

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

Case #2015-103

Vista Serena, Tract 49 Tierra Contenta Preliminary Subdivision Plat

Applicant's Name- Homewise, Inc.

Agent's Name-Oralynn Guerrerortiz

THIS MATTER came before the Planning Commission (Commission) for hearing on December 3, 2015 upon the application (Application) of Ms. Oralynn Guerrerortiz, agent for Homewise, Inc. (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 50 lots on 12.7+/- acres at Vista Serena, Tract 49 Tierra Contenta Phase 2C, located on the south side of Plaza Central Road, east of Contenta Ridge Road. The property is zoned PRC (Planned Residential Community, 6-9 dwelling units per acre). The application includes a variance to permit 16 separate disturbances of slopes in excess of 30%.

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 no 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 September 24, 2015 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.
6. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
7. The Applicant conducted an ENN meeting on the Application on October 8, 2015 at the Southside Library at 6599 Jaguar Drive in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).

8. The ENN meeting was attended by the Applicant and City staff; there were two members of the public in attendance.
9. 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.
10. The subdivision meets all of the Code § 14-3.7(C) criterion, including it will not create new or exacerbate existing nonconformities.
11. 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).
12. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.
13. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-3.16(C) are met in that (a) unusual physical characteristics exist due to natural steep terrain and on-going erosion issues; (b) special circumstances exist as creating regular shaped lots with a looped road and installation of drainage facilities would be infeasible without a variance; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity in Tierra Contenta; (d) the variance is the minimum variance that will make possible the reasonable use of the structure, in that there will be extensive use of retaining walls and steeper than typical fill slopes which will be stabilized by extra protection measures; (e) the variance is not contrary to the public interest and will help stabilize non-stable slopes.

#### 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.
3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Commission has the authority to review and approve requests for waivers of Code Section 14-3.16(C).
5. The Applicable Requirements have been met.

**WHEREFORE, IT IS SO ORDERED ON THE 7TH OF JANUARY 2016 BY THE  
PLANNING COMMISSION OF THE CITY OF SANTA FE**

1. That the Applicant's request for preliminary subdivision plat is approved, subject to conditions.
2. That the Applicant's request for a waiver of Code Section 14-3.16(C) is granted.

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Chairperson

\_\_\_\_\_  
Date:

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

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Date: