

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: September 17, 2015

TO: County Development Review Committee

FROM: Vicente Archuleta, Development Review Team Leader *VA*

VIA: Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # Z/V/S 10-5363 St. Francis South Master Plan Amendment and Variance

ISSUE:

Vegas Verdes, LLC. Applicant, JenkinsGavin Design and Development Inc., Agents, request a Master Plan Amendment to establish the maximum allowable residential density of 250 dwelling units and 760,000 square feet of non-residential development on 68.94. In order to obtain the density requested the Applicants are requesting a variance of Article III, Section 10 (Lot Size/Density Requirements) of the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code)..

The property is located on Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East, (Commission District 4).

VICINITY MAP:



SUMMARY:

On September 16, 2010, the County Development Review Committee (CDRC) 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.

On December 14, 2010, the Board of County Commissioners (BCC) approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots on 68.94 (Refer to December 14, 2010, BCC Meeting Minutes as Exhibit "4").

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 more or less (Refer to January 14, 2014, BCC Meeting Minutes as Exhibit "5").

On April 17, 2014, the CDRC recommended Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres.

On June 10, 2014, the BCC met and approved the Preliminary Plat and Development Plan for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres (Refer to June 10, 2014, BCC Meeting Minutes as Exhibit "6").

When the Master Plan was approved, the approval was for a Large Scale Mixed-Use development which permitted uses including senior housing, live/work and multi-family uses, however, the allowable residential density was not identified. The Applicants are now requesting an amendment to the Master Plan to establish the maximum allowable residential density of 250 dwelling units for multi-family use in addition to the 760,000 sq. ft. of non-residential development on 68.94 acres. The subject property is in the Basin Hydrologic Zone which allows one dwelling unit per 10 acres without water restrictions or one dwelling unit per 2.5 acres with .25 acre feet per year water restriction. In order to accommodate the proposed density for the project, a variance of Article III, Section 10 (Lot Size/Density Requirements) of the Land Development Code is requested.

Notice requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on August 27, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on August 27, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners.

Article III, Section 6.4.2 of the Land Development Code states: "No Application shall be approved unless it is determined that the density requirements of the Code are met."

Article III, Section 10.1.1 states: “The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted.”

Article II, Section 3, Variances, of the Code states:

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development review Committee may recommend to the [BCC] and the [BCC] may vary, modify or waive the requirements of the Code upon adequate proof that compliance with a Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health and safety.

Article II, Section 3.1 concludes that, “[i]n no event shall a variance...be recommended by [the] Development Review Committee nor granted by the [BCC] if by doing so the purpose of the Code would be nullified.”

Article II, Section 3.2 states, [i]n no case shall any variation or modification be more than a minimum easing of the requirements.”

The Applicant states: “The multi-family uses permitted by the St. Francis South Master Plan and Large Scale Residential code provisions cannot be feasibly developed at the single family density. Therefore, we are requesting the Master Plan Amendment and a variance to allow a maximum density of 18 dwelling units per acre.”

The Applicant also states; “The Sustainable Growth Management Plan (SGMP) policies indicate that development should comply with the principles for sustainable development and should provide for rational development patterns and adequate public facilities and services at adopted levels of service. The SGMP defines the purpose/intent and General Character of Future Land Use Categories. The Mixed-Use designation is defined as a combination of residential and commercial areas and higher density development. It further defines the mixed use district "to include multi-family residential, live work, and artistic opportunities that may require light industrial capabilities. The Mixed-Use Zoning District in the proposed SLDC allows a maximum density of 20 residential units per acre if at least 10% of the development is commercial.

Staff response: The subject property is not designated as a Mixed-Use Zoning District, but is designated as a Planned Development District (PDD) on the proposed Zoning Map. A designation as a PDD allows the property to be developed in accordance with the approved Master Plan.

The SLDC is not yet in effect. The allowable density in a Mixed-Use and Planned Development District are being analyzed as part of the proposed changes to the SLDC that will be presented to the BCC in the upcoming months.

The Approval of the Preliminary Plat and Development Plan should be consistent with SGMP principles related to Future Land Use Categories and Map.

The Master Plan Amendment and Variance to allow increased density is supported by the SGMP Future Land Use Plan which identifies the area as a Mixed-Use designation and the request to allow a maximum residential density of 18 dwelling units per acre is supported by the growth management strategy and future land use map which directs growth to areas with adequate public facilities and services.

The Master Plan Amendment and Variance is consistent with SGMP principles related to Future Land Use Categories and Map as well as the recently adopted Sustainable Land Development Code (SLDC) and draft zoning map.

The site for the development is located in SDA-1 within the Mixed-Use District in the SLDC, which requires residential and allows commercial, retail, recreational, community and employment uses. Section 1.4.2 of the SLDC requires that development approval for significant projects not be granted unless there is adequate on and off-site provision of facilities and services available to the development at established levels of service.”

This Application was submitted on June 19, 2015.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for the Master Plan Amendment and Variance under the current Land Development Code.

APPROVAL SOUGHT: Master Plan Amendment and a variance of Article III, Section 10 (Lot Size/Density Requirements) of the Land Development Code to allow 250 dwelling units for multi-family use in addition to the 760,000 sq. ft. of non-residential development on 68.94 acres.

GROWTH MANAGEMENT AREA: El Centro SDA-2

LOCATION: The development is located on Rabbit Road at the southwest corner of Interstate 25 and St Francis Drive.

HYDROLOGIC ZONE:

Basin Hydrologic Zone, minimum lot size is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling unit with signed and recorded water restrictions.

The maximum residential density allowed on the 68.94 acres is 27 dwelling units (with 0.25 acre foot water restriction). The request is for 250 dwelling units, which does not meet the minimum density requirements. Therefore, the Applicants are requesting a variance.

ARCHAEOLOGIC ZONE:

The proposed project lies within the High Potential, Archeological Zone. An Archeological report is required for development of more than 5 acres. An Archeological survey was conducted and submitted to NMSHPO for review. No significant sites were found.

ACCESS AND TRAFFIC:

The site will be accessed via a horseshoe shaped roadway with two access points off of Rabbit Road. The project's access will be comprised of two 12-foot drive lanes, curb and gutter, 5-foot sidewalks and 6-foot planting strips within a 50-foot private right-of-way, which will be dedicated to and maintained by the St. Francis South Lot Owners' Association.

The Individual lots will be accessed directly from the roadway or via shared driveways. The width of the access and utility easement will be determined at the time of platting based on the number of lots being accessed.

AFFORDABLE HOUSING:

The residential component of the proposed project will be large scale residential defined in the plan submittal as multi-family apartments, senior housing/assisted living and live/work on an undetermined number of lots. Using past and present interpretations of the Affordable Housing Ordinance and Regulations, the affordable requirement applies only to single family homes (detached or attached) on individual fee-simple lots, not multi-family developments with multiple units constructed on one lot.

The Application was submitted to the previous Affordable Housing Administrator for review. The Affordable Housing Administrator states: "With the understanding that no single family residences will be created and conveyed through this subdivision and that the residential uses proposed will be large-scale multi-family uses, and given the uncertainty over the number of residential lots that will be created, an affordable housing requirement cannot be calculated for this application. Therefore, staff cannot apply an affordable housing requirement for this Master Plan Amendment/Variance request."

FIRE PROTECTION:

The subject property lies within the jurisdiction of the Hondo Volunteer Fire Department. The final placement of fire hydrants will be coordinated and approved by the Fire Prevention Division prior to installation. Fire hydrants will be served by the Santa Fe County Utility.

WATER SUPPLY:

The project will be served by the Santa Fe County Water Utility. A County Master Meter is planned for the Campo Conejo Subdivision, which is approximately 1.5 miles east of the project. The project will connect to a Master Meter, Pressure Reducing Valve and Vault via a 12 inch water main in the Rabbit Road right-of-way.

Individual lot development will be required to comply with the water conservation measures outlined in Ordinance 2002-13.

LIQUID WASTE:

An Application requesting sewer service was reviewed and recommended for approval by the City-County Water Wastewater Review Team (WWRT) on February 17, 2015. Santa Fe County Utilities (SFCU) drafted an MOU based upon recent MOU's that have been approved by the City and County, and the draft MOU has been reviewed by County Legal. However, the City and County have been in discussion over Utility Expansion Charges (UECs) that the City wants to assess on properties outside City limits that are connected to the City sewer system. The process is

currently stalled while the City-County attorneys discuss the situation.

Once resolved, the draft MOU will be finalized and sent to the City for review and then shall be approved by the City PUC and Council and then the BCC.

Beyond the UEC issue, there does not appear to be any impediments to final approval, unless something arises during the PUC or City Council meetings that we are unaware of.

SOLID WASTE:

Solid Waste will be collected in receptacles located on each individual lot and hauled to an approved landfill by a licensed disposal service. Dumpsters will be screened by a wall or fence and gated. This must be noted in the Subdivision Disclosure Statement.

**FLOODPLAIN &
TERRAIN MANAGEMENT:**

The subject property has gently sloping terrain with minor isolated occurrences of 15% - 30% slopes. The 30% percent slopes shall remain undisturbed. The northern two-thirds of the site drains to the north while the remainder drains to the south. Storm water from the on-site roadway will be collected in swales located in the 100-foot open space buffer along Rabbit Road and will serve as passive irrigation for the vegetation.

A Lot Owners' Association will be created to maintain the roadway and common drainage facilities. In addition, each lot will be individually responsible for collecting storm water in on-site retention ponds and cisterns.

OPEN SPACE:

Open Space buffers totaling 17.29 acres, or 25% of the total land area is proposed. The open space will be left as natural and undisturbed as possible to preserve existing vegetation. The open space will be dedicated to and maintained by the St. Francis South Lot Owners' Association.

A pedestrian trail will be constructed on a phased basis within the 100-foot open space buffer along Rabbit Road that will connect with the Rail Trail west of the site.

LANDSCAPING:

Landscaping for individual lots will be the responsibility of each lot owner. Each lot will be landscaped in accordance with County requirements, to include setback areas, parking lot screening, internal landscape islands, etc. In addition, the owner of each lot with frontage on the main access roadway will be required to plant deciduous trees in the planting strips.

Water harvesting will also be the responsibility of each lot owner and will be provided at the time of the development plan submittal for each individual lot.

VARIANCE:

The Applicants request a variance of Article III, Section 10 (Lot Size/Density Requirements) to allow 250 dwelling units for multi-family uses in addition to the 760,000 sq. ft. of non-residential development on 68.94 acres.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
SFC Fire	Approval
SFC Utilities	Approval with Conditions
NMDOT	Approval with Conditions
SFC Open Space	Approval
SFC Public Works	Approval with Conditions
SFC Planning	Approval
Affordable Housing	No Opinion
County Hydrologist	Approval with Conditions

STAFF RECOMMENDATION: Staff recommends **denial** of the Applicant’s request for a Master Plan Amendment and Variance of Article III, Section 10 (Lot Size/Density Requirements) of the Land Development Code to allow 250 dwelling units for multi-family use in addition to the 760,000 sq. ft. of non-residential development on 68.94 acres.

If the decision of the BCC is to recommend approval, staff recommends the following conditions be imposed.

1. The Applicant shall comply with all review agency comments and conditions, **Article V, Section 7.1.3.c.**

- Applicant shall comply with all NMDOT regulatory requirements for this project (per SFC Public Works).
- Traffic Impact Analysis will be required with future Phases II, III, and IV to insure that off-site improvements are addressed for the development (per SFC Public Works).
- Speed change lanes and tapers re required as per original Traffic Impact Analysis (per SFC Public Works).
- It is Staff's opinion that future Traffic Impact Analysis address St. Francis Drive/Old Galisteo Road concerns regarding the feasibility of a signal light or roundabout (per SFC Public Works).
- Actual water useage shall be recorded on a monthly basis via metering and reported annually (per SFC Utilities).
- The Applicant must nter into a Water Service/Line Extension Agreement with SFC before final plat approval. The Agreement will specify requirements, such as construction standards, metering requirements, design approval process, infrastructure inspections and dedications, and payment schedules. The Applicant is responsible for the design and construction of this project in its entirety and pays for all costs associated with the water system (per SFC Utilities).
- The Applicant must obtain a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the proposed 62.81 acre foot/year demand. St. Francis South shall provide SFCU with a copy of this letter, and agree to construct and dedicate all infrastructure needs identified by the City's water utility hydraulic modeling (per SFC Utilities).

- The Board of County Commissioners (BCC) must approve the New Water Deliveries (or the equivalent) for St. Francis South, as required by Resolution No. 2006-57, “Adopting a Santa Fe County Water Resource Department Line Extension and Water Service Policy” (as per SFC Utilities).
- The BCC must approve the project’s proposed water budget of 62.81 acre-feet/year, which is in excess of the maximum of 35 acre-feet/year identified in Resolution No. 2006-57, Section IX.C. It is the Applicant’s responsibility to justify the “extraordinary circumstances” that merit an exception to the Water allocation limit (per SFC Utilities).
- The Applicant shall develop the water budget and construct the project premised on the SF County Conservation Ordinance No. 2002-13, which enumerates required water conservation measures. If requested the Applicant will provide SFCU with additional data and calculations upon which the water budget was established. SFCU may adjust the Applicant’s water budget as appropriate.
- The Applicant must compensate SFCU for the market value of the quantity of water rights and supply assigned to St. Francis South per Resolution No. 2006-57, Article X and IV.A.3 of Attachment A. SFCU currently values water rights at \$11,000 per acre-foot (per SFC Utilities).
- The Applicant shall meet all other conditions in Resolution No. 2006-57, Resolution No. 2012-88 and all other SFCU water-related ordinances and resolutions (per SFC Utilities).
- The Applicant must provide adequate public facility requirements to include connection to Water and Sewer (per SFC Planning).
- An updated Traffic Impact Analysis must be submitted with the future Phases (per NMDOT).

2. The Applicant must apply for an access permit from NMDOT prior to construction.
3. Compliance with conditions of the Original Master Plan.
4. A Residential component shall be required at Phase 2 of the development.

EXHIBITS:

1. Letter of Request/Developer's Report
2. Developer's Plans
3. Reviewing Agency Reports
4. December 14, 2010 BCC Meeting Minutes
5. January 14, 2014 BCC Meeting Minutes
6. June 10, 2014 BCC Meeting Minutes
7. Aerial Photo of Site and Surrounding Areas



jenkinsgavin
DESIGN & DEVELOPMENT INC

June 12, 2015

Vicente Archuleta, Senior Development Review Specialist
Building & Development Services
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

**RE: St. Francis South
Master Plan Amendment & Variance Application**

Dear Vicente:

This letter is respectfully submitted on behalf of Vegas Verdes, LLC in application for a Master Plan Amendment and Variance for the St. Francis South project. The subject property is a 68.9-acre parcel located on Rabbit Road at the southwest corner of Interstate 25 and St. Francis Drive.

Background Summary

The St. Francis South Master Plan for a 22-lot Large Scale Mixed-Use Project (“the Project”) was approved by the Board of County Commissioners at their meeting of December 14, 2010 as Case #Z10-5360. The Phase I Preliminary Plat and Development Plan was approved by the CDRC at their meeting of April 17, 2015 as Case #S 10-5362. The Project is approved for a mix of commercial and residential development.

The subject property is bordered by I-25 to the north, St. Francis Drive to the east, Rabbit Road (the Northeast Connector) to the south, and two large residential lots to the west. The Master Plan contemplates twenty-two parcels ranging in size from 1.04 to 2.90 acres. At build out, the gross building area is anticipated to be approximately 760,000 square feet, with a combination of office, community service, retail, warehouse, and residential uses.

