BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS, sitting as the Board of Adjustment
In re Appeal of PAT HAUSER, Appellant,
v. Bernalillo County Planning & Development Services Department, Appellee
Appeal Docket No. ZBA2026-0001 • Underlying Case No. BA2026-0001 / ZA2026-0024
Appeal of a Conditional Use Permit Approval — 9600 2nd St. NW, Albuquerque, NM

APPEAL SUBMISSION PACKET

ZBA2026-0001 • Submitted July 2026

TABLE OF CONTENTS

I.	**Appeal Application (ZBA2026-0001)**
II.	**Appeal Brief — with Exhibit List and record citations**
III.	**Moratorium Letter & Trip Generation Analysis**
IV.	**Exhibit Index (cover sheet & assembly checklist)**
V.	**Exhibits 1–26**
Exhibit 1	County Notices of Decision, Notice of Appeal & Appeal Application (Pkt. 968–1022)
Exhibit 2	CPC Notice of Decision (July 1, 2026 hearing)
Exhibit 3	CPC Hearing Agenda (July 1, 2026)
Exhibit 4	Staff Report — BA2026-0001 / ZA2026-0024 (Pkt. 916–927)
Exhibit 5	Original site plan (45,300 SF footprint, 235 parking; dated 1/14/2026) (Pkt. 1084)
Exhibit 6	Applicant's revised site plan — Attachment 12 ("New Material … with Site Plan"), 43,288 SF (Pkt. 1121–1125)
Exhibit 7	Director Hamm Memorandum of Understanding
Exhibit 8	Continuance letter to Planning (Karina)
Exhibit 9	Director Hamm response email
Exhibit 10	Balloon Fiesta letter (Pkt. 1820–1822)
Exhibit 11	Hearing transcription analysis
Exhibit 12	Preliminary Trip Generation Assessment
Exhibit 13	ITE Trip Generation Manual (reference)
Exhibit 14	Trip Generation Analysis (2,164 wk / 560 Fri / 168 PM peak)
Exhibit 15	Trip-generation charts
Exhibit 16	1993 North Valley Area Plan
Exhibit 17	BCC Appeal Form
Exhibit 18	Elvira Lopez appeal-procedure memo
Exhibit 19	Affidavit of Terry Brown (traffic engineer)
Exhibit 20	Site-plan access email correspondence (Hauser/Peggau)
Exhibit 21	County GIS map — Rural land-use area
Exhibit 22	City of Albuquerque jurisdiction map — Outside City Limits
Exhibit 23	Applicant's written statement (updated for July 1 hearing; confirms school/daycare removal; ~43,288 SF) (Pkt. 1800–1802)
Exhibit 24	Applicant's "Dear Neighbor" upgrade letter (postmarked Apr. 6, 2026; daycare & K-12 school, 235 parking)
Exhibit 25	ABC Comprehensive Plan (Rank I) — Rural Area designation & policy (Pkt. 922; policy Pkt. 508)
Exhibit 26	20% Protest Petition (Rule 7 / Section 25) — 25 neighboring-owner signatures
Certification	Certification of 20% Protest Petition (NMSA § 3-21-6(C)) — sworn, notarized cover sheet to Exhibit 26

Electronic access: All documents and exhibits are also available online at the public access portal — **bccappeal-9600-2nd-street.github.io/zba2026-0001-appeal-exhibits/**
(scan the QR code, or open the URL — no login required). Record materials are cited by "Packet Pg." number.

Submitted by the Appellant, Pat Hauser • 134 Maria Circle NW, Albuquerque, NM 87114 • (505) 228-7106 • hdhauser@comcast.net

BERNALILLO COUNTY — APPEAL TO COUNTY COMMISSION

Planning and Development Services | 415 Silver Ave. SW, 2nd Floor, Albuquerque, NM 87102 | (505) 314-0350

Application Date: SEE COUNTY STAMP DATE OF SUBMISSION
Appeal Number: ZBA2026-0001 / BA2026-001 / ZA2026-0024
Hearing Date: _____ (to be assigned by BCC Clerk; appeal deadline noon July 22, 2026)

APPELLANT

Name: Pat Hauser, on behalf of the Maria-Diers Neighborhood Association and all petition signers within 500 feet of the property.
Phone: 505-228-7106
Mailing Address: 134 Maria Circle NW
City / Zip: Albuquerque, NM 87114

PROPERTY OWNER / APPLICANT FOR REQUEST

Name: Albuquerque Islamic Center (Original request by Prestige Custom Design, LLC, agent for Albuquerque Islamic Center)
Phone: [TO BE CONFIRMED]
Mailing Address: 8900 Menaul Blvd NE
City / Zip: Albuquerque, NM 87112
Site Address: 9600 2nd Street NW, Bernalillo County, NM 87114
Case #: ZBA2026-0001 / ZA2026-0024
Directions/Location: Located on the west side of 2nd Street NW at its intersection with Alameda Boulevard NW, within the Alameda–2nd Street corridor of the Rural North Valley area, Bernalillo County (Zone Atlas Page C-16).
Legal Description: Tract 208B, MRGCD Map 23
Zone Map Page: C-16 & B-16
Current Zone(s): A-1 (Rural Agricultural)
Property Size in Acreage: Approximately 3.90 acres
UPC #: [TO BE CONFIRMED not stated in Notice of Decision; pulled from County Assessor record for Tract 208B, MRGCD Map 23]
Proposed Zone(s): No zone change; Conditional Use Permit for a church and incidental facilities within existing A-1 zoning

Subdivision Name: MRGCD Map 23
Existing Use: Vacant/undeveloped A-1 zoned land
Proposed Use: Church and incidental facilities: a mosque (worship hall), parking area with landscaping and fencing, limited by Notice of Decision Condition 3 to a maximum 60,000-square-foot floor area and 43,000-square-foot building footprint; Condition 1 expressly states a school is not allowed on the subject site.

SCOPE OF APPEAL, INCLUDING CASE NUMBER

Case No. ZBA2026-0001 / BA2026-001 / ZA2026-0024. This appeal challenges the Bernalillo County Planning Commission's July 1, 2026, decision (issued by the Planning Commission sitting as the Board of Adjustment) (Notice of Decision dated July 7, 2026) denying Appellant's appeal and thereby upholding the Zoning Administrator's approval of a conditional use permit to allow a high-volume church and incidental facilities (ZA2026-0024) on Tract 208B, MRGCD Map 23, located at 9600 2nd Street NW, zoned A-1, containing 3.87 acres.

This is a neutral, evidence-based land-use appeal grounded exclusively in traffic engineering standards, procedural due process violations, legal error, and the absence of substantial evidence required under Section 24 of the Bernalillo County Zoning Ordinance.

It does not challenge, and has never challenged, the Applicant's right to build a house of worship or the religious character of the proposed use. Appellant seeks reversal or remand because the decision was approved without a project-specific Traffic Impact Analysis or any appropriate traffic study, without a Public Works Section 8.4 traffic scoping report, without current corridor-level data, and without the substantial evidence Section 24 requires supporting Findings 1, 3, 4, 5, 6, 9, 11, and 13 of the Notice of Decision.

The Notice of Decision itself confirms that a Traffic Impact Study is deferred to the building-permit phase (Finding 11, Condition 9) rather than resolved at the conditional-use stage, which Appellant contends is legal error under Section 24 and High Ridge Hinkle Joint Venture v. City of Albuquerque, 1998-NMSC-050, 126 N.M. 413, 970 P.2d 599 (1998).

Appellant further raises procedural due process violations arising from unruled continuance motions, a day-before site-plan revision presented without advance notice, and finalization of the traffic/neighborhood-compatibility finding after the vote was already called.

Appellant also raises an independent ground under Section 25 of the Zoning Ordinance: a written protest petition has been certified representing more than 20 percent of the land within 100 feet of the subject property (excluding right-of-way), triggering the extraordinary-majority vote requirement for any Board of County Commissioners action on this conditional use.

DETAILED INFORMATION (Please refer to the Appeal Brief Attached for details and Justification per Zoning Code Requirements and all Relief Sought based on evidence.)

1. **Absence of Traffic Impact Analysis (Section 24 Burden of Proof):** Finding 11 and Condition 9 of the Notice of Decision confirm that a Traffic Impact Study will be required only at the building permit phase, not before the conditional-use decision. County traffic engineer Julia Luna testified that the ITE Trip Generation Manual is the gold standard for analysis of a project this size, that nothing was on record regarding project-specific traffic data, and that the Alameda–2nd Street corridor already has a documented regional congestion problem. The only traffic study in the file the 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426) for a site across the street found that a 12-pump gas station generating 168 PM peak-hour trips (86 entering + 82 exiting, reduced to 117 primary trips after a 30% pass-by adjustment) produced Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417) and at the Murphy Express Driveway "A" left-turn movement (Packet Pg. 1409), and required both site driveways to be restricted to right-in/right-out-only access (Driveway A on Alameda Blvd. per NMDOT; Driveway B on 2nd Street per Bernalillo County Public Works (Packet Pg. 1410). Appellant's own conservative trip exhibit (Exhibit 14), based solely on the Applicant's stated attendance and the existing Menaul Street mosque's weekly schedule, estimates approximately 2,164 weekly vehicle trips and 560 trips on a single Friday more than 3 times the Murphy Express PM peak-hour subtotal of 168 trips that produced Level of Service F on this corridor understating likely totals because it excludes population transfer, regional draw, and ITE square-footage-based generation.

2. **Internally Inconsistent Parking and Attendance Figures:** The Applicant's own submissions are irreconcilable one estimates 350–400 attendees generating 150–200 vehicles for Friday service, while a later submission calculates parking demand based on only 250 attendees, a 40–60 percent discrepancy never resolved on the record before Finding 4 and Condition 7 (parking) were adopted.

3. **Procedural Due Process Violations:** Appellant's timely 60-day and 120-day continuance motions were never ruled upon before, during, or after the July 1, 2026, hearing. A revised site plan removing the school and daycare was submitted the afternoon before the hearing, was not meaningfully

available to the public, and was presented only after roughly 3.5 hours of testimony on the original plan, denying Appellant a meaningful opportunity to respond. Condition 1 of the Notice of Decision now expressly states a school is not allowed on the subject site, confirming the change post-hearing.

4. **Finding 5 Was Not Finalized Before the Vote:** The key traffic-safety and neighborhood-compatibility finding (Finding 5 of the record; addressed in the Notice of Decision at Finding 5 regarding area mix of uses and building proportionality) was still being edited on screen when the Chair called for a motion and vote, meaning no final finding existed at the time of Board action.

5. **Findings 3, 4, 5, 6, 9, and 13 Lack Substantial Evidentiary Support:** Finding 4 acknowledges the site 'may require traffic improvements through conditions of approval' without establishing what those improvements are or whether they are adequate an admission of unresolved uncertainty rather than substantial evidence of adequacy. Finding 9 and 10 recite public opposition testimony regarding traffic burden and incompatibility without resolving those concerns on the record. Finding 13 concludes conditions are necessary to protect public health, safety, and welfare, yet Condition 14 defers the grading and drainage plan to the building-permit stage, and no hydrology or noise-mitigation plan was in the record at the time of the vote despite calculated stormwater runoff exceeding 100,000 gallons from a single 1-inch rain event.

6. **Violation of Public Works Technical Standards Section 8.4:** No Public Works Traffic Report (PWTR) scoping report was ever activated for this project, contrary to the mandatory technical standard requiring such scoping at the outset of review for high-intensity assembly developments, notwithstanding Finding 11's acknowledgment that a Traffic Impact Study will eventually be required.

7. **Misapplication of RLUIPA:** County Director Hamm's caution during deliberations that requiring a TIA at the conditional-use stage could expose the County to RLUIPA liability was legally incorrect; neutral traffic and safety standards apply equally to religious and secular uses, and their enforcement here would not have violated RLUIPA.

8. **Unquantified Population Transfer:** The Applicant testified that existing mosques would likely close and transfer congregants to this site, and that the site was chosen to attract new west-of-river congregants, without providing any figures, projections, or analysis of the resulting traffic

multiplier effect, despite Finding 8 noting the Applicant's own justification testimony on the record.

9. **Independent Third-Party Concerns:** The Albuquerque International Balloon Fiesta, Inc. submitted a June 25, 2026, comment letter raising unaddressed traffic, safety, and operational-compatibility concerns tied to 2nd Street NW's role as a primary access route for Balloon Fiesta Park, which the Board and staff never addressed in the Findings.

10. **Corridor-Sensitivity History Under the 1993 North Valley Area Plan:** The adopted Area Plan directs the County to limit access to and retain residential zoning along Second Street and Alameda Boulevard precisely due to documented traffic and corridor-capacity concerns, confirming that heightened, case-specific scrutiny including a current TIA was required here and was not provided, notwithstanding Finding 14's acknowledgment that the site is within the Rural Area of the Comprehensive Plan.

11. **Section 25 Extraordinary Majority Vote Requirement:** A written protest petition has been certified representing at least 20 percent of the land within 100 feet of the subject property (excluding right-of-way), which under Section 25 of the Zoning Ordinance requires the Board of County Commissioners to approve this conditional use, if at all, only by an extraordinary majority vote (four votes if five commissioners are present, three votes if four are present, or three votes if three are present) rather than a simple majority.

Summary of Trip Generation Analysis (Exhibit 14): Appellant prepared a Trip Generation Analysis applying the ITE Trip Generation Manual (11th Ed.) to the Applicant’s own attendance figures and the existing Menaul Street mosque’s published weekly prayer schedule (Packet Pg. 1360-1362). Under the revised plan (school and daycare verbally removed at the July 1, 2026 hearing), the analysis projects approximately 2,164 vehicle trips per week, including 560 vehicle trips on a single Friday — more than 3 times the 168 PM peak-hour subtotal (86 entering + 82 exiting, reduced to 117 primary trips after a 30% pass-by adjustment) that the only corridor study in the record, the 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426), found produced Level of Service F on this same corridor. Using the standard ITE attendance-to-trip conversion (2.5 occupants per vehicle), the 117 primary-trip figure corresponds to a maximum comparable worship attendance of approximately 146 persons — well below the Applicant’s stated 350–400

Friday worshippers. These figures are conservative minimums, excluding recreational and special-gathering uses (gymnasium, indoor pool, coffee shop, six-day-per-week evening programs), population transfer from closing mosques, regional west-of-river draw, and any ITE square-footage-based generation. The full day-by-day ITE arithmetic, weekly trip tables, and source data are set forth in Exhibit 14 in the brief packet; please reference that exhibit for complete details.

Daily Trips Calculated (per Exhibit 14):

Relief Requested: Appellant respectfully requests that the Board of County Commissioners reverse or remand the Planning Commission's July 1, 2026 decision (issued sitting as the Board of Adjustment) (Notice of Decision dated July 7, 2026);

- require a project-specific, engineer-prepared Traffic Impact Analysis and corridor-level analysis before any future approval rather than deferring it to the building-permit phase per Condition 9;
- rule on the outstanding continuance motions and find their non-adjudication a due process violation;
- correct the misapplication of RLUIPA;
- confirm that Condition 1's exclusion of a school is enforced against the actual architectural drawings of record;
- confirm whether the Section 25 twenty-percent protest threshold has been met and apply the extraordinary-majority voting standard accordingly;
- and consider a temporary moratorium on new high-volume conditional uses along the Alameda–2nd Street corridor and Regional Area pending a corridor-level Transportation Impact Analysis.

Full argument, exhibits, and legal authority are set forth in Appellant's accompanying Appeal Brief (ZBA2026-0001/ZA2026-0024), incorporated herein by reference.

I hereby acknowledge that I have read this entire application and affirm that all the information provided is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

Printed Name: Pat Hauser

Signature

Date

APPEAL BRIEF – No. ZBA2026-0001 / BA2026-001 / ZA2026-0024

Before the Bernalillo County Commission

Property: **9600 2nd Street NW, Bernalillo County, New Mexico 87114**

Appellant: Pat Hauser, on behalf of the Maria-Diers Neighborhood Association and the Regional and Corridor Appellant Coalition.

The Coalition comprises of all past and current petition signers supporting the merits of the appeals, including signers who together own at least 20% of the land within 100 feet of the subject property (excluding right-of-way), together with additional appellant signers within the 500-foot standing radius.

134 Maria Circle NW, Albuquerque, NM 87114
(505) 228-7106 | hdhauser@comcast.net

STATEMENT REGARDING SCOPE AND PURPOSE OF THIS APPEAL

This appeal challenges the Planning Commission's July 1, 2026, decision denying Appellant's appeal and approving a conditional use permit for a 60,000-square-foot, high-volume multi-use complex at 9600 2nd Street NW on the constrained Alameda/2nd Street corridor and in a constrained Regional Area, based on procedural due process violations, legal error, and the absence of substantial evidence required under Section 24.

Before addressing the merits, Appellants state plainly what this appeal is, and is not, about. This appeal is a neutral, clear, evidence-based land-use challenge grounded exclusively in traffic engineering standards, procedural due process violations, legal and substantial errors, and the mandatory findings required by Section 24 of the Bernalillo County Zoning Ordinance. It dœs not challenge, and has never challenged, the Applicant's right to build a house of worship, the religious character of the proposed use, or the presence of a mosque in this community.

Appellants are aware that this proceeding has attracted public attention from individuals and groups whose interest in the property may be motivated by opposition to the Applicant's religious identity rather than by the clear traffic, safety, and procedural record at issue here. Appellants do not join, endorse, or rely on any such anti-religious sentiment, and nothing in this brief should be read as adopting or accommodating it.

Appellants expressly deny any argument, inference, or relief that would treat this Applicant differently than a secular applicant proposing a comparable high-volume use on this same corridor.

The relief Appellants seek is reversal or remand, a project-specific Traffic Impact Analysis at the conditional-use stage, corridor-level study, and neutral, applicable ordinance reforms. That is the same relief Appellants would seek against any applicant, religious or secular, which sought to build a 60,000-gross-square-foot, high-volume assembly complex on this same constrained corridor without a traffic study and without the evidentiary record Section 24 requires. Appellants' position been, that neutral traffic-safety and procedural standards must be applied evenhandedly to every applicant. That principle protects religious institutions as much as it constrains them, and it is the only basis on which this appeal is brought.

I. INTRODUCTION

This brief explains why, for a high-volume, corridor-critical project like this mosque and multi-use complex, a TIA should not be deferred procedurally or legally to the building-permit stage. It should be completed at the conditional use / land-use approval stage because that is when the County decides whether the high-volume use is appropriate at all.

This appeal challenges the Planning Commission's July 1, 2026, decision denying Appellant's appeal and approving a conditional use permit for a 60,000-square-foot, high-volume multi-use complex at 9600 2nd Street NW on the constrained Alameda / Second Street corridor and Regional Area. It also challenges the ZA's initial approval of the land-use permit prior to the BOA approval. Appellant seeks reversal or remand because the permit was approved without a project-specific Traffic Impact Analysis or any layperson traffic study, without current corridor-level data, and without the substantial evidence required by Appendix A, Section 24 of the Bernalillo County Zoning Ordinance.

Under the County's own ordinances, the applicant bore the burden to demonstrate that the site can be developed without undue traffic congestion or hazards and that the use will not adversely affect the neighborhood or conflict with the Rural North Valley character. Instead, the record contains no TIA, no quantified assessment of trip generation or population transfer, and no current analysis of a corridor already documented as congested and constrained. The decision relied on unwritten practice and deferral to building-permit review, rather than on adopted standards that require traffic safety to be proven at the conditional-use stage.

Director Hamm's caution to the Board that requiring a TIA here could expose the County to RLUIPA liability was legally misplaced. RLUIPA does not exempt religious institutions from neutral, applicable traffic and safety standards; it forbids treating them on less than equal terms with comparable secular assemblies.

Applying Section 24's neutral traffic-safety findings to this project does not violate RLUIPA — but selectively relaxes them for a religious applicant while enforcing them against comparable secular ones would. The RLUIPA argument is developed in full in Section IV.D below.

This pattern recurs throughout the record: County officials offer assurances that traffic and safety concerns can be "worked with" at building-permit or future-coordination stages, but those assurances are never translated into current, project-specific traffic impact evidence or enforceable conditions, and therefore cannot satisfy Section 24's requirement that substantial evidence support the traffic-safety finding at the time the conditional use is approved.

Appellant asks the Board of County Commissioners to reverse or remand this approval, require a TIA and corridor analysis before the conditional-use decision, and adopt neutral, corridor-based protections including a temporary moratorium and ordinance amendments so that future high-volume institutional and commercial uses on this failing corridor and regional area are evaluated on a complete record and under clear, written rules.

Background: Standard TIA guidelines say "consider TIA" at modest trip thresholds. Using only the Applicant's own stated attendance figures and published ITE occupancy rates by activity type (worship, youth-program drop-off, and recreation), the record-based trip exhibit shows hundreds of daily trips and 560 trips on a single Friday. The corridor is already constrained: the only traffic study in the record, the 2020 Murphy Express Traffic Study (Packet Pg. 1407–1426), projected a PM peak-hour subtotal of 168 trips (86 entering + 82 exiting per the trip generation table at Packet Pg. 1416) from a single 12-pump gas station and documented Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection under 2020 BUILD conditions (Packet Pg. 1417). Deferral only addresses site-level tweaks, not the suitability of the use.

II. STATEMENT OF FACTS

A. Property and Proposed Use

The subject property is located at 9600 2nd Street NW, Bernalillo County, New Mexico, comprising 3.87 acres zoned A-1. The Applicant, Albuquerque Islamic Center / Prestige Custom Design LLC (agent: Joseph Tahat), sought a conditional use permit for a multi-use complex including a worship hall, basketball and recreational facility, and office complex. During deliberations, the Board itself imposed a condition capping the project at a maximum of 60,000 gross square feet — a High-Volume Use Complex.

Traffic Impact and Weekly Trip Generation (Record-Based Estimates)

Even without a formal Traffic Impact Analysis, the record allows conservative calculation of trips using the Applicant's own attendance figures and operating schedule. The weekly schedule from the existing Menaul Street Mosque, entered into the record by the Appellant and not disputed by the Applicant, shows six daily prayers, Friday Jumu'ah services split into two times, regular evening programs, youth Quran programs on weekends, and additional gatherings.

Using the record's own attendance figures and published ITE occupancy rates by activity type, the Appellant's trip conservatively estimates about **2,164 vehicle trips per week** and **560 trips on a single Friday under the revised plan**, even before counting unquantified population transfer, regional draw, or Eid events. Worship trips use the published ITE Land Use Code 560 rate of 2.5 persons per vehicle; youth-program drop-offs use the ITE Land Use Code 520 rate of 1.15 persons per vehicle; and recreation uses the ITE Land Use Code 492 rate of 1.5 persons per vehicle. These figures rely only on the Applicant's own statements and schedule, not on any speculative “worst case,” and use only published ITE occupancy data rather than a single blended assumption. The exhibit explicitly treats them as minimum estimates, omitting population transfer from closing mosques, regional westside draw, and Eid events. See the attached data chart.

The exhibit expressly treats these numbers as minimum estimates. Corridor context confirms that such volumes are material. The only traffic study in the record, the 2020 Murphy Express Traffic Study (Packet Pg. 1407–1426), projected 168 PM peak-hour trips (86 entering + 82 exiting per the trip generation table at Packet Pg. 1416) from a single 12-pump gas station on this same corridor and documented Level of Service F on the westbound Alameda through-movement at the adjacent Alameda / 4th Street signalized intersection

under 2020 BUILD conditions (Packet Pg. 1417). That study also documented Level of Service F at the Murphy Express Driveway "A" left-turn movement on Alameda Blvd. (64.1 seconds control delay, Packet Pg. 1409) and required both site driveways to be restricted to right-in/right-out-only access (Driveway A on Alameda Blvd. per NMDOT; Driveway B on 2nd Street per Bernalillo County Public Works, Packet Pg. 1410). Ms. Luna testified that Alameda "absolutely does have a congestion issue" and that "it is a regional problem," and warned the Board that a TIA deferred to building permit might mitigate site traffic but "is not mitigating the regional issue." Approving a high-volume worship and recreation complex on this corridor with "nothing on record" in the way of a project-specific TIA is inconsistent with Section 24.

B. Procedural History

The Zoning Administrator approved the conditional use permit at the administrative level on the original site plan submitted by the applicant at the April 2026 hearing. Appellant filed an appeal in Case No. ZBA2026-0001. The matter was scheduled for hearing before the Bernalillo County Planning Commission on July 1, 2026.

Prior to the hearing, Appellant filed timely motions for a 60-day continuance and a 120-day continuance to allow time to obtain expert witnesses, review traffic and safety issues, and obtain expert advice on zoning codes, ordinances, and traffic analysis because nothing was on record by the Applicant or the ZA to prove the burden of proof had been met. Neither motion was ruled upon on the record before, during, or after the hearing.

C. The Day-Before Site Plan Revision

On June 30, 2026 — the afternoon before the hearing — the Applicant submitted supplemental materials to the Zoning Administrator's office, including a revised site plan. Staff later stated those materials were on record, even though the revised materials were not meaningfully available to the public before the hearing and, as of today's date, had not appeared in the agenda packet or public record in usable form.

Before the hearing, but after approving the land-use permit at the administrative level, staff determined that the proposed school and classroom use "rose beyond what would be an incidental use and would be kind of a conditional use on its own," and informed the Applicant that the school would require a separate conditional use permit. The Applicant then chose to remove the school and daycare, but that change was not disclosed to the public or the Board until after approximately 3.5 hours of public comment and testimony on the original site plan.

ZA Gould then presented the revised site plan to the Board and asked that it be entered into the record, even though, as of date, it could not be found by the public or Appellant. The Appellant and public received no advance notice and had no meaningful opportunity to review, analyze, or respond to the revised submission either before or during the hearing. When Appellant Pat Hauser attempted to address the revision after the Applicant spoke, the Chair told him to take his seat and did not allow comment.

Critically, the architectural drawings that were on record at the time of the hearing for a vote — Sheets A-200 and A-300 (floor plans) and S-100 (site plan), dated April 6, 2026, and September 11, 2025 — still showed the school and daycare. Four daycare rooms remain on

the first-floor plan, and eighteen classrooms remain on the second-floor plan. No amended, stamped architectural drawings removing those uses were submitted to the public record on which the appeal and hearing were based.

This sequence constitutes an appealable procedural due process violation because the Appellant and the public were denied fair notice and a meaningful opportunity to review and respond to the actual plan on which the Board based its decision.

D. The July 1, 2026, Hearing

The hearing proceeded on July 1, 2026, on the original submitted site plan, not the revised site plan. Appellant raised continuance motions on the record before opening arguments. No staff or Board member ruled on those motions. The hearing proceeded.

County traffic engineer Julia Luna testified that the ITE Trip Generation Manual is "essentially the gold standard" for traffic analysis; that a Traffic Impact Analysis is required for a project of this size and type; that there was "nothing on record" regarding project-specific traffic data; that Alameda Boulevard "absolutely does have a congestion issue" and "it is a regional problem"; and that a TIA deferred to building permit phase would address only site-specific mitigation and "is not mitigating the regional issue."

County Director Nicholas Hamm testified that the Board could condition approval on a TIA at the building permit phase, that "there is subjectivity built in here because we don't have the TIA," and that, to his knowledge, religious institutions had not been required to provide a traffic impact analysis before the building permit process.

The Applicant's agent testified that architect Scott Anderson stamped the plans; that the first floor is 43,000 square feet and the second floor is between 15,000 and 17,000 square feet; and that traffic from different uses would not peak at the same time, though no supporting data was submitted. The Applicant also stated that existing mosques in the area would close and their congregations would transfer to this location, and that the site was chosen specifically to serve the west-of-river community and is central to the greater Albuquerque area, but provided no figures, projections, or analysis for those claims.

Commissioner Withers asked the Applicant directly during deliberations for a trip count on Friday worship "starting off with 60 cars moving up to 300 cars. But it is going to be under the 200-car ratio. Is that pretty, correct?" The Applicant confirmed: "Correct." Commissioner Withers then stated on the record: "There is not a way to address the traffic issues… good luck. That really frustrates me." He voted in favor of granting the appeal and was overruled.

E. The Vote

During deliberations, Finding 5 was being amended in real time when the vote was called. Commissioner Michæl Leon Guerrero stated on the record that he needed more information before voting. Commissioner Trujillo stated he needed more time before voting. The vote proceeded anyway.

The motion to deny the appeal and approve the conditional use permit with modified conditions passed. The vote was not unanimous. Commissioner Withers voted to grant the

appeal. The 60,000-square-foot maximum High Volume Use Complex cap was added as a condition during deliberations.

III. LEGAL STANDARD

A. Section 24 — Burden of Proof

Section 24 of the Bernalillo County Zoning Ordinance governs conditional use permits. The burden is on the Applicant to demonstrate that the proposed use satisfies all required findings, including that the site is large enough to accommodate the use, that it meets setback requirements, that the site can be developed in such a manner that there are not undue traffic or hazards, and that the proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area. All findings must be supported by substantial evidence in the record. The burden rests with the Applicant — not the Appellant, not staff, and not the Board.

B. Applicable Case Law

Duke City Lumber Co. v. N.M. Environmental Improvement Bd., 101 N.M. 291, 681 P.2d 717 (1984), sets the whole-record substantial-evidence standard governing review of administrative zoning decisions and requires that the findings supporting a permit rest on substantial evidence in the record at the time of decision — not on assumptions or staff confidence that issues can be resolved later.

Battershell v. City of Albuquerque (State ex rel. Battershell), 108 N.M. 658, 777 P.2d 386 (Ct. App. 1989), confirms that conditional-use proceedings are quasi-judicial and must afford procedural due process, including sworn witnesses and the right of cross-examination, so that lay and resident testimony is competent evidence to be weighed in the record.

High Ridge Hinkle Joint Venture v. City of Albuquerque, NMSC-050, 126 N.M. 413, 970 P.2d 599 (1998) addresses the doctrine of administrative gloss. Hinkle holds that a municipality's long-standing administrative practice may inform the construction of an ambiguous ordinance provision only where the practice is consistent, applied to similarly situated applicants, sustained over a period of years, and undisturbed by legislative action. Hinkle does not authorize a local government to override a clear, mandatory ordinance requirement — such as Section 24's findings requirement — through anecdotal or single-witness recollections of past practice; the doctrine operates only in the gap left by genuine ambiguity, and only where every element the New Mexico Supreme Court articulated is affirmatively established on the record.

RLUIPA, 42 U.S.C. § 2000cc, does not exempt religious institutions from neutral, applicable safety and traffic standards. Its equal-terms provision, § 2000cc(b)(1), and nondiscrimination provision, § 2000cc(b)(2), prohibit treating religious assemblies on less than equal terms or discriminating against them, but permit application of neutral standards so long as religious uses are treated at least as well as comparable secular assemblies.

Dolan v. City of Tigard, 512 U.S. 374 (1994), and Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595 (2013), establish that any condition, fee, or in-kind requirement imposed on a land-use approval including monetary exactions and mitigation obligations imposed at

or after the permit stage must bear an essential nexus to a legitimate government interest and be roughly proportional to the impact actually caused by the applicant's project.

Dolan and Koontz thus constrain what the County may lawfully extract at the building-permit stage: an applicant cannot be made to fund regional or corridor-wide mitigation whose scope exceeds his project's proportional impact. That constitutional ceiling is precisely why the mandatory Section 24 traffic finding must be made on substantial evidence at the conditional-use stage and cannot be cured by deferring the analysis to a later stage at which the County's own remedial authority is constitutionally limited. Deferral guarantees inadequate mitigation because of the constitutional ceiling, so the finding must be made now, on substantial evidence, at the CUP stage.

Taken together, these authorities show that the Planning Commission's decision is not supported by substantial evidence on the mandatory Section 24 findings. Discretion is not a substitute for evidence and does not permit the Board to skip mandatory findings or rely on an incomplete file.

C. Additional Legal Standards from County Zoning Ordinance

In addition to Appendix A, Section 24, the County's zoning ordinance contains explicit standards and procedures that govern conditional uses, special-use amendments, and appeals. The ordinance requires the Zoning Administrator to make specific findings before granting any conditional use permit, including that the site is adequate in size and shape, that it can be developed without undue traffic congestion or hazards, that the use will have no adverse effect on the neighborhood or seriously conflict with area character, and that any necessary protective conditions are imposed.

These standards mirror and reinforce Section 24's findings. They confirm that traffic safety, neighborhood impact, and area character are not discretionary matters that may be deferred to the building-permit stage; they are mandatory threshold findings that must be supported by substantial evidence at the time a conditional use is approved.

The ordinance's provisions governing amendments to Special Use development plans also show a codified concern for traffic impacts and residential adjacency. The hearing and notice provisions require advanced publication, mailed notice, and posted signs, and provide that failures in posting may be grounds for deferral or denial. The appeal and protest provisions likewise show that the County intends neighboring property owners to have meaningful protection when high-impact conditional uses are considered.

IV. ARGUMENT — LEGAL ERROR, LACK OF SUBSTANTIAL EVIDENCE, AND PROCEDURAL DUE PROCESS PROBLEMS

A. The Applicant Failed to Meet Its Burden Under Section 24

The record before the Board at the time of the vote contained not one page of a Traffic Impact Analysis submitted by the Applicant or any equivalent engineer-prepared traffic study. County traffic engineer Ms. Luna testified that the ITE Trip Generation Manual is “essentially the gold standard” for traffic analysis, that a TIA is required for a project of this size and type, and that there was “nothing on record” regarding traffic data for this project.

Even if the ordinance dœs not use the phrase "Traffic Impact Analysis," it still requires competent evidence sufficient to support a finding of no undue traffic hazard, and that evidence was not presented here. The Board cannot satisfy a mandatory finding through speculation, assumptions, or a promise to study the issue later at permit review.

In the absence of a formal TIA, the only quantitative analysis in the file is the Appellant's trip exhibit, prepared from the Applicant's own submissions and the Menaul Street Mosque schedule using published ITE occupancy rates. As detailed in Section II.A above, that exhibit estimates 2,164 vehicle trips per week and 560 trips on a single Friday, treated as minimum figures.

The exhibit expressly treats these numbers as minimum estimates. The corridor context confirms that such volumes are material. The only traffic study in the file, the 2020 Murphy Express Traffic Study (Packet Pg. 1407–1426) for a site across the street from 9600 2nd Street NW, projected a PM peak-hour subtotal of 168 trips (86 entering + 82 exiting, or 117 primary trips after a 30% pass-by adjustment, Packet Pg. 1416) from a single 12-pump gas station and convenience market and documented Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection under 2020 BUILD conditions (V/C 1.10, 76.8 seconds control delay, 1,348-foot 95th-percentile queue, Packet Pg. 1417). Even that comparatively modest gas-station load documented Level of Service F at the Murphy Express Driveway "A" left-turn movement on Alameda Blvd. (64.1 seconds control delay, Packet Pg. 1409) and required both site driveways to be restricted to right-in/right-out-only access (Driveway A on Alameda Blvd. per NMDOT; Driveway B on 2nd Street per Bernalillo County Public Works, Packet Pg. 1410). County traffic engineer Luna testified that the corridor's congestion is a regional problem and warned that a TIA deferred to building permit could mitigate site traffic but "is not mitigating the regional issue."

Commissioner Withers' own statements underscore the evidentiary gap. The only numeric vehicle count elicited from the Applicant on the record was a rough Friday worship estimate, and it did not account for evening programs, youth Quran programs, the gym and basketball court, the indoor pool room, the coffee shop and cafeteria, or population transfer from closing mosques. As quoted above in Section II.D, Withers expressed frustration on the record and voted to grant the appeal.

Parking Calculations in the Record Are Internally Inconsistent

The record's parking figures cannot be reconciled and independently undermine the Board's Section 24 findings. Attachment 11 (the appellant's July 1 submission) states the applicant's own materials describe 350 to 400 attendees generating 150 to 200 vehicles for the Friday service, while Attachment 12 (the applicant's revised submission) calculates a required parking demand of only 202 spaces based on 250 attendees and a formula of 3 spaces per classroom plus 1 space per four seats in the worship area.

These two applicant-derived figures are irreconcilable: one submission's attendance estimate is 40 to 60 percent higher than the other, yet neither was reconciled, evaluated, or explained anywhere in the record before the Board acted. A Board cannot make substantial evidence finding that off-street parking is adequate to serve the use when the applicant's own submissions dispute the basic attendance figure the parking calculation depends on.

This inconsistency is not a technical footnote. Parking demand is a direct proxy for trip generation, and an unresolved 100-to-150-person swing in stated attendance translates directly into the unresolved traffic-volume dispute described above.

The Board's failure to require the applicant to reconcile its own numbers before voting compounds the absence of a Traffic Impact Analysis and further shows that Findings 2, 3, and 6 rest on contradictory, unverified figures rather than substantial evidence.

Layperson Analysis (Exhibit 14) Underscores the Applicant's Failure

It is important to be clear about what the Appellant's trip exhibit is — and is not. It is not a substitute for the engineer-prepared Traffic Impact Analysis that County staff testified was required for a project of this size and type. It is a conservative, transparent calculation prepared by non-engineers using only the Applicant's own written attendance figures, weekly operating schedule, and facility descriptions already in the record.

The point of the exhibit is not that Appellant had to perform the Applicant's work. The point is that even a layperson, working from public documents and hearing testimony, could derive a basic trip projection demonstrating substantial demand. If neighbors and appellants could do that in a matter of pages, then an Applicant represented by a licensed civil engineer had every opportunity — and, under Section 24, the burden — to provide at least as much analysis, if not a full Traffic Impact Analysis, with the conditional-use application.

A Traffic Impact Analysis should not have been deferred to the building-permit stage in this case. A permit-stage study can refine driveway geometry, internal circulation, and striping, but it cannot retroactively supply the substantial evidence needed for the threshold decision that a high-volume worship and multi-use complex is appropriate on an already constrained corridor.

B. The Day-Before Site Plan Revision Was Procedurally Improper and Substantively Insufficient

On June 30, 2026, the afternoon before the hearing, the Applicant submitted a revised site plan to the ZA. This revision was **presented at the end of closing arguments at the hearing** and entered into the record verbally. The Appellant and public had no advance notice and no opportunity to respond.

The school and daycare were removed not as a voluntary concession to community concerns, but because staff determined they required a separate conditional use permit. The Applicant removed them to avoid a second regulatory process, not to reduce traffic impact.

Most fundamentally, the removal did not reduce the traffic-generating capacity of the complex in any documented way. A mosque-affiliated school and daycare primarily serve families already present at the site for worship. The worship hall, recreational facility, and office complex — the primary traffic generators — remained in the revised plan without change.

The only change to the conditions increased the gross footprint to a condition cap of 60,000 gross square feet making the complex larger, not smaller. The 60,000 gross square-foot

High Volume Use Complex cap remained. No witness quantified any reduction in traffic, and no updated traffic analysis translated that revision into a supported Section 24 finding.

The Board cannot approve of the theory that traffic is lower when the actual magnitude of impact was never placed in evidence. Last-minute changes do not cure a defective record when they are unaccompanied by current technical analysis and leave opponents without a fair chance to evaluate the revised design.

C. The Unanswered Continuance Motions Constitute a Procedural Due Process Violation

The Appellant filed timely motions for a 60-day continuance and a 120-day continuance to allow adequate time to obtain and review a Traffic Impact Analysis. Both motions were raised on record before the hearing commenced. Neither was ruled upon. The hearing proceeded as if the motions had not been filed.

A party's right to be heard includes the right to have procedural motions ruled upon on the record. Proceeding to a full hearing and vote without ruling on pending continuance motions denies the Appellant a fair hearing and constitutes a procedural due process violation.

Additional procedural concern: informal handling of a formal inquiry

After the July 1 hearing, Appellant submitted a formal written inquiry to Planning asking for clarification of how the Board had managed the 60-day and 120-day continuance motions and what formal action had been taken. Rather than providing written answers, Director Hamm replied that Appellant was welcome to call him to discuss the questions. Appellant then prepared a memo of understanding documenting Hamm's verbal statements, including that the Board "does not have to acknowledge" the continuance requests it "did not elect to review." In a quasi-judicial setting, pending motions and procedural questions are supposed to be addressed openly and in writing. That practice undermines transparency and fairness and reinforces due-process concern.

D. RLUIPA Was Misapplied

County Director Hamm warned the Board during deliberations that treating a religious institution differently could expose the County to RLUIPA liability. That warning was legally incorrect as applied to this proceeding.

RLUIPA prohibits governments from discriminating against religious institutions or imposing substantial burdens on religious exercise without justification, and it requires that houses of worship be treated at least as favorably as comparable secular assemblies. ***It does not freeze counties into repeating unwritten past practices or prevent them from enforcing neutral, applicable traffic and safety standards when a project crosses high-volume thresholds.***

Requiring a Traffic Impact Analysis for a 60,000-square-foot High Volume Use Complex on a two-lane rural corridor is a neutral infrastructure requirement that applies to any assembly use of that scale, religious, or secular. Raising RLUIPA to discourage traffic safety finding misstates federal law and improperly discouraged the Board from applying Section 24 and 18.31.6.16 NMAC as written.

E. The Population Transfer and Late-Submitted New Site Plan Created an Unquantified and Unaddressed Traffic Impact

The Applicant testified on the record that existing mosques in the area will close, and their congregations will transfer to this location, and that the site was chosen to serve the west-of-river community and attract new congregants from that area. No figures, projections, or analysis were provided for those statements.

These admissions establish that the traffic impact of this facility is not limited to its stated capacity. The transfer of multiple existing congregations to a single new location — combined with deliberate outreach to attract a new west-of-river population — creates a multiplier effect that was never quantified, never analyzed, and never addressed by any condition of approval.

At the hearing, the Chair stated on the record that state law allows liquor and cannabis establishments to operate next door to a church and that it is not a violation for a church to move in next door. That statement was only half the story. Under New Mexico's liquor distance-restriction statute, NMSA 1978, § 60-6B-10, and related local provisions, the three-hundred-foot church and school rule governs both the issuance and transfer of liquor licenses: once a church locates near an existing licensed premises, any later transfer of that license or approval of a new licensed premises within that buffer generally requires a formal waiver process and is subject to additional scrutiny. In practical terms, while the church's move next door dœs not immediately shut down the existing liquor or cannabis business, it can limit that business's future ability to sell, relocate, or transfer its license, and can restrict new licensed premises from locating within the protected radius absent a waiver.

As a result, once this large religious complex is sited on the corridor, certain liquor and cannabis establishments will be legally barred from transferring their licenses to new premises within the prescribed distance of the complex, and new licensed premises may be restricted from locating there absent a waiver. This forecloses some alternative high-volume commercial uses over time and tends to concentrate long-term traffic impacts in the approved assembly use rather than distributing them among a mix of corridor-appropriate uses. The Chair's reliance on "state law" to reassure the public, without disclosing these long-term licensing and siting effects, left the public with an incomplete understanding of how siting a large religious assembly can shape future commercial patterns and traffic loads on the corridor.

F. TIA Deferral Was Not Authorized and Cannot Substitute for the Mandatory Section 24 Finding

County Director Hamm advised the Board that deferral of a Traffic Impact Analysis to the building permit phase is an established rule or standard practice in Bernalillo County. Research of the code reveals no such rule. Section 74-103 — the only codified TIA provision — is discretionary, applies in the subdivision context, and dœs not govern conditional use permit applications. No administrative policy authorizing blanket deferral was found in any published county document.

Even if the NMAC trip thresholds are viewed as guidance rather than a direct permit trigger, they still provide objective evidence that a project of this scale called for current traffic analysis before the Board made its no-hazard finding. **NMAC §18.31.6.16 requires a Traffic Impact Analysis for development on a state highway generating 100 or more peak-hour trips; because Alameda Boulevard is a state highway, that state-level review standard independently applied here. Any claim that "this is how the County has always done it" is not a legal defense, because unwritten practice cannot override ordinance standards or substitute for the findings the code requires in the actual record.**

The applicant's numbers are not merely inconsistent; they are self-refuting. As developed in Section IV.G below, the trip count itself cannot hold still within a single applicant colloquy, and even on its own low numbers exceeds the Traffic Impact Study warranting threshold of 100 peak-hour trips published in the Albuquerque/Bernalillo County Development Process Manual (Ch. 7 §7-5(C)(2)).

The conditional use under review is not a mosque alone; it is "a church and incidental facilities," with the Applicant himself describing the project as "the mosque and the incidental facility — the gym, the basketball, and other amenities." Despite that scope, the Applicant's traffic testimony addressed worship to the exclusion of all else, asserting categorically that "there are no cars except during services" and "there is no traffic there on any single day except Friday." The gym, basketball court, library, kitchen, and related amenities — all approved components of the use — generated no trip analysis.

Even confined to worship, the applicant's own figures shift materially across a single colloquy: "maybe 100 to 180 total attendees between the two services"; then "no more than 140 to 150 cars"; then, with the service split, "100 to 120 cars at a peak"; then a build-out to "maximum capacity of 600 worshippers," with 150 code-required spaces and 235 provided. When the commission distilled this into "60 cars at the start up to around 300 cars at maximum," the applicant confirmed: "Yes. Correct."

Measured as trips — each vehicle generating an inbound and an outbound trip — the applicant's own low figure of 140 to 150 cars yields 280 to 300 trips; his acknowledged maximum of 300 cars yields 600 trips.

Either way the site exceeds the Traffic Impact Study warranting threshold published in the Albuquerque/Bernalillo County Development Process Manual, Chapter 7 §7-5(C)(2) and Table 7.5.87 — more than 100 AM or PM peak-hour trips — using nothing beyond the applicant's own testimony and the Institute of Transportation Engineers methodology that the County's own traffic operations manager identified as "essentially the gold standard to determine the number of trips to the site."

This is not a matter of the applicant merely failing to meet his burden; the record independently confirms it. The only traffic analysis placed in the record — submitted by the appellant because the County produced none — reflects that the traffic engineer who performed the corridor's Murphy study estimated that a 43,000-square-foot mosque "is going to generate a minimum of 410 occurrences in the morning and 1,300 in the afternoon" (Hauser, relaying T. Brown). That 43,000-square-foot figure on the site plan is the applicant's own (changed later to 60,000 gross square footage), and the resulting estimate dwarfs the

published Traffic Impact Study threshold of 100 peak-hour trips (DPM Ch. 7 §7-5(C)(2)) several times over.

Notably, the County's traffic engineer conceded that traffic studies are "valid for three years" yet offered no project-specific, current analysis — confirming that the hard traffic finding required by Section 24 was never made, only deferred.

Most critically, even if the Board had discretion to defer requiring a formal TIA document, that discretion does not eliminate the mandatory Section 24 finding that the site can be developed without undue traffic hazards. The County's own traffic engineer testified: "No. You have nothing on record." An affirmative finding of no undue traffic hazards cannot be made on a record containing nothing.

The County's assumption that deferred building-permit review can supply the mitigation Section 24 requires also runs into a constitutional ceiling. Under Dolan v. City of Tigard, 512 U.S. 374 (1994), and Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595 (2013), the County can only require the Applicant to fund mitigation proportional to the impact his project causes not the corridor's cumulative regional failure.

Ms. Luna's own testimony that a deferred study "is not mitigating the regional issue" confirms the mismatch: the mitigation the corridor requires exceeds what can lawfully be extracted from this single applicant at building permit. Deferral therefore does not merely postpone Section 24 finding; it guarantees that the finding, when it comes, will rest on mitigation the County has no constitutional authority to compel. Substantial evidence at the conditional-use stage before approval is the only point at which the Board can lawfully weigh whether this high-volume use is appropriate on this corridor at all.

G. The Record Contains No Substantial Evidence Supporting the Section 24 Traffic Finding, and the Board Inverted the Legal Standard by Deferring It.

Section 24 requires the Applicant to prove, before a conditional use may issue, that "the site can be developed so that undue traffic congestion and hazards will not be created." The record before the Board contains no project-specific traffic study at all — Public Works told the Zoning Administrator that a traffic review "would be required at building permit", and the County's traffic operations manager confirmed that "this project does need to have its very own traffic study for this location". That is not proof; it is deferral. What stands in for proof is the Applicant's own testimony, which is fluid, internally inconsistent, and even on its own terms exceeds the Traffic Impact Study warranting threshold of 100 peak-hour trips published in the Albuquerque/Bernalillo County Development Process Manual (Ch. 7 §7-5(C)(2), Table 7.5.87).

[COMMISSIONER NELSON]: At discretion, we can condition approval on a traffic study being required prior to building permit, correct?

[HAMM]: Yes. It is within your authority to ask for additional information. I would offer caution around imposing a requirement specifically on a religious institution that would be additional or different from what the county has required of other religious institutions in the land use process. To my knowledge, religious institutions have not been required to provide a traffic impact analysis before the building permit process. However, you can absolutely require as a condition of approval — with the building permit — and you could

even go further to say that construction of the facility would require construction of the infrastructure as required by Public Works. That process is already built into any construction permit in the county.

[COMMISSIONER NELSON]: If we required a TIA right now, that could place an undue burden on the applicant at this juncture when they would be required to do it anyway at the building permit stage?

[LUNA]: It could be used for the building permit. They would be required to mitigate the traffic impact due to the trips coming and going to their site. That is not mitigating the regional issue, but it is mitigating the additional traffic that will be generated by their site.

That deferral was not an accident of process but a deliberate choice that inverted the legal standard. Yet rather than require the study Section 24 demands, the Board pivoted to the Applicant's convenience and to a misplaced caution against imposing on a religious institution a requirement "additional or different from what the county has required of other religious institutions" (Director Hamm). Ms. Luna confirmed the deferred study would address only site-trip mitigation, "not… the regional issue".

This is the inversion in plain view. The Board knew it had authority to require a project-specific TIA before approval, and staff confirmed that authority on the record. The Board chose not to exercise it not because the Applicant had carried his Section 24 burden (he had not), but because requiring the analysis was framed as a "burden" on the Applicant and a potential slight to religious exercise. Section 24 places the burden on the Applicant, not on the Board's sense of fairness to him; the Board's role was to determine whether that burden was met, not to spare the Applicant from proving his case.

The RLUIPA caution was doubly misplaced: RLUIPA bars discrimination and substantial burdens on religious exercise, not the application of a neutral traffic-study requirement, and Mr. Hamm's own framing — that religious institutions have "not been required to provide a traffic impact analysis before the building permit process" (Director Hamm) — confesses that the "practice" relied upon is an unwritten staff custom, which cannot substitute for the ordinance's requirements.

A trip count that cannot hold still within a single answer, which ignores every incidental use the permit grants, which is independently corroborated by the only ITE-based estimate in the record, and that nevertheless crosses the threshold on its face, cannot rest on a deferred study and an inverted burden. Under Duke City Lumber, approval on this record is not supported by substantial evidence; it is error.

The County has argued on appeal that its practice of deferring Traffic Impact Analyses for religious institutions to the building-permit stage is a longstanding administrative practice the Board was entitled to rely on.

That argument invokes the doctrine of administrative gloss recognized by the New Mexico Supreme Court in High Ridge Hinkle Joint Venture v. City of Albuquerque, NMSC-050, 126 N.M. 413, 970 P.2d 599 (1998) but Hinkle's requirements defeat the County's own position.

Under Hinkle, an administrative gloss binds the municipality only when (1) the ordinance clause at issue is ambiguous; (2) the administrative practice is consistent; (3) it is applied to

similarly situated applicants; (4) over a period of years; and (5) without legislative interference. None of these conditions is satisfied here.

First, Section 24's requirement that the site "can be developed so that undue traffic congestion and hazards will not be created" is not an ambiguous clause. It is a clear, mandatory factual finding the Board must make on substantial evidence at the time of decision. There is no interpretive gap for administrative gloss to fill.

Second, the record contains no evidence of a consistent, multi-year practice only Director Hamm's personal recollection that "to my knowledge, religious institutions have not been required to provide a traffic impact analysis before the building permit process." Anecdotal, single-witness recollection is not the documented, consistent, year-long application of a practice to similarly situated applicants that Hinkle demands.

Third, "religious institutions" is not the similarly situated class Hinkle contemplates. A 60,000-square-foot high-volume assembly complex on a documented failing corridor is not similarly situated to a small neighborhood church and defining the class by religious identity rather than by comparable use and impact is itself the equal-terms problem RLUIPA forbids. Consistent administrative practice, if it existed, would have to be shown across all comparably scaled assembly uses — religious and secular alike — not selectively within a religious subset.

Fourth, and most fundamentally, Section 24 and Public Works Technical Standards Section 8.4 are the legislative body's own written directives requiring project-specific traffic evidence at the conditional-use stage. Where the legislative body has spoken through written ordinance and technical standards, there is no room for administrative gloss to override that direction. Hinkle establishes that "the plain language of a statute is the primary indicator of legislative intent" and that courts "will not read into a statute or ordinance language which is not there." The County cannot use an unwritten deferral practice to read into Section 24 an exception the legislative body did not put there — particularly one tied to religious status, which RLUIPA independently prohibits.

The County's Hinkle argument fails on its own terms. Administrative gloss cannot substitute for a clear, mandatory ordinance finding; it cannot rest on anecdotal single-witness testimony; it cannot be defined by religious identity; and it cannot override the written technical standards the legislative body has already adopted. Under Duke City Lumber, the Section 24 traffic finding required substantial evidence at the time of the vote. The record contains none, and the County's post-hoc invocation of longstanding practice cannot cure that absence.

H. Finding 5 Was Legally Defective

At the July 1 hearing, staff displayed draft findings and conditions on the screen, including language that was being changed in real time during deliberations. The finding later labeled as “Finding 5” — the key statement about traffic safety and neighborhood impact — was still being rewritten when the Chair called for a motion and vote. There was no point at which the final, fully edited text of Finding 5 was read aloud on the record in final form before the Board acted.

A finding that is not final at the time of the vote is not a finding; it is a draft. Voting on conditions and findings that had not been finalized deprived the record of the legal foundation required to support the approval.

I. Finding 4 Lacked Evidentiary Support on Building Height

Finding 4 concludes that the proposed use will have no adverse effect on the neighborhood and will not seriously conflict with the character of the area, relying in part on comparability with adjacent uses. Yet nowhere in the record not in the application, the staff report, the site plan notes, or the Notice of Decision dœs any document state the proposed building's height in feet. The only size metric ever provided is floor-area square footage (43,000 to 50,000 square feet across two levels, depending on which applicant submission is credited).

Building height and floor area measure fundamentally different things. A single-story, 50,000-square-foot building and a two-story, 25,000-square-foot footprint building can occupy the same square footage while presenting entirely different visual mass, sightline, and neighborhood-compatibility profiles. Because the A-1 zone caps height at 26 feet (subject to exemptions for belfries, spires, and similar features), height is a threshold zoning metric independent of square footage, and ***Finding 4 cannot lawfully rest on a comparison the record never actually made***.

The absence of any height figure or height elevations means the Board approved a two-story institutional complex adjacent to single-family residential lots without ever placing itself before the Appellant, or the public the one dimension most directly tied to neighborhood-compatibility impacts such as shadowing, privacy, and visual scale. This gap independently defeats the substantial-evidence basis for Finding 4 and should be corrected on remand by requiring stamped architectural elevations showing height in feet before any future approval.

J. Finding 1 Mischaracterized the School and Daycare as "Incidental"

Finding 1 frames the application as one for "a church and incidental facilities," treating the proposed K-12 school and daycare as ancillary to the primary worship use. The record does not support that characterization. The applicant's own submissions describe eighteen classrooms, four daycare rooms, a kids' cafeteria, and a school entrance separate from the worship hall, serving up to 100 students daily in addition to Friday worshippers.

Staff later, after their approval, concluded that the school "rose beyond what would be an incidental use and would be kind of a conditional use on its own," requiring a separate conditional use permit. ***That determination directly contradicts Finding 1's premise that the school and daycare were incidental to the church use at the time the finding was adopted.*** A finding that mischaracterizes the scope of the use at the threshold cannot support the remaining Section 24 findings that depend on it, including the traffic and neighborhood-compatibility findings addressed above.

Because the architectural drawings on record at the time of the vote still depicted the full eighteen-classroom, four-daycare-room layout, Finding 1 was factually inaccurate when adopted and remains uncorrected in the final record. ***This is an independent, freestanding evidentiary defect requiring correction on remand.***

K. Finding 3 Lacked Support for Ingress and Egress Adequacy

Finding 3 concludes that the site “provides sufficient ingress and egress for vehicular access” and can be developed without undue traffic congestion or hazards. The site plan in the record, however, shows only one main entrance vehicular gate and one main exit vehicular gate serving a facility with a stated capacity of 350–400 worshippers and up to 600 attendees on peak days, a single point of ingress and egress that the appellant’s submissions specifically flagged as inadequate for emergency vehicle access, fire-lane turning radii, and secondary egress.

In practical terms, the current layout functions as a single constrained driveway system for hundreds of simultaneous worshippers and incidental users, which is inconsistent with standard emergency-access expectations for high-occupancy assembly uses and undermines the Finding 3 conclusion on traffic safety and egress.

No fire marshal review, emergency access plan, or turning-radius analysis appears anywhere in the record to support Finding 3's conclusion. County staff confirmed only that fire review would occur later, at the building-permit stage, meaning the very evidence Finding 3 purports to rely on did not exist at the time the finding was adopted.

A finding that a single-gate access point is "sufficient" for an assembly use of this scale, made without any emergency-access or fire-safety analysis in the record, is not supported by substantial evidence and should be vacated along with the traffic findings it accompanies.

L. Finding 6 Rested on an Unresolved Conflict Between Site Plan Versions

Finding 6 states that the applicant "intends to provide" landscaping and buffering "in compliance with" ordinance requirements, including a six-foot wall and buffer landscaping along the north boundary. The record contains at least two conflicting site plans on this point: the March 11 original site plan, which the March 11 hearing record describes as showing a landscape buffer narrower than the required minimum, and a revised plan submitted for the April 8 hearing showing an expanded buffer, followed by yet another late revision submitted June 30, 2026, the night before the July 1 hearing.

No final, stamped landscape plan confirming the buffer width and wall specifications was entered into the record in a form the public or appellant had a meaningful opportunity to review before the vote. Finding 6's use of future-tense language ("intends to provide") rather than a confirmed as-built commitment underscores that the buffer requirement was never verified against a final plan before approval.

Because Finding 6 depends on a site plan that was still being revised through the eve of the hearing, and because the final revision was not meaningfully available to the public, the finding cannot be said to rest on substantial evidence of a fixed, compliant landscaping plan.

M. Finding 10 Lacked Support Because Required Safety Plans Were Never in the Record

Finding 10 concludes that the three conditions of approval are "necessary to ensure orderly development of the site, as well as the protection of the public health, safety, and general welfare." Section 24 contemplates that conditions of approval may address open space and buffers, walls and fences, parking surfacing, points of ingress and egress, signage, landscaping, noise, vibration, odor, and health hazards. At the time Finding 10 was adopted, the record contained no grading and drainage plan, no hydrology report, no noise-mitigation plan other than no speaker system outdoors, and no fire safety or emergency access plan.

Storm water impacts alone were substantial and unaddressed: the appellant's submissions calculated that a 1-inch rain event on the building footprint and paved parking area could generate over 100,000 gallons of runoff, with no pooling pond, detention plan, or storm water pollution prevention plan anywhere in the record. A finding that the public health, safety, and general welfare are protected cannot be sustained when the categories of protection Section 24 itself identify were left entirely to a later, non-public building-permit process.

Deferring these safety analyses to the building-permit stage suffers from the same defect identified above regarding the Traffic Impact Analysis: it substitutes a promise of future review for the substantial evidence Section 24 requires at the time of the conditional-use decision. Finding 10 should be vacated along with the traffic-related findings for the same reason.

N. The Zoning Administrator Violated Public Works Technical Standards Section 8.4

Separate from the Section 24 findings themselves, the record reflects an independent procedural violation of Bernalillo County Public Works Technical Standards Section 8.4, which the appellant raised in its July 1 submission. Section 8.4 mandates that high-intensity or multi-use assembly developments complete a traffic scoping report at the outset of the approval process to determine whether a full Traffic Impact Analysis is required, precisely so that the baseline Level of Service data needed for a lawful Section 24 traffic finding exists before entitlement.

According to the record and phone conversation with the ZA Staff, no Public Works Traffic Report (PWTR) number was ever activated for this project, and no scoping report was completed before either the Zoning Administrator's April 8 approval or the Planning Commission's July 1 decision. County Director Hamm's explanation that requiring a scoping report or TIA at the conditional-use stage would impose upfront costs on the applicant dœs not excuse noncompliance with a mandatory technical standard.

As developed in Section IV.G above, the County's reliance on unwritten deferral practice cannot satisfy Section 24 or Section 8.4 — neither the substantial-evidence standard of Duke City Lumber v. N.M. Environmental Improvement Bd., 101 N.M. 291, 681 P.2d 717 (1984), nor the administrative-gloss doctrine of High Ridge Hinkle Joint Venture v. City of Albuquerque, NMSC-050, 126 N.M. 413, 970 P.2d 599 (1998) allows a written technical standard to be overridden by an anecdotal, single-witness recollection of past practice.

Because Section 8.4's scoping requirement was designed to generate exactly the baseline traffic data Section 24 requires for a lawful no-hazard finding, the failure to comply with Section 8.4 independently corroborates that the traffic-related Section 24 findings (Findings 3, 9, and 10) were adopted without the evidentiary foundation the County's own technical standards require.

O. The Revised Architectural Drawings Still Show School and Daycare

The revised site plan introduced at the hearing was not in the official record in a meaningful public form prior to the hearing. The last revised architectural drawings actually entered into the record — Attachment 12, Appellee's June 30, 2026, supplemental materials (Packet Pg. 1121–1125) — consist of Sheet S-100 (Site Plan, dated April 6, 2026, stamped by Scott C. Anderson, Reg. Architect No. 4341), Sheet C-100 (conceptual school drop-off and queuing exhibit, dated April 6, 2026), a Visibility Exhibit, Sheet A-200 (First Floor, dated September 11, 2025), and Sheet A-300 (Second Floor, dated September 11, 2025).

Sheets A-200 and A-300 still expressly label four daycare rooms, a kids' cafeteria, a basketball court, and eighteen classrooms. The Applicant's own late-filed Written Statement (Additional Materials from Applicant, Packet Pg. 1798, item 3) likewise still describes the intended uses of the site to include "educational programs, daycare, social events, and outreach activities." No amended, stamped architectural drawings removing the school or daycare uses were ever submitted to the record. The removal existed as verbal representation only; it was never the basis of public notice or of this appeal.

Nor dœs the record contain any stamped architectural drawing memorializing the "60,000 square-foot cap" the County now says was agreed to at the July 1, 2026, hearing. Every stamped site plan in

the record shows a smaller footprint: the original Sheet A-100, dated January 14, 2026 and stamped by Scott C. Anderson (Attachment 10, Packet Pg. 1084), depicts a 45,300 square-foot building footprint with 235 parking spaces provided against 205 required (154 for place of worship plus 51 for school), and the revised Sheet S-100, dated April 6, 2026 and also stamped by Anderson (Attachment 12, Packet Pg. 1121), reflects the four-foot northern-boundary reduction described in the Applicant's written statement (Packet Pg. 1801) and shows a 43,288 square-foot first-floor footprint. No drawing in the record depicts a 60,000 square-foot building envelope, and no amended, stamped drawing capping the structure at 60,000 square feet was ever entered into the record before the vote.

This discrepancy between the verbal representations and the actual plans is itself an additional ground for reversal because it shows the Board approved a project different from what was depicted and available for public review.

P. The Albuquerque International Balloon Fiesta Raised Independent, Unaddressed Traffic and Safety Concerns

The record contains a written comment letter from the Albuquerque International Balloon Fiesta, Inc. ("AIBF"), dated June 25, 2026, and signed by AIBF Executive Director Julie Morgas Baca on AIBF letterhead, entered into the record at Packet Pg. 1820-1822 (Attachment: BA2026-0001. Comments After Noon Deadline).

AIBF's letter raises traffic, public safety, and operational compatibility concerns independent of those raised by Appellant. AIBF explained that 2nd Street NW is a primary access route for Balloon Fiesta Park, carrying significant sponsor, pilot, crew, volunteer, vendor, and emergency-vehicle traffic during the annual event, and stated that "based upon the information available to AIBF, it is unclear whether a comprehensive traffic impact study was conducted as part of the conditional use application process" (Packet Pg. 1820).

AIBF requested that the Commission "determine whether a traffic impact analysis has been prepared and made part of the record" and "no such study has been completed," that the Commission "require a professional traffic impact study prior to affirming the conditional use approval" (Packet Pg. 1820). AIBF specifically requested that, at a minimum, any such study address existing and projected traffic volumes, "peak attendance estimates and associated vehicle trip generation, including the school or educational use depicted on the site plan and any associated educational, daycare, or instructional activities" (Packet Pg. 1821, item 2), impacts to adjacent intersections including 2nd Street NW and Alameda Boulevard, site ingress/egress and vehicle queuing, parking supply and overflow parking, emergency access and public safety, and traffic conditions during Balloon Fiesta events (Packet Pg. 1821, items 1-8).

AIBF further raised operational compatibility concerns given the property's location within an area routinely affected by balloon overflights and occasional balloon landings, requesting that the Board "carefully evaluate the proposed building height and any potential effects the structure may have on balloon operations, public safety, landing activities, and retrieval operations associated with the Balloon Fiesta" (Packet Pg. 1821). AIBF enumerated eight specific clarifications it sought, including "the proposed site plan, architectural elevations, building heights, and the nature and scope of the school or educational facility depicted on the site plan, including anticipated enrollment, staffing, and hours of operation" and analysis

of turning movements and traffic circulation patterns during peak attendance (Packet Pg. 1821-1822).

During deliberations, Commissioner Nelson acknowledged the Balloon Fiesta's concerns and offered, in substance, a verbal assurance that the Applicant would "work with Balloon Fiesta" during Balloon season to manage traffic and operational issues. While well-intentioned, that promise was not an appropriate substitute for the neutral, evidence-based analysis AIBF expressly requested.

AIBF asked that the Commission determine whether any traffic impact analysis had been prepared and, if not, require a professional study addressing both typical daily conditions and the extraordinary demands of Balloon Fiesta operations, including school and educational traffic, then still depicted on the site plan. Commissioner Nelson's assurance did not supply a project-specific TIA, did not place any Balloon-season analysis into the record, and did not impose enforceable conditions tied to Balloon Fiesta's detailed list of operational concerns. It therefore could not cure the Section 24 defect that AIBF independently identified: the absence of current, corridor-specific traffic evidence showing that this high-volume assembly can be accommodated safely during one of the region's most demanding transportation events.

Commissioner Nelson's verbal promise to "work with Balloon Fiesta" during Balloon season is representative of a broader pattern in this case: reliance on informal assurances and future coordination in place of the current, project-specific traffic evidence Section 24 and the County's quasi-judicial procedures require at the time of decision.

That an independent, sophisticated stakeholder with direct operational responsibility for a major regional event separately concluded that the record lacked a clear traffic impact study, and separately requested one, corroborates Appellant's position that the Section 24 record was insufficient and that the traffic-safety finding could not lawfully be made without current, project-specific analysis.

Neither the Board nor staff responded to AIBF's letter on the record, and no traffic impact study addressing year-round Balloon Fiesta operations was ever produced before the vote.

Q. The North Valley Area Plan's Transportation Policies Confirm the Corridor's Documented Traffic Sensitivity in 1993

The 1993 North Valley Area Plan, still in effect and covering the 2nd Street NW corridor and regional area (referenced in the record at Packet Pg. 35 and Packet Pg. 1053), expressly directs that the County shall **"limit access to Second Street, Alameda Boulevard, and Montaño Road from adjacent properties except where alternative access is not available or feasible,"** and **shall retain existing residential zoning along these arterials** precisely because of documented traffic and corridor-capacity concerns. The Plan separately identifies Second Street as a potential high-capacity transportation corridor and describes an ongoing "Second Street North Transportation Corridor Study" intended "to examine and evaluate a range of alternative transportation improvements along Second Street from I-40 to Roy Road."

The Plan's own subarea data show that Second Street already carries a disproportionate share of heavy commercial and traffic-generating Special Use Permits relative to its underlying residential zoning — with 32 of 146 acres allowing heavy commercial or manufacturing uses authorized only by Special Use Permit, **not by right.**

This decades-long, adopted planning history demonstrates that Second Street has long been recognized by the County itself as a corridor requiring heightened, case-specific scrutiny of traffic-generating uses — reinforcing that a project-specific Traffic Impact Analysis was not merely good practice for the proposed High-Volume Use Complex, but consistent with the corridor-sensitive treatment the County's own adopted area plan has required since 1993.

Despite this documented history, the Zoning Administrator permitted a high-volume use to encroach from Alameda Boulevard into an already constrained residential corridor without meaningfully engaging this safety history in the record. Rather than applying the corridor-specific scrutiny the Plan itself calls for, the record reflects an informal "it fits the existing character" rationale, **the implicit reasoning being that one more high-volume use would not meaningfully change conditions on an already strained corridor.** That reasoning inverts the analysis the Area Plan requires. In a statement made by the Zoning Administrator Staff, the NVAP is a Rank II guide and dœs not supersede county ordinances or codes to be considered or relevant in determining a land-use permit.

The cumulative-impact concern that the Plan was designed to address is precisely that each additional approval, considered in isolation and without a current traffic study, incrementally erodes the corridor's capacity and safety margin. Treating a project of this scale as presumptively compatible because similar approvals have occurred before substitutes assumption for the substantial evidence Section 24 requires and disregards the corridor-sensitivity findings the County's own 1993 planning judgment was intended to compel.

Even accepting staff's representation that the North Valley Area Plan is a Rank II guide, the County's Rank I ABC Comprehensive Plan independently confirms the subject area's rural character. The staff report itself finds that “the site is within the Rural Area of the Comprehensive Plan” (Finding 11, Packet Pg. 922), and the Rank I Comprehensive Plan's Rural Area policy expressly favors “alternatives to urbanization” (Packet Pg. 508). That Rank I designation separately reinforces the conclusion that a high-volume regional draw —

attracting congregants from the greater Albuquerque area — is incompatible with the rural character the County's own comprehensive plan assigns to this corridor. (See Exhibit 25.)

R. Additional Ground for Reversal: Extraordinary Majority Vote Requirement (Section 25)

The Bernalillo County Board of County Commissioners' own Appeal to County Commission application packet confirms this standard: pursuant to Sections 18.G.6-8, 24.4.f(2), and 25.F-I of the County Zoning Code, the 20% Rule requires a written petition signed by the equitable owners of record of land comprising at least 20 percent of the land within 100 feet of the subject property, excluding right-of-way not any broader 200-foot or 500-foot standing radius, which governs only who may file an appeal in the first instance and is analytically distinct from the 20% Rule calculation.

Appellant's petition identifies signers representing land ownership within that 100-foot ring, raising a direct question of whether the Section 25 protest threshold was met and, if so, whether this Board of County Commissioners must apply the extraordinary-majority standard, rather than a simple majority, when it votes on this appeal.

Because the underlying Planning Commission vote was not unanimous Commissioner Withers dissented, and Commissioners Michæl Leon Guerrero and Trujillo each stated on the record that they needed more information or time before voting the composition and sufficiency of that vote informs, but dœs not itself trigger, the extraordinary-majority requirement that would instead apply to the Board of County Commissioners' own vote on this appeal, if the 20% protest is properly certified.

Appellant respectfully requests that the Board confirm on the record whether a qualifying Section 25 protest was properly certified including the required Certification of Opposition and Petition Invoking the 20% Rule forms, timely filed with the Zone Atlas page and Notice of Decision at least seven days before the hearing as the County's own application packet requires and, if so, vacate any approval reached without the required extraordinary majority.

The appeal Coalition calculates that the 20% rule was met with over 65% qualified signers against this high-volume land-use permit. Due to time constraints in meeting the BCC appeal deadlines, not all properties within 100 feet were approached to sign. It is upon our belief; the percentage would be in the 90% range if more time were allowed.

V. THE SCHOOL AND DAYCARE REMOVAL IMPACT ON APPEAL MERITS

The removal of the school and daycare deserves specific treatment in this appeal because it was presented, implicitly and explicitly, as evidence that the project had been modified to address community concerns.

It was not. ZA Gould's own testimony establishes that the removal was staff-directed after the permit was granted, not applicant-initiated; that the reason was a separate regulatory process requirement, not traffic mitigation; that no updated traffic analysis was submitted for the revised project; that the revised plan was presented late into the hearing with no advance notice to the Appellant; and that the last submitted architectural drawings still show the school and daycare in full detail.

The 60,000-square-foot High Volume Use Complex approved on July 1 is, for all traffic purposes, materially the same project that existed before the revision. The Board's apparent treatment of the school removal as mitigation was not supported by any evidence in the record.

Any claim that later conditions can solve the traffic issue ignores the County witness's own acknowledgment that this corridor presents cumulative and regional constraints beyond simple site-design mitigation. Conditions may refine access details, but they cannot retroactively supply the missing evidence needed for the Board's threshold finding that the use was appropriate to approve at all.

Any claim that the moratorium request exceeds the scope of this appeal does not defeat the appeal itself, because the request for reversal or remand stands on the existing legal and procedural errors in the record. The moratorium request is additional policy relief directed to the Board's legislative authority and does not weaken the merits of the case-specific challenge.

VI. RELIEF REQUESTED

In addition to the case-specific relief requested throughout this appeal brief, Appellant respectfully asks the Board to address the broader corridor/regional area and zoning-policy failures exposed by this case.

The record shows approval of an extreme high-volume conditional use on a constrained failing rural corridor and failing regional area infrastructure without a project-specific Traffic Impact Analysis, screening assessment, or memo analysis of any sort, without current corridor analysis, and in reliance on unwritten practice rather than clear adopted standards yet approving high-volume uses one at a time.

Because these problems are not unique to this single application, the Board should direct both immediate interim protections and permanent code-based reforms, including a neutral temporary moratorium, updated corridor and regional area studies, and draft ordinance amendments governing high-volume institutional, assembly, commercial, conditional-use, and special-use development in Far North Valley residential areas. The County also has legal authority to adopt both temporary and permanent land-use controls.

For the reasons set forth above in this brief, Appellant respectfully requests that the Board of County Commissioners grant this appeal and take the following actions:

1. Reverse or remand the approval.
Reverse the Planning Commission's July 1, 2026, decision denying the appeal and approving the conditional use permit for BA2026-0001 / ZA2026-0024 or remand the application to the Zoning Administrator with instructions consistent with the Board's findings to all valid merits of this appeal.

2. Require a project-specific TIA at the conditional-use stage.
Require that any future consideration of this high-volume conditional use be based on a complete, publicly accessible record that includes a project-specific, engineer-prepared Traffic Impact Analysis and corridor-level traffic engineering analysis, placed in the quasi-judicial record at the conditional-use stage rather than deferred to the building-permit phase, so that the mandatory Section 24 finding of "no undue traffic congestion or hazards" is supported by substantial evidence and to verify if a land-use permit is warranted for approval.

3. Rule on and uphold Appellant's continuance motions.
Rule on Appellant's pending 60-day and 120-day continuance motions and find that proceeding to final action without ruling on those motions — after a day-before site-plan revision and with no Traffic Impact Analysis in the file — denied Appellant and the public a fair opportunity to review evolving evidence and constituted a procedural due-process violation.

4. Address the lack of written clarification on continuance motions and next steps.
Find that the County's handling of Appellant's formal inquiry directing Appellant to a phone call rather than providing written answers, and stating that the Board "does not have to acknowledge" written continuance requests it "did not elect to review" (Hamm) demonstrates a procedural practice inconsistent with quasi-judicial transparency and fairness, and direct that future Boards of Adjustment issue written rulings on continuance motions and written responses to formal procedural inquiries, to be entered into the official case file.

5. Correct the misapplication of RLUIPA.
Find that the RLUIPA warning issued during deliberations that requiring a TIA at the conditional-use stage for this religious institution could expose the County to liability (Director Hamm) was legally incorrect, and clarify that RLUIPA does not prohibit neutral, generally applicable traffic-safety requirements applied evenhandedly to religious and secular assemblies; instead, it requires that such safety standards be enforced equally for all high-volume assemblies.

6. Order written RLUIPA/equal-terms guidance for this case and future cases.
Instruct County counsel to prepare written guidance for future Board and staff hearings confirming that neutral traffic and safety standards must be applied equally to religious and secular assemblies under RLUIPA's equal-terms provisions, and that RLUIPA does not permit lowering or deferring those standards for any applicant.

7. Impose a neutral corridor moratorium on high-volume land-uses.
Recognize that the Alameda–2nd Street NW corridor and regional area is already operating at or beyond its safe functional limits, and consider adopting a temporary moratorium on new high-volume conditional uses along the Alameda–2nd Street corridor and similarly constrained segments of the regional area of the Far Rural North Valley, until updated regional traffic studies and coordinated infrastructure plans demonstrate that the transportation system can safely accommodate additional large-scale assemblies.

Such a moratorium should apply neutrally to all high-volume institutional and commercial conditional uses religious and secular alike and align the County's land-use decisions with its safety ordinances, Rural preservation goals, and federal equal-terms requirements.

8. Direct a corridor-level Transportation Impact Analysis.
Direct Public Works and any necessary partner agencies to initiate a corridor-level Transportation Impact Analysis for Alameda Boulevard and 2nd Street NW and Regional Area, integrating Congestion Management Process congestion rankings, the 2020 Murphy Express traffic study (Packet Pg. 1407-1426), existing industrial and warehouse approvals, and documented river-crossing bottlenecks, and to return those findings to the Board before approving additional high-volume conditional uses in the corridor and regional area.

9. Clarify that TIA deferral is not a substitute for Section 24 findings.
Find that **deferring** Traffic Impact Analyses to the building-permit stage is not authorized by any written rule, ordinance, or published policy, and that such deferral cannot substitute for the mandatory Section 24 finding that a site can be developed without undue traffic hazards; hold that those findings must be made on a complete record at the conditional-use stage.

10. Clarify that informal assurances and future coordination are not substitutes for substantial evidence.

Find that informal assurances of future traffic study, stakeholder coordination, or event-season management including promises to "work with" affected parties at the building-permit stage or during major events such as Balloon Fiesta cannot substitute for the substantial, project-specific traffic and safety evidence Section 24 requires in the quasi-judicial record at the time conditional uses are approved, and direct that future Boards and staff rely on current evidence rather than unwritten, informal commitments when making Section 24 findings.

11. Adopt a formal policy requiring TIAs for high-volume complexes on constrained corridors if not already in policy but is established in the North Valley Area Plan. Adopt a formal policy or resolution stating that for large assemblies and High Volume Use Complexes on constrained rural corridors — such as the 60,000-gross-square-foot complex proposed here — a project-specific TIA and corridor-capacity analysis are required at the conditional-use stage and may not be deferred to permit-stage review, so that Section 24's traffic-safety findings are always grounded in substantial evidence.

12. Acknowledge cannabis and liquor siting constraints under New Mexico law. It is understood that the law allows churches/schools to move next to an established liquor/cannabis retail location. For clarity, make an explicit finding that, under New Mexico liquor and cannabis distance-restriction statutes and regulations governing locations near churches and schools, cannabis and liquor establishments, in the situation of a sale, will be legally barred from transferring licenses or locating within prescribed distances of this religious facility once it is sited on the corridor, thereby foreclosing those alternative high-volume commercial uses and concentrating long-term traffic impact in the approved assembly use.

13. Require corrected stamped architectural drawings, quantified attendance projections, and a lower-intensity design alternative.

In addition, require the Zoning Administrator to put the new site plan in the public record and hold a complete full hearing on the new updated site plan.

Require the Applicant to submit amended, stamped architectural drawings that actually remove the school and daycare uses previously represented as withdrawn, and ensure that any future approval or permit issuance is based on plans that match the uses the Board has authorized and are placed in the public record within the applicable deadline timeframe.

In addition, require the Zoning Administrator to enter the revised site plan into the public record and to schedule a complete, fully noticed hearing on the updated application and site plan, with public notice that accurately reflects the revised uses and design (including removal of school/daycare and any proposed one-story, lower-volume alternative), before any further conditional-use approval is considered.

In addition, require the Applicant to submit, as part of any revised application, clear, quantified daily and peak-period attendance projections for the main worship hall and all incidental and accessory uses (including evening programs, youth Quran programs, recreation facilities, and special events), rather than fluid or unbounded estimates, so that project-specific trip generation can be evaluated on a neutral, evidence-based basis.

Those attendance projections should be sufficiently precise to determine whether the proposed complex crosses the Traffic Impact Study warranting threshold published in the Albuquerque/Bernalillo County Development Process Manual, Chapter 7 §7-5(C)(2) and Table 7.5.87 (a project generating more than 100 AM or PM peak-hour trips), which the proposed Friday volume of 560 trips exceeds more than fivefold, and to support a defensible Section 24 finding on traffic safety.

At the hearing and in the written record, the Applicant's own representative described Friday Jumu'ah service attendance in terms of two consecutive services drawing an estimated 100 to 180 total attendees at the existing Menaul location (see BA 2026-001 hearing testimony of Joseph Tahat) and testified that maximum capacity at the new site would reach 600 worshippers with 235 parking spaces provided against 154 required for place of worship (Packet Pg. 1084). The Applicant's own written statement lists 250 worshippers on a typical Friday and 615 worshippers for biannual Eid events (Packet Pg. 1798). At Commissioner Withers' request, Mr. Tahat confirmed that peak attendance could translate to "starting off with 60 cars moving up to 300 cars. But it is going to be under the 200-car ratio. Is that pretty, correct?" (BA 2026-001 hearing testimony), placing the project well above the County's neutral TIA trip-generation triggers before counting incidental uses and population transfer from the existing Menaul mosque.

The Applicant should also be invited to submit, for the Board's consideration, an alternative one-story, lower-volume institutional configuration that materially reduces building height, peak-hour trip generation, and cumulative corridor impact, with corresponding architectural drawings and operating assumptions that fit the existing rural character and low area population of this zone, comparable in scale and local-serving function to the Nativity of the Blessed Virgin Mary Church, which primarily serves the immediate surrounding community.

A more appropriate institutional pattern for this corridor is exemplified by existing churches such as the Nativity of the Blessed Virgin Mary Church and the Mount Carmel Church, which operate at a modest physical scale, 1-story, primarily serve the immediate surrounding community, and do not function as regional high-volume draw facilities; any future institutional use at 9600 2nd Street NW or in the Regional Area should be evaluated against that kind of local-serving model rather than a regional high-volume complex attracting the greater Albuquerque and Surrounding areas in congregation.

14. Implement procedural safeguards for late-submitted site plans.
Establish a Board rule or practice that major revised site plans submitted on the eve of a hearing — such as the day-before revision in this case — trigger an automatic continuance or **separate noticed hearing**, to guarantee appellants and the public a reasonable chance to review, analyze, and respond to new evidence before final action.

In considering alternatives, the Board should recognize that a one-story design for any future institutional use on this site would materially reduce vertical obstructions in an area routinely affected by balloon overflights and occasional landings, improve aviation and retrieval safety, and better align the project with AIBF's request that building height and structural features be evaluated for operational compatibility with Balloon Fiesta seasonal and year-round activities.

15. Confirm that each party bears its own costs or consider fee relief.
To the extent permitted by County ordinances and rules, confirm that each party bears its own costs arising from this appeal, and consider whether the demonstrated procedural and legal errors warrant refunding or waiving appeal filing fees for Appellant.

16. Reserve Appellant's right to submit supplemental authority.
Confirm that Appellant may submit additional supplemental authority or exhibits if

requested by the Board of County Commissioners or if new, relevant technical data becomes available prior to any further BCC hearing on remand or reconsideration.

17. Apply County Ordinance standards to future high-volume cases.
Considering the County's own zoning ordinance provisions and the specific defects in this case, direct the following additional actions grounded in those standards:

a. Affirm and apply the ordinance's conditional-use findings as mandatory thresholds. Clarify by policy and practice that the conditional-use findings required of the Zoning Administrator that the site can be developed without undue traffic congestion or hazards and that the use will have no adverse effect on the neighborhood or seriously conflict with the character of the area must be supported by substantial evidence in the quasi-judicial record at the time of approval, and cannot be satisfied by deferral to building-permit review or by speculative assumptions.

b. Direct staff to use the ordinance's listed conditions to address traffic, access, and noise in this use and future high-volume cases. Provide guidance that for high-volume institutional, assembly, and commercial uses on constrained corridors or in residential and Rural Area zones with failing infrastructures, conditions relating to vehicular ingress and egress, open space and buffers, noise, and similar impacts should be treated as **mandatory** tools, **not optional** afterthoughts, and that approvals lacking such conditions will not satisfy the ordinance's public-health and safety protections. Furthermore, allowing high-volume conditional use permits to encroach into residential areas to be prohibited even if only within a foot from commercial use properties.

c. Align special-use and conditional-use amendment practices with corridor and residential protection. Recognize that the zoning ordinance already treats increased traffic and reduced setbacks adjacent to residential uses as triggers for major amendments and full public process, and direct staff to prepare draft ordinance amendments or overlay standards that extend comparable protections to new high-volume conditional uses and assembly uses proposed on constrained corridors serving residential neighborhoods in the Far North Valley.

d. Enforce notice and post requirements as written. Direct that future lapses in required notice or sign posting — including failures to maintain signs for the prescribed period or to **disclose revised plans** in time for meaningful review — be treated as grounds for deferral or denial, consistent with the ordinance, rather than as defects that may be cured mid-hearing without full re-notice.

e. Use protest and appeal provisions to honor organized neighborhood opposition. Clarify that when high-impact conditional uses or special uses are proposed in Rural Area or residential zones and neighboring owners submit written protests meeting ordinance thresholds, the extraordinary-majority vote provisions and appeal rights should be robustly applied, and approvals should include explicit findings addressing neighborhood concerns about traffic, character, and cumulative corridor impacts.

These additional relief requests do not replace the core remedies sought for this case — reversal or remand of the conditional-use approval, rulings on the continuance motions, correction of the revised-site-plan procedural error, and recognition that the Section 24 findings were unsupported — they instead ensure that the County's own ordinance

standards for conditional uses, special-use amendments, notice, and appeals are given effect in future high-volume cases along the Alameda / Second Street corridor and in the Far North Valley.

18. Reject the "fits the character" rationale as a substitute for a cumulative-impact finding. Find that the Zoning Administrator's reliance on an informal determination that the proposed use "fits the character" of the Alameda–2nd Street corridor — without addressing the cumulative traffic and safety impact of adding a high-volume use to an already constrained residential corridor dœs not satisfy the Section 24 finding that the site can be developed without undue traffic congestion or hazards, and direct that future conditional-use decisions on this corridor and regional area expressly analyze cumulative impact rather than treating each new high-volume approval as compatible by default because similar uses have been approved before. In so doing, the Board should expressly recognize that the County's Rank I ABC Comprehensive Plan designates the subject area as Rural Area (Finding 11, Packet Pg. 922) with a policy favoring "alternatives to urbanization" (Packet Pg. 508), and that this Rank I designation independently confirms the incompatibility of a high-volume regional draw with the area's rural character. (See Exhibit 25.)

19. Confirm compliance with Section 25's extraordinary majority requirement. Determine on the record whether a qualifying written protest under Section 25 was filed by owners of at least 20 percent of the land within 100 feet of the subject property, and if so, find that this Board of County Commissioners must apply the extraordinary-majority standard rather than a simple majority when it votes on this appeal, and that any approval reached without satisfying that standard must be reversed or remanded on this independent procedural ground. Appellant submits the 20% Protest Petition (Exhibit 26) and the Certification of 20% Protest Petition for the Board's and County's verification under Section 25 and NMSA § 3-21-6(C), without representing that the statutory 20% threshold has been satisfied and respectfully requests that the County verify the qualifying ownership and area within 100 feet of the subject property (Excluding right-of-way).

VII. CONCLUSION

The Planning Commission's decision leaves a 60,000-square-foot High Volume Use Complex approved on a failing rural corridor and regional area with no project-specific Traffic Impact Analysis, no corridor-capacity analysis, and no demonstrated mitigation — an ongoing public-safety risk that deferred conditions and permit-stage reviews cannot lawfully resolve.

Commissioner Withers stated on the record: "There is not a way to address the traffic issues… good luck. That really frustrates me." He fairly voted to grant this appeal.

The road and region do not know how the vote went. 2nd Street NW and the region will absorb every trip generated by this 60,000-square-foot High Volume Use Complex in addition to other approved or pending high-volume uses regardless of the Board's findings.

Deferring the Traffic Impact Analysis for this project dœs not merely postpone a technical study; it removes the only shared factual basis for evaluating public safety on this already failing rural corridor. Any attempt to characterize these defects as harmless ignores that each one bears directly on the central question whether the Board had a lawful and evidentiary basis to find no undue traffic hazard under Section 24.

The appeal should be granted.

Respectfully submitted,

Pat Hauser
Appellant / Maria-Diers Neighborhood Association

On behalf of the Appeal Coalition
134 Maria Circle NW, Albuquerque, NM 87114
(505) 228-7106 | hdhauser@comcast.net

EXHIBIT LIST

The following exhibits are referenced throughout this brief. Exhibit numbers correspond to the in-text citations above; source filenames and, where applicable, official county agenda-packet page ranges are provided for verification.

Exhibit	Description	Source Document	Page/Location
Exhibit 1	County Notices of Decision (ZA hearing March 11, 2026, continued to April 8, 2026; Notice of Decision dated April 14, 2026) and Notice of Appeal / Appeal Application (Attachment 3 NODs + Attachment 4 NOA & Appeal Application)	Exhibit-01-County-NODs-and-Appeal.pdf	Packet Pg. 968–1022
Exhibit 2	July 1, 2026, Planning Commission Notice of Decision	Exhibit-02-CPC-NOD.pdf	Full document
Exhibit 3	July 1, 2026, Planning Commission Hearing Agenda	Exhibit-03-CPC-Agenda.pdf	Full document
Exhibit 4	Staff report / attachment package supporting the conditional use application	Exhibit-04-Staff-Report.pdf	Packet Pg. 916–927
Exhibit 5	Original site plan (Sheet A-100, dated January 14, 2026, stamped by Scott C. Anderson) — Attachment 10	Exhibit-05-Site-Plan.pdf	Packet Pg. 1084
Exhibit 6	Applicant's revised site plan (Sheet S-100 et seq., Attachment 12)	Exhibit-06-Revised-Site-Plan.pdf – Not revised – submitted the same site plan as before	Packet Pg. 1121–1125
Exhibit 7	Memo of Understanding memorializing Director Hamm's phone call regarding continuance-motion handling	Exhibit-07-Hamm-MOU.pdf	Full document
Exhibit 8	Appellant's letter to Planning (Karina) requesting continuance	Exhibit-08-Continuance-Letter-Karina.pdf	Full document
Exhibit 9	Director Hamm's written response email to Appellant's follow-up questions	Exhibit-09-Hamm-Response-Email.pdf	Full document
Exhibit 10	Albuquerque International Balloon Fiesta, Inc. comment letter (June 25, 2026) raising independent traffic, safety, and operational-compatibility	Exhibit-10-Balloon-Fiesta-Letter.pdf	Packet Pg. 1820–1822

	concerns		
Exhibit 11	Certified hearing transcript and analysis of the July 1, 2026, Planning Commission hearing (testimony of Luna, Hamm, Commissioners, and Applicant)	Exhibit-11-Transcription-Analysis.pdf	Full document
Exhibit 12	Preliminary Trip Generation Assessment applying ITE-style methodology to the Applicant's stated attendance and schedule	Exhibit-12-Preliminary-Trip-Generation-Assessment.pdf	Full document
Exhibit 13	ITE Trip Generation Manual, 11th Ed. (ITE) — LUC 562 (Mosque), 4.22 trips/1,000 SF GFA, Fri PM Peak. Cited reference; published manual not reproduced.	Cited reference — not reproduced	Cited reference (11th Ed., LUC 562)
Exhibit 14	Appellant's trip-generation exhibit (≈ 2,164 weekly / 560 Friday trips), calculated using published ITE occupancy rates by activity type — 2.5 persons/vehicle for worship (LUC 560), 1.15 for youth-program drop-off (LUC 520), and 1.5 for recreation (LUC 492) — derived from the Applicant's own attendance figures and the existing Menaul Street mosque's weekly operating schedule	Exhibit-14-Trip-Generation-Analysis.pdf	Full document
Exhibit 15	Trip-generation charts illustrating Exhibit 14's underlying calculations	Exhibit-15-Trip-Generation-Charts.pdf	Full document
Exhibit 16	1993 North Valley Area Plan — corridor transportation policies, Second Street North Transportation Corridor Study description, and Special Use Permit subarea data	Exhibit-16-North-Valley-Area-Plan.pdf	Full Area Plan (pp. 1–238)
Exhibit 17	Bernalillo County Zoning Code of Ordinances Appeal Form and appeal procedure guidance	Exhibit-17-BCC-Appeal-Form.pdf	Full document

Exhibit 18	Guidance memo from Elvira Lopez on appeal procedure to the Board of County Commissioners	Exhibit-18-Lopez-Appeal-Procedure-Memo.pdf	Full document
Exhibit 19	Affidavit of Terry Brown, traffic engineer (author of the 2020 Murphy Express study, Packet Pg. 1407-1426), swearing to his professional opinion that the proposed 43,000-sf mosque will generate a minimum of 410 AM / 1,300 PM occurrences and that the corridor was already at Level of Service F	Brown-Affidavit-EXHIBIT-19.pdf	Murphy study Packet Pg. 1407–1426; pending signature + notarization
Exhibit 20	Appellant's email correspondence with County planner Karina Peggau (July 6-11, 2026) documenting that the applicant's day-before revised site plan was never placed on the public record or made accessible — supporting the procedural due-process and late-site-plan grounds	Exhibit-20-Site-Plan-Access-Emails.pdf	Full document
Exhibit 21	Bernalillo County Advanced Data Viewer GIS map showing the subject site is in the 'Rural' land-use area (not urban), consistent with Finding 11 and the 1993 North Valley Area Plan	Exhibit-21-Rural-Area-GIS-Map.pdf	Full document
Exhibit 22	City of Albuquerque jurisdiction boundary map confirming the subject site is 'Outside City Limits' (unincorporated Bernalillo County), supporting the population-transfer / jurisdiction grounds	Exhibit-22-Outside-City-Limits-Map.pdf	Full document
Exhibit 23	Applicant’s written statement (updated for July 1, 2026, hearing; ~43,288 SF first-floor footprint)	Exhibit-23-Written-Statement.pdf	Packet Pg. 1800–1802
Exhibit 24	Applicant’s “Dear	Exhibit-24-Upgrade-Letter.pdf	Full document

	Neighbor" upgrade letter (postmarked Apr. 6, 2026)		
Exhibit 25	ABC Comprehensive Plan (Rank I) — Rural Area designation & "alternatives to urbanization" policy	Exhibit-25-Comprehensive-Plan.pdf	Packet Pg. 922; policy at Packet Pg. 508
Exhibit 26	20% Protest Petition (Rule 7 / Section 25) 25 neighboring-owner signatures	Exhibit-26-Protest-Petition.pdf	Full document
Certification	Certification of 20% Protest Petition (NMSA § 3-21-6(C)) sworn, notarized cover sheet to Exhibit 26 (not a numbered exhibit)	Certification-of-20-Percent-Protest-Petition.pdf	Full document

Request for Temporary Moratorium on High-Volume Conditional Uses and Sponsorship by Commissioner Walt Benson, District 4, Along the Alameda / 2nd Street NW Corridor and the Far North Valley Regional Area

Date:

To: Honorable Members of the Board of County Commissioners
Bernalillo County Planning & Development Services
415 Silver Ave. SW, 2nd Floor
Albuquerque, NM 87102

Re: Request for Temporary Moratorium on High-Volume Conditional Uses and Sponsorship by Commissioner Walt Benson, District 4, Along the Alameda / 2nd Street NW Corridor and Far North Valley Regional Area – Paseo Del Norte Pass Bridge to Roy Ave (Sandia Pueblo) and I-25 to the Alameda Bridge

Dear Commissioners,

The Maria-Diers Neighborhood Association, by its President and Appellant representative Pat Hauser, on behalf of the residents and neighborhood groups who joined in the BA2026-0001 appeal and petition, writes in support of its appeal in BA2026-0001 / ZA2026-0024 and to ask the Board to address the broader regional infrastructure issue that underlies this and similar cases in the North Valley.

The Alameda / 2nd Street NW corridor is already documented as one of the most congested and constrained segments in the region: Congestion Management Process corridor rankings identify Alameda as a high-stress corridor, the 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426) in the BOA agenda packet documents critical operational limits — Level of Service F and right-in/right-out access restrictions — along the Alameda / 2nd Street corridor, and Public Works staff have acknowledged in hearings that Alameda river crossings are operating at or near over-capacity.

In recent hearings, County traffic staff have also stated that they cannot rely on Traffic Impact Analyses that are more than three years old, which is consistent with best practices in traffic engineering that require current counts and analyses for major decisions. This means that, as of today, the County recognizes that older studies cannot serve as the primary basis for approving new high-volume conditional uses on the Alameda / 2nd Street corridor, yet has not commissioned updated corridor-level traffic studies or required project-specific TIAs at the conditional-use stage, leaving decision-makers and the public to rely on outdated information and speculative assurances instead of current engineering data.

The recent conditional use approval in BA2026-0001 / ZA2026-0024 illustrates this gap starkly. The applicant sought approval for a 50,000 square foot mosque with integrated licensed daycare and a full K–12 school located entirely within the main building, accommodating approximately

350 students and 50 daycare attendees, in addition to around 100 daily visitors for worship and community activities as described in the written statement and appellee materials in the BOA agenda packet. The same materials describe approximately 250 Friday worshippers for the weekly Jumuah prayer, while the appeal record quotes the applicant's own representation of 350–400 Friday attendees and 150–200 vehicles at peak, demonstrating that this facility operates as a high-volume institutional assembly with substantial peak-hour and weekly trip generation.

Despite these high volumes and the well-documented constraints of the Alameda / 2nd Street NW corridor, the County's current practice has been to approve high-volume conditional uses along this corridor while deferring project-specific Traffic Impact Analyses and mitigation decisions to the building-permit phase, effectively leaving the quasi-judicial land-use record devoid of the very engineering data needed to evaluate whether additional large-scale assemblies can be safely accommodated. In our appeal brief and supporting trip-generation analysis, we have documented how this practice resulted in an "empty file" for BA2026-0001 / ZA2026-0024—no project-specific TIA, no integrated trip-generation analysis for the high-volume mosque, school, and daycare facility at the conditional-use stage, and no coordinated use of existing corridor studies—even as the conditional use was approved.

We respectfully request that the Board direct staff to prepare a focused regional infrastructure report on the Alameda / 2nd Street NW corridor, including updated traffic counts, level-of-service analyses, right-of-way and river-crossing constraints, and the cumulative impact of existing and approved Special Use and conditional use permits. Based on that report, we further ask the Board to consider adopting a temporary moratorium on new high-volume conditional uses along this corridor—and in similarly constrained Rural North Valley segments—until updated regional traffic studies and coordinated infrastructure plans demonstrate that additional large-scale assemblies can be safely supported without undue congestion, hazards, or degradation of Rural character.

Any such moratorium should be neutral and apply equally to all high-volume institutional and commercial conditional uses, religious and secular alike. The Religious Land Use and Institutionalized Persons Act (RLUIPA) does not require Bernalillo County to lower or defer neutral public-safety standards; it requires that those standards be applied even-handedly to religious assemblies and comparable secular uses. A corridor-focused moratorium that is grounded in objective infrastructure limits and Comprehensive Plan policies, and that treats all high-volume assemblies the same, would honor that federal requirement while upholding the County's duty to protect public safety and preserve the Rural North Valley's intended character.

For these reasons, we respectfully ask Commissioner Walt Benson, District 4, to sponsor and introduce a temporary moratorium and corridor-level infrastructure study for the Alameda / 2nd Street NW corridor and similarly constrained Rural North Valley segments, and we ask the Board as a whole to support this neutral, data-driven safeguard on behalf of residents county-wide.

Thank you for your consideration and for your continued service to the residents of Bernalillo County.

Respectfully submitted,

Maria-Diers Neighborhood Association, on behalf of the residents and neighborhood groups who joined the BA2026-0001 appeal and petition. [file:1975]

By: _____

Pat Hauser, President and Appellant Representative

Phone: 505-228-7106

Email: hdhauser@comcast.net

Trip Generation Analysis

ZBA2026-0001 / ZA2026-0024 — 9600 2nd Street NW, Bernalillo County, NM

Prepared by Appellant Support Team — Derived from data on record and testimony at the July 1, 2026 CPC hearing.

AIC = Albuquerque Islamic Center (the applicant/property owner at 9600 2nd Street NW).

Citations in this analysis use Bernalillo County BOA agenda packet page numbers ("Packet Pg. NNN") based on the 1,951-page unified agenda packet (Exhibits on Public Portal). All referenced documents are publicly accessible at: https://bernalillocountynm.iqm2.com/Citizens/Search.aspx — search by case number ZA2026-0024 or ZBA2026-0001.

This exhibit presents estimated daily vehicle trip generation for the proposed Albuquerque Islamic Center conditional use at 9600 2nd Street NW under the Revised Site Plan — with school and daycare verbally removed at the July 1, 2026 CPC hearing. All figures are derived from the applicant's own submissions, the AIC letter to residents, and the AIC weekly schedule exhibit — all documents in the case record. Recreational use and special gathering figures are conservative estimates; no attendance data for those uses was submitted by the applicant. A full Traffic Impact Analysis has not been provided.

These estimates are the minimum supportable from the record. The weekly schedule (AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362) reflects the AIC's current operating schedule at their existing Menaul Street facility, submitted into the record by the Appellant. The AIC did not file a separate operational schedule for the proposed site and did not dispute this schedule at the July 1, 2026 hearing.

Estimated Weekly Vehicle Trips — Revised Site Plan, All Use Categories

School and daycare verbally removed at the July 1, 2026 hearing (ZA Gould). No amended stamped drawings have been submitted. Chart shows all remaining use categories: daily prayers, scheduled evening programs and Quran Evening Program, estimated daily recreational use (gym/basketball/pool), estimated unscheduled special gatherings (weddings, funeral prayers, Ramadan events, community banquets), and staff. Recreational and special gathering figures are conservative estimates — the record contains zero attendance data for those uses.

Sources: Applicant Written Statement (Packet Pg. 1797-1807); AIC Letter to Residents (referenced in the record and in BA 2026-001 hearing testimony) — cited for Friday attendance figures; AIC Prayer Schedule Exhibit (Packet Pg. 1360-1362); Sheet A-200 First Floor plan (Packet Pg. 1112-1125 range); 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426).

Weekly Trip Summary — Revised Plan by Use Category

Even using the Applicant's own lowest-stated attendance figures, published ITE occupancy rates applied by activity type, and excluding recreational use, special gatherings, and population

transfer entirely from any upward adjustment, the revised plan generates an estimated 2,164 vehicle trips per week and 560 vehicle trips on a single Friday — on a corridor where the only available traffic study in the record, the 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426; trip generation table at Packet Pg. 1416), projected 168 PM peak-hour trips (86 entering + 82 exiting) from a single 12-pump gas station and documented Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417), at the Murphy Express Driveway "A" left-turn movement (Packet Pg. 1409), and required both site driveways to be restricted to right-in/right-out-only access (Packet Pg. 1410). Every figure in this analysis is a floor, not a ceiling. The analysis understates demand.

Day	Prayers/ Worship	Programs/ Quran	Recreation (est.)	Special Gatherings (est.)	Staff	Daily Total
Monday	96	24	53	24	20	217
Tuesday	96	20	53	24	20	213
Wednesday	96	0	53	24	20	193
Thursday	96	24	53	24	20	217
Friday	360	87	53	40	20	560
Saturday	96	103	107	60	8	374
Sunday	96	119	107	60	8	390
Weekly Total	**936**	**377**	**479 (est.)**	**256 (est.)**	**116**	**2,164**

Note: Recreation and special gathering columns are conservative estimates — no attendance data for those uses exists anywhere in the case record. Actual totals are higher. The following are NOT included in any column: population transfer from closing mosques; regional westside draw (Rio Rancho, Corrales, Taylor Ranch, Paradise Hills, Sandoval County); Eid events (615 worshippers, 2×/year); or ITE SF-based trip generation for a 60,000 SF facility. All figures use the applicant's own lower-bound numbers.

Appendix A — Why the Revised Plan Still Exceeds This Corridor's Capacity

The revised plan (school and daycare verbally removed at the July 1, 2026 hearing — no amended stamped architectural drawings were ever filed) still places a load this corridor cannot handle for five independent reasons.

1. The reduction falls entirely on the wrong days

The Friday peak — 560 vehicle trips — is entirely unaffected by the verbal school removal. Friday remains the single highest-volume day under both plans and the day that generated every traffic concern at the April 8 and July 1 hearings. The verbal school removal did not reduce Friday peak by a single vehicle trip.

2. 560 Friday trips on a corridor that failed at 168 PM peak-hour trips

The 2020 Murphy Express traffic study (Packet Pg. 1407-1426; trip table at Packet Pg. 1416) — the only corridor data in the record — found that a 12-pump gas station generating 168 PM peak-hour trips (86 entering + 82 exiting) projected Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417) and at the Murphy Express Driveway "A" left-turn movement on Alameda Blvd. (64.1 seconds control delay, Packet Pg. 1409), and required both site driveways to be restricted to right-in/right-out-only access (Driveway A on Alameda Blvd. per NMDOT; Driveway B on 2nd Street per Bernalillo County Public Works — Packet Pg. 1410). The revised AIC plan generates an estimated 560 trips on Friday alone — more than 3 times the PM peak-hour volume that produced Level of Service F on this same corridor six years ago. The Mechenbier warehouse at 9700 2nd Street NW is now under development, adding semi-truck traffic. A use generating more than 3× the Murphy Express PM peak-hour volume is not a smaller problem because the school was verbally removed without filing amended stamped drawings.

3. The regional problem is permanent regardless of site-level mitigation

County traffic engineer Luna testified: "That is not mitigating the regional issue, but it is mitigating the additional traffic that will be generated by their site." A building-permit TIA can require driveway widening. It cannot widen Alameda Boulevard, extend the 16-second southbound signal on 2nd Street (3–4 vehicles per cycle), remove the at-grade railroad crossing 600 feet north, or acquire right-of-way from NMDOT or MRGCD. Those regional constraints exist regardless of the verbal school removal. A corridor already at capacity cannot absorb 560 Friday trips from any single new facility.

4. The Board voted on worship trips only — not the full revised plan

Commissioner Withers confirmed with the Applicant: "starting off with 60 cars moving up to 300 cars. But likely is going to be under the 200 car ratio. Is that pretty correct?" Applicant: "Correct." That figure was worship attendance only — it excluded evening programs (6 days/week, AIC Prayer Schedule, Packet Pg. 1360-1362), Quran Evening Program (Fri/Sat/Sun), the gym, basketball court, pool room, coffee shop, cafeteria, and population transfer from closing mosques. The revised plan generates 560 Friday trips and 2,164 weekly trips — more than double the only vehicle count any Commissioner elicited from the Applicant on the record.

5. The revised plan still has no traffic analysis on the record

The Section 24 burden requires the Applicant to demonstrate the use will not create undue traffic hazards. That burden was never met for the original application. It was never re-evaluated for the revised plan. No traffic engineer testified that 560 Friday trips on 2nd Street NW is within this corridor's remaining capacity. Luna stated on the record: "No. You have nothing on record." "Smaller than the original" is not the legal standard. "No undue traffic hazards" is. That finding cannot be made on no evidence, regardless of the verbal school and daycare removal.

Corridor Capacity Context

Reference Point	PM Peak Trips	Corridor Result	Source
Murphy Express gas station (2020)	168 PM peak trips (86 enter + 82 exit)	LOS F at Alameda/4th WB thru (Packet Pg. 1417) and at Murphy Driveway A (Packet Pg. 1409); both driveways restricted to right-in/right-out-only (Packet Pg. 1410)	2020 Murphy Express Traffic Study, Packet Pg. 1407-1426 (trip table Packet Pg. 1416); NMDOT scoping determination Packet Pg. 1414
AIC — Revised Plan (verbal school removal; no amended drawings filed)	560 Friday trips	No analysis performed — nothing on record	Trip Generation Analysis, this exhibit
AIC revised vs. Murphy Express	560 Friday vs. 168 PM peak-hour trips	AIC Friday trips ≈ 3.3× the Murphy Express PM peak-hour subtotal of 168 trips (2020), on the same corridor where even that gas-station load produced Level of Service F and required right-in/right-out-only access at both driveways	Calculated from record data
Applicant's on-record estimate (Withers exchange)	"under 200 cars"	Worship trips only — excludes programs, recreation, staff, population transfer	July 1, 2026 hearing testimony

The shaded rows show the direct comparison between the only corridor study in the record (Murphy Express 2020) and the revised plan the Board approved. The revised plan generates more than 3× the PM peak-hour volume that produced Level of Service F on this same corridor six years ago (560 Friday trips vs. 168 PM peak-hour trips), on a corridor that has not been improved and has only grown more congested since.

Appendix D — Why Deferring Traffic Mitigation to the Building Phase Is Not a Cure

This section addresses the argument — implicit in the Board's approval — that any traffic problems with the proposed facility can be resolved at the building permit phase through a Traffic Impact Analysis and site-level mitigation conditions.

1. The CUP Is the Last Public Checkpoint

A conditional use permit is the last meaningful public checkpoint before construction begins. Once issued and recorded, the County's legal authority to condition, restrict, or deny the use based on traffic impact is exhausted. Any mitigation proposed at the building permit phase is evaluated by staff in a non-public administrative process, with no opportunity for neighboring property owners or the traveling public to present evidence, challenge findings, or appeal conditions. The Section 24 standard requires a finding that the proposed use “will not be detrimental to the public health, safety, and welfare” before approval. That finding cannot be made on a record that contains no traffic data, and it cannot be outsourced to a future administrative process the public cannot access.

2. The Mitigation May Not Be Physically Possible

2nd Street NW at this location is a two-lane rural road with no median, no turn lanes, no signalized intersection at the driveway, and no parallel arterial alternative for Westside communities (Corrales, Rio Rancho, City of ABQ Westside, Taylor Ranch, Paradise Hills) crossing into the Town of Alameda. If a post-approval traffic study finds Level of Service F — as the only study in the record already projects for this corridor at 168 PM peak-hour trips (86 entering + 82 exiting) from a single 12-pump gas station (2020 Murphy Express Traffic Study, Packet Pg. 1407-1426; trip table Packet Pg. 1416; LOS F at Alameda/4th and at Murphy Driveway “A”, Packet Pg. 1417 and 1409; NMDOT scoping determination Packet Pg. 1414) — there may be no available engineering fix. There is no room to widen. No signal warrant will be met for a private driveway. No secondary access exists to the north, east, or west. At that point, the County will have issued a permit for a facility that the road network physically cannot serve, and the neighborhood will bear the permanent consequence.

3. Post-Approval Studies Are Structurally Biased Toward Approval

Once the permit is secured, the economic pressure runs entirely in favor of maximizing the approved square footage and attendance. A traffic study commissioned after approval — paid for by the applicant — will be optimized to justify what has already been permitted, not to surface constraints that would require redesign. This is the inverse of the legally required sequence: the applicant bears the burden of demonstrating safety before approval, not after. Deferring that burden eliminates the applicant's incentive to reduce the project's traffic footprint at the only stage — pre-permit — when design changes are still feasible and costless.

4. The Corridor Capacity Ceiling Is Already in the Record

The 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426) found that 168 PM peak-hour trips (86 entering + 82 exiting per the trip table at Packet Pg. 1416, reduced to 117 primary trips after a 30% pass-by adjustment) from a single 12-pump gas station on this corridor segment, and the study's capacity analysis documented Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417). Applying the same ITE-style attendance-to-trip conversion used throughout this exhibit (persons ÷ 2.5 occ × 2), the 117 primary-trip figure corresponds to a maximum comparable

worship attendance of approximately 146 persons during a peak event. The Applicant's own submissions describe 350–400 Friday worshippers — more than twice that comparable figure, before accounting for staff, evening programs, recreational use, or special gatherings.

The revised plan generates an estimated 560 vehicle trips on a single Friday and 2,164 vehicle trips per week. Every one of those figures exceeds the corridor's demonstrated capacity by a multiple, not a margin. This is not a case where mitigation might close the gap. The gap is so large that no plausible mitigation on a two-lane rural road can close it. The Board was required to make that finding before approval. It did not.

The Section 24 standard requires a pre-approval finding that the proposed use will not be detrimental to public health, safety, and welfare. That standard cannot be satisfied by promising to study the question later. The only corridor data in this record — the 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426) — already shows Level of Service F at 168 PM peak-hour trips (86 entering + 82 exiting, Packet Pg. 1416) on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417). The proposed facility will generate that volume before the first Friday prayer is over.

Appendix C — ITE Trip Generation Math — Day-by-Day

This appendix shows the step-by-step ITE arithmetic for each day of the week under the revised plan (school and daycare verbally removed at the July 1, 2026 hearing; no amended stamped architectural drawings were filed). All inputs are drawn from the Applicant's own filed documents. ITE formulas: Worship (LUC 560) = persons ÷ 2.5 occ × 2; Quran/School drop-off (LUC 520) = persons ÷ 1.15 occ × 2; Staff = persons ÷ 1.0 × 2; Recreation (LUC 492) = persons ÷ 1.5 × 2. The ×2 factor counts both arrival and departure trip-ends (standard ITE convention). Evening program schedule source: AIC Prayer Schedule / Weekly Program Exhibit, Packet Pg. 1360-1362, submitted by the Appellant; undisputed by AIC at the July 1, 2026 hearing.

Day	Prayers (LUC 560)	Programs (LUC 520)	Rec. est. (LUC 492)	Special (est.)	Staff	Daily Total
Monday	96	24	53	24	20	217
Tuesday	96	20	53	24	20	213
Wednesday	96	0	53	24	20	193
Thursday	96	24	53	24	20	217
Friday	360	87	53	40	20	560
Saturday	96	103	107	60	8	374
Sunday	96	119	107	60	8	390
Weekly	**936**	**377**	**479**	**256**	**116**	**2,164**

Friday Peak — Full Breakdown

Component	Persons	LUC / Occ.	Formula	Trips
Jumu'ah worship (350 attendees, lower bound)	350	LUC 560 / 2.5	350 ÷ 2.5 × 2	280
Non-Jumu'ah prayers (5 remaining × 20)	100	LUC 560 / 2.5	100 ÷ 2.5 × 2	80
Quran Evening Program (50 youth, drop-off model, LUC 520)	50	LUC 520 / 1.15	50 ÷ 1.15 × 2	≈87
Recreational use (est.)	~40	LUC 492 / 1.5	40 ÷ 1.5 × 2	53
Special gathering (Friday premium est.)	~50	LUC 560 / 2.5	50 ÷ 2.5 × 2	40
Staff (Friday)	10	Staff / 1.0	10 ÷ 1.0 × 2	20
FRIDAY TOTAL (revised plan)	**—**	**—**	**280+80+87+53+40+20**	**560**

Friday source: AIC Letter to Residents (see hearing testimony record and applicant materials at Packet Pg. 1085-1111): "350 to 400 attendees, typically 150 to 200 vehicles" (lower bound 350 used). Quran Evening Program: AIC Prayer Schedule, Packet Pg. 1360-1362 (Appellant-submitted, undisputed). Friday is IDENTICAL under the initial and revised plans — school/daycare removal reduces zero Friday trips.

Appendix B — Trip Calculation Methodology

Trip figures in this exhibit are derived exclusively from attendance and capacity data filed by the Applicant in the case record. The weekly operating schedule (AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362) used as the source for evening programs and Quran Evening Program sessions reflects the AIC's current operating schedule at their existing Menaul Street facility; it was submitted into the record by the Appellant (Pat Hauser / Maria-Diers Neighborhood Association). The AIC did not file a separate operational schedule for the proposed site and did not dispute this schedule at the July 1, 2026 hearing.

Formula: Vehicle Trips (daily) = (Person Count ÷ Vehicle Occupancy) × 2. The ×2 factor accounts for both the inbound trip (arrival) and the outbound trip (departure) for each attendee. This is the standard methodology used by the Institute of Transportation Engineers (ITE).

