

TRANSCRIPT OF THE
SANTA FE COUNTY
SLDC HEARING OFFICER MEETING

Santa Fe, New Mexico

January 11, 2018

I. This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Nancy Long on the above-cited date at approximately 3:08 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Staff Present:

Vicki Lucero, Building & Development Services Manager
Tony Flores, Deputy County Manager
John Lovato, Development Review Specialist
Mathew Martinez, Development Review Specialist
Paul Kavanaugh, Building & Development Services Supervisor
Rachel Brown, Deputy County Attorney

II. **Approval of Agenda**

HEARING OFFICER LONG: I will approve the agenda as it has been published. There are two cases on the agenda today.

III. **Public Hearings**

- A. **CASE # V17-5350 Santa Fe County Public Works. Santa Fe County, Applicant, Baer Architecture NM, (Allan Baer) Agent, Request a Variance of Chapter 7, Section 7.11.11.3.2, Access to Subdivisions, Non-Residential Development and Multi-Family Development of Ordinance 2016-9, the Sustainable Land Development Code to Allow One Access Point Rather Than the Required Two Minimum Access Points or Non-Residential Development Exceeding 25,000 Square Feet. The Site is Zoned as Public Institutional (PI) within the Airport Noise Zone (O-AN60 DNL). The Site is Located at 424 NM 599 Frontage Road within Section 2, Township 16N, Range 8E (Commission District 2)**

MIKE ROMERO (Case Manager): Good afternoon, Hearing Officer Long. On October 25, 2017, the applicant submitted an application for a Site Development Plan and under a separate application submitted a request for a variance of Chapter 7, Section 7.11.11.3.2, Access to Subdivisions, Non-Residential Development

and Multi-Family Development of Ordinance 2016-9, the Sustainable Land Development Code to allow one access point rather than the required two minimum access points for non-residential development exceeding 25,000 square feet.

Chapter 7, Section 7.11.11.3.2, Access to Subdivisions, Non-Residential Development and Multi-Family Development of the SLDC states major subdivisions of 31 lots or more, those with 31 or more development units, or those non-residential developments consisting of 25,000 square feet or more, shall provide access to an existing County road, highway, state highway or federal highway and shall provide a minimum of two access points to the referenced roadway. Such development shall also provide for connections to roads and highways identified on the official map.

The property at 424 NM 599 Frontage Road, consist of 38.856 acres that lies within the Public Institutional zoning district within the Airport Noise Zone. The property is leased by the State of New Mexico to Santa Fe County, which is occupied and operated by the operations of the County Public Works Department. The property is accessed off NM 599 Frontage Road which is surrounded by primarily State owned properties and privately owned and operated commercial, light, and heavy industrial uses. The Santa Fe County Public Works Facility consists of 49,825 square feet. The Site Development Plan request is to approve a 5,434 square foot property control building and a 4,800 square foot vehicle shelter to the existing 49,825 square feet, which will bring the total to 60,060 square feet.

Recommendation: The applicant addressed the variance review criteria. Staff recommends approval of a variance of Chapter 7, Section 7.11.11.3.2, Access to Subdivisions, Non-Residential Development and Multi-Family Development of Ordinance No. 2016-9, the Sustainable Land Development Code, to allow one access point rather than the required two minimum access points for non-residential development exceeding 25,000 square feet. A single access point can be considered a minimal easing of the code due to the existing topography of the site and the fact that the Fire Department confirms that there is no safety issue and fire protection measures are in place.

Staff requests the Hearing Officer memorialize findings of fact and conclusion of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on February 15, 2018. I stand for any questions.

HEARING OFFICER LONG: Thank you. I was glad to see in your recommendation that the Fire Department has confirmed that there are no safety or access issues by having only one access point. Correct.

MR. ROMERO: That is correct, Hearing Officer Long.

HEARING OFFICER LONG: Okay. Looks like a needed project for the County and I'm glad that you're presenting these. Let me ask if there was anyone here today that came to speak regarding this case, the Santa Fe County regarding a variance for two access points. And there are a lot of people here but no one is here to speak on this one. So that will close our public hearing on that case, and I don't have any further questions. So thank you.

So everyone's here for this one. Just in terms of the doors back here, do we have to keep those closed for fire reasons? Or can we leave them open? Is it just that you can't -- we're worried that they can't hear when the doors are open?

RACHEL BROWN (Deputy County Attorney): Madam Hearing

Examiner, that's correct. It's a noise issue as opposed to a safety issue.

HEARING OFFICER LONG: Okay. So maybe we can get the sign-up sheets outside then. Okay. You're on it.

III. B. CASE # SCSD 17-5330 Pilot Travel Center, LLC Conceptual Plan. Exit 278, LLC/Pilot Flying Travel Centers, LLC, Applicants, James W. Siebert and Associates, Inc., Agent, request approval of a Conceptual Plan to allow a phased development on a 25-acre tract. A minor subdivision will be requested to create a 10-acre ± parcel for the Pilot Flying J Travel Center development. Each phase within the minor subdivision will be subject to standalone applications to be developed in conformance with the approved conceptual plan. The first phase will consist of a 10-acre ± parcel for the Pilot Flying J Travel Center development and approval of the uses for the Pilot Flying J development which will consist of a 13,600 square foot structure housing restaurants, convenience store, restrooms and other amenities to serve as a Travel Center/Truck Stop type of facility. The site is within the Planned Development District Santa Fe Community College District (Community College District), Employment Center (Community College District-EC). The site is located at the intersection of NM Highway 14 and I-25 within T16N, R8E, Section 24, SDA-1 (Commission District 5) [Exhibit 1: Sign-in Sheets; Exhibit 2: Opposition Material Received After Packet Distributed; Exhibit 3: Conceptual Plan Provided by Applicant; Exhibit 4: Burks Supporting Material; Exhibit 5: Lockridge Statement]

HEARING OFFICER LONG: So for everyone here, what we will do today on this case, staff, as always presents the case. The applicant will have their chance to present their application, along with if they have experts or other individuals who will present. Then I understand there may be at least one organization that is represented by attorneys, or a group of individuals and I am going to allow them additional time to make their response on behalf of that organization or that association of individuals. They'll be allowed 15 minutes.

We will open it up of course to public comment. This is a public hearing. We will have to time those presentations so that we can allow everyone to be heard, and we will also submit, as part of the minutes the sign-in sheet where you indicated whether you were in favor or opposed and that will go with the minutes. So if you are here to observe and you wanted to make sure that you are registered as opposed or in favor of this project, that will be contained in the record in terms of the sign-up sheet. But that of course does not mean that you can't speak to the issues. We will not allow people to cede their time to someone else. It's just too hard to keep track of with this kind of a case, but we will allow everyone that wants to speak to speak and take breaks as we need to. And once we get to that portion of the public hearing then I will let you know how that goes.

Of course if you feel that somebody has already made all the points that you wanted to make you will know that those have been made. They're on the record. And you have also signed the sign-up sheet. So you may not really know at this point whether

you want to speak or not and we'll get to that part of the case later. And if there's any questions along the way I'll be happy to provide clarification. Okay, we'll proceed with staff's presentation of the case now.

JOSE LARRAÑAGA (Case Manager): Thank you, Hearing Officer Long. Some of the material that's being passed out are some letters that were received after the packet was done, as far as opposition. And there is some material for the Gateway Alliance in there that was just handed to me right before this hearing.

The applicants are requesting approval of a Conceptual Plan for a phased development on 26.46 acres which will consist of the following: Phase 1 – gas station, truck stop, convenience store, and three fast food restaurants, one with a drive-thru; Phase 2 – two hotels containing 100 rooms each; and Phase 3 – full service sit down restaurant, retail shops, warehouse, and manufacturing/light industrial.

The site is within the Planned Development District/ Santa Fe Community College District Employment Center of the Sustainable Land Development Code. Table 8.44, Community College District Use Table illustrates a gasoline station and gasoline services as a conditional use which is a permitted use within the Employment Center Subdistrict upon approval of a Conditional Use Permit. Table 8.44, Community College District Use Table illustrates a store or shop with/without drive-through facility, restaurant, with/with no consumption of alcoholic beverages permitted, hotels, motels, and tourist courts, and warehouse structures as permitted uses within the Employment Center Subdistrict upon approval of a Site Development Plan/Development Permit.

The applicant states, "The use list would include the permitted and conditional uses in an Employment Center Subdistrict as shown on Table 8.4.4 Community College District use table provided intensity of use for traffic generation, water and wastewater do not exceed selected uses. The applicants recognize that the gas station/fueling station is a conditional use, but believe that the Board of County Commissioners should be specifically apprised that a gas station/fueling station is proposed and that a conditional use approval will be sought."

Section 4.9.9.1, Conceptual Plan Purpose states, "A conceptual plan is comprehensive in establishing the scope of a project, yet is less detailed than a site development plan. It provides a means to review projects and obtain conceptual approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval. A conceptual plan submittal will consist of both plans and written reports."

Section 8.10.3.5, Conceptual Plan Review Criteria. The criteria for approval of a conceptual plan in the Community College District are as follows: one, Conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan; two, viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed; and three, conformance to this Section 8.10 and other applicable law and ordinances in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and or construction standards, and open space standards.

The applicant has address the conceptual plan criteria and staff has responded as contained in the report. The applicant has submitted the following required studies, reports, and assessments: environmental impact report, adequate public facilities and

service assessment, water service availability report, traffic impact assessment. The applicant has addressed the following applicable SLDC design standards: fire protection, landscaping and buffering, fences, walls, lighting, signs, parking and loading, utilities, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood preventing and flood control, and the Planned District/Santa Fe Community College District Employment Center.

The applicant has addressed Conceptual Plan criteria set forth in Section 8.10.3.4 as contained in this report.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a Conceptual Plan to allow a phased development on a 26-acre tract: the proposed Conceptual Plan is comprehensive in establishing the scope of the project; the site is within the Planned Development/District Santa Fe Community College District, Employment Center Subdistrict, which is intended to accommodate mixed uses, where large-scale employers, anchor businesses and light industry can locate in support of New Community Center Subdistrict development; Table 8.44, Community College District Use Table illustrates the proposed uses are allowed as permitted or conditional uses within the Employment Center Subdistrict; the proposed Conceptual Plan has addressed the required studies reports and assessments; and the application satisfies the submittal requirements set forth in the SLDC inclusive of Criteria set forth in Section 8.10.3,

The review comments from state agencies and County staff have established findings that this application for a Conceptual Plan to allow a phased development on a 26-acre tract is in compliance with State requirements and design standards set forth in the SLDC.

Recommendation: Staff recommends approval of the request for a Conceptual Plan to allow the proposed phased development on a 26-acre tract, located at the intersection of NM Highway 14 and I-25, with the following conditions:

1. The Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.
2. Compliance with all Reviewing Agency Comments.

Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on March 15, 2018. Hearing Officer Long, I stand for any questions.

HEARING OFFICER LONG: Thank you. I note in your report that the uses are all allowed within the district, the zoning district. Is that correct?

MR. LARRAÑAGA: That's correct.

HEARING OFFICER LONG: So I see in the use table that there is gasoline station specified and gasoline services. But I don't see those defined in the code. Are those defined somewhere?

MR. LARRAÑAGA: They are not defined, but that was a determination made by staff and the Land Use Administrator that this type of facility falls under a gasoline station/gasoline services.

HEARING OFFICER LONG: Okay. So the determination was made by staff that a truck stop is a gasoline station, or a gasoline service establishment?

MR. LARRAÑAGA: Yes.

HEARING OFFICER LONG: Okay. And that was based on interpretation of the code?

MR. LARRAÑAGA: That's correct.

HEARING OFFICER LONG: And then I see mentioned too a tourist court in your report. What is a tourist court? Because I didn't see that defined anywhere either.

MR. LARRAÑAGA: I'm sorry. Which page was that?

HEARING OFFICER LONG: That's under your summary at the beginning of the report, that the use table illustrates a store or shop, with or without drive-through facility, restaurant, with/with no consumption of alcohol beverages permitted, hotels, motels and tourist courts.

MR. LARRAÑAGA: By definition, I don't know what the definition is, but it is in the Land Use, in the Community College District use table, that that's –

HEARING OFFICER LONG: Tourist courts are?

MR. LARRAÑAGA: Yes.

HEARING OFFICER LONG: And what is a tourist court? I just hadn't seen that term before. And we can come back to that later, but I just hadn't seen that before. I also see in the report that the – or maybe it's the applicant's position and staff agrees that this development would be supportive of the new community center subdistrict with the Community College District and I'm just wondering how it supports the new community center subdistrict, how this employment center does. In the code it says the employment center subdistrict is in intended to accommodate mixed uses, anchor businesses and light industry, can locate in support of new community center subdistrict development. Is it intended to provide employment to people that live in the Community College District? Is that what that means in the code?

VICKI LUCERO (Building & Development Services Manager): Hearing Officer Long, that is correct. It would support adjacent new community centers and residential development within the Community College District.

HEARING OFFICER LONG: It would support it how? By providing jobs?

MS. LUCERO: Providing jobs and providing services to the community.

HEARING OFFICER LONG: Okay. Another question about that. And there's a reference to this being an anchor business. Is it the truck stop that is the anchor business to other businesses within this planned development? I'm just wondering which one is the anchor.

MR. LARRANAGA: Hearing Officer Long, I believe what we looked at was any one of these uses – the hotel or the standalone restaurant can be an anchor business on their own so if one of them doesn't come through or doesn't get approved, the other one can stand alone by itself. But each one of the proposed uses pretty much could be an anchor business but they're proposing the truck stop for now and that definitely would be an anchor business that could stand alone and survive on its own.

HEARING OFFICER LONG: For the other businesses that would develop after that. Is that right?

MR. LARRANAGA: Correct.

HEARING OFFICER LONG: Okay. Those are all my questions for staff

at this point. Let me see who is here on behalf of the applicant. How many individuals do we expect to speak? Maybe you all don't need to speak, but they're available? Mr. Sommer, are you going to be the presenter?

KARL SOMMER: Yes, Mr. Chair, what we were going to do, in terms of the experts that are going to speak, the professionals being the engineers and the planners, I think their presentation is a total between all three of them, about 20 minutes total. My presentation is between seven and ten minutes total. So I think we need anywhere – I'm going to estimate. We've timed it. It's about 30 to 40 minutes at the most.

HEARING OFFICER LONG: Okay. That sounds reasonable.

MR. SOMMER: If at any point you want to interrupt for questions and that sort of thing I think we can still fit within that time period.

HEARING OFFICER LONG: All right. Why don't I have everyone on behalf of the applicant who may speak stand up and be sworn in so we don't have to worry about that later.

[Those wishing to speak were administered the oath.]

HEARING OFFICER LONG: All right. Do you want to start, Karl? Oh, Warren. Mr. Thompson. Please give me your name and address.

[Duly sworn Warren Thompson, testified as follows:]

WARREN THOMPSON: Warren Thompson, P.O. Box 236, Santa Fe, New Mexico 87504, and I am under oath.

HEARING OFFICER LONG: I know as we get this many people in here toward the back of the room it is hard to hear. So if all presenters could just speak up more than you're used to and adjust that mike so you're right at the mike.

MR. THOMPSON: My name is Warren Thompson, P.O. Box 236, Santa Fe, New Mexico 87504, and I am under oath. I represent the owner of the parcel, Exit 278, LLC, and we are here to ask for approval of the concept plan. This will allow for us to plan for the future in the efficient development of the property. Thank you for your consideration. Ross Shaver, one of the users of the property will follow me.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Ross Shaver testified as follows:]

ROSS SHAVER: Ross Shaver, project manager for Pilot Travel Centers, 5508 Lonas Road, Knoxville, Tennessee, 37909. As stated, I am the project manager and representative for Pilot Flying J. Just a little bit about Pilot. We're two brands, one company. So you have Pilot Travel Centers and you have Flying J Travel Centers. We were started in 1958 by Jim Haslam. We're still owned and operated by the Haslam Family. We own and operate 650+ locations across North America. We are one of the largest privately held companies in the United States. We're also the largest retailer of diesel fuel in the United States. We're also one of the largest restaurant franchisee companies in the United States.

So building travel centers, building communities, serving the nation, serving regions and serving our communities is what we do day in and day out. And myself and the property owner, Warren, have assembled this team and we've worked extensively over a matter of years to try to develop this property and hence you have before you an application that we feel is complete. We meet all the criteria and exactly why we feel like the staff has recommended this for approval. So I'm here to answer any questions and I'll turn it back over to Karl. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Karl Sommer testified as follows:]

MR. SOMMER: Madam Hearing Officer, my name is Karl Sommer. My address is Post Office Box 2476, Santa Fe, New Mexico, 87504. Madam Chair, what we intend to do here, we'll be as brief and efficient as we can. I know there are a lot of people here to speak. What we intend to do here is present to you how this application is complete, how it meets or exceeds the applicable requirements for a conceptual plan, and how it is in accordance with the policies of the SLDC and the Sustainable Management Growth Plan.

As Mr. Shaver said, this application is complete. The process that is followed for the submittal of a conceptual plan has a process where the County staff determines whether an application is complete and if it is not complete you get a letter back that says you're application is not complete, will not be processed until it is complete. We did not get that letter. The staff has determined, as you see in the report, that there's nothing missing, that we've met all the submittal requirements.

Second of all is each one of the criteria and submittal requirements meets or exceeds – this application meets or exceeds each one of those criteria, specifically with respect to each item that must be submitted and each standard that must be achieved, We meet that. And finally, what this application demonstrates is that this employment center and this conceptual plan for this phased development is in keeping with the policies of the SLDC for employment centers in the Community College District.

So Madam Chair, as you know, this application is for a property, 26-acre site located in the southeast quadrant of the intersection of I-25 and State Road 14. As you know and as everybody in the community knows, that intersection was recently redesigned, redeveloped and put in service. It is operational.

As part of the record you have the slides and we've provided them for the public so [inaudible] The Community College District as the Hearing Officer knows is really – was grafted from the old County code almost entirely the way it was into the new SLDC. This depiction here shows you exactly where the employment centers in this district are. And you can see that there are six opportunities total in the district, each one of them is in a community that has various and different environmental surroundings as well as other uses that are already there. Some are institutional. So up around the Community College the Hearing Officer will see that there is an employment district that is surrounded by institutional uses, open spaces and residential uses. Up around the Richards Avenue, where it goes under I-25 there is a new community there and that is almost entirely surrounded by residential and open space uses.

My point is that there are six opportunities in the SLDC's Community College District for employment centers. I would note that the SLDC incorporated the policy behind the Community College District, which was the County was going to encourage the more intense development, both residential, commercial, institutional in this district. The reason being is the infrastructure for all of those uses is concentrated and intentionally concentrated in this district.

Going to the next slide. This is a blow-up of the map that we just saw. This, the characteristics that surround this employment district – as I said, each one of them is different in terms of their environs. This district is a maturing employment district. On the south side of State Road 13 you have the Turquoise Trail Business Park, the Rancho

Viejo Business Park as well as the residential district down near the center, or where the red dot is, of residential uses. On the north side you have existing businesses, PNM, other industrial uses related to construction and contracting, a brewery. Those are all developments that exist and are continued to continue to exist under the plan.

So what we have here is an employment district that is surrounded by existing businesses and most importantly has well developed, fully developed transportation networks and utilities. That is very different than many of the other employment districts in the Community College District. It's important for this application and the policies behind employment center districts.

The purpose and intent of employment districts is stated and succinctly in the SLDC Section 8.10.3.13. We've highlighted in red here the important aspects of the intent that this application for a conceptual plan that meets, and that is where there are businesses with special needs for access that are buffer noises and other impacts, that was one of the purposes behind the employment centers was to provide for those buffers from existing residential uses. And finally, one of the most important parts of the intentions of the code is to provide employment opportunities of a variety of types. And in this particular employment district, this 26 acres will have three phases and the uses that will be allowed on this property are varied and they are different from one another. The whole purpose being that the more varied and diverse the employment base, the more stable and the more opportunity for employment growth.

The Hearing Officer Long asked, well, how will this support the new community center as is a provision in the code. It will support this new community center because there are existing residential uses where people now travel and the employment opportunities in this district are fairly limited. Fairly limited in the sense that they're already at full employment. On the books, just across the street from this is a residential development that was approved for in excess of 200 units. That will develop over time. Those people are going to need places to get services and places to work. What better place than to have them in the district that they're at.

Right now, those people travel through other portions of the county to get those services and so that answers I believe – that's our position, Madam Hearing Officer is how does this conceptual plan and the proposed uses and allowable uses support the new community center – employment and in services. And there is more residential uses coming down the pike, as I've indicated.

So why we're here on a conceptual plan is this is a 26-acre site. It is highly, highly unlikely that this property would be developed by a single user at any one time. Those development opportunities or employment opportunities in our community are very, very limited. So in order for the property owner to plan for the efficient development and the efficient investment in a piece of property, the conceptual plan says if you're going to do a phased development you must have a conceptual plan. The code says that. So that's why we're requesting it. If you were going to do this without a subdivision you'd have a phased plan because you weren't developing the whole thing. If you're going to do a subdivision and you phase it you must have a conceptual plan.

So the requirement of a conceptual plan is there, but it is a mechanism that I believe the code allows for you to make a recommendation upon and the Board of County Commissioners to make a decision upon that determines what will be the ultimate use of the services, the utilities advanced for water, sewer and dry utilities? And can that

be accommodated? And if it can't be accommodated, what will be necessary. So the conceptual plan allows that opportunity.

The second is it allows for importantly what will be the impacts on traffic generation. That's one of the benefits a conceptual plan is and Mr. Brown will go through that in his presentation just very briefly.

The other advantage is it encourages the evaluation of a proposal by staff and the BCC at a very early stage without the necessity of the property owner or proposed user to go through all the complete studies and the expense of engineering and the like in order to determine whether or not the conceptual plan is going to be approved.

As I indicated, and I think staff has indicated, the criteria of the code for a conceptual plan have been met. These are the three criteria: You must show conformity with the general plan; you must show viability of the phases for the development plan; and you must show conformance with each and every requirement of the code. So starting with the bottom, I don't need to spend much time on that because staff has already indicated, and every agency that has looked at the application for a conceptual plan, that we meet the requirements with respect to utilities and the infrastructure, the traffic, the uses, the open space, all of the specific criteria of the code for the approval of a conceptual plan have been met. So number three, conformance with this section, is beyond question.

The other two, the first one, conformance with the Sustainable Growth Management Plan – so I'm not going to read these to you, Madam Chair. They're in our application, but I think it is important to highlight that the general plan speaks to the very things that this conceptual plan offers. One of them is the continued development of existing commercial areas, and that's found directly in the general plan on page 27. This conforms to that policy. The other is that it provides or encourages the main concentration of community and regional level commercial uses in the unincorporated areas of the county near State Road 14 in the Community College District. This conforms to that policy.

Finally, as I've indicated, the intent of the general plan is to provide as many commercial and employment opportunities as possible to be integrated into new community centers. This conceptual plan is in conformance with that because it will allow for a variety of employment opportunities as is spelled out specifically in the application. And then finally is the question of whether or not each one of the phases of this conceptual plan will be viable. This code says viability of the proposed phasing of the project to function as complete developments in the case that subsequent phases of the project are not approved or completed. I don't think there's any question that each of the phases proposed stands alone, both from an infrastructure use, from utilities, from an access requirement, that it is possible, it is viable and it is feasible for each one of these phases to stand alone in this proposed phased subdivision.

In the first phase there will be one lot created. In the second phase there will be another lot created and then that third lot would be developed. So I think each one of these stands alone and meets that criteria.

At this point Madam Hearing Officer Long, I'm going to turn it over to Jim Siebert who is the project planner to go through some of the specifics about this project, which is the conformance of this application to the requirements of Section 8.10. Thank you.

[Previously sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Madam Hearing Officer, my name is Jim Siebert. My address is 915 Mercer. I'm the planning consultant representing both Pilot J and the owner of the tract. I think you're aware of this but I'll give you a little history. I've been working with Rancho Viejo for about the last 20 years as their planning consultant and in the early 1990s we actually prepared a master plan for the same tract that was approved by both the CDRC and the County Commission. A lot of the uses we're actually proposing on this site today. But what I'd like to do is talk about existing conditions, the uses and the phasing, and then why the application meets the requirements of the SLDC and the adequate public facilities requirements.

So the W is a water line that comes underneath the interstate. Actually, it's a 16-inch water line. It's a County water line. There's a 12-inch line that runs along the western boundary of the property and back to a fire hydrant that's right short of the intersection, the signalized intersection. There is an overhead electric line that's three-phase, has more than adequate capacity to serve this project. There's also a telephone line that runs along the front here, and in addition, there's a fiber optics cable that came in under the interstate as well and runs along the western boundary of the property. Then there's a gas line that's recently been installed. It's on the south side of State Road 14, crosses under State Road 14 and is a two-inch line designed to handle the capacity of the entire 26-acre tract. So what I find is there's very few parcels in Santa Fe, if any, that have this same level of infrastructure. Obviously, you have State Road 14 that's on the south side that's a state highway facility, and I-25, an interstate highway facility on the north side.

So this is the conceptual plan itself. The Pilot Travel Center if phase 1 of this project. It sits in the middle here with access to the signalized intersection here. Included in that is the gas station, convenience center, three restaurants, one with a drive-up window facility. To the east, which is 9-B, is where we plan to put two hotel sites, approximately 100 units each, and on the west side, which is 9-B, we have a sit-down restaurant, retail facilities and they're up towards the front, and then towards the back we have light manufacturing and warehouse.

This is the open space that's provided for the tract. Some of these are mandatory requirements. You have distance from I-25, distance from any of the other roadways here around the perimeter, and then we do have the areas shown on the interior of the travel center that shows where additional open space will be provided. There is an issue that's come up – not come up; it's something that we've been dealing with that on this particular tract, the travel center tract, we've provided approximately 32 percent open space. There's a conflict in the SLDC. One section of the SLDC says that for a Planned Development District you're required for non-residential use you're required to have 30 percent open space. There's another section of the code which – and these kinds of things are rising with the code. They're not that unusual. You're ending up with conflicts. It's a new code and they're still getting the bugs out.

Another section of the code says it's 50 percent if you have a subdivision. Well, in this case we do have a subdivision. So, what we've done, and it's provided in the code as well, that you can provide the deficit for open space, in this case it's approximately a little over – around four acres. You can provide the deficit in open space in another location, providing its contiguous with other open space and it served a function like a

trail function. So what we've done, and this is the existing church here, the Seventh Day Adventist, this is the Academy for Technology and Classics that sits here, and we're trying to kill two birds with one stone here. There's the demand that the school has for a track and field location. We're providing that for the school, and then we're coming down and connecting in – this is open space shown on the Community College District plan, and also shown on the plan is the trail system. So we meet that criterion for providing for open space offsite.

HEARING OFFICER LONG: Let me ask you, on the previous slide I think it was, labeled open space, on 9-B, there is a plaza open space designated. What is that?

MR. SIEBERT: In the employment district it's required that you provide for a plaza and it has to be a minimum of .3 acres.

So it's not on the site proposed for the travel center.

MR. SIEBERT: No, it's not. It's meant to serve all three sites and what it is it's supposed to be a common gathering area. And as the site 9-B develops it will be developed with that and have a detailed development plan.

HEARING OFFICER LONG: Thank you.

MR. SIEBERT: So the uses on the project for phase 1, a 10.4-acre site, buildable area is around 7.10 acres and the reason for that is it takes out the open space. The uses are a gas station, convenience store with three restaurants, one is a drive-through, shower facilities, and I think there was mention about a tourist court and I think that what's referred to on the tourist court is within the building, within the convenience center, there's an area for families to gather. It's got playrooms and video facilities and that kind of thing, and it's associated with the shower area as well, so I'm guessing that maybe that's what they meant by tourist court.

The 9-B, which is to the west, it's a little less than five acres, buildable area is around 2.9 taking out the open space. And the uses are a warehouse, manufacturing, once again towards the rear of the property towards I-25, towards State Road 14 is retail and a sit-down restaurant facility. And then on the east one is the eight-acre tract and what we're proposing is two hotels with 100 rooms each and they would be constructed sequentially.

The other thing is that there are other permitted uses within this district and we're not proposing to be all-knowing. A lot of what will take place will be dependent on the market and there are other uses. These are the other permitted uses, so what we're saying is there's an opportunity to put other uses than what we've shown on the conceptual plan but what the conceptual plan does is it establishes maximum limits for traffic generation. You know exactly what the maximum number of cars that can enter and exit in both 2020 and 2030 and Terry Brown will talk to that. What the maximum water use is and the maximum water demands are. And these are permitted providing they stay within those particular parameters.

So the phasing schedule is 2019 for the Pilot Travel Center. The two hotels, which we anticipate to be next in line would be somewhere in the vicinity of 2021 to 2026, and then phase 3 would be to the west and it would be on the order of 2022 to 2030 with the restaurant, retail shops and manufacturing.

The one thing too that I want to mention is that we have adequate capacity for all the utilities. The one that's missing is sewer and Pilot's responsible for putting in the

sewer in fact all the utilities that are shown up here in three phases. The majority of those facilities really come in phase 1 and that's both roads and utilities. The one thing that may occur in phase 2 and 3 is the sewer, and the sewer, by the way, will be lifted to right near the Quill plant and then it goes into a manhole and gets discharged into the Quill plant. That's approximately a mile and a half of force main line that would have to be constructed, but the one thing is the lift station will be built in kind of a modular fashion, so as other development comes on, they can add on additional components to accommodate that. What takes place is that this is really designed pretty much to satisfy the utility requirements for the entire tract, really in phase 1.

The other thing, we've addressed all the requirements of the adequate public facilities. Joel Hernandez, the civil engineer, will speak to that, but in terms of the fire, there is a letter in the report that says the fire facilities are adequate to provide an adequate level of service to this facility. In fact we have two fire stations within a ¼ mile distance of this particular project. The Sheriff didn't write anything, put anything in writing but we have met with the Sheriff and they've provided a verbal acknowledgement that they will not need to add any additional facilities in order to accommodate this use.

