

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

**CASE # SLTE 16-5091– Request for Extension of Time to File Turquoise Trail
Subdivision- North Phase Preliminary and Final Plat Extension
RCS-Turquoise Trail South I, LLC, Owner
Jenkins Gavin Inc., Agent**

ORDER

THIS MATTER came before the Santa Fe County Board of County Commissioners (“Board”) for hearing on February 12, 2019, on a request by RCS-Turquoise Trail South I, LLC (“Owner”) to extend the time to record the approved Preliminary and Final Plat for Turquoise Trail North (“Property”). The Board, having reviewed the Application, supplemental materials, and staff report, and having conducted a public hearing, finds that the request is well-taken and should be GRANTED subject to the conditions stated herein, and makes the following findings of fact and conclusions of law in support thereof:

1. The Applicant requested an extension of the time to record the approved Preliminary and Final Plat for the Property in accordance with Section 5.8.7 (Expiration of Final Plat) of the Sustainable Land Development Code (“SLDC”), Ordinance 2016-9. Hearing Transcript (“Tr.”) at 57; Packet for February 12, 2019 Board Meeting (“Packet”) at 1.

2. The Property is located east of State Road 14 and north of Vista del Monte, within Sections 24 and 25, Township 16 North, Range 8 East, which is located in the Community College District. *Id.*

3. The Applicant complied with the notice requirements in Section 4.6.3 (General Notice of Applications Requiring a Public Hearing) of the SLDC by submitting an affidavit in advance of the public hearing confirming that it posted the public notice for twenty-one (21) days beginning on January 16, 2019, published the public notice in the Santa Fe New Mexican on January 22, 2019, and sent the public notice to the owners of land within five hundred (500) feet of the Property. Packet at 3.

4. On September 10, 2002, the Board approved the Master Plan for the Thornburg Master Plan, a mixed-use development consisting of 294 residential units and 1,480,050 square feet of commercial space on 224 acres. Tr. at 58; Packet at 2.

5. On October 12, 2004, the Board approved an amendment to the Thornburg Master Plan to increase the number of residential units to 512 and to decrease the commercial space to 711,150 square feet. *Id.*

6. On September 10, 2005, the Board approved the Preliminary Plat, Final Plat, and Development Plan for the Turquoise Trail Subdivision South Phase, consisting of 222 single family residential units (164 Single Family Lots and 8 Condominium units). *Id.*

7. On February 14, 2006, the Board approved the Preliminary Plat, Final Plat, and Development Plan for the Turquoise Trail Subdivision North Phase, consisting of 290 residential units (178 single family residential lots, 100 multi-family units, and 12 live/work units) and a 1.39-acre commercial tract. *Id.*

8. On December 13, 2016, the Board approved the Conceptual Plan for the Turquoise Trail Subdivision North Phase, which called for development in eight (8) phases:

Phase 1	30 single family residential lots, including 5 affordable lots;
Phase 2	30 single family residential lots, including 5 affordable lots;
Phase 3	36 single family residential lots, including 5 affordable lots;
Phase 4	52 single family residential lots, including 8 affordable lots, and 1 multi-family tract (23 multi-family apartment units);
Phase 5	32 single family residential lots, including 4 affordable lots;
Phase 6	32 single family residential lots, including 5 affordable lots;
Phase 7	34 single family residential lots, including 5 affordable lots; and
Phase 8	21 single family residential lots, including 3 affordable lots.

Id.

9. The Board also approved modifications to the Conceptual Plan, including (a) changing the unit mix to increase marketability; (b) expanded the width of the streets; and (c) replaced the 1.39-acre commercial tract with a 23-unit apartment complex. *Id.*

10. On December 13, 2016 the Board issued a Final Order approving the Preliminary Plat for the eight (8) phases and the Final Plat for Phase 1 of the Turquoise Trail Subdivision North Phase. *Id.*

11. The date of recordation of a final order is the effective date of the Board's approval for the taking of an appeal and other purposes.

12. Section 5.7.11. (Expiration of Preliminary Plat) of the SLDC states:

An approved or conditionally approved preliminary plat shall expire unless the applicant obtains a development order granting approval of the final plat within twenty-four months (24) from the date of preliminary plat approval or conditional approval. Prior to the expiration of the approved or conditionally approved preliminary plat, the applicant may submit an application for extension, for approval by the Board, for a period of time not to exceed a total of thirty-six (36) months from the original approval date. No further extension shall be granted under any circumstances and the preliminary approval shall become null and void upon expiration of the preliminary plat. No application for final plat approval shall be allowed to be submitted after the preliminary plat has expired.

