

City of Santa Fe, New Mexico

memo

DATE: November 2, 2011

TO: Amanda Martinez, Water Budget Administrative Office
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Antonio Trujillo, Water Division
Dale Lyons, Water Division
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FROM: Matthew O'Reilly, PE, Land Use Department Director *MSO*
Brian Snyder, PE, Public Utilities Department Director and Water Division Director *7X3*

RE: #3 Modification of Administrative Procedures for Water Requirements

The Administrative Procedures for Water Requirements allow the Public Utility Director and Land Use Department Director to approve up-dates and modifications to the Administrative Procedures consistent with the authorizing ordinance passed by the Governing Body.

Below is the modified text for the Administrative Procedures. Strikethrough represents deletion and underline represents new text.

Staff will place this Modification Memo on the Land Use Department Water Budget Office website along with the Administrative Procedures. Staff will also send the Modification Memo to the email list of partners that assisted in the review of the Administrative Procedures.

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Note; All forms referenced in this document will be available on the ~~Water Division Engineering Section, Water Conservation Office and~~ Water Budget Office (Land Use Department) websites. Hard copy will also be available at all three City offices.

1.1.1 Development Water Budget, SFCC 14-8.13(B)(1)(c)

The development water budget shall be reviewed and approved by the Engineering Section of the Water Division and shall contain the following information:

- c) A quantification in gallons and acre-feet of the total proposed water usage on the subject parcel of land on an annual basis. In the case of a development approved in phases or constructed in phases the quantification shall also

include the proposed water usage by each phase of development.

1.1.2 Development Water Budget, SFCC 14-8.13(B)(2)(b)

Develop a detailed alternative development water budget for the development project supported by reliable data that demonstrates that the anticipated annual water use will be less than if based on the Water Division's standard formulas. This is called an "Option B" Water Budget. The Option B Worksheet for Residential Alternative Water Budget is included as Appendix I.

1.1.3 Development Water Budget, SFCC 14-8.13(B)(3)(e)

When there is a proposed intensification of use, new structure or use, the development water budget may be reduced to an amount equal to the average annual consumption in the previous 24 months. The prior structure must have been occupied and the use active in the 12 months prior to application for which a development water budget is required. For this average annual consumption calculation to be utilized, the intensification of use, new structure or use must be similar to the existing use.

1.1.4 Development Water Budget, SFCC 14-8.13(B)(6)

A development water budget may be for a single phase of a multi-phase development project. Whether approved in phases, constructed in phases or not phased, the water budget for the entire project, must be calculated in order to determine if the milestone to bring water rights is met. If the project is approved in phases, constructed in phases, or not phased, the applicant may tender water rights (or the applicant may provide an appropriate financial guarantee) for each phase. Section 3.3 of this document provides additional detail on the process.

1.2.1 Applicability of Development Water Budgets, SFCC 14-8.13(C)(2) and (3)

The type of new development projects that are required to develop a water budget are:

b) Development plans

- if a development is approved in phases or constructed in phases, each phase is subject to SFCC 25-12 (Section 3.14 of this document).

1.2.2 A development water budget also may be established for a single phase of a multi-phase development project only if the project is formally phased for infrastructure permits and financial guarantee established for the phase. The water budget for the entire project whether approved in phases, constructed in phases or not phased, must be calculated in order to determine if the milestone to bring water rights is met. If the project is approved in phases or constructed in phases, the applicant may tender water rights (or the applicant may provide an appropriate financial guarantee) for each phase. Section 3.3 of this document provides additional detail on the process.

1.2.3 The development water budget shall be reviewed and approved by the Engineering Section of the Water Division. Approval of the development water budget may include credits for existing use according to the requirements in this document. For the purposes of projects that require water rights, the credits shall remain valid for the entire length of the project. If a change of design leads to additional water rights requirements, the applicant will be required to bring additional water rights. The development water budget shall contain the following information:

1.3.3 Creation and Approval of a Development Water Budget, SFCC 14-8.13(C)

The Utility Service Application will be reviewed the by WBAO with assistance from the Water

Division engineering staff, if necessary. The Utility Service Application and the alternative development water budget shall contain the following information:

- c) A quantification in gallons and acre-feet of the total proposed water usage on the subject parcel of land on an annual basis. In the case of a phased development approved in phases or constructed in phases, the quantification shall also include the proposed water usage by each phase of development.

1.4.1 Modification of a Development Water Budget, SFCC 14-8.13(B)

Water demand offset payment is based on the City's current cost for purchasing water rights (\$15,000 per acre-foot) plus a ~~\$1,000~~ \$1,600 administrative fee, as shown in Appendix I. Therefore, the current rate is \$16,600 per acre foot.

1.5.2 Dedication of Water to Development and Building Permit Processing, SFCC 14-8.13(E)

Based on the approved water budget for the entire development project, the applicant shall obtain water through either the water rights transfer program (§25-12 SFCC 1987) or the water conservation credits program (§25-11 SFCC 1987) to meet the development water budget according to the following criteria. The water budget for the entire project whether approved in phases, constructed in phases or not phased, must be calculated in order to determine if the milestone to bring water rights is met.

2.3.3 Water Conservation Retrofit Rebate, SFCC 25-11.3(C)(2) and 11-4

The City shall also establish the quantity of water conserved by each retrofit and the price that it will pay for each water conservation Retrofit Rebate credit, as per SFCC 25-11.14. This information will be posted on the ~~Water Division Engineering Section~~, Water Conservation Office and Water Budget Office (~~Land Use Department~~) websites.

3.3.2 Tender of Water Rights, SFCC 25-12.4

In the case of ~~phased development~~ approved in phases or constructed in phases, water rights tendered for the first ~~development~~ phase shall adhere to 3.3.1 above, and water rights for a subsequent approved phase or constructed phase of the development shall be tendered to the City Attorney at the time that the infrastructure financial guarantee is posted for that phase of development.

3.3.3 For residential or commercial projects, the applicant has 60 days from recordation to tender the water rights for the whole project or by phase for a ~~phased-project development~~ approved in phases or constructed in phases. No individual structural permits will be issued until the proportionate amount of water rights have been transferred to the City. If conservation credit is allowed for the specific project, then the proportionate amount of conservation credit will have to be verified prior to issuance of an individual structural permit.

3.3.4 For a ~~phased-project development~~ project approved in phases, constructed in phases or any project, the City may accept conservation credits for a building permit up to the first five acre feet for a commercial project, up to seven and one-half acre feet for a mixed use project and up to ten acre feet for a residential project. However, if and when an applicant exceeds those limits, the applicant will need to provide a new water budget for approval and the entire water budget must be satisfied with water rights. The entity responsible for exceeding the project limits must bring the entire project amount in water rights and the entity shall be credited with the water credit previously obtained for the project.