Master Plan Amendment & Variance

As an approved Large Scale Mixed-Use Project, St. Francis South’s Permitted Uses include senior housing, live/work, and multi-family uses. However, when the Master Plan was approved, the allowable residential density was not identified as part of the review process. Therefore, we are requesting an amendment to the Master Plan to establish the maximum allowable residential density. These types of residential uses are categorized as Large Scale

Residential per Article III, Section 6 of the Santa Fe County Land Development Code. In order to accommodate the requisite densities for multi-family projects, a variance is requested from Article III, Section 6.4.2, which states, "No application shall be approved unless it is determined that the density requirements of the Code will be met." The subject property is in the Basin Hydrological Zone, which permits a minimum lot size of 2.5 acres. Obviously, the multi-family uses permitted by the St. Francis South Master Plan and the Large Scale Residential code provisions cannot be feasibly developed at this single family density. Therefore, we are requesting a Master Plan Amendment and a variance to allow a maximum residential density of 20 dwelling units per acre, as reflected in the attached Master Plan Amendment and outlined below:

Maximum Allowable Residential Density: 20 dwelling units per acre
Maximum Allowable Residential Units: 250 dwelling units

The residential uses approved by the BCC with the Master Plan require this density. The multi-family component, which is required by the zoning designation, cannot be instituted without this variance.

Sustainable Land Development Plan & Code

This Large Scale Mixed-Use project and the requested density is consistent with the property's designations in the Sustainable Land Development Plan ("SLDP"). The site is located within *Sustainable Development Area 1*, the highest priority for future development and "the primary location targeted for new growth". In addition, and more importantly, the property is identified as a *Mixed-Use Non-Residential Regional Center*. The proposed SLDC zoning of "Commercial General" permits a residential density of 20 dwelling units per acre.

A supplement to the Traffic Impact Analysis (TIA) submitted with the Phase I Preliminary Plat & Development Plan Application is submitted herewith. The supplement reflects the maximum residential density of 250 dwelling units per acre.

In support of these requests, the following documentation is included herewith for your review and consideration:

- Development Permit Application
- Warranty Deed & Letter of Authorization from Owner
- TIA Supplemental Memo
- Legal Lot of Record Verification
- Proof of Property Taxes Paid
- Master Plan Amendment – 15 full size & 2 reduced sets

The fees were paid with the previous application for Master Plan Amendment/Variance, Preliminary Plat & Preliminary Development Plan Applications, submitted on December 6, 2013. The total fees paid were \$8,425.00, calculated as follows:

Application Fee	100.00
Inspection Fee	100.00

25.00 additional fee per Lot	550.00
5-24 lot Subdivision	950.00
75.00 additional per lot	1650.00
Preliminary Plan Mixed Use S/D	750.00
100.00 additional per lot	2200.00
TIA Review	500.00
Public Notice Boards 4@ 25.00	100.00
Fire Inspection	25.00
Fire Development Review	1100.00
Variance & Master Plan Amendment	400.00
TOTAL	\$8,425.00

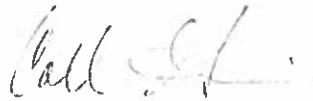
Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,



Jennifer Jenkins
JenkinsGavin Design & Development, Inc.



Colleen C. Gavin, AIA

St. Francis South Master Plan

Water Budget

June 17, 2015

Total Land Area 68.9 acres

OFFICE

Gross Building Area 150,000 sf
 Net Leasable Area 112,500 sf

NUMBER OF EMPLOYEES (1 per 250 sf of NLA)	450			
AVERAGE DAYS PER YEAR OF USE	250			
4 FLUSHES @ 1.28 GAL EACH	576,000	GPY		
4 MIN SINK @ 2.5 GPM	1,125,000	GPY		
KITCHEN SINK 3 MIN @ 2.5 GPM (25% OF EMPLOYEES)	210,938	GPY		
AVERAGE WATER USE (CLEANING ONLY)	1,000	GPY		
SUBTOTAL OFFICE WATER USE	1,912,938	GPY	5.87	AF/Y

WAREHOUSE

Gross Building Area 300,000 sf

NUMBER OF EMPLOYEES (1 per 2,500 sf of Gross Building Area)	120			
AVERAGE DAYS PER YEAR OF USE	250			
4 FLUSHES @ 1.28 GAL EACH	153,600	GPY		
4 MIN SINK @ 2.5 GPM	300,000	GPY		
KITCHEN SINK 3 MIN @ 2.5 GPM (25% OF EMPLOYEES)	56,250	GPY		
AVERAGE WATER USE (CLEANING ONLY)	1,000	GPY		
SUBTOTAL WAREHOUSE WATER USE	510,850	GPY	1.57	AF/Y

Multi-Family Housing

of Dwelling Units 250

0.12 AFY PER DWELLING UNIT	9,775,530	GPY	30.00	AF/Y
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Rehabilitation Facility

Gross Building Area 50,000 sf

	3,910,212	GPY	12.00	AF/Y
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PROJECT LANDSCAPING

2,500 Trees using 10 gallons per week for 5 months	537,500	GPY		
2,500 Trees using 2 gallons per week for 7 months	150,500	GPY		
2,500 Shrubs using 4 gallons per week for 5 months	215,000	GPY		
2,500 Shrubs using 1 gallon per week for 7 months	75,250	GPY		

SUBTOTAL LANDSCAPING	978,250	GPY	3.00	AF/Y
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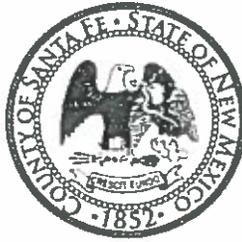
TOTAL ANNUAL WATER BUDGET	17,087,780	GPY	52.44	AF/Y
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NBC-15

Henry P. Roybal
Commissioner, District 1

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Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: July 22, 2015

To: Vicente Archuleta, Development Review Team Leader

From: Paul Kavanaugh, Engineering Associate Public Works *R*
Johnny P. Baca, Traffic Manager Public Works *JB*

Re: Re: Case #S 10-5363 St. Francis South Master Plan Amendment and Variance

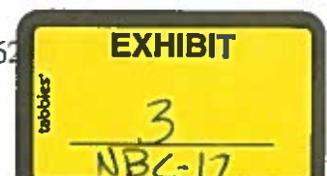
The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of **Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads)**, in which the roadway / driveway needs to conform. The project is located south of Interstate 25, west of the Saint Francis Drive and north of Rabbit Road, within Section 11, Township 16 North, Range 9 East. The applicant is requesting a Master Plan Amendment and Variance to allow a maximum residential density of 20 dwellings units per acre, for a Large Scale Mixed-Use District consisting of twenty-two (22) parcels ranging in size from 1.04 to 2.90 acres.

Access:

The applicant is proposing two access points from Rabbit Road to the 68.94 acre tract. Rabbit Road's course is east and west. The road is approximately 24 feet wide with two 12-foot driving lanes and 5-foot shoulders and bar ditches on both sides. The posted speed limit is 40 miles per hour. This portion of road is under the jurisdiction of New Mexico Department of Transportation.

The applicant proposes that the western access driveway will be constructed for Phase I of the development. This Phase I development access is comprised of two twelve (12') foot drive lanes with curb and gutter and five (5') foot sidewalks and will be a full access driveway for the project. The applicant states that the easterly driveway will be constructed in a future phase. At full build out the easterly access will serve as a right-in, right-out only. The applicant proposes that the westerly driveway will be a signalized intersection or modified as a round-about when traffic conditions warrant it.

A Traffic Impact Analysis prepared by Santa Fe Engineering Consultants, LLC, dated December 2013. The purpose of the study was to assess the traffic impacts from the previously approved Master Plan (December 2010) to the proposed Master Plan Amendment and what the project may have on the road system within the area and identify any necessary required road improvements. The total traffic from the development as approved in the Master Plan was compared with the current proposed plan. The current proposed plan shows approximately a 28% reduction from the previous approved Master Plan.



Conclusion:

Public Works has reviewed the Traffic Impact Analysis, dated December 2013, and feels that they can support the above mentioned project for a Master Plan Amendment and Variance with the following conditions;

- Applicant shall comply with all NMDOT regulatory requirements for this project.
- Traffic Impact Analysis will be required with future Phases II, III, and IV to ensure that offsite improvements are addressed for the development.
- Speed Change Lanes and Tapers are required as per the original Traffic Impact Analysis.
- It is staffs opinion that Future Traffic Impact Analysis address St. Francis Drive / Old Galisteo Road concerns regarding the feasibility of a signal light or a Round – About.

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County Manager

MEMORANDUM

TO: Vicente Archuleta, Development Review Team Leader
FROM: Jerry Schoeppner, SFC Utilities *JS*
THROUGH: Claudia I. Borchert, Utilities Director
SUBJECT: Master Plan Amendment and Variance Application, St. Francis South
DATE: 8/26/2015

Santa Fe County Utilities (SFC Utilities) reviewed the proposed water budget portion of the Master Plan Amendment for St. Francis South and requested additional information in memorandums dated July 29, 2015 and August 14, 2015. The applicant submitted a response to the request on August 5, 2015 and August 20, 2015 which is the subject of this memorandum.

The request for information is followed by the applicant's first and second response and SFC Utilities response:

1. Multi-Family Housing: The applicant proposes that each unit be limited to 0.12 acre-feet per year (AFY) which equates to 39,102 gallons per year. That is half of what the Code allows and much less than what would be estimated considering the number of gallons per capita per day for 2014 for a single family residence in Santa Fe County (just under 60 gallons). Based on an average of 2.52 persons per unit, we would expect each unit to consume approximately 54,000 gallons per year, well above the proposed 39,102 gallons proposed. If the developer restricts water use to 0.12 AFY, the County supports the water budget, but it may not be realistic. Please have the applicant provide information on the feasibility of achieving the proposed water budget and monitoring of the proposed restricted water usage.

The applicant based their water budget for multi-family housing on the City of Santa Fe's standard water budget formulas per Resolution Number 2009-116 (Resolution).

The 0.12 AFY was a typographical error. The proposed usage has been revised to 0.16 AFY per dwelling unit.

NBC-19

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County Manager

UTILITIES DIVISION

September 2, 2015

Jennifer Jenkins & Colleen C. Gavin, AIA
JenkinsGavin Design & Development, Inc.
130 Grant Avenue, Suite 101
Santa Fe, NM 87501

RE: ST FRANCIS SOUTH MASTER PLAN AMENDMENTS AND VARIANCE APPLICATION, VEGAS VERDES, LLC

Dear Ms. Jenkins and Ms. Gavin:

The Santa Fe County Utilities (SFCU) Division is in receipt of your June 12, 2015, request, submitted on behalf of Vegas Verdes, LLC, concerning the application for a Master Plan amendment and variance for a property under development at the southwest corner of Interstate-25 and St. Francis Drive. SFCU is also in receipt of your August 20, 2015 response to SFCU requests for additional information. The development project is known as "St. Francis South". The current St. Francis South Master Plan includes approximately 68.9 acres of undeveloped property, with a conceptual development plan that will consist of a 22-lot, large-scale, mixed-use project. The project will contain a mix of commercial and residential development, to be constructed in four phases, approximately five to six lots per phase over an 8-10 year period. The original St. Francis South Master Plan was approved by the board of County Commissioners at the December 14, 2010, meeting as Case #Z10-5360.

The proposed amendment to the St. Francis South Master Plan and variance would allow a maximum density of 20 dwelling unit per acres and 250 maximum allowable residential units in the Basin Hydrological Zone, which permits a minimum lot size of 2.5 acres. In addition, the preliminary plat and development plan water budget submitted on February 3, 2014, estimated a total annual water budget of 46.44 acre-feet/year. The St. Francis South Master Plan Water Budget submitted on June 17, 2015, increased the total annual water budget to 52.44 acre-feet/year. After consultation with SFCU, on August 20, 2015 you submitted a revised water budget of 62.81 acre-feet/year.

On February 18, 2014, SFCU sent JenkinsGavin Design & Development, Inc. (JenkinsGavin) a letter regarding water and sewer availability based on information in the St. Francis South Master Plan that was approved by the board of County Commissioners at the December 14, 2010. By

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

NBL-20

amending the St. Francis South Master Plan and applying for a variance, JenkinsGavin is modifying the development plan thereby invalidating the February 18, 2014 letter. Please consider this letter and the attached memo from Santa Fe County Utilities to Vincente Archuleta with the Santa Fe County Land Use Department as the replacement ready, willing, and able letter for the project.

Please be aware that any statements made herein refer solely to the parcel and development concept you have described in your written inquiry and appurtenant documentation you submitted on June 12, 2015 and August 20, 2015. If the parcel location or development concept is modified, or the construction conditions are modified in the future, this letter will be automatically invalidated, unless otherwise indicated in writing by SFCU.

We look forward to working with you toward the successful completion of this project. Please contact Sandra Ely at (505) 986-2426 or contact me at (505) 992-9872 if you have any questions and or concerns.

Respectfully,



Claudia Borchert, Director
Santa Fe County Utilities Division

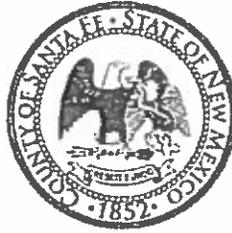
CB: SE

CC: Vicki Lucero, Building and Development Manager, Santa Fe County Growth Management Department (via email to: vlucero@santafecountynm.gov)
Greg Shaffer, Santa Fe County Attorney (via email to gshaffer@santafecountynm.gov)

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: September 2, 2015

TO: Vicente Archuleta, Development Review Team Leader

FROM: Sandra Ely, Project Manager III 

VIA: Claudia Borchert, Utilities Division Director 

REGARDING: St Francis South Ready, Willing and Able Letter for Amendments and Variance Application, Vegas Verdes (Case # S 10-5363)

Introduction: The Santa Fe County Utilities (SFCU) Division reviewed the June 12, 2015 submittal from JenkinsGavin Design & Development, Inc. (JenkinsGavin) on behalf of Vegas Verdes, LLC, concerning the application for a Master Plan amendment and variance for a property under development at the southwest corner of Interstate-25 and St. Francis Drive. SFCU also reviewed the August 20, 2015 response from JenkinsGavin to SFCU's request for additional information. The development project is known as "St. Francis South". The current St. Francis South Master Plan includes approximately 68.9 acres of undeveloped property, with a conceptual development plan that will consist of a 22-lot, large-scale, mixed-use project. The project will contain a mix of commercial and residential development, to be constructed in four phases, approximately five to six lots per phase over an 8-10 year period. The water budget proposed at full build out is 62.81 acre-feet/year.

Because JenkinsGavin proposes to amend the St. Francis South Master Plan, including the water budget, the February 18, 2014, SFCU sent to JenkinsGavin regarding water and sewer availability is no longer valid. The attached cover letter and this technical memo serve as the replacement ready, willing, and able letter for the project.

Water Service

Under the amended St. Francis South Master Plan, SFCU is **ready, willing, and able to provide water service** to St. Francis South, provided the conditions below are met before preliminary plat approval.

Condition for Water Service:

- 1) St. Francis South enters into a Water Service/ Line Extension Agreement with SFCU before final plat approval. The Agreement will specify requirements, such as construction standards, metering requirements, design approval process, infrastructure inspections and dedications, and payment schedules. The applicant is responsible for the design and

construction of this project in its entirety and pays for all costs associated with the water system.

- 2) St. Francis South obtains a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order supply the proposed 62.81 acre-foot/year demand. St. Francis South shall provide SFCU with a copy of this letter, and agree to construct and dedicate all infrastructure needs identified by the City's water utility hydraulic modeling.
- 3) The Board of County Commissioners (BCC) approves the New Water Deliveries (or the equivalent) for St. Francis South, as required by Resolution 2006-57, "Adopting A Santa Fe County Water Resource Department Line Extension and Water Service Policy".
- 4) The BCC approves the project's proposed water budget of 62.81 acre-feet/year, which is in excess of the maximum of 35 acre-feet/year identified in Resolution 2006-57, Section IX.C. It is St. Francis South's responsibility to justify the "extraordinary circumstances" that merit an exception to the water allocation limit.
- 5) St. Francis South shall develop the water budget and construct the project premised on the SF County Conservation Ordinance 2002-13, which enumerates required water conservation measures. If requested, St. Francis South will provide SFCU with additional data and calculations upon which the water budget was established. SFCU may adjust St. Francis South's water budget as appropriate.
- 6) St. Francis South compensates SFCU for the market value of the quantity of water rights and supply assigned to St. Francis South per Resolution 2006-57, Article X and IV.A.3 of Attachment A. SFCU currently values water rights at \$11,000 per acre-foot.
- 7) St. Francis South meets all other conditions in Resolution 2006-57, Resolution 2012-88, and all other SFCU water-related ordinances and resolutions.

