

# City Code Chapter 30 - Amended Sections 30-3, 30-4, 30-5, 30-6 and 30-11

ORDINANCE G-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 30 ENTITLED “WATER RESOURCES ACQUISITION FEE ORDINANCE OF THE CITY OF PHOENIX” OF THE PHOENIX CITY CODE, BY AMENDING SECTION 30-3 PERTAINING TO DEFINITIONS; AMENDING SECTION 30-4 PERTAINING TO CALCULATION OF THE WATER RESOURCES ACQUISITION FEE; AMENDING SECTION 30-5 PERTAINING TO CALCULATION OF OFFSETS; ADDING A NEW SECTION 30-6 PERTAINING TO AUTOMATIC ADJUSTMENTS; AMENDING SECTION 30-11 PERTAINING TO APPEALS; AND PROVIDING FOR DELAYED EFFECTIVE DATES FOR SECTIONS 30-4, 30-5 AND 30-6.

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The Phoenix City Code, Chapter 30, entitled “Water Resources Acquisition Fee Ordinance of the City of Phoenix”, is amended as follows:

a. Section 30-3 is amended by deleting and amending some of the existing definitions:

“Section 30-3. Definitions.

*Director:* The Water and Wastewater SERVICES Director OF THE CITY OF PHOENIX OR HIS AUTHORIZED DEPUTY, AGENT, DESIGNEE OR REPRESENTATIVE.

~~Jomax Road: That public road known as "Jomax Road" which begins as [at] Scottsdale Road on the east and terminates at 67th Avenue on the west. A map illustrating the precise location of Jomax Road shall be kept on file in the City Clerk's office for public inspection.~~

*Water resource projects:* Those projects identified in the Phoenix Water Resources Plan OR THE WATER RESOURCES ACQUISITION FEE REPORT, as it THEY may be amended from time to time, for securing water for future customers and reducing water demand.”

b. Section 30-4 is amended as follows:

“Sec. 30-4. Calculation of the water resources acquisition fee.

A. Each new development other than residential development shall be assessed a water resources acquisition fee according to the following calculations based on the meter size requested by the developer and the location of the proposed development. IF THE METER SIZE IS NOT INCLUDED IN THE TABLE BELOW, FEES WILL BE BASED ON THE RELATIVE METER CAPACITY, USING THE MAXIMUM FLOW RATE ASSOCIATED WITH METERS AS INDICATED IN AMERICAN WATER WORKS MANUAL OF WATER SUPPLY PRACTICES. THE LATEST VERSION SHALL BE ON FILE WITH THE CITY CLERK.

	Location		
Meter Size	On-Project Areas	Non-Member Areas or Off-Project Area South of Jomax Road	Off-Project Areas North of Jomax Road
5/8" OR 3/4" disc	<del>\$ 52.00</del> 430.00	<del>\$ 426.00</del> 1,430.00	<del>\$ 633.00</del>
1" disc	<del>130.00</del> 1,080.00	<del>1,065.00</del> 3,560.00	<del>1,583.00</del>
1 1/2" disc	<del>260.00</del> 2,150.00	<del>2,130.00</del> 7,130.00	<del>3,165.00</del>

2" disc	<del>416.00</del> 3,440.00	<del>3,400.00</del> 11,400.00	<del>5,064.00</del> —
3" DISPLACEMENT	6,890.00	22,800.00	
4" DISPLACEMENT	10,760.00	35,630.00	
6" DISPLACEMENT	21,520.00	71,250.00	
3" compound	<del>780.00</del> 6,460.00	<del>6,390.00</del> 21,380.00	<del>9,495.00</del> —
4" compound	<del>1,300.00</del> 10,760.00	<del>10,650.00</del> 35,630.00	<del>15,825.00</del> —
6" compound	<del>2,600.00</del> 21,520.00	<del>21,300.00</del> 71,250.00	<del>31,650.00</del> —
8" COMPOUND	34,430.00	114,000.00	
10" COMPOUND	49,490.00	163,880.00	
2" turbine	<del>416.00</del> 3,440.00	<del>3,400.00</del> 11,400.00	<del>5,064.00</del> —
3" turbine	<del>910.00</del> 7,530.00	<del>7,455.00</del> 24,940.00	<del>11,078.00</del> —
4" TURBINE	12,910.00	42,750.00	
6" turbine	<del>3,250.00</del> 26,900.00	<del>26,625.00</del> 89,070.00	<del>39,563.00</del> —
8" TURBINE	38,730.00	128,260.00	
10" TURBINE	62,400.00	206,630.00	
12" TURBINE	92,530.00	306,390.00	

B. Each new residential development shall be assessed a water resources acquisition fee according to the following calculations based on the type and location of the residential development:

1. For any single-family residence using a five-eighths-inch OR A THREE-QUARTER-INCH water meter the water resources acquisition fee shall be as follows:

<i>Location</i>	<i>Fee Amount</i>
a) On-project areas . . .	\$ <del>52.00</del> 430.00



C. IN SITUATIONS WHERE ONE OR MORE METERS EXIST, THE WATER RESOURCES ACQUISITION FEE WILL BE THE DIFFERENCE BETWEEN THE FEE AMOUNT CALCULATED FOR THE NEW METERS AND THE FEE AMOUNT THAT WOULD HAVE BEEN CHARGED FOR THE EXISTING METERS, IF THOSE METERS HAD TO BE ACQUIRED UNDER THE CURRENT FEE SCHEDULE.

~~C.~~ D. If applicable, the Director shall establish ~~an offset~~ A CREDIT as described below against the water resources acquisition fee amount derived under the above tables to determine the water resources acquisition fee:

1. Water-conserving plumbing fixtures installed by a developer which conserve water as determined by the Director above and beyond existing flow requirements for plumbing fixtures or other permanent actions taken to reduce water use below existing requirements.