Vehicle Occupancy Rates

Use Type	Occupancy Rate	Source
Worship / Prayer (congregation)	2.5 persons/vehicle	ITE Trip Generation Manual 11th Ed., LUC 560 (Church)
Staff / Admin	1.0 person/vehicle	Standard single-occupant commute assumption
Quran Evening Program / Youth Programs	1.15 persons/vehicle	ITE LUC 520 (parental drop-off model)
Recreation (gym/basketball/pool)	1.5 persons/vehicle	ITE LUC 492

Source Data from Record

Data Point	Value Used	Record Source
Daily prayers per day	6	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362 (Fajr 4:07am, Sunrise 5:46am, Dhuhr 1:06pm, Asr 4:53pm, Maghrib 8:18pm, Isha 10:03pm)
Non-Friday prayer attendance (avg)	20 persons	Applicant Written Statement, Packet Pg. 1797-1807: "visitor will be less than 25 persons" on non-Friday days
Friday Jumu'ah attendance	350 persons	AIC Letter to Residents (see hearing testimony record and applicant materials, Packet Pg. 1085-1111): "350 to 400 attendees, typically 150 to 200 vehicles" — lower bound used
Friday Jumu'ah (written statement)	250 persons	Applicant Written Statement, Packet Pg. 1797-1807: "approximately 250 worshippers" — alternate lower figure also in record
Peak Eid event (2x/year)	615 persons	Applicant Written Statement, Packet Pg. 1797-1807: "615 worshippers" — NOT used in weekly charts (biannual event)
Staff (revised plan)	10 persons	Conservative estimate post-school removal — admin and facility management only
Mon/Thu evening programs	~30 persons	AIC Prayer Schedule, Packet Pg. 1360-1362: Hadith Roots (Mon), Shabab Circle (Thu) after 10:15pm Isha
Tue evening program	~25 persons	AIC Prayer Schedule, Packet Pg. 1360-1362: Suhbah Visionaries (Women 18-25) 6:30–7:30pm Tuesday
Fri Quran Evening Program	~50 youth	AIC Prayer Schedule, Packet Pg. 1360-1362: Quran Evening Program for Youth and Children 5:30–8:00pm Friday
Sat/Sun Quran Evening Program	~50 youth	AIC Prayer Schedule, Packet Pg. 1360-1362: Quran Evening Program 11:00am–2:00pm Saturday and Sunday

Sun Reverts Circle	~20 persons	AIC Prayer Schedule, Packet Pg. 1360-1362: The Reverts Circle 4:30pm Sunday
Sat/Sun late evening program	~30 / ~20	AIC Prayer Schedule, Packet Pg. 1360-1362: Suhbah Visionaries (Men 22+) after Isha Sunday
Operating hours (most days)	4:00am–10:30pm	AIC Prayer Schedule, Packet Pg. 1360-1362: "4 a.m. until 10:30 pm (most days)"
Operating hours (Mon, Thu, Sat)	4:00am–midnight	AIC Prayer Schedule, Packet Pg. 1360-1362: "4 a.m. until 11 –12 midnight (Mon, Thu, Sat)"

Limitations and Caveats

These are MINIMUM estimates: All figures use the applicant's own stated lower-bound attendance numbers. The record also contains figures of 350–400 Friday worshippers (AIC letter), 615 Eid event worshippers, and a building cap of 60,000 SF. None of the higher figures are used in these calculations.

Population transfer not included: The applicant testified that existing mosques in the area will close and their congregations will transfer to this location. No quantified estimate of transferred congregation size was provided in the record. Transfer trips are therefore not included but represent a material upward adjustment factor.

Gym / basketball / pool trips not included: The applicant's written statement confirms the gymnasium and basketball court serve as "community recreation space for the mosque congregation during evenings and weekends." The indoor Pool Room (2,125 SF, first floor, Sheet A-200, Packet Pg. 1112-1125 range) is on the drawings but not described in the written statement (Packet Pg. 1797-1807). No attendance figure for these recreational uses is provided in the record. Recreation trips shown in the tables above are conservative estimates only.

No ITE floor-area methodology applied to building SF: The standard ITE approach for a Church (LUC 560) uses building square footage as the independent variable. The applicant's written statement does not provide the final confirmed SF — the record contains figures of 45,000 SF (county application), 50,000 SF (AIC letter to residents), and a Board-imposed cap of 60,000 SF. Because the SF is contested, person-count methodology from the applicant's own statements is used instead throughout this exhibit.

Friday Jumu'ah figure: 350 vs. 250: The written statement (Packet Pg. 1797-1807) states 250 worshippers for Friday. The AIC letter to residents (see hearing testimony record and applicant materials) states 350–400. Charts use 350 (lower bound of the AIC letter range) as the more conservative figure given that the letter was distributed to actual neighbors and represents a more candid self-assessment of demand.

Eid events (biannual) not charted: 615 worshippers are expected at Eid events (2×/year per written statement). These events would generate approximately 492 vehicle trips from worship alone — more than 5× the worship-trip volume of a normal weekday — and are excluded from the weekly charts because they are not weekly occurrences. They must nonetheless be analyzed in any TIA.

Withers/Applicant exchange reflects worship trips only: During deliberations, Commissioner Withers asked the Applicant directly: "starting off with 60 cars moving up to 300 cars. But likely is going to be under the 200 car ratio. Is that pretty correct?" The Applicant confirmed: "Correct." That exchange — the only vehicle count admitted by the Applicant on the record — was framed entirely around worship attendance, drawn from the written statement's congregation figures (Packet Pg. 1797-1807). At no point in that exchange, or anywhere in the Applicant's testimony, were vehicle trips attributed to the gymnasium and basketball court (7,925 SF — admitted as community recreation space), the indoor pool room (2,125 SF, first

floor, Sheet A-200, Packet Pg. 1112-1125 range — never described in the written statement, Packet Pg. 1797-1807), the coffee shop and cafeteria, the evening programs (six days per week, AIC Prayer Schedule, Packet Pg. 1360-1362), or population transfer from closing mosques. The "under 200 cars" figure the Applicant confirmed to Withers accounts for worship use alone on a 43,000 SF first floor containing a 12,326 SF indoor recreation complex, a commercial kitchen, a cafeteria, and a coffee shop. The Board voted on that partial accounting as if it described the whole project. The charts in this exhibit show why it does not.

Special event gatherings not included: The applicant's written statement describes the facility as a community center that will host "social events, outreach activities, and cultural events" (Packet Pg. 1797-1807). The AIC letter to residents similarly references ongoing "community activities" at this location. Weddings (nikah ceremonies), funeral prayers (janazah), Ramadan iftar and tarawih gatherings, Mawlid observances, community banquets, and other special religious and cultural events are not scheduled uses listed in the record and are therefore not counted in these charts. Each such event can generate attendance comparable to or exceeding a Friday Jumu'ah gathering. These events are unquantified, unscheduled, and entirely outside the scope of any parking or traffic analysis submitted by the applicant. A complete TIA must account for the full range of special uses.

Prepared from documents in the official case record for Case ZBA2026-0001 / ZA2026-0024, using BOA agenda packet page citations (“Packet Pg. NNN”) based on the 1,951-page unified agenda packet (Exhibits on Public Portal).

hdhauser@comcast.net Tue, Jul 7 at 10:38 PM

From: hdhauser@comcast.net
To: 'Maggie Gould'
Cc: 'Nicholas Hamm', kpeggau@bernco.gov, Elvira Lopez, 'Annette Kitts', Maggie Rose and 5 more...

Subject: Public comment – ZA2026-0107 and request for corridor-wide moratorium on deferred TIAs

Dear Zoning Administrator Gould and Planning & Development Services staff,

My name is Pat Hauser, and I am a resident of the Far North Valley in unincorporated Bernalillo County, living near the Alameda / 2nd Street / Homeland Road corridor. I am writing to ask that this comment be placed in the official record for **ZA2026-0107 (221 Homeland Rd NW)** and that you consider not only this individual case, but the broader pattern of how traffic safety is being handled on this system.

In recent hearings, including the **9600 2nd Street NW** case, the County and its counsel have described a practice where **Traffic Impact Analyses are routinely deferred to the building-permit phase**, with land-use approvals granted first and detailed traffic review left for later. A NOD was received today. An appeal on this matter to the BBC will be forthcoming.

Commissioner **Mr. Withers**, speaking to the Board, reinforced that pattern when he emphasized that Public Works had reviewed a “traffic scoping report,” used the Institute of Transportation Engineers trip generation

manual, and “determined on the record before you that no further traffic study was required and they approved the project with no adverse comments.” His statement was clearly intended to reassure decision-makers that the traffic concerns were already handled, and it contributed to a vote that kept the TIA and any hard look at cumulative impacts off the front end of the land-use decision.

With respect, that approach and that testimony leave out several critical realities for all stakeholders—neighbors, applicants, County staff, and even emergency services. When a conditional use or special use permit is granted for a large assembly or other high-volume use **without a full, project-specific Traffic Impact Analysis in the land-use record**, several things happen:

- The hearing body is asked to answer the **Appendix A, Section 24** safety criteria—about undue congestion, hazards, and impacts on neighborhood character—without current, corridor-wide data and modeling.
- Neighbors lose any real opportunity, at the land-use stage, to test the assumptions, question the trip numbers, or demonstrate how cumulative approvals are degrading level of service, queuing, and emergency access.
- Applicants are left in a late, uncertain position where major off-site infrastructure requirements can surface only after they already hold land-use rights and have invested in design.
- Public Works and Planning are forced to work case-by-case, at permit review, rather than from an openly vetted corridor plan that accounts for

river-crossing limits, right-of-way constraints, and the combined impact of all high-volume uses approved in the area.

When Mr. Withers tells the Board that Public Works "determined on the record…that no further traffic study was required," he is describing a **minimal scoping review**, not a full Traffic Impact Analysis that looks at the corridor as a system and the cumulative effect of stacking large assemblies and other traffic-intensive uses on already constrained roads. That distinction matters. A scoping memo that says "no TIA at this time" is not the same thing as a transparent, public TIA with documented counts, intersection analysis, queuing, and mitigation measures. It does not give neighbors or decision-makers the evidence they need to answer the ordinance criteria honestly.

On the **Alameda / 2nd Street / Homeland Road** network, the consequences of this pattern are not hypothetical. On the record it has been proven that this corridor is a shared bottleneck, with limited river crossings, tight rights-of-way, industrial and commercial traffic, and a growing list of large assemblies and institutional uses already in play. Every time a high-volume conditional use is approved with traffic pushed off to "later," the practical burden shifts onto:

- Residents, who live with longer queues, more conflict points, and degraded rural character.
- Drivers and pedestrians, who face higher crash and near-miss risks at unsignalized access points and constrained intersections.

- Emergency responders, who must navigate cumulative congestion and any physical changes that might eventually be made in piecemeal fashion.
- The County itself, which risks being out of step with its own technical standards by allowing major generators without front-loaded analysis and documented mitigation.bernco+1

From a legal standpoint, deferring TIAs in a **systemic pattern** also creates tension with the basic purpose of your technical standards and processes. The County's own permits and processes guidance says that Public Works reviews building permits for "traffic impacts" and that certain developments require traffic assessments and infrastructure improvements. If, in practice, large traffic-generating conditional uses are consistently approved before those impacts are properly studied, the land-use decisions risk being made on an incomplete record. That is unfair to neighbors and it is unfair to applicants who may later face unexpected, costly conditions.

I am also aware that in the 9600 2nd Street matter and others, **federal religious-land-use law (RLUIPA)** has been cited as a reason to be cautious about requiring traffic studies at the conditional-use stage. Respectfully, the way that concern is being used seems to go beyond what the law actually requires. RLUIPA exists to ensure that religious assemblies are **not treated worse than comparable secular assemblies**; it does not forbid the County from raising its safety standards or from requiring **all** big, traffic-intensive uses to show their impacts up front, as long as those rules are applied

even-handedly. Using RLUIPA as a reason to continue deferring traffic analyses—rather than to equalize them—risks turning a civil-rights protection into a permanent excuse to avoid transparent safety review.

For all of these reasons, I am asking for two specific actions:

For ZA2026-0107 (221 Homeland Rd NW):

Do not approve this conditional use on a thin or deferred traffic record. Require a full, project-specific Traffic Impact Analysis, with realistic trip generation for worship and events, cumulative analysis for Alameda, 2nd Street, Homeland and connecting roads, and a clear explanation of what mitigation is physically and jurisdictionally possible before answering the Section 24 criteria.

What worries us as neighbors is not just that the TIA comes later—it's that big projects keep getting approved on this already stressed corridor *without* ever putting a full traffic study in front of the people making the land-use decision. Your own traffic rules say the point of these studies is to figure out the impacts and the fixes, so you don't approve something that will overload the roads or make things unsafe. When that analysis is pushed off to building permits, we lose our chance to see the numbers and speak up, and you're essentially saying "trust us, we'll sort it out later" in a corridor that already shows signs of failure. On Alameda / 2nd / Homeland/ Regional Area, that isn't just a paperwork issue—it's a real gap in protection for the families who live and drive here every day.

- **At the corridor level:**

Ask the Board of County Commissioners to adopt a **neutral, temporary moratorium** on new high-volume conditional uses (religious and secular assemblies, institutional and commercial generators) along

the **Alameda / 2nd Street NW corridor and similarly constrained Rural North Valley segments**, until updated corridor-wide traffic studies are completed and publicly vetted. Those studies should include current counts, level-of-service and queuing analysis, river-crossing limits, right-of-way constraints, and realistic mitigation options. Only then can land-use bodies fairly judge whether additional large assemblies can be added “without undue traffic congestion or hazards and without serious conflict with the character of the area.

A neutral, across-the-board pause is not discrimination; it is an attempt to **protect all stakeholders** by making sure safety decisions are based on complete facts rather than on reassuring but incomplete statements like Mr. Withers’ description of a scoping review as if it were a full traffic study. The law expects you to apply your standards fairly to everyone. That is exactly what a moratorium tied to corridor-wide evidence would do.

The ZA and BOA may *choose* to defer a TIA, but if they do it as a routine practice on a failing corridor, and still claim the safety criteria are met without real analysis, they are stepping into legally vulnerable territory—deciding with incomplete evidence and weakening the protections their own rules promise residents.

By repeatedly deferring Traffic Impact Analyses to the building-permit phase on the Alameda / 2nd Street corridor and Regional Area, the Zoning Administrator and Board of Adjustment have effectively hollowed out the protective intent of Bernalillo County’s traffic-review standards and Appendix A, Section 24 criteria. The County’s Technical Standards state that the purpose of traffic review is “to identify the potential impacts of new development and mitigation,” a function that is logically and legally tied to the *land-use* decision, not merely to later building permits. When high-volume conditional uses are

approved without project-specific TIAs or corridor-level analysis in the hearing record, the required findings—no undue traffic congestion or hazards, no serious conflict with neighborhood character—are being made on incomplete evidence. That pattern is not a harmless choice of timing; it is an administrative practice that fails to reasonably protect residents on a constrained corridor, and is therefore arbitrary, inconsistent with the County's own standards, and subject to reversal by the Board of County Commissioners.

Thank you for your consideration and for including this comment in the record.

Please acknowledge receipt of this e mail.

Regards:

Mr. Pat Hauser
134 Maria Circle N.W.
Cell: 505-228-7106

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

APPEAL SUBMISSION PACKET — COVER SHEET & EXHIBIT INDEX

Case No. ZBA2026-0001 / BA2026-001 / ZA2026-0024

Appellant: Pat Hauser, on behalf of the Maria-Diers Neighborhood Association and petition signers within 500 feet of the subject property

Subject: Appeal of the July 1, 2026 Planning Commission decision (sitting as Board of Adjustment) approving a CUP at 9600 2nd Street NW

A. Main Briefing Documents (appellant-prepared)

Tab	Document	Source File	Packet Pg. / Pages	Status
1	Cover Sheet & Exhibit Index	Exhibit-Index.pdf	—	Included — 1 p.
2	Appeal Application (form)	Appeal-Application-FINAL.pdf	—	Included — 8 pp.
3	Appeal Brief (with Exhibit List)	FINAL-7-Appeal-Brief-ExhibitList-UPDATED.pdf	—	Included — 36 pp.
4	Moratorium Letter & Trip Generation Analysis	Moratorium-TripGen-FINAL.pdf	—	Included — 22 pp.
5	20% Protest Petition (Rule 7 / Section 25)	Exhibit-26-Protest-Petition.pdf	—	Included — filed as Exhibit 26 — 3 pp.
6	Certification of 20% Protest Petition	Certification-of-20-Percent-Protest-Petition.pdf	—	Included — 2 pp. (cover sheet to Exhibit 26)

B. Supporting Exhibits (Exhibits 1–26)

Tab	Document	Source File	Packet Pg. / Pages	Status
Ex 1	County Notices of Decision + prior-stage appeal application	Exhibit-01-County-NODs-and-Appeal.pdf	Packet Pg. 968–1022	Included — 55 pp.
Ex 2	CPC Notice of Decision (July 1, 2026)	Exhibit-02-CPC-NOD.pdf	Full doc	Included — 4 pp.
Ex 3	CPC Hearing Agenda (July 1, 2026)	Exhibit-03-CPC-Agenda.pdf	Full doc	Included — 3 pp.
Ex 4	Staff report (BA2026-0001)	Exhibit-04-Staff-Report.pdf	Packet Pg. 916–927	Included — 12 pp.
Ex 5	Original site plan (Sheet A-100)	Exhibit-05-Site-Plan.pdf	Packet Pg. 1084	Included — 1 p.
Ex 6	Applicant's revised site plan (S-100 et seq.)	Exhibit-06-Revised-Site-Plan.pdf	Packet Pg. 1121–1125	Included — 5 pp.
Ex 7	Memo of Understanding (Hamm phone call)	Exhibit-07-Hamm-MOU.pdf	Full doc	Included — 2 pp.

Tab	Document	Source File	Packet Pg. / Pages	Status
Ex 8	Continuance letter to Planning (Karina)	Exhibit-08-Continuance-Letter-Karina.pdf	Full doc	Included — 5 pp.
Ex 9	Hamm response email	Exhibit-09-Hamm-Response-Email.pdf	Full doc	Included — 1 p.
Ex 10	Balloon Fiesta comment letter	Exhibit-10-Balloon-Fiesta-Letter.pdf	Packet Pg. 1820–1822	Included — 3 pp.
Ex 11	Hearing transcription analysis	Exhibit-11-Transcription-Analysis.pdf	Full doc	Included — 25 pp.
Ex 12	Preliminary Trip Generation Assessment	Exhibit-12-Preliminary-Trip-Generation-Assessment.pdf	Full doc	Included — 3 pp.
Ex 13	ITE Trip Generation Manual, 11th Edition (Institute of Transportation Engineers) — LUC 562 (Mosque), 4.22 vehicle trips/1,000 SF GFA, Friday PM Peak Hour	—	N/A	Cited reference — published manual not reproduced
Ex 14	Trip Generation Analysis (168 PM peak / 2,164 wk)	Exhibit-14-Trip-Generation-Analysis.pdf	—	Included — 13 pp.
Ex 15	Trip-generation charts	Exhibit-15-Trip-Generation-Charts.pdf	Full doc	Included — 8 pp.
Ex 16	1993 North Valley Area Plan (Rank II)	Exhibit-16-North-Valley-Area-Plan.pdf	Full doc	Included — 238 pp.
Ex 17	BCC Appeal Form & procedure guidance	Exhibit-17-BCC-Appeal-Form.pdf	Full doc	Included — 10 pp.
Ex 18	Elvira Lopez appeal-procedure memo	Exhibit-18-Lopez-Appeal-Procedure-Memo.pdf	Full doc	Included — 2 pp.
Ex 19	Affidavit of Terry Brown (Murphy Express study)	Brown-Affidavit-EXHIBIT-19.pdf	Murphy study Packet Pg. 1407–1426	Included — 2 pp.
Ex 20	Site-plan access email thread (Hauser/Gould)	Exhibit-20-Site-Plan-Access-Emails.pdf	Full doc	Included — 6 pp.
Ex 21	County GIS map — site in 'Rural' land-use area	Exhibit-21-Rural-Area-GIS-Map.pdf	Full doc	Included — 1 p.

Tab	Document	Source File	Packet Pg. / Pages	Status
Ex 22	City of Albuquerque jurisdiction map — site 'Outside City Limits'	Exhibit-22-Outside-City-Limits-Map.pdf	Full doc	Included — 1 p.
Ex 23	Applicant's written statement (updated July 1 hearing; ~43,288 SF)	Exhibit-23-Written-Statement.pdf	Packet Pg. 1800–1802	Included — 5 pp.
Ex 24	Applicant's “Dear Neighbor” upgrade letter (Apr 6, 2026)	Exhibit-24-Upgrade-Letter.pdf	Full doc	Included — 7 pp.
Ex 25	ABC Comprehensive Plan (Rank I) — Rural Area designation & policy	Exhibit-25-Comprehensive-Plan.pdf	Packet Pg. 922; policy at Packet Pg. 508	Included — 3 pp.
Ex 26	20% Protest Petition (Rule 7 / Section 25) — 25 neighboring-owner signatures	Exhibit-26-Protest-Petition.pdf	Full doc	Included — 3 pp.

Bernalillo County
County Planning Commission

ATTACHMENT 3

Attachment: Attachment 3- NODs_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Planning & Development Services Department
415 Silver Ave. SW, 2nd Floor
Albuquerque, New Mexico 87102
Office: (505) 314-0350
www.bernco.gov

March 18, 2026

KEEP THIS LETTER

Albuquerque Islamic Center
8900 Menaul Blvd. NE
Albuquerque, NM 87112

CASE NUMBER: ZA2026-0024

To Whom It May Concern:

Your application for special exception under the Comprehensive Zoning Ordinance of Bernalillo County was considered at the public hearing March 11, 2026. The following decision was made:

BE IT RESOLVED THAT ZA2026-0024, a request for a conditional use approval to allow a church and incidental facilities, on Tract 208B, MRGCD Map 23, located at 9600 2nd St. NW, zoned A-1, containing approximately 3.90 acres **BE CONTINUED TO THE HEARING SCHEDULED FOR APRIL 8, 2026.** The decision was based on the following Findings and Conditions.

Findings:

1. This is a request for a conditional use approval to allow a church and incidental facilities.

2. The applicant presented a site plan that shows a smaller than required landscape buffer on the north side of the site.

3. At the hearing the applicant stated that the future plans for the site may include a school.

4. The continuance allows time for the applicant to:

    a. Revise the site plan to show a minimum 6 foot wide landscape buffer on the north side of the site adjacent to the residential property.
    b. Provide Public Works Transportation Planning with an accurate description of the school use so that they can determine the parking requirements.
    c. Reach out to any neighbors or interested parties.

County Commissioners
Adriann Barboa, Chair, District 3 - Frank A. Baca, Vice-Chair, District 2
Barbara Baca, District 1 - Walt Benson, District 4 – Eric C. Olivas, District 5

Elected Officials
Damian R. Lara, Assessor - Michelle S. Kavanaugh, Clerk - Cristy J. Carbón-Gaul, Probate Judge
John D. Allen, Sheriff - Tim Eichenberg, Treasurer

County Manager
Cindy Chavez

Attachment: Attachment 3- NODs_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

5. The request will be heard at the April 8, 2026, hearing.

Sincerely,

Maggie Gould
Zoning Administrator

MG/sg

cc: File
Prestige Custom Design, LLC.; [redacted]
Norman & Lorraine Abeyta; [redacted]
Amador & Paulin Crespin; [redacted]
John & Carmen Zita Gutierrez Franklin Bond Canyon Trust; [redacted]
Pat Hauser; [redacted]

Attachment: Attachment 3- NODs_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Planning & Development Services Department
415 Silver Ave. SW, 2nd Floor
Albuquerque, New Mexico 87102
Office: (505) 314-0350
www.bernco.gov

April 14, 2026

KEEP THIS LETTER

Albuquerque Islamic Center
8900 Menaul Blvd. NE
Albuquerque, NM 87112

CASE NUMBER: ZA2026-0024

To Whom It May Concern:

Your application for special exception under the Comprehensive Zoning Ordinance of Bernalillo County was considered at the public hearing April 8, 2026. The following decision was made:

BE IT RESOLVED THAT ZA2026-0024, a request for a conditional use approval to allow a church and incidental facilities, on Tract 208B, MRGCD Map 23, located at 9600 2nd St. NW, zoned A-1, containing approximately 3.90 acres **BE APPROVED.** The decision was based on the following Findings and Conditions.

Findings:

1. This is a request for conditional use approval to allow a church and incidental facilities. The applicant seeks approval to construct a mosque and parking area with landscaping and fencing.

2. The site for the proposed use is adequate in size and shape to accommodate the use, as the property is 3.9 acres in area and provides sufficient area to accommodate site features required by ordinance. No variances were required for the request.

3. The site provides sufficient ingress and egress for vehicular access and can be developed in such a manner that undue traffic congestion or hazards will not be created. Off-street parking and access improvements by the applicant are expected to occur as well as approval from Bernalillo County Public Works through the County's building permit process.

4. Adjacent properties are of comparable uses, and the proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the

County Commissioners
Adriann Barboa, Chair, District 3 - Frank A. Baca, Vice-Chair, District 2
Barbara Baca, District 1 - Walt Benson, District 4 – Eric C. Olivas, District 5

Elected Officials
Damian R. Lara, Assessor - Michelle S. Kavanaugh, Clerk - Cristy J. Carbón-Gaul, Probate Judge
John D. Allen, Sheriff - Tim Eichenberg, Treasurer

County Manager
Cindy Chavez

Attachment: Attachment 3- NODs_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

area. The properties to the south are developed with an automotive service center, retail uses and a plant nursery. 2nd Street NW is developed with a mixture of uses.

5. As an enumerated conditional use within the zoning ordinance, this type of activity is expected to occur from this zone.

6. The applicant intends to provide off street parking, landscaping, buffer landscaping and fencing in compliance with the requirements of the Comprehensive Zoning Ordinance of Bernalillo County, as shown on this site plan. There will be a six-foot-tall wall along the north side of the side adjacent to the residential use and landscaping along the second street and along the perimeter of the site to add a buffer.

7. There were several members of the public present at the hearing to testify on the request. Speakers in favor of the request stated that use was compatible with surrounding uses, would improve and maintain the property, the use could provide a buffer between the residential development to the north and the more commercial uses to the south. The applicant also stated that times of the main Friday service could be moved to accommodate traffic patterns.

8. Speakers in opposition to the request stated that the use would generate a large amount of traffic and that it would burden an already busy traffic system.

9. Staff from public works stated that a Traffic Impact Study would be required at the building permit phase of the project. Road improvements to offset any impacts from the project could be required. The main service occurs on Friday afternoon out of the peak hour traffic.

10. Conditions of approval are necessary to ensure orderly development of the site, as well as the protection of the public health, safety, and general welfare in conformity with the intended purpose of the Zoning Ordinance.

11. The site is within the Rural Area of the Comprehensive Plan.

12. Approval is limited to the requested use and does not waive any other requirement or imply any other approval of applicable Bernalillo County ordinances and/or regulations.

Conditions:

1. The applicant shall acquire all necessary construction and trade permits for proposed modifications to the subject site, including, but not limited to, a commercial County building permit. The proposed building shall be limited to the footprint indicated on the submitted site plan and consistent with the information submitted with this application. Additions to the site beyond this building square footage shall require consideration of a new conditional use permit application.

Attachment: Attachment 3- NODs_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

2. The applicant shall coordinate with the Public Works department to reduce the amount of asphalt and impervious surface on the site, such as only paving the drive aisles and accessible parking spaces and leaving a depressed drainage area for landscaping and using gravel or other pervious material for parking areas.

3. No amplified sound or loudspeakers are allowed outside of the proposed building.

This decision of the Zoning Administrator may be appealed. If you wish to file an appeal, you must do so by 12:00 noon on **April 29, 2026**. Appeals are to be submitted in writing to the office of Planning and Development Services on forms prescribed by the Board of Adjustment and shall be accompanied by a filing fee. Justification for the appeal shall specifically state the error, abuse of discretion, or where the decision was not supported by evidence in the matter.

Any determination by the Zoning Administrator shall be final unless written notice of appeal to the Board of Adjustment is filed within fifteen (15) days after the determination.

Applicants are responsible for compliance with all other regulations of Bernalillo County, even after approval of a special exception is secured. This decision does not constitute approval for subdivision, a building permit, or a certificate of occupancy. This approval is void after six (6) months from the date of approval if the rights and privileges granted are not executed or utilized.

Sincerely,

Maggie Gould
Zoning Administrator

MG/sg

cc: File
Prestige Custom Design, LLC.; [redacted]
Norman & Lorraine Abeyta; [redacted]
Amador & Paulin Crespin; [redacted]
John & Carmen Zita Gutierrez Franklin Bond Canyon Trust; [redacted]
Pat Hauser; [redacted]
Alberto Raez; [redacted]
Annette Santiago-Kitts; [redacted]

Attachment: Attachment 3- NODs_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Bernalillo County
County Planning Commission

ATTACHMENT 4

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

BERN CO Bernalillo County

Planning & Development Services Department
415 Silver Ave. SW, 2nd Floor
Albuquerque, New Mexico 87102
Office: (505) 314-0350
Fax: (505) 314-0480
www.bernco.gov

NOTIFICATION OF APPEAL
May 13, 2026

To Whom It May Concern:

The following appeal has been filed with the Bernalillo County Planning and Development Services Department:

APPEAL NO: BA2026-0001

APPELLANT: Name: Pat Hauser

Mailing Address: [redacted]

REASON FOR APPEAL: See Attached

SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT ON:

Wednesday, June 3, 2026 at 9:00 A.M in person, at the Ken Sanchez Commission Chambers, 415 Silver Ave. SW, 1st Floor, Bernalillo County @ Alvarado Square. Additional information for the hearing will be provided in a Notice of Hearing.

Any and all correspondence and documents covering matters before the Board must be submitted by 12:00 noon, eight (8) calendar days prior to the public hearing of this case.

You and all other interested parties are invited and urged to be present at this hearing.
If you have any questions, please do not hesitate to contact me at (505) 314-0384.

Es necesario traer un intérprete si no habla inglés. Para más información puede llamar a Nancy Soto-Campos al (505) 222-3927 o Elvira Lopez al (505) 314-0384.

Sincerely,

Elvira Lopez

Elvira Lopez,

County Commissioners
Adriann Barboa, Chair, District 3 - Frank A. Baca, Vice-Chair, District 2
Barbara Baca, District 1 - Walt Benson, District 4 – Eric C. Olivas, District 5

Elected Officials
Damian R. Lara, Assessor - Michelle S. Kavanaugh, Clerk - Cristy J. Carbón-Gaul, Probate Judge
John D. Allen, Sheriff - Tim Eichenberg, Treasurer

County Manager
Cindy Chavez

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Planning Manager
EL/nsc

cc: File
Maggie Gould, Zoning Administrator
Sonia Gutierrez, Zoning
Kevin Grovet, Public Works
Raeleen Marie Bierner, Public Works
Julie A. Luna, Public Works
Megan Marsee, Natural Resources
Dan McGregor, Natural Resources
Albuquerque Islamic Center, 8900 Menaul Blvd NE, Albuquerque, NM 87112
Prestige Custom Design, LLC., [redacted]
Norman & Lorraine Abeyta, [redacted]
Amador & Paulin Crespin, [redacted]
Alberto Raez; [redacted]
Annette Santiago-Kitts; [redacted]
John & Carmen Zita Gutierrez Franklin Bond Canyon Trust, [redacted]

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

County of Bernalillo
State of New Mexico

Planning & Development Services
415 Silver Ave SW, 2nd Floor
Albuquerque, NM 87102
(505) 314-0350

APPLICATION

SITE ADDRESS/LOCATION

9600 2nd St NW, Albuquerque, NM 87114

PERMIT NO: ZBA2026-0001

Printed: April 28, 2026

PROPERTY OWNER

ALBUQUERQUE ISLAMIC CENTER
8900 MENAUL BLVD NE
ALBUQUERQUE, NM 87112

UPC

101606428751910308

LEGAL DESCRIPTION

MAP 24 TR 208B CONT 3.900 AC

APPELLANT

Mr. Pat Hauser

Fees Paid: $100.00

Description: Appeal to the Board of Adjustment for ZA2026-0024.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING LAND USE.

Signature: _____ (Applicant/Owner Or Authorized Agent) 4/28/2026 Date

Processed By: _____ (PDS Staff) 04/28/2026 Date

FOR INFORMATION CALL (505) 314-0350

Hearing Date: 06/03/2026

Sign Posting Date(s) **From:** **To:**

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

e

BERNALILLO COUNTY

Planning & Development Services
415 Silver Ave. SW, 2nd Floor
Albuquerque, NM 87102
(505) 314-0350 Fax: (505) 314-0480
www.bernco.gov

ZONING SECTION

APPEAL TO BOARD OF ADJUSTMENT

Application Date: 04/28/2026
Application Number: ZBA2026-0001
Hearing Date: June 3rd 2026

OWNER Albuquerque Islamic center		PHONE 505-299-2579
MAILING ADDRESS 8900 Mendol Blvd N.E.	CITY Albuquerque	ZIP 87112

AGENT Prestige Custom Design. LLC		PHONE 575-650-0380
MAILING ADDRESS [redacted]	CITY [redacted]	ZIP [redacted]

APPEALANT Mr. Pat Hauser		PHONE 505-898-8435
MAILING ADDRESS [redacted]	CITY [redacted]	ZIP [redacted]

SITE ADDRESS 9600 2nd Street S.W. Albuquerque, N.M.		Case # ZA2026-0024
DIRECTIONS 194 feet north of 2nd street and Alameda Blvd.		
LEGAL DESCRIPTION MAP 24 TR 208 B		
ZONE # MRGCD map 23	CURRENT ZONE(S) A-1	PROPERTY SIZE IN ACREAGE 3.900 acres
UPC # 101606428751910308	PROPOSED ZONE(S) Conditional Use	SUBDIVISION NAME N/A

CASE # & SCOPE OF APPEAL Appeal the decision of the Zoning Administrator approval of ZA2026-0024 Based on attached criteria regarding a church, Day care, and K-12 School

DETAILED INFORMATION

See Attached Documents in detail

I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

Pat Hauser — Printed Name

Pat Hauser — Signature

4/28/2026 — Date

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Planning & Development Services Department
415 Silver Ave. SW, 2nd Floor
Albuquerque, New Mexico 87102
Office: (505) 314-0350
www.bernco.gov

April 14, 2026

KEEP THIS LETTER

CASE NUMBER: ZA2026-0024

Albuquerque Islamic Center
8900 Menaul Blvd. NE
Albuquerque, NM 87112

To Whom It May Concern:

Your application for special exception under the Comprehensive Zoning Ordinance of Bernalillo County was considered at the public hearing April 8, 2026. The following decision was made:

BE IT RESOLVED THAT ZA2026-0024, a request for a conditional use approval to allow a church and incidental facilities, on Tract 208B, MRGCD Map 23, located at 9600 2nd St. NW, zoned A-1, containing approximately 3.90 acres **BE APPROVED.** The decision was based on the following Findings and Conditions.

Findings:

1. This is a request for conditional use approval to allow a church and incidental facilities. The applicant seeks approval to construct a mosque and parking area with landscaping and fencing.

2. The site for the proposed use is adequate in size and shape to accommodate the use, as the property is 3.9 acres in area and provides sufficient area to accommodate site features required by ordinance. No variances were required for the request.

3. The site provides sufficient ingress and egress for vehicular access and can be developed in such a manner that undue traffic congestion or hazards will not be created. Off-street parking and access improvements by the applicant are expected to occur as well as approval from Bernalillo County Public Works through the County's building permit process.

4. Adjacent properties are of comparable uses, and the proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the

County Commissioners
Adriann Barboa, Chair, District 3 - Frank A. Baca, Vice-Chair, District 2
Barbara Baca, District 1 - Walt Benson, District 4 – Eric C. Olivas, District 5

Elected Officials
Damian R. Lara, Assessor - Michelle S. Kavanaugh, Clerk - Cristy J. Carbón-Gaul, Probate Judge
John D. Allen, Sheriff - Tim Eichenberg, Treasurer

County Manager
Cindy Chavez

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

area. The properties to the south are developed with an automotive service center, retail uses and a plant nursery. 2nd Street NW is developed with a mixture of uses.

5. As an enumerated conditional use within the zoning ordinance, this type of activity is expected to occur from this zone.

6. The applicant intends to provide off street parking, landscaping, buffer landscaping and fencing in compliance with the requirements of the Comprehensive Zoning Ordinance of Bernalillo County, as shown on this site plan. There will be a six-foot-tall wall along the north side of the side adjacent to the residential use and landscaping along the second street and along the perimeter of the site to add a buffer.

7. There were several members of the public present at the hearing to testify on the request. Speakers in favor of the request stated that use was compatible with surrounding uses, would improve and maintain the property, the use could provide a buffer between the residential development to the north and the more commercial uses to the south. The applicant also stated that times of the main Friday service could be moved to accommodate traffic patterns.

8. Speakers in opposition to the request stated that the use would generate a large amount of traffic and that it would burden an already busy traffic system.

9. Staff from public works stated that a Traffic Impact Study would be required at the building permit phase of the project. Road improvements to offset any impacts from the project could be required. The main service occurs on Friday afternoon out of the peak hour traffic.

10. Conditions of approval are necessary to ensure orderly development of the site, as well as the protection of the public health, safety, and general welfare in conformity with the intended purpose of the Zoning Ordinance.

11. The site is within the Rural Area of the Comprehensive Plan.

12. Approval is limited to the requested use and does not waive any other requirement or imply any other approval of applicable Bernalillo County ordinances and/or regulations.

Conditions:

1. The applicant shall acquire all necessary construction and trade permits for proposed modifications to the subject site, including, but not limited to, a commercial County building permit. The proposed building shall be limited to the footprint indicated on the submitted site plan and consistent with the information submitted with this application. Additions to the site beyond this building square footage shall require consideration of a new conditional use permit application.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

2. The applicant shall coordinate with the Public Works department to reduce the amount of asphalt and impervious surface on the site, such as only paving the drive aisles and accessible parking spaces and leaving a depressed drainage area for landscaping and using gravel or other pervious material for parking areas.

3. No amplified sound or loudspeakers are allowed outside of the proposed building.

This decision of the Zoning Administrator may be appealed. If you wish to file an appeal, you must do so by 12:00 noon on **April 29, 2026**. Appeals are to be submitted in writing to the office of Planning and Development Services on forms prescribed by the Board of Adjustment and shall be accompanied by a filing fee. Justification for the appeal shall specifically state the error, abuse of discretion, or where the decision was not supported by evidence in the matter.

Any determination by the Zoning Administrator shall be final unless written notice of appeal to the Board of Adjustment is filed within fifteen (15) days after the determination.

Applicants are responsible for compliance with all other regulations of Bernalillo County, even after approval of a special exception is secured. This decision does not constitute approval for subdivision, a building permit, or a certificate of occupancy. This approval is void after six (6) months from the date of approval if the rights and privileges granted are not executed or utilized.

Sincerely,

Maggie Gould
Zoning Administrator

MG/sg

cc: File
Prestige Custom Design, LLC.; [redacted]
Norman & Lorraine Abeyta; [redacted]
Amador & Paulin Crespin; [redacted]
John & Carmen Zita Gutierrez Franklin Bond Canyon Trust; [redacted]
Albuquerque, NM 87113
Pat Hauser; [redacted]
Alberto Raez [redacted]
Annette Santiago-Kitts; [redacted]

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

REASONS FOR APPEAL

The decision of the Zoning Administrator in ZA2026-0024 should be reversed for the following reasons.

- The Zoning Administrator acted in an Arbitrary and Capricious manner in the decision lacked a rational basis; and ignored relevant published facts. **"Conditional Use"** Published Bernalillo County Zoning Administration Document says **"THE SITE FOR THE PROPOSED USE CAN BE DEVELOPED IN SUCH A MANNER THAT EXCESSIVE TRAFFIC CONGESTION OR SIMILAR HAZARDS WILL NOT BE CREATED.** The applicant stated in their own submission and words that this enterprise will create expected traffic. The applicant states that the incidental facility will generate between 350 to 400 attendees. Typically, 150 to 200 vehicles. Let it be noted there is only one egress point access to 2nd Street with a 45 MPH speed limit on this narrow two-lane roadway. Let it be noted that South bound signal light operates for 16 seconds thus allowing 3 to 4 vehicles to continue South on 2nd Street. Critical CHOKE POINT with the access point for the facility is only 194 feet from this congested intersection.
- Bernalillo County Zoning Administration Document states: **"THE PROPOSED USE WILL HAVE NO ADVERSE EFFECT ON THE NEIGHBORHOOD NOR SERIOUSLY CONFLICT WITH THE CHARACTER OF THE AREA.** Let it be noted in the applicants document it says: **"THE MOSQUES BUILDING WILL BE APPROXIMATELY 50,000 SQUARE FEET. This is a HUGE TWO-STORY FACILITY** that could have THREE (3) Tractor Supply Stores placed inside. **Note the photo**. How could this not conflict with the residential homes located on Sandia Lane and predominately single-family homes.
- The site plan has no reference to the potential of accumulated run off from the building size of 50,000 square feet. Calculations estimate for a 1-inch thunderstorm rain runoff to be 31,000 gallons of water and no published collection or storm water pollution plans. In addition to this serious oversight in the approval process the site plan has no reference to the potential of accumulated run off from the 119,448 square feet of paved parking and such would generate an additional 74, 414 gallons of storm water and once again no pooling pond or storm water pollution plan detail. In addition to there is no hydrology report or drainage plan to demonstrate that the project will not impact or worsen the flooding in this sensitive flood plane area of the North Valley. Arbitrary and Capricious in approval based on multiple criteria.
- Incompatibility with the Rural North Valley Area Plan. **"See Attached".** The applicants claim of visual harmony is subjective at best and unsupported by architectural renderings or design plans. Again, Arbitrary and Capricious rendering by the Zoning Administrator.
- No noise or lighting mitigation plans have been submitted. The Zoning Administrator briefly addressed there would be no amplified sound or loudspeakers allowed outside the proposed building. Totally lacking in specific sound measurements or enforcement criteria. The proposed facility study indicates several possible services per day starting at various times Sun Rise till Sun Set.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

- Emergency access concerns regarding the site plan shows only one main egress gate for a facility expecting hundreds of people and vehicles. This raise concerns regarding:
- Emergency vehicle access
- Fire lane widths and turning radii
- Lack of secondary egress with no fire safety emergency plan being provided

In closing approval was granted based on ambiguities regarding multiple critical issues of concern not being formally addressed. It has the distinct appearance of getting an administrative box checked and passing the request on to other People, Processes, and Procedures to address vs denying the request as not meeting the fact-based published criteria as outlined in the Bernalillo County Zoning Administration Document accompanied by the published North Valley Area Plan. This is a classic case of following portions of the CODE but IGNORING the reality of the IMPACT on this community of the Far North Valley.

This proposal stands in direct contradiction to the Bernalillo County Comprehensive Plan which explicitly aims to:

"Maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with the open character, natural resources, and traditional settlement patterns."

We feel the applicant has failed to meet the burden of proof required under Resolution 116-86 and the Bernalillo County Zoning Administrative Office conditional use permits. To protect our neighborhoods. "See accompanying petition"

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

EXHIBIT 1

THREE OF THESE BUILDINGS @ 8100 2nd ST.
19,000 SQUARE FEET IN SIZE
WILL FIT INSIDE THE PROPOSED FACILITY
AT 9600 2ND ST.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

THIS PAGE LEFT INTENNIONALY BLANK DIVIDER PAGE

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Bernalillo County
Zoning Administration Office

I. VARIANCE

A variance is a discretionary waiver from the zoning requirements that allows property owners the ability to modify some of the standards listed in the Zoning Ordinance. These include requests for variances to the height, area, parking or density regulations of the ordinance.

It is the burden of the applicant to prove:

- ☑ There are peculiar, exceptional and unusual circumstances in connection with their land;
- ☑ These circumstances are not generally found within the locality or neighborhood concerned; and
- ☑ The variance is to the extent necessary to allow the owner reasonable use of the land.

The following arguments are NOT justification for a variance:

- ☒ A variance will result in more economical development of my property.
- ☒ My building exists as a violation. It was constructed without permits or not in compliance with development standards. I am applying for a variance to resolve this situation.
- ☒ Several nearby properties are developed similarly to my proposal.
- ☒ In the past, the County has granted comparable variances elsewhere.
- ☒ My proposal is an extremely minor deviation from the required standard.
- ☒ The contractor I used never told me I needed a variance.

II. CONDITIONAL USE

Conditional use permits are based upon requests for specific activities in certain locations. These activities are expressly listed in the corresponding zone, and often include conditions and/or standards of approval.

It is the burden of the applicant to prove:

- ☑ The site for the proposed use is adequate in size and shape to accommodate the proposed use, including all yards, open spaces, walls and fences, parking areas, loading and unloading areas, landscaping and other features required by the ordinance;
- ☑ The site for the proposed use can be developed in such a manner that excessive traffic congestion or similar hazards will not be created; and
- ☑ The proposed use will have no adverse effect on the neighborhood nor seriously conflict with the character of the area.

Conditions of approval often include:

- Open space and buffers
- Walls and fences
- Surfacing of parking areas
- Location of points of vehicular egress and ingress
- Limitation of signs
- Landscaping and maintenance thereof
- Avoidance of noise, vibration, odor and health hazards
- Any other standards or limitations which make possible the development of Bernalillo County in an orderly, efficient manner, and in conformity with the intended purpose of the Zoning Ordinance.

Conditional uses are expected, anticipated activities listed within each zoning designation of the ordinance. Property owners are allowed to only make an application for a specifically referenced activity, and if approved, the conditional use does not change the underlying zoning of a property or authorize other uses outside the scope of the request.

Opinions regarding whether or not "commercial" activities should be allowed to occur in residential areas are usually unrelated to the criteria for approval as outlined by the Zoning Ordinance.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

THIS PAGE LEFT INTENNIONALY BLANK DIVIDER PAGE

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

North Valley Area Plan Summary

The North Valley is a precious area, cherished in the minds of all. The metropolitan area has a real opportunity to retain a special and unique character, distinct from other cities. The mountains, the volcanoes, and pueblo lands define our limits. The ribbon of valley piercing the city offers a startling possibility of refreshing change within the metropolitan matrix. Few metropolitan areas have a comparable resource. And the forward thinking among those cities have acted to preserve and enhance their assets. This plan attempts to protect and enhance the unique qualities of the valley, simultaneously enriching the metropolitan area as a whole.

Jonathan Siegel, CATF Member

Goals and Issues

Goals and issues related to the plan area were identified by the North Valley Citizens' Advisory Task Force and technical staff and published in January 1988. The North Valley Area Plan Goals are listed below.

1. To recognize the North Valley area as a unique and fragile resource and as an inestimable and irreplaceable part of the entire metropolitan community.

2. To preserve and enhance the environmental quality of the North Valley Area by:

   a) maintaining the rural flavor of the North Valley

   b) controlling growth and maintaining low density development

   c) providing a variety of housing opportunities and life styles including differing socioeconomic types

   d) reducing noise level impacts

3. To preserve air, water and soil quality in the North Valley area. To prohibit hazardous waste disposal sites and transfer stations and solid waste disposal sites; and to address problems of individual waste disposal systems on lots of inadequate size.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

4. To increase and improve public recreation and open space areas (including MRGCD - maintained ditches) compatible with neighborhood desires.

5. To reduce or eliminate flooding and improve ponding and drainage capacities in the plan area.

6. To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial.

7. To develop a strategy for arterial roadways that creates a transportation system compatible with a semi-rural lifestyle.

8. To designate and preserve sites of historic and archaeological significance.

9. To establish area beautification standards and designate sites for beautification through community neighborhood input.

10. To incorporate the Rio Grande and its bosque into the North Valley planning process to protect the natural qualities of the river corridor while providing low-impact recreational opportunities.

11. To locate commercial and industrial development within the I-25 corridor, and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/industrial development.

12. To develop incentives to preserve farmland and open space and to maintain ditches and acequias for agricultural and low-impact recreational purposes.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Plan Policies

Zoning and Land Use

1. The Comprehensive Plan area boundaries shall reflect existing character, resources and development potential in the North Valley.

   a. City and County shall adopt the following proposed Comprehensive Plan boundary changes:

      Developing Urban to Rural, north of Calle Del Fuego, east of Edith Boulevard, south of Tramway Road, and west of the North Diversion Channel.

      Developing Urban to Semi-Urban, north of Osuna Road, east of the AT&SF Railroad tracks, south of Ranchitos, and west of the Municipal Limits.

      Established Urban to Semi-Urban, north of the Gallegos Lateral, east of the Chamisal Lateral, south of Osuna Road, and west of the Alameda Lateral railroad tracks.

      Established Urban to Semi-Urban, north of Montaño Road, east of the AT&SF Railroad tracks, south of Osuna Road, and west of the Municipal Limits.

      Established Urban to Semi-Urban, north of I-40, east of the Rio Grande, south of the Municipal boundary, and west of Gabaldon Road .

2. The City and County shall stabilize residential zoning and land use in the North Valley Area.

   a. Limit the location, duration and type of new uses allowed by Special Use Permit.

      i. Restrict new Special Use Permits for heavy commercial and manufacturing uses in North Valley residential zones to owner-occupied businesses with five or fewer employees on 1/2 acre or greater.

      ii. Limit the time period between approval of new Special Use Permits and issuance of a building permit to one year.

   b. Cancel discontinued Special Use Permits, permits granted where existing conditions of approval are not met, and permits that are otherwise in violation of the Zoning Ordinance.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

i. Undertake systematic inspection of Special Use Permits beginning with permits granted in residential zones.

ii. Determine the need for new positions for zoning and planning activities especially as they relate to County Special Use Permits and area plan implementation.

c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide for agricultural activities and spacious development especially in Semi-Urban and Rural areas where such land is adjacent to irrigation ditches.

d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.

i. Amend the County Zoning Ordinance to require buffering and landscaping between non-residential uses and land used or zoned for residential purposes.

ii. Through the site plan review and approval process, require special buffer landscaping, fencing, lighting controls, increased setbacks, and/or other measures to protect County residential uses below the mesa edge from potential impacts of City non-residential development in the North I-25 subarea.

e. Retain the low density character of Rural Areas of the North Valley.

i. Amend the County Zoning Ordinance to provide a lot area minimum for R-1 zoned land in the Rural Area equal to the area required to meet Liquid Waste Ordinance requirements or 3/4 acre, whichever is greater.

f. Undertake a planning process for areas of Mid-North Valley East and Mid-North Valley West to address land use conflicts, non-conforming uses, redevelopment of vacant land, affordable housing, transportation, streetscape improvements, cultural sites, and other issues.

g. Where appropriate, according to this plan or more detailed plans, encourage and support efforts to rezone properties to their present use or for residential uses.

3. The City and County shall limit new strip commercial development and associated signage on valley arterials.

a. Retain existing residential zoning on Alameda Boulevard, Second Street, Montaño Road, and on future roadway corridors.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Typical traffic congestion at 2nd Street and Alameda
South bound light is 16 seconds only allowing 4 vehicles
Prior to change to red light. Traffic flow issues

EXHIBIT 1

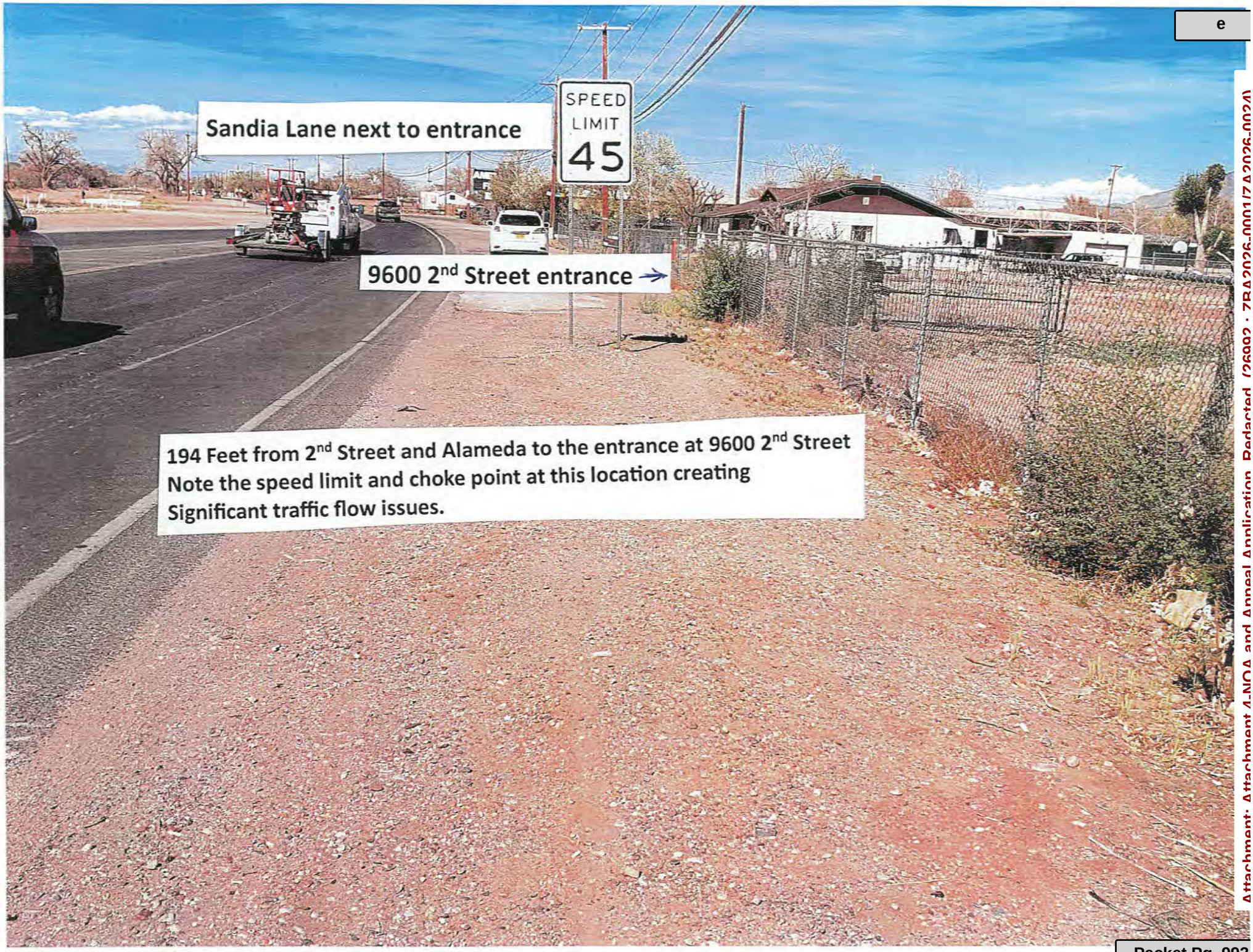

Sandia Lane next to entrance
SPEED LIMIT 45
9600 2nd Street entrance →
194 Feet from 2nd Street and Alameda to the entrance at 9600 2nd Street
Note the speed limit and choke point at this location creating
Significant traffic flow issues.

EXHIBIT 1

EXHIBIT 1

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

THIS PAGE LEFT INTENNIONALY BLANK
DIVIDER PAGE

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Traffic Analysis Toolbox Volume VI: Definition, Interpretation, and Calculation of Traffic Analysis Tools Measures of Effectiveness

6.0 Recommended MOEs

This chapter presents the recommended set of MOEs along with their recommended method of computation and interpretation.

6.1 Recommended System of Key Systemwide MOEs

Traffic operations analyses can generate a great deal of numerical output. Any one of the numerical outputs can be important to the analyst depending upon the purpose and scope of the analysis and the alternatives being evaluated. The set of key systemwide MOEs recommended below is designed to be the "starting set" but not the end all set of MOEs for any traffic operations analysis.

This basic set is kind of like the first set of exams given to every patient when they first check into the emergency room. It does not matter what the patient's complaint, the same four measurements are gathered and reported for every emergency room patient: temperature, pulse, blood pressure, and blood oxygen. These four basic indicators give the doctors a basic understanding of the general health of the patient, and some indication of general fields to investigate for the source of the problem. But they are not the definitive diagnostic tests. They are not the MRIs, X-Rays, or exploratory surgery that come later.

Similarly, our basic system MOEs are designed to be that first round of tests every traffic engineer and planner should perform to assess the general health of his or her transportation system. They give an indication of the overall health of the system, and how serious the problems are. But they do not necessarily tell the engineer/planner precisely what is wrong. That is the purpose of additional analyses and additional tests.

So this basic set of MOEs is not designed to replace the more detailed intersection and segment MOEs engineers and planners already are accustomed to perform to diagnose and solve traffic operations problems on the transportation system. This basic set is designed to help the engineer/planner and decision-maker rapidly assess the state of the system and identify key avenues of additional analysis to better identify needed improvements.

This basic set of MOEs also is good for rapidly assessing the benefits of alternative improvements at the system level, in a form readily understandable by the decision-maker.

The basic set of MOEs for decision-making consists of five basic measures:

1. Throughput;
2. Mean Delay;
3. Travel Time Index;
4. Oversaturated Freeway Segments; and
5. Surface Street Intersections with Turn Bay Overflows and Exit Blockages.

Each of these basic MOEs is highlighted in Table 29. Their use, definition, computation, reporting, and interpretation are presented in this table.

Table 29. Key Measures of Effectiveness for Decision-Making

Decision MOE	Use/Description/Interpretation
Throughput (Vehicles/hr) and Percent Incomplete Trips	• **Use** – Provides a measure of the relative productivity of the system compared to an alternative. This MOE is also required to compute mean delay. • **Definition** – The number of vehicles present at the start plus those attempting to enter and successfully entering the system during the analysis period.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

- **Computation** – At start of analysis period tally number of vehicles present within system. During analysis period tally number of vehicles attempting to enter the system but never successfully enter. Tally number of vehicles that both enter and exit the system during the analysis period. Tally number of vehicles entering the system during the analysis period that are remaining on system at end of analysis period.
- **Reporting** – Number of vehicles at start that successfully exit system during analysis period (V1). Number of vehicles at start that fail to exit the system during the analysis period (V2). Number of vehicles that entered but did not exit during the analysis period (V3). Number of vehicle generated but never entered the system during the analysis period (V4). Number of vehicles that successfully both entered and exited the system during the analysis period (V5). Report the percent of incomplete trips as the ratio of (V1+V2+V3+V4)/(V1+V2+V3+V4+V5).
- **Interpretation** – The throughput is compared for different alternatives to determine the relative productivity of each alternative. Higher values are desired. If the ratio of incomplete trips exceeds 5 percent then the decision-maker should consider lengthening the analysis period or investigate the MOEs computed for solely the through trips (V5) to see if they might better represent system performance.

Delay/Trip

- **Use** – Comparison of traveler perceptions of average traffic performance of alternatives.
- **Definition** – The travel time (for all vehicles entering and attempting to enter the system during the analysis period) minus the theoretical travel time at the free-flow speed. This difference is divided by the number of vehicle trips to obtain mean delay per trip.
- The free-flow speed is defined as the minimum of the maximum safe speed or the analyst coded speed limit. Note that turning vehicles at an intersection would have a lower maximum safe speed than through vehicles.
- **Computation** – Accumulate distance traveled (VMT) and time expended (VHT) each second by vehicles on system (or attempting to enter system) during analysis period. Simultaneously accumulate theoretical VHT that would have been expended if vehicle had been able to travel the same VMT at free-flow speed. At the end of the analysis period the free-flow VHT is subtracted from the accumulated VHT to obtain Delay VHY. The Delay VHT is converted to seconds and then divided by the total number of vehicle trips over which the delay was accumulated (V1+V2+V3+V4+V5). If the number of incomplete trips (V1+V2+V3+V4) is greater than 5 percent of all trips, then either the analysis period should be lengthened, or Delay VHT should be accumulated separately for through trips (V5) and averaged over only the through trips (V5).
- **Reporting** – Delay is reported in vehicle hours traveled (VHT) and mean seconds per trip. If incomplete trips account for over 5 percent of all trips, that should be noted.
- **Interpretation** – Subjective. If trips are long in system, then high mean delays may be acceptable. If trips are short, even low mean delay may be unacceptable.

Travel Time Index

- **Use** – To determine if facility operation during peak periods is unacceptably worse than for off-peak periods.
- **Definition** – Ratio of observed vehicle-hours traveled (VHT) to theoretical VHT at free-flow speed for same VMT.
- **Computation** – See notes above on computation of mean delay. The travel time index is the accumulated VHT divided by the theoretical free-flow VHT.
- **Reporting** – System travel time index plus a few words qualifying the result, such as "Good," "Bad."
- **Interpretation** –
  - The TTI minus 1.00 gives the mean delay as a percentage of the mean trip time.
  - The inverse of the TTI gives the mean speed as a percentage of the free-flow speed for the system.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

- For an entire metropolitan area (including local streets, arterials, and freeways) a peak period TTI of 1.4 or better was typical of 90 percent of the metropolitan areas of United States in 2005.
- For more focused systems of mixed freeway and arterial facilities (no local streets) a TTI of under 2.5 is roughly indicative of generally uncongested conditions and good signal coordination.
- For a system of solely unsignalized facilities (freeways, highways, 2-lane rural roads) a TTI of over 1.4 is indicative of a facility that is over-capacity for the entire length of analysis period.
- A qualifier of "Good" for TTIs <= 1.5, "Potentially Acceptable" for TTIs between 1.5 and 2.5, and "Less Desirable" for TTIs > 2.5 would help the decision-makers.

Freeways: Percent Breakdowns

- **Use** – To identify geographic and temporal extent of unsatisfactory operations for freeways in system.
- **Description** – Breakdown is defined as a density of traffic greater than the density typical of capacity flow rate conditions. This is equivalent to HCM LOS F definition. Two percents are computed:
  - Maximum percent of directional freeway miles at LOS F at any onetime during the analysis period.
  - Percent of analysis period when any directional freeway segment is at LOS F.
- **Computation** – Determine maximum LOS "E" density for each directional freeway segment in system according to the Highway Capacity Manual. Determine PCE values for each vehicle type in system for each directional freeway segment according to the Highway Capacity Manual. For each second in the analysis period tally number of vehicles on directional segment and multiply by appropriate PCE value to obtain equivalent PCUs. At end of model run compute 15 minute running averages of PCUs for each directional segment. Identify start and end times when 15 minute average PCU exceeds HCM LOS E maximum density. Find earliest start time of LOS F and latest end time of LOS F for system. The percent duration of LOS "F" is equal to the latest end time minus the earliest start time of LOS F, divided by the length of the analysis period.
- The maximum percent LOS "F" is the maximum number of directional segment miles operating at LOS "F" (averaged over 15 minutes) at any one time divided by the total directional miles of freeway in the system.
- **Interpretation** – The geographic and temporal percents LOS "F" are indicators of congested freeway operations. The lower, the better.

Surface Street: Percent of Intersections Exits Blocked

- **Use** – To identify geographic and temporal extent of unsatisfactory operations for urban streets in system. Intersection exit blockages due to downstream queues extending back to an upstream intersection reduce through capacity and are potential safety concerns.
- **Definition** – Two percents are computed:
  - Maximum percent of intersection exits that are blocked at any onetime during the analysis period.
  - Percent of analysis period when any intersection exit is blocked.
- **Computation** – For every directional street link and for each second in the analysis period compare the distance of back bumper of last car in any lane of the directional street link to the total estimated distance to the nearest upstream intersection (If the upstream node has only one link feeding the subject downstream link, that node is not an intersection. Abandon the test on the subject link and perform the test instead on the upstream link.). Determine if the back of queue is within 25 feet of storage length of the directional link.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

- Accumulate number of seconds during analysis period when one or more directional links are full. The percent of the analysis period with one or more full directional links is the number of seconds when one or more directional links are full divided by the number of seconds in the analysis period.
- Tally number of directional links meeting this "full" criterion at any one time. The maximum percent full links is the maximum number of full directional links at any one time divided by the total number of directional street links (exclude freeway links which have their own LOS F test) in the system.

- **Report** – Maximum percent of full directional street links at any one time. Percent of analysis period during which one or more directional street links are "full."
- **Interpretation** – The geographic and temporal percents of "full" links are indicators of potential capacity and safety problems. The lower, the better. Since a common goal for designs of new turn bays is to provide storage for the 95-percentile demand per cycle, a goal of no more than 5 percent of the analysis period with full street links would be desirable for a new design.

There are, of course, many other MOEs that every good planning or engineering study also will want to consider, such as, user benefits, user costs, fuel consumption, noise, air pollutant emissions, and safety. However, the five basic system MOEs listed above will give the decision-maker and the analyst a good idea of how well the system is performing and how one alternative improvement compares to another. The text below describes them in more detail.

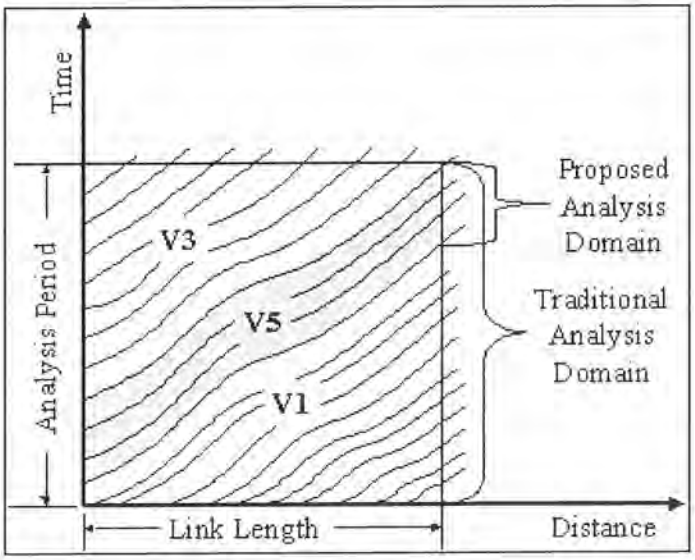
Throughput

Throughput is an indicator of the productivity of the system. It tells the analyst how many vehicles were processed by the system during the analysis period. A related indicator is the percent of trips that were initiated during the analysis period but could not be completed during the analysis period. Throughput plus the percent incomplete trips tell the analyst how good a job the system is doing at moving vehicles.

If the analyst's goal is to move people rather than just vehicles, throughput and percent incomplete can be computed based on person trips rather than vehicle trips. It is a straight forward conversion requiring only knowledge of the vehicle occupancy (number of person per vehicle).

Throughput is defined as the number of distinct vehicles (or people) able to enter or exit the system during the analysis period. To aid its interpretation, the throughput should be divided into five components according to whether or not the vehicle entered, exited, never entered, or never exited the system during the analysis period (see Figure 5).

Figure 5. Illustration of Different Components of Throughput



Vehicles Class I = Vehicles that were present at the start of the analysis period and were able to successfully exit the system before the end of the analysis period.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Vehicle Class II (not shown in figure) = Vehicles that were present at the start of the analysis period but were unable to successfully exit the system before the end of the analysis period. Except for severe congestion cases or very short analysis periods, this class of vehicles is usually zero.

Vehicles Class III = Vehicles that were able to enter the system during the analysis period but were unable to successfully exit the system before the end of the analysis period.

Vehicles Class IV (not shown) = Vehicles that tried to enter the system during the analysis period but were completely unsuccessful. While it frequently happens that vehicles are temporarily delayed from entering the system due to congestion, only extreme congestion (or a very short analysis period) would cause vehicles to be totally barred from entering the system during the analysis period. Thus, the number of vehicles in this class of vehicles is usually zero as well.

Vehicles Class V = Vehicles that entered during the analysis period and were able to successfully exit the system before the end of the analysis period.

The percent of incomplete trips will be the sum of vehicle classes 1, 2, 3, and 4, divided by the sum of all vehicle classes (1+2+3+4+5).

If the percent of incomplete trips is greater than five percent of total trips during the analysis period, the analyst should lengthen the analysis period so that more complete trips are reflected in the computed MOEs for the system.

If it is not feasible to further lengthen the analysis period, the analyst must carefully evaluate the MOEs computed for the incomplete trips against the MOEs computed for the complete trips and decide which is the most relevant measure of system operations, or select a weighting system for combining the MOEs for incomplete and complete trips.

Generally, higher throughputs and lower percentages of incomplete trips are desired since they reflect the productivity of the transportation system.

Mean Delay

Mean delay is an attempt to couch delay measurements in terms that a typical driver might understand, mean seconds delay per trip. However, it must be recognized that the same number of seconds of delay will be more important for a short trip, and less important for a long trips.

One issue with delay is the yardstick to measure it against. Common practice would be to measure actual travel time against a theoretical travel time at free-flow speeds, when congestion is nonexistent. However, an agency may have a different standard against which it wishes to measure system performance.

This report has adopted the common measure of free-flow travel time against which to measure delay, but other yardsticks are certainly possible.

Free-flow speed is often defined as the speed of traffic at very low-flow conditions (when the flow rate is so low that changes in the flow rate have no significant effect on average travel speed). This may require a field measurement of prevailing speeds under low-flow conditions, so often planners will simply use the posted speed limit as a proxy for the free-flow speed.

Free-flow speeds may indeed be higher or lower than the posted speed limit. A poorly enforced speed limit may not be obeyed. The maximum safe speed on curves and in turns at an intersection also should be taken into account in determining the free-flow speed. It is up to the analyst to determine the desired target against which to compute delay.

The accumulated travel time of all vehicles on the system should be accumulated during the analysis period. At the same time the theoretical travel time to go the same distance traveled should be accumulated as well.

At the end of the analysis period the analyst (or software tool) subtracts the accumulated vehicle hours traveled at the theoretical free-flow speed (the free-flow VHT) from the accumulated vehicle hours traveled (VHT) to get the total delay in terms of vehicle hours (the Delay VHT).

The delay VHT is converted to seconds and then divided by the number of vehicle-trips to obtain mean delay per vehicle-trip.

If the analyst wants person-trip delay, the vehicles are multiplied by the vehicle occupancy while the theoretical free-flow and actual VHT s are accumulated. The result is person hours traveled (PHT). Delay is computed as before and then divided by the total number of person-trips during the analysis period.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

If the percent of incomplete trips (described above under throughput) is greater than five percent, then the analyst should extend the duration of the analysis period. If this is not feasible, then the analyst should accumulate VHT (or PHT) by the five vehicle-trip classes described above under throughput and compute the mean delay separately for each vehicle-trip class. The analyst then needs to evaluate the results and decide how to present them.

Generally less delay is preferable, however; specific thresholds of acceptable or unacceptable delay are not available. The Highway Capacity Manual publishes mean delay level of service thresholds for signals and unsignalized intersections but not for segments of streets. The results might be roughly compared to the HCM thresholds, but one should not expect an exact equivalence due to differences in the definition of delay between the Highway Capacity Manual and the method used here.

The Travel Time Index (TTI)

The Texas Transportation Institute's Travel Time Index (TTI) indicates the extra delay associated with congestion on the system. The TTI is the ratio of the peak-period travel time to the free-flow travel time. Values of TTI for urban areas in the United States range from 1.05 (Anchorage, Alaska) to 1.75 (Los Angeles, California).

Typical TTI s at capacity are shown below for uninterrupted flow facilities, arterials with poor signal coordination, and arterials with good signal coordination.

An individual freeway or conventional highway with a TTI of greater than 1.4 is over capacity. An individual signalized arterial with a TTI greater than 2.5 either has poorly coordinated signals or is over capacity, or both.

Table 30. TTIs Per HCM – Freeways and Highways

HCM Facility Type	Miles per Hour: Free-Flow Speed	Miles per Hour: Speed at Capacity	Hours/Miles: Free-Flow Travel Time Rate (T0)	Hours/Miles: Capacity Travel Time Rate (TC)	Travel Time Index at Capacity
Freeway	75	53.3	0.0133	0.0188	1.41
Freeway	70	53.3	0.0143	0.0188	1.31
Freeway	65	52.2	0.0154	0.0192	1.25
Freeway	60	51.1	0.0167	0.0196	1.17
Freeway	55	50.0	0.0182	0.0200	1.10
Multi-Lane Highway	60	55.0	0.0167	0.0182	1.09
Multi-Lane Highway	55	51.2	0.0182	0.0195	1.07
Multi-Lane Highway	50	47.5	0.0200	0.0211	1.05
Multi-Lane Highway	45	42.2	0.0222	0.0237	1.07
Two-Lane Rural Road	55	40.0	0.0182	0.0250	1.38

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Sources:

1. Freeways: Exhibit 23-2 HCM.
2. Multi-Lane Highways: Exhibit 21-2 HCM.
3. Two-lane Highways: Exhibit 20-2, HCM.

Table 31. TTIs Per HCM – Arterials – Uncoordinated Signals

Arterial Class	Speed Limit (mph)	Signals/mi	Miles per Hour: Zero Vph	Miles per Hour: Capacity	TTI: 0vph/lim	TTI: Cap/0vph	TTI: Cap/Lim
1	55	1	32.9	22.4	1.67	1.47	2.45
1	50	2	31.5	21.7	1.59	1.45	2.30
1	45	4	20.4	12.9	2.21	1.58	3.49
2	45	2	29.0	20.5	1.55	1.41	2.20
2	40	4	19.7	12.6	2.03	1.56	3.17
2	35	5	16.7	10.5	2.10	1.59	3.34
3	35	4	18.7	12.2	1.87	1.53	2.87
3	30	6	14.5	9.0	2.06	1.62	3.35
4	35	4	18.5	12.1	1.89	1.53	2.89
4	30	6	14.1	8.8	2.13	1.60	3.41
4	25	8	10.4	6.5	2.40	1.59	3.82

Source: FDOT ARTPLAN Modified by Dowling 6/22/06.

Assumptions: 120 second signal cycle, 0.45 g/c through, no coordination.

Table 32. TTIs Per HCM – Arterials – Coordinated Signals

Arterial Class	Speed Limit (mph)	Signals/mi	Miles per Hour: Zero Vph	Miles per Hour: Capacity	TTI: 0vph/lim	TTI: Cap/0vph	TTI: Cap/Lim
1	55	1	32.9	22.4	1.67	1.47	2.45
1	50	2	31.5	21.7	1.59	1.45	2.30

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

1	45	4	24.9	16.3	1.80	1.53	2.76
2	45	2	29.0	20.5	1.55	1.41	2.20
2	40	4	24.0	15.9	1.67	1.51	2.52
2	35	5	20.5	13.3	1.70	1.54	2.63
3	35	4	22.5	15.2	1.56	1.48	2.30
3	30	6	19.0	12.2	1.58	1.56	2.46
4	35	4	22.2	15.1	1.58	1.47	2.32
4	30	6	18.3	11.9	1.64	1.54	2.53
4	25	8	15.5	10.4	1.61	1.49	2.40

Source: FDOT ARTPLAN Modified by Dowling 6/22/06.

Assumptions: 80-120 second signal cycle, 0.45 g/c through, coordination if >=4 sig/mi.

Freeway Segments at Breakdowns

Freeway breakdown occurs when the demand exceeds the capacity of the freeway. This can be most reliably measured by identifying the density per lane of traffic when the freeway is flowing at capacity and then comparing the observed density to the density at capacity. If the observed density is greater than the density at capacity, then the freeway is considered to be oversaturated or in "breakdown" condition.

The Highway Capacity Manual applies the level of service "F" label to passenger car unit densities exceeding capacity that last for at least 15 minutes. For the purpose of this system MOE, we have relaxed the requirement that the density persist for at least 15 minutes, so that we can catch even transient breakdowns in freeway operations.

The geographic extent and duration of freeway segments operating at Highway Capacity Manual Level of Service "F" densities during the analysis period are indicators of the severity of freeway congestion on the system during the analysis period.

This MOE might be more appropriately displayed as a two-dimensional time-space plot showing the portion of the time-space box taken up by congestion. However, this report attempts to identify two dimensions that might indicate the maximum extent and duration of congestion. One measure is the maximum percent of the analysis period when any freeway segment in the system is at level of service "F." The other measure is the maximum percent of freeway miles that are congested at any one time during the analysis period. The first measure attempts to get at the maximum duration of congestion on the freeway system. The second measure attempts to get at the maximum geographic extent of the freeway congestion.

Both measures require the identification of which directional freeway segments are operating at LOS "F" densities for continuous 15-minute periods at each second of the analysis period (A 15-minute running average density is computed each second of the analysis). The number of vehicles must be converted to equivalent passenger car units (PCUs) using the passenger car equivalents in the Highway Capacity Manual. These equivalents vary by vehicle type and grade (or general terrain: level, rolling, mountainous).

Once the timing and location of level of service "F" conditions have been identified, it is then just a matter of processing the data to find the maximum length of time when at least one freeway segment is congested, and the maximum number of freeway-miles of segments that are congested at any one time during the analysis period.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

To help the decision-maker appreciate the relative magnitude of the problem, the results are reported as a percentage of the total freeway-miles in the system and a percentage of the total analysis period.

Generally lower percentages of Level of Service "F" are preferred.

Surface Street Backups and Overflows

Surface street backups and turn bay overflows are indicators of the extent to which capacity destructive queues are present on the surface streets of the system. These excessive queuing situations also are indicative of potential safety problems where vehicles queue back into an upstream intersection or vehicles queue back out of a turn bay and into a through traffic lane.

A surface street backup is one where a downstream queue backs up in one or more through lanes to an upstream intersection, reducing its capacity. For want of a more descriptive term, these are called, "Intersection Exit Blockages." They occur when the number of vehicles queued in any one lane on a street exceed its storage capacity. Additional vehicles must wait for the queue to reduce a bit before they can move through the upstream intersection.

Turn bay overflows are situations where the number of vehicles waiting to make a left or right turn exceeds the storage capacity of the turn bay. Waiting vehicles must back up into the through lanes, reducing through capacity at the intersection.

As for freeway Level of Service F, this MOE might be more appropriately displayed as a couple of two-dimensional time-space plots (one for street backups affecting upstream intersections, the other for turn bay overflows) showing the portion of the time-space box taken up by excessive queuing. However, this report attempts to identify two dimensions that might indicate the maximum extent and duration of excessive queuing. One measure is the maximum percent of the analysis period when any turn bay or street segment in the system is experiencing queue overflows. The other measure is the maximum percent of directional street segments that have queue overflows at any one time during the analysis period. The first measure attempts to get at the maximum duration of street and turn bay queue overflows on the street system. The second measure attempts to get at the maximum geographic extent of the queue overflows.

Both measures require the identification of which directional street segments and turn bays have queues that exceed the storage length at any second in the analysis period.

Since most simulation tools cannot identify queues that exceed the storage capacity (the excess vehicles are reported as queued on the upstream link), the criterion selected is whether or not the queue is "close" to storage capacity of the link or turn bay. The estimated storage length for one vehicle of 25 feet is subtracted from the storage capacity. If the queue exceeds the storage length minus 25 feet, it is considered as if it has actually exceeded the available storage length. This measure no doubt slightly over estimates the actual occurrences of queue overflows, but it is only off by one vehicle length.

Once the timing and location of queue overflow conditions have been identified, it is then just a matter of processing the data to find the maximum length of time when at least one directional street segment or turn bay is overflowing, and the maximum number of directional street links or turn bays with overflow queues at any one time during the analysis period.

To help the decision-maker appreciate the relative magnitude of the problem, the results are reported as a percentage of the total directional street segments (or turn bays) in the system and a percentage of the total analysis period.

Generally lower percentages of queue overflow are preferred. Since it is common to design new turn bays for the 95 percentile traffic surge each cycle, it is suggested that 5 percent queue overflows during the analysis period might be a good target for a new design. No guidance is provided for existing systems, which may routinely experience more frequent queue overflows, and still be quite acceptable to the local populace.

6.2 Comparison of MOEs between Analysis Tools

Since each analysis tool has slightly different definitions of what constitutes stopped and queued vehicles and because the tools also vary in the determination of which vehicles to include in the computations (vehicles that both entered and exited during the analysis period, vehicles that did neither, or vehicles that either entered or exited but not both during the analysis period), it is not feasible for an analyst to take the macroscopic output from one tool, apply a conversion factor (or equation) and compare the results to that of another tool. The analyst simply does not have access to sufficient data at the macroscopic level to be able to compare MOEs across tools.

The lowest common denominator for all analytical tools is the vehicle trajectories output. This is a microscopic output. With this output the analyst can compute macroscopic MOEs from any tool in a consistent manner. Then it is indeed

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

possible to compare vehicle performance results across different analytical tools, through the computation of macroscopic MOEs from microscopic vehicle trajectory data.

6.3 MOEs for Future Research

The technical review suggested four additional key MOEs that are likely to be valuable to decision-makers but could not be included at this time due to several uncertainties about them requiring more research and additional practical experience in order to better define them. They are:

- Buffer Index;
- Fuel Consumption Ratio;
- NOx Emissions Ratio; and
- Safety.

The Buffer Index

The buffer index shows how much earlier a travel must start the trip (as a percentage of the trip duration) to have a 95 percent chance of arriving on time. It is computed according to the following formula:

$$Buffer\ \text{Index}\ (\%) = \left[\frac{\underset{(\text{minutes})}{\text{95th Percentile Travel Time}} - \underset{(\text{minutes})}{Average\,\text{Travel Time}}}{\underset{(\text{minutes})}{\text{Average Travel Time}}} \right] \times 100\%$$

[Equation 69]

There are a dozen different measures of travel-time reliability (see "Selecting Travel Reliability Measures," by J. Lomax, D.L. Schrank, S.M. Turner, R. Margiotta, Report, Texas Transportation Institute, May 2003.)

The buffer index was selected because it is similar to the decisions a traveler has to make, "How much extra time do I have to allow in order to be sure of getting there on time?" Related measures include standard deviation, variance, and several other indicators or travel-time reliability.

Difficulties with implementing the buffer index at this time include a lack of understanding of the true variability of traffic operations when considering variance in demand, probability of capacity reducing incidents, and the inherent variability of driver behavior for any given situation. More research is needed to better understand how much of this total variability is included in microsimulation models, and how much is still missing.

Fuel Consumption Ratio

The Fuel Consumption Ratio would be used to identify the excess fuel consumption caused by unsatisfactory system operation. It is the ratio of fuel consumed to fuel that would have been consumed if all travel could have been made at most fuel efficient speed for vehicles without stops.

Fuel consumption can be expressed as power consumption (Kilowatt hours or British Thermal Units). Gallons of gasoline equivalent was selected since it generates a ready visual image of fuel consumption for decision-makers.

While tools do exist to compute fuel consumption from VMT and speed, the key issue with this MOE is that tools and procedures do not exist for computing the theoretical optimal fuel consumption for a system.

The NOx Ratio

The NOx ratio is defined as the kilograms of nitrous oxide emissions divided by the theoretical minimum NOx emissions that would occur at ideal vehicle operating speeds on the system.

Vehicles actually emit a wide range of pollutants (Carbon Monoxide, Nitrous Oxides, Hydrocarbons, etc.). Nitrous Oxides (NOx) was selected as an indicator pollutant since it is the one most likely to be controlled in a nonattainment basin.

Vehicle-Specific Power (VSP) may be an alternative measure that closely follows NOx emission rates. VSP requires assumptions about drag and rolling resistance, Weight drops out because VSP is normalized by mass. Using typical value of coefficients, in SI units the equation becomes:

VSP (kW/metric Ton) = v * (1.04*a + 9.81*grade(%) + 0.132) + 0.00121*v^3 **[Equation 70]**

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Where:

- V = Velocity (km/hr).
- A = Acceleration.

Source: Nam, Proof of Concept Investigation for the Physical Emission Rate Estimator (PERE) to be Used in MOVES [report EPA420-R-03-005]. 2003, U.S. EPA (page 7).

Issues with the NOx ratio or other air pollutant emission proxy such as VSP is the lack of agreement on how best to compute air pollutant emissions or proxies from microsimulation data. The standard methods generally use average speed and VMT, but upcoming methods rely on data that can only come from vehicle trajectories. There also is a lack of information as to the accuracy of vehicle accelerations predicted by microsimulation models.

Safety

Safety is one field where a great deal of research will be needed to develop tools for translating traffic operations results into indicators of relative safety. One promising approach is to use microsimulation to tally the frequency of conflicts or close encounters in the traffic stream. However, this approach is still under development and more time will be needed to determine how best to incorporate safety into traffic operations analysis.

FHWA

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

- No Hydrology Report
- Originally Approved
- After the EAT

Feb 20th Notice

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Omnisight

CONTACT

Traffic Studies Shape Safer, Smarter Roads

Did you know that inefficient traffic flow costs the U.S. economy billions in lost productivity every year? With congestion on the rise, city planners, government agencies, engineering firms, and consultants rely on traffic studies to understand traffic patterns and improve roadways, public transit, and traffic management systems.

Accurate, comprehensive data is the foundation of every traffic study—better data leads to smarter decisions on traffic signal timing, road design, and safety improvements.

United States with the tools to manage congestion and improve traffic flow effectively.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Omnisight

CONTACT

Why In-Depth Data is Necessary for Traffic Studies

Comprehensive traffic studies require more than just counting cars. A range of data points is necessary to understand traffic flow and identify areas for improvement.

VEHICLE COUNTS

VEHICLE TYPES

AVERAGE VEHICLE SPEEDS

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Omnisight

CONTACT

traffic study. Engineers need to know exactly how many vehicles pass through intersections or travel along specific corridors during different times of day. This data helps identify peak congestion periods and establish baseline metrics against which future traffic management solutions can be measured.

Trucks, buses, and passenger cars have unique effects on traffic flow, emissions, and infrastructure wear. Classifying vehicles accurately can help traffic engineers design intelligent transportation systems that accommodate the actual mix of traffic using a particular route.

moving through the system. Consistently low speeds indicate congestion points where optimizing traffic flow should be prioritized. Speed variations can identify dangerous road segments where improving safety measures may be necessary.

PEDESTRIAN COUNTS

LANE USAGE ON MULTI-LANE

PARKING LOT OCCUPANCY

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Omnisight

CONTACT

vehicles. Pedestrian movement patterns influence crosswalk timing, sidewalk design, and public transit stop placement. Understanding pedestrian volumes helps create balanced transportation networks that serve all community members safely and efficiently.

lanes. Some lanes carry higher volumes, creating bottlenecks and merge conflicts. Lane usage data helps engineers identify opportunities to balance traffic through lane assignments, signage improvements, or adaptive traffic systems that respond to changing conditions.

looking for spaces. Monitoring parking occupancy helps planners determine if current facilities meet demand or if additional parking infrastructure is needed. This data also supports dynamic parking guidance systems that direct drivers to available spaces, reducing unnecessary travel time.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Omnisight

CONTACT

even in challenging weather conditions.

High-frequency data collection. The FusionSensor collects data 20 times per second, providing a detailed view of fast-changing traffic conditions. Whether monitoring rush hour or studying special event traffic, this high-frequency data captures the whole picture.

Immediate data processing. Thanks to TrueEdge technology, data is processed at the sensor level. When the radar and cameras capture information, the sensor interprets it —classifying vehicles, counting pedestrians, and organizing data before reaching a server.

Low power consumption. The FusionSensor is energy-efficient and cost-effective, running on just 15 watts. It can operate continuously over long periods without rising energy costs, making it ideal for short-term studies and long-term observation projects.

Seamless database integration. Compatibility is key for effective traffic studies. The FusionSensor outputs data in widely used formats, ensuring easy integration with existing traffic management systems. Researchers and planners can easily analyze the data using their preferred tools.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Omnisight

CONTACT

Optimize Your Traffic Studies With Omnisight

Accurate data is the backbone of effective traffic management. Traffic studies have relied on outdated methods that miss crucial details or require time-consuming processing for too long. Omnisight's FusionSensor changes that by delivering fast, reliable data customized to the demands of today's cities.

From managing traffic congestion to optimizing traffic signal controls, the FusionSensor equips city planners, transportation departments, and engineering firms with the insights needed to make better decisions.

If you're ready to power your next traffic study with the most advanced technology available, schedule a free consultation with Omnisight.

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

THIS PAGE LEFT INTENNIONALY BLANK

DIVIDER PAGE

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

As a concerned group of property owners, we are vehemently opposed to the Conditional Use permit **ZA32026-0024**. The following is a comprehensive set of zoning-based, non-discriminatory arguments/facts as to why this proposal is in direct conflict with the North Valley Area Plan as well as several of the published Conditional Use criteria. I.E. "The site for the proposed use can be developed in such a manner that excessive traffic congestion or similar hazards will not be created, and the proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area."

Name	Address	Phone number	E-Mail
Kay Rice	117 Maria Cir NW	470-7423	kaycrice505@gmail.com
Janice Candiee	100 Diers Rd NW	505-898-7035	jaumacihu@comcast.net
Regina Cooper	101 Diers Rd. NW	505 235-8945	ginacooper2014@gmail.com
Jaclyn Ley	97 Diers Rd NW	575-494-1779	Mrsjr.ley@gmail.com
Frankie Armit	511 Diers	505-488-1285	N/A
Sarah Shuttle	126 Maria Cir NW	505-908-4512	sarahshuttle@comcast.net
H.D. Pat Hauser	134 Maria cir. N.W.	505-898-8435	H.D.Hauser@comcast.net
Maggie Rose	109 Diers Rd NW	505-898-5889	gypsy.rose46@gmail.com
Constance Kappel	9618 2nd St. NW	505-289-7306	ckappel@gmail.com
Lorraine & Rob Abeyta	944 2nd st. NW		
Roberta Montoya	9612 2nd St NW	5057200173	roberta.montoya@yahoo.com
Steve K. Kitts	254 Diers Rd NW	505-933-0481	stevekkitts@gmail.com
Annette Kitts	" "	505-319-0691	Annette.Kitts@gmail.com
John Galloway	701 Silver ct NE RR NM 87124	(505) 328-4146	nm_galloway00y@msn.com
Monica Galloway	701 Silver ct NE RR NM 87124	(505) 328-4147	nm_galloway00y@msn.com

EXHIBIT 1

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-00017&2026-0024)

Name	Address	Phone number	E-Mail
Angelina Pauline Crespin	9610 2nd St NW	505-898-3041	N/A
Debra Martinez	9610 2nd St. NW	505-379-1095	debra.21@outlook.com
Amador Crespin	9610 2ND ST NW	505-898-3041	N/A
Alberta Pearl	9612-C 2ND ST NW	505-897-4157	

EXHIBIT 1

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-00017&2026-0024)

THIS PAGE LEFT INTENNIONALY BLANK
DIVIDER PAGE

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

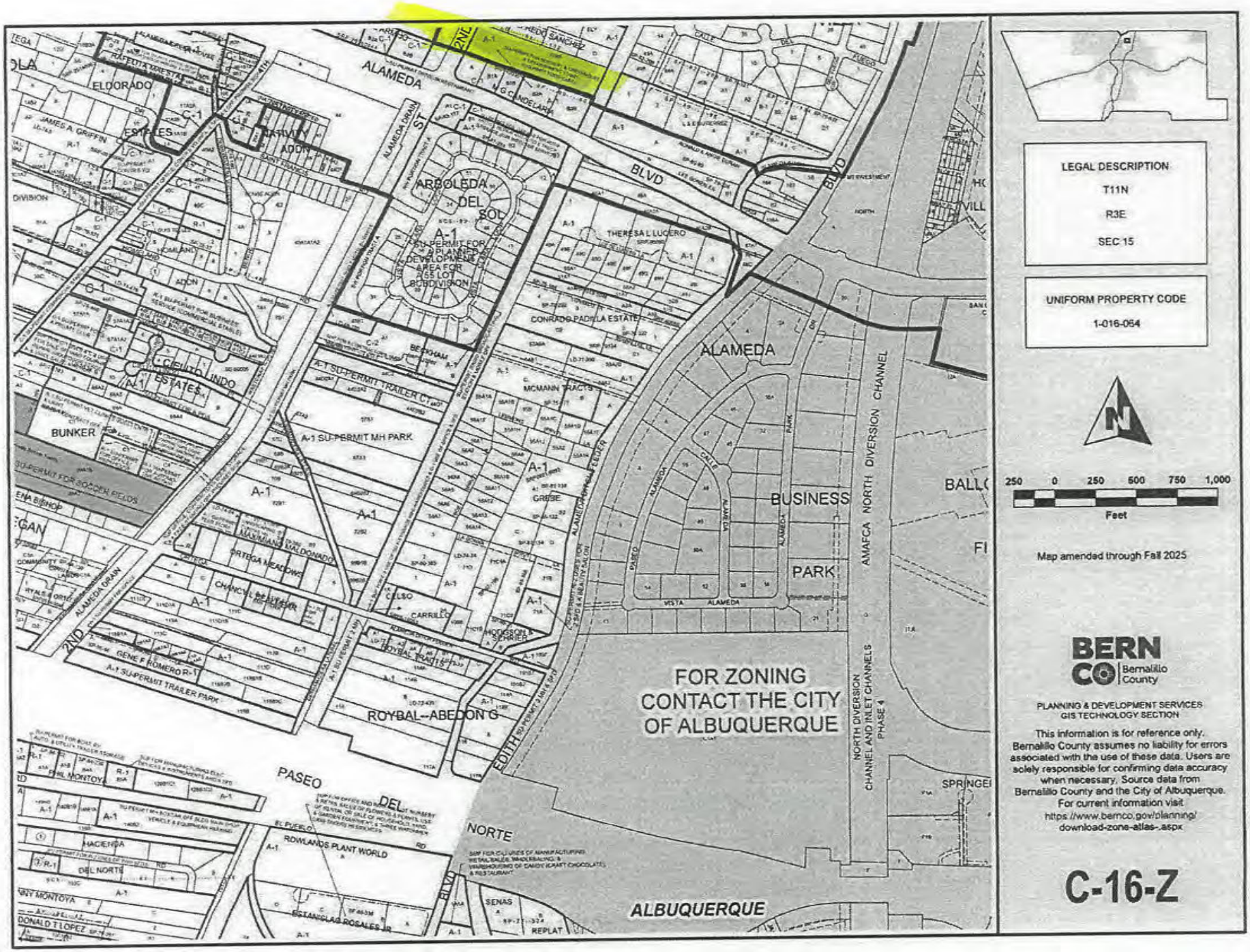


EXHIBIT 1

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-00017 & 2026-0024)

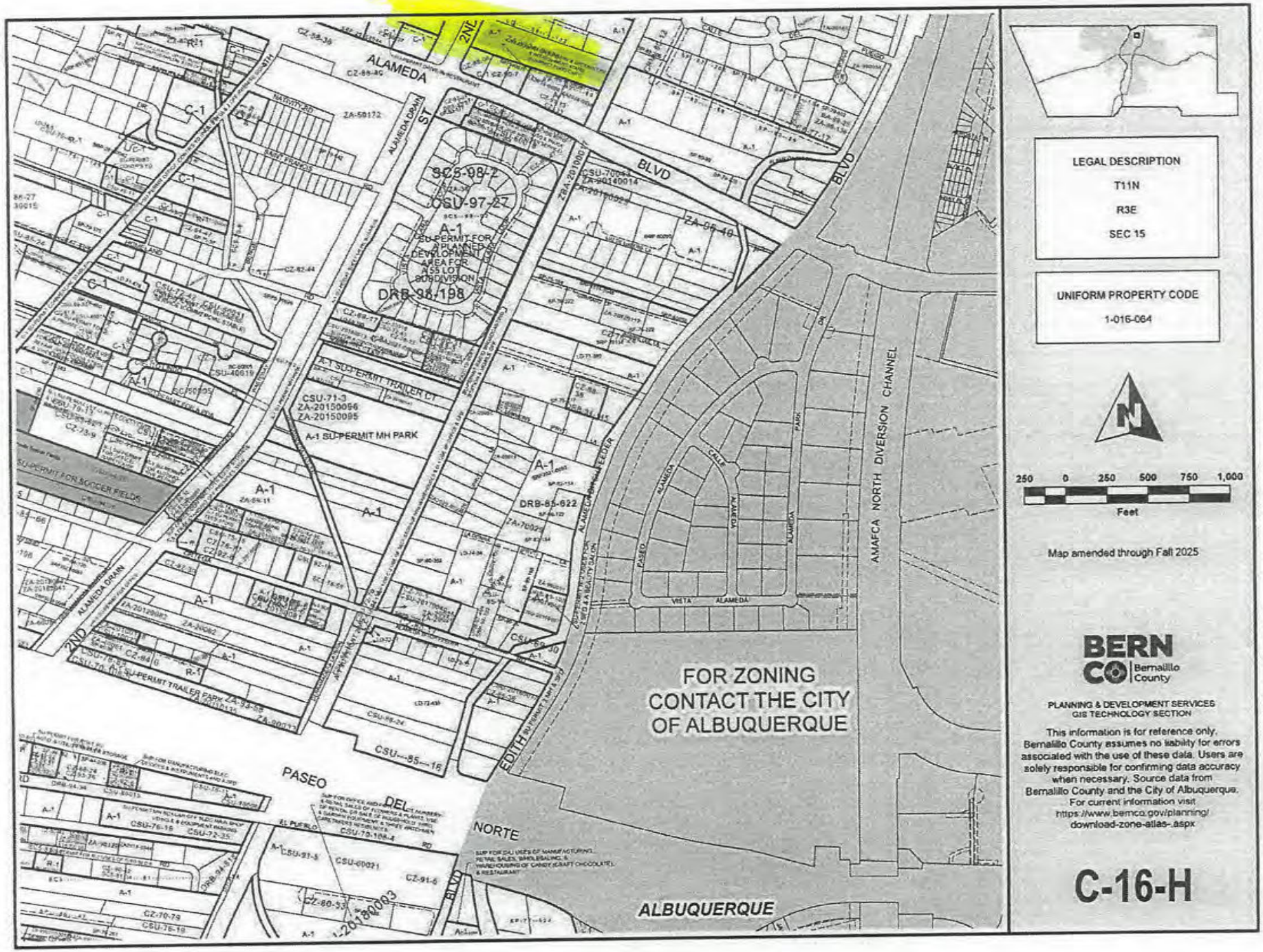

ALAMEDA
BLVD
2ND
ST
ALAMEDA DRAIN
SCS-98-2
CSU-97-27
A-1
SU-PERMIT FOR PLANNED DEVELOPMENT AREA FOR 455 LOT SUBDIVISION
DRB-98-198
CSU-71-3
ZA-20150096
ZA-20150095
A-1 SU-PERMIT MH PARK
A-1 SU-PERMIT TRAILER CT
SU-PERMIT FOR SOCCER FIELDS
DRB-85-622
ZA-06-48
ZA-20100017
CSU-70044
ZA-20140014
ALAMEDA FEEDER
AMAFCA NORTH DIVERSION CHANNEL
PASEO
VISTA
CALLE
PARK
EDITH
PASEO DEL NORTE
ALBUQUERQUE
FOR ZONING CONTACT THE CITY OF ALBUQUERQUE
LEGAL DESCRIPTION
T11N
R3E
SEC 15
UNIFORM PROPERTY CODE
1-016-064
N
250 0 250 500 750 1,000
Feet
Map amended through Fall 2025
BERN CO Bernalillo County
PLANNING & DEVELOPMENT SERVICES
GIS TECHNOLOGY SECTION
This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data from Bernalillo County and the City of Albuquerque. For current information visit https://www.bernco.gov/planning/download-zone-atlas-.aspx
C-16-H

EXHIBIT 1

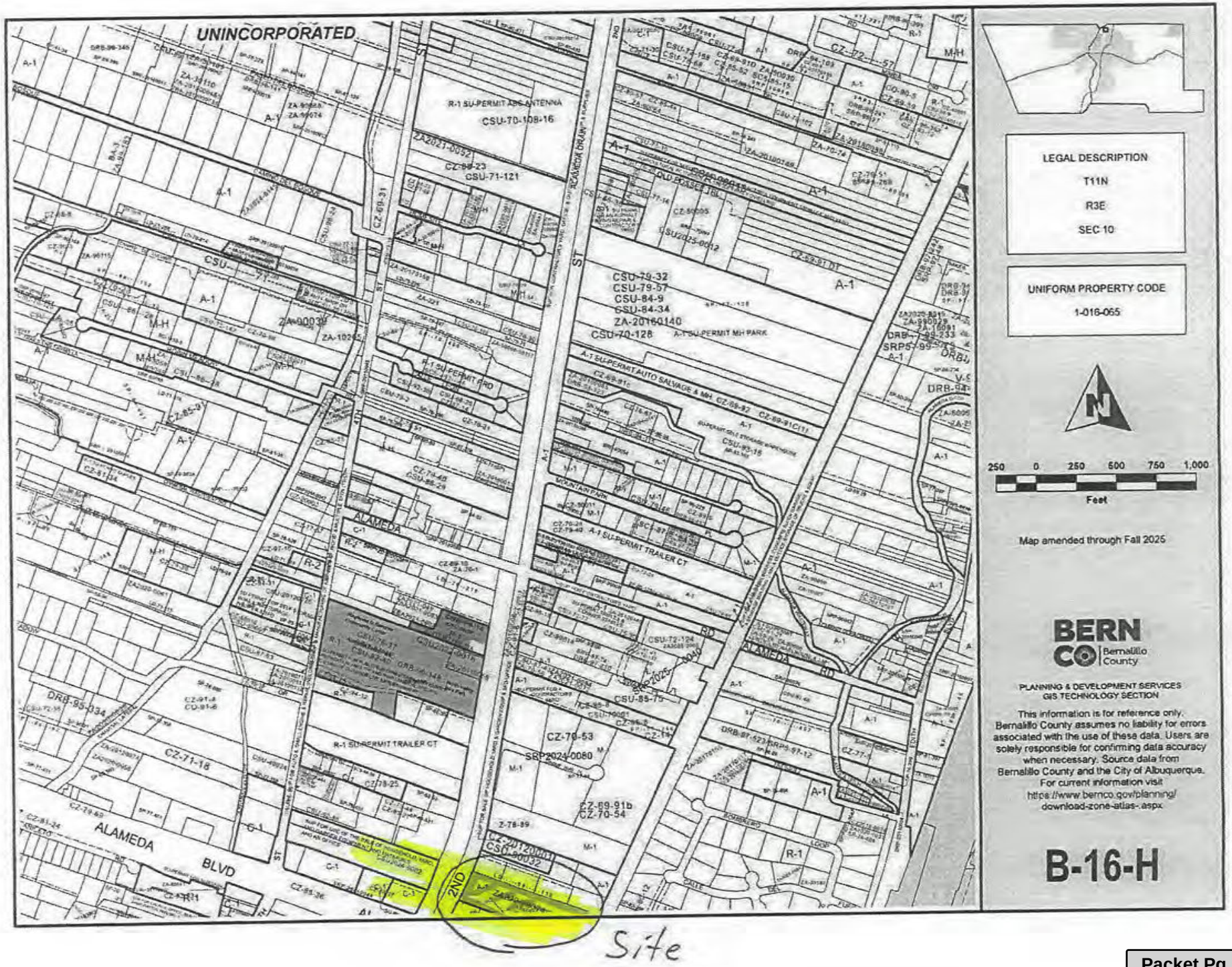

UNINCORPORATED
LEGAL DESCRIPTION
T11N
R3E
SEC 10
UNIFORM PROPERTY CODE
1-016-065
250 0 250 500 750 1,000
Feet
Map amended through Fall 2025
BERN CO Bernalillo County
PLANNING & DEVELOPMENT SERVICES
GIS TECHNOLOGY SECTION
This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data from Bernalillo County and the City of Albuquerque. For current information visit https://www.bernco.gov/planning/download-zone-atlas-.aspx
B-16-H
ALAMEDA BLVD
2ND ST
ALAMEDA RD
Site

EXHIBIT 1

THIS PAGE LEFT INTENNIONALY BLANK
DIVIDER PAGE

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

County of Bernalillo
State of New Mexico

Planning & Development Services
415 Silver Ave SW, 2nd Floor
Albuquerque, NM 87102
(505) 314-0350

APPLICATION

SITE ADDRESS/LOCATION

9600 2nd St NW, Albuquerque,
NM 87114

PERMIT NO: ZA2026-0024

Printed: January 15, 2026

PROPERTY OWNER

ALBUQUERQUE ISLAMIC CENTER
8900 MENAUL BLVD NE
ALBUQUERQUE, NM 87112

UPC

101606428751910308

LEGAL DESCRIPTION

MAP 24 TR 208B CONT 3.900 AC

AGENT

Fees Paid: $75.00

Description: Conditional Use for Church and Incidental Facilities (Albuquerque Islamic Center).
Zoned: A-1. UPC#: 101606428751910308

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING LAND USE.

Signature: _____ (Applicant/Owner Or Authorized Agent) — Date: 1/15/26

Processed By: Beatriz Calderon (PDS Staff) — Date: 01/15/2026

FOR INFORMATION CALL (505) 314-0350

Hearing Date: 03/11/2026

Sign Posting Date(s) **From:** 02/24/2026 **To:** 03/26/2026

Attachment: Attachment 4-NOA and Appeal Application_Redacted (26992 : ZBA2026-0001/ZA2026-0024)

Planning & Development Services Department
415 Silver Ave. SW, 2nd Floor
Albuquerque, New Mexico 87102
Office: (505) 314-0350
www.bernco.gov

NOTIFICATION OF DECISION
COUNTY PLANNING COMMISSION
July 7, 2026

Albuquerque Islamic Center
8900 Menaul Blvd NE
Albuquerque, NM 87112

SUBJECT: FILE NO: ZBA2026-0001/ZA2026-0024

LEGAL DESCRIPTION: Pat Hauser appeals the Zoning Administrator's approval of a conditional use to allow a church and incidental facilities (ZA2026-0024), on Tract 208B, MRGCD Map 23, located at 9600 2nd St. NW, zoned A-1, containing approximately 3.90 acres. (C-16) (Original request by Prestige Custom Design, LLC, agent for Albuquerque Islamic Center) (DEFFERRED FROM THE JUNE 3, 2026 HEARING)

ACTION: **DENIED THE APPEAL, THEREBY UPHOLDING THE ZONING ADMINISTRATOR'S APPROVAL OF A CONDITIONAL USE TO ALLOW A CHURCH AND INCIDENTAL FACILITIES (ZA2026-0024)**

To Whom It May Concern:

At the July 1, 2026 public hearing, the Board of Adjustment voted to deny the appeal, thereby upholding the Zoning Administrator's approval of a conditional use to allow a church and incidental facilities (ZA2026-0024), on Tract 208B, MRGCD Map 23, located at 9600 2nd St. NW, zoned A-1, containing approximately 3.90 acres. The decision was based on the following Findings and Conditions.

Findings:

1. This is a request for conditional use approval to allow a church and incidental facilities. The applicant seeks approval to construct a mosque and parking area with landscaping and fencing.

County Commissioners
Adriann Barboa, Chair, District 3 - Frank A. Baca, Vice-Chair, District 2
Barbara Baca, District 1 - Walt Benson, District 4 – Eric C. Olivas, District 5

Elected Officials
Damian R. Lara, Assessor - Michelle S. Kavanaugh, Clerk - Cristy J. Carbón-Gaul, Probate Judge
John D. Allen, Sheriff - Tim Eichenberg, Treasurer

County Manager
Cindy Chavez

2. The Comprehensive Zoning Ordinance of Bernalillo County defines church as," A building for public or private worship; or a body or organization of religious believers." This definition applies to any religious institution.

3. The site for the proposed use is adequate in size and shape to accommodate the use, as the property is 3.9 acres in area and provides sufficient area to accommodate site features required by ordinance. No variances were required for the request.

4. The site provides ingress and egress for vehicular access, but the development may require traffic improvements through conditions of approval. Off-street parking and access improvements by the applicant are expected to occur as well as approval from Bernalillo County Public Works through the County's building permit process.

5. The area has a mix of uses and the proposed use will add to that mix. The properties to the south are developed with an automotive service center, retail uses and a plant nursery. Second Street is developed with a mix of uses.The size of the proposed building is proportional to the site but requires modification to more fully integrate with the area. This is addressed through conditions of approval.

6. As an enumerated conditional use within the zoning ordinance, this type of activity is expected to occur from this zone but requires review to determine that the use is compatible with the surrounding area.

7. The applicant intends to provide off-street parking, landscaping, buffer landscaping and fencing in compliance with the requirements of the Comprehensive Zoning Ordinance of Bernalillo County, as shown on this site plan. There will be a six-foot-tall wall along the north side of the side adjacent to the residential use. There will be landscaping along Second Street and along the perimeter of the site to add a buffer next to residential areas.

8. There were several members of the public present at the hearing to testify on the request. In their justification, the applicant stated that use was compatible with surrounding uses, stated a commitment to improve and maintain the property, and that the use provides a buffer between the residential development to the north and the more commercial uses to the south. The applicant also stated that times of the main Friday service could be moved to accommodate traffic patterns. There were comment(s) from the public in support of the request.

9. Multiple public comments were received in opposition to the request stating that the use would generate a large amount of traffic and that it would burden an already busy traffic system.

10. Multiple public comments were received in opposition to the request stating that the building is not compatible with the surrounding area.

11. Staff from public works stated that a Traffic Impact Study would be required at the building permit phase of the project. Road improvements to offset any impacts from the project could be required. The main church service occurs on Friday afternoon out of the peak hour traffic.

12. Second Street is Bernalillo County facility. Alameda Blvd is New Mexico Department of Transportation facility west of Second Street, and a City of Albuquerque Facility east of Second Street.

13. Conditions of approval are necessary to ensure orderly development of the site, as well as the protection of the public health, safety, and general welfare in conformity with the intended purpose of the Zoning Ordinance.

14. The site is within the Rural Area of the Comprehensive Plan.

15. Approval is limited to the requested church use and does not waive any other requirement or imply any other approval of applicable Bernalillo County ordinances and/or regulations.

Conditions:

1. This is an approval of a Church and incidental uses. A school is not allowed on the subject site.

2. The applicant shall acquire all necessary construction and trade permits for proposed modifications to the subject site, including, but not limited to, a commercial County building permit. Additions to the site beyond this building square footage shall require consideration of a new conditional use permit application.

3. The size of the building shall be limited to a maximum of 60,000 square foot floor area, and a building footprint of 43,000 in order to address concerns about the amount of traffic generated by this use and to improve compatibility with the surrounding area.

4. The applicant shall coordinate with the Public Works department to reduce the amount of asphalt and impervious surface on the site, such as only paving the drive aisles and accessible parking spaces and leaving a depressed drainage area for landscaping and using gravel or other pervious material for parking areas.

5. No amplified sound or loudspeakers are allowed outside of the proposed building.

6. The building shall meet all setback, separation, height, and area requirements of the A-1 zone as indicted in Section 7 of the Comprehensive Zoning Ordinance of Bernalillo County. Height is limited to 26 feet without exception.

7. Parking shall be provided as required in Section 21 of the Comprehensive Zoning Ordinance of Bernalillo County. Parking areas can utilize permeable surfaces as approved by County Public Works and County Fire.

8. Landscaping shall be provided as required in Section 19 of the Comprehensive Zoning Ordinance of Bernalillo County. Landscaping shall also meet the requirements of the County's Water Conservation Ordinance and shall be maintained and replaced as required by the Comprehensive Zoning Ordinance of Bernalillo County.

9. A Traffic Impact Study will be required at the building permit phase of the project. Road improvements may be required to offset any impacts from the project.

10. Future development must meet requirements for New Mexico Department of Transportation facilities.

11. A solid wall or fence at least 6' in height shall be installed along the perimeter of the property that abuts current or future single-family dwellings.

12. Lighting shall meet the requirements of the County's Light Pollution Ordinance and the State of New Mexico's Night Sky Protection Act.

13. Signage shall be limited to meet the requirements of the County's Section 12 O-1 zone of the Comprehensive Zoning Ordinance of Bernalillo County.

14. A grading and drainage plan shall be submitted with the required building permit and shall meet all requirements of Bernalillo County Public Works.

15. All uses on the site shall comply with the County's Noise Ordinance.

This decision is final unless it is appealed by 12:00 noon on **July 22, 2026** in the manner described below. A filing fee of $75.00 is required for properties consisting of one (1) acre or less, and $100.00 is required for all others.

APPEALS: Appeal of any denial or approval of a decision by the Board of Adjustment may be submitted in writing to the Office of Planning and Development Services within 15 days after the date of the notice of decision by the Board of Adjustment.
The date of the notice of decision in question shall not be included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day shall be considered as the deadline for filing the appeal.

A building permit or Certificate of Occupancy & Compliance shall not be issued until any appeal is decided, or the time for filing such appeal has expired.

WRITTEN NOTICE OF APPEAL SHALL BE FILED WITH THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT ON THE PRESCRIBED FORM ALONG WITH PAYMENT OF THE REQUIRED FILING FEE.

If you have any questions, please feel free to contact me directly at (505) 314-0384.

Sincerely,

Nick Hamm
Planning Director

EL/nsc

cc: File
Kevin Grovet, Public Works
Raeleen M. Bierner-Garcia, Public Works
Julie A. Luna, Public Works
Megan Marsee, Natural Resources
Dan McGregor, Natural Resources
Maggie Gould, Zoning Administrator

EXHIBIT 3

BERNALILLO COUNTY PLANNING COMMISSION

AGENDA

Wednesday, July 1, 2026
Bernalillo County @ Alvarado Square
415 Silver Ave. SW, Albuquerque, NM 87102
Ken Sanchez Commission Chambers
9 a.m.

This Hearing will be conducted both **In Person and as a Public Zoom Video Conference**. Members of the public may attend in person at the Ken Sanchez Commission Chambers located at 415 Silver Ave. SW, Albuquerque, NM 87102, or virtually via the web at this address: https://us02web.zoom.us/j/83619177076?pwd=FafAsijLmCoLlecXF8glAaEd2sYJpT.1 or by calling the following number: +1 669 444 9171 and entering Webinar ID: 836 1917 7076 and Passcode: 495558

The Chair will coordinate the ordering of speakers and the time allotted for each speaker.

Members

Connie M. Chavez, Vice Chair	Michael Leon Guerrero	Frederick Silva
Ivonne I. Nelson	Robert Trujillo	Zach Withers

IF NECESSARY, THE COMMISSION MAY RECESS FOR LUNCH

1. Call to Order.

2. Additions and/or Changes to the Agenda.

3. Approval of the June 3, 2026 County Planning Commission Minutes.

4. Election of Chair and Vice Chair.

NEW REQUESTS

5.	CZ2026-0005 (Southwest)	Armando Hernandez dba HDZ Enterprises LLC requests approval of a zone change from A-1 to SD-SC-C on Tract A, Land of Justo Sanchez, located at 1482 Old Coors Dr. SW, zoned A-1 and containing approximately 0.56 acres. (M-11)
6.	CZ2026-0006 (Southwest)	Omar Rahman requests approval of a zone change from C-1 to SD-WC-CLI on Unplatted Tract 112,Unplatted Town of Atrisco Grant Row 1 Unit B, located at 12850 I-40 West Frontage Rd. SW, west of Atrisco Vista Blvd. and south of I-40 S. West Frontage Rd., zoned C-1 and containing approximately 4.21 acres. (L-6)
7.	CZ2026-0007 (East Mountains)	BSN Santa Fe, agent for Richard F. & Roberta L. Fernandez and John Sanchez, requests approval of a zone change from A-2 and M-H to M-H on Proposed Tract B-1, Kimberly Subdivision, located at 230 Kimberly Ln., zoned A-2 and M-H and containing approximately 5.82 acres. (H-34)
8.	CSU2026-0011 (Northwest)	Consensus Planning, agent for Rawdhawk LLC, requests approval of a Special Use Permit for the Specific R-2 Use of Townhouses and the Specific C-N Use of Restaurant on Lot 5A3 of Kelly Tracts, located at 3301 Mountain Rd. NW, zoned A-1 and containing approximately 1.14 acres. (J-12)
9.	SPR2026-0003 (Southwest / South Valley)	Sites Southwest, agent for Bernalillo County Planning & Development Services, requests approval of the proposed Rank III Mountain View Sector Development Plan, which includes goals, policies, and zoning for property in the Mountain View community. The plan area is approximately 8,400 acres, generally located between Sunport Blvd. on the north, Interstate 25 on the south and east, and the Rio Grande on the west. The plan provides direction for how Mountain View can grow while preserving its rural character, supporting small businesses, and improving quality-of-life for residents. There are 3 proposed zones: an opt-in Residential (MV-R) zone north of Rio Bravo Blvd. and west of 2nd Street, an opt-in Mixed-use – Low-intensity (MV-MXL) zone south of Rio Bravo Blvd. and west of 2nd Street, and an opt-in Mixed-use – Moderate-intensity (MV-MXM) zone north of Rio Bravo Blvd. and west of 2nd Street. The Rio Bravo Commons Special Use Permit will be rezoned as MV-R in the residential area and MV-MXL for the 6 commercial lots north of Rio Bravo Blvd. with adoption of the Plan. There are 2 proposed design overlay zones: one that applies to the entire Mountain View Community, and one that applies to property frontages on major roads. The plan proposes an expansion of the existing Sunport Commerce Center Design Overlay zone along Rio Bravo Blvd. and portions of 2nd Street.

