

# SANTA FE COUNTY

## *Ordinance No. 2005-2*

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4 **AN ORDINANCE AMENDING ORDINANCE 2003-2 ARTICLE V, SECTION 5.2.2.g 9 AND**  
5 **SECTION 5.2.2.g 8 (MASTER PLAN PROCEDURES), AND ORDINANCE 1996-10, ARTICLE**  
6 **V, SECTION 5.4.2 (FINAL PLAT SUBMITTALS), AND ARTICLE VII, SECTION 6.4**  
7 **(WATER AVAILABILITY) OF THE LAND DEVELOPMENT CODE TO SPECIFY AT**  
8 **WHAT STAGE WATER RIGHTS ARE REQUIRED TO BE TRANSFERRED.**

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11 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY**  
12 **THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE IS HEREBY AMENDED AS**  
13 **FOLLOWS:**

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15 **ARTICLE V, SECTION 5.2.2.g 8 Master Plan Procedures:** A preliminary water supply plan  
16 and liquid waste disposal plan shall be submitted. The plan shall identify one or more sources of  
17 water to supply the proposed development, i.e. County or other utility, wells, water rights transfers,  
18 proposed point of diversion, etc. The analysis will also include estimated water budget (demand)  
19 by phase, total demand at full build-out, including commercial uses, if applicable, and a water  
20 conservation plan.

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22 **ARTICLE V, SECTION 5.2.2.g 9 Master Plan Procedures:** In addition to the requirements  
23 listed above, all applicants requesting Master Plan approval of a non-residential development  
24 proposing to use more than 1.0-acre foot of water per year or a Type I, II, or IV subdivision must  
25 submit a water supply plan for the first sustainable phase of development, as required by Article  
26 VII, Section 6 of the Code; provided, however, that permits to appropriate water issued by the  
27 Office of the State Engineer, provided for in Article VII, Section 6.2.2 of the Code, are not a  
28 required part of the water supply plan to be submitted as part of a Master Plan report, though the  
29 applicant may, at its discretion, submit such permits as part of its water supply plan. If the applicant  
30 opts not to submit permits to appropriate water issued by the Office of the State Engineer, the  
31 applicant shall submit sufficient written documentation to demonstrate that water rights are  
32 available for the first sustainable phase of development. Water rights shall be considered available  
33 for the purpose of this subsection when the water rights are owned by the applicant, under contract  
34 or optioned to the applicant, or otherwise deemed available by the Board. Sufficient written  
35 documentation includes, but is not limited to, a water rights deed, an option agreement to purchase  
36 water rights, or other appropriate documentation deemed sufficient by the Board.

SFC CLERK RECORDED 04/28/2005

1 **ARTICLE V, SECTION 5.4.2 Final Plat Submittals**

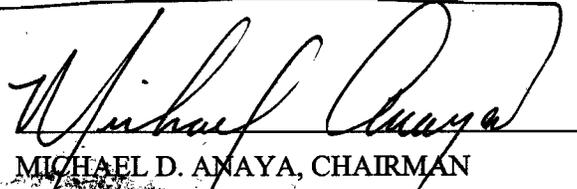
2 **ARTICLE V, SECTION 5.4.2c Plans and Data**

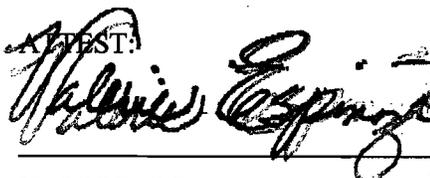
3 **iii** If required by Article VII, Section 6, of the Land Development Code, a permit to appropriate  
4 water issued by the Office of the State Engineer.

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6 **ARTICLE VII, SECTION 6.4.2 b** For new community wells and community water systems, the  
7 applicant shall submit a water availability assessment which includes the following: The applicant  
8 shall drill sufficient exploratory wells to adequately characterize the aquifer in accordance with the  
9 requirements listed in Table 7.5. Tests made within one mile of the development may be utilized,  
10 provided that the report demonstrates that the geologic conditions at the site of such tests are  
11 comparable to those within the development. For developments involving more than 40-acres, at  
12 least one test shall be within the development. Except where geologic conditions are complex, the  
13 well test requirement shall not be interpreted to require more than one (1) test per four (4) dwelling  
14 units. Where cluster or shared wells are to be used throughout a development, the requirement  
15 should not be interpreted to require more than one (1) test per ten (10) dwelling units. These well  
16 test requirements may be reviewed by the Code Administrator upon recommendation of the County  
17 Hydrologist; provided that for subdivisions of Types I, II and IV and subdivisions requiring  
18 community water systems, at lest one (1) test shall be made within the development.

