

MEMORANDUM

DATE: February 9, 2010

TO: Board of County Commissioners

FROM: Vicki Lucero, Development Review Team Leader

VIA: Jack Kolkmeier, Land Use Administrator
Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: CDRC CASE # S 06-5031 The Village at Galisteo Basin Preserve

ISSUE:

Commonweal Conservancy Inc., applicant, Ted Harrison, agent request Preliminary Plat and Development Plan approval for Phase I of the Village at Galisteo Basin Preserve which will consist of 131 single family residential lots, 3 multi-family residential lots for a total of 149 residential units, and 5 non-residential lots within a 60 acre development envelope within an overall 10,000+acre area. The request also includes the following variances of the County Land Development Code: 1) To allow driveway locations to be closer than 100 feet from intersections; 2) To allow slopes of up to 5% within 50 feet of an intersection rather than required 3% or less within 100 feet of an intersection; 3) To allow driving lanes for Minor Arterial roads and Local Sub-Collector roads to be reduced to a width of less than 12 feet; 4) To reduce the required R-O-W width from 50 feet to 32 feet for Local Sub-collector Roads and 25 feet for Local Lane roadways; 5) To allow commercial and residential building heights of up to 30 feet in certain areas.

The property is located south of Eldorado, west off of US 285, within Sections 1, 3-5, 7-15, 17, 20-24, and 27 within Township 14 North, Range 9 East; Sections 5-7, and 18 within Township 14 North, Range 10 East; Sections 25 and 34-36, within Township 15 North, Range 9 East; and Sections 30 and 31, within Township 15 North, Range 10 East (Commission District 3).

SUMMARY:

On December 8, 2009, the BCC tabled this case and directed the applicant to submit a new market analysis, to provide more data regarding water availability for the entire development and to work with the communities of Galisteo, Eldorado, Lamy, Canonicito, and the Eldorado Area Water and Sanitation District (Refer to BCC Minutes in Exhibit "K"). The applicant has submitted

documentation regarding the meetings they have held with these communities and entities (Refer to Exhibit "I"), however, as of the time this information was submitted they had not met with the community of Canoncito.

The applicant did submit a revised market analysis (Refer to Exhibit "N"). Staff's review comments on the market analysis are attached in Exhibit "D".

The applicant submitted a letter to the County Utilities requesting water service for Phases II-V of the proposed development in order to address the long term water availability issue as directed by the BCC at the September meeting. The Utilities Department has issued a ready, willing and able letter to provide water to the development subject to several conditions (Refer to Exhibit "L").

Staff believes that a change in water supply from a private system to the County Utility would require a master plan amendment and this should be done prior to the Board taking action on the Preliminary Plat for Phases II-V. Staff also believes that this change could have an impact on the design of the water system that should be taken into account. This may require revised plans to be submitted for review.

On June 18, 2009, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request (Refer to CDRC Minutes in Exhibit "H"). The request that was presented to the CDRC included an additional variance to allow cul-de-sac greater than 500' in length. Article V, Section 8.2.1.d, of the Land Development Code states that cul-de-sacs (dead end roads) shall not be longer than 500 feet however, in low density residential areas the lengths of cul-de-sacs may be adjusted by the CDRC with the changes consistent with public safety factors. The CDRC approved the cul-de-sac length. After several meetings with the applicants regarding this specific issue staff has determined that a variance for the length of cul-de-sac is not needed.

On June 12, 2007, the BCC granted Master Plan Zoning approval for a mixed-use development consisting of 965 residential units; 150,000 sq. ft. of commercial, institutional, educational, and recreational land uses; and open space, parks, and trails on 10,316 acres.

On March 10, 2009, the BCC granted preliminary, non-binding approval of the proposed public improvement district for the Village at Galisteo Basin Preserve.

The applicant is now requesting preliminary plat and development plan approval for Phase I of the development which will consist of 131 single family lots and 18 multi-family units for a total of 149 residential units. There are 45 affordable housing units proposed which is 30% of the total number of units in Phase I.

Phase I will also consist of 15,000 sq. ft. of Commercial/Civic space, 22,400 sq. ft. of Educational uses, 5 acres of Memorial Landscape for "green burial," 2,394 sq. ft. of parks and open space, and 20 miles of trails. Commercial, Civic, Educational and Memorial Landscape development will be submitted under a separate development plan.

The property is located south of Eldorado on the west side of US 84-285. A small portion of the proposed site is within the US 84-285 Corridor District. That portion within the corridor will consist only of residential development, which is a permitted use.

Phase I of the development consists of two designated development intensity zones: Village residential, and Neighborhood residential. The Village residential zone is intended to accommodate a mixture of residential building types, which would allow densities of 10-25 dwelling units per acre and will include private or public utilities and infrastructure, as well as parks and open space. The Neighborhood residential zone is intended to accommodate a range of more closely matched residential building types. Densities will range from 5-15 units per acre and will include private or public utilities and infrastructure as well as parks and open space.

