

the water requirements of the proposed swimming pool presume an annual refilling, when in fact pools constructed according to the standards in the proposed ordinance will require filling once every five years; three, amending the water conservation provisions to preclude water conserved from deck and cover areas of the pool in making the determination whether the pool is permitted under applicable water restrictions; four, recognizing that annual painting of a pool and actually creates leaks and should be prohibited; five, amending the prior draft to recognize that because of water chemistry issues, trucked water should be permitted in certain limited circumstances, but the fact that water is trucked to a pool should not be considered in determining whether the pool may be constructed given the applicable water restrictions.

The public hearings were conducted on December 12th and January 9th and the matter will be brought before you the end of February for your adoption if you choose. And again, Madam Chair, the purpose was just to provide you with an update, get any further direction you may want to give to us as we prepare for the public hearing at the end of February and Stephen Wust is available for any questions you may have.

CHAIR VIGIL: Is there any discussion on this? Commissioner Sullivan.

COMMISSIONER SULLIVAN: A real quick question, but this is for Legal and I don't see them right now but my question was -- maybe Roman you can respond. What was the reason for deleting the language that proposed to amend the Land Development Code? Isn't this a Land Development ordinance or is it not a Land Development ordinance?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, I'm not sure. I'll have to check with Counselor Ross on that.

COMMISSIONER SULLIVAN: That's all I had, Madam Chair.

CHAIR VIGIL: Any further discussion? Seeing no further discussion I believe that the direction would be to bring it back for the final public hearing.

MR. ABEYTA: Yes, and that will be the last meeting in February.

XIII. D. Water Resources Department

1. Request to Extend Water Service Area to Santa Fe Canyon Ranch

MR. ABEYTA: Madam Chair, this is a Water Resources Department item. Stephen Wust will begin the discussion.

DR. WUST: Madam Chair, this is D. 1? Make sure I've got that straight. This is a request that has been made by representatives of Santa Fe Canyon Ranch to extend the County water utility service area to include them. What you have in your packet is a cover memo and a map. The reason it's a map and not just a regular description of the area is you can see the boundaries are in various directions and there are some other jurisdictions in there including Pueblo. So it was better just to show you what the map was.

Sometimes when the utility comes forward for extending the water service area they include whole sections or something but it can't be done in this case. This came before you, I believe last May with the same request. At that time the BCC turned it down. Since that time the developer has not officially gotten on any schedule for committee for master plan event though there's been a master plan submitted and the reason is they will have to revise their master plan depending on what your decision is. So they're coming again. Their letter said it was a reconsideration but I think they're using different terminology than we do with the Commission. They didn't want a reconsideration of your previous vote but they wanted to ask the question again. Can they be included in the water service area?

They basically need an answer because their water availability will depend for the master plan on what your answer is. If you agree that they can be in the utility service area then they can come forward with a proposal to hook up to the utility for some or all of their water. If you say no, then they need to develop their own water sources. So they asked to come forward to be able to get a resolution on at least what that direction is.

The criteria that I use in my department for bringing such a request forward to the Commission is not to look at things like what are the development plans or anything like that. As a matter of fact, we don't really review their development plans because they're not in our service area so I really have nothing to discuss with them because there's no possibility right now. What we look at is are they adjacent to our existing service area? And you see from the map that they are. Are they near our existing infrastructure? And that's not on the map but as a matter of fact, one of our lines runs right next to one of their property boundaries and it's that one that's like a little spike that goes up to the furthest north, that crosses into our existing utility service area. There's a line on Paseo C de Baca, I believe is which one it is, in the La Cienega area that's part of the County utility. The other criterion is do they have a development plan that's ready to go forward, because there's no reason to have this request in if the developer isn't ready with some kind of master plan or development plan. And they fit all those criteria.

That's not a policy decision; that's just if they fit these various technical or geographic aspects then we will bring the request forward. I'm probably going to add another criterion in there. Some time in the future, just so we don't run into someone coming back every month if you say no, so we'll probably limit it to one request per six months or something like that. This one was actually more than six months ago, so it would fit that anyway. But that's why they're coming forward, in order to be able to get a resolution on whether they're in the service area so they can revise, as appropriate, their master plan, before they get on the schedule for the committee and the BCC hearings, they're here to talk about their water sources.

That's no commitment of water, by the way, I'd like to add in there. That's a question we got asked by a couple of phone calls. Does that mean we're going to serve them? It just allows us to actually ask us for service. But that's a decision of the Commission as part of their development permit and my analysis would then go in about how much water do we have and things like that. But being in our service area does not

commit the County to provide service to any particular person or development. And with that, I'll stand for questions.

CHAIR VIGIL: Questions of Dr. Wust?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Dr. Wust, is this application different in any way from the last we considered?

DR. WUST: Madam Chair, Commissioner Campos, basically, no.

COMMISSIONER CAMPOS: Now, the letter says the County's 8" water service main is adjacent to the property and the 12" main is nearby and easily accessible. Was that true then and is it true today? Or is that -

DR. WUST: It's true. It was true then, it's true today. Our infrastructure hasn't really been added onto.

COMMISSIONER CAMPOS: So there's nothing different.

DR. WUST: No.

COMMISSIONER CAMPOS: It's identical. Thank you.

CHAIR VIGIL: Further questions? Hearing none, is the applicant here? Would you please state your name and address for the record.

DAVID SCHUTZ: I'm David Schutz, P.O. Box 1072, Santa Fe, New Mexico.

CHAIR VIGIL: Thank you, Mr. Schutz. Please proceed.

MR. SCHUTZ: Madam Chair, members of the Commission, I have a brief presentation to make and then I'll stand for any questions. As all of you know, in 1980 the County approved the general plan and the Land Development Code that we now operate under. The basic premise of the plan in 1980, in fact the very cornerstone of the plan is predicated on the one basic cornerstone of water, resources planning policy. Number one, it was to the greatest extent possible, all new growth should be served by imported water which in effect protects the aquifer from overdevelopment and depletion. In fact it prevents it from being mined. That is, more water coming out than is being recharged. So that was a principal element of the Code and the plan back in 1980 and it still is.

The other component to that principle is that to the greatest extent possible, use imported water to recharge the basin, so that we're supplementing the basin as opposed to mining it or depleting. So that very fundamental premise remains today as a cornerstone of the Code and the plan. The second major component or water policy statement in the plan and in the Code states that when groundwater resources are utilized to support growth, then the level and intensity of that growth are based on the underground resources upon which the land that's going to support that growth. In other words, hydrologic zoning.

Now, that's not the issue in this case because we're asking for a water service area boundary extension. These water resource planning policies at the time, and still are, considered to be the most significant factors that the County has implemented over the last 25 years in restoring the Santa Fe Basin and not depleting it. In fact, they were so

significant that Santa Fe County, and I flew to Washington to receive a national award. Santa Fe County actually received the award for being innovative and creative in that regard. And even today, cities and counties throughout the United States are using these same principles in their codes and in their plans.

I think it's very safe to say, Commissioners, that all of us agree, whether it be County staff or whether it be the folks in La Cienega or whether it be just regular people and planners and developers alike, that whenever possible, if we have the opportunity to serve new growth with imported water we should take that opportunity. This policy and this premise is supported throughout the Code, throughout the La Cienega code, in the 1999 growth management plan and in all other documents that we've read. I think all of us agree on that concept.

Now we have had very productive meetings with the folks in La Cienega over the last two years. We've had meeting after meeting and they have for the most part been honest and open discussions about the various issues that concern them: traffic, environmental protection, archeological resources, densities, water availability, community impact, land use, commercial development. We have had very frank and honest discussions with them about all of those matters and we continue the dialogue with them in the hopes that we will reach consensus as we go through the master plan process in the future.

The issue that separates us today, right now, is one of density. The number of units that are being proposed within the master plan that you'll be seeing in the coming months. We continue to discuss and debate the issue regarding that point and as I mentioned, we will make every effort to reach consensus with the community on that one issue. I can assure you that we will do whatever we can to reach consensus. The issues of density and open space and trails and traffic impact and all of those kinds of issues will be discussed as we go through the master plan process, and will be reviewed and approved by this Commission in the near future.

