

Westland Master Plan

March 2000

AMENDED 2009

AMENDED 2012

AMENDED 2016



Amendment Prepared by:
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102

ANTIGUA
LAND COMPANY

WESTERN ALBUQUERQUE LAND HOLDINGS

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R. 2012-094

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

11/14/12

TO: Richard J. Berry, Mayor

FROM: Laura Mason, Director of Council Services *LM*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. F/S R-12-80 Amending The Westland Sector Development Plan, And The Westland Master Plan, To Respond To Future Development Plans For An Education Campus, Athletic Fields And A Regional Park, And To Modify Land Uses And Densities In Certain Areas, Approximately 1,700 Acres, Located South Of Petroglyph National Monument, West Of Unser Boulevard, North Of Interstate 40, And East Of The City Limits (Sanchez), which was passed at the Council meeting of November 5, 2012, by a vote of 7 FOR AND 0 AGAINST.

Excused: Harris
Abstain: Winter

In accordance with the provisions of the City Charter, your action is respectfully requested.

LM:mh
Attachment

CITY of ALBUQUERQUE
TWENTIETH COUNCIL

R. 2012-094

COUNCIL BILL NO. F/S R-12-80 ENACTMENT NO. R. 2012-094

SPONSORED BY: Ken Sanchez

RESOLUTION

1
2 ADOPTING SECTOR DEVELOPMENT PLAN MAP AMENDMENTS, 12EPC-
3 40028, TO AMEND THE WESTLAND SECTOR DEVELOPMENT PLAN, AND
4 ADOPTING MASTER DEVELOPMENT PLAN AMENDMENTS, 12EPC-40029, TO
5 AMEND THE WESTLAND MASTER PLAN, PRIMARILY TO RESPOND TO
6 FUTURE DEVELOPMENT PLANS FOR AN EDUCATION CAMPUS, ATHLETIC
7 FIELDS AND A REGIONAL PARK, AND ALSO TO MODIFY LAND USES AND
8 DENSITIES IN CERTAIN AREAS, FOR TRACTS A, J, K, L, M, N AND P
9 WATERSHED SUBDIVISION; TRACT A COLLEGE ZONE 2 WEST RESERVOIR
10 SITE; TRACT B THE CROSSING; PARCELS C, D, F AND G WESTLAND
11 NORTH; PARCEL A W/IN SECS 7 & 18T 10N R2E TOWN OF ATRISCO GRANT;
12 ALL OF THE WATERSHED AND STORMCLOUD RESIDENTIAL SUBDIVISIONS;
13 PORTIONS OF THE SUNDORO, SUNDORO SOUTH, PAINTED SKY AND
14 PARKWAY RESIDENTIAL SUBDIVISIONS, APPROXIMATELY 1,700 ACRES,
15 LOCATED SOUTH OF PETROGLYPH NATIONAL MONUMENT, NORTH OF
16 INTERSTATE-40, AND WEST OF UNSER BOULEVARD TO CITY LIMITS.

17 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
18 has the authority to adopt and amend plans for the physical development of
19 areas within the planning and platting jurisdiction of the City authorized by
20 statute, Section 3-19-5, NMSA 1978, and by its home rule powers; and

21 WHEREAS, the City of Albuquerque adopted the Westland Sector
22 Development Plan, a Rank III Sector Development Plan, in 1999 through
23 Enactment Number 63-1999; and

24 WHEREAS, the City of Albuquerque adopted the Westland Master Plan, a
25 Master Development Plan, in 1998 through Council Bill R-20; and

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1 WHEREAS, the Council has the authority to not only adopt but to amend
2 such plans (the "Westland Plans"); and

3 WHEREAS, on July 12, 2012, the Environmental Planning Commission
4 (EPC), in its advisory role on land use and planning matters, recommended
5 approval to the City Council of amendments to the Westland Sector Plan and
6 the Westland Master Plan; and

7 WHEREAS, the EPC found that the amendments to the Westland Plans are
8 consistent with applicable goals and policies of the Albuquerque/Bernalillo
9 County Comprehensive Plan, the West Side Strategic Plan, the
10 Comprehensive City Zoning Code, and R-270-1980.

11 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
12 ALBUQUERQUE:

13 Section 1. THE WESTLAND SECTOR PLAN, A RANK III SECTOR
14 DEVELOPMENT PLAN, IS AMENDED. The Westland Sector Plan Land Use map
15 and the Westland Sector Plan Zoning map are hereby amended as shown in
16 Exhibits A and B, attached hereto, to (1) change the name of the SU-2 for PDA
17 for Residential Resort zone to SU-2 for PDA, (2) include the new land use
18 categories "Education" (E) and "Recreation" (R), and (3) make associated
19 updates to the land use and plan notes.

20 Section 2. THE WESTLAND MASTER PLAN, A MASTER DEVELOPMENT
21 PLAN, IS AMENDED. The Westland Master Plan (WMP) is hereby amended as
22 shown in Exhibits C, D, E, F, G and H, attached hereto. These amendments to
23 the WMP's text and maps will add the new land use categories "Education" (E)
24 and "Recreation" (R) to the WMP, and will make associated modifications to
25 regulations and densities in the Zoning, Development Phasing, and
26 Government and Public Facilities sections.

27 Section 3. FINDINGS ACCEPTED. The City Council adopts the following
28 findings for the Westland Sector Plan amendments (12EPC-40028) and
29 Westland Master Plan amendments (12EPC-40029):

30 A. The request is for amendments to the Westland Master Plan (WMP) and
31 the Westland Sector Plan (WSP). The WMP covers approximately 6,424 acres
32 located north of Interstate 40, south of the Petroglyph National Monument and
33 west of Unser Boulevard to about ¼ mile west of Atrisco Vista. The WSP is a

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1 Rank III sector development plan that consists of two sheets: one that shows
2 land uses and another that establishes zoning. The approximately 1,700 acre
3 Sector Plan area is located within the boundaries of the WMP, roughly south
4 of Petroglyph National Monument, north of Interstate-40, and west of Unser
5 Boulevard to City limits.

6 B. The proposed amendments are primarily to respond to future
7 development plans for an Albuquerque Public Schools (APS) education
8 complex and athletic fields, and a City regional park. Several land use
9 categories, densities and acreage allocations are also proposed to be
10 amended.

11 C. Zoning Code 14-16-2-23(B)(2)(a), SU-2 Special Neighborhood Zone,
12 requires that the request be forwarded to the City Council for approval
13 because the amendments cover an area greater than one block (10 acres) in
14 size.

15 D. The subject area is in the Developing Urban Area of the Comprehensive
16 Plan and within the boundaries of the West Side Strategic Plan (WSSP). Part of
17 the subject area is in the Northwest Mesa Escarpment Plan (NWMEP) area.

18 E. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side
19 Strategic Plan (WSSP), the Northwest Mesa Escarpment Plan (NWMEP), the
20 Westland Sector Plan (WSP), the Westland Master Plan (WMP) and the City of
21 Albuquerque Zoning Code are incorporated herein by reference and made part
22 of the record for all purposes.

23 F. The proposals generally further the Education Goal of the
24 Comprehensive Plan and West Side Strategic Plan Policy 8.5. The future
25 education campus, athletic fields and regional park would provide a variety of
26 education and recreational opportunities to many citizens. Albuquerque Public
27 Schools (APS) Staff are involved in choosing locations for future education
28 facilities. The location of the future facilities is near the designated Westland
29 Community Activity Center (the SU-2/Town Center zoned land) (WSSP Policy
30 8.5).

31 G. The proposals further the Open Space Network Goal and Policy II.B.1a.
32 of the Comprehensive Plan. Though the Open Space (OS) land use category is
33 already included in the Westland Plans, establishing Recreation (R) and

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1 Education (E) as separate land uses and specifying their appropriate location
2 would facilitate the comprehensive development of recreation and outdoor
3 education opportunities and help shape the area's urban form (Policy II.B.1a).
4 H. The proposals partially further the Goal of Developing Urban &
5 Established Urban Areas and the following Land Use policies:
6 i. Goal. The future education complex, athletic fields and park
7 would contribute to defining the Westland North community. The proposed
8 amendments would likely result in variety and choice in housing and
9 lifestyles, though creating a visually pleasing built environment cannot be
10 evaluated at this time.
11 ii. Policy II.B.5d-neighborhood values /environmental conditions/
12 resources. The proposal would facilitate future development of education uses
13 adjacent to the National Monument and athletic fields and a regional park
14 adjacent to the Ladera ponds. The location and intensity generally respect
15 neighborhood values; design cannot be evaluated at this time.
16 iii. Policy II.B.5e-programmed facilities/ neighborhood integrity.
17 The proposal would facilitate development at the City's edge, where some
18 services may be available but not others, in contrast to a built-out area. The
19 integrity of nearby, existing neighborhoods may be affected as the future uses
20 develop.
21 I. The proposals partially further the Activity Center Goal and Activity
22 Center Policy II.B.7g. Replacing ≈191 acres of Town Center Village (TCV) land
23 would generally not strengthen a concentration of mixed land use and could
24 preclude development of the mixed C-1 and R-2 uses envisioned. Auto travel
25 needs would generally increase at first, but with build-out, the future proximity
26 of schools, residences and a park could help reduce auto travel needs and
27 enhance the area's identity. Activity Center uses were developed as part of the
28 planning effort for the Westland area. The Community Activity Center (Town
29 Center (TC) zoned land) will develop in response to the location of the
30 education and park uses outside of it. "Education facilities" and "middle/high
31 school" are typical uses in a Community Activity Center and should be located
32 inside of it, though the Community Activity Center (TC zoned land) will

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1 develop in response to the location of the education and park uses (Policy
2 II.B.7g.).
3 J. The applicant has adequately justified the proposed zone changes
4 pursuant to R-270-1980 as follows:
5 i. Section 1A: The applicant cited various Goals and policies to
6 demonstrate that the proposed zone changes are consistent with applicable
7 Plans, the overarching purpose of which is to ensure the health, safety and
8 general welfare of the City.
9 ii. Section 1B: The applicant has provided an acceptable, sound
10 justification for the proposed changes. Existing zoning descriptors generally
11 remain the same; the proposed land use adjustments are intended to help
12 maintain the anticipated level of residential development which helps keep
13 land use and zoning stable.
14 iii. Section 1C: The applicant cited various, applicable Goals and
15 policies. In most instances, the explanation of how the request furthers each
16 is acceptable. The applicant has established an adequate policy-based
17 justification based on the general furthering of a preponderance of Goals and
18 policies.
19 iv. Section 1D: The zone changes are appropriate because the
20 applicant has demonstrated that changed community conditions justify them
21 (D.2). The addition of Albuquerque Public Schools (APS) facilities and a City
22 Regional Park are community changes to approx. 300 acres of the Westland
23 Plans that were not specifically envisioned. The proposals are also justified
24 pursuant to D.3 because they further a preponderance of applicable Goals and
25 policies that are found to be generally more advantageous to the community.
26 v. Section 1E: The permissive uses would not be harmful to
27 adjacent property, the neighborhood or the community. No new zone
28 categories or permissive uses are proposed; amendments contain one
29 amended zoning descriptor (SU-2/PDA instead of SU-2/PDA for Residential
30 Resort) and new land uses categories and labels.
31 vi. Section 1F: The proposed zone changes will not require major
32 unprogrammed capital expenditures by the City. The area is master planned

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1 and includes a phasing plan for infrastructure. Funds for acquisition of the
2 City park land have already been programmed.

3 vii. Section 1G: Changed community conditions are the primary
4 reason for the proposed amendments, which respond to decisions made by
5 APS and the City that necessitate corresponding changes to the remaining
6 development areas. The cost of land or other economic considerations is not
7 the determining factor.

8 viii. Section 1H: The applicant does not use location on a collector
9 or major street as justification for the proposed changes.

10 ix. Section 1I: The proposals would not result in a spot zone
11 because the proposed amendments would affect large areas in the Westland
12 Plans, which were developed in response to transportation, topography and
13 City plans and policies.

14 x. Section 1J: The proposals would not result in a strip zone
15 because the proposed amendments would affect large areas in the Westland
16 Plans, which were developed in response to transportation, topography and
17 City plans and policies.

18 K. The affected neighborhood organizations are the Tres Volcanes
19 Neighborhood Association (NA), the Laurelwood NA, the Parkway NA, the Los
20 Volcanes NA, the South Valley Coalition of Neighborhood Associations, the
21 Southwest Alliance of Neighbors (SWAN) and the Westside Coalition of NAs,
22 which were notified as required. A facilitated meeting was held on May 21,
23 2012.

24 L. The proposed amendments partially further the intent of the WMP
25 regarding residential development, as follows:

26 i. The proposed amendments would likely result in variety and
27 choice in housing for future residents, though site specific impacts of the
28 acreage changes are unknown and cannot be evaluated at this time.

29 ii. The WMP requires that 20% of the housing units shall be
30 affordable based on Federal guidelines; this is not proposed to change.

31 Section 4. INCORPORATION OF AMENDMENTS TO WSP AND WMP. The
32 applicant shall incorporate the amendments shown in exhibits A through H to
33 the WMP and WSP documents within 30 days of the adoption of this

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1 Resolution and provide the amended documents to the Planning Department
2 for publication.

3 Section 5. EFFECTIVE DATE AND PUBLICATION. This legislation shall
4 take effect five days after publication by title and general summary.

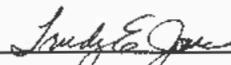
5 Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
6 clause, word or phrase of this resolution is for any reason held to be invalid or
7 unenforceable by any court of competent jurisdiction, such decision shall not
8 affect the validity of the remaining provisions of this resolution. The Council
9 hereby declares that it would have passed this resolution and each section,
10 paragraph, sentence, clause, word or phrase thereof irrespective of any
11 provisions being declared unconstitutional or otherwise invalid.

1 PASSED AND ADOPTED THIS 5th DAY OF November, 2012

2 BY A VOTE OF: 7 FOR 0 AGAINST.

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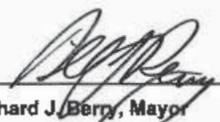
Excused: Harris
Abstain: Winter



Trudy E. Jones, President
City Council

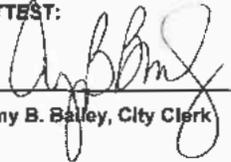
APPROVED THIS 21st DAY OF November, 2012

Bill No. F/S R-12-80



Richard J. Berry, Mayor
City of Albuquerque

ATTEST:



Amy B. Bailey, City Clerk

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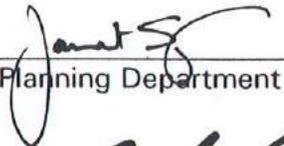
WESTLAND NORTH MASTER PLAN
ALBUQUERQUE CITY COUNCIL APPROVAL MAY, 1998
SPR - 96-2/SD (C) - 96-3
Council Bill R-20

Development Review Board Action:

I hereby certify that this document has been modified in accordance with the conditions of approval by the City Council on May 18, 1998

Project # 1000599

Application # 00450-00000-00809



Planning Department

RP 6-13-00

6/14/00

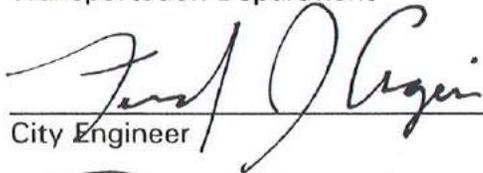
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Transportation Department

8-11-99

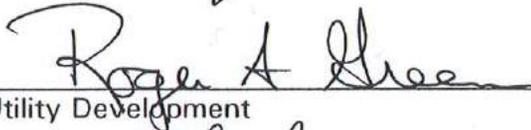
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City Engineer

3-27-00

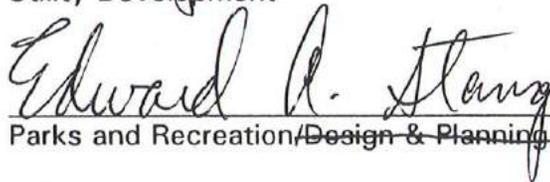
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Utility Development

8-18-99

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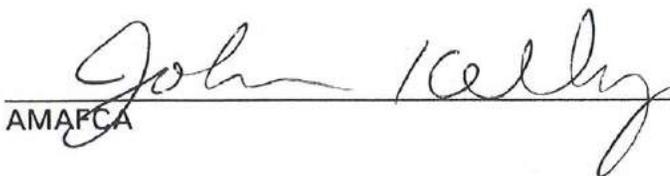


Parks and Recreation ~~Design & Planning Division~~ Department

8-11-99

Date

Acknowledged:



AMAFCA

3-10-00

Date

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HOW TO USE THIS PLAN

Plan Adoption and Amendment History

This Plan was originally prepared in 1997 when residents, designers, decision makers, and developers reached an agreement about the vision, quality, and timing of development on Albuquerque's west side and south of the protected Petroglyph National Monument.

The Plan was jointly adopted in the City of Albuquerque and Bernalillo County in order to smoothly guide development westward with similar character and quality, despite the dual jurisdiction and checker boarded ownership. Because of the Plan's multiple jurisdictions, most chapters have strategically not been updated over time in an attempt to cause less confusion between City and County Plan versions.

Specific elements have been updated over time. Bernalillo County has made two amendments: In 2005, a Zone Map amendment was approved, which changed 125 acres from residential (5.5 du/acre) to 55 acres neighborhood commercial, 45 acres highway commercial and 25 acres residential (15 du/acre). In 2004, a second Zone Map amendment was approved, which changed 380 acres from A-1 to M-1 to accommodate future industrial uses.

The City of Albuquerque has updated its plan three times since the original adoption in 2009, 2012, and 2016. The amendments include the following: During 2003, the City of Albuquerque purchased the 675 acre Atrisco Terrace, considered major public open space land, in order to preserve its rural character and recreational value. In 2009 the plan was amended to include SunCal's Town Center relocation to the south of the Master Plan property boundaries, along I-40, and the reroute of 118th Street. The 2012 update included changes such as the APS Education parcel and the APS Athletic complex, located to the north and south of Arroyo Vista and west of Tierra Pintada. Amended again in 2016, changes included the zoning to correspond with the 2010 relocation of the regional park from County's jurisdiction into the City's jurisdiction.

What is in This Plan?

Chapters cover the relationship of this plan to other long-range plans, benefits and constraints, land use and zoning, transportation, utility services, design guidelines, the original development agreement, development phasing, and several supportive Appendices. The majority of City and County differences are located in the Appendices.

Current Conditions

Although the demographic conditions and growth factors described in the Master Plan were once current, this section now describes the historic character of the west side in the late 1990s. This section remains the same as the day the Plan was adopted.

The Vision

The vision for the Plan area has not changed over time. As previously described, changes were made to implement the land use through zoning regulation, roadways were realigned, and a few land uses were swapped from one area to another in order to facilitate development and achieve the overall Plan vision.

Relationship to Other Plans and Codes

Comprehensive Plan

The City of Albuquerque-Bernalillo County Comprehensive Plan is the Rank I governing plan for all long-range and current development in Albuquerque and Bernalillo County. The Westland Master Plan and Sector Plans are considered Rank 3 Plans and must comply with the Rank 1 Comprehensive Plan. The Comprehensive Plan designates the Westland plan area a mix of Developing Urban and Reserve areas. The two designations illustrate the fact that Westland is a transition zone with an intentional density mix.

West Central SDP

The Rank III West Central Sector Development Plan overlaps boundaries with the Westland plans near the I-40 and Central

Avenue corridors. Because the West Central Sector Development Plan includes roadway design regulations and design standards, parcels which are located within both plan boundaries will require simultaneous regulation consideration. In the case where standards conflict between the two plans, the more rigorous standard will prevail.

Zone Codes

Zoning in the Plan area is based on and enforced by jurisdiction. Every parcel in the Plan area has a regulatory body and framework, which is either City of Albuquerque Sector Development Plan, Bernalillo County Sector Development Plan (Westland and/or West Central), or the Comprehensive Bernalillo County Zoning Code. Two parcels are governed by the Bernalillo County Zoning Code alone: UPC 100705603244120301 and UPC 100605648339910508. The remaining parcels are governed by one of the three Sector Plans.

Requests to change the zoning of a parcel within the Plan area shall follow standard procedures for either City or County Sector Plan amendments. Applicants will be expected to address any applicable goals and policies of this Plan in their justification for rezoning, along with those of other relevant plans.

How to Use This Plan

This Plan contains information about the Westland Master Plan area as a region. Additionally, this Plan provides specific regulations which implement the Plan through zoning and design standards in three major pieces: zoning in the City, which is located in the City of Albuquerque Sector Development Plan (SDP) Appendix A; zoning in the County and additional design regulations, which is found in Bernalillo County SDP Appendix D; and the Design Guidelines found in the body of the plan, which regulate design in the City and the County. The following topics will address further development needs or questions.

Land Use

Refer to the Master Plan Land Use Zoning Map on page 39.

Zoning

Refer to the Sector Plan in which a specific parcel belongs (with the exception of UPC 100705603244120301 and UPC 100605648339910508 which are regulated by the Bernalillo County Zoning Code). **All other parcels refer to either City of Albuquerque SDP Zoning: Appendix A or Bernalillo County SDP Zoning: Appendix D.**

Phasing

Refer to the Master Plan Phasing Map on page 51.

Transportation System

The 2040 Metropolitan Transportation System (MTP) is the adopted County long-range transportation plan similar to the role of the Comprehensive Plan guiding future land use decisions. It provides guidance for the build-out of the roadway network. The MTP network and Long Range Transportation System (LRTS) guidelines provide a layered map network, which includes the Long Range Roadway System (LRRS), Long Range Bikeway System (LRBS), and the Long Range Conceptual Transit System (LRCTS). These plans, accompanied by the guidelines in this plan, will provide the development framework for the future transportation network in the Master Plan area.

Design Guidelines

Design Guidelines governing the Master Plan area entirely, are located on page 75. Specific Bernalillo County Design Guidelines are provided for clarity in the Bernalillo County Sector Development Plan, Appendix D.

I. INTRODUCTION

The Westland Master Plan covers 6,424 acres of varied terrain on Albuquerque's West Side (Exhibit 1 - Site Vicinity). General characteristics of the land include its location south of the basalt escarpment, moderate percentage slopes through the central portion, and flat grassland at the western and eastern portions of the Plan area. The Plan area is presently vacant, being used for cattle grazing, and is zoned for low density County residential and agricultural uses (A-1). Boundaries for the Westland Plan area are the Petroglyph National Monument boundary to the north, Interstate 40 to the south, the City limits to the east, and 1/4 mile west of Paseo del Volcan. These boundaries represent major physical and jurisdictional features that have been selected for their defining characteristics which will allow for comprehensive, rational, and efficient planning and provision of utility services. Such an approach is important for the West Side and the Albuquerque Metropolitan Area since the majority of Bernalillo County's future growth is likely to occur west of the Rio Grande.

The Westland Master Plan area is the western gateway to and from Albuquerque and represents a major developable portion of the Albuquerque Metropolitan Area. Travelers coming from the west will see this area first as they enter Bernalillo County, so this planning effort offers a unique opportunity to favorably shape the urban form and impress both travellers and residents with its quality development. As a highly visible gateway with broad and panoramic views of the Sandia Mountains and the rest of the City, it is imperative that the Westland Master Plan capture this potential and translate it into appropriate and flexible development guidelines that will provide for a variety of housing, commercial, office, and employment development with visual and recreational open spaces.

Westland Development Co., Inc.

Westland Development Co., Inc. was founded in 1967 after State legislation allowed corporations established under the 1891 New Mexico Territorial Land Grant Corporation Act to be reorganized as for-profit stock corporations. Westland Development Co., Inc. shareholders are heirs to the original Atrisco Land Grant awarded by the King of Spain in 1692 and 1768. Westland currently owns approximately 60,000 acres of land on Albuquerque's West Side in various states of development.

Westland Development Co., Inc. owns the majority of land within the Plan area (Exhibit 2 - Ownership). They will serve as the Master Developer for the entire Plan area and will oversee a Design Review Committee that will evaluate subdivision and site development plan proposals according to criteria set forth in the Design Guidelines Chapter of this Plan. The Design Review Committee will serve as a reviewing body prior to Bernalillo County's approval process.

Throughout the planning process, meetings were held with other property owners within the Plan area as well as with other interested parties such as the National Park Service, the Atrisco Land Rights Council, the Friends of the Albuquerque Petroglyphs, City of Albuquerque Open Space Division, and the Ladera West, Westgate Heights, Westgate Vecinos, and Laurelwood Neighborhood Associations. It is anticipated that additional meetings will be held with these groups during the review and approval process of this Plan.

Regional Context

The Westland Plan area is adjacent to and north of Interstate 40 which is a major east-west transportation corridor extending from California to Tennessee. It is close to future employment centers

at the Atrisco Business Park and the Double Eagle II Airport. A portion of the proposed State Highway Paseo del Volcan that will connect Interstate 40 to Rio Rancho is currently being studied by the State Highway Department and will be located within the existing roadway alignment or another alignment further west. Paseo del Volcan will eventually link with a southern extension of Paseo del Volcan SW to Rio Bravo that is currently under construction.

Linking Paseo del Volcan SW to Rio Bravo will create a southwestern route to link Interstate 40 with Interstate 25. Not only will this road connection facilitate growth and development in Albuquerque's southwest mesa, it will also help avoid continued traffic congestion at the intersection of Interstates 25 and 40. Known as the "Big I", congestion at this major interstate crossroads is expected to be exacerbated while construction takes place to improve and realign the entire "Big I" intersection. Construction is expected to begin in the latter half of the 1990's and continue for eight to twelve years.

Growth Inducing Factors

The Westland Plan area is an ideal location to accommodate development and growth that is occurring on the West Side. The purpose of the Plan is to meet the growing demand for housing, employment, commercial services, and recreation to service the Company's shareholders and the regions' residents, particularly in the City's northwest and southwest quadrants. The West Side represents one of the few large, contiguous areas where the County can efficiently expand since contiguous growth to the east, south, and north cannot occur due to physical and jurisdictional limitations.

Tremendous population and economic growth in Rio Rancho, spurred by the Intel plant expansion, and in the northwest quadrant

of the City west of the river will be orienting future development to the 6,424 acre Westland Plan area. Most land for residential development in the Northeast Heights, where the majority of Albuquerque's growth has been concentrated for the past fifty years, has been absorbed. Absorption is also occurring rapidly on the West Side, particularly on land between the Petroglyph National Monument and Coors Boulevard north of Interstate 40.

Population

Table 1 shows the population growth that has occurred on Albuquerque's West Side since 1980. Bordered by the County line to the north, the Rio Grande to the east, Gun Club Road to the south, and the Rio Puerco Escarpment to the west, the population of Albuquerque's West Side has nearly doubled since 1980 while the population of the City as a whole has increased by approximately 25 percent.

Table 1 - Population of the West Side and Albuquerque, 1980 - 1994*

	1980	1990	1994*	% Change 1980-94
West Side	38,523	62,677	73,775	91.5
Albuquerque	332,920	384,736	415,000	26.4

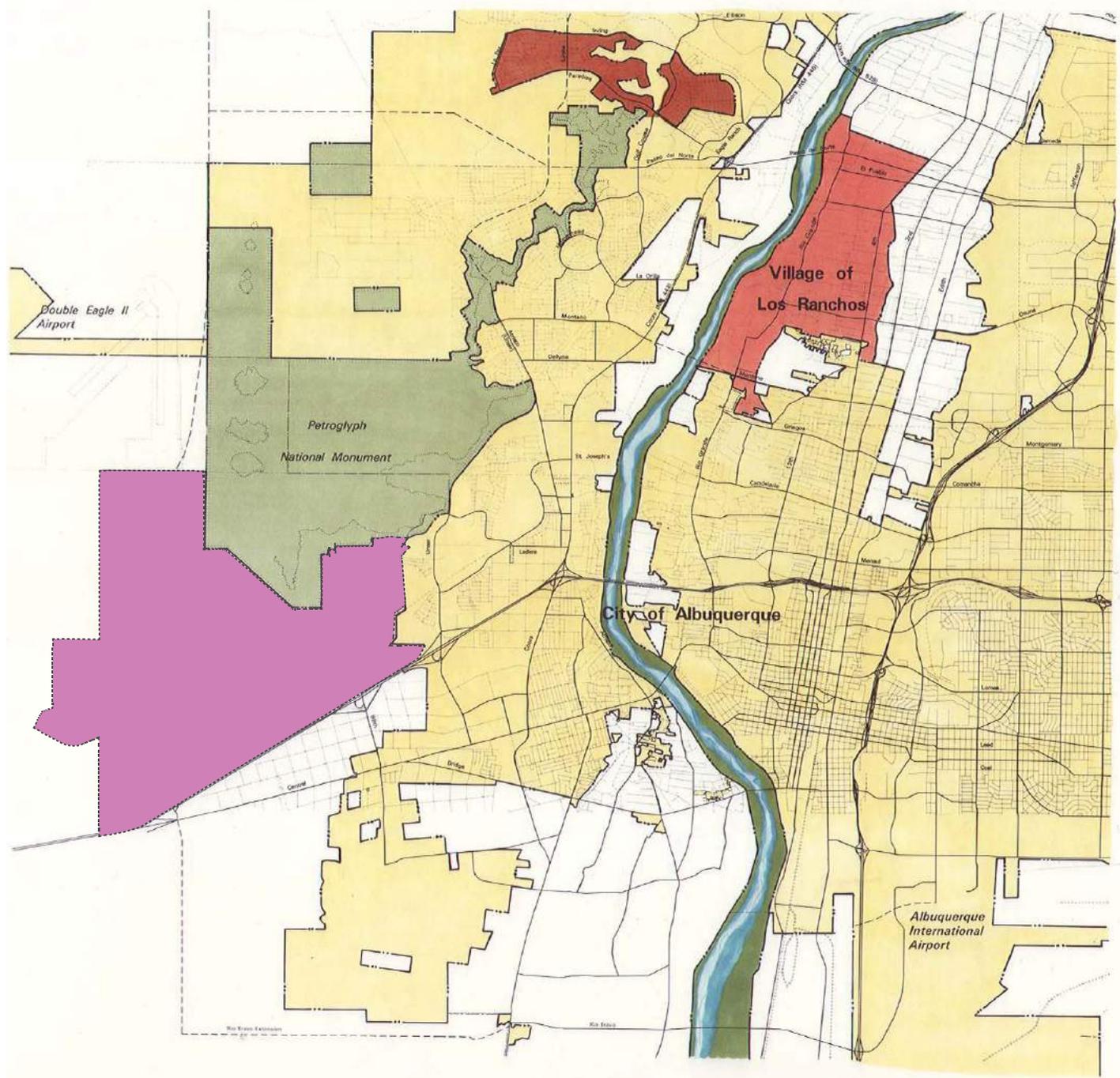
Source: City of Albuquerque Planning Department, 1994

*Estimated population



Westland Master Plan

SITE VICINITY



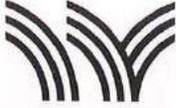
-  Westland Master Plan area
-  City of Albuquerque
-  Bernalillo County
-  Paradise Hills
-  Village of Los Ranchos
-  Petroglyph National Monument

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 TASCHEK
 Environmental Consulting

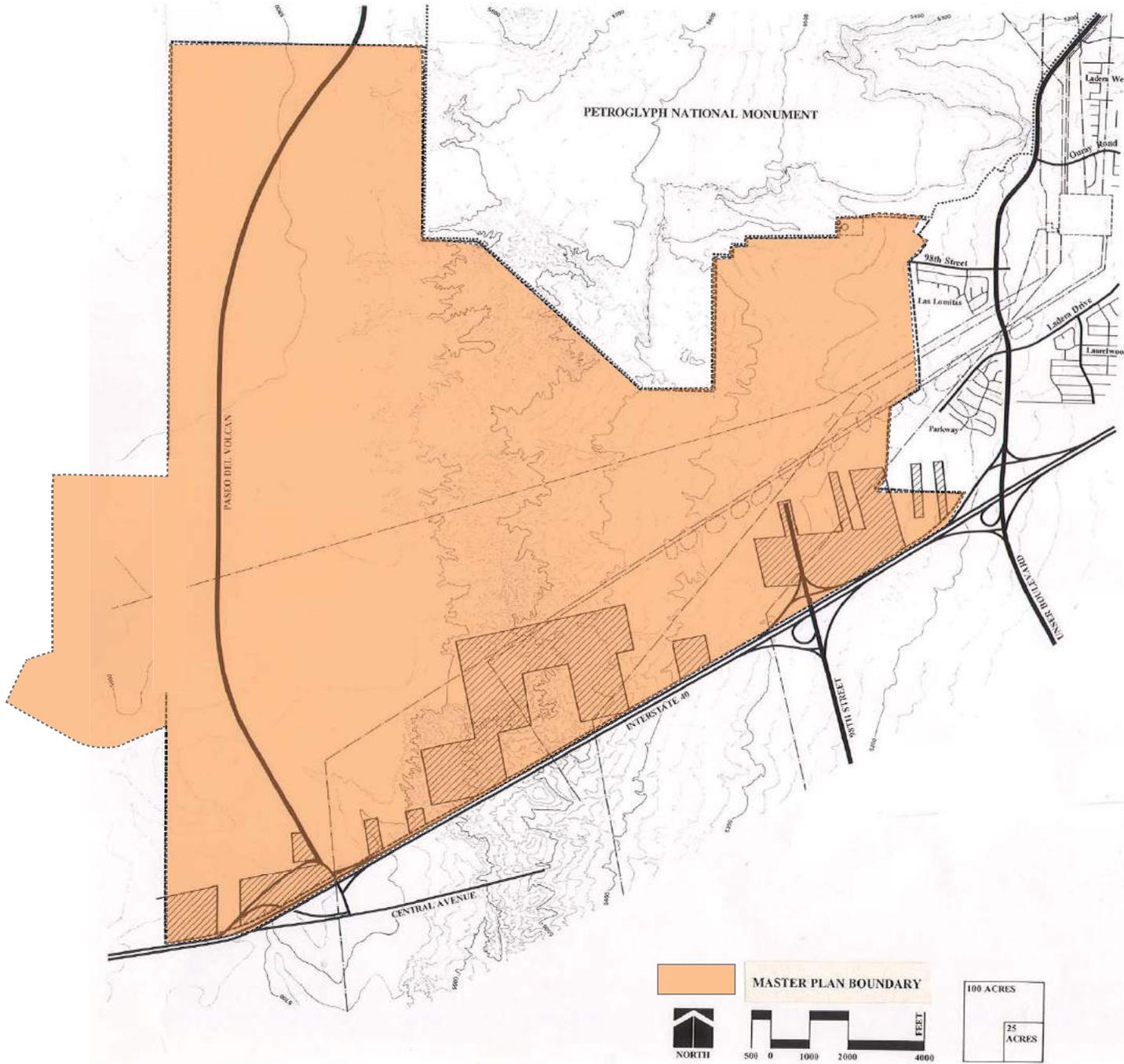


Westland Master Plan

OWNERSHIP



Non-Westland Parcels



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The population of Albuquerque's West Side is younger than the rest of the City. Nearly one-third of its population is younger than 18 (Table 2) and its median age is 27.6 years compared to 31.4 for the City.

Table 2 - Population Distribution by Age for the West Side and Albuquerque, 1990

Age	WS	WS %	Alb.	Alb. %
< 5	5,947	9.49	28,614	7.44
5-17	14,157	22.59	67,589	17.57
18-34	18,817	30.02	114,379	29.73
35-64	20,217	32.26	131,360	34.14
> 65	3,539	6.65	42,767	44.12
Totals	62,677	100	384,736	100

Source: 1990 U.S. Census

The Westland Master Plan recognizes the pressures brought about by a young population on school capacities and park and recreational facilities. These important components to the Plan area are addressed in Chapter IV.

Housing

The number of housing units has also increased as a result of the population influx to the West Side. Lower interest rates in the early 1990's and a pent up demand stimulated tremendous growth in the number of single family and multi family units on the West Side. Table 3 shows the number of lots for new major subdivisions that have been set aside since 1990. Table 4 highlights the dramatic climb of building permits issued since 1991 that is consistent with the West Side's increasing share of the total Albuquerque housing market, as seen in Table 5.

Table 3 - Number of Lots for New Major Subdivisions, 1990-1994

Year	WS	Total County	WS as % of County
1990	15	403	3.7
1991	128	337	38
1992	608	1,261	48.2
1993	988	1,924	51.4
1994	2,055	3,448	59.6
Totals	3,794	7,373	51.4

Source: City Planning Department, 1995

Table 4 - Single Family Building Permits, 1989-1994

Year	WS	Alb.	WS as % of City
1989	582	1,335	43.6
1990	538	1,127	47.7
1991	500	1,226	32.6
1992	836	1,874	44.6
1993	1,276	2,198	58.1
1994	1,561	2,567	60.8

Source: City of Albuquerque Planning Department, 1995

Table 5 - Total Housing Units on the West Side and Albuquerque, 1980-1994*

	1980	1990	1994	% Change as of 1980-94
West Side	12,444	22,552	28,000*	125
Albuquerque	132,788	166,870	174,000*	31
WS as % of Alb.	9.4	13.5	16.1	N/A

Source: City of Albuquerque Planning Department, 1994; Urban Growth Trends, 1992
*Estimated

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II. PLANNING INTEGRATION

Albuquerque/Bernalillo County Comprehensive Plan

Long range development is guided by the City of Albuquerque and Bernalillo County Comprehensive Plan that was adopted in August, 1988. The Comprehensive Plan is the governing plan for all Albuquerque and Bernalillo County development. As such, it is a Rank 1 Plan. The Westland Master Plan is a Rank 3 Plan and must comply with the Rank 1 Comprehensive Plan as well as the Rank 2 Northwest Mesa Area Plan and the Northwest Area Plan. As of summer 1996, the West Side Strategic Plan was being reviewed by Bernalillo County and the City of Albuquerque to be the overall Rank 2 Plan for the entire West Side. It has been prepared with the purpose of being the primary Rank 2 Area Plan for the West Side, so the future status of the Northwest Area Plan and the Northwest Mesa Area Plan is uncertain. The planning concepts and land uses proposed in the document directly and indirectly meet the goals and policies of these higher ranking plans.

Most of the Westland Master Plan area is currently zoned A-1 by Bernalillo County. There are two Comprehensive Plan designations for the property. Developing Urban is the designation in the eastern half of the Plan area between the current city limits and the 5600' elevation line, while Reserve is the designation west of this line that continues to the Rio Puerco escarpment (Exhibit 3 - Comprehensive Plan Designations). The acreage in the Developing Urban area is approximately 1,781 acres, while the acreage in the Reserve portion is approximately 3,957 acres. These figures exclude transportation, drainage, utility, and trail corridors.

Developing Urban Areas

Developing Urban is the Comprehensive Plan designation intended for areas of the City or County that are in the process of developing but that have not reached ultimate build-out. A full range of services will be extended to these areas in an orderly manner according to utility policies. The emphasis in Developing Urban Areas is on planning for large areas or sectors in order to provide varieties of housing types and other land uses along with appropriate open space. The following goals and policies from the 1988 Albuquerque/Bernalillo County Comprehensive Plan are met through the Westland Master Plan.

- Goal: Create a quality urban environment which perpetuates the tradition of the identifiable, individual but integrated communities within the metropolitan area.
- Goal: Offer variety and maximum choice in housing, transportation, work areas, and lifestyles while creating a visually pleasing built environment.
- Policy: A full range of urban land uses is allowed that results in an overall gross density up to 5 dwelling units per acre.
- Policy: These areas shall be subject to special requirements for low-density holding zones to allow for sector planning, special design treatments, and phasing of infrastructure in keeping with capital improvements priorities.
- Policy: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

- Policy: Clustering of homes to provide larger shared open areas and houses oriented toward pedestrian or bikeways shall be encouraged.
- Policy: Higher density housing is most appropriate in the following situations:
 - ◊ In areas where it is compatible with existing area land uses and where adequate infrastructure will be available.
 - ◊ In areas with excellent access to the major street network.
 - ◊ In areas where a transition is needed between single-family homes and more intensive development.
- Policy: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.
- Policy: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic.
- Policy: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.
- Policy: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

Open Space Goals

- Provide visual relief from urbanization.
- Offer opportunities for education, recreation, and conservation of natural resources.

Open Space Policies

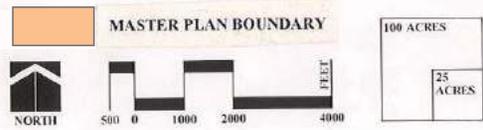
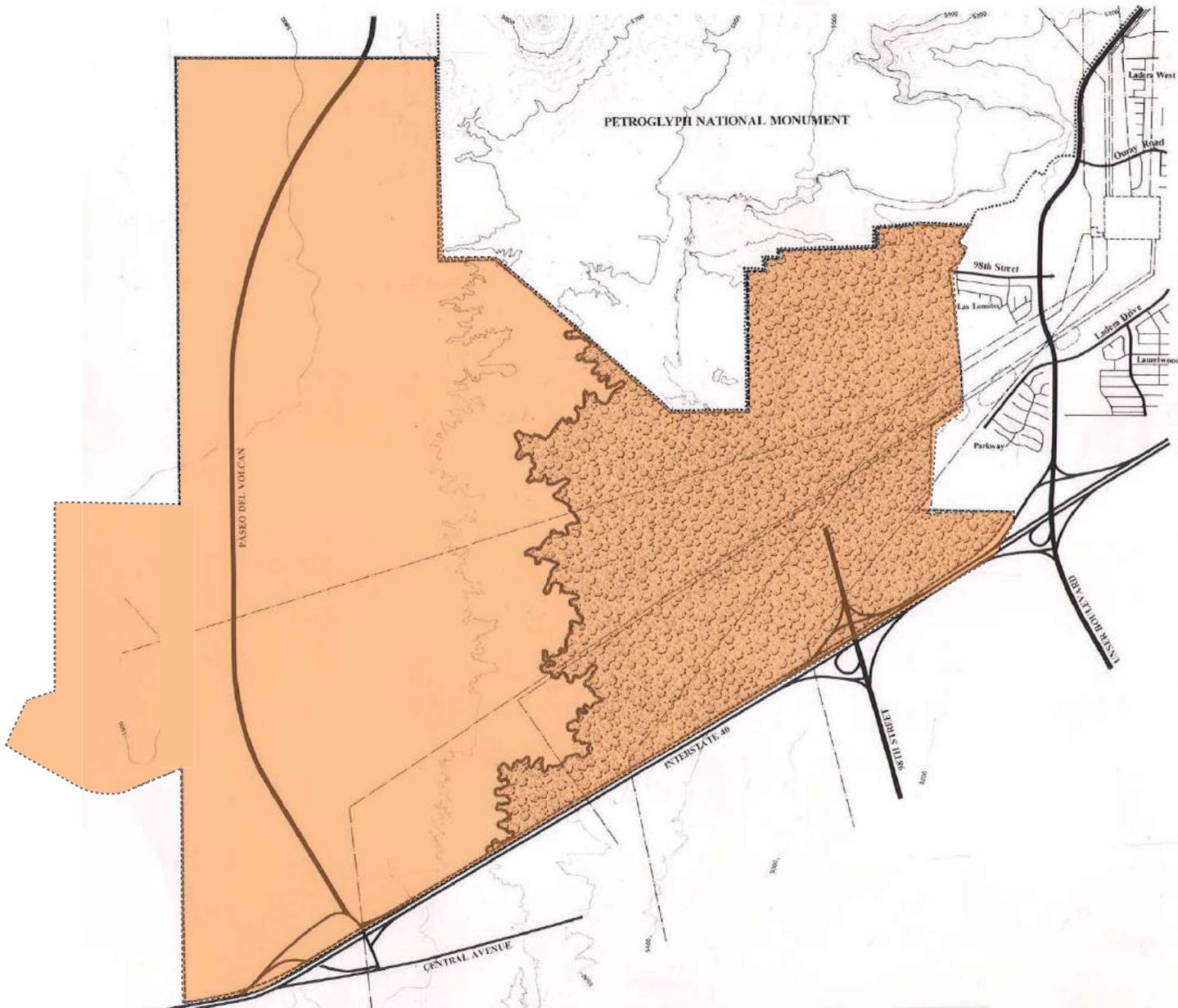
- Open Space Lands should serve one or more of the following:
 - ◊ Conservation of natural resources and environmental features
 - ◊ Outdoor education and recreation
 - ◊ Conservation of archaeological resources
 - ◊ Trail corridors
 - ◊ Protection from natural hazards
 - ◊ Shaping of the urban form
- A multi-purpose network of open areas and trail corridors along arroyos and appropriate ditches shall be created.
- Development in or adjacent to the proposed Open Space Network shall be compatible with open space purposes.
- Planning and implementation of a system of neighborhood parks and community open areas shall be undertaken to meet a range of needs at different scales.
- Developing areas shall have neighborhood parks and open areas located to serve the population being accommodated in the developing area.
- The design of parks and other open areas shall incorporate the following criteria:
 - ◊ Multi-functional use of resources and compatible facilities;
 - ◊ Maintenance and landscaping appropriate to the location, function, public expectations, and intensity of use;
 - ◊ Integration into residential design for easy accessibility and orientation to encourage use; and,
 - ◊ Lighting, site design, or other methods to minimize vandalism.



Westland Master Plan

COMPREHENSIVE PLAN DESIGNATIONS

- Reserve
- Developing Urban



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- ◇ Connection between other Open Space Network areas and public facilities.
- Design of neighborhood open areas should tie into other open spaces to create an Open Space Network.

Environmental Goal: Air Quality

- Improve air quality to safeguard public health and enhance the quality of life.

Environmental Policies: Air Quality

- Adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment, and services.
- Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds.
- Air quality shall be protected by providing a balanced circulation system that encourages mass transit use and alternative means of transportation while providing sufficient roadway capacity to meet mobility and access needs.
- Air quality considerations shall be integrated into zoning and land use decisions to prevent new air quality/land use conflicts.

Environmental Goal: Water Quality

- Maintain a dependable, quality supply of water for the urbanized area's needs.

Environmental Policies: Water Quality

- Minimize the potential for contaminants to enter the community water supply.
- Provide greater emphasis on a total systems approach to water as a valuable resource.

Environmental Goals: Noise

- Protect the public health and welfare and enhance the quality of life by reducing noise and by preventing new land use/noise conflicts.

Environmental Policies: Noise

- Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.
- Construction of noise sensitive land uses near existing noise sources shall include strategies to minimize adverse noise effects.

Environmental Goal: Archaeological Resources

- Identify and manage or acquire significant archaeological and paleontological sites for research, education, economic, and/or recreation use.

Environmental Policies: Archaeological Resources

- A proactive program for identifying and evaluating archaeological and paleontological sites and items in the metropolitan area shall be undertaken.

- Appropriate treatment of significant sites and remedies for those that cannot be preserved shall be determined.

Environmental Goal: Developed Landscape

- Maintain and improve the natural and the developed landscapes' quality.

Environmental Policies: Developed Landscape

- The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.
- Incidental structures such as signs, guywires, poles, fireplugs, street furniture and overhead utility wires shall be designed for minimal visual intrusion and mobility impediment to pedestrians.
- Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native or naturalized vegetation should be used where appropriate.
- In highly scenic areas, development design and materials shall be in harmony with the landscape. Building siting shall minimize alteration of existing vegetation and topography and minimize visibility of structures in scenic vista areas.

Community Resource Management: Goal

- Develop and manage use of public services/facilities in an efficient and equitable manner and in accordance with other land use planning policies.

Community Resource Management: Policies

- Public service expansion costs, benefits, and effects should be evaluated and balanced between new service recipients, existing users and the community at large.

Water Management Goal

- Use and manage water resources efficiently.

Water Management Policies

- Measures shall be adopted to discourage wasteful water use, such as extensive landscape-water runoff to uncultivated areas.
- Maximum absorption of rainfall shall be encouraged through the use of:
 - ◊ arroyo channels designed to allow infiltration of water wherever possible and
 - ◊ conservation devices in all new developments.

Energy Management Goal

- Maintain an adequate, economical supply of energy through energy management techniques and use of alternative and renewable energy sources.

Energy Management Policies

- Use of energy management techniques shall be encouraged.

- Efficient and economic use of alternative and renewable energy sources including but not limited to solar, wind, solid waste, and geothermal shall be promoted.
- Land use planning that will maximize potential for efficient use of alternative and renewable energy sources shall be undertaken.

Transportation and Transit Goals

- Provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel.
- Provide sufficient roadway capacity to meet mobility and access needs.

Transportation and Transit Policies

- Compatible mixing and convenient placement of residential, commercial, manufacturing, and public service related land uses shall be encouraged where desirable and appropriate to lessen the need for intra-city motorized travel.
- Effective regional transit and paratransit shall be provided and promoted by the City and County, in cooperation with other jurisdictions.
- Pedestrianways and auto-free areas shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.
- A metropolitan area-wide bicycle and trail network shall be constructed and promoted.

- Street and highway projects shall include paralleling paths and crossings for bicycles, pedestrians, and equestrians where appropriate.
- In the newly developing areas, a portion of the street system should focus on arterial roadways upon which vehicles encounter few stops.
- Peak hour demands on the circulation system should be decreased.
- Transportation infrastructure should be planned to facilitate and expedite inter-city and intra-city automobile and public transportation.

Housing Goal

- Increase the supply of affordable housing.

Housing Policies

- The supply of affordable housing shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.
- Quality and innovation in new housing design and construction shall be promoted.

Economic Development Goal

- Achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Economic Development Policies

- New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.
- Tourism shall be promoted.

Education Goal

- Provide a wide variety of educational and recreational opportunities available to citizens from all cultural, age, and educational groups.

Education Policies

- Stronger communication and planning links with area schools and educational institutions shall be established.
- Library services shall be expanded and made more accessible to people at a neighborhood and community level.

Planned Communities Criteria - Reserve Portion

The "Reserve" Area was created as a designation to "bank" land so that it would be available at a later date for either Bernalillo County to develop or for eventual urban expansion and development. A special set of development guidelines and criteria known as the Planned Communities Criteria were adopted by both the City and the County in 1991 after a year-long effort by a public and private sector task force to provide goals, policies, and criteria governing the size, configuration, land use mix, densities, and

other features of planned communities in the Rural and Reserve Areas of Bernalillo County as identified in the Comprehensive Plan.

The basic purpose of the Planned Communities Criteria document is to provide guidance upon which developers can prepare planned community master plans as well as a framework for review of these plans by the City and County. The criteria are also intended to directly implement the goals and policies outlined in the Comprehensive Plan. Criteria were developed to allow flexibility and phasing of development.

Chapters IV, V, and IX of this Plan contain discussions on Land Use and Zoning, Environment and Open Space, Government and Public Services, Transportation and Air Quality, and Development Agreement. The result of this planning effort will be a flexible planning framework from which subsequent residential, commercial, and industrial development can proceed in a rational and efficient progression.

Rank 2 Plans

The Northwest Mesa Area Plan and the Northwest Area Plan are Rank 2 plans prepared by the City of Albuquerque in the early and mid-1980's. These plans are based on the 1975 Comprehensive Plan and are outdated because of the tremendous growth and changes on Albuquerque's West Side that have occurred since these plans were adopted. Their policy content is being reviewed as part of the current West Side Strategic Plan effort and some policy amendments may result.

Northwest Mesa Area Plan

- The Atrisco Terrace (see Exhibit 10 - Land Use and Zoning Plan) will be preserved as public open space to be acquired and meets the intent of this policy by not allowing permanent buildings within its boundaries.
- Before important new urban developments are allowed in the Northwest Mesa Area Plan area, sector development plans shall be adopted by the City for all areas which are not already substantially urbanized, regardless of the metropolitan area designation in the Comprehensive Plan.

Northwest Area Plan

- The goal is to preserve the unique natural features of the metropolitan area by achieving a pattern of development and open space respecting the river land, mesa, mountains, volcanoes, and arroyos.
- The mesas offer the best sites for urban development. Development which is harmonious with natural features should be encouraged on suitable portions of the west, northwest, and southeast mesas.
- The goal is a quality urban environment which perpetuates the tradition of identifiable individualistic communities within the metropolitan area and offers variety and maximum choice in housing, work areas and life styles, while creating visually pleasing architecture, landscaping, and vistas to enhance the appearance of the community.

- Patterns and types of employment and services shall be located to complement residential areas; they shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.
- The goal is to enhance recreational opportunities and provide visual relief to urbanization by setting aside accessible and usable open spaces within each neighborhood.

West Side Strategic Plan

This plan contains several policies directed at the “Westland North” community that pertain to utilities, EMF exposure, open space, and drainage facilities. As of summer 1996, Bernalillo County was considering adopting a different version of the utilities phasing plan for the first decade of plan implementation (1995-2005). This version would identify the Westland North community as a priority #1 community for development and provision of utilities.

Facility Plan for Arroyos

The Mirehaven Arroyos (A, B, & C) cross the Westland Plan area in the extreme northeast portion near 98th and Unser. It has been designated as a Urban Recreational Arroyo in the Rank 2 Facility Plan for Arroyos. This designation means that the Mirehaven Arroyo has the potential to connect residential areas to the Ladera Golf Course to the east. The Westland Master Plan shows this arroyo as open space between the established Parkway subdivision and the envisioned golf course/resort within the Westland Plan boundaries. Recreation and visual relief will be the primary purposes of this arroyo after drainage functions are met.

Specific policies for urban Recreational Arroyos that will be addressed for eventual subdivision approval include:

- Policy 1: Park and Trail Development, Recreational Amenities
- Policy 2: Right-of-Way
- Policy 4: Location of Crossing Structures

Trails and Bikeways Facility Plan

This Rank II plan, adopted by Bernalillo County in 1993, recommends development standards, site locations, and establishes a multi-year program of capital improvements that involve non-vehicular trails and bikeways. Several trails in this plan are within the boundaries of the Westland Master Plan Area and are incorporated into the Master Plan.

- T165 is a study corridor that parallels Paseo del Volcan from Interstate 40 to the Sandoval County line. It is programmed to be a primary trail that will be constructed in approximately the year 2003.
- The second trail is T141 and 140 that extends from Unser Boulevard west to 118th Street along the Mirehaven Diversion Channel. It is programmed to be a secondary trail that will be constructed in approximately the year 2003.
- The third trail is 157 that extends south from T141 along the 90th Street alignment. It is programmed to be a secondary trail that will be constructed in approximately the year 2003.
- T166 extends south from T141 along the 118th Street alignment. It is programmed to be a secondary trail that will be constructed in approximately the year 2003.
- Two other trails on the southern and eastern edges of the Master Plan area are also planned according to the Trails and Bikeways Facility Plan. T599 is identified as the I-40 corridor trail that is currently being studied for exact location and right-

of-way acquisition. This trail will extend from 98th Street to Eubank Boulevard. T117 will extend from Ladera Drive to I-40 along Unser Boulevard. This trail will be a primary trail that is programmed for construction in approximately 1999.

In addition to the above-mentioned trails, the Westland Master Plan proposes additional internal trails as illustrated in the Community Facilities Plan on page 45. These trails are intended to connect the different residential areas, community facilities, Town Center, and other non-residential areas to each other either via separate trail rights-of-ways or in the transportation and drainage corridors that traverse the plan area from east to west.

It is anticipated that Bernalillo County will sponsor amendments to the Trails and Bikeways Facility Plan to include the internal trail system prior to initial development. Amending this plan is necessary so that funds can be programmed according to a rational schedule.

Northwest Mesa Escarpment Plan

The Northwest Mesa Escarpment Plan is a Rank III plan that established the conservation, impact, and view areas along the northern, southern, and eastern edges of the escarpment. A portion of the Westland Master Plan area lies within the original boundaries of the conservation area prior to the formation of Petroglyph National Monument in 1990. The creation of the monument should have amended the conservation line boundary, yet this amendment never was formally carried through in the City or the County. Further, this plan has not undergone the biannual review and amendment process as specified in policy #5 on page 46 of the Northwest Mesa Escarpment Plan. It is anticipated that the City and/or the County should pursue amendments to the Northwest Mesa Escarpment Plan.

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III. BENEFITS AND CONSTRAINTS ANALYSIS

Introduction

The purpose of this section is to summarize the opportunities and constraints for development of the Westland Master Plan area. The factors analyzed include existing environmental, physical, and man-made impacts both on and off-site. This information provides the basis for the land use and infrastructure planning and will serve an important function during future detailed planning processes.

In order to develop a comprehensive plan for the 6,424 acre Westland property, a detailed analysis was conducted. This analysis included a site inventory of the property, gathering data and analyzing all physical and environmental site conditions, and reviewing the impacts from all external factors (transportation and surrounding land uses). The following sections summarize the analysis of these impacts as they relate to the development potential for the Westland Master Plan property.

Transportation

Transportation access to and from the Plan area is critical for its development. Fortunately, the Plan area is well served by Interstate 40 at the southern boundary and interchanges at Unser Boulevard, 98th Street, and Paseo del Volcan/Airport Haul Road. All major on-site arterials are planned to have a larger right-of-way than is typically required in Albuquerque in order to establish joint use easements for drainage and trail purposes and to have room to accommodate additional transportation improvements in the future.

It is emphasized that the combined transportation, drainage, utility, and trail corridors that cross the Atrisco Terrace shall be considered to be outside of the Atrisco Terrace in its eventual acquisition as Major Public Open Space. It is envisioned that north-south trail linkages through and/or adjacent to the Atrisco Terrace will allow pedestrians or bicyclists to travel the full length of the Terrace from the southern boundary of the Petroglyph National Monument to I-40.

Transportation access and utility corridors through the Atrisco Terrace are necessary and must be allowed through this Major Public Open Space area scheduled for acquisition. The Ladera Drive Corridor is identified on the Long Range Roadway System as crossing the Atrisco Terrace. The Westland Master Plan also identifies two other east-west major arterials north of this future facility that cross the Terrace. Utilizing these corridors improves circulation within the entire Plan area and beyond to the west.

The Long Range Roadway System has identified several arterial roads within the Plan area. The following text identifies the proposed circulation corridors and summarizes the current stages of their planning processes.

Paseo del Volcan

Paseo del Volcan is the primary access to the Double Eagle II Airport and is designated as a principal arterial in the Long Range Roadway System. It is currently a two lane facility within a 156 foot easement from Interstate 40 to the airport entrance on the eastern edge of the airport property. Paseo del Volcan will be eventually connected north to Paseo del Norte and is anticipated to tie into the Rio Rancho street system further to the north.

Westland Development Co., Inc. granted the Paseo del Volcan easement at no cost to the City of Albuquerque in March 1982. During the development of Double Eagle II Airport, this roadway was referred to as a "Haul Road" for the purposes of constructing the airport. This designation allowed the roadway to not be considered a Federal Aviation Administration (FAA) facility since it is not owned by the FAA.

The New Mexico Department of Transportation is currently studying two corridor options for Paseo del Volcan to be built to freeway standards with one-mile access restrictions. One option is the existing corridor (eastern alignment), while the other is a western corridor (western alignment) approximately two miles west from the existing corridor. If the western alignment is selected, the existing corridor will remain as a principal arterial with 1/2 mile access intervals. If the eastern alignment is selected, then intersections will be placed every mile as noted on the land use map (see Exhibit 10 - Land Use and Zoning Plan). Construction has just been completed for the portion of Paseo del Volcan from the current alignment south of Interstate 40 to Rio Bravo SW, which is being extended west from Coors Boulevard SW.

Since the final alignment for Paseo del Volcan has not been determined, and the extension of Paseo del Norte through the Petroglyph National Monument has not been resolved, the Double Eagle II Airport Master Plan has not been finalized. This Plan will certainly be influenced by the final road alignment. The circulation system above the escarpment, including the unresolved alignment for the extension of Paseo del Norte across the volcanic escarpment, will have an important impact on the airport's plans for expansion.

98th Street

The Long Range Roadway System has identified 98th Street as a principal arterial from Interstate 40 to Ladera Drive, and then as a minor arterial as it extends north and east to meet with Unser Boulevard just north of the Las Lomas subdivision. The Westland Master Plan amends this concept to have 98th Street continue north and west to Paseo del Volcan as a principal arterial.

Ladera Extension

This extension would traverse the plan area east to west and connect Ladera Drive from 98th Street to the final Paseo del Volcan alignment. It is shown on the Long Range Roadway System as crossing the Atrisco Terrace, but without a specified alignment.

Double Eagle II Airport

The Double Eagle II Airport is located northwest of the Westland Master Plan area. The first phase of the airport is completed, and additional phases are projected to be built as demand increases over the next 20 years. The airport master plan update is currently on hold until transportation issues are resolved.

The 1989 Double Eagle II Airport Sector Development Plan shows that the Westland Plan area will not be affected by any of the four noise level contours. These contours are in the same shape and direction as the airport runways. Future expansion and employment activity at the airport will likely expand these noise contours closer to the northern portions of the Westland Plan area. For this reason, we have identified industrial park-type uses which should provide an adequate buffer to the residential uses to the south.

Adjacent Land Uses

North

North of the Westland Master Plan area is the Petroglyph National Monument. This monument is managed by the National Park Service and serves many different useful and valued purposes. While access into the monument is now allowed by the National Park Service, limited future access by the public from the south is identified in the Petroglyph National Monument General Management Plan and the Community Facilities plan on page 45. The 17-mile long basalt escarpment where the petroglyphs are located ends just north of the northern boundary of the Plan area.

Approximately 700 acres at the southern edge of the monument outside of the Plan area boundary are still owned by Westland Development Co., Inc., but are slated to be acquired by the National Park Service. A timetable for this acquisition has not been announced and is contingent upon the availability of federal funds.

South

Interstate 40 and miscellaneous individuals' properties are south of the Plan area. Most of these properties are located outside the City limits and are zoned County A-1.

East

The Las Lomas, Parkway, and Parkwest residential subdivisions are immediately east of the Westland Plan area within the existing City limits. These subdivisions are zoned R-D and are developing single-family homes. Albuquerque Public Schools has plans to construct an elementary school in the Parkway subdivision.

West

Unplatted and undeveloped property owned by Westland Development Co. Inc. comprise the adjacent lands to the west of the Westland Plan area. This property is zoned County A-1.

Utilities/Infrastructure

Electric

The Public Service Company of New Mexico (PNM), El Paso Electric, and Plains Electric have five power lines that traverse the plan area from east to southwest (Exhibit 4 - Utilities). These lines consist of three 115kV lines and two 345 kV lines that originate just east of Unser Boulevard between Ouray Road and Ladera Drive.

- A 115kV (a) line runs northeast to southwest and crosses the extreme southeastern portion of the plan area before it heads directly south, just north of Interstate 40 at 98th Street;
- A second 115 kV (b) line runs more directly east to west and is the northernmost electric utility easement in the plan area;
- The final 115kV (c) line runs between the first two 115 kV lines and turns sharply to the south approximately 2,500 feet north of Interstate 40 halfway between the 5600' and 5700' elevation line;
- A 345 kV (d) line that parallels the first 115kV line and crosses Interstate 40 approximately halfway between 98th Street and Paseo del Volcan; and,
- A 345 kV (e) line that parallels the final 115kV line and turns due south just east of Paseo del Volcan.

PNM single and three phase lines exist at both the east and west boundaries of the Plan area.

Gas

The Gas Company of New Mexico presently provides service for the developed area east of the Westland Plan area. An eight inch, high pressure gas line has been extended west on Central Avenue to Paseo del Volcan.

Existing Easements of Record

AMAFCA has drainage easements below the 115kV (c) and 345 kV (e) line where the Ladera Drainage System detention ponds are located.

Westland Development Co., Inc. granted a 25 year, or when abandoned as a roadway, easement in 1982 for the existing Paseo del Volcan and intends to dedicate this roadway to the appropriate governmental agency at the appropriate time to serve as a major north-south arterial.

Water and Sewer

Five water zones within the College Trunk are present in the Plan area from east to west: 3WR, 4W, 5WR, 6W, and portions of 7W (Exhibit 4 - Utilities). The College Trunk extends from slightly north of the Petroglyph National Monument boundary to Interstate 40.

The Master Plan area is included in the area to be serviced by the College Trunk. The existing College Reservoir, which services Zone 2W, lies within the Master Plan area and can possibly be capable of serving areas within the Westland Master Plan on an interim basis.

The Westland Master Plan area is divided into water pressure zones defined by the "Master Plan of Water Supply for the City of Albuquerque". The range of zones is from 2W on the eastern edge of the Plan area to 7W on the western edge. The only zone that is currently active in the vicinity is 2W. Due to the large elevation difference across the site the typical City of Albuquerque system utilizing on-site ground storage reservoirs to maintain pressures can be implemented for zones 2W through 5W. Zones 6W and 7W can be pressurized by off-site or on-site ground storage reservoirs with long transmission lines or on-site elevated storage.

The Utility Feasibility Study prepared for Bernalillo County identifies a sewage treatment plant to be located at the eastern boundary of the Plan area with intent of using the grey water on the nearby park and golf course facilities. Alternatively, with the cooperation of the City of Albuquerque, the Westland Master Plan area has two outfalls available for intercepting the sewage flowing from the site, the 64th Street interceptor and the 98th Street interceptor. Those flows unable to get to the 98th Street interceptor by gravity can be fed to the 64th Street interceptor. The far west portion of the Plan area can also be accommodated either through a 24" line that exists at Ladera, or through an alternate route in 98th Street to the south that would be predicated on overall densities in the western portions of the Plan area.

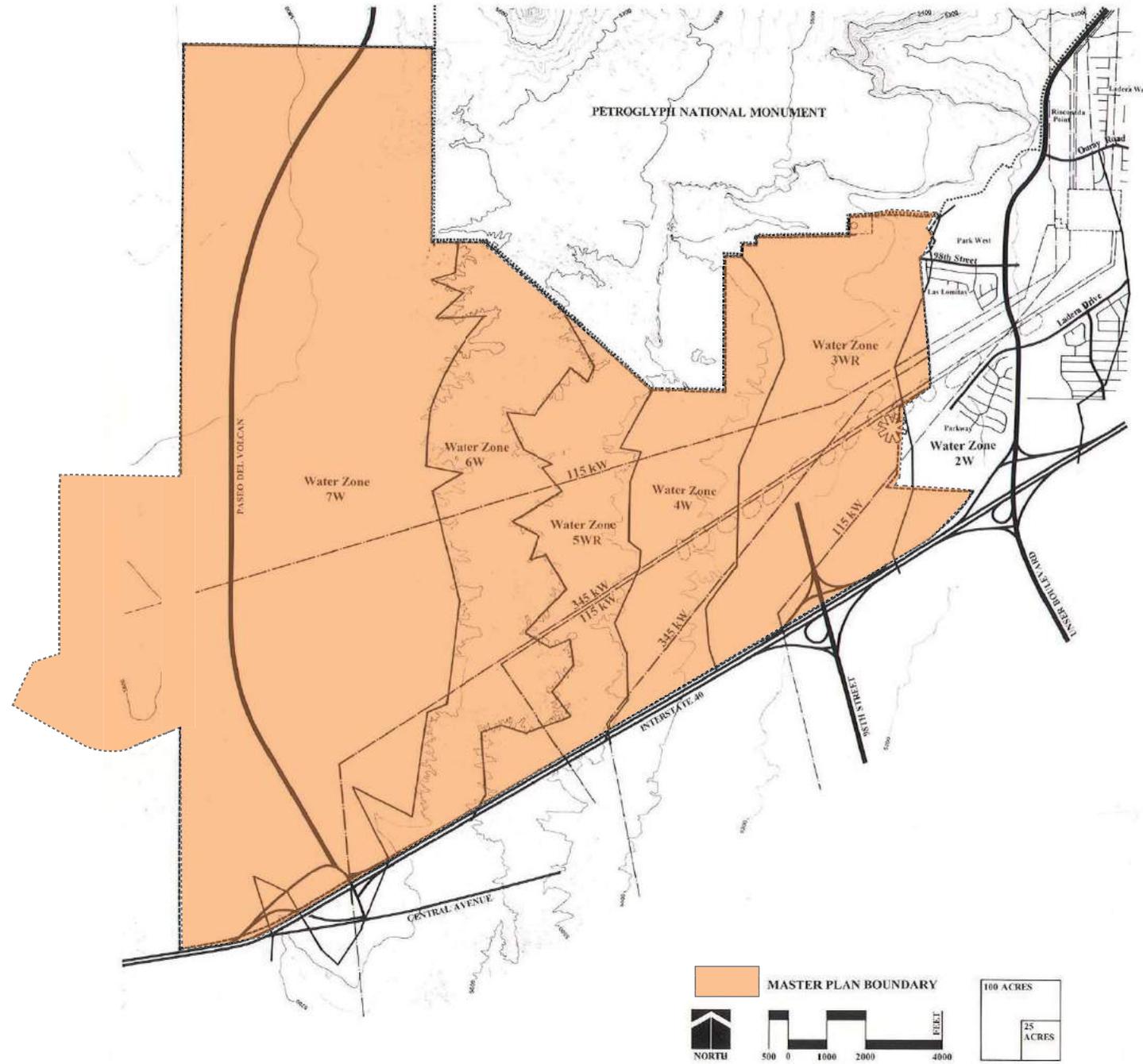
Visual Analysis

Vegetation

The Westland Plan area has flat grasslands at the eastern and western portions and is bisected by the moderate slopes of the Atrisco Terrace down the middle. Several varieties of native grasses are found within the Plan area, including mesa dropseed, Indian ricegrass, giant dropseed, spike dropseed, black grama, blue grama, sand dropseed, bush muhly, sacaton, and galleta. Shrubs

Westland Master Plan

UTILITIES



 Future Wastewater Treatment Facility

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include sand sagebrush, broom snakeweed, four-wing saltbrush, yucca, cholla, mormon tea, and winterfat. Wildflower species include chamisa, purple astor, butterfly weed, paperflower, gum weed, globe mallow, bush penstamen, and desert zinnia.

This variety of native grasses and shrubs provides opportunities for “naturalized” open spaces, particularly in arroyos, drainage channels, and easement areas. The variety of wildflowers may be utilized in reseeding disturbed areas after construction.

Views

Above the escarpment, excellent views of the Sandia, Manzanita, and Manzano Mountain ranges to the east and southeast characterize the majority of the Westland Plan area. The Rio Grande bosque is also visible as it winds its way south. The far western edges of the Plan area also have notable views of Mount Taylor to the west. To the north, the major volcanos in the Petroglyph National Monument offer a glimpse into geological history. Views of the City lights at night are also a defining urban feature from the Plan area.

The basalt escarpment to the north and the Rio Grande Valley to the east are the primary views at the eastern edge of the Plan area. This area is lower in elevation than the rest of the Plan area and thus does not share the full range of views that are present in the western portions of the site.

Visual Impacts

Much of the Westland Plan area falls within the View Area of the Northwest Mesa Escarpment Plan. This View Area extends for 5000 feet from the southern tip of the escarpment and is subject to design regulations which affect views from a distance. The height of structures within the View Area may not exceed 40 feet.

The Northwest Mesa Escarpment Plan also has Conservation and Impact Areas. Conservation Area boundaries are to be coterminus with the National Park Service boundaries and this designation does not preclude a property owner's right to develop subject to the land use planning provisions and the design overlay zone of the Northwest Mesa Escarpment Plan. The Impact Area is 350 feet immediately adjacent to the eastern alignment of the Conservation Area; the Impact Area is not present south of the Petroglyph National Monument in the Westland Plan area.

Tremendous potential exists for creative planning utilizing natural slopes and drainage ways and channels in order to preserve view corridors to the escarpment, bosque, Sandias, etc.

In addition to spectacular views of Albuquerque, the Rio Grande Bosque, and the Sandia Mountains from the Westland Master Plan area, the plan area itself is the subject of views from the far Northeast Heights and Sandia foothills. The integrity of the volcanic escarpment is protected via policies in the Northwest Mesa Escarpment Plan and via the creation of the Petroglyph National Monument. South of the escarpment, the Atrisco Terrace is identified in the Comprehensive Plan as Major Public Open Space and is scheduled for acquisition by the Open Space Division as a result of the passage in January, 1997 of the 1/4 cent Open Space and Park Development Acquisition Tax. Even with the combined transportation, drainage, utility, and trail corridors that will cross the Terrace, the integrity of the Terrace's visual continuance of the escarpment shall be maintained.

Power lines belonging to the Public Service Company of New Mexico, El Paso Electric, and Plains Electric dominate views to the north and northeast from the Plan area. These lines extend northwest from the West Mesa Switching Station near the intersection of Unser Boulevard and Ouray Road through the Petroglyph National Monument.

Physical Analysis

Geology and Soils

The geologic and soils conditions in the Westland Plan area pose few development restrictions on the property (Exhibit 5 - Soil Analysis). All of the soils have been noted in the Soil Survey for Bernalillo County and Parts of Sandoval and Valencia Counties, New Mexico (Table 6) as suitable for community development. The only area which may be subject to development constraints is the area with slopes steeper than 15 percent found in parts of the Atrisco Terrace. This area is an amorphous extension of the escarpment that has also been prioritized for Major Public Open Space acquisition in the draft Open Space Facilities Plan. Slopes in this area are generally above 10 percent.

Approximately half of the plan area has soil in the Bluepoint-Kokan association, a loamy fine sand which is found in hilly areas with slopes ranging from 5 to 15 percent. Approximately one-third of the Plan area along the Paseo del Volcan corridor is the Madurez-Wink association.

The remainder of the Plan area consists of Madurez loamy fine sand on slopes from 1 to 5 percent and Wink fine sandy loam, on slopes from 0 to 5 percent. Both of these soil associations are on the far western portions of the Plan area.

Animal Life

Wildlife found in the West Mesa area near the escarpment includes scaled quail, mourning dove, jackrabbits, cottontail, kangaroo rats, prairie dogs, deer mouse, and a variety of reptiles and invertebrates. Table 7 (page 24) shows the potential for kinds of rangeland wildlife based on soil types.

In the Soil Survey for Bernalillo County, soils have been rated according to their suitability for improving, maintaining, or creating specific elements of wildlife habitat as well as for general kinds of wildlife. This document states that “ratings are based on potential rather than present land use. Poor means that a particular habitat can be improved, maintained, or created, but soil limitations are severe. Habitat management can be difficult and expensive and can require intensive efforts. Results are questionable.” (Soil Survey for Bernalillo County and Parts of Sandoval and Valencia Counties, New Mexico, p. 55)

Table 6 - Potential for Wildlife: Rangeland

Soil	Suitability
BCC	Poor
BKD	Poor
LtB	Poor
MaB	Poor
MWA	Poor
PAC	Poor
WaB	Poor

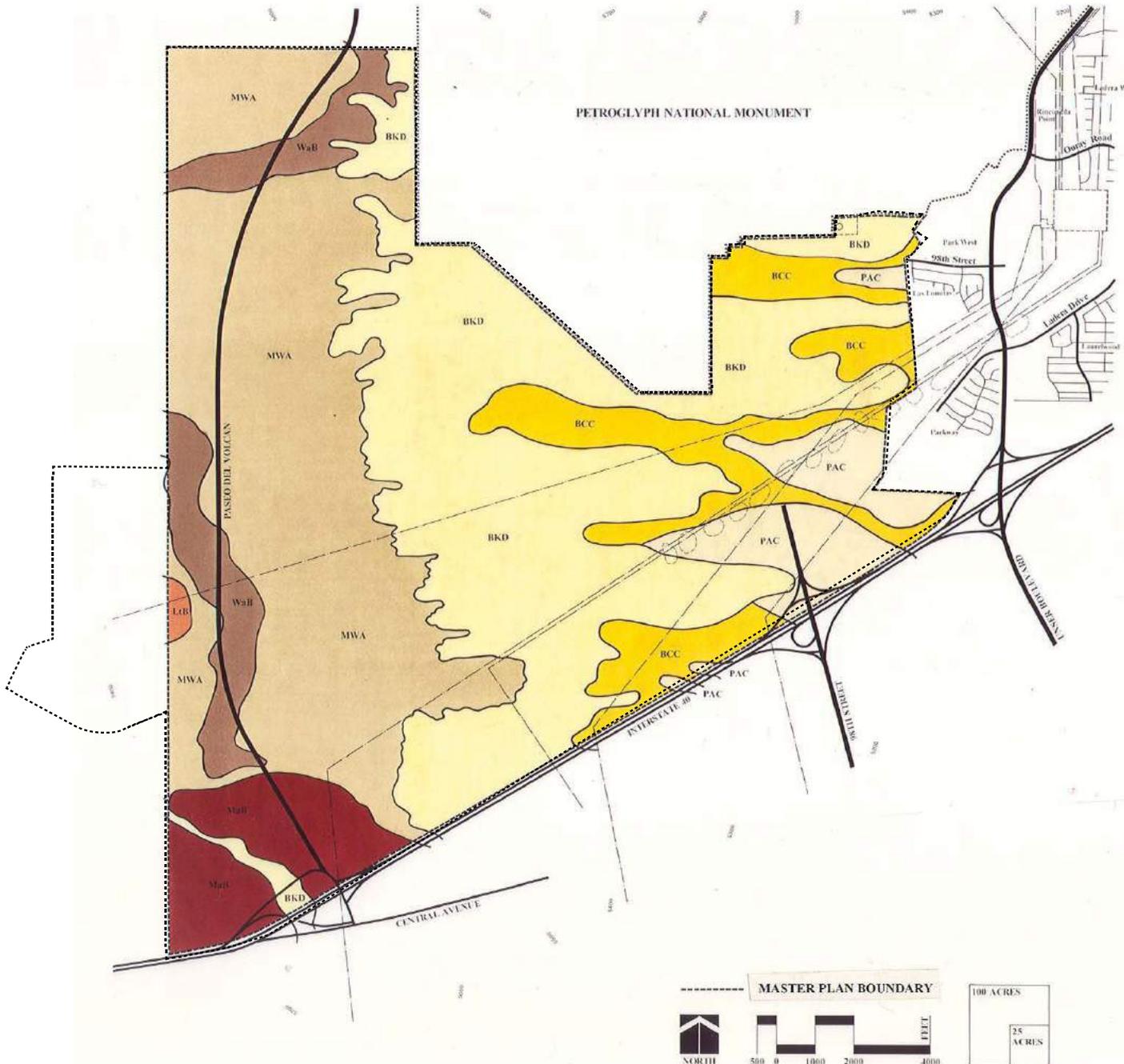
Source: Soil Survey for Bernalillo County and Parts of Sandoval and Valencia Counties, New Mexico, United States Soil Conservation Service, Department of Agriculture)

A report entitled The Petroglyph National Monument: A Survey of the Biological Resources by the University of New Mexico Department of Biology was prepared in 1996. The purpose of this survey was to develop species lists for terrestrial plants, lichens, vertebrates, and common species of invertebrates of the Petroglyph National Monument.

Table 7 - Soil Survey

	Bluepoint - BKD	Bluepoint - BCC	Latene - LIB	Madurez -MWA	Wink - WaB	Madurez - MaB
Building Site Development						
Shallow Excavations	Severe: Cut Bank Caves	Severe: Cut Bank Caves	Moderate: Small Stone	Slight	Slight	Slight
Local Roads and Streets	Slight to Moderate	Slight to Moderate	Slight	Moderate	Slight	Moderate
Dwellings without Basements	Slight to Moderate	Slight to Moderate	Slight	Moderate Shrink Swell	Slight	Moderate Shrink Swell
Sanitary Facilities						
Septic Tank Absorption Fields	Slight to Moderate	Slight to Moderate	Moderate: Percs slow	Slight	Slight	Slight
Sewage Lagoon Areas	Severe: Seepage	Severe: Seepage	Moderate: Small Stone	Moderate: Seepage	Severe: Seepage	Moderate: Seepage
Sanitary Landfills	Moderate: Too Sandy	Moderate: Too Sandy	Slight	Slight	Severe: Seepage	Slight
Construction Materials						
Roadfill	Good	Good	Good	Moderate	Fair	Moderate
Sand	Fair: Excess Fines	Fair: Excess Fines	Poor: Excess Fines	Unwuted	Unsuited	Unsuited
Gravel	Unsuited	Unsuited	Poor: Excess Fines	Unsuited	Unsuited	Unsuited
Topsoil	Poor: Too Sandy	Poor: Too Sandy	Poor: Excess Lime	Poor	Good	Poor
Water Management						
Pond Reservoir Areas	Seepage	Seepage	Seepage: Small Stones	Slope if > 3%	Seepage	Slope if > 3%
Drainage	Excessively Drained	Excessively Drained	Well Drained	Well Drained	Well Drained	Well Drained
Hydrologic Group	A	A	B	B	B	B
Engineering Index Properties						
USDA Texture	(0-60") Loamy Fine Sand and Loamy Sand	(0-60") Loamy Fine Sand and Loamy Sand	(0-15") Sandy Loam (15-60") Gravelly Sandy Loam	(0-21") Fine Sandy Loam and Shady Clay Loam (21-60") Sandy Loam	(0-60") Sandy Loam	(0-9") Loamy Fine Sand (9-21") Sandy Clay Loam (21-60") Sandy Loam
Liquid Limit (%)	Non-Plastic	Non-Plastic	15-35	15-35	Non-Plastic	0-35
Plasticity Index	Non-Plastic	Non-Plastic	10-Jan	0-15	Non-Plastic	0-15
Slopes (%)	5-40%	1-9%	1-5%	1-7%	0-7%	1-5%
Physical and Chemical Properties of Soil						
Permeability	Rapid	Rapid	Moderate	Moderate	Moderately Rapid	Moderate
Available Water Capacity (inch)	4-5.5"	4-5.5	6-7"	7.5-9	5-5.8	7.5-9
Soil Reaction (Ph)	7.4-8.4	7.4-8.4	7.9-8.9	7.9-8.4	7.9-8.9	7.9-8.4
Salinity (Mmhos/cm.)	0-1	0-1	0-1	0-1	4-Jan	0-1
Shrinks/Swel Potential	Low	Low	Low	Moderate	Low	Low to Moderate
Water Erosion	Moderate to Severe	Moderate to Severe	Moderate	-	Slight to Moderate	-
Soil Blowing	Severe	Severe	Moderate	Moderate to Severe	Moderate	Severe
Run-off	Slow	Slow	Moderate	Slow	Moderate	Slow
Depth to Bedrock	> 5'	> 5'	> 5'	> 5'	> 5'	> 5'

SOILS ANALYSIS



-  **BKD** Bluepoint-Kokan association, hilly
-  **BCC** Bluepoint loamy fine sand, 1 to 9 percent slopes
-  **PAC** Pajarito loamy fine sand, 1 to percent slopes
-  **MWA** Madurez-Wink association, gently sloping
-  **WaB** Wink fine sandy loam, 0 to 5 percent slopes
-  **LTB** Latene sandy loam, 1 to 5 percent slopes
-  **Mad** Madurez loamy fine sand, 1 to 5 percent slopes

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 **BOHANNAN-HUSTON INC.**
PLANNING ARCHITECTS PHOTOGRAPHY INTERIORS

 **TASCHEK**
Environmental Consulting

While no full-scale biological study of the Westland Master Plan area is required or planned in order to secure approval from Bernalillo County, it is assumed that this UNM report contains similar assessments of plant, animal, and insect species that would be found in the Master Plan area if a study were undertaken. The significance of the biological survey for the Petroglyph National Monument and the West Mesa is acknowledged, and serves as a valuable resource for any future biological inquiries associated with development of the Master Plan area. The report and/or the National Park Service should be consulted for specific details about species, research methods, and conclusions.

Elevation

The elevation of the Westland Plan area gradually rises from 5250' at the eastern boundary to approximately 5920' at the far northwestern boundary in the Paseo del Volcan corridor (Exhibit 6 - Elevation Study). The intervening elevation lines are roughly consistent in width as they extend north to south, with the exception of the elevation between 5800' and 5900' which covers a wide swath over one mile wide in certain locations at the far western boundary of the Plan area. This gradual change in elevation across the property provides several developmental benefits to the property including:

- Creative Planning - creative design can be stimulated by the variations in topography and elevation.
- Views - the upper elevations where the plan area is relatively flat area has excellent views looking in all directions.
- Water Pressure Zones - the potential exists for gravity-based water systems at higher elevations to serve the lower elevations without expensive pumping systems.

Slope

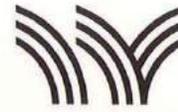
Approximately half of the Westland Plan area has slopes between 0-5 percent, which is very suitable for development (Exhibit 7 - Slope Analysis). These areas are concentrated on the far western boundary near Paseo del Volcan and at the eastern boundary of the property between Unser Boulevard and 98th Street. North of the Ladera drainage ponds at the eastern edge of the Plan area is where the greatest diversity of slopes are found. The middle of the Plan area has slopes ranging from 5 to 15 percent and above. The highest percentage slopes are found in the area of the Atrisco Terrace and immediately to the east and west. A slope of 3 to 5 percent is ideal for site development and major development constraints do not occur on slopes of less than 15 percent.

Site development standards which address slope and grading will ensure that the steeper slope and grading are utilized as an integral part of the site planning process. Sensitivity to the natural topography of the Westland Plan area will enhance the value, appearance, and function of the entire property.

Drainage

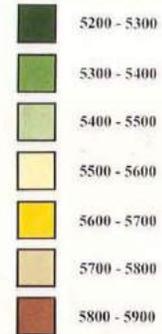
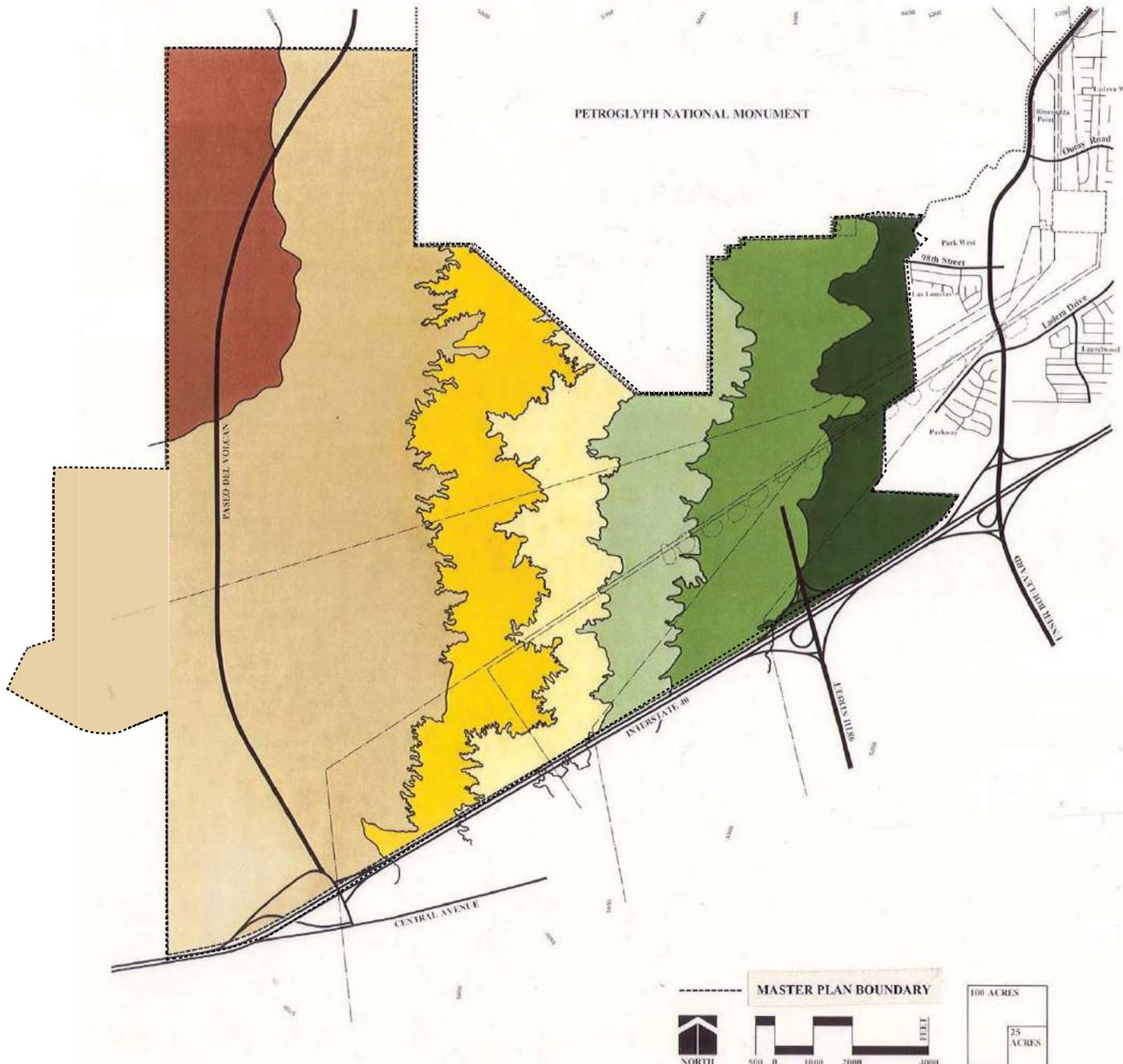
Several arroyos traverse the property from west to east as they flow from the mesa top downslope. These arroyos form a drainage basin that enters the Westland Plan area and is managed through a series of drainage detention ponds known as the Ladera Detention Facility. These detention ponds are underneath the PNM power line easement and carry runoff east to the Ladera Golf Course.

The far southwestern corner of the Plan area near Paseo del Volcan and Interstate 40 currently drains into the Amole Arroyo where runoff is then directed to the Westgate Dam south of the



Westland Master Plan

ELEVATION STUDY



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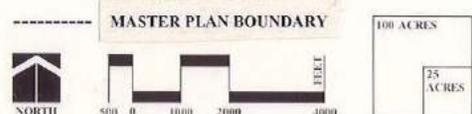
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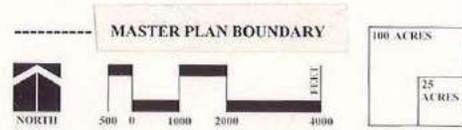
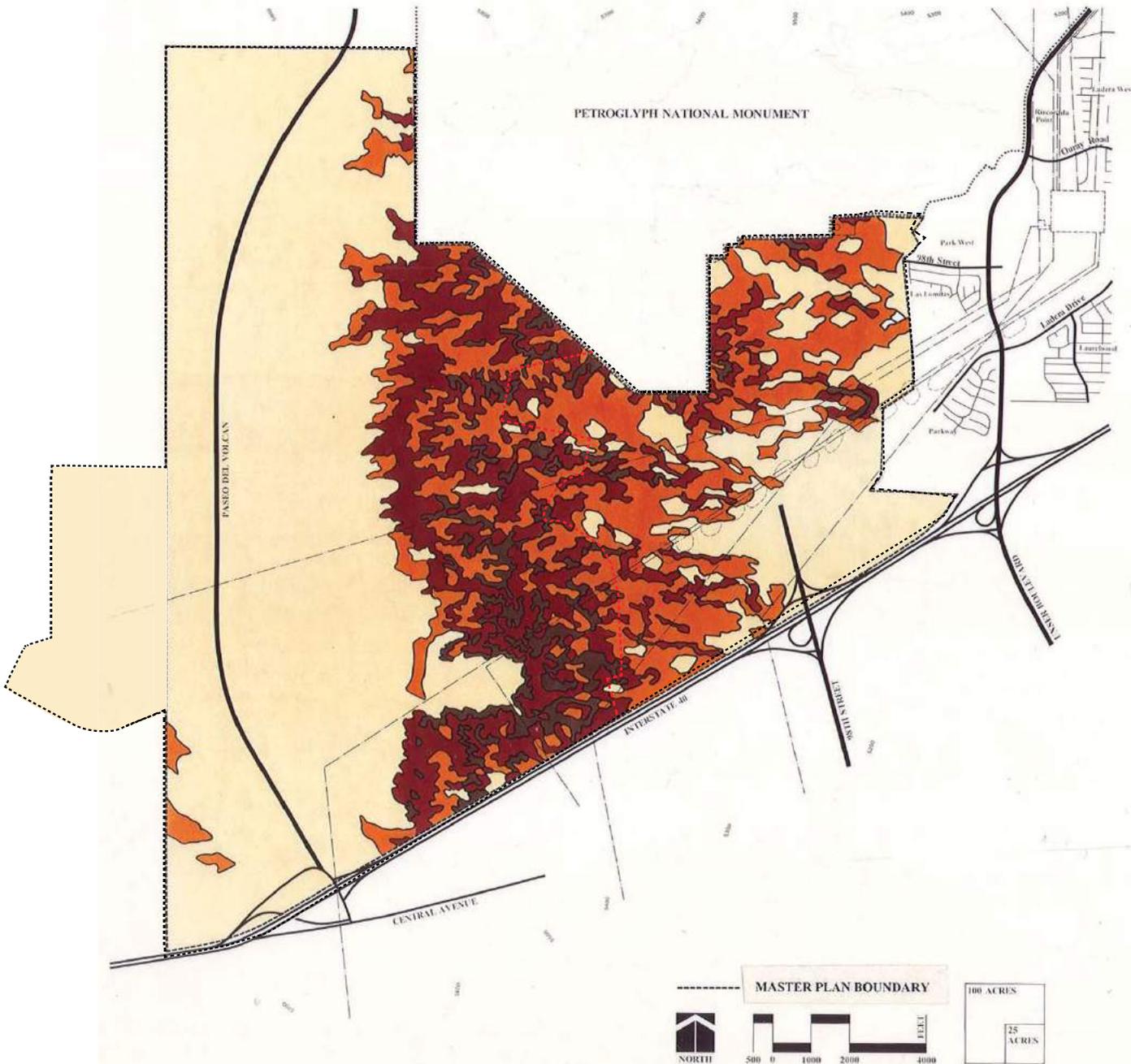
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SLOPE ANALYSIS



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Interstate. However, the Westbluff drainage study prepared for the Albuquerque Metropolitan Area Flood Control Authority (AMAFCA) proposes to divert this basin as well as the area between I-40 and the Ladera Detention Facility to the proposed West -40 Diversion Facility.

AMAFCA is currently preparing the scope of services for this "Interstate 40 Interceptor Drainage Management Plan" (DMP) for the area north of Interstate 40, including the Amole Arroyo, the Ladera System, and the proposed Interstate 40 Interceptor. Runoff from the Amole Arroyo and the basins between the Ladera Detention Facility and Interstate 40 will be collected and discharged to the City's Westbluff Outfall, which currently exists at the Rio Grande.

Closed County Landfill

The old Bernalillo County landfill is located just north of Interstate 40 approximately 1/2 mile east of Paseo del Volcan. It is at the southwestern base of the Atrisco Terrace. This landfill operated until the late 1970's. The property is still owned and controlled by Bernalillo County.

Archaeological Resources

Pursuant to the Level B Planned Communities Criteria, a Class I literature search and a Class II sample of archaeological features was conducted by Cibola Research Consultants. The survey consisted of a records search and an archeological reconnaissance of the Plan area. The records search involved a review of the New Mexico Cultural Resource Information System (NMCRIS) files and consultation with the New Mexico State Inventory of Cultural Properties and the National Register of Historic Places

(National Register). The archeological reconnaissance consisted of a random sample survey and statistical sample of the Master Plan area indicating the density of cultural resources within various physical landforms.

Previous archaeological investigations within the Plan area are limited and few cultural resources have been identified. Only two archaeological sites (LA 8678 and LA 26999) have been documented within the Plan area. Previous archaeological surveys, however, are limited to a corridor study for the proposed Paseo del Volcan extension (Marshall 1995), a limited inspection of areas adjacent to Interstate 40 (Dittert and Allen 1966), and the 98th Street overpass and extension (Maxwell, Timothy and James W. Lancaster 1984). Some archaeological reconnaissance of the area was probably made in 1969 as part of a Middle Rio Grande Paleoindian survey (Judge 1973), but specific site locations from the study, if any were found in the area, are unavailable. Other transect surveys may have been completed for powerline corridors which cross the Plan area, but if so, they have not resulted in the location of archaeological or historical sites.

The most extensive archaeological survey which has been completed in the vicinity is within the adjacent Petroglyph National Monument and the proposed extension of the National Monument on the Westland property outside the Plan area. The entire area within the Monument, including Westland's property at the Monument's southern boundary, has been subject to an archaeological survey (Schmader and Hays 1987). Numerous cultural resources were documented on the west mesa escarpment as a result of this survey. The data base for this survey remains on file at the Petroglyph National Monument. The National Monument study, while important to an understanding of prehistoric and historic land use in the area, is outside of the boundaries of the present Master Plan.

However, three cultural properties located along the southern boundary near Interstate 40 appear to extend into the Master Plan area. These sites were identified during cultural resource surveys within the I-40 and Paseo del Volcan right-of-ways. Most of the sites are within these public rights-of-way, though small areas may extend into the Westland property.

A review of the New Mexico State Inventory of Cultural Properties and the National Register of Historic Places indicates that no nominated properties are located within the boundaries of the Westland Master Plan.

Archaeological Reconnaissance: The Sample Survey

An archeological reconnaissance and sample survey of the Plan area was conducted by Cibola Research Consultants to provide an estimate of the type, density, nature and location of the cultural resources within the area.

The Plan area is a large tract of approximately ten square miles located on the western slope of the Ceja Mesa escarpment and on the upper grassland plains of the Ortiz Pediment. Outcrops of the Santa Fe formation, blankets of eolian sand, and extensive alluvial deposits occur in the area (Kelley 1977).

To accomplish a representative sample survey, the Westland Master Plan area was subdivided into a series of five environmental zones based on the physiographic structure of the landform. Each of these environmental zones was subject to archaeological reconnaissance. All cultural resources found in the zones were located on maps of the area and briefly identified.

Only a preliminary definition of the sites encountered in the Plan area was made, as the purpose of the reconnaissance was

to gain an overall perspective of the type and location of cultural resources. The cultural resources that were found were located on aerial and topographic maps, and briefly described according to cultural-temporal affinity, size, and content. The sites were also marked in the field with field number identification tags for continued reference. To provide an adequate sample of each of the environmental zones, approximately five percent of the area was subject to the reconnaissance.

Most of the cultural resources that occur in the study area are a-ceramic encampments of probable Late Archaic Period affinity. Anasazi sites in the study area are apparently rare and none were found in the reconnaissance. Historic localities including abandoned roads and livestock related features also occur. The density of cultural resources within the various environmental zones varies significantly. A description of these zones and the results of the reconnaissance are provided in the following discussion and summarized in Table 8.

Table 8 - Environmental Zones within the Plan Area and Estimated Sizes

Environmental Zone	Zone Size	% of Area	Site per Square Mile	Est.* Total Sites
Upper Plains	4.5 sq. mi.	45%	3	14
Escarpment Edge	.5 sq. mi.	5%	30	15
Upper Escarpment Slope	1.0 sq. mi.	10%	10	10
Lower Escarpment Slope	1.5 sq. mi.	15%	70	105
Lower Plains	2.5 sq. mi.	25%	12.5	31
TOTAL	10.0 sq. mi.	100%	17.5	175

*This estimate is based on a five percent reconnaissance of the area and should only be considered an approximation.

Preliminary Results

The reconnaissance sample survey indicated that the overall site density in the Master Plan area is low to moderate. An estimate of approximately 17.5 sites per square mile in the Master Plan area is indicated. This estimate is similar to densities determined elsewhere in the Albuquerque area (Marshall 1995).

The distribution and density of cultural resources within the Master Plan area varies significantly according to environmental zone. The reconnaissance study indicates that most of the sites in the area are located in the sandy ridges along the lower escarpment slope. The reconnaissance sample in this zone indicates a probable density of 70 sites per square mile and an estimated total of approximately 105 sites (60 percent of the total inventory) within the Plan area.

The site density on the upper plains is extremely low. An estimated three sites per square mile occur in this area. Site density on the upper escarpment slope and the lower plains is also low. This density is between ten and 12.5 sites per square mile.

The density on the escarpment edge is moderate, estimated at 30 sites per square mile. The total area of this zone is only five percent of the Master Plan area (Table 8).

Potential Importance of Cultural Resources

All of the sites that have been identified to date in the Westland Master Plan area are a-ceramic components of probable Late Archaic-Early Formative Period affinity. There is a curious absence of Anasazi components suggesting that the Plan area was for the most part outside of the primary Anasazi hunting-gathering sphere. Most of the a-ceramic sites are small encampments or limited activity areas, with or without hearth structures. These sites have low to moderate research value and are unlikely to contain

cultural stratigraphic deposits. For these sites, it is probable that survey documentation and limited testing would determine that they are not eligible for nomination to the National Register.

There are a few sites, however, that have multiple hearths and hearth middens containing stratigraphic deposits. These sites may have good potential research value and are probably eligible for nomination to the National Register. These sites are all located along the sandy ridges in the lower escarpment zone (Exhibit 8 - Archaeological Zones). The cultural remains have the potential to yield date samples, cultural-biological subsistence remains, and large numbers of artifact material.

Table 9 provides a preliminary evaluation of the research value of the sites in the Plan area. The sites are rated on a scale that progressively indicates their potential importance on a scale from 1 to 5. As already discussed, most of the sites are in the lower range of 1 to 2; however, several sites are in the mid-range, with a rating of 3. None of the sites in the Plan area are likely to be in the upper range of 4 to 5. None of the sites identified at this time are likely to be of such importance that they would warrant preservation in place. However, the sites with a "3" rating would probably require data recovery and mitigative treatment, in coordination with the State Historic Preservation Division, if they were affected as part of State or Federal action.

Preliminary Management Concepts

The archeological survey represents an effort to identify cultural resources within the Plan area that may require additional study or consideration of management measures. Since the Master Plan is located on private property, the requirements of Section 106 of the Federal National Historic Preservation Act (36 CFR 800), the State of New Mexico Prehistoric and Historic Sites Preservation Act, and other related historic preservation legislation only apply

within certain limits. Full compliance with these laws is required for activities that have state or federal involvement or funding, such as roadway construction or housing projects that anticipate federally guaranteed mortgages. The management concepts for the Westland Master Plan are intended to ensure compliance with these laws where applicable and also provide a reasonable opportunity to achieve local cultural resource preservation goals.

The determination of importance of cultural resources and any necessary mitigative treatment will be established for those sites that will be impacted by development or activities with state or federal involvement. These site evaluations and treatments will be made on a stage by stage basis as the development proceeds under the guidelines of the applicable legislation. The specifics of this treatment will be determined in continued consultation with the state, federal, and local agencies involved in cultural resource preservation.

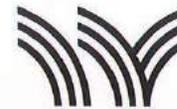
Table 9 - Preliminary Evaluation of Research Value of the Known Cultural Resources in the Westland Master Plan Area

Site No.	Size*	Hearths	Middens	Zone**	Research Value***
WLR #1	100	1		EE	1
WLR #2	100	Unknown		EE	1
WLR #3	100	Unknown		EE	2
WLR #4	600	Unknown		EE	2
WLR #5	2,000	Unknown		EE	2
WLR #6	800	Unknown		EE	2
WLR #7	800	Unknown		EE	2
WLR #8	100	NO		EE	1
WLR #9	10	NO		EE	1
WLR #10	100	NO		EE	1
WLR #11	2,500	5+		LES	3
WLR #12	2,500	2+		LES	2
WLR #13	100	Unknown		LES	1
WLR #14	1,200	2+		LES	2
WLR #15	3,600	YES	1 (10m)	LES	3
WLR #16	225	Unknown	1 (15m)	LES	3
WLR #17	1,000	YES	1 (10m)	LES	3
WLR #18	400	1		LES	2
WLR #19	400	Unknown		LES	1
WLR #20	400	NO		LP	1
WLR #21	900	6+	2 (5m)	LES	3
LA 103051	3,000	Unknown		UP	2
LA 8678		Unknown		LP	Unknown
LA 26999		Unknown		LP	Site Already Mitigated

*Measured in Square meters

**Zone location: EE=Escarpment Edge; UP=Upper Plains; LES=Lower Escarpment Slope; UES=Upper Escarpment Slope; LP=Lower Plains.

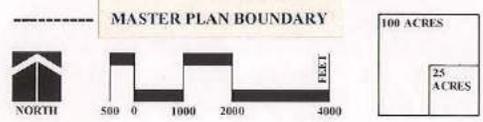
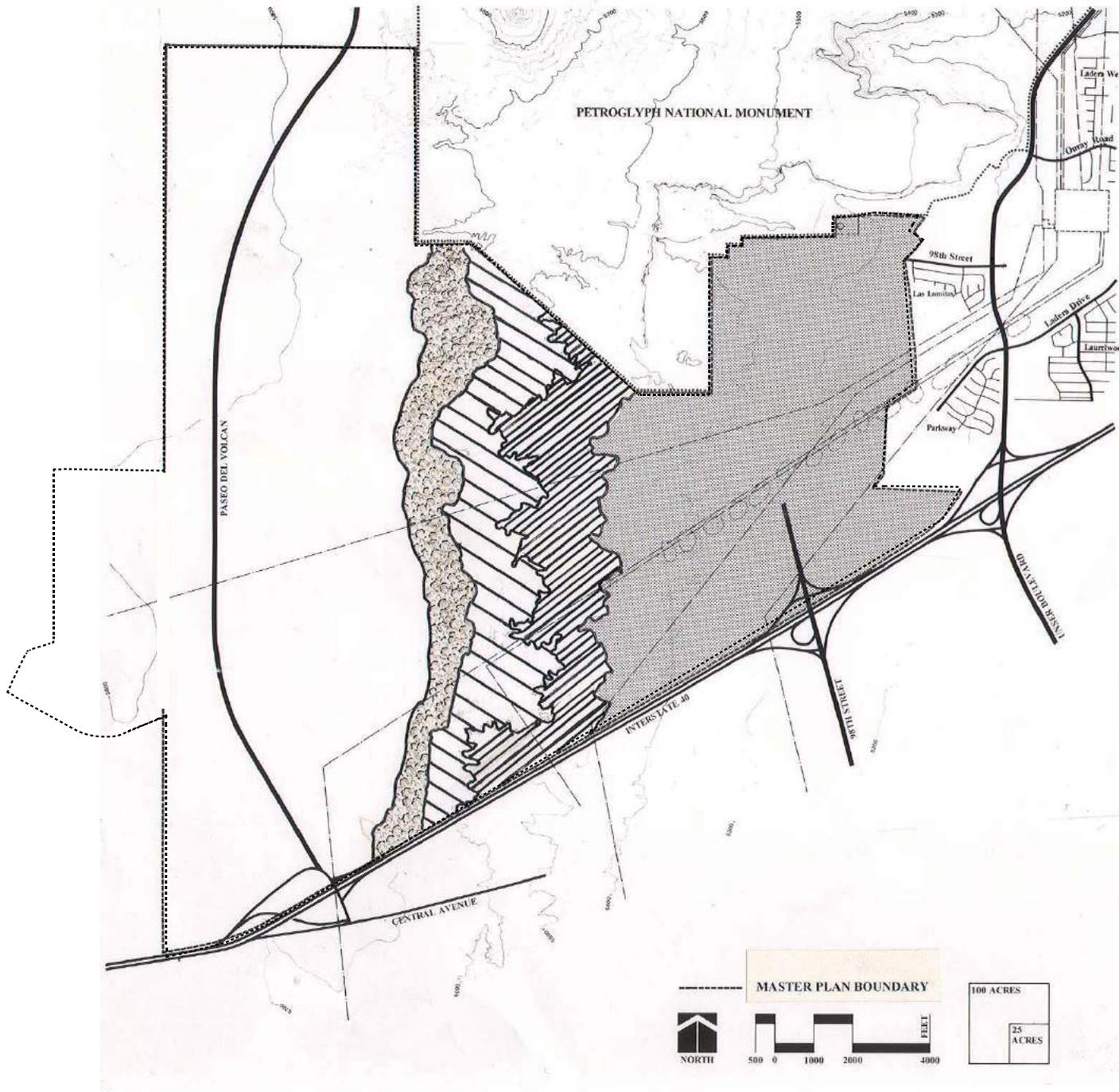
***Research Values: 0=none; 1=minor; 2=fair; 3=good; 4=excellent; 5=exceptional.



Westland Master Plan

ARCHAEOLOGICAL ZONES

-  UP - Upper Plain
-  EE - Escarpment Edge
-  LP - Lower Plain
-  UES - Upper Escarpment Slope
-  LES - Lower Escarpment Slope



Prepared For

 Westland Development

Prepared By

 CONSENSUS PLANNING, INC.

 BOHANNAN-HUSTON INC.
ENGINEERS ARCHITECTS PHOTOGRAMMETRISTS SURVEYORS

 TASCHEK
Environmental Consulting

Traditional Cultural Property

In July, 1995, SWCA, Inc. Environmental Consultants conducted an initial traditional cultural property study (TCP) of the Westland Master Plan property. Data gathered from this study will be utilized in the consideration for preservation or mitigation of impacts to traditional cultural properties and other cultural resources located within the study area.

SWCA contacted groups with potential traditional interests in the Westland property in order to gather information concerning traditional use areas in the vicinity of the parcel, including cultural and religious purposes. SWCA also reviewed existing documentation pertaining to the study area. The results of the literature review indicated the presence of various cultural resources on the West Mesa, with the heaviest incidence being within the boundaries of the Petroglyph National Monument. No traditional cultural properties were documented in the Westland Master Plan area during the course of consultation. Consultation with traditional groups disclosed that, with the exception of the Atrisco Land Rights Council (ALRC), they do not have concerns regarding cultural resources within the Plan area. Numerous unsuccessful attempts were made over a period of several months by SWCA to elicit comments from the ALRC for submission to the final report. SWCA, however, was unsuccessful in obtaining any comments from ALRC.

SWCA concluded that for a cultural resource to be eligible to the National Register, it usually must be at least 50 years old, maintain its integrity, and meet the criteria listed in 36 CRF 60.4. Past and present research and consultation by SWCA indicate the presence of various cultural resources on the West Mesa, with the majority of these resources being documented within the boundaries of the Petroglyph National Monument. Although the ALRC indicated verbally that traditional practices did occur within the Westland

Master Plan area, SWCA was unable to document this claim and is therefore unable to identify any TCPs within the current study area. SWCA believes the current project has constituted a good faith effort by Westland to identify such TCPs.

Groundwater Quality and Quantity Analysis

As a key element to the environmental analysis for the Westland Master Plan, Westland Development Co., Inc. contracted with Dr. Tim E. Kelly, Geohydrology Associates, Inc. to prepare a reconnaissance investigation of the property and ascertain the groundwater potential for the property and its environs. The report and figures prepared by Geohydrology Associates, Inc. are contained in Appendix F.

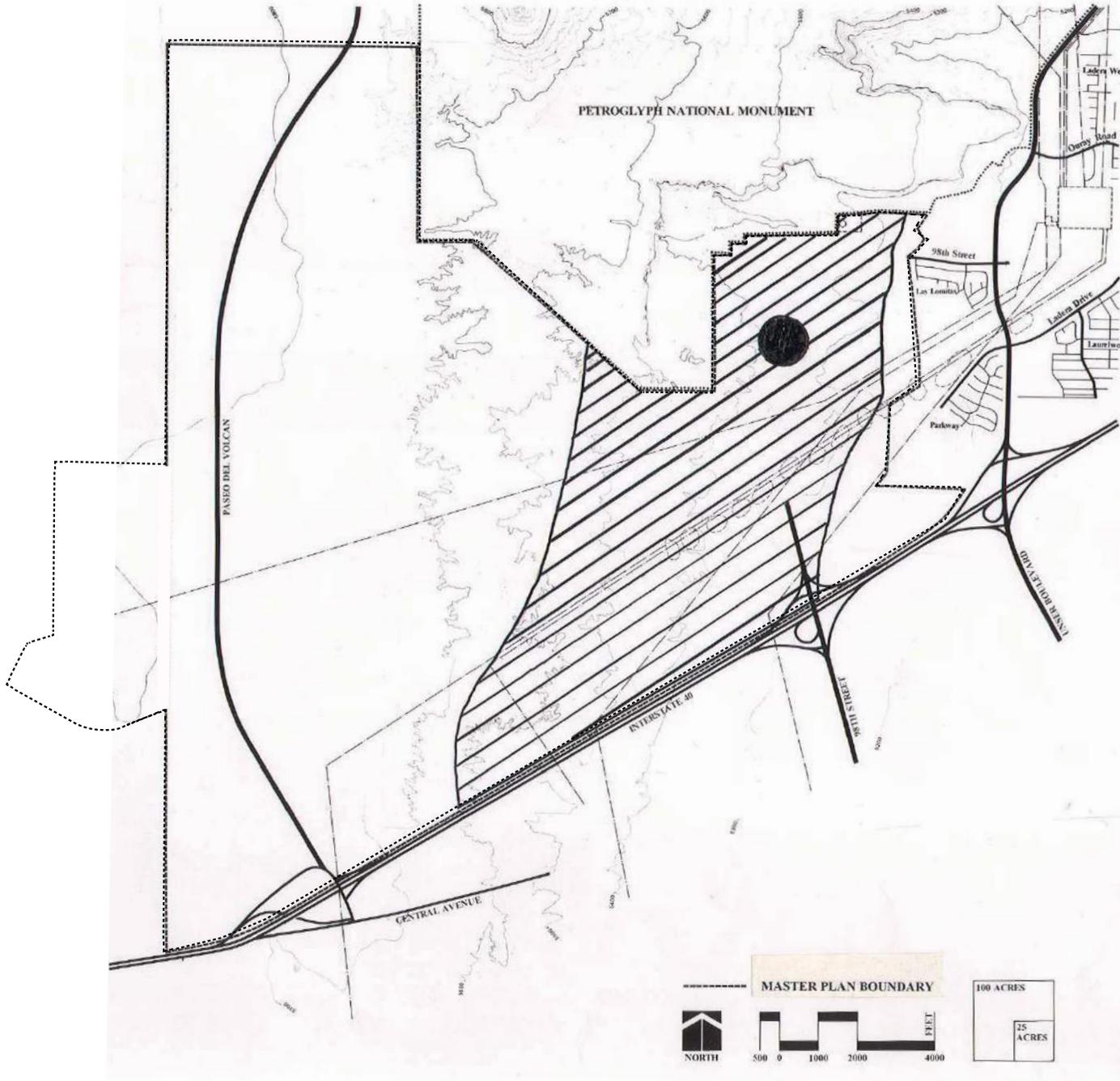
Geohydrology Associates, Inc. prepared their investigation based on a field evaluation and a comprehensive review of published and file data. They reviewed the records of wells in the State Engineers Office, and have studied the recent reports prepared by the United States Geological Survey in cooperation with the City of Albuquerque. The study reviewed the geologic conditions of the area, location and thickness of the Upper Santa Fe Formation, water level data, and chemical quality data for all of the wells in the immediate vicinity.

There are two major faults through and adjacent to the Westland Master Plan area. The Upper Santa Fe Formation is relatively thick beneath the eastern two-thirds of the Westland Master Plan area. The Upper Santa Fe Formation is the principal source of ground water in the Albuquerque Basin. The thickness is generally more than 750 feet and exceeds 1,000 feet at the north boundary of the property. Water-level data from the State Engineer and other records indicate that the depth to water is about 300 feet near Unser Boulevard and increases to approximately 800 feet at the western boundary.



Westland Master Plan

GEOHYDROLOGY



-  Area of Greatest Groundwater Potential
-  Preferred Exploration Well Site

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PLANNING ARCHITECTURE PHOTOGRAPHY INTERIOR

 TASCHEK
 Environmental Consulting

On the basis of their investigation, Geohydrology Associates, Inc. believes that there is potential for development of ground water on the property. The area with the greatest ground water potential is indicated (Exhibit 9 - Geohydrology) by the cross hatched area. This exhibit also indicates the preferred location for an initial exploratory well. In this area a well should penetrate the upper Santa Fe Formation and have the production capacity similar to wells in the West Mesa Field. Wells on the Westland property would produce water from the saturated portion of the upper Santa Fe formations, and lesser quantities of water would be produced from the underlying middle member of the formation. Depth to water in this area would be reasonably shallow.

The chemical quality of water is always considered an integral part of the well design. There are indications that arsenic exists in wells in this region, though it tends to be stratified horizontally. Arsenic levels at any well location can vary depending on the location and depth of well screens. Individual wells can be optimized to pump only from desired stratigraphic levels where low arsenic levels exist in order to ensure water quality.

Three wells near the Plan area have been analyzed; Tierra West, American R.V. Park, and P.G. Corp.. Water quality analyses took place in March 1995 and have been found to have arsenic levels well within safe drinking water standards.

Geohydrology Associates, Inc. has recommended that a specially-designed exploration well be drilled to test the production capacity and water quality within the Plan area. This method is recommended based on concerns about arsenic levels in some City wells. Geohydrology Associates, Inc. has designed a number of municipal wells which sample water quality prior to final completion of the well. This technique requires that zones of high permeability are selectively sampled for water quality from the pilot hole. After the analyses are available, the pilot hole is reamed to production diameter and the well screens are selectively placed opposite those zones of high permeability and acceptable water quality. Zones of poor water quality are cased off. While this technique may somewhat reduce the production capacity of the well, water quality is assured.

IV. MASTER PLAN

Introduction

The Westland Master Plan proposes a variety of land uses to take advantage of the area's regional importance and strategic location on Albuquerque's growing West Side. A variety of housing densities, commercial and employment centers, and innovative open spaces are offered in order to create a cohesive community which will be an identifiable western entrance to the Metropolitan Area.

Innovative standards on allowed uses, gross densities, lot coverage, floor area ratio, major landscaping features, building massing, flood water management, and provisions for transportation are provided as per Comprehensive Plan goals. This Plan seeks evaluation based on special area-wide requirements and its conduciveness to flexibility rather than restrictive zoning classifications.

Land Uses

A mixed-use community is envisioned for the Westland Plan area where maximum opportunities for living, working, shopping, and playing will be offered (Exhibit 10 - Land Use and Zoning Plan). Comprehensive planning for the full 6,424 acres will allow the most appropriate and beneficial land uses to be developed. Natural topography and proximity to transportation access will be important guidelines in determining the locations and intensities of the mixed land uses. Table 10 shows the breakdown of land uses. Design guidelines for all land uses are presented in Chapter VIII. Until specific development projects begin, interim land uses will continue to be agricultural and grazing activities that are currently taking place. These activities will remain valid until site plan and subdivision applications are submitted.

Residential

The Westland Plan area will provide for a diversity of housing types to accommodate a broad socioeconomic range of future residents. Residential areas will provide opportunities for entry level housing. Large areas for future residential neighborhood development have been designated at a variety of densities. Each of these areas will incorporate a range product types and densities, in addition to small-scale neighborhood commercial centers, schools, parks, churches, etc.

Bernalillo County, as well as the growing West side, needs additional choices in the types and prices of housing. It is anticipated that the housing market will continue to have cycles similar to what has been experienced over the past 15 years on Albuquerque's West Side. The residential, Town Center, and Neighborhood Center land uses are representative of the village concept promoted in the Planned Communities Criteria.

Residential Resort

The Westland Master Plan has provided a specific area for the development of residential resort. The residential resort is designed to accommodate a wide range of residential development in conjunction with active recreational uses. While the overall density for this area is relatively low (2.5 du/acre), it is anticipated that these residential uses may be clustered around large open space areas including golf course, irrigations ponds, and natural open space areas. The residential resort will also allow the development of a resort hotel, recreational amenities, and related conference/meeting facilities.

The focus of the active recreation within the resort residential area will be a golf course, driving range, tennis facilities, and the clubhouse. The golf course development will provide open green areas

Table 10 - Land Use

Land Use	Total Acreage	% of Total	Average du/ac	Min. Density	Total DUs
Residential - 2.5 du/ac average*	177	2.7%	2.5	2	293
Residential - 4.0 du/ac average	398	5.9%	4	2.5	1,592
Residential - 5.5 du/ac average	2316	35.7%	5.5	3.0	13,068
Residential - 15 du/ac average	33	.5%	15	8	495
Residential - 12 du/ac average/TCV	86	1.2%	12	5	1,032
RESIDENTIAL SUBTOTALS	3,010	46.0%			16,480
Neighborhood Commercial	109	1.6%			
Highway Commercial	57	.0%			
Town Center - 20% @ 30 du/acre***	147	2.3%			
COMMERCIAL SUBTOTALS	313	4.8%			882
Education K-12 (APS)/TCV	110	1.7%			
Corporate Office	90	1.4%			
IP/Industrial Uses	1150	10.7%			
CORPORATE, EDUCATION & IP/INDUSTRIAL SUBTOTALS	1350	13.8%			
Regional Park/SU-2/SU-1 for Regional Sports Complex and Related Facilities	81	1.3%			
Athletic Complex (APS)/TCV	110	1.7%			
RECREATION/PARK TOTALS	191	3.0%			
Atrisco Terrace Major Public Open Space	837	13.0%			
Trail Network/Open Space	590	9.1%			
OPEN SPACE SUBTOTALS	1,427	22.1%			
Road/Drainage Trail Corridors	588	10.3%			
ROAD/DRAINAGE TRAIL CORRIDOR SUBTOTALS	588	10.3%			
TOTAL	6,879	100.0%			17,362**

*The Westland Master Plan has a goal that 20 percent of the housing units shall be affordable based on federal established criteria.

**The original 2000 Master Plan established a maximum of 17,842 dwelling units within the Plan area. The amendments to the Sector and Master Plans shall not allow any increase in residential uses or residential housing units above that allowance unless those units are placed at the second story or above.

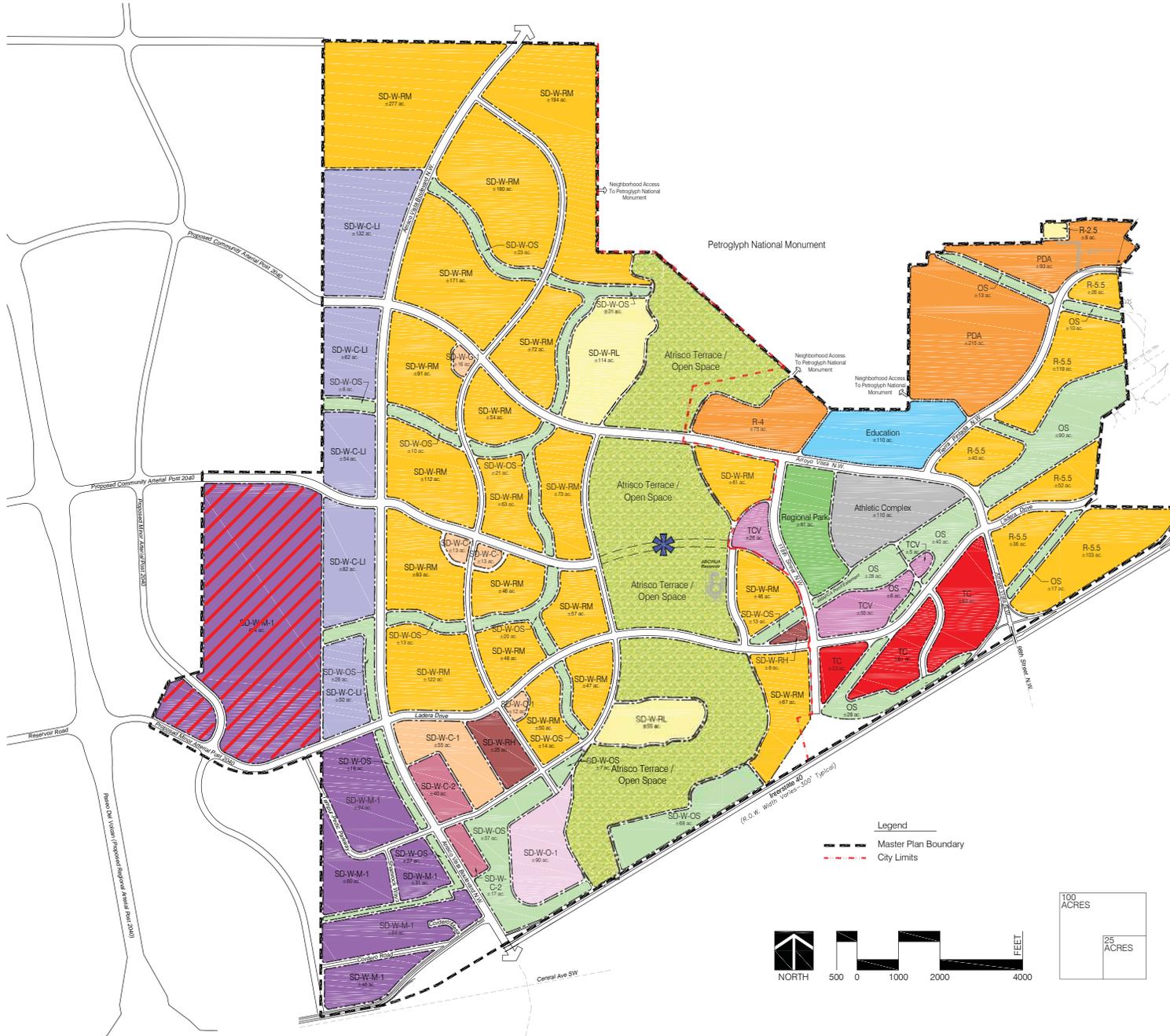
***Dwelling units are calculated for the Town Center; the Town Center is a Community Activity Center and pursuant to the C-2 Zone, high density residential is a permissive use. It is estimated that up to 20% of the Town Center could develop with high density housing with a potential for 882 units.

Note: The acreages have been revised to reflect the latest platting and updated mapping for the property.

Western Albuquerque Land Holdings Master Plan

LAND USE/ZONING PLAN

AMENDED APRIL, 2016



CITY OF ALBUQUERQUE

- R-2.5 Residential 2.5 du/ac average
- PDA Residential 4 du/ac average
- R-5.5 Residential 5.5 du/ac average
- R-15 Residential 15 du/ac average
- TC Town Center - Community Activity Center /SU-2 for TC
- TCV Town Center Village - 30 du/ac average /SU-2 for TCV
- Education K-12 (A.P.S.) /R-4
- Athletic Complex (A.P.S.) /TCV
- OS Trails /Drainage Corridors /Open Space
- Regional Park (C.O.A.) /TCV
- Atrisco Terrace /Major Public Open Space
- This corridor is restricted to utilities, drainage, and trails.

BERNALILLO COUNTY

- Residential 2.5 du/ac average
- Residential 5.5 du/ac average
- Residential 15 du/ac average
- Neighborhood Commercial
- Highway Commercial
- Corporate Office
- Commercial/Light Industrial
- Industrial Park
- Open Space
- Atrisco Terrace/Major Public Open Space
- Proposed Master Plan Boundary Extension

Prepared For
WESTERN ALBUQUERQUE LAND HOLDINGS LLC
Prepared By

Consensus Planning, Inc.

Bohannon & Huston
www.bhinc.com 800.877.3332

that will separate and buffer clusters of residential development from one another and provide an open character to the development. Other recreational uses anticipated will be tennis facilities, swimming pool, trails, etc..

In the event that this portion of the Master Plan area does not develop as a residential resort with associated recreational uses, the development of high-density apartment units within the proposed SU-PDA zone shall be prohibited. The permissive uses within the R-2 zone as specified on page 43 shall be revised to state a maximum density of 15 du/ac in conjunction with the residential resort. A maximum density of 5.0 single family units per acre will be allowed if the residential resort does not develop.

Much attention has been focused recently on the land use/job mix on the West Side. This discussion has surfaced in the context of the number of lanes crossing the Rio Grande to get West Side residents to employment areas east of the river. The Westland Master Plan area will contain approximately 1,100 acres of nonresidential land uses that will have employment opportunities via commercial, corporate office, and industrial park uses. Based on Urban Land Institute standards as seen in Table 11, there are projected to be approximately 23,620 jobs.

Table 11 - Land Use/Job Mix

Land Use	Acres	Employee per Acre Multiplier	Employees (Jobs)
Residential Resort **	5	18.7	94
Commercial	313	18.7	5,853
Corporate Office	90	37.4	3,366
Industrial Park	1150	19	21,580
TOTAL	1,558	21.7***	30,893

*Source: Urban Land Institute

**Total acreage is 467. It is assumed that five (5) of these acres will be commercially-oriented to provide services to the resort.

***Average based on all employment-oriented acreage.

The ratio of persons to jobs is expected to be approximately 2.07, which is nearly identical to the city-wide ration of 2.08 persons per job. Further, other major employment centers are near the Westland Master Plan area, including the Atrisco Business Park east of Unser Boulevard and the future industrial parks associated with the Double Eagle II Airport and the Black Ranch.

Hierarchy of Commercial Centers

Town Center

Purpose: To Provide the primary focus, identity, and sense of character for the entire Plan area in conjunction with community-wide services, civic land uses, employment, and the most intense land uses within the Plan area. Land uses within the Town Center may include, but are not limited:

- Specialty and Service Commercial
- Retail Power Centers
- Offices
- Medical Offices, Urgent Care Center, and Clinics

- Public and Quasi-Public Uses such as library and/or sheriff/fire
- High Density Residential
- Churches
- Urban Park/Plaza

Park and ride facilities can be co-located at appropriate locations within the Town Center.

Wildlife corridors are discouraged within the Town Center Site as the planned density of the site would not be conducive to wildlife populations.

Neighborhood Center

Purpose: To provide for the daily service needs and focal point for all residents and employees within the neighborhoods. Land uses in the Neighborhood Centers may include, but are not limited to:

- Neighborhood Scale Commercial Services, including but not limited to a grocery with liquor sales, and/or drug store anchor center
- Public and Quasi-Public uses such as a branch library, post office, and/or sheriff /fire
- Medium Density Residential
- Garden Offices
- Medical Offices and Clinic
- Churches

Highway Commercial

Purpose: To provide easy access to and from Interstate 40 for commercial and automotive needs. Seventeen total acres are envisioned for Highway Commercial uses near the Paseo del Volcan

interchange with Interstate 40. Examples of land uses may include, but are not limited to:

- Gas Station
- Automotive Center
- Fast Food Restaurant
- Convenience Store

Corporate Office/Industrial Park

Access to Interstate 40 has also influenced the location of corporate office and industrial park parcels. A total of 848 acres have been set aside for these land uses along the southwest portion of the Plan area along Interstate 40 and Paseo del Volcan. Maximum visibility from these important transportation facilities will be achieved and substantial employment opportunities are associated with the corporate office and industrial park development. These land uses are separated from residential land uses in order to avoid the potential for groundwater contamination and toxic air emissions impacts on nearby residential or sensitive areas.

Zoning

The following zoning categories shall be utilized for all property within the Westland Master Plan according to the phasing of development and the development agreement. Supplemental zoning standards are included in the WMP affiliated Sector Development Plans in the Appendices.

Residential Zones: R-LT, R-2 and Planned Development Area (PDA)

The plan's goal is that twenty percent of the housing units developed within the Master Plan area shall be affordable based on federally-established affordability criteria.

- Westland will work with residential developers, City of Albuquerque and Bernalillo County to provide for affordable housing units throughout the plan area.
- Minimum densities are established for each residential zone pursuant to Table 10, and are 80 percent of the proposed maximum densities.

Industrial Park – Zone: M-1

This zone provides suitable sites for a wide range of industrial and commercial uses, provided such uses are conducted in a compatible and harmonious manner within industrial environments achieved through a Development Plan. All regulations guiding the development within the M-1 zone (including conditional uses) are as defined within the Bernalillo County or City of Albuquerque Comprehensive Zoning Code. See Appendices.