So with that, I'm going to turn it over to Joel Hernandez who's the civil engineer.

[Previously sworn Joel Hernandez, testified as follows:]

JOEL HERNANDEZ: Good afternoon, Madam Officer. My name is Joel Hernandez. Address if 5571 Midway Park Place. My employer is Tierra West, LLC. Tierra West is a civil engineering firm based here in New Mexico out of Albuquerque. They've been in business for well over 30 years doing land development, professional consulting, especially in civil engineering. I myself am a licensed civil engineer here in the state of New Mexico, have been so for 11 years since I've been living here and previous to that licensed in other states for over 20 years.

I'm just going to tell you a little bit about who we are, what involvement has been in the project and how that has led us to this particular point of approval. As I mentioned, this is our area of expertise. Pilot is our client in this particular case and we've done a significant amount of the rather extensive due diligence, both in design of the site within the site, as well as analysis of existing facilities and facilities research, that in consultation with local professionals as well as consultations meeting with various staff members.

That has led us to the conclusion as evidenced in the report and studies that the facilities that are in place, especially as it related to what utilities. We have ample source for domestic water use to meet the needs as well as for fire protection, which is very important. As Mr. Siebert mentioned, the dry – what we refer to as dry utilities – electrical, gas and that infrastructure is also in place and readily available in a manner to serve this project. In addition to that we have done various studies as far as how to handle the sanitary sewer and we're confident that the plant has capacity to accept flows from all phases of this development and to that effect we have a ready, willing and able to serve letter from the Utility Department, which is also part of the application.

So in conclusion we're very confident that the final design will meet or exceed all regulatory requirements as far as design standards. In addition to that, all public infrastructure will be financially guaranteed at the time of design, prior to approval and of course, all public infrastructure will be built, inspected and accepted by the County prior to that infrastructure being accepted for public use. And with that, I will defer to Mr.

Terry Brown who is also one of the team members involved in the traffic impact analysis.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Terry Brown testified as follows:]

TERRY BROWN: Thank you, Joel. Madam Hearing Officer, my name is Terry Brown. My mailing address is Post Office Box 92051m Albuquerque, New Mexico. Zip code is 87199. I've been a consulting engineer. I specialize in traffic and transportation studies. I'm a registered professional engineer in the state of New Mexico and have been for more than 40 years. Over the past approximately 30 years I've conducted numerous traffic impact studies and related transportation studies in various parts of the state of New Mexico including the Santa Fe area.

I did prepare this traffic impact study, which has been extensively reviewed and approved by the New Mexico Department of Transportation and the Santa Fe County Public Works Department. I did not establish the scope of this study. That was established by the New Mexico Department of Transportation and Santa Fe County. The intersections analyzed in the study included both of the two signalized intersections in the new interchange – I call it the north crossover and the south crossover intersections. The signalized intersection of Rancho Viejo Boulevard and New Mexico State Road 14, and the intersection of Avenida del Sur and Rancho Viejo Boulevard, which is a four-way stop.

The traffic study evaluated traffic projections to the year 2020 and 2030 as required by the Department of Transportation and Santa Fe County. It has been, as I said before, reviewed extensively by both the County and the state. They submitted me comments and we have worked with the County and the state to address all those comments. Therefore I can say with confidence that the traffic impact study demonstrates that the adjacent transportation system associated with this project meets all of the operational and safety standards established by the Federal Highway Administration, the Santa Fe County Public Works Department and the New Mexico Department of Transportation. I'll now turn it back over to –

HEARING OFFICER LONG: And are the required modifications and improvements – that's in your submittals, that NMDOT is requiring? Is that correct?

MR. BROWN: Sorry. Say that again.

HEARING OFFICER LONG: There are some required modifications and improvements that will have to be made. Is that correct?

MR. BROWN: Yes, that is true. Do you want me to list some of those?

HEARING OFFICER LONG: Well, I'm just wondering about the timing of those. Would those have to be done as part of phase 1?

MR. BROWN: Yes.

MR. SOMMER: Madam Chair, I'm going to be very brief and will conclude. I would like to point out just briefly, much of what has been said at the community meetings that we've had, and there've been four, and much of what's been put in the record here relate to – I'd just like to point out that much of the concern that has been expressed in the meetings that we've had and in the record here before you in terms of the written comments so far relate to environmental concerns, both air quality as well as noise as well as pollution and those sorts of things. I just would point out that this project and the proposed uses, including the travel center does not exceed the applicable thresholds under the EPA or any state or County environmental regulation. No air quality

permit could be applied for or would be given because it is not required because this facility and whatever impact it has does not trigger that kind of review.

With respect to – there's much been said about contaminants and those sorts of things. Again, I would point out to the Hearing Officer there is no standard that has been violated or proposed to be violated by the proposed uses, including the travel center on this conceptual plan. In front of you is a list of all the other agencies that have responded and indicating they don't have any concerns.

There has been much said in the meetings that we've been at in the press and I would just point out that the majority of the comments that have been expressed as concerns, one, they relate to phase 1 of this conceptual plan. What we're here is on a conceptual plan and whether this property should and could be developed in a phased fashion and whether that makes sense under the code. We submit that it does. The concerns that have been expressed don't go to those criteria of the conceptual plan. Now, undoubtedly, when there is a conditional use permit application that is being heard many of those concerns will relate to those criteria. Here we're dealing with criteria where the concerns don't match up.

Finally, as I've told you, we've looked for any foundation for any environmental criticism of this property – found none in the record, or that has been stated at any of the meetings. The issues and concerns relate to non-SLDC issues with respect to conceptual plans. In addition to meeting the criteria of the code this conceptual plan and what it will do in terms of the acceleration of an employment center in the county has various benefits for the county and I think they are significant and they're worth looking at because they go to what is the policy behind the Community College District's employment centers. What does it do? Permanent employment for between 200 and 215 people. That is not insubstantial. In fact, that would probably be one of the largest employment centers in the Community College District, aside from the institutional uses that are there. Substantial increase in gross receipts tax. We don't need to go through that; we all know the impact. Substantial increase in property taxes. This will increase the value of this entire 26 acres which adds to the tax base in this community which is an important impact. And I think it's one of the policies behind the purposes of an employment center.

There will be impact fees that are paid for and collected by the County for fire protection. There will be infrastructure that is expanded at the expense of property owners and it will be done on a phased basis.

Why is that important? Normally – let's say this property was going to be developed all at one time, 26 acres. Or just part of it. There would be a great deal of infrastructure that was built, invested in by a property owner and then turned over to the County to maintain. And if those uses and those facilities are not utilized efficiently it puts a burden on the County. This conceptual plan mitigates that possibility because the uses will match the infrastructure and there will be revenues associated with those uses to help and to maintain those. So we're not getting infrastructure burden on the County with no users.

As is required by the code there's no cost to the County for the installation of these public improvements, and there's obviously the temporary employment during construction. With that, Madam Chair, I think I'm going to sit down and we reserve any questions that you might have for us. We could answer them now or you could wait till

we're done, however you'd like to do it. We would like to reserve at the end just a brief time to address anything that might come up in the public hearing.

HEARING OFFICER LONG: You will be allowed that time to address what you may hear. Yes, Ms. Lucero.

MS. LUCERO: Hearing Officer Long, I just wanted to address the question that you had earlier regarding what tourist courts where. It's actually in our use matrix of the SLDC, it's grouped together with hotels and motels, and that's basically what it is. It's lodging for travelers. The term tourist court was actually from the 1930s and it's basically what we know as a motel right now.

HEARING OFFICER LONG: Okay. And let me ask you the question I had about gasoline stations and gasoline services as conditional uses. And I heard that there was an administrative interpretation that a truck stop met one of those or both of those. Was there any analysis that was done in writing that might be helpful to me or was this something that was just determined by staff as part of its review of the application that was done orally?

MS. LUCERO: Hearing Officer Long, let me just look through the use list because there may have been another category that we looked at as well.

HEARING OFFICER LONG: Okay. I'll let you go ahead and do that and we'll continue on. All right. I understand there may be an attorney, Mr. McQueen, that as you may have heard earlier, we'll allow you additional time to make the presentation as you may need and I was thinking 15 minutes might be adequate. Do you think so?

MATTHEW MCQUEEN: Thank you, Hearing Officer Long. That will be plenty. I appreciate that.

HEARING OFFICER LONG: Okay.

MR. MCQUEEN: Would you like me to go ahead or shall we wait for their answer?

HEARING OFFICER LONG: No, let's go ahead and I'll see what the answer is. All right. Could I have you sworn in please and then we'll get your name and address.

MR. MCQUEEN: So Hearing Officer Long, I am an attorney. I am obligated to tell the truth. Normally they don't swear in the attorneys.

HEARING OFFICER LONG: I do.

[Duly sworn, Matthew McQueen testified as follows:]

MR. MCQUEEN: Hearing Officer Long, my name is Matthew McQueen. I'm with the firm Graeser and McQueen. We're located at P.O. Box 220, Santa Fe, New Mexico, 87504. And I'm here today representing the Santa Fe Gateway Alliance, which is an unincorporated group of concerned citizens that live in the neighborhood who are opposed to this truck stop.

First, I'd just like to say that I think the procedure that we're looking at right now is a little bit of cart before the horse. And the issue is the applicants made clear that what they want to do is put this truck stop in and everyone agrees that the truck stop will be a conditional use, and the applicant has indicated they'll need at least one variance to build and conduct the truck stop as they want.

The approval criteria state that for the conceptual plan they must show conformance with all applicable law and County ordinances in effect at the time of consideration. They can't actually do that right now because their use depends on the

conditional use approval and the variance. So they haven't actually met that. Now, I agree that's the way the code is set up and it's a little difficult which goes first. A different provision in the code, however, promotes concurrent processing. Applicants are encouraging to concurrently submit applications for multiple approvals on a single project in order to facilitate and speed up and make more efficient the development approval process.

So my suggestion would be we pause this current application and we combine the conditional use permit application with the conceptual plan. And Hearing Officer, they're already spending a lot of money on this. They're coming in from out of state. They have their experts. They're working hard. I appreciate the expense that they're putting into it. The conceptual use – the purpose of a conceptual use plan is to avoid expending large sums of money only to get to the end and not be approved. And unfortunately, I think that's exactly what we're setting up in this process. So we potentially go through the whole process – the public meetings, hearing before you, the Planning Commission, the BCC, and then we start over on the conditional use approval and do the same thing. That's a lot of work; it's a lot of commitment from the community; it's certainly a lot of expense for the applicant, so as I said, my suggestion would be under this new code that we're still sort of figuring out, we pause and we combine those two processes, so we do them at the same time.

Moving on, Hearing Officer, as you sort of I think have noticed and staff's working on, a truck stop is not a gas station. There's really a fundamental difference between a truck stop and a gas station. Truck stops have lots of vehicle. You have big trucks idling. You have showers. You have overnight stays. These are things that don't occur in gas stations. And yet the code only contemplates gas stations. So we believe a truck stop is not a permitted use under the code even as a conditional use and that that needs to be assessed.

One of the primary things I think you're going to hear about today is safety and traffic and congestion and in particular how these trucks are going to negotiate the new intersection, these diverging diamonds. What I have here is simply a photograph of part of the intersection. And what you see, this red line here is a southbound truck getting off the interstate, which is a downhill exit, so there's going to be a lot of braking involved. You come through here, you have this – I've driven here a number of times. I don't live down in this area but it's confusing, these diverging diamonds. You merge in here, come over here, you cross there, all the way down to enter. And then to leave, if you're still headed southbound, it's not this red line. You've actually got to come back through here, diverging diamond, turn left across traffic, go down there.

So a southbound truck has a tremendous amount of road to navigate. I know – my experience with truck stops – I do a lot of driving. My mom used to live up in Colorado. I have a big district. There's a Pilot Flying J that I stop at routinely. A lot of truck stops have easy on, easy off. In fact sometimes you even see that in the billboard – EZ on, EZ off. This is not easy on, easy off. This is already a congested area. There's a lot of residents out there, as Mr. Sommer alluded to. And there's a lot of morning traffic and evening traffic. And to add 300 big rigs a day to that mix, I think that's a real safety concern.

And we've seen elsewhere in the county, we see in this area accidents already. We've seen elsewhere in the county fatal accidents between passenger cars and big rigs.

That's an equation, that's a recipe for disaster for the driver in the passenger car. And I think we need to ask ourselves what level of danger, what level of safety do we require? What level of danger will be accepted? If this is allowed and we have a fatality or two, what do we do then? Because I don't think we can undo the approval.

So that safety consideration needs to be taken into account at the outset, not at the backend. And another thing I would like to point out, the traffic study, and I'm sorry our map doesn't extend down this way. The traffic study is just for these intersections. And yet if you left the truck stop here and turned right, you could go down 14 and Hearing Officer Long, I'm not sure how familiar you are with that area, but you sort of go down and the road bends to the left. You turn right at the Land Use Resource Center, go past the new train station, down the hill and get on the highway that way. The benefit of that is that you'd only be turning left across traffic once and make that exit potentially a lot easier for a big rig.

But the traffic study doesn't contemplate that. And if I can figure that out a big rig driver can figure that out. The downside is is when you get down to the on ramp, if you make this journey, it's a pretty steep hill getting back on the highway. And that might discourage them but the fact is we don't know, because the traffic study didn't consider that. So I think the traffic study is deficient and they should re-evaluate that.

Mr. Sommer alluded to the many environmental concerns that we have. And he's right; there are a lot of environmental concerns: exhaust, light pollution, noise, runoff, dripping oil, water, potential leaks from diesel tanks, and the way this site is situated it slopes uphill to the interstate. And so what it does is essentially creates a kind of amphitheater. So all those impacts are going to be reflected back to the businesses and the communities across the way, because of the slope of this site.

Hearing Officer, there's also significant economic impact that I think we need to consider. The applicant has emphasized the employment center aspect of this but I'm pretty sure when Santa Fe County adopted the Community College District plan the employment centers they were thinking about were not fast food restaurants. And what we could have here – we could have 200 jobs. They could be part-time jobs. They could be minimum wage jobs. And if you look just across the street and elsewhere in the neighborhood there are business parks with a lot of interesting innovative businesses. And a lot of those businesses are opposed to this use. It will detract from their ability, their work environment in what is an employment center. So while I do agree with Mr. Sommer that it is an employment. We should focus on that. I really don't believe this is the type of employment that Santa Fe County has anticipated.

And Hearing Officer Long, when you take all of these factors together, to me it's pretty clear that a truck stop in this location would be detrimental to the health, safety and general welfare of the area. And that's the criteria that they're ultimately going to have to meeting. Is this use – this use cannot be approved if it is detrimental to the health, safety and general welfare of the area. And only – we can go through the whole process, go through it again and get to that question before the BCC, or we can ask them to combine that process so that we're looking at those issues now.

HEARING OFFICER LONG: So you're saying the health/safety/welfare considerations, a lot of what has been voiced as concerns would be relevant at the conditional use permit application phase.

MR. MCQUEEN: That's correct. And so I understand what Mr. Sommer

is saying, that we're dealing with the conceptual plan here and it's a different standard for approval, but in the interests of time and efficiency, as the code states, I think we have the ability to combine these two processes and I think that's what we should do.

And finally, if this is to move forward, I would request a number of conditions. One is no idling. And I'm not a truck expert but my understanding is the trucks pull in and they leave the motor running, because the motor allows them to heat the cab and maybe run electronics and what not. I understand that more modern truck stops have a way for trucks to plug in, so they don't need to do that, so they can shut off their engines, and that's going to reduce the amount of noise and it's going to reduce the amount of emissions from exhaust.

We would request that the hours of operation be limited, that the truck stop close down at 10:00 or 11:00. Again, that's in keeping with the plan in the code. When the code contemplates a gas station it doesn't – a gas station is not a small village that's open 12/7 which a truck stop is. We've asked for no overnight stays, which is consistent with the hours of operation.

HEARING OFFICER LONG: What was that last one?

MR. MCQUEEN: No overnight stays.

HEARING OFFICER LONG: No overnight stays.

MR. MCQUEEN: Having people sleeping in their vehicles is just something that certainly you would not see at a normal gas station and it's a source of concern for the community.

We would ask no alcohol sales or service. So while alcohol sales and service may be a permitted use, accompanying that with a truck stop and travel center is a bad idea. So if it's going to be a truck stop it should be alcohol free.

We would ask that you limit the number of trucks that could park there at any one time by limiting the parking spaces. I think the plan calls for 70. That's a lot. Ten or twenty I think would be more acceptable.

And finally, the applicant mentioned the open space. The open space requirement is intended to mitigate the impacts of the development. So if they're allowed to have compensating open space off-site on an area that's probably not buildable anyway, you really lose the benefit of mitigating the impacts of this development in this location. So we would ask that the open space requirement, the 50 percent that Mr. Siebert alluded to, and I think he acknowledged they were subject to because of the subdivision aspect of this, be enforced on this site and not off-site.

And that's all I have, Hearing Officer. I'd be happy to answer any questions and once again, I do thank you for the additional time.

HEARING OFFICER LONG: Thank you. Thank you for your presentation. Let me – I'll take that to mean he said everything you wanted to say. But let me ask, how many of you would like to make public comment today? And I know we can't get to everyone outside in the hallway. So as I said, we are going to impose time limitations of two minutes, two minutes per speaker, and I think to make this move efficiently – let's see. It's 4:30. Does everyone want a break or do you want to keep trudging on? People want to trudge on a little more. Okay, so I would like everyone to line up on this right side who want to speak so we can just have you go through and go down the other aisle, but we can't block both aisles because of fire code issues. So line up as best you can. If you have to go to the back of the room or if you need to stay seated,

that's fine too. And then I'll have the outside group, I'll have you sworn in separately, so don't worry about that right now. Everyone inside the room who wants to speak and is lining up, or even if you're not lined up, if you want to speak raise your right hand and let's have you all sworn in.

[Those wishing to speak were administered the oath.]

HEARING OFFICER LONG: All right. Come on through. Whoever wants to lead off the line there, I'll hear from you.

[Duly sworn, Donna Ruscavage testified as follows:]

DONNA RUSCAVAGE: Yes, good afternoon. My name is Donna Ruscavage. I'm at 21 East Saddleback Mesa, Santa Fe, 87508. I'm a homeowner and a resident in Rancho Viejo. Am I supposed to say anything?

HEARING OFFICER LONG: Just a reminder that you've been sworn in.

MS. RUSCAVAGE: Yes, I have been sworn in. I just want to talk a little bit about the danger. I've been in the public health field for 40 years and I really have strong concerns about the public health impact of this truck stop and the whole conceptual application. But I know the County asked the Department of Public Health to review the application. They have not made comments. I'd like to request that they be asked to make comments on this application. But I just want to comment that there is a really alarming rate of well documented crime at US truck stops, both in the literature and in the media. That includes adult prostitution, child sex trafficking, drug dealing and use and assaults and other violent crimes.

And my question is do we really want to bring the possibility of this type of crime to the Community College District, just minutes away from where people live and young adults and children go to school? Do we want to have a negative impact on environmental health, which can affect the health of young children and older adults who have weaker immune systems. And what about the economic health of homeowners that will be eroded with falling property values. Economic loss definitely affects public health. So to my mind it's clear that the public health risks associated with the truck stop far outweigh any economic benefits to the county or its residents.

So I would like to echo Attorney McQueen's request that you combine these two applications – the conditional use and the conceptual use because we've already gone through nine months of meetings and providing testimony. It's such a waste of taxpayers' time and money and I would argue on Pilot Flying J's behalf it's a lot of money for them. So I really advocate to move forward. And lastly, I'd like to say that I acknowledge that this is a Tennessee based company that wants to put a development in our south side of town and I just would like to make an appeal that you don't let the greed of a national company that has so much power take precedence over the public health and safety and welfare of the county.

HEARING OFFICER LONG: If we could hold applause just to keep everything moving that would be helpful. Thank you.

MS. RUSCAVAGE: We should really look towards supporting local businesses and development at a scale that makes sense so close to so many residential neighborhoods. So I would like to appeal that you don't allow this application to go forward. Thank you.

MS. BROWN: Madam Hearing Examiner, if you could remind everyone to speak close to the microphone.

HEARING OFFICER LONG: All right. Reminder again to everyone, people are having a hard time hearing and you've got to speak right into the mike. And is the timer behind me? Okay. Great. Thank you.

[Previously sworn, Steven Krenz testified as follows:]

STEVEN KRENZ: Madam Hearing Officer, my name is Steven Krenz. I live at 111-A Camino Los Abuelos in the San Marcos district. I'm here to speak against inclusion of a truck stop and I need to call it a truck stop, not a travel center or a gas station or anything like that on two points. The applicants made the argument that they were in fact meeting the criteria of an application and I would disagree on two points. One of the points they stated was that the truck stop would be providing support services to the community in the area. Whereas a gas station might be providing such support a truck stop is not.

And secondly, I am concerned about the sustainability and viability of a new truck stop business plan. The essence of a truck stop is truck drivers. That's why we have so many of them. They have regulations about staying overnight and things like that. We now know that the advent of autonomous trucking is just around the corner and when that comes in place the distance between truck stops is going to decrease dramatically to the point of only for fueling rather than regulations, to the point of 1,200 miles apart instead of a few hours apart.

People are not against Rancho Viejo developing their land but I think what we are, what we want to see is we want to see it developed in a responsible way and not to potentially saddle the County with a boondoggle that will go out of business because its services are no longer required in the very near future.

For these two reasons, the sustainability and viability of the application, and the fact that it does not provide the support services as stated I believe that this plan should be rejected. Thank you.

HEARING OFFICER LONG: Thank you for holding your applause. I know it was tempting. You held off. Okay, continue.

[Previously sworn, Daniel Jeffre testified as follows:]

DANIEL JEFFRE: My name is Daniel Jeffre. I live at 2308 Calle Luminoso in Santa Fe, New Mexico, 87505.

HEARING OFFICER LONG: Daniel Jeffre?

MR. JEFFRE: That is correct, Officer Long. I am opposed to the truck stop from the point of safety. The intersection, or the interchange at Interstate 25 and Highway 14, which is also known as Cerrillos Road has two – they call it a diverging diamond, but whenever you have the northbound lane and the southbound lane crossing, it's a cross. So this is a double cross intersection. This is what has happened to the people of this community with the design of this intersection. I've driven through it daily and it's terrible.

There is a collection of crosses and I think my latest count was ten, where people have unexpectedly lost their lives at this intersection and I'd be embarrassed to be a professional engineer and stand here and tell you that I was part of that design. And so from that point of view I think it's a mistake to put this truck stop at that location. I'm not opposed to truck stops; I'm opposed to truck stops at that location. Whether it's conceptual plan or not, that's the wrong move and I think the people of the community need to be heard.

Behind your curtain here it says protection of property and it's convenient that that screen covers that, but the people in Rancho Viejo needs to be protected because this is going to devalue their property and I'm opposed to it from that point of view. Thank you.

HEARING OFFICER LONG: Thank you for your comments.

[Previously sworn, Jose Villegas, Sr. testified as follows:]

JOSE VILLEGAS: Madam Chair, for the public record, my name is Jose Villegas, Sr. I'm a resident and taxpayer of Santa Fe County. El Camino Torcido Loop is where I live in La Cieneguilla. In reviewing the Flying J conceptual plan dated 9/29/17, the NMDOT, SDA, SFDCC, and the SLDC, in my strongest opinion, all fail to demonstrate, recognize and acknowledge in the near future if this proposal is approved by the Board of County Commission that in the event of a major emergency response and/or man-made disaster that the proposed location adjacent to a major New Mexico interstate, I-25 including the County and City arterial road systems, the municipal emergency management system infrastructure would be seriously jeopardized and compromised.

I deal with death on a daily basis. This road, I-25 where they want to do this proposal is totally, totally inappropriate for what's going on for that particular area. Looking at the comments from the state and County agencies, the County Sheriff said no comment. Then I heard Mr. Siebert say that the County Sheriff said that there was not going to be any additional issues or Sheriff issues down the line. What is he missing in this whole thing?

The applicant's conceptual plan submittal just fails to address the full impact on how the current emergency management system, the way it's set up while relating to law enforcement and emergency response services will be supported by this massive commercial business along a major interstate highway. In order to preserve, prevent, protect and mitigate life and property at all costs if it did occur. Something's missing in the picture.

I look at the bottom line is this. The final analysis that is necessary for the decision makers, which is the Board of County Commission, for them to attempt to build upon this discussion, in answer about how many, how to deploy questions that are the essence of a police and fire and operational and personnel resource decisions for this proposed development project and surrounding commercial in this particular area, they need to know exactly what is going on and I believe this particular project is creating a major public safety problem. Thank you, ma'am.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Dr. Helen Molanfy testified as follows:]

HELEN MOLANFY: Good afternoon, Officer. My name is Dr. Helen Molanfy. I live at 18 Coyote Pass Road in Rancho Viejo. I have sworn to tell the truth. I have been a professor at the Community College for 13 years, ever since moving here from Colorado. Two of our best programs are the environmental tech center and our criminal justice program. It seems to me if this project goes through we are telling our young people that the environment does not matter and that their lives, they will live in Santa Fe with this atrocious project.

Secondly, the criminal justice people that we send through our program often wind up in the Santa Fe Police Department. The Police Department is going to be faced with prostitutes, drug dealers, etc. The only employment this project is giving is to the

prostitutes and the drug dealers. This is a safety issue on every level, and there is no need for this project here. As I understand it, one tank of gas will get you from south of Santa Fe all the way to Las Vegas without a need to stop here.

This is the gateway community. People coming from Albuquerque as tourists will meet this atrocity on the way into the city. We live in the county but we love the City of Santa Fe. We came here for its beauty and because it was the City Different. And the Commissioners and whoever is involved in this decision need to hear that. I thank you for your time.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Dr. Marsha Drennon testified as follows:]

MARSHA DRENNON: I'm Dr. Marsha Drennon. I live in Rancho Viejo at 3 Julia Court. I've been a citizen of Santa Fe for 50 years and a resident of Rancho Viejo for five years and I am given the oath to tell the truth. I came here today to ask the question, how did the staff come up with the thought that a gas station and a travel center are the same things? So I want to applaud you for asking the staff that very question today. The analysis needs to be done as you requested. We need to know how this decision was made. Are conditional uses kind of like statistics? You can define a gas station however you wish and you can define statistics however you see them. I think that it is time for us to stop this process as others have said. Mr. Siebert suggested that we are working the bugs out of this code and I don't believe that this project is where these bugs should be found and determined. We have too much at stake for us to be the guinea pig in terms of the codes that have been approved by the County.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Louise Baum testified as follows:]

LOUISE BAUM: Hi. My name is Louise Baum. I live at 54 San Marcos Road West, which is south on Route 14. So this is the route I take into town, probably five or six days a week, often. And I have to say on the outset, I have two main feelings about this project. One is I'm scared. It's so clearly really dangerous the way the road is already, just driving on it, and the thought of 300 trucks coming through there, being in back of you and in front of you when you're trying to just get on and off I-25 or just negotiating those curves, because big trucks have a lot of – they tip. Those curves are going to be hard for the.

So I'm really puzzled. Why did they choose this? It seems like such a stupid, crazy place to put a truck stop, quite frankly. It's very dangerous. A lot of people are going to speak to that because we're all very concerned and worried.

I'm also wondering, did they – are they trying to put a truck stop here because they want it to fail and it's going to be a tax write-off? Because I think after a certain amount of accidents, trucks aren't going to want to go there anymore, and I think accidents are certainly going to scare off the tourists. We're going to get a bad reputation. Yes, Route 14 is beautiful, but it's really dangerous. Let's go somewhere else. I think this is incredibly foolish.

And when they say it's already got local businesses around, what I mean to point out is the other businesses in that area are local. They're going to get money circulating back in the local economy. Pilot J is going to take their money out of state and it's going to go to their shareholders. It's going to be another big suction job of resources out of state, to say nothing of our water. It's a very complicated way for trucks to get to this

truck stop. You have to go off I-25, down steep ramps that have very limited, poor visibility, then negotiate these strange, serpentine curves, and it just doesn't make sense to me.

And I know that I-25 is a major drug corridor. Is there some connection? Do people want to bring drugs into this truck stop? It's very convenient to the town of Santa Fe. I don't know; I'm puzzled. It just doesn't make sense to me, and I hope you will reject it. Thank you.

HEARING OFFICER LONG: Thank you. Please hold the applause. Try to.

[Previously sworn, Maureen Cashmon testified as follows:]

MAUREEN CASHMON: Good afternoon, Madam Hearing Officer Long. I'm Maureen Cashmon. I live at 20 Arroyo Viejo Road, which is in Vista Ocaso neighborhood.

HEARING OFFICER LONG: And you've been sworn in, Ms. Cashmon?

MS. CASHMON: And I have been sworn in. Thank you. I agree with the attorney for the Santa Fe Alliance, that we are putting the cart before the horse. We know, based on the presentation Flying J has made to the community, they will have to come in and ask for a variance. You and the County are allowed much discretion on a variance. They will ask for ten times the signage that is allowed in the Santa Fe Land Use Code. Their signage is needed because you have to keep people safe, but ten times is not appropriate for that site, so that tells me that this business is not going to be appropriate for what the County and the people that worked on the land use code envisioned for this site.

The other thing we talk about is employment centers. We do have two truck stop employment centers in San Felipe and Santo Domingo. So it's not like we don't have a spot for our truckers to stop and rest and have safe access through this gateway until they get to Las Vegas which is where the next truck stop is.

So I would say that before you go ahead and approve a condition use, you marry it with what we know and what they have presented, that they are going to need variances. The County does not want a lawsuit and I agree with that. So you have much flexibility in whether you grant a variance or not. That needs to be presented to you. And one of the things that they have said is in that signage they're going to put beautiful artwork on their facility. One of the artworks that's going to be is going to say P.J. Fresh and show a large slice of pizza. That may be artwork in other parts of the country, but I think that's advertisement, not artwork. And so it's a bait and switch. And so I hope that you do not go ahead with [inaudible] Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Tom Johnson testified as follows:]

TOM JOHNSON: Hello. My name is Tom Johnson, 6-B Arroyo Canyon Drive, and I have been sworn in. I just want to play a video, but you don't have to watch it. You can listen to it.