The plan focuses on promoting diverse housing options and supporting a range of economic opportunities, particularly within an existing Activity Center while preserving existing neighborhoods. The plan identifies where new development, infrastructure, and amenities can be located and how public and private investments can align with community priorities. To view a copy of the Mountain View Sector Development Plan, please visit the project website at: https://tinyurl.com/MV-SectorPlan (M-13, M-14, N-13, N-14, P-13, P-14, Q-12, Q-13, Q-14, R-12, R-13, R-14, S-12, S-13, S-14, T-12, T-13, T-14, U-12, U-13)

BOARD OF ADJUSTMENT

10.	ZBA2026-0001 / ZA2026-0024 (North Valley)	Pat Hauser appeals the Zoning Administrator's approval of a conditional use to allow a church and incidental facilities (ZA2026-0024), on Tract 208B, MRGCD Map 23, located at 9600 2nd St. NW, zoned A-1, containing approximately 3.90 acres. (C-16) (Original request by Prestige Custom Design, LLC, agent for Albuquerque Islamic Center) (DEFFERRED FROM THE JUNE 3, 2026 HEARING)

11. Other Matters

NEXT HEARING: AUGUST 5, 2026

NOTICE TO PEOPLE WITH DISABILITIES:
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any form of auxiliary aid or service to attend or participate in the hearing(s) or meeting(s), please contact the Commission Administrator at (505) 468-7083 or TDD (505) 468-7088 at least one week 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 County Manager's Office at either of the above numbers if a summary or other type of accessible format is needed.

County Planning Commission (CPC)

Meeting: 07/01/26 09:00 AM

Department: Planning & Development Services
Prepared By: Nancy Soto-Campos
Director: Nicholas Hamm
DCM:

Title: ZBA2026-0001/ZA2026-0024

Action:
Denial

Summary:
Pat Hauser appeals the Zoning Administrator's decision to approve a conditional use to allow a church and incidental facilities for a mosque, school and parking area with landscaping and fencing. This request was deferred from June 3, 2026, Board of Appeal hearing to allow time to set up a hybrid hearing with both virtual and in-person options for participation. Additional public comment and updated material from the appellant and the appellee are included as attachments listed below. New materials begin on page 9 of this report.

Attachments:

- BA2026-0001 Staff Report- july (PDF)
- Attachment 1-ZA Application_Redacted (PDF)
- Attachment 2-Letters of oposition-redacted_March April (PDF)
- Attachment 3- NODs_Redacted (PDF)
- Attachment 4-NOA and Appeal Application_Redacted (PDF)
- Attachment 5-Notification_Redacted (PDF)
- Attachment 6- Case Comments (PDF)
- Attachment 7-Zone Atlas (PDF)
- Attachment 8-Site Photos (PDF)
- Attachment 9- Presented at the April Hearing_Redacted (PDF)
- Attachment 10-Original Site Plan-applicant (PDF)
- Attachment 11-New Material from the Appellant for July,1 hearing (PDF)
- Attachment 12- New Material from the Appellee with Site Plan (PDF)
- Attachment 13- New Public Comment In Opposition (PDF)
- Attachment 14-New Public Comment Support (PDF)
- Attachment 15- New Public Comment Other (PDF)
- BA2026-0001_Additional Documents (PDF)

- BA2026-0001_Additional Materials From Applicant (PDF)
- BA2026-0001_Comments After Noon Deadline (PDF)

Staff Analysis Summary:

County Planning Commission	Nancy Soto-Campos	Meeting	Pending
07/01/2026 9:00 AM			

Bernalillo County Commission

Agenda Number:8
BA2026-0001/ ZA2026-0024
July 1, 2026
Staff Planner: Maggie Gould

Appellant:	Pat Hauser
Applicant:	Albuquerque Islamic Center
Location:	9600 2nd Street
Property Size:	3.9
Existing Zone:	A-1
Proposed Zoning:	No Change
Recommendation:	Denial

Case Summary

Pat Hauser appeals the Zoning Administrator's decision to approve a conditional use to allow a church and incidental facilities for a mosque, school and parking area with landscaping and fencing. This request was deferred from June 3, 2026, Board of Appeal hearing to allow time to set up a hybrid hearing with both virtual and in-person options for participation.
Additional public comment and updated material from the appellant and the appellee are included as attachments listed below. New materials begin on page 9 of this report.

Attachments

1. Application for Conditional Use (January 15, 2026)
2. ZA2026-0024 Written Letters of Opposition (March, April hearings)
3. Notice of Decision (March 11, April 8, 2026)
4. Notice of Appeal and Appeal App (May 13, 2026, April 28, 2026)
5. Evidence of Notification (February 19, 2026)
6. Agency Comments
7. Zone Atlas Page and maps
8. Site Photos
9. Items presented at the April ZA hearing
10. Original Applicant site plan (March 11, ZA hearing)
11. New material from Appellant for July 1,2026
12. New material from Appellee (Original Applicant of Zoning Request)- including revised site plan, for July 1,2026
13. New Public Comment in opposition received on or before June 16,2026

Bernalillo County Departments and other agencies were asked to review this application and provide comments from March 2, 2026, to April 2, 2026.

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

14. New Public Comment in support received on or before June 16,2026
15. New Public Comment other received on or before June 16,2026

BA2026-0001 /ZA2026-0024	Pat Hauser appeals the Zoning Administrator's decision to approve a conditional use to allow a church and incidental facilities for a mosque and parking area with landscaping and fencing, Tract 208B, MRGCD Map 23, located at 9600 2nd St. NW, zoned A-1, containing approximately 3.90 acres.

BACKGROUND

The Property

The property is located near the intersection of Alameda Blvd and 2nd St approximately 0.27 miles west of the boundary of the City of Albuquerque, 0.71 miles north of the Village of Los Ranchos and 1.3 miles south of Sandia Pueblo. The sites to the north are developed with single-family residential uses, to the east the railroad tracks and the properties to south are a plant nursery, oil change facility and gas station, and dispensary. The property has existing buildings that will be demolished to make room for the proposed project.

Case History

The Zoning Administrator approved a Conditional Use for a church and incidental facilities for the property in 2024 (ZA2024-0074). The original applicant (the appellee for this request), thereafter "appellee," did not begin work on the project within the required 180-day period and the approval expired. The applicant reapplied for the use in February of 2026.

The Original Conditional Use Request

The appellee submitted the application on January 15, 2026, meeting the deadline for March 11, 2026, Zoning Administrator Hearing.

The appellee requested a Conditional Use to allow a church and incidental facilities and submitted a site plan and justification.

On February 27, 2026, zoning staff visited the site and found that the required sign was posted.

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

COUNTY PLANNING COMMISSION
June 3, 2026
BA2026-0001 ZA2026-0024

The Zoning Administrator (ZA) Hearings

March 11 ZA Hearing

The appellee, Joseph Tahat, presented the case at the March 11,2026 Zoning Administrator hearing. The appellee testified that the site was large enough for the proposed mosque would have sufficient parking and landscaping and open space. He also stated that the mosque would be a positive addition to the area and would provide a transition from the commercial uses along Alameda Blvd. Additionally, the mosque's busiest times are Friday around noon, and so traffic would not be during peak hours.

Julie Luna, a representative from Public Works, stated that a traffic review would be required at the time of building permit.

Three members of the public spoke at the hearing. Two neighbors stated that they had talked to the appellee and wanted to make sure that the weeds were cleaned from the site and that site stayed cleaned. They were not opposed to the request.

The neighboring property owner stated that he wanted to make sure there would be a wall for privacy between his property and the subject site. Staff and the appellee reviewed the site plan and explained that there would be a 6-foot-tall wall and landscaping along the north boundary. He also was concerned about lighting and was told that lighting would be downward facing cut-off fixtures.

The request was continued to the April 8, 2026 hearing to allow the appellee time to revise the landscaping plan to provide a larger buffer on the north side of the site adjacent to residential use, provide parking calculations for the possible future school and to reach out to any neighbors or interested parties.

April 8 ZA Hearing

The appellee revised the landscaping plan and added additional landscaping along the north side of the site and clarified the parking.

Public works stated that the parking was sufficient for the uses on site. Additionally, the building permit will include a traffic study and road improvements can be required as part of that process.

The appellee sent out an additional letter to neighboring property owners advising them of the request.

Speakers in opposition to the request cited concerns about traffic, noise and lighting. Stating that the intersection of Alameda Boulevard and 2nd street is congested, often requiring more than one cycle of the light. Additionally, that the proposed building would be out of character with the area.

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

The appellee again stated that the proposed facility would improve the property and would act as buffer from Alameda Boulevard. He also stated that the hours for the main service on Friday could be somewhat flexible if it would improve traffic. Adding that at their University location hours were moved later to improve traffic function. He discussed that the school is an idea and they do not have the full number of students at this time.

The Decision

After the April 8, 2026, hearing, the Zoning Administrator approved the request based upon twelve (12) findings of fact and subject to Three (3) conditions of approval as indicated in the Notice of Decision dated April 14 ,2026 (Attachment 3). The appellee demonstrated they met the minimum criteria for approval of Conditional Use as described below.

The appellee has demonstrated that the site is large enough to accommodate the use, can be developed without adding traffic or hazards and will not be out of character for the area.

The Zoning Administrator added conditions prohibiting amplified sound, requiring the applicant to work with the County Public Works Department to reduce the paved area. The request is limited to the layout as shown on the approved site plan. (See attachment 3).

Findings:

1. This is a request for conditional use approval to allow a church and incidental facilities. The applicant seeks approval to construct a mosque and parking area with landscaping and fencing.

2. The site for the proposed use is adequate in size and shape to accommodate the use, as the property is 3.9 acres in area and provides sufficient area to accommodate site features required by ordinance. No variances were required for the request.

3. The site provides sufficient ingress and egress for vehicular access and can be developed in such a manner that undue traffic congestion or hazards will not be created. Off-street parking and access improvements by the applicant are expected to occur as well as approval from Bernalillo County Public Works through the County's building permit process.

4. Adjacent properties are of comparable uses, and the proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area. The properties to the south are developed with an automotive service center, retail uses and a plant nursery. 2nd Street NW is developed with a mixture of uses.

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

5. As an enumerated conditional use within the zoning ordinance, this type of activity is expected to occur from this zone.

6. The applicant intends to provide off street parking, landscaping, buffer landscaping and fencing in compliance with the requirements of the Comprehensive Zoning Ordinance of Bernalillo County, as shown on this site plan. There will be a six-foot-tall wall along the north side of the side adjacent to the residential use and landscaping along the second street and along the perimeter of the site to add a buffer.

7. There were several members of the public present at the hearing to testify on the request. Speakers in favor of the request stated that use was compatible with surrounding uses, would improve and maintain the property, the use could provide a buffer between the residential development to the north and the more commercial uses to the south. The applicant also stated that times of the main Friday service could be moved to accommodate traffic patterns.

8. Speakers in opposition to the request stated that the use would generate a large amount of traffic and that it would burden an already busy traffic system.

9. Staff from public works stated that a Traffic Impact Study would be required at the building permit phase of the project. Road improvements to offset any impacts from the project could be required. The main service occurs on Friday afternoon out of the peak hour traffic.

10. Conditions of approval are necessary to ensure orderly development of the site, as well as the protection of the public health, safety, and general welfare in conformity with the intended purpose of the Zoning Ordinance.

11. The site is within the Rural Area of the Comprehensive Plan.

12. Approval is limited to the requested use and does not waive any other requirement or imply any other approval of applicable Bernalillo County ordinances and/or regulations.

Conditions:

1. The applicant shall acquire all necessary construction and trade permits for proposed modifications to the subject site, including, but not limited to, a commercial County building permit. The proposed building shall be limited to the footprint indicated on the submitted site plan and consistent with the information submitted with this application. Additions to the site beyond this building square footage shall require consideration of a new conditional use permit application.

2. The applicant shall coordinate with the Public Works department to reduce the amount of asphalt and impervious surface on the site, such as only paving the

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

drive aisles and accessible parking spaces and leaving a depressed drainage area for landscaping and using gravel or other pervious material for parking areas.

3. No amplified sound or loudspeakers are allowed outside of the proposed building.

THE APPEAL:

On April 28, 2026, Planning & Development Services received an application for appeal (Attachment 4) of the approval of ZA2026-0024 submitted by Pat Hauser. The appellants provided an application stating that the appeal of the decision was based on attached documents regarding church, daycare, and school. (See Attachment 1 and 2).

Applicable Regulations

Comprehensive Zoning Ordinance of Bernalillo County

Conditional use applications are reviewed by the Zoning Administrator and the criteria for the review is listed below under Section 24.A.2. Administration. Zoning Administrator. Powers and Duties:

i. Investigate all applications for conditional use permits authorized in this ordinance, and grant such applications if the Zoning Administrator finds:

(1) That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, open spaces, walls and fences, parking, loading, landscaping, and other features required by this ordinance to adjust such use to the land use pattern in the neighborhood.

(2) That the site for the proposed use can be developed in such manner that undue traffic congestion or hazards will not be created.

(3) That the proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area.

(4) That any conditions are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include requirements relative to:

(a) Open space and buffers.

(b) Walls and fences

(c) Surfacing of parking areas.

(d) Location of points of vehicular egress and ingress.

(e) Signs.

(f) Landscaping and maintenance thereof.

(g) Noise, vibration, odor, and health hazards.

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

(h) Such other conditions as will make possible the development of the county in an orderly, efficient manner, and in conformity with the intended purpose of this ordinance.

Section 24. B. Board of Adjustment:

1. A Board of Adjustment is hereby created. Such Board shall consist of seven members, all of whom shall be residents of Bernalillo County. They shall be appointed by the Board of County Commissioners. Appointments shall be made for a term of three years. Vacancies shall be filled by appointment for the unexpired term only. Members of the board shall serve without compensation. A member of the Board of Adjustment may be removed by the affirmative action of three members of the Board of County Commissioners after being given a written statement of the charges against him, and a hearing, which shall be a public hearing if he so desires. Annually in January or more frequently at the pleasure of the Board of Adjustment, the Board of Adjustment shall select, by majority vote from its members, a chairman, a vice-chairman and any other officers which seem appropriate to the Board of Adjustment. Should a vacancy in these positions occur between regular elections, a special election shall be held to fill the remainder of the term.

2. The Board of Adjustment shall fix a reasonable and regular time and place for hearings, and it shall adopt such rules as may be necessary and proper to govern its proceedings. Such rules shall be in conformance with requirements of this ordinance. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, including a record of the vote of each member on each action, and such minutes shall be public records.

3. Powers and Duties. The Board of Adjustment shall have the following powers:

a. To hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the provisions of the ordinance.

b. To hear and determine appeals from the rulings, decisions, and determinations of the Zoning Administrator granting or denying applications for variation from any requirements of this ordinance or granting or denying applications for conditional use permits authorized by this ordinance.

Agency Comments

This application was distributed to a variety of agencies for review and comments. No adverse comments were received.

Information Submitted for the Appeal

The appellant provided the necessary application for the appeal in a timely manner. The appellant offers the following as grounds for the appeal:

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

The appellant states that the proposed use will have excessive traffic and that the intersection at 2nd street is already congested. The appellant states that the size of the proposed facility is out of character with the area. Additionally, the appellant is concerned about the lack of a grading and drainage plan, noise management plan, and fire safety plan.

The appellant cites resolution 116-86, the resolution for zone map amendments and special use permits which is not applicable in the case.

Analysis of Material

Conditional uses are expected to occur but go through the hearing process for review (see Applicable Regulations on page 5 of this report for the Conditional Use review criteria). In their review of the project, the following observations were made by the Zoning Administrator.

- Size: The property is 3.9 acres in size and the project is for a religious building, that also contains daycare and educational classroom spaces, in addition to the main worship areas, with a first-floor footprint of approximately 43,000 square feet and approximately 15,000 square feet of space on the second floor.
- Site Requirements: The proposed use meets the requirements for parking and has landscaping and fencing to buffer the use.
- Surrounding Area: The area is developed with a mix of uses, commercial, residential, and industrial uses.
- Building Height: The A-1 zone allows a building of up 26 feet in height, except as regulated in Section 22-Supplementary Height and Area Regulations which exempts belfries, church spires flag poles and similar features from height restrictions. The residentially zoned properties in the area have the same height allowances. This will ensure it is built in context with the surroundings.
- Development Requirements: Many of the appellant's concerns are things that will be addressed through the building permit process. A traffic study will be required with the building permit, and the County can require off-site road improvements if warranted by the study. A grading and drainage plan will also be part of the building permit and again the county can require site features necessary to address drainage. The conditions of approval direct the applicant to work with the Public Works department to minimize the paved surfaces, this could allow for more site drainage options. The Fire Marshall's office is part of the building permit process, that would occur after a zonal approval, and fire review will verify that the access, driveway widths, and site layout meet the requirements for fire safety. The Fire Marshall's office reviews the Zoning Administration cases and did not have any adverse comments on this case
- Noise: Concerns regarding noise are addressed through a condition prohibiting amplified sound. The site is subject to provisions of the county's noise ordinance, which generally requires quiet hours between 10PM and 7AM.

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

COUNTY PLANNING COMMISSION
June 3, 2026
BA2026-0001 ZA2026-0024

Update for July 1, 2026, Hearing

This case was deferred from the June 3, 2026, County Planning Commission (Board of Adjustment) hearing to allow time for the county to set up a virtual hearing option in addition to the in-person option.

Public Input

Staff received many comments regarding the request. Comments came from all over the city, but there is a concentration from the north valley.

Opposition to the request concerns traffic, size of the building, negative impacts on the character of the north valley, grading and drainage concerns and possible burdens on the area infrastructure.

Specific traffic concerns are the amount of traffic that the intersection of Alameda and 2nd street sees daily, with some residents stating that it takes multiple cycles of the light to make it through the intersection. Some commenters had concerns about the impact of future traffic from the M-1, Light Industrial Zoned property to north of the site on Group Hug Place, a road located approximately 450 feet to the north of the subject site, added to the traffic from the proposed use.

Specific size concerns expressed included the building being out scale with existing development in the area, the impact on local utilities, lighting, and water runoff from the building. Additionally, there was concern about the precedent it may set for future projects.

Support for the development cited religious freedom and included support from other religious organizations.

Other comments urged the commission to address concerns about size of the building and traffic impacts, not the religious background of the applicant.

Staff received comments regarding the appropriateness of the use itself, as a mosque. The county defines church as, “A building for public or private worship; or a body or organization of religious believers.” The conditional use for church and related facilities applies to any religious body.

Sign posting

The required sign was posted for the Zoning Administration. When a case is appealed the applicant/appellee is required to leave the sign for the appeal hearing. Staff received an e-mail stating the sign was no longer posted on June 2nd, 2026. The appellee was issued a new sign, and it was posted timely for the July 1, 2026, hearing.

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)

COUNTY PLANNING COMMISSION
June 3, 2026
BA2026-0001 ZA2026-0024

Update from the appellant

The appellant requested a 60-day deferral to allow for time the appellant to research and submit independent engineering with regard to traffic. The appellant states that the traffic studies should occur with this request rather than as part of the building permit process. Staff believes that this is premature because the Planning Commission's decision could impact future development on the site; the commission could choose to grant or deny the appeal or could choose to modify the request.
The appellant also states that traffic should be evaluated on a cumulative basis, considering the impact of recently approved development in the area.

Update from the appellee

The appellee provided an updated site plan which shows a reduction of one classroom and shows parking calculated at 3 spaces per classroom and 1 space for each four seats in the main worship area. The total required parking for the school and place of worship would be 202 spaces. The site plan shows 235 parking spaces will be provided. The appellee also states that the school would not operate during the time of seasonal peak worship, however the provided parking would allow for both uses. The new site plan clarifies the second-floor classrooms and shows the area above the basketball court and a portion of the worship area open to the second floor.

CONCLUSION:

This request is an appeal of the Zoning Administrator's decision to grant a conditional use to allow a church and incidental facilities for a mosque, school and parking area with landscaping and fencing.

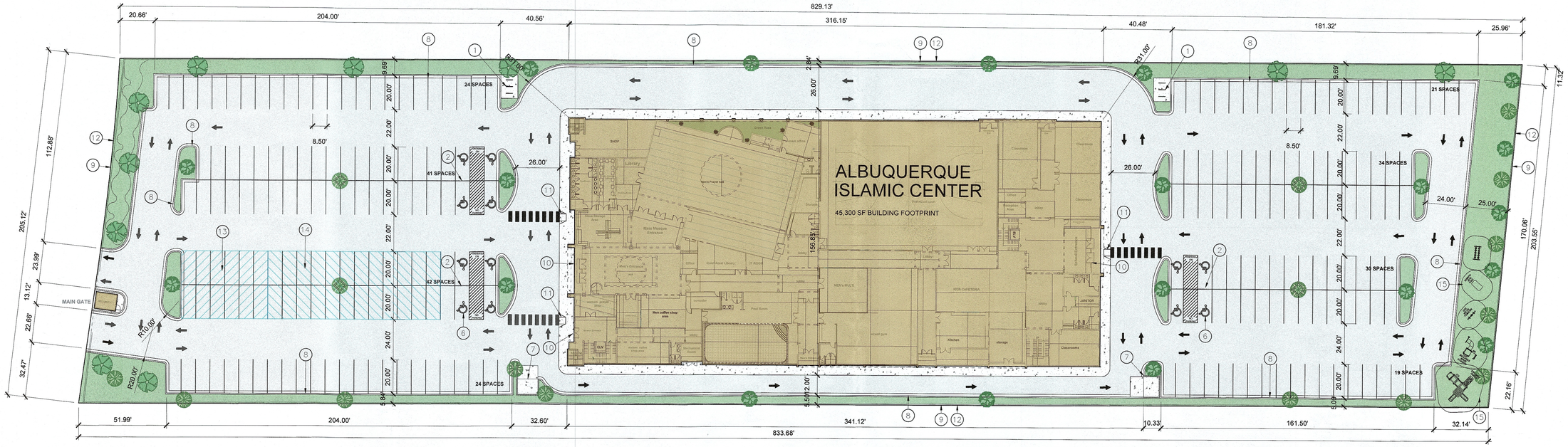
The Zoning Ordinance authorizes the Board of Adjustment to hear and determine appeals from the decisions of the Zoning Administrator where it is alleged there has been an error or abuse of discretion in a determination that has been rendered or where the decision is not supported by evidence of this matter. However, based on the information provided with the appeal, staff respectfully submits this matter to the BA with the following recommendation:

RECOMMENDATION:

Bernalillo County recommends denying the appeal of BA2026-0001 and upholding ZA2026-0024.

Maggie Gould
Zoning Administrator

Attachment: BA2026-0001 Staff Report- july (26992 : ZBA2026-0001/ZA2026-0024)



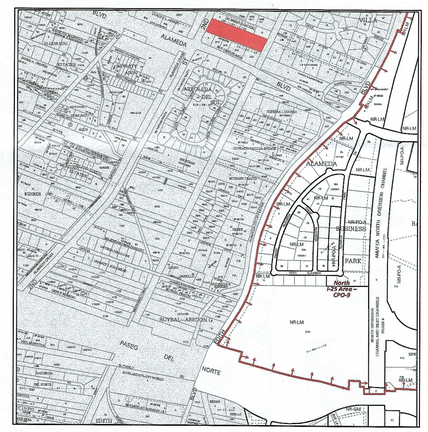
SITE PLAN

SCALE: 1" = 30'-0"

0' 15' 30' 60' 90' 120'

KEYED NOTES

1. 6 SPACE BIKE RACK
2. H.C. PARKING SIGN
3. NEW FIRE HYDRANT
4. NEW 6' SIDEWALK, 2% MAX CROSS SLOPE, 1.5% PREFERRED CROSS SLOPE
5. FIRE DEPT. CONNECTION
6. HC PARKING SYMBOL
7. REFUSE ENCLOSURE
8. CURB
9. EXISTING PROPERTY LINE
10. BUILDING ENTRANCE
11. CURB RAMP
12. 6' CMU WALL
13. EVSE SPACES
14. EV CAPABLE SPACES
15. PLAYGROUND



AREA MAP

SCALE:NTS

GENERAL NOTES:

ALL IMPROVEMENTS LOCATED IN THE RIGHT OF WAY MUST BE INCLUDED IN ON A PUBLIC WORK ORDER.

LANDSCAPING, FENCING AND SIGNING WILL NOT INTERFERE WITH CLEAR SIGHT REQUIREMENTS. THEREFORE, SIGNS, WALLS, TREES AND SHRUBBERY BETWEEN 3 AND 8 FEET TALL (AS MEASURED FROM THE GUTTER PAN) WILL NOT BE ACCEPTABLE IN THE CLEAR SIGHT TRIANGLE.

ALL PAVING SHALL BE SHALL BE ASPHALT UNLESS NOTED OTHERWISE, REF. DETAIL THIS SHEET.

ALL MECHANICAL EQUIPMENT SHALL BE SCREENED IN ACCORDANCE WITH IDO SECTION 5-5 (G).

ALL OUTDOOR LIGHT FIXTURES SHALL BE LED. FIXTURES 70 WATTS OR GREATER SHALL BE SHIELDED USING FULL CUTOFF LIGHT FIXTURES.

BUILDING MOUNTED SIGNS SHALL BE EXTERNALLY ILLUMINATED AND SHALL NOT EXTEND MORE THAN 2 FEET ABOVE THE EXTERIOR WALLS OF THE BUILDING.

WORK WITHIN THE PUBLIC RIGHT OF WAY REQUIRES A WORK ORDER.

SITE LIGHTING WILL BE PROVIDED BY LIGHT BOLLARDS AND WALL MOUNTED FIXTURES AND SHALL COMPLY WITH 5-8 OF THE IDO

ROOFTOP SHALL BE BUILT WITH NECESSARY SOLAR INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO ELECTRICAL CONDUIT AND GEAR AND STRUCTURAL SUPPORT

ALL PARKING LOT PAVING SHALL BE COOL SURFACE TREATMENT

ALL EXISTING ADA CURB RAMPS SHALL BE UPDATED TO CURRENT STANDARDS AND HAVE TRUNCATED DOMES INSTALLED

ALL BROKEN OR CRACKED SIDEWALK MUST BE REPLACED WITH SIDEWALK AND CURB & GUTTER.

UPC: 101606428751910308
LEGAL: MAP 24 TRACT 208B
ZONING: A-1
ZONE ATLAS PAGE: B16 / C16
AREA PLAN: NORTH VALLEY AREA PLAN
EXISTING SPECIAL USE PERMIT: ZA2024-0074

GROSS LOT AREA = 3.87 AC = 168,577 SF
BUILDING FOOTPRINT = 45,300 SF
NET LOT AREA = 123,277 SF
LANDSCAPING REQUIRED: 123,277 X 15% = 18,491 SF
LANDSCAPING PROVIDED = 18,821 SF

PARKING:
PLACE OF WORSHIP: 1 SPACE PER 4 SEATS X 615 = 154 SPACES
SCHOOL: 3 SPACES PER CLASSROOM X 17 = 51 SPACES
SPACES REQUIRED = 205 SPACES
SPACES PROVIDED = 235 SPACES

ADA PARKING:
PER NMBC TABLE 1106
101-300: 8 SPACES REQUIRED
12 PROVIDED ALL VAN ACCESSIBLE

BICYCLE
1 BICYCLE SPACE PER 20 VEHICLE SPACES = 12 SPACES
12 SPACES PROVIDED

LEGEND

- BUILDING
- CONCRETE
- ASPHALT PAVING
- LANDSCAPE
- CLEAR SIGHT TRIANGLE

No	Revision Item	Date

SCOTT C. ANDERSON
& associates architects
2818 4th St NW, Suite C Albuquerque NM 87107
scott@scaarchitects.com
505.401.7575

ALBUQUERQUE ISLAMIC CENTER
9600 2nd ST NW
ALBUQUERQUE, NM 87114

DRAWING TITLE

SITE PLAN

SEAL: STATE OF NEW MEXICO — SCOTT C. ANDERSON — No. 4341 — 1/14/2026 — REGISTERED ARCHITECT

DESIGNED	PROJECT NO
DRAWN	SCALE
CHECKED	DRAWING NO
REVIEWED	A-100
DATE 1/14/2026	

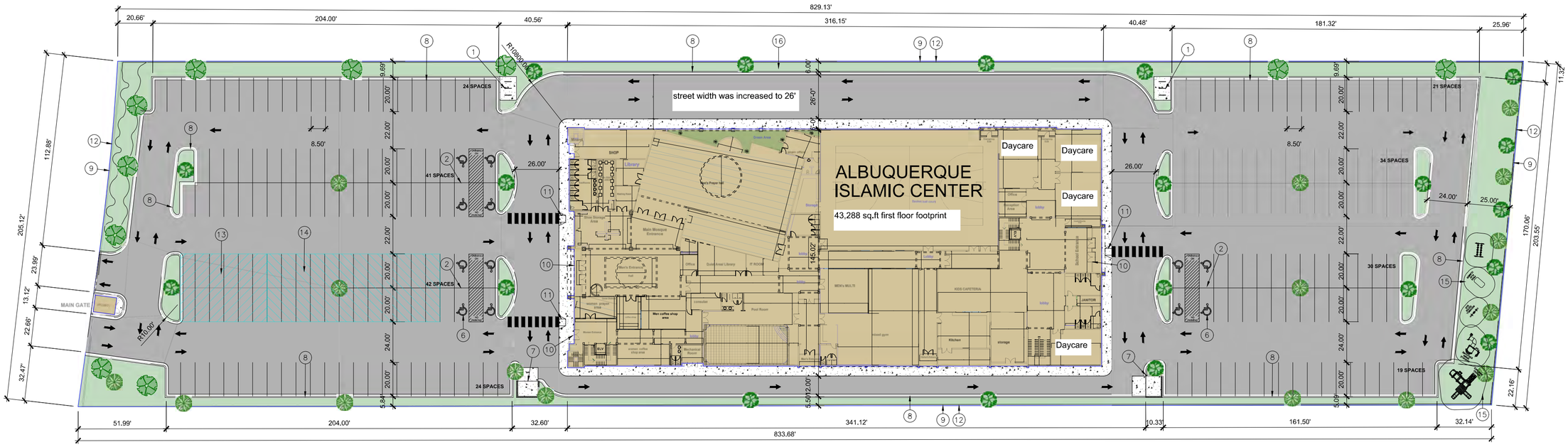
ZA2026-0024
Site Plan
January 15, 2026

5- While jurisdictional standards mandate a minimum of **154 parking stalls**, the Albuquerque Islamic Center recognizes that peak demand may necessitate further volume. Drawing from operational data at their current Manuel Street site, the plan provides for **up to 235 parking spaces**. This **notable surplus** guarantees that even during biennial festivals, all attendee vehicles are accommodated **entirely on-site**, effectively eliminating any parking impact on the neighboring public streets.

6- The designated parking area facilitates an efficient **internal queuing system** for school-related drop-offs and pick-ups; therefore, maintaining this **open space** is vital for fluid traffic control, independent of jurisdictional minimum requirements.

- **Calculated Requirement:** Based on the above facts a total of **154 required parking spaces**.
- **Proposed Provision:** The site plan provides **235 parking spaces**—exceeding the legal requirement by **52%.** > This surplus ensures that all student drop-off, staff parking, and congregational activities occur entirely on-site, preventing any "overflow" into the surrounding neighborhood and ensuring a safe, fluid traffic pattern even during peak transition times.

Attachment: Attachment 12- New Material from the Appellee with Site Plan (26992 : ZBA2026-0001/ZA2026-0024)



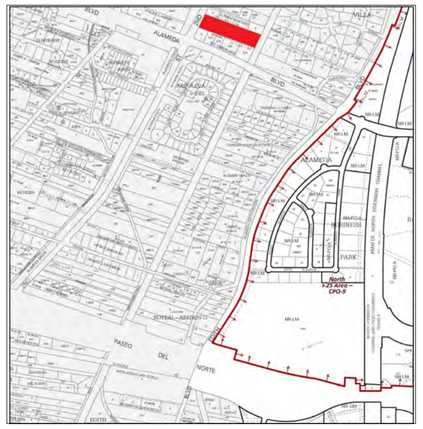
SITE PLAN

SCALE: 1" = 30'-0"

0' 15' 30' 60' 90' 120'

KEYED NOTES

1. 6 SPACE BIKE RACK
2. H.C. PARKING SIGN
3. NEW FIRE HYDRANT
4. NEW 6' SIDEWALK, 2% MAX CROSS SLOPE, 1.5% PREFERRED CROSS SLOPE
5. FIRE DEPT. CONNECTION
6. HC PARKING SYMBOL
7. REFUSE ENCLOSURE
8. CURB
9. EXISTING PROPERTY LINE
10. BUILDING ENTRANCE
11. CURB RAMP
12. 6' CMU WALL
13. EVSE SPACES
14. EV CAPABLE SPACES
15. PLAYGROUND
16. MIN. 6' WIDE LANDSCAPE BUFFER



AREA MAP

SCALE:NTS

GENERAL NOTES:

ALL IMPROVEMENTS LOCATED IN THE RIGHT OF WAY MUST BE INCLUDED IN ON A PUBLIC WORK ORDER.

LANDSCAPING, FENCING AND SIGNING WILL NOT INTERFERE WITH CLEAR SIGHT REQUIREMENTS. THEREFORE, SIGNS, WALLS, TREES AND SHRUBBERY BETWEEN 3 AND 8 FEET TALL (AS MEASURED FROM THE GUTTER PAN) WILL NOT BE ACCEPTABLE IN THE CLEAR SIGHT TRIANGLE.

ALL PAVING SHALL BE SHALL BE ASPHALT UNLESS NOTED OTHERWISE, REF. DETAIL THIS SHEET.

ALL MECHANICAL EQUIPMENT SHALL BE SCREENED IN ACCORDANCE WITH IDO SECTION 5-5 (G).

ALL OUTDOOR LIGHT FIXTURES SHALL BE LED. FIXTURES 70 WATTS OR GREATER SHALL BE SHIELDED USING FULL CUTOFF LIGHT FIXTURES.

BUILDING MOUNTED SIGNS SHALL BE EXTERNALLY ILLUMINATED AND SHALL NOT EXTEND MORE THAN 2 FEET ABOVE THE EXTERIOR WALLS OF THE BUILDING.

WORK WITHIN THE PUBLIC RIGHT OF WAY REQUIRES A WORK ORDER.

SITE LIGHTING WILL BE PROVIDED BY LIGHT BOLLARDS AND WALL MOUNTED FIXTURES AND SHALL COMPLY WITH 5-8 OF THE IDO

ROOFTOP SHALL BE BUILT WITH NECESSARY SOLAR INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO ELECTRICAL CONDUIT AND GEAR AND STRUCTURAL SUPPORT

ALL PARKING LOT PAVING SHALL BE COOL SURFACE TREATMENT

ALL EXISTING ADA CURB RAMPS SHALL BE UPDATED TO CURRENT STANDARDS AND HAVE TRUNCATED DOMES INSTALLED

ALL BROKEN OR CRACKED SIDEWALK MUST BE REPLACED WITH SIDEWALK AND CURB & GUTTER.

UPC: 101606428751910308
LEGAL: MAP 24 TRACT 208B
ZONING: A-1
ZONE ATLAS PAGE: B16 / C16
AREA PLAN: NORTH VALLEY AREA PLAN
EXISTING SPECIAL USE PERMIT: ZA2024-0074

GROSS LOT AREA = 3.87 AC = 168,577 SF
BUILDING FOOTPRINT = 43288 Sq ft
NET LOT AREA = 123,277 SF
LANDSCAPING REQUIRED: 123,277 X 15% = 18,491 SF
LANDSCAPING PROVIDED = 19,726 SF

PARKING:
PLACE OF WORSHIP: 1 SPACE PER 4 SEATS X 615 = 154 SPACES
School: 3 spaces per classroom x 16=48 spaces
Space required = 154 spaces*
Space provided= 235 spaces please see the written statement

ADA PARKING:
PER NMBC TABLE 1106
101-300: 8 SPACES REQUIRED
12 PROVIDED ALL VAN ACCESSIBLE

BICYCLE
1 BICYCLE SPACE PER 20 VEHICLE SPACES = 12 SPACES
12 SPACES PROVIDED

* School and peak usage during Eid doesn't happ at the same time. please s written statement pa 7 and 8 for more explanation

LEGEND

- BUILDING
- CONCRETE
- ASPHALT PAVING
- LANDSCAPE
- CLEAR SIGHT TRIANGLE

No	Revision Item	Date

.\# Title Block\SCAnderson-Title Block.jpg

ALBUQUERQUE ISLAMIC CENTER
9600 2nd ST NW
ALBUQUERQUE, NM 87114

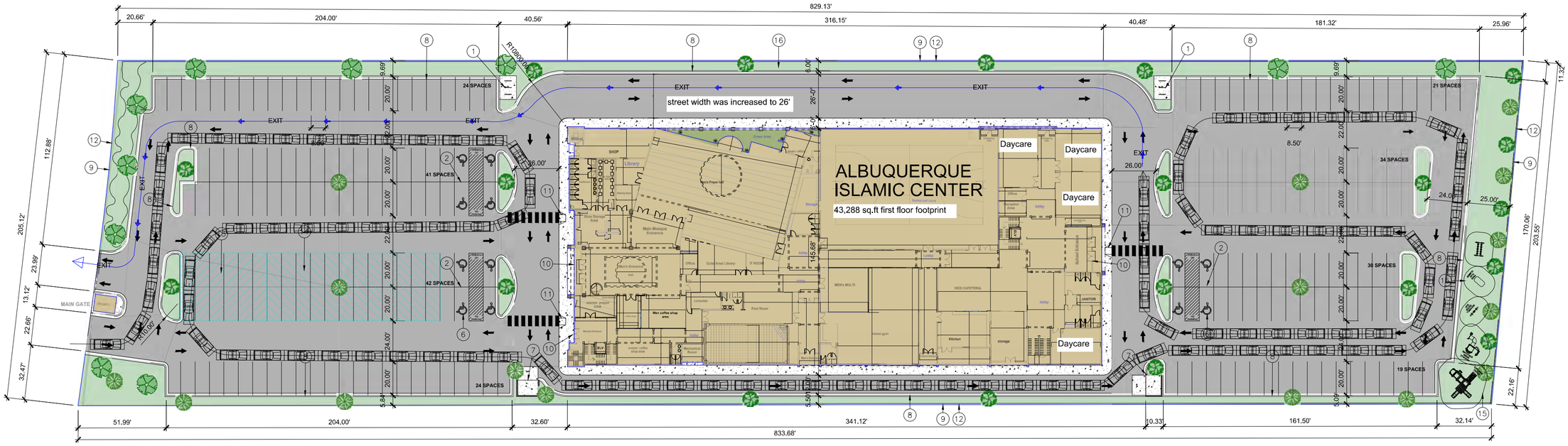
DRAWING TITLE

SITE PLAN

SEAL: STATE OF NEW MEXICO — SCOTT C. ANDERSON — No. 4341 — 4/6/2026 — REGISTERED ARCHITECT

DESIGNED	PROJECT NO
DRAWN	SCALE
CHECKED	DRAWING NO
REVIEWED	S -100
DATE 4/6/2026	

Attachment: Attachment 12- New Material from the Appellee with Site Plan (26992 : ZBA2026-0001/ZA2026-0024)



Conceptual School dropoff traffic control plan

SCALE: 1" = 30'-0"

0' 15' 30' 60' 90' 120'

Important Traffic Notice:
The drop-off line can hold up to 110 cars.
Please note that parking on Main Street is strictly prohibited during pick-up and drop-off times.

KEYED NOTES

1. 6 SPACE BIKE RACK
2. H.C. PARKING SIGN
3. NEW FIRE HYDRANT
4. NEW 6' SIDEWALK, 2% MAX CROSS SLOPE, 1.5% PREFERRED CROSS SLOPE
5. FIRE DEPT. CONNECTION
6. HC PARKING SYMBOL
7. REFUSE ENCLOSURE
8. CURB
9. EXISTING PROPERTY LINE
10. BUILDING ENTRANCE
11. CURB RAMP
12. 6' CMU WALL
13. EVSE SPACES
14. EV CAPABLE SPACES
15. PLAYGROUND
16. MIN. 6' WIDE LANDSCAPE BUFFER

AREA MAP

SCALE:NTS

GENERAL NOTES:

ALL IMPROVEMENTS LOCATED IN THE RIGHT OF WAY MUST BE INCLUDED IN ON A PUBLIC WORK ORDER.

LANDSCAPING, FENCING AND SIGNING WILL NOT INTERFERE WITH CLEAR SIGHT REQUIREMENTS. THEREFORE, SIGNS, WALLS, TREES AND SHRUBBERY BETWEEN 3 AND 8 FEET TALL (AS MEASURED FROM THE GUTTER PAN) WILL NOT BE ACCEPTABLE IN THE CLEAR SIGHT TRIANGLE.

ALL PAVING SHALL BE SHALL BE ASPHALT UNLESS NOTED OTHERWISE, REF. DETAIL THIS SHEET.

ALL MECHANICAL EQUIPMENT SHALL BE SCREENED IN ACCORDANCE WITH IDO SECTION 5-5 (G).

ALL OUTDOOR LIGHT FIXTURES SHALL BE LED. FIXTURES 70 WATTS OR GREATER SHALL BE SHIELDED USING FULL CUTOFF LIGHT FIXTURES.

BUILDING MOUNTED SIGNS SHALL BE EXTERNALLY ILLUMINATED AND SHALL NOT EXTEND MORE THAN 2 FEET ABOVE THE EXTERIOR WALLS OF THE BUILDING.

WORK WITHIN THE PUBLIC RIGHT OF WAY REQUIRES A WORK ORDER.

SITE LIGHTING WILL BE PROVIDED BY LIGHT BOLLARDS AND WALL MOUNTED FIXTURES AND SHALL COMPLY WITH 5-8 OF THE IDO

ROOFTOP SHALL BE BUILT WITH NECESSARY SOLAR INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO ELECTRICAL CONDUIT AND GEAR AND STRUCTURAL SUPPORT

ALL PARKING LOT PAVING SHALL BE COOL SURFACE TREATMENT

ALL EXISTING ADA CURB RAMPS SHALL BE UPDATED TO CURRENT STANDARDS AND HAVE TRUNCATED DOMES INSTALLED

ALL BROKEN OR CRACKED SIDEWALK MUST BE REPLACED WITH SIDEWALK AND CURB & GUTTER.

UPC: 101606428751910308
LEGAL: MAP 24 TRACT 208B
ZONING: A-1
ZONE ATLAS PAGE: B16 / C16
AREA PLAN: NORTH VALLEY AREA PLAN
EXISTING SPECIAL USE PERMIT: ZA2024-0074

GROSS LOT AREA = 3.87 AC = 168,577 SF
BUILDING FOOTPRINT = 43288 Sq ft
NET LOT AREA = 123,277 SF
LANDSCAPING REQUIRED: 123,277 X 15% = 18,491 SF
LANDSCAPING PROVIDED = 19,726 SF

ADA PARKING:
PER NMBC TABLE 1106
101-300: 8 SPACES REQUIRED
12 PROVIDED ALL VAN ACCESSIBLE

BICYCLE
1 BICYCLE SPACE PER 20 VEHICLE SPACES = 12 SPACES
12 SPACES PROVIDED

LEGEND

- BUILDING
- CONCRETE
- ASPHALT PAVING
- LANDSCAPE
- CLEAR SIGHT TRIANGLE

No	Revision Item	Date

SCOTT C. ANDERSON
& associates architects
2818 4th St NW, Suite C Albuquerque NM 87107
scott@scaarchitects.com
505.401.7575

ALBUQUERQUE ISLAMIC CENTER
9600 2nd ST NW
ALBUQUERQUE, NM 87114

DRAWING TITLE

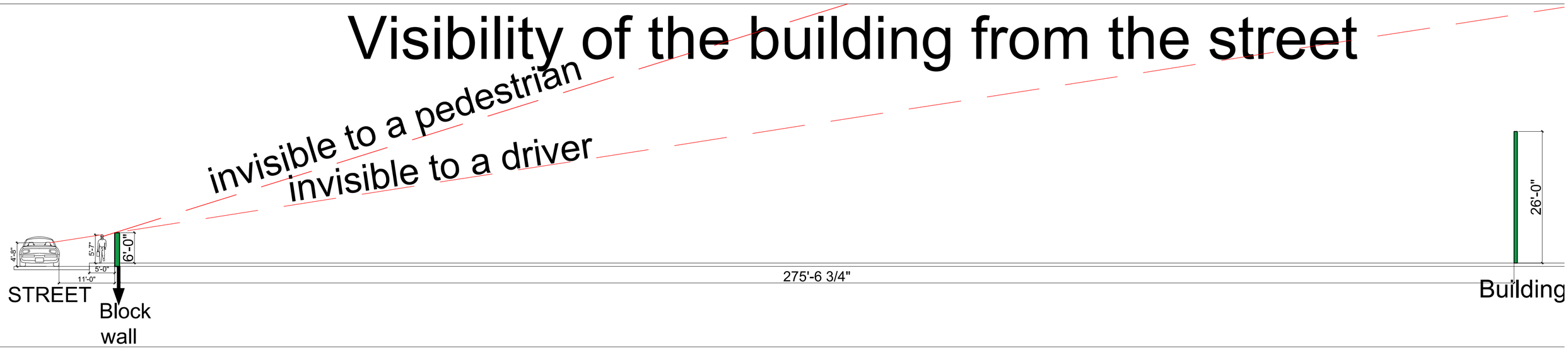
SITE PLAN

SEAL: STATE OF NEW MEXICO — SCOTT C. ANDERSON No. 4341 4/6/2026 — REGISTERED ARCHITECT

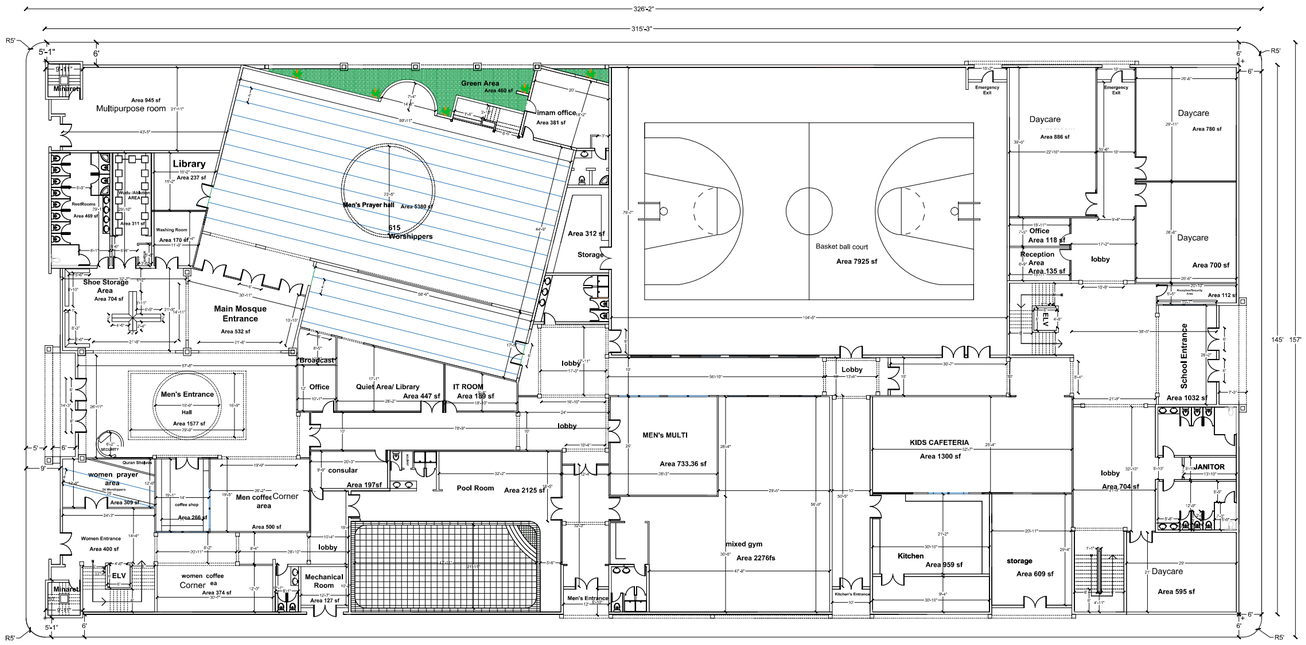
DESIGNED	PROJECT NO
DRAWN	SCALE
CHECKED	DRAWING NO
REVIEWED	C-100
DATE 4/6/2026	

Attachment: Attachment 12- New Material from the Appellee with Site Plan (26992 : ZBA2026-0001/ZA2026-0024)

Visibility of the building from the street



Attachment: Attachment 12- New Material from the Appellee with Site Plan (26992 : ZBA2026-0001/ZA2026-0024)



FRIST FLOOR

SCALE: 1/20" = 1'-0"

0' 10' 20' 40' 60' 80'

No	Revision Item	Date

ISLAMIC CENTER PLAN

DRAWING TITLE

FRIST FLOOR

SEAL	DESIGNED	PROJECT NO
	DRAWN	SCALE
	CHECKED	DRAWING NO **A-200**
	REVIEWED	
	DATE 9/11/2025	_____ OF _____

Attachment: Attachment 12- New Material from the Appellee with Site Plan (26992 : ZBA2026-0001/ZA2026-0024)

From: Nicholas Hamm <nhamm@bernco.gov>
Sent: Monday, July 6, 2026 12:59 PM
To: hdhauser@comcast.net; Karina Peggau <kpeggau@bernco.gov>
Cc: Elvira Lopez <ellopez@bernco.gov>
Subject: RE: Formal Inquiry: Unaddressed Continuance Motions and Next Steps Following July 1 Vote

Greetings Mr. Hauser,

You're welcome to call me to discuss these questions.

Best,

Nick

Nicholas Hamm
Director
Bernalillo County
505.314.0388

From: hdhauser@comcast.net <hdhauser@comcast.net>
Sent: Tuesday, July 7, 2026 5:15 PM
To: 'Nicholas Hamm' <nhamm@bernco.gov>
Subject: FW: Formal Inquiry: Unaddressed Continuance Motions and Next Steps Following July 1 Vote

Mr. Hamm, for clarification this is what I remember at our call today at or about 1:30.

Mr. Hamm said: “Details would be added by end of day for the record”. 7/7/2026 “Everything shown at the meeting by the ZA will be uploaded”
Board does not have to acknowledge my continuance request for the 60 or 120 deferral/continuance request regarding the traffic study since they are the deliberating body and did not elect to review them.
Mr. Hamm: Said “I am not an attorney” “Land use Expert” voted on this advice.
Mr. Hamm: Said “Board denied the appeal and modified the conditions”.
Mr. Hamm: Said “Decision letters going our today 7.7.2026 dead line for appeal and submission is 7/22/2026 at noon.
Mr. Hamm: Said “County legal said they “County” can not do the mapping for us. Easy to use map service and buffer tool. Can not create tools for either applicant or appellant. Mr. Mr. Hamm: Said : “How to videos to utilize the service”.

Sorry overlooked one critical question: “Is case ZBA2026-0001 / ZA2026-0024 scheduled to appear at the August 5, 2026. CPC meeting, or does the July 1 vote conclude the matter at the Board of Adjustment Level? Mr. Hamm said: “County Commission could remand the decision back to the Board of Adjustment”.

Thanks in advance for a quick review of our discussion.

Regards:
Pat Hauser
505-228-7106

Date: July 6, 2026

TO: kpeggau@bernco.gov
CC: ellopez@bernco.gov

SUBJECT: ZBA2026-0001 / ZA2026-0024 — Formal Inquiry: Unaddressed Continuance Motions and Next Steps Following July 1 Vote

Dear Ms. Peggau,

I am writing on behalf of the Maria-Diers Neighborhood Association regarding Case ZBA2026-0001 / ZA2026-0024. We were present on July 1, 2026, County Planning Commission / Board of Adjustment hearing and are writing to formally raise a procedural concern and request clarification on next steps.

1. Two Unaddressed Written Continuance Requests — Request for Clarification of Board Action

Prior to the July 1, 2026, hearing, the appellant Pat Hauser submitted two formal written continuance requests into the official case file, both of which are part of the public record:

- **60-Day Continuance Request** — submitted as **Attachment 11: New Material from the Appellant for July 1, 2026, Hearing** (File ID 116867), available at: https://bernalillocountynm.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=116867&MeetingID=4058
- **120-Day Continuance Request** — dated June 22, 2026, submitted to Mrs. Elvira Lopez, Planning Manager, via email, portal submission, and hand delivery, captioned: *"Formal Request to Replace Prior 60-Day Continuance with a 120-Day Deferral and Continuance,"* Case No. ZBA2026-0001 / BA2026-0001, signed by Pat Hauser, President, Maria/Diers Neighborhood Association. This document is part of the compiled case record as **BA2026-0001 Additional Documents** (File ID 116872), available at: https://bernalillocountynm.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=116872&MeetingID=4058

We were present at the July 1 hearing. Before proceeding with his opening statement, Mr. Hauser addressed both staff and the Board members on the microphone, asking whether the continuance requests had been received and whether they would be addressed on the record. Neither staff nor any member of the Board responded to that question. The hearing then proceeded directly to opening statements without any ruling — either granting or denying — either continuance motion.

To our knowledge, no ruling on either continuance request was issued at any point during the hearing, before or after the vote on the merits.

We are formally requesting written clarification of the following:

- Were both continuance requests acknowledged and entered into the official hearing record prior to the July 1 vote?
- Did the Board issue any ruling — formal or informal — on either continuance motion before proceeding to a vote on the merits of the appeal?
- If no ruling was made on either motion, we respectfully submit that both motions were never decided and request a written explanation of how pending procedural motions may be bypassed without a recorded ruling under Bernalillo County Board of Adjustment procedures.

We intend to raise this procedural issue as part of any further appeal proceedings and request that this letter be formally entered into the official case file.

2. Status of July 1 Vote and BCC Appeal Deadline

Please confirm the following:

- What formal action did the Board take on July 1, 2026?
- Has a Notice of Decision been issued or is one forthcoming?
- What is the deadline and procedure for filing an appeal of the Board's July 1 decision to the Board of County Commissioners?
- Is Case ZBA2026-0001 / ZA2026-0024 scheduled to appear at the August 5, 2026, CPC meeting, or does the July 1 vote conclude the matter at the Board of Adjustment level?

3. Request That This Letter Be Entered into the Official Case File

We respectfully request that this letter, along with the procedural concerns raised herein, be formally entered into the official case file for ZBA2026-0001 / ZA2026-0024 and made part of the record for any further proceedings before the Board of County Commissioners.

Thank you for your time and continued assistance. We look forward to your prompt response.

Respectfully,

Pat Hauser
134 Maria Circle N.W.
Maria-Diers Neighborhood Association
505-228-7106
hdhauser@comcast.net

Formal Inquiry: Unaddressed Continuance Motions and Next Steps Following July 1 Vote

From: hdhauser@comcast.net (hdhauser@comcast.net)

To: kpeggau@bernco.gov

Cc: nhamm@bernco.gov; ellopez@bernco.gov

Date: Monday, July 6, 2026 at 12:50 PM MDT

Ms. Peggau: Attached is my formal inquiry request for Clarification of the Boards actions.

Please acknowledge receipt of this document request.

Regards:
Pat Hauser
505-228-7106

Continuance Letter to Planning Karina PDF.pdf
816.1 kB

From: hdhauser@comcast.net <hdhauser@comcast.net>
Sent: Tuesday, July 7, 2026 2:07 PM
To: kpeggau@bernco.gov
Cc: 'Nicholas Hamm' <nhamm@bernco.gov>; 'Elvira Lopez' <ellopez@bernco.gov>; 'Maggie Rose' <gypsy.rose46@gmail.com>; 'Annette Kitts' <cbear5434@gmail.com>; 'Carmen Franklin' <czgirardin@yahoo.com>; 'Monica Galloway' <m_galloway0004@msn.com>; 'Monika Sanchez' <monimann46@gmail.com>
Subject: FW: Formal Inquiry "Unaddressed Continuance Motions, New Site Plan and Description submitted by Applicant on record prior to the hearing and Next Steps following July 1

Good afternoon Ms. Peggau: Hope all is well. I have not received a response regarding this communication from yesterday.

I called and left a message with Mr. Hamm on his voice mail.

Regards: Pat Hauser
505-228-7106

From: hdhauser@comcast.net <hdhauser@comcast.net>
Sent: Monday, July 6, 2026 4:53 PM
To: 'kpeggau@bernco.gov' <kpeggau@bernco.gov>
Cc: 'Nicholas Hamm' <nhamm@bernco.gov>; Elvira Lopez <ellopez@bernco.gov>; Maggie Rose <gypsy.rose46@gmail.com>; 'Annette Kitts' <cbear5434@gmail.com>; 'Carmen Franklin' <czgirardin@yahoo.com>; 'Monica Galloway' <m_galloway0004@msn.com>; 'Monika Sanchez' <monimann46@gmail.com>
Subject: Formal Inquiry "Unaddressed Continuance Motions, New Site Plan and Description submitted by Applicant on record prior to the hearing and Next Steps following July 1

Good afternoon, Me. Peggau: Attached, please find our “Formal Inquiry regarding the Unaddressed Continuance Motions, New Site Plan and Description submitted by the Applicant prior to the hearing and Next Steps Following the July 1 Vote.

I respectfully request that this letter, along with the procedural concerns be raised herein, be formally entered into the official case file ZBA2026-0001 /ZA2026-0024 and made part of the record for any further proceedings before the Board of County Commissioners.

Thank you for your time and continued assistance. I await your prompt response having received this communication.

Regards:
Pat Hauser
President, Maria/Diers Neighborhood Association
134 Maria Circle N.W.
Cell: 505-228-7106

Continuance....pdf
1.2 MB

From: Nicholas Hamm <nhamm@bernco.gov>
Sent: Thursday, June 25, 2026 1:49 PM
To: hdhauser@comcast.net
Cc: Elvira Lopez <ellopez@bernco.gov>; Carrie Barkhurst <cbarkhurst@bernco.gov>
Subject: RE: July 1st Hearing ZA2026-0024 / BA2026-0001

Mr. Hauser,

The format of the hearing is at the discretion of the CPC. Staff doesn't make that determination.

We will share your position on this point with the Chair.

Best,

Nick

Nicholas Hamm
Director
Bernalillo County
505.314.0388

ALBUQUERQUE INTERNATIONAL BALLOON FIESTA

June 25, 2026

Bernalillo County Planning Commission
415 Silver Avenue SW
Albuquerque, NM 87102

RE: Appeal of Conditional Use Approval – Albuquerque Islamic Center, 9600 2nd Street NW

Dear Chair and Members of the Planning Commission:

On behalf of the Albuquerque International Balloon Fiesta, Inc. ("AIBF"), I am writing regarding the conditional use approval granted by the Bernalillo County Zoning Administrator for the Albuquerque Islamic Center at 9600 2nd Street NW.

Our concerns are limited solely to the potential transportation, traffic management, public safety, and operational compatibility impacts associated with the proposed development's location within a critical transportation corridor serving Balloon Fiesta Park and the annual Albuquerque International Balloon Fiesta. AIBF's interest in this matter arises from its responsibility to ensure the continued safe and efficient operation of Balloon Fiesta activities and the transportation infrastructure that supports those activities. Accordingly, the comments set forth below are directed exclusively at those operational and public safety considerations.

The subject property is located along the 2nd Street NW corridor, which serves as a primary access route for Balloon Fiesta operations. During the annual event, this corridor accommodates significant volumes of sponsor, pilot, crew, volunteer, vendor, and emergency vehicles, and supports traffic entering and exiting Balloon Fiesta Park. Efficient operation of this corridor is essential to public safety, traffic management, and the overall success of an event that attracts hundreds of thousands of visitors and generates substantial economic benefit for Bernalillo County and the State of New Mexico.

Based upon the information available to AIBF, it is unclear whether a comprehensive traffic impact study was conducted as part of the conditional use application process. Given the location of the property and the unique traffic conditions associated with Balloon Fiesta operations, we respectfully request that the Planning Commission determine whether a traffic impact analysis has been prepared and made part of the record.

If no such study has been completed, AIBF respectfully requests that the Commission require a professional traffic impact study prior to affirming the conditional use approval. Such a study should evaluate both typical daily traffic conditions and the extraordinary traffic demands that occur during Balloon Fiesta operations. In addition, the site plan depicts a school or

[redacted]
Telephone 505 821-1000 Toll Free 888-422-7277 Fax 505 828-2887
Email jmorgusbacn@balloonfiesta.com

Attachment: BA2026-0001 Comments After Noon Deadline (26992 : ZBA2026-0001/ZA2026-0024)

educational component as part of the proposed development. If such a use is contemplated, the traffic impact study should specifically evaluate the additional traffic generated by student drop-off and pick-up activities, employee traffic, special events, and other school-related operations, as these uses may substantially affect traffic volumes and circulation patterns along the 2nd Street NW corridor.

At a minimum, the study should address:

1. Existing and projected traffic volumes associated with the proposed use.
2. Peak attendance estimates and associated vehicle trip generation, including the school or educational use depicted on the site plan and any associated educational, daycare, or instructional activities.
3. Impacts to adjacent intersections and roadway segments, including 2nd Street NW, Alameda Boulevard, and surrounding access routes.
4. Site ingress and egress operations, turning movements, and potential vehicle queuing.
5. Parking supply, parking demand, and potential overflow parking impacts.
6. Effects on emergency access and public safety operations.
7. Traffic conditions during Balloon Fiesta events, including sponsor, pilot, crew, volunteer, vendor, emergency, and operational traffic movements.
8. Potential mitigation measures necessary to maintain safe and efficient traffic operations.

AIBF is particularly concerned that traffic conditions experienced during major religious services, special events, holidays, community gatherings, and activities associated with the school depicted on the site plan may coincide with periods when the transportation network is already operating under significant demand. Without a thorough analysis, it is difficult to determine whether the proposed use can be accommodated without adversely affecting public safety and transportation efficiency.

In addition to transportation concerns, AIBF requests clarification regarding the proposed site's compatibility with Balloon Fiesta operations. Because the property is located within an area routinely affected by balloon overflights and occasional balloon landings during Balloon Fiesta events, AIBF respectfully requests that the Commission ensure the record contains sufficient information to evaluate potential operational compatibility issues.

While AIBF understands that applicable zoning regulations do not prohibit construction of a two-story building at this location, AIBF remains concerned about the height of any proposed structure due to the site's close proximity to areas routinely utilized for balloon overflights and occasional balloon landings. Accordingly, AIBF requests that the Commission carefully evaluate the proposed building height and any potential effects the structure may have on balloon operations, public safety, landing activities, and retrieval operations associated with the Balloon Fiesta.

Specifically, AIBF requests clarification regarding:

1. The proposed site plan, architectural elevations, building heights, and the nature and scope of the school or educational facility depicted on the site plan, including anticipated enrollment, staffing, and hours of operation.

Attachment: BA2026-0001 Comments After Noon Deadline (26992 : ZBA2026-0001/ZA2026-0024)

2. The location, height, and intensity of any exterior lighting, parking lot lighting, or light poles proposed as part of the development.
3. Any proposed antennae, communications facilities, radio infrastructure, video transmission equipment, or other structures that could affect aviation-related activities or Balloon Fiesta operations.
4. The proposed site access configuration, including whether ingress and egress will be limited to right-in/right-out movements and how traffic circulation will be managed considering the property's proximity to Alameda Boulevard.
5. Any analysis of anticipated turning movements and traffic circulation patterns associated with peak attendance periods.
6. Whether the traffic impacts associated with the school or educational facility depicted on the site plan, including student drop-off and pick-up activity, employee traffic, special events, and peak-period operations, have been fully evaluated as part of a comprehensive traffic impact study.
7. Any operational procedures or policies related to accommodating occasional balloon landings and retrieval activities that may occur during Balloon Fiesta events.
8. Whether the applicant has identified any concerns regarding existing balloon overflight activities in the area and, if so, how such concerns would be addressed while maintaining established Balloon Fiesta operations.

AIBF believes that these issues are relevant to evaluating whether the proposed development can coexist with the unique operational demands associated with Balloon Fiesta Park and the annual Balloon Fiesta event.

Accordingly, AIBF respectfully requests that the Planning Commission carefully review the transportation and operational compatibility impacts associated with the proposed development and require any necessary studies, mitigation measures, or conditions of approval needed to protect the public interest and preserve the safe and efficient operation of this important transportation corridor.

Thank you for your consideration of these comments. We appreciate the Planning Commission's attention to these issues and would welcome the opportunity to provide additional information if requested. AIBF remains available to engage in further discussions with the Commission, County staff, and the applicant, and stands ready to answer questions, provide additional information, and assist in identifying solutions that protect public safety and support the continued efficient operation of Balloon Fiesta activities.

Respectfully Submitted,

Julie Morgas Baca
Executive Director
Albuquerque International Balloon Fiesta

c: Neil Jackson, President, AIBF
Nicholas Hamm, Director, Planning and Development Services

Attachment: BA2026-0001 Comments After Noon Deadline (26992 : ZBA2026-0001/ZA2026-0024)

Hearing Transcription & Analysis

BA 2026-001 / ZA 2026-004

Albuquerque Islamic Center Conditional Use Permit

Bernalillo County Planning Commission

sitting as Board of Adjustment

Document prepared: July 5, 2026

Transcription source: Partial audio captured by Victoria Chavez

NOT AN OFFICIAL TRANSCRIPT — Prepared for advocacy and citation purposes

Table of Contents

Section 1: Case Overview

Case Numbers: BA 2026-001 / ZA 2026-004

Location: 9600 2nd Street NW, Zone A1, Tract 208B, MRGCD Map 23, ~3.9 acres

Applicant: Albuquerque Islamic Center (represented by Joseph Tahat, licensed engineer)

Appellant: Pat Hauser (joined by neighbors)

Hearing Body: Bernalillo County Planning Commission acting as Board of Adjustment

Outcome: Appeal DENIED. Modified conditional use approval granted. Vote passed with one "nay."

> **NOTE:** This transcription covers partial hearing audio. The full 3.5-hour public comment period was not captured. A request for the complete official recording is pending.

Section 2: Conditional Use Criteria

Section 24, Bernalillo County Zoning Code

As stated on the record by both Zoning Administrator Maggie Gould and Appellant Pat Hauser, the three required findings for conditional use approval are:

1. The site is adequate in size and shape to accommodate the use.
2. The site can be developed so that undue traffic congestion or hazards will not be created.
3. The proposed use will have no adverse effect on the neighborhood and will not seriously conflict with the character of the area.

Section 3: Transcriptions with Speaker Identification

For each recording segment below, transcriptions are labeled by speaker and cleaned to remove false starts, repeated words, and filler where meaning is clear. Brackets denote [inaudible], [crosstalk], or contextual notes.

Recording 1 — Zoning Administrator Staff Presentation

SPEAKER: Maggie Gould, Zoning Administrator / Hearing Officer

TRANSCRIPT:
Thank you, Madam Chair and Commissioners. I'm Maggie Gould, I'm the county's zoning administrator and also the hearing officer for our administrative zoning hearings. As you said, this is BA 2026-001, also ZA 2026-004. Pat Hauser appeals the zoning administrator's decision to approve a conditional use to allow a church and incidental facilities for a mosque and parking area of landscaping and fencing on Tract 208B, MRGCD Map 23, located at 9600 2nd Street Northwest, Zone A1, and containing approximately 3.9 acres.

The CPA is acting in its role as the Board of Adjustment for this matter. And the Board of Adjustment has duties and powers which include to hear and determine appeals where it is alleged that there is error or abuse of discretion, or a requirement in any determination made by the zoning administrator. And to hear and determine appeals from the rulings, decisions, and determinations of the zoning administrator granting or denying applications for variation from requirements of this ordinance or granting or denying applications for conditional use permits authorized by this ordinance. Upon hearing of such appeals, the Board of Adjustment may affirm, change, or modify the ruling or the decision or determination appealed from, or in lieu thereof make such other additional determination as it deems proper in these premises.

And so what this means is, as always, your role as the commission — you may deny the appeal and uphold the decision of the zoning administrator. You may grant the appeal and overturn the administrative decision, or you may modify the decision broadly. And that's — as with any other appeal — that's your place here.

The other thing is that we have received — as you've gotten — we've received many, many comments on this case kind of across the spectrum. We have two comment deadlines. You've gotten the materials that we had at those two deadlines. We did receive additional comments after the deadline that the commission may choose to accept. We do have copies for you that can be entered into the record. And again, that is the pleasure of the commission.

[CHAIR]: Yes. Please admit them to the record.

[GOULD]: Okay. Here, we have copies for you now.

This area is developed with a mix of residential, commercial, and industrial uses. There are multiple special use permits, including a plant nursery, trailer court, sales of yard and garden equipment, and contractor's yard. There's A1, our rural agricultural zone. M1, light manufacturing to the north. Also our C1, neighborhood commercial, and A1 to the south. R1 and A1, again, residential districts to the east and west. And the site contains a home that would be demolished for this project.

This request is for conditional use. Conditional uses are uses that are expected to occur in the underlying zone and require review for compatibility. And the conditional use is not a zone change. The property retains its underlying zoning. And so the conditional use criteria is that the proposed site is adequate for the use, that the proposed use can be developed so that undue traffic congestion or hazards will not be created, and the proposed use will not have an adverse effect on the neighborhood or seriously conflict with character of the area.

And so this request was initially heard by the ZA at our March 20 hearing. The applicant stated that the site would be large enough, that there would be sufficient parking and landscaping and open space. He stated that this could be a positive addition to the area and could provide a transition between the commercial uses along Alameda and the residential uses going north.

And so then this proposed commercial area is classrooms, kitchens, storage, library, and gym in a two-story, approximately 50,000-square-foot building. This case was continued to our April 8 hearing to allow time for further discussions about traffic and about the layout itself, including landscaping.

So again, at the April hearing, there was more information about the site plan. We had better landscaping buffers. We had additional discussions with our traffic engineering. We did have speakers at the April 8 meeting come to talk about their concerns, including traffic, the size of the building, and the possible impact on the area, especially including that the intersection of 2nd and Alameda does get congested.

However, the ZA found that this request met conditional use criteria because the site was large enough to accommodate parking, it met the required setbacks, it could be developed without a variance. And so this was appealed timely. The appellant, Mr. Hauser, was present at the hearing and did express his concerns.

And so as this process has gone on, we've gotten updated materials from both the appellant and the applicant. And we got some clarifying materials from the applicant — because on our end, we were really trying to pin down something. Part of what happens with the conditional use approval is more about the use and less about the layout. And at building permit, things like traffic studies, drainage, all of those things occur as kind of a second part.

And so — because of the concerns about traffic, because of all of these community concerns, we wanted a little more information. And so we got some additional materials from the applicant. And in looking at those materials, we started to look at the proposed classrooms and school use, and felt like the magnitude of that rose beyond what would be an incidental use and would be kind of a conditional use

on its own. And so our concern about that was there is a process for looking at those uses that hadn't occurred.

And so the school use would need to be remanded back to the ZA for consideration as its own particular conditional use permit. And so in discussions with the applicant, the applicant felt that it would be easier to simply just remove the discussion of any kind of school and classroom. And so we did receive from the applicant some supplemental materials that I would like to show. And then at the pleasure of the commission to enter into the record. And then when it is during the applicant's time, the applicant can further discuss this.

Recording 2 — Applicant's Representative Rebuttal (Brief)

SPEAKER: Joseph Tahat, Licensed Civil Engineer (PhD), Applicant's Representative

CONTEXT: Responding after staff presentation; appearing online

TRANSCRIPT:

This is a basketball court that is open. For seating. This is a worship area that is also open, and so we're looking at reduced square footage.

[After being sworn in and providing address: 12300 Delray Avenue NE, Albuquerque, NM 87122]

This application is for the Islamic Center. The Islamic Center proposed to have their mosque and the incidental facility — the gym, the basketball, and other amenities. And they would like to have a school. Despite the teaching classes that are incidental for any religious facility, there is a complete school from preschool to high school. With the school, any engineer should expect that there is some traffic associated with the school. So after we heard the public and their comments about the existing problem at the intersection on 2nd Street and Alameda, the Albuquerque Islamic Center board decided to remove the school entirely from the project. So the decision now from the board is going to be on the mosque only, and the facility associated with that, without school. There is no school, there is no preschool, there are no classes, there is no elementary school, there is no middle school, there is no high school. This is just for confirmation for everybody.

This application started before 2 years, and it was granted an approval without any appeal, without any opposition, and I appreciate that — from the community, from the Albuquerque Islamic Board, and from the County of Bernalillo. And even the neighbors — many of them were in favor of this project. From the start until now, the project has more than 3,100 verified support signatures collected online, and they collected more than 1,000 verified support signatures within 1 day — 24 hours. Within one week they had more than 3,100 supporters for this project.

I know there are many comments from the public, so I would like to explain something. First — yes, we hear you. We hear that there is a problem. But what you call a problem, we call input as an engineer. The problem is an input for me. I know there is traffic on Alameda. I know there is traffic on Paseo del

Norte. There is traffic on Montaño. These three streets are main streets connecting the west and east side of Albuquerque. The city is expanding, and with the expansion there is traffic, and the responsibility to solve the traffic problem is on all of us. We have to share the responsibility.

One of the solutions is the traffic study. But who is going to do the traffic study? Now, without the school, there is no problem at all with the traffic. But let's say we need to do a traffic study — if this project is disallowed for some reason, who is going to do the traffic study? Who is going to solve the problem? If it is approved, then a traffic study is going to be generated. That's for the school — it's not in here today, we are not voting on that. But a traffic study is going to happen, with or without school, to make sure that there is easy traffic flow and there is no problem. Because the owner of this project wants their Islamic Center, and they want that place to expand.

They have an existing location on Bernalillo [Menaul]. That is also a main street in the city. It's very busy — it's commercial, it has a lot of commercial property. And the owner of that location has a problem with the parking lot there. So this big location — almost 4 acres — is a solution. Everybody is looking for a solution. The one who applied for this project wants a solution. And the one who is opposing this project is also looking for a solution. And the solution will come through this project. This project is the solution.

I can mention some of the solutions this project will provide. The existing area has mixed use — there is commercial, there is a mobile home park, there is light industrial like the landscaping property and gravel and compost. So —

[Screen-sharing technical difficulties; staff offered to display documents from the record]

The buffer zone: the current situation is that there is nothing between the commercial and those single-family houses — just this lot. The owner of this lot, Mr. Chand, inherited this land generation after generation. He was in favor of this project from the beginning. He put his property on the market for a long time — during the low interest rate period from 2022 until 2024 — and he couldn't sell it. Why? Because it is adjacent to a nursery, a gas station, a mechanic shop, and other commercial uses. But who wants to live there?

What will save those neighbors — those single-family houses — from dust? From air pollution? From car emissions? From rodents and insects generated from the compost and the smell from the car shop and the gas stations? This project is a buffer. It is a real buffer. It is a physical barrier — like a sound barrier, a windbreaker, a dust breaker, an insect breaker. Think about a 6-foot wall on each side — one next to the commercial, one next to the residential — and the building about 22 feet in height in the middle. What will happen to the sound? It is going to break and dissipate. What will happen to the insects? They will have a physical barrier.

From the street, the building is invisible. The six-foot wall, and then the distance between the front wall and the building is about 270 feet. I drew the building at 26 feet — which is the highest allowable by the zoning — and I drew a 6-foot wall. Neither a pedestrian nor a driver can see the building from 2nd

Street. What can they see? They can see the wall, they can see the trees above the wall, and they can see open space. So it is not an institutional-looking building. Nobody can see it from 2nd Street unless they want to jump over the wall or go through the gate.

This project will bring back the integrity of the location. Right now it is mixed use, but this will bring back what is missing from that place — the open space, the nature of agriculture. Because you are going to see the trees and the wall only. And it plays as a real physical buffer between the commercial and the residential.

The board decided to remove the school not because I see it as impossible or a problem — just because there is a lot of opposition to it, and we want to go with the people, because those are our neighbors. Those are the residents of Albuquerque, the city that we love. These are the people who are going to share the road with us. We want to tell them: hey, people, we hear you.

After this approval, there is the typical process — we get approval, and then we do the design. There is a solution for the drainage, and we have it. But because of the process here, it goes by site plan only, and then the engineering comes in later. Just like other projects on this agenda — they have engineering issues that will be solved down the road. The public calls it a problem; engineering calls it an input.

What you see as traffic — yes, I see it too. I use that street. But I have an input. Many other engineering matters — foundation design, soil test — all of that has been done. But the typical process is: apply, get the application reviewed, see if it fits, then the approval letter. The previous approval letter mentioned traffic, mentioned sufficient ingress and egress. If an engineer looked at the site, it is very big. It is adequate to accommodate any engineering solution coming down the road.

What you call a problem, I call input. What you are looking to solve, I am looking to solve. You are looking for a solution — I am looking for a solution.

Recording 3 — Appellant’s Testimony

SPEAKER: Pat Hauser, Appellant

CONTEXT: Resident and neighbor appealing the ZA’s approval; represented himself; joined by other neighbors

TRANSCRIPT:

I have requested a 120-day continuance on this. I did not see that mentioned at the onset, and that was one of my requests, so that there would be additional information available. I did not hear that mentioned in the opening comments. I also have documents for each of you that you can follow along with my presentation.

Good morning, Madam Chair and members of the board. Before I begin, I want to make truly clear that I and those supporting this appeal are not affiliated with, and do not support, any group or individual using this case to promote anti-religious rhetoric. That is not our agenda, and it is not the agenda of the

neighbors who joined this appeal. This case is about traffic safety, infrastructure, zoning law, and planning policy.

It is also problematic that we have seen all of these changes being submitted now by the applicant when we were not aware of them to start with.

I am the appellant in this case. I am also speaking in support of any related appeals and the written materials submitted by other neighbors. We are asking you this morning to grant the appeal because the zoning administrator approved this permit prematurely and inaccurately, and the applicant did not carry the burden required by Section 24 of the Bernalillo County Zoning Code.

Before I go further, I want to make one clarification for the board. In this appeal, there is a mistaken criteria by me that was applying Resolution 116 versus Section 24 of Bernalillo County Code. Section 24 puts the burden on the applicant to prove three things before a conditional use can be approved:

4. First, the site is adequate in size and shape to accommodate the use.
5. Second, that the site can be developed so that undue traffic congestion and hazards will not be created.
6. Third, that the proposed use will have no adverse effect on the neighborhood and will not seriously conflict with the character of the area.

The application materials require an adequate site plan showing all buildings, structures, dimensions, and site conditions, drawn to scale and with enough clarity to convey the scope of the proposal. This is supposed to be proven at the zoning stage — not guessed at now and fixed later.

That is exactly where case law matters. Duke City Lumber tells you that the applicant carries the burden of proof and that the approval must rest on substantial evidence in the record — not assumptions, not general statements, and not staff confidence that things can be worked out later. Butterfield [Batter Shell] tells you that the testimony of residents about real traffic and neighborhood conditions is evidence and must be weighed, especially where the technical record is thin. High-Risk Shackle tells you that you have to look at the whole record, and that staff practices cannot substitute for what the ordinance actually requires. And Dolan matters because it means the county cannot simply approve now and later assume it can force one private applicant to pay for major off-site or regional fixes unless conditions meet the law's rough proportionality standard.

When you apply these principles to the three required findings, the approval falls apart.

Finding 1 — Site Adequacy

The zoning administrator states in the staff report that the site is adequate in size and shape because the property is 3.9 acres, that it provides sufficient area to accommodate the site features required by ordinance, and that no variance will be required. But when you look at the actual proof behind the conclusion, the record is missing what Section 24 requires.

That same staff report describes the project as having a first-floor footprint of approximately 43,000 square feet and approximately 15,000 square feet on the second floor. Yet the applicant's own written statement does not give those numbers. The applicant says only that the building will be approximately 50,000 square feet and that it will be a two-story structure. The precise 43,000 and 15,000 numbers appear in the staff report, but there is no separate engineering analysis in the record showing how these numbers were derived, and no integrated site capacity study proving that this footprint, together with parking, circulation, buffers, landscaping, and drainage, all fit on 3.9 acres.

That matters because Duke City Lumber says that the burden is on the applicant. The applicant cannot simply say the site is large enough and then have staff fill in the rest by assumption. The applicant's own written statement on adequacy says "3.87 acres is ample space" and compares it to three football fields. That is not substantial evidence. That is not demonstrating that all required ordinance elements fit on the parcel.

The county's own conditions show that the layout was not actually resolved. One condition requires the applicant to coordinate with Public Works to reduce asphalt and improve drainage. That means the county approved first and left key design questions for later. Under High-Risk Shackle, that is not enough — the ordinance requires a real adequacy finding now, not a promise that Public Works can make the plan work later.

Our supplemental evidence shows why this matters. Once you add the building footprint, required parking and drive aisles, corridor buffers, and drainage, the site appears either fully consumed or in deficit. Even if the board does not accept every square foot of our calculations, the legal point remains: the applicant did not prove adequacy and the zoning administrator approved anyway. Under Duke City Lumber, that is not substantial evidence on criterion one.

Finding 2 — Traffic and Safety

This is the clearest violation of all. Section 24 requires proof that the site can be developed so that undue traffic congestion and hazards will not be created. But there is no project-specific traffic impact study in the zoning record. Public Works told the zoning administrator that a traffic review would be required at building permit, and the staff report says a traffic impact study will be required later and that improvements could be required. That is not proof. That is deferral.

Here, I want to make a factual clarification: the Murphy Express traffic study was not placed into the record by the zoning administration. It was provided by me, as part of our supplemental materials, because the county did not put a project-specific traffic study into the file before approving the permit.

Why does this matter? Because Butterfield says that resident testimony about traffic conditions is evidence that must be taken seriously — and here, that testimony is backed up by the Murphy study. The appellant supplied that. Residents in the record describe multiple light cycles and elevated congestion, long queues, and emergency access concerns — especially if there is an accident on any of the arterials. This is a landlocked area, only accessible from 2nd Street and Alameda. The study shows

failing turning movements, severely degraded lanes, and physical constraints at the Alameda and 2nd Street corridor.

So when the zoning administrator says the site can be developed without undue traffic congestion or hazards because off-street parking and access improvements are expected and Public Works will review traffic later — that is not substantial evidence under Duke City Lumber. It is the opposite. It is an admission that the hard traffic analysis was not done at the time of approval.

High-Risk Shackle matters here too — you cannot let an informal staff practice of deferring traffic analysis to the building permit stage replace the actual requirements of Section 24 to make the traffic finding now. If the ordinance says the applicant must prove no undue congestion or hazards before the permit is issued, the county cannot reverse the sequence.

And Dolan matters because the staff report says road improvements could be required later — but the county cannot assume that if a later traffic impact analysis shows major deficiencies, it can simply push the cost of broad off-site regional fixes onto the applicant. The law limits that. So approving now and postponing a real traffic analysis does not reduce legal risk for the county — it increases it.

Finding 3 — Neighborhood Impact and Character

The zoning administrator says the proposed use will have no adverse effect on the neighborhood and will not seriously conflict with the character of the area because surrounding properties include a mix of residential, commercial, and industrial uses, and because 2nd Street is developed with mixed uses. But the finding leaves out one of the most vital facts of the record: the site is within the rural area of the comprehensive plan.

Our submission shows that North Alameda is designated D16. The map designates this corridor as rural. More urbanized and developing urban areas are concentrated south of Alameda and further toward Albuquerque. The zone atlas shows A1, R1, and R2 zones north of Alameda, with more intense uses appearing only in scattered pockets via special use permits — not a continuous commercial zone as exists along Alameda.

That matters because the Albuquerque-Bernalillo County Comprehensive Plan and the North Valley Area Plan are part of the policy framework for understanding what “character of the area” means here. We are not saying those plans override Section 24. We are saying they help define how Section 24 should be applied in this particular corridor.

There is no meaningful proof in the zoning administrator’s approval that this planning framework was actually weighed. High-Risk Shackle means that looking at the whole record requires looking not just at isolated nearby uses, but at the county’s own map-based use patterns. A large two-story, multi-use, high-volume institutional campus — even with the school and daycare removed — in a location like this is different from routine infill in a fully urbanized corridor.

Duke City Lumber matters here again because the applicant did not carry the burden of proof. The applicant's own statement about character is mostly generalized optimism. That is not substantial evidence that a high-volume large campus of this scale has no adverse effect on a rural North Valley corridor or that it does not exceed the capacity of the infrastructure.

On criterion three, the zoning administrator did not meaningfully apply the Albuquerque-Bernalillo County planning framework, did not grapple with the rural designation, and did not support the no-adverse-effect finding with substantial evidence. That too was premature and inaccurate.

Summary

The same legal deficit runs through all three findings:

- On site adequacy: the ZA relied on square footage figures not clearly provided by the applicant and approved without a true site capacity demonstration. Under Duke City Lumber and High-Risk Shackle, that is not substantial evidence.
- On traffic: the ZA approved without a project-specific traffic impact analysis, deferred the challenging work to the building permit, and ignored both resident testimony and the Murphy study I submitted. Under Butterfield, Duke City Lumber, and High-Risk Shackle, that is not lawful proof.
- On character: the ZA treated this as a generic mixed-use area by failing to meaningfully address the rural D16 designation and the Albuquerque-Bernalillo County and North Valley planning framework. Under High-Risk Shackle and Duke City Lumber, that is also not substantial evidence.

And under Dolan, the county should not hold itself in a position where it grants rights now, discovers later that the corridor cannot safely absorb the use, and then assumes it can solve that with conditions that may not be legally possible.

Recording 4 — Applicant's Rebuttal (2 minutes)

SPEAKER: Joseph Tahat, Licensed Civil Engineer (PhD), Applicant's Representative

CONTEXT: Brief rebuttal following appellant's testimony

TRANSCRIPT:

On behalf of the advocate for the Islamic Center, I think everybody here understands what is going on. Maybe the main concern is the traffic. I will respond just to the substantive things.

From my engineering point of view, the traffic will not be generated at the same time as the peak traffic hour for Alameda or 2nd Street. The Albuquerque Islamic Center is operating now — at this moment. This is a Friday. They set their service time to avoid the traffic on Paseo del Norte, and they will do that on 2nd Street as well.

Regarding the concerns about dimensions and adequacy — I am sorry to hear that. The plans are stamped by a licensed architect-engineer. His name is Scott Anderson. And they were reviewed and designed by me. I am also a licensed engineer. I have a PhD in civil engineering. I work for the state of New Mexico and I also work for my own firm. I am a developer, a builder, and a licensed contractor.

I know the commission will filter out things that are not fact-based. My speech is for those who are looking for a solution — like what I started with, I will end with: for the people.

Recording 5 — County Traffic Engineering Staff Testimony

SPEAKERS:

- Julie Luna, Traffic Operations Section Manager, Bernalillo County Public Works
- Travis Johnson, Traffic Engineer, Bernalillo County Public Works
- Nicholas Ham, Planning and Development Services (land use/zoning)
- Commissioner Withers (questions)
- Commissioner Nelson (questions)
- Chair Chavez (questions)

TRANSCRIPT:

[CHAIR]: All right. Chair Chavez, members of the commission. My name is Julie Luna. I review traffic for new development, and with me today I have our traffic engineer, Mr. Travis Johnson. I run the traffic operations section for Bernalillo County — the operations and maintenance side.

[COMMISSIONER]: Can you talk a little first to respond to the question about pushing traffic to 2nd Street?

[LUNA]: Yes. We do have an upcoming project on 4th Street between Ortega north to Alameda Boulevard. 4th Street currently has 2 lanes northbound and 2 lanes southbound. What we are doing is going to 1 lane in each direction and a center turn lane. The center turn lane allows for left turns without vehicles having to queue up behind a car waiting for traffic to clear. It is a significant improvement to safety, and it is also a modest reduction in capacity. Before we started this project, we did do a traffic study to verify that 4th Street could accommodate current levels of traffic with this reconfiguration.

[CHAIR]: The residents in this room are very concerned about the placement of this church and that the traffic will make what they already have worse. They consider the traffic that they already have to be horrible. Is that wrong? And would you explain to everybody what the usual process is for traffic studies? Is it true that traffic in that area is really bad?

[LUNA]: Yes. There is a regional traffic challenge issue, and it has to do with the limited number of river crossings and something called job-to-housing balance. West of the river, for every 2 homes, there is 1 job. East of the river, for every 2 homes, there are 3 jobs. So Alameda Boulevard, as well as other river

crossings, experiences high levels of congestion eastbound in the AM commuter period and high levels of congestion westbound in the PM period. Alameda Boulevard absolutely does have a congestion issue. It is a regional problem. Anyone who commutes from the west side to the east side experiences this.

[LUNA]: Regarding traffic impact assessments: Bernalillo County Public Works requires a traffic study for this development, and we require it upon building permit. I know Mr. Hauser wanted that to come earlier. We would not allow the building permit to be issued without a completed traffic impact assessment. A TIA is a very high level of review. It requires the applicant to hire a licensed traffic engineer with experience completing these studies. It evaluates the current situation, models the additional levels of traffic, and requires the applicant to mitigate any impacts. That mitigation typically is in the form of constructed improvements. It may also be in the form of traffic control or, as the applicant stated, adjusting hours of operation. It is a collaborative process.

[LUNA]: This location is also complex in terms of jurisdictions. Alameda Boulevard to the west is under NMDOT; to the east it is under City of Albuquerque. So the agencies that will review this traffic study are Bernalillo County, NMDOT, and City of Albuquerque. The applicant will be required to mitigate those impacts prior to building permit or along with the building permit. We will not issue a building permit until the traffic study is approved and the applicant has agreed to those mitigations. We would also not allow the building to open until all mitigated construction improvements were completed.

[COMMISSIONER WITHERS]: As part of the application for the conditional use approval, was there any information about the potential for increased visitors per day?

[LUNA]: A good portion of the traffic impact assessment is to nail down how many trips will be generated by the site. This one has been particularly complex — they have hours of worship, and at one point they were interested in a school and a daycare as well. Based on whatever conditional use approval they will have, that is what we will use to determine how many visitors they will have. We do use national data — the Institute of Transportation Engineers Trip Generation Manual — as essentially the gold standard to determine the number of trips to the site.

[COMMISSIONER WITHERS]: I want to ask a clarifying question about how this whole process works. It seems paradoxical to me that we are tasked with determining the appropriateness of the use and whether this project can be developed without causing undue traffic congestion — and then we are hearing from people in the community that there already is undue traffic congestion. And what I hear you saying is that part of that is regional — beyond the scope of what we are dealing with. But I want to come back to: how are we supposed to evaluate the impact on traffic of this development if we do not have any idea of what sort of additional traffic it is going to cause?

[LUNA]: Internally we have Public Works, and we have Planning and Development Services. Public Works is responsible for public right-of-way, and Planning and Development Services handles land use and zoning. Mr. Hauser brought up that he felt strongly that the traffic impact assessment should occur at this stage as opposed to at building permit. I do want to defer to Nicholas Ham. I will just tell you that

Public Works' teeth in the matter is at building permit. So the answer is: no, you have nothing on record. And I try to be very respectful of my colleagues in planning and development services as to where requirements are aligned.

[HAM]: I think it is a great question and also a very hard one to answer. The discretion of the county — the Board of Adjustment as the decision-making body — is to determine if there is undue traffic hazards or congestion created by the application. Understanding, of course, through public testimony and testimony from colleagues at Public Works, that there is background traffic congestion as part of the development pattern that exists now. The Board of Adjustment has discretion to adjust the conditions of approval — meaning there could be limits applied on the approval to further mitigate traffic impacts. As Ms. Luna has stated, the building permit process has an inherent process around traffic quantification and then provision of necessary infrastructure to offset that impact. There is some subjectivity built in here because we do not at this point have the traffic impact analysis. What we can do is apply mitigation conditions if it pleases the Commission to move this forward — conditions proposed by staff or of your own construction that would further mitigate traffic concerns. We would be happy to help craft those today.

[COMMISSIONER]: Ms. Luna, Mr. Hauser has referred to the Murphy study. Does that provide any insights that could be useful here?

[LUNA]: We consider traffic studies valid for three years. It is helpful when there have been multiple studies along a corridor — absolutely. It is helpful to give you insights as to how a traffic study was completed. But this project does need to have its very own traffic study for this location.

[COMMISSIONER NELSON]: At discretion, we can condition approval on a traffic study being required prior to building permit, correct?

[HAM]: Yes. It is within your authority to ask for additional information. I would offer caution around imposing a requirement specifically on a religious institution that would be additional or different from what the county has required of other religious institutions in the land use process. To my knowledge, religious institutions have not been required to provide a traffic impact analysis before the building permit process. However, you can absolutely require as a condition of approval — with the building permit — and you could even go further to say that construction of the facility would require construction of the infrastructure as required by Public Works. That process is already built into any construction permit in the county.

[COMMISSIONER]: If we required a TIA right now, that could place an undue burden on the applicant at this juncture — when they would be required to do it anyway at the building permit stage?

[LUNA]: It could be used for the building permit. They would be required to mitigate the traffic impact due to the trips coming and going to their site. That is not mitigating the regional issue, but it is mitigating the additional traffic that will be generated by their site.

[COMMISSIONER]: On the cannabis shop issue that was raised in public comment — the separation provision protects existing religious or educational institutions. Is the inverse true?

[HAM]: That is absolutely correct. The state separation provision protects existing religious or educational institutions. You are not — it does not work in reverse. If a religious institution or educational institution is next to an existing facility that engages in those activities, state law does not prohibit that. Staff would like to incorporate findings of fact capturing that the facility that retails cannabis and alcohol existed prior to this application.

[COMMISSIONER WITHERS]: Several public comments expressed concern about amplified noise — calls to prayer or other amplified sound on the surrounding community. Are there any conditions on this approval that would prevent amplified sound?

[HAM]: There was a condition — condition number 3 — that prohibited amplified sound, for exactly that reason, given the proximity to residential to the north. That is in addition to the sound ordinance. Regarding concerns about religious freedom, you cannot treat a church separately than you would treat a similar use in a similar situation. If we had someone coming in for a conditional use for some other kind of facility with that proximity to residential, we could also apply conditions about sound or lighting. Those are conditions we could put on any other project.

[GOULD]: We may be able to mitigate some of the concern by posing a question to the applicant about whether they are agreeing to the limitation — if they agree, it removes some concern about potential discrimination.

[COMMISSIONER WITHERS]: I want to say for the record: I am very disgusted by insinuations that we should block this development based on the fact that people do not like the religion being practiced there. That will not factor into my thinking in any way. I would also like to say to those who would dismiss the concerns of the community and insinuate that those of us paying attention to traffic concerns are somehow discriminating — that is also completely unwarranted.

Recording 6 — Commission Deliberation: Square Footage and Adequacy

SPEAKERS: Commissioner Leon Guerrero, Maggie Gould (ZA), Nicholas Ham, Commissioner Trujillo

TRANSCRIPT:

[COMMISSIONER LEON GUERRERO]: Mr. Hauser's appeal is based on three areas — three findings — that there is not enough specificity in the application. Is there enough information for us to be able to make an informed decision, or is there more we should be asking for in terms of the square footage and the rural D16 designation?

[GOULD]: What I had hoped is that the applicant would walk us through the updated site plan. What we usually get at the conditional use level is pretty conceptual — we get parking, a layout, and so we know things like setbacks and the amount of parking. Height in the A1 zone is limited to 26 feet — whether for

a residential building or a large barn. Those things are built in. And as we talked about, the building permit process is when traffic happens, fire review happens, and a full grading and drainage plan happens. The question for you all is: do you want more information on this updated plan? Do you want the applicant to walk you through it?

[HAM]: I do think it would benefit the commission, the public, and planning staff to have the applicant — now that the school and daycare uses are off the programming table — provide clarity on the square footage and floor area of the facility that is intended to be constructed, given the program that will be used on the site.

[COMMISSIONER TRUJILLO]: I also agree that I need a little more time to see what those exact specifications are going to be before I would make a decision.

[GOULD]: My recommendation would be: ask the applicant — give them an opportunity to clarify. If that provides the information you feel is necessary, you can take an action. If not, staff is prepared — if this needed to be continued to the next agenda, we could accommodate that.

[CHAIR]: If the applicant is prepared to walk us through this now, that would be great.

[Technical note: Updated site plan received by staff the previous afternoon was displayed on screen.]

Recording 7 — Applicant's Site Plan Walkthrough (Second Floor)

SPEAKER: Joseph Tahat, Applicant's Representative

TRANSCRIPT:

The setback on the south side — it's more than the minimum.

[Describing second floor plan displayed on screen:]

That big room with a circle in the middle — that is not the basketball court. That is the prayer area — the main area for prayer. This is not additional to the second floor; it is a double ceiling. So we do not count that twice in the area. The other one is the basketball court — that is clear — and it also has a double ceiling because the height required for basketball cannot be 9 feet. The entry — which is the other section — there is a corridor or hallway around that square and in the middle it is open to the floor, so this is also double ceiling with a walkway.

So this is the project. You can see we eliminated all the school and the classes related to the school. There is no daycare, there is no elementary, middle, or high school. All of those are eliminated. This area now could be a balcony, an observation area, open space as a roof — whatever it can be used for.

The other things are just bathrooms, toilets, a control room, IT, three offices, and the stairs. There is nothing much in the second floor — it is very clearly within the setbacks, more than the minimum.

Recording 8 — Commission Questions on Traffic Scope

SPEAKERS: Commissioner Withers, Joseph Tahat, Imam (Community Representative, name not captured on recording)

TRANSCRIPT:

[COMMISSIONER WITHERS]: Mr. Tahat, I want to express my support for what you are trying to do. But our job is to scrutinize these applications — we are tasked with determining whether or not this can be developed in a way that does not cause undue traffic, and we are told we will not get to find out whether it will cause undue traffic until after we approve it. Could you give us an idea of the scope — how many people might be coming and going on any given day? Are we talking 100 cars, 200, 500?

[TAHAT]: In any given day — and this is from my experience with the current location on Menaul, which you can visit at any time without any warning — there are no cars except during services. It is like any other church in town — just during the service. It is not like an office building where people show up at 8 and leave at 4.

[TAHAT]: There are 5 prayer times per day. But honestly, here in Albuquerque — like in many Western cities — nobody goes to the dawn prayer [Fajr Salah]. Nobody goes at noon on most days. Even at the current mosque, one of the speakers said "I passed by there and I see what is going on." Anyone can go there — their address is on the application. There is no traffic there on any single day except Friday.

[TAHAT]: On Friday, there is the Jumu'ah service at noon, which they do at two separate times. They currently have 1,900 worshippers. The cars at the current location are limited to about 89 parking spaces. So maybe 100 to 180 total attendees between the two services. I would expect a similar pattern at the new location.

[TAHAT]: The maximum capacity at the new location — by code, based on parking — would be 63 spaces [referring to parking calculation basis]. However, providing 235 parking spaces creates a buffer to keep everything inside. Realistically I expect no more than 140 to 150 cars, and with flexibility to split the service into two separate times, that could be 100 to 120 cars at a peak.

[TAHAT]: As they expand toward maximum capacity of 600 worshippers, the code requires one parking space per 4 worshippers — which would be 150 spaces — and they are providing 235. Why do they have that buffer? To keep everything inside. I made modifications to their current location on Menaul, and they control their entry and exit to smooth out traffic without any requirement from the city or the county. It is their own choice. They want their worshippers to go in and out efficiently — Friday is not a day off like Sunday. Most of them are employed. They do not want traffic problems either.

[COMMISSIONER WITHERS]: Just to confirm — you are anticipating about 150 visitors on the busiest day, and the plan for max capacity might be up to 600 visitors at a time, which could mean anywhere from 60 cars at the start up to around 300 cars at maximum, but likely staying under the 200-car ratio, and you have accommodating parking for that?

[TAHAT]: Yes. Correct.

[IMAM/COMMUNITY REP]: Regarding the current masjid — most likely we will not keep the masjid at the current location. There is a plan to sell it. This is the reason we are moving — we wanted more space for our community members. I looked at the area by Alameda and Wyoming and by La Cueva — I go to the west through this area. One of the decisions we made to buy this property was that most of the time, especially during the Friday noon hours, it is empty — always empty. We work very hard to make sure that our prayer times — the nice thing is that they can be moved — are timed so our community members can go in and out easily and so our neighbors are not impacted. That is why we have never had any problems with neighbors. In case we move, we do not plan to keep the old location.

Recording 9 — Staff Findings Read Into Record & Final Vote

SPEAKERS: Maggie Gould (ZA), Nicholas Ham, Commissioners, Chair Chavez

TRANSCRIPT:

[GOULD reading modified findings for denial into record, followed by discussion and corrections:]

Staff presented two sets of findings — one for approval (modified), one for denial — and commissioners requested to review the modified findings for denial.

Key finding language read into record (denial findings, as modified):

- "The site provides ingress and egress for vehicular access, but the development of the site may cause undue traffic congestion or hazards due to the number of vehicles that may access the site."
- "The area has a mix of uses, and the proposed use will add additional traffic to the already burdened intersection of 2nd Street and Alameda Boulevard."
- "The size of the proposed building is larger than some of the surrounding buildings, and may conflict with the area character."
- "The site is within the rural area of the comprehensive plan."
- "The size of the proposed use and traffic intensity may be more intense than what would be expected in the A1 zone." [Commissioner Nelson noted this language was originally drafted when the school was still in the proposal and asked it be modified since the school has been removed.]

[COMMISSIONER NELSON]: The last sentence in number 5 — I believe it refers to when there was still the activity of a school. It needs to be modified.

[GOULD]: Agreed. We can remove that and leave it at “determine that the use is compatible.”

[HAM confirmed these are findings for denial.]

Motion

A commissioner moved to deny the appeal in case BA 2026-001 / ZA 2026-004, and to approve the modified findings and conditions as read into the record. A second was made.

Pre-vote statement by Commissioner Withers

I am in favor of allowing this mosque to develop, but I am frustrated with the process, and the people in this room who will be impacted by this deserve an explanation. The concerns about traffic are not being addressed in this process, and part of that has to do with the way the rules are set up. Looking at A1 zoning — 4 out of 5 of the conditions are clearly met. A1 zoning does permit the church as a conditional use. It is not out of scope of the character of the community. There is a church right down the street. They have enough parking. There is not a way to address the traffic issues at this stage — it is basically "what it is, and good luck." That really frustrates me, and I wanted to put that on the record before we vote.

Vote

- Ayes: Majority
- Nays: 1 (Commissioner Withers)

Motion passed: Appeal DENIED. Modified conditional use approval GRANTED.

Section 4: Key Citable Quotes by Topic

Traffic — Inadequate Analysis at Zoning Stage

> *"There is no project-specific traffic impact study in the zoning record. Public Works told the zoning administrator that the traffic review would be required at building permit, and the staff report says the traffic impact study will be required later... That is not proof. That is deferral."*
> — Pat Hauser, Appellant, BA 2026-001 hearing
>
> *"Public Works' teeth in the matter is at building permit. So the answer is: no, you have nothing on record."*
> — Julie Luna, Traffic Operations Manager, Bernalillo County Public Works, BA 2026-001 hearing
>
> *"We are tasked with determining whether or not this can be developed in a way that doesn't cause undue traffic, and then we're told that we won't get to find out whether or not this will cause undue traffic until after we approve it."*
> — Commissioner Withers, BA 2026-001 hearing
>
> *"It seems paradoxical to me that we're tasked with determining the appropriateness of the use and whether this project can be developed without causing undue traffic congestion and then hearing from people in the community that there already is undue traffic congestion."*
> — Commissioner Withers, BA 2026-001 hearing

Traffic — Regional Congestion Acknowledged by County

> *"Alameda Boulevard absolutely does have a congestion issue. And it is a regional problem... Anyone who commutes from the west side to the east side experiences this issue."*
> — Julie Luna, Traffic Operations Manager, Bernalillo County Public Works, BA 2026-001 hearing
>
> *"West of the river, for every 2 homes, there is 1 job. East of the river, for every 2 homes, there are 3 jobs."*
> — Julie Luna, Traffic Operations Manager, Bernalillo County Public Works, BA 2026-001 hearing

Traffic — Murphy Study

> *"The Murphy Express traffic study was not placed into the record by zoning administration. It was provided by me, as part of our supplemental materials, because the county did not put a project-specific traffic study into the file before approving the permit."*
> — Pat Hauser, Appellant, BA 2026-001 hearing
>
> *"We consider the studies valid for three years... It is helpful when there have been multiple studies along a corridor. But this project does need to have its very own traffic study for this location."*
> — Julie Luna, Traffic Operations Manager, Bernalillo County Public Works, BA 2026-001 hearing

> *"I talked to Terry Brown, the traffic engineer that did the Murphy study. He said a 43,000-square-foot mosque is going to generate a minimum of 410 occurrences in the morning and 1,300 in the afternoon."*
> — Mr. Kazur (appellant supporter/licensed pilot), BA 2026-001 hearing

School Removal

> *"We started to look at the proposed classrooms and school use and felt like the magnitude of that rose beyond what would be an incidental use and would be kind of a conditional use on its own... that school use would need to be remanded back to the ZA for consideration as its own particular conditional use permit."*
> — Maggie Gould, Zoning Administrator, BA 2026-001 hearing
>
> *"There is no school, there is no preschool, there are no classes, there is no elementary school, there is no middle school, there is no high school. This is just for confirmation for everybody."*
> — Joseph Tahat, Applicant's Representative, BA 2026-001 hearing

Site Adequacy

> *"The applicant's own written statement on adequacy says "3.87 acres is ample space" and compares it to three football fields. That is not substantial evidence."*
> — Pat Hauser, Appellant, BA 2026-001 hearing
>
> *"The first floor footprint is going to be 43,000 square feet. And the second floor is going to be between 15,000 and 17,000 square feet."*
> — Joseph Tahat, Applicant's Representative, BA 2026-001 hearing

Building Permit vs. Zoning Stage Obligations

> *"Part of what happens with the conditional use approval is more about the use and less about the layout. And at building permit, things like traffic studies, drainage, all of those things occur as kind of a second part."*
> — Maggie Gould, Zoning Administrator, BA 2026-001 hearing
>
> *"The ordinance requires a real adequacy finding now, based on the whole record — not that Public Works can make this plan work later."*
> — Pat Hauser (citing High-Risk Shackle), Appellant, BA 2026-001 hearing

Rural Designation

> *"The site is within the rural area of the comprehensive plan."*
> — Finding of fact read into the record by staff, BA 2026-001 hearing

> *"The zoning administrator did not meaningfully apply the Albuquerque-Bernalillo County planning framework, did not grapple with the rural designation, and did not support the no adverse effect finding with substantial evidence."*
> — Pat Hauser, Appellant, BA 2026-001 hearing

Amplified Sound / Conditions

> *"There was a condition — condition number 3 — that prohibited amplified sound, given the proximity to residential to the north."*
> — Nicholas Ham, Planning and Development Services, BA 2026-001 hearing

Anti-Discrimination Statement on Record

> *"I am very disgusted by the insinuations that we should block this development based on the fact that people do not like the religion that is being practiced there. That will not factor into my thinking in any way."*
> — Commissioner Withers, BA 2026-001 hearing

Section 5: Case Law Referenced on the Record

The following New Mexico case law was cited by Appellant Pat Hauser as controlling authority:

Case	Key Principle
Duke City Lumber	Applicant carries burden of proof; approval must rest on substantial evidence in the record — not assumptions or staff confidence that issues can be resolved later
Butterfield (cited as "Batter Shell")	Resident testimony about real traffic and neighborhood conditions is evidence that must be weighed, especially where the technical record is thin
High-Risk Shackle	Board must look at the whole record; staff practices cannot substitute for what the ordinance actually requires
Dolan	County cannot assume it can force one private applicant to pay for major off-site or regional fixes unless conditions meet the law's rough proportionality standard

Section 6: Hearing Gaps & Records Request

Note: This transcription was prepared from partial audio recordings captured during the hearing. The following portions are NOT included in this transcription:

- The full 3.5-hour public comment period
- Several additional short recording segments
- Any testimony or deliberation not captured in the above recordings

Records Request Recommended

To obtain the complete official hearing record for BA 2026-001 / ZA 2026-004, submit a public records request to:

Bernalillo County Planning & Development Services

Request the following:

1. Official audio/video recording of the full BA 2026-001 / ZA 2026-004 hearing
2. Full transcript (if prepared by county)
3. All written public comments submitted before and after both deadlines
4. All supplemental materials submitted by applicant (including updated site plan received day before hearing)
5. All supplemental materials submitted by appellant
6. Staff report and all findings/conditions documents (both approval and denial sets)
7. The Murphy Express traffic study as entered into the record

> Under the New Mexico Inspection of Public Records Act (IPRA), NMSA 1978 § 14-2-1 et seq., the county must respond within 15 business days.

Document prepared: July 5, 2026
Hearing date: [To be confirmed from official record]
Transcription source: Partial audio captured by Victoria Chavez

NOTE: This is not an official transcript. It is prepared for advocacy and citation purposes. Confirm all quotes against the official recording before use in legal proceedings.

Preliminary Trip Generation Assessment
ZBA2026-0001 / ZA2026-0024 — 9600 2nd Street NW

1. Purpose and Context

This document presents a preliminary trip generation assessment for the proposed Albuquerque Islamic Center conditional use at 9600 2nd Street NW, based on data in the official case record and hearing transcript. It is intended to function as a screening-level analysis, using ITE-style logic and conservative, record-based inputs to answer a single question: whether a formal, engineer-prepared Traffic Impact Analysis (TIA) should have been required and provided before conditional-use approval.

2. Land Use and Size Basis

Land use: The project is a house of worship / mosque with incidental facilities, including a worship hall, gym and basketball court, indoor pool room, commercial kitchen, cafeteria, coffee shop, and offices. This fits within the religious assembly land-use category typically addressed by ITE Trip Generation Manual land-use codes for churches and mosques (e.g., LUC 560–562).

Size basis: The record describes a Board-imposed cap of approximately 60,000 square feet for the high-volume multi-use complex. For preliminary screening, this assessment uses 60,000 square feet of gross floor area (GFA) as the independent variable.

3. Data Inputs from the Record

The assessment relies solely on record-based inputs, including:

• Board-imposed size cap: 60,000 square feet for the High Volume Use Complex.

• Hearing testimony describing worship patterns, split Friday services, parking counts, and operating hours.

• The weekly schedule for the existing Menaul Street mosque entered into the record by the Appellant and undisputed by the Applicant.

• The Appellant’s trip generation exhibit derived from the Applicant’s own attendance figures and weekly schedule, producing a weekly table of record-based trips.

• The 2020 Murphy Express Traffic Study (Packet Pg. 1407–1426) for a site across the street from 9600 2nd St., which projected approximately 86 entering and 83 exiting PM peak-hour trips and reported Level of Service “F” at the Alameda/4th Street signalized intersection (westbound Alameda through-movement) and at the Murphy Express Driveway “A” left-turn movement.

4. ITE-Style Screening Logic

The ITE Trip Generation Manual typically expresses trip rates for religious assembly uses as vehicle trips per 1,000 square feet of GFA or per seat. While the precise rate for a mosque at this location would be obtained from a licensed engineer using the current ITE edition, many jurisdictions and practitioner summaries reference screening ranges on the order of 4–5 peak-hour vehicle trips per 1,000 square feet for comparable worship facilities.

Using that screening band and the 60,000 SF record cap:

• 60,000 SF = 60 units of 1,000 SF.

• Low case: 60 × 4.0 trips/1,000 SF ≈ 240 peak-hour trips.

• Mid case: 60 × 4.5 trips/1,000 SF ≈ 270 peak-hour trips.

• High case: 60 × 5.0 trips/1,000 SF ≈ 300 peak-hour trips.

These values are preliminary screening outputs only. They are not offered as the operative final trip estimate, but as a conservative, cap-based screening using the 60,000 SF approval cap; Exhibit 14 remains the refined, record-based trip analysis and reports 168 PM peak-hour trips (86 entering + 82 exiting) for the revised plan. Even this conservative screening far exceeds the Traffic Impact Study warranting threshold of 100 peak-hour trips.

5. Record-Based Weekly Trip Table

In parallel with the ITE-style floor-area screening, the Appellant prepared a conservative weekly trip table using only the Applicant's own attendance figures, weekly operating schedule, and facility descriptions. The table translates person counts into vehicle trips using a one-vehicle-per-attendee assumption, and explicitly labels recreation and special-gathering components as conservative estimates.

Day	Prayers	Programs	Rec. (est.)	Special (est.)	Staff	Daily Total
Monday	96	24	53	24	20	217
Tuesday	96	20	53	24	20	213
Wednesday	96	0	53	24	20	193
Thursday	96	24	53	24	20	217

Friday	360	87	53	40	20	560
Saturday	96	103	107	60	8	374
Sunday	96	119	107	60	8	390

Weekly totals from this table are: 936 trips from prayers/worship, 377 from programs/Quran, 479 estimated recreation trips, 256 estimated special-gathering trips, 116 staff trips, and a combined weekly total of 2,164+ vehicle trips. Friday alone accounts for approximately 560 trips.

6. Threshold Comparison

Under the Albuquerque/Bernalillo County Development Process Manual (Ch. 7 §7-5(C)(2)) and NMAC §18.31, a formal Traffic Impact Study is warranted when a development generates 100 or more peak-hour trips. Using the screening outputs above, even the low-case estimate of 240 peak-hour trips for the 60,000 SF complex far exceeds that threshold — as does Exhibit 14's refined analysis of 168 PM peak-hour trips.

When the record-based weekly table is viewed alongside this screening band, both independent paths point to substantial demand: an average of approximately 309 daily trips and 560 trips on Fridays, plus a floor-area-based peak-hour range of 240–300 trips. For a mathematician or engineer reviewing these inputs, the direction of bias is conservative because several demand drivers—Eid peaks, regional draw, population transfer from other mosques, and unusual event clustering—are either excluded or only partially reflected.

7. Configuration Summary and Conclusion

Configuration steps: (1) define the land use as a worship complex with incidental facilities; (2) set the size basis at the 60,000 SF cap described in the record; (3) apply an ITE-style peak-hour trip-rate band per 1,000 SF to obtain screening-level trip estimates; and (4) cross-check these results against a record-based weekly trip table built from the Applicant's own attendance and schedule data. Both paths independently screen the project in as a clear TIA case.

Conclusion: Under standard traffic-impact practice, a project whose refined record-based analysis reports 168 PM peak-hour trips (Exhibit 14), whose weekly totals exceed 2,000 trips, and whose corridor the 2020 Murphy Express study already showed operating at Level of Service "F" would ordinarily require a formal, engineer-prepared Traffic Impact Analysis at the conditional-use stage. Deferring the TIA to building permit could refine driveway design, but it could not retroactively supply the substantial evidence needed for the Section 24 finding that this high-volume use will not create undue traffic congestion or hazards.

TRIP GENERATION ANALYSIS OF 9600 2ND STREET NW 87114
BUILT ON THE ITE TRIP GENERATION MANUAL, 11TH EDITION
(INSTITUTE OF TRANSPORTATION ENGINEERS)
JULY 2026 BY APPEAL COALITION

Trip Generation Analysis

ZBA2026-0001 / ZA2026-0024 — 9600 2nd Street NW, Bernalillo County, NM

Prepared by Appellant Support Team — Derived from data on record and testimony at the July 1, 2026 CPC hearing.

AIC = Albuquerque Islamic Center (the applicant/property owner at 9600 2nd Street NW). Citations in this analysis use Bernalillo County BOA agenda packet page numbers ("Packet Pg. NNN") based on the 1,951-page unified agenda packet (Exhibits on Public Portal).

Referenced source documents are publicly accessible at: https://bernalillocountynm.iqm2.com/Citizens/Search.aspx — search by case number ZA2026-0024 or ZBA2026-0001.

This exhibit presents estimated daily vehicle trip generation for the proposed Albuquerque Islamic Center conditional use at 9600 2nd Street NW under the Revised Site Plan — with school and daycare verbally removed at the July 1, 2026 CPC hearing. All figures are derived from the applicant's own submissions, the AIC letter to residents, and the AIC weekly schedule exhibit — all documents in the case record. Recreational use and special gathering figures are conservative estimates; no attendance data for those uses was submitted by the applicant. A full Traffic Impact Analysis has not been provided. These estimates are the minimum supportable from the record. The weekly schedule (AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362) reflects the AIC's current operating schedule at their existing Menaul Street facility, submitted into the record by the Appellant. The AIC did not file a separate operational schedule for the proposed site and did not dispute this schedule at the July 1, 2026 hearing.

Estimated Weekly Vehicle Trips — Revised Site Plan, All Use Categories

School and daycare verbally removed at the July 1, 2026 hearing (ZA Gould). No amended stamped drawings have been submitted. Chart shows all remaining use categories: daily prayers, scheduled evening programs and Quran Evening Program, estimated daily recreational use (gym/basketball/pool), estimated unscheduled special gatherings (weddings, funeral prayers, Ramadan events, community banquets), and staff. Recreational and special gathering figures are conservative estimates — the record contains zero attendance data for those uses.

Sources: Applicant Written Statement (Packet Pg. 1797-1807); AIC Letter to Residents (referenced in the record and in BA 2026-001 hearing testimony) cited for Friday attendance figures; AIC Prayer Schedule Exhibit (Packet Pg. 1360-1362); Sheet A-200 First Floor plan (Packet Pg. 1112-1125 range); 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426).

