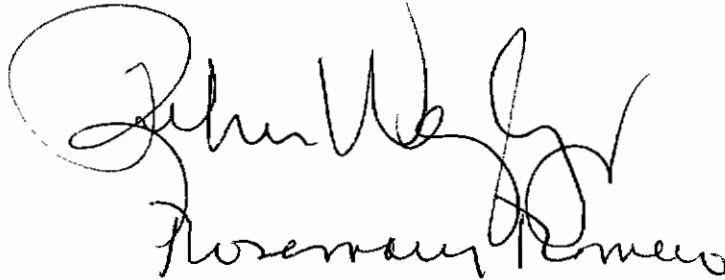


CITY OF SANTA FE, NEW MEXICO

BILL NO. 2008 - 56

INTRODUCED BY:



AN ORDINANCE

AMENDING SECTIONS 22-6.2 AND 25-1.11 SFCC 1987 REGARDING CITY
WASTEWATER AND WATER SERVICE OUTSIDE THE CITY LIMITS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 22-3.1 SFCC 1987 (being Ord. #1997-3, §5 as amended) is
ordained to read:

22-3.1 Connection to the Public System; Requirements.

Connection to the public system is mandatory when the property ~~[is in the city limits and~~
~~is]~~ being developed or improved is accessible to the city sanitary sewer system and is in the city
limits or located entirely within the areas to be annexed, as defined in the settlement agreement
and mutual release of claims entered into by the city of Santa Fe, Santa Fe county and other
parties dated May 19, 2008. Prior to making such a connection, owners and developers of such
property shall obtain information from the division concerning specifications, standards,
procedures and other requirements contained in this chapter.

Section 2. Section 22-6.2 SFCC 1987 (being Ord. #1997-3, §39 as amended) is

1 **ordained to read:**

2 **22-6.2 Properties Outside City Limits.**

3 A. *Purpose.* The governing body has determined that connections to the city's sewer
4 system should be allowed outside the city limits under certain conditions. The wastewater
5 treatment plant has the capacity for such connections, the effluent is a benefit to the city, and
6 protection of the groundwater is important.

7 B. Definitions. As used in this Section:

8 Presumptive city limits is defined in the settlement agreement and mutual release of
9 claims entered into by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008.

10 ~~[B.]~~C. *Connection prohibited.* Sanitary sewer service line connections and sanitary
11 sewer mainline extensions are prohibited outside the presumptive city limits except as set forth in
12 this section.

13 ~~[C.]~~D. *Existing agreements.* Sanitary sewer service line connections and sanitary sewer
14 mainline extensions for which there is a valid, written agreement obligating the city to allow
15 connection to the city's sewer system shall be reviewed by the city attorney and may be
16 implemented by the wastewater management division director.

17 ~~[D.]~~E. *Property owners.* This section shall apply to properties owned by private
18 property owners as well as to properties owned by county, state or federal agencies to the extent
19 allowed by law.

20 ~~[E.]~~F. ~~[Area]~~ Areas of sanitary sewer service.

21 (1) Requests for sanitary sewer service line connections and sanitary sewer
22 mainline extensions submitted after ~~[October 25, 2006]~~ _____, 2008 (date of
23 adoption of this Ordinance) ~~[shall be entirely located within the potential annexation~~
24 ~~areas shown on the annexation plan adopted on February 8, 2006 by Resolution No.~~
25 ~~2006-29 as it may be amended]~~ for properties located entirely within the areas to be

1 annexed, as defined in the settlement agreement and mutual release of claims entered into
2 by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008, shall be
3 processed in the same manner as requests for properties within the current city limits.

4 This paragraph shall not apply to those requests described in paragraph [C.]D. above [or
5 properties located entirely within the boundary of the Agua Fria traditional historic
6 community].

7 (2) Requests for sanitary sewer service line connections and sanitary sewer
8 mainline extensions for properties outside the presumptive city limits including the Agua
9 Fria traditional historic community and the county of Santa Fe fairgrounds shall be
10 processed pursuant to paragraph I. below.