The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

13. Section 5.8.7 (Expiration of Final Plat) of the SLDC states:

Any approved or conditionally approved final plat, shall be recorded within twenty-four (24) months after its approval or conditional approval or the plat shall expire. Prior to the expiration of the final plat, the subdivider may request, from the Board, an extension of the final plat for a period of time not exceeding thirty-six (36) months.

14. On December 4, 2018, the Applicant requested an extension of time for thirty-six (36) months to record the Final Plat for the Property. Packet at 1.

15. On February 12, 2019, at a public hearing on the Applicant's request for an extension of time to record the Preliminary and Final Plat for the Property, Staff concurred that an extension was warranted by a change in circumstances regarding water, waste water service, and the pedestrian crossing since the Board's approval of the Preliminary and Final Plat on December 13, 2016, and recommended that the Board approve the Applicant's request for an extension of thirty-six (36) months, subject to the following conditions:

- a. The Applicant shall comply with all previously imposed conditions of the Thornburg Master Plan, Conceptual Plan, and Preliminary and Final Plats.
- b. The Applicant shall comply with all review agency conditions, which shall be noted on the recorded Preliminary and Final Plats and Development Plan.
- c. The Applicant shall record the Preliminary and Final Plats and Development Plan with the County Clerk.
- d. The Applicant shall submit a financial guarantee in an amount sufficient to ensure completion of all required improvements prior to recording the Final Plat.
- e. The Applicant shall enter into a wastewater service agreement with

County Utilities prior to recording the Final Plat.

- f. The Applicant shall connect all units to County Utilities at its own expense.
- g. The Applicant shall design, bond, and construct the pedestrian crossing during Phase 1.

Tr. at 57, 62; Packet at 4.

16. The Applicant concurred with the Staff's recommended conditions.

17. No member of the public spoke in favor or opposition to the Applicant's request for an extension of time to record the Final Plat for the Property. Tr. at 61.

WHEREFORE the Board hereby approves, by an unanimous vote of 5-0, the Applicant's request for a thirty-six (36) month extension of time to record the Preliminary and Final Plat for the Property, subject to the conditions stated in paragraph 15.

IT IS SO ORDERED.

This Order was adopted by the Board on this ___ day of _____, 2019.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

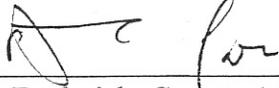
Anna Hamilton, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

Date: _____

APPROVED AS TO FORM:



R. Bruce Frederick, County Attorney

NOTICE OF RIGHT OF APPEAL

Any person aggrieved by this Final Order may appeal pursuant to NMSA 1978, Section 3-21-9, by filing a Notice of Appeal in the New Mexico First Judicial District Court, Santa Fe, New Mexico, within thirty (30) days of the date of filing of the Final Order in accordance with NMSA 1978, Section 39-3-1.1, and Rule 1-074 NMRA.

IX. A. Land Use Cases

1. BCC Case #SLTE 16-5091 Turquoise Trail North Subdivision – North Phase Plat Extension. RCS-Turquoise Trail South I, LLC, Applicant, Jenkins Gavin, Agent, Request a Plat Extension of the Previously Approved Turquoise Trail North Residential Subdivision (290 Dwelling Units on 101.49 Acres) in Eight Phases. The property is Located in the Community College District, which is a Planned Development District, East of State Road 14 and North of Vista del Monte, within Sections 24 and 25, Township 16 North, Range 8 East SDA-1 (Commission District 5)

NATHAN MANZANARES (Case Manager): Good evening Madam Chair. On December 13, 2016, the BCC approved the Conceptual Plan for the Turquoise Trail Subdivision North Phase, which called for development in eight phases. The approved conceptual plan also called for the following three modifications: Modification number one modified the unit mix to increase unit marketability to 267 single-family residential lots and one multi-family tract composed of 23 multi-family apartment units in lieu of the original application proposing 178 single-family lots, 100 multi-family units, and 12 live/work units. The second modification was expanding the width of the streets. Third modification was replacing the 1.39-acre commercial tract with a 23-unit apartment complex.

The BCC issued a final order approving the preliminary plat for the eight (8) phases and the final plat for Phase 1 as shown in Exhibit 3 of your packet. When the BCC approved the Conceptual Plan in 2016, applicant was obligated to obtain wastewater services from the City of Santa Fe. The County Utilities now provides that service to that project area. Therefore the applicant must enter into a wastewater collection agreement with the Santa Fe County Utilities prior to recording the final plat.

The applicant now requests a three-year extension of the preliminary plat for the eight phases and the final plat for Phase 1. In support of the request, the applicant states that Price Development Group is currently in the process of purchasing the property and is preparing to submit an amendment to the previously approved plan from 2016. The requested time extension will allow an extra 36-month for the new ownership to obtain the necessary approvals and begin construction of the project.

Staff recommends approval of applicant's request for a three-year extension of the preliminary plat for the eight phases and final plat for phase one subject to the conditions as stated in the report, with the exception to amend condition 7 to replace the word "bridge" with the word "crossing." Madam Chair, may I enter the conditions into the record as stated in the report with the proposed amendment to condition 7 to read "Applicant shall design, bond, and construct the pedestrian crossing during Phase 1.

[The conditions are as follows:]

1. Applicant shall comply with all previously imposed conditions of the Thornburg Master Plan, Conceptual Plan, and Preliminary and Final Plats.

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2. Applicant shall comply with all review agency conditions, which shall be noted on the recorded Preliminary and Final Plats and Development Plan.
3. Applicant shall record the Preliminary and Final Plats and Development Plan with the County Clerk.
4. Applicant shall submit a financial guarantee in an amount sufficient to ensure completion of all required improvements prior to recording the Final Plat.
5. Applicant shall connect all units to County Utilities at its own expense.
6. Applicant shall enter into a wastewater service agreement with County Utilities prior to recording the Final Plat.
7. Applicant shall design, bond, and construct the pedestrian bridge crossing during Phase 1.

CHAIR HAMILTON: Thank you.

MR. MANZANARES: And Madam Chair, I now stand for any questions at this time.

CHAIR HAMILTON: Thank you so much, Nathan. Are there questions on this from Commissioners? Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. The history is interesting. The entry starts at 2002 and then time passed. Can you explain what happened in the meantime?

MR. MANZANARES: Yes, sir. Madam Chair, Commissioner Moreno, initially this did come in as a master plan for the Thornburg development. That was a fairly big master plan. It was also done way before my time. I might have to direct that question over to my manager, Vicki.

VICKI LUCERO (Building & Development Services): Madam Chair, Commissioner Moreno, so the project started back in 2002 as mentioned in the staff report and initially the applicants came in with a proposal for a master plan which included 294 residential units, and almost a million and half square feet of commercial space on 224 acres. And then in 2004 the BCC approved an amendment to increase the number of residential units to 512 and decrease the commercial space to 711,150 square feet.

The residential components of the subdivision were the Turquoise Trail North phase and the Turquoise Trails South phase. The Turquoise Trail South phase came in for platting approval in 2005 and the plat was recorded. It consisted of 222 single-family units and I believe the majority of that phase is just about built out. In 2006 the BCC approved the preliminary plat and final plat for the Turquoise Trail North phase which consists of 290 residential units and 1.39 acres of the commercial tract.

So in December of 2016 they came in and amended that approval basically to phase the development. It was a single phase when it was approved in 2006. In 2016 they requested to phase the development into eight phases and basically what they're requesting tonight is to just grant an extension of that prior approval.

CHAIR HAMILTON: Other questions?

COMMISSIONER MORENO: I like the idea of more affordable homes in that area. Is that still the priority of the developers?

MS. LUCERO: Madam Chair, Commissioner Moreno, the initial approval in 2016, they were proposing 40 affordable units and that is still the proposal today. So

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there will be 40 affordable housing units out there.

COMMISSIONER MORENO: The map that you provided, it took me a while to figure out where it was. The north arrow was backwards in my view. Is it that the development is going to be just south of the interstate?

MS. LUCERO: Madam Chair, Commissioner Moreno, the proposed development, the north phase is actually adjacent to Highway 14 and we have a copy of the initial master plan that might give you a better idea of where that is located and we can show this to you. We can pass it around to the Commission. Initially, so this is State Road 14 that comes along here; this is I-25, and this would be the north phase of the development. The existing Federal Forestry Building is on this side and here's 599. So we're looking north of the arroyo is where these north phases will be located.