The issue before you today is very clear. Regardless of whether we're proposing 50 or 250 units, the issue that you have to decide on today is will those lots and will those residential units be served with imported water from the Rio Grande, or will be use local water resources from the underground basin. That is the question before you today. This is the current property line; this is the La Cienega interchange, and Las Lagunitas lies right here. Las Lagunitas is a 105-unit development on 262 acres and I was the planning consultant for that project when we developed, when Chuck Robinson developed it 15 years ago. The whole issue of water availability and County water system extension into this area was discussed at that time with the community. We walked into this Commission Chambers hand in hand, in unanimity, and as a result of that effort, water was taken to Entrada La Cienega because the developer at my request - I asked him to extend water to - and at the community's request. I should say that - to Entrada La Cienega so that one day La Cienega could receive County water, imported water. And today, that's become a reality, because now water goes all the way down Paseo C de Baca and there's legislation currently on the table in this year's legislative session to appropriate monies to extend

water into this area.

When the County in its wisdom extended water into Las Lagunitas they also extended the service area boundary of the water system as outlined in this dashed line and includes a portion of our property. So a portion of our property is currently within the service area.

I must mention that the request that we have on the table for our service area boundary extension does not commit the County to serve us. It is only the first step. We must then negotiate with Mr. Wust and with this Commission's approval, a service area contract. We'll discuss water rights. We'll discuss level of service, timing, phasing and so forth. It does not commit the County to approve the master plan in any way, shape or form. We have to go through the master plan process. But it's extremely difficult for us as planners and developers to develop a master plan and come down on hard numbers in terms of number of units without knowing whether or not we're going to be served by the County water system, we're going to have to utilize underground water resources.

As I mentioned, we believe that the optimum solution is of course a water extension. In terms of water resources planning policy I mentioned the importance of using imported water as opposed to local groundwater resources. Our wastewater treatment system is designed to take the water to a very high level, treat it to a very high level, and put it back into the ground. Fifty percent of our water that's going through our homes is going to be treated and put back into the ground, either by a deep well percolation-infiltration bed or deep well injection system that is currently under design.

So in effect, instead of depleting or mining the aquifer, we're going to be recharging it, and that's what this is all about and that's what the County has been advocating for years. We have currently the necessary water rights to commit the County for this extension. We have Santa Fe Basin rights, which as you know the County is currently undergoing a study and a review to develop a well-based groundwater supplemental delivery system in the event that the Rio Grande cannot support its customer needs you could use groundwater to supplement your system. You need Santa Fe Basin rights. You're negotiating for them today. We are prepared to dedicate those rights to you.

We also have Rio Grande rights which we propose to dedicate to you as well to serve this new area with imported water. We also have acequia rights. We have committed to the community that those rights would remain in the community, so those are a little bit in question.

In terms of our compliance with existing codes and documents that are on the table, if you read the La Cienega Ordinance that was adopted by this Commission in 2002, this request is very consistent with the language in that ordinance. In particular, it says here under County water system, your current policy, the County's current policy right now says that the County employs a policy with the La Cienega Watershed that requires all land division applicants within the La Cienega Watershed to accept the La Cienega Watershed conditions as part of the land division. That's on simple lot splits. These conditions require connection to the County water utility system when it is within 200 feet of the property line

of the parcel being divided. You're requiring that currently.

Also, if you look at the ordinance, it says residential connection to water systems. And this is an ordinance that you passed at the request of the La Cienega residents. All new lots created as part of residential land divisions and subdivisions shall be required to connect to the Santa Fe County water system when said system is extended to within 200 feet of the property line of the lot. The line is on our property. It's not within 200 feet. It crosses our property, an 8" main. So for us not to have the benefit of utilizing, of bringing in imported water seems inconsistent with both of these planning policies.

If you look at the 1999 Santa Fe County Growth Management Plan, which you adopted then, it says the lack of new water resources, imported water from the Rio Grande is a major constraint to increases in population to the rural district, which this falls under. We don't have that case here. We have the water right, the legal right, the wet resource from the river, which we're willing to transfer, and the delivery system once the diversion project comes on line. So all three factors that are critical to providing water to new growth areas is present.

And finally, we think it's in your best interest to expand your customer base so that the system operates more efficiently down the road and into the future. The other discussion that we've had with staff involves the fact that if the water is extended to La Cienega along the three routes that are being proposed under the current legislation sponsored by Senator Griego, that will enable us to extend water off of Paseo C de Baca to these three roads right to our property line. The concern of the County staff is that we be able to loop the system through our property and back into Camino Entrada La Cienega, so that there's a loop in the event of a line break here. We could serve going this direction and vice versa. So it's very advantageous in that regard in providing adequate pressure to your customers.

I guess the final point I want to make, Madam Chair, Commissioners is that we propose to provide you with the water rights and we propose to pay for all the costs of extending the infrastructure to the development. So this would be at no cost to the County. The only other final discussion that I want to make, and I'll be happy to address any question regarding the project. We are proposing a very green and sustainable development that we hope will serve as the model for new communities in the county. Water reuse, water conservation measures, lots of open space, 60 to 70 percent open space connected by trails. We continue to work with the community on a number of issues in that regard and we also look forward to implementing the County's new affordable housing ordinance.

We are supporters of the ordinance. There are times when we think the ordinance is a little aggressive in terms of the 30 percent but we think we can make it work for both sides, and we look forward to meeting that challenge in providing local people with new homes in this area. So that's my presentation. I stand for any questions.

CHAIR VIGIL: Are there any questions for Mr. Schutz at this point? We'll reserve the opportunity to have further questions with the applicant. Now, I did commit to hearing from the public earlier this morning. How many out there, by raising your hands,

want to address the Commission? Are some of you in favor and some of you against? Let's start with those that are in favor of this project. You may come forward and address the Commission. Please state your name and address.

BOB CHERNOCK: My name is Bob Chernock. I live at 411 San Antonio, Santa Fe, New Mexico. Madam Chair, Commissioners, staff, I've been in the real estate business in this city for 18 years. I've seen enormous changes. As the city grows, the county grows; the growth is not stopping. You need to understand that people are moving here. They're moving everywhere. My 19-year old daughter says to me, Dad, why are people so aggressive with each other? She hears me talking on the phone. I just look at her and smile. She says, No, really. I said, I don't know. Once they have their little piece they don't want anybody else to do anything.

We can negotiate, we can argue, we can debate. You can say we don't want any more developments. You can say we want this development. Whichever way you vote there are going to be people on the opposite side. You know this. You get ugly letters. You get ugly phone calls.

Let me give you a couple of examples of what I've been involved in lately. I've sold several Centex homes off of Airport Road. Those homes are either rented or bought by people - one member, if it's a couple, works in Santa Fe, one member works in Los Alamos. They take 599. Several of these couples, also one member works in Albuquerque, one member works in Santa Fe. That is becoming a very big trend. Centex Homes on Airport Road, for all intents and purposes is sold out. Tierra Contenta, for all intents and purposes, is sold out.

What this group is trying to do is reinfuse the aquifer. I have been to meetings in developments because I do a lot of it from Pojoaque to La Cienega. I have sat in La Cienega water meetings in amazement. I have been told, and your attorney that was there, the County attorney when one woman said, well, what if people won't let you put water lines down their land? The answer was real simple. The United States Supreme Court has ruled that they cannot do that, that you the County may put water lines down their roads to service everybody. Your County attorney affirmed that, saying that they would not like to take it and work it out but that is reality.

As you look at this project I must share one incident with you. I have recently shown this property to a developer from Kansas. He asked me how many thousand homes he could build on 1350 acres. Not hundreds, thousands. I said you will not get several thousand homes here because this is Santa Fe. We want open space. We want low density. That's the way it should be. He laughed. He laughed and said, this is ridiculous. I'm out of here. As we were driving back I said, how many houses would you build on 1350 acres? His response was 7,000 homes, which is five, six, seven homes to the acre. No open space. Minimum parks. Little tiny lots. That's the way they build subdivisions. They don't care about what we want.