11 [~~F. — *Annexation if contiguous.* Properties which are contiguous to the city limits, as~~
12 ~~determined by the planning and land use department, shall not be eligible for city sewer service~~
13 ~~under this section. Such properties shall instead apply for annexation as set forth in Section 14-~~
14 ~~3.4 SFCC 1987. This paragraph shall not apply to a request for property located entirely within~~
15 ~~the boundary of the Agua Fria traditional historic community.]~~

16 [~~G. — *Sanitary sewer service lines.* Sewer service connections requiring only a sanitary~~
17 ~~sewer service line may be approved by the wastewater management division director.]~~

18 [~~H. — *Mainline extensions.* Sanitary sewer mainline extensions shall be reviewed by the~~
19 ~~public utilities committee and may be approved by the governing body upon their sole~~
20 ~~discretion.]~~

21 [~~I.]G. *Affordable housing.* Section 14-8.11(D) SFCC 1987 regarding the Santa Fe~~
22 ~~Homes Program shall apply.~~

23 [~~J.]H. *Conditions of Service.* The property owner and all future owners of the property~~
24 ~~obtaining city sewer service under this section shall be required to pay all applicable rates,~~
25 ~~charges and fees for city sewer service. Requirements set forth in Chapters 14 and 22 SFCC 1987~~

1 and all other rules and regulations pertaining to the use of the city's sewer service are also a
2 condition of service.

3 ~~[(K-)]~~ L. Water/wastewater review team.

4 (1) All applications for city sewer service connections ~~[under this section]~~
5 for properties outside the presumptive city limits shall be reviewed by the
6 water/wastewater review team (WWRT). The team shall meet regularly and shall be
7 made up of city and county staff from the water division, the wastewater division, the city
8 attorney's office, the county attorney's office, the land use departments and the office of
9 affordable housing. The team shall evaluate the completeness of the application and ~~[its~~
10 ~~compliance with this Section]~~ the feasibility of implementing the connection.

11 Applications shall include the following:

12 ~~[(+)]~~ (a) A map of the proposed project in relation to the existing city
13 limits and the ~~[urban area boundary-]~~ presumptive city limits;

14 ~~[(2)]~~ (b) A detailed description of the proposed development including
15 the type and size of proposed land uses;

16 ~~[(3)]~~ (c) ~~[The number of proposed dwelling units;]~~ The health, safety,
17 public welfare or other legal reason for the connection;

18 ~~[(4)]~~ (d) ~~[Documentation from the planning and land use department~~
19 ~~regarding the feasibility of annexation; and]~~ Documentation from the county of Santa Fe
20 that county sewer service is not available; and

21 ~~[(5)]~~ (e) A certified Santa Fe Homes Proposal as set forth in Section 14-
22 8.11 SFCC 1987.

23 (2) If the WWRT finds the connection feasible and the legal reasons
24 compelling, it shall submit a report to the public utilities committee of the city, the
25 governing body and the board of county commissioners for consideration of an

1 agreement between the city of Santa Fe and Santa Fe county pursuant to Section 2.m. of
2 the settlement agreement and mutual release of claims entered into by the city of Santa
3 Fe, Santa Fe county and other parties dated May 19, 2008.

4 ~~[L.]~~ *Wastewater service agreement.* The property owner obtaining city sewer service
5 under paragraph F.(1) of this section shall enter into a wastewater service agreement with the city.
6 The applicant shall agree to *annex* the property upon the request of the city and in accordance
7 with the applicable regulations regarding such annexations. The agreement shall be reviewed and
8 approved by the city attorney's office and the wastewater management division director. The
9 document, which includes a legal description of the property, shall apply to the property and all
10 future owners and shall be recorded at the county clerk's office and retained at the city clerk's
11 office. No connection to the city's sewer system shall be provided until a copy of the recorded
12 document is provided to the wastewater management division director. The requirement to agree
13 to annex the property shall not apply to property located entirely within the boundary of the Agua
14 Fria traditional historic community.