Sewer Service

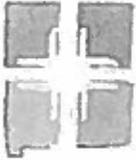
SFCU does not have utility wastewater service available to St. Francis South at this point. SFCU staff is in the process of drafting a Memorandum of Understanding (MOU) between the City of Santa Fe and Santa Fe County for a new sanitary sewer connection and sewer services for the St. Francis South project. Under this MOU, the St. Francis South Project will construct a public wastewater collection system to be dedicated to Santa Fe County, which discharges into the City's wastewater collection and treatment system.

Conditions for Wastewater Service:

- 1) Applicant must submit the sewer service design to SFCU for review before final plat approval.
- 2) The applicant is responsible for the design and construction of this project in its entirety and pays for all costs associated with the wastewater system. Santa Fe County is not responsible for any costs incurred in order to ensure compliance with the County's ordinances or other applicable rules and regulations.

SFCU Acceptance of Utility Infrastructure:

Following the successful design and construction of the facilities and upon verification that all requirements of the County's ordinances have been met to the SFCU's satisfaction as outlined in a Water Service Agreement, and following acceptance by the BCC, SFCU will accept ownership of and adopt all water and waste water supply facilities as part of its infrastructure for operations and maintenance.



NEW MEXICO DEPARTMENT OF
TRANSPORTATION

August 18, 2015

Vicente Archuleta
102 Grant Avenue
Santa Fe, NM 87501

RE: Case #S 10-5363 St. Francis South Master Plan Amendment and Variance

Dear Mr. Archuleta:

The New Mexico Department of Transportation (NMDOT) District 5 Traffic Section and Traffic Technical Support met with the applicant to address NMDOT comments for the Traffic Impact Analysis (TIA). The applicant has addressed the comments or will address them when they update the TIA for final development plan approval. The applicant will also need to apply for an access permit once the Final TIA is approved. No further analysis is needed for this Variance approval.

Feel free to contact me at 505-995-7800 if you have any questions or need additional information.

Sincerely,

Javier A. Martinez, P.E.
District 5 Traffic Engineer

Cc: Habib Abi-Khalil, P.E., Acting District 5 Engineer

Susana Martinez
Governor

Tom Church
Cabinet Secretary

Commissioners

Ronald Schmeits
Chairman
District 4

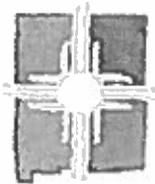
Dr. Kenneth White
Secretary
District 1

David Sepich
Commissioner
District 2

Keith Mortensen
Commissioner
District 3

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6



New Mexico DEPARTMENT OF
TRANSPORTATION

August 20, 2015

Mr. Vicente Archuleta
102 Grant Avenue.
Santa Fe, NM 87501

RE: St. Francis South Subdivision

Dear Mr. Archuleta,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and do not have any further comments or concerns.

If there are any questions or further information needed you may contact me at (505) 827-5249 or by email at jeremy.lujan@state.nm.us.

Sincerely,

Jeremy Lujan
Property Asset Management Agent

FILE #: 1707

Susana Martinez
Governor

Tom Church
Cabinet Secretary

Commissioners

Ronald Schmeits
Chairman
District 4

Dr. Kenneth White
Secretary
District 1

David Sepich
Commissioner
District 2

Keith Mortensen
Commissioner
District 3

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

~~COMMISSIONER HOLIAN: I move for approval of CDRC case
MP/PDP/DP 10-5330.
COMMISSIONER STEFANICS: Second.
CHAIRMAN MONTOYA: Motion by Commissioner Holian and second by
Commissioner Stefanics.
COMMISSIONER HOLIAN: With staff conditions.
CHAIRMAN MONTOYA: With staff conditions. Any discussion?~~

~~The motion passed by unanimous [4-0] voice vote. Commissioner Vigil was not present for
this action.~~

7. CDRC Case # Z.10-5360 St. Francis South Business Park, J.O.E.B. LLC (David Gurule), Applicant, Jenkins/Gavin Consultants, Agent Request Master Plan Zoning Approval for a Mixed Use Subdivision (Commercial, Residential And Community Service) consisting of 22 lots on 68.94 acres and approximately 760,000 square feet of buildings at full build-out. The development will be completed in four phases. The Property is located at the southwest corner of I-25 and St. Francis Drive, within Section 11, Township 16 North, Range 9 East. (Commission District 4) Vicki Lucero, Case Manager.

MS. LUCERO: Thank you, Mr. Chair. On September 16, 2010, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request.

The Applicant requests Master Plan Zoning Approval for a mixed-use subdivision consisting of 22 lots with up to 760,000 square feet of buildings on 68.94 acres. Uses will include a combination of office, community service, retail, warehouse and residential, for a complete use list refer to Exhibit A. Lot sizes range in size from 1.04 acres to 2.90 acres. A 14.61 acre open space area will also be included, as well as a 3.05 acre area designated for a wastewater treatment system.

Article III, Section 4.2.1.d.2 of the County Code states "Proposed mixed-use developments are allowed to locate anywhere in the County, except that the location of any specific commercial or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of Subsections 4.2.3 and 4.1."

This application was reviewed for existing conditions, adjacent properties, access, traffic, water, fire protection, liquid and solid waste, terrain management, archaeology, signage and lighting, parking, open space and trails.

Recommendation: Staff has reviewed this Application and makes the following findings to support this request: the Application satisfies the submittal requirements set forth in Article V, Section 5.2.2; the Application is comprehensive in establishing the scope of the project; the proposed Master Plan meets the criteria set forth in the Land Development Code; the Application is in accordance with Article V, Section 5.2 of the County Land

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Development Code.

Staff recommendation and the decision of the CDRC is to recommend Master Plan Zoning approval subject to the following conditions. May I enter those conditions into the record?

COMMISSIONER VIGIL: You may.

The conditions are as follows:

1. All redlines comments must be addressed.
2. The Applicant must seek approval from the CDRC to allow the eastern driveway to exceed 500 feet.
3. The western driveway shall be constructed at phase II.
4. A TIA will be required with future phases I, II, III, and IV to ensure that offsite improvements are addressed for the development.
5. Speed change lanes and tapers are required as per the TIA.
6. Future TIA shall address St. Francis Drive/Old Galisteo Road concerns regarding the feasibility of a signal light or a round-about.
7. The Applicant shall provide turnarounds with a driving surface of a minimum of 120' diameter at all dead ends servicing internal lots.
8. Supporting documentation for the drainage calculations consistent with the requirements of the NMDOT's Drainage Design Criteria, 4th ed. and Ordinance No. 2008-10 must be submitted at Preliminary Plat/Development Plan stage.
9. Drainage control infrastructure plans with sufficient detail to define construction specifics for that infrastructure having a direct impact on NMDOT facilities shall be submitted at preliminary plat/development plan stage.
10. A map showing the complete drainage basin contributing flows to and within the site shall be submitted at preliminary plat/development plan stage in accordance with Ordinance No. 2008-10.

MS. LUCERO: Thank you, Madam Chair. Staff would like to recommend one additional condition as follows:

11. In order for this development to qualify as "mixed-use" it must contain a residential component. Therefore, the first phase of the development shall have a residential element to be determined by the Applicant and the appropriate County Staff. [Condition removed at motion]

Thank you, Madam Chair and I will stand for questions.

COMMISSIONER VIGIL: Thank you. Are there any questions for Vicki? Seeing none, is the applicant here? Please, would you be sworn in. Jennifer, are you going to speak on behalf of the applicant?

[Duly sworn, Jennifer Jenkins testified as follows]

JENNIFER JENKINS: I am.

COMMISSIONER VIGIL: Does he agree to all the terms and conditions as stated by staff?

MS. JENKINS: Most of them, which we will get to.

COMMISSIONER VIGIL: Okay, please proceed.

MS. JENKINS: Thank you. Commissioners, my name is Jennifer Jenkins and

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this is Colleen Gavin. We are Jenkins Gavin Design Development and we are here this evening on behalf of the applicant, Dave Gurule and Ernie Romero and also part of our team is Mike Gomez, with Santa Fe Engineering Consultants who is our civil and traffic engineer on the project. And I'm going to keep it as brief as possible considering everybody is looking down the barrel of the holidays.

As Vicki mentioned we are requesting master plan approval for a large-scale mixed-use project at a 69-acre parcel at the southwest quadrant of St. Francis Drive and I-25. In September the CDRC recommended unanimous approval of our application. So I'm going to go ahead and approach and show you some visuals and go through just the highlights and key points on our proposal.

This here is the subject property. Again, it is just shy of 69 acres. This is I-25, the St. Francis interchange. St. Francis dead-ends into Rabbit Road. So everybody, I think, is oriented to where we are. I'm going to zoom-in, this is zoomed in on the subject property. It has actually very gentle nice gentle rolling terrain and it is in the Sustainable Land Development Plan that was recently adopted. This property has a couple of designations that I believe are pertinent to our existing request. One of which is this in Sustainable Development Area 1, which is the highest priority for growth. And, secondly, this is identified as a Regional Center. Regional Center contemplates retail, employment center, mixed-uses, and things of that nature. But I would consider Regional Center kind of the highest intensity type of designation that the Sustainable Land Development Plan contemplates.

We are proposing a mixed-use subdivision. Our master plan here contemplates about 22 lots ranging in size from just over an acre to just under three acres. We show two access points off of Rabbit Road with a loop road that would serve the project and we're contemplating four phases of development starting on the east side and working our way to the west side. The project has a significant amount of open space here that is reflected in green. We are showing a 100-foot buffer from the Rabbit Road right-of-way because we have an existing neighborhood so we are very cognizant of the existing neighborhood that we part of. Our goal here is to buffer our activities as much as possible and as we move forward with design guidelines and things of that nature really keeping in mind the residential nature of this neighborhood while at the same recognizing that we're on I-25 and St. Francis Boulevard, a major arterial and an interstate which really presents fantastic opportunities from a standpoint of economic development for Santa Fe County. We have excellent access.

We have excellent visibility and at the same time over here we have an existing neighborhood so it is a wonderful site. It's a challenging site but we believe that we can do something here that really works for the County in terms of the County's own economic development goals but also is respectful of our neighbors.

One of the really wonderful features of this property is the terrain. It's very gentle. It's very easily developable but we have a natural ridge that runs right here and then the property slopes down towards I-25. So when you're standing here looking north you can't see what's over here. So as buildings are constructed whether they be office buildings or other types of uses are constructed here the terrain really provided a wonderful natural buffer for those activities that really want to relate more to I-25 in terms of visibility. And, again,

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the 100-foot buffer here in terms of preserving this existing vegetation is going to have a wonderful impact as well as the open space here and 100-foot buffer here along the I-25 right-of-way.

We also conducted two neighborhood meetings. One in August, prior to going to the CDRC and we had a second neighborhood meeting in October prior to coming to the Board of County Commissioners. We had maybe, anywhere between four and seven neighbors in attendance at each meeting. We discussed a variety of things. We talked about access. We talked about uses and we think we had a very productive dialogue and never really received what we deemed as strong objection to the concept of what we're proposing. More was looking at how we're going to handle the lighting, and how are we going to handle traffic, and how are we going to handle some of types of issues. So I think we had a really productive dialogue in those meetings.

So let's talk about the access. Again, we are proposing two access points on Rabbit Road. We submitted a traffic impact analysis that was submitted, reviewed and approved by the County's Public Works Department as well as the Department of Transportation. And, our recommendation for roadway improvements were covered there so we are proposing and I'm going to have a little drawing that I'm going to show you, that talks about the improvements to Rabbit Road that we are proposing that includes turn-lanes, medians, landscaped medians, bike lanes and things of that nature. We're also proposing a trail that gets built in this buffer that will connect to the new rail trail extension that stops right here at Rabbit Road. So we're creating a connection opportunity to that rail trail system.

As part of our first phase, we're proposing to construct just this eastern most entrance and we would have a temporary emergency turnaround here and then as we move into phase two, we will be constructing the remainder of this. So once we construct the whole thing, this eastern portion here will be limited to right-in/right-out only movements and this will become our full access.

With respect to utilities, we are proposing to extent a 12 inch county water line from Campos Conejos – are you guys familiar with the Campos Conejos Subdivision that is just south of I-25? It's off this map but it's located just over here, just south of I-25 and we would extent a 12 inch water line what is called Old Agua Fria Road to Rabbit Road to serve the project. We have been working very closely with Patricio Guerrerortiz, the Public Utilities Director, to make sure that the property can be adequately served. And we do have a statement in your packet from him to that effect.

Which respect to wastewater, Mr. Guerrerortiz would prefer, he wants to, you know, pursue something possibly with the City where we can send our effluent across the street into the existing infrastructure in Rodeo Business Park. But that is going to need, you know, we're working with him on that. But we also have an area set aside for on-site wastewater treatment and we'll be reusing all the water for irrigation on site. We are prepared to accommodate it on site if necessary but if we have an opportunity to have it taken care of municipally, then that is what we will do.

And, lastly, I would like to address the new condition that staff has requested that pertains to the phasing of the project and the request that our first phase have a residential

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component. We are extremely concerned about this condition for several reasons. First, there is not a code requirement that says a mixed-use project must have a residential component in their first phase. That's my first concern. My second concern really is about geography. The first phase of the project in this area is really the worst place to put a residential element on this property. This is closest to St. Francis Boulevard. It is one of the more prime commercial areas from a marketing standpoint. And, frankly, in this economic climate, we really believe in this project and we really believe this project is going to attract employers and is going to be really again, dovetail beautifully with the County's own economic efforts. We need flexibility to attract users. To make sure the first phase is successful and gets off the ground so that we can construct significant infrastructure to serve the project as well as this part of the County. I'm not saying there won't be a residential component in the first phase. Say there's senior housing for example. We thought this site might be beautiful facility and maybe they would love that location. We need the flexibility to negotiate with users and make sure that the project is viable and successful. So imposing that type of condition creates a restriction that can really hamper our ability to do that. I respectfully request that this project be approved without that new condition. But we are in agreement with all the other conditions that staff has requested.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya then Commissioner

Stefanics.

COMMISSIONER ANAYA: Could you read that last condition again?

MS. LUCERO: Mr. Chair, Commissioner Anaya, it's in the staff report as condition number 11.

COMMISSIONER ANAYA: Okay, thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics and then Commissioner

Vigil.

COMMISSIONER STEFANICS: Thank you and this is back to the developer. I'm sorry what is your name again?

MS. JENKINS: Jennifer Jenkins.

COMMISSIONER STEFANICS: Jennifer Jenkins, thank you. At what phase would you be doing any improvements to Rabbit Road?

MS. JENKINS: In the first phase.

COMMISSIONER STEFANICS: So before you start your building in your phase one or concurrently or –

MS. JENKINS: The infrastructure will come first. So we will come in for a development plan and subdivision plat application to the County for phase one to create the lots that we're proposing and to provide all the civil drawings for the roadway and improvements on Rabbit Road, utilities and everything. That will happen first and then you'll see building permit applications for the buildings on those individual lots afterward.

COMMISSIONER STEFANICS: And, Mr. Chair, have you done a traffic study on the amount of traffic on Rabbit Road currently?

MS. JENKINS: Yes, we absolutely have and Mike Gomez speak specifically to the existing traffic on Rabbit Road and the significant improvements that we're proposing

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to mitigate the additional traffic that we will be adding.

COMMISSIONER STEFANICS: The current Rabbit Road does need major improvement so I'm very interested in Rabbit Road being improved. I do know that more people every week are starting to use that as a venue. I just am interested that we not – as people get used to a thoroughfare if it's blocked for construction then it's going to upset some people.

