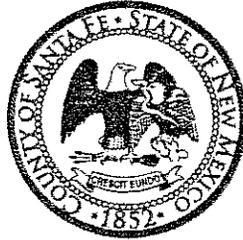


**Henry P. Roybal**  
*Commissioner, District 1*

**Anna Hansen**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Anna T. Hamilton**  
*Commissioner, District 4*

**Ed Moreno**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **MEMORANDUM**

**DATE:** *January 11, 2017*

**TO:** *Board of County Commissioners*

**VIA:** *Katherine Miller, County Manager*

**FROM:** *Michael Kelley, Public Works Department Director*

**ITEM AND ISSUE:** *BCC Meeting January 31, 2017*  
**Resolution No. 2017-\_\_\_\_, A Resolution Adopting A Schedule of New Water Deliveries For The First Six Months of 2017 and Setting Aside Additional Water For Certain Planned Subdivisions And Other County Purposes (Public Works Department/Jerry Schoeppner)**

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### **SUMMARY:**

Pursuant to Santa Fe County policy adopted under Resolution No. 2006-57 (County Water Policy), Santa Fe County Utilities (SFCU) requests that a total of 237.44 acre-feet of water per year (afy) in new water deliveries be scheduled for the first half of 2017, 226.13 afy for specific projects and 11.31 afy (5%) for County purposes. A proposed resolution adopting the delivery schedule is attached to this memorandum. This proposed resolution will reapprove 187.53 afy adopted earlier this year under Resolution 2016-80.

### **BACKGROUND:**

County Water Policy requires developments seeking water from SFCU within one year to apply to SFCU to schedule a new water delivery. The Board of County Commissioners (BCC) adopts a schedule of all new water deliveries every six months by resolution, which remains in effect for one year. In addition, prior to the submitting for development approval, SFCU conditionally issues "ready, willing and able" letters for a project's water demand. Such allocations are subject to various conditions including BCC approval and, in most cases, that the developer provide the County water rights to cover its water demand.

SFCU has issued "ready, willing and able" letters to Elevation, Senior Campus, St. Francis South, Mi Morada, New Mexico Game and Fish, Saleh Phase 1, Stacy Property North, Tessera 2, Turquoise Trail North, and Arroyo Hondo de Santa Fe. SFCU is requesting that these conditional allocations be again included in the schedule of new water deliveries for the first six months of 2017.

**DISCUSSION:**

Pursuant to the attached proposed resolution, SFCU requests the BCC to adopt a new water deliveries schedule for eleven projects below, totaling 226.13 afy. Only one project, Arroyo Hondo de Santa Fe with a 38.6 afy water budget, was not previously approved under Resolution 2016-80.

<b>Project</b>	<b>Project Need (acre-feet/year)</b>
Elevation	32.0
Senior Campus on Caja del Rio	34.44
St. Francis South Multi-Family Housing	32.0
St. Francis South- Rehabilitation Facility	6.96
Mi Morada	4.0
NM Game and Fish	0.3
Saleh – Phase 1	2.47
Stacy Property – North	0.6
Tessera 2	14.98
Turquoise Trail North	59.78
Arroyo Hondo de Santa Fe	38.6
<b>Subtotal</b>	<b>226.13</b>
County set-aside (5%)	11.31
<b>TOTAL</b>	<b>237.44</b>

If approved, this schedule for new water deliveries meets the project’s development requirement to acquire a “water allocation” before executing a Water Delivery Agreement with Santa Fe County Utilities.

**ACTION REQUESTED:**

Adoption of subject resolution.

Attachments:

Resolution No. 2017-\_\_\_\_\_ A Resolution Adopting A Schedule of New Water Deliveries For The First Six Months of 2017 and Setting Aside Additional Water For Certain Planned Subdivisions And Other County Purposes.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY  
RESOLUTION NO. 2017 - \_\_\_\_\_**

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**A RESOLUTION ADOPTING A SCHEDULE OF NEW WATER  
DELIVERIES FOR THE FIRST SIX MONTHS OF 2017 AND  
SETTING ASIDE ADDITIONAL WATER FOR ARROYO HONDO  
DE SANTA FE**