15 ~~[M. — Appeals. Appeals of an administrative decision of the wastewater management~~
16 ~~division director to deny an application under this section shall be submitted in writing to the~~
17 ~~public utilities department within 30 days of such decision. Appeals shall be heard by the~~
18 ~~governing body.]~~

19 ~~[N. — Reports. The public utilities director shall report quarterly to the public utilities~~
20 ~~committee regarding the applications for city sewer service that have been reviewed in the~~
21 ~~preceding quarter and year.]~~

22 **Section 3. Section 25-1.11 SFCC 1987 (being Ord. #1999-42, §10 as amended) is**
23 **ordained to read:**

24 **25-1.11 Properties Outside City Limits.**

25 A. *Purpose.* The governing body has determined the following:

1 (1) The city is facing water planning issues in the region outside of the city
2 municipal limits;

3 (2) The city is experiencing a regional drought and is actively implementing
4 programs and policies to define the water supply and demand in the Santa Fe region;

5 (3) Existing customers of the city water system, as well as future customers,
6 must have an adequate, safe and reliable water supply;

7 (4) Regulations are necessary to limit the connection of city water services
8 outside the city municipal limits.

9 B. Definitions. As used in this Section:

10 Presumptive city limits is defined in the settlement agreement and mutual release of
11 claims entered into by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008.

12 ~~[B.]~~C. *Connection prohibited.* Connection to the city's water system shall be prohibited
13 outside the presumptive city limits except as set forth in this section.

14 ~~[C.]~~D. *Existing agreements.* Water service connections for which there is a valid,
15 written agreement obligating the city to allow connection to the city's water system shall be
16 reviewed by the city attorney and may be implemented by the water division director. Existing
17 agreements also include the extension of the utility service area by approved ordinance.

18 ~~[D.]~~E. *Property owners.* This section shall apply to properties owned by private
19 property owners as well as to properties owned by county, state or federal agencies to the extent
20 allowed by law.

21 ~~[E.]~~F. *Areas of Water Service.*

22 (1) Requests for water service connections submitted after ~~[October 25,~~
23 ~~2006]~~ _____, 2008, (date of adoption of this Ordinance) ~~[shall be entirely located~~
24 ~~within the potential annexation areas shown on the annexation plan adopted on February~~
25 ~~8, 2006 by Resolution No. 2006-29 as it may be amended]~~ for properties located entirely

1 within the areas to be annexed, as defined in the settlement agreement and mutual release
2 of claims entered into by the city of Santa Fe, Santa Fe county and other parties dated
3 May 19, 2008, shall be processed in the same manner as requests for properties within the
4 current city limits. This paragraph shall not apply to those requests described in
5 paragraph [C.]D. above [~~or properties located entirely within the boundary of the Agua~~
6 ~~Fria traditional historic community. For the purpose of meeting water utility regulatory~~
7 ~~requirements, new connections may be approved by the governing body outside the areas~~
8 ~~described in this paragraph~~].

9 (2) Request for water service connections for properties outside the
10 presumptive city limits including the Agua Fria traditional historic community and the
11 county of Santa Fe fairgrounds shall be processed pursuant to paragraph I. below. For the
12 purpose of meeting water utility regulatory requirements, new connections outside the
13 areas described in this paragraph may be approved by agreement of the governing bodies
14 of the city of Santa Fe and Santa Fe county.

15 [~~F. — *Annexation if contiguous.* Properties which are contiguous to the city limits, as~~
16 ~~determined by the planning and land use department, shall not be eligible for city water service~~
17 ~~under this section. Such properties shall instead apply for annexation as set forth in Section 14-~~
18 ~~3.4 SFCC 1987. This paragraph shall not apply to requests for a property located entirely within~~
19 ~~the boundary of the Agua Fria traditional historic community.~~]

20 [~~G. — *Health and safety connections.* A water service connection for an existing single~~
21 ~~family dwelling unit which is necessary to protect the resident's health, safety and welfare by~~
22 ~~preventing or discontinuing an unsafe condition may be approved by the water division director.~~]

23 [~~H. — *Water service connections.* All applications for water service connections except~~
24 ~~those described in paragraph G. above shall be reviewed by the public utilities committee and~~
25 ~~may be approved by the governing body upon their sole discretion. Requests limited to fire~~

1 ~~protection services shall also comply with this Section 25-1.11 SFCC 1987.]~~

2 [H]G. *Affordable housing.* Section 14-8.11(D) SFCC 1987 regarding the Santa Fe
3 Homes Program shall apply.

4 [H]H. *Conditions of Service.*

5 (1) Properties receiving city water service shall connect to the city's sewer
6 system. If a property does not connect to the city's sewer system, the property shall not
7 be connected to the city's water system.

8 (2) Water service approved under this section shall be only for the specific
9 use and amount for which the application was approved.

10 (3) The property owner shall disconnect and abandon all existing wells
11 according to the rules and regulations established by the water division. Proof of
12 compliance with such rules and regulations shall be submitted to the water division
13 within 30 days of connection to the city's water system.

14 (4) The property owner and all future owners of the property obtaining city
15 water service under this section shall be required to pay all applicable rates, charges and
16 fees for city water service.

17 (5) Requirements set forth in Chapters 14 and 25 SFCC 1987 and all other
18 rules and regulations pertaining to the use of the city's water service are also a condition
19 of service.

20 (6) The property owner shall be required to bring water rights or retrofits
21 pursuant to Section 14-8.13 SFCC 1987.

22 (7) The property owner shall agree not to join the Agua Fria traditional
23 historic community.

24 [K.]I. *Water/wastewater review team.*

25 (1) All applications for city water service connections [~~under this section~~]

1 for properties outside the presumptive city limits shall be reviewed by the
2 water/wastewater review team (WWRT). The team shall meet regularly and shall be
3 made up of city and county staff from the water division, the wastewater division, the city
4 attorney's office, the county attorney's office, the land use departments and the office of
5 affordable housing. The team shall evaluate the completeness of the application and its
6 compliance with this Section. Applications shall include the following:

7 ~~[(1)]~~ (a) A map of the proposed project in relation to the existing city
8 limits and the ~~[urban area boundary.]~~ presumptive city limits;

9 ~~[(2)]~~ (b) A detailed description of the proposed development including
10 the type and size of proposed land uses;

11 ~~[(3)]~~ (c) ~~[The number of proposed dwelling units;]~~ The health, safety,
12 public welfare or other legal reason for the connection;

13 ~~[(4)]~~ (d) A site water budget;

14 ~~[(5)]~~ (e) Documentation from the county of Santa Fe that county water
15 service is not available;

16 ~~[(6)]~~ ~~[Documentation from the planning and land use department regarding~~
17 ~~the feasibility of annexation;]~~

18 ~~[(7)]~~ (f) Documentation from the wastewater division regarding sewer
19 availability; and

20 ~~[(8)]~~ (g) A certified Santa Fe Homes Proposal as set forth in Section 14-
21 8.11 SFCC 1987 if applicable.

22 (2) If the WWRT finds the connection feasible and the legal reasons
23 compelling, it shall submit a report to the public utilities committee of the city, the
24 governing body and the board of county commissioners for consideration of an
25 agreement between the city of Santa Fe and Santa Fe county pursuant to Section 2.m. of

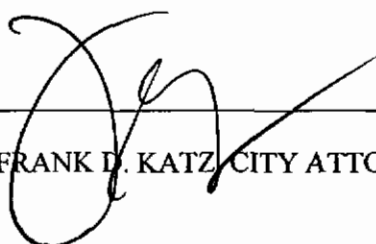
1 the settlement agreement and mutual release of claims entered into by the city of Santa
2 Fe, Santa Fe county and other parties dated May 19, 2008.

3 [L.]J. *Water service agreement.* The property owner shall enter into a water service
4 agreement with the city prior to obtaining city water service under paragraph F. (1) of this
5 section. The applicant shall agree to annex the property upon the request of the city in accordance
6 with the applicable regulations regarding such annexations. The agreement shall be reviewed and
7 approved by the city attorney's office and the water division director. The document, which
8 includes a legal description of the property, shall apply to the property and all future owners and
9 shall be recorded at the county clerk's office and retained at the city clerk's office. No connection
10 to the city's water system shall be provided until a copy of the recorded document is provided to
11 the water division director. The requirement to agree to annex the property shall not apply to
12 property located entirely within the boundary of the Agua Fria traditional historic community.

13 ~~[M. — Appeals. Appeals of an administrative decision of the water division director~~
14 ~~shall be submitted in writing to the public utilities department within 30 days of such decision.~~
15 ~~Appeals shall be heard by the governing body.]~~

16 ~~[N. — Reports. The public utilities director shall report quarterly to the public utilities~~
17 ~~committee regarding the applications for city water service that have been reviewed in the~~
18 ~~preceding quarter and year.]~~

19 APPROVED AS TO FORM:

20 
21 _____
22 FRANK D. KATZ, CITY ATTORNEY
23

24
25 Jp/ca/jpmb//2008 bills/utilities outside city limits