

**BEFORE THE PLANNING AND ZONING COMMISSION  
OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO**

**Case No. SUB-2024-0018, a request for approval for a Preliminary Subdivision Plat splitting one (1) 186,959 square foot lot into five (5) residential lots located at NM1B3 E, Pueblo Canyon Cliffs 1 Subdivision, addressed as 1060 San Ildefonso Road, Los Alamos, New Mexico**

**ORDER ON APPLICATION SUB-2024-0018**

**NOW COMES**, the Planning and Zoning Commission (“Commission”) of the Incorporated County of Los Alamos (“County”), that hereby finds as follows:

**I. FINDINGS OF THE COMMISSION**

The Commission finds as follows:

1. On March 22, 2024, Sam Gardner d/b/a SG Western Construction, Inc., property owner, (“Applicant”), submitted an application (“Application”) for approval of a Preliminary Subdivision Plat, splitting one (1) 186,959 sq. ft. lot into five (5) residential lots at 1060 San Ildefonso Road, Los Alamos, New Mexico (“Property”). *See* Application, Attachment A; *see also* PLANNING & ZONING COMMISSION STAFF REPORT by Desirae Lujan, Senior Planner (hereafter “CDD Staff Report”), Attachment D, Page 1.
2. The Application was assigned case number SUB-2024-0018. *See* CDD Staff Report, Attachment D, Page 1.
3. A quorum of the Commission was present at the public hearing held on May 8, 2024. The public hearing was open to the receipt of evidence and testimony given under oath, which was subject to cross-examination, in accordance with Section 16-72(f)(5) of the County Development Code.

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4. Present for the Applicant was Eric Cornelius, with Santa Fe Engineering Consultants LLC, and Sam Gardner on behalf of SG Western Construction, Inc., collectively the “Applicant.”

5. Present for CDD was CDD Staff Desirae Lujan, Senior Planner for the Los Alamos County Community Development Department (“CDD Staff Lujan”).

6. Scot Halverson, 1076 San Ildefonso Road, Los Alamos, New Mexico, resident within 300 feet of the Property was recognized as an affected party to this matter.

7. Lifei Lui, 1306 Big Rock Loop, Los Alamos, New Mexico, resident outside of the 300-foot radius from the Property, was sworn in and asked questions of the Applicant.

8. Evidence received by the Commission at the public hearing includes: 1) Application Packet; 2) IDRC Minutes; 3) Public Notices; 4) CDD Staff Report; and 5) public hearing presentation from Applicant and CDD Staff Lujan.

9. The Property’s legal description is NM1B3 E, Pueblo Canyon Cliffs 1 Subdivision, and is located in a Single-Family Residential (SFR-4) zoning district pursuant to the County’s adopted Zoning Map. *See* CDD Staff Report, Attachment D, Page 2.

10. The Applicant is seeking Commission review and approval of a Sketch and Preliminary Subdivision Plat to subdivide the Property into five (5) lots. The purpose of the Application is to create four (4) residential lots for the sale and development of single-family dwellings. The remaining lot is proposed as Lot 5 and will remain unchanged. Should plans to subdivide Lot 5 transpire, the Applicant will be required to submit a new subdivision application for review and consideration by the Commission. The proposed subdivision consists of five (5) lots each taking access on San Ildefonso Road. Each proposed lot meets the minimum lot size of 8,000 sq. ft. for

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SFR-4 dimensional standards. *See* CDD Staff Report, Attachment D, page 4; *see also* Testimony of Applicant starting at 00:32:00; and Testimony of CDD Staff Lujan starting at 00:41:30<sup>1</sup>.

11. As provided in the testimony and evidence of Applicant and CDD Staff Lujan, the Property is south of the Tsikumu Village Subdivision zoned Manufactured Home Community (MHC) and surrounded by Single-Family Residential (SFR-4) on the east, west, and south along San Ildefonso Road. The Property slopes down from the north toward the south and has existing drainage patterns along the eastern edge above the existing single-family lots. *See* CDD Staff Report, Attachment D, page 2; *see also* Testimony of Applicant at 00:31:35, and Testimony of Lujan starting at 00:42:04.

12. As provided in the CDD Staff Report, notice of the public hearing was published in accordance with Section 16-72(c) of the County Development Code. Notice was published in the *Los Alamos Daily Post* on April 18, 2024; notice of the proposed action and public hearing was mailed via U.S. Mail to the owners of real property within three hundred (300) feet of the Property on April 18, 2024; and the notice was posted at the Property on April 19, 2024. *See* CDD Staff Report, Attachment D, Page 7.

13. Based on the CDD Staff Report, the Application was presented to the Interdepartmental Review Committee (“IDRC”) on April 11, 2024. *See* CDD Staff Report, Attachment D, Page 7. The Department of Public Utilities (“DPU”) was satisfied with water, gas, and sewer utilities, but the subdivision will require further review and coordination for the electric utility before submission of a final subdivision plat. The Chief Building Officer noted no concerns upon review of the proposed subdivision, as the building code will be reviewed and applied during the building

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<sup>1</sup> The Video for this hearing is available at [May 8, 2024 Planning and Zoning Commission Meeting \(granicus.com\)](https://www.granicus.com/). All citations to testimony are from this video and is in Hour:Minute:Second format.

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permit application process. The Fire Marshal noted concern with the grade for fire truck access along the eastern edge of proposed Lot 5 and noted the preference for an entry to be closer to Lot 4. The County Engineer supported the Application to move forward with the preliminary subdivision plat but affirmed that further analysis and reports will be required for a final subdivision plat submission. *See* CDD Staff Report, Attachment D, Page 7; *see also* IDRC Meeting Minutes, Attachment B, Page 2.

14. As the Application is a request for the approval of a preliminary subdivision plat, as required pursuant to Section 16-69(b) of the County Development Code, the Commission finds the applicable review criteria for the Commission, in determining whether to approve, approve with conditions, or to deny the Application per the review criteria found in Section 16-74(a)(3) of the County Code.

15. The Commission, having received testimony and evidence of the Applicant and CDD Staff Lujan, finds that the Applicant has met its burden and has demonstrated that the Application meets the requirements of Section 16-74(a)(3). The Commission, in support of this finding, provides the following:

a) As to criterion (a) of Section 16-74(a)(3) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Lujan that the proposed subdivision of the Property substantially conforms to the intent and policies of the Comprehensive Plan (“Plan”) and other adopted County policies and plans by supporting the Plan’s first core theme: Housing, Neighborhoods, and Growth. The proposed subdivision will subdivide one (1) large tract of vacant land and will create five (5) lots, four (4) of which will be available for needed housing in the area. There are very few vacant lots in Los Alamos that are not committed to development. This will have a beneficial effect on

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persons desiring to live within the County rather than commute from distant locations in other counties in New Mexico. The area is currently surrounded by developed residential lots on all sides with developed urban utilities and infrastructure making this an ideal infill project that provides contiguous residential patterns in the area and maintains the character of the existing surrounding residential neighborhood. CDD Staff Lujan testified that she agreed that this criterion had been met because the first core theme of the Plan emphasizes the importance of developing new and varied housing types, sizes, and promotes new housing at increased densities, while protecting the character of existing residential neighborhoods. Most parcels surrounding the Property are developed with single-family residences making this proposed subdivision consistent with current conditions and keeping with the character and scale of the residential neighborhood. The Plan acknowledges the low inventory on vacant lots and encourages that available infill lots construct new houses to make the best and most efficient use of existing infrastructure and utilities. *See* CDD Staff Report, Attachment D, Page 8; *see also* Testimony of Applicant at 00:31:49, and Testimony of CDD Staff Lujan at 00:41:45.

b. As to criterion (b) of Section 16-74(a)(3) of the County Development Code, the Commission finds that the proposed subdivision is not materially detrimental to public health, safety, and welfare. As provided through the evidence and testimony of the Applicant and CDD Staff Lujan, there are no material detriments to public health, safety, and welfare. The intent of the proposed subdivision is to create an extension to the existing residential parcels in the area adjacent to similarly sized and shaped lots. Existing utility infrastructure is already in place on San Ildefonso Road to supply utility services for water, sewer, gas, electricity, and communications. The proposed lots are located on a tangent in the road that will not cause any sight distance issues from the driveway ingress and egress. Driveway configuration resembles adjacent lots with

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similar driveway access and will not cause any additional concerns to the traveling public. CDD Staff Lujan testified that she agreed that this criterion had been met because considerations have been made to reduce the number of driveways along the San Ildefonso frontage and properly align them with existing streets or driveways. Only two (2) driveways are being proposed for the four (4) lots along San Ildefonso Road, two (2) of the lots will share driveways; Lots 1 and 2, and lots 3 and 4 will have shared access. Safety concerns for a clear sight distance for Lot 5 needs further analysis and is required by the Los Alamos County Engineer at the time a final subdivision plat application is submitted. The proposed subdivision does not demonstrate a negative impact on the health or welfare of the community; and meets the intent of the underlying zone district. *See* CDD Staff Report, Attachment D, Pages 8-9; *see also* Testimony of Applicant at 00:31:59, and Testimony of Lujan at 00:42:32.

c. As to criterion (c) of Section 16-74(a)(3) of the County Development Code, the Commission finds the proposed subdivision is in conformance with all applicable provisions of the County Development Code and other adopted County regulations. As provided through the evidence and testimony of the Applicant and CDD Staff Lujan, the zoning for the Property is SFR-4. Lot sizes, required setbacks, utility connections, handling of existing drainage, and driveway access are in compliance with Los Alamos County codes and regulations. CDD Staff Lujan testified that she agreed that this criterion had been met because the proposed lot sizes meet the SFR-4 zone district standards. Further, the County's Public Works Department accepts the designs provided for this preliminary subdivision but requires an analysis of the driveways that shows compliance with the County Public Works Design & Construction Standards for the final subdivision plat. The County Development Code does not have use-specific regulations for single-family developments, and all other development standards will be reviewed by County Planning

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Staff during the building permit application process, as applicable. *See* CDD Staff Report, Attachment D, Page 9; *see also* Testimony of Applicant at 00:34:55, and Testimony of Applicant at 00:32:55.

d. As to criterion (d) of Section 16-74(a)(3) of the County Development Code, the Commission finds the proposed subdivision can be served or be capable of being served by all public utilities. As provided through the evidence and testimony of the Applicant and CDD Staff Lujan, existing utility infrastructure is capable of serving this subdivision, and proposed utility service extensions have been coordinated DPU staff. CDD Staff Lujan testified that she agreed that this criterion had been met because all utilities are accessible from San Ildefonso Road and service lines are proposed to make connection. DPU has confirmed coordination and voiced no issues with the proposed subdivision. *See* CDD Staff Report, Attachment D, Page 9; *See also* Testimony of Applicant at 00:32:25, and Testimony of Lujan starting at 00:43:15.

e. As to criterion (e) of Section 16-74(a)(3) of the County Development Code, the Commission finds the County's public infrastructure and services required to serve the proposed subdivision including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc. have adequate capacity to serve the proposed subdivision. As provided through the evidence and testimony of the Applicant and CDD Staff Lujan, no mainline extensions are required as the required utility infrastructure is already in place, only new utility services off the mainlines are required as shown in the engineering plans. As no mainline extensions are required, this will have a minimal impact on existing public infrastructure. CDD Staff Lujan testified that she agreed that this criterion had been met at this phase of the process because DPU confirmed that water, sewer, and gas are adequate for the proposed subdivision. Electrical services will be further coordinated with DPU prior to the final subdivision plat application. San Ildefonso Road will not be

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significantly impacted by the five (5) lots, and no impact studies are required by the County Engineer. Design improvements are proposed to mitigate drainage from Lot 5 into Lots 1-4. A final drainage report will be required when the final subdivision plat is requested. A drainage analysis will also be required that supports the basis for the drainage improvements prior to the final subdivision plat application. *See* CDD Staff Report, Attachment D, Page 10; *see also* Testimony of Applicant at 00:32:25, and Testimony of Lujan starting at 00:43:15.

f. As to criterion (f) of Section 16-74(a)(3) of the County Development Code, the Commission finds that existing County infrastructure is within existing easements and no new public easements are anticipated to be necessary. As provided through the evidence and testimony of the Applicant and CDD Staff Lujan, utility easements are shown on the plat to accommodate new and existing infrastructure on the Property as coordinated with the County Utility Manager. There are electrical switchboxes on the Property that are not currently in the easements. The proposed subdivision plat is an appropriately sized easement for this infrastructure as recommended by DPU. New utility easements are also provided for proposed utility service improvements. CDD Staff Lujan testified that she agreed that this criterion had been met at this phase of the process because the necessary easements for proposed infrastructure, as coordinated with DPU and County Public Works Department, have been considered and reflected on the plat. The County Engineer has required that the final subdivision plat show an easement for the drainage cutoff swale draining into lot 4. *See* CDD Staff Report, Attachment D, Page 10, IDRC Minutes; *see also* Testimony of Applicant at 00:33:00, and Testimony of CDD Staff Lujan at 00:43:00.

g. As to criterion (g) of Section 16-74(a)(3) of the County Development Code, the Commission finds that the plat retains no natural features such as watercourses, natural vegetation, terrain, historic and archaeological sites and structures, and other community assets, which if



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preserved, will contribute to the overall appearance and quality of life in the county to the maximum extent feasible. As provided through the evidence and testimony of Applicant and CDD Staff Lujan, the proposed subdivision requires minimal land disturbance to direct stormwater around future building sites as requested by the County Engineer. Vegetation and terrain will generally remain undisturbed. There are no known historic, archaeological, or other community assets on the site. Upstream stormwater from Tsikumu Village is diverted around future building sites and along shared property lines via the proposed cutoff swales located in drainage easements. There is an existing forty-eight (48")-inch culvert and drainage ditch at the southeast corner of the site. A new culvert is proposed to carry water beneath the proposed shared driveway for Lots 1 and 2. CDD Staff Lujan testified that she agreed that this criterion had been met because there are no known historic, archaeological sites, structures, or community assets to be preserved by the Property. The County Engineer has reviewed the drainage improvements proposed by the Applicant and requires a drainage analysis to support the design in the final subdivision plat application. *See* CDD Staff Report, Attachment D, Pages 10-11; *see also* Testimony of Applicant at 00:33:15, and testimony of CDD Staff Lujan at 00:43:50.

h. As to criterion (h) of Section 16-74(a)(3) of the County Development Code, the Commission finds the proposed subdivision does not create a nonconformity or increase the extent or degree of an existing nonconformity with the provisions of this Code. As provided through the evidence and testimony of the Applicant and CDD Staff Lujan, the proposed subdivision does not create a nonconformity. The proposed land use is consistent with the intent of the underlying zone district, and because it is a vacant lot, there are no existing buildings, or site features that were lawfully established prior to the County Development Code becoming effective. *See* CDD Staff Report, Attachment D, Page 11; *see also* Testimony of Applicant at 00:33:37.

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i. As to criterion (i) of Section 16-74(a)(3) of the County Development Code, the Commission finds the proposed subdivision complies with all applicable provisions of this Code, any other adopted County regulations, and any conditions specifically applied to development of the Property in a prior permit or approval affecting the Property. There are no known previous plats, permits, or approvals that would affect approval of a subdivision plat. The Property is vacant and does not have prior developments of permits applied to it. The proposed subdivision complies with the County Development Code. *See* CDD Staff Report, Attachment D, Page 11.

j. As to criterion (j) of Section 16-74(a)(3) of the County Development Code, the Commission finds this criterion was met because additional requirements requested during the final plat review, if any, will be addressed at that stage. As provided through the evidence and testimony of the Applicant and CDD Staff, the proposed subdivision plat has met the requirements for approval. All changes required at the pre-application meeting and IDRC have been met and no further changes are requested by County staff for preliminary plat approval. A final plat is not being submitted at this time because, per Section 16-74(a)(2)(k) of the County Development Code, a preliminary plat phase may proceed to the next step in the review and decision-making process only after the 15-day appeal period has passed with no appeal being filed. It is the intent to only submit for Sketch and Preliminary Plat at this time. A final subdivision plat application may be submitted no more than twelve (12) months after final action of the Preliminary Subdivision Plat and must include all changes, conditions or requirements made during this preliminary approval process. *See* CDD Staff Report, Attachment D, Pages 11-12; *See also* Testimony of CDD Staff Lujan at 00:45:16.

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**II. ORDER**

The Commission, pursuant to Section 16-72(f)(5)(c)(3), by majority vote, hereby finds that the Applicant has sufficiently demonstrated that the request for a Subdivision Plat meets all requirements, and after full hearing and consideration, **hereby Approves Application SUB-2024-0018 with the following condition:**

**The Applicant must consider and take into account the following conditions, as noted below and on Page 82 of the Commission’s Agenda Packet for the May 8, 2024 meeting, no later than the time of Final Subdivision Plat Application:**

- **Any work proposed within the street right-of-way including the removal and/or replacement of sidewalk, ADA curb ramps, curb and gutter, drive pads and asphalt driving lanes shall comply with County Public Works Design & Construction Standards. All construction material and equipment must be stored off the right-of-way and on private property.**
- **Lot 5 – Provide additional discussion regarding Lot 5 access. It is understood that the Lot 5 driveway is not being constructed at this time, however sight distance will need to be established prior to construction of a Lot 5 driveway. It appears that the existing sight distance does not meet what is shown on sheet C-511 of the subdivision drawings. To ensure future County approval to construct the driveway on Lot 5, the developer shall provide verification that sight distances indicated are accurate.**
- **Driveways exceeding 8% are not recommended for Collector Streets, and no driveway grade shall exceed 10%.**

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- **Submit drainage calculations and data in the form of a drainage report (or within the subdivision drawings) which support the basis for storm water design. The County requires storm water releases into the existing drainage channel not exceed existing flows, making on-site detention likely. It is understood from your plans that a requirement for future on-site storm water storage (ponding/cisterns) will be required upon permitting of future construction. Please provide data supporting the sizing for this on-site storage.**
- **Drainage from Lot 5 shall not create nuisance flow on Lots 1-4. All flow from Lot 5 shall be maintained within Lot 5 or shall be channeled within drainage easements established on these lots with this subdivision. The drainage cutoff swale draining on to Lot 4 will need to be addressed by an established easement not currently shown on the Sketch/Preliminary Plat subdivision.**
- **Further discussion in criteria E will need to be included regarding existing drainage channel capacity to support the alterations to storm water flow shown in this site development.**
- **All easements shall be shown on the Final Subdivision Plat Application.**

APPROVED on this date: 5/31/2024



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Rachel Adler, Chair of the Planning & Zoning  
Commission for the Incorporated County of Los  
Alamos