Weekly Trip Summary — Revised Plan by Use Category

Even using the Applicant's own lowest-stated attendance figures, published ITE occupancy rates applied by activity type, and excluding recreational use, special gatherings, and population transfer entirely from any upward adjustment, the revised plan generates an estimated **2,164 vehicle trips per week and 560 vehicle trips on a single Friday** — on a corridor where the only available traffic study in the record, the 2020 Murphy Express Traffic Study (Packet Pg. 1407–1426; trip generation table at Packet Pg. 1416), projected 168 PM peak-hour trips (86 entering + 82 exiting) from a single 12-pump gas station and convenience market, reduced to 117 primary trips after a 30% pass-by adjustment, and documented Level of Service F on the westbound Alameda Boulevard through-movement at the Alameda / 4th Street signalized intersection under 2020 BUILD conditions (Packet Pg. 1417). Every figure in this analysis is a floor, not a ceiling. The analysis understates demand.

Day	Prayers/ Worship	Programs/Quran	Recreation (est.)	Special Gatherings (est.)	Staff	Daily Total
Monday	96	24	53	24	20	217
Tuesday	96	20	53	24	20	213
Wednesday	96	0	53	24	20	193
Thursday	96	24	53	24	20	217
Friday	360	87	53	40	20	560
Saturday	96	103	107	60	8	374
Sunday	96	119	107	60	8	390
Weekly Total	**936**	**377**	**479 (est.)**	**256 (est.)**	**116**	**2,164**

Note: Recreation and special gathering columns are conservative estimates — no attendance data for those uses exists anywhere in the case record. Actual totals are higher. The following are NOT included in any column: population transfer from closing mosques; regional westside draw (Rio Rancho, Corrales, Taylor Ranch, Paradise Hills, Sandoval County); Eid events (615 worshippers, 2×/year); or ITE SF-based trip generation for a 60,000 SF facility. All figures use the applicant's own lower-bound numbers.

Appendix A — Why the Revised Plan Still Exceeds This Corridor's Capacity

The revised plan (school and daycare verbally removed at the July 1, 2026 hearing — no amended stamped architectural drawings were ever filed) still places a load this corridor cannot handle for five independent reasons.

1. The reduction falls entirely on the wrong days

The Friday peak — 560 vehicle trips — is entirely unaffected by the verbal school removal. Friday remains the single highest-volume day under both plans and the day that generated every traffic concern at the April 8 and July 1 hearings. The verbal school removal did not reduce Friday peak by a single vehicle trip.

2. 560 Friday trips on a corridor that failed at 168 PM peak-hour trips

The 2020 Murphy Express traffic study (Packet Pg. 1407-1426; trip table at Packet Pg. 1416) — the only corridor traffic data in the record — reported that a 12-pump gas station generating 168 PM peak-hour trips (86 entering + 82 exiting, Packet Pg. 1416) projected Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417) and at the Murphy Express Driveway "A" left-turn movement on Alameda Blvd. (64.1 seconds control delay, Packet Pg. 1409), and required both site driveways to be restricted to right-in/right-out-only access (Driveway A on Alameda Blvd. per NMDOT; Driveway B on 2nd Street per Bernalillo County Public Works — Packet Pg. 1410). The revised AIC plan generates an estimated 560 trips on Friday alone — more than 3 times the PM peak-hour volume that produced Level of Service F on this same corridor six years ago. The Mechenbier warehouse at 9700 2nd Street NW is now under development, adding semi-truck traffic. A use generating more than 3× the Murphy Express PM peak-hour volume is not a smaller problem because the school was verbally removed without filing amended stamped drawings.

3. The regional problem is permanent regardless of site-level mitigation

County traffic engineer Luna testified: "It could be used for the building permit. They would be required to mitigate the traffic impact due to the trips coming and going to their site. That is not mitigating the regional issue, but it is mitigating the additional traffic that will be generated by their site." (BA 2026-001 hearing testimony of Kate Luna, County Public Works traffic engineer) A building-permit TIA can require driveway widening. It cannot widen Alameda Boulevard, extend the 16-second southbound signal on 2nd Street (3–4 vehicles per cycle), remove the at-grade railroad crossing 600 feet north, or acquire right-of-way from NMDOT or MRGCD. Those regional constraints exist regardless of the verbal school removal. A corridor already at capacity cannot absorb 560 Friday trips from any single new facility.

4. The Board voted on worship trips only — not the full revised plan

Commissioner Withers confirmed with the Applicant: "you are anticipating about 150 visitors on the busiest day, and the plan for max capacity might be up to 600 visitors at a time, which could mean anywhere from 60 cars at the start up to around 300 cars at maximum, but likely staying under the 200-car ratio, and you have accommodating parking for that?" Respondent Joseph Tahat: "Yes. Correct." (BA 2026-001 hearing transcription). That exchange concerned worship-day peak parking only — the response reflected the range of vehicles arriving for

Jumu'ah service. It did not encompass programs, recreation, staff, or population transfer from other mosques.

5. The revised plan still has no traffic analysis on the record

The Section 24 burden requires the Applicant to demonstrate the use will not create undue traffic hazards. That burden was never met for the original application. It was never re-evaluated for the revised plan. No traffic engineer testified that 560 Friday trips on 2nd Street NW is within this corridor's remaining capacity. Luna stated on the record: “No. You have nothing on record.” “Smaller than the original” is not the legal standard. “No undue traffic hazards” is. That finding cannot be made on no evidence, regardless of the verbal school and daycare removal.

Corridor Capacity Context

Reference Point	PM Peak Trips	Corridor Result	Source
Murphy Express gas station (2020)	168 PM peak trips (86 enter + 82 exit)	LOS F at Alameda/4th WB thru (Packet Pg. 1417) and at Murphy Driveway A (Packet Pg. 1409); both driveways restricted to right-in/right-out-only (Packet Pg. 1410)	2020 Murphy Express Traffic Study, Packet Pg. 1407-1426 (trip table Packet Pg. 1416); NMDOT scoping determination Packet Pg. 1414
AIC — Revised Plan (verbal school removal; no amended drawings filed)	560 Friday trips	No analysis performed — nothing on record	Trip Generation Analysis, this exhibit
AIC revised vs. Murphy Express	560 vs. 168 trips	AIC Friday trips ≈ 3.3× the Murphy Express PM peak-hour subtotal of 168 trips (2020), on the same corridor where even that gas-station load produced Level of Service F and required right-in/right-out-only access at both driveways.	Calculated from record data
Applicant's on-record estimate (Withers exchange)	"under 200 cars"	Worship trips only — excludes programs, recreation,	July 1, 2026 hearing testimony

		staff, population transfer	

The shaded rows show the direct comparison between the only corridor study in the record (Murphy Express 2020) and the revised plan the Board approved. The revised plan generates more than 3× the PM peak-hour volume that produced Level of Service F on this same corridor six years ago (560 Friday trips vs. 168 PM peak-hour trips), on a corridor that has not been improved and has only grown more congested since.

Appendix D — Why Deferring Traffic Mitigation to the Building Phase Is Not a Cure

This section addresses the argument — implicit in the Board's approval — that any traffic problems with the proposed facility can be resolved at the building permit phase through a Traffic Impact Analysis and site-level mitigation conditions.

1. The CUP Is the Last Public Checkpoint

A conditional use permit is the last meaningful public checkpoint before construction begins. Once issued and recorded, the County's legal authority to condition, restrict, or deny the use based on traffic impact is exhausted. Any mitigation proposed at the building permit phase is evaluated by staff in a non-public administrative process, with no opportunity for neighboring property owners or the traveling public to present evidence, challenge findings, or appeal conditions. The Section 24 standard requires a finding that the proposed use “will not be detrimental to the public health, safety, and welfare” before approval. That finding cannot be made on a record that contains no traffic data, and it cannot be outsourced to a future administrative process the public cannot access.

2. The Mitigation May Not Be Physically Possible

2nd Street NW at this location is a two-lane rural road with no median, no turn lanes, no signalized intersection at the driveway, and no parallel arterial alternative for Westside communities (Corrales, Rio Rancho, City of ABQ Westside, Taylor Ranch, Paradise Hills) crossing into the Town of Alameda. If a post-approval traffic study finds Level of Service F — as the only study in the record already projects for this corridor at 168 PM peak-hour trips (86 entering + 82 exiting) from a single 12-pump gas station (2020 Murphy Express Traffic Study, Packet Pg. 1407-1426; trip table Packet Pg. 1416; LOS F at Alameda/4th (Packet Pg. 1417) and at Murphy Driveway “A” (Packet Pg. 1409); NMDOT scoping determination Packet Pg. 1414) — there may be no available engineering fix. There is no room to widen. No signal warrant will be met for a private driveway. No secondary access exists to the north, east, or west. At that point, the County will have issued a permit for a facility that the road network physically cannot serve, and the neighborhood will bear the permanent consequence.

3. Post-Approval Studies Are Structurally Biased Toward Approval

Once the permit is secured, the economic pressure runs entirely in favor of maximizing the approved square footage and attendance. A traffic study commissioned after approval — paid for by the applicant — will be optimized to justify what has already been permitted, not to surface constraints that would require redesign. This is the inverse of the legally required sequence: the applicant bears the burden of demonstrating safety before approval, not after. Deferring that burden eliminates the applicant's incentive to reduce the project's traffic footprint at the only stage — pre-permit — when design changes are still feasible and costless.

4. The Corridor Capacity Ceiling Is Already in the Record

The 2020 Murphy Express traffic study (Packet Pg. 1407-1426) found that 168 PM peak-hour trips (86 entering + 82 exiting per the trip table at Packet Pg. 1416, reduced to 117 primary trips after a 30% pass-by adjustment) from a single 12-pump gas station on this corridor segment, and the study's capacity analysis documented Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417). Applying the same ITE-style attendance-to-trip conversion used throughout this exhibit (persons ÷ 2.5 occ × 2), the 117 primary-trip figure corresponds to a maximum comparable worship attendance of approximately 146 persons during a peak event. The Applicant's own submissions describe 350–400 Friday worshippers — more than twice that comparable figure, before accounting for staff, evening programs, recreational use, or special gatherings. The revised plan generates an estimated 560 vehicle trips on a single Friday and 2,164 vehicle trips per week. Every one of those figures exceeds the only corridor capacity evidence in the record by a multiple, not a margin. This is not a case where mitigation might close the gap. The gap is so large that no plausible mitigation on a two-lane rural road can close it. The Board was required to make that finding before approval. It did not.

The Section 24 standard requires a pre-approval finding that the proposed use will not be detrimental to public health, safety, and welfare. That standard cannot be satisfied by promising to study the question later. The only corridor data in this record — the 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426) — already shows Level of Service F at 168 PM peak-hour trips (86 entering + 82 exiting, Packet Pg. 1416) on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417). The proposed facility will generate that volume before the first Friday prayer is over.

Appendix C — ITE Trip Generation Math — Day-by-Day

The 2020 Murphy Express Traffic Study (Packet Pg. 1407–1426) projected 168 PM peak-hour trips (86 entering + 82 exiting per the trip generation table at Packet Pg. 1416,

reduced to 117 primary trips after a 30% pass-by adjustment) from a single 12-pump gas station and convenience market on this corridor segment, and the study's capacity analysis documented Level of Service F on the westbound Alameda through-movement at the adjacent Alameda / 4th Street signalized intersection under 2020 BUILD conditions (V/C 1.10, 76.8 seconds control delay, 1,348-foot 95th-percentile queue — Packet Pg. 1417). Applying the same ITE-style attendance-to-trip conversion used throughout this exhibit (persons ÷ 2.5 occ × 2), the 117 primary-trip figure corresponds to a maximum comparable worship attendance of approximately 146 persons during a peak event.

This appendix shows the step-by-step ITE arithmetic for each day of the week under the revised plan (school and daycare verbally removed at the July 1, 2026 hearing; no amended stamped architectural drawings were filed). All inputs are drawn from the Applicant's own filed documents. ITE formulas: Worship (LUC 560) = persons ÷ 2.5 occ × 2; Quran/School drop-off (LUC 520) = persons ÷ 1.15 occ × 2; Staff = persons ÷ 1.0 × 2; Recreation (LUC 492) = persons ÷ 1.5 × 2. The ×2 factor counts both arrival and departure trip-ends (standard ITE convention). Evening program schedule source: AIC Prayer Schedule / Weekly Program Exhibit, Packet Pg. 1360–1362, submitted by the Appellant; undisputed by AIC at the July 1, 2026 hearing.

Day	Prayers (LUC 560)	Programs (LUC 520)	Rec. est. (LUC 492)	Special (est.)	Staff	Daily Total
Monday	96	24	53	24	20	217
Tuesday	96	20	53	24	20	213
Wednesday	96	0	53	24	20	193
Thursday	96	24	53	24	20	217
Friday	360	87	53	40	20	560
Saturday	96	103	107	60	8	374
Sunday	96	119	107	60	8	390
Weekly	**936**	**377**	**479**	**256**	**116**	**2,164**

Friday Peak — Full Breakdown

Component	Persons	LUC / Occ.	Formula	Trips
Jumu'ah worship (350 attendees, lower bound)	350	LUC 560 / 2.5	350 ÷ 2.5 × 2	280
Non-Jumu'ah	100	LUC 560 / 2.5	100 ÷ 2.5 × 2	80

prayers (5 remaining × 20)				
Quran Evening Program (50 youth, drop-off model, LUC 520)	50	LUC 520 / 1.15	50 ÷ 1.15 × 2	≈87
Recreational use (est.)	~40	LUC 492 / 1.5	40 ÷ 1.5 × 2	53
Special gathering (Friday premium est.)	~50	LUC 560 / 2.5	50 ÷ 2.5 × 2	40
Staff (Friday)	10	Staff / 1.0	10 ÷ 1.0 × 2	20
FRIDAY TOTAL (revised plan)	**—**	**—**	**280+80+87+53+40+20**	**560**

Friday source: AIC Letter to Residents (see hearing testimony record and applicant materials at Packet Pg. 1085-1111): "350 to 400 attendees, typically 150 to 200 vehicles" (lower bound 350 used). Quran Evening Program: AIC Prayer Schedule, Packet Pg. 1360-1362 (Appellant-submitted, undisputed). Friday is IDENTICAL under the initial and revised plans — school/daycare removal reduces zero Friday trips.

Appendix B — Trip Calculation Methodology

Trip figures in this exhibit are derived exclusively from attendance and capacity data filed by the Applicant in the case record. The weekly operating schedule (Packet Pg. 1360-1362) used as the source for evening programs and Quran Evening Program sessions reflects the AIC's current operating schedule at their existing Menaul Street facility; it was submitted into the record by the Appellant (Pat Hauser / Maria-Diers Neighborhood Association). The AIC did not file a separate operational schedule for the proposed site and did not dispute this schedule at the July 1, 2026 hearing.

Formula: Vehicle Trips (daily) = (Person Count ÷ Vehicle Occupancy) × 2. The ×2 factor accounts for both the inbound trip (arrival) and the outbound trip (departure) for each attendee. This is the standard methodology used by the Institute of Transportation Engineers (ITE).

Vehicle Occupancy Rates

Use Type	Occupancy Rate	Source
Worship / Prayer (congregation)	2.5 persons/vehicle	ITE Trip Generation Manual 11th Ed., LUC 560 (Church)
Staff / Admin	1.0 person/vehicle	Standard single-occupant

		commute assumption
Quran Evening Program / Youth Programs	1.15 persons/vehicle	ITE LUC 520 (parental drop-off model)
Recreation (gym/basketball/pool)	1.5 persons/vehicle	ITE LUC 492

Source Data from Record

Data Point	Value Used	Record Source
Daily prayers per day	6	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362 (Fajr 4:07am, Sunrise 5:46am, Dhuhr 1:06pm, Asr 4:53pm, Maghrib 8:18pm, Isha 10:03pm)
Non-Friday prayer attendance (avg)	20 persons	Applicant Written Statement (Packet Pg. 1797-1807): "visitor will be less than 25 persons" on non-Friday days
Friday Jumu'ah attendance	350 persons	AIC Letter to Residents (see hearing testimony record p.25): "350 to 400 attendees, typically 150 to 200 vehicles" — lower bound used
Friday Jumu'ah (written statement)	250 persons	Applicant Written Statement (Packet Pg. 1797-1807): "approximately 250 worshippers" — alternate lower figure also in record
Peak Eid event (2x/year)	615 persons	Applicant Written Statement (Packet Pg. 1797-1807): "615 worshippers" — NOT used in weekly charts (biannual event)
Staff (revised plan)	10 persons	Conservative estimate post-school removal — admin and facility management only
Mon/Thu evening programs	~30 persons	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Hadith Roots (Mon), Shabab Circle (Thu) after 10:15pm Isha
Tue evening program	~25 persons	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Suhbah Visionaries (Women 18-25) 6:30–7:30pm Tuesday
Fri Quran Evening Program	~50 youth	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Quran Evening Program for Youth

		and Children 5:30–8:00pm Friday
Sat/Sun Quran Evening Program	~50 youth	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Quran Evening Program 11:00am–2:00pm Saturday and Sunday
Sun Reverts Circle	~20 persons	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: The Reverts Circle 4:30pm Sunday
Sat/Sun late evening program	~30 / ~20	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Suhbah Visionaries (Men 22+) after Isha Sunday
Operating hours (most days)	4:00am–10:30pm	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: "4 a.m. until 10:30 pm (most days)"
Operating hours (Mon, Thu, Sat)	4:00am–midnight	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: "4 a.m. until 11–12 midnight (Mon, Thu, Sat)"

Limitations and Caveats

These are MINIMUM estimates: All figures use the applicant's own stated lower-bound attendance numbers. The record also contains figures of 350–400 Friday worshippers (AIC letter), 615 Eid event worshippers, and a building cap of 60,000 SF. None of the higher figures are used in these calculations.

Population transfer not included: The applicant testified that existing mosques in the area will close and their congregations will transfer to this location. No quantified estimate of transferred congregation size was provided in the record. Transfer trips are therefore not included but represent a material upward adjustment factor.

Gym / basketball / pool trips not included: The applicant's written statement confirms the gymnasium and basketball court serve as "community recreation space for the mosque congregation during evenings and weekends." The indoor Pool Room (2,125 SF, first floor, Sheet A-200, Packet Pg. 1112-1125 range) is on the drawings but not described in the written statement (Packet Pg. 1797-1807). No attendance figure for these recreational uses is provided in the record. Recreation trips shown in the tables above are conservative estimates only.

No ITE floor-area methodology applied to building SF: The standard ITE approach for a Church (LUC 560) uses building square footage as the independent variable. The applicant's written statement does not provide the final confirmed SF — the record contains figures of 45,000 SF (county application), 50,000 SF (AIC letter to residents), and a Board-imposed cap of 60,000 SF. Because the SF is contested, person-count methodology from the applicant's own statements is used instead throughout this exhibit.

Friday Jumu'ah figure: 350 vs. 250: The written statement (Packet Pg. 1797-1807) states 250 worshippers for Friday. The AIC letter to residents (A) states 350–400. Charts use 350 (lower bound of the AIC letter range) as the more conservative figure given that the letter was distributed to actual neighbors and represents a more candid self-assessment of demand.

Eid events (biannual) not charted: 615 worshippers are expected at Eid events (2×/year per written statement). These events would generate approximately 492 vehicle trips from worship alone — more than 5× the worship-trip volume of a normal weekday — and are excluded from the weekly charts because they are not weekly occurrences. They must nonetheless be analyzed in any TIA.

Withers/Applicant exchange reflects worship trips only: During deliberations, Commissioner Withers asked the Applicant directly: "anywhere from 60 cars at the start up to around 300 cars at maximum, but likely staying under the 200-car ratio." Is that pretty correct?" The Applicant confirmed: "Correct." That exchange — the only vehicle count admitted by the Applicant on the record — was framed entirely around worship attendance, drawn from the written statement's congregation figures (Packet Pg. 1797-1807). At no point in that exchange, or anywhere in the Applicant's testimony, were vehicle trips attributed to the gymnasium and basketball court (7,925 SF — admitted as community recreation space), the indoor pool room (2,125 SF, first floor, Sheet A-200, Packet Pg. 1112-1125 range — never described in the written statement, Packet Pg. 1797-1807), the coffee shop and cafeteria, the evening programs (six days per week, AIC Prayer Schedule, Packet Pg. 1360-1362), or population transfer from closing mosques. The "under 200 cars" figure the Applicant confirmed to Withers accounts for worship use alone on a 43,000 SF first floor containing a 12,326 SF indoor recreation complex, a commercial kitchen, a cafeteria, and a coffee shop. The Board voted on that partial accounting as if it described the whole project. The charts in this exhibit show why it does not.

Special event gatherings not included: The applicant's written statement describes the facility as a community center that will host "social events, outreach activities, and cultural events" (Packet Pg. 1797-1807). The AIC letter to residents similarly references ongoing "community activities" at this location. Weddings (nikah ceremonies), funeral prayers (janazah), Ramadan iftar and tarawih gatherings, Mawlid observances, community banquets, and other special religious and cultural events are not scheduled uses listed in the record and are therefore not counted in these charts. Each such event can generate attendance comparable to or exceeding a Friday Jumu'ah gathering. These events are unquantified, unscheduled, and entirely outside the scope of any parking or traffic analysis submitted by the applicant. A complete TIA must account for the full range of special uses.

Prepared from documents in the official case record for Case ZBA2026-0001 / ZA2026-0024, using BOA agenda packet page citations where confirmed from uploaded packet segments.

Appendix E — Fact-Check Notes and Corrections

TRIP GENERATION ANALYSIS OF 9600 2ND STREET NW 87114
BUILT ON THE ITE TRIP GENERATION MANUAL, 11TH EDITION
(INSTITUTE OF TRANSPORTATION ENGINEERS)
JULY 2026 BY APPEAL COALITION

This appendix documents record verification performed against the official 1,951-page BA2026-0001 agenda packet (Exhibits on Public Portal), the July 1, 2026 CPC hearing transcription (BA 2026-001), and the ITE Trip Generation Manual, 11th Edition. Where record citations are used, they reference the packet page numbers (bottom-right of each packet page). Corrections reflected in this revision include:

1. Murphy Express PM peak. The 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426) reports total PM peak-hour trip generation of 168 trips (86 entering + 82 exiting) at the trip generation table (Packet Pg. 1416). Prior text using '86 PM peak trips' cited only the entering leg (86 enter + 82 exit = 168); the corrected subtotal is now shown in Table 1 and referenced narratives. In addition, NMDOT determined during scoping that Murphy Express "would not be required to be a full Traffic Impact Study" (Packet Pg. 1414); the earlier characterization of Murphy as a 'full TIA' has been softened to 'traffic study' throughout this exhibit.

2. Testimony quotes. The Withers-Applicant exchange is now quoted verbatim from the July 1, 2026 hearing transcription (BA 2026-001), which identifies the respondent as Joseph Tahat (not "Applicant" as previously rendered) and includes Commissioner Withers' preface that maximum capacity "might be up to 600 visitors at a time." Luna's regional-versus-site distinction is likewise quoted verbatim, including her prefatory language about building-permit-stage mitigation.

3. ITE Land Use Code selection — LUC 562 Mosque. The ITE Trip Generation Manual, 11th Edition, contains a discrete Land Use Code 562 "Mosque" with a published Friday PM peak-hour trip rate of approximately 4.22 trips per 1,000 sq. ft. gross floor area — more than 8× higher than LUC 560 "Church" (0.49 Friday PM peak-hour trips per 1,000 sq. ft. GFA). (ITE Trip Generation Manual, 11th Ed., LUC 562/560, Friday PM Peak Hour.) Applying LUC 562 to a 43,000 sq. ft. mosque building yields an estimated ~182 Friday PM peak-hour trips, compared with ~21 Friday PM peak-hour trips for a church of the same footprint. This exhibit's arithmetic is intentionally based on the Applicant's own stated attendance figures (which are more conservative than an LUC-562 building-area computation); an LUC-562 corroboration is available on request. The occupancy figures shown in Table 4 (2.5, 1.15, 1.5 persons/vehicle) are vehicle-occupancy assumptions used to translate attendance into trips, and are distinct from ITE's LUC trip-generation rates.

4. Applicant's own record attendance figures. The Applicant's Written Statement (Packet Pg. 1797-1807) itself lists 250 worshippers for a typical Friday Jumu'ah and 615 worshippers at the biannual Eid events. Applicant representative Tahat testified at the July 1 hearing that the existing Menaul-area location currently draws approximately 1,900 total worshippers across two Friday services with roughly 89 available parking spaces, and that maximum capacity at the new 9600 2nd Street NW site would reach 600 worshippers with 235 parking spaces provided against 154 required for place-of-worship use plus 51 for the school use previously depicted on the site plan (Packet Pg. 1084).

5. Appellant's proffered trip-generation estimate. Appellant Pat Hauser proffered testimony from traffic engineer Terry Brown (who performed the corridor's Murphy Express study) that "a 43,000 square foot mosque is going to generate a minimum of 410 occurrences in the morning and 1,300 in the afternoon" (BA 2026-001 hearing testimony). Even taken at face value, these proffered figures materially exceed the 168-trip PM peak-hour subtotal (or 117 primary trips) documented in the 2020 Murphy Express Traffic Study (Packet Pg. 1416), which produced Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417) and required both Murphy driveways to be restricted to right-in/right-out-only access (Packet Pg. 1410).

6. Building square footage in the record. The stamped drawings in the record show the following footprints: original Sheet A-100, dated January 14, 2026, stamped by Scott C. Anderson (Packet Pg. 1084) — 45,300 sq. ft. first-floor footprint; revised Sheet S-100, dated April 6, 2026, also stamped by Anderson (Packet Pg. 1112 range) — 43,288 sq. ft. first-floor footprint. Mr. Tahat testified at the July 1 hearing to a "43,000 square feet" first-floor footprint plus a "15,000 to 17,000 square feet" second floor (BA 2026-001 hearing testimony). County staff characterized the project verbally as "approximately 50,000 square feet" (BA 2026-001 hearing testimony). No stamped drawing in the record depicts a 60,000 sq. ft. building envelope.

EXHIBIT 15

Trip-Generation Calculation Charts

ZBA2026-0001 / ZA2026-0024 — 9600 2nd Street NW, Bernalillo County, NM

The underlying ITE calculation tables and record source-data charts that follow are excerpted from the Trip Generation Analysis (Exhibit 14) and consolidated here for ready reference. They include:

- Weekly Trip Summary — revised plan by use category (2,164 weekly / 560 Friday).
- Corridor Capacity Context — Murphy Express 2020 PM peak (168 trips) vs. revised plan.
- Step-by-step ITE arithmetic by day (LUC 560 Worship, LUC 520 Programs, LUC 492 Recreation).
- Vehicle-occupancy assumptions and record source-data charts.

The full narrative analysis, methodology, and Packet Pg. citations remain in Exhibit 14. Figures here are excerpted verbatim; page footers reflect their original location in Exhibit 14.

Weekly Trip Summary — Revised Plan by Use Category

Even using the Applicant's own lowest-stated attendance figures, published ITE occupancy rates applied by activity type, and excluding recreational use, special gatherings, and population transfer entirely from any upward adjustment, the revised plan generates an estimated **2,164 vehicle trips per week and 560 vehicle trips on a single Friday** — on a corridor where the only available traffic study in the record, the 2020 Murphy Express Traffic Study (Packet Pg. 1407–1426; trip generation table at Packet Pg. 1416), projected 168 PM peak-hour trips (86 entering + 82 exiting) from a single 12-pump gas station and convenience market, reduced to 117 primary trips after a 30% pass-by adjustment, and documented Level of Service F on the westbound Alameda Boulevard through-movement at the Alameda / 4th Street signalized intersection under 2020 BUILD conditions (Packet Pg. 1417). Every figure in this analysis is a floor, not a ceiling. The analysis understates demand.

Day	Prayers/ Worship	Programs/Quran	Recreation (est.)	Special Gatherings (est.)	Staff	Daily Total
Monday	96	24	53	24	20	217
Tuesday	96	20	53	24	20	213
Wednesday	96	0	53	24	20	193
Thursday	96	24	53	24	20	217
Friday	360	87	53	40	20	560
Saturday	96	103	107	60	8	374
Sunday	96	119	107	60	8	390
Weekly Total	**936**	**377**	**479 (est.)**	**256 (est.)**	**116**	**2,164**

Note: Recreation and special gathering columns are conservative estimates — no attendance data for those uses exists anywhere in the case record. Actual totals are higher. The following are NOT included in any column: population transfer from closing mosques; regional westside draw (Rio Rancho, Corrales, Taylor Ranch, Paradise Hills, Sandoval County); Eid events (615 worshippers, 2×/year); or ITE SF-based trip generation for a 60,000 SF facility. All figures use the applicant's own lower-bound numbers.

Appendix A — Why the Revised Plan Still Exceeds This Corridor's Capacity

The revised plan (school and daycare verbally removed at the July 1, 2026 hearing — no amended stamped architectural drawings were ever filed) still places a load this corridor cannot handle for five independent reasons.

Jumu'ah service. It did not encompass programs, recreation, staff, or population transfer from other mosques.

5. The revised plan still has no traffic analysis on the record

The Section 24 burden requires the Applicant to demonstrate the use will not create undue traffic hazards. That burden was never met for the original application. It was never re-evaluated for the revised plan. No traffic engineer testified that 560 Friday trips on 2nd Street NW is within this corridor's remaining capacity. Luna stated on the record: “No. You have nothing on record.” “Smaller than the original” is not the legal standard. “No undue traffic hazards” is. That finding cannot be made on no evidence, regardless of the verbal school and daycare removal.

Corridor Capacity Context

Reference Point	PM Peak Trips	Corridor Result	Source
Murphy Express gas station (2020)	168 PM peak trips (86 enter + 82 exit)	LOS F at Alameda/4th WB thru (Packet Pg. 1417) and at Murphy Driveway A (Packet Pg. 1409); both driveways restricted to right-in/right-out-only (Packet Pg. 1410)	2020 Murphy Express Traffic Study, Packet Pg. 1407-1426 (trip table Packet Pg. 1416); NMDOT scoping determination Packet Pg. 1414
AIC — Revised Plan (verbal school removal; no amended drawings filed)	560 Friday trips	No analysis performed — nothing on record	Trip Generation Analysis, this exhibit
AIC revised vs. Murphy Express	560 vs. 168 trips	AIC Friday trips ≈ 3.3× the Murphy Express PM peak-hour subtotal of 168 trips (2020), on the same corridor where even that gas-station load produced Level of Service F and required right-in/right-out-only access at both driveways.	Calculated from record data
Applicant's on-record estimate (Withers exchange)	"under 200 cars"	Worship trips only — excludes programs, recreation,	July 1, 2026 hearing testimony

		staff, population transfer	

The shaded rows show the direct comparison between the only corridor study in the record (Murphy Express 2020) and the revised plan the Board approved. The revised plan generates more than 3× the PM peak-hour volume that produced Level of Service F on this same corridor six years ago (560 Friday trips vs. 168 PM peak-hour trips), on a corridor that has not been improved and has only grown more congested since.

Appendix D — Why Deferring Traffic Mitigation to the Building Phase Is Not a Cure

This section addresses the argument — implicit in the Board's approval — that any traffic problems with the proposed facility can be resolved at the building permit phase through a Traffic Impact Analysis and site-level mitigation conditions.

1. The CUP Is the Last Public Checkpoint

A conditional use permit is the last meaningful public checkpoint before construction begins. Once issued and recorded, the County's legal authority to condition, restrict, or deny the use based on traffic impact is exhausted. Any mitigation proposed at the building permit phase is evaluated by staff in a non-public administrative process, with no opportunity for neighboring property owners or the traveling public to present evidence, challenge findings, or appeal conditions. The Section 24 standard requires a finding that the proposed use “will not be detrimental to the public health, safety, and welfare” before approval. That finding cannot be made on a record that contains no traffic data, and it cannot be outsourced to a future administrative process the public cannot access.

2. The Mitigation May Not Be Physically Possible

2nd Street NW at this location is a two-lane rural road with no median, no turn lanes, no signalized intersection at the driveway, and no parallel arterial alternative for Westside communities (Corrales, Rio Rancho, City of ABQ Westside, Taylor Ranch, Paradise Hills) crossing into the Town of Alameda. If a post-approval traffic study finds Level of Service F — as the only study in the record already projects for this corridor at 168 PM peak-hour trips (86 entering + 82 exiting) from a single 12-pump gas station (2020 Murphy Express Traffic Study, Packet Pg. 1407-1426; trip table Packet Pg. 1416; LOS F at Alameda/4th (Packet Pg. 1417) and at Murphy Driveway “A” (Packet Pg. 1409); NMDOT scoping determination Packet Pg. 1414) — there may be no available engineering fix. There is no room to widen. No signal warrant will be met for a private driveway. No secondary access exists to the north, east, or west. At that point, the County will have issued a permit for a facility that the road network physically cannot serve, and the neighborhood will bear the permanent consequence.

3. Post-Approval Studies Are Structurally Biased Toward Approval

reduced to 117 primary trips after a 30% pass-by adjustment) from a single 12-pump gas station and convenience market on this corridor segment, and the study's capacity analysis documented Level of Service F on the westbound Alameda through-movement at the adjacent Alameda / 4th Street signalized intersection under 2020 BUILD conditions (V/C 1.10, 76.8 seconds control delay, 1,348-foot 95th-percentile queue — Packet Pg. 1417). Applying the same ITE-style attendance-to-trip conversion used throughout this exhibit (persons ÷ 2.5 occ × 2), the 117 primary-trip figure corresponds to a maximum comparable worship attendance of approximately 146 persons during a peak event.

This appendix shows the step-by-step ITE arithmetic for each day of the week under the revised plan (school and daycare verbally removed at the July 1, 2026 hearing; no amended stamped architectural drawings were filed). All inputs are drawn from the Applicant's own filed documents. ITE formulas: Worship (LUC 560) = persons ÷ 2.5 occ × 2; Quran/School drop-off (LUC 520) = persons ÷ 1.15 occ × 2; Staff = persons ÷ 1.0 × 2; Recreation (LUC 492) = persons ÷ 1.5 × 2. The ×2 factor counts both arrival and departure trip-ends (standard ITE convention). Evening program schedule source: AIC Prayer Schedule / Weekly Program Exhibit, Packet Pg. 1360–1362, submitted by the Appellant; undisputed by AIC at the July 1, 2026 hearing.

Day	Prayers (LUC 560)	Programs (LUC 520)	Rec. est. (LUC 492)	Special (est.)	Staff	Daily Total
Monday	96	24	53	24	20	217
Tuesday	96	20	53	24	20	213
Wednesday	96	0	53	24	20	193
Thursday	96	24	53	24	20	217
Friday	360	87	53	40	20	560
Saturday	96	103	107	60	8	374
Sunday	96	119	107	60	8	390
Weekly	**936**	**377**	**479**	**256**	**116**	**2,164**

Friday Peak — Full Breakdown

Component	Persons	LUC / Occ.	Formula	Trips
Jumu'ah worship (350 attendees, lower bound)	350	LUC 560 / 2.5	350 ÷ 2.5 × 2	280
Non-Jumu'ah	100	LUC 560 / 2.5	100 ÷ 2.5 × 2	80

prayers (5 remaining × 20)				
Quran Evening Program (50 youth, drop-off model, LUC 520)	50	LUC 520 / 1.15	50 ÷ 1.15 × 2	≈87
Recreational use (est.)	~40	LUC 492 / 1.5	40 ÷ 1.5 × 2	53
Special gathering (Friday premium est.)	~50	LUC 560 / 2.5	50 ÷ 2.5 × 2	40
Staff (Friday)	10	Staff / 1.0	10 ÷ 1.0 × 2	20
FRIDAY TOTAL (revised plan)	**—**	**—**	**280+80+87+53+40+20**	**560**

Friday source: AIC Letter to Residents (see hearing testimony record and applicant materials at Packet Pg. 1085-1111): "350 to 400 attendees, typically 150 to 200 vehicles" (lower bound 350 used). Quran Evening Program: AIC Prayer Schedule, Packet Pg. 1360-1362 (Appellant-submitted, undisputed). Friday is IDENTICAL under the initial and revised plans — school/daycare removal reduces zero Friday trips.

Appendix B — Trip Calculation Methodology

Trip figures in this exhibit are derived exclusively from attendance and capacity data filed by the Applicant in the case record. The weekly operating schedule (Packet Pg. 1360-1362) used as the source for evening programs and Quran Evening Program sessions reflects the AIC's current operating schedule at their existing Menaul Street facility; it was submitted into the record by the Appellant (Pat Hauser / Maria-Diers Neighborhood Association). The AIC did not file a separate operational schedule for the proposed site and did not dispute this schedule at the July 1, 2026 hearing.

Formula: Vehicle Trips (daily) = (Person Count ÷ Vehicle Occupancy) × 2. The ×2 factor accounts for both the inbound trip (arrival) and the outbound trip (departure) for each attendee. This is the standard methodology used by the Institute of Transportation Engineers (ITE).

Vehicle Occupancy Rates

Use Type	Occupancy Rate	Source
Worship / Prayer (congregation)	2.5 persons/vehicle	ITE Trip Generation Manual 11th Ed., LUC 560 (Church)
Staff / Admin	1.0 person/vehicle	Standard single-occupant

		commute assumption
Quran Evening Program / Youth Programs	1.15 persons/vehicle	ITE LUC 520 (parental drop-off model)
Recreation (gym/basketball/pool)	1.5 persons/vehicle	ITE LUC 492

Source Data from Record

Data Point	Value Used	Record Source
Daily prayers per day	6	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362 (Fajr 4:07am, Sunrise 5:46am, Dhuhr 1:06pm, Asr 4:53pm, Maghrib 8:18pm, Isha 10:03pm)
Non-Friday prayer attendance (avg)	20 persons	Applicant Written Statement (Packet Pg. 1797-1807): "visitor will be less than 25 persons" on non-Friday days
Friday Jumu'ah attendance	350 persons	AIC Letter to Residents (see hearing testimony record p.25): "350 to 400 attendees, typically 150 to 200 vehicles" — lower bound used
Friday Jumu'ah (written statement)	250 persons	Applicant Written Statement (Packet Pg. 1797-1807): "approximately 250 worshippers" — alternate lower figure also in record
Peak Eid event (2x/year)	615 persons	Applicant Written Statement (Packet Pg. 1797-1807): "615 worshippers" — NOT used in weekly charts (biannual event)
Staff (revised plan)	10 persons	Conservative estimate post-school removal — admin and facility management only
Mon/Thu evening programs	~30 persons	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Hadith Roots (Mon), Shabab Circle (Thu) after 10:15pm Isha
Tue evening program	~25 persons	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Suhbah Visionaries (Women 18-25) 6:30–7:30pm Tuesday
Fri Quran Evening Program	~50 youth	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Quran Evening Program for Youth

		and Children 5:30–8:00pm Friday
Sat/Sun Quran Evening Program	~50 youth	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Quran Evening Program 11:00am–2:00pm Saturday and Sunday
Sun Reverts Circle	~20 persons	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: The Reverts Circle 4:30pm Sunday
Sat/Sun late evening program	~30 / ~20	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: Suhbah Visionaries (Men 22+) after Isha Sunday
Operating hours (most days)	4:00am–10:30pm	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: "4 a.m. until 10:30 pm (most days)"
Operating hours (Mon, Thu, Sat)	4:00am–midnight	AIC Prayer Schedule Exhibit, Packet Pg. 1360-1362: "4 a.m. until 11–12 midnight (Mon, Thu, Sat)"

Limitations and Caveats

These are MINIMUM estimates: All figures use the applicant's own stated lower-bound attendance numbers. The record also contains figures of 350–400 Friday worshippers (AIC letter), 615 Eid event worshippers, and a building cap of 60,000 SF. None of the higher figures are used in these calculations.

Population transfer not included: The applicant testified that existing mosques in the area will close and their congregations will transfer to this location. No quantified estimate of transferred congregation size was provided in the record. Transfer trips are therefore not included but represent a material upward adjustment factor.

Gym / basketball / pool trips not included: The applicant's written statement confirms the gymnasium and basketball court serve as "community recreation space for the mosque congregation during evenings and weekends." The indoor Pool Room (2,125 SF, first floor, Sheet A-200, Packet Pg. 1112-1125 range) is on the drawings but not described in the written statement (Packet Pg. 1797-1807). No attendance figure for these recreational uses is provided in the record. Recreation trips shown in the tables above are conservative estimates only.

No ITE floor-area methodology applied to building SF: The standard ITE approach for a Church (LUC 560) uses building square footage as the independent variable. The applicant's written statement does not provide the final confirmed SF — the record contains figures of 45,000 SF (county application), 50,000 SF (AIC letter to residents), and a Board-imposed cap of 60,000 SF. Because the SF is contested, person-count methodology from the applicant's own statements is used instead throughout this exhibit.

EXHIBIT 16

NORTH VALLEY AREA PLAN

APRIL 1993

BERNALILLO COUNTY & CITY OF ALBUQUERQUE

CITY COUNCIL

Vincent E. Griegos, President
Steve D. Gallegos, Vice-President
Ruth Adams
Allan Armijo
Michael Brasher
Pauline Gubbels
Herb H. Hughes
Tim Kline
Deborah Lattimore

ENVIRONMENTAL PLANNING COMMISSION

Victor Chavez, Chair
William Fanning, V. Chair
Jane W. Brown
Joe Chavez
Ted Hobbs
Adele Hundley
Robert McCabe
Kim Murphy
Marcia Swezy

CITY OF ALBUQUERQUE

Louis E. Saavedra, Mayor
Arthur A. Blumenfeld, CAO

PLANNING DEPARTMENT/ADVANCE PLANNING PROJECT STAFF

Ken Balizer, Director, Planning Department
Richard Sertich, Chief, Advance Planning
Susan Jones, NVAP Project Manager
Joel Wooldridge, Senior Planner
Jon Messier, Senior Planner
Susan Kelly, Planner
Paula Donahue, Planner
Mary Davis, Planner
Eunave Izard, Administrative Secretary
Ramona E.L. Gabaldon, Administrative Aide II
Donna Dunn, Planning Intern/ Photographer
Leena Kharkar, Planning Intern
Jacqueline Fishman, Planning Intern
Jesse Garves, Graphic Artist
Joe Lujan, Graphic Artist
Neal Weinberg, Automated Geographic System
Carmen Chavez, Automated Geographic System
Jasen Fink, Automated Geographic System
Laura Bristow, Copy Center Tech

BOARD OF COUNTY COMMISSIONERS

Patrick J. Baca, Chair
Jacquelyn Schaefer, Vice Chair
Eugene M. Gilbert
Barbara Seward
Al Valdez

COUNTY PLANNING COMMISSION

David Vargas, Chair
Morris Burton Snipes, Vice Chair
Marion Cottrell
Adolph Gallegos
Susan Noftsker
Mary Romero
Lauro D. Silva

COUNTY OF BERNALILLO

Juan R. Vigil, County Manager

PROJECT CONSULTANTS

Dyer and Dyer, Urbanitas
John H Hooker, Architect

This Plan is Dedicated to the Memory of
Cynthia S. Bruce, AICP
Chief of Advance Planning
1984-1991

EXHIBIT 16

CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-255 ENACTMENT NO. 60-1993

SPONSORED BY: Vincent E. Griego

Underscored Material - New
[Bracketed Material] - Deletion

RESOLUTION

ADOPTING THE NORTH VALLEY AREA PLAN AS A RANK 2 AREA PLAN.

WHEREAS, the City Council has the authority to adopt plans for geographic areas within the planning jurisdiction of the City as authorized by New Mexico Statutes; and

WHEREAS, the City Council recognizes the need for Area Plans to guide the County, other agencies, property owners, and other individuals to ensure orderly development and effective utilization of resources; and

WHEREAS, the Albuquerque/Bernalillo County Comprehensive Plan directs that lower ranking plans should provide specific recommendations within general density and character guidelines of that plan; and

WHEREAS, the North Valley Area Plan, a Rank Two Plan, provides the framework and direction for any more specific planning for smaller geographic subareas of the plan area; and

WHEREAS, the City of Albuquerque has prepared the North Valley Area plan to guide future development by addressing general land use, zoning, air quality, wastewater, drainage, transportation, housing, community design, agriculture and implementation; and

WHEREAS, the North Valley Area Plan was prepared with assistance of residents and property owners, business people and others in accordance with their desires as expressed in public meetings and Volume II North Valley Area Plan Goals and Issues; and

WHEREAS, the North Valley Area Plan responds to citizen goals of recognizing the North Valley as a unique and fragile resource and as an

inestimable and irreplaceable part of the entire metropolitan community; and

WHEREAS, the North Valley Plan Area includes lands within the municipal limits and outside of those limits but within the City's planning jurisdiction; and

WHEREAS, the Environmental Planning Commission in its advisory role on all matters related to planning, zoning, and environmental protection has approved and recommended adoption of the North Valley Area Plan at a public hearing.

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

Section 1. The North Valley Area Plan attached hereto and made a part hereof, is hereby adopted as a Rank Two Area Plan.

Section 2. The North Valley Area Plan goals, policies and principles, including goals identified in Volume II and included in the Plan Introduction, shall guide the density, character and design of all public and private land uses and development within the plan area.

A. Cluster Housing principles shall serve as a guide for evaluating new residential development in the plan area.

B. Village Center principles shall serve as a guide for evaluating new and redeveloped commercial projects in the plan area.

C. The text in each chapter shall serve to interpret the intent of goals and policies contained in the plan.

Section 3. The North Valley Area Plan shall guide subsequent planning and regulatory actions in the plan area including, but not limited to, sector plans and design overlay zoning.

Section 4. Development densities shall not be determined on the basis of the presence of sanitary sewer alone but shall also be determined through Comprehensive Plan designation, existing zoning, and area character.

Section 5. Subdivisions in the Semi-Urban and Rural Areas of the North Valley Area Plan shall be subject to rural development standards to encourage retention and expansion of rural character features,

Underscored Material - New
[Bracketed Material] - Deletion

including diverse lot sizes and shapes and housing types within subdivisions, retention of ditch access for irrigation and/or recreation and non-asphalt streets and soft-surfaced trails instead of sidewalks.

Section 6. The North Valley Area Plan and the policies herein shall not be interpreted to either support or oppose construction of the Montano Bridge. If this roadway is built, its design and subsequent development will be guided by applicable policies of this plan.

Section 7. Solid Waste Transfer Stations shall be allowed in the North Valley Plan area only on land zoned for manufacturing uses and only if, after thorough investigation of relative benefits and costs, such location is deemed appropriate and the potential impacts on adjacent residential land can be mitigated through proper site design.

Underscored Material - New
[Bracketed Material] - Deletion

PASSED AND ADOPTED THIS 17th DAY OF MAY, 1993

BY A VOTE OF 8 FOR AND 0 AGAINST.

Yes: 8
Excused: Griego

Steve D. Gallegos, Presiding President
City Council

APPROVED THIS 2nd DAY OF June, 1993.

Louis E. Saavedra, Mayor
City of Albuquerque

ATTEST:

City Clerk

Underscored Material - New
[Bracketed Material] - Deletion

EXHIBIT 16

CITY of ALBUQUERQUE
TENTH COUNCIL

COUNCIL BILL NO. R-254 ENACTMENT NO. 56-1993

SPONSORED BY: Vincent E. Griego

Underscored Material - New
[Bracketed Material] - Deletion

1 RESOLUTION

2 AMENDING THE ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN
3 BOUNDARIES CONSISTENT WITH RECOMMENDATIONS OF THE NORTH
4 VALLEY AREA PLAN.

5 WHEREAS, the Comprehensive Plan and Article 7-4 Revised Ordinances
6 1974, the City Plans Ordinance, provide amendment procedures for the
7 Comprehensive Plan; and

8 WHEREAS, the Albuquerque/Bernalillo County Comprehensive Plan
9 provides for revisions to Comprehensive Plan Map boundaries for compelling
10 reasons of planning policy; and

11 WHEREAS, the North Valley Area Plan recommends boundary
12 amendments for five areas, based upon analysis and public review; and

13 WHEREAS, the boundary changes will alter existing area boundaries to
14 better reflect existing character, resources and development potential by
15 enlarging and consolidating Semi-Urban and Rural areas with like features and
16 characteristics and will also allow consistent application of Comprehensive Plan
17 and Area Plan policies directed at Semi-Urban and Rural areas; and

18 WHEREAS, the above items constitute compelling reasons of planning
19 policy; and

20 WHEREAS, a goal of the Comprehensive Plan is to maintain the character
21 and identity of Semi-Urban Areas which have environmental, social or cultural
22 conditions limiting urban land uses; and

23 WHEREAS, Semi-Urban designation applied to selected areas presently
24 designated Established Urban would provide for recognition of those areas'
25 agricultural history and potential; and

26 WHEREAS, staff analysis within the North Valley Area Plan has shown

that Areas B, C, D and E exhibit characteristics and development potential appropriate for designation as Semi-Urban rather than Developing or Established Urban, and that Semi-Urban designation does not affect significant reduction or increase of development potential to which there is public or individual landowner opposition; and

WHEREAS, Rural area designation would provide for maintenance of the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources and traditional settlement patterns; and

WHEREAS, staff analysis has shown that Area A exhibits characteristics and potential appropriate for designation as Rural than Established Urban and that Rural designation does not affect a significant reduction or increase of development potential to which there is public or individual landowner opposition.

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

Section 1. Area A, bounded by the North Diversion Channel on the east and on the north, Edith Boulevard and the Rural area boundary on the west and eastward extension of the right-of-way line of Calle del Fuego on the south, shall be designated as Rural on the Comprehensive Plan Map.

Section 2. Area B, bounded by the Alameda Lateral on the west, the municipal limits on the east, Osuna Road on the south and Ranchitos Road on the north, shall be designated as Semi-Urban on the Comprehensive Plan Map.

Section 3. Area C, bounded by the AT&SF Railroad tracks on the east, the Chamisal Lateral on the west, the Gallegos and Stotts Lateral on the south, Willow Road and Osuna Road on the north, shall be designated as Semi-Urban on the Comprehensive Plan Map.

Section 4. Area D, bounded by Municipal limits on the east, the AT&SF Railroad tracks on the west, Montano Road on the south and Osuna Road on the north, shall be designated as Semi-Urban on the Rio Grande on the west, the Municipal limits on the north and I-40 on the Comprehensive Plan Map.

Section 5. Area E, bounded by Gabaldon Road on the east, the Rio Grande south, shall be designated as Semi-Urban on the Comprehensive Plan Map.

Underscored Material - New
[Bracketed Material] - Deletion

legres:fvr254.edd

PASSED AND ADOPTED THIS 17TH DAY OF MAY, 1993.

BY A VOTE OF: 8 FOR 0 AGAINST.

Yes: 8

Excused: Griego

Steve D. Gallegos, Presiding President
City Council

APPROVED THIS 2nd DAY OF JUNE, 1993.

Louis E. Saavedra, Mayor
City of Albuquerque

ATTEST:

City Clerk

Underscored Material - New
[Bracketed Material] - Deletion

EXHIBIT 16

RESOLUTION NO. AR 36-93

ADOPTING THE NORTH VALLEY AREA PLAN AS A RANK 2 AREA PLAN.

WHEREAS, the Commission has the authority to adopt plans for geographic areas within the planning jurisdiction of the County as authorized by New Mexico Statutes; and

WHEREAS, the County Commission recognizes the need for Area Plans to guide the County, other agencies, property owners, and other individuals to ensure orderly development and effective utilization of resources; and

WHEREAS, the Albuquerque/Bernalillo County Comprehensive Plan directs that lower ranking plans should provide specific recommendations within general density and character guidelines of that plan; and

WHEREAS, the North Valley Area Plan, a Rank Two Plan, provides the framework and direction for any more specific planning for smaller geographic subareas of the plan area; and

WHEREAS, the City of Albuquerque has prepared the North Valley Area Plan to guide future development by addressing general land use, zoning, air quality, wastewater, drainage, transportation, housing, community design, agriculture and implementation; and

WHEREAS, the North Valley Area Plan was prepared with assistance of residents and property owners, business people, and others in accordance with their desires as expressed in public meetings and Volume II North ValleyArea Plan Goals and Issues; and

WHEREAS, the North Valley Area Plan responds to the citizen goals of recognizing the North Valley as a unique and fragile resource and as an inestimable and irreplaceable part of the entire metropolitan

community; and

WHEREAS, the North Valley Plan Area includes lands within the municipal limits and outside of those limits but within the City's planning jurisdiction; and

WHEREAS, the County Planning Commission in its advisory role on all matters related to planning, zoning, and environmental protection has approved and recommended adoption of the North Valley Area Plan at a public hearing.

BE IT RESOLVED BY THE COUNTY COMMISSION, THE GOVERNING BODY OF THE COUNTY OF BERNALILLO THAT:

Section 1. The North Valley Area Plan attached hereto and made a part hereof, is hereby adopted as a Rank Two Area Plan for the County of Bernalillo.

Section 2. The North Valley Area Plan goals, policies and principles, including goals identified in Volumed II and included in the Plan Introduction, shall guide the density, character and design of all public and private land uses and development within the plan area.

A. Cluster Housing Principles shall serve as a guide for evaluating new residential development in the plan area.

B. Village Center principles shall serve as a guide for evaluating new and redeveloped commercial projects in the plan area.

C. The text in each chapter shall serve to interpret the intent of goals and policies contained in the plan.

Section 3. The North Valley Area Plan shall guide subsequent planning and regulatory actions in the plan area including, but not limited to sector plans and design overlay zoning.

Section 4. Development densities shall not be determined on the basis of the presence of sanitary sewer alone but shall also be determined through Comprehensive Plan designation, existing zoning, and area character.

Section 5. Subdivisions in the Semi-Urban and Rural Areas of the North Valley Area Plan shall be subject to rural development standards to encourage retention and expansion of rural character features including: diverse lot sizes and shapes and housing types within subdivisions; retention of ditch access for irrigation and/or recreation; non-asphalt streets, and soft-surfaced trails instead of sidewalks.

Section 6. The North Valley Area Plan and the policies herein shall not be interpreted to either support or oppose construction of the Montaño Bridge. If this roadway is built, its design and subsequent development will be guided by applicable policies of this plan.

Section 7. Solid Waste Transfer Stations shall be allowed in the North Valley Plan area only on land zoned for manufacturing uses and only if after thorough investigation of relative benefits and costs, such location is deemed appropriate and the potential impacts on adjacent residential land can be mitigated through proper site design.

EXHIBIT 16

Page 4, RESOLUTION NO. AR 36-93

ADOPTING THE NORTH VALLEY AREA PLAN AS A RANK 2 AREA PLAN.

was approved by the Bernalillo County Board of County Commissioners at the April 27, 1993, Commission Meeting.

BOARD OF COUNTY COMMISSIONERS

Patrick J. Baca, Chairman

Jacqulyn K. Schaefer, Vice-Chair

Eugene M. Gilbert, Member

Barbara J. Seward, Member

Albert "Al" Valdez, Member

ATTEST:

for E. E. Liz Perry

Judy D. Woodward, County Clerk

EXHIBIT 16

RESOLUTION NO. AR 37-93

AMENDING THE COMPREHENSIVE PLAN BOUNDARIES CONSISTENT WITH RECOMMENDATIONS OF THE NORTH VALLEY AREA PLAN.

WHEREAS, the Comprehensive Plan and Article 7-4 Revised Ordinances 1974, City Plans Ordinance provides amendment procedures for the Comprehensive Plan; and

WHEREAS, the Albuquerque/Bernalillo County Comprehensive Plan provides for revisions to Comprehensive Plan Map boundaries for compelling reasons of planning policy; and

WHEREAS, the North Valley Area Plan recommends boundary amendments for five areas, based upon analysis and public review, and

WHEREAS, the boundary changes will alter existing area boundaries to better reflect existing character, resources and development potential by enlarging and consolidating Semi-Urban and Rural areas with like features and characteristics and allow consistent application of Comprehensive Plan and Area Plan policies directed at Semi-Urban and Rural Areas and

WHEREAS, the above items constitute compelling reasons of planning policy; and

WHEREAS, a goal of the Comprehensive Plan is to maintain the character and identity of Semi-Urban Areas which have environmental, social or cultural conditions limiting urban land uses; and

WHEREAS, Semi-Urban designation applied to selected areas presently designated Established Urban would provide for recognition of those areas' agricultural history and potential; and

WHEREAS, staff analysis within the North Valley Area Plan has shown

that Areas B, C, D, and E exhibit characteristics and development potential appropriate for designation as Semi-Urban rather than Developing or Established Urban, and that Semi-Urban designation does not affect significant reduction or increase of development potential to which there is public or individual landowner opposition; and

WHEREAS, Rural area designation would provide for maintenance of the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns; and

WHEREAS, staff analysis has shown that Area A exhibits characteristics and potential appropriate for designation as Rural than Established Urban and that Rural designation does not affect a significant reduction or increase of development potential to which there is public or individual landowner opposition.

THEREFORE BE IT RESOLVED BY THE COUNTY COMMISSION, THE GOVERNING BODY OF THE COUNTY OF BERNALILLO THAT:

Section 1. Area A, bounded by the North Diversion Channel on the east and on the north, Edith Boulevard and the Rural area boundary on the west, and eastward extension of the right-of-way line of Calle del Fuego on the south, shall be designated as Rural on the Comprehensive Plan Map.

Section 2. Area B, bounded by the the Alameda Lateral on the west the municipal limits on the east, Osuna Road on the south, and Ranchitos Road on the north, shall be designated as Semi-Urban on the Comprehensive Plan Map.

Section 3. Area C, bounded by the AT&SF Railroad tracks on the

AMENDING THE COMPREHENSIVE PLAN BOUNDARIES CONSISTENT WITH RECOMMENDATIONS OF THE NORTH VALLEY AREA PLAN.

east, the Chamisal Lateral on the west, the Gallegos and Stotts Lateral on the south, Willow Road and Osuna Road on the north, shall be designated as Semi-Urban on the Comprehensive Plan Map.

Section 4. Area D. bounded by the Municipal limits on the east, the AT&SF Railroad tracks on the west, Montaño Road on the south, and Osuna Road on the north, shall be designated as Semi-Urban on the Comprehensive Plan Map.

Section 5. Area E, bounded by Gabaldon Road on the east, the Rio Grande on the west, the municipal limits on the north, and I-40 on the south shall be designated as Semi-Urban on the Comprehensive Plan Map. was approved by the Bernalillo County Board of Commissioners at the 4-27-93 Commission Meeting.

BOARD OF COUNTY COMMISSIONERS

Patrick J. Baca, Chairman

Jacqueline K. Schaefer, Vice-Chair

Eugene M. Gilbert, Member

Barbara J. Seward, Member

Albert "Al" Valdez, Member

ATTEST:

for Judy D. Woodward, County Clerk

Table of Contents

North Valley Area Plan Summary **5**
Goals and Issues 5
Plan Policies 7
Zoning and Land Use 7
Air Quality 9
Wastewater 10
Drainage 11
Transportation 12
Housing 14
Village Centers 15
Community Design 16
Agriculture and Rural Character 18
Implementation Actions 20

Introduction **23**
The Unique Identity of the North Valley 23
Physical Setting 25
Purpose 25
Scope 26
Approach, Methods, Process 27
Relationship to Other Plans and Studies 28
Population & Census Information 29
Scenario Descriptions 30
Trend 33
Housing 33
Commercial Uses 33
Industrial and Heavy Commercial Uses 34
Agriculture and Rural Character 34
Albuquerque/Bernalillo County Comprehensive Plan 35
Housing 35
Commercial Uses 35
Industrial and Heavy Commercial Uses 35
Agriculture and Rural Character 35
Preferred 36
Housing 36
Commercial Uses 38
Industrial and Heavy Commercial 38
Public Uses 38
Agriculture and Rural Character 39

Land Use and Zoning **41**
Summary 41
Comprehensive Plan Areas 41
Zoning 46
Zoning Capacity—The Buildout Analysis 46
Rural Agricultural Zone 49
Single Family Residential Zone 49
Special Use Permits 51
Non-Conforming Uses 54
Design Overlay Zoning 54

Land Use Patterns 58
Housing 58
Commercial 59
Industrial 60
Zoning and Land Use Policies 61

Air Quality 65
Summary 65
Primary Sources of Pollution in the North Valley 66
Potential Strategies to Mitigate Air Pollution 67
Regulatory Controls Affecting Air Quality 69
Open Burning 69
Woodburning 70
Air Quality Policies 71

Wastewater and Groundwater Quality 73
Summary 73
Septic Tank Systems and Groundwater Pollution 74
Groundwater Protection Policy and Action Plan 75
The Bernalillo County Liquid Waste Ordinance 76
Alternative On-Site Wastewater Treatment Systems 76
Sanitary Sewer 77
North Valley Wastewater Options Study Scope 82
Wastewater Policies 83

Drainage 87
Summary 87
West of the North Diversion Channel 87
East of the North Diversion Channel 90
North Diversion Channel 90
Drainage Policies 91

Transportation 93
Summary 93
Transportation and Land Use Planning 94
Roadway Descriptions 94
Ride Pool 103
Transit 103
Bicyclists 103
Pedestrians and Equestrians 107
Railroads, Rail Crossings, and Rail Spurs 108
Light Rail and "Rapid Rail" 109
Transportation Policies 112

Housing 115
Summary 115
Affordability 116
Type 117
Density 118
Clustered or Common Interest Housing 121
Challenges for Cluster Housing 122
Potential Cluster Sites 125
Variables 126

Cluster Housing Principles 128
Preservation of Open Land 128
Provision of New Housing at Appropriate Densities 128
Lower Infrastructure Costs 129
Design Flexibility and Creativity 129
Housing Policies 130

Village Centers 133
Summary 133
Village Center Principles 134
Pedestrian Attraction and Accessibility 134
Mixed Use Development 136
Scale and Character 136
Techniques 137
Village Center Policies 142

Community Design and Development 143
Summary 143
Commercial and Industrial Development 143
Old Albuquerque Indian School Site 146
Village Centers 147
The Mesa Edge 147
Views, Lighting, and Signage 149
Rural and Semi-Urban Standards 153
Clustered or Common Interest Housing 154
Valley History and Prehistory 154
Tree Protection 155
Parks 157
Community Design Policies 158

Agricultural and Rural Character 161
Summary 161
Agricultural Land 161
Ditches - The Irrigation Network 163
Agricultural Valuation - The "Greenbelt" Tax 165
A Future for Farms and Gardens 168
Rural Character 169
Agriculture and Rural Character Policies 172

Plan Implementation 173
Summary 173
Homeowner, Neighborhood and Local Business Associations 174
Neighborhood Association Recognition 174
Homeowner Associations - Common Interest Communities 174
Business Associations 175
Area Advisory Councils 175
Community Development Corporations 176
North Valley Coalition 178
Implementation Actions 179

Appendices ..... Appendices - 1

North Valley Area Plan Summary

The North Valley is a precious area, cherished in the minds of all. The metropolitan area has a real opportunity to retain a special and unique character, distinct from other cities. The mountains, the volcanoes, and pueblo lands define our limits. The ribbon of valley piercing the city offers a startling possibility of refreshing change within the metropolitan matrix. Few metropolitan areas have a comparable resource. And the forward thinking among those cities have acted to preserve and enhance their assets. This plan attempts to protect and enhance the unique qualities of the valley, simultaneously enriching the metropolitan area as a whole.

Jonathan Siegel, CATF Member

Goals and Issues

Goals and issues related to the plan area were identified by the North Valley Citizens' Advisory Task Force and technical staff and published in January 1988. The North Valley Area Plan Goals are listed below.

1. To recognize the North Valley area as a unique and fragile resource and as an inestimable and irreplaceable part of the entire metropolitan community.

2. To preserve and enhance the environmental quality of the North Valley Area by:

   a) maintaining the rural flavor of the North Valley

   b) controlling growth and maintaining low density development

   c) providing a variety of housing opportunities and life styles including differing socioeconomic types

   d) reducing noise level impacts

3. To preserve air, water and soil quality in the North Valley area. To prohibit hazardous waste disposal sites and transfer stations and solid waste disposal sites; and to address problems of individual waste disposal systems on lots of inadequate size.

4. To increase and improve public recreation and open space areas (including MRGCD - maintained ditches) compatible with neighborhood desires.

5. To reduce or eliminate flooding and improve ponding and drainage capacities in the plan area.

6. To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/ established commercial industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial.

7. To develop a strategy for arterial roadways that creates a transportation system compatible with a semi-rural lifestyle.

8. To designate and preserve sites of historic and archaeological significance.

9. To establish area beautification standards and designate sites for beautification through community neighborhood input.

10. To incorporate the Rio Grande and its bosque into the North Valley planning process to protect the natural qualities of the river corridor while providing low-impact recreational opportunities.

11. To locate commercial and industrial development within the I-25 corridor, and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/industrial development.

12. To develop incentives to preserve farmland and open space and to maintain ditches and acequias for agricultural and low-impact recreational purposes.

Plan Policies

Zoning and Land Use

1. The Comprehensive Plan area boundaries shall reflect existing character, resources and development potential in the North Valley.

   a. City and County shall adopt the following proposed Comprehensive Plan boundary changes:

      Developing Urban to Rural, north of Calle Del Fuego, east of Edith Boulevard, south of Tramway Road, and west of the North Diversion Channel.

      Developing Urban to Semi-Urban, north of Osuna Road, east of the AT&SF Railroad tracks, south of Ranchitos, and west of the Municipal Limits.

      Established Urban to Semi-Urban, north of the Gallegos Lateral, east of the Chamisal Lateral, south of Osuna Road, and west of the Alameda Lateral railroad tracks.

      Established Urban to Semi-Urban, north of Montaño Road, east of the AT&SF Railroad tracks, south of Osuna Road, and west of the Municipal Limits.

      Established Urban to Semi-Urban, north of I-40, east of the Rio Grande, south of the Municipal boundary, and west of Gabaldon Road .

2. The City and County shall stabilize residential zoning and land use in the North Valley Area.

   a. Limit the location, duration and type of new uses allowed by Special Use Permit.

      i. Restrict new Special Use Permits for heavy commercial and manufacturing uses in North Valley residential zones to owner-occupied businesses with five or fewer employees on 1/2 acre or greater.

      ii. Limit the time period between approval of new Special Use Permits and issuance of a building permit to one year.

   b. Cancel discontinued Special Use Permits, permits granted where existing conditions of approval are not met, and permits that are otherwise in violation of the Zoning Ordinance.

i. Undertake systematic inspection of Special Use Permits beginning with permits granted in residential zones.

ii. Determine the need for new positions for zoning and planning activities especially as they relate to County Special Use Permits and area plan implementation.

c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide for agricultural activities and spacious development especially in Semi-Urban and Rural areas where such land is adjacent to irrigation ditches.

d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.

i. Amend the County Zoning Ordinance to require buffering and landscaping between non-residential uses and land used or zoned for residential purposes.

ii. Through the site plan review and approval process, require special buffer landscaping, fencing, lighting controls, increased setbacks, and/or other measures to protect County residential uses below the mesa edge from potential impacts of City non-residential development in the North I-25 subarea.

e. Retain the low density character of Rural Areas of the North Valley.

i. Amend the County Zoning Ordinance to provide a lot area minimum for R-1 zoned land in the Rural Area equal to the area required to meet Liquid Waste Ordinance requirements or 3/4 acre, whichever is greater.

f. Undertake a planning process for areas of Mid-North Valley East and Mid-North Valley West to address land use conflicts, non-conforming uses, redevelopment of vacant land, affordable housing, transportation, streetscape improvements, cultural sites, and other issues.

g. Where appropriate, according to this plan or more detailed plans, encourage and support efforts to rezone properties to their present use or for residential uses.

3. The City and County shall limit new strip commercial development and associated signage on valley arterials.

a. Retain existing residential zoning on Alameda Boulevard, Second Street, Montaño Road, and on future roadway corridors.

b. Undertake Rank Three planning to create design overlay zoning along Alameda Boulevard (County), Second Street (City/County), and Montaño Road (City).

c. Promote commercial development and redevelopment of existing commercially zoned properties.

   i. Assist existing and potential businesses with organization and promotion efforts.

   ii. Undertake a coordinated Rank Three planning effort with the City, County and Village for the Fourth Street Corridor.

d. Adopt and promote Village Center Principles for new and redeveloped commercial properties.

   i. Undertake Rank Three planning to implement Village Center Principles.

4. The County and City shall seek adoption or endorsement of the Area Plan by the Villages of Los Ranchos de Albuquerque and Corrales for the areas included in these municipalities' planning and platting jurisdictions.

Air Quality

1. The City & County shall increase efforts to inform the public about the effect of motor vehicle usage on air quality.

2. The City & County shall increase efforts to inform the public about existing regulations pertaining to air quality & continue enforcement of existing air quality regulations.

3. The City & County shall initiate travel demand forecasting and a transportation system capacity analysis for the North Valley Plan Area as soon as practical.

4. The City & County shall explore ways to limit unauthorized motor vehicle use on irrigation facilities and other open areas & stabilize areas which are already considered substantial dust sources.

5. The City & County shall make efforts to stabilize roads or parking areas.

6. The City & County shall encourage limiting driving of motor vehicles on critical CO days (i.e. No-burn days).

7. The City & County shall encourage the communities of Los Ranchos de Albuquerque, Corrales, and Rio Rancho to participate in addressing air quality issues in the North Valley.

Wastewater

1. North Valley areas with the greatest concentrations of older septic tank systems and therefore the greatest potential groundwater contamination shall be the highest priority for sewer line extension and financial aid for sewer hook-up.

2. The County shall take an active role in planning and managing wastewater collection and treatment systems in unincorporated County areas.

   a. Participate in an evaluation of wastewater options for the North Valley to determine the type, location, and cost of collection systems.

   b. Identify potential low density, low lying areas appropriate for on-site alternative systems in the near and long term.

   c. Promote and monitor the use of approved non-polluting on-site wastewater treatment systems which are acceptable, affordable, and desirable to homeowners and amend sewer line extension priorities where on-site systems are successfully operated and maintained.

   d. Limit conventional discharging septic tank systems for new homes and encourage installation of alternative on-site wastewater treatment systems.

   e. Explore and recommend financing and management options for the various alternatives.

3. Wastewater systems shall be designed to serve the North Valley at future development densities allowed by existing zoning.

4. Where sewer systems are available for new construction, the City and County shall promote new housing development according to Cluster Housing Principles in order to shorten the length of collector lines and maintain open space.

5. Where the location of future sewer collectors is known, the City and County shall obtain necessary easements through the subdivision process.

6. The presence or absence of sanitary sewer in the North Valley shall not be the sole factor in determining appropriate housing densities.

   a. Existing zoning and Comprehensive Plan Areas shall provide the basis for determining appropriate housing densities in the North Valley.

   b. Cluster Housing Densities may be allowed through approved site plans that meet the Cluster Housing Principles.

7. The City and County shall consider restricting permissive uses of land in the North Valley to protect groundwater quality especially where sanitary sewer service is not available.

   a. Create overlay zoning for wellhead protection areas consistent with adopted policies of the Groundwater Protection Policy and Action Plan.

   b. Consider limiting allowed uses of M-1 zoned land where sanitary sewer is not available.

   c. Consistent with recommendations of the Groundwater Protection Policy and Action Plan, strictly enforce the County Liquid Waste Ordinance (88-1) and evaluate the need to limit densities of septic tank systems.

Drainage

1. Upon approval by the Middle Rio Grande Conservancy District(MRGCD) and the Bureau of Reclamation, the City, County, Albuquerque Metropolitan Area Flood Control Authority (AMAFCA) and MRGCD shall fund and construct planned drainage improvements in the North Valley as expeditiously as possible to alleviate periodic flooding.

2. The County shall implement the Bernalillo County Storm Drainage Ordinance to prevent inadequate provision for drainage in new development.

3. The City shall incorporate earth-tone tinting or soil cement for visible concrete culverts, choke downs, or other structures on the Alameda Drain.

4. The City shall use rip-rap, where feasible, for bank stabilization on the Alameda Drain.

5. The City shall design any necessary guard rails or other fencing associated with drainage improvements to aesthetically blend with the character of the Valley so long as it meets transportation safety needs.

6. The City and County shall design maintenance roads and other areas adjacent to drains to allow multiple use as recreational trails.

7. The City and County shall require grading and re-vegetation as appropriate to prevent erosion and sediment deposition within future grading and drainage plans.

8. The City and County, with approval by the MRGCD where appropriate, shall implement the Facility Plan for Arroyos and future trails plans with regard to multiple use of the arroyos and ditches as trail corridors.

9. Prior to widening the North Diversion Channel, AMAFCA shall investigate other options and the impacts of all options addressed, including possible mitigation efforts.

10. The City and County should allocate adequate funding for trash and debris clean-up in the arroyos to prevent debris from accumulating in the North Diversion Channel outfall area. AMAFCA should attempt more frequent trash clean-up of the outfall area.

11. The City and AMAFCA shall test and monitor stormwater for contaminants and implement management programs to reduce pollutants which exceed acceptable levels per State or Federal guidelines.

Transportation

1. The City and County shall encourage the smooth flow of traffic on arterials.

   a. Retain existing residential zoning on Alameda Boulevard, Second Street, Montaño Road, and on future roadway corridors.

   b. Limit access to Second Street, Alameda Boulevard, and Montaño Road
   Road from adjacent properties except where alternative access is not available or feasible.

2. The City and County shall actively promote sustainable transportation in and through the plan area by encouraging reduced automobile use and improving the safety of non-motorized travel.

a. Consider restriping narrower driving lanes on Candelaria Road, Griegos Road, Twelfth Street , and Fourth Street to provide additional space for sidewalks or walkways, bikeways, and bus stops.

   i. Undertake a transportation analysis to determine the impactof reduced lane width on roadway capacity and on the transportation network.

b. Provide convenient local transit service and related amenities.

   i. Seek agreements with the Village of Los Ranchos and the County for bus service along Fourth Street (Route 10) including service to the portion of Fourth Street now within the Village's jurisdiction, and extension of Route 10 north to Alameda Boulevard.

   ii. Explore possible future locations and agreements for small Park and Ride facilities in the North Valley at existing commercial centers and where bus service terminates .

c. Target North Valley commuters and area employees for Sun Tran and Ridepool promotional activities.

d. Pursue necessary analysis and subsequent improvements for trails and bikeways identified in the plan.

   i. Seek agreement with the Middle Rio Grande Conservancy District to establish notification procedures for ditch closures that include posting the affected right-of-way and holding advertised public meetings.

   ii. With the MRGCD, undertake a study of multiple use of ditches and associated rights-of-way.

3. The City and County shall limit industrial and heavy commercial traffic through residential areas in order to enhance residential stability and preserve area history and character.

   a. Consider alternative access to the North I-25 Subarea by extending the Alexander Roadway Study Corridor north of Osuna Road to Paseo del Norte.

      i. Undertake a transportation analysis to determine the impact of the recommendation on the transportation system.

   b. Consider removal of the Elena/Balboa Study Corridor from the Long Range Major Street Plan.

b. Consider removal of the Elena/Balboa Study Corridor from the Long Range Major Street Plan.

i. Undertake a transportation analysis to determine the impact of this recommendation on the transportation system.

c. Limit the future number of lanes on Edith Boulevard north of Osuna Road by changing the functional classification of Edith Boulevard on the Long Range Major Street Plan from a minor arterial to a collector, or adding an exception for Edith Boulevard to the General Standards for rights-of-way for minor arterial streets contained in the addendum to the Long Range Major Street Plan to limit the right-of-way width of Edth to 68 feet.

d. Retain and expand residential zoning of land in the lower valley especially in the Edith, Mid-North Valley east, Second/Fourth, and Alameda Subareas.

4. The City and County shall limit conflicts between rail travel, roadways, and land use.

a. Consider grade separation of Alameda Boulevard and Montaño Road
Road at AT&SF tracks.

b. Examine land use impacts of potential rail station park and ride locations on residential areas.

c. Seek agreements to limit future rail spur locations to commercially zoned land.

Housing

1. The City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

a. Maintain and expand areas zoned for residential uses including A-1, R-1, MH.

b. Limit encroachment of non-residential uses into residential areas.

c. Encourage residential zoning of parcels with residential use.

2. The County and City shall encourage mixed use development and redevelopment which incorporates housing.

a. Encourage rezoning land in the Edith Boulevard, and Mid-North Valley East subareas for residential and mixed uses.

3. The City and County shall promote lower-income rehabilitation projects in neighborhoods with existing moderately-priced homes and areas vulnerable to speculation, redevelopment, and displacement of lower-income residents.

   a. Expand efforts to leverage private investment in housing programs for lower-income North Valley residents and target resources to assistance of very low-income renters.

   b. Study the implications and impacts of accessory apartments in some residential areas.

   c. Undertake a survey to compile reliable data on incomes and housing cost burdens for North Valley households.

4. The County and City shall remove disincentives, provide incentives, and/or require housing development which meets the Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity.

   a. Amend the City Zoning Ordinance to add cluster principles and reduce the cluster housing district "minimum district size" in RA-2 to two acres.

   b. Amend the County Zoning Ordinance to add cluster principles and to include Cluster Housing as a Special Use.

   c. Provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption and promotion of Cluster Housing Principles.

   d. Adopt standards for homeowner associations, including provisions which would enable the City or County to bill the association for maintenance costs if necessary and requirements for open space in perpetuity.

Village Centers

1. The City and County shall encourage new development and redevelopment that incorporates Village Center Principles including: pedestrian attraction and accessibility, mixed use development, and valley scale and character.

a. Evaluate proposed development and redevelopment projects using Village Center Principles and the following guidelines.

i. Within 300 feet of intersections, building setbacks should not exceed 10 feet from the public right-of-way.

ii. Within 100 feet of intersections, sidewalks should be unobstructed by curb cuts or driveways.

3. Main entrances should be visible to the pedestrian and directly accessible.

b. Utilize the guidelines to test ideas and build support for the Village Center Principles prior to establishing new requirements.

c. Target public investments which meet Village Center Principles including right-of-way improvements and public buildings.

2. The County and City shall explore techniques for implementing Village Center Principles including Transferable Development Rights, Design Overlay Zoning, and zoning ordinance amendments.

a. Draft a map of possible receiving and sending areas for transferable development rights and use the effort to evaluate the TDR method of controlling density and to guide decision making under the present zoning laws.

b. Undertake a Rank Three planning process to create Design Overlay Zones for one or several Village Center locations.

c. Explore possible Zoning Ordinance amendments to create other zoning tools such as Rural Commercial Zoning to implement the principles including possible limits to floor area ratio or total square footage of new commercial structures.

Community Design

1. The City and County shall recognize and maintain the land use pattern along the mesa edge which separates non-residential uses in the North I-25 Subarea from residential uses in the Edith Subarea.

a. Limit access to newly granted industrial zoned properties from the Edith Subarea.

b. Ensure adequate setbacks, height limits, lighting controls, buffer landscaping and other measures necessary to limit potential impacts of development in the North I-25 Subarea.

c. Consider North Valley Character and potential neighborhood impacts in new development within the North I-25 Subarea.

2. The City and County shall adopt additional signage restrictions through design overlay zoning for Village Centers and arterials including Alameda Boulevard, Second Street, Edith Boulevard, and Montaño Road.

3. The City and County in coordination with interested neighborhood and business associations shall work to encourage recognition of the North Valley as a unique regional resource.

   a. Consider "welcome" signage at appropriate entrance locations to the North Valley.

   b. Consider North Valley character and potential neighborhood impacts in new development within the North I-25 Subarea.

4. The County and City shall encourage rural standards for development especially within the Semi-Urban and Rural Comprehensive Plan areas of the North Valley.

   a. Amend the City and County Subdivision Ordinances and Development Process Manual to:

      i. Allow retention of existing street widths in appropriate locations.

      ii. Allow reduced standard street widths in new development.

      iii. Allow construction of soft-surface trails instead of sidewalks.

      iv. Encourage retention of access to ditches for irrigation and recreation consistent with the Acequia Multiple use study.

      v. Encourage a variety of lot sizes and housing types in new development.

      vi. Encourage limitations on exterior lighting, including streetlights.

5. The County shall develop a process requiring survey and mitigation of archaeological sites before development is initiated.

   a. Create a County landmarks commission to designate and protect historic and prehistoric features.

6. The County and City shall protect cottonwoods through site design, relocation, and surfacing to limit compaction and allow water infiltration.

   a. Develop and adopt a tree protection ordinance in the City and County which requires protection of existing cottonwood trees.

7. Some portion of the park dedication requirements in the North Valley may be met through on-site space retained through cluster development in perpetuity.

8. The County and City shall protect open land adjacent to the bosque through promotion and application of cluster principles, design overlay zoning, and/or acquisition.

9. The City shall undertake a coordinated planning process with the All Indian Pueblo Council and neighborhood representatives for streetscape improvements, land uses, and transportation in the vicinity of the old Albuquerque Indian School site.

Agriculture and Rural Character

1. The County and City shall support and promote preferential taxation for agricultural property.

   a. Consider supporting amendments to the State Property Tax Code.

      i. Consider including preservation of qualified open space in Class A counties for the purpose of the preferential tax.

      ii. Consider improving the tax equity through a repayment provision where qualified land is converted to other uses.

      iii. Consider a waiver of the repayment provision where development meets cluster development and open space criteria.

2. The County and City shall promote small scale agriculture and retention of open space in the valley.

   a. Assist local growers and promote valley products.

   b. Support development according to Cluster Housing Principles in order to retain open space and agricultural potential.

3. The County and City shall amend the Comprehensive Plan boundaries to more closely reflect rural character areas.

4. The County and City shall encourage or require retention of access to ditches for open space and irrigation purposes.

   a. Undertake the Acequia Multiple Use Study.

5. The County and City shall request the Middle Rio Grande Conservancy District to adopt notification procedures in the event of proposed ditch closures including legal notice and sign posting on the ditch right-of-way.

Implementation Actions

The following actions are recommended to begin plan implementation. Of all the plan policies recommended, these efforts are the highest priority. In general, they are actions related most directly to community building and stabilization of land uses and zoning, arguably the two most important issues addressed by this plan.

1. Explore formation of a regional planning commission to oversee both land use and transportation planning functions.

2. Support formation of neighborhood associations, business associations, and common interest communities.

   a. Enact a County Neighborhood Recognition Ordinance.

   b. Fund an association coordinator position.

   c. Adopt guidelines for creation of homeowner associations and maintenance of common areas including provisions within the model Uniform Common Interest Ownership Act.

3. Assist and support neighborhood and business associations in formation of a North Valley Area Council or Coalition.

   a. Initiate public meetings to set implementation action priorities and identify additional issues.

   b. Assign liaison staff from the City and County to facilitate implementation.

4. Fund public improvements consistent with North Valley Area Plan policies and outcome of plans and studies recommended by the North Valley Area Plan.

   a. Identify development locations where recent private investment can be complemented with public right-of-way improvements.

   b. Submit requests for City or County public funding for design, construction, and maintenance of improvements.

5. With the North Valley Coalition or Council, build support for and undertake recommended amendments to the City and County Zoning Ordinances:

a. Amend the County Zoning Ordinance to include provisions for Cluster Housing under Special Use Permits with a two acre site minimum.

b. Amend the County Zoning Ordinance to Specify R-1 minimum lot size in the Rural and Open Comprehensive Plan area equal to the area required to meet Liquid Waste Ordinance requirements for 3/4 acre, whichever is greater.

c. Amend the City Zoning Ordinance to reduce the RA-2 cluster housing district land area minimum from five to two acres.

d. Amend the City Zoning Ordinance to require buffering between residential and non-residential uses regardless of jurisdiction.

e. Consider additional future ordinance amendments as appropriate to implement the policies of the North Valley Area Plan.

6. With assistance and review from the North Valley Coalition, the City and the County in coordination with other agencies shall:

a. Scope and undertake an analysis of travel demand and transportation system capacity for the North Valley Plan Area.

b. Scope and undertake a planning process for areas of Mid-North Valley East and Mid-North Valley West.

c. Research and draft development standards for Rural and Semi-Urban Areas of the North Valley.

d. Scope and develop Design Overlay Zoning for North Valley Arterial corridors to limit off-premise signage.

e. Periodically update basic factural information contained in this plan and plan appendices.

Introduction

1

If you want to see where you are, you will have to get out of your space vehicle, out of your car, off your horse, and walk over the ground. On foot you will find the earth is still satisfyingly large, and full of beguiling nooks and crannies.

- Wendell Berry

*These places we forget and rediscover are the best. These spots under our overpasses, over the tree canopy, and behind the parking lots. The valley has many such places. **

The Unique Identity of the North Valley

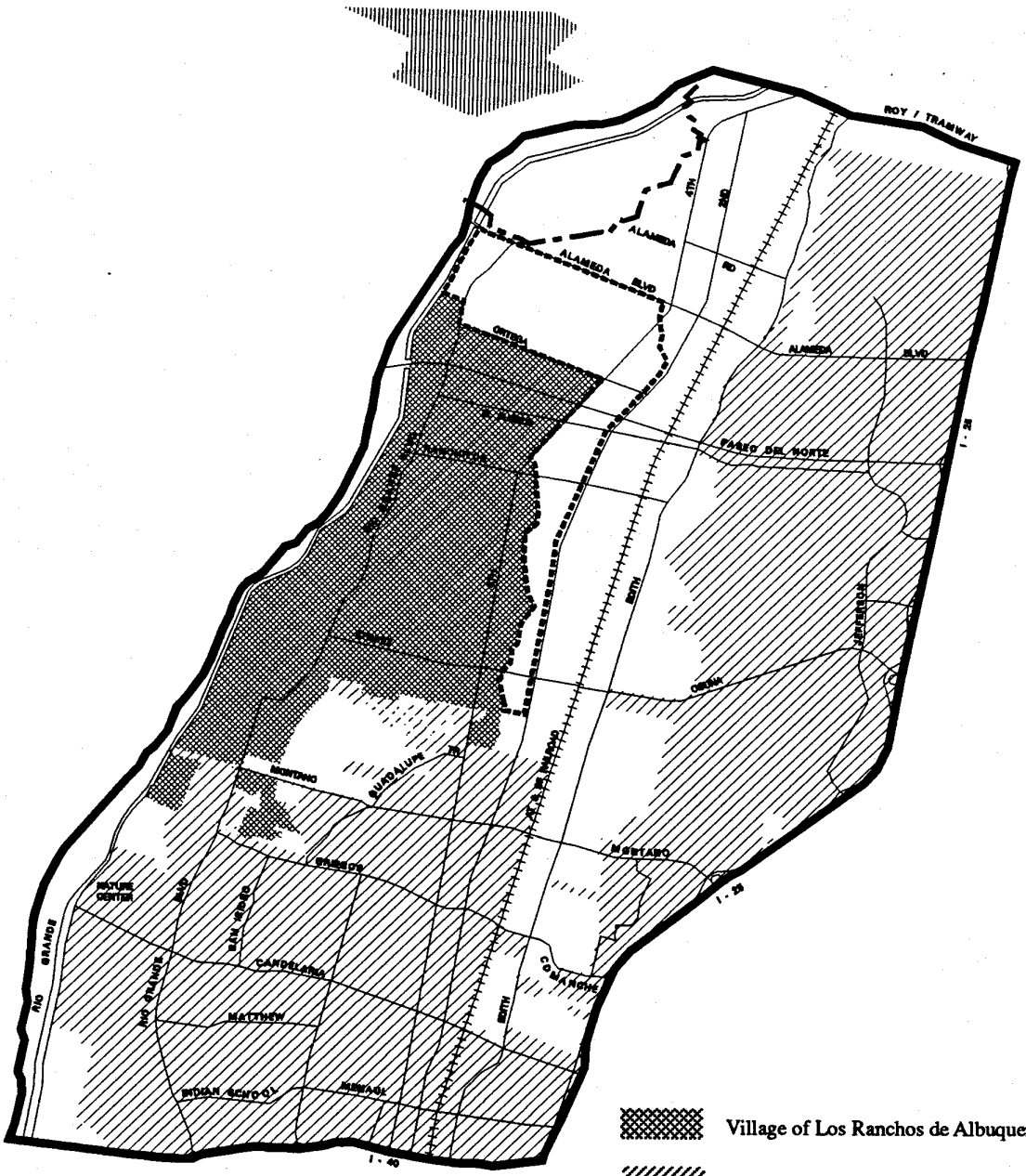
Certain physical and historic features make the valley unique.

Albuquerque's North Valley area faces choices about its future. The urbanization of the mesas on either side of this portion of the valley may have the consequences of permanently altering the valley's physical and historic features in ways not intended. These features provide Albuquerque with much of its community identity.

Certain physical and historic features make the valley unique. The irrigation ditches (or acequias), drainage ditches, old homes and village areas, open fields, cottonwood trees and bosque, and the river distinguish valley lands from those of the nearby mesas. They are visible reminders of the valley's long history of agriculture and of the fact that the area is a low lying river valley. Neglect and a failure to appreciate these qualities will likely destroy them. An alternative is the integration and celebration of these features. Examples of both approaches can be seen in the North Valley today.

The Comprehensive Plan is a policy framework for making choices about issues of metropolitan-wide importance. An area plan is needed to state the choices specific to the valley within this policy framework.

**Except where otherwise noted, the quotes throughout the text were made anonymously by technical team members, Citizen Advisory Task Force members, and valley residents.*



Village of Los Ranchos de Albuquerque

City of Albuquerque

Village of Corrales within Bernalillo County

Unincorporated Bernalillo County

Extra-Territorial planning & platting jurisdiction boundary between the Village of Los Ranchos and the City of Albuquerque per their Joint Powers Agreement

Approximate line equidistant from Village of Corrales and the other two municipalities.

north April 1993 **BOUNDARIES**

Physical Setting

The North Valley is part of the Albuquerque metropolis which lies in the Rio Grande Basin, flanked by mountains on the east and volcanoes on the west. The basin is comprised of gently sloping mesas and the valley floor which have been formed and shifted by activities of the river and outwash from the mountains.

Over geologic time, the Rio Grande has flowed at several distinct levels within the Albuquerque basin. More recently, the river created what is known as the valley floor or flood plain. The plan area is composed of the low lying valley floor and a portion of the mesa to the east. A steep embankment to the east of Edith Boulevard separates the mesa slope from the valley.

The river valley is an important part of Albuquerque's past. The first residents of the area settled near the river's edge. Later irrigation and flood control measures made the valley floor a safer place to live and encouraged non-agricultural development. The valley is now developed with a variety of land uses. The physical features that distinguish it from other portions of the metropolitan area are now somewhat obscured by the overlying pattern of development. However, the direction, speed and style of urban growth have been shaped in part by the valley's setting, making valley development unique.

Purpose

The purpose of this area plan is to inventory the area's cultural and environmental resources, define citizen needs and desires, identify issues, prepare programs to implement policy, and recommend policy changes if necessary.

The area plan also provides sufficient information to increase awareness and understanding of opportunities and limitations in the area and to encourage citizen involvement in decision-making. Action for the future is in the hands of interested citizens and policy-makers who are responsible for the area and its residents.

Scope

Geographical Scope

The North Valley as defined by this plan is bounded by the Bernalillo County/Sandoval County boundary (north); Interstate Highway 40 (south); Interstate Highway 25 (east); and the Rio Grande (west). The area addressed by the plan is 28.5 square miles. Of that total area, 4.01 square miles are within the corporate limits of the Village of Los Ranchos de Albuquerque and not subject to the plan. Of the remaining area, 14.38 square miles are within the City of Albuquerque, and 10.15 square miles are within unincorporated Bernalillo County.

Authority

New Mexico statutes enable municipalities to prepare and adopt a general plan for the physical development of the community and within the planning and platting jurisdiction of the municipality which bears a relationship to the municipality. The City has statutory authority for extraterritorial planning which extends five miles beyond its Municipal Limits and thus reached the entire plan area.

The Village of Los Ranchos has extraterritorial authority and an adopted master plan. The City and the Village have negotiated a boundary which is generally equidistant from their respective municipal boundaries. Within this area the Village exercises planning and platting authority. There is not a similar agreement with the Village regarding zoning in this area. At present Bernalillo County, through an agreement with the City, exercises zoning authority for all unincorporated lands within the City's three mile extraterritorial zoning jurisdiction.

The Master Plan for Los Ranchos de Albuquerque, the Albuquerque/ Bernalillo County Comprehensive Plan, and this North Valley Area Plan are similar in content and policy intent. The Los Ranchos Master Plan calls for housing densities within the range of the Comprehensive plan, commercial mixed use development in the Fourth Street corridor, groundwater protection measures, and retention of agriculture and rural character.

Bernalillo County has adopted subdivision and zoning ordinances to implement the Albuquerque/Bernalillo County Comprehensive Plan which both the City and the County have adopted. The City exercises its extraterritorial authority to review subdivisions in unincorporated areas. The Village of Los Ranchos de Albuquerque also exercises extraterritorial authority in a portion of this plan area.

The Village of Corrales also has statutory extraterritorial authority that extends into this Plan area: (no agreement between local governments has

been negotiated.) The map shows the approximate equidistant line between Corrales and the other two municipalities' limits. Corrales has planning and platting authority for the area to the west and north of this equidistant line, although they have not exercised that authority to date. In the absence of some action by the Village of Corrales, development procedures will not differ from those in effect today. The County and City should seek adoption or endorsement of the Area Plan by Corrales and Los Ranchos.

Issues Addressed

The major issues addressed include community development and design, land use and zoning, wastewater, drainage, transportation, and housing.

Approach, Methods, Process

The process to plan for the North Valley's future was based on an approach known as Sustainable Community Development. Sustainable Community Development is a term used here to describe the economic and cultural growth gained through the retention and stewardship of local resources. A sustainable community is one in which members exercise stewardship of local resources for the benefit of themselves and the community in which they belong. Community building is a necessary step in economic development wherein residents and businesses communicate and structure mutually beneficial exchanges. Neighborhood, homeowner, and business associations are familiar organizations which can provide for community building. This plan recommends that the City and County encourage formation of neighborhood, homeowner, and business associations and assist associations with access to information and formation of area councils.

A sustainable community is one in which members exercise stewardship of local resources for the benefit of themselves and the community in which they belong.

Methods for inventorying resources included preparing a background report outlining existing conditions (May 1988). Definition of citizen needs and desires and the issues facing the area are addressed in a second report (January 1989).

This plan responds to those previously identified issues by identifying the choices to be made about, and their implications on, the area's future. These choices are presented in the form of scenarios, or alternative futures.

Citizen participation in formulating the plan allowed for a broad exchange of information and ideas through a series of meetings. A Citizen Advisory Task Force was established. This group received all subsequent draft transmittals for discussion.

Relationship to Other Plans and Studies

The North Valley Area Plan is intended to implement the Albuquerque/ Bernalillo County Comprehensive Plan. It does so by elaborating and interpreting the applicable Comprehensive Plan policies and analyzing them for their effectiveness and impact on moving toward goals and achieving objectives given certain market conditions and public and private investment choices.

The Village of Los Ranchos de Albuquerque, an incorporated village, has recently completed a Comprehensive Plan. The North Valley Area Plan is generally consistent with the goals and policies of the Village Comprehensive Plan.

There are several other related plans subordinate to the Comprehensive Plan which address areas adjacent to the North Valley Area Plan or which address public facility systems within (or to be built within) the geographical scope of this plan.

1. The Center City Revitalization Strategy and Downtown Core Sector Development Plan. The area addressed by this plan is I-40 (north), Bridge Boulevard (south), I-25 (east), and the Rio Grande (west).

2. The Northwest Mesa Area Plan, bounded by the Rio Grande (east), a Section Line west of the volcanic cinder cones (west), the Sandoval County/ Bernalillo County line (north), and I-40 (south).

The North Valley Area Plan also includes an area to the east of the valley which has been the subject of more detailed planning than provided by an area plan. This more detailed planning is contained in the North I-25 Sector Development Plan.

Long range planning for the valley has been done in the past on a limited basis. The Mid-North Valley Plan was completed in 1972. The study area was south of Montaño Road and north of I-40. In April 1972 a report by the Save the Valley Ad Hoc Committee entitled "North Valley Highways" was completed and published by the committee and by the North Valley Neighborhood Association. That report was intended to identify how a highway system might be developed "in harmony with the valley life style." In addition, the report helped spur comprehensive land use planning for the county. Another report was developed soon after by the North Valley Neighborhood Association entitled, "Preserving the North Valley Atmosphere". This effort resulted in specific recommendations for future valley development. Again, these recommendations were never adopted by the County or the City.

There have been several plans completed for the bosque and riverside area. In 1973 the Rio Grande City Edges Study was published. It recommended creation of a nature center and various other recreation and nature preservation improvements for the riverside area. The Water Based Recreation Study was completed in 1985. It also addressed development of recreational uses along the river and irrigation ditches in the valley. And in 1987, the Rio Grande Valley State Park Management Plan was adopted by the City and County. It established management policies for the State Park, established in 1983.

Population & Census Information

The North Valley's future includes accommodating some of the metropolitan area's projected population growth. The amount of additional population in the valley depends on its continued attractiveness for existing residents to want to remain living there. It also depends on the area's ability to absorb potential residents who will choose to live there rather than in another part of metropolitan Albuquerque.

EXISTING AND PROJECTED POPULATION SIZE

	1990	2000*	2010
Bernalillo County	480,577	525,661	577,864
City	384,736	436,600	462,291**
North Valley Plan Area	44,622	49,337	55,790

** 2000 projected population is based on 1.01% annual growth.*
*** This City 2010 projected population is estimated to be 80% of the County-wide 2010 population.*

1990 Census figures for the plan area show a 1% increase in population from 1980. The area has a relatively high percentage of residents of Hispanic origin, 55% compared to 32% in the County as a whole. All census tracts in the plan area exceed this total County percentage except for tract 35.02 with a 34.9% population of Hispanic origin. The highest percentages are in tracts 29, 30.02, 32.01, and 32.02 with 66%, 60.4%, 63.8%, and 66.9% respectively. This corresponds to the Mid-North Valley sub-areas generally south of Montaño Road.

Census Tracts

Scenario Descriptions

The scenario descriptions present alternative futures for the valley and illustrate the consequences of various policies and practices. The descriptions were developed through research into the valley's history of growth and development and through interpretation of existing Albuquerque/ Bernalillo County Comprehensive Plan policies and goals.

The Trend Scenario describes a possible future for the North Valley based on what has already happened in some areas. The Comprehensive Plan Scenario represents an interpretation of the City and County adopted goals and policies applied in the context of the North Valley. The Preferred Scenario is the scenario of choice—the alternative that City, County, and other officials may adopt and endorse.

EXHIBIT 16

1990 Census data for: North Valley Area Plan

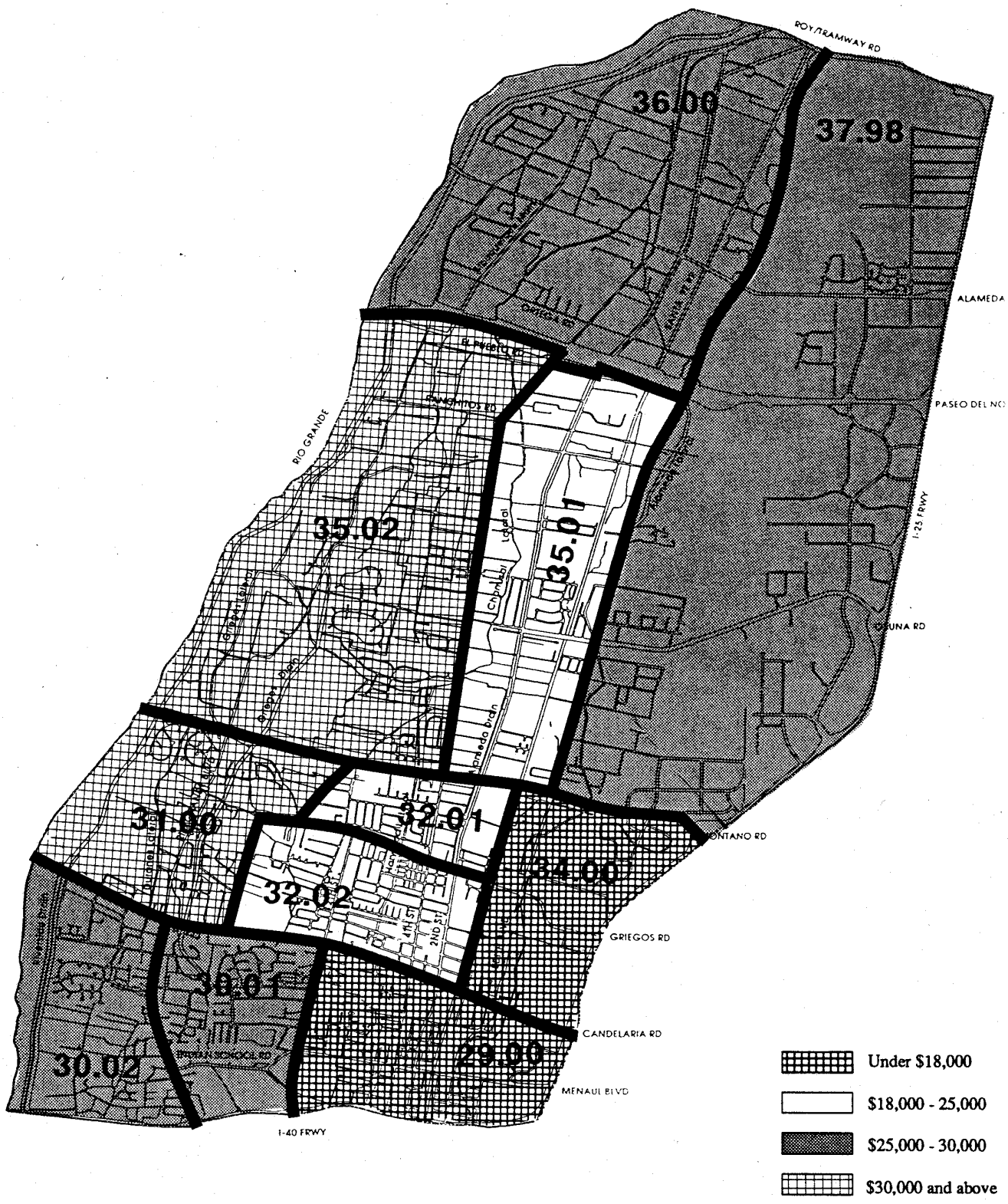
TOTAL POPULATION	44355
SEX	
Male	21641
Female	22714
AGE	
Under 5 years	3430
5 to 17 years	8351
18 to 20 years	1910
21 to 24 years	2320
25 to 44 years	14628
45 to 54 years	4933
55 to 59 years	1856
60 to 64 years	1938
65 to 74 years	3120
75 to 84 years	1530
85 years and over	339
Under 18 years	11781
Percent of total population	26.56
65 years and over	4989
Percent of total population	11.25
HOUSEHOLDS BY TYPE	
Total households	16164
Family households (families)	11554
Married-couple families	8605
Percent of total households	53.24
Other family, male householder	849
Other family, female householder	2100
Nonfamily households	4610
Percent of total households	28.52
Householder living alone	3638
Householder 65 years and over	1233
Persons living in households	43737
Persons per household	2.71
GROUP QUARTERS	
Persons living in group quarters	618
Institutionalized persons	230
Other persons in group quarters	388
RACE AND HISPANIC ORIGIN	
White	32037
Black	399
Percent of total population	0.90
American Indian, Eskimo, or Aleut	1116
Percent of total population	2.52
Asian or Pacific Islander	234
Percent of total population	0.53
Other race	10569
Hispanic origin (of any race)	24427
Percent of total population	55.07

Source: U. S. Bureau of the Census (STF1B 1990)

TOTAL HOUSING UNITS	17436
OCCUPANCY AND TENURE	
Occupied Housing Units	16164
Owner occupied	11906
Percent owner occupied	73.66
Renter occupied	4258
Vacant housing units	1272
For seasonal, recreational, or occasional use	10
Homeowner vacancy rate (percent)	1.56
Rental vacancy rate (percent)	10.88
Persons per owner-occupied unit	2.75
Persons per renter-occupied unit	2.58
Units with over 1 person per room	1035
UNITS IN STRUCTURE	
1-Unit, detached	12022
1-Unit, attached	935
2 to 4 units	900
5 to 9 units	211
10 or more units	644
Mobile home, trailer, other	2724
VALUE	
Specified owner-occupied units	9272
Less than $50,000	1334
$50,000 to $99,999	4873
$100,000 to $149,999	1538
$150,000 to $199,999	793
$200,000 to $299,999	462
$300,000 or more	272
CONTRACT RENT	
Specified renter-occupied units paying cash rent	3885
Less than $250	1088
$250 to $499	2377
$500 to $749	353
$750 to $999	48
$1000 or more	19
RACE AND HISPANIC ORIGIN OF HOUSEHOLDER	
Occupied Housing units	16164
White	12328
Black	104
Percent of occupied units	0.64
American Indian, Eskimo, or Aleut	299
Percent of occupied units	1.85
Asian or Pacific Islander	56
Percent of occupied units	0.35
Other race	3377
Hispanic origin (of any race)	7835
Percent of occupied units	48.47

Report by: Planning Department, City of Albuquerque

EXHIBIT 16



north January 1993 MEDIAN INCOME CATEGORIES

North Valley Area Plan

Each scenario assumes the same level of projected population increase to be accommodated. The second and third scenarios emphasize different degrees of sustainable community development. They assume a greater re-use of older homes rather than conversion to non-residential use or abandonment. They also assume a greater re-use of non-residential structures rather than becoming marginal before abandonment leading to demolition.

Trend

Housing

Because home prices are high and continue to rise, the area to the west of Fourth Street would, under the Trend Scenario, become an exclusive area of high priced homes. Low or moderate cost homes in mixed industrial and housing areas would continue to decline. The need for low cost housing would be met in part by mobile home parks and subdivisions in the northern portions of the plan area adjacent to large parcels developed with manufacturing uses. New conventional housing would be of a standard suburban character and layout. The Chamisal Lateral and other ditches through residential areas would be abandoned.

Commercial Uses

Under the Trend Scenario all SUPs would become permanent uses. Commercial development would utilize large blocks extending 600' or more back from arterial street frontage. Second Street would develop with large deep auto-oriented commercial. Vacant and dilapidated buildings would increase on Fourth Street. Larger scale retail space would continue to provide for businesses although the rate of construction would slow. Neighborhoods would be isolated from local shopping and service needs and reliance on the private automobile would increase.

There are over 37 acres of parcels with abandoned or vacant commercial structures in the plan area. These older structures would continue to deteriorate as shopping opportunities in larger centers increase. Remaining five to ten acre tracts located on arterials would be rezoned for commercial purposes. These large scale retail centers would be oriented to the automobile traveler from a large market area. Large asphalt parking lots and increased traffic would further isolate pedestrians and standardize the appearance of the valley. New signage and lighting throughout the valley would alter the views and character of the area.

Industrial and Heavy Commercial Uses

The plan area would continue as the fastest growing employment center in the state. Industrial uses would predominate on long deep parcels adjacent to the railroad tracks and both sides of the Edith Corridor. The North I-25 Area would develop with all heavy commercial and industrial uses but no residential - metal buildings, billboards, lighting, truck access to Edith Boulevard , large asphalt parking lots and concrete arroyo channels. The land along Edith Boulevard and Second Street on the valley bottom will continue in a transition from low density residential uses to heavy commercial and outdoor storage uses. This will limit available land for housing. Lands adjacent to the valley floor on the mesa edge would continue to develop with industrial uses requiring truck and rail access through residential areas.

Agriculture and Rural Character

The trend in the valley is toward the total loss of agriculture. Between 1976 and 1989 over 400 acres of irrigable land were taken out of agriculture. Agriculture in the valley would be limited to historical remnants visible in the remaining ditches and varied lot sizes. Land subdivision would not retain access to irrigation water or to the ditches. This would speed the loss of pasture land, livestock keeping and trail riding. The present urban standards for streets, sidewalks, curb and gutter would continue to be applied throughout the plan area as vacant land is developed. In combination with smaller allowable lot sizes where sanitary sewer is available, these standards will eliminate features currently associated with rural character in the valley.

Albuquerque/Bernalillo County Comprehensive Plan

Housing

Under the Comprehensive Plan Scenario, new residential growth in the Semi-Urban and Rural portions of the North Valley would be integrated into existing neighborhoods and clustered to retain open land. In suitable areas, such as village centers, higher density townhomes would provide a more affordable housing option.

Commercial Uses

Most commercial development in the valley would be oriented to the local service needs of residents and located at major intersections in Village Centers. Pedestrian and bicycle access and access to mass transit, mixed uses, and smaller scale retail would typify Village Centers. Older storefronts would be preserved as structures which reflect the history and scale of the valley.

Industrial and Heavy Commercial Uses

Large scale industrial development would continue in the North I-25 area under the Comprehensive Plan Scenario. These areas would be appropriately landscaped and linked to residential areas through effective transit, paratransit and trails. A planning effort would result in a mixed use or multipurpose site in the northern portion of the North I-25 area. Smaller scale manufacturing and "cottage industries" would be located in the valley. There would be a compatible mixing of different land uses in the North I-25 area which would reduce the need for motorized travel. Vacant properties unsuitable for heavy commercial and industrial uses would be rezoned to allow residential uses.

Agriculture and Rural Character

In the Comprehensive Plan Scenario a limited amount of agricultural land in the Rural and Semi-Urban areas would be maintained through a combination of methods including transfer of development rights and conservation easements. Remaining agriculture in the Comprehensive Plan Established and Developing Urban Areas, however, would not be specifically addressed. The requirement for clustering housing would retain some land in common ownership for gardens, vineyards, and orchards.

Preferred

Housing

Under the Preferred Scenario, the City and County would assist residents and businesses with efforts to organize and address issues such as buffering between residences and heavy commercial and industrial properties along the mesa edge. The Second Street Corridor would mark the edge of the mixed heavy commercial and housing area between the tracks and Second north of Candelaria with the Alameda Drain and Second Street improvements serving to buffer the housing west of the Drain.

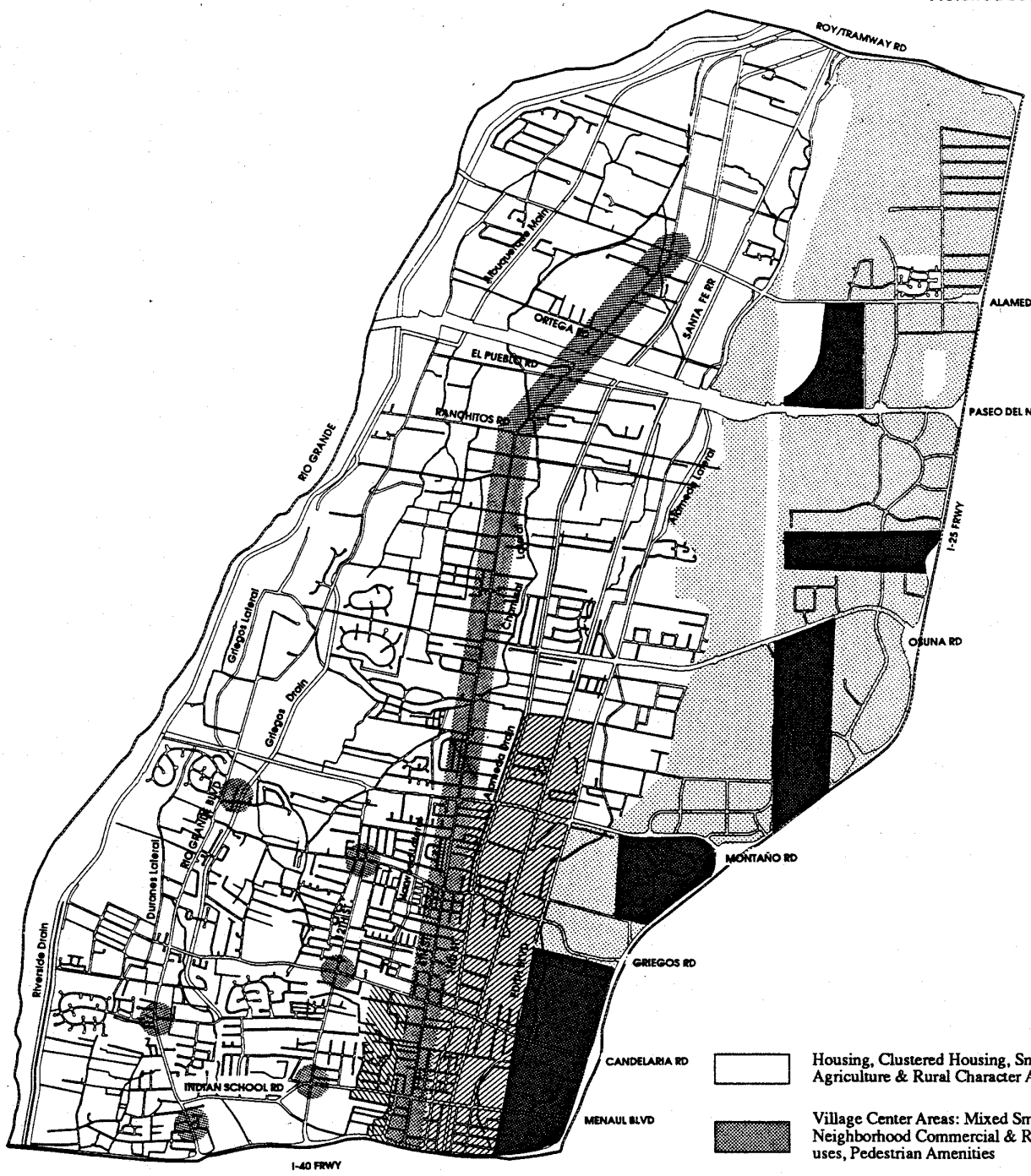
The area of the Mid North Valley East, Second & Fourth Streets , and Edith Subareas with an unstable mix of housing and heavy commercial and industrial uses would be subject to further planning efforts aimed at non-conforming uses, retention and provision of affordable housing and application of Village Center principles. Vacant manufacturing zoned parcels in these areas would be targeted for housing and mixed use projects. Housing should be the predominant use north of Candelaria with the exception of existing business which front the east side of Second Street. In general, the zoning of properties in these areas should be consistent with existing uses. Regulations would be strengthened to provide for buffering between residences.

The east side of the Edith Corridor north from Montaño Road to Osuna Road would be recognized and retained as a residential area with the exception of business which front the roadway. The zoning for these businesses would be consistent with their use (commercial zoning for commercial uses). North of Osuna Road, the Edith Corridor would be retained as residential. Efforts to enhance the appearance of Edith Boulevard and recognize the history of the roadway would be made.

Cluster housing principles would be applied where new housing is proposed. Existing features that distinguish the valley, such as narrow roads and ditches, would be retained in all new development. Features that typify rural character such as mixed lot sizes and setbacks would be replicated in new development. "Common interest communities" would be encouraged to provide for open space and retention of agriculture.

Land adjacent to irrigation ditches would be retained for small scale agriculture through development of cluster housing or retention of A-1 zoning and ditch access. A continued and enhanced mix of neighborhood commercial and higher density residential uses would be encouraged along Fourth Street. Application of Village Center principles would result in a comparable mix and scale of uses, and pedestrian improvements.

EXHIBIT 16



Housing, Clustered Housing, Small Scale Agriculture & Rural Character Areas

Village Center Areas: Mixed Small Scale Neighborhood Commercial & Residential uses, Pedestrian Amenities

Large Scale Community & Regional Commercial

Industrial

Subject Areas for Rank III Planning Efforts: Area with Present Mix of Heavy Commercial / Industrial & Housing

north January 1993

PREFERRED SCENARIO
LAND USE PLAN

North Valley Area Plan

Commercial Uses

New commercial uses in the valley would meet local neighborhood needs and would be oriented to those neighborhoods through provision of access to pedestrians and bicyclists. These businesses would be smaller scale and would incorporate Village Center Principles of pedestrian access, mixed use and valley scale and character. Existing small scale commercial uses would be revitalized through public/private efforts to provide pedestrian and bicycle amenities, shared parking, promotion, and landscaping. Mixed commercial and residential use patterns would continue to exist along Fourth Street with enhancements to the pedestrian paths and details, especially transit amenities. Present disincentives and barriers to development of Village Centers would be removed. Such disincentives include reliance on automobile use for local neighborhood, commercial, social and civic functions. Providing for alternative modes of travel and safe pedestrian routes and paths will be an incentive to private investment in Village Centers.

Larger scale community or regional commercial development would be located in the available areas within the North I-25 Corridor. This area is also appropriate for heavy commercial and large scale industrial development served with transit and Ridepool alternatives. Improved non-vehicular connections to and from residential areas on the valley floor would also be made to improve the potential for non-vehicular work travel.