This application was reviewed for the following:

Roads/Access

The development will have two points of access off of US 84-285 that currently exist. These two access points will be connected through a looped road system within the development. This application was submitted to the State Department of Transportation and the County Public Works Department for review. Comments from these agencies are included in Exhibit "D."

Water

The developer is proposing to provide water to the development from two or more on-site wells that will be constructed as a community water system for Phase I.

A water budget for "The Village" has been submitted which estimates water use of 27.9 acre feet per year for Phase I. Residential water use will be restricted to 0.16 acre-feet per year. Water conservation measures will be implemented.

A geohydrologic report was submitted which proved adequate water availability for Phase I. Water rights will be transferred to the on-site wells. The applicant has submitted documentation regarding ownership of water rights for the first phase of the project.

Fire Protection

The Eldorado Fire District will provide fire service to the development. Land will be reserved for a new fire station near the Village center as part of Phase II. Primary roads will be designed to provide emergency vehicle access into each residential neighborhood in 2 directions.

The Village water system will also provide fire protection to the development. A 250,000 gallon water storage tank will be placed along the northern boundary of the development. Water mains will be sized to supply fire hydrants at a maximum spacing of 1,000 feet in residential areas and 250 feet near commercial and community structures.

Liquid and Solid Waste

The developer is proposing to construct a wastewater treatment plant, which will be designed to treat effluent that can be used for subsurface drip irrigation for residential landscapes and common areas. Treated effluent will be delivered to each lot in a pressurized reuse line.

The Homeowner's Association will contract with a solid waste removal service to serve this project.

Terrain Management/ Landscaping

The terrain management plan for "the Village" is designed to mitigate the effects of stormwater runoff, soil erosion, and/or wildlife habitat loss that could otherwise result from new development.

Stormwater management will include rooftop catchment systems, retention and detention structures, and conventional soil, vegetation, and arroyo stabilization measures.

Phase I is designed to limit the extent and intensity of the site clearing and grading in order to conserve a large portion of the property's native vegetation, drainage, and soil resource.

Prior to commencement of grading and construction activities, temporary erosion control measures will be implemented. During grading operations, check dams, silt fences, and sediment ponds will be installed.

Archaeology/Open Space

An archaeological survey was submitted which indicated that a total of 39 arch sites were located within the entire development area. Three of the sites were given archaeological clearance. The remaining 36 sites shall be put into protective easements and shall remain undisturbed.

The total project site consists of 10,316 acres however the actual development area for Phase I consists of approximately 60-acres. Parks and open space for Phase I will total approximately 2,394 acres. Neighborhood parks will be connected via a trail system to allow resident access to other parks, open space, and community resources in "the Village".

Trails will provide mobility throughout the Village, as well as to the communities located to the north, south, and east of the Preserve.

Affordable Housing

The developer is proposing to develop 30% affordable housing, which is approximately 45 units in Phase I. A preliminary affordable housing plan and agreement have been submitted.

VariANCES

The applicant is also requesting five variances of the County Land Development Code (Refer to Exhibit "F"). The applicant states that the project was designed based on the roadway standards of the Community College District Ordinance (Refer to Exhibit "K") although the property does not

fall within the jurisdiction of the Community College District. The requested variances are as follows:

The first is a variance of Article III, Section 4.4.3.a.5 which states that no driveway access may be located closer than 100 feet from an intersection. The applicant is requesting that driveways be allowed within the 100-foot threshold from an alley and/or intersection. There are 6 incidences where the 100 ft. spacing requirement is not met. Two of the occurrences are between 75' and 100'. The CCDO requires a minimum 75' separation between intersections, therefore, these two would be in compliance with CCDO standards. Three of the occurrences range between 60' and 68' and would be considered a minimal easing of the CCDO standards. The most extreme occurrence has a 14' spacing between intersections. In an attempt to mitigate this variance the applicant is proposing to maintain site distance triangles which could provide adequate visibility to vehicles exiting at this point.

The second is a variance of Article V, Section 8.2.7.d which requires that grades at the approach to intersection not exceed 3% for 100 linear feet. The applicant is requesting that the maximum slope be increased from 3% to 5% and the approach length be decreased from 100 linear feet to 50 linear feet. There are 13 incidences where the grade at the approach to an intersection will exceed the 3% allowed. The CCDO allows a 5% maximum road grade for 100 linear feet from an intersection.