HEARING OFFICER LONG: Mr. Johnson, are we going to be able to hear that in the mike?

MR. JOHNSON: Do you know what a jake brake is?

HEARING OFFICER LONG: Yes, I do, sir.

[Plays recording of a jake brake.]

HEARING OFFICER LONG: He was just playing a video and you heard the jake brake, and that was really all that he said, in case you were wondering. All right. Please go ahead.

[Previously sworn, Roger Taylor testified as follows:]

ROGER TAYLOR: Roger Taylor, 54 Camino los Angelitos in Galisteo, New Mexico, and I've been sworn in. I also serve as the vice president of the Turquoise Trail Preservation Trust and Regional Alliance, established in 2007 to safeguard the character of the Turquoise Trail National Scenic Byway. The byway was established in 2000 and recognized and supported by both the Santa Fe County government, the state government and the federal government. There are some 15 of these in New Mexico. They recognize historic association, a unique scenic viewshed, as well as unique small businesses, often related to the tourism industry.

This location is on the National Scenic Byway. Our concern in this case is protecting existing small businesses, and since we're talking about gas station versus truck stop, all talk about the six local gas stations that will lose business because this truck stop might go in, as well as other food and convenience eateries.

As you mentioned earlier, in the Santa Fe code there is no reference to a truck stop. There are two references to gas stations. Land-based classification standard structure, 2270, says a gas station is a structure specialized for selling gasoline with storage tanks, often underground or hidden. They may have bays for car washes. They do not reference diesel. They do not reference trucks. It does not talk about car washes for trucks. It does not talk about extended parking. It does not talk about sleeping.

Function code 2116 talks about gasoline services. For retail automobile, fuels, repairs and servicing. It doesn't talk about trucks. There are two references to trucks. That is 4140, truck and freight, which is about cargo carrying, and 5400, about truck maintenance. It is not about a truck stop. [inaudible] Land Use Code and the Land Use Department has really made a significant stretch in including it in a gas station and it's inappropriate [inaudible] should continue any further than today. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn Treva Gruda, testified as follows:]

TREVA GRUDA: Hi. My name is Treva Gruda, 9 Rumble Road, Santa Fe, and I have been sworn in. I am speaking to you as a business owner near the proposed Pilot station. I fear that if approval is give to this project at this location it will have devastating effects on my business as well as those around me. My neighbors and I run successful businesses for many reasons, but the one common factor we all have is ease of access. If this truck stop is approved that ease of access will be stripped from us forever.

The traffic study has been approved. I beg of you and I beg of the Commissioners to take one or two hours out of one day and spend at the diamond intersection at I-25 and Cerrillos Road. Approach the intersection from all four directions multiple times. Imagine 300+ semi-trucks being added to this traffic flow each day and they maneuver the tight turns, change lanes and crawl through the weaving roadway between the multiple traffic lights. It is not a convenient environment for the truckers themselves and creates unneeded safety concerns for anybody on the roadway.

I am not sure what the traffic study tells you but at some point you must look past simple numbers on the sheet of paper and incorporate common sense, scrutinize the details and ask yourself what does logic tell me. If we lose the ease of access, our clients

and customers do not feel safe coming to our locations, the combined loss of County's tax revenues will far surpass any that will be gained by Pilot. The loss of jobs, current and future, will follow that. Please do not let an outside corporation come squeeze the life out of us. There are alternative places for this truck stop on the outskirts of Santa Fe County. For Pilot to decide on this location, where a highway infrastructure has been established that is not conducive to the nature of even their own business or their own customers, much less the community they are wanting to join is pure arrogance.

Please, you have the responsibility to scrutinize this project to the full extent. Hold Pilot to the same standards that you held me and my business neighbors when we presented our development plans to you. The decisions that you and the Commissioners make now will forever affect the future of south Santa Fe County. Thank you.

HEARING OFFICER LONG: Ms. Gruda, let me ask you, did you say you have a business in the area?

MS. GRUDA: Less than a quarter of a mile from there.

HEARING OFFICER LONG: What road is it on?

MS. GRUDA: On Rumble Road. It's right next to PNM. Right across the road from PNM.

HEARING OFFICER LONG: Okay. Thank you.

[Previously sworn, Lisa Burns testified as follows:]

LISA BURNS: Hi. Hello. Hi. My name is Lisa Burns. I have been sworn in. I live at 11 Caballeras off of Dinosaur Trail in the Community College District. I have lived off of Dinosaur Trail for 30 years. I've watched the Community College District be developed. I do support the vision of the Community College District because of the open space and trails. I feel that a truck terminal at this location, which is not Interstate 25 and Highway 14. This is on Highway 14 and Rancho Viejo Boulevard. There's a big difference. If it was on the interstate it would be different. A truck terminal is contrary to the combined visions of the Sustainable Land Development Code and the Community College District plan.

The SLDC, Section 1.5.1 says, A business must promote the health, safety and welfare of the county, its residents, its environment by regulating development activities to assure that development does not create a land use and public nuisance impact or series of effects upon surrounding properties.

1.5.3 states, It protects the county's priceless, unique, fragile ecosystem and environmentally sensitive lands, promotes the sustainable development of green building and renewable energy standards and practices – none of which this truck stop does. In the Community College District plan it clearly states that water resources should be conserved and available for the present and future generations. It also states, Where the plan directs location of growth to efficiently accommodate the use of our limited resources. Where private property rights are protected, and development requirements shall strike a reasonable balance between the health, safety and welfare of the public. [inaudible] expectations of the landowner. And I would like Mr. Warren Thompson to have reasonable expectations.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Dr. Katherine Bilton testified as follows:]

KATHERINE BILTON: Good afternoon, Madam Hearing Officer. My name is Dr. Katherine Bilton, and my address is P.O. Box 29900, Santa Fe, 87592. I'm a

resident of Santa Fe County. I'm a retired State of New Mexico employee where I worked as a legislative staff research analyst and later as the executive budget analyst for public education in the Department of Finance and Administration. My comments will address the incompatibility of the proposed truck stop with both the 2015 Sustainable Growth Management Plan and the Sustainable Land Development Code.

We've spent a lot of time this afternoon looking at the letter of the law, if you will, and trying to understand how the application and conceptual plan conform to the various pieces of the code in particular. But what I'd like to address is the spirit of the plan and how I believe that the truck stop can and will never meet the spirit.

I'll start with the preamble of the plan, which I think is a very strong statement and it reminds us all who we are here. "The Santa Fe area is known worldwide for its special landscape, creativity, artistic endeavors and unique cultural history. There is an opportunity at this time, and also a pressing need to expand the degree to which Santa Fe County puts to good use the considerable creativity, expertise and wisdom of all its residents in developing a more sustainable lifestyle, finding new and better ways to relate to the natural environment, and to initiate a more collaborative relationship between residents and government entities."

In my mind a truck stop does not represent "a new or better way to relate to the natural environment." Tourist who make up a large share of Santa Fe County and City annual revenues don't travel thousands of miles to be welcomed by a Pilot Flying J truck stop at our southern gateway. They could stay home for that view. Thank you. I appreciate your time.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Lynn McLane testified as follows:]

LYNN MCLANE: Hello. My name is Lynn McLane. I live at 100 Rio Vista Place, Santa Fe, and I'm president of the Turquoise Trail Association and it was in my association that in 2000 we got the State Highway 14 designated as a national scenic byway.

HEARING OFFICER LONG: Ms. McLane, were you sworn in?

MS. MCLANE: Yes.

HEARING OFFICER LONG: Okay. Thank you.

MS. MCLANE: Having fulfilled the national standards to become a national scenic byway there were several intrinsic values that needed to be fulfilled to get that designation. One major one of course is scenic. We are opposed to this truck stop for all the reasons previously stated, but for sure we do not want this as our northern gateway to a national scenic byway.

In addition to that we feel that Highway 14 would become a corridor between I-40 and I-25 for additional truck traffic going through the historic communities of Madrid and Golden and Highway 14 and the tourism that we bring to Santa Fe and the rest of New Mexico would just not be appropriate for this to be at our gateway. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Dr. Nancy Perry testified as follows:]

NANCY PERRY: Hello. Please excuse my hoarse voice. I'm Dr. Nancy Perry. I've been sworn in. I'm a clinical psychologist and my specialty has been working with trauma victims. I have personal knowledge of human trafficking occurring in truck stops such as the Flying J and how terrible that it is to young girls. I have personal

knowledge of three young girls who were kidnapped and forced to work as prostitutes in a truck stop such as this.

In addition, I believe that we have to consider what is right – ethically, morally and as aesthetically. And aesthetically, if you’ve ever seen a truck stop like this, they are ugly. And I think we also must consider our founding fathers of this city. This is the City Different and we need to keep it the City Different and we need to honor these founding fathers and their dream of what Santa Fe is. And I noticed when I came in here today, there’s a sign which is behind the screen that says protect our property, and I think that’s what we need to do in this case. So I beg you to vote no. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Antony Aspland testified as follows:]

ANTONY ASPLAND: Hearing Officer Long, my name is Antony Aspland. I live at 7 West Hondo Vista in Santa Fe and I understand that I have been sworn in. I’d like to frame this discussion in terms of tourism and tourism dollars. I’m using as my primary source the December 4th New Mexico State employee paper called *The Roundhouse*. In the article, according to Governor Martinez, New Mexico tourism contributes \$730,000 an hour to the state of New Mexico. In past meetings, Flying J has claimed they will contribute \$2.25 to \$2.5 million a year. That means that Flying J contributes the equivalent of three hours and five minutes of New Mexico tourism per year.

Now, if you assume that Santa Fe contributes about eight percent to New Mexico tourism, that means that Flying J’s contribution to Santa Fe tourism is about 24 hours, or a day. So my question what does a day of contribution cost Santa Fe? Flying J’s one-day contribution cost 182 days of lost night sky due to nine to ten times lighting allowances. Flying J’s one-day contribution costs Santa Fe 365 days of damaged viewshed due to a caterpillar weigh station sign on stilts.

Santa Fe gets 24/7 noise and air pollution, plus 8 tons of trucker pee and five tons of trucker poo for free. And this is just the tourism cost for this truck stop. Flying J’s 31 percent contribution to Santa Fe tourism via night stays, which is phase 2, won’t kick into until 2026. Flying J’s 40 percent contribution to Santa Fe tourism via business and retail, phase 3, won’t kick in until 2030, and this all assumes that phase 2 and 3 even take place at all. Flying J’s main interest is the truck stop of phase 1.

The bottom line is that Flying J costs Santa Fe and Santa Fe tourism a lot of front and won’t start delivering 71 percent of their one day per year of good equivalent Santa Fe tourism dollars until 2026, if at all. This is a bad deal for Santa Fe and Santa Fe tourists. Please do not recommend the Flying J project. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Janet McVickar testified as follows:]

JANET MCVICKAR: Madam Hearing Officer Long, my name is Janet McVickar. I have been sworn in. I live at 17 Vista Alondra. That’s south of this area in question in the Lone Butte area. I’m opposed to the conceptual plan for and approval of the proposed Pilot Flying J truck stop. I’m not opposed to small-scale development here, siding with the County code’s commitment to maintaining the nature and feel of the rural ranching area and protecting its rich historic and cultural past.

I agree with previous reasons that have been given to oppose the truck stop. I’ll give you one more. For time immemorial this locale has been used as a transportation

corridor, first by pueblo Indians, then by the Spanish as they moved north from Mexico City on the Camino Real de Tierra Adentro, to their new capital, Santa Fe. The current I-25 criss-crosses El Camino Real and historic Route 66 passes through the same corridor. Adjacent New Mexico 14, also an early Indian route, later used by ranchers, miners, merchants and the like, also partly follows the Camino Real and extends into Rancho Viejo itself.

The route of New Mexico 14 is further valued for its designation as we've heard, as the Turquoise Trail Scenic Byway identified for its historic significance and incomparable beauty. The overall viewshed of the I-25/New Mexico 14 corridor will be indelibly damaged and devalued by construction of a truck stop complex for the reasons expressed above.

Today, the corridor of New Mexico 14 and I-25 is considered the gateway as you've heard previously to Santa Fe. Historic significance is inarguable, the beauty, invaluable. Locals and tourists alike travel this corridor to access nationally famous destination and historic home for generations. Approval of a truck stop complex on this historic route is indefensible. A truck stop is not even needed here. I urge you to not approve the conceptual plan. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn Michael Pschorr, testified as follows:]

MICHAEL PSCHORR: Good afternoon, Madam Hearing Officer. I'm sworn in. My name is Michael Pschorr. I live at 42 Villa Punta Nuevo in Rancho Viejo. Unsuitable and incompatible with the surrounding residential business community, the proposed site of the Pilot truck stop ought to be rejected outright by the County. I will address only the traffic impact study in a small portion. This has been submitted and has been reviewed by the Department of Transportation. 158 pages of this traffic study and the reviewers made one suggestion, that a sidewalk should be added.

I'm not a traffic engineer but there's some striking questions that stand out even for the layman. There are four schools in Rancho Viejo. They represent a population of approximately 13,408 students, faculty and staff, the Santa Fe College being the largest. Plus 1300 homes currently in Rancho Viejo equal 2,600 residents, in addition to six churches. This entire population is served by two north and south roadways only – Richards Avenue and Rancho Viejo Boulevard.

The traffic analysis does not weigh the impact of a truck stop with my Pilot's own figures average service calls of 300 trucks a day and 3,000 additional vehicles. That is on one of our two roadways where the truck stop is to be sited. Consider the addition of Pulte planning 2,000 more housing units and in Rancho Viejo, 1,000 additional units planned to build out La Entrada. A couple of thousand patients and staff at the new Presbyterian Hospital and now convince me there'll be minimal delays or no delays.

The double diamond interchange is already a traffic hazard. Tourists and many of us who live here, with the confusing counter-intuitive curves, poor signage, visual obstruction coming south off exit 278 at I-25. [inaudible] major addition of truck traffic on that interchange if the truck stop is approved. Another less robust area – I think my time has expired – but there is no level of service and no study that has been done on the intersections of Route 14 and 599. Lastly – my time has expired – is an appendix that the traffic study cites as drivers of the population being mostly familiar. This is obvious nonsense. Many of the drivers are out of state, coming in here for the first time. Thank

you, ma'am.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Christi Branum testified as follows:]

CHRISTI BRANUM: Good afternoon, Madam Chair. My name is Christi Branum. I'm a resident of Rancho Viejo, #15 Rocky Slope, 87508. We were led by Mr. Siebert to believe that Pilot Flying J is not required to do an air quality report beyond a 20-foot perimeter of their parking lot. To that I say there is something to be learned from the Volkswagen emission cover-up story by Jack Ewing. In his 2017 book, *Faster, Higher, Farther*, his research reveals the levels of nitrogen oxide emissions double when truck drivers shift into seventh gear, whether down-shifting or accelerating. Diesel engines are known for their production of "a family of gases with a wide array of fearsome effects on human health and the environment.

Nitrogen oxides cause children to get asthma and provoke asthma attacks in people who already have it. They cause chronic bronchitis, cancer and cardiovascular problems. Excess nitrogen oxides in urban areas have been known to produce spikes in the number of people coming to the emergency room with heart attacks. Members of the nitrogen oxide family are far more potent, pound for pound, than carbon dioxide as a cause of global warming."

Pilot Flying J's top tier and shareholders are apathetic to surrounding urban areas because they see a profit to be made. It's been clear from the beginning they are primarily interested in getting their market share of fuel and fast food, neither of which is high on the list why anyone chooses to live in or near Santa Fe.

I plead with our County Commissioners to stop Pilot J's plans and look for an alternative that could be as attractive to the landowners. I stand against this affront on our City Different and hope to save the southern gateway to Santa Fe, along with the clean air we are all so proud of. Thank you for your time.

HEARING OFFICER LONG: Thank you. And was it Ms. Brannon?

MS. BRANUM: Branum.

HEARING OFFICER LONG: And were you sworn in as well? I just want that on the record.

MS. BRANUM: Oh. Yes. Forgive me. Yes, I was.

HEARING OFFICER LONG: Okay. Thank you.

[Previously sworn, Lowell Hioki testified as follows:]

LOWELL HIOKI: Good afternoon. My name is Lowell Hioki. I reside at 21 Coyote Pass Road, Santa Fe, 87508 in Rancho Viejo. And yes, I was sworn in. Just four points. I moved to Santa Fe 20 years ago from Los Angeles and now an abomination is being proposed to be built right down the road from me, and that's what this development is. And I also believe that none of the proponents here would be willing to build a house in proximity to that abomination. They're way too intelligent. But we are the ones that are already living there.

Number two, it was stated that there were going to be 200 to 215 new jobs that were going to be created for this or by this development. I suggest that those jobs are going to be for the most part minimum wage service employees, serving fast food, making up rooms, cleaning up restrooms, cleaning up spills of gas and diesel in the truck stop.

Lastly, I believe that the traffic analysis is truly incomplete. It should be fairly

easy to model that traffic flow. What is the increase in commute time through that intersection on Highway 14. Number 2, I think it would also be easy to model how many accidents are going to occur because of this increased traffic at that abomination. Some of those accidents are going to be non-injury accidents, some are going to be injury accidents and some are going to be fatal accidents. None of that data has been presented and those should be easily modeled based on data that's available. So for some of those reasons anyway, I recommend that you not approve this development. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Kathryn Shelley testified as follows:]

KATHRYN SHELLEY: Good afternoon, Madam Chair. I'm Kathryn Shelley. My address is 15 Rocky Slope in Santa Fe County and I've been sworn in. Rancho Viejo is a safe, quiet place where I open my windows, see the stars and hear nature. Homes begin one mile from the Pilot J site. The addition of 3,000 cars and 300 trucks per day down-shifting and idling 24/7 will negatively impact the things that I and others value.

The Rancho Viejo founders' desire to lease to Pilot J flies in the face of the SLDC, and the 2015 Sustainable Growth Plan. Policy 34.5 is clear. Limit dangerous interactions among roadway users and protect them from inappropriate or dangerous truck traffic. Support the elimination of heavy truck traffic into villages and other inappropriate areas. Pilot J will likely become the catalyst for semi-trucks to use Highway 14 as a cut through from I-25 to I-40.

Tourists walk Madrid's main road. In 2016 a truck lost control, struck two vehicles, crashed and killed the driver, a sobering example of the safety and noise realities if Policy 34.5 is ignored. Policy 35.1: Minimize noise, light, dust, visual and other impacts of roadways in traffic. Pilot J's sign variance request is nine times more than code allows and that doesn't even include who knows what type of hotel would choose to open next to a 24/7 truck stop.

I'm for economic development. I'm for truckers. But there are already 12 truck stops within a 70-mile radius of Santa Fe. There's a Trojan horse at our gateway, loaded with the temptation of minimum wage jobs, a pipeline and some cash. I ask the County to become the heroes that have the guts to say no, to stick to their vision and to their policies. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Stacy Stone testified as follows:]

STACY STONE: Okay. I'm Stacy Stone, and I live at 1 Paseo Luna Blanca, Rancho Viejo, and it's Santa Fe 87508. And I also was sworn in. We closed n our house the end of March. By the time we got everything read to move in we heard about this truck stop, because we saw a sign where the community was getting together. I would like to submit to you that us, and probably a majority of the Rancho Viejo residents would not have chosen to live there or to build there if we'd have known about this truck stop. And apparently the truck stop has been in the making for years, according to them.

So I submit to you that they sold us a bill of goods and got us to the buying point where they could fill up their development and when they reached a certain point then they would roll out the truck stop. And that just angers me. There's a daycare in that business center as well that's a stone's throw from the truck stop and I also would submit

to you that the best way to make decisions is based on historical data. It doesn't take much effort at all to see how much criminality is carried on in truck stops. It's so easy to see.

I would submit to you also that when we decided to move to Santa Fe we did our research, as most people should. Santa Fe got rated an F on crime. An F. And then to try and convince my husband I went to another website. It said Santa Fe is in the bottom ten percent of the whole country. So again, I worked with my husband to get him to come around. Then, we move in and immediately that truck stop comes in or the information about it.

I would like to also just mention that most of these jobs are part-time jobs. I would also like to mention that people come to Santa Fe to get away from the news, all the ISIS, all this that's going on in the world not. So there's motorcycle riders that come and take Turquoise Trail to put that in their review mirror, and to have them right there by the semi-trucks without the vision is terrible. And I don't know that [inaudible] lane for bikes. There is a lane for bikes that somebody worked to get put in there. Right by that bike lane is going to be a semi-truck.

I submit to you, how long does it take or how many accidents and eroding property values, eroding tourism base does it take before Santa Fe's tourism starts to bite the dust. And I just think it was kind of pretty obvious.

One more comment. Like I said, there's very few parcels with infrastructure in Santa Fe. I would submit to you also it would really be a good idea for Santa Fe to look at the tech companies. We need young people in Santa Fe. A lot of the tech companies are looking for places to put their corporate headquarters that have [inaudible] We need young people. There are very few parcels with infrastructure so let's go after the tech companies and try and get them in here. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn Marguerite McClure, testified as follows:]

MARGUERITE MCCLURE: Good afternoon, Officer Long. My name's Marguerite McClure. I live in a subdivision called La Pradera at 40 Bosquecillo. It's very close to the proposed truck stop and I moved there six years ago, although I've been in Santa Fe for 30. And one of the beautiful things about our little neighborhood is that we have no street lights because we love to see the stars and the moon at night in the night sky. And I've noticed sometimes 50 and 100 miles on the highway, one can already see an upcoming truck stop because of the light. So not only that but people have mentioned the diamond interchange. When I first drove that, and I live right there, I thought, oh, my God, I must be in England because all of a sudden I'm on the left side of the road and it was really disconcerting. So I called about five or six friends to warn them to be exceptionally cautious when they take that part of the highway because it's so dangerous.

And the third thing would be the noise. I had the misfortune of staying at a campsite in northern Colorado this summer and when there were no more spaces we had to stay in a little van in the truck stop nearby. And it was impossible to sleep because the truckers leave their engines running all night long and then the lights are so bright you can hardly see. So those are my main oppositions. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn Frank Chambers, testified as follows:]

FRANK CHAMBERS: Good evening. My name is Frank Chambers. I live

at 2 Sabroso Place, Santa Fe, 87508. I have been sworn. I'm a retired professor of mechanical engineering with some expertise in acoustics and noise. I'm opposed to the proposed plan because I think it will have very negative effects on community noise levels. 300 trucks a day stopping at the truck stop will spend a lot more time in the area than if they sped by on the interstate. They will increase the noise for the surrounding businesses. Do you want to eat on the patio at El Parasol after there are lots of trucks there? No.

It will also spread noise over a large area because the trucks leaving the truck stop will have to accelerate up the onramps on to I-25. They're spread out over a large area. I think it will increase community noise both night and day. And the same applies to emissions. A lot more time in the area.

[Previously sworn, Dolores Martinez testified as follows:]

DOLORES MARTINEZ: My name is Dolores Martinez and I have been sworn in. My address is 54 Entrada, La Cienega. I do own a unit in the Turquoise Trail Business Park which is located on Bisbee Court directly across the road from the proposed Flying J truck stop on Highway 14. I thank you for this opportunity to speak this afternoon, Madam Hearing Officer.

I would like to express my concern for the residents of the Turquoise Trail Business Park, which on first glance appears to be very industrial and it is in fact a commercial space. But a fact that many people are unaware of is that many of these units were designed and approved by Santa Fe County as multi-purpose, or in this case live-work spaces. The full- and part-time residents here on Bisbee Court have enjoyed the safe, quiet and harmonious neighborhood for many years. The noise, air and light pollution that would be generated by a truck stop only yards away – not miles away, but yards away – from their windows would have a tremendous negative impact on the life these residents currently enjoy.

For this reason, as well as the other many important points that have been made this afternoon, I am very much opposed to the placement of the Flying J truck stop at this site. I thank you very much for your time.

HEARING OFFICER LONG: Thank you.

[Previously sworn, J. J. Gonzales testified as follows:]

J. J. GONZALES: Madam Hearing Officer Long, my name is J. J. Gonzales. I live at 54 Entrada, La Cienega and I have been sworn in. I support local business. I own a local business. Bringing semi-truck traffic off the interstate is not my idea of a local business. There are many local businesses in that area that contribute to employment off of State Road 14 and one is the BLM building. They have hundreds of employees there. The Bisbee Court Business Court has a lot of employees there, and they're local.

Bringing truck traffic off the interstate like they propose to do creates a very dangerous situation and this has been stated by many, many people. The comments have been very eloquently stated. I cannot state things any better than they have. My only comments are this is not the right business for that area. This is not the right location for that business, and I don't think it's necessary. There's other businesses at San Felipe and Santo Domingo that cater to truck traffic and this would be taking their business away and it's not helping them out, and I don't think it's contributing to the business economy in Santa Fe they way they state. Thank you very much.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Barbara Conkey testified as follows:]

BARBARA CONKEY: Good evening. My name is Barbara Conkey, 69 Calle Agua Clara, Rancho Viejo, 87508. I've been sworn in. Thank you for sitting with this. I'm going to address some economic concerns regarding taxpayers in Santa Fe County. Pilot is making big promises to Santa Feans – new tax revenues, jobs, infrastructure development. My concern is that taxpayers will be held accountable after the fact for incurred costs dealing with a wealthy company that sees opportunity for themselves with very little concern for the community.

The first two meetings that I want to, the words of the representative, you could tell there was just arrogance and no interest in where we were coming from. They knew that this was going to happen. I realize that was my input. In the context of the Sustainable Growth Management Plan are we envisioning a healthy economy, self-reliance, self-sufficiency, maximizing infrastructure investments, supporting economic development? Pilot proposed \$2 million annual fuel taxes to New Mexico State. Is it possible that the trucks providing these taxes are already in the state at different truck stations, not as new revenue sources, but just shuffling trucks?

Pilot proposed \$250,000 annual taxes to Santa Fe County. Is this profit for Santa Fe County? Will there be expenses that we have to come up with to support what they're doing, such as maintaining the roads that the trucks tear up as they use it frequently. Water use, wastewater, sewage plants, could contain unanticipated costs to the County. Pilot pledged \$500,000 for building sewer wastewater pipe to connect to the Quill plant at the prison. Quill is already at its capacity and the County proposal to replace it is about \$3.1 million. Who's going to pay the difference between Pilot's promise and the actual cost of pumping Pilot sewage down to New Mexico [inaudible]

Jobs, probably the jobs they are offering, 50 percent are probably going to be part-time, minimum wage, no benefits and local homeowners that are in the vicinity may lose home value that will negatively affect them. A sideways, I take my dogs walking on a regular basis [inaudible] Avenida del Sur at the end of Calle Agua Clara. It's a wonderful place to go walking. There's a draw that goes all the way down to Bisbee Court and I can count on three times a week that the tortilla factory burns their tortillas and you can smell it wafting all the way up to Calle Agua which is the intersection of Rancho Viejo Boulevard and Avenida de Sur. It brings a smile to my face because I like the smell. Right across the street is going to be the gas station, the truck stop. That smell has got to come up through that draw. I don't know how they can test it but my nose tests it three times a week. So thank you for your listening. I appreciate it.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Miguel Chavez testified as follows:]

MIGUEL CHAVEZ: Good afternoon, Hearing Officer Long, and I want to say good afternoon to County staff. I know it's not an easy job to do. I'm here – my name is Miguel Chavez, my address 1615 Camino Porvenir in the City of Santa Fe and Santa Fe County and I'm under oath. I'm here on behalf of the Neighborhood Network in support of the Gateway Alliance, so my testimony here is generated by the Neighborhood Network based on testimony and discussions at the four community meetings that have been held so far.

The neighborhoods have identified several of this truck stop's impacts that would

negatively affect the health, safety and welfare of the community, such as the convoluted and cramped traffic pattern that will place cross-over traffic from big rigs onto existing roads; the negative emissions and noise pollution that will come from idling big rigs; the light pollution that will come from the proposed signs, especially with a business that is open 24 hours a day. It is also important that this business would be located at the start of the historic Turquoise Trail, a scenic byway that is important to everyone in the community and a source of important tourist revenue.

More importantly, the process that the County is following to consider this large, impactful project seems a little confused. This may be due to the relative newness of the SLDC. The County must consider whether this is the type of project and process the SLDC really had in mind for this area. There are land uses that are permitted in this area but a truck stop is not one of them. It is not even mentioned in the code and even if this truck stop is considered to be a gas station it can only receive conditional approval if it meets a number of criteria.

In this case it seems the applicant is asking the County to approve a conceptual plan containing a truck stop without even considering if this use meets any of the criteria necessary for conditional approval. The applicant says that those criteria will be discussed and met at some later time but it is likely that they will argue that this early conceptual approval gives them the right to go ahead with its project regardless of other conditions in the code. It seems that there are too many questions and concerns, both specific and procedural for this conceptual plan to be approved, so we're asking that you not approve this conceptual plan today. Thank you, Madam Hearing Officer.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Lisa Golden testified as follows:]

LISA GOLDEN: Hi. My name's Lisa Golden. I live at 32 Devoy's Peak in Rancho Viejo and I moved here for peace and quiet. I'm also originally from Los Angeles and I was astounded when I saw that interchange built. That is horrible by even LA standards. But I think I also have an outdated but I did manage to get an environmental policy and planning degree once upon a time. And I'm sorry; this is not sustainable.

Just today New York is divesting in the major – in Shell and Exxon, etc. The major fuel – this is an industry is trying to stay in business but they need to come to terms with the fact that they cannot. It is detrimental to human, to all biological life. It is not sustainable.

The traffic is also – I drive out. That is my only way out to Albuquerque. There's only two exits from Rancho Viejo, one past the college and one at this very intersection. It's so all the people from Galisteo, Cerrillos, coming in. That is their only way into the City of Santa Fe. All the people that come in, and there are a lot that come in from Albuquerque to SFCC, to IAIA, we can use the sustainable technologies at the college to develop business. This is not employment. This is slave labor. It's just this way of life, this way of thinking has to go. There's nothing healthy about it. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Floyd Cable testified as follows:]

FLOYD CABLE: Good evening. My name is Floyd Cable. I live at 1561 Kachina Ridge Drive. I have to take issue with the statement by the Pilot rep that said the environmental worries are without foundation. I have the environmental impact report

here and I have to say that statement is without foundation because that statement does not report on current air quality. It doesn't estimate projected increases in pollution, and it doesn't give any information about health risk of diesel pollutants. The report just states that the truck stop "will meet the requirements of the Clean Air Act." How it determined that those requirements will be met is not addressed.

By the way, the Clean Act was last amended in 1990 and in the 27 years of extensive research on pollution effects, on health is not included in the Clean Air Act.

With no analysis in the report we can only surmise what a real study would make clear, that a truck stop would damage our air quality, especially in terms of increases of particulate matter pollution. Particulates are microscopic air-borne particles that are 1/30 the width of a human hair or less. Inhaling them can create all kinds of health issues which you hear mentioned earlier, to which I'll add that sustained particulate inhalation increases the risk of reduced birth weight for newborns.

Among the largest and most dangerous sources of particulates are diesel engines which generate about 30 times the particulate matter than do comparable gasoline engines. Diesel exhaust also has a high volume of dangerous nanoparticles which are only 1/500 to 1/100,000 of the diameter of a human hair.

Last year British researchers found that nanoparticles can pass right through the pores of a human lung cell into the blood stream, on to the heart where they then penetrate and collect in the hearts fatty tissues. They can also do the same elsewhere in the body. The people most at risk from the diesel pollution would be those of course immediately adjacent and the school children in the schools nearby but the prevailing winds in Santa Fe flow from the southwest. These invisible particles could be blown the length of Santa Fe to the plaza and beyond. The risk to our health is just too great and I hope that the County will give a clear and final note to Pilot Flying J so that we can all breathe easier, now and in the future. Thank you for your time, Hearing Chairperson, and thank you to my fellow citizens for trying to get sure that the right thing gets done. Thank you.

[Previously sworn, Valentin Jordanov testified as follows:]

VALENTIN JORDANOV: Good evening, Madam Hearing Officer. My name is Valentin Jordanov, 17 Bisbee Court, Santa Fe, 87508, New Mexico. I am a scientist and I own a high tech business at Bisbee Court. I also own the business unit hosting my businesses. When I moved nine years ago to the business park I was reminded this is for light industry, and my business is light industry. We design and manufacture one of the most sophisticated radiation measurement devices in the world. I don't believe a business that serves 300 trucks a day is a light industry, servicing industry or their facility is a light facility as required by the code of the district.

Secondly, I was going to ask you for 30 extra seconds. 300 trucks in 24 hours means that every 2 ½ minutes a truck will go through the intersection of Rancho Viejo and Route 14. So we talk here for two minutes, each one of us. I was asking for 30 seconds extra so this will be the time between two trucks going through that intersection. And why that is, because 300 trucks have to enter and 300 trucks have to exit. So this is exactly 2 ½ minutes per truck to go through that intersection. So whoever says that this has no impact on the traffic is either stupid or bright. There's no explanation. So this is what I had to say. Thank you.

HEARING OFFICER LONG: Thank you. And sir, were you sworn in as

well?

MR. JORDANOV: Yes, I was.

HEARING OFFICER LONG: Okay. Thank you.

[Previously sworn, Glenn Smerage testified as follows:]

GLENN SMERAGE: I am Glenn Smerage, residing at 187 East Chili Line Road, 87508. I've been sworn. As you, the Planning Commission and the Board of County Commissioners consider this proposal by Pilot Flying J for a truck stop on the proposed site you must address and answer three significant questions. Due to the time constraint I will state only the first question here today, convey the other two later by letter.

Is a truck stop explicitly identified in the SLDC as a conditional use? It is not. A gas station, however, is identified as a conditional use. A truck stop must be explicitly identified for a conditional use in our SLDC. And until such time as it may be I urge you to deny the application by Pilot Flying J for a truck stop at the proposed site. A truck stop significantly differs from a gas station. A couple other people have alluded to that today and for those reasons, we should not have a truck stop as proposed on this site.

[Previously sworn, Gale Smith testified as follows:]

GALE SMITH: My name is Gale Smith. I live at 3 Opera House Road in Madrid, 87010. I have been sworn in. I'm reading a statement from Pamela Ellsworth who is ill Her home and her business is in Madrid on New Mexico 14, the Turquoise Trail I live about two doors down from her. This is from Pam.

I was awakened at 5:55 a.m. on September 21, 2016 to the loudest explosion I've ever heard in my life. This sound was caused by a 90,000 pound, 18-wheel dried cement hauler crashing onto my property causing tens of thousands of dollars in damage, including destroying both of my cars, one of which landed on top of our propane tank. The truck landed upside down in the arroyo, killing the driver Michael Modulin on impact.

This tragedy could have been much worse. It could have been a foot to the left and I would not be here talking to you right now. The propane tank could have exploded and I, along with several of my friends and neighbors would not be here talking to you today. It could have been daytime when men, women and children are walking about. It could have made the first corner but not the second and destroyed homes and businesses, killing several friends and neighbors. It could have been much, much worse.

I along with my friends and neighbors live with this threat, this fear, every single day. Every time we hear a truck in the distance we find ourselves holding our breath and wondering if this is it. It changed me in a way I never thought I would or could be. I find myself screaming, literally screaming at speeding trucks coming through town to slow down. I actually confronted a gasoline tanker truck driver who decided to park across the street from my property in front of my neighbors home. A gasoline tanker in Madrid. What if he'd been one to lose his brakes?

Our own Speaker of the House, Brian Egolf, won't bring his family to Madrid because he is afraid for his small children's safety with regards to the trucks speeding through town. Since that tragic fatality accident we have been working hard to stop big rigs using the Turquoise Trail as a bypass route, and they are a clear and ever present danger. Now there's the threat of a Pilot Flying J truck stop being placed at the northern entry to the Turquoise Trail which will only increase the number and type of trucks

coming through and increasing the risk of yet another potentially catastrophic accident.

In the interest of public safety – this includes the truck drivers – the Pilot Flying J must not be allowed. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Mark Bremer testified as follows:]

MARK BREMER: Good afternoon, Madam Chair. My name is Mark Bremer. I live at 3 Opera House Road in Madrid, New Mexico, 87010, and yes, I have been sworn in. The traffic study that I've heard much about is like when you take a magnifying glass and a map and you put that magnifying glass right on the site and you get to see things very clearly. I would like that magnifying glass to be removed and see the much wider impacts of what this proposed facility would be.

And it concerns two points. New Mexico Highway 14 remains a short cut from I-25 to I-40 through truck traffic. That traffic that has no business on 14. It also is the preferred route for overweight trucks seeking to bypass the New Mexico Department of Transportation weigh station at the Waldo Mesa exit on the I-25 as currently exists. As was just explained, we've had a tragic major accident from an overweight truck that had no business on 14. That's very serious.

I would like the traffic study to be expanded to include how many through trucks are going to come through Madrid, and the problem with that is we already have trucks that do not observe the speed limit. We already have trucks that come through that do not observe the no jake braking sign or the engine braking sign. These are serious issues. We also have issues associated with truck damage to the historic community of Madrid, its structures, its foundations and the water lines.

Should this facility go forward I would like through trucks and how they will increase, the overweight trucks – how much they will increase, the speeding trucks and the problems that they have to cross the first curve double yellow line just to navigate into town. We have two very sharp curves there. And also what's the increases in noise due to jake braking? This is a serious problem and I would like these to be addressed.

The last thing is how many more runaway truck accidents will we have to endure, because once this facility goes in, it will not be removed. I wholly oppose this facility and I thank you for your time.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Jesse Shakespeare testified as follows:]

JESSE SHAKESPEARE: Good afternoon. My name is Jesse Shakespeare. I live at 2839 Highway 14. That is the address that the truck crashed into last year. As a result of that, we got together with everyone in Madrid. And we signed a declaration, not a petition, a declaration, to end this. Speaker of the House Brian Egolf responded to that. He invited us to the Roundhouse and in a public forum on December 14th he invited NMDOT to be present there.

We presented a 30-year observational study of just what these hazards are. We determined that large, heaving trucks – they're a public menace, environmental. There was no argument from NMDOT that this true. In fact, they acknowledged that the road is treacherous coming into Madrid, that there is danger to the residents, the environment and the property. Danger to the tourist to the point where a lot of people won't come. So we're losing commerce. Danger to the truck drivers.

So we instructed DOT to put a moratorium on heavy trucks that don't belong on

our road. The Speaker of the House asked them, was that within their power to do? Could they put a moratorium on? They said, yes, we could, but we might lose some federal dollars. In that moment – there was many things in that discussion – but in that moment they put the safety of the truck drivers, the safety of all the tourists that come to our town, and everywhere on the 14, all the residents and all our properties and businesses, second tier under money, that they may or may not lose.

It is our considered opinion that in that moment they were in breach of their oaths of office and that they violated the terms of the easement through the unincorporated Village of Madrid. We want them off the roads. We have about two dozen of these that come flying through out town and we've complained for 30 years. We've done petitions; everything goes unanswered. But we need it to stop and we're going to fight for that this year to bring it to an end.

Now Speaker Egolf said, What can you guys do? I said, we'll we can put hoops on the ground. I'm quoting NMDOT. Somewhere in the middle of January to do a study to see what we can do about this treacherous road with no runaway truck safety ramps. There's no safety anything for trucks in the entire 52-mile length of Highway 14, and that is an unacceptable answer. It's an unacceptable answer on 100 fronts, and now we have this.

Let's just see how Madrid will survive with a couple dozen of them every day that have no business. It will be every ten minutes we'll have another one coming through. We cannot have this. And pending the results of whatever study NMDOT can mount, you shouldn't even be considering this, because this is going to pull trucks on the 14 and they've already admitted it's treacherous and that they are underfinanced, undermanned and cannot ensure the safety of anyone on it. And now they're going to do another study. [inaudible] truck stop at the other end. That's just going to destroy commerce and I'll point out that Madrid, is very small; there's only 200 of us there. We are the third largest tax-generating entity in Santa Fe County and we need to have some cooperation. NMDOT has on their books laws that address this. You want to bring trucks down the 14? They're oversized, they're overweight. That is a \$50 single use permit and requires a police escort. We've yet to see it. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Chris Furlanetto testified as follows:]

CHRIS FURLANETTO: Madam Hearing Officer, I'm Chris Furlanetto. I live at 6 Redondo Peak. I have been sworn. My zip code's 87508. I'm speaking today on behalf of the League of Women Voters of Santa Fe County. We have serious concerns about the proposed Flying J project. We've been involved in the development of both the Growth Management Plan and the Land Development Code and supported both of those ordinances. We strongly believe land use decisions must be made "to protect and promote the health, safety and general welfare of present and future residents of the county" as stated in Section 1.4.1 of the code.

December of last year the League submitted a letter to Land Use staff. We met with Ms. Lucero and Mr. Larrañaga and followed up with an email to Land Use staff. Those written communications should be part of the case file, but I do have additional copies with me. Our major concerns with the process for approvals of the Pilot Flying J conceptual plan and subsequent development application include: First, can a conceptual plan for a use not specifically listed in the use table be approved? The proposed travel

center is certainly not the same as a conventional gas station just down the road. In fact the applicant has called it a truck terminal.

Second, we understand that approval of a travel center will require a conditional use permit. It's difficult for us to understand how a conceptual plan can be approved when the plan clearly includes a conditional use project that is not yet specifically described. Will the applicant assume that approval of the conceptual plan implies future granting of the permit? Will there be a threat of legal action should the plan be approved but the site development permit be denied?

Third, the code states that granting a permit is discretionary. Specified approval criteria must be met and the developer must agree to any additional conditions imposed. Should the plan be approved, the League strongly urges County decision makers to carefully consider the parameters of the Flying J proposal and its impacts on the community. At a minimum, we urge you to impose conditions consistent with the code for setbacks, signage, lighting, air and noise pollution, water usage and sewerage. This project must not be allowed to negatively impact the health, safety and general welfare of the Santa Fe community. And one of my fellow League members will complete our statement. She's several people behind me in line.

[Previously sworn, Adriene Simpson testified as follows:]

ADRIENE SIMPSON: Hello, Madam Hearing Officer Long. My name is Adriene Simpson. I'm the treasurer for the Santa Fe Gateway Alliance. I live at 15 Las Caballeras, 87508, about a mile and a half from the proposed truck stop. My first issue is with the utilities with the Quill plant. I believe that the response from the Santa Fe Utilities Department addressed the quantity of effluent that was going to be sent to the Quill plant but nothing about the quality. The Quill plant is a lagoon system that if hydrocarbons and petrochemicals get into it, it will kill the system. It will stop treating the effluent.

When I talked to Leroy Archuleta, the infrastructure manager with Santa Fe County I asked him specifically how many times the Quill plan had been in violation of the NMED. He stated it was in constant violation. Now, I know there was an RFP sent out by Santa Fe County requesting proposals to replace the Quill plant at \$6.1 million, not \$3.1 and the deadline was December 18th and it was amended to January 18th so I don't know if there's even been any takers at \$6.1 million to replace this plant.

So the other question I had was about the DOT saying they had reviewed this. At the Roundhouse meeting with Brian Egolf, the three DOT representatives that were there, including Paul Brasher, the acting director and two others, stated specifically that they did not have a dog in the fight until the conceptual plan was approved. So their level of review – I don't know what you can call it. They said that after the conceptual plan was reviewed they would come up with their recommendations to make the project safe, which living with this interchange for a year, I don't think it can be made safe.

Also, the traffic study did not include the 599-14 intersection or the fact that Santa Fe County is turning Rabbit Road and Dinosaur Trail into a through frontage road that is going to dump out right where these trucks are trying to merge to get onto the north bound on ramp. The other is that, as was mentioned before [inaudible] completely in appropriate since there are only ingress and egress out of Rancho Viejo that when built out is going to have over 3,000 homes. There's only two roads and this is one of them, this intersection, where there's going to be 300 trucks turning in and out. 300 trucks a day

going in means 300 coming out, so that's 600 trucks a day going through this intersection. Anyway, I recommend that this whole process be reviewed in depth and not approved at this time. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Kathy Brown testified as follows:]

KATHY BROWN: My name is Kathy Brown and I live in Rancho Viejo at 83 Via Orilla Dorado and I have been sworn in. And I have two areas of questions that I think are very important to be sure are fully addressed. One is a continuation of the problems with the DOT seeming to have that microscopic view. From my understanding and what was presented by the proponents of Flying J the diverging diamond was not even considered as part of that traffic study and I understand the scope was determined not by the project itself but by DOT and so the diverging diamond and that whole access from 25 there to 14 should certainly be part of that and looking at future developments over the future, not just more houses but also the other roads that were just mentioned.

So it was mentioned that diamond is already operational, true, and that it took years to develop. So it does kind of beg the question, what is the history of the connection between diverging diamond and the Pilot J type project. I don't know where that fits in but it's an idea that's out there.

As far as Flying J, they said zero missing items, I think that was certainly not true in their first applications. The buffer for the amphitheater, what would that really look like? Would it buffer things into Rancho Viejo? I wonder also about the kids' play area that was mentioned, close to showers and videos. Not my grandkids. And then something maybe about a trial in this week's Knoxville News and USA Today about mistreating trucking customers by Pilot Flying J, if I got that right. So just – those are questions that are part of the overall concerns that I have. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Bill McClaren testified as follows:]

BILL MCCLAREN: Looks like I'm the last. Good afternoon. My name is Bill McClaren. I live at 21 Vista Esquisita in Rancho Viejo. My bedroom is less than a mile and a half from the proposed site. I have been sworn in. I've been doing some research on the internet and I'd like to share with you what I've learned about low frequency industrial noise and it's negative impact on health, which is very important to me.

Low frequency noise is defined as anything below 100 Hertz. There's some very important characteristics of this that need to be understood. The first is that all sound below 100 Hertz is omnidirectional. That is the sound travels with equal energy in all direction from its source. Second, these frequencies can travel great distances without losing their energy. Third, these low frequency sounds have very long wavelengths.

So how does this related to the proposed Pilot Flying J truck terminal? The average idling frequency of an eight-cylinder diesel engine is about 16 Hertz and the wavelength is about 60 feet long. If you have 70 or more trucks idling simultaneously, you will of course significantly increase the total volume. Additionally, you may also have 70 to 100 exhaust pipes, like organ pipes, to further increase the amplitude of the sound. This means there will be a very strong low frequency sound emanating from the truck terminal at night when people are in their bedrooms trying to sleep, less than a mile and a half from my bedroom.

Since these frequencies are over 50 feet long they can go great distances without losing their energy. They will create standing waves in rooms of the average house in the area. This happens because the waves are too long to be fully contained within the rooms. The result is that the sound is actually louder in the room or house than it is outside. The sound may be perceived as a constant pressure on the body and ears or a low hum or pulsing. These effects can obviously impact sleep. Sleep deprivation – I'll try to make this short – is obviously really important. Medical studies have shown that constant exposure to low frequency noise at night can decrease immunity, increase the heart rate, raise your blood pressure and increase cardiac arrhythmias in adults. Also some children may suffer from learning disabilities, high cortisol levels and high blood pressure. It's clear to me that this kind of business should not be anywhere near residential housing, not to mention our new hospital. I thank you very much for your time.

HEARING OFFICER LONG: All right. I'm getting a sign there's some additional speakers in the hallway that wish to speak and so I think what we'll do now is take a break, just about five to ten minutes. Let me just let everyone – for those of you that don't know, if you're waiting around for a decision tonight, that doesn't happen tonight from me. I make a recommendation. I issue a written decision. It's usually within two weeks. This one could take longer if I need to review the minutes from the meeting because they will be lengthy. So I just wanted to let you know that, that there won't be a decision made tonight. Of course you're welcome to stay and hear the rest of the presentation, but I didn't want you to be waiting for that and be disappointed. So let's take a break and then we'll hear from the rest of the group.

[The hearing recessed from 6:09 to 6:25]

HEARING OFFICER LONG: I see I have individuals lined up over here in the right aisle. I think you all were probably in one of the other rooms out in the hallway so we'll hear from you now. And you may have heard previously that we have a two-minute time limit and I will have you all sworn in at the same time and then when you come up to the mike, please give your name and address and indicate that you have been sworn, and then we can expedite it that way. Our recorder will swear you in now.

[Those wishing to speak were administered the oath.]

[Previously sworn, Diane Senior testified as follows:]

DIANE SENIOR: My name is Diane Senior. I live at 317-B Camino Chato in Madrid and I have been sworn in. As this progresses, the opposition to the proposed Flying J will likely continue to be mischaracterized as somehow anti-trucker or anti-growth. Don't be fooled. In reality, we who live here value the hardworking men and women who truck in goods and deliver New Mexico products to the rest of the country, but we want that trucking done on major highways that are intended to handle the traffic, not belching their ways down our scenic byways. And most of us do want economic growth but not at any cost.

We want good paying jobs and sustainable growth that's in harmony with our community development plans and the SLDP. What we don't want is a handful of minimum wage jobs that come at the expense of our tourism economy, dark skies and community standards. I oppose this project for the simple reason that the location is inappropriate. A truck stop does not belong in the Community College Planning District. It does not belong on a scenic byway, and it does not belong at the diverging diamond interchange.

It is not unreasonable for residents to object to funneling increased truck traffic through a difficult interchange that has already seen multiple accidents in its short life, and it is not unreasonable for small towns along the Turquoise Trail Scenic Byway, with narrow, twisting, shoulderless roads to be concerned about the dangerous potential for more heavy truck traffic. Those of us who live near know that these are not just idle concerns. Less than two years ago a fatal truck accident shocked Madrid awake leaving heightened concern for the safety of our school children and meandering tourists who share the roadway.

So no, we are not anti-trucker or anti-growth but we are in favor of the kind of controlled growth that is good for our communities, growth that abides by the carefully considered guidelines in the Sustainable Development Plan. Growth that upholds the intent of the SLDP without the need for variances and without the linguistic sleight of hand that would have you believe that a truck stop is a simple gas station.

HEARING OFFICER LONG: Thank you, Ms. Senior. Your time is up.

[Previously sworn, Bob Carson testified as follows:]

BOB CARSON: Hello, Hearing Officer Long. I'm Bob Carson, living at 175 East Chili Line Road, 87508. I have been sworn in. I'm a former physics professor for 35 years in Florida who retired here 10 years ago, building a house in Rancho Viejo's Windmill Ridge. Though I maintained a life of the head and mind during my career I also found time for my heart to help me in making choices. One choice was relocating to the amazing city of Santa Fe. Another choice confronts us now, whether to allow a truck stop to anchor the entrance to the City Different.

I was struck this morning when reading the *New York Times*, Nicholas Kristof's piece in the *New Mexican*. In another context, he reminded us that while talent is universal, opportunity is not. You can look around the chamber today and realize there are a myriad of talents participating as informed citizens in our democratic form of government. Each of us has had various opportunities, some very challenging, to develop our individual talents.

So now we're faced with another opportunity, that of combining both head and heart to make a choice. Should you recommend approval of the conceptual plan to establish a Pilot J truck stop? Now, I do not wish the owner of the Pilot Flying J, Jimmy Haslam more grief. After all the football team that he owns, the Cleveland Browns went zero for 16 this past season. And he is still facing a fraud trial for his company related to cheating customers of financial rebates over a five-year period. His company has already paid \$92 million in federal penalties plus settled a class action suit for \$85 million. Those add up considerably.

Both my head and heart agree that the choice before you at this meeting should be to not grant approval to this conceptual plan I hope that your head and heart resonate the same way. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Charles Stup testified as follows:]

CHARLES STUP: My name is Charles Stup and I've been sworn in. I live at 59 West Chili Line Road in Rancho Viejo. I also have a residence and property off of the Turquoise Trail in Lone Butte. I've been a resident of the county for 13 years, been paying property tax on both properties during that time period. I am a professional engineer. I have a degree in mechanical engineering, bachelor, and from Berkeley I have

a masters in civil engineering and environmental engineering and with construction management.

I feel that I am familiar with this project. I have attended three of the public hearings and understand it and I am opposed to it and think that the County should not approve it. I believe that the County has a basis for doing that on several fronts. One is the signage that they're requesting a variance on is nearly ten times the amount that's provided for in the ordinances.

I also think that the use of open space a great distance from the site to quality for the required open space on the site is inappropriate. I have in my career been involved with many developments from the engineering and construction management standpoint. I am familiar with the process and what they're asking for here and I must say that the double diamond, or the diverging diamond interchange – the best word I can use is absurd. I have been involved with the construction of many interchanges throughout the country in my work and I must say this is the one I think is the least safe that I've encountered. It's a challenge for people that are going through it alone for the first time in a car. It's even more challenging with other people and I cannot imagine doing that with 300 cars.

So I urge the County to use these bases and also the conditional use. I don't see how that fits into the College District. My time is up. Thank you for your time.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Dirk Stronk testified as follows:]

DIRK STRONK: Do you need to see the poster?

HEARING OFFICER LONG: Yes. That would be helpful. That's one we saw earlier.

MR. STRONK: Yes. Good afternoon. My name is Dirk Stronk. I am at 14 Browncastle Ranch Road, Space #2, Santa Fe, New Mexico, 87508. I have been sworn in. I am a former truck driver. I would like to point out that there's going to be a problem as truckers decel here. This decel lane is inadequate for inclement weather as well as distracted driving. I would also like to point out that at this point the driver needs to be looking left and timing his ingress into southbound 14 traffic. There is no decel lane or acceleration lane to provide for that.

Secondly, I'd like to point out that trucks are going to have to stop at this point here to have a 90 degree angle when they are in an overnight camper, not a day cab, so that they can see the traffic that is stopped at this intersection and make the appropriate timing for their ingress to southbound 14 once again. I would like to point out that once they are in that left lane of southbound 14 they only have 600 feet going under three overpasses that cause shading and distractions with light during day and night, but they also have to merge over in that 600 feet to the right lane, at which point they are going to be able to be accessing the property. But they are going to create a problem here with the trucks that come in to that same right lane. There's only two lanes there. So passenger cars are going to be having to negotiate trucks as they get over to the right lane.

Finally, I'd like to point out that before they even built this overpass – before the initiative for the truck stop I had seen that this was going to be a major problem for truckers as they decel from the 276 north. This cambers out and away for high rigs that have 13' 6" they're going to be top heavy and you're going to have problems with trucks that are going to be going into this intersection as they fly off the road and into cars that

are at this place. This is one of my main issues as well as their timing to get on the State Highway 14. Thank you for your time.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Thomas Hill testified as follows:]

THOMAS HILL: Madam Hearing Officer, my name is Thomas Hill. I have been sworn in. I live at 17 Bisbee Court. My workplace, the property that I own and where I sleep at night is 500 feet from the Flying J proposed area. I've taken it as my personal mission in the last three of four weeks to try to talk to other businesses in the Turquoise Trail Business Park to get some of their sense of what the issues are.

There are two plumbing and heating companies there that have to dispatch their service trucks every morning and return them every evening and they're very much concerned about the traffic getting in and out with that many trucks coming and going. Open Eyes Software, which is a high tech business in the Turquoise Trail Business Park employs 40 high paid people to write code for the scientific community. They are extremely concerned and oppose the location of the truck stop because they say they need quiet for effective creation of effective software and for productivity.

They also make the case that if the County is serious about recruiting high tech businesses that a truck stop in the vicinity of Turquoise Trail where we try to recruit high tech and service businesses makes no sense whatsoever for the County and we may be giving up high tech jobs for low tech jobs. Thank you very much.

HEARING OFFICER LONG: Thank you.

MR. HILL: One more I forgot to mention, within 700 feet of the proposed site there are two churches, the Blaze Christian Fellowship and the Holy Family Episcopal Church. Those churches have both expressed their concern about the safety of their parishioners coming and going, not only on weekends but on the evenings. Thank you.

[Previously sworn, Arlen Slobodow testified as follows:]

ARLEN SLOBODOW: Good afternoon. My name is Arlen Slobodow. I'm at 5 East Hondo Vista Road, which is off Dinosaur Trail. I have been sworn in. Among the reasons I move to Santa Fe was to breathe clean air and to live in a community that values environmental stewardship. The proposed Pilot Flying J truck stop would jeopardize the air quality in my neighborhood, lead to environmental degradation and not be keeping with the scenic designation of the Turquoise Trail.

The truck stop would house as many as 70 idling semi-trucks. This would affect air quality. And the pollution from these trucks will have a negative health and environmental impact in our community. The truck stop will consume scarce water resources and its runoff will generate contaminants to our water supply. The setting of this truck stop is all wrong. A truck stop does not belong in the Santa Fe gateway.

Another major concern I have is traffic safety. The newly created double diamond exchange is dangerous, even without the additional threat of attracting scores of semi-trucks. The lanes on these roads are constant curves that many vehicles either can't – they don't follow or they just can't follow. The exit off I-25 is treacherous. There's little room to merge and because of the curves, the sight lines are compromise. Adding more trucks to this mix would be fatal to residents, many of which are senior citizens. There will be fatalities.

The proposed Flying J truck stop is an environmental threat and a public safety

menace. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Jody Larsen testified as follows:]

JODY LARSEN: Ms. Long, I'm Jody Larsen. I live at 107 Tierra Rica in Santa Fe, 87505. I'm sworn, and I'm presenting additional comments on behalf of the League of Women Voters of Santa Fe County. We ask that the County obtain independent assessments of impact on traffic, pollution, water availability and sewer capacity and consider those assessments in addition to the reports provided by the applicant at each step of the approval process. Last, we wish to note that the facilitation meeting on December 6th was not run in accordance with the process specified in the code. Specifically, there was no representative of the applicant who could answer questions from the audience. No community group was invited to make a presentation. The facilitators made no effort to find areas of agreement, and the meeting notes distributed by the facilitator do not accurately reflect the scope of comments made by attendees.

We suggest that the County schedule another meeting that the applicant can attend and that a Land Use staff member be present at the meeting. Thank you for considering our views.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Patty Montes-Burks testified as follows:]

PATTY MONTES-BURKS: Good evening, Madam Hearing Officer Long. My name is Patty Montes-Burks and I reside in Valle Lindo close to the intersection of 599, which is the relief route, and 14. And I'm also the alternate vice president of the Santa Fe Gateway Alliance. Tonight I want to express, first of all that I do have a background in city planning and engineering, mainly pre-construction of Forest Service roads so I lend my knowledge to try and review the traffic impact study.

I want to try to impress tonight to you the population that we're talking about in reference to the entrance of the proposal site to 599 and all the way up to the interstate. I have created a poster that recognizes all the neighborhoods, which is 12 neighborhoods that surround the area, as well as practically 35 or more employers in that neighborhood along the Turquoise Trail for a mile from the Interstate to Highway 599. So here's this poster.

So what I want to do – again, it's 12 neighborhoods and then the town of Madrid and Cerrillos, the penitentiary housing, the Rancho San Marcos, and then all the 35 employers that are listed in that one-mile stretch surrounding that truck stop site. So then I want to point you to the traffic impact study done by Terry O. Brown and I want to say that in one of the diagrams he shows the entrance to the property as 48 percent will enter coming northbound on Highway 14; 37 percent will come southbound on 14 and 13 percent come in from Rancho Viejo Boulevard. But nowhere in their traffic study do I see an analysis of the one-mile stretch that will service that 48 percent of traffic that they expect to serve at their project.

