Planning and Zoning Board Meeting
City of Rio Rancho
AGENDA
September 26, 2023
6:00 PM
City Hall

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

Individuals wishing to present verbal public comment may do so in-person or remotely via Zoom meeting software with the below access information:

Join by Computer:
https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871
Passcode: 026819

Board Members

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

PUBLIC FORUM

CONSENT CALENDAR

1. September 12, 2023 Planning and Zoning Board Meeting Minutes
2023-0912_PZB_Minutes_BMB.docx

PUBLIC HEARINGS

2. **Preliminary/Final Plat.** The applicants, Bob and Reola Arellano, request approval of a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. Staff Contact is Liz Ruiz Carlos and staff recommends approval with findings and conditions.
Zoning, Location.pdf
Land Use Application Form.pdf
Application Package.pdf
Building Envelope Modification.pdf
MariposaBuildingEnvelopeDefinitions.pdf
Mariposa Building Envelope Changes.pdf
Mariposa Building_Envelope Guidelines.pdf
Jack Eichron, Mariposa Founder Approval.pdf
Neighbor Signatures.pdf
Reviewer Comments.pdf

Reproduction of Notices.pdf

3. **Specific Area Plan Amendment.** The applicant, J Jacob Enterprises, Inc. requests approval of an amendment to the Lomas Negras Specific Area Plan. Staff contact is Liz Ruiz Carlos and staff recommends the Planning and Zoning Board recommend approval of the Specific Area Plan Amendment to the Governing Body, with findings and conditions.
Zoning, Location.pdf
Updated Land Use Application.pdf
Updated Justificaton Summary of Request.pdf
Current Lomas Negras SAP Land Use Map
Lomas Negras SAP Land Use Map with Notes
Lomas Negras SAP Land Use Permissive Zoning Designations
Reproduction of Notices.pdf
Draft_Resolution_BMB_AR.docx

4. **Zone Map Amendment.** The applicant, J Jacob Enterprises, Inc., through their agent, Modulus Architects & Land Use Planning, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU: Special Use for Multi-Family Residential Uses, for the subject property legally described as Unit 13, Block 68, Lots 5-8. Staff contact is Liz Ruiz Carlos and staff recommends the Planning and Zoning Board recommend approval to the Governing Body, with findings and conditions.
Location_Zoning Map.pdf
Zone Map for Larger Surrounding Area.pdf
Application and Renderings.pdf
Justification Letter.pdf
Rendered Site Plan.pdf
Landscape Plan.pdf
Parking Deviation Request Reference Material.pdf
Transportation Engineering Multifamily Parking Memo.pdf
Last 5 Years Changed Zoning and Land Use Exhibit.pdf
Lomas Negras SAP Existing Land Use
Reproduction_of_Notices.pdf
Public Comment 1.pdf
Public Comment 1A.xlsx
Public Comment 2.pdf
Public Comment 3.pdf
Public Comment 4.pdf
Public Comment 5.pdf
Public Comment 6.pdf
Public Comments Mapped.pdf
Draft_Ordinance_BMB_AR.docx

5. **Text Amendment.** The City of Rio Rancho is requesting approval of a text amendment to the Rio Rancho Municipal Code of Ordinances repealing and replacing Title XV Land Usage, Chapter 156, Sign Regulations. Staff contact is Tim Dvorak, and staff recommends approval of the item to the Governing Body with findings.
Draft Sign Code (Clean Copy)
Draft Sign Code (Redline Copy)
Sign Code Working Group Meeting Date Table
Ordinance Recitals

DISCUSSION AND DELIBERATION

6. **Preliminary Plat Amendment.** The applicant, Amestoy Construction and Development II, LLC, through their agent, Aldrich Land Surveying, requests approval of an amended Preliminary Plat for Tierra Del Norte on the property legally described as Unit 13, Block 43, Lots 20-28 and 31-39, Block

44, Lots 22-42, Block 45, Lots 22-31 and 39-40. Staff contact is Michelle Costilla and staff recommends approval with findings and conditions.
Zoning, Location.pdf
Authorization.pdf
Request.pdf
Tierra Del Norte Preliminary Plat.pdf
Tierra Del Norte Amendended Plat.pdf

COMMENTS BY BOARD MEMBERS

STAFF REPORTS

7. Planning and Zoning Monthly Building Activity Report- AUGUST 2023
2023 PZ MONTHLY COMPARISONS.pdf

8. Planning and Zoning Monthly Summary Plat Report - AUGUST
August Summary Plat Activity.pdf

ADJOURNMENT

CITY OF RIO RANCHO
COVER PAGE

Legislation Item:

AGENDA DATE:
September 26, 2023

DEPARTMENT:
Development Services

SUBJECT:
September 12, 2023 Planning and Zoning Board Meeting Minutes

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:
Approval

ATTACHMENT: 2023-0912_PZB_Minutes_BMB.docx

Planning and Zoning Board
of the
City of Rio Rancho

MINUTES

SEPTEMBER 12, 2023
6:00 PM
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF PRESENT:**
Kevin Kofchur, District 2	Amy Rincon, Development Services Director
Fred Radosevich, District 3, Chair	Brian Babyak, Planning & Zoning Manager
Robert Gabaldon, District 4 *(Virtual)*	Tim Dvorak, Planner II
Scottie Richardson, District 5, Vice-Chair *(Virtual)*	Michelle Costilla, Planner II
Sal Tortorici, At-Large	Liz Ruiz Carlos, Planner II
MEMBERS ABSENT:	Chris Benson, Planner I
VACANT, District 1	Sharon Bitah, Administrative Assistant
VACANT, District 6	

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Radosevich stated this meeting will convene under the virtual format prescribed by the Attorney General's Office guidance issued for public meetings subject to the Open Meetings Act. This includes virtual or telephonic access via Zoom by members of the public. Instructions on how to access this meeting were made available in advance on the official agenda, as well as on the city's website.

Chairman Radosevich called the meeting to order at 6:00 PM and led those in attendance in the Pledge of Allegiance.

PUBLIC FORUM

CONSENT CALENDAR

1) August 22, 2023 Planning and Zoning Board Meeting Minutes

Sal Tortorici moved to approve the Consent Calendar. Seconded by Kevin Kofchur.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

PUBLIC HEARINGS

2) The applicant, J Jacob Enterprises, Inc., through their agent, Modulus Architects & Land Use Planning, Inc., requested approval of a Zone Map Amendment from SU/C-1 and O-1 to SU: Special Use for R-6: Multi-Family Residential Uses, for the subject property legally described as Unit 13, Block 68, Lots 5, 6, 7, and 8.

Staff member, Liz Ruiz Carlos recommended postponing the item and the public hearing continued to the September 26, 2023 Planning and Zoning Meeting.

Sal Tortorici moved to postpone Item #2. Seconded by Kevin Kofchur.
The motion was postponed by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

3) The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, requested approval of a Variance to the maximum allowable height of a wall, at the subject property legally described as Monte Bella, Lot 14; located at 2600 Dauphine Ct NE

Staff member, Chris Benson presented the item, recommending denial and stood for questions.

Member of the public, Richard Gonzales, spoke on the item after being administered the oath virtually.

Staff member, Chris Benson clarified some of the questions brought up by the Commissioners. There was discussion regarding safety concerns and code enforcement issues.

Scottie Richardson moved to approve Item #3. Seconded by Kevin Kofchur.
The motion failed by a vote of **0 FOR** and **5 AGAINST**.
YES: (None)
NO: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici

4) The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments LLC, MAM Partners LLC, and Red Roan Enterprises LLC, requested approval of a vacation of right-of-way for Walpi Ct NE.

Staff member, Chris Benson presented the item, recommending approval with conditions and stood for questions.

Robert Gabaldon moved to approve Item #4. Seconded by Kevin Kofchur.
The motion carried by a vote of **4 FOR** and **1 AGAINST**.
YES: Kevin Kofchur, Robert Gabaldon, Fred Radosevich, Sal Tortorici
NO: Scottie Richardson

5) The applicant, DR Horton, through their agent, RESPEC, requested approval of a subdivision variance to reduce the required amount of park space under Section 155.46 of City Code, for the Vista Grande Subdivision.

Staff member, Chris Benson presented items #5 and #6 concurrently, recommending approval with findings and conditions and stood for questions.

Agent, Sheldon Greer spoke on the item and along with staff member, Chris Benson, answered questions raised by Commissioner Gabaldon, Commissioner Tortorici, Commissioner Kofchur and Chairman Radosevich.

Scottie Richardson moved to approve Item #5. Seconded by Sal Tortorici.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

6) The applicant, DR Horton, through their agent, RESPEC, requested approval of a Final Plat for the Vista Grande subdivision to create 92 residential lots and 3 HOA tracts, zoned R-4: Single-Family Residential. The property is legally described as Rio Rancho Estates Unit 13, Block 89, Lots 4-6, 8-13, and Lot 27B and comprises approximately 18.6571 acres.

Staff member, Chris Benson and agent, Sheldon Greer had no further comments and stood for questions.

Sal Tortorici moved to approve Item #6. Seconded by Kevin Kofchur.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

7) The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requested approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1.

Staff member, Tim Dvorak presented items #7 and #8 concurrently, recommending approval and stood for questions.

Applicant, Bryan Aragon stated he reviewed and agreed with conditions and stood for questions.

Sal Tortorici moved to approve Item #7. Seconded by Robert Gabaldon.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

8) The applicant, AMREP Southwest., through their agent, Huitt-Zollars, Inc., requested approval of a final plat for the Northern Meadows Subdivision, creating 24 single-family lots, currently zoned R-3: Mixed Residential District. The subject property is legally described as NMED, Tract J-1 and comprises approximately 2.6804 acres.

Staff member, Tim Dvorak and agent Bryan Aragon had no further comments and stood for questions.

Kevin Kofchur moved to approve Item #8. Seconded by Scottie Richardson.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

9) The applicant, Outer Rim Investments, Inc., requested a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134.

Staff member, Michelle Costilla presented the item, recommending approval with findings to the Governing Body, and stood for questions.

Robert Gabaldon moved to approve Item #8. Seconded by Sal Tortorici.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

DISCUSSION AND DELIBERATION

COMMENTS BY BOARD MEMBERS

Chairman Radosevich and Commissioner Tortorici announced their planned absences for the next meeting.

STAFF REPORTS

ADJOURNMENT

Sal Tortorici moved to adjourn the meeting. Seconded by Kevin Kofchur.
Chairman Radosevich adjourned the meeting at 6:41 PM.

APPROVED THIS 26TH DAY OF SEPTEMBER, 2023

_____

Scottie Richardson, Vice-Chair

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-220-00015

AGENDA DATE:
September 26, 2023

DEPARTMENT:
Development Services

SUBJECT:
Preliminary/Final Plat. The applicants, Bob and Reola Arellano, request approval of a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. Staff Contact is Liz Ruiz Carlos and staff recommends approval with findings and conditions.

BACKGROUND AND ANALYSIS:
The applicants, Bob and Reola Arellano, request approval of a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE; legally described as HLMM2, Blk A, Lot 45. The subject property is zoned E-1: Estate Residential, consists of 0.92 acres, and is within the Mariposa Master Plan Overlay District and Mariposa Master Plan area, adopted as amended under Resolution No. 91, Enactment 19-006 (Originally adopted by Resolution No. 9, Enactment 02-07).

GENERAL INFORMATION:
A. Layout: The building envelope will extend on the left and right sides of the residence, and will be reduced on the front side of the residence; thereby allowing the total envelope footprint size to remain the same as previously approved.
B. Acreage: The subject property is approximately 0.92 acres in size. The existing building envelope is 9,000 square feet.
C. Access: Access to the lot is provided via Barranca Overlook Pl NE, a residential street, from Overlook Rd NE, another residential road.
D. Zoning: The subject property is zoned E-1: Estate Residential under Ordinance No. 6, Enactment No. 02-05. Additional development standards are established under a zoning overlay, Ordinance No. 92, Enactment No. 07-90 and amended under Ordinance No. 15, Enactment No. 15-13.
E. Dry Utilities/Gas: N/A.
F. Water and Wastewater Availability: N/A.
G. Drainage: Future development will need to comply with the Mariposa East Drainage Implementation Plan.
H. Roads and Sidewalks: N/A.
I. Recreational Facilities/Open Space: N/A
J. Easements: N/A
K. Public Site Dedications: N/A
L. Vacations: N/A
M. Variances: N/A

CONFORMANCE WITH THE ZONING ORDINANCE:
The subject property complies with R.O. 2003 § 154.60 (C) - Building Envelopes: Building

envelopes; if a building envelope is included at the time of plat, appropriate placement of the building envelope within the setback area will be allowed. Envelopes may be placed within the setback area for the following reasons:

1. To preserve open space;
2. To preserve native plant material on the site;
3. To preserve natural drainage courses; and
4. To preserve views of nearby lots.

Staff recommends the Planning and Zoning Board find this criteria is satisfied.

CONFORMANCE WITH CITY COMPREHENSIVE PLAN:
Section 5.6.3 contains the stated policy (L-1) to "Encourage the master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan." This application is an action which meets this policy by conforming with the intent of the Mariposa Master Plan in preserving the natural environment and building design of the area. Staff recommends the Planning and Zoning Board find this criteria is satisfied.

CONFORMANCE WITH THE MARIPOSA MASTER PLAN:
The Mariposa Guidelines for Estate and Highland Homes stipulates that building envelopes may reach a maximum size of 9,000 square feet for this zoning type. This building envelope alteration would not increase the size of the existing building envelope, which is currently 9,000 square feet.

The applicant has provided a letter (attached) from the Mariposa Founder, approving of the Building Envelope modification. This conforms to the Mariposa Master Plan and Mariposa Guidelines for Estate and Highland Homes. Staff recommends the Planning and Zoning Board find this criteria is satisfied.

NOTIFICATIONS: All property owners within 100 feet of the subject property received a certified letter containing a notice of action and impending Planning and Zoning Board hearing, 15 days prior to the hearing date. A notice sign was placed on the subject property one week in advance of the hearing date, and a legal notice was published in the Albuquerque Journal on September 11, 2023.

INTERDEPARTMENTAL/INTERAGENCY REVIEW: DSD Planning and Zoning - Comments within document DSD Engineering - No adverse comments Rio Rancho Public Schools - No comments provided Fire and Rescue - No adverse comments Police Department - No comments provided SSCAFCA - No adverse comments. MRCOG - No adverse comments Parks, Recreation, and Community Services - No comments

IMPACT:

The Development Services Department recommends the Planning and Zoning Board approve preliminary/final plat case #23-220-00015 subject to the following conditions of approval and findings of fact.

GENERAL FINDINGS OF FACT:
1. The Planning and Zoning Board has jurisdiction over the applicant’s request for approval of the preliminary plat and the subject property.
2. The applicant has the authority to apply for a preliminary plat.
3. Neighboring property owners and the applicant/agent received written notices and were allowed to comment at a public hearing.
4. The applicant has received Mariposa Founder approval.

SPECIFIC FINDINGS OF FACT FOR APPROVAL:
1. The preliminary/final plat has been prepared, reviewed, and conforms to the City of Rio Rancho plans and policies.
2. The preliminary/final plat conforms to the requirements of the Rio Rancho Code of Ordinance (R.O. 2003) Chapter 154.60 (C).
3. The preliminary/final plat conforms to the requirements of the E-1: Estate-Residential Zoning District.
4. The preliminary/final plat conforms to the requirements of the Mariposa Master Plan.
5. The preliminary/final plat conforms to the requirements of the Mariposa Guidelines for Estate and Highland Homes.

CONDITIONS OF APPROVAL:
1. In accordance with R.O. 2003 § 155.24(A), the final plat shall be recorded within 12 months following approval of the preliminary plat, or the Planning and Zoning Board approval shall become null and void.

If the Board finds the preliminary plat is not justified, the following findings are recommended for any denial:

SPECIFIC FINDINGS OF FACT FOR DENIAL:
1. The preliminary/final plat does not conform to the City of Rio Rancho plans and policies.
2. The preliminary/final plat does not conform to the Mariposa Master Plan.
3. The preliminary/final plat does not conform to requirements of the Rio Rancho Code of Ordinance (R.O. 2003) Chapter 154.60 (C)

ALTERNATIVES:
The Planning and Zoning Board may:
1. Approve the preliminary plat with staff recommendations and conditions.
2. Approve the preliminary plat with amendments to recommendations and/or conditions.
3. Deny the preliminary plat.
4. Postpone the item and continue the public hearing for the preliminary plat in order to further review.

DEPARTMENT RECOMMENDATION:
The Development Services Department recommends approval with findings and conditions.

ATTACHMENT: Zoning, Location.pdf
ATTACHMENT: Land Use Application Form.pdf
ATTACHMENT: Application Package.pdf
ATTACHMENT: Building Envelope Modification.pdf
ATTACHMENT: MariposaBuildingEnvelopeDefinitions.pdf
ATTACHMENT: Mariposa Building Envelope Changes.pdf
ATTACHMENT: Mariposa Building_Envelope Guidelines.pdf
ATTACHMENT: Jack Eichron, Mariposa Founder Approval.pdf
ATTACHMENT: Neighbor Signatures.pdf
ATTACHMENT: Reviewer Comments.pdf
ATTACHMENT: Reproduction of Notices.pdf

5616 BARRANCA OVERLOOK PL NE
PRELIMINARY/FINAL PLAT

RioRancho
City of Vision

0 25 50 100 150 200
Feet

Subject Property
Roads

Zoning

E-1
R-4

N
W E
S

GIS
Moving Spatial Data Forward

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 Liz Ruiz Carlos on 9/8/2023

Development Services Department, Ste. 130
3200 Civic Center Circle NE, Rio Rancho, NM 87144
(505) 891-5005

Land Use Application

Please check appropriate box (Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☐ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	■ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Residential Day Care 6 or <	☐ Master Plan Amendment	☐ Vacation of Plat	☐ Site Plan
☐ Sign Permit	☐ Specific Area Plan Amendment	☐ Street Name Change	☐ Variance
☐ Special Event	☐ Text Amendment	☐ Subdivision Interpretation	☐ Zone Map Amendment
☐ Special Event (Youth Group)		☐ Subdivision Variance	☐ Zoning Certification
			☐ Zoning Interpretation

Please Print In Ink Only or Type
Application must be complete and accompanied by the appropriate supplemental form(s) and/or checklist for the action you are requesting

APPLICANT/AGENT INFORMATION

Applicant Name: Bob and Reola Arellano		Phone: (714) 944-7214
Address: 5616 Barranca Overlook PL NE		E-Mail: navyfan2018@gmail.com
City: Rio Rancho	State: NM	Zip: 87144-2640
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)	Letter of Authorization Provided: (Initials) ☐	
Agent Name:		Phone:
Address:		E-Mail:
City:	State:	ZIP Code:

DESCRIPTION OF REQUEST

Reconfiguration of Building Envelope. Please refer to attached letter.

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Highland Meadows, Unit 2	Block(s):	Lot(s):
Existing Zoning:	Proposed Zoning:	
No. of existing lots:	No. of proposed lots:	Total area of site (acres)

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: Bob L. Arellano	Applicant: ☐	Agent: ☐
Signature:: Bob L Arellano		Date: 8/28/2023

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:**

Form revised March 2014

Development Services Department, Ste. 130
3200 Civic Center Circle NE, Rio Rancho, NM 87144
(505) 891-5005

Land Use Application

Please check appropriate box (Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☐ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	■ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Residential Day Care 6 or <	☐ Master Plan Amendment	☐ Vacation of Plat	☐ Site Plan
☐ Sign Permit	☐ Specific Area Plan Amendment	☐ Street Name Change	☐ Variance
☐ Special Event	☐ Text Amendment	☐ Subdivision Interpretation	☐ Zone Map Amendment
☐ Special Event (Youth Group)		☐ Subdivision Variance	☐ Zoning Certification
			☐ Zoning Interpretation

Please Print In Ink Only or Type
Application must be complete and accompanied by the appropriate supplemental form(s) and/or checklist for the action you are requesting

APPLICANT/AGENT INFORMATION

Applicant Name: Bob and Reola Arellano		Phone: (714) 944-7214
Address: 5616 Barranca Overlook PL NE		E-Mail: navyfan2018@gmail.com
City: Rio Rancho	State: NM	Zip: 87144-2640
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)	Letter of Authorization Provided: (Initials) ☐	
Agent Name:		Phone:
Address:		E-Mail:
City:	State:	ZIP Code:

DESCRIPTION OF REQUEST

Reconfiguration of Building Envelope. Please refer to attached letter.

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Highland Meadows, Unit 2	Block(s):	Lot(s):
Existing Zoning:	Proposed Zoning:	
No. of existing lots:	No. of proposed lots:	Total area of site (acres)

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: Bob L. Arellano	Applicant: ☐	Agent: ☐
Signature:: Bob L Arellano		Date: 8/28/2023

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:**

Form revised March 2014

Bob and Reola Arellano
5616 Barranca Overlook PL NE
Rio Rancho, NM 87144-2641
navyfan2018@gmail.com
(714) 944-7214

Development Services
Planning and Zoning Division
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144
planning@rrnm.gov

August 28, 2023

Bob L. Arellano and Reola K. Arellano owners of Lot 45 Block "A", Highland Meadows, Unit 2, Mariposa, New Mexico are requesting modification of the Building Envelope of the aforementioned property. The purpose is to allow us better use of our property as it appears that the developer didn't consider any future use of the Building Envelope. As an example, the current Building Envelope uses the east side of the house as a boundary and thus renders the property on the east side unusable. By making the proposed modifications to the Building Envelope we would gain improved access, better views of the Sandia mountains and usable space around the house. The variance we are requesting does not seek additional footage to the Building Envelope and will be at or below the current 9000 square feet of allowable space within our property. We are merely requesting a minor variance to allow us better use of the Building Envelope. The property currently has very limited areas that are useable for enjoying the outdoors and this proposal would allow better use of those areas.

The proposed modifications will allow us to put a concrete pad, with a patio cover, on the north and east side of the house. We would also like to build a 5-foot-high block wall encompassing a pad on the west side of the house to screen our trash receptacles, etc. The proposed block wall will conform to existing wall aesthetics. The proposed changes will also allow us to install a gazebo on the southwest side of the property to enjoy the beautiful views of the surrounding area.

The minor reconfiguration to the Building Envelope shall not negatively obstruct nor impact any views of adjacent or nearby lots. Not does it negatively impact the drainage plan in use nor does it impede any of the natural areas, habitat, rights of way or PUE in any manner.

We have spoken with our neighbors regarding our proposed modifications and our future developments noted above and none of them expressed any concerns.

Jack Eichorn, Mariposa Project Manager has advised acceptance of the proposed variance to the Building Envelope and shall provide documentation to support our application with the City. A formal letter of approval shall follow.

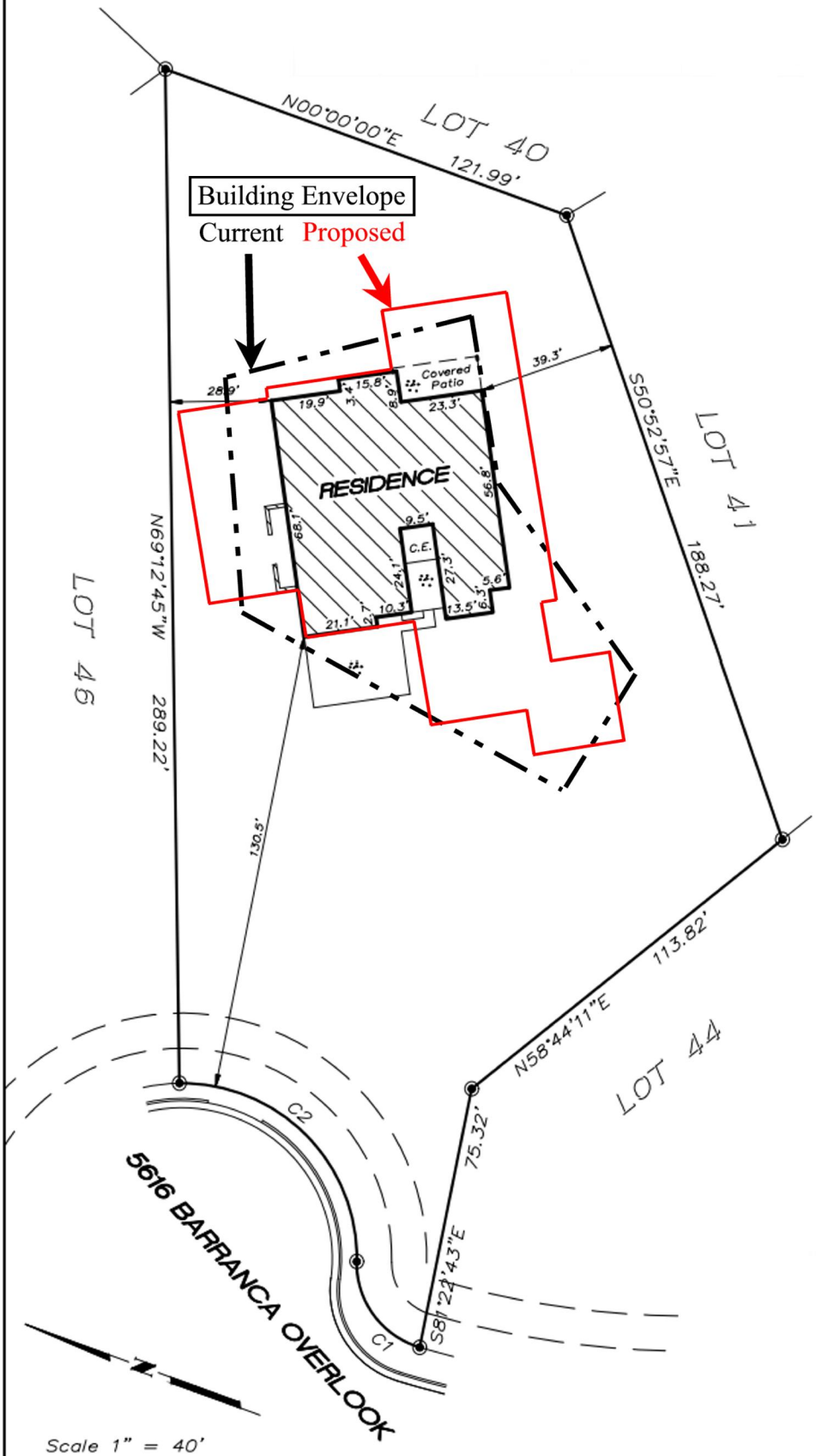
Sincerely yours,

Bob L. Arellano
Homeowner

Reola K. Arellano
Homeowner

Building Envelope Modification Request

Lot 45 Block "A"
Highland Meadows Unit 2
City of Rio Rancho
Sandoval County, New Mexico



E-RECORDED

ID: 202200597O

County:

Date: Time:

Return to First American Title Insurance Company
File No. 2663385-AL01 MH

SPECIAL WARRANTY DEED

Hakes Brothers ABQ, LLC, a New Mexico limited liability company, for consideration paid, grant to Bob L. Arellano and Reola K. Arellano, as Trustees of The Arellano Revocable Living Trust, dated May 5, 2016, whose address is 5616 Barranca Overlook, Rio Rancho, NM 87114, the following described real estate in Sandoval County New Mexico:

LOT NUMBERED FORTY-FIVE (45), IN BLOCK LETTERED "A", OF THE FINAL PLAT OF HIGHLAND MEADOWS UNIT 2, MARIPOSA, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON NOVEMBER 16, 2006 IN MAP BOOK 3, FOLIO 2735B.

Subject to reservations, severances, restrictions, and easements of record and taxes for the year2022 and subsequent years.

with special warranty covenants.

WITNESS our hands and seal this Twenty-eighth day of February, 2022.

Hakes Brothers ABQ, LLC, a New Mexico limited liability company

By:
Name: Christopher Hakes
Title: President of Albuquerque Division

Representative Capacity

State of New Mexico)
) §
County of Bernalillo)

This instrument was acknowledged before me on February 28, 2022, by Christopher Hakes as President of Albuquerque Division of Hakes Brothers ABQ, LLC, a NM LLC, on behalf of said LLC .

My commission expires: 10/5/22

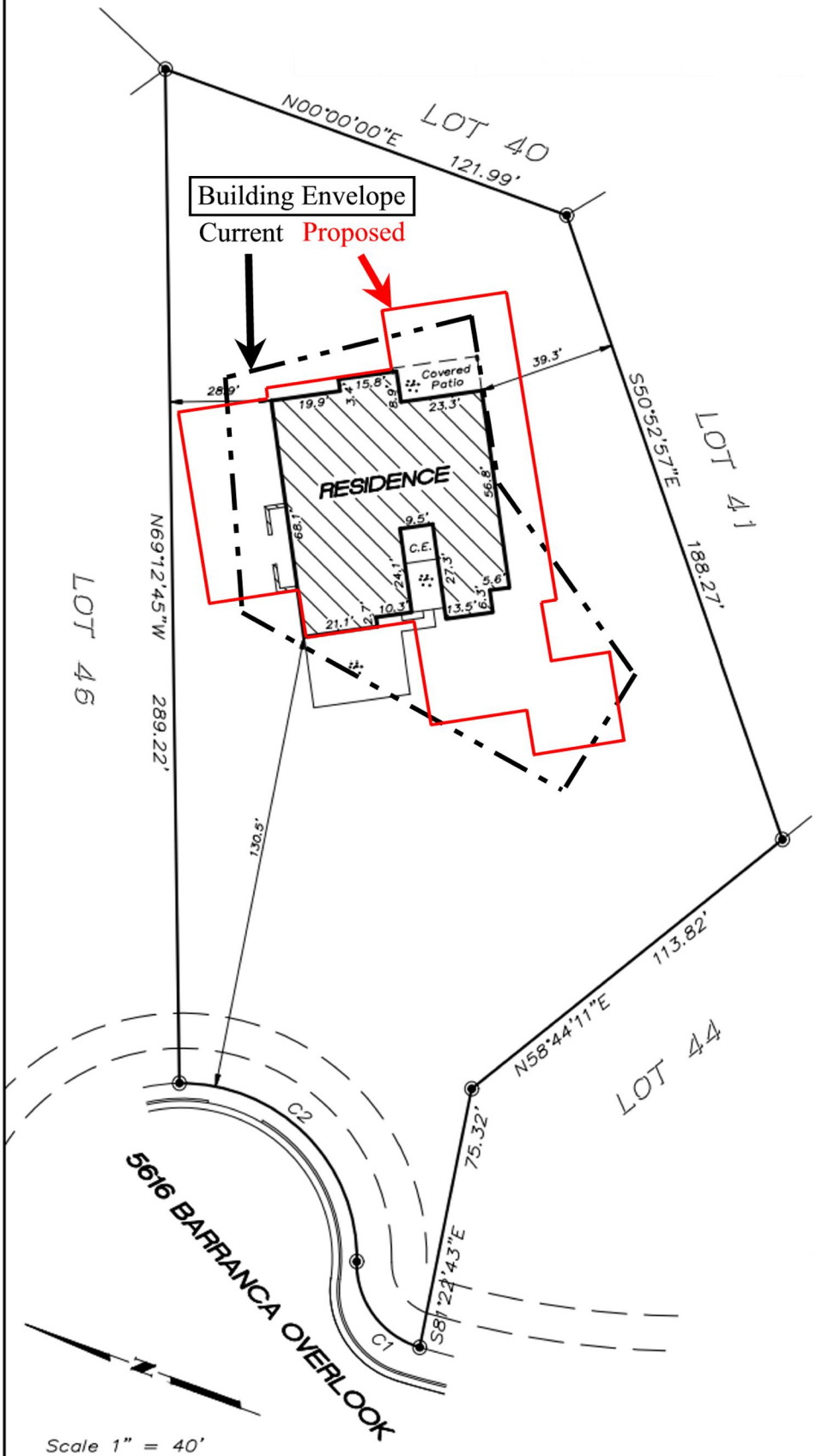
Notary Public

(Seal)

STATE OF NEW MEXICO
NOTARY PUBLIC
MARY J. HEWITT
COMMISSION #1075493
COMMISSION EXPIRES 10/05/2022

Building Envelope Modification Request

Lot 45 Block "A"
Highland Meadows Unit 2
City of Rio Rancho
Sandoval County, New Mexico



Building Envelopes at Mariposa

Zoning districts within the City of Rio Rancho have in the past traditionally provided for the establishment of building setbacks based upon standard dimensions from front, rear, and side property lines as prescribed in the City of Rio Rancho Planning, Zoning and Land Use Management Ordinance. While this approach creates a condition of dependability and continuity for landowners and developers, it does not adequately address preservation of the land, respect for the topography and protection of the fragile landscape at Mariposa. The reliance on setback restrictions alone is not adequate for all circumstances at Mariposa, especially for large lot residential development in the Estate and R-1 zone classifications, where taking advantage of opportunities for protection and preservation of the natural landscape may be a priority.

In order to minimize disturbance of natural landforms and limit encroachment of buildings into the natural environment, "Building Envelopes" (defined below) may be used as provided for in the newly adopted Zone Ordinance Amendment in the Estate and R-1 zones. Building Envelopes can be custom designed to respond to the specific site conditions on the lot and are often the most effective tool for responding to site topography, preserving significant existing vegetation, preserving natural drainage patterns and responding to limiting soil conditions. Building Envelope design will also take into consideration the creation and preservation of view opportunities and view corridors from individual and groups of lots.

Building Envelopes will be legally defined and recorded on the final plat for each portion of the development in the Estate zone and may be defined and recorded on final plats in certain portions of Mariposa's R-1 zones that are not mass graded, thus establishing setbacks on an individual lot basis to preserve the valuable qualities of the site and surrounding landscape.

Building Envelope Use

If a Building Envelope is included at the time of plat, appropriate placement of the Building Envelope within the setback area will be allowed. Building Envelopes will serve as the property setbacks when defined on final plats in the Estate and R-1 zone districts. Final Plats that use Building Envelopes shall be accepted, in accordance with the adopted Chapter 9 Zone Code Amendments, by the City of Rio Rancho to delineate the building setbacks for the Estate and in the larger R-1 zone classifications in Mariposa.

Building Envelope Definition

"Building Envelope" means an area prescribed on the plat of an individual lot which limits development of the lot in response to topographic, drainage, and other natural features of the site. No part of the residence (including garage, porch, attached or detached structure), wall, fence, non-native landscaping, artwork or sculpture, bench, picnic table or improved yard may be located outside the Building Envelope or encroach through a plane which extends

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vertically from the Building Envelope. Building Envelopes will be located a minimum of twenty (20) feet from the front and rear property lines and ten (10) feet from the side property lines. Any disturbance outside a Building Envelope created during construction must be restored to natural or near natural condition.

The following improvements are allowed outside a Building Envelope: driveway from street (and associated culverts, guest parking, turning area, etc.), sidewalk from street, underground utility connections (water, sanitary sewer, electric, gas, telephone, cable TV, etc.), above ground utility improvements (such as meters, transformers, etc.), mailbox, landscape irrigation, native landscape material, natural material retaining walls and water harvesting/drainage improvements.

Lot Sizes, Setbacks and Water Conservation

Front yard setbacks may be reduced in some areas in Mariposa in an effort to minimize water and energy use for front yard landscaping, and to allow for densities in support of sustainable development. Setbacks at Mariposa are listed below. Please note that "BE" indicates the use of a building envelope to define the developable area of the site.

Ordinance No. 33
AMENDED JANUARY 2019

Zone District	Front	Side	Rear
E-1	BE[1]	BE	BE
R-1	BE/10[2]/20G[3]	BE/5	BE/15/5G[4]
R-4	10[2]/20G[3]	5	10
R-5	10[2]/20G[3]	5	10

[1] BE indicates Building Envelope
[2] Also applies to garage with door that is perpendicular to the front property line/ street or that is rear-facing. Garage must incorporate architectural elements (e.g. windows) that are similar to those applied to the primary dwelling unit.
[3] Applies to garage with door that faces the front property line/street.
[4] Applies to garage set back from rear property line, provided that:

1. *Except for structures permitted to project into the required setbacks on the R-1, Single Family Residential, District noted in the Code of Ordinances, only private garages, as defined by Code of Ordinances, are permitted within the rear garage area (defined as the area bounded by 5-foot side setbacks, 15-foor rear setback and 5-foot rear garage setback);*
2. *The sum of all private garage area within the rear garage area shall not exceed 50 percent of the rear garage area;*
3. *All alley-loaded private garages with doors that face the rear property line/ alley shall abide by the 15-foot rear setback. Alley-loaded private garages with doors that are perpendicular to the rear property line/alley or that are front-facing are permitted within the rear garage area.*

The Mariposa Standards and Guidelines for Sustainability will be used to establish the highest standard of quality for the design of the buildings, as well as site planning and landscaping, and will address the issue of entry design. Exterior doorways and entryways at Mariposa will provide shade protection, depth and a strong shadow-line. They will provide a focal point at the entryway, with courtyards at or near the entry encouraged. All homes will face the address street or create a presence on the address street. Street presence can be created by including elements such as windows, site walls, gates, portals, courtyards and landscaping in the architectural design or site plan.

Street Lighting

In order to conserve energy and preserve night views and dark skies, street lights in the Estate and R-1 zone classifications in Mariposa will be limited to major intersections and the ends of cul-de-sacs. Street lighting throughout the remainder of the project will be at standard City spacing. All streetlights will be bronze shoebox style luminaires with bronze poles or similar fixtures if these specific fixtures are not available, and the light source will include shielding to direct illumination and reduce glare.

Floor Area Ratio

The Floor Area Ratio is the ratio of the heated floor area (including multiple stories) of the structures to the Lot. In order to insure houses are in appropriate proportion to their Lot, the following floor area ratios shall apply.

Lot Type	Floor Maximum Area Ratio
Estate	.25
Highland	.50

Building Envelope Changes

Building Envelopes may be reconfigured and increased in size if approved by the Founder and after the change is officially approved through the process defined by the City, including a replat of the lot.

Requirements and Recommendations:

1. **Before the Founder will consider a proposal to reconfigure a Building Envelope the Lot Owner must obtain written consent from all affected lot owners as determined by the Founder and must furnish in writing such Lot Owner Approvals to the Founder.**
2. **The Founder carefully reviews requests to reconfigure Building Envelopes because of the possibility that reconfiguration could negatively impact views from nearby lots and, or have negative drainage, or other impacts and thereby be deemed unacceptable to the Founder. Approval of a Building Envelope reconfiguration by affected Lot Owners does not guarantee Founder approval. Any such approval is at the absolute discretion of Founder.**
3. **If an Owner is combining two contiguous Lots and wishes to reconfigure and increase the size of a Building Envelope, the area of the new Building Envelope, of the combined lot may not be larger than 18,000 square Feet. In this circumstance, Founder will consider a request to reconfigure a Building Envelope only after all affected Lot Owners have given written approval of such reconfiguration to Founder.**
4. **The Founder will not consider an increase in Building Envelope sizes unless the lots meet minimum size requirements: (1) Estate lots must be at least 1.75 acres in size and the maximum Building Envelope size would be 15,000 square feet; (2) Highlands lots must be at least 1 acre in size and the maximum Building Envelope size would be 12,000 square feet.**
5. **In the case where two Lot Owners acquire an intervening Lot, divide the intervening lot and combine the divided portions of the lot into theirs, through the process described in these Guidelines, and request a Building Envelope reconfiguration, the Founder will not approve an increase in size beyond 15,000 square feet for either of the two Building Envelopes.**
6. **A request to increase (a variance from the size limitation) the area of a Building Envelope for either Estate lots or Highland lots will only be considered by the Founder after written justification for any such request is provided by the owner or the owners agent based on the variance procedures outlined in the guidelines. A copy of the variance procedure is available from the Founder. An increase in the size and configuration of a Building Envelope will require the written consent of all affected lot owners as determined by the Founder and a re-plat of the lot through the City of Rio Rancho process.**
7. **An increase in the size and/or reconfiguration of a Building Envelope may only be granted by the Founder, in it's sole and absolute discretion.**
8. **Any replat of a Building Envelope or Lot requires the signature of the Founder on the proposed replat, before the replat can be presented to the City for processing.**

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9. **Approval of any Building Envelope reconfiguration by the Founder does not imply or guarantee City approval.**
10. **Once a Building Envelope reconfiguration has been approved by affected Lot Owners, the Founder, the City and a replat recorded, any additional reconfiguration, including any reconfiguration back to the original configuration, must again be approved in writing by the affected Lot Owners, the Founder, the City and a replat of the Building Envelope through the City process.**
11. **In the case where contiguous Lots are combined, a reconfigured Building Envelope may span the former lot line if all the approvals noted in these Guidelines are received.**

BUILDING SITING AND ORIENTATION

Lot Pattern and Orientation

The challenge of site planning at Mariposa is to balance topography, views and solar orientation. The lot pattern organization should conform to the existing landforms and respect existing drainage ways while maximizing the density on site. The intent is to portray a clear sense of community identity and values through the spatial organization of the lots and the community form. In the master planning process, densities were matched to the topographic condition, with the highest densities on flattest land and the lowest density on the steep slopes or land heavily dissected by arroyos.

Views

Spectacular views to the preserve at Mariposa occur to the north and toward the northeast clockwise to the southeast expansive views of the Jemez, Sangre de Cristo, Ortiz and Sandia Mountains can be seen. The intent is to maximize the public's and individual homeowner's exposure to these views. In addition, views to and from public access corridors should be maintained to give homeowners visual access to these areas as well as providing the open space user a more expansive experience along these corridors.

Building Envelopes are designed, not only to minimize disturbance, preserve historical drainage patterns and preserve significant vegetation, but to also create and preserve view opportunities. Because Building Envelopes are predetermined and defined on a recorded plat, it is suggested that views be directed away from adjacent Building Envelopes and be directed toward open space and arroyo corridors.

Solar Orientation

Orienting homes in the optimum solar orientation for passive heating and cooling can reduce yearly energy bills by up to 30 -40%. This can be achieved through preservation of solar access, proper orientation, and fenestration. Lot patterns with homes oriented in a north/south direction experience solar variation on a seasonal basis. Lot patterns with homes oriented in an east/west direction experience solar variation on a daily basis. The latter requires more mitigating factors to make use of passive cooling and heating.

Generally maximum façade length, window area, and living spaces should be located on the south side. Window openings should be minimized and well insulated on the North side. Circulation, support and storage spaces should be located on this side. East and West façade lengths should be minimized to limit the amount of solar gain during summer months. Through the combination of solar orientation solar access, ventilation, and insulation, a typical home can vastly improve indoor

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FUNDAMENTAL CONCEPT OF LIMITING SITE DISTURBANCE

In order to minimize site disturbance, strict limits have been placed upon the portions of a lot that can be disturbed by construction. The area where construction can occur is defined as the Building Envelope and within the Building Envelope may be a Private Area. An area around the perimeter of the Building Envelope, known as the Transition Area, is made available for disturbance only during the construction period and is intended to provide for the circulation of construction vehicles, access by workers, and the storage of construction materials. This Transition Area must be fenced prior to the start of construction. Outside of the Building Envelope and Transition Area is the Natural Area of the lot or site. This area is to remain free from any and all construction disturbance.

SITE DEFINITIONS AND REQUIREMENTS

Building Envelope

Estate and Highland lots at Mariposa have been configured to capitalize on the best features of the land. The Lots are large so that each home can be located in a manner that allows the enjoyment of the scenic beauty, extraordinary views and natural environment. To ensure that these qualities are protected, each estate and highland lot has a designated area, within which building can occur, called the "Building Envelope." This boundary delineates the maximum area in which any proposed building or improvement and non-native landscape must be sited. Estate lots generally have a 12,000 square foot Building Envelope and average approximately one acre in size. Highland lots generally have a 9,000 square foot Building Envelope and average between ½ acre and ¾ acre in size.

Requirements and Recommendations:

1. **The Building Envelope is predetermined for each Lot and is identified on the Plat, which was approved by the City of Rio Rancho (City) and recorded in the office of the County Clerk.**
2. **No part of the residence (including garage, porch, attached or detached structure), or any wall (excluding natural stone retaining walls), fence, or any other structure, or non-native landscaping, bench, picnic table or improved yard may be located outside the Building Envelope, or encroach through a plane which extends vertically from the Building Envelope, except as allowed for in these Guidelines.**
3. **The Building Envelope is configured to respond to topography, to maintain natural drainage patterns, to avoid impact on significant vegetation and to create and preserve view opportunities.**
4. **Plans should give early consideration to planned future expansions and uses, such as guesthouses, shade structures, swimming pools, etc., so they may be accommodated within the Building Envelope.**
5. **The following improvements are allowed outside a Building Envelope: driveway from the street (and associated culverts, guest parking, turning area, etc.), sidewalk, or path from street, underground utility connections (water, sanitary sewer, electric, gas telephone, cable TV, etc.), mailbox, landscape irrigation, native landscape material, natural material retaining walls and water harvesting/drainage improvements.**

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BRIAN BABYAK

From: jeichorn2@comcast.net
Sent: Monday, August 28, 2023 4:30 PM
To: BRIAN BABYAK
Cc: 'Bob Arellano'; 'Tracey Cravens-Gras'; khearty@ccmcnet.com; 'Christian Passalacqua'
Subject: FW: Building Envelope Modification - 5616 Barranca Overlook PL NE, Rio Rancho, NM

Caution! This message was sent from outside your organization.

Hello Brian,

Hope you are doing well. I have reviewed Mr. Arrellano's request and drawing shown bellow that will reconfigure the building envelope for Lot 45, Block A, in Highland Meadows Unit 2 subdivision at 5616 Barranca Overlook Place NE in Mariposa. Mr. Arrellano has verified to me that the new building envelope will be 9,000 square feet or less which is our requirement.

Pleas consider this email as Mariposa Founder approval for the proposed building envelope change shown in the email chain below. Pleas contact me if you have any questions.

Thank you very much,

Jack Eichorn
Mariposa Project Manager
505-249-6593

From: Navy Supporter <navyfan2018@gmail.com>
Sent: Monday, August 28, 2023 1:35 PM
To: Jack Eichorn <jeichorn2@comcast.net>
Subject: Fwd: Building Envelope Modification - 5616 Barranca Overlook PL NE, Rio Rancho, NM

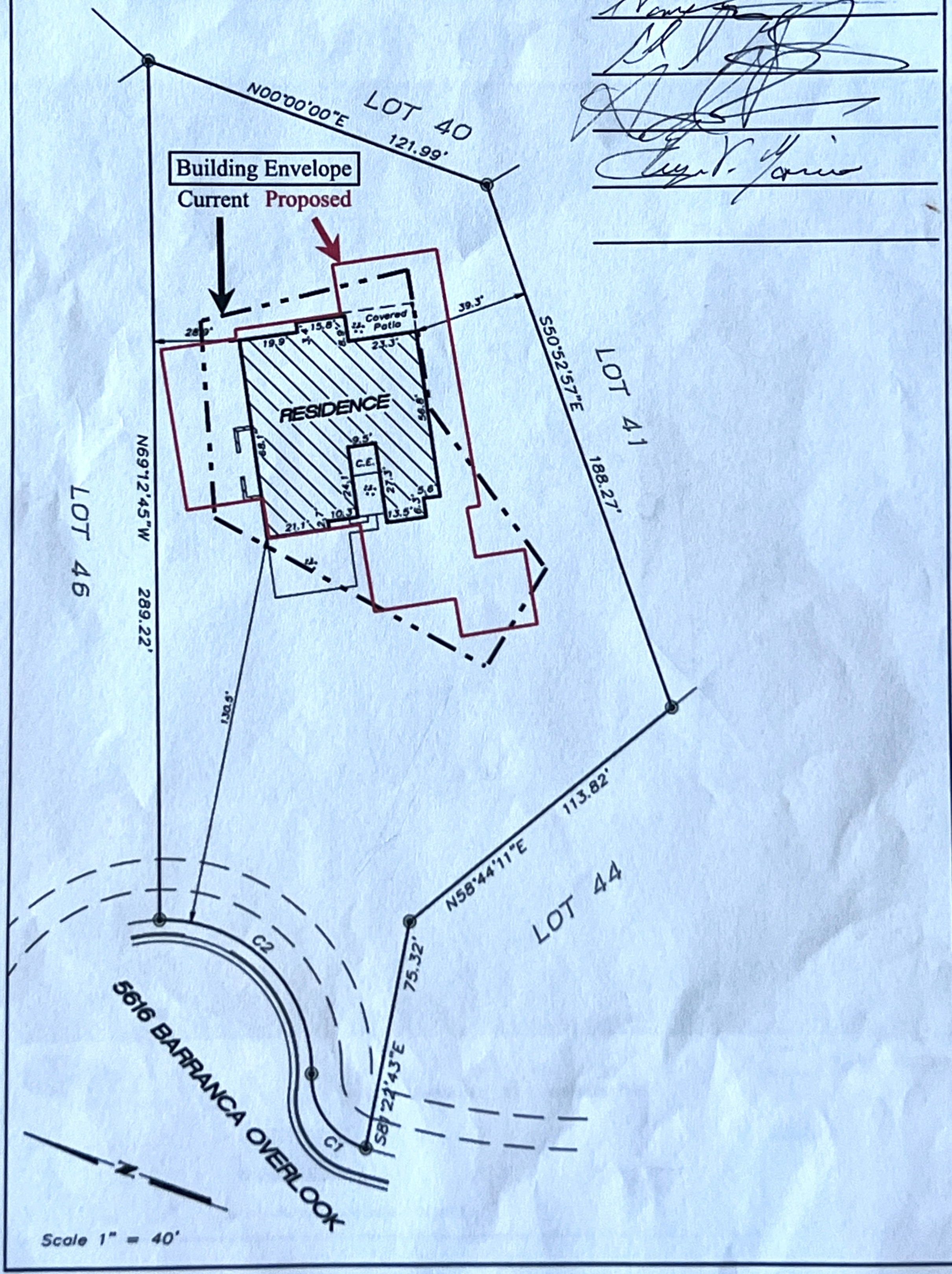
Good Afternoon Jack,
The City of Rio Rancho requires a letter from you "Founder" for me to proceed with my proposed Building Envelope modification.