The third is a variance of road width design standards. Article V, Section 8.2.1 requires 12 foot driving lanes and 6 foot shoulders for Minor Arterial Roads (Appendix 5.B.1) and 12 foot driving lanes for Local sub-collector roads. The applicant is requesting approval to allow 11 foot driving lanes and 1.5 foot shoulders on Minor Arterials and to allow 10 foot driving lanes for Local Sub-collectors. The applicant has categorized the roads using the standards of the CCDO. Minor arterial roads as defined in the County Code are compared by the applicant to the "Village Connector Highway" and the "Community Road" as defined in the CCDO. A "Village Connector Highway" is required to have two 11' driving lanes, with a 5' bike lane on both sides and a 7' swale on both sides. Under the applicant's proposal, the two lane streets will have two 11' driving lanes with a 1.5' shoulder on both sides and a drainage swale on one side. The one lane streets will have an 11' driving lane with a 1.5' shoulder on each side and a drainage swale on one side. A "Community Road" is required to have two 10 foot driving lanes with a 7' parking lane and 5' drainage swales on each side. The applicant is proposing two 11' driving lanes with a 7' parking lane, two 2.5' shoulders and a drainage swale on one side. The local sub-collector roads as defined in the County Code are compared by the applicant to the "Neighborhood Street." A "Neighborhood Street" is required to have two 10' driving lanes, a 7' parking lane one side, and drainage swales on both sides. The applicant is proposing two 10' driving lanes, a 7' parking lane along certain roads, 2.5' shoulders and no drainage swales.

The fourth is a variance of road right-of way requirements. Article V, Section 8.2.1 states that Local Sub-collector roads and Local Lane roadways shall have a minimum right-of-way width of 50 feet. The applicant is requesting a variance to allow a right-of-way width of 32 feet for Local Sub-collector Roads and 25 feet for Local Lane roadways. A Local Sub-collector road as defined by the

County Code is compared to a “Neighborhood Street” in the CCDO which has a minimum R-O-W of 43’ which includes sidewalks and drainage swales. A Local Lane as defined by the County Code is compared to a “Lane” in the CCDO which has a minimum R-O-W of 34’ which includes drainage swales.

The final variance is a variance of Article III, Section 4.4.4.C which states that structures shall be limited to a maximum height of 24 feet in this location. The applicant is requesting to be allowed a maximum building height of 30 feet and states that the height variance would facilitate passive solar heating and day lighting, and accommodate view corridors between buildings and that the taller building allowance would support the compact design goals of the project. The County Fire Marshal’s Office does not have an issue with the proposed building heights due to the fact that the Eldorado Fire District has equipment that will enable them to provide adequate response to buildings of the proposed height.

***Note From the Land Use Administrator**

The Village at Galisteo Basin Preserve has presented numerous challenges for the Land Use Development Review staff and other department staff members. The success of this project depends on a number of new planning and development techniques that are not yet in full play in Santa Fe County.

The ideas of clustered, mixed-use development patterns, community-based affordable housing, new road configurations, green building, watershed management and restoration, agriculture and open space protection, alternative energy development, and localized economic development initiatives are all basic growth management principles that were originally considered and outlined in the Santa Fe County 1999 Growth Management Plan. Many of these were implemented in the creation of the Community College District (CCD) and the subsequent adoption of Ordinance No. 2000-12, an ordinance providing for land use and zoning regulations for that District.

At the moment, however, those adopted principles apply ONLY to the Community College District and not to the County in general. The Village at Galisteo Basin Preserve has to be reviewed under the existing rules and regulations that apply specifically to it and not to the Community College District. In addition, this has created a more difficult situation for the Land Use staff as they fully understand that as part of the development of a new Sustainable Land Use Plan and Code many of our older and ineffective growth management strategies and techniques are being reconsidered and new rules and regulations are being proposed.

Consequently, a number of issues presented by the Village at Galisteo Basin Preserve are variances to our existing codes and must be presented as such as that is what they are, variances to existing rules and regulations. In the majority of land use cases that we review in our Department, we do not support variances but present them to the governing body for final consideration and determination.

In this case, we present the detailed issues as variances but suggest that in relation to or in comparison with the Community College District Ordinance and in consideration of proposed new growth management techniques and regulations, most of these variances might well be in compliance with future rules and regulations.

Furthermore, since the last Board of County commission meeting, County Land Use, Public Works and Fire staff have met with the applicant's staff and gone over each variance in more detail to determine, in comparison with CCD regulations and currently proposed new ideas, if any of their proposed variances present an immediate threat to health and safety concerns that we might have.

At this point in the deliberation of this project and in the consideration of our new Sustainable Land Development Plan and Code, it is the opinion of the Land Use Administrator that these project variances do not pose any threats to health, safety and welfare concerns and most of them may, in fact, not be variances under the proposed new plan and code.

We hope that you will review these variances in that same context.

REQUIRED ACTION:

The BCC should review the attached material, consider the recommendation of staff and the CDRC, and take action to approve, deny, approve with conditions, or table for further analysis of this request.

