



**City of Phoenix
Water Services Department**

Procedure for Appealing Water and Wastewater Requirements

Purpose: To provide customers with a description of the City of Phoenix’s Water Services Department (WSD) and Planning and Development Department (P&D) appeal processes relating to all water and wastewater requirements.

Background: The WSD in coordination with P&D both stipulate water and wastewater infrastructure requirements for all developments within the City of Phoenix.

- If the customer does not agree or cannot meet the stipulations or design standards, they may file a Technical Appeal to the Water and Sewer Technical Appeals Committee (Committee) through the P&D, see below for process. However, if the customer is a residential homeowner (meaning a single dwelling, such as single family home, condominium, town home, or same), the appeal application fee is reduced, and the appeal application is routed to the WSD for review rather than routing it to the Committee.
- In any appeal where the Applicant believes that a “takings” has occurred, the Applicant has the option to pursue the City’s Proportionality Appeal Process. This type of appeal is submitted through P&D

For appeal fees, refer to the P&D’s current fee schedule.

Developer Technical Appeal to the Water and Sewer Technical Appeals Committee (Committee):

- A technical appeal application is submitted to the P&D where an appeal fee is charged. The appeal is reviewed by the Committee which is comprised of a minimum of two (2) WSD engineers and two (2) P&D engineers. The Committee reviews the appeal to determine the type of appeal.
 1. If the applicant is appealing WSD design standards, the appeal will be approved as is; approved with stipulations or changes; or denied. For these types of appeals denied by the Committee, the applicant may request a meeting with the WSD Director’s Representative in which the applicant appears in person to justify the appeal. Refer to *WSD Director’s Representative Technical Appeal process* below.
 2. If the applicant is appealing a requirement from City Code chapters 28 or 37 (water and sewer), then the Committee must deny the appeal as these City Code’s cannot be waived. The applicant may then request a meeting with the WSD Director’s Representative in which the applicant appears in person to justify the request. Refer to *WSD Director’s Representative Interpretation of City Code process* below.

Residential Homeowner Appeal to the Water Services Department:

- An appeal application is submitted to the P&D where a reduced appeal fee is charged. The appeal is routed directly to the WSD which will be reviewed by the WSD staff.
 1. If the applicant is appealing WSD design standards, the appeal will be approved as is; approved with stipulations or changes; or denied. For appeals that are denied, the homeowner has the option to pursue the appeal further by requesting a hearing with the WSD Director's Representative to appear in person to justify the appeal. Refer to *WSD Director's Representative Technical Appeal process* below.
 2. If the homeowner is requesting to not comply with a requirement from City Code chapters 28 or 37 (water and sewer), then the WSD staff will inform the applicant they must appear in person with the WSD Director's Representative to justify the appeal. Refer to *WSD Director's Representative Interpretation of City Code process* below.

WSD Director's Representative Appeal Process:

The Applicant schedules a meeting with the Director's representative to justify their appeal. At the end of the meeting, the representative may render a decision, or take up to two weeks to make a final decision if additional research is necessary. This will result in the representative approving the appeal as is; approving with stipulations or changes; or denying the appeal. If the appeal is denied, the Applicant has the option to request an appeal to the Development Advisory Board (DAB). This appeal request is made through the P&D. If the appeal is denied by the DAB, the Applicant may pursue legal recourse with the Maricopa County Superior Court.

WSD Director's Representative Interpretation of City Code Process:

As stated above, City Code chapters 28 and 37 cannot be waived and only the WSD Director's Representative (representative) has the authority to interpret the Code. It is the responsibility of the Applicant to propose to the representative what can be done differently to still meet the intent of the Code. The representative will then discuss the Code requirements with the Applicant, and determine if what is being proposed still complies with the intent of the Code. At the end of the meeting, the representative will either render a decision, or inform the Applicant that it may take up to two weeks to render a decision. If the appeal is denied, the Applicant may pursue legal recourse with the Maricopa County Superior Court.



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