is no OA, then the credit will be approved for the parcel(s) on which the drainage structure has been built.

<sup>(3)</sup> Credit may be granted to Owners Associations (OA) and applied to the single family properties within that organization for self-maintenance of regional drainage infrastructure on private property.

### 8.2 Eligibility for 100% Credit

The County may grant a 100% credit only in the narrow circumstances described below. Most properties in Adams County will not be eligible for this credit. The following unique circumstances are:

- a. Property owner provides self-maintenance of regional drainage infrastructure on private property, and grants a permanent drainage easement to the County over the regional facility located on private property (if not previously granted); or
- b. Property owner holds and complies with NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges, and stormwater flows are discharged directly into waters of the State, bypassing Adams County storm sewer system.

### 8.3 Credit Amount

The credit granted may or may not reach the maximum available for each credit type. The credit approved may range within and up to the maximum percentage available for each credit type. The amount of the credit approved for each credit type will be calculated according to the amount of impervious area for which the credit type provides treatment/coverage as indicated on the Credit Criteria Table above.

The creditable drainage structure's design must comply with current Adams County's Development Standards and Regulations to be able to obtain the maximum credit available for each credit type. Credit amount will not exceed 100% of the Stormwater Utility fee.

#### 8.4 Maintenance

Ongoing credit will only be available to properties that maintain their structural controls in a fully functional condition in accordance with current Adams County Standards, or maintains the facility in compliance with NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges.

#### 8.5 Location

Credit is not available for any property outside the Stormwater Utility Service Area. Credit does not differ from one property to the next based on proximity to water bodies.

#### 8.6 Lot Size

Credit is not contingent upon lot size.

#### 8.7 Credit accumulation

Each of the three credit types (water quantity, water quality and self-maintenance) can be cumulative. Creditable structures or permits under each credit type are not cumulative.

#### 8.8 Credit Duration

Each credit is granted for a maximum of three years. The credit expires three years from the date the original credit application was submitted. After expiration, property owners must submit a new credit application. As with the initial credit, the renewed credit will be contingent upon proper function of drainage structure or compliance with NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges.

#### 8.9 Credit Application Process

A property owner may initiate a credit request by filling out the Adams County Stormwater Utility Credit Form. This form can be found online at [www.adcogov.org/stormwater](http://www.adcogov.org/stormwater) or by contacting the Stormwater Division at 720.523.6400 or [swg@adcogov.org](mailto:swg@adcogov.org). An individual Credit Form must be submitted for each parcel requesting a credit. The Credit Application form must include, at minimum, property owner information, contact information and a signed certification statement. In addition to the Credit Form, each credit type request requires the following supporting documentation:

- Plan view sketch or drawing of the property and delineation and measurement of creditable impervious area (or permitted area for NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges); and

- Calculations and documentation that demonstrate the runoff control achieved by the drainage structure, such as copies of the appropriate pages from the originally approved drainage report and as-built plans; and
- Complete list of maintenance activities performed, including documentation and annotated photos illustrating when activities occurred and documentation of costs expended for maintenance contracts or agreements or other expenses; and
- Annotated graphic documentation that drainage structure(s) are functioning properly and being properly maintained; and
- Plans, schedules or any other information requested to confirm compliance with the permit.

Or:

- Copies of the appropriate pages from the approved NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges permit; and
- Plans, schedules or any other information requested to confirm compliance with the permit.

### 8.10 Credit Submittal Review

The credit determination must be completed by Transportation Department within a reasonable amount of time. An incomplete Credit Application lacking supporting documentation will be returned to the property owner. Failure to submit a complete Form with supporting documentation within 90 days after credit application is returned shall be deemed a waiver of any further right to administrative consideration or review.

The Director may grant an extension in the case of extenuating circumstances. The property owner requesting a credit may be required, at the property owner's expense, to provide supplemental information to the County. Supplemental information may include, but is not limited to, additional photos of the property and surveys or drainage plans prepared by a Colorado licensed professional engineer or surveyor, as appropriate.

### 8.11 Credit Appeal Process

In the case of denial of the credit request or dispute over credited amount, the following appeal process applies:

8.11.1 Credit Appeal: Property owner may appeal the credit determination by submitting a letter to the Stormwater Utility within 30 days of the date that the credit

application is decided. The letter should set forth the property owner's reasons for appeal and provide any information the property owner believes relevant to the credit determination. Any information or documentation in support of the appeal must be included with the letter in order to be considered.

