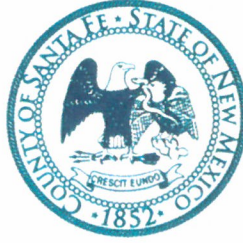


Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. APP 10-5364
ST. FRANCIS SOUTH PRELIMINARY/FINAL PLAT APPROVAL
VEGAS VERDES, LLC APPLICANT

ORDER

THIS MATTER came before the Santa Fe County Board of County Commissioners (BCC) for hearing on June 13, 2017 and July 11, 2017, on the Application of Vegas Verdes, LLC, (Applicant), JenkinsGavin Inc., Agents, requesting Preliminary Plat approval for Phases 1-4 of the Saint Francis South Subdivision, which consists of 22 lots, and Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots pursuant to Ordinance 2016-9, the Sustainable Land Development Code (SLDC). The 68.94 acre property is located within SDA-1 at 199 Rabbit Rd., via St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Commission District 4), SDA-1.

The BCC, having reviewed the Application, the Staff Reports to the BCC including materials and public comments, and having conducted a public hearing on the Application, finds that the Application is well-taken and should be approved subject to conditions, and makes the following findings of fact and conclusions of law:

I. Background

1. On February 27, 2017, the Applicant submitted an Application for the following requests:
 - A. Preliminary Plat approval for Phases 1-4, which consists of 22 lots; and

- B. Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots.
2. The property which is the subject of the Application (the Property) is located at 199 Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Commission District 4).
 3. The site is within Sustainable Development Area 1 (SDA-1), and is a Planned Development, as identified at Chapter 8, Section 8.10.10.1.9 of the SLDC, which must be developed in accordance with a previously approved master plan recorded with the County Clerk at Book 734, pages 046-050.
 4. The Applicant acquired the Property by warranty deed recorded as Instrument No. 1653390 in the Santa Fe County Clerk's records dated December 7, 2011.
 5. The Applicant authorized JenkinsGavin Inc. to act on their behalf in making application under the SLDC for Preliminary Plat approval for Phases 1-4, and Final Plat approval of Phase 1 and Phase 2, as evidenced by the written authorization contained in the record.
 6. Consistent with a previously approved Master Plan, the Applicant proposed a mix of commercial and residential development with a gross building area of 760,000 square feet.
 7. The development will be accessed by two points on Rabbit Road connected by an interior, private loop road. The west entrance will be the primary, full access and the east entrance will be limited access with right-in, right-out, and left turn-in movements.
 8. The Applicant proposed to serve fire protection by a series of four fire hydrants set along the interior access drive and automatic fire suppression systems on many of the facilities to be developed.
 9. The Applicant proposed a total of 30.5% open space by establishing a 25 foot wide landscape buffer within the open space along the north, east, and south boundaries

adjacent to the I-25, St. Francis Drive, and Rabbit Road rights-of-way and a 10 foot landscape buffer along the interior cul-de-sacs.

10. The Application proposed pole lights at each entrance and the fixtures will be full cut-off and shielded in compliance with SLDC requirements.
11. The development was proposed to receive water from the Santa Fe County Water System and will connect to and receive wastewater treatment from the Santa Fe County Wastewater Collection System. The Applicant obtained BCC approval of a water allocation agreement and water delivery agreement on July 11, 2017.
12. Each facility within the development will contract individually with a local waste collection firm.
13. The Applicant proposed that storm water runoff will be collected in swales located in 100 foot open space buffer along Rabbit Road, which will provide 5,600 cubic feet of ponding. Each lot will be responsible for collecting storm water in on-site retention ponds and water harvesting cisterns.

II. History of Zoning and Master Planning of the Property

14. On September 16, 2010, the County Development Review Committee recommended approval of a request for Master Plan Zoning for a mixed-use subdivision (commercial, residential and community service) consisting of 22 lots on 68.94 acres, more or less, with approximately 760,000 sq. ft. of structures at full build out.
15. On December 14, 2010, the BCC approved the Master Plan Zoning for the mixed-use subdivision (commercial, residential and community service) consisting of 22 lots on 69 acres, with approximately 760,000 sq. ft. of structures at full build out. The approved Master Plan use list included all housing types permitted, including multi-family apartments, senior housing and live/work.

