

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 95-2005

1 **AMENDING THE PASEO DEL NORTE/NORTH ALBUQUERQUE ACRES SECTOR**
2 **DEVELOPMENT PLAN, THEREBY ALLOWING “COMPOUND DEVELOPMENTS”**
3 **AS A CONDITIONAL USE IN THE NORTH ALBUQUERQUE ACRES SECTOR**
4 **DEVELOPMENT PLAN.**

5
6 **WHEREAS**, on February 20, 2001, the Extraterritorial Land Use Authority adopted the
7 Paseo Del Norte/North Albuquerque Acres Sector Development Plan; and

8 **WHEREAS**, on May 27, 2003, the Bernalillo County Board of County Commissioners
9 adopted AR-47-2003, an administrative resolution which recognized that all actions, approvals,
10 and decisions of the Extraterritorial Land Use Authority are to be interpreted and considered as if
11 made by the Board of County Commissioners unless specifically excluded by ordinance or
12 resolution; and

13 **WHEREAS**, the Paseo Del Norte/North Albuquerque Acres Sector Development Plan
14 affects the North Albuquerque Acres area of Bernalillo County, an area of approximately 3,804
15 acres in size, bounded on the west by the Albuquerque City limits, on the east by Tennyson
16 Street, on the north by the Sandia Pueblo boundary and on the south by San Antonio Boulevard;
17 and

18 **WHEREAS**, on May 22, 2001, the Bernalillo County Commission approved a Rural
19 Designation for unincorporated North Albuquerque Acres; and

20 **WHEREAS**, the intent of the land use plan and the zoning of the sector development
21 plan is to reinforce the unique, low density, rural character of North Albuquerque Acres through
22 a mix of land uses that have a strong neighborhood orientation and are of an intensity appropriate
23 to the desired conditions in the community; and

24 **WHEREAS**, in recent years Bernalillo County has reviewed multiple requests which
25 seek approval to allow for a single access point for multiple lots or for a reconfiguration of
26 existing property lines to allow for a “gated” or “walled” development in the North Albuquerque
27 Acres area;

1 **WHEREAS**, because of existing development standards outlined within the Paseo del
2 Norte/North Albuquerque Acres Sector Development Plan, these types of proposals have not met
3 the necessary criteria for authorization without multiple variances, and

4 **WHEREAS**, the proposed changes to the sector plan will ensure continued compliance
5 with the intent of the plan, while providing sufficient review authority for proposed compound
6 development applications, and

7 **WHEREAS**, this amendment fulfills the recommendation of the Paseo del Norte/North
8 Albuquerque Acres Sector Development Plan.

9
10 **NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY**

11 **COMMISSIONERS:**

12 SECTION ONE.

13 The Paseo Del Norte/North Albuquerque Acres Sector Development Plan, section 4.4.2. (p. 4-4)
14 is hereby amended to include the underlined criteria at the end of the first paragraph,
15 . . . (p)roperties that do not meet conditions for a change in zone remain A-1 as defined in the
16 Extraterritorial Zoning Ordinance, except as defined below:

17 Within the A-1 zone in the North Albuquerque Acres area, the Zoning Administrator may
18 approve through the public hearing process developments that propose to alter the lot size and
19 layout from the current established pattern. Such alternative layouts may include cul-de-sacs
20 with limited or controlled access points, perimeter walls/fences, gated ingress and/or egress, or
21 other such features that would not normally be found when lots are developed individually. The
22 review and approval process for such developments shall follow the procedures of the
23 Administration Section of the Comprehensive Zoning Ordinance of Bernalillo County. Policies
24 and processes for reviewing these types of requests are outlined in Section 4.4.3 of this sector
25 development plan.

26
27 SECTION TWO.

28 The Paseo Del Norte/North Albuquerque Acres Sector Development Plan is hereby amended to
29 include the following text under a new section: 4.4.3.