MS. JENKINS: We will have traffic control plan, nothing that we're doing will absolutely block traffic. We will always be permitting traffic to move through. There may be some days that it's a little slower than others but we will not be absolutely blocking traffic. We actually can't. We will be making sure that there are lanes of passage while we're working on this side we'll divert all the traffic to this side, and when we're on this side we'll divert to this side. There will be a full traffic control plan that will be submitted for approval by the Public Works Department.

COMMISSIONER STEFANICS: And the other question I have is what type of residence were you going to build, eventually?

MS. JENKINS: You know, what we're believing that this site would be appropriate for this site, we're not envisioning large single-family semi-rural lots. We do not believe adjacent to I-25 that this is an appropriate use. We think in combination of this mixed-use environment of office buildings and other types of employments, again, I think senior center – a senior housing facility I think could be a really good use. Possibly live-work, some higher density residential. Those are the types of uses as we are talking to the market and talking to potential users, those are the types of users that have expressed interest up to now.

COMMISSIONER STEFANICS: And, Mr. Chair, what phase were you intending to put the residential in?

MS. JENKINS: You know we aren't going to build it ourselves. It's going to be marketing those end-users to come and purchase lots and build that. But based upon my understanding of the site and my understanding of the market, I think you could see residential in phase two and we could see it in phase one. It's a tough thing to predict right now but I think it's very likely that we could see some residential uses in phase two.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Holian and then Commissioner Vigil.

COMMISSIONER HOLIAN: Thank you. Do the developers have a track record in mixed-use development?

MS. JENKINS: The owners of the property have a long track record of different types of real estate ventures here in Santa Fe. I can't speak directly to mixed-use but they are not the actual users so we are looking at people coming in and owning their lot and building their facility in accordance with the master plan and the approvals and the entitlements that we receive. And so they are not actually going to be doing the sticks and bricks.

COMMISSIONER HOLIAN: I see. So how many lots do you anticipate

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creating in phase one?

MS. JENKINS: In phase one, I believe it's five. And one of the reasons that we have the lot layout right now the way we do is that it allows flexibility. For example, it is six lots, so phase one is six lots right here. What these six lots allow us to do, for example in these lots right here it's a little over two acres. We could have the user say I really like this right here and I want to put my company's headquarters here but I need two acres. All we have to do is consolidate these. It allows for that type of flexibility. At the end of the day, do I think that we're going to have 22 different facilities out here? No, I do not. I think it's going to be a lot less.

COMMISSIONER HOLIAN: Okay, thank you. Do you know that, are you aware of that on the side of Rabbit Road there is a property that has a whole lot of junk cars on it?

MS. JENKINS: Yes.

COMMISSIONER HOLIAN: Have you been in contact with that owner?

MS. JENKINS: You know I have not. Mr. Gurule lives in the neighborhood across the street, actually, and he knows his neighbors really well and I don't know – have you had any communications? [Mr. Gurule nods in the negative.] No we haven't.

COMMISSIONER HOLIAN: We have been trying to work with him to have a lot of the cars removed but it's a slow process. I don't know that we can guarantee that they're going to be off –

MS. JENKINS: We understand and as I said it's the existing local color.

COMMISSIONER HOLIAN: I also wanted to ask you, you had mentioned that there's a pedestrian pathway where people could get to the rail trail and it goes through a couple of private property lots and I wonder if there's been any progress made with talking to the owners of those lots?

MS. JENKINS: I'm so glad you asked that question. Let me show you this first, what we are proposing, this is the adjacent property here. We are actually not proposing to put the trail on private property. There's a really generous shoulder of the Rabbit Road public right-of-way that will easily accommodate. The trail that will be on our property through the open space here and then we'll just divert it down; it'll be a little bit closer to the road just for that short stretch. And you can see here, this is a section of what Rabbit Road will look like after our improvements progress. So you can see we have the landscaped median in the center, we have the driveway on the edge and here we have a 14-foot corridor, essentially, adjacent right on the frontage of that lot next door to accommodate that little stretch of trail. So we're not infringing on any private property.

COMMISSIONER HOLIAN: Okay, terrific. And then I have one final question. Well, first of all I'll make a comment that I actually like the idea of having a wastewater treatment facility on the property because then you can reuse the water so actually that would be my preference. In any event, what kind of wastewater treatment facility; have you done any research on that?

MS. JENKINS: You know we have done some research just to make sure that we have the appropriate amount of land area set aside to accommodate it. That was our primary concern at the master plan stage. So we'll be definitely looking at a fairly intensive

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treatment, advanced treatment plant so we can get the water to irrigable standards.

COMMISSIONER HOLIAN: Great, thank you very much.

MS. JENKINS: You're welcome.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Vicki, this is for you. Was there a compelling reason or an ordinance that you needed to cite for the purposes of recommending the residential component in phase one?

MS. LUCERO: Mr. Chair, Commissioner Vigil, staff's concern was basically that this was proposed as a mixed-use development which means that there's a residential and a commercial component to it. And mixed-use developments are allowed to locate anywhere in the County. We were concerned that if the project, if phase one got built out with strictly commercial and for some reason the rest of the project never got built-out then we would be stuck with a commercial development which is not allowed in this area. Strictly commercial is not allowed in this location of the County so that was our concern and the reasoning for that condition.

COMMISSIONER VIGIL: Thank you, Vicki and thank you, Mr. Chair.

CHAIRMAN MONTOYA: All right. Any other questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just remembered something else as you were talking about Rabbit Road. Have you – I noticed that you have consulted with the DOT, did you, in fact, review the 25 year plan that the Metropolitan Planning Organization just approved as it relates to the I-25 and the St. Francis improvements.

MS. JENKINS: You know I am familiar with that plan but honestly, Mr. Chair, Commissioner Stefanics, I have not read it thoroughly.

COMMISSIONER STEFANICS: Well, you might want to get in touch with either Mark Tippets or Keith Wilson to actually identify what portions of our plan that we have put forward to the federal government as projects for the next 25 years and there is quite a bit of work that is going to be done to St. Francis.

MS. JENKINS: Thank you. I was actually aware of the improvements being proposed at the interchange and when we were interfacing with the DOT that did come up in our dialogue with them.

COMMISSIONER STEFANICS: Okay, thank you.

CHAIRMAN MONTOYA: Any other questions? I'd like to open this up for a public hearing. If there is anyone who would like to speak on this case, please come forward.

[Duly sworn, Baron Wolman, testified as follows]

BARON WOLMAN: Mr. Chair, Commissioners, I'm Baron Wolman. I live in a small-scale development across from what the proponents are calling a large-scale mixed-use development. Five minutes from my house, our houses, are two gas stations, two mini-marts, and two fast food restaurants. Five minutes from our developments is the big development on Zia Road with Albertson's and Walgreen's and all that stuff.

A large mixed-use development in our small-scale development, most of – the entire

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area is small-scale development with single-family homes everywhere; it's going to have a huge impact on us. There's just no way around it. We're going to see it. We're going to hear it. We're going to feel it. We don't need for example things like mini-marts. We don't need any more gas stations. We don't need a truck stop. In fact, I don't even know why we need office buildings because I went across I-25 and looked at all the office buildings over there and there's unbelievable amounts of space for rent and lease. So I don't understand the need for this development actually. And, actually, I don't really like the development but I understand that people own property and they can develop it.

I don't understand how the neighborhood itself is going to benefit from this development. There is nothing that they're proposing that they're proposing that they're going to put in there that we need or that we would use. We don't need a senior citizen center. We don't need. We don't need – I don't know what the homes are going to be like, what the residential area is going to be like but I assume it's going to be apartment and things like that and that totally changes the nature of our entire neighborhood. And those of you who have been there, you know. I don't see it's actually going to benefit Santa Fe at all other than the tax income and things like that. It just doesn't feel right. This whole development is so massive in the face of such small scale living that I'm – it just doesn't feel right. And I'm – I don't see the need for it.

The one thing that I'm puzzled about is that the applicant is saying we're not going to do anything here. We're not going to build anything here. We're just going to sell it off. So where is there involvement? Where is their part for something that is going to affect so many of us so greatly? They're just going to sell it to anonymous buyers and that doesn't feel right either.

I don't know on balanced needs and I wrote a letter already that says I'm not really in favor of this development as they have described it. I just have to say it doesn't feel right. It just doesn't feel right. Thank you.

CHAIRMAN MONTOYA: Thank you. Anyone else like to come forward to speak on this case please come forward, be sworn in and state your name and address.

[Duly sworn, Sam Hitt, testified as follows]

SAM HITT: My name is Sam Hitt and I live at 48 Old Galisteo Way about a mile from the proposed development.

I have several concerns. Let me just start with the trail. Staff report says that this is a pathway that leads to nowhere. And that the trail would force people to use quote the heavily used and dangerous Rabbit Road. So if you have the map in your packet then perhaps you can see that when the trail gets toward the rail trail it's forced into the shoulder of Rabbit Road. That is heavily used now and of course will be more heavily used in the future. So, I'm concerned that if this – I think you should make a condition of your approval if that's what you want to do tonight, that an easement would be required through those private properties so there could be actual safe connection to the rail trail from this proposed trail.

I think that I have some similar concerns of Mr. Wolman. I think a lot of the neighbors where I live are familiar with the business park that's on Rodeo Road and we like the unified look there. The proposed development being sold off piece by piece in various phases will not have that. I'm not sure what authority you have to require the developer to

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have a unified architectural look to the property but we think that would be a very good idea.

I'm just not familiar with why the density can be so great where the lots can go down to just over one acre for example. But it certainly seems too dense to us. We would like to see more open space. Right now there's about 25 percent of the land as open space. We'd like to see perhaps 50 percent.

Also, water use that was not discussed, but in the staff report and in the materials that I reviewed a figure of 40 acre-feet per-year was mentioned as possible use. That seems excessive so I think approval should be granted on the condition that businesses that are low water users use the property.

Also, I understand that the study has not been done. The geohydrology study has not been done and that is a code requirement and I think that should be done before approval.

This is going to be a big development. It's going to change our neighborhood a great deal. It's going to increase traffic tremendously. We would like to see in the spirit of the Sustainable Growth Management Plan that local businesses be favored in the property. Again, I don't know what authority you would have to require that but that would certainly make it better in our eyes.

On the question about the condition of residential use, it's just a bit confusing to me because in the Sustainable Growth Management Plan the area is designated mixed-use non-residential and as a regional source. Mixed-use non-residential what does that mean? That to me, means that there's not residential as part of the mixed-use and perhaps I'm just not reading things right but I don't understand that problem. I think that's about it. Thank you very much.

CHAIRMAN MONTOYA: Thank you. Please come forward, next.

[Duly sworn, Shawn Sweeney, testified as follows]

SHAWN SWEENEY: Mr. Chair, my name is Shawn Sweeney and my address is 214 Rabbit Road. I also represent my parents, Ed and Frances Sweeney at 216 Rabbit Road. Rabbit Road as what it is now. It's been Route 3, Route 7, Route 9 over the years that the County has changed it.

We have seen a lot of change in the decades that we have lived there and I would like to say that I have found the developers to be listening people. They have indeed answered my questions when I've put forward to them.

I would like the Commissioners to consider the chickens, pigs, sheep, horses, goats – the very rural lifestyle that we lead facing this development. I appreciate that the developer has put a 100-foot greenbelt between Rabbit Road and the start of the development. But, unfortunately, if you look at the plat lots I believe, 15, 19 and 20 are not helped by what the developer described as favorable geography. They face us directly.

When you hear words like “regional center” and “high-intensity” we do realize that there will be change but again I would like to ask the Commissioners to keep in mind the rural nature of the area being developed and the residential nature. Thank you.

CHAIRMAN MONTOYA: Thank you. Come on forward.

[Duly sworn, Don DeVito testified as follows]

DON DEVITO: Hi, my name is Don DeVito and I want to take this opportunity to thank the Commissioners for approving the rail trail area in Rabbit Road. It's

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been a huge benefit to the community and I really would encourage continued improvement of that rail trail as a community asset.

I live right across the street from the proposed development and I also work as a real estate broker so I try and walk the line of what is good land use and good development while maintaining and respecting what's already there. And what you're looking at here if you go to your maps, you're creating a commercial use bulge if you will into a rural residential area. That's fine. That's change and we can learn to live with that provided it's planned accordingly.

What I would favor, what I can live with, is something that earlier commented on where you've got some continuity which what's already across I-25 in the Rodeo Road Business Park. I-25 has always been a natural demarcation. South of I-25 was rural residential, 2.5 acre lots, horses, donkeys, chickens, mobile homes and custom homes. With this development now we're headed into a new frontier, if you will, where you're extending that commercial development across I-25 into what historically has been rural residential. They're opposed that but I ask that you think carefully about the conditional uses. And what I would not like to see are things like gas stations, retail or anything of a 24/7 nature. So I land on what's a compromise? Professional offices, churches, schools, maybe a community center just something that is not there 24/7. That's all I really have to say. Thank you for your consideration.

CHAIRMAN MONTOYA: Anyone else like to speak on this application.
[Duly sworn, Ernie Romero, testified as follows]

ERNIE ROMERO: Mr. Chair, members of the Commission, my name is Ernie Romero. I live at 35 Camino Monte Feliz in Santa Fe. And I wasn't planning on speaking because there are other people here who can speak on the specifics of this project a lot better than I can.

I just wanted to make a comment that when we first got the opportunity to look at this project it had a great amount of appeal to me. I've been here all my life. But to be involved in a viable commercial mixed-use project in the County was pretty interesting me because I've always seen all of that happen in the City where the City benefits from all of the gross receipts taxes and so forth and yet the County provides a lot of the housing which doesn't – but you don't get the benefit of the gross receipts taxes to support what you have to do here. So a project in the County that's viable is very appealing to me.

There are other mixed-use projects in the County but nothing that is so obvious that a mixed-use commercial development could take place. Because of its frontage along I-25 and St. Francis Drive. I really am proud to be part of a project that can provide jobs and economic opportunity to the citizens of Santa Fe County and people that live there and work there we're all the same. We're all just part of the greater Santa Fe area.

There's been some statements that all we would do is get it zoned and get the infrastructure in and start selling off parcels. That's not entirely true. You know, we'll be looking at doing some build-to-suit. We'll be looking at possibly moving our office there. We would do joint ventures with people. We have a track record. I've been in this business for 25 years and I have many projects under my belt in Santa Fe, Albuquerque, and in all of our neighboring states. We're here and we're here to stay. I just want to say that this will be

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a good project and we really appreciate your consideration.

CHAIRMAN MONTOYA: Thank you. Anyone else wish to speak on this application? Okay, the public hearing is closed. Final comments.

MS. JENKINS: Just a few final comments. I just want to address a couple of things really quickly. I really appreciate the comments made about what – about maintaining some architectural integrity and continuity in the project. That's absolutely our vision as well. So as we move forward with our first phase, we will be developing design standards. We'll have CC&Rs that will have architectural standards and we will possibly have different standards depending on which lot a facility is being constructed. Depending on how visible is that lot from the people across the street. That's one of the things that we're looking at. So strict architectural standards, we absolutely believe in that and I'm really glad that Mr. Romero addressed their involvement. And Rodeo Business Park across the street, we do see that to some degree as a model. As a matter of fact, this property used to be owned by the original developers of Rodeo Business Park and Rodeo Business Park has developed well over the years but all of those parcels are individually owned. All of those facilities were built by the users of those parcels and so that pattern of development there is really seen as a model for what we're doing but we want to do it better. We want to have that mixed-use component that we think is really important especially as part of this existing neighborhood.

I think that's all I have now. I'll be happy to stand for any questions.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Jennifer, would you be willing to take all 24/7 businesses off the use list?

MS. JENKINS: You know what my preference would be and I appreciate the concerns about that, and my preference would be to address that when we come in for our first phase because the marketing effort in terms of the types of users and the types of facilities that we may be attracting that's really going to kick off assuming that we receive our entitlement this evening. So we'll be in a better position to respond to that once we are coming in with our first phase and say these are the users and really see if that is even – I don't think that that is going to be an issue frankly based on this site. But I would just ask for the opportunity to address that specifically when we come in with our first phase.

