



Planning and Land Use Department Planning Commission Staff Report

<p>Case No: 2025-10685 2025-10688 (Preliminary Subdivision Plat and Variance)</p> <p>Hearing Date: November 6, 2025</p> <p>Applicant: Homewise, Inc.</p> <p>Agent: JenkinsGavin, Inc.</p> <p>Request: Preliminary Subdivision Plat</p> <p>Location:</p> <p>Case Mgr.: Rebekah Clouser</p> <p>Zoning: PRC (Planned Residential Community)</p> <p>Overlay: Suburban Archaeological Review District</p> <p>Pre-application Mtg.: March 12, 2025</p> <p>ENN Mtg.: May 29, 2025</p>	
<p>Proposal: Preliminary Plat approval for 16 development tracts and 6 open space tracts, innovative street designs, and a variance for disturbance of 30% slopes.</p>	

Case #2025-10685. Tierra Contenta Preliminary Subdivision Plat. JenkinsGavin, Inc., Agent for Homewise, Inc., owner and applicant (“Applicant”), requests review and approval of a Preliminary Subdivision Plat for 16 development tracts and 6 open space tracts for a total of 22 tracts and Innovative Street Design. The subject lots are 216.5 acres and are located at 6120, 6130, 6150, and 6135 Paseo del Sol. The lots are zoned Planned Residential Community District (PRC) and lie within the Suburban Archaeological Review District. (Rebekah Clouser, Case Manager, reclouser@santafenm.gov).

Case #2025-10688. Tierra Contenta Preliminary Subdivision Plat Variance (Slopes). JenkinsGavin, Inc., Agent for Homewise, Inc., owner and applicant (“Applicant”), requests a variance from SFCC 14-8.2(D)(2)(b) Terrain Management standards prohibiting disturbances of natural slopes of thirty percent (30%) for an approximate area of 7,305 square feet. The subject lots are approximately 216.5 acres and located at 6120, 6130, 6150, and 6135 Paseo del Sol,

zoned Planned Residential Community District (PRC). (Rebekah Clouser, Case Manager, reclouser@santafenm.gov).

I. RECOMMENDATIONS

Staff recommends the Planning Commission **APPROVE** Case 2025-10685 “Tierra Contenta Phase 3 A Preliminary Subdivision Plat and Innovative Street Design,” subject to the conditions of approval and technical corrections outlined in this report and included in Attachment A.

Staff recommends the Planning Commission **DENY** Case 2025-10688 “Tierra Contenta Phase 3 A Preliminary Subdivision Plat Variance (Slopes).”

Two motions will be required:

- a. Approve or deny Case #2025-10688 a variance from SFCC 14-8.2(D)(2)(b) 30% Slopes.
- b. Approve or deny Case #2025-10685 a Preliminary Subdivision Plat for 16 development tracts and 6 open space tracts for a total of 22 tracts and innovative street designs on approx. 216.5 acres, subject to the conditions of approval and technical corrections outlined in this report and included in Attachment A1: “*Table of Conditions of Approval and Technical Corrections*” and Attachment A2: “*Development Review Team Compiled Comments*.”

II. EXECUTIVE SUMMARY

The subject property is owned by Homewise and is located at 6120, 6130, 6150, and 6135 Paseo del Sol. The property is accessed from the Herrera Drive roundabout on the east and Jaguar Road on the west. The property is approximately 216.5 acres in size, zoned PRC (Planned Residential Community) and located within the Suburban Archeological Review District.

The Applicant has complied with Subsections 14-3.1(E) “*Pre-Application Conferences*,” 14-3.1(F) “*Early Neighborhood Notification Procedures*,” and 14-3.1(H) “*Notice Requirements*.”

Staff’s analysis finds that, subject to the conditions of approval and technical corrections outlined in this report and included in Attachment A, the Applicant has satisfied Subsection 14-3.7(C) “*Approval Criteria*” for the preliminary subdivision plat application (the “Application”). Staff’s analysis finds that the Applicant has not satisfied Subsection 14-3.16(C) for a variance to 14-8.2(D)(2)(b) thirty percent slopes (the “Variance”).

III. BACKGROUND

In 1985, the City amended the Santa Fe Urban Area and annexed the property owned by Tierra Contenta, the School for the Deaf, the Santa Fe Board of Education, Elisia and Prater, and Herrera and Hernandez (the “Original Annexation Agreement”). On December 15, 1994, the City

recorded the “*Restated Annexation Agreement Tierra Contenta, Wolgamood Subdivision and Contiguous Lands (east)*” (the “Agreement”). The Agreement superseded the Original Annexation Agreement. The Agreement was recorded in the Office of the Santa Fe County Clerk on December 15, 1994, in Book 1122, Pages 756-786. The Agreement identified that the annexed property comprised approximately 1,421 acres, zoned PRC (Planned Residential Community), and encompassed the following property owners: City of Santa Fe, Tierra Contenta Corporation, Elisia Partnership, Kenneth Prater, New Mexico School for the Deaf, Santa Fe Board of Education, Herrera Associates, and Dr. Joe L. Hernandez (the “Landowners”).

The Agreement states that:

[i]n lieu of standards set forth in the PRC Zoning Ordinance, specific development standards that vary from the PRC Zoning Ordinance may be proposed by any PRC Owner for individual tract development within the PRC district as part of any application for preliminary and final subdivision plat approval or preliminary and final development plan approval to the Development Review Committee.