COMMISSIONER MORENO: Oh, okay. That's what I thought. Okay. Thank you. I think that's all.

COMMISSIONER GARCIA: Thank you, Madam Chair. So explain to me again, Vicki. This got master planned under the old code. I'm sorry. I wasn't paying attention.

MS. LUCERO: Madam Chair, Commissioner Garcia, that is correct. It did get master plan in 2002, under –

COMMISSIONER GARCIA: For how many lots?

MS. LUCERO: Initially it was 294 residential units.

COMMISSIONER GARCIA: Madam Chair, and then it came back to the County Commission under the current code and increased that?

MS. LUCERO: Actually, it was still under the old code when they came in to request a master plan amendment to increase that to 512 residential units.

COMMISSIONER GARCIA: And now, at the stage tonight we're doing what? Creating a final plat?

MS. LUCERO: So the 112 units was divided into the north and south phase of Turquoise Trail. The south phase was recorded, in I believe sometime around 2005 and that was for 222 single-family units. Now they're coming in for the remainder of the 512, which is 290 units on this north phase.

COMMISSIONER GARCIA: And is it for final plat approval for all eight phases or just one phase?

MS. LUCERO: It's preliminary plat approval for the entire eight phases and final plat for phase 1.

COMMISSIONER GARCIA: And does phase 2 through 8, does final plat approval come before the County Commission?

MS. LUCERO: Yes.

COMMISSIONER GARCIA: Okay. And then what's the question in regard to the roads? I heard Nathan mention something about the road width. So do the remaining 222 units, does that include the apartments as well?

MR. MANZANARES: Commissioner Garcia and Madam Chair, so under this proposal, the 2016 proposal, they asked for 267 single-family lots, one multi-family tract, composed of a 23-unit multi-family apartment unit.

COMMISSIONER GARCIA: Twenty-three apartment complex.

MR. MANZANARES: The original proposal consisted of the 178 single-

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family lots, the 100 multi-family units, and the 12 live/work units.

COMMISSIONER GARCIA: So once again, the 222 units are stick owned, built together units. The 22 apartment complexes is not included in those 22 numbers?

MR. MANZANARES: I believe it is, Commissioner Garcia.

COMMISSIONER GARCIA: Maybe we can ask Ms. Jenkins when she comes up. Also in regards to the area, what about the roads, Madam Chair. The width of the roads. The width of the roads is getting narrower, based on the previous approval? I'll just tell you my concerns. I drive that road out there. There's already tons of traffic in the area, and the roads on the southern part of the Thornburg development, which is right near the Allsup's area. You can't even drive down those roads because cars park on the side. They can't park in the driveway and you can't drive down those roads. So that's just the concern that I'm trying to figure out where we're at because I would hope that the new phase doesn't look like –

MR. MANZANARES: So Madam Chair, Commissioner Garcia, in 2016 they did do a traffic impact analysis to verify ingress, egress in and out of the subdivision. Tonight they're just asking for the extension of the previously approved approvals from 2016. When they come in for the amendment they'll be required to do a new TIA to address those concerns.

COMMISSIONER GARCIA: So, Madam Chair, every time they come in for a phase a new traffic impact analysis will be submitted?

MR. MANZANARES: Madam Chair, Commissioner Garcia, it will be updated.

COMMISSIONER GARCIA: Okay. So once again, they're actually coming in tonight – well, maybe Ms. Jenkins can help out. And one of the other things I have, in regards to this second – I see the main access coming in here. The access that's at the curve of State Road 14 there across the southern-most boundary of the Santa Fe Brewing Company. Where it looks like where you have it connected it actually, obviously the old State Road 14. That old State Road 14 went straight into I-25 many, many years ago. But that actually has been abandoned. Sorry to get into details. But it doesn't look like – it should match up maybe with the existing driveway. Because it looks where it's matched up, it's on a curve. I'm not a traffic engineer, however, is that the best place for it?

MR. MANZANARES: Madam Chair, Commissioner Garcia, I believe that access was approved by DOT back in 2016.

COMMISSIONER GARCIA: And so, now DOT approved it in 2016, do they need to get it updated? Because there's been a lot more developments.

MR. MANZANARES: Madam Chair, Commissioner Garcia, those approvals last for one year, so a new application would be required from DOT and a new approval.