COMMISSIONER HOLIAN: And, another condition, well I don't know if this is a condition so much as just asking you to at least look into whether you could put the trail across the properties next door?

MS. JENKINS: We would be happy to reach out to that property owner. You know, it's only about 260 feet. It's a very short stretch and I appreciate the concerns about safety. We would be happy to reach out to that landowner and see if they are open or willing. I do know that it gets to be kind of a liability issue for an independent – for just a person who owns their home and lot there to have a public trail on their property. And if I owned that house that would be my primary concern. But I can tell you that we will absolutely reach out to that landowner and see if we can possibly come to an arrange with them.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. I have a question for clarification purposes from staff and Vicki this might be for you but Jennifer I'll probably ask you some

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too. With regard to the request that's before us, it's for master plan specifically; correct.

MS. LUCERO: That's correct.

COMMISSIONER VIGIL: But this project is going to be phased in. Does that mean that each phase will come to us for preliminary and final?

MS. LUCERO: Mr. Chair and Commissioner Vigil, each phase will be coming back to the Board for preliminary and final plat approval which is actually subdividing the lot. The development plan for actually constructing the commercial or residential buildings on the site will just go to CDRC. But for plat approval it will come back to the Board for each phase.

COMMISSIONER VIGIL: Okay. The architectural integrity that wants to be protected by the agent, is that something that we would have to put as a condition of approval in master plan or can it be done in preliminary?

MS. LUCERO: Mr. Chair and Commissioner Vigil, it should be – when they make application for preliminary they'll have to support any kind of restrictive covenants that they plan on having and at that point they'll address any architectural standards that they see appropriate. If there's something at that point that the Commissioners would like to add, I think that that would be the more appropriate time.

COMMISSIONER VIGIL: The other question is more a technical question. How close is this property to the contiguous requirement for annexation with the City do you know?

MS. LUCERO: Mr. Chair, Commissioner Vigil, I do not know the answer to that. I don't know if Jennifer does.

MS. JENKINS: I-25 right-of-way was annexed as part of the phase one annexation so we are directly adjacent. But this property is subject to the 20-year limitation on annexation per the settlement agreement from May of 2008.

COMMISSIONER VIGIL: So it's in phase three or something?

MS. JENKINS: No, this property cannot be annexed. It is not part of the presumptive City limits. This is County property and it is not even eligible for consideration of annexation for 20 years, actually 18 now.

COMMISSIONER VIGIL: Okay, thanks for clarifying that, Jennifer. I have no further questions.

CHAIRMAN MONTROYA: Okay, the public hearing is closed.
Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would like to move for approval of CDRC Case Z 10-5360 with staff conditions but removing number 11. Also, I would just like to urge you to investigate whether you can get an easement across the neighboring property for the trail – I won't put that as a condition. And, also, to work on for the preliminary plat phase to work on covenants that provide a uniform architectural look for the property. And, also, to be favorable towards local businesses.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTROYA: Okay, motion by Commissioner Holian and second by Commissioner Anaya. Any other discussion?

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The motion passed by [5-0] voice vote.

COMMISSIONER VIGIL: Clarification, Mr. Chair. Were those conditions of approval?

COMMISSIONER HOLIAN: No. I wasn't really adding them as conditions it was more of requests.

COMMISSIONER VIGIL: Okay, so those conditions can be addressed at preliminary. Thank you.

CHAIRMAN MONTOYA: We're going to move to item 11.

11. CDRC Case # Z/DP 09-3132 PNM Caja del Rio Substation. Public Service Company of New Mexico "PNM" (Jeanette Yardman), Applicant, Requests Master Plan Zoning/Preliminary and Final Development Plan approval for the construction of the Caja del Rio Substation on 2.4 acres. The substation is needed to serve the City of Santa Fe/Santa Fe County Buckman Direct Diversion Water Pumping and Treatment Facilities, and future growth in the area. The project will consist of the substation, installation of two tap structures approximately 45 feet in height, and an interconnection with PNM's existing 115kV transmission line. The property is located at 11 W. Caja del Oro Grant Rd., within Section 22, Township 17 North, Range 8 East (Commission District 2). Wayne Dalton, Case Manger

CHAIRMAN MONTOYA: I'll ask Steve Ross for some comments on this case.

MR. ROSS: Mr. Chair, I think we're going to ask for this case to be tabled for a month to allow us to work out some arrangements that began yesterday. Mr. Leyba who is a member of the community that's affected by the proposed substation there on Caja del Rio and County Road 62 has proposed an interesting suggestion yesterday which we are working on with PNM and the Buckman Direct Diversion Board. The suggestion is this, that the proposed substation be moved from its current proposed location at Caja de Rio and County Road 62 west down County Road 62 about 1,500 feet, 500 yards, which would put it below a rise that exists in the natural topography over there closer to the landfill and hopefully mostly out of sight for the community as it has been concerned about the effects of the substation on their neighborhood.

There are a number of technical issues that still need to be resolved. One is that we need to verify that the City actually owns the property where the station would be moved to. Remember, the proposed substation is going to be located on City property. There's maybe some technical issues that need to be worked out. They need to take a long at a new site, select a new site, and do the engineering on that site plus they would need to amend their application so that it can be brought back to you next month with a new location specified and all the other necessary details. Plus, they need to look at the cost for purposes of

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COMMISSIONER STEFANICS: Mr. Chair, before we go on, I'm asking the staff to see if they can turn the air conditioning please.

CHAIR MAYFIELD: I'll second that.

COMMISSIONER STEFANICS: We sent some emails and it hasn't happened yet.

VII. B. 5. CDRC CASE # S 10-5362 Saint Francis South Preliminary Plat and Development Plan. Vegas Verdes, LLC. Applicant, JenkinsGavin Design and Development Inc., (Jennifer Jenkins), Agent, Request Preliminary Plat and Development Plan Approval for Phase 1, of the St. Francis South Mixed-Use Subdivision Which Consists of 5 Lots on 68.94 Acres. The Property is Located on the Northwest Corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East, Commission District 4, Vicente Archuleta, Case Manager [*Exhibit 2: Applicant supplied schematic, master plan map, permitted use list, roundabout, phasing map*]

MS. LUCERO: Thank you, Mr. Chair. I'll be presenting for Mr. Archuleta this evening.

On April 17, 2014, The County Development Review Committee recommended denial of the Applicant's request for Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South Mixed-use subdivision consisting of 5 lots on 68.94 acres. CDRC Member Katz stated he was uncomfortable with the lack of information regarding this phase of development and his concern was inconsistent development.

The Applicant's original request included a Master Plan Amendment to establish the maximum allowable residential density of 650 dwelling units and 760,000 square feet of non-residential development on 68.94 acres and a variance request. In order to obtain the density requested, a variance of Article III, Section 10 of the Land Development Code would be required.

The Applicant has modified their original request and is now requesting only Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres. Four of the lots which will be created and developed and the remaining tract which will be subdivided and developed in a future phase or phases. Phase 1 as shown on the Master Plan has been relocated from the east side of the property to the west side of the property.

On December 14, 2010, the Board of County Commissioners approved Master Plan Zoning for a mixed-use subdivision consisting of 22 lots on 68.94 acres to be developed in four phases. 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 68.94 acres. This allows for the Land Use Administrator to have the authority to administratively approve a specific lot layout for the subdivision once the CDRC and BCC have approved the Preliminary and Final Plat.



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Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for the proposed Preliminary Plat and Development Plan under the current Land Development Code.

Recommendation: The CDRC recommended denial of the Applicant's request for Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South Mixed-use subdivision consisting of 5 lots on 68.94 acres. The Application for Preliminary Plat and Development Plan approval is in conformance with the previously approved Master Plan and Master Plat Authorization and Article V, Section 5.3 (Preliminary Plat Procedures) of the Land Development Code. Therefore, staff recommends approval of the request for Preliminary Plat and Development Plan for Phase 1 to create 5 mixed-use lots on 68.94 acres in accordance with the previously approved Master Plan subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions.
2. The Applicant must apply for an access permit from NMDOT prior to construction.
3. Maximum density shall not exceed 1 dwelling unit per 2.5 acres. [This condition was modified at motion]
4. Compliance with conditions of the Original Master Plan.
5. A Residential component shall be required at Phase 2 of the development.
6. Complete design of Community Sewer System will be required at the time of Final Plat approval for Phase 1.
7. A discharge permit from NMED will be required when discharge exceeds 2,000 gallons per day.
8. A revised and updated TIA reflecting current road conditions shall be submitted with the Preliminary Plat/Development Plat for Phase 2 and shall include timing of improvements and complete road design for full build-out of the development.
9. The road design for the right turn deceleration lane on Rabbit Road must be submitted with the Final Plat/Development Plan for Phase 1.

Mr. Chair, Staff would also like to add one additional condition, which would be number 10.

10. The applicant shall submit a water delivery agreement from Santa Fe County that specifies construction standards, for example, line taps and meter cans, and inspection and dedication requirements for Phase 1 prior to final plat and development plan submittal.

Thank you, Mr. Chair, I stand for questions.

JENNIFER JENKINS: Good evening, Chair Mayfield, Commissioners. I am Jennifer Jenkins with JenkinsGavin Design Development here this evening on behalf of Vegas Verdes LLC in request for preliminary subdivision plat and development plan approval for the first phase of the St. Francis Business Park. I'm going to make a few introductions and we just have a brief introduction and then we'll be happy to stand for questions.

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[Those wishing to speak on this case were collectively administered the oath]

MS. JENKINS: Thank you. We have Colleen Gavin also with JenkinsGavin. And we have Eric Romero of Vegas Verdes LLC, Mike Gomez with Santa Fe Engineering Consultants who is the civil engineering consultant on the project and of course, I think you know, Karl Sommer. And I think Colleen has passed it out.

What we have on the screen right now is just a vicinity map that shows the location of the project. You have seen this project a few times. You approved the master plan for the project back in 2010 and then we were here in January for a master plat authorization. And so tonight is really our first step in realizing this project which is our first phased preliminary plat.

So as you can see the subject property is bordered by I-25 to the north, St. Francis Drive to the east and Rabbit Road to the south. Next slide. So this is an excerpt from the Sustainable Growth Management Plan where this very specific property was designed commercial for the purposes of that plan and it was on this basis and in accordance with this that our master plan was approved in 2010.

So this is the master plan. So our first phase I will show you is there in the southwest corner and the subdivision that we have submitted is wholly consistent with the approved master plan from 2010 and we are very excited – it's been a long road getting here so we are really excited to get the shovel in the ground and this is obviously our first step in realizing that. Next. This is the MPO's transportation plan which shows some of the transportation improvements and also gives some context with respect to the subject property in relationship to the urban area. And so if we go to the next slide you can see kind of zooming in, you see Rabbit Road there at the top of the page and the subject property right there above that and you can see I-25 and of course as you're coming down we have the southeast connector which is proposed to serve the Community College District off of Rabbit Road itself.

So this property offers so many benefits due to its location and access and access to transportation is really a key component of this. When we were before this body in 2010 we really saw this property as an economic development hub for Santa Fe County. Very similar to what we've seen occur in the Turquoise Trail area. That has become a really dynamic area and a nice economic driver for Santa Fe County. This is another similar opportunity and there was – everybody recognized that 2.5 acres lots adjacent to I-25 was not really appropriate. So that is why the large scale mixed-use designation was granted at that time. So this is the subdivision plat and outlined in blue there is our first phase. The property is served by an access road that will loop around and access Rabbit Road at two locations. We're starting on the west and we are really excited that we do have our first user, our first facility onboard. And it is – we're going to talk a little bit more about that in a moment.

So we have four lots created there. So we will build kind of the first extension of the roadway. We will terminate that into a temporary cul-de-sac and emergency turnaround and as we move east we will continue the roadway all the back down to Rabbit Road.

So this is the phasing plan as it stands right now. Again, we're showing Phase 1 and kind of moving in a clockwise direction around the property. The phasing is conceptual and obviously it is subject to change as we have new facilities and new users come onboard.

Our first facility is on I believe that is lot 5 in the southwestern most corner of the

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property is a skilled nursing rehabilitation center. This is the type of medical facility where if you've been released from the hospital but you are not quite well enough to go home so you need a little bit of skilled nursing care as part of your recovery, this is the type of services that this type of facility offers. There are no facilities like this in northern New Mexico. If anyone needs this kind of care this kind of post-hospital care, they have to go to Albuquerque which is unfortunate not only because this is an important medical service and so families are forced to drive to Albuquerque to visit loved ones and it creates a strain. And, again, we're talking all of northern New Mexico is forced to do that. So this is going to be the first facility of its kind in our region. And it is an important service. It is 120 to 150 jobs. And it is a, as you can see architecturally it's a single story building and relatively low impact architecturally, very low traffic generator and it is an important service and this is economic development for Santa Fe County. This is the permitted use list on the next page. That's directly out of our approved master plan. We are approved as a mixed use project so we are primarily a commercial project but there will be a residential component. And so we have everything from institutional type uses, office, warehouse, research and development, medical – so there are a lot of opportunity to generate economic activity for Santa Fe County.

And just a couple of quick points on some of the infrastructure details. We are going to be served by the Santa Fe County Water System. We will be connecting – we'll be heading east down the frontage road, down Rabbit Road heading east to an existing infrastructure that serves the Campo Conejo Subdivision. Currently, we are proposing on-site wastewater treatment. You know we also are looking at pursuing a connection to the City sewer system but we know that on-site wastewater treatment is feasible and viable and if that's the way we need to go, that's the way we will go. But we will know when we come back for final plat approval if we've been able to negotiate something with the City so we can potentially have a municipal sewer connection. And, again, this is just kind of a zoom in of the property with the topography. It's very gentle and views are quite beautiful from the site.

And with that that completes our presentation. And I think, Karl did you – I think Karl has a couple of points and with that we will stand for questions, thank you.

KARL SOMMER: Mr. Chair, members of the Commission, I'll be very brief. There is a condition of approval that was imposed or discussed by Vicki, Vicki Lucero – excuse me. I see these people all day long, they see me – it deal with the density being one unit per 2.5 acres. There is a – whatever the law is with respect to density we must comply with. I think there's a disagreement with at least myself and staff regarding what the density allowable here is and it deals with the fact that water is coming from the City system here. Under the County code as it sits today, if you are importing water then the density requirements change. You have a lot of other requirements you still have to meet but the density requirements change.

I would ask that you look at that condition and just say as a matter of condition of approval that the applicant comply with whatever the applicable density requirements are. We don't need to get into a discussion about it tonight in terms of a condition because we are not proposing a residential component at this particular phase. When we come in we'll deal with that issue.

I could answer the question more specifically if you want, I don't think it changes the

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substance of the application. I don't think a condition is necessary because if it is just imposing what staff believes the law is then it is unnecessary because if that's what the law is then it applies. If it isn't what the law is then they're imposing a condition that we shouldn't be accepting. That's the reason I am rising to address you all. I would answer any questions you might have.

CHAIR MAYFIELD: This is for staff, really quick. Ms. Lucero, I'm sorry if it is Ms. Jenkins or Ms. Gavin? Jenkins. I thought I heard her indicate it was going to be under the County utility and then I just heard Mr. Sommer say the City utility.

MR. SOMMER: I made a mistake. I apologize.

CHAIR MAYFIELD: Okay, we don't want to lose our County customers if we don't have to.

MS. LUCERO: Mr. Chair, it is the County.

CHAIR MAYFIELD: And then, Ms. Jenkins, really quick. I think personally it's great if you bring in some economic development to our town but as far as the skilled nursing facility is there any allocation for maybe gray water salvage off of this project? Are you guys planning that?

MS. JENKINS: Yes, absolutely. If on-site wastewater treatment is the direction we go we absolutely want to use our gray water for irrigation purposes.

CHAIR MAYFIELD: Great, so that will be in the design plan?

MS. JENKINS: Yes.

CHAIR MAYFIELD: Thank you very much. There will be a lot of laundry done probably.

MS. JENKINS: It's going to be very lush out there.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Ms. Jenkins, I have a few questions. It looks like in Phase 1 there are four lots under consideration for development; is that correct?