Industrial and Heavy Commercial

Large scale uses would be located only on the east mesa and would be served with transit. County SUP's for these purposes would be limited. Businesses would be assisted in efforts to improve and create non-vehicular connections to residential areas on the valley floor and to the east of I-25. Landscaping to control water erosion and dust and to create a visually pleasing environment would be encouraged. The edges between residences and industries would be designed to buffer residences and eliminate traffic from businesses through the neighborhoods.

Public Uses

Village Center principles would be applied with the location and construction of public facilities. The park and ride station for a Santa Fe/ Albuquerque rail line would be located so as to foster successful and necessary redevelopment in the Central Urban area. Transit would extend bus service to County areas under a revised joint powers agreement between the City and County. Intracity rail and transit service would be planned to reduce the impacts of cross-valley automobile travel.

Trails for both recreation and commuter use would be designed and constructed. Joint use of public rights-of-way, especially ditches, would be implemented.

A planning effort to create a joint use site in the far north portion of the North I-25 subarea would be undertaken.

Agriculture and Rural Character

Agriculture: farming, gardening, raising livestock, maintaining irrigated permanent pasture land, and related uses would be encouraged through market and tax incentives and through subdivision standards that provide for the retention of irrigation access and larger parcels. Development on irrigable land, residential or commercial, would be arranged to retain use of irrigation water for either landscaping or agriculture. Access for non-vehicular travel would be retained and/or created with any new development or subdivision. This includes access to ditch roads or any other formal or informal trail network.

Land Use and Zoning

2

Whether these forces (market pressures for "infill" in the North Valley) are allowed to dictate zoning and land use change to 'higher and better' economic activities depends upon the planning and zoning bodies of the local government jurisdictions.

- North Valley River Crossings Environmental Impact Statement, 1983

Summary

Zoning governs land uses and their intensity, density and location. Land use patterns, in turn, determine the need for and location of transportation facilities and other public infrastructure. Zoning is the key tool with which the City and County can govern and implement land use patterns.

Zoning is the key tool with which the City and County can govern and implement land use patterns.

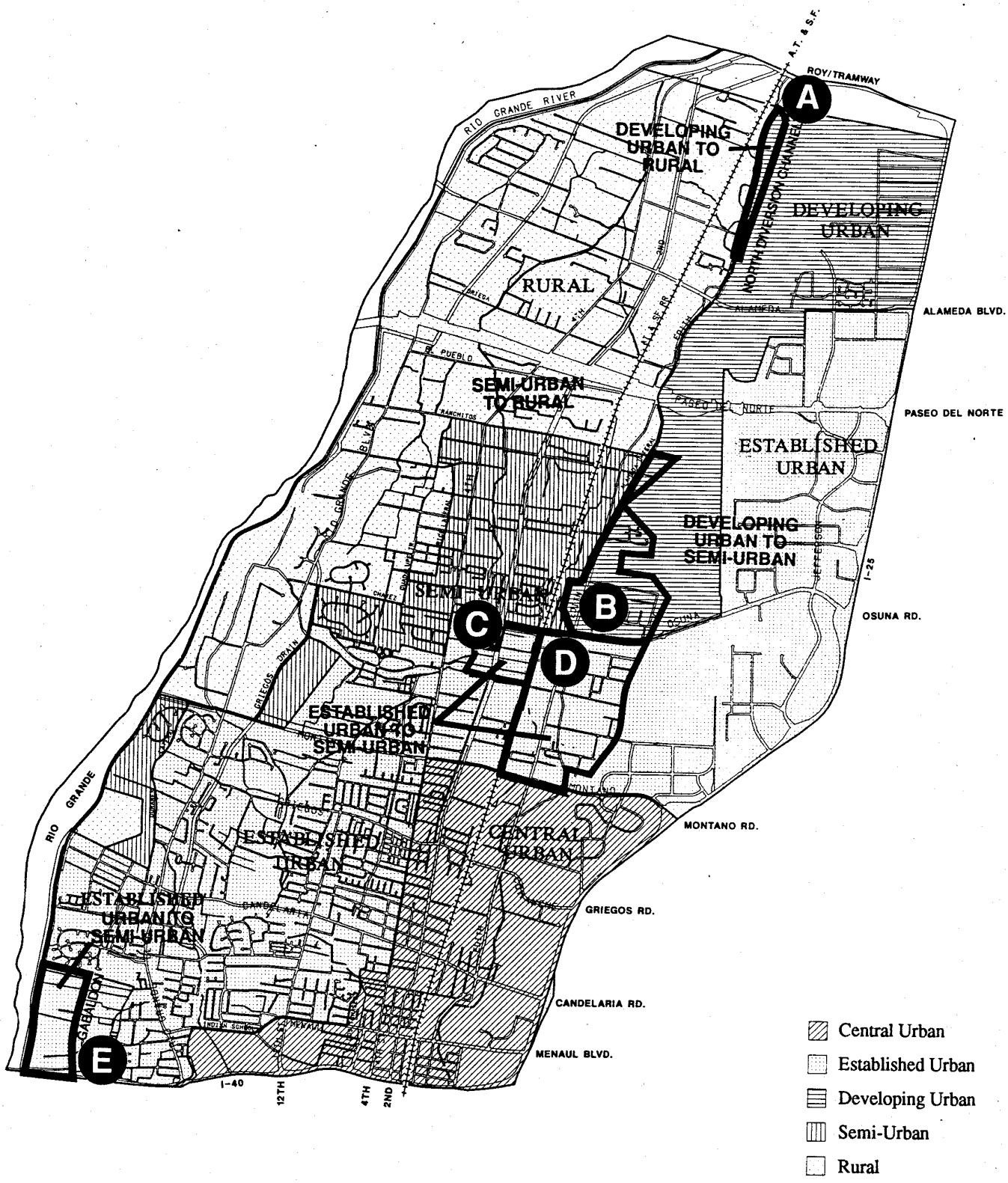
Unlike other portions of the metropolitan area, many land use patterns in valley areas predate zoning. The general patterns and proportions of land uses are described in this chapter and in more detail in subarea descriptions contained in the appendices.

In general, the housing that would be allowed on vacant land in the North Valley with existing zoning is sufficient to accommodate projected growth. Zone changes and special use permits, however, are granted monthly in both the City and County. On a case-by-case basis the impact of these changes are difficult to judge but over time they can significantly alter an area's character. This plan recommends stabilizing zoning and land use and promoting development and redevelopment of existing commercial and industrial properties.

Comprehensive Plan Areas

The City adopted its first Zoning Ordinance in 1954, and every North Valley parcel was designated one of several zoning districts and officially mapped to show that designation. The City's first General Plan (the Municipal Master Plan) was adopted between 1962-1974. The original zoning was generally consistent with the Plan as required by State law. The County adopted its first Zoning Ordinance in 1968. The Municipal Master Plan was repealed in 1975 and the Comprehensive Plan was adopted by both the City and the County to replace it.

EXHIBIT 16



north January 1993 COMPREHENSIVE PLAN AREAS

North Valley Area Plan

The consistency between the City/County Comprehensive Plan land use policies and existing zoning is open to interpretation and is tested with each zone map amendment request. This Plan is intended, in part, to affirm the validity of existing zoning as an instrument that the City and County have to control the type, location, and density of growth. Land use policies are only as effective as their implementation through zoning. Stability in the zoning and resulting land use pattern is critical for effective planning of all systems such as roadways and utilities.

The Albuquerque/Bernalillo County Comprehensive Plan provides policies which form the basis for lower ranking plans and land use regulations, including the zoning and subdivision ordinances of the City and County. The policies are keyed to a plan map which identifies six development categories: Central Urban, Established Urban, Developing Urban, Semi-Urban, and Rural. All six categories are represented in the North Valley Plan Area.

The basis for determining the present boundaries between development categories was generally related to whether or not land was platted. In some areas the anticipated provision of water and/or sewer service determined the development category. Detailed analysis of the vacant land area, character and existing developed densities were generally not undertaken within the Comprehensive Plan. As a result, there are several areas of the North Valley today where development categories appear mismatched with area character and development potential. These areas have an appearance and neighborhood character often associated with the Rural and Semi-Urban areas but which are within the Established or Developing Urban categories.

Descriptions of each area are given in the plan. Established Urban areas include most of the "built up" area. This area is intended for gross* densities up to 5 dwelling units per acre, and infill is encouraged. The Developing Urban area has "adequate resources for urbanization" and the emphasis is on planning for large areas. The gross densities in this area are also up to 5 dwelling units per acre. The Semi-Urban areas have special soil and water limitations or scenic, agricultural, recreational assets, and the appropriate gross density in this area is from 1 to 3 dwelling units per acre. Clustering is encouraged.

The Comprehensive Plan states that the boundaries of these development areas should be amended only for "compelling reasons of planning policy." This plan recommends amendments to several of the Comprehensive Plan boundaries. These amendments will improve the necessary consistency between the area character and the Comprehensive Plan densities and area descriptions.

Amendments to Comprehensive Plan boundaries are described below and shows on map. The net housing density was estimated in each of the subject areas. Net density is the density of the developed housing areas, not including streets. Gross densities, the densities guided by Comprehensive Plan policy, would be much lower.

Developing Urban to Rural (Area A)
(Edith Boulevard Corridor)

This area lies to the west of the North Diversion Channel at the northern end of the Edith Boulevard Corridor Subarea. The channel at this location provides a clear and logical edge between the manufacturing uses in the City's jurisdiction and valley lands in the County. This subject area is within the County unlike the land to the east of the channel. The net housing density in this area ranges from 1 to 2.5 dwelling units per acre. Developing Urban areas are appropriate for gross densities of up to 5 dwelling units per acre. Such densities in this area would be vastly out of character with the adjacent valley land. The area was identified in the North I-25 Sector Development Plan as Open Space and Agricultural.

Developing to Semi-Urban (Area B)
(Edith Boulevard Corridor)

This area of north Edith Boulevard is largely residential with the exception of several uses allowed by Special Use Permit. The proposed change would not affect those uses. The original boundary between Semi-Urban and Developing Urban followed the Alameda Lateral. This land is above the ditch and therefore, is not in agriculture. However, the area was subdivided at the time the Comprehensive Plan areas were mapped. Almost one-half of the land area is in agriculture or vacant. The net densities of the developed residential areas range from 2 to 3 dwelling units per acre.

Established Urban to Semi-Urban (Area C)
(Second and Fourth Street Corridor)

This area has much in common with Semi-Urban portions of the plan area. Much of the area was originally platted in 3 acre lots with access to irrigation water. The developed neighborhoods have a net density of approximately 1 to 2 dwelling units per acre.

** "Gross" density in the Comprehensive Plan refers to the overall density within an entire development category. Gross site density refers to the density of a given site including land used for roads, easements, etc. Net density refers to the number of homes per acre for a given site excluding roads, easements etc.*

Established Urban to Semi-Urban (Area D)
(Edith Boulevard Corridor)

Much of this area is known as the Vineyard Addition. It was platted early in three acre lots with access to irrigation water from the Alameda Lateral. The area has many rural character features and is developed at relatively low net densities ranging from 1 to 3 dwelling units per acre with the exception of the mobile home park which has a net density of approximately 5 dwelling units per acre.

Established Urban to Semi-Urban (Area E)
(Mid-North Valley/West)

This portion of the plan area is located in the Duranes neighborhood and is rural in character. It is within the County and developing at low net densities ranging from .75 to 1.5 dwelling units per acre. There is irrigated agriculture in this area. It is appropriate for Semi-Urban designation because of this character and the area's proximity to the Rio Grande Valley State Park.

Zoning

Zoning Capacity—The Buildout Analysis

The location, type and amount of growth that existing zoning will allow was estimated and analyzed. These estimates can help both City and County planning commissions place individual zone map amendment requests in the context of the Comprehensive Plan and judge the overall availability and location of zoning for particular uses.

The buildout estimates were compared to population projections to determine how the available land relates to projected growth. In most subareas, the existing zoning will accommodate projected growth to the year 2000. Significant growth beyond buildout figures will require zone changes and/or new development forms.

Below are 1990 figures for housing and population, the estimated number of dwellings at buildout, the estimated total population at buildout for the entire plan area, and the projected population in the year 2000. Figures for each subarea can be found in the subarea descriptions in the appendices.

NORTH VALLEY PLAN AREA

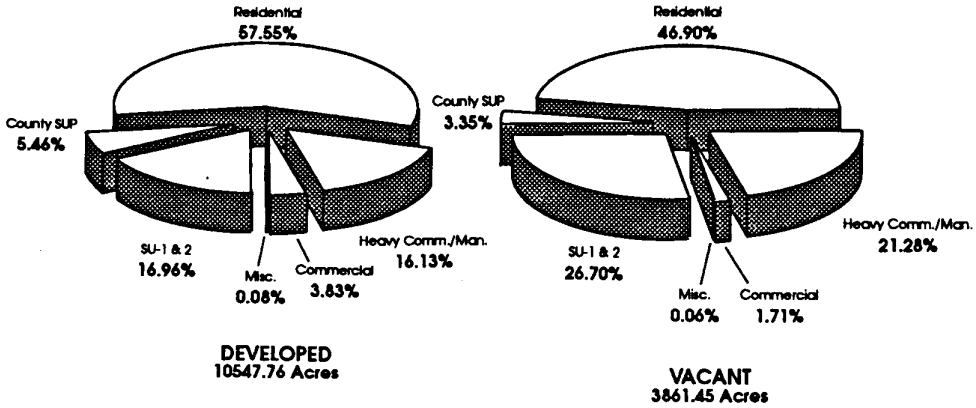
	1990	Buildout	2010 Projected
Housing Units	16,144	21,772	N/A
Population	44,622	52,252	49,337

Lands now zoned for non-residential uses were not used in this analysis but represent a significant resource for future housing. Conventional housing subdivisions or mixed use development on manufacturing zoned land could provide needed housing at a variety of densities and fulfill goals of this plan and of the Comprehensive Plan.

Radical rezoning of low density residential lands is not necessary in order to accommodate growth.

The Buildout analysis demonstrates that radical rezoning of low density residential lands is not necessary in order to accommodate growth in the near future. In the longer term, underutilized (vacant) land now zoned for other purposes can provide for housing. The Preferred Scenario of this plan calls for such efforts on manufacturing zoned land on the valley bottom, and along the Fourth Street corridor.

NORTH VALLEY AREA PLAN ZONING
City/County



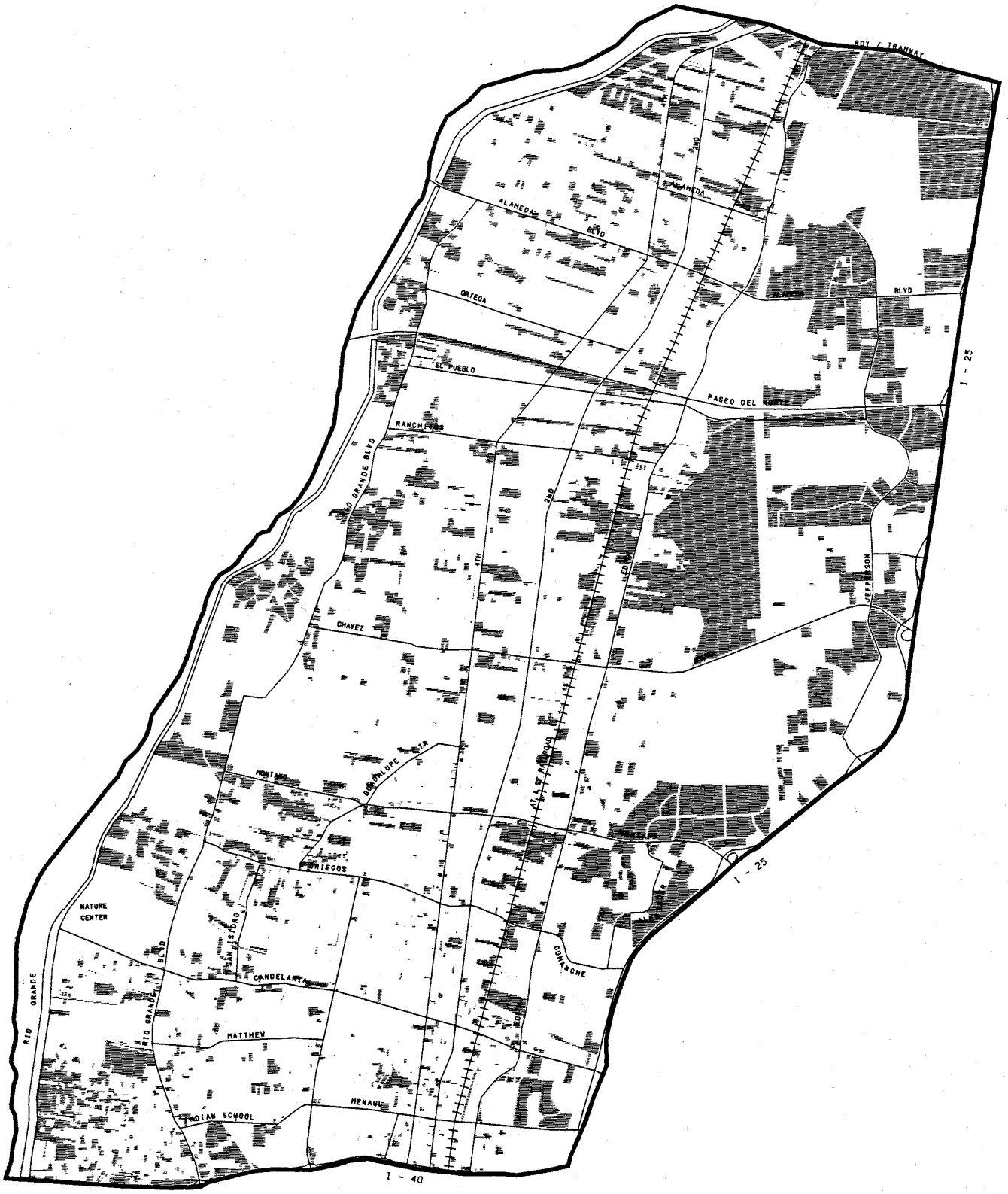
These figures, based on zoning mapped for the City and the County, show the land developed under general zoning districts and land that is vacant in each of those same districts. Of the total developed acreage in the valley, 6,070 acres, or 58% is residential. Commercial uses make up about 4% of the land area or 404 acres. Heavy commercial and manufacturing uses are developed on 16% of the land or 1,702 acres.

In 1970, 82% of the land in the valley was vacant. In 1985, that percentage dropped to 66%. Today there are approximately 3,861 acres of vacant land in the plan area. This represents 36.6% of the total plan area. Residentially zoned land accounts for 46.9% of this total. This is similar to the proportion of land developed for residential uses in the South Valley (53%). Relatively little land is available for commercial uses (66 acres). Heavy commercial and manufacturing zoning is in place on about 822 acres of vacant land. This does not include Special Use zoning and Special Use Permits that can accommodate these uses.

The County Zoning Ordinance and Zone Maps were established in 1968 and have been legally in effect since 1973. The zone maps generally reflect the land use pattern that existed in 1968. More extensive knowledge of soil suitability and water quality, as well as a new appreciation for affordable housing, rural character and agriculture add a dimension to land use planning for the County that original zoning may not reflect.

Zone map amendments in the North Valley reflect trends and perceived trends in land use and growth. From January 1985 to May 1991, the County approved 65 out of 110 requests for zone changes. Most of the requests granted were from residential to commercial zoning or from A-1 to R-1. (See Appendices H, I, J)

EXHIBIT 16



Vacant Acres (3686.5)

north January 1993 TOTAL VACANT ACRES

Rural Agricultural Zone

The Rural Agricultural Zone, or A-1 zone, in the County is intended "to safeguard the future water supply, to provide open land and spacious development in areas remote from available public services, and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas near the fringes of urban development". The zone is also informally viewed as a holding zone for urban development. When services become available to an area, the landowners may request and receive zone changes, regardless of whether or not the land is still suitable for agricultural use.

Large scale development of housing and businesses can be accommodated in many portions of the metropolitan area. Land suitable for irrigable agriculture is found only in the valley. Small scale agriculture and uses associated with agriculture such as horse training and breeding are common activities on A-1 land. It has been argued that valley land in Bernalillo County is no longer suitable for agricultural use because of the trend toward urbanization. Local agriculture and such associated activities do, however, contribute substantially to the local and state economy and to the area's unique character and desirability.

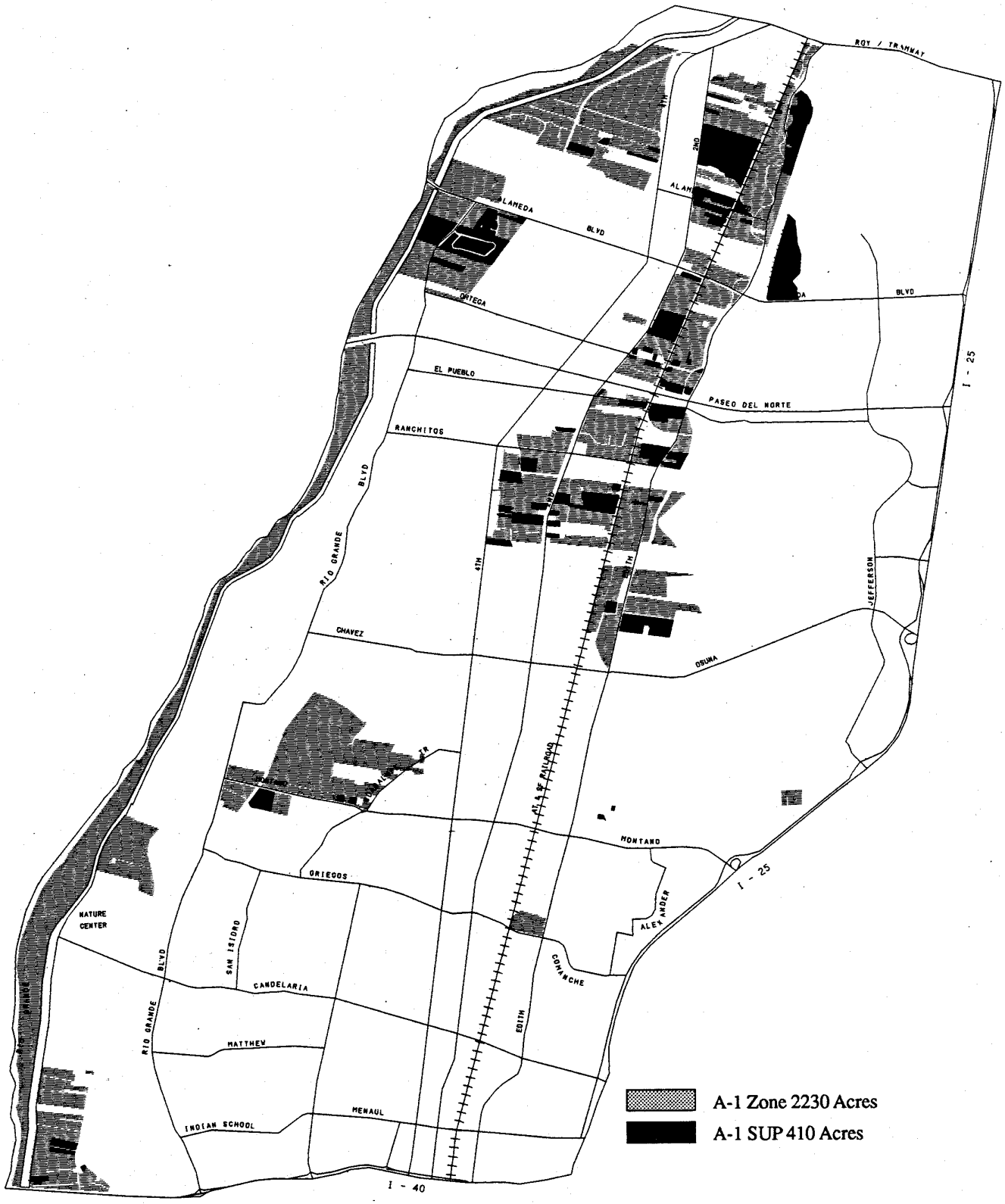
Land suitable for irrigable agriculture is found only in the valley.

Single Family Residential Zone

Parcels zoned A-1 that can be irrigated are rapidly being lost to development that precludes continued or future agricultural use. Zone changes and subdivision into smaller parcels for residential development is common in valley areas. The Single Family Residential Zone, R-1, in the County also provides for agriculture but allows homes on 1/2 acre or smaller lots depending on availability of water and sewer systems.

Much of the land zoned R-1 can not be developed at R-1 densities because of present lot size requirements regarding on-site liquid waste disposal (conventional septic tank systems). Approximately 170 vacant acres are zoned R-1 but are not served with sanitary sewer lines. Much of this land is located in the Rural Area.

EXHIBIT 16



north January 1993 **A-1 ZONED LAND**

North Valley Area Plan

Special Use Permits

The County can authorize the location of uses in any zone in which they are not regularly permitted through use of a Special Use Permit (SUP). There are now approximately 197 Special Use Permits in the County portion of the plan area. "Specific use" SUP's may be granted for virtually any use in any zone. They may be considered by the planning commission only after the zoning requested by the applicant is found to be inappropriate and where "unique conditions and substantial neighborhood support exist."

The ordinance states, "the purpose of Special Use Permits is to assure compatibility between uses" by enabling the County to require additional landscaping and buffering, however, the landscaping requirements for a SUP are not specified in the ordinance. In some cases, landscaping of uses allowed by SUP may be less than what is required under regular zoning.

Special Use Permits do not change the underlying zone designations. Most of the Special Use Permits for heavy commercial and industrial uses are located on residentially zoned lots. While a non-residential use is not necessarily incompatible with housing, there are numerous use conflicts evident in valley areas. The County can impose conditions and limits on SUP's to assure compatibility between uses, and to preserve the integrity and character of the zone where the use is located. This is difficult where the use permitted is heavy commercial or industrial and underlying zoning is residential. Some valley residents have argued that SUP's have been granted for uses that changed the character of the areas where they are located.

SPECIAL USE PERMITS BY USE AND UNDERLYING ZONING

Underlying Zones (acres)

USE	A1	MH	C1	C2	R1	Total
Residential	198.0	36.6	23.8	0.0	48.6	314.6
Commercial	33.0	2.5	4.4	0.0	45.7	90.7
Industrial / Heavy Commercial	144.7	28.3	34.5	1.4	76.0	285.0
Institutional	50.9	5.1	0.0	0.0	4.3	60.3

The majority of Special Use Permits for heavy commercial and manufacturing uses are approved on land with residential zoning.

The majority of Special Use Permits for heavy commercial and manufacturing uses are approved on land with residential zoning. There are 40 Special Use Permits for contractor's yards in the unincorporated County portion of the North Valley. Of these, 13 are vacant. Depending on location and screening, such uses are not attractive or conducive to residential neighborhood stability.

The County Zoning Ordinance states that Special Use Permits, unless otherwise specified, are good for the life of the permitted use. If a use allowed by a permit is discontinued, the permit may be cancelled. There is currently no process for systematic verification of uses allowed through SUP. Approximately 61 of the 197 SUP's are presently vacant. Many are advertised for sale as such.

The procedure for cancelling a vacant Special Use Permit presently allows a property owner to retain the permit simply by notifying the County in writing of his or her intent to do so. There are no further requirements for re-submittal of development plans or for re-evaluation of the appropriateness of the permitted use. In addition, a recent State Court of Appeals case found that the existing ordinance did not contain language to enable the County to revoke an SUP because of violations. This opinion indicates a need to augment the ordinance language.

The number of uses allowed through Special Use Permits has created a potentially complex and cumbersome problem for the County with regard to reviewing each SUP for conformance. The difficulty of cancelling permits on vacant property and where violations occur has added to a perception on the part of some residents that SUP's are de facto zone changes. Staff was unable to find any cases in the North Valley where a parcel with a Special Use Permit returned to the uses allowed by the underlying zoning. In light of this situation and perception, the County might consider either granting zone changes instead of SUP's, or tightening the restrictions and review required of the permitted uses.

Between January 1985 and May 1991, there were a total of 102 Special Use Permit applications requested. Of these, 60 were granted. The majority of these permits were for manufacturing and heavy commercial uses including contractor's yards.

There would probably be more M-1 zoning in the County if it were not for the Special Use Permits that are granted for uses otherwise allowed only in the M-1 zone - especially outdoor storage. The County is more likely to grant a SUP for heavy commercial or industrial uses than a zone change to M-1. This may be because the SUP provides the potential for an eventual return to the uses allowed by the underlying zoning and more control over the allowed uses. The popularity of SUP relative to zone changes may indicate a need to amend the code to allow more flexibility than the present code provides especially regarding the storage of contractor's equipment.

EXHIBIT 16

north January 1993 COUNTY SPECIAL USE PERMITS

North Valley Area Plan

In the County portion of the plan area there are approximately 102 acres of vacant M-1 zoning. Most of these (79%) are under one acre in size and will probably require replatting prior to development. In some cases, M-1 land is located in the Rural Area. County M-1 land that is unserved by sanitary sewer is of particular concern given potential groundwater contamination from allowed uses.

Special Use Permits can provide more protection for adjacent uses and more control over specific uses than do regular zones and this is their purpose. Despite problems, the SUP can be useful in guiding land use while providing flexibility for the land owner. Where land is presently zoned County M-1 but is located adjacent to residential uses, the County could consider granting a SUP. This would allow development but would afford more protection by requiring site plan approval. In addition, SUP might be considered in unsewered areas where uses allowed under regular M-1 zoning may pose a threat to the groundwater.

Non-Conforming Uses

City Zoning, established in 1954, reflects strong optimism about rapid growth of industry and multifamily housing in the city portions of the plan area. In many locations, the land is zoned for manufacturing or commercial uses while property is developed with residences as non-conforming uses. In the City, these buildings or structures must be removed or converted to a conforming use within a specified time period - generally over forty years from enactment of the code.

There are many homes on land zoned M-1.

In the Mid-North Valley East Subarea, there are many homes on land zoned M-1. Procedures for resolving this difference should be undertaken along with general code enforcement. Both will require a property-by-property assessment of the use and condition of structures in this area.

Design Overlay Zoning

The Design Overlay Zone (DOZ) can be used in both City and County areas which deserve special design consideration. The zone can be applied in addition to provisions of another zone. It may be mapped for areas that are at least 320 acres or any area specified by a sector development plan. The Zone may be applied to lands with scenic natural features, highly significant views, or where the subject land plays a strong role in the form of the metropolitan area such as arterial street, corridors, or critical areas near urban centers or historic zones. There are several areas in the North Valley where the design controls possible through an overlay zone might be appropriate. An overlay zone could be created to govern signage, building setback and landscaping along streets, to guide the development of land

along the river, to guide development in and around Village Center locations, and/or to cluster residential development in certain locations.

Streets with scenic or historic character such as Alameda or North Edith Boulevards might benefit from an overlay zone which could be used to regulate uses, siting of buildings, size and location of walls, fences, landscaping and signage. Land next to the Riverside Drain and bosque might be placed under an overlay zone to protect vegetation, wildlife populations, and aesthetic qualities that distinguish these lands. Homes could be clustered to preserve cottonwoods and large scale or intense commercial development could be limited. This area might also be appropriate for landscaping that provides continuity for bosque habitat - clusters of trees, wetlands reconstruction, and especially retention of irrigation ditches to carry water to the landscaping.

Village Center development ideas, including smaller scale mixed use development, a greater amount of landscaping, and pedestrian improvements could be governed by an overlay zone. These principles are included only as guidelines in the plan. Cluster housing could also be governed by a DOZ that specified location, density, open space use, and other specifics that general provisions in the regular zoning code would not cover.

Shortcomings of Design Overlay Zoning include their administrative complexity and necessary commitment to stronger land use control. Strong political will, agreement on the importance of the regulation, and consistent enforcement would be necessary. If it is easier to get a zone change than to comply with the requirements of an existing zone, then augmenting those regulations with a design overlay zone will have little beneficial effect. If enforcement of existing regulations is difficult, an increase in requirements without subsequent increases in enforcement staff and capacity will be unsuccessful.

The history of zone changes, administration of Special Use Permits, and State Court cases regarding land use, indicate a general unwillingness to exert strong regulatory control over land uses in the valley. Stronger regulations promulgated in this political climate are unlikely to gain acceptance. The interest in and promotion of techniques such as the DOZ must come from the community and be developed in response to their needs and concerns.

The interest in and promotion of techniques such as the DOZ must come from the community and be developed in response to their needs and concerns.

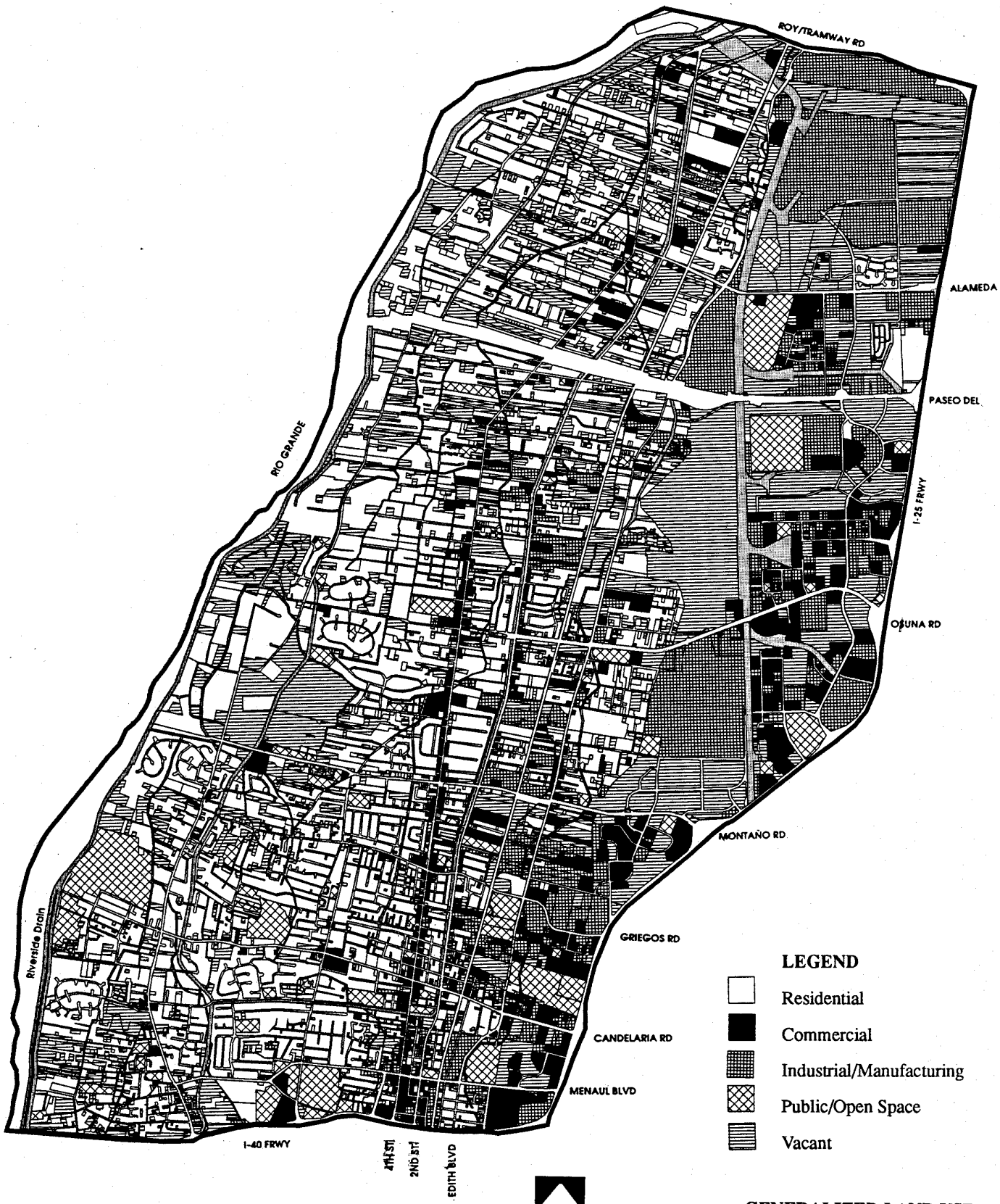
EXHIBIT 16

- Residential
- Commercial
- Industrial
- Public / Institutional
- Vacant
- Areas with no Zoning

north January 1993 **GENERALIZED ZONING**

North Valley Area Plan

EXHIBIT 16



north July 1992. **GENERALIZED LAND USE.**

North Valley Area Plan

Land Use Patterns

Housing

Housing is the predominant land use in the North Valley comprising over 57% of all uses. Homes are located throughout the plan area except for the North I-25 Subarea where housing makes up just 3% of the uses. Homes are located in diverse settings including standard suburban subdivisions and older historic settlement patterns. Mobile home parks are a popular housing alternative with their residents and make up a substantial proportion of the higher density housing found in the plan area.

Much of the new housing in the valley is built on land used for agricultural purposes. This accounts for lot patterns and subdivisions that reflect these earlier uses such as streets which dead end on irrigation or drainage ditches. In some subareas, particularly the Second and Fourth Street Corridors and the Edith Corridor, housing is located near or between manufacturing and heavy commercial uses. This has created some land use conflicts but also provides opportunities for linking jobs and commerce to the existing neighborhood fabric and therefore strengthening the community as a whole. Where potential negative impacts of large scale businesses, such as traffic, can be limited, neighborhoods gain employment opportunities and businesses become good neighbors.

Alternately, a trend toward investment in commercial and manufacturing uses in previously residential areas can destabilize residential uses. Conversions of residential property can have negative impacts on remaining residences. Lending institutions and potential homeowners may regard commercial and manufacturing uses in a residential area as undesirable. The opposite conversion, of commercial land to housing, is not a present trend in the plan area, although large tracts of vacant manufacturing land have provided locations for mobile home parks in the past.

Most residences in the North Valley are single-family homes. Mobile homes make up 14% of homes in the plan area and 20% of all homes in Bernalillo County. There are few apartments in the plan area compared to other portions of the metropolitan area. However, living quarters associated with a main house are an alternative desired by some residents.

Housing in the valley is far less homogeneous than other portions of the metropolitan area.

Housing in the valley is far less homogeneous than other portions of the metropolitan area. A mix of housing types and lot sizes are desired by residents and there are opportunities to accommodate new housing in different ways. The relatively small vacant parcels lend themselves to custom housing construction. Amendments to Comprehensive Plan boundaries will provide a better basis for differentiating between areas and

applicable development standards. These valley standards will be of particular importance in maintaining valley character as urban sewers become available.

Commercial

There are approximately 786,874 square feet of retail space in the North Valley plan area according to Coldwell Banker Figures. This excludes structures smaller than 10,000 square feet. Over 200,000 square feet of space, or 26.4%, is vacant and for lease. The overall vacancy rate for the Albuquerque area is 15.5%.

Much of the commercial development in the valley is located along arterials, especially Fourth Street. The visibility and access from this street created the pattern. This established pattern differs from new commercial development that tends to be much larger and therefore requires much larger parcels for development. Larger sites for commercial development can drastically alter patterns of shallow or narrow lots that typify much of the valley.

Larger sites for commercial development can drastically alter patterns of shallow or narrow lots that typify much of the valley.

Arterials are often locations for new commercial development. While the Comprehensive Plan states that strip commercial development is not appropriate in rural areas, commercial development of formerly agricultural land along streets has occurred. This is indicative of the high value placed on visibility for commercial uses and the relatively low value placed on agriculture and retention of rural character.

The need to maintain traffic flows on arterial streets is a strong argument for retention of agriculture and low density residential uses: Such uses are not traffic intensive. Residences on large lots sited well back from the roadway are less likely to be as noise sensitive as higher density housing and likely to generate less traffic. While pollutants from street sources may be a concern for crop production, much of the land adjacent to streets is now in alfalfa or permanent pasture.

The responsibility for the impact of roadways on adjacent lands should rest with the public agency constructing or improving the roadway. The State, County or City can ensure that the roadway design minimizes impacts on existing land uses by constructing landscaping or other buffering measures, or by purchasing additional right-of-way or easements along the roadway to ensure adequate separation of the roadway from residences. The alternative is to anticipate and allow the continual turnover and conversion of residential or agricultural properties to commercial uses and accept the loss of roadway capacity and area character.

Industrial

The largest proportion of industrial or manufacturing land in the plan area is located in the North I-25 area to the east of the valley floor. There are approximately 1200 acres of such uses in this area. Many heavy commercial and manufacturing uses are located along Second Street and Edith Boulevard on the valley floor especially south of Montaño Road. This brings these uses into potential conflict with residential uses which are located almost exclusively on the valley floor.

The land on the valley floor is closer to the railroad and is generally located outside of the City limits. This land may also be lower cost than the land on the mesa that is often within industrial parks that were subdivided more recently. Industrial land in the valley often went directly from agricultural to manufacturing or heavy commercial use.

Except within the North I-25 area, the pattern of industrial uses in the valley is very mixed. Generally, the farther north one travels in the plan area, the fewer manufacturing uses are evident. The dividing line is especially difficult to locate as non-residential uses often leapfrogged developed residential areas along both Second Street and Edith Boulevard.

Zoning and Land Use Policies

1. The Comprehensive Plan area boundaries shall reflect existing character, resources and development potential in the North Valley.

   a. City and County shall adopt the following proposed Comprehensive Plan boundary changes:

      Developing Urban to Rural, north of Calle Del Fuego, east of Edith Boulevard, south of Tramway Road, and west of the North Diversion Channel.

      Developing Urban to Semi-Urban, north of Osuna Road, east of the Alameda Lateral Railroad tracks, south of Ranchitos, and west of the Municipal Limits.

      Established Urban to Semi-Urban, north of the Gallegos Lateral, east of the Chamisal Lateral, south of Osuna Road, and west of the AT&SF railroad tracks.

      Established Urban to Semi-Urban, north of Montaño Road, east of the AT&SF Railroad tracks, south of Osuna Road, and west of the Municipal Limits.

      Established Urban to Semi-Urban, north of I-40, east of the Rio Grande, south of the Municipal boundary, and west of Gabaldon Road .

2. The City and County shall stabilize residential zoning and land use in the North Valley Area.

   a. Limit the location, duration and type of new uses allowed by Special Use Permit.

      i. Restrict new Special Use Permits for heavy commercial and manufacturing uses in North Valley residential zones to owner-occupied businesses with five or fewer employees on 1/2 acre or greater.

      ii. Limit the time period between approval of new Special Use Permits and issuance of a building permit to one year.

   b. Cancel discontinued Special Use Permits, permits granted where existing conditions of approval are not met, and permits that are otherwise in violation of the Zoning Ordinance.

i. Undertake systematic inspection of Special Use Permits beginning with permits granted in residential zones.

ii. Determine the need for new positions for zoning and planning activities especially as they relate to County Special Use Permits and area plan implementation.

c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide for agricultural activities and spacious development especially in Semi-Urban and Rural areas where such land is adjacent to irrigation ditches.

d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.

i. Amend the County Zoning Ordinance to require buffering and landscaping between non-residential uses and land used or zoned for residential purposes.

ii. Through the site plan review and approval process, require special buffer landscaping, fencing, lighting controls, increased setbacks, and/or other measures to protect County residential uses below the mesa edge from potential impacts of City non-residential development in the North I-25 subarea.

e. Retain the low density character of Rural Areas of the North Valley.

i. Amend the County Zoning Ordinance to provide a lot area minimum for R-1 zoned land in the Rural Area equal to the area required to meet Liquid Waste Ordinance requirements or 3/4 acre, whichever is greater.

f. Undertake a planning process for areas of Mid-North Valley East and Mid-North Valley West to address land use conflicts, non-conforming uses, redevelopment of vacant land, affordable housing, transportation, streetscape improvements, cultural sites, and other issues.

g. Where appropriate, according to this plan or more detailed plans, encourage and support efforts to rezone properties to their present use or for residential uses.

3. The City and County shall limit new strip commercial development and associated signage on valley arterials.

a. Retain existing residential zoning on Alameda Boulevard, Second Street, Montaño Road, and on future roadway corridors.

b. Undertake Rank Three planning to create design overlay zoning along Alameda Boulevard (County), Second Street (City/County), and Montaño Road (City).

c. Promote commercial development and redevelopment of existing commercially zoned properties.

   i. Assist existing and potential businesses with organization and promotion efforts.

   ii. Undertake a coordinated Rank Three planning effort with the City, County and Village for the Fourth Street Corridor.

d. Adopt and promote Village Center Principles for new and redeveloped commercial properties.

   i. Undertake Rank Three planning to implement Village Center Principles.

4. The County and City shall seek adoption or endorsement of the Area Plan by the Villages of Los Ranchos de Albuquerque and Corrales for the areas included in these municipalities' planning and platting jurisdictions.

Air Quality

3

Summary

In recent years, the Albuquerque Urban Area has experienced air quality problems from two pollutants: carbon monoxide and particulates. For many years, Albuquerque has been classified as a non-attainment area for carbon monoxide (CO). Non-attainment means that a violation of the National Ambient Air Quality Standards (NAAQS) has occurred. Severe penalties can be imposed on Bernalillo County by the Environmental Protection Agency for failure to meet the NAAQS. These penalties may produce substantial economic consequences in the community, including sanctions on federal funding. On September 22, 1992, the Environmental Protection Agency published a proposed rule in the Federal Register calling for classification of Bernalillo County as non-attainment for particulates.

The highest levels of particulates in the urban area have been recorded in the North Valley.

The portion of the urban area covered by the North Valley Area Plan has the potential to exhibit problems for both CO and particulates. While CO levels are not currently monitored within the plan area, factors that lead to high levels are present in the plan area (e.g. relatively high traffic volumes, congestion, and stable meteorological conditions). During the winter of 1982 to 1983, unofficial CO monitoring in the North Valley provided evidence that CO levels near the federal eight-hour standard existed near the Griegos Road/Fourth Street intersection. These monitoring efforts, performed by the New Mexico Environmental Improvement Division, recorded levels exceeding the federal eight-hour standard (FHWA, 1983).

Recent and past air quality monitor data provide documentation that the North Valley is a problem area for particulates. The highest levels of particulates in the urban area have been recorded in the North Valley. High levels are present at this monitor during every season of the year. Also during the late 1970's, standards for total suspended particulates (TSP) were exceeded in the North Valley. More recently, the Environmental Protection Agency has emphasized control of inhalable "PM10" matter, which only includes particles smaller than 10 microns. PM10 is the pollutant now measured by the City throughout the Urban Area.

Primary Sources of Pollution in the North Valley

Based on existing traffic volumes accompanied by congestion, a number of locations within the plan area possess at least some potential for relatively high levels of CO. Congestion involving slow moving vehicles usually produces more vehicle emissions per mile than smooth traffic flows. Generally, the most critical areas for air pollution surround major roadways and roadway intersections. Examples include the intersections of Second Street with Paseo del Norte, Osuna Road, Montaño Road, and Candelaria Road. Similarly, many intersections along Fourth Street also exhibit high traffic volumes and congestion. Segments of Paseo del Norte also carry high traffic volumes, with speeds often slowing during peak hour traffic. Interstate 25 and Interstate 40 on the edge of the plan area also carry very high traffic volumes, often exhibiting substantial congestion. Future changes due to development, particularly in the eastern half of the plan area, pose the potential for problems if traffic increases and congestion occur.

Although motor vehicles generate the majority of CO, woodburning is considered the second leading source. In fact, a woodburning stove or fireplace may emit enough CO in one evening to equal approximately two days of driving a vehicle to and from work. Sources other than motor vehicles and woodburning that currently contribute minimally to CO levels include:

- Aggregate processing operations.
- Large industrial facilities, including on-site power generation.
- Home heating.
- Trash burning.

Although industrial operations are not presently considered a major contributor of CO, large facilities can contain equipment capable of producing large amounts of CO on site. In contrast, enterprises usually classified as "clean industry" often have large work forces which drive motor vehicles on the transportation network. In some cases, the use of motor vehicles by workers may more adversely effect CO levels than the amount of pollution produced directly by the facility itself.

Within the plan area, generation of particulates is not limited to discrete sources or locations. While dust is considered the most common form of particulates, smoke also contains fine particulate matter that can be inhaled. Particulates are generated by many different sources distributed across the entire plan area. Sources include:

- Unpaved roads, parking lots, and work activity areas.
- Agricultural fields, both from dust and burning operations.
- Horse stables, livestock pens, and similiar facilities.
- Gravel operations and aggregate processing activities.
- Industrial and manufacturing plants.
- Trash burning.
- Irrigation facilities including exposed ditch bank roads and spoil areas.
- Soil carried onto paved roads during inclement weather which subsequently becomes re-entrained by moving vehicles.
- Recreational activities including off-road vehicle use and organized events.

Potential Strategies to Mitigate Air Pollution

To avoid excessive emissions of CO from motor vehicles, a need exists to prevent specific segments of the roadway network from becoming so overburdened and congested that CO concentrations exceed federal air quality standards. Traffic volumes on arterial roadways within the plan area have increased substantially in the last 20 years. In many cases, roadway volumes have increased at a rate much greater than the general population growth trends. For instance, traffic on some sections of Second Street has increased 200 to 300 percent while the average population growth in the plan area has grown only about 50 percent. If travel demand within and through the plan area outstrips the ability of the roadway network to serve this demand, air quality problems may result.

Preventing problems before they occur is important because of the difficulty in curing problems once conditions have already deteriorated. A valuable mechanism available to ensure that transportation problems do not become air quality problems involves travel demand forecasting and roadway capacity analysis combined with air quality modeling of carbon monoxide. It is recommended that such analyses of the North Valley Area Plan transportation network be undertaken as soon as practical.

Transportation Control Measures (TCM) can enhance the ability of transportation infrastructure to serve travel demand and prevent conditions unfavorable to air quality. TCMs take many forms and are frequently classified as either a Transportation Demand Management (TDM) strategy or a Transportation System Management (TSM) strategy. TDMs tend to be oriented toward manipulating the behavior of the roadway user; whereas, TSMs often involve increasing the capacity of the transportation system itself through roadway changes or other system modifications intended to increase transit ridership.

TDMs may include measures such as alternative work schedules, car or van pools, parking management, pricing (e.g. tolls, gas taxes), and land use controls. In general, TDM's usually attempt to increase motor vehicle ridership rates, reduce peak hour travel demand, eliminate trips altogether or otherwise reduce vehicle miles of travel. TDM's that eliminate trips often provide some of the best reductions in vehicle travel and emissions.

TSMs may involve increasing roadway capacity through building left-turn lanes, exclusive right-turn lanes, signal synchronization or refinement, and construction of high occupancy vehicle (HOV) lanes for buses or vehicles having multiple ridership. Transit oriented measures may include use of park and ride lots for bus users and improved transit service.

The primary TCMs emphasized by this plan include:

- Trail facilities.
- Provision of transit opportunities.
- Encouragement of land use relationships which reduce use of the motor vehicle.
- Regional multi-modal transportation.

Recent emphasis has focused on implementing TCMs in the Northeast Heights because of recent violations of the federal CO standard in that vicinity. Even so, there is value in applying many TCMs across the entire community, including areas within the boundaries of the North Valley Area Plan.

TCMs are considered quite variable in their ability to reduce motor vehicle usage. Often, the factors which influence the success of TCMs are complex and success cannot be guaranteed. Sometimes one TCM may counteract the beneficial effects of another TCM. For example, working at home (telecommuting) or compressing the work week to 4 days may reduce revenues for transit operations or reduce the number of individuals available for ridesharing. While long-term research will help understand the effectiveness of various TCMs, some techniques and models are already available to analyze and evaluate their effectiveness and provide at least preliminary guidance on the anticipated benefits of TCMs. New techniques are being developed on a continuous basis. Even with the lack of definitive results on TCM benefits, TCM's can be expected to reduce the reliance on the motor vehicle and help minimize air pollution.

Limiting vehicular access to portions of the Alameda Drain right-of-way that are not necessary to serve adjacent development may reduce substantial amounts of airborne dust.

Strategies also need to be pursued to reduce particulates. These include exploring ways to limit disturbance on open areas and unpaved roadways. In some areas, it may be possible to implement measures to stabilize dust sources which are already disturbed. Of particular concern are extensive areas adjacent to irrigation facilities and drains which are used heavily by motorized vehicles. For instance, limiting vehicular access to

portions of the Alameda Drain right-of-way that are not necessary to serve adjacent development may reduce substantial amounts of airborne dust. Access to undeveloped lands subject to use by off-road vehicles might also be controlled.

Public education and continued enforcement of existing regulations will also prevent improper activities such as trash burning and burning of leaves or other materials producing noxious and nuisance air pollutants. Efforts to promote dialogue between all affected local governing bodies will improve coordination of efforts to minimize air pollution.

Regulatory Controls Affecting Air Quality

Although CO and particulates are the air contaminants of most concern at the present time, care must be taken to safeguard air quality by ensuring that other sources of pollution do not create unacceptable air quality problems. The Albuquerque/Bernalillo County Air Quality Control Board (AQCB) has implemented many regulations pertaining to air pollution. The AQCB is a state empowered entity established in 1970 by the City of Albuquerque and Bernalillo County to regulate air quality within Bernalillo County. A total of seven members, with four City members and three County, comprise the board. The AQCB regulations summarized below have been selected from the 1992 compilation of regulations and are considered to be most likely to affect activities within the plan area. All AQCB regulations are administered by the City of Albuquerque's Environmental Health Department and apply to all lands within Bernalillo County, including the Village of Los Ranchos de Albuquerque.

Open Burning

AQCB Regulation #3

This regulation prohibits open burning with selected exceptions. The intent is to prevent noxious or unsightly emissions and includes these restrictions:

- limits weed burning (notification of City Environmental Health Department required).
- limits agricultural burning (permit required in most cases)
- prohibits all trash burning.
- prohibits burning of leaves, and other garden wastes.
- restricts burning of weeds along ditches and other rights-of-way (permit required)

Airborne Particulate Matter
AQCB Regulation #8

Industrial or commercial activities causing the generation of particulate matter are required to take reasonable precautions to prevent particulates from becoming airborne. Injury, detriment, nuisance or annoyance to the public by airborne particulates is prohibited. A topsoil disturbance permit must be obtained for any development proposal which will involve the disturbance of 3/4 acre of land or more. While work efforts are in progress, it is necessary to stabilize soil areas to prevent particulates from becoming airborne. Long-term stabilization strategies such as revegetation, paving, or landscaping are also required.

Process Equipment
AQCB Regulation #9

This legislation requires a permit for emission of particulate matter into the atmosphere from process equipment exceeding certain thresholds. Activities regulated may include gypsum cookers and asphalt batch plants. Permit thresholds range from 1/4 pound of particulate emissions per hour to 40 pounds per hour or more depending on the amount of material being processed.

Construction Permits; Prevention of Significant Deterioration
AQCB Regulations #20, #29, and #32

In combination, these regulations require permits to construct any new stationary source or to modify an existing source which has the potential to emit air contaminants and regulated pollutants and cause possible effects to the ambient air. Regulated pollutants may include particulates, nitrogen oxides, hydrocarbons, carbon monoxide, sulfur dioxide and lead.

Woodburning
AQCB Regulation #34

This regulation severely limits woodburning when meteorological conditions are not likely to reasonably disperse woodsmoke. On certain days between October 1 and February 28 when winds are expected to be calm, use of most wood stoves and fireplaces is prohibited.

Note that many other AQCB regulations exist, including regulations that control incinerators, visible air contaminants, orchard heaters, oil burning equipment, volatile organic compounds, etc. In addition to AQCB regulations, City Council Enactment #12 - 1990 provides for the review of large scale developments to assess possible air quality impacts. In many instances, an Air Quality Impact Assessment is necessary to determine if potential adverse air quality impacts will be likely to occur. Mitigative measures such as transportation system improvements or TCMs are often identified to reduce impacts.

Air Quality Policies

1. The City & County shall increase efforts to inform the public about the effect of motor vehicle usage on air quality.

2. The City & County shall increase efforts to inform the public about existing regulations pertaining to air quality & continue enforcement of existing air quality regulations.

3. The City & County shall initiate travel demand forecasting and a transportation system capacity analysis for the North Valley Plan Area as soon as practical.

4. The City & County shall explore ways to limit unauthorized motor vehicle use on irrigation facilities and other open areas & stabilize areas which are already considered substantial dust sources.

5. The City & County shall make efforts to stabilize roads or parking areas.

6. The City & County shall encourage limiting driving of motor vehicles on critical CO days (i.e. No-burn days).

7. The City & County shall encourage the communities of Los Ranchos de Albuquerque, Corrales, and Rio Rancho to participate in addressing air quality issues in the North Valley.

Wastewater and Groundwater Quality

4

In its change from novelty to apparent necessity, the water toilet also changed our culture's attitude toward water in only a few generations. The fundamental measure of social competence and acceptability became the ability to relate successfully to a flush toilet.

We All Live Downstream

Summary

Conventional septic tank systems located throughout the valley and elsewhere are the cause of widespread groundwater contamination. There are alternative methods for disposal and treatment of wastewater that homeowners and builders can do to reduce the cost of treatment and the amount of wastewater that households generate.

The two standard wastewater treatment methods used in valley areas are: on-site systems and urban sewers. On-site systems treat and/or contain wastewater on the household lot. Typically, the short- and long-term costs of on-site systems are the responsibility of the homeowner. With conventional septic tanks, there is a one-time cost associated with constructing the system and occasional pumping charges. Sewer lines for the collection of household wastewater for off-site treatment are another alternative. These systems are usually publicly funded and owned and the homeowner is billed for service. In valley areas, the standard practice has been for the City of Albuquerque, under Joint Powers Agreements with the County of Bernalillo and Village of Los Ranchos, to extend urban scale sewers—sewers which can accommodate urban development—into valley areas through use of state appropriations. The homeowner is charged to hook into the line and is billed monthly for the service.

Other wastewater treatment methods not as common in valley areas but in use in other communities include on-site alternative systems which do not discharge pollutants, smaller "pressure" sewer lines for off-site treatment at less urban densities, and smaller scale off-site treatment units owned by groups of homeowners rather than by a government entity. Management of these systems may be by the homeowner or a contracted business. All alternatives vary by the number of households served, location, size of lines, and the location and ownership of the treatment plant or unit.

The slow pace and high cost of sanitary sewer line extensions makes continued use of on-site systems likely in the near term. Alternative non-polluting on-site systems could be used in order to protect the groundwater beneath these valley areas. In other areas that can be served by off-site systems, these systems could be of a size and cost appropriate for low density development. The type, location, cost, and size of all wastewater treatment systems should be determined through a wastewater service options study for the North Valley.

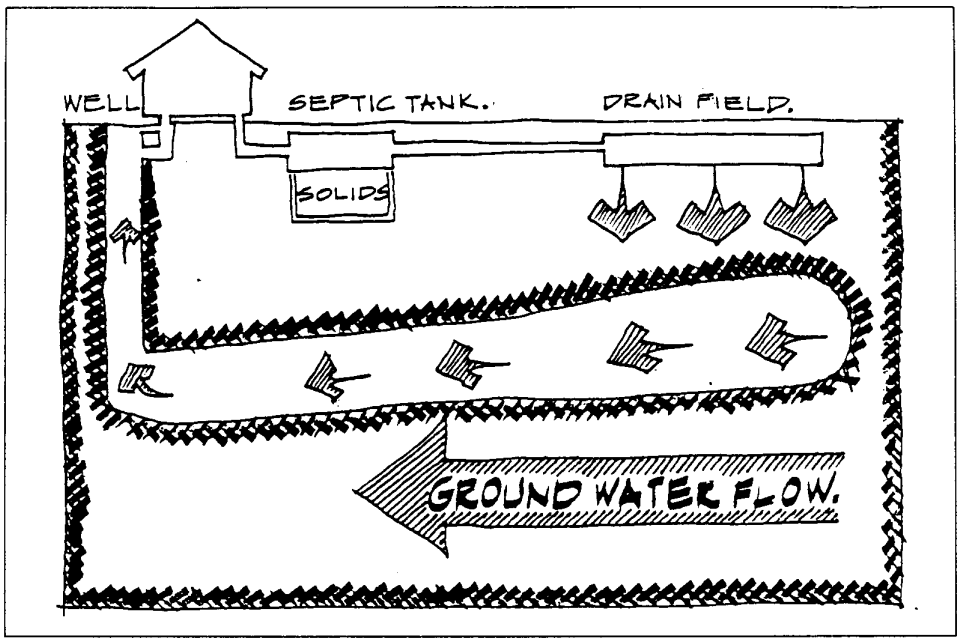
Septic Tank Systems and Groundwater Pollution

Septic tank systems are popular and widespread because they have low initial construction costs and limited upkeep. Homeowners own the systems, and unless the system fails, it is a "flush and forget" method of wastewater disposal. The pollution of groundwater by conventional septic tank systems, however, poses a threat to remaining private wells and to the quality of the entire aquifer from which all water is drawn. Although properly functioning conventional systems remove many chemical constituents and some biological constituents, they do not remove nitrates or many small bacteria and viruses. By design, every household or business with a septic tank system is discharging contaminants to the groundwater.

By design, every household or business with a septic tank system is discharging contaminants to the groundwater.

Septic tank systems handle liquid waste by pre-treating it in a septic tank where solids, scum, and liquids are separated. Solids and scum remain in the tank and must be pumped periodically in order for the system to function properly. Remaining liquid flows to a soil absorption field where it flows through perforated pipes into the soil and into the groundwater. In properly functioning absorption fields, oxygen and bacteria in the soil help to purify the waste water before it reaches the water table. Where there is not enough soil between these pipes and the water table, or if the soil lacks the qualities necessary for natural filtration, these systems will not function properly. Even in properly functioning systems, such as mound-beds where a greater field area is created above the ground, pollutants are not removed.

While City of Albuquerque water is available to most portions of the North Valley, there are approximately 12.79 square miles of the North Valley that are not served with sanitary sewer. A comparison of developed parcels and recorded sewer hook-ups indicates there are approximately 6,500 septic systems in this unserved area.



Septic Tank System

Groundwater Protection Policy and Action Plan

The pollution problem resulting from widespread use of conventional septic systems in valley areas is thoroughly documented in data evaluated during development of the Groundwater Protection Policy for Albuquerque and Bernalillo County. This effort began in 1988 and draft policies were completed in January 1992 through cooperative efforts of an advisory committee comprised of City and County staff and the project consultant CH2M HILL. The technical assessment identified the entire valley area as "Crucial"—within the "capture zone" of public water supply wells, with a hydrologic setting that allows rapid movement of contaminants, and having concentrations of private wells.

The draft Groundwater Protection Policy and Action Plan (GPPAP) recommends limiting new septic tank systems in crucial valley areas to areas where they will function properly, where the lot size is at least two acres, and where the density of existing systems does not exceed 160 units per square mile. In the absence of these conditions, a homebuilder would be allowed to use an approved alternative system.

The Bernalillo County Liquid Waste Ordinance

At present, all liquid waste systems in the unincorporated area of Bernalillo County are governed by the Liquid Waste Ordinance (88-1). Revisions to this ordinance will be necessary after the Groundwater Protection Policy and Action Plan has been adopted. The ordinance now allows septic tank systems on tracts of land that were established prior to 1973, regardless of lot size provided that setback requirements, groundwater clearance , and depth to bedrock requirements are met.

The two acre minimum lot size for new conventional systems in valley areas could be incorporated into the land use policy of this plan or into revisions of the Liquid Waste Ordinance. Such a restriction might apply to new construction where sewer systems are not already in place or funded and where alternative non-discharging systems are not desired or appropriate.

Alternative On-Site Wastewater Treatment Systems

Appendix M. outlines various alternatives to conventional on-site septic tank systems. Many of the acceptable alternatives involve retaining septic tanks for primary treatment to remove solids but replacing the leach or drain field with a closed bed. Evapotranspiration systems use vegetation and evaporation to eliminate this effluent. Constructed wetlands use vegetation and biotreatment technology to remove contaminants.

Another alternative is the holding tank which must be pumped regularly. Holding tanks for all flows from a home are prohibitively expensive to pump. However, by reducing the amount of wastewater through use of a "split-flow" system and low flow plumbing fixtures, pumping costs might be brought down to a reasonable level. Such a system would route "blackwater" to the holding tank while directing "greywater" from all other flows to a conventional septic tank system. Assuming 2.7 persons per household, 3.5 flushes per person, and 1.6 gallons per flush, the split flow holding tank would collect 15 gallons per day. A 2000 gallon holding tank would, therefore, require pumping about three times per year. A pumping cost of about $65 would result in a yearly cost to the homeowner of $195.

Ultimately, eliminating human excrement from wastewater may be the best solution to wastewater treatment. Incinerating or composting toilets virtually eliminate the nitrogen problem with household wastewater. Greywater produced from clothes washers, dishwashers, and showers can be re-used for subsurface irrigation or allowed to infiltrate.

Education about human waste disposal is a critical component of on-site treatment. The choice of living where centralized services are not available requires (and allows) that the homeowner exercise control over all facets of home maintenance—including short- and long-term costs of wastewater disposal. The on-site alternatives to sanitary sewer and conventional septic tank systems must be understandable, acceptable, affordable, and desirable to homeowners. The role of public agencies in public education must be balanced with oversight and regulation. A law which limits how a homeowner disposes of waste will be effective only if the reasoning behind that law is readily available and popularly accepted.

The on-site alternatives to sanitary sewer and conventional septic tank systems must be understandable, acceptable, affordable, and desirable to homeowners.

Sanitary Sewer

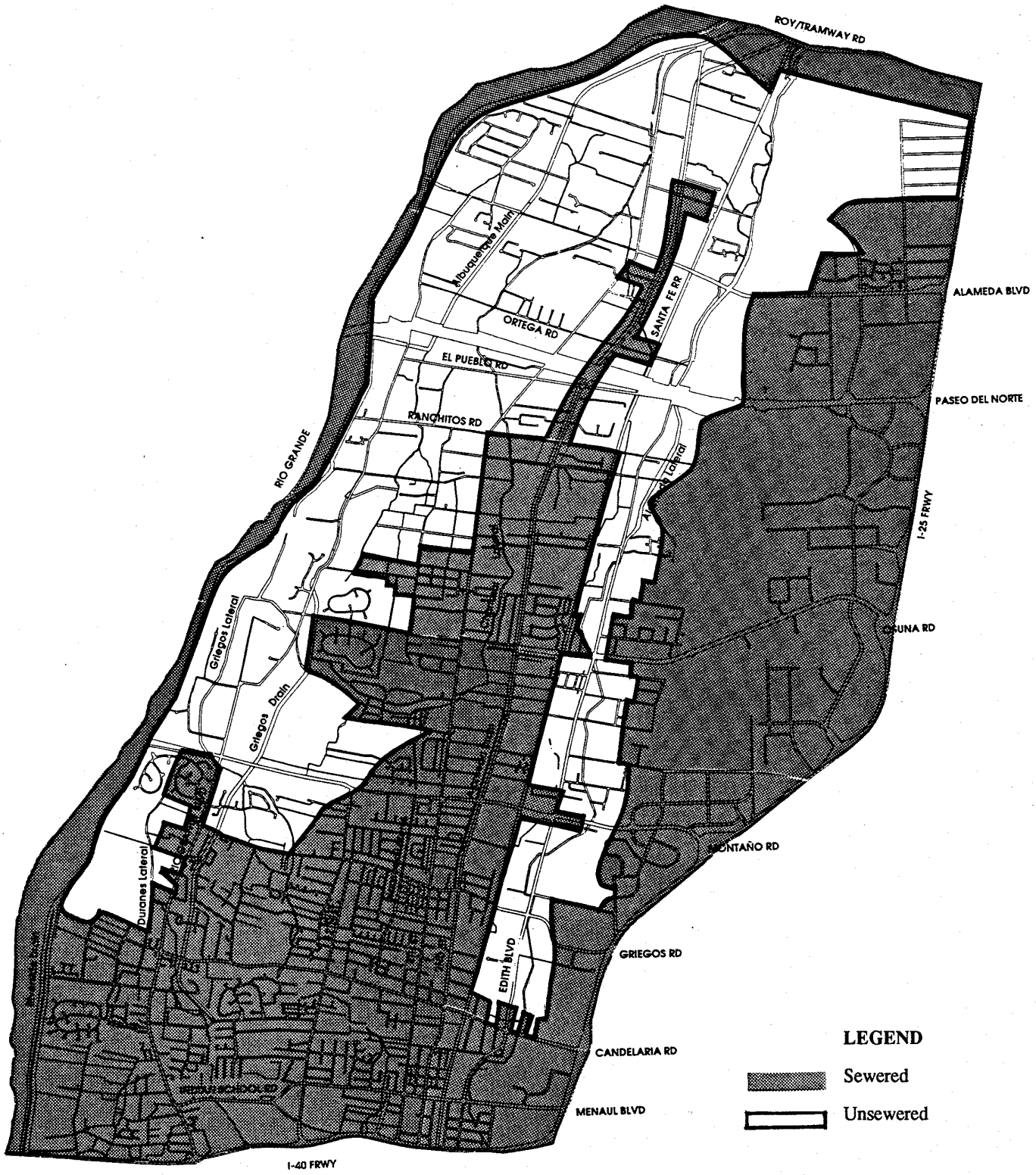
An alternative to on-site wastewater treatment is the City of Albuquerque sanitary sewer service. Portions of the valley outside the municipal limits are served with sewer by the City through TheJoint Powers Agreement with the County of Bernalillo. Sewer projects in the valley areas have used appropriations from the State and Federal government. The scarcity of money from these sources in the future makes the choice of areas to be served more important.

A summary estimate of future North Valley needs was prepared by the Public Works Department for the 1992 State Legislature. (See map) In all, five areas were identified for expenditures. Some of the land closest to the river was not included in the summary. No analysis was made of the relative housing density or age of septic tank systems in each of the areas. Such an analysis could be used to estimate the potential hook-ups and beneficial impact of sewer construction on groundwater quality in each of these areas. With this information, the timing and location of extensions can be coordinated with groundwater quality goals.

The choice of priority locations for sewer extensions, and the scale of the sewer system, are important to the future of the valley. The Albuquerque/ Bernalillo County Comprehensive Plan (Section II. Goals and Policies, Subsection D. Community Resource Management) states that a City goal is to develop and manage use of public services/facilities in an efficient and equitable manner and in accordance with other land use planning policies. Policy C states that the existing public service area should be highest priority for service, capacity, use, maintenance, and rehabilitation.

The presence of sewer collectors in residential streets does not ensure that homeowners will hook up. The Liquid Waste Ordinance for the County states that no private liquid waste system shall be allowed where public sewer is within 200 feet. This section has not been enforced in County areas with existing septic tanks in part because of the hook-up cost that many residents find objectionable.

EXHIBIT 16



north July 1992.

UNSEWERED AREA
(gross area approx. 12.79 sq. mi.)

North Valley Area Plan

NORTH VALLEY SANITARY SEWER

$5 Million 1992 Proposed State Appropriation Expenditures
Public Works Department

AREA 1 - $500,000

Collectors adjacent to Second Street

- 21,550 lineal feet
- Est. 280 new services

AREA 2 - $250,000

Complete interceptor in Edith Blvd.

- 7300 lineal feet
- Est. 126 business and residential services

AREA 3 - $1,000,000

Install all the collectors off Edith Blvd. interceptor

- 38,650 lineal feet
- Est. 480 new services

AREA 4 - $500,000

Complete all the collectors adjacent to the Second Street Interceptor

- 11,050 lineal feet
- Est. 120 new residential services with 2 mobile home parks and additional 70 new services

AREA 5 - $2,000,000

Extend an interceptor up Guadalupe Trail from Tyler Road to Paseo del Norte and install all the adjacent collectors

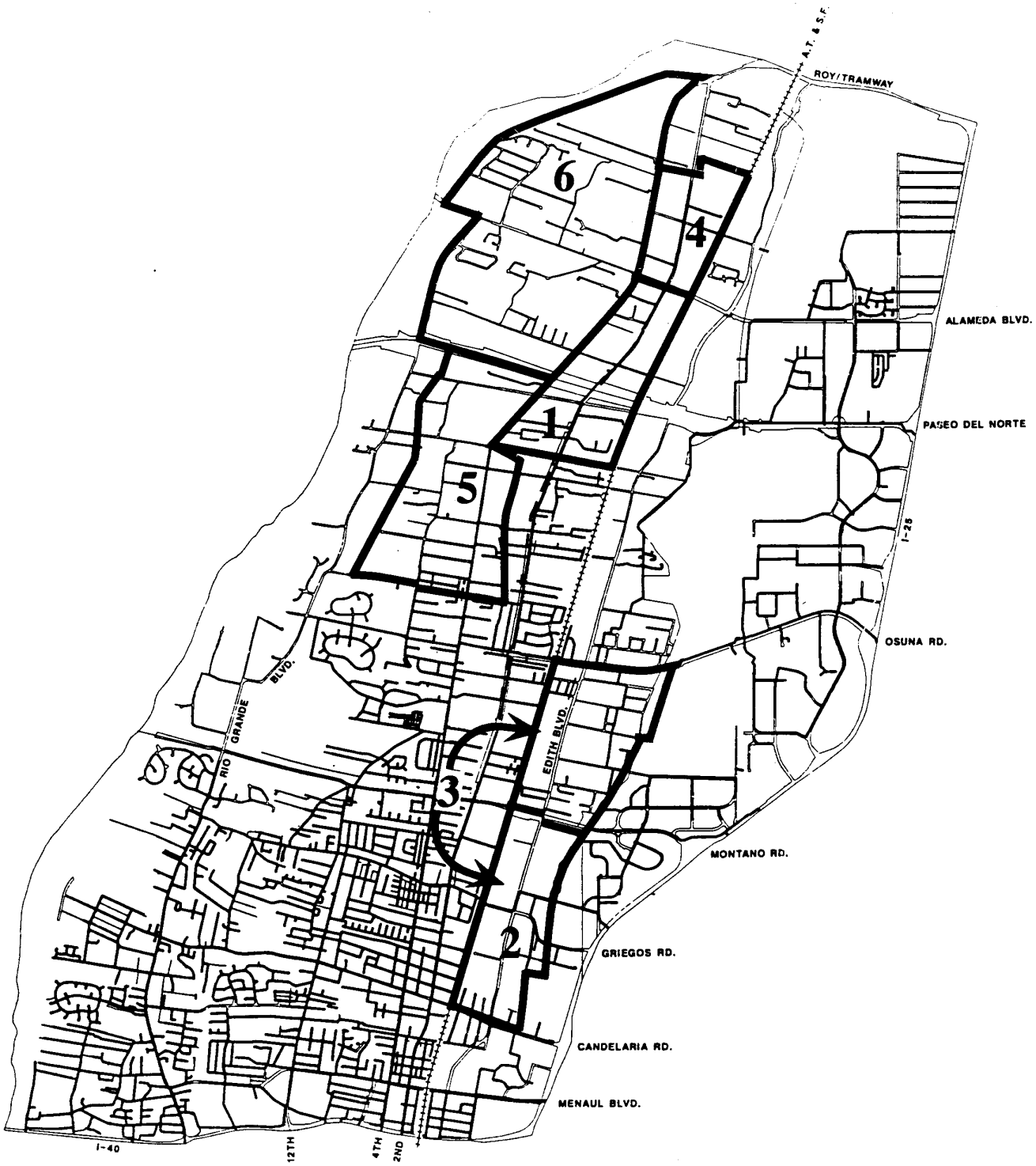
- 4,700 lineal feet of interceptor
- 25,000 lineal feet of collectors
- Est. 300 new services

Total current planning $4,250,000

AREA 6 (Future) - $3,000,000

This area requires advance planning and preliminary design during design of AREA 5 to allow for a proper crossing at Paseo del Norte. This area will also require the installation of a sanitary sewer "Lift Station" due to the lack of gravity flow because of flat topography.

EXHIBIT 16



NORTH VALLEY SANITARY SEWER 1992 PROPOSED STATE APPROPRIATION EXPENDITURE AREAS PUBLIC WORKS DEPARTMENT

north January 1993

North Valley Area Plan

In a new housing development, the cost of sewer and water hook-up can be included in the overall cost of a newly constructed home, and financed with the mortgage. Owners of existing homes must pay hook-up costs that are separate from the initial cost of the home.

Constructed wetlands treat wastewater biologically.

In addition, costs for sewer collectors for new subdivisions are recovered in the cost of the new homes. Existing residents in unserved portions of the City are generally assessed the cost of collectors through a special assessment district. In the County, existing valley residents rely on use of government money for sewer collector construction.

These costs are of great concern to valley residents. Many existing homeowners are apparently unwilling or unable to pay for water and/or sewer service. Connection to the City sanitary sewer system and water system in both the City and County requires payment of an initial "Utility Expansion Charge" (UEC) and a meter installation charge, in addition to monthly fixed rates and commodity charges. County residents now pay the same amount for sewer service as City residents. The UEC (1992) varies according to water meter size. For a 3/4" water line the charge is $1,419 for water and $919 for sewer. This may be paid in full at the time of hook-up, or over time with an initial 20% down-payment. These funds are placed by the City in a separate account and used to cover a portion of the cost of additional system capacity, i.e. new water reservoirs and wastewater treatment plant expansion.

Homeowners must also pay plumbing charges associated with hooking up to sewer and/or water. The location of sewer collectors is not always convenient to an existing home wastewater system. The greater this distance, the greater the plumbing costs. The collector may, for example, be located in the street while lines to the septic tank are located in the rear yard. This situation might be avoided in new construction where the eventual location of collectors is known. The design of new collectors may also take into account the location of existing septic tanks.

In general, decisions and information regarding the location of collectors and septic tank systems should be made available in order to coordinate the location of new home stub-outs and necessary easements. In addition, the design of new housing could seek to minimize sewer and water costs through clustering homes (See Housing Section). Shared water meter and sewer hook-ups for developments such as apartments and mobile home parks might also be applied where homes are clustered to reduce new housing costs.

The urban sewer system can accommodate far higher development densities than now exist or than those called for in the Albuquerque/Bernalillo County Comprehensive Plan.

The urban sewer system can accommodate far higher development densities than now exist or than those called for in the Albuquerque/ Bernalillo County Comprehensive Plan. The City's practice has been to provide infrastructure which meets minimum size standards set by the State. This results in sewer capacity that exceeds what is necessary in order to serve many low density valley areas. This capacity and the presence of sewer in general, is frequently cited as the reasoning for zone change requests for higher density development. The County could adopt a policy, perhaps in the form of a resolution, that states that the presence of sanitary sewer is not a determinant of appropriate residential density.

An estimation of short and long-term costs of all wastewater service options should be undertaken with subsequent study of valley wastewater options. On-site alternatives could be less costly in the long run when capital costs of sewer construction are included in estimates. However, the capital cost of conventional systems for valley areas have been paid by the State in the past. Wastewater treatment and collection costs average $4,000 to $6,000 per connection (Public Works Department, February 1991).

Smaller diameter effluent sewers, or "pressure" sewers, may be less expensive to construct and have been recommended for portions of the South Valley. The Southwest Valley Service Options Evaluation recommended four concepts for sewer service that vary in scale and cost from rural to urban. The study was specific to the South Valley but a parallel analysis of possible systems for the North Valley has been funded through the County's new Environmental Gross Receipts Tax.

The costs and benefits associated with various options should include broader environmental and social costs and benefits. For example, the maintenance costs of alternative systems are expected to be higher because of labor associated with inspection and upkeep. These labor costs represent employment opportunities within the community for those who would construct, inspect and maintain alternative systems.

North Valley Wastewater Options Study Scope

The North Valley Area Plan recommends the scope and location for a North Valley Wastewater Options Study in the Recommendation section which follows. It is clear from experience in the valley areas and elsewhere that wastewater systems affect the style and density of development in the valley. Likewise, zoning and land use changes in the valley will determine the scale and type of wastewater system. Stable land use patterns will provide a predictable basis for wastewater systems planning and phasing.

Portions of the valley, including proposed State Appropriation Area 6 and the lands along the river, will be outside the range of sanitary sewer service for many years. In such areas, the developer of new housing may have the option of platting larger lot sizes for conventional septic tank systems or installing alternative systems. A "phasing" plan to determine where sewers will go, and when, will make planning on-site systems easier for homeowners. If, for example, a builder is aware that his area is programmed for pressure sewers, he may choose a split flow system with holding tank. A builder who is outside of any programmed sewer extensions may invest more in an engineered constructed wetland.

Wastewater Policies

1. North Valley areas with the greatest concentrations of older septic tank systems and therefore the greatest potential groundwater contamination shall be the highest priority for sewer line extension and financial aid for sewer hook-up.

2. The County shall take an active role in planning and managing wastewater collection and treatment systems in unincorporated County areas.

   a. Participate in an evaluation of wastewater options for the North Valley to determine the type, location, and cost of collection systems.

   b. Identify potential low density, low lying areas appropriate for on-site alternative systems in the near and long term.

   c. Promote and monitor the use of approved non-polluting on-site wastewater treatment systems which are acceptable, affordable, and desirable to homeowners and amend sewer line extension priorities where on-site systems are successfully operated and maintained.

   d. Limit conventional discharging septic tank systems for new homes and encourage installation of alternative on-site wastewater treatment systems.

   e. Explore and recommend financing and management options for the various alternatives.

3. Wastewater systems shall be designed to serve the North Valley at future development densities allowed by existing zoning.

4. Where sewer systems are available for new construction, the City and County shall promote new housing development according to Cluster Housing Principles in order to shorten the length of collector lines and maintain open space.

5. Where the location of future sewer collectors is known, the City and County shall obtain necessary easements through the subdivision process.

6. The presence or absence of sanitary sewer in the North Valley shall not be the sole factor in determining appropriate housing densities.

a. Existing zoning and Comprehensive Plan Area shall provide the basis for determining appropriate housing densities in the North Valley.

b. Cluster Housing Densities may be allowed through approved site plans that meet the Cluster Housing Principles.

7. The City and County shall consider restricting permissive uses of land in the North Valley to protect groundwater quality especially where sanitary sewer service is not available.

   a. Create overlay zoning for wellhead protection areas consistent with adopted policies of the Groundwater Protection Policy and Action Plan.

   b. Consider limiting allowed uses of M-1 zoned land where sanitary sewer is not available.

   c. Consistent with recommendations of the Groundwater Protection Policy and Action Plan, strictly enforce the County Liquid Waste Ordinance (88-1) and evaluate the need to limit densities of septic tank systems.

Drainage

5

Perhaps the alternative is to slowly move our cities out of river floodplains and return rivers to their natural conditions. Indeed, the country may need a philosophical reorientation in all its efforts to control, use, and consume water resources.

City Edges Study

Summary

The plan area includes both the valley bottom and a portion of the east mesa. Flows from the mesa down the arroyos are now intercepted by the North Diversion Channel which carries stormwater to the river at the northern end of the plan area. Stormwater in the valley bottom is carried in surface drains and storm sewers to the river. Ponding still occurs in several portions of the valley. Enforcement of County and City storm drainage ordinances where new development occurs and improvements to the Alameda Drain should alleviate these and future problems. These improvements to the Alameda Drain should be aesthetically sensitive as well as functional because of its high visibility and joint use for recreational purposes.

West of the North Diversion Channel

Much of the valley floor is topographically level with or below the level of the Rio Grande

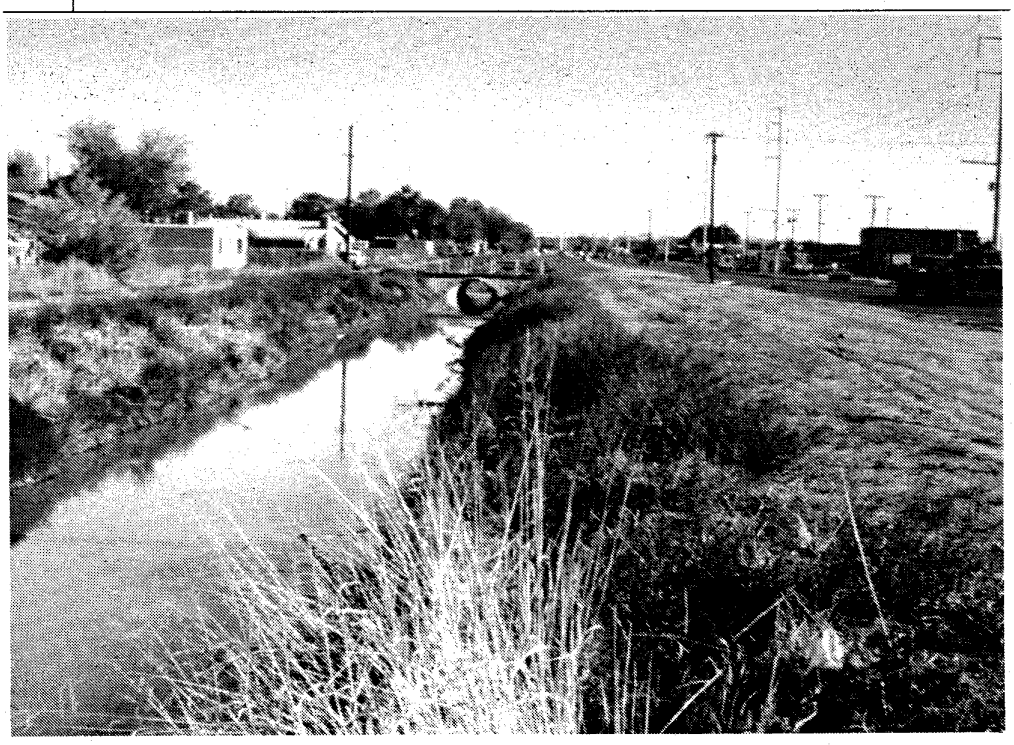
This portion of the plan area is isolated hydrologically from the Northeast Heights by the North Diversion Channel and the Santa Fe Railway's main line. The valley floor (for this discussion, the portion of the plan area west of the railroad tracks) generally slopes from north to south with an average slope of 5' per mile and has little or no slope from east to west. It is impacted by development occurring between I-25 and the railroad tracks. Flood flows originating east of the railroad tracks enter the valley floor at some locations.

Since much of the valley floor is topographically level with or below the level of the Rio Grande, there is no possibility of a gravity outlet for stormwater flows directly into the river. Stormwaters collected by the storm sewer systems are pumped over the river levees or lifted into the North Diversion Channel. Much of the valley floor is subject to ponding flood waters, particularly in the area between I-40 and Montaño Road and the Harwood Lateral and the railroad tracks. Ponding also occurs east of the tracks in this area.

Development patterns in the plan area result in percentages of land covered by impervious materials ranging from 5% to 100%, with the agricultural areas exhibiting percentages near 5% and highly urbanized and commercial areas at near 100%. Percent impervious surfaces for single family residential developments usually fall within a range of 25% to 40%.

The Albuquerque Master Drainage Study (1981) recommended that runoff be limited to historic flows for undeveloped or developing land in the plan area. Detention ponds with gradually released flows to avoid the peak were recommended as well as many other storm drainage projects. The higher priority projects have been built and others which are dependent upon improvements to the Alameda Drain are presently funded.

Implementation of the Drainage Study has failed to alleviate all the flood problems in the valley for a variety of reasons. The City and Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) revised drainage policy in 1980 to disallow most individual on-site detention. This was based on severe problems in enforcing maintenance of ponds as well as regulations promulgated by the State Engineer disallowing detention of water for more than 96 hours. Further, even where detention ponds have been allowed, regulatory agencies have been unable to force development to limit flows to historic flows, particularly in the industrial development which has occurred along Edith Boulevard outside the incorporated area. Some public improve-



Alameda Drain on Second Street

ments have been made which rely on the Alameda Drain to convey their stormwater runoff (such as the County's project in widening Second Street); however, the Drain presently lacks the capacity to carry all of the flows.

Bernalillo County recently enacted a Storm Drainage Ordinance placing greater restrictions on new development and requiring improvements at the building permit stage. The City is also presently improving the Alameda and Riverside Drains to carry existing and future developed stormwater flows. The drains currently convey substantial stormwater flows by virtue of licenses granted by the Middle Rio Grande Conservancy District (MRGCD) which operates and has jurisdiction over the drains. In 1987, the MRGCD Board placed a moratorium on any additional license approvals until an agreement is made between the City and the MRGCD regarding a plan for improvements to the Alameda and Riverside Drains in order to safely convey stormwater flows without detrimentally impacting the operations of the MRGCD irrigation and drainage system.

The Alameda Drain project will allow for the construction of all remaining projects recommended in the Drainage Study and provide an outlet for projects already constructed. Additionally, it will allow construction to proceed on the "Valley Drainage Projects" for which a quarter cent tax was approved in 1989. Construction of these projects is anticipated to substantially eliminate existing and future flooding in the valley.

The preferred alternative for the Alameda Drain Project involves a substantial widening of the Drain from Paseo del Norte to Mildred Avenue and from I-40 to Mountain Road NW, beyond the plan area. A diversion structure near Alcalde Place will divert flows to the Alcalde Pump Station. Flows will be choked down at Paseo del Norte and diverted to existing detention facilities. A new storm drain will be installed parallel to Second Street between Griegos Road and Mildred Avenue which will terminate in a new pump station just south of Mildred Avenue. Minor berming and culvert replacements are also planned at certain points along the Drain.

The widening of the Drain, when combined with the planned widening of Second Street as proposed by the Long Range Major Street Plan, may severely limit the possibility of using the Alameda Drain right-of-way for a landscaped trail corridor as it is contemplated by several plans and City adopted policy (the Water-based Recreation Study, and the Bikeways Master Plan).

East of the North Diversion Channel

This portion of the Plan area is largely zoned industrial and all stormwater will drain into the North Diversion Channel. Most major arroyos which carry these flows to the North Diversion Channel have already been lined. Those which have been lined are sized to carry developed flows from both the plan area and from a major part of the east mesa. These arroyos are the Campus Wash, Embudo, Hahn, Bear Canyon, South Pino, North Pino, and La Cueva Arroyos—as yet unlined west of I-25—are the Vineyard, Baca, and Camino; however, eventual lining is contemplated.

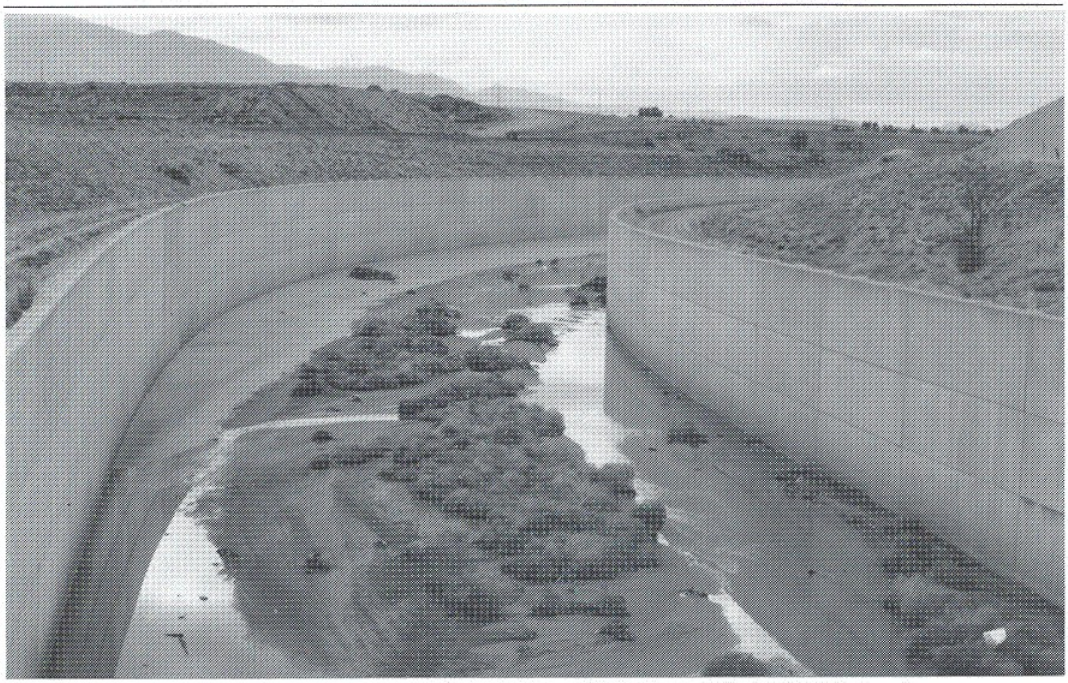
The South Pino and La Cueva arroyos are designated in the Facility Plan for Arroyos as "open space link" arroyos intended for use as trail corridors. Improvements to date have not yet incorporated the multiple-use policy. Although maintenance roads adjacent to the channels could be made available for trails, the interstate and north/south streets remain as major obstacles.

A large area north of Alameda Boulevard and immediately east of the North Diversion Channel has been mined for gravel and regraded. The La Cueva and Camino arroyos flow through this area. Although no requirement existed for re-vegetation of the area, some re-seeding and some plating of slopes with gravel was done. The flat slope and gravelly nature of the soil should minimize erosion and sediment production.

North Diversion Channel

The Army Corps of Engineers intends to widen the North Diversion Channel pilot channel to the Rio Grande, as part of a larger project to correct hydraulic problems which occur during large storms. The overall project will cost nearly $3 million, of which 25% is AMAFCA's share.

Sediment, trash, and debris deposition are a persistent problem in the outfall area. The effect of pollutants from stormwater is not known, but testing and monitoring is being initiated by AMAFCA to determine the nature and extent of both low-flow (trickle) and stormwater pollutants.



North Diversion Channel at Edith Boulevard.

Drainage Policies

1. Upon approval by the Middle Rio Grande Conservancy District (MRGCD) and the Bureau of Reclamation, the City, County, Albuquerque Metropolitan Area Flood Control Authority (AMAFCA) shall fund and construct planned drainage improvements in the North Valley as expeditiously as possible to alleviate periodic flooding.

2. The County shall implement the Bernalillo County Storm Drainage Ordinance to prevent inadequate provision for drainage in new development.

3. The City shall incorporate earth-tone tinting or soil cement for visible concrete culverts, choke downs, or other structures on the Alameda Drain.

4. The City shall use rip-rap, where feasible, for bank stabilization on the Alameda Drain.

5. The City shall design any necessary guard rails or other fencing associated with drainage improvements to aesthetically blend with the character of the Valley so long as it meets transportation safety needs.

6. The City and County shall design maintenance roads and other areas adjacent to drains to allow multiple use as recreational trails.

7. The City and County shall require grading and re-vegetation as appropriate to prevent erosion and sediment deposition within future grading and drainage plans.

8. The City and County, with approval by the MRGCD where appropriate, shall implement the Facility Plan for Arroyos and future trails plans with regard to multiple use of the arroyos and ditches as trails corridors.

9. Prior to widening the North Diversion Channel, AMAFCA shall investigate other options and the impacts of all options addressed, including possible mitigation efforts.

10. The City and County should allocate adequate funding for trash and debris clean-up in the arroyos to prevent debris from accumulating in the North Diversion Channel outfall area. AMAFCA should attempt more frequent trash clean-up of the outfall area.

11. The City and AMAFCA shall test and monitor stormwater for contaminants and implement management programs to reduce pollutants which exceed acceptable levels per State or Federal guidelines.

Transportation

6

Albuquerque, like the rest of the southwest, is a place where we seem to think everyone should drive everywhere for everything as fast as they can.

Anonymous

If Americans would widen their walking radius by only two hundred feet, there could be a revolution in U.S. land use.

William H. Whyte, City

I saw a bumper sticker that said "LOVE YOUR MOTHER" on a big four door our-wheel-drive driven by one person headed downtown behind an empty bus.

Anonymous

Summary

The future of effective transportation in and through the North Valley, and the region as a whole, depends on a balanced transportation and land use system. The Albuquerque/Bernalillo County Comprehensive Plan Transportation and Transit Goal is "to provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs." The Comprehensive Plan Transportation and Transit Policies include; compatible mixing and convenient placement of residential, commercial, manufacturing, and public service related land uses to lessen the need for intra-city motorized travel. Other policies include promoting pedestrianways and auto-free areas and constructing and promoting a metropolitan area-wide bicycle and trail network.

A more balanced transportation and land use system in the North Valley may be achieved through provision of a wider range of choices in the way people travel, live, work, and shop. Just as travel reliance on the automobile is tied to development oriented to the automobile, so will different travel modes encourage, and be encouraged by, development oriented to pedestrians, bicyclists, and transit users.

A more balanced transportation and land use system in the North Valley may be achieved through provision of a wider range of choices in the way people travel, live, work, and shop.

Transportation and Land Use Planning

The transportation planning process for the North Valley, and the metropolitan area as a whole, is a coordinated effort that involves all local government entities. The Middle Rio Grande Council of Governments (MRGCOG) is the designated Metropolitan Planning Organization for transportation systems planning in the Albuquerque area. The MRGCOG Urban Transportation Planning Policy Board (UTPPB) is made up of representatives from local governments. This board reviews and recommends an annual Transportation Program that consists of transportation projects scheduled for implementation.

There is interagency coordination of transportation planning at the staff level as well. The Transportation Coordinating Committee is the technical advisory body of the UTPPB composed of staff from local government departments and representatives of Federal and State agencies. This process involving all affected governments has resulted in a model for transportation planning that is generally far more coordinated than present land use planning efforts which are split between different jurisdictions.

Transportation planning involves traffic forecasting. The socioeconomic factors used in traffic forecasting are based on projections. Socioeconomic Projections published by the Planning Department take into account all land use trends and factors. One of those factors is zoning and the amount of growth that zoning would allow in a particular area. However, instability of existing zoning, whether perceived or actual, makes zoning an unreliable instrument for predicting land use patterns in some locations. Zone change requests and zone changes tend to reflect market pressures and trends, not land use policy. So zoning in many developing locations is a less reliable guide to the future type and density of development than an overall estimation of land use trends. A more stable zoning pattern could result in more predictable growth patterns and better estimates of transportation needs.

Roadway Descriptions

The Rio Grande Valley was once the main travel artery of the region. One or two streets ran north and south. There was little cross-valley travel because the sand hills above the valley to the east and west were not yet developed. Postwar development necessitated more east-west travel.

Streets can have huge consequences for the communities in which they are located. Proposed improvements to increase the capacity of a given roadway are often justified as a way to ease air pollution, however, demand for street capacity has a tendency to rise to meet design capacity. Construction to meet growing demands for automobile use makes it easier to drive.

1990 Census figures show that the vast majority of area residents drive alone to work and that there are nearly 2 cars for every home. If a greater percentage of travel in the metropolitan area were via modes other than the single-occupancy automobile, the use of streets for automobiles in the future would be reduced. Even minor differences in personal automobile use, such as combining trips, can reduce the demand for street capacity, especially during peak driving hours. Where excess capacity exists on roadways, provisions could be made for alternative modes of travel.

The vast majority of area residents drive alone to work.

The Traffic Flow Map on the following two pages, compares 1968 and 1990 traffic counts. Some increases are directly related to roadway expansion or extension. The following roadways were compared at 1968 to 1990. In general, most roadway segments measured show a 200% increase in traffic flow. A few roadway segments show a 200% to 300% increase in traffic flow.

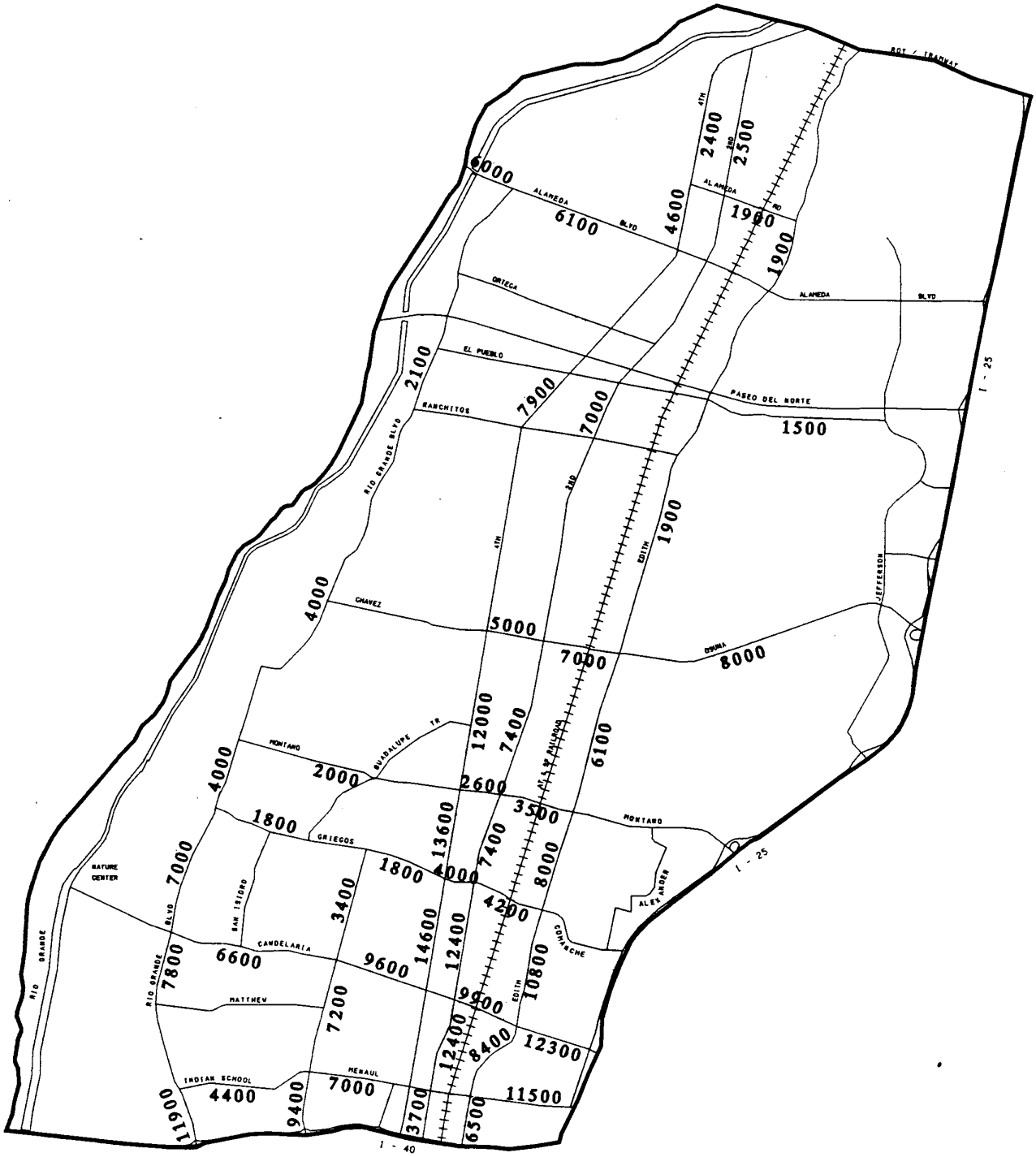
Paseo del Norte looking east from Rio Grande Boulevard

Edith Boulevard

The Long Range Major Street Plan (LRMSP) designates Edith Boulevard as a Minor Arterial from I-40 to Alameda Boulevard. Improvements are scheduled by the Bernalillo County Public Works Department for the portion from Candelaria Road north to Osuna Road. The design is for four driving lanes, a turning lane and sidewalks.

Non-vehicular travel along Edith Boulevard and in the Edith Corridor is presently limited by the narrow pavement width of the street and the absence of sidewalks or trails. The Alameda Lateral, which cuts through the Vineyard Addition, is presently traveled by riders and walkers. Pedestrians cross Edith Boulevard at various locations throughout the corridor, including

EXHIBIT 16



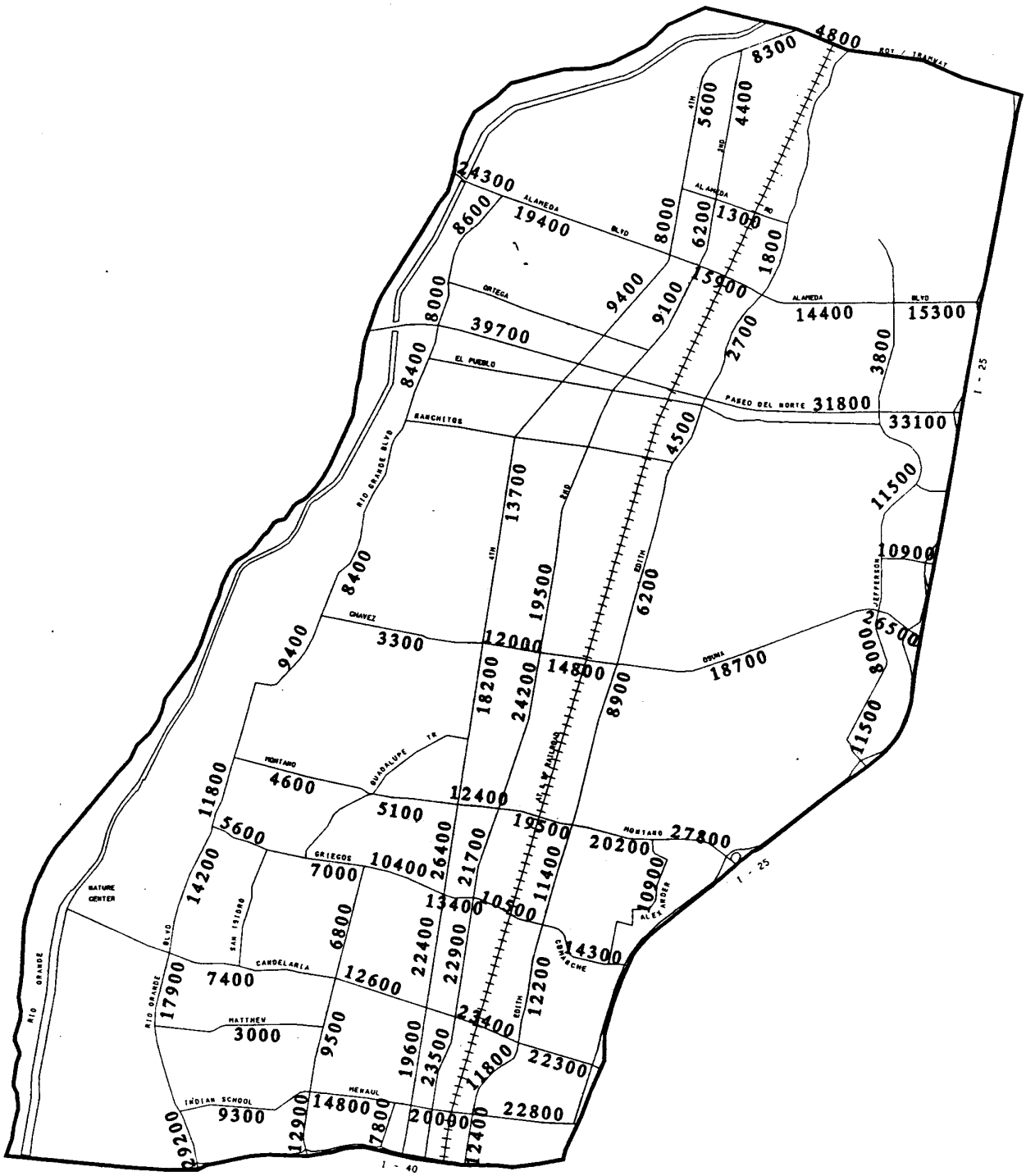
1968 Average Daily
Traffic Flows

north January 1993 **TRAFFIC FLOW**

North Valley Area Plan

Source: Middle Rio Grande Council of Governments
These figures should be used as estimates only.

EXHIBIT 16



1991 Average
Weekday Traffic
Flows

north January 1993 TRAFFIC FLOW

North Valley Area Plan

Source: Middle Rio Grande Council of Governments
These figures should be used as estimates only.

formal and informal school crossings. Widening plans for the street do not presently include provisions for bikes or pedestrians beyond a three foot sidewalk. There are no plans for landscaping and, in the absence of any buffer between the narrow sidewalk and traffic lanes, the route will be of limited value for pedestrians and bicyclists and of no value for equestrians. This makes alternative paths very important. The Alameda Lateral might provide a safe alternative route to Edith Boulevard for non-vehicular travelers.

Traffic counts for 1988 show volumes generally decreasing from south to north along the street. This corresponds to less intense land uses along portions of the road north of Osuna Road. Edith Boulevard carries only 7,400 vehicles north of Osuna Road on an average weekday as compared to Rio Grande Boulevard from Griegos Road to Montaño Road which averages 12,300 vehicles daily. North of Paseo del Norte, Edith Boulevard carries only 3,200 vehicles. These counts are down slightly from 1986 figures which showed 7,700 and 3,800 cars respectively. The southern portions of Edith Boulevard carry around 11,000 vehicles daily.

The effect of heavy commercial and industrial truck traffic on the residential areas of north Edith Boulevard has been a known concern of residents since the 1950's.

The effect of heavy commercial and industrial truck traffic on the residential areas of north Edith Boulevard has been a known concern of residents since the 1950's. In a ruling later upheld by the Supreme Court of New Mexico, a land owner was enjoined from establishing a truck terminal north of Osuna Road by the State District Court because of the rural residential character of the area. Since that time, residents have successfully and unsuccessfully fought attempts to establish heavy commercial and industrial uses north of Osuna Road.

Presently the area north of Osuna Road is primarily in residential use with the exception of two industrial parks south of Paseo del Norte and scattered Special Use Permits. There are visible remnants of historic village settlements and seven structures on the State and National Historic Registers along this portion of Edith Boulevard. It is also arguably the oldest road in the valley. The portion of the roadway north of Paseo del Norte separates vast tracts of land zoned for industrial purposes in the City's jurisdiction, from residential neighborhoods designated as Rural in the Comprehensive Plan. Options for limiting the impact of traffic on north Edith Boulevard and residential neighborhoods include limiting future zone changes and Special Use Permits, limiting new access points to Edith from non-residential uses east of the roadway frontage, and limiting the number of lanes on Edith Boulevard north of Osuna Road.

The Long Range Major Street Plan shows a study corridor called Elena/ Balboa that crosses Edith Boulevard in the vicinity of an existing at-grade railroad crossing at Meyers Road. This street would link the North I-25 Sector Plan Area to Second Street. This corridor could provide an alternative to future improvements to Roy Road which lies within Sandia Pueblo's jurisdiction. Options for limiting or eliminating the potential impacts of this

EXHIBIT 16

north January 1993

LONG RANGE MAJOR STREET PLAN

North Valley Area Plan

roadway on the lower valley include: ensuring that improvements to existing Roy Road are a higher priority than Elena/Balboa, limiting future access to Edith Boulevard from the Elena/Balboa roadway, changing the western terminus of the study corridor to the North Diversion Channel, or eliminating Elena Balboa from consideration on the Long Range Major Street Plan.

Fourth Street

Fourth Street was the main north/south route in the region for many years. It is now the major commercial shopping strip in the valley and is lined for almost its entire length with commercial uses and zoning. The street lies within all three of the jurisdictions in the valley: the City, County and Village of Los Ranchos de Albuquerque. Sidewalks are discontinuous in the City portion of the roadway and non-existent in the County and Village portions. There is a turning lane for a portion of the City area. There are no provisions made for bicycle travel despite its frequent use by bicyclists. It is a major bus route up the valley.

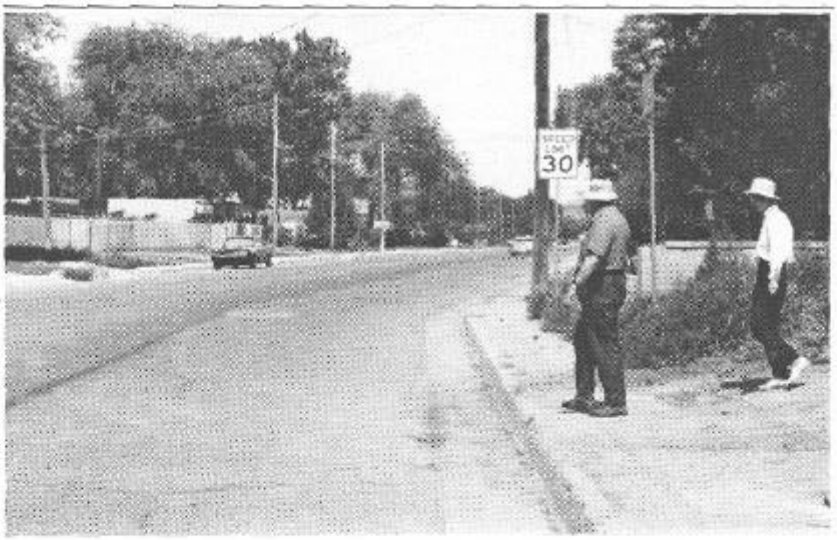
The northernmost portion of Fourth Street was recently resurfaced by the New Mexico State Highway Department. While traffic is generally lighter along the portion of Fourth Street north of Alameda Boulevard, the traffic lanes in this area seem very wide and no space is available outside of the outer lane for non-vehicular travel. The roadway is virtually the only connection between the Alameda Elementary School and the Alameda Community Center and children frequently walk and bike between these two sites.

Fourth Street, at the northern end of the plan area serves as an entrance point to the North Valley. In this area, Second and Fourth Streets begin, the Alameda Drain crosses under Second Street and the North Diversion Channel enters the river. Travellers west- bound on Roy Road enter into the valley here and may either turn south to Second Street or curve southward onto Fourth Street. A historical marker is located here. Despite a posted speed limit of 35 miles per hour, traffic has a tendency to travel much faster, possibly because of the grade and width of the road. Some measures to better direct traffic onto Second Street at this location may be appropriate given its principal arterial classification. A number of trail users on the Alameda Drain cross Fourth Street at this location en route to and from the river and the Albuquerque Main Drain and Chamisal Lateral. Signage to identify this location as the entrance to the valley and to warn motorists of possible pedestrian and equestrian travel is appropriate.

Despite a lack of sidewalks, this section of Fourth Street near Alameda Boulevard is used by school children going to and from school.

The City has recently completed improvements on the southern portions of Fourth Street, including substantial utility upgrades. The next phase of improvements is now underway. Sidewalks, bus bays and some landscaping have been included in this work.

Options for improving Fourth Street non-vehicular capacity in the County portions of the plan area are acquisition of additional right-of-way along portions of the roadway - especially north of Paseo del Norte or narrowing driving lane width to provide more area within the existing right-of-way for other modes of travel.



Candelaria Road at Griegos Lateral

Rio Grande Boulevard, Griegos Road, Candelaria Road

Rio Grande Boulevard has four lanes and a turning lane from the freeway to Griegos Road. The Rio Grande Boulevard Corridor Plan was adopted by City Council in 1989. The central goal of the plan is to improve non-vehicular circulation. The existing sidewalks are discontinuous and, like other sidewalks, obstructed by utility poles, signs and other infrastructure located in the right-of-way. Four phases of improvement projects for Rio Grande Boulevard have been identified. Phase one, consisting of wheelchair ramps, has been designed and built. Phase Two and Three improvements are in process. The Planning Department has also identified and requested funding for Phase Four pedestrian improvements.

The provisions for automobiles on Griegos Road and Candelaria Road, especially west of Twelfth Street, limit the space available for pedestrians and bicyclists. Unlike Fourth Street, there appears to be width available for other users. This is particularly evident on Candelaria Road west of Rio Grande Boulevard which provides access to the Rio Grande Nature Center. The present right-of-way on these streets might accommodate a far greater number of non-vehicular users if the lanes were narrowed and some portion of the right-of-way was reclaimed for wider sidewalks, bikelanes, and landscaping. An analysis of the existing capacity or excess capacity of these streets could be used to determine the impact of such changes on automobile travel.

Alameda Boulevard

Alameda Boulevard was a traditional route for cross-valley travel. A ford across the river preceded construction of the first bridge in about 1910. This was the route to Corrales and the street became known as Corrales Road. Today the amount of auto and truck travel on this particular river crossing has necessitated the expansion of the street and bridge structure. There is concern about the effects of this traffic on properties along Alameda Boulevard. Maintaining the existing land uses and ensuring that the roadway design minimizes impacts on those uses may limit the expected conversion of residential or agricultural properties to commercial uses.

Planned improvements of Alameda Boulevard include provision of a bike and equestrian trail and landscaping in the right-of-way along the south side of the street and retention of the existing bridge structure for non-vehicular use.

Montaño Road

Improvements to Montaño Road, including landscaping, have been completed for a portion of the roadway from Fourth Street to Second Street including the Fourth Street intersection. The City has also completed the design and programmed river crossing improvements.

Second Street

Improvements to Second Street have been undertaken at several intersections in the plan area including Candelaria Road and Griegos Road. In addition, a corridor study for future improvements is now underway. This study, the Second Street North Transportation Corridor Study, will examine and evaluate a range of alternative transportation improvements along Second Street from I-40 to Roy Road.