Corporate Office – Zone: O-1

This zone provides sites suitable for office, service, institutional, and dwelling uses. All regulations guiding the development within the O-1 zone (including conditional uses) are as defined within the Bernalillo County Comprehensive Zoning Code. See Appendices.

Neighborhood Commercial Center – Zone: C-1, with package liquor in conjunction with a Grocery or Drug Store

The zone provides suitable sites for office, service, institution and limited commercial uses to satisfy the day-to-day needs of residential areas. All regulations guiding the development within the C-1 zone (including conditional uses) are as defined within the Bernalillo County Comprehensive Zoning Code. See Appendices.

Highway Commercial – Zone C-2

This zone provides suitable sites for commercial activities and certain specified outside storage. All regulations guiding the development within the C-2 zone (including conditional uses) are as defined within the Bernalillo County Comprehensive Zoning Code. See Appendices.

SU-2 for Town Center

This zone, as applied by this Plan, provides suitable sites for a high intensity mixture of commercial, office, service, institutional, and residential uses. The design and general layout of these uses shall be controlled by the following:

- A. Permissive Uses, subject to site development plan approval:
 - Uses Permissive in the C-2 zone, except:
 - a. Parking lots (as a business or primary activity).
 - b. Adult bookstores, adult photo studios, or adult theaters.
 - Dwelling unit, provided it is developed as part of a residential or mixeduse site development plan at not less than 9 du/acre for the net residential development area.
 - Church or other place of worship, including the usual incidental facilities.
 - Public Park, and/or Urban Plaza.
 - Hotel.
- B. Conditional Uses.
 - Uses conditional in the C-2 zone.

C. Height

- Structure height up to 40 feet shall be allowed within the Town Center

D. Lot Size: No general limitations.

Town Center (TC) Zoning:

1. The following shall be allowed in the TC zone: uses permissible in the R-2 zone, excluding uses allowed in the R-T, R-LT, and R-1 zones. However, a home occupation as regulated by the R-1 zone would be allowed in the TC zone.
2. Maximum structure height allowed in the TC zone shall be 65 feet.
3. No drive-thru service windows shall be allowed in the TC zone except for the outermost periphery area of the town center and as approved by the Albuquerque Environmental Planning Commission.
4. No drive-in restaurants shall be allowed in the TC zone.
5. The maximum front setback in the TC zone shall be 15 feet. There shall be no minimum setback requirement.

Town Center – Zone – Density

The Site Development Plan for a subdivision for the Town Center shall identify minimum FAR's for specific development areas, with higher FAR's such as 2-3 in the central core area and low FAR's such as 0.3 - 0.6 in the peripheral area.

Front loaded garages shall not be allowed in the TC zone.

Maximum residential lot size shall be 4,000 square feet. However a variance of up to 10% above the maximum 4,000 square foot lot size is possible via an EPC approved site development plan for subdivision for limited areas provided that adherence to the following criteria can be clearly demonstrated:

1. Furthering the intent of applicable goals and policies in the Comprehensive Plan, the West Side Strategic Plan, the Westland Sector Development Plan, the Westland Master Plan, the Northwest Mesa Escarpment Plan, and the facility Plan for Arroyos,
2. Promoting pedestrian oriented design and function,
3. Providing for connectivity and integration with the surrounding mixeduse community, and
4. Functioning as a transition between the Town Center and the Town Center Village.

Housing within the zone shall contribute to the minimum percentage of 20% for affordable housing within the overall Master Plan and shall be based on federally established affordability criteria.

TC Zone Estimated Land Use Percentages

- Town Center (TC):
- Residential - 35 to 45%
- Non-Residential - 40 to 60% (half office and half commercial)
- Open Space - 10%

Amount of mixed use to be determined within the percentage of residential, office, and commercial shown above.

- E. Setback. As determined by an approved Site Plan.
- F. Off -Street Parking. As defined by the City of Albuquerque Comprehensive Zoning Code.
- G. Site Development Plan Approval. A site development plan and landscaping plan shall be approved by the City Planning Director for each new building, building addition, or major use of open space on any site in the SU-PDA, Town Center zone. The Planning Director shall use the following procedures in reviewing site development plans.
 - 1. No site development plan shall be approved in the SU-PDA, Town Center Zone without a copy of notice of approval from the Design Review Committee.
- H. Site Development Plan Standards. Site development plans for property in the area zoned SU-PDA, Town Center, shall meet the intent of the design guidelines section of the Westland Master Plan.
 - 1. Specific sign regulations for each development shall be established in the site development plan. The general principals guiding signage within the SU-PDA, Town Center zone shall be that the commercial uses should follow C-2 sign controls, sign for office should follow the O-1 sign controls, and signs for residential projects should follow the General Sign Regulations in the City's Comprehensive Zoning Code.
 - 2. Non-residential open space should be provided in the form of outdoor plaza space. Pedestrian linkages between the open space/outdoor plaza and the public street shall be provided whenever possible. Pedestrian ways should be integrated with structures, parking areas, open space, and generally incorporated as a key element of the site development plan.

SU-2 for Planned Development Area

This zone provides suitable sites for a mix of residential uses which are special because of the relationship of this property to Petroglyph National Monument. This zone, as applied by this Plan, provides suitable sites for a wide range of residential densities, schools, active and passive recreational uses (parks, trails, community centers, etc.)

- A. Permissive Uses, subject to site development plan approval:
 - 1. Uses Permissive in the RT zone.
- B. Height.
 - 1. Structure height up to 40 feet shall be allowed within the SU-2 for PDA zone, except within the View and Impact Areas of the Northwest Mesa Escarpment Plan.
- C. Lot Size. Per the RT zone in the City of Albuquerque Comprehensive Zoning Code, except for a house, minimum lot area shall be 3,200 square feet per dwelling unit; minimum lot width shall be 32 feet.
- D. Setback. As defined by an approved site plan.
- E. Off-Street Parking. As defined by the City of Albuquerque Comprehensive Zoning Code.
- F. Site Plan Approval. A site plan and landscape plan shall be approved by the City Planning Director for each new building addition, residential development area, planned development area, or major use of open space on any site in the SU-2 for PDA zone. The Planning Director shall use the following procedures

in reviewing site development plans:

1. No Site Development Plan shall be approved in the SU-2 For PDA zone without a copy of notice of approval from the Design Review Committee.
2. Site Development Standards. Site plans for property in the area zoned SU-2 for PDA zone shall meet the intent of the design guidelines section of the Westland Master Plan.
3. Specific sign regulations for each development shall be established in the site development plan. The general principals guiding signage within the SU-2 for PDA zone should follow C-1 sign controls, or as determined by an approved site development plan.

SU-2 for Town Center Village

This zone, as applied by this Plan, provides suitable sites for a range of residential densities, sizes, styles, and amenities that shall accommodate a broad socioeconomic range of future residents. The intent of this zone is to allow for a mixture of residential types and sizes that is not permitted by the current Zoning Ordinance. These units will be designed to complement the nearby Town Center and the commercial, office, and residential uses therein. Future site plans should be reflective of the "New Urbanist" movement in town planning and designed to be reminiscent of the pedestrian oriented neighborhoods and townscapes of old. Principals of New Urbanism including walkability, connectivity, mixed-use and diversity, mixed housing, quality architecture, traditional neighborhood structure, transportation, and sustainability will be integrated in the plan. The design and general layout of these uses shall be controlled by the following:

A. Permissive Uses

1. Uses Permissive in the R-2 zone.
2. Uses Permissive in the C-1 zone.
3. Community Recreational Center. (Publicly or privately owned facility designed to provide active and passive recreational areas for residents.)

B. Conditional Uses

1. Uses Conditional in the R-2 zone.
2. Uses Conditional in the C-1 zone.

C. Height

1. Structure height up to 40 feet shall be allowed within the Town Center Village.

D. Lot Size.

1. No general limitation.

E. Setback. As determined by an approved site plan.

F. Off-Street parking. As defined by the City of Albuquerque Comprehensive City Zoning Code.

G. Signage

1. All signage shall conform to the signage regulations found in the C-1 zone of the City of Albuquerque Comprehensive City Zoning Code unless modified as part of an approved site development plan.

H. Lighting

1. All lighting shall comply with the requirements of the Night Sky Ordinance, the Westland Master Plan and the Northwest Mesa Escarpment Plan, whichever is more restrictive.

I. Site Development Plan Approval. Site development plan approval shall comply with the requirements of the Westland Sector Plan. No site development plan shall be approved in the SU-PDA, Town Center Village Zone without a copy of a notice of approval from the Design Review Committee.

- J. Site Development Plan Standards. Site development plans for property in the area zoned SU-TCU, town Center Village, shall meet the intent of the design guidelines section of the Westland Master Plan.

Town Center Village (TCV) Zone Housing:

1. R-1 regulations regarding lot size shall not apply.
2. A home occupation as regulated by the R-1 zone shall be allowed in the TCV zone.
3. The maximum front setback in the TCV zone shall be 20 feet. There shall be no minimum front, rear, or side setback requirement.
4. Housing within this zone shall contribute to the minimum percentage of 20% for affordable housing within the overall Master Plan and shall be based on federally-established affordability criteria.

Town Center Village (TCV) Zone-zoning:

1. The following C-1 conditional uses shall not be allowed in the TCV zone; community residential programs, auto/trailer/truck rental/service/storage, drive-up service window as approved by the EPC, and outdoor storage.
2. The following shall be allowed in the TCV zone; uses permissive in the R-2, R-T, and R-LT zones, with the following exceptions:
 - a. Density shall not exceed 36 dwelling units per acre.
 - b. There shall be no maximum FAR.
 - c. Recreation uses, including community and regional scale recreation facilities provided a Master Development Plan (Site Plan for Subdivision) is approved by the EPC.

3. To be consistent with the TC zone: adult bookstores, adult photo studios, or adult theaters shall not be allowed in the TCV zone.
4. Free-standing wireless telecommunication facilities (WTFs) shall be limited to clock or bell towers and flag poles.

TCV Zone Estimated Land Use Percentages.

Town Center Village (TCV):

Residential 16-22%

Non-Residential up to 20%

Recreation/Open Space 58%

SU-2 for RLT

SU-2 RLT Zone shall be regulated by the City of Albuquerque Comprehensive Zoning Code with the following exceptions:

1. Lot Size. For a house, minimum lot area shall be 3,500 square feet; minimum lot width shall be 35 feet.
2. Conditional Use: Single family detached housing on lots smaller than 3,500 square feet provided that the overall gross density does not exceed 8 du/acre.

Government and Public Services

Community facilities and public services are provided in a variety of ways within the Westland Master Plan area (Exhibit 11- Community Facilities Plan). Public schools will be the responsibility of Albuquerque Public Schools while libraries, sheriff/police, and fire protection will be provided by the City of Albuquerque and Bernalillo County. The needs projected in the following sections are to be used as a guide only. Future changes in technology, demographic trends, and the way that services are provided by various agencies will affect these needs, requirements, and the exact locations of facilities.

Useable public open space and public facilities (libraries, parks, elementary schools, middle schools, high schools, trails, etc.) shall not be located within the PNM easements for overhead power lines. Each facility should be located at a prudent distance away from these easements.

Schools

The property owner/developer will continue to meet with Albuquerque Public Schools as to proper size, amount and location of schools in the Westland Master Plan area as it becomes necessary for schools to be provided in the area. Albuquerque Public Schools recently purchased a 110 acre property north and west of Tierra Pintada and Arroyo Vista for the purpose of locating a future K – 12 education campus. APS also purchase a separate 110 acre property for the purpose of developing an athletic complex that includes a stadium. The stadium is currently under construction. Additional school sites will be determined as growth of the community requires.

SU-2/SU-1 Open Space

Reserved

SU-2/SU-1 for Major Public Open Space (MPOS)

The SU-2/SU-1 for MPOS zoning category will be used for the Atrisco Terrace that is currently owned by the City of Albuquerque if and when this area is annexed into the City.

Parks

Public parks are an integral component to the open space network and provide essential passive and active recreational opportunities. According to the [Bernalillo County Parks, Recreation, and Open Space Master Plan \(PROS plan\)](#) level of service standards, approximately 860 acres of open space, 170 acres of regional parks, 60 acres of community parks, 45 acres of neighborhood parks, two community centers, and two aquatic centers are needed to service the Plan area and its potential population. Parks servicing the Plan are envisioned to be a mixture of park, recreation, and open space facilities. The Westland Master Plan proposes to provide above and beyond that which is required. As shown in the table, the Master Plan area provides space for 1,427 acres of open space, 191 acres of regional parks, 60 acres of community parks, 65 acres of neighborhood parks, two community centers, and two aquatic centers.

Extra park credits not utilized in the immediate area of a residential subdivision may be applied toward other park credits elsewhere within the Master Plan area, or may be purchased by Bernalillo County. The provision of these facilities should be greatly aided and expedited by the County Development Impact Fee Ordinance.

Neighborhood Park: Neighborhood parks may vary up to five acres and serve residences within a radius of ½ mile. They are ideally co-located with elementary schools and libraries and are adjacent to the open space trail system.

An urban park/plaza is a specialized type of Neighborhood Park that would be specifically located in the Town Center. This facility would be surrounded by the community services and facilities, along with perimeter and would be modeled after plazas or zocalos found throughout Mexico and Latin America. View corridors and building placement are sensitive to solar access, building use compatibility, and pedestrian usability. A gazebo or similar open

aired yet covered structure is typically in the center of this facility with paths and benches radiating out toward the perimeter and reinforcing pedestrian corridors. These spots are ideal for small outdoor concerts, social gatherings, lunches, and picnics.

Community Park: Community Park facilities are typically greater than five acres and serve a population within a two-mile radius. These parks usually have more developed facilities, such as ball-fields, pools, locker rooms, etc. and are oriented to active recreation. They are also ideally co-located with middle or high schools, adjacent to a regional trail facility, and located on a minor arterial in order to handle larger-than-average traffic volumes.

Regional Park: A regional park is proposed to be located adjacent to the APS Athletic Complex south of Arroyo Vista and east of the realigned 118th Street. The purpose of this regional park is primarily to accommodate the communities need for a soccer complex. The voters approved a bond issue to purchase an 81 acre site in 2012 and the property is currently being platted for sale to the City.

Parks, Recreation, and Open Space Allocation

	Open Space		Regional Parks*		Community Parks		Neighborhood Parks		Community Centers		Aquatics Facilities	
	Total Acres	Acres per 1000	Total Acres	Acres per 1000	Total Acres	Acres per 1000	Total Acres	Acres per 1000	Total Acres	Acres per	Total Acres	Acres per
City	232	16.8	191	13.8	0	0.0	30	2.2	0	0.0	0	0.0
Unincorporated County	1195	41.0	191	6.6	60	2.1	35	1.2	2	1.0	2	1.0
Westland Master Plan Area	1427	33.2	191	4.5	60	1.4	65	1.5	2	0.7	2	0.7
PROS Level of Service Goal		20		4		2		1		1		1

Libraries

Exhibit 11 indicates the general locations for A community library that could be integrated into a joint use facility with a police/sheriff and fire station.

Sheriff and Fire Protection

Sheriff and fire protection will come from Bernalillo County and the City of Albuquerque. Based on current level of service thresholds of one new fire station per 21,842 residents and one deputy for every 1,000 population, approximately two new fire stations and sheriff sub-stations are well-suited to being co-located with community parks, the Town Center, and middle and high schools. The location of police sub-stations along with other community facilities is conducive to and reinforces the concept of a community-based policing model.

Development Phasing

Development phasing is represented graphically on Exhibit 12. The phasing plan acknowledges those areas that are currently developed (Phase 1) and those areas that are currently being planned for development (Phase 2). Beyond phase 2 the plan represents the “best guess” as to how development is likely to progress in the future. Phases 3 through 5 are anticipated to follow utility expansion corridors and water zone boundaries. Land uses and market needs were also taken into consideration. The proposed phasing plan is meant to be a living document and respond to market conditions in the future, but also to represent a logical expansion of urban land uses to meet projected needs as our community grows. The Town Center is anticipated to grow over a long period of time and will meet the expanding needs of the community as population and employment uses develop over time.

Western Albuquerque Land Holdings Master Plan

COMMUNITY FACILITIES PLAN

AMENDED APRIL, 2016



-  General Location for Elementary School
-  General Location for Middle School
-  General Location for High School
-  General Location for Neighborhood Park
-  General Location for Community/Regional Park
-  General Location for Trail Network
-  General Location for Library
-  General Location for County Sheriff / Police
-  General Location for Fire Station
-  General Location for APS Athletic Complex & Stadium
-  General Location for Community/Aquatic Center

Note: These access points are generally consistent with the Petroglyph National Monument General Management Plan. The non-vehicular access points will be via the Atrisco Terrace Major Public Open Space from 98th Street. Responsibility for building, maintaining, and operating this facility shall be arranged between the Open Space Division, Bernalillo County, and the National Park Service. Western Albuquerque Land Holdings LLC will bear no responsibility for construction, maintenance, operation, nor use of this facility.

Prepared For
WESTERN ALBUQUERQUE LAND HOLDINGS LLC

Prepared By
 Consensus Planning, Inc.


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Environment and Open Space

General Open Space

Open spaces and their associated amenities will be one of the defining features of the Westland Plan area. From the Petroglyph National Monument to the north, to the Atrisco Terrace, and the Ladera Detention Facility bisecting most of the Plan area, future residents will have several open spaces that can provide recreational opportunities as well as visual relief from development. The Westland Master Plan has allocated extra right of way for its major east-west arterials in order to consolidate roadway, drainage, and trail functions. These corridors will offer substantial links between the eastern to the western portions of the Plan area and will be connected to regional and neighborhood parks within the Plan area. These links will be developed in the context of the Parks, Open Space, and Trails (POST) network which will require coordinated and cooperative planning efforts with the National Park Service and Bernalillo County.

The southern boundary of the Petroglyph National Monument is adjacent to the northern boundary of the Westland Plan area. The southern tip of the basalt escarpment lies approximately 2000 feet from the Plan boundary in this area, which provides adequate buffering to development in the Plan area and excellent views of the volcanos to the north.

Two alternative access points into the Petroglyph National Monument are shown on the Community Facilities Plan on page 45. Either of these access points are generally consistent with the Petroglyph National Monument General Management Plan. The 98th Street alternative access will be via a road within the Atrisco Terrace Major Public Open Space. This roadway would be contained entirely within the Major Public Open Space and the responsibility for building, maintaining, and operating this facility

shall be arranged between the Open Space Division, Bernalillo County, and the National Park Service. Westland Development Co., Inc. will bear no responsibility for the construction or use of this facility. It has been provided via a series of meetings with the National Park Service and is intended to foster positive relations between the two landowners.

Atrisco Terrace

The Comprehensive Plan indicates that a bank of steep lands that cross the Master Plan area, known as the Atrisco Terrace, shall be acquired by the public as Major Public Open Space. In January 1997, voters approved a 1/4 cent increase to the local sales tax to fund the purchase of the Atrisco Terrace, other Major Public Open Spaces in the City and County, and to develop neighborhood parks. The Land Use Zoning Plan on page 39 shows a revised version of the Atrisco Terrace that was developed between Westland Development Co., Inc., City of Albuquerque Open Space, and County staff after numerous meetings, field trips, and resource evaluation. This version is slightly modified from the Comprehensive Plan version by softening the eastern and western edges and making the overall configuration easier to discern, while still preserving the Comprehensive Plan's intent to preserve the property as visual and recreational Major Public Open Space.

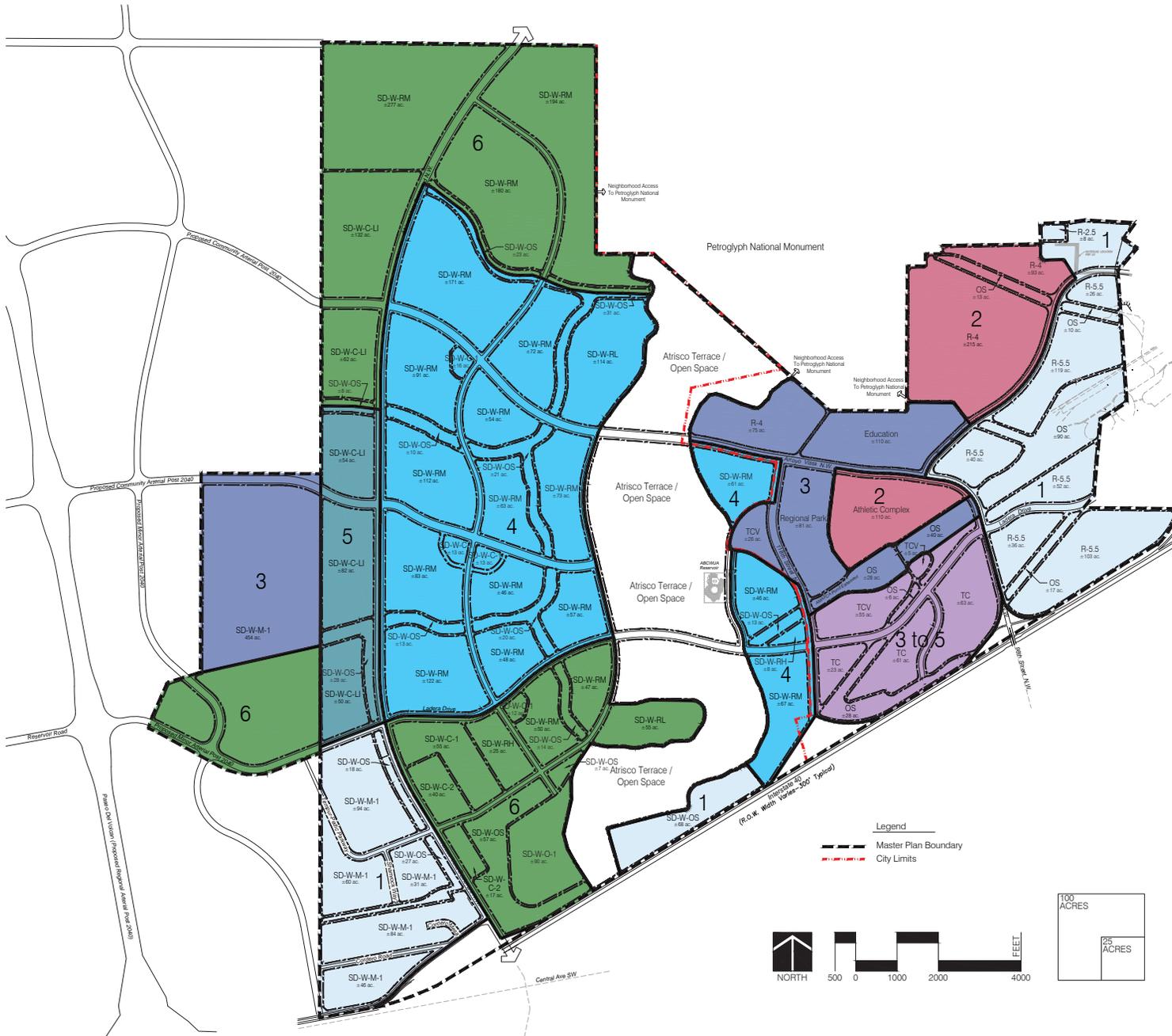
It is the intention of the Westland Master plan for there to be full access to the Atrisco Terrace. Non-vehicular access is depicted on the land use map to show conceptual trail access points that will connect in order to form linkages between the Petroglyph National Monument to the north, the neighborhoods on either side of the Terrace, and the proposed Regional Park near the southern end of the Terrace. Vehicular access in an east-west direction will be via the three arterials that are shown in the land use map. These rights-of-ways shall combine transportation, utilities, drainage, and additional trails and shall be considered outside of the Atrisco Ter-

Western Albuquerque Land Holdings Master Plan

PHASING PLAN AMENDED APRIL, 2016

- Phase 1 - Existing Development
- Phase 2 - APS Athletic Facilities & Residential
- Phase 3 - City Park, Residential, & Industrial
- Phase 4 - Residential, Office, & Commercial
- Phase 5 - Commercial/Light Industrial
- Phase 6 - Residential, Industrial, Office, & Commercial
- Phase 3 to 5 - Town Center

Note: Phasing is subject to change in response to market conditions, infrastructure improvement schedules, and funding availability.



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race so that they won't constitute extraordinary facilities. These rights-of-way are not included in the 824 acres that comprise the revised Atrisco Terrace.

In the event that the Atrisco Terrace is not purchased by July 1, 2002 or is not under a purchase contract by that date, the land use shall revert to low density residential (2.5 du/ac.).

It is anticipated that exact locations of access points will be determined by Bernalillo County and Open Space Division after the Atrisco Terrace has been purchased.

It is acknowledged that since the revised version differs slightly from the adopted version in the Comprehensive Plan, a Comprehensive Plan amendment is necessary. Bernalillo County, the City of Albuquerque Open Space Division, and Westland Development Co., Inc. shall jointly (Open Space as the lead agency) request an amendment to the Comprehensive Plan at an appropriate time.

Additional Open Space

Additional open space areas are provided in the Ladera Detention Drainage System and in drainage corridors and buffers throughout the Plan area. This open space totals 625 acres separate from the Atrisco Terrace, or nearly 10 percent of the entire Plan area and provides the critical need to link all open space as planned for in the Bikeways and Trails Facilities Plan. These varied open spaces along with the Atrisco Terrace combine to create over 1,400 acres of open space, or approximately 22 percent of the entire Plan area. This exceeds the open space requirements of the Planned Communities Criteria.

Additional open space areas shall meet the open space requirements of adjacent developments. However, due to some encumbrance of the power utility easements, it will be credited at 50 percent. These additional open space areas will be allowed to meet off-site open space requirements of developments within 1/2 mile of the easement. Open space credits from individual, high-density residential developments will be allowed to be met from contiguous, low-density projects.

V. TRANSPORTATION AND AIR QUALITY ANALYSIS

Transportation

It is recognized that a comprehensive and visionary transportation system is critical to the success of the Master Plan. Transportation components of the Plan are comprehensive from the standpoint of providing vehicular, pedestrian, and alternative modes of traffic options.

The road network as depicted in this plan is different than the currently adopted Long Range Roadway System. Westland agrees to participate in efforts by Bernalillo County to have the Metropolitan Transportation Board (MTB) amend the Long Range Roadway System to show the reconfigured road network within the Westland Master Plan area.

Major Street System and Related Components

The major arterial street system in the Master Plan area can be generally developed as:

1. Connection of existing 98th Street from the existing Interstate 40 exchange that will head north and then split to the east and west (see Number 2 below) at the Town Center. The eastern extension will align with the 98th north of the Las Lomitas subdivision as shown on the Long Range Roadway System.
2. The extension of 98th Street (renamed) westbound from the Town Center, intersecting with the existing Paseo del Volcan (also known as the Airport Haul Road).

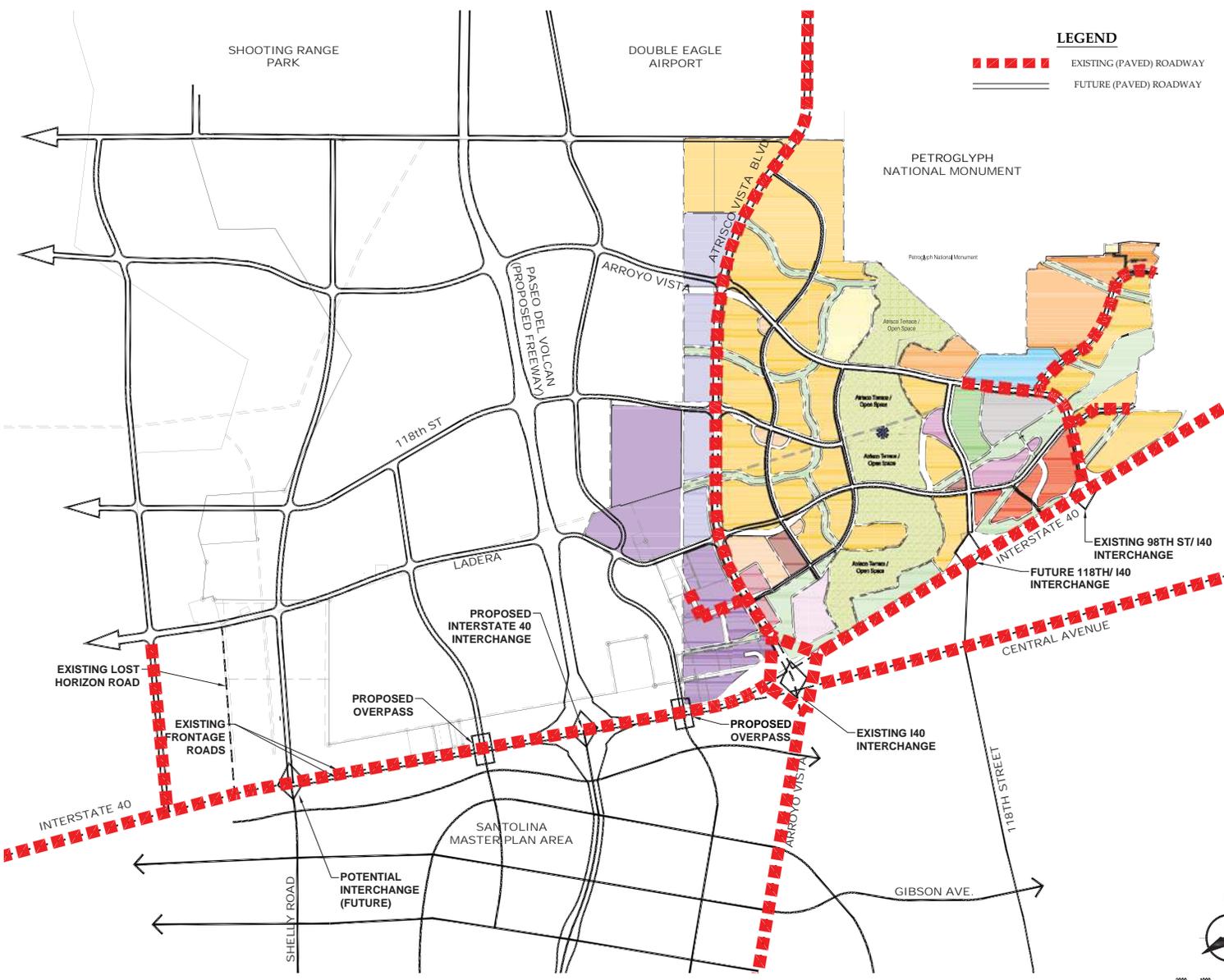
3. A proposed new 118th (renamed) interchange on Interstate 40 approximately 1.25 miles west of the existing 98th (renamed) interchange. Federal and state regulations and processes to secure this interchange will be followed. The Master Plan will outline the need for this interchange and provide the basis from which to proceed.
4. A new thoroughfare connecting with the proposed interchange in #3 above and the existing Airport Haul Road.
5. The extension of Ladera Drive westward to Paseo del Volcan from its current termination 1/2 mile west of Unser Boulevard. Ladera Drive will be the southernmost east-west arterial in the Plan area.
6. The continuation of the existing Atrisco Vista Boulevard to be designated at least as a north-south principal arterial.
7. The third (middle) crossing of the Atrisco Terrace is restricted to utilities drainage and trails, however, roadway and other transportation facilities may be added to this corridor at a future date if the City Council determines that they are required to serve the area's transportation needs and the City Council expressly approves the expansion of the corridor for transportation needs.
8. Wildlife and pedestrian trail crossing corridors shall be located at the Atrisco Terrace roadways. These corridors shall be a minimum of 30 feet. A minimum of two crossings per roadway shall be provided. (see Exhibit 10, page 39)

The arterial street system described above will be supplemented with major street access limitation concepts. Cross-sections of typical principal and minor arterials can be found in the Design Guideline section on page 84.

WESTLAND MASTER PLAN AMENDMENT

TRANSPORTATION & TRAFFIC IMPACT ANALYSIS (TIA)

May 16, 2016



LEGEND

--- EXISTING (PAVED) ROADWAY

--- FUTURE (PAVED) ROADWAY

TRIP GENERATION STUDY

	City Portion	County	Unincorporated	Total
Trip Generation Comparison	1,605,873	2,595,530		4,243,403
Proposed 2016 Amendments	1,650,873	2,581,495		4,232,368
Existing Approved Master Plan	0	14,035	14,035	
Difference	0%	0.5%	0.3%	

The increase in employment in the County results in a **negligibly small increase in trips**

JOBS/HOUSING

	City Portion	County	Unincorporated	Total
Jobs/Housing Comparison	0.29	2.45		1.76
Proposed 2016 Amendments	0.29	1.72		1.26
Existing Approved Master Plan	0.00	0.73	0.50	
Difference	0%	42.2%	39.5%	

The increase in employment **increases the jobs/housing ratio (ie, more jobs)** substantially in the County portion of the Master Plan.

ACCESS CRITERIA

Atrisco Vista Access Spacing North of I-40 (per MRCOG Access Policy)

1. Ladera, 118th Street and 98th Street Approved
2. T-intersections and right-in/right-out at one-quarter mile

Future Paseo del Volcan Access Spacing (NMDOT ROW Maps PCN 2607)

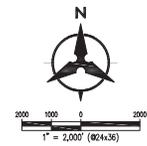
1. Interchange locations at 1-mile spacing
2. ROW Acquisition underway for I-40 interchange (MPO Project 70.1)
3. ROW Acquisition planned for Sandoval County (MPO Project 418.9)
4. North of I-40 negotiations underway with landowners for ROW
5. Prior to ultimate development, MRCOG Policy allows at-grade intersections with median openings at other than one-mile intervals.
6. When ultimate access control on Paseo del Volcan is implemented, reasonable access will be provided to adjacent properties

Future 118th Street Access Spacing (Principal Arterial)

1. Unsignalized - one-quarter mile
2. Signalized - one-half mile

Future Ladera Access Spacing (Minor Arterial)

1. Unsignalized - one-eighth mile
2. Signalized - three-eighths mile (<45 MPH) one-half mile (> 45 MPH)



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While the above represents the major arterial system, a minor arterial system has been developed connecting with the larger thoroughfares. A frontage road system adjacent to Interstate 40 and the proposed West Bluff Drainage outfall between the Paseo del Volcan interchange and the 98th Street interchange will also be considered as part of the network. Exhibit 13 shows the proposed transportation network, street classifications, and intersections in the Plan area.

Strategies for Street Construction and Dedication

The unencumbered nature of the area provides excellent opportunities for new approaches to street construction and right-of-way dedication. Right-of-way dedications shall be in accordance with City of Albuquerque standard policies, procedures, and ordinances. Westland Development Co., Inc. will dedicate right-of-way above the standard widths. For example, the principal arterial street classification is defined by a 180 foot right-of-way, above the standard 156 foot width. The advantage of such an approach is that the traveling lanes, a bike path, landscaping, and opportunities for future expansion can be provided without dramatically impacting development. This future expansion can be for both additional lane construction or provisions for bus bays and transit and/or HOV lanes. Bus bays, park and ride locations, and transit transfer stations will be located according to parking restrictions, uses, and densities. The extra right-of-way widths also permit the construction of double lefts in the future at the major intersections. The minor arterial right-of-way width is also expanded to 152 feet from the standard 86 feet in order to incorporate many of the same features in the principal arterials as noted above.

Medians and median treatments and the type and approximate location of pedestrian, bicycle, and transit elements accompany the roadway cross-sections described above and found in the traf-

fic study in Appendix A. Performance objectives for increasing transit ridership and strategies for achieving a target mode split at level of service D or better will be submitted. Public and private responsibilities for on and off-site improvements will be specified in a development agreement, which is presented in Chapter IX.

Another major strategy which has been discussed is the incorporation of drainage features in the street cross-section. This approach would potentially allow for some alternative treatment approaches for arroyo flows since the excess right-of-way width will allow more area to reduce flow depths and velocities.

Transportation Analysis

The purpose of the Transportation Evaluation Study (Appendix A) is to provide the necessary analysis of transportation issues in support of the Westland Master Plan. An extensive effort has been undertaken to develop recommendations relating to all transportation elements of the Master Plan area. From the outset, it has been recognized that the term "transportation" represents more than single occupancy vehicle use. The analysis has addressed other modes of travel such as pedestrian, bicycle, and transit opportunities.

This analysis has been developed through a series of coordinated steps with various governmental agencies. These include the City of Albuquerque (City) Traffic, Air Quality, and Transit Divisions, the Middle Rio Grande Council of Governments (MRGCOG), the New Mexico State Highway & Transportation Department (NMSH&TD), and Bernalillo County. The key steps in the development of the document included pre-scoping meetings, traffic forecasts scoping requests, traffic forecasts, and recommendations for future transportation system in the Master Plan area.

At the time the Traffic Study was being scoped and prepared, Westland Development Co. was pursuing annexation by the City

of Albuquerque. The initial scoping meetings were coordinated with the MRGCOG. Since that time, copies of the studies and all relevant correspondence have been transmitted to the Bernalillo County Public Works Department for their review. The Project Team feels that the Traffic and Air Quality studies remain relevant and appropriate for development within Bernalillo County.

The study attempts to provide information and analysis necessary to define a transportation system by addressing six key points, which are summarized below. A recommendation matrix for key subjects follows the summary.

1. Define the study area characteristics regarding locations, surrounding features, and a definition of the area's existing and planned transportation system.

Interstate 40 provides the major transportation link to the Master Plan area. Unser Boulevard on the east boundary will also serve as a major thoroughfare. Paseo del Volcan provides direct access to the area at this time and will serve as a main thoroughfare as development occurs. The area is accessed by existing interchanges along I-40 at Unser Boulevard, 98th Street, and Paseo del Volcan. Other principal and minor arterial streets serving the area are Ladera Drive and Central Avenue.

2. Provide an overview of the study process which includes the planning required to submit the scoping letter requests from the City to the MRGCOG and an overview of the agency interaction to date.

Significance discussion between the study team and various public agencies has occurred during the Master planning process. This communication has taken place primarily through various meetings with staff. Whenever possible, meetings have been held with all key members to facilitate communication and input.

Early discussions with the City of Albuquerque and MRGCOG staff resulted in the transmittal of a formal request from the developer to prepare traffic forecasts. On July 28, 1994 this letter was sent to the city who has served as the agency of record regarding the request for forecasts from MRGCOG. The letter highlighted the various network alternatives and land use development levels for the years 2000, 2005, and 2015.

Following the July 26, 1994 correspondence, a series of meetings were held to discuss the modeling criteria and assumptions. One of these meetings included representatives from the Albuquerque Air Pollution Control Division. The significance of this dialogue was the recommendation to include the year 2005 as a forecast scenario so that the air quality could be evaluated for this timeframe. These meetings resulted in the City's formal request to MRGCOG dated September 22, 1994.

Significant coordination with impacted agencies has occurred since June, 1994. Eight different meetings have been held with various agencies to discuss assumptions, issues, and review results. This fact reinforces the perspective that interaction has occurred to ensure that a thorough and comprehensive transportation evaluation study was prepared for the proposed Master Plan.

3. Describe the proposed forecast scenarios and associated assumptions.

Traffic assignments for both the 2015 buildout year and 2005 mid-point year were produced by MRGCOG. A series of socioeconomic and data set assumptions was also derived by the development team, City staff, and MRGCOG staff prior to commencing the forecasting effort. One key forecast assumption is that the Master Plan area was assumed to be at full buildout in the year 2015. This

strategy is conservative in nature and points to the desire of all parties to assess the full impact of development on the proposed street network and surrounding system.

To develop an adequate road system, a series of street configurations and associated land uses was developed for the Master Plan area. The year 2005 was selected as an intermediate year along with the horizon year 2015 analysis. The analysis also needed to consider various options at the 118th Street alignment in the vicinity of I-40. This locations is approximately midway along I-40 between the 98th Street and Paseo del Volcan interchanges. Table 12 contains the analysis years and scenarios evaluated in this study.

Table 12 - Scenarios for Analysis

Years	Analysis Scenarios
2005	No Build
2005	Build - No Interchange at 118th St. - minimal development between Volcan and 98th St.
2015	No Build
2015	Full Build - No interchange a 118th St. - No 98th t. Alternate Alignment
2015	Full Buildout - Interchange at 118th St. - No 98th St. St. Alternate Alignment
2015	Full Buildout - Interchange at 118th St. - No 98th St. St. Alternate Alignment
2015	Full Buildout - Interchange at 118th St. - Revised 98th St. Alternate Alignment
2015	Full Buildout - Grade separation at 118th St. - Revised 98th St. Alternate Alignment

4. Provide a summary of forecast results including Average Weekday Traffic (AWDT) along major streets and turning movements at key intersections.

Based on the assumptions and strategies defined, the MRGCOG staff produced Average Weekday Traffic (AWDT) Volumes for the various roadway configurations and associated land uses. This material is highlighted in detail in the separate transportation study document.

5. Provide a discussion of the analysis conducted and conclusions reached from the forecast results.

This section summarizes key points and conclusions relating to the forecast results. Each is described in more detail below:

- Configuration with 98th Street Alternate Alignment - Two options for handling traffic flow on 98th Street were initially evaluated. The first tied 98th Street into an extension of 118th Street which connected to Paseo del Volcan to the west. The second approach, referred to as the 98th Street Alternate Alignment, separated traffic on both a 98th Street and 118th Street extension. Under this scenario, both major streets were connected to Paseo del Volcan. After considerable discussion and review, it has been determined that the 98th Street Alternative Alignment provides the following advantages:
 - a. It is expected to improve utilization of the existing I-40/98th Street interchange.
 - b. It will provide arterial service to both the eastern and western portions of the higher intensity Town Center proposed in the Master Plan area.

- c. It will improve future opportunities for travel through the Master Plan area.
- d. It is expected to have better traffic flow along both 118th and 98th Streets, with moderate volume changes at major street intersections and total volumes increasing by small increments at the various intersections from Paseo del Volcan to Interstate 40.
- e. It will provide a desirable spacing of east/west principal arterials in the vicinity of Paseo del Volcan.
- Drainage and Utility Impacts on Proposed Street Network - Because of unique topographic features in the area, utility and drainage impacts must be considered when developing the proposed street network. From a drainage standpoint, several major arroyo systems convey runoff from the mesa top to the west across the steeper Atrisco Terrace slopes, and to the outfall along I-40. It is a long established City strategy to combine transportation and utility corridors whenever possible to effectively utilize the required right-of-way. Both the proposed 98th Street and 118th Street extensions closely follow major drainage flow paths. From a utility standpoint, the north/south connecting streets on the mesa top (east of Paseo del Volcan), also match future water zone boundary lines.
- Principal and Minor Arterial Street Classifications - Utilizing both local and national data and planning tools, laneage requirements for the street network were make. In addition, proposed street classifications utilized in the Long Range Roadway System (principal arterial, minor arterial; and collector) were designation for the network.
- 118th Street Interchange Proposal - Based on the forecast volumes, a comparison can be make regarding the impacts of the

various interchange options on traffic flow. The forecast values indicate that the full interchange option impacts the distribution of flow to I-40. This distribution provides a lessening of impacts to the various streets feeding the I-40 interchanges. In summary, a full inter effective strategy compared to the other options analyzed for the following reasons:

- a. Reductions in the Average Weekday Trips (AWDT) ranging from 10-20 percent are realized at the Paseo del Volcan, 98th Street and Unser Boulevard interchanges when comparing scenarios. Therefore, the distribution of traffic along the arterials and interchanges is more balanced and impacts are reduced at any one facility.
- b. Without the 118th Street interchange, a heavier travel burden is placed on the existing 98th Street and Paseo del Volcan interchanges.
- c. This location also provides for improved access south of I-40.

Forecasts for the option of a grade separated interchange at 118th Street and the 98th Street. Alternate Alignment were also obtained from the MRGCOG. A principal arterial along the 118th Street extension does benefit the overall street network by distributing the traffic flow to existing interchanges as well as providing necessary access to the proposed land uses. The forecasts figures also indicate that both an interchange and grade separation have similar effects on the traffic flow patterns. From a planning standpoint, the Master Plan development can move forward with either a full interchange or grade separation option. The full interchange proposal will follow a formal approval process though the NMSH&TD. The applicant must dedicate or acquire all right-of-way for the new interchange.

- I-40 Interchange Impacts - Utilizing a planning methodology approach (this analysis tool evaluates total peak hour volumes and typical laneage capacities), an evaluation has been make regarding expected impacts to the interchanges at I-40 from full buildout in the Plan area. The forecasts were utilized for the 2015 year AM and PM peak hours for the 98th Street Alternate Alignment and full interchange at the 118th Street extension. Based on the existing laneage of the facilities, an evaluation was make regarding the operational upgrades at the interchange ramp locations which may be required to handle expected traffic volumes. Because the forecasts were developed based on partial buildout of the Westland Master Plan by the year 2015, the operations of the interchanges should be evaluated over time to determine the actual conditions as development occurs. Since the scenario analyzed represents a figurations will function satisfactorily for 10-15 years before upgrades are required.
- Residential Streets - Residential streets shall not be more than 32 feet in width.
- Typical Street Cross-Section - Since beginning the study effort, Westland Development Co., Inc. has recognized the unique opportunity to develop a set of policies for future planning for this entire area. As a developer sensitive to both the existing geographic features and progressive land use strategies, they have worked to develop unique approaches to solving a variety of challenges. One such issue deals with the dedication of right-of-way for major thoroughfares in the area.
- It is recognized that sufficient right-of-way for vehicular, pedestrian, utilities, and future intermodal facilities is a requisite of sound planning. All too often, the County is encumbered with insufficient right-of-way along its major streets, especially at key intersections. This situation leads to costly solutions that often fall short of a comprehensive strategy which meets immediate and long-term needs.
- To address this issue, Westland Development Co., Inc. has agreed to dedicate right-of-way in excess of the standards established by current County policy. For the principal arterial street, an 180 foot right-of-way width is recommended. A 152 foot width is proposed for the minor arterial street. This extra width above typical standards will allow for future roadway expansion (if required) pedestrian paths, utility corridors, and transit features. This approach will help prevent the conflicts created with a smaller right-of-way defined at the outset.
- The proposed arterial street right -of-way widths shall be considered minimal, subject to being varied for actual conditions. Drainage ways will have separate rights-of-way or easements that may be adjacent to street rights-of-way. The maintenance responsibility of the rights-of-way for such purposes as trails, drainage, and visual relief, and the annual maintenance costs must be identified. The applicant shall fund the construction of major streets in accordance with established policies and procedures.
- Paseo del Volcan Access Strategy - As stated previously, Paseo del Volcan is a critical link in the Plan's transportation network proposal, as well as Albuquerque's West Side system in general. Recognizing that a decision has not been make regarding Paseo del Volcan's final alignment, the roadway network has been established around the one mile intersection spacing strategy. In the event the primary Paseo del Volcan facility is shifted to the west, it is proposed that intersections be allowed at 1/2 mile intervals if the final land use plans warrant such access.

- Development Impact on Daily Vehicle Miles Traveled - forecast results also yield total daily vehicle miles traveled in the Albuquerque urban area. The figures in Table 13 compare a no-build condition in the Master Plan area with the recommended land use and street network including the full 118th Street Interchange and 98th Alternative Alignment.

Table 13 - Scenarios and Total Daily VM

Condition	Total Daily VMT
No Build	13,570,000
Recommended land use within full 118th St. Interchange and 98th Alignment	13,436,000

The reasons for the reduction include:

- The Master Plan area is an efficient location in relation to access to major transportation infrastructure such as I-40.
- Residents of the area will travel less distance to key destination points such as the Downtown area than if they resided further north.
- Intermodal Opportunities - A variety of intermodal opportunities exist for the Master Plan area. From a transit standpoint, it is recognized that increased transit service to the area will help reduce dependence on the single occupancy vehicle. The proposed roadway cross-sections provide the right-of-way for the standard strategy of bus bays located at key pick-up and delivery points. The development team is also open to transit strategies dealing with improved routing in the town center area.

For pedestrian and bicycle trails, two major strategies will ensure a progressive approach for pedestrian and bicycle travel. The first deals with the proposed street cross-sections and the fact that ample opportunity exists to construct a bike and walking path. This approach is similar to the strategy utilized so effectively along Tramway Boulevard. The second strategy deals with a proposed network of trails in the proposed open space and Atrisco Terrace areas. These internal systems can be linked with the similar system on the arterial network, thus providing ample opportunities for these modes of travel.

The proposed cross-section also provides for the opportunity to construct an additional lane for high occupancy vehicles along the major arterials. Absent of any Metropolitan area-wide policy, the planning at this point can only provide the right-of-way necessary for such a strategy. A similar statement can be made about future park-and-ride lots adjacent to I-40. Based on the proposed land uses at these interchange locations, incorporating park-and-ride facilities is feasible. It is recognized, however, that such strategies will require the formulation of County policy and an openness to the concept during the planning of these, or other sites, that are strategically located in the Master Plan area.

- Phasing of Improvements - Because the Plan is being viewed as a single unit, the possibility exists that development may occur at various locations throughout the area at any one time. Market conditions will also effect what projects move forward and when. Any future development will require a supporting phasing plan which will specifically define:
 - Required Permanent Improvements
 - Required Temporary Improvements
 - Construction Timetables
 - Financial Responsibility

It is envisioned that such phasing plans will explore these issues in smaller geographic units of 150-500 acres in size.

- Future Processing and Approval Requirements - The previous section outlined a primary requirement for processing future development plans. The foundation of the phasing plan is the development of appropriate traffic data and analysis to support the recommendations. Each analysis will ensure the incorporation of necessary right-of-way widths and opportunities for other modes of travel, such as transit, pedestrian, and bicycle. The proposed full interchange at the 118th Street extension will require processing for approval through the SSM&TD. It is also recommended that the upcoming Conformity Analysis include the proposed system is evaluated from the standpoint of area wide air quality impacts.
 - Financial Responsibility - It is recognized that significant private sector and public investment will be necessary to provide the transportation infrastructure for the Plan area. A series of strategies linking the various processing steps expected in the future and associated requirements relating to dedicated right-of-way, financial guarantees, and a traffic impact study is also being developed. At this time, the proposals for cost sharing closely follow existing public policy and regulations.
6. Provide recommendations for street layout configuration, classification, and cross-sections; intermodal opportunities; phasing of improvements; future processing and approval requirements; and financial responsibility.

The recommendations in Table 14 have been developed utilizing the forecast figures, basic transportation analysis tools, and intermodal strategies in an attempt to ensure a comprehensive and proactive approach to the dealing with transportation needs in the Master Plan area.

Table 14 - Transportation Recommendations

Subject	Recommendation
Basic Street Network	Provides street system with separate major arterials along Unser, 98th, 118th and Paseo del Volcan.
Basic Street Network	Streets of lesser status will support the proposed major arterial network.
118th St. Interchange	Construct a full interchange at the 118th extension.
Existing Interchange Impacts	Monitor demand as existing interchanges and program required upgrades as necessary.
Street Cross-Section	Incorporate transit pathway and drainage features into street cross-section.
Paseo del Volcan Access Strategy	Provide access to sector plan development with more mile intersections pacing for major arterial streets.
Transit	Provide bus bays and shelters on major and minor arterial system.
Transit	Design town center to accommodate transit service.
Transit	Pursue options for park and ride opportunities at I-40 interchange roads such as Volcan, 98th, and Unser.
Pedestrian Bike Trails	Provide trail opportunities in proposed major and minor street cross-sections.
Future Processing and Approval Requirements	Process in near future request for the approval and future construction of full interchange at the 118th St. extension.
Future Processing and Approval Requirements	Process in near future a request for the approval and future construction of full interchange at the 118th St. extension
Future Processing and Approval Requirements	Include proposed street system in upcoming Conformity Analysis prepared by MRCOG.
Financial Responsibility	Continue discussions regarding financial responsibility in light of upcoming adoption of development impact fees.

Westland supports the development of a trail along the I-40 corridor from 98th Street to Eubank, and agrees to cooperate and assist in this planning effort. It is anticipated that this trail will also be coordinated with any necessary drainage improvements on the north side of I-40. Specific right-of-way discussions between Westland, AMAFCA, Bernalillo County, the City of Albuquerque, and consultants preparing the corridor study shall take place at an appropriate junction in the future once the corridor study is underway.

Bernalillo County is concerned about the Master Plan's contingency in the event that the projected person per job ration of 2.07 is not realized, and the negative effect this would have on a macro scale on the regional transportation system. The County wants to avoid a situation whereby the need for additional lanes crossing the river, particularly on I-40, becomes acute as residential development proceeds as planned, but employment center development and/or job creation does not.

First and foremost, the Westland Master Plan recognizes that the success of the Atrisco Business Park bodes well for the 6,424 acres to develop as planned. The 640-acre Business Park is well-located and situated to take advantage of many industrial and business needs in the Metropolitan Area, and its future success appears solid because of the shortage of large industrial and business park land elsewhere in Albuquerque. Commercial real estate experts predict that the Atrisco Business Park, as well as locations in Rio Rancho, will see most of the new industrial/business park development activity in the next few years. This optimism is supported by projections by the New Mexico Department of Labor that have Albuquerque experiencing job growth rates well above national averages.

Ideally, future residents of the Master Plan area will be able to work at the Atrisco Business Park, industrial parks associated with Double Eagle II Airport and areas along Unser north of I-40, as

well as at identified industrial parks and corporate office areas within the Westland Master Plan area. These planned West Side employment centers elsewhere in Albuquerque can be minimized. It is also hoped, and anticipated, that transit opportunities for intra-West Side commutes as well as cross-river commutes will increase, thereby providing a palette of transportation options to the West Side resident and worker. This sentiment is also expressed for other non-single occupancy vehicle modes of travel such as car pools, van shuttles, and bicycle trails. For future Westland Master Plan area residents who will need to cross the river in single-occupancy vehicles for employment purposes, the Plan area will have easy access to major transportation facilities other than I-40 to cross the river.

For example, Paseo del Volcan to Rio Bravo or Bridge will allow efficient access to employment areas near the airport and Gibson Boulevard (KAFB, Lovelace, Sandia Labs, etc.) Unser Boulevard to Paseo del Norte will also provide direct access to the popular and diverse, yet nearly built-out, North I-25 employment area. Unser Boulevard to Central Avenue also provides good access most direct route to the Uptown employment center. Nevertheless, east side employment centers are evenly dispersed, and existing and future transportation facilities strategically located, that options other than the I-40 river crossing are available.

If the Atrisco Business Park and other West Side employment centers fail to develop as planned, then the phasing plan can be modified at an appropriate time as a contingency to address the rate of development.

Long Range Roadway System - The Westland Master Plan network of arterial streets shall be proposed (by the City and/or County as sponsor for the applicant) as a modification of the Long Range Roadway System (LRMSP), following the procedure administered by Middle Rio Grande Council of Governments and its Metropolitan Transportation

Board. This modification shall be accomplished prior to the approval of any specific development actions for the plan area. Should the modification not be approved, the matter will return to the EPC for further consideration of the transportations system. Furthermore, in the earliest appropriate update of the LRMS, funding sources for the plan area’s roadway system shall be identified (e.g., public funds, private funds) and the timing of implementation will be determined. In addition, this roadway system will be incorporated in the Transportation/Air Quality Conformity Finding prepared by the MRGCOG for the LRTP. Arterial roadway elements will also be included in the Transportation Improvement Program (TIP) where appropriate.

Air Quality Analysis

Clean air is closely related to the availability of an efficient transportation system with the minimum congestion and opportunities for multimodal travel. An air quality analysis was prepared for the Westland Master Plan to evaluate reducing pollutant emissions and optimizing the operation of the street network. The plan also identifies a trail system and land use concepts that will help to reduce reliance on single occupancy vehicle travel.

Because the development of the total Plan area will occur over many years, a sketch planning approach was taken to the analysis of the transportation system and air quality impacts. The transportation analysis focused on the spacing, number, and laneage of street facilities needed to handle future traffic. As already discussed, several different street networks were defined to serve proposed development within the Plan area, and year 2015 traffic forecasts were prepared for each alternative by the Middle Rio Grande Council of Governments (MRGCOG). The air quality analysis evaluated total street system emissions resulting from the different network alternative, and compared these to each other and the no-build condition.

The air quality analysis for the Master Plan (Appendix B) relied on data from the land use plan and MRGCOG forecasts to calculate carbon monoxide (CO) emissions from each transportation alternative. Environmental Protection Agency (EPA) computer models were used, with baseline data and assumptions from the City of Albuquerque’s Environmental Health Department to predict total CO emissions per day for each link in the transportation system. These are summarized in Table 15 for each of the network alternatives.

Table 15 - Transportation Alternatives
Carbon Monoxide Emissions

Alternatives	CO Emissions*
118th St. Grade Separation	8.48
118th St. Interchange	8.51
98th St. Alternate Alignment	8.44

*measured in tons per day

The results from the analysis show very little difference between the network alternatives. However, the 98th Street Alternate Alignment shows the lowest total emissions, amounting to an estimated 8.44 tons of CO per day. The 118th Street alternatives are only slightly higher with emissions of 8.48 and 8.51 tons of CO per day respectively. Although all of the alternatives are reasonable close in the amounts of CO generated, the 98th Street Alternate Alignment appears to be the most efficient alternative.

The 2015 projected emissions of about 8.4 tons of CO per day compare to total 2015 Bernalillo County-wide CO emissions of approximately 180 tons per day (MRGCOG, 1995), or about 4.5% of the total. The County-wide estimate includes the assumed development in the Westland Master Plan area distributed throughout the urban area.

If the Westland Master Plan was not implemented, the development proposed in the Plan area would locate elsewhere in the County and would contribute to total CO emissions. The locations of the proposed development in relation to other major land uses has important implications on air quality, however, that are related to the amount of total travel required between trip origins and destinations.

As part of the transportation forecasting process, the MRGCOG generates total urban area transportation system-wide vehicle miles of travel (VMT). Total VMT were generated for each of the alternatives and the no-build conditions, in which development planned for the Westland property in the build alternative would be distributed throughout the urban area. The results of the VMT forecast are shown in Table 16.

Table 16 - Transportation Alternative Total Vehicle Miles of Travel (VMT)

Alternative	Total Urban Area VMT
118th St. Grade Separation	13,474,146
118th St. Interchange	13,475,995
98th St. Alternate Alignment	13,435,903
No Build Condition	13,571,681

These data supports the conclusion that the amount of travel and resulting CO emissions are similar with each alternative. The 98th Street Alternative Alignment appears to be slightly more efficient than the others, with less travel and emissions. The 118th Street Grade Separation Alternative appears to result in a very small decrease in total daily travel compared to the 118th Street Interchange Alternative. The MRGCOG's no-build forecast shows the highest total VMT. The data indicate that CO emissions from the Westland Master Plan development would be lower than if the same level of development was to occur in other locations distributed throughout

the urban area. The Westland property is located in a strategic location with direct access to the major transportation system and centers of activity in the urban area. The transportation system in the Westland Plan area has more reserve capacity and the Plan area is located closer to existing and future centers of employment and economic activity than many other comparable areas that could be developed in the future.

Within the Plan area, efforts were made to reduce the need for automobile travel and thus reduce air pollution. Pedestrian and bicycle trails are planned along the arterial streets and power transmission line corridors, providing connections to the regional trail system. Connections are also proposed from the interior neighborhoods in the Plan area through the network of open space to the regional trail facilities. The Master Plan would serve to implement the Trails and Bikeways Facility Plan, and enhance it through a well-conceived internal network of additional trails. The trail connections would create opportunities for multimodal travel and reduced reliance on the single occupancy vehicle.

The Master Plan includes multiple-use land development concepts that promote reduced travel. A mixture of residential development, employment, retail outlets, services, and institutional uses are proposed in conformance with the guidelines for Planned Communities and Master Plans. These mixed land uses will encourage reduced travel time and distance by allowing people to live near their places of employment, shopping, schools, and other facilities. The Plan is intended to encourage a self-reliant community with reduced travel demand and lower regional emissions.

Multimodalism, community self-reliance, and lower regional air emissions can all be facilitated by compatible subdivision design. An interlocking road system design minimizing, but not prohibiting, cul-de-sacs will reduce out-of-the-way trips, and promote non-vehicular, transit, and pedestrian oriented development. Access to

the regional trail system should be enhanced by subdivision designs which will allow cul-de-sacs and perimeter walled subdivisions, as long as they have non-vehicular connections.

Appropriate, site-specific Traffic Impact Studies and Air Quality Impact Assessments shall be prepared for individual development proposals as required. Approval of these studies by the appropriate authority shall be required prior to subdivision. Major changes in land use which increase trip generation or change distribution may trigger the need to update the Air Study based upon conformity.

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VI. UTILITY SERVICE STRATEGY

Westland Development Co., Inc. has been working closely with the Bernalillo County Public Works Department over the last several months regarding utility services for the Master Plan area. Bernalillo County hired Leedshill-Herkenhoff in 1995 to prepare a Water and Wastewater Feasibility Study, which was completed in April, 1996 and adopted by Bernalillo County Commission. This study demonstrates the feasibility for the County to provide water and sewer services to the Westland Master Plan area. Rather than duplicate these studies here, these documents outline the service strategy and should be considered as a supplement to this Master Plan.

There are three volumes to the feasibility study. Volume I is the Feasibility Analysis, Volume II is the Technical Appendices, while Volume III is the Action Plan. Each volume was completed in April, 1996 by Leedshill-Herkenhoff, Inc.

Exhibit 12 on Page 49 shows the phasing plan for the Westland Master Plan area that shall be followed for utility development. Both the water and sanitary sewer system shall be developed by Bernalillo County according to City of Albuquerque standards and in a manner that is compatible with the City water and sewer systems to the east.

Water Utilities

Existing Conditions

The Master Plan area encompasses all of Zones 3WR, 4W, 5WR, 6W and portions of 2W and 7W, lying west of Paseo del Volcan (see Exhibit 4 - Utilities). The eastern boundary of the Master Plan is approximately the eastern boundary of Zone 3WR. The Plan area is included in the area to be serviced by the College Trunk.

With the advent of the Petroglyph National Monument and the Volcano Park, the area to be serviced by the College Trunk is much smaller than anticipated.

Proposed Conditions

The Master Plan proposes several service options. These include the following:

- An expansion of Zone 6W south to Interstate 40 be included.
- All of new Zone 7W from Interstate 40 north to the north boundary of the Master Plan area be included. Zone 7W would be bounded on the east by an elevation of 5715', and on the west by an elevation of 5830'. The zone would be serviced by an elevated reservoir with an overflow elevation of approximately 5945', and a companion ground storage reservoir with an overflow elevation of approximately 5830. The elevated tank would provide the pressure for servicing the zone. The ground storage reservoir would provide the major components of storage and would also provide the required storage and pressure for zones 6W and 5WR to the east.
- Due to the low densities of development within Zone 5WR, it is proposed that this zone remain a reduced pressure zone, serviced by the ground storage reservoir constructed within Zone 7W. Zone 5WR has always been considered a reduced zone. This concept would require only the ground storage reservoir within Zone 7W to provide permanent service to pressure zones 6W and 5WR by gravity and to zone 7W when used in conjunction with the elevated storage tank.
- An additional ground storage reservoir would be constructed within Zone 5WR to service Zone 4W and 3WR.

- Ultimately, the future reservoir in Zone 5WR and Zone 7W would be required to service the ultimate build out of the Master Plan area. Associated pump stations at the College Reservoir, the Zone 5WR reservoir and the Zone 7W reservoir would be needed. Major trunk lines connecting these facilities as well as north/south upper and lower zone lines along each pressure zone boundary would be required. A phasing plan for these facilities has been developed along with the Master Plan.
- In the event that water supply to the plan area is not provided by the City's water system, but by a system that requires arsenic removal treatment, all costs of arsenic treatment shall be borne by the applicant, the water provider, or the eventual customers of the water system serving the plan area. These costs shall not be subsidized by the City of Albuquerque taxpayers and water rate payers.

Phasing Considerations

Due to the elevations of the property, it may be more advantageous to begin development within the upper portions of Zone 3WR and all of Zone 4W, as well as extensive industrial development within Zone 7W along the corridor defined by the Double Eagle Airport Access Road. In order to allow for development across the entire Master Plan area, the proposed phasing scheme for the water system should allow this and not jeopardize the integrity of the uses proposed in the Plan. This approach will also maximize gravity flow of water resources within the Plan area.

The phasing scheme would consist of constructing the ultimate elevated storage reservoir and ground storage reservoir within Zone 7W. The east/west trunk lines would be constructed as required across the Master Plan area through all of the zones. Appropriate pressure reducing stations along the trunk line would feed the individual zones requiring service. These PRV Stations

would be equipped with flow meters and data recording and transmission devices that would allow the usage in each of the zones to be closely monitored so that the demands in each zone can be observed over time and recorded for use in determining the timing of future expansion needs within the water system.

Once the demands within Zone 3WR through 7W have reached that capable of being serviced by the reservoir in Zone 7W, the reservoir in Zone 5WR would then be constructed. All initial wells would be drilled and completed in the area defined by Geohydrology Associates (see Exhibit 9 - Geohydrology) and pumped directly to the ground storage reservoir within zone 7W through the required series of pump stations. After the construction of the 5WR reservoir, pumping requirements will more closely mirror those in other parts of the City, and water sources presently being studied and defined by on-going County efforts can be incorporated in plans for servicing the Master Plan area. The Master Plan process will define the maximum densities within each zone that will allow for the master planning and phasing schemes to be developed along the College trunk for service to Zones 3WR through 7W.

Water Conservation Concerns

As required by code, all of the fixtures and facilities to be constructed within the Plan area will meet existing water conservation standards. Landscaping guidelines have been developed (Chapter VIII) that will provide guidance to ensure that conservation is a major element in the design of the aesthetics of the project. Other water conservation techniques that are developed and adopted by the County will be incorporated into the Master Plan criteria as they are adopted. Until this happens, City of Albuquerque water conservation policies will apply to development in the Westland Master Plan area.