The Planning Commission heard and recommended approval of the Tierra Contenta Master Plan Amendment #1 on September 2, 2021. The Tierra Contenta Master Plan Amendment #1 for Phase 3A was approved by the Governing Body on October 27, 2021, amending the 1994 Master Plan. The Master Plan Amendment encompassed a phase-by-phase development plan that included design standards, subdivision phases, infrastructure, affordable housing, parks and open space.

IV. PROJECT ANALYSIS

A. Property Information and Proposal

The Applicant is requesting a preliminary subdivision plat and slope disturbance variance for Tierra Contenta Phase 3A with 16 development tracts, six open space tracts, and roadway infrastructure (the “Project”). The roadway infrastructure includes the extension of Paseo del Sol West from Jaguar Drive east to Herrera Drive roundabout, internal community loop road (Cinto Norte), utilities, stormwater management, landscaping, lighting and community trails.

Along Paseo del Sol west, the Applicant is proposing three innovative road sections to better achieve the intent of Chapter 14 for safe and accessible infrastructure for pedestrians, bicyclists, and vehicular traffic. The Project includes two alternate means of compliance requests for stormwater pond landscaping and irrigation systems. The Applicant presented the Project to the Tierra Contenta Board for review and received support for the subdivision proposal.

B. Zoning

The current PRC zoning district permits for a mix of uses; including residential and two tracts, 58 and 59, for neighborhood commercial uses. This is consistent with the intended uses as

shown in General Plan Future Land Use Map. See Figure 1: *Zoning Map*, below. The Future Land Use Map (see Figure 2, below) identifies the Project area as medium and high density residential, parks and open space, public institutional and neighborhood center.

The Phase 3A Master Plat is consistent with the Tierra Contenta Master Plan Amendment #1, Design Guidelines, and Santa Fe City Code (SFCC).

Figure 1: Zoning Map

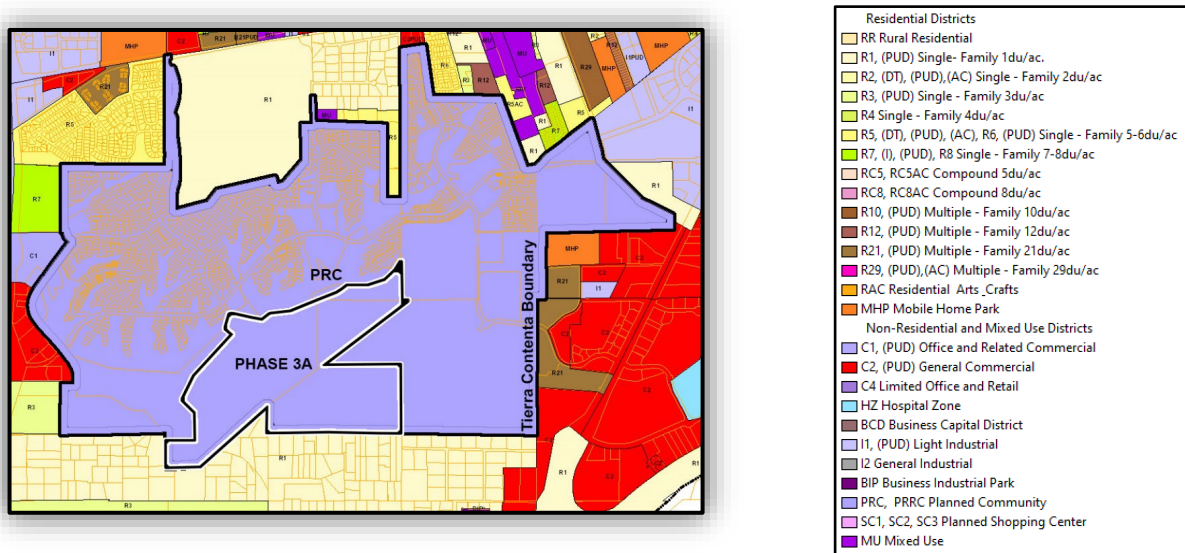
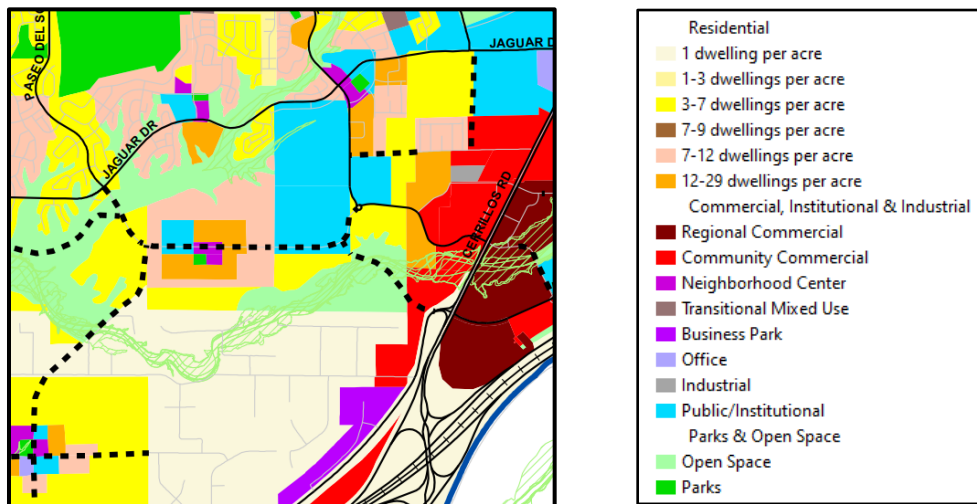


Figure 2: Future Land Use Map



C. Archaeological Review

The project requires an archeological clearance permit. 6120, 6130, 6150, and 6135 Paseo del Sol parcels lie within the Suburban Archaeological Review District. Chapter 14, SFCC, Article 14-3.13(B)(3) (*Suburban Archaeological Review District*) states:

In this district, an archaeological clearance permit shall be required prior to approval of the final development plan or plat for the following projects:

- (a) *All annexations, rezonings, subdivisions, planned unit developments, or other development requiring approval by the Planning Commission, having over ten (10) acres.*

Staff confirmed that the Applicant received archaeological approval from the City of Santa Fe Archaeological Review Committee (ARC) on July 6, 2023. The archaeological survey report was approved with conditions that SWCA Environmental Consultants will provide a testing and treatment plan for submission to the ARC for review.

D. Access, Street Design and Traffic Access

The Project includes the roadway infrastructure, including the extension of Paseo del Sol West from Jaguar Drive east to Herrera Drive roundabout, internal community loop road (Cinto Norte), utilities, stormwater management, landscaping, lighting and community trails, for Tierra Contenta Phase 3A and Phase 3B, as shown in the Tierra Contenta Master Plan Amendment #1.

The Applicant is proposing to construct Paseo del Sol West between Jaguar Drive and Herrera Drive. The Project includes the construction of a community loop road, Cinto Norte, to access all proposed development tracts. Two roundabouts are proposed where Paseo del Sol intersects with Cinto Norte.

The eastern segment of Paseo del Sol and the eastern segment of the community loop road are located on the New Mexico School for the Deaf (NMSD) property, and the Applicant has received approval from the school administration for requisite right-of-way dedications. The right-of-way dedications will be filed with the final subdivision plat.

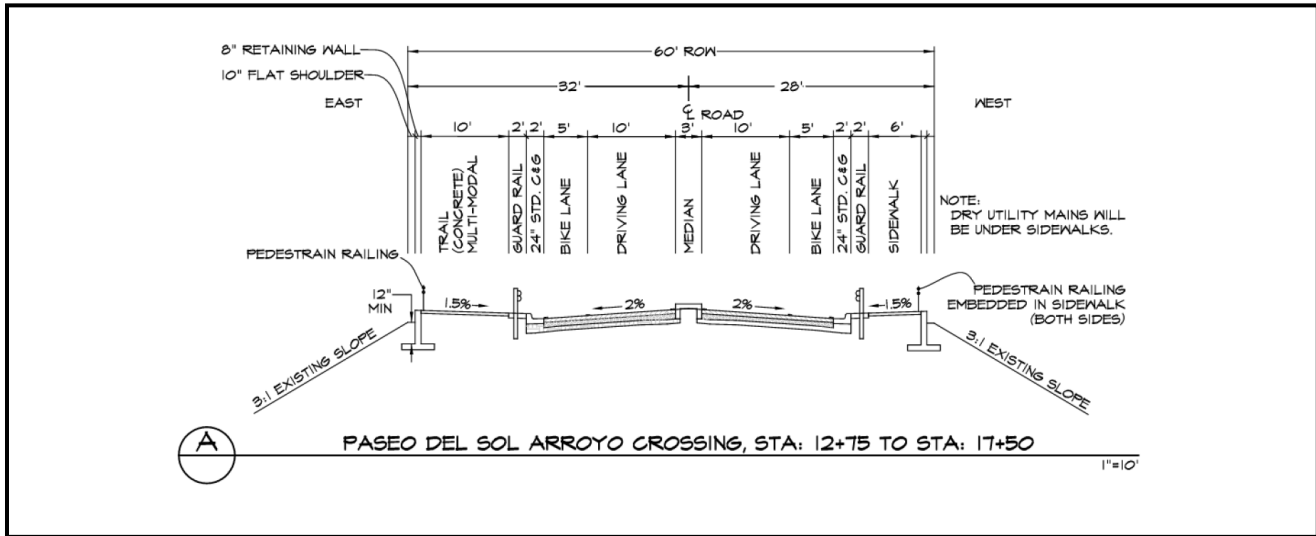
Street Design

All proposed road sections for the subdivision will include pedestrian, bicycle, and vehicular infrastructure. Sidewalks along Paseo del Sol West are six feet and along the community loop road they are proposed at five feet. Along Paseo del Sol West the applicant is proposing three innovative street designs.