1 Section 4.4.3 Compound Developments

2 A. **Purpose.** The purpose of this policy is to provide guidance for County consideration of
3 applications for Compound Developments where lot size and property layout are altered
4 from the current pattern in conjunction with platting actions, subdivisions, right-of-way
5 provisions, or other approval processes determined appropriate by Bernalillo County. It
6 establishes criteria for the creation of compounds, and references regulatory codes,
7 ordinances, and plans that will be used in evaluating the merits of individual projects.
8 Also, the purpose of this policy is to minimize the impact on surrounding neighborhoods,
9 ensure appropriate public and emergency vehicle access, and provide general guidance on
10 the design concept of any provided perimeter walls which may enclose a compound.

11 B. **Policy.**

- 12 1. The County shall review each project that proposes to alter the existing lot sizes or
13 property layouts in the North Albuquerque Acres area based on its individual merits
14 and its ability to serve a community interest. In its review of the proposal, the County
15 shall consider information provided by all reviewing departments.
- 16 2. Given the range of Compound Development types, in combination with a desire to
17 regulate without dictating design of the development, only general criteria are set
18 forth in this policy. This policy is to be used in conjunction with all applicable
19 Bernalillo County ordinances and regulations.

20 C. **Criteria.** A determination of the request shall be made by the Zoning Administrator after
21 a public hearing on all proposals. Each new proposal for a Compound Development will
22 be evaluated for the following criteria:

- 23 1. The project provides a community benefit or satisfies a specific community need,
24 such as, but not limited to, enhancing community safety and security, improving
25 existing or projected traffic impacts, promoting community cooperation and identity,
26 or significantly enhancing the quality of life.
- 27 2. The project does not significantly displace the existing or projected traffic circulation
28 or parking impacts to adjacent areas. Private roads and gates must not unreasonably
29 impede the logical future development of public rights-of-way or pedestrian access in
30 the general vicinity of the project.

- 1 3. Public access is not denied to open spaces, transit stops, public rights-of-way, schools
2 or public facilities which are available for public use or public access.
- 3 4. The street system, gated entry, and premises identification meet all criteria
4 established in applicable Bernalillo County regulations. Cul-de-sacs or dead-end
5 rights-of-way are required to receive approval prior to construction.
 - 6 a. All private roads must be designed and constructed according to Bernalillo
7 County development standards.
 - 8 b. The developer must demonstrate adequate provision for perpetual maintenance of
9 the private road and any other infrastructure associated with the development.
10 This notation shall be included on the approved plat for the development.
 - 11 c. The developer must demonstrate adequate provisions for necessary emergency
12 service and governmental access. Road and gate design must be reviewed by, and
13 are subject to approval by the Bernalillo County Fire Department, Sheriff's
14 Department, Public Works Division, and other governmental agencies, as deemed
15 necessary by the Zoning Administrator.
 - 16 i. Documented arrangements for access through any gate for emergency
17 service vehicles shall be reviewed and approved by Bernalillo County
18 public safety officials. Necessary arrangements may include fire boxes for
19 keyed/keyless entry, keypad code entry, occupant telephone authorized
20 entry, and/or automatic gate opening upon power disconnect.
 - 21 ii. Documented arrangements for access through any gate for non-emergency
22 service vehicles shall be reviewed and approved by the Zoning
23 Administrator. Necessary arrangements may include, but are not limited
24 to, access easements for refuse collection vehicles and utility easements
25 for public utility development and maintenance.
 - 26 d. Minimum gate width must equal the required road width plus the width of any
27 existing utility easements, but in no case shall the width be less than thirty (30)
28 feet. The width requirements may be accomplished through the combination of
29 adjacent entrance and exit gates of equal width.

