



AGENDA

Village of Los Ranchos De Albuquerque
Board of Trustees Meeting
6718 Rio Grande Blvd NW
August 14, 2019
7:00 P.M. Regular Meeting

MAYOR

Donald T. Lopez

ACTING ADMINISTRATOR

Tim McDonough

VILLAGE CLERK

Danielle Sedillo-Molina

TRUSTEES

Mary Homan, Mayor Pro Tem/Trustee

Allen Lewis, Trustee

Pablo Rael, Trustee

Tom Riccobene, Trustee

1. **CALL TO ORDER**

A. APPROVAL OF AGENDA

2. **PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT] - (PLEASE SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ON THIS AGENDA)**

3. **PRESENTATIONS/PROCLAMATIONS**

NONE

4. **CONSENT AGENDA**

THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

A. MINUTES-JULY 10, 2019; REGULAR MEETING

5. REPORTS

- A. MAYOR PRO TEM'S REPORT
- B. ADMINISTRATOR'S REPORT
- C. PLANNER'S REPORT
- D. LEGAL REPORT
- E. PUBLIC SAFETY REPORT
- F. PROJECT'S REPORT
- G. AGRI-NATURE CENTER REPORT

6. FINANCIAL BUSINESS

- A. DISCUSSION AND APPROVAL OF CASH REPORT-JULY 2019

7. PUBLIC HEARINGS AND APPLICATIONS FOR APPEAL

- A. **APPEAL OF BB #550 AND CU-12-03 – AN APPEAL OF THE JUNE 11, 2019 VILLAGE OF LOS RANCHOS PLANNING AND ZONING COMMISSION DENIAL OF AN APPLICATION BY MARIA C. MONTOYA FOR A BED AND BREAKFAST PERMIT AS REQUIRED BY §9.2.25(E)(1) AND CONDITIONAL USE REQUEST TO RENT THE GUEST HOUSE IN THE A-1 ZONE OF THE NORTH RIO GRANDE CHARACTER AREA. THE PROPERTY IS LOCATED AT 8650 RIO GRANDE BLVD. NW AND IS LEGALLY KNOWN AS LOT A1 PLAT FOR LANDS OF ANNIE ROBERSON LOTS A-1, D1 AND D2 WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTIONS 16 AND 17, T. 11 N., R. 3 E., NMPM VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, OCTOBER 1996. THE PROPERTY CONTAINS 1.6 ACRES MORE OR LESS.**

8. OLD BUSINESS

NONE

9. ANNOUNCEMENTS

NONE

10. NEW BUSINESS

- A. DISCUSSION AND ADOPTION OF AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 14 ARTICLE 1, SECTIONS 1 THROUGH 4

AS FOLLOWS: AMENDING ORDINANCE NO. 259, TO ADOPT THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE (UTO); DELETING REFERENCES TO THE NEW MEXICO MOTOR VEHICLE CODE; DELETING SECTIONS 14.1.4 (A), (B) AND (C); AND ADDING A NEW SECTION 14.1.4, PROVIDING THAT UTO SECTION 12-6-1.2 (A)(2) SHALL READ: "NO PERSON SHALL DRIVE A VEHICLE ON A STREET OR DETOUR AT A SPEED GREATER THAN TWENTY-FIVE (25) MILES PER HOUR IN ANY BUSINESS OR RESIDENCE DISTRICT."

- B. APPROVING THE SETTLEMENT AGREEMENT BETWEEN UNSER DISCOVERY CAMPUS, INC., A NEW MEXICO NON-PROFIT CORPORATION, AND THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, A NEW MEXICO MUNICIPAL CORPORATION, RESOLVING PENDING LITIGATION AND TRANSFERRING REAL PROPERTY COMMONLY KNOWN AS 1776 MONTANO ROAD, NW, ALBUQUERQUE, NEW MEXICO 87107, FROM THE VILLAGE BACK TO UNSER DISCOVERY CAMPUS.

11. **TRUSTEE INFORMAL DISCUSSION** (THE ROUNDTABLE DISCUSSION IS AN INFORMAL DISCUSSION. THE BOARD OF TRUSTEES WILL TAKE NO OFFICIAL VOTE OR OTHER OFFICIAL ACTION.)

12. **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, amplifier, remote microphone, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at (505) 344-6582 at least five (5) days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk at (505) 344-6582 if a special format is needed.

THE NEXT BOARD MEETING WILL BE HELD ON SEPTEMBER 11, 2019

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD NW, DURING REGULAR BUSINESS HOURS OF 8:00 A.M. TO 5:00 P.M. OR ON THE WEBSITE: www.losranchosnm.gov

I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, NMSA 1978 Section 10-15-1 through 10-15-4 and the Open Meetings Resolution 2019-1-1. I certify that this agenda was posted on: August 9, 2019.


Danielle Sedillo-Molina, Village Clerk

4. A.

CONSENT AGENDA

A. MINUTES-JULY 10, 2019
REGULAR MEETING

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MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
Wednesday, July 10, 2019
7:00 P.M.

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Present:

Donald T. Lopez, Mayor	Tim McDonough, Acting Administrator/
Mary Homan, Mayor Pro-Tem/Trustee	Planning & Zoning Director
Allen Lewis, Trustee	Danielle Sedillo-Molina, Clerk
Pablo Rael, Trustee	Nann Winter, Attorney
Tom Riccobene, Trustee	Nancy Haines, Treasurer

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Absent: NONE

The Boy Scouts led the guests in The Pledge of Allegiance.

1. **CALL TO ORDER**

Mayor Lopez called the regular meeting to order at 7:00 p.m.

MOTION: Trustee Rael moved to approve the Agenda

SECONDED: Trustee Lewis

CARRIED: Motion Passed 4-0 (Trustee Homan-Yes; Trustee Lewis-Yes, Trustee Rael-Yes; Trustee Riccobene-Yes)

2. **PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT]**

(SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS AGENDA)

Joe Craig, 505 Calle Del Pajarito NW:

- I. Presented neighborhood issues as a representative of the Calle Del Pajarito Neighborhood Association.
 1. Cell tower that's intrusive.
 2. Stated that five of eighteen houses are commercial businesses.
 3. Requested to be on the agenda at the August meeting.
 4. Suggested that Bernalillo County take over planning and zoning for the Village.

Mayor Lopez mentioned that staff would be preparing a detailed response to address the issues that Mr. Craig brought forward.

46 **Betty Tichich, 6724 Edgewood Dr NW:**

- 47
- 48 I. Thanked the Village for the beautiful park at the corner of Osuna and
- 49 Edgewood.
- 50 II. Traffic on Osuna is getting worse from 2nd to 4th Street.
- 51

52 *Mayor Lopez suggested that Public Safety Liaison Fred Radosevich to meet with*

53 *Bernalillo County Sheriff's Office to come up with a solution.*

54

- 55 III. Issue with fireworks this year, read a letter from her neighbor.
- 56
- 57

58 **3. PRESENTATIONS/PROCLAMATIONS**

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- 60 A. AGRICULTURE AND VISION;
- 61 -DR. LAUREN GOLDSTEIN, NMSU
- 62 -MR. FERGUS WHITNEY, VILLAGE OF LOS RANCHOS
- 63

64 **Fergus Whitney, Agriculture Program Manager**

- 65 • Handed out a Booklet on Agriculture and Vision, discussed the vision of
- 66 the booklet and the goals for agriculture in the Village.
- 67 • Discussed the activity and upcoming events at the Agri-Nature Center that
- 68 celebrates the uniqueness of the Village.
- 69 • Thanked Dr. Lauren Goldstein for her assistance.
- 70

71 **Dr. Lauren Goldstein, NMSU**

- 72 • Discussed her background.
- 73 • Mentioned that the funds from the Thornburg Foundation are now
- 74 available.
- 75 • Discussed other initiatives and how to connect them.
- 76 • Talked about strategic planning.
- 77
- 78

79 **4. CONSENT AGENDA**

80 There will be no separate discussion of these items. If discussion is desired,

81 the item will be removed from the Consent Agenda and will be considered

82 separately.

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84 A. MINUTES-JUNE 12, 2019-REGULAR MEETING

85

- 86 **MOTION: Trustee Rael moved to approve the minutes.**
- 87 **SECONDED: Trustee Homan**
- 88 **CARRIED: Motion Passed 4-0 (Trustee Homan-Yes; Trustee Lewis-**
- 89 **Yes; Trustee Rael-Yes, Trustee Riccobene-Yes)**
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- 91

92 **5. REPORTS**

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94 **MAYOR'S REPORT**

95 **Mayor Lopez** reported on the following:

- 96 • Today, Wednesday, July 10th, there were two busloads of Deans of
- 97 Agriculture, Extensions, etc., that specifically came to visit Los Ranchos
- 98 Agri-Nature property, was a great visit.
- 99 • Lavender and Garlic will be on 13th of July.
- 100 • Art's Market 14th of July.
- 101 • Lavender Festival 20th -21st of July.
- 102 • The Village of Los Ranchos will be hosting the Mayor's Caucus at the Agri-
- 103 Nature Center, Thursday, July 18, 2019.
- 104 • Attended the last several caucuses, with the most recent Mayor Caucus in
- 105 Rio Rancho which was an event successfully raising \$100,000.00 for
- 106 ARCA.

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108 **ADMINISTRATOR'S REPORT**

109 **Mr. McDonough** reported on the following:

- 110 • Had been working on budget revisions.
- 111 • Working out an agreement with the managers of Triple A Storage Unit, who
- 112 recently put in a letter of resignation, meeting with them next Friday to find a
- 113 way for them to continue on.
- 114 • Working with Blue River Productions for the Lavender Fest, approximately
- 115 130 vendors. Working with public safety and Village staff prepping the Agri-
- 116 Nature Center.
- 117 • Bed and Breakfasts are becoming more apparent within the Village. we
- 118 have an existing process for approving and conditions that go along with it.
- 119 We need to apply the current process to new and bring existing B&B's in
- 120 compliant with that process.

121
122 *Trustee Homan mentioned that we need to work on an Ordinance for a Lodger's*

123 *Tax, so the B&B's are on the same playing field as the one hotel in the Village.*

124 *Possibly consider putting those funds in a tourism and marketing plan.*

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126 *Mayor Lopez mentioned that Acting Administrator, Tim McDonough has been*

127 *doing an outstanding job.*

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129 **PLANNER'S REPORT**

130 **Planner Justice** reported on the following:

- 131 • Master Plan progressing smoothly, an open house was held at the end of
- 132 June, eleven people not including committee members or staff attended.
- 133 Draft is available on the website until July 31st, written comments will be
- 134 accepted until July 15th. The deadline for photo submissions has been
- 135 extended until July 31st.
- 136 • The Tourism part of the website will be available August 1st.
- 137 • A business open/closing report will be provided at the end of every quarter,

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currently one in this month's packet.

- Planning on gathering data from businesses regarding the circumstances as to why they are closing.

LEGAL REPORT

Attorney Winter reported on the following:

- In the last four-five weeks we have issued a couple of legal opinions concerning metropolitan re-development act considerations.
- Process of addressing legal issues raised by the Planning and Zoning Commission concerning the grant of conditional variances.
- Addressed neighborhood zoning Air B& B issues and as election season approaches, more and more of those types of questions and concerns will be surfacing.
- Continuing negotiations with Mr. & Mrs. Unser and have a draft settlement agreement that will probably be presented at the August meeting to finally get the property transferred.

PUBLIC SAFETY REPORT

Public Safety Liaison Radosevich reported on the following:

- Continue weekly meetings with Staff.
- Meet or speak with Captain Sharp regularly.
- Meeting on the film policy, finalizing a few things.
- Fire inspection issue and a Resolution will be presented tonight.
- Sheriff's Report 474 calls, 72 traffic stops, with most of the traffic stops occurring on 4th Street.
- Citizen issues on Garduño regarding illegal activity and have made a couple of arrests. Also, complaint on 8000 block of Rio Grande, arrests were made.
- I can't say enough good things about the partnership we have with Bernalillo County Sheriff's Department and Captain Sharp.

Mayor Lopez stated that Captain Sharp attended a staff meeting and conveyed that it is his job to make the Village safe and pristine as possible, he is doing an incredible job.

PROJECT'S REPORT

Project Manager Rinaldi reported on the following:

- Most of the work on 4th Street has been completed.
- Ongoing projects, brick sidewalks, curb tie-ins, water feature, etc.
- On street parking islands will begin.
- Pending issues; Century Link duct bank.
- Working on a "no excavation zone" with Attorney Winter.
- Most of trees that looked as if they were dying, will be salvageable, those that cannot, are under warranty and will be replaced by the contractor.
- Original contract (in round numbers, excluding GRT) \$5.8 million, change

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- orders total \$1.34 million for a total cost to date of \$7.188 million.
- Meeting with the Village Center developer.
- Working on the film policy.
- Working on the RFP for legal services.

AGRI-NATURE CENTER REPORT

Program Manager Whitney reported on the following:

- Focus for July is on the Agri-Nature Center and all the events that are taking place.
- Final preparation for Lavender in the Village.
- Hops yard irrigation is completed.

6. FINANCIAL BUSINESS

A. CASH REPORT-JUNE 2019

Treasurer Haines reported the ending cash balance for June 30, 2019, is \$5,798,910.03, which is a decrease of \$285,907.78 for the month. Year to date deficiency of revenues over expenditures is \$1,383,499.10.

DRAFT

Fourth Street Project:
 Bradbury and Stamm for \$548,518.69
 Site Southwest \$66,469.67
Agri-Nature Center Remodel:
 Nieto Custom Builders \$26,701.32
 Queston Construction Inc. \$40,715.59

Trustee Rael and Trustee Lewis asked questions regarding payments to various vendors

Treasurer Haines responded in detail regarding the payments made.

Mayor Lopez asked if there is a motion to approve the June Cash Report.

MOTION: Trustee Homan moved to approve the Cash Report
SECONDED: Trustee Rael
CARRIED: Motion Passed 4-0 (Trustee Homan-Yes; Trustee Lewis-Yes; Trustee Rael-Yes; Trustee Riccobene-Yes)

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2019-7-1; 2019 FINAL QUARTER FINANCIAL REPORT, YEAR ENDING JUNE 30, 2019.

Treasurer Haines reported that it is the year end standard final report.

Mayor Lopez asked if there is a motion to approve Resolution 2019-7-1.

MOTION: Trustee Rael moved to approve the Resolution 2019-7-;

229 **2019 FINAL QUARTER FINANCIAL REPORT, YEAR**
230 **ENDING JUNE 30, 2019**

231 **SECONDED:**

Trustee Lewis

232 **CARRIED:**

233 **Motion Passed 4-0 (Trustee Homan-Yes; Trustee Lewis-**
234 **Yes; Trustee Rael-Yes; Trustee Riccobene-Yes)**

235 **C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2019-7-2;**
236 **BUDGET REVISIONS FOR FISCAL YEAR 2018/2019.**

237
238 Treasurer Haines reported that this is the budget revision for the fiscal year related
239 to one specific fund, fire protection and EMS services for this year.

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241 *Trustee Lewis stated that it seems as though this is a very large adjustment.*

242
243 *Treasurer Haines responded that there was a fire truck that the Village was*
244 *responsible for and Gil originally did not think it was part of the Village's*
245 *responsibility. However, within the Memo of Understanding it was stated that it is*
246 *the Village's responsibility.*

247
248 **Mayor Lopez asked if there is a motion to approve Resolution 2019-7-2.**

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250 **MOTION:**

Trustee Homan moved to approve the Resolution 2019-
251 **7-2; BUDGET REVISIONS FOR FISCAL YEAR 2018/2019.**

252 **SECONDED:**

Trustee Rael

253 **CARRIED:**

254 **Motion Passed 4-0 (Trustee Homan-Yes; Trustee Lewis-**
255 **Yes; Trustee Rael-Yes; Trustee Riccobene-Yes)**

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257 **D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2019-7-3; BUDGET**
258 **ADOPTION FOR FISCAL YEAR 2019/2020.**

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260 Acting Administrator McDonough reported that this is the revised budget from the
261 one that was presented in May, discussed the methodology behind the revisions
262 and adjustments from the last draft.

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264 *Mayor Lopez expressed that the Village has been good stewards and has been*
265 *handling money very well.*

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267 *Trustee Lewis expressed concerns in particular areas of the budget and*
268 *indicated that the Village needs to exercise caution this year, we do not have a*
269 *whole lot of room for error.*

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271 *Trustee Homan stated that there will be opportunities for small tweaks to the*
272 *budget for mid-year adjustments if needed.*

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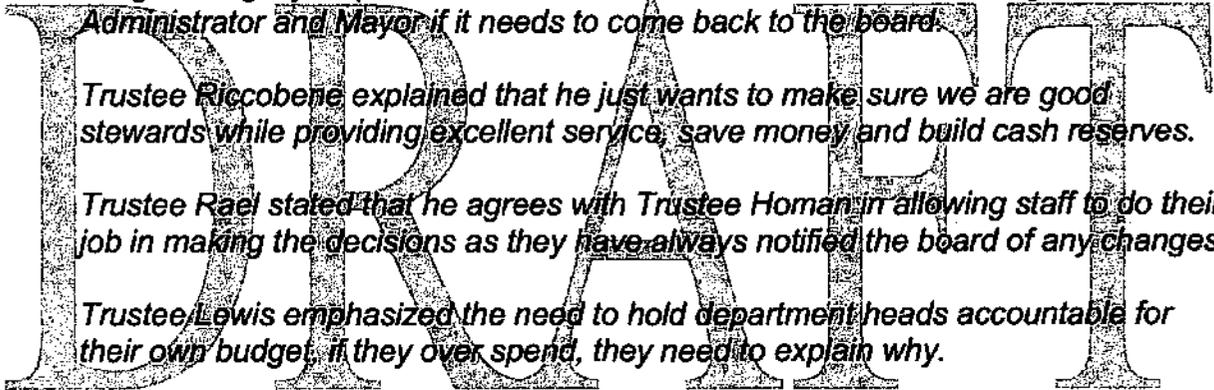
Trustee Riccobene made a motion to approve the budget with the following conditions:

1. That the \$10,020 shown in line item 45140, Department 1970, Agriculture Enterprises be moved to line item 45140, Department 1960, Public Facilities;
2. That Village Administration shall not exceed any of the Fund or Department budgets without prior Trustee approval; and
3. Further, excess cash, not spent in any fund, cannot be moved to another fund without Trustee approval.

SECONDED: Trustee Lewis

Mayor Lopez stated that they can now enter into discussion.

Trustee Homan stated that she understands the basis of Trustee Riccobene's proposal, but realistically it may not be feasible. We need to hold to the spirit of the budget as tightly as possible and leave it to the discretion of the Village Administrator and Mayor if it needs to come back to the board.



Trustee Riccobene explained that he just wants to make sure we are good stewards while providing excellent service, save money and build cash reserves.

Trustee Rael stated that he agrees with Trustee Homan in allowing staff to do their job in making the decisions as they have always notified the board of any changes.

Trustee Lewis emphasized the need to hold department heads accountable for their own budget; if they over spend, they need to explain why.

Acting Village Administrator McDonough stressed that there would be more involvement with budgets so that each department head knows what they are spending.

Mayor Lopez asserted that he will ensure that staff is mindful of their responsibilities and complimented that this is the best Village staff he has ever seen.

Trustee Homan stated that it is our duty to provide management and oversight but does not want to micromanage, asked Trustee Riccobene to repeat his motion.

Trustee Riccobene made a motion to approve the budget with the following conditions:

4. That the \$10,020 shown in line item 45140, Department 1970, Agriculture Enterprises be moved to line item 45140, Department 1960, Public Facilities;

- 321 5. That Village Administration shall not exceed any of the Fund or
- 322 Department budgets without prior Trustee approval; and
- 323 6. Further, excess cash, not spent in any fund, cannot be moved to another
- 324 fund without Trustee approval.

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326 **Mayor Lopez called for the vote.**

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328 **CARRIED: Motion Passed 3-1 (Trustee Homan-Nay; Trustee Lewis-Yes;**

329 **Trustee Rael-Yes; Trustee Riccobene-Yes)**

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331 ****Note: Resolution 2019-7-3, will be revised to include the changes as**

332 **approved****

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334 **7. PUBLIC HEARING AND APPLICATIONS FOR APPEAL**

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336 NONE

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338 **8. OLD BUSINESS**

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340 **A. DISCUSSION REGARDING THE CONSOLIDATED LOCAL ELECTION**

341 **NOVEMBER 2019.**

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343 *Attorney Winter clarified the terms of the ballot and attached a memo in the*

344 *packet with her findings. She proposes that she forwards the memo to the*

345 *County Clerk.*

346

347 *Trustee Rael expressed that he needed clarification regarding that if no one*

348 *declares for the two-year term, what will then occur?*

349

350 *Trustee Homan asked what if a person that is up for a four-year renewal can they*

351 *run for a two-year term?*

352

353 *Attorney Winter answered "yes" to Trustee Homan's question, however, needs to*

354 *conduct further research in State Statute's regarding Trustee Rael's question and*

355 *will get back to the board with the answer.*

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358 **9. ANNOUNCEMENTS**

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360 NONE

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362 **10. NEW BUSINESS**

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- 364 **A. DISCUSSION AND APPROVAL OF RESOLUTION 2019-7-4; A**
- 365 **RESOLUTION ESTABLISHING FIRE INSPECTION FEES FOR THE**

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE AND SETTING THE FREQUENCY OF SUCH FIRE INSPECTIONS.

Public Safety Liaison Radosevich proposed to the Trustees that the Village pass the Resolution and follow Bernalillo County Fire guidelines; conduct fire inspections annually, it's a nominal fee.

Trustee Homan asked for further clarification on what is occurring now.

Public Safety Liaison Radosevich answered the question in further detail.

Fire Marshall Keith Clark for Bernalillo County stated that their primary concern is safety. Fire extinguishers are required to be inspected once a year and businesses contract with companies to do that.

Mayor Lopez asked if there is a motion to approve Resolution 2019-7-4.

MOVED: Trustee Rael moved to approve Resolution 2019-7-4; **ESTABLISHING FIRE INSPECTION FEES FOR THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE AND SETTING THE FREQUENCY OF SUCH FIRE INSPECTIONS.**

SECONDED: Trustee Riccobene
CARRIED: Motion Passed 4-0 (Trustee Homan-Yes; Trustee Lewis-Yes; Trustee Rael-Yes; Trustee Riccobene-Yes)

B. DISCUSSION AND APPROVAL OF A VOTING DELEGATE AND ALTERNATE - 2019 NEW MEXICO MUNICIPAL LEAGUE ANNUAL CONFERENCE HELD AUGUST 28 THROUGH AUGUST 30, 2019, IN LAS CRUCES, NEW MEXICO.

Trustee Homan explained that this is an annual event, discussed the role of the New Mexico Municipal League along with the support that they provide to the Municipalities. Each year they have a business meeting where they re-elect officers as well as, new board members, adopt resolutions and include new policy updates.

MOVED: Trustee Rael motioned to make Mayor Lopez the voting member and Trustee Homan be the alternate.

SECONDED: Trustee Lewis
CARRIED: Motion Passed 4-0 (Trustee Homan-Yes; Trustee Lewis-Yes; Trustee Rael-Yes; Trustee Riccobene-Yes)

- 412 C. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO
 413 THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS
 414 RANCHOS DE ALBUQUERQUE CHAPTER 14 ARTICLE 1 AS
 415 FOLLOWS:
 416 1. REPEALING ORDINANCE #259 ADOPTING THE NEW MEXICO
 417 TRAFFIC CODE AND THE BALANCE OF CHAPTER 14, ARTICLE 1;
 418 2. ADOPTING, AS SUPERSEDED CHAPTER 14, ARTICLE 1, THE NEW
 419 MEXICO UNIFORM TRAFFIC ORDINANCE (UTO) 2010 COMPILATION
 420 WITH ALL REVISIONS THROUGH 2018, EXCEPT THAT;
 421 3. THE UTO SECTION ADDRESSING SPEED LIMITS (CURRENTLY UTO
 422 SECTION12-6-1.2) SHALL READ: "NO PERSON SHALL DRIVE A
 423 VEHICLE ON A HIGHWAY AT A SPEED GREATER THAN: ... TWENTY-
 424 FIVE MILES PER HOUR IN A BUSINESS OR RESIDENCE DISTRICT."
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426 Public Safety Liaison Radosevich described the terms of what the Board had
 427 adopted back in 2017 and now proposing that the Village adopts the New Mexico
 428 Municipal League Uniform Traffic Ordinance, changing the language to read "25
 429 miles per hour" within the Village of Los Ranchos. This is just to advertise the
 430 proposal of changing the ordinance and adopting it at the next meeting in August.

431 *Trustee Homan asked for clarification on the current speed limit signs.*

432 *Public Safety Liaison Radosevich clarified what signs would need to be changed.*

433 **MOVED:**

Trustee Homan moved to advertise an amendment to
 the 2013 Codified Ordinance as it reads.

434 **SECONDED:**

Trustee Rael

435 **CARRIED:**

Motion Passed 4-0 (Trustee Homan-Yes; Trustee Lewis-
 Yes; Trustee Rael-Yes, Trustee Riccobene-Yes)

443 11. TRUSTEE INFORMAL DISCUSSION

- 444
 445 A. DISCUSSION OF AVAILABILITY OF THE GOVERNING BODY FOR A
 446 SPECIAL MEETING, AT 7:00 P.M., WEDNESDAY, JULY 31, 2019.

447 Acting Administrator McDonough

- 448 • Working on Policies and Procedures for filming in the Village and would
 449 like to adopt a Film Policy; requests for filming and photography are
 450 becoming greater and the Village is ready to move forward.

451 *(All Trustees minus Trustee Homan are available for the Special Meeting*
 452 *on Wednesday, July 31, 2019 at 7:00 p.m.).*

453 **Mayor Lopez called for a Special meeting on Wednesday, July 31,**
 454 **2019 at 7:00 p.m.**
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Trustee Riccobene

- Do we have income or costs associated with Lavender in the Village?
(Acting Administrator McDonough said no direct costs other than preparing the facility by staff and the Village does not generate any revenue).
- Are we at risk at all and what is in place for liability?
(Acting Administrator McDonough stated that Blue River provides the Village with a certificate of liability and the property is insured under the self-insurers fund).
- Enforcement of ordinance's and code is a really important aspect in order to protect our way of life.

Trustee Rael

- Did we sign the use agreement with Lavender in the Village?
(Mayor Lopez responded that yes, the agreement for this year was signed).

Trustee Homan

- Congratulated Vernon's and Dave's Valley Grill, both were recognized in the Albuquerque's Business First. Vernon's came in as the best steak house in New Mexico and Dave's came in as a best local eatery.
- Noted that another prominent resident passed away, Jaime Deuel and would like to have an article of his passing in the Vision.
- Provided a copy to staff of the New Mexico Local Technical Assistance Course Catalog.

Trustee Lewis

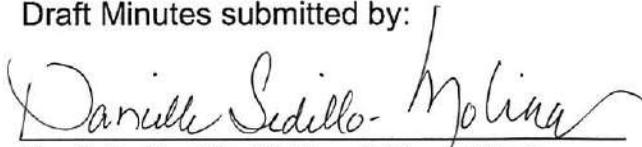
- Interested to find out how the crowd will be handled at this year's Lavender Festival as it is growing every year.
- The manhole covers at the s-curve at Northdale Shopping Center needs to be addressed.
(Acting Administrator McDonough explained that it is an Albuquerque/Bernalillo County Water Utility Authority catch basin for grit, said he would follow up and see what their plan is).
- Status of a procurement officer?
(Mayor Lopez responded that both he and Danielle are confirmed for the class the last week in July).
- Where are with the hiring of a Village Administrator?
(Mayor responded that Tim McDonough will stay on until the end of the year. At the beginning of the year we will conduct a search, interview, and appoint one).

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12. ADJOURNMENT

The meeting was adjourned by Mayor Lopez at 9:14 p.m.

Draft Minutes submitted by:

A handwritten signature in cursive script that reads "Danielle Sedillo-Molina". The signature is written in black ink and is positioned above a horizontal line.

Danielle Sedillo-Molina, Village Clerk

DRAFT

5. A.-G.

REPORTS

- A. MAYOR PRO TEM'S REPORT
- B. ADMINISTRATOR'S REPORT
- C. PLANNER'S REPORT
- D. LEGAL REPORT
- E. PUBLIC SAFETY REPORT
- F. PROJECT'S REPORT
- G. AGRI-NATURE CENTER REPORT

REPORTS ARE PRESENTED ORALLY

6.A.

FINANCIAL BUSINESS

A. DISCUSSION AND APPROVAL OF
CASH REPORT
JULY 2019

Village of Los Ranchos de Albuquerque Cash Report Summary

Cash Report for the month of July 31, 2019.

Ending cash balance at July 31, 2019 is \$5,623,039.77, which is a decrease of \$175,870.26, for this month.

YTD deficiency of revenues over expenditures is \$175,002.06

Unusual or Significant Items

General Fund – Fire – IGA for Fire Protection & EMS Services – page 11, \$113,3000, 1st quarter payment for EMS and Fire services based on MOU with the County.

General Fund – Capital Expenditures – Capital Roadways, Bridges & Culverts – page 12, \$61,567.53, payments to Sites Southwest for engineer services on 4th Street Revitalization project.

Capital Project Buildings – Agri-Nature Center Improvmennts – ID 15-0734 – page 28, \$61,638.02 revenue, payment from the State of New Mexico to the Village for the grant that closed out at year end.

Village of Los Ranchos de Albuquerque
Cash Balance Summary by Fund
for the Fiscal Year Ending July 31, 2019
as of July 31, 2019

	<i>Beginning Cash Balance</i>	<i>Excess/(Deficiency)</i>	<i>Ending Cash Balance</i>
101 General Fund	\$ 4,226,104.37	\$ (50,974.58)	\$ 4,175,129.79
201 Correction	\$ 900.00	\$ -	\$ 900.00
209 Fire Protection Fund	\$ -	\$ 48,868.40	\$ 48,868.40
211 Law Enforcement Protection Fund	\$ -	\$ -	\$ -
216 Municipal Street Fund	\$ 193,821.03	\$ 19,076.23	\$ 212,897.26
299 Special - Other Funds	\$ 23,044.09	\$ (2,096.21)	\$ 20,947.88
311 Capital Project Infrastructure	\$ (31,301.31)	\$ -	\$ (31,301.31)
312 Capital Project Buildings	\$ (61,889.27)	\$ 61,638.02	\$ (251.25)
380 Purchase Real Property Reserve F	\$ 459,238.25	\$ -	\$ 459,238.25
399 Capital Project - Other	\$ 31,111.81	\$ -	\$ 31,111.81
401 General Obligation Bonds	\$ -	\$ (259,513.92)	\$ (259,513.92)
410 General Obligation Bonds Reserve	\$ 901,102.00	\$ -	\$ 901,102.00
505 Agri-Nature Center Farm Camps	\$ 55,910.86	\$ 8,000.00	\$ 63,910.86
	\$ 5,798,041.83	\$ (175,002.06)	\$ 5,623,039.77

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
101 - General Fund							
0099 - General Fund Revenue							
Revenues							
Franchise taxes	31100	25,470.00	37,908.25	12,438	305,640.00	37,908.25	(267,732) 12.40%
Munic gross receipts taxes	31250	101,359.00	114,253.71	12,895	1,216,308.00	114,253.71	(1,102,054) 9.39%
State share gross receipts taxes	32410	126,317.00	141,372.11	15,055	1,515,804.00	257,781.67	(1,258,022) 17.01%
Animal permit fees	33100	82.50	0.00	(83)	990.00	0.00	(990) 0.00%
Building permit fees	33300	3,750.00	2,352.86	(1,397)	45,000.00	2,352.86	(42,647) 5.23%
Excavation/barricade permits	33350	600.00	1,862.18	1,262	7,200.00	1,862.18	(5,338) 25.86%
Business registration fees	33400	70.00	105.00	35	13,250.00	105.00	(13,145) 0.79%
Parcel permit fees	33450	400.00	595.00	195	4,800.00	595.00	(4,205) 12.40%
Liquor license fees	33500	3,250.00	500.00	(2,750)	3,250.00	500.00	(2,750) 15.38%
Home occupation fees	33910	150.00	0.00	(150)	6,500.00	0.00	(6,500) 0.00%
Application fees	34010	210.00	1,004.20	794	2,520.00	1,004.20	(1,516) 39.85%
Los Ranchos merchandise	34880	34.00	0.00	(34)	400.00	0.00	(400) 0.00%
LR Newsletter advertising revenue	34990	1,629.00	4,911.50	3,283	19,548.00	4,911.50	(14,637) 25.13%
Miscellaneous revenue	34991	660.00	3,212.93	2,553	8,000.00	3,212.93	(4,787) 40.16%
Judicial education fee	35008	0.00	0.00	0	48.00	0.00	(48) 0.00%
Court automation fee	35015	0.00	0.00	0	96.00	0.00	(96) 0.00%
Municipal court fines	35020	0.00	0.00	0	750.00	0.00	(750) 0.00%
Investment income	36030	3,000.00	1,274.18	(1,726)	20,500.00	1,274.18	(19,226) 6.22%
Rent income storage units	36070	16,065.00	15,713.00	(352)	192,780.00	15,713.00	(177,067) 8.15%
Land rent	36075	8,100.00	9,160.16	1,060	105,000.00	9,160.16	(95,840) 8.72%
Trailer park rent	36077	3,162.00	4,225.00	1,063	37,944.00	4,225.00	(33,719) 11.13%
Property rental income	36079	3,013.00	3,350.00	337	36,156.00	3,350.00	(32,806) 9.27%
Sale of recycling materials	36090	0.00	0.00	0	0.00	0.00	0 0.00%
Small cities assistance grant	37180	0.00	0.00	0	175,000.00	0.00	(175,000) 0.00%
Sale of Property	37195	140,000.00	0.00	(140,000)	140,000.00	0.00	(140,000) 0.00%
		437,321.50	341,800.08	(95,521)	3,857,484.00	458,209.64	(3,399,274) 11.88%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
101 - General Fund								
0100 - Executive Legislative								
Department Expenditures								
Wages-Elected Official	41010	923.08	923.08	0	14,400.04	923.08	(13,477)	6.41%
Wages-Full Time	41020	10,000.00	0.00	10,000	130,000.00	0.00	(130,000)	0.00%
FICA Regular	42010	657.50	56.69	601	8,696.30	56.69	(8,640)	0.65%
FICA Medicare	42020	153.77	13.26	141	2,033.82	13.26	(2,021)	0.65%
Retirement Contributions	42030	1,778.75	0.00	1,779	23,123.76	639.73	(22,484)	2.77%
Health Care	42050	717.00	31.64	685	7,888.70	31.64	(7,857)	0.40%
Mileage Reimbursement	43010	300.00	135.27	165	3,232.50	135.27	(3,097)	4.18%
Employee Training	47040	0.00	330.00	(330)	3,640.00	330.00	(3,310)	9.07%
Subscriptions & Memberships	47140	10,723.00	11,467.51	(745)	12,145.00	11,467.51	(677)	94.42%
Total Department Expenditures		25,253.10	12,957.45	12,296	205,160.12	13,597.18	(191,563)	6.63%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
101 - General Fund								
0200 - Judicial								
Department Expenditures								
Wages-Elected Official	41010	0.00	0.00	0	1,200.00	0.00	(1,200)	0.00%
Wages-Part Time	41030	547.84	424.00	124	7,121.92	599.00	(6,523)	8.41%
FICA Regular	42010	33.97	26.29	8	516.00	37.14	(479)	7.20%
FICA Medicare	42020	7.94	6.15	2	120.64	8.69	(112)	7.20%
Mileage Reimbursement	43010	0.00	0.00	0	310.00	0.00	(310)	0.00%
Prof. Service - Computer Support	45150	0.00	0.00	0	407.20	0.00	(407)	0.00%
Judicial Education Fee	45895	0.00	0.00	0	48.00	0.00	(48)	0.00%
Court Automation Fee	45900	0.00	0.00	0	96.00	0.00	(96)	0.00%
Employee Training	47040	0.00	0.00	0	1,635.00	0.00	(1,635)	0.00%
Subscriptions & Memberships	47140	210.00	225.00	(15)	210.00	225.00	15	107.14%
Total Department Expenditures		799.75	681.44	118	11,664.76	869.83	(10,795)	7.46%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
 From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
101 - General Fund								
1011 - Elections								
Department Expenditures								
Professional Services - Election Judges	45120	0.00	0.00	0	0.00	0.00	0	0.00%
Supplies	46010	0.00	0.00	0	0.00	0.00	0	0.00%
Rent of Equipment & Machinery	47120	0.00	0.00	0	0.00	0.00	0	0.00%
Total Department Expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
101 - General Fund								
1200 - Financial Administration								
Department Expenditures								
Wages-Full Time	41020	5,964.80	4,848.00	1,117	77,542.40	8,368.00	(69,174)	10.79%
Wages-Part Time	41030	369.24	369.24	0	4,800.12	553.86	(4,246)	11.54%
FICA Regular	42010	373.53	376.04	(3)	4,855.88	534.14	(4,322)	11.00%
FICA Medicare	42020	87.36	87.94	(1)	1,135.68	124.92	(1,011)	11.00%
Retirement Contributions	42030	1,060.99	1,025.60	35	13,792.86	1,467.55	(12,325)	10.64%
Health Care	42050	662.00	728.72	(67)	8,606.00	728.72	(7,877)	8.47%
Audit Fees	45010	0.00	0.00	0	13,484.38	0.00	(13,484)	0.00%
Prof. Service - Computer Support	45150	0.00	0.00	0	1,225.00	0.00	(1,225)	0.00%
Contract Svc-Bank Charges	45901	1,070.00	1,010.25	60	13,040.00	1,110.25	(11,930)	8.51%
Supplies	46010	0.00	0.00	0	200.00	0.00	(200)	0.00%
Subscriptions & Memberships	47140	370.00	0.00	370	370.00	0.00	(370)	0.00%
Total Department Expenditures		9,957.92	8,445.79	1,512	139,052.32	12,887.44	(126,165)	9.27%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
101 - General Fund								
1700 - Planning and Zoning								
Department Expenditures								
Wages-Full Time	41020	18,585.60	18,912.00	(326)	241,612.80	26,712.00	(214,901)	11.06%
Wages-Part Time	41030	0.00	0.00	0	0.00	0.00	0	0.00%
FICA Regular	42010	1,086.32	1,218.32	(132)	14,122.16	1,641.97	(12,480)	11.63%
FICA Medicare	42020	254.06	284.94	(31)	3,302.78	384.03	(2,919)	11.63%
Retirement Contributions	42030	3,305.91	3,527.14	(221)	42,976.84	4,684.62	(38,292)	10.90%
Health Care	42050	2,458.79	1,325.80	1,133	29,505.12	1,425.80	(28,079)	4.83%
Professional Services - Master Plan	45011	0.00	0.00	0	7,000.00	0.00	(7,000)	0.00%
Prof. Service - Engineers	45030	0.00	0.00	0	11,000.00	0.00	(11,000)	0.00%
EPA Stormwater Monitoring	45035	0.00	0.00	0	1,000.00	0.00	(1,000)	0.00%
Storm Water Team Participation	45040	0.00	6,000.00	(6,000)	6,000.00	6,000.00	0	100.00%
Const Regulation Services	45045	0.00	0.00	0	17,500.00	0.00	(17,500)	0.00%
Printing,Publishing,& Advert.	47080	100.00	38.30	62	1,200.00	51.74	(1,148)	4.31%
Subscriptions & Memberships	47140	1,640.00	20.00	1,620	2,875.00	20.00	(2,855)	0.70%
Total Department Expenditures		27,430.68	31,326.50	(3,896)	378,094.70	40,920.16	(337,175)	10.82%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
101 - General Fund								
1840 - General Administration								
Department Expenditures								
Wages-Full Time	41020	9,139.20	7,055.73	2,083	118,809.60	12,376.41	(106,433)	10.42%
FICA Regular	42010	547.60	503.87	44	7,233.89	742.87	(6,491)	10.27%
FICA Medicare	42020	128.07	123.24	5	1,691.80	179.13	(1,513)	10.59%
Retirement Contributions	42030	1,625.64	1,571.35	54	21,135.70	2,286.88	(18,849)	10.82%
Health Care	42050	2,139.50	2,111.02	28	12,837.00	2,211.02	(10,626)	17.22%
Worker's Comp. Assessment	42080	0.00	90.30	(90)	195.20	90.30	(105)	46.26%
Mileage Reimbursement	43010	0.00	0.00	0	1,000.00	0.00	(1,000)	0.00%
Per Diem (Meals, Lodging, etc)	43020	750.00	120.35	630	9,000.00	120.35	(8,880)	1.34%
Maint-Building & Structure	44010	5,000.00	0.00	5,000	15,700.00	0.00	(15,700)	0.00%
Maint-Vehicle/fum/fixt/equip	44040	0.00	429.63	(430)	2,500.00	429.63	(2,070)	17.19%
Attorney Fees and Settlements	45020	8,750.00	13,226.08	(4,476)	105,000.00	23,156.57	(81,843)	22.05%
Professional Service - Engineers	45030	0.00	0.00	0	20,000.00	0.00	(20,000)	0.00%
Professional Service - Computer Support	45150	2,500.00	0.00	2,500	30,000.00	0.00	(30,000)	0.00%
Professional Service - Appraisals	45155	0.00	0.00	0	4,950.00	0.00	(4,950)	0.00%
Professional Service - Water rights	45165	0.00	0.00	0	6,000.00	0.00	(6,000)	0.00%
Contract Svc-Physicals	45910	0.00	0.00	0	1,200.00	0.00	(1,200)	0.00%
Contract Svc-Temp Labor	45911	4,400.00	8,396.37	(3,996)	52,800.00	8,396.37	(44,404)	15.90%
Contract Services A-AAA Self Storage	45915	4,835.00	3,599.16	1,236	58,016.25	3,599.16	(54,417)	6.20%
Supplies	46010	2,165.00	2,111.05	54	25,980.00	2,167.46	(23,813)	8.34%
Los Ranchos Merchandise	46015	0.00	0.00	0	500.00	0.00	(500)	0.00%
Miscellaneous	46090	500.00	64.26	436	6,000.00	564.26	(5,436)	9.40%
Employee Training	47040	600.00	50.00	550	7,200.00	50.00	(7,150)	0.69%
Insurance-Non employee	47060	58,529.00	57,136.01	1,393	60,328.74	57,136.01	(3,193)	94.71%
Postage & Mail Service	47070	2,800.00	294.20	2,506	10,325.00	294.20	(10,031)	2.85%
Printing, publishing & advertising	47080	1,250.00	369.37	881	15,000.00	462.75	(14,537)	3.09%
Printing, Pub/Advert-LR News	47081	5,066.00	4,551.25	515	40,526.48	4,551.25	(35,975)	11.23%
Rent of Equipment & Machinery	47120	955.00	887.32	68	11,455.38	887.32	(10,568)	7.75%
Subscriptions & Memberships	47140	965.00	249.00	716	2,637.00	249.00	(2,388)	9.44%
Telephone	47150	1,500.00	2,297.72	(798)	18,000.00	2,297.72	(15,702)	12.77%
Utilities	47160	4,756.00	4,468.88	287	48,391.50	4,529.66	(43,862)	9.36%
Workers' Compensation Insurance	47210	14,500.00	9,110.00	5,390	14,500.00	9,110.00	(5,390)	62.83%
Total Department Expenditures		133,401.01	118,816.16	14,585	728,913.54	135,888.32	(593,025)	18.64%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
 From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
101 - General Fund							
1920 - Police							
Department Expenditures							
Contract services - Public safety	45904	1,200.00	1,534.55	(335)	14,400.00	1,534.55	(1,535) 0.00%
Total Department Expenditures		1,200.00	1,534.55	(335)	14,400.00	1,534.55	(1,535) 10.66%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
101 - General Fund								
1960 - Public Facilities								
Department Expenditures								
Wages-Full Time	41020	13,105.60	12,460.65	645	170,372.80	19,700.66	(150,672)	11.56%
Wages-Temporary	41040	2,080.00	1,566.50	514	27,040.00	3,646.50	(23,394)	13.49%
FICA Regular	42010	884.27	903.48	(19)	9,115.50	1,379.88	(7,736)	15.14%
FICA Medicare	42020	206.80	211.32	(5)	2,688.42	322.75	(2,366)	12.01%
Retirement Contributions	42030	2,331.16	2,136.08	195	30,305.08	3,181.32	(27,124)	10.50%
Health Care	42050	1,720.09	3,633.84	(1,914)	20,641.08	7,346.99	(13,294)	35.59%
Transportation Exp. (Gas, Oil, etc.)	43030	375.00	1,028.38	(653)	4,500.00	1,340.50	(3,160)	29.79%
Maint-Building & Structure	44010	450.00	425.92	24	5,400.00	425.92	(4,974)	7.89%
Maintenance - Grounds/Roadways	44030	3,000.00	5,098.63	(2,099)	36,000.00	5,638.63	(30,361)	15.66%
Maint-Vehicle/fum/fixt/equip	44040	1,500.00	1,692.11	(192)	18,000.00	2,324.87	(15,675)	12.92%
Prof. Service - Animal Control	45140	835.00	155.49	680	10,020.00	155.49	(9,865)	1.55%
Supplies	46010	1,666.00	3,377.82	(1,712)	23,792.00	3,910.88	(19,881)	16.44%
Safety Equipment	47050	0.00	0.00	0	2,500.00	0.00	(2,500)	0.00%
Rent of Equipment & Machinery	47120	150.00	0.00	150	1,800.00	0.00	(1,800)	0.00%
Utilities	47160	3,750.00	3,420.68	329	45,000.00	3,420.68	(41,579)	7.60%
Total Department Expenditures		32,053.92	36,110.90	(4,057)	407,174.88	52,795.07	(354,380)	12.97%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
101 - General Fund								
1970- Agricultural Enterprises								
Department Expenditures								
Wages-Full Time	41020	4,972.80	1,760.00	3,213	64,646.40	8,220.01	(56,426)	12.72%
FICA Regular	42010	298.88	135.40	163	3,885.42	611.80	(3,274)	15.75%
FICA Medicare	42020	104.85	31.67	73	908.70	143.10	(766)	15.75%
Retirement Contributions	42030	884.54	396.35	488	11,499.02	1,441.59	(10,057)	12.54%
Health Care	42050	1,978.24	280.18	1,698	23,738.88	4,838.51	(18,900)	20.38%
Transportation Exp. (Gas, Oil, etc.)	43030	400.00	34.38	366	4,800.00	34.38	(4,766)	0.72%
Maint-Building & Structure	44010	450.00	820.55	(371)	5,400.00	820.55	(4,579)	15.20%
Maintenance - Grounds/Roadways	44030	1,175.00	645.00	530	14,100.00	645.00	(13,455)	4.57%
Maint-Vehicle/fum/fixt/equip	44040	584.00			7,008.00	0.00	(7,008)	0.00%
Supplies	46010	1,010.00	669.77	340	12,120.00	669.77	(11,450)	5.53%
Agricultural Program Support	46020	0.00	2,109.61	(2,110)	45,000.00	2,109.61	(42,890)	4.69%
Safety Equipment	47050	250.00			1,000.00	0.00	(1,000)	0.00%
Rent of equipment & machinery	47120	150.00			1,800.00	0.00	(1,800)	0.00%
Utilities	47160	1,086.76	600.01	487	13,041.16	600.01	(12,441)	4.60%
Total Department Expenditures		13,345.07	7,482.92	4,878	208,947.58	20,134.33	(188,813)	9.64%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
101 - General Fund							
2000 - Fire							
Department Expenditures							
IGA for Fire Protection & EMS Services 45928	113,300.00	113,300.00	0	453,200.00	113,300.00	(339,900)	25.00%
Total Department Expenditures	113,300.00	113,300.00	0	453,200.00	113,300.00	(339,900)	25.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
101 - General Fund							
Summary of General Fund Revenues and Expenses							
Beginning cash and cash equivalents	4,226,972.33	4,226,104.37	(868)	4,226,972.33	4,226,104.37	(1,545,044)	
Revenues							
General Fund Revenues	437,321.50	341,800.08	(95,521)	3,857,484.00	458,209.64	(3,399,274)	11.88%
Expenditures							
Executive Legislative	25,253.10	12,957.45	12,296	205,160.12	13,597.18	(191,563)	6.63%
Judicial	799.75	681.44	118	11,664.76	869.83	(10,795)	7.46%
Elections	0.00	0.00	0	0.00	0.00	0	0.00%
Financial Administration	9,957.92	8,445.79	1,512	139,052.32	12,887.44	(126,165)	9.27%
Planning and Zoning	27,430.68	31,326.50	(3,896)	378,094.70	40,920.16	(337,175)	10.82%
General Administration	133,401.01	118,816.16	14,585	728,913.54	135,888.32	(593,025)	18.64%
Police	1,200.00	1,534.55	(335)	14,400.00	1,534.55	(12,865)	10.66%
Public Facilities	32,053.92	36,110.90	(4,057)	407,174.88	52,795.07	(354,380)	12.97%
Agricultural Enterprises	13,345.07	7,482.92	4,878	208,947.58	20,134.33	(188,813)	9.64%
Fire	113,300.00	113,300.00	0	453,200.00	113,300.00	(339,900)	25.00%
Total Fund Expenditures	356,741.45	330,655.71	25,102	2,546,607.90	391,926.88	(2,154,681)	15.39%
Excess/(deficiency) of revenues over expenditures	80,580.05	11,144.37	(70,420)	1,310,876.10	66,282.76	(5,553,955)	5.06%
Capital Expenditures							
Capital Buildings & Structures 48010	0.00	551.42	(551)	50,000.00	551.42	(49,449)	1.10%
Capital equipent & machinery 48020	0.00	0.00	0	68,605.22	0.00	(68,605)	0.00%
Capital Roadways, Bridges, & Culverts 48080	586,887.00	61,567.53	525,319	2,934,435.00	116,705.92	(2,817,729)	3.98%
Total Capital Expenditures	586,887.00	62,118.95	524,768	3,053,040.22	117,257.34	(2,935,783)	3.84%
Other financing sources (uses)							
Agricultural Committee Special Fund 52001	0.00	0.00	0	0.00	0.00	0	0.00%
Purchase Real Property Reserve Fund 52001	0.00	0.00	0	(200,000.00)	0.00	200,000	0.00%
Law Enforcement Protection Fund 52001	0.00	0.00	0	(42,000.00)	0.00	42,000	0.00%
General Obligatoin Bonds Reserve 52001	0.00	0.00	0	(47,067.00)	0.00	47,067	0.00%
Fire Protection Fund 52001	0.00	0.00	0	0.00	0.00	0	0.00%
Total other financing sources (uses)	0.00	0.00	0	(289,067.00)	0.00	89,067	0.00%
Excess/(deficiency) after capital expenditures & other financing sources	(506,306.95)	(50,974.58)	(595,188)	(2,031,231.12)	(50,974.58)	1,980,257	2.51%
Ending cash and cash equivalents	3,720,665.38	4,175,129.79	454,464	2,195,741.21	4,175,129.79	(1,596,019)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
201 - Correction							
0200 - Judicial							
Beginning cash and cash equivalents	920.00	900.00	(20)	900.00	900.00	900	
Revenues							
Corrections fee	0.00	0.00	0	240.00	0.00	(240)	0.00%
	0.00	0.00	0	240.00	0.00	(240)	0.00%
Expenditures							
Correction costs	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	0.00	0	240.00	0.00	(240)	0.00%
Ending cash and cash equivalents	920.00	900.00	(20)	1,140.00	900.00	900	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
206 - Emergency Medical Service Fund							
9206 - Emergency Medical Service Fund							
Beginning cash and cash equivalents	0.00	0.00	0	0.00	0.00	0	
Revenues							
State Grant - EMS 37090	0.00	0.00	0	0.00	0.00	0	0.00%
	0.00	0.00	0	0.00	0.00	0	0.00%
Expenditures							
IGA for Fire Protection & EMS Services 45928	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Ending cash and cash equivalents	0.00	0.00	0	0.00	0.00	0	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
209 - Fire Protection Fund							
9209 - Fire Protection Fund							
Beginning cash and cash equivalents	0.00	0.00	0	0.00	0.00	0	
Revenues							
State Grant - Fire Protection Distribution 37120	23,280.40	48,868.40	25,588	93,121.60	48,868.40	(44,253)	52.48%
	23,280.40	48,868.40	25,588	93,121.60	48,868.40	(44,253)	52.48%
Expenditures							
IGA for Fire Protection & EMS Services 45928	23,280.40	0.00	23,280	93,121.60	0.00	93,122	0.00%
Total Fund Expenditures	23,280.40	0.00	23,280	93,121.60	0.00	93,122	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	48,868.40	2,308	0.00	48,868.40	(137,375)	0.00%
Other financing sources (uses)							
Operating transfers in 51001	0.00	0.00	0	(93,121.60)	0.00	93,122	0.00%
Total other financing sources (uses)	0.00	0.00	0	(93,121.60)	0.00	93,122	0.00%
Excess (deficiency) after other financing sources (uses)	23,280.40	48,868.40	23,280	0.00	48,868.40	186,243	0.00%
Ending cash and cash equivalents	23,280.40	48,868.40	25,588	0.00	48,868.40	48,868	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
211 - Law Enforcement Protection Fund								
9211 - Law Enforcement Protection Fund								
Beginning cash and cash equivalents	0.00	0.00	0	0.00	0.00	0		
Revenues								
Law Enforcement Grant	35010	0.00	0.00	0	20,000.00	0.00	(20,000)	0.00%
		0.00	0.00	0	20,000.00	0.00	(20,000)	0.00%
Expenditures								
Maintenance - vehicle/furniture/fixtures/equi	44040	0.00	0.00	0	5,000.00	0.00	(5,000)	0.00%
MOU for Public Safety Services	45929	0.00	0.00	0	52,000.00	0.00	(52,000)	0.00%
Training	47040	0.00	0.00	0	5,000.00	0.00	(5,000)	0.00%
Total Fund Expenditures		0.00	0.00	0.00	62,000.00	0.00	(62,000.00)	0.00
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	(42,000.00)	0.00	42,000	0.00%
Other financing sources (uses)								
Operating transfers in	51001	0.00	0.00	0	42,000.00	0.00	(42,000)	0.00%
Reversion	52010	0.00	0.00	0	0.00	0.00	0	0.00%
Total other financing sources (uses)		0.00	0.00	0	42,000.00	0.00	(42,000)	0.00%
Excess (deficiency) after other financing sources (uses)		0.00	0.00	0	0.00	0.00	0	0.00%
Ending cash and cash equivalents		0.00	0.00	0	0.00	0.00	0	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
216 - Municipal Street Fund							
9216 - Municipal Street Fund							
Beginning cash and cash equivalents	49,579.90	193,821.03	144,241	193,821.03	193,821.03	193,821	
Revenues							
Gross Receipts (Infra)	31240 14,646.00	14,281.55	(364)	173,209.67	14,281.55	(158,928)	8.25%
Gasoline Tax-Street	32310 2,600.00	2,379.47	(221)	31,200.00	2,379.47	(28,821)	7.63%
Motor Vehicle Registration	32610 1,500.00	2,415.21	915	18,000.00	2,415.21	(15,585)	13.42%
Total Fund Revenue	18,746.00	19,076.23	330	222,409.67	19,076.23	(203,333)	8.58%
Expenditures							
Road Improvements	48080 0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures	18,746.00	19,076.23	330	222,409.67	19,076.23	(203,333)	-8.58%
Ending cash and cash equivalents	68,325.90	212,897.26	144,571	416,230.70	212,897.26	(203,333)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
299 - Special - Other Funds							
3000 - Fine Arts							
Beginning cash and cash equivalents	11,594.47	6,224.13	(5,370)	6,224.13	6,224.13	0	
Revenues							
Arts & Crafts Market Revenue	34997	0.00	0.00	0	4,865.00	0.00	(4,865) 0.00%
		0.00	0.00	0	4,865.00	0.00	(4,865) 0.00%
Department Expenditures							
Supplies	46010	0.00	459.65	(460)	1,100.00	459.65	640 41.79%
Miscellaneous Expense	46090	340.00	0.00	340	1,050.00	0.00	1,050 0.00%
Postage & Mail Service	47070	0.00	0.00	0	25.00	0.00	25 0.00%
Printing, Publishing & Advert.	47080	400.00	600.00	(200)	3,175.00	600.00	2,575 18.90%
Subscriptions & Memberships	47140	0.00	0.00	0	25.00	0.00	25 0.00%
Total Department Expenditures		740.00	1,059.65	(320)	5,375.00	1,059.65	4,315 19.71%
Excess/(deficiency) of revenues over expenditures		(740.00)	(1,059.65)	(320)	(510.00)	(1,059.65)	(550) 207.77%
Other financing sources (uses)							
Operating transfers out	52001	0.00	0.00	0	0.00	0.00	0 0.00%
Total other financing sources (uses)		0.00	0.00	0	0.00	0.00	0 0.00%
Excess (deficiency) after other financing sources (uses)		(740.00)	(1,059.65)	(320)	(510.00)	(1,059.65)	(550) 207.77%
Ending cash and cash equivalents		10,854.47	5,164.48	(5,690)	5,714.13	5,164.48	(550)

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
299 - Special - Other Funds								
3001 - Agricultural Committee								
Beginning cash and cash equivalents	(3,119.45)	(2,272.24)	847	1,360.32	1,360.32	0		
Revenues								
Farmers' Market Revenue	34995	390.00	10.00	(380)	3,340.00	10.00	(3,330)	0.30%
		390.00	10.00	(380)	3,340.00	10.00	(3,330)	0.30%
Department Expenditures								
Supplies	46010	0.00	0.00	0	700.00	0.00	700	0.00%
Miscellaneous	46090	0.00	0.00	0	50.00	0.00	50	0.00%
Insurance-Non Employee	47060	0.00	0.00	0	375.00	0.00	375	0.00%
Printing,Publishing & Advert.	47080	1,000.00	1,046.56	(47)	10,100.00	1,046.56	9,053	10.36%
Rent of Equipment & Machinery	47120	0.00	0.00	0	475.00	0.00	475	0.00%
Subscriptions & Memberships	47140	0.00	0.00	0	0.00	0.00	0	0.00%
Total Department Expenditures		1,000.00	1,046.56	(47)	11,700.00	1,046.56	10,653	8.94%
Excess/(deficiency) of revenues over expenditures		(610.00)	(1,036.56)	(427)	(8,360.00)	(1,036.56)	7,323	12.40%
Other financing sourcers (uses)								
Operating transfers in	51001	0.00	0.00	0	4,500.00	0.00	(4,500)	0.00%
Total other financing sources (uses)		0.00	0.00	0	4,500.00	0.00	(4,500)	0.00%
Excess (deficiency) after other financing sources (uses)		(610.00)	(1,036.56)	(427)	(3,860.00)	(1,036.56)	2,823	26.85%
Ending cash and cash equivalents		(3,729.45)	(3,308.80)	421	(2,499.68)	323.76	2,823	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
299 - Special - Other Funds							
3002 - Scenic Byways & MainStreet							
Beginning cash and cash equivalents	0.00	459.64	460	459.64	459.64	0	
Revenues							
Grants	0.00	0.00	0	0.00	0.00	0	0.00%
	0.00	0.00	0	0.00	0.00	0	0.00%
Department Expenditures							
Supplies	0.00	0.00	0	0.00	0.00	0	0.00%
Total Department Expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Ending cash and cash equivalents	0.00	459.64	460	459.64	459.64	0	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
299 - Special - Other Funds							
3003 - Agri-Nature Center							
Beginning cash and cash equivalents	(15,000.00)	15,000.00	30,000	15,000.00	15,000.00	0	
Revenues							
Contributions - Other	36019 0.00	0.00	0	0.00	0.00	0	0.00%
	0.00	0.00	0	0.00	0.00	0	0.00%
Department Expenditures							
Improvements	48900 0.00	0.00	0	0.00	0.00	0	0.00%
Total Department Expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Ending cash and cash equivalents	(15,000.00)	15,000.00	30,000	15,000.00	15,000.00	0	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
299 - Special - Other Funds							
Summary of Special - Other Funds Revenues and Expenses							
Beginning cash and cash equivalents	(6,524.98)	23,044.09	25,937	23,044.09	23,044.09	0	
Revenues							
Fine Arts	0.00	0.00	0	4,865.00	0.00	(4,865)	0.00%
Agricultural Committee	390.00	10.00	(380)	3,340.00	10.00	(3,330)	0.30%
Scenic Byways	0.00	0.00	0	0.00	0.00	0	0.00%
Agri-Nature Center	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Revenues	390.00	10.00	(380)	8,205.00	10.00	(8,195)	0.12%
Expenditures							
Fine Arts	740.00	1,059.65	(320)	5,375.00	1,059.65	4,315	19.71%
Agricultural Committee	1,000.00	1,046.56	(47)	11,700.00	1,046.56	10,653	8.94%
Scenic Byways	0.00	0.00	0	0.00	0.00	0	0.00%
Agri-Nature Center	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures	1,740.00	2,106.21	(366)	17,075.00	2,106.21	14,969	12.34%
Excess/(deficiency) of revenues over expenditures	(1,350.00)	(2,096.21)	(746)	(8,870.00)	(2,096.21)	6,774	0.00%
Other financing sources (uses)							
Operating transfers in	0.00	0.00	0	4,500.00	0.00	(4,500)	0.00%
Operating transfers out	0.00	0.00	0	0.00	0.00	0	0.00%
Total other financing sources (uses)	0.00	0.00	0	4,500.00	0.00	(4,500)	0.00%
Excess/(deficiency) after other financing sources (uses)	(1,350.00)	(2,096.21)	(746)	(4,370.00)	(2,096.21)	2,274	0.00%
Ending cash and cash equivalents	(7,874.98)	20,947.88	28,823	18,674.09	20,947.88	2,274	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
311 - Capital Project Infrastructure								
3111 - Improvements 4th Street - CN 3131828 (Reversion Date 06/30/2019)								
Revenues								
State Grant - Other	37230	0.00	0.00	0	0.00	0.00	0	0.00%
		0.00	0.00	0	0.00	0.00	0	0.00%
Expenditures								
Capital Expenditure - Roadway	48080	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures		0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
311 - Capital Project Infrastructure								
3113 - Improvements 4th Street - CN C3150909 (Reversion Date 06/30/2019) - CLOSED								
Revenues								
State Grant - Other	37230	0.00	0.00	0	0.00	0.00	0	0.00%
		0.00	0.00	0	0.00	0.00	0	0.00%
Expenditures								
Capital Expenditure - Roadway	48080	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures		0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
311 - Capital Project Infrastructure								
3114 - Improvements 4th Street - CN C3162548 (Reversion Date 06/30/2020) - CLOSED								
Revenues								
State Grant - Other	37230	0.00	0.00	0	0.00	0.00	0	0.00%
		0.00	0.00	0	0.00	0.00	0	0.00%
Expenditures								
Capital Expenditure - Roadway	48080	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures		0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
311 - Capital Project Infrastructure								
3115 - Improvements 4th Street - CN C3182619 (Reversion Date 06/30/2022)								
Revenues								
State Grant - Other	37230	200,000.00	0.00	(200,000)	0.00	0.00	0	0.00%
		200,000.00	0.00	(200,000)	0.00	0.00	0	0.00%
Expenditures								
Capital Expenditure - Roadway	48080	200,000.00	0.00	200,000	0.00	0.00	0	0.00%
Total Fund Expenditures		200,000.00	0.00	200,000	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
311 - Capital Project Infrastructure							
Beginning cash and cash equivalents	0.00	(31,301.31)	(31,301)	(31,301.31)	(31,301.31)	0	
Revenues							
Improvements 4th St - CN 3182619	200,000.00	0.00	(200,000)	0.00	0.00	0	0.00%
	200,000.00	0.00	(200,000)	0.00	0.00	0	0.00%
Expenditures							
Improvements 4th St - CN 3182119	200,000.00	0.00	200,000	0.00	0.00	0	0.00%
Total Fund Expenditures	200,000.00	0.00	200,000	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Ending cash and cash equivalents	0.00	(31,301.31)	(31,301)	(31,301.31)	(31,301.31)	0	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
312 - Capital Project Buildings								
3121 - Agri-Nature Center Improvements - ID 15-0734 (Reversion Date 06/30/2019)								
Revenues								
State Grant - Other	37230	0.00	61,638.02	61,638	0.00	61,638.02	61,638	0.00%
		0.00	61,638.02	61,638	0.00	61,638.02	61,638	0.00%
Expenditures								
Capital Expenditure - Buildings	48010	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures		0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	61,638.02	61,638	0.00	61,638.02	61,638	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
312 - Capital Project Buildings								
3122 - Agri-Nature Center Improvements - ID 16-A2397 (Reversion Date 06/20/2020)								
Revenues								
State Grant - Other	37230	0.00	0.00	0	0.00	0.00	0	0.00%
		0.00	0.00	0	0.00	0.00	0	0.00%
Expenditures								
Capital Expenditure - Buildings	48010	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
312 - Capital Project Buildings								
3123 - Agri-Nature Center Improvements - NEW 2020 Appropriation (Reversion Date 06/20/2022)								
Revenues								
State Grant - Other	37230	0.00	0.00	0	250,000.00	0.00	(250,000)	0.00%
		0.00	0.00	0	250,000.00	0.00	(250,000)	0.00%
Expenditures								
Capital Expenditure - Buildings	48010	0.00	0.00	0	195,000.00	0.00	195,000	0.00%
Land Improvement Expenditures - land	48020	0.00	0.00	0	55,000.00	0.00	55,000	0.00%
Total Fund Expenditures		0.00	0.00	0	250,000.00	0.00	250,000	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
312 - Capital Project Buildings							
Beginning cash and cash equivalents	(7,729.48)	(61,889.27)	(54,160)	(61,889.27)	(61,889.27)	0	
Revenues							
Improvements Agri-Nature ID 15-0734	0.00	61,638.02	61,638	0.00	61,638.02	61,638	0.00%
Improvements Agri-Nature ID 16-A2397	0.00	0.00	0	0.00	0.00	0	0.00%
Improvements NEW 2020 Appropriation	0.00	0.00	0	250,000.00	0.00	(250,000)	0.00%
	0.00	61,638.02	61,638	250,000.00	61,638.02	(188,362)	24.66%
Expenditures							
Improvements Agri-Nature ID 15-0734	0.00	0.00	0	0.00	0.00	0	0.00%
Improvements Agri-Nature ID 16-A2397	0.00	0.00	0	0.00	0.00	0	0.00%
Improvements NEW 2020 Appropriation	0.00	0.00	0	250,000.00	0.00	250,000	0.00%
Total Fund Expenditures	0.00	0.00	0	250,000.00	0.00	250,000	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	61,638.02	61,638	0.00	61,638.02	61,638	0.00%
Ending cash and cash equivalents	(7,729.48)	(251.25)	7,478	(61,889.27)	(251.25)	61,638	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
380 - Purchase Real Property Reserve Fund								
3801 - Purchase Real Property Fund								
Beginning cash and cash equivalents	(268,547.81)	459,238.25	727,786	459,238.25	459,238.25	0		
Expenditures								
Property Purchase	48040	0.00	0.00	0	500,000.00	0.00	500,000	0.00%
Total Fund Expenditures		0.00	0.00	0	500,000.00	0.00	500,000	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	(500,000.00)	0.00	0	0.00%
Other financing sources (uses)								
Operating transfers in	51001	0.00	0.00	0	200,000.00	0.00	(200,000)	0.00%
Total other financing sources (uses)		0.00	0.00	0	200,000.00	0.00	(200,000)	0.00%
Excess/(deficiency) after other financing sources (uses)		0.00	0.00	0	(300,000.00)	0.00	(200,000)	0.00%
Ending cash and cash equivalents		(268,547.81)	459,238.25	727,786	159,238.25	459,238.25	(200,000)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
399 - Capital Project - Other							
3900 - Park Land and Plaza Reserve							
Beginning cash and cash equivalents	31,111.81	31,111.81	0	31,111.81	31,111.81	0	
Revenues							
Cash in Lieu of Land Dedication	0.00	0.00	0	0.00	0.00	0	0.00%
	0.00	0.00	0	0.00	0.00	0	0.00%
Expenditures							
Other Capital Purchase	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Ending cash and cash equivalents	31,111.81	31,111.81	0	31,111.81	31,111.81	0	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
401 - General Obligation Bonds								
1830 - General Obligation Bonds								
Beginning cash and cash equivalents	(103,424.82)	0.00	103,425	0.00	0.00	0		
Revenues								
Property Taxes - Current	31500	0.00	5,282.87	5,283	261,147.28	5,282.87	(255,864)	2.02%
Property Taxes - Delinquent	31510	5,289.00	608.41	(4,681)	8,076.72	608.41	(7,468)	7.53%
Total Revenue	5,289.00	5,891.28	602	269,224.00	5,891.28	(263,333)	2.19%	
Expenditures								
Debt Service Principal	49010	0.00	210,000.00	(210,000)	200,000.00	210,000.00	(10,000)	105.00%
Debt Service Interest	49020	0.00	55,405.20	(55,405)	116,291.00	55,405.20	60,886	47.64%
Total Fund Expenditures	0.00	265,405.20	(265,405)	316,291.00	265,405.20	50,886	83.91%	
Excess/(deficiency) of revenues over expenditures	5,289.00	(259,513.92)	(264,803)	(47,067.00)	(259,513.92)	(212,447)	551.37%	
Other financing sources (uses)								
Operating transfers in	51001	56,491.14	0.00	(56,491)	47,067.00	0.00	(47,067)	0.00%
Total other financing sources (uses)	56,491.14	0.00	(56,491)	47,067.00	0.00	(47,067)	0.00%	
Excess (deficiency) after other financing sources (uses)	61,780.14	(259,513.92)	(321,294)	0.00	(259,513.92)	(259,514)	0.00%	
Ending cash and cash equivalents	(41,644.68)	(259,513.92)	(217,869)	0.00	(259,513.92)	(259,514)		

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
410 - General Obligation Bonds Reserve Fund							
4101 - General Obligation Bonds Reserve							
Beginning cash and cash equivalents	901,102.00	901,102.00	0	901,102.00	901,102.00	0	
Other financing sources (uses)							
Operating transfers in	51001 0.00	0.00	0	0.00	0.00	0	0.00%
Operating transfers out	52001 56,491.14	0.00	(56,491)	(62,478.00)	0.00	62,478	0.00%
Total other financing sources (uses)	<u>56,491.14</u>	<u>0.00</u>	<u>(56,491)</u>	<u>(62,478.00)</u>	<u>0.00</u>	<u>62,478</u>	<u>0.00%</u>
Excess/(deficiency) after other financing sources (uses)	<u>56,491.14</u>	<u>0.00</u>	<u>(56,491)</u>	<u>(62,478.00)</u>	<u>0.00</u>	<u>62,478</u>	<u>0.00%</u>
Ending cash and cash equivalents	<u>957,593.14</u>	<u>901,102.00</u>	<u>(56,491)</u>	<u>838,624.00</u>	<u>901,102.00</u>	<u>62,478</u>	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
505 - Agri-Nature Center Farm Camps							
1500 - Farm Camps							
Beginning cash and cash equivalents	66,495.72	55,910.86	(10,585)	55,910.86	55,910.86	0	
Revenues							
Farm camp revenue	36065	0.00	8,000.00	8,000	8,000.00	0	100.00%
Total Revenue		0.00	8,000.00	8,000.00	8,000.00	0	100.00%
Expenditures							
Wages-Temporary	41040	7,968.00	0.00	7,968	0.00	0.00	0.00%
FICA regular	42010	494.02	0.00	494	0.00	0.00	0.00%
FICA medicare	42020	115.54	0.00	116	0.00	0.00	0.00%
Worker's Comp. Assessment	42080	9.20	0.00	9	0.00	0.00	0.00%
Supplies	46010	1,000.00	0.00	1,000	4,000.00	0.00	4,000 0.00%
Miscellaneous Expense	46090	150.00	0.00	150	0.00	0.00	0.00%
Training	47040	250.00	0.00	250	0.00	0.00	0.00%
Printing, Publishing, & Advert.	47080	0.00	0.00	0	4,000.00	0.00	4,000 0.00%
Insurance Workers' Compensation	47210	0.00	0.00	0	0.00	0.00	0.00%
Total Fund Expenditures		9,986.76	0.00	9,987	8,000.00	0.00	8,000 0.00%
Excess/(deficiency) of revenues over expenditures		(9,986.76)	8,000.00	17,987	0.00	8,000.00	8,000 0.00%
Ending cash and cash equivalents		56,508.96	63,910.86	7,402	55,910.86	63,910.86	8,000

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2019 Through 7/31/2019

Account No.	Current Period			Year - to -Date			
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2019/2020 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget
Summary of Revenues and Expenditures							
Beginning cash and cash equivalents	4,889,954.67	5,798,041.83	908,087	5,798,909.79	5,798,041.83	(868)	
Revenues							
General Fund	437,321.50	341,800.08	(95,521)	3,857,484.00	458,209.64	(3,399,274)	11.88%
Correction	0.00	0.00	0	240.00	0.00	(240)	0.00%
Emergency Medical Service Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Fire Protection Fund	23,280.40	48,868.40	25,588	93,121.60	48,868.40	(44,253)	52.48%
Law Enforcement Fund	0.00	0.00	0	20,000.00	0.00	(20,000)	0.00%
Municipal Street Fund	18,746.00	19,076.23	330	222,409.67	19,076.23	(203,333)	8.58%
Special - Other Funds	390.00	10.00	(380)	8,205.00	10.00	(8,195)	0.12%
Capital Project Infrastructure	200,000.00	0.00	(200,000)	0.00	0.00	0	0.00%
Capital Project Buildings	0.00	61,638.02	61,638	250,000.00	61,638.02	(188,362)	24.66%
Purchase Real Property Reserve Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Capital Project - Other	0.00	0.00	0	0.00	0.00	0	0.00%
General Obligation Bonds	5,289.00	5,891.28	602	269,224.00	5,891.28	(263,333)	2.19%
General Obligation Bonds Reserve Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Agri-Nature Center Farm Camps	0.00	8,000.00	8,000	8,000.00	8,000.00	0	100.00%
General Long Term Debt	0.00	0.00	0	0.00	0.00	0	0.00%
Total Revenues	685,026.90	485,284.01	(199,743)	4,728,684.27	601,693.57	(4,126,991)	12.72%
Expenditures							
General Fund	943,628.45	392,774.66	549,870	5,599,648.12	509,184.22	(5,090,464)	9.09%
Correction	0.00	0.00	0	0.00	0.00	0	0.00%
Emergency Medical Service Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Fire Protection Fund	23,280.40	0.00	23,280	93,121.60	0.00	93,122	0.00%
Law Enforcement Protection Fund	0.00	0.00	0	62,000.00	0.00	(62,000)	0.00%
Municipal Street Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Special - Other Funds	1,740.00	2,106.21	(366)	17,075.00	2,106.21	14,969	12.34%
Capital Project Infrastructure	200,000.00	0.00	200,000	0.00	0.00	0	0.00%
Capital Project Buildings	0.00	0.00	0	250,000.00	0.00	250,000	0.00%
Purchase Real Property Reserve Fund	0.00	0.00	0	500,000.00	0.00	500,000	0.00%
Capital Project - Other	0.00	0.00	0	0.00	0.00	0	0.00%
General Obligation Bonds	0.00	265,405.20	(265,405)	316,291.00	265,405.20	50,886	83.91%
Agri-Nature Center Farm Camps	9,986.76	0.00	9,987	8,000.00	0.00	8,000	0.00%
Total Expenditures	1,178,635.61	660,286.07	517,366	6,846,135.72	776,695.63	(4,235,488)	11.35%
Excess/(deficiency) of revenues over expenditures	(493,608.71)	(175,002.06)	318,607	(2,117,451.45)	(175,002.06)	(175,002)	8.26%
Other financing sources (uses)							
Operating transfers in	56,491.14	0.00	(56,491)	293,567.00	0.00	(293,567)	0.00%
Operating transfers out	56,491.14	0.00	(56,491)	(351,545.00)	0.00	151,545	0.00%
Reversion	0.00	0.00	0	0.00	0.00	0	0.00%
	112,982.28	0.00	(112,982)	(57,978.00)	0.00	(142,022)	0.00%
Excess/(deficiency) after other financing sources (uses)	(380,626.43)	(175,002.06)	205,624	(2,175,429.45)	(175,002.06)	(317,024)	8.04%
Ending cash and cash equivalents	4,509,328.24	5,623,039.77	1,113,712	3,623,480.34	5,623,039.77	1,999,559	

Ending cash and cash equivalents
\$5,623,039.77

Village of Los Ranchos de Albuquerque

Check/Voucher Register From 7/1/2019 Through 7/31/2019

<u>Payee</u>	<u>Check Date</u>	<u>Check Number</u>	<u>Check Amount</u>
Academy Reprographics	7/11/2019	42975	38.30
Total Academy Reprographics			<u>38.30</u>
Affordable Irrigation	7/19/2019	43012	460.00
Total Affordable Irrigation			<u>460.00</u>
AIRPRO	7/2/2019	42949	820.93
Total AIRPRO			<u>820.93</u>
Albuquerque Bernalillo County	7/11/2019	42972	1,152.95
Albuquerque Bernalillo County	7/29/2019	43062	331.89
Total Albuquerque Bernalillo County			<u>1,484.84</u>
Albuquerque Power Equipment	7/2/2019	42947	56.66
Albuquerque Power Equipment	7/11/2019	42973	72.37
Albuquerque Power Equipment	7/29/2019	43063	51.66
Total Albuquerque Power Equipment			<u>180.69</u>
Albuquerque Publishing Co.	7/11/2019	42974	369.37
Total Albuquerque Publishing Co.			<u>369.37</u>
Albuquerque Sign Print	7/2/2019	42948	531.00
Total Albuquerque Sign Print			<u>531.00</u>
All Sports Trophies, Inc.	7/2/2019	42950	10.65
All Sports Trophies, Inc.	7/11/2019	42976	7.50
Total All Sports Trophies, Inc.			<u>18.15</u>
AMAFCA	7/19/2019	43013	6,000.00
Total AMAFCA			<u>6,000.00</u>
Andrew & Catherine Seavey	7/11/2019	42993	280.00
Total Andrew & Catherine Seavey			<u>280.00</u>
AutoZone, Inc.	7/2/2019	42951	129.99
AutoZone, Inc.	7/29/2019	43064	7.78
Total AutoZone, Inc.			<u>137.77</u>
Bank of America	7/11/2019	42977	5,195.86
Bank of America	7/16/2019	BofA-0719	771.09

Village of Los Ranchos de Albuquerque

Check/Voucher Register

Total Bank of America

From 7/1/2019 Through 7/31/2019

5,966.95

<u>Payee</u>	<u>Check Date</u>	<u>Check Number</u>	<u>Check Amount</u>
Bernalillo County	7/19/2019	43031	113,300.00
Total Bernalillo County			<u>113,300.00</u>
Bob Johnson Builders, Inc.	7/19/2019	43030	3,599.16
Total Bob Johnson Builders, Inc.			<u>3,599.16</u>
CenturyLink	7/2/2019	42952	336.48
Total CenturyLink			<u>336.48</u>
Christian's Automotive, Inc.	7/11/2019	42978	490.90
Christian's Automotive, Inc.	7/19/2019	43014	74.80
Christian's Automotive, Inc.	7/29/2019	43065	429.63
Total Christian's Automotive, Inc.			<u>995.33</u>
City of Albuquerque	7/31/2019	43078	5,124.37
Total City of Albuquerque			<u>5,124.37</u>
City of Albuquerque HR Div.	7/2/2019	42953	5,124.39
Total City of Albuquerque HR Div.			<u>5,124.39</u>
Comcast	7/2/2019	42954	200.66
Comcast	7/19/2019	43015	307.39
Total Comcast			<u>508.05</u>
Construction Rental & Supply	7/2/2019	42955	346.00
Total Construction Rental & Supply			<u>346.00</u>
Corrales Comment	7/2/2019	42956	57.14
Total Corrales Comment			<u>57.14</u>
Cummins Rocky Mountain LLC	7/19/2019	43016	305.48
Total Cummins Rocky Mountain LLC			<u>305.48</u>
Cumulus	7/19/2019	43017	1,019.42
Total Cumulus			<u>1,019.42</u>
Davis Vision, Inc.	7/19/2019	43018	85.10
Total Davis Vision, Inc.			<u>85.10</u>
De Lage Landen	7/11/2019	42979	511.96
Total De Lage Landen			<u>511.96</u>

Village of Los Ranchos de Albuquerque

Check/Voucher Register From 7/1/2019 Through 7/31/2019

<u>Payee</u>	<u>Check Date</u>	<u>Check Number</u>	<u>Check Amount</u>
Delta Dental of New Mexico	7/29/2019	43066	319.20
Total Delta Dental of New Mexico			<u>319.20</u>
Desert Greens Equipment, Inc.	7/11/2019	42980	511.59
Total Desert Greens Equipment, Inc.			<u>511.59</u>
Document Solutions, Inc.	7/19/2019	43019	375.36
Total Document Solutions, Inc.			<u>375.36</u>
Donald T. Lopez	7/11/2019	42994	57.88
Donald T. Lopez	7/19/2019	43032	77.39
Total Donald T. Lopez			<u>135.27</u>
Flying Fortress Locksmith LLC	7/2/2019	42957	50.65
Flying Fortress Locksmith LLC	7/19/2019	43020	6.37
Total Flying Fortress Locksmith LLC			<u>57.02</u>
Fred K Radosevich	7/11/2019	42989	1,534.55
Total Fred K Radosevich			<u>1,534.55</u>
G & T Auto	7/11/2019	42981	766.57
G & T Auto	7/19/2019	43021	283.69
Total G & T Auto			<u>1,050.26</u>
High Mesa Consulting Group	7/2/2019	42958	434.20
Total High Mesa Consulting Group			<u>434.20</u>
Highway Supply LLC	7/2/2019	42959	1,065.78
Total Highway Supply LLC			<u>1,065.78</u>
Home Depot Credit Services	7/9/2019	89017895826	2.21
Home Depot Credit Services	7/11/2019	42982	436.91
Total Home Depot Credit Services			<u>439.12</u>
Internal Revenue Service	7/5/2019	10055635	6,783.11
Internal Revenue Service	7/19/2019	44076449	5,920.18
Total Internal Revenue Service			<u>12,703.29</u>
Ladybug Hauling & Recycling	7/2/2019	42960	4,638.63
Total Ladybug Hauling & Recycling			<u>4,638.63</u>
Machele Stefhon	7/29/2019	43073	461.66

Village of Los Ranchos de Albuquerque

Check/Voucher Register

Total Machele Stefhon

From 7/1/2019 Through 7/31/2019

461.66

<u>Payee</u>	<u>Check Date</u>	<u>Check Number</u>	<u>Check Amount</u>
Maria G Castillo-Rinaldi	7/2/2019	42965	2,355.37
Maria G Castillo-Rinaldi	7/11/2019	42990	2,457.08
Maria G Castillo-Rinaldi	7/29/2019	43069	3,583.92
Total Maria G Castillo-Rinaldi			<u>8,396.37</u>
Mid-Region Council of Governmt	7/19/2019	43022	3,292.00
Total Mid-Region Council of Governmt			<u>3,292.00</u>
National League of Cities	7/2/2019	42961	1,150.51
Total National League of Cities			<u>1,150.51</u>
Neumark Irrigation	7/2/2019	42962	163.62
Neumark Irrigation	7/11/2019	42983	2.45
Total Neumark Irrigation			<u>166.07</u>
New Mexico Gas Company	7/19/2019	43023	184.95
Total New Mexico Gas Company			<u>184.95</u>
New Mexico Municipal	7/11/2019	42986	225.00
Total New Mexico Municipal			<u>225.00</u>
New Mexico Municipal Clerks	7/11/2019	42985	60.00
Total New Mexico Municipal Clerks			<u>60.00</u>
New Mexico Municipal League	7/11/2019	42984	7,025.00
Total New Mexico Municipal League			<u>7,025.00</u>
New Mexico Self Insurers' Fund	7/11/2019	42987	64,246.01
Total New Mexico Self Insurers' Fund			<u>64,246.01</u>
NM State Treasurer-PERA	7/5/2019	42945	4,126.76
NM State Treasurer-PERA	7/19/2019	43011	4,343.96
Total NM State Treasurer-PERA			<u>8,470.72</u>
Office Depot	7/2/2019	42963	206.81
Office Depot	7/11/2019	42988	149.26
Office Depot	7/19/2019	43024	246.46
Total Office Depot			<u>602.53</u>
Pamela Armbrecht	7/3/2019	42971	627.99
Total Pamela Armbrecht			<u>627.99</u>

Village of Los Ranchos de Albuquerque

Check/Voucher Register From 7/1/2019 Through 7/31/2019

<u>Payee</u>	<u>Check Date</u>	<u>Check Number</u>	<u>Check Amount</u>
Petty Cash	7/29/2019	43075	198.25
Total Petty Cash			<u>198.25</u>
Plant World, Inc.	7/29/2019	43067	28.18
Total Plant World, Inc.			<u>28.18</u>
Plants of The Southwest (ABQ)	7/19/2019	43025	235.45
Total Plants of The Southwest (ABQ)			<u>235.45</u>
PNM	7/2/2019	42964	7.49
PNM	7/19/2019	43027	4,051.11
PNM	7/29/2019	43068	87.86
Total PNM			<u>4,146.46</u>
Red Hat Hops, LLC.	7/12/2019	42995	2,356.25
Total Red Hat Hops, LLC.			<u>2,356.25</u>
Secretary of State	7/3/2019	42970	20.00
Total Secretary of State			<u>20.00</u>
Sites Southwest, LLC	7/2/2019	42966	12,049.09
Sites Southwest, LLC	7/19/2019	43028	49,518.44
Total Sites Southwest, LLC			<u>61,567.53</u>
Sprinkler Irrigation Supply Co	7/11/2019	42991	175.23
Sprinkler Irrigation Supply Co	7/29/2019	43070	89.10
Total Sprinkler Irrigation Supply Co			<u>264.33</u>
Starline Printing	7/2/2019	42967	4,551.25
Total Starline Printing			<u>4,551.25</u>
Steelwood LLC	7/29/2019	43071	645.00
Total Steelwood LLC			<u>645.00</u>
Stelzner, Winter, Warburton	7/29/2019	43072	13,226.08
Total Stelzner, Winter, Warburton			<u>13,226.08</u>
Taxation & Revenue	7/31/2019	43076	1,581.67
Taxation & Revenue	7/31/2019	43077	90.30
Total Taxation & Revenue			<u>1,671.97</u>

Village of Los Ranchos de Albuquerque

Check/Voucher Register

From 7/1/2019 Through 7/31/2019

<u>Payee</u>	<u>Check Date</u>	<u>Check Number</u>	<u>Check Amount</u>
The Depository Trust Company	7/31/2019	197U836593C00X 1	55,405.20
The Depository Trust Company	7/31/2019	197U83907QLZ2N 0	210,000.00
Total The Depository Trust Company			<u>265,405.20</u>
TLC Plumbing & Utility	7/19/2019	43029	1,246.47
Total TLC Plumbing & Utility			<u>1,246.47</u>
Verizon Wireless	7/2/2019	42968	369.38
Verizon Wireless	7/29/2019	43074	375.87
Total Verizon Wireless			<u>745.25</u>
Waste Management of New Mexico	7/11/2019	42992	445.96
Total Waste Management of New Mexico			<u>445.96</u>
Report Total			<u>622,527.59</u>
Payroll	7/5/19		19,115.75
Payroll	7/19/19		<u>18,642.73</u>
			<u>660,286.07</u>
Expenditures Cash Report 7/31/19			660,286.07

7.A. PUBLIC HEARINGS AND APPLICATIONS FOR APPEAL

- A. Appeal of BB #550 and CU-12-03** – An appeal of the June 11, 2019 Village of Los Ranchos Planning and Zoning Commission denial of an application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(1) and conditional use request to rent the guest house in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Roberson Lots A-1, D1 and D2 within the Town of Alameda Grant, Projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

APPELLANT PACKET

IN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE

BEFORE THE BOARD OF TRUSTEES

**IN THE MATTER OF:
THE APPLICATION OF
MARIA C. MONTOYA FOR
A BED & BREAKFAST PERMIT AND
CONDITIONAL USE TO ALLOW RENTAL
OF A GUEST HOUSE LOCATED AT
8650 RIO GRANDE BLVD NW, LOS
RANCHOS DE ALBUQUERQUE, NM 87114**

**Application No. B&B #550
CU-12-03**

**APPLICANT'S NOTICE OF APPEAL OF
THE PLANNING AND ZONING COMMISSION'S DECISION AND
APPLICANT/APPELLANT'S BRIEF-IN-CHIEF IN SUPPORT OF THE APPEAL**

Applicant/Appellant Maria C. Montoya ("Ms. Montoya") hereby appeals the decision of the Planning and Zoning Commission denying her application for a Bed and Breakfast Permit and conditional use request to rent her guest house at 8650 Rio Grande Blvd NW, Los Ranchos de Albuquerque, New Mexico 87114. The Planning and Zoning Commission ("the Commission") misunderstood the applicable law, failed to follow the relevant ordinances, failed to make any factual findings supporting its decision, and made a decision completely contrary to its precedent. In short, the Commission committed both legal and factual error. On appeal, the Board of Trustees ("the Board") has an opportunity to correct these errors by applying the proper governing ordinances in a manner consistent with its precedent. Ms. Montoya urges the Board to reverse the decision of the Commission, and grant her application for a Bed and Breakfast Permit and conditional use request to rent her guest house, in accordance with the governing law and precedent.

I. BACKGROUND

Ms. Maria C. Montoya is a lifelong resident of the Village of Los Ranchos de Albuquerque (“the Village”). Her parents have lived on Pueblo Solano Rd.—where Ms. Montoya was raised—since the early 1970s. Ms. Montoya has lived in the Village her entire life apart from attending University in San Diego and living just north of the Village while attending medical school and residency.

A year ago, in the spring of 2018, Ms. Montoya entered a real estate contract to purchase the property at 8650 Rio Grande Blvd. NW, Los Ranchos de Albuquerque, 87114, described legally as follows:

Lot lettered “A1” of Lands of Annie Robertson, within The Town of Alameda Land Grant, Projected Sections 16 and 17, Township 11 North, Range 3 East, NMPM, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on March 7, 1997, in Plat book 97C, Page 74.

The plat shows the property is approximately 1.61 acres. The property has two legal houses, both with attached garages: one main house, approximately 2,700 square feet in size; and one guest house, approximately 1,000 square feet in size. Each house has a driveway for private parking. Both houses are accessed by a private road, of which Ms. Montoya owns the lion share. The private road is subject to an unrestricted easement for access to four properties, including Ms. Montoya’s property. Both Ms. Montoya’s main house and guest house are accessed from this private road, which runs east from Rio Grand Blvd. just north of Paseo del Norte, for approximately 200m. Finally, the record is clear that prior to Ms. Montoya’s purchase of this property in 2018, the Village approved the construction of the guest house with attached garage, and upon completion, it was determined (and still is) to be an approved guest house by the Village.

A. The Use of the Property and Pre-Application Rental

In approximately May of 2018, Ms. Montoya, along with her husband and three children, moved into the main house at 8650 Rio Grande Blvd, and began the process of getting the home and agricultural lands in working order. The house had been vacant for nearly a year before Ms. Montoya and her family took possession. By the end of the summer, Ms. Montoya planted the main field with gramma grass, arranged for cattle to graze the fields, and initiated a regular irrigation cycle that salvaged many neighboring trees dying from lack of water. Ms. Montoya also hired a contractor to install an in-ground watering system around the guest house to prepare for the planting of fruit trees and additional pasture.

In the fall of 2018, Ms. Montoya sought to make beneficial use of the guest house. Ms. Montoya completed renovations to prepare the guest house for use by family and friends, and decided she could successfully rent the property as a short-term vacation rental. Ms. Montoya conducted research and discovered dozens of rentals in the Village posted on websites for online short-term rentals, including VRBO and Airbnb. *See* Exh. 1, Map and List of Airbnb Listings in Los Ranchos. Ms. Montoya contacted the Village for direction, but was given confusing advice. A representative of the Village discouraged Ms. Montoya from formally seeking approval to rent her guest house as a Bed and Breakfast. When Ms. Montoya asked about the many guest house rentals offered on Airbnb and VRBO in the Village, the representative stated the Village was aware of the rentals and that the Village was not actively seeking to regulate them. In October 2018, Ms. Montoya created an account on Airbnb to rent her guest house, joining the many properties being informally rented in the Village. From October 2018 until March 2019, Ms. Montoya offered her

guest house as a rental on Airbnb and rented to 10 separate guests during that time period.¹ Ms. Montoya also regularly used the guest house for family and friends, whom were not charged rent.

On March 7, 2019, Ms. Montoya's neighbor, Christian Reedy, called her husband. Over the phone, Mr. Reedy told Ms. Montoya and her husband that he was aware of Ms. Montoya's rental of the guest house, that he believed it was contrary to ordinance, and that he wanted the usage to stop immediately. Ms. Montoya and her husband assured Mr. Reedy that they would look into the matter and submit an application for approval if that was what was required. Ms. Montoya and her husband also assured Mr. Reedy that they would immediately stop renting in order to look into the matter and formally submit an application. Afterwards, Ms. Montoya and her husband researched the Village's ordinances and confirmed that for A-1 zoning, Ms. Montoya needed to apply for approval from the Village to rent her guest house. Ms. Montoya immediately ceased rental of the guest house, and canceled all guests with pending reservations. Ms. Montoya, however, kept her profile active on Airbnb in anticipation of future approval by the Village, and because Airbnb has an additional platform called, "Open Homes," which allows home owners to open their homes rent-free to those in short-term need of housing.²

Ms. Montoya has not rented the guest house since March 4, 2019. Despite that fact, Mr. Reedy lodged a complaint with the Village shortly after Ms. Montoya's family and family friends stayed in her guest house rent-free on March 17-18, 2018. Mr. Reedy apparently believed that Ms. Montoya's family and family friends were renters. The Village sent a warning letter to Ms.

1 Airbnb records reflect one additional renter, Fowler, but that guest is a friend of Ms. Montoya's who was merely testing the functionality of the platform.

2 Usage of Open Homes would be a permitted use pursuant to Village Ordinance § 9.2.7, which only mandates that "Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission."

Montoya. Exh. 2, Notice of Violation (Mar. 19, 2019). Ms. Montoya adamantly denied renting the guest house the weekend of March 17-18, 2019, explained that family and family friends had stayed at her guest house, and affirmed that she would not rent the guest house until the usage was approved. After receiving the explanation, the Village chose not to take the matter further, and to instead consider Ms. Montoya's application.

B. The Application to the Planning And Zoning Commission

On March 8, 2019, upon application by Ms. Montoya, the New Mexico Office of the Secretary of State issued a Certificate of Organization officially incorporating "The Sweet PEA Bed and Breakfast LLC," as a limited liability corporation under New Mexico law. *See* Exh. 3, Ms. Montoya's Application (Mar. 2019). Ms. Montoya serves as the registered agent for "The Sweet PEA Bed and Breakfast LLC." *Id.* Shortly after receiving the certificate of organization, along with approved articles of organization, Ms. Montoya submitted an application to the Planning and Zoning Commission for approval of a Bed and Breakfast Permit, pursuant to Village Ordinance § 9.2.25(E)(1) (Bed and Breakfast Facilities) and § 9.2.7(B)(7) (Permissive Uses), as well as a request for a change to the conditional use of the guest house to allow rental, pursuant to § 9.2.25(D)(2) (Conditional Uses) and § 9.2.7(C)(5) (Guest House or Additional Dwelling).

In accordance with the requirements of § 9.2.25(E)(1), Ms. Montoya made the following certifications in her application: (1) that Ms. Montoya, the owner of the property, and her family, all living in residence, will operate the Bed and Breakfast; (2) that the Bed and Breakfast will be conducted entirely within the residence or accessory buildings on the residential property; (3) that no more than four rooms will be used; (4) that parking will be off street; (5) that meals will not be served; (6) that noise will be mitigated pursuant to Village Ordinance § 7.4.2; and (6) that no sign

was requested. *Id.* Along with the application itself, Ms. Montoya submitted detailed Rules of Operation describing the vigorous vetting process for rental, a diagram of the property, the applicable ordinances, the Certificate of Organization, informational page about “The Sweet PEA Bed and Breakfast,” and a page explaining the benefits of “the Sweet PEA Bed and Breakfast” to the community and the Village. *Id.*

C. The Hearing Before the Planning and Zoning Commission

On June 11, 2019, the Commission held a hearing to consider Ms. Montoya’s application. *See* Exh. 4, Agenda (June 11, 2019). The Commission first asked for a recommendation from the Director of Planning and Zoning (“the Director”).³ The Director recommended denial of the application based on her opinion that the ordinance did not allow for rental of a guest house. Upon questioning by the Commission, the Director further stated that approval of a guest house for rental as a Bed and Breakfast would establish new precedent. The Commission expressed concern at the prospect of establishing new precedent. The Commission further asked the Director whether the only mechanism for the Board to consider the matter was for the Commission to deny the application. The Director indicated that denial of the application was the only way the Board could review the matter.⁴ The Director also noted that Ms. Montoya did not propose serving meals in the guest house, and that the guest house has access to public water and sewer.

³ The actual Director was absent from the hearing. Ms. Tiffany Justice, a Planner of the Planning and Zoning Department, acted as the Director at the hearing.

⁴ As explained further below, the Director provided the Commission with erroneous legal advice. The advice regarding appeal was also incorrect. An appeal from a decision of the Commission may be appealed to the Board by any aggrieved party. *See* Village Ordinance § 9.2.25(E)(1) (“Any aggrieved party may appeal a decision of the Planning and Zoning Commission (‘Commission Decision’) to the Board of Trustees . . .”). Accordingly, an appeal may be taken from any decision, whether or not the decision was approval or denial, contrary to the advice of the Director.

The Commission then asked Ms. Montoya to present her case. Ms. Montoya, through undersigned counsel acting as her agent, attempted to correct the Director's misunderstanding of the ordinances. First, counsel explained that the ordinances do allow for rental of a guest house with the approval of the Commission. Second, counsel explained an approval in this case would not be precedential as the Commission approved just such an application for The Alameda House in 2012 and has been renewing its permit ever since. Among other similarities, counsel explained that The Alameda House is less than a quarter of a mile from Ms. Montoya's property, falls in A-1 zoning in the North Rio Grande Character Area, and also has a detached guest house.

Finally, counsel explained the merits of the application pursuant to the controlling ordinance: 1) that Ms. Montoya's bed and breakfast rental of her guest house is consistent with the 2020 Master Plan, 2) that it would be beneficial to the community and, 3) that it would not be injurious to property, neighborhood, or the community. At the hearing, the Commission accepted the following additional evidence from Ms. Montoya: (1) an aerial image of Ms. Montoya's property, an aerial image of the neighborhood showing the proximity of Ms. Montoya's property to The Alameda House; (2) a series of photos of Ms. Montoya's guest house; and (3) the application, the Director's report, the hearing minutes, the Commission's approval decision, and the permits of The Alameda House.⁵

The Commission then opened the hearing to public comment. Three people spoke in favor of the application. Mr. David Montoya, Ms. Montoya's father, spoke about the negative impact of a rule barring property owners from using guest houses as an additional source of income. Mr.

⁵ Ms. Montoya hereby incorporates those documents into the record for consideration by the Board.

Montoya explained that such a rule would have a disparate impact on working families and the areas' original inhabitants. Ms. Cherie Montoya, owner of Farm and Table, and Ms. Montoya's sister, explained that small scale rentals have a direct positive impact on local business, welcome inclusivity and opens the Village's unique gifts to the larger community. Ms. Felicia Montoya, a local business owner, host of a guest house just north of the Village, and Ms. Montoya's sister, spoke about her history using Airbnb less than a mile from Ms. Montoya's property, the extensive vetting process and the high quality of guests who use this service. She described that in over two years, she has not yet had a negative experience from a guest renting through Airbnb. Most guests, she testified, are vacationers from across the nation and world, many traveling with family, and some are businesspeople simply traveling for work.

Several people also spoke in opposition. Members of the Reedy family, with whom Ms. Montoya shares the private road, expressed their fears about the rental of the guest house. Primarily, the Reedy family expressed fear of strangers accessing Ms. Montoya's guest house. The Reedy family, however, acknowledged that nothing noteworthy had actually happened during the period Ms. Montoya rented the guest house. They could point only to three innocuous incidents: (1) a guest wished Mr. Reedy, "Good Morning," from the private road; (2) guests walked toward Ms. Reedy's property before learning it was private property and turning around; and (3) guests knocked on Mr. Reedy's son's door for information. There was no proof that any of these innocent incidents actually involved Ms. Montoya's renters, as opposed to the general public or family and friends of Ms. Montoya.

The neighbors also raised a whole host of seemingly unrelated complaints, including the proximity of Ms. Montoya's guest house to her main house, the proximity of Ms. Montoya's guest

house to their own houses, Ms. Montoya's work schedule as a physician, the perceived frequency of Ms. Montoya's presence at her own house, Ms. Montoya's family life with three children, the weeds on Ms. Montoya's property, Ms. Montoya's use of a landscaping crew to work on the yard at the guest house, and Ms. Montoya's use of a house cleaner to clean the guest house.⁶

The Commission then allowed for rebuttal argument by Ms. Montoya. Undersigned counsel explained that the neighbors' complaints about usage of the guest house as a Bed and Breakfast were no different than complaints about Ms. Montoya's usage of the guest house by her family and friends. Simply put, Ms. Montoya's neighbors are irritated with Ms. Montoya's use of her guest house, whether as a rental or not. To illustrate the point, undersigned counsel pointed out that the Reedy family had filed a complaint about usage of the guest house after undersigned counsel's cousin and his travelling band stayed at Ms. Montoya's guest house along a music tour from Seattle, Washington, the weekend of March 17-18, 2019. *See* Exh. 2 (referencing "neighbor complaints"). Counsel underscored the fact that the Reedys were equally bothered by Ms. Montoya's family and friends staying at the guest house rent-free, as they were about guests renting the guest house. In fact, a common refrain among the neighbors was simply regret about the construction and presence of the guest house at all. To that point, counsel noted that the guest house could be used every night of the week to a different guest so long as rent was not charged. Thus, the usage proposed by Ms. Montoya could have no increased, or deleterious, impact on the usage of the private road or pose any additional risk to the neighbors and their properties.

⁶ Arguments based on Ms. Montoya's personal characteristics and occupation are improper considerations for the Village. The New Mexico Supreme Court noted that a "zoning authority is limited to regulating matters relating to the real estate itself and not the person who owns or occupies it." *Mechem v. City of Santa Fe*, 1981-NMSC-104, ¶ 22.

D. The Commission's Decision

Ultimately, all five participating members of the Commission voted against Ms. Montoya's application. In explaining the Commission's decision at the hearing, members erroneously stated that the ordinances do not allow for rental of a guest house. The members' comments make clear that the Commission misunderstood the applicable ordinance, their authority, and their own precedent. Nonetheless, the Director indicated that a formal decision would issue, which would trigger a 15-day period for appeals. On June 12, 2019, Ms. Montoya received in the mail the Commission's "Official Notification of Decision" denying her application. *See* Exh. 5, Commission Decision (June 12, 2019). The notification stated, "On June 11, 2019, the Village of Los Ranchos de Albuquerque Planning and Zoning Commission voted by a vote of 5-0 to deny the request for a Bed and Breakfast Permit as required by § 9.2.25(E)(1) in the A-1 Zone of the North Rio Grande Character Area[.]" *Id.* The Commission cited a single rationale in support of its decision, "The Conditional Use for the guest house states that "Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission." *Id.* The Commission wrote nothing to explain, or otherwise support, the radical departure from its own 5-0 vote to approve the Alameda House Bed and Breakfast in the same neighborhood, the same zoning, and less than a quarter of a mile from Ms. Montoya's property.

II. THE RELEVANT LAW

A. Authority of Municipalities Over Property Rights

According to New Mexico State law, a municipality—like the Village—“is a body politic and corporate under the name and form of government selected by its qualified electors.” NMSA 1978, § 3-18-1. As such, a municipality may “protect generally the property of its municipality and its inhabitants” and “preserve peace and order within the municipality.” *Id.* at § 3-18-1(E) and (G). With respect to planning commissions, New Mexico State law grants such commissions “such powers necessary to:

- (1) fulfill and perform its functions;
- (2) promote municipal planning; and
- (3) carry out the purposes of Sections 3-19-1 through 3-19-12 NMSA 1978.

NMSA 1978, § 3-19-4.

Those purposes include the authority to “adopt regulations governing the subdivision of land within the planning and platting jurisdiction of the municipality.” NMSA 1978, § 3-19-6. Such regulations “may provide for . . . “the harmonious development of the municipality and its environs,” and “the distribution of population and traffic which tend to create conditions favorable to the health, safety, convenience, prosperity or general welfare of the residents of the municipality.” *Id.* at § 3-19-6(1) and (4). “The purpose of zoning and planning is to protect the general health, welfare, and safety of the public by regulating development so it is orderly and appropriate.” *Vill. of Los Ranchos de Albuquerque v. Shiveley*, 1989-NMCA-095, ¶ 24. Finally, the statutes grant planning commissions the authority, and responsibility, to “prepare and adopt a master plan for the physical development of the municipality.” NMSA 1978, § 3-19-9. “The plan

shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development.” *Id.*

Those powers are, however, strictly limited to the statutes that grant them. The New Mexico Supreme Court has held that a municipality “has no zoning authority beyond that provided by statute.” *City of Santa Fe v. Gamble-Skogmo, Inc.*, 73 N.M. 410, 389 P.2d 13 (1964). As a result, New Mexico law provides parties a thorough appellate review process for decisions made by commissions and reviewed by municipal boards. *See* NMSA 1978, § 3-19-8 (“Any person in interest dissatisfied with an order or determination of the planning commission, after review of the order or determination by the governing body of the municipality, may commence an appeal in the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978.”). For example, on appeal, “[t]he district court is not required to defer to Council decisions to the same extent it would under the arbitrary and capricious standard. That is, the court is not required to indulge every inference in favor of the Council’s action. On the contrary, the district court is required to exercise its own judgment in light of the Council decision and the evidence presented to the court at trial.” *Clayton v. Farmington City Council*, 1995-NMCA-079, ¶ 22.

B. The Village Ordinances

The Village enacted comprehensive ordinances that regulate the zoning and use of land within the Village. “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.” Vill. Ord. § 9.1.3.

First, the Village Ordinances provide the many permitted uses for properties, like Ms. Montoya’s, which fall into A-1 zoning. Village Ordinance § 9.2.7(B) provides the following relevant permitted uses for A-1 Agricultural/Residential Zoning: (1) “Display and sale of agricultural products, including animals raised on the premises and products incidental to the sales activity”; (2) “Accessory building, structure, or use customarily incidental to and on the same lot with a permitted use, including garages, barns, corrals, and animal pens”; (3) “Agricultural activities, including, but not limited to the raising, harvesting, and storage of fruits, vegetables, grain, hay and feed, poultry, rabbits, and the keeping and raising of livestock, riding stables and academies”; (4) “Parking incidental to uses permitted in this zone”; (5) “Permitted Home Occupations”; (6) “Bed and Breakfast Establishments”; (7) “Garage sales, estate sales, home distributor parties, trunk shows or other similar activities provided the activity does not run for more than three . . . consecutive days and is conducted a maximum of four times a year.” Notably, Village Ordinance § 9.2.7(B) allows for Bed and Breakfast Establishments in A-1 zoning as a permissive use.

Village Ordinances also provide for many conditional uses, upon application to the Village. For example, Village Ordinance § 9.2.7(C) provides the following relevant conditional uses for A-1 Agricultural/Residential Zoning: (1) “Childcare facilities”; (2) “Place of worship”; (3) “Outdoor recreational facilities accessory to public or private schools”; (4) “Public or private school, educational facilities or learning centers”; and (3) “Guest house or additional dwelling.” Notably, the Village ordinance allows for a guest house in an A-1 zoned property like Ms. Montoya’s. In

fact, the Village previously granted such a conditional use for a guest house on Ms. Montoya's property. See Exh. 2 ("The Village records show an approval in June 2012, for a Guest House on your property under the Village conditional use ordinance, which conditions remain through real estate sales.").

For guest houses, the Village ordinance provides several restrictions, including that "[o]ccupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission." Vill. Ord. § 9.2.7(C)(5). Thus, according to Village Ordinance, a guest house may be rented so long as an "explicit conditional use" is approved by the Commission." *Id.*

The Commission's decision whether to grant a Bed and Breakfast Permit, and whether to grant a conditional use to rent a guest house is governed by Village Ordinance § 9.2.25(E). Village Ordinance § 9.2.25(E)(1) authorizes the Commission to approve "Bed and Breakfast Facilities" in "all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer" Among other requirements, the Bed and Breakfast establishment "must be operated by the owner of the home, living in residence," and "shall be conducted entirely within the residence or *accessory buildings*⁷ on the residential property." (Emphasis added).

⁷ The inclusion of the language, "accessory buildings," demonstrates that Village Ordinances contemplate the operation of a Bed and Breakfast Establishment in a guest house. Village Ordinance § 9.2.3 defines "accessory structure" as "a secondary structure incidental to and on the same lot as the principal structure and is compatible with the permitted use of the main structure under zoning regulations applicable to the property." Village Ordinance § 9.2.3 defines "guest house" as "a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the guest house for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling." Those definitions make clear

The Commission's decision whether to grant a conditional use for rental of a guest house is governed by Village Ordinance § 9.2.25(E)(2). That section provides that "a conditional use shall be approved to allow conditional uses delineated in a zone if the following findings are made: . . . a conditional use shall be approved only if, in the circumstances of the particular case and under conditions imposed, the proposed use will be in conformance with the Master Plan⁸ and will not be injurious to adjacent property, the neighborhood, or the community." Vill. Ord. § 9.2.25(E)(2)

Village Ordinance § 9.2.2(G) unequivocally demonstrates that the Commission can take final action on applications for Conditional Use, with adverse comments, pursuant to Village Ordinance § 9-2-25(E)(2). Similarly, Village Ordinance § 9.2.2(G) shows that the Commission can take final action on applications for Bed and Breakfast Permits, pursuant to Village Ordinance § 9-2-25(E)(1). Thus, Ms. Montoya's application for a Bed and Breakfast Permit and a conditional use to rent her guest house were both proper requests that could have been approved by the Commission in accordance with Village Ordinance §§ 9.2.25(E)(1) and (2). In fact, all the Commission needed to do was follow the specific guidance in those ordinances to make its determination.

C. Precedent

In 2012, Mr. Tyler Cole applied for a Bed and Breakfast Permit for a detached guest house on his 1.5 acre property at 9001 Rio Grande Blvd NW, Albuquerque, NM 87114, less than a quarter

that a "guest house" is an "accessory structure," which must also mean a guest house is an "accessory building" for purposes of the Bed and Breakfast Establishment under § 9.2.25.

⁸ The 2020 Master Plan § 1.2.2 provides that the Village's "goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle."

of a mile from Ms. Montoya's property, and just five houses away. *See* Exh. 6, The Alameda House Application (Apr. 4, 2012). Mr. Cole sought permission under Village Ordinances § 9.2.25(E) and (F) for a Bed and Breakfast Permit and for a Conditional Use to rent his detached guest house as a short-term vacation rental ("The Alameda House"). *Id.* Mr. Cole's guest house has four separate rooms. *Id.* Mr. Cole and his spouse live in the main residence. *Id.*

At a contested hearing⁹ during which Mr. Cole's neighbors opposed the rental of his guest house, the Director recommended approval of Mr. Cole's application for "The Alameda House." *See* Exh. 10, Director Report and Recommendation. The Director noted that "the property is a perfect location and site for a Bed and Breakfast. Located on the northern most edge of the Village, access to Alameda Blvd. is only minutes away, ideal for Balloon Fiesta, recreation at the Bachechi Open Space and West side shopping." *Id.* at 1. The Commission voted 5-0 in favor of a motion to approve Mr. Cole's application to operate "The Alameda House" Bed and Breakfast. *See* Exh. 11 at 1, Minutes (May 8, 2012). The Commission made the following findings at the hearing:

The property is currently zoned A-1 and is within the North Rio Grande Character Area.

Bed and Breakfast establishments are an allowable use in the A-1 Zone under Ordinance 183 as amended, Section 24(E)(8)(a).

The application was public noticed per Ordinance 183 as amended, Section 24(F)(2).

The application meets the 2020 Master Plan Overall Village Goal 1.2.2 The goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.

Id.; *see also* Exh. 12, Decision Approving The Alameda House and Director Email.

⁹ *See* Exh. 7, Public Notice of The Alameda House Application; Exh. 8, Neighbor Letter in Opposition to The Alameda House (May 2, 2012); and Exh. 9, Agenda (May 8, 2012).

Since that time, the Village has annually approved permits for “The Alameda House” Bed and Breakfast. *See* Exh. 13, Permits and Renewals for The Alameda House. In fact, the Village is so proud of “The Alameda House” it has included it on the Village’s website as one of five “Places to Stay in the Village.” *See* Exh. 14, Village Website—Places to Stay in the Village.

The Village also lists on the same webpage, “Adobe Garden at Los Ranchos (Bed & Breakfast).” *Id.* In 2012, the Village noted that Adobe Garden had been renting without approval for many years. *See* Exh. 15, Email to Director Re: Adobe Gardens. Adobe Garden, a property in the A-1 zone of the Village, appears to have two structures: a main house and a guest house. Despite years of non-compliance, Village correspondence indicates that Adobe Garden was encouraged to fill out the paperwork to obtain approval from the Village. *Id.* Adobe Garden appears to have done so, as it is now prominently listed on the Village’s website as a “Place[] to stay in the Village.” *Id.*

III. ARGUMENT

A. The Commission Erred in Determining that the Village Ordinances Do Not Allow for Approval of a Guest House as a Bed and Breakfast

The Commission’s sole finding supporting its decision denying Ms. Montoya’s application was that “Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.” Exh. 5. The Commission’s reasoning makes no logical sense. The Commission’s finding merely restates Village Ordinance § 9.2.7(C)(5). That ordinance actually makes clear the Commission has the authority to approve rental of a guest house. The Commission apparently misunderstood its own authority to grant “an explicit conditional use.” Had the Commission understood its authority, it would have realized it then needed to make its decision according to the guidance outlined in Village Ordinance §§ 9.2.25(E)(1) and (2).

Village Ordinance § 9.2.25(E)(1) is a fairly mechanical ordinance. It specifies that “Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer” Vill. Ord. § 9.2.25(E)(1)(a). The ordinance then sets out twelve requirements for approval, all of which Ms. Montoya’s application met: (1) Ms. Montoya, as owner, must operate the Bed and Breakfast, and live in residence; (2) “It shall be conducted entirely within the residence *or accessory buildings* on the residential property” (emphasis added); (3) it cannot exceed four guestrooms; (4) “Parking for guests must be off street”; (5) “Meals may or may not be served”; (6) “Noise must be mitigated”; (7) “One lighted sign not to exceed four . . . square feet”; (8) “must have published rules of operation”; (9) permittees must comply with all applicable laws; (10) “permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation”; (11) any additional conditions the Commission deems reasonable; and (12) “shall be inspected annually by the Fire Department”. Vill. Ord. § 9.2.25(1)(b). Because “Bed and Breakfast[s]” are a permissive use for A-1 zoned properties, the Village must approve such permits so long as these requirements are met.

With respect to the Commission’s decision whether to permit Ms. Montoya’s rental of her guest house, Village Ordinance § 9.2.25(E)(2) controls. There, the Commission is directed that “a conditional use shall be approved to allow conditional uses delineated in a zone if the following findings are made:”

- (a) A conditional use shall be approved only if, in the circumstances of the particular case and under conditions imposed, *the proposed use will be in conformance with the Master Plan and will not be injurious to adjacent property, the neighborhood, or the community.*

- (b) Approval of a conditional use shall be made subject to specific conditions that are deemed necessary to protect the public safety, health, morals, or general welfare of the Village.
- (c) An application for a conditional use for the same property cannot be filed within six (6) months from the date of the final action on a prior application.

Vill. Ord. § 9.2.25(E)(2) (emphasis added). Thus, the Commission’s decision should have been driven by two determinations: (1) whether “the proposed use will be in conformance with the Master Plan” and (2) whether the proposed use “will not be injurious to adjacent property, the neighborhood, or the community.”

Under the governing Village Ordinances, the Commission’s decision constituted legal error. The Commission misunderstood its authority, and failed to conform its decision to the applicable ordinances, Village Ordinance §§ 9.2.25(E)(1) and (2). The Board reverse the Commission’s decision and apply the applicable ordinances fairly to Ms. Montoya.

B. The Commission Erred in Failing to Find a Single Fact in Support of Its Decision

A corollary to the proposition that the Commission completely failed to apply the applicable ordinances, Village Ordinance §§ 9.2.25(E)(1) and (2), is that the Commission failed to make any of the findings required under either ordinance. First, the Commission wholly failed to address or make a single finding with respect to and of the twelve criteria listed for approval of “Bed and Breakfast establishments,” as required by Village Ordinance § 9.2.25(E)(1). And second, the Commission wholly failed to address or make a single finding with respect to the two criteria listed for approval of a “conditional use” to rent the guest house. *See* Exh. 5. Without a single factual finding supporting its decision, the Commission failed to give Ms. Montoya the process she was due. The Commission failure to provide its rationale invites inconsistency, a lack of transparency,

and a lack of trustworthiness. Without the factual findings required by the Village Ordinances, neither Ms. Montoya nor the reviewing Board can properly evaluate the Commission's decision. Accordingly, the Board should give no deferential weight to the decision of the Commission, should review Ms. Montoya's application *de novo*, and should give Ms. Montoya the same process that benefited the Alameda House and Adobe Garden. Compare Exh. 5 with Exhs. 12 and 20.

C. The Village Should Correct These Errors and Approve Ms. Montoya's Application

1. Approval of Ms. Montoya's Requests Are Allowed by the Ordinances

As discussed at length above, Ms. Montoya's requests are allowed by Village Ordinance. Village Ordinance § 9.2.25(E)(1) provides the mechanical process by which the Board should approve a "Bed and Breakfast establishment." Because Bed and Breakfast establishments are "permissive uses" for A-1 zoning, the Board should simply determine whether Ms. Montoya's proposal meets the twelve criteria outlined in Village Ordinance § 9.2.25(E)(1).

First, Ms. Montoya affirmed she, as owner, would live in residence in the main house. *See* Exh. 3. Second, the Bed and Breakfast would be conducted entirely within the guest house (the "accessory building"). *Id.* Third, Ms. Montoya's guest house does not exceed four rooms; in fact, it is has only one bedroom, one living room, one kitchen, and one bathroom. *Id.* Fourth, Ms. Montoya's guest house has a private driveway and an attached garage (previously approved by the Village) for parking. *Id.* Fifth, Ms. Montoya will not serve meals. *Id.* Sixth, noise will be mitigated, as outlined in Ms. Montoya's proposed rules of operation. *Id.* Seventh, Ms. Montoya did not request permission for a sign. *Id.* Eighth, Ms. Montoya submitted lengthy rules of operation for consideration of the Commission. *Id.* Ninth, Ms. Montoya will comply with all applicable laws. *Id.* Tenth, Ms. Montoya will cooperate with any investigation of an alleged complaint or violation. *Id.*

Eleventh, Ms. Montoya will abide by any additional terms the Commission deems reasonable. *Id.*
And twelfth, Ms. Montoya has obtained inspection and will do so on an annual basis. *Id.*

Based on Ms. Montoya's satisfaction of each of the twelve criteria outlined in Village Ordinance § 9.2.25(E)(1), the Board should grant Ms. Montoya a Bed and Breakfast permit.

2. *Approval of Ms. Montoya's Application is Consistent with the 2020 Master Plan.*

As the Director in 2012 indicated with respect to the Alameda House, "the property is a perfect location and site for a Bed and Breakfast. Located on the northern most edge of the Village, access to Alameda Blvd. is only minutes away, ideal for Balloon Fiesta, recreation at the Bachechi Open Space and West side shopping." Exh. 10 at 1. The Commission found that "[t]he application meets the 2020 Master Plan Overall Village Goal 1.2.2 The goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle." Exh. 11 at 1.

Ms. Montoya's property is a mere five houses south, and less than a quarter of a mile from, the Alameda House. Both properties abut Rio Grande Blvd. Both are zoned A-1. Both are in the North Rio Grande Character Area. The minor differences between the properties actually favor Ms. Montoya's application. In terms of density concern,¹⁰ Ms. Montoya's guest house is further from her main house, and sits on slightly larger acreage (1.6 compared to 1.5 acres).

The Master Plan § 1.2.3 also notes that a Village "goal is to plan for the future of the area based upon its three major corridors: Rio Grande Boulevard, Guadalupe Trail, and Fourth Street" Just like Fourth Street, the future of Rio Grande Boulevard involves attracting visitors to the area

¹⁰ One of the primary goals of the Village, as noted in the 2020 Master Plan, is to maintain "[r]elatively low density." The Master Plan § 1.2.1.

to enjoy its “unique character.” What better way to share that experience with visitors than with a Bed and Breakfast. Through its website, the Village has made clear that it is proud of The Alameda House and Adobe Gardens, welcoming visitors to “locate your ideal home away from home while you visit our beautiful Village.” See Exh. 14.

3. *Approval of Ms. Montoya’s Application is Not Injurious to Property, the Neighborhood, or the Community.*

Just as the Director noted in 2012 before the Commission on the Alameda House application noted, the neighborhood where Ms. Montoya’s property sits is “a perfect location and site for a Bed and Breakfast. Located on the northern most edge of the Village, access to Alameda Blvd. is only minutes away, ideal for Balloon Fiesta, recreation at the Bachechi Open Space and West side shopping.” Exh. 10 at 1. At the hearing, Ms. Cherie Montoya, the owner of Farm and Table Restaurant and the visionary of the North Fourth Stop and Shop, underscored the economic and cultural importance of welcoming our neighbors and visitors to the Village through short-term rental of guest houses. Ms. Felicia Montoya testified about her own two-year experience renting a casita just one mile north of Ms. Montoya’s guest house. She highlighted the type of people that have rented her casita over the last two years (vacationers, families, and businesspeople), and claimed that she had not had a single bad experience. She also reiterated the background and screening process offered by online rental platforms such as Airbnb.

The crux of the neighbors’ opposition to Ms. Montoya’s application boils down to fear. Fear of strangers and the unknown. None of the fears expressed by the neighbors was rooted in actual incidents, or damage to property. Accordingly, none can amount to an actual “injury” contemplated by Village Ordinance § 9.2.25(E)(2). In fact, denial of Ms. Montoya’s application will not assuage

Ms. Montoya's neighbors' fear of strangers and the unknown.¹¹ And more importantly, it will not change Ms. Montoya's active use of her property and her guest house. As outlined above, the A-1 zoning of Ms. Montoya's property contemplates a robust use of the property, including agricultural, residential, and business. Ms. Montoya is already raising chickens and bees, and is making arrangements to acquire sheep. She has contracted the use of Mr. David Montoya's cattle to graze her pasture. And she will sell agricultural-related products on her property, and at her guest house, in accordance with the permitted uses of Village Ordinance § 9.2.7(B). She also plans to make use of the seasonal sales allowed every season for three days. And most importantly, if denied rental of her guest house, Ms. Montoya will continue using her guest house to host family, friends, and even displaced people in need of temporary housing. So long as Ms. Montoya's guests are not charged rent, Ms. Montoya's daily usage of her guest house for *guests* is permitted under Village Ordinance. Accordingly, approval of Ms. Montoya's application for use of her guest house as a Bed and Breakfast will not measurably change the character or use of her property, or measurably change her neighbors' encounters with strangers.

4. Approval of Ms. Montoya's Application is Consistent with Village Precedent.

One of the most important aspects of this appeal is that the Commission issued a decision completely at odds with its precedent. In 2012, the Commission approved the Alameda House Bed and Breakfast just five houses and less than a quarter of a mile from Ms. Montoya's property. See Exh. 12. That application is comparable "on all fours" with Ms. Montoya's. See Exh. 6. Both are

¹¹ Notably, every single neighbor along Ms. Montoya's private road is situated either along a major thoroughfare (Rio Grande Blvd), a public access trail, or the public access irrigation ditch. Thus, irrespective of Ms. Montoya's application or use of her property, Ms. Montoya's neighbors will continue to encounter strangers walking next to their respective properties.

for detached guest houses, with owners living in the main residence. Both are on a property between 1 and 2 acres. And both properties abut Rio Grande, and fall in the A-1 zoning of the North Rio Grande Character area.

In 2012, the Director recommended approval of the Alameda House because approval was in-line with the 2020 Master Plan, and was beneficial to the community. *See* Exh. 10. Despite neighbor opposition, the Commission approved the application 5-0, and has renewed the permit every year since, including this one. *See* Exhs. 11-13. Despite all of those obvious similarities, the Commission in Ms. Montoya's case decided to deny the application 5-0. *See* Exh. 5. Compounding the error, the Commission did not base its written decision on a single fact, let alone a fact distinguishing the two properties. *Id.*

The reality that the Commission is now comprised of completely different members than in 2012 should not matter. The Village is a body politic and its decisions are governed by ordinances. The pertinent ordinances are the same now as they were in 2012. The Commission's decision should be transparent and consistent. The Commission's 180-degree turn in this case from its own precedent is anything but consistent. The Commission's written decision that fails to find a single fact justifying its departure from ordinance and precedent is anything but transparent.

IV. CONCLUSION

For all of the reasons outlined above, Ms. Montoya urges the Board to reverse the decision of the Commission in this case, and grant her application for a Bed and Breakfast Permit and conditional use request to rent her guest house. The Commission misunderstood the applicable law, failed to follow the relevant ordinances, failed to make any factual findings supporting its decision, and made a decision completely contrary to its precedent. In short, the Commission committed both

legal and factual error. On appeal, the Board of Trustees (“the Board”) has an opportunity to correct these errors by applying the proper governing ordinances in a manner consistent with its precedent. Ms. Montoya respectfully asks the Board to do so.

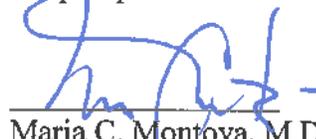
RESPECTFULLY SUBMITTED this 26th day of June 2019.



Kristopher N. Houghton, Esq.
State Bar of New Mexico, No. 121419
8650 Rio Grande Blvd. NW
Albuquerque, NM 87114
(505) 350-0205

DESIGNATION OF AGENT

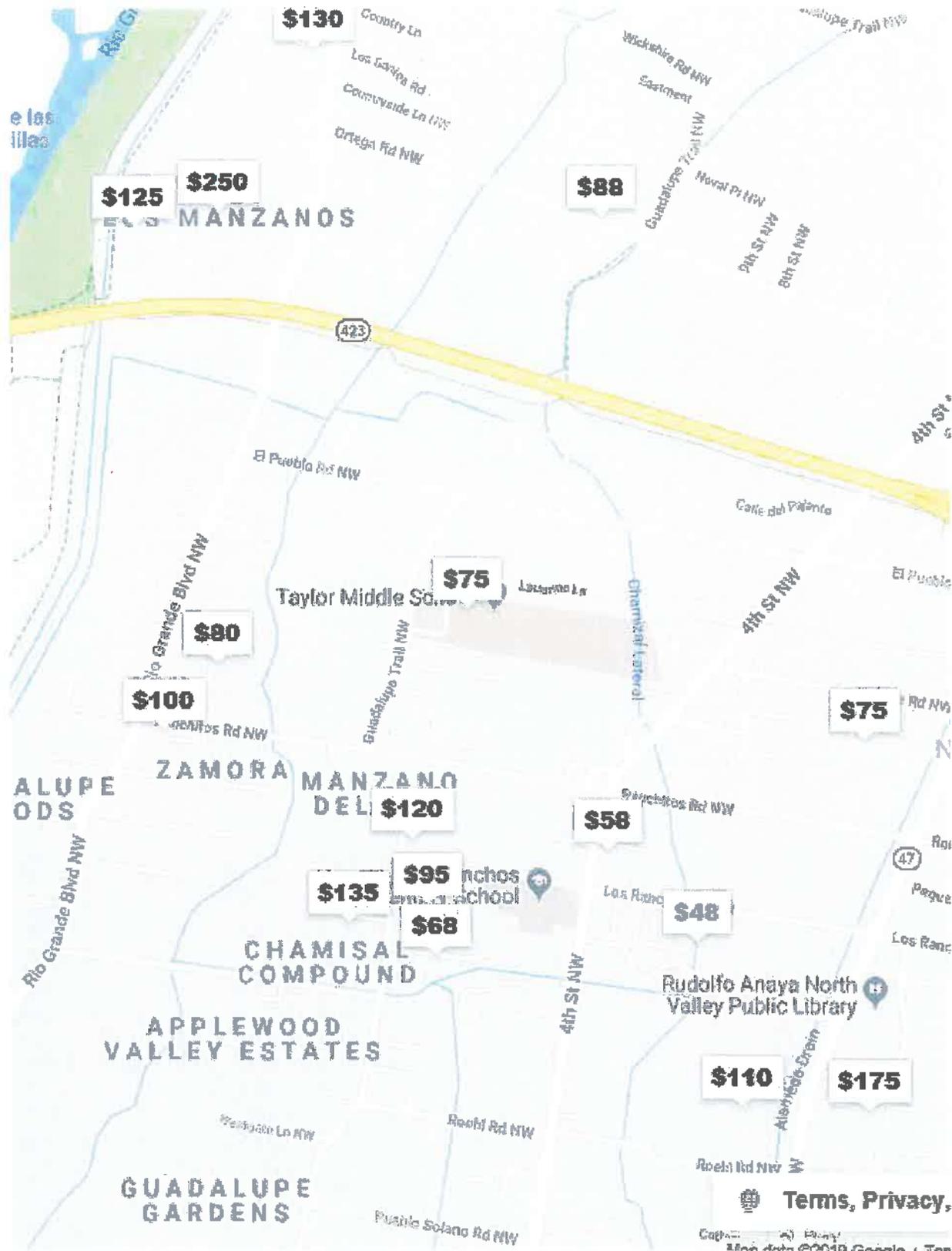
I hereby designate Kristopher N. Houghton to act as agent on my behalf in these proceedings before the Village of Los Ranchos de Albuquerque.



Maria C. Montoya, M.D.
8650 Rio Grande Blvd. NW
Albuquerque, NM 87114
(505) 720-4826

LIST OF EXHIBITS

- Exh. 1, Map and List of Airbnb Listings in Los Ranchos.
- Exh. 2, Notice of Violation (Mar. 19, 2019).
- Exh. 3, Ms. Montoya's Application (Mar. 2019).
- Exh. 4, Agenda (June 11, 2019).
- Exh. 5, Commission Decision (June 12, 2019).
- Exh. 6, The Alameda House Application (Apr. 4, 2012).
- Exh. 7, Public Notice of The Alameda House Application
- Exh. 8, Neighbor Letter in Opposition to The Alameda House (May 2, 2012)
- Exh. 9, Agenda (May 8, 2012).
- Exh. 10, Director Report and Recommendation.
- Exh. 11, Minutes (May 8, 2012).
- Exh. 12, Decision Approving The Alameda House and Director Email.
- Exh. 13, Permits and Renewals for The Alameda House.
- Exh. 14, Village Website—Places to Stay in the Village.
- Exh. 15, Email to Director Re: Adobe Gardens.





ENTIRE HOUSE · 2 BEDS
Super Cute Casita on Farm Near popular restaurant
\$85/night
*****140 · Superhost



ENTIRE GUESTHOUSE · 1-2 BEDS
Red Door Casita
\$70/night
*****212 · Superhost



ENTIRE GUESTHOUSE · 1 BED
Charming Southwest Guesthouse
\$68/night
*****98 · Superhost



FARM STAY · 2 BEDS
North Valley near Balloon Fiesta Park, stay
\$50/night
*****21



ENTIRE HOUSE · 3 BEDS
The Village Casita
\$75/night
*****98 · Superhost



PRIVATE HOME · 1 BED
Idyllic Bed & Bath in North Valley Orchard Home
\$48/night
*****19 · Superhost



ENTIRE GUESTHOUSE · 3 BEDS
3bed 2bth North Valley Private Guesthouse
\$130/night
*****38 · Superhost



ENTIRE HOUSE · 2 BEDS
Guesthouse in Granqu N Valley
\$68/night
*****28



ENTIRE HOUSE · 2 BEDS
Casita Guadalupe
\$138/night
*****31 · Superhost



ENTIRE GUESTHOUSE · 1 BED
Oasis Casita
\$110/night



ENTIRE GUESTHOUSE - 1 BED
Beautiful Garden Casita in Los Ranchos
 \$125/night
 NEW 1 review



ENTIRE HOUSE - 3 BEDS
"J's Oasis" cable in all bedrooms. 350 channels!
 \$175/night
 *****5 - Superhost



PRIVATE ROOM - 1 BED
Quiet 3 room casita in Los Ranchos, Pets welcome
 \$60/night



ENTIRE GUESTHOUSE - 2 BEDS
North Valley Albuquerque Casita
 \$98/night
 *****19



ENTIRE HOUSE - 2 BEDS
Spacious 2 bedrooms in the heart of Los Ranchos
 \$100/night
 *****5



EARTH HOUSE - 3 BEDS
2 Bedroom historic casita in North Valley
 \$120/night
 *****11



ENTIRE HOUSE - 3 BEDS
Southwestern Adobe Hacienda
 \$250/night
 1 review



ENTIRE HOUSE - 6 BEDS
NEW! Modern Home - 4 MI to ABQ Balloon Fiesta Park
 \$435/night
 NEW



PRIVATE ROOM - 1 BED
North Valley Village of Alameda
 \$60/night
 *****12 - Superhost



ENTIRE GUESTHOUSE - 2 BEDS
Vineyard Casita on the Rio Grande
 \$280/night
 *****5

More



MAYOR
DONALD T. LOPEZ

ADMINISTRATOR
BOB PERLS

TRUSTEES
PABLO RAEL
MARY HOMAN
ALLEN LEWIS

EXH.
2

March 19, 2019

Ms. Maria C. Montoya
8650 Rio Grande Blvd.
Los Ranchos, NM 87114

RE: Notice of Violation, Rental of a Guest House

Dear Ms. Montoya,

It has come to our attention, through neighbor complaints and your rental listing on the Air BNB website, that you are using your Guest House as a short-term rental. This is in violation of the conditional uses for a Guest House which prohibits rental of a Guest House. The Village records show an approval in June 2012, for a Guest House on your property under the Village conditional use ordinance, which conditions remain through real estate sales. The Village ordinance clearly states:

§ 9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

(C) CONDITIONAL USES. The following uses may be allowed when approval has been obtained as set forth in §9.2.25(D)(2), §9.2.25(E)(2):

(5) Guest house or additional dwelling.

...
(c) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.
...

Although, you have applied for a Home Occupation permit for a Bed and Breakfast; as stated above, the Planning & Zoning Commission must approve your application before the guest house may be rented. Once again, as we have discussed before you may face some challenge obtaining the approval for renting your Guest House.

Therefore, you must immediately cease rental of the guest house and remove from the Air BNB website the posting offering the guest house for rent. The Village will view further renting of

your Guest House as a continual violation of the zoning code, which may affect the approval of your application for a Home Occupation Permit. You must bring the property into compliance with the code; otherwise, failure to do so may result in fines and penalties as allowed under NMSA 1978, § 3-17-1(C)(1) (1993).

We will continue to process your application for a Home Occupation Permit for a Bed and Breakfast. However, until you have received a Home Occupation Permit by the Village you may not rent your Guest House, neither for a short-term or long-term rental. We appreciate your attention to this matter.

Respectfully,



Tim McDonough
Director, Planning and Zoning Department

Village of Los Ranchos
BED AND BREAKFAST

EXH.
3

NAME: **Maria C. Montoya** ADDRESS: **8650 Rio Grande Blvd NW**
TELEPHONE: **505-720-4826** CELL: **505-720-4826** ZIP CODE: **87114**
EMAIL ADDRESS: TheSweetPEA.bnb@gmail.com
WEBSITE: <https://www.airbnb.com/rooms/28464152?s=51>

BUSINESS NAME: The Sweet PEA Bed and Breakfast LLC

CRS # 03-431363-00-0

please attach copy of CRS # Certificate

LAST 4 DIGITS OF FEIN # AND SS#: 3753 / 6639

Applicant is:

Individual

Partnership

Corporation NMSCC # _____

LLC: **XX**

THE STATE OF NEW MEXICO REQUIRES A LICENSE FOR THIS OCCUPATION –

**** There will be no food served in this establishment ****

Please attach copy of NMED INSPECTION--

NUMBER OF ROOMS FOR B&B: **Two**

NUMBER OF VEHICULAR TRAFFIC INCREASE PER DAY: **2-3 (*see attachment for what is considered negligible per ordinance)**

LIST ANY EQUIPMENT: (trucks, heavy equipment, trailers, etc.): **None**

INCLUDE RULES FOR OPERATION (HOURS, MEALS, NUMBER OF ROOMS, ETC.):

HOW GUESTS CAN BOOK:

Our general booking policy is to only provide accommodations to those who will maintain the upmost respect for our property, our family and our community (neighbors).

Guests will book The Sweet PEA B&B by using a bed and breakfast platform; AirBnB and/or VRBO. AirBnB and VRBO maintain a rigorous vetting process (see safety below). They also provide 24/7 customer service and host liability insurance up to \$1 million dollars.

Only guests who meet **STRICT** requirements can book "instantly" or immediately online.

STRICT requirements:

- Confirmed email address and phone number
- Agree to House Rules (described below)
- Hold a Government issued ID
- Come recommended by other hosts
- Must answer basic questions about purpose of travel and whom they are traveling with

Those who do not meet strict requirements must send a reservation request—these will be considered on a case-by-case basis with our general booking policy in mind.

Check-in is permitted after 2pm and until 8pm. Check out is by 10 am unless otherwise agreed upon. All guests will be greeted by the administrator (Maria Montoya) or a suitable designee. The administrator or designee will meet the guest (s) and provide keys and guidelines on house rules.

HOUSE/PROPERTY RULES:

- Suitable for children (2-12 years old) and infants (under 2 years old)
- Premises is NOT suitable for pets
- Absolutely NO smoking or vaping allowed
- Absolutely NO parties / events permitted
- Noise level must be kept to a reasonable minimum after 9pm
- The maximum speed limit on private dirt road is 10 miles per hour

ACCOMODATIONS AND AMENITIES:

There are a total of two rooms with two sleeping areas: one king sized bed in a private room and one sofa bed in a common area.

The maximum number of guests is: 4 (primarily to accommodate families with young children). There is a dining room, full kitchen and full bathroom.

Amenities:

- Towels
- Bed sheets
- Pillows
- Soap
- Shampoo and conditioner
- Toilet paper
- Kitchen- full (electric stove, microwave, dishwasher, sink). All pots, pans, flatware, utensils, salt, pepper and olive oil.
- Heating/cooling
- Hair dryer
- Hangers
- Iron
- Washer & Dryer
- TV
- WiFi
- Workspace
- Travel crib

Home safety: There are smoke detectors, carbon monoxide detectors and locks on all doors. First aid kit available.

Parking: Guests will be expected to use the garage and the driveway for safe and efficient off-street parking.

SAFETY:

AirBnB and/or VRBO performs background checks on all users by checking public federal, state and county criminal records as well the national sex offender registry. They also utilize the Office of Foreign Asset Control list in order to restrict those from terrorist organizations.

In addition, we also plan to implement the following sensible safety measures:

- We will get to know our guests before confirming using reviews, Verified IDs, messaging services- without posting our actual address or email until confirmed
- We will perform a simple internet search of potential guests in order to access social media accounts, websites, etc. prior to confirming.

** There is an incentive process for guests to comply with all house and property rules in order to avoid poor reviews that affect their ability to rent in the future.

NATURE OF ANY EXPLOSIVE, FLAMMABLE, TOXIC, OR HAZARDOUS MATERIALS-(Paint, lacquer, cleaning supplies, etc.):

We plan to utilize all "green" cleaning supplies: vinegar, castile soaps, etc.

LIST OUTSIDE ACTIVITES:

Guests will be permitted to normal outdoor activities- use of a small outdoor bistro table, yoga mat, etc. These activities would be limited to the front and backyard.

NUMBER & TYPE OF EMPLOYEES: 0

SIGNS REQUESTED: (Sign permit required): None

A diagram must accompany application showing area

✓ Chapter 9 – Land Use Regulation

(1) Bed and Breakfast Permits.

Article 2 – Zoning and Zone Map □ Section 25 – Application and Approval Process

(a) Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the parcel.

(b) Approval is by the Planning and Zoning Commission at a regularly scheduled hearing with public notice as per § 9.2.25(F).

1. Bed and Breakfast establishments must be operated by the owner of the home, living in residence. Up to two (2) additional employees may be employed by the business.

2. It shall be conducted entirely within the residence or accessory buildings on the residential property.

3. Not more than four (4) guestrooms may be utilized to provide lodging in other than the C-1, AC or VC Zone.

4. Parking for guests must be off street.

5. Meals may be served.

6. Noise must be mitigated according to § 7.4.2, Nuisances,

Misconduct and Common Offenses. □ **7.** One lighted sign not to exceed four (4) square feet is

permitted on premises and must meet the Dark Skies provisions of §9.2.20.

8. Bed and Breakfast establishments must have published rules of operation, approved by the Planning Director.

9. Every permittee shall comply with all federal, state, county, and municipal laws and regulations applicable and the failure to do so shall constitute grounds for revocation. Each license shall be posted on

the premises where it is visible at all times.

10. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.

11. Bed and Breakfast permits shall be subject to such different and additional conditions as the Planning and Zoning Commission deems reasonable.

12. Bed and Breakfast establishments shall be inspected annually by the Fire Department for fire safety. **(c)** Revocation procedure shall follow § 9.2.25(E)(3) Home Occupation Revocation. **(d)** Bed and Breakfast establishments currently licensed under home occupation licenses shall receive a Bed and Breakfast license upon annual renewal.

(e) Duration and Renewal: **1.** The Bed and Breakfast permit remains in effect and may not be prorated for business conducted for a portion of the year. **2.** An Annual Renewal License form shall be filed on or before December 31 of each year. The form shall be in such format as the Planning Director shall determine and shall be accompanied by the annual fees.

3. Renewal of each existing license is subject to approval of the Planning Director when no complaints or violations have been documented. Annual license renewals do not require public notice.

4. License renewal fee. The annual license renewal fee shall be fifteen dollars (\$15.00). The fee shall be in addition to the Business Registration required by State Law.

5. Any person who fails to make a timely renewal shall be subject to a late fee of ten dollars (\$10.00) per year. The late fee is in addition to any penalties which may be imposed for violation of this Section.

I swear that the above information is true and correct to the best of my knowledge. I have read the Bed and Breakfast Ordinance and agree to the conditions and terms contained therein.

PRINT NAME

SIGNATURE

JURAT

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

Subscribed and sworn to (or affirmed) before me on this the _____ day of _____, 2011.

BY: _____

My Commission Expires: _____

NOTARY PUBLIC

OFFICE USE ONLY

DATE: _____

TYPE: _____

B&B # _____

CHECK # _____ CASH

RECEIPT # _____

AMOUNT _____

STAFF INITIALS _____



EXH.
4

AGENDA
Village of Los Ranchos
Planning and Zoning Commission
REGULAR MEETING
7:00 p.m.
June 11th, 2019

Planning Staff

Tim McDonough, Director Planning & Zoning
Tiffany Justice, Planner
Jennifer Schilling, Scribe

Administrator

Attorney

Nann Winter

Planning & Zoning Commission

Jeff Phillips, Chair
– Vice Chair
Lynn Eby, Secretary
Sandra Pacheco
Al Park
Drew Seavey
Dan Gay

1. CALL TO ORDER

- A. Roll Call
- B. Approval of the Agenda

2. PUBLIC COMMENT PERIOD

Residents may address the Planning and Zoning Commission to comment on issues, problems, or successes on **topics that do not appear elsewhere on the agenda.** Audience members will be given an opportunity to comment on agenda items as they come up. **Speakers must register with Village Staff prior to the beginning of the meeting.**

3. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Approval of the minutes**– May 14, 2019 regular meeting.

4. PUBLIC HEARINGS AND APPLICATIONS

- A. B&B #550** An application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(1), in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

- B. CU-12-03**, An application by Maria C. Montoya for a change to conditions of a conditional use to allow rental of a guest house, in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

- C. ZMA 19-02** An application by Lutgen Properties, LLC for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8), for a dual zoned property in the R-2 Zone with a Special Use Permit for parking of the Guadalupe Trail Corridor and Character Area and the C-1 Zone of the Fourth Street Corridor and Character Area. The property is split in both Zoning and Character Area. The property is located at 7511 Fourth St. NW and is legally known as a certain tract of land situated within the Alameda Grant, Section 21, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, being a portion of Tract 103-B as shown on the Middle Rio Grande Conservancy District Property Map No. 27. The property contains 1.945 acres more or less.

5. OLD BUSINESS

- A. Discussion of the 2035 Master Plan process

6. NEW BUSINESS

- A. Election of Officers
 - 1. Nominations for Vice-Chair

7. REPORTS

- A. Planning Department Report

8. COMMISSIONER'S INFORMAL DISCUSSION

9. ADJOURNMENT

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD. NW, DURING REGULAR BUSINESS HOURS OF 8:00 AM – 5:00 PM. THE PLANNING DEPARTMENT HOURS ARE FROM 8:00 AM TO NOON, AND BY APPOINTMENT FROM NOON UNTIL 5:00 PM.

THE NEXT REGULAR MEETING WILL BE HELD TUESDAY JULY 9, 2019

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 505-344-6582 at least one week prior to the meeting or as soon as possible.

I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and Open Meetings Resolution 2019-1-P&Z.

Tiffany Justice, Planner, Planning and Zoning

Date

EXH
5

June 12, 2019

OFFICIAL NOTIFICATION OF DECISION

HO #550 A request for a Bed and Breakfast Permit as required by §9.2.25(E)(1) in the A-1 Zone of the North Rio Grande Character Area

Maria C. Montoya
8650 Rio Grande Blvd NW
Los Ranchos, NM 87114

LEGAL DESCRIPTION:

Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

On June 11, 2019, the Village of Los Ranchos de Albuquerque Planning and Zoning Commission voted by a vote of 5-0 to deny the request for a Bed and Breakfast Permit as required by §9.2.25(E)(1) in the A-1 Zone of the North Rio Grande Character Area

FINDINGS:

The Conditional Use for the guest house states that "Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission."

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY IN THE MANNER DESCRIBED BELOW.

§9.2.25(H)(2)

(2) Appeals from Planning and Zoning Commission Decision.
Any aggrieved party may appeal a decision of the Planning and Zoning Commission ("Commission Decision") to the Board of Trustees as set out in subsection (3) hereof.

(3) Appeal Procedure.

(a) The Notice of Appeal of Director Decision or Commission Decision must be filed with the Village Clerk with the appropriate filing fee, not more than fifteen (15) days after issuance of a Final Notice of Decision.

A Notice of Appeal may be signed by the aggrieved party or an agent of an aggrieved party. If a Notice of Appeal is filed by an agent, a letter or other written document signed by the aggrieved party authorizing the agent to act on their/its behalf must be delivered to the Village Clerk on or before filing of the Notice of Appeal. Regardless of the method of delivery, the Notice of Appeal shall be effective on the date actually received by the Village Clerk. Email is not an acceptable delivery method.

(b) A Notice of Appeal from a Director Decision shall specifically state the basis of the appeal, including citation to any law, Village Master Plan, applicable section of ordinances and other documents or information deemed by the aggrieved party to be relevant to the appeal. Issues to be presented to the Planning and Zoning Commission in the appeal shall be limited to those issues and matters raised in the Notice of Appeal.

(c) A Notice of Appeal from a decision of the Planning and Zoning Commission must specifically state the basis of the appeal, including citation to any law, the Village Master Plan, applicable sections of ordinances and specific references to evidence or documents which were considered by the Planning and Zoning Commission. Without a specific authorization by the Board of Trustees, no factual information not available for consideration by the Planning and Zoning Commission will be considered by the Board of Trustees, nor will any person or entity not participating in the hearing before the Planning and Zoning Commission be permitted to participate or present testimony before the Board of Trustees.

(d) All appeals to the Planning and Zoning Commission and the Board of Trustees shall be deemed quasi-judicial proceedings, which means certain judicial processes and protections are required. All witnesses will be placed under oath and all witnesses shall be subject to cross-examination. All documentation is subject to authentication, verification and cross examination. Appellants and other parties are cautioned not to contact members of the Planning and Zoning Commission nor the Board of Trustees about matters pending on any appeal outside of the scheduled public hearings as those individuals are acting "judges" in the appeal. All communications with the Village should be directed through the Village Clerk or the Director or with specific instruction from the Director to Village legal counsel.

(e) Appeal from a Director Decision or from a Commission Decision shall be scheduled for public hearing on a date which is not earlier than forty-five (45) days after the expiration of the applicable appeal period. On an emergency basis or for convenience of the parties, the Director may, but is not required to, seek a hearing on an

appeal at an earlier date. Subject to the rules relating to allowable time and other procedures, interested parties may present testimony and other evidence at such hearing.

(f) If any party desires to submit additional documentation in an appeal from a Director Decision, such documentation must be submitted to the Director not less than thirty (30) calendar days prior to the scheduled hearing date before the Planning and Zoning Commission. Additional documentation will not be accepted for an appeal of a Commission Decision to the Board of Trustees except as set out in subparagraph (c) above. If the additional documentation submitted to the Planning and Zoning Commission prior to an appeal hearing is not given under oath and not subject to cross-examination, the Planning and Zoning Commission may consider or not consider the document(s) as it deems appropriate and if it determines that such document(s) should be considered, will give the document(s) such weight as it reasonably determines in its discretion. Additional documentation submitted at the time of the hearing will not be accepted and will not be included in the record of the appeal, excepting documents related to a withdrawal of the appeal or request for a deferral of the appellate hearing. A person/entity submitting additional documentation must provide the number of copies as determined appropriate by the Director.

(g) For appeals heard by the Planning and Zoning Commission, the Planning and Zoning Commission may make a final determination as to all or a part of the appeal, may defer a decision on the appeal, or may remand the matter back to the Director for further information or determinations.

(h) In addition to the foregoing, all appeals shall be required to follow the Village of Los Ranchos Rules for Appeals.

(i) For hearings before the Planning and Zoning Commission and the Board of Trustees, public notice is required in accordance with §9.2.25(F) of the Codified Ordinances. The appellant(s) is responsible for all publication fees required for the appeal. If there is more than one appellant, the Director will prorate the fees equally between all appellants.

(j) Decisions by the Board of Trustees are subject to appeal to the District Court of the Second Judicial District pursuant to procedures prescribed by New Mexico State Statutes.

Public Notice required per §9.2.25(F) The Appellant is responsible for all Public Notice fees of the Appeal.

There is a \$150.00 fee for Appeal processing.

Entered this 12th day of June, 2019



Tiffany Justice, Planner, Planning and Zoning Dept.

EXH
C.

April 04, 2012

Village of Los Ranchos de Albuquerque
Attn: Planning and Zoning
6718 Rio Grande Blvd., NW
Los Ranchos de Albuquerque, NM 87107

Re: Application for Bed and Breakfast Permit

Tyler and Melissa Cole, of 9001 Rio Grande Blvd, would appreciate your consideration of the attached permit application for a Bed and Breakfast.

Rather than seeking a long term tenant, we are looking to capture a small marketplace of vacationers who are looking for suitable accommodations in the North Valley, particularly during the balloon festival and other local attractions. The Bed and Breakfast, will be operated without food and would be available year round with guests staying from just a few nights to potentially a few weeks.

As detailed in the attached photos, our home has its own covered parking and garage so that guests have a place to store vehicles hence keeping the visual impact of additional vehicles to a minimum. As the property is now, there are no vehicles routinely parked in view and it is our intent to keep it that way. Furthermore, the property has always been kept in excellent condition and will continue to be kept in this fashion. We believe this request for a permit is justified based upon other similar Bed & Breakfast properties located in the Village of Los Ranchos that are similar in theme and layout as this request.

- (a). The Bed and Breakfast facility is already hooked up to city sewer & water, and has gas and electricity.
- (b1). The Bed and Breakfast will be operated by the home owners Tyler and Melissa Cole with no additional employees.
- (b2). It will be conducted entirely within property utilizing the existing home.
- (b3). There will only be a maximum of 4 rooms available for guests.
- (b4). Parking will be off the street, and guests have covered parking and a parking garage to store vehicles.
- (b5). Meals will not be served.
- (b6). Noise will be mitigated as per ordinance 166.
- (b7). No sign will be installed.
- (b8). Rules of operation will be published (copy included with application).
- (b9). All federal, state and county regulations will be complied with and any required licenses posted.
- (b10): We will cooperate fully with the investigation of any complaint or suspected code violation, including the allowance of a Village representative to inspect the property.

With the application for permit is included:

1. Site plan identifying property.
2. Additional Photos
3. Proof of property taxes paid and proof of ownership.
4. Rules of Operation.
5. And this cover letter.

Should you have any questions or require further information, please contact me at 505-681-8535. Your consideration of this request is appreciated.

Sincerely,



Tyler Cole

RULES OF OPERATION

- 1. Smoking is allowed in outdoor designated areas only.**
- 2. Fire code limits room occupancy to 3 people per room.**
- 3. Illegal drugs and not allowed on the premises.**
- 4. No weapons are permitted on the premises.**
- 5. No pets allowed.**
- 6. Quite hours are from 10 pm to 8 am.**
- 7. Vehicles must be parked off the street and under the designated car port.**
- 8. Children under 16 must be supervised at all times.**
- 9. Food will not be served by the owners.**
- 10. Guests must be properly clothed when outside their rooms.**

Village of Los Ranchos
BED AND BREAKFAST

NAME: TYLER & MELISSA COLE ADDRESS 9001 RZO GRANDE BLVD., NW
TELEPHONE 505-344-9665 CELL 505-681-8525 ZIP CODE 87114
EMAIL ADDRESS TYLER@METHH.COM WEBSITE N/A

BUSINESS NAME: MRT HEAVY HAULING, INC.

CRS # 02942643-000 please attach copy of CRS # Certificate

Applicant is:

Individual

Partnership

Corporation NMSCC # 2226710

LLC

THE STATE OF NEW MEXICO REQUIRES A LICENSE FOR THIS OCCUPATION

Please attach copy of NMED INSPECTION

NUMBER OF ROOMS FOR B&B 3

NUMBER OF VEHICULAR TRAFFIC INCREASE PER DAY:

1

LIST ANY EQUIPMENT: (trucks, heavy equipment, trailers, etc.) NO EQUIPMENT

INCLUDE RULES FOR OPERATION (HOURS, MEALS, NUMBER OF ROOMS, ETC.)

(SEE ATTACHED)

NATURE OF ANY EXPLOSIVE, FLAMMABLE, TOXIC, OR HAZARDOUS MATERIALS-(Paint, lacquer, cleaning supplies, etc.) ONLY STANDARD CLEANING PRODUCTS:

WINDYX, DISH SOAP, LAUNDRY DETERGENT, TOILET CLEANER.

LIST OUTSIDE ACTIVITIES: NONE

NUMBER & TYPE OF EMPLOYEES: 2 - HOME OWNERS (TYLER & MELISSA COLE)

SIGNS REQUESTED: (Sign permit required) NO SIGNS

A diagram must accompany application showing area

(8) Bed and Breakfast Facilities (Ordinance 219)

- a) Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the parcel.
- b) Approval is by the Planning and Zoning Commission at a regularly scheduled hearing with public notice as per (F) (b).
 - 1) Bed and Breakfast establishments must be operated by the owner of the home, living in residence. Up to two additional employees may be employed by the business.
 - 2) It shall be conducted entirely within the residence or accessory buildings on the residential property.
 - 3) Not more than four guestrooms may be utilized to provide lodging in other than the C-1 or VC Zone.
 - 4) Parking for guests must be off street.
 - 5) Meals may or may not be served.
 - 6) Noise must be mitigated according to Ordinance 166.
 - 7) One lighted sign not to exceed 4 square feet is permitted on premises and must meet the Dark Skies Ordinance.
 - 8) Bed and Breakfast establishments must have published rules of operation, approved by the Planning Official.
 - 9) Every permittee shall comply with all federal, state, county, and municipal laws and regulations applicable and the failure to do so shall constitute grounds for revocation. Each license shall be posted on the premises where it is visible at all times.
 - 10) Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.
 - 11) Bed and Breakfast permits shall be subject to such different and additional conditions as the Planning and

Zoning Commission deems reasonable.

- 12) Bed and Breakfast establishments shall be inspected annually by the Los Ranchos Fire Department for fire safety.
- c) Revocation procedure shall follow (7) Home Occupation Revocation.
- d) Bed and Breakfast establishments currently licensed under home occupation licenses shall receive a Bed and Breakfast license upon annual renewal.
- e) Duration and Renewal:
 - 1) The Bed and Breakfast permit remains in effect and may not be prorated for business conducted for a portion of the year.
 - 2) An Annual Renewal License form shall be filed on or before December 31 of each year. The Form shall be in such format as the Planning Official shall determine and shall be accompanied by the annual fees.
 - 3) Renewal of each existing license is subject to approval of the Planning Director when no complaints or violations have been documented. Annual license renewals do not require public notice.
 - 4) License renewal fee. The annual license renewal fee shall be \$15.00. The fee shall be in addition to the Business Registration required by State Law.
 - 5) Any person who fails to make a timely renewal shall be subject to a late fee of \$10.00 per year. The late fee is in addition to any penalties which may be imposed for violation of this ordinance.

I swear that the above information is true and correct to the best of my knowledge. I have read the Bed and Breakfast Ordinance and agree to the conditions and terms contained therein.

TYLER COLE
PRINT NAME


SIGNATURE

JURAT

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

Subscribed and sworn to (or affirmed) before me on this the 26th day of March, 2017.

BY: Tyler Cole

My Commission Expires: 1/6/14

Linda Seebach
NOTARY PUBLIC



OFFICE USE ONLY

DATE: 3-26-12

TYPE: Home Occupation

B&B # 453

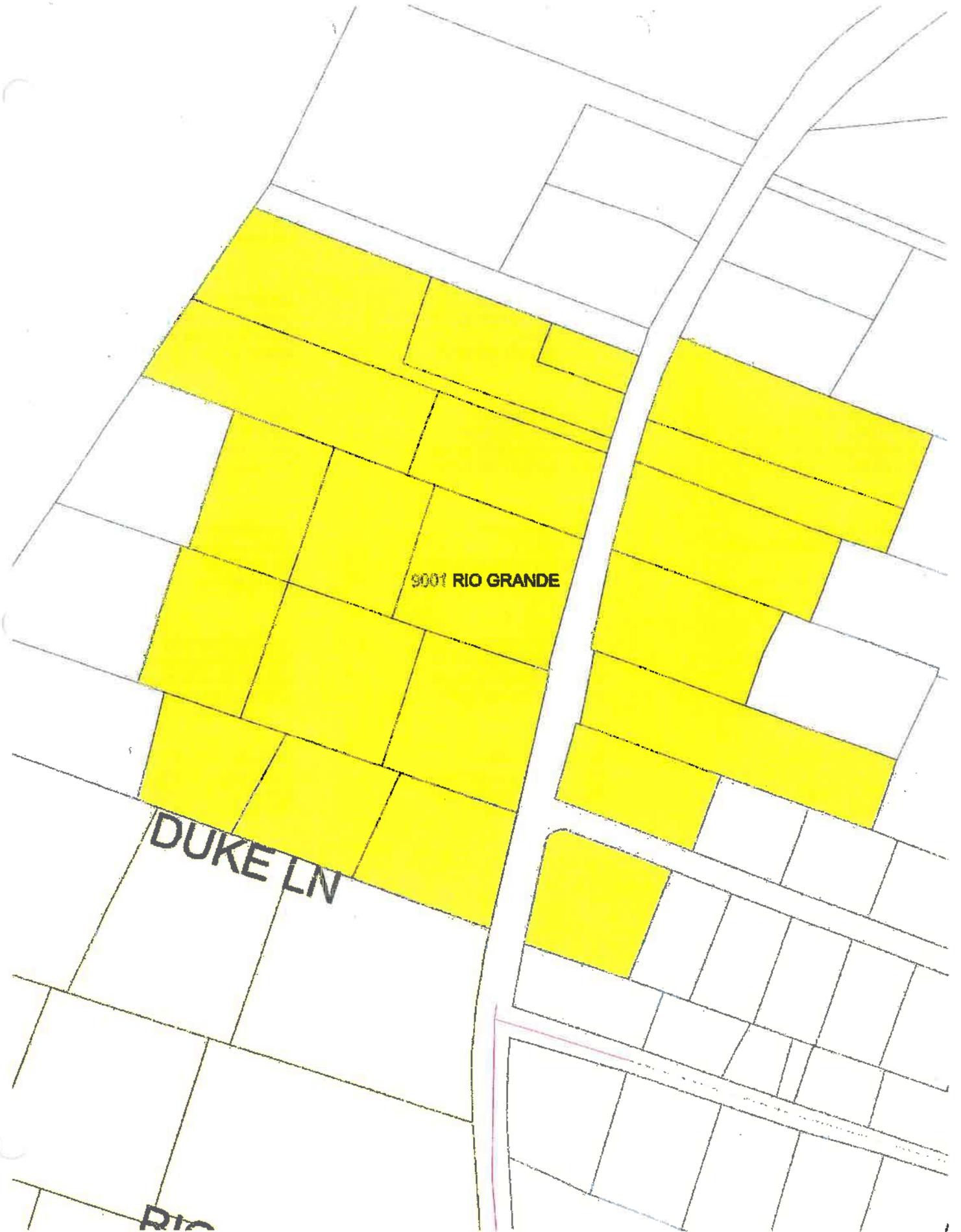
Bed & Breakfast

CHECK # 9282 CASH

RECEIPT # 419559

AMOUNT 50⁰⁰

STAFF INITIALS LD



2

C

B&B # 453
9001 Rio Grande Blvd.

A

B

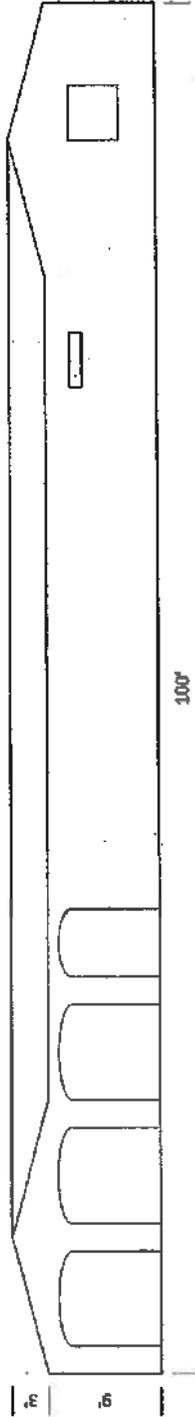
YIL ADDITION

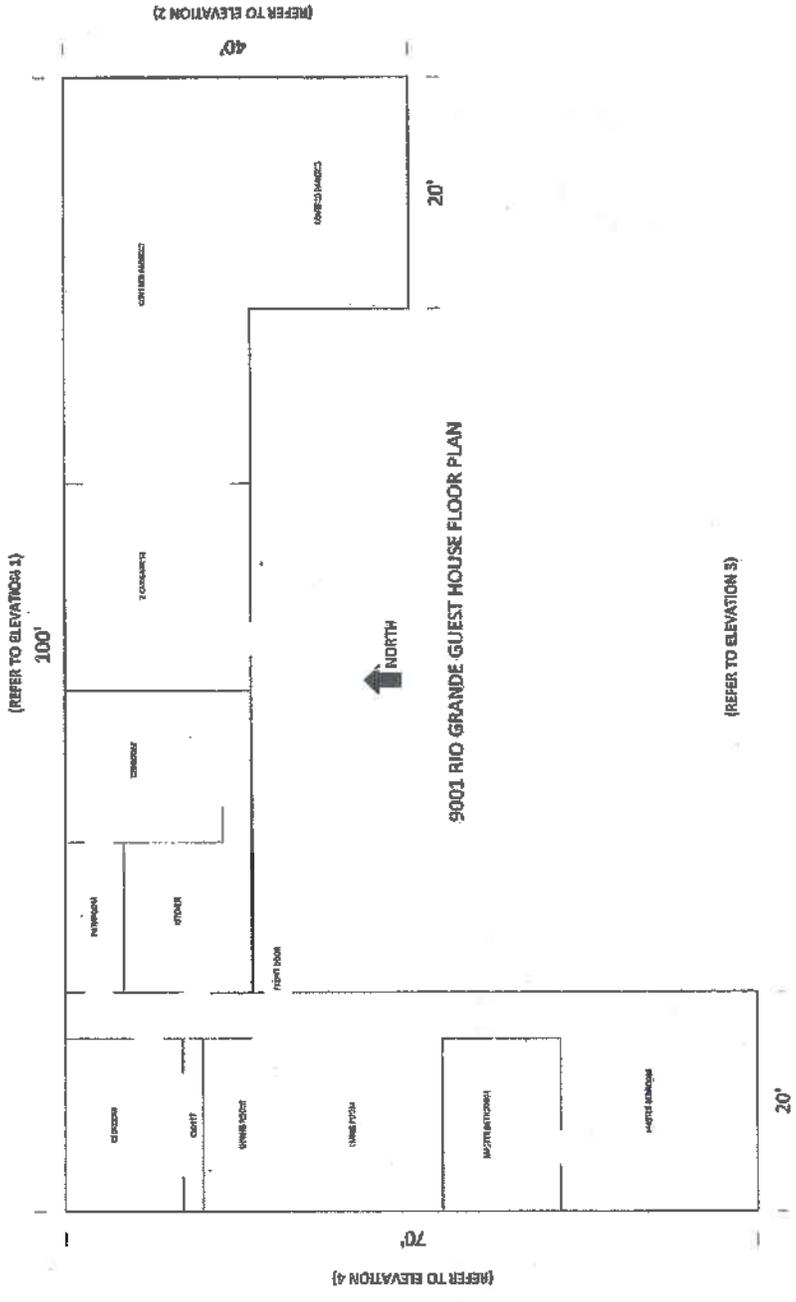
D

9001 RIO GRANDE SITE PLAN

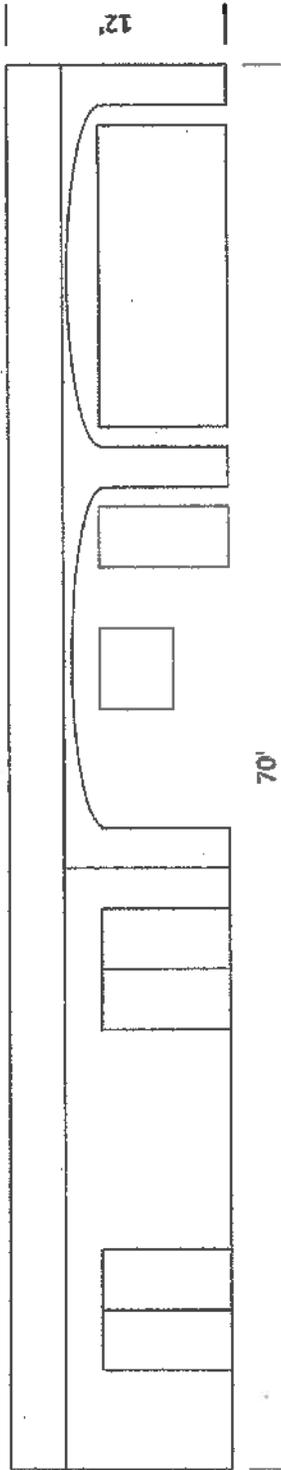


ELEVATION 1

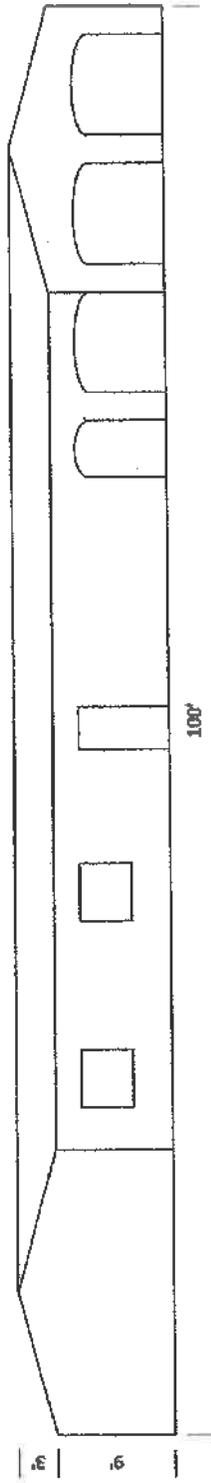




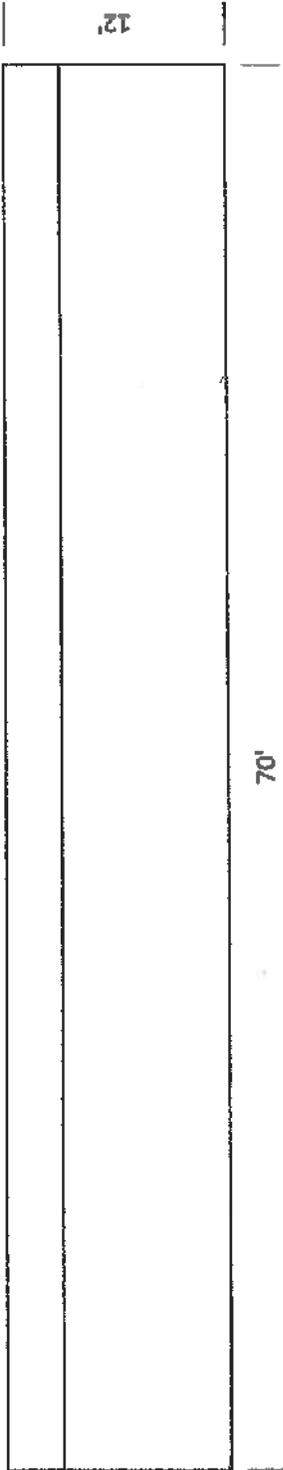
ELEVATION 2



ELEVATION 3



ELEVATION 4



70'



9001 RIO GRANDE – ADDITIONAL PHOTOS



Street View of entire property, looking West.



View from inside the gate.



Rear View of House.

Program Help



Map created by Bernalillo County GIS 2012

- LAYERS**
- All Layers
 - Administrative
 - Contours & Soils
 - Cultural Services
 - Environmental Health
 - FEMA
 - Hydrology
 - Kiva Permits
 - Map Indexes
 - Orthoimagery
 - BC 2010
 - BC 2008
 - BC 2006
 - BC 2004
 - Urban Area 2002
 - Urban Area 2001
 - BC 1999
 - East Mountains 199
 - Parcels
 - Public Safety
 - Public Works
 - Transportation
 - Water Utility Authority
 - Zoning & Planning

Refresh Map

Auto Refresh

Help:

- A closed group, click to open.
- An open group, click to close.
- A map layer.
- A hidden group/layer, click to make

Assessor Parcels

Rec	UPC	TAXYR	OWNER	OWNHSENUM	OWNSUBNUM	OWNADDR	OWNSTR	OWNSTRTYPE
1	101408544400540103	2012	COLE TYLER & MELISSA R	0001		RIO GRANDE	BLVD	M

Current Tool: Identify

bernco.gov

BERNALILLO COUNTY, NEW MEXICO [Bernco View](#) [Business](#) [Video](#) [Visitors](#)

Today is March 20, 2012

Close X

The Bernalillo County Assessor's Office mailed Notice of Values for Real Property and Manufactured homes March 1st.
Business Personal Property and Livestock Notices of Value will be mailed out April 1, 2012 and will be available at that time.

[Home](#) > [Property Search](#) > [Property Search Result](#) > [Property Search Result Details](#)

E-mail [Print](#) [AAA](#)

LINKS

- [Assessor's Home Page](#)
- [Treasurer's Home Page](#)

SEARCH BY

- [Property Address](#)
- [Parcel ID](#)

ASSESSMENT RECORDS

- [Current Ownership Data](#)
- [Notice of Values](#)
- [Map](#)

TREASURER RECORDS

- [Tax Bill](#)
- [Property Tax Calculator](#)
- [Tax & Payment History](#)
- [Pay Online](#)

SEARCH MANAGER

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PORTFOLIO

- [Add to Portfolio](#)
- [Portfolio Manager](#)

TAX & PAYMENT HISTORY

TAX AND PAYMENT HISTORY FOR: 1 014 065 444 005 40103

YEAR	NET TAXABLE	TAX	INTEREST	PENALTY	FEES	PAID	AMOUNT DUE
2002	115,822	3,462.26	0.00	0.00	0.00	-3,462.26	0.00
2003	115,522	3,844.68	269.08	96.10	0.00	-4,209.86	0.00
2004	115,522	3,796.64	170.82	132.86	0.00	-4,100.32	0.00
2005	115,522	3,674.18	73.48	73.48	0.00	-3,821.14	0.00
2006	342,999	10,790.06	0.00	0.00	0.00	-10,790.06	0.00
2007	353,289	12,001.60	0.00	0.00	0.00	-12,001.60	0.00
2008	363,887	12,365.98	0.00	0.00	0.00	-12,365.98	0.00
2009	374,804	12,776.32	596.04	452.92	0.00	-13,825.28	0.00
2010	386,047	13,383.08	468.44	401.52	0.00	-14,253.04	0.00
2011	333,633	11,706.18	0.00	0.00	0.00	-11,706.18	0.00
Summary of Taxes Due			Payment Information				Amount Due
1st Half Delinquent after Dec. 10, 2011			Current as of				Valid until
2nd Half Delinquent after May 10, 2012			3/15/2012				4/10/2012
	1ST HALF DUE	5,853.09	0.00	0.00	0.00	-5,853.09	0.00
	2ST HALF DUE	5,853.09	0.00	0.00	0.00	-5,853.09	0.00
	TOTAL DUE	11,706.18	0.00	0.00	0.00	-11,706.18	0.00

To get Current Pay online Now!

Note! All payments will be applied to Penalty and interest first then the Oldest Tax Bill

ENTER PAYMENTS:

Click on Pay Button to Continue or Change Amount

CONTACT THE BERNALILLO COUNTY TREASURER AT 805-458-7031 FOR CURRENT TAX AMOUNTS IF PAYMENTS ARE MADE AFTER THE 4/10/2012 DATE.



CURRENT OWNERSHIP DATA AS OF TAX YEAR 2012

OWNERSHIP DATA (AS OF 2012 NOV - CHANGES TO OWNERSHIP AND/OR ADDRESS ARE UPDATED WEEKLY THROUGH TO SEPTEMBER 2012)	
PARCEL ID:	1 014 005 444 005 40103
OWNER 1:	COLE TYLER & MELISSA R
MAILING ADDRESS:	9001 RIO GRANDE BLVDNW ALBUQUERQUE NM 87114
LOCATION ADDRESS 9001 RIO GRANDE BLVDNW 87114	
LEGAL DESCRIPTION • PARCEL A AL KAAYL ADD COMPRISING TR 34 MRGCD MAP 22 & TRS 7 • 8 & 9A MRGCD M	

Traveler Login | Owner Login (/Accounts.mvc/OwnerDash) | List Your Property (<http://www.vrbo.com/cart/signup>)

Home (California) (<http://www.vrbo.com>) | Home (USA) (<http://www.vrbo.com/advantages/usa>) | Home (Canada) (<http://www.vrbo.com/global/advantages.htm>) | Home (Mexico) (<http://www.vrbo.com/mexico>) | Home (New Mexico) (<http://www.vrbo.com/new-mexico>) | Home (North Valley) (<http://www.vrbo.com/north-valley>) | Home (South Valley) (<http://www.vrbo.com/south-valley>) | Home (Santa Fe) (<http://www.vrbo.com/santa-fe>) | Home (Tucson) (<http://www.vrbo.com/tucson>) | Home (Vegas) (<http://www.vrbo.com/vegas>) | Home (West Coast) (<http://www.vrbo.com/west-coast>) | Home (Worldwide) (<http://www.vrbo.com/worldwide>) | Help (<http://help.homeaway.com?brand=vrbo&type=traveler>)

Albuquerque (<http://www.vrbo.com/vacation-rentals/usa/new-mexico/albuquerque>) | VRBO Listing #426283

North Valley 1800sf - Tax and Cleaning Fees Included in Rate!

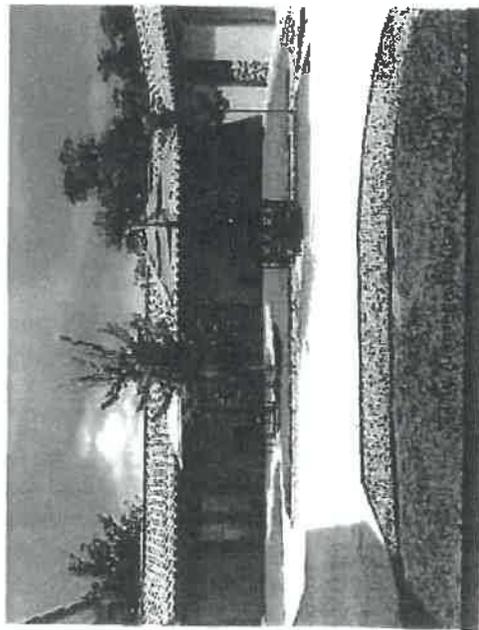
Albuquerque, New Mexico Vacation Rental by Owner Listing 426283

Primary: **+1 505 350-7587**
Secondary: **+1 505 681-8535**
Fax: **+1 505 212-0205**

Location:
Albuquerque,
New Mexico,
USA (North
Valley - Village
of Los Ranchos)
[View Map](#)

Accommodations: House,
3 Bedrooms, 2
Baths (Sleeps
6)

The Alameda
House is an
1,800 sf guest
house vacation
home within a
larger estate
conveniently
located in the
Village of Los
Ranchos de



First name

Last name

Email address

Re-Enter Email Address

Phone number

EX-7

**PUBLIC NOTICE
VILLAGE OF LOS RANCHOS**

NOTICE IS HEREBY GIVEN THAT the Village of Los Ranchos de Albuquerque Planning and Zoning Commission will consider the following items at their Regular meeting on **Tuesday, May 8, 2012, 7:00 PM at the Warren J. Gray Hall, 6718 Rio Grande Blvd. NW.** Applications may be viewed at the Village Offices at the above address from 8:00 AM to 12:00 PM and by appointment 12:00 PM to 5:00 PM weekdays. Comments may be made orally at the hearing or may be submitted in writing to the Village Clerk, Annabelle Silvas, at the Village offices in advance of the hearing. If you have any questions, please contact Planning and Zoning, at 344-6582.

✓ **A. B&B Permit # 453** A request by Tyler and Melissa Cole for a Bed and Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area. The property is located at 9001 Rio Grande Blvd. and is known as Lot A, Land Division Plat showing Al Kaayl Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25, Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres more or less.

B. V-12-02 A request by Kelly Nuckols for a Variance from Ordinance 183 as amended, Section 6(H)(c) No solid wall or fence located with the front setback area shall be more than four (4) feet in height to allow for a six (6) foot solid wall in the front setback area in the A-1 Zone of the North Rio Grande Character Area. The property is located at 824 Ranchitos Road and is known as Tract 32A2A2 M.R.G.C.D. Map # 27, Village of Los Ranchos, Bernalillo County, New Mexico. The property contains .1259 acres more or less.

C. V-12-03 A request by Lori Stribling for a Variance from Ordinance 183 as amended, Section 6(C)(5)(a) The guest house is limited to 1,000 square feet of heated floor area to allow for a guest house (historical home) of 1,600 square feet of heated floor area in the A-3 Zone of the South Rio Grande B Character Area. The property is located at 5517 Rio Grande Blvd. NW and is legally known as Lot 47-A of Plat of Lots 47A and 56A Los Poblanos Estates (Being a replat of Lots 47 and 56), within Projected Section 30, T11N, R3E, M.R.G.C.D. Map # 30, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, May 2002. The property contains 3.000 acres more or less.

Los Ranchos de Albuquerque

SETTLED C. 1661 ... INCORPORATED 1958

MAYOR
LARRY P. ABRAHAM

ADMINISTRATOR
KELLY S. WARD

TRUSTEES
DON LOPEZ
MAYOR PRO-TEM

PABLO RAEL
MARY HOGAN
TINI MCDONOUGH

CERTIFICATE OF PUBLIC NOTICE MAILING

CASE NUMBER B+B 453

Address: 9001 Rio Grande Blvd
Los Ranchos de Albuquerque, NM 87114

Applicant: Tyler & Melissa Cole
Address: 9001 Rio Grande Blvd NW
Los Ranchos NM 87114

I certify that I mailed a copy of the public notice for the above referenced case(s) scheduled for _____ approval by Director, Planning and Zoning

Public Hearing before the:

Planning and Zoning Commission
 Board of Trustees

To be heard on 5-8-12

to all property owners located within 300 feet of the subject property boundaries.

Attached is a list of those property owners. In the event there is a duplicate property owner with the exact same mailing information as shown, only one notice will be sent for all parcels.

This notice was sent in compliance with the Village of Los Ranchos de Albuquerque Codified Ordinance regulations.

This Public Notice is for the following cases as well: _____

This notice was sent on 4-20-12

Linda Seebach
Linda Seebach
Director
Planning and Zoning

101406446047910411
APODACA LILLIAN
8806 RIO GRANDE BLVD NW
ALBUQUERQUE, NM 87114

101406446749910313
BERNAL ALBERT B & YVONNE
9801 WILSHIRE BLVD NE
ALBUQUERQUE, NM 87122

101406544400540103
COLE TYLER & MELISSA R
9001 RIO GRANDE BLVD NW
LOS RANCHOS, NM 87114

101406544602540105
FIRST COMMUNITY BANK
PO BOX 3686
ALBUQUERQUE, NM 87107

101406548102140204
FLORES LISA ANN
9418 RIO GRANDE BLVD NW
ALBUQUERQUE, NM 87114

101406443649810133
FRANKLIN SARAH L
8821 RIO GRANDE BLVD NW
LOS RANCHOS, NM 87107

101406545604040108
GARCIA JUANITA
9419 RIO GRANDE BLVD NW
ALBUQUERQUE, NM 87114

101406541303440104
J A B R E INVESTMENTS LLC
PO BOX 92963
ALBUQUERQUE, NM 87199

101406549402740205
LANDESS MICHAEL R
9004 RIO GRANDE BLVD NW
ALBUQUERQUE, NM 87114

101406548301040203
LIEM L BING & JAMES SAYLOR
9400 RIO GRANDE BLVD NW
ALBUQUERQUE, NM 87107

101406447451210319
NEAL CHARLES MICHAEL
9000 RIO GRANDE BLVD NW
ALBUQUERQUE, NM 87114

101406443143410132
NYBECK-RILEY KRISTINE
8809 1 RIO GRANDE BLVD NW
LOS RANCHOS, NM 87114

101406540701840101
OLSON CHRISTOPHER ETUX
PO BOX 10668
ALBUQUERQUE, NM 87184

101406542401140102
PEAY TEDDY S
8801 RIO GRANDE BLVD NW
LOS RANCHOS, NM 87114

101406544604140114
PEREA ANGELA & DOMINIC
509 EDITH NE
ALBUQUERQUE, NM 87102

101506448050020810
RUTHERFORD RJC & KRISTON
8912 RIO GRANDE BLVD NW
ALBUQUERQUE, NM 87114

101406439151110135
STEBLETON FAMILY RVT
8903 RIO GRANDE BLVD NW
LOS RANCHOS, NM 87107

101406439149810136
THOMPSON WILLIAM & S COOPER
8809 RIO GRANDE BLVD NW
LOS RANCHOS, NM 87114

101406541605240108
WEDEEN STEVEN & LINDA J
9417 RIO GRANDE BLVD NW
ALBUQUERQUE, NM 87114

101406441350410134
WETSCH NEIL E & DEBRA J
8911 RIO GRANDE BLVD NW
LOS RANCHOS, NM 87107

101406441049110131
WHITE HARVEY JOHN
8809 RIO GRANDE BLVD NW Unit 2
LOS RANCHOS, NM 87107

Public Notice Fee Invoice

Tyler & Melissa Cole
9001 Rio Grande Blvd. NW
Los Ranchos, NM 87114

Your application to the Village of Los Ranchos de Albuquerque for B&B Permit has generated a fee, to be paid by the applicant in accordance with The Village of Los Ranchos de Albuquerque Resolution No. 2012-1-3.

Hearing Date: May 8, 2012 Planning and Zoning Commission

Ad Date: April 23, 2012

Billing for: B&B 453

The fee has been broken down as follows:

Notice placed in the Albuquerque Journal:	<u>\$ 17.59</u>
Number of Public Notice Letters Mailed: 21 @ .44	<u>\$ 9.24</u>
Public Notice Sign fee	<u>\$ 2.00</u>
Total Owed	<u>\$ 28.83</u>

Please submit payment in full to:
The Village of Los Ranchos
Accounts Payable
RE: Public Notice Fee
6718 Rio Grande Boulevard NW
Los Ranchos de Albuquerque, NM 87107
Or in person at Village Hall (same address)

April 23, 2012

No further action can be taken on your application until payment is received.
Thank You.

EXH.
8

Oniva Neal
9000 Rio Grande Blvd NW
Albuquerque, NM 87114

May 2, 2012

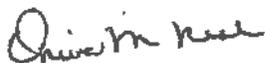
Annabelle Silvas
Village Clerk
Warren J. Gray Hall
6718 Rio Grande Blvd NW
Los Ranchos De Albuquerque, NM 87107

RE: B&B Permit #453

To Whom It May Concern:

I am the landowner at 9000 Rio Grande Blvd and unfortunately will not be able to attend the meeting being held on May 8th, 2012. I am against the permit for the Bed & Breakfast being requested by Tyler and Melissa Cole.

Sincerely,



Oniva M. Neal

Los Ranchos de Albuquerque

SETTLED C. 1661 *** INCORPORATED 1958

ETH

AGENDA
PLANNING AND ZONING
COMMISSION
REGULAR MEETING
TUESDAY, MAY 8, 2012
7:00 PM

LARRY P. AE _____

ADMINISTRATOR
KELLY S. WARD

TRUSTEES
DON LOPEZ
MAYOR PRO-TEM
PABLO RAEI
MARY HOMAN
TIM MCDONOUGH

ExH.
9

Attorney Bill Chappell

Planning Staff

Kelley Ward, Administrator
Linda Seebach, Director, Planning and Zoning

Planning & Zoning Commission

Michael Hannah, - Chair
Deborah Seligman - Vice Chair
Joseph Brawley, AIA - Secretary
Diane Albert
Sam Gollis J.D.
Allen Lewis
Tim Tourville

1. **CALL TO ORDER**

- A. Roll call
- B. Approval of Agenda

2. **PUBLIC COMMENT PERIOD**

Residents may address the Planning and Zoning Commission to comment on issues, problems, or successes on **topics that do not appear elsewhere on the agenda**. Audience members will be given an opportunity to comment on agenda items as they come up. **Speakers must register with Village Staff prior to the beginning of the meeting.**

3. **CONSENT AGENDA**

All matters listed under the Consent agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent agenda and will be considered separately.

- A. Approval of Minutes – April 10, 2012 – Regular meeting

4. PUBLIC HEARINGS AND APPLICATION

A. B&B Permit # 453 A request by Tyler and Melissa Cole for a Bed and Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area. The property is located at 9001 Rio Grande Blvd. and is known as Lot A, Land Division Plat showing Al Kaayl Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25, Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres more or less.

B. V-12-02 A request by Kelly Nuckols for a Variance from Ordinance 183 as amended, Section 6(H)(c) No solid wall or fence located with the front setback area shall be more than four (4) feet in height to allow for a six (6) foot solid wall in the front setback area in the A-1 Zone of the North Rio Grande Character Area. The property is located at 824 Ranchitos Road and is known as Tract 32A2A2 M.R.G.C.D. Map # 27, Village of Los Ranchos, Bernalillo County, New Mexico. The property contains .1259 acres more or less.

C. V-12-03 A request by Lori Stribling for a Variance from Ordinance 183 as amended, Section 6(C)(5)(a) The guest house is limited to 1,000 square feet of heated floor area to allow for a guest house (historical home) of 1,600 square feet of heated floor area in the A-3 Zone of the South Rio Grande B Character Area. The property is located at 5517 Rio Grande Blvd. NW and is legally known as Lot 47-A of Plat of Lots 47A and 56A Los Poblanos Estates (Being a replat of Lots 47 and 56), within Projected Section 30, T11N, R3E, M.R.G.C.D. Map # 30, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, May 2002. The property contains 3.000 acres more or less.

5. OLD BUSINESS

6. NEW BUSINESS

7. REPORTS

A. Planning Department Report

8. COMMISSIONER'S INFORMAL DISCUSSION

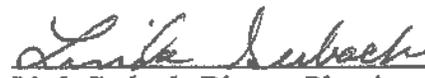
9. ADJOURNMENT

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD NW, DURING REGULAR BUSINESS HOURS OF 8:00 AM - 5:00 PM. THE PLANNING DEPARTMENT HOURS ARE FROM 8:00 AM TO NOON, AND BY APPOINTMENT FROM NOON UNTIL 5:00 PM.

THE NEXT REGULAR MEETING WILL BE HELD ON TUESDAY, JUNE 12, 2012

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 344-6582 at least one week prior to the meeting or as soon as possible.

I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and the Open Meetings Resolution 2012-1-P&Z.


Linda Seebach, Director Planning and Zoning

4-23-12
Date

PLEASE SIGN IN

VILLAGE OF LOS RANCHOS

PLANNING & ZONING COMMISSION **May 8, 2012**

If you wish to give testimony regarding an item on the agenda, please sign-up below:

NAME (print)	SIGNATURE	ADDRESS, CITY	ZIP CODE	PHONE	AGENDA ITEM
Linda Seebach		6718 Rio Grande Blvd NW	87107	344-6582	
LAWRENCE STEELE	<i>[Signature]</i>	8203 Rio Grande Blvd	87114	878-5871	8203 Rio Grande Blvd
Kelly Buckols	<i>[Signature]</i>	824 Ranchitos Rd NW	87114	435-3121	824 Ranchitos
LOBI STRIBLING	<i>[Signature]</i>	5517 Rio Grande NW	87107	345-4538	Variance
TYLER COLE	<i>[Signature]</i>	9001 RIO GRANDE NW	87114	681-8535	RFB 9001 Rio Grande



PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: April 23, 2012

REPORT NO. PZ-12-15
File: BB#453

PREPARED FOR: Village of Los Ranchos Planning and Zoning Commission

SUBJECT: A request for a Bed and Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area.

APPLICANT: Tyler and Melissa Cole, property owners

LOCATION AND PROPERTY DESCRIPTION:

The property is located at 9001 Rio Grande Blvd. and is known as Lot A, Land Division Plat showing Al Kaayl Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25, Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres more or less.

PROJECT:

The owners are requesting a Bed and Breakfast permit for four (4) rooms in the residence.

Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the parcel.

The property is connected to the sanitary sewer system.

ANALYSIS:

The property is a perfect location and site for a Bed and Breakfast. Located on the northern most edge of the Village, access to Alameda Blvd. is only minutes away, ideal for Balloon Fiesta, recreation at the Bachechi Open Space and West side shopping.

All the rules for operation of a Bed and Breakfast are listed on the application form and signed by the applicant. The Coles reside on the property as the owner/operators and have agreed to comply with all Village requirements.

Ordinance 183 as amended, Section 24(E)(8)(b)(5) Meals may or may not be served. The owners will not be serving meals.

Attached is a site plan and operational rules for the establishment.

DEPARTMENT RECOMMENDATION:

The Department recommends approval of the request for a Bed and Breakfast Permit as required by Ordinance 183 as amended, Section 24(E)(8) in the A-1 Zone of the North Rio Grande Character Area

4. PUBLIC HEARINGS AND APPLICATION

A. B&B Permit # 453 A request by Tyler and Melissa Cole for a Bed and Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area. The property is located at 9001 Rio Grande Blvd. and is known as Lot A, Land Division Plat showing Al Kaayl Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25, Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres more or less.

B. V-12-02 A request by Kelly Nuckols for a Variance from Ordinance 183 as amended, Section 6(H)(c) No solid wall or fence located with the front setback area shall be more than four (4) feet in height to allow for a six (6) foot solid wall in the front setback area in the A-1 Zone of the North Rio Grande Character Area. The property is located at 824 Ranchitos Road and is known as Tract 32A2A2 M.R.G.C.D. Map # 27, Village of Los Ranchos, Bernalillo County, New Mexico. The property contains .1259 acres more or less.

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I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and the Open Meetings Resolution 2012-1-P&Z.


Linda Seebach, Director Planning and Zoning

4-23-12
Date



**MINUTES
 VILLAGE OF LOS RANCHOS
 Planning and Zoning Commission
 6718 Rio Grande Blvd. NW
 Warren J. Gray Hall
 May 8, 2012
 7:00 P.M.**

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Present:

STAFF

Administrator: Kelly Ward **Attorney:** Bill Chappell
Planning Staff: Linda Seebach, Director

1. CALL TO ORDER -- Chairwoman Pro Tem Seligman called the meeting to order at 7: 00 p.m..

A. Roll Call - Commissioner Lewis, Commissioner Seligman, Commissioner Brawley, Commissioner Gollis, Commissioner Albert. Commissioner Tourville was absent, and Commissioner Hannah has been excused.

Chairwoman Pro Tem Seligman stated there was a quorum present for the meeting.

B. APPROVAL OF AGENDA

Chairwoman Pro Tem Seligman asked Planner Seebach if there were any changes to the Agenda.

Planner Seebach stated that there were no changes.

MOTION: Commissioner Brawley moved approval of the Agenda.

SECOND: Commissioner Lewis seconded the motion.

VOTE: The motion carried unanimously (5-0).

2. PUBLIC COMMENT PERIOD- None

3. CONSENT AGENDA

A. Approval of Minutes – April 10, 2012.

Chairwoman Pro Tem Seligman asked if there were any changes to the minutes or was there a motion.

MOTION: Commissioner Gollis moved approval of the minutes for April 10, 2012.

SECOND: Commissioner Brawley seconded the motion.

VOTE: The motion carried unanimously (5-0).

1 **4. PUBLIC HEARINGS AND APPLICATIONS**

2
3 **Chairwoman Pro Tem Seligman** asked Attorney Chappell to swear those in who would
4 be speaking before the Commission.

5
6 **Attorney Chappell** swore in those present who would be speaking before the
7 Commission.

8
9 **A. B&B Permit # 453** A request by Tyler and Melissa Cole for a Bed and
10 Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in
11 the A-1 Zone of the North Rio Grande Character Area. The property is located at
12 9001 Rio Grande Blvd. and is known as Lot A, Land Division Plat showing Al
13 Kaayi Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts
14 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25,
15 Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres
16 more or less.

17
18 **Chairwoman Pro Tem Seligman** asked Planner Seebach for the Planning Report.

19
20 **Planner Seebach** gave the Planning Report with recommendation for approval with
21 conditions and findings and added that they had received one letter of protest from the
22 resident at 9000 Rio Grande Blvd NW, Albuquerque, NM.

23
24 **Chairwoman Pro Tem Seligman** asked if there were any questions for Planner
25 Seebach from the Commission. She then asked the applicant to address the
26 Commission by stating his name and address for the record.

27
28 **Tyler Cole** 9001 Rio Grande Blvd NW stated that the application is for a bed and
29 breakfast, then described the property with notation that they can have vacationers, but
30 will be doing the work themselves with no employees. They feel that this fits in with the
31 2020 Master Plan that will bring people into the area to enjoy the area.

32
33 **Chairwoman Pro Tem Seligman** thanked Mr. Cole then asked if there were any
34 questions for Mr. Cole.

35
36 **Commissioner Gollis** asked if he had any discussions with the neighbor who has noted
37 her opposition to the permit request.

38
39 **Tyler Cole** state he had not talked to her, but to the closest neighbor, who lives behind
40 them and they stated it was not an issue with them.

41
42 **Commissioner Gollis** thanked Mr. Cole, stating that he was just curious.

43
44 **Commissioner Brawley** stated he was sure that Mr. Cole had done his homework on
45 bed and breakfasts; what did he suspect the average length of stay for a guest?

46
47 **Tyler Cole** stated that three days is the average with the target days being the Balloon
48 Fiesta which is a week.

49
50 **Commissioner Brawley** stated that he understood that Mr. Cole would maintain his
51 residence at the main house.

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Tyler Cole affirmed the statement.

Commissioner Albert asked if the person who wrote the protest letter at 9000 Rio Grande lived in the house across the street that is for sale.

Tyler Cole stated that would be to the north.

Commissioner Albert stated that was not the property for sale. She was trying to figure out where 9000 would be and isn't there a property right across the street that is for sale.

Tyler Cole stated the Izzy Gallegos house is for sale but that is not 9000; that address is still north of that house.

Commissioner Albert asked if 9000 was directly across the street from Mr. Cole's house.

Tyler Cole stated that he thought 9000 was north of his property, that the addresses get a little weird in that area.

Commissioner Albert asked Planner Seebach if she knew where 9000 was.

Planner Seebach answered with a negative.

Chairwoman Pro Tem Seligman asked if there was anyone in favor of the proposal.

Lawrence Stebleton 8903 Rio Grande Blvd NW stated that this is part of the Al Kaayl subdivision which is named after an Arabian horse operation that was there at one time and that he had lived in the Village for 25 years. He is against the bed and breakfast and stated that Mr. Cole is not running a bed and breakfast because he is not serving breakfast. It's a motel. The property has been many things, in fact there is an L-shaped thing in the back part of the property and one of the trustees lived there for years. But that is only one unit and he will have to have extensive construction to make it into a 4 unit thing. One thing is that it is against the mission of the Village to maintain rural atmosphere. The gentleman who lives there now has only lived there a couple of years and doesn't know the area. They have tried to keep businesses off Rio Grande Blvd. and he is only aware of one B & B and it is right across from the hall here. Once they put businesses in a rural area, they lower property values. They have always been against businesses on Rio Grande Blvd. and they are setting a bad precedent once they start putting businesses along Rio Grande and he would like it not approved. He then asked if they had any questions.

Chairwoman Pro Tem Seligman thanked Mr. Stebleton. She stated that they had taken him out of order and asked if there was anyone who wanted to speak in favor of the proposal or was there anyone who wanted to speak in opposition to the proposal and would note that Mr. Stebleton was against the proposal. She then closed the floor to comments.

Commissioner Brawley stated he had a question for Mr. Cole.

Chairwoman Pro Tem Seligman asked Mr. Cole to return to the podium.

1 Commissioner Brawley asked Mr. Cole if the four (4) bedrooms already existed on the
2 property.

3
4 Tyler Cole stated that they do exist and what they are anticipating is one vacationer at a
5 time because most vacationers need more than one room.

6
7 Commissioner Brawley asked him if he intended to build more bedrooms.

8
9 Tyler Cole stated he was not and just for the record he has lived in the Village for ten
10 (10) years having lived in Los Poblanos Orchards and is sensitive to the theme of the
11 Village. He believes that a vacationer staying on their property can enjoy the Village and
12 will virtually not have any impact what so ever.

13
14 Commissioner Brawley stated that it looked like the property is gated and they could
15 provide some secure atmosphere for out of town guests.

16
17 Tyler Cole stated that guests will have gate access by code and they have covered
18 parking so the visual impact is minimized.

19
20 Commissioner Albert commented that she had minor notations on his rules of
21 operation, there are a couple of typos that might need to be fixed and as an aside she
22 has a business in her home and has not seen a depletion in property values.

23
24 **MOTION:** Commissioner Brawley moved to approve the request for a Bed and
25 Breakfast Permit as required by Ordinance 183 as amended, Section 24(E)(8) in the A-1
26 Zone of the North Rio Grande Character Area with the conditions:

27
28 All requirements for Bed and Breakfast permit as listed in Ordinance 183 as amended,
29 Section 24(E)(8)(B) be met and adhered to.

30
31 Findings:

32
33 The property is currently zoned A-1 and is within the North Rio Grande Character Area.

34
35 Bed and Breakfast establishments are an allowable use in the A-1 Zone under
36 Ordinance 183 as amended, Section 24(E)(8)(a).

37
38 The application was public noticed per Ordinance 183 as amended, Section 24(F)(2).

39
40 The application meets the 2020 Master Plan Overall Village Goal 1.2.2 The goal is to
41 create and promote the Village as a destination point where visitors and residents alike
42 want to be and can take part in the Village lifestyle.

43
44 **SECOND:** Commissioner Gollis seconded the motion.

45
46 **VOTE:** The motion carried unanimously (5-0).

47
48 **B. V-12-02 A** request by Kelly Nuckols for a Variance from Ordinance 183 as
49 amended, Section 6(H)(c) No solid wall or fence located within the front setback
50 area shall be more than four (4) feet in height to allow for a six (6) foot solid wall
51 in the front setback area in the A-1 Zone of the North Rio Grande Character

1 Area. The property is located at 824 Ranchitos Road and is known as Tract
2 32A2A2 M.R.G.C.D. Map # 27, Village of Los Ranchos; Bernalillo County, New
3 Mexico. The property contains .1259 acres more or less.
4

5 **Chairwoman Pro Tem Seligman** recognized Commissioner Albert.

6
7 **Commissioner Albert** recused herself from this discussion.

8
9 **Chairwoman Pro Tem Seligman** asked Planner Seebach for the Panning Report.

10
11 **Planner Seebach** gave the Panning Report with recommendations of denial with
12 findings.

13
14 **Chairwoman Pro Tem Seligman** asked if there were any questions for Planner
15 Seebach from the Commission.

16
17 **Commissioner Gollis** stated he didn't want to put Planner Seebach on the spot, but
18 they have obviously had number of these on not necessarily Ranchitos itself but some of
19 the roads that run between Rio Grande and 4th Street. Traffic is always listed, if not the
20 sole concern. It's one of the concerns and the noise of traffic and everything else. The
21 conclusion she has reached, is it because plain and simply the applicant has raised the
22 traffic issue as the sole issue in support to justify the application.
23

24 **Planner Seebach** stated the hardships of the traffic and the personal safety issues are
25 not particular to this property alone and that is why. It is a common problem of the major
26 feeder streets of the Village. Personally she feels that when there is visual observation
27 allowable a person is safer and she has had discussions with the Sheriff's department
28 and the Public Safety Director, who concur.
29

30 **Commissioner Gollis** asked if this applicant had offered additional or multiple
31 justifications besides the one they offered, would that have changed her analysis.
32

33 **Planner Seebach** stated since there were no others, she cannot answer that.

34
35 **Commissioner Gollis** stated that was fair enough.
36

37 **Commissioner Brawley** stated the other factors have been in the Master Plan in its
38 various reiterations; one is the concern about gated communities that look inward and
39 then create a canyonized road. The examples in the Village are that portion of Chavez
40 Road between Rio Grande Blvd. and Guadalupe Trail. There is an area there where
41 Caballero has put up an adobe wall and the wall on the other side. There has been
42 some mitigation to try and make it a little friendlier. But, it is a very un-pedestrian friendly
43 area. It is not a place they would choose to walk. The wall on the east side of Rio
44 Grande and the Los Poblanos Orchard area is another example where the canyonization
45 of roads leads to a feeling in the Village that is much more urban and less rural or
46 relaxed. There are planning issues why, they, as a Village have chosen these walls
47 facing the feeder streets to keep them to the minimum sizes they have set in the zoning
48 ordinance. He wanted to say that to remind the Commissioners, but also to help flesh
49 out some of the reasoning as to why they are adamant about the heights of these walls.
50

1 **Planner Seebach** pointed out the difference between an entire subdivision being
2 surrounded by a solid wall and one very small property. That is why she concurs with the
3 safety officers. In a gated community they have their neighbors that can see what is
4 going on with the property; with one small property there is no visual access because it
5 is completely walled in.

6
7 **Commissioner Lewis** asked how long the six foot wall next door has been there.

8
9 **Planner Seebach** stated that she did not know, but she had looked at the 1996 ortho
10 and the wall was already there.

11
12 **Chairwoman Pro Tem Seligman** asked how many walls in the Village vary from the
13 ordinance.

14
15 **Planner Seebach** stated that she had no idea.

16
17 **Chairwoman Pro Tem Seligman** asked if there would be more than ten.

18
19 **Planner Seebach** stated probably, but that she did not have an idea of how many there
20 actually were.

21
22 **Chairwoman Pro Tem Seligman** asked the applicant to address the Commission and
23 to state her name and address for the record.

24
25 **Kelly Nuckols** 824 Ranchitos Road stated that in her letter asking for the variance, she
26 explained that since 2003, she has been on disability with problems from noise
27 sensitivity and problems with insomnia. She has one of the speed signs in front of her
28 house and cars use it to gage how fast they are going and traffic can be loud. She stated
29 that she had talked to someone at the Fire Marshall's office and to Mr. Radosevich about
30 whether research had been done on the four (4') foot wall being safer than a six (6') foot
31 wall. That it was just an opinion. It has never been researched and never documented. It
32 is just an opinion that a six (6') foot wall can deter and can also be safer. Her neighbor
33 had his variance approved for the same reasons. In front of her house, she doesn't
34 know why but, everyone turns around at that point. The reason the wall next door was
35 put in to begin with is because some car went thru the property and into the house. She
36 stated that she will be landscaping outside the wall so as not to appear tunnel like and
37 will be aesthetically pleasing to the Village.

38
39 **Chairwoman Pro Tem Seligman** asked if there were any questions for Ms. Nuckols
40 from the Commission.

41
42 **Commissioner Brawley** asked how far the house sets back from the front property line.

43
44 **Kelly Nuckols** stated it is twenty seven (27)" feet back from the property line:

45
46 **Commissioner Brawley** stated he thought the set back for that area was twenty five
47 (25) feet so it would be difficult to put in a screen wall. The other option to make the
48 house quiet would be to put up a screen wall that would be made out of a dense material
49 like adobe. Which would then make the house very quiet; then it could be as high as
50 twenty five (25) feet.

1 Kelly Nuckols asked if he was talking about a six foot wall inside the property.
2

3 Commissioner Brawley stated it is called a screen wall that is often put in front of a
4 building, not as a wall for the street, but as an acoustic device for the house. That is just
5 an option she could do. That is why he was curious about how far away the front
6 property line was from the house. In terms as to what is in front of it, then you could
7 landscape it as you want.
8

9 Kelly Nuckols stated she has a small four foot portal and if she puts a wall there then
10 she is looking directly at a wall.
11

12 Commissioner Brawley stated that an opening could easily be put in.
13

14 Kelly Nuckols stated an opening would let in noise.
15

16 Commissioner Brawley stated less, if they had a wall at the street. It's a device to use
17 as a solution to the problem, which is one, not everyone thinks about a wall right at the
18 property line.
19

20 Kelly Nuckols stated she understands there are a lot of houses that have this wall, but
21 those are much larger properties than hers and will cut the front yard into nothing.
22

23 Chairwoman Pro Tem Seligman asked if there were any more questions from the
24 Commission then asked Ms. Nuckols what were her safety concerns.
25

26 Kelly Nuckols stated that being a single female she feels better without everyone who
27 goes by being able to see into her front window. As she said before a four foot wall lets
28 everyone see what's in the yard, but it lets the bad guy see also if windows are open. A
29 six foot wall or anything that tall is a deterrent. Anyone trying to get over a six foot wall
30 will be seen and she would feel safer.
31

32 Chairwoman Pro Tem Seligman asked if there were any more questions from the
33 Commissioners and if there was anyone else who wanted to speak in favor of this
34 application. She then asked if there was anyone opposed; with no one coming forward,
35 she then closed the floor to comments.
36

37 Chairwoman Pro Tem Seligman asked if there were any comments from the
38 Commission and recognized Commissioner Gollis.
39

40 Commissioner Gollis stated that he had a comment for the record. Both Commissioner
41 Brawley and himself had been on the Commission on and off through the years and
42 have both found it troubling that it is hard to obtain any consistency. The reason for that
43 is that previous decisions regarding variances don't control the question before them.
44 They are all unique and obviously the zoning ordinance should control the analysis of
45 the request. He wanted to go on the record that the applicant's request is compelling, but
46 as much as he wants it to comply with the zoning ordinance, he is not sure it does under
47 the circumstances presented.
48

49 Chairwoman Pro Tem Seligman asked if there were any other comments from the
50 Commission. She then commented that she believed the applicant had met the
51 requirements to obtain a variance. They could look to the fact that there is a wall

1 physically next door to her and this is justifiable and in accordance to the goals and
2 policies of the Master Plan. She understands the need of a six foot wall under these
3 circumstances both for safety and other reasons.
4

5 **MOTION: Commissioner Lewis** moved to deny the request for a Variance from
6 Ordinance 183 as amended, Section 6(H)(c) No solid wall or fence located within the
7 front setback area shall be more than four (4) feet in height to allow for a six (6) foot solid
8 wall in the front setback area in the A-1 Zone of the North Rio Grande Character Area,
9 with the following findings:

10
11 1) All variance requests are viewed in relation to the unique situation of each request
12 and the Commission is not bound by previous granting or denial of other variance
13 requests.
14

15 2) The Variance request does not meet the hardship requirements of Section
16 24(E)(3)(a) and (b); the hardships are not unique to the parcel, but exist throughout the
17 Village.
18

19 (a) The Variance is not in conformance with the goals and policies of the Village Master
20 Plan.
21

22 2020 Master Plan 2.1 Village Form Goal: The goal is to preserve and enhance the
23 historic and "valley" character of Village neighborhoods, roadways, mixed use center
24 and corridors.
25

26 2020 Master Plan 2.1.1 Objectives: Preserve unique characteristics of Village
27 corridors and character areas by encouraging openness, views of mountains and
28 open expanses.

29 (1) It is contrary to the public interest to not enforce ordinances in residential
30 areas; and

31 (2) Owing to special conditions, a literal enforcement of this Ordinance will not
32 result in unnecessary hardship as traffic noise and safety are concerns of all
33 Village residents and not unique to this property.
34

35 Accordingly, the Variance request does not meet the hardship requirements of
36 Section 24(E)(3)(a) and (b) (1) through (6).
37

38 **SECOND: Commissioner Brawley** seconded the motion.
39

40 **VOTE: The motion** carried (3-1) with Commissioner Seligman voting against.
41

42 **Chairwoman Pro Tem Seligman** stated for the record that Commissioner Lewis moved
43 to deny the request for a Variance from Ordinance 183 as amended, Section 6(H)(c) No
44 solid wall or fence located within the front setback area shall be more than four (4) feet
45 in height to allow for a six (6) foot solid wall in the front setback area in the A-1 Zone of
46 the North Rio Grande Character Area. Commissioner Brawley seconded and the motion
47 carried by a 3 to 1 vote.
48

49 **HOUSEKEEPING NOTE: Commissioner Albert** returned to the discussion.
50

1 C. V-12-03 A request by Lori Stribling for a Variance from Ordinance 183 as
2 amended, Section 6(C)(5)(a) The guest house is limited to 1,000 square feet of
3 heated floor area to allow for a guest house (historical home) of 1,600 square
4 feet of heated floor area in the A-3 Zone of the South Rio Grande B Character
5 Area. The property is located at 5517 Rio Grande Blvd. NW and is legally known
6 as Lot 47-A of Plat of Lots 47A and 56A Los Poblanos Estates (Being a replat of
7 Lots 47 and 56), within Projected Section 30, T11N, R3E, M.R.G.C.D. Map # 30,
8 Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, May
9 2002. The property contains 3.000 acres more or less.

10
11 **Chairwoman Pro Tem Seligman** asked Planner Seebach for the Planning Report.

12
13 **Planner Seebach** gave the Planning Report with recommendation for approval with
14 conditions and findings.

15
16 **Chairwoman Pro Tem Seligman** asked if there were any questions for Planner
17 Seebach; then recognized Commissioner Brawley.

18
19 **Commissioner Brawley** asked what is in the house now, is it a barn or a residence.

20
21 **Planner Seebach** stated it is a residence that it has been remodeled and updated. It is a
22 beautiful little house.

23
24 **Commissioner Gollis** stated that he isn't sure he understands. He wanted to make sure
25 he understood there is one house on the property. It is the house Planner Seebach just
26 described to Commissioner Brawley. The request is to allow that home, which is sixteen
27 hundred (1600) square feet to become a guest house meaning the perspective owner,
28 the new owners or the current owners want to build a new house turning this into a guest
29 house. There is only one house on the property, the primary residence on the property,
30 is that right.

31
32 **Planner Seebach** stated at the moment that is correct.

33
34 **Commissioner Gollis** stated that his question is how could it be a grandfathered use as
35 a guest house if it is the only and primary residence on the property?

36
37 **Planner Seebach** stated it is not a grandfathered use as a guest house. It is a
38 grandfather use as an existing building in the two hundred eighty (280) foot setback.
39 The request, if a variance is granted, is for the heated area; then the perspective owners
40 know they can use this as a guest house and they don't have to demolish it. It has to do
41 with future potential for building. Because frankly, she didn't think anybody is going to
42 pay that much money for three (3) acres to live in a sixteen hundred (1600) square foot
43 house. That is the concern of the current owner that the new owners coming in don't
44 know if they will have to demolish the house in order to build or whether they could keep
45 the house as a guest house. That is why they are requesting a variance so that if the
46 future owners do decide to build behind the two hundred eighty (280) foot setback, they
47 know that they will be able to keep the existing residence as a guest house.

48
49 **Commissioner Gollis** asked is it merely the age of the home that causes her to
50 characterize it as historic.
51

1 **Planner Seebach** stated it is in the historic district of the Los Poblanos Ranch. That
2 whole area has been declared a historical district in the Village. The oldest record they
3 could find that the house existed is 1935. There is a list of all the Los Poblanos Ranch
4 historic buildings from 1919. There is no definitive way on this long list that said where it
5 was. It only said "one home or one shed" and she could not definitively say this house on
6 the 1919 record was this particular house, so the earliest she could go back was 1935.

7
8 **Commissioner Gollis** asked is the fact that it exists in the Los Poblanos Ranch historic
9 district, is there any limitations on a property owner's rights for example to demolish a
10 house like this because of that designation. That designation does not carry with it any
11 requirements, obligations, or limitations does it.

12
13 **Planner Seebach** stated that it does not.

14
15 **Commissioner Albert** stated she had a couple of questions. When they draw the line
16 for the two hundred eighty (280) foot setback how much acreage is left on the property
17 that is buildable?

18
19 **Planner Seebach** stated that she had not figured that out yet, but there are three (3)
20 acres.

21
22 **Commissioner Albert** stated so there is quite a bit.

23
24 **Planner Seebach** stated there should be sufficient to build behind it.

25
26 **Commissioner Albert** asked if the property was subdividable.

27
28 **Planner Seebach** stated it is not, it is in the A-3 zone with a three (3) acre minimum.

29
30 **Commissioner Albert** stated that they can't divide and the only choice is to have the
31 buyer move into this home. The other choice is to have them approve it as a guest
32 house so they can build on the lot.

33
34 **Planner Seebach** stated that the three (3) acres is more than enough to build on.

35
36 **Commissioner Albert** clarified that access to the property is from Los Poblanos Place
37 which is a cul-de-sac.

38
39 **Commissioner Lewis** asked **Planner Seebach** for clarification, the potential buyer of the
40 lot would either have to live in this house or demolish it and build one behind the two
41 hundred eighty (280) foot setback.

42
43 **Planner Seebach** stated there is nothing that can be done with the house. Literally, the
44 house cannot be enlarged nor can they go in and build a bigger house incorporating the
45 house.

46
47 **Commissioner Lewis** clarified in the two hundred eighty (280) foot setback.

48
49 **Planner Seebach** stated because of the two hundred eighty (280) foot setback rule and
50 if the variance for the size of the guest house is not granted, then the only option left is to
51 build their house and to demolish this structure.

1 Commissioner Lewis stated he just wanted to make sure he understood the whole
2 situation. He went by the property tonight and he thinks there is probably two and a half
3 (2 ½) acres that is buildable.
4

5 Chairwoman Pro Tem Seligman stated she had a question for Planner Seebach or
6 maybe Attorney Chappell. If they were to approve this variance, is there anyway they
7 can prevent the demolition of the house.
8

9 Attorney Chappell stated that if they take action which diminishes the value of the
10 property, then that could be grounds for inverse condemnation action. In other words, if
11 they do a plan that says in a historic district they cannot tear down buildings. That is one
12 thing, but if they tell somebody they cannot do something with their property that is
13 different than the zoning law, to do it on a spot bases without a planning document, then
14 you have the question of inverse condemnation.
15

16 Chairwoman Pro Tem Seligman stated she is having problems understanding why it
17 would be an inverse condemnation and how it would be depreciation in value of the
18 property because there is already a structure on there, which would add value to the
19 property, not decrease it. By them granting a variance this would then increase the
20 value of the property; because it would permit them to build another residence of
21 whatever size. If this is a historic house, she is not following the inverse argument, but if
22 they are going to grant a variance, the issue of whether or not that historic house
23 remains is very important.
24

25 Attorney Chappell stated that whether or not there is a diminution of value, usage of
26 the property because of the restriction that they cannot demolish that house, creates
27 maintenance and everything else that comes with it. It's a factual determination. He is
28 not saying there is damage, it is a factual issue. The principle is, if they restrict a
29 person's use of their property, which diminishes the value and it is not done in
30 accordance with the proper planning process, on just an individual basis, that gives rise
31 to that kind of client.
32

33 Chairwoman Pro Tem Seligman asked isn't that what a variance is, they are asking to
34 vary the ordinance in this individual issue for a specific purpose. That is why she doesn't
35 see an inverse issue here.
36

37 Attorney Chappell stated that if they ask the probability of something coming up. If they
38 grant a variance, which is conditioned upon an agreement not to demolish that house,
39 then the question is, is that a contractual zoning, which is another problem and he didn't
40 know if anyone would ever contest it, but that is illegal because it is contractual zoning.
41 The point is, that is an issue that is very fuzzy. The fact that it would ever come up, is not
42 very clear. What the diminishment in value would be, is not there. But, contract zoning or
43 contract variance, it could be an issue. However, they place conditions many times on a
44 lot of variances and zoning. It can be vague in terms when they get over into that.
45

46 Commissioner Brawley stated that he is right in saying that Billy the Kid's initials were
47 not found carved into any beams over here and the only thing that is making this a
48 historic structure is it's age. The two hundred eighty (280) foot setback was not there
49 when the building was built, then it was there, then it was rescinded, then it was
50 reinstated. So it's like living in Columbus, New Mexico where the border has gone back
51 and forth. The building itself can be preserved or demolished by the owner. What is clear

1 is that they can't alter the building except to demolish it. They can't alter the building
2 because it sits within the two hundred eighty (280) foot setback; therefore they can't
3 enlarge the building and live in it or they choose not to. Is that correct?
4

5 **Planner Seebach** stated that is correct. They cannot do anything with the footprint of
6 that building and because of the two hundred eighty (280) foot set back that has to stay
7 that way.
8

9 **Attorney Chappell** commented that it could be done with a variance, they can get a
10 variance for that, just as they can get a variance for the guest house. When they say
11 they cannot, they cannot; if they can change the rule of the guest house with a variance
12 they can change the function of that house within the two hundred eighty (280) foot
13 setback as a variance. That is a very fluid kind of question.
14

15 **Commissioner Brawley** stated that he would agree with that, but this Commission has
16 been very reluctant to entertain a second variance to a basic variance. They have seen
17 where it has snowballed variances and have responded adversely.
18

19 **Attorney Chappell** stated that this house is not there by reason of a variance. This
20 house is by grandfathering. If they had not grandfathered that house, they would have
21 had the inverse condemnation claim once it had been torn down. This is not a variance
22 on a variance. So they handle questions in that regard by variance just as you do with
23 the guest house.
24

25 **Chairwoman Pro Tem Seligman** asked if the purpose for this variance is in order to sell
26 the property.
27

28 **Planner Seebach** stated the property is for sale and the question has come up about
29 the potential use of the house as a guest house because it does not meet the current
30 ordinance, so what is the fate of the house.
31

32 **Chairwoman Pro Tem Seligman** asked how long the applicants have owned this
33 particular piece of property.
34

35 **Planner Seebach** stated she did not know, but they can ask Ms. Stribling.
36

37 **Commissioner Brawley** stated that the variance they have been asked to consider
38 should be considered regardless of any economic benefit or not. Comparing this in its
39 unique circumstances to the ordinance they have in place, he would suggest they look at
40 it without the consideration of whether or not it is for sale. He didn't think that is the
41 issue.
42

43 **Commissioner Albert** stated that she is a strong believer in historic preservation, but
44 just because a house is old doesn't mean they want to preserve it. As she biked past this
45 house she asked herself why do they want to preserve this house and a comment was
46 made about how it had been remodeled inside and was wondering what is the historic
47 value of the house. Why should she, as a Commissioner, really care about preserving
48 this structure? If someone has the money to buy this three (3) acre property why
49 wouldn't they tear it down to build a new house? What is the value and if someone has
50 the money to buy the three (3) acres why would they want a house like this on their

1 property. What is the historic value of this house? How much has it been remodeled, is it
2 intact and pristine?
3

4 **Chairwoman Pro Tem Seligman** asked if this house was demolished, there wouldn't be
5 an issue, whoever bought can just construct another residence on there in compliance
6 with the current ordinances.
7

8 **Attorney Chappell** stated as far as he can tell, the new owner can determine what to do
9 with it in terms of living in it, demolish it or come back in for a variance for whatever they
10 wanted to do. This one appears to be a preemptory kind of thing. To say it would be
11 easier to sell if they had the condition resolved before they sold it rather than after the
12 ultimate use is determined. If a new owner wanted to build a house, they could come in
13 and make the same application.
14

15 **Chairwoman Pro Tem Seligman** stated maybe with that in mind she didn't know if this
16 was ripe; that they should be making that kind of determination. Because there are other
17 options open, which is to demolish the building. She thinks they are going through a lot
18 of circuitous reasoning in order to allow somebody to sell a piece of property, so that
19 someone can actually build a conforming property. This is giving them the option to keep
20 a non-conforming building on the property. The only way to do this was to make it a
21 guest house, as opposed to saying come back when you know. Do people want to
22 demolish it, do they want to keep it, what are they really talking about here?
23

24 **Attorney Chappell** asked if that question was for him.
25

26 **Chairwoman Pro Tem Seligman** affirmed that it was.
27

28 **Attorney Chappell** stated this is a somewhat anticipatory kind of question. Clearly it can
29 not be a guest house because there is no other house on the property. So at sometime
30 in the future it can be a guest house and the question might come up to say, is this a
31 hardship based only on an economic concern, which the ordinance says does not count.
32 What he cannot comment on, because it's a policy decision as to whether or not a
33 preliminary kind of determination is made, is this worthwhile because of historic value of
34 the building? They would probably make exceptions or rulings if it was not a historic
35 structure.
36

37 **Commissioner Brawley** stated let's assume for a moment that someone wants to buy
38 the property or the existing owner wants to develop the property they are unable to
39 develop the property, in other words expand the existing house. They would have to
40 come right back here to ask for this variance to build another building. So he has a hard
41 time seeing another avenue other than coming right back to this variance.
42

43 **Chairwoman Pro Tem Seligman** stated she can understand that, but it appears not ripe
44 because they don't know what somebody wants to do and they are asking them to
45 prematurely make a determination. She is not saying she is opposed in theory for this,
46 but they should be waiting for somebody with a definite plan to come before them. This
47 is what is going to happen on this property and then act at that time.
48

49 **Commissioner Brawley** asked if there was a building permit requested and this was an
50 action required in order to approve that building permit then she would consider this ripe.
51

1 **Chairwoman Pro Tem Seligman** stated that was correct.

2
3 **Commissioner Brawley** asked **Planner Seebach** if this variance is denied how long
4 does the proponent have to wait until they can re-submit this issue.

5
6 **Planner Seebach** stated it will be six (6) months.

7
8 **Chairwoman Pro Tem Seligman** asked how long an applicant has to withdraw a
9 request.

10
11 **Planner Seebach** stated that they need to withdraw before the vote.

12
13 **Chairwoman Pro Tem Seligman** asked the applicant to come forward and state her
14 name and address for the record.

15
16 **Lori Stribling** 5517 Rio Grande Blvd NW explained her reasons for asking for the
17 variance, mainly that she doesn't know how to represent her property. Because she
18 doesn't know how the Commission is going to deal with the casita. She would like to
19 preserve it and as long as she owns it, she will preserve it. Everyone who sees the
20 house loves it.

21
22 **Commissioner Lewis** asked what kind of stories she knows about the house.

23
24 **Lori Stribling** stated her neighbors who have lived there the longest, their kids studied
25 for their bar exams in this house. Everyone who knows of it states it has been here
26 forever. When they went to the maps, they found it predates 1935. She has maintained it
27 even to the hurt of the pocketbook. She thought maybe she could shave half of it off to
28 meet the thousand (1000) foot rule. But it is an old structure and it will only ruin it and
29 then she would have to demolish it.

30
31 **Chairwoman Pro Tem Seligman** stated if she left the house as is, then there is no
32 issue.

33
34 **Lori Stribling** stated that it was an issue to her. She cannot maintain both properties
35 since her husband passed away. She has to sell and when someone comes and looks
36 at the place and sees the casita they ask can they use it as a guest house or can they
37 build onto it. She tells them she doesn't know and they would have to come to the
38 Village and to them that is not appealing. She needs to have definition from the Village,
39 but she cannot misrepresent what she is selling.

40
41 **Chairwoman Pro Tem Seligman** asked if there were any more questions for the
42 applicant, then asked if there was any one that wanted to speak in favor of the proposal
43 or in opposition to the proposal.

44
45 **MOTION: Commissioner Gollis** moved to approve the request for Variance from
46 Ordinance 183 as amended, Section 6(C)(5)(a) The guest house is limited to 1,000
47 square feet of heated floor area to allow for a guest house (historical home) of 1,600
48 square feet of heated floor area in the A-3 Zone of the South Rio Grande B Character
49 Area with the following conditions:
50

1. The guest house will require a Conditional Use Permit as per Section 7A(C)(1) and Section 6(C)(5).
2. The guest house shall not be used as a rental unit.
3. No alteration to the foot print of the existing house shall be made.

Findings:

(a) The variance is in conformance with the goals and policies of the Village Master Plan;

- (1) It is not contrary to the public interest; and
- (2) Owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship to the property owner.

(b)

- (2) When compared to other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted.

The house predates 1935 and lies in the Los Poblanos Historic District.

- (6) The alleged hardship is such that relief is justifiable in accordance with the goals and policies of the Master Plan.

2020 Master Plan Section 5 Historic and Cultural Resources:

5.2 Historic and Cultural Goal: The goal is to recognize and preserve Village history and culture and their importance within the Rio Grande Valley.

5.2.1 Objectives: Identify significant historic features, buildings, lot patterns and ditches for preservation. Develop a sustainability plan with political action steps for preservation of significant historical and cultural properties and archeological sites.

5.2.2. Policies and Action Steps: In all planning actions, give high priority to the preservation of historic structures, buildings, national and state designated properties.

Therefore, the Variance request meets the requirements of Section 24(E) (a) and (b) (2) and (6).

SECOND: Commissioner Brawley seconded the motion.

Commissioner Lewis asked if someone buys this property and preserves this building and they would have to come for a variance if they wanted to tear it down and replace it with a new building in the same footprint. Or does this fall into the historic building or if it goes down, are they preserving the openness of the Village.

Commissioner Brawley stated all they can do is demolish it, they cannot rebuild on it.

Commissioner Lewis stated they could not put another one on that footprint.

1 **Chairwoman Pro Tem Seligman** stated they can build on the rest of the property.

2
3 **Commissioner Lewis** stated that is what he understood he just wondered if they could
4 say they would preserve it and a year later come in to build something more modern on
5 the spot.

6
7 **Commissioner Gollis** stated it solely gives them the option.

8
9 **Commissioner Brawley** stated they cannot build on it because the building is in the two
10 hundred eighty (280) foot setback, all they can do is demolish it.

11
12 **Chairwoman Pro Tem Seligman** asked if there were any more discussion and
13 commented that she still feels premature to give them a guest house without a master
14 house. In principle she saw no problem with making that a guest house or giving them
15 the variance for the size if someone uses it as a guest house there, but she thinks it is
16 premature.

17
18 **Commissioner Albert** stated that for the record she concurred with the Chairwoman
19 Pro Tem.

20
21 **Chairwoman Pro Tem Seligman** called for a vote.

22
23 **VOTE:** The motion carried 3-2 with Commissioner Seligman & Commissioner Albert
24 against.

25
26 **5. OLD BUSINESS--None**

27
28 **6. NEW BUSINESS--None**

29
30 **7. REPORTS**

31
32 **A. Planning Department Report**

33
34 **Planner Seebach** gave her report with a notation on May 17th the MRCOG was
35 giving a workshop for Commissioners which is very informative and recommended that if
36 any of the Commissioners can go, to take the time and go. She then gave a quick report
37 on the EPA, the Mixed Use District and ordinances written, which will be given to the
38 Board of Trustees tomorrow for discussion only. Then asked the Commissioners for an
39 email if they had any comments on the ordinance they want the Board to know.

40
41 **Commissioner Albert** made comments on the bike path.

42
43 **9. COMMISSIONER'S INFORMAL DISCUSSION**

44
45 **Attorney Chappell** discussed a point of Roberts Rules of Order on discussion.

46
47 **10. ADJOURNMENT**

48 **MOTION:** Commission Gollis moved to adjourn at 8:30 p.m.

49 **SECOND:** Commissioner Lewis seconded the motion.

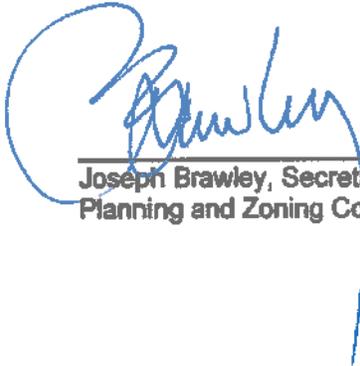
50

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VOTE: The motion carried unanimously (5-0).

APPROVED by the Planning and Zoning Commission of the Village Los Ranchos de Albuquerque this 14th day of August, 2012.

ATTEST:



Joseph Brawley, Secretary
Planning and Zoning Commission

EXH.
12

Date: May 9, 2012

OFFICIAL NOTIFICATION OF DECISION

FILE: BB # 453 A request for a Bed and Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area.

Tyler and Melissa Cole
9001 Rio Grande Blvd.
Los Ranchos, NM 87114

LEGAL DESCRIPTION:
The property is located at 9001 Rio Grande Blvd and is legally known as Lot A, Land Division Plat showing Al Kaayl Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25, Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres more or less.

On May 8, 2012 the Village of Los Ranchos de Albuquerque Planning and Zoning Commission voted by a vote of 5-0 to approve Bed and Breakfast Permit # 453 as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area with the following conditions:

All requirements for Bed and Breakfast permit as listed in Ordinance 183 as amended, Section 24(E)(8)(B) be met and adhered to.

Findings:

The property is currently zoned A-1 and is within the North Rio Grande Character Area.

Bed and Breakfast establishments are an allowable use in the A-1 Zone under Ordinance 183 as amended, Section 24(E)(8)(a).

The application was public noticed per Ordinance 183 as amended, Section 24(F)(2).

The application meets the 2020 Master Plan Overall Village Goal 1.2.2 The goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO IN THE MANNER DESCRIBED BELOW.

Ordinance 183 as amended, Section H

- (2) **Commission Decision Appeals.** Appeals of Commission decisions must be made in writing to the Village Clerk and filed within fifteen (15) calendar days to the Board of Trustees. The Village Clerk will schedule the project for review and consideration by the Board at a public hearing.
- a) The appeal must include specific and relevant reasons for the appeal, citing the appropriate Village Master Plan sections and the applicable Ordinance(s).

There is a fifteen (15) day appeal period. After the appeal period, you may proceed with the operation of your Bed and Breakfast. You will be notified if an appeal is filed which will be heard by the Board of Trustees.

Entered this 9th day of May, 2012


Linda Seebach, Director, Planning and Zoning

Linda L. Seebach

From: Linda L. Seebach
Sent: Wednesday, May 30, 2012 11:54 AM
To: 'Tyler Cole'
Subject: B&B Appeal period

Hello Tyler,

Just a note to let you know the fifteen day appeal period is past, no one filed an appeal so you may proceed with your B&B operation. Marcie will be sending your license out to you shortly.

Best of luck. If you need anything, please do not hesitate to ask.

Linda Seebach, Director, Planning and Zoning
Village of Los Ranchos de Albuquerque
6718 Rio Grande Blvd. NW
Los Ranchos de Albuquerque, NM 87107

www.losranchosnm.gov

 (505) 344-6582 office

 (505) 344-8978 fax

 lseebach@losranchosnm.gov

[Find us on Facebook](#), [Follow us on Twitter](#), [Check us out on YouTube](#)

5/30/2012

EXH. 13

VILLAGE OF LOS RANCHOS
BED & BREAKFAST RENEWAL

FEE: \$50.00

NAME: Tyler & Melissa Cole

ADDRESS: 9001 Rio Grande Blvd NW

MAILING ADDRESS:

TELEPHONE: 505-344-9665

CELL: 505-681-8535

EMAIL ADDRESS: tyler@mrthh.com

WEBSITE:

Please mail check or money order to: Village of Los Ranchos, 6718 Rio Grande Blvd NW, Los Ranchos, NM 87107

BUSINESS NAME: The Alameda House

HO #: 453

NATURE OF BUSINESS: Bed & Breakfast

CRS #: 02-942643-00-0

Applicant is:

Individual

Partnership

Corporation NMSCC # 2226710

LLC

DOES THE STATE OF NEW MEXICO REQUIRE A LICENSE FOR THIS OCCUPATION YES NO

Bed and Breakfast should have food license if they serve food to clients. Does not serve food on premises.

Have any changes occurred in the past year to the business? (i.e. we added employees or changed addresses)

No

I certify that this application is true and accurate to the best of my knowledge.



Signature

11/14/12

Date

DEADLINE FOR RENEWALS IS 11/30/12 IF MAILED DATE STAMP MUST BE BEFORE THIS DATE SO NOT TO BE ASSESSED A LATE FEE OF \$10.00

DATE: 11/28/12

OFFICE USE ONLY

CHECK # 1185 CASH

under MRT Heavy Hauling

RECEIPT # 339271

STAFF INITIALS 

VILLAGE OF LOS RANCHOS

Bed & Breakfast Business Registration License # 453

Business Name: The Alameda House

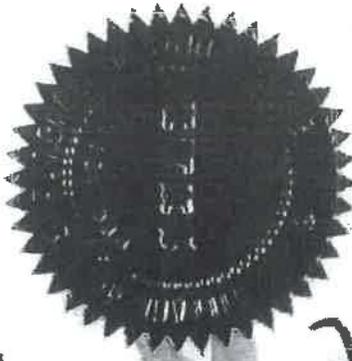
CRS No. 02-942643-00-0

Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

**THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
FOR THE CALENDAR YEAR 2013.**

DATE: 11/28, 2012

ATTEST:



Amabel Suber
Village Clerk

This license must be posted at business location.

VILLAGE OF LOS RANCHOS

**Bed & Breakfast Business Registration
License # 453**

Business Name: The Alameda House

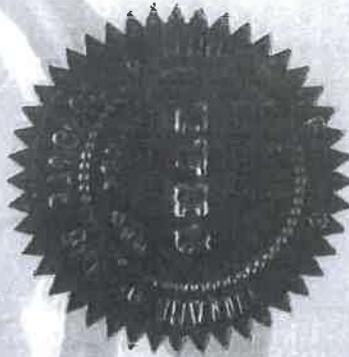
CRS No. 02-942643-00-0

Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

**THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
FOR THE CALENDAR YEAR 2014.**

DATE: December 31, 2013

ATTEST:



Stephanie Dominguez

Stephanie Dominguez, Village Clerk

This license must be posted at business location.

VILLAGE OF LOS RANCHOS

2014 BED & BREAKFAST RENEWAL

FEE: \$50.00

LATE FEE: \$10

NAME: Tyler & Melissa Cole

ADDRESS: 9001 Rio Grande Blvd NW

MAILING ADDRESS:

TELEPHONE: 505-344-9665

CELL: 505-681-8535

EMAIL ADDRESS: tyler@mrthh.com

WEBSITE:

Please mail check or money order to: Village of Los Ranchos, 6718 Rio Grande Blvd NW, Los Ranchos, NM 87107

BUSINESS NAME: The Alameda House

HO #: 453

NATURE OF BUSINESS: Bed & Breakfast

CRS #: 02-942643-00-0

LAST 4 DIGITS SS #

Applicant is:

Individual

Partnership

Corporation NMSCC # 2226710

LLC

DOES THE STATE OF NEW MEXICO REQUIRE A LICENSE FOR THIS OCCUPATION YES NO

Bed and Breakfast should have food license if they serve food to clients. Does not serve food on premises.

Have any changes occurred in the past year to the business? (i.e. we added employees or changed addresses)

I certify that this application is true and accurate to the best of my knowledge.

Signature

Date

DEADLINE FOR RENEWALS IS 12/31/13 IF MAILED DATE STAMP MUST BE BEFORE THIS DATE SO NOT TO BE ASSESSED A LATE FEE OF \$10.00

OFFICE USE ONLY

DATE: 1/2/14

CHECK # 9530 CASH

RECEIPT # 421 607

STAFF INITIALS MB

VILLAGE OF LOS RANCHOS

**Bed & Breakfast Business Registration
License # 453**

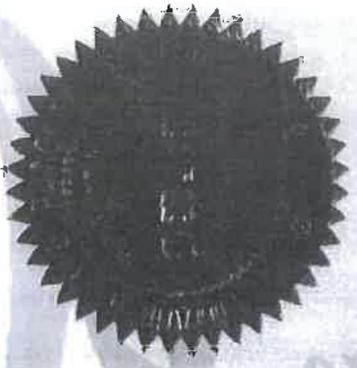
Business Name: The Alameda House

CRS No. 02-942643-00-0

Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

**THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
FOR THE CALENDAR YEAR 2015.**

DATE: November 24, 2014 **ATTEST:**



Stephanie Dominguez

Stephanie Dominguez, Village Clerk

This license must be posted at business location.



**2015 RENEWAL OF HOME OCCUPATION PERMIT
VILLAGE OF LOS RANCHOS**

www.losranchosnm.gov
 6718 Rio Grande Blvd NW
 Los Ranchos, NM 87107
 Phone: 505-344-8582

ANNUAL FEE: \$50.00

Renewals are due December 31st

LATE FEE: \$10.00

Name of Business: THE ALAMEDA HOUSE	Owner: TYLER & MELISSA COLE
Business Website: <u>www.stay-alameda.com</u>	Facebook: NONE
Email: tyler@mhnh.com <u>melissa@stay-alameda.com</u>	
Business Address: 9001 RIO GRANDE BLVD. NW	Los Ranchos, NM <input type="checkbox"/> 87107 <input checked="" type="checkbox"/> 87114
Phone Number: 505-344-9685	Cell: 505-681-8535 <u>505-350-7587</u>
Mailing Address (if different from business address):	

TYPE OF BUSINESS (check all that apply)	STATE GROSS RECEIPTS INFORMATION
<input type="checkbox"/> Construction	Business name as it appears on CRS certificate
<input type="checkbox"/> Consultant	MRT HEAVY HAULING
<input type="checkbox"/> Professional	CRS#
<input type="checkbox"/> Manufacturing	02-942643-00-0
<input type="checkbox"/> Retail	Zipcode Registered Under: 87114
<input type="checkbox"/> Service	Last 4 numbers of FEIN or SSN:
<input checked="" type="checkbox"/> Other (specify) BED AND BREAKFAST (NO FOOD)	FOR OFFICIAL USE ONLY
	Year: 2015
	Registration: HO #453
<input type="checkbox"/> Individual	Registration Date: <u>11-21-14</u>
<input type="checkbox"/> Partnership	Receipt No: <u>422782</u>
<input checked="" type="checkbox"/> Corporation (NMSCC No.) 2226710	Check No.: <u>9510</u>
<input type="checkbox"/> LLC (NMPRC No.)	Staff Name: <u>MB</u>
DOES THE STATE OF NEW MEXICO REQUIRE A LICENSE FOR THIS OCCUPATION? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> BED & BREAKFAST SHOULD HAVE FOOD PERMIT THIS ONE DOES NOT SERVE FOOD ON PREMISES	

I certify, that to my knowledge, this is a true and accurate application.

Print Name: Melissa R. Cole

Signature: Melissa R. Cole

Date: 11.3.2014

VILLAGE OF LOS RANCHOS

Bed & Breakfast Business Registration License # 453

Business Name:

The Alameda House

CRS No.

02-942643-00-0

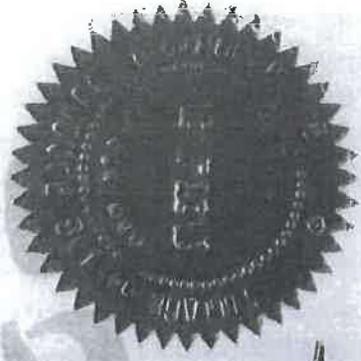
Location:

9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

**THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
FOR THE CALENDAR YEAR 2016.**

DATE: DECEMBER 11, 2015

ATTEST:



A handwritten signature in black ink, appearing to read "Stephanie Dominguez".

Stephanie Dominguez, Village Clerk

This license must be posted at business location.



**2016 RENEWAL OF HOME OCCUPATION PERMIT
VILLAGE OF LOS RANCHOS**

www.losranchosnm.gov
 6718 Rio Grande Blvd NW
 Los Ranchos, NM 87107
 Phone: 505-344-6582

ANNUAL FEE: \$50.00

Renewals are due December 31st

LATE FEE: \$10.00

Name of Business: THE ALAMEDA HOUSE	Owner: TYLER & MELISSA COLE
Business Website: stay-alameda.com	Facebook: NONE
Email: melissa@stay-alameda.com	
Business Address: 9001 RIO GRANDE BLVD. NW	Los Ranchos, NM <input type="checkbox"/> 87107 <input checked="" type="checkbox"/> 87114
Phone Number: 505-344-9665	Cell: 505-350-7587
Mailing Address (if different from business address):	

TYPE OF BUSINESS (check all that apply)	STATE GROSS RECEIPTS INFORMATION
<input type="checkbox"/> Construction	Business name as it appears on CRS certificate
<input type="checkbox"/> Consultant	MRT HEAVY HAULING
<input type="checkbox"/> Professional	CRS#
<input type="checkbox"/> Manufacturing	02-942643-00-0
<input type="checkbox"/> Retail	Zipcode Registered Under: 87114
<input type="checkbox"/> Service	Last 4 numbers of FEIN or SSN:
<input checked="" type="checkbox"/> Other (specify) BED AND BREAKFAST (NO FOOD)	FOR OFFICIAL USE ONLY
	Year: 2016
	Registration: HO #453
<input type="checkbox"/> Individual	Registration Date: 11/15/15
<input type="checkbox"/> Partnership	Receipt No: 348 493
<input checked="" type="checkbox"/> Corporation (NMSCC No.) 2226710	Check No.: 9649
<input type="checkbox"/> LLC (NMPRC No.)	Staff Name: MB
DOES THE STATE OF NEW MEXICO REQUIRE A LICENSE FOR THIS OCCUPATION? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> BED & BREAKFAST SHOULD HAVE FOOD PERMIT THIS ONE DOES NOT SERVE FOOD ON PREMISES	

I certify, that to my knowledge, this is a true and accurate application.

Print Name: Melissa Cole

Signature: Melissa Cole

Date: Dec. 9th, 2015

VILLAGE OF LOS RANCHOS

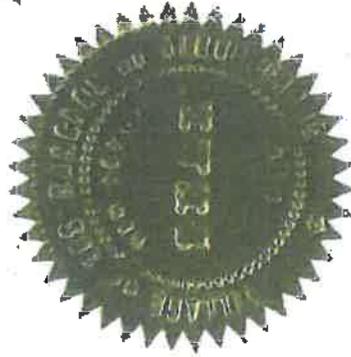
**Bed & Breakfast Business Registration
License # 453**

Business Name: The Alameda House

CRS No. 02-942643-00-0

Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

***THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
Expires December 31, 2018***



Attested this day November 28, 2017

Stephanie Dominguez, Village Clerk

This license must be posted at business location.



**2017 RENEWAL OF HOME OCCUPATION PERMIT
VILLAGE OF LOS RANCHOS**

www.losranchosnm.gov
6718 Rio Grande Blvd. NW
Los Ranchos, NM 87107
Phone: 505-344-8582

ANNUAL FEE: \$50.00 Renewals are due December 31st LATE FEE: \$10.00

Name of Business: THE ALAMEDA HOUSE	Owner:	TYLER & MELISSA COLE
Business Website: stay-alameda.com	Facebook:	NONE
Email: melissa@stay-alameda.com		
Business Address: 9001 RIO GRANDE BLVD. NW	Los Ranchos, NM	<input type="checkbox"/> 87107 <input checked="" type="checkbox"/> 87114
Phone Number: 505-344-9865	Cell:	505-350-7587
Mailing Address (if different from business address):		

TYPE OF BUSINESS (check all that apply)	STATE GROSS RECEIPTS INFORMATION
<input type="checkbox"/> Construction	Business name as it appears on CRS certificate
<input type="checkbox"/> Consultant	MRT HEAVY HAULING
<input type="checkbox"/> Professional	CRS#
<input type="checkbox"/> Manufacturing	02-942643-00-0
<input type="checkbox"/> Retail	Zipcode Registered Under: 87114
<input type="checkbox"/> Service	Last 4 numbers of FEIN or SSN:
<input checked="" type="checkbox"/> Other (specify) BED AND BREAKFAST (NO FOOD)	FOR OFFICIAL USE ONLY
	Year: 2017
	Registration: HO #453
<input type="checkbox"/> Individual	Registration Date: 12/30/16
<input type="checkbox"/> Partnership	Receipt No: 322284
<input checked="" type="checkbox"/> Corporation (NMSCC No.) 2226710	Check No.: 9585
<input type="checkbox"/> LLC (NMPRC No.)	Staff Name: Macey
DOES THE STATE OF NEW MEXICO REQUIRE A LICENSE FOR THIS OCCUPATION? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> BED & BREAKFAST SHOULD HAVE FOOD PERMIT THIS ONE DOES NOT SERVE FOOD ON PREMISES	

I certify, that to my knowledge, this is a true and accurate application.

Print Name: TYLER COLE

Signature: *Tyler Cole*

Date: 12/23/16

Subject: Village Los Ranchos Online Store: new order #76
Date: Tuesday, November 28, 2017 at 8:52:49 AM Mountain Standard Time
From: Ecwid
To: checkout

You have received a new order from Village Los Ranchos Online Store!



New order [#76](#)

Total \$50.00 PAID

Nov 28, 2017, 10:52 AM

Items



Home Occupation Renewal Fee

SKU: #HORENEW

NAME OF BUSINESS OR NAME OF OWNER: Tyler and Melissa
Cole THE ALAMEDA HOUSE

Price per Item: \$50.00

Quantity: 1

Subtotal	\$50.00
Total	\$50.00

Customer

Tyler Cole
tyler@mrthi.com

Billing Info

Tyler Cole
THE ALAMEDA HOUSE, 9001 Rio Grande Blvd, Los Ranchos, New Mexico, 87114, United States
United States
Phone 505-350-1695

VILLAGE OF LOS RANCHOS

**Bed & Breakfast Business Registration
License # 453**

Business Name: The Alameda House

CRS No. 02-942643-00-0

Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

***THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
Expires December 31, 2019***

Attested this day November 19, 2018



Stephanie Dominguez, Village Clerk

This license must be posted at business location.

Subject: Village Los Ranchos Online Store: new order #261
Date: Friday, November 16, 2018 at 2:05:32 PM Mountain Standard Time
From: Ecwid
To: checkout

You have received a new order from Village Los Ranchos Online Store!



New order #261 >

Total \$50.00 PAID

Nov 16, 2018, 04:05 PM

Items



Home Occupation Renewal Fee

SKU: #HORENEW

NAME OF BUSINESS OR NAME OF OWNER: the alameda house

Price per item: \$50.00

Quantity: 1

Subtotal	\$50.00
Total	\$50.00

Customer

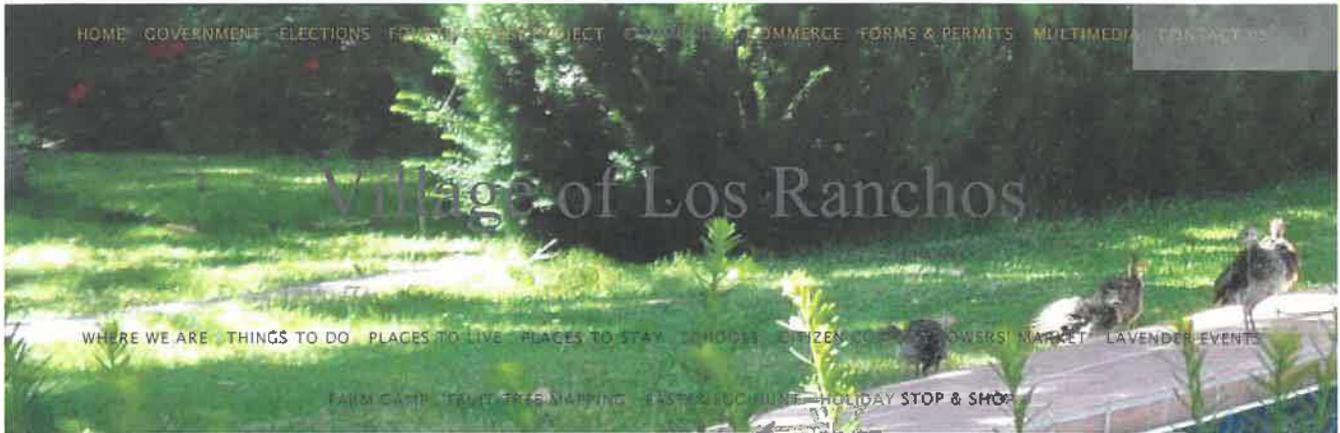
Melissa Cole
melissa@mrthh.com

Billing Info

Melissa Cole
9001 RIO GRANDE BLVD. NW, Los Ranchos de Albuquerque, New Mexico, 87114, United States
Phone 5053507587

Payment method

EXN.
14



Places to Stay in the Village



Los Poblanos Historic Inn & Organic Farm

Now that you've planned the perfect trip, let us help you find the perfect pillow. With our inns, hotels, motels, and bed and breakfasts, you're sure to find the perfect lodging in Los Ranchos depending on your preferences, amenities and budget. With accommodations to fit every taste and style, we'll help you locate your ideal home away from home while you visit our beautiful Village.

Adobe Garden at Los Ranchos (Bed & Breakfast)

Three acre Hacienda Estate with cottonwoods, courtyards, mountain views, outdoor pool, portals, private baths, and fireplaces in a semi-rural setting.

641 Chavez Road NW, 87107
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6851 4th Street NW, 87107
elcaminomotel505@gmail.com
505-344-1606

Los Poblanos Inn & Cultural Center

Set among 25 acres of lavender fields and lush formal gardens, Los Poblanos is one of the most prestigious historic properties in the Southwest.
info@lospoblanos.com
Fax 505-342-1302
803 Rio Grande Blvd NW, 87107
505-344-9297 or Toll Free 1-866-344-9297

Sabande Grande Bed & Breakfast

5637 Rio Grande Blvd NW, 87107
505-345-2943

Village of Los Ranchos de Albuquerque
6718 Rio Grande Blvd NW, Los Ranchos, NM 87107
505-344-6682 phone, 505-344-8978 fax
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Search

EXH
15

Subject: FW: Adobe Gardens and other B and B's in Los Ranchos
Date: Wednesday, October 31, 2012 2:03:15 PM Mountain Daylight Time
From: Ingram, Jake, NMENV
To: Linda L. Seebach
Category: Junk

From: Ingram, Jake, NMENV
Sent: Wednesday, October 24, 2012 10:02 AM
To: 'Linda L. Seebach'; Chavez, William, NMENV; Martinez, Hiromi, NMENV
Subject: RE: Adobe Gardens and other B and B's in Los Ranchos

Hello Linda,

We dropped an NOV on the door of Adobe Gardens last week. I then met them Monday and they have the paperwork to get permitted. It looks like they have been un-permitted for about 19 years. At this point they were very friendly and were willing to come into compliance. I'll keep you updated on their progress.

We also stopped by Alameda House and confirmed that they are not serving food. It is more of a vacation rental than a B and B according to the owners.

Mr. Sargeant also has the application and seemed willing to comply. So we'll give them a couple of weeks to get the paper work in and hopefully everything will go smoothly.

Thank you,

Jake

From: Linda L. Seebach [<mailto:LLSeebach@villr.com>]
Sent: Thursday, October 11, 2012 3:32 PM
To: Ingram, Jake, NMENV
Subject: Adobe Gardens

They need to be checked on.

Linda Seebach, Director, Planning and Zoning
Village of Los Ranchos de Albuquerque
6718 Rio Grande Blvd. NW
Los Ranchos de Albuquerque, NM 87107
www.losranchosnm.gov
☎ (505) 344-6582 office
☎ (505) 344-8978 fax
✉ llseebach@losranchosnm.gov
[Find us on Facebook](#), [Follow us on Twitter](#), [Check us out on YouTube](#)

PLANNING & ZONING MEETING DOCUMENTS

PUBLIC NOTICE
VILLAGE OF LOS RANCHOS

NOTICE IS HEREBY GIVEN THAT the Village of Los Ranchos de Albuquerque Planning and Zoning Commission will consider the following items at their Regular meeting on **Tuesday, June 11, 2019, 7:00 PM at the Warren J. Gray Hall, 6718 Rio Grande Blvd. NW**. Applications may be viewed at the Village Offices at the above address from 8:00 AM to 12:00 PM and by appointment 12:00 PM to 5:00 PM weekdays. The public is welcome to comment at the hearing. If you have any questions, please contact Planning and Zoning, at 344-6582.

- A. B&B #550**, An application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(1), in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.
- B. CU-12-03**, An application by Maria C. Montoya for a change to conditions of a conditional use to allow rental of a guest house, in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.
- C. ZMA 19-02** An application by Lutgen Properties, LLC for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8), for a dual zoned property in the R-2 Zone with a Special Use Permit for parking of the Guadalupe Trail Corridor and Character Area and the C-1 Zone of the Fourth Street Corridor and Character Area. The property is split in both Zoning and Character Area. The property is located at 7511 Fourth St. NW and is legally known as a certain tract of land situated within the Alameda Grant, Section 21, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, being a portion of Tract 103-B as shown on the Middle Rio Grande Conservancy District Property Map No. 27. The property contains 1.945 acres more or less.



**PUBLIC NOTICE
VILLAGE OF LOS
RANCHOS**

NOTICE IS HEREBY GIVEN THAT the Village of Los Ranchos de Albuquerque Planning and Zoning Commission will consider the following items at their Regular meeting on Tuesday, June 11, 2019, 7:00 PM at the Warren J. Gray Hall, 6718 Rio Grande Blvd. NW. Applications may be viewed at the Village Offices at the above address from 8:00 AM to 12:00 PM and by appointment 12:00 PM to 5:00 PM weekdays. The public is welcome to comment at the hearing. If you have any questions, please contact Planning and Zoning, at 344-6582.

A. B&B #550, An application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(t), in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

B. CU-12-03, An application by Maria C. Montoya for a change to conditions of a conditional use to allow rental of a guest house, in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

C. ZMA 18-02 An application by Lutgen Properties, LLC for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8), for a dual zoned property in the R-2 Zone with a Special Use Permit for parking of the Guadalupe Trail Corridor and Character Area and the C-1 Zone of the Fourth Street Corridor and Character Area. The property is split in both Zoning and Character Area. The property is located at 7511 Fourth St. NW and is legally known as a certain tract of land situated within the Alameda Grant, Section 21, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, being a portion of Tract 103-B as shown on the Middle Rio Grande Conservancy District Property Map No. 27. The property contains 1.945 acres more or less.

Journal: May 24, 2019

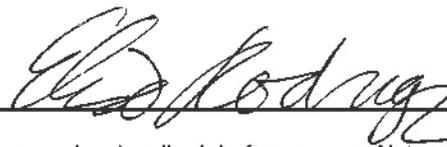
AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Elise Rodriguez, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

05/24/2019

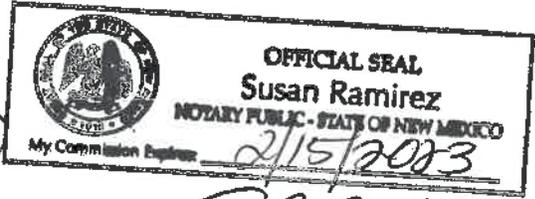


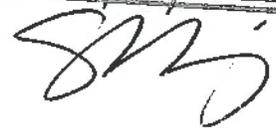
Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 24 day of May of 2019

PRICE \$116.42

Statement to come at the end of month.

ACCOUNT NUMBER 1007387





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JUN 6 2019
VILLAGE OF LOS RANCHOS

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MINUTES
VILLAGE OF LOS RANCHOS
Planning and Zoning Commission
6718 Rio Grande Blvd. NW
Warren J. Gray Hall
June 11, 2019
7:00 P.M.

Present:

Attorney: Nann Winter
Planning Staff: Tiffany Justice, Planner
Scribe: Jennifer Schilling

1. **CALL TO ORDER – Chairman Phillips** called the meeting to order at 7:01p.m.

A. ROLL CALL - Commissioner Phillips, Commissioner Pacheco, Commissioner Seavey, Commissioner Gay, Commissioner Eby. Commissioner Park was absent.

Chairman Phillips stated there was a quorum present for the meeting.

B. APPROVAL OF THE AGENDA

Chairman Phillips asked Planner Justice if there were any changes to the agenda.

Planner Justice stated that item 4C had been deferred until a complete application is been submitted, and that it should be heard in the July meeting.

MOTION: Commissioner Pacheco moved for approval of the agenda with the changes.

SECOND: Commissioner Gay seconded the motion.

VOTE: The motion carried unanimously (5-0).

2. **PUBLIC COMMENT PERIOD**

There were no public comments.

3. **CONSENT AGENDA**

A. APPROVAL OF CONSENT AGENDA

1. **Minutes of the Regular Meeting on May 14, 2019**

1 **Chairman Phillips** asked if there were any corrections or comments from the
2 Commissioners on the minutes of the May 14, 2019 meeting.

3
4 There were no corrections or comments made.

5
6 **MOTION: Commissioner Seavey** moved for approval of the minutes.

7
8 **SECOND: Commissioner Pacheco** seconded the motion.

9
10 **VOTE:** The motion carried unanimously (5-0).

11
12 **4. PUBLIC HEARINGS AND APPLICATIONS**

13
14 **Chairman Phillips** asked that all those who would be speaking, please stand
15 to be sworn in.

16
17 **Attorney Winter** swore in those in the audience who would be speaking before
18 the Commission.

19 **A. B&B #550** An application by Maria C. Montoya for a Bed and
20 Breakfast Permit as required by §9.2.25(E)(1), in the A-1 Zone of the
21 North Rio Grande Character Area. The property is located at 8650 Rio
22 Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie
23 Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant,
24 projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los
25 Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996.
26 The property contains 1.6 acres more or less.

27 **Speakers for the discussion:**

28 **Christian Reedy (Father) 8642 Rio Grande Blvd.**

29 **Jacquelynn Reedy 8640 Rio Grande Blvd.**

30 **Christian Reedy (Son) 8650 Rio Grande Blvd.**

31 **Peter Driscoll 8716 Rio Grande Blvd.**

32 **Karen Driscoll 8716 Rio Grande Blvd.**

33 **Kristopher Houghton 8650 Rio Grande Blvd.**

34 **Maria Montoya 8650 Rio Grande Blvd.**

35 **Bill Shen 8646 Rio Grande Blvd.**

36 **Felicia Montoya 8921 4th Street**

37 **Cherie Montoya 1053 Camino de Bosque 87004**

38 **David Montoya 517 Pueblo Solano**

39
40 **Chairman Phillips** read the item description for 4A and asked Planner Justice
41 for the report.

42
43 **Planner Justice** gave the Planning and Zoning report with recommendation to
44 deny the request based on the request and the current ordinances stating that
45 guesthouses may not be rented. Approving changes to the conditions for a
46 guesthouse can set a precedent and such a policy decision should be
47 discussed by the Board of Trustees.
48

1 **Chairman Phillips** asked if there were any questions for Planner Justice from
2 the Commissioners.
3

4 **Commissioner Eby** asked that if this were a B&B attached to the home, or in
5 the home, if it would make a difference in the planning and zoning department's
6 recommendations.
7

8 **Planner Justice** addressed the primary concern was whether or not the area
9 is considered a guesthouse. One of the factors in making that distinction is if
10 the area has a kitchen, as most single-family residential homes only have one
11 kitchen. Unless, there is provision for an in-home care-taker or for use as a
12 guesthouse.
13

14 **Commissioner Eby** asked if the primary concern was that this is a guesthouse
15 and the restrictions for guesthouses are more restrictive than a bed and
16 breakfast?
17

18 **Planner Justice** replied that it is usually the intent that a bed and breakfast
19 would occur in the same single-family home as the property owner, requiring
20 the property owner to live in the same residence as the bed and breakfast. The
21 family could live in the guesthouse and rent the single-family dwelling unit;
22 however, the guesthouse explicitly cannot be rented.
23

24 **Commissioner Eby** asked if the department looks differently on traditional bed
25 and breakfasts vs. an Airbnb or VRBO.
26

27 **Planner Justice** stated that there is no policy specifically on Airbnb or VRBO's.
28 Primarily for a bed and breakfast the concern is that, while other bed and
29 breakfasts have owners that live in residence, often Airbnb's are not operated
30 by the property owner in residence; the owners operate the bed and breakfast
31 but live somewhere else. The primary concern is that they (Airbnb's) are not
32 usually listed as bed and breakfasts and are usually operated without a permit.
33 However, in this case, the owners have applied for a permit.
34

35 **Commissioner Eby** stated that the planning report recommends denial but
36 there was another page listing the findings for approval. She asked what that
37 was about.
38

39 **Planner Justice** replied that those were requirements for approval of a bed
40 and breakfast in general, so that page showed that the application meets those
41 requirements, except that the bed and breakfast would be operated from a
42 guesthouse, which is the concern because guesthouses cannot be rented.
43

44 **Chairman Phillips** asked if there were any further questions from the
45 Commissioners.
46

47 **Commissioner Gay** asked if this house was attached to the house that the
48 owners live in, would it then qualify to be allowed as a bed and breakfast?
49

1 **Planner Justice** stated that if the guesthouse were attached to the house as
2 an addition it could be used as a bed and breakfast, however an addition would
3 not have that extra kitchen, which would make it a guesthouse.
4

5 **Commissioner Gay** asked if the Planning and Zoning Director had
6 recommended remanding the issue to the Board of Trustees due to the
7 concern that approval could set up a precedent, and that currently there is not
8 have a clear direction on that. He asked if that is why it was submitted by
9 Planner McDonough to be denied, and if Planner Justice could speak on that.
10

11 **Planner Justice** stated that the reason behind that is a policy decision that
12 similar to variances, could set a precedent for future policy decisions because
13 this would go explicitly against the code, allowing guesthouses to be rented. It
14 would be a policy decision. The department recommended denial as this is
15 something that should be discussed by the Board of Trustees. Should this be
16 approved or denied, the decision can be appealed to the Board of Trustees for
17 their review and whether they would approve or remand it back.
18

19 **Commissioner Gay** asked then if the Board of Trustee is the only body
20 allowed to set policy.
21

22 **Planner Justice** replied yes.
23

24 **Commissioner Seavey** stated that changing the conditions of approval to
25 allow for short term rental of the guesthouse precipitated a second agenda item
26 tonight. He asked if Planner Justice could explain that.
27

28 **Planner Justice** explained that the first agenda item was for the bed and
29 breakfast, and the second concerned the conditional use from 2012 for the
30 guesthouse, which states that the guesthouse cannot be rented without explicit
31 permission from the Commission. With approval of this item, 4A, the
32 Commission would move on to agenda item 4B, which could then change
33 conditions of approval.
34

35 **Commissioner Seavey** summarized that if 4A was denied, then they would
36 not move on to 4B.
37

38 **Planner Justice** confirmed that is correct.
39

40 **Commissioner Pacheco** asked if the recommendation for denial was based
41 on the Village not having set regulations on what is now Airbnb and VRBO.
42 She stated that the Village obviously has rules and regulations as it relates to
43 guesthouses, but there was not anything in the code that addresses Airbnb
44 and VRBO. She asked if the conditions are what has produced the discussion.
45

46 **Planner Justice** stated that it was true that the Village does not have any
47 codes specific to Airbnb or VRBO, however if this were a bed and breakfast
48 not through Airbnb, and operated as a more traditional bed and breakfast, they
49 would still not be able to rent the guesthouse as part of that bed and breakfast.
50

1 **Chairman Phillips** asked Attorney Winter if there was anything more that she
2 could add to the discussion.
3

4 **Attorney Winter** responded no, that she thought Planner Justice had
5 explained the issue well. The discussion is a bit bigger than an Airbnb/VRBO
6 issue.
7

8 **Commissioner Eby** asked Attorney Winter if the only way this item can get to
9 the Board of Trustees is if it was denied at this meeting.
10

11 **Attorney Winter** replied that she believed the answer was yes.
12

13 **Chairman Phillips** asked if there are any other questions. Hearing none he
14 moved on to ask if the applicant is present.
15

16 **Kristopher Houghton** 8650 Rio Grande Blvd. stated that he is the applicant's
17 (Maria Montoya's) husband and spoke on her behalf. He discussed the
18 Village's ordinance, section 9.2.7, conditional uses, subsection C, to sub-
19 subsection 5, there is the topic of guesthouse/additional dwelling. He argued
20 that the ordinance already contemplates the use of a guesthouse as a rental
21 by stating the guesthouse can be rented if there is explicit permission to do so.
22 He said that this application would not set a precedent as the Village has
23 approved similar requests, one of which is about a quarter mile from their
24 house on Rio Grande, The Alameda House, which shares the same zoning
25 and character area. He discussed the reasons for the approval of the Alameda
26 House bed and breakfast and how the approval was in line with the 2020
27 Master Plan. He stated that the current ordinance is a really workable solution
28 to Airbnb's as it would give the Commission a chance to hear and read these
29 applications and consider them on a case by case basis, and then, if after a
30 year, it's not going well, they would have the authority to deny the renewal. So,
31 it really puts the Village in a good spot of testing these out, and it's worked out
32 for the Alameda House. He stated that the Alameda House is something that
33 the Village actually shares on the website. Addressing the application for the
34 Sweet Pea B&B, he explained that the Pea, or P.E.A. is the comprised of the
35 first initial of their children's names. He said that the bed and breakfast is good
36 for his family, that it will be managed as a family business, teaching their
37 children about stewardship and finances. He said that the kids will help clean
38 and maintain the property and the income will go to maintain the property as
39 well as the college accounts for the kids. The second point he made was that
40 the B&B is safe. He acknowledged that the neighbors have concerns about the
41 safety of Airbnb, and that guests are vetted and ranked. He said that the price
42 range for the Airbnb is in the \$100.00 range per night, which would ensure that
43 the people renting will be respectful of the property. Airbnb also has insurance
44 policy so if there is any damage, Airbnb stands by their contract with the
45 owners. He said that the Airbnb is good for the Village because they will pay
46 gross receipt taxes and would invite more people to the Village. He referenced
47 Maria Montoya's family's businesses throughout the Village, emphasizing local
48 business and that the Airbnb would add to that. He thanked the Village staff for
49 their manner in responding to information requests. He presents information
50 gathered through public information requests concerning other B&B's, namely
51 the Alameda House.

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Chairman Phillips asked if there were questions from the Commissioners.

Commissioner Gay asked if Mr. Houghton was an attorney or a family member.

Kristopher Houghton responded that yes, he is an attorney, but is also a family member and was at the meeting as family.

Commissioner Gay said that he did not see the information sited in the meeting packet, so he was not sure if the information was not submitted, or not submitted on time.

Kristopher Houghton asked if Commissioner Gay was referencing the ordinances?

Commissioner Gay said no, he was referencing the other application.

Kristopher Houghton stated he had copies of that for the Commissioners and that he understood that he could submit additional or supplemental evidence. He asked if he could go ahead and submit that information. He began to separate the packets of new information. There were some side comments that occurred at this point, including Attorney Winter's approval of submitting the information.

Commissioner Eby remarked that she had a problem about considering evidence after the packets had gone out because other people who may have had an interest to speak on these matters did not have access to the information.

Kristopher Houghton offered to leave a packet out for the audience and argued that, based on the process and Attorney Winter's approval of submitting the evidence, doing so was not in violation of the process.

Chairman Phillips deferred to Attorney Winter.

Attorney Winter stated that Mr. Houghton could tender his exhibit or evidence. He would have to substantiate it. If he did not substantiate it (who took the picture, what it means, what he thinks the document says) then the Commissioners would give it the weight they wanted to give it. But if he could not substantiate it... (Attorney Winter did not finish the sentence).

Chairman Phillips stated that this was a quasi-judicial role, just for everybody's edification. He asked if they were in a position where they could have handed the Commissioners the packets.

Kristopher Houghton replied yes; he had the packets to hand to the Commissioners. He stated that the documents were the Village's documents, received through the IPRA requests.

1 **Chairman Phillips** thanked Mr. Houghton and stated they would take a
2 moment to review the information. While that was happening, he asked if there
3 were any questions for the applicant. Due to the following questions the packet
4 was not yet handed to the Commissioners.
5

6 **Commissioner Eby** asked the applicant about the bed and breakfast having
7 been in operation before getting approval from the Village.
8

9 **Kristopher Houghton** stated that that is correct. He said there was some
10 confusion concerning the process. His wife (Maria Montoya) set up the Airbnb
11 and began to rent it. The Airbnb was operational for about two or three months
12 where they had approximately ten renters. He said he was estimating wildly,
13 but that's about what it was. Our neighbor, Christian Reedy, who we have a
14 good relationship with, called us and told us we needed to get approval for this.
15 At that point we ceased and have not rented it since. Of course, they have used
16 the guesthouse regularly for guests, and family and friends, but since that call
17 they had not rented the guesthouse at all.
18

19 **Commissioner Eby** asked if the applicants were unaware of the ordinance
20 that guesthouses cannot be rented.
21

22 **Kristopher Houghton** stated that they were confused by the process because
23 if you looked on Airbnb there are people all through the Village renting
24 guesthouses and main houses. He stated that his wife, initially when they
25 moved in, called the Village and got some direction that he did not think was
26 accurate. He stated that at that time somebody had told his wife that they were
27 aware of all the Airbnb's in the Village but were not interested in enforcing
28 them. He did not know who she had spoken to. He also pointed out that there
29 is another Airbnb that rents a guesthouse on Guadalupe and Chavez, the
30 Adobe Gardens. He stated that in his IPRA request on The Alameda House he
31 came across an email from the person doing inspections for the Village and
32 the Director of Planning and Zoning about Adobe Gardens having been
33 operational for years and years, out of compliance, and at that time they had
34 reached out to Adobe Gardens and invited them to apply. They were later
35 granted approval even after being out of compliance for years.
36

37 **Commissioner Eby** asked if the measurement from their house to the
38 guesthouse was accurate, about 500 feet.
39

40 **Kristopher Houghton** replied that he was not sure of the exact distance
41 between his house and the guesthouse. He addressed the satellite image and
42 stated that the guesthouse was close and under a minute walking time between
43 them.
44

45 **Commissioner Eby** stated that she gauges distance by feet in football-field-
46 distance. She asked if the distance between the structures was about 2 football
47 fields. A football field is 300 feet.
48

49 **Kristopher Houghton** stated that it is nowhere near that far.
50

51 **Commission Eby** asked a clarifying question, if the distance is not 500 feet.

1
2 **Kristopher Houghton** replied that he couldn't image it was that far but could
3 not give an exact figure. He stated that the property is 1.6 acres, and that the
4 property is not a really large property and they would see the guesthouse from
5 their house with nothing in between, so they can monitor people going in and
6 out of the guesthouse. He stated that they also have cameras on the
7 guesthouse that feed into their house, and cameras on their house facing in
8 many directions.
9

10 **Commission Phillips** thanked Mr. Houghton and said that at this time they
11 would receive the additional information packets for review.
12

13 **Commission Seavey** made a comment that he measured the distance
14 between the structures on Google Earth using his iPad, and that determined
15 the distance was about 400 feet.
16

17 **Commissioner Eby** remarked that it is more than a football field.
18

19 *There is a short period of no discussion as the Commissioners review the*
20 *information presented by Mr. Houghton.*
21

22 **Chairman Phillips** asked if that were all the information and if there was any
23 comment from the applicant. Mr. Houghton had no more information. Chairman
24 Phillips thanked Mr. Houghton for his presentation. He proceeded to ask if
25 there was anyone present who would have liked to speak in favor of this
26 application.
27

28 **David Montoya**, 517 Pueblo Solano Rd., east of 4th street, west of Guadalupe.
29 He discussed the Montoya's family, in which he is a member, and that he was
30 born in the Village, before Los Ranchos was incorporated. He stated his mom,
31 and his grandfather, and all his family have lived in the **village-Village**, and that
32 his wife's side has been in the Alameda Land Grant area since the 1740's. He
33 stated that these are the kind of people these ordinances were made for,
34 because what happened in the Village is that the Village has become sort of
35 exclusive and it's hard to make it work. He said that there are a lot of people
36 that are trying to make it work on their large properties, and there's a lot of
37 interest previously on the Board of maybe reducing the size of lots. At one time
38 there were three acre lots, then a change to one acre, and a push where
39 families can subdivide properties. He stated that the property in question has
40 not been in the family a long time, but that he had worked with previous Mayor
41 Alfredo Garcia to have the properties in the area discussed annexed into the
42 Village. The properties were annexed, but he said that none of those involved
43 in that process thought that annexing the properties into the Village would have
44 put limits on what owners could do with their properties. He compared the
45 county with the Village, that it is not that the **county county** is great but that
46 you hate to come into the Village and hear it's more restrictive, and therefore
47 better. But this is exactly what people are looking for, this kind of family
48 experience. We don't want to say "hey, you guys stay out" but rather "we want
49 to come in". The Village is getting old, like me, and young people are really
50 having trouble buying these properties and not making them work. He stated
51 that bed and breakfasts are already out there and if you opened up Airbnb you

1 would see them. He said that he doesn't think it was anyone's intention to trick
2 anyone, and he knows the neighbors, and everyone present. He said that the
3 Village needs to be an accepting, welcoming group. This is happening and if
4 we don't do something, because it's more and more difficult to live in the Village
5 on these large properties. He stated that this is what they are looking for, and
6 asked that the Commissioners would consider the approval of the application,
7 not because the Montoya's have been there a long time or because of their
8 record but because other bed and breakfasts have been allowed, and it's not
9 precedent setting.

10
11 **Chairman Phillips** addressed a member of the audience who had raised their
12 hand to speak, to come forward.

13
14 **Felicia Montoya**, 8921 4th Street NW, just outside Village limits. She stated
15 that she and her husband have been running an Airbnb out of a little casita
16 adjacent to their property for over two years. She spoke to running an Airbnb
17 and that they had been doing this for over two years, and every single guest
18 that has come to their Airbnb was amazing, and they had not had a single issue
19 with anyone. It has been families, people coming from Europe, sometimes
20 people coming for business. It's not like going to a hotel and people go and
21 trash the motel. People come with respect. In addition to Airbnb vetting anyone
22 on their system, you can't have a record and join Airbnb. She gave the example
23 that someone who is a pedophile is not allowed on Airbnb at all, period. In
24 addition to the Airbnb vetting, property owners can also vet their guests. She
25 gave an example of a shady-looking single man and how their family would not
26 rent out their casita to such a character. There's control on the renter and
27 they're not just going to let anyone come in. She said she thought that was the
28 concern of the neighbors, that they don't want someone crazy staying next to
29 them, someone they don't know. But if someone with a family is letting them
30 stay there, she stated she thinks it's okay. Ms. Montoya said that Airbnb has
31 worked really well for them and they live probably a mile away from the
32 applicants, but they live in the county so there are not the same restrictions.

33
34 **Chairman Phillips** thanked Ms. Montoya and invited anyone else who would
35 like to speak in favor of the application to approach the stand.

36
37 **Cherie Montoya**, 1053 Camino del Bosque, Bernalillo, NM. She stated that
38 she did not live in the Village but that she grew up in the Village and owns a
39 business just outside of the Village. Since she opened Farm & Table and La
40 Parada, she has worked with the Village for over 15 years, bringing commerce
41 and shoppers to the area. She started the Stop & Shop event about 15 years
42 ago and stated that the goal is for her, for her family, and with this new plan, is
43 to bring people in – inviting community in and being a community player with
44 the surrounding communities. She stated that they're the Village of Los
45 Ranchos and they have a lot to be proud of; beautiful spaces, the grower's
46 market, lots of families, restaurants, and antique shops. She asked, why
47 shouldn't we share this with our community? She said that her sister creating
48 the Airbnb is doing that; bringing people into the Village and celebrating what
49 we have here, adding to the economics of the Village. The more restrictions
50 we have the more the Village is saying "stay out, we don't have ordinances that
51 allow that, so we're just going to play it safe and not allow it". Many

1 communities outside of the Village, all over New Mexico, are allowing Airbnb.
2 It's big, it's good for the community, it allows commerce, it invites people in to
3 experience our little treasure here in the Village. She said that she thinks the
4 more outsiders we can bring in, the more they can celebrate the richness here,
5 the more diverse we can be and the more we can be community players. She
6 said she is in support of the application (of her sister). That her sister is a doctor
7 and her sister's husband is an attorney; they are very careful and conscious
8 about everything they do. Our family is really committed to this place, to each
9 other, to our neighbors, other business owners, and families. She stated that
10 the Village has allowed others and that her sister's bed and breakfast would
11 be a good one to allow. She thanked the Commissioners and concluded.
12

13 **Chairman Phillips** thanked Ms. Montoya. He asked if there is anyone else to
14 speak in favor. Seeing none, he asked if there is anyone present who would
15 like to speak in opposition to the application.
16

17 **Jacquelynn Reedy**, 8640 Rio Grande, she stated that she resides in the
18 original Annie Robertson house. She first wanted everyone to know that the
19 Montoya family is lovely, and this wasn't the Hatfield's and McCoy's here, this
20 was just differences of opinion and she had some concerns. She stated that
21 she is a police officer, outside of this jurisdiction, and that she disagreed with
22 the Montoya's in the fact that she wants to keep people out. She recalled that
23 the Montoya's talked about their family dynamic; I live between my parents and
24 my brother and his family. By allowing an Airbnb in, we're basically moving
25 strangers on a weekly, monthly, whatever-it-is basis, directly into our family
26 dynamic. That's where the differences lie. Of course, Airbnb's are a thing that
27 have risen with advances in technology, and I see all sides of it, but this is
28 mine. She asked the Commissioners to look at the map to see that the two
29 closest houses to the guesthouse are her home and her brother's home. The
30 home was rented outside the Commission's approval for a short time, and in
31 that short time they did have some minimal problems, nothing grandiose or
32 anything, but they did have problems. She stated, that she had a friend who
33 she allowed to store his horse in her barn and corral, [the guests] got curious
34 during the day and walked onto Ms. Reedy's property to look. She stopped
35 them and said, "oh can you..." and they were very kind, but still there had been
36 wandering of people onto the property. She stated that they do live with their
37 alfalfa fields there and the ditch separates the Reedy's from the leased land of
38 Mr. Montoya; that is not public land, that is our land, private land. Yes, there
39 are irrigation rights, but for irrigation only, that's not a catwalk to walking trails,
40 that's private property, that's Reedy property. She continued, saying those are
41 my issues, obviously the proximity to that home to my home is much smaller
42 than the guesthouse to the Montoya's home. It's also on a shared road. We do
43 have a road agreement between the lands; it's not their road, it's a community
44 road, and that's where we have a traffic problem, road maintenance and stuff
45 like that. I know that the Montoya sister said that Airbnb vets the renter, but it
46 doesn't vet the renter's guests that come. Call me jaded but I am a police
47 officer, I break up parties at hotels, and Airbnb's, I break up these things, so
48 of course I'm a little more sensitive to things I bring into my environment. I did
49 own a home in Rio Rancho, and I did move because ownership started going
50 down and rentals started going up, came a lot of problems. My fear is that, sure
51 it's been done, but we're on the brink of opening Pandora's Box here; there are

1 a lot of people who have guest homes. Where do we start limiting this? Can I
2 put tiny-homes that I can get from Home Depot all over my property and start
3 renting them out? Where is the line? I respectfully disagree, the thing that
4 makes the Village lovely to me and why I made the necessary sacrifices to
5 move down here is I love not having strangers, I love coming home and it's my
6 close neighbors and my family. I don't want to see that get lost because then
7 we turn into everything else. I don't want to be everything else. I love having
8 the quietness and the quaintness of home, and I fear that this B&B, this rental,
9 this property being rented is going to disrupt, on the grand scale what makes
10 the Village incredible, and on the small scale, it's coming into our world and
11 those are my issues. Ms. Reedy thanked the Commissioners for hearing her
12 out and reiterates that this is not a personal issue but an issue of different
13 opinions on how they want to live. She asked that the application be denied.
14

15 **Chairman Phillips** thanked Ms. Reedy and asks who is next to speak.
16

17 **Christian Reedy (Father)** 8642 Rio Grande Blvd. He pointed out his home on
18 the projected map, where he stated he has lived for over 20-years now. He
19 addressed the ordinance that states a guesthouse cannot have a garage, but
20 this guesthouse in question does have a garage. When this happened, the
21 Reedy's addressed the previous homeowner about the garage. He said he
22 thinks the previous owner must have badgered the Village to such an extent
23 they allowed the garage. He stated that they let it go, pick-your-battles, and
24 moved on from the situation. Additionally, if you look at the lot, it's a large J-
25 shaped lot, he stated that he believes the guesthouse is even further from the
26 main house than what was measured by Commissioner Seavey. The lot goes
27 to a very narrow point, less than 50 feet wide, which he states is less than
28 Village specifications for width, so there have already been exceptions made
29 there. As my daughter pointed out, logistically, it is much closer to us than to
30 the Montoya's. It's tucked way back into the corner of the property. They
31 promote views and open and quiet space, but essentially what they're selling
32 out is the neighborhood, they're selling out ... you know the views are not
33 theirs. If you look at their posting, with all due respect, they said they did this
34 for a couple months, but you can see a review that was made in October of
35 last year. We turned a blind-eye, we want to be good neighbors and the
36 Montoya's are a wonderful family. There were a couple incidences that began
37 to happen. He explained a morning in which he was loading expensive tools
38 into his truck on a Saturday while a guest from the Airbnb observed, after
39 saying good morning. Mr. Reedy expressed uncomfot in that situation
40 because the guest was a total stranger watching Mr. Reedy load thousands of
41 dollars-worth of tools into his truck and watching him drive away. Another time
42 when guests were wandering onto their property, there were guests at the
43 property in which one car kept driving in and out. He stated that he noticed the
44 Montoya's were gone that weekend, and therefore they were oblivious to what
45 was going on. That's when we made the first complaint, when we called them
46 and spoke neighbor to neighbor. The posting remained, but they modified it
47 and said that they had spoken to the Village. It remained and additional renting
48 occurred. That's when we called the Village and ended up here, after our
49 second pursuit of this issue. We do have concerns; Airbnb may vet the person
50 signing the contract but that night there were several guests and there's no
51 way on earth anybody could be vetting all these people. My grandchildren,

1 logistically, are the closest people to that house, and I have concerns about
2 what people might be coming in. The Montoya's mentioned \$100.00 a night,
3 that's not in competition with the Ritz Carlton or the Marriott, that's in
4 competition with Motel 6 and I think the clientele is going to be the same, not
5 to put an economic thing on it, but I don't think that guarantees they're dealing
6 with high-class people. He referred to an event that was in the news about
7 Airbnb guests catching a neighbor's car on fire in Albuquerque, stating that
8 those types of things happen, they can get out of control. He stated that the
9 Montoya's are gone frequently, as they are busy people, and can't be
10 consistently monitoring what goes on there. In regard to the road, it is a private
11 drive that we all have to maintain. Until recently, there has been no
12 maintenance on the road; it's in very good condition, but with the increased
13 traffic it will need it. Just a few days ago they had a maintenance crew in there
14 cleaning the yard; the grass had gotten quite high. They had professionals
15 cleaning it. In addition to the guests, there's a lot of people in there cleaning,
16 and maintenance and all those types of things that go on. There's a lot of
17 additional traffic, etc. He stated that the property taxes here are a little on the
18 high side, we pay a lot in this area for peace and privacy and we feel that it's a
19 great bargain, but we don't want to be selling that out at Motel 6 rates. He said
20 he thinks this will set a bad precedent, and if there are other things going on in
21 the Village, it clearly says that you cannot rent the guesthouse without approval
22 of this Commission. I think this Commission has the power to then deny that
23 and that is obviously what we would like. Just to keep the peace and tranquility,
24 we've been there for 20 years, and we think it greatly disturbs us, and it affects
25 us more than it does them. He said that financial gain is not a good enough
26 reason for the application.

27
28 **Chairman Phillips** thanked Mr. Reedy and invited anyone else in opposition
29 to speak.

30
31 **Bill Shen**, 8646 Rio Grande Blvd., directly south of the Montoya's main house.
32 He has been in his residence for 17 years and also has a detached
33 guesthouse. He stated that when he moved in someone had expressed that
34 yes, he had a guesthouse but that it could not be rented. After 17 years he said
35 he is well aware that guesthouses only have about 25% occupancy- 75% of
36 the time it's not really being used. He states he understands the temptation,
37 that it would be lovely to rent this thing out, but I am bound by that conditional
38 use, so I never violated that. He discussed how the previous owner built the
39 guesthouse way out at the end of the property, referring to the map he stated
40 that the shape of the property is J-shaped, and at the time it was built he
41 expressed thinking that it was odd and would have thought as a guesthouse
42 they would want to be closer and so thought that the owners were perhaps
43 planning on turning the guesthouse into a rental property. The Shen's did not
44 want a rental property there. Concerning this he stated that the previous
45 Planning and Zoning Director, Linda Seebach, ensured the Shen's that the
46 property was bound by the same conditional use and would not be used as a
47 rental property. He stated that his concern was not about the Airbnb issue or
48 people following the right rules and regulations, or about not being happy about
49 strangers coming in, but about there being a well-regulated process, which
50 assured the neighbors that the guesthouse would not be a rental property and
51 then turn around and make it into a rental property. Mr. Shen expressed that

1 he felt this was a bait and switch, like a backdoor for multiple dwellings. Set up
2 a guesthouse, get it approved, and then switch around and make it into a rental
3 property: he said it seems like a trick. He stated that if the Commission
4 approves the application tonight, tomorrow he will beat a path to the Planning
5 and Zoning people to have his guesthouse approved as a rental property. He
6 stated that this is the precedent the Planning and Zoning department is
7 concerned with. There are a lot of guesthouses up and down this valley. His
8 concern was that these single family lots will become multi-family lots.
9

10 **Chairman Phillips** thanked Mr. Shen and invited others to speak in opposition.
11

12 **Christian Reedy (son)**, 8650 Rio Grande Blvd. He stated that he has the
13 closest house to the Montoya's guesthouse, pointing it out on the map. He said
14 that his family already discussed many of his concerns and would discuss
15 additional concerns. As they mentioned the Montoya's are turning the
16 guesthouse into a business. When he developed his property there was not a
17 business there and he says this is a problem. He stated that this is not a place
18 where a business should be run. He argued that there are added security
19 issues, that guests have come to their house knocking on the door with
20 questions. The Airbnb was advertised as being within walking distance from
21 walking trails and so that goes through his property. He discussed issues he
22 has had of people stealing things right out of the backyard, via access from the
23 ditch. Having more activity and more people wandering back there doesn't
24 seem like a good idea. As far as the screening of these people, he questioned
25 how much screening is happening with applicants. He said that he is sure that
26 99% of the people are fine, but that 1%, the once-in-a-while people are the
27 concern. He stated he doesn't want there to be someone crazy 100-feet from
28 his house. For those reasons and for the ones listed before, he urged the
29 Commission to deny the request.
30

31 **Chairman Phillips** thanked Mr. Reedy and again asked for other speakers in
32 opposition of the application.
33

34 **Karen Blatz Driscoll**, 8716 Rio Grande. She pointed to where on the map,
35 roughly, her residence is located. She described the neighborhood as a very
36 lovely area. She stated that this is the first-time meeting Montoya's and while
37 this is an unusual way to meet them, she said she is delighted to have them as
38 part of the neighborhood and was sympathetic to them because they bought a
39 property that had this weird guesthouse on it that they did not design, that they
40 did not build, and they're probably trying to figure out what to do with it. The
41 problem is that what they want to do disrupts the area they enjoy. She
42 discussed that she and her husband are physicians and she does understand
43 how busy their careers are. She stated that since the family moved in, while
44 everyone has said that they are a great family, the Montoya's haven't been
45 there much. She mentioned dead trees along the property and that she does
46 not see a lot of energy put into the property or the bed and breakfast. She
47 stated that she is delighted to have them as neighbors but did not think they
48 are acknowledging how the plan disrupts their neighborhood.
49

50 **Peter Driscoll**, 8716 Rio Grande. He asked if the map could be zoomed in and
51 pointed out the guesthouse saying that it had already had many exceptions in

1 its construction, but that the condition of not renting would be upheld. He stated
2 that the rental of the guesthouse impacts them because, despite driving up a
3 little way, their house is still closer to the guesthouse than the Montoya's main
4 house. He stated that one of the main issues is the large distance from the
5 Montoya's main house and the guesthouse, and that it's right in the face of the
6 Reedy family, and in theirs because there is not fence dividing their property
7 from the driveway. He stated that creating a commercial use in the middle of
8 their residential community is against the Village rules. He argued against any
9 changes.

10 **Chairman Phillips** thanked Mr. Driscoll. He asked if there are any more
11 comments in opposition. Seeing none he asked the applicant if they would like
12 to respond to any of the comments.
13
14

15 **Kristopher Houghton**, responding to the timeline, he said there was an
16 allegation that they had continued to rent the Airbnb after the complaint and
17 that this was inaccurate. He stated that they ceased renting the Airbnb, which
18 would be reflected if Airbnb records were requested. However, they continued
19 using the guesthouse within the approved uses, for family and friends. He
20 explained that he had a cousin and his cousin's band stay in the guesthouse.
21 At this time Mr. Reedy filed the complaint with the Village that they were still
22 renting the guesthouse – we weren't. What's telling though is that the Reedy's
23 and our neighbors don't want us to use the guesthouse. The guesthouse has
24 already been approved by this body; it's been built. We purchased this property
25 with the guesthouse on it. If we wanted friends there or family there any day of
26 the week, we could have them. We just can't, according to the ordinance,
27 without your permission, rent it. In terms of usage of the property, whether or
28 not you approve our application, we'll continue to use the guesthouse for family
29 and friends. The neighbors will still be unhappy because they won't know the
30 people who are coming; they won't know our friends or friends of friends, or
31 family who will be staying there. There will still be people walking up the road,
32 and people saying "good morning" to Mr. Reedy. That's just a fact of living next
33 to another person's property. And so, none of the things that they're saying
34 change with the approval of this application because we're continuing to use
35 the guesthouse as it was designed. The only thing that changes is that we rent
36 it, we vet the people coming in, gross receipt taxes get paid to the Village, and
37 we invite people to share in the Village. That's the only thing that changes,
38 whether it's approved or not. He thanked the Commissioners for their time and
39 for this process.
40

41 **Chairman Phillips** asked if there are any questions from the Commissioners
42 for Mr. Houghton. There were none, however seeing that there were others in
43 the audience that wish to make comments, Chairman Phillips invites Mr.
44 Montoya to speak.
45

46 **David Montoya** addressed the comment from Ms. Driscoll about the dead
47 trees, stating that if you look closely at the map you can see that those trees
48 are not on the Montoya property. He said he had asked the neighbor's if they
49 would like the trees to be cut down, that at some point there was not irrigation
50 there and the trees had died. He stated that on the Montoya property he put in
51 irrigation and planted grama grass in the area that had not been planted on for

1 years and years. But those trees that they say have not been maintained are
2 not on the property. I asked if the neighbor's wanted the trees taken down; they
3 did not want them taken down. We're sort of trapped. They're not their trees.
4 The area is planted with grama grass, which he states does not look great right
5 now because the cows have grazed it off and there's still mustard weed
6 growing, but when that mustard weed disappears the grama grass will be
7 abundant.

8
9 **Chairman Phillips** thanked Mr. Montoya and invited another member of the
10 audience to speak, stating that she has not spoken yet, so to please state her
11 name and address.

12
13 **Maria Montoya**, 8650 Rio Grande Blvd., thanked the Commissioners for the
14 process. She stated that they have made a lot of improvements since they
15 moved in, including the installation of an irrigation system around the
16 guesthouse. When we first moved in it was severely overgrown with weeds, so
17 it's been a slow process. As my dad mentioned, he planted the grama grass.
18 Our intention is to continue with the agricultural use of the property; we are now
19 raising bees, chickens, and our plan is to get sheep in the future. We're very
20 happy in this area. We do work a lot, of course, as my husband mentioned we
21 have three young kids. It is our utmost importance that our kids are safe in this
22 area, and we would not allow anyone that we personally did not feel
23 comfortable to stay in that house.

24
25 **Chairman Phillips** closed the floor for comments at this point. He asked if
26 there were any clarifying questions from the Commissioners to the Planner or
27 the Attorney before he asks for a motion. There were no comments or
28 questions. He asked if there is a motion.

29
30 **MOTION: Commissioner Gay** made a motion to uphold the department's
31 recommendation for the denial of the application.

32
33 **SECOND: Commissioner Eby** seconded the motion.

34
35 **Chairman Phillips** asked if there was any discussion on the motion.

36
37 **Commissioner Eby** stated that using the guesthouse as a rental would be a
38 way of getting around the prohibition of renting guesthouses by saying it's a
39 B&B or an Airbnb. She stated that in this case it's inappropriate. She said she
40 didn't know if the Master Plan Committee is considering revisions, but that she
41 reviewed the current master plan before the meeting. She referred to section
42 7.1.3 policy B; the general topic is residential goal - the goal is to maintain
43 residential development in keeping with the and rural and diverse character of
44 the Village, and within Village scale, and then it says ...regulate appropriate
45 use and limitation of guesthouses, caretaker quarters and rental units in the
46 Village, and address in-home care giving needs and issues, and the action
47 steps under that are 1) Revise the zone code concerning appropriate use and
48 limitations of guesthouses, caretaker quarters and rental units in the Village, 2)
49 revise zone code to enforce maintenance and upkeep on rental units, and 3)
50 provide penalties for landowners for failure to maintain rental units. It goes on...
51 She said she felt that this would be, as she said getting around the prohibition

1 of rental by saying it's an Airbnb. I'm concerned about the distance between
2 the main house and the guesthouse, I'm concerned about turning this into a
3 commercial business in that area, and I think the issues of that being a private
4 road are well taken. Christian Reedy said "they're selling out our views and
5 quiet and peace, not theirs", and Mr. Shen who also has a guesthouse and
6 realizes he can't rent it... these are all concerns that are valid and that's why I
7 am going to vote to deny the application.

8
9 **Chairman Phillips** thanked Commissioner Eby and asked for any further
10 Commissioner-discussion.

11
12 **Commissioner Seavey** stated that this is a hard application to come across
13 their desk, as a member of the 2035 Master Plan Committee, he said there has
14 been a lot of discussions on how to bring people into the Village and how to
15 bolster business. At the same time, we have these ordinances that we have to
16 uphold. It's not easy and I would say keep trying.

17
18 **Chairman Phillips** thanked Commissioner Seavey and asked if there were
19 other comments. Hearing none, he called for a vote.

20
21 **VOTE:** The motion to deny the application carried unanimously (5-0).

22
23 **Chairman Phillips** stated let the record show that the public hearing on item
24 4-A in the request by Maria Montoya for a Bed & Breakfast permit is formally
25 closed.

26
27 B. **CU-12-03**, An application by Maria C. Montoya for a change to conditions
28 of a conditional use to allow rental of a guest house, in the A-1 Zone of
29 the North Rio Grande Character Area. The property is located at 8650 Rio
30 Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie
31 Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant,
32 projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los
33 Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996.
The property contains 1.6 acres more or less.

34
35 **Chairman Phillips** asked Planner Justice about Item 4B, if it comes off the
36 table or if there still needs to be a discussion.

37
38 **Planner Justice** stated that item 4B was contingent on the approval or denial
39 of item 4A.

40
41 **Chairman Phillips** read into the record that 4B is now moot because it was
42 contingent on 4A. There was no discussion on item 4B.

43
44 **Chairman Phillips** addressed Planner Justice, stating that the expectation
45 will be that she will hear from the applicant and asked about the proceedings
46 concerning administrative matters.

47
48 **Planner Justice** stated that the conversations between the applicant and the
49 Planning and Zoning Department took place primarily with Director Tim
McDonough. We will be issuing the notice of denial to all those who spoke. In

1 terms of conversations with the department will need to wait until Tim
2 McDonough's return.

3
4 **Chairman Phillips** asked if following steps for the applicant will be in that
5 letter.

6
7 **Planner Justice** confirmed that is correct.

8
9 **Chairman Phillips** thanked Planner Justice for the clarification. He stated
10 that item 4C has been deferred and therefore the meeting will move on the
11 Old Business. He also thanked everyone who came and spoke on Item 4A.

12 13 **5. OLD BUSINESS**

14 15 **A. Discussion of the 2035 Master Plan process**

16
17 **Chairman Phillips** announced the Master Plan 2035 discussion, asking
18 Planner Justice for her report.

19
20 **Planner Justice** said drafting the plan continues and there will be an open-
21 house at the end of June, June 29th and has been announced in the Village
22 Vision, on the website, and will also be announced on Facebook if it hasn't
23 already been. There's also been a call for photographs, announced through
24 the same means, with a deadline of June 30th. There have been some
25 questions on that; the photo does not have to be taken by a Village resident
26 but must be of something in the Village. The Master Plan Committee reviewed
27 the transportation, historic preservation, and economic development goals at
28 the beginning of June and will meet next week to review the goals for the
29 remaining sections. We continue to meet with the Master Plan Committee
30 every two weeks and the Process consultant weekly.

31
32 **Chairman Phillips** asked if there are any other questions for Planner Justice
33 with regard to the 2035 Master Plan. He stated that three of the Commissioners
34 know what's going on because they are on the Master Plan Committee.

35
36 **Commissioner Eby** asked about the photographs, if there was some
37 controversy about the photographer being outside the Village.

38
39 **Planner Justice** clarified that there was not controversy but that the
40 photograph's subject matter needed is to be the Village, in some way, shape
41 or form, but the photographer did not need to be a Village resident.

42
43 **Commissioner Eby** asked if the photos can be historic photos or current
44 photos.

45
46 **Planner Justice** stated that the photographs can be either historic or current
47 photos, but that there is some wording in our announcement, for legal
48 purposes, that the photos cannot have people in them as there would need to
49 be written consent for publication of their photo.

1 **Chairman Phillips** asked if that applied to photos in which there are people in
2 silhouette or from behind, or a crowd shot. He stated that he is curious about
3 attribution with regard to photos and asked if we are saying no humans in the
4 photos.

5
6 **Attorney Winter** stated that generally you don't use the photos with people in
7 them unless they have signed a release to publish the photos.

8
9 **Commissioner Eby** asked if there were a release, could the photos be
10 accepted.

11
12 **Attorney Winter** responded that she was not sure what the Village guidelines
13 are but if there is a release you could generally use the photo.

14
15 **Planner Justice** said they can look into the issue of needing a release form,
16 however at the time being the announcement reads that the Village has the
17 right to edit the photos. If there are people in the photos, the plan is to crop
18 them out. If they are the main focus, we would need a photo release form.

19
20 **Chairman Phillips** asked if there were any other questions.

21
22 **Commissioner Pacheco** asked if there had been any submissions to date.

23
24 **Planner Justice** confirmed there have been several photo submissions, some
25 from people who have identified themselves as Village residents and some that
26 have not disclosed whether they are or are not Village residents. We have
27 some photos of things that are in the Village and some that are not in the
28 Village, which is why we're vetting the process, so that what is portrayed in the
29 Master Plan is the Village.

30
31 **Chairman Phillips** asked for any further questions. He asked about the time-
32 line, recalling it began about 15 months ago, and asked what the projected
33 completion date is.

34
35 **Planner Justice** stated that the master plan is expected to be ready for review
36 by the Planning and Zoning Commission sometime in September, and then
37 approval, hopefully, by the Board of Trustees in October. We are planning on
38 having a work-session with the Planning and Zoning Commission and the
39 Board of Trustees sometime in August to review the plan development
40 process.

41
42 **Chairman Phillips** remarked to the other Commissioners to clear their
43 calendars for August, and that the plan sounds perfect. He stated it was neat
44 to see it when it started and that the time had been given to it to do it right. He
45 said that it has been fantastic to watch the process.

46
47 **6. NEW BUSINESS**

48
49 **A. Election of Officers – Nominations for Vice Chair**

1 **Chairman Phillips** stated that because Commissioner Tom Riccobene is now
2 Trustee Riccobene, there was a need to take nominations for Vice Chair. He
3 said that self-nominations are perfectly okay but would not be making any
4 nominations as the Chair.

5
6 **NOMINATION: Commissioner Pacheco** nominated herself for Vice Chair.

7
8 **SECOND: Commissioner Seavey** seconded the nomination.

9
10 **Chairman Phillips** asked if there were any other nominations. There were
11 none. Chairman Phillips called for a vote.

12
13 **VOTE:** The vote carried unanimously (5-0).

14
15 **Chairman Phillips** congratulated Vice Chair Pacheco.

16
17 **7. REPORTS**

18
19 **A. Planning Department Report**

20
21 **Planner Justice** stated that the Fourth Street Construction Project continues with
22 construction on the west side. Crews continue the construction of driveways, sidewalk
23 curb, and the installation of electrical conduit and drainage pipe along the project
24 corridor. Construction is in progress on Low Impact Development drainage reservoirs
25 on Tyler and Bledsoe road. There will be a road closure in the next few days and all the
26 properties around that closure have been notified. Irrigation line is also being installed
27 on the north end of the project. The project remains on schedule for completion in
28 September. We are working with Maria Rinaldi, Fourth Street Project Manager, on a
29 marketing effort to advertise the Village and Village businesses in the Albuquerque
30 Discovery Map, which is a tourism map which is distributed in travel centers, hotels,
31 other forms of lodging, restaurants and event centers. The Village and interested
32 businesses will be advertised in the upcoming map, which will run for a year starting
33 August 1. I attended two workshops in May, a training on Designing for Pedestrian
34 Safety and a workshop for Planning Commissioners, which Commissioner Eby was also
35 present for. Some takeaways from the pedestrian safety workshop are being
36 incorporated into the Fourth Street Project. The Planning Commissioners workshop
37 reviewed the Open Meetings Act, the Inspection of Public Records Act, and Flood Plain
38 Management. The double-wide trailer has been removed from 6611 Edgewood Drive.

39
40 **Chairman Phillips** asked if there were any questions for Planner Justice.

41
42 **Commissioner Gay** asked what takeaways from the pedestrian safety workshop were
43 being implemented into the Fourth Street Project.

44
45 **Planner Justice** replied that the primary takeaway is to have crosswalks bound on
46 either side by white paint to increase pedestrian visibility to drivers, and that the current
47 sidewalks are colored concrete but are not bound by white lines.

48
49 **Commissioner Gay** asked if that was not part of the original design.

1
2 **Planner Justice** replied that it was not part of the original design.
3

4 **Vice Chair Pacheco** asked about the double-wide trailer removed from Edgewood, and
5 what the plans are for that property, if that will become open space with the walls
6 removed.
7

8 **Planner Justice** stated that guidance from the Board of Trustees will be requested as
9 to what will happen with the property.
10

11 **Vice Chair Pacheco** asked then if nothing had been decided.
12

13 **Planner Justice** confirmed that nothing has been decided.
14

15 **Chairman Phillips** asked if there were any other questions. Hearing none he moved on
16 to the next section.
17

18 **9. COMMISSIONER'S INFORMAL DISCUSSION**
19

20 **Chairman Phillips** asked if there were any discussions that the Commissioners would
21 like to share.
22

- 23 • There was discussion that Gilbert Benavides has been recommended for a
24 position on the Planning and Zoning Commission. He will be sworn in at the BOT
25 meeting, June 12, 2019.
- 26 • There was discussion about emails that the Commission receives from the public
27 and whether the emails are getting a response, as they do not see replies to the
28 emails. There was an assumption that emails are getting replied to by P&Z staff.
29 Attorney Winter suggested that the Chairman Phillips follow up with the Planning
30 and Zoning Director for confirmation if he is not sure a response has been made.
31 There was agreement that the Commissioners are not comfortable responding
32 to particular emails received from the public as it may be considered ex parte.
- 33 • There was also discussion on rental properties (short term, long term, B&B's and
34 Airbnb-type rentals). Housing is among the top priorities for the 2035 master plan
35 and there is recognition of an issue with properties in the Village concerning
36 rentals. Keeping young families is critical in the Village. Commissioner Eby
37 expressed that she would like to see more discussion on Airbnb's and short-term
38 rentals. There was talk of the B&B's as a source of economic growth, but a
39 conflict with neighborhood life-style. There is no prohibition that owners cannot
40 rent their house, just not their guesthouse. There was a question about policy in
41 approving long-term vs. short-term rentals, and how they are defined.
42

43 **10. ADJOURNMENT**
44

45 **Chairman Phillips** asked if there was a motion to adjourn.
46

47 **MOTION: Commissioner Eby** moved to adjourn.

SECOND: Commissioner Gay seconded the motion.

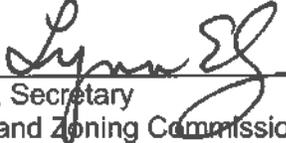
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VOTE: Carried unanimously (5-0).

Chairman Phillips adjourned the meeting at 8:50 p.m.

APPROVED by the **Planning and Zoning Commission of the Village Los Ranchos de Albuquerque** this 19th day of July, 2019.

ATTEST:



Lynn Eby, Secretary
Planning and Zoning Commission

4. PUBLIC HEARING

- A. B&B #550** An application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(1), in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

PLANNING AND ZONING COMMISSION

PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: April 16, 2019

REPORT NO. PZ-19-10
File: HO #0550

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Bed and Breakfast Permit as required by §9.2.25(E)(1) in the A-1 Zone of the North Rio Grande Character Area.

APPLICANTS: Maria C. Montoya

LOCATION AND LEGAL:

The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

PROJECT:

The applicant is applying to operate a B&B on the subject property. The applicant purchased the property somewhat recently, with an existing guest house. The guest house was approved as a Conditional Use (CU-12-03) by the previous owner, with the typical conditions:

C. CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in Section 24:

(5) Guest house or additional dwelling.

(a) The guest house is limited to 1,000 square feet of heated floor area.

(b) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

The applicant would now like to use the guest house for short term rental as a Bed & Breakfast / Air BnB / VRBO.

ANALYSIS:

Shortly after the application was received we received a call from a neighbor opposing the use as a B&B, and stating that it had been operating as an Air BnB. In the Application for the B&B, the applicant provided a web address on Airbnb.com. In reviewing that website it appears that the property had been already listed, with one user review from October 2018. A letter was sent to the applicant stating that the Guest House could not be rented until approval had been granted on her application. The applicant responded that the listing had been changed to show no availability for rental, until action was taken on her application. This was verified by P&Z.

The property has service from public water and sewer. The owner will live in residence on the property, however, due to the shape and size of the property the residence is approximately 500 feet from the guest house, which may limit the owner's ability to monitor the activities in the guest house. The applicant has formed and will operate the business as a Limited Liability Corporation (LLC).

The owners have drafted a list of rules of operation that reflect concerns from neighbors and that address §9.2.25(E)(1)(b)(6) Noise must be mitigated according to §7.4.2. Nuisances, Misconduct and Common Offenses. (see attached). In discussion with the applicant I understand that at present the owner does not intend to serve breakfast.

The use of the conditionally approved guest house states specifically that the unit may not be rented unless "an explicit conditional use allowing rental has been approved by the Commission". Therefore, a second action associated with this application is a change to the Conditions of Approval of the guest house to allow short term rental of the guest house.

RELEVANT CODE LANGUAGE:

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

(B) PERMISSIVE USES. A building or premise shall be used only for the following purposes:

- (7) Bed and Breakfast Establishments.

§9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS. The following permits and any appeal of the Planning Director's decision may be approved by the Commission according to the Matrix, or considered by the Commission for approval and forwarded to the Board with a recommendation for approval.

(1) Bed and Breakfast Facilities

(a) Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the parcel.

(b) Approval is by the Planning and Zoning Commission at a regularly scheduled hearing with public notice as per §9.2.25(F).

1. Bed and Breakfast establishments must be operated by the owner of the home, living in residence. Up to two additional employees may be employed by the business.
2. It shall be conducted entirely within the residence or accessory buildings on the residential property.
3. Not more than four guestrooms may be utilized to provide lodging in other than the C-1, AC or VC Zone.
4. Parking for guests must be off street.
5. Meals may or may not be served.
6. Noise must be mitigated according to §7.4.2. Nuisances, Misconduct and Common

Offenses.

7. One lighted sign not to exceed four (4) square feet is permitted on premises and must meet the Dark Skies provisions of §9.2.20.
8. Bed and Breakfast establishments must have published rules of operation, approved by the Planning Director.
9. Every permittee shall comply with all federal, state, county, and municipal laws and regulations applicable and the failure to do so shall constitute grounds for revocation. Each license shall be posted on the premises where it is visible at all times.
10. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.
11. Bed and Breakfast permits shall be subject to such different and additional conditions as the Planning and Zoning Commission deems reasonable.
12. Bed and Breakfast establishments shall be inspected annually by the Fire Department for fire safety.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

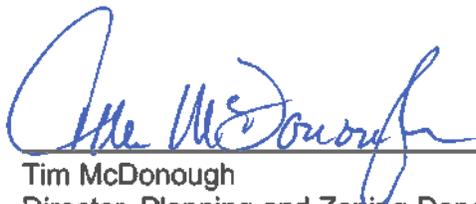
The Department recommends denial of HO 0550, a request for a Bed and Breakfast Permit as required by §9.2.25(E)(1) in the A-1 Zone of the North Rio Grande Character Area.

Approving a change to the conditions for a guest house to be used for short term rental is a policy decision that should be discussed by the Board of Trustees. There are reasonable arguments to be made on both sides of that discussion and moving forward with this approval may set a precedent that is not consistent with the Code at this time and may not be the policy the Board would choose for guest house use in the future.

Findings:

The Conditional use for the guest house states that "Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission."

Public notice requirements have been met by publication in the Albuquerque Journal on April 20, 2019. The Public Notice was sent by mail to all neighbors within 300 feet of the property on April 16, 2019.



Tim McDonough
Director, Planning and Zoning Department

Date: May 30, 2019

Findings for approval:

The Home Occupation presented complies §9.2.25(E)(1)(b) Approval is by the Planning and Zoning Commission at a regularly scheduled hearing:

The application for the B&B complies with the following conditions:

1. Bed and Breakfast establishments must be operated by the owner of the home, living in residence. Up to two additional employees may be employed by the business.
2. It shall be conducted entirely within the residence or accessory buildings on the residential property.
3. Not more than four guestrooms may be utilized to provide lodging in other than the C-1, AC or VC Zone.
4. Parking for guests must be off street.
5. Meals may or may not be served.
6. Noise must be mitigated according to §7.4.2. Nuisances, Misconduct and Common Offenses.
7. One lighted sign not to exceed four (4) square feet is permitted on premises and must meet the Dark Skies provisions of §9.2.20.
8. Bed and Breakfast establishments must have published rules of operation, approved by the Planning Director.
9. Every permittee shall comply with all federal, state, county, and municipal laws and regulations applicable and the failure to do so shall constitute grounds for revocation. Each license shall be posted on the premises where it is visible at all times.
10. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.
11. Bed and Breakfast permits shall be subject to such different and additional conditions as the Planning and Zoning Commission deems reasonable.
12. Bed and Breakfast establishments shall be inspected annually by the Fire Department for fire safety.

Village of Los Ranchos
BED AND BREAKFAST

NAME: **Maria C. Montoya** ADDRESS: **8650 Rio Grande Blvd NW**
TELEPHONE: **505-720-4826** CELL: **505-720-4826** ZIP CODE: **87114**
EMAIL ADDRESS: TheSweetPEA.bnb@gmail.com
WEBSITE: <https://www.airbnb.com/rooms/28464152?s=51>

BUSINESS NAME: The Sweet PEA Bed and Breakfast LLC

CRS # **03-431363-00-0**

please attach copy of CRS # Certificate

LAST 4 DIGITS OF FEIN # AND SS#: **3753 / 6639**

Applicant is:

Individual

Partnership

Corporation NMSCC # _____

LLC: **XX**

THE STATE OF NEW MEXICO REQUIRES A LICENSE FOR THIS OCCUPATION –

**** There will be no food served in this establishment ****

Please attach copy of NMED INSPECTION--

NUMBER OF ROOMS FOR B&B: Two

NUMBER OF VEHICULAR TRAFFIC INCREASE PER DAY: 2-3 (*see attachment for what is considered negligible per ordinance)

LIST ANY EQUIPMENT: (trucks, heavy equipment, trailers, etc.): None

INCLUDE RULES FOR OPERATION (HOURS, MEALS, NUMBER OF ROOMS, ETC.):

HOW GUESTS CAN BOOK:

Our *general booking policy* is to only provide accommodations to those who will maintain the upmost respect for our property, our family and our community (neighbors).

Guests will book The Sweet PEA B&B by using a bed and breakfast platform; AirBnB and/or VRBO. AirBnB and VRBO maintain a rigorous vetting process (see safety below). They also provide 24/7 customer service and host liability insurance up to \$1 million dollars.

Only guests who meet STRICT requirements can book "instantly" or immediately online.

STRICT requirements:

- Confirmed email address and phone number
- Agree to House Rules (described below)
- Hold a Government issued ID
- Come recommended by other hosts
- Must answer basic questions about purpose of travel and whom they are traveling with

Those who do not meet strict requirements must send a reservation request—these will be considered on a case-by-case basis with our general booking policy in mind.

Check-in is permitted after 2pm and until 8pm. Check out is by 10 am unless otherwise agreed upon. All guests will be greeted by the administrator (Maria Montoya) or a suitable designee. The administrator or designee will meet the guest (s) and provide keys and guidelines on house rules.

HOUSE/PROPERTY RULES:

- Suitable for children (2-12 years old) and infants (under 2 years old)
- Premises is NOT suitable for pets
- Absolutely NO smoking or vaping allowed
- Absolutely NO parties / events permitted
- Noise level must be kept to a reasonable minimum after 9pm
- The maximum speed limit on private dirt road is 10 miles per hour

ACCOMMODATIONS AND AMENITIES:

There are a total of two rooms with two sleeping areas: one king sized bed in a private room and one sofa bed in a common area.

The maximum number of guests is: 4 (primarily to accommodate families with young children). There is a dining room, full kitchen and full bathroom.

Amenities:

- Towels
- Bed sheets
- Pillows
- Soap
- Shampoo and conditioner
- Toilet paper
- Kitchen- full (electric stove, microwave, dishwasher, sink). All pots, pans, flatware, utensils, salt, pepper and olive oil.
- Heating/cooling
- Hair dryer
- Hangers
- Iron
- Washer & Dryer
- TV
- WiFi
- Workspace
- Travel crib

Home safety: There are smoke detectors, carbon monoxide detectors and locks on all doors. First aid kit available.

Parking: Guests will be expected to use the garage and the driveway for safe and efficient off-street parking.

SAFETY:

AirBnB and/or VRBO performs background checks on all users by checking public federal, state and county criminal records as well the national sex offender registry. They also utilize the Office of Foreign Asset Control list in order to restrict those from terrorist organizations.

In addition, we also plan to implement the following sensible safety measures:

- We will get to know our guests before confirming using reviews, Verified IDs, messaging services- without posting our actual address or email until confirmed
- We will perform a simple internet search of potential guests in order to access social media accounts, websites, etc. prior to confirming.

** There is an incentive process for guests to comply with all house and property rules in order to avoid poor reviews that affect their ability to rent in the future.

NATURE OF ANY EXPLOSIVE, FLAMMABLE, TOXIC, OR HAZARDOUS MATERIALS-(Paint, lacquer, cleaning supplies, etc.):

We plan to utilize all "green" cleaning supplies: vinegar, castile soaps, etc.

LIST OUTSIDE ACTIVITES:

Guests will be permitted to normal outdoor activities- use of a small outdoor bistro table, yoga mat, etc. These activities would be limited to the front and backyard.

NUMBER & TYPE OF EMPLOYEES: 0

SIGNS REQUESTED: (Sign permit required): None

A diagram must accompany application showing area

See attached

✓ Chapter 9 – Land Use Regulation

(1) Bed and Breakfast Permits.

Article 2 – Zoning and Zone Map □ Section 25 – Application and Approval Process

(a) Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the parcel.

(b) Approval is by the Planning and Zoning Commission at a regularly scheduled hearing with public notice as per § 9.2.25(F).

1. Bed and Breakfast establishments must be operated by the owner of the home, living in residence. Up to two (2) additional employees may be employed by the business.

2. It shall be conducted entirely within the residence or accessory buildings on the residential property.

3. Not more than four (4) guestrooms may be utilized to provide lodging in other than the C-1, AC or VC Zone.

4. Parking for guests must be off street.

5. Meals may be served.

6. Noise must be mitigated according to § 7.4.2, Nuisances,

Misconduct and Common Offenses. □ **7.** One lighted sign not to exceed four (4) square feet is

permitted on premises and must meet the Dark Skies provisions of §9.2.20.

8. Bed and Breakfast establishments must have published rules of operation, approved by the Planning Director.

9. Every permittee shall comply with all federal, state, county, and municipal laws and regulations applicable and the failure to do so shall constitute grounds for revocation. Each license shall be posted on

the premises where it is visible at all times.

10. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.

11. Bed and Breakfast permits shall be subject to such different and additional conditions as the Planning and Zoning Commission deems reasonable.

12. Bed and Breakfast establishments shall be inspected annually by the Fire Department for fire safety. **(c)** Revocation procedure shall follow § 9.2.25(E)(3) Home Occupation Revocation. **(d)** Bed and Breakfast establishments currently licensed under home occupation licenses shall receive a Bed and Breakfast license upon annual renewal.

(e) Duration and Renewal: **1.** The Bed and Breakfast permit remains in effect and may not be prorated for business conducted for a portion of the year. **2.** An Annual Renewal License form shall be filed on or before December 31 of each year. The form shall be in such format as the Planning Director shall determine and shall be accompanied by the annual fees.

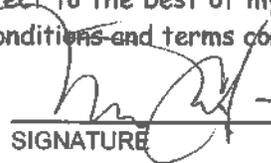
3. Renewal of each existing license is subject to approval of the Planning Director when no complaints or violations have been documented. Annual license renewals do not require public notice.

4. License renewal fee. The annual license renewal fee shall be fifteen dollars (\$15.00). The fee shall be in addition to the Business Registration required by State Law.

5. Any person who fails to make a timely renewal shall be subject to a late fee of ten dollars (\$10.00) per year. The late fee is in addition to any penalties which may be imposed for violation of this Section.

I swear that the above information is true and correct to the best of my knowledge. I have read the Bed and Breakfast Ordinance and agree to the conditions and terms contained therein.

MARIA C MONTAYA
PRINT NAME


SIGNATURE

JURAT

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

Subscribed and sworn to (or affirmed) before me on this the _____ day of _____, 2011.

BY: _____

My Commission Expires: _____

NOTARY PUBLIC

OFFICE USE ONLY

DATE: _____

TYPE: _____

B&B # _____

CHECK # _____ CASH

RECEIPT # _____

AMOUNT _____

STAFF INITIALS _____

OFFICE OF THE SECRETARY OF STATE
NEW MEXICO

Certificate of Organization

OF

The Sweet PEA Bed and Breakfast LLC

5850371

New Mexico

The Office of the Secretary of State certifies that the Articles of Organization, duly signed and verified pursuant to the provisions of the

Limited Liability Company Act

53-19-1 to 53-19-74 NMSA 1978

have been received and are found to conform to law. Accordingly, by virtue of the authority vested in it by law, the Office of the Secretary of State issues this Certificate of Organization and attaches hereto a duplicate of the Articles of Organization.

Dated: **March 8, 2019**

In testimony whereof, the Office of the Secretary of State has caused this certificate to be signed on this day in the City of Santa Fe, and the seal of said office to be affixed hereto.



Maggie Toulouse Oliver

Maggie Toulouse Oliver
Secretary of State

Google Maps 8650 Rio Grande Blvd NW



Imagery ©2019 Google, Map data ©2019 Google 100 ft



*Guest house ...
future
'Sweet
PEA B+B'*

8650 Rio Grande Blvd NW
Los Ranchos De Albuquerque, NM 87114

59M5+V8 Los Ranchos De Albuquerque, New Mexico

Photos

1. It shall be conducted entirely within the residence or accessory buildings, by persons living at the residence as the primary business operator. Up to two additional employees may be employed by the business.

2. No more than five hundred (500) square feet of a residence and/or 1,000 square feet of an accessory building shall be used to conduct a home occupation.

a. §9.2.25(D)(4)(c)(2) shall take effect on January 8, 2014 for all new applications.

3. It shall not generate significant vehicular traffic or parking around the residence in addition to that normally associated with the use of the residence as a dwelling. Up to ten (10) business related trips per day shall be considered negligible.

4. Any heavy equipment, trucks or vehicles not normally associated with residential use which may be used directly or indirectly in the home occupation shall not be stored or parked on public streets or residential property.

a. With specific approval of the Planning and Zoning Commission, there shall be permitted no more than two (2) service vehicles, used in the conduct of the business, upon the premises at any one time. A service vehicle is a car, SUV, pick-up truck or panel van.

b. There shall be no idling vehicles, nor diesel trucks greater than one (1) ton permitted on the premises.

5. There shall be no change in the outside appearance of the residence or accessory building or other visible evidence of the conduct of the home occupation except that a small non-illuminated sign of not more than four (4) square feet that blends with the aesthetic quality of the neighborhood may be approved by permit.

6. Any sales shall be limited to products or services generated or provided by the residents and must not disrupt the residential nature of the neighborhood.

7. There shall be no storage of materials or displays of merchandise visible from outside the lot lines of the residence.

8. There shall be no storage of materials or products which are explosive, flammable, toxic or otherwise hazardous to persons living within the residence or to the public.

The Sweet PEA Bed and Breakfast

About us and the Bed & Breakfast:

We graciously welcome you to The Sweet PEA Bed & Breakfast. We are a small family owned business located in the beautiful Village of Los Ranchos just north of Albuquerque. The Sweet P.E.A. is named after our very own kiddos: **P**aolo, **E**milio and **A**lma.

This quaint home offers a king-sized bed with well-appointed rooms, modern furnishings, a full bath and kitchen. The home is situated on over an acre of agricultural use property with a spectacular view of the Sandia mountains and access to the '*acequia*' water irrigation system. Enjoy the view of the Sandia mountains while sipping coffee on the patio or head out on a walk on the miles upon miles of open access trails.

We are perfectly situated to provide a rural *get-away* feeling while being conveniently close to restaurants, shops, antique shops, movie theaters, museums, exercise/yoga studios and grocery stores. The Rail Runner – offering rail service north to Santa Fe and south to Downtown Albuquerque and beyond is a short 3 miles away. The base of the Sandia mountains for superb hiking, the University of New Mexico campus and Old Town is a short 15-minute drive away. We are only 10 minutes away from the famous Balloon Fiesta Park and museum.

We invite you to visit the lovely shops in our beautiful Village. Be sure to enjoy breakfast, lunch and dinner in the finest restaurants our area has to offer within minutes of The Sweet PEA as well as our weekly Village Farmers Market.

Disconnect or choose to stay connected with our free WiFi. When not relaxing on the property, The PEA is air conditioned or heated for your comfort. Please reach out to us to suggest shops and sites in the area or assist in any way to ensure your visit to the Village of Los Ranchos is wonderful in every way!

Welcome and Enjoy,

Maria, Kris and P.E.A, of 'The Sweet PEA B&B'

HOW THE SWEET PEA WILL BENEFIT OUR COMMUNITY & THE VILLAGE OF LOS RANCHOS:

First and foremost, bringing qualified guests exposes travelers to what we consider an absolute gem-- the beautiful Village of Los Ranchos itself.

Los Ranchos provides wonderful opportunities for activity, community and exercise with the Bosque and numerous biking, walking and running trails.

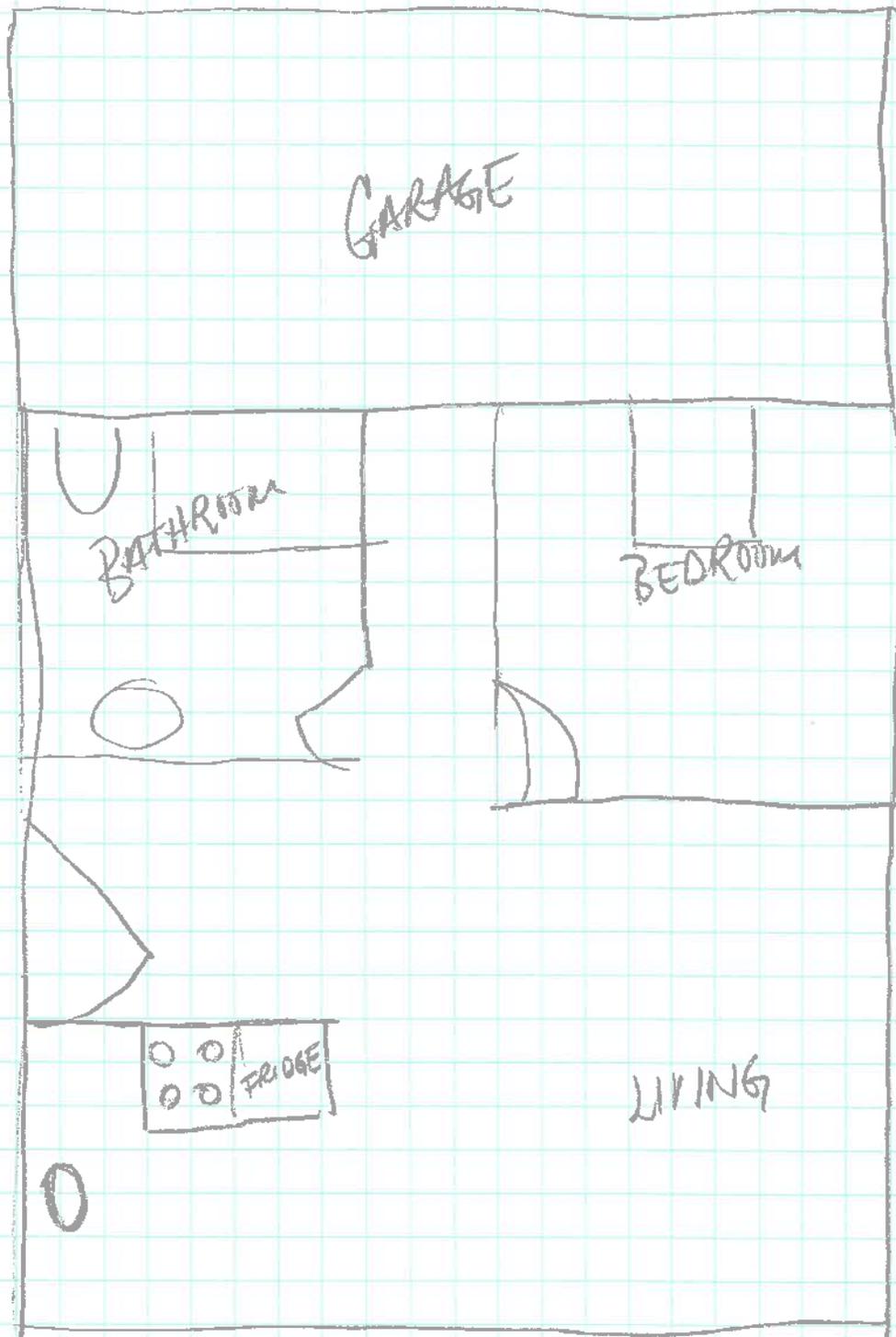
By offering accommodations, we anticipate increased awareness to this area, bringing potential new home buyers, encouraging future tourism to this area, and increased spending to local businesses. To foster this, we plan to advertise businesses and restaurants within the Village of Los Ranchos, as well as to our local grower's market.

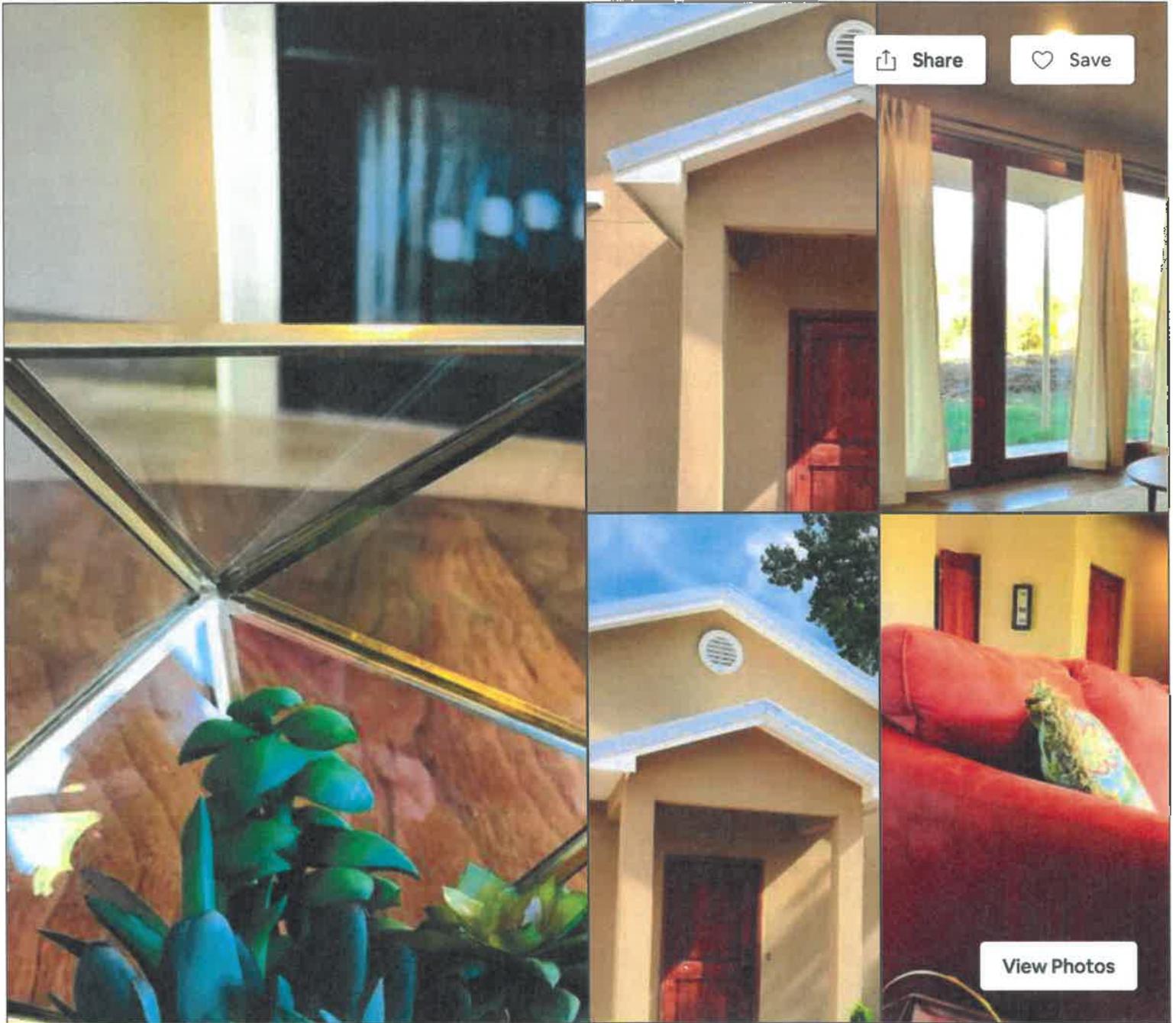
Projections:

While we are a very small business, we anticipate 4-8 reservations per month and will file according to *Gross Receipts Tax Rate Schedule for Los Ranchos de Albuquerque (2019)* at 7.4375%:

A portion of our proceeds will go towards beautifying our property to include landscaping and regular maintenance therefore increasing the desirability of the property and surrounding properties. By using the online reservation platforms (AirBnb and/or VRBO) our property is being evaluated and reviewed. Such continuous review process incentives us to keep the property in a pristine state in order to be well received.

According to AirBnb research, AirBnb guests spend on average 2.1 times the average amount of travelers. 42% of spending is within the area they are staying. "The Airbnb community benefits local economies across the world by supporting residents and local businesses, and encouraging cultural exchange."





Serene & Relaxing House with Garage

Los Ranchos de Albuquerque



Maria

\$125 per night

★★★★★ 9

🏠 Entire house

4 guests 1 bedroom 2 beds 1 bath

🧼 Sparkling clean

8 recent guests said this place was sparkling clean.

Dates

Check In

→ Check Out

Guests

1 guest

Self check-in

Check yourself in with the lockbox.

Great location

100% of recent guests gave the location a 5-star rating.

[Request to Book](#)

You won't be charged yet

[Report this listing](#)

Beautiful 'casita' in the heart of the Village of Los Ranchos. Enjoy updated amenities: granite countertops, dishwasher, full washer and dryer, garage. Walking distance to open space and miles of paved and natural trails. Short drive to balloon Fiesta Park, old town, uptown and Nob Hill. Short 45 minutes to Santa Fe. Welcome!

Contact host

Amenities

 Wifi

 Hangers

 Kitchen

 Free parking on premises

[Show all 38 amenities](#)

Sleeping arrangements



Bedroom 1
1 king bed



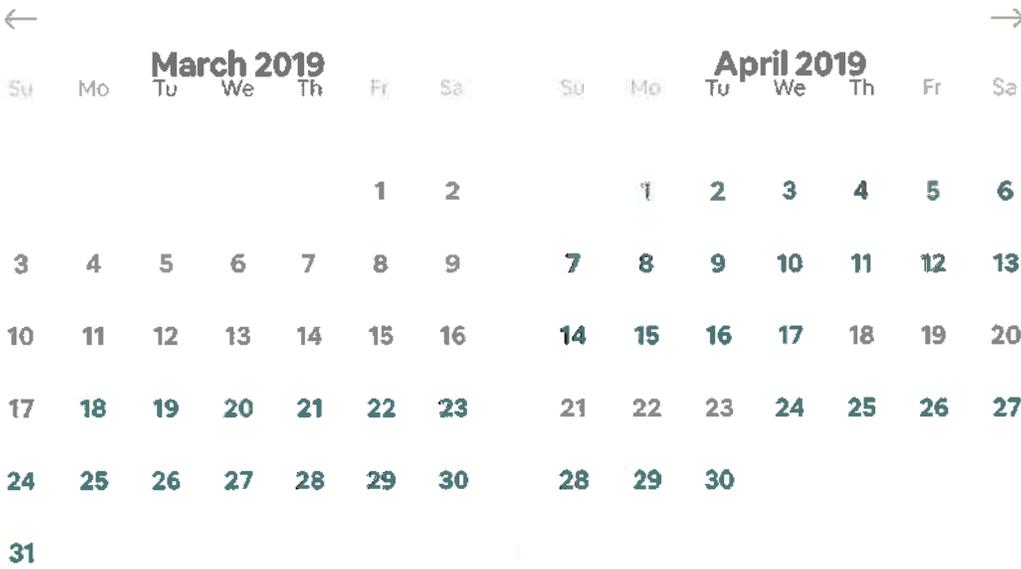
Common spaces
1 sofa bed, 1 couch

Accessibility

Step-free access to the home's entrance

Availability

Updated 2 days ago



9 Reviews ★★★★★

Search reviews

Accuracy ★★★★★

Location ★★★★★

Communication ★★★★★

Check-in ★★★★★

Cleanliness ★★★★★

Value ★★★★★



Kylie
October 2018



Enjoyed the space so much we returned for another night!



Kylie
October 2018



Maria was kind and welcoming. The location and space are beautiful. She offered routes for a short or longer run to take advantage of the scenery. Close to the Balloon Fiesta and great restaurants, antique shopping. Highly recommend!



1

2

Hosted by Maria



Albuquerque, NM · Joined in April 2016

★ 12 Reviews Verified

Super host and super traveler with three kids in tow!

Languages: English

Response rate: 100%

Response time: within an hour

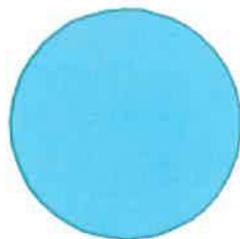
Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Maria's home is located in Los Ranchos de Albuquerque, New Mexico, United States.

Gorgeous open space with views of the Sandia mountains. East side bistro table for morning coffee or yoga. A place to really relax yet close to great restaurants. The area is abutting open space with miles of paved and natural trails.



Exact location information is provided after a booking is

confirmed.

Policies

House Rules

No pets

No smoking, parties, or events

Check-in time is flexible and check out by 10AM

Self check-in with lockbox

Cancellations

Moderate - Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

More homes you may like



ENTIRE HOUSE

Lovely home near old town

8 guests · 3 bedrooms · 6 beds · 2.5 baths

Wifi · Free parking on premises ...

NEW

\$150/night

ENTIRE HOUSE

Spacious and luxurious 4BR...

10 guests · 4 bedrooms · 8 beds · 2.5 baths

Wifi · Free parking on premises ...

★★★★★ 38

\$225/night

ENTIRE HOUSE

Northwest ABQ, 2 minutes t...

7 guests · 3 bedrooms · 4 beds · 2 baths

Wifi · Free parking on premises ...

★★★★★ 7

\$98/night

Things to do near this home



BALLOON RIDE

Hot Air Balloon Rides - Private & Fun!

\$200 per person

5.0★ (6)

CULTURE WALK

Film Craft on 66 - Beyond Breaking Bad

\$52 per person

5.0★ (2)

BALLOON RIDE

Powered Hang Glider Flights II

\$125 per person

Explore other options in and around Los Ranchos de Albuquerque

More places to stay in Los Ranchos de Albuquerque: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Santa Fe
Saubrigues
Aroroy
Sant'Eraclio
Tianwei
Blegny

Albuquerque
Sivry-sur-Meuse
Dakhlet Nouadhibou
Rock Flat
Vnanje Gorice
Tiona

Taos
Chita
Middleton
Porto Valtravaglia
Ratamka
San Donnino

- B. CU-12-03**, An application by Maria C. Montoya for a change to conditions of a conditional use to allow rental of a guest house, in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

ADMINISTRATIVE APPROVAL

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: June 1, 2012

REPORT NO. PZ-12-24
File: CU-12-03

ISSUED BY: Director, Planning and Zoning

SUBJECT: A request for a Conditional Use Permit for new construction of a Guest House under 1,000 square feet of heated area as required by Ordinance 183 as amended, Section 6(C)(5) in the A-1 Zone of the North Rio Grande Character Area.

APPLICANT: Mark Eisenbeis

LOCATION AND LEGAL:

The property is located at 8650 Rio Grande Blvd NW and is legally known as Lot A1, Plat for Lands of Annie Robertson Lots A1, D1 and D2 within the Town of Alameda Grant, Projected Sections 16 and 17, T11N, R3E, NMPM, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico October 1996. The property contains 1.6107 acres more or less.

ANALYSIS:

Ordinance 183 as amended, Section 6(C):

C. CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in Section 24:

- (5) Guest house or additional dwelling.
 - (a) The guest house is limited to 1,000 square feet of heated floor area.
 - (b) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

Under Ordinance 183 as amended, Section 24 (D)(15):

Conditional Uses (Ordinance 191) Conditional uses which have been Publically Noticed with no adverse comments received by the deadline may be approved by the designated Planning and Zoning Official.

The request was duly public noticed as per Section 24F, Public Notice Regulations on 5-16-12 until 6-1-12. No adverse comments were received during the public notice period.

APPROVAL OF REQUEST

The request for a Conditional Use Permit for a Guest House under 1,000 square feet of heated area as required by Ordinance 183 as amended, Section 6(C)(5) in the A-1 Zone of the North Rio Grande Character Area is approved with the conditions:

- (a) The guest house is limited to 1,000 square feet of heated floor area.
- (b) Occupants **shall not be charged rent** unless an explicit conditional use allowing rental has been approved by the Commission.
- (c) **The guest house must connect to the public sanitary sewer system.**

Findings:

- 1) The conditional use meets the requirements of Ordinance 183 as amended, Section 6(C)(5)
- 2) The conditional use is not injurious to adjacent property, the neighborhood or the community.
- 3) The proposal meets the 2020 Master Plan 7.1.2 Residential Objectives:

Promote the goals in the other sections of the Master Plan while adapting their objectives to the residential use of each Character Area;

Preserve existing low density residential uses appropriate to the Rio Grande, Village West, Guadalupe Trail and Camino Real Residential character areas.

2020 Master Plan 7.1.3 Policies and Actions. Policy A. Enforce zoning densities and Ordinance requirements in residential areas.

Linda Seebach
Director
Planning and Zoning

Date

PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: May 30, 2019

REPORT NO. PZ-19-16
File: CU 12-03

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Change in Conditions for a Guest House

APPLICANT: Maria C. Montoya

LOCATION AND LEGAL:

The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

PROJECT:

The applicant has applied to operate a Bed & Breakfast on the subject property. The applicant purchased the property somewhat recently, with an existing guest house. The guest house was approved as a Conditional Use (CU-12-03) by the previous owner, with the typical conditions:

C. CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in Section 24:

- (5) Guest house or additional dwelling.
 - (a) The guest house is limited to 1,000 square feet of heated floor area.
 - (b) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

The applicant would now like a change in conditions to allow short term rental as a Bed & Breakfast / Air BnB / VRBO.

ANALYSIS:

If the applicant is approved to operate a Bed & Breakfast using a previously approved Guest House, Village Code requires that a specific conditional use is approved allowing rental of the unit. This action is to amend the prior Guest House approval to allow short term rental of the dwelling unit.

RELEVANT CODE LANGUAGE:

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

C. CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in Section 24:

- (5) Guest house or additional dwelling.
 - (a) The guest house is limited to one thousand (1,000) square feet of heated floor area with facilities for cooking (not necessarily a full kitchen (microwave, coffee pot, etc.)), sleeping and sanitation.
 - (c) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

Should the Planning & Zoning Commission approve the applicant's request to utilize a guest house as a short term rental (Bed and Breakfast, Air BnB, VRBO, or similar program) the Department recommends approval of a Change of Conditions allowing the short term rental of the Guest House, as required by §9.2.7(C)(5)(c) in the A-1 Zone of the North Rio Grande Character Area.

Findings:

The Conditional Use requirements for the guest house state that "Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission."

Public notice requirements have been met by publication in the Albuquerque Journal on April 20, 2019 and May 24, 2019. The Public Notice was sent by mail to all neighbors within 300 feet of the property on April 16, 2019 and May 22, 2019.



Tiffany Justice
Planner, Planning and Zoning Department

Date: May 30, 2019

Commissioners:

The attachments for this item are the same documents as are attached to the prior agenda item. In lieu of duplicating all of the documents, please refer to the prior item attachments. Thank you.

**SUPPLEMENTAL DOCUMENTS PROVIDED BY
APPLICANT DURING HEARING**

Date: May 9, 2012

OFFICIAL NOTIFICATION OF DECISION

FILE: BB # 453 A request for a Bed and Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area.

Tyler and Melissa Cole
9001 Rio Grande Blvd.
Los Ranchos, NM 87114

LEGAL DESCRIPTION:
The property is located at 9001 Rio Grande Blvd and is legally known as Lot A, Land Division Plat showing Al Kaayl Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25, Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres more or less.

On May 8, 2012 the Village of Los Ranchos de Albuquerque Planning and Zoning Commission voted by a vote of 5-0 to approve Bed and Breakfast Permit # 453 as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area with the following conditions:

All requirements for Bed and Breakfast permit as listed in Ordinance 183 as amended, Section 24(E)(8)(B) be met and adhered to.

Findings:

The property is currently zoned A-1 and is within the North Rio Grande Character Area.

Bed and Breakfast establishments are an allowable use in the A-1 Zone under Ordinance 183 as amended, Section 24(E)(8)(a).

The application was public noticed per Ordinance 183 as amended, Section 24(F)(2).

The application meets the 2020 Master Plan Overall Village Goal 1.2.2 The goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO IN THE MANNER DESCRIBED BELOW.

Ordinance 183 as amended, Section H

- (2) **Commission Decision Appeals.** Appeals of Commission decisions must be made in writing to the Village Clerk and filed within fifteen (15) calendar days to the Board of Trustees. The Village Clerk will schedule the project for review and consideration by the Board at a public hearing.
- a) The appeal must include specific and relevant reasons for the appeal, citing the appropriate Village Master Plan sections and the applicable Ordinance(s).

There is a fifteen (15) day appeal period. After the appeal period, you may proceed with the operation of your Bed and Breakfast. You will be notified if an appeal is filed which will be heard by the Board of Trustees.

Entered this 9th day of May, 2012

Linda Seebach
Linda Seebach, Director, Planning and Zoning

PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: April 23, 2012

REPORT NO. PZ-12-15

File: BB#453

PREPARED FOR: Village of Los Ranchos Planning and Zoning Commission

SUBJECT: A request for a Bed and Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area.

APPLICANT: Tyler and Melissa Cole, property owners

LOCATION AND PROPERTY DESCRIPTION:

The property is located at 9001 Rio Grande Blvd. and is known as Lot A, Land Division Plat showing Al Kaayl Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25, Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres more or less.

PROJECT:

The owners are requesting a Bed and Breakfast permit for four (4) rooms in the residence.

Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the parcel.

The property is connected to the sanitary sewer system.

ANALYSIS:

The property is a perfect location and site for a Bed and Breakfast. Located on the northern most edge of the Village, access to Alameda Blvd. is only minutes away, ideal for Balloon Fiesta, recreation at the Bachechi Open Space and West side shopping.

All the rules for operation of a Bed and Breakfast are listed on the application form and signed by the applicant. The Coles reside on the property as the owner/operators and have agreed to comply with all Village requirements.

Ordinance 183 as amended, Section 24(E)(8)(b)(5) Meals may or may not be served. The owners will not be serving meals.

Attached is a site plan and operational rules for the establishment.

DEPARTMENT RECOMMENDATION:

The Department recommends approval of the request for a Bed and Breakfast Permit as required by Ordinance 183 as amended, Section 24(E)(8) in the A-1 Zone of the North Rio Grande Character Area

4. PUBLIC HEARINGS AND APPLICATION

A. B&B Permit # 453 A request by Tyler and Melissa Cole for a Bed and Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in the A-1 Zone of the North Rio Grande Character Area. The property is located at 9001 Rio Grande Blvd. and is known as Lot A, Land Division Plat showing Al Kaayi Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts 7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25, Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres more or less.

B. V-12-02 A request by Kelly Nuckols for a Variance from Ordinance 183 as amended, Section 6(H)(c) No solid wall or fence located with the front setback area shall be more than four (4) feet in height to allow for a six (6) foot solid wall in the front setback area in the A-1 Zone of the North Rio Grande Character Area. The property is located at 824 Ranchitos Road and is known as Tract 32A2A2 M.R.G.C.D. Map # 27, Village of Los Ranchos, Bernalillo County, New Mexico. The property contains .1259 acres more or less.

C. V-12-03 A request by Lori Stribling for a Variance from Ordinance 183 as amended, Section 6(C)(5)(a) The guest house is limited to 1,000 square feet of heated floor area to allow for a guest house (historical home) of 1,600 square feet of heated floor area in the A-3 Zone of the South Rio Grande B Character Area. The property is located at 5517 Rio Grande Blvd. NW and is legally known as Lot 47-A of Plat of Lots 47A and 56A Los Poblanos Estates (Being a replat of Lots 47 and 56), within Projected Section 30, T11N, R3E, M.R.G.C.D. Map # 30, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, May 2002. The property contains 3.000 acres more or less.

5. OLD BUSINESS

6. NEW BUSINESS

7. REPORTS

A. Planning Department Report

8. COMMISSIONER'S INFORMAL DISCUSSION

9. ADJOURNMENT

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD NW, DURING REGULAR BUSINESS HOURS OF 8:00 AM - 5:00 PM. THE PLANNING DEPARTMENT HOURS ARE FROM 8:00 AM TO NOON, AND BY APPOINTMENT FROM NOON UNTIL 5:00 PM.

THE NEXT REGULAR MEETING WILL BE HELD ON TUESDAY, JUNE 12, 2012

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 344-6582 at least one week prior to the meeting or as soon as possible.

I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and the Open Meetings Resolution 2012-1-P&Z.


Linda Seebach, Director Planning and Zoning

4-23-12
Date

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MINUTES
VILLAGE OF LOS RANCHOS
Planning and Zoning Commission
6718 Rio Grande Blvd. NW
Warren J. Gray Hall
May 8, 2012
7:00 P.M.

Present:

STAFF

Administrator: Kelly Ward

Attorney: Bill Chappell

Planning Staff: Linda Seebach, Director

1. CALL TO ORDER – Chairwoman Pro Tem Seligman called the meeting to order at 7: 00 p.m..

A. Roll Call - Commissioner Lewis, Commissioner Seligman, Commissioner Brawley, Commissioner Gollis, Commissioner Albert. Commissioner Tourville was absent, and Commissioner Hannah has been excused.

Chairwoman Pro Tem Seligman stated there was a quorum present for the meeting.

B. APPROVAL OF AGENDA

Chairwoman Pro Tem Seligman asked Planner Seebach if there were any changes to the Agenda.

Planner Seebach stated that there were no changes.

MOTION: Commissioner Brawley moved approval of the Agenda.

SECOND: Commissioner Lewis seconded the motion.

VOTE: The motion carried unanimously (5-0).

2. PUBLIC COMMENT PERIOD- None

3. CONSENT AGENDA

A. Approval of Minutes – April 10, 2012.

Chairwoman Pro Tem Seligman asked if there were any changes to the minutes or was there a motion.

MOTION: Commissioner Gollis moved approval of the minutes for April 10, 2012.

SECOND: Commissioner Brawley seconded the motion.

VOTE: The motion carried unanimously (5-0).

1 **4. PUBLIC HEARINGS AND APPLICATIONS**

2
3 **Chairwoman Pro Tem Seligman asked Attorney Chappell to swear those in who would**
4 **be speaking before the Commission.**

5
6 **Attorney Chappell swore in those present who would be speaking before the**
7 **Commission.**

8
9 **A. B&B Permit # 453 A request by Tyler and Melissa Cole for a Bed and**
10 **Breakfast Permit as required by Ordinance 183 as amended Section 24(D)(8) in**
11 **the A-1 Zone of the North Rio Grande Character Area. The property is located at**
12 **9001 Rio Grande Blvd. and is known as Lot A, Land Division Plat showing Al**
13 **Kaayl Addition, comprising all of Tract 34, M.R.G.C.D. Map No. 22, all of Tracts**
14 **7, 8 and all except the southerly 50' of Tract 9, M.R.G.C.D. Map No. 25,**
15 **Bernalillo County, New Mexico, March 1972. The property contains 1.5 acres**
16 **more or less.**

17
18 **Chairwoman Pro Tem Seligman asked Planner Seebach for the Planning Report.**

19
20 **Planner Seebach gave the Planning Report with recommendation for approval with**
21 **conditions and findings and added that they had received one letter of protest from the**
22 **resident at 9000 Rio Grande Blvd NW, Albuquerque, NM.**

23
24 **Chairwoman Pro Tem Seligman asked if there were any questions for Planner**
25 **Seebach from the Commission. She then asked the applicant to address the**
26 **Commission by stating his name and address for the record.**

27
28 **Tyler Cole 9001 Rio Grande Blvd NW stated that the application is for a bed and**
29 **breakfast, then described the property with notation that they can have vacationers, but**
30 **will be doing the work themselves with no employees. They feel that this fits in with the**
31 **2020 Master Plan that will bring people into the area to enjoy the area.**

32
33 **Chairwoman Pro Tem Seligman thanked Mr. Cole then asked if there were any**
34 **questions for Mr. Cole.**

35
36 **Commissioner Gollis asked if he had any discussions with the neighbor who has noted**
37 **her opposition to the permit request.**

38
39 **Tyler Cole state he had not talked to her, but to the closest neighbor, who lives behind**
40 **them and they stated it was not an issue with them.**

41
42 **Commissioner Gollis thanked Mr. Cole, stating that he was just curious.**

43
44 **Commissioner Brawley stated he was sure that Mr. Cole had done his homework on**
45 **bed and breakfasts; what did he suspect the average length of stay for a guest?**

46
47 **Tyler Cole stated that three days is the average with the target days being the Balloon**
48 **Fiesta which is a week.**

49
50 **Commissioner Brawley stated that he understood that Mr. Cole would maintain his**
51 **residence at the main house.**

1 **Tyler Cole** affirmed the statement.

2
3 **Commissioner Albert** asked if the person who wrote the protest letter at 9000 Rio
4 Grande lived in the house across the street that is for sale.

5
6 **Tyler Cole** stated that would be to the north.

7
8 **Commissioner Albert** stated that was not the property for sale. She was trying to figure
9 out where 9000 would be and isn't there a property right across the street that is for sale.

10
11 **Tyler Cole** stated the Izzy Gallegos house is for sale but that is not 9000; that address is
12 still north of that house.

13
14 **Commissioner Albert** asked if 9000 was directly across the street from Mr. Cole's
15 house.

16
17 **Tyler Cole** stated that he thought 9000 was north of his property, that the addresses get
18 a little weird in that area.

19
20 **Commissioner Albert** asked Planner Seebach if she knew where 9000 was.

21
22 **Planner Seebach** answered with a negative.

23
24 **Chairwoman Pro Tem Seligman** asked if there was anyone in favor of the proposal.

25
26 **Lawrence Stebleton** 8903 Rio Grande Blvd NW stated that this is part of the Al Kaayl
27 subdivision which is named after an Arabian horse operation that was there at one time
28 and that he had lived in the Village for 25 years. He is against the bed and breakfast and
29 stated that Mr. Cole is not running a bed and breakfast because he is not serving
30 breakfast. It's a motel. The property has been many things, in fact there is an L-shaped
31 thing in the back part of the property and one of the trustees lived there for years. But
32 that is only one unit and he will have to have extensive construction to make it into a 4
33 unit thing. One thing is that it is against the mission of the Village to maintain rural
34 atmosphere. The gentleman who lives there now has only lived there a couple of years
35 and doesn't know the area. They have tried to keep businesses off Rio Grande Blvd. and
36 he is only aware of one B & B and it is right across from the hall here. Once they put
37 businesses in a rural area, they lower property values. They have always been against
38 businesses on Rio Grande Blvd. and they are setting a bad precedent once they start
39 putting businesses along Rio Grande and he would like it not approved. He then asked if
40 they had any questions.

41
42 **Chairwoman Pro Tem Seligman** thanked Mr. Stebleton. She stated that they had taken
43 him out of order and asked if there was anyone who wanted to speak in favor of the
44 proposal or was there anyone who wanted to speak in opposition to the proposal and
45 would note that Mr. Stebleton was against the proposal. She then closed the floor to
46 comments.

47
48 **Commissioner Brawley** stated he had a question for Mr. Cole.

49
50 **Chairwoman Pro Tem Seligman** asked Mr. Cole to return to the podium.

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Commissioner Brawley asked Mr. Cole if the four (4) bedrooms already existed on the property.

Tyler Cole stated that they do exist and what they are anticipating is one vacationer at a time because most vacationers need more than one room.

Commissioner Brawley asked him if he intended to build more bedrooms.

Tyler Cole stated he was not and just for the record he has lived in the Village for ten (10) years having lived in Los Poblanos Orchards and is sensitive to the theme of the Village. He believes that a vacationer staying on their property can enjoy the Village and will virtually not have any impact what so ever.

Commissioner Brawley stated that it looked like the property is gated and they could provide some secure atmosphere for out of town guests.

Tyler Cole stated that guests will have gate access by code and they have covered parking so the visual impact is minimized.

Commissioner Albert commented that she had minor notations on his rules of operation, there are a couple of typos that might need to be fixed and as an aside she has a business in her home and has not seen a depletion in property values.

MOTION: **Commissioner Brawley** moved to approve the request for a Bed and Breakfast Permit as required by Ordinance 183 as amended, Section 24(E)(8) in the A-1 Zone of the North Rio Grande Character Area with the conditions:

All requirements for Bed and Breakfast permit as listed in Ordinance 183 as amended, Section 24(E)(8)(B) be met and adhered to.

Findings:

The property is currently zoned A-1 and is within the North Rio Grande Character Area.

Bed and Breakfast establishments are an allowable use in the A-1 Zone under Ordinance 183 as amended, Section 24(E)(8)(a).

The application was public noticed per Ordinance 183 as amended, Section 24(F)(2).

The application meets the 2020 Master Plan Overall Village Goal 1.2.2 The goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.

SECOND: **Commissioner Gollis** seconded the motion.

VOTE: The motion carried unanimously (5-0).

B. V-12-02 A request by Kelly Nuckols for a Variance from Ordinance 183 as amended, Section 6(H)(c) No solid wall or fence located within the front setback area shall be more than four (4) feet in height to allow for a six (6) foot solid wall in the front setback area in the A-1 Zone of the North Rio Grande Character

VILLAGE OF LOS RANCHOS

Bed & Breakfast Business Registration License # 453

Business Name: The Alameda House

CRS No. 02-942643-00-0

Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

***THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
FOR THE CALENDAR YEAR 2013.***

DATE: 11/28, 2012

ATTEST:


Annabelle Selman
Village Clerk

This license must be posted at business location.

VILLAGE OF LOS RANCHOS

**Bed & Breakfast Business Registration
License # 453**

Business Name: The Alameda House
CRS No. 02-942643-00-0
Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

***THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
FOR THE CALENDAR YEAR 2014.***

DATE: December 31, 2013

ATTEST:



Stephanie Dominguez, Village Clerk

This license must be posted at business location.

VILLAGE OF LOS RANCHOS

**Bed & Breakfast Business Registration
License # 453**

Business Name: The Alameda House

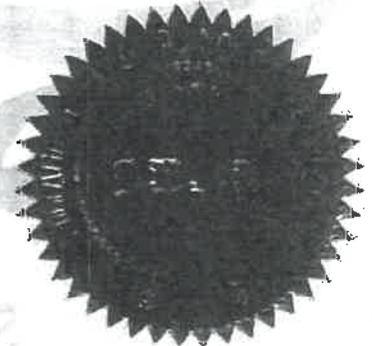
CRS No. 02-942643-00-0

Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

***THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
FOR THE CALENDAR YEAR 2015.***

DATE: November 24, 2014

ATTEST:




Stephanie Dominguez, Village Clerk

This license must be posted at business location.

VILLAGE OF LOS RANCHOS

Bed & Breakfast Business Registration License # 453

Business Name: The Alameda House

CRS No. 02-942643-00-0

Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

***THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
FOR THE CALENDAR YEAR 2016.***

DATE: DECEMBER 11, 2015

ATTEST:


Stephanie Dominguez, Village Clerk



This license must be posted at business location.

VILLAGE OF LOS RANCHOS

Bed & Breakfast Business Registration License # 453

Business Name: The Alameda House
CRS No. 02-942643-00-0
Location: 9001 Rio Grande Blvd NW
Los Ranchos, NM 87114

***THIS BUSINESS IS LICENSED AS A BED & BREAKFAST
Expires December 31, 2018***

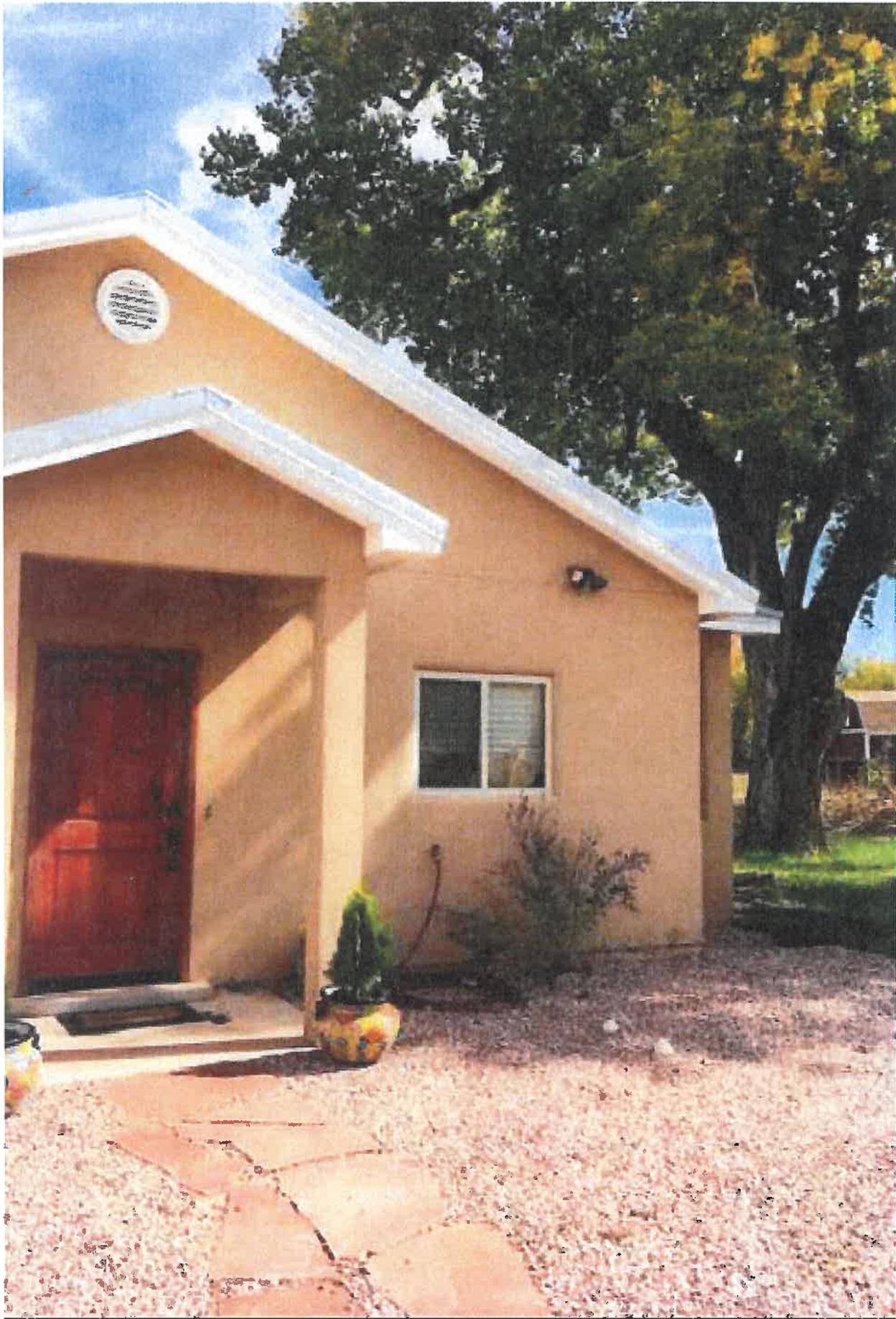


Attested this day November 28, 2017

A handwritten signature in black ink, appearing to be "Stephanie Dominguez", written over a horizontal line.

Stephanie Dominguez, Village Clerk

This license must be posted at business location.



QUEST HOUSE PHOTO-1

2022-2023-2024



GUEST HOUSE PHOTO - 2



Living Room - 5



GUEST HOUSE PHOTO - 3



2012 - 2013



QUEST HOUSE PHOTO - y



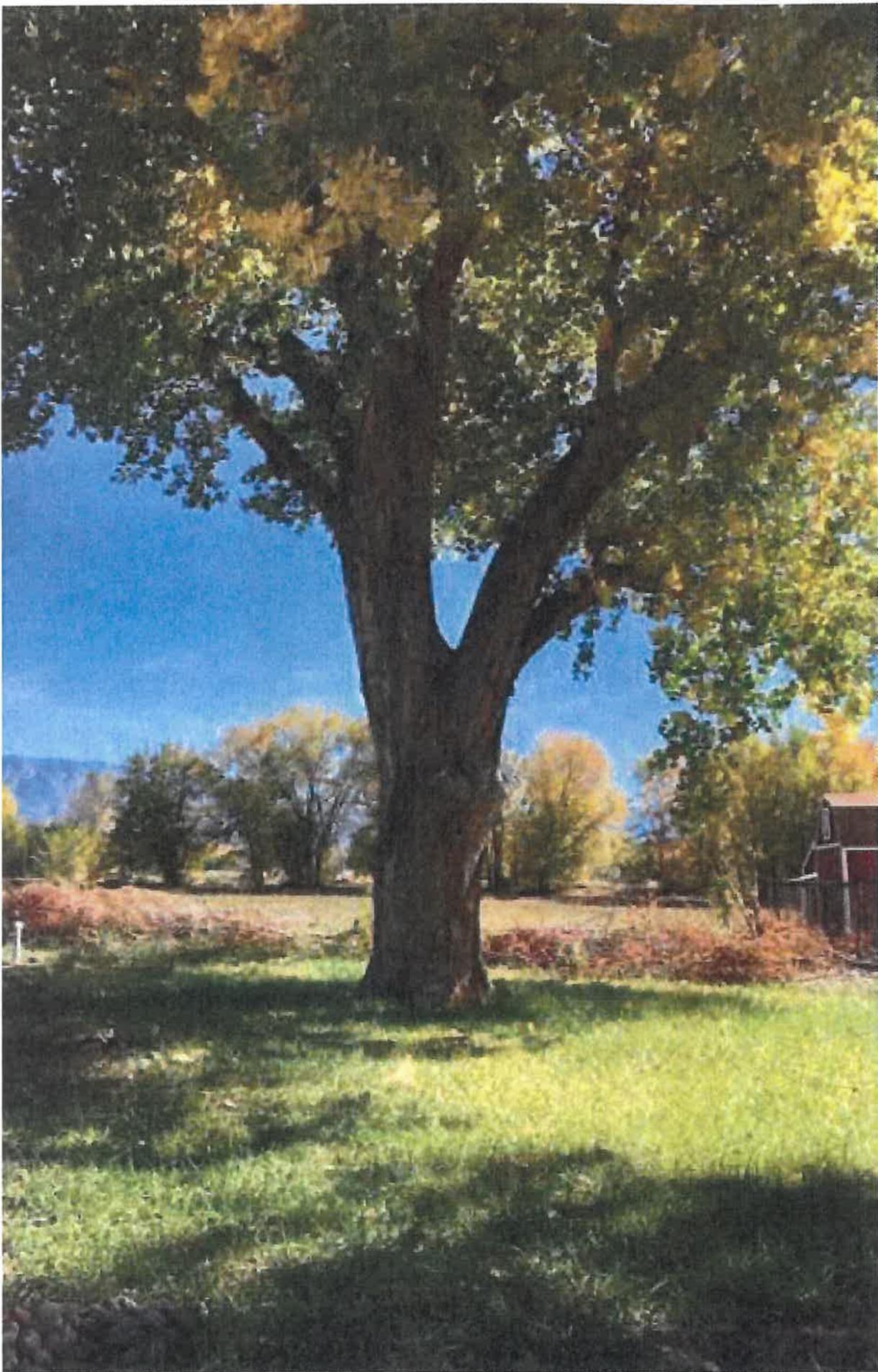
2002 10/10/02 10:00 AM



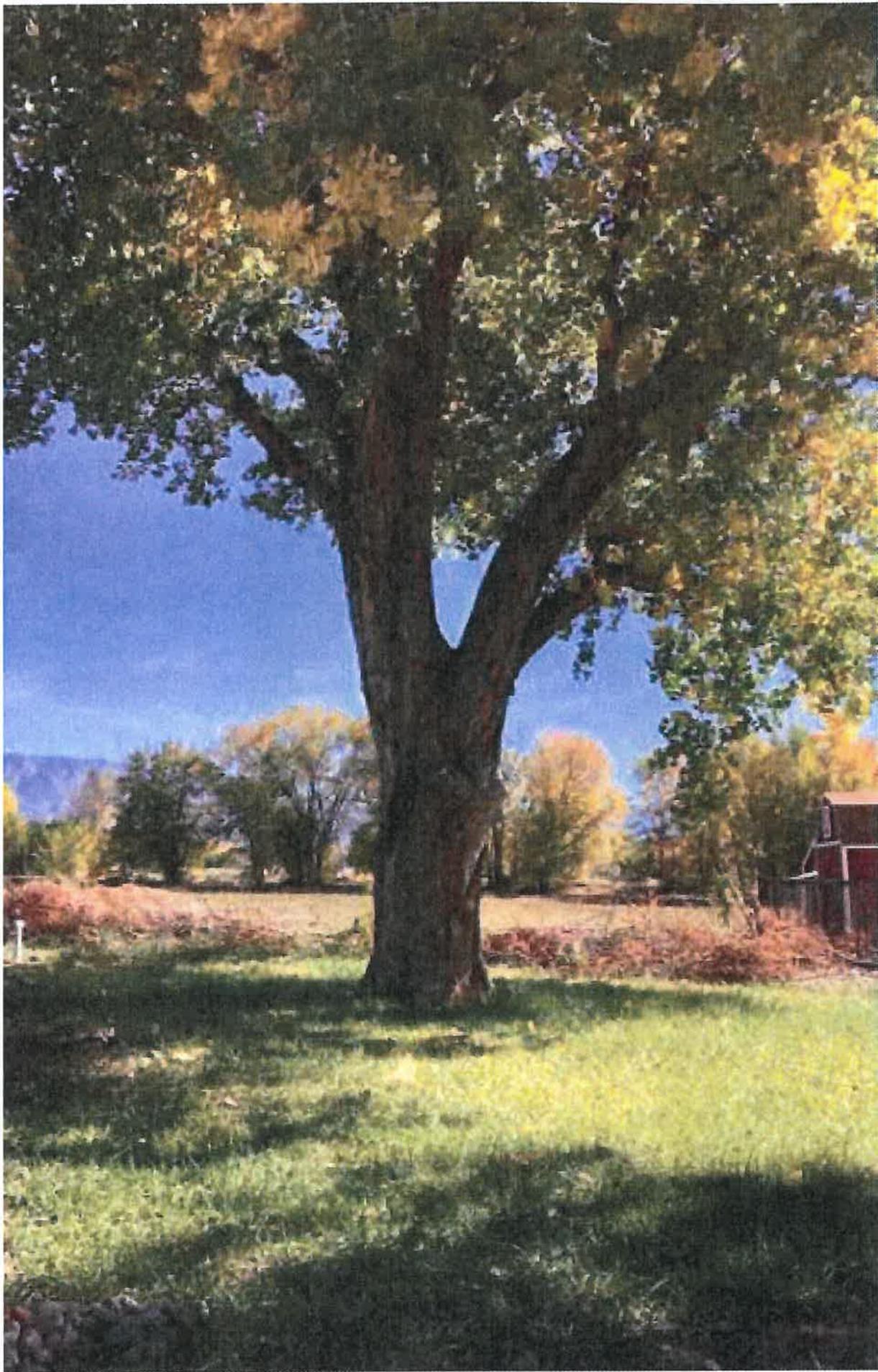
QUEST HOUSE PHOTO -5



Decorative items on vanity - 2



GUEST HOUSE PHOTO - 6



Great white maple - 1



AERIAL PHOTO-1

10.A.

NEW BUSINESS

- A. DISCUSSION AND ADOPTION OF AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 14 ARTICLE 1, SECTIONS 1 THROUGH 4 AS FOLLOWS: AMENDING ORDINANCE NO. 259, TO ADOPT THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE (UTO); DELETING REFERENCES TO THE NEW MEXICO MOTOR VEHICLE CODE; DELETING SECTIONS 14.1.4 (A), (B) AND (C); AND ADDING A NEW SECTION 14.1.4, PROVIDING THAT UTO SECTION 12-6-1.2 (A)(2) SHALL READ: “NO PERSON SHALL DRIVE A VEHICLE ON A STREET OR DETOUR AT A SPEED GREATER THAN TWENTY-FIVE (25) MILES PER HOUR IN ANY BUSINESS OR RESIDENCE DISTRICT.”

CHAPTER 14

MOTOR VEHICLES

- ARTICLE 1. Motor Vehicle Code
ARTICLE 2. Trucks and Commercial Vehicles

ARTICLE 1. MOTOR VEHICLE CODE

- SECTION 1. State Code Adopted By Reference
SECTION 2. Code Available For Inspection
SECTION 3. Animals in Open Vehicle Beds
SECTION 4. Establishment of Speed Zones
SECTION 5. Vehicles Abandoned or Displayed for Sale Illegally

§ 14.1.1 STATE CODE NEW MEXICO UNIFORM TRAFFIC ORDINANCE ADOPTED BY REFERENCE

~~Except as specifically modified by ordinance as set out hereafter, pursuant to NMSA 1978, § 3-17-6(A)(3) (2007), the New Mexico Motor Vehicle Code NMSA 1978, § 66-1-1, et seq., as amended from time to time, is adopted by reference as the traffic code of the Village, including the penalty assessment provisions of NMSA 1978, § 66-8-116 through § 66-8-117. To the extent permitted by New Mexico law, the provisions of the New Mexico Motor Vehicle Code may be modified or amended by ordinance adopted by the Village.~~

New Mexico Uniform Traffic Ordinance by Reference Adopting the New Mexico Uniform Traffic Ordinance 2010 Compilation with all revisions through 2018 and amending Section 12-6-1.2 A (2) No person shall drive a vehicle on a street or detour at a speed greater than twenty-five (25) miles per hour in any business or residence district.

§ 14.1.2 CODE AVAILABLE FOR INSPECTION

A copy of the New Mexico Motor Vehicle Code shall be available for inspection during regular business hours at the Village Hall.

§ 14.1.3 ANIMALS IN OPEN VEHICLE BEDS

No person shall transport any animal in the open bed of a moving motor vehicle without a physical restraint that prevents the animal from jumping or falling from the vehicle and from strangulation.

§ 14.1.4 ESTABLISHMENT OF SPEED LIMITS (RESERVED)

~~(A) The speed limit on the portion of Rio Grande Boulevard that is within the Village's jurisdiction shall be twenty-five miles per hour (25 MPH);~~

~~(B) The speed limit on the portion of Fourth Street that is within the Village's jurisdiction shall be thirty-five miles per hour (35 MPH);~~

~~(C) The speed limit on the portion of El Pueblo Road that is within the Village's jurisdiction shall be twenty-five miles per hour (25 MPH).~~

§ 14.1.5 VEHICLES ABANDONED OR DISPLAYED FOR SALE ILLEGALLY

(A) TITLE. This Section shall be known and cited as the “Vehicles Abandoned or Displayed for Sale Illegally” of the Village of Los Ranchos de Albuquerque, New Mexico, (hereinafter referred to as the “Section.”)

(B) AUTHORITY. This Article is enacted pursuant to NMSA 1978, § 3-17-1 (1993) which provides that municipalities are granted those powers necessary for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants and that the Governing Body may adopt ordinances for this purpose.

(C) FINDINGS. The Governing Body of the Village of Los Ranchos de Albuquerque finds that sales of motor vehicles between private individuals within the Village frequently occur under circumstances of the buyer not being able to determine the validity of the title held by the seller; that frequently such titles are void, encumbered by liens, or otherwise invalid, particularly of out-of-state registered vehicles brought into the Village for sale; that such sales often lead to avoidance of full payment of the state excise tax. The Board of Trustees further finds that undeveloped and vacant land along major thoroughfares is frequently used by individuals as de facto used car lots displaying vehicles for sale; that such places frequently used by those sellers of vehicles with defective titles to unwary buyers; that such places are also frequently used for abandonment of vehicles; that such use of undeveloped and vacant property is often in violation of the Village Zoning Code, is unsightly, creates dust problems, constitutes a traffic hazard, and is a nuisance to neighboring developed properties.

(D) DISPLAY AND SALE OF MOTOR VEHICLES. Any vehicle may be displayed for sale and actually sold by a private individual, not a dealer as described in NMSA 1978, § 66-1-4.4(B)(3) (2016), only at the current home or work address of the buyer or seller, except that a vehicle may be displayed for sale at another location which satisfies the provisions of the zoning code, if permission is obtained from the owner or lessee of such property. The owner of any vehicle cited in violation of this Section or who has a criminal complaint filed against him or her and who claims to fit within this exception shall bear the burden of so proving. This Section is not intended to prohibit the routine use of a vehicle to which a “for sale” sign is affixed. Any person who takes motor vehicles on consignment for sale must have ownership of the vehicle assigned to such person upon taking possession of any vehicle for such purpose. Any such person must also be licensed as a dealer and bonded with the Motor Vehicle Division of the New Mexico Transportation Department. Motor vehicle shall mean motor vehicle as defined in NMSA 1978, § 66-1-4.11(H) (2015). No person shall display a vehicle for sale in violation of this Section with the license plate removed or concealed and/or the vehicle identification number concealed.

(E) ABANDONMENT OF MOTOR VEHICLES. For purposes of this Section, a vehicle is abandoned if parked on or along any street, alley or public way and displays no license plates or other signs of registration. A vehicle may also be deemed to be abandoned if unattended on or along any street, alley or public way with expired registration and is clearly inoperable.

(F) TOWING.

(1) A vehicle abandoned or displayed for sale in a location in violation of this Article may be towed no sooner than twenty-four (24) hours after a warning sticker is placed on the vehicle. Members of the sheriff's department are authorized to remove a vehicle from a vacant lot to the nearest garage or other place of safety or to a garage designated or maintained by the sheriff's department or otherwise maintained by the county.

(2) The warning sticker shall contain the following information:

(a) The date and time the warning sticker was affixed to the vehicle;

(b) A statement that is pursuant to this Article, if the vehicle is not removed within twenty-four (24) hours of the time the sticker is affixed, it may be taken into custody and stored at the owner's expense;

(c) A statement that, if the vehicle is towed pursuant to this Article, the owner will have the opportunity to challenge said action at a hearing, and a written notice of the procedure for said hearing will be mailed to the owner's address as provided by the State Motor Vehicle Division files or the files of the appropriate motor vehicle regulatory agency of another state;

(d) The location and telephone number where additional information may be obtained; and

(e) The identity of the affixing person.

(3) After a vehicle is taken into custody and stored pursuant to this Section, the affixing department shall initiate notification and hearing procedures as set forth herein, except that the decision of the hearing officer from the zoning department as set forth herein shall be limited to whether the vehicle was lawfully impounded for violation of this Article. If it is determined at the hearing that the location and status of the vehicle was not in violation of this Article, the owner of such vehicle shall not be liable for any expenses incurred as a result of the taking and storage of such vehicle, and the department which authorized the taking and storage of such vehicle shall be liable for the expenses, or the department which authorized the taking and storage of such vehicle shall be liable to the owner for the amount paid by the owner to remove said vehicle from impound.

(G) PENALTIES.

(1) General Penalty. Unless another penalty is expressly provided in this Article or as otherwise provided by law, every person convicted of, or pleading guilty or no contest to, a violation of any section of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

(2) Penalties for Violation of § 14.1.5(D) Display and Sale of Motor Vehicles. Any person who violates the provisions of § 14.1.5(D) shall pay a fine of fifty dollars (\$50.00). If the owner of the vehicle has violated the prohibition against concealment or removal of the license plate and/or concealment of the vehicle identification number, or, within a three month period, a vehicle has been cited by criminal complaint or citation three or more times for this offense, the vehicle may be towed, taken into custody and stored. The department conducting the tow shall initiate notification and hearing

procedures as set forth in § 14.1.5(E) *et seq.*, except that the decision of a hearing officer from the zoning department as set forth therein shall be limited to whether the vehicle was lawfully impounded for violation of this Article. If it is determined at the hearing that the location and status of the vehicle was not in violation of this Article, the owner of such vehicle shall not be liable for any expenses incurred as a result of the taking and storage of such vehicle, and the department which authorized the taking and storage of such vehicle shall be liable for the expenses, or the department which authorized the taking and storage of such vehicle shall be liable to the owner for the amount paid by the owner to remove said vehicle from impound.

(3) Penalties for Late Payment of Fines. Fines for any parking violation, including § 14.1.5(D) (Display and Sale of Motor Vehicles), if not paid within five (5) days of the citation shall be two (2) times the amount of the fine, and if not paid within fifteen (15) days of the citation shall be three times the amount of the fine, unless a person issued a citation has initiated court proceedings to answer the charges within five (5) days of the issuance of the citation. The above fines do not include the administrative cost assessment authorized by law.

(H) ENFORCEMENT. The Bernalillo County Sheriff's Department and the Village zoning enforcement officials are responsible for enforcement of this Article. The Planning and Zoning Director shall provide a procedure and hearing officer to hear towing appeals. The Planning and Zoning Director may delegate authority to place warning signs on abandoned vehicles to Public Works employees of the Village.

(I) SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this Article 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 Article. The Board of Trustees of the Village of Los Ranchos hereby declares that it would have passed this Article and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Ordinance and State Law References regarding Chapter 14, Article 1 (f/k/a Chapter 17):

Ordinance #13, adopted May 2, 1962;
Ordinance #52, adopted November 9, 1983, repeals Ordinance No. 13;
Ordinance #53, adopted December 14, 1983, amends Ordinance No. 52;
Ordinance #87, adopted September 13, 1989, repealing Ordinance #52;
Ordinance #134, enacted Feb. 14, 1996, codified ORD #87 as Chapter 17, with modifications;
Ordinance #145, adopted March 12, 1997;
Ordinance #146, adopted May 14, 1997;
Ordinance #149, adopted February 11, 1998;
Ordinance #175, adopted May 14, 2003 (codified herein as Section 5, Par. A to H).
Ordinance #259, adopted August 9, 2017 amends Section 1, State Code Adopted by Reference, and Section 5 Vehicles Abandoned or Displayed for Sale Illegally;
Ordinance #259 adopted August 14, 2019 amends deleting Sections 14.1.4 (A), (B) and (C).

Authority for municipalities to adopt codes by reference,

§ 35-14-2 NMSA 1978;
§ 35-3-4 NMSA 1978;
§ 3-17-1; NMSA 1978;
§ 3-17-5A NMSA 1978;

ARTICLE VI

TRAFFIC REGULATIONS

- 12-6-1 Speed Regulations
 - 12-6-1.1 Basic Rule
 - 12-6-1.2 Speed Limits
 - 12-6-1.3 Establishment of Speed Zones
 - 12-6-1.4 Regulation of Speed by Traffic Signals
 - 12-6-1.5 Minimum Speed Regulation
 - 12-6-1.6 Charging Violations
 - 12-6-1.7 Special Speed Limitations

- 12-6-2 Driving on Right Side of Street--Overtaking and Passing--Use of Street
 - 12-6-2.1 Drive on Right Side of Street--Exceptions
 - 12-6-2.2 Passing Vehicles Proceeding in Opposite Direction
 - 12-6-2.3 Overtaking Vehicle on the Left
 - 12-6-2.4 Limitations on Overtaking on the Left
 - 12-6-2.5 Further Limitations on Driving on Left of Center of Street
 - 12-6-2.6 When Overtaking on the Right is Permitted
 - 12-6-2.7 No-Passing Zones and Restrictions on Passing
 - 12-6-2.8 Authority to Designate One-Way Streets and Alleys
 - 12-6-2.9 Obedience to Signs Designating One-Way Streets and Alleys
 - 12-6-2.10 Rotary Traffic Islands
 - 12-6-2.11 Restricted Direction of Movement on Streets during Certain Periods
 - 12-6-2.12 Driving on Streets Laned for Traffic
 - 12-6-2.13 Following Too Closely
 - 12-6-2.14 Driving on Divided Streets
 - 12-6-2.15 Controlled Access
 - 12-6-2.16 Restrictions on Use of Controlled-Access Streets

- 12-6-3 Designating Stop and Yield Intersections
 - 12-6-3.1 Through Streets Designated
 - 12-6-3.2 Authority to Erect Stop or Yield Signs at Through Streets
 - 12-6-3.3 Authority to Erect Stop or Yield Signs at Other Intersections

- 12-6-4 Right of Way
 - 12-6-4.1 Vehicle Approaching or Entering Intersection
 - 12-6-4.2 Vehicles Turning Left at Intersection
 - 12-6-4.3 Vehicles Entering Stop or Yield Intersection

- 12-6-5 Turning and Starting and Signals on Stopping and Turning
 - 12-6-5.1 Required Position and Method of Turning at Intersection
 - 12-6-5.2 Authority to Place Devices Altering Normal Course for Turns
 - 12-6-5.3 Authority to Place Restricted Turn Signs
 - 12-6-5.4 Obedience to No-Turn Signs
 - 12-6-5.5 Limitations on Turning Around

- 12-6-13.13 Mandatory Use of Seatbelts
- 12-6-13.14 Consumption or Possession of Alcoholic Beverages in Open Container in a Motor Vehicle Prohibited – Exceptions
- 12-6-13.15 Littering

- 12-6-14 Pedestrians' Rights and Duties
- 12-6-14.1 Pedestrian Obedience to Traffic-Control Devices and Traffic Regulations
- 12-6-14.2 Pedestrians' Right of Way in Crosswalks
- 12-6-14.3 Pedestrians' to Use Right Half of Crosswalk
- 12-6-14.4 Crossing at Other than Crosswalks
- 12-6-14.5 Pedestrians on Streets
- 12-6-14.6 Pedestrians Soliciting Rides or Business
- 12-6-14.7 Obedience of Pedestrians to Bridge and Railroad Signals
- 12-6-14.8 Drivers to Exercise Due Care
- 12-6-14.9 Reference to Vehicles upon the Streets

- 12-6-15 Reference to Vehicles Upon the Streets

- 12-6-16 Electric Personal Assistive Mobility Devices
- 12-6-16.1 Neighborhood Electric Cars

- 12-6-17 Boating Regulations And Offenses
- Boating While Intoxicated Act
- 12-6-18 Texting While Driving

12-6-1 SPEED REGULATIONS.

12-6-1.1 BASIC RULE. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding street and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (*)

12-6-1.2 SPEED LIMITS.

- A. No person shall drive a vehicle on a street or detour at a speed greater than:
- (1) fifteen (15) miles per hour on all streets when passing a school while children are going to, or leaving school, and when the school zone is properly posted:

 - (2) ~~thirty (30)~~ twenty five (25) miles per hour in any business or residence district (66-7-301 NMSA 1978); or

 - (3) the lawfully posted speed limit when signs are erected giving notice of the speed limit. (*)

10.B.

NEW BUSINESS

B. APPROVING THE SETTLEMENT AGREEMENT BETWEEN UNSER DISCOVERY CAMPUS, INC., A NEW MEXICO NON-PROFIT CORPORATION, AND THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, A NEW MEXICO MUNICIPAL CORPORATION, RESOLVING PENDING LITIGATION AND TRANSFERRING REAL PROPERTY COMMONLY KNOWN AS 1776 MONTANO ROAD, NW, ALBUQUERQUE, NEW MEXICO 87107, FROM THE VILLAGE BACK TO UNSER DISCOVERY CAMPUS.

THIS SETTLEMENT AGREEMENT is entered on this ___ day of July 2019, by and between **UNSER DISCOVERY CAMPUS, INC.** (hereinafter “Unser”), a New Mexico non-profit corporation, and **VILLAGE OF LOS RANCHOS DE ALBUQUERQUE** (hereinafter “the Village”), a New Mexico municipal corporation (hereinafter, collectively, “the Parties”).

WHEREAS Unser acquired property commonly referred to as 1776 Montano Road, NW, Albuquerque, New Mexico 87107, more particularly described as:

Lot 2-A, Plat of Lots 2-A and 2-B Racing Museum Subdivision, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, filed in the Office of the County Clerk of Bernalillo County, April 24, 2007 in Plat Book 2007C, Page 100

and

Lot 1, Racing Museum Subdivision, the southwesterly portion of Tract 8-A-1, Los Poblanos Ranch, as shown on Middle Rio Grande Conservancy District Property Map No. 31, now being Lots 1 and 2, projected Section 31, Township 11 North, Range 2 East, N.M.P.M. filed in the Office of the County Clerk of Bernalillo County on June 15, 2005 in Plat Book 2005C, Page 205

WHEREAS 1776 Montano Road, NW, Albuquerque, New Mexico 87107 and all improvements to it will hereinafter be referred to as “the Property.”

WHEREAS Unser deeded the Property to the Village in connection with a transaction in which the Village would hold and administer certain funds appropriated by the New Mexico Legislature to improve, plan, design, construct, equip, and furnish a discovery center and racing museum on the Property.

WHEREAS Unser and the Village executed an Agent Authorization and Lease Agreement on or about April 15, 2005, under which the Village agreed to lease the Property to Unser.

WHEREAS on or about October 10, 2006, Unser and the Village entered into a First Amendment to the Agent Authorization and Lease Agreement, which they later agreed to rescind on or about May 12, 2007.

WHEREAS, on or about May 12, 2007, Unser and the Village entered into a Second Amendment to the Agent Authorization and Lease Agreement. The Agent Authorization and Lease Agreement, as amended by the Second Amendment shall hereinafter be referred to as the “Lease Agreement.”

WHEREAS the Lease Agreement provided that the lease term would expire on December 31, 2015, but could be extended by agreement of the parties.

WHEREAS the Lease Agreement provided that following the termination of the Lease, the Property would remain the property of the Village.

WHEREAS the Lease Agreement provided that, for a period of one hundred eighty (180) days following the termination of the Lease, Unser would enjoy an option and right of first refusal to purchase the Property at fair market value.

WHEREAS the Lease Agreement contemplated that Unser would make improvements to the Property.

WHEREAS the Lease Agreement contemplated that the Property would be operated as the Unser Racing Museum.

WHEREAS the Lease Agreement contemplated that the funds appropriated by the Legislature, and administered by the Village, would finance the improvements.

WHEREAS the Village did not utilize any Village funds in connection with the transfer of the Property to the Village, the improvements made to the Property, or the operation of the Property.

WHEREAS the Lease Agreement provided that Unser would pay any costs associated with the improvements exceeding the funds appropriated by the Legislature.

WHEREAS the Lease Agreement provided that any private funds used by Unser to construct improvements could be used to offset the final purchase price of the Property.

WHEREAS the Lease Agreement provided for an annual Lease payment by Unser to the Village in the amount of \$100, and also required Unser to provide entertainment and educational services to Village residents and visitors valued at a minimum of \$65,000 per year.

WHEREAS the Lease Agreement provided that entertainment and educational services provided by Unser exceeding \$65,000 per year could be used to offset the final purchase price of the Property.

WHEREAS Unser used private funds to construct improvements, and provided educational and entertainment services valued in excess of what was required by the Lease Agreement, which may be applied to offset the purchase price of the Property.

WHEREAS the Village has benefitted from the educational and entertainment services, and by having the museum in the Village.

WHEREAS on or about October 30, 2015, Unser timely notified the Village that it wished to exercise its option to purchase the property upon termination of the lease on December 31, 2015.

WHEREAS, to allow time to appraise the property and determine the terms under which Unser would purchase the Property, in 2016, the Parties executed a Lease Extension Agreement under which Unser agreed to continue to operate the Property as a museum, and the Parties agreed to extend the term of the Lease Agreement to December 31, 2016.

WHEREAS following the extended term of the Lease, Unser continued to improve the property and to provide entertainment and educational services to Village residents and visitors.

WHEREAS a dispute between the Parties arose concerning the amount to be paid by Unser to purchase the Property.

WHEREAS Unser filed a Complaint for Breach of Contract and Declaratory Judgment against the Village on or about July 10, 2007 in the action styled *Unser Discovery Campus, Inc. v. Village of Los Rancho de Albuquerque*, Second Judicial District Case No. D-202-CV-2017-05050.

WHEREAS the Parties entered into an Extension Lease Agreement in April 2018, under which Unser agreed to continue to operate the Property as a Museum, and the Parties incorporated certain terms of the Lease Agreement.

WHEREAS on or about December 1, 2015, the Property was appraised by a qualified appraiser and submitted in writing to the Village.

WHEREAS the appraised value of the Property is \$1,700,000.00.

WHEREAS the Parties have determined that the credit to which Unser is entitled under the terms of the Lease Agreement for additional contributions made to the Property is \$1,952,061.50.

WHEREAS, having reviewed the value of the Property and the value of Unser's contributions to the Property and the Village over the term of the Lease Agreement, and considering Unser's plan to continue to operate the Property as the Unser Racing Museum for the foreseeable future, the Village and Unser have reached a resolution of their disagreement, under which the Village will deed the Property back to Unser for \$1.00.

WHEREAS, the Parties hereby acknowledge and agree that the benefit to each Party received under this Agreement represents adequate consideration for the burdens placed on each Party under this Agreement.

NOW THEREFORE, the Parties agree as follows:

1. In exchange for a complete release and satisfaction of all the claims Unser has asserted or could assert against the Village, including those asserted in *Unser Discovery Campus, Inc. v. Village of Los Rancho de Albuquerque*, Second Judicial District Case No. D-202-CV-

2017-05050, including but not limited to all claims arising out of or having any connection to the Lease Agreement, or any amendment or extension of the Lease Agreement, the Village agrees to transfer the Property by Special Warranty Deed, in fee simple, to Unser for a purchase price of \$1.00.

2. In exchange for a complete release and satisfaction of all claims the Village could assert against Unser arising out of or having any connection to the Lease Agreement, or any amendment or extension to the Lease Agreement, and the Village's agreement to transfer the Property back to Unser, Unser will dismiss with prejudice *Unser Discovery Campus, Inc. v. Village of Los Rancho de Albuquerque*, Second Judicial District Case No. D-202-CV-2017-05050.
3. In exchange for the consideration provided under this Agreement, the Parties hereby voluntarily agree to waive and irrevocably and unconditionally fully release, acquit and forever discharge each other from liability for any and all claims, demands, losses, liabilities, promises, and causes of action or similar rights of any nature or type whatsoever (known and unknown) that they may now have, or in the past may have had against each other, arising on or before the effective date of this Agreement, as a result of any act, omission, or failure to act, including but without limitation, those arising out of or relating in any way to the Lease Agreement, Unser's occupation and use of the Property, Unser's improvements to the Property, Unser's provision of entertainment, educational, or other services to the Village, and any other matter having any connection to the Lease Agreement, the Village's ownership of the Property, or the Village's administration of the funds appropriated by the New Mexico Legislature.

4. The Parties are the sole owners of the claims or causes of action being released pursuant to the provisions of this Agreement and asserted or that could have been asserted in the litigation between the Parties and the Parties have not conveyed or assigned any interest in any such claims or causes of action to any other person or entity.

5. Indemnification.

a. Scope.

i. The term “property damage,” as used in this Article, includes but is not limited to, damage to any real or personal property.

ii. The Parties further agree that their indemnity obligations shall include, but are not limited to, liability for damages arising from personal injury or death of employees, regardless of whether the indemnifying party has paid the employee under the workmen’s compensation laws of any state or other similar federal or state legislation for the protection of employees.

iii. To the extent, if at all, that NMSA 1978 §§ 56-7-1, 2, & 3, as amended, apply, the indemnifying party’s agreement to indemnify shall not extend to liability, claims, damages, losses, or expenses, including reasonable attorney’s fees, arising out of bodily injury to persons or damage to property caused by or resulting from, in whole or in part, the negligence, act, or omission of the indemnified party, his or her or its officers, employees, or agents.

b. By Unser. Notwithstanding anything to the contrary herein, Unser and its successors in interest shall indemnify, defend, and hold the Village and its successors in interest harmless from and against any and all attorney fees, claims, debts, demands, obligations, suits, losses, damages, assessments, fines, penalties, costs, or other expenses (including each and every cost whether permitted or excluded by the applicable rules of procedure) arising from or in any way related to any and all actions, causes of action, claims, counterclaims, debts, demands, indebtedness, liability, litigation, obligations, personal injury, property damage, and rights of any kind whatsoever arising out of,

concerning, or related to the improvement, use, and occupancy of the Property by Unser during the term of the Lease, any extension of the Lease, and after conveyance of the Property to Unser by the Village.

c. By the Village. Notwithstanding anything to the contrary herein, the Village and its successors in interest shall indemnify, defend, and hold Unser and its successors in interest harmless from and against any and all attorney fees, claims, debts, demands, obligations, suits, losses, damages, assessments, fines, penalties, costs, or other expenses (including each and every cost whether permitted or excluded by the applicable rules of procedure) arising from or in any way related to any and all actions, causes of action, claims, counterclaims, debts, demands, indebtedness, liability, litigation, obligations, personal injury, property damage, and rights of any kind whatsoever arising out of, concerning, or related to the Village's ownership of the Property, the conveyance by Warranty Deed of the Property to Unser by the Village, the Village's administration of the funds appropriated by the New Mexico Legislature, and the conveyance of the Property to Unser by the Village.

6. The Parties are each responsible for any tax consequences they may incur as a result of this transaction.
7. It is specifically understood and agreed that this Agreement does not constitute, and shall not be construed as, an admission by either Party of any wrongdoing, or violation of federal, state, or local law. This Agreement is a valid, binding, and enforceable obligation of the Parties and does not violate any law, rule, regulation, or contract binding upon the Parties. Neither Party shall be considered the prevailing party in Second Judicial District Cause No.

D-202-CV-2017-05050, and each Party shall bear its own attorneys' fees and costs incurred in connection with that proceeding.

8. It is specifically understood that the Village never contributed any funds to purchase or operate the Property, that the Village and the State of New Mexico have benefitted from the Lease Agreement and the Unser's operation of the Property as a museum, that the Village and the State of New Mexico will continue to benefit from Unser's operation of the Property as a museum for the indefinite future, and that the Parties have a good faith basis for their belief that neither this Agreement nor the Village's transfer of the Property back to Unser violates Article IX, Section 14 of the New Mexico Constitution.
9. It is specifically understood that the sale of the Property contemplated by this Agreement is subject to the referendum provisions of NMSA 1978 § 3-54-1.
10. In accordance with NMSA 1978 § 3-54-1, the Village has passed an Ordinance, a copy of which is attached hereto as Exhibit ___, in connection with this Agreement. The Ordinance was published prior to adoption pursuant to NMSA 1978 § 3-1-2(J) and § 3-17-3, and will be published after its adoption at least once per week in accordance with § 3-1-2(J). The Ordinance shall be effective forty-five days after its adoption, unless a referendum election is held.
11. In the event a valid Petition for Referendum is filed, Unser will continue to occupy the Property and operate the museum pursuant to the terms of the current Lease Extension Agreement between Unser and the Village. Time is of the essence.
12. In the event a referendum election is held, and voters do not approve the sale of the Property on the terms specified in this Agreement, the Parties may negotiate in good faith to reach a new agreement concerning sale of the Property to Unser.

13. In the event a referendum election is held, and voters do not approve the sale of the Property on the terms specified in this Agreement, this Agreement shall become null, void, and of no effect.
14. This Agreement constitutes the entire agreement between the Parties concerning the compromise and settlement of all claims asserted by Unser, or that could be asserted by Unser or the Village, arising out of, or having any connection to, the Lease Agreement, the Village's ownership of the Property, Unser's occupation or use of the Property, or the Village's administration of funds appropriated by the New Mexico Legislature. All prior oral or written representations, discussions, or agreements, are merged herein. The Parties acknowledge that they have not relied on any promises, representations, or statements not stated herein when executing this Agreement.
15. This Agreement is made for the exclusive benefit of the Parties. No other person or entity other than the Parties and their heirs, executors, administrators, assigns, successors in interest, predecessors in interest, and anyone claiming by, through, or under anyone of the Parties shall be entitled to rely on this Agreement.
16. This Agreement shall be governed by, and interpreted and enforced under, the laws of the state of New Mexico, exclusive of its conflict-of-laws provisions.
17. The terms of this Agreement, including all recitals contained herein, are contractual and not mere recitals.
18. This Agreement may not be modified, supplemented, or superseded, except by an express written agreement signed by the parties.
19. This Agreement may not be admitted in evidence in any proceeding, except a proceeding to enforce the terms of this Agreement.

20. In the event an action is brought to enforce the terms of this Agreement, the prevailing party will be entitled to recover reasonable attorneys' fees and costs incurred in connection with such an enforcement proceeding.
21. This Agreement shall be binding upon and inure to the benefit of the Parties' heirs, administrators, executors, agents, successors, and assigns.
22. The Parties are each represented by counsel and this Agreement is the product of negotiation and input of both Parties. This Agreement shall be construed as though drafted by both Parties, and any ambiguities shall not be construed or interpreted against one Party.
23. The provisions of this Agreement are severable. If any provision of this Agreement is adjudged by any court to be void or unenforceable, in whole or in part, such adjudication shall not affect the validity of the remaining provisions.
24. This Agreement may be executed in counterparts, such that signatures appear on different pages.
25. This Agreement shall be deemed effective on the date on which it has been signed by both parties.

Executed and agreed to by:

UNSER DISCOVERY CAMPUS, INC.

VILLAGE OF LOS RANCHOS DE
ALBUQUERQUE

BY: _____

BY: _____

Its: _____

Its: _____

Date: _____

Date: _____