

ORDINANCE NO. 2023-3

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SAGUACHE, COLORADO DESIGNATING SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER SYSTEMS AND MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER SYSTEMS AND MUNICIPAL AND INDUSTRIAL WATER PROJECTS AS ACTIVITIES OF STATE INTEREST

WHEREAS, the Areas and Activities of State Interest Act, Sections 24-65.1-101 to -502, C.R.S. (the "Act") allows local governments to designate certain areas and activities as "matters of state interest;" and

WHEREAS, once a local government has designated an area or activity as a matter of state interest, it may adopt guidelines and regulations to administer such areas or activities; and

WHEREAS, any person who would engage in development in a designated area or conduct a designated activity must first obtain a permit from the local government; and

WHEREAS, the surface water and groundwater resources in the San Luis Valley are the lifeblood of the human and natural environment, and the communities' continued ability to thrive; and

WHEREAS, certain activities of state interest that would transfer water from the San Luis Valley could endanger the viability of these water resources; and

WHEREAS, the Town of Saguache intends to designate these activities of state interest and adopt regulations in accordance with the requirements of the Act.

NOW, THEREFORE, IT IS ORDAINED BY THE BOARD OF TRUSTEES OF TOWN OF SAGUACHE, COLORADO, AS FOLLOWS:

Section 1. Findings and Determinations.

At the January 8, 2024 regular meeting of the Board of Trustees, a public hearing was conducted regarding the designation of activities of state interest in accordance with the Areas and Activities of State Interest Act. Based upon the testimony, evidence, and documents considered at the public hearing, the Board of Trustees of the Town of Saguache, Colorado, hereby makes the following findings and determinations:

- A.** The public hearing was duly noticed in accordance with the requirements of Section 24-65.1-404(2)(a), C.R.S.
- B.** The Board of Trustees of the Town of Saguache, Colorado, has taken the following into account:
 - 1.** All testimony, evidence, and documents taken and admitted at the public hearing.
 - 2.** The intensity of current and foreseeable development pressures in the Town.

3. The potential for transfer of water from the jurisdiction of the governing body and from the San Luis Valley.
 4. The potential locations of the activities of state interest.
- C. The uncontrolled conduct of such activities would threaten the surface water and groundwater resources of the San Luis Valley, and the designation and regulation of such activities will allow for a coordinated approach to protecting these resources.
- D. The municipalities and counties in the San Luis Valley will or have entered into an Intergovernmental Agreement (“IGA”) to establish the San Luis Valley Planning Area to Protect Surface and Groundwater Resources to allow a coordinated approach for regulation of these activities of state interest.

Section 2. Joint Planning Area Defined.

The boundaries of the Joint Planning Area are the geographic boundaries of the Counties of Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache.

Section 3. Designation.

The following activities are hereby designated as matters of state interest:

- A. Site selection and construction of major new domestic water systems and major extension of existing domestic water systems.
- B. Efficient utilization of municipal and industrial water projects.

Section 4. Applicability and Exclusions.

- A. Except for activities set forth in Section 4.B. below, this Ordinance applies as follows:
 1. Major domestic water treatment system shall include any collection, treatment, storage, or distribution system and any of its components for the export of water outside the Joint Planning Area directly or by exchange with the eventual capacity to serve 15 or more service connections. The term components includes without limitation all diversion structures, dams, reservoirs, ponds, water bodies, streams, trenches, wells, pipes, conduits, tanks, pumps, buildings, structures, trucks, and other methods or conveyances.
 2. Municipal and industrial water project means a project, and any of its components to export water outside the Joint Planning Area for eventual use for municipal or industrial purposes, directly or by exchange. The term components includes without limitation diversion structures, dams, reservoirs, ponds, water bodies, streams, trenches, wells, pipes, conduits, tanks, pumps, buildings, structures, trucks, and other conveyances.
- B. These designated activities of state interest do not include augmentation or replacement water to the Rio Grande basin for the purpose of replacing injurious depletions caused by the use of water within the San Luis Valley if such water is provided in accordance with the Rules Governing the Withdrawal of Groundwater in Water Division No. 3, the Rio Grande Compact, water court decrees, or other state

administrative or judicial requirements. Nor do these designated activities of state interest include export of water from the Joint Planning Area that remains for eventual use within the Rio Grande Basin.

Section 5. Permit Required.

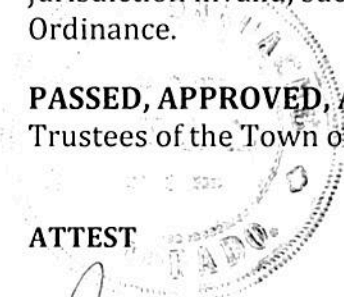
No person shall conduct a designated activity of state interest until the activity has been reviewed and permitted by the Town of Saguache, Colorado, in accordance with duly adopted guidelines and regulations in conformance with the IGA.

Section 6. Severability.

If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgement shall not affect the remaining provisions of this Ordinance.

PASSED, APPROVED, AND ADOPTED this 8th Day of January, 2024, by the Board of Trustees of the Town of Saguache, Colorado, by a vote of 7 for and 0 against.

ATTEST


Iris Garcia
Iris Garcia,
Town Administrator

Elvie M. Samora
Elvie Samora, Mayor

APPROVED AS TO FORM:

Eugene L. Farish, Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Saguache, Colorado on the 11th day of December, 2023, and published by title in the Saguache Crescent, a legal newspaper in the Town of Saguache on November 23, 30 and December 4, 2023

Iris Garcia
Iris Garcia, Town Administrator