- 1 e. Gates, walls, and/or fences shall not disturb or impede existing natural drainage
2 and water flow. Solid fences or walls shall not block a FEMA designated
3 floodplain, and shall meet applicable construction standards.
- 4 f. All grading and drainage information, including conceptual and comprehensive
5 plans, shall be provided in accordance with the requirements of the Bernalillo
6 County Public Works Division.
- 7 5. The developer shall grant easements to the appropriate governing authority or utility
8 company as is necessary for public purposes regarding any compound development
9 which utilizes alternate lot arrangements. The easements shall be recorded with the
10 County Clerk. Applicants shall provide a drawing exchange file (DFX) to the
11 County Zoning, Building & Planning Department following the requirements of the
12 Bernalillo County Subdivision Ordinance.
- 13 6. The developer shall provide all necessary public infrastructures for any compound
14 development or development with alternate lot arrangements, included but not limited
15 to water supply, wastewater or septic systems, roads, rights-of-way, sidewalks, and
16 related improvements as deemed necessary by the Zoning Administrator.
- 17 7. The location of gates shall be provided in compliance with applicable requirements to
18 avoid adversely impacting traffic circulation on any public street.
- 19 8. Walls or other enclosures attached to gates shall use setbacks, landscaping, human-
20 scale articulation and/or other design features to maintain a homogenous social
21 environment in the neighborhood. All structures will be governed by relevant
22 sections of the zoning code, building code, and sector development plan.
- 23 9. In no case shall the total number of dwelling units for the Compound Development
24 exceed that previously allowed under a one-house-per-acre restriction. Properties
25 shall meet all other applicable provisions, including, but not limited to, yard
26 requirements, height limitations, and off-street parking requirements. For proposals
27 which seek to change the location of property lines, a minimum lot width of 100 feet
28 shall be provided.
- 29 10. The establishment of any Compound Development or development with alternate lot
30 arrangements must not have unreasonable negative effects on the health, safety and
31 welfare of Bernalillo County.

- 1 11. Any road, street or easement created to provide access to a Compound Development
2 with alternate lot arrangements shall be established by re-plat approved by the
3 Bernalillo County Development Review Authority (CDRA), and shall conform to the
4 guidelines established for Bernalillo County street standards.
- 5 12. Any road, street or easement shall be named following the procedures of the
6 Bernalillo County Street Names and Street Name Changing Ordinance. In cases
7 where existing addressing is impacted by the new development, new addresses will
8 be assigned to each lot by Bernalillo County.
- 9 13. Changes, modifications, and/or reconfiguration of property lines shall requires review
10 and approval through the Bernalillo County subdivision process, including but not
11 limited to re-platting, provision of documents in requested format, and similar
12 procedures.
- 13 14. If required by the Bernalillo County Environmental Health Department, net lot size
14 must be demonstrated to the nearest hundredth of an acre to meet minimum water,
15 wastewater, septic and/or well permitting requirements.

16 **D. Application procedures.**

- 17 1. An application for a Compound Development shall be filed with the County Zoning,
18 Building and Planning Department on prescribed forms, and accompanied by all
19 relevant data and information. Incorrect or incomplete information may cause a delay
20 or denial in the review and hearing process. It is recommended that the applicant
21 consult with staff before filing an application to be informed of any requirements or
22 policies relevant to the request.
- 23 2. Application for a Compound Development may be made by an owner of the property
24 or their designated agent on their behalf.
- 25 3. Each application shall be accompanied by a preliminary site development plan that
26 shall:
 - 27 a. Be drawn to scale.
 - 28 b. Show North arrow.
 - 29 c. Show boundaries of the property to be developed.

- d. Show all existing and proposed structures on site and within 50 feet beyond the property boundaries including square footages of each structure, use of each structure, elevations, dimensions, loading and unloading areas.
- e. Show number of parking spaces required and provided for all residential development in the compound area, as well as all points of ingress and egress for the development.
- f. Show fire lanes and emergency vehicle parking.
- g. Contain a conceptual Grading and Drainage Plan when considered appropriate by the Bernalillo County Public Works Division.
- h. Show existing and proposed public and private streets, alleys and easements, with proper names and dimensions.
- i. Contain a conceptual Landscape and Buffer Landscape Plan, identifying the nature and location of ground cover. The plan shall include a statement of responsibility for maintenance.
- j. Show existing and proposed water, sewer, and fire hydrant locations, storm drainage facilities, and refuse container locations.
- k. Show existing and proposed signage as regulated in the C-1 Zone.
- l. Show proposed phasing of improvements and provision for interim facilities.
- m. Include a written statement describing the proposed project in detail and providing justification for approval.
- n. Copies of the site development plan of the proposed project shall be folded into 8-1/2 x 11, 8-1/2 x 14 or 11x17 similar size.