RidePool

Through participation in programs such as RidePool, employers and governmental agencies can reduce workers' dependence on automobiles and alleviate some of the peak hour traffic congestion. RidePool sponsors a number of programs including: parking management strategies, congestion management strategies, intermodal transportation referrals, carpool and van referrals, volunteer trip reduction planning, education projects, public information projects, Ridesharing Month, and the Better Air Campaign. Among the methods of trip reduction that RidePool supports are: alternative work hours, telecommuting, carpools, vanpools, transit referrals, park and ride, walking routes, bike trails for commuters, average vehicle occupancy monitoring, employee transportation surveys and analysis. Employers located in the North I-25 area have great potential for such programs. The present funding for Ridepool activities does not reflect the organization's importance in promoting different modes of travel.

The present funding for Ridepool activities does not reflect the organization's importance in promoting different modes of travel.

Transit

Bus service was provided to more of the valley in 1962 than is serviced today. Today no bus service is available in northern portions of the plan area. Overall ridership figures for the metropolitan area show a steady decline for fifty years—a trend similar to other cities. At the same time, the number of miles that buses traveled increased from 1949 to 1981. Fewer riders were provided a system that covered a greater area. In 1949 the bus system covered 2.12 million miles and carried 4.85 passengers per bus mile. In 1981 the system covered 3.25 million bus miles and carried only 1.52 passengers per bus mile.

Bus service was provided to more of the valley in 1962 than is serviced today.

The area was once served by two private bus companies: Albuquerque Bus Company, Inc. and Suburban Bus Lines, Inc. The latter operated through the North Valley as far as Corrales. In 1965, the City of Albuquerque took over the system. Service to the County was curtailed in 1976.

Transit service in the North Valley today is provided by four routes. Three radiate from downtown: Route 17 serving Rio Grande Boulevard north to Montaño Road; Route 36 serving Twelfth Street and a portion of Candelaria Road; and Route 10 serving Fourth Street north to Ortega Road. Route 32 serves Griegos Road east and west connecting to the east via Comanche Road. In addition, a "tripper" route (one way during peak hours) to serve the North I-25 corridor north of Paseo del Norte was established on an experimental basis in April 1991. Residents in the Alameda area have no bus service.

1990 Census figures show that fewer than 4000 Bernalillo County residents relied on the bus to get to work during the survey week. Ridership figures show a steady increase over the past five years. Present total ridership is estimated at about 10,000 to 15,000 people served daily. Sun Tran's goal is to increase ridership to 30,000 customers on average weekday boardings by the end of fiscal year 1996.

Transit does not have funding for overall system expansion. Funding increases in 1992 were directed toward the SunVan system and compliance with the Americans with Disabilities Act (ADA) requirements. The total promotional and marketing budget for the Suntran system is $15,000 annually.

Funding for transit amentities such as bus benches and shelters is now provided through Quality of Life funds. A total of $1 million over a ten year period is intended to provide for these facilities. Areas with higher ridership and a larger proportion of elderly and low income populations tend to be the higher priority locations for such improvements.

The "Park and Ride" concept allows travelers to drive to a location where they can leave their car and take the bus to their ultimate destination. SunTran presently has a Park and Ride lot just outside the plan area in the Corrales Shopping Center. Key issues related to Park and Ride lots are: security, access, liability and establishment of cooperative agreements with property owners. The possibility of identifying future locations for such facilities is constrained by the present inability of the City to use General Obligation Bonds to purchase land outside of the City limits - where the need for such facilities is greatest. Smaller, more numerous lots in valley areas may be developed through cooperative agreements with property owners and with assistance from the County.

Riders waiting for a bus at Fourth Street and Osuna Road.

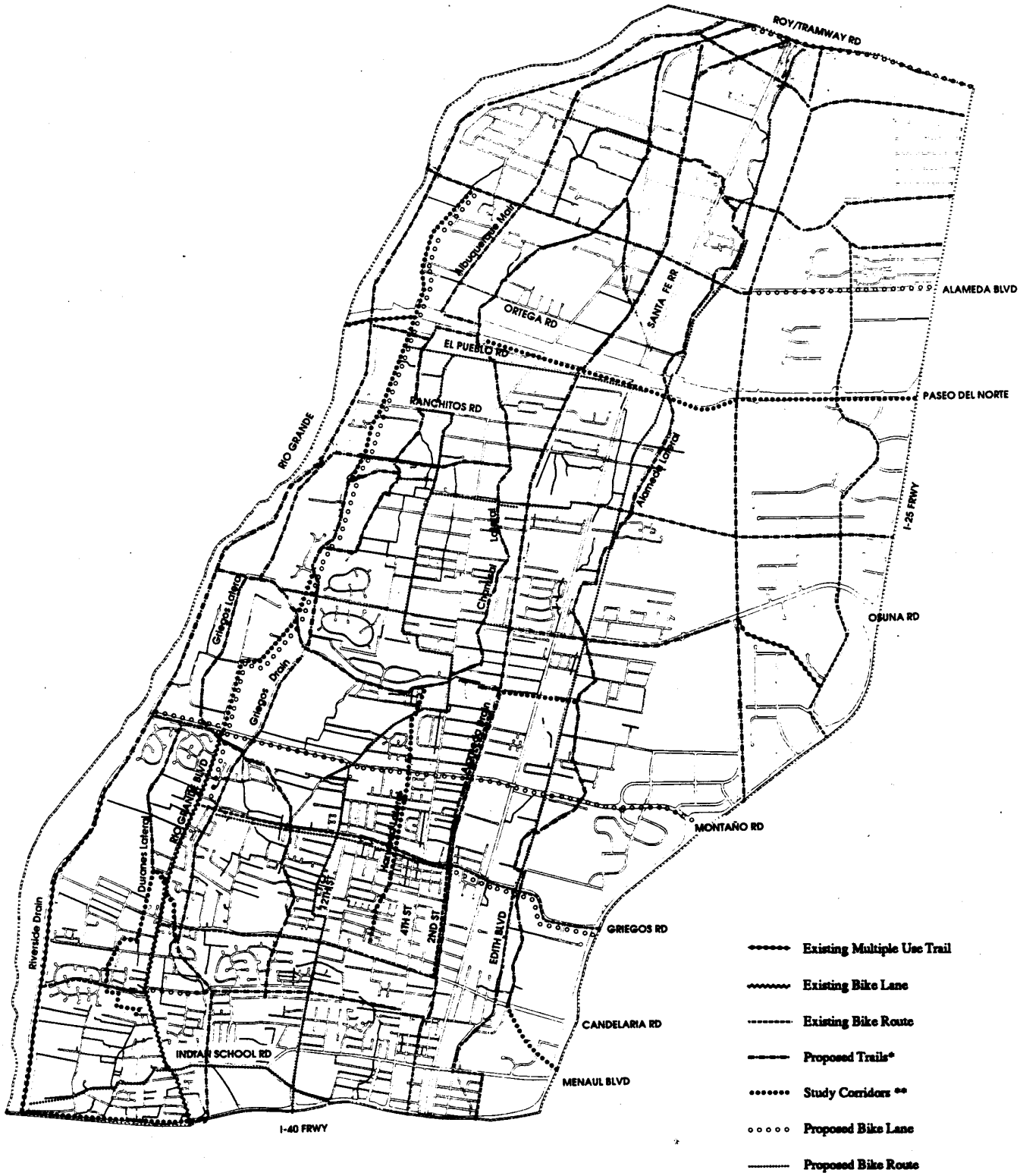
Bicyclists

The Bikeways Master Plan for the Albuquerque urban area represents an adopted plan for provision of bike trails, lanes, and routes. Trails are separate facilities for bikes. Lanes are on-road facilities like shoulders. Routes are simply ways that bikes can go but do not provide separate pavement for the riders. The bikeways serve both recreational users and commuters.

In the North Valley, the proposed trails are located on the North Diversion Channel, the Riverside Drain, portions of the Albuquerque Main and Griegos Drain waterways, and Second Street. Of these, the southern portion of the "Bosque Trail" on the Riverside Drain, the Paseo del Norte bike trail river crossing and the Bear Canyon Arroyo trail connection to the North Diversion Channel have been constructed.

Bike Lanes are existing and proposed on Rio Grande Boulevard, Alameda Boulevard and Montaño Road. Routes for bike travel are more numerous and include Guadalupe Trail, Twelfth Street, Griegos Road, Osuna Road and Edith Boulevard.

EXHIBIT 16



*Trails proposed in Water-Based Recreation Study, Bikeways Master Plan and Facility Plan for Arroyos.

**Under Consideration in the Trails Facility Plan currently being developed.

Pedestrians and Equestrians

The interest in walking, jogging, and running throughout the country is also evident in the North Valley. People walk on streets, sidewalks, canals, drains, and the bosque. Local streets within North Valley neighborhoods often lack sidewalks but have little traffic which makes walking in the street a comfortable alternative. Where traffic is heavier, there is a potential for conflicts between cars and pedestrians. Fourth Street, for example, has four traffic lanes but very limited space for pedestrians who use the narrow edge of the pavement between the painted white line of the outside lane and mailboxes, utility poles, and signs. The alternatives for providing pedestrian walkway space include purchase of additional right-of-way to construct a sidewalk or soft-surface trail, narrowing the traffic lanes to provide additional space for pedestrians, providing alternative pedestrian routes, or some combination of these ideas.

Access to the Rio Grande Valley State Park could be enhanced by implementing a regional network of trails that would link major open space in the City and County. This was the major thrust of the Facility Plan for Arroyos which identified these drainage rights-of-way for trail use. The ditches and drains in the valley are critical pathways. These rights-of-way, except in a few instances, have no formal designation as trails. Getting to the river should not require that valley residents drive to a parking lot. A network of acequia (ditch) trails will reduce the impact of large parking lots on the riverside and bosque.

Providing space for non-vehicular users within the rights-of-way may encourage more residents to leave their cars at home. As an example, Candelaria Road, especially west of Rio Grande Boulevard, could better accomodate pedestrians and bicyclists that are headed to and from the bosque and Rio Grande Nature Center. Striping the outer edge of traffic lanes and/or widening sidewalks on this and other streets in the valley might better serve joint travel needs and the mix of travelers - pedestrians, bikes and cars - in the right-of-way. This mix is especially appropriate for local streets in the North Valley.

Providing space for non-vehicular users within the rights-of-way may encourage more residents to leave their cars at home.

As use of the ditches for irrigation declines, the MRGCD abandons portions of the system, sometimes including ditches previously used for recreational purposes. Procedures for notifying interested parties about these closures and possibly retaining the rights-of-way for trail use are unclear and not within the City's or County's direct control. A thorough assessment of this situation may be undertaken in the Acequia Multiple Use Study. This project is listed in the Albuquerque and Bernalillo County Multi-Year Planning Program for fiscal years 1993-1994. Trails on ditches identified on

the the Trails and Bikeways Map should not imply that the City or County will purchase this right-of-way. Arrangements with the District and with property owners will have to be made within the Acequia Study and will include agreements for improvements such as gates to limit vehicular access.

The Village Center Principles presented in this plan include pedestrian accessibility and access in new and redeveloped commercial areas of the valley. These improvements are especially important within 1/4 to 1/2 mile walking radius of commercial or Village Center locations. These areas could be the focus locations for both public and private investments in pedestrian amenities. The most obvious improvements would include sidewalks or pathways on public streets where they are not now provided.

Removing overhanging branches, broken glass, and wire, limiting vehicular access to trails, improving the visibility, signage and signalization at street crossings; and increasing the overall travel on trails makes them safer for riders, walkers and adjacent residents.

The valley has a long history of horsekeeping and trail riding. The ditches in particular provide riders with off-road trail riding opportunities. Some stables rely on trail access for commercial rentals and training. Making trails safer for equestrians makes trails safer for other users. Removing overhanging branches, broken glass, and wire, limiting vehicular access to trails, improving the visibility, signage and signalization at street crossings; and increasing the overall travel on trails makes them safer for riders, walkers and adjacent residents. Establishing and notifying trail users of rules for sharing the trail can alleviate possible user conflicts as they have in other communities.

Railroads, Rail Crossings, and Rail Spurs

The Santa Fe Railway's main line traverses the North Valley between Second Street and Edith Boulevard. The Santa Fe Railway forms the western edge of the corridor. At-grade railroad crossings are located at numerous streets in the valley including Alameda Boulevard and Osuna Road. Such crossings substantially slow train and auto travel and present a potential hazard to both.

Recent controversy arose over the addition of a rail spur to serve a mesa-top industry north of Paseo Del Norte. Any spurs will impact adjacent land. Much of the land in this vicinity is agricultural and/or low density residential. The potential for new rail spurs to be added in the future makes the issue an important one.

Railroad spurs are not designated as a permissive or conditional use in any county zone. In the City Zoning Code, they are listed as permissive in the IP industrial zone provided that they are located at least 100 feet from any residential zone. A similar treatment of rail spurs could be attempted in the County by either adding rail spurs as a permissive use in county M-1, and/or listing them as a special use.

Residential uses are plausible along the tracks. Many other neighborhoods in other parts of the metropolitan area are adjacent to the tracks. The inconvenience to homeowners can be related to whether their home is located near a siding or yard or along a main line. Proper site planning, construction of walls, landscaping, and/or setbacks can minimize problems associated with living by the tracks.

Light Rail and "Rapid Rail"

A High Capacity Corridor Study is being conducted by the City of Albuquerque to determine the role that high capacity corridors will play in the metropolitan area's future. High capacity corridors include travel corridors with high occupancy vehicle lanes and/or fixed guideway transit systems like lightrail. The study identifies Second Street as a potential high capacity corridor.

The on-going process to develop passenger rail service between Albuquerque and Santa Fe raises issues related to the design and location of a North Valley park-and-ride station. There are three likely sites for the station: Montaño Road, Paseo del Norte, and Alameda Boulevard. The land uses, development density, and character of the valley differ at these sites. The station could stimulate needed infill at the Montaño Roadsite where large parcels of land are already zoned for non-residential use. The other sites farther north are more rural and likely to lose this character with construction of a station and probable spin-off development. The Montaño Roadsite is also the only one of the three sites located within the City's jurisdiction.

The prototypical design for a North Valley Park-and-Ride, by Dyer and Dyer, Consultants, illustrates general layout and site features for one station scenario. The site would occupy approximately 12 acres located along the tracks adjacent to North/South and East/West roads. Construction was divided into two phases: 300 parking spaces and a 3,200 square foot building, and an additional 200 parking spaces and expansion of the building to 5,600 square feet. Commercial services for the station users would be provided in the first phase. Expansion in the second phase might also serve the non-station user. Alternately, the station could be a stand-alone with no other uses. In any case, the potential impacts on the existing uses and character of each location should be considered in the siting and design decisions because the station is likely to generate real estate interest wherever it is located.

The landscaping design of the facility can set a standard for other large park-and-ride sites. In the valley, the use of native or naturalized vegetation and crusher fines instead of asphalt is appropriate. Crusher fines, crushed residue from rock, provides a highly permeable surface and may be appropriate in lots where daily parking turnover is low. The permeability allows moisture to reach plants and trees edging the lot and is a cooler surface than asphalt. Such surfacing should be considered for other large parking areas built in the valley.

The facility would be easily accessible to transit users, pedestrians, bicyclists, and automobiles. Buses would travel on a bus boulevard with a wide central median and generous pedestrian walks on either side. Landscaped paths provide foot travelers access to the station from the lots and from off-site. Pedestrian and bike paths located along Second Street would connect to the station and bike lockers could be provided. The drop-off or "kiss and ride" passengers will be accommodated in front of the station. In addition, short term parking spaces should be provided adjacent to the station. Taxis also will have spaces in which to queue.

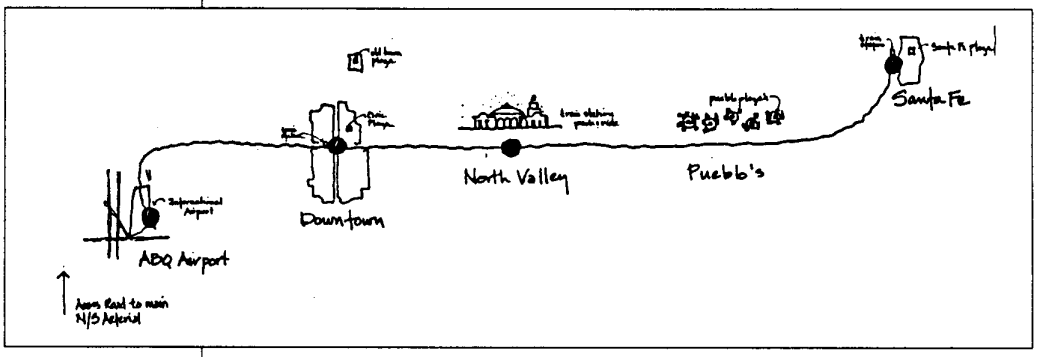
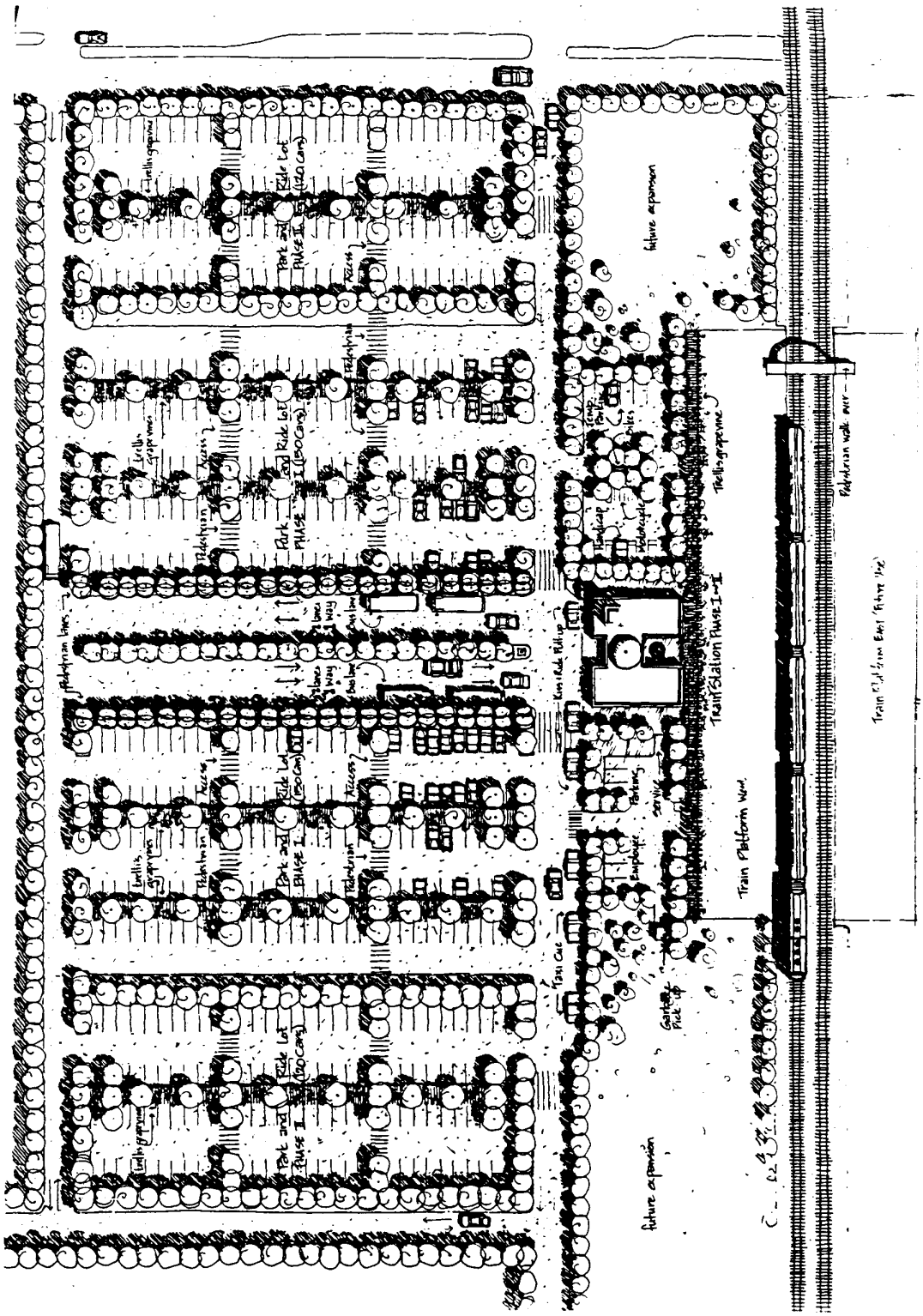


EXHIBIT 16



"NORTH VALLEY: LIGHT RAIL TRANSIT STOP, PARK AND RIDE, ABQ"

URBANITAS ... DYER AND DYER.
ALBUQUERQUE N.M., BOSTON MASS.

Transportation Policies

1. The City and County shall encourage the smooth flow of traffic on arterials.

   a. Retain existing residential zoning on Alameda Boulevard, Second Street, Montaño Road, and on future roadway corridors.

   b. Limit access to Second Street, Alameda Boulevard, and Montaño Road from adjacent properties except where alternative access is not available or feasible.

2. The City and County shall actively promote sustainable transportation in and through the plan area by encouraging reduced automobile use and improving the safety of non-motorized travel.

   a. Consider restriping narrower driving lanes on Candelaria Road, Griegos Road, Twelfth Street, and Fourth Street to provide additional space for sidewalks or walkways, bikeways, and bus stops.

      i. Undertake a transportation analysis to determine the impactof reduced lane width on roadway capacity and on the transportation network.

   b. Provide convenient local transit service and related amenities.

      i. Seek agreements with the Village of Los Ranchos and the County for bus service along Fourth Street (Route 10) including service to the portion of Fourth Street now within the Village's jurisdiction, and extension of Route 10 north to Alameda Boulevard.

      ii. Explore possible future locations and agreements for small Park and Ride facilities in the North Valley at existing commercial centers and where bus service terminates .

   c. Target North Valley commuters and area employees for Sun Tran and Ridepool promotional activities.

   d. Pursue necessary analysis and subsequent improvements for trails and bikeways identified in the plan.

      i. Seek agreement with the Middle Rio Grande Conservancy District to establish notification procedures for ditch closures that include posting the affected right-of-way and holding advertised public meetings.

ii. With the MRGCD, undertake a study of multiple use of ditches and associated rights-of-way.

3. The City and County shall limit industrial and heavy commercial traffic through residential areas in order to enhance residential stability and preserve area history and character.

   a. Consider alternative access to the North I-25 Subarea by extending the Alexander Roadway Study Corridor north of Osuna Road to Paseo del Norte.

      i. Undertake a transportation analysis to determine the impact of the recommendation on the transportation system.

   b. Consider removal of the Elena/Balboa Study Corridor from the Long Range Major Street Plan.

      i. Undertake a transportation analysis to determine the impact of this recommendation on the transportation system.

   c. Limit the future number of lanes on Edith Boulevardnorth of Osuna Road by changing the functional classification of Edith Boulevard on the Long Range Major Street Plan from a minor arterial to a collector, or adding an exception for Edith Boulevard to the General Standards for rights-of-way for minor arterial streets contained in the addendum to the Long Range Major Street Plan to limit the right-of-way width of Edith to 68 feet.

   d. Retain and expand residential zoning of land in thelower valley especially in the Edith, Mid-North Valley east, Second/Fourth, and Alameda Subareas.

4. The City and County shall limit conflicts between rail travel, roadways, and land use.

   a. Consider grade separation of Alameda Boulevard and Montaño Road at AT&SF tracks.

   b. Examine land use impacts of potential rail station park and ride locations on residential areas.

   c. Seek agreements to limit future rail spur locations to commercially zoned land.

BLANK PAGE
(Please continue on to following page.)

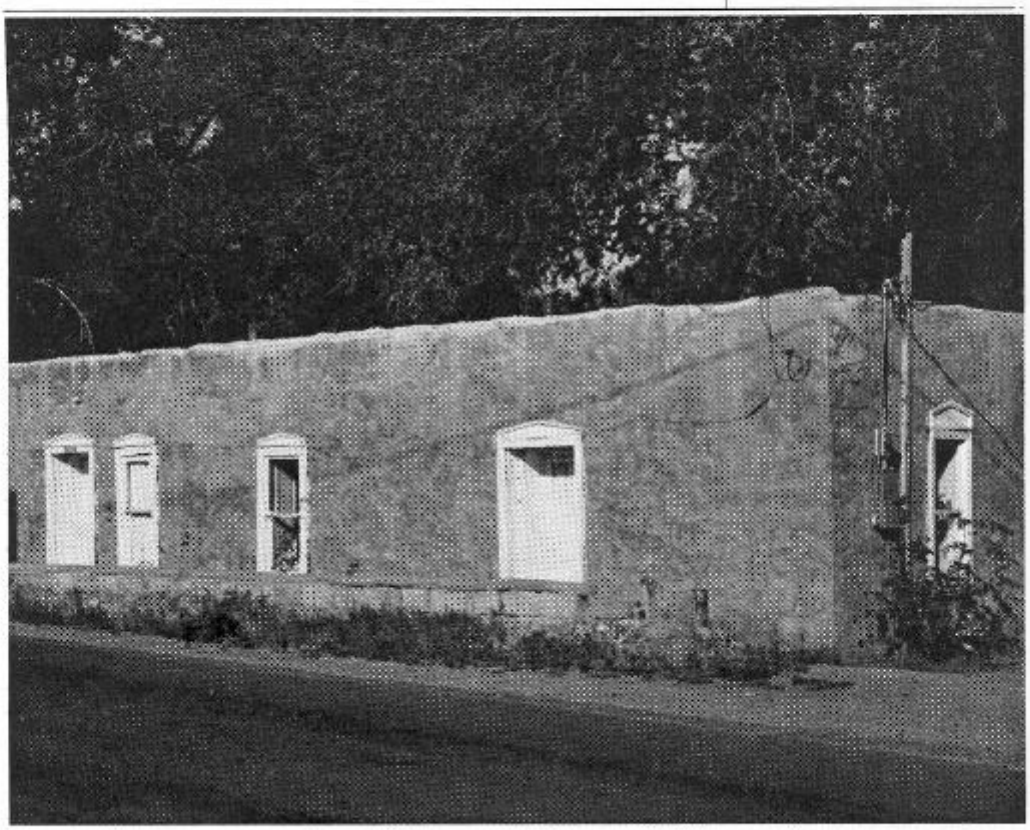
Housing

7

Summary

Existing housing in the North Valley is diverse in type, quality, size, and price. While mansions edge the Rio Grande, smaller homes in the Mid-North Valley subareas offer home ownership at some of the lowest prices in Albuquerque. The North Valley has an especially high percentage of homeowners—74% compared to 64% in Bernalillo County.

Much of the new housing in the valley is built on land previously used for agriculture. Clustered residential development is a way to accommodate housing growth in the North Valley while preserving visual access to open space, ditch irrigation, and some agricultural activities. Standard subdivision design and zoning districts were not intended to preserve unique valley character and have led to the loss of these features and activities. This plan contains options for clustered residential development and mixed use development in order to provide housing in City and County portions of valley areas.



Historic home on north Edith Boulevard

Affordability

Little of the housing located in the North Valley is affordable to lower-income residents.

Despite the diversity, household income is generally lower and housing prices higher than in the metropolitan area. Little of the housing located in the North Valley is affordable to lower-income residents. Today, lower-income families can afford the average sales price for a single-family residence in only two out of twenty areas in the North Valley. The area with the highest concentration of sales in price ranges affordable to this income group is Mid-North Valley East. However, the low volume of housing sales in this area experienced in 1988-1989 suggests that lower-income residents have very limited opportunities to buy homes in this area.

Sales data suggest that gentrification and growth of commercial and industrial uses have affected some valley neighborhoods. Gentrification describes a shift in the economic and social composition of older areas caused by privately financed renovation of residential properties. A similar trend toward investment in commercial and manufacturing uses may sub-ject adjacent residential areas to the impacts of those uses and to like conver-sions of nearby residential property. Lending institutions, residents, and potential homeowners may regard the impacts of industrial or commercial zoning and uses as undesirable for further housing investment. Displace-ment of households may occur when higher housing values or rising demand for commercial property in an area encourages property owners to sell. Lower-income households are at most risk of displacement, and nearly half of the North Valley population (49%) is in the lower-income bracket.

The conversion of residential land to commercial purposes could be countered by conversion of vacant commercially zoned land to housing. New housing might be provided either in conjunction with new commercial development or in selected areas now zoned for manufacturing or commercial uses. Where appropriate, incentives for housing development might be offered. These areas are identified in the preferred scenario land use plan.

Only about 3% of the lower-income households living in the plan area are receiving the public housing assistance for which they are eligible. Compared to both need and City norms, the lower-income population in the North Valley is underserved through City rent subsidies and public housing programs. In the private marketplace, average rents are unaffordable to very low-income households—those households with incomes that are less than half of the median income for all Bernalillo County households, or over $16,000 for a family of four. The majority of the unserved 4,000 very low-income households living in rental units are paying more than 30% of their incomes for rent and utilities, which is unaffordable under the definition of affordable rent and utility payments established by the City. Among renters, large families pay the highest percentage of household income for rent and utilities.

Type

Residences located in the North Valley are comprised of single-family homes (74%) and mobile homes (14%). These percentages exceed the 1980 percentages for Bernalillo County as a whole (65% single-family and 6% mobile homes). Very little land is zoned or developed for apartments or townhomes.

There are now over 2,000 mobile homes in the plan area. This represents approximately 20% of all mobile homes in Bernalillo County. While the cost of land is still a factor in affordability, the production cost of a mobile home is lower than a site-built home. These cost savings can be passed on to the consumer, making mobile homes especially attractive for lower-income households, elderly residents, and first-time homeowners. Land available for placement of mobile homes includes leased land in mobile home parks and land in subdivisions where mobile homes are allowed. There are approximately 65 vacant acres of county MH zoning in the plan area which allows for both mobile homes and site-built homes on lot sizes equivalent to County R-1 zoning. Much of this is located in the Edith Corridor.

"Guest houses" or "mother-in-law quarters" are not allowed by the existing zoning ordinances in single family zones.

Relative to other portions of the metropolitan area, there are few apartments in the plan area. The density represented by large scale apartment development is inappropriate for many parts of the valley given existing area character and some residents' desires. Small, single-living quarters associated with a main house, however, are an alternative explored by other communities for meeting housing needs. Such "guest houses" or "mother-in-law quarters" are not allowed by the existing zoning ordinances in single family zones. The County zoning code has a provision for mobile homes on single family lots for a limited period of time and the use of this provision in County areas attests to the demand for such accessory housing. The intent is to provide for care of immediate family members who are ill, disabled, or elderly.

This early motel site is vacant and could be the subject location for a mixed use project.

Early Motels and homes on Fourth Street, especially in the Mid-North Valley subarea south of Montaño Road, have created a type of mixed use development that could be enhanced through investment in similar small-scale mixed use projects. Small-scale is defined by the relatively shallow lot depths along Fourth Street. This type of housing is described in Chapter 8: Village Centers. There are over 369 acres of residential use in the Fourth Street subarea alone.

Density

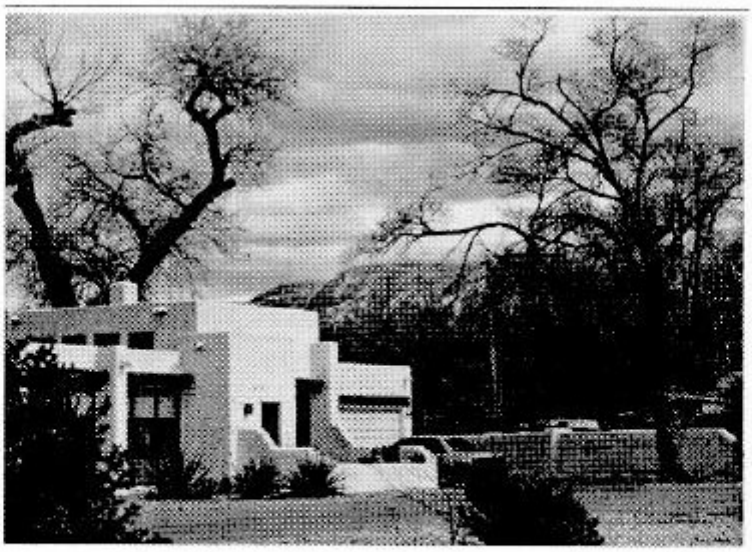
The arrangement of homes defines rural character more than just the number of homes in an area.

Most of the housing in the North Valley plan area is low density. The low density pattern of housing is partially responsible for the rural character of much of the valley. Closer examination of areas identified as having rural character, however, indicates that the arrangement of homes defines rural character more than just the number of homes in an area. It may be possible to accommodate the same amount of new housing in different ways, some of which can better reflect the valley's character and history than others.

Higher density housing that simply decreases lot sizes within otherwise low density areas without providing corresponding open space is not likely to meet with neighborhood acceptance.

Small apartments or townhome-style homes tend to be less costly because of reduced land requirements for a greater number of units. Higher density projects, however can be controversial because they differ from the existing pattern of low density residences. New opportunities for housing can be found in connection with commercial development and redevelopment. Mixed use projects that incorporate housing are especially appropriate along Fourth Street where served with sewers and buses. Utilizing land along this transit route for small townhouse projects that do not extend deeply into adjacent low density neighborhoods could provide for much needed housing diversity in the plan area. Higher density housing that simply decreases lot sizes within otherwise low density areas without providing corresponding open space is not likely to meet with neighborhood acceptance.

In general, the Rural and Open areas are approaching or have exceeded the Comprehensive Plan overall gross density figure of up to one dwelling unit per acre. Densities in the southern portions of the plan area are within the Comprehensive Plan overall gross density for Established Urban areas of up to five dwelling units per acre. The Comprehensive Plan goals and policies place far more emphasis on the character and setting of development in each area than on the density limits.



Compound Don Diego in the Village of Los Ranchos

Standard Subdivision and Development Patterns

Subdivision of land is regulated by either the Bernalillo County Subdivision Ordinance or the City of Albuquerque Subdivision Ordinance. Design standards for new development differs very little between the City and County. The County standards are somewhat less restrictive. The standards are applied uniformly in respective City or County areas so that new subdivisions look very similar regardless of their location. Subdivisions in the valley, however, tend to be smaller because of the smaller parcels of land available for subdivision.

Uniformity in design standards is preferable for the provision of some services, such as fire protection, for example, but is generally not conducive to retaining the character of the valley areas. Homogeneous development of housing, in particular, is not consistent with the Comprehensive Plan which calls for recognition of diverse lifestyles and a range of choices of housing types. Because of the constraints on the size of new subdivisions, however, housing in the valley is far less homogeneous than other portions of Albuquerque where entire square mile portions of the City are blanketed with housing of similar type, style, and size.

About the earliest form of subdivision in the valley is the "lineas" pattern which evolved as a way of retaining access to irrigation water by subdividing lots linearly and perpendicular to a canal. The pattern is still evident in the northern portions of the plan area. Eventually these long narrow lots are subdivided crosswise which limits the potential for continued irrigation and creates rows of homes on single lane dead-end streets. Sanitary sewer and water lines in most cases must be extended the length of these streets to serve homes which front only one side of the street. Enabling or requiring developers/subdividers to group homes at one end of these lineas might enable homeowners to retain irrigation, a sizable parcel for irrigation, and lower costs for sewer and water lines.

The valley's housing diversity has been identified as a desirable feature by area residents. The Los Ranchos June 1991 survey found that 60.7% of area residents preferred to have houses located on a mixture of large and small lots. Old and young, upper- and lower-income residents live within close proximity and share schools, roads, and shopping.

The Comprehensive Plan boundaries in the valley have very little relation to the actual character differences between neighborhoods. Amending the Comprehensive Plan land use boundaries to match the area character can provide a basis for differentiating development standards for areas that might be located in either the County or City.

The existing standards for new development are not intended to preserve rural character.

The existing standards for new development are not intended to preserve rural character and result in loss of valley features that new and existing residents seek to retain. New housing, with few exceptions, does not retain irrigation easements, open land, views, existing vegetation, or agricultural uses. The greatest amount of land retained in residential development is where homes are built on one acre lots. This lot size is too small to qualify for the agricultural tax and too large for some homeowners to effectively landscape and maintain. "Too big to mow and too small to plow." Where these parcels are landscaped they are generally watered with a well or, more recently, with metered City water.

New residential development even at densities allowed by existing zoning may encounter neighborhood resistance from existing residents who appreciate the visual appeal of open land and who associate vacant parcels with desirable rural character. Where sanitary sewer lines are constructed near open land there is substantial development interest in densities of three to four du/acre. With standard development techniques these densities totally change the character of not only the site where they are located but also of the surrounding area.

North Valley subdivision styles

NORTH VALLEY SUBDIVISION STYLES

70's Style Subdivision | Lineas Pattern | Lineas Pattern Divided

The cumulative effect of blanketing valley areas with development under standard subdivision and zoning practices is loss of the valley features that appealed to new and existing homeowners. This loss is evident in many portions of the North Valley. The ditches, no longer used for irrigation, are vacated. Large cottonwoods and other vegetation die. The paths the ditch banks provided are fenced. The birds and other wildlife that may have thrived in hedge rows and along ditches are gone. The views to the mountains across fields and through cottonwoods are obstructed. The valley loses the character that drew people to it in the first place and the resulting housing is neither affordable nor unique.

It is the visual access to open space and agricultural land that defines much of the rural character of valley areas.

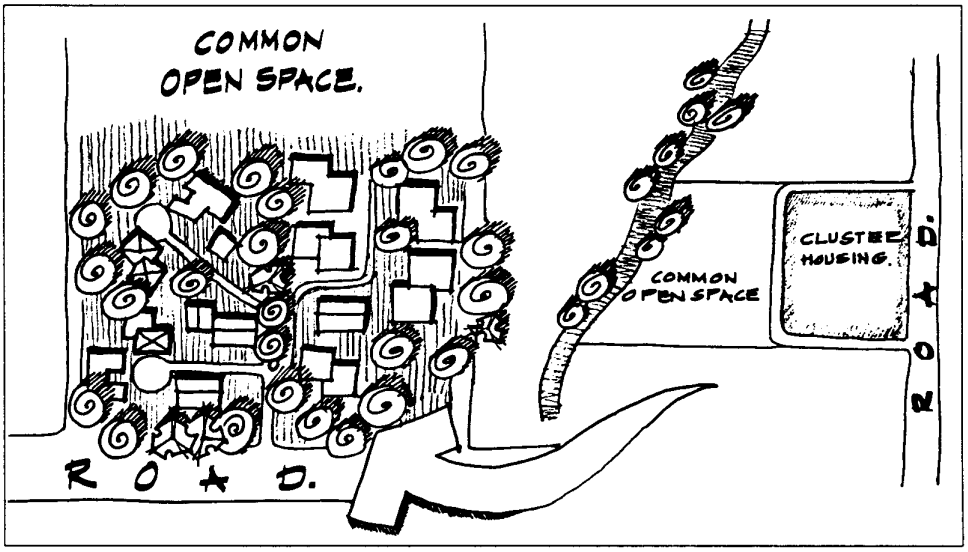
Clustered or Common Interest Housing

"Clustering" allows homes to be grouped together while remaining land is reserved for open space. Such siting allows for preservation of views, open space, and agricultural activity. Providing incentives for cluster development is a possible technique identified in the Comprehensive Plan for retaining area character and scenic qualities in Rural, Semi-Urban, Established and Developing Urban areas. Additional benefits to clustering may include savings in the cost of streets, water and sewer lines, and other infrastructure because of reduced distances between structures and lots. These cost savings could be passed on to homeowners. Development costs and cost savings vary depending on site features, size of the subdivision, and other factors. However, figures available from other parts of the country comparing conventional development to clustering indicate that on average, cluster development can result in a 44% cost savings to the developer.

Cluster Housing generally requires formation of a homeowner association to manage the open space or other areas owned in common. Another option is to give the County or City the rights to the common area. This would allow general public use and enjoyment of the open space associated with a particular development. The relatively small areas retained through clustering in the valley, however, could become a maintenance burden for the County or City. In addition, it is the visual access to open space and agricultural land that defines much of the rural character of valley areas. Retention of the open land under homeowner associations may be more effective provided that the land is retained open in perpetuity. This should be a condition of approval for clustered development.

A cluster project that preserves and maintains open space or other features through a homeowners association is a type of "Common Interest Community" as defined by banks and lending institutions. Common

interest communities also include condominiums, cooperatives, leasehold communities, and other types of planned communities. In the case of a homeowner association, the individual family has title to their home and lot plus membership in an association which has title to the common property. The Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association have published national guidelines for "Planned Unit Developments" that standardize financing criteria for common property projects. In addition, the Uniform Common Interest Ownership Act is a model act endorsed by the American Bar Association which provides standards for common interest communities including "boiler plate" covenants and provisions for liens, maintenance, improvements, liability, etc. This model act, the guidelines, and growing local experience with homeowner associations make the process of creating cluster development projects more straightforward than it may have been in previous years.



Challenges for Cluster Housing

Cluster subdivisions are not specifically precluded in either the City or the County. However, the area for such development is somewhat limited by provisions in both zoning codes, and local unfamiliarity and inexperience with common interest communities This inexperience has probably contributed to the limited number of cluster projects in the community. Presently, there is only one cluster housing development in the North Valley.

Perceived or potential problems with clustering include lot size minimums, the approval process, design and maintenance, and liquid waste disposal. Requirements for minimum acreage preclude clustering on many

vacant sites. In the County, Special Use Permit (SUP) regulations allow for planned development areas that could be designed to cluster homes. However, use of SUP requires a five acre minimum site. In the City, cluster development is allowed through Special Use zoning with a three acre minimum and through RA-2 zoning with a five acre minimum. Of all vacant residentially zoned parcels in the plan area, 107 or 62% are between two and five acres. Thus, the acreage minimums in the codes exclude over half of all vacant residential parcels in the plan area from consideration for cluster development under existing zone code provisions.

Of all vacant residentially zoned parcels in the plan area, 107 or 62% are between two and five acres.

Clustered development generally requires site plan review and approval by the planning commission. This process can be more complex than other subdivision arrangements. Site plan preparation and review requires more care, creativity and time for review. In the absence of clear objectives and standards for cluster development, review and approval becomes a more subjective task than standard subdivision and, therefore, more open to challenge and controversy.

Under present standards and procedures in the County, cluster development proposals are somewhat rare and controversial. Compared to the procedure for zone map amendments, clustering requires more design and review. In addition, if a developer or landowner decides to propose clustering in a location where zone changes have been granted, he is likely to request similar increased densities. In other words, why go to the trouble of site planning at densities allowed by existing zoning if a zone change would provide you with a greater number of dwelling units per acre? In areas where the trend is toward increased densities, or where sewer is recently available for example, cluster development could be required at densities similar to surrounding development.

If there is neighborhood opposition to a zone map amendment for increased densities, the added unknown of a subdivision that is different from that of a standard subdivision can discourage a developer from attempting the approach. Concerns about how cluster housing will fit into existing neighborhoods are likely to grow with the size of the site. Smaller projects, because they involve fewer dwellings, can be less controversial. A greater number of small cluster projects throughout the plan area might be more effective at preserving valley character than a few large ones.

There has been some concern in the past regarding the approval of bank financing for cluster housing projects. According to staff research conducted in 1990, financing should not be a problem if the housing is detached, the common area is low maintenance, and the infrastructure maintained by the homeowner's association is minimal. Federal lending guidelines to Savings and Loans in April of 1989 set a pre-sale requirement for planned unit developments with common walls. Local lenders stated that no extraordinary difficulties should be encountered by developers of detached cluster subdivisions.

Many communities are achieving widespread acceptance of cluster housing projects.

Interviews with developers conducted by staff indicate that other perceived difficulties in developing cluster projects include a more complex or unusual physical layout, the need for a homeowner association, and liquid waste disposal requirements.

The physical layout of a cluster subdivision is not as simple as that of standard subdivisions which have uniform lot sizes, set backs, and spacing; however, local architects have expressed an interest in designing cluster projects because of the design flexibility and creativity that clustering allows and requires. With set densities and well defined objectives and guidelines for clustering, many communities are achieving widespread acceptance of cluster housing projects and it is likely that after a few projects have been developed locally, more landowners and developers will be comfortable with design issues and encouraged to do cluster projects.

Homeowner associations can be formed to provide for ownership, use, and care of the open tracts of land created with clustering. The process can be no more complex than standard restrictive covenants that many subdivisions now apply. More extensive management of common property (swimming pools and horse trails) has also been provided by homeowner associations in the County and City. Homeowner associations also routinely provide maintenance of shared infrastructure like private roads and water/ sewer systems. Where a minimum of one acre is managed or leased for agriculture the homeowner association may qualify for the County agricultural tax. This would help to retain the viability of valley agriculture, especially where the open space can be irrigated from the ditch system.

Conservation Easement agreements between homeowners and a private trust or conservation organization could be used to ensure that open space associated with a cluster housing project is not eventually developed. The State passed a Land Use Easement Act in 1991 that defines the rights and responsibilities of parties in such agreements. In general, development rights on the open land are granted to the trust by the property owner, the homeowner association or developer in the case of clustered housing. The resulting easement prohibits subdivision or development of the open land but allows the property to remain in private ownership. In return, the property owner can receive tax benefits for the donation.

Many potential cluster housing sites in the County are located where sanitary sewer is not available. Existing regulations for septic tanks require a minimum lot size that will exceed that of a clustered home. Lot sizes required for conventional septic tank systems are likely to increase in the future. The open space managed by common interest communities provide an opportunity for application of innovative wastewater treatment systems. These systems, such as constructed wetlands or evapotranspiration beds, may be especially appropriate where homeowners can share maintenance costs through an association.

Where City sanitary sewer lines are available in the unincorporated portion of the County, the housing within a cluster project can be designed to limit the distances to a collector line. The shortened distance and potential for combined plumbing could lower costs.

The City and County could act to remove existing disincentives and/or actively encourage clustering through incentives. Many agree that if cluster is viable in any part of the community, it may be in the North Valley. This may be true in part because the family attracted to the valley generally does not want to live in a traditional urban setting.

Many agree that if cluster is viable in any part of the community, it may be in the North Valley.

Potential Cluster Sites

Land use information was assembled to determine the amount of residentially zoned vacant land in the plan area where provisions for cluster development might apply. All parcels over two acres zoned for residential use in the City and County were included. The two acre minimum for clustering would capture parcels that might qualify for the agricultural tax if homes were grouped to preserve half of the site.

The table below indicates that there are approximately 90 vacant acres of RA-2 zoning in Established Urban portions of the North Valley. This zone allows for clustering.

VACANT 2+ ACRE PARCELS - CITY

Comp Plan Area	Zoning	Acres
Central	R-1	25.0
Established	R-1	31.5
Established	RA-2	90.2
Established	R-2	2.8

VACANT 2+ ACRE PARCELS - COUNTY

Comp Plan Area	Zoning	Acres
Rural & Open	A-1	323.6
Rural & Open	MH/R-1	173.1
Semi-Urban	A-1	224.0
Semi-Urban	MH/R-1	12.6
Developing	A-1	56.4
Developing	MH/R-1	10.9
Established	A-1	58.8
Established	MH/R-1	55.5

The County vacant acreage counts include vacant parcels with Special Use Permits where the underlying zoning is residential. Based on the total acreage, the greatest potential area in the County for application of cluster development provisions is the A-1 zone within the Rural and Open and Semi-Urban designations. This should not preclude application of cluster provisions in other areas. The reduced amount of open lands in these areas may make clustering to preserve open space even more important.

Variables

There are a variety of variables for clustering in both the City and County. The land variables that should be considered with any approach are: Comprehensive Plan designation, density allowed by existing zoning, area character and location, and availability of sewer service or type of liquid waste system. This information is provided throughout the plan and in existing ordinances. The regulatory variables that must be addressed in an effort to provide for clustering include: density to be allowed with clustering, open space to be provided, including physical and visual accessibility and maintenance, resultant individual lot sizes, and standards and objectives with which to judge the suitability of a given site plan. These variables would not all apply where open land is retained through easements in private ownership—another option for clustering.

The density of development (dwelling units per acre or du/acre) in the valley is typically from one to five du/acre. Where City sanitary sewer is available, the densities are highest—from three to five du/acre. Where City sanitary sewer is not available, existing development is from one to three du/acre.

Presently in the City there is a density incentive for cluster development provided in the City RA-2 zone. Up to five du/acre are allowed if homes are clustered to preserve a minimum of 3,000 square feet of open space per dwelling unit, of which 20% may be in private yards.

The County ordinance does not currently provide any incentive to cluster housing, such as increased allowable density. Such an incentive may be logical, especially where sanitary sewer is available and developers are likely to request zone changes for increased densities. Provision for the density incentive might reduce the number of requests and speed the development process.

The challenge is to preserve open space while maintaining lot sizes similar to those of the surrounding neighborhood.

Lot sizes on the clustered portion of each site vary depending on the overall site density and percentage of open space. The greater the percentage of open space, the smaller the individual lot sizes. The challenge is to preserve open space while maintaining lot sizes similar to those of the surrounding neighborhood.

The combination of open space, density, and lot size was considered for the various combinations of County zoning, Comprehensive Plan designation and sewer availability. A sample balancing of these factors is presented in the following example. If homes are clustered at existing allowed A-1 densities on a two acre site and 50% of the site is preserved in open space, each homeowner would have about 1/2 acre for his home. The rest of the overall site would be preserved in open space through restrictive covenants. There is little or no incentive for the homeowners or the builder to develop the two acre site in this manner. The same number of units could be built without the site plan approval process, the restrictive covenant agreement and the joint maintenance required of the two homeowners for both their own lots and the open space. A provision for three homes on the two acre site (or 1.5 du/acre) would provide large enough individual lots to retain low density character of many valley areas (about 1/3 acre), while still providing an acre of visually accessible open space. Similar rationale was used to develop the proposed cluster densities for County A-1 and R-1 zoned land.

PROPOSED CLUSTER DENSITY GUIDELINES, OPEN SPACE AND LOT SIZE*

TYPE	COUNTY ZONING	COMPLAN AREA	SANITARY SEWER	EXISTING ALLOWED DENSITY DU/ACRE	PROPOSED DENSITY OVERALL SITE DU/ACRE	COMMON OPEN SPACE % OF TOTAL SITE	HOMEOWNER'S LOT SIZE
A.	A-1	RURAL OPEN	NO	1	1.5	50%	11,616 SQ.FT.
B.	A-1	SEMI-URBAN	NO	1	2.0	50%	8,712 SQ.FT.
C.	A-1	RURAL OPEN	YES	1	2.0	50%	8,712 SQ.FT.
D.	A-1	SEMI-URBAN	YES	1	2.5	40%	8,363 SQ.FT.
E.	R-1	RURAL OPEN	NO	1	2.0	50%	8,712 SQ.FT.
F.	R-1	SEMI-URBAN	NO	1	2.0	50%	8,712 SQ.FT.
G.	R-1	SEMI-URBAN	YES	3	3.5	30%	6,970 SQ.FT.
H.	R-1	RURAL OPEN	YES	1*	2.0	50%	8,712 SQ.FT.

Note: These figures assume 20% of the overall site is necessary for roads and other rights-of-way. The open space is then deducted from the net area to attain buildable area. The number of clustered units is based on the cluster density times total site acreage. Homeowner's lot size is estimated by dividing the number of clustered units into the buildable area.

* All cluster housing proposals will be evaluated on a site-by-site basis.

The principles include: preservation of open land in perpetuity; provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods; reducing required infrastructure and associated housing costs; and provision of greater flexibility and creativity in design and development of housing.

Cluster Housing Principles

The desire to preserve valley character and the need to accommodate new housing for population growth can both be accommodated through cluster development. Cluster housing principles may be applied throughout the valley in all residential development and redevelopment. The principles include: preservation of open land in perpetuity; provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods; reducing required infrastructure and associated housing costs; and provision of greater flexibility and creativity in design and development of housing.

Preservation of Open Land

The fundamental aim of cluster development is to preserve open land in perpetuity. The arrangement of the open space on the overall site should provide for visual access to open land and views from the public right-of-way, ditches and adjacent development.

The open land should be maintained by a recognized homeowners association in perpetuity according to restrictive covenants including maintenance fees and schedules. Conservation easements may be used to ensure retention of the open space. Uses most suitable for common open land include most agricultural activities excluding commercial farming activities such as feedlots or large scale poultry or greenhouse operations. Open land may also be maintained in a "natural" vegetated condition or used to accommodate wastewater systems for clustered homes.

Provision of New Housing at Appropriate Densities

The overall site for clustering new housing should be at least two acres. The number of homes allowed on the site should be at least equal to the number allowed under the existing zoning. Location relative to Comprehensive Plan area and sewer line availability shall determine overall site density. The approved cluster development densities will be binding on the property owners. No subsequent density increases will be allowed without full development process review and approval consistent with zone change procedures. Overall site density in the County should not exceed 3 dwelling units per acre.

Lower Infrastructure Costs

The cost of such infrastructure as roads and sewer lines for clustered development may be lower and should result in lower purchase and maintenance costs for homeowners.

Design Flexibility and Creativity

Cluster development which requires site planning should result in more design flexibility by allowing different lot sizes and shapes according to site features and open space location.

Housing Policies

1. The City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

   a. Maintain and expand areas zoned for residential uses including A-1, R-1, MH.

   b. Limit encroachment of non-residential uses into residential areas.

   c. Encourage residential zoning of parcels with residential use.

2. The County and City shall encourage mixed use development and redevelopment which incorporates housing.

   a. Encourage rezoning land in the Edith Boulevard, Mid-North Valley East subareas for residential and mixed uses.

3. The City and County shall promote lower-income rehabilitation projects in neighborhoods with existing moderately-priced homes and areas vulnerable to land speculation, redevelopment, and displacement of lower-income residents.

   a. Expand efforts to leverage private investment in housing programs for lower-income North Valley residents and target resources to assistance of very low-income renters.

   b. Study the implications and impacts of accessory apartments in some residential areas.

   c. Undertake a survey to compile reliable data on incomes and housing cost burdens for North Valley households.

4. The County and City shall remove disincentives, provide incentives, and/or require housing development which meets the Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity.

   a. Amend the City Zoning Ordinance to add cluster principles and reduce the cluster housing district "minimum district size" in RA2 to two acres.

   b. Amend the County Zoning Ordinance to add cluster principles and to include Cluster Housing as a Special Use.

c. Provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption and promotion of Cluster Housing Principles.

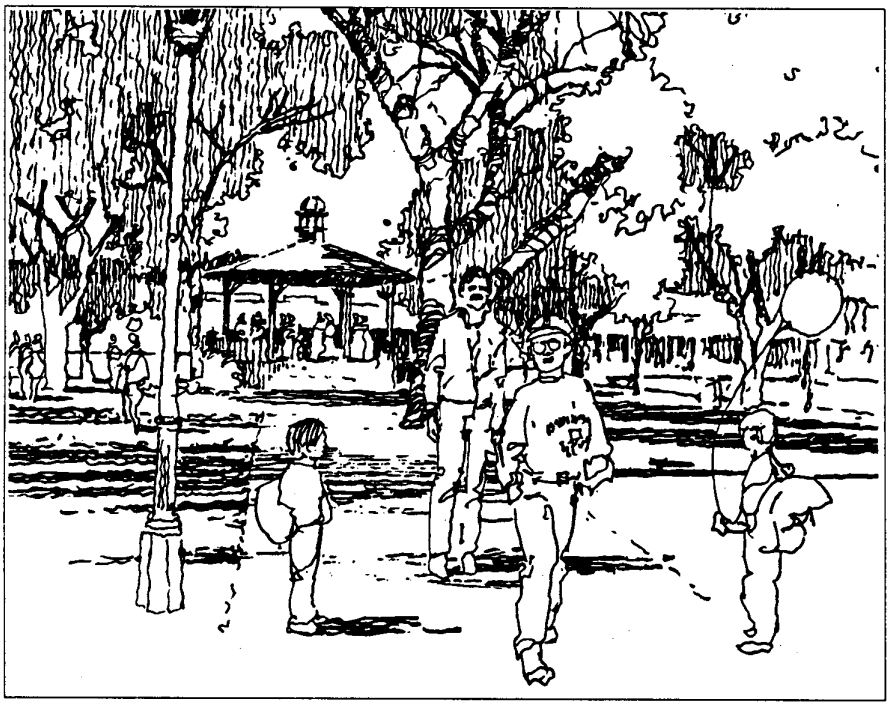
d. Adopt standards for homeowner associations, including provisions which would enable the City or County to bill the association for maintenance costs if necessary and requirements for open space in perpetuity.

Village Centers

8

The Village Center is the heart of community life. It satisfies the commercial, social, civic, and spiritual needs of village residents. This mix of uses is necessary to create a village center. Community needs are met through shops, a place for public gathering, a church, and civic services like a post office, fire station, community center or town hall. All of these services and places work together. The goal of these Village Center guidelines is to define and encourage development which provides for these community, civic, and commercial needs in the context of the valley's social and physical history.

Dyer and Dyer, Village Centers



Summary

Throughout the valley are visible reminders of historic villages where focal structures of the community, like churches, stores, and dance halls, were located. With the advent of the automobile, the form evolved into a linear pattern along Fourth Street. Focal structures were located at intersections and residential areas were built to the east and west. The valley lends itself to a reintroduction of Village Center concepts because of this physical history.

"Community building" can be fostered in new development by incorporating features that give the valley identity and character.

Village Centers can assume greater importance to the community than standard commercial centers or strip commercial development because of their accessibility from surrounding neighborhoods, and the type, character and history of structures within them. A Village Center in the North Valley is defined by both the spatial relationship of buildings and local landmarks and by the presence of services and spaces shared by residents. A community can not be created by designing buildings, however, "community building" can be fostered in new development by incorporating features that give the valley identity and character.

The plan focus is on existing or potential "Village Center Areas" chosen for illustrative purposes. The Village Center Principles, outlined below, may be applied throughout the valley in all commercial development and redevelopment and especially along Fourth Street. The areas where the principles have been illustrated include: Alameda Boulevard and Fourth Street, Ranchitos Road and Fourth Street, Osuna Road and Fourth Street, Griegos Road and Fourth Street, Griegos Road and Twelfth Street, Candelaria and Twelfth Street, Matthew Road and Rio Grande and Menaul and Fourth Street.

Village Center Principles

Pedestrian Attraction and Accessibility

A comfortable walking radius for Village Center development is generally 1/4 to 1/2 mile. Pedestrian improvements are especially important within this area. The map below shows this radius for seven Village Center Areas.

The attractiveness of existing and new commercial structures for specialty retail, neighborhood services, and restaurants will be strengthened by improving pedestrian connections to adjacent residential areas within this approximate radius. Commercial structures along Fourth Street, for example, can be made more accessible from neighborhoods located to the east and west of this corridor. These improvements would also enhance bus travel along the existing Fourth Street route.

Commercial structures along Fourth Street can be made more accessible from neighborhoods located to the east and west of this corridor.

A "finer-grained" pattern of details is necessary to create an attractive and accessible pedestrian space. These details can be seen in pedestrian oriented areas such as Old Town where the walker's view is enriched by the presence of portals, trees, brick walkways, windows, and other architectural details.

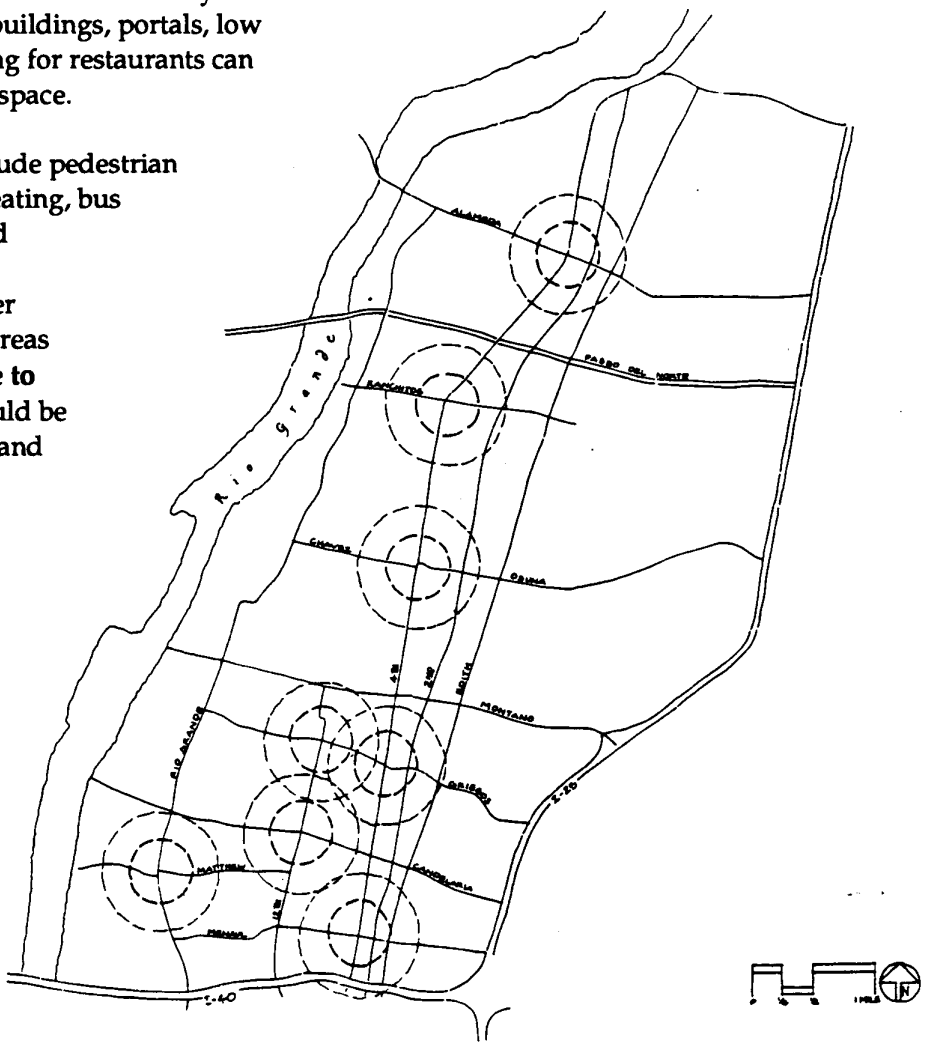
Specific pedestrian and non-motorized travel enhancements for Village Centers include providing **unobstructed walkways** - sidewalks or trails depending on area character - especially within 100 feet of Village Center

intersections. Obstructions include light and utility poles, signage, curb cuts and driveways. **Visible entrances directly accessible to the pedestrian** are another pedestrian improvement for Village Center Areas. Landscaped walkways should be provided through parking lots. Crosswalks in the public and private rights-of-way should be painted or of scored concrete or brick.

New development should reinforce the streetwall. Parking in front of commercial buildings limits pedestrian accessibility. Limiting building setbacks from the public right-of-way in Village Center Areas will reinforce the street wall and help to establish the identity of the area. Placing off-street parking to the side of or behind buildings in smaller, more numerous lots and limiting building setbacks to ten feet will improve pedestrianism. Shared parking agreements between owners can facilitate this arrangement.

Plazas and other landscaped public spaces should be provided in Village Centers. Traditional plaza dimensions are 100' x 150'. Wide walkways between and in front of buildings, portals, low walls, and outdoor seating for restaurants can also contribute to public space.

Other amenities include pedestrian scale lighting, outdoor seating, bus benches and shelters, and convenient placement of mailboxes and newspaper stands. Village Center Areas should also be **accessible to bicylists**. Bikeways should be connected to the centers and convenient bike racks provided.



One-quarter to one-half mile radius of Village Center areas

Mixed Use Development

Mixed use development in Village Center locations can serve to reduce motoring needs in the valley, match the characteristic pattern of mixed uses in older valley areas, and to build community. Mixed use development can be defined as new or existing development that incorporates **more than one type of use, including housing**. Promoting a mix of uses in Village Centers includes developing residential uses in or near commercial areas. Examples include **apartments above shops** or offices, and **townhomes adjacent to shopping areas.**

Existing housing densities for four Village Center Areas in the North Valley were estimated. Patterns indicate that the higher density development in these areas is approximately 9 dwelling units per acre. This is generally in the form of townhomes as private residences. To retain the scale and character of the valley and promote mixed uses, such residential development should be located near Village Center Areas and within the Fourth Street corridor.

Scale and Character

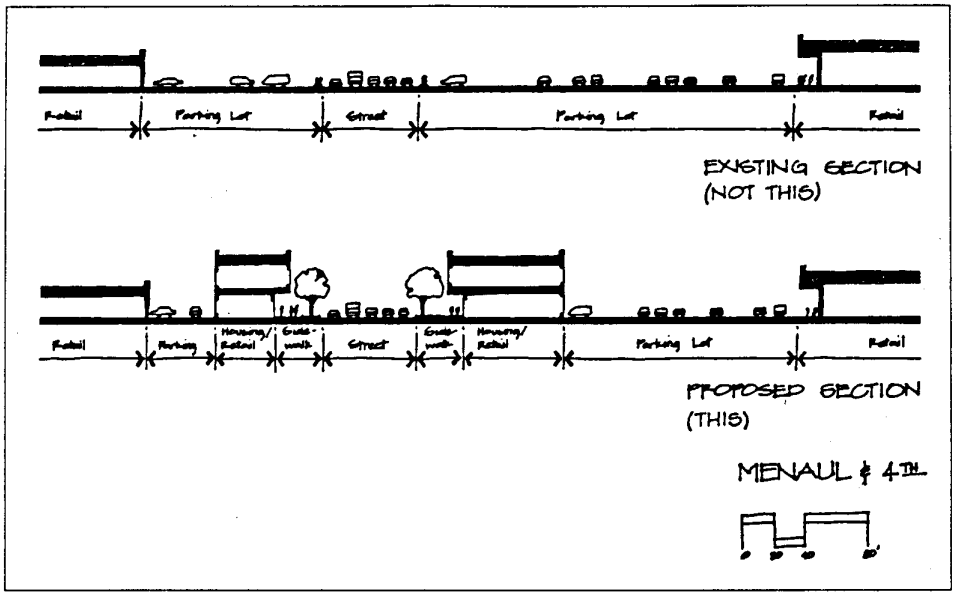
Development in the valley today should reflect the area's history. **Smaller businesses in smaller stores** are most appropriate given the existing context of small commercial lots and structures. Where larger buildings are desired, Village Center Principles can still be incorporated by **breaking up building mass and parking into smaller parts.** This can be accomplished through building design by use of portals, windows and vertical elements and through site design by placing parking in smaller lots separated by buildings or landscaped areas. The use of crusher fines instead of asphalt in parking lots can reduce the "sea of parking" and result in lower area temperatures and healthier landscapes.

The valley is most appropriate for businesses that can either locate on existing small lots or in existing shopping centers in need of redevelopment.

Development should relate to the surrounding **context of the site** and special attention should be given to **existing area character**. Landscaping and landscaped public spaces should be incorporated into site design. Large signs, standardized architecture, and a large supply of parking directly in front of the store are in conflict with the Village Center Principles. The valley is most appropriate for businesses that can either locate on existing small lots or in existing shopping centers in need of redevelopment.

The drawings of several Village Center Areas are included to generate discussion about how the Principles could be applied at existing vacant "opportunity sites". This is not a proposal for rezoning nor do the drawings represent an endorsement of development at those locations. The ideas should, however, give landowners, developers, area residents, and the planning commissions an idea of how the principles might be applied.

Existing bike routes and proposed pedestrian routes are illustrated. Existing commercial sites and proposed mixed use sites are also shown.



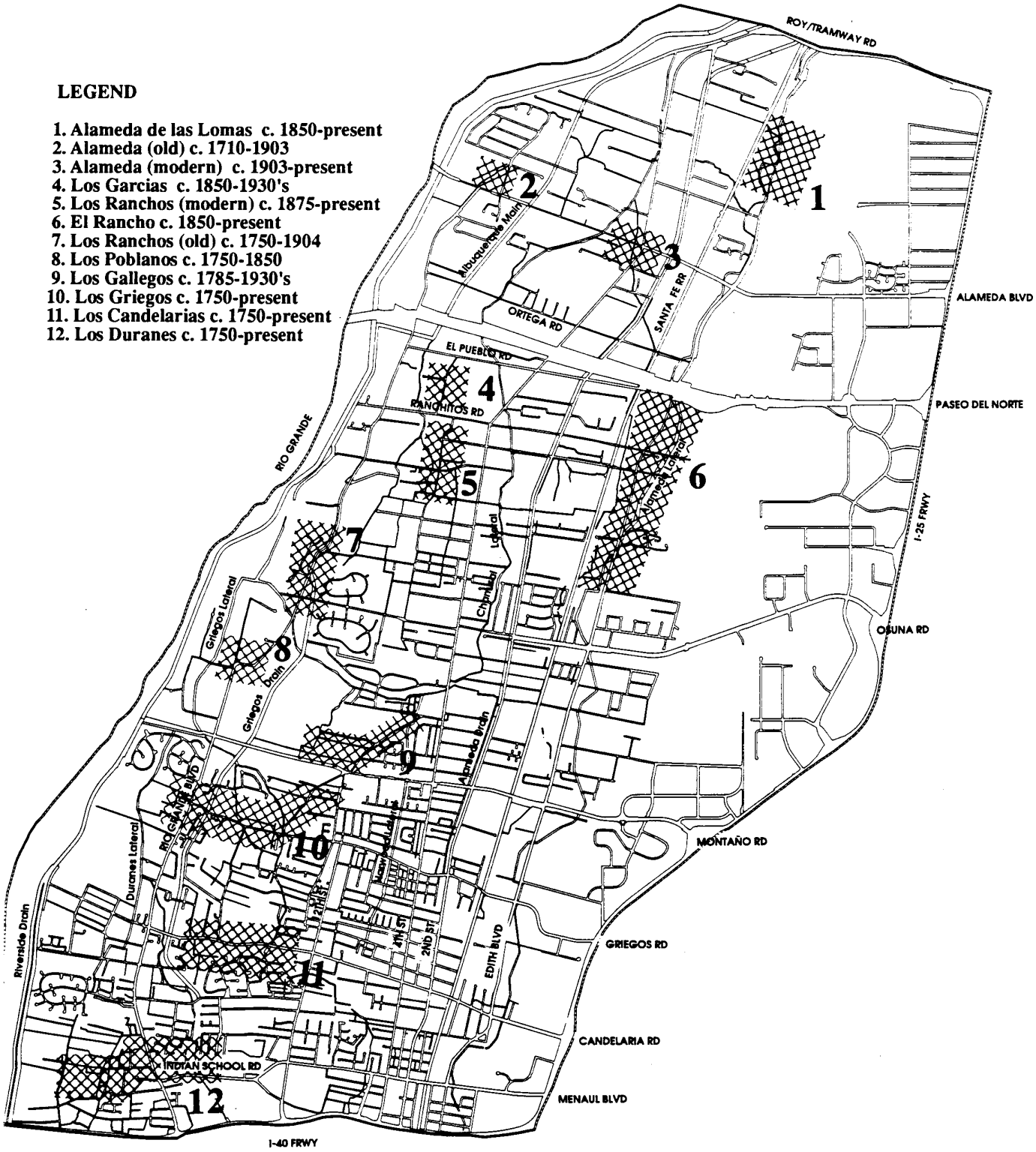
Techniques

The Village Center Principles are intended to act as guidelines in the develpment and review of commercial site plans. This does not preclude future establishment of regulations regarding Village Centers. The Principles-as-guidelines approach allows the City and County to test the ideas and build support for the concepts prior to establishing requirements for preservation of historic or prehistoric sites and control of signage, building design, and/or parking and landscaping.

Other communities have undertaken efforts to guide the redevelopment and new construction of automobile oriented commercial development. In 1985, Plano, Texas enacted advisory guidelines for strip malls that address building arrangement and access, circulation, parking, building elements, service facilities, utility and mechanical equipment, outdoor storage, buffers, screening, landscaping, signage and lighting.

Bozeman, Montana created design overlay districts and a design advisory board to review commercial development proposals in several districts. Bozeman also created a interlocal agreement with the County extending advisory board review authority three miles from the municipal limits. The guidelines encourage buildings closer to streets, clearly designated routes for pedestrians between the street, parking, and the main entrance, and a continuous arcade or covered walkway in front of major retail buildings.

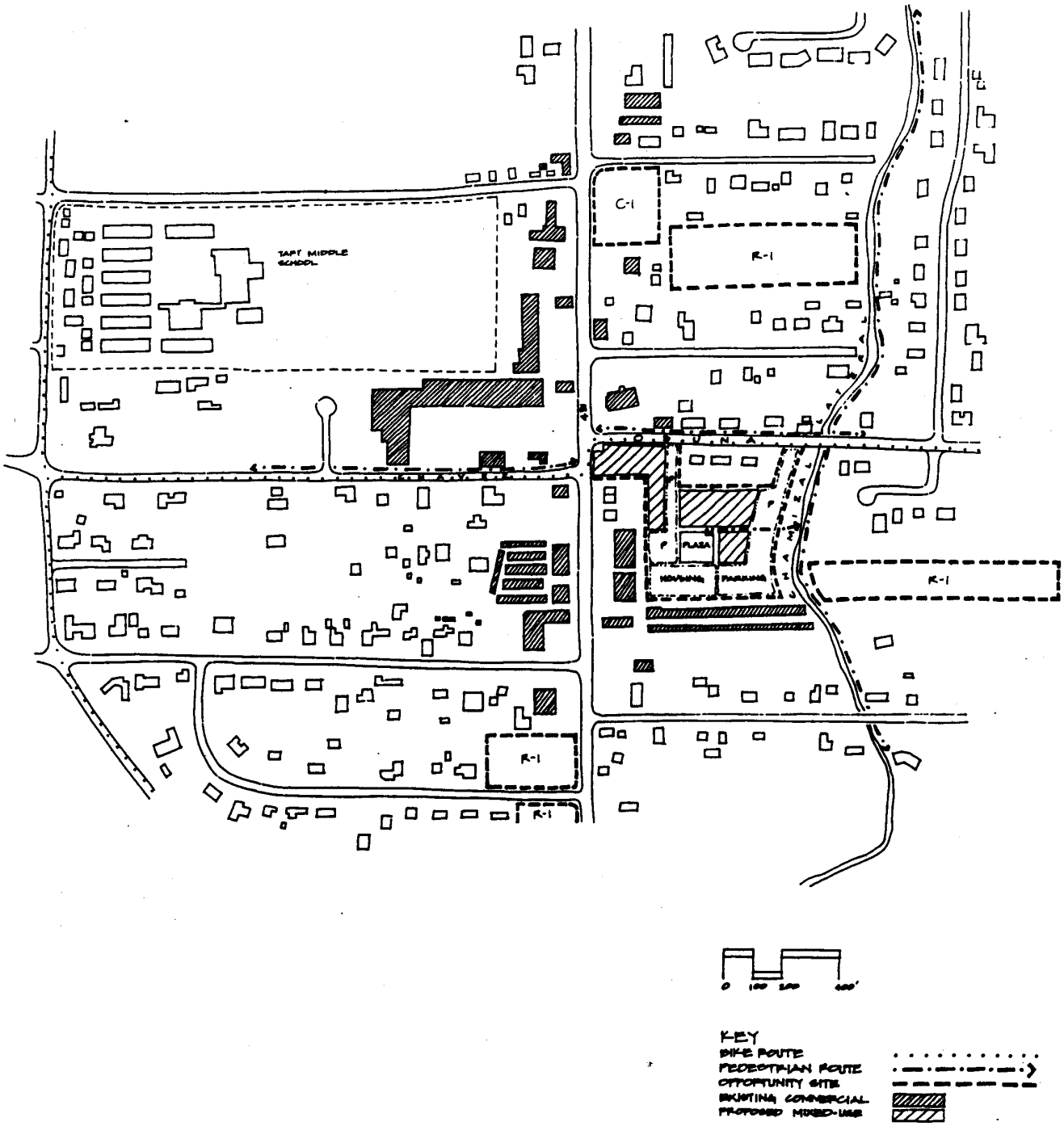
EXHIBIT 16



north July 1992. **HISTORICAL SETTLEMENT AREAS**

North Valley Area Plan

EXHIBIT 16



April 1993 4TH & OSUNA MAP

North Valley Area Plan

Village Center Principles can be incorporated into both public and private development

According to the Bozeman guidelines, stores over 10,000 square feet should provide usable outdoor space including landscaping, seating, and food vending. These measures also seek to bring pedestrians into the centers through placement of parking to the rear of centers at major intersections and use of raised walkway pavers or scored concrete in crosswalks.

Possible techniques for requiring or encouraging development according to Village Center Principles include use of design overlay zones which can be created under current provisions in both the City and County zoning ordinances (See Zoning and Land Use Section). Protection of historic features in village locations might be accomplished through use of an Urban Conservation or Historic Overlay Zone (not presently available in County areas). Other communities have created Rural Commercial Districts and Rural Conservation Commercial Zoning to prevent new large scale commercial development in village locations. These districts or zones include the concept of limiting the floor area ratio or total square footage of new commercial structures. One eastern community, for example, limited new commercial structures to 8,800 square feet.

Village Center Principles have been accepted in other communities and are ideas that once defined villages in the Rio Grande Valley. The experiences of other communities provides a testing ground through which officials can judge the appeal and effectiveness of similar measures applied locally. The responsibility for development of Village Centers should be shared by the City or County, the property and business owners, and surrounding residents who should also benefit from the development.

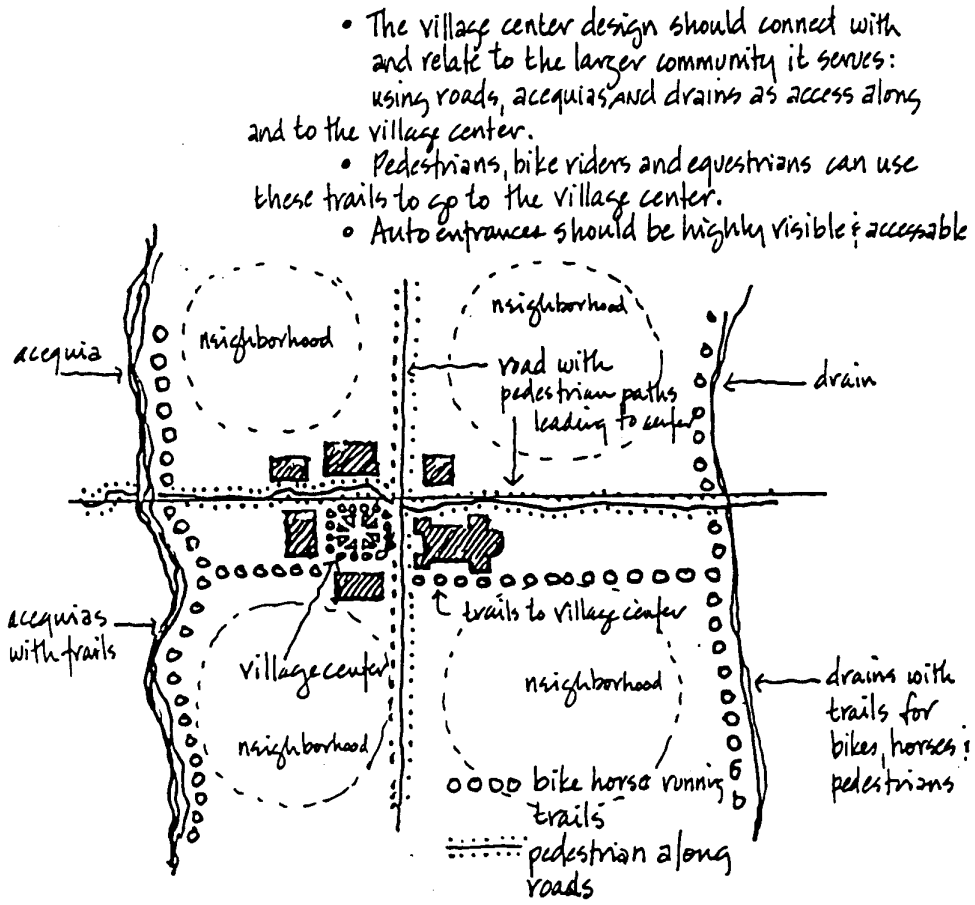
Village Center Principles can be incorporated into both public and private development and in new and redeveloped areas and structures. Attention to Village Center Principles in the scale and location of right-of-way improvements, for example, would be the public responsibility through the construction of any street or other public project. Conformance with Village Center principles regarding location of parking and landscaping, for example, would be the private sector's responsibility.

Transfer of development rights (TDR) to increase densities in Village Centers while achieving density reductions in rural areas is a specific technique suggested in the Comprehensive Plan that should be explored in addition to overlay zoning. The TDR process requires stability of existing zoning and a detailed system of "receiving" and "sending" areas for density transfers. For example, an owner with property in a rural area presently unserved by sanitary sewer and located in a "sending" area might sell development credits or rights to a developer for use in a receiving location appropriate for such density increases. There is no incentive for such a transfer if zone changes are regularly granted in potential rural "sending" areas. Present trends toward greater density throughout the plan area would have to be altered in order for a transfer scheme to be successful.

Another technique to encourage Village Center development is to target public investment to complement private development that meets Village Center Principles. Regular public improvements such as sewer construction, reconstruction, and associated street resurfacing and restriping can also be planned and designed to incorporate village features such as bike lanes, sidewalks or trails, and road crossings. Public buildings would also be located and designed consistent with Village Center Principles.

The Village Center form of development is more conducive to "community" by virtue of its scale and connection to the roots of the valley. It is, however, only a start toward community building. What makes a Village Center is a community life shared by residents in the village. Village Centers today would exist within the broader setting of standard development and context of today's society. The lifestyle changes and adaptations necessary for community or "village" building, if they are to occur at all, will evolve just as today's lifestyles evolved. The sense of community that typified previous decades, however, can be encouraged by limiting the isolating impacts of the automobile. In providing a degree of independence from the automobile, we increase our contact with the "place" and with the people who share it with us.

In providing a degree of independence from the automobile, we increase our contact with the "place" and with the people who share it with us.



Village Center Policies

1. The City and County shall encourage new development and redevelopment that incorporates Village Center Principles including: pedestrian attraction and accessibility, mixed use development, and valley scale and character.

   a. Evaluate proposed development and redevelopment projects using Village Center Principles and the following guidelines.

      i. Within 300 feet of intersections, building setbacks should not exceed 10 feet from the public right-of-way.

      ii. Within 100 feet of intersections, sidewalks should be unobstructed by curb cuts or driveways.

      iii. Main entrances should be visible to the pedestrian and directly accessible.

   b. Utilize the guidelines to test ideas and build support for the Village Center Principles prior to establishing new requirements.

   c. Target public investments which meet Village Center Principles including right-of-way improvements and public buildings.

2. The County and City shall explore techniques for implementing Village Center Principles including Transferable Development Rights, Design Overlay Zoning, and zoning ordinance amendments.

   a. Draft a map of possible receiving and sending areas for transferable development rights and use the effort to evaluate the TDR method of controlling density and to guide decision making under the present zoning laws.

   b. Undertake a rank three planning process to create Design Overlay Zones for one or several Village Center locations.

   c. Explore possible Zoning Ordinance amendments to create other zoning tools such as Rural Commercial Zoning to implement the principles including possible limits to floor area ratio or total square footage of new commercial structures.

Community Design and Development

9

If you want to know what fine feature is going to go next, look at the title of the newest development. It customarily is named for that which it will destroy.

William H. Whyte, City

Summary

The North Valley plan area is important to its residents and unique to the region because of the character of its neighborhoods and the diversity of business and employment opportunities provided by industries and commercial enterprises in the plan area. The physical, historic, social, and economic character of each plan subarea are described in the appendices . The features and context of this character may be defined as "community design", a term more inclusive than "urban design". This section will summarize elements of community design, including the arrangement and context of commercial and industrial development, signage and views, area history, and vegetation.

Commercial and Industrial Development

The automobile has played a big part in the region's development history for a relatively short time but has had a tremendous effect on the direction and shape of growth. The range of commercial development along streets like Fourth Street traces the influence of the auto on development styles. There are older commercial structures that front the sidewalk, strip commercial development with freestanding stores, and shopping centers.

The early "storefront" businesses that front the street or sidewalk are among the oldest commercial structures in the valley. These storefronts also offer the least expensive rents ($4.00 to $7.00 per square foot compared to large new "community centers" at $10.00 to $13.00 per square foot according to Coldwell Banker estimates.) The smaller interior space and limited parking availability make older commercial buildings less popular among national retailers. These spaces, however, provide for many small local

Small "storefronts" on Fourth Street define the commercial character of the valley.

businesses in the North Valley and their location relative to residential areas often makes them more accessible to local customers. The character of these buildings serves to define the character of the North Valley.

Strip commercial development is characterized by freestanding stores with large signs on shallow lots, each with separate access from a busy arterial. Fourth Street, south of Montaño Road, is a good example of a modern strip commercial area, although there are older storefront businesses along the street as well. Fast food franchises tend to favor this style of development.

Typical strip commercial provides few opportunities for comfortable pedestrian travel.

Shopping centers are also oriented to the motorist and can provide more parking and landscaping because of the larger site. Strip commercial development and shopping centers are common throughout the Southwest in regions that developed after the advent of the automobile. The automobile allowed retailers to capture a much wider market area which means bigger stores and more site space devoted to the automobile.

Vacant, or largely vacant, shopping centers can be found throughout the plan area—at Twelfth Street and I-40, Griegos Road and Fourth Street, and Ranchitos Road and Fourth Street. Despite the space available and the larger size relative to the storefronts, there appears to be little market for some spaces in older shopping centers. This is due in part to the even larger retail square footage sought and built by large grocery chains. These stores now provide a variety of services and need approximately 40,000-60,000 square feet—far larger than most available vacant retail space in the valley.

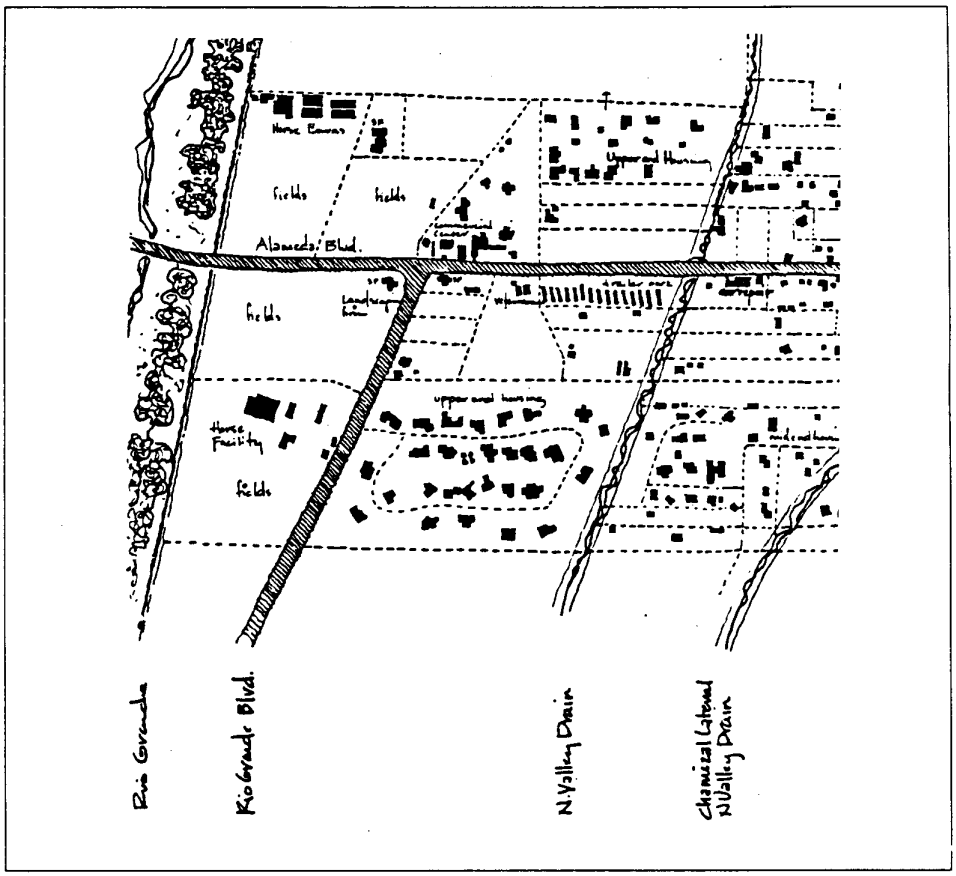
Because of the orientation of most commercial properties to the motoring public, the availability of parking is a major component of location decisions for retails space. Service uses are required by the City Zoning Code to provide one space per 200 square feet of net leaseable area. Buildings built before 1965 must supply parking to the extent that ground space is available. The older portions of Fourth Street now have an apparent lack of parking relative to the newer growth. While the City Zoning Ordinance may not require provision of parking, most retailers desire convenient automobile access and parking.

Commercial development in the North Valley is not easily accessible to all segments of the population.

Despite the parking available in most shopping centers and strip commercial development, commercial development in the North Valley is not easily accessible to all segments of the population. The handicapped, the elderly, the young, and others who don't drive find that access to and through the commercial areas of the North Valley is generally difficult and unpleasant. Stores and public streets are oriented to the motorist and not to the pedestrian. Even residents within a quarter-mile of a shopping location may find it easier to drive than to walk. This places additional and unnecessary traffic on residential and arterial streets.

Strip commercial on Fourth Street, south of Montaño Road.

This portion of Alameda has come under pressure for additional commercial development despite present zoning and Comprehesive Plan policy to the contrary.



Vacant land on streets with visibility and access to major arterials such as Alameda Boulevard is considered prime commercial property. This perceived value has tended to outweigh the value of this land for its previous use, usually agriculture or residential. Rural character, defined in part by visual access to large parcels, is lost with standard stand-alone or strip commercial uses. There are opportunities to limit this trend. Maintaining the existing zoning of the properties abutting arterials is one method. Providing more attractive and popular commercial development locations is another.

Old Albuquerque Indian School Site

The 44 acre site of the old Albuquerque Indian School is now unused and almost cleared of structures. There are preliminary plans to develop the property into a large scale "Urban Center"-type development. This development will have impacts on adjacent and nearby commercial and residential land uses. The extent of this development and its impacts may warrant detailed planning for land uses, streetscape improvements, and transportation in the vicinity of that site. Sucy planning may take place within the recommended Mid-North Valley Area planning process or through subsequent plans.

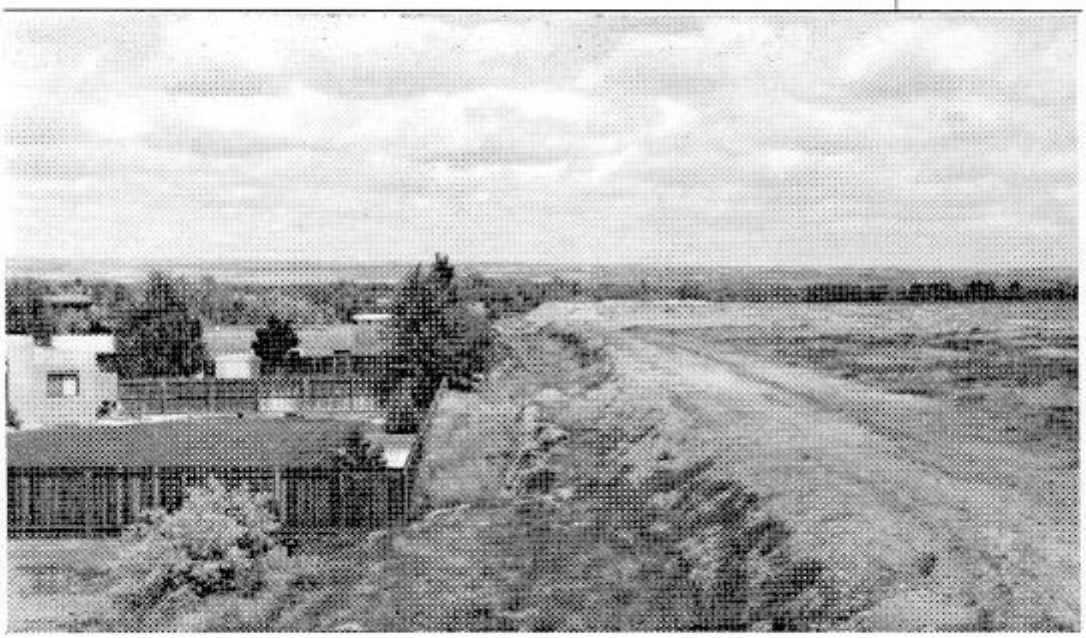
Village Centers

The valley has many sites of villages that once contained the focal structures of the North Valley community. These groupings of social, cultural, religious, and commercial activities were a part of community life. Today's commercial establishments tend to be much larger and oriented to the motoring public. A sense of community can be re-introduced and fostered through design that incorporates a greater variety of uses, accessibility and local community identity. This Village Center form of development is recommended as an alternative to new strip commercial growth.

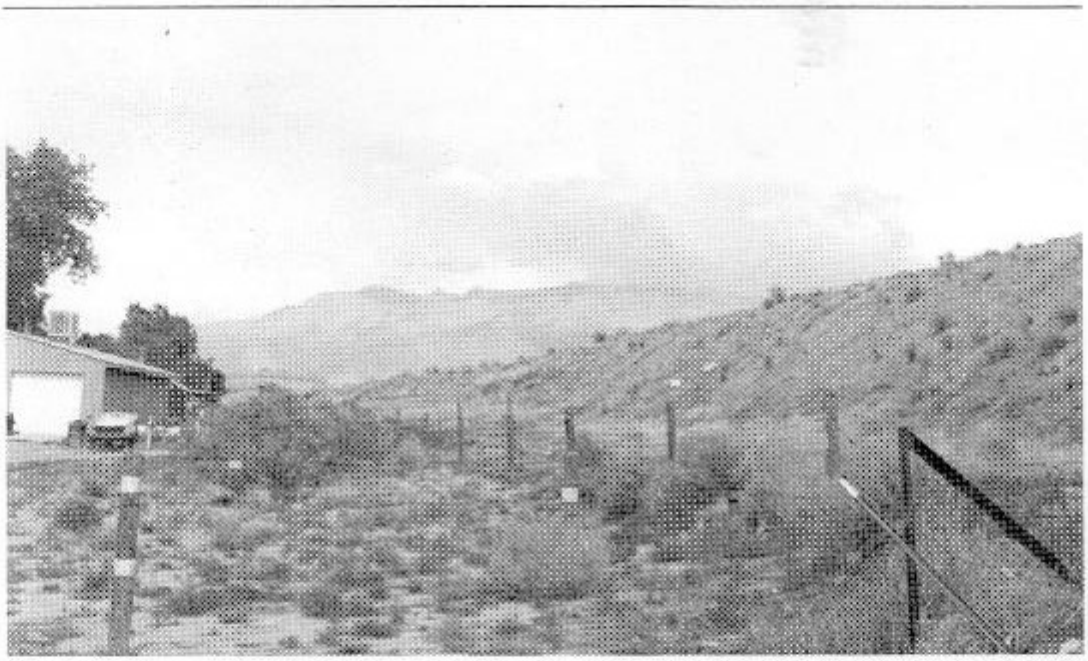
The Mesa Edge

Much of the vacant land available for manufacturing use in the plan area is directly adjacent to residential areas in a continuous 6.43 mile long strip that forms the border between the North I-25 and Edith Subareas. The edge is a significant feature that separates large tracts of land zoned by the City for manufacturing from agricultural and residential uses within the County's jurisdiction on the valley floor. This is especially evident north of Montaño Road where housing to the east of Edith Boulevard is the predominant land use (See Edith Corridor Subarea description). Even where gravel extraction has altered and reduced the topography, the edge between these uses and tracts of land is visible.

Much of the vacant land available for manufacturing use in the plan area is directly adjacent to residential areas



The mesa edge in the Las Colinas area.



The mesa edge below Paseo del Norte.

The impact of these mesa uses on valley residences can and has been severe.

Depending on the placement of buildings, parking lots, and other development, the impact of these mesa uses on valley residences can and has been severe. Impacts include, most notably, the appearance of large structures and associated lighting and fencing from the valley floor. As the now vacant industrially zoned lands on the mesa top develop, the edge will expose residential neighborhoods to the physical and psychological impacts of the industries above them.

Standard setback and landscaping provisions of the City Zoning Ordinance do not address the fact that the land along this edge is within differing jurisdictions. In addition, the buffer requirements for manufacturing uses apply where those uses abut residential zoning, not just residential uses. The City Zoning Administrator does not have access to or authority over what is zoned within the County. Thus, the City may only require buffering next to land zoned by the City for residential use. Even where these provisions apply, the elevation difference of the mesa edge may make such requirements inadequate from a visual impact standpoint.

The 1986 North I-25 Sector Development Plan includes the area north of Paseo del Norte and east of Edith Boulevard. The plan recommends that treatment of storm water runoff from watersheds impacting Edith Boulevard should reflect the rural nature of the area and that noise, traffic and visual conflicts between residential and nonresidential uses should be reduced through screening and landscaping. The landscaping standards in the sector plan do not specifically address the mesa edge but do call for landscaping strips on rear and side yard areas of all new development including ten foot

wide landscaped setback areas adjacent to arterials and collectors. Lighting and "light pollution" controls and additional setbacks or height limits for new buildings along the mesa edge are not addressed.

South of Paseo del Norte residential development is directly adjacent to mesa edge industrial properties. Along this edge, additional landscaping, setback, height, lighting, and access requirements could be addressed through creation of a Design Overlay Zone, discussed elsewhere in this plan, or through the site planning process. An amendment to the City Zoning Code to require that manufacturing uses be buffered where they are next to dwellings regardless of jurisdiction and zoning should also be undertaken.

Another mesa edge issue addressed in the Transportation Section of this plan is that of vehicular and rail access to industrial properties from the west. Both rail and vehicular access through residential neighborhoods is a factor in residential stability. Where the mesa edge is punctured by streets and rail lines, the potential impacts from manufacturing uses on housing are amplified. Requiring access from the east will limit these impacts.

Views, Lighting, and Signage

The views of and from valley areas are distinctive and help to create a sense of place that residents treasure. The Comprehensive Plan Developed Landscape Goal is to maintain and improve the quality of the natural and developed landscape. Policy C.8.a. states that the natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions. From outside the valley, the view toward the river is obstructed in some locations by signage. Excellent examples of these views are found along Tramway/Roy Road westward at the Sandia Bingo entrance and Paseo del Norte at approximately Jefferson Street.

New billboards or "off-premise signs" on new roads has alarmed and dismayed some valley residents. The opening of Paseo del Norte was accompanied by construction of large billboards, as was Alameda Boulevard. New billboard construction can be limited by limiting new zone changes, amending the zoning ordinance, and through use of Design Overlay Zoning. The most straight forward and powerful tool for restricting new billboards is retention of existing zoning. This method requires no new administrative process, no additional public funds, and is consistent with Comprehensive Plan goals and policies and policies of this plan. The present County Zoning Ordinance provisions for billboards are generally less restrictive than the City's and some other communities. The County Ordinance now allows off-premise signs up to 400 sq. ft. in the C-1, Neighborhood Commercial Zone. In the City, off-premise signs in the C-1 zone are limited to 72 sq. ft. All other non-residential zones allow billboards as well.

Entrances to the North Valley from the east and west could be recognized and specifically marked by signs in order to enhance area identity.

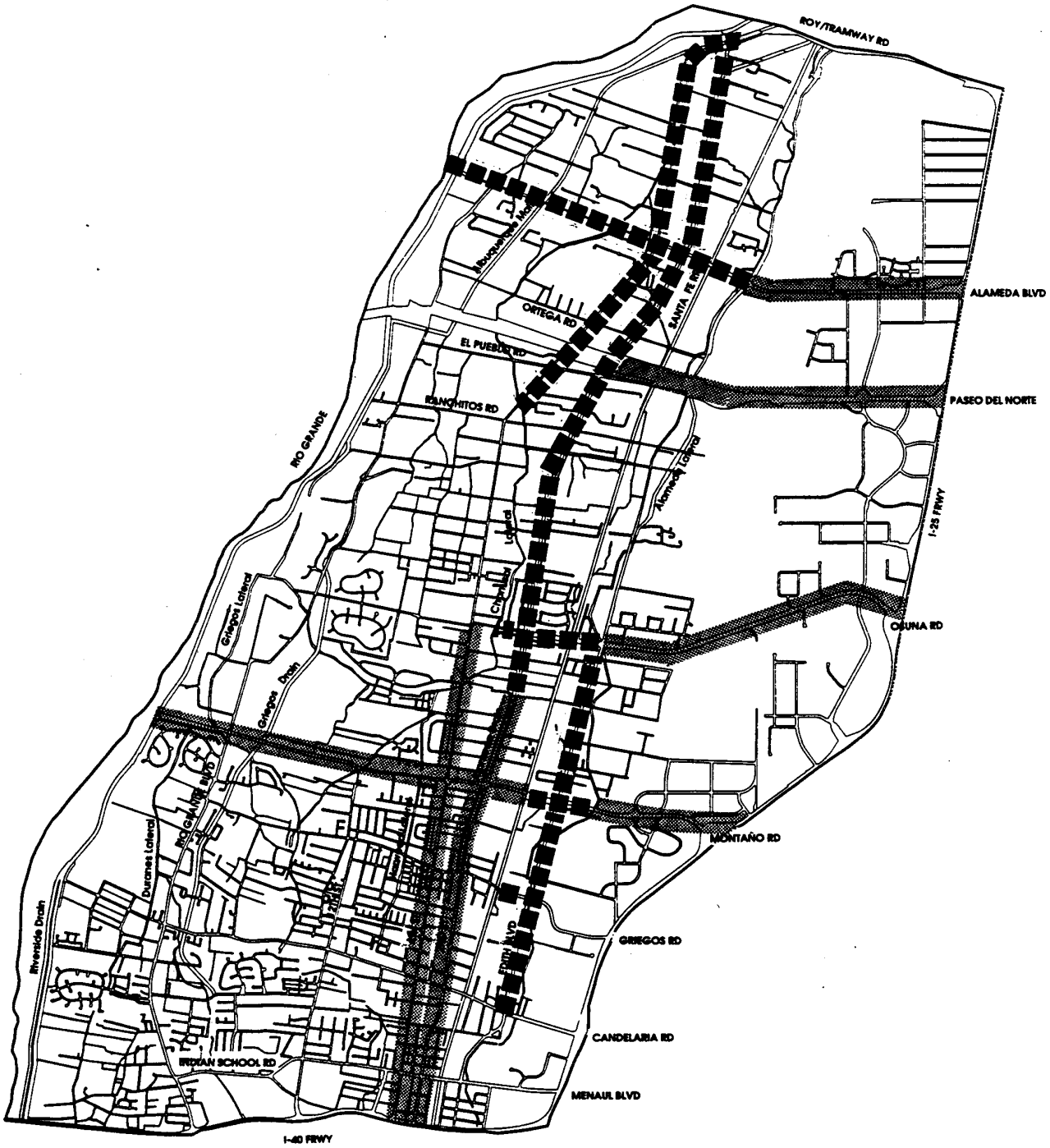
In the County portion of the plan area there are approximately 46 existing off- premise signs and 23 additional potential locations. Pony Panel signs (about 72 sq.ft.) account for 29 of these billboards. There are 17 existing Donrey and Gaechter signs (about 300 sq. ft.). Almost 1/2 of the potential sites for new signs are along Edith Boulevard.

In the City portion of the plan area we are unable to accurately estimate future potential locations. There are a total of 51 existing off-premise signs along Paseo del Norte, Montaño Road, Second Street, and Fourth Street. Eight of these signs are 672 sq. ft. and all but one are located on Paseo del Norte. Twenty-four of the signs are 300 sq. ft. and most of these are located on Fourth and Second Streets. There are 19 existing signs that are 72 sq. ft.

This billboard is located on Alameda Boulevard, just west of Second Street, on a parcel zoned for County C-1 uses. It is approximately 250 square feet.

Street lighting and other types of night lighting are a concern of Valley residents. Bright lighting associated with security in parking lots of commercial uses is an intrusion in residential areas. Large scale street lighting associated with arterials like Second Street can also impact adjacent residences. Rural standards for lighting might serve to limit these impacts by reducing the number, frequency, placement, size, or wattage of lights.

Entrances to the North Valley from the east and west could be recognized and specifically marked by signs in order to enhance area identity. The historic marker for Alameda, located at the junction of Second and Fourth Street, is a good example of signage that helps the traveler identify special places. Small "welcome" signs sponsored by neighborhood associations and the City and County can also help increase community pride and identity. Appropriate entrance locations might include the



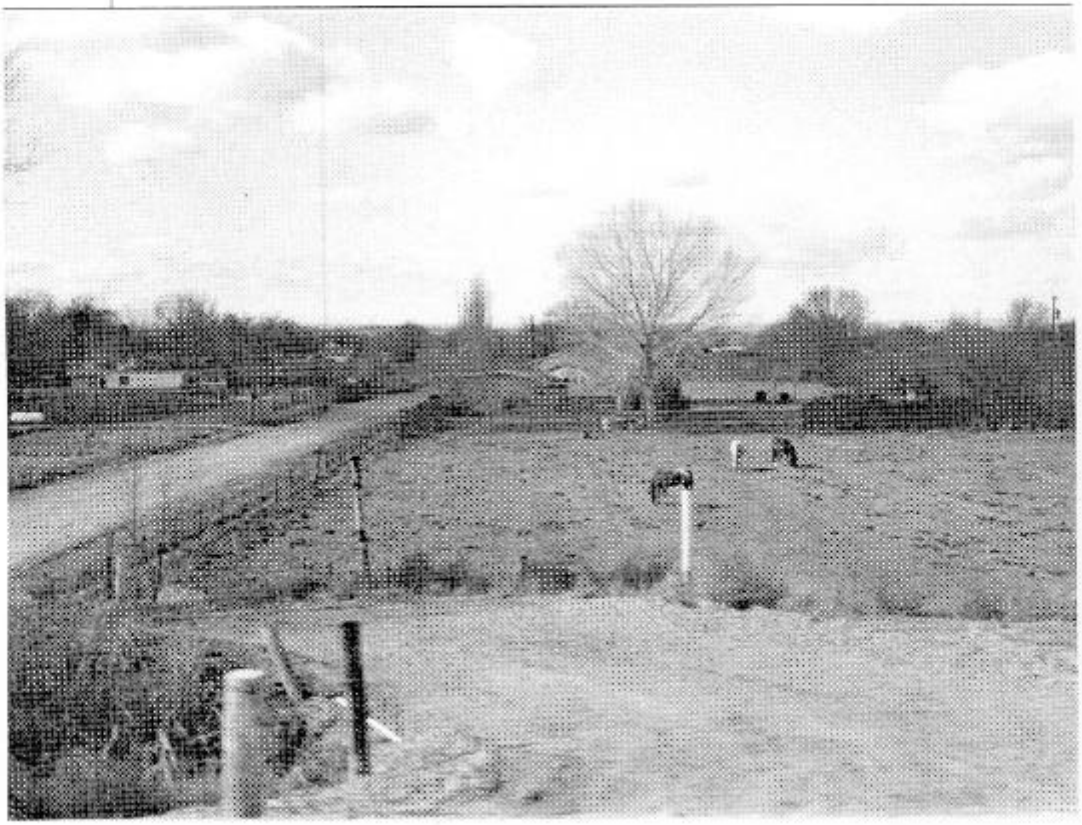
County Roadways where Off Premise Signs were counted

City Roadways where Off Premise Signs were counted

north January 1993 **OFF PREMISE SIGNS**

North Valley Area Plan

westside bridge approaches, the Alameda entrance at the Second and Fourth Street junction, and the mesa edge (Edith Boulevard) at Alameda Boulevard and Paseo del Norte. It is especially important that these entrance locations not be the subject locations for commercial billboards. The northern entrance to the City at I-25 and Tramway might also be an appropriate location for non-commercial signage that welcomes southbound travelers to the metropolitan area.



View west from Edith Boulevard just south of Alameda.

Rural and Semi-Urban Standards

Standard housing subdivision and development patterns in both the City and County portions of valley areas tend to obliterate features associated with valley history. Rural character areas were defined by a group of valley residents as lands having a mixed pattern of lot sizes and shapes and housing types, sizes and styles reflecting older settlement patterns and agricultural activities, agricultural uses, less infrastructure than is associated with urban development, and/or low density or appearance of low density because of public and private open space, vacant land, and varied setbacks. These features are seldom replicated in new development.

Standard housing subdivision and development patterns in both the City and County portions of valley areas tend to obliterate features associated with valley history.

The present standards for infrastructure such as streets, curbs, gutters and sidewalks do not differ for valley areas. Recent amendments to the City Development Process Manual allow narrower street widths under certain conditions but these standards have not been adopted by the County. Altering sidewalk requirements to allow soft-surfaced (such as crusher-fines) trails instead of concrete walks would also ensure that new development was more compatible with existing character in both City and County portions of the plan area.

In the absence of altered standards, a developer who seeks to retain area character through reduced infrastructure requirements must do so under variance procedures or through use of a Special Use Permit for Planned Development Area. Public projects also follow urban standards unless provision is made for rural standards.

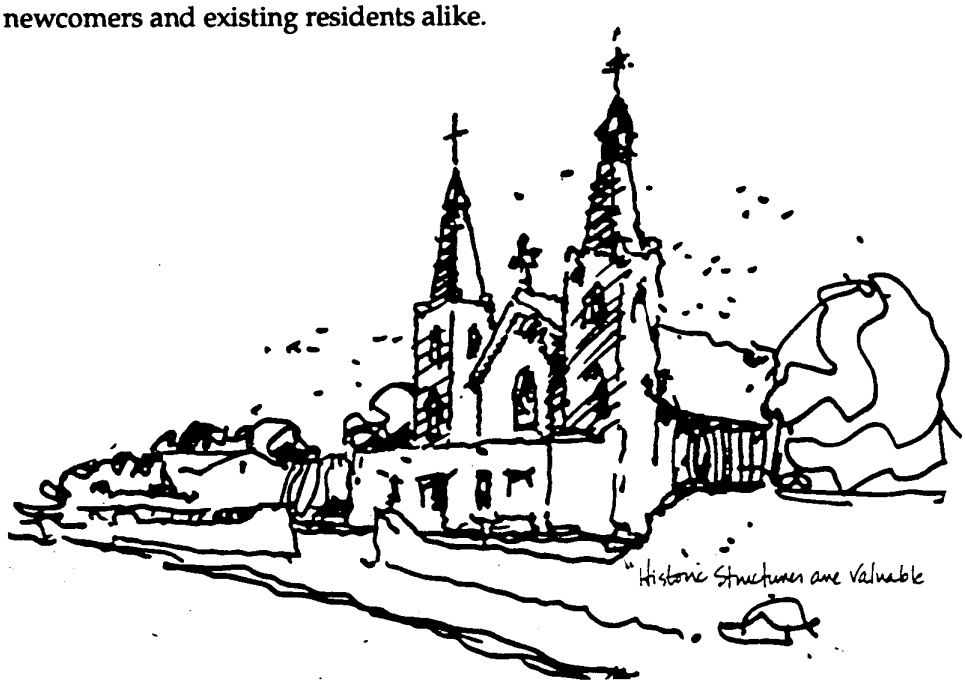
The appropriate locations for applying different development standards may be logically tied to Comprehensive Plan areas. In particular, the Rural and Semi-Urban area policies call for retention of the existing character and identity in these locations. Many areas identified as having rural character features lie outside of these Comprehensive Plan areas in either the Established or Developing Urban area. Suggested amendments to the Comprehensive Plan boundaries to more closely match area character are recommended in the Land Use and Zoning Chapter. Citizens also expressed an interest in amending the name of the Semi-Urban area to "Semi-Rural" as a way to reflect the character of these areas.

Clustered or Common Interest Housing

"Cluster" or "common interest" housing is a method of site design for residential development that allows homes to be grouped more closely in order to retain larger amounts of contiguous open space in common ownership. This can be a method of preserving rural character and retaining visual access to open space while accommodating new residential development that meets or exceeds the number of units allowed under standard zoning. Like Village Centers, clustering requires more careful attention to design and setting than standard development forms. For more information see Housing Chapter.

Valley History and Prehistory

The Rio Grande Valley has played a critical role in the growth of the entire region. The Rio Grande is a major river valley that has supported farming and human habitation from prehistoric times. Remnants of the Pueblo culture can be found beneath the soil throughout the plan area. Historic structures and farms from later eras are concentrated in valley areas where water for irrigation was available. The land, irrigation ditches, and remnants of older settlements are unique. The character of the valley, defined in part by these features, is what makes the valley attractive to newcomers and existing residents alike.



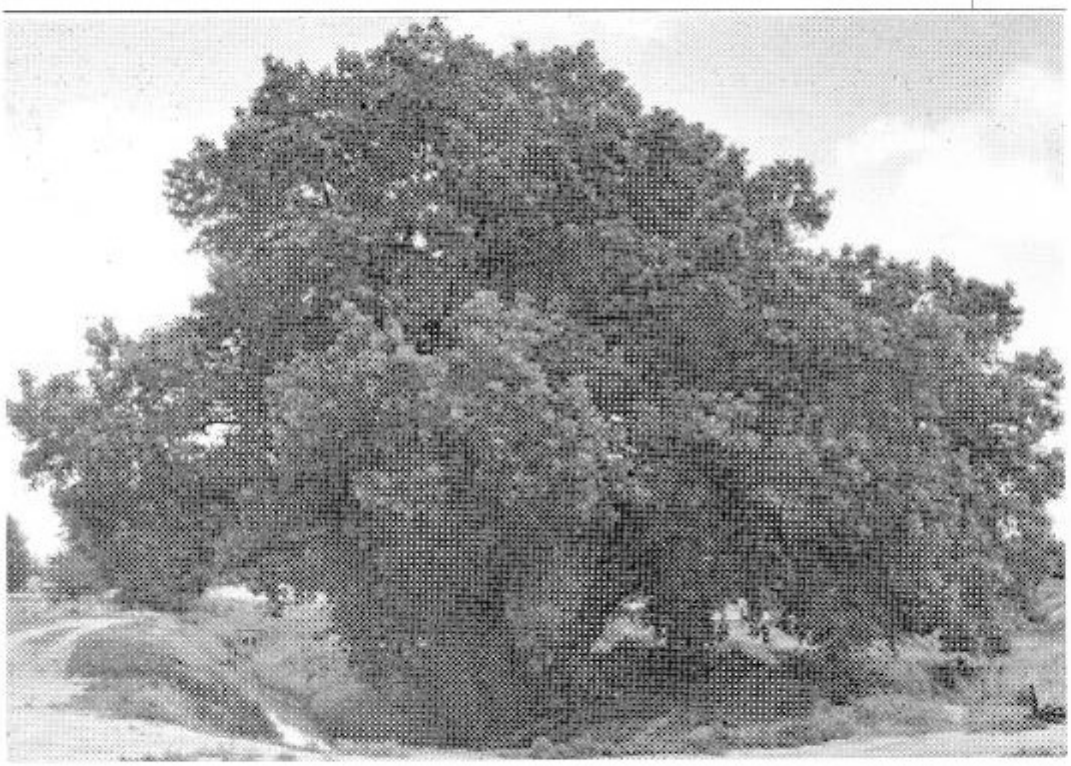
The Nativity of the Blessed Virgin Mary on Alameda Boulevard and Fourth Street was completed in 1912. It replaced an older church that was lost in the flood of 1905.

There are presently no ordinances or regulations that serve to protect either historic or prehistoric features on private valley lands in the County. Only in the case of state or federally funded projects are historic and prehistoric features required to be identified and the potential adverse impacts "mitigated" prior to construction. Without such protection, resources such as pueblo sites and historic buildings will remain only where valley residents and investors recognize and appreciate them. Such features can be the focus of community pride and investment where new development is designed to treat this physical history as a priceless asset.