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20 **ARTICLE VII, SECTION 6.4.2c** The applicant shall provide a calculated one hundred (100) year  
21 schedule of effects on the development's well (s) and the draw down of the water table on the  
22 properties adjoining the development that may result from existing demands and from the increase  
23 of ground water withdrawals for the project. Analysis shall be performed to assess whether future  
24 water level declines will be within the limits of allowable draw down in the project production  
25 wells as provided in Section 6.4.2 d. Predicted draw-downs shall be calculated in the conservative  
26 manner (which estimates maximum draw down). These calculations shall include estimates of  
27 future water use.

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29 **PASSED, ADOPTED AND APPROVED** this 12<sup>th</sup> day of April, 2005, by the Board of County  
30 Commissioners.

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34 MICHAEL D. ANAYA, CHAIRMAN

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36 **ATTEST:**  
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39 VALERIE ESPINOZA  
40 COUNTY CLERK



SFC CLERK RECORDED 04/28/2005

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APPROVED AS TO LEGAL FORM:

  
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COUNTY ATTORNEY

**CERTIFICATE OF FILING**

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2005 - 2, was filed in my office on the 28 day of April, 2005, in Book Number \_\_\_\_\_ at Page \_\_\_\_\_  
Instr 1377358

SANTA FE COUNTY CLERK

  
\_\_\_\_\_  
VALERIE ESPINOZA



SFC CLERK RECORDED 04/28/2005

COUNTY OF SANTA FE ) BCC ORDINANCE  
STATE OF NEW MEXICO ) ss PAGES: 4  
I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of April, A.D., 2005 at 08 20  
And Was Duly Recorded as Instrument # 1377358  
Of The Records Of Santa Fe County  
Witness My Hand And Seal Of Office  
Deputy  Valerie Espinoza  
County Clerk, Santa Fe, NM



THE SANTA FE  
**NEW MEXICAN**  
Founded 1849

SF COUNTY - Land Use  
Attn: Wayne Dalton  
PO BOX 276  
SANTA FE NM 87504-0276

ALTERNATE ACCOUNT: 73450  
AD NUMBER: 00096901 ACCOUNT: 00002845  
LEGAL NO: 75288 P.O. #: 500112  
71 LINES 3 TIME(S) at 80.94  
AFFIDAVIT: 5.50  
TAX: 5.78  
TOTAL: 92.22

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held to consider Ordinance 2004. An Ordinance amending Ordinance 2003-2 Article V, Section 5.2.2.g 8 and Section 5.2.2.g 9 (Master Plan Procedures), and Ordinance 1996-10, Article V, Section 5.4.2 (Final Plat Submittals), and Article VII, Section 6.4 (Water Availability Assessments) of the Land Development Code to specify at what stage water rights are required.

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 16th day of December 2004, at 4 p.m. on a petition to the County Development Review Committee and on the 11th day of January and the 8th day of February 2005, at 5 p.m. on a petition to the Board of County Commissioners.  
Legal #75288  
Pub. Nov. 25, 2004;  
Jan. 25; Feb. 1, 2005

**AFFIDAVIT OF PUBLICATION**

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

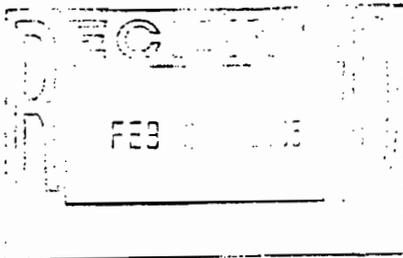
I, B. Perner, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos. State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication # 75288 a copy of which is hereto attached was published in said newspaper 3 day(s) between 11/25/2004 and 02/01/2005 and that the notice was published in the newspaper proper and not in any supplement: the first date of publication being on the 25th day of November, 2004 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

*B Perner*  
/s/ \_\_\_\_\_  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 1st day of February, 2005

Notary *Laura E. Harding*  
\_\_\_\_\_

Commission Expires: *11/23/07*  
\_\_\_\_\_



SFC CLERK RECORDED 04/28/2005