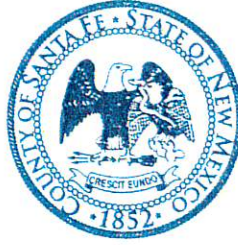


**Henry P. Roybal**  
*Commissioner, District 1*

**Anna Hansen**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Anna T. Hamilton**  
*Commissioner, District 4*

**Ed Moreno**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**CASE # SCSD 17-5330 Pilot Travel Center, LLC Conceptual Plan  
Exit 278, LLC/Pilot Travel Centers, LLC, Applicants**

**RECOMMENDED DECISION AND ORDER**

**THIS MATTER** came before the Santa Fe County Planning Commission (Commission) for hearing on March 15, 2018, on the application of Exit 278, LLC/Pilot Travel Centers, LLC (Applicants) for a Conceptual Plan to allow a 3-lot phased development on a twenty six acre tract pursuant to Section 4.9.9.1, Section 8.10.3, and, Section 8.10.3.5 of Ordinance No. 2016-9, the Santa Fe County Sustainable Land Development Code (SLDC). The subject property is located at the intersection of NM Highway 14 and I-25, within the Planned Development District Santa Fe Community College District (CCD) and zoned as Employment Center (CCD-EC). The Commission, having reviewed the application, staff report, the Hearing Officer's recommended decision, and having conducted a public hearing on the application, finds that the application is not well-taken and recommends to the Santa Fe County Board of County Commissioners that the application be denied and makes the following recommended findings of fact and conclusions of law:

**I. Background**

1. The Applicants are requesting approval of a Conceptual Plan to allow a 3-lot phased subdivision on a twenty-six acre tract, which would be a minor subdivision under the SLDC.
2. The proposed Conceptual Plan is within the Planned District Santa Fe Community College District (CCD), Employment Center (CCD-EC) established under the SLDC.

3. The proposed minor subdivision would include a 10 acre  $\pm$  parcel for the proposed Pilot Flying J Travel Center development. Each phase within the minor subdivision would be subject to stand-alone applications to be developed in conformance with the Conceptual Plan. The first phase would consist of the 10 acre  $\pm$  parcel for the Pilot Flying J Travel Center development, which would consist of a 13,600 square foot structure housing restaurants, convenience store, restrooms and other amenities to serve as a Travel Center/Truck Stop type of facility.
4. The Property is owned by Exit 278, LLC. Exit 278, LLC is a co-applicant with Pilot Travel Centers, LLC on the application herein considered.

## **II. Applicable Provisions of the SLDC**

5. Chapter 4, Section 4.4.8. Land Use Facilitation:

4.4.8.1 Purpose. Land use facilitation is intended to provide a means of communication between an applicant proposing a development, and persons that would be impacted by the proposed development. Land use facilitation provides an opportunity for the applicant and residents to exchange information, ask questions, and discuss concerns about the proposed development.

6. Chapter 4, Section 4.9.9 Conceptual Plan. For approval of certain large scale and phased development as set forth below:

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

4.9.9.2. Applicability, a conceptual plan is required for the following developments:

1. all subdivisions containing more than 24 lots;
2. all developments in MU, P/I, I, IL, CG, CN that are to be built in phases;
3. all new PD developments; and
4. *all development in the CCD in accordance with Section 8.10.3 of this SLDC.*

(Emphasis added).

7. Table 8.44: Use Table Labels, states for "'C", "Conditional Use":
- 102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:  
505-995-2740 www.santafecountynm.gov

[T]he listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 4.

8. Chapter 8, Section 8.10.3.13, Employment Center Subdistrict Development Standards

(CCD-EC) states:

The Employment Center Subdistrict is intended to accommodate mixed uses, where large scale employers, anchor business and light industry can locate in support of New Community Center Subdistrict development...The Employment Center Subdistrict provides a concentrated planned multi-use environment for light industrial and business uses. Retail uses may be included as necessary to support the needs of anchor employees.

9. Table 6-1 lists the Required Studies, Reports and Assessments (SRAs).

10. Chapter 7 – Sustainable Design Standards.

11. Chapter 8, 8.10.3 Planned District Santa Fe Community College District:

8.10.3.1. Purpose and Intent. The Community College District (CCD) is a planned development district and is intended to promote and focus compact, mixed-use development in a village land use pattern in the large county area south of the city of Santa Fe. It is a major employment, education and cultural center serving the city, county and other regional areas; and, its presence has led to the development of related public and institutional uses including churches and other educational institutions, which are integral to the creation of “community” and historically have been uses around which new communities and settlements have successfully developed.

The CCD was created to curb sprawl, maximize infrastructure efficiency and preserve open space in an area of Santa Fe County under substantial development pressure, and to otherwise to implement the vision, goals and principals of the CCD Plan. The CCD is expected to be the first of a number of new communities to be developed outside the urban area over the next 20 years.

The CCD Plan calls for New Community Centers, Neighborhood Centers and Employment Centers. These centers should be active places with identities and ambiance that attract people. They shall have a mixture of uses that keep them active and the heart of commerce and community activities in the District. Centers should be designed to principles that are different than typical strip commercial. Buildings, plazas, walks, parking and the landscape shall be designed to create centers that will be the focus of community life described in the CCD Plan.

The CCD Plan designates areas for Institutional Campuses. Campuses shall be anchored by an educational, large-scale non-profit, vocational, research or similar institution that desires a campus setting. In all Campuses, the first phase of the anchor institution must be built prior to or in conjunction with all other buildings. Commercial and residential uses support the anchor institution and its users, but are subordinate in design and size. Without the

anchor institution, no other uses are allowed in this zone. Institutional campuses are not intended for large-scale commercial or retail businesses that desire a campus setting; these users may locate in Employment Centers or New Community Centers.

12. Chapter 8, Section 8.10.3.4, Conceptual Plan. A conceptual plan is required for multi-phased development within the CCD. The conceptual plan shall:

1. define the boundaries of the landscape types and the resulting designation and configuration of Village, Employment Center, Institutional Campus, and Fringe Zones and Open Space;
2. calculate the zoning allowances and requirements including the minimum and maximum number of residential units, the minimum and maximum range of commercial square footage and the open space and park requirements;
3. establish categories of land uses with sufficient specificity to allow for an analysis of the traffic and other impacts of the proposed uses, within each category;
4. identify the location and general configuration of New Community Centers, Neighborhood Centers, Neighborhoods, Employment Center Zones and Institutional Campus Zones that are included in the master plan area. A digitized aerial photograph containing metes and bounds description may be used to establish zone locations;
5. identify the proposed categories of land uses to be developed to demonstrate the mixed-use nature of the development;
6. establish the general road layout and classification of road segments as living-priority, mixed-priority and traffic-priority roads;
7. establish the general trail network and classification as district, village, local or any separate equestrian trails;
8. establish a phasing schedule which details the timing for the proposed development which shall include a general description of each phase of the development, with projected sales and buildout;
9. an explanation of how each development phase promotes the mixed-use intent of this Section; a description of the phased development of the on-site infrastructure and the manner in which it is coordinated with development of needed off-site infrastructure to ensure that the standards of the zones and densities of the development required by this Section are achieved; and
11. the minimum area which must be included in a conceptual plan shall be an entire Village Zone, Employment Center Zone or Institutional Campus Zone, or that portion of such zone owned by the applicant.

13. Section 8.10.3.5, Conceptual Plan Review Criteria. The criteria for approval of a conceptual plan in the CCD are as follows:

1. conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan;
2. viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed; and

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

14. Chapter 8, Section 8.10.3.10, New Community Center Subdistrict Development Standards, states:

The New Community District subdistrict is intended to accommodate compact mixed use, with the highest density possible in relation to design standards, and a variety of housing choices. Civic, community, commercial, retail and services for the CCD district are to be concentrated in the New Community Center Subdistrict.

15. Chapter 8, Section 8.10.3.13, Employment Center Subdistrict Development Standards states:

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

16. The Community College District Plan, Section 8, Employment Centers, states that

The intent is that Employment Centers be developed with the following characteristics:

\* \* \*

5) Employment Centers should serve the District and the greater Santa Fe Community.

17. Chapter 8, Section 8.10.3.19, Use Table, sets out the uses permitted in the Community College District. In part, it specifies "Uses not specifically listed" and states:

When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to a listed use if:

The proposed use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA).

18. Chapter 8, Section 8.9.1, Mixed Use Zoning District, Purpose, states

The Mixed Use (MU) district provides for areas of compact development with primarily residential and some commercial uses. The MU district provides a full range of housing choices and promotes a sense of community, vitality, and adequate

facilities and services. The purpose of the MU designation is to accommodate compact communities, which typically have public gathering places or community facilities with a mix of associated land use such as residential and neighborhood-scale retail, small businesses, and local commercial uses. Community facilities may include schools, post offices, community centers, and recreational facilities, multi-modal transportation facilities that promote bicycling, equestrian activities, park and ride, and transit.

### **III. The Public Hearing Process**

19. The Applicants presented the application to the Technical Advisory Committee (TAC) on September 7, 2017, at the regular scheduled monthly meeting, as required by Chapter 4, Section 4.4.4.3, Pre-application TAC Meeting and Table 4-1.

20. The Applicants presented the Application at a Neighborhood Meeting held on September 25, 2017, as required by Chapter 4, Section 4.4.4.4, Pre-Application Neighborhood Meeting. The Applicants submitted material that was to be presented at the meeting, a sign-up sheet, and a list of individuals notified of the meeting inclusive of Registered Organizations registered with Santa Fe County.

21. Notice requirements were met as per the SLDC, Section 4.6.3., General Notice of Application Requiring a Public Hearing. In advance of a hearing on the application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the application was made for fifteen days on the property, beginning on February 28, 2018. Additionally, notice of hearing was published in the Santa Fe New Mexican on February 28, 2018, as evidenced by a copy of that notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

22. On December 6, 2017 a Facilitated Public Meeting was conducted at the Santa Fe Community College. Facilitation was recommended by the Administrator as per Section 4.4.8.3. (Types of Cases Referred) which states, "in general, any application which presents

controversy, in which residents have questions or concerns, or that the applicant feels is appropriate for facilitation, may be referred to facilitation.” The December 6, 2017, facilitation addressed process and requirements for the Conceptual Plan, quality of life, traffic/roads, wastewater/water, appropriateness of the project to the area, and economic development.

23. The Application was presented to the Sustainable Land Development Hearing Officer for consideration on January 11, 2018.

24. The Hearing Officer supported the Application, subject to the following conditions:

a. The Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.

b. Compliance with all Reviewing Agency/Department Comments.

#### **IV. Compliance with the SLDC**

25. The Applicants are requesting approval of a Conceptual Plan for a phased development on 26.46 acres which will consist of the following: Phase 1 (Area 9-A) – Gas Station, truck stop, convenience store, and three fast food restaurants, one with a drive-thru; Phase 2 (Area 9-B East) – two hotels containing 100 rooms each; and Phase 3 (Area 9-B West) – Full service sit down restaurant, retail shops, warehouse, and manufacturing/light industrial.

26. The Applicant stated that “[t]he use list would include the permitted and conditional uses in an Employment Center Subdistrict as shown on Table 8.4.4 CCD use table (2016) provided intensity of use for traffic generation, water and wastewater do not exceed selected uses. The applicants recognize that the gas station/fueling station is a conditional use, but believe that the Board of County Commissioners should be specifically apprised that a gas station/fueling station is proposed and that a conditional use approval will be sought.”

27. Staff stated that Table 8.44: CCD Use Table illustrates a gasoline station and gasoline services as a Conditional Use which is a permitted use within the Employment Center Subdistrict upon approval of a Conditional Use Permit. Table 8.44: CCD Use Table illustrates a store or shop with/without drive-through facility, restaurant, with/with no consumption of alcoholic beverages permitted, hotels, motels, and tourist courts, and warehouse structures as permitted uses within the Employment Center Subdistrict upon approval of a Site Development Plan/Development Permit.
28. Staff further stated that Table 7.6 (Parking) of the SLDC lists "Truck Stops" as a specific use under the "Industrial Use Categories," and more specifically under the sub category of "Warehouses and Freight Movement." In Table 8.44 (CCD Use Table), "Light Industrial structures and facilities" are listed as Permitted Uses, "Truck freight transportation facilities" are listed as Conditional Uses, and "Warehouses structures" are listed as Permitted Uses within and Employment Center. The Employment Center allows for a variety of uses inclusive of light industrial structures and facilities. Manufacturing plants, heavy construction, and processing plants are listed in the use table, and include the use of large trucks and hazardous material (e.g., chemical processing plant, asphalt plant, manufacturing plant), these are all listed as Conditional Uses. The Administrator looked at all of these uses collectively in addition to similar uses listed in the LBCS and the NAICS in order to make a determination as to whether or not the use of a Truck stop is allowed in this district. Although general, light industrial uses are listed as permitted uses in the CCD Table, the Administrator took a more conservative approach that a truck stop has aspects similar to the heavier industrial uses and maintains that a truck stop is an allowed use upon approval of a Conditional Use Permit within the CCD-EC.



29. Staff recommended that the Planning Commission make a recommendation to the BCC as to whether or not the use of a truck stop should be recognized as a Conditional Use and thereby allowed within the Employment Center Subdistrict.
30. While all the other uses in the Conceptual Plan (gas station, restaurants, hotels) are permitted or conditional uses listed in the CCD Use Table Matrix, truck stops/travel centers are not.
31. Staff cites the analysis of the Administrator of several other uses listed in the CCD Use Table Matrix to conclude that they are sufficiently similar to a “truck stop/travel center” to allow the “truck stop/travel center to be considered an allowable use.”
32. Specifically, staff refers to “Warehouses and freight movement,” “Light industrial facilities” and “Warehouse structures” and “truck freight transportation facilities” listed as permitted uses, as well as “manufacturing plants, heavy construction, processing plants” that “include the use of large trucks and hazardous materials (chemical processing plants, asphalt plant and manufacturing plants)” listed as conditional uses, as having similar aspects of a truck stop to permit the truck stop to be treated the same an allowable use.
33. In determining whether this equivalency is justified, the Commission finds it helpful to focus on the fundamental purpose of the CCD zoning and whether “truck stops” meet that purpose so as to be included as an allowable conditional use by extension. The Commission also focuses on the actual truck stop use to determine whether it is the materially the same as the other cited uses.
34. The Commission finds that the purpose and intent of zoning in the CCD is to focus on development that serves the residents and businesses of the district and the neighboring Santa Fe Community.

35. The Commission references SLDC §8.10.3.1, which states that the intent and purpose in the Community College District (CCD) is “to promote and focus compact, mixed-use development in a *village land use pattern*.” (Emphasis added.)
36. The Commission also references §8.9.1, which sets out the purpose of mixed-use development: it “provides a full range of housing choices and promotes a sense of community, vitality, and adequate facilities and services. The purpose of the MU designation is to accommodate compact communities, which typically have public gathering places or community facilities with a mix of associated land use such as residential and *neighborhood scale* retail, small businesses and *local commercial uses*.” (Emphasis added.)
37. The Commission notes that the Employment Center Subdistrict “is intended to accommodate mixed uses where large scale employers, anchor employers and light industry can [be] locate in support of New Community Center Subdistrict development. *Employment Center Subdistrict provides a concentrated planned multi-use environment* for light industrial and business uses. *Retail* uses may be included as necessary to support the needs of anchor employees.” (Emphasis added.)
38. The Commission notes that §8.10.3.10 requires that the New Community Center Subdistricts, which the Employment Center Subdistricts are intended to support as noted above, are intended to serve the local community with a concentration of “civic, community, retail and services *for the CCD*” and “mixed uses *providing services to surrounding neighborhoods*.” (Emphasis added.)
39. The Commission refers to provision in the Community College District Plan establishing Employment Centers stating, “Employment Centers should *serve the District and the greater Santa Fe community*.” (Emphasis added.)

40. Staff submitted a list of current business licenses in the Bisbee Court area to the Commission.
41. The list of current business licenses and testimony presented at the public hearing confirm that the businesses in the Turquoise Trail Business Park on Bisbee Court serve local residents and that those businesses uniformly oppose the truck stop as inappropriate for the neighborhood.
42. The Commission finds that the proposed truck stop/travel center primarily serves out-of-district and out-of-region travelers, not local residents and businesses, and therefore is not in conformance with the Community College District Plan.
43. The Applicant cites language from 8.10.3.13 concerning businesses appropriate for the Employment Center Subdistrict, businesses that have a “special need for access: buffering for visual, noise or other impacts, technology, storage and size.” The Applicant also references and provided images during the hearing of existing commercial and industrial businesses located along I-25, which include a large contractor’s yard used for the manufacturing and distribution of pre-fabrication panels, a light industrial facility constructing large-scale water features, a Contractor’s office and yard, an auto body and paint shop, a veterinary clinic, a large brewery and the PNM facility.
44. The Commission finds that all those referenced businesses serve the local residents and local businesses, they are listed as either conditional or permitted uses in the CCD Use Table matrix and they are appropriately buffered at the edge of the CCD along I-25. The Commission finds that the proposed truck stop/travel center would cause many of the same negative impacts of these other businesses—needing access for numerous trucks a day, buffering for the negative visual impact, particularly large, widely-visible lights at night, the noise of truck engines, both idling and driving, and the diesel smell that cannot be regulated

away.—However, the Commission further finds that such negative impacts created by other industrial and commercial businesses do not justify locating the truck stop in the CCD Employment Center Subdistrict because it does not serve the local residents and businesses and is not an allowed use.