Tree Protection

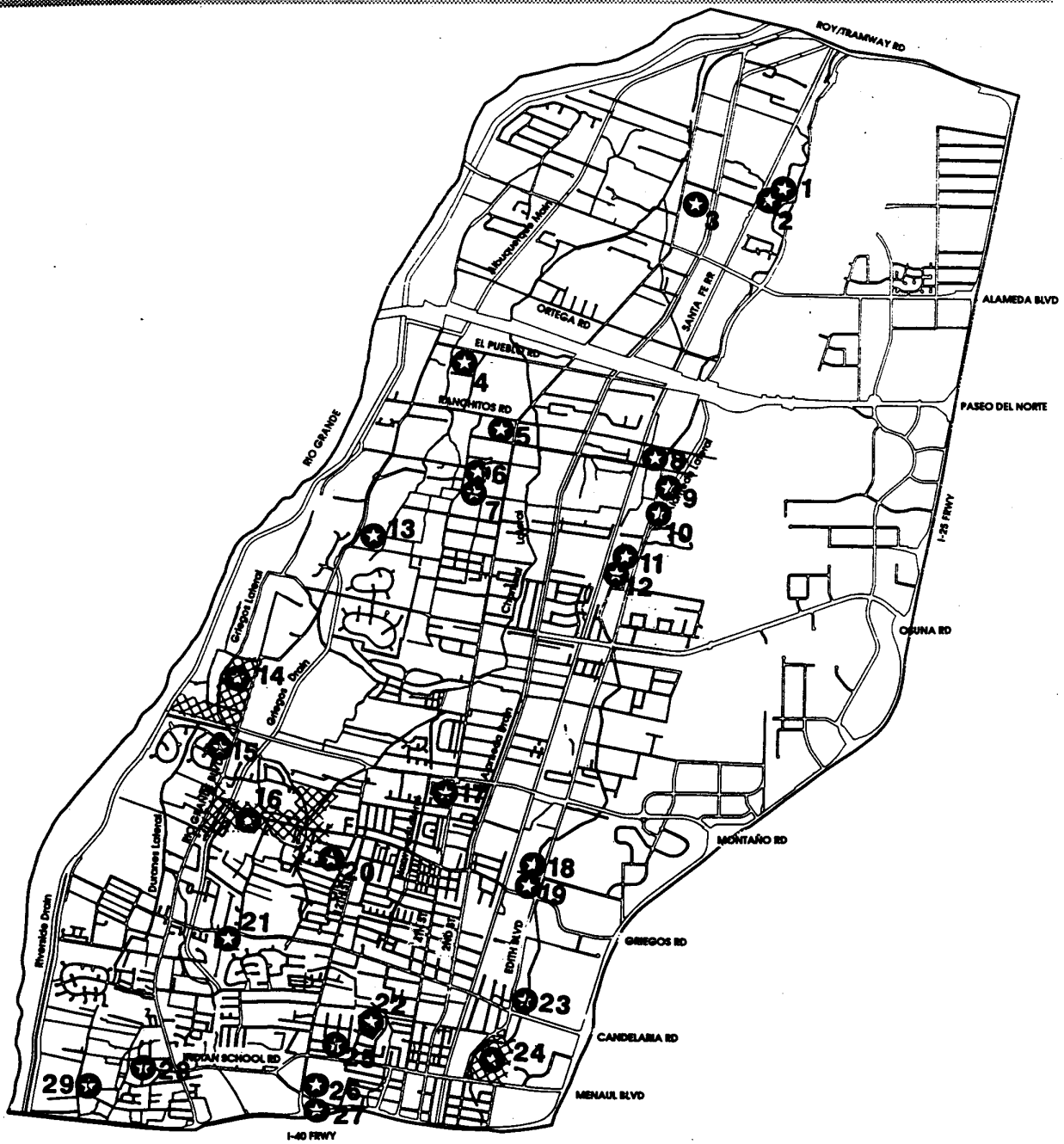
The valley is home to the Rio Grande or Valley cottonwood. This tree is much loved by most residents, although the cotton in early summer can be a nuisance and the female trees were once subject of an ordinance that called for their pruning or removal. Cottonwoods are found throughout the valley and especially along the river and irrigation ditches. The cottonwood is tied to the history of the region as evident in the number and variety of place names that refer to the tree.

The cottonwood is tied to the history of the region as evident in the number and variety of place names that refer to the tree.



Rio Grande cottonwood on the Alameda Lateral east of Edith Boulevard.

EXHIBIT 16



1. Rumaldo Chavez House, 10023 Edith Blvd. NE.
2. Domingo Tafoya House, 10021 Edith Blvd. NE
3. Francisco Lucero y Montoya House, 9742 Fourth St. NW
4. Kromer House, 1024 El Pueblo Rd. NW
5. Juan Chavez House, 7809 Fourth St. NW
6. Adrian Barela House, 7618 Guadalupe Trail NW
7. Refugio Gomez House, 7604 Guadalupe Trail NW
8. Our Lady of Mt. Carmel Church, Edith and Ranchos Rds. NE
9. Juan Antonio Garcia House, 7442 Edith NE
10. Felipe Romero House, 7522 Edith, NE
11. Barela de Bledsoe House, 7017 Edith NE
12. Tomasa Griego de Garcia House, 6939 Edith NE
13. Robert Nordhaus House, 6900 Rio Grande, Blvd. NW
14. Los Poblanos Historic District, west side Rio Grande Blvd., Montano to Rio Grande
15. Robert Dietz Farmhouse, 4117 Rio Grande Blvd. NW
16. Los Griegos Historic District , vicinity-Griegos Rd. Rio Grande Blvd., Guadalupe Trail
17. Samuel Shalit House, 5209 Fourth St. NW
18. Juan Cristobal Armijo "New Homestead", 207 Griegos Rd. NE
19. Juan de Dios Chavez House, 205 Griegos Rd. NE
20. Charles Grande House, 4317 Grande NW
21. San Antonio (Los Candelarias) Chapel , 1934 Candelaria Rd. NW
22. Los Tomases Chapel (Santa Cruz Chapel). 3103 1/2 Los Tomases NW
23. * Charles Zeiger House, 3200 Edith Blvd. NE
24. Menaul School Historic District, Broadway and Manaul NE
25. Creighton Foraker Farmhouse, 905 Menaul NW
26.27. Buildings 232, 233, Albuquerque Indian School
28. Los Duranes Chapel, Indian School Rd, NW
29. Gavino Anaya House, 2939 Duranes Rd. NW

* Demolished in 1992

March 1992

STRUCTURES ON STATE AND NATIONAL HISTORIC REGISTERS

North Valley Area Plan

There have been efforts in the past to save or replace trees or stands of trees in the valley but these have been piecemeal and related only to public projects such as roadway improvements. Individual property owners can choose, out of ignorance or intention, to destroy trees in the course of development. In some cases, careful site planning could have saved trees. Nurseries value young replacement trees at about $250.00. Mature cottonwoods are almost invaluable in place. (Baker Morrow, January 1992)

Mature cottonwoods are almost invaluable in place.

Ordinances in the City and County could be enacted to require saving cottonwoods through site design. In addition, measures can be taken to protect the trees from root compaction. Where trees are located in parking lots or next to roadways, steel reinforced concrete with patterned voids filled with gravel will protect roots while allowing water to reach the ground. At a minimum, permeable parking lot surfaces like gravel or crusher fines should be considered preferable to asphalt where trees are located.

Parks

The North Valley has several developed parks in both the City and County portions of the plan area. (See Existing Conditions Report). The County has a park dedication ordinance, similar to the City's, which required developers of new housing to provide for parks in County areas in the form of land or money. A portion of this requirement could be met through open space preserved through cluster development. The present wording of this ordinance does not make such provision. The land so preserved would not be held in County ownership, however, visually accessible land preserved undeveloped in perpetuity should count for at least a portion of the open space required of a developer of standard subdivisions.

The Albuquerque/Bernalillo County Comprehensive Plan states that land adjacent to the river should be protected by assuring compatible land uses. The plan calls for acquiring adjacent lands suitable for recreation uses and providing links to the river and bosque. The North Valley Area Plan Goals and Issues document also includes goals of incorporating the Rio Grande and its bosque into the planning process to protect the natural qualities of the river corridor while providing low impact recreational opportunities. Land along the bosque could be managed through several methods. The most straightforward management method is through existing zoning which in most cases is for low density residential uses. Retaining this zoning and encouraging or requiring clustering and retention of open land in the control of homeowners associations could allow for the protection of vegetation and associated wildlife habitat as well as low impact recreational uses. Lands adjacent to the river might also be acquired and retained in public ownership for a variety of low impact purposes, i.e., uses that generate little noise or traffic.

Community Design Policies

1. The City and County shall recognize and maintain the land use pattern along the mesa edge which separates non-residential uses in the North I-25 Subarea from residential uses in the Edith Subarea.

   a. Limit access to newly granted industrial zoned properties from the Edith Subarea.

   b. Ensure adequate setbacks, height limits, lighting controls, buffer landscaping and other measures necessary to limit potential impacts of development in the North I-25 Subarea.

   c. Consider North Valley Character and potential neighborhood impacts in new development within the North I-25 Subarea.

2. The City and County shall adopt additional signage restrictions through design overlay zoning for Village Centers and arterials including Alameda Boulevard, Second Street, Edith Boulevard, and Montaño Road.

3. The City and County, in coordination with interested neighborhood and business associations, shall work to encourage recognition of the North Valley as a unique regional resource.

   a. Consider "welcome" signage at appropriate entrance locations to the North Valley.

   b. Consider North Valley character and potential neighborhood impacts in new development within the North I-25 subarea.

4. The County and City shall encourage rural standards for development especially within the Semi-Urban and Rural Comprehensive Plan areas of the North Valley.

   a. Amend the City and County Subdivision Ordinances and Development Process Manual to:

      i. Allow retention of existing street widths in appropriate locations.

      ii. Allow reduced standard street widths in new development.

      iii. Allow construction of soft-surface trails instead of sidewalks.

      iv. Encourage retention of access to ditches for irrigation and recreation consistent with the Acequia Multiple Use Study.

v. Encourage a variety of lot sizes and housing types in new development.

vi. Encourage limitations on exterior lighting, including streetlights.

5. The County shall develop a process requiring survey and mitigation of archaeological sites before development is initiated.

   a. Create a County landmarks commission to designate and protect historic and prehistoric features.

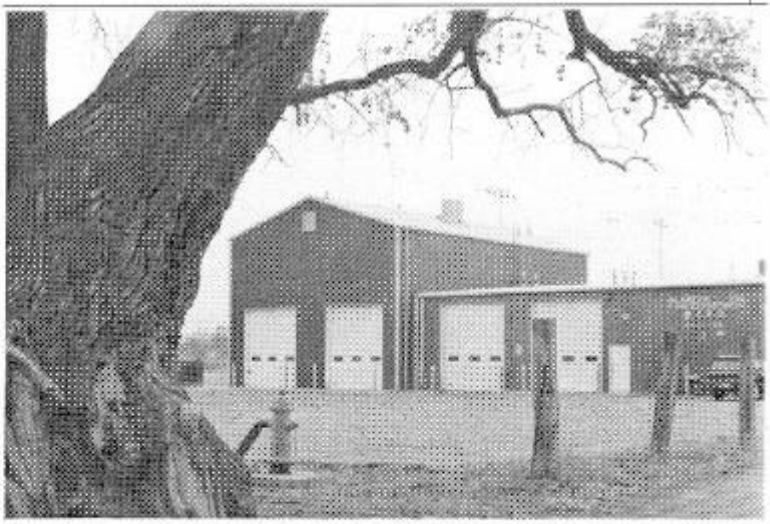
6. The County and City shall protect cottonwoods through site design, relocation, and surfacing to limit compaction and allow water infiltration.

   a. Develop and adopt a tree protection ordinance in the City and County which requires protection of existing cottonwood trees.

7. Some portion of the park dedication requirements in the North Valley may be met through on-site open space retained through cluster development in perpetuity.

8. The County and City shall protect open land adjacent to the bosque through promotion and application of cluster principles, design overlay zoning, and/or acquisition.

9. The City shall undertake a coordinated planning process with the All Indian Pueblo Council and neighborhood representatives for streetscape improvements, land uses, and transportation in the vicinity of the old Albuquerque Indian School site.



A cottonwood on the Alameda Drain in front of the Alameda Volunteer Fire Department Station on North Second Street.

Agricultural and Rural Character

10

One might say that the Valley of the Rio Grande is New Mexico, just as that of the Nile is Egypt.

John Hanson Beable, The Underdeveloped West

The valley's history and physical form is tied to agriculture.

Summary

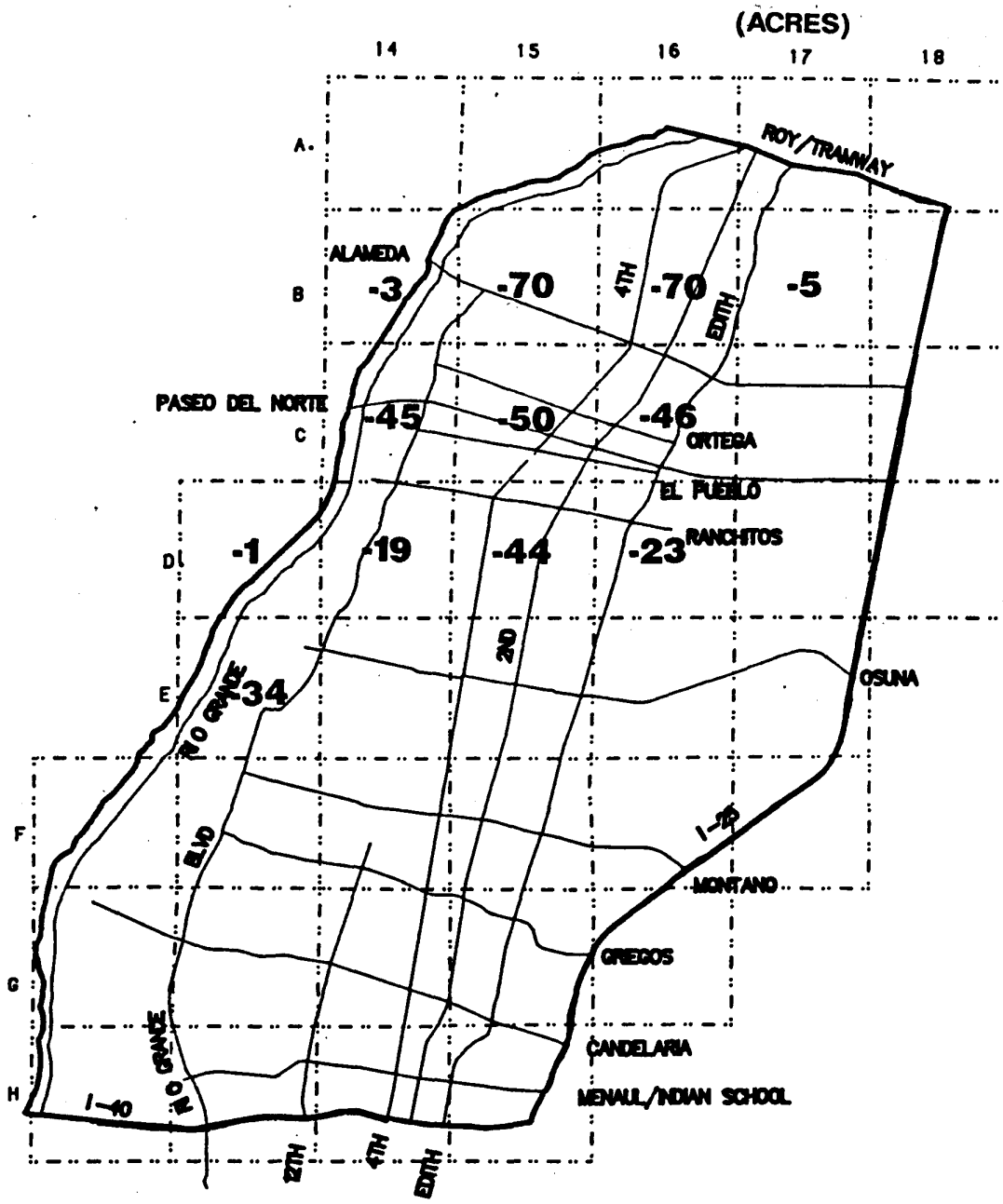
In the semi-arid climate of the Southwest, the Rio Grande Valley's water supply and arable soils are precious resources for agriculture. The earliest settlers farmed the valley. Later, Spanish settlers farmed and grazed sheep on the mesa lands. By 1850, farming communities throughout the Rio Grande Valley were fairly well established. Cattle raising flourished in later years with the coming of the railroad which provided access to beef markets. Until the 1940's, the valley was promoted nationally as a rich agricultural resource for the family farm. The resource potential has not changed, but the economy and the subsequent use of the land has. These changes have caused the decline in agricultural activity in Bernalillo County and elsewhere. The valley's history and physical form is tied to agriculture. The visible reminders of this history give the valley "rural character".

Agricultural Land

Agriculture was at its peak in the central Rio Grande region in 1880 when 124,800 acres were farmed within the multi-county area later included in the Middle Rio Grande Conservancy District. By 1925, this figure had dropped to 40,000 acres. The Conservancy District's drainage improvements in the valley after that time and the region's overall growth encouraged urban development in the previously water-logged valley bottom. There was a temporary rise in cultivated acreage in the years following the District's improvements, but the trend toward urban growth of the flat valley lands was established soon after.

The small narrow parcels of the valley did not lend themselves to large-scale agriculture.

The decline in the importance of the small family farm, nationally, was mirrored in the Rio Grande Valley. The agricultural technology government policies promoted after World War II favored the farmer who was able to take advantage of economies of scale. The small narrow parcels of the valley did not lend themselves to large scale agriculture. Combined with the expanding network of food distribution, these changes reduced the importance of locally grown food to the region.



NET LOSS OF AGRICULTURAL LAND 1976 - 1989

January 1993

North Valley Area Plan

The agricultural history of the valley is visible in the "lineas" subdivision pattern of parcels divided into long narrow lots to retain access to irrigation water from ditches. The valley's long and diverse settlement history is still evident in this complex pattern of parcels. Unlike some other metropolitan area's growing edges that are more like blank slates, these patterns create a unique network of fields, canals and older homes. This network is often obliterated with new subdivisions and construction. In most areas, the long narrow lineas have been subdivided width-wise creating dead end streets with homes on one side and a fence line on the other. In many subdivisions, ditch irrigation has been discontinued in favor of using well or City water for gardens and landscaping.

Field and aerial research conducted by University of New Mexico planning students in 1976 identified approximately 1,491 acres in the North Valley in agricultural use. An update using 1989 aerial photographs identified approximately 410 acres of this land had been developed leaving about 1,081 acres in agricultural use—not including small home gardens on acre or smaller parcels. The largest loss was in the Alameda area where 236 acres were developed. These counts do not include lands which have production potential but are not currently farmed.

Ditches - The Irrigation Network

Surface irrigation, provided through the ditch system, is a critical component of agriculture in the Southwest and in the Rio Grande Valley. Where this source is not available, crops or gardens must be irrigated with private well water or metered water from the City of Albuquerque. Portions of the ditch system have been abandoned because of the decline in use of this water source. Where surface irrigation is lost, agricultural activity, especially pastures and associated livestock activity, declines.

Where surface irrigation is lost, agricultural activity, especially pastures and associated livestock activity, declines.

A ditch system, maintained by each community, had been established by the turn of the century and in 1928 was placed under formal jurisdiction of the Middle Rio Grande Conservancy District. The District was formed to raise revenue and provide management authority over control and distribution of water.

Historically and presently, most of the water used in Bernalillo County for agriculture is surface water. In 1980, 63,010 acre-feet of surface water was used for irrigation and only 3,870 acre-feet of groundwater. Water for urban uses in Bernalillo County in 1980 came solely from groundwater; 108,427 acre-feet ("Water Use By Categories," 1980, USGS). Total surface water use in 1980 was 63,879 acre-feet. Total groundwater withdrawal was 127,114 acre-feet.

The cost to the public of recreating this (ditch) network would be prohibitive.

The Middle Rio Grande Conservancy District plays a critical role in the history and future of agriculture in the region. The District stretches from Cochiti Pueblo to Bosque del Apache. El Vado storage reservoir was constructed in 1935 and was non-federally funded. It holds 186,000 acre feet of water and captures surplus flows from the Rio Chama during the spring and then releases them for use by District irrigators.

Where irrigation is no longer necessary, the ditches are now frequently abandoned by the District as a way to reduce maintenance costs. The ditches are usually either owned by the District, in which case the land is sold, or in easement from adjacent property.

A survey conducted by the Village of Los Ranchos in June 1991 found that 83.8% of those surveyed believed that preservation of the ditch system was important to maintaining the quality of life in the valley. These interested valley residents have tremendous potential to recapture and expand use of the canals and drainage channels for open space and irrigation purposes.

The Merritt Wasteway runs east/west from the Chamisal Lateral to the Alameda Drain.

The presence of the ditches in the valley makes much of the valley vegetation possible and provides a network of informal paths throughout the valley. The cost to the public of recreating this network would be prohibitive. The use of these ditches for trails and for "keeping the valley green" has been recognized by the Middle Rio Grande Conservancy District Board members and residents.

Agricultural Valuation - The "Greenbelt" Tax

Greenbelt Taxation is a preferential tax treatment used by all states for the purposes of retaining farmland or open space in both rural and urban areas. A simple version of the current law was enacted in New Mexico in 1967. The interest of the legislature in the original enactment was apparently to preserve agriculture as a basic industry by giving the agriculturalist a preferential tax abatement. The law adjusts the tax value of land used for agriculture.

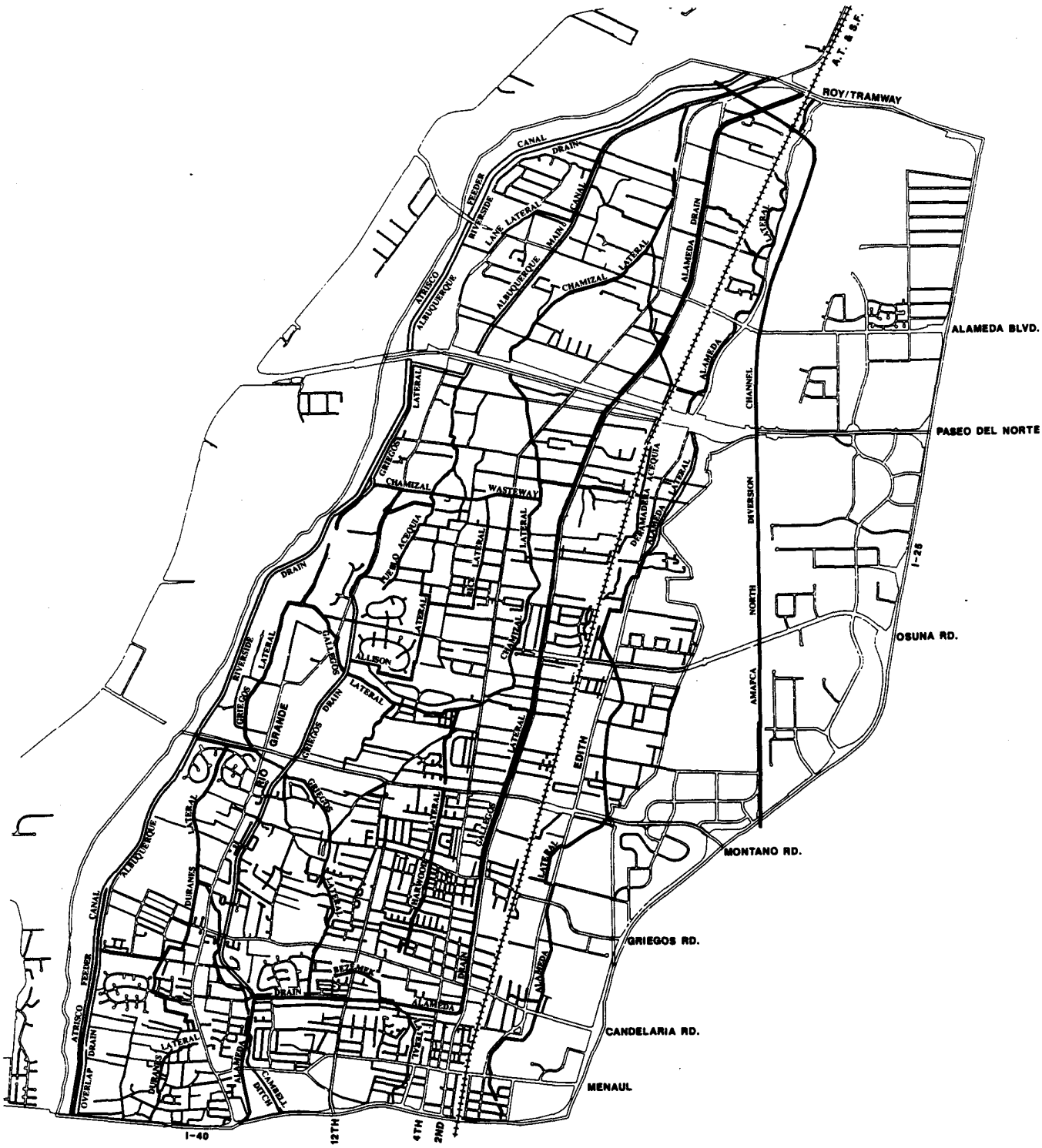
Among all the states, and the District of Columbia, only Alabama ranks lower than New Mexico in property tax valuations. Property owners in New Mexico are assessed on a third of their appraised property values.

In light of the already low property tax, the Act is criticized as a land speculator's subsidy. Suggestions were made to tailor the law to apply only to those lands suited to agriculture, but the Act has never been modified along these lines.

The law was revised in 1973 and now is quite similar to that legislation, although it has been amended several times since. Two important changes have occurred: 1) the law no longer requires a showing of yearly gross sales of $300 and, 2) production for strictly home consumption entitles one to the special valuation. Section 7-36-20 of the New Mexico Statutes Annotated essentially provides that the value of land used primarily for agricultural purposes shall be determined on the basis of the land's capacity to produce agricultural products. Without the special valuation, agricultural property would be valued for tax purposes at fair market value, a much higher value for land near an urban area.

The State Tax and Revenue Department's Property Tax Division issues regulations to implement the tax; the County Assessor is charged with administering the regulations. The State acts as supervisor over the Assessor's office and can by statute bring legal action to force the Assessor to comply with the regulations in certain instances.

EXHIBIT 16



north October 1991. **DITCH NETWORK**

North Valley Area Plan

The requirements for agricultural exemption are as follows:

- Generally, a minimum lot size of one acre must be primarily used for agriculture to qualify. In practice, the Assessor's office deducts 1/2 acre for a home on the property, which means for land which has a dwelling upon it, a minimum of 1.5 acres is required.

- The landowner must demonstrate primary agricultural use. He must provide objective evidence of agricultural use for the year preceding the year in which the exemption is claimed. Objective evidence can consist of federal tax returns, a statement of labor and materials charges, or an affidavit of the property owner.

- Improvements to the land are valued separately, excepting structures and equipment used for irrigation.

Various classifications of agricultural land are established and assessments assigned to each. These apply unless the landowner can prove his land should be valued differently. This negates the need for the County Assessor to look at each parcel and determine value based on potential income from farm operations. The classifications established in Bernalillo County are: grazing, dry-farmland and irrigable. The rates for assessment are $3.60/acre, $25/acre, and $500/acre respectively. One-third of the per acre assessment is multiplied by the millage rate to arrive at the property tax.

In the North Valley Plan area, all lands in the plan boundaries that qualify under the Greenbelt Taxation Program are "Wetlands or Irrigable Lands". In 1990, according to the County Assessor files, "Greenbelt" tax exempt parcels in the North Valley Area Plan accounted for 1,105 acres. In 1987, 2,632 acres were in the Greenbelt Program.

The effectiveness of the County's administration of this program could be improved by maintaining a reliable historical file on properties added to and subtracted from the program over a period of years. With this information, the County might be better able to judge the relative success of the tax.

Several commentators consider statutes with no penalty provision, such as New Mexico's, a means to subsidize speculators rather than discourage development. Preferential taxation as a means of preserving agricultural land may work better when combined with a repayment requirement upon conversion of property to another use. Most states have a penalty for landowners who change properties protected on the preferential tax assessment program to a non-agricultural use (New Mexico is not one of them). Some states impose a rollback tax to reclaim lost revenue on lands changed from agriculture to non-agriculture uses. Other states not only impose the rollback penalty on a landowner, but also charge interest on tax revenue lost and add a conveyance tax for the transfer of land from one use

to another. The conveyance tax is usually a percentage of the property's selling price. In Nevada, the difference in taxes for the last six years plus 6% interest must be paid at the time of conversion; in California, a penalty of 12.5% of the market value must be paid.

We may find that Bernalillo County should be utilizing a different property tax valuation system than the rest of the State, because of the larger population and different needs. Many feel the grazing provisions are the most in need of revision, particularly in Bernalillo County.

Preferential taxation could provide an incentive for retaining both the ditch system and larger parcels. Small scale agriculture can be retained as a viable land use, especially on parcels with access to ditch irrigation. Open land can be retained in new housing development by grouping or clustering homes together and preferential taxation of these parcels could provide an important incentive to clustering.

A Future for Farms and Gardens

Many families in the valley were growing a large portion of their own food as recently as the 1940s.

The lives most people lead today are removed from the provision of basic necessities—like growing food. As a society we have tolerated, and perhaps encouraged, the loss of our ability to fulfill those needs. Many families in the valley were growing a large portion of their own food as recently as the 1940s. While gardening is a popular hobby today, fewer valley residents rely on it as a means of support. Sustainable community development, however, depends in part on the use of local renewable resources. Agriculture in the Rio Grande Valley is one such resource.

Recent interest in sustainable agriculture—agriculture at a smaller scale and lower cost than that which typifies the industrial agriculture of previous decades—could stimulate local agricultural production. This is a trend near metropolitan areas where more intensive and diverse use of smaller plots of land are necessary. The lower costs of shipping and the ability to sell produce on-site to tourists and residents can make these ventures profitable. The key to these operations is diversity and finding a market niche that has not or can not be filled by larger farms.

Given the pattern of existing land uses and small parcels, agriculture in the valley must become more profitable per acre to survive. Options include farming of diverse vegetable crops, specialty foods, herbs, and cut flowers. Organic farming techniques lend themselves to small farms and the trend toward organic produce may also boost the ability of small acreages to remain profitable. A recent poll conducted for Organic Gardening Magazine found the number of organic gardeners grew by 9 million people between

1988-1990. Partially in response to this trend the Organic Commodity Act was passed by the New Mexico Legislature in 1990. The Act created the Organic Commodity Commission with authority over a voluntary certification program for organic food.

If enough people with enough land are willing to grow something, they will find it easier to share the associated activities and costs.

Improving the marketability of fruits, vegetables and other products grown in the valley can provide an incentive for landowners to retain a portion of their land in production. In some cities, like Dallas, the municipal government owns a farmers market that sells wholesale and retail produce grown in Texas. Several small farmers markets operate in the Albuquerque region. Their activities could be supported to a greater degree as part of an economic development program for the rural north and south valley. More outlets and better access to markets could also be achieved through cooperative efforts between growers to distribute produce to local buyers like restaurants, grocery stores and institutions.

One small farm promotion and organizational technique might be creation of a community development corporation. Growers might participate in order to create a growers market, promote their produce, and share farm equipment and labor. If enough people with enough land are willing to grow something, they will find it easier to share the associated activities and costs.

There is a great potential for families in the North and South Valley to supplement their diet, and perhaps their income, through farming or gardening. The availability of surface water for irrigation makes this a particularly attractive option for many families. This potential can be preserved by retaining the ditch network and access to it from individual parcels.

Rural Character

The North Valley Neighborhood Association published a booklet in the 1970's entitled "Preserving the North Valley Atmosphere." It outlined basic features of the valley which contribute to the rural feel of the valley. These include the pattern set by the early trails, the Rio Grande, and irrigation ditches. This pattern, the booklet explained, distinguishes the valley visually and functionally from the rest of the City. The following are excerpts from the booklet:

Irrigation ditches . . . are strong form-determinants through the valley, servicing many farms and fields and traversing many other areas which are strictly residential or commercial. The ditches are also used for recreation. People ride horses and walk and jog along them. Children sail boats and catch crawdads in them. They are used as shortcuts to neighboring schools and shopping centers and serve as

connectors to the river, the mesas, and to many activity centers throughout the valley. Most importantly, they tie the open space together. Their use for purposes other than irrigation is significant.

Fields, orchards, vineyards, and meadows . . . the direct or strictly visual accessibility of these agricultural land uses give the valley its rural flavor. No other part is subject to so much pressure to change or is so irreplaceable.

Valley residents have expressed interest and concern for retention of the rural character of the North Valley for many years. Results of a "citizen attitude survey" conducted by the Planning Department in the mid 1970s and of the citizen input show maintenance of the rural features and atmosphere is very important to the majority of North Valley residents surveyed. With assistance from the Rural Issues Subgroup of the Citizen's Advisory Group, rural character areas were defined and located in 1990. The map is intended to give the general location of rural character areas. Rural Character areas were defined by the Task Force as lands having one or more of the following characteristics:

a. A mixed pattern of lot sizes and shapes and housing types, sizes and styles reflecting older settlement patterns and agricultural activities.

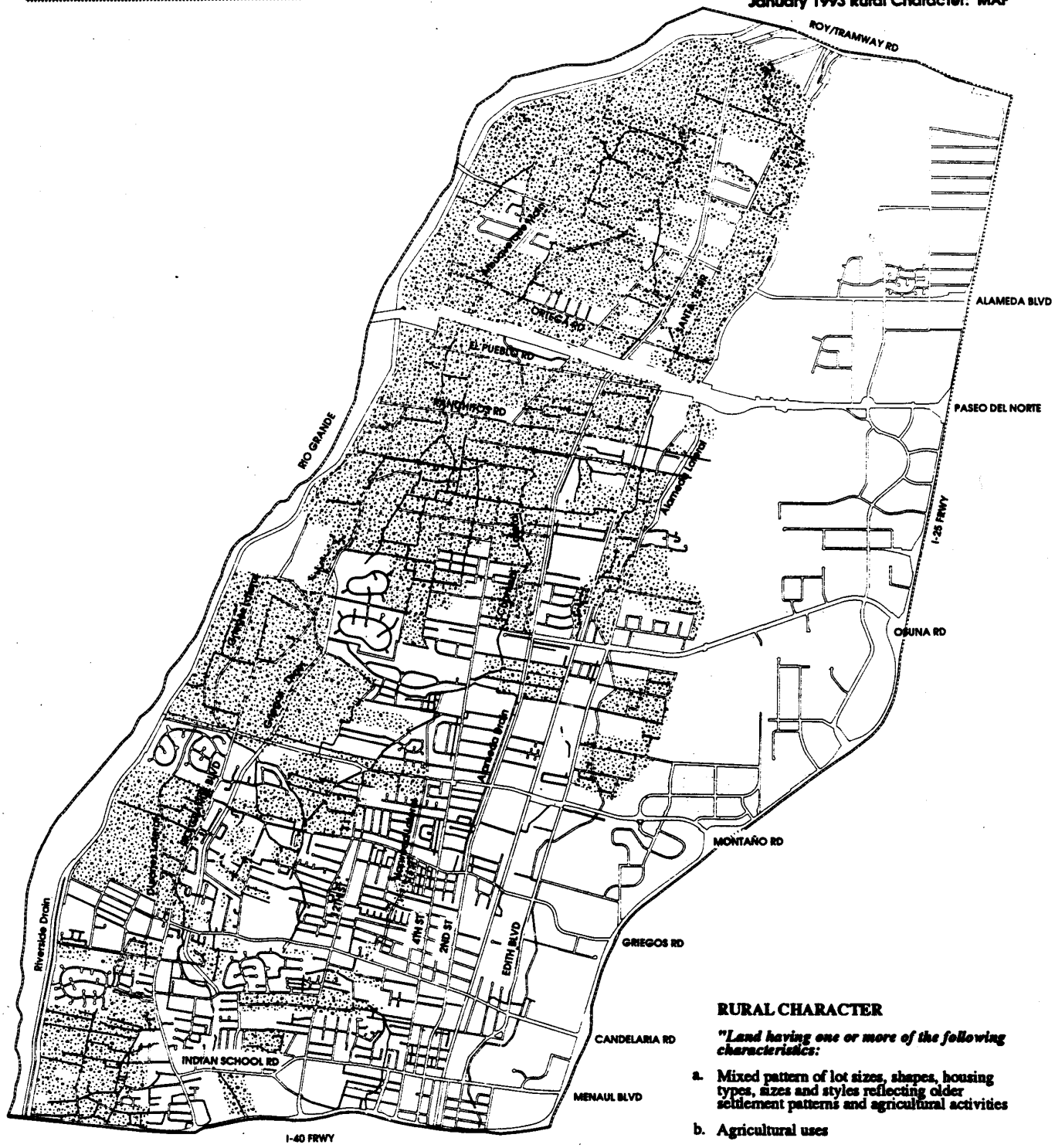
b. Agricultural uses like livestock keeping, gardens/farms, greenhouses and nurseries, irrigation ditches.

c. Less infrastructure than is associated with urban development such as curbs, gutters, sidewalks, standard width paved streets.

d. Low density or appearance of low density because of public and private open space, vacant land, and varied setbacks.

Rural character issues generally center on the threat of loss posed by standard development. Features that typify rural areas are usually not replicated in new development. Wide paved streets, curb, gutter and sidewalks, placement of homes toward the center of uniform lots, and yards landscaped in sod are typical of new housing subdivisions and are not typically associated with rural character.

January 1993 Rural Character: MAP


ROY/TRAMWAY RD
ALAMEDA BLVD
PASEO DEL NORTE
I-25 FRWY
OSUNA RD
MONTAÑO RD
GRIEGOS RD
CANDELARIA RD
MENAUL BLVD
I-40 FRWY
INDIAN SCHOOL RD
RIO GRANDE
Riverside Drain
ORTEGA RD
EL PUEBLO RD
RANCHITOS RD
Alameda Lateral
Alameda Drain
Corrales Drain
Tijeras Arroyo
Bear Canyon Arroyo
Arroyo del Oso
Piedras Marcadas Canyon
Tijeras Canyon
Cañada de Los Pinos
Cañada de Cochiti
Cañada de Santa Fe

Agriculture and Rural Character Policies

1. The County and City shall support and promote preferential taxation for agricultural property.

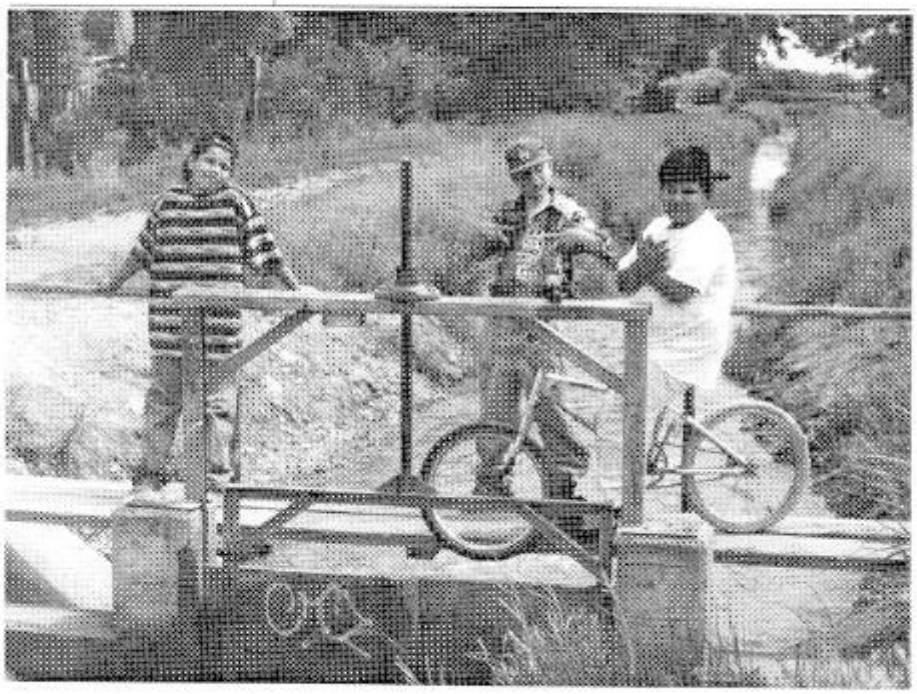
   a. Consider supporting amendments to the State Property Tax Code.

      i. Consider including the preservation of qualified open space in Class A counties as a purpose of the preferential tax.
      ii. Consider improving the equity of the tax through a repayment provision where qualified land is converted to other uses.
      iii. Consider a waiver of the repayment provision where development meets cluster development and open space criteria.

2. The County and City shall promote small scale agriculture and retention of open space in the valley.

   a. Assist local growers and promote valley products.
   b. Support development according to Cluster Housing Principles in order to retain open space and agricultural potential.

3. The County and City shall amend the Comprehensive Plan boundaries to more closely reflect rural character areas.



Alameda Lateral in the Vineyard Addition east of Edith Blvd.

4. The County and City shall encourage or require retention of access to ditches for open space and irrigation purposes.

   a. Undertake the Acequia Multiple Use Study.

5. The County and City shall request the Middle Rio Grande Conservancy District to adopt notification procedures in the event of proposed ditch closures including legal notice and sign posting on the ditch right-of-way.

Plan Implementation

11

The valley is changing and will never be the same. But it's just as much our fault as it is "developers" or "westsiders". We don't want new bridges and polluted water and trailer parks but we drive to work, use septic tanks and sell our land at prices that most people can't afford. Like, when was the last time you took the bus in this town?

Anonymous

. . . wanting good government in their states, they first established order in their own families; Wanting order in the home, they first disciplined themselves . . . .

Confucius

Summary

Ongoing involvement and interest on the part of citizens, the City and County, and other agencies will be necessary for the plan to become a reality. The final, and most important, plan recommendation is for ongoing public and private involvement in the community and in study and policy implementation.

Land use planning is carried out by different jurisdictions in the North Valley. While some planning functions involve ongoing City, County, and Village oversight, long range planning is usually a one-time process. This plan, for example, attempts to coordinate City, County and Village long range planning efforts though, while that process has taken several years, the planning process will stop after adoption. The coordination that may exist now between staff at various levels and in various departments and jurisdictions ends once the plan is adopted. Herein lies the major problem with land use planning and plan implementation. Unlike transportation planning, land use planning is not ongoing. The Comprehensive Plan suggests, as a possible technique to address this problem, formation of a regional planning commission to coordinate land use and transportation decisions.

Homeowner, Neighborhood and Local Business Associations

Sustainable community practices require residents' participation in issues affecting the community and local leaders who make decisions based on long term consequences.

Sustainable Community Development requires community building and organizing as part of an economic development strategy. Sustainable community practices require residents' participation in issues affecting the community and local leaders who make decisions based on long term consequences. To some degree, most neighborhoods have sustainable systems. These may be as simple as ridesharing or recycling. A neighborhood whose residents cooperate to look after the elderly and young; who participate in the local PTA; who campaign; or otherwise work together to meet mutual needs and exercise control over resources is a sustainable community.

Neighborhood Association Recognition

Perhaps the most common organizations at the local level are neighborhood and homeowners' associations. (See map) Neighborhood associations in the City have been growing in number since adoption of O-92, the City Neighborhood Recognition Ordinance, which requires notification of affected neighborhood associations of planned projects and sets criteria for neighborhood association designation. While neighborhood associations also exist in the unincorporated portions of the County, the County does not have similar criteria or requirements.

Homeowner Associations - Common Interest Communities

A homeowner or community association is used for cluster or "planned unit developments" where common property is held by community members through an association or corporation. These are also known as "common interest communities". Areas of common responsibility may include open space, landscaping, private streets, parking, wells, wastewater systems, and recreational facilities. The common property is owned and maintained by the homeowners' association for the use and benefit of the individual homeowners. Membership in the association is automatic and mandatory with purchase of a lot. The association may impose assessments for maintenance, service fees, taxes, improvements, liability insurance, or other expenses associated with the common property. Guidelines and requirements for financing cluster development and creation of homeowner associations are contained within Federal Home Loan Mortgage Corporation and Federal National Mortgage Association publications and the Uniform Common Interest Ownership Act.

Business Associations

Business associations are another means of organizing locally. Merchants in a particular location might promote their location as a Village Center, for example, or cooperate in order to advertise effectively. Businesses on north Fourth Street have recently undertaken such efforts in a "mainstreet" approach to promoting their establishments. More formal agreements between businesses might be undertaken to provide for shared parking or landscaping.

Development of sustainable community systems through community building efforts has far reaching consequences for local government, for plan implementation, and for the North Valley. Organized communities have a stronger voice and can therefore exercise greater political power. Homeowners with common interest property will participate in the control of shared amenities and features that they would be unlikely to have access to as individual lot owners.

Organized communities have a stronger voice.

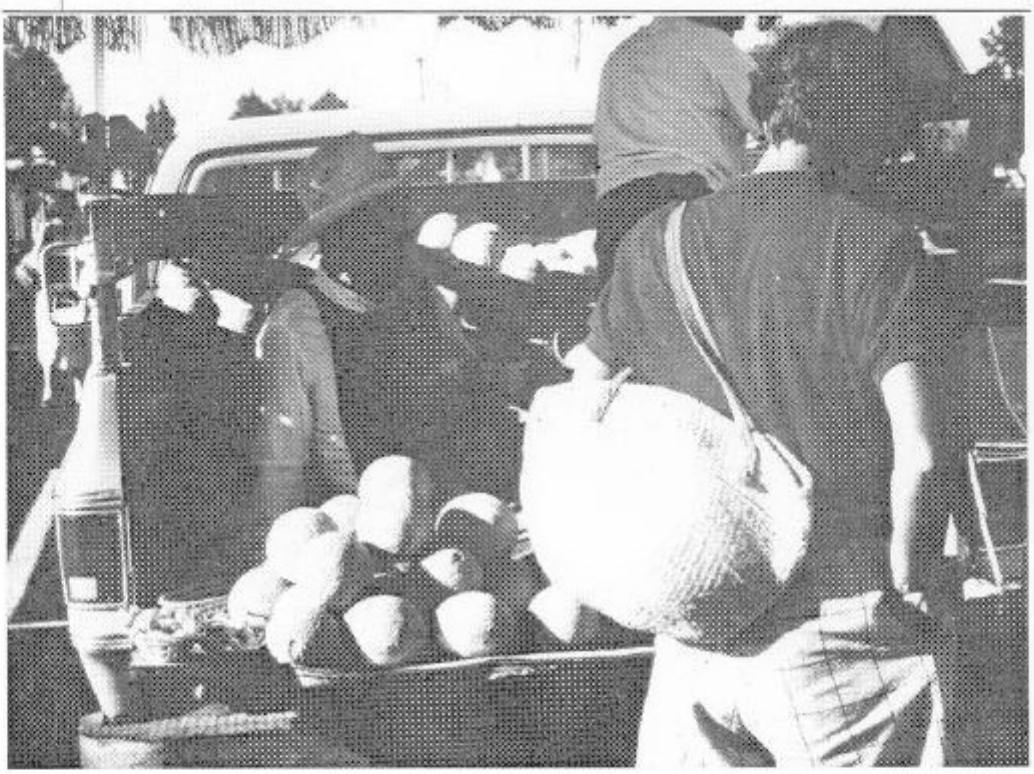
Area Advisory Councils

A recent draft report by the Institute of Public Law of the University of New Mexico regarding alternatives for managing wastewater systems in the South Valley recommends creation of Area Advisory Councils. These councils would provide a forum for more participation in wastewater management and other decisions. The approach involves dividing the unincorporated portions of the County into subareas. Each subarea would form a council, adopt bylaws, and elect officers. Once established, each council would receive notice of public meetings on topics of concern to that subarea. The County would provide liaison staff support. An area council approach provides a broader basis for representation than either the homeowner or neighborhood association.

Neighborhood associations and subarea councils both require motivation on the part of residents, perhaps around an issue such as utility provision, to organize and meet. In some cases, development controversies such as roadway construction have served to get neighborhood residents together. Often these have evolved from single issue groups into ongoing representative associations.

Community Development Corporations

Community Development Corporations (CDC's) are organizations, usually incorporated and non-profit, created to work in a specific location toward a variety of social and economic development goals. The CDC movement began in the 1960's as a means for communities, under a board of directors, to define and control development. The development projects undertaken by CDC's are as diverse as the communities themselves. Many are related to housing and construction of housing. Other CDC's undertake human service provision. CDC's have also undertaken the restoration of a deteriorating shopping and commercial strips. Such a structure might also be explored for the development of a farming cooperative or growers market in the North Valley, or development assistance for mixed use projects.



A farmers market would provide an outlet for valley-grown produce and could be organized by local growers.

January 1993 Neighborhood Associations: MAP

1. Wildflower Area
2. Alameda-N Valley R
3. Sun North
4. Coronado MH Park
5. Bear Canyon-N. Valley / Alameda-N. Valley R
6. N. Valley / Alameda Alliance / Alameda-N. Valley R
7. Alameda-N. Valley R / N. Valley
8. Zia Gardens / Alameda-N. Valley R / N. Valley
9. El Paraiso / N. Valley
10. Lee Acres / N. Valley
11. Guadalupe Village R / N. Valley
12. Gavilon Add'n / N. Valley
13. N. Valley
14. Los Alamos R / N. Valley
15. Harwoood Lateral R / N. Valley
16. Harwood Lateral R / N. Valley-Acorn
17. N. Valley-Acorn
18. Old Indian School R / N. Valley-Acorn
19. Stronghurst Imp.
20. Montgomery I-25
21. Rio Grande Blvd. R / N. Valley
22. Rio Grande Blvd. R

23. Rio Grande Blvd.R / Arbor
24. Rio Grande Blvd. R / Middle R.G.H.O.
25. Matthew Meadows / Middle R.G.H.O.
26. Concerned Nbrs Los Duranes-Acorn / Middle R.G.H.O.
27. Concerned Nbrs Los Duranes-Acorn
28. Old Indian School R / Concerned Nbrs Los Duranes-Acorn
29. Rio Grande Compond H.O. / Alvarado Grdns
30. Alvarado Gardens R
31. Rio Grande Blvd. R / Alvarado Grdns R
32. Rio Grande Blvd. R / Alvarado Grdns R / Concerned Nbrs
33. Thos. Village R / Concerned Nbrs Los Duranes-Acorn
    Thos. Village Patio H.O.
34. Concerned Nbrs. Los Duranes-Acorn / Thos. Village R
35. Concerned Nbrs. Los Duranes-Acorn / Los Duranes R

----- Old Indian School Boundary

north January 1993 NEIGHBORHOOD ASSOCIATIONS

North Valley Area Plan

North Valley Coalition

In order to effectively implement this or any other plan or policy, the affected individuals and the local leaders must work together. Involvement in the implementation and delivery of plans and policies specific to the North Valley will require a formal or informal coalition of neighborhood groups, individual residents, and businesses willing to work with elected and appointed officials and County and City staff.

The purpose of a coalition might include the following:

1. To set priorities for the implementation of the adopted North Valley Area Plan.

2. To facilitate implementation of those policies and/or projects by providing public input, oversight, and assistance.

3. To identify additional issues and needs within the area.

This idea of community building and plan implementation has evolved from staff and residents' discussions, sample material assembled from other communities, staff research, and the ideas of several local professionals in the fields of government and urban design. A task force of Planning Department staff conducted research in 1990, including a telephone survey of planning officials in other communities. Several projects related to identifying community needs and promoting community identity have been identified in the Multi-Year Planning Program for Albuquerque and Bernalillo County. A North Valley Coalition would fit into the larger framework of a metropolitan area-wide program for community building.

A North Valley coalition or area council could expand on the existing model of the neighborhood federation and include representatives from neighborhood associations in both the City and County, representatives from North Valley businesses, and liaisons from the City, County, State, or other agencies with interests and responsibilities affecting the North Valley. The City/County could keep a mailing list and distribute a list of liaison personnel from each department. Elected and appointed officials would be notified and requested to attend meetings. Meetings would be regularly scheduled—same day, time, and place each month. A chairperson would be elected by the coalition. Planning staff would coordinate attendance from other department liaison staff.

The area council or coalition approach would nurture and encourage community organization and involvement in the governing process at a broader level.

The area council or coalition approach would nurture and encourage community organization and involvement in the governing process at a broader level than the neighborhood association. Such ongoing interest and involvement is necessary for effective implementation of this plan and representation in City and County government.

Implementation Actions

The following actions are recommended to begin plan implementation. Of all the plan policies recommended, these efforts are the highest priority. In general, they are actions related most directly to community building and stabilization of land uses and zoning, arguably the two most important issues addressed by this plan.

1. Explore formation of a regional planning commission to oversee both land use and transportation planning functions.

2. Support formation of neighborhood associations, business associations, and common interest communities.

   a. Enact a County Neighborhood Recognition Ordinance.

   b. Fund an association coordinator position.

   c. Adopt guidelines for creation of homeowner associations and maintenance of common areas including provisions within the model Uniform Common Interest Ownership Act.

3. Assist and support neighborhood and business associations in formation of a North Valley Area Council or Coalition.

   a. Initiate public meetings to set implementation action priorities and identify additional issues.

   b. Assign liaison staff from the City and County to facilitate implementation.

4. Fund public improvements consistent with North Valley Area Plan policies and the outcome of plans and studies recommended by the North Valley Area Plan.

   a. Identify development locations where recent private investment can be complemented with public right-of-way improvements.

   b. Submit requests for City or County public funding for design, construction, and maintenance of improvements.

5. With the North Valley Coalition or Council, build support for and undertake recommended amendments to the City and County Zoning Ordinances.

   a. Amend the County Zoning Ordinance to include provisions for Cluster Housing under Special Use Permits with a two acre site minimum.

   b. Amend the County Zoning Ordinance to specify R-1 minimum lot sizes in the Rural and Open Comprehensive Plan area equal to the area required to meet Liquid Waste Ordinance requirements or 3/4 acre, whichever is greater.

   c. Amend the City Zoning Ordinance to reduce the RA-2 cluster housing district land area minimum from five to two acres.

   d. Amend the City Zoning Ordinance to require buffering between residential and non-residential uses, regardless of jurisdiction.

   e. Consider additional future ordinance amendments as appropriate to implement the policies for the North Valley Area Plan.

6. With assistance and review from North Valley Coalition, the City and the County in coordination with other agencies shall:

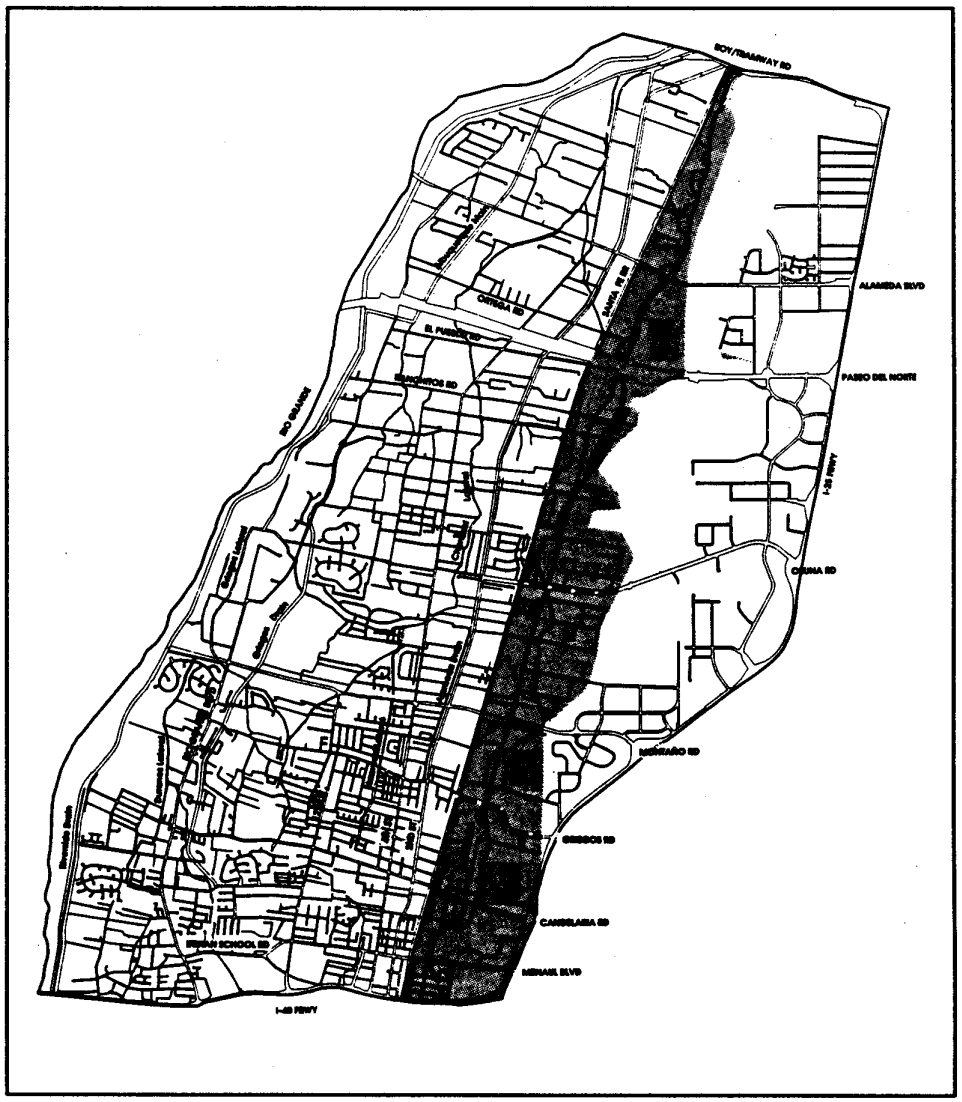
   a. Scope and undertake an analysis of travel demand and transportation system capacity for the North Valley Plan Area.

   b. Scope and undertake a rank three planning effort for the approximate area of the Mid-North Valley East Subarea.

   c. Research and draft development standards for Rural and Semi-Urban Areas of the North Valley.

   d. Scope and develop Design Overlay Zoning for North Valley Arterial corridors to limit off-premise signage.

   e. Periodically update basic factual information contained in this plan and plan appendices.



A. EDITH CORRIDOR

Area

The corridor area is bounded by the mesa's edge on the east, the railroad tracks on the west, and the north and south plan area boundaries (see map). For description purposes, this area is further divided into three subareas: 1. Northern plan boundary of Sandia Pueblo to Osuna Road, 2. Osuna Road to Griegos Road, and 3. Griegos Road to I-40.

Goals and Issues

The Corridor is within three of the Comprehensive Plan areas. The gross housing density in the area now is approximately .62 dwelling units per acre. At buildout, it will be .96 dwelling units/acre.

Edith Boulevard parallels the edge of the valley and the Corridor area is defined by this edge. The Comprehensive Plan policy C.8.a. states that the natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

Policy D.5.a. states that the supply of affordable housing shall be preserved and increased. Goal C.5. states that historic buildings and districts are to be protected, reused and enhanced.

The Area Plan goals call for encouraging quality development in appropriately zoned areas and discouraging future commercial/industrial development on lots not already zoned for these purposes. This volume of the Plan states that new commercial and industrial development should be located within the I-25 Corridor as an alternative to extensive lower valley development.

EDITH CORRIDOR LAND USE AND ZONING SUB AREA 1
(Northern plan boundary to Osuna Road)

TOTAL GROSS ACRES	1,075 (includes roads, etc.)
TOTAL NET ACRES	847

TOTALS (Acres)

	Land Use	Zoning	SUPs	SU 2
Manuf/HeavComm	55 (6%)	235	61 (30%)	116
Residential	375 (44%)	591	5 (.008%)	0
Commercial	108 (13%)	17	2 (.12%)	0
Institutional	2 (.002%)	3	3 (100%)	0
Vacant	243 (29%)			
Other	64 (8%)			

EDITH CORRIDOR LAND USE AND ZONING SUB AREA 2
(Osuna Road to Griegos Road)

TOTAL GROSS ACRES	730 (includes roads, etc.)
TOTAL NET ACRES	622

TOTALS (Acres)

	Land Use	Zoning	SUPs	SU 1
Manuf/HeavComm	146 (23%)	337	64 (19%)	0
Residential	261 (42%)	250	37 (15%)	0
Commercial	83 (13%)	33	0	0
Institutional	3 (.005%)	.505	.505 (100%)	0
Vacant	124 (20%)			
Other	4 (.006)			

EDITH CORRIDOR LAND USE AND ZONING SUB AREA 3
(Griegos Road to I-40)

TOTAL GROSS ACRES	747 (includes roads, etc.)
TOTAL NET ACRES	613

TOTALS (Acres)

	Land Use	Zoning	SUPs	SU 1	SU 2
Manuf/HeavComm	147 (24%)	471	1(.002%)	32	41
Residential	63 (10%)	54	0	0	24
Commercial	166 (27%)	10	0	.834	0
Institutional	99 (16%)	76	0	0	41
Vacant	99 (16%)				
Other	38 (6%)				

Despite appearances, only 17% of the land in the Edith Corridor is in heavy commercial or manufacturing use. In the northernmost portion of the corridor (Subarea 1.) between Osuna and the northern plan boundary, 44% of the uses are residential and only 6% are heavy commercial. Only in the southernmost portion of the corridor between Griegos Road and Interstate 40, do heavy commercial and industrial uses outnumber residential uses. Heavy commercial and industrial businesses in this area make up 24% of the uses while residences account for only 10% of the uses.

Corridor Character

Edith Boulevard was once a major north-south route along the river. Historic settlements are still visible and intact in many places. The neighborhoods in the area offer a variety of housing types with rural character features and are convenient to the rest of the metropolitan area.

There are presently 11 structures on the State or National Historic Registers on Edith Boulevard. This is an indicator of the roadway's age and importance as a north-south route along the valley. This historic character is very evident in the northern portion of the Corridor.

Unfortunately for the area and its residents, the Corridor's negative features are more visible than its positive ones. In the southern portions of the area, in particular, portable signs, outdoor storage, razor wire fencing, and massage parlors form impressions of the area from the roadway. There is no public landscaping along the corridor and very few locations where landscaping in private yards has much impact on the street's appearance.

The eastern edge of the valley floodplain forms the edge of the corridor. This geologic and topographic feature is the dividing line between the large tracts of City zoned industrial land on the mesa top (North I-25 Corridor) and the small County residential lots on the valley floor. Buffer landscaping and fencing requirements for the manufacturing uses to the east of the edge may not apply because of this jurisdictional difference.

Virtually none of the Edith Boulevard Corridor north of Candelaria Road is presently served with sanitary sewer. All of the residences and businesses are using on-site conventional septic tank systems. Interceptors are planned for placement with reconstruction of the street, but collectors to connect homes and businesses to sewer are not presently funded or designed.

1. NORTH EDITH BOULEVARD

There are 847 acres in this portion of the Edith Corridor from Osuna Road northward to Sandia Pueblo land. Of these, approximately 55 acres are in heavy commercial or manufacturing use. The limited commercial activity contributes to the rural residential character of this area as does the large amount of vacant land (243 acres). Most of the non-residential uses are located just south of Paseo del Norte. There is no direct vehicular access between Edith Boulevard and Paseo del Norte, however, there is a railroad spur up to the North I-25 Corridor that is bordered with zoning for commercial and manufacturing uses.

The North Diversion Channel turns westward and crosses Edith Boulevard in the northern-most portion of the Corridor. Floodwaters flow north through the North I-25 Corridor area in this concrete channel. To the west of Edith Boulevard, the channel widens into a grassy floodplain, cuts through the bosque on Sandia Indian land and joins the river. Trash accumulates here and is washed into the river with each successive stormwater event. Birds and other wildlife also gather here.

Before construction of the North Diversion Channel, "Alameda Road" ascended the mesa beyond its present terminus at Edith Boulevard. In this area, is a cluster of old homes that generally date from the early 1900's when flooding of Alameda brought settlement to higher ground. This area was known as Alameda de Las Lomas.

The character of this portion of the corridor north of Osuna Road is rural. The street is narrow and winds between the mesa edge and the Alameda Acequia. In several locations the mesa edge is cut by roads to gravel mining areas to the east. Open fields are visible to the west beyond the ditch. This was an important route through the valley and the visible remnants of history give this portion of the corridor unique character.

In the vicinity of Los Ranchos and Ranchitos Roads was another older settlement dating from approximately 1850. Our Lady of Mount Carmel, the church's cemetery, and several historic homes are reminders of this area's history.

2. OSUNA ROAD TO GRIEGOS ROAD

The character of the Edith Corridor south of Osuna Road is rural residential to the east of Edith Boulevard where the Vineyard Addition residential subdivision is located. This is a large subdivision platted in the 1920's. There is a mix of housing types and lot sizes in this area. The zoning is primarily County MH zoning with some Special Use Permits. The area has rural character because of the lot sizes, the ditch, gardens, greenhouses, and some livestock. Within the Vineyard Addition is a large mobile home park. It is walled and "self-contained" in that residents have their own recreational facilities.

South of the intersection of Montaño Road and Edith Boulevard is a group of homes on industrially zoned land. This was the general location of the Los Montaños Plaza, visible on the 1874 map of the Elena Gallegos Grant. The house in the best condition that remains from this era is the Rodarte House, visible from Edith Boulevard. Montaño Road is an approximate dividing line in the corridor between predominantly residential and predominantly heavy commercial uses. Far fewer residential uses are located south of Montaño Road. The major land uses are reflected in the visual character of this portion of the corridor.

The Juan Cristobal homestead was built in the 1870's on the northwest corner of Griegos and Edith. To the west is another house on the register (not visible from Edith Boulevard). This is the southernmost County A-1 land in this portion of the valley. Across the intersection is the City Solid Waste facility.

3. GRIEGOS ROAD TO I-40

Between Griegos Road and I-40 is the portion of the corridor that is most industrial in appearance; 77% of the land in this portion of the corridor is zoned for industrial and warehousing, however, these uses take up only 24% of the land. Similiar to other portions of the corridor, most of the industrially zoned land is either vacant or in other less intense uses.

The City's Solid Waste Department is located at the southeast corner of Griegos Road and Edith Boulevard. The site is in a very visible location but is not landscaped. Other uses located in this portion of the corridor include Public Service Company of New Mexico, the Gas Company of New Mexico, and Donrey Signs.

The Graceland Addition, just north of Candelaria Road was platted as a residential neighborhood, then zoned commercial with the establishment of county zoning. The area has a mix of uses; residential in the eastern portion of the area and industrial uses near the tracks.

The Stronghurst Neighborhood, south of Candelaria Road between Edith Boulevard and the railroad tracks, was platted in 1923 and is within City limits. The subdivision reflects an older, underlying pattern of agricultural uses. The atmosphere is somewhat rural, despite the limited size of the area and the location relative to industrial uses and downtown.

Scenarios

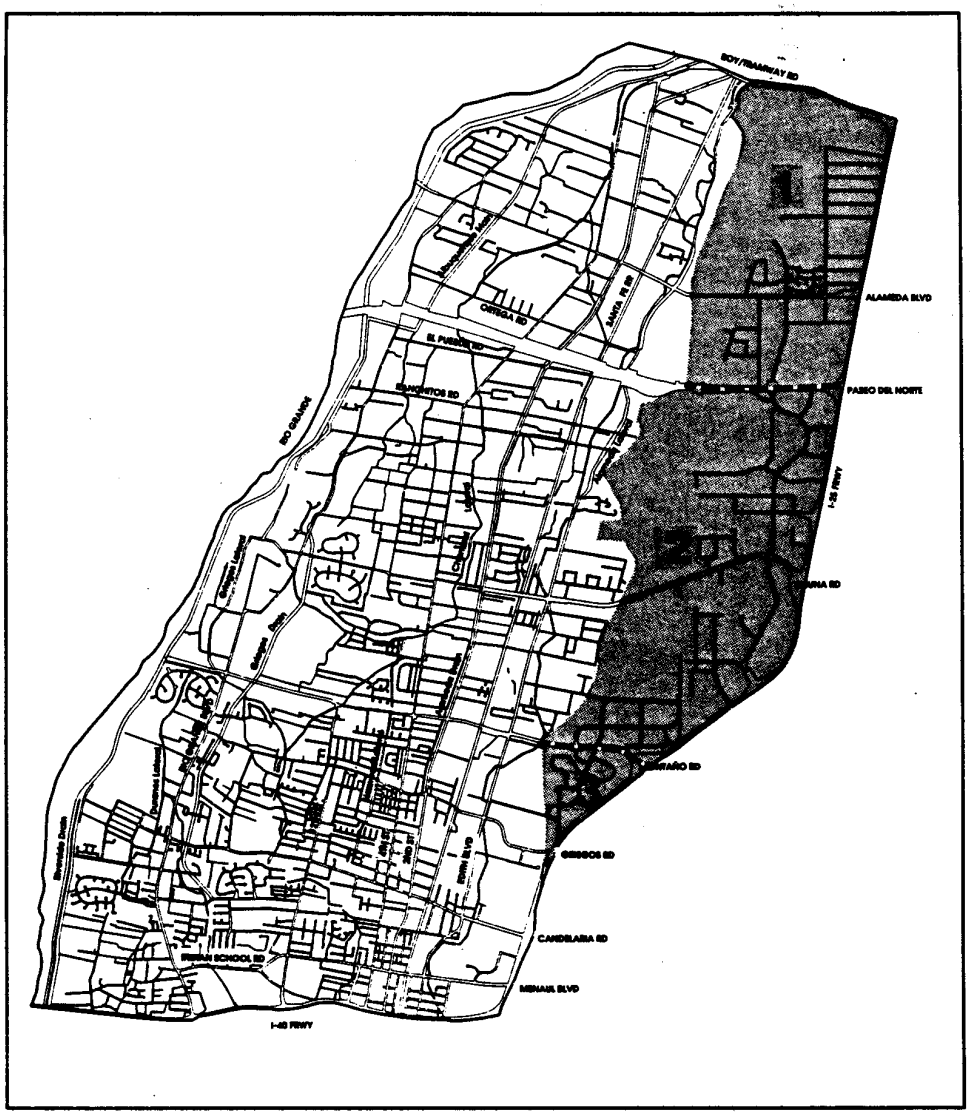
In 1990, the Edith Corridor population was 3,578. By the year 2010 it is estimated that the Corridor population will grow to 5,859. This growth is based on previous population trends for the area. It is estimated that the land in the Edith Corridor can absorb a population of 3,960 based on existing zoning.

The land use trend along the Edith Corridor is toward the encroachment of industrial and heavy commercial uses into rural and residential areas. Zone changes granted in this subarea are overwhelmingly for non-residential uses. These changes substantially reduce the availability of land for housing. The area will not get sewer service for many years and will continue to pose a threat to the groundwater resource. Roadway cuts from the North I-25 industrial area will direct some traffic westward onto Edith Boulevard and with increased truck traffic will come the demand for widening of Edith Boulevard north of Osuna Road.

Land in the vicinity of Alameda Boulevard and the Edith corridor will develop with commercial uses to service cross-valley travelers. Roadway improvements will discourage foot travel along or across Edith Boulevard further isolating these neighborhoods from recreational opportunities and increasing the dependence of these residents on automobile travel.

Under the Comprehensive Plan and Preferred Scenarios, the mesa edge would be retained and enhanced as a separation between industrial and residential development. Structures on the mesa top would be set back from this edge and vehicular access to the valley from the mesa would be limited to existing through roadways. Edith Boulevard would gain official recognition as a historic route with signage and landscaping. Non-residentially zoned land would provide space for small-scale businesses or would be rezoned for affordable housing. Special Use Permits would not be granted in residential areas unless the permitted use was a home occupation or included on-site residency. Time limits on Special Use Permits would ensure against their use for speculative purposes. This area would be a priority for sanitary sewer service because of the number and concentration of septic tank systems.

For the Preferred Scenario, the land use pattern should reflect the present zoning. Residential uses should predominate north of Montaño Road and east of Edith Boulevard. Mixed commercial uses are appropriate along the Boulevard and west to the railroad tracks. North of Osuna Road, the pattern along Edith Boulevard should reflect the area's present residential zoning and rural character. Heavy commercial and manufacturing uses would be limited to the vicinity of Paseo del Norte. Special criteria would be placed on commercial uses where they border residential uses or zoning and where sanitary sewer service is not available.



B. NORTH I-25

Area

The North I-25 area is bounded on the east by the Interstate, on the west by the mesa edge and the North Diversion Channel, and by the plan area boundaries on the north and south. The area is further divided in to three subareas: 1. North plan boundary south to Paseo del Norte. 2. Paseo Del Norte south to Montaño Road and 3. Montaño Road south to southern plan boundary at I-40. This corridor is the fastest growing industrial area and employment center in the state. It is bordered on the west by the valley's eastern edge. Sand hills, now almost obliterated by sand and gravel mining, border this side of the Rio Grande's floodplain.

Goals and Issues

The North I-25 area lies within the Central Urban, Established Urban, and Developing Urban areas. The Comprehensive Plan specifies an overall gross density for these areas of "up to 5 dwelling units per acre." The density of the North I-25 area in 1990 was about .12 dwelling units per acre.

The Comprehensive Plan Transportation and Transit goal is "to provide a balanced circulation system through the efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit and paratransit alternatives ...." The Comprehensive Plan also specifically calls for compatible mixing and convenient placement of land uses. Comprehensive Plan policy C.8.d. states that landscaping should be encouraged to control water erosion and dust, and to create a pleasing visual environment. Native or naturalized vegetation should be used where appropriate.

The North Valley Area Plan Goals and Issues document (Volume II) identifies several goals relevant to the North I-25 area. The document calls for encouragement of quality commercial and industrial development in already developed and established commercial and industrial areas, specifically naming the North I-25 area as appropriate for such development.

NORTH I-25 CORRIDOR LAND USE AND ZONING SUB AREA 1

TOTAL GROSS ACRES	1,766
TOTAL NET ACRES	1,488

TOTALS (Acres)

	Land Use	Zoning	SUPs (% Zoning)	SU1	SU2
Manuf/HeavComm	659 (44%)	1127	0	0	953
Residential	105 (7%)	73	0	35	0
Commercial	42 (3%)	5	0	5	0
Institutional	0	187	47 (25%)	0	3
Vacant	659 (44%)				
Other	23 (2%)				

NORTH I-25 CORRIDOR LAND USE AND ZONING SUB AREA 2

TOTAL GROSS ACRES	2,500
TOTAL NET ACRES	2,077

TOTALS (Acres)

	Land Use	Zoning	SUPs (% Zoning)	SU 1	SU 2
Manuf/HeavComm	586 (28%)	1852	0	912	0
Residential	1	64	0	47	0
Commercial	356 (17%)	148	0	0	0
Institutional	23 (1%)	12	0	12	0
Vacant	991 (48%)				
Other	120 (6%)				

NORTH I-25 CORRIDOR LAND USE AND ZONING SUB AREA 3

TOTAL GROSS ACRES	236
TOTAL NET ACRES	188

TOTALS (Acres)

	Land Use	Zoning	SUPs (% Zoning)	SU 1	SU 2
Manuf/HeavComm	30 (16%)	187	0	49	0
Residential	0	0	0	0	0
Commercial	107 (57%)	0	0	0	0
Institutional	0	0	0	0	0
Vacant	44 (24%)				
Other	7 (4%)				

Note: Other zoning categories make up remaining percentages of miscellaneous uses.

Out of 3,753 net acres in the area, excluding roads and other public rights-of-way, 3,166 acres, or 84.4%, are zoned for heavy commercial and industrial uses. Only 3.6% of the land in this subarea is zoned for residential use. Commercial zoning exists for only 4% of the land. Corridor subarea 3, the area south of Montaño Road, has no land zoned for commercial or residential uses. Over 1,694 acres are vacant or being mined. These lands constitute the majority of the land in this corridor.

Corridor Character

As the land use data above show, much of this corridor is vacant. Large areas appear to have been scraped clear of vegetation, crisscrossed with transmission lines, and posted with "for sale" signs. Much of the fencing is of "concertina wire" and is visually unappealing. The landscaping in the area is generally limited to the Journal Center and is water intensive. Area residents, however, have landscaped Alameda Boulevard with native vegetation.

Groups of homes in the few existing residential neighborhoods are surrounded by industrial buildings which isolate them. Residential uses make up a very small proportion of total uses in this corridor.

A broad range of industrial and heavy commercial uses exist throughout the corridor. Major employers in the area include Honeywell, Digital Equipment, Motorola, Levi Strauss, Albuquerque Publishing, Rust Tractor, and Signetics.

Much of the land has been, or is now being mined for gravel. Several industrial subdivisions of former mining lands have developed or are developing. Offices and hotels are located closer to I-25. Large scale retail distributors are concentrated south of Montaño Road. Manufacturing and warehousing uses are scattered throughout the corridor.

Several arroyos bisect the corridor. La Cueva Arroyo was identified as an Open Space Link in the Facility Plan for Arroyos. It meets the North Diversion Channel north of Alameda Boulevard and has been concrete-lined throughout the plan area. Extensive gravel mining is ongoing to the northwest of the channel. Directly north of the channel is the last large unsubdivided parcel of mesa land, excluding Pueblo lands, in the northern metropolitan area. It is zoned for manufacturing use.

The City's Balloon Fiesta Park is located to the south of Alameda Road on the site of the former Los Angeles Avenue landfill. There is substantial concern on the part of local officials that the site is a source of groundwater contamination. A shallow swale carries runoff from the surface of this parcel into the North Diversion Channel. This method of storm drainage is typical on other parcels in the North I-25 area.

The major access to this corridor is from I-25. North-south roadways through the area are discontinuous and limited to Alexander Boulevard, Jefferson Street, and Chappell Drive. Lands to the west of the North Diversion Channel and north of Paseo del Norte presently have no access from the east. Access from the west poses a potential problem for the neighborhoods along Edith Boulevard.

Scenarios

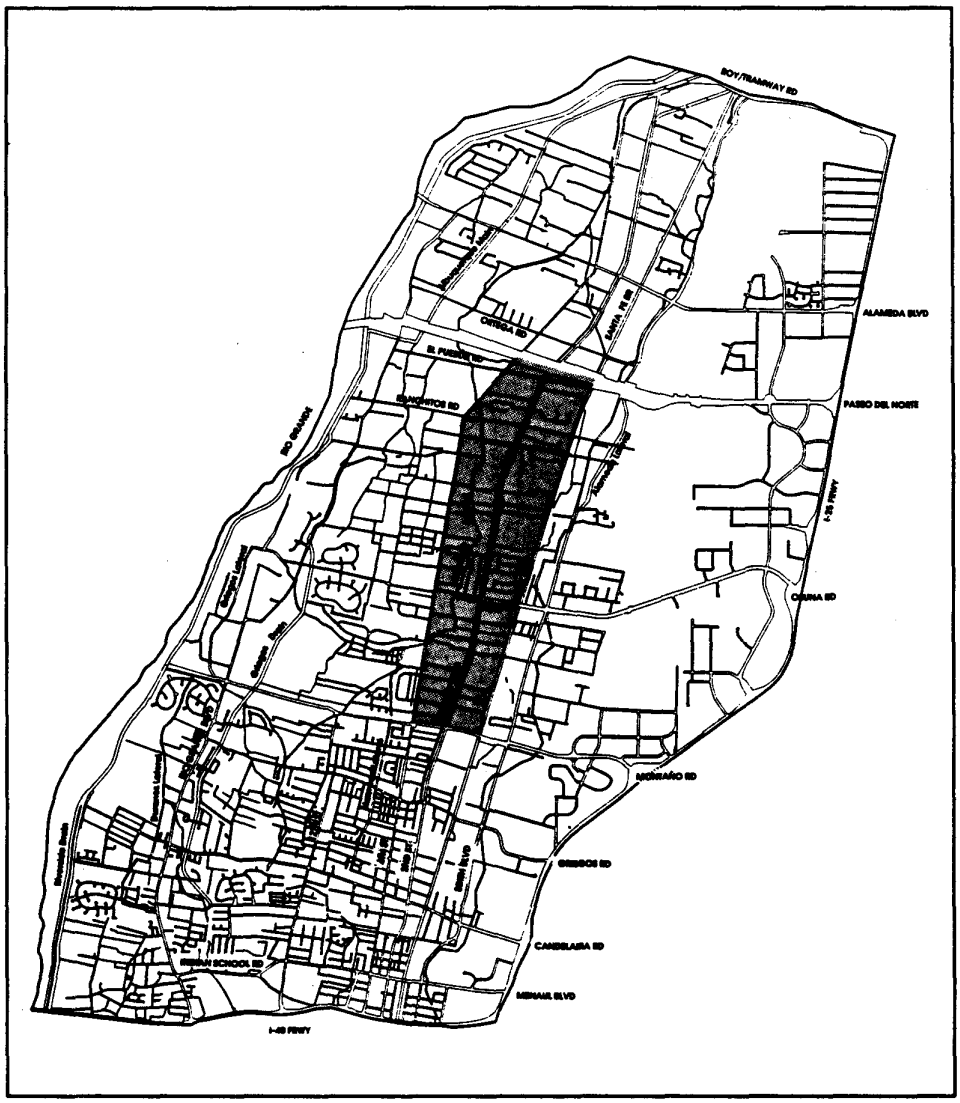
In 1990, the population in the North I-25 Corridor was 1,821. The projected population of the area for the year 2000 is 2,013. This projection is based on past growth trends in the area. Population buildout according to the amount of existing zoning available for housing is approximately 1,879 persons. It appears that the North I-25 Corridor has almost reached housing unit buildout. Under the Trend Scenario, the North I-25 Corridor will have little additional housing development and the present land use imbalance will continue.

The land closest to Edith Boulevard will develop with manufacturing and outdoor storage uses that will require access through neighborhoods to the west. Gravel mining and processing will be discontinued in the near future. Much of this formerly mined land will remain undeveloped and be used for unauthorized purposes such as off road vehicle play and trash dumping. Areas not re-vegetated will produce tumbleweeds and constitute a source of silt runoff into the North Diversion Channel.

A market study of the North I-25 area conducted by the Planning Department showed that prices for land vary throughout the corridor, with the highest priced land generally adjacent to the freeway. This area has generally become too expensive for manufacturing uses and will continue to develop with multi-story office and hotel buildings. The lowest cost land is in the western and northern portions of the Corridor. These lands will likely develop with manufacturing and wholesaling uses.

Under the Comprehensive Plan and Preferred Scenario, a greater land use mix would develop in the corridor. New housing and retention of housing on the valley floor would provide more opportunities for employees to live closer to their jobs. This land use mix would require care in site planning to minimize conflicts between large scale manufacturing uses and residential areas.

Housing should be encouraged, especially against the mesa edge. Manufacturing areas would be linked to housing areas by landscaped bikeways and walkways to encourage non-vehicular travel. This includes improvements to La Cueva Arroyo and roadways. Employers should encourage transit, paratransit, and non-vehicular travel options. Access through the North I-25 area might be improved through provision of an additional north-south arterial that would limit or eliminate the need for an additional east-west route through the valley and would relieve traffic pressures on Edith Boulevard.



C. SECOND AND FOURTH STREETS

Area

This subarea extends from the railroad tracks on the east to Fourth Street on the west. Paseo del Norte is the Northern border and Montaño Road is the Southern border. The area is further divided into two parts for the purpose of description. The Fourth Street corridor is the portion from Fourth Street east to Second Street and the Second Street corridor extends from Second Street east to the railroad tracks. This area is partially within the Village of Los Ranchos.

Goals and Issues

This area is within the Established Urban, Semi-Urban, and Rural Areas of the Comprehensive Plan. Comprehensive Plan Goal B.5. supports perpetuation ofindividually identifiable, but integrated communities that offer a variety and choice in housing, transportation, work areas, and life styles within a visually pleasing built environment. Semi-Urban Area policies call for trail corridors where appropriate and development that is consistent with groundwater quality, agricultural potential, scenic qualities, and existing development.

The Comprehensive Plan Goal C.8. states that the natural and developed landscape's quality shall be maintained and suggests vigorous enforcement of the sidewalk ordinance. Policy C.8.c. states that structures such as signs, guywires, poles, fireplugs, street furniture and overhead utility wires shall be designed to minimize visual intrusion and mobility impediments to pedestrians.

Goals defined by the North Valley Area Plan Citizen's Advisory Task Force include encouraging quality commercial and industrial development and redevelopment in already developed/established commercial and industrial zones. Another goal is to maintain ditches for agricultural use and low impact recreational purposes.

FOURTH STREET CORRIDOR LAND USE AND ZONING

TOTAL GROSS ACRES	664
TOTAL NET ACRES	538

TOTALS (Acres)

	Land Use	Zoning	SUPs	SU 1
Manuf/HeavComm	35 (7%)	47	34 (72%)	0
Residential	369 (69%)	474	102 (22%)	0
Commercial	50 (9%)	16	5 (31%)	3
Institutional	2 (.004%)	.229	.231 (100%)	0
Vacant	81 (15%)			
Other	0			

Most of the land in the Fourth Street Corridor is in residential use and zoned for residences. The zoning figures include approximately 30 Special Use Permits on over 80 acres. About one-half of these permits are for heavy commercial or manufacturing uses. Most of the permits for these non-residential uses are granted on parcels whose underlying zoning is residential.

SECOND STREET CORRIDOR LAND USE AND ZONING

TOTAL GROSS ACRES	590
TOTAL NET ACRES	482

TOTALS (Acres)

	Land Use	Zoning	SUPs	SU 1
Manuf/HeavComm	96 (20%)	146	32 (22%)	.448
Residential	263 (55%)	315	5 (2%)	0
Commercial	32 (7%)	17	.455	0
Institutional	4 (.008%)	4	4 (100%)	0
Vacant	86 (18%)			
Other	1			

18% of the land in this area is vacant and zoned county A-1. There are many Special Use Permits granted for heavy commercial and industrial uses in otherwise residential areas. Of the total 146 acres where heavy commercial and industrial uses are allowed, 32 acres are permitted only by Special Use Permits.

Compared to Fourth Street, Second Street has more heavy commercial and manufacturing uses. This pattern is especially strong south of Montaño Road. The zoning north of Montaño Road between the tracks and Second Street, is primarily residential with pockets of manufacturing. South of Montaño Road, this pattern is reversed and there are pockets of housing within manufacturing zoned areas.

In the County portion of this subarea, there were 17 Special Use Permit applications and 38 zone change requests between 1985 and 1991. Twelve permits were granted and 20 zone changes were granted. In the City portion, there were 9 requests and 4 granted.

Corridor Character

The area between Second and Fourth Streets contains neighborhoods that are relatively isolated by the limited number of east-west streets connecting these arterials. While the area is narrow, it has retained rural character because of irregular lot sizes and the presence of the Chamisal Lateral and Alameda Drain.

Areas between Second Street and the railroad tracks have residential uses mixed with a higher proportion of industrial and commercial enterprises. A substantial number of Special Use Permits line Second Street and make this portion of the corridor a commercial storage and manufacturing area.

In the area east of Second Street, Montaño Road is the general dividing line betrween higher and lower land uses. There is a stable residential atmosphere with more residential zoning north of Montaño Road. South of Montaño Road, there is more

heavy commercial and industrial zoning. Much of the housing south of Montaño Road (in the Mid-North Valley East area) appears deteriorated.

Some residential areas are rural in character, such as the Merritt Acres Addition south of Osuna Road and platted in the late 1920's. To the north of Osuna Road is the Zia Gardens subdivision platted in 1946. This area is somewhat typical of medium density development in the valley. In most of these neighborhoods the agricultural history of the area is evident due to the presence of ditches.

The businesses along Second Street to the north of Montaño Road are located primarily on the east side of the street. The Alameda Drain parallels the street's west side. However, some commercial uses have been granted to the west of the Drain. Few commercial uses line Second Street above Ranchitos Road.

The residential uses are buffered from the traffic and commercial activity along Second Street by the presence of the Alameda Drain. It parallels Second Street for nearly the entire length of the plan area. It was constructed as a surface drain to lower the water table in the area and to allow agricultural and other uses of the low-lying valley lands. The City is presently evaluating the present capacity and use of the drain and its potential to carry more stormwater runoff.

The portion of Second Street between Osuna Road and Paseo del Norte is a transitional area between the more rural character to the north and the more urban environment to the south. The provision of urban services into this portion of the plan area has supported requests for higher density residential and commercial zoning.

The Los Alamos Addition, between Fourth Street and Second Street, was platted in 1938. The lots are large and the streets were planted with trees that have now formed a mature canopy. The neighborhood is separated from Second Street by the right-of way of the Alameda Drain. There is no vehicular access to this neighborhood from the east. Non-vehicular access to and from the Drain is restricted as well.

In the northern portion of the corridor a large amount of the land between Second and Fourth Streets is vacant to the east of the commercial street frontage on Fourth Street. North of Pueblo Solano Road, the lots get larger and development thins out behind the Fourth Street commercial frontage. Much of this land is zoned A-1 or R-1.

Scenarios

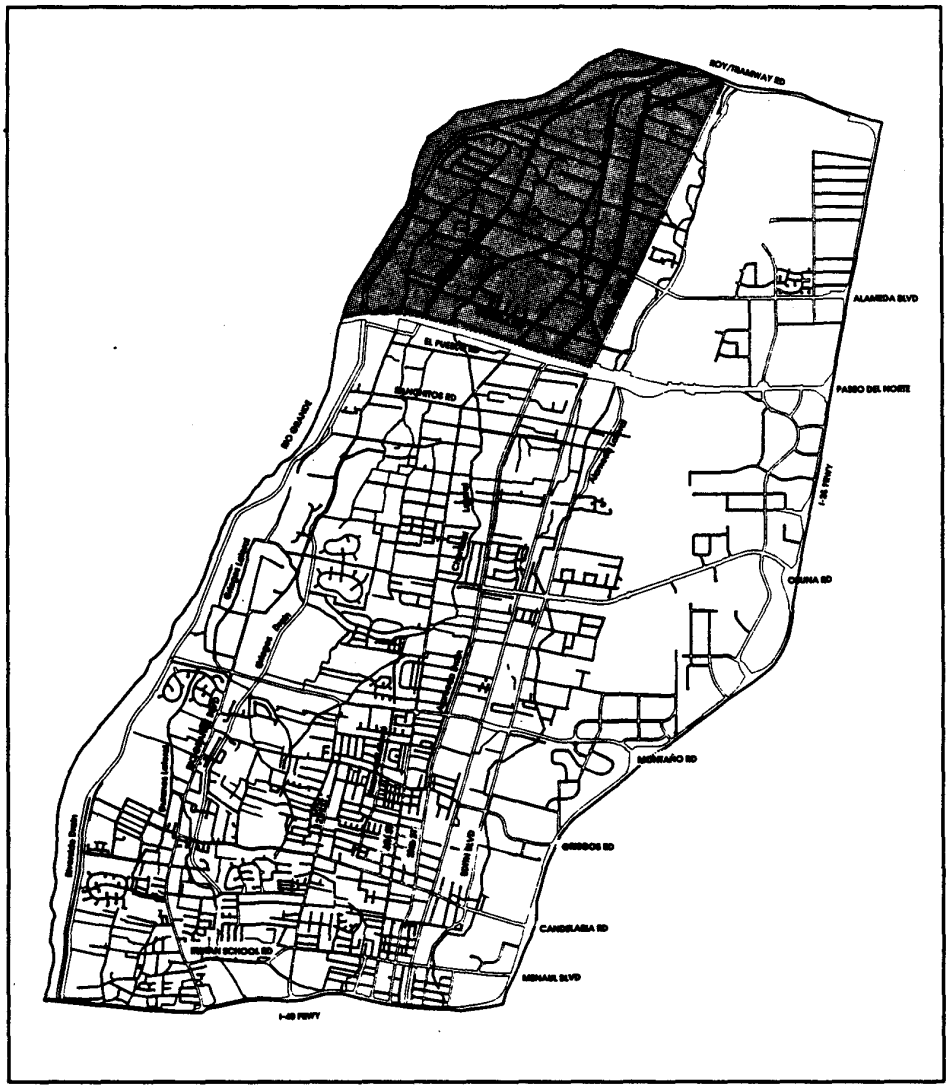
A recent history of zone changes in these corridors shows a general trend toward heavy commercial and other non-residential uses in previously residential neighborhoods to the east and west of these streets. Expansion of commercial development along Fourth and Second Streets, in particular, could threaten the stability of residential areas. The vacant land east of Second Street between Osuna Road and Montaño Road is especially vulnerable.

North of Osuna Road residential development of remaining large tracts of open land can be expected under the Trend Scenario. Requests for higher density residential development will be triggered by the availability of sanitary sewer service. These new residential lots will be small and will not be arranged to retain use of irrigation water. The Chamisal Lateral will be closed for irrigation purposes and the right-of-way vacated.

Under the Comprehensive Plan Scenario, new heavy commercial and industrial development would be limited to areas east of Second Street and south of Montaño Road and to parcels with existing zoning appropriate for these uses. Where these uses abut neighborhoods, the industrial use will be designed to minimize the physical and visual impacts on residences.

New residential development will be sited to retain use of the Chamisal Lateral for irrigation of small pastures and gardens. Non-vehicular travel in and through the area would be encouraged through provision of trails along the Chamisal Lateral and the Alameda Drain and by strengthening connections between neighborhood commercial uses on Fourth Street and adjacent neighborhoods.

For the Preferred Scenario, the existing zoning pattern should guide land uses. The area between Second Street and the railroad tracks should retain residential uses but provide for heavy commercial and manufacturing growth between Montaño Road and the Stott's Lateral. The areas to the north should be primarily residential as the present zoning reflects. Special Use Permits should be phased out. Residential uses are appropriate throughout the area west of Second Street to the Fourth Street frontage. The Fourth Street frontage should be limited in depth to retain the residential stability of this area.



D. ALAMEDA

Area

The Alameda area boundaries for the purposes of this plan are the railroad tracks to the east, the Rio Grande to the north and west, and Paseo del Norte on the south. The Village of Los Ranchos extends into this area to approximately Ortega Road. While policies in this plan will not govern the Village, the similar character of the area justifies its inclusion in the Alameda character description.

Goals and Issues

This area is entirely outside the City limits. It is designated Rural and Open by the Comprehensive Plan. The Comprehensive Plan goal is to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.

Policy B.3.d. states that land suitable for agriculture shall be maintained to the extent feasible in agricultural production and discouraged from non-agricultural development. Commercial development in Rural Areas should be clustered at major intersections and within designated mountain and valley villages. Comprehensive Plan Goal C.6. is to identify and manage significant archaeological sites for research, education, economic, and/or recreation use. Transportation and Transit Goal D.4. calls for encouragement of bicycling, walking and use of transit/paratransit as alternatives to automobile travel.

Volume II of the North Valley Area Plan identifies several goals and issues that are related or applicable in this portion of the plan area. The relevant issues related to the Alameda area include: lot size requirements and contamination of the groundwater; provision of roadway amenities; use of MRGCD easements and rights-of-way for recreation; preservation of unique and historic valley character; the conflict between lower densities and the need for sewer services and infrastructure; and retention of large undeveloped parcels for agricultural and open space purposes.

ALAMEDA LAND USE AND ZONING

TOTAL GROSS ACRES	2,629 (includes roads, etc.)
TOTAL NET ACRES	1,946

TOTALS (Acres)

	Land Use	Zoning	SUPs (% Zoning)
Manuf/HeavComm	27 (1%	81	81 (100%)
Residential	1188 (61%)	1683	141 (8%)
Commercial	115 (6%)	136	71 (52%)
Institutional	34 (2%)	43	2 (5%)
Vacant	569 (29%)		
Other	13 (.5%)		

Special Use permits (SUP's) are granted for specific uses without changing the underlying zoning designation. In the Alameda subarea all of the SUP's for heavy commercial and industrial uses are located on residentially zoned land. Overall there are 34 SUP's in the area. Between 1985 and May 1991 there were 52 Special Use Permit applications in the Alameda area. Of these 32 were approved. In addition, there were 37 regular zone change requests during the same time period. Of these, 20 were approved.

Most of the land in this subarea is residential or vacant. This reflects the rural character of the area. However, much of the land is zoned for densities greater than what presently exists. Existing liquid waste restrictions may limit lot sizes. Very little commercial development exists in the area compared to other portions of the valley where commercial uses make up 8 to 13% of total land uses.

Corridor Character

The Alameda subarea has been continuously occupied for hundreds of years. Settlements include a large pueblo located near Alameda Boulevard and Fourth Street , which predated the arrival of the Spanish Settlers. Flooding in the early 1900's erased most of the visible history of the area, including a church and a plaza located near Rio Grande and Alameda Boulevard. Many residents are unaware of the area's rich history and prehistory and of the importance of these resources.

Alameda is perceived to be one of the most rural areas of the valley, yet very few large farmland tracts remain undeveloped. Overall densities, according to the Comprehensive Plan, should not exceed one dwelling unit per acre. The gross density in 1980 was 1.06 du/acre. It had 1.14 du/acre in 1990. According to the existing zoning the area will have future housing densities of approximately 1.7 du/acre.

Despite these density increases , Alameda retains its rural character. Guadalupe Trail, five irrigation ditches, the Riverside Drain and the Rio Grande are important features that help to define this character. These water networks support cottonwoods, other vegetation and wildlife populations, as well as serving irrigation and drainage functions.

Guadalupe Trail is narrow and winding. Its width is below the County's accepted standard of 40'. Fields extend behind older homes that edge the street. Lot sizes are typically large and a substantial number of small open fields provide visual access to undeveloped land. As in the rest of the valley, the patchwork pattern of open fields provides a sense of ruralness to neighborhoods in Alameda.

Fourth Street is four lanes with a turning lane and no sidewalks. Pedestrian activity is heavy between the community center and park north of Alameda Boulevard, the neighborhoods, and Alameda Elementary School. The ditches provide alternative north-south routes for travel, but are not recognized as formal trails and do not have gates to limit automobile access. Bus service extends only to the southern edge of the area at El Pueblo Road.

Very little of the Alameda area is served by sanitary sewer. Like much of the valley, it has a high water table and soil types that make leach fields an ineffective method of treating wastewater.

Scenarios

The Alameda area along Fourth and Second Streets has been subjected to many zone changes in the last 10 years. Several of these were for heavy commercial and manufacturing uses and mobile home parks or courts. The narrow areas between Fourth and Second and Second and the railroad tracks are particularly vulnerable to zone changes that alter the character of the area. Single large parcels are granted zone changes which then influence adjacent parcels to the north and south. Remaining strips of A-1 land are likely to be granted similar zone changes. The area to the west of Fourth Street has been far more stable in terms of land use. The zone change and development history of this area shows stable single family residential growth.

The land use trend in Alameda is the gradual, but steady, residential development of vacant lots and subdivision of remaining larger tracts of land. Sewer lines will be expensive to construct. Along Second Street, where the sewer is in place, remaining large parcels of A-1 land will be developed with residential or manufacturing uses.

New subdivisions will continue to be urban in character and appearance with densities of 3-5 dus /acre where sewer is available. Where subdivisions are over several acres in size, the developer may wall off the community from adjacent neighborhoods. The streets within new subdivisions will be wider than those surrounding them.

In the short term, individual septic tanks will be used to treat liquid waste and this will lead to accelerated degradation of groundwater quality. In the long term, the continued development of the area will require extension of urban gravity sewer and necessary pumping stations.

Continued subdivision and development will increase the housing density of the area well beyond one dwelling unit per acre. At these increased densities, the ditches will no longer be used for irrigation. These rights-of-way will be vacated. The potential for agricultural activity, except on the smallest scale, will be lost.

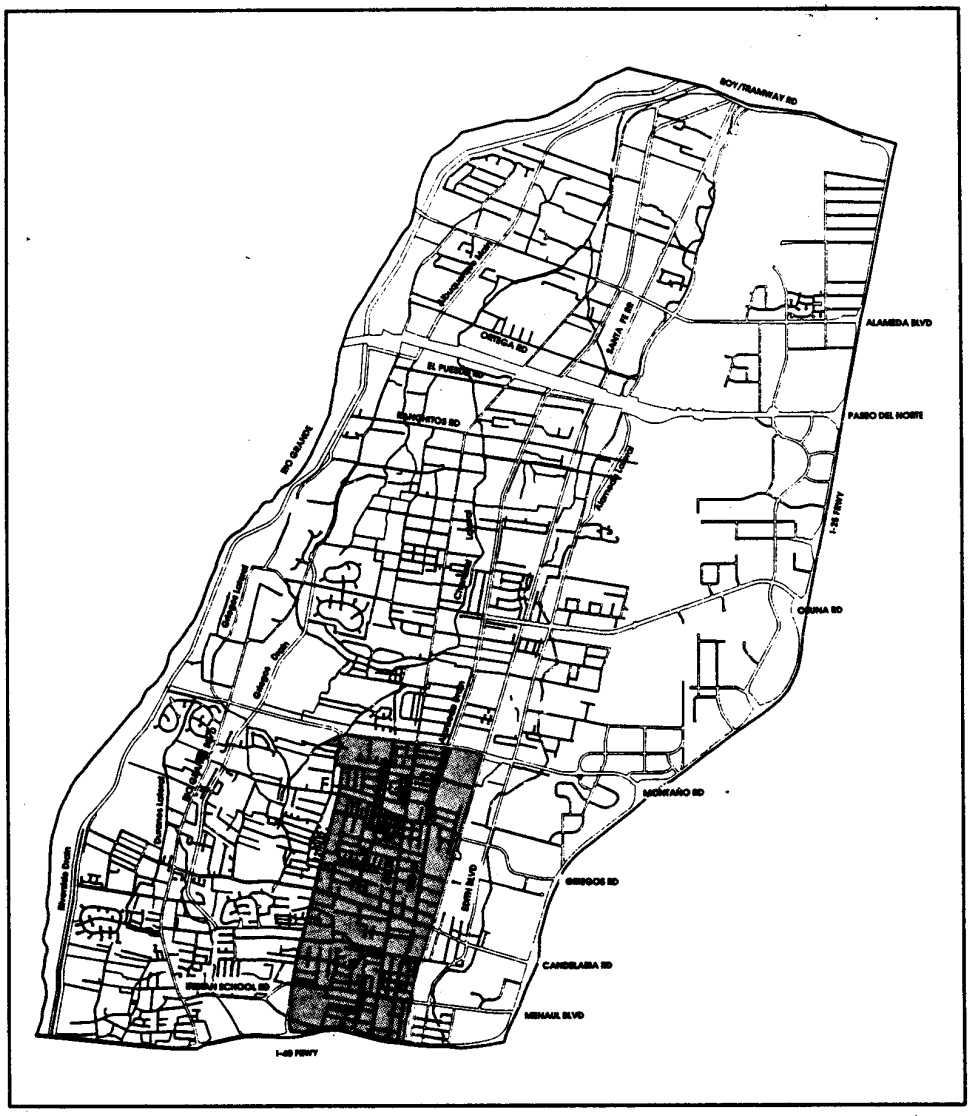
Bus service will not be extended to the area because of its location in the County. This will lead to continued and increased reliance on automobiles as the only travel alternative for most residents.

The trend toward commercial uses along Alameda Boulevard will accelerate after roadway improvements are completed. This will destabilize adjacent residential areas and increase traffic congestion and result in a strip commercial streetscape. Commercial patterns will also alter the rural character of north Fourth and Second Streets.

Under the Comprehensive Plan Scenario, further subdivision of the parcels smaller than 2 acres in this area would not be allowed where sanitary sewer is not available. New development would be grouped or clustered on each site to preserve visual open space and opportunities for gardening with irrigation water. Rural standards would be implemented to allow narrower street widths, gravel roads, soft surface trails instead of sidewalks, maintenance of access to irrigation ditches, and on-site retention of storm water.

New Village Center commercial development would be clustered at the major intersections of Alameda Boulevard and Second or Fourth Streets. Development on either side of Alameda Boulevard would be tied together and to the surrounding neighborhood through trail and pedestrian improvements. The Alameda Drain and Chamisal Lateral rights-of-way would become a valuable link for non-vehicular travel.

For the Preferred Scenario, the present zoning pattern should guide future land uses. Commercial development should be limited to existing businesses on Fourth and Second Streets, north of Alameda Boulevard. Strip commercial development would not be allowed along Alameda Boulevard between Fourth Street and the river with the exception of existing commercially zoned parcels. Long narrow parcels between Fourth and Second Streets and between Second Street and the railroad tracks should develop as zoned with clustered housing, conventional housing, or mobile home parks.



E. MID-NORTH VALLEY EAST

Area

This area is bounded by Montaño Road on the north, the railroad tracks on the east, I-40 on the south, and 12th Street on the west. It is bisected by Menaul Boulevard, Candelaria Road and Griegos Road and cut lengthwise by Fourth and Second Streets. This is one of the most urban areas in the North Valley, yet it retains visible remnants of its agricultural history. The neighborhoods are diverse and numerous. Less vacant land remains in this area than in other portions of the plan area, but more abandoned or vacant buildings and deterioration exist here also. There are several places where residential uses are interspersed with heavy commercial and industrial businesses. In some areas, residences exist on M-1 land.

Goals and Issues

This area lies within the Central Urban and the Established Urban areas. According to the Comprehensive Plan, the Central Urban Area should be promoted as a focus for arts, cultural, and public facilities/activities. Policy B.7.b. calls for upgrading efforts to expand linkages between residential areas and cultural, arts and recreation facilities.

The Established Urban area should have an overall gross density of up to 5 dwelling units per acre. The overall gross density in the Mid-North Valley East area is approximately 2.57 du/acre. The Comprehensive Plan Policy B.5.d. states that location, intensity, and design of new development shall respect existing neighborhood values, environmental conditions, scenic resources and resources of social, cultural, or recreational concern.

The Comprehensive Plan Housing Goal, in part, is to conserve and improve the quality of housing. The Mid-North Valley East area provides more low to moderately priced homes than other portions of the plan area.

The North Valley Area Plan Goals and Issues especially relevant to this area include; concern over vacant/abandoned buildings, the need for buffering to relieve noise and visual impacts of traffic, need for improved flood control and drainage, and encouraging economic revitalization of Fourth and Second Streets.

MID-NORTH VALLEY EAST AREA LAND USE AND ZONING

TOTAL GROSS ACRES	1,406 (includes roads, etc.)
TOTAL NET ACRES	1,085

TOTALS (Acres)

	Land Use	Zoning	SUPs	SU1
Manuf/HeavComm	60 (6%)	306	0	9
Residential	649 (60%)	660	0	3
Commercial	175 (16%)	73	0	46
Institutional	110 (10%)	38	0	38
Vacant	78 (7%)			
Other	13 (1%)			

In the Mid-North Valley East, area there are 152 acres with M-1 or M-2 zoning but only 42 acres in industrial use. Much of this land is either developed with other uses, like homes, or vacant. Overall, 28% of the land in this subarea is zoned for heavy commercial and industrial uses. The proximity of the area to large vacant tracts of M-1 land in the North I-25 Corridor and the residential use of much of this land may indicate that this land is zoned inappropriately.

There is a slightly higher proportion of commercial uses in this area which reflects the large amount of commercial land along and between Fourth and Second Streets. There are 60 acres of land zoned for C-3 uses in this subarea - far more than in any other portion of the plan area. The Second Street subarea, for example, has under 4 acres of C-3 zoning. There also are over 85 acres zoned for C-2 uses.

Between 1985 and 1991, 7 of the 11 zone change requests in this area were granted.

Character

Because of its proximity to Downtown, there are some old subdivisions in this portion of the plan area. The land of the Monkbridge Addition, for example, was a farm in the vicinity of Fourth Street and Candelaria Road. It was first subdivided in 1917. Many housing subdivisions date from the 1920's when 5 or 10 acre parcels along Fourth Street were divided into very small lots. Subdivisions in the early 1930's tended to have larger lots, as in the Fitzgerald Addition which was also once a farm. In the 1940's, this area, like the rest of the City, boomed. Only two subdivisions in this area post date the 1940's.

The mix of commercial, industrial and residential uses is very evident in this part of the North Valley. Many homes are zoned for industrial use. This mismatch of M-1 zoning to residential use is especially evident in the area between Second Street and the railroad tracks south of Claremont Avenue. Whether homes are located in industrial areas or industries are located in neighborhoods depends on the viewer's perception and on the relative condition of the uses. It could be argued that single industrial uses or vacant land zoned for industry in otherwise residential areas has a potential negative impact on those homes and lessens the desirability of surrounding properties for residential use. The balance between these uses is an important issue in this area.

The rural origins of the valley are still evident in portions of the Mid-North Valley East area where some old irrigation ditches are still in use. The Harwood Lateral runs north to south through the Harwood Addition and other developed neighborhoods. It is closed north of Headingly and the right-of-way remains vacant. The Griegos Lateral, no longer in use, meanders through the Las Tomases area south of the Alameda Drain. These ditches, like others in the valley, support mature vegetation. The locations of these watercourses are evident in aerial photographs by the number and density of cottonwoods and other trees that grow alongside them. A large part of the valley's charm is defined by its trees and greenery and by the ditch network.

In the Las Tomases area just north of Menaul Boulevard between Fourth and Ninth Streets, are the remnants of an older, pre-subdivision community. There is a small chapel and what may have been a dance hall on Las Tomases Street. The focal point of this area today is a large vacant tract of land previously used by a steel company.

The Indian School property lies within this subarea. The future uses of this land could have a tremendous influence on surrounding neighborhoods. The planning for this land, underway now, should give care to how these neighborhoods are integrated or buffered from this site.

The neighborhoods to the north up Twelfth Street in the vicinity of the Alameda Drain are rural in character owing to larger lot sizes, the presence of the Drain and of the Griegos Lateral. Near Twelfth Streets's terminus at Delamar Avenue is a pocket of rural land irrigated from the Harwood Lateral. This area is just south of Montaño Road.

Commercial development along Fourth Street is constrained today by the lot sizes of many parcels. Modern commercial development generally requires a broader street frontage and deeper lot than many of the parcels provide. The smaller lot sizes also limit the amount of parking a business can provide which is extremely important to retailers. Consolidation of lots into parcels large enough to accommodate standard auto-oriented new businesses is a costly and complicated procedure, especially when it is relatively easy to find appropriately sized lots in other portions of the City.

The older commercial structures fronting the sidewalk on some portions of Fourth Street define the street's edge. In some places, parking lots have been created behind the buildings and new entrances created to the rear for the convenience of motoring clientele. This creates inactive space at the front of the structures. Little or no room exists for landscaping where older buildings sit on the property line.

Fourth Street in this area appears cluttered. Some structures are vacant and/or deteriorated. In the plan area, there are over 5 acres occupied by abandoned structures. However, the proximity of this portion of Fourth Street to the Interstates has made it attractive to a variety of businesses.

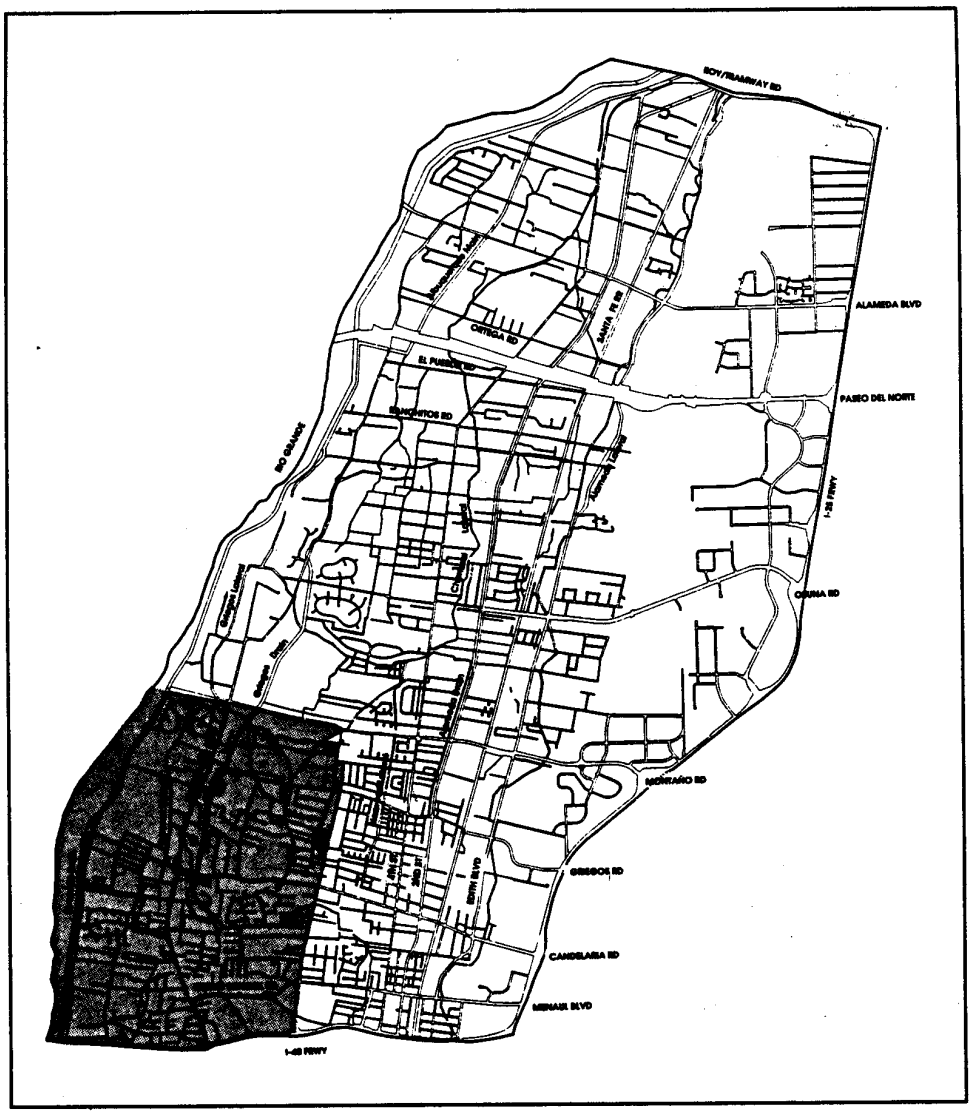
Scenarios

The Mid-North Valley East has less vacant land than some other portions of the plan area, so broad changes in land use are unlikely. There are few zone change requests for this area. The trend is for older commercial structures along Fourth and Second Streets to continue their decline. Their small size relative to new commercial spaces in other portions of the City and the lack of adequate parking could limit redevelopment potential.

Residential areas sandwiched between commercial and industrial uses will deteriorate and, as they are already zoned for non-residential uses, will eventually be purchased for the expansion of manufacturing and commercial uses. This will result in the gradual displacement of housing in these areas.

Under the Comprehensive Plan and Preferred scenarios, residential areas between Second Street and the railroad tracks would be improved. Montaño Road would be the dividing line between these general land uses, with heavy commercial and industrial uses locating only on parcels zoned for this use south of Montaño Road. These areas would be re-zoned in accordance with present land use. Vacant parcels zoned for manufacturing use would be targeted for residential use through re-zoning and low income housing assistance.

Commercial properties along Fourth and Second Streets would be the focus of redevelopment efforts aimed at providing new housing and aiding business cooperation toward joint use of parking lots, promotional activities, and limiting vandalism in this area.



F. MID-NORTH VALLEY WEST

Area

The boundaries of the western mid-north valley are the Rio Grande on the west, Montaño Road on the north, 12th street and Guadalupe Trail on the east and I-40 on the south. The interconnecting pattern of the ditch system and proximity to the river, bosque and Rio Grande Nature Center and Preserve distinguish this plan subarea from the Mid-North Valley East area. This network of public lands supports vegetation and wildlife and provides informal pathways. The area contains diverse housing types and lot sizes that enable apartment and townhome residents to enjoy access to open space and rural areas. The area contains the remnants of the historic villages of Los Duranes, Los Candelarias and Los Griegos. Previous planning work in this portion of the North Valley includes; Los Griegos Sector Development Plan, Rio Grande Corridor Plan, and Los Duranes Sector Development Plan.

Goals and Issues

Most of this subarea is designated Established Urban in the Comprehensive Plan, although pockets of designated Rural lands remain. The fairly low density residential zoning and mix of suburban and rural platting patterns distinguish it from other portions of the valley and especially from other Established Urban areas. Most of this subarea is within municipal limits with the exception of three areas.

The Comprehensive Plan policy states that the location, intensity, and design of new development shall respect existing neighborhood values, environmental conditions, scenic resources and resources of social, cultural, or recreational concern. The Plan also calls for maximum choice in housing, transportation, work areas, and lifestyles in established and developing urban areas.

The North Valley Plan Goals include maintaining the rural flavor of the valley and developing incentives to preserve farmland and open space and maintain ditches for agricultural and low impact recreational uses.

MID-NORTH VALLEY WEST LAND USE AND ZONING

TOTAL GROSS ACRES	3,133
TOTAL NET ACRES	2,332

TOTALS (Acres)

	Land Use	Zoning	SUPs (% Zoning)	SU 1
Manuf/HeavComm	5 (.002%)	48	8 (2%)	10
Residential	1538 (66%)	2052	3 (.001%)	118
Commercial	52 (2%)	28	5 (18%)	4
Institutional	110 (5%)	202	3 (1)%	200
Vacant	431 (18%)			
Other	196 (8%)			

There are very few manufacturing or heavy commercial uses in this area. Most of the 431 acres of vacant land in the area are zoned for residences. Commercial uses account for only 52 of the total 2,332 acres in the area.

Character

The subarea's vacant land (1/5 of total land use for this subarea) contributes considerably to its rural appearance as does the system of irrigation ditches, the Rio Grande Nature Center and the Rio Grande bosque.

The area encompasses several very old communities. Generally, the agricultural lands were first subdivided into lots in the 1920's and 1930's after drainage improvements were completed. During the 1940's and 1950's, lands were further divided, creating a more urban development pattern. During the 1960's, large subdivisions with cul-de-sac streets and 1/4 acre lots were developed between Rio Grande Boulevard and the river. This type of subdivision design was also prevalent in the 1970's. The 1980's subdivisions are characterized by townhouse development on 2-5 acre parcels near Rio Grande Boulevard.