2. Private water resources procured by the developer which, as determined by the Director, partially or wholly satisfy the proposed development's water resource needs. Private sources of water must be eligible for use in meeting the assured supply requirements of the Groundwater Management Act and must be deliverable to the nearest appropriate treatment plant at the request of the City at the developer's expense.

~~3. Existing water meters or existing service connections on sites to be redeveloped. The offset will be proportional to the size of the water meter requested for the redevelopment based on the tables set forth in section 30-4.~~

~~4.~~ 3. Expenditures by community facilities districts for water resources within the district's boundaries ~~shall be offset by~~ WILL RESULT IN AN OFFSET OF an amount

determined by the Director to be proportional to the water resources acquired by the district.”

c. Section 30-5 is amended as follows:

“Sec. 30-5. Calculation of ~~offsets~~ CREDITS.

A. ~~Offsets to be credited~~ CREDITS against the water resources acquisition fee as set forth in section 30-4 shall be calculated on the basis of the net annual water savings the particular ~~offset~~ REDUCTION IN DEMAND provides the City, TAKING INTO ACCOUNT ADDITIONAL FINANCIAL COSTS THAT THE CITY WILL INCUR TO OBTAIN AND TRANSPORT THE WATER RESOURCES. The amount of the ~~offset~~ CREDIT shall be based on the City's cost per acre-foot of future water resources by location as follows:

<i>Location</i>	<i>Cost per Acre-Foot</i>
a) 1. On-project areas . . .	\$ <del>407.00</del> 1060.00
b) 2. Non-member areas or off-project areas <del>south of Jomax Road . . .</del>	<del>879.00</del> 3510.00
c) <del>Off-project areas north of Jomax Road . . .</del>	<del>1,306.00</del>

B. ~~Offsets~~ CREDITS shall be calculated on the cost per acre-foot of water within the geographical location of the City described above in which the ~~offset~~ CREDIT is located. For example, developers installing upgraded water-conserving fixtures in on-project areas will receive an ~~offset~~ A CREDIT equal to ~~one hundred seven~~ NINE HUNDRED AND NINETY-THREE ONE THOUSAND AND SIXTY dollars for each acre-foot or portion thereof of water conserved per year in that area above that required by law.

C. ~~For each offset~~ TO OBTAIN THE CREDIT the developer shall submit a study by an engineer licensed by the State of Arizona calculating the amount of water resources saved ~~by the particular offset~~ on an acre-foot basis. All such calculations shall be submitted to the Director and will be considered by the Director in making his ~~offset~~ CREDIT determination, which determination shall be made within thirty working days from the date the licensed engineer's report is submitted.”

d. A new Section 30-6 is added to read as follows:

“Sec. 30-6. AUTOMATIC ADJUSTMENTS.

THE FEES AND CREDITS CONTAINED IN THIS CHAPTER WILL BE AUTOMATICALLY ADJUSTED ON AN ANNUAL BASIS USING THE ENGINEERING NEWS RECORD TWENTY-CITY CONSTRUCTION INDEX OR EQUIVALENT NATIONALLY RECOGNIZED INDEX. AT LEAST THIRTY DAYS NOTICE IN ADVANCE OF THE EFFECTIVE DATE AND AMOUNT OF THE ADJUSTED FEES AND CREDITS WILL BE PROVIDED TO THE PUBLIC. A CURRENT LIST OF ALL ADJUSTED FEES AND CREDITS WILL BE ON FILE WITH THE CITY CLERK.”

e. Section 30-11 is amended as follows:

“Sec. 30-11. Appeals.

A final fee determination may be appealed in accordance with the following procedures:

A. Appeals shall be limited to disputes regarding the size of a new water meter or increase in size of an existing water meter, the use of water-conserving plumbing fixtures, the use of private water resources, and the eligibility ~~and amount of offsets to~~

~~be credited~~ OF CREDITS against the new or expanded water meter, water-conserving plumbing fixtures or private water resources.

B. Appeals shall be initiated on such written form as the City of Phoenix may prescribe, within ten working days of a final fee determination.

C. Further appeals of the decision of the Director or the Development Services Department shall be made to a hearing officer appointed by the City Council, and thence to the City Council, within ten working days of the prior appeal decision.

D. Building permits or water meter connections, as appropriate, may be issued during the pendency of an appeal if the applicant pays the fee, as determined by the Director or the Development Services Department, at the time the appeal is filed. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered and a refund with accrued interest paid, if applicable, with interest calculated at the simple rate of six percent.

E. No longer than three years subsequent to the effective date of this ordinance, and no longer than every three years thereafter, the ~~Water and Wastewater~~ SERVICES Department and Development Services Department shall prepare and submit to the City Council a joint report evaluating this ordinance and its implementation and recommending any changes they believe may be needed to insure that the water resources acquisition fee accurately reflects the actual cost of acquiring water resources to meet the needs of new development. The City Council will take action on the staff report no later than every three years either accepting or rejecting it, with or without modification.”

SECTION 2. Delayed Effective Dates.

The increase of numeric values for fees and credits specified in Sections 30-4 and 30-5 are phased in according to the following schedule: 33 percent of the total increase is effective on January 1, 2010; 66 percent of the total increase is effective on January 1, 2011; and 100 percent of the total increase is effective on January 1, 2012. The first increase associated with the indexing specified in Section 30-6 is effective on January 1, 2010.

Passed by the Council of the City of Phoenix this 2nd day of July, 2008.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ Acting City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

MP:mt:663480: (CM #168) (Item #\_\_) 07/02/08