45. The Commission finds that a truck stop/travel center is not listed in the CCD Use Matrix as a Permitted or a Conditional Use.

46. The term “truck stop” is used in Chapter 7, Table 7.6 Parking, along with some 50 other uses for which parking requirements are specified.

47. The Commission finds that this use of the term “truck stop” in the SLDC shows that the drafters of the Code know what a truck stop is and used the term when they meant to use the term.

48. The Commission finds that the fact that a “truck stop” is not listed in the CCD Use Matrix can only be taken as an intention, based upon the aforementioned language in the Community College District Plan and Chapter 8 of the SLDC, not to include a truck stop as an allowed use in the CCD-Employment Center Subdistrict.

49. Applicant testified that a truck stop is usually sited at the junction of two main highways. The proposed site is not at the junction of two main highways.

50. A truck stop is a distinctive use, instantly recognizable with its many parking places and fueling station for trucks.

51. The Commission finds that a truck stop/travel center is a markedly different use than a “gas station,” which is listed in the CCD Use Matrix.

52. The Conceptual Plan clearly shows two distinct uses, a gasoline station in the front and a truck stop in the rear.

53. The Commission finds that a gas station is compatible with a village land use pattern.

54. The Commission finds that a truck stop servicing hundreds of tractor-trailers traveling through the area is generally not compatible with a village land use pattern.
55. The Commission finds that the truck stop portion of the proposed conceptual plan is not allowable as a gas station.
56. The Commission finds that a truck stop is not a “truck freight transportation facility,” which is listed in the CCD Use Matrix.
57. Truck freight transportation facilities are facilities that handle freight, loading, unloading or storing it, such as freight terminals. Those are not uses regularly performed at a truck stop.
58. Nothing is generally done with freight at a truck stop. Freight just sits on the truck. Truck stops provide services for the driver and the truck but no freight is loaded, unloaded or stored. A freight terminal may be located in a village to handle freight brought to the village for sale to the local residents as well products made in the village being shipped out.
59. Applicant confirmed this usage by pointing to the light industrial building northeast of the site that manufactures large-scale water features, noting that “just behind the building, you can see some trailers there. And, once again, the idea is that what occurs is that you have truck traffic having to bring goods in and having to take goods out at this particular location.”
60. The Commission finds that a truck stop is not a “truck storage and maintenance facility,” which is listed in the CCD Use Matrix.
61. While trucks do stop at a truck stop for a few hours, trucks are not stored there.
62. The Conceptual Plan shows no storage of trucks.
63. While some minor maintenance may occasionally be performed on trucks at a truck stop, such maintenance is not the primary activity.

64. The Commission finds that a truck stop is not a Warehouse or a Freight Movement facility or a light industrial structure or facility referenced in the CCD Use Matrix. Those uses serve the local residents. A truck stop serves the traveling public.
65. The CCD Use Matrix allows a determination “that the [proposed] use is materially similar to a listed use if: the proposed use is listed within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association.”
66. The LBCS has a function classification 4140 for “truck and freight transportation services” which is within the same category of use as “truck freight transportation facility” listed in the CCD Use Matrix.
67. Staff found no reference to “truck stops” in function classification 4140, or anywhere in the LBCS.
68. While “truck and freight transportation service” in 4140 is similar to the “truck freight transportation facility” in the CCD Use Matrix, as noted by the Hearing Officer, the Commission finds that the proposed use—a truck stop—is not listed anywhere in function classification 4140, and, therefore, is not materially similar to the listed use, a “truck freight transportation facility.”