16. On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 69 acres.
17. The Zoning Map adopted by the BCC as Ordinance 2015-12 on December 8, 2015, identified this property as zoned Planned Development District, and the subcategory of zoning is Planned Development as set forth on Table 8-2 of the SLDC.
18. The Applicant submitted an Application for a variance of right-of-way width for the loop road, leaving sufficient right-of-way so that the variance would not impact the actual road constructed. On March 21, 2017, the Santa Fe County Hearing Officer recommended approval of the variance request to reduce the width of the right-of-way for the loop road within the subdivision to seventy feet (70').
19. On May 18, 2017, the Santa Fe County Planning Commission approved the variance request, submitted in accordance with the SLDC, to reduce the right-of-way width of the internal road to varying widths between seventy (70') and eighty-two feet (82').

III. Applicable Provisions of the SLDC

20. The SLDC, Chapters 4, 5, 6, 7, 8 and 12 contain various provisions governing the Application.
21. The following specific provisions govern how the BCC must evaluate the Application:
 - a. Chapter 5, Section 5.7.3. Preliminary Plat Requirements states:
“The application for preliminary plat approval shall, at a minimum, include all of the following:
 - 5.7.3.1. A proposed disclosure statement consistent with NMSA 1978, § 47-6-17;
 - 5.7.3.2. All documentation required by NMSA 1978, § 47-6-11 and by the SLDC for the purpose of demonstrating:
 1. water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic use;
 2. water of an acceptable quality for human consumption and measures to protect the water supply from contamination;
 3. satisfactory means of liquid waste disposal;
 4. satisfactory means of solid waste disposal;

5. satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel;
 6. satisfactory terrain management to protect against flooding, inadequate drainage and erosion; and
 7. satisfactory protection for cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision, as required by the Cultural Properties Act.”
- b. Chapter 5, Section 5.7.7 Preliminary Plat Approval Standards and Requirements states:
 “The Board shall not approve or conditionally approve an application for preliminary plat unless the following findings are made in writing:
- 5.7.7.1 the proposed subdivision conforms to all provisions of the SLDC;
 - 5.7.7.2 the applicant can fulfill the requirements of Section 5.7.3.2;
 - 5.7.7.3 the applicant can fulfill all of the proposals contained in its disclosure statement; and
 - 5.7.7.4 the subdivision will conform to the New Mexico Subdivision Act.”
- c. Chapter 5, Section 5.7.8. Conditions of Approval, states:
 “In considering an application for preliminary plat, the Board may impose mitigation requirements or conditions to the extent that such requirements or conditions are necessary to ensure compliance with the standards, requirements or criteria of the SLDC, including:
- 5.7.8.1 protection of environmentally sensitive, archaeological, cultural and historic lands;
 - 5.7.8.2 prevention of air and water pollution;
 - 5.7.8.3 provision of adequate public facilities and services;
 - 5.7.8.4 mitigation of traffic congestion;
 - 5.7.8.5 avoidance of negative fiscal impacts; and
 - 5.7.8.6 ensuring sustainability.”
- d. Chapter 5, Section 5.8.3 Compliance with Preliminary Plat (Major Subdivisions), states in pertinent part:
 “The final plat for a major subdivision shall conform to the approved or approved amended preliminary plat, including all conditions and mitigation requirements contained within the development order approving the preliminary plat.”
- e. Chapter 5, Section 5.8.6.3. Review Standards, provides that:
 “The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the approved preliminary plat. However, the Board shall not issue a development order approving a final plat unless and until:
- i. the final plat approval application has been received and deemed complete;
 - ii. the final plat substantially conforms to the preliminary plat and all conditions and requirements are complied with;
 - iii. the final plat and all documents required are in a form acceptable for recording with the County Clerk;

