

Pursuant to Section 17.11 of the Santa Fe Irrigation District's Policies and Procedures, the District may grant Hardship Variances to the requirements of its Drought Response Policies and Procedures in certain limited circumstances. The following criteria will be used by the District for determining whether to grant such a Hardship Variance:

(a) If, due to unique circumstances, a specific requirement of the Santa Fe Irrigations District's (the "District") Drought Response Policies and Procedures (the "Policies") would result in undue hardship to a person using District water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using District water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be as set forth in this form and shall be accompanied by a non-refundable processing fee in an amount as set forth herein.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the District General Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

B. That because of special circumstances applicable to the property or its use, the strict application of the Policies would have a disproportionate impact on the property or use that exceeds the impacts to District customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of the Policies and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent, or general in nature.

(c) The General Manager shall exercise approval authority and act upon any completed application no later than ten business days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless otherwise specified at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response level then in effect.

(d) An applicant may appeal a decision or condition of the General Manager on a variance application to the District Board of Directors within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the District Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the Board of Directors is final.