Regards.
Bob Arellano

Building Envelope Modification Request

Lot 45 Block "A"
Highland Meadows Unit 2
City of Rio Rancho
Sandoval County, New Mexico

Neighbors



DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: August 29, 2023

TO:
(X) Development Services –David Serrano, Amy Rincon
(X) Fire and Rescue – Jessica Duron-Martinez
(X) Police - Justin Garcia
(X) SSCAFCA – Andy Edmondson, Sara Rassa
(X) Parks and Recreation - Dyane Sonier
(X) Rio Rancho Public Schools – Michael Baker
(X) MRCOG – Peach Anderson-Tauzer

FROM: **Development Services Department, Planning & Zoning Division**

RE: Preliminary/Final Plat DSD #23-220-00015 (5616 Barranca Overlook Pl NE)

This is a transmittal for a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. The Building Envelope is proposed to be reconfigured to allow for improved access and more useable space, through the addition of a concrete pad with a patio cover, and a block wall to screen trash receptacles. The square footage of the home will remain the same.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Friday, September 8, 2023**. If redline comments are made on the application, please also provide me with a copy. Please contact Liz Ruiz Carlos at 505-896-8785 or e-mail lruizcarlos@rrnm.gov if you have any questions or would like to review a hard copy at my office.

This item has been reviewed and is hereby:
(x) RECOMMENDED FOR APPROVAL
(_) RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
(_) RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

No adverse comments.

Peter Prukop — Reviewer

9/1/2023 — Date

DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: August 29, 2023

TO:
(X) Development Services –David Serrano, Amy Rincon
(X) Fire and Rescue – Jessica Duron-Martinez
(X) Police - Justin Garcia
(X) SSCAFCA – Andy Edmondson, Sara Rassa
(X) Parks and Recreation - Dyane Sonier
(X) Rio Rancho Public Schools – Michael Baker
(X) MRCOG – Peach Anderson-Tauzer

FROM: **Development Services Department, Planning & Zoning Division**

RE: Preliminary/Final Plat DSD #23-220-00015 (5616 Barranca Overlook Pl NE)

This is a transmittal for a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. The Building Envelope is proposed to be reconfigured to allow for improved access and more useable space, through the addition of a concrete pad with a patio cover, and a block wall to screen trash receptacles. The square footage of the home will remain the same.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Friday, September 8, 2023**. If redline comments are made on the application, please also provide me with a copy. Please contact Liz Ruiz Carlos at 505-896-8785 or e-mail lruizcarlos@rrnm.gov if you have any questions or would like to review a hard copy at my office.

This item has been reviewed and is hereby:
(X) RECOMMENDED FOR APPROVAL
(_) RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
(_) RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

Fire has no adverse comments at this time

Gerard Bauer — Reviewer

9/12/2023 — Date

DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: August 29, 2023

TO:
(X) Development Services –David Serrano, Amy Rincon
(X) Fire and Rescue – Jessica Duron-Martinez
(X) Police - Justin Garcia
(X) SSCAFCA – Andy Edmondson, Sara Rassa
(X) Parks and Recreation - Dyane Sonier
(X) Rio Rancho Public Schools – Michael Baker
(X) MRCOG – Peach Anderson-Tauzer

FROM: **Development Services Department, Planning & Zoning Division**

RE: Preliminary/Final Plat DSD #23-220-00015 (5616 Barranca Overlook Pl NE)

This is a transmittal for a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. The Building Envelope is proposed to be reconfigured to allow for improved access and more useable space, through the addition of a concrete pad with a patio cover, and a block wall to screen trash receptacles. The square footage of the home will remain the same.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Friday, September 8, 2023**. If redline comments are made on the application, please also provide me with a copy. Please contact Liz Ruiz Carlos at 505-896-8785 or e-mail lruizcarlos@rrnm.gov if you have any questions or would like to review a hard copy at my office.

This item has been reviewed and is hereby:
(_) RECOMMENDED FOR APPROVAL
(_) RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
(_) RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

MRMPO has no adverse comments.

Peach Anderson-Tauzer
Reviewer

9-8-2023
Date

DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: August 29, 2023

TO:
(X) Development Services –David Serrano, Amy Rincon
(X) Fire and Rescue – Jessica Duron-Martinez
(X) Police - Justin Garcia
(X) SSCAFCA – Andy Edmondson, Sara Rassa
(X) Parks and Recreation - Dyane Sonier
(X) Rio Rancho Public Schools – Michael Baker
(X) MRCOG – Peach Anderson-Tauzer

FROM: **Development Services Department, Planning & Zoning Division**

RE: Preliminary/Final Plat DSD #23-220-00015 (5616 Barranca Overlook Pl NE)

This is a transmittal for a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. The Building Envelope is proposed to be reconfigured to allow for improved access and more useable space, through the addition of a concrete pad with a patio cover, and a block wall to screen trash receptacles. The square footage of the home will remain the same.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Friday, September 8, 2023**. If redline comments are made on the application, please also provide me with a copy. Please contact Liz Ruiz Carlos at 505-896-8785 or e-mail lruizcarlos@rrnm.gov if you have any questions or would like to review a hard copy at my office.

This item has been reviewed and is hereby:
(_) RECOMMENDED FOR APPROVAL
(_) RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
(_) RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

SSCAFCA has no comment.

Reviewer

8/31/2023
Date

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

September 8, 2023

RE: Preliminary/Final Plat,
Case No. 23-220-00015
5616 Barranca Overlook Pl NE (HLMM2, Blk A, Lot 45)

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 applicants, Bob and Reola Arellano, request approval of a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. The subject property is zoned E-1: Estate Residential and consists of .92 acres.

The **Planning and Zoning Board** will consider the request and have the final approval on **Tuesday, September 26, 2023** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below.**

On the back of this letter is a location map of the project, with the subject property identified with the black 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.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=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please do not hesitate to contact me via e-mail me at lruizcarlos@rrnm.gov or call me at 505-896-8785, 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.rrnm.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,

Liz Ruiz Carlos

Liz Ruiz Carlos
Municipal Planner II
Development Services Department
City of Rio Rancho

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

5616 BARRANCA OVERLOOK PL NE
PRELIMINARY/FINAL PLAT

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
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting on Tuesday, September 26, 2023 at 6:00 pm:

Preliminary/Final Plat
Case #23-220-00015
The applicants, Bob and Reola Arellano, request approval of a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. The subject property is zoned E-1: Estate Residential and consists of .92 acres.

Zone Map Amendment
Case #23-100-00005
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

Specific Area Plan
Amendment Request
Case#23-410-00005
The applicant, J Jacob Enterprises, Inc. requests approval of an amendment to the Lomas Negras Specific Area Plan.

Text Amendment
Case #22-105-00002
The applicant, City of Rio Rancho, requests a text amendment to repeal and replace City of Rio Rancho Code of Ordinances (R.O. 2003) Chapter 156. Sign Regulations.

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 11, 2023

Notice Map:

- - First Class mail to abutting properties

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-410-00005

AGENDA DATE:
September 26, 2023

DEPARTMENT:
Development Services

SUBJECT:
Specific Area Plan Amendment. The applicant, J Jacob Enterprises, Inc. requests approval of an amendment to the Lomas Negras Specific Area Plan. Staff contact is Liz Ruiz Carlos and staff recommends the Planning and Zoning Board recommend approval of the Specific Area Plan Amendment to the Governing Body, with findings and conditions.

BACKGROUND AND ANALYSIS:
The applicant, J Jacob Enterprises, Inc. requests approval of an amendment to the Lomas Negras Specific Area Plan to change the Land Use Map and Future Land Use Table. A proposed Zone Map Amendment to change the zoning of Unit 13, Block 68, Lots 5, 6, 7, and 8 is being heard concurrently under case #23-100-00005.

This proposed Specific Area Plan Amendment is to update the Land Use Map (Exhibit 13) and Exhibit 12: Future Land Use Table, in the Lomas Negras Specific Area Plan (LNSAP); to allow for compliance with the proposed Zone Map Amendment. The amendment requests the proposed Land Use be amended from "Neighborhood Corridor" to "Community Commercial" for the area legally described as Unit 13, Block 68, Lots 5-8.

Under the "Neighborhood Corridor" land use category (section 4.2 of LNSAP), R-3: Multi-Family Residential is a permissive zoning designation with a recommended high density land use of 29.0 DU/Acre (R-3 in City Code Section 154.10 allows up to 26 DU/Acre). In the requested amendment to "Community Commercial" land use, R-6: Multi-Family Residential is a permissive zoning designation with a recommended density of 35.6 DU/Acre (R-6 in City Code Section 154.13 allows up to 50 DU/Acre). The concurrent Zone Map Amendment application request is for Special Use: R-6: Multi-Family Residential Uses and includes a site plan with 150 dwelling units on four acres (37.5 DU/Ac), which would closely align with the recommendation of the LNSAP and be in conformance with City Code Section 154.13 (B)(3).

This area is bounded by Inca Rd NE to the north and Idalia Rd NE to the south, and is located northwest of the Inca Rd NE and Broadmoor Blvd NE intersection.

The Lomas Negras Specific Area Plan was adopted June 25, 2008 under Resolution No. 56, Enactment No. 08-51; amended on July 8, 2009, pursuant to Resolution No. 75 Enactment 09-74; and again on February 23, 2011, pursuant to Resolution No. 15 Enactment 11-17. Updates to the Land Use Map were made under Resolution No. 54, Enactment No. 21-53 and Resolution No. 69, Enactment No. 21-068.

The current Land Use Map for the Lomas Negras Specific Area Plan is attached, with a separate

attachment identifying the Resolutions updating the Land Use Map or errors on previous versions of the Land Use Map also included (see "with notes" attachment).

REVIEW CRITERIA:
The City's Comprehensive Plan states that "the City will rely on the development of Specific Area Plans and Master Plans for identifying a specific land use at the parcel-level. Specific Area Plans and Master Plans are a part of the Land Use Element and are used as a statement of policy to guide land use decision making by the Governing Body." The City's Comprehensive Plan further outlines the type of material expected to be included in a Specific Area Plan or Master Plan. Staff has used the list as the guiding policy on whether the amendments fit with Specific Area Plans in general.

The applicant's justification letter states: “the purpose of the Community Center is intended to provide city-wide opportunities for housing, shopping, employment, and industry. Community centers are generally located 2 to 5 miles apart and potentially serve major discount retailers. Community centers include one to five-story non-residential and multi-family residential buildings. Multi-family homes are permitted at the perimeter of the district. Parking accommodations are made with tree shaded and screened, surface parking lots broken into small areas."

The applicant states in their justification letter that the request furthers the following Goals and Objectives of the Lomas Negras Specific Area Plan:

- 3.1 Land Use, Goal 1: Promote a variety of housing choices including low- and medium-density single family residential uses and high-density multi-family residential uses.
- 3.4 Urban Design, Goal: Create neighborhood centers and corridors within walking distance of residences and with a balance of retail, office, and multi-family uses.

Staff recommends the Planning and Zoning Board find that the proposed amendment to the Land Use Map in the LNSAP meets the intent, Goals and Objectives of the Specific Area Plan by enabling a variety of housing and commercial uses and zoning districts under the Community Commercial Land Use. The Community Commercial Land Use allows for higher density multi-family land uses under R-6 zoning and more permissive commercial uses under C-2 zoning. Community Commercial also allows for C-1, SU/MU, and MU/A similar to the existing Neighborhood corridor. The proposed Land Use accomplishes the Land Use goal of the LNSAP: "Develop land use categories which allow for choice of a variety of zoning districts and which mitigate impacts on surrounding uses through design standards."

The request allows for a corridor of possible multi-family, mixed-use, or commercial zoning adjacent to a minor arterial (Idalia Rd) and in close proximity to a principal arterial (Northern Blvd), accomplishing the Urban Design goal, Land Use Goal 2 of the LNSAP, and Comprehensive Plan Goal L-1 by "Encourag[ing] mixed uses – retail, office, residential, and community uses – pedestrian-oriented and clustered around corridors and activity centers."

The remaining Neighborhood Corridor land use categories surrounding the site may also allow for future pedestrian connections between the proposed Community Center Land Use and future commercial developments, furthering the goals of pedestrian oriented development and limiting development exclusively oriented around automobile access. Specifically, the request may further Policy L-3 of the City Comprehensive Plan: "Promote and support development that incorporates walkability."

Staff recommends that the Planning and Zoning Board find that the proposed amendment accomplishes these goals by allowing for a variety of housing choices and commercial development. The change in land use to Community Center, allows for additional high-density multi-family development under the R-6 zoning designation. Staff recommends this change in Land Use furthers Goal 1 of the LNSAP, as recent amendments to the SAP Land Use Map have eliminated a

net total of 15.26 acres of "High Density Residential" Land Use since 2018.

The request for Community Commercial and the allowance of R-6: Multi-family zoning under this Land Use may also accomplish Goal PH-3: "Promote a variety of housing types to meet the needs of all members of the community" and Policy PH-1: "Promote quality, community-friendly multifamily development, through features such as enhanced open space and pedestrian connectivity" of the City Comprehensive Plan.

Staff recommends the Planning and Zoning Board recommend approval of the request to amend the Land Use Map and Future Land Use Table of the Lomas Negras Specific Area Plan, as the request conforms with and furthers the goals, policies, and objectives of the Lomas Negras Specific Area Plan and City Comprehensive Plan.

SITE ANALYSIS: The Lomas Negras Specific Area Plan was adopted June 25, 2008 under Resolution No. 56, Enactment No. 08-51; amended on July 8, 2009, pursuant to Resolution No. 75 Enactment 09-74; and again on February 23, 2011, pursuant to Resolution No. 15 Enactment 11-17.

The plan encompasses an area of 981 acres located in Unit 13, containing the Mirador del Sol, High Range 1-5, Tierra del Oro, Tierra del Norte, Solcito, Melon Ridge, Stonegate, and Scottish Isle Master Plan areas. It is bounded by Montezuma Blvd NE on the north, Loma Colorado Blvd NE on the east, Montoyas Arroyo on the west, and Idalia Rd NE on the south. Overlap occurs in Blocks 68 and 77 with the Del Norte Specific Area Plan. The overlay zone for that plan applies in these locations.

The subject property area is bounded by Inca Rd NE to the north and Idalia Rd NE to the south, and is located north of the Idalia Rd NE and Broadmoor Blvd NE intersection.

LAND USE: The subject property being amended in the Specific Area Plan currently has a "Neighborhood Corridor" land use in the Lomas Negras Specific Area Plan (Exhibit 13), and a "Commercial (Neighborhood, Community), Mixed-Use, Office" Land Use in the Generalized Land Use Map, Map L-2 in the City Comprehensive Plan. The proposed amendment would update the Specific Area Plan to reflect a "Community Commercial" land use and the proposed amendment to the LNSAP conforms with the GLUM, Map L-2.

GRADING AND DRAINAGE: No proposed changes.
CIRCULATION: No proposed changes.
PHASING AND FINANCING: No proposed changes.
DESIGN STANDARDS: No proposed changes.

NOTIFICATIONS: Notifications were sent to affected property owners via certified letter, return receipt requested in conjunction with the Zone Map Amendment request. A legal advertisement was placed in the September 11, 2023 edition of the Albuquerque Journal. A sign was posted on the property one week prior to the hearing. All legal notification requirements have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW: See comments listed for Zone Map Amendment case #23-100-00005.

IMPACT:

The Development Services Department recommends that the Planning and Zoning Board approve the request for an amendment to the Lomas Negras Specific Area Plan subject to the findings and conditions below:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board may make a recommendation to the Governing Body on the applicant's request for an amendment to the Lomas Negras Specific Area Plan.
2. The applicant has the authority to make an application to request an amendment to the Lomas Negras Specific Area Plan.
3. The applicant and adjacent property owners received due process, as proper notice and an opportunity to present view was given.

SPECIFIC FINDINGS OF FACT AND CONDITONS FOR APPROVAL:

1. The change of Land Use from Neighborhood Corridor to Community Commercial does not adversely affect the goals and objectives of the Lomas Negras Specific Area Plan.
2. The change of Land Use to Community Commercial will be consistent with the goals and policies from the Land Use Element of the Comprehensive Plan.

ALTERNATIVES:

The Planning and Zoning Board may:

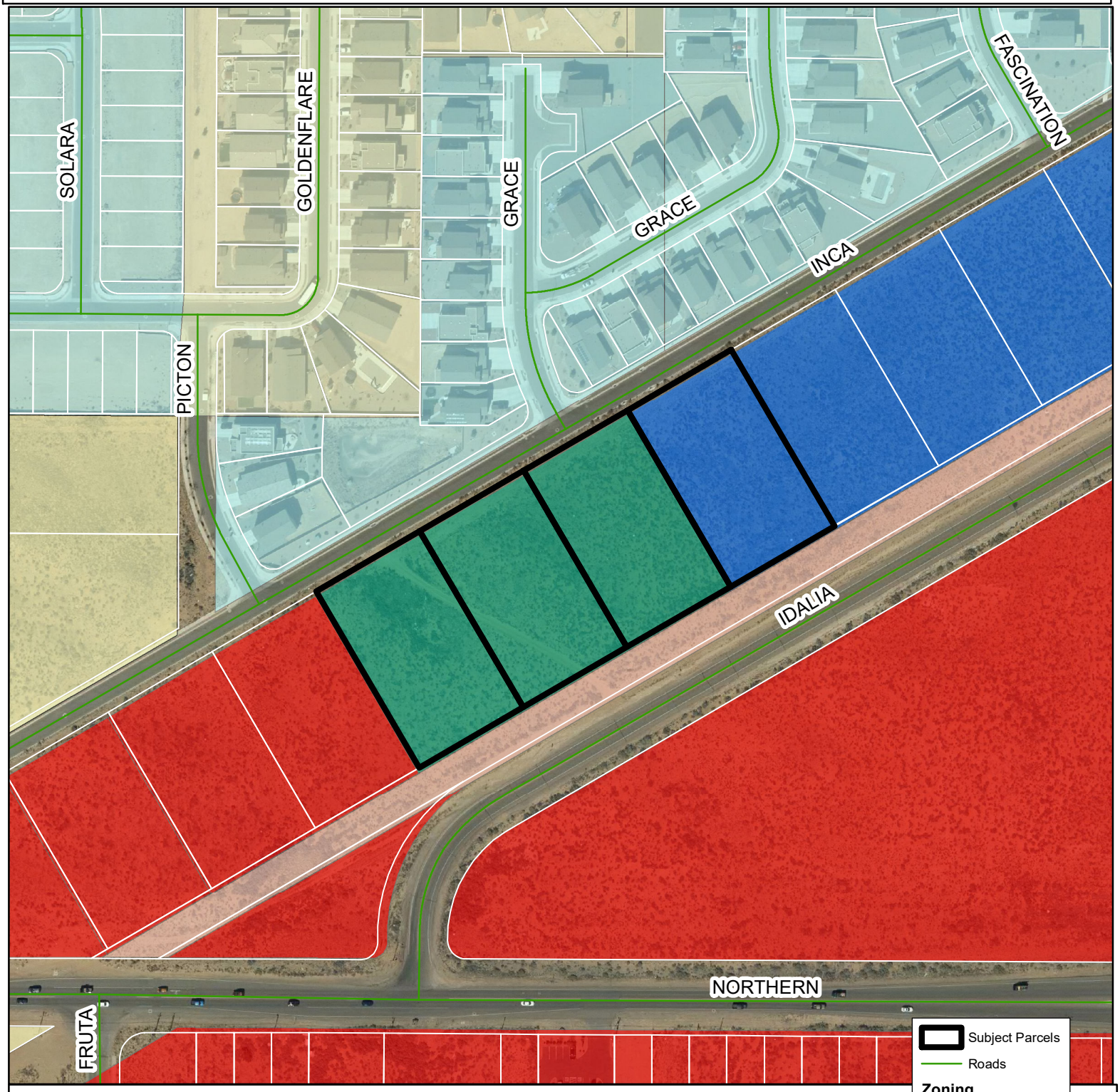
1. Recommend approval of the request to the Governing Body;
2. Recommend denial of the request to the Governing Body;
3. Modify the request and recommend the Governing Body approve such modifications;
4. Postpone the item and continue the public hearing in order to further review.

DEPARTMENT RECOMMENDATION:

Staff recommends the Planning & Zoning Board recommend approval of the Specific Area Plan Amendment to the Governing Body, with findings and conditions.

ATTACHMENT: Zoning, Location.pdf
ATTACHMENT: Updated Land Use Application.pdf
ATTACHMENT: Updated Justificaton Summary of Request.pdf
ATTACHMENT: Current Lomas Negras SAP Land Use Map
ATTACHMENT: Lomas Negras SAP Land Use Map with Notes
ATTACHMENT: Lomas Negras SAP Land Use Permissive Zoning Designations
ATTACHMENT: Reproduction of Notices.pdf
ATTACHMENT: Draft_Resolution_BMB_AR.docx

UNIT 13, BLOCK 68, LOTS 5-8
ZONE MAP AMENDMENT & SAP AMENDMENT



RioRancho City of Vision

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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.

GIS Moving Spatial Data Forward

Map Created by Liz Ruiz Carlos on 9/8/2023

Development Services Department, Ste. 130
3200 Civic Center Circle NE, Rio Rancho, NM 87144
(505) 891-5005

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

Administrative Permit	Plan	Subdivision	Zoning
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☐ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	☐ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Model Home / Sales Office	☐ Master Plan Amendment	☐ Vacation of Plat/Street	☐ Master Sign Plan
☐ Residential Child Care Facility 6 or <	☒ Specific Area Plan Amendment	☐ Street Name Change	☐ Site Plan
☐ Sign Permit	☐ Text Amendment	☐ Subdivision Interpretation	☐ Special Exception
☐ Other		☐ Subdivision Variance	☐ Variance
			☒ Zone Map Amendment
			☐ Zoning Certification
			☐ 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: J Jacob Enterprises, Inc.		Phone: (505) 344-5300
Address: 100 Sun Ave NE, Suite 600		E-Mail: jerome@jacobenterprises.com
City: Albuquerque	State: New Mexico	Zip: 87109
Proprietary Interest: Owner	List Owners: Jerome Maldonado	
Deed or Ownership Verification Provided: (Initials)	Letter of Authorization Provided: (Initials)	
Agent Name: Modulus Architects & Land Use Planning, Inc.		Phone: (505) 338-1499 ext. 1000
Address: 100 Sun Ave NE, Suite 600		E-Mail: angela@modulusarchitects.com
City: Albuquerque, NM 87109	State: NM	ZIP Code: 87109

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

This request is a two-part request, the 1) for a Zone Map Amendment / Site Plan Approval for SU/R-6 for a 150 Unit Multifamily project. Current zoning is SU/C-1 2) Amended Land User Map to Community Commercial – Amended Exhibit 12 Future Land Use Map Table to remove /C-1 on Idalia between 26th & 30th Lomas Negras Specific Area Plan

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Rio Rancho Estates	Block(s): 68	Lot(s): Lots 5 – 8
Existing Zoning: SU/C-1	Proposed Zoning: SU/R-6	
No. of existing lots: 4	No. of proposed lots: 4	Total area of site (acres) 4 Acres

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: Angela M. Williamson Piarowski	Applicant: Agent for Owner	Agent: Agent
Signature: Angela Piarowski		Date: 06/29/2023

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:** _____

MODULUS ARCHITECTS & LAND USE PLANNING, INC.

100 Sun Avenue, Suite 600
Albuquerque, NM 87109
Phone: (505) 338-1499

Planning and Zoning Board
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Updated September 3, 2023

Re: This is a Two-Part Request 1) Special Use Zone Map Amendment for SU/R-6 for the property legally described as: Unit 13, Block 68, Lot 5, 6, 7 & 8 Rio Rancho Estates – Approximately 4-Acres 2) Specific Area Plan Amendment for the Lomas Negras Specific Area Plan

Dear Planning and Zoning Board,

Modulus Architects & Land Use Planning, Inc., hereafter referred to as "Agent" for the purpose of this request, represents J Jacob Enterprises, Inc., hereafter referred to as the "Property Owner." The agent is requesting approval of a Special Use Zone Map Amendment (ZMA) and accompanying Site Plan for the parcels legally described above and below. The parcels (the "subject site") are a combined +/- 4.0 acres in size. Three of the parcels (5, 6 & 7) are zoned Special Use for C-1 and one parcel, (parcel 8) is zoned O-1. The second part of our request is to amend to Lomas Negras Specific Area Plan that makes the following changes: 1) Amended Land Use Map to Community Commercial and 2) Amended Exhibit 12: Future Land Use Table to remove SU/C-1 on Idalia between 26th & 30th Street.

The purpose of this letter is to provide the very pertinent background, policy analysis and justification for the proposed Special Use Zone Map Amendment request and Specific Area Plan Amendments. The site is currently vacant and undeveloped (See Figure 1). The legal description for the properties are Unit 13, Block 68, lot 5, 6, 7 & 8 Rio Rancho Estates, approximately 4 acres generally located north side of Idalia Road west of Braodmoor Boulevard.

This Special Use Zone Map Amendment request is to modify the existing Special Use zone for approximately 4 acres to change from the current SU/C-1 zoning to the proposed SU/R-6 zoning. A 150-unit multi family project is proposed to be constructed on the site with the approval of the Special Use Zone Map Amendment request. The apartment homes propose a mix of 1-bedroom and 2-bedroom units. Furthermore, a Plat will be processed to create the contiguous 4-acre parcel. This platting action will move forward at a later date, once the request for a Zone Map Amendment has been decided.

This request also includes the Amendment of the Lomas Negras Specific Area Plan that specifically would make two changes as follows:

1) Amend the Land Use Map to Community Commercial.

The **purpose of the Community Center** is intended to provide city-wide opportunities for housing, shopping, employment, and industry. Community centers are generally located 2 to 5 miles apart and potentially serve major discount retailers. Community centers include one- to five-story non-residential and multi-family residential buildings. Multi-family homes are permitted at the perimeter of the district. Parking accommodations are made with tree-shaded and screened, surface parking lots broken into small areas.

The requested R-6 Multifamily residential district is an allowable use in the Community Commercial Land Use area.

2) Amend Exhibit 12: Future Land Use Table to remove SU-C-1 on Idalia between 26th & 30th Street.

Exhibit 12: Future Land Use	Zoning Districts	Acreage	%	Density	Population
Community Center	C-2 designated (C-1, SU/MU, MU/A, R-6)	13.2	1.3%	-	0
Neighborhood Center	C-1 designated (CMU, O-1, O-2, SU/ MU, MU/A, R-3)	32.0	3.3%	-	0
Neighborhood Corridor **CMU on south side of Montezuma will be C-1 if lots consolidated*	C-1 designated CMU designated* (O-1, SU/ MU, MU/A, R-3)	37.7 0.0	3.8%	-	0
Office Corridor	O-1 designated O-2 designated	36.7 15.0	3.7% 1.5%	-	0
High Density Residential	R-6 R-3 undesignated	9.1 19.3 24.5	0.9% 2.0% 2.5%	32 36 34	291 1,055 1,401
Medium Density Residential	R-4 R-5 undesignated	15 2.5 0.0 33 0.3	15.5 % 33.7 %	10.9 17.4 11.8	1,662 0 3,113
Low Density Residential	R-1 R-2 undesignated	70.0	7.2% 4.6% 9.2%	6.2 8.7 7.5	168 392 1,134

		45.0 90.2			
Parks and Schools	OS, PR, SU-schl (dedicated)	15.5	1.6%	-	0
Streets, Drainage, Utility ROW	-	89.7	9.1%	-	0

The Lomas Negras Specific Area Plan outlines specific goals and objectives that align with the Vision 2020 Integrated Comprehensive Plan. The SAP first and foremost as Goal 1) promotes a variety of housing choices including high density multifamily residential uses. We will demonstrate further how this this request furthers a preponderance of the goals and objectives in the Comprehensive Plan in our policy analysis.

Lomas Negras Specific Area Plan 3.0 Goals and Objectives

3.1 Land Use

Goal 1: Promote a variety of housing choices including low- and medium-density single family residential uses and high-density multi-family residential uses. **This request would further this goal by allowing for a variety of housing choices in the form of multifamily housing.**

3.4 Urban Design

Goal: Create neighborhood centers and corridors within walking distance of residences and with a balance of retail, office, and multi-family uses. **This request would further this goal by allowing for a variety of housing choices in the form of multifamily uses that would help the balance between retail, office and single family residential uses.**

SITE OWNERSHIP

The site has been owned by JJM Enterprises (DBA: J Jacobs Enterprises) since 2008 and remains in this ownership group today. They will be the developer on this project.

SITE HISTORY

Lots 5, 6 & 7 were legally changed by the applicant and approved by the City of Rio Rancho (Ordinance No. 42) August 14, 2009 from O-1 to SU/C-1 permissive uses, except bars/lounges, drive-up liquor dispensing windows and adult only uses as well as Conditional Uses for the O-1 Office District. Including design standards including but not limited to setbacks, landscaping, on-site parking and building standard as required by the C-1 Retail Commercial District and the Lomas Negras Specific Area Plan. Prior to that Lots 5 – 8 were originally zoned for Single Family Residential but were legally changed to O-1 by approval of the City of Rio Rancho (Ordinance No. 18) in 1999. Lot 8 has remained O-1 zoning.

J Jacob Enterprises has a long and successful track record of developing family oriented multi-family projects. Their intention is to continue this success at this location providing the current and future residents of Rio Ranch with expanded housing opportunities.

Figure 1: Site Location

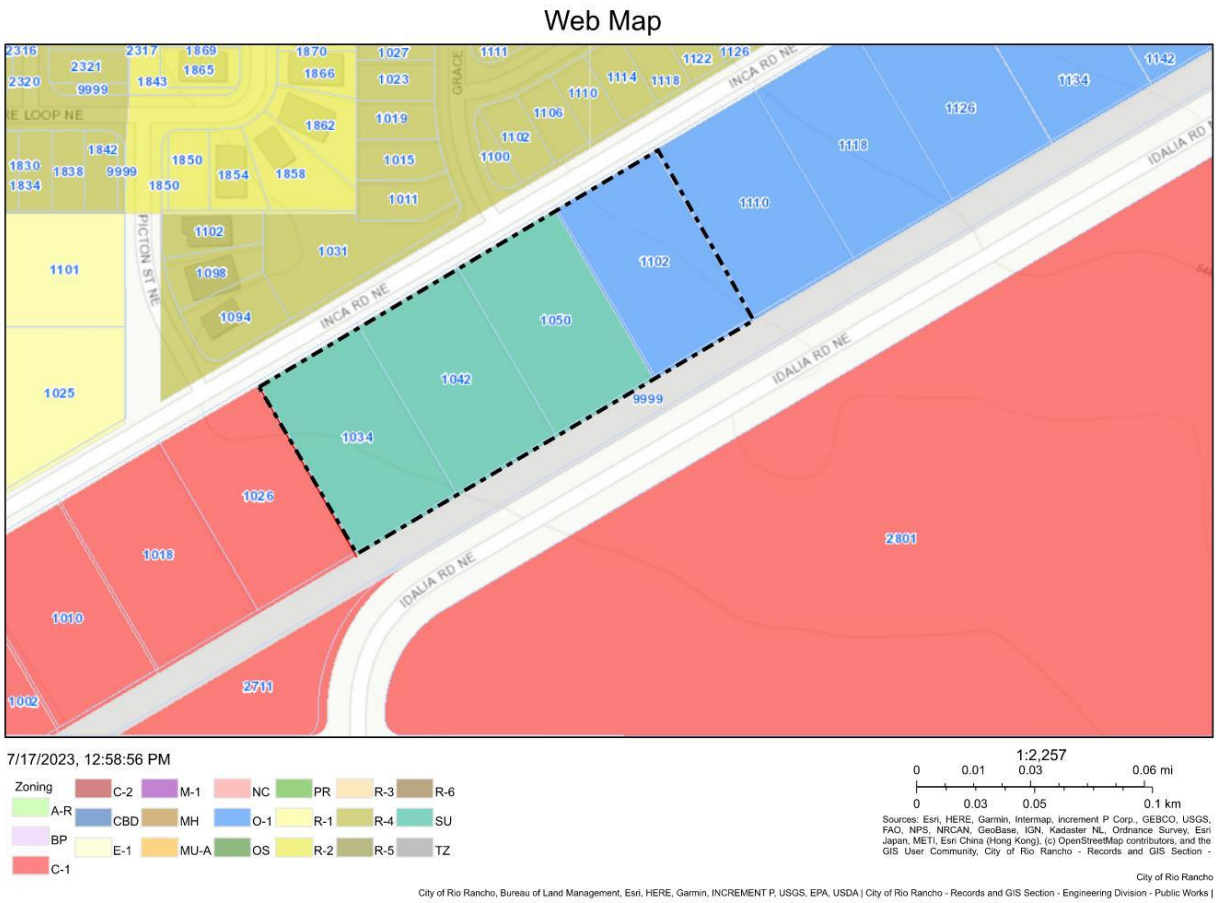
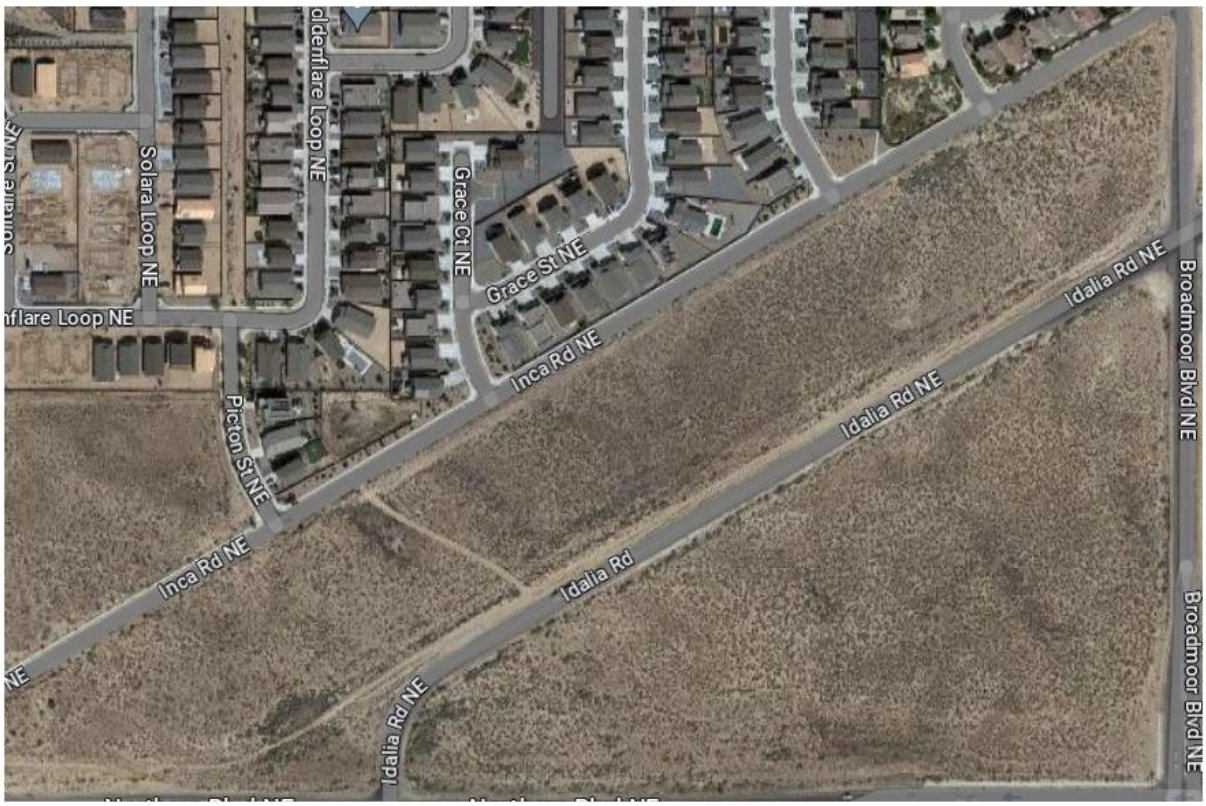


Figure 2: Aerial Exhibit of Site Location



PRE-APPLICATION AND COMMUNITY OUTREACH

Modulus Architects and the Development team attended a pre-application meeting with the City of Rancho Planning staff on January 18, 2023. The development team proactively began a community outreach program with the community developer of the single family residential developments to the north. A great deal of dialogue was held via email and a community open house meeting was held at the Loma Colorado library on June 14, 2023.

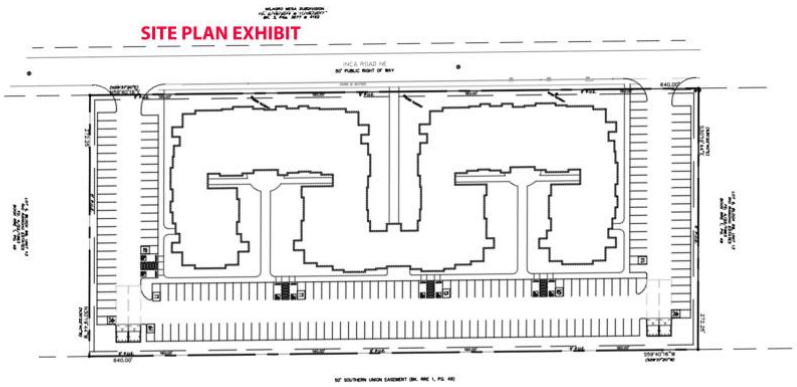
The rendering below was presented to the attendees of the open house meeting and much discussion was had. There was quite a bit of opposition to the project but we were able to walk away from the meeting with several requests from the adjacent residents. The first of which was to flip the access into and out of the multifamily development which was shown on Inca Drive and to relocate this access to Idalia Road so that the future residents would not access Inca directly for ingress and egress. The next request that was made was to create additional buffer area between the single family residence and the multifamily units by putting the parking field between Inca and our building.

We updated our plan to accommodate the comments from our meeting. We closed all access on Inca and show access now from Idalia only. We also flipped the parking and moved the building so that we added an additional buffer of more than 85 ft. from our property line to our building where we previously had the building adjacent to the property line.

Figure 3: Original Rendering Presented to the Community Open House Meeting 6/14/2023

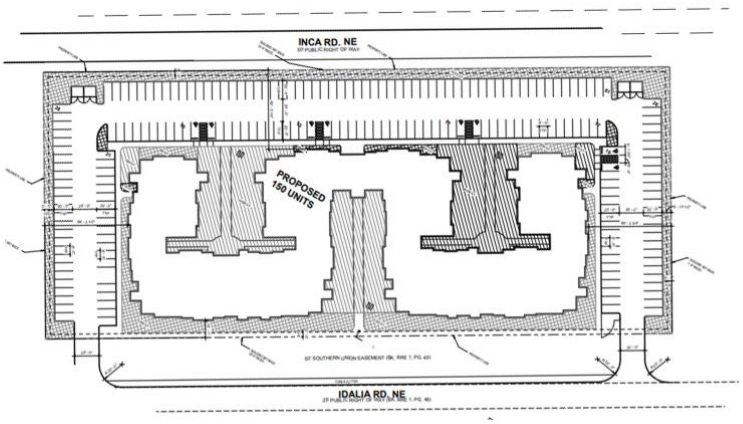
Figure 4: Site Plan Option Presented 6/14 – Revised Site Plan After Meeting

Site Plan Option (1)
Presented to Neighborhood Association on June 14, 2023



SIte Plan Option (2)
SIte Plan Modified with input from the community residents. Changes include:
1. Close access from Inca
2. Provide access from Idalia only
3. Create a large buffer area by moving the parking field bewteen the adjacent residents and the multifamily buildings

Presented to Neighborhood Association on June 28, 2023



After the updates above were circulated to the City of Rio Rancho Engineering and Transportation as well as the NM Gas Company it was determined that access from Idalia is not the preferred scenario. Idalia is a Minor Arterial Roadway and not intended for access. The master transportation network plan always anticipated access from these parcels would be obtained from Inca. Therefore, we changed the access back to Inca but we did leave the parking and buffer space as requested from the community outreach meeting. Additionally, we were unable to secure approval from the land owner of to gain the requied approvals to access our property from Idalia.

Figure 5: Final Update to Site Plan after Additional Studies and Meetings - Update as of 8/20

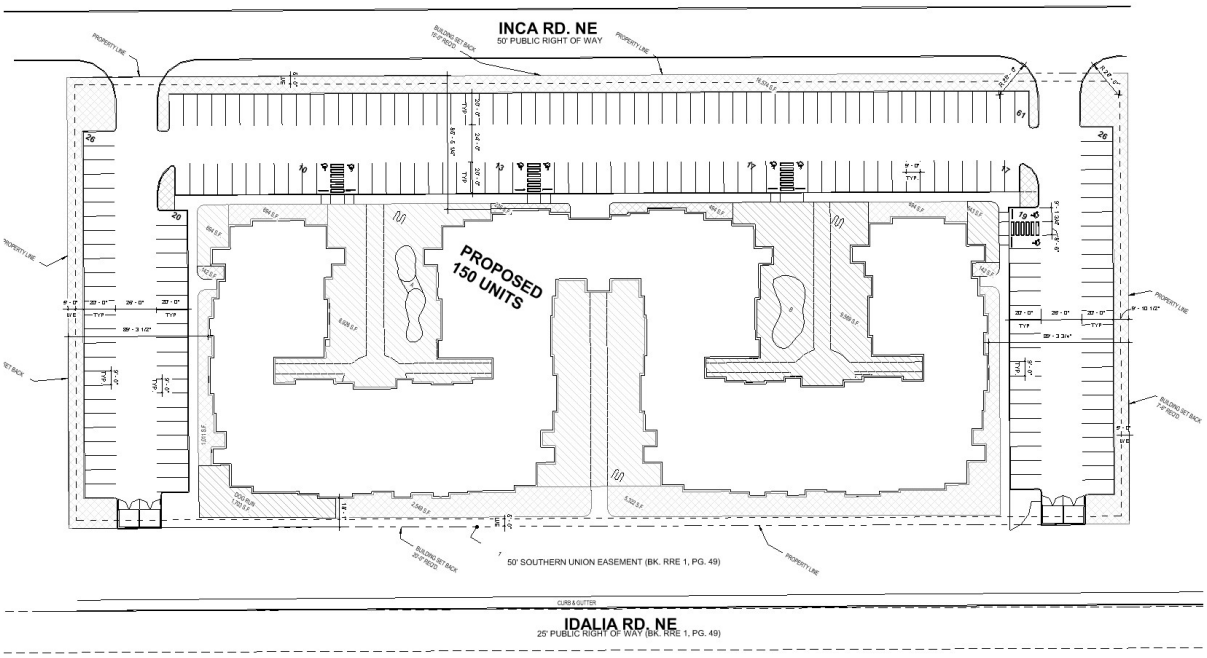


Figure 6: Aerial Rendered Site Plan

MULTI FAMILY HOUSING BENEFITS

Comprising 15% (20.6 million units) of the nation's housing stock, multifamily rental housing plays a vast and diverse housing role that serves an essential and evolving purpose in communities across the country. At its core, multifamily housing increases the density, variety, and efficiency of a municipality's housing.

Multifamily housing broadly improves our cities in four far-reaching ways:

- *Invigorating economic vitality by improving the livelihood of workers and businesses*
- *Improving fiscal health by increasing the tax base and efficiently using public resources*

- *Increasing environmental sustainability by efficiently building and operating residential units*
- *Enhancing quality of life by allowing for healthy, culturally vibrant, and place-based lifestyles*

The benefits of Multifamily Housing – In any market, but particularly in Rio Rancho, multifamily housing exhibits three fundamental characteristics that allow it to yield a far-reaching set of benefits.

Wide Variety – Multifamily housing serves a wide range of household types and needs. The wide range of available unit types, locations, and price points allows multifamily housing to accommodate a unique variety of household types, income levels, and lifestyle preferences.

Greater Efficiency – Multifamily housing is cost-effective and efficient to both build and operate. Development costs for multifamily housing are far lower on a per-unit basis than single-family. Multifamily housing also makes more efficient use of utilities and other infrastructure.

Increased Density - Multifamily housing allows for more housing units to be built on any given parcel of land. Increasing the density of households can quickly expand the tax base and commercial vitality of an area. It also allows for more much-needed housing to be built in desirable areas with greater employment, easier access to transit, and generally a higher quality of life, as these areas typically are more land-constrained and expensive to build in.

Economic Growth and Vitality

Multifamily housing stimulates and sustains local economies, neighborhood health, and overall economic competitiveness. Multifamily housing supports the expansion and diversification of the local workforce. An expanding housing supply often both indicates and allows for an expanding economy. Multifamily housing is the most efficient way to increase the supply of housing, which is necessary to accommodate employment and household growth. A lack of housing supply will either prevent growth or lead to the displacement of existing households.

Housing density can improve the productivity and lifestyle of people who work in employment centers with high traffic volume. As jobs cluster within employment centers that experience growing levels of traffic, commute times can be ameliorated if people can find and afford housing near where they work. Because apartments allow housing to be efficiently built in desirable areas near employment and transit, people living in apartments have shorter commute times on average.

Multifamily rental housing attracts critical segments of the workforce, such as younger households and households earning modest incomes. While multifamily housing serves households of all ages and income levels, it is uniquely able to provide young people with the mobility and urbanism they often prefer and is able to provide affordably priced housing options in good locations.

Multifamily housing development is a signal and stimulator of neighborhood growth. The development of multifamily housing tends to encourage the concentration of households and

incomes needed to support new retail and commercial development. At a time when retail footprints across the nation are receding, a notable increase in mixed use developments containing residential with retail and/or office indicates that denser housing can attract and support commercial activity.

Community Fiscal Health

Multifamily housing improves fiscal health by both increasing revenues and decreasing costs, positioning local budgets to more effectively serve the public good. Greater household density increases the tax base through expanding the number of both households and businesses. Denser households contribute more to property and sales taxes. Moreover, by stimulating commercial growth, multifamily housing can further increase local sales and business taxes.

Municipalities save significantly on costs incurred by critical physical infrastructure, such as new roads, water lines, and sewer lines. Savings are experienced in upfront capital costs, operations and maintenance costs, and eventual replacement costs. Denser development also leads to savings on the costs of ongoing delivery of public services, such as police, ambulance, and fire services. Multifamily housing efficiently increases tax revenues for local governments.

- ***Compared to conventional suburban development, denser development saves 38% on the delivery of upfront infrastructure and 10% on the cost of delivering public services.***

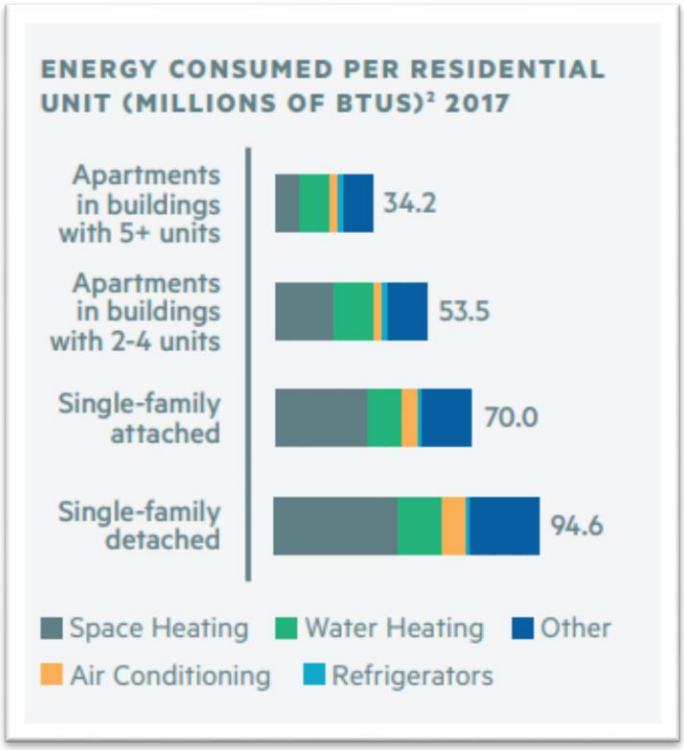
- ***Denser housing development generates 10 times more tax revenue per acre than conventional single family development.***

Environmental Sustainability

Increased housing density benefits the environment by reducing carbon impact and preserving open space and natural amenities. Multifamily housing lowers the energy intensity of creating a housing unit, or the "embodied energy" of extracting materials and building the structure. The energy savings can be substantial; as embodied energy can range from 10 to 45 percent of the total energy impact of a building through its lifecycle.

By requiring a smaller land footprint, multifamily housing helps to preserve open space and undeveloped land, natural amenities that can be difficult to preserve in sprawling areas. Multifamily properties require less energy to maintain on a per-unit basis, resulting in both energy and cost savings for residents and property managers. This energy impact is substantial, as residential and commercial buildings consume 41 percent of the nation's energy each year.

Multifamily housing decreases the resources used for infrastructure and services. Surrounding infrastructure, such as, roads, public transportation, street lighting, water pipes, and sewage treatment, also contributes to embodied and operational energy use. Multifamily housing makes uses of these resources much more efficiently.



Quality of Life

Multifamily housing improves quality of life by improving public health, allowing for vibrant public spaces and amenities, and providing housing options for a variety of lifestyles. Density allows for cities to be walkable and cyclable, for streetscapes to be attractively designed for high volumes of foot traffic, and for a wide variety of people to interact with each other. Not only does this improve the aesthetic experience of living in a city, it can positively affect public, physical, and mental health.

Denser housing helps to preserve open space and public facilities and contributes to the volume and diversity of people who make these spaces interesting. Valuable cultural spaces that require
high volumes of patronage to remain viable are made possible by densification.

Varied housing provides choosing power. By efficiently increasing the stock of housing available in a city, multifamily housing allows people to more easily choose where they live. People might be able to live nearer to their work or avoid being displaced from or priced out of a neighborhood or municipality they prefer. They may choose to adopt a lifestyle that is unique to multifamily housing, such as ease of maintenance and walkability.

Solving the Rio Rancho Missing Middle

Once heralded as the ideal place for a young family seeking their first home- avoiding the high prices in Albuquerque – Rio Rancho was the place to be. Now many are having trouble finding affordable homes in the City of Vision. Prices have surged 35.7 percent since January 2020 and 80 percent of that increase has taken place since January 2021.

The median resale for price – not for new homes – is now at $330,000 –

So how do we solve the problem – bring back Rio Rancho's missing middle! Rio Rancho's Missing Middle Housing is a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a neighborhood. Missing middle housing – and the fact is, we don't have enough of it in Rio Rancho!

While conversations about missing middle housing and why it's important to all communities have enough of it aren't new, they're becoming louder and more frequent because wages aren't keeping up with housing costs. That's because we haven't built enough housing to keep up with demand at all price points. Plus, **our longtime focus on single-family housing has limited our ability to meet the needs of our growing communities and meet the desire of residents of all ages to live in their desired community.**

Missing middle housing provides more housing choices. When we have more choices, we create thriving and sustainable neighborhoods for people and businesses. In other words, "workforce housing matters to everyone."

Identifying the Misconceptions/Inaccurate Information of the Community Meeting:

Contrary to misconceptions voiced at the community meeting on June 14, 2023, a tremendous amount of research has been done demonstrating that multifamily housing does not negatively affect property values, public schools, crime, traffic, and emissions. In many instances, these issues are in fact improved. **Our outline below identifies actual data, studies, and real-time engineering disproving the misconceptions about this project.**

Property Values

Perhaps the most widely assumed fact is that home values will be negatively impacted by multifamily developments taking up residence nearby. This is another often-assumed myth. The U.S. Census Bureau found that working communities with multifamily dwellings actually have higher property values than working communities without them. The average value of single-family residential homes was highest in working communities with the most multifamily units, in comparison to communities with only single-family residential properties.

Public Schools

Similarly, multifamily housing does not place undue strain on local public schools. This concern is premised on the assumption that multifamily developments will bring in too many families with school-age children while yielding lower tax revenues. In fact, residents of multifamily housing typically have far fewer children, while the net impact of multifamily housing on a city's fiscal health is positive when considering the increase in tax revenues.

Traffic

Does multifamily development really cause an increase in traffic congestion and parking problems, as opponents claim? To residents of the neighborhood where such development might take place, an increase in congestion seems self-evident – **but only by comparing an apartment development to the status quo (i.e., no development). The proper comparison, however, is to the impact on congestion of an equal number of new single-family units.**

On average, apartment residents own fewer cars than single-family homeowners: the latter average two cars per household compared with only one for the former. Beyond that, single family housing generates more automobile trips per household, as evidenced in the table below.

On weekdays, a single-family detached house generates 42 percent more trips than does a unit in an apartment. The difference is even greater on the weekend: 58 percent more trips on Saturdays, and 50 percent more trips on Sundays. This large difference is seen not only in the totals, but also

at the peak hours, morning and afternoon, weekdays and weekends. By any measure, it is clear that single-family houses generate more automobile traffic than apartments – or any other type of housing. In explaining why single-family houses produce the most traffic, the Institute of Transportation Engineers noted that they are the largest units in size, with the most residents, but also pointed out that they had "more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally have fewer

alternate modes of transportation available, because they were typically not as concentrated as other residential land uses.

Though written not as a policy document, but rather simply a straightforward, quantitative analysis, this is a good summary of the reasons why compact development engenders less traffic than sprawl.
Interestingly, single-family owners use their cars more often than apartment residents use theirs. On average, cars in single-family houses make 18 percent more trips during the week, 31 percent more trips on Saturday, and 41 percent more trips on Sunday than cars owned by apartment residents.

Thus, not only are there more cars per household in single-family houses than apartments, each of those cars generate more traffic – and a higher demand for parking spaces at retail stores, offices, schools, and other facilities.

Crime

Opponents of rental housing often argue that while people who own their homes are invested in the long-term success and safety of a community, people who rent apartments are merely short-term transients and therefore less desirable neighbors. That view has a long history and probably seems so unremarkable, so obvious, that proof is unnecessary.

But in fact, this idea is merely a perception based on how crime rates are reported. Many different studies have been done on the topic, just recently, a study conducted by Harvard concluded that the perception of more crime around multifamily communities comes from the practice of reporting stats based on the count of police calls by address. An apartment property with 100+ units at the same address may be wrongly compared to one single-family residence. Per the Arizona Multifamily Housing's study, "When police data is analyzed on a per unit basis, the rate of police activity in apartment communities is no worse than single family subdivisions, and in many cases, lower than single-family residential areas."

The view that renters are not as engaged in their communities as owners seems to arise from the two apparent characteristics of renters: (i) by definition, they don't own their own residence, hence are thought to have less of a "stake" in the community; and (ii) they tend to move more often. These characteristics are seen as making them transitory residents, perhaps more akin to visitors than to long-term residents. But there are also countervailing forces. For example, single-family renters do not tear down old houses and replace them with "McMansions," a phenomenon that can greatly alter neighborhoods, in ways that are not always desired by the existing residents.

In addition, it is important to recognize that housing tenure is different from residential stability. Housing tenure refers to how long an individual has lived in one place, while neighborhood stability reflects the quality, cohesion and safety of a community. It is the latter that may be the key factor:

Neighborhood residents may be less interested in distinguishing the exact cause than in ensuring the best outcome, and for many, promoting homeownership rather than renting seems an effective way to do so. In fact, that turns out not to be the case: • Apartment residents are almost twice as likely to socialize with their neighbors as owners of single-family houses

(33 percent vs. 17 percent).

- Apartment residents are just as likely as house owners to be involved in structured social groups like sports teams, book clubs, and the like (22 percent for sports groups, 10-11 percent for other groups).
- Just like single-family owners, apartment residents identify closely with the town or city they live in (60 percent for apartment residents vs. 64 percent for single-family owners).
- Almost half (46 percent) of apartment residents feel close to the neighborhood they live in. This is not as high a share as for single-family owners (65 percent), but still sizable. •
- Apartment residents are virtually as interested in politics and national affairs as house owners are (66 percent vs. 70 percent).

The Multifamily Record: Conclusion

Overwhelming evidence based on actual research is fairly strong that multifamily rental housing:
(1) does not impose greater costs on local governments;
(2) does it increase traffic and parking problems;
(3) when well-designed and appropriate to the neighborhood, does not reduce (and may even enhance) property values; and
(4) does not inherently attract residents who are less neighborly or more apt to engage in (or attract) criminal activity.

PARKING REQUIREMENT DEVIATION REQUEST

A parking deviation request accompanies this Special Use Zone Map Amendment request. The proposed multi-family project requests a deviation to the standard parking to a total number of parking spaces to be 210 spaces or a ratio of 1.4 spaces per dwelling unit. This will provide adequate parking for the residents and their guests. Lee Engineering Transportation and Parking Engineers were hired to do a parking study v\for this project.

The CONCLUSIONS Based on the results of this parking analysis:

A total of 210 parking spaces will be provided for the proposed multi-family development. While the number of parking spaces proposed to be provided falls below the City of Rio Rancho's requirements (249 parking spaces):

- Using the ITE peak parking demand per dwelling unit for Multi-Family Housing (Low-Rise) shows that the proposed 210 parking spaces would exceed the demand of 182 by 28 spaces or 13 (thirteen) percent.
- Using the ITE peak parking demand per bedroom for Multi-Family Housing (Low-Rise) shows that the proposed 210 parking spaces would exceed the demand of 149 by 61 spaces or 29 (twenty-nine) percent.

The backup data and analysis has been submitted with this request.

This is supported by the ITE (Institute of Transportation Engineers). ITE recommendations are for 1.2 parking space per unit. This project consists of 51% of one bedroom units, thus, an

overall ratio of 1.4 spaces per dwelling unit is more than adequate.

This request for the parking deviation will be submitted to the City Development Services Director in support of this application. J Jacobs Enterprises Properties has developed and continues to own and manage several similar multi-family projects. Some of the projects have significantly less parking than the standard City of Rio Rancho requirements and they have not experienced any issues. In addition, other cities have implemented similar parking ratios for multifamily projects.

ZONE MAP AMENDMENT JUSTIFICATION: RIO RANCHO COMPREHENSIVE PLAN

J Jacob Enterprises recognizes the importance of bringing forth development that furthers Rio Rancho's desired growth scenario. The Rio Rancho Comprehensive Plan was consulted to ensure the Special Use Zone Map request furthers a multitude of goals and policies as expressed in the plan. Presented below is an analysis of how the Zone Map Amendment to SU/ R-6/Multi-Family Residential to allow a multifamily development complies with and furthers multiple Land Use, Population and Housing, Transportation, Urban Design, and Economic Development goals and policies.

1. Vision for Growth – (pg. V-1) As Rio Rancho grows, the development of higher intensity nodes with high-density residential land uses will be necessary to create transit opportunities, walkable neighborhoods, and complete streets (landscaped medians and sidewalk buffers, transit and bicycle lanes etc.).

Applicant Response: ***The Special Use Zone Map to allow for a multifamily project supports the long standing vision for growth that anticipated the need and desire for higher density residential uses and calls this use "necessary" to help create complete communities.***

2. Land Use Goal 1: Encourage mixed uses - retail, office, and residential centered on pedestrian-oriented developments along principal arterial roads.

Applicant Response: ***The proposed Special Use Zone Map Amendment supports Land Use Goal 1 in two ways. The opportunity to add a mix of housing opportunities into a predominantly single family residential area helps to create a mix us uses and housing types request helps to further Land Use Goal 1; by adding more affordable housing options adjacent to O-1 and C-1 zoned property, you will inherently strengthen the local workforce and create these very types of developments next to the residents that will be future employees. Multifamily housing supports the expansion and diversification of the local workforce. An expanding housing supply often both indicates and allows for an expanding economy and local business. Multifamily housing is the most efficient way to increase the supply of housing, which is necessary to accommodate employment and household growth.***

The second way that that this Zone Map Amendment furthers Land Use Goal 1 is by allowing for a residential development at the intersection of a minor arterial roadway (Idalia Road) and Northern Blvd which is a principal arterial roadway thus furthering the goal of locating residential development along principal arterial roadways.

3. Land Use Goal 2: Encourage consolidation of lots to promote a variety of land uses in a planned manner.

Applicant Response: This request for a Special Use Zone Map to allow for a multifamily project would require a consolidation of lots in a planned and cohesive manner and provide a mix of housing options within the area furthering Land Use Goal 2

4. Land Use Goal 3: Maintain a balance of land uses throughout the City.

Applicant Response: An approval of this request would further the City's Land Use Goal of maintaining a balance of land uses throughout the City by providing for a balance of land uses and housing options throughout the City. In fact, currently single family homes far exceed any other housing options creating an imbalance in affordability and lifestyle choices in housing.

5. Population and Housing Goal 1: To ensure that regulations do not have an income levels throughout the city. unreasonable negative impact on the cost or supply of housing.

Applicant Response: The proposed Special Use Zone Map Amendment will directly help to further Population and Housing Goal 1; to ensure that zoning and regulations do not negatively impact the cost or supply of housing. Ensuring the City has housing options for all income levels in essential to a thriving community. Once heralded as the ideal place for a young family seeking their first home- avoiding the high prices in Albuquerque – Rio Rancho was the place to be. Now many are having trouble finding affordable homes in the City of Vision. Prices have surged 35.7 percent since January 2020 and 80 percent of that increase has taken place since January 2021. The median resale for price – not for new homes – is now at $330,000.

6. Population and Housing Goal 3: Promote a variety of housing types to meet the needs of all members of the community.

Applicant Response: The proposed Special Use Zone Map Amendment for a multifamily apartment home development furthers the City's Population and Housing Goal by allowing for a variety of housing types to meet the needs of all community members. Adding choices in housing and lifestyle to this area will make the area more robust and present the opportunity for residents to choose a housing situation that fits their lifestyle best while still living in the City of Rio Rancho. The addition of a multi-family development will "increase residential densities in order to provide efficient services and affordable housing" (City of Rio Rancho Comprehensive Plan).

7.. Policy Population and Housing Policy 5: Encourage mixed-use and mixed-income housing opportunities in designated growth nodes:

Applicant Response: Ensuring the City has housing options for all income levels in essential to a thriving community. Prices have surged 35.7 percent since January 2020 and 80 percent of that increase has taken place since January 2021. The median resale for price – not for new homes – is now at $330,000. An approval of this Zone Map

Amendment will help to further this Policy by allowing for the addition of more affordable housing options in an area designated for growth.

8. Policy Population and Housing Policy 12: Ensure that affordable housing opportunities are dispersed throughout the city.

Applicant Response: ***The proposed Zone Map Amendment to allow for multifamily development would further this Policy by ensuring that more affordable housing opportunities are provided in an area where there currently is no multifamily development.***

9. Transportation Goal 1: Encourage development that effectively mixes land uses to create an efficient transportation system that reduces congestion, improves air quality and creates opportunities to build Rio Rancho's economy.

Applicant Response: ***This request would allow for development that would further the Transportation Goal of encouraging development that effectively mixes land uses to create an efficient transportation system that reduces congestion, improves air quality and creates opportunities to build Rio Rancho's economy. The development of a multifamily project located within a sea of single family homes will reduce congestion and improve air quality. Apartment residents own fewer cars than single-family homeowners: Single family housing generates more automobile trips per household. The is widely documented with the ITE (Institute of Transportation Engineers).***

On weekdays, a single-family detached house generates 42 percent more trips than does a unit in an apartment. The difference is even greater on the weekend: 58 percent more trips on Saturdays, and 50 percent more trips on Sundays. This large difference is seen not only in the totals, but also at the peak hours, morning and afternoon, weekdays and weekends.

By any measure, it is clear that single-family houses generate more automobile traffic than apartments – or any other type of housing. In explaining why single-family houses produce the most traffic, the Institute of Transportation Engineers noted that they are the largest units in size, with the most residents, but also pointed out that they had "more vehicles per unit than other residential land uses. Thus, a multifamily development would serve the housing needs of Rio Rancho while reducing the traffic congestion and emissions that the same number of single family homes would create, further the goal of Transportation.

10. Economic Development Goal 3: Enhance the tax base. Economic Development Goal EDR 2: Reduce retail sales leakage to other New Mexico cities.

Applicant Response: The Special Use Zone Map amendment and proposed multifamily complex enhances the tax base by locating residents near commercial centers where residents can easily support Rio Rancho's tax base. Residents will have the opportunity to purchase their goods and services in the neighboring businesses. The availability of rental housing lowers housing costs and increases the spending power of residents. Proximity of the proposed complex to existing goods and services will reduce leakage of

Gross Receipts Tax to other neighboring cities. The development will serve as a catalyst for vacant commercial land to develop. The increase of residents the complex will bring to the neighborhood will be a desirable factor for future commercial development and businesses. Tenants of the commercial development will support the expansion of the city's tax base. Construction of this project will add needed gross receipts tax revenue to the City and provide valuable construction jobs for community residents.

ZONE MAP AMENDMENT POLICY COMPLIANCE

(D) The following policies for deciding zone map change applications pursuant to the City Zoning Code are:

1. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

Applicant Response: ***The proposed zone map amendment is consistent with the health, safety, morals, and general welfare of the City through the creation of development conditions necessary for a new multi-family neighborhood and locate residents closer to goods and services, make the remaining land more viable for development commercial use, and will provide expanded housing and lifestyle choices for current and future residents.***

2. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

Applicant Response: ***If granted, the Special Use Zone Map Amendment will have a positive effect on the stability of land use and zoning. The proposed zoning will provide development that is more compatible with surrounding uses and will contribute achieving a vibrant community with a mix of housing and lifestyle choices. The site has remained undeveloped for 20+ years and the influx of more people in the area will serve as an incentive for commercial development to build on the adjacent parcels.***

The change of R-6/Multi-Family Residential is more appropriate than the SU/Commercial and Industrial designation because the development seeks to enhance the current character of the area and not change it. Provided this amendment is approved, the required site plan for a Special Use Zone Map Amendment will be submitted to Development Services for review and approval.

3. A proposed change shall generally be consistent with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

Applicant Response: ***The proposed Special Use Zone Map Amendment is consistent with the City of Rio Rancho Comprehensive Plan. As demonstrated, It furthers principles of the Comprehensive Plan in the following ways: it ensures a land use pattern that encourages a mix of housing and lifestyle opportunities in an area that has no other housing choices. It helps to create a more efficient transportation network by reducing***

automobile trips, congestion and improving air quality as compared to the same number of single family homes. Multifamily housing supports the expansion and diversification of the local workforce. An expanding housing supply often both indicates and allows for an expanding economy and local business. Multifamily housing is the most efficient way to increase the supply of housing, which is necessary to accommodate employment and household growth. This project will serve as a link between neighborhoods as the site is located adjacent to major thoroughfares that aid in accessing other areas of Rio Rancho; and enhances the tax base by locating residents in close proximity to goods and services within Rio Rancho, providing gross receipts tax for the construction, and construction jobs. This proposed Special Use Zone Map Amendment will contribute to a vital community, more affordable housing and lifestyle options and will help contribute to a robust local economy in a number of ways which have been outlined in our request. All of the factors are consistent with and further the Comprehensive Plan.

4. The applicant must demonstrate the existing zoning is inappropriate because:

a) there was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, antiquated plat filed before the City's incorporation and adoption of its own Zoning Code or on land annexed by the City or

b) changed neighborhood or community conditions justify the change, or

c) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply. Applicant's reliance on this provision requires proof that (a) there is a public need for a change of the kind in question, and (b) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Applicant Response: ***In this case, b and c apply. Changed neighborhood and community conditions justify the change. Since the approval of the SU/C-1 zoning, national trends of declining retail have decreased the demand for commercial real estate acreage, and the City of Rio Rancho has since then updated their zoning code and comprehensive plan to better reflect the values and growth needs of the community.***

J Jacobs Enterprises, LLC feels the requested use category is more advantageous to the community of Rio Rancho for the following reasons:

The request fulfills a community need articulated in the comprehensive plan. Within the Population and Housing element in the Comprehensive Plan as articulated in our policy analysis. "– to attract and create well-planned high-quality, stable, residential, commercial and industrial development, as the second goal of the City's Strategic Plan directs, we need to create a mix of housing opportunities" (PH-6).

The plan implies a mix of housing opportunities will aid the stability of other zones. In this case, the addition of multifamily is more advantageous because it will add to the variety of housing desired to support the population of the City and support the future development of neighboring commercial by increasing the number of patrons to the establishments and potential employees.

The site has remained vacant for 20+ years. The local demand for retail development has decreased, mirroring the national trend of declining brick and mortar-based commerce. The addition of more residents combined with its adjacency to C-1 and o-1 zoning will provide better conditions for future commercial development to thrive.

(E) The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Applicant Response: ***The cost of land or other economic considerations are not the determining factor behind this request. However, market data reflects that the need for large commercial properties have been reduced due to changing shopping trends and the addition of more affordable housing units will not only promote the development of vacant land but increase the viability of the remaining commercial corner land surrounding this site.***

(F) Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

Applicant Response: ***The purpose for the request for Special Use Zone Map Amendment request for R-6/Multi-Family Residential is supported by a multitude of goals and policies adopted by the City of Rio Rancho and does not rely on its adjacency to an arterial roadway as justification.***

(G) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive plan and any applicable adopted sector development plan or area development plan;

Or

2. The area of the proposed zone change is different from surrounding land because it will function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of the structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Applicant Response: ***This request to change the existing SU/C-1 to the requested R-6/Multi-Family Residential clearly facilitates the realization of the Comprehensive Plan in a multitude of ways. Embracing the goals for higher density housing options and more affordable housing choices further a preponderance of policies in the Comprehensive Plan and will help to foster smart planning that creates a strong, thriving community fostering connection, culture and economic growth.***

This request would clearly facilitate implementation of the Comprehensive Plan as shown in the response to our policy analysis as well as the desire to provide a mix of

housing options in Rio Rancho which is greatly needed. ***This site as a principal location in for multifamily development. In order to achieve these uses, a mix of zoning designations must be present, thus making this site a suitable location to serve as a transition between adjacent zone districts which include C-1 to the south and west, O-1 to the east and R-1 to the north. Creating a zone that is needed to achieve the goals and policies outlined for the Comprehensive Land Use Plan.***

	Zoning
Subject Site	***Lots 5, 6 & 7 - SU/C-1 (Retail Commercial District)*** ***Lot 8 - O-1 (Office District)***
West	***C-1 Zoning (Retail Commercial District)***
South	***C-1 Zoning (Retail Commercial District)***
East	***O-1 Zoning (Office District)***
North	***R-1 Zoning (Single Family Residential)***

Policies & goals supported are plentiful and include desired a mix of housing, Land Use Goals and Policies, Population & Housing Goals and Policies, Transportation Goals and Policies, Economic Development by improving the economic base of the City.

Based upon the justification provided, we respectfully request that the Rio Rancho Planning and Zoning Board recommend approval of this request for a Special Use Zone Map Amendment and

Please feel free to contact me at (505) 338-1499 or via email at: angela@modulusarchitects.com with any questions that you might have.

Sincerely,

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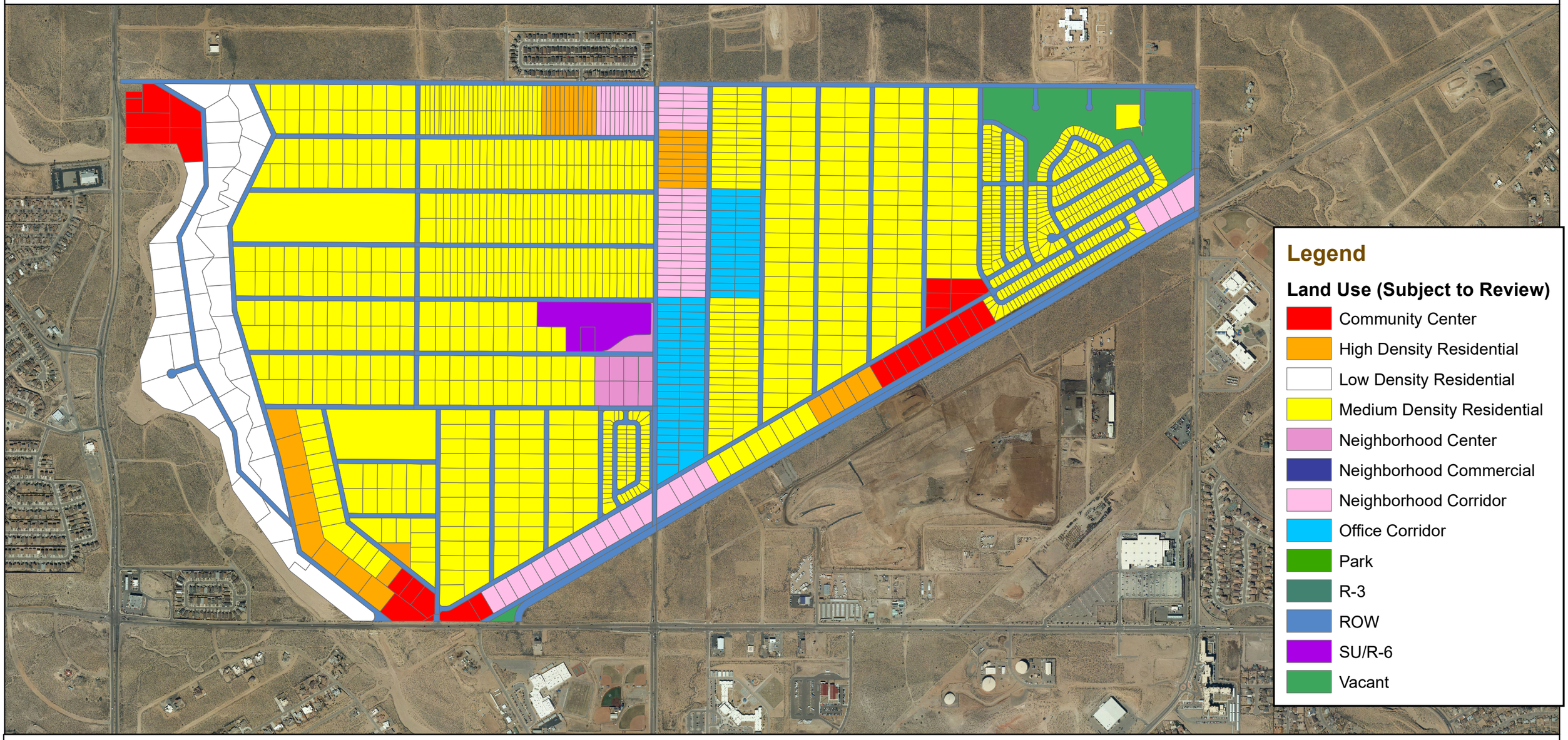
Cell + Text: (505) 999.8016
Email: angela@modulusarchitects.com

LOMAS NEGRAS AREA LAND-USE EXHIBIT



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Map Created by Jansen Lyons 9-14-2023

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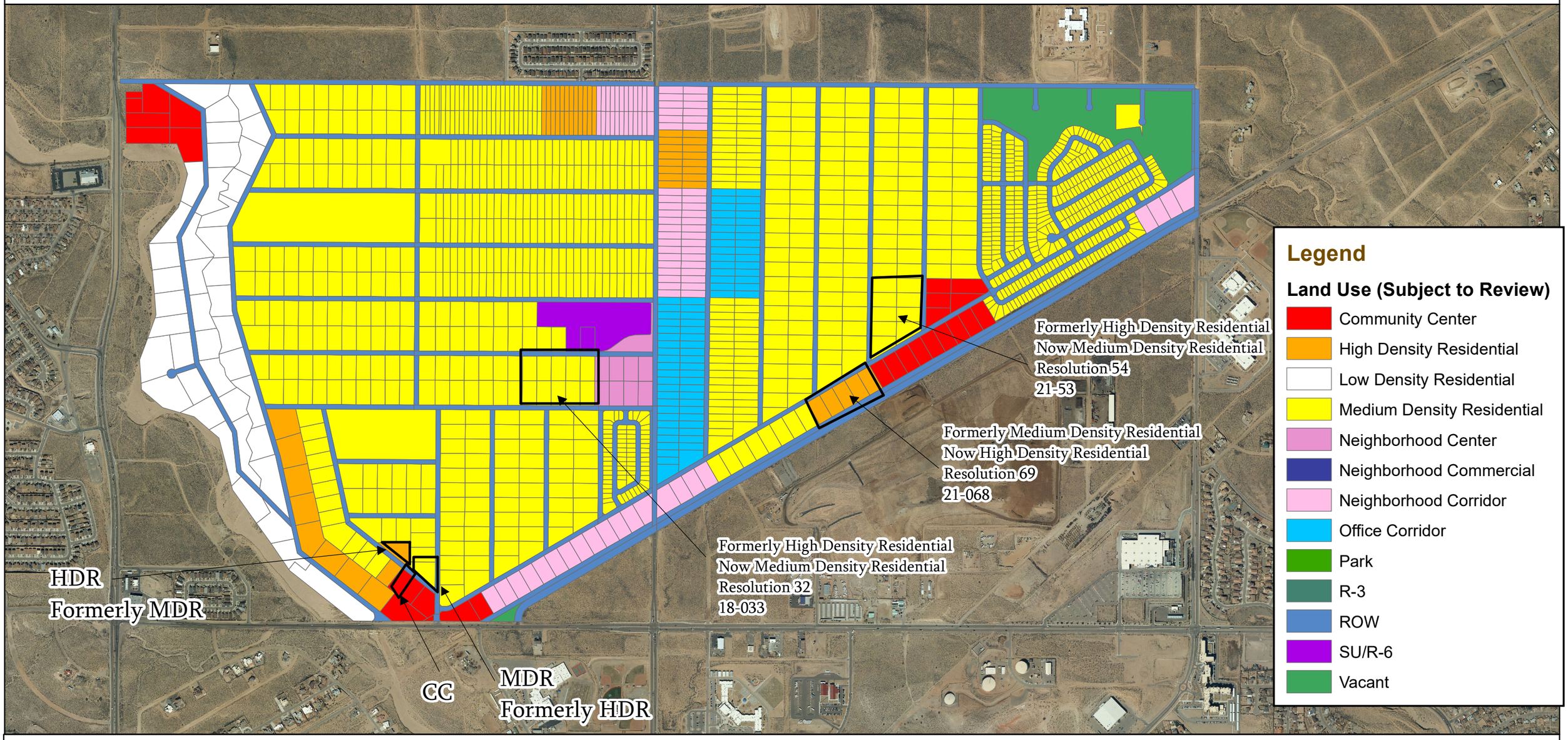
Miles

RioRancho City of Vision

GIS Moving Spatial Data Forward

LOMAS NEGRAS AREA LAND-USE EXHIBIT



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Map Created by Jansen Lyons 9-14-2023

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Miles

RioRancho
City of Vision

GIS
Moving Spatial Data Forward

- Expand the City‟s gross receipts tax base by recruiting additional local retail and office uses.
- Make Rio Rancho a place where one can live, work, shop, and play without leaving the city.

The following guidelines were used in developing the future land use plan:

- Mixed Use Activity Centers designated to reduce vehicular travel and promote pedestrian connectivity
- Balance of residential, retail, office, and employment in all neighborhoods
- Community Centers (R-6, O-2, C-1, C-2, MU) located at intersecting arterial streets
- Neighborhood Centers (O-1, R-3, MU, CMU and sometimes C-1) located at intersecting collector streets
- Neighborhood Corridors (CMU, O-1, R-3 and, sometimes, C-1) located along narrow lot strips
- High Density Multi-Family Residential (R-3, R-6, and MU) located along future transit corridors (and near schools that provide open space relief) and located to break up commercial strips
- Low and Medium Density Residential located within the interior of neighborhood super-blocks. Parks and schools are allowable uses in all residential areas.

4.2 Land Use Categories

The *Lomas Negras Specific Area Plan* contains proposed land use categories that are consistent with and promote the goals and policies of the *Vision 2020 – Integrated Comprehensive Plan*. The purpose of creating these land use categories, or sectors, is to identify a range of land use options that would be considered as appropriate within these sectors. The eight land use categories identified in this plan are:

- Community Center
- Neighborhood Center
- Neighborhood Corridor
- Office Corridor
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Park and School sites.

4.2.1 Community Center

Purpose: The Community Center is intended to provide city-wide opportunities for housing, shopping, employment, and industry. Community centers are generally located 2 to 5 miles apart and potentially serve major discount retailers. Community centers include one- to five-story non-residential and multi-family residential buildings. Multi-family homes are permitted at the perimeter of the district. Parking accommodations are made with tree-shaded and screened, surface parking lots broken into small areas.

Acreage: 13.2 acres

Allowable Uses in the following zoning districts:

- C-1 Retail Commercial District; Min. Lot Size: 21,780 SF, 35 ft. setback, 32 ft. height
- C-2 Wholesale and Warehouse Commercial District; Min. Area: 10,890 SF, 35 ft. setback, 32 ft. height
- O-2 Office/ Institutional District; Min. Lot Size: 21,780 SF, 35 ft. front setback, 1 ft. setback per 1 ft. height side and rear, 32 ft. height, 15% lot landscaped, 50% in front
- MU/A Mixed Use Activity Center District, 20-100 acres, 48 ft. height, Max. footprint: 15,000 SF, 15 ft. front, 10 ft. rear setback. Master plan approval is required.
- SU/ MU Special Use District for Mixed Uses: May be a combination of 2 or more land uses to include live-work units, multi-family, office, and retail commercial either side-by-side or within the same building. Retail and office uses should comprise at least 51% of the subdivision, property, or building. Site plan approval by the Planning and Zoning Board is required.
- R-6 Multi-Family Residential District
  Min. Lot Size: 10,000 SF, High Density: 35.6 DU/A, 72 ft. height.
- R-3 Multi-Family Residential District; Min. Lot Size; 1,200 SF (Townhouses) to 10,000 SF (Apartments), 32 ft. height; High Density: 29.0 DU/A

The City will rezone properties in designated Neighborhood Centers as the highest and best use: C-2 Retail Commercial District. They may be later rezoned to one of the districts listed above.

4.2.1 Neighborhood Center

Purpose: The Neighborhood Center is intended to provide multiple opportunities to neighborhood residents for housing, shopping, employment, and recreation with providing higher density and intensity than found along the corridor. The neighborhood center includes one- to two-story, non-residential and multi-family residential buildings. Neighborhood centers are generally 1 to 2 miles apart and potentially serve as grocery-anchored retail centers. Multi-family homes are permitted at the perimeter of the district. Parking accommodations are made with on-street parking and landscaped, shared surface parking lots located behind buildings.

Acreage: 30.0 acres

Allowable Uses in the following zoning districts:

- C-1 Retail Commercial District; Min. Lot Size: 21,780 SF, 35 ft. setback, 32 ft. height
- CMU Mixed Use (Neighborhood) Commercial District; Min. Lot Size: 10,890 SF, 35 ft. setback, 32 ft. height
- O-1 Office/ Institutional District; Min. Lot Size: 10,890 SF, 25 ft. front setback, 1 ft. setback per 1 ft. height side and rear, 20 ft. height, 15% lot landscaped, 50% in front
- O-2 Office/ Institutional District; Min. Lot Size: 21,780 SF, 35 ft. front setback, 1 ft. setback per 1 ft. height side and rear, 32 ft. height, 15% lot landscaped, 50% in front
- MU/A Mixed Use Activity Center District, 10-20 acres, 26 ft. height, Max. footprint: 6,000 SF, 15 ft. front, 10 ft. rear setback. Master plan approval is required.
- SU/ MU Special Use District for Mixed Uses: May be a combination of 2 or more land uses to include live-work units, multi-family, office, and retail commercial either side by side or within the same building. Site plan approval by the Planning and Zoning Board is

required. Retail and office uses should comprise at least 51% of the subdivision, property, or building.
- R-3 Multi-Family Residential District; Min. Lot Size; 1,200 SF (Townhouses) to 10,000 SF (Apartments), 32 ft. height; High Density: 29.0 DU/A

The City will rezone properties in designated Neighborhood Centers as the highest and best use: C-1 Retail Commercial District. They may be later rezoned to one of the districts listed above.

4.2.2 Neighborhood Corridor

Purpose: The Neighborhood Corridor is intended to also provide multiple opportunities for neighborhood residents for housing, shopping, employment, and recreation but with less density and intensity of uses. The corridor includes one- and two-story, non-residential buildings. Clusters of single-family homes are permitted at the perimeter of the corridor. Parking accommodations are made with on-street parking and landscaped, shared surface parking lots located behind buildings.

Acreage: 55.1 ~~43.1~~

Allowable Uses in the following zoning districts:
- C-1 Retail Commercial District; Min. Lot Size: 21,780 SF, 35 ft. setback, 32 ft. height
- CMU Commercial Mixed Use District; Min. Lot Size: 10,890 SF, 35 ft. setback, 32 ft. height
- O-1 Office/ Institutional District; Min. Lot Size: 10,890 SF, 25 ft. front setback, 1 ft. setback per 1 ft. height side and rear, 20 ft. height, 15% lot landscaped, 50% in front
- O-2 Office/ Institutional District; Min. Lot Size: 21,780 SF, 35 ft. front setback, 1 ft. setback per 1 ft. height side and rear, 32 ft. height, 15% lot landscaped, 50% in front
- MU/A Mixed Use Activity Center District; 10-20 acres, 26 ft. height, Max. footprint: 6,000 SF, 15 ft. front, 10 ft. rear setback. Master plan approval is required. Retail and office uses should comprise at least 51% of the subdivision, property, or building. Because of the small lots in along the Idalia Rd. corridor, MU/A zoning may only be used if a sufficient number of lots are assembled to provide the minimum 10-acre requirement.
- SU/ MU Special Use District for Mixed Uses: May be a combination of 2 or more land uses to include multi-family, office, and retail commercial either side by side or within the same building. Site plan approval by the Planning and Zoning Board is required.
- R-3 Multi-Family Residential District; Min. Lot Size; 1,200 SF (Townhouses) to 10,000 SF (Apartments); 32 ft. height, High Density: 29.0 DU/A

The City will rezone properties in designated Neighborhood Centers as the highest and best use: C-1 Retail Commercial District for ½ acre lots or greater and CMU Commercial Mixed Use District for ½ acre and smaller lots. They may be later rezoned to one of the districts listed above.

4.2.2 Office Corridor

Purpose: The Office Corridor is intended to also provide a transition between residential and commercial uses.

Acreage: 32 ~~44.9 acres~~

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

September 11, 2023

RE: Zone Map Amendment and Specific Area Plan Amendment
Case No. 23-100-00005 and 23-410-00005
Unit 13, Block 68, Lots 5-8

Dear Property Owner:

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

The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The applicant is also requesting a Specific Area Plan Amendment for the Lomas Negras Specific Area Plan. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

The **Planning and Zoning Board** will consider the request on **Tuesday, September 26, 2023** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below.**

***PLEASE NOTE THAT THIS ITEM WAS PREVIOUSLY SCHEDULED FOR THE SEPTEMBER 12, 2023 PZB MEETING AND HAS BEEN POSTPONED TO THE SEPTEMBER 26, 2023 MEETING (THE ZOOM LINK AND MEETING TIME/LOCATION REMAIN THE SAME)

On the back of this letter is a location map of the project, with the subject property identified with the black 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.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=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please do not hesitate to contact me via e-mail me at lruizcarlos@rrnm.gov or call me at 505-896-8785, 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.rrnm.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.

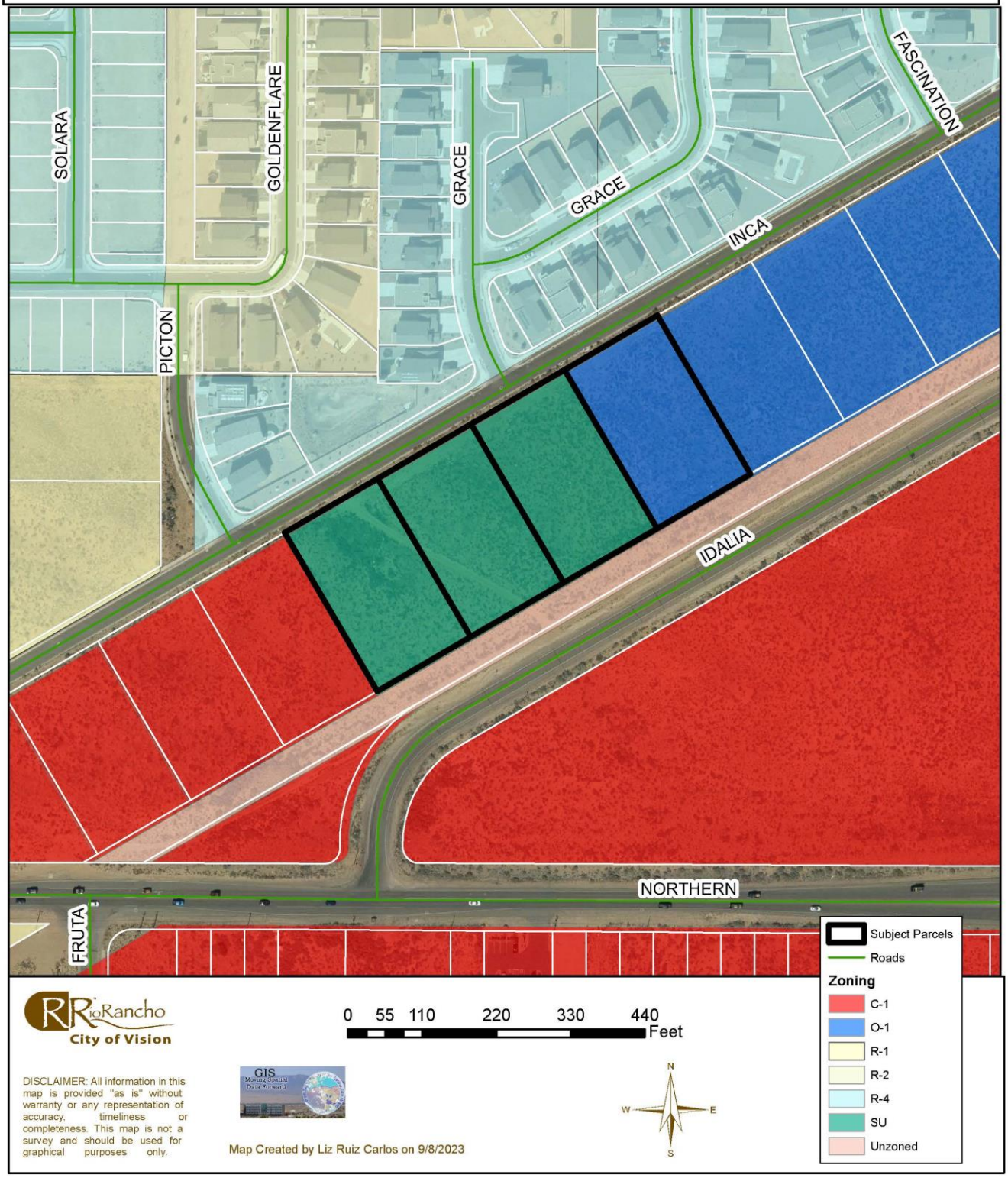
Respectfully,

Liz Ruiz Carlos
Municipal Planner II
Development Services Department
City of Rio Rancho

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

UNIT 13, BLOCK 68, LOTS 5-8
ZONE MAP AMENDMENT & SAP AMENDMENT



CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting on Tuesday, September 26, 2023 at 6:00 pm:

Preliminary/Final Plat
Case #23-220-00015
The applicants, Bob and Reola Arellano, request approval of a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. The subject property is zoned E-1: Estate Residential and consists of .92 acres.

Zone Map Amendment
Case #23-100-00005
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

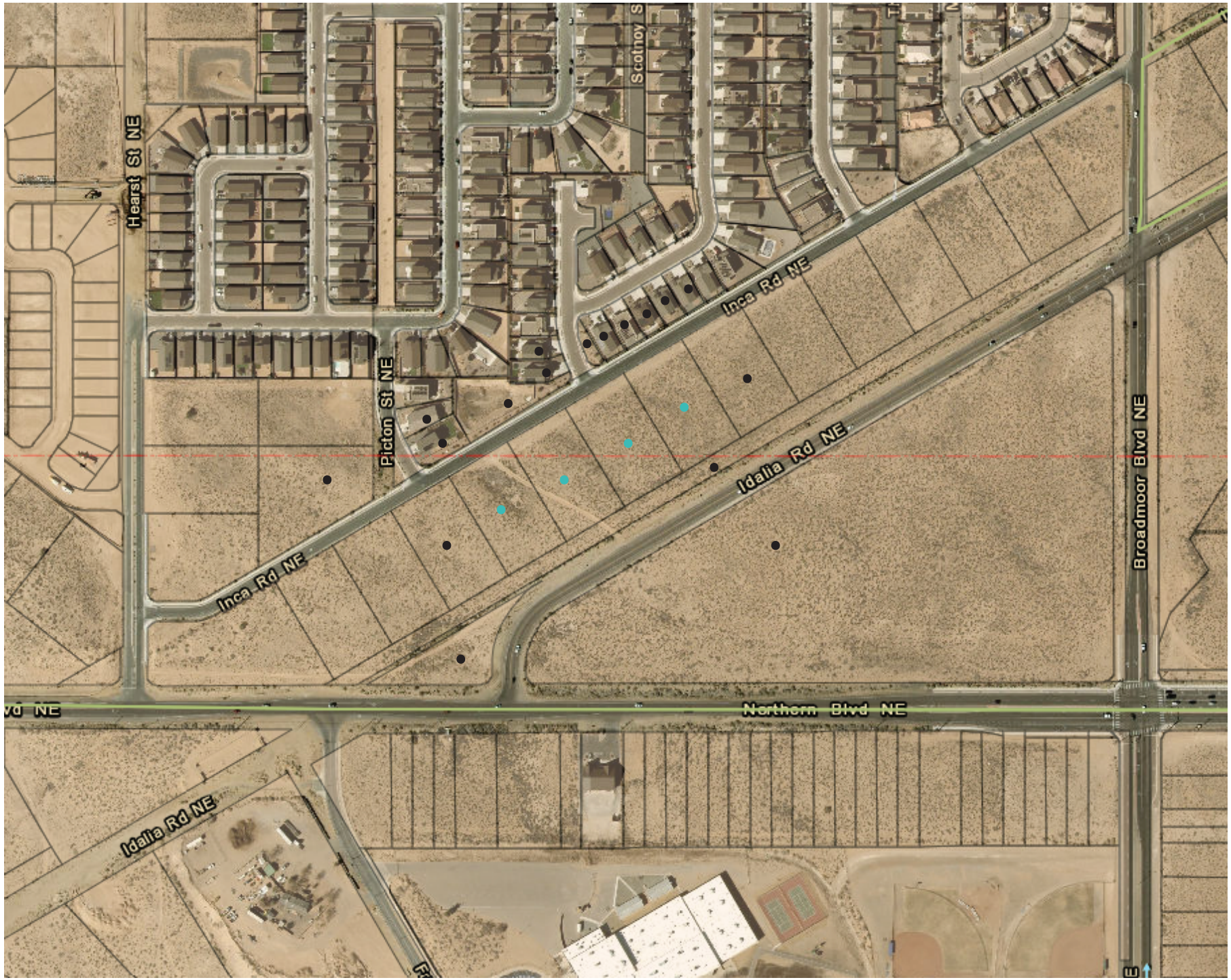
Specific Area Plan
Amendment Request
Case#23-410-00005
The applicant, J Jacob Enterprises, Inc. requests approval of an amendment to the Lomas Negras Specific Area Plan.

Text Amendment
Case #22-105-00002
The applicant, City of Rio Rancho, requests a text amendment to repeal and replace City of Rio Rancho Code of Ordinances (R.O. 2003) Chapter 156. Sign Regulations.

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 11, 2023



Notice Map:

• - Certified Mail, return receipt requested

CITY OF RIO RANCHO
RESOLUTION

RESOLUTION NO. **ENACTMENT NO.**

RESOLUTION AMENDING THE LOMAS NEGRAS SPECIFIC AREA PLAN TO UPDATE THE LAND USE MAP (EXHIBIT 13) AND THE FUTURE LAND USE TABLE (EXHIBIT 12)

WHEREAS: the State of New Mexico has granted the City of Rio Rancho the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting, zoning, and the power to adopt, amend, extend and carry out a general municipal or master plan which may be referred to as the general or master plan, all pursuant to 3-19-1, NMSA, 1978; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses and provides for specific goals, policies, and actions; proposes land use throughout the City; provides for adoption of specific area plans for specific areas within the City; and also provides for land use in master planned communities via master plans; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses land use in master planned communities; and

WHEREAS: the Governing Body of the City of Rio Rancho adopted the Lomas Negras Specific Area Plan on June 25, 2008, under Resolution No. 56, Enactment No. 08-51; and amended the plan on July 8, 2009, pursuant to Resolution No.75 Enactment 09-74; February 23, 2011, pursuant to Resolution No. 15 Enactment No. 11-17; May 27, 2021, pursuant to Resolution No. 54, Enactment No. 21-053; and July 22, 2021, pursuant to Resolution No. 69, Enactment No. 21-068; and

WHEREAS: the Planning and Zoning Board of the City of Rio Rancho reviewed the amendments to the Lomas Negras Specific Area Plan at their meeting held on September 26, 2023, and following public hearing recommends approval of those amendments and modifications; and

WHEREAS: the Governing Body of the City of Rio Rancho has reviewed the proposed amendments (Case No. 23-410-00005) to the Northern Unser Specific Area Plan at their meeting held on October 12, 2023, and following public hearing and receipt of the Planning and Zoning Board's report and recommendation, has determined that the amended Plan is in conformance with the City of Rio Rancho Comprehensive Plan.

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

Section 1. The Governing Body hereby approves and adopts the amendments and modifications to the Lomas Negras Specific Area Plan as shown as Exhibit A and B to this Resolution.

Section 2. Effective Date:

This Resolution shall take effect immediately upon adoption.

ADOPTED THIS _____DAY OF _____, 2023.

_____

Greggory D. Hull, Mayor

ATTEST:

_____

Rebecca A. Martinez, City Clerk

(SEAL)

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-100-00005

AGENDA DATE:
September 26, 2023

DEPARTMENT:
Development Services

SUBJECT:
Zone Map Amendment. The applicant, J Jacob Enterprises, Inc., through their agent, Modulus Architects & Land Use Planning, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU: Special Use for Multi-Family Residential Uses, for the subject property legally described as Unit 13, Block 68, Lots 5-8. Staff contact is Liz Ruiz Carlos and staff recommends the Planning and Zoning Board recommend approval to the Governing Body, with findings and conditions.

BACKGROUND AND ANALYSIS:
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU for C-1 and O-1 to SU: Special Use for Multi-Family Residential uses, for the subject property legally described as Unit 13, Block 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located between Inca Rd NE (residential street) and Idalia Rd NE (minor arterial), addressed off of Inca Rd NE. The property is west of Broadmoor Blvd NE (minor arterial) and north of Northern Blvd NE (principal arterial).

The adopted Generalized Land Use Map (GLUM), Map L-2 of the City Comprehensive Plan identifies the subject property as "Commercial (Neighborhood Community), Mixed-Use, Office" and will be amended to a "High Density Residential" land use. The subject property's Land Use is guided by the Lomas Negras Specific Area Plan, currently designated as "Neighborhood Corridor".

Concurrent to this Zone Map Amendment request, is an amendment to the Lomas Negras Specific Area Plan. The Specific Area Plan amendment request is to change the Land Use from Neighborhood Corridor to Community Commercial and update the Future Land Use Table.

This request was postponed from the September 12th, 2023 Planning and Zoning Board Meeting.

CONFORMANCE WITH THE CITY ZONING ORDINANCE:

City of Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07 (A) requires that an applicant file a request for a zone map amendment through the City Planning & Zoning Board when a change in zoning designation is sought.

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

Pursuant to the criteria provided by R.O. 2003 Section 150.07 (D) through (G), a request for change

in zoning designation must address the following policies and criterion for a zone map change:

(D) The following policies for deciding zone map change applications pursuant to the City zoning code are hereby adopted:

(1) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

The applicant states: "the proposed zone map amendment is consistent with the health, safety, morals, and general welfare of the City through the creation of development conditions necessary for a new multi-family neighborhood and locates residents closer to goods and services, make the remaining land more viable for development commercial use, and will provide expanded housing and lifestyle choices for current and future residents."

Staff recommends that the Planning & Zoning Board find that the proposed zoning is consistent with the health, safety, morals and general welfare of the City. The requested Zone Map Amendment would enable additional multi-family housing dwellings in the City of Rio Rancho, providing residents with increased housing options in a growing area of the City. In the last five years, amendments to the Lomas Negras Specific Area Plan have resulted in a net loss of 15.26 acres of "High Density Residential" Land Use in the surrounding area, and a separate Zone Map Amendment has resulted in a loss of 18.83 acres of R-6: Multi-Family Residential (Ordinance No. 23, Enact. 21-25); see attachment for mapping of these areas. This proposed Zone Map Amendment request would allow for approximately four (4) acres of multi-family residential zoning and land use to return in this area of the City, consistent with the morals and welfare of the City.

Staff recommends the Board find that the multi-family development may provide a transition zone between Commercial zoned properties to the south and single-family neighborhoods to the north, consistent with the health, safety, morals, and welfare of the City and its residents.

Criteria is satisfied.

(2) Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should be made.

The applicant states: "If granted, the Special Use Zone Map Amendment will have a positive effect on the stability of land use and zoning. The proposed zoning will provide development that is more compatible with surrounding uses and will contribute achieving a vibrant community with a mix of housing and lifestyle choices. The site has remained undeveloped for 20+ years and the influx of more people in the area will serve as an incentive for commercial development to build on the adjacent parcels. The change of R-6/Multi-Family Residential is more appropriate than the SU/Commercial designation because the development seeks to enhance the current character of the area and not change it."

Staff recommends that the Planning & Zoning Board find that the zone change will bring added stability to the area as it will act as a buffer and transition between lower density development to the north and commercial zoning to the south. The proposed Zone Map Amendment would provide multi-family development in an area of the City that has seen approximately 34 acres of high density land use and zoning amended and reduced since 2018, allowing for a stability of multi-family land uses and potential connectivity to adjacent commercially zoned properties. Criteria is satisfied.

(3) A proposed change shall generally be consistent with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans

which have been adopted by the City.

The applicant states: "[the request] furthers principles of the Comprehensive Plan in the following ways: it ensures a land use pattern that encourages a mix of housing and lifestyle opportunities in an area that has no other housing choices. It helps to create a more efficient transportation network by reducing automobile trips, congestion and improving air quality as compared to the same number of single family homes. Multifamily housing supports the expansion and diversification of the local workforce. An expanding housing supply often both indicates and allows for an expanding economy and local business. All of the factors are consistent with and further the Comprehensive Plan."

The applicant includes in their justification letter the following goals and policies of the City Comprehensive Plan:

- Vision for Growth (V-1)
- Land Use Goals L-1, L-2, and L-3
- Population and Housing Goals PH-1 and PH-3
- Population and Housing Policy PH-5 and PH-12
- Transportation Goal TR-1
- Economic Development Goals EDP-3 and EDR-2

Staff recommends that the Planning & Zoning Board find that the zone change is consistent with adopted elements of the Comprehensive Plan. The request would address Goals L-1 and L-3 of the Land Use Element of the Comprehensive Plan, by promoting a balance of land uses and a mixture of uses along arterial roads in the City (Idalia Road). The request for multi-family zoning adjacent to commercially zoned properties may also promote and support development that incorporates walkability, meeting Policy L-3.

Staff recommends the Board find that the proposed change to SU: Special Use for Multi-Family Residential Uses promotes and furthers goals and policies of the Population and Housing Element of the City Comprehensive Plan. The proposed zoning and site plan furthers Goal PH-3: Promote a variety of housing types to meet the needs of all members of the community, as well as Policies PH-1 and PH-4. These policies are to "Promote quality, community-friendly multifamily development, through features such as enhanced open space and pedestrian connectivity" (PH-1) and "Establish site and building design guidelines to create an effective transition, or necessary buffer, between substantially different land uses and densities." (PH-4).

Staff recommends the Board finds that the request meets the Goals and Objectives of the Lomas Negras Specific Area Plan, as the current land use designation allows for multi-family development. The concurrent Specific Area Plan Amendment (case no. 23-410-05) is further aligning the land use with the density proposed by this application. The amendment request to the Lomas Negras Specific Area Plan would allow for higher density multi-family development on the subject property, as the current underlying Land Use allows for R-3 multi-family uses at a slightly lower density. The proposed "Community Commercial" Land Use allows for C-1 and C-2 commercial uses, mixed-use development, and R-6: Multi-Family Zoning.

The Lomas Negras Specific Area Plan lists "Promote a variety of housing choices including low- and medium-density single family residential uses and high-density multi-family residential uses" and "Create neighborhood centers and corridors within walking distance of residences and with a balance of retail, office, and multi-family uses" as goals, which the request would further.

Criteria may be satisfied with the approval of the amendment to the Lomas Negras Specific Area Plan. Request conforms to the Goals, Objectives, and Policies of the City Comprehensive Plan and Lomas Negras Specific Area Plan.

(4) The applicant must demonstrate that the existing zoning is inappropriate because:
(a) There was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of an R-1 or transitional zone on an antiquated plat filed before the City's incorporation and adoption of its own zoning code or on land annexed by the City; or
(b) Changed neighborhood or community conditions justify the change; or
(c) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (D)(1) or (2) does not apply. Applicant's reliance on this provision requires proof that (i) there is a public need for a change of the kind in question, and (ii) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

The applicant states that: "In this case, b and c apply. Changed neighborhood and community conditions justify the change. Since the approval of the SU/C-1 zoning, national trends of declining retail have decreased the demand for commercial real estate acreage... In this case, the addition of multifamily is more advantageous because it will add to the variety of housing desired to support the population of the City and support the future development of neighboring commercial by increasing the number of patrons to the establishments and potential employees... The addition of more residents combined with its adjacency to C-1 and and O-1 zoning will provide better conditions for future commercial development to thrive."

Staff recommends that the Planning & Zoning Board find that the existing zoning is inappropriate because a different zoning type would be more advantageous for the community. The proposed high density zoning designation serves as a buffer between the C-1 zoning to the south and the R-4: Single Family zoning to the north; as well as provides a more varied mix of housing strategies, per goal PH-6 of the comprehensive plan.

Staff recommends the Board find that changed community conditions justify the change and that there is a public need for the change in this area of the City. Amendments to the Lomas Negras Specific Area Plan have resulted in a net loss of 15.26 acres of "High Density Residential" Land Use and Ordinance No. 23, Enactment No. 21-25 resulted in a zone change of 18.83 acres of R-6: Multi-Family to R-2: Single-Family Residential (in what is the Tierra del Norte Master Plan Area); see attachment for mapping of these amendments. The loss of approximately 34.09 acres of high density land use and zoning within the Lomas Negras Specific Area Plan justifies the public need for additional high density residential in order to promote housing variety and provide a transition of land use intensity from adjacent C-1: Retail Commercial Zoned property.

Criteria is satisfied.

(5) The cost of land or other economic considerations pertaining to the applicant shall not be a determining factor for a change of zone.

Staff recommends that the Planning and Zoning Board find that the cost of land or other economic considerations pertaining to the applicant is not considered a determining factor in the change in zoning designation. Criteria is satisfied.

(6) Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

Staff recommends that the Planning and Zoning Board find that the location of the subject site is not the justification for the change. Criteria is satisfied.

(7) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a

change of zone may be approved only when: The change will clearly facilitate realization of the comprehensive Plan and any applicable adopted sector development plan or area development plan; or the area of the proposed zone change is different form surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The applicant states, "this request to change the existing SU/C-1 to the requested R-6/Multi-Family Residential clearly facilitates the realization of the Comprehensive Plan in a multitude of ways. The request embraces the city's goals, "for higher density housing options and more affordable housing choices;" but these goals warrant, "a mix of zoning designations." This site serves as a, "suitable location for a transition between adjacent zone districts."

Staff recommends that the Planning and Zoning Board find that the requested zone map amendment would not create a spot zone, as it functions as a transition between adjacent single-family residential and C-1: Retail Commercial zoned property. The requested multi-family zoning provides a buffer and transition in intensity between the C-1: Retail Commercial property to the south and west, O-1: Office zoned property to the east, and the R-4: Single Family Residential properties to the north. The proposed zoning is more advantageous for the area and realizes elements of the Comprehensive Plan by enabling a variety of housing options, a mix of uses along the minor arterial Idalia Rd corridor, and possible walkability between multi-family and adjacent commercially zoned properties.

Criteria is satisfied.

SITE PLAN ANALYSIS:
Per 154.43(A)(3) the site plan at a minimum shall contain the following information:
A. Scale and north arrow; A scale bar and north arrow are included on the landscaping plan. Criteria is satisfied.
B. Lot boundaries and easements; The site plan shows the proposed lot boundary after the four subject properties are combined. Criteria is satisfied.
C. Existing and proposed utilities; The development will tie into city water and sewer. Water and wastewater availability statements will be required at the time of building permit.
D. Existing and proposed rights-of way; The site plan shows the existing Inca Rd NE. There are no additional proposed rights-of-way as part of this application. There is a 50' utility easement between the subject properties and Idalia Rd to the south. Criteria is satisfied.
E. Proposed structures with uses, dimensions, and setbacks; The site plan shows one three-story building, mirrored down the middle, featuring 50 units per floor, for 150 units total. Exercise areas and pathways are also depicted on the site plan. There are no proposed pools or club houses with this development. Criteria is satisfied.
F. Proposed ingress, egress, parking, and circulation; The current site plan depicts access to the site off of Inca Rd NE, on either end of the property; with the building pushed to the back of the property and parking acting as a buffer between the building and Inca Rd increasing the distance between the buildings and the single family dwellings to the north.

This configuration took into account input from surrounding residents' concerns, as well as staff comments. Residents expressed concerns surrounding access off of Inca, and suggested access off of Idalia instead; access off of Idalia would require permission from the property owner of the 50' tract to the south that separates the lots from Idalia Rd. The realignment of Idalia Rd shifted some lot lines and depending on the ingress point could be too close to Northern Blvd. The applicant did try to incorporate access off of Idalia, but after meeting with staff, it became apparent that were a myriad of issues with accessing off of Idalia. The applicant would've had to reconcile getting permission from the owner of the property behind them, to access Idalia, as well as from New

Mexico Gas Company, to cross their gas line that runs across that property. Additionally, access onto Idalia from these properties was never considered in studies completed by the City for the area, and as a result, access points would need to be discussed and approved by the City; particularly given the subject properties' proximity to Northern Blvd Ne.

The site plan denotes 210 parking spaces surrounding the building on three sides. Per 154.76 Off-Street Parking Requirements, 1 bedroom (1BR) units require 1.5 parking spaces and 2 bedroom units require 1.75 parking spaces. Given the development proposes 75 1BR units and 75 2BR units, it warrants 244 parking spaces per city standards, plus 6 guest parking spaces, for a total of 250 spaces. The proposed site plan deviates by 40 spaces or 16%, and the applicant has submitted a parking deviation analysis that breaks down how the proposed 210 spaces are more than adequate per their findings. The analysis is included as an attachment. Given the subject properties' classification as Special-Use, it allows for the opportunity to build-in reduced parking requirements into the site plan and accompanying ordinance that will guide development on the site.

G. Landscaping and landscape buffers; The applicant has included a landscaping plan that denotes tree and shrub counts, as well as overall landscaping calculations. Criteria is satisfied.
J. Elevations; The applicant has included elevations as part of their submittal package. Elevations and building design conform to City and area plan standards. Building height conforms to City Code and Specific Area Plan. Criteria is satisfied.
I. Adjacent property characteristics; The site plan shows Inca Rd NE and provides context for how the site is oriented in relation to Inca. Criteria is satisfied.
J. Preliminary drainage plan. A preliminary drainage analysis has been submitted and further drainage plans will be required at the time they submit for building permit.

SURROUNDING LAND USE/ZONING:
The neighboring properties to the immediate north are zoned R-4: Single-Family Residential, while the properties to the east are zoned O-1: Office Space, and the properties to the south and west are zoned C-1: Retail Commercial.

NOTIFICATIONS: In accordance with State Statute NMSA 3-21-6, which stipulates notification procedures for this type of zoning action, all property owners within 100 feet of the subject properties received a certified letter containing a notice of action and impending Planning and Zoning Board hearing, with return service requested. A notice sign was placed on the subject properties, as required by ordinance, and a legal notice was published in the Albuquerque Journal on August 28, 2023.

INTERDEPARTMENTAL/INTERAGENCY REVIEW: DSD Planning and Zoning - Comments within document. DSD Engineering - No adverse comments provided. Rio Rancho Public Schools - No comments provided. Fire and Rescue - No adverse comments. Police Department - No comments provided. SSCAFCA - No adverse comment. MRCOG - No adverse comments. Parks, Recreation, and Community Services - No adverse comments.

IMPACT:

Staff finds that no adverse impacts are likely to occur as a result of the approval of this zone map amendment. Staff recommends the Planning and Zoning Board recommend approval of the zone map amendment to the Governing Body, subject to the following findings below:

GENERAL FINDINGS OF FACT:
1. The Planning and Zoning Board may make a recommendation to the Governing Body on the applicant’s request for a zone map amendment.
2. The applicant has the authority to apply for a zone map amendment on the subject property.
3. The applicant and adjacent property owners received due process.

SPECIFIC FINDINGS OF FACT FOR APPROVAL:

1. The proposed ordinance change would be consistent with the health, safety, morals, and general welfare of the City by promoting a variety of housing options in an area of the City that has seen a significant decrease in higher density zoning and land use.
2. The applicant has provided sound justification, in a narrative dated August 22, 2023, for the proposed zone change and the zone map amendment would provide for stability of zoning.
3. The proposed zone map amendment would be consistent with the adopted elements, goals, policies, and objective of the Comprehensive Plan and Lomas Negras Specific Area Plan.
4. The applicant has demonstrated that the SU for Multi-family residential designation would be more advantageous zoning for the subject property.
5. The cost of the land or other economic considerations does not appear to be a justification for the proposed zone map amendment.
6. The applicant has provided sufficient justification that the zone map amendment request is not solely based on the properties' location on Inca Rd NE.
7. The requested zone map amendment would not create a “spot zone,” as the proposed zone change is more advantageous than the existing zoning, realizes elements of the comprehensive plan, and changed community conditions justify the change.

SPECIFIC CONDITIONS OF APPROVAL:

1. Development of the subject property shall be per the approved site plan attached to the SU: Special Use Ordinance
2. Approval of the Zone Map Amendment is pending approval of Specific Area Plan Amendment case no. 23-410-05, which will result in conformance with the Lomas Negras Land Use Map and Future Land Use Table.

If the Board determines the proposed zone map amendment is not justified, the following findings are recommended for denial:

SPECIFIC FINDINGS OF FACT FOR DENIAL:

1. The proposed zone map amendment does not meet the requirements of Rio Rancho Code of Ordinances (R.O. 2003) §150.07(D) Amendments.
2. The proposed zone map amendment does not conform with the Land Use Map and Future Land Use Table in the Lomas Negras Specific Area Plan.

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. Postpone the item and continue the public hearing in order to further review.

DEPARTMENT RECOMMENDATION:

Staff recommends the Planning & Zoning Board recommend approval of the Zone Map Amendment to the Governing Body, with findings and conditions.

ATTACHMENT: Location_Zoning Map.pdf
ATTACHMENT: Zone Map for Larger Surrounding Area.pdf
ATTACHMENT: Application and Renderings.pdf
ATTACHMENT: Justification Letter.pdf
ATTACHMENT: Rendered Site Plan.pdf

ATTACHMENT: Landscape Plan.pdf
ATTACHMENT: Parking Deviation Request Reference Material.pdf
ATTACHMENT: Transportation Engineering Multifamily Parking Memo.pdf
ATTACHMENT: Last 5 Years Changed Zoning and Land Use Exhibit.pdf
ATTACHMENT: Lomas Negras SAP Existing Land Use
ATTACHMENT: Reproduction_of_Notices.pdf
ATTACHMENT: Public Comment 1.pdf
ATTACHMENT: Public Comment 1A.xlsx
ATTACHMENT: Public Comment 2.pdf
ATTACHMENT: Public Comment 3.pdf
ATTACHMENT: Public Comment 4.pdf
ATTACHMENT: Public Comment 5.pdf
ATTACHMENT: Public Comment 6.pdf
ATTACHMENT: Public Comments Mapped.pdf
ATTACHMENT: Draft_Ordinance_BMB_AR.docx

UNIT 13, BLOCK 68, LOTS 5-8
ZONE MAP AMENDMENT

Rio Rancho
City of Vision

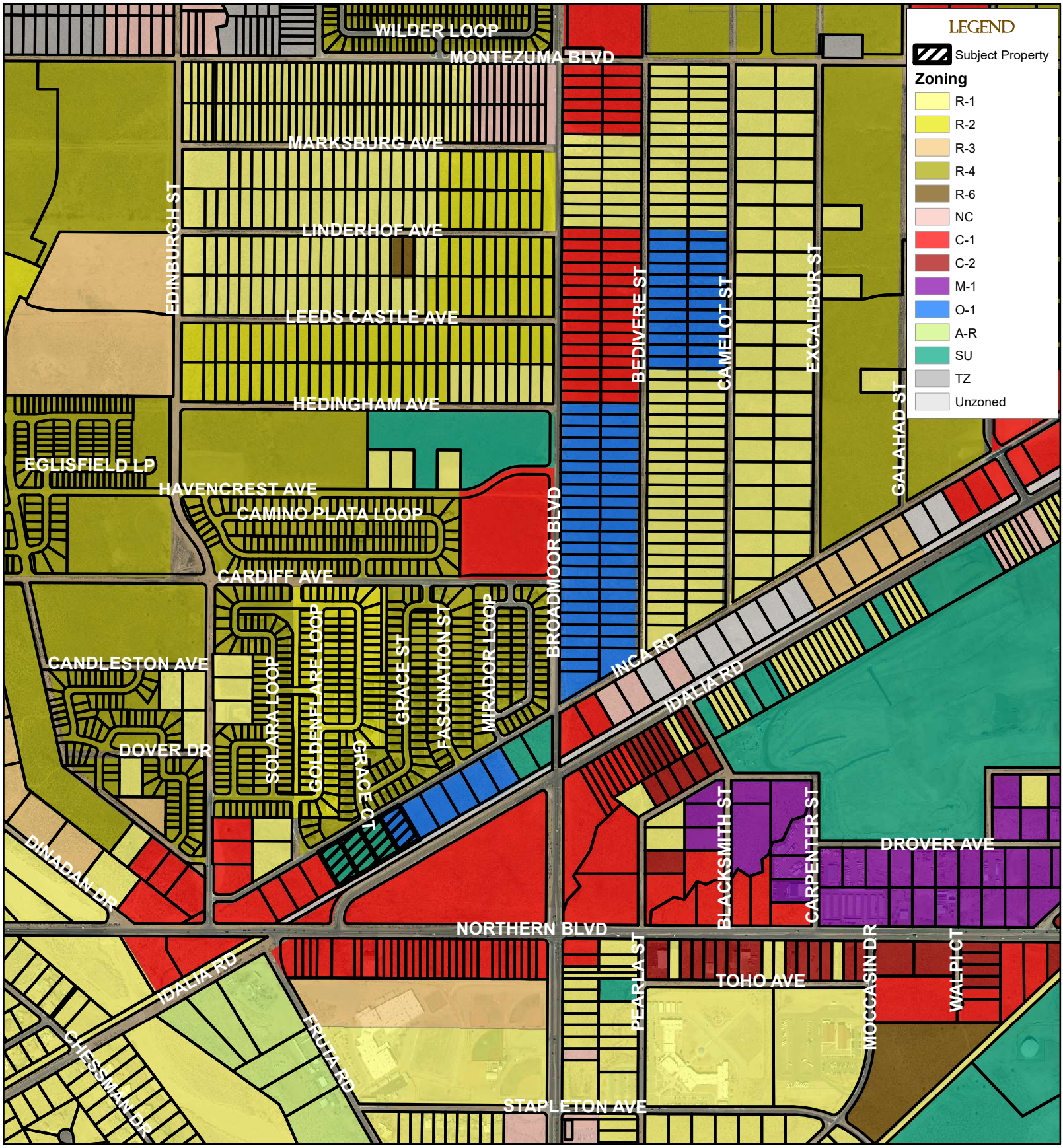
0 55 110 220 330 440 Feet

N
W E
S

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 Liz Ruiz Carlos on 8/24/2023

INCA MULTI-FAMILY: LARGER AREA ZONING



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.

RioRancho City of Vision

GIS Moving Spatial Data Forward

Map Created by Brian Babyak on September 20, 2023

0 0.15 0.3 0.6

Miles

N W E S

Development Services Department, Ste. 130
3200 Civic Center Circle NE, Rio Rancho, NM 87144
(505) 891-5005

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

Administrative Permit	Plan	Subdivision	Zoning
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☐ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	☐ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Model Home / Sales Office	☐ Master Plan Amendment	☐ Vacation of Plat/Street	☐ Master Sign Plan
☐ Residential Child Care Facility 6 or <	☐ Specific Area Plan Amendment	☐ Street Name Change	☐ Site Plan
☐ Sign Permit	☐ Text Amendment	☐ Subdivision Interpretation	☐ Special Exception
☐ Other		☐ Subdivision Variance	☐ Variance
			☒ Zone Map Amendment
			☐ Zoning Certification
			☐ 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: J Jacob Enterprises, Inc.		Phone: (505) 344-5300
Address: 100 Sun Ave NE, Suite 600		E-Mail: jerome@jacobenterprises.com
City: Albuquerque	State: New Mexico	Zip: 87109
Proprietary Interest: Owner	List Owners: Jerome Maldonado	
Deed or Ownership Verification Provided: (Initials)	Letter of Authorization Provided: (Initials)	
Agent Name: Modulus Architects & Land Use Planning, Inc.		Phone: (505) 338-1499 ext. 1000
Address: 100 Sun Ave NE, Suite 600		E-Mail: angela@modulusarchitects.com
City: Albuquerque, NM 87109	State: NM	ZIP Code: 87109

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

This request is for a Zone Map Amendment / Site Plan Approval for SU/R-6 for a 150 Unit Multifamily project. Current zoning is SU/C-1

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Rio Rancho Estates	Block(s): 68	Lot(s): Lots 5 – 8
Existing Zoning: SU/C-1	Proposed Zoning: SU/R-6	
No. of existing lots: 4	No. of proposed lots: 4	Total area of site (acres) 4 Acres

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: Angela M. Williamson Piarowski	Applicant: Agent for Owner	Agent:
Signature: Angela M. Piarowski, Agent		Date: 06/29/2023

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:**

Form revised January 26, 2017

City of Rio Rancho
Development Services
3200 Civic Center Circle NE, 1st Floor
Rio Rancho, NM 87144
(505) 891-5005 Fax: (505) 896-8994

Zone Map Amendment

Fees

Less than one (1) acre	$ 266.00
One (1) to 4.99 acres	$ 531.00
Five (5) to 9.99 acres	$ 797.00
Ten (10) to 49.99 acres	$1,063.00
Fifty (50) to 100 acres	$1,328.00
Over 100 acres	$1,328.00 for the first 100 acres + $ 266.00 Per each additional acre(s) or portion thereof.

Applicant

Name (Print): **J Jacob Enterprises, Inc.**

Address: **100 Sun Ave NE, Suite 600**

City: **Albuquerque** State: **NM** Zip: **87109**

Phone (W): **(505) 344-5300** Phone (Other): **(505) 338-1499**

Email: **jerome@jjacobenterprises.com**

Proprietary interest in site: List ALL owners: Jerome Maldanado

Agent

Name (Print): **Modulus Architects & Land Use Planning, Angela Piarowski (Agent)**

Address: **100 Sun Ave NE, Suite 600**

City: **Albuquerque** State: **NM** Zip: **87109**

Phone (W): **(505) 338-1499** Phone (Other):

Email: **angela@modulusarchitects.com**

Description of Request: **Zone Map Amendment/ Site Plan Approval for SU/R-6 for a 150 Unit multifamily project. Current zoning for Lots 5,6 & 7 is SU/C-1 and zoning for Lot 8 is O-1 - Subject site is 4-acres.**

Legal Description of Property

Existing

Subdivision/Unit: Rio Rancho Estates Block: Block 68 Lot: Lots 5, 6, 7 & 8

Rio Tract/Parcel: Zoning: Current Zoning SU/C-1 and O-1
Proposed Zoning : SU/R-6

Proposed

Subdivision/Unit: Rio Rancho Estates Block: 68 Lot: Lots 5, 6, 7 & 8

Tract/Parcel: Zoning: SU/R-6

Site Map of Property

Zone Atlas Page(s): _____ No. of existing lots: 4 No of proposed lots: 4 (at this time)

Total area of site (acres): 4-Acres

Density (if applicable): dwelling units per acre: 50 - DU per acres for a total of 150 units

Location of property by streets: On or Near Idalia, Inca, Northern, Broadmoor

Between Idalia and Inca And Broadmoor

Check off if project was previously reviewed by:

☐ Sketch Plat/Plan ☐ Pre-application ☐ Review/DRC Date of Review: _____

(Print) Name: Angela M. Piarowski

☐ Applicant ☒ Agent

Signature: Angela M. Piarowski Date: June 29, 2023

Additional Explanation/Justification of Request

Please see additional supplemental package that includes the following: Application, Site Plan, Project Renderings, Building Elevations, Landscaping Plan, Summary of Request and Policy Analysis.

For Office Use Only

	Application Case Numbers	Action	Fees	Receipt
☐ Internal Routing				
☐ All Check list(s) Complete				
☐ All Fees Collected				
☐ Case Numbers Assigned				
☐ Case History Listed				

Staff Signature: _____ Date: _____

Hearing Date: _____ Actual Hearing Date: _____

Action Taken: _____

If Platting approved, Date Filed with County Clerk: _____

Book: _____ Page: _____ Subdivision: _____

ORIGINAL PERSPECTIVE PLAN PRESENTED AT THE COMMUNITY MEETING JUNE 14, 2023
PRIOR TO CLOSING ACCESS ON INCA ROAD AND ADDING AN ADDITIONAL 85 FT. BUFFER

STEEL PAINT COLOR =
SW- BITTER CHOCOLATE
SW- 6013

EXTERIOR PANELING =
WOOD CLADDING

EXTERIOR CLADDING =
1 X 2 FACE TILE

EXPOSED SMOOTH =
FACED CMU/PAINT
SW- 6068

3 COAT STUCCO FINISH =
SW- 7633

3 COAT STUCCO FINISH =
SW- 7734

3 COAT STUCCO FINISH =
SW- 6084

3 COAT STUCCO FINISH =
SW- 6068

BUILDING DESIGN-COLOR SCHEME STANDARD

REV	DATE	BY	REVISION
6			
5			
4			
3			
2			
1			

MODULUS ARCHITECTS
100 SUN AVE. N.W. SUITE 600
ALBUQUERQUE, NEW MEXICO 87109
PHONE (505) 338-1499 FAX (505) 338-1498

PROJECT TITLE
PROPOSED
INCA ROAD
RIO RANCHO NEW MEXICO

PROJECT MANAGER:
STEPHEN DUNBAR, AIA

JOB NO.
INCA

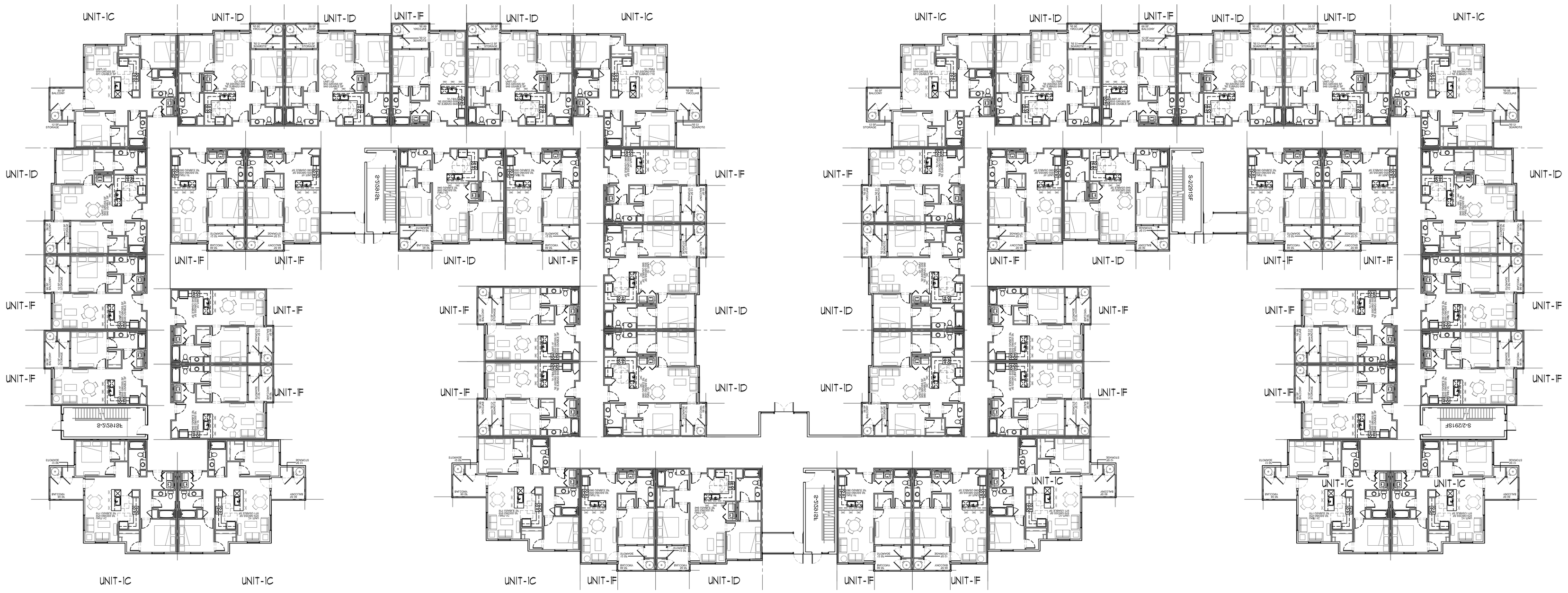
DRAWN BY:
S

SHEET TITLE
PROPOSED EXTERIOR ELEVATION

DATE:
3/06/2023

SCALE:
RE: SCALE

sheet-
11
of-



STANDARD FLOOR PLAN LEVELS 1 THRU 3

25 TWO BEDROOM UNITS PER FLOOR

25 ONE BEDROOM UNITS PER FLOOR

50 TOTAL UNITS PER FLOOR= 150 TOTAL UNITS

REV	DATE	BY	REVISION
A			
1			
2			
3			
4			

MODULUS ARCHITECTS
100 SUN AVE. N.W. SUITE 600
ALBUQUERQUE, NEW MEXICO 87109
PHONE (505) 338-1499 FAX (505) 338-1498

PROJECT TITLE
PROPOSED
INCA ROAD
RIO RANCHO NEW MEXICO

PROJECT MANAGER: STEPHEN DUNBAR, AIA

JOB NO. INCA

DRAWN BY: S

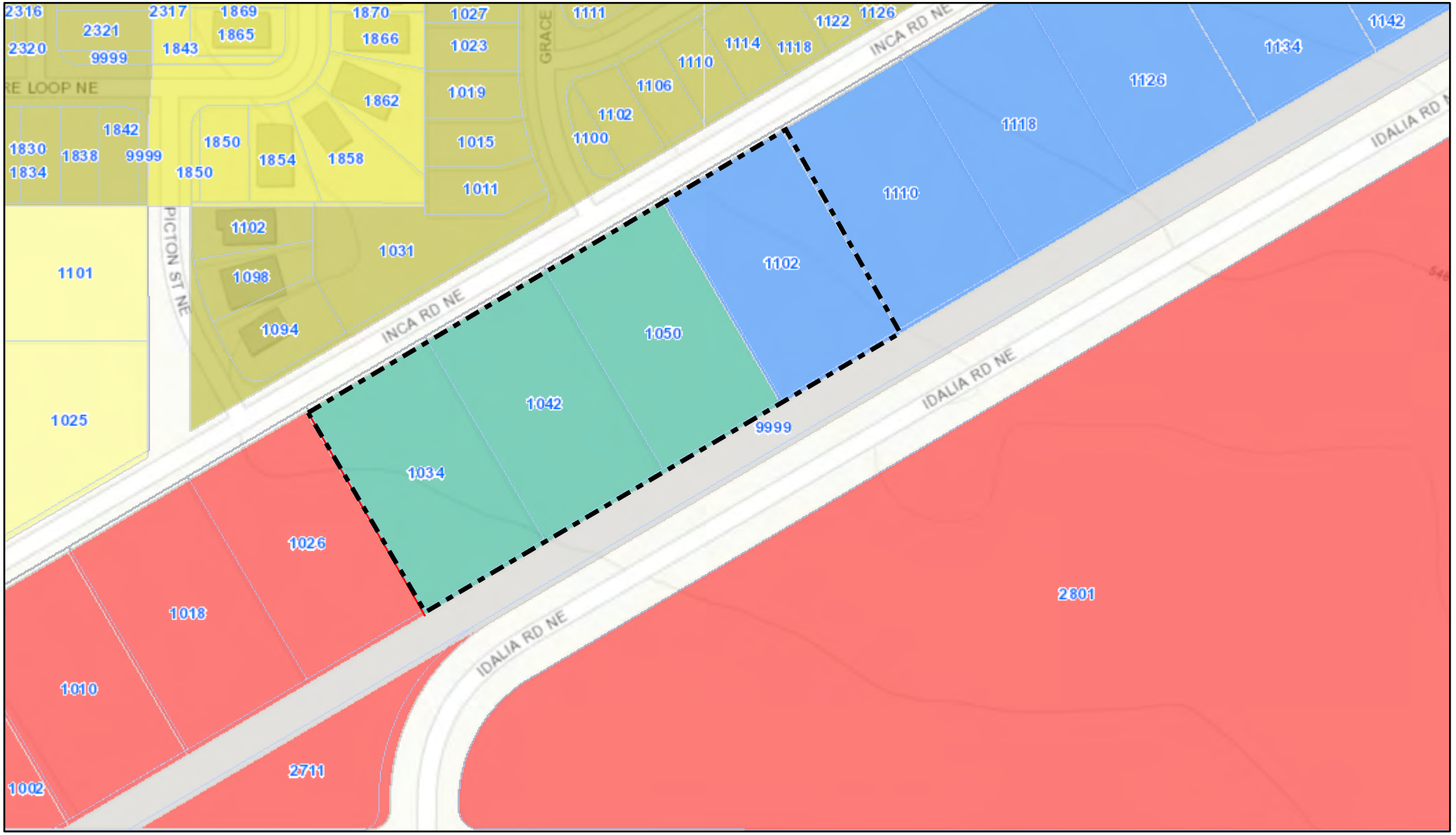
SHEET TITLE
CONCEPTUAL FLOOR PLAN

DATE: 3/06/2023

SCALE: RE: SCALE

sheet- FP-1 of-

Web Map



7/17/2023, 12:58:56 PM

Zoning

A-R	C-2	M-1	NC	PR	R-3	R-6	
BP	CBD	MH	O-1	R-1	R-4	SU	
C-1	E-1	MU-A	OS	R-2	R-5	TZ	

1:2,257

0 0.01 0.03 0.06 mi

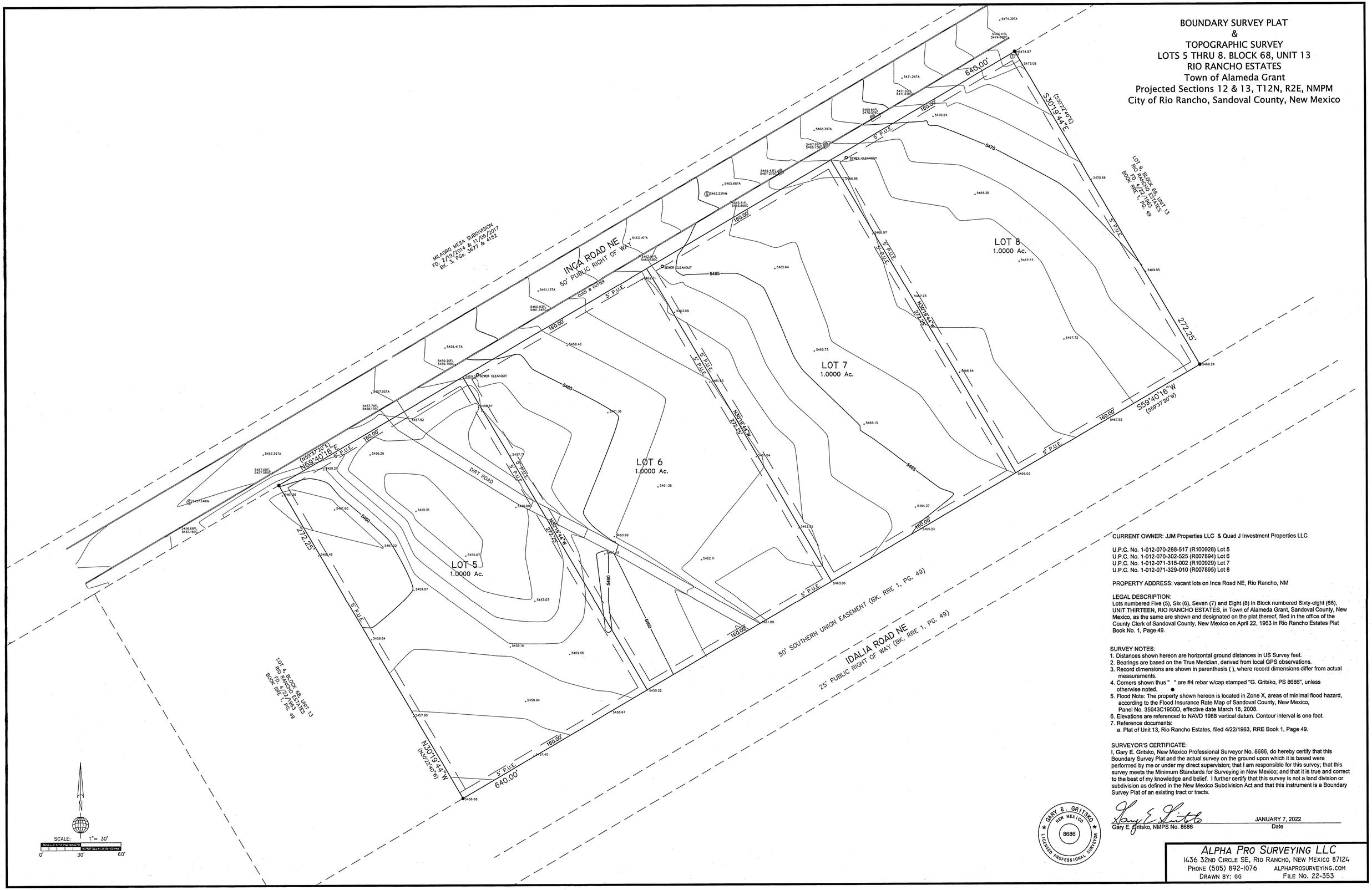
0 0.03 0.05 0.1 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, City of Rio Rancho - Records and GIS Section -

City of Rio Rancho

City of Rio Rancho, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | City of Rio Rancho - Records and GIS Section - Engineering Division - Public Works |

BOUNDARY SURVEY PLAT
&
TOPOGRAPHIC SURVEY
LOTS 5 THRU 8. BLOCK 68, UNIT 13
RIO RANCHO ESTATES
Town of Alameda Grant
Projected Sections 12 & 13, T12N, R2E, NMPM
City of Rio Rancho, Sandoval County, New Mexico



CURRENT OWNER: JJM Properties LLC & Quad J Investment Properties LLC

U.P.C. No. 1-012-070-288-517 (R100928) Lot 5
U.P.C. No. 1-012-070-302-525 (R007894) Lot 6
U.P.C. No. 1-012-071-315-002 (R100929) Lot 7
U.P.C. No. 1-012-071-329-010 (R007895) Lot 8

PROPERTY ADDRESS: vacant lots on Inca Road NE, Rio Rancho, NM

LEGAL DESCRIPTION:
Lots numbered Five (5), Six (6), Seven (7) and Eight (8) In Block numbered Sixty-eight (68), UNIT THIRTEEN, RIO RANCHO ESTATES, in Town of Alameda Grant, Sandoval County, New Mexico, as the same are shown and designated on the plat thereof, filed in the office of the County Clerk of Sandoval County, New Mexico on April 22, 1963 in Rio Rancho Estates Plat Book No. 1, Page 49.

SURVEY NOTES:
1. Distances shown hereon are horizontal ground distances in US Survey feet.
2. Bearings are based on the True Meridian, derived from local GPS observations.
3. Record dimensions are shown in parenthesis ( ), where record dimensions differ from actual measurements.
4. Corners shown thus " ● " are #4 rebar w/cap stamped "G. Gritsko, PS 8686", unless otherwise noted. ●
5. Flood Note: The property shown hereon is located in Zone X, areas of minimal flood hazard, according to the Flood Insurance Rate Map of Sandoval County, New Mexico, Panel No. 35043C1950D, effective date March 18, 2008.
6. Elevations are referenced to NAVD 1988 vertical datum. Contour interval is one foot.
7. Reference documents:
   a. Plat of Unit 13, Rio Rancho Estates, filed 4/22/1963, RRE Book 1, Page 49.

SURVEYOR'S CERTIFICATE:
I, Gary E. Gritsko, New Mexico Professional Surveyor No. 8686, do hereby certify that this Boundary Survey Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this instrument is a Boundary Survey Plat of an existing tract or tracts.

GARY E. GRITSKO * NEW MEXICO * 8686 * LICENSED PROFESSIONAL SURVEYOR

Gary E. Gritsko, NMPS No. 8686 — JANUARY 7, 2022 Date

ALPHA PRO SURVEYING LLC
1436 32ND CIRCLE SE, RIO RANCHO, NEW MEXICO 87124
PHONE (505) 892-1076 ALPHAPROSURVEYING.COM
DRAWN BY: GG FILE NO. 22-353

MODULUS ARCHITECTS & LAND USE PLANNING, INC.

100 Sun Avenue, Suite 600
Albuquerque, NM 87109
Phone: (505) 338-1499

Planning and Zoning Board
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

August 22, 2023

Re: Request for a Special Use Zone Map Amendment for SU/R-6 for the property legally described as: Unit 13, Block 68, Lot 5, 6, 7 & 8 Rio Rancho Estates – Approximately 4-Acres

Dear Planning and Zoning Board,

Modulus Architects & Land Use Planning, Inc., hereafter referred to as "Agent" for the purpose of this request, represents J Jacob Enterprises, Inc., hereafter referred to as the "Property Owner." The agent is requesting approval of a Special Use Zone Map Amendment (ZMA) and accompanying Site Plan for the parcels legally described above and below. The parcels (the "subject site") are a combined +/- 4.0 acres in size. Three of the parcels (5, 6 & 7) are zoned Special Use for C-1 and one parcel, (parcel 8) is zoned O-1. The purpose of this letter is to provide the very pertinent background, policy analysis and justification for the proposed Special Use Zone Map Amendment request. The site is currently vacant and undeveloped (See Figure 1). The legal description for the properties are Unit 13, Block 68, lot 5, 6, 7 & 8 Rio Rancho Estates, approximately 4 acres generally located north side of Idalia Road west of Braodmoor Boulevard.

This Special Use Zone Map Amendment request is to modify the existing Special Use zone for approximately 4 acres to change from the current SU/C-1 zoning to the proposed SU/R-6 zoning. A 150-unit multi family project is proposed to be constructed on the site with the approval of the Special Use Zone Map Amendment request. The apartment homes propose a mix of 1-bedroom and 2-bedroom units. Furthermore, a Plat will be processed to create the contiguous 4-acre parcel. This platting action will move forward at a later date, once the request for a Zone Map Amendment has been decided.

SITE OWNERSHIP

The site has been owned by JJM Enterprises (DBA: J Jacobs Enterprises) since 2008 and remains in this ownership group today. They will be the developer on this project.

SITE HISTORY

Lots 5, 6 & 7 were legally changed by the applicant and approved by the City of Rio Rancho

(Ordinance No. 42) August 14, 2009 from O-1 to SU/C-1 permissive uses, except bars/lounges, drive-up liquor dispensing windows and adult only uses as well as Conditional Uses for the O-1 Office District. Including design standards including but not limited to setbacks, landscaping, on-site parking and building standard as required by the C-1 Retail Commercial District and the Lomas Negras Specific Area Plan. Prior to that Lots 5 – 8 were originally zoned for Single Family Residential but were legally changed to O-1 by approval of the City of Rio Rancho (Ordinance No. 18) in 1999. Lot 8 has remained O-1 zoning.

J Jacob Enterprises has a long and successful track record of developing family oriented multi-family projects. Their intention is to continue this success at this location providing the current and future residents of Rio Ranch with expanded housing opportunities.

Figure 1: Site Location

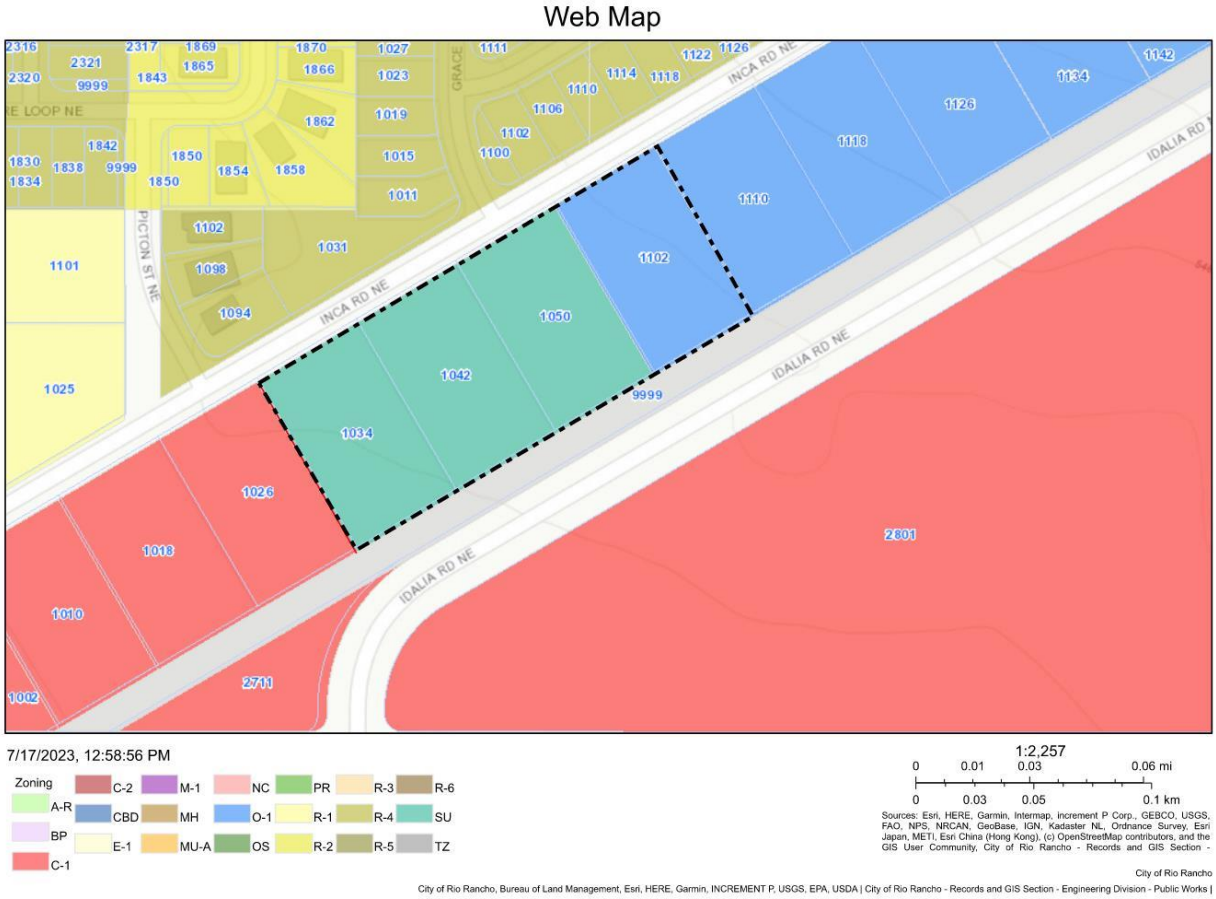
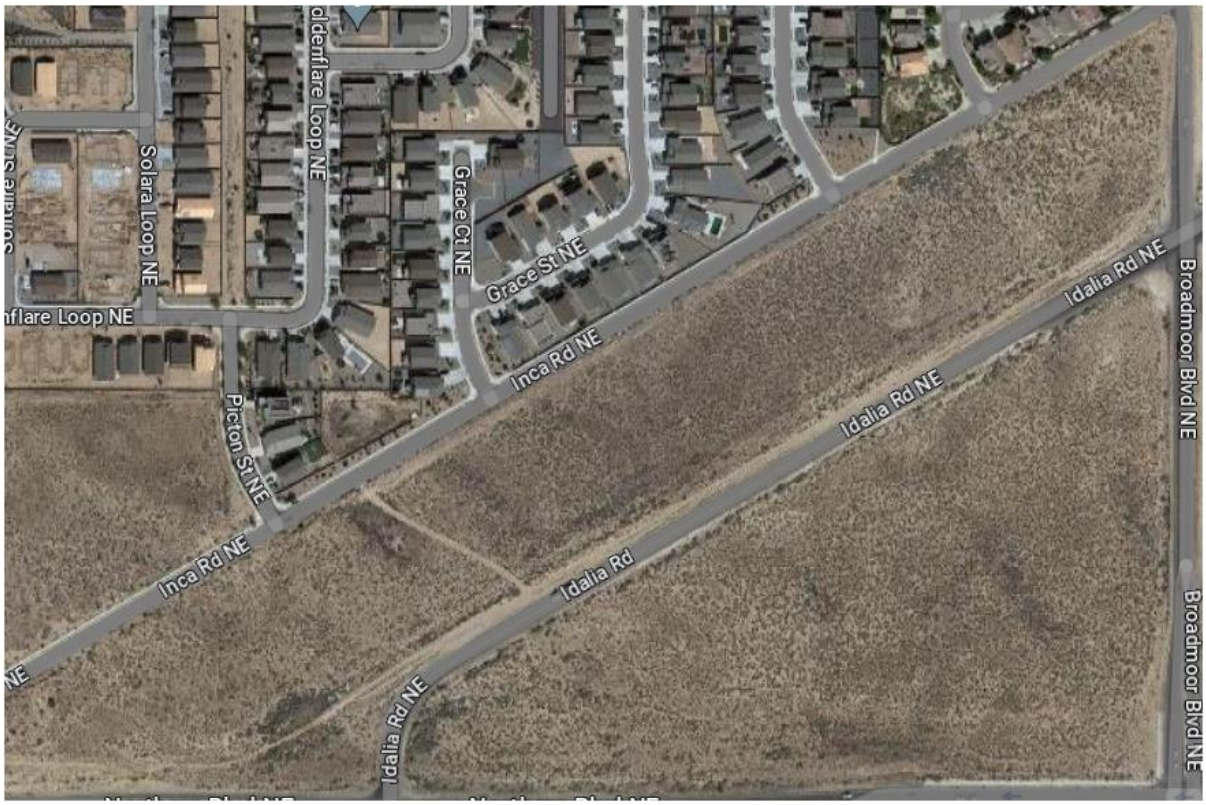


Figure 2: Aerial Exhibit of Site Location



PRE-APPLICATION AND COMMUNITY OUTREACH

Modulus Architects and the Development team attended a pre-application meeting with the City of Rancho Planning staff on January 18, 2023. The development team proactively began a community outreach program with the community developer of the single family residential developments to the north. A great deal of dialogue was held via email and a community open house meeting was held at the Loma Colorado library on June 14, 2023.