- iv. the development and subdivision improvement agreements have been signed and notarized and are otherwise fully executed; and
 - v. the administrative and final plat fees have been deposited with the Administrator, together with proper security.”
22. Chapter 6, contains various provisions governing adequate public facilities and services assessment (APFA), and incorporates the Level of Service (LOS) standards of Chapter 12 into the evaluation. The following provisions from Chapter 6 are relevant to concerns raised by opponents to the Application:
- “Chapter 6, Section 6.4.2 Requirements. The review of adequacy of public facilities and services to the maximum projected demand that may result from the proposed project based upon the maximum density in the project and relevant affected areas. The APFA shall study the impacts of the proposed development on . . . the following:
- a.6.4.2.1. Roads. The APFA shall calculate the LOS for roads consistent with Table 12.1 of the SLDC. The impact of the proposed development shall be measured by average daily trips and peak-hour trips based upon the Transportation Research Board’s “Highway Capacity Manual 2000.” The APFA shall describe the means by which the transportation capacity of the system will be expanded without destroying historic and traditional built environment. For purposes of the APFA, average daily traffic assumes 10 trips per day per dwelling unit or building lot. . . .”

IV. The Public Hearing Process

23. As required by the SLDC, the Applicant presented the current Application for Preliminary Plat approval for Phases 1-4, and Final Plat approval for Phases 1 and 2 to the Technical Advisory Committee on October 20, 2016.
24. The Applicant conducted a pre-application neighborhood meeting which took place on November 16, 2016, at the Genoveva Chavez Community Center, as evidenced by the Neighborhood Meeting Report submitted by the Applicant.
25. Notice requirements were met as per the SLDC, Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing. In advance of the hearing on the Application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the application was made for fifteen days on the Property, beginning on May 26, 2017. Additionally, notice of hearing was published in the legal

notice section of the Santa Fe New Mexican on May 23, 2016, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within five hundred feet (500') of the Property.

26. A public hearing on the Application was held on June 13, 2017. The BCC tabled the Application until July 11, 2017, to allow the Applicant more time to gather more information from NMDOT, to research historical traffic counts on Rabbit Road and to address the residential aspect required from the original Master Plan approval.
27. A second public hearing was held on July 11, 2017 on the topics of road improvements and open space. At the public hearing before the Board on July 11, 2017, staff recommended Preliminary Plat approval for Phases 1-4 and Final Plat approval for Phases 1 and 2 of the St. Francis South Mixed-use subdivision, subject to 21 conditions outlined during the hearing and in the Staff Memorandum to the BCC dated June 28, 2017. Staff concluded that the Application conformed to the requirements of the applicable sections of the SLDC and the Master Plan.

V. Compliance with the SLDC

28. The Application included the mandatory disclosure statement.
29. County staff solicited agency review of the Application, including whether the applicant could fulfill the requirements of the disclosure statement, from the following agencies:
New Mexico Department of Transportation (NMDOT), New Mexico Environment Department (NMED), the Office of the State Engineer (OSE), the State Historic Preservation Office (SHPO), Santa Fe County Public Works, the County Fire Marshal, the County Utilities, the County Planning Division, Soil and Water, Santa Fe Public Schools, Santa Fe County Open Space and Trails, and Santa Fe County Affordable Housing.
Responses were received from NMDOT, OSE, SHPO, Santa Fe County Public Works, the

County Fire Marshal, the County Utilities, the County Planning Division, and Santa Fe County Open Space and Trails.

30. The agency responses in conjunction with all reports submitted demonstrate that the Applicant can fulfill the proposals in the disclosure statement, subject to the conditions required by the agencies and this Order.
31. The Applicant submitted an Environmental Impact Report (EIR) in accordance with Section 6.3 of the SLDC which addressed biological resources; geology, topography, and soils; water resources; air quality; noise; archaeological, cultural, and historic resources; and scenic resources. The Applicant's report states, "Development of infrastructure for the St. Francis South Project at its current stage would result in no significant environmental effects."
32. The Applicant submitted a Fiscal Impact Assessment (FIA), which assessed the fiscal and economic effects of development. The FIA established that the projected total direct/indirect/induced impact of infrastructure development is \$6,089,472, the total wages are projected to be \$1,158,744; the proposed development is projected to create 43.5 full-time equivalent positions; the Santa Fe County gross receipts tax impact from infrastructure development is projected to be \$32,072; and all costs for infrastructure development will be borne by the developer. Further, the FIA concluded that because no buildings residents, tenants, or businesses will be present at the completion of the phase, there will be no public costs for: law enforcement, fire and emergency response service; full time employees and technicians to construct, operate, service and maintain roads; storm water management systems; or trails, parks, open space, and scenic vista sites. Finally, following build out, maintenance for roads will be the responsibility of the St. Francis South Lot Owners' Association. Accordingly, the BCC finds that the Applicant's

development will not generate a need for additional public facilities or services during the proposed phases.