4. An application fee for a Compound Development shall be \$75.00

E. Hearing.

- 1. Public hearing on all applications for Compound Developments shall be held by the Zoning Administrator in accordance with the Administration Section of the Comprehensive Zoning Ordinance of Bernalillo County.
- 2. The applicant must post and maintain one or more signs as provided by the Zoning Administrator, 15 days before and after the date of the hearing. The applicant is responsible for removal of the sign(s) 16 days after the hearing, unless the

1 recommendation is appealed. If appealed, signs must remain posted. Failure to
2 properly post and maintain sign(s) is grounds for deferral or denial of the request.

3 3. The Zoning Administrator shall issue Sign(s) Posting Instructions.

4 4. In approving any application, the Zoning Administrator shall impose minimum
5 requirements as required by this section together with such additional requirements as
6 the Zoning Administrator deems necessary to safeguard the public welfare, safety,
7 health, morals, convenience, and best interest of the adjoining property, the
8 neighborhood, and the community. Unless the permit specifies to the contrary, the
9 request will be granted for the life of the use.

10 5. After an applicant's petition for a Compound Development is advertised for public
11 hearing by the Zoning Administrator, another petition for another Compound
12 Development affecting the same property shall not be filed within a period of 12
13 months from the date of final action by the Zoning Administrator or the date of the
14 initial advertised hearing.

15 6. No building or occupancy permits shall be issued for any building or use that is not in
16 accordance with the approved development plan.

17 7. Any requirement imposed by the Zoning Administrator shall become effective and
18 shall be strictly complied with immediately upon execution or utilization of any
19 portion of the rights and privileges authorized by approval of the Compound
20 Development.

21 **F. Appeals.**

22 1. Appeal of any denial or approval of an application by the Zoning Administrator may
23 be submitted in writing to the Board of Adjustment within 15 days after the date of
24 determination. If the fifteenth day falls on a Saturday, Sunday, or holiday, the next
25 working day shall be considered as the deadline for filing the appeal. A building
26 permit or Certificate of Occupancy and compliance shall not be issued until any
27 appeal is decided, or the time for filing such appeal has expired.

28 2. Written notice of appeal shall be filed with the Zoning Administrator. A filing fee of
29 \$100.00 is required.

30 3. Public notice of any appeal shall be given by legal advertisement in the manner
31 prescribed for a change to the text of the Zoning Ordinance. Written notice of any

1 appeal, together with notice of the hearing date, shall be sent to the applicant, a
2 representative of the opponents, if any, and to the appellant (if other than the
3 applicant).

4 4. When an appeal is withdrawn after scheduling and advertising for public hearing by
5 the Board of Adjustment, the filing fee shall not be refunded to the appellant.
6

7 DONE this ____ day of ____, 2005.
8
9
10

BOARD OF COUNTY COMMISSIONERS

11 Alan B. Armijo
12 Alan B. Armijo, Chair
13

14 E. Tim Cummins
15 E. Tim Cummins, Vice Chair
16

17 Deanna A. Archuleta Loeser
18 Deanna A. Archuleta Loeser, Member
19

20 Teresa L. Cordova
21 Teresa L. Cordova, Member
22

23 Michael Brasher
24 Michael Brasher, Member
25

26
27
28 [Signature]

29 Legal Department

30 Date: 11/15/05

31
32 ATTEST:

33 [Signature]
34 Mary Herrera, Clerk

35 Date: 11/22/05



COUNTY OF BERNALILLO
NOVEMBER 23, 2004

BOARD OF COUNTY COMMISSION ORDINANCE NO. 2004-20

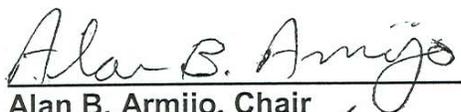
AMENDING THE PASEO DEL NORTE/NORTH ALBUQUERQUE ACRES
SECTOR DEVELOPMENT PLAN.