I think this is a blatant neglect in their traffic study, very serious. In a conceptual plan you should be able to recognize that the traffic's not just going to be magically put there at their entrance. It's going to travel from both directions. And so my concern here is that Mr. Siebert has completely neglected to opportunity to keep us safe and show conceptual plans within the traffic study for this segment of road, one mile between

Interstate-25 and 599 which is my particular interest. So thank you very much and I hope that you evaluate that in your decision.

HEARING OFFICER LONG: Okay. Thank you. And I'll give your poster back to you. If you have a copy of it it can be placed in the record so if you'll give it to the recorder then it will be in. Thank you.

[Previously sworn, Eunice Vellon testified as follows:]

EUNICE VELLON: Madam Hearing Officer Long, my name is Eunice Vellon. I live at 95 Villa Orilla Dorado in Rancho Viejo. Long before the SLDC ever had an ordinance written they started out with a vision statement, and the vision statement said Santa Fe County is a place of natural beauty, diverse cultures, and enduring, sustainable communities. They defined a sustainable community as one which provides a standard of living that protects and enhances the environment, builds balanced and healthy communities, and respects the diverse needs and approaches of individual citizens and local communities.

Sustainability for Santa Fe County means meeting the need for the present while preserving our land, our history and culture, our resources and our communities for future generations we all have a stake in and a responsibility to preserve our environment. For most of us that's one of the main reasons we moved here. This is incumbent on all of us to insist that our County representatives look at the bigger picture when considering any new project. That is the idea behind sustainable land use, and both the letter and the spirit of the SLDC should be the guiding document against which new projects are measured.

We need to get away from these one-off projects here and there because the cumulative stressors are too important not to be the primary consideration. Any potential gains for this project pale in comparison to the potential harm and costs, not all of which are easily quantifiable in dollars. This project will require more than one variance from the County. Most importantly we know the centerpiece will require a non-conforming variance. The code lists a gas station as a provision use. Comparing this truck terminal to a gas station is like comparing your neighborhood mom and pop grocery to a Walmart superstore. It's true that you can buy a gallon of milk at either location but that doesn't mean they're the same thing. And just because a variance is possible it does not mean that it should be granted. The County needs to change its focus and should require the applicant to provide compelling reasons why these variances should be granted and how they will benefit, versus negatively impact the wider environment.

HEARING OFFICER LONG: Thank you. Your time is up.

MS. VELLON: Thank you.

[Previously sworn, Barbara Chatterjee testified as follows:]

BARBARA CHATTERJEE: Good evening. My name is Barbara Chatterjee and I live at 228 Alta Vista Street in Santa Fe and I have been sworn, and I have been following the testimony here today and I simply want to raise two questions that I don't think I've heard discussed so that they can be part of the deliberation and appreciate your work, Hearing Officer Long.

The first question has to do with the need to have a truck stop, given the other facilities in the general area between Albuquerque and Las Vegas. Is there really a need? And I think that 300 vehicles, or whatever portion, more or less, should be demonstrated to the community that there is such a need for such a service.

The second area I want to discuss is the water. The applicant has indicated that

there is a water line that is available, but it is not clear to me from what has been said, perhaps others either, that water is actually available. And given the preciousness of the water resource in our community, it seems to me critical that even at this conceptual stage both of these questions should be addressed along with a very large number of issues that have already been brought to your attention.

This is not an objection to having development in this area. The question is whether a truck stop is the right piece of that development. Thank you very much.

[Previously sworn, Cedric Page testified as follows:]

CEDRIC PAGE: Good evening, Hearing Commissioner. My name is Cedric Page. I reside at 84 Cañada del Rancho, 87508. My comments have to do with some research that my wife, Dr. Doris Page, and I have been doing regarding this kind of activity. A truck stop. And it relates to the emissions of diesel tractor-trailers and the related health effects of those emissions on individual who suffer from respiratory problems. So our question really is whether or not a study, a risk assessment by an ecological toxicologist will be done as part of this review so that we can feel safe as members of the community that the additional particulate matter, nitrogen oxides from these diesel tractors, will not adversely affect the health of the population in our communities. That concludes my comments. Thank you very much for your time.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Sandra Hoffacker testified as follows:]

SANDRA HOFFACKER: Good evening, Commissioner. I am Sandra Hoffacker and I reside at 150 Rancho de Chama in Cerrillos, 87010. And I do travel up and down here often. My question is, I'm wording if anyone had brought up the issue of the design of the intersection of 25 and 14. It is a deadly design with drivers switching lanes through this serpentine road to get through the next light, plus merging traffic coming off Route 25 onto Route 14 and Cerrillos Road. Imagine then addition huge tractor trailers up and down through this maze and especially at rush hour and/or rainy, icy and snowy weather. This is a recipe for disasters. They would have to use medical helicopters to evacuate the injured because the ambulance wouldn't be able to get through the backed up traffic, because there is also no pull-over space. There is concrete barriers if you're on 14 and you're going straight through, going north on 14, getting onto Cerrillos Road, that whole section, serpentine – there's concrete barriers and maybe this much on the side of the road. So if there's a crack-up there, how do they get the trucks through to pull up the traffic or get the people out or get the ambulance through that intersection underneath 25?

HEARING OFFICER LONG: Okay. Thank you.

[Previously sworn, Trevor Burrowes testified as follows:]

TREVOR BURROWES: Good afternoon. My name is Trevor Burrowes and I live at 2836 State Highway 14 and I've been sworn. I greatly appreciate the incredible comments of the people who have spoken before me and I have nothing of the sort of equal category, but I think there's something that we kind of need to step back and consider. I have to form a theory because I don't have the facts. My theory is that the truck stop development is driven by the City of Santa Fe. It is a city problem that has been foisted onto the County.

The City previously annexed a great deal of county land. The City used this land near its southern border for sprawl, commercial single-use development. This initially

appears to have pushed residential development over the county line into the county and made it something of a budding bedroom community, which I don't think is part of any conceptual plan were there one for the Turquoise Trail. It's not a bedroom community, so we're on the track of a bedroom community at the very least and thank God for this particular one because they are the first in line and in position to this dastardly truck business.

The City somehow condones or promotes a freeway interchange that facilitates this development. How did that happen? We don't know. I don't expect anybody will tell me so I'll go on with my theory. Okay? It's a big secret. These development efforts are, as I said, deleterious to the Turquoise Trail. I am – one thing I want to say. This is the last statement. We need form-based planning. I know it will just make eyes glaze over. Let me say it again. We need form-based planning to tell you how the place is going to look. If we had form-based planning we would not have this development proposal. I would like form-based planning to go on record. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Ross Lockridge testified as follows:]

ROSS LOCKRIDGE: Hello. Ross Lockridge, P.O. Box 22, Cerrillos, and I'm sworn. The concept of placing a truck stop at the top of a rare national scenic byway that connects with I-40 is dubious. It's a conflict of industries. If the County code takes away from the conceptual planning the issues of siting I hope this is simply an oversight. Flying J's traffic impact study makes claims that there are no problems and declares the site ideal because it's located at the "intersection of two major highways." The traffic study's mischaracterization of the byway as a major highway implies it's an arterial like I-25 when in fact it's a major rural collector.

This slanted characterization casts doubt on the study's objectivity. Nor is there any mention in the study that I can find of the impacts to the byway with estimates of expected truck traffic to and from I-40. The DOT overwidened the first few miles of the byway but don't be fooled. As the greater stretch of it preserves context sensitive to the roadside. The County code may lack confidence in the very land-based classification standards the code relies upon. Standards that even sharply distinguish between gas stations and truck services.

Ultimately, truck stops must be judged as developments of countywide impact. Flying J's impacts upon the byway would have statewide, let alone countywide impacts. To avoid a conflict of industries Flying J should fall back to another site and the County must support the people who live and work along the byway rather than an out of state company that unwittingly would turn the road into the Turquoise Trail National Scenic Truckway. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Linda Perron testified as follows:]

LINDA PERRON: Good evening, Officer Long. My name is Linda Perron. I live at 1 Angel Peak, Santa Fe, 87508. I have been sworn in. There are many issues and problems with the Flying J truck stop proposal and location. The increased traffic and unsafe road conditions, because it would be located where the exit ramp meets the main road. The main road, which now has increased accidents with a complicated road system called the diverging diamond at one traffic light serving communities, an elementary school, college, fire station and businesses to exist on to that main road,

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Turquoise Trail, but also a facility with amenities stated increasing crime as well as severe noise and light pollution that the surrounding community will have to endure.

I will focus on the facility itself. Flying J and their associates started this venture less than completely truthful or forthcoming. It became clear they were providing the bare minimum to satisfy requirements for the build. The first meeting addressed known problems because of, of course, location. This is not a remote area serving a highway. They denied signage would be as gross as they wanted or planned it to be, therefore having additional meetings to satisfy the Commissioners with public disclosure of the many changes and variances they were seeking for this facility. They did not start this venture as wanting to be part of or serving the community they are asking permission to build in, but tried to disclose the least to satisfy the requirements to follow all these variances to build what they want in our community.

In the end we are left with this huge facility with all the problems it will bring for the many homeowners, residents, small businesses, schools and public services. You have zonings, laws, ordinances and codes for a reason and I ask you, enforce them and not grant this petition. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Teri Buhl testified as follows:]

TERI BUHL: Good evening, Chair Long. I'm Teri Buhl. I live at 219 East Chili Line in Rancho Viejo and I've been sworn in. I'm a green building professional here in town and an engineer, and I actually helped draft and edit parts of the Sustainable Land Development Code. My first concern – I have three – is that I'm in support of all development that meets the SLDC and I won't belabor that because earlier tonight we heard Attorney McQueen present his list of conditions if the plan moves forward, but I would add one more that addresses light pollution, because with my construction experience I know that all construction projects involve field order changes and additional variances.

And I would just say that the lighting of most travel centers, not just pilot, but most centers, already violates Santa Fe County's night sky restrictions. And in the age of phones and GPS travel centers are easy to find. So my additional conditions would be to prevent future variance applications for greater signage as anchor businesses are added to the site.

My second and biggest concern as a resident is that of emergency planning routes and evacuation. There's only two ways out of the community and one route will go straight into the travel center if the plan's approved. Several years ago our HOA met with County fire and emergency officials and they told us that we're basically on our own because they don't have a plan for us. I doubt that anybody's contacted the National Guard to ask them whether they're prepared to deal with the amount of fuel stored at the travel center in the event that all of us have to be evacuated because of wild fire or other disaster. So Madam Chair Long, I urge you to consider contacting the National Guard to notify them that their community emergency evacuation plans probably need to be changed and that they should probably be part of this assessment.

And the other thing is, as for the earlier comment tonight about whether or not we should have five to six anchor businesses in such a tight spot. We really need a grocery store. I'm traveling 25 minutes to go get groceries and I would welcome wholeheartedly somebody like Trader Joe's or even Whole Foods. So I don't buy the argument that no

one else would develop this acreage. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Linda Weston testified as follows:]

LINDA WESTON: Hello. My name is Linda Weston. I live at 57 Via Sagrada in Rancho Viejo and I have been sworn in. I have lived there for a little over nine years and I am very concerned with the amount of noise that could potentially happen with this truck stop. I live less than a mile away, maybe $\frac{3}{4}$ of a mile away from the proposed truck stop. Also, we're very concerned. I speak on behalf of my family and myself who live at my house about the quality of the air because we do like to have our windows open. That's one of the great joys of living in Santa Fe is being able to have your windows open a general part of the year.

I don't know how often any of the gentlemen sitting behind me travel through that intersection of Rancho Viejo Boulevard and Highway 14 but I go through that intersection about ten or twelve times a week and I don't even travel at the always rush hours, but it is a very busy intersection already, and I can't even imagine with the amount of truck station, as well as the 200-room hotel potential, the amount of traffic that could come from there. I had a personal experience a few months ago, coming off of the new intersection, going northbound, coming to where any truck would be traveling if they came off of, from Albuquerque to the truck stop, where the semi-truck next to me drifted into my lane, because it is very insufficient. If a truck isn't going to come from that direction they're going to come from 599 and you've already heard that the traffic study was neglectful as far as how that is going to be impacted as well.

I don't know if anybody has already mentioned but my understanding is the County has planned a multi-purpose trail – that would be hiking, biking, things of that nature, going from the railroad station, the Rail Runner at 599 to the Santa Fe Community College and that trail would run very, very close to this 26-acre parcel. So that needs to be a consideration because who would want to be hiking or biking so close to a truck stop with all of those problems that are associated with it that we all as a community potentially see. I don't know, if it's such a community benefit, how close any Pilot J official lives to their own truck stop. Thank you.

[Previously sworn, Elise Snider testified as follows:]

ELISE SNIDER: Good evening, Madam Chairwoman Long. My name is Elise Snider. I've been sworn in. I am a resident and homeowner in Santa Fe County at 67 Calle Agua Clara, 87508, but I haven't been there all that long. My husband and I are young professionals who moved to New Mexico to accept jobs a year and a half ago. We were faced with a decision, to live in Albuquerque, where my job is, or to live in Santa Fe where his position is located. Santa Fe is where we decided to purchase a home. It's where we pay property taxes, where we eat out, where we shop for groceries, gifts, everything.

We pay more for all of that than if we lived in Albuquerque and we're okay with that concession, because we feel like we're also getting more. We're getting the City Different. Placing a Pilot Flying J at the gateway to Santa Fe, just like there's one at the gateway to Albuquerque would turn us into the City Same. The proposed location is the wrong place for this project. I want to be clear that I support appropriate and intelligent growth and development in Santa Fe County but it should be done by continuing to plan for the City Different, not the City Same.

What do I mean by planning for the City Different? I mean maintaining the historic nature of the Turquoise Trail as a corridor with local small businesses. I mean growth like we've seen through Meow Wolf and the International Folk Art Market, two great examples of City Different experiences, ones that now have a reach that's far beyond out county and our state and that bring people and revenue to us.

And what do I mean by planning the City Same? The fashion outlets of Santa Fe that are rundown, half empty and identical to shopping experiences that people can get anywhere in the US or online. And Pilot Flying J located at the Santa Fe gateway, all three proposed phases of which offer nothing unique or authentic for residents of visitors to experience and instead present health and safety concern and jobs that mostly do not provide a living wage.

Now I sure would love to be the one in my marriage who is not making the daily commute, and other young professional couples and families with the choice to live in Albuquerque or Santa Fe and those moving to the state will be asking themselves the same question of where to live. If Santa Fe becomes the City Same it is not likely to attract or convince young professionals or families to settle here and pay more for the same. We want to live and contribute to the City Different, not the City Same. We want New Mexico True, not New Mexico say it ain't true. Please preserve the Santa Fe gateway as the welcoming entrance to a unique place to visit and call home. Do not permit the development of the Pilot Flying J. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Karen Brown testified as follows:]

KAREN BROWN: Madame Hearing Officer Long, I have been sworn in. I agree with all that's been said and I oppose this truck stop. My name is Karen Brown. I live at 37 Browncastle Ranch, Santa Fe, 87508. I'm on that map. I look at this truck stop out my backdoor and I see that intersection every night. I see flashing lights and accidents on a regular basis, and I can see the Fire Department when the trucks leave. I'm a 38-year resident of Santa Fe County.

I live on a homestead. In 1935 my husband's grandparents were the last homesteaders in Santa Fe. They didn't just show up from Chicago and say, Woo hoo. We're going to build our house in the backyard of a truck stop. I'm 1,200 feet away. There are businesses in the area, one of them being my own. When my husband and I decided to put a business in the area the staff of Santa Fe County put a lot of conditions in front of us, so many that I thought my husband was going to choke the staff. So I ask you, if you're going to do this to put a lot of conditions on these boys.

Conditions like noise. I don't want to hear this thing at all. There's a refrigeration outfit that's in Bisbee Court. I get to listen to it all night during the summer. That buzz of those refrigerator units – I don't want them Put in plug-ins. Put it whatever it takes. I want Tesla plug-ins for electric cars. I want to see all solar/off-grid. I want to see a wastewater treatment plan, not stress on the already existing overflowed sewer plant that we have. That wastewater plant, the water can be used for the Fire Department that's right around the corner. That water can be used for building projects. The water can be used to water their own landscaping.

I want to see recycling – any kind of recycling. Paper, plastic, cardboard. It doesn't matter. I want to see natural gas pumps for Public Service Company of New Mexico and Santa Fe County natural gas vehicles. I want those lights not shining in my

bedroom. I put post-it notes on businesses in Bisbee Court and tell them to turn their lights down so that they don't blind me on the way to the toilet at night. I want pueblo style building. I want ponds that are lined so that the water doesn't go into my well. I want a good wage for those employees.

HEARING OFFICER LONG: You're out of time. You're time is up.

MS. BROWN: And I've got a whole list.

HEARING OFFICER LONG: That was quite a few already.

[Previously sworn, Michael Dowd testified as follows:]

MICHAEL DOWD: Good evening. My name is Michael Dowd and I live at 9 Softwynd Drive, Santa Fe, New Mexico 87508. I was probably one of the first houses to be built in Rancho Viejo. I've seen traffic increase. I've seen noise increase. I've seen my night sky get dim because of lights. My biggest concern is the intersection of I-25 and State Road 14 or Cerrillos Road. We haven't had a major snowstorm yet but when we do that intersection will be a disaster, let alone cars trying to navigate these exit routes or the onramps and the offramps. There's no way those trucks are going to be able to do that, as the gentleman said about the turning.

La Bajada Hill was shut down. We know that happens frequently. Raton was shut down. That pass will happen. Those trucks will end up idling at that spot all night long in the snow and the noise will be there. There will be fatalities that happen the first major snow storm we had. The first rainstorm we had, half of the hills washed away at that intersection. They had to go back out, dig the dirt up, dig the drainage ditches up to put new drainage on the side of the roads because there was no drainage from the rain. The first time it rains heavy oil comes off the road. The roads become slick. If you remember your driver's ed education that's what they told you. When it first rains drive safely because roads become slick. That's all I have. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Erik Johnson testified as follows:]

ERIK JOHNSON: Thank you, Madam Hearing Officer. My name is Erik Johnson. My address is 2843 Turquoise Trail. That's New Mexico 14 and I'm here representing the Johnson Madrid Gallery which is the oldest and largest gallery on the Turquoise Trail. And I'm going to propose three options that are more creative than just approving or disapproving of the truck stop. The first one I think a lot of my neighbors might now agree with but it might be something that seems more realistic. And that is that if you do decide to approve this truck stop you do so only conditionally, and that several of the conditions be among the ones that have already been mentioned by my friends and neighbors but the most important one I would suggest is that the location be moved to the onramp further south, which is where the truck bypass already is, a logical place for a truck stop.

The second possible option – this is actually what I would personally favor – is that you recommend that you stop the procedure until the studies can be done by the Department of Transportation about whether or not trucks could be stopped entirely on 14, and also to give the County itself time to decide whether it should decide to ban trucks on 14. It's possible, though I don't know enough about this; I don't think any of us does, that if the DOT cancels trucks they would jeopardize federal funding, but if the County does it the good deed is done and nobody suffers for it.

And the third option would be that if you decide to permit the procedure to

proceed, that you require that it be renamed. It is not a proposal for a conceptual plan. It is a plan of attack on a conceptual reality. The location is already a reality. It's the gateway to the Turquoise Trail. Thank you very much.

HEARING OFFICER LONG: Thank you. Anyone else? I think that concludes our public comment portion of the hearing today and so now I will see if the applicant wants to make any response.

MR. SOMMER: Madam Chair, we'll be very brief. There were some issues that were raised by Mr. McQueen that I think deserve addressing. There's issues that have been raised by yourself as well as many members of the public that need to be addressed regarding this particular use and we'll be very brief about that. And then finally, I'll just address the representation that the traffic study has not been adequate or adequately reviewed. And then we'll answer any questions you might have. I think it's important, Madam Hearing Officer, that if you have questions related to those sorts of things we'd be glad to answer them, or if you think the record is inadequate on those we'd be glad to answer them and address them directly.

So let me start with the idea that this process could be combined with concurrent applications. It cannot be. I think staff will tell you that you cannot combine because of the sequence of events that must occur under the SLDC in order to get a conditional use permit. The conditional use permit is a final decision and it requires a conceptual plan in this instance or a subdivision in order to be considered. You cannot combine a minor subdivision and a conditional use permit under the code. And the reasons are the requirements for each one of those approvals requires in advance, in this particular instance, that you have a conceptual approval. So they cannot be combined. I think staff will be clear with you about that, that you cannot combine these approval processes. Half of it has to do with water allocations, half of it has to do with water service agreements that need to be in place before you can get a minor subdivision or a conceptual use permit. So it cannot be combined under the code.

We are here because we ran into that issue specifically. We filed a conditional use application. It is right now pending, not under consideration, and the conceptual plan must be obtained before we can proceed for a final conditional use permit. So that's one thing.

You, Madam Hearing Officer and members of the public have raised, well, how is it that this truck stop is considered under the code? Well, we've given you plans that show the uses on the property in phase 1. They include the transportation truck freight facilities and services. They include a gas station. They include the food service and restaurants and the other facilities that are accessory to those. Under the SLDC, in the Community College District, in this employment district, there is the permitted use of a truck freight transportation facility. It is a conditional use permit. It is explicitly allowed. The use that we were talking about, it's on page 8-62 of the code. That would be in Chapter 8, and then the page is 8-62. If you go about –

HEARING OFFICER LONG: Transportation related facilities.

MR. SOMMER: Truck, freight, transportation facilities. And if you – the code – the code, Madam Chair, refers to something that I think is critical to the consideration and that is this: in Appendix B it talks about uses that the Land Use Administrator can approve. So first of all, a truck freight transportation facility is defined in the American Planning Association Land Based Classification Standards, and County

staff has a copy of that. It is a transportation facilities and services.

Our code specifically allows that here.

HEARING OFFICER LONG: But it's not defined in our code. Is that right?

MR. SOMMER: It's not defined in the code like many of the other uses are not defined. But it is defined in the APA, where I think this reference comes from. So at the outset, the use that we're talking about for the freight transportation services is allowed explicitly. If there was any doubt about it, which there isn't, the code on page B-1, that's Appendix B-1, has a process for the County Land Use Administrator's interpretation. And here's what it says specifically. It says, Use is not specifically enumerated. When a proposed use is not specifically listed in the use matrix the Administrator may determine that the use is materially similar to a listed use if the proposed use is listed as within the same structure or function classification as a use specifically enumerated in the use matrix as determined by the land-based classifications of the American Planning Association.

This is a reference to the document where that definition is found. So I submit to you that –

HEARING OFFICER LONG: But I didn't see that interpretation in my packet of materials.

MR. SOMMER: And I submit to you no interpretation was necessary because the use as we've laid it out is expressly allowed. You don't need to get to an interpretation on here. So a gas station and the truck freight transportation facilities are allowed explicitly. If the record needs to be supplemented tonight with a definition of that the APA code is in the hands of staff and that's why I was asking – saying to you earlier if you need to have reference to that we certainly – I think that staff has got it.

So I think that that addresses the use issue conclusively. It's an allowed use, explicit. And the definition is found in the APA.

HEARING OFFICER LONG: So you're saying no interpretation was needed then.

MR. SOMMER: No. No interpretation is needed. And, in addition, we're not talking about a conditional use permit tonight. We're talking about whether a conceptual plan should be approved. The issue has been raised saying why would you address and allow a conceptual plan that shows transportation services like this that aren't allowed in the code? That is an incorrect statement; they are allowed in the code. We have to get a conditional use permit for them just like the gas station and everything else. So it is not a bar to a conceptual plan that we have demonstrated shows a use allowed as a conditional use.

I'd like to address one thing. Much has been said about the traffic study and the like. Mr. Brown can answer specific questions you might have about it. First of all, the suggestion that the Department of Transportation blithely said to us, hey, why don't you go get your approval and come back and talk to us about it then and we'll give you our opinion about what's safe and not safe. Exhibit 9 in the packet – it's on page NBB-166 of your packet. And the person that got up and spoke about her conversations with Paul Brasher and the engineers at DOT where she was supposedly told that, well, we don't really look at it at this point. [Disturbance from the audience]

HEARING OFFICER LONG: Please, we do not allow any comments

from the audience at this point. Please don't interrupt.

MR. SOMMER: On December 29th they wrote a very specific letter and Mr. Brasher, who is the acting district engineer is copied on this, and what they say is the New Mexico Department of Transportation, District 5 traffic engineer, staff, have reviewed and approved the traffic impact study submitted on December 27th and concurs with the recommendations made with the report on page 21.

That comes after an initial review and comments by them at the DOT. So I would submit to you that it is not believable that the Department of Transportation told us that they don't look at it for safety or any other consideration until we have a conceptual plan. We have taken this process exceptionally seriously. We have hired one of the best traffic engineers in the Southwest and he puts his name, his license on the line when he tells you I have studied, I have reviewed, I have reported and it complies. [Disturbance from the audience]

HEARING OFFICER LONG: Sir, we can't allow any additional comments. Thank you. Okay, you may continue.

MR. SOMMER: Madam Chair, if there are any other – if I could have just two seconds, one minute to talk to my clients and the other professionals I'm with to see if there's anything else that we need to add at this point. Madam Chair, we will conclude. If you have any specific questions about where things might be found in the record in support of our application we'd be glad to answer those. It's been a long night and we really appreciate the time and attention that you've given and if you have any questions we'd be glad to answer them.

HEARING OFFICER LONG: Thank you. I had a question about the open space. I know Mr. Siebert said there was a conflict in the code as applicable to this project as to whether – I think it was 30 percent or 50 percent. So are you complying with the 50 percent but it's offsite? Is that what you said?

MR. SIEBERT: That's correct. We're providing approximately 32 percent on site and 18 percent of it offsite, although the amount that's provided is much greater than what's required. We can submit those sections of the SLDC to staff and they can forward those on.

HEARING OFFICER LONG: Okay. And then there was some discussion, and I saw something in the materials about a variance that would be required for a sign. Are there any other anticipated variances or just that one was highlighted, because you know that would be necessary for the project.

MR. SIEBERT: Yes, the variance for the sign would of course apply only to the conceptual use application but in the presentations we did to the neighborhood we did point out that there would be a variance for signs. Correct.

HEARING OFFICER LONG: It is not sought here tonight?

MR. SIEBERT: No. There's no action to be taken.

MR. SOMMER: He said the conceptual use application – the conditional use application. Right?

MR. SIEBERT: Yes.

HEARING OFFICER LONG: Right. That's what got me confused. A lot of C's. Okay. Thank you. All right. And I think staff wanted to weigh in on the interpretation issue.

MS. LUCERO: Hearing Officer Long, the way that we approach

determining whether or not the use was allowed, we did look at the gas station of the use matrix in the Community College District overlay section, which is a conditional use. There were also a couple of other uses as Mr. Sommer may have alluded to. The truck storage and maintenance facilities and trucks freight transportation facilities are also categories within the use matrix, and under the employment center those uses are also conditional uses. So in analyzing them collectively, we made the determination that the truck stop would be a conditional use as well.

HEARING OFFICER LONG: Okay. And was that reduced to writing? Did you come up with a – this is just something you discussed and concluded that it came within the uses but I’m just wondering if you did an analysis of that in writing.

MS. LUCERO: Hearing Officer Long, we didn’t put the explanation in writing we just recommended or stated in staff report that it was a conditional use based on our determination. We also did refer to the land-based classification system document that Mr. Sommer had also mentioned.

HEARING OFFICER LONG: From the American Planning Association.

MS. LUCERO: Correct. Yes.

HEARING OFFICER LONG: You looked at that. Okay. All right. Well, I thank you all very much for your patience tonight and your presentations on behalf of everyone. I thought everyone was very – obviously very concerned, those that are opposing it but you were very civil to one another and respected the time limitations. I know that’s not always easy and I know this is just the beginning of the County process so I do appreciate you coming this evening. And as I said before, I make a written decision where I issue findings and conclusions and I try to get that done within two weeks and I’ll try in this case as well. And then this goes on to the Planning Commission. And they usually make a decision right on the spot, so when you go to that meeting you’ll know if they agree with me or not.

MS. LUCERO: Hearing Officer Long, if I could just clarify that it would be a recommendation. Correct?

HEARING OFFICER LONG: Yes.

MS. LUCERO: That you will be issuing.

HEARING OFFICER LONG: Yes. My decision is just a recommendation, so certainly not the end of the line here. Okay, thank you all. We will be adjourned.

IV. Adjournment

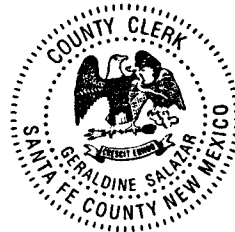
Hearing Officer Long adjourned the hearing at 7:33 p.m.