33. The Applicant submitted a Traffic Impact Analysis, conducted by Santa Fe Engineering Consultants, as evidenced by the Traffic Impact Analysis report dated February 2017. The Traffic Impact Analysis concluded that there were no existing operational deficiencies associated with the relevant roads even after full build out of the project. The report also indicated that, according to the State Access Management Manual, the operation performance of an urban minor arterial road should meet Level of Service D standards at a minimum. For the implementation year 2018 and the horizon year there were no deficient Levels of Service for the relevant roads associated with the project. The TIA suggested a traffic signal or roundabout to mitigate any deficiencies.

34. Pursuant to Chapter 12, Table 12-1, roads in SDA-1 must achieve a D Level of Service.

The State Access Management Manual, September 2001 of New Mexico State Highway and Transportation Department determines that Minimum Acceptable Level of Service Standards for an unsignalized intersection Rural Minor Arterial is a Level of Service D.

35. The Applicant researched historical traffic counts as evidenced by the report for Comparison of Traffic Volumes Intersection of St. Francis Drive/Rabbit Road and Comparison of Traffic Volumes Intersection of Rabbit Road/Old Galisteo Road/Driveway (Historical Traffic Counts). The Historical Traffic Counts between 2010 and 2015 for the AM Peak hours at the Intersection of St. Francis Drive and Rabbit Road show various percentages of change, the most significant of which was an increase in southbound traffic of 5.9% for the left turn lane and 17.7% for the right turn lane in the AM and 3.1% for the left turn lane and 9.2% for the right turn lane in the PM between 2010 and 2013, and an increase in westbound traffic of 10.4% for thru traffic and -38.5% for the right turn lane

in the AM and 51.4% for thru traffic and 5.0% for the right turn lane in the PM between 2010 and 2013. Taken all together, the historic traffic volume data supports the conclusion that the Level of Service will not dip below the Level of Service D.

36. Unrefuted data contained in the Traffic Impact Analysis indicated that, contrary to concerns expressed by members of the public during the public hearings, there were only two accidents at the South end of St. Francis Drive at the intersection with Rabbit Road between 2012 and 2014.
37. In an effort to ensure safety on Rabbit Road, the Applicant committed to constructing a roundabout at the west entrance during Phase 1, despite the fact that data contained in the record supported installation of the roundabout at a later phase of the project.
38. The Applicant proposed to build out Rabbit Road along the subject properties frontages from St. Francis Drive to the Rail Trail trailhead per the cross section improvements required for the NE connector project. This section requires two 11 foot driving lanes, two 6 foot bike lanes, a taper or swales and a trail on one side of Rabbit Road, as evidence by the Cross Section in Exhibit 8 to the Staff Memorandum to the BCC dated June 28, 2017. The Applicant also proposed to improve the interior loop road to Minor Arterial standards, except that aspect for which a variance has already been granted, to include two 12 foot wide drive lanes, a 12 foot wide landscaped median, two 5 foot wide bicycle lanes, curb and gutter, and 5 foot wide sidewalks with a landscape buffer. The variance to the width of the easement is a deviation from those standards already approved by the Planning Commission, and allowing the right-of-way with a width ranging between seventy feet (70') and eighty-two feet (82') to be platted at less than Minor Arterial standards.
39. The Santa Fe County Public Works Department supported the Applicant's proposed road improvements, with the following conditions:

- a. Applicant shall provide a Geo-Technical Engineering Report prior to construction or bonding.
- b. Applicant shall provide proper signage/stripping plan (i.e. Bike Lanes, Speed Limit and Stop) that meet MUTCD standards.
- c. Stop bars will be required at all R1-1-30s.
- d. Applicant shall comply with all NMDOT regulatory requirements for driveway access onto Rabbit Road.
- e. Speed Change Lanes (east entrance & temporary west entrance) shall meet 300 feet Deceleration Distance with a 125 foot Deceleration Taper.
- f. Detailed Plans will be required for Round-About for Phase 2.
- g. All sidewalks shall comply with American Disabilities Act (ADA) requirements.
- h. Applicant shall provide Detectable Warning Surfaces on sidewalk/road crossings.
- i. Applicant shall provide crosswalks on all internal road crossings.
- j. A Right-of-Way permit must be obtained from NMDOT and provided to Santa Fe County.
- k. Applicant is required to submit a Traffic Control Plan.

40. Based on all of the data contained in the Traffic Impact Assessment, it is apparent that the development will not result in any roads reaching a substandard Level of Service. It is also apparent that the installation of the roundabout on Rabbit Road during Phase 1 and prior to the date traffic flow would mandate that installation, will ensure that traffic safety measures and road infrastructure meet the requirements of the SLDC and do not create dangerous road conditions contrary to public interest.

41. The Project will be served by the Santa Fe County Water System which will connect to the City of Santa Fe Water System. The development will install a new 8" public line

which will connect to existing City infrastructure in Rodeo Business Park north of I-25 and extend to the Project within a bore under I-25. The Applicant submitted a Memorandum of Understanding between the City of Santa Fe and Santa Fe County for water and sewer service, recorded on November 17, 2016 as Instrument #1809962. The Applicant is proposing a water budget of 45.67 acre feet per year, a 20% line loss is then added to make a total of 54.8 acre feet per year. As confirmed by the OSE agency review in Exhibit 3 to the Staff Memorandum to the BCC dated June 28, 2017, the BCC finds that the Applicant can furnish water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision. The Applicant received a ready willing and able to serve letter from the Santa Fe County Utilities Division. A County Utility Line Extension and Service Agreement was executed by all parties on July 11, 2017, after approval by the BCC.

42. The Applicant proposed to provide fire protection through a series of four pressurized fire hydrants. Hydrants are within 500 feet of all buildable areas within Phases 1 and 2. Three are located along the interior loop road, while one is located on the cul-de-sac road located in Phase 1.
43. The Santa Fe County Fire Marshal scrutinized the proposed fire protection and approved the Applicant's proposed fire protection with the following conditions:
 - a. Roadway shall meet County standards;
 - b. Driveways shall meet County Standards;
 - c. Automatic fire protection system shall be required within all constructed facilities; and
 - d. Hydrants shall be in place and tested prior to building structures.

44. All open space will remain undisturbed and will remain in its natural condition during the infrastructure improvements. Any requisite additional landscaping in the required 25 foot buffer area will be installed as part of each individual lot's development. Landscaping will be installed in the 12 foot wide on-site roadway median and in the planting strips between the driveway and sidewalks. Vegetation will include a mix of deciduous and evergreen trees and a variety of shrubs. All disturbed areas will be re-vegetated with native grasses.
45. The Applicant proposed one pole light at each entrance which shall not exceed 25 feet in height and must comply with the County requirements. The BCC finds lights at each entrance are appropriately located to protect the safety of motorists and pedestrians.
46. The Applicant proposed one monument subdivision sign at each entrance which will be set back at a minimum of 25 feet from the right-of-way with a maximum height of 10 feet. The face of each sign is 180 square feet. The BCC finds that the set back and height of the signs will ensure that traffic safety is maintained.
47. The Applicant proposed that parking will be addressed by each individual lot owner through their own site development plan.
48. The Applicant submitted an Archaeology Report with the initial Master Plan request on the entire acreage, the archeological inventory of the Project area revealed no significant cultural resources. As evidenced by the agency review included in Exhibit 3 of the Staff Memorandum to the BCC dated June 28, 2017, the State of New Mexico Historic Preservation Division (SHPO) stated that they did not have any concerns with the application as no historic properties were being affected. Accordingly, the BCC finds that no historic or cultural properties will be impacted by the Application.
49. In order to comply with requirements for terrain management, the proposed development has been designed to protect the natural vegetation while minimizing soil erosion and

sediment transport during storms. The roads have been designed to follow the natural contours of the land and minimize disturbance. The Applicant is proposing that all increase in stormwater runoff due to the development of roads will be collected in swales located in the 100 foot open space buffer along Rabbit Road and will serve as a passive irrigation for the vegetation. The impervious areas including roadways and gravel areas requiring ponding of 5,584 cubic feet. The Applicant is providing 5,600 cubic feet of ponding with the proposed swales. Each lot will be individually responsible for collecting storm water in on-site retention ponds and water harvesting cisterns as proposed on each lot for irrigation of landscaping. The BCC finds that the 5, 600 cubic feet of ponding provided by the swales demonstrates a sufficient carrying capacity to accept storm water from the impervious areas.

50. The Applicant has submitted covenants, conditions and restrictions for the St. Francis South Subdivision that assigns such responsibility for operation and maintenance to the St. Francis South Lot Owners' Association (Lot Owner's Association). These covenants, conditions and restrictions will also be enforced by the Lot Owners' Association. The BCC finds that covenants, conditions, and restrictions establish that the Lot Owners' Association is responsible for the maintenance of all private roadways, terrain management structures, drainages and common easement landscaping and signs.

VI. Opposition to the Application

51. The record contains letters of opposition to the Application, as well as testimony against the Application. Marlin Mackey, Keith Melton, Ian Alsop, Roger Williams, Sam Hitt, Elizabeth Jane Miller, Filbert Tapia, Bonnie Giacchetti, Peggy Fino, Richard Gilliam, Dave Wilkeson, Candace Frostenson, Bill Wawrychuk, Kathleen Lee, Beth Detwiler,

James Mulchris, Terri Tapia, John Tapia, Peter Fant, and Debra Sieck provided testimony in opposition to the Application.

52. The basis for the opposition to the project presented from members of the public can generally be characterized as follows:

- a. Concern that the proposed development will increase traffic on Rabbit Road;
- b. Concern that the proposed development will increase traffic at the intersection of Rabbit Road and St. Francis;
- c. Concern that the proposed development will increase the number of commercial trucks traveling on Rabbit Road.
- d. The need for improvements on Rabbit Road to address traffic and safety;
- e. Concern about the slope of Rabbit Road and St. Francis in regard to traffic and safety;
- f. The incorporation of open space on individual lots on the plat, rather than in community spaces;
- g. Concern that the project will not support a quiet and peaceful lifestyle;
- h. Concern that the proposed bicycle lane is not as safe as a bicycle lane that is set back from the roadway by open space;

53. With regard to generalized concerns regarding traffic on Rabbit Road and St. Francis, and the need for improvements, and the safety of bicycle lanes, the BCC specifically finds that these general concerns were unsupported by substantial evidence, in the form of testimony from individuals qualified to render expert opinion or other competent evidence.¹ In any

¹ For example, some opponents to the Application are area residents not qualified as expert witnesses, who speculated about the potential increase in traffic and made assumptions about the necessary improvements to address traffic based upon those assumed increases.

event there was ample evidence in the record to support our conclusion that the traffic concerns are adequately addressed by the road improvements proposed.

54. Open space concerns were addressed by the Applicant by modifying the application to provide for 30.5% open space regardless of whether each lot owner included open space on their individual properties.

55. Because this property has been zoned for the uses proposed by the Applicant, the Application is appropriate for approval at this time. Additional concerns raised by opponents are not appropriately addressed through this Application. Concerns about noise, lighting, and other particulars of the development will be assessed as part of future development permit applications for each individual lot.

VII. Conclusions of Law

56. The Application for Preliminary Plat Approval for Phases 1-4, and Final Plat Approval for Phases 1 and 2 meet all SLDC Requirements when subjected to the conditions of the BCC's approval set forth below.

57. Any finding or conclusion set forth above that may be construed to constitute a conclusion of law is hereby incorporated as such to the same extent as if it was expressly denominated as a conclusion of law.

58. The EIR submitted by the Applicant adequately examines the significant environmental effects and impacts of the project. The EIR concluded that development of infrastructure will have no significant environmental effects. Accordingly, it is not necessary to address mitigation measures, or select reasonable alternatives to the project.

59. The Archeological Report submitted by the Applicant adequately surveys the property proposed for development for archeological resources and contains the information required by the SLDC. Preservation, mitigation, or treatment of archeological resources is

not necessary because the Archeological Report did not reveal significant cultural resources and the State of New Mexico Historic Preservation Division indicated that no historical properties were affected. Therefore, the report submitted confirms satisfactory protection of cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision.

60. The Applicant's proposals for terrain management protect against flooding, inadequate drainage and erosion. The proposals meet the standards of the SLDC.
61. The proposed terrain management protects water quality and the natural quality and natural character of the land; minimizes soil and slope instability, erosion, sedimentation and storm water runoff; protects and the natural character of the land; adapts the development to the existing natural topography, soils, vegetation, geology, hydrology, landforms and other conditions existing on a lot or parcel prior to development; preserves natural drainage patterns and recharges groundwater to protect the public from the natural hazards of flooding, erosion and landslides; and encourages minimum disturbance to the natural areas of a site.
62. With regard to open space, the Applicant's proposed designation of a total of 30.5% of the development to open space satisfies the minimum acreage. Accordingly, the SLDC requirements for open space have been met.
63. The covenants, conditions and restrictions adequately establish that improvements that are owned in common by all owners of lots in the St. Francis South Subdivision will be operated and maintained by the St. Francis South Lot Owners Association according to the standards of the SLDC.
64. The Preliminary and Final Plat do not include any individual residential lots therefore, the affordable housing requirements of the SLDC do not apply.

65. The Applicant's proposals to serve the development by two access points on Rabbit Rd. connected by a private interior loop road, improve the interior loop road to Minor Arterial standards, and build out Rabbit Road along the subject properties frontage from St. Francis Drive to the Rail Trail trailhead per the cross section improvements required for the NE connector project, and the construction of a roundabout for the west entrance as part of Phase 1, along with the Santa Fe Public Works approval of such proposals, demonstrates satisfactory roads to each parcel, including ingress and egress for emergency vehicles and utility easements to each parcel.
66. The Adequate Public Facilities and Services Assessment adequately compares the capacity of public facilities and services to the maximum projected demand that may result from the proposed project and the impact of the Project on Roads; Fire, Law Enforcement, and Emergency Response Services; Water; Sewer; Community Parks, Recreation Areas, and Trails; and Existing Deficiencies.
67. Through the MOU with the City of Santa Fe, the ready, willing and able to serve letter from the County Water Utility, and as a result of the water allocation approved by this Board, and the Utility Line Extension Agreement, the development will have access to County water and sewer services for the development. Therefore, the Applicant has demonstrated water in sufficient quantity to fulfill the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic use, water of an acceptable quality for human consumption and measures to protect the water supply from contamination, and a satisfactory means of liquid waste disposal.
68. The Applicant's proposal that each facility within the Project contract individually with a local waste collection firm supports our finding that the Applicant has established satisfactory means of solid waste disposal.

69. Pursuant to Chapter 12, Section 12.2.5 of the SLDC, the conclusions of the Applicant's Adequate Public Facilities and Services Assessment, including the proposed improvements to the interior loop road and Rabbit Road, the Memorandum of Understanding between the City of Santa Fe and Santa Fe County for water and sewer services, and the Traffic Impact Assessment, support a finding that the application will be conditionally approved because adequate public facilities and services are not immediately available, but will be available for the initial phases of the project because the facilities and services will be advanced, in whole or in part, by the Applicant, and construction of such facilities will be secured by a financial guarantee prior to final plat recordation.
70. The Applicant has submitted a proposed disclosure statement consistent with NMSA 1978, § 47-6-17.
71. The agency responses in conjunction with all reports submitted demonstrate that the Applicant can fulfill the proposals in the disclosure statement, subject to the conditions required by the agencies and this Order and that the Applicant has met the review criteria set forth in Chapter 5, Section 5.7.5.1. As established by the required submittals, proposals, and agency review, the Applicant can fulfill all of the proposals contained in its disclosure statement for Phases 1-4.
72. Pursuant to Chapter 5, Section 5.7.3.2 of the SLDC, as established by all evidence considered herein, the Applicant has submitted all of the documentation required by NMSA 1978, § 47-6-11 and the SLDC.
73. As established herein, the Applicant's request for Preliminary Plat approval for Phases 1-4, which consists of 22 lots and Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots, conforms to all applicable provisions of the SLDC and the approved Master Plan.

