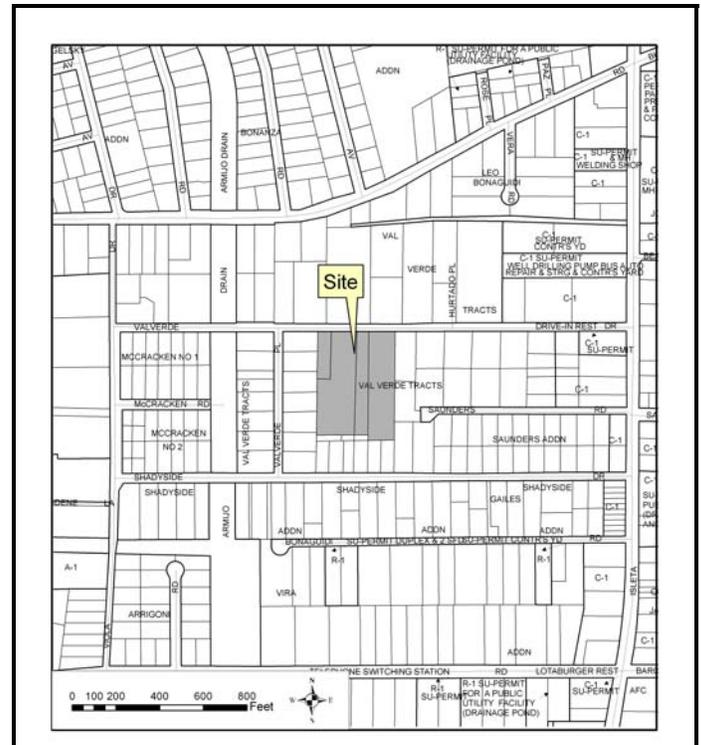


<b>Applicant:</b>	Habitat for Humanity
<b>Agent:</b>	Huitt-Zollars, Inc.
<b>Location:</b>	1726 & 1730 Valverde Road SW
<b>Property Size:</b>	3.90 acres (approximately)
<b>Existing Zone:</b>	R-1
<b>Proposed Request:</b>	Preliminary Plat
<b>Recommendation:</b>	Approval



<b>Summary:</b>	The applicant is seeking Preliminary Plat approval of a ten (10) lot subdivision encompassing approximately 3.90 acres. The site is zoned R-1. On December 2007, the County Development Review Authority (CDRA) deemed this submittal complete for preliminary plat. This request lies within the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Three (3) of the Southwest Area Plan.
<b>Staff Planner:</b>	Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
  2. Land Use Map
  3. Letter from the Office of State Engineer (dated January 30, 2008)
  4. Albuquerque/Bernalillo County Water Utility Authority-Water and Sewer Availability Statement (dated September 28, 2007)
  5. Letter from State Dept. of Cultural Affairs, Historic Preservation Division (dated January 30, 2008)
  6. Letter from the Ciudad Soil & Water conservation District (dated February 2, 2008)
  7. Disclosure Statement, Proposed Preliminary Plat (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 01/04/08 to 02/04/08. Agency comments are verbatim and were used in preparation of this report, which begin on page 11.

**AGENDA ITEM NO.: 15**  
**County Planning Commission**  
**March 5, 2008**

SC-70004    Huitt-Zollars, Inc., agent for Habitat for Humanity, requests approval of a preliminary plat for 10 lots to be called Rancho Valerio Estates on Lot 8, Lot 8 northwesterly portion, Lot 7 westerly portion, and Lot 7 easterly portion, located at 1726 & 1730 Valverde Road SW, zoned R-1, and containing approximately 3.90 acres. (N-12)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	R-1	Vacant House
<b>North</b>	R-1	Residential Development
<b>South</b>	R-1	Residential Development
<b>East</b>	R-1	Residential Development
<b>West</b>	R-1	Residential Development

**BACKGROUND:**

**The Request**

The applicant has submitted a request for preliminary plat approval of a Type Three subdivision on approximately 3.90 acres. The applicant is proposing a ten (10) lot subdivision. The proposed lot sizes range in square footage from approximately 14,440 to 14,868. The applicant proposes to use the Albuquerque Bernalillo County Water Utility Authority water and sewer services for the proposed subdivision.