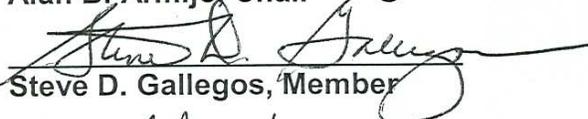
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS.

The amendment to the Paseo del Norte/North Albuquerque Acres Sector Development Plan, Section 1.4.4.2. Zoning, SD-LC-1 (Limited Neighborhood Commercial Zone, Site J), D. Area Regulations, 1.b Minimum Lot Area, to include text "All non-residential sites shall have a width of 300 feet and depth of at least 450 along the entire width of the site. If it is not possible to meet site size requirements because prior development or an existing Special Use Permit blocks land assembly, the Planning Director may waive this requirement as part of the Site Development Plan approval" is hereby adopted to protect the rural qualities of North Albuquerque Acres by establishing zoning for specified parcels.

PASSED, ADOPTED, APPROVED AND SIGNED THIS 23RD DAY OF
NOVEMBER 2004

BOARD OF COUNTY COMMISSIONERS


Alan B. Armijo, Chair


Steve D. Gallegos, Member

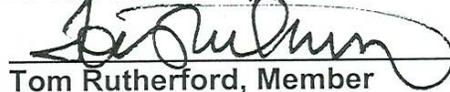

Michael Brasher, Member


Legal Department

ATTEST:


Mary Herrera, County Clerk


E. Tim Cummins, Vice-Chair


Tom Rutherford, Member

THIS ORDINANCE WILL BECOME EFFECTIVE ON: _____

EXTRATERRITORIAL LAND USE AUTHORITY
FEBRUARY 20, 2001

EXTRATERRITORIAL LAND USE AUTHORITY ORDINANCE NO. 2001-2

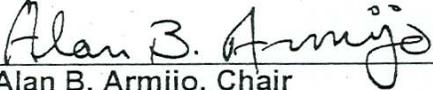
AMENDING THE ZONE MAP OF THE BERNALILLO COUNTY/EXTRATERRITORIAL LAND AUTHORITY AS SHOWN IN ORDINANCE NO. 1998-1, AS AMENDED.

BE IT ORDAINED BY THE EXTRATERRITORIAL LAND USE AUTHORITY.

The attached plan is hereby adopted to protect the rural qualities of North Albuquerque Acres by establishing design overlay zones and zoning for specified parcels within the Paseo del Norte/North Albuquerque Acres Sector Plan boundaries; the plan area containing approximately 3,804 acres.

PASSED, ADOPTED, APPROVED AND SIGNED THIS 20th DAY OF FEBRUARY 2001

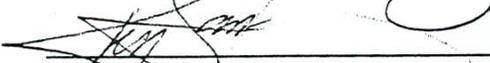
EXTRATERRITORIAL LAND USE AUTHORITY


Alan B. Armijo, Chair

EXCUSED

Tom Rutherford, Member

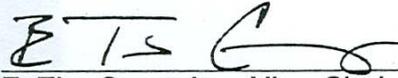

Steve D. Gallegos, Member


Ken Sanchez, Member


Legal Department

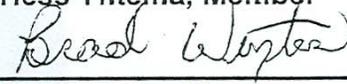
ATTEST:


Mary Herrera, County Clerk


E. Tim Cummins, Vice-Chair

EXCUSED

Hess Yntema, Member


Brad Winter, Member

THIS ORDINANCE WILL BECOME EFFECTIVE ON: FEBRUARY 20, 2001

BERNALILLO COUNTY

EXTRATERRITORIAL LAND USE AUTHORITY

RESOLUTION NO. ELUA-2-2001

1 ADOPTING THE PASEO DEL NORTE/NORTH ALBUQUERQUE ACRES SECTOR
2 DEVELOPMENT PLAN WHICH ESTABLISHES ZONING AND DESIGN CRITERIA
3 FOR LIMITED COMMERCIAL AND MEDIUM DENSITY RESIDENTIAL ALONG
4 PASEO DEL NORTE AND EUBANK BOULEVARD AND MAINTAINS THE RURAL
5 CHARACTER OF THE REMAINING PORTION OF THE PLAN AREA.