This development group cares. I've worked with them and I'm here to tell you, whichever way the argument goes, the arguments that I have heard from this group make a

lot of sense. Thank you.

CHAIR VIGIL: Thank you, Mr. Chernock. Those people who would like to speak and oppose this project, or this request, actually, and we're specifically on the request of the water service delivery boundary extension, please stand to my right on the aisle, and come on up, whoever would like to speak first, and just state your name for the record. And I just ask that you all make your statements and not repeat other speakers' statements. You may start.

MR. DICKENS: Again, I'm Carl Dickens, president of La Cienega Valley Association, 27347-B West Frontage Road. I want to explain who I represent. I represent the La Cienega Valley Association who represents the villages of La Cienega, and La Cieneguilla. This decision was made last spring and in our minds, nothing has changed since that time. The short notice that we have received, and it's really interesting to hear the description of the dialogue. Let me tell you our perspective in terms of the community what the dialogue has been. July 8th of last year we met with the developers. They had reduced the number of homes down to 362 homes and asked us to respond to that the La Cienega Valley Association board met in early August. We sent a formal letter to them explaining to them that we felt that was excessive and that it wasn't in accordance with our rural atmosphere.

We were told we would get a response to that letter. We have not had a response to that letter. The first notification we've heard from the developers since July 8th was this notice of a community update meeting. So that's not quite the dialogue we would generally consider as having us involved.

One of the things - it sounds like a good thing. Let's get on County water, and we've talked about that. Since that Monday meeting we have rushed around. We had a really kind of quick pizza party, community meeting Saturday night. Sunday night, actually last night I asked the board to meet briefly because we wanted to make sure we had some sort of response to what the developers had proposed. And one of our concerns when we say let's let them have County water so we won't have to drill into aquifer anymore. The problem with that is there's so many other communities and so many other residents within Santa Fe County that need water, so to allow this to go on, for us to somehow support it, we felt was a disservice to those people from other communities that have serious water problems.

Does this become a developer-driven system or is it a system for the residents of Santa Fe? That's the decision I think that is before you. One of the things that is really important to us and this is something that you mentioned last year at the February 28th meeting where you wanted a comprehensive water plan for the county. We think that is a great idea. That is something we want to participate in and we have offered on two occasions. We have sent letters offering our involvement to participate in the creation of a comprehensive water plan for the county.

And I can tell you right now there are a number of other communities just like us, unincorporated little villages that would love to be a part of developing a comprehensive water plan. We have the expertise. We have the knowledge. We have an incredible board

and I'll match our board against anybody else's in terms of the knowledge and expertise in terms of water issues, in terms of commitment to community and to traditional values. We fight an ongoing battle in our community to maintain the rural atmosphere of our communities. And we do that. The battles come from the misuse and misapplication of lot splits which proliferate, especially around the racetrack area. It comes from the fact that people are now developing farmland that should be held in farmland, and it comes from big developments like this. So we are constantly trying to maintain this rural atmosphere of this little traditional, historical area that we treasure deeply.

And so when we talk about developments like this, they don't fit what we do. It doesn't fit our rural atmosphere. To us, it really is an urban development in a rural community. And if you have not seen the property please take a drive out there and take the opportunity to really see what a beautiful place this is. I think that's really it. One of the suggestions that Mr. Borrego made at the meeting that we had last Monday night, and again, our process, our community process, when we have these kinds of issues that come before us, number one, we stick fliers in everybody's mailboxes. There are between 700 and 800 fliers that we'll send out. It takes about four to six hours to go to everybody's mailbox and stick the flier in. We ask for input. We want to hear what the community has to say and then the board sits down and makes a decision.

This short notice has not allowed us to do that. But one of the things that Mr. Borrego suggested the other night was would the board be willing to sit down at a round table and talk this out. And we talked about that. That is something we're willing to do, but it has to be within the context of our community plan, and within the context of the ordinance that supports that community plan. And with that I stand for questions.

CHAIR VIGIL: Are there any questions for Mr. Dickens, Seeing, hearing none, who would like to speak next? Mr. Gonzales, could you please state your name and address.

J.J. GONZALES: I'm J.J. Gonzales. My address is 54 Entrada La Cienega. Madam Chair and Commissioners, we were here last year and this very same request was denied. Nothing has changed out there. The community, there's still an overwhelming opposition to granting this extension. We were here. We talked about it. Everybody had their say. This request here isn't a request to serve county residents. This is a request to serve developers. When they were here they said that with or without County water, they were going to go forward. We said fine. The request was denied. They said they were going to go forward, then they stopped. They tabled things. We were prepared to talk with them. They never set up any meetings or anything last year.

They do have water rights. We know that. They claim to have anywhere from 14 to 28 acre-feet of water. That's what they have on the property. They told us they're going to do a development with what they had on their property and we've always said that's fine. If you have 20 acre-feet, 25 acre-feet, you go to the State Engineer, get an application, they have a hearing, they determine what you really have and your development can go forward on that. We said fine. With their water rights and stuff they end up with maybe 75

or 100 homes, which is a big piece of property but that is pretty low density.

But they're not satisfied with that. They want - the last count was 350 or 400 homes. That was way over what we would even think was reasonable for that area. And this area is remote. It's the southernmost part of Santa Fe County or the southwestern most part of Santa Fe County. It stretches from Entrada La Cienega three or four miles along the Santa Fe River Canyon. So in some places it's narrow and has wetlands in it. It has arroyos in it. They have many, numerous archeological sites, so most of that area they have to leave untouched. And also the thing of this property, it's not in a designated growth area. It's remote. There's one entrance to it. There's an entrance on Entrada La Cienega, then they have an overpass on I-25 and that's been their main entrance ever since that property existed. It was built by I-25.

This is way outside a growth area. The growth areas that the County has designated are around the Community College area. There's thousands of acres there. There's the Jarrett Ranch that has probably another 20,000 acres. Eldorado. And there's also a lot of parts of Santa Fe in the county where there's a need for County water. There's already residents there. They need water. They could use water for fire protection. They're underserved in those areas.

The last thing I want to talk about is whether they're in the service boundary area, the portion of the property that's presently in the service boundary area and I'm pretty familiar with that because it's right next to the piece of property I own. It's a long little silver that is land-locked. It just happens to be that when they drew the service boundary area they drew a line across their property instead of drawing a line along a fence line. The other area where they have property that goes into Entrada La Cienega, that is a small sliver of property that probably is over 3000 feet long. And the reason I know that is I own the property adjoining that. So we share like a 3000-foot long property line. And if they get water from that area, that's an 8" water line, if they try to get water from that point to their property they've got to go uphill about 3000 feet and presently at that point where County Paseo C de Baca is the water pressure is around 80 psi.

So if they extend the line from there to the bulk of their property, which is 3000 feet away, at that point they'd probably have zero water pressure in that area. And trying to increase water pressure in that area is impossible. The only way to send water to them in that area is where the County has a 12-inch water main and that is basically where Las Lagunitas is. And the last thing I want to say is that you've already made a decision on this request once. It's already been denied and I just ask you to reaffirm that decision today. Thank you.

CHAIR VIGIL: Thank you, Mr. Gonzales. Are there any questions for Mr. Gonzales? Seeing, hearing none, would the next person state their name and address for the record?

RAY ROMERO: Ray Romero, 733-A Camino Capilla Vieja. Madam Chair, Commissioners, I've been the mayordomo for the Acequia La Cienega since 1960 and I also represent the acequia for the Valley Association. I feel that this water service request

is putting the cart in front of the horse. Transfer of water rights need to be approved by the State Engineer and are subject to protest due to impairment, impairment on our springs. Especially if transfers are going to be to wells in the area like Valle Vista, Hagerman well, Rancho Viejo and other wells in the Santa Fe Basin, the Acequia La Cienega has no choice but to file protests, which we have been doing recently, due to impairment of our historical water rights. Our water rights date back to, way back 300 years really.

We believe that this Commission should wait until water transfers have gone through the process with the State Engineer so we know how much is being transferred into where, before you act on this matter. Pumping the aquifer is not the answer. Protect our springs which have been depleted from 750 gallons a minute in 1960 when I started on the acequia to 180 gallons a minute today. This development is in the La Cienega Mutual Domestic Service area. I happen to the president of that association. They need to get involved in this process. That is our service area.

A return flow like Mr. Schutz was mentioning in that area will not recharge our springs. It is way below our springs. That return flow might help the Rio Grande. The La Cienega MDCA is on the list, your list for emergency water service with you, with the County. We haven't heard anything. Also, in 1998 or 1999, Cottonwood Estates land and cattle development were approved on condition that they hook up to County water. Since then County water system is close by there and this should be looked upon and given priority. The development is next to our springs so it's just like Valle Vista. Water transfers being proposed by this developer are water rights that flow to Rio Grande. Therefore we feel that this developer should wait for imported water.

We feel that this water service request should be tabled at this time until transfers and locations are determined to serve this development. Thank you.

CHAIR VIGIL: Thank you, Mr. Romero. Anyone else. Please come forward and state your name.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Do you have a question, Commissioner Montoya?

COMMISSIONER MONTOYA: I have a question for Mr. Romero.

CHAIR VIGIL: Mr. Romero, here's a question for you.

MR. ROMERO: I'm a little hard of hearing so if you will speak a little loud.

CHAIR VIGIL: It's from Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Romero, you mentioned that the La Cienega Domestic Water Association has a request in to the County.

MR. ROMERO: Yes, for emergency water.

COMMISSIONER MONTOYA: For emergency water.

MR. ROMERO: Standby, yes.

COMMISSIONER MONTOYA: Now, my understanding is that the County actually offered some sort of an agreement which the domestic water association refused. Is that correct?

MR. ROMERO: We haven't refused anything. We haven't refused anything. We're still working. As a matter of fact we started our improvements on the water system. We're putting in a big enough line, possibly to serve this development. That's why I say we haven't been contacted. We haven't refused anything. It's still on the table.

COMMISSIONER MONTOYA: So Dr. Wust, are you negotiating with them? Or who's negotiating with La Cienega?

MR. ROMERO: We negotiate with the County.

DR. WUST: Madam Chair, Commissioner Montoya, there have been draft JPAs go back and forth several times. County Attorney Ross might be able to address whatever its current status is but most of that has been through some kind of joint ownership and wheeling water and things like that. And the status was, as you suggested. I don't know if it's had any movement lately, but that's my knowledge of it at the moment.

COMMISSIONER MONTOYA: Steve, is that where that's at?

MR. ROSS: Madam Chair, Commissioner Montoya, there's been four or five different drafts exchanged, but I think as of now there's really nothing. There's really no discussions along those lines going on. I think we haven't had any discussion since last summer when the last set of drafts weren't accepted.

COMMISSIONER MONTOYA: Did we let them know - who didn't accept them? They didn't or we didn't?

MR. ROSS: My understanding is that we were notified that the most recent draft that we were then working on was not acceptable to the association. Otherwise, we would have put it on your agenda. So we're really not working on anything right now that I'm aware of.

COMMISSIONER MONTOYA: Well, that was my understanding. That's why I asked the question is that the water association is the one that refused any sort of partnership or agreement with the County, and the reason I'm aware of that is that we're actually working on some agreements with Chimayo and Cuatro Villas that are actually similar, and actually, we're using the La Cienega agreement as the template for those agreements which we're moving forward on. So I was just curious as to what happened with that.

MR. ROMERO: Well, maybe we need to keep on talking.

COMMISSIONER MONTOYA: Okay. Thank you. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Thank you, Mr. Romero.

LUCHA LUJAN: Madam Chair, Commissioners, my name is Lucha Lujan. I live at 305 Los Gatos Lane. I'm just one of the residents that lives there. I've attended several of the meetings and a lot of times it's a little bit confusing because you get different information. At one point there was information about 300 and something houses. At the last meeting, Mr. Schutz brought the old map back with 600 and some plus houses. So we are a small community and we all get together and we, still, the men do the ditches and

women cook their food for lunch after they're done. We don't want a large growth there. We want small density. We want to keep it as a small, rural community. As a little village is what it is.

I was also a little confused as to the last meeting because Mr. Borrego said - we got this invitation for the particular last meeting like the night before. And he said this was signed, sealed and delivered. And we went, well, how is it signed, sealed and delivered if we haven't gone to the Commission yet? Well, it took a while to find out that it was signed, sealed and delivered by - so it wasn't signed, sealed and delivered.

So the messages we get - like I say, I'm not an attorney. I'm just one of the citizens that lives in that area. I don't feel like I get told the information. Information isn't given. When we ask, well, what are you talking about? How many houses are you talking about? Well, we don't know. Well, do you mean 1,000 houses? Do you mean 600 houses? Do you mean 50 houses? What are we talking about?

I'm opposed to you giving them water because I'm afraid. I'm afraid that once they get their water they'll build a small area and then they'll continue to build and they'll continue to build. We had over 600-plus signatures from the citizens of that area opposing the water, you granting them water rights. I hope that you will listen to the citizens of La Cienega. Like I said, we are a small community and we are very - I think we're pretty powerful. We get together at meetings and lots of people come. And I think that's how these little communities need to be. They need to get together. They need to make decisions and they need to be able to say no. We don't want this in our community. We're able to accept so much and we're not saying don't build. That's not at all what we're saying. We're saying let's make it limited. Let's work with what we have and let's work with the community and let's give the community the right information. Thank you.

CHAIR VIGIL: Thank you, Ms. Lujan. Do you have a question? Ms. Lujan, would you come back?

COMMISSIONER MONTOYA: Ms. Lujan, I should be asking everyone, because everyone keeps bringing up the density factor. What is an acceptable density factor for you?

MS. LUJAN: Well, I think that we should work within the water table that we have.

COMMISSIONER MONTOYA: Which would mean -

MS. LUJAN: As many acre-feet of water that they have. We should go with the plan that La Cienega community put together. And I'm not sure of numbers. Like I said, I'm not read clear on that, but as many houses as the water table that's there, the wells they have acre-feet, that's what they should use, like the rest of us.

COMMISSIONER MONTOYA: Thank you, Madam Chair.

CHAIR VIGIL: Any further questions. Thank you, Ms. Lujan. Could you please state your name for the record and your address.

JOHN HERBRAND: My name is John Herbrand. I live at 37 Paseo C de Baca in La Cienega. I really came here today, really to say a couple of things. I know

some of it will not directly relate to extension of service of water but it really relates more overall with the overall plan of the developers in this case. I think what you've probably heard from other members of the community is not only that some of us have some confusion about that and I think the developers don't because they're waiting for some decision so they can rather than go forward with a plan that's acceptable to the community to sort of bust our community plan, in effect, and develop in a pretty extensive process.

I went to a meeting within the last week where Mr. Schutz got up there and he spoke and I think this statement that he made at the time as he went up to introduce himself, he made a comment that he didn't want to be considered a developer. He wanted to be considered a community planner and he was going forward with this as a community plan. I think in hindsight what he was really saying at the time, he meant to say in a form that there was a connotation that a developer was not something he wanted to be viewed as. That was an image problem for him, that a community planner was something else. And he has offered to work with the community in some way.

I think the problem for us is that we actually have a community plan and at the same time I asked Mr. Schutz, right after he made that statement, whether he felt his plan was in conformity and within the spirit of the community plan, which was rural of nature. And he struggled a little bit and he said what he had to say and he said yes. I think you can basically look at the mural on your wall behind you and the dedication that's on that wall. The community builds a plan for this community to be a rural village and save a culture, a way of life. You have the ability to help them preserve that.

