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City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law

Code Section 26-1.33(E)
Alternative Compliance Approval with the Santa Fe Homes Program Affordable Housing Requirements
Case #2014-124
Pulte Las Soleras General Plan Amendment
Case #2014-123
Pulte Las Soleras Master Plan Amendment
Case #2014-125
Pulte Las Soleras Rezoning to R-6
Case #2015-09
Pulte Las Soleras Electrical Transmission Line Relocation

Owner's Name – The Pulte Group
Applicant's Name – James W. Siebert & Associates

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on September 9, 2015 upon the application (Application) of James W. Siebert & Associates as agent for The Pulte Group (Applicant).

On July 29, 2015, the Community Development Commission (CD Commission) voted to recommend, subject to certain conditions (the Community Development Conditions) that the Governing Body approve Applicant's proposal for Alternative Compliance with the Santa Fe Homes Program Affordable Housing Requirements.

On June 18, 2015, the Planning Commission (Commission) voted to recommend, subject to certain conditions (the Conditions), together with seven additional conditions set forth in the Commission's Order (the Planning Commission Conditions) that the Governing Body approve: (1) a General Plan Amendment to amend the existing General Plan Future Land Use Map designations for 12.91± acres from High Density Residential to Low Density Residential; 15.06± acres from Mixed Use to Low Density Residential; 3.73± acres from Medium Density Residential to Low Density Residential; and 0.0095± acres from Medium Density Residential to Low Density Residential; (2) amendments to the Las Soleras Master Plan, which include the realignment of roads, reconfiguration of open space and trails, reconfiguration and reduction of park land and the reconfiguration of land tracts ; (3) Rezoning of 12.91± acres from R-21 (Residential - 21 units per acre) to R-6 (Residential – 6 units per acre); 15.06± acres from MU (Mixed-Use) to R-6 (Residential – 6 units per acre); 3.73± acres from R-12 (Residential - 12 units per acre) to R-6 (Residential - 6 units per acre); and 0.0095± acres from R-12 (Residential - 12 units per acre) to R-6 (Residential - 6 units per acre); (4) relocation of an existing 115kv electrical transmission line within the Las Soleras Master Plan. The Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's vote, were adopted by the Commission on August 6, 2015 and were filed with the City Clerk as Item # 15-0809.

In accordance with the foregoing, and after conducting a public hearing, and having heard from

staff, the Owner and its representatives, residents of the neighborhood in which the Property is located, and certain interested others, the Governing Body hereby FINDS as follows:

FINDINGS OF FACT

1. The Governing Body has authority, under Santa Fe City Code (Code) Sections 14-2.1 Table 14-2.1-1 and 14-.2(A) to review and finally decide upon applications for General Plan Amendments, Master Plan amendments, Rezoning and Electric Transmission Line Relocation.
2. Code Section 14-3.1(H)(2) requires that notice of a public hearing before the Governing Body be provided in accordance with Code Section 14-3.1(H)(1)(a) and that, in addition, the applicant publish notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing (collectively, the Notice Requirements).
3. The Notice Requirements have been met.
4. The Governing Body reviewed the report dated August 17, 2015 for the City Council Meeting prepared by Land Use staff (Staff Report) summarizing the Application and the Commission vote recommending that the Governing Body approve the Application, subject to the Conditions and the Additional Conditions; the Commission Findings and Conclusions embodying said vote; and the evidence introduced at the hearing in accordance with code requirements.
5. The Governing Body heard direct testimony from City staff, the Applicant's representatives, residents of the neighborhood in which the Property is located, and certain interested others.
6. Commission Findings of Fact 2 through 69 accurately reflect the facts in this matter as presented at the hearing.
7. Commission Conclusions of Law 1 through 14 are within the authority of the Commission and are reasonably based upon the Commission Findings of Fact.
8. The Governing Body has authority, under Code Section 26-1.33(A), (E) to review and finally decide upon applications for waivers or Alternative Compliance with the Santa Fe Homes Program Affordable Housing Requirements.
9. The Governing Body has authority, under Code Section 26-1.33(E), to make a finding of extreme hardship, as that term is defined in Code Section 26-1.5.
10. The Governing Body reviewed the report dated August 10, 2015 for the City Council Meeting prepared by Housing and Community Development Department staff (Housing Staff Report) summarizing the Application and the Community Development Commission vote recommending that the Governing Body approve the Application, subject to the Community Development Conditions; the Community Development Commission July 29, 2015, meeting minutes embodying said vote; and the evidence introduced at the hearing in accordance with code requirements.
11. There is a finding of extreme hardship because the Applicant provided, absent alternative compliance, the Applicant would not be able to commence the development, or would

lose money on the development, taken as a whole due to the Santa Fe Homes Program Affordable Housing Requirements.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Governing Body CONCLUDES as follows:

1. The Planning Commission Findings and Conclusions, a copy of which is attached hereto as **Exhibit A** are adopted in part by the Governing Body as follows: Commission Findings 2 through 69 and Conclusions of Law 1 through 14. The foregoing enumerated Findings of Fact and Conclusions of Law are hereby adopted by the Governing Body and are incorporated in these Findings of Fact and Conclusions of Law as if set out in full herein. Those Findings of Fact and Conclusions of Law not specifically adopted herein are specifically not adopted.
2. The Community Development Commission's motion is adopted in part by the Governing Body.
3. The proposed General Plan Amendment meets the criteria established by Code Section 14-3.2(E).
4. The proposed amendments to the Master Plan meet the criteria established by Code Section 14-3.9(D).
5. The proposed Rezoning meets the criteria established by Code Section 14-3.5(C).
6. The proposed electrical transmission line relocation meets the criteria established by Code Section 14-6.2(F)(7).
7. The proposed Alternative Compliance with the Santa Fe Homes Program Affordable Housing Requirements meets the criteria established by Code Sections 26-1.5, 26-1.33(E).

WHEREFORE, IT IS ORDERED ON THE 30th DAY OF SEPTEMBER, 2015 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

That the Application is approved, subject to the Community Development Conditions as well as the Staff Conditions and Planning Commission Conditions as set forth on **Exhibit B**, a copy of which is attached hereto, together with the following additional conditions:

a. There shall be no gated community.
b. The Applicant shall bring to staff a park plan within the next thirty (30) days that demonstrates that 80% of the park is usable per park standards.
c. The Applicant shall provide a copy to staff within the next thirty (30) days a signed Letter of Intent or Memorandum of Understanding between the Applicant, landowner and Santa Fe Public School District to comply with the Planning Commission's revised Condition #45. Specifically, the letter or memorandum will identify the 10

acre sites that have been provided to the District and additional sites for consideration.

d. The Applicant, if the tax credit allocation is not awarded, shall come back to the City Council with an updated plan to meet the Santa Fe Affordable Housing Ordinance. The City will not issue building permits for Phase 2 until the tax credit allocation is awarded or the City Council reviews and adopts an updated plan.

_____ _____
Javier Gonzales Date:
Mayor

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

APPROVED AS TO FORM:

[signature] for 9/25/15
Kelley Brennan Date:
City Attorney

ITEM # 15-0809

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2014-124
Pulte Las Soleras General Plan Amendment
Case #2014-123
Pulte Las Soleras Master Plan Amendment
Case #2014-125
Pulte Las Soleras Rezoning to R-6
Case #2014-126
Pulte Las Soleras Lot Line Adjustment
Case #2015-08
Pulte Las Soleras Preliminary Subdivision Plat
Case #2015-09
Pulte Las Soleras Electrical Transmission Line Relocation

Owner's Name – The Pulte Group
Applicant's Name – James W. Siebert & Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on May 21, 2015 and June 18, 2015 upon the application (Application) of James W. Siebert & Associates as agent for The Pulte Group (Applicant).