**Surrounding Land Use and Zoning**

Existing on the site is a vacant house, specifically on the southwest corner of the site, that is scheduled to be demolished. The remaining acreage of the site is currently vacant. The subject site is situated amid an area surrounded by R-1 zoning and developed primarily with residential dwellings.

**APPLICABLE PLANS AND POLICIES:**

**Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Semi-Urban area of the Comprehensive Plan. The principal Goal for the area of the Comprehensive Plan is to maintain the character and identity of the Semi-Urban areas which have environmental, social or cultural conditions limiting urban land uses.

**Policy 4a** states that "development in the semi-urban area shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre."

**Policy 4b** states "development in semi-urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community."

**Southwest Area Plan (SWAP)**

The site is located in Residential Area 3 of the Southwest Area.

**Policy 30** states "Allow up to three dwelling units per net acre in Residential Area 3 when City sewer is available, or a maximum of one dwelling unit per acre when using individual liquid waste disposal systems."

**Policy 29** states "The County and City shall stabilize residential zoning and land use in the Plan area."

**Policy 1** states, "Techniques to ensure water quality and to enhance water conservation shall be established by the appropriate governmental agencies to enforce policies adopted in the Ground-Water Protection Policy and Action Plan and to prevent further groundwater contamination in the Plan area."

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

**Policy 6** states, "As development occurs in the Plan area, provisions shall be made to ensure erosion is controlled during and after construction. Runoff and erosion controls shall be developed throughout Soil Conservation Service Zones 3 & 4 to protect Zone 5."

**Policy 7** states, "Specific land use regulations, with performance and improvement standards, shall be created to protect agricultural lands."

**Policy 11** states, "In order to preserve and enhance the unique heritage of the South Valley, review requirements shall be established for historic and cultural sites, as well as landmarks and archaeological areas. These historical sites include, but are not limited to, the New Mexico Cultural Properties Review Committee designated structures or properties that may contain historic or prehistoric structures, ruins, sites or objects to be preserved in some form. Desecration or destruction of these sites would result in an irreplaceable loss to the public of their scientific, educational, informational, or economic interest or value."

**Policy 23** states, "All development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities."

**Policy 36** states "Enhance the visual character and quality of the streetscape and overall development by integrating the design and materials of required perimeter walls."

**Bernalillo County Subdivision Ordinance**

Sec. 74-31. Preliminary plat instructions.

- (a) *Preliminary plat required.* Preliminary plats shall be submitted for type-one, type-two, type-three, and type-four subdivisions. Certain type-three and all type-five subdivisions are subjected to review under the summary procedure set forth in article V of this chapter.
- (b) *Application / fees.* A subdivider shall prepare a preliminary plat and support documentation in accordance with the requirements provided in these regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the county and upon payment of the required administrative fee.
- (c) *Support documentation.* Prior to accepting the preliminary plat, the county shall require that the subdivider furnish documentation of:
  - (1) An approved sketch plat;
  - (2) Water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
  - (3) Water of an acceptable quality for human consumption and measures to protect the water supply from contamination;

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

- (4) The means of liquid waste disposal for the subdivision;
- (5) The means of solid waste disposal for the subdivision;
- (6) Satisfactory roads to each parcel, including ingress and egress for emergency vehicles, and utility easements to each parcel;
- (7) Terrain management (drainage report) to protect against flooding, inadequate drainage and erosion; and measures to protect steep slopes over 15 percent and ridge tops;
- (8) Protection for cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision, as required by article X of this Code; and
- (9) If property is in a designated wildfire hazard area, means of compliance with wildfire safety provisions of this chapter.