6 WHEREAS, the Extraterritorial Land Use Authority is authorized to adopt Sector Plans
7 in order to protect the health, safety and welfare of citizens within the planning and platting
8 jurisdiction of the Extraterritorial Land Use Authority; and

9 WHEREAS, A-1 zoning is not comprehensive enough to guide development of an
10 appropriate and beneficial mixture of land uses in the Sector Plan area; and

11 WHEREAS, zone change, conditional use permit and special use permit requests for
12 commercial and institutional uses in the North Albuquerque Acres area triggered the need for a
13 Paseo del Norte Commercial Corridor Study; and

14 WHEREAS, the Paseo del Norte Commercial Corridor Study identified sites for non-
15 residential commercial land uses and medium density residential land uses along Paseo del Norte
16 and Eubank Boulevard; and

17 WHEREAS, the Paseo del Norte/North Albuquerque Acres Sector Development Plan
18 completes the process begun with the Paseo del Norte Commercial Corridor Study to plan for
19 changing land use conditions in North Albuquerque Acres while preserving the area's rural
20 character; and

21 WHEREAS, the County, initiated the development of the Paseo del Norte / North
22 Albuquerque Acres Sector Development Plan, to guide quality mixed use development in the
23 area while recognizing the rural nature of this quickly developing County area; and

24 WHEREAS, the County has received substantial public, neighborhood, departmental and
25 agency input in developing the Sector Plan; including active participation from the public in
26 seven public open houses; and

27 WHEREAS, the Paseo del Norte/North Albuquerque Acres Sector Development Plan
28 represents a balance between the various interests in the plan area; and

1 WHEREAS, the Sector Development Zone is appropriate for North Albuquerque Acres
2 because the area is developing such that the requirements of other available zones do not
3 promote the conservation of special neighborhood characteristics such as maintaining a rural
4 lifestyle which the County desires to preserve in the single family residential areas, and limited
5 commercial and medium residential zoning along portions of Eubank Blvd. and Paseo del Norte;
6 and,

7 WHEREAS, Bernalillo County recognizes that there are changed community conditions
8 including the widening of Paseo del Norte that justify the need for the Sector Plan; and

9 WHEREAS, the Paseo del Norte / North Albuquerque Acres Sector Development Plan
10 has been reviewed by the Extraterritorial Land Use Commission which has recommended
11 approval of the Sector Plan.

12 **NOW, THEREFORE BE IT RESOLVED BY THE EXTRATERRITORIAL LAND**
13 **USE AUTHORITY:**

14 SECTION ONE: The attached Paseo del Norte/ North Albuquerque Acres Sector Development
15 Plan is hereby adopted as a Sector Development Plan to guide and govern all development
16 actions, both public and private within the plan area. The Sector Development Zones are hereby
17 adopted as an extension of the Zoning Code.

18 SECTION TWO: Severability Clause

19 If any section, paragraph, sentence, clause word or phase of this resolution is for any reason held
20 to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not
21 affect the validity of the remaining provisions of this resolution. The Extraterritorial Land Use
22 Authority hereby declares that it would have passed this resolution and each section, paragraph,
23 sentence, clause, word or phase thereof irrespective of provisions being declared unconstitutional
24 or otherwise invalid.

25 **DONE** this 20TH day of February, 2001.

26

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EXTRATERRITORIAL LAND USE AUTHORITY

APPROVED AS TO FORM:

[Signature]
Legal Department

[Signature]
Alan Armijo, Chair

[Signature]
E. Tim Cummins, Vice-Chair

ATTEST:

[Signature]
Mary Herrera, County Clerk

[Signature]
Steve G. Gallegos, Member

EXCUSED

[Signature]
Tom Rutherford, Member

[Signature]
Ken Sanchez, Member

[Signature]
Hess Yntema, Member

[Signature]
Brad Winter, Member