



**Planning and Zoning Board
Meeting
City of Rio Rancho
AGENDA
October 8, 2024
6:00 PM
City Hall**

BOARD MEMBERS

Scottie Richardson, District 1, Vice-Chair	Andrea Hankins, District 5
Kevin Kofchur, District 2	Lisa Hardisty, District 6
Fred Radosevich, District 3, Chair	Sal Tortorici, At-Large
Robert Gabaldon, District 4	

MEETING INFORMATION

This meeting will be conducted in-person and virtually, as well as, streamed live on the City of Rio Rancho website at <https://rrnm.gov/2303/Watch-and-Download-City-Meetings>.

Join by Computer: <https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>

Meeting ID: 851 8074 1871

Passcode: 026819

Pursuant to the Rules of Procedure, any person wishing to address the Board related to an item listed under Public Hearings or Discussion and Deliberation, shall register in person with the designated City staff person. No more than two (2) hours in total will be allotted for comments pertaining to a specific agenda item at any meeting. A majority vote of the Board members present may approve to extend the total amount of time allotted for public input related to a specific agenda item at a meeting.

Public input can be submitted in writing to the designated City staff person prior to the date of the meeting in which the item is scheduled to be heard; however, only public input received before 4 p.m. on the day of the meeting will be entered into the record prior to the meeting.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

There will be no discussion of these items unless a Board Member so requests, in which event the item will be moved to a discussion item on the regular agenda.

1. [September 24, 2024 Planning and Zoning Board Meeting Minutes
2024-0924 PZB Minutes.docx](#)

STAFF PRESENTATIONS, REPORTS AND COMMENTS

2. [Planning and Zoning Monthly Building Activity Report - September 2024
2024 PZ MONTHLY COMPARISONS.pdf](#)

- 3. Planning and Zoning Monthly Summary Plat Report - September 2024**
Sept Sum Plat.pdf

PUBLIC HEARINGS

Pursuant to the Rules of Procedure, all aggrieved persons, and materially relevant witnesses sponsored by such interested persons, wishing to address the Board shall register in person or via specified communications technology/equipment with the City staff person.

- 4. Conditional Use Permit.** The applicant, Lucas Weidner, is requesting approval of a Hobby Breeder Conditional Use Permit for the intermittent breeding of Great Danes at the location legally described as Vista Montebella, Block 1, Lot 27, and addressed as 2437 Lynn Rd SE. Staff contact is Michelle Costilla and staff recommends denial with findings.
Zoning, Location.pdf
Conditional Use Application.pdf
Justification Letter.pdf
Site Plan.pdf
Supporting Documents.pdf
Reproduction of Notices.pdf
Animal Control Violation
Animal Resources Recommendation.pdf
Findings_of_Fact.docx
Public Comment.pdf
Public Comment 2.pdf
Public Comment 3.pdf
Public Comment 4.pdf
- 5. Variance.** The applicant, Joseph Crepeau, requests approval of a variance to the R-1: Single-Family Residential District rear setback of 15' at the property of 5708 Rio Oso Rd NE, legally described as Unit 17, Block 159, Lot 3. Staff contact is Tim Dvorak and staff recommends approval with findings.
Location Map
Application
Justification
Building Application Packet
Reproduction of Notices, Legal, and Buffer Requirements
Findings_of_Fact_5708_Rio_Oso_Rd_NE_BMB.docx
- 6. Postponement.** The Applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19, & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15. Staff contact is Tim Dvorak, and staff recommends the Planning & Zoning Board postpone the application to the meeting date certain of October 22, 2024, as requested by the applicant.
- 7. Text Amendment.** The applicant, the City of Rio Rancho requests an amendment to the Rio Rancho Municipal Code, Title XV Land Usage, Chapter 154 Planning and Zoning, Sections 154.05, 154.08, 154.09, 154.10, 154.11, 154.12, 154.19. Staff contact is Sean LaBarbera and staff recommends the Planning and Zoning Board recommend approval to the Governing Body.
Short Term Rental Draft Ordinance Ch. 154_9.20.24.docx
Draft Ordinance Short term rentals clean__1_.pdf
8 13 2024 Short term rentals presentation for August work session.pdf

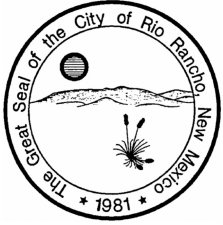
DISCUSSION AND DELIBERATION

COMMENTS BY MEMBERS

PUBLIC FORUM

Any person wishing to address a board, commission, committee, or advisory body related to a non-agenda item shall register in person with the applicable City staff person. No more than two (2) hours in total will be allotted for public forum comments at any meeting. A majority vote of the board, commission, committee, or advisory body members present may approve to extend the total amount of time allotted for public forum at a meeting.

ADJOURNMENT



**CITY OF RIO RANCHO
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Legislation Item:

AGENDA DATE:

October 8, 2024

DEPARTMENT:

Development Services

SUBJECT:

September 24, 2024 Planning and Zoning Board Meeting Minutes

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

Approval

ATTACHMENT: [2024-0924 PZB Minutes.docx](#)



Planning and Zoning Board
of the
City of Rio Rancho

MINUTES

SEPTEMBER 24, 2024
6:00 PM
Council Chambers, City Hall

MEMBERS PRESENT:

Kevin Kofchur, District 2
Fred Radosevich, District 3, Chair
Robert Gabaldon, District 4
Andrea Hankins, District 5

MEMBERS ABSENT:

Scottie Richardson, District 1, Vice-Chair
Lisa Hardisty, District 6
Sal Tortorici, At-Large

STAFF PRESENT:

Amy Rincon, Development Services Director
Brian Babyak, Planning & Zoning Manager
Tim Dvorak, Planner II
Liz Ruiz Carlos, Planner II
Michelle Costilla, Planner II
Chris Benson, Planner II
Sean LaBarbera, Planner I
Sharon Bitah, Administrative Assistant

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Radosevich called the meeting to order at 6:00 PM.

CONSENT CALENDAR

1) September 10, 2024 Planning and Zoning Board Meeting Minutes

Robert Gabaldon moved to approve the Consent Calendar. Seconded by Andrea Hankins.

The motion carried by a vote of **4 FOR** and **0 AGAINST**

YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Andrea Hankins

NO: (None)

STAFF PRESENTATIONS, REPORTS AND COMMENTS

PUBLIC HEARINGS

2) The applicant, Joseph Crepeau, requested approval of a variance to the R-1: Single-Family Residential District rear setback of 15' at the property of 5708 Rio Oso Rd NE, legally described as Unit 17, Block 159, Lot 3.

Staff member, Tim Dvorak presented the item, recommending denial with findings, and specific findings of approval and stood for questions.

Applicant, Joseph Crepeau spoke on the item and stood for questions. He answered Commissioners Gabaldon's and Kofchur's queries regarding neighbors' consent and measurements.

Kevin Kofchur moved to approve Item #2. Seconded by Robert Gabaldon.

The motion carried by a vote of **4 FOR** and **0 AGAINST**

YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Andrea Hankins

NO: (None)

3) The applicant, Randall Shaffer, requested approval of a variance to require the same facade as the primary residence for a prefabricated structure located on the property legally described as Unit 17, Block CC, Lot 3-A-1; physically located at 5690 Miller Road NE.

1 Staff member, Sean LaBarbera presented the item, recommending denial with findings and conditions,
2 and stood for questions.

3
4 Applicant, Randall Shaffer spoke on the item and stood for questions.

5
6 Member of the public, William Dainty spoke in favor of the item
7 The following members of the public spoke in favor of the item after being administered the oath
8 virtually:

- 9 - Mike Raupp
10 - Michael Raupp

11
12 Randall Shaffer showed pictures of the building to the Board members in answer to Commissioner
13 Kofchur's question on whether it matches the primary building's color palette. He also clarified to
14 Chairman Radosevich that the application was updated as the building being enclosed rather than
15 open. Commissioner Kofchur followed up on the statement that Mr. Shaffer had previously agreed to
16 stucco the building. He stated the stucco would've voided the building's warranty; therefore, he
17 concurred with staff in order to receive the permit.

18
19 Robert Gabaldon moved to approve Item #3. Seconded by Andrea Hankins.

20 The motion carried by a vote of **4 FOR** and **0 AGAINST**

21 **YES:** Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Andrea Hankins

22 **NO:** (None)

- 23
24 **4)** The applicant, Lucas Weidner, requested approval of a Hobby Breeder Conditional Use Permit for the
25 intermittent breeding of Great Danes at the location legally described as Vista Montebella, Block 1, Lot
26 27, and addressed as 2437 Lynn Rd SE.

27
28 After receiving information from the Animal Resources Center, staff member, Michelle Costilla
29 recommended postponing the item to the October 8, 2024 Planning and Zoning Board meeting.

30
31 Andrea Hankins moved to postpone Item #4. Seconded by Kevin Kofchur.

32 The item was postponed by a vote of **4 FOR** and **0 AGAINST**

33 **YES:** Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Andrea Hankins

34 **NO:** (None)

- 35
36 **5)** The applicant, Enclave Scottish Isle, LLC., through their agent, Huitt-Zollars, Inc., requested approval
37 of a Final Plat for the Scottish Isle subdivision creating 123 residential lots, 3 tracts, and 2 parcels zoned
38 R-2: Single-Family Residential District on the property legally described as Unit 13, Block 45, Lots 1-
39 21 & 41-62.

40
41 Staff member, Tim Dvorak presented the item, recommending approval with findings and conditions,
42 and stood for questions.

43
44 Agent, Nina Villa concurred with staff's findings and conditions and stood for questions.

45
46 Robert Gabaldon moved to approve Item #5 as presented. Seconded by Kevin Kofchur.

47 The motion carried by a vote of **4 FOR** and **0 AGAINST**

48 **YES:** Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Andrea Hankins

49 **NO:** (None)

- 50
51 **6)** The applicant, Lomas Encantadas Development Co. LLC, through their agent, Tierra West LLC.,
52 requested approval of a Final Plat for the Montreal Phase 1 subdivision to create 47 single-family
53 residential lots and three tracts on the property legally described as Enchanted Hills Unit 2, Block 1,
54 Parcel C-2A.

1 Staff member, Michelle Costilla presented the item, recommending approval with findings and
2 conditions, and stood for questions.

3
4 Applicant, Bryan Aragon spoke on the item and stood for questions, after being administered the oath
5 virtually.

6
7 Kevin Kofchur moved to approve Item #6. Seconded by Andrea Hankins.
8 The motion carried by a vote of **4 FOR** and **0 AGAINST**
9 **YES:** Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Andrea Hankins
10 **NO:** (None)

11
12 **DISCUSSION AND DELIBERATION**

13
14 **COMMENTS BY BOARD MEMBERS**

15
16 **PUBLIC FORUM**

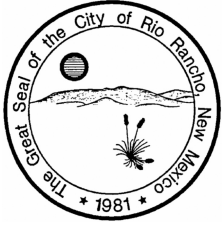
17
18 **ADJOURNMENT**

19
20 Kevin Kofchur moved to adjourn the meeting. Seconded by Robert Gabaldon.
21 Chairman Radosevich adjourned the meeting at 6:35 PM.

22
23 **APPROVED THIS 8TH DAY OF OCTOBER 2024.**

24
25
26
27

Fred Radosevich, Chairman



**CITY OF RIO RANCHO
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Legislation Item:

AGENDA DATE:

October 8, 2024

DEPARTMENT:

Development Services

SUBJECT:

Planning and Zoning Monthly Building Activity Report - September 2024

BACKGROUND AND ANALYSIS:

IMPACT:

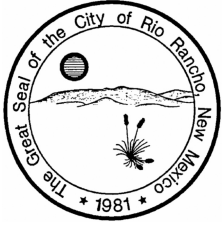
ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: [2024 PZ MONTHLY COMPARISONS.pdf](#)

2024 BUILDING ACTIVITY COMPARISON

PERMIT TYPES	JAN #s	FEB #s	MAR #s	APR #s	MAY	MAY VALUATION	JUNE	JUNE VALUATION	JUL	JULY VALUATION	AUG	AUGUST VALUATION	SEPT	SEPTEMBER VALUATION	OCT	NOV	DEC	ANNUAL TOTALS		ANNUAL TOTALS (2023)	
																		742	\$152,864,381	966	\$204,503,567
Single Family	86	78	56	91	107	\$21,119,179	114	\$22,630,069	76	\$15,843,882	55	\$11,969,314	79	\$15,644,771				742	\$152,864,381	966	\$204,503,567
Additions/Residential	12	13	16	19	15	\$682,087	12	\$281,654	10	\$399,737	20	\$726,285	6	\$180,206				123	\$4,383,948	165	\$5,734,314
New Commercial	1	4	2	1	0	\$0	0	\$0	0	\$0	0	\$0	1	\$2,000,000				9	\$38,289,500	9	\$28,267,088
New Office/Institution	0	0	2	0	0	\$0	0	\$0	0	\$0	0	\$0	1	\$6,895,525				3	\$14,342,176	7	\$12,512,251
New Industrial	0	0	0	0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0				0	\$0	3	\$6,131,719
Non-Residential Interior Tenant Improvement	3	0	1	1	1	\$75,000	2	\$203,200	3	\$1,283,536	2	\$58,033	4	\$1,395,683				17	\$8,059,897	39	\$5,655,181
Office/Institution Addition	0	0	0	0	1	\$35,000	0	\$0	0	\$0	0	\$0	0	\$0				1	\$35,000	1	\$160,881
Industrial Addition	0	0	0	0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0				0	\$0	0	\$0
New Multi-Family	0	0	0	0	0	\$0	0	\$0	11	\$2,392,284	0	\$0	7	\$515,232				18	\$2,907,516	6	\$12,900,414
Telecommunication Tower	0	1	0	0	1	\$25,000	4	\$240,990	1	\$25,000	1	\$45,990	1	\$45,990				9	\$410,470	16	\$243,925
Demolition - Non-Residential	0	0	0	1	0	\$0	1	\$10,000	0	\$0	0	\$0	0	\$0				2	\$12,000	4	\$613,073
Demolition - Residential	0	0	0	0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0				0	\$0	0	\$0
Fence	5	8	13	15	10	\$23,756	13	\$179,250	16	\$859,899	10	\$57,200	9	\$73,500				99	\$4,137,153	115	\$1,088,018
Garages	2	4	6	6	10	\$349,914	6	\$255,949	6	\$177,110	6	\$131,884	4	\$136,855				50	\$1,597,580	58	\$2,350,380
Pool	7	6	9	8	5	\$330,641	13	\$913,054	6	\$457,817	8	\$567,187	4	\$349,000				66	\$4,699,593	88	\$6,362,621
Reroofs/Windows/ Doors	28	43	54	36	62	\$1,078,019	76	\$1,035,519	71	\$1,010,775	62	\$861,805	53	\$798,813				485	\$7,111,277	725	\$10,358,706
Retaining Wall	34	25	25	31	6	\$586,900	9	\$1,442,757	15	\$4,445,210	21	\$4,910,180	13	\$2,844,720				179	\$32,825,911	218	\$43,413,314
Small Shed (120 sq.ft. or less)	11	17	17	21	26	\$77,774	26	\$83,934	17	\$51,209	17	\$63,300	19	\$81,533				171	\$581,562	190	\$877,165
Sheds	10	8	8	125	14	\$152,178	13	\$163,916	15	\$314,015	15	\$200,513	7	\$47,256				215	\$1,489,489	89	\$1,743,000
Solar (Rooftop & Ground Mount)	38	48	36	56	43	\$1,039,381	37	\$884,539	46	\$4,094	56	\$4,984	79	\$15,468				439	\$6,321,897	1,114	\$81,702,232
Business Registrations (Occupancy Inspection)	16	10	11	20	20	\$0	11	\$0	16	\$0	25	\$0	28	\$0				157	\$0	155	\$0
Building Inspections	3,322	3,377	3,364	3,178	3,313	\$0	3,266	\$0	3,682	\$0	3,334	\$0	3,307	\$0				30,143	\$0	35,209	\$0
Engineering Inspections	255	242	189	179	259	\$0	202	\$0	174	\$0	196	\$0	212	\$0				1,908	\$0	2,116	\$0
R.O.W. Permits (Fees)	35	50	59	43	37	\$17,895	54	\$21,554	42	\$30,594	47	\$15,016	31	\$31,588				398	\$210,316	378	\$162,595
TOTALS:	3,865	3,934	3,796	3,831	3,930	\$25,592,724	3,859	\$28,346,385	4,207	\$27,295,162	3,875	\$19,611,691	3,865	\$31,056,140				35,234	\$280,279,666	41,671	\$424,780,444



**CITY OF RIO RANCHO
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Legislation Item:

AGENDA DATE:

October 8, 2024

DEPARTMENT:

Development Services

SUBJECT:

Planning and Zoning Monthly Summary Plat Report - September 2024

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: [Sept Sum Plat.pdf](#)

SUMMARY PLAT ACTIVITY

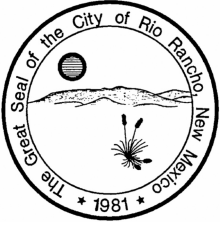
September 2024

CASE #	RECEIVED	LOCATION	COMMENTS	RECORDED
21-200-00011	03/08/21	MOUNTAIN HAWK 27 - VACATION OF EASEMENTS	Under Review	
21-200-00014	03/11/21	UNIT 20-INDUSTRIAL PARK, BLK A, PARCEL	Under Review	
21-200-00016	03/23/21	U16, BLOCK M, LOT 6A GRANTING EASEMENTS	Under Review	
21-200-00017	04/01/21	RIDGELINE ESTATES, BLK A, LOT 20	Under Review	
21-200-00018	04/13/21	EH2 BLOCK 1 PARCEL C - SPLIT INTO PARCEL C-1 & PARCEL C-2	RECORDED	X
21-200-00027	06/04/21	U10 B36 L21 AND 22 COMBINATION	Under Review	
21-200-00033	07/30/21	UNIT 16, BLOCK 18A, LOTS 9 & 10	Awaiting Signatures	
21-200-00035	08/19/21	UNIT 17, BLOCK 104, LOTS 7,8 & 9 COMBO	Awaiting Signatures	
21-200-00037	08/24/21	MOUNTAIN HAWK 38-A & 40-A	Under Review	
21-200-00045	09/01/21	BROADMOOR HEIGHTS 4-A VACATING/GRANTING EASEMENTS	Under Review	
22-200-00007	03/03/22	UNIT 17, BLOCK 113, LOTS 32 AND 33A LOT	Awaiting Signatures	
22-200-00012	04/18/22	UNIT 16, BLOCK F, LOTS 2A, 4, 5 COMBINATION	Under Review	
22-200-00013	04/19/22	UNIT 11, BLK 34, LOTS 23 & 24 COMBO	Awaiting Signatures	
22-200-00016	05/12/22	LA PLAZUELA, TRACTS 2A & 2B	Under Review	
22-200-00024	08/17/22	MARIPOSA TCT 4, 2, 3A, & NW LOOP (TRACT CONSOLIDATION)	RECORDED	
22-200-00027	09/14/22	RIO WEST BUSINESS PARK, BLK A, LOTS 4A-1	RECORDED	
22-200-00029	09/26/22	UNIT 11, BLOCK BB, LOTS 32-37 LOT COMBINATION	RECORDED	X
22-200-00031	10/12/22	LOT COMBO U17, BLK 105, LOT 4A-1 (lot 4A & 5)	Awaiting Signatures	
22-200-00034	10/19/22	Unit 12, Blk C, Lots 67 & 68 - LOT COMBINATION	RECORDED	X
22-200-00035	11/09/22	Unit 20, Block 106, Lot 4 Vacation of Easement	Awaiting Signatures	
22-200-00040	12/08/22	UNIT 11, BLOCK V, LOT 34-A; COMBO OF LOTS 34 & 35	Under Review	
23-200-00005	02/21/23	UNIT 13, BLOCK 143, LOTS 23A & 23B LOT SPLIT	Awaiting Signatures	
23-200-00010	03/13/23	UNIT 17, TRACT U SPLIT	Under Review	
23-200-00012	04/14/23	U10, BLK B, LOTS 20, 21, AND 22 (LOT COMBO)	Under Review	
23-200-00015	5/8/2023	UNIT 17, BLOCK 72, LOTS 16 & 17 COMBO	Under Review	
23-200-00016	6/5/2023	SUMMARY PLAT- LOT COMBO U13, BLK S, LOTS	Under Review	
23-200-00017	6/12/2023	LANDS OF QUAIL RANCH, TRACT 2-E AND 2-A	Under Review	
23-200-00024	8/29/2023	SUMMARY PLAT - CABEZON, LOTS 3 AND 4 (RE	Under Review	
23-200-00026	9/7/2023	SUMMARY PLAT - UNIT 17, TRACTS A-1-A AN	Under Review	
23-200-00028	9/14/2023	CS, BLK A, LOT A-1-A (LOT SPLIT)	Under Review	
23-200-00031	10/4/2023	SUMMARY PLAT - LOT COMBO - U10, BLK A, L	Under Review	
23-200-00036	11/13/23	CS, BLK 1, LOTS 8 AND 2A2A - SUMMARY PLA	Under Review	
24-200-00002	01/04/24	SUMMARY PLAT - LOT COMBO - CABE/TRACTS 1	Under Review	

SUMMARY PLAT ACTIVITY

September 2024

24-200-00004	01/16/24	UNIT 10 BLOCK 35 LOT 30-A LOT COMBO.	Under Review	
24-200-00007	01/18/24	PROPOSED LOT 16-A, BLK. U, RRE UN. 11 /	Under Review	
24-200-00009	01/22/24	UNIT 11, BLOCK V, LOTS 16-17 TO CREATE 1	Under Review	
24-200-00012	2/1/2024	SUMMARY PLAT - U11, BLK 17, LTS 42 & 43	Under Review	
24-200-00017	4/8/2024	LOT CONSOLIDATION / U21, BLOCK 18, LOTS	Under Review	
24-200-00019	4/29/2024	SUMMARY PLAT - STONEGATE - CREATING 1 HO	Under Review	
24-200-00021	5/1/2024	SUMMARY PLAT LOT 26-A (RR UNIT 13, BLOCK	Under Review	
24-200-00022	5/1/2024	SUMMARY PLAT - UNIT 10, BLOCK 33, LOTS 7	Under Review	
24-200-00024	05/14/24	UNIT 20, BLOCK, 106, LOTS 5-6, LOT LINE	Under Review	
24-200-00025	05/14/24	SUMMARY PLAT - U13, BLK QQ, LOTS 16&17 -	Under Review	
24-200-00026	05/14/24	SUMMARY PLAT - U11, BLK E, LOTS 56 & 57	Under Review	
24-200-00027	05/17/24	SUMMARY PLAT (LOT SPLIT) U13, BLOCK 114,	Under Review	
24-200-00028	05/30/24	24-200-00028 (SUMMARY PLAT) UNIT 11, BLO	Under Review	
24-200-00029	5/31/2024	UNIT 17, BLOCK 132, LOT 11-A, LOT SPLIT	Under Review	
24-200-00033	7/15/2024	SUMMARY PLAT / RRE UNIT 17, BLOCK 121, L	Under Review	
24-200-00034	8/2/2024	SUMMARY PLAT, UNIT 20, BLOCK 145, LOTS 5	Under Review	
24-200-00035	8/7/2024	UNIT 11, BLOCK V, LOTS 38-39, LOT COMBIN	Under Review	
24-200-00036	9/4/2024	SUMMARY PLAT - U20, BLK 108, LOTS 33 AND	Under Review	
24-200-00037	9/6/2024	SUMMARY PLAT - PANORAMA HEIGHTS WEST, BL	Under Review	
24-200-00038	9/19/2024	TIERRA DEL NORTE, BLOCK 6, LOTS 1-7, SUM	Under Review	
TOTAL TO DATE:		53		



**CITY OF RIO RANCHO
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**Legislation Item: 24-120-
00012**

AGENDA DATE:
October 8, 2024

DEPARTMENT:
Development Services

SUBJECT:
Conditional Use Permit. The applicant, Lucas Weidner, is requesting approval of a Hobby Breeder Conditional Use Permit for the intermittent breeding of Great Danes at the location legally described as Vista Montebella, Block 1, Lot 27, and addressed as 2437 Lynn Rd SE. Staff contact is Michelle Costilla and staff recommends denial with findings.

BACKGROUND AND ANALYSIS:

The applicant, Lucas Weidner, is requesting approval of a Hobby Breeder Conditional Use Permit for the intermittent breeding of Great Danes at the location legally described as Vista Montebella, Block 1, Lot 27, and addressed as 2437 Lynn Rd SE. The subject property is zoned R-4: Single Family Residential per Ordinance No. 10, Enactment No. 14-08, and is approximately 0.22 acres.

Per the R-4 zoning regulations under §154.11 (C), "(3) Hobby breeders or animal foster care providers as regulated by Chapters 90 and 116, provided the lot has an area appropriate to the type and size of the animals being bred" is a listed conditional use. The requested conditional use is to allow the operation of Great Dane hobby breeding for this location. Section 116.20 of City Code regulates hobby breeders of canines and felines.

REVIEW CRITERIA:

The criteria for conditional uses, as defined in the Rio Rancho Code of Ordinances (R.O. 2003), has been used to review this application. R.O. 2003 Section 150.04 (Conditional Use Permit) states:

"(A) A conditional use permit may be granted for the specific zone in which it is allowed provided it meets any conditions stipulated in this title, and is not detrimental to the public welfare, safety, health, morals and convenience of the surrounding area".

The applicant has submitted a justification letter, which dictates the intentions of the applicant to breed Great Danes according to the terms of Section 116.20 "Hobby Breeders of Canines and Felines". Staff have evaluated this application based on the criteria outlined in Section 116.20 of the City Code for granting a hobby breeders permit.

116.20 (A) Facilities and maintenance standards.

The applicant will be using their air-conditioned garage as the breeding area. The applicant states that breeding pair consists of a registered Sire and Dam, both of whom are in excellent health and over 24 months old. They state that they are committed to responsible breeding practices, and neither dog will be bred more than once in a 12-month period.

Section 116.20 (A)(10) states that "provisions shall be made for the removal and proper disposal of

animal food, waste, bedding, dead animals and debris. Animal waste must be disposed of at a minimum of once per week or more often as necessary to maintain sanitary conditions."

The property has received multiple Code Enforcement complaints in regards to an excess of dog feces in the yard, and weeds. Code Enforcement case number are as follows:

- 23-5287 for weeds occurred August of 2023,
- 24-1947-1949 for excess dog feces, weeds and vehicle registration occurred April of 2024
- 24-5380-81 for weeds and dog breeding August of 2024.

All Code Enforcement cases have been brought into compliance by the applicant. Staff recommends the Board find that the applicant is in not compliance with the entirety Section 116.20 (A) due to the amount of complaints that suggest that the animal waste is not being disposed of at a minimum of once per week or as often necessary to maintain sanitary conditions.

116.20 (B) Indoor Area.

The applicant states that the garage area that is both clean and spacious, being approximately 250 square feet. It is air-conditioned, which serves to to protect the animals from extreme temperatures. Staff recommends the Board find that the applicant has indicated proper compliance with Section 116.20 (B).

116.20 (C) Outdoor Area.

The applicant states that the garage leads directly to a large outdoor space, which will be routinely cleaned and maintained to ensure a sanitary environment. It is approximately 600 square feet and is enclosed on the northwest side of the property by a 10 foot brick wall with partial shade and uninhibited access to the indoor area. Staff recommends the Board find that the applicant is in compliance with Section 116.20 (C).

116.20 (D) Food and Water.

The applicant states that they will ensure that ample food and water are always available for the dogs. Food will be stored elevated off the ground in a airtight plastic storage container to ensure that it remains dry and free of any contamination due to pests or vermin. Staff recommends the Board find that the applicant is in compliance with Section 116.20 (D).

116.20 (E) Operational standards.

The applicant states that the dogs will receive regular veterinary care from licensed professionals, and any puppies produced will also receive appropriate veterinary care prior to being sold. They will provide each new owner with a written contract that includes a health guarantee and stipulates that the animals are not to be bred, never to be placed in a shelter or rehomed without expressed consent. Additionally, all offspring will come with shot records and a pedigree. New owners will receive comprehensive information on feeding, training, care, and grooming specific to Great Danes to support the well-being of the puppies in their new homes.

Section 116.20(E)(1)(d) states "in order to minimize disease transmission, and control parasites, offspring (puppies and kittens) shall be vaccinated and dewormed according to the recommendations of a licensed veterinarian."

The property has received a Animal Control citation with one count for not providing a rabies vaccination certificate. This vaccination is also required per Section 90.15, which states "any person owning an animal which is over the age of three months and for which there is a state approved rabies vaccination shall have the animal vaccinated against rabies." Staff recommends the Board find that the applicant is in not compliance with the entirety Section 116.20 (E) or Section 90.

In addition to the count for the rabies vaccination, the property has also received a count of animal cruelty. This is expressly prohibited per Section 90.24 Cruelty, Neglect, or Abandonment Prohibited.

Staff recommends the Planning and Zoning Board find that the applicant does not meet the criteria for a Conditional Use Permit by not adhering to the standards of Chapter 116 and Chapter 90, and that the hobby breeder is potentially detrimental to the public welfare, safety, health, morals and convenience of the surrounding area.

SURROUNDING LAND USE/ZONING:

The subject property is surrounded by R-4: Residential Single Family District to the north, east, and west. The properties to the south are in the City of Albuquerque jurisdiction and are zoned R-T: Residential Townhouse Zone District.

NOTIFICATIONS:

Neighboring property owners within 100ft of the subject property were notified of the Planning and Zoning Board hearing by certified mail. A notice sign was erected on the subject property by the applicant, as required by ordinance, and a legal ad was published in the Albuquerque Journal on September 9, 2024. This item was then postponed at the Planning and Zoning Board meeting on September 25, 2024. All notification requirements for this hearing have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW:

Reviewing Agency	Received Application for Review	Comments
DSD Planning and Zoning	X	Comments provided within this document.
DSD Engineering	X	No adverse comments
Rio Rancho Public Schools	X	No comments provided
Fire and Rescue	X	No adverse comments
Police Department	X	No comments provided
SSCAFCA	X	No adverse comments
MRCOG	X	No comments provided
Parks, Recreation and Community Services	X	No adverse comments
Animal Resource Center	X	Citation attached. The ARC recommends denial of this item.

IMPACT:

GENERAL FINDINGS OF FACT:

1. In accordance with R.O. 2003 Section 150.04, the Planning and Zoning Board has jurisdiction over approval of a conditional use request.
2. Following procedures for a conditional use, proper notice of hearing on this matter was given.
3. The applicant has authority to make application to request a conditional use for a hobby breeder permit.
4. Due process was provided to the applicant and adjacent property owners.

SPECIFIC FINDINGS OF FACT:

1. The applicant has not adequately addressed the criteria for granting a conditional use permit as set forth in R.O. 2003 § 150.04.
2. The applicant has not provided adequate justification for meeting the criteria outlined in R.O. 2003 § 116.20 for granting a hobby breeder permit.
3. The applicant has not adhered to the standards of R.O. 2003 § 90.
4. The hobby breeder is detrimental to the public welfare, safety, health, morals and convenience of the surrounding area.

If the Planning & Zoning Board determines that the applicant has adequately addressed the criteria necessary for granting a conditional use permit, then the following specific findings and conditions are recommended:

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

1. The applicant has adequately addressed the criteria for granting a conditional use permit as set forth in R.O. 2003 § 150.04.
2. The applicant has provided adequate justification for meeting the criteria outlined in R.O. 2003 § 116.20 for granting a hobby breeder permit.
3. The hobby breeder conditional use permit will not result in adversely affecting the public or surrounding properties.
4. The conditional use permit #24-120-00012 shall conform to all applicable Parks, Recreation and Community services and Animal Resource Center codes and regulations

ALTERNATIVES:

The Planning and Zoning Board may:

1. Approve the request, in whole or in part
2. Deny the request, in whole or in part
3. Modify the request and approve such modifications
4. Continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

The Development Services Department recommends the Planning and Zoning Board deny the conditional use permit with findings.

- ATTACHMENT: [Zoning, Location.pdf](#)
ATTACHMENT: [Conditional Use Application.pdf](#)
ATTACHMENT: [Justification Letter.pdf](#)
ATTACHMENT: [Site Plan.pdf](#)
ATTACHMENT: [Supporting Documents.pdf](#)
ATTACHMENT: [Reproduction of Notices.pdf](#)
ATTACHMENT: [Animal Control Violation](#)
ATTACHMENT: [Animal Resources Recommendation.pdf](#)
ATTACHMENT: [Findings_of_Fact.docx](#)
ATTACHMENT: [Public Comment.pdf](#)
ATTACHMENT: [Public Comment 2.pdf](#)
ATTACHMENT: [Public Comment 3.pdf](#)
ATTACHMENT: [Public Comment 4.pdf](#)

VISTA MONTEBELLA, BLOCK 1, LOT 27

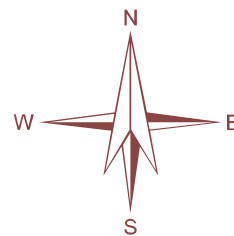


 Subject Property

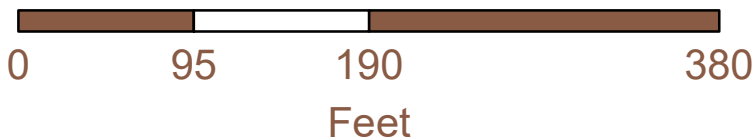
Zoning

 R-1

 R-4



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.





City of Rio Rancho
Development Services
3200 Civic Center Circle NE, Ste 130
Rio Rancho, NM 87144
(505) 891-5005 Fax: (505) 896-8994

Conditional Use Application

Applicant

Fee \$67.00

Name (Print): Lucas Weidner
Address: 2437 Lynn Rd SE
City: Rio Rancho State: NM Zip: 87124
Phone: 505-688-0541 Alt phone:
Email: lukeweidner@yahoo.com

Agent

Name: Lucas Weidner
Address: 2437 Lynn Rd SE
City: Rio Rancho State: NM Zip: 87124
Phone (W): 505-688-0541 Phone (Other):
Email: lukeweidner@yahoo.com

Property Owner

Name: Lucas Weidner
Address: 2437 Lynn Rd SE
City: Rio Rancho State: NM Zip: 87124
Phone (W): 505-688-0541 Phone (Other):
Email: lukeweidner@yahoo.com

Legal Description

Subdivision/Unit: Block: Lot:
Tract/Parcel: Zoning:

Location of Property

Address: 2437 Lynn Rd SE
City: Rio Rancho State: NM Zip: 87124

Reason for Request (use additional sheets if necessary)

For the intermittent breeding of Great Danes

Applicant's Signature

Date

For Office Use Only

Received by: Michelle Costilla Date: 8/28/24

Application No: 24-120-00012 Receipt No: _____

Scheduled Planning and Zoning Meeting Date:

Action taken by Planning and Zoning Committee: Approved Disapproved Other

Lucas Weidner
2437 Lynn Rd SE
Rio Rancho NM 87124
lukeweidner@yahoo.com
505-688-0541

08/26/2024

Michelle Castillo
Municipal Planner II
Development Services Planning and Zoning Division

Subject: Letter of Intent for Conditional Use Permit for Hobby Breeding

I am writing to express our intent to apply for a conditional use permit for hobby breeding purposes. We are dedicated members of the Continental Kennel Club (CKC) and plan to engage in the responsible breeding of purebred Great Danes. Our breeding program will focus on maintaining the health and quality of the breed, and we adhere to strict ethical guidelines.

Our breeding pair consists of a registered Sire, Enzo, and a registered Dam, Bonnie, both of whom are in excellent health and over 24 months old. We are committed to responsible breeding practices, and as such, neither Enzo nor Bonnie will be bred more than once in a 12-month period.

The breeding activity will take place in a converted, air-conditioned garage area that is both clean and spacious. Approximately 10'-25'. This area leads directly to a large outdoor space, which will be routinely cleaned and maintained to ensure a sanitary environment. Approximately 10'-60'. This area is enclosed on the Northwest side of our property by a 10' brick wall with partial shade and uninhibited access to indoor area. We will ensure that ample food and water are always available for our dogs. Food will be stored elevated off the ground in a airtight plastic storage container to ensure that it remains dry and free of any contamination due to pests or vermin.

Both Enzo and Bonnie receive regular veterinary care from licensed professionals, and any puppies produced will also receive appropriate veterinary care prior to being sold. We will provide each new owner with a written contract that includes a health guarantee and stipulates that the animals are not to be bred, never to be placed in a shelter or rehomed without our express consent. Additionally, all offspring will come with shot records and a pedigree.

New owners will receive comprehensive information on feeding, training, care, and grooming specific to Great Danes to support the well-being of the puppies in their new homes.

Thank you for considering our application. We are committed to maintaining high standards of care and ensuring the welfare of our dogs and their offspring. Please feel free to contact me if you require any additional information.

Sincerely,

Lucas Weidner

DATE:
9/24/2020
SCALE:
1" = 30'
CREW:
ATS
DRAWN:
DKS
JOB NO.
N949-02



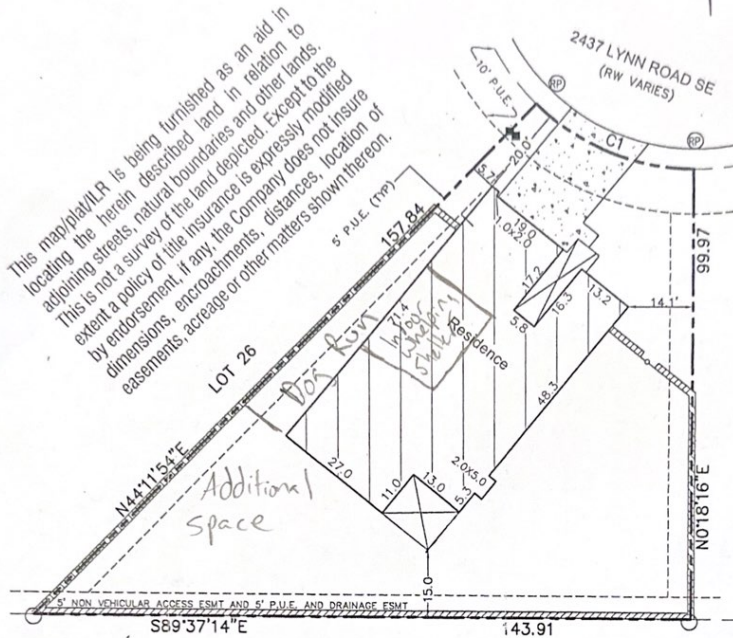
IMPROVEMENT LOCATION REPORT
LOT 27, BLOCK 1
THE ENCLAVE AT VISTA MONTEBELLA
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

LEGEND

- ⊙ FND REFERENCE POINT
- FND LINE ONLY MARK (INK)
- UTILITY PEDESTAL
- ▭ COVERED AREA
- ▨ BLOCK WALL (HT VARIES) (TYP.)
- FENCE/GATE (TYP.)

NOTES:

1. THIS LOT IS SUBJECT TO THE CONDITIONS OF TITLE AFFECTING THE INSURED PREMISES AS CONTAINED IN THE NOTES ON THE RECORDED PLAT.
2. THIS IS NOT A BOUNDARY SURVEY.
3. NO PORTION OF THIS PROPERTY LIES WITHIN SPECIAL FLOOD HAZARD AREAS (AS DEFINED BY THE F.E.M.A. FLOOD INSURANCE RATE MAP (DFIRM) FOR THIS AREA, DATED MARCH 18, 2008, MAP NO. 35043C2102-D). THE SURVEYOR MAKES NO GUARANTY AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL FEMA AGENT SHOULD BE CONTACTED FOR VERIFICATION.



C1
R=50.00
L=38.24
C=37.31
CB=N67°42'40"W
Δ= 43°49'08"

BLACK ARROYO BOULEVARD NW
(50' R/W)

LEGAL DESCRIPTION

LOT NUMBERED TWENTY SEVEN (27) IN BLOCK NUMBERED ONE (1), OF THE ENCLAVE AT VISTA MONTEBELLA, BEING A REPLAT OF LOTS 1-9 & 13-20, BLOCK 80, RIO RANCHO ESTATES UNIT 10, WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTION 15, TOWNSHIP 12 NORTH, RANGE 2 EAST, NMPM, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON MARCH 12, 2019 AS DOCUMENT NO. 2019P01359 IN VOLUME 3, FOLIO 4363.



Community Sciences Corporation
N.M. Professional Surveyor # 4972

Date: 9/24/2020

THIS IS TO CERTIFY:
TO TITLE COMPANY: FIDELITY NATIONAL TITLE COMPANY; TO UNDERWRITER: FIDELITY NATIONAL TITLE INSURANCE COMPANY;
TO LENDER: CARDINAL FINANCIAL COMPANY LP ISAOA ATMA; That on SEPTEMBER 23, 2020, I CLIFF A. SPIROCK
N.M.P.S. No. 4972, made an inspection of the premises situated at 2437 LYNN ROAD SE, City of Rio Rancho,
Sandoval County, New Mexico briefly described as THE ENCLAVE AT VISTA MONTEBELLA, LOT 27, BLOCK 1.

PLAT REFERENCE:

Bearings, distances and/or curve data are taken from the following plat: See Legal Description. Easements shown hereon are listed in the Title Commitment provided by the Title Company. No monuments were set. This tract is subject to all easements, restrictions and reservations of record which pertain. This report is not to be relied on for the establishment of fences, buildings or other future improvements.

THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE

THIS IS NOT A BOUNDARY SURVEY AND MAY NOT BE SUFFICIENT TO REMOVE THE SURVEY EXCEPTION FROM AN OWNER'S TITLE POLICY. IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN

- I FURTHER CERTIFY as to the existence of the following at the time of my inspection:
1. Evidence of rights of way, old highways or abandoned roads, lanes, trails or driveways, sewer, drains, water, gas, or oil pipe lines on or crossing said premises; *
 2. Springs, streams, rivers, ponds, or lakes located, bordering on or through said premises; *
 3. Evidence of cemeteries or family burial grounds located on said premises; *
 4. Overhead utility poles, anchors, pedestals, wires or lines overhanging or crossing said premises and serving other properties; *
 5. Joint driveways or walkways, joint garages, party walls or rights of support, steps or roofs in common or joint garages; *
 6. Apparent encroachments, if the building projections or cornices thereof, or signs affixed thereto, fences or other indications of occupancy appear to encroach upon or overhang adjoining property, or the like appear to encroach upon or overhang inspected premises; *
 7. Specific physical evidence of boundary lines on all sides; AS SHOWN ABOVE
 8. Approximate distance of structures from at least two (2) lot lines; _____

* NOT APPLICABLE, UNLESS SO INDICATED ON THE ABOVE SKETCH



RIO RANCHO FIRE AND RESCUE DEPARTMENT
1526 STEPHANIE ROAD SE
RIO RANCHO, NM 87124
(505) 891-5871


Criteria for Home Occupation Business Fire Inspections

If the business involves any of the below listed functions, you shall be required to obtain a fire inspection prior to obtaining a new business registration or renewing a current registration.

- Yes No Care of children or adults other than your own?
- Yes No Storage of flammable liquids in the residence that are necessary for the operation or function of your business?
- Yes No Storage of chemicals in the residence, other than common household cleaner that are necessary for the operation or function of your business?

If you answered “No” to all of the above questions, a fire inspection is not required. If you answered “Yes” to any of the above questions call the Fire Prevention Office at (505) 891-5871 to schedule a fire inspection. By signing below, the business owner/occupant acknowledges and agrees to abide by all conditions and provisions of Rio Rancho Uniform Fire Code.

The Fire and Rescue Department reserves the right to request entry onto the premises and reserves the right of entry pursuant to the provisions of the Rio Rancho Fire Code.



Owner/Occupant (Signature)

08/21/2024
Date

Duke City Danes LLC

Business Name

2437 Lynn Rd SE Rio Rancho NM 87124

Address (No P.O. Box)

Continental Kennel Club Pedigree Information

S I R E

ENZO
GD-05445020

KLAUS

KAMMI

Application Number: 2373731

BREEDER: LUCAS WEIDNER

BREED: GREAT DANE

LITTER DATE: 7/11/2022

D A M

BONNIE
GD-05327518

MANDA'S MARVELOUS TUCKER
GD-05311054

VALLEY DANES ROXY TRACY
GD-05201809

ORIGINAL STOCK

ORIGINAL STOCK

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DIESEL NANCE
GD-04112098

LEXIE MCPHERSON
GD-04364904

LEAN ON ME DEXTER
GD-04779847

DEAN'S IT MUST BE BLACK MAGIC
GD-04792047

ORIGINAL STOCK

ORIGINAL STOCK

ORIGINAL STOCK

ORIGINAL STOCK

LEAN ON ME LAZARUS

ROCKIN S LEAN ON ME TORI

VALLEY DANES HANNIBAL LECTER
GD-04885392

DEANS ENVY KARMA
GD-04885393

CONTINENTAL KENNEL CLUB

NAME : BONNIE

CKC # : GD-05327518

BREED : GREAT DANE

SEX : FEMALE

COLOR : FAWN

BIRTHDATE : Dec 18, 2020

SIRE : MANDA'S MARVELOUS TUCKER
GD-05311054

REG DATE : Feb 17, 2021

DAM : VALLEY DANES ROXY TRACY
GD-05201809

BREEDER : AMANDA TRACY

PUREBRED

OWNER : LUCAS WEIDNER
ADDRESS : 2437 LYNN RD SE
CITY/ZIP : RIO RANCHO, NM 87124
COUNTRY : UNITED STATES

4552532

CERTIFICATE OF REGISTRATION

CONTINENTAL KENNEL CLUB

NAME : ENZO

CKCNUM : GD-05445020

BREED : GREAT DANE

SEX : MALE

COLOR : MERLE

BIRTHDATE : Dec 12, 2020

SIRE : KLAUS
NN-00000000

REGDATE : Mar 24, 2022

DAM : KAMMI
NN-00000000

PUREBRED

OWNER : LUCAS WEIDNER
ADDRESS : 2437 LYNN RD SE
CITY/ZIP : RIO RANCHO, NM 87124
COUNTRY : UNITED STATES



4758991

CERTIFICATE OF REGISTRATION



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

RE: Conditional Use, Case No. 24-120-00012
Vista Montebella, Block 1, Lot 27

Dear Property Owner:

You are receiving this certified notice because your property is within 100 feet of a site where a land development decision is required by the Planning and Zoning Board.

The applicant, Lucas Weidner, is requesting approval of a hobby breeder conditional use permit at the location legally described as Vista Montebella, Block 1, Lot 27, and addressed as 2437 Lynn Rd SE. The permit is for the intermittent breeding of Great Danes.

The **Planning and Zoning Board** will consider this request at a public hearing on **Tuesday, September 24, 2024** at 6:00 pm in the **Council Chambers** and **Virtually** through the **zoom link and number below**.

On the back of this letter is a location map of the project, with the property identified with a red outline.

If you would like to comment on this application, you are encouraged to send in comments in writing, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rnm.gov or on Sparklight cable channel 56.

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer: <https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please contact me via e-mail me at mcostilla@rnm.gov or call me at 505-896-8362, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rnm.gov, the Friday before the hearing.


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 or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,



Michelle Costilla
Municipal Planner II
Development Services Department
City of Rio Rancho

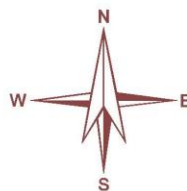
VISTA MONTEBELLA, BLOCK 1, LOT 27



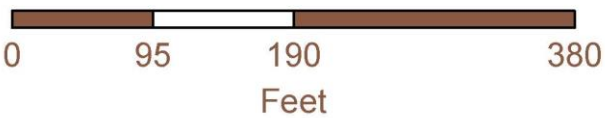
 Subject Property

Zoning

-  R-1
-  R-4



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.



ALBUQUERQUE JOURNAL



El Defensor Chieftain

RIO RANCHO OBSERVER

VALENCIA COUNTY News-Bulletin

Dept 880697
PO Box 29650

Phoenix, AZ 85038-9650 Phone: (505)823-3220

Proof of Ad 09/05/2024

Account: **1010956**
 Name: **CITY OF RIO RANCHO**
 Company: **CITY OF RIO RANCHO**
ATTN: ACCOUNTS PAYABLE
 Address: **3200 CIVIC CENTER CIR NE**
RIO RANCHO, NM 87144
 Telephone: **(505)891-5005**

Ad ID: **103200**
 Description:
 Run Dates: **09/09/2024 - 09/09/2024**
 Class: **3001**
 Orig User: **master**
 Words: **288**
 Lines: **74**
 Agate Lines: **106**
 Depth: **7.50**
 Blind Box:

Total Ad Cost \$93.02
Amount Paid \$0.00

Publication	Start	Stop	Inserts	Cost
Albuquerque Journal	09/09/2024	09/09/2024	1	86.43

CITY OF RIO RANCHO PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, September 24, 2024:

Variance

Case #24-110-00014

The applicant, Joseph Crepeau, requests approval of a Variance request to the minimum required R-1: Single-Family Residential District setback of 15' to allow for a 5' rear setback for a proposed accessory building on the subject property of 5708 Rio Oso Rd NE, legally described as RRE Unit 17, Block 50 Lot 3.

Conditional Use

Case #24-120-00012

The applicant, Lucas Weidner, is requesting approval of a hobby breeder conditional use permit at the location legally described as Vista Montebella, Block 1, Lot 27, and addressed as 2437 Lynn Rd SE. The permit is for the intermittent breeding of Great Danes.

Variance

Case #24-110-00015

The applicant, Randall Shaffer, requests approval of a Variance for the property legally described as Unit 17, Block CC, Lot 3-A-1; physically located at 5690 Miller Road NE. The proposed variance to the requirement of applying any stucco/elastomeric masonry paint on the front of his prefab structure facing the street. The Subject property is zoned R-1: Single-Family Residential district and consists of 1.68 acres.


The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rrnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rrnm.gov. Written comments will be inserted into the public record.

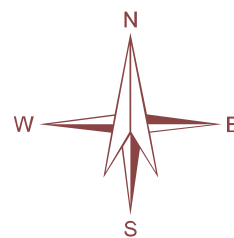
Journal: September 9, 2024.

VISTA MONTEBELLA, BLOCK 1, LOT 27

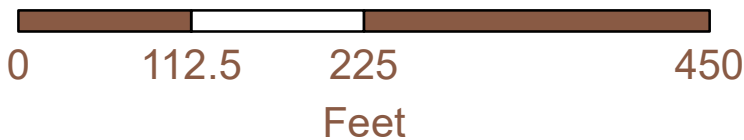


 Subject Property

 100 ft.



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.



RIO RANCHO ANIMAL CONTROL NON-TRAFFIC CITATION

CASE NUMBER

STATE OF NEW MEXICO
COUNTY OF SANDOVAL
CITY OF RIO RANCHO

EVIDENCE SUBMITTED IN THIS CASE []

DEFENDANT'S LAST NAME					FIRST					MI
Weidner					Lucas					J
ADDRESS			CITY		STATE		ZIP CODE		TELEPHONE NUMBER	
2437 Lynn Rd SE			Rio Rancho		NM		87124		505-686-0541	
DATE OF BIRTH	SOCIAL SECURITY NUMBER	SEX	HEIGHT	WEIGHT	EYES	HAIR	DRIVER'S LICENSE NUMBER			STATE
		m								NM

DATE OF OFFENSE / TIME	LOCATION OF OFFENSE
9/17/24 7:30pm	2437 Lynn

The above named Defendant while in the State of New Mexico, County of Sandoval, City of Rio Rancho, did then and there commit the offense(s) of, contrary to:

Offense	Rio Rancho City Ordinance
RABIES VACCINATION	<input checked="" type="checkbox"/> 90.15 1 Count
ANIMALS BITING	<input type="checkbox"/> 90.16
POTENTIALLY DANGEROUS, DANGEROUS, AND VICIOUS DOGS	<input type="checkbox"/> 90.17
CONFINEMENT OF ANIMALS; RUNNING AT LARGE	<input type="checkbox"/> 90.18
CAT SPAY AND NEUTER REQUIREMENTS; INTACT CAT PERMIT; DOG & CAT LICENSES	<input checked="" type="checkbox"/> 90.19 2 Counts
NUMBER OF ANIMALS PERMITTED	<input type="checkbox"/> 90.20
ANIMALS DISTURBING THE PEACE	<input type="checkbox"/> 90.22
CRUELTY PROHIBITED	<input checked="" type="checkbox"/> 90.24 1 Count
Common Name of Offense	
1.	1 dog
2.	
3.	

Essential Facts / Officer Notes:

On 9/13/24 Paul and Adrian Gallegos filed out voluntary statements against 2437 Lynn Rd SE. Mr Weidner showed no current Rabies and city license at time of statements.

I CERTIFY THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT THE HEREIN NAMED DEFENDANT COMMITTED THE LISTED OFFENSE(S).

OFFICER: Coccimiglio ID NUMBER: ACO4 DATE: 9/19/24

COURT APPEARANCE REQUIRED: I acknowledge receipt of this notice and without admitting guilt agree to appear in: RIO RANCHO MUNICIPAL COURT - 500 Quantum Rd. NE - Rio Rancho, New Mexico 87124

On (Day): _____ Date: _____, 20____ at _____ am/pm

Defendant's Signature: X ISSUE SUMMONS

WARNING: I ACKNOWLEDGE RECEIPT OF THIS NOTICE AND AGREE THAT A VIOLATION OF THE LAW HAS BEEN COMMITTED. NO FURTHER ACTION IS REQUIRED

SIGNATURE X

MICHELLE COSTILLA

From: Cheryll Johns
Sent: Monday, October 7, 2024 2:14 PM
To: MICHELLE COSTILLA
Subject: Fw: Lucas Weidner - Breeder Permit

Hello Michelle, I am forwarding this information that I sent to Bryan Babyak previously regarding this breeder. The Animal Resource Officers will not do an inspection and are not recommending approval for this breeder. Any questions, please feel free to contact me on my cell. I am working out of the office today, but available on my cell.

Thank You.

Cheryll Johns
Facility Manager

City of Rio Rancho
Parks, Recreation & Community Services / Animal Resource Center
Office: 505-891-5089
Cell: 505-205-6885

RRNM.gov |



From: Cheryll Johns
Sent: Tuesday, September 24, 2024 9:20 PM
To: BRIAN BABYAK <bbabyak@rrnm.gov>
Cc: Connie Peterson <cpeterson@rrnm.gov>
Subject: RE: Lucas Weidner - Breeder Permit

Brian, thank you. We are in agreement. The ARC also recommends denial of the breeder permit. Thanks.

Cheryll Johns
Facility Manager

City of Rio Rancho
Parks, Recreation & Community Services / Animal Resource Center
Office: 505-891-5089

RRNM.gov |





BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 24-120-00012

REQUEST FOR A HOBBY BREEDER CONDITIONAL USE PERMIT FOR THE
PROPERTY LEGALLY DESCRIBED AS VISTA MONTEBELLA, BLOCK 1, LOT 27.

Applicant: Lucas Weidner

THIS MATTER, having come before the Planning & Zoning Board of the City
of Rio Rancho, New Mexico on the 8th day of October, 2024, the Planning
& Zoning Board having taken evidence and considered the merits, has
determined and found:

GENERAL FINDINGS OF FACT:

1. In accordance with R.O. 2003 § 150.04, the Planning and Zoning Board has jurisdiction over approval of the applicant's request for a conditional use permit.
2. Following procedures for approval of a conditional use permit, proper notice of hearing on this matter was given.
3. The applicant has the authority to make an application for a conditional use permit.
4. Due process was provided to the applicant and surrounding property owners.

SPECIFIC FINDINGS OF FACT:

1. The applicant has not adequately addressed the criteria for granting a conditional use permit as set forth in R.O. 2003 § 150.04.
2. The applicant has not provided adequate justification for meeting the criteria outlined in R.O. 2003 § 116.20 for granting a hobby breeder permit.
3. The applicant has not adhered to the standards of R.O. 2003 § 90.
4. The hobby breeder is detrimental to the public welfare, safety, health, morals and convenience of the surrounding area.

THEREFORE, the application for a hobby breeder conditional use permit, is DENIED
by the Planning & Zoning Board of the City of Rio Rancho on October 8, 2024,
subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Board Chairman



BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR APPROVAL
Case No. 24-120-00012

REQUEST FOR A HOBBY BREEDER CONDITIONAL USE PERMIT FOR THE
PROPERTY LEGALLY DESCRIBED AS VISTA MONTEBELLA, BLOCK 1, LOT 27.

Applicant: Lucas Weidner

THIS MATTER, having come before the Planning & Zoning Board of the City
of Rio Rancho, New Mexico on the 8th day of October, 2024, the Planning
& Zoning Board having taken evidence and considered the merits, has
determined and found:

GENERAL FINDINGS OF FACT:

1. In accordance with R.O. 2003 § 150.04, the Planning and Zoning Board has jurisdiction over approval of the applicant's request for a conditional use permit.
2. Following procedures for approval of a conditional use permit, proper notice of hearing on this matter was given.
3. The applicant has the authority to make an application for a conditional use permit.
4. Due process was provided to the applicant and surrounding property owners.

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

1. The applicant has adequately addressed the criteria for granting a conditional use permit as set forth in R.O. 2003 § 150.04.
2. The applicant has provided adequate justification for meeting the criteria outlined in R.O. 2003 § 116.20 for granting a hobby breeder permit.
3. The hobby breeder conditional use permit will not result in adversely affecting the public or surrounding properties.
4. The conditional use permit #24-120-00012 shall conform to all applicable Parks, Recreation and Community services and Animal Resource Center codes and regulations.

THEREFORE, the application for a hobby breeder conditional use permit, is
APPROVED by the Planning & Zoning Board of the City of Rio Rancho on October
8, 2024, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Board Chairman

MICHELLE COSTILLA

From: Susan Dillon <susanhdillon@yahoo.com>
Sent: Friday, September 13, 2024 10:15 AM
To: MICHELLE COSTILLA
Cc: Susan Dillon
Subject: Lucas Weidner request for hobby breeder permit 2437 Lynn Rd SE

Caution! This message was sent from outside your organization.

[You don't often get email from susanhdillon@yahoo.com. Learn why this is important at [Dear Ms. Costilla;](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGvhcm5BYm91dFNlbnRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZjUw%26t%3DcThuRDVvdU1nOCtCZ0sraldPZVVINjBvdHJTRS9mb1dGWmRiNIQvaFUyST0%3D%26h%3D1f41bbe43deb4f138d3e7a4c618bc6f5%26s%3DAVNPUehUT0NFTkNSWVBUSVYUwJ2JMc29v65-klW09eARokihDOKQrHUXMIb_rw5pA&data=05%7C02%7Cmcostilla%40rrnm.gov%7C793fe5d793214e4a147408dcd40f561a%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638618409549769150%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C40000%7C%7C%7C&sdata=MpwmdKjxRqs47uF1PFs8lFpk9SxslzjVrUv%2BS4oM%3D&reserved=0]</p></div><div data-bbox=)

I live at 2449 Lynn Rd SE, which is two houses away from Mr. Weidner's property at 2437 Lynn Rd SE. I cannot attend the planning and zoning board meeting, on September 24, 2024.

I would like make the planning and zoning board aware that I vote "no" for Mr. Weidner's request. This neighborhood is residential and having a kennel here is not appropriate. Mr. Weidner has been breeding Great Dane dogs since he moved into the neighborhood, about four years ago, and I suspect he has routinely had more than five dogs at his residence during the past four years. The dogs are left outside during the day in a dirt area located on the side of Mr. Weidner's house. Presently, the dogs do not have any kennel facilities, so no sanitary care has been taken to mitigate urine and feces from the dirt area the animals are confined in during the day. Also, the dogs loud barking is disruptive to other neighbors.

Thank you,
Susan Dillon
2449 Lynn Rd SE
Rio Rancho, NM 87124

Susanhdillon@yahoo.com

MICHELLE COSTILLA

From: paul_gallegos@me.com
Sent: Thursday, September 19, 2024 1:50 PM
To: MICHELLE COSTILLA
Subject: Feedback regarding conditional use case number24-120-00012

Caution! This message was sent from outside your organization.

[Report](#)

You don't often get email from paul_gallegos@me.com. [Learn why this is important](#)

To Whom it May Concern,

I'm writing to express opposition to the approval of the requested conditional permit for hobby breeding. We live in a small neighbor with homes that are very close to each other. Any additional traffic related to the viewing, sale or care of these dogs will generate traffic and parking concerns. Additionally, the proposed property has had several Great Danes at their house since moving in. These are large breeds and are very loud when barking adding to additional noise to the neighborhood. That plus the additional odor of the dog's waste bring significant concerns.

I also have concerns related to the care of the animals residing at the house. Me and/or my family have been involved in two incidents related to dogs at the home. This concern has been raised to animal control for investigation.

I plan to be at the planning and zoning board meeting on Tuesday, September 24th to speak my opposition.

Best Regards,
Paul Gallegos

MICHELLE COSTILLA

From: Sheryl Easley <easley.sheryl@gmail.com>
Sent: Monday, October 7, 2024 2:28 PM
To: MICHELLE COSTILLA
Subject: Weidner Dog Breeding 2437 Lynn Rd SE

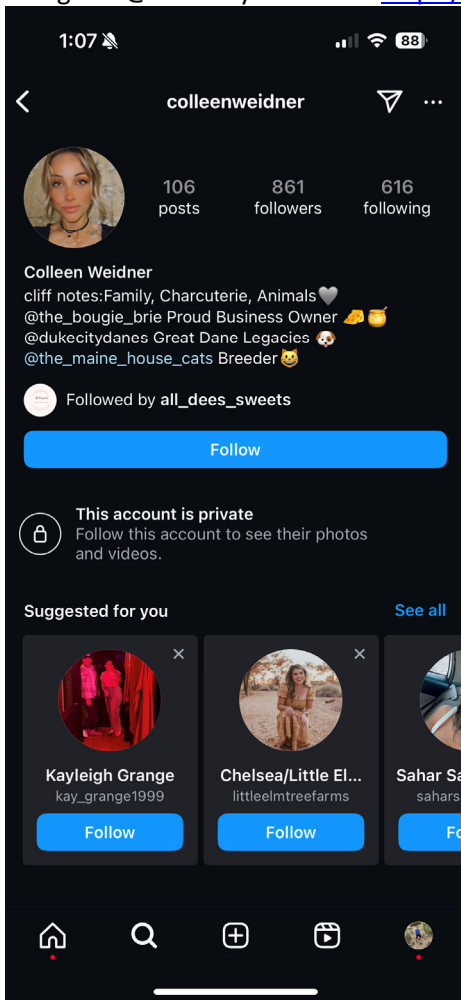
Caution! This message was sent from outside your organization.

[Report](#)

You don't often get email from easley.sheryl@gmail.com. [Learn why this is important](#)
Good Afternoon,

I am writing as a homeowner of 2429 Lynn Rd SE Rio Rancho, NM 87124. I am sending a note on my opposition to the breeding of not only the great danes Mr. Weidner has already been illegally breeding at 2437 Lynn Rd SE Rio Rancho, NM 87124 since I have moved into the neighborhood in early 2021 but also the mancoon cats they are breeding as well at the residence. Mrs. Weidner who also lives at the residence is very active in their already established businesses online. Posting Videos and photos of the animals they are selling from 2437 Lynn Rd SE.

Instagram @dukecitydanes and https://www.facebook.com/people/Duke-City-Danes/100077681983999/?locale=it_IT



The cat breeding is listed as https://www.instagram.com/the_maine_house_cats/

Posting photos in their front yard advertising the young puppies. (*see photos)

<https://photos.app.goo.gl/n5bPGwzx1i3JLpR3A>

I have voiced my concerns on the Rio Rancho Application to address the issue of dog breeding without the proper permit and I have since been ignored by the Animal Control office and city code enforcement. Incident ID number 4505761, 4166624, 3709234, 3671955, all attempts to look into the dog breeding and the condition of the yard has been ignored by the City of Rio Rancho. I have also called animal control after hearing puppies barking in the garage on a hot summer day in 2023 I was ignored and told that they are not allowed to enter a garage. All attempts to stop this have been ignored.

Concerns of animal neglect are a major concern of mine as I have often smelled animal feces from my driveway. Dogs are often left in the heat with little to no shade or backyard landscape often barking and barking over the cinderblock wall and small gate to the left of their home. Mr. Weidner's dog has wandered into the roadway and we have returned them to their residence. He did not seem concerned for their safety. I don't believe that Mr. and Mrs. Weidner's home offers a suitable living space for young great danes or mancoon cats in their home. They operate a food service business out of their garage and house young animals there as well. There is a major cause for food safety and animal safety.

I hope that you hear us and note that there are not suitable living conditions for animal breeding in a residential area especially given the condition of the property.

MICHELLE COSTILLA

From: Marc Entenberg <mjentenberg@gmail.com>
Sent: Tuesday, October 8, 2024 2:14 PM
To: MICHELLE COSTILLA
Subject: Conditional Use Case No.24-120-00012

Caution! This message was sent from outside your organization.

[Report](#)

You don't often get email from mjentenberg@gmail.com. [Learn why this is important](#)

Hello Michelle,

My name is Marc Entenberg, I am the owner of 2433 Lynn Rd SE, the direct neighbor to 2437 Lynn Rd. In regards to the permit for breeding great Danes, I would like to voice that I am against them having a dog breeding license. The odor is extremely strong, and goes into my garage backyard and home especially in the heat. I had to stop working out in my garage because the smell became so strong. I believe it will also make it harder to sell my home which I plan on doing over the next couple of years, so overall I feel that information would need to be disclosed to the buyer and would lower the value of my home and the surrounding properties.

Please feel free to contact me with any questions

Thank you

Marc Entenberg



CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-110-
00043**

AGENDA DATE:
October 8, 2024

DEPARTMENT:
Development Services

SUBJECT:
Variance. The applicant, Joseph Crepeau, requests approval of a variance to the R-1: Single-Family Residential District rear setback of 15' at the property of 5708 Rio Oso Rd NE, legally described as Unit 17, Block 159, Lot 3. Staff contact is Tim Dvorak and staff recommends approval with findings.

BACKGROUND AND ANALYSIS:

The subject request by Mr. Joseph Crepeau is for a variance to allow for the placement of an existing pergola structure within the rear setback at the subject address of 5708 Rio Oso Rd NE, legally described as RRE Unit 17, Block 159, Lot 3. The property is zoned R-1: Single-Family Residential District and comprises approximately 0.5 acres.

The applicant is seeking the subject variance for retroactive approval for an existing 144 square foot pergola structure (12' x 12') encroaching 6' into the rear setback of the property. If approved, the existing pergola would have a rear setback of 9'. The existing pergola measures 11' in height.

Per the Building Permit Application submitted with this variance request, the setbacks for the existing structure are as follows:

- 137.63' from the front property line. (Compliant)
- 9' from the rear property line. (Non-compliant, encroaching 6' into setback)
- 4.5' from the left property line. (*Non-compliant, encroaching 0.5' into setback)
- 133.5' from the right property line. (Compliant)

*As the encroachment into the left side setback is within a 10% deviation, the applicant is able to request an administrative variance, to be reviewed and a decision rendered by the Development Services Director. As such, the applicant has submitted an administrative variance request for the left side setback under Case No. 24-115-00006. Approval of the administrative variance by the Director is contingent upon approval by the Planning and Zoning Board of the subject variance for encroachment into the rear setback.

Per R.O. 2003 § 154.50, R-1 Single-Family Residential District setbacks are as follows:

- 20' from the front property line.
- 15' from the rear property line.
- 5' from side property lines.

REVIEW CRITERIA:

The applicant submitted a justification narrative in support of the variance application. This narrative is presented as an attachment to this item.

The criteria for a variance, as defined in the Rio Rancho Code of Ordinances (R.O. 2003), has been used to review this application. R.O. 2003 Section 150.06 (Variance) reads:

(A) Variance from the strict application of area, height, dimension, distance, parking or setback requirements of this title may be allowed in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical condition where the strict application of the requirements of this title would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his land or building. Practical difficulty or unnecessary hardship cannot be found when financial gain, loss or monetary savings, or mere inconvenience upon the property owner, or difficulty caused to one's personal comfort is the basis for the claim of hardship.

In their justification letter, the applicant states, "The structure in question is located in the southeast corner of the lot. It consists of a 12' x 12' concrete slab with a covered top. The covered structure was already on the property when we purchased it on June 5, 2024."

Staff recommends the Planning and Zoning Board find that the subject property is not exceptionally irregular, narrow, shallow or steep. During staff's review, it was determined the original permit for the home on the subject property was issued on January 23, 2020 under Permit No. 20-00686; however, there are no records of the pergola ever being permitted. As such, the pergola would have been constructed somewhere between the issue of the permit for the primary dwelling and the applicant's purchase of the home.

Staff finds the applicant's justification adequately addresses the criteria for the variance in that practical difficulty or hardship would result from the remedial measures to remove the pergola structure, should the variance to the R-1 rear setback not be granted.

City of Rio Rancho (R.O. 2003) §150.06 (B) requires that an applicant file a request for a variance through the City Planning and Zoning Board when a variance is sought.

Staff recommends the Planning and Zoning Board find that the application, presented as an attachment, meets the submittal requirements for the proposed variance request; Criteria is satisfied.

REVIEWER COMMENTS:

This application and associated materials were provided to the following departments for review:

DSD Planning	Comments included herein.
DSD Engineering	No adverse comments.
Rio Rancho Fire & Rescue	No adverse comments.
Parks, Recreations, & Community Services	No adverse comments.
SSCAFCA	No adverse comments.
Rio Rancho Police	No comments received.
Rio Rancho Public Schools	No comments received.
MRMPO	No adverse comments.

NOTIFICATIONS:

Neighboring property owners within 100 feet of the subject property were notified via certified mail of the public hearing. Additionally, neighboring property owners within 100-300 feet of the subject property were notified via informational postcard. A legal ad was run in the September 23, 2024

version of the Albuquerque Journal. A public notice sign was posted on the property one week prior to the hearing date.

IMPACT:

Staff recommends the Planning and Zoning Board approve the subject Variance Case #24-110-00043 with the following findings of fact and conditions:

General Findings of Fact:

1. The Planning and Zoning Board has jurisdiction over approval of a request for a variance to R-1: Single-Family Residential rear setback requirements.
2. Following procedures for a variance, proper notice of hearing on this matter was given.
3. The applicant has the authority to make an application to request a variance to the R-1: Single-Family Residential rear setback requirements.

Specific Findings and Conditions for Approval:

1. The applicant has adequately addressed the criteria for granting a variance to allow for a 6' encroachment into the rear setback.
2. The subject variance will not adversely affect the public or surrounding properties.
3. The pergola structure, as identified in the included building permit application #24-9381, shall conform to all applicable building and engineering codes; approval of this variance does not constitute approval of the subject building permit.
4. The pergola structure shall comply with all accessory structure requirements under R.O 2003 154.70 (A)

Specific Findings for Denial:

1. The application has not adequately met the criteria for granting a variance as set forth in R.O. 2003 150.06.
2. The lot is not irregular in shape, narrow, shallow, or steep and does not have an exceptional physical condition that prevents the applicant from complying with the zoning code

ALTERNATIVES:

The Planning and Zoning Board may:

1. Approve the request;
2. Deny the request;
3. Modify the request and approve with such modifications;
4. Continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

Staff recommends approval with findings and conditions.

ATTACHMENT: [Location Map](#)

ATTACHMENT: [Application](#)

ATTACHMENT: [Justification](#)

ATTACHMENT: [Building Application Packet](#)

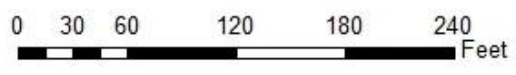
ATTACHMENT: [Reproduction of Notices, Legal, and Buffer Requirements](#)

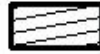
ATTACHMENT: [Findings_of_Fact_5708_Rio_Oso_Rd_NE_BMB.docx](#)


5708 RIO OSO RD NE
UNIT 17, BLOCK 159, LOT 3
VARIANCE TO R-1 RESIDENTIAL REAR SETBACK




Source: Esri, Maxar, Earthstar, Geographics, and the GIS User Community



 Subject Parcel

 Roads

Zoning

 R-1

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. This map is not a survey and should be used for graphical purposes only.

Map Created by Tim Dvorak on 8/23/2024

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat/Street	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input checked="" type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print In Ink Only or Type
Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name: Joseph Crepeau		Phone: 505-610-6223
Address: 5708 Rio Oso Rd NE		E-Mail: jcrepeau@comcast.net
City: Rio Rancho	State: NM	Zip: 87144
Proprietary Interest: -----	List Owners: Joseph Crepeau, Jennifer Crepeau	
Deed or Ownership Verification Provided: (Initials) JEC		Letter of Authorization Provided: (Initials) -----
Agent Name:		Phone:
Address:		E-Mail:
City:	State:	ZIP Code:

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)


Request for variance for existing structure in southeast corner of property (See attached justification)

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : 17	Block(s): 159	Lot(s): 3
Existing Zoning: R-1	Proposed Zoning: R-1	
No. of existing lots: 1	No. of proposed lots: 1	Total area of site (acres) 0.5

ACKNOWLEDGEMENT

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

Print Name: Joseph Crepeau	Applicant: Joseph Crepeau	Agent:
Signature: 	Date: 9/9/24	

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ DATE: _____

Joseph and Jennifer Crepeau
5708 Rio Oso Rd NE
Rio Rancho, NM 87144
07/28/2024

City of Rio Rancho Planning and Zoning Department
Development Services Department, Suite 130
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Subject: Zoning Variance Request for Existing Covered Area

Dear Members of the Planning and Zoning Department,

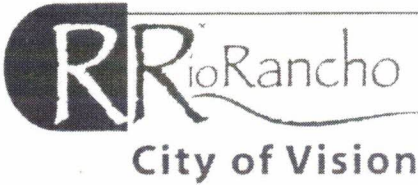
I am writing to formally request a zoning variance for an existing covered area on my property located at 5708 Rio Oso Rd NE, Rio Rancho, NM. The structure in question is located in the southeast corner of the lot. It consists of a 12' x 12' concrete slab with a covered top (see the attached picture). The covered structure was already on the property when we purchased it on June 5, 2024. The structure is as close as 9' from the back property line (inside the minimum 15-ft offset distance).

I respectfully request the City of Rio Rancho grant a variance for the covered structure. Thank you for your consideration of this request. I am available to discuss this matter further if needed and would be happy to provide any additional information or documentation that may assist in your decision-making process.

Sincerely,



Joseph Crepeau
505-610-6223



Residential Building Permit & Plan Review Application

City of Rio Rancho Development Services
3200 Civic Center Circle NE, 1st Floor
Rio Rancho, NM 87144
(505) 891-5006 Fax: (505) 896-8994

Permit # _____

Model # _____

Fees (non-refundable)

Application fee is 65% of Building Permit Fee

Total Fees Collected: _____

Yes, I would like to contribute \$75.00 to the Rio Rancho Economic Development Corporation.

Property Information

Acreage of property: 0.5 Height of Primary: _____
Width of Front Yard Setback: 37.7' SQ. Ft. of Primary: 3313

Physical Address

Address: 5708 Rio Oso Rd NE
City: Rio Rancho State: NM Zip: 87144

Legal Description

Subdivision/Unit: 17 Block: 159 Lot: 3
Tract/Parcel: _____ Zoning: R-1

Description of Work

- Checkboxes for: New Construction, Addition, Residential Alteration/Repair, Fence, Demolition, Swimming Pool/In-Ground, Shed, Interior Renovation, Well #, Septic #

Dimensions - Set Back(s)

Front: 137.63 Rear: 9'
Sides: Left 4.5' Right: 133.5

Proposed use of property: Personal Use
Valuation: Unknown Gross floor area: 144 sq ft
Height of structure: 11' No. of Stories: 1 (Pool Only) Gallons: _____

Homeowner/Agent Information

Name (Print): Joseph Crepeau
Address: 5708 Rio Oso Rd NE
City: Rio Rancho State: NM Zip: 87144
Phone: 505-610-6223 Email: jcrepeau@comcast.net

Contractor Information










Name (Print): Self-Build License# _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

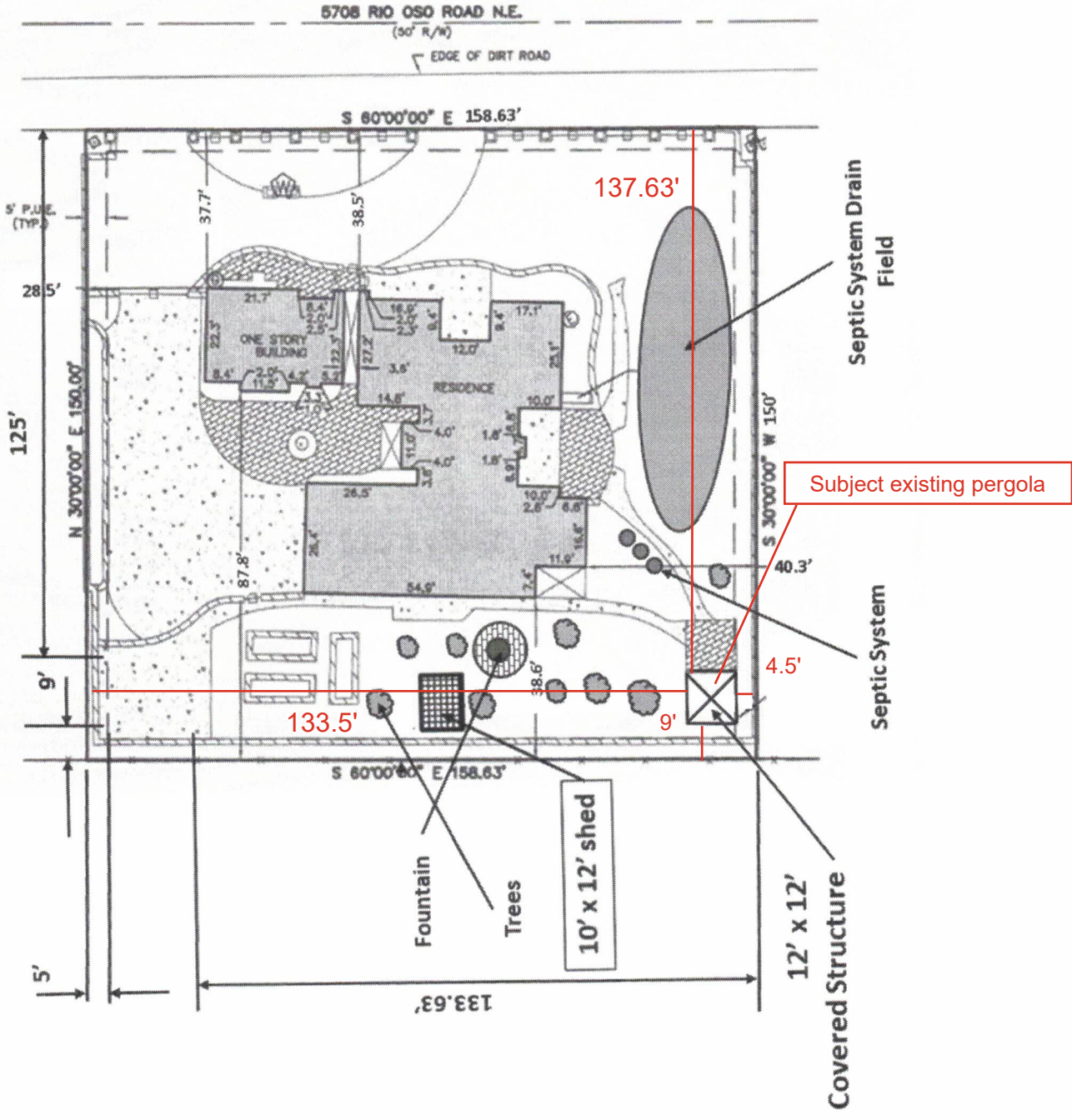
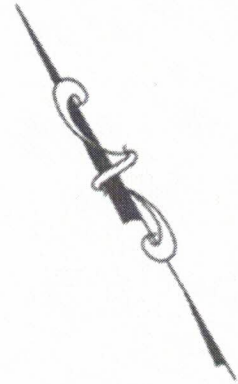
I, the undersigned, understand the above application procedure and agree to comply with conditions of same.

Name (printed) _____ Date _____

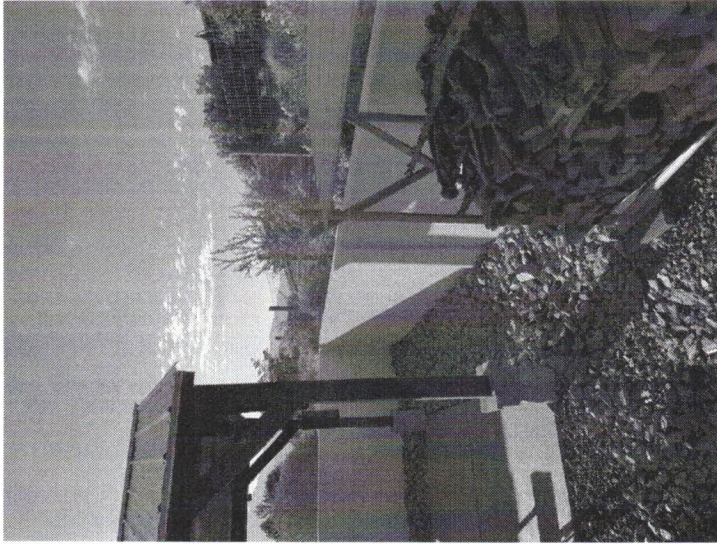
Signature _____

LEGEND

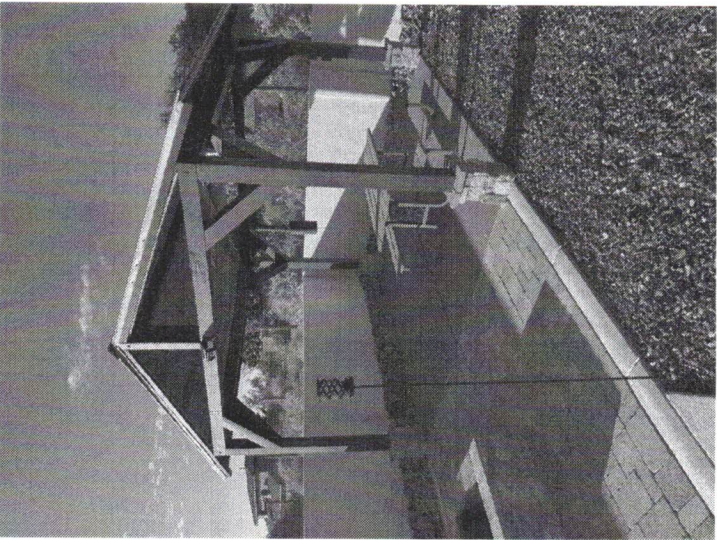
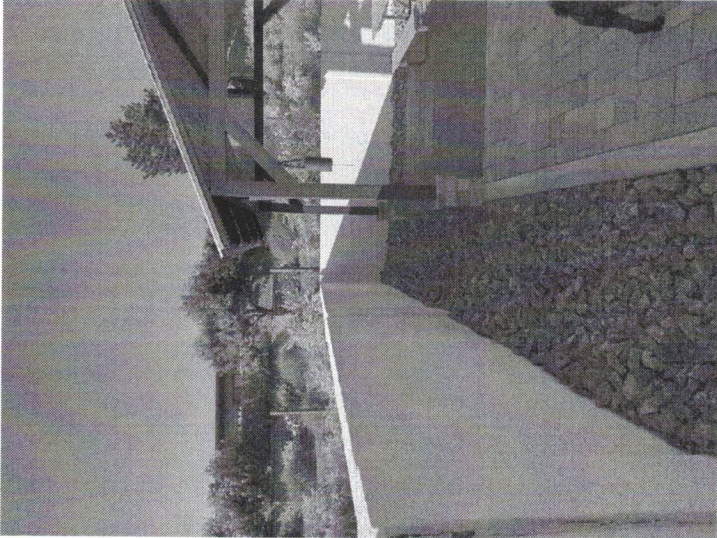
-  COVERED AREA
-  CONCRETE
-  BRICK
-  BLOCK WALL
-  METAL FENCE
-  GAS METER
-  ELECTRIC METER
-  UTILITY PEDESTAL
-  WELL HEAD



Back View



Side View





September 20, 2024

RE: Variance Request Case No. 24-110-00043 (5708 Rio Oso Rd NE) Variance to R-1: Single-Family Residential Rear Setback

Dear Property Owner:

You are receiving this notice because your property abuts a site where a land development decision is required by the Planning and Zoning Board.

The applicant, Joseph Crepeau, requests approval of a Variance request to the minimum required R-1: Single-Family Residential District setback of 15 ft to allow for a 9 ft rear setback for an existing 144 square foot pergola on the subject property of 5708 Rio Oso Rd NE, legally described as RRE Unit 17, Block 159, Lot 3.

The Planning and Zoning Board will consider this request at a public hearing on **Tuesday, October 8, 2024** starting at 6:00 pm in the **Council Chambers of City Hall, located at 3200 Civic Center Circle**. If you would like to comment on this application, you are encouraged to send in comments in writing to tdvorak@rrnm.gov, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rrnm.gov or on Sparklight cable channel 56.

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer:
<https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please do not hesitate to contact me at 505-896-8361 or e-mail me at tdvorak@rrnm.gov if you have any questions about the application or accessing the meeting. The agenda for this hearing and related staff reports will be posted on the City's website, www.rrnm.gov, approximately one week before the hearing.

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 or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,

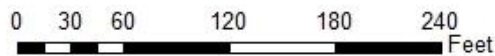
Tim Dvorak

Tim Dvorak
Municipal Planner II
Development Services Department
Planning Division
City of Rio Rancho

5708 RIO OSO RD NE
UNIT 17, BLOCK 159, LOT 3
VARIANCE TO R-1 RESIDENTIAL REAR SETBACK



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Map Created by Tim Dvorak on 8/23/2024



	Subject Parcel
	Roads
Zoning	
	R-1

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

ALBUQUERQUE JOURNAL



El Defensor Chieftain

RIO RANCHO OBSERVER

VALENCIA COUNTY **News-Bulletin**

**Dept 880697
PO Box 29650**

Phoenix, AZ 85038-9650 Phone: (505)823-3220

Proof of Ad 09/19/2024

**CITY OF RIO RANCHO
PUBLIC HEARING NOTICE**

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, October 8, 2024:

Variance

Case #24-110-00043

The applicant, Joseph Crepeau, requests approval of a Variance request to the minimum required R-1: Single-Family Residential District setback of 15' to allow for a 9' rear setback for an existing 144 square foot pergola on the subject property of 5708 Rio Oso Rd NE, legally described as RRE Unit 17, Block 159, Lot 3.

Zone Map Amendment

Case #24-100-00009

The Applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19 & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15.

Text Amendment

Case #24-105-00003

The Applicant, the City of Rio Rancho, requests a text amendment to THE RIO RANCHO CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 154 PLANNING AND ZONING, SECTIONS 154.03, 154.05, 154.08, 154.09, 154.10, 154.11, 154.12, 154.19, to add Short Terms Rentals as a permissive use in Single-Family Residential Districts.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rrnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rrnm.gov. Written comments will be inserted into the public record.

Journal: September 23, 2024.

Account:	1010956
Name:	CITY OF RIO RANCHO
Company:	CITY OF RIO RANCHO DEVELOPMENT SVCS DEPT
	ATTN: ACCOUNTS PAYABLE
Address:	3200 CIVIC CENTER CIR NE
	RIO RANCHO, NM 87144
Telephone:	(505)891-5005

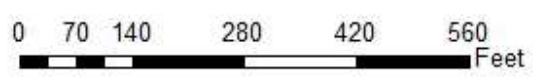
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Description:	
Run Dates:	09/23/2024 - 09/23/2024
Class:	3001
Orig User:	master
Words:	326
Lines:	83
Agate Lines:	118
Depth:	8.42
Blind Box:	

Total Ad Cost	\$102.36			
Amount Paid	\$0.00			
Publication	Start	Stop	Inserts	Cost
Albuquerque Journal	09/23/2024	09/23/2024	1	95.11

5708 RIO OSO RD NE UNIT 17, BLOCK 159, LOT 3 VARIANCE TO R-1 RESIDENTIAL REAR SETBACK



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



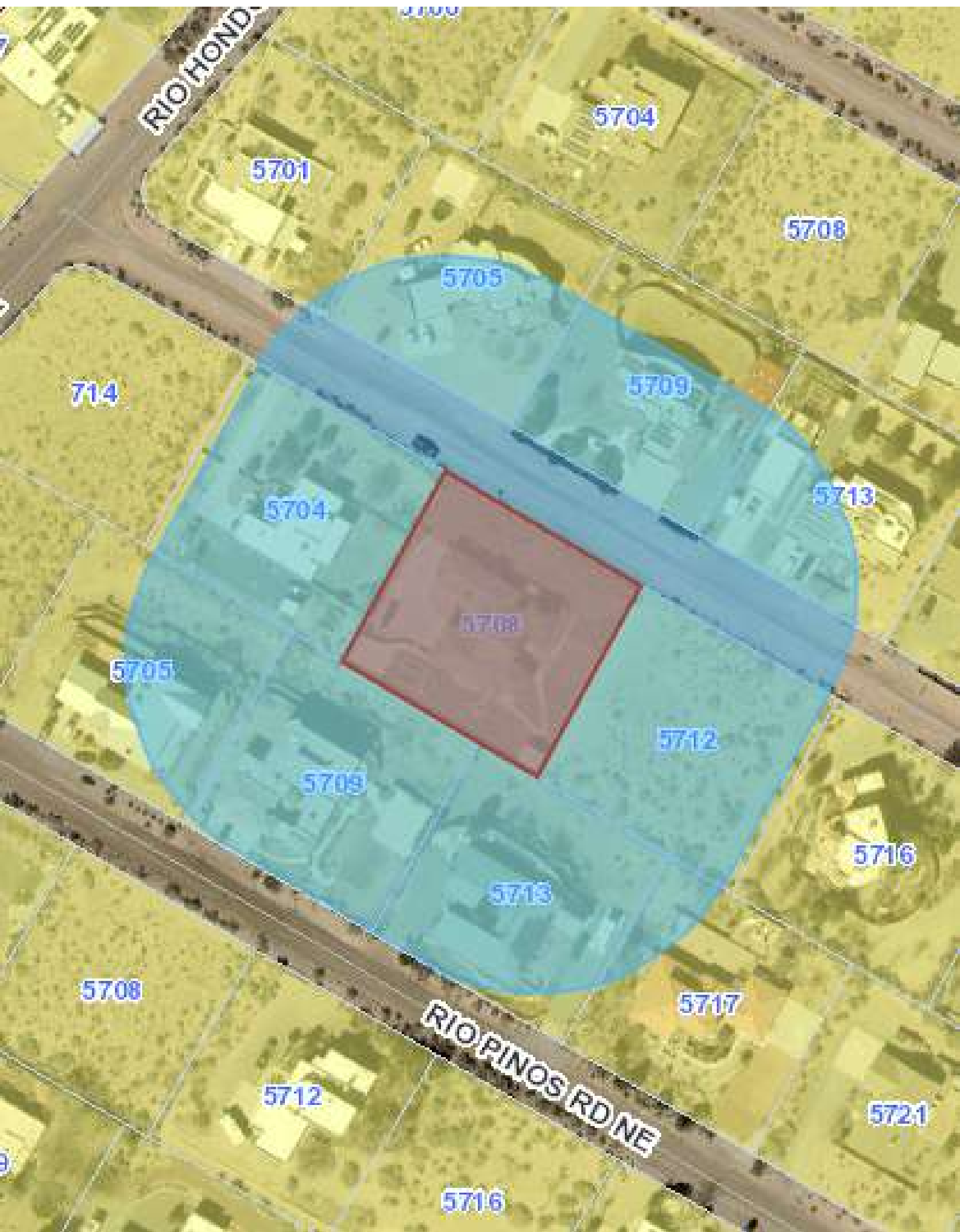
Map Created by Tim Dvorak on 8/23/2024



	Subject Parcel
	Noticed Properties within 100'
	Noticed Properties within 300'
	Roads
Zoning	
	R-1

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. This map is not a survey and should be used for graphical purposes only.

100' Notice Buffer (Right-of-Way Included)





BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR APPROVAL
Case No. 24-110-00043

REQUEST FOR VARIANCE TO ALLOW FOR A 9' REAR SETBACK FOR AN EXISTING PERGOLA STRUCTURE GREATER THAN 120 SQUARE FEET AT THE SUBJECT PROPERTY OF RIO RANCHO ESTATES UNIT 17, BLOCK 159, LOT 3.

Applicant: Joseph Crepeau

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 8th day of October 2024, the Planning & Zoning Board having taken evidence and considered the merits, has determined and found:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board has jurisdiction over approval of a request for a variance to R-1: Single-Family Residential rear setback requirements.
2. Following procedures for a variance, proper notice of hearing on this matter was given.
3. The applicant has the authority to make an application to request a variance to the R-1: Single-Family Residential rear setback requirements.

SPECIFIC FINDINGS OF FACT:

1. The applicant has adequately addressed the criteria for granting a variance to allow for a 6' encroachment into the rear setback.
2. The subject variance will not adversely affect the public or surrounding properties.
3. The pergola structure, as identified in the included building permit application #24-9381, shall conform to all applicable building and engineering codes; approval of this variance does not constitute approval of the subject building permit.
4. The pergola structure shall comply with all accessory structure requirements under R.O 2003 154.70 (A).

THEREFORE, the application for a 9' rear setback for an existing pergola structure, is APPROVED by the Planning & Zoning Board of the City of Rio Rancho on October 8, 2024, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Chairman



CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 24-110-00043

REQUEST FOR VARIANCE TO ALLOW FOR A 9' REAR SETBACK FOR AN EXISTING PERGOLA STRUCTURE GREATER THAN 120 SQUARE FEET AT THE SUBJECT PROPERTY OF RIO RANCHO ESTATES UNIT 17, BLOCK 159, LOT 3.

Applicant: Joseph Crepeau

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GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board has jurisdiction over approval of a request for a variance to R-1: Single-Family Residential rear setback requirements.
2. Following procedures for a variance, proper notice of hearing on this matter was given.
3. The applicant has the authority to make an application to request a variance to the R-1: Single-Family Residential rear setback requirements.

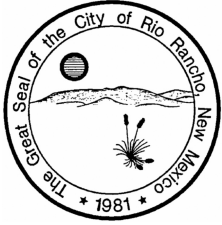
SPECIFIC FINDINGS OF FACT:

1. The application has not adequately met the criteria for granting a variance as set forth in R.O. 2003 § 150.06.
2. The lot is not irregular in shape, narrow, shallow, or steep and does not have an exceptional physical condition that prevents the applicant from complying with the zoning code.

THEREFORE, the application for a 9' rear setback for an existing pergola structure, is DENIED by the Planning & Zoning Board of the City of Rio Rancho on October 8, 2024, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Chairman



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:

October 8, 2024

DEPARTMENT:

Development Services

SUBJECT:

Postponement. The Applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19, & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15. Staff contact is Tim Dvorak, and staff recommends the Planning & Zoning Board postpone the application to the meeting date certain of October 22, 2024, as requested by the applicant.

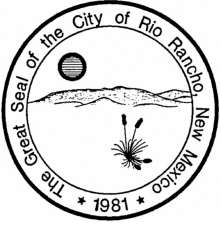
BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

Staff recommends postponement of the Zone Map Amendment to the date certain of October 22, 2024.



CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-105-
00003**

AGENDA DATE:
October 8, 2024

DEPARTMENT:
Development Services

SUBJECT:
Text Amendment. The applicant, the City of Rio Rancho requests an amendment to the Rio Rancho Municipal Code, Title XV Land Usage, Chapter 154 Planning and Zoning, Sections 154.05, 154.08, 154.09, 154.10, 154.11, 154.12, 154.19. Staff contact is Sean LaBarbera and staff recommends the Planning and Zoning Board recommend approval to the Governing Body.

BACKGROUND AND ANALYSIS:

Currently, the City of Rio Rancho Municipal Code does not allow for short-term rentals. Specifically the municipal code does not define or address regulations for short-term rentals, and since the use creates a commercial use of a residentially zoned property it violates the City's permissive zoning uses in Chapter 154 Planning and Zoning. Because short-term rentals is not clearly defined enforcement is challenging and short-term rentals continue to operate within the City.

At the February 20, 2024 Governing Body Work Session, staff presented on how multiple surrounding jurisdictions regulate short-term rentals and discussed the option of not regulating or clarifying stronger language on not allowing short-term rentals. The Governing Body directed staff to bring back information on what short-term rental regulation could look like for the City.

At the August 20, 2024 Governing Body Work Session, staff presented a draft ordinance for regulating short-term rentals. Staff received feedback from the Governing Body and then presented the Ordinance creating Chapter 123: "Regulations for Short-term Rentals in the City of Rio Rancho" for its first reading on September 26, 2024. The Governing Body voted to approve of the first reading of this Ordinance during this meeting, and the second reading is scheduled for October 10, 2024. A draft of this Ordinance establishing Chapter 123 is attached.

In addition to establishing a Chapter for short-term rental regulations, a related Ordinance amending Chapter 154 Planning and Zoning is required for clarity of permissive uses. Chapter 154 lacks language stating the permissive use for short-term rentals in single-family residential zoning districts: E-1, R-1, R-2, R-3, R-4, and R-5 as described in Chapter 154 under sections 154.05, 154.08, 154.09, 154.10, 154.11, 154.12, and 154.19.

Staff recommends the Planning and Zoning Board find that the requested Text Amendment will clarify the permissive use of short-term rentals per the definitions and regulations established in Chapter 123. The amendment to Chapter 154 will allow for short-term rentals in single-family residential zoning districts and allow for clarity in enforcement and permissibility of short-term rentals, in accordance with the health, safety, morals, and general welfare of the City.

IMPACT:

Staff recommends the Planning and Zoning Board recommends approval of the proposed text amendments to the Governing Body, subject to the findings set forth below:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board may review and make a recommendation to the Governing Body on the request for text amendments to the Rio Rancho Municipal Code.
2. The City has the authority to make an application to request an amendment to the Rio Rancho Municipal Code.
3. The applicant and citizens of Rio Rancho have received due process, as proper notice of hearing was given.

SPECIFIC FINDINGS OF FACT:

1. The proposed Text Amendment meets the requirements of Rio Rancho Code of Ordinances (R.O. 2003) § 150.07 (D) Amendments.
2. The proposed amendment is consistent with the goals of promoting health, safety, morals, and general welfare of the City of Rio Rancho by permitting short-term rentals under the regulations and definitions listed in Chapter 123.

If the Planning and Zoning Board recommends denial to the Governing body the text amendment is subject to the following Findings of Fact:

1. The proposed Text Amendment does not meet the requirements of Rio Rancho Code of Ordinances § 150.07 (D) Amendments.
2. The proposed amendment is not consistent with the goals of promoting health, safety, morals and general welfare of the City of Rio Rancho.

ALTERNATIVES:

The Planning and Zoning Board may:

1. Recommend approval of the request to the Governing Body
2. Recommend denial of the request to the Governing Body
3. Modify the request and recommend the Governing Body approve such modifications
4. Continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

Staff recommends the Planning and Zoning Board recommend approval of the Text Amendment to the Governing Body.

ATTACHMENT: [Short Term Rental Draft Ordinance Ch. 154_9.20.24.docx](#)

ATTACHMENT: [Draft Ordinance Short term rentals clean__1_.pdf](#)

ATTACHMENT: [8 13 2024 Short term rentals presentation for August work session.pdf](#)

ATTACHMENT: [Short term rentals 2.20.24 Work Session Presentation.pdf](#)

ATTACHMENT: [2024-1008 PZB Legal Ad Proof_forPZB.pdf](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE RIO RANCHO CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 154 PLANNING AND ZONING, SECTIONS 154.05, 154.08, 154.09, 154.10, 154.11, 154.12, 154.19, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS: the Governing Body of the City of Rio Rancho has adopted zoning regulations and an official zone map in accordance with New Mexico Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted regulations and standards for Short Term Rentals by creating Chapter 123, adopted October 10, 2024 under Ordinance No. 22, Enactment No. 24-___; and

WHEREAS: the Governing Body finds the need to amend sections 154.05, 154.08, 154.09, 154.10, 154.11, 154.12; 154.19 to add Short Term Rentals as a permissive use; and

WHEREAS: in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 33.15 (C) (2) (f), on October 8th, 2024, the City of Rio Rancho Planning and Zoning Board reviewed the proposed amendments in a duly noticed public hearing regarding the proposed changes, and made these recommendations to the Governing Body regarding adoption to the changes; and

WHEREAS: the Governing Body received a recommendation from the Planning and Zoning Board, and such recommendation indicates the Planning and Zoning Board has studied and considered the proposed changes; and

WHEREAS: a public hearing occurred, in accordance with procedures set forth in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed zoning regulation changes hereinafter described were duly advertised and held by the Governing Body of the City of Rio Rancho on October 24th, 2024 and the Governing Body heard interested parties and citizens for and against the proposed amendments; and

WHEREAS: the proposed amendments to be adopted by this Ordinance comply with the statutory and regulatory requirements of the aforesaid Code of Ordinances and Statutes, and upon specific findings related to the subject property and determining the proposed amendments is consistent with the policies and criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing Body finds the amendments promote health, safety, morals and general welfare of the City.

1 **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF**
2 **RIO RANCHO:**

3
4 **Section 1.** Chapter 154, Section 154.05(B)(19) is hereby amended to add the
5 following:

6
7 (19) Short Term rental unit; as defined and regulated in Chapter 123
8

9
10 **Section 2.** Chapter 154, Section 154.08(B)(17) is hereby amended to add the
11 following:

12
13 (17) Short Term rental unit; as defined and regulated in Chapter 123
14

15 **Section 3.** Chapter 154, Section 154.09(B)(17) is hereby amended to add the
16 following:

17
18 (17) Short Term rental unit; as defined and regulated in Chapter 123
19

20 **Section 4.** Chapter 154, Section 154.10(B)(20) is hereby amended to add the
21 following:

22
23 (20) Short Term rental unit; as defined and regulated in Chapter 123
24

25 **Section 5.** Chapter 154, Section 154.11(B)(17) is hereby amended to add the
26 following:

27
28 (17) Short Term rental unit; as defined and regulated in Chapter 123
29

30 **Section 6.** Chapter 154, Section 154.12(B)(17) is hereby amended to add the
31 following:

32
33 (17) Short Term rental unit; as defined and regulated in Chapter 123
34

35 **Section 7.** Chapter 154, Section 154.19 is hereby amended to add the following
36 below Senior transitional care facilities, senior living facility:
37
38

Short Term Rentals	P	P	P	P	P	P		
--------------------	---	---	---	---	---	---	--	--

39
40
41 **Section 8. Severability Clause.** If any section, paragraph, clause, or provision of
42 this Ordinance, or any section, paragraph, clause, or provision of any regulation
43 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
44 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
45 clause, or provision shall not affect the validity of the remaining portions of this
46 Ordinance or the regulation so challenged.
47

48 **Section 9. Compiling Clause.** This Ordinance shall be incorporated in and compiled
49 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

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Section 10. Effective Date. This Ordinance shall become effective after adoption.

ADOPTED THIS _____ DAY OF _____, 2024.

Greggory D. Hull, Mayor

ATTEST:

Noel C. Davis, City Clerk
(SEAL)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

**ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF RIO RANCHO;
ADDING A CHAPTER ESTABLISHING REGULATIONS FOR
SHORT-TERM RENTALS**

WHEREAS: the proliferation of private dwelling units in residentially zoned districts being offered for rent for short periods (“short-term rentals) presents unique challenges to the public health, safety and well-being of City residents; and

WHEREAS: the City of Rio Rancho (the “City”) has the ability and desire to enact regulations to protect the public health, safety and well-being of its residents; and

WHEREAS: the regulations adopted by this Ordinance ensure that the operation of short-term rental units does not disrupt the character of the City's residential neighborhoods, increase public safety risks and public nuisances associated with short-term rental units, or permit speculators to purchasing multiple homes for the purpose of operating multiple short-term rental units, thereby reducing the availability of long-term housing; and

WHEREAS: private property owners have the opportunity to generate supplemental income by utilizing their homes and accessory dwelling units as short-term rental units; and

WHEREAS: short-term rentals increase the available lodging in the City that can be utilized by tourists and contract employees; and

WHEREAS: the City is permitted to collect lodger’s tax on short-term rental stays pursuant to the Lodger’s Tax Act 3-38-13 NMSA 1978; and

WHEREAS: the City desires to provide clarity and uniformity to short-term rental operators and renters.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. Title XI, Business Regulations, is hereby amended by adding Chapter 123, Regulations for Short-Term Rentals, to read as follows:

123.01 Title.

This chapter shall be known as “Regulations for Short-term Rentals in the City of Rio Rancho” and is referred to elsewhere herein as “these regulations.” The City of Rio Rancho shall hereafter be referred to as “the city.”

1
2 **123.02 Purpose.**

3 These regulations establish standards and procedures for the issuance of a permit to
4 operate Short-term Rental Units within the city.

5
6 **123.03 Definitions**

7 For the purpose of these regulations, the following definitions shall apply unless the
8 context clearly indicates or requires a different meaning.

9
10 **NATURAL PERSON.** An individual human being, distinguished from the broader
11 category of “person” used elsewhere in this Title that additionally includes estate, trust,
12 receiver, cooperative association, club, corporation, company, firm, partnership, joint
13 venture, syndicate or other entity engaging in a business, profession, occupation, trade,
14 pursuit or commercial activity.

15
16 **SHORT-TERM RENTAL OPERATOR.** The owner or party otherwise responsible for a
17 Short-term Rental Unit.

18
19 **SHORT-TERM RENTAL UNIT.** All or portion of a “dwelling unit,” as defined in Section
20 154.03, providing accommodation which is offered for rent to a number of guests for a
21 period of less than thirty (30) days.

22
23 **123.04 General Provisions**

24
25 (A) Short-term rentals will be permitted in single-family residential zoning districts E-1,
26 R-1, R-2, R-3, R-4, and R-5 as described in Chapter 154.

27
28 (B) Unless otherwise stated, the following general provisions apply to all Short-term
29 Rental Units:

30
31 (1) The Short-term Rental Operator shall maintain a valid business registration, as
32 described in Chapter 110, for the purpose of operating a Short-term Rental Unit
33 within the city.

34
35 (2) The Short-term Rental Operator shall pay all applicable local, state, and federal
36 taxes, including lodgers' tax, gross receipts tax, and income tax associated with
37 the operation of each Short-term Rental Unit.

38
39 (3) A Short-term Rental Unit shall meet all building, fire, and safety codes for the
40 applicable zoning of the property.

41
42 (4) The Short-term Rental Operator shall maintain short term rental insurance
43 coverage for each Short-term Rental Unit in the minimum amount of \$250,000
44 per Short-term Rental Unit.

45
46 (5) A Short-term Rental Unit shall have a local Short-term Rental Operator that is
47 available twenty-four (24) hours per day, seven (7) days per week, to respond to
48 complaints regarding the operation or occupancy of the Short-term Rental Unit.
49 The Short-term Rental Operator must be accessible by telephone and able to be

1 physically present at the Short-term Rental Unit within one (1) hour of being
2 contacted.

3
4 (6) The Short-term Rental Operator shall notify all guests in writing of relevant city
5 ordinances. All guests shall comply with all relevant city ordinances.

6
7 (7) The maximum overnight occupancy of a Short-term Rental Unit is limited to two
8 people per bedroom plus an additional two people per unit. For the purposes of
9 calculating occupancy, children under the age of two are excluded.

10
11 (8) Gatherings of persons in excess of the maximum overnight occupancy
12 prescribed above, shall not exceed two times the maximum overnight
13 occupancy.

14
15 (9) The Short-term Rental Operator shall provide off-street parking onsite as follows:

16
17 (a) one (1) parking space for a Short-term Rental Unit with zero (0) to two (2)
18 bedrooms available for rent;

19
20 (b) two (2) parking spaces for a Short-term Rental Unit with three (3) to four
21 (4) bedrooms available for rent; and

22
23 (c) three (3) parking spaces for a Short-term Rental Unit with five (5) or more
24 bedrooms available to rent.

25
26 (10) A Short-term Rental Unit shall not be rented more than once within a seven (7)-
27 day period.

28 29 **123.05 Short-term Rental Permit**

30
31 (A) *Permit Required.* No Short-term Rental Operator shall operate, rent, offer to rent or
32 advertise any Short-term Rental Unit within the City of Rio Rancho without a valid
33 short-term rental permit issued by the Department of Development Services.

34
35 (B) *Display of Permit.* The Short-term Rental Operator shall clearly display inside each
36 Short-term Rental Unit a copy of the applicable short-term rental permit issued
37 pursuant to this chapter. The Short-term Rental Operator shall include the permit
38 number issued by the city on all marketing materials for each Short-term Rental Unit
39 they operate, including listings on a host platform.

40
41 (C) *Natural Person Required.* The Department of Development Services shall issue
42 short-term rental permits to natural persons only and each natural person may
43 possess a maximum of two (2) permits. If the subject property is owned by a legal or
44 business entity, the permit must be held in the name of a person with legal authority
45 to act on behalf of that entity. The fact that a permit must be issued to a natural
46 person does not mean that the property cannot be titled in such entities as a
47 revocable trust, an LLC, or a corporation.
48

1 (D) *Permit Limit*. The total number of short-term rental permits issued by the Department
2 of Development Services shall not exceed one percent (1%) of the “total housing
3 units” in Rio Rancho as listed in “Comparative Housing Characteristics” table of the
4 most recent U.S. Census Bureau’s American Community Survey as January 1st of
5 each year.
6

7 (E) *Permit Not Transferrable*. A short-term rental permit is not transferable to another
8 person or property. Upon the transfer of ownership of a Short-term Rental Unit, the
9 permit shall terminate.
10

11 (F) *Permit Renewals*: Unless revoked pursuant to Section 123.09, an owner may renew
12 a short-term rental permit annually.
13

14 (1) An application for renewal of a short-term rental permit shall include the records
15 required by Section 123.06 for the previous one (1) year.
16

17 (2) A Short-term Rental Operator must renew a short-term rental permit and the
18 associated business registration by expiration date of the pervious short-term
19 rental permit.
20

21 (3) If a short-term rental permit is not renewed by the date the previous short-term
22 rental permit expires, the owner may pay a late fee of fifty dollars (\$50.00) to
23 extend the time for filing by thirty (30) days.
24

25 (4) If a permit is not renewed by its expiration date, including any thirty (30) day
26 extension, then the permit will revert to the Department of Development Services
27 and will become available to the next eligible applicant.
28

29 **123.06 Application for a Short-term Rental Permit**

30

31 Applicants for a short-term rental permit under this chapter must file with the
32 Department of Development Services, a sworn application in writing or electronically as
33 prescribed by the Uniform Electronic Transactions Act, Section 14-16-1, NMSA 1978,
34 on a form to be furnished by Department of Development Services, which shall include,
35 but is not limited to, the following information:
36

37 (A) The name and phone number of the local Short-term Rental Operator to be
38 available to respond to the property within one (1) hour, twenty-four (24) hours per
39 day while the property is rented.
40

41 (B) Address of Short-Term Rental Unit.
42

43 (C) Business registration number.
44

45 (D) Proof of short-term rental insurance.
46

47 (E) Site plan to include:

- 1
- 2 (1) Dwelling floor plan showing number of bedrooms.
- 3
- 4 (2) Designation of which rooms will be used as short-term rentals.
- 5
- 6 (3) Location and size of bedroom windows.
- 7
- 8 (4) Clear opening per emergency escape.
- 9
- 10 (5) Location and size of means of egress doors.
- 11
- 12 (6) Bathroom locations.
- 13
- 14 (7) Pools or Spas including covers and fencing.
- 15
- 16 (8) Parking spaces as detailed in Section 123.04(B)(9).

17
18 (F) Completed inspection.

19
20 **123.07 Inspections**

- 21
- 22 (A) The Department of Development Services Director or their representative has the
- 23 authority to enter all buildings and premises for the purpose of inspection as
- 24 necessary to perform assigned duties.
- 25
- 26 (B) To obtain a short-term rental permit, a dwelling unit must be inspected and meet
- 27 the following requirements:
- 28
- 29 (1) Fire evacuation plan with emergency contact information and address
- 30 conspicuously posted.
- 31
- 32 (2) Carbon monoxide detection.
- 33
- 34 (3) Smoke alarms in all bedrooms.
- 35
- 36 (4) Fire extinguishers on each floor.
- 37
- 38 (5) No storage of combustible materials in mechanical, boiler, or electrical rooms.
- 39
- 40 (6) Fireplace or wood stove with non-combustible ash receptacle outside the
- 41 dwelling unit.
- 42
- 43 (7) Fences and covers on all pools and spas.
- 44
- 45 (8) Address numerals at least four (4) inches tall, with one-half inch stroke width, in
- 46 contrasting color, visible from the street.
- 47
- 48 (9) Available parking spots as detailed in Section 123.04(B)(9).

1
2 (C) Short-term Rental Units that fail to meet the requirements set forth in Section
3 123.07(B) may schedule a re-inspection after any noted issues are addressed and
4 the requirements are met. Failure to pass the short-term rental inspection after two
5 re-inspections will result in denial of the application.

6
7 (D) Failure to schedule an inspection within thirty (30) days of the submission of a
8 completed application may result in denial of the application and will require re-
9 application.

10 11 **123.08 Fees**

12
13 The following fees shall be used to administer, manage, and enforce this chapter:

14
15 (A) *Application Fee.* An application for a new short-term rental permit shall be
16 accompanied by a one-time non-refundable application, processing, and inspection
17 fee of one hundred dollars (\$100.00).

18
19 (1) The Application Fee shall be due upon submission of the application for a short-
20 term rental permit.

21
22 (2) The Application Fee includes an initial inspection only. A re-inspection fee of fifty
23 dollars (\$50.00) will be required anytime a re-inspection is scheduled.

24
25 (3) Where a Short-term Rental Operator is seeking to renew a short-term rental
26 permit, a late fee of fifty dollars (\$50.00) is required to extend the time for filing
27 by thirty (30) days.

28
29 (B) *Permit Fee.* A Short-term Rental Unit is subject to an annual permit fee of three
30 hundred dollars (\$300.00).

31 32 **123.09 Administrative Enforcement and Fines**

33
34 (A) Except as otherwise provided in this chapter, the Director of the Department of
35 Development Services, or their designee shall enforce this chapter, including the
36 inspection of premises, the issuance of notice of violations and the revocation of short-
37 term rental permits.

38
39 (B) The Department of Development Services may revoke any short-term rental permit
40 or fine any Short-Term Rental Operator for non-compliance with any requirement
41 contained within these regulations.

42
43 (C) Any fine issued by the Department of Development Services for a violation of the
44 short-term rental permit requirements shall not exceed five hundred dollars (\$500.00)
45 per violation. Each day a violation occurs shall be considered a separate violation.

46
47 (D) Failure to pay any fine imposed by the Department of Development Services within
48 fifteen (15) days shall result in the automatic revocation of the short-term rental permit.
49
50

1 **123.10 Criminal Violation and Penalty**

2
3 (A) It is unlawful to operate, rent, offer to rent or advertise any Short-term Rental Unit
4 within the city of Rio Rancho without a valid permit issued by the Development Services
5 Department.

6
7 (B) It is unlawful to operate any Short-term Rental Unit within the City of Rio Rancho in
8 violation of any of the provisions contained within Section 123.04.

9
10 (C) Any person violating Section A or B of this subsection shall be subject to the
11 penalties prescribed in Section 10.99.

12
13 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of
14 this Ordinance, or any section, paragraph, clause, or provision of any regulation
15 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
16 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
17 clause, or provision shall not affect the validity of the remaining portions of this
18 Ordinance or the regulation so challenged.

19
20 **Section 3. Compiling Clause.** This Ordinance shall be incorporated in and
21 compiled as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

22
23 **Section 4. Effective Date.** This Ordinance shall become effective July 1, 2025.

24
25
26 ADOPTED THIS _____ DAY OF _____, 2024

27
28
29 _____
30 Gregory D. Hull, Mayor

31
32
33 ATTEST:

34
35 _____
36 Noel C. Davis, City Clerk
37 (SEAL)

Short-term Rentals (Update Discussion)

Governing Body Work Session
August 20, 2024



Overview

- A Short-Term Rental (STR) is a dwelling unit or a portion thereof that is rented for fewer than 30 days, most often using peer-to-peer online platforms i.e. AirBnb and VRBO.
- Current City Ordinance does not specifically address STRs. However, it is the city's position that STRs are not currently permitted under the lodger's tax and zoning regulations.
- Nevertheless, the STR market has seen rapid growth in recent years including here in Rio Rancho. There are a growing number of STRs being advertised within the City and City staff continue to field inquires about the status of STRs.
- A review of citizen complaints and inquires and a citizen survey show that residents are divided on the issue, with slightly more people expressing support of STRs.
- Changes to the City's Code are recommended to provide clearer guidance to citizens on the status of STRs.

Impacts of STRs on municipalities

Addressing STRs will require consideration of the impacts short-term rentals have on Rio Rancho's unique character and specific circumstances.

- 1. Public health, comfort and wellbeing:** Unregulated STRs are not monitored for STR insurance coverage, building code compliance, and fire safety.
- 2. Neighborhood quality and character:** Renters may not know or respect local ordinances regarding noise, parking, pets, trash, etc.
- 3. Housing costs and availability:** Entire houses rentals are often owned by commercial operators who may own multiple properties. Increased demand can raise the purchase price for homes and increases long-term rental prices.
- 4. Economy:** Making STRs permissible would allow homeowners to supplement their income; would increase available lodging, creating increased lodger's tax and gross receipts tax from dining, entertainment and shopping activities.

Options

Cities across the state, country and globe have addressed STRs in the following ways:

- 1. Allow unregulated:** the City can affirmatively permit STRs to lawfully operate anywhere in the City under any terms set by property owners. This option is the least implemented.
- 2. Affirmatively Prohibit:** the City can affirmatively prohibit the operation of STRs in some or all residential zoning districts.
- 3. Allow & Regulate:** the City can implement regulations to address its specific housing costs, health & safety and character concerns. This options is the most frequently implemented.

Allow & Regulate vs. Affirmatively Prohibit

Pros:

- Allows the City to tailor regulations to address its specific housing costs, health & safety and character concerns
- Enables the City to collect permit fees, and gross receipts and lodger's tax to aid in administration and enforcement

Cons:

- Additional staffing would be required to: monitor listings, issue permits, conduct inspections, verify compliance and enforce compliance issues.
- Costs to administer and enforce regulations is not yet known and could outpace revenue generated by taxes and fees.

Pros:

- Creates an easily understood and enforceable standard, while maintaining the current status
- Will require fewer additional resources to implement and enforce than a regulated program

Cons:

- Imposes the most restriction on owners' use of property
- Current and new operators will likely continue to operate unlawful STRs due to the financial benefits, resulting in increased needed for investigation and prosecutorial resources to enforce City Ordinances.
- Operators, unable to advertise prohibited STRs on monitored hosting platforms may use less managed means of advertising, which can expose operators, guests and neighbors to greater risk.

Allow & Regulate

- The draft ordinance, as proposed, will be added as Chapter 123, under Title XI: Business Regulations.
- STRs will be permitted as a permissive use in single family residential zones.
- Development services will issue permits, conduct inspections and enforce regulations.
- Each provision is designed to address the impacts of STRs on Rio Rancho's unique character and specific circumstances.

REQUIREMENTS TO ADDRESS PUBLIC HEALTH, COMFORT AND WELL-BEING:

- Certificate of occupancy and site plan [Section 123.05(D), (F)]
- Must meet all building, fire and safety codes. [Section 123.04 (3)]
- Must carry short-term rental insurance. [Section 123.04 (4)]
- Annual safety inspection. [Section 123.07]

ADDRESSING HOUSING COSTS AND AVAILABILITY:

- Requires the permit holder be a natural person [Section 123.05(C)]
- Limit of 2 permits per natural person [Section 123.05(C)]

Ensuring neighborhood quality and character:

Requires a local operator: Needs to be available 24 hours per day, 7 days per week, to respond to complaints. The operator must be accessible by telephone and able to be physically present at the Short-term Rental Unit within one (1) hour of being contacted. [Section 123.04 (5)]

Notification of local ordinances: Operator shall notify all guests in writing of relevant city ordinances. [Section 123.04 (6)]

Off-street parking: Sufficient parking must be made available based on the number of bedrooms available for rent. [Section 123.04(9)]

Occupancy: Limited to a maximum of two people per unit, plus an additional two people per bedroom, excluding children under 2 y.o. [Section 123.04(7)]

- Gatherings are limited to double the overnight occupancy limits. [Section 123.04(8)]
- Rentals limited to once within a seven day period. [Section 123.04(10)]

Administration

Development Services: will issue permits, conduct inspections, issuance notice of violation and revoke permits.

Third party compliance platforms: Can provide data on listings, rentals, occupancy, rental rates and revenue. They can additionally monitor compliance, process permit applications, collect taxes, provide documentation to support enforcement. Used by nearly all area municipalities that regulate STRs. Estimated cost of \$35,000 a year based on the level of service provided.

Change zoning: Short-term rentals would be permitted in residential zoning districts E-1, R-1, R-2, R-3, R-4, and R-5.

Costs and fees: [section 123.08]

- \$35 Business registration fee
- \$100 application fee
- \$300 annual permit fee.

Enforcement: [Section 123.09]

- Permit holders can be fined for non-compliance.
- Continued non-compliance will result in revocation of permit
- Criminal penalties can be imposed for advertising or operating a STR without a permit.

Lodger's Tax

- Lodger's Tax is a "bed tax" charged on overnight hotel/lodging stays.
- The City of Rio Rancho collects 5% Lodger's Tax on hotel lodging receipts, which are in turn deposited into the 225 Fund, the primary source of funding for the Convention & Visitors Bureau/Visit Rio Rancho.
- Per State Statute, the main use of the Lodger's Tax Funds is *"advertising, publicizing and promoting tourist-related attractions, facilities and events of the municipality or county and tourist facilities or attractions within the area."*
- There are time and use restriction on how Lodger's Tax revenue can used.
 - 50% of generated revenue is required to be spent on "publicizing and promoting tourist-related facilities and attractions and tourist-related events."
 - Only 50% can be used for administration, including salaries and capital expenditures.
 - Proceeds are required to be used within two years of the close of the fiscal year.

Cost recovery

Estimated Revenue: Lodger's tax receipts: \$150,000 (only \$75,000 can be used for administration and staffing)

Application fees (based on 50% conversion): \$14,500

Permit fees (based on 50% conversion): \$43,500

TOTAL: \$208,000 (only \$133,000 available to cover the cost of administration)

Estimated Costs: Third party compliance service: \$35,000

Additional staffing (x2): \$104,000 (see Juan)

TOTAL COST: \$139,000

Affirmatively Prohibit

- Amend
- **Notify:** Code enforcement would notify all STR owners that STRs are not permissible in Rio Rancho.
- **Grace period:** would be given to STR owners to delete properties from STR platforms i.e. AirBnb and VRBO.
- **Enforcement:** Code enforcement would go through the process of issuing citations to STR owners not obeying City ordinance.

Questions and Feedback

Short-term rentals

Informational presentation



Overview

- A Short-Term Rental (STR) is a dwelling unit or a portion thereof that is rented for short periods of time (typically fewer than 30 days) most often using peer-to-peer online platforms like Airbnb, VRBO or Expedia.
- Single rooms and casitas are usually “hosted” by an on-site homeowner, where entire houses rentals are often “unhosted” and owned by commercial operators.
- While STRs are not currently permitted under the Rio Rancho City Code, there are a growing number of STRs being advertised within the City.
- Citizens are divided, with roughly equal numbers expressing support of and opposed to STRs.
- Changes to the City’s Code are recommended to provide clearer guidance to citizens on the status of STRs.

Current status

- Rio Rancho takes the positions that under current ordinances STRs of less than 30 days in residentially zone areas are prohibited.
- Any rental less than 30 days is subject to the City's Lodger's Tax. If the STR is subject to Lodgers Tax, it creates a commercial use in violation of the City's permissive zoning uses in Chapter 154.
- The City enforces this prohibition based on complaints it receives.
- Most violations are voluntarily cured prior to formal citation when advertisements are removed from hosting platforms.

Evolution of Regulatory Responses

- The first online peer-to-peer STR platform came online in 1995, followed by a period of rapid proliferation in the early 2000's with additional sites like Airbnb, Booking.com and Expedia.
- During this period of growth, municipalities around the globe found their current ordinances did not clearly and sufficiently restrict or regulate STRs.
- Beginning in 2015, cities with a large tourism markets and housing shortages like New York and San Francisco began to adopt regulations to limit STRs and establish safety guidelines.
- In 2019, legislation was passed in NM to amend the Lodger's Tax Act to permit the collection of occupancy tax on STR's.
- The pandemic saw another period of rapid growth in the STR sector, this time in less densely populated areas close to natural attractions like NM, with some areas reporting 85% growth.
- Between 2019 and 2021 Los Ranchos, Corrales, Santa Fe, Las Cruces and Albuquerque adopted ordinances to regulate the STR market.

Impacts of STRs on municipalities

When directly addressing STR's, each municipality must consider the impacts of short-term rentals on its unique character and specific circumstances.

STRs can have both positive and negative effects on a location's:

1. Housing costs and availability
2. Public health, comfort and wellbeing
3. Neighborhood quality and character
4. Economy

Housing costs and availability

- Entire houses or apartment rentals are often owned by commercial operators who may own multiple properties.
- When houses or apartments are purchased for commercial purposes, the number of dwellings available for purchase or long-term rental decreases.
- In a tight housing market like Rio Rancho, this can raise the purchase price for homes and increases long-term rental prices.
- Most of the price pressure is seen in moderately priced dwellings because of the high return on investment.
- Because of the income potential, houses used as STRs may be purchased above market value, which may in turn drive up the assessment of neighboring houses and associated property tax.

Public health, comfort and wellbeing

- Unlike hotels, unregulated STR's are not subject to fire or code inspections.
- Property owner may modify buildings for a use as a STR without following code.
- Unregulated STRs are not required to be insured as STRs to cover damages to guests, caused by guests.
- Property owners can be difficult to contact in the case of an emergency or code violation.
- In communities with shared amenities, keys to common areas change hands often. They may be copied and used for unauthorized access.
- Unregulated STRs are not required to be accessible to people with special needs or impairments.

Neighborhood Quality and Character

- STR renters are unknown to neighbors; rapid turn over further increases the number of different people in the neighborhood.
- Visitors are less invested in the neighborhood and feel less obligated to behave appropriately.
- Renters may not know or respect local ordinances regarding noise, parking, pets, trash, etc.
- STRs are at times rented to host large parties, which may create safety and nuisance concerns.

Economy

- STRs would allow homeowners in Rio Rancho to supplement their income by renting out spare spaces to tourists, actors, contractors, travelling nurses, Facebook & Intel employees, possibly at up to a 30% higher yield than long-term leases.
- STRs increase area demand for supporting services like cleaning, laundry and pool maintenance, and food service etc.
- STRs increase available temporary lodging within the City, creating the potential for increased gross receipts tax from dining, entertainment and shopping activities.
- If regulated, the City would collect annual permit and inspection fees.
- The City could additionally collect gross receipts taxes and a 5% Lodger's tax on rental fees.
- Regulating the STR market would require the City to incur expenses for administration, compliance and enforcement.

Lodger's Tax

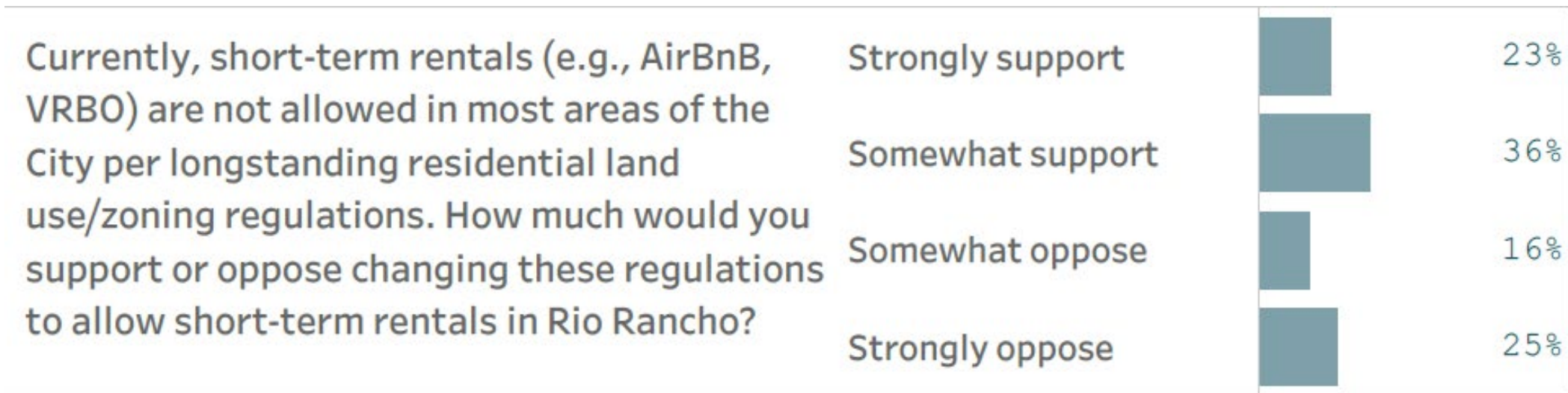
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- The City of Rio Rancho collects 5% Lodger's Tax on hotel lodging receipts and are in turn deposited into the 225 Fund, the primary source of funding for the Convention & Visitors Bureau/Visit Rio Rancho
- Per State Statute the main use of the Lodger's Tax Funds is *"advertising, publicizing and promoting tourist-related attractions, facilities and events of the municipality or county and tourist facilities or attractions within the area"*
- There are time and use restriction on how Lodger's Tax revenue can used.
 - 50% of generated revenue is required to be spent on "publicizing and promoting tourist-related facilities and attractions and tourist-related events."
 - Only 50% can be used for administration, including salaries and capital expenditures.
 - Proceeds are required to be used within two years of the close of the fiscal year.

RR Events supported by Lodger's Tax

- 9-10 NMAA State Championships per year
- USSSA Youth Baseball Tournaments
- NMYSA Soccer Tournaments
- NM Open Bowling
- Conflict at Cleveland – Wrestling
- RRHS Volleybash
- Southwest Duals - Wrestling
- RRHS Girls Basketball Tournament
- RRHS Holiday Hoops
- RRHS X-Country Jamboree
- Cleveland HS X-Country Invite

What are we hearing from the Citizens?

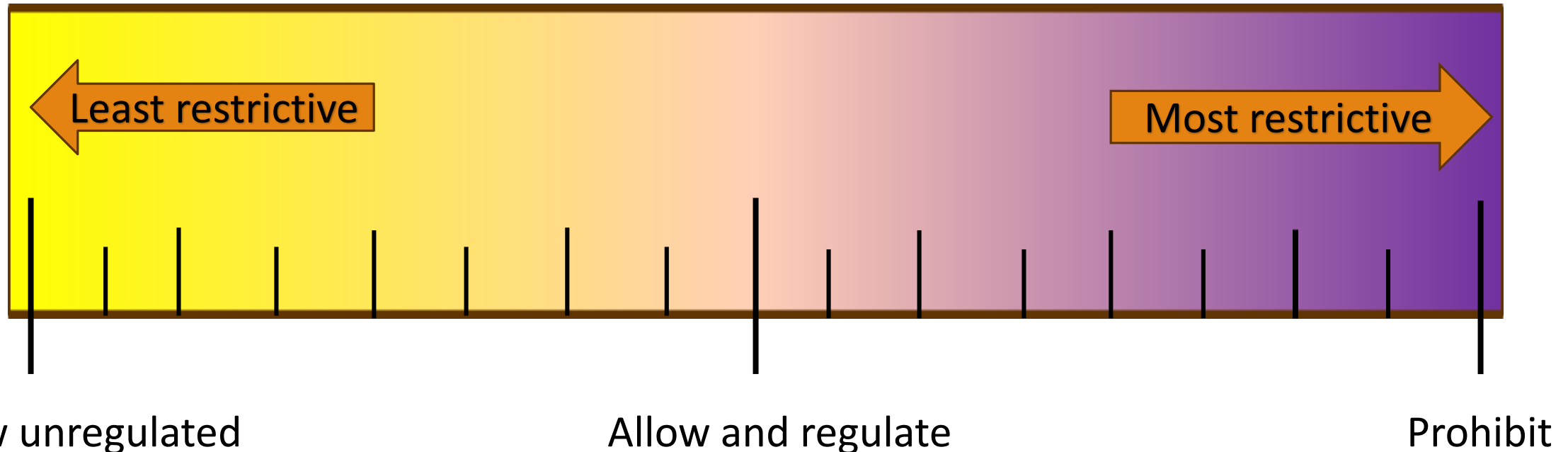
In the summer of 2023, the City conducted a Citizen Survey with the following question on Short-term Rentals:



What are we hearing from the Citizens?

- There has been a steady increase in both complaints about operating STRs and inquires about how to establish and register STRs.
- The Clerk's office, the Convention & Visitors Bureau, and Development Services have all received inquires from citizen about how to establish STRs
- Development Services reported that on average, they field one to two calls a month on how to start a STR, with an uptick in September and October around Balloon Fiesta.
- These inquires may be fueled by hosting websites that inaccurately state that STRs are permitted in the City.

The City has a range of regulatory options



*Once a regulation standard is implemented it may be difficult to modify because a community expectation is established

Option 1: Affirmatively Prohibit

Through an ordinance, the City can affirmatively prohibit the operation of STRs in some or all residential zoning districts.

Pros:

- Creates an easily understood and enforceable standard, while maintaining the current status
- Will require fewer additional resources to implement and enforce than a regulated program

Cons:

- Imposes the most restriction on owners' use of property
- Current and new operators will likely continue to operate unlawful STRs due to the financial benefits, resulting in increased needed for investigation and prosecutorial resources to enforce City Ordinances.
- Operators, unable to advertise prohibited STRs on monitored hosting platforms may use less managed means of advertising which can expose operators, guests and neighbors to greater risk.

Cities that have banned STRs

Irvine, CA (population: 309,031)

Temecula, CA (population: 110,846)

Lake Worth Beach, Fl (population: 38,548)

West Hollywood, CA (population: 34,938)

Option 2: Allow unregulated

- Through an ordinance, the City can affirmatively permit STRs to lawfully operate anywhere in the City under any terms set by property owners.
- Not currently aware of any jurisdictions operating under this option

Pros:

- Provides private property owners with the least restrictions on their private property use
- Eliminates administrative and enforcement costs

Cons:

- Fails to address the negative impacts on housing costs, health & safety, and neighborhood quality & character

Option 3: Minimal Regulation

- Several jurisdictions in Texas, Arizona, Florida and Oregon require only a permit, STR insurances and the payment of lodger's taxes without imposing further oversight or limitation.

Pros:

- Provides a basic level of tracking and protection, while minimizing restrictions on private property use
- Minimizes administrative and enforcement costs
- Enables the City to collect permit fees, and gross receipts and lodger's tax

Cons:

- Fails to otherwise address the negative impacts on housing costs and, health & safety, and neighborhood quality & character

Option 4: Moderate Regulation

- In addition to requiring a business license, permits and insurance, the City could further:
 - Require initial or annual fire and/or code inspections
 - Limit the total number of permits issues or the total number of days a dwelling can be rented as a STR
 - Restrict who can operate a STR to a local owner and/or natural person
 - Limit STR to primary residences
 - Limit total building occupancy and rental type
- The City could administer and enforce regulations using additional staff and/or a third-party compliance platform (costs/fees to be determined).

Option 4: Moderate Regulation

Pros:

- Allows the City to tailor regulations to address its specific housing costs, health & safety and character concerns

Cons:

- Additional staffing would be required to: monitor listings, issue permitting and licensing, verify compliance, conduct inspections and enforce compliance issues
- Costs to administer and enforce regulations is not yet known and could outpace revenue generated by taxes and fees

Cities with moderately regulated STRs

Dallas, TX (population: 1.28 Million) Banned STR in areas with single-family Residential Zoning

Montreal, Canada (population: 1.78 Million) Banned new STRs to ensure there is enough housing for residents.

Lafayette, LA (population: 121,771) Banned in Residential Single-Family zoning districts

Carlsbad, CA (population: 115,302) Banned outside coastal zone

Portsmouth, NH (population: 22,277) Requires property owner-occupied

San Francisco, CA (population: 815,201) Unhosted STR's banned

Santa Monica, CA (population: 91,105) Unhosted STRs are prohibited

North Vancouver, B.C. Canada (population: 85,395) Primary residences only

Local comparisons

Albuquerque (pop: 562,599)

Moderately Regulated

- Requires business registration, annual permit and maintenance of short-term rental insurance
- Permit Fee: \$120 initial, \$90 annually
- **Permit must be displayed in STR unit and on all marketing materials**
- Occupancy is limited to 2 adults per room
- **Gatherings are limited to 20 people or 2X total occupancy**
- **Requires operator to be available to respond to complaints 24/7**
- **Requires the display of a “Good Neighbor Agreement” in each STR unit that lists maximum occupancy and relevant city ordinances**
- Imposes a **civil monetary penalty of \$500 per day** of noncompliance after a 30 days grace period
- In 2023, Albuquerque failed to pass an ordinance limiting the number of permits issued annually to 1200
- Uses third-party compliance platform to manage enforcement

Las Cruces (population: 112,914)

Minimally Regulated

- **STRs are included in the definition “Lodging” under the City’s Lodger’s Tax Ordinance**
- Vendor’s License requires:
 - Contact information
 - Number of rooms available for rent
 - Description of facilities
- Lodgers Tax of 5% is collected
- Uses third-party compliance platform to manage enforcement

Santa Fe (population: 88,193) Moderately Regulated

- Lists among its purposes: the preservation of neighborhood character, protection of neighboring residents and prevention of purchasing multiple homes for STR purposes.
- **Inspection at initial permit**
- Fees: **\$100 application fee + \$290 annually**
- **Limited to 1000 permits issued annually**
 - **1 per natural person, 1 permit per 50-foot radius** (with some exceptions for accessory and multiple dwellings units)
- **Only one rental per 7 days except 11/15 to 1/15**
- Off-street parking required
- Prohibits activities that are “not residential in nature”; **noise prohibited after 10pm**
- Occupancy limited to 2x bedrooms
- **Requires notices to HOA, properties within 200ft**
- Uses third-party compliance platform to manage enforcement

Village of Corrales (population 8,584) Moderately Regulated

- Occupancy limited to 4-6 guest rooms, with a limit of 2 adults per room
- **Events not permitted**
- **Penalties of \$250 to \$500 per violation**
- Permit requires:
 - Map of the property, Floor plan
 - Off street parking space for each room
 - Owner must be available 24/7
 - **Application review hearing and Commission approval**
- Fire inspection required
- The Village restricted the building of Casitas in 2021, in part, to limit STRs

Los Ranchos (population: 5,866)

Moderately Regulated

- Must obtain a B&B permit, capped annually at 65 total permits
- **Operators must be present on the property for the duration of the rental.**
- No events allowed.
- Adequate off-street parking must be provided.
- **Rules of operation must be posted that includes information for cleanliness, noise, and emergency service contacts.**
- **No more than four guestrooms may be utilized to provide lodging.**
- Short-term rental insurance coverage for the short-term rental unit(s) is recommended.
- **Inspected annually by the Fire Department for fire safety.**
- **Quiet hours between 10pm and 6am**

Questions and Feedback

ALBUQUERQUE JOURNAL



El Defensor Chieftain

RIO RANCHO OBSERVER

VALENCIA COUNTY News-Bulletin

Dept 880697
PO Box 29650

Phoenix, AZ 85038-9650 Phone: (505)823-3220

Proof of Ad 09/19/2024

Account: **1010956**
 Name: **CITY OF RIO RANCHO**
 Company: **CITY OF RIO RANCHO DEVELOPMENT SVCS DEPT**
ATTN: ACCOUNTS PAYABLE
 Address: **3200 CIVIC CENTER CIR NE**
RIO RANCHO, NM 87144
 Telephone: **(505)891-5005**

Ad ID: **111830**
 Description:
 Run Dates: **09/23/2024 - 09/23/2024**
 Class: **3001**
 Orig User: **master**
 Words: **326**
 Lines: **83**
 Agate Lines: **118**
 Depth: **8.42**
 Blind Box:

Publication	Start	Stop	Inserts	Cost
Albuquerque Journal	09/23/2024	09/23/2024	1	95.11

CITY OF RIO RANCHO PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, October 8, 2024:

Variance

Case #24-110-00043

The applicant, Joseph Crepeau, requests approval of a Variance request to the minimum required R-1: Single-Family Residential District setback of 15' to allow for a 9' rear setback for an existing 144 square foot pergola on the subject property of 5708 Rio Oso Rd NE, legally described as RRE Unit 17, Block 159, Lot 3.

Zone Map Amendment

Case #24-100-00009

The Applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19 & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15.

Text Amendment

Case #24-105-00003

The Applicant, the City of Rio Rancho, requests a text amendment to THE RIO RANCHO CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 154 PLANNING AND ZONING, SECTIONS 154.03, 154.05, 154.08, 154.09, 154.10, 154.11, 154.12, 154.19, to add Short Terms Rentals as a permissive use in Single-Family Residential Districts.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rrnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rrnm.gov. Written comments will be inserted into the public record.

Journal: September 23, 2024.