Additional information as deemed appropriate by the county upon prior notice to applicant.

- (d) *Neighborhood notification.* All applications for six or more lots shall be subject to the county neighborhood notification ordinance.
- (e) *Plat deemed complete (for review).* Within five days of receipt of the application, fees, preliminary plat, and support documentation, the county shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat shall be accepted for review upon acceptance of the application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be advised and the application will not be accepted for further review.

**Sec. 74-32. Agency review.**

- (a) *Plat transmittals.* Within ten days after the date that the preliminary plat is deemed complete, the county shall forward a copy of the preliminary plat and support documentation to the following state and local agencies by certified mail, "return receipt requested," with a request for review and opinions:
  - (1) New Mexico State Engineer Office;
  - (2) New Mexico Environment Department;
  - (3) New Mexico Highway and Transportation Department;

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

- (4) Soil and water conservation district in which the proposed subdivision is located; and
- (5) Any other public agencies the county considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.
- (b) *Agency response.* The state and local agencies shall have 30 days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The county shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency.
- (c) *Hearing deadlines.* If the opinions received from all agencies are favorable, the county shall schedule a public hearing for consideration and action on the preliminary plat within 30 days following the receipt of such favorable opinion. If the county does not receive a requested opinion within the specified 30 days, it shall proceed with the required public hearing.
- (d) *Adverse opinion.* If any opinion from a public agency is adverse, the county shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the county within 30 days to respond to the agency's concerns. The county shall forward such additional information upon receipt, to the appropriate agency, which shall have 30 days from the receipt of the additional information to review and return a revised opinion. The county shall obtain receipts or other proof showing the date the additional information was received by each state or local agency. The applicant may contact any public agency directly to expedite the process.
- (e) *Revised opinion.* The county shall schedule a public hearing for consideration and action within 30 days after the receipt of a revised opinion from the appropriate agency. If the county does not receive a revised opinion within the specified 30 days after the date the subdivider submits the additional information, it shall proceed with the required public hearing.

**Sec. 74-94. Community water system requirements.**

- (a) A community water system is any existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the state engineer under § 72-12-1 NMSA 1978, and which consists of a common storage and/or distribution facilities operated for the delivery of water to systems which serve at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- (b) A community water system shall be required for all subdivisions where any one of the following criteria are met:

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

- (1) Subdivisions containing 20 parcels, any of which is equal to or less than two acres.
- (2) For all subdivisions containing 19 or less parcels, or subdivisions containing 20 or more parcels in which the minimum parcel size is greater than two acres, where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of 2 gpm or less, or where available information suggests the likelihood of low yielding wells. In lieu of a community water system, individual or shared wells may be drilled by the developer, provided that it can be demonstrated that production can be sustained at rates greater than 2 gpm, and is adequate to meet the maximum annual water requirements of all parcels.
- (c) If water will be supplied from a community water system, the subdivider shall submit a plat of the proposed subdivision, and preliminary plans for the water production, storage and distribution facilities prepared by or under the supervision of a registered professional engineer. The site plans shall show the topography, parcel boundaries, streets, wells, and water storage and distribution system, including hydrants. The size or capacity of the water system components should also be indicated on the site plans. Preliminary well plans shall include casing diameter, total depth, screened interval and proposed pump setting. All distribution mains shall be a minimum of six inches in diameter, unless otherwise approved by the State of New Mexico Public Utilities Commission.
- (d) Shared wells systems, permitted under § 72-12-1 NMSA, may be allowed subject to subsection (b)(2) of this section, under the condition that the maximum number of parcels served by one well shall not exceed five.
- (e) Covenants and land use restrictions shall be adopted strictly prohibiting the drilling or use of individual and/or shared domestic wells for any subdivision which requires or utilizes a community water system.
- (f) If a community water system is proposed or required, the developer should consult with the New Mexico Public Utilities Commission regarding the applicability of the Public Utility Act to the community water system.

**Section 74-112. Protecting cultural properties.**

- (a) All lands that are proposed to be subdivided into more than 24 lots shall be investigated by an archaeologist who is permitted by the State Cultural Properties Review Committee, for the purpose of identifying and evaluating the significance of cultural properties, archaeological sites, and unmarked burial sites, that may be impacted directly by the subdivision.
- (b) In the event that the investigation reveals evidence that the subdivision will have a direct impact on cultural properties, archaeological sites, or unmarked burials

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

determined by the county to be significant (125 years or older), then the developer shall be required to provided to the County a plan of action that mitigates the negative impacts of the proposed subdivision. The County shall approved, modify, or deny the action plan.

- (c) Unmarked human burials.
  - (1) According to state policy, any unmarked human burial site shall received appropriate and respectful treatment and disposition.
  - (2) All subdividers shall comply with the requirements of § 18-6-11.2 NMSA 1978., which prohibits the knowing, willful and intentional excavation, removal, disturbance or destruction of any human burial, buried, entombed or sepulchered in any unmarked burial ground except by authority of a permit issued by the State Medical Investigator or by the State cultural properties Review Committee with the concurrence o the State Archaeologist and State Historic Preservation Officer.
- (d) Registered cultural properties. All subdivisions of land in the County will be subject to the requirements of the Cultural Properties Act and the standards for archaeological investigation and treatment established by the County. (Ord. No. 96-23, art. 11, § 2, 10-1-96)

**Bernalillo County Zoning Ordinance**

**Section 9. R-1 single-Family Residential Zone.**

- A. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations in the R-1 Residential Zone. The purposes of this zone is to provide for the development of single-family homes on lots not less than  $\frac{3}{4}$  [of an] acre in area, except that where community water and sewer facilities are made available, the lot size may be reduced consistent with development densities in the Albuquerque/Bernalillo County comprehensive Plan. The regulations provide for the health, safety and welfare of the residents.
- B. Use Regulations. A building or premises shall be used only for the following purposes, all uses customarily incidental to the building or premises shall be maintained on site.
- C. Area Regulations:
  - 1. Minimum Lot Area and Lot Width. Every lot shall have a minimum area of not less than  $\frac{3}{4}$  [of an] acre and a minimum lot width of 60 feet, except that where community water and sewer facilities area available, the lot area may be decreased to 8,000 square feet if located in the Developing, Established or Central Urban Areas, or 14,520 square feet if located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan.

**ANALYSIS:**

**Surrounding Land Use and Zoning**

The subject site is located in the Semi-Urban Area of the Comprehensive Plan and Residential Area Three (3) of the Southwest Area Plan. The site is zoned R-1 and is surrounded with R-1

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

zoning that is primarily developed with residential dwellings.

**Plans**

The proposed platting action is located in the Semi-Urban Area of Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan, which allows an overall gross residential density of three dwelling units per acre. Residential Area Three (3) of the Southwest Area Plan allows up to three dwelling units per net acre when municipal sewer is available or a maximum of one dwelling unit per net acre when using individual liquid waste disposal systems. The proposed preliminary plat for a 10-lot subdivision meets the density criteria called for in the Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan and both water and sewer are available to the site.

**Conclusion**

In accordance with the Bernalillo County Subdivision Ordinance, the applicant's proposal has been disseminated to the appropriate agencies and all agencies have had 30 days to comment on this request. All opinions received have been favorable, which satisfies the requirements of the Bernalillo County Subdivision Ordinance. In addition, this request conforms to the Southwest Plan Area for Residential Area 3 and the policies for the Semi Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan as they related to density requirements and water and sewer is available to service the site.

**RECOMMENDATION:**

Approval of SC-70004, based on the following Findings and Conditions.