The Los Duranes portion of this area (between I-40, Rio Grande Boulevard and the northern Los Duranes Sector Development Plan Boundary) was a historic settlement dating back to the 1700's. Portions of the area are outside the city limits. Many properties have wells and septic tanks, although sanitary sewer construction was recently completed. Residents raise chickens, cows, horses and goats. Doglegged roads (making 90 degree turns) probably postdate property platting. Large, old adobe homes are interspersed among small to moderately sized homes. Narrow, paved streets contain valley gutters (a shallow trench down the street's center) rather than sidewalk, curb or gutters.

The portion of the Mid-North Valley between Candelaria Road, Twelfth Street, Griegos Road and the Rio Grande is diverse as well as historic. The Griegos Lateral runs through the area. Major public or institutional uses include Valley High School, Griegos Elementary and Our Lady of Guadalupe Church. Large tracts of land are vulnerable to change (most land is zoned RA-2, which will allow up to four dwelling units per acre). Pockets of single family home and townhome developments are replacing agricultural lands. The area east of the Griegos Lateral contains fairly old neighborhoods subdivided into long narrow lots backing onto laterals.

The area between Veranda Road, Griegos Drain, and Montaño Road includes the Rio Grande Nature Center and related fields for wildlife habitat. Dietz Farms with its 1/4 acre suburban parcels is also in this area. There is a parcel of vacant A-1 land at Montaño Road and Rio Grande Boulevard and a mixture of townhouse, suburban and large lot development between Rio Grande Boulevard and the Griegos Drain. The area also has some mixed rural development between Dietz Farms, the Nature Center and Rio Grande Boulevard.

North of Griegos Road, the Griegos Lateral and Guadalupe Trail form a "Y". These linear features are surrounded by historic structures on fairly large lots and undeveloped fields. Fairly urban development surrounds this very rural center. Much of the vacant land and fields are zoned RA-2.

Scenarios

The buildout of land in this subarea at existing zoning will change its present rural character. Much of the land is now vacant. Of the vacant land, 18% is zoned A-1. A maximum density of four dwelling units per acre could develop on approximately 40% of the vacant land which is zoned RA-2. Another 87.25 acres, or 20% of the total vacant land, is zoned R-1. County land, with this zoning serviced by sewer and water, allows a density up to three to four dwelling units per acre. Within municipal boundaries, it allows a maximum density of six dwelling units per acre.

The Trend Scenario for the Mid-North Valley West subarea will mean continued development of residential uses and loss of rural character. Even if the almost 95 acres of vacant A-1 land are developed into one acre lots, the existing semi-rural character of this portion of the valley will change. Often A-1 land is subject to zone changes for more intense development and this can be expected now that sanitary sewer is available. The existing 217+ acres of RA-2 zoned land will become suburban under the Trend Scenario and the 97+ acres of vacant R-1 land will become quite urban in character.

The Comprehensive Plan and Preferred scenarios for this area would mean development at densities allowed by existing zoning but clustered to retain open space. The ditches would be retained both for agriculture and for a trail network. The diversity of the area would be encouraged to provide for a variety of lifestyles and housing types. Pedestrian and bicycle connections to nearby areas like Old Town and the Rio Grande Valley State Park would be created and/or improved. Village Center principles would be applied at existing commercial nodes.

APPENDIX G.

ZONING BUILDOUT

The North Valley Area Plan Buildout Scenario uses the following assumptions about zoning and density:

Zoning	Density
A1	1 du/acre
R1/MH	6 du/acre
R2	20 du/acre
R3	30 du/acre
RA1	2 du/acre
RA2	4 du/acre
RLT	10 du/acre
RT	12 du/acre
RD	4 du/acre

There are also various special use codes that apply not only to commercial zoning, but residential as well. The following SU zones were grouped into standard zones that apply to individual uses.

SU 1000-1110 = R1 8 du/acre
SU 1115-1300 = R2 20 du/acres
SU 1350 = MH 5 du/acre
SU 2000-3700 = C1,C2,M1,& O average size lot
SU 4000-7540 = C3,M2 average size lot
SU 8000-9100 = remain as such
SANDIA not included in calculations

HOUSING UNITS

	1980	1990	Build Out
Alameda Blvd.	1850	2176	3801
2nd & 4th Streets	1538	988	1515
Edith Blvd.	1130	1365	1650
N-I-25	493	730	783
Mid N.V.E.	3296	3855	4158
Mid N.V.W.	3591	5126	6902
Los Ranchos	966	1904	2963
Total	12,864	16,144	21,772

(updated 7/92)

POPULATION

	1980	1990	2000	Buildout
Alameda Blvd.	5666	5821	6436	9122
2nd & 4th Streets	4094	2413	2668	3636
Edith Blvd.	3378	3578	3956	3960
N. I-25	1070	1821	2013	1879
Mid N.V.E.	8833	9537	10545	9799
Mid N.V.W.	14981	16650	18410	16565
Los Ranchos	2702	4802	5309	7111
TOTAL	40,724	44,622	49,337	52,252

(updated 7/92)

Densities, total units, and population were derived for each sub-area by census block from the 1990 Census Public Law Data for the State of New Mexico. The existing and projected gross densities were based on the 1990 Census of 2.4 persons per dwelling unit.

The amount of vacant land and it zoning within the North Valley area boundaries was extracted from the City's Land Use Information System data base. The estimated number of commercial, industrial, office, agricultural, manufacturing, and residential units that this vacant land could absorb was then extrapolated by examining the existing zoning of that vacant land.

Densities for the non-residential categories were determined by dividing the total number of existing acres in each non-residential land use category by the number of parcels in use for that category to get an "existing average size lot". The "average lot size" for each category was then divided into remaining vacant acres of land to get the number of potential units at buildout. This gives us an idea of how much land is required for a "typical" business in the light manufacturing industry. Additionally, it will give us an idea of how many light manufacturing firms the vacant land zoned C2 in the study area could hold. A further assumption is that the average lot size will not change before buildout occurs. Zones that apply to this methodology are C1, C2, C3, M1, M2, and O1.

Housing units were determined by counting the number of housing units in each enumerated 1990 census block in the study area. Buildout units were estimated by multiplying the remaining vacant acres in each residential zone category by the density factor listed on the previous page and adding them to the number of existing units. Vacant residential acres in the city were differentiated from the county because of differences in allowed densities.

Population was calculated using the same methodology as housing units. The Census Bureau reported densities for single family and multi family housing units in 1990 by census tract. To determine buildout, densities were multiplied by the number of units estimated the vacant land could contain based on present zoning.

Two methods were used to derive buildout population and housing units. The first method used census data and building permits. The 1990 census served as the population base to which building permit information was added. Household densities were established by the Census Bureau for both single family and multi

family housing units. These density levels specific to a subarea were multiplied by the number of permits issued in a area. This number added to the existing population save a present estimation. For buildout population, these densities were multiplied by an estimation of the maximum number of units the vacant area could hold based on present zoning.

The same methodology was used to obtain the number of housing units. The census base figure plus the number of permits issued since 1980 equals present estimation. The buildout figure for housing units was obtained by multiplying the amount of vacant land by the unit density a specific zone would allow and then adding that figure to the present estimation.

Assumptions for Housing:

SF = A1, R1, RA1, RA2, RLT, RT, RD, MH

MF = R2, R3

The second approach uses information from the Land Use Information System. The figures used for zoning, vacant acres, and buildout of vacant acres are the same, as well as the assumptions about single family and multi family zoning. It is the base figures for residential units that differs. Here existing units counted by use code for each subarea. To obtain final buildout, this figure is then added to the buildout estimation for vacant land in a specific category. Mobile homes are included in single family buildout estimations. This assumption is held constant in both buildout approaches. Buildout population in the land use approach is derived by multiplying this figure by the specific household density.

There is some discrepancy between buildout estimations when final figures are compared. However, the variances that exist are not consistent in one direction. The error is most likely due to incorrect land use data and not methodology. It is for this reason that the first approach using census data and building permits, as a base for buildout, is the most accurate and reliable.

NVAP
VACANT ACREAGE BY SUBAREA

ZONING	ALAMEDA STREETS	2ND & 4TH	EDITH	N-I-25	MID N.V.E.	MID N.V.W.
C1, C2, M1	8.00	24.00	158.00	660.00	34.00	13.66
C3, M2			18.00	837.00	6.50	
RD						
A1/AR1	275.00	75.00	208.00	37.00		83.24
R1/MH/AR2	225.00	57.00	77.00	2.56	29.00	87.25
R2		5.00		62.10	5.55	9.98
R3						
PRD						56.68
RA1	4.63					
RA2		1.23				174.56
RLT					.75	3.17
RT	.52			.85		1.00
SU-8000-8300					92.00	
OTHER	40.00	.66	3.00	2.15	.54	
SCHOOL						3.09
TOTALS	548.00	163.00	464.00	1,691.00	79.00	433.00

NVAP
UNITS AT BUILDOUT BY SUBAREA

ZONING	ALAMEDA STREETS	2ND & 4TH	EDITH	N-I-25	MID N.V.E.	MID N.V.W.
C1, C2, M1, O1	10.00	39.00	119.00	496.00	23.00	9.00
C3, M2			18.00	629.00	4.00	
RD A1,AR1	275.00	75.00	208.00	37.00		83.24
R1,MH, AR2	1,350.00	342.00	77.00	16.00	174.00	523.50
R2		100.00			112.00	200.00
R3						
PRD						227.00
RA1						
RA2		5.00				698.24
RLT					7.00	31.70
RT		5.00			10.00	12.00
TOTALS	1,625.00	527.00	285.00	53.00	303.00	1,776.00
Existing Units	2,176.00	988.00	1,365.00	730.00	3,855.00	5,126.00
Total Housing Buildout	3,801.00	1,515.00	1,650.00	783.00	4,158.00	6,902.00

(updated 7/92) August 1990
Source: LUIS/AGIS

HOUSING UNITS

	1980	1990	Build Out
Alameda	1850	2176	3801
2nd & 4th Streets	1538	988	1515
Edith	1130	1365	1650
N-I-25	493	730	783
Mid N.V.E	3296	3855	4158
Mid N.V.W.	3591	5126	6902
Los Ranchos	966	1904	2963
TOTAL	12,864	16,144	21,772

POPULATION

	1980	1990	2000****	Build Out
Alameda	5,666	5,821 (6198)*	6,436	9,122
2nd & 4th Streets	4,094	2,413 (4478)	2,668	3,636
Edith	3,378	3,578 (3695)	3,956	3,960
N-I-25	1,070	1,821 (1167)	2,013**	1,879
Mid N.V.E	8,833	9,537 (9967)	10,545**	9,979
Mid N.V.W.	14,981	16,650 (16397)	18,410**	16,565
Los Ranchos***	2,702	4,802	5,309	7,111
TOTAL	40,724	44,622 (41,902)	49,337	52,252

*Numbers in parenthesis are estimated from 1988 Socioeconomic Projections.
**Given present residential zoning:
-N-I-25 should reach build out in 1993.
-Mid NVE should reach build out in 1994.
-Mid NVW should have already reached build out.
*** Los Ranchos was not included in the 1988 Socioeconomic Projections.
****Year 2000 projections are based on trend growth for the NVAP area.
Growth rates for 1980 to 1990 = .091% annually, 1990 to 2000 = 1.01%.

APPENDIX H

ZONE CHANGE REQUESTS, COUNTY

January 1985- May 1991.

(all sub-areas)

REQUEST	APPROVED	TOT	DENIED	TOT	WITHDRAWN	TOT	DEFERRED	TOT	TOTAL
A-1 to M-H	CZ.90.17 CZ.86.61 CZ.88.39 CZ.86.23	4							4
A-1 to R-1	CZ.90.29 CZ.89.36 CZ.90.8 CZ.89.7 CZ.90.6 CZ.86.11 CZ.90.3 CZ.86.4	8	CZ.89.39 CZ.86.34 CZ.87.63	3			CZ.88.38 CZ.85.51	2	13
A-1 to R-2			CZ.89.37 CZ.87.28	2					2
A-1 to C-1	CZ.91.5 CZ.87.25 CZ.90.7 CZ.85.73	5	CZ.88.37 CZ.85.78 CZ.85.52(&to R-1)	3			CZ.89.13		10
A-1 to M-1	CZ.86.67 CZ.85.65	4	CZ.89.5 CZ.86.39 CZ.87.72 CZ.85.22	4	Cz.85.44	1	CZ.84.42	1	10
M-H to R-1	CZ.90.15 CZ.85.88	2							2
M-H to C-1	CZ.87.65 CZ.85.21	3	CZ.88.29	2					5
M-H to C-2	CZ.88.28	1	CZ.86.69	1					2
M-H to M-1	CZ.87.39 CZ.86.6	2							2
R-1 to M-H	CZ.85.42	1					CZ.85.67	1	2
R-1 to A-1	CZ.86.8	1							1
R-1 to R-2	CZ.87.50 CZ.87.31	2	CZ.91.4	1					3
R-1 to C-1	CZ.90.25 CZ.86.48 CZ.89.10 CZ.86.17 CZ.88.40 CZ.85.37 CZ.88.36 CZ.85.23 CZ.87.27 CZ.85.5	10	CZ.86.47	1	CZ.88.55	3	CZ.88.24	2	16
R-1 to O-1			CZ.86.56	1					1
R-1 to M-1	CZ.88.23 CZ.85.32 CZ.85.76	3	CZ.88.44 (6 mos. to relocate)`	3					6
R-2 to C-1							CZ.86.2	1	1
CN to M-H	CZ.88.22	1							1
CN toC-1	CZ.91.6	1							1
C-1 to R-1	CZ.85.66	1							1
C-1 to C-2	CZ.90.14 CZ.87.68 CZ.88.49 (A-1 to C-2) (R-2 to C-2) CZ.88.32 CZ.87.5 CZ.88.27	6	CZ.87.40 CZ.86.58 (&A-1 to C-2	2			CZ.91.8 CZ.91.2 CZ.90.31	3	11
C-1 to M-1	CZ.90.32 CZ.86.32 (&MH) (& MH) CZ.89.28 CZ. 85.55 (& MH, approved C-2) CZ.87.17	5	CZ.90.33 CZ.89.1 CZ.90.23 CZ.87.43 CZ.89.3	5					10
C-2 to M-1							CZ.89.24	1	1
TOTAL		**60**		**28**		**4**		**13**	**105**

A. Edith Corridor
Approved: 18
Denied: 9
Withdrawn: 0
Deferred: 3
Total: 30

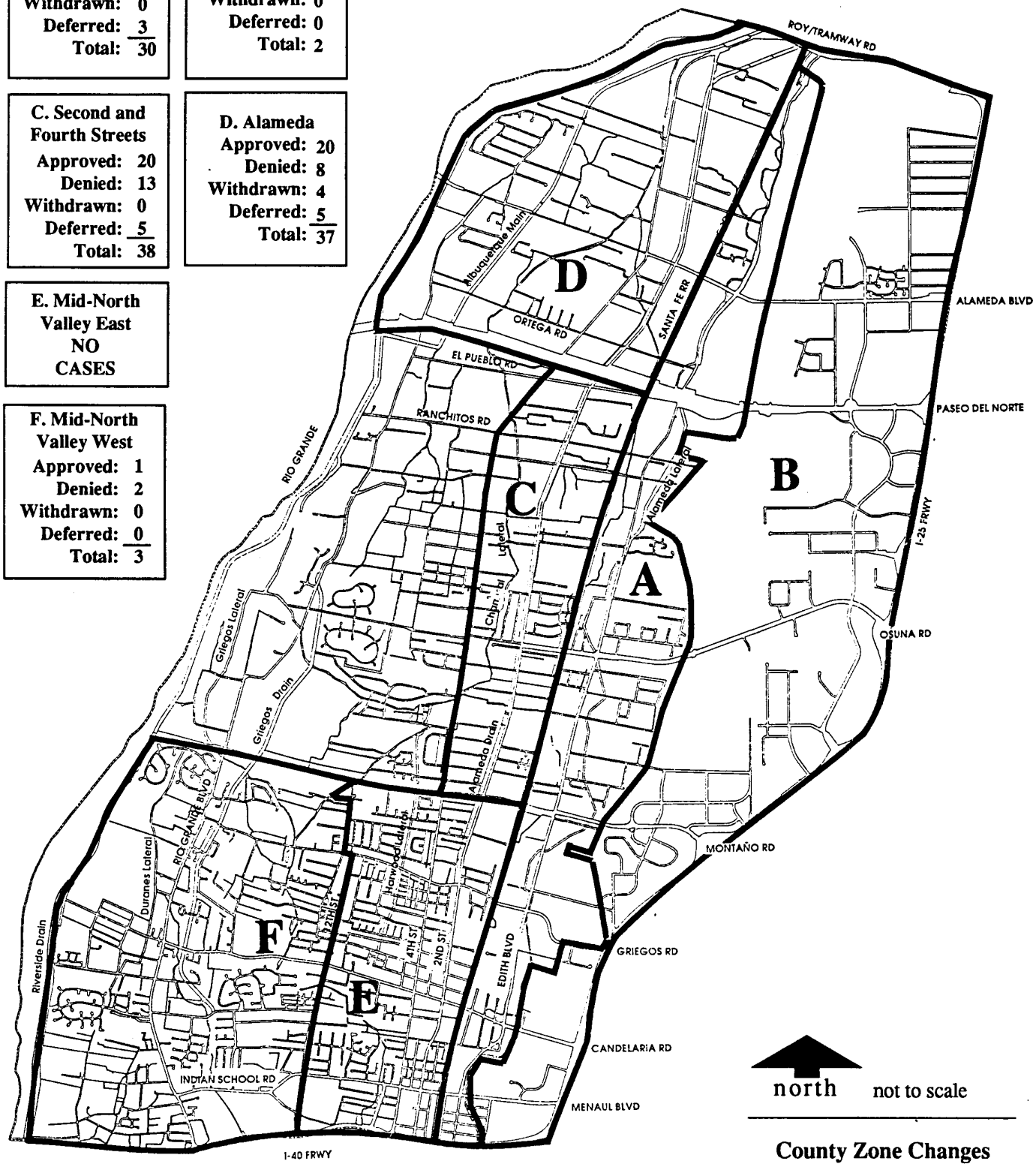
B. North I-25
Approved: 1
Denied: 1
Withdrawn: 0
Deferred: 0
Total: 2

C. Second and Fourth Streets
Approved: 20
Denied: 13
Withdrawn: 0
Deferred: 5
Total: 38

D. Alameda
Approved: 20
Denied: 8
Withdrawn: 4
Deferred: 5
Total: 37

E. Mid-North Valley East
NO CASES

F. Mid-North Valley West
Approved: 1
Denied: 2
Withdrawn: 0
Deferred: 0
Total: 3



County Zone Changes By Sub-Area
January 1985 - May 1991

APPENDIX I

SPECIAL USE PERMIT REQUESTS COUNTY
January 1985 - May 1991
(all sub-areas)

Land Use Category	Approved		Denied		Withdrawn		Deferred		TOTAL
		previous zoning		previous zoning		previous zoning		previous zoning	
Manufacturing Heavy Commercial	CSU.91.7	A-1	CSU.85.4	R-1	CSU.89.45	M-H	CSU.81.21	A-1	
	CSU.91.6	A-1	CSU.90.36	A-1			CSU.89.27	A-1	
	CSU.91.5	A-1	CSU.90.34	M-H			CSU.86.47	A-1	
	CSU.90.47	A-1	CSU.90.18	R-1			CSU.85.62	A-1	
	(5 years)		CSU.90.14	R-1					
	CSU.90.41	C-1	CSU.90.10	A-1					
	CSU.90.40	A-1	CSU.89.53	A-1					
	CSU.90.30	M-H	CSU.89.32	A-1 with SUP					
	*CZ.90.24	C-1							
	CSU.90.19	C-1	CSU.89.23	A-1					
	CSU.89.54	R-1	CSU.88.23	M-H					
	CSU.89.48	A-1	CSU.88.20	R-1					
	CSU.89.25	R-1 & C-1	CSU.88.18	A-1					
	CSU.89.15	A-1	CSU.88.11	M-H					
	CSU.88.41	A-1	CSU.88.10	C-1					
	CSU.88.34	M-H	CSU.88.6	C-1					
	CSU.88.17	C-1	CSU.87.63	R-1					
	CSU.88.7	C-1 & M-H	CSU.87.62	CN					
	CSU.87.65	M-H	CSU.87.34	A-1					
	CSU.87.51	C-1 & A-1	CSU.87.21	M-H					
	CSU.87.43	A-1	CSU.87.16	A-1					
	CSU.87.42	C-1	CSU.86.55	A-1					
	CSU.87.41	M-H	CSU.86.23	M-H					
	CSU.87.30	C-1 & A-1	CSU.85.64	A-1					
	CSU.87.29	A-1	CSU.85.36	A-1					
	CSU.87.22	M-H	CSU.85.15	R-2					
	CSU.87.20	M-H	*CZ.85.9	M-H					
	CSU.87.1	C-1							
	CSU.86.54	R-1							
	CSU.86.51	A-1							
	CSU.86.46	A-1							
	CSU.85.78	C-1							
	CSU.85.75	A-1							
	CSU.85.61	C-1 & M-H							
	CSU.85.56	R-1							
	CSU.85.53	C-1							
	CSU.85.47	C-1							
	CSU.85.37	R-1							
	CSU.85.30	M-H							
	CSU.85.24	R-1 & C-1							
	CSU.85.22	A-1 & M-H							
	CSU.85.20	M-H							
	CSU.85.19	C-1 & M-H							
	CSU.85.16	A-1							
	CSU.85.14	A-1							
	(2 years)								
TOTAL		**46**		**24**		**1**		**4**	**75**

APPENDIX I CONTINUED

SPECIAL USE PERMIT REQUESTS COUNTY
January 1985 - May 1991
(all sub-areas)

Land Use Category	Approved		Denied		Withdrawn		Deferred		TOTAL
		previous zoning		previous zoning		previous zoning		previous zoning	
Institutional	CSU.87.25 CSU.87.14 CSU.86.12	R-1 M-H R-1							
TOTAL		3							3
Commercial	CSU.90.23 CSU.90.16 CSU.87.46 CSU.86.48 CSU.86.6 *CZ.85.38 CSU.85.8	R-1 M-H A-1 R-1 R-1 R-1 A-1	CSU.86.24 CSU.86.13	A-1 C-1			CSU.88.24	A-1	
TOTAL		7		2				1	10
Residential	CSU.90.28 *CZ.89.34 CSU.89.1 *CZ.88.8 CSU.85.50 CSU.85.49 CSU.85.43	A-1 R-1 A-1 A-1 A-1 A-1 A-1	CSU.89.51 CSU.86.29 CSU.86.28 CSU.87.27 CSU.85.6	A-1 M-H A-1 R-1 A-1	CSU.90.35 CSU.85.34	R-1 R-1			
TOTAL		7		5		2			14
Other	CSU.88.30 CSU.86.41	R-2 R-1	CSU.90.20	M-1			CSU.89.9 CSU.89.2	M-1 A-1	
TOTAL		2		1				2	5
TOTAL (page 2)		19		8		2		3	32
TOTAL (page 1)		46		24		1		4	75
TOTAL (page 1 & 2)		60		32		3		7	107

***Zone change requests approved as SUPs**

A. Edith Corridor
Approved: 32
Denied: 15
Withdrawn: 1
Deferred: 4
Total: 52

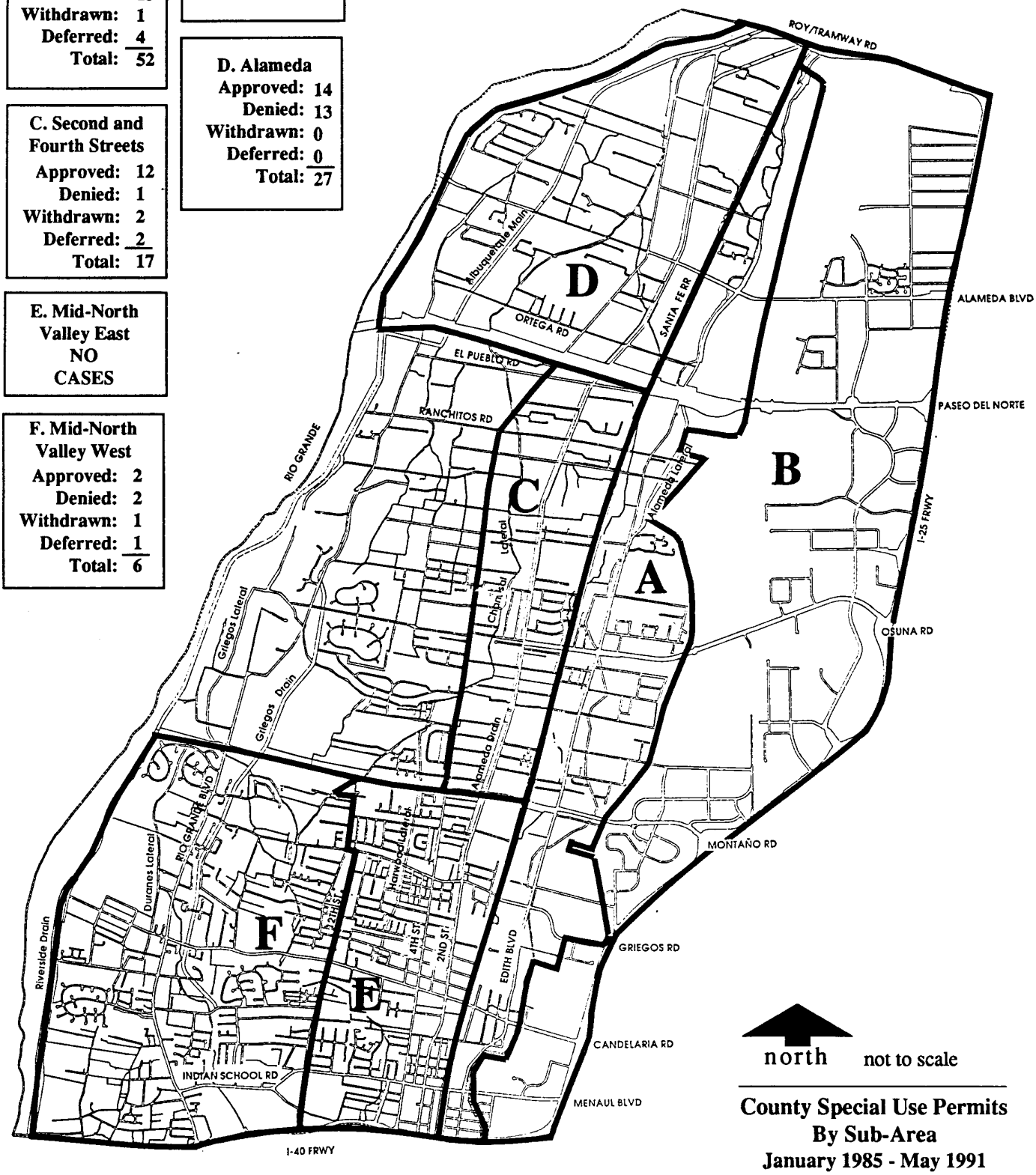
B. North I-25
NO CASES

C. Second and Fourth Streets
Approved: 12
Denied: 1
Withdrawn: 2
Deferred: 2
Total: 17

D. Alameda
Approved: 14
Denied: 13
Withdrawn: 0
Deferred: 0
Total: 27

E. Mid-North Valley East
NO CASES

F. Mid-North Valley West
Approved: 2
Denied: 2
Withdrawn: 1
Deferred: 1
Total: 6



County Special Use Permits By Sub-Area
January 1985 - May 1991

APPENDIX J

ZONE CHANGE REQUESTS, CITY
January 1985-May 1991
(all sub-areas)

REQUEST	APPROVED	TOT	DENIED	TOT	WITHDRAWN	TOT	DEFERRED	TOT	TOT
A-1 to RA-1	Z.87.182	1							1
Annex and A-1, and SU-1/PRD, SU-1/RT, RA-2 and C-1 to R-1, RT and O-1	Z.87.126	1							1
R-1 to R-2	Z.85.140								
	Z.85.72 Z.90.90	3							3
R-1 to R-3							Z.85.6	1	1
RA-2 to R-1			Z.87.41 Z.85.59	2			Z.85.127	1	3
R-1 to RT							Z.89.34	1	1
R-1 to RC	Z.86.17	1							1
RA-2 to R-LT	Z.86.33	1			Z.90.14	1			2
RA to C	Z.85.80 Z.85.74	2			Z.86.44				3
R-1 to SU-1	Z.89.44	1							1
RA-2 to SU-1	Z.89.37 Z.84.102.1	2	Z.90.30 Z.85.86	2			Z.91.26		5
R-1 to M-1			Z.90.77 Z.85.44	2					2
R-1 to C-1							Z.87.22	1	1
R-1 to SU-1 for O-1 and C-1	Z.89.99	1							1
R-2 to O-1	Z.87.90	1							1
RD to SU-1 for C-1 and SU-1 for Apts and IP	Z.82.66	1							1
RT to C-1	Z.85.94	1							1
P and R-1 to C-2	Z.85.4	1							1
C-1 and R-1 to C-1	Z.91.2	1							1
C-1, R-2 and RA-2 to C-1	Z.85.131	1							1
C-1 and RA-2 to SU-1 for C-1	Z.85.80.1								1
C-1 to SU-1 and C-1	Z.90.38	1							1
C-2 to R-1	Z.86.49	1							1
C-2 and R-2 to O-1	Z.85.3	1							1
C-3 and R-1 to SU-1	Z.84.147	1							1
C-3, SU-1 and M.1 to SU-1	Z.90.35	1							1
M-1 to SU	Z.87.16 Z.86.57	2							2
M-1 to O-1	Z.82.67.1	1							1
M-2 to SU-1 for IP	Z.84.13.3 Z.86.66	2							2

con't

APPENDIX J

ZONE CHANGE REQUESTS, CITY
January 1985-May 1991
(all sub-areas)

REQUEST	APPROVED	TOT	DENIED	TOT	WITHDRAWN	TOT	DEFFERED	TOT	TOT
Annex/County M-1 to City M-1	Z.90.11 Z.89.105 Z.87.3 Z.85.64	4			Z.86.43	1			5
County Unplatted to IP	Z.85.70	1							1
IP to SU	Z.89.40 Z.88.86 Z.88.51	3							3
SU to SU with minor changes	Z.91.4 Z.90.99 Z.88.106 Z.87.150 Z.88.83 Z.79.62.1	6			Z.70.140.1	1	Z.89.55	1	8
SU to C-1	Z.80.32	1							1
SU for IP to SU for C-2					Z.89.17	1			1
SU for C-2 to SU for R-3	Z.84.13.3.	1							1
SU for Apts. to SU for C-1					Z.86.82	1			1
SU-1/M-1 to RD and RD to SU-1/ M-1					Z.86.82	1			1
SU-1 for O-1 to RA-2	Z.88.4	1							1
TOTAL		**47**		**6**		**7**		**6**	**66**

OTHER :

Z.85.37 R-1 to C-1 Action unknown.
Z.88.74 Original zoning is unknown, request was for SU-1 for Septage Discharge Facility. (withdrawn)
Z.91.14 Original zoning is unknown, request was for SU-2 /IP. (approved)

A. Edith Corridor
Approved: 2
Denied: 0
Withdrawn: 1
Deferred: 0
Total: 3

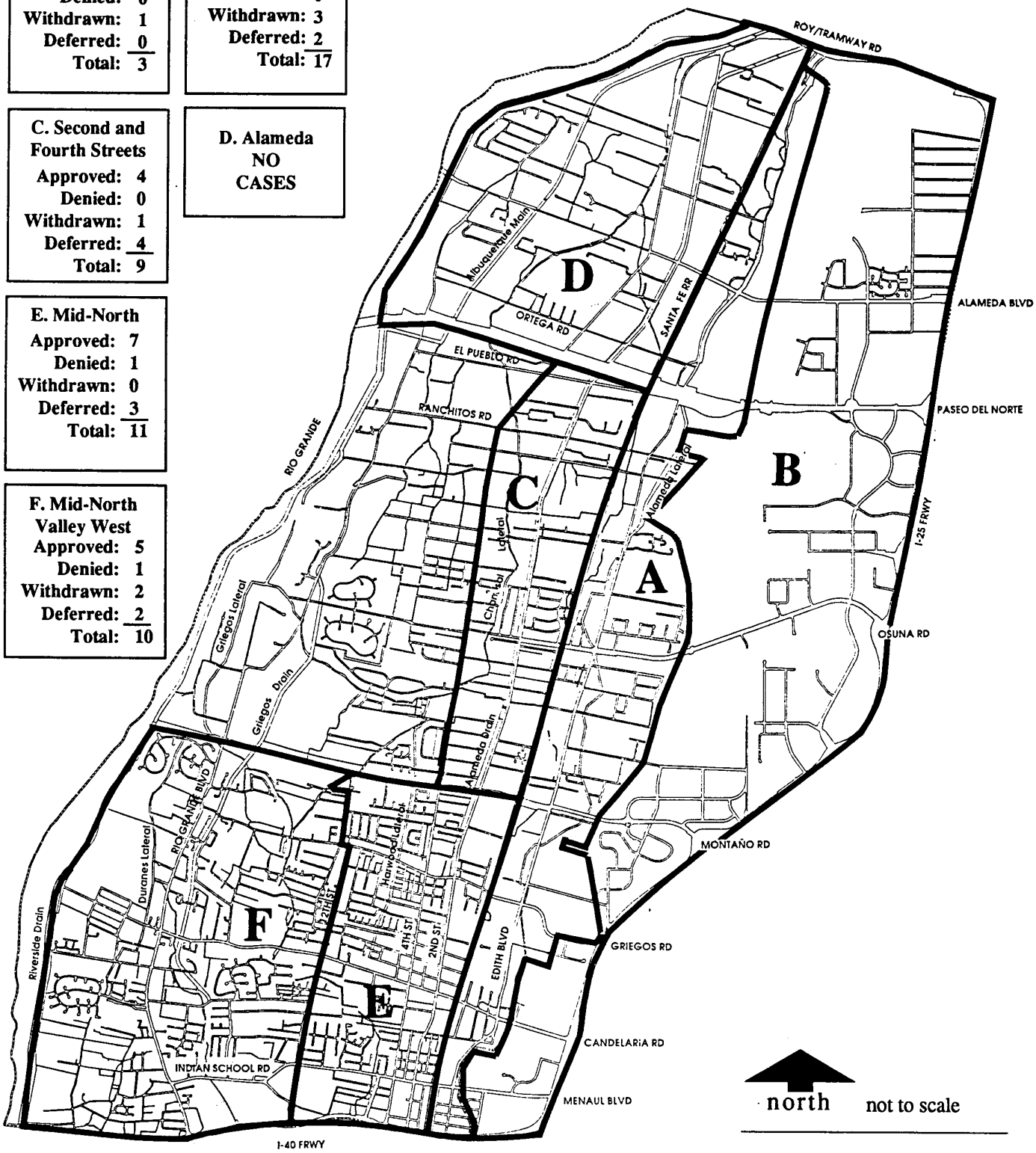
B. North I-25
Approved: 12
Denied: 0
Withdrawn: 3
Deferred: 2
Total: 17

C. Second and Fourth Streets
Approved: 4
Denied: 0
Withdrawn: 1
Deferred: 4
Total: 9

D. Alameda
NO CASES

E. Mid-North
Approved: 7
Denied: 1
Withdrawn: 0
Deferred: 3
Total: 11

F. Mid-North Valley West
Approved: 5
Denied: 1
Withdrawn: 2
Deferred: 2
Total: 10



City Zone Changes
By Sub-Area
January 1986 - December 1986
January 1988 - June 1991

APPENDIX K.

On-Site Liquid Waste Disposal & Treatment

Conventional On-Site Disposal

In the portions of Bernalillo County without sewer service, most homes use conventional septic-tank systems to dispose of liquid waste—both black water (from toilets and kitchen sinks) and grey water (everything else). The standard septic-tank system consists of a tank, which removes solids and grease, and a drain field which absorbs and further treats wastewater effluent from the septic tank. Common drain field variations, often called soil disposal systems, include:

- Sand Mounds—Septic-tank effluent is pumped to a drain field built on a sand mound in areas with shallow bedrock or ground water.
- Alternating Drain Fields—Septic-tank effluent is drained to more than 1 drain field, extending the life of the drain fields.
- Trenches—Septic-tank effluent is distributed to trenches of buried, porous media through perforated pipes; used on steep terrain.

These variations and standard drainfields provide low cost sewage disposal; however, because they do not remove nitrogen from the wastewater, the only way to prevent widespread contamination is to limit their density. This does not stop the discharge of pollutants, but allows the contaminants to be diluted to safe levels by mixing with uncontaminated ground water.

Holding tanks, which collect all household wastewater, are sometimes proposed as an alternative. These systems store untreated sewage in an underground tank. The sewage must be pumped from the tank frequently and transferred to a treatment facility. However, the high cost for the frequent pumping ($200 to $300 per month) makes this alternative inappropriate.

Alternative Systems

Appropriate alternatives include those that remove nitrogen and those that do not discharge black water (from toilets and kitchen sinks with garbage disposals) to the ground water. Table 1 lists some appropriate alternatives and summarizes their advantages, disadvantages, and relative costs. Many of these alternative technologies can also be used for small communities or clusters of homes. Alternatives requiring site-specific designs must be designed by a professional engineer. Regardless of the alternative, all systems will require certification of proper installation, and proof of adequate maintenance. The following paragraphs describe the alternative treatment methods.

Split-Flow System with a Holding Tank

Split-flow systems separate grey water from black water. The grey water goes to a conventional septic-tank system and any then be used for subsurface irrigation. Separate plumbing, assuming ultra low-flow toilets, discharges black water to a holding tank. Because the holding tank only receives black water, it requires less pumping than a holding tank for all wastewater.

Split-Flow System with Septic Tank and Evapotranspiration (ET) Beds

As above, except where the black water septic tank discharges to an ET bed eliminating pumping costs for holding tanks. The ET bed consists of a bottom layer of an impermeable liner, a sand bed as the middle layer, and surface vegetation as the top layer. This system relies on evaporation and plant uptake (evapotranspiration) of septic-tank effluent for treatment of wastewater. The septic tank retains solids and grease and helps equalize the flow to the ET bed.

Recirculating Sand Filters

These systems use a sand bed between the septic tank and the drain field. Pumps recycle the wastewater several times through the sand filter and septic tank to get the desired degree of nitrogen removal, prior to ultimate disposal in a drain field.

Evapotranspiration (ET) Beds

ET beds can also be used to treat all septic-tank effluent (both grey and black water). This method of treatment can replace the standard drain field, but it requires a lot of land where cold winter temperatures limit evapotranspiration.

Composting Toilets

Composting toilets use natural, biologic waste decomposition processes to treat human wastes and/or kitchen vegetable waste. Properly maintained units that meet National Sanitation Foundation (NSF) standards will reduce human waste to pathogen-free solids. Composting toilet systems cannot accept grey water; so a separate system (such as a conventional septic-tank system) is required to treat and dispose of other household wastewater.

Incinerating Toilets

Instead of composting human waste, in these toilets incinerate solids, venting emissions directly outdoors. The remaining ash must be removed weekly for burial or landfill disposal. As with composting toilets, NSF standards must be met and the grey water requires a separate system for treatment and disposal.

Sequencing Batch Reactors

Sequencing batch reactors, for nitrate removal, use a series of tanks—each filled with a batch of wastewater. After treating a batch in the first tank, the batch goes to the next tank in the sequence for further treatment and then discharge.

Package Treatment Plants

Package treatment plants are small, prefabricated mechanical treatment facilities. They provide reliable performance, but cluster systems require a qualified operator.

Ion Exchange

Nitrogen removal by ion exchange has potential for on-site or cluster applications. However, because its development is still experimental, these systems are not currently appropriate. The exchange media requires very expensive periodic replacement, because regeneration of media on-site is not practical.

Lagoons

Although not appropriate for on-site use, lagoons for cluster systems can treat wastewater by natural processes or by adding air to enhance the treatment process. Total containment lagoons never discharge and all wastewater evaporates. Controlled release lagoons can discharge to a receiving stream or over land. These systems tend to create odor problems. Solids collect at the bottom of the lagoon and may require periodic removal.

Constructed Wetlands

Constructed wetlands consist of either free water surface systems with shallow water depths or subsurface flow systems with water flowing through sand or gravel. These systems rely on marsh-like plant systems, which use wastewater as food for growth. This microbiotic action removes the nitrogen from septic-tank effluent.

APPENDIX L..
GLOSSARY OF TERMS

AGIS - the Albuquerque Geographic Information System. Operated by the City of Albuquerque, this computerized mapping system contains information concerning water and sewer line locations of properties which are hooked up to these systems.

AGRICULTURAL ("GREENBELT") ASSESSMENT - a provision in the state laws of New Mexico and several other states whereby lands in agricultural use are taxed at a different (and usually lower) rate than the market value of these lands.

BUILDOUT STUDY - completed in 1989 and 1990 by the Village of Los Ranchos, this study attempts to predict the maximum population of the Village and its plan area given different zoning and subdivision regulations.

CAPC- the Citizens Planning Advisory Committee. Formed in 1989, this open committee of interested citizens exists for the purpose of assisting the Village in developing its master plan and related efforts and gathering citizen input to the process.

CLUSTER HOUSING - a development style designed to preserve open space in perpetuity. Housing is concentrated on 1 part of a parcel while the remainder is left as open space use for agricultural use or active or passive agricultural use.

COMMON OPEN SPACE - open land held in common by homeowners within a cluster housing subdivision, which is visually accessible from adjacent rights-of-way, including ditches, and physically accessible to all homeowners within that subdivision.

COMPREHENSIVE MASTER PLAN - the blueprint or set of guidelines for the physical development of areas within the planning and platting jurisdiction of a municipality.

CONSERVATION EASEMENT - a tax incentive for landowners to preserve property in agricultural or open space use. In return for giving up the right to develop property, the owner is rewarded with significant deductions on his or her state and federal income taxes.

CONSTRUCTED WETLANDS - a method of liquid waste treatment which utilizes a marsh to treat effluent from a septic tank rather than a regular drainfield.

CORRIDOR - Parts of the plan area as defined by the three major north-south arterials which traverse it. These arterials are Rio Grande Boulevard, Guadalupe Trail, and Fourth Street.

COVENANTS - restrictions placed upon the use of private property by a developer or neighborhood association. Covenants may not be enforced by a public body unless they are conditions of subdivision or development approval.

DENSITY BONUS - an incentive provision usually coupled in a zoning ordinance with cluster housing. In return for preserving so much open space in a cluster development, the developer is allowed to increase density by a slight percentage.

DENSITY , NET - a figure derived by dividing the total number of housing units in an area by the number of acres. This figure excludes acreage within streets, ditches, and other lands which are not developable.

DENSITY, OVERALL - a figure derived by dividing the total number of housing units in an area by the number of acres. Streets, ditches and other lands that are not developable are included within the area's acreage.

DEVELOPMENT RIGHTS - one of the privileges that accompany ownership of land. Just like mineral or water rights, this right can be sold separately from other ownership. In practical terms, this means that a property owner can still own land while having sold the authority to develop it to another party.

GROUND WATER PROTECTION POLICY AND ACTION PLAN - a policy document which is under development by a contractor for the City of Albuquerque Public Works Department to develop and implement measures to guard threatened underground water sources in the Albuquerque area. At this writing, the document is in draft stage.

HEAVY COMMERCIAL USE - those uses listed as permission in County C-2 zones.

INVENTORY EXISTING CONDITIONS - completed in 1990 and 1991 by the Village of Los Ranchos, this document is a compilation of important data concerning the current status of the Village with regard to its physical development. Such an inventory is called for in state planning legislation.

LINEA - a historic land division pattern whose main features are long, very narrow lots. In most cases, the length of one of these lots is at least five times its width. This pattern arose in the Rio Grande Valley from the Hispanic custom of dividing land equally among descendants, while preserving property access to both an irrigation ditch and a street.

MRGCD - the Middle Rio Grande Conservancy District. Established by state law, this agency administers the irrigation and drainage system within the Rio Grande Valley. Every property owner in the Plan Area supports the MRGCD through a mill levy which is added to property tax bills.

MANUFACTURING USES - those uses listed as permissive in County M-1 and M-2 zones.

MANUFACTURED HOME - as defined within state law, a prefabricated home constructed within a factory to meet certain standards set forth by the federal government. Such a home must be at least 36 feet by 24 feet, or 864 square feet in area and may not be prohibited in any zone where standard housing is allowed.

NATURAL TREATMENT SYSTEMS - devices which utilize biological process to treat household wastewater.

NORTH VALLEY WASTEWATER OPTIONS STUDY - a proposed component of the Wastewater Master Plan which will examine alternatives to standard sewer and septic tank systems for the North Valley area. One such study already exists for the South Valley area of Bernalillo County.

OVERALL RESIDENTIAL DENSITY PLAN - The map established to guide the future of housing density within the Village of Los Ranchos.

OVERLAY ZONE - a set of mapped provisions that serve as an addition to an area's existing zoning regulations. Where the provisions of the overlay zone conflict with existing zoning, the overlay standards prevail.

PHASE I GOALS AND POLICIES - adopted by the Village of Los Ranchos in 1990, this document sets forth general objectives for the future of the plan area. This document amends and supersedes the 1975 Albuquerque/Bernalillo County Comprehensive Plan which the Village adopted 1981.

PLAN AREA - a region encompassing the incorporated territory of the Village of Los Ranchos de Albuquerque plus all the lands included within its extraterritorial planning and platting jurisdiction.

PRESSURE SEWER SYSTEM - an alternative type of wastewater collection system which utilizes grinder pump assemblies to force sewage through pipes when it will not flow properly due to the lack of natural incline in an area.

REAL ESTATE TRANSFER TAX - a provision utilized in several states whereby a small tax is assessed upon the sale of property in an area. Usually paid by the buyer, this tax is commonly utilized to help a local government acquire land for open spaces. At present, no authority exists in the New Mexico to allow a local government to assess such a tax.

RESIDENTIAL USES - all uses which are residential including mobile homes, apartments, townhomes and single family.

SANITARY SEWER - The collection and disposal of liquid waste which results from household or commercial activities through a system of underground pipes which carry the waste to a central facility for treatment.

SPECIAL ASSESSMENT DISTRICT (SAD) - an area designated for a tax levy which only applies to that area and whose revenues are earmarked for improvements only within that area.

"STRIP" ZONING - a form of zoning wherein a narrow band of property along an arterial is zoned one particular category, usually commercial. Fourth Street, within the plan, was zoned as such in the late 1960's by the Bernalillo County Commission.

SUBAREA - a section of the plan area designated as such because of common elements of platting, land use, and neighborhood character within that section.

TRIPA - see Linea.

UNIT - any residential dwelling. Each residential kitchen facility constitutes a separate unit.

VACUUM SEWER SYSTEM - a type of sewage collection system which uses differences in air pressure to move waste water through pipes when it will not flow properly due to the lack of natural incline in an area.

VILLAGE CENTER - a form of development which meets three principles of pedestrian accessibility, mixed use and appropriate scale and character to area setting.

WASTEWATER MASTER PLAN - a plan currently under development for the City of Albuquerque. When adopted, this plan will guide the future of wastewater collection and treatment in the Albuquerque area in the 21st century. This plan will replace the AWCTF plan and will, among other things, establish locations for sewer lines and other such facilities within the plan area.

APPENDIX M.
NORTH VALLEY AREA PLAN BIBLIOGRAPHY

Agriculture/Open Space

Burkholder, Joseph L., Middle Rio Grande Conservancy District Report to the Chief Engineer: Submitting a plan for flood control, drainage and irrigation of the Middle Rio Grande Conservancy Project, Volume I., State of New Mexico. The official plan approved August 15, 1928.

"Down on the Farm", NOVA, PBS broadcast March 20, 1984 WGBH Educational Foundation, 1984

Forkenbrock, David J. and Peter S. Fisher, "Tax Incentives to Slow Farmland Conversion", Policy Studies Journal, September 1982, pp. 25-37.

Jackson, Wes, Wendell Berry, and Bruce Coleman, Meeting the Expectations of the Land: Essays in Sustainable Agriculture and Stewardship, North Point Press, San Francisco, 1984.

Kelly and Potter, P.C., Feasibility and Planning Analysis for a Transfer of Development Rights System, City of Albuquerque, December 1989.

Lambert, Ruth E., A Review of Some Techniques for the Preservation of Agricultural Land, City of Albuquerque, Planning Department, April 1986.

Lithgow, Clarence, Congressman Manuel Lujan's Middle Rio Grande Conservancy Advisory Committee Final Report, November 1987.

Logsdon, Gene, "The Future: More Farmers Not Fewer", Whole Earth Review, Spring 1989, pp. 64-70.

The Massachusetts Farm and Food System: A Five-Year Policy Framework 1989-1993 Commonwealth of Massachusetts, Department of Food and Agriculture, October 1988.

McDonald, Brian and John Tysseling, "An Evolutionary History of the Middle Rio Grande Conservancy District", New Mexico Business, April 1980, pp. 3-29.

"The Promise of the Land", Smithsonian World, Program 304, transcript prepared by T/R Services for WETA, Educational Activities and Smithsonian Institution, Washington D.C., 1987.

Reisner, Mark, "The Emerald Desert", Urban Land, September 1989, pp. 21-25.

Report of the Middle Rio Grande Conservancy District Chairman's Advisory Committee, Middle Rio Grande Conservancy District, November 1987.

The Rio Grande in the Albuquerque Metropolis: A City Edges Study, Albuquerque Planning Department, by Chambers, Campbell, Issacson and Chaplin, Inc., 1974.

Roddewig, Richard J. and Cheryl A. Ingrham, Transferable Development Rights Program: TDRs and the Real Estate Market Place, Planning Advisory Service Report, May 1987.

Sargeant, Kathryn and Mary Davis, Shining River, Precious Land, An oral History of Albuquerque's North Valley, Albuquerque Museum, 1986.

Wozniak, Frank E., "Irrigation in the Rio Grande Valley, New Mexico: A Study of the Development of Irrigation Systems before 1945," New Mexico Historic Preservation Division, Santa Fe, New Mexico, March 20, 1987.

Trails and Recreation

1. City of Albuquerque. 1985. Waterbased Recreation Study. Albuquerque Parks and Recreation Department, Open Space Division.

Archaeology, Environmental and Agricultural History

1. Sargeant and Davis. Ibid.

2. Schmader, Matthew F. Evaluation of Archaeological Potential for Rio Grande Valley State Park. City of Albuquerque, Land Resources and Regulation Department, Open Space Division. October 1990.

3. Van Cleve, M. 1935. Vegetation Changes in the Middle Rio Grande Conservancy District. Unpublished. M.S. Thesis, University of New Mexico, Albuquerque.

4. Wozniak. Ibid.

Wastewater

Back to the Land: On-Site Treatment of Domestic Wastewater, Texas Rural Water Quality Network Project, Texas Department of Agriculture, Fall 1986.

Constructed Wetlands and Aquatic Plant Systems for Municipal Wastewater Treatment, Design Manual, Center for Environmental Research Information, US Environmental Protection Agency, September 1988.

Costner, Pat with Holly Gettings and Glenna Booth, We All Live Downstream: A Guide to Waste Treatment That Stops Water Pollution, Waterworks Publishing Co., Eureka Springs, Arkansas, 1986.

Hanamer, D. A., Constructed Wetlands for Wastewater Treatment - Municipal, Industrial and Agricultural, Lewis Publishers, Chelsea, MI 48118, 1989.

Hegger, Richard, Bruce M. Thomson, et al, Bureau of Engineering Research, Groundwater Quality Study City of Albuquerque North Valley, UNM College of Engineering Report No. CE-49-812-1, August 1, 1979.

Kourik, Robert, Gray Water Use in the Landscape: How to Use Gray Water to Save Your Landscape During Droughts, Metamorphic Press, 1988.

Montgomery, Tad, On-Site Wastewater Treatment Systems, Technical Bulletin No. 6, New Alchemy Institute, 1987.

Reed, Sherwood C, E. Joe Middlebrooks and Ronald W. Crites, Natural Systems for Waste Management and Treatment, McGraw-Hill, 1988.

Wetland Creation and Restoration: The Status of the Science Volume II: Perspectives, edited by Jon A. Kusler and Mary E. Kentula, US Environmental Protection Agency, EPA/600/3-89/038, October 1989.

Wicker, Michael G. Technical and Administrative Analysis of Wastewater System Alternatives in a Rural Area of the South West Valley near Albuquerque, New Mexico, In Partial Fulfillment of the Degree of Master of Community and Regional Planning, Community and Regional Planning Program, School of Architecture and Planning, University of New Mexico, Albuquerque, New Mexico, May 1988.

CITIZENS ADVISORY TASK FORCE MAILING LIST

Michael Alarid
Joe Almers
Rev. James Anderson
Mike Anderson
Robert Arbor
Billy Baca
Tom Baca
Ken Balizer
Suzi Balogh
Cynthia Barker
Richard Baumgartner
Bruce and Tina Benton
Jackie Bouker
Arsenio Brito
George R. "Pat" Bryan, III
Dan Butcher
Dorothy Castillo
Buddy Chappell
Carmen Chavez
Tito D. Chavez
Max Cisneros
Trenton Cleff
Jack Clifford
James D. Cochran
Valerie Cole
N. Arthur Cordova
Pete Craig
Lynn Meyer Davis
Rob Deacon
Don Dean
Hal Dean
William Deaton
Patricia Driver
Wilard Eastman, Jr.
Cathy Eden
Doug Elerath
Jerry Ellenberger
Levi Esquibel
Steve Ewing
Hugh Formhals
Kathryn Rael Garcia
John Gochnauer
Manuel Gonzales
James and Bertha Graham
Charlotte Green
Donna Griffin
Richard Groff
Sterling Grogan
Bea Gutierrez
Robert Gutierrez
Mary Sue Hale
Steve and Debbie Hale
Michael Hannah
Nancy Harbert
Stuart Harroun
Mary L. Hays
Yolanda Homann
Elwood Hopkins
Glen Howard
Virginia Huettig
T. Scott Hyde
Curtis Jackson
Steve Jacobson
Fred Keegan
Marianna Kennedy
Terrence Keys
Kevin Kittle
Sterling C. Knoff
Ron Lamar
Jerry Lay
Shirley Leslie
Donald T. Lopez
Floyd Lopez
Gloria Lopez
Fernando Lucero
Jim Maddy
John Marney
Albert Martinez
Ruby Meek
Dale L. Melada
Bobbie Miller
David J. Miller
John Miller
Ray Montgomery
David Montoya
Ralph A. Murphy
Edward Myers
Gretchen Obenhauf
Vera Olson
Julian Padilla
Jim Padon
Janice Paster
Sallie Pennybacker
Red Phillips
Linda Pino
Gerald Pratt
Richard Rhodes
David O. Riley
Katie Robinson
Glen Rosales
Lia Rosen
Barbara Rosnagle
Ray mond Sanchez
Debbie Sanderson
Arnold and Kathryn Sargeant
Noreen Scarton
Matt Schmader
Milton Schroder
Hugo Schulte
Eleanor Sewell
Carolyn Siegel
Dave Siegel, M.D.
Jonathan Siegel
Robert G. Silva
Rita Simmons
Avona Snider
Cliff Spirock
Jennie Staggs
Brad Stebleton
David Stryker
Hubert R. Teague, M.D.
Hank Thierry
Linda Trujillo
Marit S.Tully
Susan Uzan
Al Vaio
Rafael Valdepena
Ann Watkins
Margaret A. Weber
Steve Wentworth
Steve Whitman
Steven and Laura Williams
Frank Wilson
Lloyd Wright
Sam Yonemoto
John Yost
Tom Zamora

TECHNICAL TEAM MAILING LIST

Cliff Anderson - AMAFCA
Chuck Atwood - APS
Nano Takuma - Open Space
*Gene Clements - County Environmental Health Dept.
* Bob Cole - Current Planning
Mary Davis - Redevelopment (Planning)
Doug Earp - Environmental Health Dept.
Bruce Rizzierri - Transit
*John Hartman - Public Works Dept.
Mary Lou Haywood-Spells - Office of Neighborhood Coordination
Kate Hildebrand - Human Services Dept.
Karen Fischer - Police Planning & Research Dept.
Sam Adamo - APS
Judy Morris - Sandia Pueblo
Joanne Caffrey - County Parks & Rec.
James Moore - Museum
Michael Passi - Human Services
Dan Warren - Environmental Health Dept.
*John Ramsey - County Public Works Dept.
Steve Miller - County Public Works Dept.
Lee Reynis - Department of Finance & Management
Janet Saiers - Parks & General Serv.
Subhas Shah - MRGCD
Brad Stebleton - Village of Los Ranchos
John Werner - U.S. Soil Cons. Service
Thomas P. Montoya - Fire Dept.
John Brown - Fire Dept.
Jean Witherspoon - Public Works Dept.
Frank Sandoval - County Zoning
Thaddeus Lucero- County Zoning
Walter Gelb - City Zoning
Jack Cloud - Current Planning
Nancy Richards - Current Planning

* indicates former involvement

BERNALILLO COUNTY
Planning and Development Services
415 Silver Ave. SW, 2nd Floor
Albuquerque, NM 87102
(505) 314-0350 Fax: (505) 314-0480
www.bernco.gov

Planning

APPEAL TO COUNTY COMMISSION

Application Date:_____
Appeal Number:_____
Hearing Date:_____

APPELLANT		PHONE
MAILING ADDRESS	CITY	ZIP

AGENT FOR APPELLANT (if applicable)		PHONE
MAILING ADDRESS	CITY	ZIP

PROPERTY OWNER/APPLICANT FOR REQUEST		PHONE
MAILING ADDRESS	CITY	ZIP

SITE ADDRESS		Case #
DIRECTIONS/LOCATION		
LEGAL DESCRIPTION		
ZONE MAP PAGE #	CURRENT ZONE(S)	PROPERTY SIZE IN ACREAGE
UPC #	PROPOSED ZONE(S)	SUBDIVISION NAME
EXISTING USE		
PROPOSED USE		

SCOPE OF APPEAL, INCLUDING CASE NUMBER

DETAILED INFORMATION (JUSTIFICATION MUST BE PROVIDED PER ZONING CODE REQUIREMENTS, ADDITIONAL INFORMATION MAY BE ATTACHED)

I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

_____ _____ _____
Printed Name Signature Date

Planning & Development Services Department
415 Silver Ave. SW, 2nd Floor
Albuquerque, New Mexico 87102
Office: (505) 314-0350
www.bernco.gov

Attention

Dear Valued Citizens:

Bernalillo County's Planning and Development Services Department is warning the public about an ongoing email scam in which residents have been directed to wire thousands of dollars to an off-site email address so that their application before the county can go forward.

County personnel became aware as early as January 2025 of constituents receiving an email pretending to be from the County Planning Commission or similar County decision making bodies. The scam operation is using constituents' personal information believed to be found on meeting agendas available on the county's website, bernco.gov., as part of the official public record.

A recent iteration of the scam instructs the applicants to sign an invoice that includes a copy of the county seal on each of the pages and to return it, "along with the wire payment receipt," to an email address that is not affiliated with Bernalillo County. The itemized "charges" have ranged from $2,300 to as much as $25,200, due upon receipt.

The county wants to remind the public that we do not request County fees by email and only accept payments on bernco.gov, or in person at county offices. We will never request payment via bank wire.

Bernalillo County is working with relevant law enforcement agencies to pursue appropriate action and is contacting individuals who have received similar scam emails. Also important: Any correspondence from Bernalillo County will come from a .gov email address. For questions about the authenticity of any communication, to report any suspected scam emails or to verify the legitimacy of required county fees, please call **505-468-7777**.

County Commissioners
Barbara Baca, Chair, District 1 • Eric C. Olivas, Vice-Chair, District 5
Steven Michael Quezada, District 2 • Adriann Barboa, District 3 • Walt Benson, District 4

Elected Officials
Damian R. Lara, Assessor • Linda Stover, Clerk • Cristy J. Carbón-Gaul, Probate Judge
John D. Allen, Sheriff • Nancy M. Bearce, Treasurer

County Manager
Cindy Chavez

BERNALILLO COUNTY LAND USE APPEALS
TO THE BOARD OF COUNTY COMMISSIONERS

BERNALILLO COUNTY LAND USE AND APPEAL PROCESS - OVERVIEW

Bernalillo County Land Development Review and Approval Process
Bernalillo County's ordinances, code, and policies require that specific types of proposed land use applications follow a review and approval process through the County Planning Commission (CPC) and the Zoning Administrator (ZA), which include a public hearing. The CPC considers requests for land use changes, including zone changes, Special Use Permits, and Sector Plans. The Zoning Administrator considers applications for Conditional Use Permits, variances and Administrative Amendments. Another decision making body, the County Development Review Authority (CDRA), decides on subdivision requests and street name changes, which may also be subject to appeal.

Appeal Processes
The decisions of the CPC, ZA, and CDRA are all appealable to a higher level. There are two major appeal bodies within the County's land use process: the Board of Adjustment/County Planning Commission (BA/CPC) and the Board of County Commissioners (BCC).

- Decisions of the ZA/CDRA can be appealed to the Board of Adjustment.
- Decisions made by the Board of Adjustment and the County Planning Commission can be appealed to the Board of County Commissioners.

The Board of County Commissioners sustains the decision of the Board of Adjustment or the County Planning Commission without modification unless the decision is appealed.

All BCC decisions can ultimately be appealed to a judicial review (District Court), within a specified time frame.

Appeals to the Board of County Commissioners
Specific procedures for appeals to the County Commission are contained in sections of the Bernalillo County Zoning Code pertaining to land use changes. They include appeal application requirements and criteria for submitting and deciding on the appeals. The Bernalillo County Zoning Code was also recently amended to clarify specific requirements and procedures related to appeals (See Attached Ordinance 2016-32), which is reflected in this application packet. The Board of County Commission has also adopted Rules of Procedure for its hearings that include requirements and procedures for appeal hearings.

20% Rule
Where the CPC/BA has voted on a request and the recommendation/decision is appealed, neighboring property owners have the option to invoke the "20% Rule". This requires an extraordinary vote of BCC members to approve the request, as specified in the Zoning Code and described in Part 3 of this application packet.

This application includes information and forms for appeals to the Board of County Commissioners, including:

1. Appeal Criteria and Application Procedures,
2. BCC Rules of Procedure for Appeals,
3. 20 Percent Rule requirements and forms.

1. APPEALS TO THE BOARD OF COUNTY COMMISSIONERS - CRITERIA AND APPLICATION PROCEDURES (from Ordinance 2016-32)

Persons/organizations eligible to file an appeal

The following persons shall have the right to file an appeal:

(a) Persons who were parties or could have been parties at the County Planning Commission, but were not present through no fault of their own; or

(b) Persons who own a property interest within 200 feet of the subject-site (excluding public right-of-way), if the site is less than two acres; or

(c) Persons who own a property interest within 500 feet of the subject site (excluding public right-of-way) for sites larger than two acres; or

(d) Any organized neighborhood associations (as provided in § Chapter 62, Article III – Neighborhood Associations) that covers, abuts or is across the public right-of-way from the site; or

(e) Any person who demonstrates a tangible impact that threatens or adversely impacts the health or safety of the person who appeals; or

(f) Any person with a financial interest or a property right adversely affected by the decision, which right or interest is more than merely nominal or remote.

Criteria for filing an appeal to the BCC

Applications for an appeal must clearly articulate the reasons for the appeal and specifically cite and explain one or more alleged errors:

(a) An error was made in applying adopted county plans, policies, and ordinances in arriving at the decision; or

(b) A mistake of fact underlying the appealed action or decision as presented; or

(c) The decision was arbitrary, capricious or a manifest abuse of discretion.

Procedure for filing an appeal to the BCC

Appeal deadline. Appeal of any denial or approval of an application by the County Planning Commission or the Board of Adjustment must be submitted in writing to Board of County Commissioners by noon on the 15th day after the date of determination by the County Planning Commission. The day of determination by the County Planning Commission shall not be included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday, or holiday, the next working day shall be considered as the deadline for filing the appeal. (*The date on the Notice of Decision has been utilized as the date of the determination)

Appeal submittal and fee. Written notice of appeal shall be filed with the Planning & Development Services Department. A filing fee of $75.00 shall accompany the notice of appeal on lots of one acre or less. A fee of $100.00 on all other appeals. The appeal must include a complete application and justification for the appeal that addresses the Criteria for filing an appeal to the BCC, as included above. Forms are available from the Planning and Development Services Department.

Public Notification of appeal. Public Notice of any appeal shall be given by legal advertisement in a daily newspaper of general circulation in Bernalillo County at least 15 days before the date of the hearing. Written notice of any appeal, together with notice of the hearing date, shall also be sent to the applicant, a representative of the opponents, and the appellant (if other than the applicant), as well as to any interested party who has requested in writing to be so notified.

2. BCC Rules of Procedure for Appeals

In 2014, the Board of County Commissioners adopted Rules of Procedure Quasi-Judicial Hearings and Regular Zoning Meetings, including appeals, that specify hearing procedures and right, duties and privileges of specific parties in hearings (see attached Rules of Procedure for Appeals).

In summary, as stated in the BCC Rules of Procedure Section 22.J (included below), applicants, agents and those in support or opposition to a request are now required to submit all evidence and presentation materials to the County Planning Commission (CPC) or Board of Adjustment (BA) through the staff at the time the request is considered. When a recommendation is forwarded from the CPC or the BA results in an appeal, the Board of County Commissioners may only accept new evidence if good cause is shown. When an appeal is filed, it is possible that it will be remanded to the CPC/BA for consideration if new evidence is presented to the Board of County Commissioners that was not presented to the CPC/BA. The Board will generally make their decision based solely on the evidence in the record from each CPC/BA hearing.

In summary, the order of presentation and time limits, as set forth in our Rules of Procedure, are as follows:

1. Staff presentation; 5 minutes
2. Appellant's presentation; 10 minutes
3. Opponent(s) presentation; 15 minutes
4. Appellant's summation or rebuttal; 5 minutes
5. Staff Closure; 2 minutes
6. Board questions and discussion
7. Action

Please be aware that the time limits for each side—appellants and opponents—is the total time allowed regardless of the number of persons signed up to speak. So each side will need to decide how to divide the total minutes among the speakers.

Bernalillo County Board of County Commissioners Rules of Procedure
Procedure for Quasi-Judicial Hearings (Verbatim).

The BCC procedures to be followed for appeals are generally follows: [VRCl]

A. Appeal or Public Hearing Time Limits: A fifteen (15) minute time limit on each party's argument before the Commission may be established with the understanding that the Chair may alter the time limit when the case is unusually complex. Where numerous speakers sign up to present argument, the Chair may assign a time limit of two (2) minutes per speaker, but in any event, each party's argument shall not exceed the total time allowed. In all cases, the maximum time available for proponents should be equal to the maximum time allowed for the opponents. If necessary, a staff person shall be assigned by the County Manager to be the official timekeeper.

B. In order to focus the Board of County Commissioners on the issues the party is presenting on appeal, they are encouraged to cite to the facts in the record from the County Planning Commission, and present legal arguments based on the facts in the record. No new

evidence shall be presented on appeal to the Board of County Commissioners except as provided in paragraph 22.J below.

C. The County Manager or designee shall describe the quasi-judicial item to be considered and make a presentation pertaining to the item. This presentation shall be limited to five (5) minutes. The Chair shall then inquire as to whether any Commissioner has questions for the staff members who made the presentation.

D. The zoning applicant, or appellant, or his/her representative will [VRCl] make a presentation pertaining to the application or appeal. This presentation shall be limited to ten (10) minutes. The Chair will once again inquire as to whether Commissioners have questions of the applicant/appellant and the applicant's/appellant's representatives.

E. The opponents will make a presentation pertaining to the application or appeal. The presentation will be limited to fifteen (15) minutes. The Chair will once again inquire as to whether Commissioners have questions of the opponents or the opponent's representatives.

F. There will be an opportunity for applicant/appellant rebuttal and summation. This presentation shall be limited to five (5) minutes.

G. Staff will then be provided an opportunity to present closing comments. There shall be a time limit of two (2) minutes for closing comments.

H. The Chair will then inquire of the Commissioners as to whether they have further questions of staff, the applicant/appellant or the opponents and will recognize Commissioners who wish to question the parties or staff.

I. The Chair will then inquire of the Commissioners as to whether they are prepared to vote on the issue of the application/appeal before them.

J. No new evidence shall be presented by the applicant/appellant or the opponents. If a party shows good cause why new evidence is necessary for the Commission to act on the case and why the evidence was not available to be presented to the County Planning Commission, the Board of County Commissioners shall either:

i. Remand the case to the County Planning Commission to hear the new evidence and any rebuttal evidence, or;

ii. If the proposed new evidence is brief and concise in nature and will not prejudice the other party's opportunity to respond to it the Commission may allow the evidence to be presented and considered; swear any witness; allow the opposing party to rebut the new evidence, and; allow for brief cross examination on the new evidence presented through the Chair.

K. The Commission shall then take action on the item.

3. The 20% Rule Option (to require an extraordinary majority vote)

A. Zoning Code Requirements for '20% Rule'

1. Pursuant to Sections 18.G.6-8, 24.4.f (2), and 25.F-I of the County Zoning Code, a protest to invoke the 20% Rule may be submitted in opposition to a CPC/BA recommendation, to require an extraordinary majority vote by the BCC to uphold the CPC or Board of Adjustment recommendation (rather than a simple majority vote).

2. When an extraordinary majority is invoked, the following composition of the Bernalillo Board of County Commission is required:

a. Four (4) votes are required when Five (5) commissioners are present;

b. Three (3) votes are required when Four (4) commissioners are present;

c. Three (3) votes are required when Three (3) commissioners are present.

3. The 20% rule requires a written petition signed by each of the equitable owners of record of land comprising at least:

20 percent of the land within 100 feet, excluding right-of-way, of the land proposed for the proposed application.

4. Protests from neighboring property owners seeking to invoke the extraordinary majority requirement shall be submitted on forms prescribed by the County Manager or his designee at least seven days prior to the scheduled Board of County Commissioners' hearing on the appeal.

5. The 20% rule may be invoked **only for appeals** filed before the Board of County Commissioners.

6. Two forms must be submitted to invoke the 20% Rule—the Certification of Protest under the 20% rule and the Petition Invoking 20% Rule form (Included in this packet). The forms must be submitted to the Bernalillo County Planning & Development Services Department no later than one week prior to the scheduled BCC appeal hearing. The department will then verify the information presented for the protest and make a determination prior to the hearing date as to whether the 20% rule applies to the appeal.

B. 20% Rule submittal requirements include the following:

1. Certification of Opposition to Proposed Land Use Application Form, including the contact person and the case number.

2. Petition Protesting Land Use Application form(s) with requested information, including name, address, and signature for each land owner asking to be included in the appeal.

3. A copy of the Zone Atlas Page (with properties indicated) for the property under consideration for the land use application and highlighting each of the properties included in the form submitted as part of this protest. The properties should be numbered to match the listings of property owners in the attached forms.

4. A copy of the Notice of Decision for the request that is under appeal

CERTIFICATION OF OPPOSITION FOR APPEALS TO COUNTY COMMISSION
(Form to be submitted with 20% Rule Request)

Case number _____

Contact person for protest:

Name _____

Address _____

_____

Phone Number: Work: _____ Home: _____

Submittal requirements:

- [ ] A copy of the notice of decision for the case under appeal.
- [ ] Forms with name, address, and signature for each owner asking to be included in the protest (included in this packet).
- [ ] A copy of the zone atlas page for the area indicating the property under consideration for land use application and highlighting each of the properties included in the form submitted as part of this protest. The properties should be numbered to match the listings of property owners in the attached forms.

Note: The 20% rule applies to appeals filed before the Board of County Commissioners only, not the County Planning Commission. Certification of protest under the 20% rule must be submitted to the Bernalillo County Planning and Development Services no later than one week prior to the scheduled BCC appeal hearing. The department will verify the information presented for the protest and make a determination prior to the hearing date as to whether the 20% rule applies to the appeal. If the 20% rule does apply to the case, the proposed land use application must be approved by an extraordinary vote of the Board of County Commissioners, as specified in the County Zoning Code.

For Planning and Development Services Use:

*Hearing Date:*_____ *20% Rule applies: Yes* _____ *No* _____

*Received By:*_____ *Verified by:* _____

Date Submitted: _____

PETITION INVOKING 20% RULE (for appeals to the County Commission)

Site of Proposed Change:_____ **Case Number:**_____

Action Being Protested:_____

_____

_____

_____

THIS SECTION FOR OFFICIAL USE

#	Name of Equitable Owner (Not Tenant) *(Please Print)*	Address of Parcel	Signature	Legal Description UPC Code Size of Property
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				

				THIS SECTION FOR OFFICIAL USE
#	Name (Print)	Address of Parcel	Signature	Legal Description UPC Code Size of Property
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				

hdhauser@comcast.net Mon, Jul 6 at 1:21 PM

From: hdhauser@comcast.net
To: kpeggau@bernco.gov
Cc: 'Nicholas Hamm', Elvira Lopez, 'Annette Kitts', Maggie Rose, 'Carmen Franklin' and 1 more...

Ms. Peggau: Based on the attached e mail message from Ms. Lopez Dated June 18, 2026 the deadlines to incorporate material into the staff report was Tuesday June 16, 2026.

Ms. Lopez then references the noon deadline to receive additional comments or information from all parties is Tuesday June 23 at noon. I have searched the BERNCO website

2026/07/01 09:00 AM County Planning Commission Regular Meeting - Web Outline - Bernalillo County, New Mexico

To no avail in finding the site plan drawings and written documentation regarding the removal of the school and day-care that has been referenced in the Applicants previous submissions of record whether it be in an additional attachment such as M. Attachment 12 nor in item q. BA2026-0001 Additional Documents.

Where are these referenced documents that were projected and discussed at the July 1, 2026 hearing for substantive review and understanding? No mention of these or the discussion process that I have been successful in finding in the documented date stamped record.

Just to confirm please tell me if this new site plan and details are on the record. If so, what date and time was it put on the portal for record or submitted to the appellant? If not, please explain.

Also, send me the new updated engineered drawings of the site plan that reflect the discussion in testimony with no school/day-care that ZA stated were on the record and discussed between the applicant, ZA and Board after the hearing was over.

I also want the new site plan was up on the screen during the discussion.

Thank in advance for your help and guidance.

Regards:
Pat Hauser
505-228-7106

Document s... .pdf
912.4 kB

From: hdhauser@comcast.net <hdhauser@comcast.net>
Sent: Saturday, July 11, 2026 5:10 PM
To: 'Karina Peggau' <kpeggau@bernco.gov>
Cc: 'Nicholas Hamm' <nhamm@bernco.gov>; 'Elvira Lopez' <ellopez@bernco.gov>; 'Annette Kitts' <cbear5434@gmail.com>; 'Maggie Rose' <gypsy.rose46@gmail.com>; 'Carmen Franklin' <czgirardin@yahoo.com>; 'Monica Galloway' <m_galloway0004@msn.com>; Becky Krebs <krebsie@fastmail.fm>
Subject: RE: Updated materials for July 1, CPC/BA hearing

Good afternoon Ms. Peggau: The public comments and updated site plans are not available on this web site. I have tried multiple times to access it and no success. No updated site plans or information. The file ends with the petition documents.

Please send me the updated site plans that were submitted by the applicant as well as the site plans and comments that were being addressed between Mr. Gould and the Applicant. None of this is in the file.

Good afternoon, Pat,

The public comments and site plan are now uploaded to MinuteTraq, found here: Agenda - Wednesday, July 1, 2026

Thank you,
Karina

Regards: Pat Hauser

From: Karina Peggau <kpeggau@bernco.gov>
Sent: Thursday, July 9, 2026 2:19 PM
To: hdhauser@comcast.net
Cc: Nicholas Hamm <nhamm@bernco.gov>; Elvira Lopez <ellopez@bernco.gov>; 'Annette Kitts' <cbear5434@gmail.com>; Maggie Rose <gypsy.rose46@gmail.com>; 'Carmen Franklin' <czgirardin@yahoo.com>; 'Monica Galloway' <m_galloway0004@msn.com>
Subject: Re: Updated materials for July 1, CPC/BA hearing

Good afternoon, Pat,

The public comments and site plan are now uploaded to MinuteTraq, found here: Agenda - Wednesday, July 1, 2026

Thank you,
Karina

Karina Peggau, AICP
Senior Planner

Bernalillo County
505.314.0439 (o)
505.350.7854 (c)

From: hdhauser@comcast.net <hdhauser@comcast.net>
Sent: Monday, July 6, 2026 1:21 PM
To: Karina Peggau <kpeggau@bernco.gov>
Cc: Nicholas Hamm <nhamm@bernco.gov>; Elvira Lopez <ellopez@bernco.gov>; 'Annette Kitts' <cbear5434@gmail.com>; Maggie Rose <gypsy.rose46@gmail.com>; 'Carmen Franklin' <czgirardin@yahoo.com>; 'Monica Galloway' <m_galloway0004@msn.com>
Subject: Updated materials for July 1, CPC/BA hearing

CAUTION: This email originated from outside of Bernalillo County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Peggau: Based on the attached e mail message from Ms. Lopez Dated June 18, 2026 the deadlines to incorporate material into the staff report was Tuesday June 16, 2026.

Ms. Lopez then references the noon deadline to receive additional comments or information from all parties is Tuesday June 23 at noon. I have searched the BERNCO website

2026/07/01 09:00 AM County Planning Commission Regular Meeting - Web Outline - Bernalillo County, New Mexico

To no avail in finding the site plan drawings and written documentation regarding the removal of the school and day-care that has been referenced in the Applicants previous submissions of record whether it be in an additional attachment such as M. Attachment 12 nor in item q. BA2026-0001 Additional Documents.

Where are these referenced documents that were projected and discussed at the July 1, 2026 hearing for substantive review and understanding? No mention of these or the discussion process that I have been successful in finding in the documented date stamped record.

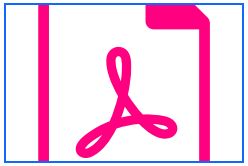
Just to confirm please tell me if this new site plan and details are on the record. If so, what date and time was it put on the portal for record or submitted to the appellant? If not, please explain.

Also, send me the new updated engineered drawings of the site plan that reflect the discussion in testimony with no school/day-care that ZA stated were on the record and discussed between the applicant, ZA and Board after the hearing was over.

I also want the new site plan was up on the screen during the discussion.

Thank in advance for your help and guidance.

Regards:
Pat Hauser
505-228-7106



Ballon Fiesta....pdf
1.6 MB

Sat, Jul 11 at 5:10 PM

From: hdhauser@comcast.net
To: 'Karina Peggau'
Cc: 'Nicholas Hamm', 'Elvira Lopez', 'Annette Kitts', 'Maggie Rose', 'Carmen Franklin' and 2 more...

Good afternoon Ms. Peggau: The public comments and updated site plans are not available on this web site. I have tried multiple times to access it and no success. No updated site plans or information. The file ends with the petition documents.

Please send me the updated site plans that were submitted by the applicant as well as the site plans and comments that were being addressed between Mr. Gould and the Applicant. None of this is in the file.

Good afternoon, Pat,

The public comments and site plan are now uploaded to MinuteTraq, found here: Agenda - Wednesday, July 1, 2026

Thank you,
Karina

Regards: Pat Hauser

From: Karina Peggau <kpeggau@bernco.gov>
Sent: Thursday, July 9, 2026 2:19 PM
To: hdhauser@comcast.net
Cc: Nicholas Hamm <nhamm@bernco.gov>; Elvira Lopez <ellopez@bernco.gov>; 'Annette Kitts' <cbear5434@gmail.com>; Maggie Rose <gypsy.rose46@gmail.com>; 'Carmen Franklin' <czgirardin@yahoo.com>; 'Monica Galloway' <m_galloway0004@msn.com>
Subject: Re: Updated materials for July 1, CPC/BA hearing

Good afternoon, Pat,

The public comments and site plan are now uploaded to MinuteTraq, found here: Agenda - Wednesday, July 1, 2026

Thank you,
Karina

Karina Peggau, AICP
Senior Planner
Bernalillo County
505.314.0439 (o)
505.350.7854 (c)

From: hdhauser@comcast.net <hdhauser@comcast.net>
Sent: Monday, July 6, 2026 1:21 PM
To: Karina Peggau <kpeggau@bernco.gov>
Cc: Nicholas Hamm <nhamm@bernco.gov>; Elvira Lopez <ellopez@bernco.gov>; 'Annette Kitts' <cbear5434@gmail.com>; Maggie Rose <gypsy.rose46@gmail.com>; 'Carmen Franklin' <czgirardin@yahoo.com>; 'Monica Galloway' <m_galloway0004@msn.com>
Subject: Updated materials for July 1, CPC/BA hearing

CAUTION: This email originated from outside of Bernalillo County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Peggau: Based on the attached e mail message from Ms. Lopez Dated June 18, 2026 the deadlines to incorporate material into the staff report was Tuesday June 16, 2026.

Ms. Lopez then references the noon deadline to receive additional comments or information from all parties is Tuesday June 23 at noon. I have searched the BERNCO website

2026/07/01 09:00 AM County Planning Commission Regular Meeting - Web Outline - Bernalillo County, New Mexico

To no avail in finding the site plan drawings and written documentation regarding the removal of the school and day-care that has been referenced in the Applicants previous submissions of record whether it be in an

additional attachment such as M. Attachment 12 nor in item q. BA2026-0001 Additional Documents.

Where are these referenced documents that were projected and discussed at the July 1, 2026 hearing for substantive review and understanding? No mention of these or the discussion process that I have been successful in finding in the documented date stamped record.

Just to confirm please tell me if this new site plan and details are on the record. If so, what date and time was it put on the portal for record or submitted to the appellant? If not, please explain.

Also, send me the new updated engineered drawings of the site plan that reflect the discussion in testimony with no school/day-care that ZA stated were on the record and discussed between the applicant, ZA and Board after the hearing was over.

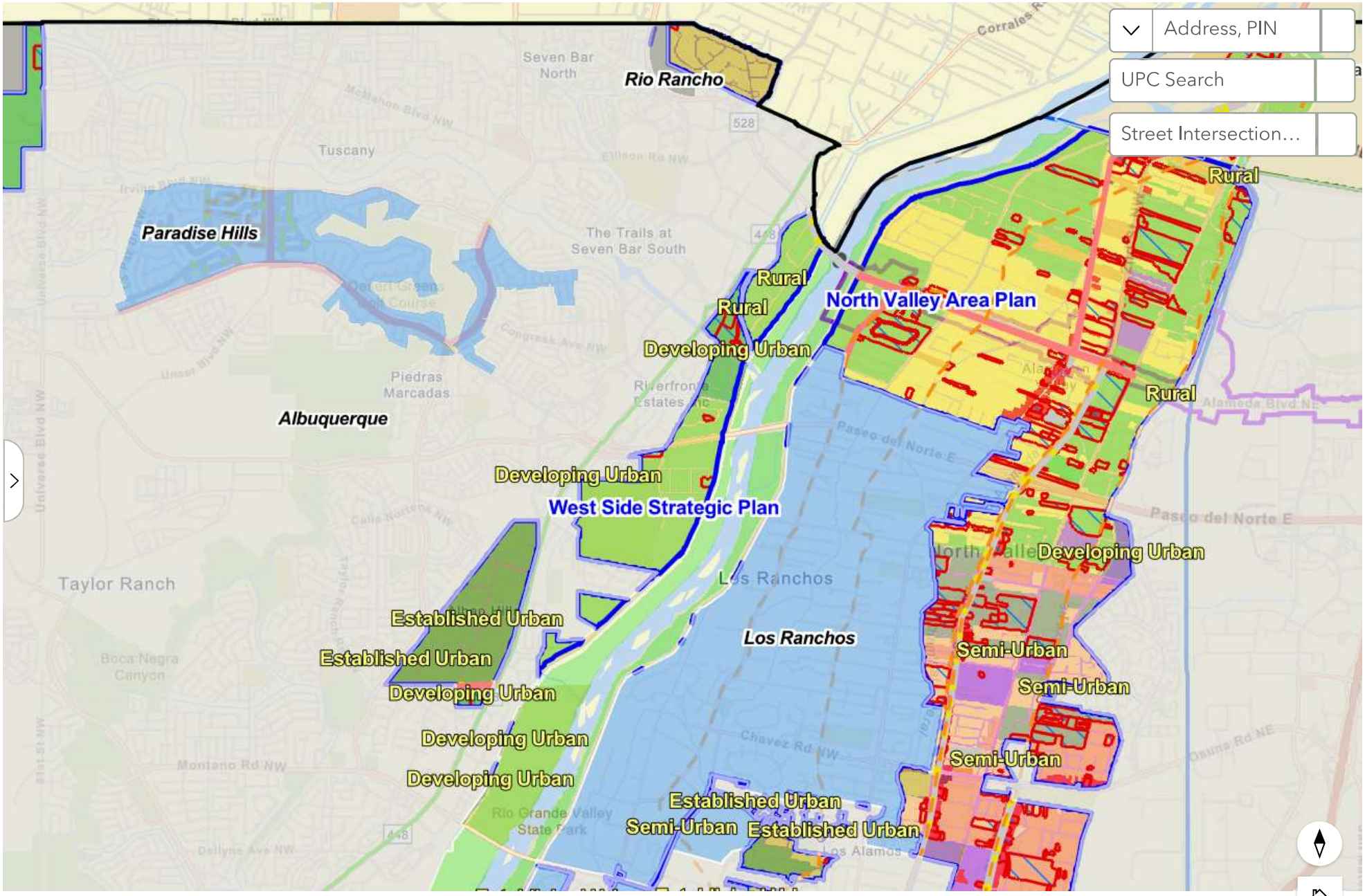
I also want the new site plan was up on the screen during the discussion.

Thank in advance for your help and guidance.

Regards:
Pat Hauser
505-228-7106

EXHIBIT 21

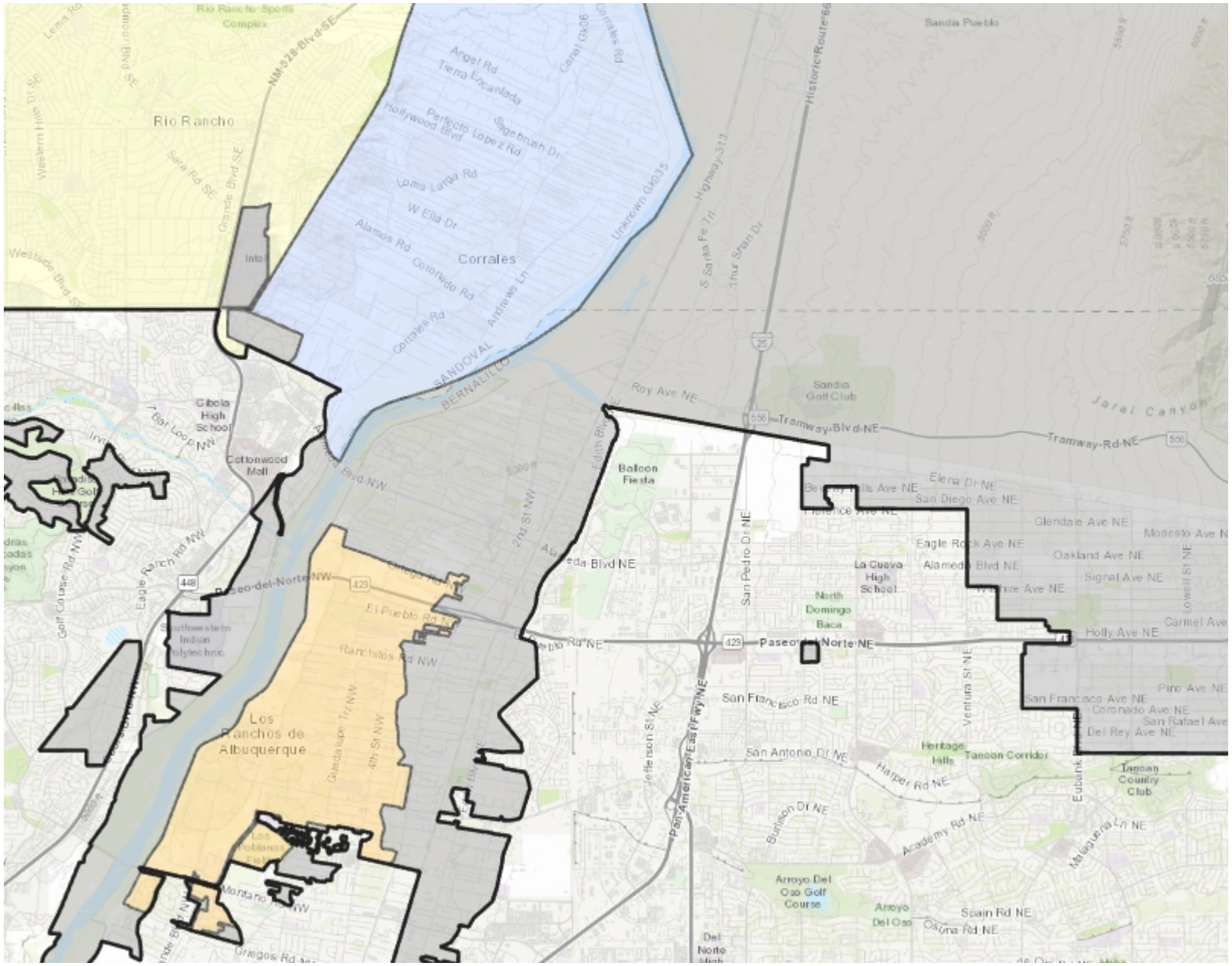
Source: Bernalillo County Advanced Data Viewer 2.0 · captured July 15, 2026



5,000 ft 90365 -106.59… City of Rio Rancho, Bernalillo County, NM, Texas Parks & Wildlife, Esri, TomTom, Gar… Powered by Esri

EXHIBIT 22

Alameda is Outside the City of Albuquerque Limits



Legend

- City of Albuquerque Municipal Jurisdiction Boundaries
  - City of Albuquerque
  - Corrales
  - Village of Los Ranchos
  - Tijeras
  - Rio Rancho
  - Unincorporated Areas
- Outside City Limits

Notes

14,013 0 7,007 14,013 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
7/18/2026 © City of Albuquerque

1: 84,078

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Written Statement

Explain how the site for the proposed use is adequate in size and shape:

Certainly, a 3.87-acre parcel of land provides ample space for a mosque. Let me explain why:

1. **Land Area**: A 3.87-acre this is equivalent to at least **three football fields**. Such a sizable area allows for various facilities and activities.
2. **Mosque Space**:
   - **Main Building**: A mosque typically includes a **prayer hall**, ablution areas, and administrative rooms. With 3.87 acres, there's room for a spacious main building.
   - **Outdoor Areas**: The land can accommodate **courtyards**, **gardens**, and **open spaces** for congregants to gather, especially during festivals or community events.
   - **Parking**: Adequate parking space for worshippers' vehicles can be allocated.
3. **Community Engagement**:
   - Mosques serve as community centers. With this land size, you can host educational programs, daycare, social events, and outreach activities.
4. **Natural Beauty**:
   - The extra space allows for **landscaping**, planting trees, and creating a serene environment.
   - A **peaceful setting** enhances the spiritual experience for worshippers.

In summary, a 3.87-acre plot provides ample room for a mosque, supporting both its functional needs and community engagement.

1804
1805
1806
1807

Attachment: BA2026-0001 Additional Materials From Applicant (26992 : ZBA2026-0001/ZA2026-0024)

Explain how the proposed use will not have an adverse effect on the neighborhood or seriously conflict with the character of the area:

The proposed mosque will harmonize with the neighborhood and maintain the character of the area:

1. **Zoning compatibility**: The fact that the mosque is **allowed conditionally by the Bernalillo county is** a significant positive. It demonstrates that local authorities have already assessed its compatibility with the surrounding land use.
2. **Street Visibility**: To maintain the area's character, a **6-foot block wall** will encompass the lot perimeter. Combined with the primary structure's setback of roughly **280 feet** from this boundary, the facility will remain **virtually invisible** to pedestrians and motorists traveling along 2nd Street. Please refer to the attached exhibit (Visibility from 2nd street) for visual clarification.
3. **Neighboring Residential Benefits**: The five single-family residences situated to the north will realize several distinct advantages from the development of the Islamic Center:
    - **Buffer Zone**: The facility establishes a protective buffer between northern residential properties and the southern commercial corridor on Alameda. It serves as a **harmonious transition** between the established homes and business zones.
    - **Acoustic and Air Quality Buffer**: The building acts as a **physical shield**, significantly dampening ambient noise and reducing exposure to vehicle emissions from the main roads.
    - **Environmental Maintenance**: The facility serves as a **natural barrier** against dust and pests typically associated with retail zones. Additionally, the **rigorous upkeep** maintained by our nonprofit ensures a cleaner environment with minimal local pest activity.
    - **Visual Aesthetics**: Where visible beyond the perimeter wall or gate, the Center's distinctive architecture and professional landscaping will enhance the **visual appeal** of the neighborhood, preventing over-densification while preserving an atmosphere of open space.
    - **Real Estate Value Enhancement**: Across the nation, the development of stable community religious centers has consistently correlated with a **notable increase** in the desirability and market value of nearby properties.
4. **Community Engagement**:
    - The mosque can actively engage with the community. Regular **open houses, interfaith dialogues**, and **cultural events** can foster understanding and goodwill.

Attachment: BA2026-0001 Additional Materials From Applicant (26992 : ZBA2026-0001/ZA2026-0024)

- **Community Outreach**: The mosque can collaborate with local schools, charities, and other organizations. This strengthens community bonds.

5. **Architectural Design**:
   - The mosque's design should **complement** the existing architectural style of the area. Using similar materials and aesthetics ensures it blends harmoniously.
   - **Landscaping**: Thoughtful landscaping can enhance the area. Consider native plants, green spaces, and water features.
   - **Acoustic Containment**: To ensure neighborhood tranquility, the use of **external loudspeakers** or outdoor amplification systems is strictly prohibited.
6. **Traffic Management**:
   - Work with local authorities to address any potential traffic impact concerns. Adequate parking and traffic flow plans are essential.
   - **Peak Times**: Coordinate prayer times to minimize traffic during peak hours.
7. **Lighting and Signage**:
   - Ensure exterior lighting is **subdued** and doesn't spill into neighboring properties.
   - **Modest Signage**: Signage should be informative yet **unobtrusive**.
8. **Environmental Impact**:
   - The mosque can adopt **sustainable practices** (such as rainwater harvesting, solar panels, and energy-efficient design).
   - **Green Spaces**: Create green areas that benefit both worshippers and the community.

In summary, the proposed mosque, when thoughtfully planned and integrated, can coexist harmoniously with the neighborhood. It's essential to maintain open communication with residents, address concerns, and celebrate the positive contributions the mosque will bring to the community.

Attachment: BA2026-0001 Additional Materials From Applicant (26992 : ZBA2026-0001/ZA2026-0024)

Explain the specific details concerning your proposal (hours, size, number of clients.. Etc.:

The specific details regarding the proposed mosque:

1. **Hours of Operation**:
    - While building schedules fluctuate, the weekly **peak activity window** centers on **Friday mid-day**. This period corresponds to the essential Jumu'ah assembly. To alleviate potential congestion, the Center is prepared to **adjust service times** between 12:00 PM and 1:30 PM, following the guidance of expert engineers and/or County staff during a formal **design process**. During the highest weekly usage periods, we anticipate approximately **250 worshippers**. According to local zoning regulations, which mandate one stall for every four seats, this requires a minimum of **63 parking spaces**.
    - On other days, the mosque will be open for regular prayers throughout the day. However, the visitor will be less than 25 persons.
    - **Peak Event Capacity**: During biennial observances such as **Eid festivals**, the facility may reach its maximum occupancy. In these instances, we anticipate a surge of approximately **615 worshippers**. Based on jurisdictional standards, this peak volume necessitates **154 parking stalls**, a provision clearly delineated on the submitted site plan.
2. **Building Size and Design**:
    - **Structural Modification**: The primary structure's footprint has been decreased by **4 feet** along the northern boundary. This adjustment expands the access aisle to a width of **26 feet**, ensuring full compliance with mandated **fire safety requirements** and emergency vehicle access.
    - The **first floor** of the building will be approximately **43,288 square feet.**
    - It will be a **1.5 story** structure, combining functionality with architectural aesthetics.
    - Here's a breakdown of the building's layout: (see attached architecture plans)
        -
        - **Ground Floor**:
            - **Prayer Hall**: The heart of the mosque, where daily prayers take place. It accommodates worshippers during regular prayers.
            - **Ablution Areas**: Adjacent to the prayer hall, providing facilities for ritual purification (wudu).

Attachment: BA2026-0001 Additional Materials From Applicant (26992 : ZBA2026-0001/ZA2026-0024)

        - **Community Rooms**: Spaces for meetings, classes, and community events.
        - **Library**: A quiet area for reading religious texts and educational materials.
        - **Administrative Offices**: For mosque management and coordination.
    - **Upper Floor (Half-Story)**:
        - **Women's Prayer Area**: A separate section for female worshippers.
        - **Imam's office**: Where the mosque's spiritual leader conducts counseling and guidance.
        - **Balcony**: Overlooking the prayer hall, providing additional capacity during peak times.
3. **Visitors and Congregants**:
    - **Daily Visitors**: On regular days, the mosque expects around **25 to 35 visitors** throughout the day. These include worshippers, maintenance workers, and community members.
    - **Friday Noon (Jumu'ah)**:
        - **Prayer Congregation**: The peak hours occur during the Friday Jumu'ah prayer.
        - **Approximately 250 worshippers** gather for the sermon (khutbah) and the congregational prayer.
        - The mosque will accommodate this larger congregation during the Friday service at noon.
        - During **biennial observances**, the center may accommodate its **maximum occupancy** of approximately **615 worshippers**.

In summary, the proposed mosque aims to serve the community by providing a serene space for worship, education, and fellowship. Its design and operations are carefully planned to align with both functional needs and the neighborhood's character.

Incidental Facilities: Teaching Rooms

This proposal has been revised to **exclude all educational components**. Consequently, all preschool, elementary, and middle school facilities have been **removed entirely** from the current plan. Should the Albuquerque Islamic Center intend to establish any instructional spaces in the future, a

Attachment: BA2026-0001 Additional Materials From Applicant (26992 : ZBA2026-0001/ZA2026-0024)

EXHIBIT 24

Subject: Update regarding the Albuquerque Islamic Center (9600 2nd Street NW)

Dear Neighbor,

We are writing to share a brief update regarding our project at 9600 2nd Street NW.

As part of our commitment to being transparent and active members of the community, we want to clarify that our proposal includes a licensed daycare and K-12 school located entirely within the main building. Our goal is to create a community hub that serves local families by providing a safe, integrated space for education and worship.

To ensure we remain "good neighbors," we have designed the site with 235 parking spaces. This is more than double the county requirement, ensuring that all school and congregational traffic remains safely on-site and does not overflow onto our local streets.

Attached is our full Written Statement. Please see page 5 for specific details regarding the school, hours of operation, and site layout.

We look forward to being a peaceful, positive addition to the neighborhood. If you have any questions or would like to introduce yourself, please feel free to reach out to us at support@abqislamiccenter.org.

Sincerely,

The Albuquerque Islamic Center Team

Written Statement

Explain how the site for the proposed use is adequate in size and shape:

Certainly, a 3.87-acre parcel of land provides ample space for a mosque. Let me explain why:

1. **Land Area**: A 3.87-acre this is equivalent to at least **three football fields**. Such a sizable area allows for various facilities and activities.
2. **Mosque Space**:
   - **Main Building**: A mosque typically includes a **prayer hall**, ablution areas, and administrative rooms. With 3.87 acres, there's room for a spacious main building.
   - **Outdoor Areas**: The land can accommodate **courtyards**, **gardens**, and **open spaces** for congregants to gather, especially during festivals or community events.
   - **Parking**: Adequate parking space for worshippers' vehicles can be allocated.
3. **Community Engagement**:
   - Mosques serve as community centers. With this land size, you can host educational programs, daycare, social events, and outreach activities.
4. **Natural Beauty**:
   - The extra space allows for **landscaping**, planting trees, and creating a serene environment.
   - A **peaceful setting** enhances the spiritual experience for worshippers.

In summary, a 3.87-acre plot provides ample room for a mosque, supporting both its functional needs and community engagement.

Explain how the proposed use will not have an adverse effect on the neighborhood or seriously conflict with the character of the area:

The proposed mosque will harmonize with the neighborhood and maintain the character of the area:

1. **Zoning compatibility**: The fact that the mosque is **allowed conditionally by the county zoning map is** a significant positive. It demonstrates that local authorities have already assessed its compatibility with the surrounding land use.
2. **Location**: The Islamic center is advantageous for the location:
    - **Buffer Zone**: It provides a buffer between the residential use on the north boundary and the commercial on the south on Alameda. The Center acts as a **smooth transition between** the existing houses and commercial.
    - **Visual Aesthetics**: The Center with its own architecture and landscaping will provide a **visual aesthetics** of the area. It prevents overcrowding and maintains a sense of openness.
3. **Community Engagement**:
    - The mosque can actively engage with the community. Regular **open houses, interfaith dialogues**, and **cultural events** can foster understanding and goodwill.
    - **Community Outreach**: The mosque can collaborate with local schools, charities, and other organizations. This strengthens community bonds.
4. **Architectural Design**:
    - The mosque's design should **complement** the existing architectural style of the area. Using similar materials and aesthetics ensures it blends harmoniously.
    - **Landscaping**: Thoughtful landscaping can enhance the area. Consider native plants, green spaces, and water features.
5. **Traffic Management**:
    - Work with local authorities to address any potential traffic concerns. Adequate parking and traffic flow plans are essential.
    - **Peak Times**: Coordinate prayer times to minimize traffic during peak hours.
6. **Lighting and Signage**:
    - Ensure exterior lighting is **subdued** and doesn't spill into neighboring properties.
    - **Modest Signage**: Signage should be informative yet **unobtrusive**.
7. **Environmental Impact**:
    - The mosque can adopt **sustainable practices** (such as rainwater harvesting, solar panels, and energy-efficient design).
    - **Green Spaces**: Create green areas that benefit both worshippers and the community.

In summary, the proposed mosque, when thoughtfully planned and integrated, can coexist harmoniously with the neighborhood. It's essential to maintain open communication with residents, address concerns, and celebrate the positive contributions the mosque will bring to the community.

Explain the specific details concerning your proposal (hours, size, number of clients.. Etc.:

The specific details regarding the proposed mosque:

1. **Hours of Operation**:
   - The mosque's operational hours will vary, but the **peak service time** is on **Fridays at noon**. This aligns with the congregational Jumu'ah prayer, which holds special significance for Muslims.
   - On other days, the mosque will be open for regular prayers throughout the day. However, the visitor will be less than 25 persons. In addition to the prayers 100 students are expected to attend the school and the daycare. However, the expected traffic will be significant.
2. **Building Size and Design**:
   - The mosque's building will be approximately **50,000 square feet**.
   - It will be a **two story** structure, combining functionality with architectural aesthetics.
   - Here's a breakdown of the building's layout:
     - **Ground Floor**:
       - **Prayer Hall**: The heart of the mosque, where daily prayers take place. It accommodates worshippers during regular prayers.
       - **Ablution Areas**: Adjacent to the prayer hall, providing facilities for ritual purification (wudu).
       - **Community Rooms**: Spaces for meetings, classes, and community events.
       - **Library**: A quiet area for reading religious texts and educational materials.
       - **Administrative Offices**: For mosque management and coordination.
     - **Upper Floor (Half-Story)**:
       - **Women's Prayer Area**: A separate section for female worshippers.
       - **Classrooms**: Used for religious education, language classes, and youth programs.
       - **Imam's office**: Where the mosque's spiritual leader conducts counseling and guidance.
       - **Balcony**: Overlooking the prayer hall, providing additional capacity during peak times.

3. **Visitors and Congregants**:
    - **Daily Visitors**: On regular days, the mosque expects around **100 visitors** throughout the day. These include worshippers, students, and community members.
    - **Friday Noon (Jumu'ah)**:
        - **Prayer Congregation**: The peak hours occur during the Friday Jumu'ah prayer.
        - **Approximately 250 worshippers** gather for the sermon (khutbah) and the congregational prayer.
        - The mosque will accommodate this larger congregation during the Friday service at noon.

In summary, the proposed mosque aims to serve the community by providing a serene space for worship, education, and fellowship. Its design and operations are carefully planned to align with both functional needs and the neighborhood's character.

Incidental Facilities: Integrated Educational & Childcare Services

Proposed Facilities: The project includes an integrated educational component consisting of a licensed daycare, preschool/kindergarten, and a comprehensive K-12 school (Primary, Middle, and High School levels). These facilities are located **entirely within the primary building structure**, ensuring a cohesive architectural footprint that maintains the open-space character of the 3.87-acre site.

Facility Breakdown & Capacity: The interior layout is meticulously designed to accommodate approximately 350 students and 50 daycare attendees. The academic wing includes:

- **Early Childhood:** 3 dedicated daycare rooms and 3 rooms for KG/Preschool.
- **K-12 Education:** 8 primary classrooms, 6 middle school classrooms, and 3 high school classrooms.

Shared Infrastructure & Efficiency: To maximize the utility of the site while minimizing the building's physical "bulk," the project utilizes a **shared-use model** for high-occupancy areas. The gymnasium and basketball facilities serve a dual purpose: providing physical education space for students during school hours and community recreation space for the mosque congregation during evenings and weekends.

Parking and Traffic Superiority: A critical feature of this proposal is the abundance of on-site parking, which significantly mitigates any impact on public streets.

- **Calculated Requirement:** Based on local code, the school requires 51 spaces and the mosque requires 50, for a total of **101 required spaces**.
- **Proposed Provision:** The site plan provides **235 parking spaces**—exceeding the legal requirement by **132%.** > This massive surplus ensures that all student drop-off, staff parking, and congregational activities occur entirely on-site, preventing any "overflow" into the surrounding neighborhood and ensuring a safe, fluid traffic pattern even during peak transition times.

Albuquerque Islamic Center

8900 Menaul Blvd NE

Albuquerque, NM 87112

Retail

6 AP

87114

RDC 99

U.S. POSTAGE PAID
FCM LETTER
ALBUQUERQUE, NM 87109
APR 06, 2026

$0.78

S2324Y502120-05

To: Property Owner / Resident of:

[redacted] 2nd St NW, Albuquerque, NM 87114

9610

87114$2109 R002

EXHIBIT 24

Development within Reserve Areas shall take place either in accordance with an approved planned community master plan (up to three dwelling units per acre), or in accordance with the standards applicable to Rural Areas.

Possible Techniques

1) Zone County Reserve Area land from one to twenty acres per dwelling unit based on environmental characteristics.

2) When annexing Reserve Areas without a planned community master plan, establish a low intensity holding zone (e.g. 5 acres/d.u.).

3) Annex and establish City zoning to allow more intensive development only upon acceptance of a planned community master plan; implement land use, design requirements, and other stipulations.

4) Include performance clauses in the City Subdivision Ordinance and the site development plan development regulations of the Zoning Code which invalidates plans if construction has not begun within a specified period of time.

Policy d

A planned community master plan approved in accordance with this section and more specific development criteria shall serve to implement the Comprehensive Plan. A planned community master plan shall not be approved if it fails to demonstrate its own sense of place, self-sufficiency, environmental sensitivity, separation from the contiguous Albuquerque urban area by permanent open space and the provision of infrastructure which is not a net expense to the local government(s).

3. RURAL AREA

The Goal is to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.

Policy a

Rural Areas as shown by a Plan map shall generally retain their rural character with development consisting primarily of ranches, farms and single-family homes on large lots; higher density development may occur at appropriate locations - within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.

- **Rural Area density patterns shall be more specifically defined through lower rank plans.**

- **Higher density development must provide local government with property rights ensuring appropriate overall-area gross density.**

- **Each higher density area is to be controlled by site development plan and is to be located well away from other such higher density areas.**

- **Small "rural villages" should contain compact housing areas - usually no more than 100 dwellings - with very few stores to serve the village.**

- **Planned communities will follow the Reserve Area policies concerning such communities, except:**

  Lower gross density requirements;

  The automatic requirement for unified urban government; and

  In the East Mountain area, the average net density of permanent residential areas will be urban, the exact density to be determined by lower ranking plans, not this Plan.

- **New rural villages and planned communities will be approved only if all public infrastructure needed primarily to serve the proposed areas is provided at the cost of the developers.**

  Possible Techniques

  1) Map agricultural zone districts on land qualifying for greenbelt tax status.

  2) Prepare and adopt area plans specifying appropriate density patterns; implement through the Zoning and Subdivision Ordinances.

3) Use county zones which limit development densities to between 1 to 20 acres per dwelling unit based on land carrying capacity.

4) Provide incentives for development of cluster housing sensitive to natural constraints and adjacent development.

5) Consider extensions of City public services and facilities to Rural Areas only where:

   Public health and safety are threatened and there is no safe alternative; or

   A planned community is approved and being developed, for which extension of certain services and facilities is economically feasible and environmentally sound; or

   The extension is part of an adopted policy of metropolitan area service.

6) Monitor development through a comprehensive data base.

7) Determine, through the rank two planning process, where Rural Area boundaries may be altered to reflect existing and planned conditions.

8) Include performance clauses in the Subdivision and the Zoning Ordinances which invalidates plans if construction has not begun within a specified period of time.

Policy b

Development in Rural Areas shall be compatible with natural resource capacities, including water availability and soil capacity, community and regional goals, and shall include trail corridors where appropriate.

Possible Techniques

1) Develop design criteria for use in development review to minimize adverse environmental effects of development (e.g. require terracing and roads parallel to contours on steep slopes).

2) Develop and adopt area and sector plans specifying guidelines based on resource characteristics and unique community concerns and opportunities; implement through Zoning and Subdivision Ordinances.

3) Ensure compatible development and density through review and possible revision of the county Zoning and Subdivision ordinances.

4) Encourage and support development of community water and waste systems consistent with protecting the resource base and water quality.

5) Amend the Subdivision Ordinances to require dedication of designated trail corridors.

CERTIFICATION OF 20% PROTEST PETITION

Case No. ZBA2026-0001 / BA2026-001 / ZA2026-0024

COMES NOW the Appellant, Pat Hauser, President of the Maria-Diers Neighborhood Association, on behalf of the Association and the petition signers identified herein, and pursuant to Section 25 of the Bernalillo County Zoning Ordinance and NMSA 1978 § 3-21-6(C), hereby certifies, under the penalties of perjury under the laws of the State of New Mexico, as follows:

1. Appeal and Subject Property. This Certification is submitted in support of the Appeal of the Bernalillo County Planning Commission's July 1, 2026 decision (Case No. ZBA2026-0001 / BA2026-001 / ZA2026-0024) approving a Conditional Use Permit for the Albuquerque Islamic Center at 9600 2nd Street NW, Albuquerque, New Mexico 87114 (Tract 208B, MRGCD Map 23). The Appeal Application and accompanying Appeal Brief are incorporated herein by reference.

2. Attached Petition. Attached hereto as Exhibit 26 is a written protest petition signed by neighboring property owners invoking the 20% protest rule for appeals to the Board of County Commissioners, submitted in support of the Appeal and the relief sought therein.

3. Genuineness of Signatures. To the best of my knowledge and belief, the signatures appearing on the attached petition are genuine, were affixed by the persons named beside them, and were obtained voluntarily and without coercion, inducement, or compensation.

4. Status of Signers. To the best of my knowledge and belief, each signer is an equitable owner of record (and not merely a tenant) of the parcel identified beside his or her signature on the petition, each of which parcel is located in the vicinity of the subject property.

5. Invocation of Extraordinary-Majority Vote. This petition is submitted to invoke the extraordinary-majority voting standard under Section 25 of the Bernalillo County Zoning Ordinance and NMSA 1978 § 3-21-6(C), pursuant to which the matter shall not be approved except by a two-thirds (2/3) vote of all members of the Board of County Commissioners where the owners of twenty percent (20%) or more of the area of the lots and land within one hundred (100) feet, excluding public right-of-way, of the area proposed to be changed protest in writing.

6. Request for County Verification and Certification. Appellant respectfully requests that the County, through the "Official Use" column of the petition form, verify the legal description, UPC code, and size of each signer's parcel and certify whether the petition represents the twenty-percent (20%) threshold required to trigger the extraordinary-majority vote, and that the result of that determination be reflected in the record before the Board of County Commissioners.

7. Good Faith. This petition and Certification are submitted in good faith in support of the Appeal and the relief requested therein.

I declare under penalty of perjury under the laws of the State of New Mexico that the foregoing is true and correct to the best of my knowledge and belief.

_____

Pat Hauser, Appellant
President, Maria-Diers Neighborhood Association
134 Maria Circle NW, Albuquerque, NM 87114 | (505) 228-7106
Date: _____

NOTARY ACKNOWLEDGMENT

State of New Mexico)
County of Bernalillo) ss.

On this _____ day of _____, 2026, before me personally appeared Pat Hauser, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she executed the same for the purposes therein contained.

_____

Notary Public, State of New Mexico
My Commission Expires: _____

EXHIBIT 26

PETITION INVOKING 20% RULE (for appeals to the County Commission)

Site of Proposed Change: 9600 2nd Street NW Albuquerque, NM 87114 Case Number: ZA2026-0024/ ZBA2026-0001

Action Being Protested:

THIS SECTION FOR OFFICIAL USE

#	Name of Equitable Owner (Not Tenant) (Please Print)	Address of Parcel	Signature	Legal Description	UPC Code	Size of Property
1.	John + Carmen Franklin	9611-C Edith BLVD NE 87113	John E Franklin / Carmen Z. Franklin			
2.	John + Carmen Franklin	9611-D Edith Blvd NE 87113	Carmen Z. Franklin			
3.	James & Natlie Gutierrez	9637 Edith N.E. ABQ N.M. 87113	James Gutierrez			
4.	DANE ANNA Apodaca	9647 Edith Blvd NE Alb. NM 87113	Danny H Apodaca			
5.	Joseph Gutierrez	9611-A Edith Blvd NE 87113	Joseph Gutierrez			
6.	Marie Gutierrez	9611-B Edith blvd NE 87113	Marie Gutierrez			
7.	Jarett + Alisha Hull	9645 Edith blvd NE 87113	Jarett Hull			
8.	Richard A. Gutierrez	9611 EDITH BLVD NE 87113	Richard A. Gutierrez			
9.	Pauline Gutierrez	9611 EDITH BLVD NE. 87113	Pauline Gutierrez			
10.	Evangelina Duran	9517 Edith Blvd NE. 87113	Evangelina Duran			
11.	Elesio Gonzales	9553 Edith NE 87113	Elesio Gonzales			

(ELESIO GONZALES)

EXHIBIT 26

PETITION INVOKING 20% RULE (for appeals to the County Commission)

Site of Proposed Change: _____ Case Number: _____

Action Being Protested: _____

THIS SECTION FOR OFFICIAL USE

#	Name of Equitable Owner (Not Tenant) (Please Print)	Address of Parcel	Signature	Legal Description	UPC Code	Size of Property
1.	Roberta Montoya	9612 2nd St NW	Roberta Montoya			
2.	Constance P. Kappel	9618 2nd St. NW	Constance P. Kappel Trustee			
3.	Amador E. Crespin	9610 2nd ST. N.W.	Amador E. Crespin			
4.	Pauline A Crespin	9610 2nd St N.W	Pauline A. Crespin			
5.	Norman R. Abeyta Jr	9612 2nd St NW D	Norman R Abeyta Jr.			
6.	Lorraine M. Abeyta	9612 2nd St. NW D	Lorraine M Abeyta			
7.	Norman R Abeyta Jr	9614 2nd St NW	Norman R Abeyta Jr			
8.	Lorraine M Abeyta	9614 2nd St. NW	Lorraine M Abeyta			
9.	Alberto Rael	9612-C 2ND ST. NW	Alberto Rael			
10.	Nicole Parra	9610 4th NW	Nicole Parra			
11.	Nicole Parra	9614 4th NW	Nicole Parra			

EXHIBIT 26

#	Name (Print)	Address of Parcel	Signature	THIS SECTION FOR OFFICIAL USE Legal Description UPC Code Size of Property
	Uriel Martinez	9620 2nd St NW	Uriel Mtz	
12.	Noe Medina	9620 2nd St NW	[illegible]	
13.	AMERICUS L.L.C.	MANAGING MEMBER	9700 2nd St.	
14.	John E. Mechenbier	[illegible]	[illegible]	
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				