#### **V. Public Comment**

69. There were over five hundred (500) letters of opposition to the Application.
70. Mathew McQueen, Geraldine Fisher, Roger Taylor, Lisa Burns, Valentin Jordanov, Thomas Hill, Adrian Riddle, Floyd Cable, Molly West, Keelan Ranney, Lucy Ranney, Douglas Speer, Scott Hale, Maureen Cashmon, Trevor Burrowes, Michael Pschorr, Stephen Linam, Kathryn Shelley, John Pen LaFarge, Janet McVickar, Shannon Augi, Mark Bramer, Jesse Shakespeare, Beth Hundley, Jody Larson, Claudia Calisch, Katherine Bilton, Dirk

Stronck, Dolores Martinez, J.J. Gonzales, Karen Heldmeyer, Christopher Bayly, Beverly Perkey, Kas Berget, Nicki Handler, Vicki Ward, Jill Cliburn, Patrick Allen Mohn, Gary Harris, Eirik Johnson, Lisa Golden, and Gail Karr, spoke in opposition to the Application at the public hearing before the Commission.

71. Opposition to the Application can generally be characterized as follows:

- a. The proposed development will negatively impact the view shed;
- b. The lights from the proposed development will impact the ability to see the night sky;
- c. Truck stops are not a use that is allowed in the SLDC use matrix;
- d. Concerns about traffic safety and increased tractor-trailer traffic;
- e. The truck stop is not compatible with neighboring businesses, which serve local residents and will be impacted by noise and increase tractor trailer traffic;
- f. The proposed development will negatively impact the environment;
- g. Concerns about the noise that will be generated by the proposed development; and
- h. Concerns about diesel fumes.

72. The testimony presented at the public hearing confirms that the businesses in the Turquoise Trail Business Park on Bisbee Court serve local residents; those businesses uniformly oppose the truck stop as inappropriate for the neighborhood.

73. Dirk Williamson, George Raney, and Joni Miller provided letters in support and Stephen Linam spoke in favor of the Application at the public hearing before the Commission.

74. Support for the Application can generally be characterized as follows:

- a. The location of the proposed development is appropriate;
- b. The City of Santa Fe and County of Santa Fe do not have gas station facilities that can accommodate large vehicles, such as RVs;

- c. The proposed site is best suited to the type of development proposed; and
- d. The proposed development will provide jobs and economic benefits for Santa Fe County.

## **VI. Conclusions of Law**

- 75. Any finding or conclusion of law set forth above that may be construed to constitute a conclusion of law is hereby incorporated as such to the same extent as if it was expressly denominated as a conclusion of law.
- 76. The Commission finds that the Conceptual Plan for the proposed truck stop/travel center is not in conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan because the truck stop/travel center is intended to serve and would predominantly serve out-of-district and out-of-region travelers off the Interstate and not residents and business within the district and region.
- 77. The Commission finds that the Conceptual Plan is not in conformance to the Section 8.10 because the truck stop/travel center is inconsistent with a village land use pattern as required by the Community College District.
- 78. The Commission finds that the Conceptual Plan is not in conformance to the Section 8.10.19 because a truck stop/travel center is not a use permitted in the Community College District.
- 79. The Commission finds that the truck stop/travel center is not a “gasoline station” allowed as a conditional use in the CCD.
- 80. The Commission finds that the truck stop/travel center is not a “truck storage and maintenance facility” allowed as conditional use in the CCD.
- 81. The Commission finds that the truck stop/travel center is not a “truck freight transportation facility” allowed as a conditional use in the CCD.



82. The Commission finds that the truck stop/travel center is not a “warehouse structure” allowed as a permitted use in the CCD.

83. The Commission finds that the truck stop/travel center is not a “light industrial structure or facility” allowed as a permitted use in the CCD.

84. The Commission finds that “truck stop” is not a listed use within function classification 4140 for “truck and freight transportation services” of the Land-Based Classification Standards of the American Planning Association and is therefore not “material similar” to the listed use for “truck freight transportation facility” in the CCD use matrix.

**WHEREFORE** the Commission finds the Application is not well taken and hereby recommends that the Santa Fe County Board of County Commissioners deny the Application for a Conceptual Plan to allow a phased development on a twenty six acre tract.

This Recommended Decision and Order was adopted by the Commission on this \_\_\_ day of \_\_\_\_\_, 2018.

**THE SANTA FE COUNTY PLANNING COMMISSION**

\_\_\_\_\_  
Charlie Gonzales, Chairperson

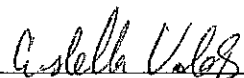
ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
Rachel Brown, Deputy County Attorney



\_\_\_\_\_  
Cristella Valdez, Assistant County Attorney