So it's not just about water. They would like to come here and say they can develop to the accessibility or the amount of water they have available. Mr. Chernock would like to fly somebody in and say there's 7,000 homes that can be built there. A lot of this has to do with what the community wants itself to be and what their future lies in. They've made a statement; they want to be a rural community. They're asking for your support. When they adopted their plan, they put a lot of work in the process. The owners of the property that preceded these people participated in that plan. What the community really wants is to preserve their plan. They want to live within it. They want them to live within it. They want it to prosper for everybody.

They're looking at your jobs and this County staff as ministerial of their will. And that's what they expect out of the good faith that they put in, the time and effort in that plan, for the County to say, Look, these people as owners, members of the community set out [inaudible] They voted for us. They put us in positions of authority to carry out their will. This particular area is a little different. We didn't want to be in the boundary area. We didn't want to have extensive neighbors. We wanted to preserve all those things [inaudible]

Now, I think Mr. Montoya indicated that he had a question to people about how many homes they felt would be acceptable. I think the community as a whole within the community when we were talking were feeling that they should stick to their community plan. The amount of water that was owned by the developers shouldn't be increased. The

number of homes, by importing additional water, that they were tied to the amount of water that they owned and that they read the community plan to say that. And I think there's been a lot of struggle because Mr. Chernock, Mr. Borrego, Mr. Schutz, they would all like to read things into that plan, but I guess again, it comes down to what that spirit of that plan really was about.

They may find some loopholes in it, but this was meant to be a rural community and the community enjoys it that way. There's good community involvement. I think one of the things that has been most interesting about these meetings is that a lot of the people that have lived in that community forever, I think some of the members of the community were thinking that well, somebody like J.J.'s property should be on a national historic list. And maybe he could cash in and make a lot of money out of. He stood up and said I like my community. I would think that most communities would want that, and I think that most people that are developers that feel that they have an image problem would step back from it and say, look, I shouldn't have an image problem. I should feel good about what I'm doing. I'm not building a community here by destroying one. I want to build a community that the community as a whole is proud of and that I can be proud of.

Some of those meetings that people like Mr. Chernock described it like it was chaos. They've all been pretty much civil. There's been some emotional outbursts but on the whole the community's been pretty straightforward about what they want. They've asked for some commitments and they've also laid out some groundwork, that they want to preserve the community the way it is. They haven't gotten a straightforward answer. A lot of them are debating what is acceptable amounts and a lot of them don't think they should be negotiating their community plan away. So that puts us all right where we're at. Most of us want to stay where we're at.

CHAIR VIGIL: Thank you, Mr. Herbrand Are there any questions for him?

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: So what I heard you say is that your plan ties water available to a development.

MR. HERBRAND: No, I didn't say that. I didn't mean to say that. I said the discussion within the meetings I've been in -

COMMISSIONER MONTOYA: So what does the plan say? Bottom line, can somebody, Land Use, somebody, answer my question? What does the plan say in terms of the density allowable for development in this area?

ROBERT GRIEGO (Senior Planner): Madam Chair, Commissioner Montoya, I have in front of me the Ordinance 2002-9, the La Cienega Ordinance, and it does discuss zoning density for La Cienega and La Cieneguilla area. It identifies each of the hydrologic zones within that and there's a provision within the ordinance that states - do you want a summary or do you want me to read from the -

COMMISSIONER MONTOYA: Go ahead.

MR. GRIEGO: The maximum density may be increased to one dwelling

unit within the Basin Fringe Zone - this is the area they're in - most of the property is within that zone, I believe - may be increased to one dwelling unit per 12.5 acres with a geohydro reconnaissance report and application of water use covenants. If an adequate 100-year supply of water and no impairment to neighboring wells is proven by an onsite geohydrological well test, land may be further divided to a maximum of 2.5 acres per dwelling unit. Density adjustments - I'll skip ahead to the final statement here. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described within the ordinance.

So the bottom line, Commissioner, Madam Chair, is the density should be based on an onsite geohydrological test and at this point I don't know that we've received that.

COMMISSIONER MONTOYA: Okay. Has that been done, Stephen?

DR. WUST: Madam Chair, Commissioner Montoya, they do have a hydrogeologic study that's been given to us. However, because at this stage they're not scheduled for any committee hearing or anything, it's one of those where - it's a policy I imposed when I was County Hydrologist that we don't do reviews of things if they're not basically in the mill for development review, because then we'd be spending all our time reviewing things that aren't going forward. We're coming forward simply at their request to do a utility extension and if it's denied then they have to submit the whole master plan with a hydrologic report and then we'll review it and all that. So we have it but we haven't reviewed it.

COMMISSIONER MONTOYA: Oh, it hasn't been reviewed?

DR. WUST: No, because as I said, there's no scheduled development permit application going through right now and that's what our review is tied to generally. Because this is just an extension of service area - and if that were granted they would probably revise what they're doing anyway to get utility service and so it would be a review of something that's not really applicable at the moment. So if you deny it and they have to come forward with their own water source then we will review the hydrogeologic report to see how it fits in. That's basically how the procedure goes.

COMMISSIONER MONTOYA: Okay. Madam Chair, Dr. Wust, I would like to have that information, even though we're not at that stage. I think it's still critical information, even for this discussion, even though they're not going through master plan approval so maybe if I could get that at some point.

DR. WUST: Madam Chair, I can ask the County Hydrologist to review that.

CHAIR VIGIL: Thank you.

COMMISSIONER MONTOYA: Okay. Thank you. That's all I had.

Thanks.

CHAIR VIGIL: Is there anyone else? Would you please come forward and state your name. Thank you for being here, Commissioner.

LINDA GRILL: I want to make sure you can hear me okay. Madam

Chairwoman, Commissioners, County Manager Roman Abeyta, my name is Linda Grill. I live at 54 Paseo C de Baca. I'm a long-time resident of La Cienega. I just want to tell you, I don't want to repeat myself and a lot of things that have already been said, I just want to say thank you to all the Commissioners. You're listing to both sides of the story here. We love La Cienega. Vote your conscience. Help us out. Thank you.

CHAIR VIGIL: Thank you, Commissioner Grill.

LISA GARCIA: Lisa Garcia, 9 Cuerno de Vaca, Santa Fe, 87507. Madam Chair, Commissioners, thank you for giving me this moment. I would like for the record - I would like to speak on behalf of the project. I am in support of the project. I have been in La Cienega now for 14 years and part of my reasoning for supporting a project like this is it has allowed my generation a chance to remain in our hometown. I would like those that oppose to please consider that at one point it may have been their grandparents that lived there that passed down the land to them, to their children as well and that is something that I would like to be able to do for my children. I think that this project is something that would be very beneficial to all the La Cienega residents. That's all I would like to say.

CHAIR VIGIL: Thank you, Ms. Garcia. Any questions for Ms. Garcia? Seeing none, is there anyone else that would like to address the Commission? Seeing no further requests for addressing the Commission, I'd like to first field any questions from the members of the Board of County Commission. Are there any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: There was a few times when the members of the audience in La Cienega spoke about the notice of this meeting. And I want to know, maybe from the attorney, did they follow all the rules in terms of noticing about this meeting?

MR. ROSS: Madam Chair, Commissioner Anaya, this is a request for a service area boundary extension. There's no specific notice required for something like this, other than the normal notice provided for a County Commission meeting. It's unlike the requirements of the Land Development Code where you have to post on the property, publish, do all that kind of thing, provide neighborhood notice. There's no notice requirement for this particular type of proceeding.

COMMISSIONER ANAYA: Thank you. So we got the notice issue out of the way. Several times I've heard about the densities, that the developers have not given the community the exact amount. Or they're lowering it and then highering it. That's what I've heard. And I just want to - I'm thinking the reason that's not the case is because they want to get the water service extension first and then they'll be able to develop a plan. Is that correct, Mr. Schutz. You can't give a hard number because you're not sure if - it could change anyway.