MS. JENKINS: Yes, that's correct.

COMMISSIONER HOLIAN: Lot 1, 2, 22 and 20. And do you have any idea what the other three lots might be used for? What kind of development?

MS. JENKINS: You know, not right now in terms of specific facilities that have issued a letter of intent. The developers are in constant negotiations with all different types of users and they've had a lot of inquiries. They've had inquires from institutional type users, schools. They've had inquires from single-tenant office buildings, like build to suit office buildings. But part of the problem is, until we have a plat it makes the marketing effort really challenging. It's kind of a cart-horse thing and so this is such a key component of getting this project off the ground. Frankly we were thrilled that the skilled nursing facility has kind of taken this ride with us as we go through the process with Santa Fe County. It's made it much easier for us and created some predictability for the developers. But without a preliminary plat approval that we can show to potential users, you know, getting somebody to sign on the dotted line, sort of speak, is challenging.

COMMISSIONER HOLIAN: How will you insure that the development of

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these four lots is consistent with the development in the rest of the – this particular parcel of land.

MS. JENKINS: Well, the first order of business of course is being consistent with the master plan. So nothing is going to get approved here that isn't in conformance with our master plan.

COMMISSIONER HOLIAN: The master plan, however, has the use list which is quite large.

MS. JENKINS: Exactly. Exactly, so when we submit our final plat application we will also submit – we're going to have a lot owners association here. So similar to a homeowners association. There will be design standards and requirements that – the baseline is County Code requirements whether it be landscape screening, height, architectural standards, all of that straight out of the County code and then augmenting that to insure architectural integrity. We don't want everything to be homogeneous but everything does need to work together in an aesthetic way. And so when we submit the final plat, we will be presenting those design standards for staff review.

COMMISSIONER HOLIAN: And as far as the traffic that is generated by the skilled nursing facility, have you done any estimates on that and worked that into your TIA?

MS. JENKINS: Absolutely. Yes, absolutely. We did a traffic impact analysis when the master plan went through the process and a condition of our master plan approval states that at each phase of development we have to update the traffic impact analysis because when we did it as part of the master plan there were a lot of assumptions. You know, we made assumptions on this many square foot of commercial, this much residential and so we have to update those assumptions as we learn more as users come onboard. So yes, we did update the traffic impact analysis as part of this effort we had very specific data which Mike Gomez can speak to on the traffic that is to be generated by the skilled nursing facility.

COMMISSIONER HOLIAN: I would be actually interested in hearing what that but I have one more questions first.

MS. JENKINS: Sure.

COMMISSIONER HOLIAN: And that is, with regard to if you do on-site wastewater treatment how do you know how big to size the system?

MS. JENKINS: Thank you, Chair Mayfield, Commissioners, that is an excellent question. They have systems that are modular in nature so they are easily expandable. So we can size the system appropriate for what's there now. So we would size it, for example, for the skilled nursing facility plus a little bit. And then, for example, an office use, they don't generate a lot of wastewater. They're very low wastewater generators. But then when we get into residential then that picks up quite a bit. Systems are designed so you can augment them as necessary as the project develops.

COMMISSIONER HOLIAN: Thank you, Ms. Gavin and I would be interested in hearing about the traffic impact analysis.

CHAIR MAYFIELD: Ms. Gavin, let me ask you a quick question. So going back to the chart that is on the screen, 3.2 and 3.1, you all have proposed to make some changes on the master plan?

MS. JENKINS: Propose to make some changes to the master plan?

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CHAIR MAYFIELD: Yeah, just as far as the lot consolidation because I'm looking at 3.1 for Phase 1 and it seems like you consolidated lots 1 and 3 and kind of reconfigured 2.

MS. JENKINS: No, oh on the master plan. I apologize, Commissioners. Yes, on the original master plan in that southwest corner that was originally going to be three lots but the skilled nursing facility needed a larger area so we created one larger tract for them.

CHAIR MAYFIELD: And that's I guess on page 6 that we're working off of now – let's see.

MS. JENKINS: Yes, that's page 6 and it shows that they have a little over 5 acres. So we were able to create a lot specifically for their needs there.

CHAIR MAYFIELD: Okay, thank you. Then, Mr. Sommer, if I can ask you a question. So you indicated, again, staff's interpretation of how the Commission will rule on that interpretation that these could even be consolidated a little smaller.

MR. SOMMER: No, what I was indicating, Chairman, is they have imposed a condition about residential uses that they be at 1 unit to 2.5 acres. I think that's their understanding of what the code is. It's not, I don't believe it's correct. But whatever the code is it should apply and since we're not proposing in this phase a residential component if the condition could be read/stated to say, to comply with the residential density requirements of the Code. That will leave us to flesh out the issue that we talked about. It doesn't change anything from a substantive standpoint. It leaves staff with their interpretation and leaves us with our interpretation but allows us to proceed forward to a final plat. I hope I answered that.

CHAIR MAYFIELD: It does. Thank you so much for that clarification for me. Thank you.

[Having been previously sworn, Mike Gomez testified as follows]

MIKE GOMEZ: Hello, Commissioners. My name is Mike Gomez. I'm a professional engineer and a professional traffic operations engineer. For this project we've done two TIAs. The first TIA was for the master plan. The second TIA was for this first phase and specifically for this use. And the data that we used to go ahead and project traffic comes from the Institute of Transportation Engineers. They don't have a land use that is actually exactly the same as what's being proposed so we analyzed it looking at a congregate care facility, assisted living facility, hospital, nursing home and clinic. We put those into our traffic models and the one that produced the most traffic for the square footage that we have here is the hospital land use. So that's the one that we used to go ahead and do the analysis.

For a hospital land use for this facility we are projecting two cars in the morning peak hour – excuse me, 30 cars in the morning peak hour entering the site and 18 cars in the morning exiting the site. In the afternoon peak hour existing the site we have 29 cars and 18 cars entering it. So we use this data to go ahead and analyze the intersections that are in the vicinity of the site. We took the existing traffic, we went out there and counted traffic, and we call that the background traffic and we increased it at 1 percent per year to the year they're going to be developed and then added in this additional traffic. And the big problem area is the intersection of Rabbit Road and St. Francis Drive where it's a stop facility at that point.

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At that location in the a.m. we have a level of service C for the eastbound left and all other movements are level of service A or B. In the p.m. all the movements were level of service A or B.

So we took a look at the improvements that are going to be needed for this facility. The first phase is going to require a right turn deceleration lane into the site. We took a look at incrementing that on a yearly basis to see when we would have to add more facilities and that was included in our TIA and also looking at the phasing, when the phasing may go ahead and trigger more improvements. But there are basically two options for improvements at our main driveway which is the one that we're talking about right here. One is to go ahead and use a roundabout and we have schematic design for a roundabout that fits within the right-of-way and could be made to work out there. Also a conventional T-intersection and the T-intersection if we went to full development on that one we would have right turn lanes, left turn lanes and a median to go ahead and control all of the traffic.

At our other entrance on the east side of the site because of the proximity to St. Francis Drive that's going to be a controlled intersection. We're only going to allow right ins and right outs. And with these improvements, according to all the numbers and this has been scrutinized both in the master plan for this first phase by the NM DOT staff. We meet all of their requirements and have good levels of service.

In fact, this project is very sustainable in terms of traffic. Cars aren't coming to site from Santa Fe in the morning – we're going to avoid the rush hour traffic that is entering the city northbound. Instead our traffic is going southbound where there is very little traffic. In the evening peak hour on St. Francis Drive people are exiting the city and going southbound on St. Francis Drive, whereas, our people are going to be in the opposite direction. So our people won't be caught up in those traffic jams that you see out there at Sawmill and Zia Road and other locations along St. Francis Drive. I hope that answers your question, Commissioner.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a question or a comment. If DOT thinks it's a good idea to maybe do a roundabout, you might want to plan on a slip lane in advance because we are now addressing a problem down on Richards and we're having to put in one of those slip lanes on one of those roundabouts as an afterthought. And it cost more, you know, a couple hundred thousand dollars more, so. You might just keep that in mind especially if you're going to have traffic going into the nursing home or any of the other retail areas. Thank you.

MR. GOMEZ: Absolutely, thank you.

CHAIR MAYFIELD: Question for applicant. On page 8 what are you all going to propose with that, that far north corner?

MS. JENKINS: I'm sorry, could you repeat the question, Mr. Chair.

CHAIR MAYFIELD: On page 8.

MS. JENKINS: Yes.

CHAIR MAYFIELD: It's a schematic of the nursing facility and then you

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have a still open, I don't want to call it open space, but you have vacant land there on the north corner.

MS. JENKINS: Yes, on the site plan?

CHAIR MAYFIELD: Uh huh.

MS. JENKINS: Yes, this is the site plan. This property is at the southwest corner of the site.

CHAIR MAYFIELD: Oh, it's the southwest not the northern.

MS. JENKINS: Yeah, this is the southwest corner. This is right – as you come in that western entrance it's going to be the first facility on your left.

CHAIR MAYFIELD: But that's still Phase 1; correct?

MS. JENKINS: This is definitely Phase 1, absolutely.

CHAIR MAYFIELD: So is there any proposal for that vacant piece of land right there? That open area.

MS. JENKINS: Not as of yet. No.

CHAIR MAYFIELD: But you call could do build out on that still under Phase 1?

MS. JENKINS: Yes, Phase 1 we're creating four lots for development and this is one of the four, the skilled nursing facility, is one of the four.

CHAIR MAYFIELD: And that's lot 2 that I'm looking at? Again, I'm looking at page –

MS. JENKINS: Let me just make sure that I have my lot numbers. No actually it's lot 1, the skilled nursing facility is going to be one lot 1. The text is small on your plans, I apologize.

CHAIR MAYFIELD: Oh, I see that's lot 1.

MS. JENKINS: It's lot 1 and the largest lot of the phase.

CHAIR MAYFIELD: Okay, thank you. Commissioners, anything else? This is a public hearing. Is there anyone from the public wishing to comment on this.

[Previously sworn, Glen Smerage testified as follows]

. GLEN SMERAGE: Glen Smerage, again, 187 East Chili Line Road, Rancho Viejo.

CHAIR MAYFIELD: You're still under sworn testimony, right?

MR. SMERAGE: Yeah, sure be. I want to try to repeat to you essentially what I said the CDRC back in April. I believe at the beginning of this year the developers came forward with a proposal for high density, 650 units roughly of residential development. And then somewhat mysteriously back in April we came back with the proposal that has been put forward to you this evening.

CHAIR MAYFIELD: Mr. Smerage, pull that mike a little closer to you, will you please.

MR. SMERAGE: You want me closer?

CHAIR MAYFIELD: Yes, that's great. I guess it's more for me than anybody else.

MR. SMERAGE: Okay. A skilled nursing facility is all that is being put forward now. And as in April tonight it strikes me that the developers are willing to play that

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fish as I can fish and see what I come up with, piecemeal development. This is a mere 69 acres it is rare land currently. As a community do we want to have it developed piecemeal – piecemeal and take our changes as to what we get in character, function, architecture and other considerations? I would like to say no as a member of the community as a member of the public.

Ms. Jenkins mentioned the industrial park on Route 14. That park may function nicely for what it is intended but it isn't much of a contribution aesthetically to our community. There are other developments around Santa Fe City and County that are pretty much mindless and doing any old thing we damn well please. Ms. Jenkins also referred to there being controls over what may fall through the crack and end up on these as proposals on some of these other lots. There are and can be within the development controls on what obtains and I don't believe that.

I've seen too much mindless piecemeal and low-life type of development, again, here in Santa Fe City and County as well as many other places. I think you should be getting a much better statement a more comprehensive statement for this mere 69 acres as to what it's overall nature and character will be. Are they going to try and put in some residential? They are kind of alluding to that tonight. What's this going to end up being? What is going to be in relationship to the skilled nursing facility and other commercial maybe even industrial functions that come in here. The multi-use designation for this land permits a wide, almost too wide, range of things and the County does not have in its code adequate requirements for congruity among the various pieces that could be added to this land.

I think you ought to expect much more of these developers in their plans, their presentation and its consequences to the community.

CHAIR MAYFIELD: Thank you, Mr. Smerage. Ma'am.

[Previously sworn, Kathy Brown, testified as follows]

MS. BROWN: I don't so much have comments as questions. Three in this case regarding –

CHAIR MAYFIELD: ma'am, would you state your name again for the record.

MS. BROWN: I'm sorry. Kathy Brown, already sworn in. Anything else?

CHAIR MAYFIELD: Thank you, Ms. Brown.

MS. BROWN: The first question is regarding the traffic analysis has the expected impact of connectors to the community college been taken into account in terms of the base line traffic? The second question is the east end of the flow through road in the final situation is that far enough away from the future expanded intersection on St. Francis with Rabbit Road and finally, is there any liability to the County or other government body for future noise abatement between this development area and the highways, such as wall, berms, et cetera. Those are my three questions.

CHAIR MAYFIELD: This is a public hearing; is there anyone else here to speak on this tonight? Seeing none this portion of our public hearing is now closed. Commissioners.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

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COMMISSIONER HOLIAN: Ms. Jenkins, I have a couple of more questions. Can you address again how you're going to make sure that there's consistent development not on in Phase 1 but in the entire project?

MS. JENKINS: Sure, of course. So this is a mixed use project and there are, again, it is primarily a commercial project with a residential component. As part of the lot owners association that will be established, the lot owners association will be maintaining the access drive. It will be maintaining drainage facilities. It will be maintaining a wastewater treatment plant. There is going to be maintenance that is going to be involved which is typical of any sort of – if it's a business park or something of that nature.

As part of that there are design standards that relate to architectural integrity, okay. And so we are in the process of developing those and it is typically that the draft covenants and the design standards are submitted to the County as part of the final plat application. And so we are developing those now. And so we will have specific design standards that relate to architectural style, that will relate to materials, that will relate to landscaping, that will relate to massing – all of this. So, again, we want to encourage architectural creativity while making sure there is continuity. It's kind of like having continuity without homogeneity. And that is our intent.

And to respect our environment, that's really key here. Is we recognize this property is unique. Yes, it's bordered by I-25 and a major arterial and a minor arterial so it is completely, perfectly suited for this type of project. And we have residential neighbors and we're extremely cognizant of that as well. In a series of meetings we had with our neighboring property owners that was one of the things that we discussed was how we can make sure that this project is respectful of its surrounding.

COMMISSIONER HOLIAN: Do you see residential development in any of the other three lots in Phase 1?

MS. JENKINS: You know, based up the dialogue we've been having with interested parties right now, probably not. I think the residential development is probably going to be happening on the north end closer to I-25.

COMMISSIONER HOLIAN: And do you see that residential development as being high density?

MS. JENKINS: Yes, probably more multi-family type development, yes. Single-family development on I-25 is not really proven to be a desirable lot so –

COMMISSIONER HOLIAN: Thank you, Ms. Jenkins.

MS. JENKINS: Great. Thank you, Commissioner.

COMMISSIONER HOLIAN: I also have a question for staff and that is will the final plat come to the BCC for approval or will it be approved by staff?

MS. LUCERO: Mr. Chair, Commissioner Holian, the final plat will be required to come back to the CDRC and BCC for approval.

COMMISSIONER HOLIAN: Thank you, Vicki.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to review with the applicant the transportation and the roadways. And we could either talk to the engineer or to Ms. Jenkins,

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whoever would like to respond. Could you address the concerns brought up by Ms. Brown about coordination with the northeast/southeast connectors, primarily the northeast – northwest as well as anything else that DOT and MPO are planning.

MS. JENKINS: Sure. With respect to the traffic impact analysis when we performed, obviously our original traffic impact analysis in 2010, the southeast connector was a dream and when we performed the update the location study was just kicking off on the southeast control location study. The data from that location study has not yet been made public so they've done their own analysis as far as running models and looking at how much traffic is going to be on the southeast connector but the thing to remember about the southeast connector is that it is supplementing Richards Avenue. So the amount of cars that are on Rabbit Road really is not going to change dramatically in terms of the background traffic with the cars that we counted for the purposes of this study. So we pretty much have the same amount of cars heading to the community college district and heading back but the purpose of the southeast connector is to give it an alternative to Richards Avenue to –

COMMISSIONER STEFANICS: I think it deals, Mr. Chair, more with the northeast.