The property is located within the Las Soleras Master Plan. The original master plan, zoning and annexation agreement were approved by the City of Santa Fe on February 11, 2009. The master plan encompasses 539 acres and includes a mix of uses including: low, medium and high-density residential; community and regional commercial; business industrial park; mixed-use; institutional uses; office and open space land uses. The Applicant now: (1) requests recommendation for approval of a General Plan Amendment to amend the existing General Plan Future Land Use Map designations for 12.92 acres from High Density Residential to Low Density Residential; 14.95 acres from Mixed Use to Low Density Residential; and 3.93 acres from Medium Density Residential to Low Density Residential; (2) requests recommendation for approval of amendments to the Las Soleras Master Plan, which include the realignment of roads, reconfiguration of open space and trails, and the reconfiguration of land tracts; (3) requests recommendation for approval for rezoning of 12.92 acres from R-21 (Residential - 21 units per acre) to R-6 (Residential – 6 units per acres); 14.95 acres from MU (Mixed-Use) to R-6 (Residential – 6 units per acres); and 3.93 acres from R-12 (Residential - 12 units per acre) to R-6 (Residential - 6 units per acre); (4) requests approval of lot line adjustments within the Las Soleras Master Plan to reconfigure land tracts consistent with the proposed General Plan Amendment and Rezoning; (5) requests approval of Preliminary Subdivision Plat (77 lots) for Phase I (Units 1 and 2) of development associated with the Pulte Master Plan Amendment, General Plan Amendment, and Rezoning. The Preliminary Subdivision Plat also includes an alternative street section design request; (6) requests recommendation for approval to relocate an existing 115kv electrical transmission line within the Las Soleras Master Plan as the part of the greater Pulte Group Master Plan Amendment, General Plan Amendment, Rezone and Subdivision request. The proposed relocation will follow the future Beckner Road alignment.

EXHIBIT
A

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the General Plan (Plan), including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code § 14-3.9 (C) sets out certain procedures for amendments to master plans including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.9(D).
4. Code §14-3.5(B) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
5. Code § 14-3.7 (B) sets out certain procedures for preliminary plat and lot line adjustment approval including, without limitation, a public hearing by the Commission and approval based upon the criteria set out in Code §14-3.7(C).
6. Code §14-6.2(F) sets out certain procedures for electrical transmission line relocation approval including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-6.2(F)(7),
7. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
8. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
9. A pre-application conference was held on October 29, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E).
10. An ENN meeting was held on the Application on December 16, 2014 at the Genoveva Chavez Center. A second ENN meeting was held on May 11, 2015 at the Southside Library at 6599 Jaguar Drive specifically for the proposed change of the required additional 20 acres of park that was a condition of approval of the original Las Soleras Master Plan ("Condition 45").

11. Notice of the ENN meeting was properly given.
12. The ENN meeting was attended by the Applicant and City staff; there were 60-70 members of the public in attendance and concerns were raised.
13. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
14. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the General Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
15. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the "Applicable Requirements").
16. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
17. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
18. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings Staff Report, subject to certain conditions (the Conditions) set out in such report.

General Plan Amendment

19. Under Code § 14-3.2, an amendment to the General Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
20. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)]*. This proposed Pulte project will begin to make up for the deficit in more moderately priced housing that has occurred over the last few years.
21. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)]*. General Plan Policies largely speak of providing a mix of commercial uses in close proximity to residential uses of varying densities, such as proposed in the Las Soleras Master Plan.
22. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; [§14-3.2(E)(1)(c)]*. The proposed General Plan Amendment is consistent with the

prevailing use and character in the area as the only nearby development that exists is the Nava Ade subdivision to the immediate north. The original Las Soleras Master Plan assumed and planned for a greater variety of density and housing options than those in the Nava Ade subdivision. The proposed amendment would allow for development similar to that of the Nava Ade subdivision.

23. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (c) *The amendment does not: (ii) affect an area of less than two acres, except when adjusting boundaries between districts [§14-3.2(E)(1)(c)].* The area encompassed by the Pulte project consists of 104.41 acres which is well in excess of two acres of land.
24. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (c) *The amendment does not: (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment will not benefit a few landowners at the expense of surrounding landowners.
25. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].* Development under the lower density land use designation proposed by the Land Use Amendment would largely conform to applicable ordinances and regulations related to development standards.
26. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].* This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.
27. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].* The existing Future Land Use Designations were assigned as part of a comprehensive Master Plan. The land uses represent a variety of residential densities that were intended to contribute to the coordinated and harmonious development of Santa Fe and promote a healthy economy by providing a region with both housing and employment opportunities.
28. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.* Development under the lower density land use designation proposed by the Applicant would largely conform to applicable ordinances and regulations related to development standards. The development would ensure the development of roads and supporting infrastructure within the immediate vicinity of the project as anticipated by the Las Soleras Master Plan.

29. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts: *the growth and economic projections contained within the general plan are erroneous or have changed.* The Applicant provided that the type and density of housing proposed in the Las Soleras Master Plan has proven to be inconsistent with the market place. The Applicant provided that since 2009 when Las Soleras was approved by the City Council developers have not been interested in the higher density residential uses that are permitted by the underlying zoning, especially the R-12 zoning district.
30. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts: *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.* The Applicant provided that there are very few parcels of vacant land this size where the adjoining vacant lands have a master plan that includes a mix of uses, a road and utility plan that includes connections to existing roads and utilities that have sufficient capacity to provide for the long term infrastructure for a project of this size.
31. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts: *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.* The market for all types of housing development appears to be improving. The Las Soleras Master Plan specifically anticipated a variety housing types and densities.

Master Plan Amendment

32. Under Code § 14-3.9, an amendment to the Master Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
33. The Commission has considered the criteria established by Section 14-3.9(D)(1)(a) and finds the following facts: *The master plan is consistent with the general plan.* The existing Las Soleras Master Plan is consistent with the zoning of the area and applicable General Plan policies related to new development.
34. The Commission has considered the criteria established by Section 14-3.9(D)(1)(b) and finds the following facts: *The master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts.* Consistent with General Plan policies, the plan includes a mix of residential densities in close proximity to commercial zoning and planned employment centers and community services.
35. The Commission has considered the criteria established by Section 14-3.9(D)(1)(c) and finds the following facts: *Development of the master plan area will contribute to the coordinated and efficient development of the community.* Consistent with General Plan policies, the plan includes a mix of residential densities in close proximity to commercial zoning and planned employment centers and community services.
36. The Commission has considered the criteria established by Section 14-3.9(D)(1)(d) and finds the following facts: *The existing and proposed infrastructure, such as the streets*

system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned development. Necessary infrastructure and road alignments were previously determined and approved as part of the master plan. The proposed amendment will realign road and trails and reduce and realign park space to accommodate single family residential development.

37. In 2009, the Governing Board approved a road plan as part of the original master plan.
38. The Applicant as part of the Master Plan Amendment request provided a modified road alignment for Rail Runner Road.
39. The Applicant as part of the Master Plan Amendment request provided a modified road alignment for Walking Rain Road.
40. During phase 1 of the development, Beckner Road will be constructed as a two-lane divided road from Rail Runner Road to Walking Rain Road and as a two lane rural road from Walking Rain Road to Richards Avenue. Turning lane improvements at Richards Avenue will also be constructed.
41. During Phase 2 of the development, Beckner Road will be expanded to a two-lane divided road from Walking Rain Road to "Point 1" as identified on the Roadway Phasing Plan. "Point 1" to Richards Avenue will remain as a two-lane rural road until subsequent development within the commercial area south of Beckner Road occurs within Las Soleras.
42. In 2009, the Governing Body approved an approximate 21.4-acre park by the northwest boundary and an additional 20-acre park as part of the original master plan.
43. The Governing Body had some discussion whether to place the additional 20-acre park near Monte del Sol Charter School, but the final determination allowed the location to be determined at a subsequent Planning Commission hearing.
44. The requirement of the additional 20-acre park was memorialized in Condition 45 of the Master Plan, which reads: "The applicant shall, in consultation with Santa Fe Public Schools and City staff, locate an additional 20 acres for active park space. This condition shall be incorporated into the Annexation Agreement. The Planning Commission shall approve the park location prior to the approval of a development plan for any Phase of the Project and shall verify compliance with applicable access standards to the parks and open space."
45. The Planning Commission subsequently approved an alternative method of compliance involving the distribution of park land into smaller parcels provided the Land Use Department, Parks Department, MPO and School District recommends approval of such redistribution.
46. The Applicant wishes to amend and replace Condition 45 of the Master Plan because their proposal for reduced density of the housing development could trigger a new calculation of the proposed density/park dedication requirements within the Code. The Applicant's request and calculations are based on their latest submittal to the Planning Commission for its May 2015 meeting.
47. The Applicant is requesting that Condition 45 of the Las Soleras Master Plan would eliminate the additional 20-acre park and would be replaced with:

a. A donation to the City of approximately 7 acres of additional park and these 7 acres would be attached to the planned 21.4-acre park within the Las Soleras Master Plan.
b. A donation to Santa Fe Public Schools of approximately 10 usable acres for a future school site. The value of the donation will be secured by the collateralized value of another lot within the area of the Master Plan.
c. A donation to the City of approximately 6 acres for open space trails. The open space will be provided as consistent with the MPO's June 18, 2015 memorandum.
d. A donation to Monte del Sol Charter School of a 130 feet by 350 feet parcel adjacent to the School for a practice field, contingent on acceptance by the School, in exchange for the School granting the Applicant a drainage easement on the parcel.

Rezoning

48. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
49. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].* This rezoning is more advantageous to the community since it provides for the type of housing that is critical to growth of the community both from the standpoint of economic development resulting from retirees' beneficial impact on Santa Fe's economy and the working families that are need to fill the jobs which are the foundation of Santa Fe's economy.
50. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].* All the rezoning requirements of Code Chapter 14 have been met.
51. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* The proposed rezoning is consistent with the Plan.
52. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].* The land subject to the proposed rezone is within the Las Soleras Master Plan and is zoned at such densities so as to accommodate the anticipated growth. The proposed rezone would lower densities to accommodate a proposed single family residential development.
53. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *(e)The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will*

be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)]; The subject property is located within the Las Soleras Master Plan. The Master Plan anticipated infrastructure needs including those related to roads, sewer and water lines, public facilities and parks. All infrastructures will be adequate for the proposed development.

54. The Commission has considered the criteria established by Code §§14-3.5(D) and finds the following facts: *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies; If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.* The Las Soleras Master Plan identified infrastructure needs necessary to accommodate development within the subject area. All necessary off-site improvement and fair share contribution have been identified by the traffic impact analysis prepared for the project. All development would be subject to the contribution of necessary infrastructure.

Lot Line Adjustment

55. Under Code § 14-3.7, a lot line adjustment is a type of subdivision and requires submittal of an application for review and approval by the Planning Commission.
56. The Commission has considered the criteria established by Code §14-3.7(C)and finds the following facts: *(1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The site is currently vacant but has been designated for residential development by the Las Soleras Master Plan. The Master Plan identified park and open space areas. The proposed subdivision would not interfere with existing water courses. Additionally, archaeological and historical clearance was obtained from the Santa Fe Archaeological Review Committee for the entire Las Soleras Master Plan area.
57. The Commission has considered the criteria established by Code §14-3.7(C) and finds the following facts: *The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions.* No land subject to flooding is proposed for

habitable development. The location of the proposed development would not interfere with any flood plains or other uninhabitable land.

58. The Commission has considered the criteria established by Code §14-3.7(C) and finds the following facts *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* All infrastructure design and improvements such as roads, landscaping, and trails must conform to the applicable minimum development standards.
59. The Commission has considered the criteria established by Code §14-3.7(C) and finds the following facts *A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.* The proposed subdivision will not create a non-conformity as it will comply with all applicable development standards.
60. The Commission has considered the criteria established by Code §14-3.7(C) and finds the following facts: *A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.* The proposed subdivision will not create a non-conformity with any other chapter of the Santa Fe City Code.

Preliminary Subdivision Plat

61. Under Code § 14-3.7 (B), a preliminary subdivision plat requires submittal of an application for review and approval by the Planning Commission.
62. The Commission has considered the criteria established by Section 14-3.7(C) and finds the following facts: *All plats shall comply with the standards of Chapter 14, Article 9.* The plat complies with the standards of Chapter 14, Article 9.
63. The Commission has considered the criteria established by Section 14-3.7(C) and finds the following facts: *A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the land.* The subdivision will not create new or exacerbate existing nonconformities.
64. The Traffic Engineering Department recommended the standard 36 foot road for the preliminary subdivision plat.
    a. The Applicant requested an alternative street section design with 32 feet from face to curb to face of curb with a 9 foot driving lane.
    b. The Commission did not adopt the alternative street section design due to Applicant's failure to provide sufficient justification for the alternative design.
65. The preliminary subdivision plat contains some of the housing in the subdivision that will sit between other housing on the eastern side of the subdivision and the park.

a. The Commission added a condition that the Applicant may consider creating some reasonable pedestrian access from the housing on the eastern side of the subdivision to the park.

Electric Transmission Line Relocation

66. Under Code §14-6.2(F)(7), a transmission line relocation requires submittal of an application for review and recommendation by the Planning Commission for approval by the Governing Body.
67. The design of the proposed subdivision requires the relocation of the PNM electrical transmission line that currently traverse the site.
68. All application submittal requirements pursuant to Code §14-6.2(F)(10) have been submitted and reviewed by Land Use Department and PNM.
69. The Land Use Department and PNM find the proposal acceptable from a conceptual level. PNM has stated that variations may be needed to the conceptual design which cannot be determined until further study is done in coordination with the developer. Further study will not be completed until an executed agreement has been entered into with the developer.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposals were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.
3. The Commission adopts the written report of its findings Staff Report, subject to certain conditions (the Conditions) as set out in such report unless as itemized below.

The General Plan Amendment

4. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
5. The Applicable Requirements have been met.

The Master Plan Amendment

6. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Master Plan and to make recommendations to the Governing Body regarding such amendment.

7. The Applicable Requirements have been met.

The Rezoning

8. The Applicant has the right under the Code to propose the rezoning of the Property.
9. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body.
10. The Applicable Requirements have been met.

The Preliminary Subdivision Plat and Lot Line Adjustment

11. The Commission has the authority to review and approve the preliminary plat and lot line adjustment subject to conditions.
12. The Applicable Requirements have been met.

Transmission Line

13. The Commission has the authority to review and recommend the transmission line adjustment and to make recommendations regarding the proposed rezoning to the Governing Body.
14. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE 6th DAY OF AUGUST, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the General Plan Amendment to Low Density Residential to the Governing Body, subject to Staff Conditions.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the master plan amendments to the Governing Body, subject to Staff Conditions and with the conditions:

a. Beckner Road, from Las Soleras Road to Walking Rain Road, would be a two lane divided road built during Phase I of the project as identified in the Phasing Plan. Beckner Road, from Walking Rain Road to Richards Avenue, would be a two lane rural road built during Phase I of the project as identified in the Phasing Plan.
b. A donation to the City of approximately 7 acres of additional park and these 7 acres would be attached to the planned 21.4-acre park within the Las Soleras Master Plan.

c. A donation to Santa Fe Public Schools of approximately 10 usable acres for a future school site. The value of donation will be secured by the collateralized value of another lot within the area of the Master Plan.
d. A donation to the City of approximately 6 acres for open space trails. The open space will be provided as consistent with the MPO's June 18, 2015 memorandum.
e. A donation to Monte del Sol Charter School of a 130 feet by 350 feet parcel adjacent to the School for a practice field, contingent on acceptance by the School, in exchange for the School granting the Applicant a drainage easement on the parcel.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the rezoning request to R-6 to the Governing Body, subject to Staff Conditions.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Applicant's request for the lot line adjustment is approved, subject to Staff Conditions.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Applicant's request for preliminary subdivision plat is approved, subject to Staff conditions and with the conditions:

a. Applicant may consider creating some reasonable pedestrian access from the housing on the eastern side of the subdivision to the park.
b. The Commission did not adopt the alternative street section design

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the transmission line relocation to the Governing Body, subject to Staff Conditions.