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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SLDC HEARING OFFICER M
PAGES: 125

Approved by:



I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of February, 2018 at 09:05:52 AM
And Was Duly Recorded as Instrument # 1850571
Of The Records Of Santa Fe County

Nancy Long
Nancy Long, SLDC Hearing Officer
Santa Fe County

Deputy *[Signature]* Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

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EXHIBIT

tabbies

1

Project: Case #17-5330 Pilot Travel Center Conceptual Plan

Meeting Date: January 11, 20

Facilitator: Santa Fe County Hearing Officer

Place/Room: Santa Fe Court

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Project: Case #17-5330 Pilot Travel Center Conceptual Plan Meeting Date: January 11, 2018 3:00 PM
 Facilitator: Santa Fe County Hearing Officer Place/Room: Santa Fe County Chambers

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Project: Case #17-5330 Pilot Travel Center Conceptual Plan

Meeting Date: January 11, 2018 3:00 PM

Facilitator: Santa Fe County Hearing Officer

Place/Room: Santa Fe County Chambers

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SUSAN SHELLAN	1950 OSAGE LN SF 87505			✓	Speak
DIANE SENIOR	317 B CAMINO CERRO CHATO MADRIDI, NM 87010			✓	SPEAK
DON VANDOREN	341 CAMINO CERRO CHATO MADRIDI, NM 87010			✓	SPEAK
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Project: Case #17-5330 Pilot Travel Center Conceptual Plan

Meeting Date: January 11, 2018 3:00 PM

Facilitator: Santa Fe County Hearing Officer

Place/Room: Santa Fe County Chambers

1/11/18

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Project: Case #17-5330 Pilot Travel Center Conceptual Plan

Meeting Date: January 11, 2018 3:00 PM

Facilitator: Santa Fe County Hearing Officer

Place/Room: Santa Fe County Chambers

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Dennis Kanka	4150 Raindance Ln.				
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Tom Johnson	"	"		✓	
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Project: Case #17-5330 Pilot Travel Center Conceptual Plan

Meeting Date: January 11, 2018 3:00 PM

Facilitator: Santa Fe County Hearing Officer

Place/Room: Santa Fe County Chambers

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Ursula Taft	" " "	" "		X	
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Sandy Haddock	100 Goldmine Cen. 1105			✓	
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Jesse Shaker	2435 Hwy 14			✓	
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Mr. HUFFORD	80 VIA OZALLA DORADO			✓	
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Boy & Boy	2144		✓		

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Project: Case #17-5330 Pilot Travel Center Conceptual Plan

Meeting Date: January 11, 2018 3:00 PM

Facilitator: Santa Fe County Hearing Officer

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Name	Address	E-Mail	Support	Oppose	No Opinion
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Leela Perez	8 SPARROW way			X	
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Sharon McCawley	6 Windstone Dr Santa Fe NM 87508	sabmccawley@gmail.com		X	
Dolores Martinez	54 Entrada La Cienega SF. NM 87507	dmtzstudio@gmail.com		X	
FEL COHEN	42 GOLD FL SF	FELYCO@GMAIL.COM		X	
PAUL BIAGI	17A Bisbee @ 2758	PAUL-BIAGI@YAHOO.COM		X	
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HENAN LI	12 RELAMPAGO, 87508	bogami@Gmail.com		X	
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Project: Case #17-5330 Pilot Travel Center Conceptual Plan

Meeting Date: January 11, 2018 3:00 PM

Facilitator: Santa Fe County Hearing Officer

Place/Room: Santa Fe County Chambers

SPK

Name	Address	E-Mail	Support	Oppose	No Opinion
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Kirk Delaplane	8 Avenida Vista Esquinita			X	
Marsha Meehan	19 Brilliant Sky Drive	mymeehan@earthlink.net		X	
Lynn Udall	111 Rancho Viejo Blvd.	lflowerudall@aol.com		X	
Gary S. Hicks	5 Camino del Pastoreo	gshicks150@gmail.com		X	
Karen L. Hicks	(Same as above)	kchicks100@gmail.com		X	
Helena van Hammen	4 WINDSTONE DR.	HVANHEM@YAHOO.COM		X	
J J Gonzalez	54 Entrada de la Cueva			X	
Jennifer Knight	42 Gold Trl 87508	knightandcohen@gmail.com		X	
Ren Lattner	31 Church Hill Rd 87508	RenLattner@gmail.com		X	

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SIGN-IN SHEET

01 451M

Project: Case #17-5330 Pilot Travel Center Conceptual Plan	Meeting Date: January 11, 2018 3:00 PM
Facilitator: Santa Fe County Hearing Officer	Place/Room: Santa Fe County Chambers

Name	Address	E-Mail	Support	Oppose	No Opinion
D. Helen Molanphy	18 Coyote Pass Rd Santa Fe, NM 87508	marismoste @gmail.com		✓	
John Molanphy	ditto	ditto		✓	
ANTHONY ASPICARD	7 W HONDO VIS SF 87508	taspland@csd.net		✓	
ROGER TAYLOR	54 CAM. LOT ANGELUT GAUSTEO NM	CLEARSKYNN@GMAIL		✓	
Marilyn Lewis	70800 297 Corrillos nm 87060	mylewis1953@aol		✓	
Marsha Deamon	3 quilla COURT SF 87508	mkdreannon1@ gmail.com		✓	
DANIAL JEFFRE	2908 CALLE LUMINOSO	DANJEFFRE@YAHOO.COM		✓	
Jose Villegas	CD 56 - Paseo de Real La Cienquilla	_____		✓	
PETE HENDRICKS	164 EAST HOUGHTON SF			✓	
Gayle Langford	164 E Houghton, SF	waldo@montanasky.net		✓	
Barbara Anderson Acosta	76 Canada del Rancho	barbara@andersonacosta.com		✓	
MaryAnn Hart	2517 Camino Espuela Santa Fe 87505	hartsilver0337@gmail.com		✓	
John Koiter				✓	
Steven Kreuz	11A Camino Los Abuelos Santa Fe 87508	swuser286@gmail.com		✓	
James L Myers	131 E chili Santa fe, NM 87509	JLM3150@Juno.com			
Matthew McQueen	2017 Attorney Santa Fe, NM				
Dyna Ruscaavage	21 E Saddleback Mesa Santa Fe, NM 87508	duscaavage@gmail.com			
LISABURNS	11 Las Caballeras	mulachulasf@aol.com		✓	
Floyd Cable	1561 Kachina Ridge Dr	cablef5@gmail.com		✓	

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ON-IN SHEET

Project: Case #17-5330 Pilot Travel Center Conceptual Plan	Meeting Date: January 11, 2018 3:00 PM
Facilitator: Santa Fe County Hearing Officer	Place/Room: Santa Fe County Chambers

Name	Address	E-Mail	Support	Oppose	No Opinion
Kathy Paulhill	19 E Chuli Line Santa Fe, NM	Kathy.paulhill@cs.com		✓	
Judy Leinhardt	20 Sycamore Rd SF, NM	jleinhart@step.edu		✓	
Kevin Konk	3 Arroyo Viejo Rd SF 87504	Konk@cs.com		X	
Jody Larson	107 Tierra Rica St. 87508	dtlarson@aol.com			Speak
David Romero	4 Las Caballeras 87508	dromero52356@yahoo.com		✓	
Connie ELKINS	4 CANTO DEL PAJARO SF 87508	amarillotwinlee@yahoo.com		✓	
TIM ELKINS	4 CANTO DEL PAJARO SF	tim.elkinscpa@gmail.com		✓	
SANDRA HERZON	7 FREHEARTH PL.	SANTAFESANDY@MSN.COM		✓	
STANLEY ROSEN	↑	"		✓	
Carl Davis	87 Via Orilla Dogado SF. NM.	BAUSA2341@aol.com		✓	
Jean Shaw-Hicki	21 Coyote Run Rd 2836 STATE RD 414 MADRID	jeanshaw28@msn.com		✓	
TREVOR BURROWES	MADRID	TREVOROCHE@AOL.COM		SPEAK ✓	
Howard Spore	4 Bisbee Ct.	HowardSpore@arroyo.com		✓	Speak
Patty Burks	19 Vista del Monte	artalacurt@gmail.com		✓	Speak
Lisa Conley	19 Cave Rd Madrid	lisaconley@q.com		✓	

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Project: Case #17-5330 Pilot Travel Center Conceptual Plan

Meeting Date: January 11, 2018 3:00 PM

Facilitator: Santa Fe County Hearing Officer

Place/Room: Santa Fe County Chambers

Name	Address	E-Mail	Support	Oppose	No Opinion
Eirik Johnson	2843 Tanager Trail	stestheran@yahoo.com		X	
Bonnie Bliss	35 Caballo Viejo	Bbliss0613@mac.com		X	
Arturo Bliss	"	"		X	
Patricia Luna	15000 Pearl Santa Fe	pat.luna@corvela.com		X	
REBECCA NASH	POB LIZ CERRILLOS			X	
Linda Dammitt	2853 Hwy 14, Madrid	hennedylinde@gmail.com		X	
Sarah Jane Strong	34 Caballo Viejo 87508	strongsally@gmail.com		X	
Michael Dowd	9 SOFTWOOD DR			X	
Jim Glonek	4 BLUE WING 87508	glonek@onceadaymarket.com		X	want to speak
M. Tenenbaum	4 Blue Wing Pl 87508	MTENBIZ@comcast.net		X	
WILLIAM HEIMBACH	9 Arroyo Canyon Sante Fe 87508	heimbach1@hotmail.com		X	
Dennis Green	42 Johnson Mesa 87508	dgreen98@hotmail.com		X	

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New Mexico State Senate

State Capitol
Santa Fe



VICE CHAIR:
• Conservation

MEMBER:
• Public Affairs

SENATOR
ELIZABETH "LIZ" STEFANICS
D - Bernalillo, Lincoln, San Miguel, Santa Fe,
Torrance & Valencia-39

P.O. Box 720
Cerrillos, NM 87010

January 8, 2018

Home: (505) 471-7643
Cell: (505) 699-4808
E-mail: liz.stefanics@nmlegis.gov

To: Santa Fe County Land Use Hearing Officer
Santa Fe County Commissioners
From: Liz Stefanics *LIS*
Re: Flying J Truck Stop Development on State Hwy 14

As a resident of South Hwy 14, I personally oppose the Flying J Truck Stop Development being currently proposed.

I write, though, as the state Senator for the area and for the residents who will be affected by this proposed development. As one of their elected officials, I write to oppose the project **on their behalf**. Numerous reasons have been presented in the public meetings, the public hearings, and through the news media.

I have been inundated with comments of opposition from my constituents in the Community College District, Rancho Viejo, Santa Fe Gateway Alliance, Hwy 14 groups, San Marcos, Madrid, Cerrillos, the Turquoise Trail Association, and Business Groups.

The constituents and residents of the county must be heard and respected in their views and concerns. Santa Fe County has the responsibility of protecting the health and safety of its residents as well as the quality of life that residents have come to expect in their homes in Santa Fe County.

I respectfully request that you determine this is not the correct site for the project and deny approval of the development.

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January 3, 2018

Santa Fe County Land Use Administrator
P.O. Box 276
Santa Fe, NM, 87504-0276

Re: **case # SCSD 17-5330**

Dear Santa Fe County Land Use Administrator,

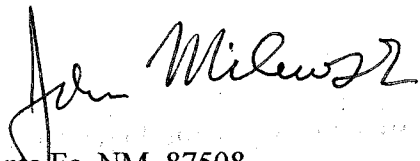
Please note my **opposition to the proposed Pilot Travel Center, LLC Conceptual Plan** on these grounds:

- 1) **The trucking industry is rapidly changing.** The 5-20-year impact of electric and autonomous trucking must be effectively determined. Answers to the question: How will autonomous and electric vehicles affect the conceptual plan, infrastructure, resource requirements, service jobs and revenue to the county need to be addressed?
- 2) **The truck stop will identify Santa Fe with the other nearest towns that cannot pass up any opportunity for commerce, at any cost.** For Flying J, these include Moriarty NM, Tucumcari NM, Jamestown NM, Vega TX and Winslow AZ.
- 3) **Santa Fe has the special opportunity to create a better economic future** and attract growth of creative, vibrant companies because Santa Fe is an attractive place to live. Truck stops are not as attractive as clean industry, such as the film industry or other high-tech companies.
- 4) The truck stop would set a negative precedence and **impede other favorable development on the south side of this I 25 interchange** such as the retail and health care facilities on the north side of this intersection.

Please help create a better future for Santa Fe by opposing this conceptual plan and truck stop.

Sincerely,

John Milewski



11 Copper Trail, Santa Fe, NM, 87508

Jose Larranaga

From: Jennifer Knight <knightandcohen@gmail.com>
Sent: Tuesday, January 09, 2018 3:40 PM
To: Jose Larranaga
Cc: pengreen@santafecountymn.gov
Subject: Case No. CUP/VAR 17-5240 Pilot Flying J
Attachments: Flying J objection letter.docx

Dear Mr Larranaga, Ms Green,

As residents of the Rancho Alegre neighborhood, south of Highway 14, we respectfully request that our objection to the proposed development be considered as part of the broader community response. Please see attached letter.

Sincerely,

Felice Cohen and Jennifer Knight
42 Gold Trl, Santa Fe 87508

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Felice Cohen and Jennifer Knight
42 Gold Trail, Rancho Alegre, Santa Fe. NM 87508

Jose Larranaga
Land Use Case Manager
Santa Fe County

Penny Ellis Green
Land Use Administrator
Santa Fe County

9 January, 2018

Dear Sir,

Re: Case No. CUP/VAR 17-5240 Pilot Flying J

As residents of the Rancho Alegre neighborhood, south of Highway 14, we respectfully request that our objection to the proposed development be considered as part of the broader community response. We believe this development is not only detrimental to the interests of our community, but also inconsistent with the stated vision of Santa Fe County's economic development plan: *"to build on the rich cultural, arts, and agricultural heritage by creating a vibrant economy that is diversified, sustainable, and that promotes responsible business development."*

We moved to this area a year ago from Boulder County, Colorado, drawn by the unique culture, beauty, spirituality, and tranquility for which the Turquoise Trail area is renowned. Having come from one of the nation's hottest economies, we appreciate the need for intelligent, socially responsible economic development which seeks benefits to *"People, Profits, and Planet"* as stated in SFC's plan.

We wish the proposed Pilot Flying J project met those criteria. Unfortunately, in the location proposed, a massive 24-hour truckstop and ugly signage seems profoundly out-of-step with the character and "enchantment" of this precious part of our *planet*, and detrimental to the *people* who live in all the surrounding communities.

It seems unrealistic, even disingenuous, to place faith in assurances provided by Pilot Flying J, given the corporation's record of intentional fraud and misleading statements: the company's board of directors recently agreed to pay \$92 million in fines and \$85 million in restitution to some 5000 customers.

Data pertaining to Pilot Flying J Truckstops also serves up a smorgasbord of negative impacts on the safety, quality-of-life, and property values of neighboring residents: from murder, drug trafficking, prostitution, sexual and other assault, to noise levels, traffic congestion, pollution, code violations, and transient workers. These unfavorites appear to far outweigh any favorable economic or cultural benefit to local communities.

We chose to buy our home off the Turquoise Trail based upon the expectation of a peaceful, safe environment. We pay property tax in the good faith that our interests as residents are safeguarded by the County and appropriately balanced with those of business. In our opinion, the interests of the Flying J operation are incompatible with those of the communities surrounding the proposed development.

Your time and effort in reviewing our objection is truly appreciated. We look forward to one day lending our support to a project that will add real value to our local economy, without demanding unacceptable compromises on the safety and well-being of residents and the beauty and quiet of our environment.

Yours sincerely,

Felice Cohen and Jennifer Knight

Jose Larranaga

From: Paula's account <paula@paulazima.com>
Sent: Sunday, January 07, 2018 12:28 PM
To: Jose Larranaga
Subject: Flying J Truckstop - Case Number CUP/VAR 17-5240

County Case Manager
for the Pilot/Flying J truck stop application,

Dear Mr Larranaga,

I am writing in support of the Santa Fe Gateway Alliance, the group dedicated to blocking the proposed location of the Circle J Truck stop at N.M. 14 and Rancho Viejo Boulevard.

The location is a safety concern, traffic concern, environmental concern as well as being out of character for the beauty of the Turquoise Trail, and the entrance to Santa Fe.

One might say that the current state of Cerrillos Rd. in relation to the beauty of our capital city has already been degraded by auto sales lots, super Walmart, but they for the most part have tried to keep some of the aesthetic of the city.

Traffic/noise/pollution/ danger caused by huge rigs, 24 hour lighting, as well as the the winding nature of the interchange of I-25 and Hwy 14 near that location, in order for huge trucks to head out either north or south on I-25 make this an ill-considered place for a truck stop.

I join the many people who are **STRONGLY** opposed to the acceptance of the Circle J Truck stop close to the outskirts of the city of Santa Fe.

Thank you for considering,
and bearing in mind our concerns.

Paula Zima



Paula Zima
Painting & Sculpture

paula@paulazima.com
<https://paulazima.com/>
505-629-2838
10 Blue Raven Rd.
Santa Fe, NM 87508

[Studio Facebook Page](#)

Jose Larranaga

From: Patrick Mohn <pdmohn@netzero.com>
Sent: Tuesday, January 09, 2018 4:49 PM
To: Jose Larranaga
Subject: Opposition to the proposed Pilot Flying J truckstop

Dear Commissioner Larra,

I am writing in opposition to the proposed Pilot Flying J truckstop at the intersection of NM State Hwy. 14 and the I 25 interchange.

This is an inappropriate location, near schools, colleges, and homes, and it would be a distasteful beginning for the Turquoise Trail National Scenic Byway.

This would be too industrial a project for an area where tourism should be encouraged. It would greatly increase the traffic hazard of the new Interchange, and would encourage too much large truck traffic down the Turquoise Trail.

Sincerely yours,

Patrick Allen Mohn
PO Box 32
Cerrillos, New Mexico 87010

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Jose Larranaga

From: SALLY DILLON <arttrek@prodigy.net>
Sent: Thursday, January 04, 2018 4:35 PM
To: Jose Larranaga
Subject: Pilot Flying J Proposed Truck Stop - Case #CUP/VAR 17-5230

Dear Mr Larranaga,

Earlier in the week I sent you an email with my stated opposition to the proposed Pilot Flying J Truck stop. As I have been thinking, there are some very basic reasons the county, in it's various meetings and process, should not approve going forward to this.

In our group of over 200 people, we have attended 5 or 6 meetings, mostly with the land planner. It has been abundantly clear that many people from as far south as Madrid and including those of us much closer to the proposed site. We have said time and time again that we oppose the project for many reasons such as lights, pollution, traffic, and so many more.

At one of the meetings a concerned resident made the observation to the group that our concerns were falling on deaf ears, especially with the Pilot Flying J representative finally admitted that his main concern was not the residents, but rather his customers - the truck drivers.

I think in light of the fact, that this company is really focused o the truckers and not at all on us residents, and we voted for our Board of County Commissioners, as constituents of our commissioners, they should support what their residents want and not truckers that just would be passing through Santa Fe with their trucks

Thank you!

Sally H Dillon
arttrek@prodigy.net

Jose Larranaga

From: Overman <overmande@gmail.com>
Sent: Tuesday, January 09, 2018 6:08 AM
To: Henry P. Roybal; Anna C. Hansen; Edward H. Moreno; Anna T. Hamilton; Robert A. Anaya; Jose Larranaga
Subject: Pilot Flying J Truckstop Proposal

To: [Commissioners email addresses]: hproybal@santafecountynm.gov, ahansen@santafecountynm.gov,
edmoreno@santafecountynm.gov, athamilton@santafecountynm.gov, ranaya@santafecountynm.gov
cc: joselarra@santafecountynm.gov

Subject: Pilot Flying J Truckstop Proposal

I am writing in opposition to the proposed Pilot Flying J truckstop at the intersection of Rte 14 and I-25, near the new Diamond Interchange. This is an inappropriate location for such a business, near schools and colleges, large sub-divisions, and a busy area of small businesses - and certainly not for a National Scenic Byway heavily visited by tourists. The site location, and the amount of traffic, would cause dangerous congestion and a threat to traffic safety. The economics seem suspect, and the possible noise, light and air pollution are not in line with the stated goals of the SLDC.

Sincerely yours

Dennis Overman

Po box 125

Cerrillos NM 87010

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Virus-free. www.avast.com

Arthur Portillo

From: Jim Harlan <harlanjim@yahoo.com>
Sent: Tuesday, January 02, 2018 2:21 PM
To: jim harlan
Subject: Why I am against the proposed truck stop

Greetings,

Here is why I am against the proposed truck stop at the entrance to Santa Fe:

- The air quality in my neighborhood, Rancho Viejo, will decrease. We can smell the Santa Fe Tortilla Company factory from our house, which is not a problem. Therefore, our family would be breathing the diesel exhaust from the truck stop. One thing we love about Santa Fe is our air quality.
- The beauty of Santa Fe will decrease. The signs of a truck stop are not an appealing welcome when entering a place as beautiful as Santa Fe.
- Our night sky will be contaminated by lights from the truck stop. We love our night sky. It is an important resource for future generations.
- We love the character of our community in Rancho Viejo with it's unique rural landscape. A truck stop will change that to something too urban and too commercial.
- I have read that many other communities have had negative experiences with Flying J. We do not want bad neighbors.
- A truck stop will be a burden on sewer and water systems.
- The intersection of I-25 and NM 14 is already dangerous. We do not want more congestion and more accidents in that intersection.

Kind regards,
Jim

Jim Harlan
4 Myranda Court
Santa Fe, NM 87508
505-699-1562

pilot flying J
CUP/VAR 17-5240

Dear José Larranaga and Penny Ellis Green

Please find below my comments on the proposed pilot flying j truck stop proposal, case# CUP/VAR 17-5240

I am in opposition to the proposed truck stop, primarily because it will pose an extreme public health risk while also choking off the opportunity to local, grassroots businesses to continue to establish themselves and thrive along the N.M. 14, Cerrillos corridor. In the interest of your valuable time, I will keep my comments short and to the point. Thank you for listening.

- 1) As a frequent traveler along the interchange of Interstate 25 and N.M. 14, I believe that during peak rush hour and increasingly during all business hours, this important commuter venue is already reaching its limit. The figure-eight underpass route is difficult to navigate, with limited lane space for the intermediary lights. Adding even a single semi-trailer to those intermediary lanes directly under the overpass could—and will—dramatically stall traffic, even to the point where trailers are in the way of oncoming “green light” traffic while waiting for a light.
- 2) Speaking to the same point of decreased safety as a result of increased gridlock, there are significant blind spots for all vehicles exiting the Interstate while waiting to merge with N.M. 14/Cerrillos traffic, particularly for vehicles heading south. There is a very short merge lane, which immediately meets another traffic light. Proposed truck traffic will have a much wider blind spot, along with the need to merge AND quickly switch lanes in order to enter the proposed truck stop. I believe this sets the stage for serious accidents with an increasingly regular occurrence.
- 3) Trucks heading north from the proposed truck stop to the Interstate will have the same issue, needing to navigate a 90-degree turn in a matter of yards, then immediately have to switch lanes to enter the on-ramp, potentially cutting off or even causing accidents with all through traffic. This is an untenable situation for truckers and other commuters alike.
- 4) With the continued expansion of educational resources in the “Southside Community,” along with the Amy Biehl School, Academy for Technology and the Classics, Santo Nino, IAIA, and the Santa Fe Community College, the proposed truck stop would be placed directly in the center of the one of only two points of access to all of these schools, restricting regular access during school hours, and resulting in what would likely be a complete shutdown of thoroughfare during any unforeseeable crisis.
- 5) In the interest of abiding by county codes and allowing all economic endeavors to receive a fair assessment, I understand this corridor is specifically zoned for commercial development. This proposal, however, is asking for a number of variances that exceed the codes for this development. I ask that the county provide approval for no such variances, and no special favors for any business which does not wish to abide by the codes as they are already set.
- 6) I also beg the county to recognize how well the Southern corridor of Santa Fe has developed at its own pace, with several local-owned businesses—including the aforementioned educational resources, as well El Parasol Southside, Aroma Coffee of Santa Fe, Gruda Veterinary Clinic, and the Santa Fe Brewery, along with dozens of

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others—to begin to develop this corridor in a way that specifically benefits Santa Fe consumers and entrepreneurs first and foremost.

- 7) The approval of the proposed truck stop would send a clear message to local businesses that out of state interests not only supersede the interests of local business, but are also due special considerations (variances) that local businesses are not. I believe this would also negatively impact the existing local businesses by forcing local consumers to avoid their properties in the interest of also avoiding the increased gridlock.
- 8) The real threat of decreased air quality, raised threat for personal safety, and very clear potential threat for decreased water quality and myriad of other potential environmental dangers—especially when the Southwest is entering a new, dangerous period of drought—can not be left to chance. On purely pragmatic reasoning alone, I urge you to deny this proposal on the grounds that it will import increased risk, daily present danger, and immediate degradation of the local quality of life with no noticeable benefit to anyone in the county, or in the state.

Sincerely, Peter Kray
39 E. Chili Line Rd.
Santa Fe, NM
87508

Jose Larranaga

From: Frank Chambers <chambersfw@yahoo.com>
Sent: Thursday, January 11, 2018 11:40 AM
To: Jose Larranaga
Subject: Pilot Truck Stop Environmental Impact Report
Attachments: PilotEIRcomments_fwc.docx

Jose:

I have been following the news about the proposed Pilot Truck Stop and after the recent article in the New Mexican I had some questions. I am a mechanical engineer with some expertise in noise and acoustics. I talked to Matthew McQueen and got a copy of the Environmental Impact Report submitted last July. I reviewed it and have some comments and questions. I want to submit the attached comments.

Thanks,
Frank Chambers

Frank W. Chambers
2 Sabroso Place
Santa Fe, NM 87508
Home: (505) 466-1942
Cell: (405) 614-4353

SFC CLERK RECORDED 02/22/2018

Comments on Environmental Impact Report for Proposed Pilot Travel Center

Frank W. Chambers, Ph.D., P.E.

January 10, 2018

I have read the Environmental Impact Report for the Proposed Pilot Travel Center on Highway 14 submitted by Pilot Travel Centers LLC in July 2017 and prepared by Broadbent & Associates, Inc. As a member of the Santa Fe community, I have some comments on parts of the report and some concerns about issues which are not addressed in it. With my move to Santa Fe in 2016 and 2017, I made nine trips from Stillwater, OK, to Santa Fe, NM pulling a 16 x 7 utility trailer with a pickup truck. I favored stops at such travel centers for refueling and have a lot of familiarity with them. The proposed Travel Center, covering over 10 acres with refueling facilities, a convenience store, showers, and parking for 70 large trucks and 65 standard vehicles, certainly will have an impact upon the local community. These impacts will include traffic, air quality, and noise.

First consider traffic. The report's Section 7 (p. 14), "Significant Irreversible Environmental Changes," references a Traffic Study which recommends changes to the Hwy. 14 – Rancho Viejo Boulevard intersection at the main entrance to the center. Details are not provided, but it is stated that if "constructed to the recommendations approved by the NMDOT there should be no significant consequences." One would have to review the traffic study to assess the validity of this statement. It seems that the number of large trucks visiting such a travel center would have a very noticeable impact regardless of the changes to this intersection. One also should consider the impact of this traffic on the interchanges with I25. The recently completed revised configuration of the interchange does not appear well suited to a large increase in truck traffic. The curves on Hwy. 14 through the interchange are sharp and do not provide good sight lines for the southbound I25 off ramps. It seems clear that the Travel Center also will have irreversible environmental impacts on local air quality and on noise.

Emissions and air quality are mentioned in the report's Section 5.1 (p. 10), "Environmental Resources," but only extremely superficially. The report states in Section 5.1.2 "The effect of vehicle emissions on the site are expected to be negligible due to its location between two major freeways. Any potential air quality issues would be mitigated through the New Mexico Environmental Department." That is all that is presented on the topic! First, I would not consider Hwy. 14 a "major freeway." I do not see the logic in stating that the presence of the highways is going to make the effect of vehicle emissions negligible. One needs to at least consider the amount of traffic through the Travel Center with its 70 parking spaces for large trucks and the number of trucks sitting and idling through the day. One should account for the number of trucks and the amount of time that their engines are running at the Center. The trucks passing by on I25 are moving fast and spending a very short time in the locale. The Center's truck traffic will result in increased emissions through the time spent in the Center and the long times that the trucks will spend moving slowing through the I25 interchange and slowly accelerating up the on-ramps. The report does not consider the effects of prevailing winds or the geography of the site on the air quality for the surrounding area. I consider this section of the report completely deficient. The report does not even consider the environmental noise impacts of the Travel Center.

The Travel Center certainly will increase the noise levels in the surrounding community. The Center will be a noise source with the truck traffic moving in and out and with parked trucks sitting idling. In addition, trucks leaving the Center and returning to I25 will be generating noise as they slowly accelerate up the grades of the on-ramps. This part of the traffic will have two important impacts on the noise for the community. First, it will increase the cumulative time for the noise emission. The community will not only be impacted by noise generated at the Center but also by noise generated by the trucks as they make slow returns to I25. Secondly, it will spread the noise over a much larger area of the community as the I25 on-ramps extend a distance away from the Center. The noise from the current traffic on the highways and the additional noise which will result from the Travel Center has differences which should be considered in a serious study of the Center's impact on the noise in the surrounding community. The highway traffic is drive-by noise at cruise while the new traffic will include heavy acceleration up the on-ramps. The drive-by noise for each individual truck is of shorter duration, as the truck speeds through the area. The local truck traffic, including on-ramp acceleration, is of longer duration for each truck, as it spends more time in the area. Night time noise, of course, can have greater impacts on the community when it is above background levels. The 24 hour distribution of traffic for the Center should be included in a study of the effects on community noise levels. The geography of the project and the distance to residential areas from the project location and the I25 on-ramps should be considered. The Travel Center could have significant environmental impacts on community noise which deserve a serious study.

In summary, I find that the Environmental Impact Report for the Pilot Travel Center project does not address my concerns. Further study certainly seems to be required before considering approval of the proposed project. Impacts upon traffic may be given appropriate consideration in the mentioned Traffic Study, but the important issue of the impact upon community air quality is given only the most superficial consideration while the equally important issue of the impact on community noise levels is completely ignored.

Frank W. Chambers, Ph.D., P.E.
2 Sabroso Place
Santa Fe, NM 87508

1/8/2018

Santa County Land Use Department

Topic- Proposed Truck Stop, Highway 14 & I-25

I was very surprised to hear a truck stop was proposed for such a busy area, the land seems better suited for other forms of development that would better serve the Community, businesses similar to ones already in the immediate area.

I've had some experience with Truck Stops and they have many drawbacks. They have drug sales through the night hours, in the parking lot, along with a steady business of prostitution. Along with this I'm reminded of the constant idling of Diesel Trucks and the pollutants belched into the air. Add to this a large array of night-time lighting that takes more stars away. Doesn't sound like something we need for this neighborhood or Santa Fe for that matter. There is also the traffic nightmare to contemplate.

If I was looking to place a Truck Stop I would choose something like the Buddaghers exit off I-25, cheap land and easy on/off for big trucks. I don't see the logic in Hwy. 14 location.