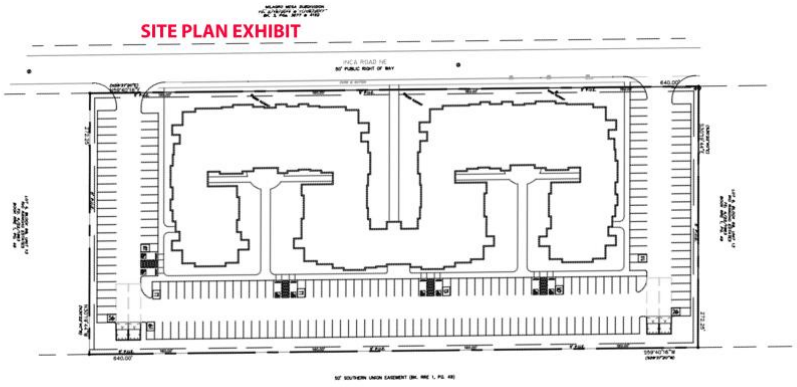
The rendering below was presented to the attendees of the open house meeting and much discussion was had. There was quite a bit of opposition to the project but we were able to walk away from the meeting with several requests from the adjacent residents. The first of which was to flip the access into and out of the multifamily development which was shown on Inca Drive and to relocate this access to Idalia Road so that the future residents would not access Inca directly for ingress and egress. The next request that was made was to create additional buffer area between the single family residence and the multifamily units by putting the parking field between Inca and our building.

We updated our plan to accommodate the comments from our meeting. We closed all access on Inca and show access now from Idalia only. We also flipped the parking and moved the building so that we added an additional buffer of more than 85 ft. from our property line to our building where we previously had the building adjacent to the property line.

Figure 3: Original Rendering Presented to the Community Open House Meeting 6/14/2023

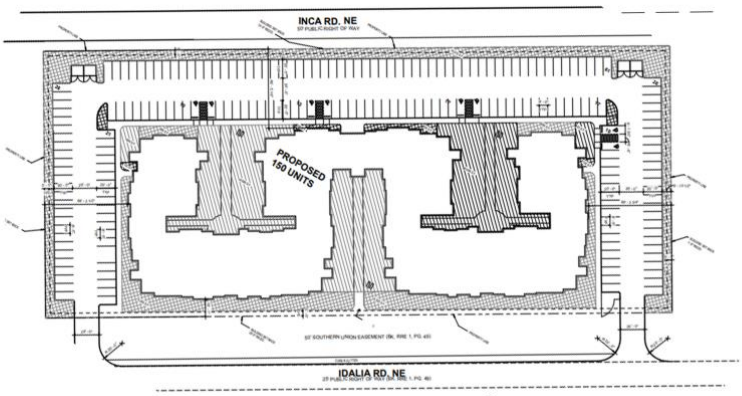
Figure 4: Site Plan Option Presented 6/14 – Revised Site Plan After Meeting

Site Plan Option (1)
Presented to Neighborhood Association on June 14, 2023



SIte Plan Option (2)
SIte Plan Modified with input from the community residents. Changes include:
1. **Close access from Inca**
2. **Provide access from Idalia only**
3. **Create a large buffer area by moving the parking field bewteen the adjacent residents and the multifamily buildings**

Presented to Neighborhood Association on June 28, 2023



After the updates above were circulated to the City of Rio Rancho Engineering and Transportation as well as the NM Gas Company it was determined that access from Idalia is not the preferred scenario. Idalia is a Minor Arterial Roadway and not intended for access. The master transportation network plan always anticipated access from these parcels would be obtained from Inca. Therefore, we changed the access back to Inca but we did leave the parking and buffer space as requested from the community outreach meeting. Additionally, we were unable to secure approval from the land owner of to gain the requied approvals to access our property from Idalia.

Figure 5: Final Update to Site Plan after Additional Studies and Meetings - Update as of 8/20

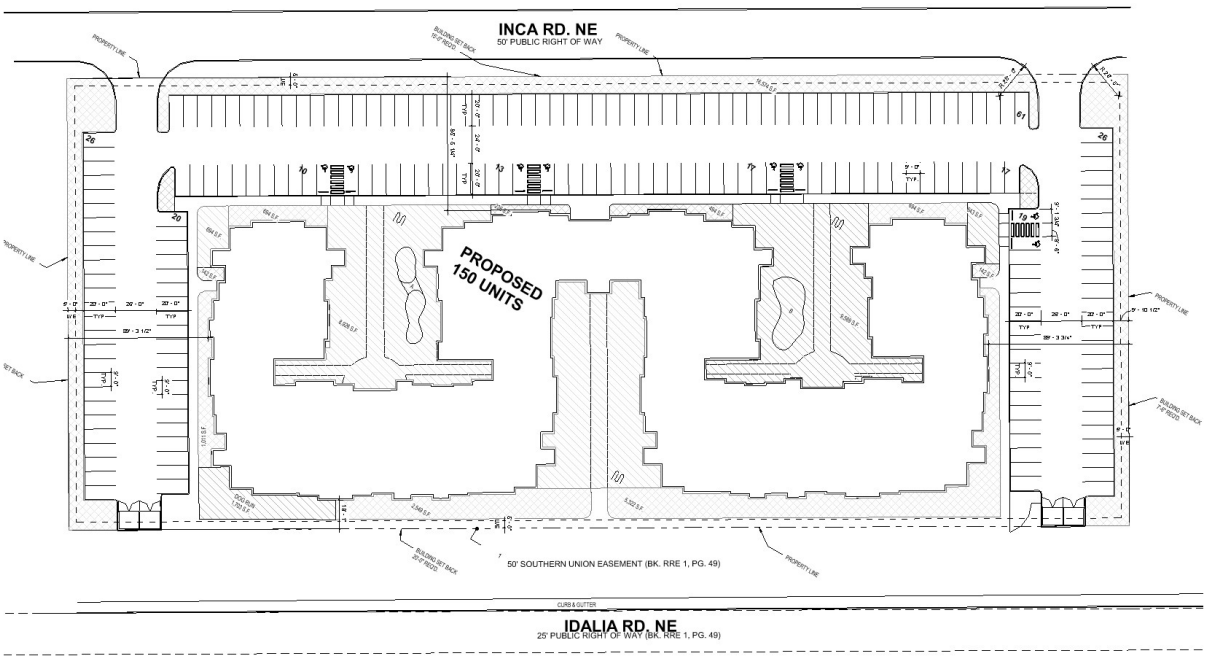


Figure 6: Aerial Rendered Site Plan

MULTI FAMILY HOUSING BENEFITS

Comprising 15% (20.6 million units) of the nation's housing stock, multifamily rental housing plays a vast and diverse housing role that serves an essential and evolving purpose in communities across the country. At its core, multifamily housing increases the density, variety, and efficiency of a municipality's housing.

Multifamily housing broadly improves our cities in four far-reaching ways:

- *Invigorating economic vitality by improving the livelihood of workers and businesses*
- *Improving fiscal health by increasing the tax base and efficiently using public resources*
- *Increasing environmental sustainability by efficiently building and operating residential units*
- *Enhancing quality of life by allowing for healthy, culturally vibrant, and place-based lifestyles*

The benefits of Multifamily Housing – In any market, but particularly in Rio Rancho, multifamily housing exhibits three fundamental characteristics that allow it to yield a far-reaching set of benefits.

Wide Variety – Multifamily housing serves a wide range of household types and needs. The wide range of available unit types, locations, and price points allows multifamily housing to accommodate a unique variety of household types, income levels, and lifestyle preferences.

Greater Efficiency – Multifamily housing is cost-effective and efficient to both build and operate. Development costs for multifamily housing are far lower on a per-unit basis than single-family. Multifamily housing also makes more efficient use of utilities and other infrastructure.

Increased Density - Multifamily housing allows for more housing units to be built on any given parcel of land. Increasing the density of households can quickly expand the tax base and commercial vitality of an area. It also allows for more much-needed housing to be built in desirable areas with greater employment, easier access to transit, and generally a higher quality of life, as these areas typically are more land-constrained and expensive to build in.

Economic Growth and Vitality

Multifamily housing stimulates and sustains local economies, neighborhood health, and overall economic competitiveness. Multifamily housing supports the expansion and diversification of the local workforce. An expanding housing supply often both indicates and allows for an expanding economy. Multifamily housing is the most efficient way to increase the supply of housing, which is necessary to accommodate employment and household growth. A lack of housing supply will either prevent growth or lead to the displacement of existing households.

Housing density can improve the productivity and lifestyle of people who work in employment centers with high traffic volume. As jobs cluster within employment centers that experience growing levels of traffic, commute times can be ameliorated if people can find and afford housing near where they work. Because apartments allow housing to be efficiently built in desirable areas near employment and transit, people living in apartments have shorter commute times on average.

Multifamily rental housing attracts critical segments of the workforce, such as younger households and households earning modest incomes. While multifamily housing serves households of all ages and income levels, it is uniquely able to provide young people with the mobility and urbanism they often prefer and is able to provide affordably priced housing options in good locations.

Multifamily housing development is a signal and stimulator of neighborhood growth. The development of multifamily housing tends to encourage the concentration of households and incomes needed to support new retail and commercial development. At a time when retail footprints across the nation are receding, a notable increase in mixed use developments containing residential with retail and/or office indicates that denser housing can attract and support commercial activity.

Community Fiscal Health

Multifamily housing improves fiscal health by both increasing revenues and decreasing costs, positioning local budgets to more effectively serve the public good. Greater household density increases the tax base through expanding the number of both households and businesses. Denser households contribute more to property and sales taxes. Moreover, by stimulating commercial growth, multifamily housing can further increase local sales and business taxes.

Municipalities save significantly on costs incurred by critical physical infrastructure, such as new roads, water lines, and sewer lines. Savings are experienced in upfront capital costs, operations and maintenance costs, and eventual replacement costs. Denser development also leads to savings on the costs of ongoing delivery of public services, such as police, ambulance, and fire services. Multifamily housing efficiently increases tax revenues for local governments.

- ***Compared to conventional suburban development, denser development saves 38% on the delivery of upfront infrastructure and 10% on the cost of delivering public services.***

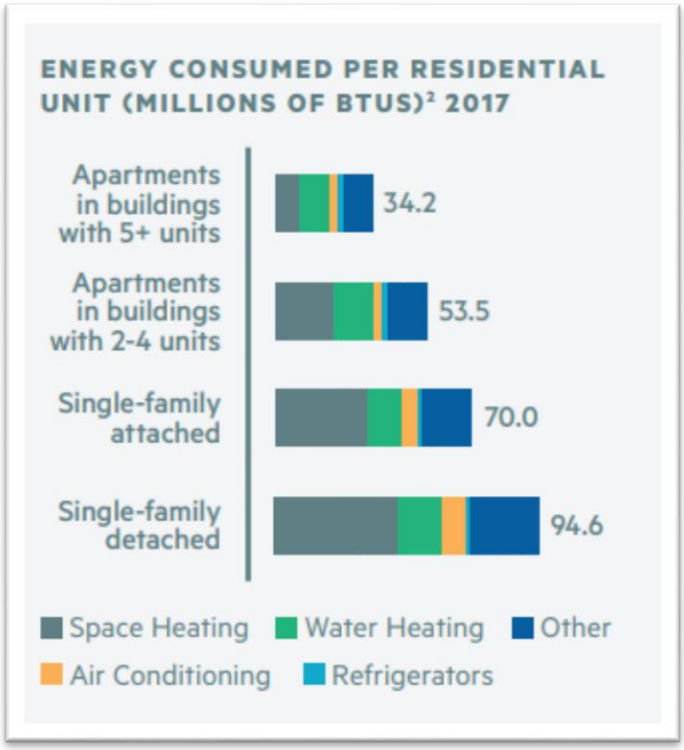
- ***Denser housing development generates 10 times more tax revenue per acre than conventional single family development.***

Environmental Sustainability

Increased housing density benefits the environment by reducing carbon impact and preserving open space and natural amenities. Multifamily housing lowers the energy intensity of creating a housing unit, or the "embodied energy" of extracting materials and building the structure. The energy savings can be substantial; as embodied energy can range from 10 to 45 percent of the total energy impact of a building through its lifecycle.

By requiring a smaller land footprint, multifamily housing helps to preserve open space and undeveloped land, natural amenities that can be difficult to preserve in sprawling areas. Multifamily properties require less energy to maintain on a per-unit basis, resulting in both energy and cost savings for residents and property managers. This energy impact is substantial, as residential and commercial buildings consume 41 percent of the nation's energy each year.

Multifamily housing decreases the resources used for infrastructure and services. Surrounding infrastructure, such as, roads, public transportation, street lighting, water pipes, and sewage treatment, also contributes to embodied and operational energy use. Multifamily housing makes uses of these resources much more efficiently.



Quality of Life

Multifamily housing improves quality of life by improving public health, allowing for vibrant public spaces and amenities, and providing housing options for a variety of lifestyles. Density allows for cities to be walkable and cyclable, for streetscapes to be attractively designed for high volumes of foot traffic, and for a wide variety of people to interact with each other. Not only does this improve the aesthetic experience of living in a city, it can positively affect public, physical, and mental health.

Denser housing helps to preserve open space and public facilities and contributes to the volume and diversity of people who make these spaces interesting. Valuable cultural spaces that require
high volumes of patronage to remain viable are made possible by densification.

Varied housing provides choosing power. By efficiently increasing the stock of housing available in a city, multifamily housing allows people to more easily choose where they live. People might be able to live nearer to their work or avoid being displaced from or priced out of a neighborhood or municipality they prefer. They may choose to adopt a lifestyle that is unique to multifamily housing, such as ease of maintenance and walkability.

Solving the Rio Rancho Missing Middle

Once heralded as the ideal place for a young family seeking their first home- avoiding the high prices in Albuquerque – Rio Rancho was the place to be. Now many are having trouble finding affordable homes in the City of Vision. Prices have surged 35.7 percent since January 2020 and 80 percent of that increase has taken place since January 2021. The median resale for price – not for new homes – is now at $330,000 –

So how do we solve the problem – bring back Rio Rancho's missing middle! Rio Rancho's Missing Middle Housing is a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a neighborhood. Missing middle housing – and the fact is, we don't have enough of it in Rio Rancho!

While conversations about missing middle housing and why it's important to all communities have enough of it aren't new, they're becoming louder and more frequent because wages aren't keeping up with housing costs. That's because we haven't built enough housing to keep up with demand at all price points. Plus, **our longtime focus on single-family housing has limited our ability to meet the needs of our growing communities and meet the desire of residents of all ages to live in their desired community.**

Missing middle housing provides more housing choices. When we have more choices, we create thriving and sustainable neighborhoods for people and businesses. In other words, "workforce housing matters to everyone."

Identifying the Misconceptions/Inaccurate Information of the Community Meeting:

Contrary to misconceptions voiced at the community meeting on June 14, 2023, a tremendous amount of research has been done demonstrating that multifamily housing does not negatively affect property values, public schools, crime, traffic, and emissions. In many instances, these issues are in fact improved. **Our outline below identifies actual data, studies, and real-time engineering disproving the misconceptions about this project.**

Property Values

Perhaps the most widely assumed fact is that home values will be negatively impacted by multifamily developments taking up residence nearby. This is another often-assumed myth. The U.S. Census Bureau found that working communities with multifamily dwellings actually have higher property values than working communities without them. The average value of single-family residential homes was highest in working communities with the most multifamily units, in comparison to communities with only single-family residential properties.

Public Schools

Similarly, multifamily housing does not place undue strain on local public schools. This concern is premised on the assumption that multifamily developments will bring in too many families with school-age children while yielding lower tax revenues. In fact, residents of multifamily housing typically have far fewer children, while the net impact of multifamily housing on a city's fiscal health is positive when considering the increase in tax revenues.

Traffic

Does multifamily development really cause an increase in traffic congestion and parking problems, as opponents claim? To residents of the neighborhood where such development might take place, an increase in congestion seems self-evident – **but only by comparing an apartment development to the status quo (i.e., no development). The proper comparison, however, is to the impact on congestion of an equal number of new single-family units.**

On average, apartment residents own fewer cars than single-family homeowners: the latter average two cars per household compared with only one for the former. Beyond that, single family housing generates more automobile trips per household, as evidenced in the table below.

On weekdays, a single-family detached house generates 42 percent more trips than does a unit in an apartment. The difference is even greater on the weekend: 58 percent more trips on Saturdays, and 50 percent more trips on Sundays. This large difference is seen not only in the totals, but also

at the peak hours, morning and afternoon, weekdays and weekends. By any measure, it is clear that single-family houses generate more automobile traffic than apartments – or any other type of housing. In explaining why single-family houses produce the most traffic, the Institute of Transportation Engineers noted that they are the largest units in size, with the most residents, but also pointed out that they had "more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally have fewer

alternate modes of transportation available, because they were typically not as concentrated as other residential land uses.

Though written not as a policy document, but rather simply a straightforward, quantitative analysis, this is a good summary of the reasons why compact development engenders less traffic than sprawl.
Interestingly, single-family owners use their cars more often than apartment residents use theirs. On average, cars in single-family houses make 18 percent more trips during the week, 31 percent more trips on Saturday, and 41 percent more trips on Sunday than cars owned by apartment residents.

Thus, not only are there more cars per household in single-family houses than apartments, each of those cars generate more traffic – and a higher demand for parking spaces at retail stores, offices, schools, and other facilities.

Crime

Opponents of rental housing often argue that while people who own their homes are invested in the long-term success and safety of a community, people who rent apartments are merely short-term transients and therefore less desirable neighbors. That view has a long history and probably seems so unremarkable, so obvious, that proof is unnecessary.

But in fact, this idea is merely a perception based on how crime rates are reported. Many different studies have been done on the topic, just recently, a study conducted by Harvard concluded that the perception of more crime around multifamily communities comes from the practice of reporting stats based on the count of police calls by address. An apartment property with 100+ units at the same address may be wrongly compared to one single-family residence. Per the Arizona Multifamily Housing's study, "When police data is analyzed on a per unit basis, the rate of police activity in apartment communities is no worse than single family subdivisions, and in many cases, lower than single-family residential areas."

The view that renters are not as engaged in their communities as owners seems to arise from the two apparent characteristics of renters: (i) by definition, they don't own their own residence, hence are thought to have less of a "stake" in the community; and (ii) they tend to move more often. These characteristics are seen as making them transitory residents, perhaps more akin to visitors than to long-term residents. But there are also countervailing forces. For example, single-family renters do not tear down old houses and replace them with "McMansions," a phenomenon that can greatly alter neighborhoods, in ways that are not always desired by the existing residents.

In addition, it is important to recognize that housing tenure is different from residential stability. Housing tenure refers to how long an individual has lived in one place, while neighborhood stability reflects the quality, cohesion and safety of a community. It is the latter that may be the key factor:

Neighborhood residents may be less interested in distinguishing the exact cause than in ensuring the best outcome, and for many, promoting homeownership rather than renting seems an effective way to do so. In fact, that turns out not to be the case: • Apartment residents are almost twice as likely to socialize with their neighbors as owners of single-family houses

(33 percent vs. 17 percent).

- Apartment residents are just as likely as house owners to be involved in structured social groups like sports teams, book clubs, and the like (22 percent for sports groups, 10-11 percent for other groups).
- Just like single-family owners, apartment residents identify closely with the town or city they live in (60 percent for apartment residents vs. 64 percent for single-family owners).
- Almost half (46 percent) of apartment residents feel close to the neighborhood they live in. This is not as high a share as for single-family owners (65 percent), but still sizable. •
- Apartment residents are virtually as interested in politics and national affairs as house owners are (66 percent vs. 70 percent).

The Multifamily Record: Conclusion

Overwhelming evidence based on actual research is fairly strong that multifamily rental housing:
(1) does not impose greater costs on local governments;
(2) does it increase traffic and parking problems;
(3) when well-designed and appropriate to the neighborhood, does not reduce (and may even enhance) property values; and
(4) does not inherently attract residents who are less neighborly or more apt to engage in (or attract) criminal activity.

PARKING REQUIREMENT DEVIATION REQUEST

A parking deviation request accompanies this Special Use Zone Map Amendment request. The proposed multi-family project requests a deviation to the standard parking to a total number of parking spaces to be 210 spaces or a ratio of 1.4 spaces per dwelling unit. This will provide adequate parking for the residents and their guests. Lee Engineering Transportation and Parking Engineers were hired to do a parking study v\for this project.

The CONCLUSIONS Based on the results of this parking analysis:

A total of 210 parking spaces will be provided for the proposed multi-family development. While the number of parking spaces proposed to be provided falls below the City of Rio Rancho's requirements (249 parking spaces):

- Using the ITE peak parking demand per dwelling unit for Multi-Family Housing (Low-Rise) shows that the proposed 210 parking spaces would exceed the demand of 182 by 28 spaces or 13 (thirteen) percent.
- Using the ITE peak parking demand per bedroom for Multi-Family Housing (Low-Rise) shows that the proposed 210 parking spaces would exceed the demand of 149 by 61 spaces or 29 (twenty-nine) percent.

The backup data and analysis has been submitted with this request.

This is supported by the ITE (Institute of Transportation Engineers). ITE recommendations are for 1.2 parking space per unit. This project consists of 51% of one bedroom units, thus, an

overall ratio of 1.4 spaces per dwelling unit is more than adequate.

This request for the parking deviation will be submitted to the City Development Services Director in support of this application. J Jacobs Enterprises Properties has developed and continues to own and manage several similar multi-family projects. Some of the projects have significantly less parking than the standard City of Rio Rancho requirements and they have not experienced any issues. In addition, other cities have implemented similar parking ratios for multifamily projects.

ZONE MAP AMENDMENT JUSTIFICATION: RIO RANCHO COMPREHENSIVE PLAN

J Jacob Enterprises recognizes the importance of bringing forth development that furthers Rio Rancho's desired growth scenario. The Rio Rancho Comprehensive Plan was consulted to ensure the Special Use Zone Map request furthers a multitude of goals and policies as expressed in the plan. Presented below is an analysis of how the Zone Map Amendment to SU/ R-6/Multi-Family Residential to allow a multifamily development complies with and furthers multiple Land Use, Population and Housing, Transportation, Urban Design, and Economic Development goals and policies.

1. Vision for Growth – (pg. V-1) As Rio Rancho grows, the development of higher intensity nodes with high-density residential land uses will be necessary to create transit opportunities, walkable neighborhoods, and complete streets (landscaped medians and sidewalk buffers, transit and bicycle lanes etc.).

Applicant Response: ***The Special Use Zone Map to allow for a multifamily project supports the long standing vision for growth that anticipated the need and desire for higher density residential uses and calls this use "necessary" to help create complete communities.***

2. Land Use Goal 1: Encourage mixed uses - retail, office, and residential centered on pedestrian-oriented developments along principal arterial roads.

Applicant Response: ***The proposed Special Use Zone Map Amendment supports Land Use Goal 1 in two ways. The opportunity to add a mix of housing opportunities into a predominantly single family residential area helps to create a mix us uses and housing types request helps to further Land Use Goal 1; by adding more affordable housing options adjacent to O-1 and C-1 zoned property, you will inherently strengthen the local workforce and create these very types of developments next to the residents that will be future employees. Multifamily housing supports the expansion and diversification of the local workforce. An expanding housing supply often both indicates and allows for an expanding economy and local business. Multifamily housing is the most efficient way to increase the supply of housing, which is necessary to accommodate employment and household growth.***

The second way that that this Zone Map Amendment furthers Land Use Goal 1 is by allowing for a residential development at the intersection of a minor arterial roadway (Idalia Road) and Northern Blvd which is a principal arterial roadway thus furthering the goal of locating residential development along principal arterial roadways.

3. Land Use Goal 2: Encourage consolidation of lots to promote a variety of land uses in a planned manner.

Applicant Response: This request for a Special Use Zone Map to allow for a multifamily project would require a consolidation of lots in a planned and cohesive manner and provide a mix of housing options within the area furthering Land Use Goal 2

4. Land Use Goal 3: Maintain a balance of land uses throughout the City.

Applicant Response: An approval of this request would further the City's Land Use Goal of maintaining a balance of land uses throughout the City by providing for a balance of land uses and housing options throughout the City. In fact, currently single family homes far exceed any other housing options creating an imbalance in affordability and lifestyle choices in housing.

5. Population and Housing Goal 1: To ensure that regulations do not have an income levels throughout the city. unreasonable negative impact on the cost or supply of housing.

Applicant Response: The proposed Special Use Zone Map Amendment will directly help to further Population and Housing Goal 1; to ensure that zoning and regulations do not negatively impact the cost or supply of housing. Ensuring the City has housing options for all income levels in essential to a thriving community. Once heralded as the ideal place for a young family seeking their first home- avoiding the high prices in Albuquerque – Rio Rancho was the place to be. Now many are having trouble finding affordable homes in the City of Vision. Prices have surged 35.7 percent since January 2020 and 80 percent of that increase has taken place since January 2021. The median resale for price – not for new homes – is now at $330,000.

6. Population and Housing Goal 3: Promote a variety of housing types to meet the needs of all members of the community.

Applicant Response: The proposed Special Use Zone Map Amendment for a multifamily apartment home development furthers the City's Population and Housing Goal by allowing for a variety of housing types to meet the needs of all community members. Adding choices in housing and lifestyle to this area will make the area more robust and present the opportunity for residents to choose a housing situation that fits their lifestyle best while still living in the City of Rio Rancho. The addition of a multi-family development will "increase residential densities in order to provide efficient services and affordable housing" (City of Rio Rancho Comprehensive Plan).

7.. Policy Population and Housing Policy 5: Encourage mixed-use and mixed-income housing opportunities in designated growth nodes:

Applicant Response: Ensuring the City has housing options for all income levels in essential to a thriving community. Prices have surged 35.7 percent since January 2020 and 80 percent of that increase has taken place since January 2021. The median resale for price – not for new homes – is now at $330,000. An approval of this Zone Map

Amendment will help to further this Policy by allowing for the addition of more affordable housing options in an area designated for growth.

8. Policy Population and Housing Policy 12: Ensure that affordable housing opportunities are dispersed throughout the city.

Applicant Response: ***The proposed Zone Map Amendment to allow for multifamily development would further this Policy by ensuring that more affordable housing opportunities are provided in an area where there currently is no multifamily development.***

9. Transportation Goal 1: Encourage development that effectively mixes land uses to create an efficient transportation system that reduces congestion, improves air quality and creates opportunities to build Rio Rancho's economy.

Applicant Response: ***This request would allow for development that would further the Transportation Goal of encouraging development that effectively mixes land uses to create an efficient transportation system that reduces congestion, improves air quality and creates opportunities to build Rio Rancho's economy. The development of a multifamily project located within a sea of single family homes will reduce congestion and improve air quality. Apartment residents own fewer cars than single-family homeowners: Single family housing generates more automobile trips per household. The is widely documented with the ITE (Institute of Transportation Engineers).***

On weekdays, a single-family detached house generates 42 percent more trips than does a unit in an apartment. The difference is even greater on the weekend: 58 percent more trips on Saturdays, and 50 percent more trips on Sundays. This large difference is seen not only in the totals, but also at the peak hours, morning and afternoon, weekdays and weekends.

By any measure, it is clear that single-family houses generate more automobile traffic than apartments – or any other type of housing. In explaining why single-family houses produce the most traffic, the Institute of Transportation Engineers noted that they are the largest units in size, with the most residents, but also pointed out that they had "more vehicles per unit than other residential land uses. Thus, a multifamily development would serve the housing needs of Rio Rancho while reducing the traffic congestion and emissions that the same number of single family homes would create, further the goal of Transportation.

10. Economic Development Goal 3: Enhance the tax base. Economic Development Goal EDR 2: Reduce retail sales leakage to other New Mexico cities.

Applicant Response: The Special Use Zone Map amendment and proposed multifamily complex enhances the tax base by locating residents near commercial centers where residents can easily support Rio Rancho's tax base. Residents will have the opportunity to purchase their goods and services in the neighboring businesses. The availability of rental housing lowers housing costs and increases the spending power of residents. Proximity of the proposed complex to existing goods and services will reduce leakage of

Gross Receipts Tax to other neighboring cities. The development will serve as a catalyst for vacant commercial land to develop. The increase of residents the complex will bring to the neighborhood will be a desirable factor for future commercial development and businesses. Tenants of the commercial development will support the expansion of the city's tax base. Construction of this project will add needed gross receipts tax revenue to the City and provide valuable construction jobs for community residents.

ZONE MAP AMENDMENT POLICY COMPLIANCE

(D) The following policies for deciding zone map change applications pursuant to the City Zoning Code are:

1. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

Applicant Response: ***The proposed zone map amendment is consistent with the health, safety, morals, and general welfare of the City through the creation of development conditions necessary for a new multi-family neighborhood and locate residents closer to goods and services, make the remaining land more viable for development commercial use, and will provide expanded housing and lifestyle choices for current and future residents.***

2. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

Applicant Response: ***If granted, the Special Use Zone Map Amendment will have a positive effect on the stability of land use and zoning. The proposed zoning will provide development that is more compatible with surrounding uses and will contribute achieving a vibrant community with a mix of housing and lifestyle choices. The site has remained undeveloped for 20+ years and the influx of more people in the area will serve as an incentive for commercial development to build on the adjacent parcels.***

The change of R-6/Multi-Family Residential is more appropriate than the SU/Commercial and Industrial designation because the development seeks to enhance the current character of the area and not change it. Provided this amendment is approved, the required site plan for a Special Use Zone Map Amendment will be submitted to Development Services for review and approval.

3. A proposed change shall generally be consistent with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

Applicant Response: ***The proposed Special Use Zone Map Amendment is consistent with the City of Rio Rancho Comprehensive Plan. As demonstrated, It furthers principles of the Comprehensive Plan in the following ways: it ensures a land use pattern that encourages a mix of housing and lifestyle opportunities in an area that has no other housing choices. It helps to create a more efficient transportation network by reducing***

automobile trips, congestion and improving air quality as compared to the same number of single family homes. Multifamily housing supports the expansion and diversification of the local workforce. An expanding housing supply often both indicates and allows for an expanding economy and local business. Multifamily housing is the most efficient way to increase the supply of housing, which is necessary to accommodate employment and household growth. This project will serve as a link between neighborhoods as the site is located adjacent to major thoroughfares that aid in accessing other areas of Rio Rancho; and enhances the tax base by locating residents in close proximity to goods and services within Rio Rancho, providing gross receipts tax for the construction, and construction jobs. This proposed Special Use Zone Map Amendment will contribute to a vital community, more affordable housing and lifestyle options and will help contribute to a robust local economy in a number of ways which have been outlined in our request. All of the factors are consistent with and further the Comprehensive Plan.

4. The applicant must demonstrate the existing zoning is inappropriate because:

a) there was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, antiquated plat filed before the City's incorporation and adoption of its own Zoning Code or on land annexed by the City or

b) changed neighborhood or community conditions justify the change, or

c) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply. Applicant's reliance on this provision requires proof that (a) there is a public need for a change of the kind in question, and (b) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Applicant Response: ***In this case, b and c apply. Changed neighborhood and community conditions justify the change. Since the approval of the SU/C-1 zoning, national trends of declining retail have decreased the demand for commercial real estate acreage, and the City of Rio Rancho has since then updated their zoning code and comprehensive plan to better reflect the values and growth needs of the community.***

J Jacobs Enterprises, LLC feels the requested use category is more advantageous to the community of Rio Rancho for the following reasons:

The request fulfills a community need articulated in the comprehensive plan. Within the Population and Housing element in the Comprehensive Plan as articulated in our policy analysis. "– to attract and create well-planned high-quality, stable, residential, commercial and industrial development, as the second goal of the City's Strategic Plan directs, we need to create a mix of housing opportunities" (PH-6).

The plan implies a mix of housing opportunities will aid the stability of other zones. In this case, the addition of multifamily is more advantageous because it will add to the variety of housing desired to support the population of the City and support the future development of neighboring commercial by increasing the number of patrons to the establishments and potential employees.

The site has remained vacant for 20+ years. The local demand for retail development has decreased, mirroring the national trend of declining brick and mortar-based commerce. The addition of more residents combined with its adjacency to C-1 and o-1 zoning will provide better conditions for future commercial development to thrive.

(E) The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Applicant Response: ***The cost of land or other economic considerations are not the determining factor behind this request. However, market data reflects that the need for large commercial properties have been reduced due to changing shopping trends and the addition of more affordable housing units will not only promote the development of vacant land but increase the viability of the remaining commercial corner land surrounding this site.***

(F) Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

Applicant Response: ***The purpose for the request for Special Use Zone Map Amendment request for R-6/Multi-Family Residential is supported by a multitude of goals and policies adopted by the City of Rio Rancho and does not rely on its adjacency to an arterial roadway as justification.***

(G) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive plan and any applicable adopted sector development plan or area development plan;

Or

2. The area of the proposed zone change is different from surrounding land because it will function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of the structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Applicant Response: ***This request to change the existing SU/C-1 to the requested R-6/Multi-Family Residential clearly facilitates the realization of the Comprehensive Plan in a multitude of ways. Embracing the goals for higher density housing options and more affordable housing choices further a preponderance of policies in the Comprehensive Plan and will help to foster smart planning that creates a strong, thriving community fostering connection, culture and economic growth.***

This request would clearly facilitate implementation of the Comprehensive Plan as shown in the response to our policy analysis as well as the desire to provide a mix of

housing options in Rio Rancho which is greatly needed. ***This site as a principal location in for multifamily development. In order to achieve these uses, a mix of zoning designations must be present, thus making this site a suitable location to serve as a transition between adjacent zone districts which include C-1 to the south and west, O-1 to the east and R-1 to the north. Creating a zone that is needed to achieve the goals and policies outlined for the Comprehensive Land Use Plan.***

	Zoning
Subject Site	***Lots 5, 6 & 7 - SU/C-1 (Retail Commercial District)*** ***Lot 8 - O-1 (Office District)***
West	***C-1 Zoning (Retail Commercial District)***
South	***C-1 Zoning (Retail Commercial District)***
East	***O-1 Zoning (Office District)***
North	***R-1 Zoning (Single Family Residential)***

Policies & goals supported are plentiful and include desired a mix of housing, Land Use Goals and Policies, Population & Housing Goals and Policies, Transportation Goals and Policies, Economic Development by improving the economic base of the City.

Based upon the justification provided, we respectfully request that the Rio Rancho Planning and Zoning Board recommend approval of this request for a Special Use Zone Map Amendment and

Please feel free to contact me at (505) 338-1499 or via email at: angela@modulusarchitects.com with any questions that you might have.

Sincerely,

Angela M. Piarowski, CEO/Managing Partner
Modulus Architects & Land Use Planning, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
Office: (505) 338.1499 ext. 1000
Cell + Text: (505) 999.8016
Email: angela@modulusarchitects.com

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SCALE:	DATE	8-21-23	
SHEET	A1		

PROJECT TITLE

PROPOSED

INCA ROAD NE. RIO RANCHO, NM

PROJECT MANAGER	JOB NO.	DRAWN BY:
	Project Number	

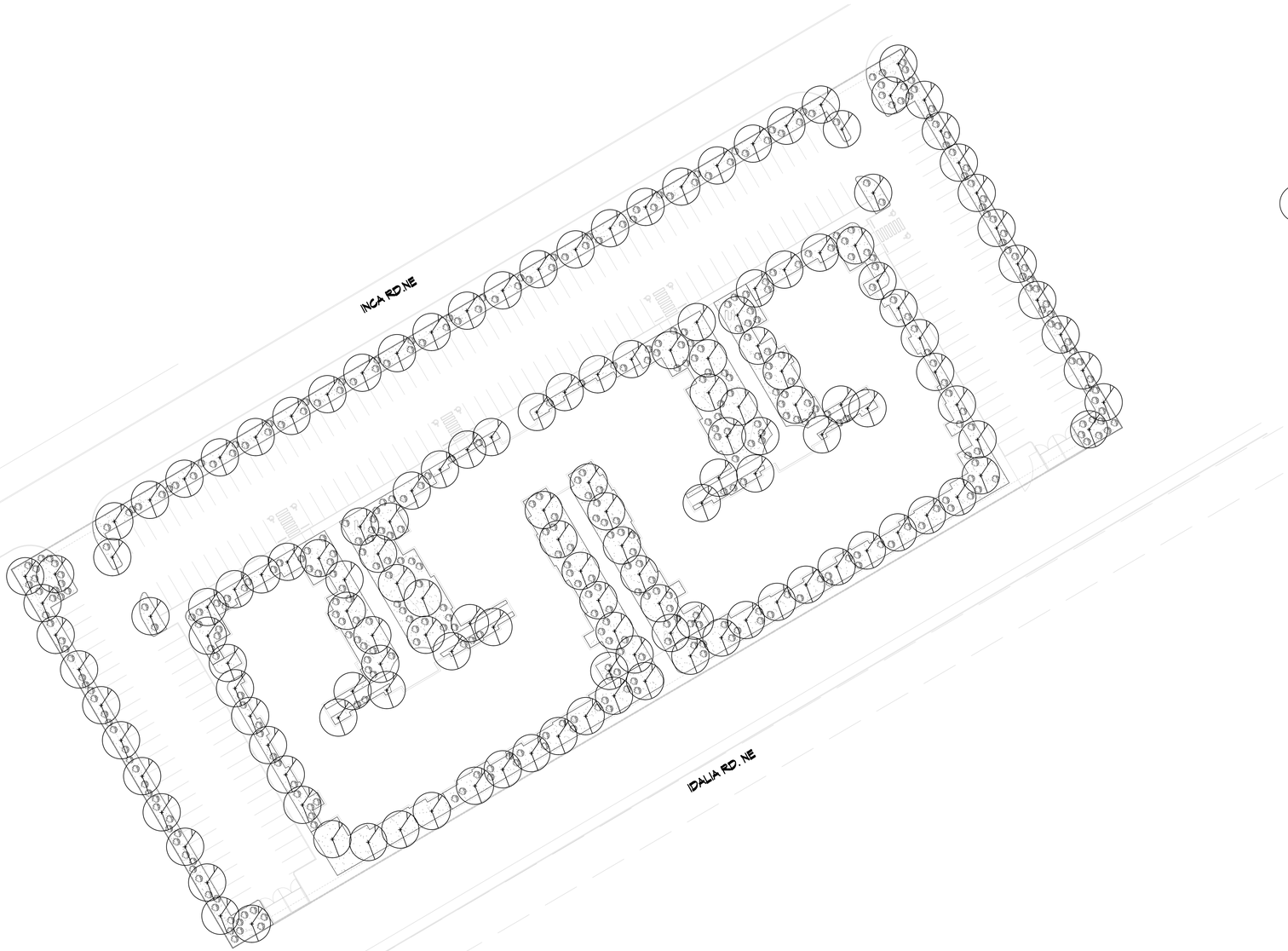
SHEET TITLE

CONCEPTUAL SITE PLAN

MODULUS ARCHITECTS

100 SUN AVENUE NE SUITE 600
ALBUQUERQUE, NEW MEXICO 87109
PHONE (505) 338-1499 FAX (505) 338-1498
TOLL FREE 1-866-224-2161

REV	DATE	BY	REVISION



LANDSCAPE LEGEND

	QTY	SIZE	COMMON/BOTANICAL	HxS
	15Ø	2" cal	Typical Trees	3Øx25
	45Ø	5 Gal	Typical Shrubs	3x4

REQUIRED LANDSCAPING

(2) DECIDUOUS TREES W/ 1 1/2" CALIPER OR 8' HIGH PER UNIT REQ.
15Ø UNITS @ 2 TREES = 3ØØ TREES
(3) FIVE GAL. SHRUBS PER UNIT REQ. 15Ø UNITS @ 3 SHRUBS = 45Ø SHRUBS

ALTERNATIVE LANDSCAPING PROVIDED

TREES PROVIDED = 15Ø
SHRUBS PROVIDED = 45Ø

COOL SEASON GRASS LIMITED TO 15% OF TOTAL LOT AREA
TOTAL LOT AREA 174240 SF / 15% = 26136 SF MAX. ALLOWED
(KENTUCKY BLUEGRASS, FESCUES, RYEGRASSES) ACTUAL AREA T.B.D.

LANDSCAPE AREA SF = 33Ø26 SF

GRAPHIC SCALE
4Ø 2Ø Ø 2Ø 4Ø
SCALE: 1" = 4Ø'-Ø"

Designed By: *ID, Mitchell*
Drawn By: *dm*
Approved By:
Date:

NEW MEXICO ONE CALL
STATEWIDE - 811 OR
1-800-321-ALERT (2537)
www.nmonecall.org
Call two working days
before you dig.

REVISIONS

	Date:	Comment

File ID:

Rio Rancho Multifamily
Landscape Plan

Mitchell Associates, inc
Landscape Architecture
Danny Mitchell
505.639.9583
danny@mitchellassociatesinc.com

Seal:

Landscape Architect
STATE OF NEW MEXICO
DANNY D. MITCHELL
239
REGISTERED
LANDSCAPE ARCHITECT
August 22, 2023

DRAWING NO:
LS-101

MODULUS ARCHITECTS & LAND USE PLANNING

Planning and Zoning Board
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

RE: PARKING REQUIREMENT DEVIATION REQUEST - <u>REFERENCE & SUPPORT MATERIAL</u>

Commissioners,

A parking deviation request accompanies this Special Use Zone Map Amendment request. The proposed multi-family project requests a deviation to the standard parking to a total number of parking spaces to be 210 spaces or a ratio of 1.4 spaces per dwelling unit. This will provide adequate parking for the residents and their guests. This is supported by the ITE (Institute of Transportation Engineers). ITE recommendations are for 1.2 parking space per unit, thus, an overall ratio of 1.4 spaces per dwelling unit is more than adequate.

Lee Engineering, professional licensed Transportation and Parking Engineers were hired to provide a parking analyses for this project. Their analysis and data concluded the following (the full report is attached to this request):

<u>CONCLUSIONS</u>
Based on the results of this parking analysis: • A total of 210 parking spaces will be provided for the proposed multi-family development. • While the number of parking spaces proposed to be provided falls below the City of Rio Rancho's requirements (249 parking spaces): o

- Using the ITE peak parking demand per dwelling unit for Multi-Family Housing (Low-Rise) shows that the proposed 210 parking spaces would exceed the demand of 182 by 28 spaces or 13 (thirteen) percent.
- Using the ITE peak parking demand per bedroom for Multi-Family Housing (Low-Rise) shows that the proposed 210 parking spaces would exceed the demand of 149 by 61 spaces or 29 (twenty-nine) percent.

  Therefore, the amount of parking proposed to be provided for the multi-family development (210 parking spaces) is projected to adequately accommodate the anticipated peak period parking demand.

I implore you to review the reference material I have provided and will present at our hearing. Parking standards across the Country are being reformed in which I highlight several key resources below as well as the recommendations from the ITE as well as the ULI

1. **<u>The current edition of ITE's Institution of Transportation (ITE)</u>** recommends 1.2 Parking Spaces per dwelling unit for multi-family development***. Published by the Institution of Transportation.***

2. **<u>The National Apartment Association</u>** identifies the average parking ratios for apartment properties with 50 or more units is 1.4 per dwelling unit – ***National Apartment Association, Published, "The Transformation of Parking".***

3. **<u>Urban Land Institute</u>** (May 12, 2021) To view ULI's centralized resource of parking policy innovations in the United States, ***Parking policy innovations in the United States.***

4. ***https://knowledge.uli.org/en/reports/research-reports/innovations-in-parking-policy?q&sortBy=relevance&sortOrder=asc&page=1***

5. **Urban Land Institute** (June 23, 2021) WASHINGTON D.C. – ***A 'first-of-its-kind' central resource of innovative parking policy reforms has been launched by the Urban Land Institute (ULI), the world's oldest and largest network of cross-disciplinary real estate and land-use experts, with a view to making more efficient use of land and creating healthier neighborhoods.*** ***https://americas.uli.org/210621parkingreport/***

6. **Smart Growth America** (March 6, 2020) Parking reform for 21st Century communities ***"Legislators reduced minimum parking requirements within housing projects. It also amends the parking ratio for affordable housing and senior housing to require no more the 0.5 parking spaces per unit, and amends the ratio for special needs housing to require no more than 0.3 parking spaces per unit."*** ***https://smartgrowthamerica.org/tag/parking-requirements/***

7. **Environmental and Energy Institute** *(June 3, 2021)* ***How Eliminating Parking Minimums Makes Cities Better*** ***https://www.eesi.org/articles/view/how-eliminating-parking-actually-makes-cities-better#:~:text=Parking%20minimums%20can%20prevent%20city,%2Doriented%20development%20(TOD).&text=Reducing%20the%20amount%20of%20parking,the%20quality%20of%20urban%20landscapes.***

8. **Bloomberg News** (April 26, 2021) Save the planet, kill parking requirements; ***Parking mandates drive up housing costs and climate emissions, see what the nation's leading states are doing to reclaim our cities from parking lots.*** ***https://www.bloomberg.com/news/articles/2021-04-26/to-save-the-planet-kill-minimum-parking-mandates***

9. **State Smart Transportation Initiative** (March 30, 2021) ***"Transportation agencies in California and Minnesota made major advancements, planning for parking reductions and mitigations as a part of their sustainability and climate change plans."*** ***https://ssti.us/2021/03/30/minnesota-and-california-move-toward-reducing-vmt-to-address-climate-change/***

10. **People Over Parking** (October 2018) American Planning Association - ***The usual ratio of one parking space for every one unit was cut in half for larger apartment projects and was eliminated entirely for projects with 50 or fewer units located near high-frequency transit. Lo and behold, the market mostly responded in the exact ways planners had predicted.***https://www.planning.org/planning/2018/oct/peopleoverparking/

11. **The Urban Land Institute (ULI)** ***Parking Policy Reform*** ***https://knowledge.uli.org/-/media/files/research-reports/2021/parking-policy-resources/types-of-off-street-parking-policy-updates.pdf?rev=e2110859d2ca4ed7b7513777f3465289***

12. **Kimley-Horn** (May 2016) Replacing ***Flawed Standards of Parking*** ***https://www.kimley-horn.com/wp-content/uploads/2017/02/PARK_Plus_ParkingGen.pdf***

13. ***Transportation Policy Institute*** (June 25, 2021) ***Parking requirements impacts on Housing Affordability*** ***https://www.vtpi.org/park-hou.pdf***

14. ***Urban Land Institute*** *(July 2, 2018)* ***https://urbanland.uli.org/economy-markets-trends/toward-zero-parking-challenging-conventional-wisdom-multifamily-developments/***

15. ***Colorado Real Estate Journal*** *(February 18, 2019) Future of parking for Multi-family projects****. On a per-unit basis, parking ratios decreased from 1.52 to 1.31 spaces per unit for midrise construction and 1.24 to 1.11 spaces per unit*** *for high-rise construction.* ***https://crej.com/news/whats-the-future-of-parking-for-multifamily-projects/***

16. **Strong Towns** ***(November 23, 2021) More Cities than ever are eliminating Parking Minimums - https://www.strongtowns.org/journal/2018/11/23/a-map-of-cities-that-got-rid-of-parking-minimums-updated?rq=parking***

17. ***Strong Towns – Ending Parking Minimums (November 24, 2020)*** ***https://www.strongtowns.org/journal/2020/11/19/parking-minimums-video***

18. **Parking Reform Network (2021) https://parkingreform.org/resources/mandates-map/**

19. **The Real Estate Business Journal** findings of the parking study completed show that on average, multi-family residential developments should off 1.4 parking spaces per unit – yet only one space is actually being used in most cases. ***Real Estate Business Journal***

Parking requirements for multifamily residential projects have changed drastically in the last several years. All of the institutions above identified several key issues related to the effects of required parking on multi-family housing.

Changing Trends in Car Ownership and Commuting to Work: U.S. Census data reveals declining rates of residents driving alone to work and much higher rates of alternative transportation modes (e.g., transit, bikes, shared driving, work from home).

Parking Demand in Multifamily Apartments Lower than Supply: An empirical analysis of parking occupancy demonstrates that parking supply exceeds demand in all apartment developments surveyed.

CONCLUSION

We respectfully request approval of the parking deviation request for multifamily "apartment" off-street parking requirements. If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Angela Williamson, CEO/Principal (Agent)
Modulus Architects & Land Use Planning, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, NM 87109
Office (505) 338-1499 ext. 1000
Mobile (505) 999-8016
Email: awilliamson@modulusarchitects.com

ARIZONA
TEXAS
NEW MEXICO
OKLAHOMA

August 16, 2023

Angela Piarowski
CEO/Principal
Modulus Architects & Land Use Planning, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109

Re: *Rio Rancho Multi-Family Housing Development Parking Study*

Dear Ms. Piarowski,

Lee Engineering has completed our parking study for the proposed multi-family units located on Idalia Road NE in Rio Rancho, New Mexico. This letter report documents our study procedures and findings.

INTRODUCTION

Modulus Architects & Land Use Planning, Inc. seeks to develop the vacant lot on Idalia Road. The proposed development would contain a total of 150 dwelling units, this includes 75 one-bedroom units and 75 two-bedroom units. Per the provided site plan, a total of 210 parking spaces will be provided, including eight ADA parking spaces. Additionally, four bicycle parking spaces will be provided. A site plan for the proposed self-storage building and surrounding parking lots is provided in **Attachment 1** to this letter.

This report is divided into the following sections:

1. City Parking Calculation
2. ITE Dwelling Unit Calculation
3. ITE Bedroom Calculation
4. Conclusions

CITY CODE PARKING CALCULATION

The number of parking spaces needed to accommodate the proposed multi-family development was calculated according to the City of Rio Rancho Planning and Zoning Code (Section 154.76) and are summarized in **Table 1**.

Table 1: City Code Parking Requirements Summary

Land Use	City Code	UNITS	Code Requirement (Parking Spaces)
STUDIO OR ONE-BEDROOM	1.5/UNIT	75	112
TWO-BEDROOM	1.75/UNIT	75	131
GUEST/STAFF PARKING	6 SPACES	-	6
Total Parking Spaces Required By Code			249

With 210 parking spaces provided, the amount of parking provided for the multi-family development will fall below the City code requirement (249) by 39 parking spaces or approximately 16 (sixteen) percent.

ITE DWELLING UNIT CALCULATION

To test the adequacy of the proposed parking for the proposed multi-family development, this method considered the peak period parking demand per dwelling unit for this type of land use provided in the Institute of Transportation Engineers *Parking Generation Manual* (5th Edition), which is provided in **Attachment 2** to this letter. To conduct this analysis, the number of dwelling units (150) was multiplied by the peak period parking demand per unit (1.21) provided in the ITE Engineers *Parking Generation Manual* (5th Edition). A Summary of the peak period parking demand for a 150 dwelling unit Multi-Family (Low-Rise) building is provided in **Table 2**.

Table 2: Peak Period Parking Demand per Dwelling Unit for the Proposed Multi-Family Development

Land Use (ITE Land Use)	ITE Code	Variable	Equation
Equation/Rates			
Multi-family Housing (Low-rise)	220	Dwelling Unit	T = 1.21 (X)
Trips Generated			
Multi-family Housing (Low-rise)	220	150	182 Parking Spaces

ITE BEDROOM CALCULATION

An additional method to test the adequacy of the proposed parking for the proposed multi-family development considered the peak period parking demand per bedroom for this type of land use provided in the ITE *Parking Generation Manual* (5th Edition), which is provided in **Attachment 3** to this letter. To conduct this analysis, the number of bedrooms (225) was multiplied by the peak period parking demand per unit (0.66) provided in the ITE *Parking Generation Manual* (5th Edition). A Summary of the peak period parking demand for a 225 dwelling unit Multi-Family (Low-Rise) building is provided in **Table 3**.

Table 3: Peak Period Parking Demand per Bedroom for the Proposed Multi-Family Development

Land Use (ITE Land Use)	ITE Code	Variable	Equation
Equation/Rates			
Multi-family Housing (Low-rise)	220	Bedrooms	T = 0.66 (X)
Trips Generated			
Multi-family Housing (Low-rise)	220	225	149 Parking Spaces

CONCLUSIONS

Based on the results of this parking analysis:

- A total of 210 parking spaces will be provided for the proposed multi-family development.
- While the number of parking spaces proposed to be provided falls below the City of Rio Rancho's requirements (249 parking spaces):
    - Using the ITE peak parking demand per dwelling unit for Multi-Family Housing (Low-Rise) shows that the proposed 210 parking spaces would exceed the demand of 182 by 28 spaces or 13 (thirteen) percent.
    - Using the ITE peak parking demand per bedroom for Multi-Family Housing (Low-Rise) shows that the proposed 210 parking spaces would exceed the demand of 149 by 61 spaces or 29 (twenty-nine) percent.

Therefore, the amount of parking proposed to be provided for the multi-family development (210 parking spaces) is projected to adequately accommodate the anticipated peak period parking demand.

If you have any questions regarding this study, please contact me at (505) 545-8459. We appreciate the opportunity to provide these services.

Sincerely,

Jonathon Kruse

Digitally signed by Jonathon Kruse
DN: C=US, E=jkruse@lee-eng.com, O=Lee Engineering, CN=Jonathon Kruse
Date: 2023.08.16 14:12:12-06'00'

Jonathon, Kruse, PE PTOE
Project Manager
Lee Engineering, LLC

COPYRIGHT 2021 MODULUS ARCHITECTS

H:\DWG_ACTIVE\000-Preliminary Work\Rio Rancho Multi_Family\F- Graphics\1 - Current\5 - DWG\RIO RANCHO MULTIFAMILY-v2.rvt
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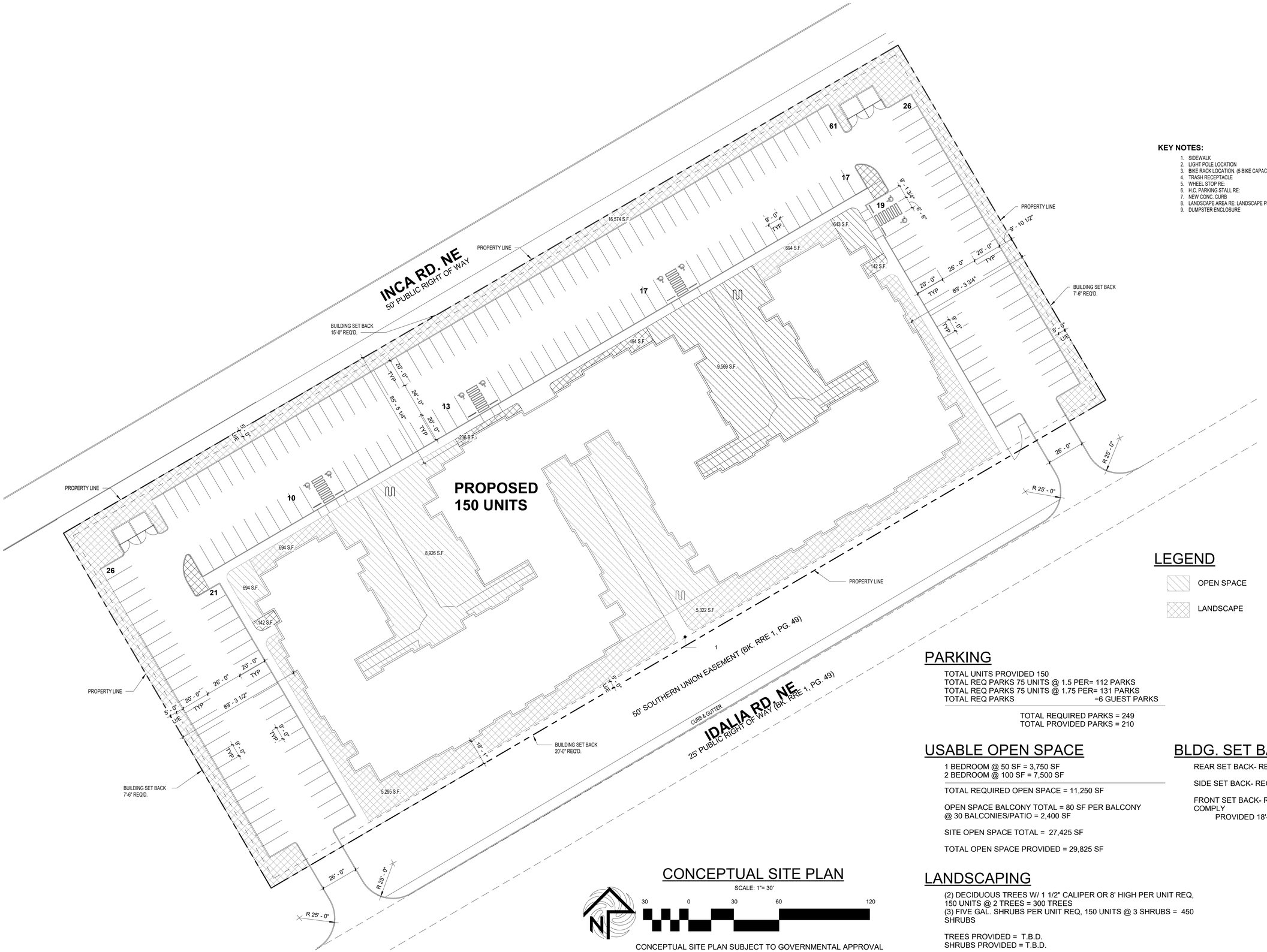
PROPOSED



KEY NOTES:

1. SIDEWALK
2. LIGHT POLE LOCATION
3. BIKE RACK LOCATION. (5 BIKE CAPACITY) RE: DTL.
4. TRASH RECEPTACLE
5. WHEEL STOP RE:
6. H.C. PARKING STALL RE:
7. NEW CONC. CURB
8. LANDSCAPE AREA RE: LANDSCAPE PLAN
9. DUMPSTER ENCLOSURE

LEGEND

OPEN SPACE

LANDSCAPE

PARKING

TOTAL UNITS PROVIDED 150
TOTAL REQ PARKS 75 UNITS @ 1.5 PER= 112 PARKS
TOTAL REQ PARKS 75 UNITS @ 1.75 PER= 131 PARKS
TOTAL REQ PARKS =6 GUEST PARKS

TOTAL REQUIRED PARKS = 249
TOTAL PROVIDED PARKS = 210

USABLE OPEN SPACE

1 BEDROOM @ 50 SF = 3,750 SF
2 BEDROOM @ 100 SF = 7,500 SF

TOTAL REQUIRED OPEN SPACE = 11,250 SF

OPEN SPACE BALCONY TOTAL = 80 SF PER BALCONY
@ 30 BALCONIES/PATIO = 2,400 SF

SITE OPEN SPACE TOTAL = 27,425 SF

TOTAL OPEN SPACE PROVIDED = 29,825 SF

BLDG. SET BACKS

REAR SET BACK- REQ 15'= COMPLY

SIDE SET BACK- REQ 7'-6"= COMPLY

FRONT SET BACK- REQ 20'= DOESN'T COMPLY
PROVIDED 18'-1"

LANDSCAPING

(2) DECIDUOUS TREES W/ 1 1/2" CALIPER OR 8' HIGH PER UNIT REQ, 150 UNITS @ 2 TREES = 300 TREES
(3) FIVE GAL. SHRUBS PER UNIT REQ, 150 UNITS @ 3 SHRUBS = 450 SHRUBS

TREES PROVIDED = T.B.D.
SHRUBS PROVIDED = T.B.D.

COOL SEASON GRASS LIMITED TO 15% OF TOTAL LOT AREA
TOTAL LOT AREA 174,240 SF / 15% = 26,136 SF MAX. ALLOWED
(KENTUCKY BLUEGRASS, FESCUES, RYEGRASSES) ACTUAL AREA T.B.D.

LANDSCAPE AREA SF = 33,026 SF

CONCEPTUAL SITE PLAN

SCALE: 1"= 30'

30 0 30 60 120

CONCEPTUAL SITE PLAN SUBJECT TO GOVERNMENTAL APPROVAL

REV	DATE	BY	REVISION

MODULUS ARCHITECTS
100 SUN AVENUE NE SUITE 600
ALBUQUERQUE, NEW MEXICO 87109
PHONE (505) 338-1499 FAX (505) 338-1498
TOLL FREE 1-866-224-2161

PROJECT TITLE
PROPOSED
INCA ROAD NE. RIO RANCHO, NM

PROJECT MANAGER | JOB NO. Project Number | DRAWN BY:

SHEET TITLE
CONCEPTUAL SITE PLAN

DATE 5-5-23
SCALE:

SHEET
A1

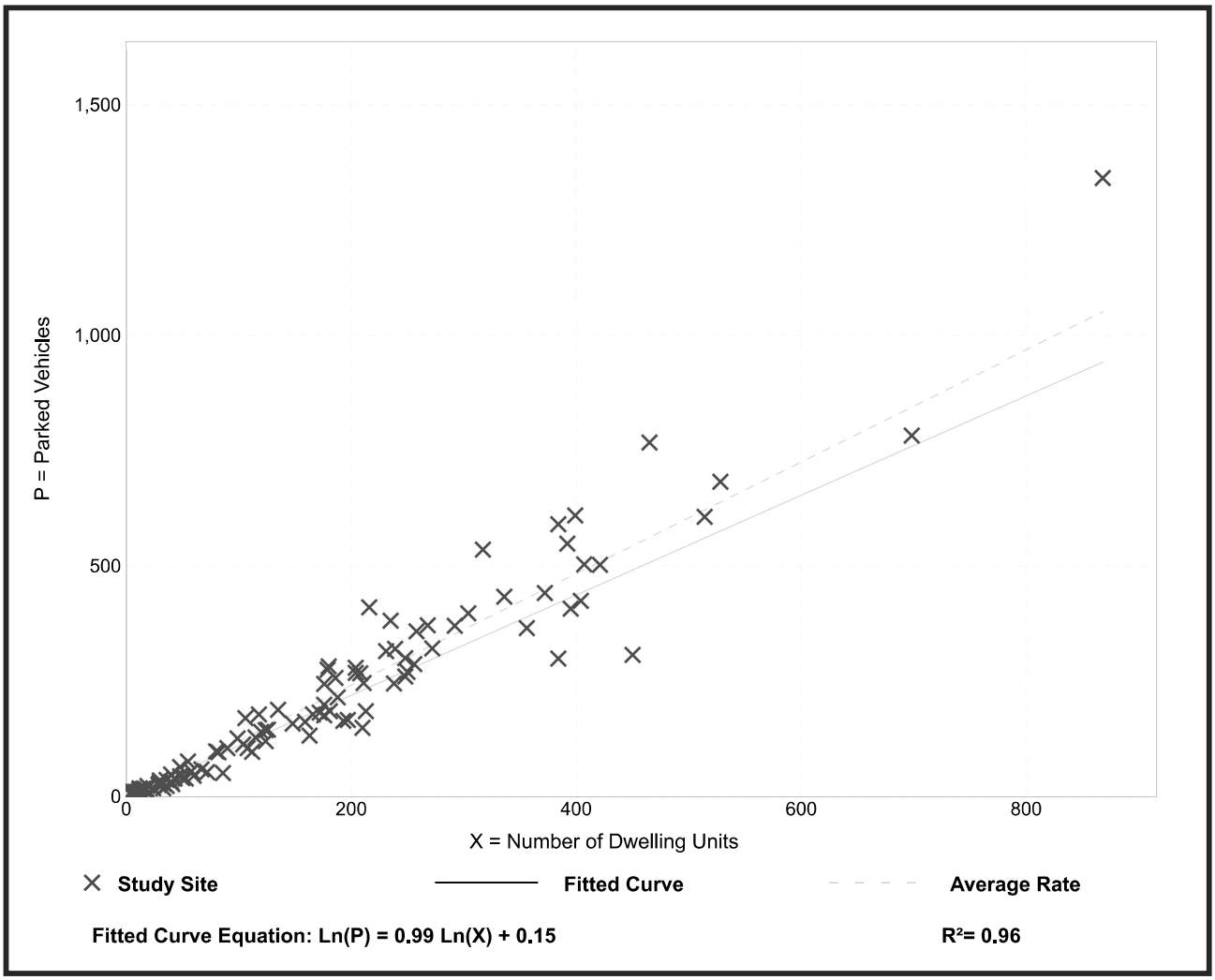
Multifamily Housing (Low-Rise)
(220)

Peak Period Parking Demand vs: **Dwelling Units**
On a: **Weekday (Monday - Friday)**
Setting/Location: **General Urban/Suburban (no nearby rail transit)**
Peak Period of Parking Demand: **11:00 p.m. - 6:00 a.m.**
Number of Studies: 119
Avg. Num. of Dwelling Units: 156

Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.21	0.58 - 2.50	1.03 / 1.52	1.16 - 1.26	0.27 (22%)

Data Plot and Equation



Parking Generation Manual, 5th Edition ● Institute of Transportation Engineers

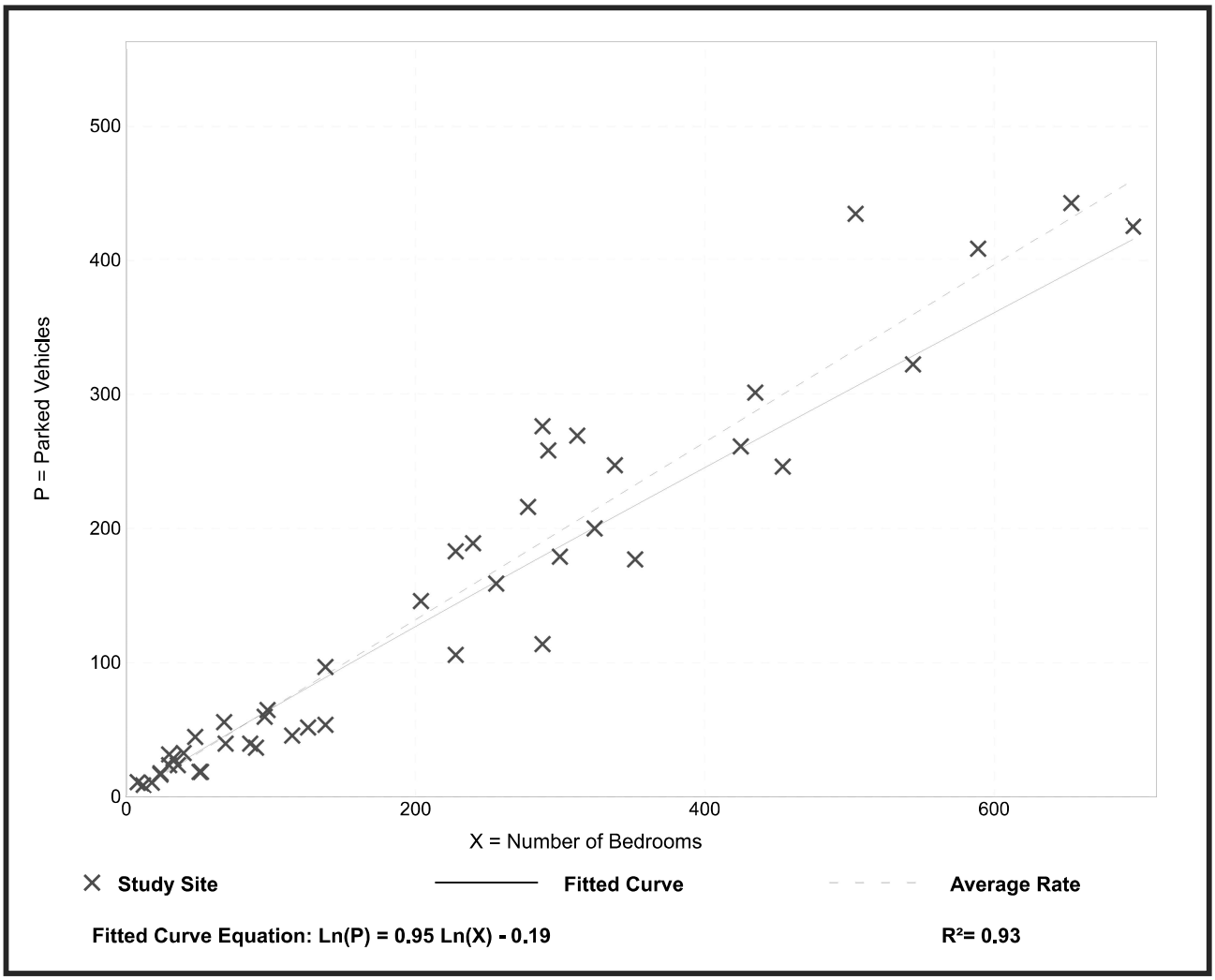
Multifamily Housing (Low-Rise)
(220)

Peak Period Parking Demand vs: **Bedrooms**
On a: **Weekday (Monday - Friday)**
Setting/Location: **General Urban/Suburban (no nearby rail transit)**
Peak Period of Parking Demand: **11:00 p.m. - 6:00 a.m.**
Number of Studies: 45
Avg. Num. of Bedrooms: 215

Peak Period Parking Demand per Bedroom

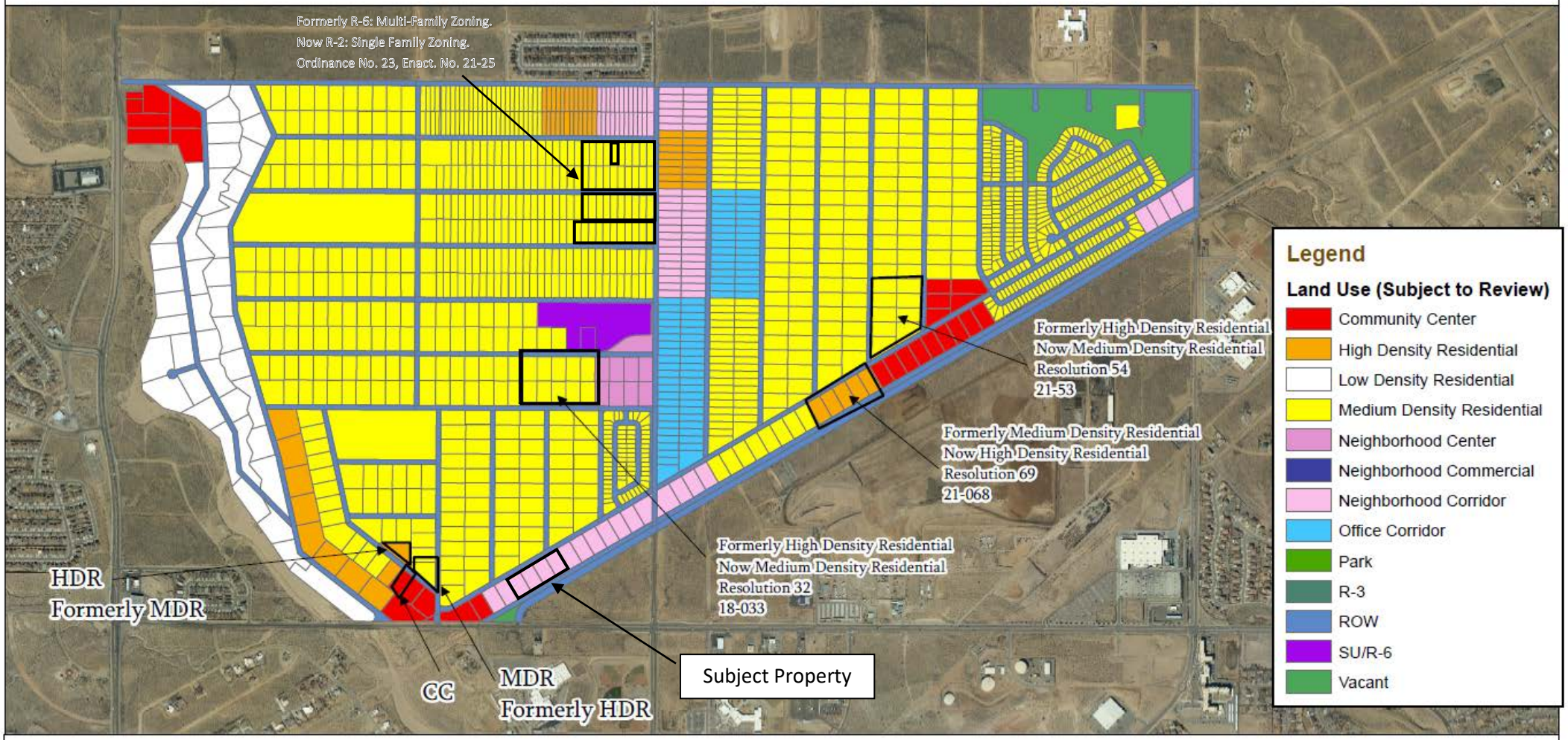
Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.66	0.37 - 1.38	0.61 / 0.86	0.62 - 0.70	0.15 (23%)

Data Plot and Equation



Parking Generation Manual, 5th Edition ● Institute of Transportation Engineers

LOMAS NEGRAS AREA LAND-USE EXHIBIT



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.

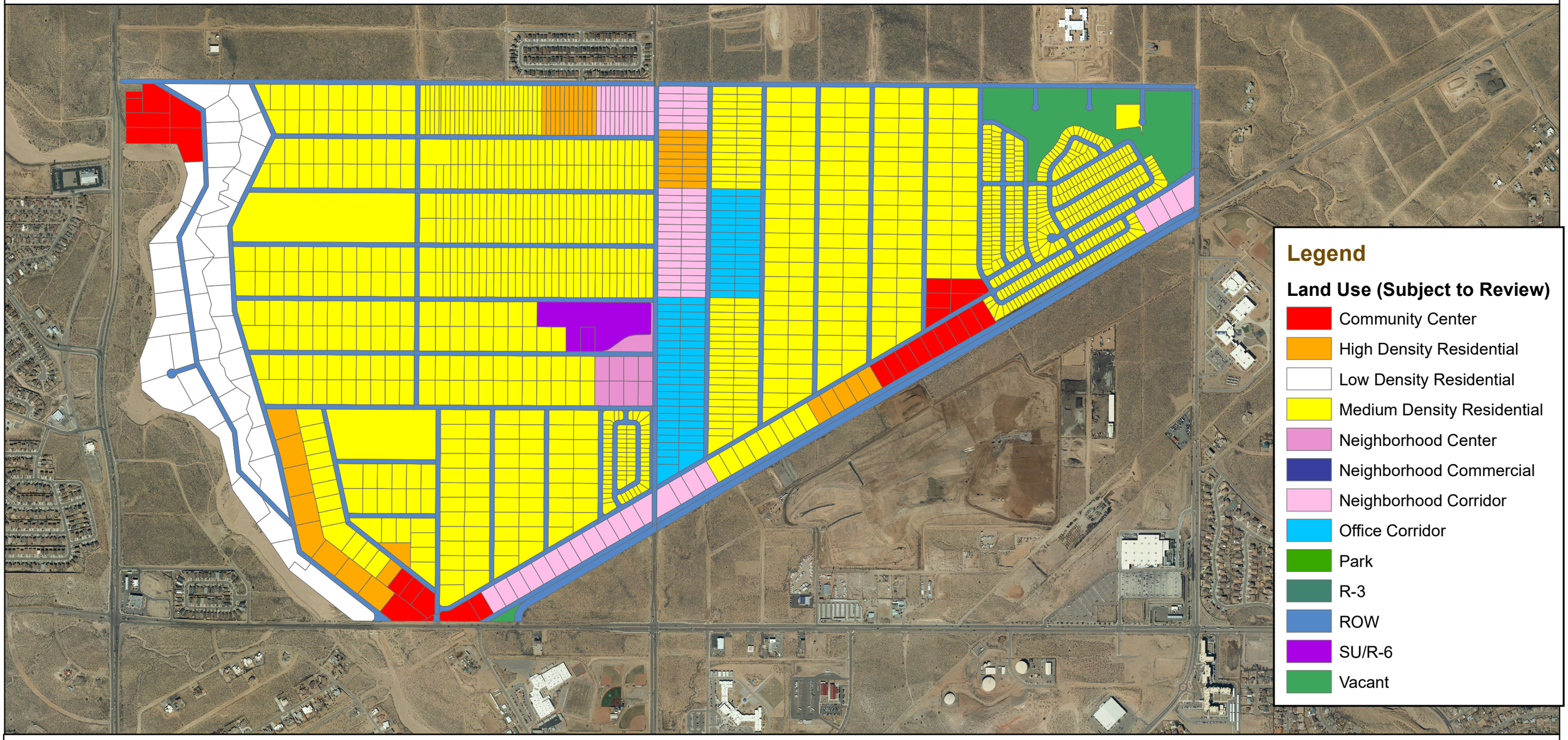
Map Created by Jansen Lyons 9-14-2023
Map additions created by Brian Babyak 9-20-2023

0 0.2 0.4 0.8
Miles

Rio Rancho City of Vision

GIS

LOMAS NEGRAS AREA LAND-USE EXHIBIT



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.

N
W E
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Map Created by Jansen Lyons 9-14-2023

0 0.2 0.4 0.8
Miles

RioRancho City of Vision

GIS Moving Spatial Data Forward

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

September 11, 2023

RE: Zone Map Amendment and Specific Area Plan Amendment
Case No. 23-100-00005 and 23-410-00005
Unit 13, Block 68, Lots 5-8

Dear Property Owner:

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

The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The applicant is also requesting a Specific Area Plan Amendment for the Lomas Negras Specific Area Plan. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

The **Planning and Zoning Board** will consider the request on **Tuesday, September 26, 2023** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below.**

***PLEASE NOTE THAT THIS ITEM WAS PREVIOUSLY SCHEDULED FOR THE SEPTEMBER 12, 2023 PZB MEETING AND HAS BEEN POSTPONED TO THE SEPTEMBER 26, 2023 MEETING (THE ZOOM LINK AND MEETING TIME/LOCATION REMAIN THE SAME)

On the back of this letter is a location map of the project, with the subject property identified with the black 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.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=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please do not hesitate to contact me via e-mail me at lruizcarlos@rrnm.gov or call me at 505-896-8785, 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.rrnm.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.

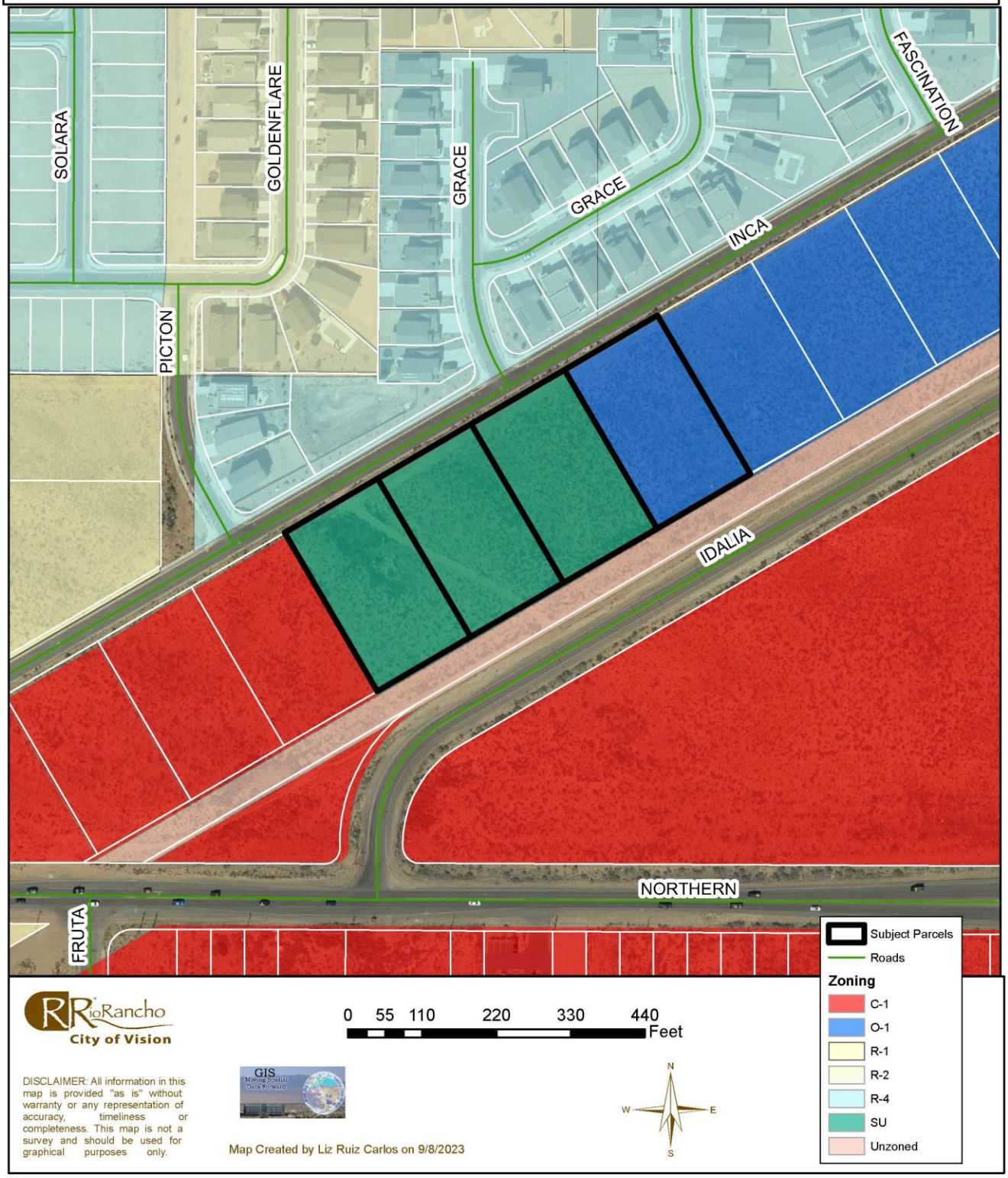
Respectfully,

Liz Ruiz Carlos
Municipal Planner II
Development Services Department
City of Rio Rancho

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

UNIT 13, BLOCK 68, LOTS 5-8
ZONE MAP AMENDMENT & SAP AMENDMENT



CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting on Tuesday, September 26, 2023 at 6:00 pm:

Preliminary/Final Plat
Case #23-220-00015
The applicants, Bob and Reola Arellano, request approval of a Preliminary/Final Plat to adjust the building envelope for 5616 Barranca Overlook Pl NE, legally described as HLMM2, Blk A, Lot 45. The subject property is zoned E-1: Estate Residential and consists of .92 acres.

Zone Map Amendment
Case #23-100-00005
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

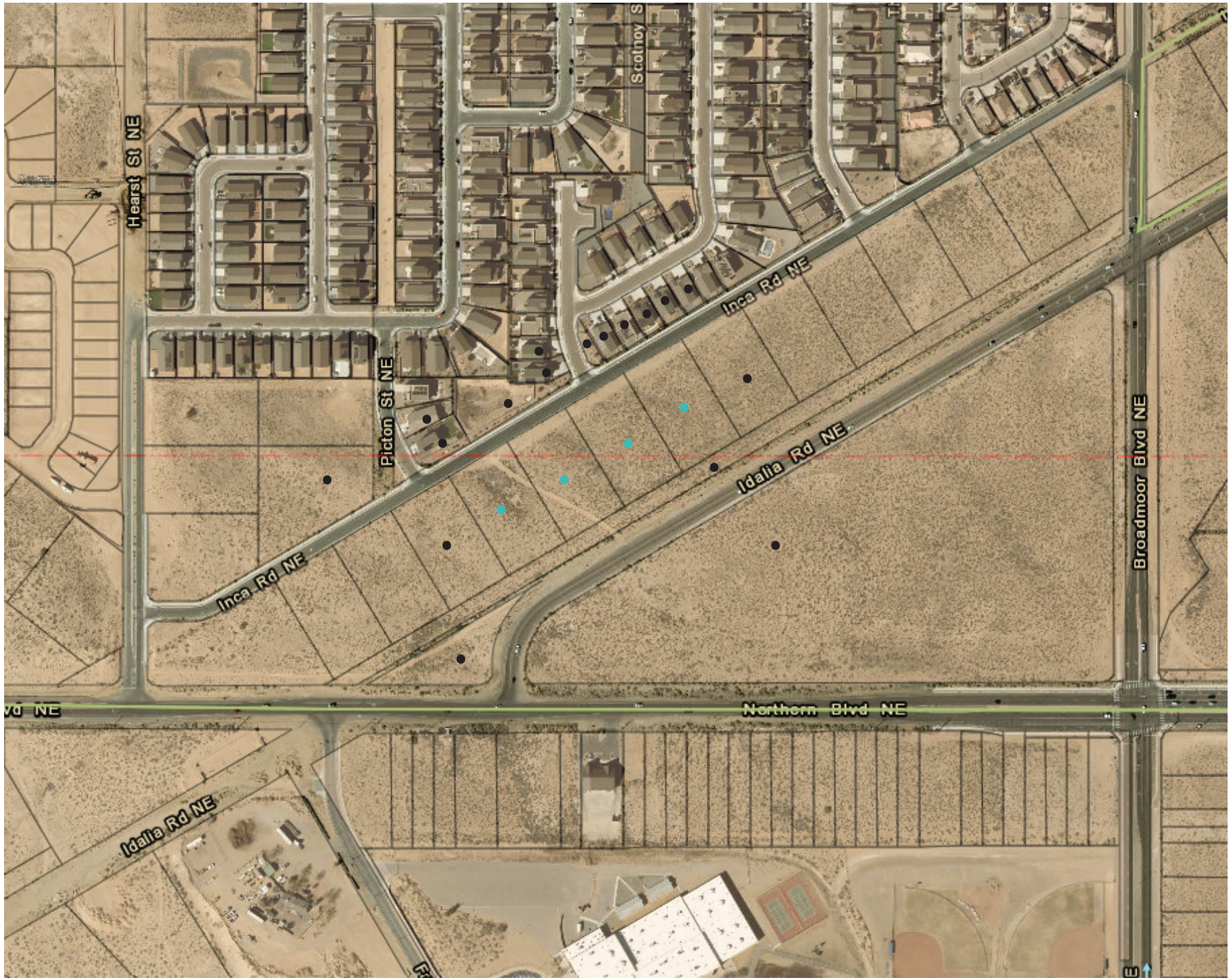
Specific Area Plan
Amendment Request
Case#23-410-00005
The applicant, J Jacob Enterprises, Inc. requests approval of an amendment to the Lomas Negras Specific Area Plan.

Text Amendment
Case #22-105-00002
The applicant, City of Rio Rancho, requests a text amendment to repeal and replace City of Rio Rancho Code of Ordinances (R.O. 2003) Chapter 156. Sign Regulations.

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 11, 2023



Notice Map:

• - Certified Mail, return receipt requested

9-10-2023

Planning & Zoning board

Mr. Kevin Kofchur
Mr. Fred Radosevich
Mr. Robert Gabaldon
Mr. Scottie Richardson
Mr. Salvatore Tortorici

Governing Body
Mr. Jim Owen
Mr. Jeremy Lenentine
Mr. Bob Tyler
Mr. Paul Wymer
Ms Karissa Culbreath
Ms. Nicole List
Mayor Greggory D Hull

Mr. Matt Geisel – City Manager

Mr. Peter Wells – Assistant City Manager

Mr. Josh Rubin – Citty Attorney

I want to go on the record as being opposed to the rezoning of 4 lots on Inca St to RU6 to allow the building of High-Density Apartments proposed by Modulus Development, JJM properties, and Quad J properties at the addresses of :1034 Inca St NE, 1042 Inca St NE, 1050 Inca St NE and 1102 Inca St NE

3 years ago, before deciding to move to Milagro Mesa, my husband and I looked at lots in the area. I went to the city planners and asked for a Master Plan for the area, and asked what could go into Office Corridors. Knowing it could be offices, and other businesses that were up to 3 stories, we decided on purchasing our home.

I am not opposed to having the land developed for what was originally intended! It is supposed to be a buffer between residential and commercial properties.

1. Rezoning this land to High – density residential is defined as being "within 1/8-mile walking distance of a commercial center, employment center, or other community facility"
    a. Where is this walkability
    b. Where are these centers?
    c. Even if the Smith's decides to go in across the street (Mayor Hull told me it was permanently pulled from discussions) – the entrance to the apartments is on Inca. It doesn't have any walkability at all!
2. Mayor Hull has spoken directly to me regarding the "gross city tax revenue leakage" primarily to Albuquerque. When we purchased here after looking at the zoning, I was encouraged that I might find medical and professional services close by. I now go to Albuquerque, and when I do – I commit "leakage" since I shop and eat whenever I have an appointment.
3. PNM has a right of way on Idalia. Because that was there when the initial Master Plan was created, it was deemed desirable to develop business along the corridor as a buffer to the residential areas.
    a. The Edinburgh and Inca intersection having recently been completed supports this existing zoning.
    b. You cannot make a left going west onto Inca – to Edinburgh – You must do a right, pass into the bike lane, and do a quick hard U-turn.
    c. When Edinburgh is completed, going south you can not take a left onto Inca – you must go to Idalia and do a U-turn
    d. In all cases, we know that the shortest way will be found, and that is illegally traversing Edinburgh – doing illegal turns.

Another very important issue I have with the rezoning is this is just the start of enclosing our residential neighborhood with RU6 apartments! If you decide to rezone apartments, all of the neighborhood corridors will have a precedent to rezone Including the rest of Inca and the Neighborhood corridors on Broadmoor!

The following four statements are supported by https://douglasnewby.com/2014/07/adding-density-destroys-neighborhoods-one-house-at-a-time/)

1. **Adding zoning density to residential neighborhoods encourages absentee owners to replace homeowners, which destabilizes neighborhoods.**

"Investors, speculators, and absentee owners will buy properties from homeowners and then rent them. These absentee owners will disinvest in properties, letting them deteriorate since they are speculating on selling the lots in the future for denser residential use. For instance, a home in the 90-year-old Mount Auburn neighborhood of 1,000 sf cottages might be projected as a lot for a duplex, fourplex, or a new home with a new 1,000 sf backyard rental house behind it. In this case, a speculator will not want to invest in maintaining a house that they plan to tear down or think a future buyer will tear down for higher density rental units. "(

2. **Homeowners and renters prefer to live next to single-family homes rather than next to apartments.** https://douglasnewby.com/2014/07/adding-density-destroys-neighborhoods-one-house-at-a-time/)

Adding zoning density to neighborhoods makes them less attractive to both homeowners and renters. Less attractive neighborhoods attract less desirable tenants. This creates a downward neighborhood spiral. Less attractive tenants make the neighborhood less attractive for homeowners.

3. **Higher density attracts absentee owners.**

Lower density attracts homeowners. Density attracts renters; density repels homeowners. A good example is the comparison of Northern Hills to Munger Place. Northern Hills is a neighborhood built at the same time and with similar size homes found in Munger Place and Swiss Avenue that are the same distance from downtown. Northern Hills is closer to Central Expressway than Munger Place is to the I-30 expressway. In the 1960s Northern Hills might have declined as people were leaving Dallas close-in neighborhoods, but it never fell into the condition of derelict divided up rent houses found in Munger Place. This is because Northern Hills was not over-zoned for apartments and additional density. Homeowners are attracted to homes and are repelled by carved up rent houses and apartments like the ones that were built on Gaston Avenue in the 1960s, a street that ran through Munger Place.

4. **Density discourages lending on single-family homes.**

The higher the percentage of homeownership in a neighborhood, the easier it is to get a loan. We even see in condominiums, the higher the percentage of owner occupied units in the condominium, the easier it is for a condominium unit buyer to obtain a loan.

What do these four statements mean? The sense of community in Milagro Mesa, Solcito, Melon Ridge, Mirador, and Tierra Del Oro will shows signs of "renter syndrome" – where single family homes are now rental – with transitions yearly! The community that we are building will be lost – as we become another area of rental housing.

Next, the intent of having zoning levels in place is to ensure a smooth transition between uses. Jumping from OS1 and **5 levels** to RU6 (potentially 6 stories!) does not make any sense whatsoever! Skipping 5 levels is unheard of! Skipping levels hasn't been done since the mid 80's!

1. **Explain to me why we would move backward in zoning instead of moving forward?**
2. **Why would we not develop the existing high-density properties that are already in place?**
3. Has the design carefully considered the potential drawbacks, such as **overcrowding, noise, and strain on infrastructure?** Low-density housing means **less crowding, more privacy**. It also means fewer vehicles, more open spaces, and an environment that's much, much cleaner and healthier.

Currently in our Master Plan we have the Office Corridors/Neighborhood Corridors (very confusing because the Rio Rancho Planning department cannot give me a correct map), **RU1, RU3 and RU6 already zoned**! We should continue to develop the existing master plan! If you take a ride down Broadmoor, you will see that development is happening! New roads and homes are being built! If we deviate from the plan it could lead to uncontrolled growth without adequate development of infrastructures, including water, gas, electricity, and roads!

Let me emphasize that until **you complete 90%** of the EXISTING RU3/RU6 Rio Rancho will not know if it needs more high-density apartments! The fact is that high density has already been designed into the existing Master Plan and that of other neighborhoods! This should be developed first and foremost!

Affordability is a hot button that is always coming up. If these homes weren't affordable, developers would not build them. Affordability is personal. What is affordable varies. Homes are affordable. It depends on what you want as affordable. A $1900 truck payment? Always going out to get coffee? Or owning a home! Choices – it all comes down to individual choices.

The city wants to "create traditional neighborhoods" according to the Executive summary (page v-9) We have that in our plans! Why not develop the plan? Why not develop a Planned Urban Development? A PUD in an area that has absolutely zero building on it currently? I understand the AMREP issues – but challenges will make the city stronger. Changing a plan that is developing as it was intended is good!

The developer indicated that traffic studies have not been performed! The city planners tell me we don't need to do one, and if you do a rezone, and it proves to be a bad decision, you cannot revoke the change!

We need a Rezoning Traffic study (RTS) Traffic Impact Assessment (TIA) Traffic Impact Study (TIS) and a Site Plan and Parking impacts. There are modeling tools used widely throughout the United States to perform these tasks, even though it is a proposed site. None of these studies have been performed. And it will not just affect these 4 lots. It will affect the entire stretch of the Inca corridor!

Changing the zoning on this property would be a **determinate to the existing plan that would create a buffer between R1 residential and the commercial** properties further to the south. This strip of land was to be the buffer zone. Per documentation given to me on 3 separate occasions this was a major consideration when we decided to build in Milagro Mesa, Rio Rancho NM.

4.2.2 Office Corridor

Purpose: The office Corridor is intended to also provide a transition between residential and commercial uses (page 26 of the Lomas Negras Specific Area Plan)

This plan has 1.5 parking spots per apartment. (I understand that the developer wants to lower it to 1.4!) I've been told that this is the bare minimum required for Rio Rancho. Statistical data from the US Census from 2019 for Rio Rancho Apartment dwellers show the Majority have 2 or more cars. Extrapolate the statistical information and you are short 40 plus spots! Not counting visitor spaces! (See attached spread sheet with information from www.city-data.com – Rio Rancho apartment dwellers).

This information clearly shows that parking will be an issue. Where will they park?

If you rezone –Parking on Inca, Edinburgh, and the side streets should be denied! We should have no parking signs! It is difficult enough to have two cards side by side since the streets are so narrow - it would create issues if emergency vehicles were needed in the residential areas.

Inca is a school bus zone! The safety of our children should be a prime consideration in adding additional traffic to our streets!

Inadequate apartment and street parking is another reason that this property should not be rezoned!

As for "blending in with the neighborhood" – these apartments do not have any open spaces, are significantly smaller than our smallest home (1400 sq feet) and exceed the height of the homes in the neighborhood.

After researching all the issues, the most important one is SPOT ZONING. The City of Rio Rancho, if they allow a rezone, will be promoting SPOT ZONING!

II. SPOT ZONING.

Spot zoning. — The term "spot zoning" refers to the rezoning of a small parcel of land to permit a use that fails to comply with a comprehensive plan or is inconsistent with the surrounding area, grants a discriminatory benefit to the parcel owner, and/or harms neighboring properties or the community welfare. Spot zoning is determined on an ad hoc basis, depending on the facts and circumstances of each case. *Watson v. Town Council of Town of Bernalillo*, 1991-NMCA-009, 111 N.M. 374, 805 P.2d 641.

Spot zoning is illegal in all 50 states! It will greatly benefit this landowner, while it will harm the residents of the Lomas Negras Master Plan.

I stand against this rezoning!

Terri Rees

1189 Fascination St NE

Rio Rancho, NM 87144

CARS PER APARTMENT

CITY-DATA.COM 2019

Rio Rancho, NM

# OF CARS		PERCENTAGE
0	425	0.055987353
1	2474	0.325912265
2	2939	0.387169016
3	1420	0.187063628
4	333	0.043867738
TOTAL	7591	1

% OF HOMES WITH 2 OR MORE CARS

	0.387
	0.187
	0.043
TOTAL	**0.617**

		total planned parking spots	
150 apartments	x 1.5 spaces	225	
zero cars*			-5
1 car			48
2 cars			114
3 cars			84
4 cars			24
total spots needed			265
shortage**		-40	
% SHORT		15%	

*probability of zero cars in Rio Rancho so far from public transportation is unlikely

**does not included guest parking

(No subject)

marilyn jackson <marilynjackson13@gmail.com>

Sun 9/10/2023 12:07 PM

To:LIZBETH RUIZ CARLOS <lruizcarlos@rrnm.gov>

Caution! This message was sent from outside your organization.

You don't often get email from marilynjackson13@gmail.com. Learn why this is important

Dear Ms. Carlos:
I am a resident of Milagro Mesa at 1155 Grace Street Northeast and I stand in great opposition to the proposed rezoning of our community for the purpose of building multi-unit housing.
Thank you for your time and consideration.
Marilyn Jackson

MR R. Olver & MS S. Cresap

1185 Fascination St. NE

Rio Rancho, NM 87144

September 13th, 2023

Planning & Zoning board

Mr. Kevin Kofchur
Mr. Fred Radosevich
Mr. Robert Gabaldon
Mr. Scottie Richardson
Mr. Salvatore Tortorici

Governing Body

Mr. Jim Owen
Mr. Jeremy Lenentine
Mr. Bob Tyler
Mr. Paul Wymer
Ms Karissa Culbreath
Ms. Nicole List
Mayor Greggory D Hull

Mr. Matt Geisel – City Manager

Mr. Peter Wells – Assistant City Manager

Mr. Josh Rubin – Citty Attorney

I am writing this letter in opposition to proposed rezoning of 4 lots on Inca St to RU6 to allow the building of High-Density Apartments proposed by Modulus Development, JJM properties, and Quad J properties at the addresses of :1034 Inca St NE, 1042 Inca St NE, 1050 Inca St NE and 1102 Inca St NE.

When me and my family were finally ready to purchase our first family home, we decided that Rio Rancho would be the best fit for us. A few of these reasons are but not limited to: lower crime rates than Albuquerque, the level of education my 10-year-old daughter would receive and a sense of community that we would become part of moving into an area like Milagro Mesa.

I previously lived at Eagle Ranch Apartments located in Albuquerque, where there was no sense of community, regular gun crime and limited parking and congested traffic. Parking was a serious issue as often there was none, and people were forced to park in fire zones. These apartments had 1.5 parking spaces per apartment. Yet it did have great accessibility to local amenities, stores, and parks etc. I mention these things to highlight why we chose our home here in Rio Rancho.

Since buying our home here in Rio Rancho we have never looked back. The sense of community and safe environment for my daughter to play outside with her friends who all attend Ernest Stapleton Elementary, is irreplaceable.

We really did buy into the masterplan for the surrounding area and feel that rezoning this land to RU6 would only impact negatively on your current residents by destroying the sense of community that is found in Milagro Mesa. High density homes without local transportation and access to readily available local services will only attract transient tenants. This coupled with the lack of adequate proposed parking spaces will certainly create overflow into neighboring streets. Inca is a bus route for the nearby schools, and this will impact on the safety of our children with such a drastic increase in traffic with no prior planning to accommodate such an increase.

I am accustomed to high density homes which add value to their areas, however those are located within a city's typical downtown area, with an abundance of transportation and recreational activities to attract tenants.

There is not an example to compare this proposed RU6 development to here in Rio Rancho, especially one overlooking single family homes and for good reason. I am not against the development of this land and welcome it, but oppose the change to RU6, as we do have vacant sites waiting for development that are already in the masterplan designated for high density homes.

The developer of this land has purchased this land knowing what is currently permitted to be built, we purchased our home also knowing this. For the city to approve this change it would send a clear signal that master plans are to be ignored, current residents will be ignored, and this will set precedence for additional rezoning of adjacent lots to RU6, as spot zoning is illegal here in Rio Rancho.

There is no need for these lots to be rezoned as before mentioned we have vacant lots currently zoned for high density residential that are undeveloped.

While I am sure Rio Rancho and its elected officials want to welcome new developments to increase its residential tax base, this should be done with the consideration of current residents and investors in mind.

Yours Sincerely

Richard Olver

Richard Olver

9/19/2023

Rio Rancho Planning & Zoning Board

RE: High-density Apartment Project on Inca

Let us begin by stating that we want to go on the record as being opposed to the re-zoning to RU6 granting the development of High-Density Apartments on the parcels of land identified below:

1034 Inca St NE, Rio Rancho NM 87144
1042 Inca St NE, Rio Rancho NM 87144
1050 Inca St NE, Rio Rancho NM 87144
1102 Inca St NE, Rio Rancho NM 87144

The groups involved with this proposed development are Modulus Development, JJM Properties, and Quad J Properties have requested this re-zoning to change this corridor from business to residential to meet their own financial goals. Re-zoning will set a precedent that the existing Master Plan can be modified to suit their financial needs. This is a clear example of SPOT ZONING as defined below.

II. SPOT ZONING.
The term "spot zoning" refers to the rezoning of a small parcel of land to permit a use that fails to comply with a comprehensive plan or is inconsistent with the surrounding area, grants a discriminatory benefit to the parcel owner, and/or harms neighboring properties or the community welfare. Spot zoning is determined on an ad hoc basis, depending on the facts and circumstances of each case. *Watson v. Town Council of Town of Bernalillo*, 1991-NMCA-009, 111 N.M. 374, 805 P.2d 641.

The approved Master Plan is already zoned for RU1, RU3, and RU6. Residential is currently happening in this area. If affordable housing was an issue wouldn't the builders stop building these "expensive" houses? Infrastructure for high-density housing was not planned for this specific parcel of land and this project will affectively change the demand on utilities, noise, light pollution, and traffic in a negative manner.

We keep hearing "affordable housing" but houses in this area range from $300K and up are being sold. As a matter of face Westway Homes is building a massive development in Rio Rancho with homes north of $400K. Does this support the mayors "affordable housing" talking points? Page V-9 of the Executive summary the city of Rio Rancho wants to "create traditional neighborhoods". Why deviate from the approved Master Plan?

It was mentioned by the developer that traffic studies have not been performed and the City Planners have stated that one is not necessary. How can this be? RTS (Rezoning Traffic Study) and TIA (Traffic Impact Assessment) are common modeling tools used nationwide to guide city

planners. How do you put in place the proper infrastructure necessary to support the continued area growth without using these tools?

Parking Issue.

The minimum apartment parking spaces is 1.5 per unit for Rio Rancho. Below are parking data from Rio Rancho, NM (New Mexico) City Info

No vehicle:	425	5.60% of renters
1 vehicle:	2,474	32.59% of renters
2 vehicles:	2,939	38.72% of renters
3 vehicles:	1,420	18.71% of renters
4 vehicles:	333	4.39% of renters

* 7,591 Renter occupied units in Rio Rancho

Applying those numbers to the proposed project we get the following.

No vehicle:	-8	5.60% of renters	-8	Parking Spaces
1 vehicle:	49	32.59% of renters	49	Parking Spaces
2 vehicles:	58	38.72% of renters	116	Parking Spaces
3 vehicles:	28	18.71% of renters	84	Parking Spaces
4 vehicles:	7	4.39% of renters	28	Parking Spaces
* 150 units – Modulus project			**269**	**Total Parking Spaces**

Rio Rancho Requirement: 1.5 Spaces * 150 Apartments: 225 Spaces (Minimum)

* Deficit of 44 Spaces

Modulus Request to Modify Parking Requirement: 1.4 Spaces * 150 Apartments: 210 Spaces

* Deficit of 59 Spaces

In both scenarios the overflow resulting from the lack of parking will be on the streets surrounding the development. The neighboring streets are narrow as is and were not designed to support cars parking on the streets and surrounding neighborhoods. This overflow will reduce surrounding streets to a one-way creating a difficult “wait to pass” commutes for neighbors and risky drives for emergency vehicles and school buses. After all, Inca is a school bus zone! Our HOA has ordinances in place that prohibit parking of vehicles on the street to avoid these issues.

We are not against development, but against development that has intent of drastically deviating from the established Master Plan for this area. We support development that will create “traditional neighborhoods” as stated on page V-9 of the Executive Summary for Rio Rancho.

Violet Bolanos & Ben Racela
1210 Fascination St NE
Rio Rancho, NM 87144

Proposed Zoning Amendment

Amy Johnson <amy.bd.johnson@gmail.com>

Fri 9/22/2023 11:02 AM

To:LIZBETH RUIZ CARLOS <lruizcarlos@rrnm.gov>

1 attachments (980 KB)

Proposed Site Plan.pdf;

Caution! This message was sent from outside your organization.

You don't often get email from amy.bd.johnson@gmail.com. Learn why this is important

Good morning,

My name is Amy Johnson, and I am the president of the homeowners association for Milagro Mesa. I live at 1106 Grace Street NE, and my property is directly adjacent to the lots in question. I will be in attendance at the meeting on Tuesday, but I wanted to submit my concerns in writing prior to that day. I just had a chance to review the site plan submitted by the developer, and I am quite honestly horrified by what they are proposing. During our meetings earlier this year there were several issues that we asked them to address. One of the most significant was the available parking. The residents of our neighborhood are deeply concerned about the lack of parking given the potential occupancy of the building. This is not a walkable neighborhood, and there is no easily accessible public transportation. You need a car in order to get to work, access groceries, pharmacies, doctors offices, or any other necessities. Instead of acknowledging that issue, the developers have submitted a parking deviation request for fewer spaces than the city requires. If this is approved, I do not see any way they can avoid overflow parking onto Inca Rd, which was one of the top concerns of our residents. I appreciate that the ingress and egress have been moved to Idalia Rd instead of Inca, but residents who are unable to find parking in their lot will not be able to park along Idalia, leaving them no choice but to park on Inca. The developer has not taken any steps to address this problem.

There are also concerns about the traffic this project will cause on Inca Rd. As you have already seen in a few of the other public comments, access to our neighborhood on Inca is limited by a one way ingress in Edinburgh. This would leave people parked along Inca with two options for egress. They can either drive through the Solcito neighborhood to access the egress on Edinburgh, or they can leave at the intersection at Inca and Broadmoor. This intersection is dangerous on a good day, with a more than 45 degree turn out and a partially obstructed view of oncoming traffic to the left. We are deeply concerned about potential congestion and safety issues if there is an increase in utilization of this intersection, and those concerns have not been addressed.

I have some additional concerns about the infrastructure support for a high density residential building at this location. The water and sewer demands of high density residential buildings are substantially greater than they would be for an office building. I asked the developers several times about the ability of the system to handle such high demand, and I have not received an answer. I'm concerned about how this will be addressed and if there is any potential for impacts to our current services if remediation needs to be done to accommodate the needs of the project.

During our meeting we also discussed the placement of the building along Inca Rd. We are all concerned about the proximity of the building to the road, but I am particularly concerned due to my property directly facing the building. Putting the building that close to the road will allow people who live on the upper floors a direct view into not only my backyard, but my master bedroom. This creates not only a privacy issue, but a security issue as well. We had asked the developer to try to reconfigure the building to create a buffer zone between our property and the building. The plans they shared with us and claimed they were submitting as the final plan did do this. I've attached a copy of the plan they provided, and as you can see the parking field was moved to the area along Inca to create the buffer zone. I've reviewed the plans attached to the agenda, and I cannot determine if the site plan they provided is the same as what they have submitted to the city. The landscape plan does show the parking field along Inca, but it also shows the ingress and egress points along Inca as well. The rendering, which was updated to reflect the ingress/egress points along Idalia, places the building directly along Inca. Based on the placement of the building in the rendering, there would not be enough room to plant trees along Inca. Looking at other apartment buildings adjacent to residential neighborhoods in Rio Rancho, parking fields and/or trees are typically used to create a privacy buffer between the apartment buildings and the neighborhoods. While the landscape plan does show this, the rendering does not.

These are just a few of the issues that we have discussed with the developer in the past couple of months. The attachments included in the agenda indicate to me that the developer has not made their final decision about the layout of the site. I question how an informed decision on rezoning can be made when the developer has submitted plans that show two completely different site configurations, and major elements like ingress and egress points are unclear.

In my opinion, the people who originally zoned the lots in question took these issues into consideration. There is a reason why the lots that start behind our neighborhood were zoned as O-1 instead of SU. I believe that the original planners understood the impacts that a development such as the one proposed would have on the residents of the adjacent community. The impacts of this project would simply be too substantial on the Milagro Mesa and Solcito neighborhoods to be practical, and I urge the board to reconsider the recommendation to approve the rezoning request at this time.

Thank you,
Amy Johnson
Milagro Mesa HOA President

Say No to the Zoning change on Inca Road (Unit 13, Block 68, Lots 5-8)

Spencer Knudsen <spencer.knudsen@gmail.com>

Mon 9/25/2023 11:02 AM

To:LIZBETH RUIZ CARLOS <lruizcarlos@rrnm.gov>;**Planning <Planning@rrnm.gov>**

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from spencer.knudsen@gmail.com. Learn why this is important

Hello Ms. Ruiz Carlos,

I'm concerned about the possible zoning change along Inca Road across from the Milagro Mesa housing development (Grace Court). I attended the meeting 2 weeks ago to voice my concerns against the zoning change but the topic was postponed until 9/26/23. I will not be able to attend the meeting tomorrow evening due to prior commitments, so I want to let you know my concerns.

1. Inca Road is not set up to handle more traffic. It is difficult to exit Inca Road to the west at Edinburgh Street and the intersection at Broadmoor has poor visibility in both directions, not to mention the size of the cracks in the road that continue to widen.

2. Parking for the apartments will not be adequate. I've never seen an apartment complex that has sufficient parking. I attended the meetings at RR Library with the architect and the developer and they very much understated the amount of parking spaces that would be required if all units were rented out. I don't want to see cars parked on the street on Inca or on Grace.

3. The access should be from Idalia, not Inca. Why can't the property in question be accessed from Idalia? That would alleviate several concerns.

4. The Purpose of the Planning and Zoning Board is to promote "aesthetically appealing and harmonious development of the city." **Allowing a 3 story apartment building in this location is neither aesthetically appealing or harmonious! No one can reasonably argue that it is.**

5. I purchased my property knowing that the land across Inca Road was zoned for commercial use. I accepted the risk that some day there might be an Autozone, restaurant or medical office along Idalia. I never imagined that there would be a 3 story building there in the middle of empty land.

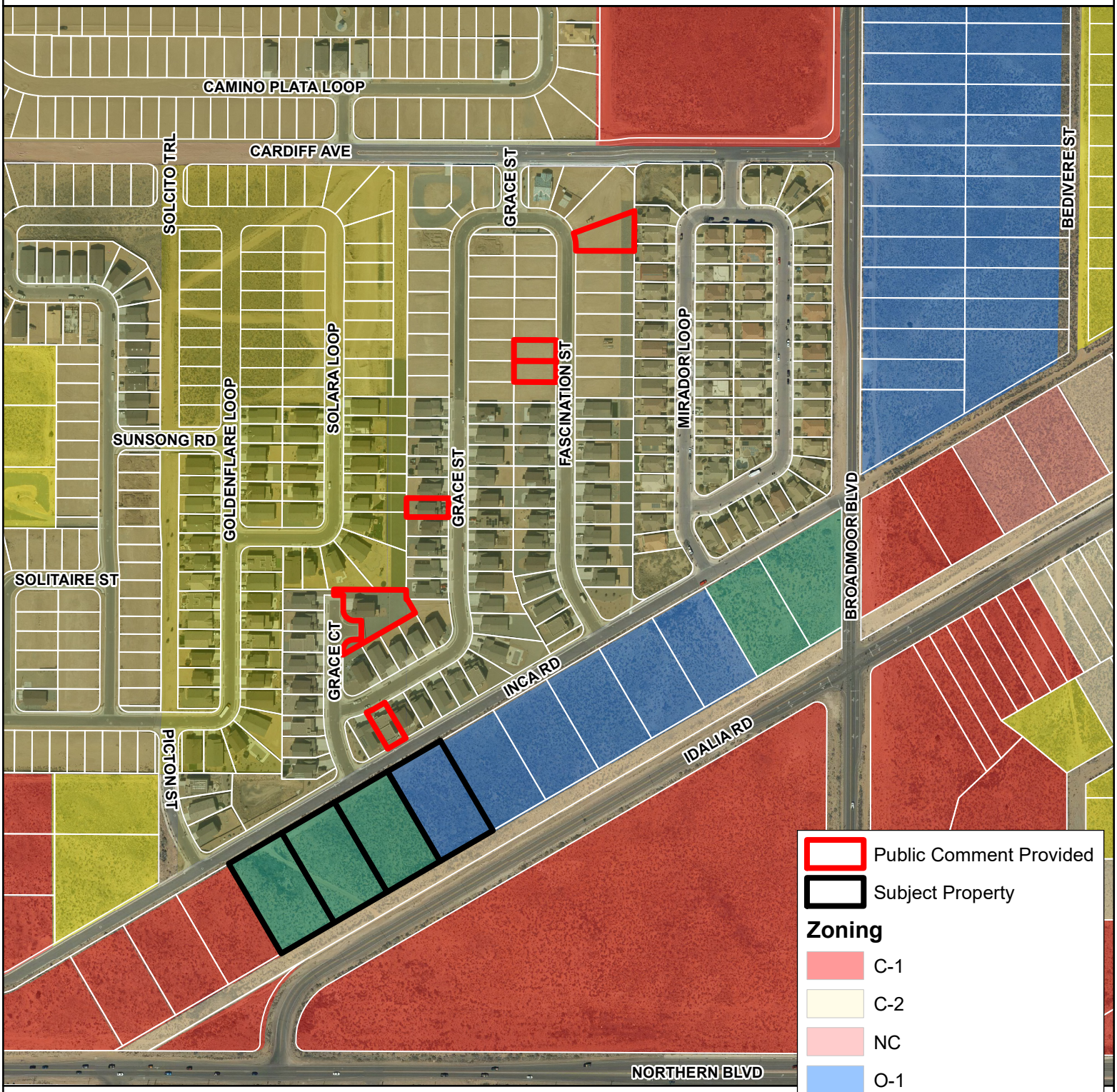
6. I agree that Rio Rancho needs more apartment options - but those apartments should be built in the right places. They should be along 528, Northern, Unser or other main roads. This would allow bus routes to service the apartments. Right now, high school kids living in this area are not even offered school bus routes! A perfect location for the apartments being proposed is off Northern and Rockaway - next to the senior living center.

Please do the right thing for the city and the current residents of Rio Rancho and **say NO** to the zoning change!

Thank you,
Spencer Knudsen

Concerned resident of Milagro Mesa HOA
1044 Grace Ct NE

UNIT 13, BLOCK 68, LOTS 5-8 - ZMA/SAP AMENDMENT



RioRancho City of Vision

0 125 250 500
Feet

GIS Moving Spatial Data Forward

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W E
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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 Liz Ruiz Carlos on 9/25/2023

CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO. **ENACTMENT NO.**

ORDINANCE AMENDING THE ZONING CLASSIFICATION AND OFFICIAL ZONING MAP FOR THE PROPERTY LEGALLY DESCRIBED AS RIO RANCHO ESTATES UNIT 13, BLOCK 68, LOTS 5-8, FROM SU/C-1 AND O-1 TO SPECIAL USE (SU) FOR MULTI-FAMILY RESIDENTIAL, IDENTIFYING CONDITIONS OF DEVELOPMENT, 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: in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07, an application to amend the zoning ordinance on the subject property has been submitted by The City of Rio Rancho, and assigned City Case No. 23-100-00005; and

WHEREAS: the City of Rio Rancho adopted the Lomas Negras Specific Area Plan on June 25, 2008 pursuant to Resolution No. 56 Enactment 08-51; and amended the plan on July 8, 2009, pursuant to Resolution No. 75 Enactment 09-74; February 23, 2011, pursuant to Resolution No. 15 Enactment 11-17; May 27, 2021, pursuant to Resolution No. 54, Enactment No. 21-053; July 22, 2021, pursuant to Resolution No. 69, Enactment No. 21-068; and October 12, 2023, pursuant to Resolution No.__, Enactment No. 23-__

WHEREAS: the City of Rio Rancho Planning and Zoning Board held a duly noticed public hearing on September 26, 2023, regarding the proposed changes to the Official Zoning Map and, following study and consideration, has made findings (where applicable) whether or not the criteria in R.O. 2003 Section 150.07 are satisfied, and made these recommendations to the Governing Body regarding adoption of the changes; and

WHEREAS: the Governing Body received a report from the Planning and Zoning Board, and such report indicates the Planning and Zoning Board has studied and considered the proposed changes pursuant to R.O. 2003 Section 150.07, and said report includes specific findings related to the affected property; 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 district and Official Zone Map changes hereinafter described were duly advertised and held by the Governing Body of the City of Rio Rancho on October 12, 2023 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 amendment 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 the health, safety, morals, and general welfare of the City.

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

Section 1. Rezoning of property and Change in Land Use.

A. The Official Zone Ordinance is hereby amended on approximately 4 acres from a SU/C-1 and O-1: Office Zoning District to a Special Use for Multi-family residential on the land legally described as:

Rio Rancho Estates Unit 13, Block 127, Lots 5-8, as shown on "SW PORTION OF UNIT THIRTEEN RIO RANCHO ESTATES, TOWN OF ALAMEDA GRANTM SANDOVAL COUNTY, NEW MEXICO" filed in the office of the County Clerk of Sandoval County, New Mexico on April 22, 1963 in Volume RR1, Folio 49.

B. The City Comprehensive Plan, Generalized Land Use Map (GLUM), Map L-2 is hereby amended in the land described in Section 1A above, as having a "High Density Residential" GLUM designation.

Section 2. Land Use, Conditions, Development Standards/Regulations and use of PROPERTY:

A. The property identified in Section 1, above, is subject to all requirements of the R-6: Multi-Family Residential District; as set forth in R.O. 2003 Section 154.13 (as of the effective date of this ordinance or as subsequently amended).
B. The property identified is subject to the following development standards:
   1. Unit Count per the approved site plan.
   2. Landscaping shall be provided at rate of one tree and three shrubs per unit.
   3. Parking space calculations will be determined at a rate of 1.4 spaces per unit.
C. The approved site plan is included as Exhibit A.
D. Minor changes to the site plan may be approved by the Director of Development Services as regulated by R.O.2003 Section 154.43 (as of the effective date of this ordinance or as subsequently amended).
E. Major changes to the site plan will be required to have Governing Body review and approval.

Section 3. Severability Clause. If any section, paragraph, clause, or provision of this Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder shall for any reason be held to be invalid, unlawful, or enforceable, the invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the remaining portions of this Ordinance or the regulation so challenged.

Section 4. Effective Date. This Ordinance shall become effective ten days after adoption.

ADOPTED THIS _____DAY OF _____, 2023.

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
(SEAL)

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 22-105-00002

AGENDA DATE:
September 26, 2023

DEPARTMENT:
Development Services

SUBJECT:
Text Amendment. The City of Rio Rancho is requesting approval of a text amendment to the Rio Rancho Municipal Code of Ordinances repealing and replacing Title XV Land Usage, Chapter 156, Sign Regulations. Staff contact is Tim Dvorak, and staff recommends approval of the item to the Governing Body with findings.

BACKGROUND AND ANALYSIS:
The applicant, City of Rio Rancho, seeks to repeal and replace City of Rio Rancho Code of Ordinances (R.O. 2003) Title XV Land Uses Chapter 156 *Sign Regulations.*

The current Chapter 156: Sign Regulations was adopted on August 10, 2011 via Ordinance No. 11-14, and amended by Ordinance No. 28, Enactment No.12-28 on September 26, 2012. The decision to revisit and amend the Sign Code was predicated by multiple factors, including: clearly defining both existing and new sign types, reorganizing information for easier public and staff use, and providing content neutral requirements for signs as stipulated by Supreme Court case *Reed vs. Gilbert.*

On February 2, 2021, an RFP for revisions to City of Rio Rancho Code of Ordinances Title XV Land Use Chapter 156 *Sign Regulations* was granted to Camiros, LTD. Subsequently, stakeholders were identified and interviewed by Camiros, LTD to direct and assess the needs for the sign code update. Stakeholders included the Rio Rancho Chamber of Commerce, City of Rio Rancho Development Services and Legal staff, sign production companies, real estate agents, home builders, and the New Mexico Home Builders Association. The stakeholder interviews provided a framework to inform the direction for the proposed changes for Chapter 156. A matrix of the interviewed stakeholders is provided below:

Stakeholder Name:	**Organization/Affiliation:**	**Interview Time:**
Michelle Rohl	ERA Real Estate	April 27, 2022 8:00-8:45am MST
John Garcia	Homebuilders Association of NM	April 27, 2022 9:00-9:45am MST
Josh Rubin	City of Rio Rancho City Attorney	April 27, 2022 9:00-9:45am MST
Sandy Moran	Sign Art of NM	April 27, 2022 10:00-10:45am MST
Jerry Schalow	Rio Rancho Chamber of Commerce	April 27, 2022 11:00-11:45am MST
David Branch	City of Rio Rancho Code Enforcement	April 27, 2022 12:00-12:45pm MST

Angela King	City of Rio Rancho Planning and Zoning	April 27, 2022 2:00-2:45pm MST
Jeanie Springer Knight	Springer 5 Investments	April 27, 2022 3:00-3:45pm MST
Michael Seligman	Coldwell Banker Real Estate	April 29, 2022 8:00-8:45am MST
Tonya Buxton	DR Horton	April 29, 2022 9:00-9:45am MST
Fred Shepherd	Sandoval Economic Alliance	April 29, 2022 10:00-10:45am MST
Francisca Zimmerman-Hakes	Hakes Brothers	April 29, 2022 11:00-11:45am MST
Christian Venegas	Hakes Brothers	April 29, 2022 1:00-1:45pm MST

Following stakeholder interviews, Camiros, LTD and Development Services analyzed the feedback and determined how to best address the sign code update. From these interviews, stakeholders identified their biggest priorities:

- Make Chapter 156 clearer and more user-friendly for both the public and City staff.
- Maintain the business-friendly processes of Common and Master Sign Plans.
- Fix inconsistencies, discrepancies, and vagueness of terminology and requirements throughout Chapter 156.
- Address temporary signs in the right-of-way.
- Address sign content neutrality, as stipulated by Supreme Court Cases *Reed vs. Gilbert* and *Austin vs. Reagan.*
- Optimize flexibility for sign design requirements as appropriate.

Camiros, LTD proceeded to compose the updated draft ordinance for Chapter 156. Following completion of the first draft ordinance, Development Services worked with Camiros, LTD to make edits and revisions to the draft document.

After these rounds of revision, the draft ordinance was presented at the August 16, 2022 Governing Body Work Session. During the Work Session, it was determined that the draft ordinance needed further review time and additional edits to appropriately address the concerns of the Governing Body and Rio Rancho Chamber of Commerce.

Following the August 16th Governing Body Work Session, a Sign Code Working Group composed of Mayor Greggory Hull, Councilor Paul Wymer, Planning and Zoning Board Chair Fred Radosevich, and Rio Rancho Chamber of Commerce member Kelly Wainwright began meeting regularly. City Manager Matt Geisel, Development Services Director Amy Rincon, Municipal Planner II Timothy Dvorak, Zoning Specialist Angela King and Camiros Principals Chris Jennette, and Artista Strungys staffed the meetings.

The Sign Code Working Group began regular, bi-weekly meetings beginning Wednesday, October 12, 2022 and concluding Wednesday, June 28, 2023. The role of this group was to analyze and discuss the Draft Sign Code line by line to ensure that the proposed regulations, alterations, and reorganizations made sense and reflected the overarching goals the City had identified. A table of the working group meetings and agenda topics discussed can be found in the applicable attachment; all meetings occurred at 3:00 PM MST on Wednesdays.

Proposed Chapter 156: Sign Regulations

156.01 Title, Purpose, and Applicability

This section of Chapter 156 introduces the purpose and goals of the sign code, which focus around the health, safety, and welfare of the City, while providing for the preservation of the natural surrounding beauty and enhancing the economic climate for businesses throughout the City.

Staff recommends the Planning and Zoning Board recommend to the Governing Body that this section duly reflects the goals of the goals of the City; Criteria is satisfied.

156.02 Definitions and Rules of Measurement

In the proposed draft, the definitions and measurement sections have been combined and moved to the front of the document. In the current Chapter 156, the definitions are at the end of the document in Appendix C, with rules for measurement currently located in Section 156.42, mid-way through the document.

Both staff, Camiros, and the working group agreed moving definitions and measurement standards to the beginning of the document makes the document more accessible and user-friendly, for both the public and staff.

New definitions were added to address sign types not currently in the code, as well as to clarify new and existing terms.

The most relevant additions/changes to definition terms can be seen below:

Attention-Getting Device. This term provides a catch-all for temporary signage designed to attract attention. Attention-getting devices comprise sails, pennants, banners, temporary flex pole signs, balloon and inflatable signs, and similar.

Drive-In Restaurant. Previously, drive-ins have not been defined. This is added to provide a framework for the newly-classified drive-in standards, which have been clarified and more defined.

Flag. Definition modified to exclude flags with messages commercial in nature.

Flag, Commercial. New definition provided to differentiate commercial flags from all other flag types.

Multi-Tenant Commercial Center. This definition replaces the previous term "Shopping Center." This definition is designed to work with the new definitions ***Sign, Multi-Tenant Commercial Center*** and ***Unified Sign Plan***, which provide clearer direction for unified sign development in these areas.

Nit. New definition, illumination term added.

Off-Premises Sign, Permanent. Definition expanded. Permanent off-premises signs are also referred to as billboards, which have been determined to be a distinct land use better suited for Chapter 154 of the City of Rio Rancho Municipal Code.

Off-Premises Sign, Temporary. Previously not defined in the code. This definition covers all temporary signage which does not reflect a product, service, activity, event, etc. taking place at the property on which the sign is located. Examples include snipe and bandit signs.

Sign, Blade. New sign type, defined for the first time in this code.

Sign, Canopy. New sign type to differentiate canopy signs from awning signs. Canopy signs are further broken down into two types: ***Canopy, non-structural*** and ***Canopy, structural*** to provide separate standards for canopy signs which are temporary and structurally independent from canopy signs which are integral to the structure they are attached to.

Sign, Drive-Through. New sign type providing further standards for drive-through signage.

Sign, Freestanding Pylon. This term has been modified and recategorized for ease of access and differentiation from freestanding monument signs.

Sign, Freestanding Monument. This term has also been modified and recategorized for ease of access and differentiation from freestanding pylon signs.

Sign, Gateway. New sign type added to code.

Sign, Government. Definition expanded for clarification on what constitutes a government sign. Of note, government signs do not include required legal notice by municipal codes and ordinances, which are not controlled by the sign code.

Sign, Multi-Tenant Commercial Center. New sign type added to address signage controlled in a shopping center, complimentary to the definition of ***Multi-Tenant Commercial Center.***

Sign, Nonconforming. Definition expanded for nonconforming provisions.

Sign, Right-of-Way. New temporary sign type added to provide for signs duly permitted under the new right-of-way signage permitting standards.

Sign, Vehicle. New sign type providing for what constitutes a vehicle sign.

Sign, Wall - Standard. Wall signage terminology expanded to the categories of standard, painted, and projected types. Clarification provided in all wall sign types that window signage are not considered wall signs.

Sign, Wall - Painted. New sign type, which provides the parameters for what constitutes a painted wall sign. The current code does not address standards for painted wall signs.

Sign, Wall - Projected. New sign type, which provides the parameters for what constitutes a projected wall sign. This sign type is not addressed in the current code.

Sign, Window. Definition modified to provide expanded clarification on what constitutes a window sign.

Sign, Wrap. New sign type that addresses wrapped signage on construction sites, maintenance areas, etc.

Sign, Yard. New sign type to differentiate from temporary signage.

Unified Sign Plan. Updated process condensing the separate processes of the Common and Master sign plans, providing for a singular process which serves the function of both plan types.

B. Rules of Measurement.

Signage measurement standards have been moved from the previous section in the current code (Section 156.42) to Section 156.02.

1. (A) Sign area measurement standards have been clarified for further context. (B) Window measurement provisions are new, providing for architectural considerations and window coverage parameters.

2. Sign height has been additionally clarified, but mirrors the current standards for sign height

measurement.

3. Vertical clearance measurement provisions are new, vertical distance being measured from the ground directly below the sign to the lowest point of the sign.

4. Measurement of multiple sign faces have been clarified for easier measurement. Sign faces with an interior angle of 45 degrees or less are calculated as separate sign faces; sign faces with an interior angle greater than 45 degrees are calculated as the sum of both sign faces.

5. Frontage length measurement for standalone buildings and tenant spaces have been clarified. Frontage length is measured as the linear distance between the surfaces of the outermost parallel walls of a principal structure. Tenant space frontage is measured from centerline to centerline between party walls.

6. Measurement standards for sign setbacks remain unchanged.

The proposed expansions and clarifications to the definitions constitute a more usable and enforceable sign code. Reorienting definitions and rules of measurement to the beginning of the document additionally improves user accessibility and comprehension.

156.03 Summary Table of Allowed Signs

This section provides for an updated signage table, addressing general permissions for sign types and whether or not they require a permit. In the current code, this table is presented as Appendix B near the end of the document. Both staff and the working group felt moving the summary table near the front of the document provided a better overview for both the public and staff when initially determining whether certain signage requires permitting or not.

Additionally, each sign type is notated with the applicable section of the code where the full standards for that sign type are located. This summary table is included for reference purposes only; in the case of any conflicts between the provisions of Chapter 156 and the summary table, the specific sign regulations shall control over this table.

This summary table section provides enhanced accessibility to the ordinance, providing an initial reference point for users of the document to orient themselves in the code and be directed to the specific information needed.

156.04 General Standards

This section of the code outlines the general standards which signs shall abide by. This section first addresses sign exceptions, i.e. signage or similar which does not fall under the purview of this ordinance for permitting standards. This includes works of art without a commercial message, holiday decorations with no commercial message, public notices placed by government entities, and signs inside buildings not visible from the right-of-way.

Additionally, this section addresses location restrictions, sign audio components, sign illumination, construction standards, and required maintenance. These provisions mirror the function of the current code while providing for expansions in detail to each of these categories. Signs are not allowed to be erected or placed in any clear-sight triangle, any location which violates building or fire code, or any area which prevents ingress or egress from a site or is placed on private property without property owner/agent consent. Audio components are prohibited, except in the case of drive-through signs for order communication, government-operated signs, or gas station pump video screens. Illumination standards remain in line with Chapter 159 of the City of Rio Rancho Municipal Code and State of New Mexico Night Sky Protection Act.

Construction standards address how signs are to be placed/erected, maintaining compliance with all building, electrical, and applicable codes. Standards for permitted materials for signs address the necessary materials and requirements for permanent and temporary signage. The required maintenance section has been expanded, with the additional maintenance provision that sign face changes, provided there are not changes to the structural or electrical components, do not require a sign permit.

Section H additionally addresses that permanent off-premises signage (digital billboards) are considered a distinct land use, and that these permanent off-premises sign regulations will move to Chapter 154 of the City of Rio Rancho Municipal Code.

These updated and expanded standards more readily address the current sign climate, while providing for more clear and detailed sign standards. This in turn allows for enhanced user comprehension for both the public and staff.

156.05 Sign Permit

This section addresses the requirements for sign permitting, providing for the staff approval procedure and the City's authority to remove illegally constructed or placed signs that have not obtained a sign permit. This section mirrors the current permitting/approval process established in the current Chapter 156.

The proposed standards for permitting and approval operate in the same manner as the current code.

156.06 Prohibited Signs

This section addresses signs specifically prohibited by the code. All signs not expressly permitted by this chapter are prohibited.

Prohibited signs include portable signs (not including A-frame signs), signs that constitute a traffic hazard (i.e. signs that obstruct the view of or may be misconstrued as any authorized traffic sign), and temporary off-premises signs, also known as bandit or snipe signs (does not include right-of-way signs, which have their own new permitting process).

The prohibited signs section provides clarifications on which sign types are not allowed.

156.07 Signs Exempt from Permit

This section of the code addresses signs which do not require a permit; however, the signs outlined in this section still must adhere to the regulations as set forth herein. Below are the most relevant additions/modifications:

A-Frame Sign. This sign type has been updated to reflect one sign allowed per establishment, or one sign per tenant if in a multi-tenant development. Spacing requires 15 feet separation between signs, and signs must be located within 15 feet of the primary entrance of the business. Additionally, the permissive current maximum square footage of 12 square feet in total has been broken up to 6 square feet per sign face, as a single 12 square foot sign face would be impractical for the sign type.

Sign for Residential Construction Activity. This is a new sign type, which matches the current standards of the current code's temporary sign standards for area and height in residential zones. Illumination of these signs is prohibited, and these signs shall be removed upon the completion of

construction.

Sign for Nonresidential or Mixed-Use Construction Activity. This is a new sign type, which additionally matches the current standards of the current code's temporary sign standards for area and height in commercial zones.

Sign for Cultural or Historic Site. This is a new sign type which allows for signs on cultural or historic sites. Signs may be freestanding or wall-mounted.

Sign for Gas Pump Island. This is also a new sign type, undefined by the current code. This language clarifies where signs can be located on gas pump islands, with a maximum of one, 2-square-foot sign per gas pump island.

Flag. This section provides clarification on flags, which are permitted in all districts. This approach does not limit the number or size of flags, though flag poles require a building permit per Chapter 154 of the City of Rio Rancho City Code and are subject to property line setbacks. This section does not provide for commercial flags, which are prohibited.

Sign for Multiple Tenant Building Entry. This is technically a new sign type, which replaces the current code's standards for "building identification signs." This section has been modified to address content neutrality.

Sign for On-Site Repair, Renovation, or Improvement. This is also a new sign type, which conforms to the current code's standards for temporary signage in residential zones. One freestanding sign may be placed on a lot once a permit for the applicable repair, renovation, or improvement has been approved.

Sign for Parking Lot or Structure Circulation Point. This sign term replaces the existent terminology for "Incidental/Directional/Safety" signs, maintaining the current code standards while providing for further clarification for how and where these signs can be placed.

Sign for Real Estate Activity. This approach expands the allowances for real estate signage, identifying maximum sign square footage based on zoning district where the sign is to be located. These signs are allowed to be constructed as freestanding, wall, or window signs.

Window Sign. This section provides for expanded standards on window signage. Permissive window sign coverage has been increased to a proposed 50% coverage, an expansion from the current code standard of 25%. This section additionally permits window signage in all districts, allows for internal illumination, and clarifies window displays, which are not considered window signs.

Yard Sign. This is a new sign type, which defines permissive signage within private residential property. These standards are consistent with the current code standards for signs on private property.

Expanding and clarifying the types of signs allowed without having to submit for a permit provides for greater flexibilities.

156.08 Sign Permit Required

This section of the code addresses signs which require a permit. Below are the most relevant additions and modifications:

Attention-Getting Device. This is a new sign type classification, comprising temporary sign types

such as sails, pennants, flex pole flags, banners, and balloons/inflatables. This section provides for two types of attention-getting devices: freestanding and wall-mounted. Each tenant with ground floor frontage is allowed one (1) wall-mounted and one (1) freestanding attention-getting device installed or mounted simultaneously. By themselves, freestanding attention-getting devices are permitted at a ratio of one attention-getting device per every 25 feet of frontage. Display periods are determined by the nature of the event: 15 days if not coordinated with an event; if part of an event, display is allowed seven days prior to the event, during the event, and three days after the event. Four display periods are allowed per year, with a minimum separation of 30 days in between display periods.

Arcade Sign. Arcade sign permissions have been expanded to include allowance in nonresidential and mixed-use development in all districts. This is more permissive than the current code, which only allows arcade signs within the neighborhood and commercial/industrial sign districts, and only "where a plaza exists." Sign number has been expanded to one arcade sign per building entry. Arcade signs do not count towards the maximum building-mounted sign area for either single or multi-tenant structures.

Awning Sign. This section has been expanded and clarified to address the vagueness within the current section of the code. This updated section provides for measurements, a minimum vertical clearance, and a clear allowance of 25% sign surface area allowed per awning surface area. Letter attachment flexibilities have been added to provide for lettering mounted above or below an awning.

Blade Sign. This is a new sign type, similar to the arcade sign. While the current code has standards for "projecting signs," which this section is based on and consistent with, these standards did not directly address blade signage. Vertical clearance provisions have been added.

Canopy Sign. Canopy signs have been split into two different categories: non-structural and structural. These sections provide a clearer and more permissive approach than the current code, which stipulates an unclear allowed area for canopy signs as, "sign area on perpendicular face of building." By providing specific letter copy allowances (25% surface area), along with provisions for illumination and vertical clearance, these standards allow for greater flexibility and interpretation. Additionally, freestanding structural canopy signs are exempt from the total calculation of allowable building-mounted sign area.

Wall Sign (Standard, Painted, & Projecting). Wall signage has been updated to reflect a clearer and more intuitive measurement approach. The current code stipulates a maximum of "20% of building frontage," but does not explain how this measurement is to be applied. With the new approach, standard wall signs are permitted in a ratio of one square foot of signage per foot of linear frontage, with a default of a 50 square foot sign allowed if a tenant frontage is less than 50 feet. Painted and projecting wall sign types have been added to address these differing wall sign types.

Drive-Through Sign. This is a new sign type created to address specific standards geared towards drive-through signage; this section provides for standards for drive-through signage, as well as on-site stall signage. These permissions arose from the working group, which saw an opportunity to clarify this specific signage and differentiate it from the general freestanding monument provisions.

Electronic Message Sign. This section provides for an expansion in permissions for electronic message signs. Electronic message signs are limited to freestanding monument and multi-tenant commercial center signs. Provisions were added to allow for reduced square footage when an electronic message sign is adjacent to a residential zone.

Gateway Sign. This is a new sign type added, allowing provisions for gateway signs.

Ground Signs. Expansions to ground sign provisions include allowance for one ground sign per street frontage, an expansion from the current code, which only allows for one sign per 200 linear feet. Regulations for freestanding monument and freestanding pylon signs otherwise remain the same.

Multi-Tenant Commercial Center Sign. This is a new sign type which addresses multi-tenant signage. Multi-tenant commercial signs are limited to freestanding monument signs; multi-tenant developments consisting of 5 acres or more are required to apply for a unified sign plan.

Residential Subdivision Sign. This is a new sign type which provides specific provisions for residential subdivision signs, as no specific provisions are defined in the current code.

Right-of-Way Sign. This is a new, modified sign type, providing provisions for permitting temporary signs within the right-of-way. In the current code, temporary signage is allowed in the right-of-way per Section 156.23. There are provisions for *subdivision directional signs*, *directional kiosk signs*, *political signs*, and *directional, noncommercial and single event signs*.

Due to the Supreme Court ruling of *Reed vs. Gilbert*, sign codes are not allowed to regulate signage based on content. Sign standards needed to be revised to remove sign content. The content categories above have been reconfigured into two different display periods: *Weekend Right-of-Way Display Period* and *60-Day Display Period.* This section additionally provides for sign standards, which outline parameters for sign size, placement, and material.

The Weekend Right-of-Way Display Period is valid for one calendar month and allows for a maximum of 50 signs, which can be posted every weekend of the calendar month applied for from Friday at 12:00 noon through Monday at 12:00 noon local time. Applicants may additionally apply for up to four months in advance. This display period largely mirrors the allowances and process of the current subdivision directional signs process.

The 60-Day Right-of-Way Display Period allows for a maximum of 50 signs, which can be placed in the right-of-way for up to 60 consecutive calendar days. An individual may apply for up to three 60-Day Right-of-Way Display Permits within a twelve month period. This display period is a combination of the remaining right-of-way content categories.

156.09 Unified Sign Plan

The Unified Sign Plan section represents a revised process which consolidates the processes of the current Common Sign Plan (Section 156.30) and Master Sign Plan (Section 156.31). As these processes are largely duplicitous of each other, staff and the consultant felt it beneficial to combine both processes into a singular process.

Unified Sign Plans allow for coordination of signs within developments of significant size, while also allowing for single-tenant and multi-tenant nonresidential developments of any size to enter into a unified sign plan. Developments of 5 acres or greater are required to submit for a unified sign plan; this reflects the current standard for master sign plans in Chapter 156.31.

Unified sign plans must be reviewed and approved by the Planning and Zoning Board. This section additionally retains the ability for an administrative amendment to the unified sign plan, provided the changes account for a less than 10% change to the previously approved unified sign plan. Unified sign plans also maintain the flexibilities of requesting signage or standards which exceed that of Chapter 156, per the identified criteria as outlined in this section.

156.10 Nonconforming Signs

The nonconforming section of Chapter 156 has been expanded and clarified to provide for clearer guidance on what constitutes nonconformity. This section outlines how nonconformance eligibility is determined for signs existing prior to this code update. Nonconforming signs existing lawfully prior to the implementation of the new code regulations may remain, so long as the sign is not damaged more than 50% of the sign's value, which would be determined by a repair cost estimate.

Nonconforming signs must come into compliance with the current code regulations and cannot be expanded or replaced if taken down; however, this section provides for the flexibility of allowing for sign face maintenance/replacement for nonconforming signs, so long as the structure is not altered in any way to accommodate the change.

NOTIFICATIONS:
A legal notification was published in the September 11, 2023 edition of the Albuquerque Journal. All notification requirements have been met.

IMPACT:

Staff recommends the Planning and Zoning Board recommend approval of the proposed repeal and replacement of R.O. 2003 Chapter 156 Sign Regulations to the Governing Body, subject to the findings set forth below:

General Findings of Fact:

1. The City of Rio Rancho has the authority to make an application to request an amendment to repeal and replace R.O. 2003 Chapter 156 Sign Regulations.
2. The Planning and Zoning Board has the authority to provide a recommendation to the Governing Body for the repeal and replacement of R.O. 2003 Chapter 156 Sign Regulations.
3. The applicant and affected property owners received due process, as proper notice and an opportunity to present views was given.

Specific Findings of Fact:

1. The proposed text amendment to repeal and replace R.O. 2003 156 Sign Regulations is consistent with the health, safety, and welfare of the City of Rio Rancho.
2. The proposed text amendment to repeal and replace R.O. 2003 Chapter 156 Sign Regulations is consistent with the goals and elements of the Comprehensive Land Use Plan, as presented in Case #22-105-00002.

ALTERNATIVES:

1. The Planning and Zoning Board may recommend approval to the Governing Body;
2. The Planning and Zoning Board may recommend denial to the Governing Body;
3. The Planning and Zoning Board may modify the request and recommend such modifications to the Governing Body;
4. The Planning and Zoning Board may 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 to the Governing Body with findings.

ATTACHMENT: Draft Sign Code (Clean Copy)
ATTACHMENT: Draft Sign Code (Redline Copy)
ATTACHMENT: Sign Code Working Group Meeting Date Table
ATTACHMENT: Ordinance Recitals

156 SIGN REGULATIONS

156.01 Title, Purpose, and Applicability
156.02 Definitions and Rules of Measurement
156.03 Summary Table of Allowed Signs
156.04 General Standards
156.05 Sign Permit
156.06 Prohibited Signs
156.07 Signs Exempt from Permit
156.08 Sign Permit Required
156.09 Unified Sign Plan
156.10 Nonconforming Signs

156.01 Title, Purpose, and Applicability

The purpose of this Chapter is to establish a comprehensive system of controls regarding the construction, installation, and maintenance of signs in the City of Rio Rancho. This regulations within this Chapter are intended to:

A. Promote and protect the health, safety, and welfare of the City by ensuring the compatibility of signs with surrounding structures and land uses.

B. Preserve the natural beauty and scenic environment of Rio Rancho, while enhancing the City's business and economic climate through regulations that encourage the orderly and effective display of signs, and discourage sign clutter.

C. Protect the public from hazardous conditions that may result from the indiscriminate use and placement of signs, structurally unsafe signs, signs that obscure the vision of pedestrians or motorists, and signs that compete or conflict with necessary traffic signals, government signs, and warning signs.

156.02 Definitions and Rules of Measurement

Attention-Getting Device. Devices or ornamentations designed for the purpose of attracting attention. Attention-getting devices include sails, pennants, banners, temporary flex pole signs, balloon and inflatable signs, and similar. Flags of nations, states, and cities, or fraternal, religious, and civic organizations, or temporary holiday decorations are not attention-getting devices.

Awning. A roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway, or door, with no supports that extend to the ground.

Drive-in Restaurant. An eating establishment where customers park their vehicles in designated stalls and place orders through a speaker system, or directly with a restaurant employee. Food is delivered to the customer in the vehicle, and customers remain in their vehicle throughout the dining experience.

Flag. Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations. Pennants and sails are not considered flags.

Flag, Commercial. A sign consisting of fabric, plastic, vinyl, mesh, mylar or similar pliable material attached to a freestanding flagpole or building-mounted flagpole.

Foot-candle. A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

Lumen. A unit of light or illumination from a lamp or bulb, as defined by the International System of Units (SI). A typical 60-watt incandescent bulb or a 13-watt fluorescent bulb emits approximately 800 lumens. Light incident on a surface is measured in foot-candles (SI) using a commercial light meter.

Marquee. A permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements.

Multi-Tenant Commercial Center. A multi-tenant commercial center is a commercial development under unified control consisting of three or more separate commercial establishments sharing a common building, or which are in separate buildings sharing a common access/entranceway or parking area.

Nit. A unit of measurement used to quantify the brightness or luminance of a light source. One nit is equal to one candela per square meter.

Off-Premises Sign, Permanent. A permanent sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Permanent off-premises signs are also called billboards (See Chapter 154 of the City of Rio Rancho Municipal Code).

Off-Premises Sign, Temporary. A temporary sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any ground-mounted, building-mounted, or sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises.

On-Premises Sign. A sign directing attention to a business, product, service, entertainment event, activity, or other commercial activity that is sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located.

Right-of-Way. The total area of land deeded, reserved by plat, or otherwise acquired by the city, primarily for the use of the public for the movement of people, goods, and vehicles. For the purpose of this chapter, city drainage or utility easements, and other city-owned easements, such as maintenance and service roads serving channels or arroyos, are also included.

Sign. A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right of way.

Sign Face. The area of a sign that is designed and intended to display information, graphics, or messages. It represents the visible side or sides of the sign that are meant to be seen by pedestrians, motorists, or other viewers.

Sign, A-Frame. A freestanding temporary, movable sign ordinarily in the shape of the letter "A" or some variation thereof. An A-Frame sign is displayed on the ground, not permanently fixed to the ground, and is usually two-sided, generally connected at the top and separated at the bottom.

Sign, Animated. A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs.

Sign, Arcade. Any sign suspended from and located entirely under an arcade, covered porch, covered walkway, or similar architectural feature.

Sign, Awning. An awning sign is a sign printed, painted, stamped, perforated, stitched, or otherwise displayed upon an awning.

Sign, Blade. A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Blade signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

Sign, Canopy. A canopy sign is a sign printed, mounted, or installed upon a canopy. A canopy sign may be one of two types:

1. **Canopy, Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric, placed to

extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the ground.

2. Canopy, Structural. A roofed structure constructed of permanent building materials, such as metal, brick, stone, wood or similar building materials, which is constructed as part of and attached to a building, and extends outward from the building, supported both by the structure and by supports that extend to the ground.

Sign, Changeable Message. A component of a sign, allowing for a message to be changed manually.

Sign, Drive-Through. A sign constructed as a component of a drive-through facility.

Sign, Electronic Message. A sign designed with a portion of the sign area using changing light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or images, where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs, Flashing signs and animated signs are not considered electronic message signs. Electronic message signs do not include electronic billboards, which are addressed as billboards in Chapter 154 of the City of Rio Rancho Municipal Code.

Sign, Flashing. A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.

Sign, Freestanding Pylon. A sign that is placed on or supported by the ground, independent of the principal structure on the lot and affixed, attached, or erected on a pole or pylon.

Sign, Freestanding Monument. A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure.

Sign, Gateway. A sign that is installed over a pedestrian entryway and supported by the ground, independent of the principal structure on the lot, designed as an entryway feature to the property.

Sign, Government. A sign erected and maintained pursuant to and in discharge of any government function. A government sign does not include any required legal notice by municipal codes and ordinances; such legal notice is not controlled by the sign code.

Sign, Marquee. A sign that is displayed upon or attached to a marquee. Where designed as a changeable message sign, the changeable message portion may be manually changed or electronically changed when permitted by this Code.

Sign, Moving. A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include clocks or barber poles.

Sign, Multi-Tenant Commercial Center. A freestanding monument sign installed in conjunction with a multi-tenant commercial center.

Sign, Nonconforming. A sign which was in conformity with the applicable regulations when created but which would now be prohibited or does not conform to one or more of the regulations in the sign code or future amendments thereto.

Sign, Portable. A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable signs do not include A-frame signs.