The first road section submitted for innovative design is Paseo del Sol Arroyo Crossing up to the West Roundabout. This road section is proposed over an existing sewer utility line and the Arroyo Chamiso. The proposed innovative design includes two drive lanes, two five-foot bike lanes, a three-foot concrete median with roll curbs, a six-foot sidewalk on one side and on the other side of the road a ten-foot multi-modal trail, see Figure 3: *Innovative Street Design Paseo del Sol Arroyo Crossing to West Roundabout*. As this road section is constrained by steep topography and the Arroyo Chamiso, staff recommends approval of the proposed innovative

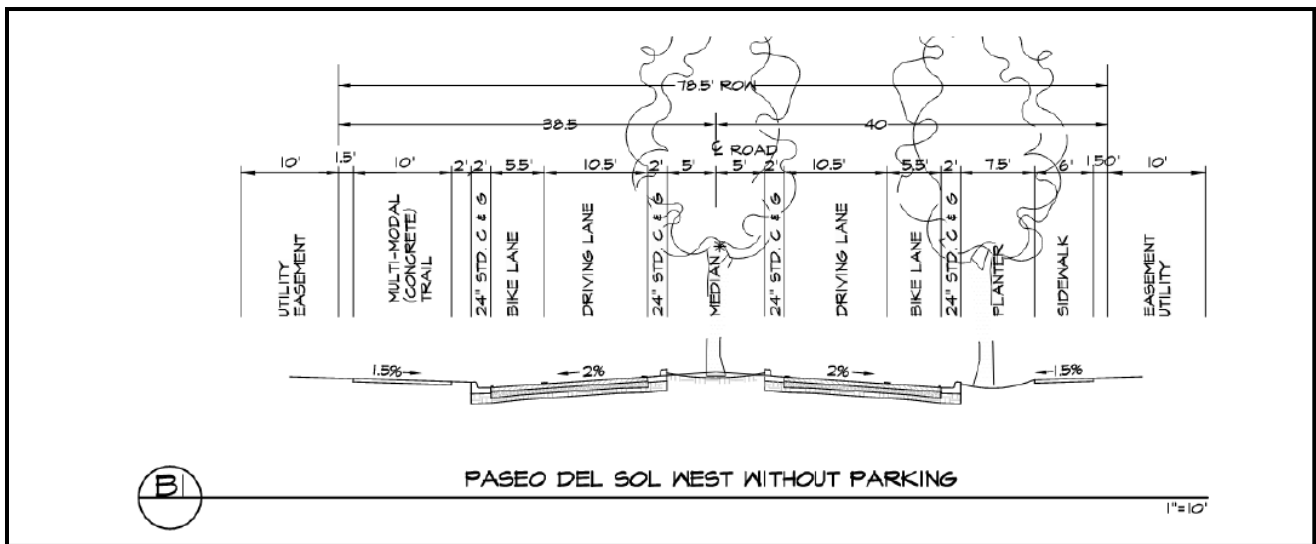
street design because it addresses the constraints and accommodates all modes of transportation.

Figure 3: Innovative Street Design Paseo del Sol Arroyo Crossing to West Roundabout



The second road section proposed for an innovative street design is Paseo del Sol West without parking from the arroyo crossing transition. The proposed innovative street design includes two drive lanes, a ten-foot planter strip median, two five-foot bike lanes, sidewalk on one side with a 7.5-foot planter strip and continues the multi-modal trail from the first proposed road section and provides a transition from the narrower road section to the wider road sections to the east. See Figure 4: *Innovative Street Design Arroyo Crossing Transition*. Staff recommends approval of the proposed innovative street design.

Figure 4: Innovative Street Design Arroyo Crossing Transition



The last request for an innovative street design is Paseo del Sol through the New Mexico School for the Deaf property that connects Phase 3 to Herrera Drive on the west. In an effort to mitigate vehicular traffic speeding through this section of Paseo del Sol, bike lanes were removed from the driving lanes, reducing the width of the driving lanes to 10'5". A 10-foot concrete multi-modal trail is proposed on the north side of the road to safely accommodate both pedestrian and bicycle users. Street trees will be planted in the seven-foot buffer along the northside between the road and the multi-modal trail. See Figure 5: *Innovative Street Design Paseo del Sol Through NMSD*.

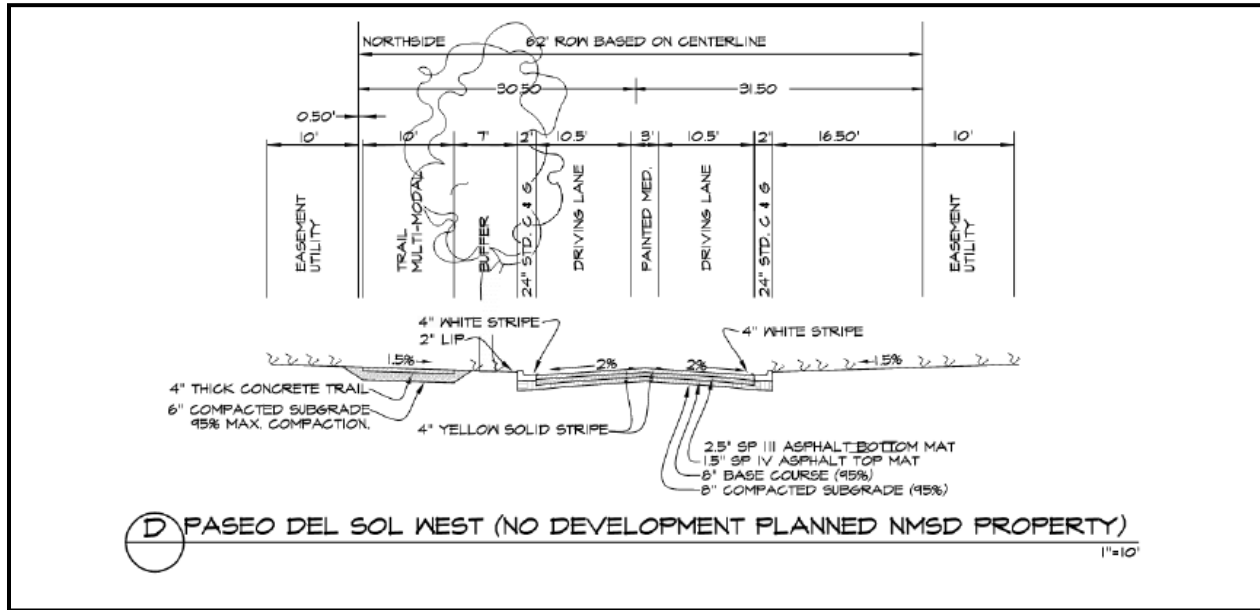


Figure 5: Innovative Street Design Paseo del Sol Through NMSD

Traffic

Public Works' Traffic Engineering Division reviewed the Applicant's submitted traffic report and traffic addendum for the Project and had comments for the subdivision, included in Attachment A2: *Development Review Team Complied Comments*. The comments included recommendations that a right turn lane analysis should be conducted for the intersection of Jaguar Drive and Paseo del Sol and the inclusion of the intersection of Herrera and Cerrillos Road to the Traffic Impact Analysis ("TIA").

Prior to development of the first tract within the subdivision, the applicant for the first development tract will be required to address comments from the TIA. All intersections studied in the TIA will continue to operate at acceptable levels of service through the horizon year 2040. All future subdivisions within Phase 3 will be required to submit a traffic impact analysis.

E. Landscape Plan

The Land Use Technical Review Division has reviewed the landscape plan for compliance with City Code. Landscape comments and technical corrections included a significant tree survey for trees being removed for the installation of road infrastructure. In compliance with the Master Plan, all future development tracts will be required to submit significant tree survey to collectively track significant trees for all of Phase 3A. These requirements can be found in Attachment A1: *Table of Conditions of Approval and Technical Corrections* and Attachment A2: *Development Review Team Complied Comments*.

F. Utilities

Water

The Applicant submitted a water utility plan within the subdivision plan set. Water engineering conditioned the final plat approval upon receiving an approved water plan for each of the future subdivisions that will be filed for the tracts.

The Development Water Budget will be submitted for review and approval prior to final subdivision plat. All conditions and comments can be found in Attachment A1: *Table of Conditions of Approval and Technical Corrections* and Attachment A2: *Development Review Team Complied Comments*.

Wastewater

The Applicant submitted a wastewater plan. The City's public utilities wastewater division did not have any conditions of approval or technical corrections to the submitted plan. All comments can be found in A1: *Table of Conditions of Approval and Technical Corrections* and Attachment A2: *Development Review Team Complied Comments*.

G. Fire Prevention

The Fire Marshal has required an unobstructed width of no less than 20 feet, exclusive of shoulders, for emergency access, which the Applicant has provided on all proposed road sections. The Applicant proposes 21 new fire hydrants: seven are proposed along Paseo del Sol and fourteen along Cinto Norte. The Fire Division provided conditions of approval for compliance with International Fire Code 2021 (see Attachment A1: *Table of Conditions of Approval and Technical Corrections* and Attachment A2: *Development Review Team Complied Comments*).

H. Terrain Management and Stormwater

The Applicant is proposing six open space tracts that are approximately 69.34 acres primarily located around the perimeter of the Project where the Applicant proposes to locate centralized stormwater ponding. The Applicant has proposed two alternate means of compliance requests for stormwater pond landscaping and irrigation standards per SFCC Section 14-2.11(C)(1)¹.

¹ The land use director may allow alternate means of compliance with the requirements of Chapter 14 when: (a) the proposed alternate means satisfy the intent of this chapter; (b) the requirements include

The Project also includes a request for a variance to the Terrain Management standards located in SFCC 14-8.2(D)(2)(b), though Staff does not recommend that the Commission approve the variance.

Stormwater pond landscaping per SFCC 14-8.4(F)(2)(e) “*Stormwater detention ponds minimum of one tree and three shrubs per five hundred (500) square feet of required ponding area.*” The Applicant is proposing an alternative to the standard trees and shrubs with native seeding distributed area with grasses and shrubs. Most stormwater ponding areas are located within drainage paths that will have dams. The stormwater drainage ponds would, therefore, support the native plants. Staff find the proposed alternative means of compliance meets the criteria set out in SFCC Section 14-2.11(C)(1), and therefore that the Commission accept the Applicant’s alternative means of compliance with respect to stormwater pond landscaping.

The Applicant has also proposed an alternative means of compliance for meeting irrigation standards described in SFCC Section 14-8.4(E)(4) “*Irrigation systems shall be provided for all landscaped areas.*” The applicant is proposing to reseed native grass revegetation for the infrastructure project area of 24 acres, see Attachment B5: *Applicant Submittals -- Alternative Means of Compliance Request* for full request. The implementation of dryland seeding will follow New Mexico Department of Transportation 632 Revegetation Specification as an alternative means of compliance. Staff finds the proposed alternative means of compliance to be acceptable and recommends approval.

Additionally, the Applicant proposes disturbing natural slopes of 30% or greater, in an area of approximately 7,305 square feet, or 0.077% of the Property, in order to build drainage infrastructure and a community trail. As shown in the slope analysis of the proposed subdivision, the variance would authorize the disturbance of 7,305 square feet of natural slopes of 30% or greater in 16 locations. Refer to Attachment B7: *Applicant Submittals – Tierra Contenta Phase 3A Subdivision Plan Set* for slope analysis of the subdivision.

In the Applicant’s variance request, they state that the variance is necessary in order to install community trail and drainage improvements. However, the Applicant has not provided any proposed alternative locations for the community trail and the drainageway improvements that would comply with the Terrain Management Standards. Staff recommends denial of the variance because the proposal did not satisfy all the variance approval criteria. Staff’s recommendation for the variance request is described in further detail, below.

VI.VARIANCE APPROVAL CRITERIA SECTION 14-3.16(C) FOR VARIANCE REQUEST: DEVIATION FROM §14-8.2(D)(2)(b) – Disturbance of 30% Slopes

quantitative standards and those quantitative standards are satisfied by the alternate means of compliance; and (c) site conditions, including the configuration of the [lot](#), topography and existing vegetation make following the standards prescribed in this chapter impossible or impractical.

SFCC Section 14-3.16 governs the authority, procedures, and restrictions for variances. The Criteria for approval of variances are detailed below:

<p>Criterion 1: Necessary Findings To grant a Variance, a land use board shall make the following finding per Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies:</p> <p>(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or</p> <p>(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or</p> <p>(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1-7; or</p> <p>(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).</p>	<p>Criterion Met: (Yes/No) NO</p>
<p>Applicant Response:</p> <p>Trail Improvements -- <i>The Phase 3A lands are characterized by significant tributaries of the Arroyo de los Chamisos traversing the north and southwest areas of the site, presenting significant challenges with respect to installation of the requested trail improvements.</i></p> <p>Drainage Improvements – <i>The physical characteristics of the Phase 3A lands are exemplified by significant tributaries of the Arroyo de los Chamisos traversing the site. The project is employing a unique stormwater management approach that establishes ponding in existing drainageways through the installation of gabion and earthen dams. This approach respects the natural path of water, minimizes ground disturbance, and preserves developable area in support of this affordable housing initiative.</i></p>	
<p>Staff Response:</p> <p>Trail Improvements – Tierra Contenta Phase 3A lands do not have any unusual physical characteristic that would distinguish the land from other adjacent properties. The applicant has not identified any unusual characteristics that would prohibit compliance with Santa Fe City Code 14-8.2(D)(2)(b) for the placement of the trail. Staff finds that this criterion has not been met.</p>	

Drainageway Improvements – Tierra Contenta Phase 3A lands do not have any unusual physical characteristic that would distinguish the land from other adjacent properties, The Applicant has not identified any unusual characteristics that would prohibit them from complying from Santa Fe City Code 14-8.2(D)(2)(b). Staff finds this criterion has not been met.

Criterion 2:
The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

Criterion Met:
 (Yes/No)
NO

Applicant Response:

Trail Improvements – *It is infeasible to construct the requested trails without the modest disturbance of 30% slopes. The desired connections cross steep terrain and cross arroyos. In addition, the trails are designed to minimize slope and establish as much accessibility as possible.*

Drainageway Improvements – *The drainage design is a terrain-based approach that honors the existing drainage pattern, while minimizing disruption of the natural terrain. It is infeasible to overly engineer a stormwater management solution that diverts water from its natural path, which can result in higher maintenance costs for the City and erosive conditions over time.*

Staff Response:

Trail Improvements – There are no special circumstances that make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14. The Tierra Contenta Master Plan Amendment #1 was approved with conceptual designs for 16 development tracts and outlines the future roadway connections for the master plat. The disturbance of 30% natural slopes has not been proven by the applicant be unavoidable to build the trail infrastructure and access according to the conceptual location on the master plan. Staff finds that this criterion has not been met.

Drainageway Improvements – There are no special circumstances that make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14. The Tierra Contenta Master Plan Amendment #1 was approved with conceptual designs for 16 development tracts and outlines the future roadway connections for the master plat. The disturbance of 30% natural slopes has not been proven by the applicant be unavoidable to build the drainageway infrastructure according to the conceptual location on the master plan. Staff find that this criterion has not been met.

<p>Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.</p>	<p>Criterion Met: (Yes/No) NO</p>
<p>Applicant Response: Trail Improvements -- <i>The proposed intensity of development is consistent with previous phases of Tierra Contenta.</i></p> <p>Drainageway Improvements – <i>The proposed intensity of development is consistent with previous phases of Tierra Contenta.</i></p>	
<p>Staff Response:</p> <p>Trail Improvements – The land development code defines intensity as, “<i>the extent of development per unit of area; or the level of use as determined by the number of employees and customers and degree of impact on surrounding properties such as noise and traffic.</i>” The extent of the development, in this case the disturbance of 30% slopes, is higher than what is allowed on other properties in the vicinity. The terrain management standards apply to all lands within the planning and platting jurisdiction of the City.</p> <p>Drainageway Improvements – The land development code defines intensity as, “the extent of development per unit of area; or the level of use as determined by the number of employees and customers and degree of impact on surrounding properties such as noise and traffic.” The extent of the development, in this case the disturbance of 30% slopes, is higher than what is allowed on other properties in the vicinity. The terrain management standards apply to all lands within the planning and platting jurisdiction of the City.</p>	
<p>Criterion 4: The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered: (a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and (b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.</p>	<p>Criterion Met: (Yes/No) NO</p>
<p>Applicant Response: Trail Improvements -- <i>Significant efforts have been made to minimize the disturbance of 30% slopes to those areas that are absolutely necessary to provide the desired trail connectivity. The property could not be developed as a different category or lesser intensity of use without the City Council approving amendments to the Tierra Contenta Annexation</i></p>	