Adella Gallegos,  
Associate Program Planner

**FINDINGS:**

1. This request is for a preliminary plat approval for 10 lots to be called Rancho Valerio Estates on Lot 8, Lot 8 northwesterly portion, Lot 7 westerly portion, and Lot 7 easterly portion, located at 1726 & 1730 Valverde Road SW, zoned R-1, and containing approximately 3.90 acres.
2. On December 13, 2007, the County Development Review Authority deemed this submittal complete for preliminary plat.
3. This request falls within the Semi-Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan, which allows up to 3 dwelling units per acre.
4. This request is consistent with the residential densities recommended in the Southwest Area Plan for Residential Area Three (3).

**COUNTY PLANNING COMMISSION**

March 5, 2008

SC-70004

5. This request is consistent with the health, safety, and general welfare of the residents of the County.

**CONDITIONS OF APPROVAL**

1. Prior to final plat approval, the grading and drainage plan must be approved by the Bernalillo County Public Works Division. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
2. The applicant shall correct the legal description on the plat.
3. The applicant shall show the lot lines on the plat for the three tracts to the south.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### Environmental Health:

1. Provide proof of well abandonment.
2. No adverse comments.

### Fire:

Fire Hydrants must be shown on plat the.

There will be three Fire Hydrants required including the Fire Hydrant on Valverde.

The cul de-sac is required a 96 ft Radius.

### Zoning Department Manager:

Based on the above comments there is no adverse comments at this time. Road name is acceptable. Plat is acceptable for preliminary.

Building Department Manager: No comments received.

### Public Works:

#### DRAN:

Preliminary plat is sufficient for drainage review.

1. This site has an approved grading and drainage plan (PWDN 70063). Note in the disclosure statement: "A grading and drainage plan # PWDN 70063 has been approved with conditions for this site. Grading and drainage must conform to the approved grading and drainage plan. An approved revised grading and drainage plan is required for deviations from the currently approved grading and drainage plan."

2. Note in the disclosure statement that cross lot drainage must not be increased or impacted by development of these lots.

3. Note in the disclosure statement that these lots must accept storm water runoff from adjacent roadways and properties as it currently exists.

4. Note in the disclosure statement that no mass site grading, clearing or grubbing is allowed without an approved grading and drainage plan.

5. Include the following note on the plat: "Portions of this property are within a 100 year floodplain as shown on the National Flood Insurance Program's 'Flood Insurance Rate Map'. Any development of this property must conform to Bernalillo County Code. The property may be subject to the flood insurance requirements of the Federal Emergency Management Agency. Flood insurance is likely to be required for development of these properties."

6. Note on the plat: "Elevation Certificates prepared by a surveyor registered in the state of New Mexico are required of any future structure(s) or structure addition(s) with substantial improvements within a floodplain. Elevation certificates are prepared before

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

and after construction and show the planned and constructed elevations of the lowest adjacent grade, lowest floor and finished floor."

7. Note in the disclosure statement: Each pond shall have a designated private drainage/access easement or drainage covenant that assures the public sector the right to maintain the facility if required by emergency or non-maintenance by the property owner.

DRE:

1. The proposed road is required to be paved with this action.
2. Construction plans for all facilities and/or improvements under Bernalillo County jurisdiction or within Bernalillo County right-of-way must be submitted to BCPWD for approval prior to final plat approval.
3. Infrastructure improvements required for emergency access purposes for this subdivision are required to be completed and approved prior to Public Works approving any building permits. All infrastructure improvements required for this subdivision are required to be completed and approved prior to Public Works approving any certificates of occupancy.
4. The subdivider is responsible for improvements to all included roadways and appropriate utilities and shall bear the cost of such improvements. In addition, if the impact of the development requires improvements to offsite roadways or utilities accessing the development and these improvements are determined to be necessary for Public Safety or for traffic operations, the developer shall bear the cost of such improvements. Such improvements may include but not be limited to improvements such as water lines, sewer lines, storm drains, major drainage crossing structures, traffic lighting, street lighting, proper signage and resurfacing or reconstruction of the roadway. The included and adjoining roadways need to meet or be improved to meet minimum Bernalillo County access standards found in Ordinance 88-42. All required improvements must be constructed and accepted by BCPWD or financially guaranteed and a Subdivision Improvements Agreement (SIA) entered into with Bernalillo County prior to final plat sign-off by BCPWD.
5. The minimum design review fee for this platting action is \$250.00 and is required to be paid prior to final plat sign-off by BCPWD. The design review fee is based on a percentage of the cost of improvements and may be greater than this amount. Please arrange for an appointment to receive final sign off by BCPWD. Within two weeks of the official recording of this plat, provide two (2) copies of this officially recorded plat and one (1) copy of the recorded Disclosure Statement to BCPWD. The copies may be mailed or hand delivered to 2400 Broadway, SE, Albuquerque, NM 87102. If there are any questions, please call David Lorenzo at 848-1583.

WATER RESOURCES:

As before, No Adverse Comment for Preliminary Plat

See Nov. comments regarding content of review package to be sent to OSE by the applicant.

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

November 5, 2007 Comments:

No Adverse Comment for Preliminary Plat. All previous comments have been addressed.

Applicant should be advised that the example water budget will be reviewed by the OSE. This style of budget has not previously been reviewed by the OSE and applicant should be prepared to address any comments from the OSE and support the values and calculations shown in the example water budget, particularly with respect to per capita value, those items listed source as CUWCC, and evaporative cooler use.

Last sentence Under Item 17 of the disclosure statement should be removed. Please ensure that the availability letter and example water budget are provided in the approved preliminary plat package sent for outside agency review

Parks & Recreation: No comments received.

Sheriff's: No comments received.

**COMMENTS FROM OTHER AGENCIES:**

MRGCOG:

1. Previously reviewed on 11/01/2007.
2. MRGCD Signature Line & Approval Note required. (Coordinate with Mapping Dept.)
3. Final Plat approval required by MRGCD. (Coordinate with Mapping Dept.)

AMAFCA: No comment

City Planning Department: No comments received.

Municipal Dev. Dept.:

Transp. Planning: No comments received.

Transp. Development: No comments received

City Transit: No adverse comments

ABCWUA Utility Development Section: No objection to Preliminary Plat approval.

City Environmental Health: No comments received.

City Open Space: No comments received.

NM Department of Transportation: No comments

NM Department of Cultural Affairs, Historic Preservation Division

See Attachment #6 of Staff Report

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

NM Office of the State Engineer

See Attachment # 3 of Staff Report

Cuidad Soil & Water Conservation District

See Attachment #6 of Staff Report

Albuquerque Public School:

This will impact Barcelona Elementary School, Harrison Middle School, and Rio Grande High School. Barcelona Elementary School and Harrison Middle School are exceeding capacity, Rio Grande High School has excess capacity.

Loc.NO	School	07/08 40thDay	07/08 Capacity	Space Available
225	Barcelona	638	618	-20
415	Harrison	820	812	-8
540	Rio Grande	1956	2200	224

A new southwest high school is planned to open with a 9th grade academy 2008. The remainder of the school will open in 2009. The new southwest high school will relieve overcrowding at West Mesa High and relieve some of the future growth pressures from Rio Grande High School.

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- " Provide new capacity (long term solution)
  - o Construct new schools or additions
  - o Add portables
  - o Use of non-classroom spaces for temporary classrooms
  - o Lease facilities
  - o Use other public facilities
- " Improve facility efficiency (short term solution)
  - o Schedule Changes
- " Double sessions
- " Multi-track year-round
- o Other
  - " Float teachers (flex schedule)
  - " Shift students to Schools with Capacity (short term solution)
- o Boundary Adjustments / Busing
- o Grade reconfiguration
- " Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

COUNTY PLANNING COMMISSION

March 5, 2008

SC-70004

**NEIGHBORHOOD ASSOCIATIONS:**

Foothill Neighborhood Association

South Valley Alliance of Neighborhoods

South Valley Coalition of Neighborhood Associations