74. The proposed subdivision will conform to the New Mexico Subdivision Act, NMSA 1978, Sections 47-6-1 through 47-6-29.

75. The Application for Final Plat for Phases 1 and 2 was complete and substantially conforms to the preliminary plat, and therefore, pursuant to Chapter 5, Section 5.8.6.3 of the SLDC, the BCC cannot deny approval of the Final Plat for Phases 1 and 2.

WHEREFORE the BCC finds the Application is well taken and hereby approves the Application for Preliminary Plat approval for Phase 1-4, which consists of 22 lots and Final Plat approval for Phases 1 and 2, which consists of 4 lots and 8 lots respectively, on 68.94 acres (the St. Francis South Mixed-Use Subdivision) with the following conditions:

a. Compliance with applicable review comments from the following:

- a. NMDOT
- b. NMED
- c. OSE
- d. SHPO
- e. Soil and Water
- f. Santa Fe Public Schools
- g. County Public Works
- h. County Fire Marshal
- i. County Utilities
- j. County Planning Division
- k. County Open Space and Trails
- l. County Affordable Housing

b. A Final Plat with appropriate signatures shall be recorded with the County

Clerk's Office. Signatures will not be given by the Land Use Administrator until

the administrative and final plat fees are deposited with the Administrator, together with proper security pursuant to Chapter 5, Section 5.8.6.3.5 of the SLDC.

- c. All Staff redlines and comments shall be addressed prior to plat recordation. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat.
- d. Water restrictions and conservation covenants shall be filed in the County Clerk's Office and referenced on the plat.
- e. A financial guaranty shall be submitted for all off-site and on-site improvements prior to Final Plat recordation.
- f. Compliance with conditions of the Original Master Plan.
- g. The proposed Street lights located at each of the entrances shall not exceed 25 feet in height.
- h. Access permits must be obtained from NMDOT prior to plat recordation
- i. Applicant shall be required to plat 38' internal easements with a 60' radius cul-de-sac turnaround on all internal cul-de-sacs.
- j. Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, and 21 shall be required to gain access through internal cul-de-sacs only, these lots shall not access directly onto the main loop road.
- k. Lots 13, 14; Lots 15, 16; Lots 1, 2 shall be required to share driveways.
- l. Access to Lot 22 shall be directly across shared driveway for Lots 1 & 2.

- m. Lots 15 & 16 shared driveway shall be directly across Lots 13 & 14 shared driveway.
- n. Access to Lot 17 shall be directly across internal cul-de-sac road between Lots 7 & 10.
- o. All Roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
- p. If multiple lots are purchased by one owner/developer and lots are consolidated, the Land Use Administrator is authorized to approve the lot consolidation and vacation of easements through an administrative plat approval.
- q. A TIA is required for all lot development and future platting, and shall include existing development and approvals to analyze the cumulative effect within the entire development and analyze all existing traffic on Rabbit Road to determine when intersection improvements are warranted.
- r. The Applicant shall be responsible for all design and construction costs associated with the two intersection connections with Rabbit Road. These improvements shall be constructed when warranted, no later than Phase 3 development, except that the roundabout for the west entrance shall be constructed as part of Phase 1 by the Applicant as agreed to by the Applicant.
- s. The Applicant is responsible for improvements to Rabbit Road from the intersection with St. Francis Drive to the railroad crossing to the west of their property to the design cross section in Exhibit 8 of the Staff Memorandum to the BCC dated June 28, 2017, as part of this final plat approval.
- t. The Applicant shall identify a total of 30% open space on the plat.

- u. The water delivery agreement and wastewater collection agreement shall be complied with prior to recordation of the final plat.

IT IS SO ORDERED.

This Order was adopted by the Commission on this ____ day of _____, 2017.

THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

Henry P. Roybal, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney