

CHAPTER 9

LAND USE REGULATION

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ARTICLE 1. SUBDIVISION, VACATION, AND DEVELOPMENT

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§ 9.1.1 TITLE

This Article may be cited as the “Subdivision Ordinance.”

§ 9.1.2 AUTHORITY AND JURISDICTION

- (A) **AUTHORITY.** This Article is adopted pursuant to §3-19-6 NMSA, 1978.
- (B) **JURISDICTION.** These Regulations are designed to accomplish the procedures for the processing, consideration, and filing of plats lying within the corporate boundaries of the Village of Los Ranchos de Albuquerque (the Village), which area is the Village planning and platting jurisdiction pursuant to §3-19-5 and §3-20-5 NMSA 1978. No subdivision of any land shall hereinafter be effected within the Village area of jurisdiction except in accordance with the provisions of these Regulations.



§ 9.1.3 PURPOSE

These Regulations are intended to create orderly, harmonious, and economically sound development of land in order to establish conditions favorable to the health, safety, convenience, and general welfare of citizens of the Village and its area of jurisdiction, and to recognize and preserve the Village of Los Ranchos history and culture and their importance within the Rio Grande Valley.

More specifically, provisions of these Regulations are designed to achieve adequate provision for light and air, public open spaces, water supply, drainage, sanitation including sewer facilities; economy in governmental expenditures and efficiency in governmental operations; safe, convenient circulation of people, goods, and vehicles; accurate and complete surveying, and preparation and recording of plats thereof; safety and suitability of land for contemplated development; and coordination of land development in accordance with orderly physical patterns as stated in official plans, policies, and such ordinances and codes in furtherance of plans and policies as may have been or may be hereafter adopted by the Village.

§ 9.1.4 INTERPRETATION

These Regulations are intended to be minimum requirements to carry out the purpose stated herein and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any of the provisions of these Regulations are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

§ 9.1.5 DEFINITIONS

(A) ADJACENT PROPERTY. The discrete residences, lots or tracts which are located within 300 feet of the boundaries of the lot(s) or tract(s) which are included within the area of a proposed major subdivision.

(B) ALLEY. A public or private thoroughfare which affords only a secondary means of access to abutting property.

(C) AREA PLAN. A plan that covers specific subareas of the Village. This plan provides basic information on the natural features, resources, and physical constraints that affect development of the planning area. This plan specifies detailed land-use designations used to review specific development proposals and to plan services and facilities.

(D) BLOCK. Property bounded on one side by a street and on the other sides by a street, waterway including irrigation facilities, unsubdivided areas, or other definite barriers.

(E) CENTERLINE. The line halfway between the street right-of-way lines.

(F) CUL DE SAC. A short street intersecting another street and terminating in a vehicular turn-around.

(G) ADMINISTRATOR (VILLAGE ADMINISTRATOR). The individual(s) serving as the chief administrative officer within the Village.

(H) EASEMENT. An acquired or granted right of use which one person may have in the land of another.

(I) FIRE CHIEF (or Designee). An individual certified by the State of New Mexico with authority to review plats of subdivision for compliance with applicable regulations delineated by the currently adopted International Fire Code within the Village.

(J) INFRASTRUCTURE IMPROVEMENTS. Changes to the land and facilities necessary to prepare it for building sites including, but not limited to: grading, filling, streets,



sidewalks, sanitary sewer and water system facilities, lines, and appurtenances, irrigation, drainage and flood control facilities, street lighting, and other facilities used by the public or used in common by owners of lots within a subdivision.

(K) IRRIGATION. The technique for flooding agricultural and other lands from facilities (ditches, laterals, canals, and drains) regulated by the Middle Rio Grande Conservancy District (MRGCD).

(L) IRRIGATION EASEMENT. A public or private platted easement providing for access to irrigation water as regulated by the Middle Rio Grande Conservancy District (MRGCD).

(M) LOT. A tract or parcel of land:

(1) exclusive of public right-of-way, placed on the County Clerk's records in accordance with this Article or predecessor ordinances, the Bernalillo County Subdivision Ordinance or predecessor ordinances, or the laws of the State of New Mexico, whichever had jurisdiction at time of filing;

(2) held in separate ownership, as that parcel was shown on the records of the County Assessor, prior to October 2, 1950, effective date of passage of a County Resolution covering Subdivision;

(3) exclusive or inclusive of private right-of-way, as platted, and placed on the County Clerk's records in accordance with this Article or predecessor ordinances, the Bernalillo County Subdivision Ordinance or predecessor ordinances, or the laws of the State of New Mexico, whichever had jurisdiction at the time of filing;

(4) in residential subdivisions of greater than 3 lots, private right-of-way may not be included in the calculation total lot area calculations.

(N) MASTER PLAN. A comprehensive plan or any of its parts, adopted by the Village Board, for the physical development of the area within the planning and platting jurisdiction of the Village for the general purpose of guiding and accomplishing coordinated and harmonious development.

(O) MONUMENT. One or more of the following:

(1) Benchmark. A brass cap, set in a base with the elevation (mean sea level datum, 1929) and the land surveyor's registration number inscribed thereon.

(2) Permanent Survey Monument. A brass cap set in a base, or a standard B.L.M. monument marking sectionalized corners, containing coordinates referenced to the New Mexico Coordinate System and the land surveyor's registration number inscribed thereon.

(3) Subdivision Control Monument. A metal stake or pipe with the land surveyor's registration number affixed thereto.

(P) PLANNING AND ZONING DIRECTOR (DIRECTOR). The individual serving as the chief administrative officer of the Planning and Zoning Department of the Village.

(Q) PLANNING AND ZONING COMMISSION (COMMISSION). The body appointed by Mayor with consent of the Governing Body with the power, authority, jurisdiction and duty to enforce and carry out the provision of law relating to planning, platting and zoning; and other power, authority, jurisdiction and duty incidental and necessary to carry out the purpose of Section 3-19-1 through 3-19-12 NMSA 1978; and to carry out the requirements of §4.2.1 *et seq.*, §9.1.1 *et seq.* and §9.2.1 *et seq.* of the 2013 Codified Ordinances, and Articles 19, 20, and 21 of Chapter 3 of NMSA, 1978.



(R) PLAT. A map, chart, survey, plan or replat certified by a registered land surveyor which contains a description of a subdivided land with ties to permanent survey monuments, said plat to be placed on record.

(S) PLAT, FINAL. The final map of all or a portion of a subdivision or site plan conforming with the requirements stated herein, that is presented to the proper review authority for final approval; recordation in the office of the County Clerk within thirty (30) days of approval by the Village creates a legal subdivision.

(T) PLAT, PRELIMINARY. A map of a subdivision of land conforming with the requirements stated herein, that is submitted to the proper review authority for purposes of preliminary consideration and approval; the subdivider achieves vested rights to subdivision upon preliminary plat approval.

(U) PLAT, SKETCH. A sketch or drawing of a subdivision plat conforming with the requirements stated herein, and used in the pre-application procedure prior to submission of the preliminary plat for a major subdivision or the final plat of a minor subdivision.

(V) PRIVATE WAY. A portion of a lot, a parcel, or an easement used for ingress or egress by persons or vehicles which is not a public right-of-way and which provides access between a public right-of-way and one or more lots. A private way is platted within a lot, or as a separate parcel from the lots.

(W) PUBLIC RIGHT-OF-WAY. That public area of land deeded, dedicated by plat, or otherwise acquired by any unit of government and owned in fee for the purposes of movement of vehicles, pedestrian traffic, and/or for conveyance of public utility services, irrigation, or drainage.

(X) REPLAT. To prepare and record a new plat replacing all or a portion of a previously recorded plat.

(Y) STREET/ROAD. That portion of a public right-of-way or private way which is devoted to vehicular use.

(Z) SUBDIVIDER. Any person creating a subdivision, including the owner, equitable owner, or any authorized representative.

(AA) SUBDIVISION.

(1) A Subdivision is the division of any real property or any interest therein into two (2) or more separate parcels, whether by metes and bounds description by deed, the filing of a plat, the filing of a condominium declaration or similar document, or the recording of a plat of survey, by court order or any similar document purporting to create separate parcels or ownership interest entities, regardless of the purpose for which such division is made.

(BB) SUBDIVISION, MAJOR. Any subdivision not classified as Minor.

(CC) SUBDIVISION, MINOR. Any subdivision:

(1) Creating not more than:

(a) Two (2) parcels of land; and,

(b) Not containing more than five (5) acres of land; and,

(c) Not requiring installation of any significant infrastructure; or,

(2) Resubdivision, where the combination or recombination of previously platted lots does not increase the total number of lots regardless of total acreage.

(DD) VILLAGE ENGINEER. A professional engineer registered in accordance with the laws of New Mexico, and employed or contracted by the Village to perform work as directed.



(EE) WAIVER. Foregoing from one or more of the requirements of this Article, upon making certain findings.

§ 9.1.6 GENERAL INFORMATION AND GUIDANCE

(A) GENERAL. This subdivision approval process may take four steps: pre-application and sketch plat review, preliminary plat heard by the Commission and by the Board, and final plat heard by the Commission, depending on the size and complexity of the proposed subdivision. These steps are described in §9.1.7 and §9.1.8 of this Article. Every person who desires to subdivide land into two or more parts shall comply with the requirements of these Regulations and the Village Zoning Code.

(B) SUBDIVISION WITHIN CORPORATE LIMITS OF THE VILLAGE

(1) It shall be unlawful to Subdivide any real property located within the Village except by:

(a) Recording in the office of the County Clerk of Bernalillo County, New Mexico, a plat which has been approved in accordance with the ordinances of the Village; or

(b) By order of a court having jurisdiction of the property and all parties owning an interest therein entered by the court in the resolution of any probate matter or as a judgment in a partition action.

Provided, however, that any Subdivision created in accordance with subparagraph (b) above shall not be recognized by the Village until a plat of survey, describing the parcels created, together with a certified copy of the court order creating the parcel, is recorded in the office of the County Clerk of Bernalillo County, New Mexico. In no event will the Village recognize a Subdivision created under subparagraph (b) above for any purpose, if the court action was initiated or prosecuted for the purpose or intent of avoiding the subdivision requirements of the Village. In addition, the Village will not recognize any lot created by a court decree for purposes of issuing building permits or similar determinations, unless each such lot complies with the Village Ordinances with respect to lot size and similar requirements.

(C) CONSIDERATIONS FOR SUBDIVISION PLATTING. In order to provide guidance to subdividers concerning acceptable proposed plats, the following matters are fundamental:

(1) Maintenance of Rural Atmosphere.

(a) It is the policy of the Village, wherever reasonable, to encourage the maintenance of the rural atmosphere of the Village.

(b) The Village, therefore, will view with favor subdivisions incorporating irregular size lots, provisions for open space, restrictions on fences, easements for bicycle and bridle paths, access to the *bosque* and maintenance of existing MRGCD irrigation, and other factors calculated to maintain such an atmosphere.

(2) Geographic Suitability.

(a) With reference to any officially adopted plans of the Village, an area shall not be unsuited to the purposes for which it is to be subdivided.

(b) Land with the following types of problems shall have subdivision approval withheld until it is demonstrated that such hazards have been or will be eliminated:



1. Special drainage conditions.
2. Difficult topography.
3. Soil conditions which are unusually limiting.
4. Other geographic hazards to life, health, or property.

(3) Services. The availability of adequate, surfaced streets, adequate emergency access, fire protection, police protection, refuse service, public schools, parks and recreation facilities, and utility services shall all be weighed in considering the subdividing of land. They are not all necessarily required. Any subdivision or replat proposal which involves an extension of public water or sanitary sewer lines will require a statement of water and sewer availability from the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA). Burial of all utility systems is desirable in new subdivisions and failure to incorporate underground utilities may constitute adequate cause to deny subdivision approval.

(4) Preservation. The subdivider shall preserve major trees, scenic points, acequias, historic places as listed in the Village of Los Ranchos register, archeological sites in compliance with state statutes, and other community landmarks as required by the Director, the Commission, or the Board.

(5) Area Plan.

(a) If the subdivider owns or controls land adjacent to the land he wishes to subdivide immediately, the Village Board may require the subdivider to submit a proposed master plan for the total area to be approved or approved in modified form at the preliminary plat hearing by the Commission and Board prior to approval of the Final Plat by the Commission. Any plat submitted shall be the reasonable planning unit in relation to the approved area plan. The proposed area plan shall show proposed use type and densities as well as collector and local street alignments.

(b) If the Commission or the Board finds that the area plan will significantly alter the provisions of any officially adopted plans of the Village, the Commission or the Board shall approve it in modified form, or reject it.

(c) All proposed street alignments shown in the area plan or final plat related thereto shall extend, complement, or otherwise conform to existing municipal streets and to officially designated proposed street alignments. Likewise, all proposed sewer, water and drainage systems shall be made to extend, complement and conform to existing and proposed municipal facilities. All proposed irrigation easements and/or systems shall be made to extend, complement, and conform to existing and proposed MRGCD facilities or other existing ditches.

(6) Conformance of proposal to Master Plan and other Land Use Plans. Any subdivision or replat proposal which does not conform with goals, policies or other provisions of the Master Plan or other officially adopted land use plans shall not be approved.

§ 9.1.7 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

(A) PRE-APPLICATION.



(1) Pre-Application Conference. Prior to submission of a plat the subdivider shall discuss with the Planning Director the procedure and requirements for approval of the plat. The Planning Director shall provide guidance to the subdivider as to the appropriateness of the proposal in relation to the Village Master Plan, other Village land use plans, policies, and zoning. The Planning Director shall advise the subdivider as appropriate regarding requirements for general layout of streets, for dedications of land, for provision of infrastructure improvements, drainage considerations, fire protection, and similar matters, as well as the availability of existing services. The Planning Director may assist the subdivider in analyzing the development and plan for its sound integration with the Village, and may therefore give informal guidance to the subdivider at a state when potential points of difference can be more easily resolved, thus simplifying official actions and saving unnecessary expense and delay to the subdivider.

(2) Classification of Subdivision. The Planning Director shall determine, normally as a part of pre-application review, whether the proposal is a Major or Minor subdivision.

(3) Resubdivision. The submittal of a series of two-lot subdivisions on a tract of land will be considered a subterfuge to defeat the purpose of these regulations. Therefore, the submission of a resubdivision which creates additional lots within an area or a plat which was recorded less than twelve (12) months prior to the submission must be accompanied by an Area Plan. The Area Plan shall detail the subdivider's long term proposals for all of the land that he controls in the area within and adjacent to the land proposed for resubdivision. The resubdivision and Area Plan must be approved simultaneously by the Commission and the Board and the approved Area Plan shall be kept on file with the approved resubdivision plat. All future replatting of subject land shall conform to the area plan. Once approved, the Area Plan may not be amended within twelve (12) months of its approval by the Commission and the Board.

(B) MINOR SUBDIVISIONS. The subdivider shall apply for and secure approval of minor subdivisions, in accordance with the following procedure:

(1) Application. Upon reaching a general understanding established by the pre-application procedure, the subdivider shall submit to the Planning Director a written application together with two (2) copies of a sketch plat containing the following:

(a) Location Map. A location map shall show the relationship of the proposed plat to existing community facilities which serve it; all abutting streets, and north arrow.

(b) Sketch Plat. A simple sketch plat shall show the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plat may be freehand pencil sketch made directly on a print of the survey plat.

(c) Written Information. General plat information shall list the name and address of the subdivider or agent, if any; the total area of the proposed plat; the area of each proposed use; and a description of the existing conditions of the site and the proposed development as necessary to supplement the sketch plat. This information may include data on existing covenants and land characteristics including surface drainage, grading, landfill



areas, and available private and municipal utilities. This information may also describe the subdivision proposal, such as the number and typical lot width and depth, business area, public areas, and proposed utilities. A plat proposal which includes any extension of public water and/or sanitary sewer lines shall include a statement of water and sewer availability from the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA).

(2) Sketch Plat Review and Comment. Within thirty (30) working days of submittal of the sketch plat package, the Planning Director shall issue written comments to the subdivider. These comments shall include an analysis of the conformance of the proposal to applicable Village Ordinances and a review of the conditions, if any, which will have to be met in order for the plat to receive final approval. The comments from the Planning Director may include requirements or conditions suggested by the Village Designated Engineer, the Fire Chief or the Village Attorney.

(3) Final Approval. Upon receipt of a written confirmation from the Planning Director that the sketch plat appears to be in substantial conformance with applicable regulations and policies, the subdivider may apply for final approval of the plat. Such application must be made within twelve (12) months of the receipt of such confirmation. The subdivider shall at that time submit a written application along with a mylar and one copy of the final plat and any supplementary material that may be required. The final plat shall meet the standards specified in §9.1.8 of this Article. The Mayor, after receiving the recommendation of the Planning Director, shall act to approve or disapprove the final plat within thirty-five (35) days of its submission. The Mayor's decision shall be issued in writing to the subdivider. If the plat is disapproved, the reasons for its disapproval shall be stated in writing and if the plat is approved with conditions, such approval conditions shall be stated in writing.

(4) Appeals. The Commission shall review any administrative action of the Planning Director when it is alleged that there is an error in any determination with regard to a minor subdivision under this Section. Such appeal shall be made in writing within fifteen (15) days of the decision appealed and shall be accompanied by a fee as set forth. At the Commission meeting where the appeal is considered, the Commission may reverse, affirm, or modify the administrative action being appealed. The Commission's determination may be appealed to the Board. Such appeal shall be made in writing within fifteen (15) days of the decision of the Commission and an appeal must be filed no less than twenty (20) days prior to the Board meeting at which the appeal will be heard. The Board's determination shall be the final decision within the Village.

(C) MAJOR SUBDIVISIONS. The subdivider shall apply for and secure approval of major subdivisions, in accordance with the following procedure:

(1) Application. Upon reaching a general understanding established by the pre-application procedure, the subdivider shall submit to the Planning Director a written application together with copies as required by the Planning Director of a sketch plat. This plat shall contain all information as specified in this Article plus any additional material which is deemed necessary by the Planning Director.



(2) Sketch Plat Approval. Upon receipt of written confirmation that all required material has been submitted, a hearing before the Commission shall be scheduled. The subdivider may present the conceptual plans for subdivision at that hearing; no action is taken at the Sketch Plat review.

(3) Preliminary Plat Approval. Upon receipt of written confirmation from the Planning Director that the sketch plat, or as heard by the Commission, appears to be in substantial conformance with applicable regulations and policies, the subdivider may apply for a preliminary plat hearing by the Commission. The subdivider shall submit a written application along with copies as required by the Planning Director of the preliminary plat and any supplementary material that may be required. Applications that are not complete by the meeting deadline, or where applicant has not met the regulatory public notice requirements shall not be placed on the meeting agenda for action. The preliminary plat shall meet the standards specified in §9.1.8 of this Article. Upon recommendation of approval of the preliminary plat by the Commission, the subdivider will be scheduled for a hearing before the Board for approval of the final preliminary plat. Such application must be made within twelve (12) months of the receipt of Commission recommendation to the Board. Final Preliminary Plat Approval shall constitute a recommendation to the Commission and shall not allow the subdivider to file the plat with the County Clerk's office or to transfer lots within a subdivision.

(4) Once the approval conditions as specified by the Commission or Board are fulfilled, the subdivider may apply to the Commission for Final Plat Approval.

(5) Appeal. If a subdivider disagrees with any of the Final Plat approval findings or conditions of the Commission, he may file an appeal to the Board, pursuant to the procedures specified in §9.1.7(B)(4) of this Article. At the Board meeting where the appeal is considered, the Board may reverse, affirm, or modify the Commission's recommendation. The Board may also return the plat to the Commission for reconsideration together with findings and instructions to the Commission. The decision of the Board shall be final.

(6) Alternate Summary Procedure. For lots, tracts or parcels which meet the requirements of this Subsection, the Director may, but is not required to, process the application for subdivision in accordance with the provisions of NMSA 1978, § 3-20-8.

(a) The Alternate Summary Procedure may be used for the following, excepting the Alternative Summary Procedure may not be used for the purpose of creating a subdivision by the same property owner or related to the same tract(s) of property more than once in any twelve (12) month period:

1. subdivisions of not more than two (2) parcels of land;
2. subdivisions, or the combination or re-combination of portions of previously platted lots, that do not increase the total number of lots;
3. the lots or parcels, including MRGCD tracts, are less than one (1) acre in size, are contiguous with each other and the plat is being requested for the purpose of increasing or reducing the size of such contiguous lots, provided that neither remaining lot or parcel is smaller than the minimum standard size required by the Village for the



zone in which the subdivision is requested.

(b) In the event the Director determines that the Alternate Summary Procedure is appropriate, the following will be required:

- 1.** the owner(s) of the property being subdivided must consent in writing to the subdivision;
- 2.** the party seeking the subdivision must provide a plat and certificate of survey prepared and certified to the owner(s) and to the Village by a surveyor licensed under the laws of the state of New Mexico. The survey must include the legal description of the new parcel and the legal description of the remaining parcel, if any, and shall refer to permanent monuments and show all adjacent public or private roads or access points.
- 3.** after final approval of the subdivision by the Director (or, as applicable, the Planning and Zoning Commission or Board of Trustees if there is an appeal), the applicant must file a copy of the survey with the Bernalillo County Clerk and the Bernalillo County Assessor.

(c) Except as specifically set out in this Section, Minor Subdivision requirements will be used for processing a subdivision request under the Alternate Summary Procedure. Any aggrieved party will have a right to appeal in accordance with Subparagraph (5) above.

(d) Effect of Survey Filing. Upon the filing of the survey as required under Subsection (b)3 above, the parcels created by the subdivision shall be deemed “lots of record” for purposes of issuance of building permits and shall be deemed to be a legally platted lot(s).

§ 9.1.8 REQUIREMENTS FOR SUBMITTAL OF A PRELIMINARY PLAT AND FINAL PLAT TO THE COMMISSION AND BOARD

(A) PROCEDURE.

(1) Application. Following notice of sketch plat review of a major subdivision by the Commission, the subdivider shall submit to the Commission a written application, together with the original and copies as required by the Planning Director, of the preliminary plat, improvement plans, and other supplementary material as specified herein. The application package shall be submitted at least thirty (30) working days prior to the regular meeting of the Commission and Board at which the plat is to be presented for review. The plat shall include all land owned or controlled by the subdivider which is or may be suitable for or susceptible to the subdivision or development, and adjoins the land proposed to be subdivided. The plat shall be drawn to a scale of no less than one (1) inch to one hundred (100) feet for the purposes of showing all details clearly. An adequate number of sheets, no larger than 18 by 24



inches, shall be used to show the proposed subdivision in its entirety. Where more than one sheet is required, each sheet shall be numbered in relation to the total number of sheets involved, and each sheet shall have a small key map showing its relationship to the whole.

(2) Review. The Commission shall review the final plat, supplementary material, and findings of the Board and comments by Village Consultants and other governmental agencies as may be appropriate.

The Village may require that restrictive covenants be filed in conjunction with the plat. The subdivider shall be responsible for all fees for engineering consultant review and approval.

(3) Annexation and/or Rezoning. If annexation and/or rezoning is proposed or required to accomplish the development envisioned in connection with the plat, the Commission and Board shall withhold conditional approval of the plat until such time as annexation and/or rezoning shall be officially adopted by the Village Board.

(4) Decision. If the final plat is approved by the Commission, an Official Notice of Decision shall be mailed to the subdivider stating the decision, conditions and findings. Should the final plat be disapproved, the Commission shall express in writing the reasons for disapproval. The reasons for disapproval shall be referenced and attached to two (2) copies of the final plat. One (1) of said copies shall be returned to the subdivider and the other shall become part of the files of the Village Clerk's office. Approval or disapproval shall be given within thirty-five (35) days of the date of submission of a final plat that meets the requirements of this Article, unless the subdivider agrees in writing to a deferral.

(5) Recording. The final plat is in full force and effect only after having been duly recorded in the office of the Bernalillo County Clerk and copies filed with the Director in the Planning and Zoning Department. Approval of the final plat shall become null and void if the plat is not so recorded within thirty (30) days after the date of approval, unless an extension of time is granted by the Commission. Submittal for recording is the subdivider's responsibility. In the case of a replat, the subdivider shall request the Bernalillo County Clerk to mark the original plat with the words "replatted" or "partially replatted" and refer on the original plat to the filed location of the replat. The Planning Director shall mark the copies of the original plat on file in the Planning and Zoning Department of the Village in a similar manner.

(6) Replat. After final approval of any plat, no lot or block shall be further subdivided or the area of any platting of any street, alley, or easement established by said plat except upon the submission of a replat with the Commission securing its approval in accordance with the procedures herein established. Vacation of any portion of public right-of-way or public easement requires approval of the Board as well as the Commission.

(7) Acceptance of Land. Approval of the final plat by the Commission shall be deemed to constitute acceptance by the Village of dedication of public rights-of-way, other proposed public easements, and public areas shown on the plat, provided the final plat is properly recorded with the Bernalillo County Clerk and the Director of the Planning and Zoning Department, and providing that all required infrastructure and any



other conditions have been met as imposed by the Commission or Board and have been installed and approved by the Village.

(8) Public Hearing. No preliminary or final plat of a major subdivision shall be acted upon without a public hearing. An application for the final approval of a major subdivision plat submitted for approval shall contain the name and address of the person to whom a notice of hearing shall be sent. Notice of the time and place of a hearing shall be sent by mail to the address on the plat not less than five (5) days before the day of the hearing first class mail to the subdivider or his agent and to the owners of adjacent property no later than fifteen (15) days in advance of the date of the hearing. Notice of the time and place of the hearing shall be placed by the Village Clerk in a daily newspaper of general circulation within the Village at least fifteen (15) days before the date of the hearing. The subdivider shall be responsible for all costs of public notice for the public hearing.

(A) CONTENTS OF PRELIMINARY PLAT.

(1) Submission for review.

(a) Any person or party proposing to subdivide land shall complete and submit a preliminary plat application, along with copies required by the Planning Director of all application materials as required in this Section for review by the Planning Director, the Village Designated Engineer, the Village Attorney, and the Commission, and the required preliminary plat subdivision processing fees.

(b) The preliminary plat application and submittal materials shall be filed at least thirty (30) days prior to the regularly scheduled Commission meeting at which the preliminary plat application shall be heard.

(c) If sketch plat submission and approval has been required or submitted, a preliminary plat application must include proof by the subdivider that he has addressed and complied with all sketch plat requirements made by the Commission.

(2) Preliminary Plat Requirements. Unless waived by the Commission, the preliminary plat and accompanying documents shall show at least the following:

(a) Proof of financial responsibility on the part of the subdivider.

(b) The location of all present property lines, projected section lines, streets, buildings, watercourses, irrigation easements and facilities, and other existing features within the area to be subdivided and similar information (except buildings and property lines) regarding land immediately adjacent thereto.

(c) The proposed location and width of all proposed streets, alleys, utility and irrigation easements, and areas to be reserved for public use.

(d) Existing utilities, irrigation easements and facilities, drainage courses and culverts within the tract or on streets immediately abutting thereto; the location and size of the nearest water mains and sewer lines; and, a letter of water and sewer availability from the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA).

(e) The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the



subdivider and the owner of the tract, with the address to which any notice is to be sent.

(f) If the property to be subdivided is owned by more than one individual or corporation, the names and signatures of all title holders shall be included on the plat.

(3) **Preliminary Plat Hearing.** The Commission shall hold a hearing upon the preliminary plat application and proposal not later than sixty (60) days following submission of a completed application as determined by the Planning Director. Notice of the hearing shall be given by the Planning Director on behalf of the Commission by mailing a notice to the applicant at the address set forth on the preliminary plat application, by first class mail.

(4) **Approval and form of preliminary plat.**

(a) If upon conclusion of the hearing the Commission shall find that such preliminary plat satisfies the requirements of this Section, the Commission shall forward the plat to the Board of Trustees with recommendations for action. The Board of Trustees shall hold a public hearing on the preliminary plat application. If upon conclusion of the hearing, the Board approves the preliminary plat, the Mayor shall sign and date approval thereof to substantiate the following language, which shall have been previously placed on the plat:

The proposed plan of subdivision as shown in the preliminary plat herein is approved by the Board of Trustees and the Commission now is ready to receive the final plat of said subdivision for consideration.

(b) One print of such preliminary plat so endorsed shall be returned to the subdivider by personal delivery or mail, and one print with such findings shall be placed in the files of the Director in the Planning and Zoning Department.

(c) A subdivider may be required to submit to the Board an amended preliminary plat for the purpose of complying with any order of the Commission or Board.

(B) **CONTENTS OF FINAL PLAT.**

(1) **Preparation of final plat.** Receipt by the subdivider of a print of the preliminary plat approved by the Commission and Board shall constitute authority for the subdivider to proceed with further plans and specifications for installation of infrastructure improvements. Applicant shall prepare a final plat application upon proof of compliance with the terms of the Commission's preliminary plat approval, all Village standards, this Section, and any subdivision improvement agreements and private agreements which the subdivider may have entered into for the purposes of receiving preliminary plat approval. The final plat must be prepared by a surveyor licensed and registered in New Mexico as required in NMSA 1978, Section 3-20-2, and by a licensed engineer if required.

(2) **Final plat submission.**

(a) Following final preliminary plat approval and the presentation of proof by the subdivider that he has complied with all preliminary plat requirements, the subdivider shall complete and submit a final plat application and copies as required by the Planning Director, of all application materials as



required in this Section for review by the Planning Director, and the Village Designated Engineer, the Village Attorney, and the Commission.

(b) The Commission shall hold a hearing on the final plat application not later than thirty five (35) days following the submittal of a completed final plat application. The application shall be deemed complete by the Planning Director.

(c) The Commission shall hold a hearing at which the applicant shall present the proposed development as shown on the final plat application and submittal. After the hearing, the findings of the Commission shall be made and the Commission shall note on the final plat application whether the plat has been approved in whole, approved with conditions, denied, or whether the applicant shall be required to submit an amended final plat application for the purpose of demonstrating that the applicant has complied with the orders of the Board of Trustees and the Commission and with the terms of the Final Plat approval.

(d) Upon receipt of final unconditioned approval of the final plat by the Commission, and an Official Notice of Decision with conditions and findings has been provided, the applicant shall record the plat in the Office of the Bernalillo County Clerk. Two (2) paper copies of the recorded plat shall be submitted to the Planning and Zoning Department within thirty (30) days of recordation. No building permits will be approved for development within said subdivision until a copy of the recorded plat has been received by the Department.

(3) Contents of the Final Plat.

(a) The final plat shall be in conformity with the requirements of applicable state statutes and shall be an accurate drawing designating specifically the land so laid out, and particularly describing the portions thereof intended to be dedicated for public use. Such final plat shall be produced by computer and printed in black ink, or drawn by hand in black ink to a scale of not more than 100 feet to the inch from an accurate survey. It shall contain one or more sheets of dimensions not exceeding 18 inches by 24 inches. If more than two sheets are submitted, an index sheet of the same dimensions shall be attached showing the entire subdivision on one sheet and the component area on the remaining sheet.

(b) Information. The final plat shall contain the following information:

- 1.** Name and legal description of subdivision; name and address of subdivider and agent; name and certification of licensed surveyor and any other principal persons preparing the preliminary plat.
- 2.** Scale and north arrow.
- 3.** All survey monuments shall be indicated and there shall be at least one permanent survey monument for each subdivision. Location of and method of ties to permanent survey monuments and location and type of subdivision control monuments. Descriptions of all monuments found or set. Survey monuments shall be referenced to the federal sectionalized land system.



4. Subdivision boundary lines; bearing in degrees, minutes, and seconds with basis for bearings noted or shown; distances in feet and hundredths. Total area of plat to nearest one-hundredth acre.

5. Lot lines with bearings in degrees, minutes and seconds and distances in feet and hundredths; public right-of-way and street widths; and centerline data; indicate roadways intended to be private; locations, dimensions, and purpose of all easements, public or private and to whom they are granted; rights-of-way for public services or utilities including irrigation, and any limitations thereof.

6. Existing conditions of the site and its environs including the following:

a. Present site designation or subdivision name.

b. Easements on site: location, width and purpose.

c. Utilities on and adjacent to the site: location and, if applicable, size of water wells, water lines, sanitary sewers, gas lines, fire hydrants, irrigation facilities, cable, electric and telephone lines.

d. Existing storm drainage facilities on and adjacent to the site.

e. Other significant conditions on the site: all structures, trees, etc.

f. Conditions on adjacent land significantly affecting design of the subdivision: approximate direction and gradients of ground slope; character and location of development.

g. Zoning on and adjacent to the site, including all applicable setback lines.

7. Location map showing location of the site in relation to well-known landmarks, abutting property owners, and municipal boundaries. Indicate location and distance of public right-of-way providing access to subdivision. Include name, width, type and specifications of surfacing. Show reference to recorded subdivision plats of adjoining platted land by recorded name, date, book and page number in the office of the County Clerk.

8. Number or letter to identify each lot and block.

9. Gross and Net lot areas in acres to the nearest third decimal place. If private roads are proposed, lot areas shall be shown inclusive and exclusive of the ingress and egress easement.

10. The accurate location and dimensions of all property for dedication for public use, with the purpose indicated thereon, and of all property that is to be reserved by deed covenant for the common use of the property owners of the subdivision. The ownership of such common property and the maintenance responsibility for it shall be clearly identified.

11. The following language shall be placed upon each plat:
Public utility easements shown on this plat are not exclusive and are



dedicated for the common and joint use of the utilities designated on this plat, their successors and assigns, and for the use of any other public utilities whose use of said easements is deemed to be in the public interest by the Village of Los Ranchos de Albuquerque.

(c) Consent and Dedication. Statements signed by the owner or agent of the owner that:

1. The subdivision is with the free consent and in accordance with the desire of the owner of the land;
2. The public rights-of-way and other public areas shown on the plat are dedicated to the Village.
3. The easements as shown on the plat are granted for the specified use, showing to whom they are granted, who is responsible for maintenance and any conditions associated therewith.

(d) Certifications. The following persons shall make the following certifications:

1. Land surveyor, in accordance with the laws of the State of New Mexico and applicable subdivision ordinances certifying the accuracy of the survey and plat, the date of the survey, that he prepared or supervised preparation of the plat, and that he has shown all easements of record.
2. County Treasurer that the previous ten years' property taxes due and payable have been paid.
3. Authorized representatives of the local water and sanitary sewer, electric, gas, telephone, and cable utilities certifying that their systems' needs have been met; this requirement may be waived for subdivision when the Board determines that the requirements of such utilities are found to be unreasonable or not in the public interest.
4. Middle Rio Grande Conservancy District certifying that their irrigation requirements have been met.

(e) Supplementary Material. The following supplementary reports shall be submitted with the final plat, as required by the Planning and Zoning Commission or the Board.

1. **Storm Drainage Management.** The subdivider shall furnish a plan for the collection of storm water from the subdivision in accordance with §4.3.1 *et seq.*, Stormwater Management.
2. **Soils Analysis.** The subdivider shall provide a soils analysis by a qualified soil scientist to determine the adequacy of the soil for the proposed construction.
3. **Special Problems Analysis.** For land with difficult topography or other geographic hazards to life, health or property, a report and proposed solution shall be prepared satisfactory to the Board.
4. **Improvement Plan.** The subdivider shall provide a detailed plan with specifications for all improvements required to be installed. These include road and street construction and surfacing, fences, utilities (water, gas, electric, sewage), and fire hydrants.



Responsibility for maintenance to be indicated when applicable. The plan shall include a schedule for lot development, which shall indicate when improvements will be provided.

5. Any other relevant information as determined by the Commission or the Board.

§ 9.1.9 REQUIRED IMPROVEMENTS

(A) **SUBDIVISION IMPROVEMENTS AGREEMENT.** Upon approval of plans and specifications by the Village, the subdivider shall execute a subdivision improvements agreement which guarantees completion of required improvements. The format of such agreement shall be set forth by the Village Attorney. After execution of a satisfactory improvements agreement, the subdivider may proceed with the construction of all such improvements.

(B) **INSTALLATION ASSURANCE.** In the subdivision improvements agreement, the subdivider shall post a suitable improvements guarantee to accompany the subdivision improvements agreement in the amount of 125% of the cost estimated by a Licensed Professional Engineer with concurrence of the Village. The guarantee shall be at the discretion of the Commission or the Board. The improvements are essential to the delivery of Village services and utilities to the individual lots of the subdivision. Such guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the Commission or Board.

The Village may, at its option, assess all or a portion of the property in the subdivision for the cost of any outstanding obligations incurred under a Subdivision Improvements Agreement and may record and foreclose against the property a municipal lien in accordance with §3-36-1, *et seq.*, NMSA 1978 or its successor municipal lien statutes.

(C) **COMPLETION.** All improvements shall be certified by Licensed Professional Engineer and completed to the satisfaction of the Village Designated Engineer.

§ 9.1.10 DESIGN STANDARDS

(A) **ACCESS: STREET LOCATION AND ARRANGEMENTS.** The area proposed to be subdivided shall have frontage on and direct access to a street and, if such street is not improved to the satisfaction of the Commission or the Board, it shall be so improved. Streets shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic, and to afford satisfactory access to police, fire fighting and other emergency vehicles, and road maintenance equipment, and shall be coordinated so as to compose a convenient system.

(1) **Basic Policies.**

(a) **Character.** The character, extent, width and location of all streets shall conform to the policies of the Village and shall be consistent and appropriate in their relationship to existing and planned streets, topographic conditions, public convenience, safety and the proposed uses of the land to be served by such streets.

(b) **Continuation.** The arrangement of streets in new subdivisions shall make provisions for the direct continuation of the existing principal street in adjoining subdivision (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. In



general, such streets shall be a width at least as great as the existing streets. The street and alley arrangement must also be such as to provide opportunity for access and use by adjoining property owners.

(c) Provision for Future Resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zone in which a subdivision is located, the Commission or the Board may require that streets and lots be laid out so as to permit future subdivision in accordance with the requirements contained in this Section.

(2) Engineering Criteria. Detailed intersection spacing and geometry, horizontal alignment for streets, block corner property line configuration, and cul-de-sac configuration must meet acceptable engineering standards.

(a) Cul de Sacs/Dead Ends. Wherever a street is stub-ended so that it will not at that end open into another street, an adequate turn around with a minimum radius of forty (40) feet, either circular or Y-shaped, shall be provided, or an alternate configuration in accordance with accepted engineering practice, and with the concurrence of the Fire Chief.

(b) Turning Radii. All curb corners shall have radii of not less than twelve (12) feet and at important corners not less than twenty-four (24) feet or in accordance with accepted engineering practice.

(c) Corners. At important intersections and at all acute corners the property corner shall be rounded.

(d) Surfacing. Whenever streets or alleys are paved or surfaced, such paving or surfacing shall be of a type and strength suitable for the volume and character of traffic to be expected. Type and width of surfacing required on both public and private streets will be determined by the Board based on engineering recommendation.

(3) Private Way Standards. Private ways to provide access to subdivision lots may be created where private streets can adequately serve all identified transportation, utility, and storm water handling requirements. Private streets shall be subject to the following conditions:

(a) Private streets may be platted only where the Commission or the Board determines that they will always clearly function as local streets.

(b) A private street may be narrower than a public street to the extent appropriate to its function. However, a private road which provides access to the main body of two (2) to eight (8) lots that do not abut a public right-of-way, may not be narrower than twenty-five (25) feet. A private street serving only one lot may not be narrower than twenty (20) feet. Private streets serving more than eight (8) lots shall meet the same standards as for public rights-of-way. Private streets shall provide an unobstructed vertical clearance of at least thirteen (13) feet, six (6) inches.

(c) If a proposed private street is planned to serve a lot, it shall be shown on the plat creating or modifying the lot.

(d) The Commission or the Board may require private streets to include public or private utility easements, including easements for storm water drainage.



(e) If a private street is approved, it shall be clearly identified as such on the final plat and the responsibility for operation and maintenance shall be indicated on the plat. Private streets must be sufficiently maintained to allow access by emergency vehicles. A legal instrument intended to assure future operation and maintenance of such private street, such as an instrument creating a homeowner's association, shall be included in the subdivider's submittals to the Commission and to the Board as required in this Article under Final Plats and shall be referenced on the plat.

(4) Public Right-of-Way Standards.

(a) **Street Right-of-Way and Pavement Width.** The minimum right-of-way for any street shall be forty (40) feet and the minimum paving width shall be twenty-four (24) feet. Public streets shall provide a minimum vertical clearance of at least thirteen (13) feet, six (6) inches.

(b) **Alleys.** Right-of-way width shall be sixteen (16) feet.

(c) **Walkways, Bike Paths, Equestrian Paths, and Water Courses.** The minimum right-of-way of ten (10) feet and a minimum surface width, if any, of ten (10) feet.

(B) WATER AND LIQUID WASTE DISPOSAL SERVICE. The subdivider shall present evidence that adequate provisions have been made for potable water and liquid waste service to each lot within the proposed subdivision or replat.-

Any development or redevelopment in the Village Center, Gateway or Commercial Zones of the Village shall be required to connect to the public sanitary sewer.

(C) DRAINAGE. Storm sewer systems and other drainage and flood control improvements shall conform to acceptable engineering standards and the requirements of the Middle Rio Grande Conservancy.

(D) EROSION. No subdivider shall remove or permit to be removed the existing ground cover in the subdivision without making provisions to prevent wind and/or water erosion and resultant damage to adjacent properties. In addition, subdividers may be required to provide restrictive covenants which shall prohibit unnecessary removal of ground cover.

(E) EASEMENTS. Easements of at least ten (10) feet in width shall be provided and dedicated on each side of all rear and side lot lines where necessary for poles, wires, conduits, storm, sanitary sewer, gas, water and other mains. An adequate easement shall be dedicated along all important water courses for the purpose of widening, deepening, sloping, improving, or protecting the channel for drainage purposes.

(F) LOTS. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.

(G) PUBLIC SITES AND OPEN SPACES. Where a proposed park, playground, school or other public use shown in the master plan is located in whole or in part in a subdivision, the Commission or the Board may require the dedication or reservation of such area within the subdivision in those cases in which the Commission or the Board deems such requirements to be reasonable.

(H) FIRE HYDRANTS. Adequate fire protection shall be required for all subdivision and replats. The number and placement of fire hydrants required shall be as regulated by the International Fire Code and International Fire Code Standards as adopted and



amended by the Village. The Fire Chief or Designee shall approve all hydrant locations and may impose more stringent requirements than those of this Article if necessary in order to provide adequate fire protection to the subdivision.

§ 9.1.11 MODIFICATION AND EXCEPTIONS

Whenever the tract to be subdivided is of such unusual size or shape and/or surrounded by such development or unusual conditions that the strict application of the infrastructure requirements of this Article would result in real difficulties and substantial hardships, the Commission or the Board may waive, vary or modify those requirements, so that the subdivider is allowed to develop the property in a reasonable manner, but at the same time so that the public welfare and interests are preserved. However, such relief may not be granted if it is detrimental to the public good or impairs the intent and purpose of this Article or the desirable development of the community in accordance with the plans and policies of the Commission. Any modification granted shall be entered in the records of the Commission setting forth the reasons which justified the modification. Further, in granting the modifications and exception, the Commission or the Board may place conditions which will, in its judgment, substantially secure the objectives of the standards or requirements involved.

§ 9.1.12 VACATION

Public rights of way may be vacated (voided) by recording a new subdivision plat as described by §9.1.8 and §9.1.9 of this Article. Such a request may be initiated by a request to vacate filed by all the owners of property directly affected by the proposed vacation or filed by the Village where it is found to be in the public interest. A request to vacate shall be processed under the procedures relating to major subdivision applications in this Article.

§ 9.1.13 CONSTRUCTION VIOLATIONS

Construction which violates any provision of this Article is strictly prohibited and no building permit shall be authorized, except in those cases where modifications or exceptions have been granted through the variance procedure by the Commission prior to start of construction. Violations without authorization by the Commission shall be cause for legal action by the Village to have the construction violation stopped, corrected and/or removed and a penalty assessed.

§ 9.1.14 FEES

Fees will be established by resolution of the Board and will be subject to annual review and update.

§ 9.1.15 PENALTIES

Any owner, or agent of the owner, of any land located within the platting jurisdiction of the Village who transfers, sells, agrees to sell, or negotiates to sell the land by reference to or exhibition of or by other use of a plat or subdivision of the land before the plat has been approved as provided in this Article and recorded in the office of the Bernalillo County Clerk, shall be guilty of a misdemeanor. Upon conviction, the owner or his agent shall pay a penalty of one hundred dollars (\$100.00) for each lot transferred or sold, or agreed or negotiated to be sold. The description by metes and bounds in the instrument of transfer or other document



used in the process of selling or transferring shall not exempt the transaction from such penalties. The Village, through its Attorney, may enjoin the transfer or sale or agreement by action for injunction or may recover the penalty by civil action.

§ 9.1.16 AMENDMENT PROCEDURE

The Board may, from time to time, amend or modify this Article after public hearing, due notice of which shall be given as required by law.

§ 9.1.17 PUBLIC RECORDS

The Village Clerk shall keep public records of findings, decisions, and recommendations concerning all subdivision plats filed for review, including such actions as may be taken by the Commission and Board through appeals or amendments to this Article.

§ 9.1.18 SEVERABILITY OF PROVISIONS

If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Article, it being the intent of the Board to enact each section, subsection, sentence, clause or phrase of this Article separately and independently of each other section, subsection, sentence, clause or phrase.

Ordinance and State Law References regarding Chapter 9, Article 1 (f/k/a Chpt 26):

Ordinance #32, October 4, 1974;
Ordinance #65, January 8, 1986, repealing Ordinance #32.
Section 14 (Fees) set by Resolution #86-1-1, January 8, 1986. Repealed.
Ordinance #79, January 11, 1989;
Ordinance #111, October 13, 1993, amending Ordinance #65 and repealing Resolution 86-1-1.
Ordinance #113, January 12, 1994, revising subdivision regulations of Ordinance #65
Ordinance #124, November 9, 1994, revising subdivision regulations of Ordinance #65
Ordinance #133, October 11, 1995, repealing Ordinance #79
Ordinance #134, enacted Feb. 14, 1996, codified the above-listed Ordinances, with modifications;
Ordinance #170, July 10, 2002, amending Codified Ordinances #134, Chapter 26
Ordinance #182, October 22, 2003, amending Ordinance #170
Ordinance # 239 September 11, 2013, Adopting the numbering system for the 2013 Codified Ordinances of the Village of Los Ranchos
Ordinance # 240 October 9, 2013, Adopting the technical corrections of the 2013 Codified Ordinances of the Village of Los Ranchos
Ordinance # 242, January 8, 2014, amending definition of subdivision
Subdivision regulations § 3-19-6 NMSA 1978;
Ordinance #257, August 9, 2017, addition of Alternate Summary Procedure to §9.1.7
Planning & Platting §§ 3-19-1 through 3-19-12 NMSA 1978;
Subdivisions § 3-20-1, *et seq.*, NMSA 1978;
Planning & Platting Jurisdiction §§ 3-19-5 and 3-20-5 NMSA 1978;
Zoning § 3-21-1 *et. seq.*, NMSA1978;
Municipal Lien § 3-36-1, *et seq.*, NMSA 1978.

