



Agenda Item Number: \_\_\_\_\_

# BERNALILLO COUNTY

## BOARD OF COUNTY COMMISSIONERS

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Meeting Date: March 14, 2017

Department: Planning & Development Services Staff Contact: Catherine VerEecke, Planning Manager

**TITLE:** APPEAL: Approval of the Santolina Level B.I Master Plan (COA2017-0001/SPR2016-0001)

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

### SUMMARY:

At the January 4, 2017 public hearing, the County Planning Commission (CPC) voted (5-0; Commissioner Serna excused) to recommend approval of the request for the Planned Communities Santolina Level B.I Master Plan for more specific development within the Santolina Master Plan. The Santolina Level B.I plan area is generally bounded by Interstate 40 to the north, 118th Street and the escarpment open space to the east, Dennis Chavez Blvd. on the south, and the escarpment area adjacent to the Rio Puerco Valley on the west, encompassing projected sections 1, 2, 3, 4, 5, 6, 11, & 12, T9N, R1E and sections 6, & 7, T9N, R2E, sections 25, 26, 31, 32, 33, 34, 35, & 36, T10N, R1E, section 31, T9N, R2E, T9N, R2E and section 31, T10N, R2E N.M.P.M., Town of Atrisco Grant, Albuquerque, Bernalillo County, New Mexico and containing and approximately 4,243 acres, zoned PC (Planned Communities Zone). The recommendation was based on 21 Findings and subject to 9 (Nine) conditions (Attachment 1— Notices of Decision).

### PLAN OVERVIEW

The request seeks approval of a Level B Planned Communities Plan for 4,323 acres within the Santolina area. Santolina is a proposed Planned Community to be located on approximately 13,851 acres in the southwestern portion of unincorporated Bernalillo County. In June 2015, following several public hearings before the County Planning Commission (CPC) and the Board of County Commissioners (BCC), the BCC approved the Santolina Level A Master Plan, together with Planned Communities Zoning for the entire property. The BCC also denied four appeals that were submitted in opposition to the CPC recommendation. The BCC subsequently approved the Level A Development agreement with the owner of the property.

The Santolina Level A Plan provides the general framework for development of the property in such areas as land use, zoning, transportation, natural resource utilization, and infrastructure development, in accordance with the Planned Communities Criteria, and policies for the Reserve Area within the Albuquerque/Bernalillo County Comprehensive Plan that have been adopted to address requests for large master planned communities in the County's outlying, unincorporated areas. The Level A Plan included residential villages, an urban center, business parks, a town center, and an industrial and business park, along with dedication of major public open space and

smaller scale recreation areas and trails. Conditions of approval required the Development agreement, the transportation network, jobs to housing, and agreement with the Albuquerque/Bernalillo County Water Utility Authority, and also subsequent Level B Plans with greater detail. The Level A Plan indicated a potential for a maximum of 37,930 dwelling units and stated a goal of creating approximately 75,000 jobs over the course of approximately 50 years.

The Santolina Level B.I Master Plan, which is the first of several Santolina Level B Plans, seeks to provide a more specific framework for the development of 4,243 acres within the within Santolina (about one-third of the entire property) in accordance with the adopted Santolina Level A Plan and Development Agreement. It has also sought to follow the Level B Planned Communities Criteria. Accordingly, the Level B.I Plan covers in greater detail such areas as land use, transportation; parks, open space, and trails, water, wastewater, and drainage, along with public services, such as utilities, schools, and public safety. The Level B.I Plan has stated a maximum of about 9,400 households and the possible creation of as many as 31,000 jobs in the plan area at the time of full buildout. As indicated in Chapter 2 of the plan, the development will include residential/commercial uses in village centers, along with a portion of a large town center, a business park, and an industrial park, together with open space and recreation facilities, and other public facilities such as schools and a public safety facility. A sequencing plan has been added to show how the jobs to housing ratio will be achieved within the land use areas and in relation to infrastructure development.

The Level B Plan also includes the specific zoning regulations and details for the Planned Communities (PC) zoning that was adopted conceptually in 2015 (See Chapter 3). The zoning includes eleven specific districts that generally coincide with the land use areas, and it also provides specific design standards within each of the zoning districts and in a section for Design Standards.

As with the Santolina Level A Plan, the land uses for the Level B.I area will be linked by a transportation network that will connect with the existing and proposed road system adjacent to the Santolina property. including Dennis Chavez Blvd., Atrisco Vista Blvd., Shelly Rd. and Paseo del Volcan and an arterial that will run parallel to the I-40 Frontage Rd. and possibly two new interchanges along I-40. The land uses will also be connected by an elaborate system of trails and open space areas that will be developed to Bernalillo County Standards. Water and wastewater services will be provided by the Albuquerque/Bernalillo County Water Utility Authority, in accordance with adopted regulations and standards. Plans are also provided in the Santolina Level B.I Plan for utilities and public services, including schools and public safety.

### **PLAN REVIEW PROCESS**

The Santolina Level B.I Plan request was first submitted on January 25, 2016 for staff and agency review, and a public hearing was on March 2, 2016 at which time the CPC decided to hold four Special Public Hearings for the request. Following the initial hearing where comments were provided by staff and agencies, four special hearings covered the following topics:

- Transportation (April 27)
- Land Use/Zoning (May 26)
- Government and Public Service/Environment and Open Space (June 23)
- Summary and Conclusion (July 21)

Additional hearings on the regular CPC agenda were on November 2, 2016 and January 4, 2017.

At the January 4, 2017 hearing, the CPC recommended approval of the Santolina Level B.I Plan. The recommendation was based upon specific findings and conditions that had been drafted and recommended by staff to ensure the request had addressed the Level B Planned Communities Criteria and the Comprehensive Plan policies for the Reserve Area, and had met applicable Bernalillo County standards and that the plan will be followed for land use, transportation/road requirements, water resource, parks and open space, and a required Level B.I development agreement.

#### Community Input

Throughout the Level B.I review and approval process, community concern and input for the Santolina requests has continued. Testimony and letters of support have questioned the availability of water for the development and have argued there will be negative consequences of the development, such as sprawl, increased traffic, environmental degradation, and health impacts. The Atrisco Land Grant and the Pueblo Council have provided documents in opposition to the request. Opposition documents have been included in the CPC staff report (Attachments 2 and 3, and in more recently in Attachment 9).

#### **APPEAL OF THE COUNTY PLANNING COMMISSION RECOMMENDATION AND DEFERRAL REQUEST**

There has been one appeal of the County Planning Commission recommendation (COA2017-0001/SPR2016-0001, Attachment 11). The appeal has been submitted by the New Mexico Environmental Law Center on behalf of the Southwest Organizing Project and several other individuals. They argue that the approval of a Level B Santolina Plan is premature in that the approval of the Santolina Level A plan is still under appeal in court. In addition, the appeal argues that both Santolina requests should be denied, related to the anticipated negative impacts to the community and the failure to meet the requirements specified in the Planned Communities Criteria. Other arguments in opposition to the approval of the request include the lack of a Development Agreement or Availability Statement and an acceptable utility plan with the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA), the failure to meet the no-net expense requirement for the Reserve Area, for such developments as roads, schools, and other services, and failure to provide acceptable information for air quality and impacts of industrial uses. The appeal also states that Level A conditions related to water and the ABCWUA requirements have not been met in that the required Development Agreement for service has not been met.

The applicant's agent has submitted an objection to the appeal (Attachment 12). They argue that the matter has been determined to be legislative, in which case no appeal would be filed. They also seek to refute in their response the items listed in the appeal for such requirements as the need for Development Agreement will be met as required, compliance with the Planned Communities Criteria, the no net expense requirement, and the Level A Conditions of Approval, which it is argued have all been addressed. Therefore, it is stated that the appeal should be denied.

The appellants are also requesting a deferral of consideration of the Santolina Level B.I request for at least three months (Attachment 8). They again argue that consideration of the request is premature as the applicants have not met conditions from the Level A Plan, namely those related to the water availability and a water utility plan. They argue further that the Level B.I recommended findings and conditions recognize that the Level A requirements have not been met and that the Planned Communities Criteria for Level B have not been met.

The applicant's agent has also submitted an objection to the appellant's deferral request (Attachment 10). They argue that because the matter has been determined to be legislative and no legitimate grounds for an appeal or delay of the case appear to have been provided, the BCC should consider the case at the scheduled hearing.

### **APPLICANT'S REQUEST TO REVISE LEVEL A AND LEVEL B CONDITIONS**

As indicated in Attachment 7, the applicant is requesting changes to conditions of approval for both Level A and Level B requests. This request is related to the Albuquerque/Bernalillo County Water Utility Authority's (ABCWUA) indication, following the CPC approval recommendation, that BCC approval (as opposed to CPC approval) of the Santolina Level B.I Plan is needed in order to move forward with the Development Agreement between the applicant and the ABCWUA. The applicant's agent argues that conditions related to this agreement should therefore be modified or removed to facilitate the approval of the Level B.I Plan, which would allow the applicant to pursue the Development Agreement with the ABCWUA. The details of this request are included in the packet for the Public Hearing for the Santolina Level B.I. Plan (SPR2016-0001) (Attachment 7).

Thus far, the appellant has not provided a response to the applicant's request to modify conditions of the Santolina Level A and Level B.I Plans.

However, staff recommends that the Board of County Commissioners deny the appeal and uphold the recommendation of the County Planning Commission to approve and adopt the Level B.I Master Plan, including the findings and conditions recommended by the CPC. Alternatively, the BCC could consider deferring/continuing this request so that all parties can review the proposals being made by both the applicant and the appellant and ensure that the proper procedures are adhered to.

### **ATTACHMENTS:**

1. County Planning Commission (CPC) Notice of Decision Letter for 1/4/17
2. CPC staff report, 1/4/17 Part 1
3. CPC staff report, 1/4/17 Part 2
4. Minutes from CPC hearings
5. Planned Communities Criteria
6. Level A Notice of decision and Development Agreement
7. Agent's requests to modify Level A & B Conditions for 3/14/17 BCC
8. Appellant's deferral request for 3/14/17 BCC
9. Letters from Pueblo Coalition, neighbors for 3/14/17 BCC
10. Applicant's objection to deferral request for 3/14/17
11. Appeal Application
12. Applicant's objection to appeal
13. Santolina revised plan draft, for 3/14/17
14. Additional technical reports located on [www.bernco.gov/santolina](http://www.bernco.gov/santolina)

# STAFF ANALYSIS SUMMARY

## ZONING, BUILDING & PLANNING:

Staff recommends denial of the appeal, or continuance/deferral to address outstanding issues.

*VERSION 5.0*