RECOMMENDATION:

Article II, Section 3 states that the Development Review Committee (CDRC) may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with 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 or safety.

The applicant is requesting a variance of allowable building height and several variances having to do with road construction design standards. They are requesting to reduce right-of-way widths, reduce driving surface width, increase road grades at the approach to intersections, and reduce spacing between intersections. The County Land Development Code states, "The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed use of land to be served by such roads."

Self sustaining, clustered, mixed use developments such as the Village at Galisteo Basin Preserve are not categorized differently or regulated differently than typical residential, commercial or mixed use developments under the County Land Development Code. The only regulations that apply specifically to this type of development are found in the Community College District Ordinance. The applicant has somewhat designed this project based on the purpose, principles, and guidelines of the Community College District Ordinance (CCDO).

Although staff recognizes that the design standards and regulations of the CCDO are more appropriate standards for this development to follow, staff cannot recommend approval of the variances requested because this development does not fall within the jurisdiction of the Community College and must comply with the regulations and standards set forth in the County Land Development Code.

The decision of the CDRC was to recommend approval of this request. If the BCC's decision is to approve this request, staff recommends the following conditions be imposed:

1. All redlines comments must be addressed.
2. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) Soil & Water District
 - d) State Department of Transportation
 - e) County Hydrologist/Water Resources Dept.
 - f) Development Review Director
 - g) County Fire Marshal (Site Plans & Building Plans)
 - h) County Public Works
 - i) State Historic Preservation Division
 - j) Technical Review Division
 - k) County Open Space, Parks and Trails Division
 - l) Public Schools District
 - m) County Housing Division
 - n) County Planning Division
3. Development within the US 84-285 Highway Corridor shall comply with the district standards of the US 285 South Highway Corridor ordinance (Ordinance No. 2005-08).
4. All archeological easements shall be shown on the Plat. The State Historic Preservation Office shall approve all proposed mitigation measures prior to Final Plat recordation.
5. Base Flood Elevations for the Arroyo de Los Angeles and its tributaries shall be established prior to Final Plat approval.
6. All redline comments must be addressed.
7. Road names and addresses must be approved by Rural Addressing prior to Final Plat recordation.
8. Final homeowner's documents, and disclosure statement are subject to approval by staff prior to Final Plat.
9. Water restrictive covenants shall be recorded with the Final Plat.

10. All utilities must be underground.
11. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
12. The applicant must submit an engineer's cost estimate and financial guarantee for all required improvements (i.e. road construction, street and traffic signs, fire protection, etc.) prior to Final Plat Recordation. A schedule of compliance projecting time period for completion of improvements must be included. Upon completion, the applicant must submit a certification by a registered professional engineer that improvements have been completed according to the approved development plan.
13. The following note must be put on the plat:
Permits for building construction will not be issued until required improvements for roads, drainage, and fire protection have been completed as required by staff.
14. An access permit will be required from NMDOT prior to Final Plat approval.
15. Approved discharge permit from the Environment Department shall be submitted prior to recording the plat.
16. Compliance with conditions of the Master Plan approval.
17. A water quality and water system maintenance plan shall be submitted prior to Final Plat approval.
18. This development will be subject to the Santa Fe County's Sustainable Development Plan and Sustainable Land Development Code.
19. The top of all swales must be at least 10' off the pavement to provide a clear zone. Street trees cannot be placed in the clear zone.
20. The proposed streets throughout the development must comply with the exact road standards of the Community College District Ordinance as specifically described in Exhibit "M". This includes placement of curb & gutter & increasing R-O-W widths.
21. Master Plan must be amended to reflect the change of water service from an on-site community water system to service by the County Water System prior to preliminary plat application of Phases II-VI.
22. Development must comply with Section 5.9 (Culverts, open channels, and stormdrain systems) of the County Floodplain Ordinance (Ordinance 2008-10).

23. The applicant must provide road cross section every 50 feet to show cut and fill slopes. The sections must include street names and station numbers. These sections must be provided with the submittal of the Final Plat/Development Plan for this project in order to facilitate a detailed review.

ATTACHMENTS:

- Exhibit "A" – Developer's report
- Exhibit "B" - Developer's plans
- Exhibit "C" – Vicinity Map
- Exhibit "D" – Reviewing Agency Responses
- Exhibit "E"- Disclosure Statement
- Exhibit "F"- Variance Requests
- Exhibit "G"-Letters of support
- Exhibit "H"-June 18, 2009, CDRC Meeting Minutes
- Exhibit "I"- Documentation on Community Meetings
- Exhibit "J"-September 8, 2009 BCC Meeting Minutes
- Exhibit "K"-CCDO Road Sections
- Exhibit "L"-Letter of service from County Utilities
- Exhibit "M"- CCDO Road Standards specific to subdivision
- Exhibit "N"-Updated Market Study