Per capita water consumption within the Westland Master Plan are targeted at 150 gallons per day, a figure consistent with the City of Albuquerque's goal. This represents a 32 percent reduction from the assumptions made in the feasibility study for the amount of acre feet needed to serve the project annually.

Sewer Utilities

Existing Conditions

An existing 48" City of Albuquerque line located east of the Plan area could be utilized with the cooperation of the City. This system has been sized to accept the flows up to approximately 98th Street and potentially farther east along Interstate 40. An analysis of this system was prepared by the City of Albuquerque in the recent past and is available as base data to view the impacts of the Plan.

Proposed Conditions

Based on the densities developed within the Plan area, the County's feasibility study proposes that a waste water treatment facility be located at the east boundary of the Master Plan area with the ability to use the grey water effluent to irrigate nearby parks and golf course facilities.

If and when annexation to the City of Albuquerque occurs, wastewater treatment shall be pursuant to a development agreement approved by the City.

Phasing Considerations

As stated previously, the market forces and configuration dictated by the transportation elements within the Master Plan would indicate that the eastern portion of the Plan area between Unser Boulevard and 98th Street, and the area along the Double Eagle Airport access road will be the first areas of the plan to develop. It is proposed that all of the sanitary sewage be directed to the waste water facility.

Another option may be available that would utilize the existing private sewer outfall for the Tierra West development south of Central Avenue and east of Paseo del Volcan. Westland Development Co., Inc. would have to limit land uses for areas that can be serviced by the outfall to allow sewage flow from north of Central to go into it. This would allow development in the Paseo del Volcan/I-40 area .

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VII.DRAINAGE MANAGEMENT PLAN

Project Overview

The Westland Plan area lies within the Amole and Ladera Watershed, which includes the Ladera Drainage system that consists of 15 detention ponds. These ponds divert flows to the east toward the Rio Grande. Previous studies by AMAFCA and the City of Albuquerque have determined that the Ladera Drainage System is deficient for existing and developed conditions.

The intent of the Westland Drainage Management Plan is to evaluate drainage alternatives and make recommendations to AMAFCA that will allow AMAFCA to identify the most economically feasible drainage solutions for the involved watersheds. The soil types and hydrological conditions dictate the need for hardlined channel treatments in some areas. AMAFCA is the lead agency on the current detailed drainage management plan that will be reviewed and adopted by the AMAFCA Board of Directors and will cover an area larger than the Plan area boundaries.

This Plan is evaluating several alternatives including upgrading the deficient dams in the existing Ladera system, constructing a new drainage diversion along Interstate 40, constructing the Ladera West Dam in the Petroglyph National Monument, and providing diversions from the Ladera System to the West Bluff Outfall. A coordinated effort will take place with AMAFCA for basin-wide alternatives in the Drainage Management Plan which include areas outside of the Plan area. AMAFCA has contracted with Bohannon-Huston, Inc. to prepare the Drainage Management Plan. The Westland Master Plan shall comply with the results of this effort.

This plan will also be subject to “Westland Sector Development Plan - Appendix D, Drainage” with Engineer’s stamp dated June, 1995 as approved by City Hydrology correspondence dated July 31, 1995, and by AMAFCA correspondence dated August 8, 1995.

Previous Drainage Studies

The watersheds of West Bluff, Ladera, and Amole have been previously evaluated by a number of drainage studies and master plans. The following lists the major drainage studies performed in the affected watersheds:

- Design Report for the Ladera Storm Drainage Diversion and Detention System, June 1979 by Boyle Engineering Corp.
- West Bluff Drainage Plan, January 1987 by Andrews, Asbury, and Roberts.
- Feasibility Report of Alternatives, West Bluff Storm Sewer Outfall, September 1987 by Bohannon-Huston, Inc.
- Northwest Mesa Drainage Management Plan, October 1989 by Scanlon & Associates, Inc.
- Ladera Diversion to West Bluff Outfall Drainage Study, July 1989 by Bohannon-Huston, Inc.
- Far Northwest Drainage Management Plan, March 1986 by Bohannon-Huston, Inc.
- Amole Arroyo-Westgate Dam Drainage Management Plan, October 1993 by Scanlon & Associates.

The Ladera Diversion to West Bluff Outfall Study assembled an AHYMO model of both the Ladera and West Bluff Watersheds. This report favorably evaluated the possibility of diverting a portion of the flows from the Ladera System to the West Bluff System. At present the Ladera System outfalls from Dam 15 (Ladera Golf Course) through a storm drain into the San Antonio Arroyo where outfall is severely limited. The impact of the new hydrology and unaccounted for drainage areas upstream has shown that the Ladera System is under capacity.

The Amole Arroyo-Westgate Dam Drainage Management Plan determined that the Westgate Dam and the Interstate 40 crossing structures were under capacity for developed conditions. AMAFCA's adopted recommendation from this report was to add two additional detention ponds upstream of Interstate 40 and outflow these ponds to the proposed Interstate 40 Interceptor. The amount of flow to be diverted is to be determined by the AMAFCA study.

The Interstate 40 Interceptor Drainage Management Plan will need to assemble into one AHYMO model the Amole, Ladera, and West Bluff Watersheds. The separate models developed from previous studies (Amole Arroyo-Westgate Dam Drainage Management Plan and Ladera Diversion to West Bluff Outfall Drainage Study) can be supplied by AMAFCA. The models can be updated to reflect the hydrology methodology currently adopted by the community in the DPM Section 22.2 Hydrology, January 1993. The Interstate 40 Interceptor Study is expected to be undertaken beginning in May 1995 and completed in approximately one year.

Conceptual Drainage Management Plan: Summary

The drainage study prepared for the Westland Master Plan (Appendix D) included a comprehensive hydrologic AHYMO output of the Plan area that identifies peak flows, channel sizes,

and drainage rights of way as per the DPM. Maximum flows from off-site and on-site basins have been identified and the types of drainage system improvements are recommended. Appendix D contains tables with the results of the model, including:

- Land treatment types;
- Summary of treatment types, time to peak, runoff volume, and peak discharge for each basin;
- Summary of runoff volume, peak discharge and drainage area for existing and developed conditions; and,
- Listing of runoff, volume and peak discharge at key analysis points in the Ladera Watershed.

Conclusions from the hydrology analysis include:

- Detention pond #12 would be severely over capacity for the fully developed conditions with a peak flow of approximately 6390 cfs. This flow needs to be attenuated either upstream or at Dam #12 by increasing the size of detention storage.
- The total flow from the portion of the Amole System in the Plan area at Interstate 40 is approximately 2650 cfs. This flow will be reduced and slowly released when the proposed AMAFCA detention facilities are constructed.
- The four drainage basins between the existing Ladera System and Interstate 40 combined produce a peak flow of approximately 1500 cfs. This combined flow will exceed the capacity of the proposed Interstate 40 Interceptor, and combined with other downstream flows, exceeds the capacity of West Bluff Outfall structure. These flows will need to be attenuated prior to outfalling into the proposed Interstate 40 Interceptor.

Potential drainage solutions include:

- Ladera West Dam - Construct a dam within the Petroglyph National Monument behind the southern tip of the escarpment.
- Ladera Diversion to the West Bluff - Construct a diversion facility to divert a portion of the flow from the Ladera System to the proposed Interstate 40 Interceptor.
- Amole Diversion to West Bluff - Construct a diversion facility to divert a portion of the flow from the Amole System to the proposed Interstate 40 Interceptor.
- Amole Detention Ponds - Recommend the ultimate size of the proposed dams recommended from the Amole Arroyo-Westgate Dam Drainage Management Plan.
- Ladera Dams 11 & 12 - Combine and upsize these existing Ladera Dams.

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VIII. DESIGN GUIDELINES

Introduction

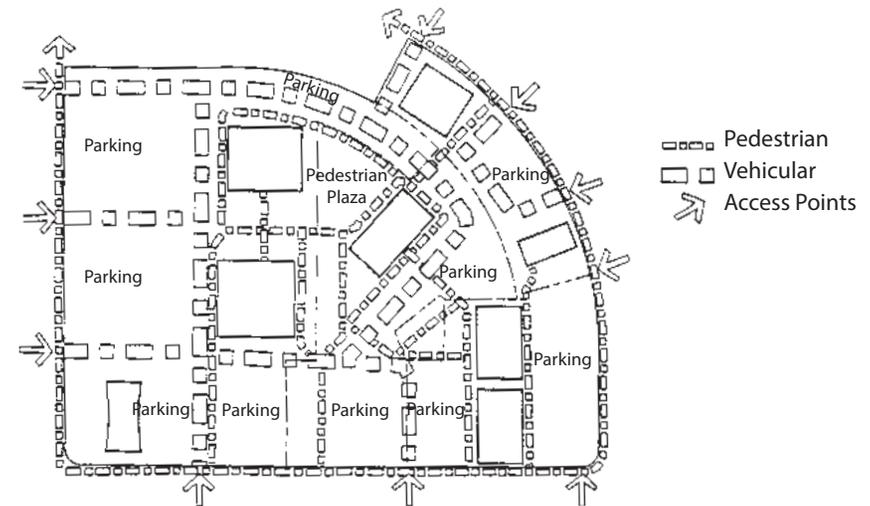
The Westland Master Plan recognizes the importance of creating design guidelines that promote and foster a sense of cohesiveness within the community while remaining consistent with affordable housing efforts City-wide. The purpose of these design guidelines is to provide a flexible framework for community design with specific objectives that encourage innovative and creative solutions, rather than setting a rigid set of requirements that all site development plans must adhere to. The desired character of design features common to the community such as grading, landscape, signage, lighting, walls, and architecture are expressed in these guidelines. A Design Review Committee selected by Westland Development Co., Inc. will evaluate how well each site development plan submitted for approval meets these objectives. Bernalillo County and/or COA will have final review per site standards.

The design guidelines listed below have been established to set standards for development of community systems and private land uses within the Plan Area. These guidelines will be administered by the Design Review Committee.

A. Site Design

A primary focus in site design will be the creation of a community that is pedestrian oriented. Site development plans shall include circulation diagrams that illustrate pedestrian circulation within the site, pedestrian connections from adjacent sites, and coordination with vehicular circulation systems with the intent of minimizing potential conflicts.

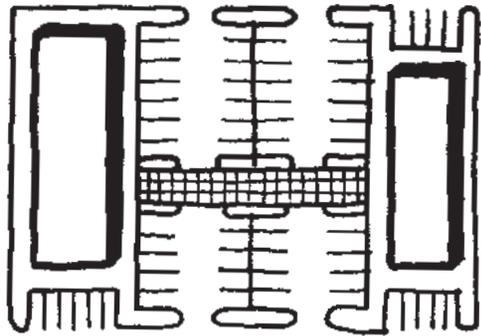
The relationship of building to street contributes to how the environment is perceived and experienced and as such is an important design issue to consider in site planning for all types of land uses.



Example of a circulation diagram illustrating pedestrian and vehicular circulation on a commercial site.

1. Commercial and Industrial

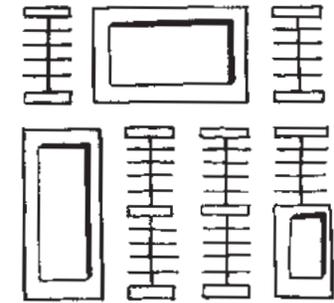
- All buildings shall be oriented to pedestrian movement and the public right-of-way except in cases where the development creates an interior pedestrian plaza. At least one continuous pedestrian walkway shall be provided between the sidewalk adjacent to the roadway and building entry. Providing enhanced paving treatments connecting parking areas to main building entries is encouraged for visually denoting crosswalks to approaching vehicles.
- With the exception of shopping centers, the use of the front yard area for primary off-street parking is discouraged. Locating primary parking, service, storage, and loading area to the rear of buildings is encouraged. If located in the front yard area, these uses shall be screened from view with landscaping and/or walls designed to be compatible with the building's architectural style, color, and materials.



Enhanced paving treatments connecting parking to main entries.



This

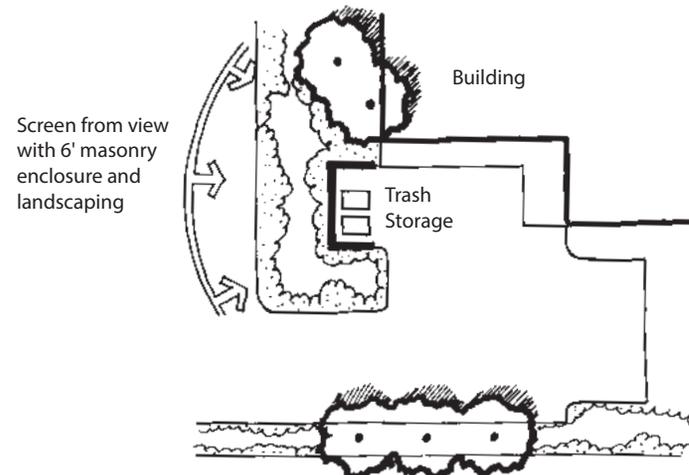


Not This

Structures clustered to form outdoor rooms or plazas.

- Structures should be clustered whenever possible. Clustering of structures creates pedestrian plazas and other types of “outdoor rooms” that are particularly well-suited to New Mexico’s temperate climate. These “outdoor rooms” should provide pedestrian amenities such as shade, benches, fountains, bike racks, trash receptacles, etc.
- Entries to the site from major arterials should be located on side streets in order to minimize pedestrian/vehicular conflicts. Whenever possible, shared entries to commercial businesses are encouraged. The number of vehicular access points to parking lots should be limited to the minimum necessary to provide adequate circulation.
- Expansive areas of asphalt or concrete paving in parking lots should be avoided. In large developments, dividing the parking into a series of smaller connected lots is preferred over one expansive parking lot.

- No refuse storage/collection areas will be allowed to be sited between any street or building front. Refuse collection areas shall be enclosed within a six (6) foot tall masonry enclosure which is large enough to contain all refuse generated between collections. The design of the enclosure shall be compatible with the architectural theme of the site.



Trash collection and storage areas enclosed and screened from view.

- A variety of building and parking setbacks should be provided in order to avoid long, monotonous building facades.
- Buffers shall be provided where industrial uses are adjacent to non-industrial uses. Buffering techniques using a combination of setbacks, landscaping, walls, and grade changes will help mitigate the negative impact of industrial operations. Plant materials used for buffering should be predominantly evergreen species.
- Large commercial parking fields shall be shared with other users such as government uses, churches, etc.

2. Town Center

The design guidelines for the town Center includes the commercial design guidelines in the preceding section and the guidelines detailed below.

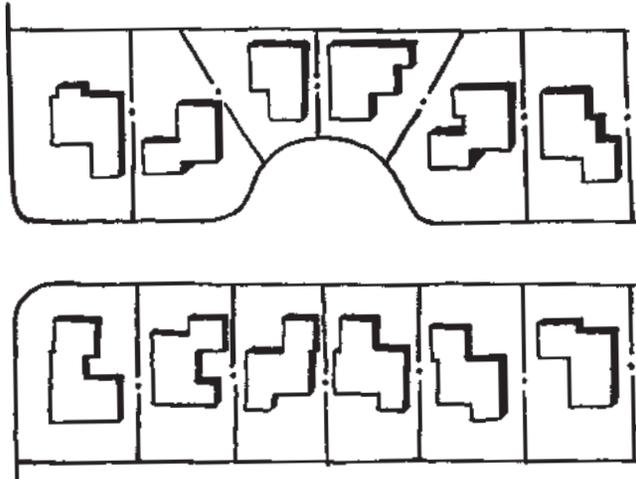
The Town Center will be the heart of the Westland community. The most positive aspects of the development will be focused into this centralized area. Mixed use housing shall be encouraged in the Town Center. Residents living in the Town Center will not need to travel far to satisfy many of their basic needs. Civic services including a library, post office, schools, churches, synagogue, and meeting hall should be located in the Town Center. Medical facilities including an urgent care center, grocery stores, financial institutions, and daycare centers should be located close by. Restaurants, theaters, and a small outdoor amphitheater will offer evening entertainment to the residents and other visitors.

- Power centers and stand alone retail boxes shall be discouraged in the Town Center. These uses are more appropriate in an I-P zone.
- Drive-thru services shall be discouraged in the Town Center.

Plaza

The Town Center will be developed with a traditional Spanish plaza area. This area is intended to be an enjoyable place to visit for residents and visitors alike. It will be developed on an eight to ten (8-10) acre site, with one (1) acre dedicated to a centralized plaza/park. The plaza should be heavily vegetated and provide opportunities for small gatherings and outdoor performances. The buildings in this area should be oriented inward towards the plaza.

- The design of the plaza area shall be very pedestrian oriented. The goal is to separate pedestrians from vehicular circulation and parking. Sidewalks in the main pedestrian corridors shall be a minimum of eight (8) feet in width. Courtyards, placitas, cafes, and other types of passive outdoor spaces should be provided.
- Streets should be laid out with one predominant orientation, perpendicular to the main pedestrian corridors. Narrow, irregular street alignments is one technique to help slow traffic flow through this area.
- The buildings in the plaza area should be small scale and predominately one (1) and two (2) stories. Residential uses on the second floor of retail buildings are encouraged. Building fronts should incorporate portals for pedestrian comfort. Interior walkways between buildings should also be created through careful site planning.
- The plaza area shall be densely vegetated with thirty percent (30%) of the net site area allocated to landscaping.



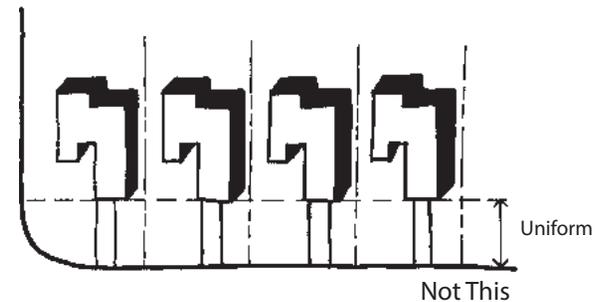
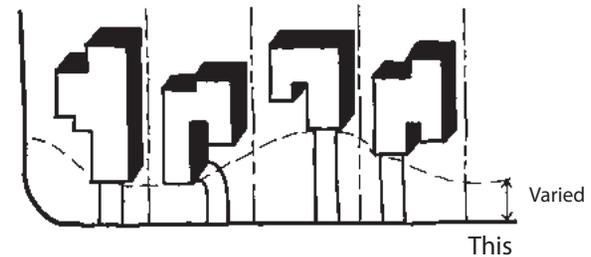
Knuckles provide variety and visual interest in the streetscape.

3. Residential

Site plans for residential subdivisions should provide variety and visual interest in the streetscape. Pedestrian connections between neighborhoods should be planned for efficient pedestrian movement.

- On long, straight roads, knuckles or cul-de-sac are encouraged to provide variety and visual interest in the streetscape.
- Uniform front yard setbacks in residential areas should be avoided. Varied setbacks add visual interest and avoid creating a tunnel effect. No more than three (3) structures in a row should have the same front yard setback.
- Varying the placement and orientation of garages also helps to avoid the creation of a monotonous streetscape visually

dominated by garage doors. The visual impact of garage doors may be minimized by placing them even with the house fronts, rather than projecting out from the house. Side-entry garages may be used for wide lots (including corner lots) or on narrow lots if the garage is extended in front of the home creating an ell shape. No greater than three (3) houses in a row should have the garage doors parallel to the street.



Use varied setbacks to avoid creating a tunnel effect.

- Pedestrian openings at the end of cul-de-sacs or openings in perimeter walls are simple techniques that can be used to achieve connection between subdivisions or commercial areas.

B. Views

The Westland properties offer spectacular views of the Sandias, the Rio Grande Bosque, and the Volcanic Escarpment. Significant visual features, identified in this Plan, should be retained and enhanced through the methods described below.

- The visual impact of built forms on the natural landscape should be minimized. Though not required, buildings with flat roofs are encouraged because they will help preserve views in addition to being more Southwestern in style. Rooftop mechanical equipment shall be screened from streetview (See Architectural Style section for specific guidelines).
- On-site utilities, including electrical, telephone, and communication wires and equipment shall be installed and maintained underground. Transformers, utility pads, cable TV, and telephone boxes shall be located out of view from public rights-of-ways or visually screened with vegetation, fences, or walls.

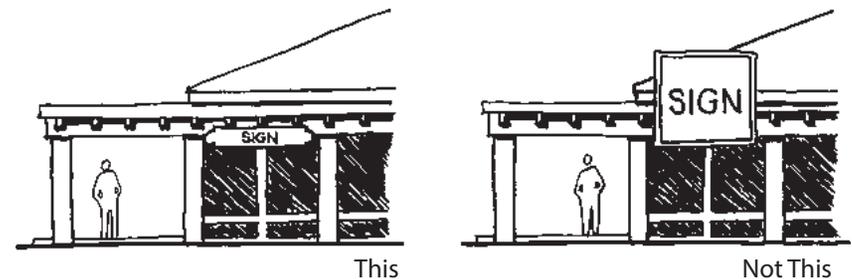
C. Signage

Signage should enhance the overall attractive character of the community, as well as provide information and direction to residents and visitors. A common design theme for signage in the Plan Area will enhance the Westland Community image.

Application for sign approval to the Design Review Committee shall be accompanied by scaled, dimensioned drawings. The drawings shall delineate the size, shape, color, lettering, lighting, and position in relationship to the structure or location where it will be displayed.

General Guidelines:

- Pursuant to the condition placed on development within the Westland North Plan Area by the City Council, residential streets shall not be more than 32 feet in width.
- Avoid too many different colors on a sign. Too many colors can be confusing and usually fails to communicate the intended message.
- There should be a significant contrast between the background and the text. If the colors are too close in value or hue the sign will be difficult to read.



Signs should be compatible with the architectural features of the building.

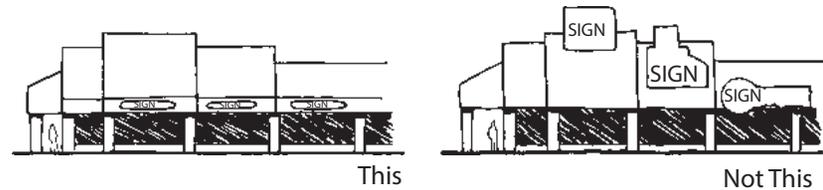
- Avoid overly ornate or intricate typefaces - they are difficult to read.
- Minimize the amount of words on a sign. A brief message is easier to read and is usually more attractive.
- Avoid signs with unusual shapes. The viewer's attention will tend to focus on the shape instead of the message the sign was intended to convey.

- Letters should not appear to occupy more than seventy five percent (75%) of the sign area. The sign is harder to read if the type takes up too much of the sign area.
- Pedestrian-oriented signs should be smaller than vehicle-oriented signs. A pedestrian oriented sign is usually read from a distance of fifteen (15) to twenty (20) feet.
- Building wall signs should be compatible with the predominant visual features of the building. Where there is more than one (1) sign, all signs should be complementary to each other in the following ways:
 - Type of construction materials
 - Type size and style
 - Shape of sign
 - Method used to support sign
 - Configuration of sign area

1. Commercial and Industrial

Monument-type signs are encouraged for business identification. Signage should be designed to blend with the surrounding landscape.

- Where several tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign identifying the development and address.
- Sign color, material, and placement shall be compatible with the building it identifies.



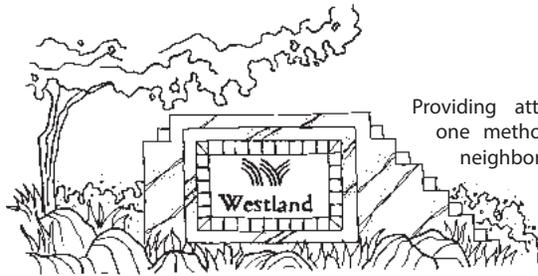
Avoid unusual shapes. Signs should complement the building's architecture.

- Signs that flash, blink, move, or have audible sound are not permitted. Portable or roof top signs are not permitted.



Directional signs should provide general public information and blend in with the landscape.

- No off-premise signs except the following exceptions are permitted in the Westland Plan Area. The exceptions are as follows:
 - Traffic safety signs
 - Street signs
 - Location markers or directory maps (limited in height)



Providing attractive entryway signage is one method for promoting a sense of neighborhood identity.

2. Residential

Entryway signage shall be developed for each residential area to foster an unique sense of neighborhood identity.

- Monument-type signs are the preferred alternative for entryways. Landscape materials should be provided at the base of monuments.

D. Lighting

One of the attributes of the West Side most appreciated by residents is its “dark sky”. The objective of the lighting guidelines therefore is to preserve the “dark sky” while providing lighting that enhances the safety, security, and visual aesthetics of the area.

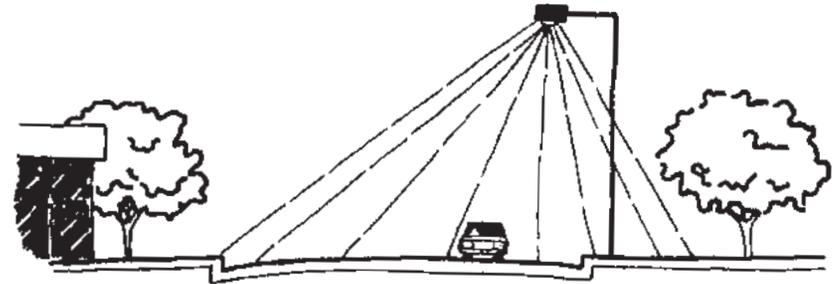
Careful attention to lighting detail will contribute to the sense of a cohesive community image. Lighting design and features will differ according to the land use. In all cases, light fixtures and standards shall conform to state and local safety illumination standards.

1. Street Lighting

- Lighting should be located to enhance the safety of pedestrian and vehicular flows at key points along roadways. Light shall be concentrated at intersections and pedestrian crosswalks.

The maximum height of street light fixtures shall be thirty (30) feet, unless otherwise required by the County and/or Engineer.

- Excessive light spillage on adjacent properties shall not be allowed. Light fixtures shall be recessed or shielded.



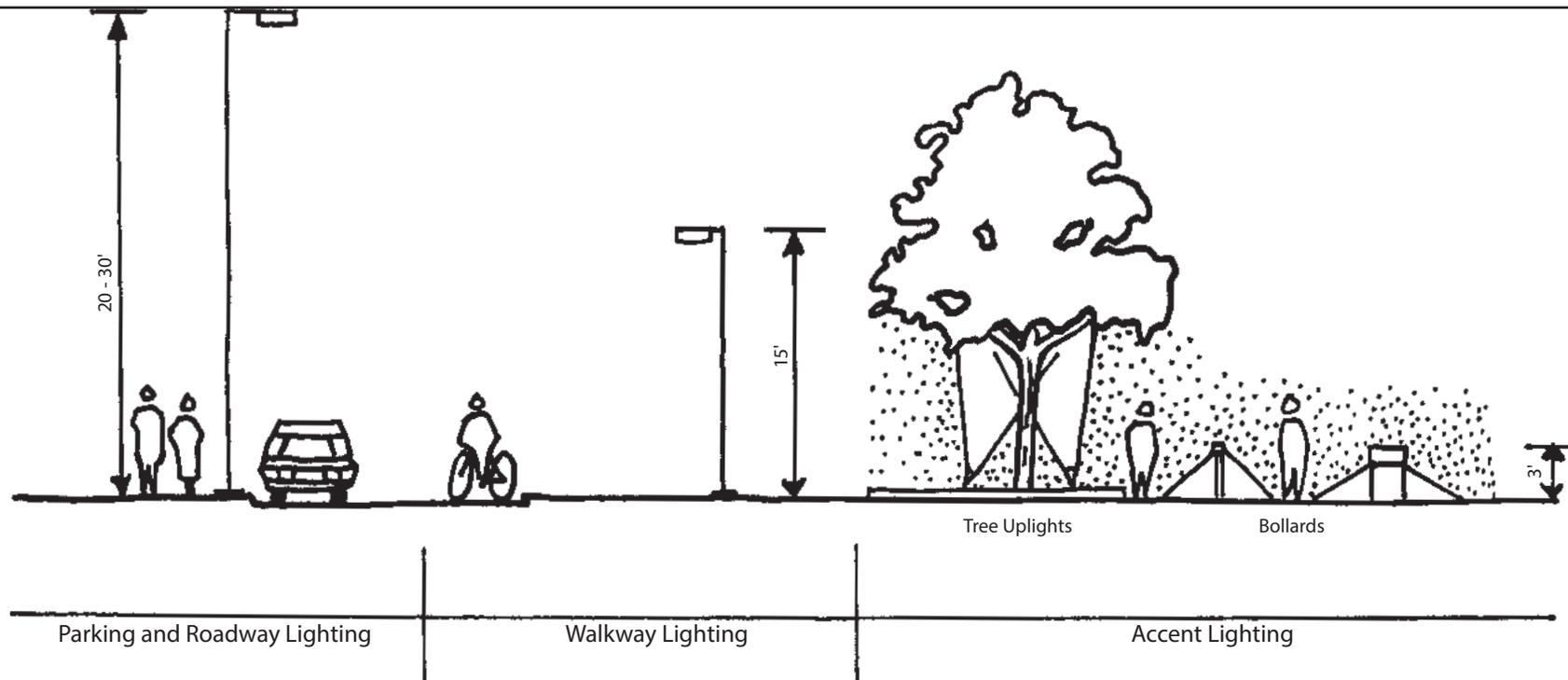
Street lights should be designed for vehicular and pedestrian safety while preventing excessive light spillage onto adjacent properties.

- Cobra head fixtures should not be used for street lighting. Metal halide or low-pressure sodium lights are recommended.

2. Parking Lot and Building Exterior Lighting

Lighting shall be used to provide illumination for the security and safety of on-site areas such as parking, loading, service, and pathways. Providing attractive lighting for building exteriors is an effective, yet subtle way to enhance the design of the structure.

- The design of the lighting fixtures should be compatible with the architectural features of the main structures on-site.
- Lighting fixtures shall be recessed or shielded to prevent light spread outside of the site boundary. The maximum height of parking lot lights shall be twenty to thirty (20-30) feet.
- Building entrances should be well lit.



3. Pedestrian Lighting

Lighting should be pedestrian oriented in districts with high pedestrian movement, such as the Plaza area. Bollard or wall pocket lighting is encouraged along Plaza sidewalks and other public areas.

- Pedestrian lighting should not exceed fifteen (15) feet in height.
- Bollard material and design shall be compatible with the adjacent buildings. Bollards should be no greater than three (3) feet in height. Shatter-proof coverings should be provided for bollards and other types of low-level lighting.

- Lighting may be used to accent certain landscape features. This type of lighting should be of a low-level intensity and only illuminate the intended landscape feature.

E. Landscape and Streetscape

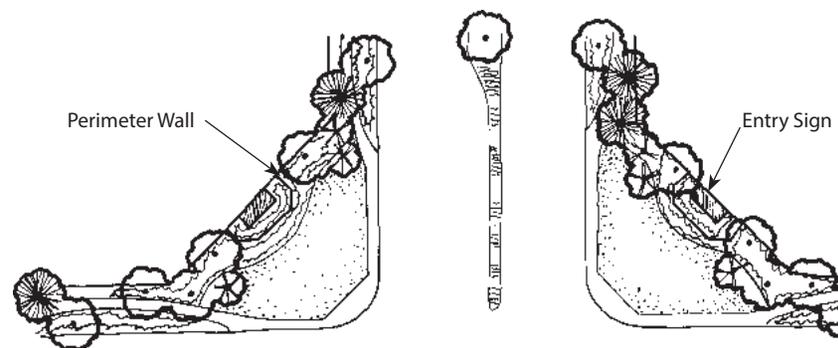
The key to creating a truly liveable and high quality environment will be the development of an overall landscape master plan. The environmental, as well as aesthetic, value of landscaping in an arid region can not be overestimated. Landscaping should be used to frame views, as a buffer from noise or undesirable views, to break up large expanses of parking, to provide wind protection, shade, and relief from the heat and glare generated by development, to

control soil erosion, and enhance pedestrian and vehicular traffic and safety.

Recognizing the increased public awareness of water conservation, this Plan promotes the use of native and naturalized plant species that perform well in an arid environment. Major arterials shall be landscaped with native species and will serve as a demonstration project to the rest of the community. A Plant Palette and xeriscape principals of design are included in the appendices.

Special attention shall be given to landscaping the major entries to the Westland Community. Plant materials should be used to highlight these key areas with the intent of reinforcing the community image.

- Site development plans for commercial, industrial, office, and multi-family areas shall include a landscape plan that comprises twenty percent (20%) of the net site area.



Major entries should be highlighted with signage and landscaping.

- Proposed landscape plans should have a limited amount of turf area. Turf should be generally located in high pedestrian use areas. It should not be planted on slopes greater than 3:1. Turf shall not be allowed in any street medians within the Plan Area.
- If turf is to be used in non-pedestrian areas, it should be one or a combination of the drought tolerant grass species.

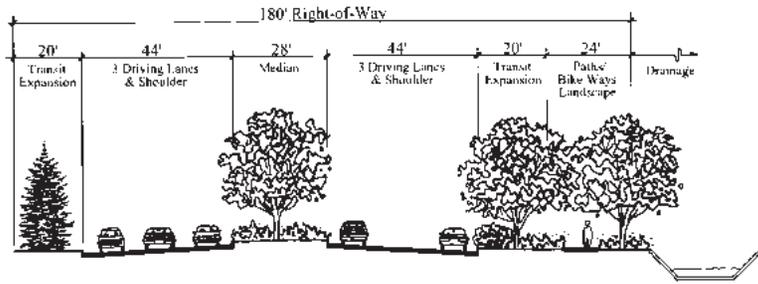
1. Streetscapes

Streetscape design is another key factor in determining neighborhood quality and liveability. Providing streetscape amenities such as landscaping and street trees, benches, bus shelters, bike racks, and trash receptacles will help create an attractive community for residents and visitors. Ideally, Bernalillo County and/or COA is the entity to maintain the streetscape and its assorted amenities. This will be handled on a case-by-case basis.

A. Non-residential Streetscape

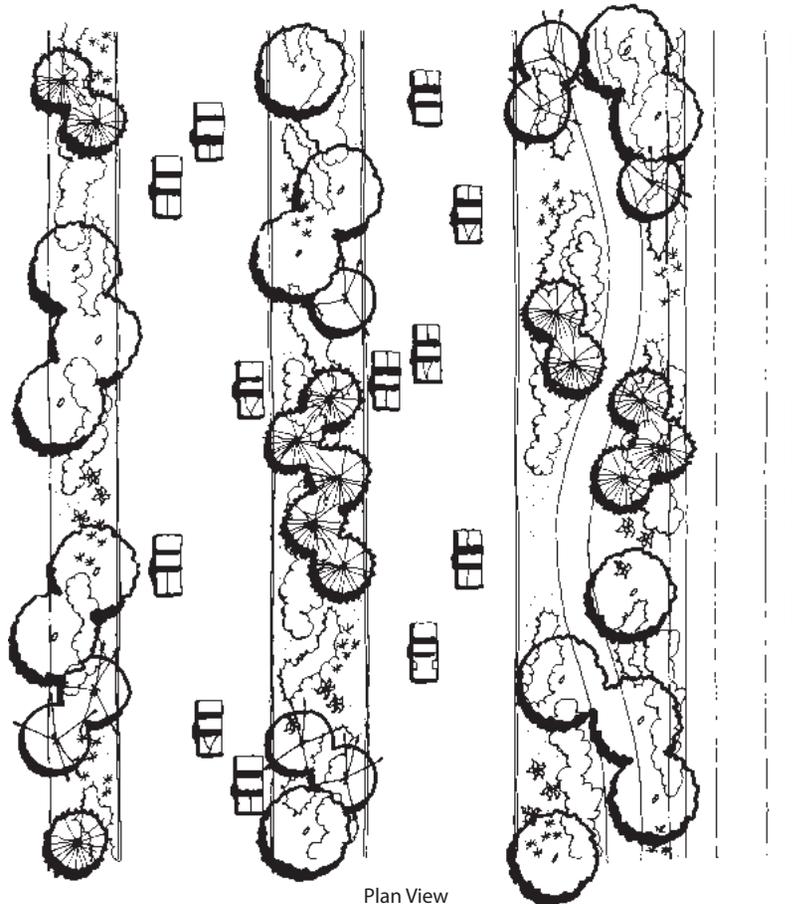
- Streets that are unduly wide serve as a barrier for pedestrian movement. Tapered intersections may be used as a technique to slow traffic as well as decrease the distance a pedestrian must cross to get from one side of the street to the other. In addition to increasing safety, this technique provides an opportunity for locating a cluster of street trees, benches, and other pedestrian amenities.

Principal Arterial



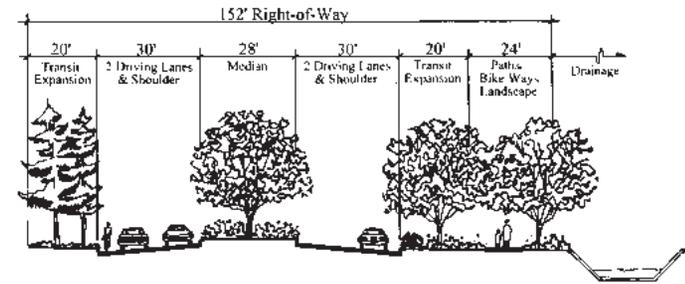
Cross Section

Note: Required width for drainage may vary based on actual conditions.

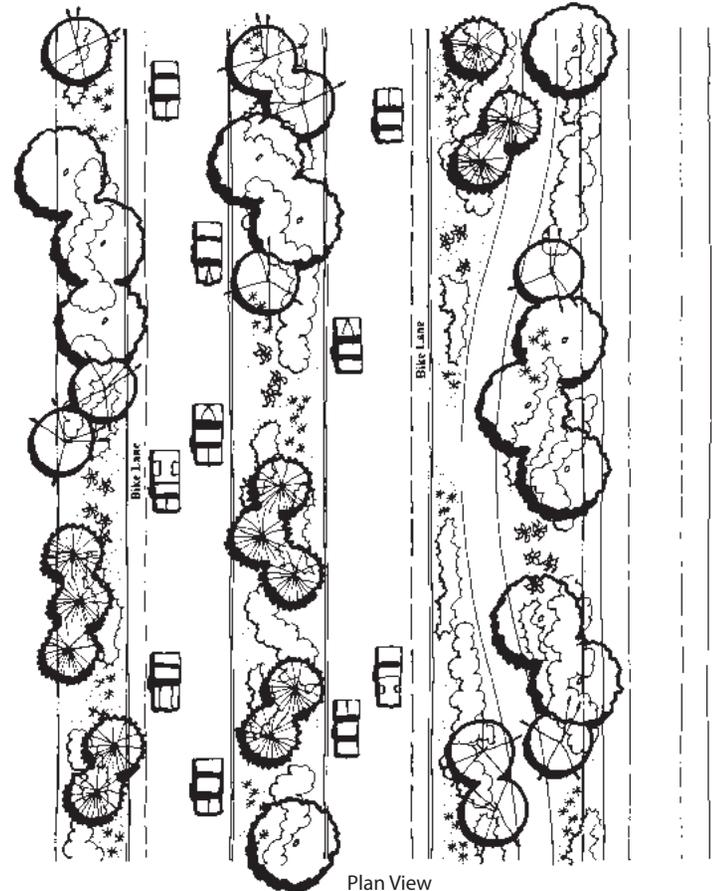


Plan View

Minor Arterial



Cross Section



Plan View

- Generally, sidewalks on residential streets shall be a minimum of four (4) feet wide. Sidewalks along arterials or adjacent to solid walls shall be a minimum of six (6) feet wide.
- A minimum landscaped area of ten (10) feet between the back of curb and the sidewalk shall be provided along all major arterials. The required landscaped area width may vary only where meandering sidewalks are planned. The landscaped area may be reduced to six (6) feet from the back of curb to the sidewalk if the sidewalk is designed to meander.
- Benches shall be provided along certain designated public rights-of-way in the Town Center to encourage pedestrian activity. They shall be amply shaded with trees and/or trellising. Metal mesh or wrought iron are the recommended construction materials for benches because they discourage graffiti vandals.
- One (1) street tree shall be planted for every thirty (30) linear feet along public right-of-ways. Street trees may be planted either in random clusters or uniformly placed along the street edge. Gaps between street trees that exceed fifty (50) feet are discouraged.
- As development of the Westland Community progresses, an attempt should be made to coordinate new street trees with existing street trees.
- The use of bicycles as an alternative mode of commuter transportation is promoted. Striped bicycle lanes, four (4) feet wide, should be provided on all minor arterials and collector streets.

B. Residential Streetscapes

A consistent landscape theme in residential areas will reinforce community identity. Providing large canopied street trees in residential areas will soften the streetscape and provide the feeling of an established neighborhood as the trees reach maturity.

- One (1) street tree per lot is required in all residential subdivisions (see Plant Palette for Street Trees in Residential Areas).
- Street trees shall be planted within twelve (12) feet of the curb.

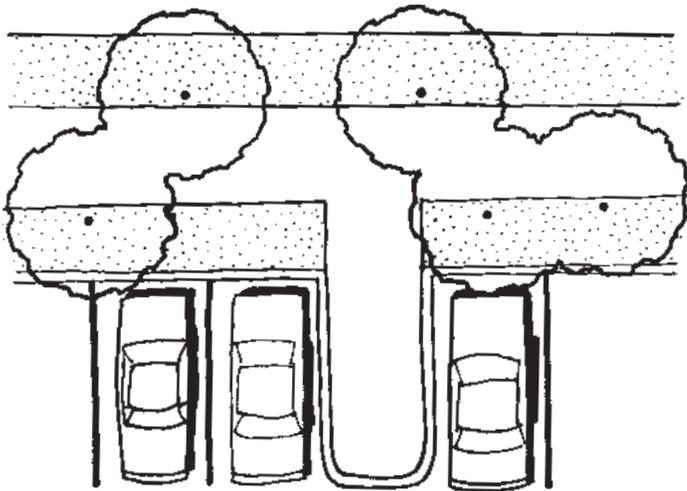
2. Parking Lots

- Parking lots shall be screened from view by providing a landscape strip between parking lots and public rights-of-way. The landscape strip provided shall be at least ten (10) feet in width. For large scale commercial development, the landscape strip may be required to be wider than ten (10) feet.
- Screening material shall be one or a combination of plant materials, walls, or earthen berming and shall be a minimum of three (3) feet in height.



Screen parking lots with one or a combination of plant materials, walls, or berms.

- Where practical, lowering the grade of the parking lot from the existing street elevation may aid in screening views of automobiles while enhancing the view of architectural elements of the structures beyond.
- A landscaped island shall be provided for every ten (10) parking spaces. Six (6) feet is the recommended minimum width to provide adequate planting space for trees and shrubs or parking lot lighting.
- One shade tree shall be provided for every ten (10) parking spaces, with no space being more than one hundred (100) feet from a tree.



Provide pedestrian links between parking spaces.

- Seventy-five percent (75%) of the required parking lot trees shall be deciduous and have a minimum mature height and canopy of twenty-five (25) feet.

F. Architectural Styles

The goal of the architectural guidelines are not to limit design creativity, but to provide the framework for high quality design. While architectural style is not restricted, certain common elements should be complementary to and enhance the community image. Generic franchise design shall be discouraged. Building design shall be contextual to land forms, adjacent buildings and the overall design guidelines of the master plan.

1. Building Materials and Colors

- The use of similar roof materials and colors aids continuity. Compatibility in roof design with adjacent buildings is encouraged.
- Metal may be used as a roofing material for commercial and residential structures. Metal roof shall be corrugated or standing seam and non-reflective. Roof colors shall be in shades of red, green, or silver.
- Exterior building materials shall be predominantly contextual in nature. Stucco, natural stone, split face CMU, and other appropriate materials of earth tone colors should be required for sixty-five percent (65%) of the building surfaces. Wood, stone, or brick may be used to accent architectural features. Glass will not be considered a finishing material for the purpose of these design guidelines.
- Exterior colors shall predominantly be in warm desert earth tones. Other colors may be used to accent architectural features such as entryways, window trim, fascias, and other traditional southwestern architectural features. Metallic and high intensity colors will not be permitted.

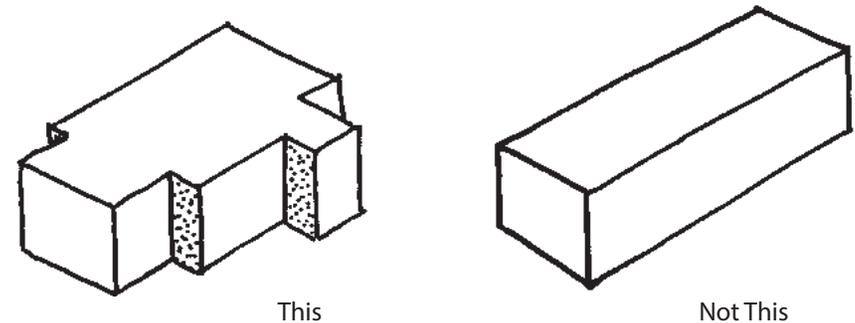
2. Residential

The prospective home buyer should be offered a choice in architectural styles. The use of a single style within neighborhoods is discouraged. Individual dwelling units should be distinguishable from each other.

- Residential structures shall not exceed two (2) stories and are limited to a maximum height of twenty-six (26) feet. The height shall be measured from the established grade three (3) feet from the structure to the highest point of the parapet on a flat roof, the highest point on a pitched roof or to the average height between the plane and the ridge of a gable, hip, or gambel roof.
- The second story should be limited to sixty-five percent (65%) of the building footprint and set back from the first story to eliminate the appearance of a two (2) story wall.

3. Commercial and Industrial

- Massive building forms are discouraged in favor of buildings which incorporate stepped floor elevations. Buildings should be designed that are more horizontal in nature than vertical.
- Rooflines visible from street view should not run in a continuous plane for more than fifty (50) linear feet without offsetting or jogging the roof plane. Masard roofs should wrap around the entire perimeter of the structure.
- Long, uninterrupted exterior walls should be avoided on all structures. Staggering of planes along an exterior wall provides relief from monotonous, uninterrupted expanses of wall.



Staggered planes along exterior walls of buildings create pockets of light and shadow and provide relief from monotonous, uninterrupted expanses of wall.

4. Walls

A consistent approach to wall design will provide an element of visual continuity in the Westland Community. Walls within a residential or commercial site shall be considered an integral part of the site/building design.

- The style, materials, and color of the wall should be complementary to the architecture of the building it is attached to.
- Masonry and stucco are the recommended primary building materials for walls in residential areas within public view from the roadway. Brick, wood, or ornamental iron may be used as an accent feature. Other fencing materials, such as chain link, welded wire, unfinished concrete, wood, and colored block may be used as long as they are not visible from the public roadway.
- To soften the horizontal mass of a continuous wall, the wall may be set back from the adjacent sidewalk with the space left between the wall and sidewalk used for landscaping. If this

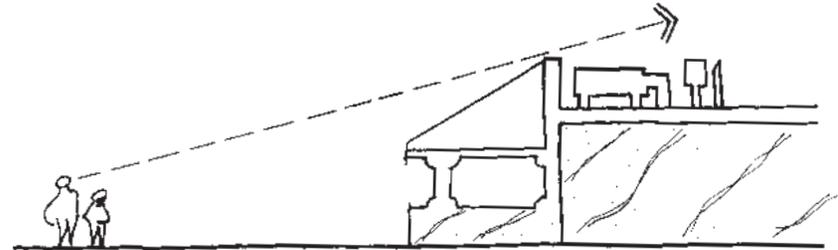
method is used, the wall should be set back from the sidewalk at a distance equal to its height. For example, if a six (6) foot wall is to be constructed adjacent to a sidewalk it should be set back from that sidewalk six (6) feet.

5. Undesirable Design Elements

- Large, blank, unarticulated wall surfaces
- Large, block like structures
- Chain link fencing parallel to a public street or in the front yard setback
- Concertina or barbed wire fencing
- Metal or aluminum siding
- Highly reflective materials and finishes
- Exposed, untreated precision block walls within street view
- Roofs that are illuminated or have highly reflective surfaces

6. Mechanical Equipment

- Mechanical equipment, including but not limited to cooling and heating systems, ventilation, antenna and other reception devices, shall be screened from street view through the use of parapets or other architectural elements of the same nature as the building's basic design, material, and color. The height of a screening element such as a parapet should be uniform around the entire structure.
- Mechanical equipment may be installed on the rear side of pitched roofs with the requirement that it is not visible from the roadway. The highest point of the equipment shall be equal to or below the roof ridge height.



Screen mechanical equipment from street view with an architectural element.

- Mechanical equipment mounted on the ground shall be screened from street view with landscaping or fencing materials.

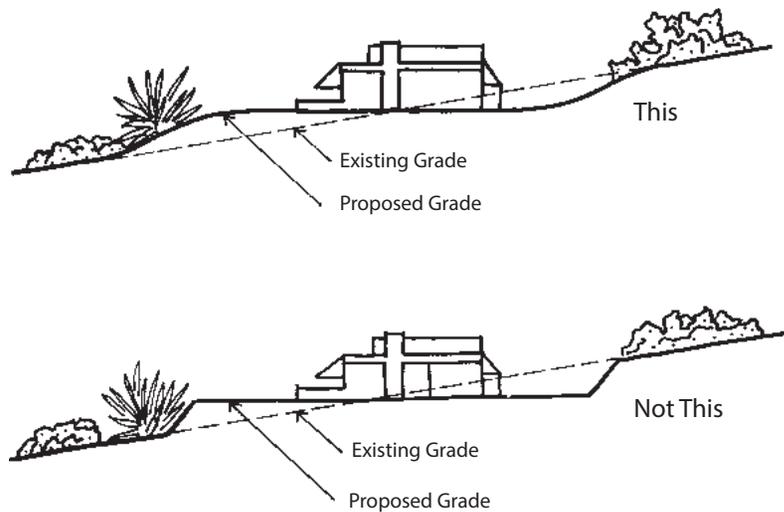
G. Antenna and Towers

- Freestanding cellular antenna and cell towers shall be discouraged. Antennas shall be integrated with buildings, light poles, existing utility structures and other public facilities.

H. Grading

The natural topography of the area and significant vegetation should be preserved and incorporated into the site plans whenever feasible to save in grading costs and provide variation in the landscape.

- The transition between new grades and the existing terrain shall be smooth and rounded. All graded slopes shall be revegetated to prevent soil erosion.
- Individual parcels shall be graded in such a way to direct runoff away from buildings and into drainage facilities.



The transition between new grades and existing terrain shall be smooth and rounded.

- Grading for new roads shall run with the existing contours whenever feasible. Natural drainage patterns should be maintained to prevent soil erosion.
- Graded slopes, in conjunction with landscape materials and walls, may be used to help screen parking lots.
- Retaining walls may be used as a technique to minimize grading and stabilize slopes. Terracing of walls is encouraged for retaining walls above six (6) feet.
- Rear-lot ponding on lots larger than one quarter (1/4) acre may be also be used to minimize grading and decrease street flows.

I. Drainage

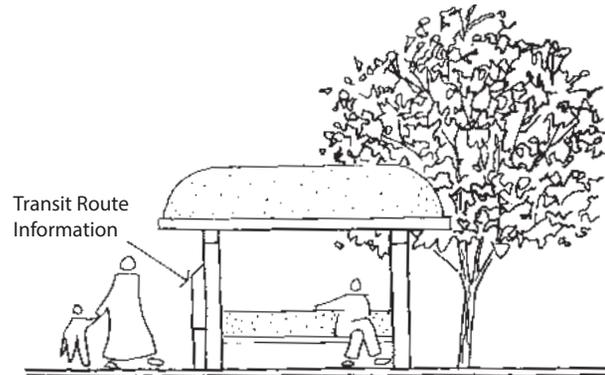
Due to their predominant west to east orientation, the arroyos in this area present an opportunity for their designated use as scenic corridors with spectacular views of the Sandia and Manzano Mountain Ranges. Arroyos should be viewed as a significant design feature to be incorporated into the site planning for new development. Joint development of drainageways and detention basins for open space and recreational use is encouraged.

- Arroyos and other natural drainageways should be preserved in their natural state, whenever possible. The use of rip-rap and native vegetation instead of concrete for lining drainageways is encouraged when feasible.
- On-site drainage, including rear-lot ponding, is encouraged for decreasing street flows and the need for large, unattractive drainage facilities. Detention ponds and other water harvesting methods can be utilized to supplement landscape irrigation. Pursuant to the City DPM, there will be no credit for rear lot ponding.
- The use of rear yard alleys and pedestrian ways may be used for the conveyance of drainage.
- Cut and fill required by drainage and detention facilities shall be rounded whenever possible to avoid steep unnatural slopes.

J. Transit

Accessibility is the key to encouraging mass transit ridership. Transit stops that are centrally located and convenient to pedestrians should be provided. Pedestrian oriented mixed use developments, including conveniently located shopping, office

development, post offices, libraries, parks, recreational facilities, and residential uses, will help create an environment conducive to mass transit systems.



Transit stops should be centrally located and comfortably designed.

- Transit stops shall provide shelter, comfortable seating, and adequate lighting. Signage shall be provided to illustrate the routes that serve each transit stop.
- Trash containers and public telephones should be conveniently located. Safe and secure bike storage facilities are encouraged.
- The transit stop should be designed to blend with the architecture of the surrounding buildings.

K. Plant Palette

The plant palette provided below includes recommended street trees for residential areas, street trees for arterials and non-residential areas, and a general plant materials list.

Xeriscape principles of design should be used in landscaped areas to conserve water and minimize maintenance requirements.

Indigenous species or appropriate species of vegetations of a minimum of 40% shall be encouraged at all new private development and shall be required at all public development to preserve habitat and plant area.

Xeriscape Principles

- Plant materials with similar water and cultural requirements should be grouped together.
- Exotic plant species may be used sparingly. The majority of the plant materials selected should be native or naturalized species.
- Limit the amount of space designated for turf. Use native grasses as an alternative to exotic grass species.
- Mulches should be provided to reduce evaporation and watering requirements.
- Use water conserving irrigation equipment, such as bubblers and drip systems. Water deeply and less often rather than for short periods of time.

Street Trees for Residential Areas

A minimum of one street tree per residential lot shall be planted within twelve (12) feet of the curb. Other areas within residential lots may be landscaped with plant material from the General Plant Palette list.

Scientific Name

Fraxinus spp.
Gleditsia triacanthos
Koelreuteria paniculata
Pistache chinensis
Platanus spp.

Common Name

Ash spp.
Honeylocust
Golden Rain Tree
Chinese Pistache
Sycamore spp.

Street Trees for Arterials and Non-Residential Areas

The majority of these trees are drought tolerant species. The Ash and Honey Locust are included to provide variety and height in the landscape.

<u>Scientific Name</u>	<u>Common Name</u>
Chilopsis linearis	Desert Willow
Forestiera neomexicana	New Mexico Olive
Fraxinus oxycarpa	Raywood Ash
Gleditsia triacanthos	Honey Locust
Juniperus scopulorum	Rocky Mt. Juniper
Pistacia chinensis	Chinese Pistache
Pinus sylvestris	Scotch Pine
Pinus edulis	Pinon Pine
Robinia neomexicana	New Mexico Locust
Vitex agnus-castus	Chaste Tree

General Plant Palette

The following list of plants should be used in selecting plant material. Plants other than those listed below may be used subject to the approval of the Design Review Committee.

<u>Scientific Name</u>	<u>Common Name</u>
Large Deciduous Trees	
Carya illinoensis	Pecan
Catalpa speciosa	Catalpa
Celtis occidentalis	Hackberry
Fraxinus oxycarpa	Raywood Ash
Fraxinus pennsylvanica	Marshall, Summit, Patmore Ash
Fraxinus texana	Texas Ash
Fraxinus velutina	Modesto Ash

<u>Scientific Name</u>	<u>Common Name</u>
Gleditsia triacanthos var. inermis	Honey Locust
Gymnocladus dioica	Kentucky Coffee
Juglans major	Arizona Walnut
Juglans regia 'Carpathian'	Carpathian Walnut
Maclura pomifera	Osage Orange
Metasequoia glyptostroboides	Dawn Redwood
Pistachia chinensis	Chinese Pistache
Platanus wrightii	Arizona Sycamore
Populus acuminata	Lanceleaf Cottonwood
Populus fremontii	Cottonwood
Quercus macrocarpa	Bur Oak
Quercus texana	Texas Red Oak
Robinia x ambigua	Idaho Locust
Robinia pseudoacacia	Black Locust
Tilia cordata	Littleleaf Linden
Ulmus crassifolia	Cedar Elm
Ulmus parvifolia	Chinese Elm

<u>Scientific Name</u>	<u>Common Name</u>
Small Deciduous Trees	
Albizia julibrissin	Silk Tree
Celtis reticulata	Western Hackberry
Cercis canadensis	Eastern Redbud
Cercis occidentalis	Western Redbud
Cercis reniformis	Oklahoma Redbud
Chilopsis linearis	Desert Willow
Cotinus coggygria	Smoketree
Crataegus ambigua	Russian Hawthorn
Crataegus crusgallin 'Inermis'	Thornless Cockspur Hawthorn
Crataegus laevigata	English Hawthorn
Crataegus phaenopyrum	Washington Hawthorn
Forestiera neomexicana	New Mexico Olive
Fraxinus cuspidata	Fragrant Ash

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<u>Scientific Name</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Common Name</u>
Koelreuteria paniculata	Golden Raintree	Juniperus chinensis	"Spartan," "Hetzi Columnaris," "Keteleeri," Juniper
Malus species	Crabapple	Juniperus deppeana	Alligator Juniper
Melia azedarach 'Umbraciformis'	Texas Umbrella Tree	Juniperus monosperma	One-seed Juniper
Prosopis glandulosa	Honey Mesquite	Juniperus scopulorum	Rocky Mt. Juniper
Prosopis pubescens	Screwbean Mesquite	Juniperus virginiana	Hillspire Juniper
Prunus americana	American Plum	Picea pungens	Blue Spruce
Prunus armeniaca	Apricot	Pinus aristata	Bristlecone Pine
Prunus cerastifera	Purpleleaf Plum	Pinus edulis	Pinon Pine
Prunus virginiana	Chokecherry	Pinus flexilis	Limber Pine
Ptelea trifoliata	Hoptree	Pinus nigra	Austrian Pine
Pyrus calleryana	Ornamental Pear	Pinus sylvestris	Scotch Pine
Quercus gambelii	Gambel Oak	Quercus turbinella	Shrub Live Oak
Rhamnus cathartica	Buckthorn	Sequoia sempervirens	Coast Redwood
Rhus lanceolata	Prairie Flameleaf Sumac	Sequoiadendron giganteum	Giant Sequoia
Robinia neomexicana	Rose Locust	Taxus species	Yew
Sambucus mexicana	Mexican Elder	Thuja species	Arborvitae
Sapindus drummondii	Soapberry	Yucca elata	Soaptree Yucca
Sophora japonica	Japanese Scholar Tree	Yucca faxoniana	Palm Yucca
Sorbus aucuparia	European Mountain Ash		
Vitex agnus-castus	Chaste Tree	Deciduous Shrubs	
Ziziphus jujuba	Chinese Date Jujube	Amorpha fruticosa	False Indigo
		Anisacanthus thurberi	Hummingbird Trumpet
Evergreen Trees		Berberis thunbergii	Japanese Barberry
Abies concolor	White Fir	B. thunbergii 'Atropurpurea'	Redleaf Barberry
Cedrus atlantica	Atlas Cedar	B.t. 'Atropurpurea Nana'	'Crimson Pygmy' Barberry
Cedrus deodara	Deodar Cedar		
Cedrus libani	Cedar of Lebanon	Buddleia davidii nanhoensis	Dwarf Butterflybush
		Caesalpinia gilliesii	Bird of Paradise
Cercocarpus ledifolius	Curlleaf Mountain Mahogany	Caragana species	Peashrub
		Caryopteris clandonensis	Blue Mist Spirea
Cupressus arizonica	Arizona Cypress	Ceanothus fendleri	Ceanothus
Cupressocyparis leylandii	Leyland Cypress	Celtis pallida	Desert Hackberry

<u>Scientific Name</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Common Name</u>
<i>Chamaebatiaria millefolium</i>	Fernbush	<i>Prunus besseyi</i>	Western Sand Cherry
<i>Chaenomeles japonica</i>	Flowering Quince	<i>Prunus x cistena</i>	Redleaf Plum Bush
<i>Chrysothamnus nauseosus</i>	Chamisa	<i>Prunus tomentosa</i>	Nanking Cherry
<i>Cornus alba</i>	Tartarian Dogwood	<i>Psorothamnus scoparia</i>	Broom Dalea
<i>Cornus stolonifera</i>	Redtwig Dogwood	<i>Punica granatum</i>	Pomegranite
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster	<i>Rhamnus frangula 'Columnaris'</i>	Tallhedge Buckthorn
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster	<i>Rhus glabra</i>	Smooth Sumac
<i>Cotoneaster horizontalis</i>	Rockspray Cotoneaster	<i>Rhus glabra cismontana</i>	Cutleaf Sumac
<i>Euonymus alata 'Compacta'</i>	Burning Bush	<i>Rhus microphylla</i>	Littleleaf Sumac
<i>Fendlera rupicola</i>	Cliff Fendlerbush	<i>Rhus trilobata</i>	Threeleaf Sumac
<i>Forestiera neomexicana</i>	New Mexico Olive	<i>Rhus trilobata 'Prostrata'</i>	Prostrate Sumac
<i>Fouquieria splendens</i>	Ocotillo	<i>Ribes aureum</i>	Golden Currant
<i>Genista tinctoria</i>	Summer Broom	<i>Rosa foetida</i>	"Austria Copper", "Persian Yellow", Roses
<i>Hibiscus syriacus</i>	Rose of Sharon	<i>Rosa rugosa</i>	Rugosa Rose sp.
<i>Hippophae rhamnoides</i>	Sea Buckthorn	<i>Rosa woodsii</i>	Woods Rose
<i>Holodiscus dumosus</i>	Rock Spirea	<i>Salvia greggii</i>	Cherry Sage
<i>Ilex cornuta</i>	'Burford' Holly	<i>Shepherdia argentea</i>	Silver Buffaloberry
<i>Ilex wilsonii</i>	Wilson Holly	<i>Spiraea x bumalda</i>	'Anthony Waterer' Spirea
<i>Jasminum nudiflorum</i>	Winter Jasmine	<i>Spiraea japonica</i>	'Little Princess' Spirea
<i>Kolkwitzia amabilis</i>	Beauty Bush	<i>Spiraea prunifolia 'Plena'</i>	Bridal Wreath
<i>Lagerstroemia indica fauriei</i>	Crape Myrtle	<i>Spiraea vanhouttei</i>	Bridal Wreath
<i>Ligustrum vulgare</i>	Common Privet	<i>Symphoricarpos albus</i>	Snowberry
<i>Lonicera fragrantissima</i>	Winter Honey-suckle	<i>Symphoricarpos orbiculatus</i>	Coralberry
<i>Lonicera tartarica</i>	Tartarian Honey-suckle	<i>Syringa rothomagensis</i>	Chinese Lilac
<i>Parryella filifolia</i>	Dunebroom	<i>Syringa patula 'Miss Kim'</i>	Korean Lilac
<i>Parthenium incanum</i>	Mariola	<i>Syringa vulgaris</i>	Common Lilac
<i>Philadelphus cultivars</i>	Mockorange	<i>Viburnum carlesii</i>	Korean Spicebush
<i>Philadelphus microphyllus</i>	Littleleaf Mockorange	<i>Viburnum plicatum tomentosum</i>	Mariesii Viburnum
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil	<i>Viburnum opulus 'Sterile'</i>	Snowball Bush

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<u>Scientific Name</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Common Name</u>
<i>Viburnum trilobum compactum</i>	Dwarf Cranberry-bush	<i>Cytisus scoparius</i>	Scotch Broom
<i>Vitex agnus-castus</i>	Vitex	<i>Dasyllirion wheeleri</i>	Sotol
<i>Weigela florida</i>	Weigela	<i>Elaeagnus pungens</i>	Silverberry
Evergreen Shrubs		<i>Ephedra viridis</i>	Mormon Tea
<i>Abelia grandiflora</i>	Glossy Abelia	<i>Ericameria laricifolia</i>	Turpentine Bush
<i>Arctostaphylos pungens</i>	Pointleaf Manzanita	<i>Euonymus kiautschovia</i>	"Manhattan" Euonymus
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	<i>Eurotia lanata</i>	Winterfat
<i>Artemisia cana</i>	Silver Sage	<i>Fallugia paradoxa</i>	Apache Plume
<i>Artemisia filifolia</i>	Threadleaf or Sand Sage	<i>Garrya wrightii</i>	Wright's Silk Tassel
<i>Artemisia tridentata</i>	Big Sage	<i>Genista hispanica</i>	Spanish Broom
<i>Atriplex canescens</i>	Fourwing Saltbush	<i>Hesperaloe parviflora</i>	Red Yucca
<i>Baccharis salicina</i>	Desert Broom	<i>Juniperus chinensis</i>	"Ames", "Blue Point", "Fruitland", "Hetzii Glauca", "Pfitzer"
<i>Berberis gladwynensis</i>	"William Penn" Barberry	<i>Juniperus horizontalis</i>	"Sargent", Juniper "Wilton Carpet", "Gray Carpet"
<i>Berberis haematocarpa</i>	Algerita		Juniper
<i>Berberis mentorensis</i>	Mentor Barberry	<i>Juniperus sabina</i>	"Arcadia", "Buffalo", "Scandia", "Tam" Juniper
<i>Cercocarpus montanus</i>	Mountain Mahogany		"Blue Carpet" Juniper
<i>Cotoneaster buxifolius</i>	Grayleaf Cotoneaster	<i>Larrea tridentata</i>	Creosotebush
<i>Cotoneaster congestus</i>	Pyrenees Cotoneaster	<i>Lavandula angustifolia</i>	English Lavender
<i>Cotoneaster dammeri</i>	"Coral Beauty", "Eichholz", "Low-fast" Cotoneaster	<i>Ligustrum japonicum</i>	Waxleaf Privet
<i>Cotoneaster lacteus</i>	Parney Cotoneaster	<i>Mahonia aquifolium 'Compacta'</i>	Oregon Grape
<i>Cotoneaster salicifolius</i>	Willowleaf Cotoneaster	<i>Mahonia repens</i>	Creeping Oregon Grape
<i>Cotoneaster salicifolius repens</i>	Dwarf Willowleaf Cotoneaster	<i>Nandina domestica</i>	Nandina
<i>Cowania mexicana</i>	Cliffrose	<i>Nolina microcarpa</i>	Beargrass
		<i>Nolina texana</i>	Beargrass

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<i>Opuntia clavata</i>	Dagger Spine Cholla	<i>Arabis alpina</i>	Mountain Rockcross
<i>Opuntia imbricata</i>	Cholla	<i>Argemone squarrosa</i>	Prickly Poppy
<i>Opuntia phaeacantha</i>	Prickly Pear	<i>Armeria maritima</i>	Thrift
<i>Photinia fraseri</i>	Photinia	<i>Artemisia abrotanum</i>	Southernwood
<i>Prunus caroliniana</i>	Carolina Cherry Laurel	<i>Artemisia frigida</i>	Fringed Sage
<i>Purshia tridentata</i>	Antelope Bitter- bush	<i>Artemisia ludoviciana</i>	Prairie Sage
<i>Pyracantha lelandii</i>	Firethorn	<i>Artemisia pontica</i>	Roman Wormwood
<i>Raphiolepis indica</i>	India Hawthorn	<i>Artemisia stelleriana</i>	Beach Wormwood
<i>Rosmarinus officinalis</i> 'Prostratus'	Prostrate Rosemary	<i>Artemisia x 'Powis Castle'</i>	"Powis Castle" Wormwood
<i>Salvia dorrii</i>	Desert Sage	<i>Asclepias tuberosa</i>	Butterflyweed
<i>Santolina chamaecyparissus</i>	Lavender Cotton	<i>Aster novae-angliae</i>	Aster
<i>Spartium junceum</i>	Spanish Broom	<i>Baileya multiradiata</i>	Desert Marigold
<i>Vauquelinia californica</i>	Arizona Rosewood	<i>Berlandiera lyrata</i>	Chocolate Flower
<i>Viburnum x burkwoodii</i>	Burkwood Viburnum	<i>Callirhoe involucrata</i>	Poppy Mallow
<i>Yucca baccata</i>	Datil	<i>Calylophus sp.</i>	Sundrops
<i>Yucca glauca</i>	Soapweed	<i>Campanula carpatica</i>	Carpathian Hare- bells
Herbaceous Perennials and Annuals		<i>Campanula rotundifolia</i>	Harebells
<i>Abronia sp.</i>	Sand Verbena	<i>Castilleja sp.</i>	Indian Paintbrush
<i>Achillea millefolium</i>	Yarrow	<i>Centaurea cyanus</i>	Cornflower
<i>Achillea taygetea</i>	Moonshine Yarrow	<i>Centaurea cineraria</i>	Dusty Miller
<i>Agave parryi</i>	Century Plant	<i>Centranthus ruber</i>	Velerian
<i>Agastache cana</i>	Giant Hyssop	<i>Cerastium tomentosum</i>	Snow in Summer
<i>Alcea rose</i>	Hollyhock	<i>Ceratostigma plumbaginoides</i>	Dwarf Plumbago
<i>Amsonia arenaria</i>	Sand Stars	<i>Chrysanthemum maximum</i>	Shasta Daisy
<i>Anacyclus depressus</i>	Mat Daisy	<i>Chrysanthemum x morifolium</i>	Chrysanthemum
<i>Anchusa azurea</i>	Anchusa	<i>Chrysopsis villosa</i>	Golden Aster
<i>Anemopsis californica</i>	Yerba de Mansa	<i>Clarkia unguiculata</i>	Clarkia
<i>Antennaria rosea</i>	Pussytoes	<i>Consolida ambigua</i>	Larkspur
<i>Anthemis tinctoria</i>	Golden Marguerite	<i>Coreopsis lanceolata</i>	sp. & hybrid Core- opsis
		<i>Coreopsis verticillata</i>	Threadleaf Coreop- sis
		<i>Cosmos bipinnatus</i>	Cosmos

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<i>Delosperma cooperi</i>	Purple Iceplant	<i>Iberis umbellata</i>	Globe Candytuft
<i>Delosperma nubigenum</i>	Yellow Iceplant	<i>Ipomoea leptophylla</i>	Bush Morning-glory
<i>Dianthus barbatus</i>	Sweet William	<i>Ipomopsis longiflora</i>	Blue Gilia
<i>Dianthus deltoides</i>	Maiden Pink	<i>Ipomopsis rubra</i>	Skyrocket
<i>Dicentra spectabilis</i>	Bleeding Heart	<i>Iris hybrids</i>	Bearded Iris
<i>Dictamnus sp.</i>	Gas Plant	<i>Kniphofia uvaria</i>	Red Hot Poker
<i>Dimorphotheca sinuata</i>	African Daisy	<i>Lavandula angustifolia</i>	English Lavender
<i>Dyssodia acerosa</i>	Wild Marigold	<i>Liatris punctata</i>	Gayfeather
<i>Echniacea purpurea</i>	Purple Coneflower	<i>Liatris scariosa</i>	Tall Gayfeather
<i>Echinops sp.</i>	Globe Thistle	<i>Linaria maroccana</i>	Baby Snapdragon
<i>Eriogonum umbellatum</i>	Sulphur Flower	<i>Linaria vulgaris</i>	Butter & Eggs
<i>Erysimum hieraciifolium</i>	Siberian Wallflower	<i>Linum graniflorum 'Rubrum'</i>	Scarlet Flax
<i>Eschscholzia californica</i>	California Poppy	<i>Linum perenne</i>	Blue Flax
<i>Euphorbia marginata</i>	Snow on the Mt.	<i>Lobelia cardinalis</i>	Cardinal Flower
<i>Euphorbia myrsinites</i>	Blue Spurge	<i>Lobularia maritima</i>	Sweet Alyssum
<i>Eustoma grandiflorum</i>	Tulip Gentian	<i>Lupinus argenteus</i>	Silverstem Lupine
<i>Gaillardia x grandiflora</i>	Gaillardia	<i>Lupinus perennis</i>	Sundial Lupine
<i>Gaura lindheimeri</i>	Gaura	<i>Lupinus texensis</i>	Texas Bluebonnet
<i>Geranium macrorrhizium</i>	Geranium	<i>Lupinus hybrids</i>	Lupine
<i>Geum ciliatum</i>	Prairie Smoke	<i>Machaeranthera bigelovii</i>	Purple Aster
<i>Gilia tricolor</i>	Bird's Eyes	<i>Melampodium leucanthum</i>	Blackfoot Daisy
<i>Gypsophila elegans</i>	Annual Baby's Breath	<i>Mirabilis jalapa</i>	Four O'Clock
<i>Gypsophila paniculata</i>	Baby's Breath	<i>Mirabilis multiflora</i>	Giant Four O'Clock
<i>Gypsophila repens</i>	Creeping Baby's Breath	<i>Monarda citriodora</i>	Lemon Mint
<i>Helenium hoopesii</i>	Common Sneezeweed	<i>Monarda didyma</i>	Beebalm
<i>Helianthus annuus</i>	Sunflower	<i>Monarda menthifolia</i>	Wild Bergemot
<i>Helianthus maximiliana</i>	Maximilian Sunflower	<i>Nemophila menziesii</i>	Baby Blue Eyes
<i>Hemerocallis hybrids</i>	Daylilies	<i>Nepeta mussini synfaassenii</i>	Catmint
<i>Hesperis matronalis</i>	Dames Rocket	<i>Oenothera berlaniera</i>	Mexican Primrose
<i>Heuchera sanguinea</i>	Coral Bells	<i>Oenothera caespitosa</i>	White Evening Primrose
<i>Hymenoxys argentea</i>	Perky Sue	<i>Oenothera hookeri</i>	Evening Primrose
<i>Iberis sempervirens</i>	Candytuft	<i>Oenothera missouriensis</i>	Yellow Evening Primrose
		<i>Oenothera pallida</i>	Pale Evening Primrose

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<i>Oenothera speciosa</i>	Mexican Evening Primrose	<i>Salvia greggii</i>	Autumn Sage
<i>Papaver nudicaule</i>	Iceland Poppy	<i>Salvia officinalis</i>	Garden Sage
<i>Papaver orientale</i>	Oriental Poppy	<i>Salvia splendens</i>	Scarlet Sage
<i>Papaver rhoeas</i>	Shirley Poppy	<i>Sanvitalia procumbens</i>	Creeping Zinnia
<i>Penstemon ambiguus</i>	Bush Penstemon	<i>Saponaria ocymoides</i>	Soapwort
<i>Penstemon angustifolius</i>	Narrowleaf Penstemon	<i>Scabiosa caucasica</i>	Scabiosa
<i>Penstemon barbatus</i>	Scarlet Penstemon	<i>Sedum spectabile</i>	Stonecrop
<i>Penstemon cardinalis</i>	Cardinal Penstemon	<i>Sedum spurium</i>	Dragon's Blood Sedum
<i>Penstemon clutei</i>	Sunset Penstemon	<i>Sedum 'Autumn Joy'</i>	Autumn Joy Sedum
<i>Penstemon jamesii</i>	Janes Penstemon	<i>Sempevivum tectorum</i>	Hen and Chicks
<i>Penstemon palmeri</i>	Palmer Penstemon	<i>Senecio longiflora</i>	Silver Groundsel
<i>Penstemon pinifolius</i>	Pineleaf Penstemon	<i>Solidago hybrids</i>	Goldenrod
<i>Penstemon pseudospectabilis</i>	Desert Beardtongue	<i>Sphaeralcea coccinea</i>	Scarlet Globe- mallow
<i>Penstemon strictus</i>	Rocky Mt. Penstemon	<i>Stachys byzantina</i>	Woolly Lamb's Ear
<i>Petalostemon purpureum</i>	Prairieclover	<i>Tagetes erecta</i>	African marigold
<i>Perovskia atriplicifolia</i>	Russian Sage	<i>Tagetes patula</i>	French Marigold
<i>Phlox paniculata</i>	Summer Phlox	<i>Talinum calycinum</i>	Flame Flower
<i>Phlox subulata</i>	Creeping Phlox	<i>Tanacetum densumamani</i>	Partridge Flower
<i>Phyla nodiflora</i>	Creeping Lippia	<i>Tanacetum vulgare</i>	Tansy
<i>Physalis lobata</i>	Purple Ground-cherry	<i>Teucrium chamaedrys</i>	Germander
<i>Physostegia virginiana</i>	False Dragonhead	<i>Thelesperma ambigua</i>	Threadleaf Cota
<i>Psilostrophe tagetina</i>	Paperflower	<i>Thymus pseudolanuginosus</i>	Woolly Thyme
<i>Ratibida columnifera</i>	Coneflower	<i>Thymus serpyllum</i>	Creeping Thyme
<i>Rudbeckia fulgida 'Goldsturm'</i>	Goldsturm Rudbeckia	<i>Verbena bipinnatifida</i>	Fern Verbena
<i>Rudbeckia hirta pulcherrima</i>	Black-eyed Susan	<i>Verbena x hybrida</i>	Garden Verbena
<i>Rudbeckia laciniata 'Golden Glow', 'Hortensiana'</i>	Golden Glow	<i>Verbena rigida</i>	Purple Verbena
<i>Ruta graveolens</i>	Rue	<i>Verbena wrightii</i>	Western Vervain
<i>Salvia azurea grandiflora</i>	Pitcher Sage	<i>Veronica incana</i>	Woolly Speedwell
<i>Salvia farinacea</i>	"Blue Bedder", "Victoria", Mealy Sage	<i>Veronica liwanensis</i>	Turkish Speedwell
		<i>Veronica pectinate</i>	Woolly Speedwell
		<i>Veronica spicata</i>	Veronica
		<i>Vinca minor</i>	Periwinkle
		<i>Viola cornuta</i>	Tufted Violet
		<i>Viola odorata</i>	Sweet Violet

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<i>Viola x wittrockiana</i>	Pansy	<i>Eriogonum umbellatum</i>	Sulpher Flower
<i>Wyethia scabra</i>	Desert Mule's Ear	<i>Euonymus fortunei colorata</i>	Purpleleaf Winter- creeper
<i>Zauschneria californica</i>	Hummingbird Plant	<i>Euphorbia cyparissias</i>	Cypress Spurge
<i>Zinnia grandiflora</i>	Desert Zinnia	<i>Euphorbia epithymoides</i>	Cushion Spurge
Bulbs		<i>Euphorbia rigida</i>	Spurge
<i>Allium caeruleum, cernuum, christophii, karataviense, schoenoprasum, sphaerocephalum, tuberosum</i>	Flowering Onion	<i>Galium odoratum</i>	Sweet Woodruff
<i>Crocus sp.</i>	Crocus	<i>Gysophila repens</i>	Creeping Baby's Breath
<i>Fritillaria imperialis</i>	Crown Imperial	<i>Juniperus horizontalis</i>	Juniper
<i>Galanthus</i>	Snowdrop	<i>Lamium maculatum</i>	Spotted Nettle
<i>Ipheion uniflorum</i>	Starflower	<i>Lantana montevidensis</i>	Trailing Lantana
<i>Muscari armeniacum</i>	Grape Hyacinth	<i>Mahonia repens</i>	Creeping Mahonia
<i>Narcissus</i>	Daffodil	<i>Melampodium leucanthum</i>	Blackfoot Daisy
<i>Scilla siberica</i>	Siberian Squill	<i>Oenothera sp.</i>	Evening Primrose
<i>Tulipa acuminata, clusiana, kaufmanniana, chrysantha</i>	Tulip	<i>Paxistima myrsinites</i>	Oregon Boxwood
Ground Covers		<i>Penstemon caespitosus</i>	Mat Penstemon
<i>Anacyclus depressus</i>	Mat Daisy	<i>Phlox subulata</i>	Moss Phlox
<i>Artemisia frigida</i>	Fringed Sage	<i>Potentilla tabernaemontani</i>	Spring Cinquefoil
<i>Baccaris pilularis 'Twin Peaks'</i>	Dwarf Coyotebush	<i>Ranunculus repens</i>	Creeping Butter- cup
<i>Cerastium tomentosum</i>	Snow-in-Summer	<i>Santolina chamaecyparissus</i>	Lavender Cotton
<i>Chamaemelum nobilis</i>	Chamomile	<i>Saponaria ocymoides</i>	Soapwort
<i>Clematis ligusticifolia</i>	Western Virgins- bower	<i>Sedum spp.</i>	Stonecrop
<i>Convallaria majalis</i>	Lily-of-the-Valley	<i>Sedum spurium</i>	Dragon's Blood Sedum
<i>Cotoneaster dammeri</i>	"Coral Beauty", "Eichholz", "Lowfast", Bear- berry Cotoneaster	<i>Semperivivum tectorum</i>	Hen and Chicks
<i>Cytisus decumbens</i>	Creeping Broom	<i>Thymus spp.</i>	Lemon, Creeping, Wooly, or Common Thyme
<i>Delosperma nubigenum</i>	Ice Plant	<i>Verbena peruviana</i>	Verbena
<i>Duchesnea indica</i>	Mock Strawberry	<i>Veronica prostrata</i>	Harebell Veronica
		<i>Vinca minor</i>	Periwinkle
		<i>Zinnia grandiflora</i>	Rocky Mt. Zinnia

Scientific Name	Common Name
Vines	
Parthenocissus inserta	Woodbine
Campsis radicans	Trumpet Vine
Clematis hybrids	Clematis
Clematis ligusticifolia	Western Virgins-bower
Clematis tangutica	Golden Laterns
Euonymus fortunei colorata	Purpleleaf Winter-creeper
Hedera helix	English Ivy, Hahn's Ivy
Lonicera japonica 'Halliana'	Hall's Honeysuckle
Lonicera sempervirens	Coral Honeysuckle
Parthenocissus quinquefolia	Virginia Creeper
Parthenocissus tricuspidata	Boston Ivy
Periploca graeca	Silkvine
Polygonum aubertii	Silverlace Vine
Rosa banksiae	Lady Bank's Rose
Wisteria sinensis	Wisteria
Grasses	
Agropyron smithii	Western Wheat-grass
Bouteloua curtipendula	Sideoats Grama
Bouteloua gracilis	Blue Grama
Buchloe dactyloides	Buffalograss
Cortaderia selloana	Pampas Grass
Eragroshs tricores	Sand Lovegrass
Erianthus ravennae	Northern Pampas Grass
Festuca ovina	Sheep's Fescue
Festuca ovina glauca	Blue Festuca
Festuca elatior	Turf Tall Fescue
Helictotrichon sempervirens	Blue Avena
Hilaria jamesii	Galleta
Oryzopsis hymenoides	Indian Ricegrass

Scientific Name	Common Name
Pennisetum alopecuroides	Hardy Fountain Grass
Pennisetum setaceum 'Cupreum'	Fountain Grass
Pennisetum villosum	Dwarf Feathertop
Poa pratensis	Kentucky Bluegrass
Schizachyrium scoparium	Little Bluestem
Sporobolus cryptandrus	Sand Dropseed
Sporobolus wrightii	Giant Sacaton

K. Definitions

berm - a mound or embankment of earth.

caliper - diameter of a tree trunk measured six (6) inches above the ground.

drainageway - a watercourse, natural or constructed.

gross site area - the total area within the boundary line of a lot or parcel of land before public streets, easements, building pad, or other areas to be dedicated or reserved are deducted from such lot or parcel.

indigenous - produced, growing, or living naturally in a particular region.

mulch - Any material such as leaves, bark, straw, or other materials left loose and applied to the soil surface to reduce evaporation. Organic mulches include pine bark, compost, and wood chips. Inorganic mulches include rock, cobble, and gravel.

net site area - the total area within the boundary line of a lot or parcel of land after public streets, easements, building pad, or other areas to be dedicated or reserved are deducted from such lot or parcel.

off-premise signs - any sign installed for the purpose of advertising a project, development, business, event, person, or subject not relocated to the premises upon which the sign is located.

open space - an outdoor area left primarily in its natural state.

parapet - a low wall or railing sometimes used to screen rooftop mechanical equipment.

portable signs - a freestanding sign not permanently affixed, anchored, or secured to the ground or the structure on the lot it occupies.

right-of-way - an area set aside for public use such as roadways, walks, and utilities.

roof signs - any sign erected, constructed and maintained upon or over the roof of any building, unless it is a projecting canopy sign or sign tied in architecturally to the framework of the roof.

screen - to partially or fully screen from view.

setback - the distance a building or structure must be constructed from a given location.

streetscape - the design elements within or near the road right-of-way.

street view - measured from the center line of roadway and six (6) feet above finish grade.

IX. DEVELOPMENT AGREEMENT

Introduction

The purposes in preparing a development agreement are to successfully implement important components of the Master Plan and specify the timing, conditions, and responsibilities for accomplishing necessary tasks. Transportation, drainage, water and sewer, and open space acquisition are the components that will be contained in Westland's development agreement with Bernalillo County.

The following items are addressed in this final development agreement:

Minor Plan Amendments

Minor changes to the sector plan shall be reviewed and approved administratively by the County Planning Director including but not limited to:

- Final Roadway Alignments
- Minor Land Use Boundary Amendments
- Public Facility Locations
- Phasing of Development and/or Infrastructure

The determination of minor vs. major amendments shall be made by the County Planning Director.

Water and Sanitary Sewer Service

Several industrial developments currently exist and operate in the unincorporated Bernalillo County Westland Master Plan and Bernalillo County Sector Plan area. The Albuquerque Bernalillo County Water Utility Authority (ABCWUA) serves these and any future developments with sufficient and timely water and sewer service.

Due to the many beneficial impacts of additional jobs and housing development on the west side has on both Albuquerque and Bernalillo County, a Development Agreement between Westland Devco (now WALH) and ABCWUA was contracted in 2007. This agreement details facility and infrastructure system requirements; includes the ABCWUA Water and Wastewater System Expansion Ordinance; and states that a logical, efficient, and rational progress of utility service development is required in order to develop in the individual pressure zones within the development. Both parties have agreed to all terms of this agreement.

In 2012, ABCWA confirmed that WALH satisfied their original milestone requirement to obtain final plat approval for at least 70 percent of the lands zoned for residential in Pressure Zones 2W, 3WR, and 4W, and therefore agreed to provide water and wastewater services to Westland Master Plan properties in Pressure Zones 5W, 6W, and 7W. WALH has worked with the ABCWUA and Bernalillo County to construct the necessary pump stations, line extensions, and reservoirs to support the expansion. These facilities are complete and operational. These necessary infrastructure improvements not only warrant new land use and zoning regulations, but require them to ensure continued quality and similar development character in the WMP area and on the west side.

Prior to submittal to the City Council (and the County Commission) for approval, the developer shall submit a strategy for funding and scheduling of water and sewer infrastructure, including demonstrated financial feasibility of the proposed phases, which shows that there is no net expense to local government(s) for development within the reserve area.

Water Conservation

The County and the Water Authority have enacted water conservation and usage goals. The development within the Westland Master Plan area should conform to all applicable regulations and goals.

Drainage (Stormwater):

The Bernalillo County region has adopted new MS4 stormwater quality ordinances that require site development, commercial and residential, to provide on-site stormwater harvesting for water quality purposes. Development within the Westland master Plan area shall comply with all applicable MS4 regulations.

Impact Fees

With the implementation of Development Impact Fees by Bernalillo County, the Westland Master Plan area provides an opportunity to deliver capital improvements in a logical and phased manner as impact fees are generated. Development within the Master Plan area will generate a significant amount of revenue for Bernalillo County to offset capital expenses required to serve the new development. In cases in which the Master Developer is required to install infrastructure prior to the County's Capital Improvement's schedule, the future development impact fees shall be credited against monies paid up front. Since the Master

Plan process provides Bernalillo County with all the necessary studies (air quality, traffic, drainage, water/sewer, etc.), the Master Plan could function as a separate sub-area as defined by the New Mexico Development Fees Act.

Development Concepts

Bernalillo County shall provide a commitment to give serious consideration of alternative development ideas including but not limited to the following:

- On-site detention as an amenity and for recharge of ground water
- Village-style, mixed-use development
- Narrower and more intimate residential streets
- Separate pathways in lieu of sidewalks
- Multi-use, extra-wide transportation corridors (auto, transit, trails, drainage, etc.)
- Naturalized arroyo treatment where appropriate (naturalized treatment may include a combination of naturalistic and "hard" engineering improvements)
- Water conservation techniques

Traffic Circulation

Based upon the results of the traffic modeling which indicates a more efficient transportation system with the inclusion of the 118th Street Interchange, Bernalillo County shall work with Westland Development Co., Inc. (now WALH) to initiate, design, and implement new Interstate 40 interchanges as necessary.

The traffic study will be updated as a part of the 2016 amendment.

Petroglyph National Monument/Northwest Mesa Escarpment Plan

As stated in the Petroglyph National Monument Establishment Act of 1990, the National Park Service “may participate in land use and transportation management planning conducted by appropriate local authorities for [the applicant’s] lands adjacent to the Petroglyph National Monument.” The applicant will allow and coordinate access through the plan area to the adjoining portion of the monument.

The edge treatment adjacent to the Petroglyph National Monument is intended to minimize the development impact to the escarpment and to preserve public and private views into the escarpment from above. The treatment requirements include single-loaded streets, a maximum percentage of allowed edge development, and similar Northwest Mesa Escarpment Plan standards such as lighting, signage, and grade change standards.

Major Public Open Space

Several items have been completed since the initial submittal of the Westland Master Plan. The facts and issues related to the Atrisco Terrace are as follows:

- a) Upon City of Albuquerque acquisition in 2003, the Atrisco Terrace was divided into three separate parcels to accommodate the Arroyo Vista and Ladera Boulevards and utility crossings. The intent was to consolidate all utilities into these roadway crossings, which are now zoned for major public open space.
- b) The third (middle) crossing of the Atrisco Terrace has been determined to not be needed for vehicular traffic, and so it is restricted to utilities drainage and trails. Should the need arise to cross the Atrisco Terrace at this location for utilities, a conditional use permit is allowed by the Bernalillo County Sector Plan ATOS Zone.
- c) Wildlife and pedestrian trail crossing corridors shall be located at the Atrisco Terrace roadways. These corridors shall be a minimum of 30 feet. A minimum of two crossings per roadway shall be provided.
- d) The edge treatment adjacent to the Atrisco Terrace Major Public Open Space and the Petroglyph National Monument is intended to minimize the development impact to the escarpment and to preserve public and private views into the escarpment from above. The treatment requirements include single-loaded streets, a maximum percentage of allowed edge development, lighting, signage, and grade change standards.

Open Space and Park Dedication

The Master Plan allocates space for approximately 1,934 acres of total parks and open space, which exceeds the Bernalillo County Parks, Recreation & Open Space Facilities Master Plan (2015-2030) level-of-service ratio goal of 10 acres to every 1,000 people in a service area. The Community Facilities Plan map (Exhibit 11) illustrates the conceptual location of each park, facility, and open space area. Park and open space facilities will be phased, dedicated, and financed at no net-expense to the County. WALH is not required to finance or build any of the facilities identified on Master Plan Exhibit 11.

In specific cases in which Bernalillo County desires additional park or open space lands above the standard County requirement, the County may negotiate for the purchase of the excess lands at fair market value. Private parks and open space may also be developed within the Westland Master Plan at the developers discretion according to Bernalillo County standards.

Useable public open space and public facilities (libraries, parks, elementary schools, middle schools, high schools, etc.) shall not be located within the PNM easements for overhead power lines. Each facility should be located at a prudent distance away from these easements.

Agriculture/Grazing Status

The property within the Westland Master Plan area shall continue to be utilized for the purpose of agriculture/grazing until development occurs. Property tax rates shall recognize the use of land as agricultural until such time as development occurs. The adoption of the Westland Master Plan shall not be considered as a change in land use or the agricultural status of the property.

X. DEVELOPMENT PHASING

The Westland Master Plan area is designed to accommodate a complete mix of land uses and is projected to develop over a 20 to 30 year period. The following development profile has been prepared in order to provide input to the County on the anticipated phasing of the project. **Phasing is subject to change in response to market conditions, infrastructure improvement schedules, and funding availability.**

Residential

Year	2.5 DU/ Acre	4 DU/Acre	5.5 DU/Acre	12 DU/ Acre	15 DU/ Acre	Incremental Change Over Time	Cumulative Change	DUs Projected by MRCOG
2015	--	950	1,707	--	--	2,657	2,657	--
2016-2025	--	296	2,061	367	49	2,773	5,430	5,430
2026-2035	343	--	4,500	857	250	5,950	11,380	--
2035-2040	100	--	2,643	297	150	3,190	14,570	14,570
2040+		346	1,827	243	46	2,462	17,032	--
Total WMP Build Out	443	1,592	12,738	1,764	495	17,032	--	--

MRCOG projects that 32 percent of the residential land uses will be built out by 2025, which will increase to 86 percent build out by 2040, which indicates that 2,462 units will develop beyond 2040. The Westland Master Plan projects full build out after 2040.

The Westland Plan area will be developed in phases or “villages”. Prior to any development occurring, subdivision and site plans will be prepared. The Westland Master Plan outlines the overall strategies and framework for development **including phasing and the ever important jobs to housing ratio on the west side as demonstrated in the table below.**

Jobs to Housing Ratio Comparison

	City of Albuquerque	Unincorporated County	Total Master Plan
Existing Approved Master Plan	0.29	1.72	1.26
Proposed 2016 Amendments	0.29	2.45	1.76
Difference	0.00	+ 0.73	+ 0.50
Percent Change	0%	+ 42.2%	+ 39.5%

Appendix A - Western Albuquerque Land Holdings Sector Plan

Appendix B - New Urbanist Intent

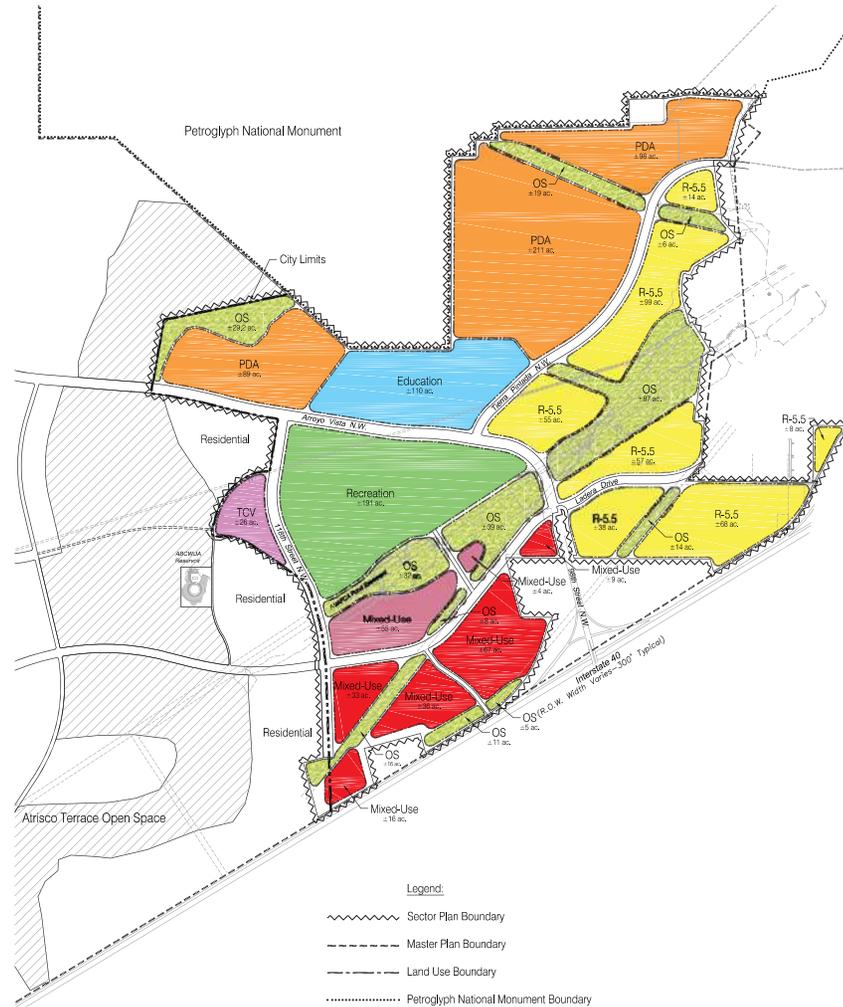
Appendix C - Resolutions

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APPENDIX A: Western Albuquerque Land Holdings Sector Plan

NOTES:

- As part of this Sector Development Plan the following future approvals shall be required:
 - Development projects (subdivision plats) within the SU-2 for R-LT shall be delegated to the Development Review Board (DRB).
 - Development projects within the SU-2 for Planned Development Area (PDA) and SU-2 for Town Center Village (TCV) shall require an overall Site Development Plan for Subdivision (PRD for residential projects) requiring Environmental Planning Commission (EPC) review and approval, upon which future non-residential or mixed use Site Plans for Building Permits and/or subdivision plats shall be delegated to the DRB. If no Site Development Plan for Subdivision exists, individual Site Plans for Building Permits shall be reviewed and approved by the EPC.
 - All developments within the Town Center (TC) shall require EPC review and approval unless delegated to the DRB by the EPC as part of an approved Site Plan for Subdivision.
- The area contained within this the Sector Plan is governed by the policies and design guidelines in the Westland Master Plan. All developments within the Sector Plan shall demonstrate compliance with the design regulations in the Westland Master Plan. The Westland Master Plan was adopted by the City of Albuquerque as a Rank 3 Plan, per City Council Bill R-20, May 1998.
- Properties within the Sector Plan area are further restricted within the Impact, and View Areas as defined and mapped by the Northwest Mesa Escarpment Plan (NWMEP). All properties that lie within the boundaries of the NWMEP shall be subject to all of the policies and regulations contained therein.
- Phasing for development within the Sector Plan shall generally follow the Phasing Plan as illustrated by Exhibit 12 of the Westland Master Plan (as amended).
- The goal is to develop a mixed-use, vibrant town center, which shall be incorporated into the Town Center (TC) zone Site Plans for Subdivision in order to implement the Activity Center policies in the Comprehensive Plan.
- As a designated Community Activity Center, the Town Center (TC) zone shall comply with the Activity Center policies found in Table 10 of the Comprehensive Plan.
- Open Space Areas shall be Planned for and designed in a cohesive manner and shall establish corridors for wildlife, trails, and recreational opportunities.
- Project phasing and infrastructure requirements shall be generally consistent with the Supplement Roadway Network Analysis (including the "Inrush study" that addresses the 118th Street and I-40 interchange).
- The developer shall coordinate with the Department of Municipal Development (DMD) to ensure that transportation infrastructure is provided as planned and included in the approved Metropolitan Transportation Plan (MTP).
- The existing Development Agreement with the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA) and all other existing or future agreements shall be amended as needed to reflect changes to this Sector Development.
- The applicant shall coordinate with PNM regarding future development which will have to evaluate whether PNM has enough electric capacity in the area to serve the project electric load needs.
- This sector plan amendment and zone change shall not allow any increase in residential uses or residential housing units from the residential uses or units allowed under the Plan prior to this amendment (R-08-58) unless those units are placed at second story or above.



Western Albuquerque Land Holdings Sector Plan

PROPOSED LAND USE

AMENDED OCTOBER, 2012

- R-5.5 Residential 5.5 du/ac average
- MU-TCV Town Center Village-Residential 12 du/ac average
- PDA Residential 4 du/ac average
- MU-TC Town Center - Residential per C-2 zone
- OS Open Space/ Trails/ Drainage Corridors (Final configuration of OS areas to be determined by Site Development Plan for Subdivision)
- E Education
- R Recreation

PROJECT NUMBER	1000570
APPLICATION NUMBER	
SITE DEVELOPMENT PLAN APPROVAL	<i>[Signature]</i> 05/10/09 DATE
TRANSPORTATION DEVELOPMENT	<i>[Signature]</i> 5-13-09 DATE
ABCWUA	<i>[Signature]</i> 9/18/09 DATE
PARKS AND RECREATION	<i>[Signature]</i> 5-13-09 DATE
CITY ENGINEER	WA DATE
SOLID WASTE MANAGEMENT	<i>[Signature]</i> 9/24/09 DATE
BURNING DEPARTMENT	DATE

Note: Roadway alignments are conceptual, final rights-of-way and alignments shall be determined with future platting actions.

2012 AMENDMENT

Prepared For
WESTERN ALBUQUERQUE LAND HOLDINGS LLC

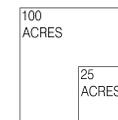
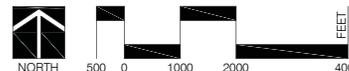
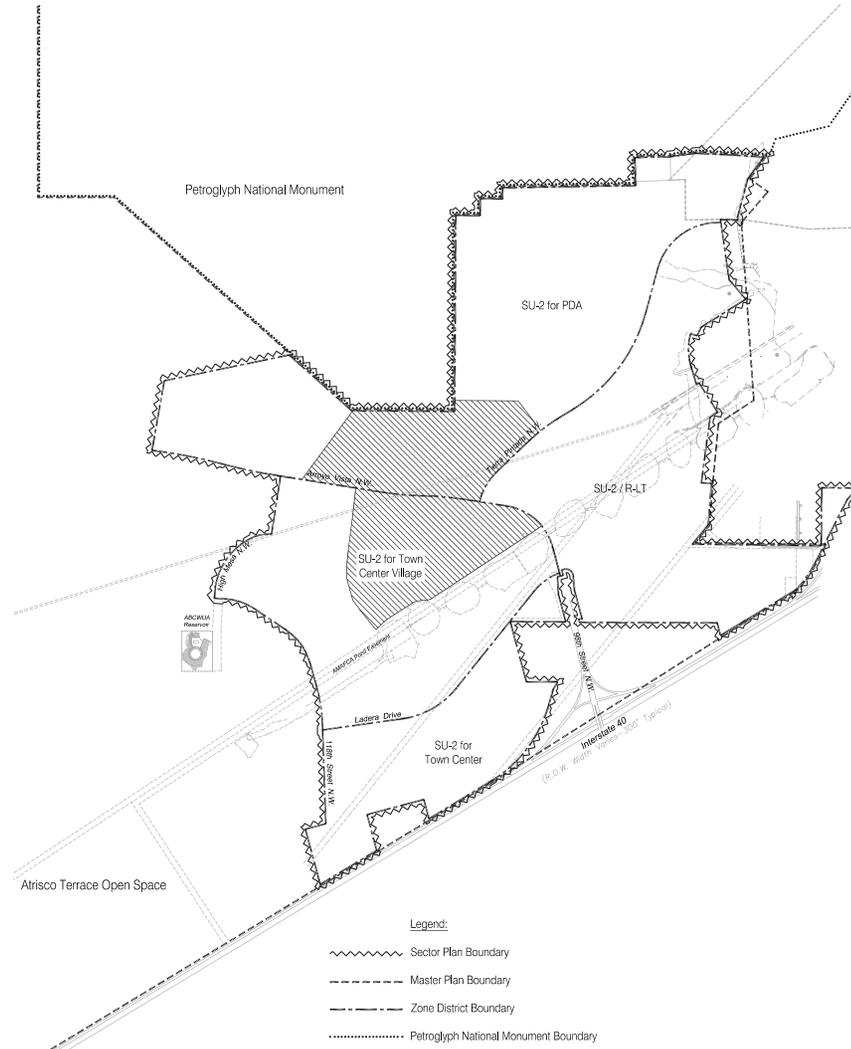
Prepared By
CONSENSUS PLANNING, INC.

BOHANNAN-HUSTON INC.
ENGINEERS ARCHITECTS PHOTOGRAMMETRISTS SURVEYORS

APPENDIX A: Western Albuquerque Land Holdings Sector Plan

NOTES:

- As part of this Sector Development Plan the following future approvals shall be required:
 - Development projects (subdivision plats) within the SU-2 for R-LT shall be delegated to the Development Review Board (DRB).
 - Development projects within the SU-2 for Planned Development Area (PDA) and SU-2 for Town Center Village (TCV) shall require an overall Site Development Plan for Subdivision (PRD for residential projects) requiring Environmental Planning Commission (EPC) review and approval, upon which future non-residential or mixed use Site Plans for Building Permit and/or subdivision plats shall be delegated to the DRB. If no Site Development Plan for Subdivision exists, individual Site Plans for Building Permit shall be reviewed and approved by the EPC.
 - All developments within the Town Center (TC) shall require EPC review and approval unless delegated to the DRB by the EPC as part of an approved Site Plan of Subdivision.
- The area contained within this Sector Plan is governed by the policies and design guidelines in the Westland Master Plan. The Westland Master Plan was adopted by the City of Albuquerque as a Rank 3 Plan, per City Council Bill R-20, May 1998.
- See the Westland Master Plan for detailed requirements for each of the specific SU-2 zones.
- The goal is to develop a mixed-use, vibrant town center, which shall be incorporated into the Town Center (TC) zone Site Plans for Subdivision in order to implement the Activity Center policies in the Comprehensive Plan.
- As a designated Community Activity Center, the Town Center (TC) zone shall comply with the Activity Center policies found in Table 10 of the Comprehensive Plan.
- In accordance with the Memorandums of Understanding between the City of Albuquerque and Albuquerque Public Schools dated August 26, 2011: "APS is not generally subject to land use, zoning, subdivision and construction regulations, ordinances and procedures of local jurisdictions such as the City ("Local Development Approvals"); however, the City regulates access from the City's public street system to APS property."



Western Albuquerque Land Holdings Sector Plan

ZONING
AMENDED OCTOBER, 2012

Property owned by Albuquerque Public Schools

ACREAGE BY ZONING DISTRICT

ZONING	EXISTING ACRES
SU-2 for R-LT	±428
SU-2 for PDA	±561
SU-2 for Town Center	±193
SU-2 for Town Center Village	±364
TOTAL	±1,546

2012 AMENDMENT

Prepared For
WESTERN ALBUQUERQUE LAND HOLDINGS LLC

Prepared By
 CONSENSUS PLANNING, INC.

BOHANNAN-HUSTON INC.
ENGINEERS ARCHITECTS PHOTOGRAMMETRISTS SURVEYORS

APPENDIX B: New Urbanist Intent

"The Town Center site proposal is based on the idea of a traditional, walkable, mixed use neighborhood or small town. It provides for a variety of residents, a range of experiences from urban to natural open space, and an integrated community. It promotes wildlife movement away from the Town Center core, recreation facilities, civic gathering spaces, and alternative transportation. In this range of program and function, with an emphasis on the pedestrian, the Town Center Site proposal aims to produce a New Urbanist type of development.

In the larger scale of West Side development, the Town Center Site performs as a community activity center providing necessary hierarchy and a discernable center for the overall Watershed/Inspiration area. Additionally this community center will be accessible by foot or bike from the dwelling units in and adjacent to the site, as well as by bus line from residences further away. Having a concentrated core within the development will promote a sense of identity for residents, as well as a place for civic gatherings.

Walking paths and trails, along with natural open spaces that act as wildlife corridors to promote wildlife movement in appropriate locations away from the Town Center core, are integral design elements for the Town Center site, and the overall Watershed/Inspiration Development. They provide the interconnectivity between neighborhoods, transition between natural and developed land, and the opportunity for individual interaction essential for a New Urbanist area.

Along with the trails and paths, roads will be an interconnected network to so as to provide for a variety of routes and itineraries to ease traffic congestion. These streets will be relatively narrow and shaded by rows of trees so as to enable a more pedestrian and bike friendly street. This will also aid in the interconnectivity of the neighborhood. Along with these corridors, a system of parks

is anticipated with a variety of uses, from playgrounds to baseball diamonds. These parks will help to encourage neighborhood identity, and to connect adjacent neighborhoods.

The development within the Town Center site will be residential, commercial, institutional and civic, thus adhering to New Urbanist principles of mixed use planning. This will enable the Town Center to provide an active and connected community. Additionally, a minimum of 20% of the residential units within the total Master Plan Area will be affordable, enabling a mix of residents to avoid the creation of concentrated areas of poverty. By having mixed use program, the Town Center site is also creating the possibility of employment within the development, decreasing its role as a bedroom community. It will also increase its link to the larger Albuquerque area, as residents from other areas may be employed or depend upon basic services found within the Town Center site.

Also important to New Urbanist principles is a variety of housing types. The Town Center site and overall development will accomplish this with its many neighborhoods and densities, from the Town Center itself to the Town Center Village, as well as other less dense neighborhoods. There are strict design requirements to ensure that no 'cookie cutter' housing occurs. In addition, buildings will have strict maximum setbacks in order keep them close to the street to help create "a strong sense of place."

The Town Center site is to be a New Urbanist community, intended to be interconnected, balanced, and sustainable. It will be a pedestrian friendly, and will promote biking and public transportation. Within it will be a mix of building types, programs, and people that will create a cohesive whole."

APPENDIX B: New Urbanist Intent

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APPENDIX C: Resolutions

CITY OF ALBUQUERQUE
CITY COUNCIL

R-2008-074

6/12/08

INTEROFFICE MEMORANDUM

TO: Martin Chávez, Mayor

FROM: Laura Mason, Director of Council Services *LM*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-08-58 Amending The Westland Sector Development Plan Zoning Map (06EPC-00139) To Change The Zoning From SU-2/R-LT, SU-2/R-2, SU-2/O-1, SU-2/OS and SU-2/Town Center To SU-2 For TC (Town Center) and SU-2 For TCV (Town Center Village) and To Create a New Zone Category, TCV (Town Center Village), For Parcels C, D, E, F, G and H of Westland North, Approximately 550 Acres, Located Between 98th Street and The Proposed 118th Street, North of Interstate 40 and South of Arroyo Vista Drive, and To Amend The Westland Sector Development Plan Land Use Map (06EPC-00141) To Correspond To The Zone Changes and To Incorporate Various Updates Based On The Conditions of Approval (Sanchez, by request), which was passed at the Council meeting of June 2, 2008, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

LM:db
Attachment
6/5/08

CITY of ALBUQUERQUE
EIGHTEENTH COUNCIL

COUNCIL BILL NO. R-08-58 ENACTMENT NO. R-2008-074

SPONSORED BY: Ken Sanchez, by request

RESOLUTION

1
2 ADOPTING A SECTOR DEVELOPMENT PLAN MAP AMENDMENT, 06EPC-
3 00139, TO AMEND THE WESTLAND SECTOR DEVELOPMENT PLAN ZONING
4 MAP TO CHANGE THE ZONING FROM SU-2/R-LT, SU-2/R-2, SU-2/O-1, SU-2/OS
5 AND SU-2/TOWN CENTER TO SU-2 FOR TC (TOWN CENTER) AND SU-2 FOR
6 TCV (TOWN CENTER VILLAGE) AND TO CREATE A NEW ZONE CATEGORY,
7 TCV (TOWN CENTER VILLAGE), FOR PARCELS C, D, E, F, G AND H OF
8 WESTLAND NORTH, APPROXIMATELY 550 ACRES, LOCATED BETWEEN
9 98TH STREET AND THE PROPOSED 118TH STREET, NORTH OF INTERSTATE
10 40 AND SOUTH OF ARROYO VISTA DRIVE, AND TO AMEND THE WESTLAND
11 SECTOR DEVELOPMENT PLAN LAND USE MAP (06EPC-00141) TO
12 CORRESPOND TO THE ZONE CHANGES AND TO INCORPORATE VARIOUS
13 UPDATES BASED ON THE CONDITIONS OF APPROVAL.

14 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
15 has the authority to adopt and amend plans for the physical development of
16 areas within the planning and platting jurisdiction of the City authorized by
17 statute, Section 3-19-3, NMSA 1978, and by its home rule powers; and

18 WHEREAS, the City of Albuquerque adopted the Westland Sector
19 Development Plan, a Rank III Sector Development Plan, in 1999 through
20 Enactment Number 63-1999; and

21 WHEREAS, the Council has the authority to not only adopt but to amend
22 such a sector development plan; and

23 WHEREAS, on December 20, 2007, the Environmental Planning
24 Commission, in its advisory role on land use and planning matters,
25 recommended approval to the City Council of an amendment to the Westland

[+ Bracketed/Underscored Material +] - New
[- Bracketed/Strikethrough Material -] - Deletion

APPENDIX C: Resolutions

[+ Bracketed/Underscored Material +] - New
[- Bracketed/Strikethrough Material -] - Deletion

1 Sector Plan, a Rank III Sector Development Plan, to create the new TCV (Town
2 Center Village) zone category, to amend the Westland Sector Plan Zoning map
3 to include the new TCV zone, and to change the zoning for parcels C, D, E, F,
4 G and H of Westland North from SU-2/R-LT, SU-2/R-2, SU-2/O-1, SU-2/OS &
5 SU-2/Town Center to SU-2 for TC (Town Center) & SU-2 for TCV (Town Center
6 Village); and

7 WHEREAS, the Environmental Planning Commission found that the above
8 mentioned Westland Sector Plan amendments are consistent with applicable
9 Comprehensive Plan, West Side Strategic Plan, and Westland Master Plan
10 goals and policies.

11 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
12 ALBUQUERQUE:

13 Section 1. WESTLAND SECTOR PLAN, A RANK III SECTOR DEVELOPMENT
14 PLAN, AMENDED. The Westland Sector Plan, a Rank III Sector Development
15 Plan, is amended to create the new TCV (Town Center Village) zone category
16 and to change the zoning for parcels C, D, E, F, G and H of Westland North as
17 follows: Parcel C- from SU-2/TC (Town Center) to SU-2/TCV (Town Center
18 Village); Parcel D- from SU-2/R-2 to SU-2/TCV; Parcel E- from SU-2/R-2 to SU-
19 2/TC; Parcel F- from SU-2/R-LT to SU-2/TC; Parcel G- from SU-2/O-1 to SU-
20 2/TC; and Parcel H- from SU-2/O-1 to SU-2/TC, and to incorporate various
21 updates based on the conditions of approval; provided, this amendment shall
22 not allow any increase in residential uses or residential units (unless those
23 units are placed at second story or above) from the residential uses and units
24 allowed in the Westland Master Plan in effect prior to this amendment.

25 Section 2. WESTLAND SECTOR PLAN, A RANK III SECTOR
26 DEVELOPMENT PLAN, AMENDED. The Westland Sector Plan Zoning map and
27 the Westland Sector Plan Land Use map are amended to include the new TCV
28 (Town Center Village) zone category and to correspond to the locations of the
29 zone changes for parcels C, D, E, F, G and H.

30 Section 3. FINDINGS ACCEPTED. The following findings for the Westland
31 Sector Plan amendments (06EPC-00139) are adopted by the City Council:

32 A. This request is for a sector development plan map amendment for an
33 approximately 550 acre site located between 98th Street and proposed 118th

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1 Street, north of Interstate 40 and south of Arroyo Vista Drive. A request for an
2 amendment to the Westside Strategic Plan (07EPC 50079), an amendment to
3 the Westland Sector Plan (06EPC 00141) and an amendment to the Westland
4 Master Plan (07EPC 40071) accompany this request.

5 B. The applicant proposes to change the subject site's zoning from SU-
6 2/RLT, SU-2/R-2, SU-2/O-1, SU-2/OS & SU-2/Town Center (TC) for Parcels C, D,
7 E, F, G and H to "SU-2 for Town Center (TC) and SU-2 for Town Center Village
8 (TCV)" in order to accommodate the associated proposed relocation of the
9 Town Center (the Westland Community Activity Center).

10 C. The subject site is located within the boundaries of the Westland Master
11 Plan, a Rank II plan with text and maps, and the Westland Sector Plan, a Rank
12 II plan consisting of two stand-alone maps. Since SU-2 zoning is used to
13 indicate sector plan control of sites within these boundaries, a change of
14 zoning would affect the sector plan's zoning map. Therefore, this request is
15 referred to as a sector development plan map amendment instead of a zone
16 map amendment.

17 D. The proposal generally furthers the following relevant Comprehensive
18 Plan Goals:

19 i. The Activity Center Goal. The proposal would facilitate development of a
20 concentration of higher-density mixed land uses that would generally reduce
21 auto travel needs for Westside residents.

22 ii. The Economic Development Goal. The proposal would provide a variety
23 of retail and service uses and would contribute to economic development, as
24 well as create additional employment on the Westside to help improve the
25 jobs/housing balance.

26 E. The proposal partially furthers the following relevant Comprehensive
27 Plan Goals:

28 i. The Open Space Goal. The proposal would establish Open Space as a
29 land use category, but there would be no zoning designation for open space. It
30 is uncertain how open space opportunities would become reality.

31 ii. The Transportation and Transit Goal. The Town Center relocation closer
32 to Interstate-40 could help facilitate alternative transportation opportunities,
33 though in general the area tends to rely heavily on Interstate 40.

APPENDIX C: Resolutions

1 iii. The Noise Goal. The Town Center relocation closer to Interstate-40
 2 would buffer future subdivisions from the freeway and reduce noise impacts.
 3 It is unknown if new land use/noise conflicts would arise because the location
 4 of housing within the Town Center is not defined at this time.

5 F. The proposal partially furthers the following relevant Comprehensive
 6 Plan policies:

7 i. Policy II.B.5a-full range of urban land uses. A full range of urban land
 8 uses would be promoted, especially in the Town Center, though a range of
 9 land uses could have occurred without the relocation.

10 ii. Policy II.B.5d-neighborhood values/environment/resources.
 11 Relocating the Town Center is not likely to conflict with existing neighborhood
 12 values. Due to the proposal's general nature, impacts on the natural
 13 environment, and scenic and other resources, cannot be specifically
 14 addressed at this time.

15 iii. Policy II.B.5j-location of commercial development. The TCV zone
 16 would provide for small neighborhood centers, but the degree of pedestrian
 17 and bicycle access is unknown at this stage. The degree of transit integration
 18 in the Town Center, a large, area-wide shopping center is also unknown.

19 G. With respect to the Comprehensive Plan Housing Goal and Policy II.B.5h
 20 regarding higher density housing, it is unknown at this stage if the proposal
 21 furthers or does not further them. Though the proposal would result in more
 22 Westside housing, information about the potential for affordable housing has
 23 not been included. The proposal allows an average of 9 DU/acre for the net
 24 residential development area, which is less than the density needed to fulfill
 25 the project's New Urbanist intent.

26 H. With respect to the Westside Strategic Plan (WSSP), the proposal
 27 partially furthers the following policies:

28 i. Policy 1.1- The intent is for the higher density housing to locate in
 29 the Town Center, but there is no guarantee that lower density development
 30 would not occur there.

31 ii. Policy 1.13- Placing the Activity Center closer to the interstate may
 32 allow a greater concentration of commercial uses compared to its existing
 33 location. However, both the existing and the proposed locations would

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1 function as the community's primary focus and both would have the
 2 community's most intense land uses.

3 I. If the designated Activity Center is relocated near Interstate-40 as
 4 proposed, then the Town Center would be within the boundaries of the Activity
 5 Center. Therefore, the proposed zone change would further Policy 1.3.
 6 However, without the adjustment of the Activity Center's location, the
 7 proposed zone change would not further Policy 1.3 because the zone change
 8 would have occurred outside of the existing Activity Center.

9 J. Overall, the proposal is generally consistent with the intents and
 10 purposes of the Westland Master Plan. The proposal partially furthers the
 11 intents and purposes in the land uses, residential resort, open space, Town
 12 Center and jobs/housing balance categories. Though in an overarching sense
 13 the Plan's intents and purposes are promoted, the proposal does not offer
 14 enough specificity to demonstrate that these intents and purposes will come
 15 to fruition.

16 K. The applicant has adequately justified the zone change request
 17 pursuant to Resolution 270-1980:

18 i. Section A: The applicant cited various Comprehensive Plan, and
 19 other Master Plan, goals and policies to demonstrate that the proposal is
 20 consistent with applicable Plans. Relocating the Town Center away from
 21 future single-family homes and open space will promote the City's health,
 22 safety and welfare by providing distance between the higher density uses and
 23 the single-family residential areas, as well as protect the National Monument.
 24 The proposal is consistent with the City's health, safety and general welfare.

25 ii. Section B: Relocating the Town Center will create a more stable
 26 arrangement of land uses, the intensity of which decreases as one moves
 27 from the freeway and toward the National Monument.

28 iii. Section C: The applicant cited various goals and policies. In most
 29 instances, the explanation of how the request furthers each cited goal and
 30 policy is acceptable. The applicant has established an acceptable policy-
 31 based justification.

32 iv. Section D: The zone change is appropriate due to a different land
 33 use category being more advantageous to the community. The proposal is

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APPENDIX C: Resolutions

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1 more advantageous to the community because relocating the Town Center will
2 keep it further away from open space areas and better positioned to serve
3 residents on both sides of the freeway, as articulated by furthered elements of
4 the City's Comprehensive Plan and other Master Plan.

5 v. Section E: The applicant addressed permissive uses in the TC zone
6 and in the proposed new TCV zone. None of the permissive uses is likely to be
7 harmful to future neighborhoods.

8 vi. Section F: The proposal does not attempt to bind the City to the
9 scheduled provision of any specific capital improvement.

10 vii. Section G: The applicant does not claim that the "cost of land or
11 other economic considerations" is the primary justification for the proposed
12 zone change. Relocating the Town Center would place residential areas away
13 from overhead electric transmission lines and would move more intense uses
14 closer to the Interstate and away from open space areas and the National
15 Monument.

16 viii. Section H: The applicant does not claim that location "on a
17 collector or major street" is sufficient justification for the proposed change.

18 ix. Section I: A "spot zone", as defined in R270-1980, refers to one
19 small area and often one parcel. The proposal would create two large areas of
20 zoning and does not meet the definition of a "spot zone."

21 x. Section J: Staff agrees that this zone change request would not
22 result in strip commercial zoning. The TC and TCV zoning areas are quite large
23 at this stage. Strip commercial development could be considered at the site
24 development plan for subdivision stage.

25 L. A facilitated meeting was held on October 30, 2007. The affected
26 neighborhoods are the Tres Volcanes Neighborhood Association (NA), the
27 Parkway NA and the Avalon NA. The neighborhoods generally support the
28 idea of moving the Town Center closer to Interstate 40, but are concerned
29 about building height, school overcrowding, open space and affordable
30 housing.

31 Section 4. FINDINGS ACCEPTED. The following findings for the Westland
32 Sector Plan amendments (06EPC-00141) are adopted by the City Council:

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1 A. This request is for an amendment to the Westland Sector Development
2 Plan. The approximately 1,050 acre subject site is located between 98th Street
3 and proposed 118th Street, north of Interstate 40 and south of the Petroglyph
4 National Monument.

5 B. A request for a sector development plan map amendment (06EPC
6 00139), an amendment to the Westside Strategic Plan (07EPC 50079) and an
7 amendment to the Westland Master Plan (07EPC 40071) accompany this
8 request.

9 C. The subject site lies within the boundaries of the Developing Urban area
10 of the Comprehensive Plan. Additional applicable plans include the Westside
11 Strategic Plan (WSSP), the Westland Master Plan, the Westland Sector Plan,
12 the Northwest Mesa Escarpment Plan (NWMEP) and the Facility Plan for
13 Arroyos.

14 D. The proposal generally furthers the following relevant Comprehensive
15 Plan Goals:

16 i. The Activity Center Goal. The proposal would facilitate development of a
17 concentration of higher-density mixed land uses that would generally reduce
18 auto travel needs for Westside residents.

19 ii. The Economic Development Goal. The proposal would provide a variety of
20 retail and service uses and would contribute to economic development, as
21 well as create additional employment on the Westside to help improve the
22 jobs/housing balance.

23 E. The proposal partially furthers the following relevant Comprehensive
24 Plan Goals:

25 i. The Open Space Goal. The proposal would establish Open Space as a
26 land use category, but there would be no zoning designation for open space. It
27 is uncertain how open space opportunities would become reality.

28 ii. The Transportation and Transit Goal. The Town Center relocation closer to
29 Interstate-40 could help facilitate alternative transportation opportunities,
30 though in general the area tends to rely heavily on Interstate 40.

31 iii. The Noise Goal. The Town Center relocation closer to Interstate-40
32 would buffer future subdivisions from the freeway and reduce noise impacts.

APPENDIX C: Resolutions

1 It is unknown if new land use/noise conflicts would arise because the location
2 of housing within the Town Center is not defined at this time.

3 F. The proposal partially furthers the following relevant Comprehensive
4 Plan policies:

5 i. Policy II.B.5a-full range of urban land uses. A full range of urban land
6 uses would be promoted, especially in the Town Center, though a range of
7 land uses could have occurred without the relocation.

8 ii. Policy II.B.5d-neighborhood values/environment/resources. Relocating the
9 Town Center is not likely to conflict with existing neighborhood values. Due
10 to the proposal's general nature, impacts on the natural environment, and
11 scenic and other resources, cannot be specifically addressed at this time.

12 iii. Policy II.B.5j-location of commercial development. The TCV zone would
13 provide for small neighborhood centers, but the degree of pedestrian and
14 bicycle access is unknown at this stage. The degree of transit integration in
15 the Town Center, a large, area-wide shopping center is also unknown.

16 G. With respect to the Comprehensive Plan Housing Goal and Policy II.B.5h
17 regarding higher density housing, it is unknown at this stage how the
18 proposal will further or not further them. Though the proposal would result in
19 more Westside housing, information about the potential for affordable housing
20 has not been included. The proposal allows an average of 9 DU/acre for the
21 net residential development area, which is less than the density needed to
22 fulfill the project's New Urbanist intent.

23 H. With respect to the Westside Strategic Plan (WSSP), the proposal
24 partially furthers the following policies:

25 i. Policy 1.1- The intent is for the higher density housing to locate in the
26 Town Center, but there is no guarantee that lower density development would
27 not occur there.

28 ii. Policy 1.13- Placing the Activity Center closer to the interstate may allow a
29 greater concentration of commercial uses compared to its existing location.

30 However, both the existing and the proposed locations would function as the
31 community's primary focus and both would have the community's most
32 intense land uses.

1 I. If the designated Activity Center is relocated near Interstate-40 as
2 proposed, then the Town Center would be within the boundaries of the Activity
3 Center. Therefore, the proposed zone change would further Policy 1.3.
4 However, without the adjustment of the Activity Center's location, the
5 proposed zone change would not further Policy 1.3 because the zone change
6 would have occurred outside of the existing Activity Center.

7 J. Overall, the proposal is generally consistent with the intents and
8 purposes of the Westland Master Plan. The proposal partially furthers the
9 intents and purposes in the land uses, residential resort, open space, Town
10 Center and jobs/housing balance categories. Though in an overarching sense
11 the Plan's intents and purposes are promoted, the proposal does not offer
12 enough specificity to demonstrate that these intents and purposes will come
13 to fruition.

14 K. A facilitated meeting was held on October 30, 2007. The affected
15 neighborhoods are the Tres Volcanes Neighborhood Association (NA), the
16 Parkway NA and the Avalon NA. The neighborhoods generally support the
17 idea of moving the Town Center closer to Interstate 40, but are concerned
18 about building height, school overcrowding, open space and affordable
19 housing.

20 Section 5. CONDITIONS OF APPROVAL (06EPC-00141). The Environmental
21 Planning Commission, in recommending approval to the City Council of the
22 amendments to the Westland Sector Plan, adopted the following Conditions of
23 Approval, which are adopted by the City Council:

24 A. The City Council delegates final sign-off authority of this Rank III Sector
25 Plan to the Development Review Board (DRB). The DRB is responsible for
26 ensuring that all Conditions have been satisfied and that other applicable City
27 requirements have been met. A letter shall accompany the submittal,
28 specifying all modifications that have been made to the sector development
29 plan since the City Council hearing, including how the Plan has been modified
30 to meet each of the Conditions.

31 B. Prior to application submittal to the DRB, the applicant shall meet with
32 the Staff planners to ensure that all conditions of approval are met.

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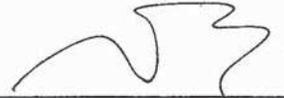
APPENDIX C: Resolutions

1 C. Site Development Plans for Subdivision for the Town Center (TC) zone
 2 and the Town Center Village (TCV) zone shall be reviewed and approved by
 3 the Environmental Planning Commission (EPC).
 4 D. It shall be noted on the Plan that Open Space Areas shall be planned for
 5 in a cohesive manner and shall establish corridors for wildlife and recreational
 6 opportunities.
 7 E. Zoning designations for open space, SU-2/SU-1 for Open Space and SU-
 8 2/SU-1 for Major Public Open Space (MPOS), shall be established in the Plan
 9 for future use if and when needed.
 10 F. This sector plan amendment and zone change shall not allow any
 11 increase in residential uses or residential housing units from the residential
 12 uses or units allowed under the Plan prior to this amendment (R-08-58) unless
 13 those units are placed at second story or above. This statement shall be
 14 placed on the Westland Sector Plan Land Use Map.
 15 G. The acreage totals for existing and proposed land uses shall be
 16 corrected.
 17 Section 6. EFFECTIVE DATE AND PUBLICATION. This legislation shall
 18 take effect thirty days after publication by title and general summary.
 19 Section 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
 20 clause, word or phrase of this resolution is for any reason held to be invalid or
 21 unenforceable by any court of competent jurisdiction, such decision shall not
 22 affect the validity of the remaining provisions of this resolution. The Council
 23 hereby declares that it would have passed this resolution and each section,
 24 paragraph, sentence, clause, word or phrase thereof irrespective of any
 25 provisions being declared unconstitutional or otherwise invalid.
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 33 X:\SHARE\Legislation\Eighteen\R-58final.doc

1 PASSED AND ADOPTED THIS 2nd DAY OF June, 2008
 2 BY A VOTE OF: 9 FOR 0 AGAINST.

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 8 
 9 _____
 10 Brad Winter, President
 11 City Council

12
 13
 14 APPROVED THIS 13th DAY OF June, 2008

15 Bill No. R-08-58
 16
 17
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 19 
 20 _____
 21 Martin J. Chávez, Mayor
 22 City of Albuquerque

23 ATTEST: 
 24 _____
 25
 26 City Clerk

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APPENDIX C: Resolutions

CITY OF ALBUQUERQUE
CITY COUNCIL **R-2008-075**

6/12/08

INTEROFFICE MEMORANDUM

TO: Martin Chávez, Mayor

FROM: Laura Mason, Director of Council Services *LM*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-08-59 Amending The West Side Strategic Plan (07EPC-50069) To Relocate The Westland Community Activity Center, Serving The Westland North Community, From Its Designated Location To A New Location Closer To Interstate 40, and Decreasing The Size of The Activity Center From Approximately 220 Acres To Approximately 161 Acres, For Parcels C, D, E, F, G and H, Westland North, Located Between 98th Street and The Proposed 118th Street, North of Interstate 40 and South of Ladera Drive (Sanchez, by request), which was passed at the Council meeting of June 2, 2008, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

LM:db
Attachment
6/9/08

CITY of ALBUQUERQUE
EIGHTEENTH COUNCIL

COUNCIL BILL NO. R-08-59 ENACTMENT NO. **R-2008-075**

SPONSORED BY: Ken Sanchez, by request

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- 1 RESOLUTION
- 2 ADOPTING AN AREA PLAN AMENDMENT, 07EPC-50069, TO AMEND THE
- 3 WEST SIDE STRATEGIC PLAN TO RELOCATE THE WESTLAND COMMUNITY
- 4 ACTIVITY CENTER, SERVING THE WESTLAND NORTH COMMUNITY, FROM
- 5 ITS DESIGNATED LOCATION TO A NEW LOCATION CLOSER TO INTERSTATE
- 6 40, AND DECREASING THE SIZE OF THE ACTIVITY CENTER FROM
- 7 APPROXIMATELY 220 ACRES TO APPROXIMATELY 161 ACRES, FOR
- 8 PARCELS C, D, E, F, G AND H, WESTLAND NORTH, LOCATED BETWEEN
- 9 98TH STREET AND THE PROPOSED 118TH STREET, NORTH OF INTERSTATE
- 10 40 AND SOUTH OF LADERA DRIVE.
- 11 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
- 12 has the authority to adopt and amend plans for the physical development of
- 13 areas within the planning and platting jurisdiction of the City authorized by
- 14 statute, Section 3-19-3, NMSA 1978, and by its home rule powers; and
- 15 WHEREAS, the City of Albuquerque adopted the West Side Strategic Plan,
- 16 a Rank II Area Plan, in March 1997 through Enactment Number 35-1997; and
- 17 WHEREAS, the Council has the authority to not only adopt but to amend
- 18 such an area plan; and
- 19 WHEREAS, on December 20, 2007, the Environmental Planning
- 20 Commission, in its advisory role on land use and planning matters,
- 21 recommended approval to the City Council of an amendment to the West Side
- 22 Strategic Plan, a Rank II Area Plan, to relocate the Westland Community
- 23 Activity Center from its designated location to a new location closer to
- 24 Interstate 40 and to decrease the size of the activity center from approximately
- 25 220 acres to approximately 161 acres; and

APPENDIX C: Resolutions

1 WHEREAS, the Environmental Planning Commission found that the above
2 mentioned Westside Strategic Plan amendments are consistent with
3 applicable Comprehensive Plan and West Side Strategic Plan goals and
4 policies.
5 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
6 ALBUQUERQUE:
7 Section 1. WEST SIDE STRATEGIC PLAN, A RANK II AREA PLAN,
8 AMENDED. The Westside Strategic Plan, a Rank II Area Plan, is amended to
9 relocate the Westland Community Activity Center from its designated location
10 to a new location closer to Interstate 40 and to decrease the size of the activity
11 center from approximately 220 acres to approximately 161 acres as depicted in
12 Map 1 of Exhibit A, which replaces the activity center location map on page
13 144 of the Westside Strategic Plan.
14 Section 2. WEST SIDE STRATEGIC PLAN, WESTLAND COMMUNITY
15 ACTIVITY CENTER LOCATION MAP AMENDED. The Westside Strategic Plan
16 activity center location map on page 144 is amended to reflect the new
17 location of the Westland Community Activity Center as shown in Map 1 of
18 Exhibit A.
19 Section 3. FINDINGS ACCEPTED. The following findings for the Westside
20 Strategic Plan amendment are adopted by the City Council:
21 A. This request for an amendment to the West Side Strategic Plan (WSSP)
22 will require a corresponding amendment to the Comprehensive Plan.
23 The existing location of the WSSP designated Westland Community
24 Activity Center is proposed to be moved to a new location adjacent to
25 Interstate-40. The approximately 550 acre subject site is located
26 between 98th Street and proposed 118th Street, north of Interstate 40
27 and south of Arroyo Vista Drive.
28 B. A request for a sector development plan map amendment (06EPC
29 00139), an amendment to the Westland Sector Plan (06EPC 00141) and
30 an amendment to the Westland Master Plan (07EPC 40071) accompany
31 this request.
32 C. The proposed relocation of the WSSP designated Westland Community
33 Activity Center constitutes an amendment to the WSSP, which is

1 required to be forwarded to the City Council. A corresponding
2 amendment to the Comprehensive Plan to reflect the proposed
3 relocation is also required to be forwarded to the City Council. As the
4 City's zoning authority, the City Council will make the final decision.
5 D. The subject site lies within the boundaries of the Developing Urban area
6 of the Comprehensive Plan. Additional applicable plans include the
7 Westside Strategic Plan (WSSP) the Westland Master Plan and the
8 Westland Sector Plan. The Westland Community Activity Center, the
9 activity center proposed for relocation, is located within the subject
10 site's boundaries.
11 E. The proposal generally furthers the following relevant Comprehensive
12 Plan Goals:
13 i. The Activity Center Goal. The proposal would facilitate development
14 of a concentration of higher-density mixed land uses that would
15 generally reduce auto travel needs for Westside residents.
16 ii. The Economic Development Goal. The proposal would provide a
17 variety of retail and service uses and would contribute to economic
18 development, as well as create additional employment on the Westside
19 to help improve the jobs/housing balance.
20 F. The proposal partially furthers the following relevant Comprehensive
21 Plan Goals:
22 i. The Open Space Goal. The proposal would establish Open Space as
23 a land use category, but there would be no zoning designation for
24 open space. It is uncertain how open space opportunities would
25 become reality.
26 ii. The Transportation and Transit Goal. The Town Center relocation
27 closer to Interstate-40 could help facilitate alternative transportation
28 opportunities, though in general the area tends to rely heavily on
29 Interstate 40.
30 iii. The Noise Goal. The Town Center relocation closer to Interstate-40
31 would buffer future subdivisions from the freeway and reduce noise
32 impacts. It is unknown if new land use/noise conflicts would arise

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APPENDIX C: Resolutions

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- 1 because the location of housing within the Town Center is not defined
 2 at this time.
- 3 G. The proposal partially furthers the following relevant Comprehensive
 4 Plan policies:
- 5 i. Policy II.B.5a-full range of urban land uses. A full range of urban land
 6 uses would be promoted, especially in the Town Center, though a
 7 range of land uses could have occurred without the relocation.
- 8 ii. Policy II.B.5d-neighborhood values/environment/resources.
 9 Relocating the Town Center is not likely to conflict with existing
 10 neighborhood values. Due to the proposal's general nature, impacts
 11 on the natural environment, and scenic and other resources, cannot
 12 be specifically addressed at this time.
- 13 iii. Policy II.B.5j-location of commercial development. The TCV zone
 14 would provide for small neighborhood centers, but the degree of
 15 pedestrian and bicycle access is unknown at this stage. The degree of
 16 transit integration in the Town Center, a large, area-wide shopping
 17 center is also unknown.
- 18 H. With respect to the Comprehensive Plan Housing Goal and Policy
 19 II.B.5h regarding higher density housing, it is unknown at this stage if
 20 the proposal furthers or does not further them. Though the proposal
 21 would result in more Westside housing, information about the
 22 potential for affordable housing has not been included. The proposal
 23 allows an average of 9 DU/acre for the net residential development
 24 area, which is less than the density needed to fulfill the project's New
 25 Urbanist intent.
- 26 I. With respect to the Westside Strategic Plan (WSSP), the proposal
 27 partially furthers the following policies:
- 28 i. Policy 1.1- The intent is for the higher density housing to locate in
 29 the Town Center, but there is no guarantee that lower density
 30 development would not occur there.
- 31 ii. Policy 1.13- Placing the Activity Center closer to the interstate may
 32 allow a greater concentration of commercial uses compared to its

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- 1 existing location. However, both the existing and the proposed
 2 locations would function as the community's primary focus and both
 3 would have the community's most intense land uses.
- 4 J. If the designated Activity Center is relocated near Interstate-40 as
 5 proposed, then the Town Center would be within the boundaries of the
 6 Activity Center. Therefore, the proposed zone change would further
 7 Policy 1.3. However, without the adjustment of the Activity Center's
 8 location, the proposed zone change would not further Policy 1.3
 9 because the zone change would have occurred outside of the existing
 10 Activity Center.
- 11 K. Overall, the proposal is generally consistent with the intents and
 12 purposes of the Westland Master Plan. The proposal partially furthers
 13 the intents and purposes in the land uses, residential resort, open
 14 space, Town Center and jobs/housing balance categories. Though in
 15 an overarching sense the Plan's intents and purposes are promoted,
 16 the proposal does not offer enough specificity to demonstrate that
 17 these intents and purposes will come to fruition.
- 18 L. A facilitated meeting was held on October 30, 2007. The affected
 19 neighborhoods are the Tres Volcanes Neighborhood Association (NA),
 20 the Parkway NA and the Avalon NA. The neighborhoods generally
 21 support the idea of moving the Town Center closer to Interstate 40, but
 22 are concerned about building height, school overcrowding, open
 23 space and affordable housing.
- 24 Section 4. CONDITIONS OF APPROVAL. The Environmental Planning
 25 Commission, in recommending approval to the City Council of the
 26 amendment to the West Side Strategic Plan, adopted the following
 27 Conditions of Approval, which are adopted by the City Council:
- 28 A. The City Council delegates final sign-off authority of this Rank II Area
 29 Plan to the Development Review Board (DRB). The DRB is responsible
 30 for ensuring that all Conditions have been satisfied and that other
 31 applicable City requirements have been met. A letter shall accompany
 32 the submittal, specifying all modifications that have been made to the

APPENDIX C: Resolutions

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1 area plan since the City Council hearing, including how the Plan has
 2 been modified to meet each of the Conditions.
 3 B. Prior to application submittal to the DRB, the applicant shall meet with
 4 the Staff planners to ensure that all conditions of approval are met.
 5 C. The map of the Westland Activity Center in the West Side Strategic Plan
 6 shall be updated to correspond to the proposed new location of the
 7 Town Center.
 8 D. Figure 20 (Activity Centers & Transportation Corridors) in the
 9 Comprehensive Plan shall be updated to correspond to the proposed
 10 new location of the Town Center.
 11 E. As a designated Community Activity Center, the Town Center shall
 12 comply with the Activity Center policies found in Table 10 of the
 13 Comprehensive Plan.
 14 Section 5. EFFECTIVE DATE AND PUBLICATION. This legislation shall
 15 take effect thirty days after publication by title and general summary.
 16 Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
 17 clause, word or phrase of this resolution is for any reason held to be
 18 invalid or unenforceable by any court of competent jurisdiction, such
 19 decision shall not affect the validity of the remaining provisions of this
 20 resolution. The Council hereby declares that it would have passed
 21 this resolution and each section, paragraph, sentence, clause, word or
 22 phrase thereof irrespective of any provisions being declared
 23 unconstitutional or otherwise invalid.

1 PASSED AND ADOPTED THIS 2nd DAY OF June, 2008
 2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Brad Winter, President
City Council

APPROVED THIS 20th DAY OF June, 2008

Bill No. R-08-59



Martin J. Chávez, Mayor
City of Albuquerque

ATTEST:



City Clerk

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APPENDIX C: Resolutions

CITY OF ALBUQUERQUE
CITY COUNCIL

R-2008-076

6/12/08

INTEROFFICE MEMORANDUM

TO: Martin Chávez, Mayor

FROM: Laura Mason, Director of Council Services *LM*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-08-60 Adopting Sector Development Plan Map Amendments (07EPC-40071), To Revise The Land Use/Zoning Map For Parcels C, D, E, F, G and H of Westland North To Be Consistent With Zone Changes Specified In The Sector Development Plan Map Amendment To The Westland Sector Plan (06EPC-00139), and Amending The Text of The Westland Master Plan To Establish Parameters For The New TCV (Town Center Village) Zone Category, and Adding Hotel As A Permissive Use In The SU-2/TC Zone, and Amending The RR (Residential Resort) Zone To Include Community Neighborhood Recreation Center As A Permissive Use, Approximately 1,050 Acres, Located Between 98th Street and The Proposed 118th Street, North of Interstate 40 and South of The Petroglyph National Monument (Sanchez, by request), which was passed at the Council meeting of June 2, 2008, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

LM:db
Attachment
6/9/08

REC'D - LEGISLATION
6/12/08

CITY of ALBUQUERQUE
EIGHTEENTH COUNCIL

COUNCIL BILL NO. R-08-60

ENACTMENT NO.

R-2008-076

SPONSORED BY: Ken Sanchez, by request

RESOLUTION

1
2 ADOPTING SECTOR DEVELOPMENT PLAN MAP AMENDMENTS, 07EPC-
3 40071, TO REVISE THE LAND USE/ZONING MAP FOR PARCELS C, D, E, F, G
4 AND H OF WESTLAND NORTH TO BE CONSISTENT WITH ZONE CHANGES
5 SPECIFIED IN THE SECTOR DEVELOPMENT PLAN MAP AMENDMENT TO THE
6 WESTLAND SECTOR PLAN (06EPC-00139), AND AMENDING THE TEXT OF
7 THE WESTLAND MASTER PLAN TO ESTABLISH PARAMETERS FOR THE
8 NEW TCV (TOWN CENTER VILLAGE) ZONE CATEGORY, AND ADDING HOTEL
9 AS A PERMISSIVE USE IN THE SU-2/TC ZONE, AND AMENDING THE RR
10 (RESIDENTIAL RESORT) ZONE TO INCLUDE COMMUNITY NEIGHBORHOOD
11 RECREATION CENTER AS A PERMISSIVE USE, APPROXIMATELY 1,050
12 ACRES, LOCATED BETWEEN 98TH STREET AND THE PROPOSED 118TH
13 STREET, NORTH OF INTERSTATE 40 AND SOUTH OF THE PETROGLYPH
14 NATIONAL MONUMENT.

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15 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
16 has the authority to adopt and amend plans for the physical development of
17 areas within the planning and platting jurisdiction of the City authorized by
18 statute, Section 3-19-3, NMSA 1978, and by its home rule powers; and

19 WHEREAS, the City of Albuquerque adopted the Westland Master Plan, a
20 Rank III Sector Development Plan, in May 1998 through Enactment Number 51-
21 1998; and

22 WHEREAS, the Council has the authority to not only adopt but to amend
23 such a sector development plan; and

24 WHEREAS, on December 20, 2007, the Environmental Planning
25 Commission, in its advisory role on land use and planning matters,
26 recommended approval to the City Council of an amendment to the Westland

APPENDIX C: Resolutions

1 Master Plan, a Rank III Sector Development Plan, to revise the Land
2 Use/Zoning Map for parcels C, D, E, F, G and H of Westland North to be
3 consistent with zone changes specified in the sector development map
4 amendment to the Westland Sector Plan (06EPC-00139), and to amend the text
5 of the Westland Master Plan to establish parameters for the new TCV (Town
6 Center Village) zone category, and to add hotel as a permissive use in the SU-
7 2/TC zone, and to amend the RR (Residential Resort) zone to include
8 community neighborhood recreation center as a permissive use and uses
9 permissive in the C-1 and O-1 zone as conditional uses; and

10 WHEREAS, the Environmental Planning Commission found that the above
11 mentioned Westland Master Plan amendments are consistent with applicable
12 Comprehensive Plan, West Side Strategic Plan, and Westland Master Plan
13 goals and policies.

14 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
15 ALBUQUERQUE:

16 Section 1. WESTLAND MASTER PLAN, A RANK III SECTOR DEVELOPMENT
17 PLAN, AMENDED. The Westland Master Plan, a Rank III Sector Development
18 Plan, is amended to revise the Land Use/Zoning Map for Parcels C, D, E, F, G
19 and H of Westland North to be consistent with zone changes specified in the
20 sector development map amendment to the Westland Sector Plan (06EPC-
21 00139), and to amend the text of the Westland Master Plan to establish
22 parameters for the new TCV (Town Center Village) zone category, and to add
23 hotel as a permissive use in the SU-2/TC zone, and to amend the RR
24 (Residential Resort) zone to include community neighborhood recreation
25 center as a permissive use and to amend the RR (Residential Resort) zone to
26 allow C-1 and O-1 permissive uses to be conditional uses in the RR
27 (Residential Resort) zone, except as modified in Section 4. Conditions of
28 Approval of this Resolution. There shall be no increase in residential uses or
29 residential units (unless those units are placed at second story or above) from
30 the residential uses and units allowed in the Westland Master Plan in effect
31 prior to the adoption of R-08-60.

32 Section 2. WESTLAND MASTER PLAN, A RANK III SECTOR
33 DEVELOPMENT PLAN, AMENDED. The Westland Master Plan Land

1 Use/Zoning map, exhibit 10 on page 39, is amended to include the new TCV
2 (Town Center Village) zone category and to correspond to the locations of the
3 zone changes for parcels C, D, E, F, G and H.

4 Section 3. FINDINGS ACCEPTED. The following findings for the
5 Westland Master Plan amendments are adopted by the City Council:

6 A. This request is for an amendment to the Westland Master Plan. The
7 approximately 1,050 acre subject site is located between 98th Street and
8 proposed 118th Street, north of Interstate 40 and south of the Petroglyph
9 National Monument.

10 B. A request for a sector development plan map amendment (06EPC 00139),
11 an amendment to the Westside Strategic Plan (07EPC 50079) and an
12 amendment to the Westland Sector Plan (06EPC 00141) accompany this
13 request.

14 C. The subject site lies within the boundaries of the Developing Urban area of
15 the Comprehensive Plan. Additional applicable plans include the Westside
16 Strategic Plan (WSSP), the Westland Master Plan, the Westland Sector
17 Plan, the Northwest Mesa Escarpment Plan (NWMEP) and the Facility Plan
18 for Arroyos.

19 D. The proposal generally furthers the following relevant Comprehensive Plan
20 Goals:

- 21 i. The Activity Center Goal. The proposal would facilitate development of
22 a concentration of higher-density mixed land uses that would
23 generally reduce auto travel needs for Westside residents.
- 24 ii. The Economic Development Goal. The proposal would provide a
25 variety of retail and service uses and would contribute to economic
26 development, as well as create additional employment on the Westside
27 to help improve the jobs/housing balance.

28 E. The proposal partially furthers the following relevant Comprehensive Plan
29 Goals:

- 30 i. The Open Space Goal. The proposal would establish Open Space as a
31 land use category, but there would be no zoning designation for open
32 space. It is uncertain how open space opportunities would become reality.

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APPENDIX C: Resolutions

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- 1 ii. The Transportation and Transit Goal. The Town Center relocation closer
 2 to Interstate-40 could help facilitate alternative transportation
 3 opportunities, though in general the area tends to rely heavily on Interstate
 4 40.
- 5 iii. The Noise Goal. The Town Center relocation closer to Interstate-40
 6 would buffer future subdivisions from the freeway and reduce noise
 7 impacts. It is unknown if new land use/noise conflicts would arise because
 8 the location of housing within the Town Center is not defined at this time.
- 9 F. The proposal partially furthers the following relevant Comprehensive Plan
 10 policies:
- 11 i. Policy II.B.5a-full range of urban land uses. A full range of urban land
 12 uses would be promoted, especially in the Town Center, though a range of
 13 land uses could have occurred without the relocation.
- 14 ii. Policy II.B.5d-neighborhood values/environment/resources. Relocating
 15 the Town Center is not likely to conflict with existing neighborhood values.
 16 Due to the proposal's general nature, impacts on the natural environment,
 17 and scenic and other resources, cannot be specifically addressed at this
 18 time.
- 19 iii. Policy II.B.5j-location of commercial development. The TCV zone would
 20 provide for small neighborhood centers, but the degree of pedestrian and
 21 bicycle access is unknown at this stage. The degree of transit integration in
 22 the Town Center, a large, area-wide shopping center is also unknown.
- 23 G. With respect to the Comprehensive Plan Housing Goal and Policy II.B.5h
 24 regarding higher density housing, it is unknown at this stage how the
 25 proposal will further or not further them. Though the proposal would result in
 26 more Westside housing, information about the potential for affordable housing
 27 has not been included. The proposal allows an average of 9 DU/acre for the
 28 net residential development area, which is less than the density needed to
 29 fulfill the project's New Urbanist intent.
- 30 H. With respect to the Westside Strategic Plan (WSSP), the proposal partially
 31 furthers the following policies:

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- 1 i. Policy 1.1- The intent is for the higher density housing to locate in the
 2 Town Center, but there is no guarantee that lower density development
 3 would not occur there.
- 4 ii. Policy 1.13- Placing the Activity Center closer to the interstate may allow
 5 a greater concentration of commercial uses compared to its existing
 6 location. However, both the existing and the proposed locations would
 7 function as the community's primary focus and both would have the
 8 community's most intense land uses.
- 9 i. If the designated Activity Center is relocated near Interstate-40 as proposed,
 10 then the Town Center would be within the boundaries of the Activity Center.
 11 Therefore, the proposed zone change would further Policy 1.3. However,
 12 without the adjustment of the Activity Center's location, the proposed zone
 13 change would not further Policy 1.3 because the zone change would have
 14 occurred outside of the existing Activity Center.
- 15 J. Overall, the proposal is generally consistent with the intents and purposes
 16 of the Westland Master Plan. The proposal partially furthers the intents and
 17 purposes in the land uses, residential resort, open space, Town Center and
 18 jobs/housing balance categories. Though in an overarching sense the Plan's
 19 intents and purposes are promoted, the proposal does not offer enough
 20 specificity to demonstrate that these intents and purposes will come to
 21 fruition.
- 22 K. A facilitated meeting was held on October 30, 2007. The affected
 23 neighborhoods are the Tres Volcanes Neighborhood Association (NA), the
 24 Parkway NA and the Avalon NA. The neighborhoods generally support the
 25 idea of moving the Town Center closer to Interstate 40, but are concerned
 26 about building height, school overcrowding, open space and affordable
 27 housing.
- 28 Section 4. CONDITIONS OF APPROVAL. The Environmental Planning
 29 Commission, in recommending approval to the City Council of the amendment
 30 to the Westland Master Plan, adopted the following Conditions of Approval,
 31 which are adopted by the City Council:
- 32 A. The City Council delegates final sign-off authority of this Rank III Sector
 33 Development Plan to the Development Review Board (DRB). The DRB is

APPENDIX C: Resolutions

1 responsible for ensuring that all Conditions have been satisfied and that other
2 applicable City requirements have been met. A letter shall accompany the
3 submittal, specifying all modifications that have been made to the site plan
4 since the City Council hearing, including how the Plan has been modified to
5 meet each of the Conditions.

6 B. Prior to application submittal to the DRB, the applicant shall meet with the
7 Staff planners to ensure that all conditions of approval are met.

8 C. Site Development Plans for Subdivision for the Town Center (TC) zone and
9 the Town Center Village (TCV) zone shall be reviewed and approved by the
10 Environmental Planning Commission (EPC).

11 D. All development areas that lie within the boundaries of the Northwest Mesa
12 Escarpment Plan (NWMEP) shall be subject to all of the policies and
13 regulations contained therein.

14 E. Town Center (TC) zone- Land use:

15 i. The applicant shall explain how the entirety of the Town Center site will
16 function as a cohesive New Urbanist area.

17 ii. The percentages of mixed-use, open space, commercial, office, and
18 residential land uses shall be incorporated into the Town Center site and
19 shall reflect the New Urbanist intent stated in the submittal.

20 iii. The hotel use shall comply with all applicable design regulations in the
21 Westland Master Plan.

22 F. Town Center (TC) zone- Density:

23 i. The site development plan for subdivision for the Town Center shall
24 identify minimum FAR's for specific development areas, with higher FAR's
25 such as 2-3 in the central core area and lower FAR's such as 0.3-0.6 in the
26 peripheral area.

27 ii. Front loaded garages shall not be allowed in the TC zone.

28 iii. Maximum residential lot size shall be 4,000 square feet.

29 iv. Variance of up to 10% above the maximum 4,000 square foot lot size is
30 possible via an approved EPC site development plan for subdivision for
31 limited areas provided that adherence to the following criteria can be
32 clearly demonstrated:

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1 a. Furthering the intent of applicable Goals and policies in the
2 Comprehensive Plan, the West Side Strategic Plan, the Westland
3 Sector Development Plan, the Westland Master Plan, the Northwest
4 Mesa Escarpment Plan and the Facility Plan for Arroyos.

5 b. Promoting pedestrian oriented design and function.

6 c. Providing for connectivity and integration with the surrounding
7 mixed-use community, and

8 d. Functioning as a transition between the Town Center and the Town
9 Center Village.

10 G. Town Center (TC) zone- Zoning:

11 i. The following shall be allowed in the TC zone: uses permissible in the R-2
12 zone, excluding uses allowed in the R-T, R-LT and R-1 zones. However, a
13 home occupation as regulated by the R-1 zone would be allowed in the TC
14 zone.

15 ii. Maximum structure height allowed in the TC zone shall be 65 feet.

16 iii. No drive-thru service windows shall be allowed in the TC zone except
17 for in the outermost periphery area of the town center and as approved by
18 the EPC.

19 iv. No drive-in restaurants shall be allowed in the TC zone.

20 v. The maximum setback in the TC zone shall be 15 feet. There shall be no
21 minimum setback requirement.

22 H. Town Center Village (TCV) zone- Housing:

23 i. The phrase "shall accommodate a broad socioeconomic range of future
24 residents" (p. 37) shall be added to the description of Town Center Village.

25 ii. R-1 regulations regarding lot size shall not apply.

26 iii. A home occupation as regulated by the R-1 zone shall be allowed in the
27 TCV zone.

28 iv. The maximum setback in the TCV zone shall be 20 feet. There shall be
29 no minimum setback requirement.

30 I. Town Center Village (TCV) zone- Zoning:

31 i. The following C-1 conditional uses shall not be allowed in the TCV
32 zone: community residential program, auto/trailer/truck rental/service/

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APPENDIX C: Resolutions

- 1 storage, drive-up service window as approved by the EPC and outdoor
- 2 storage.
- 3 ii. The following shall be allowed in the TCV zone: uses permissive in
- 4 the R-2, R-T and R-LT zones.
- 5 iii. To be consistent with the TC zone, adult bookstores, adult photo
- 6 studios or adult theaters shall not be allowed in the TCV zone.
- 7 iv. Free-standing wireless telecommunication facilities (WTFs) shall be
- 8 limited to clock or bell towers and flag poles.

9 J. Resort/ Residential Zone:

- 10 i. The "hotel" use shall be removed from the Resort/ Residential zone.
- 11 ii. The applicant shall update the list of permissive uses in the Resort/
- 12 Residential zone as a text amendment to the Plan.
- 13 iii. The following C-1 and O-1 permissive uses shall not be allowed in
- 14 the Resort/ Residential zone: temporary storage commercial, parking lots
- 15 and free-standing wireless telecommunication facilities (WTFs) on
- 16 residentially zoned lots.
- 17 iv. The Development Phasing section of the Plan shall be updated, as a
- 18 text amendment to the Plan, to reflect the zone changes and overall
- 19 phasing changes associated with this proposal.

20 K. Housing:

- 21 i. The applicant shall address affordable housing in the TC and the
- 22 TCV zones.
- 23 ii. "Twenty percent of the housing units developed within the Master
- 24 Plan area shall be affordable based on federally-established affordability
- 25 criteria" (WMP, p. 41).
- 26 iii. This sector plan amendment and zone change shall not allow any
- 27 increase in residential uses or residential housing units from the number of
- 28 residential uses or units allowed under the Westland Master Plan prior to
- 29 this amendment (R-08-60), unless those units are placed at second story or
- 30 above. This Statement shall be placed on the Westland Sector Plan Land
- 31 Use Map.

32 L. Education:

- 1 i. The applicant shall address school overcrowding by coordinating
- 2 with Albuquerque Public Schools (APS) to provide school sites and/or to
- 3 meet the needs of future area residents.
- 4 ii. Based on coordination with APS, the applicant shall update the text
- 5 of the Westland Master Plan to reflect current plans for provision of
- 6 schools.

7 M. Open Space:

8 Zoning designations for open space, SU-2/SU-1 for Open Space and SU-2/SU-1
 9 for Major Public Open Space (MPOS), shall be established and incorporated
 10 into the Plan for future use if and when needed.

11 N. Transportation/Traffic:

12 The applicant shall provide an explanation about transportation and
 13 connecting the subject site to transit, and how this would contribute to
 14 creating a new urbanist community.

15 O. Any maps in the master plan that have been affected by the proposed
 16 changes shall be updated correspondingly.

17 P. Conditions from City Transportation Planning (Department of Municipal
 18 Development):

- 19 i. The final results of the Supplemental Roadway Network Analysis must
- 20 be received and acceptable to the City's transportation staff and the staff of
- 21 the New Mexico Department of Transportation District 3 Office prior to final
- 22 DRB action.
- 23 ii. The completed Supplemental Roadway Network Analysis shall include a
- 24 "threshold study" to estimate the level of additional development that may
- 25 reasonably be served with the existing and proposed roadway network
- 26 before completion of the 118th & I-40 interchange is required.

27 Q. CONDITIONS FROM WATER RESOURCES, WATER UTILITIES AND
 28 WASTEWATER UTILITIES (WATER AUTHORITY):

29 The existing Development Agreement shall be amended if changes to this
 30 Land Use Plan are approved and the number of residential units are changed.

31 R. CONDITIONS FROM THE MID-REGION COUNCIL OF GOVERNMENTS
 32 (MRCOG):

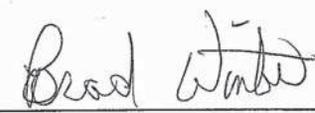
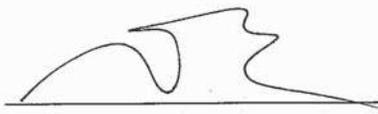
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APPENDIX C: Resolutions

1 i. The developer shall coordinate with the DMD to ensure that
 2 transportation infrastructure is provided as planned and included in the
 3 2030 MTP.
 4 ii. The applicant shall coordinate with City staff and NMDOT to ensure
 5 that the development is consistent with these projects:
 6 • MPO project ID #373.0-visitor center, bike/ped bridge, public art and
 7 xeriscaping (FY 2010).
 8 • MPO project ID #449- rehabilitation and reconstruction of I-40 from
 9 the West Central interchange to the Rio Puerco. (FY 2012 and 2013).
 10 • MPO project #414.2- reconstruct and add auxiliary lanes and a
 11 climbing lane (FY 2008-2013).
 12 S. CONDITIONS FROM PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM)
 13 The applicant shall coordinate with PNM, which will have to evaluate whether
 14 PNM has enough electric capacity in the area to serve the projected electric
 15 load.
 16 Section 5. EFFECTIVE DATE AND PUBLICATION. This legislation shall
 17 take effect thirty days after publication by title and general summary.
 18 Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
 19 clause, word or phrase of this resolution is for any reason held to be invalid or
 20 unenforceable by any court of competent jurisdiction, such decision shall not
 21 affect the validity of the remaining provisions of this resolution. The Council
 22 hereby declares that it would have passed this resolution and each section,
 23 paragraph, sentence, clause, word or phrase thereof irrespective of any
 24 provisions being declared unconstitutional or otherwise invalid.
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1 PASSED AND ADOPTED THIS 2nd DAY OF June, 2008
 2 BY A VOTE OF: 9 FOR 0 AGAINST.
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 8 _____
 9 Brad Winter, President
 10 City Council
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 14 APPROVED THIS 13th DAY OF June, 2008
 15
 16 Bill No. R-08-60
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 20 _____
 21 Martin J. Chávez, Mayor
 22 City of Albuquerque
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 27 ATTEST: 
 28 _____
 29 City Clerk
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County of Bernalillo
Zoning, Building & Planning Department

600 Second Street NW • Suite 400 • Albuquerque, NM 87102 • (505) 924-3700 • Fax (505) 924-3750

NOTIFICATION OF DECISION
BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

July 7, 1997

Westland Development Co. Inc.
 401 Coors NW
 Albuquerque, NM 87121

SUBJECT: FILE NO.: SPR 96-2 WESTLAND MASTER PLAN

PROPERTY DESCRIPTION: Consensus Planning, agent for Westland Development Co., Inc., and the County of Bernalillo, request a recommendation to the Bernalillo County Board of County Commissioners on the Westland Master Plan, including properties located generally north of I-40, south of the Petroglyph National Monument, west of Unser Boulevard, and east of Paseo del Volcan, zoned A-1, containing approximately 6,424 acres.

ACTION: APPROVED THE WESTLAND MASTER PLAN

TO WHOM IT MAY CONCERN:

At the July 2, 1997 public hearing, the Bernalillo County Board of County Commissioners **APPROVED** your request for a Rank III Master Plan, based on the following Findings and subject to the following Conditions.

FINDINGS:

1. This is a request for approval of SPR-96-2/SD(C)-96-003, a Rank III Master Plan for 6,424 acres of Westland Development Company property, located on the westside of Albuquerque in Bernalillo County within the five-mile planning and platting jurisdiction of the City of Albuquerque, west of the City limits, north of Interstate 40, south of the Petroglyph National Monument, and ¼-mile west of Paseo del Volcan.
2. The property is in the Developing Urban Area and Reserve Area designations of the Albuquerque-Bernalillo County Comprehensive Plan. The Rank I Comprehensive Plan, and Rank II Plans, such as the Planned Community Policy Element, the Facilities Plan for Arroyos, the West Side Strategic Plan and the Long Range Major Street Plan provide policies and procedures for development.

BERNALILLO COUNTY BOARD OF COMMISSIONERS
 JULY 7, 1997
 SPR 96-2
 PAGE 2

3. The master plan has undergone significant and positive revision since it was reviewed by the CPC and EPC in January, 1997; design guidelines have been provided to demonstrate that the plan is in conformance with design-related policies of the Comprehensive Plan, Planned Communities Criteria, and the West Side Strategic Plan Community Concept.
4. The Albuquerque Water Resources Management Strategy includes water service to the Westland Master Plan area through sustainable, conjunctive use of surface-water and groundwater resources. The Westland Master Plan water supply concept relies on on-site groundwater, potential use of treated effluent and other water conservation measures. These methods work towards the Comprehensive Plan's direction that the "water resources of the metropolitan area shall be managed to ensure permanent adequate water supply and the County's amendments to the Comprehensive Plan (AR-84-91) that "...water use should be managed to correspond to average annual recharge of the aquifer."
5. The Westland Master Plan is based on water supply being provided by a new County Water Utility, as described in the Bernalillo County Water and Wastewater Feasibility Study, April 1996 (Leedshill-Herkenhoff, Inc. report). That report contains plans for the development of local, on-site groundwater as the water supply source for the Westland development, and the report's calculations are based on design water use of 220 gallons per capita per day. The Westland Master Plan will be amended to reflect a reduction to 150 gallons per day.
6. In January, 1997 voters approved a ¼ cent Open Space tax, part of which is targeted for acquisition of Atrisco Terrace. The ¼ cent tax should ensure the preservation of Atrisco Terrace as Major Public Open Space as designated by the Comprehensive Plan as long as it is contracted for purchase by the City of Albuquerque by July 1, 2002.
7. The plan encourages a mix of housing products to accommodate all housing markets, including affordable housing.
8. Goals and policies of the master plan can best be fulfilled by meeting the average residential densities within the plan area.
9. The proposed phasing strategy for the Westland Master plan area indicates that development will develop from a general east to west sequence and will occur to the west of the Atrisco Terrace generally after the build-out of residential areas to the east; this strategy has been discussed extensively and is presented in the

APPENDIX C: Resolutions

BERNALILLO COUNTY BOARD OF COMMISSIONERS
JULY 7, 1997
SPR 96-2
PAGE 3

applicant's phasing strategy. This strategy is based on the desire to avoid zone changes within the Town Center by providing residential land for development elsewhere in the plan area.

10. The City's Westbluff Outfall was constructed to serve the plan area, but it has limited capacity; AMAFCA's West I-40 Diversion Drainage Management Plan (DMP) is addressing options by which the Westbluff Outfall, AMAFCA's Ladara Dam System, and proposed I-40 diversion can most effectively be utilized. The City and County urge timely completion of the DMP as a vital planning tool for Westland and adjacent areas.
11. The Master Plan proposes a large-scale urban development bordered by, but not dependent upon, the Interstate system. The street network presented provides adequate access to all parts of the urban area without having to rely on the Interstate System as its primary access facility.
12. The plan's proposed County-provided sewage treatment facility may be problematic with regard to proximity to residential areas. However, opportunities may be provided for use of greywater. The City will be encourage to allow County access to the City sewer system as has been provided to other private users.
13. The area above the Atrisco Terrace is designated Reserve in the Comprehensive Plan. The Westland Master Plan fulfills the requirements of a Planned Community Master Plan as required by the Comprehensive Plan.

CONDITIONS:

1. Bernalillo County and the City shall meet to discuss the County utility system and its compatibility with the City's.
2. Westland's letter to the Bernalillo County Commission dated April 29, 1997 has stated "Westland proposes to explicitly state in the Master Plan that per capita consumption figures will be targeted at 150 gallons per day, a figure consistent with Albuquerque's goal... representing a 32 percent decrease from the assumption made in the feasibility study for the amount of acre feet to serve the plan area annually." Such modification to the Westland Master Plan is made a condition of approval of the Master Plan.
3. The Atrisco Terrace (which is targeted for Major Public Open Space acquisition by the City utilizing the recently passed ¼ cent gross receipts tax revenues) as

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defined in the Westland Master Plan shall provide the basis for a clarifying amendment to the Comprehensive Plan prepared by the City, Bernalillo County and Westland Development Company.

4. The Wetland Master Plan network of arterial streets shall be proposed (by the City and/or County as sponsor for the applicant) as a modification of the Long Range Major Street Plan (LRMSP), following the procedure administered by Middle Rio Grande Council of Governments and its Urban Transportation Planning Policy Board.
5. The New Mexico State Highway and Transportation Department will be the controlling authority regarding any modifications or proposed modification to Interstate 40, such as new or modified interchanges frontage roads, and access limitations.
6. Appropriate, site-specific Traffic Impact Studies and Air Quality Impact Assessments shall be prepared for individual development proposals as required. Approval of these studies, if they are required, by the appropriate authority shall be required prior to subdivision. Major changes in land use which increases trip generation or change distribution may trigger the need to update Air Study based upon Conformity.
7. As stated in the Petroglyph National Monument Establishment Act of 1990, the National Park Service "may participate in land use and transportation management planning conducted by appropriate local authorities for [the applicant's] lands adjacent to the Petroglyph National Monument." The applicant will allow and coordinate access through the plan area to the adjoining portion of the monument.
8. Development phasing within the Westland Master Plan area shall generally occur from east to west as shown on the applicant's phasing plan.
9. Residential streets shall not be more than 32 feet in width.
10. Mixed-use housing should be encouraged in the town center.
11. Power centers and stand-alone retail buildings in excess of 60,000 square feet should be discouraged in the town center. These uses are more appropriate in an industrial zone.

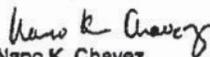
APPENDIX C: Resolutions

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12. Large commercial parking facilities should be shared with other users such as government uses, churches, etc.
13. Useable open space and public facilities (libraries, parks, elementary schools, middle schools, high schools, trails, etc.) shall not be located within the PNM easements for overhead powerlines. Each facility should be located at a prudent distance away from these easements.

If you have any questions concerning this matter, do not hesitate to call me at 824-3700. My office is in the County Zoning, Building & Planning Department, 600 Second Street NW, Suite 400, Albuquerque, NM 87102.

Sincerely,


 Nano K. Chavez
 Program Planner Senior

- xc: File
- Roger Paul, County Public Works Department
 - Matthew O'Grady, Public Works Department
 - Bob Wroughton, Consultant, 500 Copper NW
 - Jim Strozler, 718 Central Ave SW
 - Matthew Schmader, 718 Central Ave SW
 - Bob Gurule, City of Albuquerque
 - Norman Gaume, City of Albuquerque
 - Jeanette Baca, 901 Field SW, 87121
 - Pam Micker, 2608 Sol De Vida NW, 87120
 - Ernie Saiz, 2701 Los Compadres NW, 87120
 - Bob Mccannon, 2808 El Tesoro Escondido NW, 87120
 - John Behrend, 2814 El Tesoro Escondido NW, 87120
 - Cynthia Baca, 8305 Calle Ensueno NW, 87120
 - James J. Joyce, 8024 Camino Paisano NW, 87102
 - Jackle Sanders, 7824 Maplewood NW, 87120
 - Rob Ambrose, 7608 Lynwood NW, 87120
 - Victor Arrey, 380 Dolores Dr. NW, 87105
 - Nancy Lesicka, 1719 55th Street NW, 87105
 - Dean Mccann, 1719 Tierra Del Oso Dr. NW, 87120
 - Norma Dominquez, 1419 Desert Bloom Court NW, 87120
 - Silviano Candalaria, 7509 Frederick Lane SW, 87121

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- Terry Carr, 3430 Dakota NE, 87110
- Manuel Morales, 308 Galataneu NW, 87110
- Dinah Theasher, 335 Galataneu NW, 87120
- Ron Romero, 511 Marble NW, 87102
- Ramona Torres Ford, 9010 Alexis SW, 87121
- Bert Lucero, 10900 Cartegena SW, 87121
- Leonard Utter, 7405 Fremont Place NW, 87121
- Gary Fain, 7320 Aladdin Court NW, 87121

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Consent to Assignment of Development Agreement

This Consent to Assignment of Development Agreement (“**Consent to Assignment**”) Agreement is made and entered into on April ~~June~~ 20th, 2011 by and between the Albuquerque Bernalillo County Water Utility Authority, a political subdivision of the State of New Mexico (“**Authority**”), and Western Albuquerque Land Holdings LLC, a Delaware limited liability company (“**WALH**”).

RECITALS

- A. The Authority and Westland DevCo, LP, a Delaware limited partnership (“**DevCo LP**”) entered into a Development Agreement dated August 31, 2007 (“**2007 Agreement**”).
- B. Per the Supplemental Order Adopting Special Master’s Report of Sale Confirming Sale, and Terminating Receivership, State of New Mexico County of Bernalillo Second Judicial District Court (the “**Court**”), Case No. CV-2009-14749 (the “**Order**”), the Court authorized and directed the Special Master (defined in the Order) to sign and deliver to WALH the Special Master’s Deed (the “**Special Master’s Deed**”) and Special Master’s Bill of Sale (the “**Bill of Sale**”) attached to the Order. The executed Special Master’s Deed was recorded in Bernalillo County on December 15, 2010, and the Bill of Sale was executed by the Special Master on December 15, 2010. Accordingly, per the Special Master’s Deed, all rights, title and interest in DevCo LP’s Real Property was transferred to WALH, and per the Bill of Sale, all rights, title and interest in Personal Property was transferred to WALH.
- C. WALH owns approximately 54,000 acres of developed and undeveloped real estate in and adjacent to the City of Albuquerque, Bernalillo County, New Mexico (“**Property**”). Part of WALH’s holdings include approximately 4,000 acres (“**Development**”) which is the property that is the subject of the 2007 Agreement.
- D. WALH is successor-in-interest to DevCo LP’s rights and obligations of the 2007 Agreement.

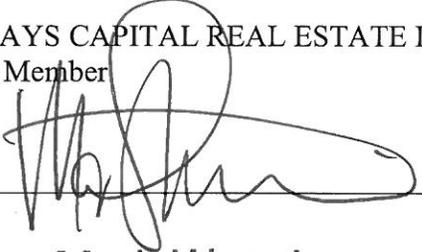
NOW, THEREFORE, in consideration of the mutual agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each of the parties hereto agree as follows:

1. Authority hereby consents to the assignment of the 2007 Agreement to WALH, in its entirety, unconditionally and without reservation.
2. WALH hereby accepts the assignment and agrees to assume all of DevCo, LP’s rights, obligations, and liabilities under the 2007 Agreement, unconditionally and without reservation.

IN WITNESS WHEREOF, the parties have executed this Consent to Assignment:

WESTERN ALBUQUERQUE LAND HOLDINGS LLC,
a Delaware limited liability company

By: BARCLAYS CAPITAL REAL ESTATE INC.
as Servicing Member

By:  _____

Name: Mark Wuest
Vice President

Title: _____

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY
a political subdivision of the state of New Mexico

By:  _____

Name: Mark S. Sanchez

Title: Executive Director

DEVELOPMENT AGREEMENT

The ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (“Authority”) and WESTLAND DEVCO LP, a Delaware limited partnership (“DevCo”) (together, “Parties”), agree:

Recitals.

A. DevCo, as the successor in interest to Westland Development Co. Inc., owns approximately 55,000 acres of property located both within the City of Albuquerque and in the unincorporated area of Bernalillo County (“DevCo’s Property”). Approximately 6,400 acres of DevCo’s Property (“Master Plan Area”), which is shown in Exhibit “A”, which is attached hereto and incorporated herein by reference, is governed by the Westland Master Plan which was adopted by Bernalillo County in 1997 and by the City of Albuquerque in 1998. Approximately 1,700 acres of the Master Plan Area, which is shown in Exhibit “B”, which is attached hereto and incorporated herein by reference, is currently being served by the Authority pursuant to the Pre-Annexation and Development Agreement dated November 19, 1998, as amended on July 11, 2006, between the City of Albuquerque and Westland Development Co., Inc. (“Pre-Annexation Agreement”). The Pre-Annexation Agreement has been assigned to the Authority and to DevCo. Approximately 4,000 acres of the Master Plan Area (“Development”) which is shown in Exhibit “C”, which is attached hereto and incorporated herein by reference, is located within the unincorporated area of Bernalillo County and is the subject of this Agreement. This Agreement will provide for the construction of facilities sufficient to meet the water supply and wastewater service needs, as determined by the Authority, for the Development and for the portions of the Cordero Mesa Business Park (“Cordero”) that are not located within the Master Plan Area.

B. Cordero, which is shown on Exhibit “D”, which is attached hereto and incorporated herein by reference, is an existing, partially developed commercial/industrial park that partially lies within the western portion of the Master Plan Area. Pursuant to the Intergovernmental Agreement Between County of Bernalillo, New Mexico and Albuquerque Bernalillo County Water Utility Authority For the Transfer of Ownership Of All Water Rights And Wastewater System And Service To The Westland Business Center (“Intergovernmental Agreement”), entered into by Bernalillo County and the Authority in December of 2004 and amended in March 2007, the Authority has provided partial water and wastewater service to businesses within Cordero.

C. Tesla Motors (“Tesla”) proposes to construct a new automobile manufacturing plant within Cordero and proposes to expand the manufacturing plant in the near future on approximately seventy-five (75) acres of land that will be dedicated by DevCo (together, the expansion of the manufacturing plant and the seventy-five acres are defined as “Plant Expansion”) outside of the Master Plan Area, adjacent to Cordero (together, the automobile manufacturing plant, the land required for the manufacturing plant and Plant Expansion are defined as “Tesla Facility”). Tesla has required, as a condition of constructing the Tesla Facility, that Tesla receive water and wastewater service from the Authority and land of approximately fourteen (14) acres in Cordero from Westside Economic Development, LLC and approximately 75 acres adjacent to Cordero from DevCo. A community master plan and site development plan, and compliance with the Authority’s Water and Wastewater System

Expansion Ordinance, shall be required before the Authority can provide water or wastewater service to the Plant Expansion.

D. The Parties desire to agree upon the terms and conditions pursuant to which the Authority will provide water and sanitary sewer service to the Development and to the Tesla Facility. In order for the Authority to provide sufficient water and sewer service to the Development on a timely basis, DevCo desires to construct or cause to be constructed a Future Well, 7W and 5W Reservoirs, Waterline, Sanitary Sewer Collection System, Sanitary Sewer Intceptor and potential future Treatment System, and Pump Station Facilities (collectively, "Facilities") under all relevant plans, specifications, requirements and standards of the Authority and in accordance with this Agreement. The Facilities will meet the minimum criteria and standards stated in Exhibit "E", which is attached hereto and incorporated herein by reference. This Agreement shall constitute the water and sanitary sewer serviceability letter for the Development and the Tesla Facility. A map generally reflecting the location of the Facilities is attached hereto as Exhibit "F", which is attached hereto and incorporated herein by reference (when referring to the waterline and sewerline, the singular includes the plural). The Future Well is not an obligation of the Authority or DevCo but is referenced herein only to permit the Authority or DevCo at their own discretion in the future to construct without further approvals.

E. The Authority and DevCo contemplate that in the future, additional development agreements may be required to provide for water and wastewater services to additional areas of DevCo's Property.

F. Pursuant to and in accordance with the Authority's Water and Wastewater System Expansion Ordinance, the Authority will, subject to the terms and conditions of this Agreement, reimburse DevCo for the construction of the Facilities, without interest, from a portion of Water and Sewer Utility Expansion Charges (the "UEC") collected as properties connect to the portion of the system constructed with funds provided by DevCo, but under no circumstances will any other fund sources of the Authority be used for such reimbursements and nothing in this Agreement will be construed to require the Authority to use any other fund sources, including, without limitation, charges for current water and sewer services, sustainable water supply charges, franchise fee charges, facility rehabilitation charges, sustainable water supply charges, water supply charges, income from miscellaneous services or property, or interest on funds or receivables (the "**Authority Reimbursement Policy**").

G. It is the intent of the Authority that development outside the Development and the Tesla Facility shall be required to pay or finance the cost of any water and sewer line expansions that are connected to the Facilities. If the Facilities are used to extend water and wastewater services to areas outside the Development and the Tesla Facilities, then any reimbursement from UEC to development outside the Development and the Tesla Facility utilizing the Facilities shall be subordinated to DevCo's right to reimbursement as set forth in Paragraph 7A below.

THEREFORE, the Parties agree:

1. **Conditions Precedent.** DevCo agrees that the obligations of the Authority to perform this Agreement, to provide water and wastewater service to the Development and to the

Tesla Facility, and to provide water and wastewater services to individual customers within the Development and the Tesla Facility are subject to and conditioned upon the following conditions precedent:

A. DevCo does not seek or use any other water supplier or become a water supplier itself for any portion of the Development or the Tesla Facility which the Authority agrees to serve pursuant to this Agreement;

B. DevCo executes a document in recordable form in which DevCo grants to the Authority a right of first refusal, agreeing that prior to a sale of same, DevCo shall offer to the Authority at fair market value any water rights within the Development and the Tesla Facility that are owned by DevCo;

C. DevCo unconditionally grants or dedicates to the Authority, in fee simple, with warranties of good and merchantable title, the lands and easements required for the construction and maintenance of the Facilities on property owned by DevCo, prior to the Authority's approval of work orders for the construction of the Facilities, in a location that is mutually agreeable to the parties. To the extent that the Facilities require grants or dedications of land in Cordero, the Authority shall expeditiously undertake to acquire any necessary fee simple title, easements or other rights as required by the Authority.

D. DevCo complies with and imposes the Authority's water conservation measures within the Development and the Tesla Facility that are applicable to all new residential, commercial, and industrial development within the Authority Service Area of the Authority, as set forth in the City of Albuquerque's Water Conservation Landscaping and Water Waste Ordinance, Bernalillo County's Water Conservation Ordinance, and the Authority's Water Waste Ordinance, as amended from time to time during the term of this Agreement by the Board of Directors of the Authority in the legislative discretion of the Board of Directors. A copy of the current ordinances referenced in this Paragraph E are attached to this Agreement as Exhibit "G", which is attached hereto and incorporated herein by reference.

E. DevCo completes the construction and installation of the Facilities according to the approved plans and specifications.

F. The Authority accepts the Facilities.

G. DevCo complies with the Authority's Water and Sewer System Expansion Ordinance, as amended from time to time during the term of this Agreement by the Board of Directors of the Authority in the legislative discretion of the Board of Directors. A copy of the current Water and Sewer System Expansion Policies Ordinance is attached to this Agreement as Exhibit "H" which is attached hereto and incorporated herein by reference.

H. DevCo or individual customers within the Development and the Tesla Facility pay the UEC and the water supply charge rates that are imposed at the time of a service connection to the System within the Development or the Tesla Facility, as provided in the Authority's Water and Sewer Rate Ordinance, as amended from time to time during the term of this Agreement by the Board of Directors of the Authority in the legislative discretion of the

Board of Directors. A copy of the current Water and Sewer Rate Ordinance is attached to this Agreement as Exhibit "I", which is attached hereto and incorporated herein by reference.

I. The County of Bernalillo amends the Westland Master Plan to include within the Master Plan area, any land outside the Master Plan Area upon which the Tesla Facility will be located and that is required to provide water and wastewater services to the Tesla Facility.

2. **Master Plan Supplement and Service Area.** DevCo shall prepare a review and, if necessary, revisions, of the Master Plan Supplement to the 1978 Wastewater Master Plan to reflect as-built conditions in the Master Plan Area, conditions in adjacent areas served by the Authority, and applicable Authority plans and policies for new construction of wastewater facilities in the Master Plan Area. DevCo acknowledges that the Authority Service Area may only be extended through Board approval through a separate Resolution.

3. **Initial Development.** Upon the construction of the Facilities, the Development and the Tesla Facility shall be served by the Authority with sufficient water and wastewater to service each phase of construction, in accordance with the Authority's Water and Wastewater System Expansion Ordinance.

4. **Future Development.** Upon DevCo's development of the portions of DevCo's Property outside of the Development and the Tesla Facility, DevCo and the Authority shall enter into one or more future development agreement(s) ("Future Agreements") that contain mutually agreeable terms and conditions. The Future Agreements shall provide, among other things, that the provision of water and wastewater service to the remainder of DevCo's Property shall comply with the Authority's then current guidelines, policies and ordinances.

5. **Design and Construction of the Facilities.**

A. DevCo will cause definitive designs and plans of the Facilities to be produced which will include estimates of all costs and expenses of construction and installation and all engineering fees. The Facilities will be designed to comply with all applicable plans, specifications and standards of the Authority. Sizing for the Facilities and capacity of the Facilities to serve the Development will be determined by the Authority and DevCo, by mutual agreement, but will be sufficient to provide water and wastewater services to the Development and the Tesla Facility, and such other areas as the Authority and DevCo may jointly anticipate will be served in the future by the Facilities. DevCo will convey to the Authority, at no expense to the Authority, all necessary real property, in fee simple title, and all necessary easements, both with warranties of good and merchantable title, free and clear of all liens and claims and subject to encumbrances of record acceptable to the Authority for the construction, operation and maintenance of the Facilities. DevCo shall, at its sole cost and expense, provide all metes and bounds descriptions for the conveyance of real property and easements. DevCo will obtain all necessary permits, assurances and approvals from the N.M. Department of Transportation, U.S. Department of the Interior and any other applicable public agencies, and will deliver a copy of such conveyances, permits, assurances and approvals to the Authority prior to the start of construction.

B. Pursuant to the Authority's Resolution No. R-05-13, DevCo shall incorporate into the Development planning documents, water conservation guidelines designed so that each user can achieve water usage of one hundred and eighty (180) gallons per household for an average day, which is equivalent to seventy-five (75) gallons per capita per day. When available and economically feasible, outdoor water usage for public purposes shall utilize reclaimed water. In the event that grey water systems are incorporated into the Development, the reclaimed grey water shall be included in the water usage limitations. DevCo shall submit a written analysis, stamped by a Registered Professional Engineer in New Mexico of the proposed methodology to meet the 180 gallons per household per day water usage. The analysis shall include a compilation of estimated water usage for the household separating indoor and outdoor usage.

C. DevCo will construct or cause to be constructed the Facilities based on the phasing plan, which is consistent with the Master Plan, as set forth in Exhibit "J" ("Phasing Plan"), which is attached hereto and incorporated herein by reference. The Authority approves the Phasing Plan, agrees that the Phasing Plan will allow provision of timely water service to the Tesla Facility, currently scheduled to open in the first quarter of 2008, and to the Development, and finds that such Phasing Plan is consistent with the Master Plan. Any revisions to the Phasing Plan will be mutually agreed upon by the Executive Director of the Authority and DevCo, which approval will not be unreasonably withheld. Consistent with the Phasing Plan, the design and construction of the Facilities will be in conformance with the construction plans and specifications approved by the Authority and all applicable plans, specifications and standards of the Authority. The Authority will approve in advance the engineer's estimate before a contract is let to bid by DevCo and the Authority will approve the contractor's bid before the contract is awarded by DevCo. All construction will be procured through a competitive bidding process with the solicitation of not less than two (2) bids.

D. In accordance with the Utility Development and Planning Guiding Principles (R-07-6), and to better manage and protect the Authority's water sources, the Authority shall ensure that System expansion be phased in an orderly manner through adjacent pressure zones within the Authority Service Area. In order to accommodate a logical, efficient, and rational progression of utility services provided by the Authority, residential construction may not commence in the Development located in Pressure Zones 5W, 6W and 7W, until the following condition is satisfied: final plat approval is obtained for seventy percent (70%) of the lands zoned RR (Residential Resort) and R-LT (Residential) as of the date of this Agreement, the acreage of said lands is specifically called out in the Sector Plan – Land Use Map approved by City Council on May 18, 1999 (a copy of which is attached hereto as Exhibit "K", which is attached hereto and is incorporated herein by reference) in Pressure Zones 2W, 3WR and 4W.

Nothing in this Agreement shall be construed to limit or in any other way hinder the development of: (1) the commencement of earthwork, construction or development of industrial, manufacturing, retail and commercial buildings, office or research and development buildings or facilities or public facilities, so long as the same are constructed in accordance with the land use phasing criteria set forth in governing Westland Master Plan and/or City or County Sector Plan; (2) construction of the Facilities pursuant to the schedule set forth in the Phasing Plan in Paragraph 5B of this Agreement; or (3) any other requirement imposed by any government entity in furtherance of the Development or as required by law.

E. DevCo will be responsible for close coordination of the project with the Authority during the design and construction phases, including review of the design details during the design process, and the approval of specifications and contract documents. Estimated costs of design, construction and engineering fees will be approved by the Authority in writing prior to commencement of final design work. The Authority will have thirty (30) days from the date of submission to the Authority of the final estimate by DevCo to approve the estimate or to object in writing to all or part of the estimate. If the Authority objects to the estimate, the Authority will give DevCo written notice, stating with particularity the nature and basis of each objection. Within thirty (30) days after notice of objection to the estimate, DevCo will give the Authority written notice that DevCo: (i) accepts the objection, in which event DevCo will give a revised estimate to the Authority reflecting the Authority's objections; or (ii) rejects the Authority's objections, in which event DevCo will give the Authority written notice stating why DevCo will not modify the estimate. If DevCo elects to reject the objection of the Authority, the Authority can then accept the estimate without modification or require that the objection be mediated as provided in the Public Works Mediation Act, Section 13-4C-1, NMSA 1978. If the Authority does not object to the estimate within thirty (30) days after submission by DevCo, the Authority will be deemed to have accepted the estimate. Authority will review and approve in a timely manner the plans and specifications for construction and the cost and expense estimates to ensure the designs, plans and specifications meet Authority standards and follow the guidance provided in the Authority's Facility Design Manuals. The Authority will be consulted on problems encountered, and will have final approval of proposed modifications and change orders during the construction phase. DevCo shall include a fully executed copy of this Agreement with all documentation submitted to the Authority pursuant to this paragraph specifically referencing this Paragraph 5D.

F. Within thirty (30) days after the acceptance of the Facilities by the Authority, DevCo shall provide the Authority with as-built surveys of the Facilities in accordance with the Authorities specifications for as-built surveys.

G. The Authority's right to review and approve the design and the plans and specifications for the Facilities and other documents is for the purpose only of determining that the design, plans, specifications and other documents comply with this Agreement and the applicable specifications and standards of the Authority. The approval of the design, plans and specifications and other documents for the Facilities does not imply or constitute approval for any other purpose, including, without limitation, the adequacy of the design or specifications or the determination that the design or specifications are free from error. The Authority shall not have the right to direct or to control the means or methods of the design or construction of the Facilities.

H. Within thirty (30) days after the Authority accepts the Facilities, DevCo shall assign all warranties with respect to the Facilities to the Authority.

6. **Payment for and Acquisition of the Facilities.**

A. Reimbursement to DevCo for the Facilities will be financed as provided in the Authority's Water and Wastewater System Expansion Ordinance.

B. DevCo will bear the initial cost for the complete design studies, design, construction, construction management, inspection, testing, staking, and fees and taxes in connection with the Facilities. The Authority will review and approve all submittals in a prompt and reasonable manner, which approval will not be unreasonably withheld, and will assist in the effort to meet the timeframe for Tesla to open its manufacturing facility in the first quarter of 2008 and for the construction of the Development.

C. The Authority will reimburse DevCo for all reasonable, preapproved direct costs associated with the completed Facilities except for those costs which DevCo is otherwise obligated to pay under the Authority's Water and Wastewater System Expansion Ordinance. The amount of the reimbursement payment will not include any interest. Costs will include the costs of design, construction (the aggregate amount of the construction contracts awarded), construction management, inspection, testing, staking, all associated Authority administrative fees and state and local option gross receipts taxes incurred by DevCo in the construction of the Facilities. The engineering costs of design, construction management, inspection, testing, and staking and any geo-technical work, environment studies, and any applicable permitting from the New Mexico Department of Transportation, the Federal Highway Administration, the U.S. Department of Interior, County of Bernalillo, City of Albuquerque and any other applicable local, state and/or federal agencies. The amounts subject to reimbursement will be limited to the extent that such costs would have been allowed if engineering services were contracted by the Authority, that is, the amount to be reimbursed is, limited by the multiplier utilized in Authority contracts and according to standard Authority design fees.

7. **Reimbursement.**

A. Reimbursement to DevCo by the Authority will be on a fiscal year quarterly basis, beginning one year after conveyance to and acceptance by the Authority of the Facilities and all land and easements required to be conveyed to the Authority by this Agreement. Reimbursement is contingent upon and will be provided when the water and sewer users pay UEC to the Authority. DevCo will be reimbursed from the UEC collected by the Authority as properties connect to the Facilities. Under no circumstances will any other fund sources of the Authority be used for such reimbursements and nothing in this Agreement will be construed to require the Authority to use any other fund sources, including, without limitation, charges for current water and sewer services, franchise fee charges, facility rehabilitation charge, sustainable water supply charges, water supply charges, income from miscellaneous services or property, or interest on funds or receivables. When the Authority collects UEC from properties that connect to the Facilities equal to eighty percent (80%) of the prorated design and construction cost of the Facilities that serve areas outside the Development and the Tesla Facility, the Authority may, but shall have no obligation to, reimburse DevCo from revenue sources of the Authority other than UEC. Reimbursement will be in the form of cash payments computed in accordance with this Agreement. Example calculations are provided in the attached Exhibit "L", which is attached hereto and incorporated herein by reference.

B. Upon mutual agreement of the Authority and DevCo, the Authority may accept payment from DevCo for design and construction costs, engineering management fees and contract for the design and construction of the project itself in which event the estimates of costs and fees will be approved in advance by DevCo.

C. DevCo will provide the Authority with calculations, itemized invoices, receipts and waivers of liens from subcontractors together with supporting documentation, on a monthly basis as construction proceeds indicating the amounts that the Authority is or will be obligated to pay.

D. The Authority shall create a segregated account ("Account") to deposit the funds received through utility expansion charges collected by the Authority as properties connect to the Facilities. The Account shall be utilized for reimbursement to DevCo. Records of the Account shall be made available to DevCo for inspection from time to time but not more than twice annually.

E. DevCo will not receive any kind of management fee or profit for its services rendered in connection with the design and construction of the Facilities. DevCo will render these services in consideration for the covenants and obligation of the Authority under this Agreement.

8. **Lot Approval Prior to Facility Completion.** With the exception of Cordero, the filing of Final Subdivision plats for lots within the Development may not occur until the Facilities associated with such plats are accepted by the Authority and the Facilities are in service or alternatively financially guaranteed in accordance with §74-72 through §74-74 of the Bernalillo County Subdivision Ordinance. The Facilities will be on the County Development Review Authority ("CDRA") approved infrastructure list for all subdivision plat approvals within the Development.

9. **Acquisition and Ownership of the Facilities.**

A. Upon completion of the construction of all or a phase of the Facilities in accordance with the approved plans and specifications, the Authority will, in writing, accept the Facilities, and DevCo will convey, by appropriate instrument to the Authority, all warranties and title to all of DevCo's real property, easements, and personal property interests in or related to such Facilities, with warranties of good and merchantable title, free and clear of all liens and claims, and subject to encumbrances of record acceptable to the Authority. The Authority will thereby acquire such Facilities and property interests, which will become part of the Authority's property, fully owned by the Authority. DevCo will fully maintain and accept risk of loss and liability for the Facilities and the site upon which they are located prior to acceptance by the Authority. DevCo shall not operate and will have no responsibility to maintain or operate the Facilities after acceptance by the Authority. During construction of the Facilities and until the Facilities are accepted by the Authority, DevCo will maintain the premises and adjacent areas upon which the Facilities will be located in a safe and secure condition.

B. The Authority will have right of access to the Facilities and the construction sites of the Facilities during construction in order to make inspections at the Authority's discretion, and for the Authority's sole benefit. The Authority shall have no obligation or duty to inspect the Facilities or the construction sites of the Facilities. The Authority's right of inspection is for the purpose of determining whether or not the Facilities are being constructed in accordance with this Agreement. The Authority shall have no authority to direct the means or methods of the construction of the Facilities.

C. Upon satisfaction of all conditions precedent, the Authority agrees to provide water and sewer service to the Development and the Tesla Facility, in accordance with the Authority's Water and Wastewater Expansion Ordinance and Water and Sewer Rate Ordinance, as soon as each phase of the Facilities are completed and accepted, which acceptance will not be unreasonably withheld.

10. **Termination.** Subject to force majeure or delays caused in whole or in part by the Authority, if construction of the Facilities by DevCo has not been completed and accepted by the Authority within seven (7) years after the effective date of this Agreement, this Agreement shall automatically terminate and the Authority and DevCo shall have no further rights, obligations or liabilities with respect to this Agreement or with respect to each other, unless otherwise agreed in writing.

11. **Water for Construction.** During the construction of the Development, DevCo agrees to utilize alternative methods as approved by the City of Albuquerque's Air Quality Division for dust abatement and control if economically feasible. DevCo may purchase water for construction from the Authority from the nearest approved fire hydrant in accordance with the Authority's Water and Sewer Rate Ordinance. Water purchased from the Authority shall be used only for construction.

12. **Indemnification.** DevCo will indemnify, defend and hold harmless the Authority and its officials, agents and employees from any claims, actions, suits or other proceedings for personal injuries, including death, and damage to property that arises from (i) the negligent acts or omissions of DevCo, its agents, representatives, contractors or subcontractors during the construction and ownership by DevCo of each phase of the Facilities that occur prior to the date of acceptance by the Authority of such phase of the Facilities and (ii) that arise from the failure of DevCo, its agents, representatives, contractors or subcontractors to perform any act or duty required of DevCo in this Agreement. After the date of acceptance of a phase of the Facilities, by the Authority, DevCo's obligation to indemnify, defend and hold harmless the Authority as provided in this Paragraph with respect to that phase of the Facilities shall only extend to personal injuries, including death, and property damage that arise from latent defects that existed at the time of acceptance of such phase of the Facilities. The indemnification by DevCo will not extend to the negligent acts of the Authority.

13. **Representations and Warranties of the Authority.** The Authority represents and warrants that:

A. The Authority has all requisite power and authority to enter into this Agreement and bind the Authority under the terms of this Agreement;

B. The undersigned officials of the Authority are fully authorized to execute this Agreement on behalf of the Authority; and

C. The Authority has the authority to reimburse DevCo for the Facilities, and to reimburse DevCo in the manner and subject to the limitations set forth in this Agreement.

14. **Representations and Warranties of DevCo.** DevCo represents and warrants that:

- A. DevCo is validly existing under the laws of the State of New Mexico;
- B. DevCo has all the requisite power and authority to enter into this Agreement and to bind DevCo under the terms of this Agreement; and
- C. The undersigned officers of DevCo are fully authorized to execute this Agreement on behalf of DevCo.

15. **Source and Priority of Payments from the Authority.** Notwithstanding any other provision of this Agreement to the contrary, the Authority and DevCo agree that:

A. New Mexico Laws 2003, Chapter 437, Section 1 provides that debts of the City of Albuquerque water and wastewater utility shall be debts of the Authority, and that the Authority shall not impair the rights of any bondholders of outstanding bonds of the City of Albuquerque water and wastewater utility. Nothing in this Agreement shall be deemed to require the Authority to use funds or to do any act that will impair the right of any bondholders of outstanding bonds of the Albuquerque water and wastewater utility.

B. Nothing in this Agreement shall be deemed to require the Authority to use funds or to do any act that will impair the right of any bondholders of outstanding bonds of the Authority.

C. The obligations of the Authority under this Agreement ("Authority Obligations"), which include, without limitation; any obligation of the Authority for damages, will be special limited obligations of the Authority and will be payable, collectible, or reimbursable solely from the UEC collected by the Authority as properties connect to the Facilities constructed with funds provided by DevCo (collectively, "Revenues"). DevCo may not look to any general or other fund, including, without limitation, charges for current water and sewer services, franchise fee charges, facility rehabilitation charges, sustainable water supply charges, water supply charges, income from miscellaneous services or property, or interest on funds or receivables, for the payment of the Authority Obligations except the Revenues. The Authority Obligations will not constitute an indebtedness of the Authority, within the meaning of any constitutional, charter, or statutory provision or limitation, nor will the Authority Obligations be considered or held to be general obligations of the Authority. Costs or expenses of Project Infrastructure that are paid by grants, including state, federal and local government, grants, will not be reimbursable costs or expenses. The Authority will administer grants received by DevCo without cost to DevCo.

16. **Compliance with Law.**

A. To the extent applicable, the procedures and documentation, as provided and required in the Bernalillo County Subdivision Ordinance, will be followed and used in connection with the Facilities.

B. In order to provide sufficient water supply for the planned development of areas within the unincorporated areas of Bernalillo County and the City of Albuquerque not currently served by the Authority, the Authority adopted "Guiding Principles" (R-07-6) on April 18, 2007 regarding the Authority's "no net expense" policy which is applicable to the Development and the Tesla Facility and to the parties' rights and obligations under this Agreement.

C. DevCo shall comply with all applicable federal, state and local laws and ordinances, including the Authority's ordinances and the Westland Master Plan in the performance of its obligations under this Agreement, the construction of the Facilities, and the development of the Development.

17. **Service Rates.** The individual users within the Development and the Tesla Facility will be subject to the water and sewer rates as set forth in the Authority's Water and Sewer Rate Ordinance, as amended from time to time during the term of this Agreement by the Board of Directors of the Authority in the legislative discretion of the Board of Directors.

18. **Notice.** Any notice to be given under this Agreement will be in writing and will be deemed to have been given when deposited in the United States Mail postage prepaid, addressed:

If to the Authority:

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY
AUTHORITY
One Civic Plaza, Room 5012
Albuquerque, New Mexico 87102

with a copy to:

Mark S. Sanchez
Executive Director
Albuquerque Bernalillo County Water Utility Authority
One Civic Plaza, Room 5012
Albuquerque, New Mexico 87102

If to DevCo:

Will Steadman
Division President
401 Coors Boulevard
Albuquerque, NM 87121

with a copy to:

Bruce Cook
Westland DevCo LP
2392 Morse Avenue
Irvine, CA 92614

19. **Assignment.** This Agreement will not be assigned without the prior written consent of the Authority and DevCo, except DevCo may assign this Agreement, or delegate its duties hereunder, to an affiliate or a successor owner or developer of all, or substantially all, of the Development. Assignments not permitted herein shall require the approval of the Authority's Executive Director, which approval shall not be unreasonably withheld so long as the prospective assignee has the financial capability to fulfill DevCo's obligations hereunder. If so assigned, this Agreement will extend to and be binding upon the successors and assigns of the parties hereto.

20. **Miscellaneous.** This Agreement will be governed by and interpreted in accordance with the laws of the State of New Mexico. The headings used in this Agreement are for convenience only and shall be disregarded in interpreting the substantive provisions of this Agreement. This Agreement binds and benefits the Authority and DevCo and their successors, assigns, transferees, heirs, devisees and personal representatives. Time is of the essence of each term of this Agreement. If any provision of this Agreement is determined by a court of competent jurisdiction to be void, invalid, illegal or unenforceable, that portion will be severed from this Agreement and the remaining parts will remain in full force as though the invalid, illegal, or unenforceable portion had never been a part of this Agreement.

21. **Binding on DevCo's Property.** The obligations of DevCo set forth herein shall be binding upon DevCo, its successors and assigns and on the Development and that portion of Cordero and the Tesla Facility which are owned by DevCo and shall be covenants running with the land.

22. **Approval.** This Agreement is subject to the approval of the Board of Directors of the Authority and will not become effective until such approval.

23. **Integration; Interpretation.** This Agreement contains or expressly incorporates by reference the entire agreement of the parties with respect to the matters contemplated by this Agreement and supersedes all prior negotiations; provided, however, that nothing herein shall affect, modify or negate the rights and obligations of the parties set forth in the Pre-Annexation and Development Agreement with respect to the portion of the Development and the Tesla Facility described therein. This Agreement may only be modified in writing executed by all parties.

24. **Breach/Default.** In the event of default by either party to this Agreement which is not cured within thirty (30) days following written notice from the other party, the non-defaulting party shall be entitled to any remedy available at law or equity.

24. **Forum Selection.** Any cause of action, claim, suit, demand, or other case or controversy arising from or related to this Agreement shall only be brought in a state district court located in Bernalillo County, New Mexico or in a federal district court located in New Mexico. The parties irrevocably admit themselves to, and consent to, the jurisdiction of either or both of said courts. The provisions of this section shall survive the termination of this Agreement.

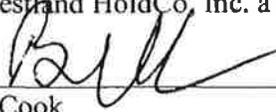
Dated: _____, 2007.

ALBUQUERQUE BERNALILLO
COUNTY WATER UTILITY AUTHORITY

By: 
Mark S. Sanchez
Executive Director

WESTLAND DEVCO LP, a
Delaware limited partnership

By: Westland HoldCo, Inc. a General Partner

By: 
Bruce Cook
Executive Vice President

ACKNOWLEDGMENTS

STATE OF NEW MEXICO)

)ss *see attached*

COUNTY OF BERNALILLO)

This instrument was acknowledged before me this _____ day of _____, 200__, by Bruce Cook, Executive Vice President of Westland HoldCo, Inc., a General Partner of Westland DevCo LP, a Delaware limited partnership.

(SEAL)

Notary Public

My commission expires:

STATE OF NEW MEXICO)

)ss

COUNTY OF BERNALILLO)

This instrument was acknowledged before me this 31st day of August, 2007, by MARK S. SANCHEZ, as Executive Director of ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY.

(SEAL)  OFFICIAL SEAL
Patricia A. Jenkins
NOTARY PUBLIC
STATE OF NEW MEXICO
Commission Expires: 2-11-09

Patricia A. Jenkins

Notary Public

My commission expires:

2-11-09

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of orange

On september 5 2007 before me, JASON FRY, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared BULL v COCK
Name(s) of Signer(s)

personally known to me

(or proved to me on the basis of satisfactory evidence)



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Jason Fry
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

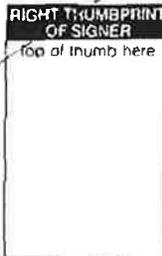
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

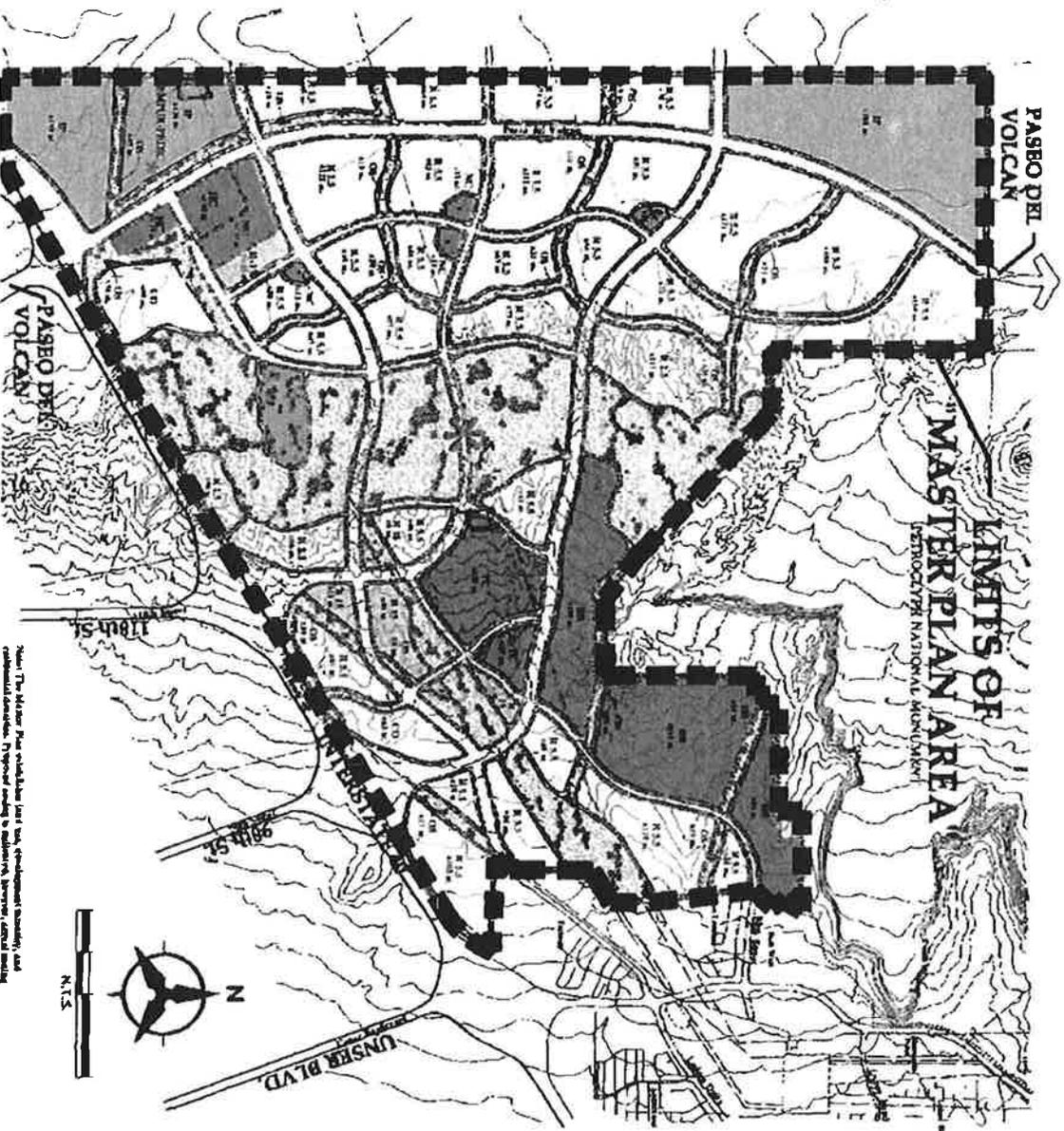


Signer Is Representing: _____

EXHIBIT "A"

Westland Master Plan

LAND USE/ZONING PLAN



Note: The Master Plan includes just the development boundary and commercial districts. It does not include residential, industrial, or other zoning.

- B1D Residential - 2.5 du/acre average / SU-PDA
- B1C Residential - 2.5 du/acre average / SU-PDA
- B1B Residential - 1.5 du/acre average / SU-PDA
- B1A Residential/Recreation - 2.9% of 5 du/acre average / SU-PDA
- C1 Neighborhood Commercial / C-1
- C2 Highway Commercial / C-2
- C3 Town Center - 20% of 24 du/acre average / SU-PDA
- C4 Corporate Office / C-1
- C5 Industrial Park / M-1
- C6 Trails / Driveway Carports / Open Space
- C7 Medical / C-1
- C8 Address Terrace / Major Public Open Space
- C9 * This symbol is restricted to utilities, drainage, and trails. Roadway and other transportation facilities may be added if the City Council determines that they are required to serve the area's transportation needs.

Westland Development

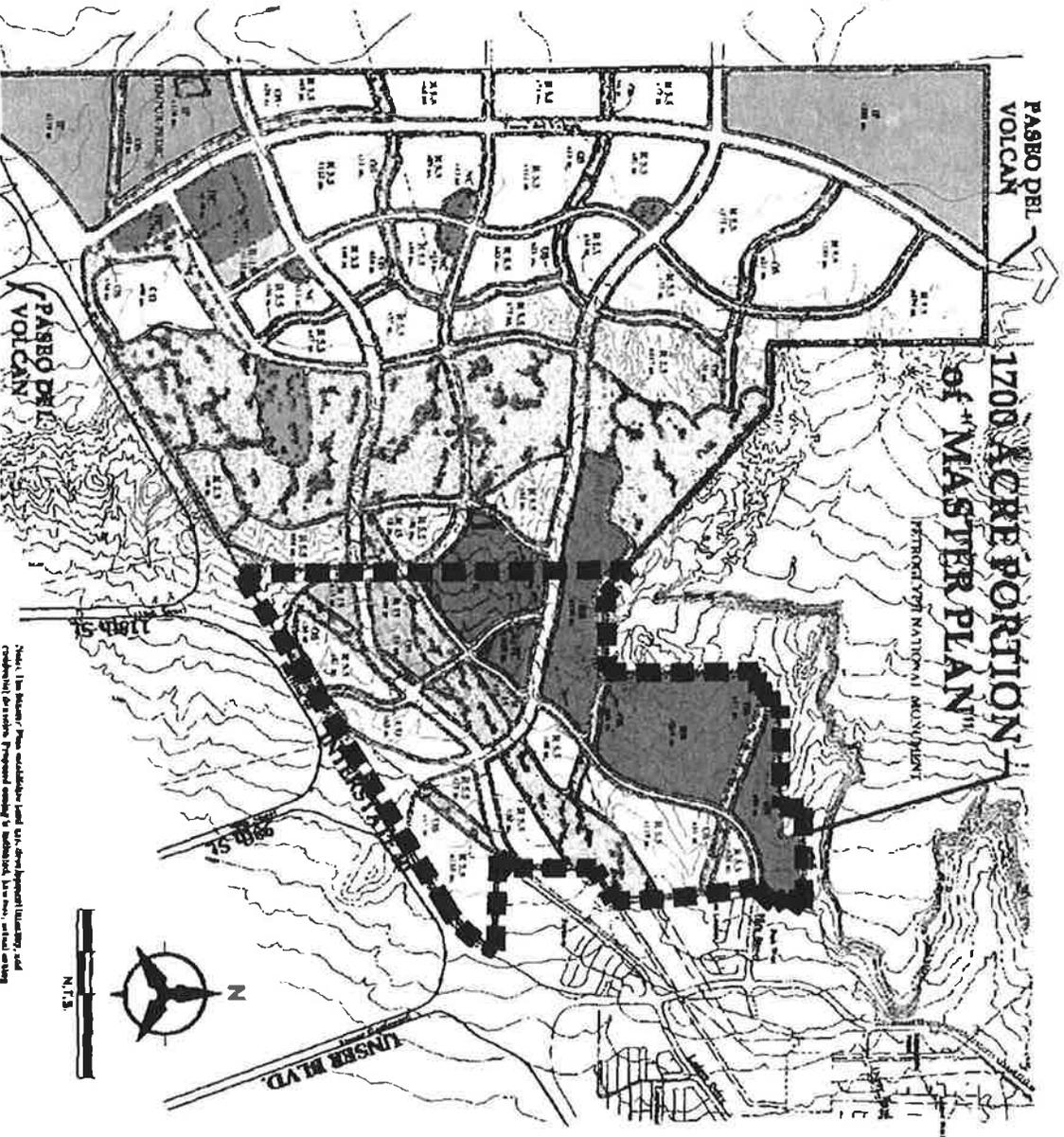
Prepared By

Westland Development
CONSENSUS PLANNING, INC.

EXHIBIT "B"

Westland Master Plan

LAND USE/ZONING PLAN



Note: The Master Plan includes land use designations, zoning, and other information. The information provided on this map is for informational purposes only. It is not intended to be used as a legal document.

- Residential - 13 du/acre average / SU-PDA
- Residential - 14 du/acre average / SU-PDA
- Residential - 15 du/acre average / SU-PDA
- Residential - 16 du/acre average / SU-PDA
- Residential - 17 du/acre average / SU-PDA
- Residential - 18 du/acre average / SU-PDA
- Residential - 19 du/acre average / SU-PDA
- Residential - 20 du/acre average / SU-PDA
- Residential - 21 du/acre average / SU-PDA
- Residential - 22 du/acre average / SU-PDA
- Residential - 23 du/acre average / SU-PDA
- Residential - 24 du/acre average / SU-PDA
- Residential - 25 du/acre average / SU-PDA
- Residential - 26 du/acre average / SU-PDA
- Residential - 27 du/acre average / SU-PDA
- Residential - 28 du/acre average / SU-PDA
- Residential - 29 du/acre average / SU-PDA
- Residential - 30 du/acre average / SU-PDA
- Residential - 31 du/acre average / SU-PDA
- Residential - 32 du/acre average / SU-PDA
- Residential - 33 du/acre average / SU-PDA
- Residential - 34 du/acre average / SU-PDA
- Residential - 35 du/acre average / SU-PDA
- Residential - 36 du/acre average / SU-PDA
- Residential - 37 du/acre average / SU-PDA
- Residential - 38 du/acre average / SU-PDA
- Residential - 39 du/acre average / SU-PDA
- Residential - 40 du/acre average / SU-PDA
- Residential - 41 du/acre average / SU-PDA
- Residential - 42 du/acre average / SU-PDA
- Residential - 43 du/acre average / SU-PDA
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- Residential - 45 du/acre average / SU-PDA
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- Residential - 83 du/acre average / SU-PDA
- Residential - 84 du/acre average / SU-PDA
- Residential - 85 du/acre average / SU-PDA
- Residential - 86 du/acre average / SU-PDA
- Residential - 87 du/acre average / SU-PDA
- Residential - 88 du/acre average / SU-PDA
- Residential - 89 du/acre average / SU-PDA
- Residential - 90 du/acre average / SU-PDA
- Residential - 91 du/acre average / SU-PDA
- Residential - 92 du/acre average / SU-PDA
- Residential - 93 du/acre average / SU-PDA
- Residential - 94 du/acre average / SU-PDA
- Residential - 95 du/acre average / SU-PDA
- Residential - 96 du/acre average / SU-PDA
- Residential - 97 du/acre average / SU-PDA
- Residential - 98 du/acre average / SU-PDA
- Residential - 99 du/acre average / SU-PDA
- Residential - 100 du/acre average / SU-PDA
- Neighbourhood Commercial / C-1
- Highway Commercial / C-2
- Town Center - 35% at 24 du/acre average / SU-PDA
- Corporate Office / O-1
- Industrial Park / M-1
- Trails / Design Corridors / Open Space
- Regional Park
- Aerial Tramway / Major Public Open Space
- * This center is restricted to vehicle, driveway, and trail. Roadway and other transportation facilities may be added if the City Council determines that they are required to serve the land's transportation needs.

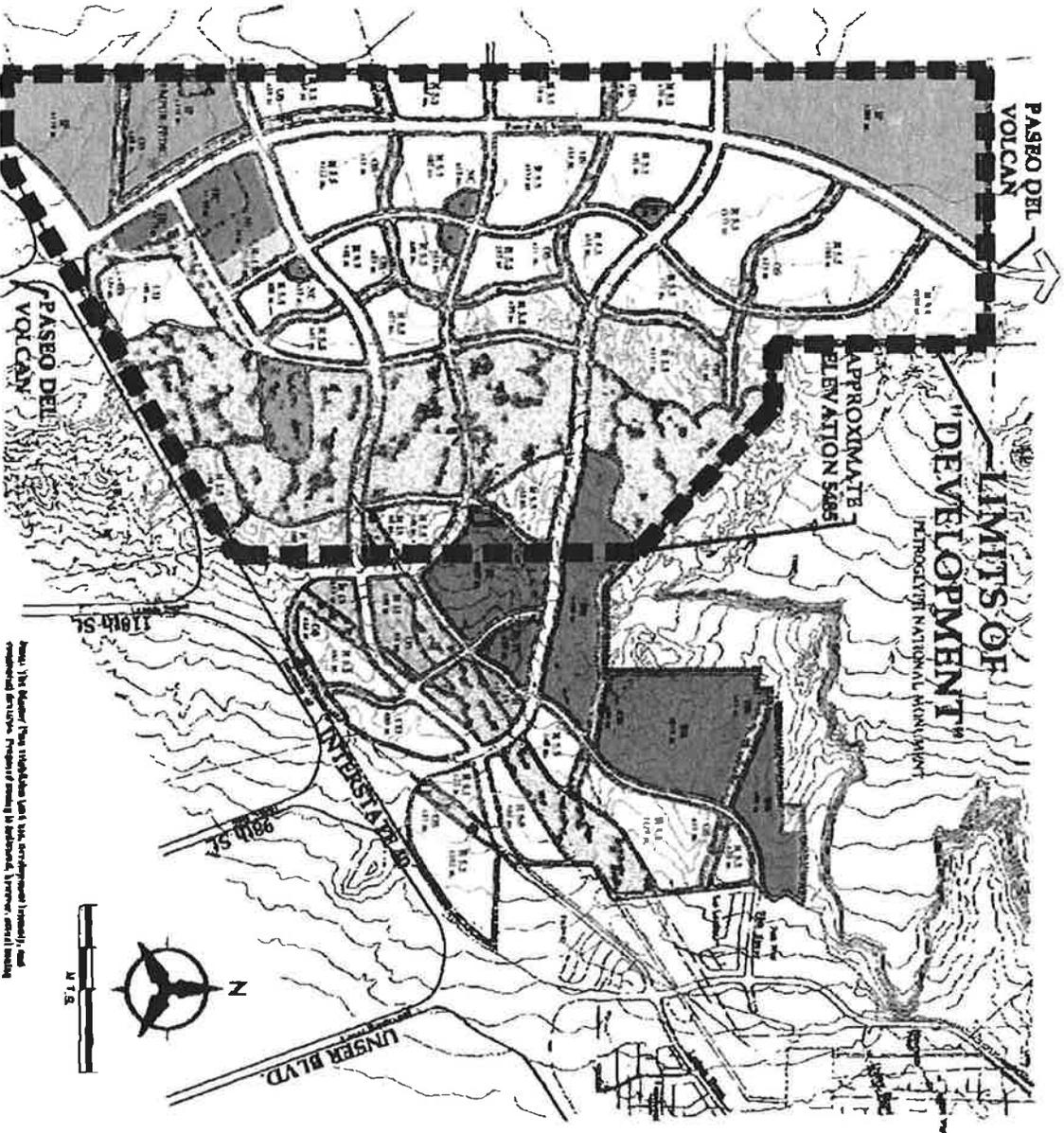
Westland Development
Prepared by
Westland Development
CONSENSUS PLANNING, INC.

EXHIBIT "C"

APRIL 20, 2007

Westland Master Plan

LAND USE/ZONING PLAN



Note: The Master Plan stipulates that the development intensity and residential density proposed herein be adjusted, however, until such time as the City Council determines that they are required to serve the most transportation needs.

-  Residential - 1.8 du/acre average / RI-PDA
 -  Residential - 4.1 du/acre average / SU-PDA
 -  Residential - 1.8 du/acre average / RU-PDA
 -  Medium-Density/Resort - 40% at 4 du/acre average / MU-PDA
 -  Neighborhood Commercial / C-1
 -  Highway Commercial / H-1
 -  Town Center - 30% at 24 du/acre average / TI-PDA
 -  Corporate Office / O-1
 -  Industrial Park / M-1
 -  Trails / Driveways / Open Space
 -  Regional Park
 -  Athletic Terrace / Active Public Open Space
- This center is restricted to utilities, drainage, and traffic. Roadway and other transportation facilities may be added if the City Council determines that they are required to serve the most transportation needs.

Westland Development

Prepared by
Westland Development
CONSENSUS PLANNING, INC.

EXHIBIT "D"

PROPOSED WATER and SANITARY SEWER SYSTEM "FACILITIES"

4/20/07

NOTE:
 1. PROPOSED WATER ALIGNMENT AND FACILITY
 LOCATIONS ARE ALTERNATIVE ONLY AND
 SUBJECT TO CHANGES. SCHEDULED
 CONSTRUCTION SHALL BE IN ACCORDANCE
 WITH THE WESTLAND DEVELOPMENT CO.
 SANITARY SEWER MASTER PLAN
 DEVELOPMENT, WESTLAND NORTH
 DEVELOPMENT, JUNE 2001, ON THE
 UPDATES.

NOTE:
 1. PROPOSED WATER ALIGNMENT AND FACILITY
 LOCATIONS ARE ALTERNATIVE ONLY AND
 SUBJECT TO CHANGES. SCHEDULED
 CONSTRUCTION SHALL BE IN ACCORDANCE
 WITH THE WESTLAND DEVELOPMENT CO.
 SANITARY SEWER MASTER PLAN
 DEVELOPMENT, WESTLAND NORTH
 DEVELOPMENT, JUNE 2001, ON THE
 UPDATES.

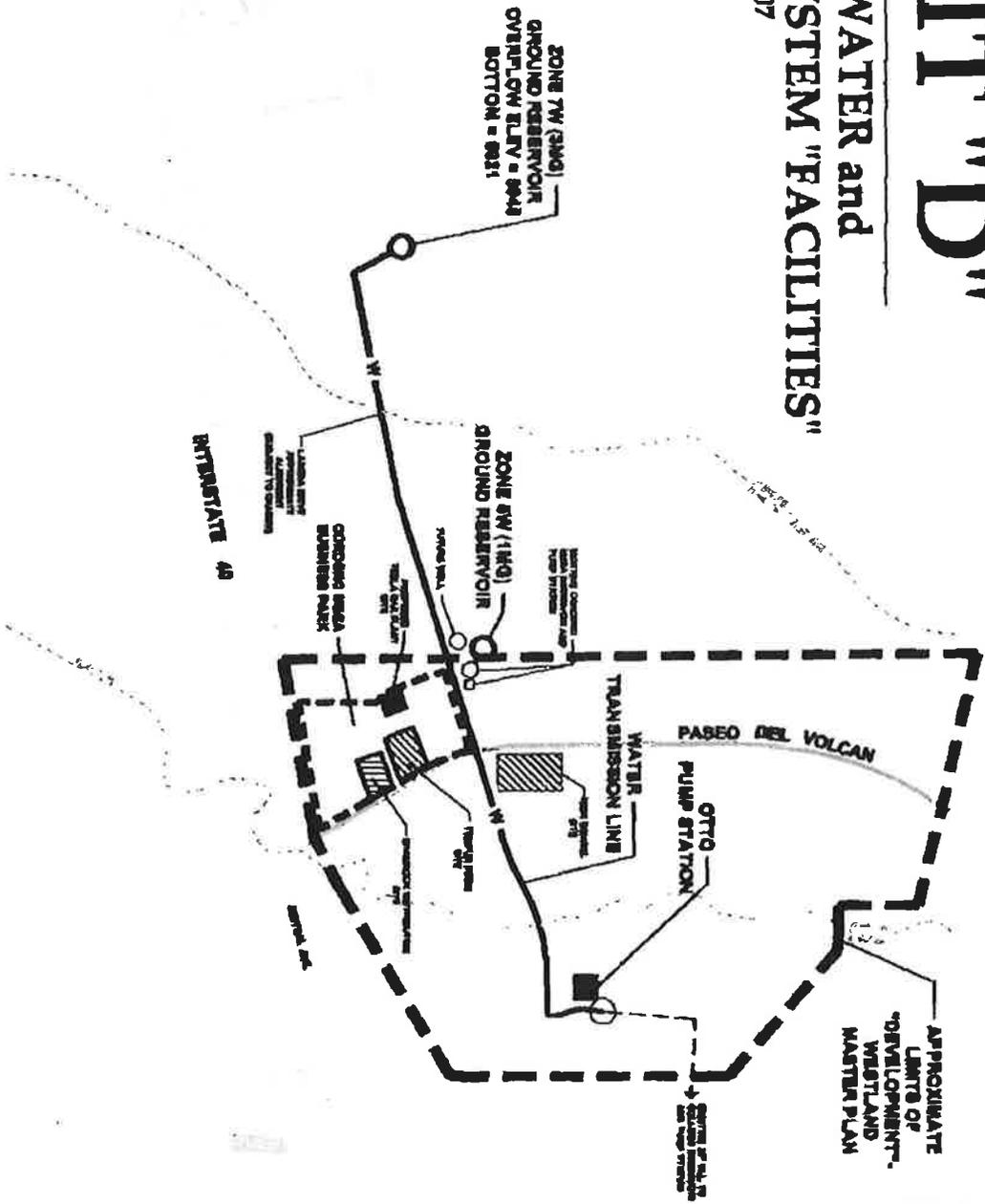


EXHIBIT "E"

CONSTRUCTION PHASING

PROPOSED WATER and SANITARY SEWER SYSTEM "FACILITIES"

5/9/07

- NOTES:**
1. CONCRETE SEWER ALTERNATIVE AND FACILITY CONSTRUCTION SHALL BE THE ONLY AND ESSENTIAL IN NATURE. THE ONLY AND ESSENTIALLY ALTERNATIVE.
 2. THE TRANSMISSION LINE AS SHOWN IS NOT THE SANITARY SEWER SYSTEM LINE. A SANITARY SEWER SYSTEM LINE IS PROVIDED IN THE FUTURE CONSTRUCTION DATES ARE PRELIMINARY AT THIS TIME.

EXTRACT SEWER SERVICE:
PROVISIONS OF SANITARY SEWER SERVICE TO THE DEVELOPMENT SHALL COMPLY WITH THE WESTLAND DEVELOPMENT CO INC., WESTLANDEN WATER PLAN (REVISED, WESTLAND NORTH DEVELOPMENT, JUNE 2001), ON THE DRAINAGE.

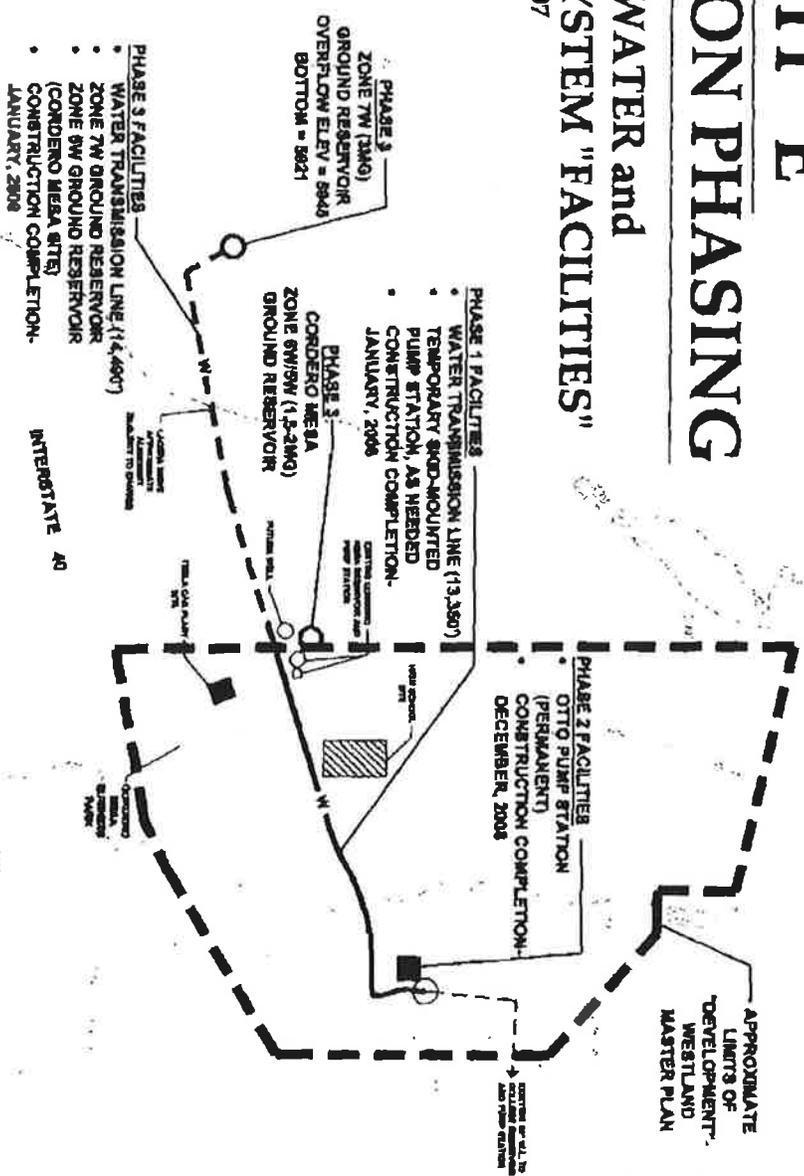


EXHIBIT "F"

GENERAL FACILITIES LOCATION

PROPOSED WATER and SANITARY SEWER SYSTEM "FACILITIES"

5/8/07

- NOTES:**
1. CONCEPTUAL, GENERAL, PRELIMINARY AND PROBABLY UNRELIABLE. CONSULT WITH THE DISTRICT AND CONTRACTORS FOR DETAILS.
 2. REQUIRED RESERVOIRS MAY NEED TO BE FULLY OR PARTIALLY GRADED.
 3. THE TRANSMISSION LINE IS SUBJECT TO NOT BE FULLY GRADED BY THE TIME THE TRANSMISSION LINE IS PROVIDED BY THE FUTURE.
 4. SCHEDULED COMPLETION DATES ARE PROVIDED AT THIS TIME.
- VARIABLE SEWER SERVICE:**
- PROVISIONS OF SANITARY SEWER SERVICE TO THE DEVELOPMENT ARE TO BE PROVIDED BY THE WESTLAND MASTER PLAN DEVELOPMENT, AREA 2007, ON ITS OPERATES.

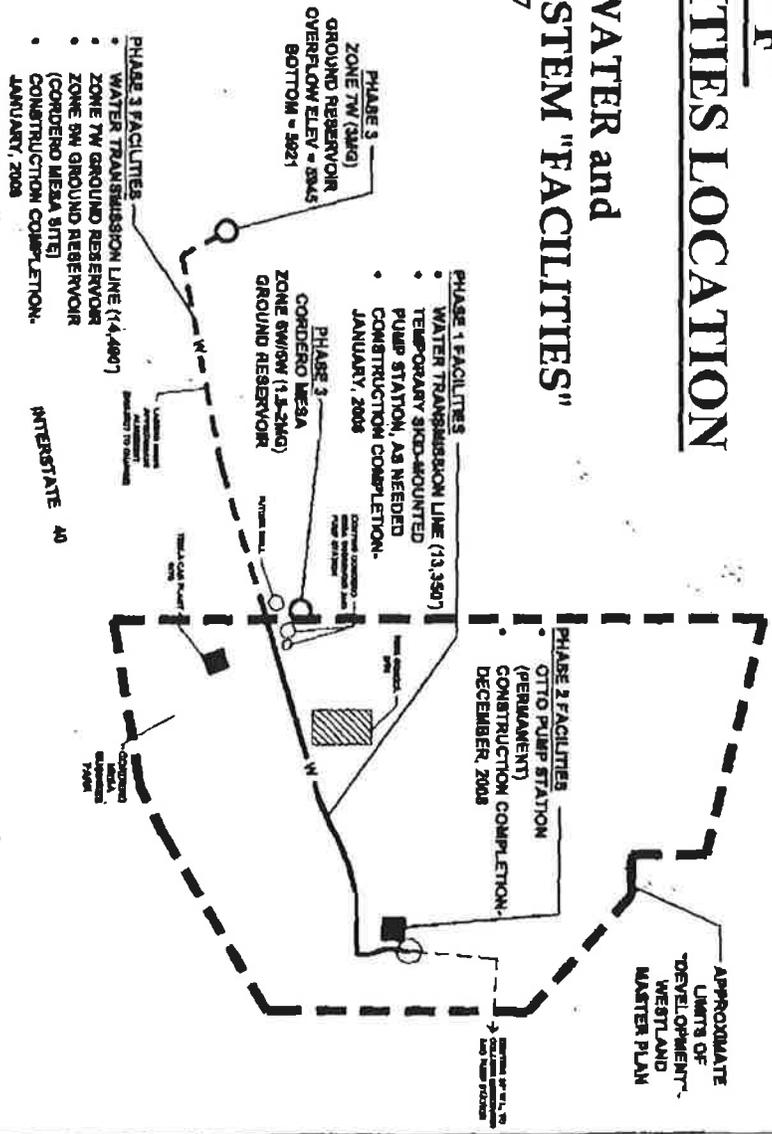
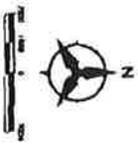


Exhibit "G"
Water Conservation Landscaping and Water Waste Ordinance

**ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
WATER WASTE ORDINANCE**

Section 4. WATER WASTE ORDINANCE

4-1-1. SHORT TITLE.

This article shall be known as the "Water Waste Ordinance."

4-1-2. INTENT.

(A) To assist in reducing overall per capita water use by 40%.

(B) To reduce yard irrigation and irrigation-related water waste, which comprise over 40% of the total annual water usage. To reduce peak summer usage, which is two to three times winter usage and determines the need for capital facilities to adequately meet system demand.

(C) To reduce water waste; i.e., overwatering, inefficient watering, or release of water which generates fugitive water in the public right-of-way. To reduce damage to publicly owned streets and the public expenditures necessary to repair the damage caused by this wasted water. To increase street safety by reducing the potential of frozen water on public right-of-way.

4-1-3. DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY. The Albuquerque Bernalillo County Water Utility Authority or its authorized agent. It includes the water and wastewater facilities and all operations and management of such facilities necessary to provide water and wastewater service in the Service Area.

BUBBLERS. Irrigation heads which deliver water directly to the soil adjacent to the heads.

CURBSIDE CAR WASHING. Car washing near a public right-of-way, hose sweeping, charity or fundraiser car washes, car washing on dealer lots.

CUSTOMER. Any person, association, corporation or other entity receiving Authority service in the Service Area.

DRIP IRRIGATION. Low pressure, low volume irrigation applied slowly, near or at ground level to minimize runoff and loss to evaporation.

DROUGHT. Drought occurs when there is insufficient precipitation combined with other environmental factors that cause an increase of overall water usage.

DROUGHT MANAGEMENT STRATEGY. The Authority's Drought Management Plan which contains four different drought severity levels, with each level containing increasingly stringent measures to reduce demand on the Authority's water system.

EVEN-NUMBERED PROPERTIES. Properties whose official address ends in an even number. Landscaped areas associated with a building will use the number of that building as their address. Only one address shall be used for a large landscaped area associated with one building or activity, even if the landscaped area is broken into many separate subareas.

EXECUTIVE DIRECTOR. The Executive Director of the Authority or his/her designee.

FUGITIVE WATER. The pumping, flow, release, escape, or leakage of any water from any pipe, valve, faucet, connection, diversion, well, or any facility for the purposes of water supply, transport, storage, disposal, recreational, cleaning process or delivery onto adjacent property or the public right-of-way.

**ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
WATER WASTE ORDINANCE**

HAND WATERING. The application of water for irrigation purposes through a hand-held hose, including hoses moved into position by hand and left to flow freely or through a shut-off nozzle.

INFILTRATION RATE. The amount of water absorbed by the soil per unit of time, usually expressed in inches per hour.

INSPECTION. An entry into and examination of premises for the purpose of ascertaining the existence or nonexistence of violations of this article.

INTER-SEEDED: Seeding of an area within an existing turf area to repair damage. This type of process is also known as re-seeding.

MISTER. A device that produces a cooling effect by emitting fine particles of water into the air in the form of a mist.

NEWLY SEEDED: Seed planted in a barren area with the intent of establishing a turf area.

ODD-NUMBERED PROPERTIES. Properties whose official address ends in an odd number. Large landscaped areas associated with a building will use the number of that building as their address. Only one address shall be used for a large landscaped area associated with one building or activity, even if the landscaped area is broken into many separate subareas.

PUBLIC RIGHT-OF-WAY. The area of land acquired or obtained by the city, county, or state primarily for the use of the public for the movement of people, goods, vehicles, or storm water. For the purposes of this article the public right-of-way shall include sidewalks, curbs, streets, and storm water drainage inlets.

RESPONSIBLE PARTY. The owner, manager, supervisor, or person who receives the water bill, or person in charge of the property, facility, or operation during the period of time the violation(s) is observed.

RUNOFF. Water which is not absorbed by the soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. This article does not apply to stormwater runoff which is created by natural precipitation rather than human-caused or applied water use.

SERVICE AREA. All parts of Bernalillo County that are served or may be served in the future by the Authority.

SHUT-OFF NOZZLE. Device attached to end of hose that completely shuts off the flow when left unattended.

SPRAY IRRIGATION. The application of water to landscaping by means of a device that projects water through the air in the form of small particles or droplets.

VALVE. A device used to control the flow of water in the irrigation system.

WATER WASTE. The nonbeneficial use of water. Nonbeneficial uses include but are not restricted to:

- (1) Landscape water applied in such a manner, rate and/or quantity that it overflows the landscaped area being watered and runs onto adjacent property or public right-of-way;
- (2) Landscape water which leaves a sprinkler, sprinkler system, or other application device in such a manner or direction as to spray onto adjacent property or public right-of-way;

**ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
WATER WASTE ORDINANCE**

(3) Washing of vehicles, equipment, or hard surfaces such as parking lots, aprons, pads, driveways, or other surfaced areas when water is applied in sufficient quantity to flow from that surface onto adjacent property or the public right-of-way;

(4) Water applied in sufficient quantity to cause ponding on impervious surfaces.

4-1-4. WATERING RESTRICTIONS.

These restrictions apply to all customers within the Authority's service area.

(A) All spray irrigation during the period beginning on April 1 and ending on October 31 of each year must occur between 7:00 p.m. and 11:00 a.m. This restriction shall not apply to drip irrigation and low precipitation bubblers, hand watering, or watering of containerized plants and plant stock.

(B) All spray irrigation during the months of November 1 through March 31 must occur between 10:00 a.m. and 2:00 p.m. This restriction shall not apply to drip irrigation and low precipitation bubblers, hand watering, or watering containerized plants and plant stock. This restriction shall not apply to golf courses or parks that are in regular use or in use for a special event during these hours.

(C) Shutoff nozzles are required on any hoses used for hand watering, car washing or other outdoor uses.

(D) Under the four levels of Drought defined in the Drought Management Strategy, the Authority may, at its sole discretion, require that customers water every other day. All even-numbered properties shall water only on Sunday, Tuesday and Thursday. All odd-numbered properties shall water only on Monday, Wednesday and Saturday. The Authority may require that customers water no more than one, two, or three time(s) per week. The Authority may also prohibit curbside car washing.

(E) Restrictions in divisions (A), (B) and (D) above do not apply to the following:

(1) Outdoor irrigation necessary for the establishment of newly sodded lawns and landscaping within the first 30 days of planting upon the issuance of a Watering Restriction Exemption;

(2) Outdoor irrigation necessary for the establishment of newly seeded lawns within the first 120 days of planting upon the issuance of a Watering Restriction Variance.

(3) Outdoor irrigation necessary for the establishment of inter-seeded lawns within the first 45 days of planting upon the issuance of a Watering Restriction Exemption.

(4) Irrigation necessary for one day only where treatment with an application of chemicals requires immediate watering to preserve an existing landscape or to establish a new landscape;

(5) Water used to control dust or compact soil;

(6) Attended watering systems that have one or more repair or maintenance personnel present at the irrigated zone being serviced for purposes of inspecting system condition and function and/or repairing or maintaining the watering system.

4-1-5. WATER WASTE.

These restrictions apply to all customers within the Authority's service area.

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(A) No person, firm, corporation, or municipal or other government facility or operation shall waste, cause or permit any water to be wasted.

(B) No person, firm, corporation, or municipal or other government facility or operation shall cause or permit the flow of fugitive water onto adjacent property or public right-of-way.

(C) The restrictions in divisions (A) and (B) of this section do not apply to the following:

(1) Storm runoff allowed under provisions of the City of Albuquerque or Bernalillo County drainage ordinances as currently adopted or subsequently amended;

(2) Flow resulting from temporary water supply system failures or malfunctions. These failures or malfunctions shall be repaired within 48 hours of notification or the system shut off until repair can be completed;

(3) Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities;

(4) Water applied as a dust control measure;

(5) Water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology;

(6) Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;

(7) Flow resulting from routine inspection, operation, or maintenance of a utility water supply system;

(8) Water used in the course of installation or maintenance of traffic flow control devices;

(9) Water used for construction or maintenance activities where the application of water is the appropriate methodology and where no other practical alternative exists.

4-1-6. SPECIAL PERMITS

These restrictions apply to all customers within the Authority's service area.

(A) Use of Misters

(1) The use of misters shall require a special permit, issued by the Authority. The Executive Director shall develop regulations and administrative procedures for the issuance and conditions of such permits. The Executive Director shall have the authority to limit the number of permits or revoke permits as deemed necessary to protect the public interest.

(2) The use of misters without a permit, or in violation of permit conditions, shall constitute a violation of this article and shall be subject to the fee assessment processes described in §§ 4-1-8 and 4-1-99.

(3) Any person, firm, corporation, or municipal or other government facility selling, leasing, renting, installing or otherwise making misters available to any other person, firm, corporation, or municipal or other government facility shall provide notification to their customers of the special permit requirement for mister use. Notice may be delivered by prominently posting a sign at the point of purchase or by providing a document to each individual customer. The Authority shall provide approved language for such notification.

4-1-7. VARIANCES, EXEMPTIONS AND APPEALS

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The Executive Director shall be responsible for the enforcement of this article. The Executive Director may prescribe policies, rules, or regulations to carry out the intent and purposes of this article.

(A) Variances or Exemptions to § 4-1-4 (Watering Restrictions) and § 4-1-5 (Water Waste), and § 4-1-6 (Special Permits).

(1) Administrative variances or exemptions to the restrictions in §§ 4-1-4, 4-1-5, and 4-1-6 may be issued by the Executive Director or his/her designee, only for the purposes of installing or retrofitting landscaping, provided that the general intent of this article has been met, compliance with this article is proven to cause practical difficulties and unnecessary hardship, and all options for abatement through modified water management have been exhausted. The criteria to determine hardship shall include level of capital outlay and time required to be in compliance with this article.

(2) Water Waste Variances may be issued for a period not to exceed one year and shall stipulate both short-term corrective measures and a schedule for completion of long-term corrective measures. Variances may be renewed on an annual basis if long-term corrective measures cannot be completed within one year.

(3) Watering Restriction Variances may be issued for a period not to exceed 120 days to establish a turf area on properly prepared barren ground.

(4) Watering Restriction Exemptions may be issued for a period not to exceed 30 days to establish newly sodded turf and/or landscape.

(5) Watering Restriction Exemptions may be issued for a period not to exceed 45 days to establish inter-seeded areas with an established turf area.

(B) Appeal of § 4-1-4 (Watering Restrictions), § 4-1-5 (Water Waste), and § 4-1-6 (Special Permits). Any responsible party may appeal fees for violations of §§ 4-1-4, 4-1-5, and 4-1-6 to the Executive Director or his/her designee by filing an appeal within seven calendar days of receiving a notice of violation. The notice of violation shall provide information on the right to appeal and the procedures to follow. The appeal shall identify the property and state the grounds of appeal together with all material facts in support thereof. A filing fee of \$50 shall be added to the water bill in the event the violation is upheld by the Executive Director or his/her designee. When a hearing is requested, the Executive Director or his/her designee shall send written notice by certified mail, return receipt requested, to the appellant of the time and place of the hearing. At the hearing the appellant shall have the right to present evidence as to the alleged facts upon which the Executive Director or his/her designee based the determination of the need for assessment of fee or restriction of service and any other facts which may aid the Executive Director or his/her designee in determining whether this article has been violated. The Executive Director or his/her designee shall, within seven working days following the hearing, issue a written decision specifying the fee, if appropriate, and the action that must be taken to avoid additional penalty. Fees will be void and service will not be restricted if the written decision is not issued within seven working days.

(C) Judicial Review. The exclusive remedy for parties dissatisfied with the action of the Executive Director or his/her designee on §§ 4-1-4, 4-1-5, and 4-1-6 shall be the filing of a petition for a writ of certiorari with the State District Court. The petition

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for review shall be limited to the record made at the administrative hearing held pursuant to this article.

4-1-8. FEES; ASSESSMENT

(A) Fees. Any responsible party who violates any of the provisions of §§ 4-1-4, 4-1-5, and 4-1-6 shall be subject to progressively higher fees until the violation ceases or a variance is granted. The assessment of fees shall be consecutive for violations separated by less than five calendar years. Fees shall be suspended pending the outcome of an appeal or variance request.

(B) Assessment of Fees. Assessment of fees for violations of the regulations in §§ 4-1-4, 4-1-5, and 4-1-6 will be through the utility bills for the responsible party's billing account. Fees shall be assessed to the account within 15 days following expiration of the appeal period or issuance of appeal findings. Responsible parties shall be notified of the fee through certified mail within 15 days of the assessment. Fees must be paid within the normal payment period allowed by the city utility billing system.

(C) In lieu of fees for violations of §§ 4-1-4 and 4-1-5, the responsible party may have a landscape water audit performed by an authorized landscape irrigation auditor, certified by the Irrigation Association. The audit will be conducted in accordance with the current edition of the Landscape Auditor's Handbook. The audit must be performed within 30 days of notification of violation and the audit recommendation must be implemented within 60 days of the audit. If these deadlines are not met, the fees for violation will apply.

4-1-99. PENALTY.

(A) The schedule for assessment of fees for a violation of §§ 4-1-4, 4-1-5, and 4-1-6 shall be as follows:

- (1) First observed violation - \$20;
- (2) Second observed violation - \$50;
- (3) Third observed violation - \$100;
- (4) Fourth observed violation - \$300;
- (5) Fifth observed violation - \$400;
- (6) Sixth observed violation - \$600;
- (7) Seventh observed violation - \$800;
- (8) Eighth observed violation - \$1,000;
- (9) Ninth observed violation - \$2,000
- (10) Each observed violation over the ninth - \$2,000 plus an additional

\$1,000 each violation after that (e.g., \$3,000 for the tenth violation, \$4,000 for the eleventh violation, etc.)

(B) Under the four levels of Drought defined in the Drought Management Strategy, the Authority may, at its sole discretion, increase water waste fees described above by a factor of two, three, four or more as may be necessary to assist in water waste reduction during a drought. During a drought, the Authority shall declare to the public the Drought Level, which can be raised and lowered by the Authority, and the proposed increase in water waste fees. The Drought level only applies to the current year and must be approved by the Authority on a year by year basis.

The Authority delegates the implementation of the Drought Management Strategy including the increase of water waste fees to the Executive Director. Based on

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the Drought Level approved by the Authority, the Executive Director shall direct water waste enforcement staff of the Effective Date of the new water waste fines. Water waste fees, however, shall revert to the fees described in Section 4-1-99 after November 1 of that same year.

(C) For the purpose of assessing fees for violations of §§ 4-1-4, 4-1-5, and 4-1-6, any previous violation shall not be considered if:

(1) A period of five years has elapsed since the violation was incurred; or

(2) The property is acquired by a new owner.

(D) Any person who violates the provisions of this article for which no other penalty is set forth, shall be subject to the general penalty provision of this code set forth in § 4-1-99.

Exhibit "H"
Water and Sewer System Expansion Policies Ordinance

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7-1-1. SHORT TITLE.

This ordinance shall be known as the "Water and Wastewater System Expansion Ordinance."

7-1-2. PREFACE.

(A) The policies set forth herein are generally to regulate and control the development, extension and expansion, including connection, of water and sewer facilities of the ABCWUA.

(B) Some of these policies may be affected by other policies and ordinances including but not limited to the City of Albuquerque Development Process Manual, Franchise Agreement, Guiding Principles, Water Conservation Landscaping and Waste Water Ordinance, various Master Plans and the Water and Sewer Rate Ordinance. In the event there are any apparent conflicts between such ordinances and/or policies and this policy, there shall first be an attempt to construe them together in order to resolve any such conflict. If such construction cannot resolve the conflict then the more restrictive provision shall be applied.

7-1-3. DEFINITIONS.

(A) For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABCWUA. The Albuquerque Bernalillo County Water Utility Authority or its authorized agent. It includes the water and wastewater facilities and all operations and management of such facilities necessary to provide water and wastewater service in the Service Area.

BOARD. The governing body of the ABCWUA.

DEVELOPMENT AGREEMENT. An agreement between the ABCWUA and a developer that defines financial and other obligations for the development to proceed.

EASEMENT. A right to use a piece of property for a specified purpose. Utility easements include, but are not limited to, legally dedicated streets, rights-of-way, and publicly-owned property and easements.

EXECUTIVE DIRECTOR. Executive Director of the ABCWUA.

LEVEL OF SERVICE. Criteria defining system design and operating parameters such as redundancy, pressure, pressure variation, flow capacity, etc.

LOOP LINES. A water line installed between lines for the purpose of equalizing water pressure and increasing water flow.

MAIN LINE. Water Master Plan Line, Sanitary Sewer Master Plan Line and Non-Potable Reuse Line.

MAJOR FACILITIES. Works for production, treatment, storage, and distribution of water or non-potable water or for collection, pumping, and treatment of sewage, including but not limited to reservoirs, wells, pump stations, master plan lines, lift stations, odor control facilities, and water and sewage treatment facilities.

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NON-POTABLE DISTRIBUTION LINE. The water line to which a water service line may be connected.

NON-POTABLE REUSE MASTERPLAN. The overall plan of the non-potable system as adopted by the Board including but not limited to existing and proposed major non-potable facilities and on-site systems.

NON-POTABLE MASTER PLAN LINE. Major non-potable transmission or distribution lines as indicated on Water System Master Plan, or those lines determined to be needed by system analysis or calculation.

PRIVATE SYSTEM. A privately owned water and/or sewer system.

PETITIONER. Person or his authorized representative requesting design and/or construction of water and/or sewer system additions.

PRORATED COSTS (PRO RATA COSTS). The development share of costs for water and/or sewer lines constructed in advance of development that are required to serve property.

SANITARY SEWER SYSTEM MASTER PLAN. The overall plan of the sewage system, as adopted by the Board, including but not limited to existing and proposed major wastewater facilities and on-site systems.

SANITARY SEWER MASTER PLAN LINE. Major interceptor or collector lines as indicated on Sanitary Sewer System Master Plan or those lines determined to be needed by system analysis or calculation.

SERVICE AREA. All parts of Bernalillo County and surrounding areas now existing which now or in the future may be served by the ABCWUA.

SEWER COLLECTOR LINE. The sanitary sewer line to which a sewer service lateral may be connected.

SEWER SERVICE LATERAL. The sanitary sewer line that runs from the property to the sewer collector line.

UTILITY. The water and wastewater facilities and all operations and management of such facilities necessary to provide water and wastewater service in the Service Area.

UTILITY EXPANSION CHARGE (UEC). One-time fee paid by new water or sewer customers as a means of recovering part or all of the costs of purchasing or acquisition of new water supplies and for the construction or acquisition of that portion of major facilities and assets (wells, treatment facilities, master plan lines, sewage lift stations, etc.) used to provide system capacity for those new customers.

WATER DISTRIBUTION LINE. The water line to which a water service lateral may be connected.

WATER SYSTEM MASTER PLAN. The overall plan for the water system, as adopted by the Board, including but not limited to existing and proposed major water facilities.

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WATER MASTER PLAN LINE. Major transmission or distribution lines as indicated on Water System Master Plan, or those lines determined to be needed by system analysis or calculation.

WATER SERVICE LINE. The water line that runs from the water meter to the water distribution line.

WATER TRANSMISSION LINE. A large diameter water line which has the primary function of conveying water between major facilities.

WELL COLLECTOR LINE. The water line that conveys water from a well to a reservoir.

(B) Words not defined herein but which are defined in the Zoning Code of the City of Albuquerque or Bernalillo County are to be construed as defined therein.

7-1-4. LOCATION AND CONSTRUCTION STANDARDS.

(A) *Policy No. 1 - Location of water, sanitary sewer and non-potable water lines.* Water and sanitary sewer lines must be installed only in easements acceptable to the Utility. The topography, alignment, width, location, access and owner use of any such easements must be suitable for such line installation and maintenance as determined by the Utility. In the event easements are not available, Petitioner shall provide same at his expense.

(B) *Policy No. 2 - Installation of water, sanitary sewer and non-potable water lines.* All water, sanitary sewer and non-potable water lines must be installed pursuant to and in conformance with the Utility's standards and the following:

(1) The size and location of all water, sanitary sewer and non-potable water lines which are to be installed shall be determined by the Utility and shall be sized to provide the designated level of service to the area to be served.

(2) All water, sanitary sewer and non-potable water lines must be installed in trenches containing no other utilities. Variances may be granted by the Utility at its discretion under the following circumstances:

- (a) Construction conditions make it impractical or impossible to maintain separate trenches;
- (b) Construction access to the easement is limited;
- (c) The size, width or location of the easement precludes the use of separate trenches;
- (d) Other utility lines may be allowed to cross water and/or sanitary sewer lines.
- (e) All non-potable water lines shall be installed with a purple color pipe, wrapping or other covering so as to indicate non-potable water.

(3) No such variance shall constitute a hazard to public health and safety and appropriate conditions for such variances shall be set by the Utility.

(C) *Policy No. 3 - Installation of water, sanitary sewer and non-potable water lines prior to construction of paving or other public improvements.* Water and/or sanitary

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sewer lines required by the applicable Master Plan or known by the Utility to be needed must be installed prior to construction of paving or other public improvements which by their nature should be installed subsequent to said lines.

7-1-5. WATER AND SEWER CONNECTION REQUIREMENTS.

(A) *Policy No. 4 - Water service line connections.* Water service lines may be connected to water lines if the Utility finds that size, type, function, and feasibility of connection to the line permits connection; such connection shall not be made to lines with a nominal diameter of 16 inches or larger. Lines used as transmission lines including dedicated San Juan-Chama water lines or well collector lines shall not be connected to for service. All connections shall comply with Utility standards and specifications.

(B) *Policy No. 5 - Sewer service lateral connections.* Service connections shall be made at right angles to the sewer collector line and such connection shall not be made to lines with design capacities (peak flow conditions) at point of connection greater than 3.0 million gallons per day, velocities of less than two feet per second, or lines with a nominal diameter of 15 inches or larger. All sewer service lateral connections must conform to Utility standards and specifications.

(C) *Policy No. 6 - Non-Potable Reuse service line connections.* Non-potable service lines may be connected to non-potable distribution lines if the Utility finds size, type, function, and feasibility of connection to the line permits connection; such connection shall not be made to lines with a nominal diameter of 16 inches or larger. Lines used as non-potable transmission lines shall not be connected to for service. All connections shall comply with Utility standards and specifications.

7-1-6. PRIVATE SYSTEMS.

(A) *Policy No. 7 - Private systems.* Private system connection to the public system will be allowed, provided that the following conditions are met:

(1) The private system meets all specifications, design requirements and applicable health standards as established by the Utility or otherwise required by law;

(2) The total system design and construction costs shall be the responsibility of the Petitioner;

(3) Maintenance, operation and power costs of the added facility shall be an additional responsibility of the ultimate users within the private system;

(4) Private systems shall usually be allowed only one connection point to the Utility system. Developments requiring connection at more than one point, due to service requirements, pressure considerations and/or fire flow requirements, may be allowed, provided that they are separately metered, that the areas are not interconnected, and that approved backflow devices are installed;

(5) Water lines for private fire protection will be allowed only one connection;

(6) Manifolding of meters, i.e., installation of multiple small meters in parallel, will not be permitted;

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(7) The subject development conforms to applicable comprehensive plans of local governments and other policy instruments as determined by the Utility.

(8) The operation and provision for providing water for the private system does not affect the operations, use of or the ability to exercise and utilize the ABCWUA's water rights; and

(9) All private connections to the ABCWUA's sewer system shall be metered and measured on a monthly basis at the sole cost of the private utility.

7-1-7. FINANCING AND ALLOCATION OF COSTS OF CONSTRUCTION.

(A) Policy No. 8 - Financing of construction.

(1) Property owners shall be responsible for the equivalent cost of water and/or sewer lines that are accessible to or can serve the property:

(a) The cost of water and/or sanitary sewer lines adequate to meet the applicable level of service shall be used for land zoned to allow and proposed to be used for residences which are single family detached, townhouses, duplexes or triplexes served by common or individual meters; and mobile homes served by individual meters;

(b) The cost of 12 inch water and/or sanitary sewer lines shall be assumed and used for all other land.

(2) In situations not covered by other policies herein, the cost of design and construction of water and sewer lines will be paid for by the Petitioner or property owner.

(3) Costs of lines extended to serve adjacent property will be prorated. Prorated costs will be assessed to the property to be served, and will be collected at the time of service provision for reimbursement to the Petitioner.

(B) Policy No. 9 - Master plan lines sizes. Master plan water lines 16 inches and larger, and sanitary sewer lines 15 inches and larger, shall be installed as follows:

(1) Master plan lines, when required primarily for the purpose of facilitating the use of any existing master plan facilities by completion of a portion of the Master Plan System, will be funded by the Utility in its Capital Improvement Plan. Inclusion of work in the Capital Improvement Plan will be at the sole discretion of the Board.

(2) Master plan lines requested in advance of funding in the Capital Improvement Program or unprogrammed Master plan line extensions of either water lines or sanitary sewer lines may be designed and constructed with the Petitioner advancing the full estimated design and construction cost. If applicable, the equivalent cost of lines as set forth in Policy 7(1) will be prorated as provided herein. Prorated costs will be assessed to the property to be served and/or benefited, and will be collected at the time of service provision for reimbursement to the Petitioner.

(C) Policy No. 10 – Publicly owned property. Water or sewer lines which are installed in streets or easements abutting or accessible to public property shall obligate the owning public entity to pay its share of the installation cost, as would be required of

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any other property owner. This expense shall not be borne by the Utility, and shall be prorated to the public property.

(D) Policy No. 11 - Increase in system.

(1) This policy applies to any Petitioner who proposes a development which:

(a) Would require water and/or sanitary sewer line construction in order to meet the increase in anticipated domestic water and/or sanitary sewer usage or in order to meet required fire flows beyond available system capacities, as determined by the Utility; or

(b) Would require extension of the water system that could not provide the applicable service level, as determined by the Utility; or

(c) Would require construction of major facilities which would be needed in advance of funding called for in the Capital Improvements Program.

(2) Development of such water and/or sewer system improvements shall be accomplished by:

(a) Design and construction supplied by Petitioner through a procedure acceptable to the Utility. If the improvements are located outside the existing service area of the Utility, a development agreement shall be required with the ABCWUA.

(b) Funds for design and construction advanced to the Utility by the Petitioner.

(c) Petitioner shall be reimbursed by the Utility for the facilities cost in excess of those costs for which Petitioner is otherwise obligated. Reimbursement, without interest, will be made from a portion of the UEC collected as properties connect to the portion of the system constructed with Petitioner provided funds. The portion of the UEC to be reimbursed shall be defined in a project specific development agreement and shall provide for recovery of the Utility's costs of providing other major facilities to serve the Petitioner.

(E) Policy No. 12 - Criteria for apportionment of development and pro rata charges. In those situations where the property owner may be responsible for part or all of the cost of main lines, sewer collector lines and water distribution lines, the following criteria shall be used in determining the extent of such responsibility:

(1) *Generally.*

(a) The property may be either improved or unimproved;

(b) Water and/or sewer lines must adjoin the property or be otherwise accessible to it;

(c) The line(s) must be able to service the property, i.e., proper size, proper elevation, pressure, etc.;

(d) The present or future use of the property must indicate a necessity for water and/or sewer service.

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(e) In determining the use of the property, there shall be taken into consideration the highest and best use for which the property may be reasonably and legitimately adapted whether it be present or future use. However, any such future use must be more than merely speculation or conjecture. Factors to be taken into consideration in making this determination are:

1. Size of the property;
2. Present use;
3. Future use:
 - a. Zoning;
 - b. Platting;
 - c. Development and relationship of surrounding area;
 - d. Growth patterns;
 - e. Access;
 - f. Adopted city/county plans;
 - g. Other.
4. Level of service.

(f) The method of determining such charge may be on a front foot, area or other equitable basis.

(2) Residential zoned property whether platted, unplatted, subdivided, or unsubdivided that has water and/or sewer lines on more than one side.

(a) The charge is to be based upon the shortest side of the lot adjoining such line unless service is to be taken from more than one line, then the charge shall be for all such lines connected thereto.

(b) In the event the property is unsubdivided or unplatted, it will be assumed to be divided to provide the density shown on the applicable planning documents.

(c) In the event the lines are not installed concurrently, then the charge is to be based upon the first line installed.

(d) The cost of installation of such water and sewer lines that are exempted herein shall be prorated among the other properties benefited therefrom.

(3) Other property that has water and/or sewer lines on more than one side. Such property shall be charged for all adjoining lines as provided for herein.

(4) Loop lines and fire protection. Notwithstanding the provisions herein, if water loop lines or lines for fire protection are necessary to provide adequate service and/or fire protection to the property, the property shall be charged for such lines.

7-1-8. PRO RATA.

(A) *Policy No. 13 - Pro rata.* Under some circumstances the Utility or a private developer may have advanced the cost of the installation of main lines, water

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distribution or sewer collector lines for which abutting or accessible property owners may be obligated under these policies to contribute a portion of the cost. When such obligation arises, the property owner shall pay to the Utility the pro rata share of the installation cost at the time application for service connection permits are made. Pro rata charges established prior to the adoption of this policy shall remain in full force and effect.

7-1-9. EXTENSION OF OR CONNECTION TO LINES OUTSIDE THE SERVICE AREA.

(A) Policy No. 14 - Lines outside the service area.

(1) Utility water, sanitary sewer or non-potable water lines may be extended outside the service area, or existing Utility lines located outside the service area may be connected to, at the Petitioner's expense, if the following applicable conditions are satisfied:

(a) Property is located within the area described in the Sanitary Sewer System Master Plan and Master Plan of Water Supply for City of Albuquerque & Environs, 1982 or any superseding plans adopted by the Board.

(b) Development agreement shall be required of all expansion or improvement outside the service area and be approved by the Board. Development approval should be given only under the following conditions:

(1) Development conforms to the provisions of applicable comprehensive plans and/or adopted planning documents or policies.

(2) Development reflects current law with respect to supply of water and wastewater facilities both within and beyond the existing service area.

(3) Development does not substantially preempt existing or planned facility capacity that is needed to accommodate projected development.

(4) Development is assessed the full cost of all project facilities and its proportionate share of the full cost of areawide facilities.

(c) Development shall be at no net expense to the ABCWUA, such that revenue generated from any expansion or improvement of the water and/or wastewater system shall be sufficient to support the costs of water and wastewater facilities in any expansion or improvement of the system and related infrastructure needed to serve any expansion or improvement of the system. In keeping with this 'no net expense' policy, the ABCWUA and Petitioner agree:

(1) Facilities provided must meet the level of service standards adopted in a development agreement so that the development is concurrent with infrastructure service levels to ensure that public facilities exist to serve the development concurrent with its impacts.

(2) Any interim revenue generation shortfall related to the expansion or improvement shall be borne by the Petitioner.

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(3) Revenues generated by and collected from the expansion or improvement shall reflect growth related operational and maintenance expenditures for such expansion or improvement.

7-1-10. PROVISION OF WATER SERVICE WITHOUT PROVISION OF SEWER SERVICE.

(A) *Policy No. 15 - Provision of Water Service without Provision of Sewer Service.*

(1) Water service shall only be provided in conjunction with sewer service. Construction of new water lines for service without sewer service is prohibited unless specifically approved by the Board. Petitioners seeking approval shall submit technical documentation showing that water service extension alone will not lead to ground water contamination. Such water service without sewer service shall only be allowed as part of a development agreement approved by the Board.

(2) Individual residential connections to existing water lines adjacent to the property may be permitted without sewer service under existing conditions where there are no sewer lines but water lines are present.

7-1-11. CONNECTION TO EXISTING SYSTEM REQUIRED.

(A) *Policy No. 16 - Connection to Existing System Required.* As a matter of health and safety and water conservation, connection to the Utility system of newly developed properties within 200 feet of an existing water distribution or non-potable water line or sewer collection line in the service area is required. Nothing in this policy shall be construed to prohibit continued use of existing shallow wells for irrigation purposes following connection to the Utility for household service subject to proper isolation from the Utility system. The Office of the State Engineer determines conditions under which wells may be drilled.

7-1-12. WATER SUPPLIES AND WATER RIGHTS.

(A) *Policy No. 17 - Water Supplies and Water Rights.* All developments located outside the service area shall include payment for water rights necessary to serve the development. The payment shall be in the form of a surcharge to the UEC. The water rights surcharge will be determined by the Executive Director based on the amount of water rights needed to serve the development and the value of water rights on a per acre-foot basis. The water rights surcharge will be collected from each new customer on the basis of their class and meter size at the time of application for water service. The water rights surcharge shall be held in a separate fund exclusively for water resources development. The water rights surcharge will not be used for reimbursement of master planned facilities.

7-1-13. CUSTOMER RESPONSIBILITY FOR LINES.

(A) *Policy No. 18 - Customer Responsibility for Lines.* Customers are responsible for the costs of initial installation of the service line from the main to the meter setter including the meter box, other water lines from, and including, the point of connection to the water system, and sanitary sewer laterals upstream from the connection to the sewer collector line.

(B) Customers are responsible for the costs of maintenance, repair, and replacement of non-Utility lines as follows:

(1) Water service lines on the property side of the connection to the outlet of the meter, or meter setter if one is installed,

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(2) Water lines on the property side of the back of curb for non-metered service, and

(3) Sanitary sewer laterals the entire length from the connection to the sewer collector line.

7-1-14. WATER SYSTEM PRESSURE.

(A) Policy No. 19 – Water System Pressure.

(1) Working water pressures shall be maintained within safe and reasonable limits. The Utility may make pressure changes as necessary for system efficiency and integrity. Implementation shall proceed with advance notice and advice to existing customers.

(2) Water pressure shall be maintained within a nominal range of 35 to 110 pounds per square inch (psi) as measured at the meter inlet under non-flow conditions. Customers with pressure in excess of 80 psi are responsible for installation of a pressure regulating device downstream of the meter in conformance with the Uniform Plumbing Code.

(3) Properties connected outside established standard pressure zones shall be responsible for the consequences of such connection including the costs of supplemental pumping or pressure reduction. Supplemental pumping or pressure reduction to achieve service pressures outside the nominal pressure range may be available to customers as an optional additional-cost service at the Utility's sole discretion. Corrective measures to the system to have pressures fall within the nominal range will be made as funding is available.

(4) Where individual pressure regulation devices are installed by the Utility, they will become the property of and responsibility of the customer whether installed to correct historical situations or required to accommodate system changes.

7-1-15. SERVICE CONSISTENCY WITH APPROVED LAND USE PLANS

(A) Policy No. 20 – Service Consistency with Approved Land Use Plans.

(1) The availability of water service shall not be used to approve, disapprove, or delay development. Water and sewer service shall be extended as approved by the Utility consistent with adopted policies that contain decisions which explicitly consider both the availability of water and the prospects for water service, and which address the need for synchronizing the timing of land-use and water decisions. The land-use approval processes include, but are not limited to, consideration by planning commissions, development review agencies, and various governing bodies. Comprehensive plan policies for land use, supplemented by other adopted major planning documents, determine the appropriate locations and densities of development.

(2) Petitioners must comply with policies regarding land use, water supply sustainability, and other policies as adopted in other documents. Established procedures for approving new development such as subdivision agreements, development agreements, and other methods for determining capital improvements needs and financial responsibility shall continue to be followed using existing governmental procedures.

(3) The size of facilities and scale of service shall be consistent with adopted land-use plans. Land-use designation provides the basis for sizing facilities and service. Utility services shall be designed to match designated land uses and density

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provisions. If the land use for a proposed development is changed after the facilities are built, all costs incurred for capacity increase will be the sole responsibility of the Petitioner. The scale of water service to be provided and the technical, financial, and managerial responsibilities for its provision shall be stated in the land use documents and followed in water service delivery.

(4) The following three "scales of service" are defined. The water delivered will meet the same quality standards but some other factors will be different. Suburban and rural service levels are established to reduce the capital costs of extending service to areas that are not intended to develop to urban densities, thereby making it more feasible to extend service and to inhibit density changes to avoid the high costs of retrofitting.

(a) Urban-scale service provides for substantial reliability and capacity. This provides for high-density housing, intensive commercial or industrial demands, and fire insurance flow rating near the best available (Insurance Services Office class 3 of 3500 gallons per minute or more).

(b) Suburban-scale service balances lower density and light commercial demands with smaller/fewer facilities that cost less. Consequences might be more obvious pressure variations, more noticeable supply interruptions during maintenance, and fire protection standards of 1,000 to 1,500 gallons per minute.

(c) Rural-scale service provides only for essential domestic water services. The water system does not provide rated fire protection.

Exhibit "I"
Water and Sewer Rate Ordinance

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Section 1 WATER AND SEWER RATES

- 1-1-1 Short title
- 1-1-2 Computation of revenues, expenses and debt service; determination of debt coverage; required monthly fixed charge
- 1-1-3 Water rates
- 1-1-4 Non-potable water rates
- 1-1-5 Sewer rates
- 1-1-6 Water and sewer rehabilitation fund
- 1-1-7 Water and sewer system and utility financial policies
- 1-1-8 Utility expansion charge (UEC) and Water Supply Charge (WSC)
- 1-1-9 Specific services
- 1-1-10 Payment
- 1-1-11 Penalty for delinquent accounts
- 1-1-12 Responsibility of payment, liens, and deposit
- 1-1-13 Discontinuance of service; hearing
- 1-1-14 Severability Clause
- 1-1-15 Effective Date of Rates
- 1-1-16 Effective Date and Publication
- 1-1-98 Violations
- 1-1-99 Penalty

1-1-1. SHORT TITLE.

This Ordinance will be known and may be cited as the "Albuquerque Bernalillo County Water Utility Authority Water and Sewer Rate Ordinance."

1-1-2. COMPUTATION OF REVENUES, EXPENSES AND DEBT SERVICE;
DETERMINATION OF DEBT COVERAGE; REQUIRED MONTHLY FIXED CHARGE.

(A) Definition of Terms.

AUTHORITY. The Albuquerque Bernalillo County Water Utility Authority or its authorized agent.

AWWA. American Water Works Association.

CITY. The City of Albuquerque, New Mexico.

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COUNTY. Bernalillo County, New Mexico.

CURRENT DEBT SERVICE REQUIREMENT. Payments into a current debt service account for current interest or current principal retirements as required by ordinances authorizing the issuance of bonds to be paid from the net revenues of the systems.

CUSTOMER. Any person, association, corporation or other entity receiving Utility service in the Service Area.

DROUGHT. Drought occurs when there is insufficient precipitation combined with other environmental factors that cause an increase of overall water usage.

DROUGHT MANAGEMENT STRATEGY. The Authority's Drought Management Plan which contains four different drought severity levels, with each level containing increasingly stringent measures to reduce demand on the Authority's water system.

EXECUTIVE DIRECTOR. The Executive Director of the Authority.

EXPENSES. All expenses necessary for the operation and maintenance of the water and sewer systems, excluding depreciation and payments in lieu of taxes and expenditures for capital items.

FISCAL YEAR. July 1 through June 30.

FRANCHISE. The authorizations granted by the City, County or Village of Los Ranchos to the Authority to use their respective rights-of-way and public places to construct, operate, and maintain Authority water and wastewater systems.

METER SIZE. The physical size of a water meter as designated by AWWA Standard.

REVENUES. For this purpose revenues will include all charges for current water and sewer service, income from miscellaneous services or property, interest on investments of the Joint Water and Sewer Funds, connection fees, and interest on notes or other receivables.

SERVICE AREA. All parts of Bernalillo County now existing which now or in the future may be served by the Authority.

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SERVICE SIZE. Service sizes range from size 1 to size 8. Each size is based upon the meter size or equivalent for each account.

UEC. Utility expansion charge.

UTILITY. The water and wastewater facilities and all operations and management of such facilities necessary to provide water and wastewater service in the Service Area.

VILLAGE OF LOS RANCHOS. Village of Los Ranchos de Albuquerque, New Mexico.

WATER SUPPLY CHARGE (WSC). A charge that will be assessed by the Authority at the time of meter sale or application for service to any new water user customer requesting connection to the water system in a area not located within the Authority's service area requiring a development agreement.

WINTER MEAN. For all customers, the average monthly water use for the months of December, January, February and March for each account. If a customer has a new account and does not have a full four months to calculate a winter mean or if a customer's winter mean is zero, then the mean for that customer will be based off the class and size average mean. For those customers that have a winter mean greater than zero but less than 4 and does not fall in the category of a new account then their winter mean used for the Conservation Surcharge will be 4.

(B) **Computation of Revenues, Expenses and Debt Service.** At the end of each quarter of the fiscal year a determination will be made as to the total revenues, expenses and current debt service requirements of the system in accordance with definitions in §1-1-2(A). The determination will be made by the end of the first month following the end of each quarter. The results of the determination will be transmitted to the Authority.

(C) **Increasing Minimum Monthly Fixed Charges.** If the determination of §1-1-2(B) above shows that the total revenues minus the expenses of the system are less than 133% of the current debt service for the cumulative quarter of the fiscal year, the fixed monthly charge will be increased for water and sewer accounts. The increase in fixed monthly charges will be a percentage of the established fixed monthly charges that

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produce additional revenues so that if the adjusted charges had been effective the previous quarter, the total revenues would have been sufficient to pay operating expenses and 133% of current debt service. The increased fixed monthly charge will be effective the second month following the quarter (i.e., the month following the determination), and will remain in effect until such time as the Authority acts on water and sewer rates. If the determination of §1-1-2(B) above shows the total revenues minus the expenses of the system are less than 133% of the current debt service for the cumulative quarter of the fiscal year, it shall be determined if the revenue loss is due to efforts of utility Customers to conserve water by reviewing usage patterns. If the usage study shows that the reduced revenues are due to conservation efforts, the Executive Director shall analyze the Utility's operations for the purpose of determining whether or not corresponding expense reductions can be effected and shall present any such expense reduction proposals to the Authority.

(D) Increasing Water Commodity Charges. If the quarterly analysis of power cost related to water pumping shows that costs are increasing or decreasing, the Executive Director is authorized to adjust the water commodity charge to reflect the change. An adjustment in the commodity charge will only be made if the needed commodity charge adjustment is \$0.01 or greater, and shall be in \$0.01 increments.

(E) General Procedural Provisions.

(1) The Executive Director may enact regulations to carry out the purposes of this Ordinance. Proposed regulations and amendments to regulations shall be enacted only after publishing legal notice of a hearing once a week for two consecutive weeks in a daily newspaper of general circulation in the Service Area prior to a public hearing held to receive comments on the proposed regulations. In addition, the Authority shall publish legal notice in Spanish at least once in an appropriate newspaper in general circulation in the Service Area. A hearing officer appointed by the Executive Director shall conduct hearings on proposed regulations and make findings, conclusions and recommendations to the Authority after considering all public comments.

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(2) Changes in rates or charges for water and sewer may be enacted by the Authority only after publishing legal notice of hearing once a week for two consecutive weeks in a daily newspaper in the Service Area prior to a public hearing held to receive comments on the proposed changes. In addition, the Authority shall publish legal notice in Spanish at least once in an appropriate newspaper in general circulation in the Service Area. The Authority may hold such hearing itself or may appoint a hearing officer to conduct the hearing and make findings, conclusions and recommendations to the Authority.

1-1-3. WATER RATES.

(A) Definitions. As used in this Section, unless the context otherwise requires:

CUSTOMER CLASSIFICATIONS Include:

(1) **RESIDENTIAL.** Single-family detached, condominiums served by individual meters, townhouses served by individual meters, duplexes served by individual meters, or mobile homes served by individual meters.

(2) **MULTI-FAMILY.** Any metered/account serving more than one dwelling unit; i.e., duplexes, residences with guests houses, triplexes, four-plexes, apartment complexes, condominiums, town-homes, or mobile homes served by common meters.

(3) **COMMERCIAL.** Retail, offices, hotels, motels, shopping centers, none of which use process water in the conduct of business.

(4) **INDUSTRIAL.** Manufacturing, or process facility which is engaged in producing a product.

(5) **INSTITUTIONAL.** Government buildings, hospitals, schools, and other facilities that provide public and quasi-public services.

WATER CREDIT ELIGIBILITY AND PROCEDURES.

(1) Single-family detached, condominiums, townhouses, duplexes or triplexes served by common or individual meters; mobile homes served by individual meters; but limited to those Customers who own the dwelling in which they reside and

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qualify under the United States Department of Health and Human Services poverty guidelines.

(2) The Executive Director shall establish procedures regarding certification for water credits and shall periodically make administrative changes to the income guidelines as circumstances require.

(B) Metered Water Service.

(1) The rates and compensation to be paid to the Authority for public and private use of water supplied by the Authority for any and all purposes shall be in accordance with the following schedule of charges. In addition to this Fixed Monthly Charge, there shall be a Strategy Implementation Fixed Monthly Charge, §1-1-3(B)(2), which shall be dedicated to the Sustainable Water Supply Program in Fund 622.

Fixed Monthly Charge - Metered Service

Serv Size	Meter Size	Residential	Commercial	Industrial	Institutional	Multi-family
1	5/8 X 3/4	\$7.83	\$7.98	\$ 16.81	\$8.43	\$10.06
2	1	14.97	15.28	33.25	16.19	19.51
3	1½	51.69	52.81	117.82	56.12	68.11
4	2	116.00	118.55	265.97	126.04	153.26
5	3	213.64	218.38	490.79	232.20	282.49
6	4	509.63	520.90	1172.65	554.00	674.35
7	6	781.97	799.33	1799.42	850.09	1034.72
8	8 & over	1766.03	1805.17	4066.18	2119.98	2337.45

(2) In addition to the Fixed Monthly Charge in §1-1-3(B), the rates and compensation to be paid to the Authority for public and private use of water supplied by the Authority within the Service Area for any and all purposes shall be in accordance with the following schedule of charges. This Strategy Implementation Fixed Monthly Charge shall be dedicated to the Sustainable Water Supply Program in Fund 622 to fund the implementation, operation and maintenance of the Water Resources Management Strategy, which will develop the Authority's surface water supplies. Any interest earned on these dedicated funds shall be used only for this purpose.

Fixed Monthly Charge - Metered Service Strategy Implementation

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Serv Size	Meter Size	Residential	Commercial	Industrial	Institutional	Multi-family
1	5/8 X 3/4	\$3.58	\$3.95	\$5.56	\$3.87	\$3.95
2	1	8.58	8.78	13.69	8.29	9.10
3	1½	14.20	15.67	22.16	15.35	15.67
4	2	25.21	27.81	39.35	27.26	27.81
5	3	56.67	62.55	88.50	61.28	62.55
6	4	100.71	111.17	157.28	108.90	111.17
7	6	226.56	250.10	353.88	245.01	250.10
8	8 & over	402.74	444.60	629.10	435.54	444.60

(C) Unmetered Water Service.

(1) For service connections to the utility for private fire protection.

Applicable to all service through which water is used solely for extinguishing accidental fires.

Fixed Monthly Charge

Line Size (inches)	Service Area
2	\$ 4.40
3	6.60
4	8.80
6	16.50
8	25.30
10	35.20
12	51.70

(2) Unmetered water service for any purpose other than standby fire protection will be a violation of this Ordinance and subject to the penalties specified herein; except by written agreement approved by the Executive Director.

(D) Private Use of Fire Hydrants for Non-Potable Use.

(1) Permits

(a) Connections to fire hydrants at any location are prohibited except by the Authority, Fire Departments within the service area or by written permit

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(fire hydrant meter permit) issued by the Authority. The Fire Departments within the service area are given permission to use fire hydrants based upon written agreements with the Executive Director which pertain to inspection and maintenance. Each Fire Department is required to perform agreed upon maintenance on all fire hydrants within their service area as a condition of use.

(b) A qualified applicant (business owner or licensed contractor) or designated agent wishing to obtain a fire hydrant meter permit must submit a completed application form to the Authority. Completed and signed applications may be mailed or hand delivered. If the applicant assigns a designated agent to obtain the permit, a designated agent certification form must be signed and notarized by the business owner or licensed contractor and submitted with the completed application.

(c) Fire hydrant meter permits may be issued for a period not to exceed one (1) year. Failure to comply with one or more of the terms and conditions shall be cause for terminating the permit.

(d) Under a standard fire hydrant meter permit, the applicant may request the use of any fire hydrant from the Authority's designated network of green-top fire hydrants. Applicants desiring to use an out-of-network hydrant must submit a written request with the fire hydrant meter application stating the reason(s) for needing to use the out-of-network hydrant. Authority staff will review such requests on a case by case basis and a decision shall be issued within three (3) business days of receiving the request.

(e) The Authority reserves the right to refuse to issue a fire hydrant meter permit to any applicant with an Authority account that is in violation of this ordinance.

(2) System Connection and Water Use.

(a) Water taken from fire hydrants may be used only for non-potable, non-recreational purposes within the Authority service area. The use of non-potable water taken from fire hydrants for swimming pools is prohibited.

(b) The permit holder shall utilize a backflow prevention method or device acceptable to the Authority at all times the meter is in use to protect the

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Authority's water supply. Failure to use an acceptable backflow prevention method or device shall be cause for confiscating the meter and terminating the permit.

(c) The Executive Director can appoint employees to inspect hydrant meters at anytime, but not less than once per annum. Permit holders shall make provisions for such inspections.

(d) For permit holders that contract with the Authority, the Executive Director is authorized to withhold payment for outstanding hydrant meter charges including but not limited to repair and replacement of the hydrant meter and usage.

(3) Loss, Damage and Payment Surety Bond.

(a) A loss, damage and payment surety deposit of \$3,000.00 for each fire hydrant meter is required at the time the permit is issued. If a fire hydrant meter is lost or stolen, the \$ 3,000.00 deposit shall be forfeited and the permit holder shall be assessed up to \$ 1,000.00 charge for water usage.

(b) All or a portion of the loss, damage and payment surety deposit will be refunded depending upon the cost of repairing the meter and the outstanding balance for meter charges when it is returned to the Authority. The Authority shall cause the repair work and compute the time and materials necessary to rehabilitate the meter.

(c) The Executive Director can waive the loss, damage and payment surety deposit for special events or non-construction related short term projects.

(4) Reporting

(a) The permit holder shall be required to report and pay for fire hydrant usage on a monthly basis. Fire hydrant meter readings shall be submitted, in writing between the first (1st) and tenth (10th) day of the month for water usage during the previous calendar month, regardless of whether any water usage occurred during that month. Failure to submit meter readings between the first (1st) and the tenth (10th) of the month shall result in a \$ 20.00 late meter reading fee per occurrence. Failure to

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report meter readings on or before the last day of the month the readings are due shall be cause for confiscation of the meter and termination of the permit.

(5) Fees and Charges.

(a) The nonrefundable connection fee is \$230 for each hydrant issued for a fire hydrant meter permit.

(b) All fire hydrant meter permit holders shall pay a monthly maintenance charge of \$70. This monthly maintenance charge shall not be prorated.

(c) All water withdrawn from a fire hydrant shall be charged at the current commodity rate. Connections to fire hydrants in violation of this Ordinance will be subject to the penalties specified herein and shall be considered an illegal connection and be subject to hydrant meter confiscation.

(d) The permit holder shall be required to remit payment for all water withdrawn from fire hydrants on a monthly basis. Failure to remit payment in full within ten (10) days of receipt of final notice shall result in a \$ 50.00 late payment fee per occurrence, and shall be cause for confiscation of the meter and termination of the permit.

(E) Water Commodity Charge.

(1) (a) In addition to the Fixed Monthly Charge, all water used by a Customer within the Service Area for any purpose whatsoever shall be charged at the rate of \$1.014 per unit (one unit equals 100 cubic feet). In addition, there shall be a charge, added to this commodity charge, of the amount necessary to compensate the Authority for the water conservation fee charged by the state and for the Sustainable Water Supply Program in Fund 622, §1-1-3(E)(2). This is determined by the meter reading or by estimating the usage by statistical methods. Customers shall pay bills monthly.

(b) Included in the commodity charge is a \$0.116 charge per unit that will be dedicated to the Water Resources Management Program in Fund 621 to fund the Ground-Water Protection Policy and Action Plan, the Water Conservation Program, Water Resources Management Planning and Arsenic Investigations. All interest earned on these dedicated funds shall be used only for this purpose.

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(2) In addition to the fixed monthly charges and the Commodity Charge, §1-1-3(E)(1)(a), all water used by a Customer within the Service Area for any purpose whatsoever shall be charged at the rate of \$0.371 per unit (one unit equals 100 cubic feet). This charge per unit will be dedicated to a Sustainable Water Supply Program in Fund 622 to fund the Water Resources Management Strategy. Any interest earned on these dedicated funds shall be used only for this purpose.

(3) Bills may be based on the estimated average annual water use in units, annualized and divided by 12 months, plus the fixed monthly charge. Any special charges, such as UEC, shall be included on the bill. The Executive Director may administratively adjust bills periodically by crediting and debiting accounts as appropriate if errors have been found and verified.

(4) (a) Surcharges for irrigation-only water accounts shall be assessed based upon an annual irrigation budget allowance established for such accounts, in accordance with the Authority's Water Waste Ordinance O-06-3 or successor Ordinance. A surcharge will be applied to the usage above the annual irrigation budget allowance. For excess usage up to 150 percent (first tier) of the annual irrigation budget, the surcharge shall be 50% of the commodity rate shown in §1-1-3(E)(1)(a) and §1-1-3(E)(2). For excess usage greater than 150 percent (second tier) of the annual irrigation budget, the surcharge shall be 100% of the commodity rate shown in §1-1-3(E)(1)(a) and §1-1-3(E)(2).

(b) The surcharge amount added for each unit exceeding 300% of the Winter Mean water usage as calculated in §1-1-2(A), shall be equal to 50% of the commodity charges in §1-1-3(E)(1)(a) and §1-1-3(E)(2), and shall be added to the total charge determined in §1-1-3(E)(4)(b) for usage during the following months of April through October.

(c) The surcharge amount added for each unit exceeding 400% of the Winter Mean water usage as calculated in §1-1-2(A) shall be equal to 50% of the commodity charges in §1-1-3(E)(1)(a) and §1-1-3(E)(2), and shall be added to the total charge determined in §1-1-3(E)(4)(b) for usage during the following months of April through October.

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(d) Drought Related Surcharges. Under the four levels of Drought defined in the Drought Management Strategy, the Authority may, at its sole discretion, increase surcharges described in §1-1-3 by a factor of two, three or more as may be necessary to assist in water use reduction during a drought. During a drought, the Authority shall declare to the public the Drought Level, which can be raised and lowered by the Authority, and the proposed increase in surcharges. The Drought level only applies to the current year and must be approved by the Authority on a year by year basis. The Authority delegates the implementation of the Drought Management Strategy including the increase of surcharges to the Executive Director. Based on the Drought Level approved by the Authority, the Executive Director shall direct the water the Utility of the Effective Date of the new surcharges. Surcharges, however, shall revert to the surcharges described in §1-1-3 after November 1 of that same year.

(e) For residential class Customers only having service sizes 1 through 3, a 5% discount shall be applied to the commodity charges in §1-1-3(E)(1)(a) and §1-1-3(E)(2) for water usage during the months of April through October which is 150% or less than the Class Winter Mean water usage.

(F) Multiple Meter Service. Customers with service by more than one meter to any premise shall be charged the applicable fees associated with each meter except for single-family residential Customers who have two meters, of which one is used for irrigation. The monthly fixed charge for these single-family residential Customers will be based on the largest meter at the single-family residence.

(G) Water Credit. For those accounts included within the Water Credit classification, a credit of \$10.31 per month will be applied to their billing; the billing shall be calculated using the Fixed Monthly Charge and Commodity Charge as set forth in this Ordinance.

(H) Tag and Testing Charge. When a Customer disputes meter accuracy, a "Tag & Test" service will be done after all the steps taken by the Utility have been exhausted and if requested in writing by the legal property owner or his/her authorized representative.

(1) Meters 3/4" to 2"

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Meter Size	Tag and Testing Charge Service
5/8" x 3/4"	\$140
1"	185
1-1/2"	380
2"	455

The meter in question will be removed and a new one installed so that service can be maintained. The removed meter will be bench tested by the Utility in accordance with AWWA Standard C705. Should the meter fail the accuracy test such that the requestor was being overcharged, there would be no charge to the requestor.

(2) Meter 3" and greater. The meter in question will be tested in place in accordance with AWWA Standard C701, C702 or C703 and AWWA manual M6. Should the meter fail the accuracy test such that the requestor was being over charged, there would be no charge to the requestor. The testing charge for this will be \$500 for all sizes.

(I) The Customer utility statements shall contain the following itemized element: "Sustainable Water Supply: \$`x,' where `x' shall be the cost of the rate increase to fund the implementation of the Water Resources Management Strategy.

(J) Customer utility statements shall contain the following itemized element: "Facility Rehabilitation: \$`x,' where `x' shall be the cost of the rate increase to fund facility rehabilitation."

(K) Real property owners receiving water service from the Utility are responsible for hiring a licensed plumber to connect their customer service line to the Utility's system at the point of metered service.

1-1-4. NON-POTABLE WATER RATES.

(A) Definitions. Refer to §1-1-3 Water Rates for the definitions of Customer Classifications, which apply to this Section.

(B) Metered Service. The rates and compensation to be paid to the Authority for public and private use of non-potable water supplied by the Utility within the Service Area for any and all purposes shall be in accordance with the schedule of charges listed in §1-1-3(B) for potable water metered service.

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(C) Commodity Charge.

(1) In addition to the Fixed Monthly Charge, all non-potable water used by a Customer within the Service Area shall be charged at the rate corresponding to 80% of the potable water commodity rate (one unit equals 100 cubic feet). This is determined by the meter reading or by estimating the usage by statistical methods. Customers shall pay bills monthly.

(2) Bills may be based on the estimated average annual non-potable water use by units, annualized and divided by 12 months, plus the fixed monthly charge. Any special charges, such as UEC, shall be included on the bill. The Executive Director may administratively adjust bills periodically by crediting and debiting accounts as appropriate if errors have been found and verified.

(3) For all Customers subject to the water budget provisions of the City of Albuquerque Water Conservation Landscaping and Water Waste Ordinance, § 6-1-1-1 et seq., ROA 1994 or successor Ordinance the excess use surcharge rate as defined per §1-1-3(E)(4)(b) shall be charged at the rate based upon the non-potable water commodity rate (one unit equals 100 cubic feet).

(D) Multiple Meter Service. Customers with non-potable water service by more than one meter to any premise shall be charged the applicable fees associated with each meter.

(E) Tag and Testing Charge. Refer to §1-1-3 (H) for applicable provisions and charges.

(F) Utility Expansion Charge (UEC).

(1) A utility expansion charge shall be paid to the Authority at the time of non-potable meter sale or application for non-potable water service for all new services connecting to the non-potable water system. The UEC may be paid in full at the time of non-potable service application, or paid over time with an initial minimum of 5% down payment. The balance shall be subject to a fixed monthly charge to include a carrying charge set at 7% per annum. On all connections, the balance shall be paid in full within 120 months.

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(2) The UEC for non-potable water service shall be the same as the UEC for potable water service. Refer to §1-1-8 (A) for applicable provisions and charges.

(3) Existing water Customers wishing to receive non-potable water shall not be charged a UEC unless the new combined potable and non-potable system capacity exceeds the Customer's previous existing potable system capacity.

(4) Redundant potable water and non-potable water metered services are not required for non-potable service.

(G) Non-potable Water Meter and Service Installation Fees. Refer to §1-1-9 for applicable provisions and charges.

(H) Customers that are currently using potable water for irrigation or other qualified industrial purposes as determined by the Authority and whose property is located within 200-feet of a non-potable water line are required to connect to the non-potable system within one year of service availability. Connection to non-potable system is a condition of service. The Utility is required to provide written notification to the property owner that non-potable water is available and that connection to the system is mandatory. If requested, the Utility will meet with the affected property owners and provide additional information regarding service availability, connection locations and other information that may be deemed necessary. The property owner has one year from the date of notification. Failure to connect may result in termination of service.

(I) Water Rights Leases. Beginning July 1, 2006, except for lease agreements that provide for periodic rate increases, water rights leases entered into by the Authority for the purpose of offsetting depletive effects on the Rio Grande from pumping by others shall be charged at the non-potable water rate.

1-1-5. SEWER RATES.

(A) Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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BOD or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter by Standard Methods procedures in five days at 20° C. expressed in milligrams per liter (mg/l).

CLEANOUT. A tee section in the sanitary sewer located outside any structure accessible 24 hours a day and constructed according to the Utility's standard detail.

COD or CHEMICAL OXYGEN DEMAND. A measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater as milligrams per liter (mg/l), by Standard Methods procedures.

NH₃N OR AMMONIA NITROGEN. Total Ammonia – A measure of the total ammonia as nitrogen concentration as milligrams per liter (mg/L) by Standard Methods or EPA approved procedures.

CUSTOMER CLASSIFICATIONS.

(1) **RESIDENTIAL.** Single-family detached, condominiums served by individual meters, townhouses served by individual meters, duplexes served by individual meters, or mobile homes served by individual meters.

(2) **MULTI-FAMILY.** Any metered/account serving more than one dwelling unit; i.e., duplexes, residences with guests houses, triplexes, four-plexes, apartment complexes, condominiums, town-homes, or mobile homes served by common meters.

(3) **COMMERCIAL.** Retail, offices, hotels, motels, shopping centers, none of which use process water in the conduct of business.

(4) **INDUSTRIAL.** Manufacturing, or process facility which is engaged in producing a product.

(5) **INSTITUTIONAL.** Government buildings, hospitals, schools, and other facilities that provide public and quasi-public services.

(6) **WHOLESALE-SPECIAL CONTRACTS.** Contract Customers that are responsible for a collection system beyond the point where their respective wastewater discharges into the Authority's interceptors.

(7) **KIRTLAND AIR FORCE BASE (KAFB).**

(8) **NEW MEXICO UTILITIES, INC. (NMUI).**

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INDUSTRIAL LIQUID WASTES. All waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing of food processing operation or process, or from the development of any natural resources, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

LATERAL SEWER. An individual user's sewer pipe beginning at the public sewer and extending to the premises actually served. The lateral sewer includes the stub to which a user connects to the public sewer and all appurtenances on such lateral sewer. The user is responsible for the maintenance of the lateral sewer including those portions that may be within any right-of-way. The term is interchangeable with "house service connection," "sewer service line," or "building sewer."

NORMAL DOMESTIC WASTEWATER. Effluent which contains constituents and characteristics similar to effluent from a residence and specifically for the purposes of this Ordinance does not contain BOD, COD, NH₃N and TSS in excess of the following concentration:

BOD -- 250 mg/l

COD -- 500 mg/l

TSS -- 330 mg/l

NH₃N – 25 mg/l

PUBLICLY OWNED TREATMENT WORKS or POTW. A treatment works as defined by § 212 of the Clean Water Act, (33 USC 1292) which is owned by the Authority. The term also includes Authority works, as defined in § 502 of the Clean Water Act, (33 USC 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. The "treatment works" includes all plants, sanitary sewers, lift stations, odor control stations, and all other properties, now or hereafter existing, used or useful in connection with the collection, pumping, disposal and treatment of wastewater, as now or hereafter added to, expanded or improved.

SEWER CREDIT ELIGIBILITY AND PROCEDURES. Single-family detached, condominiums, townhouses, duplexes or triplexes served by common or individual meters; mobile homes served by individual meters; but limited to those Customers who

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own the dwelling in which they reside and qualify under the United States Department of Health and Human Service poverty guidelines.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association and American Water Works Association and the Water Pollution Control Federation.

TOTAL SUSPENDED SOLIDS or TSS. Those solids which are retained by a standard glass fiber filter and dried to constant weight at 103 – 105° C. expressed in milligrams per liter (mg/l), by Standard Methods procedures.

WASTEWATER. The used water of a community. Such used water may be a combination of the liquid waterborne wastes from residences, commercial buildings, industrial plants and institutions.

(B) Methodology and Calculation of Rates and Charges

(1) The rates and charges described in this Ordinance are developed in conformance with standard cost-of-service rate making principles as recommended by the American Water Works Association, the Water Environment Federation, and the United States Environmental Protection Agency (USEPA).

(2) The Authority's rates and charges are calculated based on each customer classification's use of the system. Historical billed flows by classification and a systematic allocation of operation, maintenance, and capital costs were used to calculate the schedule of charges contained in this Ordinance.

(C) Fixed Monthly Charge.

(1) The rates and compensation to be paid to the Authority for public or private use by discharge of liquid waste into the Utility within the Service Area for any and all purposes whatsoever shall be in accordance with the following schedules of charges. The fixed monthly charge for Customers with Authority water service shall be based on the water service size. The fixed monthly charge for Customers without Authority water service shall be based on the liquid waste flow. Liquid waste flow will be

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calculated in accordance with the methodology set forth in the commodity charge Section of §1-1-5(D).

(2) Fixed Monthly Charge for Customers with water service:

Serv Size	Meter	Resid	Comm	Indust	Instit	Multi-fam
1	5/8 X 3/4	\$7.49	\$9.26	\$42.09	\$7.17	\$12.43
2	1	12.14	15.16	71.30	11.58	20.58
3	1½	49.64	62.82	307.10	47.23	86.37
4	2	123.52	156.70	771.61	117.46	215.97
5	3	165.42	209.94	1035.05	157.29	289.48
6	4	352.41	447.54	2210.67	335.03	617.50
7	6	469.32	596.10	2945.73	446.16	822.59
8	8 & over	834.31	1059.87	5240.47	793.10	1462.87

(3) Fixed Monthly Charge for Customers without water service:

Liquid Waste

Flow (CCF)	Residential	Commercial	Industrial	Institutional	Multi-family
0-10	\$ 7.49	\$ 9.26	\$42.09	\$7.17	\$12.43
11-19	12.14	15.16	71.30	11.58	20.58
20-63	49.64	62.82	307.10	47.23	86.37
64-82	123.52	156.70	771.61	117.46	215.97
83-343	165.42	209.94	1035.05	157.29	289.48
344-599	352.41	447.54	2210.67	335.03	617.50
600-803	469.32	596.10	2945.73	446.16	822.59
804-over	834.31	1059.87	5240.47	793.10	1462.87

(4) Fixed Monthly Charges for Wholesale and KAFB & NMUI

Serv Size	Wholesale	Item	KAFB	NMUI
1	\$9.46	Per Month	\$30,124.95	\$92,474.79
2	15.50			
3	64.28			
4	160.38			
5	214.88			

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6 458.09
7 610.16
8 1084.90

(D) Commodity Charge. All wastewater discharge shall be charged on the basis of the Commodity Charges for Retail and Special Customers rate table on a per unit basis (one unit equals 100 cubic feet).

Commodity Charges for Retail and Special Contract Customers

Customer Class	Base (\$/CCF)	Rehab (\$/CCF)	Total Commodity (\$/CCF)
Retail Customers			
Residential	\$0.624	\$0.198	\$0.822
Commercial	0.624	0.198	0.822
Industrial	0.624	0.198	0.822
Institutional	0.624	0.198	0.822
Multi-family	0.624	0.198	0.822
Special Contracts			
Wholesale	\$0.440	\$0.139	\$0.579
KAFB	0.440	0.139	0.579
NMUI	0.440	0.139	0.579

(1) Customers With Water Service. The commodity charge for usage during the months of December, January, February and March (winter months) shall be based upon 95% of the metered or estimated volume of water usage during each of these months for each account. The commodity charge for usage during other months shall be based upon 95% of the metered or estimated volume of water usage during that month or shall be based upon 95% of the prior winter months' average, whichever is less for each account. The winter months' average is determined by averaging the metered or estimated volume of water used during the winter months.

(2) Customers Without Water Service. The volume of wastewater discharge shall be determined by the physical measurement at the expense of the customer; however, where accurate and reasonable estimates can be made by statistical methods, such estimates shall be considered the volume of discharge upon

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which the commodity charge is based. The Utility expressly reserves the right to determine the estimated wastewater volume for any customer without water service, which determination may be appealed to the Executive Director.

(3) Special Wastewater Discharge Volume. The Authority recognizes that sewage discharge patterns for individual Customers may vary to a great extent from the norms of any particular class; therefore, any Customer may, at their own expense, provide the Authority with sewage flow data for consideration of a special wastewater discharge volume. Such data shall be certified by an engineer registered in the state. The Authority expressly reserves the right to determine the estimated wastewater volume for any Customer, which determination may be appealed to the Executive Director.

(E) Extra-Strength Surcharge.

(1) All Customers discharging wastewater into the POTW are subject to a surcharge if the discharged wastewater exceeds normal domestic wastewater strength. NORMAL STRENGTH is defined as:

(a) Chemical Oxygen Demand (COD) less than or equal to 500 mg/l; and

(b) Biochemical Oxygen Demand (BOD) less than or equal to 250 mg/l; and

(c) Total Suspended Solids (TSS) less than or equal to 330 mg/l; and

(d) Ammonia Nitrogen (NH₃N) less than or equal to 25 mg/l.

(2) The Utility shall determine strength as defined by the above parameters in §1-1-5(E)(1) above. The procedures are described (l) below. If it is determined that the wastewater strength exceeds the limits specified, a surcharge shall be levied at the rate of:

(a) \$.11 per pound of COD for the excess of 500 mg/l of COD; and

(b) \$.23 per pound of BOD for the excess of 250 mg/l BOD; and

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(c) \$.19 per pound of TSS for the excess of 330 milligrams per liter of TSS; and

(d) \$.47 per pound of NH₃N for the excess of 25 mg/l of NH₃N.

(3) The Authority shall promulgate regulations to carry out the provisions of the extra-strength surcharge.

(F) Septic Tank Truck Discharge. No user owning vacuum or "cesspool" type pumping trucks or other liquid waste transport trucks shall discharge such waste into the POTW, unless such person shall first have applied for and received a Septic Tank Discharge or Chemical Toilet Discharge Permit from the Executive Director pursuant to the regulations "Establishing Administrative Policies and Fees for the Discharge of Septic Tank and Chemical Toilet Wastes" currently adopted by the Authority.

(G) Sewer Use Regulations. The Authority's Sewer Use and Wastewater Control or successor Ordinance, shall govern all discharges of wastewater to the POTW.

(H) Sampling; Metering Manhole Requirements. When required by the Utility, the owner of property serviced by a lateral sewer carrying industrial liquid wastes shall install a suitable control manhole or cleanout together with such necessary meter and other appurtenances in the lateral sewer to facilitate observation, sampling, and measurement of the wastes. Such monitoring locations shall be accessible, safely located, and constructed in such a manner as to prevent infiltration of ground and surface waters. They shall be constructed in accordance with plans approved by the Utility. The Utility has established standard details. The monitoring location and all equipment shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(I) Sampling and Testing Procedures.

(1) All dischargers subject to monitoring according to the Authority's Sewer Use and Wastewater Control Ordinance, will be monitored by the Authority. The discharge will be sampled and tested for compliance with the Authority's Sewer Use and Wastewater Control Ordinance, and to determine the surcharge amount.

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(2) All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association and Water Pollution Control Federation, and the American Waterworks Association.

(3) Sampling shall be carried out by customarily accepted methods. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD, COD, NH₃N and TSS analyses are obtained from 24-hour composites of all outfalls.

(4) Those industries suspected of discharging either high COD, BOD, NH₃N wastes or high TSS wastes shall be sampled for five consecutive days by grab samples or 24-hour composite samples from a Utility manhole. If COD results exceed 500 mg/l, BOD results exceed 250 mg/l, NH₃N results exceed 25 mg/l, or TSS results exceed 330 mg/l on any of the three of the five consecutive days, or in any of the 24-hour composite samples, a sampling manhole will be required for industries discharging greater than 50,000 gallons per day or if required by the Authority's Sewer Use and Wastewater Control Ordinance or successor Ordinance. Upon installation of the sampling manhole, an automatic sampler with attached flow meter will be used to gather a flow weighted composite which shall be used to compute a monthly surcharge. Industries discharging less than 50,000 gallons per day and not otherwise requiring a sampling manhole will be required to install a cleanout and an automatic sampler will be used to gather a time-weighted composite which shall be used to compute a monthly surcharge. Pretreatment may be required according to the Authority's Sewer Use and Wastewater Control Ordinance or successor Ordinance.

(J) Sewer Credit. For those accounts included within the Sewer Credit classification, a credit of \$9.62 per month will be applied to their billing; the billing shall be calculated using the Fixed Monthly Charge and Commodity Charge as set forth in this Ordinance.

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(K) Customer utility statements shall contain the following itemized element:
"Facility Rehabilitation: \$`x,' where `x' shall be the cost of the rate increase to fund
facility rehabilitation."

1-1-6. WATER AND SEWER REHABILITATION FUND.

(A) An established portion of the revenue generated by fixed water rates and
the water commodity charge shall be distributed to a Water and Sewer Rehabilitation
Fund. The fixed rate portion of the water rates contained in §1-1-3 (B) which shall be
distributed to the Water and Sewer Rehabilitation Fund are contained in the following
schedule of charges. The portion of the water commodity rate to be distributed to the
Water and Sewer Rehabilitation Fund shall be \$0.140 per unit.

Fixed Water Rates (per month)

Serv Size	Meter Size	Residential	Commercial	Industrial	Institutional	Multi-family
1	5/8 X 3/4	\$1.10	\$1.12	\$2.36	\$1.18	\$1.41
2	1	2.10	2.14	4.66	2.27	2.73
3	1½	7.25	7.40	16.52	7.87	9.55
4	2	16.26	16.62	37.29	17.67	21.49
5	3	29.95	30.62	68.81	32.55	39.61
6	4	71.45	73.03	164.41	77.67	94.54
7	6	109.63	112.07	252.28	119.18	145.07
8	8 & over	247.60	253.09	570.08	297.22	327.71

(B) In addition to the portion of the commodity rate to be distributed to the
Water and Sewer Rehabilitation fund as identified in §1-1-5(D) above, the following
fixed rate portions of the sewer rates contained in §1-1-5 (C) shall be distributed to the
Water and Sewer Rehabilitation Fund.

Fixed Monthly Rehabilitation Charges

Serv Size	Meter Sz	Resid	Comm	Indust	Instit	Multi-fam	Wholesale
1	5/8 X 3/4	\$1.80	\$2.23	\$10.12	\$1.72	\$2.99	\$2.27
2	1	2.92	3.65	17.14	2.78	4.95	3.73
3	1½	11.93	15.10	73.82	11.35	20.76	15.45
4	2	29.69	37.67	185.49	28.24	51.92	38.55

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5	3	39.77	50.47	248.81	37.81	69.59	51.65
6	4	84.72	107.58	531.42	80.54	148.44	110.12
7	6	112.82	143.30	708.12	107.25	197.74	146.68
8	8 & over	200.56	254.78	1259.76	190.65	351.66	260.80

Monthly Rehabilitation Charges for KAFB & NMUI

Item	KAFB	NMUI
Per Month	\$7,241.74	\$22,230.02

(C) Expenditures for the rehabilitation of water wells, pump stations, reservoirs, service lines, other water lines, gate valves and the expenditures for rehabilitation of sewer lines, odor control stations, pumping stations and treatment facilities from revenues in the Water and Sewer Rehabilitation Fund shall not be less than \$30 million dollars per year.

(D) The distributions from water and sewer rates to the Water and Sewer Rehabilitation Fund shall be reviewed every five years and updated as needed to adjust for construction inflation, new capital inventory, rate increases and other factors.

1-1-7. WATER AND SEWER SYSTEM AND UTILITY FINANCIAL POLICIES.

(A) The term of each and every instrument of debt shall be 12 years or less; except for sustainable water supply projects. This policy shall not apply to the possible acquisition of other operating water and wastewater utility systems or to mitigate short term rate impacts.

(B) At a minimum, 50% of the cost of capital projects which constitute the normal capital program of the water and sewer system including the rehabilitation and replacement of existing facilities, and the construction of water wells, pump stations, reservoirs, service lines, other water lines, gate valves, revenue meters and meter boxes, sewer lines, odor control stations, and pumping stations, and treatment facilities shall be paid with cash rather than borrowed funds. The normal capital program excludes special capital projects such as the expansion of the wastewater treatment plants, arsenic mitigation, state and federal grant projects, state and federal mandated projects, and related to water resources management to achieve a sustainable supply of water (Sustainable Water Supply Fund - 622). This policy shall not apply to the possible

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acquisition of other operating water and wastewater utility systems or to mitigate short term rate impacts.

(C) At a minimum, 25% of the cost of capital projects not included in the normal capital program of the water and sewer system shall be paid with cash rather than borrowed funds. This policy shall not apply to the possible acquisition of other operating water and wastewater utility systems sustainable water supply or to mitigate short term rate impacts.

(D) Utility Expansion Charge (UEC) revenues or those of successor development fees in excess of \$6,000,000 per year shall be transferred to the Joint Water and Sewer Capital Funds. The transfer of these funds shall be made in the fiscal year following the most recent audited Comprehensive Annual Financial Report.

(E) Utility Expansion Charge rates shall be based on adopted policies of the Authority.

(F) Appropriations of cash transfers from water and sewer utility operating funds or debt service funds to a Joint Water and Sewer Capital Fund shall be made in the amounts appropriated during the year for which the appropriations have been made.

(G) The Authority shall continue to implement an asset management program to manage its capital infrastructure focusing on minimizing the total cost of designing, acquiring, operating, maintaining, replacing, and disposing of capital assets over their life cycle while achieving desired service levels. It will also allow the Authority to manage existing assets more effectively, make informed decisions on policy and budgetary matters, and plan for future needs.

(H) A Rate Reserve Fund is established for reserving water and sewer revenues in a dedicated fund for the purpose of offsetting declines in rate revenue and to mitigate future rate increases. This Rate Reserve Fund is established at \$1 million. This Rate Reserve Fund may be increased annually based on excess funding over \$10 million in the Authority's Working Capital Balance. The Rate Reserve Fund will be capped at \$5 million. Any expenditure from this Rate Reserve Fund will require an appropriation approved by the Authority Board.

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1-1-8. UTILITY EXPANSION CHARGE (UEC) and WATER SUPPLY CHARGE (WSC).

(A) (1) A UEC charge will be paid to the Authority at the time of meter sale or application for service for all properties connecting to the water and/or wastewater system in accordance with the following schedule. The amount of the UEC's shall be adjusted annually by building cost or construction cost indices (BCI or CCI) as published by the Engineering News Record (ENR). Where water service does not exist and sewer service is to be taken and the sewer UEC is applicable, the charge shall be based upon the wastewater flow. A unit of flow is equal to 100 cubic feet.

(a) Financing for Water UEC

Effective July 1, 2007

Finance for Water UEC

Water Meter Size	Water Payment	Minimum Cash Down	Balance to Finance
3/4"	\$2,421	\$121	\$2,300
1"	4,036	202	3,834
1-1/2"	8,071	404	7,667
2"	12,914	646	12,268
3"	25,827	1,291	24,536
4"	40,355	2,018	38,337
6"	80,710	4,036	76,674
8" or More	129,137	6,457	122,680

(b) Financing for Sewer UEC

Effective July 1, 2007

Finance for Wastewater UEC

Water Meter Size	Liquid Waste Flow	Sewer Payment	Minimum Cash Down	Balance to Finance
3/4"	0-10	\$1,816	\$91	\$1,725
1"	11-19	3,027	151	2,876
1-1/2"	20-63	6,053	303	5,750
2"	64-82	9,685	484	9,201
3"	83-343	19,370	969	18,401

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4"	344-599	30,265	1,513	28,752
6"	600-803	60,530	3,027	57,503
8" or More	804 & over	96,848	4,842	92,006

(2) The UEC may be paid in full or paid over time with an initial minimum of 5% down payment and the balance shall be subject to a fixed monthly charge to include a carrying charge set at 7% per annum. On all connections, the balance shall be paid in full within 120 months.

(3) The fixed monthly charge for the UEC shall run against the property and be the responsibility of any subsequent owner until paid in full. All monies collected through the imposition of the UEC, including the fixed monthly charge, shall be placed in a separate account to be used for financing the expansion for the water and sewer system.

(B) Reactivation of disconnected service. No refund of UEC will be made for a service downsizing. Reconnections requesting larger service than was originally installed shall pay UEC determined by subtracting the current charge for the original service size from the current charge for the new service size requested.

(C) Charges for multiple residential units:

(1) Requests for residential or commercial water and/or sewer service which will provide for more than one residential unit will pay UEC according to one of the following schedules:

(a) Apartment Complexes.

(i) With 30 dwelling units or less shall pay 50% of the product of the total number of units times the water and/or sanitary sewer UEC for a 5/8" x 3/4" water meter.

(ii) With more than 30 dwelling units shall pay the amount given by the equation below:

$$\text{Equivalent Units} = (0.45) \times (\text{No. of Units}) + 1.49$$

$$\text{Total UEC} = (\text{Equivalent Units}) \times (5/8" \times 3/4" \text{ Meter UEC})$$

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(b) Mobile Home Parks, regardless of size, shall pay 53% of the product of the total number of dwelling units times the water and/or sanitary sewer UEC for a 5/8" x 3/4" water meter.

(c) Condominiums, regardless of size, shall pay 53% of the product of the total number of dwelling units times the water and/or sanitary sewer UEC for a 5/8" x 3/4" water meter.

(d) Commercial service shall pay the larger of the following:

(i) The water and/or sewer UEC as shown in §1-1-8(A).

(ii) 50% of the product of the number of equivalent residential units times the water and/or sewer UEC charge for a 5/8" x 3/4" meter.

(2) If the service requested necessitates modification and/or installation of additional facilities other than those already in existence and available to serve the property, then the cost of such modifications and/or additional facilities shall be applied and apportioned according to existing Authority policy.

(D) (1) A Water Supply Charge (WSC), as specified herein, will be assessed by the Authority at the time of meter sale or application for service to any new water user customer requesting connection to the water system in an area not located within the Authority's service area requiring a development agreement in accordance with § 1-1-8(D)(1)(a). The proceeds from this charge will be dedicated and restricted to the development of new water resources, rights or supplies to serve the beneficiary new customers outside of the service area consistent with the Authority's Regional Water Plan and Water Resources Management Strategy and other guiding principles adopted by the Authority. The amount of the WSC shall be adjusted annually by building cost or construction cost indices (BCI or CCI) as published by the Engineering News Record (ENR). The WSC fee does not apply to non-potable water service.

(a) Financing for Water Supply Charge - WSC

Effective July 1, 2007

Water Meter Size	Water Payment	Minimum Cash Down	Balance to Finance
3/4"	\$1,250	\$ 63	\$1,187
1"	2,084	104	1,980

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1-1/2"	4,167	208	3,956
2"	6,668	333	6,335
3"	13,335	667	12,668
4"	20,836	1,042	19,794
6"	41,672	2,084	39,588
8" or More	66,675	3,334	63,341

(2) The WSC may be paid in full or paid over time with an initial minimum of 5% down payment and the balance shall be subject to a fixed monthly charge to include a carrying charge set at 7% per annum. On all new hook-up connections, the balance shall be paid in full within 120 months.

(3) The fixed monthly fee for the WSC shall run against the property and be the responsibility of any subsequent owner until paid in full. All monies collected through the imposition of the WSC shall be placed in a separate account to be used for financing the development of additional long term water supplies to serve expansions of the Authority's service area subsequent to June 15, 2007.

(4) The WSC is not reimbursable under the line extension policy. All revenues generated from the WSC will be maintained in it's own activity and to be used only as specified in § 1-1-8(D)(1).

1-1-9. SPECIFIC SERVICES.

Fees for specific services shall be as follows:

(A) Metered Service Lines.

- (1) 3/4" meter set only, \$295
- (2) 1" meter set only, \$ 355
- (3) 1 1/2" meter set only, \$555
- (4) 2" meter set only, \$635
- (5) 3" metered service line installation.
 - (a) 3" meter set only with turbine meter without vault,
\$1,535
 - (b) 3" meter set only with compound meter without vault,
\$2,185

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- (6) 4" metered service line installation.
 - (a) 4" meter set only with turbine meter without vault,
\$2,225
 - (b) 4" meter set only with compound meter without vault,
\$3,125
 - (c) 4" meter set only with fire protectus meter without
vault \$7,210
- (7) 6" metered service line installation.
 - (a) 6" meter set only with turbine meter without vault,
\$3,350
 - (b) 6" meter set only with compound meter without vault,
\$5,140
 - (c) 6" meter set only with fire protectus meter without
vault \$7,520
- (8) 8" metered service line installation.
 - (a) 8" meter set only with turbine meter without vault,
Contact Utility for quote
 - (b) 8" meter set only with turbine meter without vault
\$5,070
 - (c) 8" meter set only with fire protectus without vault
\$13,040
- (9) 10" and larger: Contact the Utility for price quote
- (B) Meter Size Reduction Installation.
 - (1) 3/4" through 1-1/2", \$85
 - (2) 2", \$170
 - (3) 3" and larger, contact the Utility for price quote
- (C) Nonpayment Delinquency Fee.
 - (1) 3/4" and 1", \$45
 - (2) 1-1/2" through 10", \$60
- (D) Combined Fire-Domestic Meters.

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(1) Requests for this type of metered service, which provide both fire protection and domestic-irrigation service, may be made at the New Services Section of Utility Development. Upon the satisfactory determination of peak flow water delivery requirements, as certified by an engineer registered in the state, in accordance with the City of Albuquerque's and the County of Bernalillo's fire codes and the AWWA M22 an equivalent meter size will be determined for the service. Fixed monthly charges for private fire protection shall also be applied commensurate with the degree of fire protection capacity being provided.

(2) Fees for installation (set only) is in §1-1-9(A).

1-1-10. FRANCHISE FEE.

There shall be a charge of 4% on the total sales of water and sewer services added to customer billings to compensate the Authority for the franchise fee charged by the City, County and the Village of Los Ranchos for the granted authorization to use rights-of-way and public places to construct, operate, and maintain water and wastewater systems.

1-1-11. PAYMENT.

All charges shall be payable at the office of the City Treasurer, City Hall, Albuquerque, New Mexico, or other locations as designated by the Authority and will become delinquent 15 days following the "due by" date on the Customer's utility statement.

1-1-12. PENALTY FOR DELINQUENT ACCOUNTS.

A penalty of 1.5% per month may be imposed on all delinquent accounts.

1-1-13. RESPONSIBILITY OF PAYMENT, LIENS, AND DEPOSIT.

(A) The assessed fees and service charges provided for herein are the personal responsibility of the owner of record, as reported by the Bernalillo County Assessor for the real property served.

(B) The Authority may file a lien of record on such real property for such charges including any interest or penalties accruing on same.

(C) Reasonable deposits may be required of any Customer including tenants. Deposits not to exceed 6 months in duration. Such deposits and accrued interest shall

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be applied to the utility account immediately upon becoming delinquent or the expiration of 6 month period. Any credit status created by applying the deposit will be absorbed by the monthly service charges and considered prepayments for services. Such deposits shall draw reasonable interest.

1-1-14. DISCONTINUANCE OF SERVICE; HEARING.

(A) The Utility may cause the water supply to be turned off and discontinue service to the property if any charge provided for herein remains unpaid for a period of 30 days from the "due by" date on the Customer's utility statement. Service may not be discontinued for delinquencies of a previous owner. Unless a lien, or record has been filed prior to the real property changing ownership or responsibility, with the Bernalillo County Clerk indicating that outstanding Utility charges remain and the lien has been filed to protect the Utility asset.

(B) In order to discontinue service, a written notice shall be sent to the Customer giving him at least ten calendar days notice of the termination of service and notice of his right to protest the Utility's proposed action at an administrative hearing.

(C) The Customer must request in writing that a hearing be held and such request must be received by the Executive Director on or before the date the services are to be terminated.

(D) At such hearing, the Customer may present evidence as the Utility and the Executive Director may affirm, overrule or modify the decision to terminate the services. The decision shall be final.

(E) In the event a hearing is requested, the services shall not be terminated until and in accordance with that decision.

(F) A nonrefundable hearing fee of \$50.00 shall accompany each appeal filed pursuant to this §1-1-13.

(G) For purposes of expediting the satisfaction of delinquent accounts the Executive Director may at his discretion waive, credit, and or remove penalty fees or other fees from any account.

1-1-98. VIOLATIONS.

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(A) It shall be unlawful to use or cause to be used any water produced or distributed by the Utility without the consent of the Authority. Water distributed through authorized meter or obtained by any means authorized by ordinances or administration rules and regulations shall constitute the consent of the Authority.

(B) It shall be unlawful to discharge or cause to be discharged any liquid waste to the liquid waste collection or treatment system operated by the Utility without the consent of the Authority and compliance with the Authority's Sewer Use and Waste Water Control Ordinance. Approved connections or permits shall constitute such consent.

(C) It shall be unlawful for any person to willfully break, injure, or tamper with any property of the Authority, including but not limited to: wells, pump stations, reservoirs, sewage treatment plants, lift stations, distribution lines, fire hydrant service lines, meters, gate valves, manhole covers or grates.

(D) Violation of any of the above described occurrences shall be subject to a connection service charge of \$400.00 per occurrence and or termination of service.
1-1-99. PENALTY.

Any person convicted of a violation of §1-1-98 or §1-1-3(D) or §1-1-5(G) or (H) shall be subject to the penalty provisions set forth below. The Court may sentence any corporation, club, organization or unincorporated association which has been convicted of a violation of this Ordinance to pay a fine authorized herein.

Any person who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or by imprisonment not exceeding 90 days or both unless a different specific penalty is provided. Each separate violation shall constitute a separate offense and, upon conviction, each day of violation shall constitute a separate offense.

Section 2 SEVERABILITY CLAUSE. If any Section, paragraph, sentence, clause, work or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Authority hereby declares that it would have passed this Ordinance and each Section, paragraph, sentence,

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clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 3 EFFECTIVE DATE AND PUBLICATION. This Ordinance shall become effective on July 1, 2007.

EXHIBIT "L"
REIMBURSEMENT EXAMPLE
(Westland Development "Facilities")

EXAMPLE COMPUTATIONS FOR REIMBURSEMENT SCHEDULE:

Hypothetical Project Cost = \$6,000,000
(not applicable to this agreement)

Example 1:

Year 1 of Reimbursement Period

As of June 30th, the number of dwelling units inside the Development boundary having new water and sewer service customer accounts served by this Development facilities = 100

Reimbursement Year 1 = 100 x \$3,428 (current UEC paid per new accounts)
= \$342,800

Example 2:

Year 2 of Reimbursement Period

As of June 30th, the number of additional dwelling units inside the Development having new water and sewer customer accounts served by Development facilities = 100.

Also, the number of dwelling units, outside the Development boundary, having new water and sewer customer accounts served by Development facilities = 50

City expenses to provide services from the Development facilities = \$100,000

Reimbursement Year 2 = 150 x 3,428 (current UEC paid per new accounts)
= \$514,200
= less direct City costs to extend service that uses the Development facilities.
= \$514,200 - \$100,000 = \$414,200

Annual reimbursement continues until 80 percent of the approved eligible Development project cost has been recovered, whereupon the remaining balance of project cost is paid to 100 percent.

September 19, 2012

Chair

Ken Sanchez
City of Albuquerque
Councilor, District 1

Vice Chair

Wayne Johnson
County of Bernalillo
Commissioner, District 5

Richard J. Berry
City of Albuquerque
Mayor

Art De La Cruz
County of Bernalillo
Commissioner, District 2

Rey Garduño
City of Albuquerque
Councilor, District 6

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Jeff Garrett
Garrett Development Corporation
3131 East Camelback Road, Suite 200
Phoenix, Arizona 85016
jeff@gdc-az.com

Dear Mr. Garrett:

At your request, the Water Authority has reviewed the development status of properties located in pressure zones 2W, 3WR and 4W. These are the properties that were specifically referenced in Section 5, Paragraph D of the Development Agreement between the Water Authority and Westland Devco LP dated August 31, 2007 and assigned to Western Albuquerque Land Holdings LLC (WALH) on June 20, 2011.

Pursuant to this Development Agreement, no water or wastewater services will be provided to properties located in Pressure Zones 5W, 6W and 7W until "...final plat approval is obtained for 70% of the lands zoned RR (Residential Resort) and R-LT (Residential) as of the date of the Agreement...in Pressure Zones 2W, 3WR and 4W."

Our review has confirmed that the 70% development requirement in Pressure Zones 2W, 3WR and 4W has been met. As such, the Water Authority agrees to provide water and wastewater services to properties in Pressure Zones 5W, 6W and 7W. This acknowledgement of serviceability does not relieve WALH from any of the Water Authority requirements concerning the design or construction of public water and sewer infrastructure. This includes, but may not be limited to, master plan water and wastewater facilities, water distribution lines and wastewater collection lines.

If you have any questions regarding these infrastructure requirements, please contact Mr. Allan Porter in our Utility Development Section at 505-924-3989 or email at aporter@abcwua.org

Sincerely,



Mark S. Sanchez
Executive Director

C: Allan Porter, P.E., Utility Development
Frank Roth, Senior Policy Manager
Development file