

SECTION 4: MASTER PLAN PROCESS

- A. Pre-Submittal Consultation:** Prior to submitting an application for master plan, the applicant shall consult with all applicable Bernalillo County departments and state and local agencies to review the requirements for the master plan submittal;
- B. Application Submittal:** The applicant shall submit the requirements listed in Section 6 of this document to the Bernalillo County Zoning, Building and Planning Department on forms or in a format prescribed by Bernalillo County and accompanied by all relevant data and information. Incorrect or incomplete information may cause a delay in the review and hearing process;
- C. Application Transmittals:** Within ten (10) days after the date that the master plan application is deemed complete, the County shall forward a copy of the application and support documentation to applicable Bernalillo County departments and state and local agencies by mail with a request for review and opinions;
- D. Agency Response:** County, state and local agencies shall have thirty (30) days from their receipt of the master plan application to review and return an opinion regarding the application;
- E. Planning Department Review:** Following agency response, the Bernalillo County Planning Department shall have thirty (30) days to prepare a staff report on the master plan, after which time the master plan will be placed on the Bernalillo County Planning Commission agenda;
- F. Public Hearing:** A public hearing on all applications for a master plan shall be held by the Bernalillo County Planning Commission in accordance with the procedures herein described:
1. The Bernalillo County Planning Commission must fix a regular time and place for regular hearings. Special public hearings may be held at other than the established regular time or place, provided public notice of the hearing is given at least five (5) days in advance;
 2. Public notice of the hearing at which the application is to be considered must be given by at least one (1) publication in a daily newspaper of general circulation in Bernalillo County at least fifteen (15) days before the date of the hearing;
 3. Public notice of the hearing by certified mail, return receipt requested, not less than five (5) days before the date of the hearing to:
 - a) The owners of all property within five hundred (500) feet of the exterior boundaries of the master plan, excluding public rights-of-way, using for these purposes the last known name and address of the owner shown in the record of the Bernalillo County Assessor. When any of

the property immediately beyond the radius described herein is under the same ownership as the property that is the subject of the application, the owner of the property next adjacent, disregarding public ways, also shall be notified;

- b) The applicant must post and maintain one (1) or more signs as provided by the Zoning Administrator at least fifteen (15) days before and after the date of the hearing by the Bernalillo County Planning Commission. The applicant is responsible for removal of the sign(s) sixteen (16) days after the hearing. Failure to properly post and maintain signs is grounds for deferral or denial of the request. The Zoning Administrator shall issue sign posting instructions;
- c) Neighborhood associations recognized by the County and located within one-half (0.5) mile of the master plan boundaries; and
- d) Any interested person who previously requested such notice in writing.

G. Planning Commission Procedure. The Bernalillo County Planning Commission shall make its decision on each application, and in the event of approval, shall make a recommendation to the Board of County Commissioners. Approval of any application shall not be construed as approval of a building permit or certificate of occupancy.

1. The Board of County Commissioners shall sustain the recommendations of the Bernalillo County Planning Commission without modification unless (a) the recommendation is appealed or (b) by majority vote of the members present, designate an item for review be on the record but may allow new evidence by the parties;
2. The Bernalillo County Planning Commission must keep minutes of its proceedings, including a record of the vote of each member on the question, and the minutes must be public. All materials and documents submitted to the County Planning Commission shall become part of the record.

H. Appeals. Appeal of any denial or approval of an application by the Bernalillo County Planning Commission must be submitted in writing to the Board of County Commissioners by noon of the fifteenth (15th) day after the date of determination by the Bernalillo County Planning Commission. The day of determination by the Bernalillo County Planning Commission shall not be included in the fifteen (15) day period for filing an appeal and if the fifteenth (15th) day falls on a Saturday, Sunday or holiday, the next working day shall be considered as the deadline for filing the appeal. A building permit or certificate of occupancy shall not be issued until any appeal is decided, or the time for filing such appeal has expired.

I. Modifications to an Approved Master Plan: Modifications or changes to an approved master plan shall be reviewed and considered by the Zoning, Building, Planning and Environmental Health Director in consultation with applicable County and other agencies. Modifications determined not to be

substantial may be approved by the Zoning, Building, Planning and Environmental Health Director. Modifications determined to be substantial are subject to re-submittal of the plan in its entirety, a regular public hearing with the same requirements as the original application, and the fee of the original application. Substantial changes shall include, but are not limited to:

1. Any change in land use;
2. Any increase in residential density or commercial intensity;
3. Modification of vehicle trip generation, allocation, distribution or assignment that would negatively impact the Level of Service of road segments or intersections, pedestrian or bicycle use, or transit service;
4. Any proposed modification in the conditions of approval placed upon the master plan; and
5. Any change in the master plan that is determined to be substantial by the Zoning, Building, Planning and Environmental Health Department Director.

Appeal of any determination by the Zoning, Building, Planning and Environmental Health Director must be submitted in writing to the Board of Adjustment by noon of the fifteenth (15th) day after the date of determination by the Director. The day of determination by the Director shall not be included in the fifteen (15) day period for filing an appeal, and if the fifteenth (15th) day falls on a Saturday, Sunday or holiday, the next working day shall be considered as the deadline for filing the appeal. A building permit or certificate of occupancy shall not be issued until any appeal is decided, or the time for filing such appeal has expired.