Agreement and Master Plan. Nor would other use categories satisfy the City’s objectives of increasing housing supply, especially affordable housing. Tierra Contenta implements the purposes of Chapter 14 through a coordinated and harmonious development that promotes the health, safety, and welfare of the community. Furthermore, the development of Phase 3A with this requested variance enables construction of coordinated streets, trails, and utility infrastructure.

Drainageway Improvements – *Significant efforts have been made to minimize the disturbance of 30% slopes to those areas that are absolutely necessary to ensure the orderly and efficient development of the property in accordance with the Master Plan. The property could not be developed as a different category or lesser intensity of use without the City Council approving amendments to the Tierra Contenta Annexation Agreement and Master Plan. Nor would other use categories satisfy the City’s objectives of increasing housing supply, especially affordable housing. Tierra Contenta implements the purposes of Chapter 14 through a coordinated and harmonious development that promotes the health, safety, and welfare of the community.*

Staff Response:

Trail Improvements – No information has been provided from the Applicant to demonstrate that the proposed trail and the disturbance of 30% slopes are the minimum necessary or that the trail could be built without the disturbance of 30% slopes. The property could be used without variance, and no variance requests were requested at the time of the Tierra Contenta Master Plan Amendment #1 for Phase 3A. Staff finds that this criterion has not been met.

Drainageway Improvements – No information has been provided from the Applicant to demonstrate the proposed drainageway improvements and the disturbance of 30% slopes are the minimum necessary or that the drainageway improvements and infrastructure could be built without the disturbance of 30% slopes. The property could be used without a variance, and no variance requests were requested at the time of the Tierra Contenta Master Plan Amendment #1 for Phase 3A. Staff finds that this criterion has not been met.

**Criterion 5:
The variance is not contrary to the public interest;**

**Criterion
Met:
(Yes/No)
NO**

Applicant Response:

Trail Improvements -- *The development of Phase 3A is in the public interest through the increase in housing supply, including up to 600 affordable homes. In addition, the public interest is served through the construction of new trails providing connectivity to SWAN Park and Capital High School for area residents.*

Drainageway Improvements – *The development of Phase 3A is in the public interest through the increase in housing supply, including up to 600 affordable homes, which is enabled by the infrastructure design that requires this modest variance. In addition, the public interest is served through a stormwater management design that minimizes land disturbance, while increasing the supply of affordable housing by preserving developable land for that purpose.*

Staff Response:

Trail Improvements – The Governing Body has implemented the General Plan and ordinances in order to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. While trail improvements are consistent with the Tierra Contenta Master Plan and Chapter 14, the trail location as proposed is in violation of the terrain management section of Chapter 14. Chapter 14 is an ordinance established to protect the public interest. Therefore, the variance request to 30% slopes for the placement of the trail is contrary to the public interest and the intent of 14-8.2 Terrain and Stormwater Management. This Santa Fe City Code Section is to minimize erosion and the destruction of the natural landscape, protect the scenic character of Santa Fe, respect, protect, and restore natural steep slopes.

Drainageway Improvements – The Governing Body has implemented the General Plan and ordinances in order to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. While drainageway improvements are consistent with the Tierra Contenta Master Plan and Chapter 14, the drainageway as proposed is in violation of the terrain management section of Chapter 14. Chapter 14 is an ordinance established to protect the public interest. Therefore, the variance request to 30% slopes for the placement of the drainageway improvements is contrary to the public interest and the intent of 14-8.2 Terrain and Stormwater Management. This Santa Fe City Code Section is to minimize erosion and the destruction of the natural landscape, protect the scenic character of Santa Fe, respect, protect, and restore natural steep slopes.

Criterion 6:
There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14

Criterion Met:
 (Yes/No/)
Not Applicable

Applicant Response:
No response.

Staff Response:

Not Applicable.

V. APPROVAL CRITERIA: PRELIMINARY SUBDIVISION PLAT

City Code Section 14-3.7 governs the authority, procedures, and restrictions for the division of land. Subsection 14-3.7(B)(3)(d) states that “*The planning commission shall review the preliminary plat and other materials submitted for conformity to this article, consider the land use director report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider.*”

SFCC 1987, Section 14-3.7(C) sets forth approval criteria for preliminary subdivision plat as follows:

Approval Criteria (§ 14-3.7(C)(1))

Criterion 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.	Criterion Met: (Yes/No) YES
Applicant’s Response (Preliminary Subdivision Plat): <i>The subject parcel is undeveloped and gently sloped, except for some steeper slopes adjacent to drainageways the north and west areas. 69.34 acres of natural open space will be preserved, providing trail corridors and outdoor recreation opportunities for the community.</i> Staff Response (Preliminary Subdivision Plat): Staff and the DRT have reviewed the Application and find that the proposal gives due regard to existing vegetation, watercourses and similar community assets in the area, and therefore, pending fulfillment of all conditions of approval and technical corrections, the proposed preliminary subdivision plat complies with this criterion.	