Michael D. Harris — Date: 8/6/15

Michael Harris, Chair

FILED:
Yolanda Y. Vigil — Date: 8/10/15
City Clerk

APPROVED AS TO FORM:
Zachary Shandler — Date: 8/6/15
Assistant City Attorney

Ordinance No. 2015-30 EXHIBIT E
Pulte Development–Conditions of Approval

Conditions	Department	Staff
The Traffic Engineer conducted a review of the preliminary subdivision plat. The attached memorandum dated May 5, 2015, notes Conditions of Approval to be completed prior to approval of the Final Subdivision Plat. All streets shall conform to City street standards identified in SFCC §14-9.2.	Traffic Engineering	John Romero/ Sandra Kassens
During Phase 1 of the development, Beckner Road will be constructed as a two-lane divided road from Rail Runner Road to Walking Rain Road and as a two lane rural road from Walking Rain Road to Richards Avenue. Turning lane improvements at Richards Avenue will also be constructed.	Traffic Engineering	John Romero/ Sandy Kassens
During Phase 2 of the development, Beckner Road will be expanded to a two-lane divided road from Walking Rain Road to "Point 1" as identified on the Roadway Phasing Plan. "Point 1" to Richards Avenue will remain as a two-lane rural road until subsequent development within the commercial area south of Beckner Road occurs within Las Soleras.	Traffic Engineering	John Romero/ Sandy Kassens
If applicable entitlement request are approved by the City Council, the Wastewater Division Engineer shall conduct a review of all proposed wastewater infrastructure prior to approval of the final subdivision plat. The applicant shall comply with all conditions necessary to ensure adequate wastewater infrastructure.	Wastewater Division	Stan Holland
If applicable entitlement requests are approved by the City Council, the Water Division Engineer shall conduct a review of all proposed water service infrastructure prior to the approval of the final subdivision plat. The applicant shall comply with all conditions necessary to ensure adequate water infrastructure.	Water Division	Dee Beingessner
If applicable entitlement requests are approved by the City Council, the Fire Marshal shall conduct a review of all proposed development prior to approval of the final subdivision plat. The applicant shall comply with all conditions necessary for compliance with the International Fire Code (IFC) 2009 Edition.	Fire	Rey Gonzales
If applicable entitlement requests are approved by the City Council, the MPO and Roadway and Trails Division shall review the final design of the trails to ensure all applicable standards are met. The applicant shall comply with all conditions necessary for adequate trail development.	MPO / Roadway and Trails Division	Keith Wilson
The subdivision developer shall comply with all requirements of the Santa Fe Home Program.	Affordable Housing	Alexandra Ladd
If applicable entitlement request are approved by the City Council, the City Engineer for the Land Use Department conducted a review of the final subdivision plat. The applicant shall comply with all conditions necessary to ensure compliance with a development standards and Development Code requirements including those related to all	Technical Review	Risana "R.B." Zaxus

EXHIBIT B

Conditions	Department	Staff
landscaping requirements.		
Water rights shall be transferred to the City no later than 60 days after the approval of the final subdivision plat for each phase or subphase of development. Building permits shall not be issued until adequate water rights are transferred to the City.	Land Use	Amanda Martinez
Las Soleras Master Plane condition of approval # 45 will be replaced with the following requirements: a) A donation to the City of approximately 7 acres of additional park attached to the planned 21.4-acre park within the Las Soleras Master Plan. b) A donation to Santa Fe Public Schools of approximately 10 useable acres for a future school site. The value of the donation will be secured by the collateralized value of another lot within the area of the Master Plan. c) A donation to the City of approximately 6 acres for open space trails. The open space will be provided as consistent with the MPO's June 18, 2015 memorandum. d) A donation to Monte de Sol Charter School of a 130 feet by 350 feet parcel adjacent to the School for a practice field, contingent on acceptance by the School, in exchange for the School granting the Applicant a drainage easement on the parcel.	Land Use	Zach Thomas
There shall be no gated community.	Land Use	Zach Thomas
The Applicant shall bring to staff a park plan within the next thirty (30) days that demonstrates that 80% of the park is usable per park standards.	Land Use	Zach Thomas
The Applicant shall provide a copy to staff within the next thirty (30) days a signed Letter of Intent or Memorandum of Understanding between the Applicant, landowner and Santa Fe Public School District to comply with the Planning Commission's revised Condition # 45. Specifically, the letter or memorandum will identify the 10 acre sites that have been provided to the District and additional sites for consideration.	Land Use	Zach Thomas
The Applicant, if the tax credit allocation is not awarded, shall come back to the City Council with an updated plan to meet the Santa Fe Affordable Housing Ordinance. The City will not issue building permits for Phase 2 until the tax credit allocation is awarded or the City Council reviews and adopts an updated plan.	Housing & Community Development	Alexandra Ladd
The necessary infrastructure for each phase of development shall be determined and constructed to the satisfaction of the appropriate City Department or utility.	All Departments	N/A