Another thing that came to my attention was the fact that nothing has changed from the last time we were here to the time they're here now. And I believe from what I heard

that the reduction in homes possibly would change, and the main reason that I was against the extension was that some of the residents in La Cienega weren't able to get access to the water lines for their own homes. And I believe since then that the County Commission - well, I know since then, has passed a resolution and we are seeking funding for that as we speak, to continue to find monies to extend the water service to the areas that we spoke about a year ago. And I still hope that we can get the funding for that to move that project forward.

I want to know - we talked a little bit about, or the residents talked a little bit about how many acre-feet the developer has. I would like to know what do you really have in terms of acre-feet for the ranch that you're proposing - that we are talking about?

MR. SCHUTZ: Thank you, Commissioner, Madam Chair.

COMMISSIONER SULLIVAN: Just a minute. Is that all, Commissioner?

COMMISSIONER ANAYA: No.

MR. SCHUTZ: I'm sorry. Are you the chair?

COMMISSIONER SULLIVAN: I am the vice chair..

MR. SCHUTZ: Vice Chair Sullivan and Commissioner Anaya -

COMMISSIONER SULLIVAN: Just a minute for Commissioner Anaya. He still has other questions for you.

COMMISSIONER ANAYA: No, I wanted to hear from him know.

COMMISSIONER SULLIVAN: He yields the floor. Go ahead.

MR. SCHUTZ: In terms of notice, I just wanted to mention, Commissioner, there are no notice requirements for this kind of a proceeding, but about nine days before our scheduled Monday meeting, which was a week ago yesterday, we posted signs at every entry to the village of La Cienega to let everybody know that there was a public meeting to be held in nine or ten days to discuss an update. And the purpose of that notice was to just apprise the folks in La Cienega that we were coming to the County for this request. We didn't have to do it. It's our MO for the community to be told and we keep them apprised. We do apologize for the short notice. As you know, the weather has been extremely terrible in that area and we were trying to wait for a good day but we did try to make every effort to apprise them.

But in terms of our water rights, Commissioner, we have Santa Fe Basin water rights appurtenant to the property as licensed by the State Engineer for 29.10 acre-feet of diversionary use and 14.55 acre-feet of consumptive use rights. We also have 17 acre-feet of Rio Grande main stem surface rights that we bought from Pena Blanca and are in the process of perfecting them with the County for use in the system. We also have 8.5 acre-feet of La Cienega acequia rights which we bought from some folks in La Cienega. We have under contract and are pursuing additional water rights on the main stem Rio Grande River to supplement our current water rights portfolio. I guess the question you want to know is how many units that will serve. Is that a fair statement?

COMMISSIONER ANAYA: Yes. Go ahead and answer it.

MR. SCHUTZ: Well, if we were to utilize our water rights that are on the

land, assuming that each unit were to utilize .20 acre-feet of water per acre-foot, and assuming that we return 50 percent of the water back into the stream system as we propose to do, the 14.55 acre-feet would allow us to build about 200 to 225 units.

If the water extension is granted, depending on how we deal with the County in terms of the water rights that we have and water rights portfolio transfer, the current plan, the current Code as we understand it, would allow for – with the density bonus contained in the affordable housing ordinance, we would be able to go up to 605. Now, we're not proposing 605. You're exactly correct, Commissioner. When we came before you last year, or earlier, the master plan proposed 605 units. That's gone way down and as Mr. Dickens noted we have come down 40 percent from 605 to 362. That was our latest proposal. And in terms of density, we talk about rural densities and urban densities, the County now allows in the traditional community of La Cienega $\frac{3}{4}$ -acre lots. Those are urban densities. Our density at 362 units on 1300 acres is 3.6 acres per unit. And we're clustering these units. We are maintaining a rural environment consistent with the community plan.

But to answer your question, between 200 and 225 lots.

COMMISSIONER ANAYA: Okay. Thank you. Could you tell me, there was a question by Mr. Ray Romero, he stated why haven't you transferred the water rights that you own now? And I think I know the answer but I want to hear it again.

MR. SCHUTZ: We have filed an application with the State Engineer, to perfect the water rights, in fact for the purpose, place and use of the water rights from irrigation to domestic use. That process, assuming that Mr. Romero and others in La Cienega are going to protest us, could take 18 months to two years. But we're in the process of that right now.

COMMISSIONER ANAYA: Okay. I heard culture and the way of life. I'm from a small community myself and I want to know, if this development were to come into my area, I would want to know exactly what you're proposing. And I guess what I'm hearing from the planner is that until you get a water line or water service extension then you will be able to answer the questions precisely when you have your meetings with the community.

MR. SCHUTZ: Correct. Now I must tell you, Commissioner, that we have made certain commitments at the community's request in terms of open space, use of open space, trails non-commercial activities – they don't want any commercial development. We've agreed to that. We've agreed to a number of things. Setbacks, lot sizes in certain areas and on and on. I could go through a laundry list of things that we've conceded to but I don't know if you want to hear that.

COMMISSIONER ANAYA: That's all the questions I had for now. I might have some later, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Anaya. And thank you, Vice Chair Sullivan for handling my few minutes of departure. Further questions from members of the Commission? Commissioner Sullivan, and then Commissioner Montoya and then

Commissioner Campos.

COMMISSIONER SULLIVAN: I just wonder, Madam Chair, briefly, if we could hear from Ms. Mills. I'm always concerned when we are dealing here with what appears to be zoning and also water extension at the same time, as to how this fits into our strategic plan, just from an overview standpoint.

CHAIR VIGIL: Ms. Mills, you have the floor.

BETH MILLS (Strategic Planner): Good afternoon, Madam Chair, Commissioner Sullivan. This request to extend the service area is one that alerts us to the need for strategic planning. It highlights the disconnect we're seeing between land use planning and water resource planning. And it's to no one's benefit, not the developer, not the community and not the County, who are the stewards of looking after these resources and the citizenship to keep things these so disconnected. Everyone is confused and there is a lot of runaround for everybody in the course of making these requests.

From a strategic planning point of view, we're working towards integrated growth management planning, which means that we're struggling to plan growth management. We realize there's going to be growth, but growth management in a way that we can accommodate infrastructure, emergency and other types of services to the new developments that come forward. So when one asks for an extension of a water service area, they're in fact requesting, given the history of the way water planning and land use planning have happened at the County, to my mind they're asking for an extension of a designated growth area, because in fact when we look at the water service area currently for the county, those areas are the same as our designated growth areas, with the exception of portions of the Community College District which are due to receive County water but in fact aren't even part of the County water service area at this point. So I hope I'm making sense.

There's a direct connection between growth areas where we want to be able to direct infrastructure and services and water service areas. Although you would never know it hearing this discussion today. So it's the goal of the strategic plan to unite those things and be able to look at all those elements of planning in a holistic way and make some evaluations. And to that end this discussion alerts me to the fact that we need to revisit the 40-year water plan, and that has been suggested by other consultants who have come in here, for instance, for the fiscal impact study. And we need to revisit and be very clear about our water service areas and the County water allocation for them.

I think, looking at what we have now on the books, the water service areas don't necessarily reflect where we're looking at growth, and they don't accurately reflect our need to look at growth management. I would hope that's enough. I don't know.

COMMISSIONER SULLIVAN: Thank you, Ms. Mills. Thank you, Madam Chair.

CHAIR VIGIL: There were some other questions from Commissioner Montoya and he stepped out. Commissioner Campos, did you have any questions? Not at this time. Okay. I guess I have a couple of questions. For Mr. Ross, Mr. Ross, we're

considering the very same request that we considered a year ago, or whatever time frame?
Is this the very same request, extending the water service boundary lines?

MR. ROSS: Madam Chair, it seems to be a similar request?

CHAIR VIGIL: Is there anything different?

MR. ROSS: I don't know. I haven't studied the two.

CHAIR VIGIL: Okay. Would you like to respond to that, Mr. Schutz?