<p>Criterion 2: The planning commission shall give due regard to the opinions of public agencies and shall not approve the <i>plat</i> if it determines that in the best interest of the public health, safety or welfare the land is not suitable for <i>platting</i> and <i>development</i> purposes of the kind proposed. Land subject to <i>flooding</i> and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be <i>platted</i> for <i>residential</i> occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate <i>erosion</i> or <i>flood</i> hazard. Such land shall be set aside within the <i>plat</i> for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant’s Response (Preliminary Subdivision Plat): <i>The property is primarily gently sloped. Drainageways and steeper terrain will be protected in open space.</i></p> <p>Staff Response (Preliminary Subdivision Plat): The applicant’s proposed design has been reviewed for compliance with the City Code by the DRT from all relevant agencies. The findings of the DRT Review identify that the proposed development is suitably sited for platting and residential and non-residential occupancy and that the proposed development would not endanger health, safety or welfare or aggravate erosion or flooding hazards. Staff finds that, subject to all conditions of approval and technical corrections, the proposed subdivision plat complies with this criterion.</p>	
<p>Criterion 3: All <i>plats</i> shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant’s Response (Preliminary Subdivision Plat): <i>The proposed subdivision plat conforms with applicable standards of SFCC §14-9, and includes Innovative Street Design requests in accordance with §14-9.2(B)(3).</i></p> <p>Staff Response (Preliminary Subdivision Plat): The Project subject to the conditions of approval and technical corrections complies with the standards of 14-9 Infrastructure Design, Improvement and Dedication Standards. Staff find this criterion has been met.</p>	
<p>Criterion 4: A plat shall not be approved that creates 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.</p>	<p>Criterion Met: (Yes/No) YES</p>

<p>Applicant’s Response (Preliminary Subdivision Plat): <i>Variances are requested with this application as described below.</i></p> <p>Staff Response (Preliminary Subdivision Plat): The application is compliant with the approved Master Plan, which includes unique design guidelines. The Code provides for special design guidelines within an approved Master Plan in SFCC § 14-3.9(C)(2)(a) (Special Development Standards and Design Guidelines). Staff finds that approval of the plat, subject to the Master Plan and the required conditions of approval and technical corrections, does not create a nonconformity or intensify an existing nonconformity.</p>	
<p>Criterion 5: 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.</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant’s Response (Preliminary Subdivision Plat): <i>The proposed subdivision plat does not increase the degree of an existing non-conformity. Variances are requested with this application as described below.</i></p> <p>Staff Response (Preliminary Subdivision Plat): There are no existing nonconformities on the Property. Staff finds that the approval of the proposed subdivision, subject to the Master Plan and the required conditions of approval and technical corrections, would not create nonconformities under current city regulations.</p>	

VII. EARLY NEIGHBORHOOD NOTIFICATION

The Applicant conducted an Early Neighborhood Notification (“ENN”) meeting virtually via Zoom Video Communications on May 29, 2025. The Applicant presented on the project plans and other relevant information. Attendees included the project team and City staff, and members of the public. Members of the public made statements of support for the Project. Discussion at the ENN centered around concern of construction of the infrastructure and the potential types of development that could be within the subdivision. Comments made by members of the public are included in Attachment B-6 ENN Meeting Submittals.

VIII. EXPIRATION

Per SFCC Section 14-3.19(B)(2) “Approval of a preliminary subdivision plat or preliminary development plan shall expire three years after final action approving it unless the final plat or development plan is approved.”

IX. ATTACHMENTS

- ATTACHMENT A: Conditions of Approval and Technical Corrections
 - A-1. Table of Conditions of Approval and Technical Corrections
 - A-2. Development Review Team Complied Comments

ATTACHMENT B: Applicant Submittals

B-1. Preliminary Subdivision Report

B-2. Subdivision Application, Variance Application for 30% Slopes, Letter of Authorization, Warranty Deeds, ARC Clearance Tierra Contenta, Address assigned by the City, Cultural Resources Survey, Access Permit, Prairie Dog Inspection, ARC Action Letter

B-3. Annexation Plat 1986, Master Plan Tierra Contenta Amendment #1, Annexation Agreement 1994, Tierra Contenta Phase 3A Design Standards

B-4. Traffic Study, Traffic Report Addendum, Drainage Analysis

B-5. Alternative Means of Compliance Request—Tierra Contenta Phase 3A

B-6. ENN Meeting Submittals

B-7. Tierra Contenta Phase 3A Subdivision Plans

ATTACHMENT C: Public Comment

APPROVED AS TO FORM BY THE PLANNING AND LAND USE DEPARTMENT:

Title	Name	Initials
Department Director	Heather L. Lamboy, AICP	HLL
Assistant Department Director	Margaret Moore	MRM
Planning Manager	Daniel A. Esquibel	DAE
Senior Planner	Rebekah Clouser	RC