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

Case #2016-51
Haciendas del Mirasol, 700 Hyde Park Road Preliminary Subdivision Plat
Owner's Name- 700 HPR, LLC
Agent's Name- Cody North

THIS MATTER came before the Planning Commission (Commission) for hearing on August 4, 2016 upon the application (Application) of Cody North as agent for 700 HPR, LLC (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planning Residential Community).

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there were thirteen members of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on March 17, 2016 in accordance with the procedures for subdivisions set out in Code §§ 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on April 11, 2016 at the Downtown Public Library in accordance with the notice requirement of Code § 14-3.1(H).
10. The ENN meeting was attended by the Applicant and City staff; there were fifty-nine members of the public in attendance and concerns were raised.

11. The subject property was rezoned in 1981 as part of the Estancia Primera Planned Residential Community ("PRC" or "Ordinance 1981-3"). The zoning requirements run with the land.
12. The overall PRC includes approximately 120 acres south of Hyde Park Road and 68 acres located north of Hyde Park Road.
    a. This application is focused on the land north of Hyde Park Road.
    b. Of the 68 acres north of Hyde Park Road, the subject 28 acre project site (Tract 1) and another 40 acre tract (Tract 2) were created by a lot split that was approved in 2012.
    c. This application is for Tract 1.
    d. The application is not for Tract 2.
    e. The Applicant does not own Tract 2.
13. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
14. The Commission finds the following facts:
    a. *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 land to be subdivided meets applicable standards and is eligible for the development purposes proposed. Due regard has been shown for vegetation, water courses, historical sites and structures and similar community assets.
        i. An older archaeological report has been prepared for the subdivision. No archaeological or historical sites have been discovered within the boundary of the subdivision. The Applicant has agreed to prepare another, more recent archaeological report.
        ii. Effort has been taken to minimize the removal of pinon trees including the location of the roadways and use of a low pressure system that allows for the sewer system to avoid trees wherever possible.
        iii. There is minimal disturbance to the drainages within the subdivision.
        iv. Existing check dams built during the depression in the 1930s will be restored and additional check dams will be constructed to reduce the existing arroyo bank erosion that is currently taking place.
        v. The area has been used illegally for parking and partying by trespassers and as a living areas by transients (a/k/a Hobo Hill). The broken bottles, trash and temporary camp sites will be removed from the property.
        vi. With the construction of road and utility improvements the area will not be occupied by transients illegally living on the property.
        vii. Given the fire pits that are located at various places on the property the chance of wild fires taking place on the property will be eliminated.
        viii. All significant trees will be replanted or replaced.
        ix. A trail proposed along Hyde Park Road will be designated as a semi-public trail.
    b. *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. The land to be subdivided meets applicable standards and is eligible for the development purposes proposed.

i. The drainages on the property are not designated FEMA flood plains.
ii. The only disturbance to the drainage will be the repair of the existing check dams and controlling the erosion that is taking place on the main drainage.
iii. No construction will take place on slopes of 30 percent or greater.
iv. Extra-ordinary engineering measures have been proposed to ensure to storm water generated by the development of the property is adequately detained on the property.
v. Covenants have been provided to the City which mandate the maintenance of all storm water and erosion control structures and facilities on the property. This includes a schedule of inspection and repair as described on the engineering plans.
vi. The allowed density of the property, which is permitted by the underlying PRC zoning district, could develop at 2.8 dwellings per acre, but Applicant has proposed development at 1 dwelling per 3.5 acres.
vii. The significant reduction in density substantially reduces the impact on the terrain created by the development of the site, including roads, utilities and homes.
viii. The New Mexico Department of Transportation has reviewed the engineering report for Hyde Park Road and finds the Traffic Impact Study acceptable (although it was not warranted since the traffic generation does not trigger a Traffic Impact Study for this level of development).

c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed plat complies with applicable standards of Chapter 14, Article 9.

i. Exhibit B rebuts Ms. Bowden's allegation of Code violations.
ii. Exhibit D provides how the Applicant has met 1982 ordinance requirements.
iii. The City's Wastewater Engineer stated the subdivision will have a low pressure grinder pump system that has been used in other subdivisions in the city and is a reliable system with minimal odor.
iv. The City's Escarpment staff member stated the buildable sites are in the foothills district.
v. The City's Traffic Engineer stated the traffic study was done in January, which is during the busy ski season traffic.
vi. The City's Drainage Engineer stated the post-development drainage water will be two-thirds of the amount of the current status quo drainage water.
vii. The Applicant's Engineer stated currently there is 50.54 cfs drainage water at Hadisway Street, but after the project is completed there will be 33.92 cfs drainage water.
viii. The Applicant's Engineer stated there will be multiple steps for dealing with the drainage water including: (a) cisterns, (b) rock vanes, (c) re-seeding, (d) repair dams which will done without using on-site materials without heavy equipment.

d. *A plat shall be not 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.* There is no aspect of the engineering or platting that is inconsistent or violates the provisions of Chapter 14. This evaluation is for Tract 1. The evaluation for Tract 2 will be done upon the application of Tract 2.

e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the 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 plat will not create a nonconformity with any other chapter of the Santa Fe City Code.

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. 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) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
17. The information contained in the Staff Report, along with conditions in Staff's Exhibit, is sufficient to establish that the Applicable Requirements have been met.

CONCLUSIONS OF LAW

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

General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

The Preliminary Subdivision Plat

3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have been met.

WHEREFORE, IT IS SO ORDERED ON THE 8th OF September 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

That the Applicant's requests for preliminary subdivision plat is approved, subject to Staff conditions.

[Signatures to Follow on Next Page]

_____ _____
Vince Kadlubek Date:
Chair

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

APPROVED AS TO FORM:

_____ _____
Zachary Shandler Date:
Assistant City Attorney