MR. SCHUTZ: There are a couple of material changes, Madam Chair, between what was presented last time and now. Number one, as Commissioner Anaya stated, one of the concerns that was raised at that time was the fact that those three roads, those rural roads that served residents off of Paseo C de Baca Lane were not being served, and that was a main concern. I think, I'm not sure if the water allocation policy had been developed, and now it has been. And probably the other material change is the fact that we've gone - at the time, the master plan on the table was at 605 units. So there have been some changes, material changes to the program.

CHAIR VIGIL: Thank you. I guess another question I had and this is for our planners. Is this proposed water service delivery expansion within the boundaries of the La Cienega community plan ordinance?

JUDY MCGOWAN (Planning Director): Madam Chair, Commissioners, yes it is. It's my understanding that it is. We actually haven't seen a recent plan. There has been nothing submitted.

CHAIR VIGIL: But the area is within the boundaries of what was proposed by the community. A boundary line for their particular plan that we adopted as an ordinance.

MS. MCGOWAN: Yes, that's correct. I maybe shouldn't assert this, but I am a little concerned because listening to the applicant it seems that they have a very different interpretation of the La Cienega Ordinance than the staff and some members of the community have, as far as density is concerned.

CHAIR VIGIL: Okay. Thank you. And Commissioner Montoya, we've been waiting for your questions. Do you have any further?

COMMISSIONER MONTOYA: Now I have one for Judy. What are the differences in interpretation as you have heard?

MS. MCGOWAN: I don't have the direct excerpt that Robert read, Commissioner Montoya, but I believe that what the ordinance says is the density is determined by their onsite geohydrological study. So therefore, if your geohydro study shows that you have enough onsite water, you could go down to the gross density of 2.5 acres, whether or not you're on a water system.

COMMISSIONER MONTOYA: As opposed to 12.5.

MS. MCGOWAN: As opposed to 12.5. That's correct. If you're geohydro study show you can do a gross density of five-acre lots then that would be your gross density, even if you're on the County water system.

COMMISSIONER MONTOYA: Is that your understanding, David? Thank

you, Judy.

MR. SCHUTZ: Madam Chair, Commissioner Montoya, partially, we agree with that, but our understanding is if community water or County water is brought into the project then the maximum density can also go down from 12.5 to 2.5, because you're doing the same thing. Instead of demonstrating groundwater resources, you're providing imported water to accomplish the same thing. There is a disagreement in the interpretation of that portion of the ordinance, which needs to be worked out with staff, and I think we can come to a consensus on that as we go through the master plan process.

COMMISSIONER MONTOYA: David, do you know if your geohydro study proves a 100-year supply that would warrant 2.5-acre size?

MR. SCHUTZ: The geohydrologic study that was prepared by Glorieta Geoscience was turned into the County sometime before the end of last year, and I spoke to the County Hydrologist, Ms. Torres a few days ago and she had not yet had an opportunity to review it. As Mr. Wust said, they are waiting for us to finalize a master plan, at which time they'll review it. But we did do our well tests. We did do detailed hydrologic studies of the aquifer and we have proven a 100-year supply.

COMMISSIONER MONTOYA: Okay. And then I'm just curious for the people, if you could just raise your hands, the ones that are in opposition to this, if you live on a 2.5-acre lot or larger, if you would please raise your hand. So about a third of the people that testified. Because we're looking probably at a minimum size of 2.5 acres here. And I think it was brought out that the current size for the traditional historic community is $\frac{1}{4}$ of an acre. I think that's all I have, Madam Chair. Actually one more for the applicant.

CHAIR VIGIL: Commissioner Montoya, then we'll go to Sullivan and then Anaya.

COMMISSIONER MONTOYA: My last one. Are you willing to work within the community plan that's been designated by the La Cienega-La Cieneguilla Development Committee?

MR. SCHUTZ: Commissioner, to answer your question pointblank, yes. Mr. Herbrand's, John's assertion, the question he asked me on the meeting on Monday was do I believe that our plan complies with the La Cienega plan, and I answered very directly, yes. I do believe it does. We are not - everybody keeps calling us an urban development plan, that we're urbanizing La Cienega. We're not urbanizing it. Of the 1300 acres, over 600 to 700 acres of it is open space. We are clustering some of our development into areas that can comfortably accommodate growth so that environmentally sensitive areas are protected, but the lot sizes are very consistent. They'll range in size from one to 2.5 to five, depending on the area. We're maintaining a very, very rural feel in the amounts of open space that we are providing.

Let me just say this directly. We commit here and now, tonight, to the Commission, that we will work within the confines and in accordance with the community plan as it was adopted by this Commission in 2002. We have studied it very carefully. We're very sensitive to the local cultural and archeological resources that exist in La

Cienega property, within the traditional community. I must tell you, J.J. and I are friends. Commissioner Grill and I are friends. I like to think that most of the people that we've been dealing with, we've maintained a civil atmosphere. We've been having very productive, honest, open debate and we hope to continue down that road, and we hope to come to you in the future with consensus. That's our true objective and our true goal at this point.

So let me just say, yes. We are committed to working within and in accord with the plan.

CHAIR VIGIL: Thank you.

COMMISSIONER MONTOYA: I'm sorry. I lied. I have two more questions. So if this is approved, then what?

MR. SCHUTZ: Assuming that we get approval for the extension then we will go back to the drawing board and discuss with the community a reasonable density, because I think that's where the impasse is right now. A reasonable density that's acceptable to both sides. The reason that we came forward with the 605 was because you were in the throes of discussing the affordable housing ordinance. So we knew that we were not going to be developing 605 units but we had to put something on the table for master plan, so we went with maximum allowable because we didn't know how it was going to affect the bottom line.

After we realized we could come back from those numbers and still meet your 30 percent goal for affordable housing, we started coming down from 605 to 500, finally ended up with 362, which is a 40 percent reduction of what is currently allowed under our interpretation of the Code.

COMMISSIONER MONTOYA: And if it's not approved, then what?

MR. SCHUTZ: We'll do the same thing. We'll go back to the drawing board and look at our options for developing a project using groundwater resources.

COMMISSIONER MONTOYA: Okay. Thank you, Madam Chair. Thank you, David.

CHAIR VIGIL: I believe I said Commissioner Sullivan and Commissioner Anaya. Let me just make a statement that we do have quite a few other items on the agenda that may take a large amount of time so if we're ready to start zeroing in on a possible motion, if your discussion might lend itself to that, I would encourage it. Commissioner Sullivan, then Commissioner Anaya.

COMMISSIONER SULLIVAN: Thanks, Madam Chair. I think that the concern about 2.5 acres and this will only be 2.5 acres is - as Mr. Schutz says, some lots will be one acre, perhaps less. It's the average that's going to be 2.5 acres. So I think what perhaps residents are concerned about is although the average - it's like the average of the trunk of the elephant and the tail of the elephant is the big, fat middle of the elephant. And really, the average is not what residents are concerned with. They're concerned with the development that's right next to them, right next door to them. And if that development is not in concert with the rural character of their area then they feel that's not an appropriate

development.

So I think we're getting way ahead of ourselves here, reviewing a phantom master plan that we don't even have in front of us. We're selling the sizzle but not the steak again, and I really think that the next step that the applicant needs to do is refine their master plan concepts and I don't think that we need to be scared that they're going to use groundwater, because if they do a 300-unit development or a 225-unit development, they will have to do a community water system. That community water system will have to show that it has a 100-year supply. It will have to have the same protections that the County water system has. And in the end we'll have control over water conservation and all the other things that you get in a public water system.

So I don't think the issue is do we get water out of the Rio Grande or do we get groundwater from the La Cienega area. Either way we're going to have a public water system. So my suggestion, Madam Chair, is that the applicant refine their master plan and they come back with a plan that shows that they've reached some modicum of agreement with the community. Once we have a plan that says, hey, this is appropriate zoning and this is appropriate development for this area, then we say, what's the best way to serve it with water? It may be, at the outset a small community system is better, and connect perhaps in the future to a larger County system when the Buckman water becomes available, and we're not sure when that will be available.

So there's a lot of strategies that we can implement, but I don't think it's a battle between groundwater versus the magic surface water. Not at all. Because all of that impacts our aquifer. So I think we're a little premature here. I think the applicant should move forward. They should work on their master plan under the current guidelines. And then in that process, we can continue to decide whether the community water system that they come up with is better served through groundwater or through the Santa Fe County water system. I think that's the time we can do that. Thank you.

CHAIR VIGIL: Thank you, Commissioner Sullivan. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you. I tend to disagree with Commissioner Sullivan because groundwater is life and if we don't have groundwater then we lose our acequias that have been around for 300 years and more. And if we can't protect those, then I don't know what we're doing up here. So those are really important to me, is the groundwater in the La Cienega area and throughout the county.

I want to ask a question to Dr. Wust and that is if this were to be approved, that opens the door to your office so that they can communicate with you in terms of their project and they can move forward, correct? What would they do if this was to be approved?

DR. WUST: Madam Chair, Commissioner Anaya, if this were to be approved then the applicant could come to us and then start talking to us about how much water is available, what the requirements are if they wanted to hook up to the utility, and how that would affect their master plan proposal. I would tell them about our phasing, about Buckman and what our available supply is and things like that.

COMMISSIONER ANAYA: And right now, the County doesn't talk to the developer because we're not sure whether they're serious or not, or why are we not talking now?

DR. WUST: Madam Chair, Commissioner Anaya, I have talked to them. I've met with them several times. The difference is they're all hypotheticals now. If this, then that. If this, then that. So we can't really put anything definitive, any discussion. We have discussed a lot but again, it's been all ifs. Since they're not in our water service area I can only say, well if you were, we could talk about this, this and this. And that's really the bottom line. Same thing with the hydrologic reports. Since there's no submittal saying they're going to use their own water there's no official procedure that we're reviewing the report and telling them what we think.

COMMISSIONER ANAYA: So then you can get down to the nitty-gritty with the developers in terms of what, how much, how much you can transfer, how much you can use, and then we'll know some more, something in concrete.

DR. WUST: Madam Chair, Commissioner Anaya, that's correct, and not only that but that means they can actually come forward and submit a master plan utilizing whatever we discuss that will go in front of a committee and the BCC.

COMMISSIONER ANAYA: Madam Chair, was there another Commissioner that would like to speak?

CHAIR VIGIL: Not that I know of. Commissioner Campos.

COMMISSIONER CAMPOS: I would just ask the chair if she is ready for a motion, I'd like to make a motion?

CHAIR VIGIL: Are you done, Commissioner Anaya?

COMMISSIONER ANAYA: No.

CHAIR VIGIL: You still have the floor. Let me return to him, and then I'll go to you.

COMMISSIONER ANAYA: Thank you, Madam Chair. From the testimony that I have heard for the second time, and I'll say it again. I said it last time and I'll say it again. This is a difficult situation that we're up here against. And I'm weighing in and out community and where our children are going to go. Lisa spoke earlier about her kids. We can't continue to keep dividing the property that we have, and I'm talking about the five-acre lots the acre lots. Where are our children going to go? I'm not saying that I agree with the developers' request in terms of density and how much, but I think in order to keep the dialogue open that the County can communicate with the developers we need to extend the water service boundary so that we can talk about it.

My concerns, and I'll say it again, is the density in that area. We cannot - the people in La Cienega want to live in a rural lifestyle and I want to keep it that way. That doesn't mean that we just shut the door. These people have a right to develop their property just like you have a right to develop your property. And I don't want to shut the door on anybody. I want to go through the procedures, which they have gone through the procedures, and I want to keep the dialogue open.

I underlined a few things that people spoke about, and this is what I want. I want the developers to work with the community. And I said it last time and I'll say it again. The culture and the way of life in La Cienega. Keep the communications open with the County. And most important is our water. And if deplete the water in La Cienega we've lost everything. So their proposal is to import and recharge. To me that makes sense. But there's still a lot of unanswered questions that I have and that the community has.

Before I approve any master plan, and I'm going to tell you right now, before I approve any master plan I want the developers to meet with the community and talk about it. Because we can't - with that, Madam Chair, I move for approval.

CHAIR VIGIL: There's a motion for approval.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: I hear a second on a motion for approval of extension of the boundary lines. Is there any further discussion? I think I'd like to chime in here. As chair and this is the first meeting I've ever chaired, a lot of what's been discussed is something that I might have brought up if I'm not sort of trying to follow the signals of the procedures going on here. I must say, I have a really difficult time voting in favor of a water service extension, only because I think it sends the wrong signal, not only to the community of La Cienega, but to the community as a whole. And I'm not too sure that surface water delivery is the most appropriate alternative for this development. Hydrological studies should be a part of a proposal, and I'm more inclined to consider a water service delivery system, whatever it would be within a master plan development, so that the developer and the applicant would have an opportunity to have further discourse with the community. The community who has its mayordomo represented here. The community who has long historical traditional members, who are quite familiar with the area, and I must say, so am I. I grew up in the area. I have longstanding family ties to La Cienega, indeed to some of the community members who moved to La Cienega from an area called Bonanza.

It seems to me that it would be more appropriate for us to deny the water extension and look at the opportunity of what is going to happen with the community plan. And I know that the applicant quoted the general plan and made some very good links to it, but there are some links missing between here what you've presented and what the actual La Cienega community plan ordinance is. I see and I hear the community is real insecure about that. So it seems to me that probably the most prudent way to move forward with this is to deny the extension and consider that the developer should move forward with working with the community towards a master plan development that would identify and give some assurances to the community that sustainability would be a part of that.

And whether that's surface water or whether it's aquifer water, I don't know, and I don't know that anybody does at this point in time, but that would be a mission, I think that would create a lot more ease for members of the community and I think Santa Fe County residents. Water is a resource that we cannot move too fast with. With that, is there any other discussion? Then there's a motion and we can vote on the motion to

approve the boundary lines and there is a second.

The motion to extend the water service area to Santa Fe Canyon Ranch failed by a 2-3 voice vote, with Commissioners Anaya and Montoya voting in the affirmative.

CHAIR VIGIL: The request has been denied. Are there any other motions?

COMMISSIONER CAMPOS: Do we need a motion to deny? No? This does it?

MR. ROSS: Madam Chair, Commissioner Campos, the request needed approval.

COMMISSIONER CAMPOS: Okay. Good.

CHAIR VIGIL: I would just encourage Dr. Wust - and it's my understanding and that's why I voted the way I did, that if a developer chooses to move forward with a master plan that we continue to work with him with more information that we can make available to them in regard to what is the best use of water for this particular development and more information to be exchanged between them and the community in terms of the density issue.

DR. WUST: We will, Madam Chair.

CHAIR VIGIL: Thank you, Dr. Wust.

- XIII. D. 2. Request for Approval of Memorandum of Understanding (MOU) Between Santa Fe County and the Pueblo of Pojoaque for a Regional Wastewater Project [Exhibit 7: Pojoaque MOU]**
- 3. Resolution 2007-32. A Resolution Committing County Funds for Cost-Sharing Applied to a Pojoaque Valley Regional Wastewater Project (\$1,000,000)**

DR. WUST: Madam Chair, thank you. The next two items, actually, D. 3 and D. 3 are related and what I'm going to do here is just sort of introduce where these are coming from. The MOU itself has gone through a little back and forth between the attorneys for the Pueblo of Pojoaque and our County Attorney, so I'll defer to Steve Ross on that particular item, but I'd like to introduce what these two items are about. At this legislative session, the County and the Pueblo of Pojoaque are both going to the legislature for funding, both separately and together, I believe, to look for funding for improvements to the existing wastewater treatment plant on the Pueblo of Pojoaque and to build infrastructure to hook up residents on Pueblo lands and off Pueblo lands.

A year ago the Speaker had talked to us at the County and with the Pueblo of Pojoaque and basically said that he did not want to see this area, the two areas going independently. That if we were looking at legislative funding to improve the wastewater