8.11.2 Final Decision: All appeals will be reviewed by Director or designee. If deemed necessary, the County may contact the property owner to schedule a site visit for further review. A written decision will be issued, including basis for decision, within 60 days of receiving the request for credit appeal.

8.11.3 Third Party Referee: After completing the first appeal process with the Department, the property owner may appeal to a third party referee. The Board of County Commissioners chooses the third party referees and appoints them to this position. Requests for appeal to the third party referee must be submitted in writing to the County within 30 days of the date of the Final decision. The County will provide all information reviewed at the first level of appeal to the third party referee for their review. Payment of the third party referee fees will be equally divided between the County and the property owner prior to referral to the third party referee.

## **8.12 Stormwater Utility Fee Adjustment due to Credit & Timing**

Approved credits will be applied to the stormwater fee beginning in the year in which the application was received. The credit is not retroactive to previous years. The adjustment will appear as a credit on the property owner's account, and any reimbursement will be handled in accordance with Section 5.5.

## **Chapter 9**

### **9.0 Purchasing Policies and Procedures**

Adams County Purchasing Policies and Procedures, as amended from time to time, are hereby adopted by reference.

## **Chapter 10**

### **10.0 Storm Sewer Design, Plan Review, Construction and System Modification**

Applicable Adams County Development Standards and Regulations, as amended from time to time, are hereby adopted by reference.

## **Chapter 11**

### **11.0 Ownership and Private Long-term Maintenance**

Applicable Adams County Development Standards and Regulations, as amended from time to time, are hereby adopted by reference.

## **Chapter 12**

### **12.0 Inspection Access and Right of Entry**

Applicable Adams County Development Standards and Regulations, as amended from time to time, are hereby adopted by reference.

## **Chapter 13**

### **13.0 Enforcement Actions, Remedial Compensation, Emergency and Abatement**

Applicable Adams County Development Standards and Regulations, as amended from time to time, are hereby adopted by reference.

## **Chapter 14**

### **14.0 Storm Sewer Use**

Adams County Ordinance 11, as amended from time to time, is hereby adopted by reference.

## **Chapter 15**

### **15.0 Five (5) Year Improvement Plan**

The Director shall develop a capital improvement and operations budget plan within the County's Stormwater Utility Service Area.

This document shall be prepared annually and shall identify the five (5) year storm sewer system improvement plan. The 5 year plan is developed as part of the budgeting process and is shown in the approved budget.

## **Chapter 16**

### **16.0 Minimum Standards of Service**

The Stormwater Utility shall maintain the County's public stormwater drainage system to a level of service that is reasonably attainable within the limits of the prescribed funding, recognized by the Board. The County's Stormwater Utility Enterprise funding shall be comprised primarily of allocated user fees which shall be fairly and equitably allocated. The fees allocated to each user shall bear a substantial relationship to the cost of providing a public stormwater drainage system. The level of service will be developed as the County's infrastructure is inspected, evaluated and maintained. A goal of the Stormwater Utility Enterprise is to maintain the County's public infrastructure to accommodate the intended design.

## **Chapter 17**

### **17.0 Flooding Liability Disclaimer**

Floods from stormwater runoff may occasionally occur which exceed the capacity of storm drainage facilities constructed, operated or maintained by funds made available by the Stormwater Utility Enterprise. Stormwater Utility shall not be construed or interpreted to mean that property subject to the Stormwater Utility fee and charges established herein will be free from stormwater flooding or flood damage, or that storm sewer systems capable of handling all storm events can be cost-effectively constructed, operated, or maintained. Nor shall establishment of the Stormwater Utility create any liability on the part of, or cause of action against, the County, or any official or employee thereof, for any flood damage that may result from such storms or the runoff thereof. Nor does the establishment of the Stormwater Utility shall reduce the need or the necessity for obtaining flood insurance by individual property owners.

## **Chapter 18**

### **18.0 Annual Report**

The Annual Budget Book reports on revenue and cost of service as well as highlights projects paid for with Stormwater Utility funds.

### Appendix A: Stormwater Utility Service Area Map