I live on Camino Los Abuelos, the connection between Hwy. 14 and town of Galisteo at County 41. In the past year we have had a marked increase in Tractor Trailer traffic on our road, fully loaded and going over speed limits on a County road that is narrow by truck standards. I have followed these big rigs toward Galisteo and watched as their tires grind off the pavement on the roads edge. They must totally engage the oncoming lane to navigate the sharp curves as you enter the town. Most often I see gasoline fuel tankers traveling from Galisteo toward Hwy. 14 and lately there have been numerous chemical tankers. These are traveling way overweight for the road in a residential neighborhood, it's dangerous and needs to be stopped. I can only imagine this problem becoming much worse if we have the Highway 14 Truck-stop.

Myself and the neighbors in my area strongly oppose this proposed truck stop.

Sincerely,



Mike Sharber & family
157 Camino Los Abuelos
Santa Fe, NM 87508
505-470-4549

Jose Larranaga

From: David Rippey <meditatr77@gmail.com>
Sent: Thursday, January 11, 2018 1:15 PM
To: Jose Larranaga
Subject: Against Proposed Flying J Truckstop

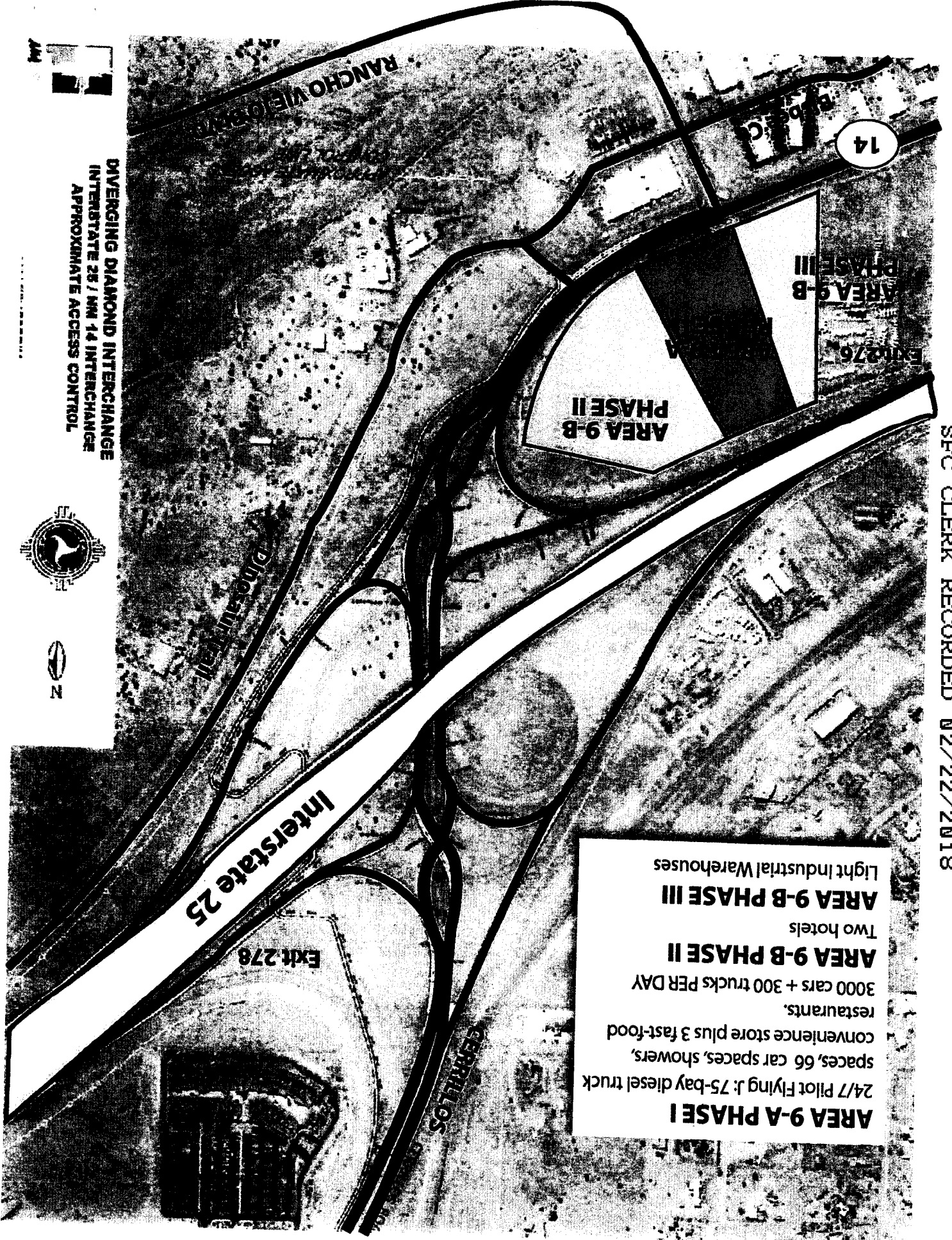
I am a constituent of District 5 at 1551 Sipapu Lane, Santa Fe.

I am opposed to the Flying J proposal for the following reasons

- Increased diesel air pollution, nano-particles from idling trucks SW of city with prevailing winds in Santa Fe from the SW.
- Association of truck stops with prostitution, drugs.
- Truck stop should not be the gateway to our city from Turquoise trail.
- Inadequate sewage plan for site
- Entry ramp from I-25 that already has waiver for narrow radius and steep incline, putting trucks in jeopardy
- Light pollution from signage.

Thanks for considering my and many other's objections.

SFC CLERK RECORDED 02/22/2018



AREA 9-A PHASE I
 24/7 Pilot Flying J; 75-day diesel truck spaces, 66 car spaces, showers, convenience store plus 3 fast-food restaurants.
 3000 cars + 300 trucks PER DAY

AREA 9-B PHASE II
 Two hotels

AREA 9-B PHASE III
 Light Industrial Warehouses

DIVERGING DIAMOND INTERCHANGE
 INTERSTATE 25 / NM 14 INTERCHANGE
 APPROXIMATE ACCESS CONTROL



14

AREA 9-B PHASE III

AREA 9-B PHASE II

Interstate 25

Exit 278

Diamond Trail

GERRITOS

RANCHO VIEJO BLVD

Gateways and corridors are extremely important to the first impression of a place. If the character of these areas is eroded by poorly planned development, the County may become less attractive to residents and as a tourist destination.

2015 Santa Fe County Sustainable Growth Management Plan

2016 Santa Fe County Sustainable Land Development Code

1.5. FINDINGS. The Board hereby finds, declares and determines that the SLDC:

1.5.1. Promotes the health, safety, and welfare of the County, its residents, and its environment by regulating development activities to assure that development does not create land use and public nuisance impacts or effects upon surrounding property, the County and the region;

2015 Santa Fe County Sustainable Growth Management Plan

Goal 34: Ensure safe, context-sensitive design standards for transportation improvements that reflect local preferences and the needs of all types of transportation users.

Policy 34.3: Ensure that roadways are improved and maintained to standards that allow road users to interact safely and allow adequate emergency response.

Policy 34.5: Limit dangerous interactions among roadway users and protect roadway users from inappropriate or dangerous truck traffic. Support the use of traffic calming techniques, weight restrictions, establishment of truck routes and other strategies for the elimination of through heavy truck traffic through traditional villages, communities, neighborhoods, and other inappropriate areas.

Policy 35.1: Minimize noise, light, dust, stormwater drainage, visual and other impacts of roadways and traffic.

Essential Safety Facts for Semi-Truck Roadways

Trucks need more time to stop.

Brake Lag

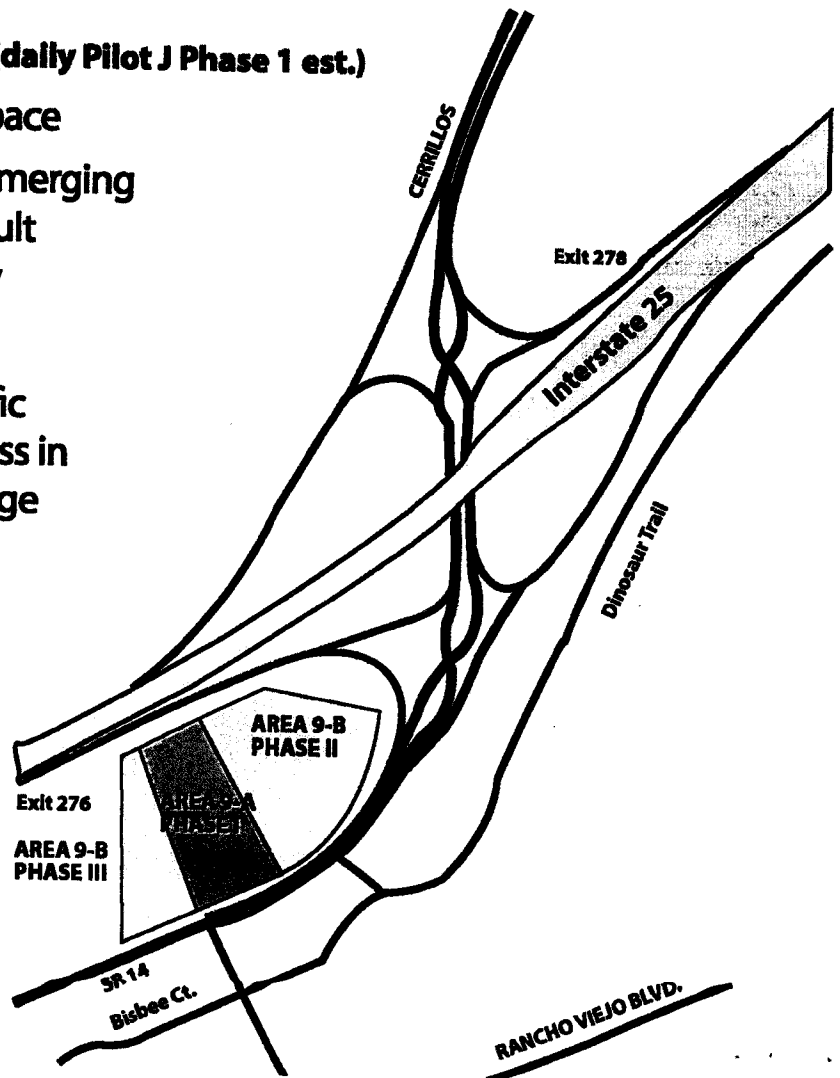
In addition to perception distance, reaction time and braking distance, trucks have brake lag (the time it takes for all the brakes on a truck to fully engage). Different than a regular car with hydraulic brakes (liquid and faster), semi-trucks have air brakes, which have lag time. An 80,000 pound, fully-loaded semi weighs 20 times more than an avg. car or truck. Stopping distance can be greatly affected by brake lag, truck load weight, road surfaces, weather conditions, and degree of road curve.

<https://www.udot.utah.gov/trucksmart/motorist-home/stopping-distances/>

I25 Exit Ramp Concerns

+3000 cars, +300 large trucks (daily Pilot J Phase 1 est.)

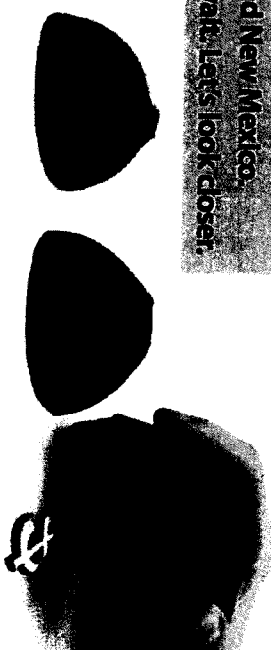
- Inadequate off ramp turning space
- Bottom ramp yield sign makes merging directly into traffic lanes difficult to stop or turn into traffic flow
- Heavy congestion
- Dangerous impact of truck traffic mixing with local ingress/egress in Diverging Diamond interchange
- Slower reflexes of older drivers



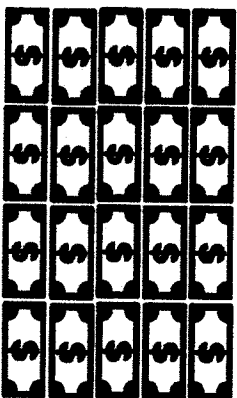
County, Santa Fe, and New Mexico local economy. But wait, lets look closer.



A \$ DREAM COME TRUE?



OR A SLEIGHT OF HAND SHELL GAME?



\$2,000,000
New Annual Fuel Taxes
to the State of NM



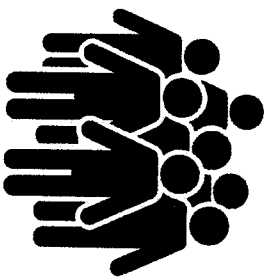
Santa Fe is not a state-line border town. The 300 trucks and 3000 other vehicles per day* won't be new, they would have stopped in the state anyway for fuel. This is NOT new money, only money now being paid by other regional businesses.
* Estimates per Pilot Flying J representatives.



\$250,000
New Annual Taxes
to the County



At what cost? Long-term water, wastewater and sewage plans will likely contain unanticipated costs to the county. Local businesses may suffer from reduced revenues. A thorough feasibility study is essential to a sound economic decision.



80 - 90
Local Jobs!



50% will be part-time. Most will likely be minimum wage with no benefits. No jobs comply with the 2015 Santa Fe County Sustainable Growth Management Plan. * The two high-paying manager jobs will come from Oklahoma to run the place.
* "... appropriate economic activities ... which enriches community life and promote values such as a healthy environment ... self-reliance, self-sufficiency ... and industries including ... green industry ... and clean technology."



PLUS AN EXTRA \$500,000 FOR INFRASTRUCTURE!

Pilot J will pay for a portion of the sewage pipe to the quill wastewater facility. Build it and they (other businesses) will come.



1/2018 RFP for a new quill wastewater treatment facility is an estimated \$6,100,000 project that is likely to shift to taxpayers as a bond issue. Pilot J's pipeline will go all the way to the prison, but will it capture future demand? Will it undermine the views of the Turquoise Trail Scenic Byway with resulting development? Will the County adhere to their Sustainable Growth Plan or toss it for the carrot of truckstop money to only cover a portion of the project?

January 11, 2018

Santa Fe County Land Use Administrator
108 Grant Ave.
Santa Fe, New Mexico 87501

Re: 4608 N.M. 14 Conceptual Plan

Dear Land Use Administrator:

For the public record, my name is Jose L. Villegas, Sr., a resident and taxpayer of Santa Fe County.

In reviewing the Flying J Conceptual Plan dated 9-29-17, the NMDOT, SDA, SFCCD, and SLDC, in my strongest opinion, all *fail* to demonstrate, recognized and acknowledge in the near future if this proposal is approved by the BCC, that in an event of a major emergency response and/or man-made disaster at the proposed location & adjacently to a major NIM Interstate (I-25), including the County and City Arterial Road Systems, the municipal emergency management system would be seriously jeopardized and compromised.

In addition, in the applicant's Conceptual Plan submittal, they fail address the full impact of how the current emergency management system relating to law enforcement and emergency response services will be supported by this massive commercial business along a major Interstate Highway in order to preserve, prevent, protect, and mitigate life and property at all costs, if it did occurred.

For example, on Page 22 – **Adequate Public Facilities Assessment: Fire, Law Enforcement and Emergency Response Services**, it states: "The requirements for sheriff are 2.4 vehicles per 1,000 residents and 111 square feet per 1,000 residents. There is no standard non-residential development so these criteria cannot be addressed. Adequacy of fire and sheriff service will be addressed in the fiscal impact assessment report for the conditional use permit."

Clearly, it is noted in the Conceptual Plan submittal and content provided by the applicant - that they are NOT subject matter expert's (SME's) on law enforcement and fire department matters, specifically, on conducting an analysis of police/fire department staffing under the land use code (e.g., how many officers and firefighters do you really need in an event of a full-scale major disaster event involving the Flying J Truckers entering and/or departing the premises along the I-25 Corridor, etc.).

The bottom line is where is the final analysis that is necessary for the decision maker's (e.g. Board of Santa Fe County Commission) should attempt to build upon this discussion and answer the "how many" and "how to deploy" questions that are the essence of police and fire operational and personnel resource decisions for this proposed development project and surrounding commercial and residential areas/location (e.g., Santa Fe Community College District (SFCCD))?

For a point of clarification relating to emergency response and manpower allocation issues. The staff models in the U.S. are generally determined by one of five common methods. Law Enforcement Department's traditionally have used crime trends; a per-capita approach; minimum-manning levels; authorized/budgeted levels; and least-commonly work-load based models to make staffing decisions. This is a classic example of why a subject matter expert should be reviewing these type of commercial development applications that are submitted to the Land Use Administrator in which may have an adverse impact of their ability to respond and adequately provide an emergency plan to deal with a disaster of some type in Santa Fe County.

And yes, this final analysis of providing an emergency management response for this specific development project in Santa Fe County should not be left up to the applicants' discretion, period!

Therefore, on Page 25 – it states: Table 12-1: Requires an Emergency Response of ISO 7/9. The project satisfies that criterion.

Clearly, there is a missing link somewhere in this so-called "criterion."


On a similar note, on Page 28 – Fiscal Impact Assessment (FIA), it states: “It has been determined by the Land Use Administrator that an FIA is not required for the conceptual plan submitted.”

I have a serious public safety concern on why we would have to wait for an FIA to be conducted after the fact (e.g. if this conceptual plan is approved along the different phases.). In the first place, the public safety concern that I have introduced and addressed to the Santa Fe County Hearing Officer should be taken to the highest level of urgency to be addressed with fact-finding results and a resolution action taken by the Land Use Administrator prior to this conceptual plan being approved by the BCC.

In conclusion, I would also like to state on public record, that I am vetted in the community and truly care for what is happening in my neighborhood’s and aware of the following issues: the recent County Gross Receipt’s Taxes dilemma, the City and County Annexation Saga, the Impact Development Fee Act for Municipalities relating to Capital Improvement NMSA 5-8-1, the current pending Federal Court Case involving a fraud allegation against the Pilot Flying J (e.g., July 2014: Pilot Flying J to pay \$92 million, avoid prosecution, etc.), the Trucker’s Against Trafficking (TAT) Initiative, CargoNet, and the Sex Trafficking at Truck Stops – Polaris Project.

Madam Chair Hearing Officer Nancy Long, I conclude my testimony at this time. Do you have any questions for me?

Thank you.


José L. Villegas, Sr.
Santa Fe County Resident

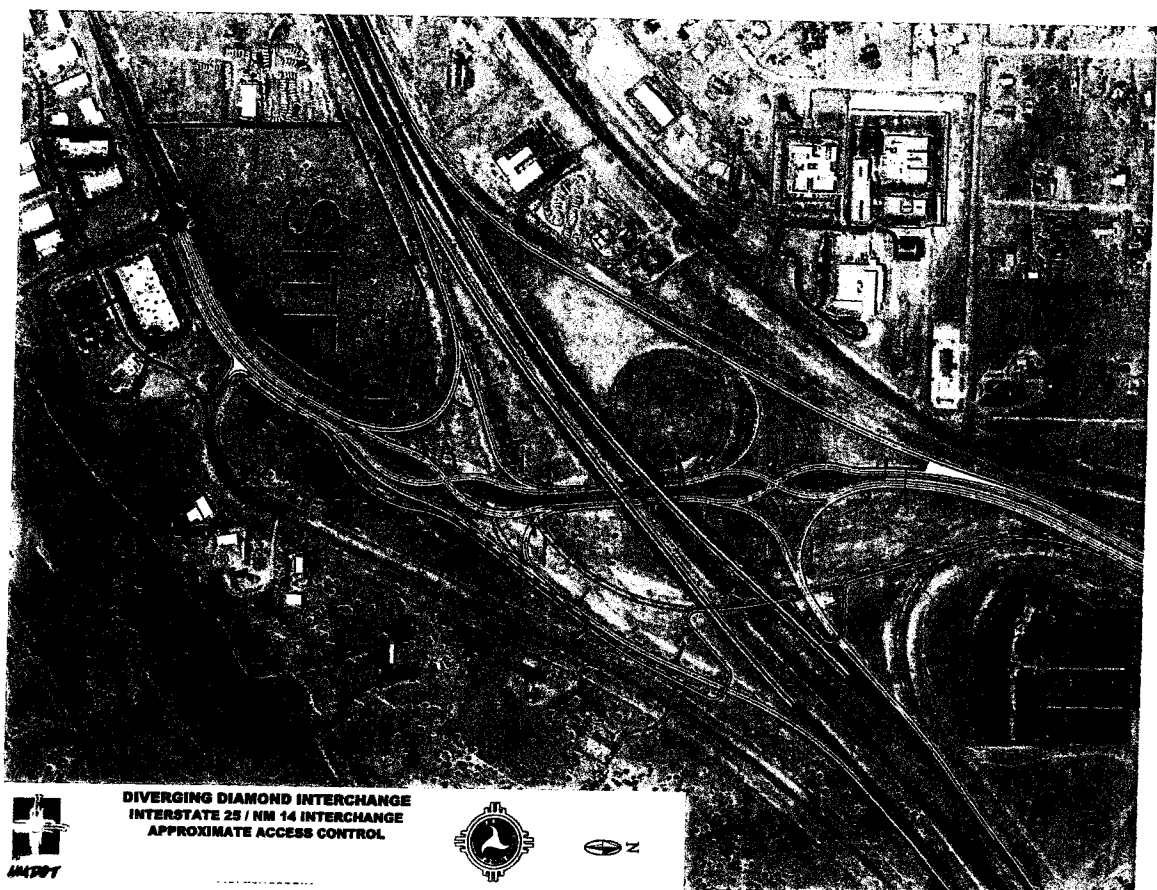


**4608 NEW
MEXICO S.R. 14
Conceptual Site Plan**

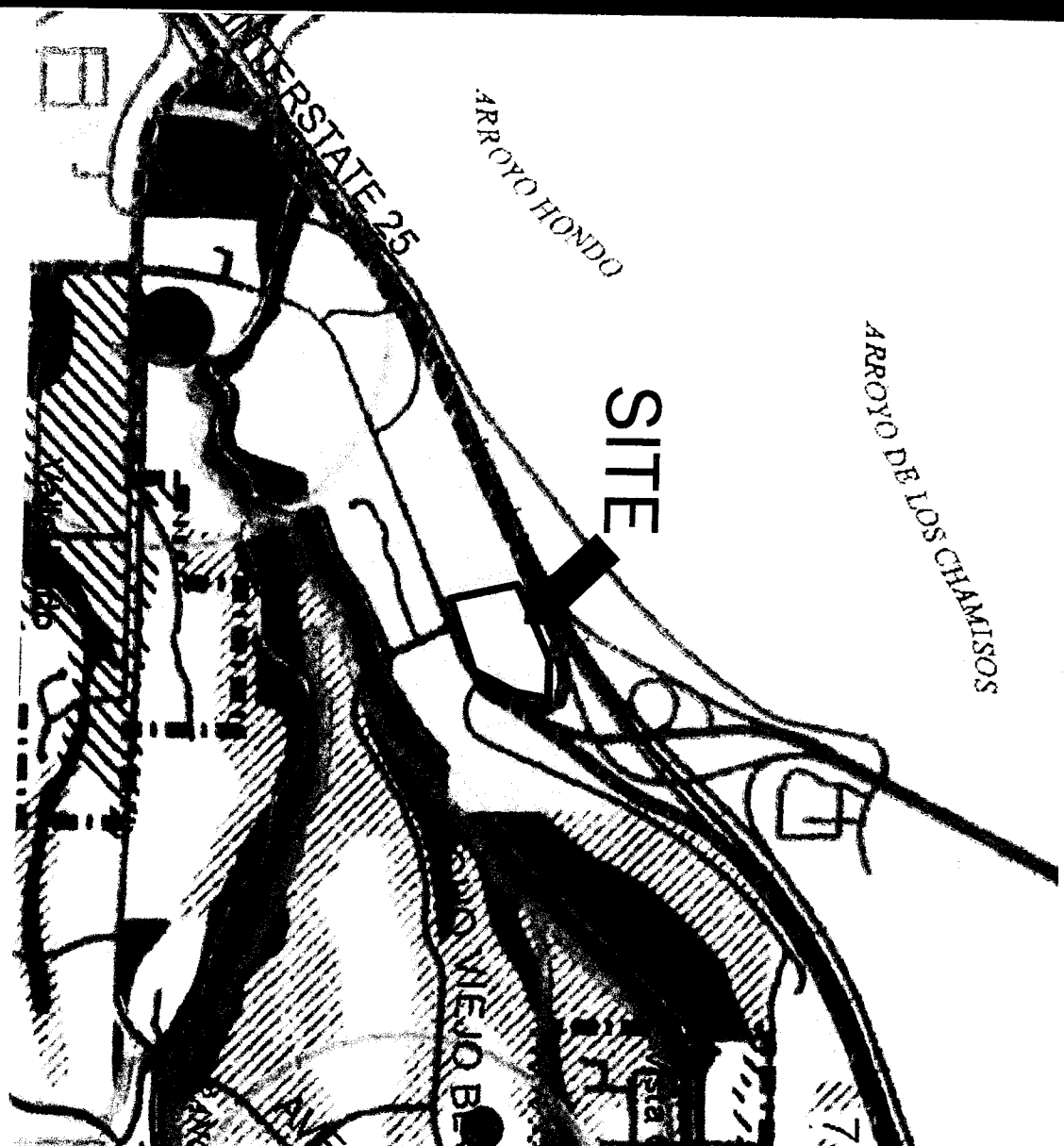
Application Summary

1. The Conceptual Plan Application is complete in all respects and has been reviewed by all required agencies.
2. The Application meets or exceeds all of the SLDC standards and requirements.
3. The Application conforms to requirements and policies of Santa Fe County and should be approved.

Site Location



SLDC Community College District



Legend

- Santa Fe Community College District Boundary
- Major Drainages
- District Trails Proposed Alignments
- Existing Railroad
- Proposed Rail Road
- Village Zones
- ▨ Flatland Pinon / Juniper
- Employment Campuses and Centers
- Media District
- ▨ Institutional Campuses
- ▨ Arroyo Corridors and Open Space
- ▨ Fringe Zones - Buffer Areas (see list lower left)*
- ▨ Fringe Zones - Hillside / Grassland
- ▨ Fringe Zones - Hillside / Pinion Juniper
- ▨ New Community Centers
- ▨ New Community Center Walking Radii
- ▨ Village Separators (arrow symbols)
- ▨ SFCCD Rural Zones (outline)
- ▨ Existing Neighborhood Zones (outline)
- ▨ Roads - Proposed & Existing
- ▨ All Other Existing Major Roads
- ▨ SFCCD Elementary Schools
- ▨ SFCCD Middle Schools
- ▨ SFCCD High Schools

Purpose and Intent of Employment Center SLDC 8.10.3.13

“The Employment Center Subdistrict is intended to accommodate mixed uses, where large scale employers, anchor business and light industry can locate in support of New Community Center Subdistrict development. Businesses with special needs for access; buffering for visual, noise or other impacts; technology; storage and size can be located in the Employment Center Subdistrict. ¹ The Employment Center Subdistrict provides a concentration ~~planned~~ multi-use environment for light industrial and business uses. Retail uses may be included as necessary to support the needs of anchor employees” .

Why Conceptual Plan?

- Required by the SLDC for multi-phased development 8.10.3.4 SLDC
- Determines ultimate demand for water, sewer, and dry utilities
- Determines ultimate traffic generation and future mitigation measures
- Encourages early evaluation of proposal by staff and BCC without exorbitant costs or requirements

Criteria for Approval SLDC 8.10.3.5.

The criteria for approval of a conceptual plan in the PD-CCD are as follows:

1. Conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan;
2. Viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed; and
3. Conformance to the this Section 8.10 and other applicable law and ordinances in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and or construction standards, and open space standards.

Response to Criteria 1

Conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan;

- The existing Commercial Gateway Area on both sides of SR 14 between the Cerrillos/1-25 interchange and the NM 599/1-25 interchange is largely developed or approved for commercial use preceding this District Plan. It is the intent of the Plan that this area continue to develop and redevelop following the principles of this District. (CCDP pg. 27)
- Much of the existing commercial land in the unincorporated County is located within existing communities and districts. Commercial land uses in the unincorporated area tend to consist mainly of neighborhood-serving stores and services. The main concentration of community and regional level commercial uses in the unincorporated County is near State Road 14 in the Community College District. (Underlining by the author)(SGMP pg. 34)
- Employment centers are zones within the District where businesses with special needs for access, buffering, technology, storage and size can locate and support the New Community Centers by providing additional economic opportunities and enhanced employment growth close to residents to help them meet the goal of economic sustainability. (CCDP pg. 27)
- It is the intent of the District Plan that as many commercial and employment uses as possible be integrated into New Community Centers and Neighborhood Centers. Employment Centers are to develop in relation to and coordinated and phased with New Community Centers to accommodate commercial and light industrial uses which are not appropriate in the New Community Centers. Employment Centers will connect directly to New Community Centers via primary roads, trails and walkways. (CCDP pg. 27)

Response to Criteria 2

Viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed;

The major infrastructure consisting of water and sewer service will be constructed in the first phase of the development of the site. Water and sewer lines or conduits for same will be constructed to the boundary Area 9-B West and Area 9-B East. Road improvements that are proposed on the State Road 14 are shown for Phase 1. The off-site sewer force main and water lines have been sized to accommodate future development within the conceptual plan area. An additional pump to the lift station may be required to accommodate wastewater flows from development in phases 2 and 3.

Traffic study is based on development of the entire 26 acre tract with traffic assessment projected to 2030. Additional improvements to State Road 14 will be required by NMDOT at the time that an application is submitted to the County for subsequent development review. Each user subsequent to Phase 1 will have to provide a traffic study to NMDOT describing the traffic volumes at intersections on State Road 14 and any measures that are needed to mitigate the traffic impacts caused by the additional traffic from subsequent phases.

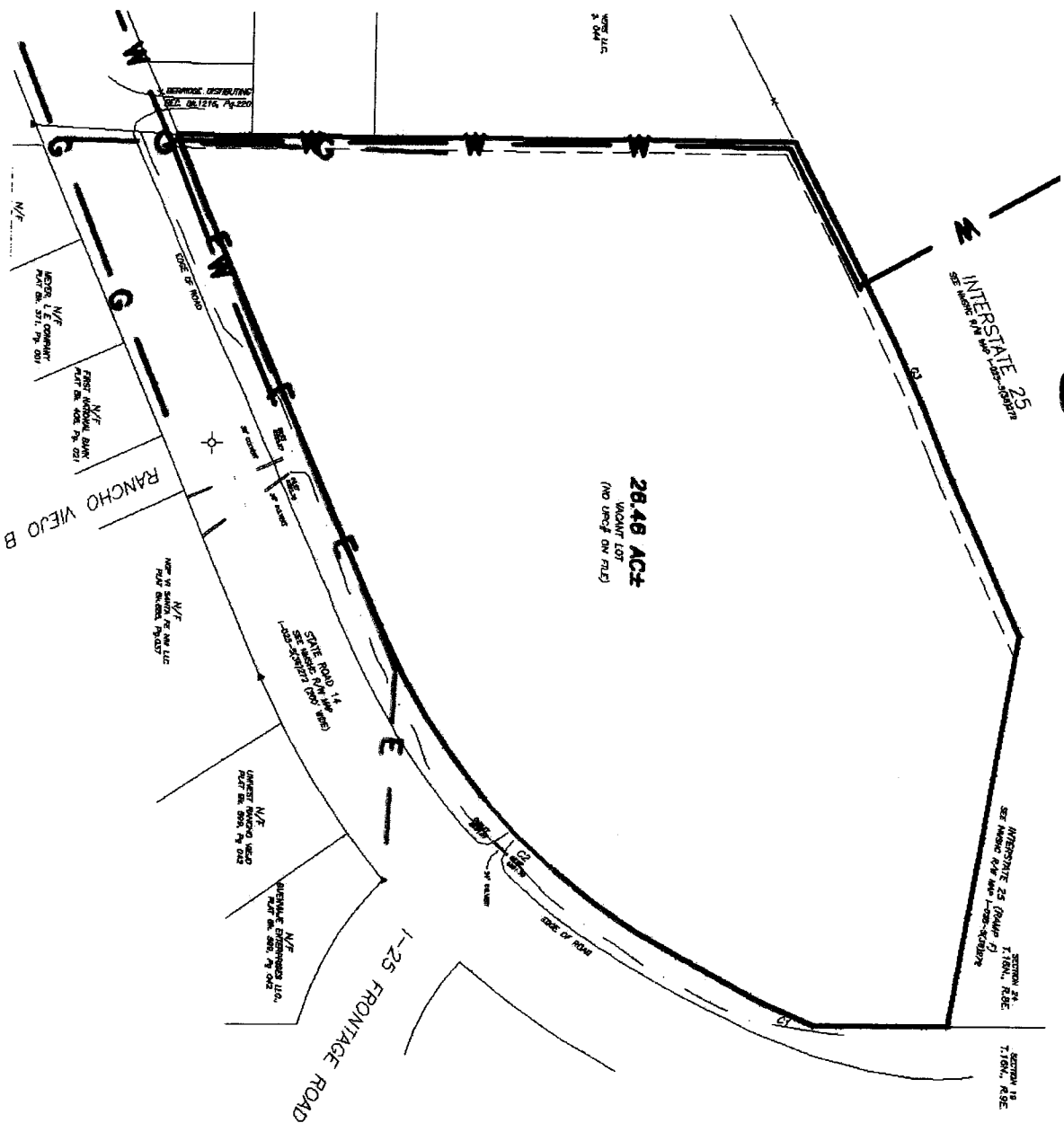
Response to Criteria 3

Conformance to this Section 8.10 and other applicable law and ordinances in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and or construction standards, and open space standards.

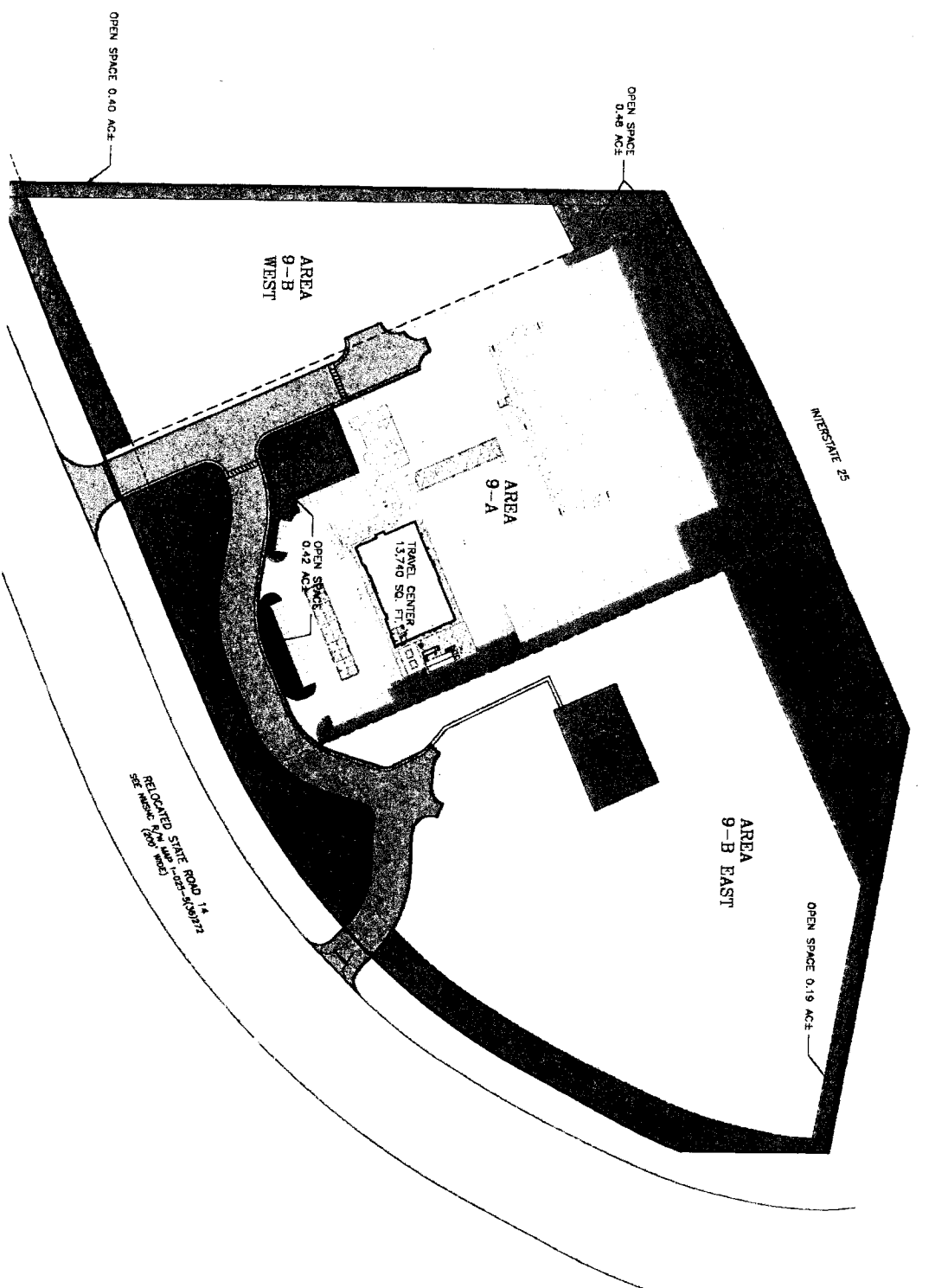
The application and other submittals comply fully with and conform in every manner with the requirements of the SLDC, the Conceptual Plan Submittal Lists produced by the Land Use Administrator dated August 30, 2017, and the other requirements of County Land Use Staff .

The submittals demonstrate that the proposed phased minor subdivision will comply in all respects with the applicable law and ordinances in effect at this time, including specific and detailed compliance with the required improvements, proposed roads and trails, community facilities, design and or construction standards, and open space standards. The Applicants held a pre-application meeting, attended a TAC meeting, and held a pre-submittal meeting with staff to confirm that the application meets or exceeds the requirements of the SLDC.

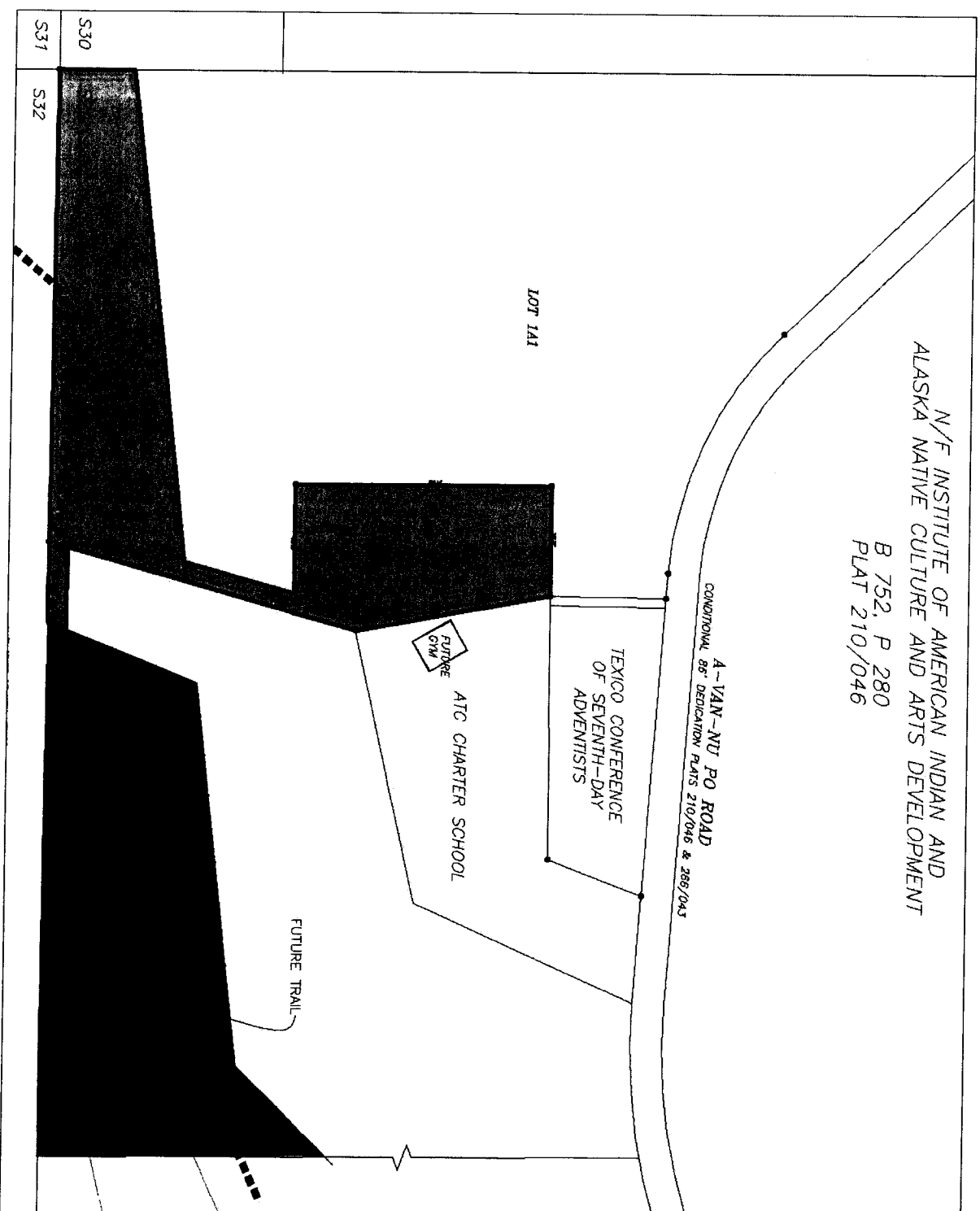
Existing Conditions



Open Space



Off Site Open Space



Uses and Areas

Area 9-A : 10.41 acres

Buildable area: 7.10 acres

Selected uses:

- Gas station-fueling stations
 - Convenience store with three restaurants & one drive thru (13,640 sq. Ft.)
 - Shower facilities
- Open space provided: 3.31 ac±

Area 9-B west: 4.74 acres

Buildable area: 2.88 acres

Selected uses:

- Adjacent to I-25:
- Warehouse (6,300 sq. Ft.)
 - Manufacturing/light industrial (6,000 sq. Ft.)
- Adjacent to SR 14:
- Retail: 16,000 sq. Ft.
 - Sit down restaurant (with alcohol): 150 seats
- Open space provided this plan: 0.89 ac±
Open space with future development plan: .28 ac±
(10% of buildable area)

Area 9-B east data: 11.31 acres

Buildable area: 7.97 acres

Selected uses:

- 2 hotels with 100 rooms each
- Open space provided this plan: 3.12 ac±
Open space with future development plan: .79 ac±
(10% of buildable area)

Other uses permitted by right with overall intensity of use restricted by traffic generation, water & wastewater demands:

- Tap or tasting room
- Beer, wine, and liquor store (off-premises consumption alcohol)
- Shopping center
- Convenience stores
- Car care center
- Car washes
- Office or bank (without drive-through facility)
- Office (with drive-through facility)
- Office or store with residence on top
- Office over storefront structure
- Research and development services (scientific, medical and technology)
- Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services
- Tattoo parlors
- Light industrial structures and facilities
- Loft
- Construction related business
- Trade contractor, plumbing, electrical, roofing, painting and landscaping
- Automotive paint and body
- Warehouse structure
- Produce warehouse
- Refrigerated warehouse and cold storage
- Large area distribution or transit warehouse
- Wholesale trade-durable goods
- Wholesale trade-nondurable goods
- Movie theater
- Fitness, recreational sports, gym, or athletic club
- Religious facilities

Phasing Schedule

	Phase	Commence construction	Build-out	Uses
Area 9-A	Phase 1	2018	2019	Gas station, truck terminal, convenience store, 3 fast food restaurants, one with drive thru
Area 9-B east	Phase 2	2021	2026	2 hotels, sequential construction
Area 9-B west	Phase 3	2022	2030	Restaurant, retail shops, warehouse, manufacturing/light industrial

Phasing of Infrastructure

<p>Phase 1:</p> <p><u>Sewer</u></p> <ul style="list-style-type: none"> Lift station installed 6" force main constructed to manhole on S.R. 14, carrying waste to Quill Plant <p><u>Water</u></p> <ul style="list-style-type: none"> 8" water line installed per County Public Utility Division requirements 8" line extended beyond boundary of area 9-b east & 9-b west <p><u>Dry utilities</u></p> <ul style="list-style-type: none"> Natural gas on site Electric & telephone extended from S.R. 14, switchgear required <p><u>Roads</u></p> <ul style="list-style-type: none"> Right turn deceleration lane per NMDOT requirements and extension of left turn northbound lane 	<p>Phase 2:</p> <p><u>Sewer</u></p> <ul style="list-style-type: none"> Sewer extended to serve development in area 9-B east Possible need to add pump to lift station <p><u>Water</u></p> <ul style="list-style-type: none"> 8" water line extended to serve development area 9-B east <p><u>Dry utilities</u></p> <ul style="list-style-type: none"> Installed to serve area 9-B east <p><u>Roads</u></p> <ul style="list-style-type: none"> Improvements determined by TIA 	<p>Phase 3:</p> <p><u>Sewer</u></p> <ul style="list-style-type: none"> Sewer extended to serve development in area 9-B west <p><u>Water</u></p> <ul style="list-style-type: none"> 8" water line extended to serve development area 9-B west <p><u>Dry utilities</u></p> <ul style="list-style-type: none"> Installed to serve area 9-B west <p><u>Roads</u></p> <ul style="list-style-type: none"> Improvements determined by TIA
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Utility Presentation

Joel Hernandez PE

- “Ready, Willing & Able” letter indicating ability of County to provide water and sewer service to the 26 acres has been issued by County Public Works Department.
- County water is located on the subject property and is adequate to serve the 26 acres at full development
- Natural gas, electric, telephone, cable and fiber optics either located on or adjacent to the 26 acres.
- Lift station can be expanded to serve the demands of future development on the 26 acres tract
- Water and sewer engineering design and construction inspection to be approved by County Utilities Division
- Financial guarantee to be provided for approved County utilities

Traffic

Terry Brown, PE

- Traffic evaluation prepared in accordance with NMDOT standards
- Following intersections were evaluated:
 - *SR 14 north diverging diamond*
 - *SR 14 south diverging diamond*
 - *Rancho Viejo Blvd & SR 14*
 - *Avenida del Sur & Rancho Viejo Blvd*
- Year evaluated 2020 and 2030 for build & no-build
- Diverging diamond meets FHWA operational & safety standards
- Rancho Viejo and SR 14 signalized intersection meets NMDOT operational & safety standards with improvements
- All intersections operate at acceptable levels of service in 2020 and 2030
- District Five NMDOT has approved consultant traffic study.

Comments from State & County Agencies

<p>NMDOT District 5</p>	<ul style="list-style-type: none"> NMDOT reviewed and approved the Traffic Impact Study
<p>New Mexico Environmental Department</p>	<ul style="list-style-type: none"> NMIED does not require an air permit for any of the allowable uses within the Conceptual Plan Will review for compliance with underground storage tank provisions with conditional use permit
<p>County Sheriff</p>	<ul style="list-style-type: none"> No comment
<p>County Utilities Division</p>	<ul style="list-style-type: none"> Special requirements for connection to county water & sewer Ready Willing & Able letter provided to applicant
<p>County Fire Department</p>	<ul style="list-style-type: none"> Fire protection facilities & emergency services are adequate to serve development
<p>County Open Space & Trails Division</p>	<ul style="list-style-type: none"> Interior pedestrian access provided from all three parcels to SR 14
<p>County Land Use Department</p>	<ul style="list-style-type: none"> Recommends approval subject to conditions
<p>Historic Preservation Division</p>	<ul style="list-style-type: none"> In compliance with county ordinance and state law

Comments and Concerns Fully Addressed

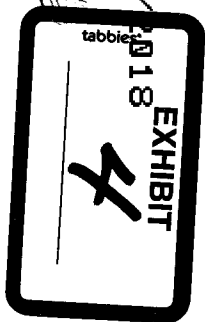
- Majority of comments expressed at neighborhood meetings do not relate to the Conceptual Plan's criteria of approval
- All of the environmental concerns lack foundation or data, and the Application demonstrates compliance with all standards
- Many concerns and objections relate to non-SLDC issue beyond the purview of the BCC.

Benefits to County

- Permanent employment for 200-215 people
- Substantial increase in gross receipts tax
- Substantial increase in property tax
- Fire impact fees to be collected by County
- Construction of 6 inch force sewer main on SR 14 available for future uses in vicinity of force main
- No cost to County for public improvements
- Temporary employment during construction of buildings and improvements

What makes this site optimal for an Employment Center?

- County water & dry utilities are on the tract & capable of accommodating more intensive commercial uses
- Only county sewer is off site-provided by Pilot at no cost to county allowing for future commercial connections
- Located between I-25 & SR 14
- Recent improvements to Interstate 25 interchange and State Road 14
- Off ramp from I-25 north leads directly to site
- Trucks do not travel through residential neighborhoods
- Existing signalized intersection provides principal access to site which operates at acceptable levels of service of all phases
- Terrain suitable for larger scale commercial uses
- Two fire sub stations located within ¾ mile of project
- Zoned for commercial uses



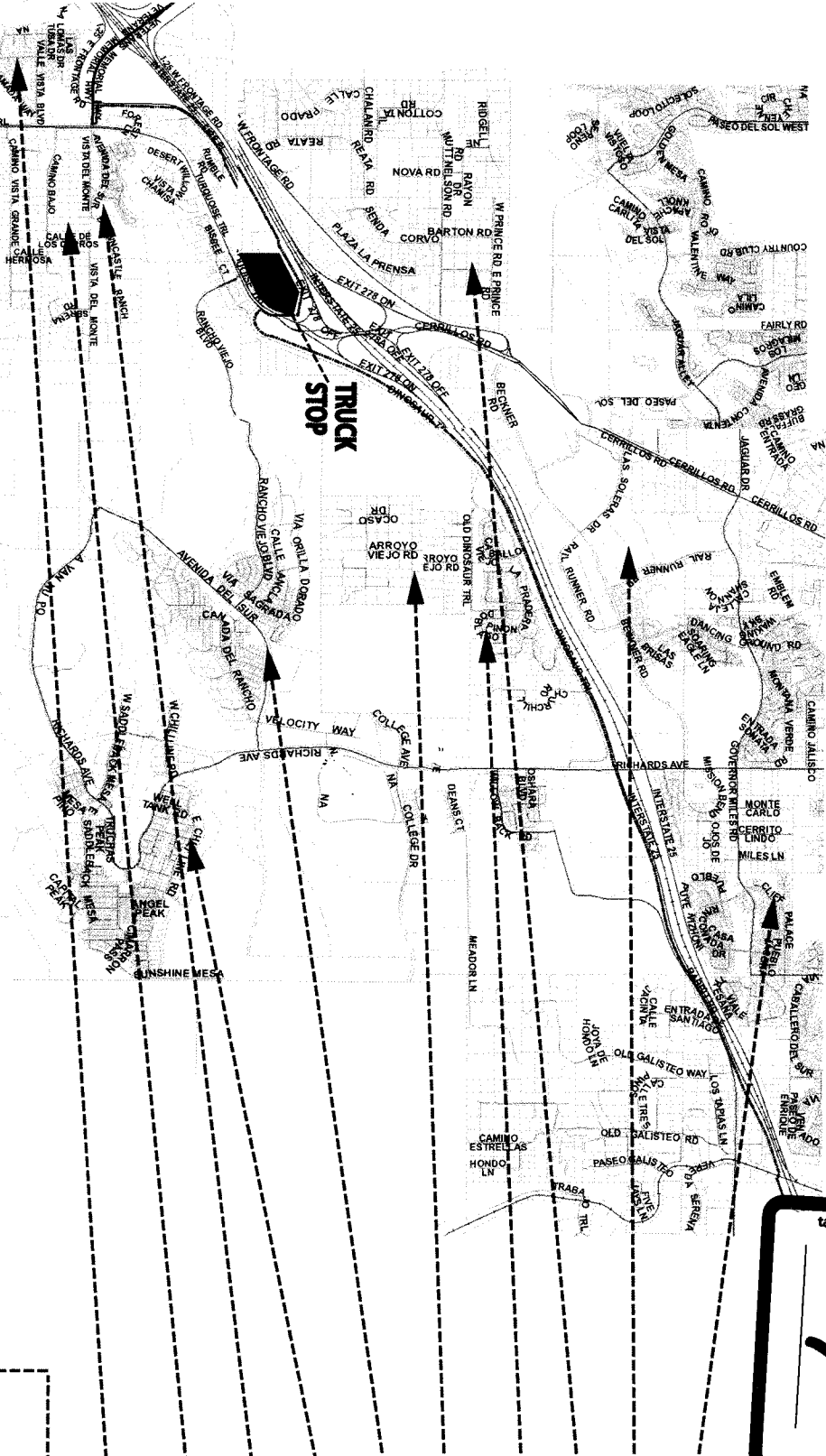
EXISTING RESIDENTIAL AREAS (ESTIMATED)

- Las Soleras
- Mutt Nelson Area
- La Pradera
- Vista Ocaso
- Rancho Viejo
- Windmill Ridge
- Turquoise Trail Subdivision
- Valle Lindo
- Valle Vista
- Pennitentiary Housing
- Rancho San Marcos
- Town of Madrid
- Town of Cerrillos

RESIDENTIAL NEIGHBORHOODS & MAJOR EMPLOYMENT CENTERS THAT USE HWY14 DAILY OR IN CLOSE PROXIMITY TO THE PROPOSED TRUCK STOP

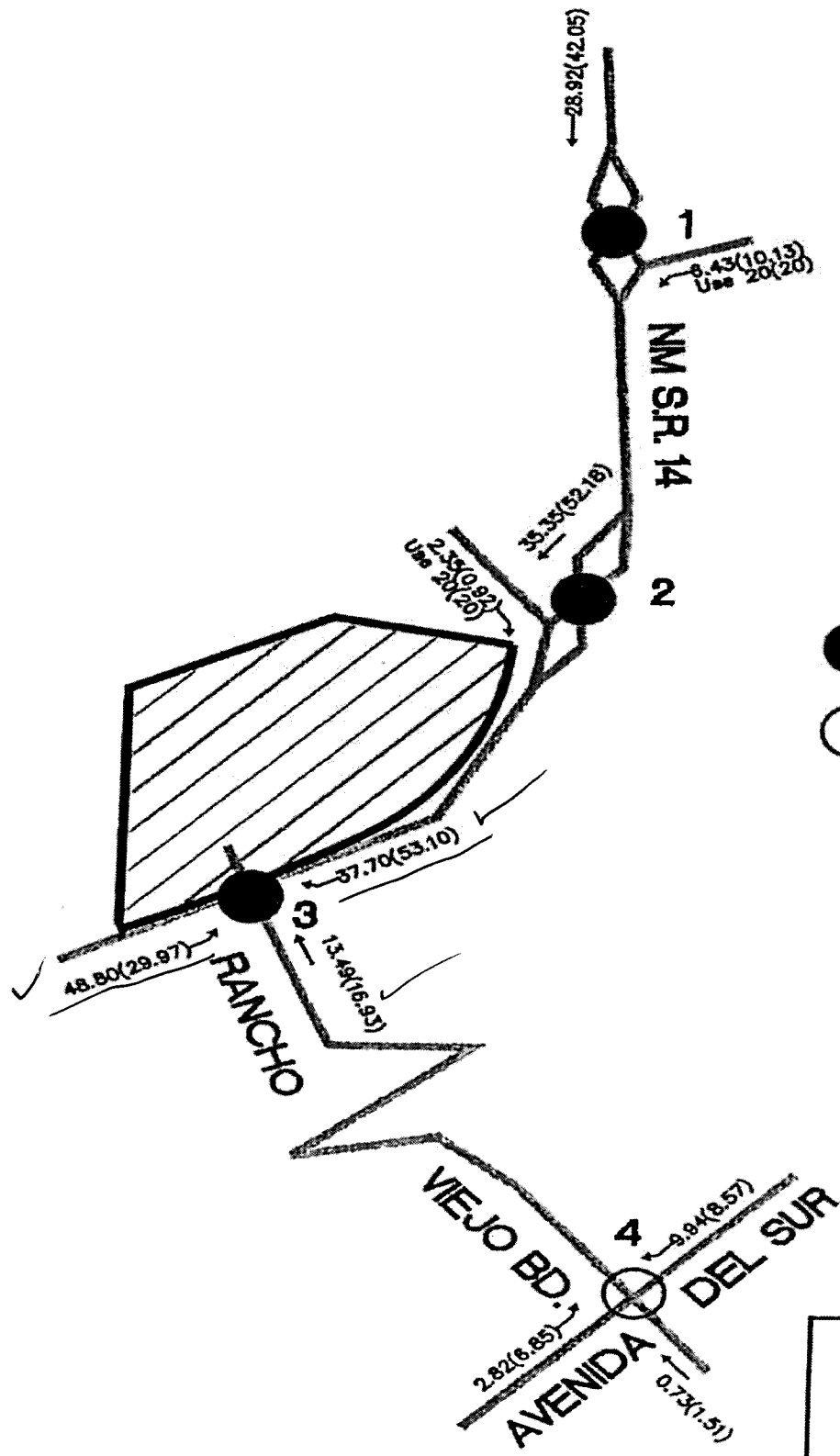
HWY 14 AREA EMPLOYERS (ESTIMATED)

- | | | |
|-------------------------------|-------------------|-----------------------------------|
| SF New Mexican | PNM | SF Public Schools (2) |
| State Government | The Gas Company | NM Pennitentiary |
| Factory Outlet Mall | Custom Craft | SF County Corrections |
| Turquoise Trail Business Park | Miller Warehouses | Santa Fe Studios |
| IAlA & SFCC & ATC | US Forest Service | NM National Guard |
| Bureau of Land Management | Santo Nino School | Son Broadcasting |
| | | East i-25 Frontage Businesses |
| | | Santa Fe Brewing |
| | | Veterans Medical Center |
| | | Presbyterian Hospital (open Soon) |



SFC CLERK RECORDED 02/22/2018

Trip Assignment
P. 45



Terry O. Brown,
 P.O. Box 9205
 Albuquerque, NM 871
 (505)883-8807 (Vc)
 (505)212-0267 (F)



The concept of placing a truck stop at the top of a rare National Scenic Byway that connects with I-40 is dubious. It's a conflict of industries. If the County Code takes away from the "conceptual planning" the issues of siting, I'd hope this is simply an oversight.

Flying J's Traffic Impact Study makes claims that there are no problems, and declares the site ideal because it's located at the "intersection of two major highways".

The Traffic Study's mischaracterization of the Byway as a "major highway" implies it's an arterial like I-25, when in fact it's a "major *rural collector*". This slanted characterization casts doubt on the Study's objectivity. Nor is there mention in the Study of impacts to the Byway with estimates of expected truck traffic, to and from I-40.

The DOT over-widened the first few miles of the Byway, but don't be fooled, as the greater stretch of it preserves context, sensitive to the roadside.

The County Code may lack confidence in the very Land-Based Classifications Standards the Code relies upon—standards that sharply distinguish between gasoline stations and trucking services.

Ultimately truck stops must be judged as Developments of Countywide Impact. Flying J's impacts upon the Byway would have *statewide*, let alone countywide impacts.

To avoid a conflict of industries, Flying J should fall back to another site, and the County must support the people who live & work along the Byway--rather than an out-of-state company that unwittingly would turn the road into the Turquoise Trail National Scenic Truckway.