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**WHEREAS**, pursuant to the Santa Fe County Water Department Line Extension and Water Service Policy ("Water Service Policy"), adopted by Resolution No. 2006-57, the Santa Fe County ("County") Board of County Commissioners (Board) must approve a schedule of new water deliveries to subdivisions and commercial developments (collectively, "Projects") every six months; and

**WHEREAS**, among other things, the Water Service Policy provides that:

- a. each requested new water delivery must be supported by water rights equal to the Project's actual water demand plus 20%; and;
- b. absent "extraordinary circumstances," new water deliveries "to any residential development or commercial development shall be limited to 35 [acre-feet per year ("AFY")] each year..., except for deliveries made under water service agreements executed prior to the effective date" of the Water Service Policy; and
- c. supply for new water deliveries is only available after all prior obligations have been met; and

**WHEREAS**, the Water Service Policy must be interpreted in harmony with the Sustainable Land Development Code (SLDC), as amended and restated by County Ordinance No. 2016-9; and

**WHEREAS**, pursuant to Section 5.7.3.3 of the SLDC, subdivisions connecting to the County Utility for water service must provide "a ready, willing, and able letter of commitment to serve for domestic and fire protection purposes and a water allocation approval from the [Utility] ... prior to preliminary plat approval by the Board"; and

**WHEREAS**, Section 5.8.4.5(2) of the SLDC requires subdivisions connecting to the County Utility for water service to enter into a Water Delivery Agreement and, if

required, a line extension agreement with the County “prior to final plat approval by the Board”; and

**WHEREAS**, the County Utility should account for, allocate, and set aside all water committed under the County Utility’s prior commitments, ready, willing, and able letters, and Water Delivery Agreements, even if actual water deliveries may not occur within one year; and

**WHEREAS**, the County Utility does not deliver water to a Project except in accordance with a valid Water Delivery Agreement and, if applicable, a Water Line Extension Agreement; and

**WHEREAS**, actual delivery of water from the County Utility to a Project depends on the customer’s compliance with all applicable requirements, including those imposed under the SLDC, the Water Service Policy (to the extent consistent with the SLDC), the Water Delivery Agreement, and federal, state, and local laws (collectively, “Applicable Requirements”); and

**WHEREAS**, the County has received an application for conceptual plan approval for a subdivision named Arroyo Hondo de Santa Fe (“Arroyo Hondo”); and

**WHEREAS**, Arroyo Hondo is a residential subdivision consisting of approximately 250 single-family dwelling units to be constructed in five phases on a 111-acre parcel within the Community College District and SDA 1; and

**WHEREAS**, the County Utility has determined that there is sufficient capacity to meet all prior obligations for County water service in addition to serving Arroyo Hondo and that Arroyo Hondo shall be required to transfer water rights to the County to meet the subdivision’s water demand plus 20%; and

**WHEREAS**, in response to a request by the subdivider’s agent, the County Utility has issued a ready, willing and able letter to the subdivider for a total water budget of 48.25 AFY, which equals Arroyo Hondo’s actual water demand for all lots (including those with County-required affordable housing) plus 20%; and

**WHEREAS**, the allocation of water under this Resolution is for internal water management purposes only and does not constitute or imply County approval of any pending or future application submitted under the SLDC nor does it commit the County to supply water to the subdivision except pursuant to a valid Water Delivery Agreement entered into by the subdivider and the County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

- 1) Subject to the subdivider’s continued compliance with all Applicable Requirements, 38.6 AFY is set aside for Arroyo Hondo; *provided*, however, that no more than 35 AFY shall be scheduled as a new water delivery in any given

year unless the subdivider demonstrates the existence of "extraordinary circumstances" to the Board.

- 2) An additional 7.72 AFY (20% of 38.6 AFY) is set aside in accordance with the Water Service Policy.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_  
2017.

**BOARD OF COUNTY COMMISSIONERS**

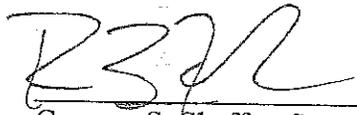
\_\_\_\_\_  
Henry P. Roybal, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

*fn*   
\_\_\_\_\_  
Gregory S. Shaffer, Santa Fe County Attorney

Date: 1/24/2017