MS. JENKINS: Oh, with the northeast going across, exactly.

COMMISSIONER STEFANICS: I understand.

MS. JENKINS: And so with the northeast connector which will not require cutting through Oshara Village and will function as a frontage road directly over to Richards Avenue primarily for people, you know, northbound traffic or people heading over to Highway 14 down Dinosaur Trail. And, again, it doesn't – these roadways don't necessarily generate additional traffic in and of themselves but it disperses the traffic and that is their intent. So when the data with respect to the location study is available we will definitely use that as our traffic impact analysis is an organic document. It is going to be updated multiple times to respond as this project matures and develops.

COMMISSIONER STEFANICS: So, Mr. Chair, the northeast connector and the southeast connector are intended to create some flow. And I'm wondering if you've already thought about speed limits in your area.

MS. JENKINS: You know, we have not. We don't really set that. But right now there's on Rabbit Road it is I believe it is 40 miles per hour and with the development of this project if the DOT or the Santa Fe County Public Works Department believes a speed change is warranted then they would implement that. But that – you know, Mike, is that something – maybe Mr. Gomez could speak to that as a component of his analysis if he looks at – because primarily we look at existing speed limits with respect to the analysis looking at how we need to size the turn lanes and things of that nature. But as far as a recommendation for any speed limit changes, you know I could let Mike speak to that if that is something that he typically address in his traffic impact analysis.

COMMISSIONER STEFANICS: Okay.

MR. GOMEZ: Mr. Chair, Commissioner, we are not proposing to go ahead and change any of the speed limits that are out there. Our analysis used the existing speed limits. The way the NM DOT sets speed limits is they do a speed study. They post a speed limit based upon the 90th percentile speed. And in the future as traffic gets heavier out there,

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the speed will slow down because of the congestion and if we put a roundabout that's going to slow it down even further because roundabouts are designed to reduce the speed to about 17 miles per hour. So in the future and we're looking at the next 20 years there are going to be changes out there and there may be changes in speed limit signs but we're not proposing any at this point.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Commissioners, anything else. Can we have the lights back on please. Seeing none, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I have to say that I'm a little bit concerns about the fact that there's just one development proposed on all these lots and there isn't sort of a comprehensive plan put forward for what kinds of development is going to be there in the future. But it does seem like the initial development is a good idea and it does seem like you're making efforts to put in design standards and so on that will help the development to be consistent in the future.

I would also like to recommend that you continue to have community meetings as you go forward to make sure the community in the surrounding area is on board with the kinds of development you want to do and apparently you have because you don't have a lot of people here who are complaining.

So in any event I move for approval of CDRC Case #S 10-5362 St. Francis South preliminary plat and development plan.

COMMISSIONER ANAYA: I would second. I would request of the maker of the motion, Commissioner --

COMMISSIONER HOLIAN: Oh, with staff conditions.

COMMISSIONER ANAYA: -- with staff conditions but do you accept the recommendation by the applicant relative to the language modification that Mr. Sommer brought up. I believe it sounds reasonable to me.

COMMISSIONER HOLIAN: Can you repeat that Mr. Sommer?

MR. SOMMER: Mr. Chair, Commissioner Holian, yes. Staff has requested a condition that the density be -- the residential density be one unit per 2.5 acres. That's based on their interpretation. What I'm asking is if that's what the law requires then it would be better if they stated that any residential development comply with the density requirements of the code because we have an issue that I think needs to be worked out. So I would request that the condition be changed from one unit per 2.5 acres to comply with applicable density requirements of the code. That's basically it.

COMMISSIONER HOLIAN: Thank you, Mr. Sommer. Vicki, do you have any comments on that?

MS. LUCERO: Mr. Chair, Commissioner Holian, staff would be in agreement with that change.

COMMISSIONER HOLIAN: Thank you, I will then accept that change.

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COMMISSIONER ANAYA: Thank you, Commissioner.

CHAIR MAYFIELD: So, Commissioners, we have a motion and a second in front of us as amended with new suggestions. Are there any other comments? One, I just want to thank the applicants for coming forth and respecting piecemeal development, we're getting some good development in Santa Fe County and it's much needed. I understand this project, at least I believe this project could be built out in totality [inaudible] and hopefully it's going to be thriving in that corridor. It's bringing GRT to Santa Fe County which is much needed and I think you all have a good plan in front of and look forward to the continued success on this project.

The motion passed by unanimous [4-0] voice vote. Commissioner Chavez was not present for this action.

[The Commission recessed for five minutes]

- VII. B. 6. **CDRC CASE #APP 14-5031 Maurilio & Amanda Calderon Appeal. Maurilio and Amanda Calderon, Applicants, Are Appealing the County Development Review Committee's Decision to Deny a Request for a Home Occupation Business Registration Allowing a Welding Business Located on 2.48-Acres. The Property is Located at 8 Ernesto Road, Off Rabbit Road, within Section 10, Township 16 North, Range 10 East (Commission District 4) John M. Salazar, Case Manager [Exhibit 3: Applicant supplied, code 10.6. Home Occupation; Exhibit 4: Applicant supplied, photos of the property and iron work; Exhibit 5: Applicant supplied, Vicinity map of Ernesto Road; Exhibit 6: Letter (27) in support of application; Exhibit 7: Opponent provided map and proposed order]**

MR. SALAZAR: Thank you, Mr. Chair. We're going to move west of Rabbit Road for this case from the last one.

On March 20, 2014, the County Development Review Committee met and acted on this case. After hearing testimony from residents in the neighboring Santiago Subdivision concerning noise and fumes being produced from the Applicant's property, the decision of the CDRC was to uphold the Land Use Administrator's decision and deny the home occupation by a 6-0 vote. Those minutes are in Exhibits 4 and 5).

Article II, Section 2.3.4.c of the Code states: "Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within 30 calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within 60 calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications." The applicant has met that. We are within that time period.

The Applicant is aggrieved by the CDRC's decision and has filed an appeal to the

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[The Commission recessed from 5:53 to 6:06.]

7. **PUBLIC HEARINGS**

a. **Land Use Cases**

- iii. **BCC Case # MIS 10-5361 Saint Francis South Master Plat Authorization. Vegas Verdes, LLC, Applicant, Requests Authorization to Proceed with a Master Plat for the Creation of Twenty-Two (22) Mixed-Use Lots on 69 Acres More or Less. The Property is Located on Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Commission District 4)**

CHAIR MAYFIELD: Commissioners, thank you. We are going to convene our public hearing and we had two earlier cases that were tabled.

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. Vegas Verdes, LLC, Applicant, requests master plat authorization for the St. Francis South Large-Scale Mixed-Use Subdivision, which was approved by the Board of County Commissioners at their meeting of December 14, 2010. Approved uses include a combination of office, community service, retail, warehouse and residential.

The proposed request is for up to twenty-two parcels ranging in size from 1.0 acre to 5.45 acres, with an average size of 2.23 acres. The project will be developed in four phases of approximately five to six lots per phase to be developed over a period of 8 to 10 years. The County Land Development Code provides a process that allows an applicant the option of submitting a master plat instead of a standard subdivision that specifically defines the lot and road layout.

Article V, Section 5.6.1 of the Code states, In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer.

Before seeking master plat approval, the developer must file a petition with the Board requesting that it be permitted to obtain approval pursuant to this Section. If the Board approves the petition, the application will be reviewed by the CDRC and the Board for preliminary and final plat approval which will then be referred to as the master plat.

The applicant states: The master plat authorization is requested to allow the Land Use Administrator to administratively approve lot line adjustments and consolidations as may be necessary to accommodate the needs of future users.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.

Approval sought: Authorization to proceed with a master plat for the creation of

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twenty-two mixed-use lots on 69 acres for the St. Francis South Large-Scale Mixed-use Subdivision. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Mr. Archuleta. Are there any questions of staff and I have Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Mr. Archuleta, I have in the packet some language that is a little confusing to me or doesn't quite line up as far as the use. On page 2 of your summary it states that the code allows for commercial, industrial or high density residential subdivisions which are to be developed in phases and then it goes on to say in the cases where a condominium proposes to convert a subdivision. So the language I'm focusing on or concerned with is the commercial, industrial, or high density subdivision in this summary, and then if you go to Exhibit 3 the language changes slightly and it says that the applicant is requesting master plan and zoning approval for a mixed-use subdivision, and then in parentheses it reads, commercial, residential and community service. So how do you reconcile those two permitted land uses – commercial, industrial or high density residential, versus commercial, residential and community service?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, I think maybe Vicki can answer that question.

VICKI LUCERO (Building & Development Services Manager): Mr. Chair, Commissioner Chavez, because there is a commercial component and a large-scale or a high density residential component to this application staff felt that it did meet the intent of the code section to allow for master plat authorization.

COMMISSIONER CHAVEZ: But why the different language then? It would have been better for me if the language would have been more consistent, I guess, in the two documents.

MS. LUCERO: Mr. Chair, Commissioner Chavez, the language in Exhibit A is what the applicant was proposing as part of their master plan request, which was approved back in 2010 so it is slightly different from the exact language in the code but it does both refer to high density residential and commercial developments.

COMMISSIONER CHAVEZ: So if I refer to Exhibit 3 is that – would that be more accurate, with those conditions and those permitted uses be more accurate? Or would they apply more than the language on page 2?

MS. LUCERO: Mr. Chair, Commissioner Chavez, the language in Exhibit 3 is exactly what was approved as part of the master plan request.

COMMISSIONER CHAVEZ: Okay. So what's changing – what will change today then with this request?

MS. LUCERO: Mr. Chair, Commissioner Chavez, the request before you is just it's basically a procedural request. Rather than to submit an application for preliminary and final development plan and plat to the BCC the applicant is requesting that the BCC basically grant the final authority to the Land Use Administrator in order to adjust lot lines so it doesn't have to keep coming back to the Board every time a new buyer comes in with a different lot configuration.

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COMMISSIONER CHAVEZ: So then I could point to these specific land use uses, commercial, residential and community service? Those would be the parameters that we will be discussing for tonight.

MS. LUCERO: Mr. Chair, Commissioner Chavez, yes. The use list was actually approved as part of the master plan application in 2010, so this is just a procedural issue as to how they want to have their plat approved.

COMMISSIONER CHAVEZ: Okay. Thank you.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Thank you for the presentation. Is the applicant aware of the northeast connector plans that are going forward?

MR. ARCHULETA: Mr. Chair, Commissioner Stefanics, yes, they are.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: Commissioner Holian, I apologize for the oversight. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Vicente, how long does master plat authorization last? In other words does it ever expire, like master plans can?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, I don't believe that they expire. I think they can continue as long as the process is going through.

COMMISSIONER HOLIAN: Okay. And the other question I have is about the water supply for the development. It was mentioned in here that it would become part of the County utility. Has that line been installed out there on Rabbit Road?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, no it hasn't. That's part of the – that will be coming up with the development at a later date.

COMMISSIONER HOLIAN: So the development will not proceed until the utility line is installed?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, I believe so.

COMMISSIONER HOLIAN: Okay. Thank you. Thank you, Vicente.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you. We all have a letter here [Exhibit 4] and I'll just – I'm not going to read the whole letter but I think this is where sometimes the land use cases are maybe not understood or just divisive at some times. But this is writing to urge in the strongest possible terms to prohibit any retail establishments on Rabbit Road. And I'll just leave it at that because it talks to the permitted uses and if the master plan is already permitted for those uses it's really hard to argue against them even though there may not be complete support for that and so the only thing I can think is that we communicate to the residents that the project is in compliance with what's allowed and they're not getting anything that is outside of the zoning and land use requirements that we have in place now. And I don't know who would communicate that. Will there be any meetings as you move forward with this project?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, the applicant is going to speak a little bit about this. At this point this is irrelevant. This will be relevant when the preliminary plan is approved with the master plan. And when they come in with their development plan these issues can be addressed at that time, I believe.

COMMISSIONER CHAVEZ: Okay. Well, I just bring that up now because I think sometimes even though the master plan has already been approved it's not always generally accepted, because of the time that's gone by or whatever. And so it says that we always have to revisit that and re-educate ourselves about what's been approved, why and what the parameters are. So I just wanted – since this was before us I wanted to address it now and then we'll be discussing it as we move forward. Thank you, Mr. Chair.

MR. ARCHULETA: Thank you, Mr. Chair. The applicant is going to speak a little bit about the uses also so at this point I would like to defer any questions to Jennifer.

CHAIR MAYFIELD: Yes, applicant please be prepared to add and I don't know if you're an attorney so if you would be sworn please be sworn.

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: My name is Jennifer Jenkins, with Jenkins Gavin Development and Design, 130 Grant Avenue, Suite 101 in Santa Fe, 87501. Good evening, Chairman Mayfield, Commissioners. I'm here this evening on behalf of Vegas Verdes, LLC in request for master plat authorization for the St. Francis South project. And just as a little bit of background, as Vicente mentioned, St. Francis South received master plan approval in December 2010 with a list of permissible uses that were commensurate with that master plan.

We have now – we are moving forward, which is very exciting for the county. This was always seen as a real economic development driver. That's really the key and opportunity that rests with this project for Santa Fe County. We have submitted a preliminary development plan and a preliminary subdivision plat application to Santa Fe County for showing the 22 lots that is consistent with what is reflected in the master plan, and that – those applications will be going before the CDRC in March and probably coming back before this body, I would expect probably in May of this year.

And that preliminary plat and development plan really addresses infrastructure. So for example, Commissioner Holian, this development plan application that the County is currently processing addresses water, addresses wastewater, road improvements, the whole nine yards. So once we have a preliminary development plan, a preliminary subdivision plat approval this spring then we will proceed with final development plan and then proceed with actually constructing the requisite infrastructure to serve the initial phase of the project.

Tonight the master plat, the sole purpose of this is for a project like this we don't know who all the users are going to be and what their needs are going to be, so we may have a little cluster, say, of four two-acre lots and somebody says, well, I need eight acres, so I want all four of those lots, but we need to consolidate them into one parcel. So with this master plat that enables us to go to staff and say, okay, we're moving forward with this section of the project with this user, whatever that may be, an office building, for example. But we need to consolidate those lots.

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The only thing this master plat does is gives staff the authority to say, okay, we can consolidate those administratively without spending more time, using this body's time for something like that. Or we need to adjust a lot line between a couple of lots. Somebody needs – there's a three-acre lot; they want a four-acre lot, so we'll make the lot next door a little smaller. So it just allows us the opportunity for marketing purposes as the project develops over time that we can accommodate the needs of the individual users.

So that is really our sole purpose here this evening. The master plat authorization, again, runs with the project, but we have submitted a formal preliminary subdivision plat already and so that is again, that is being reviewed by staff right now. And with respect to the permitted use list it covers everything from residential to office to community services and very limited retail. Maximum size of a building could be 5,000 square feet. And the vision really was is that the potential retail uses that could serve the users in that development, maybe a small, little PakMail that would serve the people who are there, or a small, little copy center or something like that. So we currently at this point have had no inquiries for potential retail users. It's not really a retail site; it's really not what this property is and what its highest and best use is.

And so we would just – and I think it's also really important to point out is that the proposed – every single one of our permissible uses that were approved by this body in 2010, virtually all of them are also permissible under the Sustainable Land Development Code under the proposed commercial zoning for this parcel. So not only is our proposal today and the development plan that is being reviewed right now by staff, not only are we consistent with our own master plan approval that this body approved but we also dovetail quite seamlessly with the Sustainable Land Development Code. So with that I'd be happy to stand for any questions. Thank you very much.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Ms. Jenkins. When do you plan to start with Phase I? And have you done any marketing for that yet?

MS. JENKINS: Oh, absolutely. The project is being marketed actively right now and we have a lot of inquiries. We actually have some letters of intent going back and forth which is very exciting, and that's why we have submitted our preliminary development plan because we need to be ready. And so we are moving at as quick of a pace as the County process will allow and we do anticipate that we would like to have the proverbial shovel in the ground out here on infrastructure here this fall, is our ideal picture.

COMMISSIONER HOLIAN: But what about water supply? Is the water main going to be ready?

MS. JENKINS: Well, that's part of putting the shovel in the ground. That's part of that process. As we're building and doing all that – that's probably the first thing we're going to do is build the water line.

COMMISSIONER HOLIAN: What about the wastewater treatment?

MS. JENKINS: We have two options with respect to wastewater and we've been working closely with the Public Works Department on this and we are pursuing a connection across I-25 so the County is asking the City to accept the effluent. There is already a sleeve under I-25 that was put there intentionally years ago and so there is access to the wastewater infrastructure that is in Rodeo Business Park on the north side of I-25. That's

Option A and that is of course our first option, and I think it makes a huge amount of sense and it's gravity, they're downstream from us so that is our hope. That is the direction we're going. But in the alternative we – per our master plan approval we have the option – we have the space, frankly, to do onsite wastewater treatment should that become necessary.

COMMISSIONER HOLIAN: Okay. It does seem like Option A is the preferred option.

MS. JENKINS: Yes. Absolutely. I'm right there with you. So, yes, we are pursuing that actively, working through the Public Works Department.

COMMISSIONER HOLIAN: And the other thing I wanted to ask you about is the trail that goes – that sort of allows people not to have to walk along Rabbit Road. And then when this was considered in 2010 there was talk about in order to get to the Rail Trail you needed to cross a couple of other private properties. Have you done any investigation about working with those properties?

MS. JENKINS: We actually are in the process of doing that right now. There's only one property owner between our property and the railroad right-of-way, so that's good. There's a lot of terrain in there, so we have a variety of issues. We have approached those landowners about would they be willing to grant some easement so we can keep – it's a very short stretch where the trail would have to dip down into the right-of-way. Thankfully, it's a short stretch but I know it's not ideal. So we are in dialogue with those homeowners to see if they a) are they willing to consider granting a trail easement, and b) is there really a feasible path to get from point A to point B, because there's quite a bit of terrain in there.

So when we come back this spring with the review of the preliminary development plan and preliminary plat before CDRC and then before this body, we will have that resolved.

COMMISSIONER HOLIAN: Okay. Great. Thank you, Ms. Jenkins.

MS. JENKINS: You're welcome.

CHAIR MAYFIELD: Are there any other questions of the applicant? This is a public hearing. Do we have anybody from the public wishing to comment on this case? Sir, please come forward and state your name for the record.

[Duly sworn, Baron Wolman testified as follows:]

BARON WOLMAN: My name is Baron Wolman and I live on Vereda Serena. I came and spoke against this development in 2010. I didn't like it then; I don't like it now. The question really is the effect this enormous development is going to have on really the entire area, thousands of people, hundreds of families, and not many people know about it. So I'm wondering, is there some kind of study that can be done or is it typical that a study is available that will show the effect of such an enormous – this is so out of scale with what's already there – upon the people who live in the area. Does the County do that? Can they ask for something like that prior to granting all kinds of – I understand what's being granted already but prior to letting this thing begin can the rest of us really find out how it's going to affect us somehow?

CHAIR MAYFIELD: Thank you. Mr. Ross, I know you're not in your chair, but the impact studies have all been complied with. Correct? Are there additional studies that the County typically requests?

MR. ROSS: Mr. Chair, Vicki tells me they've complied with all requirements of the code, in terms of there's a number of things that are requested in connection with developments. So all that stuff is in.

MR. WOLMAN: I understand that they have complied with – it's a small area that had to be notified of what was going on, and they did that and they're in compliance and I'm not saying that they aren't. But really, the effect of this upon everybody from Rainbow Village to Campo Conejo in every direction is going to be enormous and it seems as if many people aren't aware of it, number one, and since they aren't aware of it they're not here talking about it. And this is of course perhaps not the time, again, to argue against something that's already been approved. But it would be nice if we all had a sense of the entire area that's going to be affected, had some kind of sense of what this is going to mean to our lives which is going to be a radical, radical, radical change. Trust me, I know. I live there and I know what's going to happen.

So my request, really is is there such an opportunity for the County to ask for that in advance of providing the next step for them to develop?

CHAIR MAYFIELD: Thank you, sir. Is there anybody else from the public wishing to provide – or any more comments?

[Duly sworn, Don DeVito testified as follows:]

DON DEVITO: Good evening. Don DeVito. I live in the area as well and I don't have a problem with the master plan, master plat going through. I think you'll find me commenting during the development plan as well as a lot of other people about concerns of potential uses out here. Two comments tonight that I wanted to bring out. One is this has historically been a rural residential area. Rabbit Road, up until four years ago was a dead-end road with 500 cars a day. Now we're the main artery between St. Francis and Richards Road with a car count of over 6,000, and there's been no road improvements or traffic calming measures done since this has happened.

So I would ask that before construction begins on Phase 1 or any of this that the road improvements and traffic calming measures the County requires are in place, and I'm sure they will be but I want to bring it up.

Second point tonight, we are a rural residential area. We do enjoy some night skies. We've already suffered from significant light pollution from headlights in the traffic count. So I would ask going forward that the applicant think about mitigating some of this light pollution. And one of the things in the order of December 14, 2010 was the idea of a turnabout, a turnaround, to mitigate the traffic at St. Francis and Rabbit Road. I think this is a good idea, as opposed to more signal lights or something like that. Because with a turnabout you can at least do some mitigation for headlight splash and that kind of thing. We're just trying to maintain some of the character of this area as this project goes through. Thank you.

CHAIR MAYFIELD: Thank you, Mr. DeVito. Is there anybody else wishing to provide public comment at this time? Seeing none, this part of the public hearing is closed. I'm going to still ask the applicant to still come forward, please.

MS. JENKINS: Thank you very much. I just wanted, as just a follow-up, something I actually intended on covering when I spoke earlier but neglected to do so. When

we were moving forward with the master plan, over three years ago – it was probably four years ago now, we had a series of two neighborhood meetings to discuss the project. We talked a lot about uses, we talked a lot about traffic, we talked about all the various items that get discussed at such things. This project of course was vetted through staff, it was vetted through the CDRC and then obviously through this body. We over-notified. Within 100 feet of this property is like five landowners so we went above and beyond, recognizing that our neighborhood was far beyond the landowners within 100 feet of our property line. So we notified residents in the neighborhood on the east side of St. Francis, that whole residential neighborhood there. Of course we notified our neighborhood to the south. We notified neighbors to the west so we were very vigilant about our community interactions. We notified everybody prior to them receiving notice of this hearing we also notified everybody that we were proceeding with the preliminary plat and development plan, strictly related to our infrastructure needs. We notified everybody of that. We offered to meet with anyone who had questions and made ourselves available and we received nothing in return on that. So it's important for the Commission to know that we have made concerted efforts to make sure we were keeping our neighbors informed. So thank you. With that I'll stand for questions. Thank you.

CHAIR MAYFIELD: Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I just have a comment. Respecting that a prior Commission granted the approval and this is part of the process and respecting the recommendation of staff, there's always an opportunity as things progress to continue an open dialogue with the surrounding neighborhood so I appreciate that there's been prior efforts but there always needs to be continued efforts and communication as the process progresses. So that's my comment, Mr. Chair. Thanks.

CHAIR MAYFIELD: Thank you, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Ms. Jenkins, have you given any thought in your development to the night skies issue?

MS. JENKINS: Oh, absolutely. Obviously, right now we're not proposing any particular new construction, aside from infrastructure, but we recognize that this parcel is a very interesting transitional parcel. We are sandwiched between an interstate, which is a very intense use, and like they said, a rural residential neighborhood and we're very, very cognizant and sensitive to that. So we think it's incredibly important that as projects come in the door that lighting is key and we're very mindful of where we are. And so that is – and obviously, the County's ordinance is very – it's pretty strict in terms of requirement of downward and shielding and foot-candles and all of that and we would like to go above and beyond that even, as far as how individual projects are lit.

COMMISSIONER HOLIAN: Thank you.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just wanted to point out that the northeast connector is already under engineering plans. The State Department of

Transportation is funding that. That is going to change Rabbit Road forever. And that has been considered by the Metropolitan Planning Organization several years back. There's been several public meetings about this and the entire nature of that connector is changing the neighborhood. So if I lived there I would be going, well, I'm not going to be in rural residential much longer. You already aren't, because of the 500 to 6,000 cars. But with the northeast connector that goes along the highway between Richards Avenue, Rabbit Road and St. Francis it is changed. And that decision was made and funded by the County and the state a few years back and work is in progress.

So that has nothing to do with our prior approval but I just wanted to say as a message to the community, there are other things besides this development that are going to change the character of Rabbit Road. Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioner Chavez, Commissioner Anaya, anything else? Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I'm ready to make a motion.

CHAIR MAYFIELD: Sure. Motion please.

COMMISSIONER HOLIAN: Mr. Chair, well, first I'd like to make a couple of comments and that is I recognize that the area adjacent to Rabbit Road was historically rural but bit by bit, more development is occurring in that area and as Commissioner Stefanics mentioned also, Rabbit Road is going to become the northeast connector. I feel that the developers have given a lot of thought to how to develop in a responsible way. It's well designed. There are consistent design standards in the development, and I would also like to note that what we're voting on tonight is just really procedural, master plat authorization. Master plan was approved in 2010.

So I would like to move for approval of BCC Case MIS #10-5361, St. Francis South Master Plat Authorization.

COMMISSIONER STEFANICS: I'll second.

COMMISSIONER CHAVEZ: For discussion.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: On page 11, under recommendation, Commissioner Holian, there are 11 conditions of approval.

COMMISSIONER HOLIAN: Commissioner Chavez, are you referring to the master plan?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER HOLIAN: Those have already been approved.

COMMISSIONER CHAVEZ: So then, would those stay in place then?

COMMISSIONER HOLIAN: I assume so.

COMMISSIONER STEFANICS: That was part of an earlier decision, Mr. Chair.

COMMISSIONER CHAVEZ: Okay. So then you're approving – but you're approving –

COMMISSIONER HOLIAN: The master plat authorization.

COMMISSIONER CHAVEZ: Right. And that would include – then I'm assuming that that would include those recommendations. Okay. I just want to be sure.

CHAIR MAYFIELD: I'm just going to defer to our County Attorney here or to Ms. Lucero.

MR. ROSS: Mr. Chair, Commissioner Chavez, the master plan that was approved, master plan zoning was approved a number of years ago had a number of conditions and those of course are applicable to the master plan. But there are actually no conditions recommended on the master plat approval.

COMMISSIONER CHAVEZ: Okay.

MR. ROSS: Obviously the conditions that were applicable way back when will continue.

COMMISSIONER CHAVEZ: Okay.

CHAIR MAYFIELD: We have a motion and second on the floor. No further questions?

The motion passed by unanimous [5-0] voice vote.

6. MATTERS FROM THE COUNTY ATTORNEY

a. Executive Session

i. Discussion of Pending or Threatened Litigation

- 1. *New Mexico Gas et al. v. BCC***
- 2. Global Litigation Review**
- 3. BIA Notice to Show Cause**

MR. ROSS: Mr. Chair, we need a closed executive session to discuss primarily the BIA notice in order to show cause and the global litigation review. The New Mexico Gas matter is not ready at this meeting; it won't be ready till the next meeting. As far as I know we don't have any limited personnel issues or land or water rights issues or contract negotiations under the procurement code unless you are aware of something.

CHAIR MAYFIELD: County Attorney Ross, I believe there might be an issue on litigation that Commissioner Anaya may want to discuss.

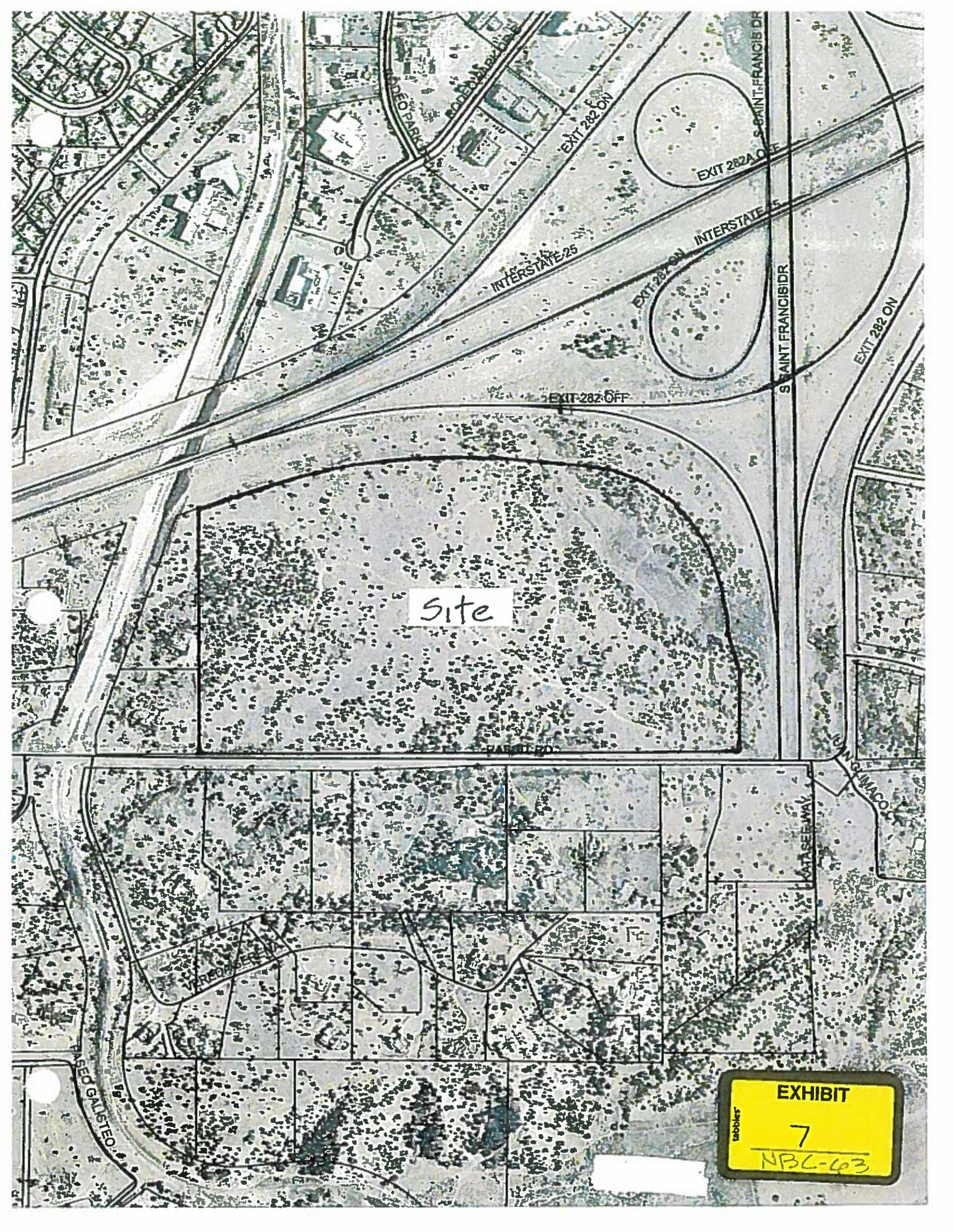
MR. ROSS: Yes. We're going to go over all the current litigation that the County is engaged in if you have time. So what Commissioner Anaya is interested in is part of that list.

CHAIR MAYFIELD: Thank you. And just for our listening audience I don't believe there's any other matters to come before this Commission tonight. We really don't have anybody else in our audience tonight. We have County Attorney Rachel Brown with us, so this Commission will be concluding business after. We will come on and publicly do that, but if there's any other staff here, I don't think we have a need for any other staff members either. So thank you, Commissioners. With that can we have a roll call please going into executive session. Motion first.

COMMISSIONER CHAVEZ: Motion to go into executive session.

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