COMMISSIONER GARCIA: And what about the infrastructure? Is the developer required to help out the County's Quill plant with infrastructure? Or is the developer just required to actually build a subdivision infrastructure out and then the County has to deal with the Quill plant. Are there developer impact fees? Do we know?

MS. LUCERO: Madam Chair, Commissioner Garcia, so the applicant

right now, as Nathan stated in the staff report, they're working with the County Utilities to work out the issues as far as utility fees, design, and what not. So that's something that the applicants are working on with Utilities or will be working on prior to recording any of the phases.

CHAIR HAMILTON: So can I add some clarification? What we're considering tonight is a time extension on this, not approval or disapproval of the plan. And so I just wanted to keep the questions on point.

COMMISSIONER GARCIA: I heard Nathan here talking about something regarding the road width.

MS. LUCERO: Madam Chair, Commissioner Garcia, he was just giving the history of the 2016 approval, and at that time, the conceptual plan, one of the modifications was to expand the width of the streets. That was approved in 2016.

COMMISSIONER GARCIA: Thank you, Madam Chair, and I certainly understand what the caption says and I know what we're here for. Thank you.

CHAIR HAMILTON: Thank you. Are there other questions from other Commissioners? So for my own clarification, this is for an extension of the preliminary for phase 2 and the final for phase 1? Is that close to –

MS. LUCERO: Madam Chair, it's actually a request for preliminary plat approval for the eight phases, and final plat approval for phase 1.

CHAIR HAMILTON: Great. Thank you. That's what I had in mind. I understand. I said that wrong. So do we have a presentation before we go to the public hearing part?

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: Good evening, Madam Chair, Commissioners. I'm Jennifer Jenkins with JenkinsGavin here this evening on behalf of the applicant in request for a time extension for the Turquoise Trail North Subdivision. As you aptly pointed out, this has been dragging on for a while. So the good news is we're going to start construction of this project this year and so I'd be happy to stand for any questions, but I think it's something with respect to housing and affordable housing, it's something that's greatly needed and is always the intent for not only the Thornburg master plan but the Community College District. So we're really excited to finally bring this portion of the project to fruition. And I'd be happy to stand for any questions.

CHAIR HAMILTON: Thank you. So are there questions specifically for Ms. Jenkins.

COMMISSIONER GARCIA: Madam Chair, Ms. Jenkins or staff, so what does the current existing County code allow for? Two years? Three years? Four years?

MS. LUCERO: Two years.

COMMISSIONER GARCIA: It's two years. Thank you.

MS. JENKINS: We won't need it, but that's what the – that's how the code sets it up. Yes.

CHAIR HAMILTON: Yes, that is the standard. Thank you. So at this point, if there are no other questions, we come to the public hearing part. So I'm going to open the public hearing. Mr. Frederick, do you have some – No. I'll open public hearing. Is there anybody here from the public who'd like to speak to this? Seeing none by visual inspection, I'll go ahead and close the public hearing. If there's no further discussion,

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what's the pleasure of the Board?

COMMISSIONER HANSEN: I move to approve the extension.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

COMMISSIONER HANSEN: Wait a second. With all of staff's recommendations. I make a motion to approve with all of staff's recommendation, including the connection to the wastewater plant. But I think that's part of the staff recommendation, correct?

MS. LUCERO: Madam Chair, Commissioner Hansen, there is a condition that the applicant enter into a wastewater service agreement with the County prior to recording the final plat.

CHAIR HAMILTON: Yes. Excellent. So it's an amended motion to include staff recommendations. Does your second include that?

COMMISSIONER ROYBAL: Yes.

MS. LUCERO: Madam Chair, if I could get clarification. That's with the amendment to condition number 7 to change the word "bridge" to "crossing"?

COMMISSIONER GARCIA: What is the difference between a bridge and a crossing?

CHAIR HAMILTON: Thank you. So we have clarification on the amended motion and the second accepted that.

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

VIII. MATTERS FROM THE COUNTY ATTORNEY

Executive Session: Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1 (H)(8) NMSA 1978, including:

1. Regional Water System related to the Aamodt Settlement
2. Evaluation of County Manager/Amendment to Employment Agreement with County Manager

MR. FREDERICK: Madam Chair, we propose to go into executive session to discuss the matters listed on agenda item VIII. pursuant to the authority listed in the same agenda item.

COMMISSIONER ROYBAL: Madam Chair, I'd like to move that we go into executive session for items that were summarized by Attorney Frederick.

COMMISSIONER GARCIA: Second.