Sign, Residential Subdivision. A freestanding monument sign installed at the entrance of a residential subdivision. A Residential Subdivision Sign may also be mounted on or integrated into an entry feature, such as a wall.

Sign, Right-of-way. A temporary sign installed in the public right-of-way in accordance with an approved right-of-way display permit. Right-of-way signs shall not be considered temporary off-premises signs.

Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. A sign attached to an exterior wall of a building but whose face extends above the roofline or plate line by less than 10% of the face of a sign shall not be considered a roof sign.

Sign, Temporary. Any sign which is erected for a limited time and/or special purpose, typically constructed from semi-durable materials and not constituting a permanent structure.

Sign, Vehicle. Signs placed, mounted, installed, or painted on a vehicle for the primary purpose of attracting attention to an occupant's presence within a building at which the vehicle is being parked.

Sign, Wall – Standard. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs.

Sign, Wall – Painted. A sign that is painted, applied, or affixed directly on the exterior wall of a building or structure. A painted wall sign is not limited to only the application of paint, but includes other methods of application and/or material including but not limited to tile, screen printing, vinyl application, and paste-ups.

Sign, Wall – Projected. A sign created by an optical device that projects an image directly onto the exterior wall of a building or structure by light or other technological means.

Sign, Window. A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure that blocks views into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

Sign, Wrap. A sign consisting of fabric, plastic, vinyl, mesh, mylar or a similar pliable material attached to a building or structure under construction, renovation, or maintenance and used to screen such construction, renovation, or maintenance activity.

Sign, Yard. A sign placed within a street-facing yard intended to be viewed by the public.

Strobe light. An electronic lighting device designed to emit intense, rapid flashes of light in a systematic and repetitive manner, typically at frequencies ranging from a few to several dozen flashes per second, with each flash lasting for a brief duration.

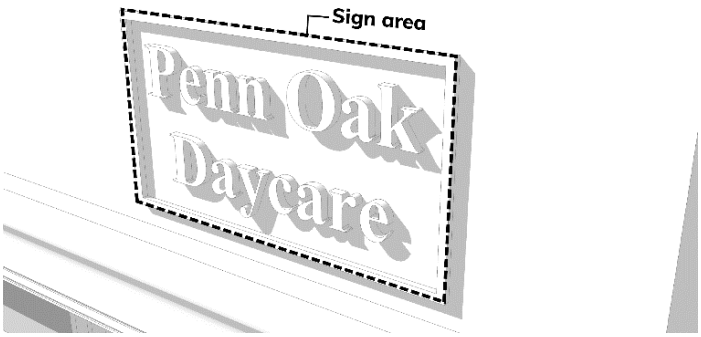
Unified Sign Plan. A Unified Sign Plan addresses signage on a site to establish a coordinated and consistent approach to all signs within developments of significant size. Unified Sign Plans also allow for modification of the regulations of this Code such as permitted height, area, location and number of signs to respond to unique site conditions such as topography, size, or relation to a public street that would limit or restrict normal sign visibility.

B. Rules of Measurement

1. Sign Area

a. The sign area of each sign is the total exposed surface devoted to the sign's message, including all ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of sign area does not include any supports or bracing. For channel letters or freestanding logos/symbols, the sign area is calculated as the customary, applicable mathematical formula for the total area of each square, circle, ellipse, rectangle, or triangle, or combination thereof, that encompasses each word, logo, image, background, and/or display.

Sign Area

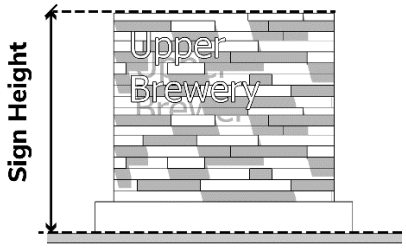


b. Window area, for the purpose of calculating maximum area of window signs, is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. Total window area is calculated as length times width of the window area. Only the individual letters or logos of the window sign shall be used in the calculation of surface area. The transparent film around the perimeter of the individual letters or logos composing the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door shall be exempt from the area calculations, provided that such portion of the film maintains 100% transparency.

2. Sign Height

For ground signs, sign height is measured as the vertical distance measured from the normal grade at the base of the sign to the highest point of the sign, including any decorative elements. Normal grade shall be construed to be the existing grade prior to construction or the newly established grade after construction, exclusive of any fill, berm, mound, or excavation solely for the purpose of locating the sign, whichever is lower. Where a sign is installed on a slope, height shall be measured from the average grade at the base of the sign, determined by measuring the grade at the center of each side of the sign structure and calculating the average.

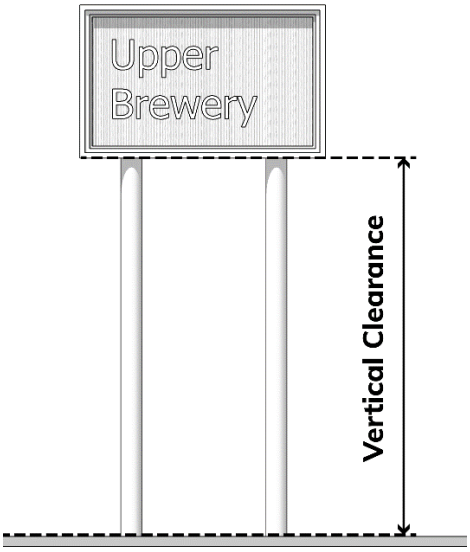
Sign Height



3. Vertical Clearance

Vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

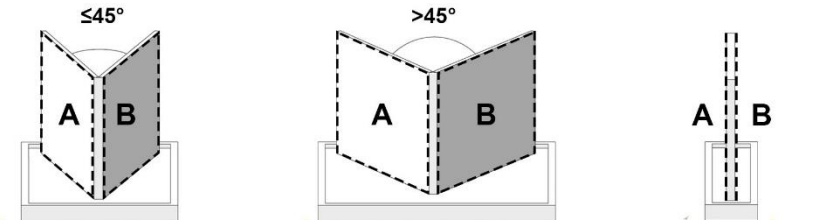
Vertical Clearance



4. Number of Sign Faces

If the interior angle between two sign faces is 45° (degrees) or less, the sign area is calculated as the area of one face only. If the interior angle between two sign faces is greater than 45° (degrees), the sign area is calculated as the sum of the two faces.

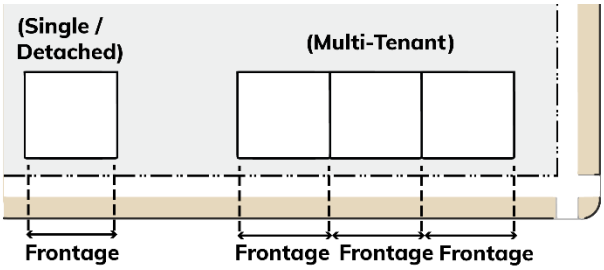
Calculation of Sign Faces



5. Frontage Length

Frontage length is measured as the linear distance between the surfaces of the outermost parallel walls of a principal structure. Where frontage length is calculated on a tenant basis, it is measured from the centerline of any party wall defining the tenant unit to the centerline of another party wall or the surface of an exterior wall.

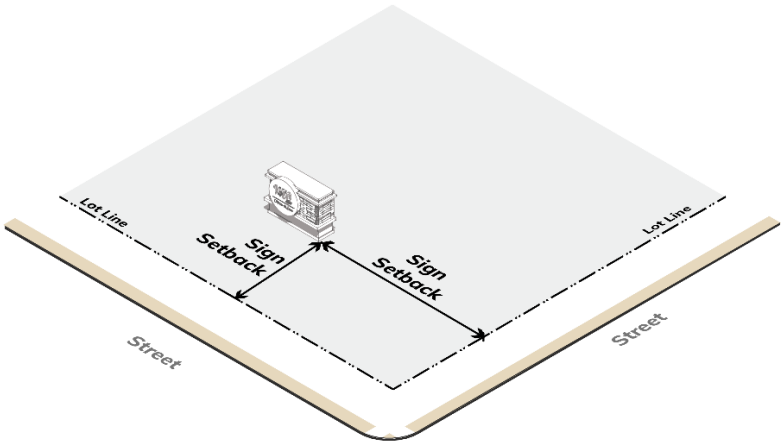
Calculation of Frontage Length



6. Sign Setback

Sign setback is measured perpendicularly from the applicable property line to the closest point of the sign or sign structure.

Calculation of Sign Setback



156.03 Summary Table of Allowed Signs

Table 156-01, Summary Table of Allowed Signs, catalogs the types of permitted signs, both permanent and temporary, and indicates whether such sign requires a sign permit. This table is provided for reference purposes only. In the case of any conflict with the regulations of this Chapter and this ordinance, the specific sign regulations control over this table. Permanent Off-Premises Signs, also called Billboards, are not included in this table and are regulated by Chapter 154 of the City of Rio Rancho Municipal Code.

Table 156-01: Summary Table of Allowed Signs

Sign Type (Section Reference)	**No Permit Required**	**Permit Required**	Permissions
A-Frame Sign (156.07.A)	✓		Nonresidential and mixed-use development in nonresidential, SU, and H-1 districts
Arcade Sign (156.08.B.2)		✓	Nonresidential and mixed-use development in all districts
Attention-Getting Device (156.08.A)		✓	Nonresidential and mixed-use development in the nonresidential and SU districts
Awning Sign (156.08.B.3)		✓	Multi-family dwellings, nonresidential development, and mixed-use development in all districts
Blade Sign (156.08.B.4)		✓	Nonresidential and mixed-use development in the nonresidential, SU, and H-1 districts
Canopy Sign - Non-Structural (156.08.B.5.a)		✓	Multi-family dwellings, nonresidential development, and mixed-use development in all districts
Canopy Sign – Structural (156.08.B.5.b)		✓	Attached: Multi-family dwellings, nonresidential development, and mixed-use development in all districts Freestanding: Gasoline service stations, drive-through window restaurants, and drive-through facilities in all districts
Drive-Through Sign (156.08.C)		✓	Drive-through window restaurants and drive-through facilities in all districts

Table 156-01: Summary Table of Allowed Signs			
Sign Type (Section Reference)	**No Permit Required**	**Permit Required**	Permissions
Electronic Message Sign (156.08.D)		✔	Nonresidential and mixed-use development in the nonresidential and SU districts For the following uses in all districts: cultural facilities, educational facilities, parks, places of worship, or similar uses Gasoline service stations in any district, to display copy that is required to be displayed by law
Flag (156.07.G)	✔		All districts
Freestanding Sign, Monument (156.08.F.2)		✔	Multi-family dwellings, nonresidential development, and mixed-use development in all districts
Freestanding Sign, Pylon (156.08.F.3)		✔	Nonresidential and mixed-use development in the nonresidential and SU Districts, with the exception of the NC and O-1 Districts
Gateway Sign (156.08.E)		✔	Nonresidential and mixed-use development in the nonresidential, SU, and H-1 districts
Government Sign (156.07.F)	✔		All districts
Marquee Sign (156.08.G)		✔	Nonresidential and mixed-use development in the C-1, C-2, O-1, M-1, and SU districts
Multi-Tenant Commercial Center Sign (156.08.F.4)		✔	Multi-tenant commercial centers in all districts
Residential Subdivision Sign (156.08.F.5)		✔	Residential subdivisions in all districts
Right-of-Way Sign (156.08.H)		✔	Within the public right-of-way, subject to standards
Sign for Cultural or Historical Site (156.07.D)	✔		Sites or buildings with cultural or historical significance in all districts
Sign for Multiple Tenant Building Entry (156.07.H)	✔		Multi-family dwellings, nonresidential development, and mixed-use development with multiple tenants in all districts
Sign for Nonresidential or Mixed-Use Construction Activity (156.07.C)	✔		Sites where active nonresidential or mixed-use construction is taking place in all districts
Sign for On-Site Repair, Renovation, or Improvement (156.07.I)	✔		Sites where on-site repair, renovation, or improvements are taking place in all districts
Sign for Parking Lot or Structure Circulation Point (156.07.J)	✔		Parking lots and structures in all districts
Sign for Real Estate Activity (156.07.K)	✔		Sites where a structure or lot is offered for sale, lease, or rent in all districts
Sign for Residential Construction Activity (156.07.B)	✔		Sites where active residential construction is taking place in all districts
Sign on Gas Pump Island (156.07.E)	✔		Gasoline service stations in all districts
Wall Sign, Painted (156.08.B.7)		✔	Nonresidential and mixed-use development in all districts
Wall Sign, Projected (156.08.B.8)		✔	Nonresidential and mixed-use development in the nonresidential and SU districts
Wall Sign, Standard		✔	Nonresidential and mixed-use development in all districts

Table 156-01: Summary Table of Allowed Signs			
Sign Type (Section Reference)	**No Permit Required**	**Permit Required**	Permissions
(156.08.B.6)			
Window Sign (156.07.L)	✔		Nonresidential and mixed-use development in all districts
Yard Sign (156.07.M)	✔		All residential districts

156.04 General Standards

All signs constructed, erected, modified, or altered shall comply with the following standards.

A. Exceptions

All signs constructed, erected, modified, or altered shall comply with the standards of this Chapter, whether such signs do or do not require a sign permit, except for those items listed In this section. The following signs are not regulated by this Chapter.

1. Signs within a building or enclosed space within a development that are not visible from a public right-of-way.

2. Any required public notice, sign, or warning installed by federal, state, or local governments.

3. Logos and labels located on mechanical equipment, recycling bins, trash containers, and similar equipment, which are part of the equipment as manufactured and/or installed.

4. Works of art that do not contain a commercial message.

5. Holiday decorations that do not contain a commercial message.

B. Location Restrictions

1. No sign may be erected in a location that violates the building code, fire code, and other applicable City codes or ordinances.

2. No sign is permitted within the clear sight triangle as established within Chapter 154 of the City of Rio Rancho Municipal Code.

3. Only signs that have been placed by or authorized by the federal government, state government, or the City may be installed on public property. Any sign installed on public property, including rights-of-way, without prior authorization, will be removed by the City without notice and may be disposed of.

4. No permanent sign may be erected on private property without the consent of the property owner or his/her authorized agent. Any sign installed on private property without authorization may be removed by the property owner without notice and may be disposed of.

5. No sign may be erected in a manner that obstructs access to any ingress or egress, fire escapes, fire hydrants, fire department connections, or standpipes and similar fire safety connections.

C. Audio Components

Audio components are prohibited as part of any sign, except for the following:

1. Drive-through sign: For drive-through signs, including signs in individual stalls at drive-in restaurants, the audio component is limited to communication between the customer and the restaurant staff taking orders.

2. Signs owned and/or operated by a government agency.

3. Permitted gas station pump video screens.

D. Illumination

In addition to the standards below, all outdoor lighting shall comply with Chapter 159 of the City of Rio Rancho Municipal Code and the State of New Mexico Night Sky Protection Act. In the case of a conflict, the more stringent requirement shall apply.

1. Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.

2. The sign face of internally illuminated signs shall function as a filter to diffuse illumination. The sign face shall cover all internal illumination components so that no exposed bulbs are visible.

3. All external illumination of a sign shall concentrate the illumination upon the printed area of the sign face.

4. The use of bare bulbs as external illumination is only permitted for marquee signs.

5. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly glazed tiles, which would increase glare.

6. The maximum allowable illumination measured at the property line is one lumen per square foot (one foot-candle), unless such signs are allowed to extend over the property line, where the maximum allowable illumination is measured at the back of curb or edge of pavement.

7. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The sign shall have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.

E. Construction Standards

1. Supports and braces shall either be designed as an integral part of the overall sign or obscured from public view to the extent feasible.

2. All signs attached to a building shall be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.

3. All signs shall be designed and constructed in compliance with the building code, electrical code, and all other applicable codes and ordinances.

4. Glass comprising any part of a sign shall be safety glass.

5. Conduits, raceways, and other components of a sign illumination system shall be designed as an integral part of the overall sign structure and obscured from public view to the extent technically feasible.

F. Permitted Materials for Signs

1. Permanent sign structures shall be constructed of durable materials such as brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Solid awnings and structural canopies shall be constructed of permanent building materials.

2. Awning, canopy, blade, and wall signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinyl-coated fabric.

3. Wall, awning, canopy, and blade signs constructed of material shall be mounted within a frame so that they are held taut between all support posts.

G. Required Maintenance

1. All signs shall be kept in a safe and well-maintained condition and appearance, and shall be repainted or otherwise maintained by the property owner or business owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.

2. All signs shall be maintained to prevent any kind of safety hazard, including faulty or deteriorated sign structures, a fire hazard, or an electrical shock hazard.

3. All unused sign hardware or wiring shall be removed.

4. No sign frame may remain unfilled or allow any internal part or element of the sign structure to be visible.

5. If a sign is maintained in an unsafe or unsecured condition, it shall be removed or the condition corrected. If The sign is not removed or the condition is not corrected within the required time period, the City may enforce this order through applicable enforcement procedures.

6. The City may remove any sign that is creating an imminent danger of significant harm to persons or property summarily and without notice. The owner of such sign is responsible for all costs of removal. The method for collection of costs may include, but shall not be limited to, a lien pursuant to NMSA SS 3-36-1 to 3-36-7.

7. Where possible by the design of a sign structure, the owner of a permanent sign that becomes obsolete after the associated activity or use is discontinued or abandoned shall remove all sign copy from the sign structure and the panels shall be removed and replaced with a blank panel. This requirement is not satisfied by reversing (i.e., turning such copy so that it faces inward), painting over, covering with vinyl or other fabric, or other means of obfuscating such copy.

8. Any activity that increases the sign area, sign height, or any sign dimension, or moves the location of a sign, requires a sign permit.

9. The following maintenance activities are exempt from requiring a sign permit. All other maintenance and alterations to a sign require a permit.

a. Painting, cleaning, or other normal maintenance and repair of a sign. This does not include any structural changes or any changes in the electrical components of the sign, including the removal or replacement of electrical components.

b. Changing the copy of a changeable message sign

H. Permanent Off-Premises Signs

Permanent off-premises signs are considered billboards, which are a distinct land use, and are subject to the regulations of Chapter 154 of the City of Rio Rancho Municipal Code.

156.05 Sign Permit

No sign, unless specifically identified as exempt by this Chapter, may be erected, constructed, altered, or relocated without first obtaining approval of a sign permit in accordance with the following.

A. Authority

The Director of Development Services or their designee is responsible for determining compliance with this title and issuing a sign permit.

B. Approval Procedure

1. A complete application for a sign permit, as well as any submittals required as a component of the application, shall be submitted to the Director of Development Services or their designee. If the party submitting the application does not own the subject property, the property owner is required to submit written permission for the installation of the sign as a component of the application.

2. Upon receiving an application for a sign permit, the Director of Development Services or their designee shall review it for completeness. If the application is determined to be incomplete, the applicant shall be notified in writing, specifying the deficiencies in the application.

3. Following a determination of completeness, the Director of Development Services or their designee shall either:

a. Approve the sign permit, if the application complies with all the requirements of these regulations and any other applicable codes.

b. Deny the sign permit, if the application fails in any way to comply with the requirements of these regulations or any other applicable codes. If the application is denied, the applicant shall be notified in writing, specifying the section or sections of these regulations or any other applicable codes with which the application is inconsistent.

C. Fees

To obtain a sign permit, all fees in accordance with the City's associated fee schedule shall be paid.

D. Illegal Signs

1. Illegally constructed signs

If a sign is constructed illegally without a required sign permit, the Director of Development Services or their designee will serve notice to the property owner that such sign shall be removed within 30 days of notice for permanent signs or seven days of notice for temporary signs. If the sign is not removed within the required period, the Director of Development Services or their designee may enforce this order through any remedies that are and as may from time to time be provided for or allowed by state law or municipal ordinances.

2. Illegally placed signs

Any sign placed on public property or within the public right-of-way without authorization may be removed immediately and without notice.

156.06 Prohibited Signs

The following sign types are specifically prohibited. All signs not expressly permitted by this chapter are also prohibited.

A. Flashing signs, except as specifically permitted within this Code.

B. Moving signs whether illuminated or not, including any sign that rotates, revolves, or has any visible moving part, or any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements. This excludes clocks and barber poles.

C. Portable signs, not including A-frame signs.

D. Roof signs.

E. Strobe lights, moving or fixed spotlights, floodlights/searchlights.

F. Signs that constitute a traffic hazard, including signs that:

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, or amber color.

2. May be confused with any public safety lighting, including signs illuminated in red and blue colors.

3. Mislead, interfere with, or confuse traffic.

G. Temporary off-premises signs. Also known as push signs, bandit signs, and snipe signs.

H. Vehicle signs. This prohibition does not include signs painted on or applied to vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, and rental trucks, provided that the primary purpose of such vehicles is not the display of such sign, and that they are properly parked or stored in areas related to their use as vehicles and all such vehicles are in operable condition. This does not include vehicle for-sale signs.

I. Video display screens.

156.07 Signs Exempt from Permit

A. A-Frame Sign

1. A-frame signs are permitted for nonresidential and mixed-use development in the City's nonresidential districts, and the SU and H-1 Districts.

2. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development. A minimum separation of 15 feet is required between A-frame signs.

3. A-frame signs shall be located within 15 feet of the primary entrance of the business, and shall not interfere with pedestrian traffic or violate any standards of accessibility as required by ADA or other accessibility codes.

4. A-frame signs are limited to six square feet in area per side, and shall be no taller than four feet in height.

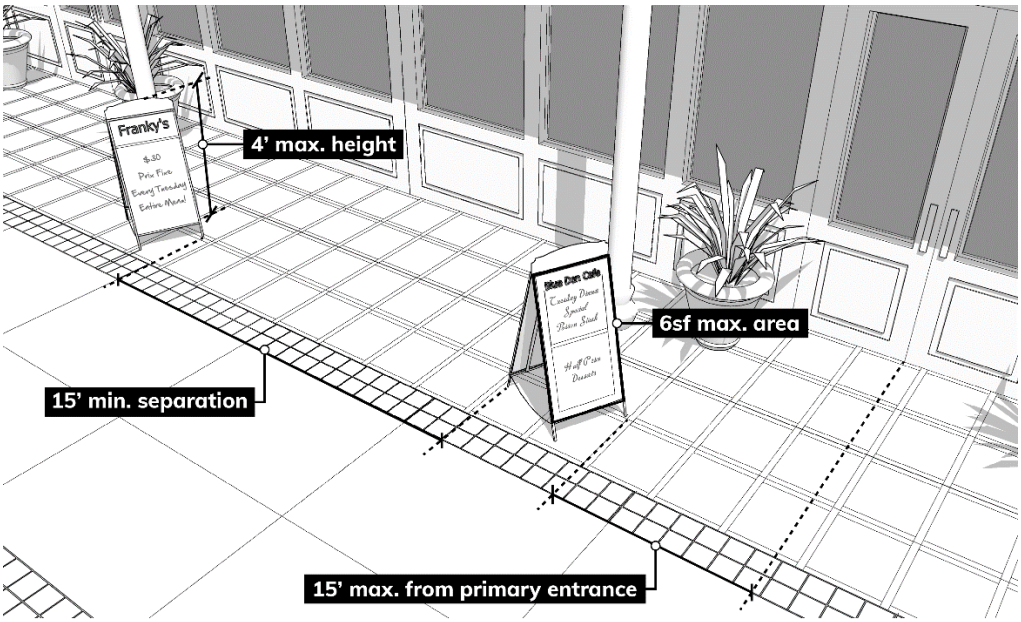
5. A-frame signs may be displayed outdoors during business hours only. At all other times, the signs shall be stored indoors.

6. A-frame signs shall not be displayed outdoors when severe wind, rain, or other weather conditions may pose a hazard.

7. Illumination of A-frame signs is prohibited.

8. No A-frame sign may have any type of electronic component.

A-Frame Sign



B. Sign for Residential Construction Activity

Where active residential construction is taking place, a temporary sign is permitted subject to the following:

1. One sign is permitted at each entrance to a residential subdivision or master planned community from a street classified as a collector or arterial.

2. Signs shall be designed as freestanding signs, wall signs, or signs on a fence, and shall be located a minimum of five feet from any property line.

3. Signs are limited to 32 square feet in area, and six feet in height.

4. Illumination of signs is prohibited.

5. Signs shall be removed once construction within the residential subdivision or master planned community is complete.

C. Sign for Nonresidential or Mixed-Use Construction Activity

Where active nonresidential or mixed-use construction is taking place, a temporary sign is permitted subject to the following:

1. One sign is permitted per street frontage.

2. Signs shall be constructed as freestanding signs, wall signs, or signs installed on a fence.

3. The total square footage of signs on a lot shall not exceed 64 square feet, unless located on a single parcel 20 acres or more in size, in which case the total square footage shall not exceed 128 square feet.

4. Individual signs are limited to 32 square feet in area. When freestanding, signs are limited to six feet in height and shall be located a minimum of five feet from any property line.

5. In lieu of a freestanding sign, wall sign, or sign installed on a fence, a wrap sign may be used to wrap the fence or the structure under construction. A wrap sign requires review and approval during site plan review. Such wrap sign shall be made of mesh or similar material. There is no maximum square footage limitation for a wrap sign.

6. Illumination of signs is prohibited.

D. Sign for Cultural or Historical Site

Sites or buildings with cultural or historical significance are permitted a permanent sign, subject to the following:

1. Signs on culturally or historically significant sites or buildings are limited to one sign per street frontage.

2. Signs on culturally or historically significant sites or buildings may be constructed as freestanding signs or wall signs as follows:

a. Signs are limited to six square feet.

b. Freestanding signs are limited to four feet in height and shall be located a minimum of five feet from any property line.

c. Wall signs shall be placed to be an integral part of the structure, cut into stone or masonry, or be a permanently affixed plaque of metal or other durable material.

E. Sign on Gas Pump Island

A maximum of one sign mounted on each gas station pump island is permitted and is limited to two square feet in sign area. All such signs shall be oriented to face the vehicle parked at the pump.

F. Government Sign

1. Government signs are allowed in all districts and in any number, configuration, or size.

2. In all districts, the type and extent of illumination required is at the discretion of the authorized government agency.

G. Flag

Flags are permitted in all districts.

1. Flags may be freestanding or wall mounted. There is no limit on the number of flags permitted.

2. There is no limit on the size of flags.

3. All flagpoles shall conform to the standards established within Chapter 154 of the City of Rio Rancho Municipal Code.

4. Flags may be externally illuminated, and shall comply with Chapter 159 of the City of Rio Rancho Municipal Code and the State of New Mexico Night Sky Protection Act.

H. Sign for Multiple Tenant Building Entry

Multi-family dwellings, nonresidential development, and mixed-use development with multiple tenants in all districts are permitted a permanent sign at each building entry, subject to the following:

1. A maximum of one sign is allowed per building entry.

2. Signs may be constructed as either freestanding signs or wall signs.

3. Signs are limited to eight square feet in area.

4. Freestanding signs are limited to six feet in height, and shall be located within five feet of the building entry, and a minimum of five feet from any property line.

5. Wall signs shall be installed within five feet of the building entry.

I. Sign for On-Site Repair, Renovation, or Improvement

On lots where on-site repair, renovation, or improvements are taking place, a temporary sign is permitted. Such temporary signs are subject to the following:

1. A maximum of one sign per lot is permitted.

2. Signs are permitted in all districts on sites with active repair, renovation, or improvement projects.

3. Signs may be installed only after approval of a permit for the repair, renovation, or improvement activity. Signs shall be removed upon the completion of the repair, renovation, or improvement activity.

4. Signs may be constructed as freestanding signs, subject to the following:

a. Signs are limited to a maximum of eight square feet in area and six feet in height.

b. Signs shall be located a minimum of five feet from any property line.

c. Signs may not be illuminated.

J. Sign for Parking Lot or Structure Circulation Point

Parking lots and structures in all districts are permitted permanent signs at parking lot and/or structure circulation points in accordance with the following:

1. Circulation points include, but are not limited to, entrances/exits, driveway intersections, drive-through lanes, fire zones, and parking lot drive aisles.

2. Signs are limited to a maximum of four square feet in area and five feet in height.

3. Freestanding parking lot or structure circulation point signs shall be located a minimum of five feet from any right-of-way line.

4. Signs for parking lot or structure circulation points may be internally or externally illuminated.

K. Sign for Real Estate Activity

When a structure or lot is offered for sale, lease, or rent, a temporary real estate activity sign is permitted on such lot as follows:

1. Signs are permitted in all districts, and shall be located on the lot offered for sale, lease, or rent, or at the entrance of a new residential subdivision.

2. Signs are limited to one sign per street frontage, except for new residential subdivisions which are limited to one sign.

3. Signs may be constructed as freestanding, wall, or window signs, apart from those for new residential subdivisions which shall be freestanding. Freestanding signs shall be located a minimum of five feet from any property line.

4. Signs are subject to the following maximum sign area limitations:

a. Residential districts, A-R, OS, PR, T-Z: eight square feet.

b. Nonresidential, SU and H-1 districts (not including M-1 or BP): 32 square feet.

c. M-1 and BP districts: 40 square feet.

d. New residential subdivision of three lots or more (any district): 32 square feet.

5. Freestanding signs are limited to six feet in height.

6. Signs for real estate activity may not be illuminated.

7. Signs shall be removed within five days of final closing, lease, or rental.

L. Window Sign

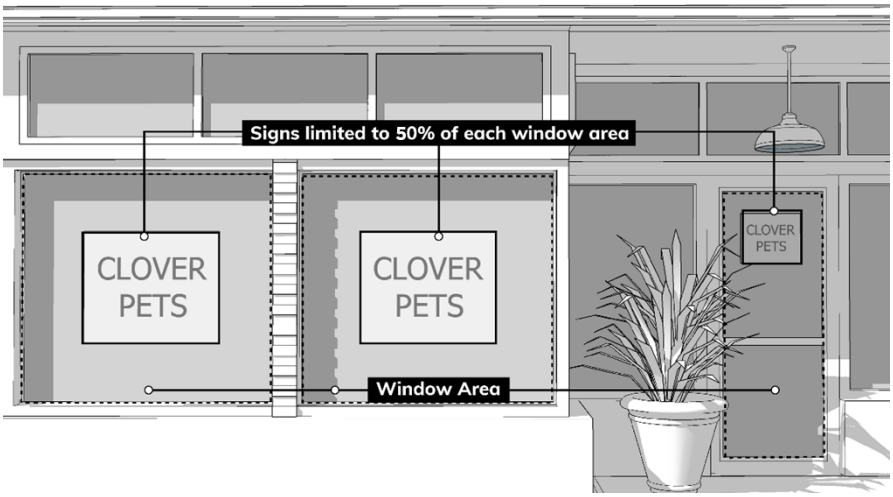
1. Window signs are permitted for nonresidential and mixed-use development in all districts.

2. All window signs, whether temporary or permanent, are limited to no more than 50% of the surface of each window area. Window area is measured as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.

3. Internally illuminated window signs are permitted, but are limited to a maximum area of six square feet or 30% of the surface of the window area, whichever is less. Such illuminated signs may not contain an animated or flashing component, and may not strobe.

4. Window displays of items sold on the premises are not considered window signs.

Window Sign



M. Yard Sign

Yard signs are permitted in all residential districts.

1. There is no limit on the number of signs permitted, however the maximum total sign area may not exceed 32 square feet

2. Individual signs are limited to a maximum of eight square feet in area and six feet in height.

3. Yard signs shall be located a minimum of five feet from any right-of-way line.

4. No sign may be illuminated.

5. Signs shall not be used for any on-premises or off-premises advertising.

156.08 Sign Permit Required

This section describes the types of signs allowed with a sign permit. Specific regulations for each sign type may include further restrictions pertaining to which districts and/or uses within a district may utilize these sign types.

A. Attention-Getting Device

Attention-getting devices are permitted as temporary signs for nonresidential and mixed-use development in the nonresidential and SU districts.

1. Attention-getting devices are limited to the following display periods:

a. When used in coordination with an event, attention-getting devices are permitted a total display period of seven days prior to the start of the event, the duration of the event, and three days following the end of the event.

b. When not in coordination with an event: 15 days

c. Four display periods per year are permitted, with a minimum of 30 days required between successive display periods.

2. Attention-getting devices for multi-tenant sites are subject to the following:

a. Each tenant establishment with ground floor frontage in a multi-tenant structure may have one freestanding and one wall-mounted attention-getting device installed or mounted simultaneously.

b. The display period and minimum 30-day interval between displays applies to each tenant establishment individually, rather than the site as a whole.

3. Freestanding attention-getting devices are subject to the following:

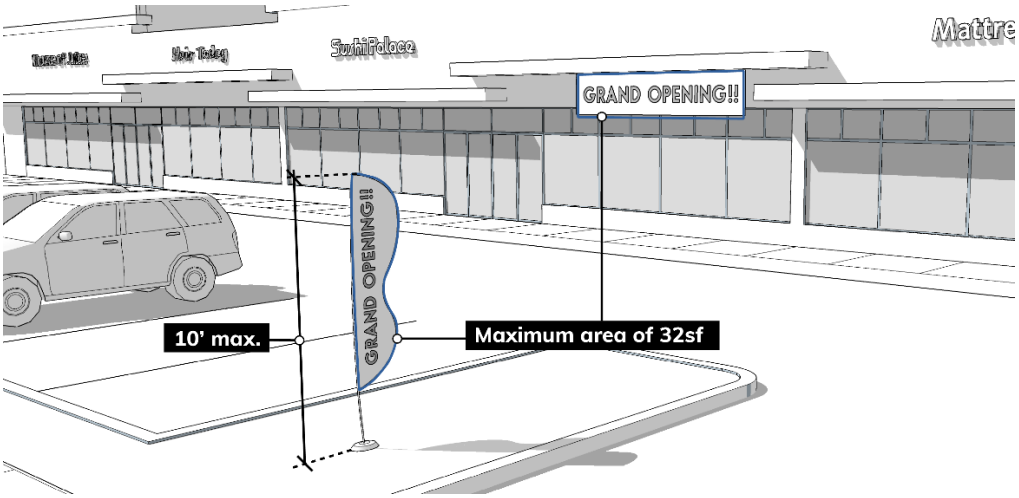
a. Freestanding attention-getting devices are allowed at a ratio of one attention-getting device for every 25 linear feet of street frontage. Where a structure or tenant space has less than 25 linear feet of street frontage, one attention-getting device is permitted. There shall be a 15 foot separation between freestanding attention-getting devices.

b. Freestanding attention-getting devices are limited to a maximum height of ten feet and 32 square feet in area. If designed as a balloon or inflatable sign, a freestanding attention-getting device is limited to a maximum of 15 feet in height, including any tethering.

c. Freestanding attention-getting devices shall be located a minimum of five feet from the property line, as measured from the outermost portion of the sign. No part of a freestanding attention-getting device may extend over the property line.

4. Wall-mounted attention-getting devices are limited to 60 square feet, and may not exceed the height of the ground floor of the structure. Wall-mounted attention getting devices for multi-tenant structures are limited to 32 square feet per tenant establishment.

Attention-Getting Device



B. Building-Mounted Signs

1. General Regulations

a. The following are considered building-mounted signs: permanent arcade signs, awning signs, blade signs, canopy signs, standard wall signs, and painted or projected wall signs.

b. Single-tenant structures are permitted a maximum building-mounted sign area of two square feet per one linear foot of building length or 50 square feet, whichever is greater. Multi-tenant structures are permitted a maximum building-mounted sign area of two square feet per one linear foot of frontage per ground-floor tenant, or 50 square feet per ground-floor tenant, whichever is greater.

c. Building-mounted signs may be used in any quantity or combination, so long as the total permitted square footage is not exceeded and all individual signs conform to the specific provisions per sign type established in Sections 156.08.B.2 through 156.08.B.8 below.

2. Arcade Sign

a. Arcade signs are permitted for nonresidential and mixed-use development in all districts.

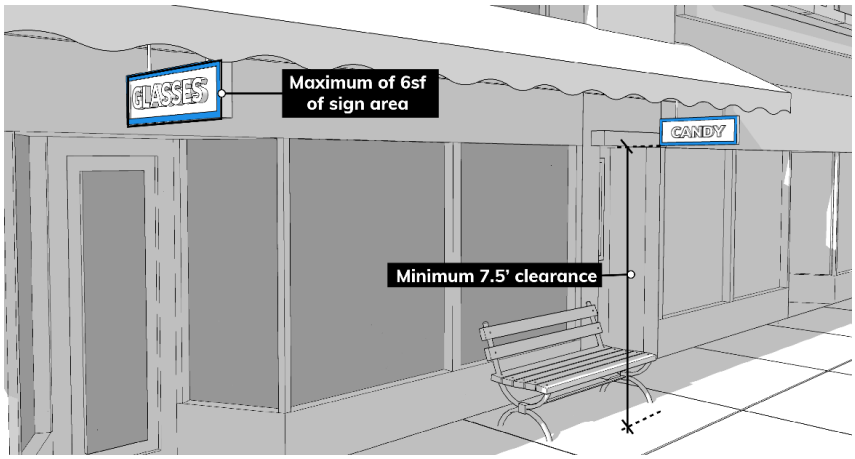
b. Arcade signs shall be located beneath, and shall be securely attached to an arcade, gallery, covered porch or walkway, awning, or canopy.

c. One arcade sign is permitted per building entry.

d. Arcade signs shall maintain a minimum vertical clearance of 7.5 feet from the surface above which the sign is mounted, and are limited to a maximum of 12 square feet in sign area.

e. Arcade signs are not counted toward the maximum building-mounted sign area for single- or multi-tenant structures.

Arcade Sign



3. Awning Sign

a. Awning signs are permitted for multi-family dwellings, nonresidential development, and mixed-use development in all districts.

b. Awning signs shall maintain a minimum vertical clearance of 7.5 feet from the surface above which the sign is mounted.

c. Awning signs may encroach into the public right-of-way, but shall be located at least two feet from a curb line.

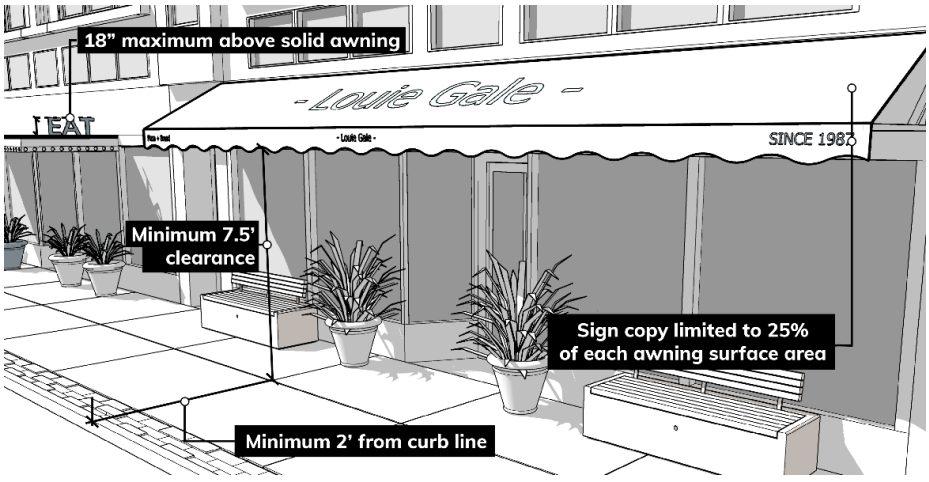
d. Sign copy on any awning sign is limited to 25% of each awning surface area (front, sides, valance).

e. Awning signs shall be constructed of durable, weather-resistant material such as, but not limited to, canvas, canvas-like material, nylon, vinyl-coated fabric, or permanent building material such as metal.

f. Solid, non-textile awnings are permitted lettering attached to and located either above or below the awning to a maximum height of 18 inches. If attached below the awning, a minimum vertical clearance of 7.5 feet shall be maintained from the bottom of the lettering to the surface above which it is mounted.

g. Awning signs may be externally illuminated. Any illumination of an awning sign shall be focused on the sign copy or printed area. Back-lit awnings are prohibited.

Awning Sign



4. Blade Sign

a. Blade signs are permitted for nonresidential and mixed-use development in the nonresidential, SU and H-1 districts.

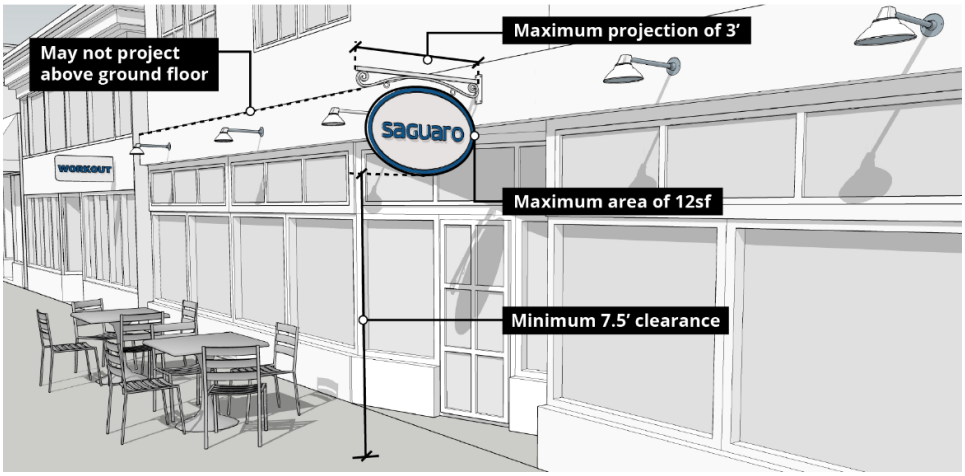
b. One blade sign is permitted per establishment with ground-floor frontage on a street or public plaza.

c. Blade signs are limited to 12 square feet, and may project a maximum of three feet from the façade.

d. Blade signs shall maintain a minimum vertical clearance of 7.5 feet from the surface above which the sign is mounted. No blade sign affixed to a building may project higher than the ground floor, including the sign support structure.

e. Blade signs may be internally or externally illuminated.

Blade Sign



5. Canopy Sign

Canopy signs are divided into two types: non-structural and structural.

a. Non-Structural Canopy Signs

i. Non-structural canopy signs are permitted for multi-family dwellings, nonresidential development, and mixed-use development in all districts.

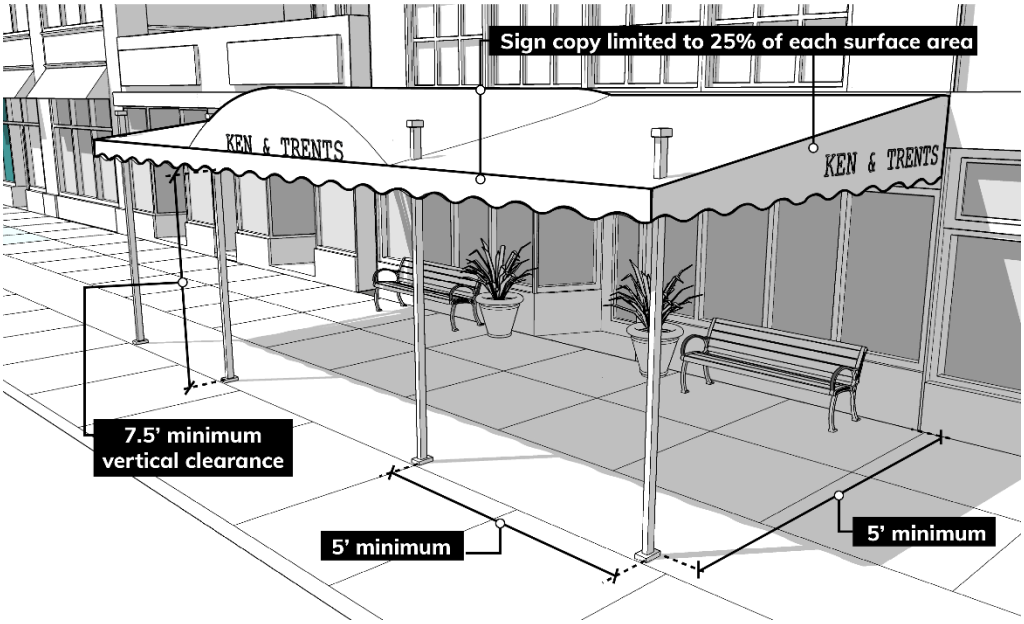
ii. Non-structural canopy signs shall maintain a minimum vertical clearance of 7.5 feet.

iii. Non-structural canopy signs may encroach into the public right-of-way but shall be located at least two feet from the curb line. Support posts shall maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.

iv. Sign copy on any canopy sign is limited to 25% of each surface area (front, sides, valance).

v. Non-structural canopy signs may be externally illuminated. Any illumination shall be focused on the sign copy or printed area. Back-lit canopies are prohibited.

Non-Structural Canopy Sign



b. Structural Canopy Signs

if. Permissions for Structural Canopy Signs
Structural canopy signs are permitted as follows:

(A) Structural canopy signs attached to the principal structure are permitted for multi-family dwellings, nonresidential development, and mixed-use development in all districts.

(B) Freestanding structural canopy signs are permitted for gasoline service stations, drive-through window restaurants, and drive-through facilities in any district.

ii. Structural Canopy Signs Attached to Principal Structure
Structural canopy signs attached to the principal structure are subject to the following:

(A) Canopy signs attached to the principal structure may encroach into the public right-of-way but shall be located at least two feet from a curb line.

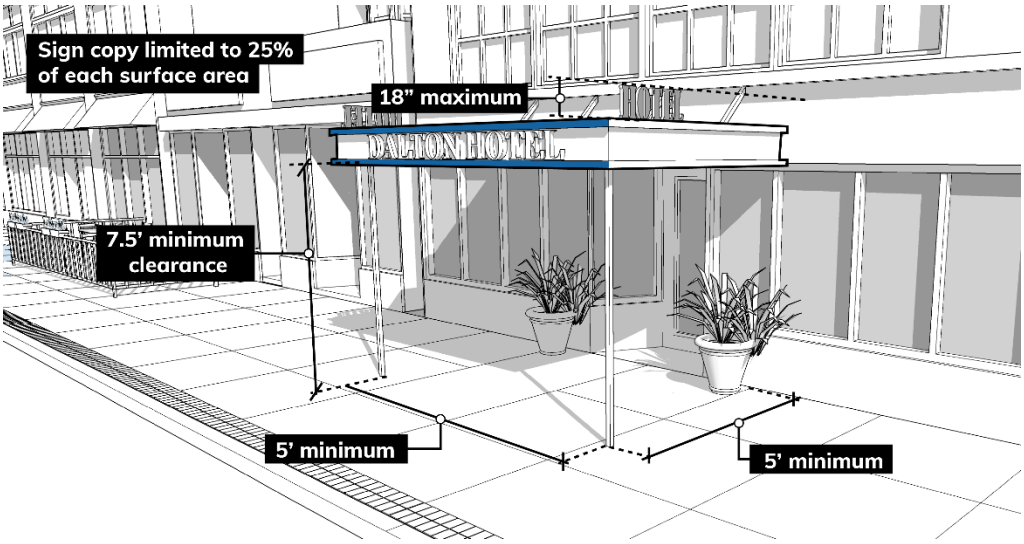
(B) Support posts shall maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.

(C) Canopy signs attached to a building shall maintain a minimum vertical clearance of 7.5 feet.

(D) For structural canopies attached to a principal building, sign copy is limited to 25% of each surface area. Such signs are permitted lettering attached to and located either above or below the canopy to a maximum height of 18 inches. If attached below the canopy, a minimum vertical clearance of 7.5 feet shall be maintained from the bottom of the lettering to the surface above which it is mounted.

(E) Structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign copy or printed area.

Structural Canopy Sign Attached to Principal Structure



iii. Freestanding Structural Canopy Signs

Freestanding structural canopy signs are subject to the following. Such signs are exempt from the calculation of total building-mounted sign area.

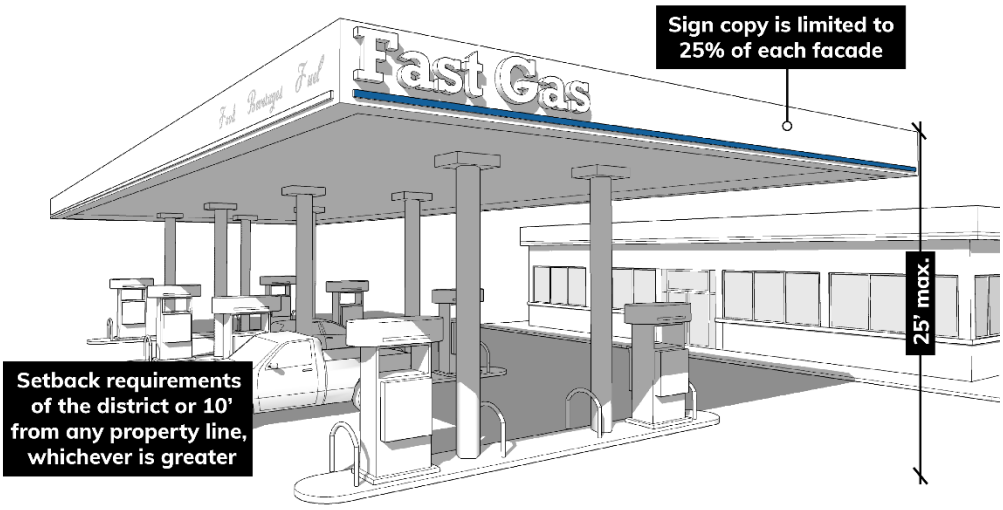
(A) Freestanding structural canopy signs are subject to the setback requirements of the district where they are located or ten feet from any property line, whichever is greater.

(B) Freestanding structural canopy signs are limited to a maximum height of 25 feet. Height is measured to the top of a flat roof or to the average height between the eave and the ridge of a pitched roof.

(C) For freestanding structural canopies, sign copy is limited to a maximum of 25% of the area of each façade. No sign may be mounted above the top of the roof of the structural canopy, but a sign mounted on the structural canopy façade may extend a maximum of six inches above the roofline.

(D) Freestanding structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign copy or printed area. Freestanding structural canopies are permitted an illuminated band along each facade of the canopy, which is limited to 10% of the overall height of the facade of the canopy.

Freestanding Structural Canopy Sign



6. Wall Sign, Standard

a. Standard wall signs are permitted for nonresidential and mixed-use development in any district.

b. Standard wall signs are permitted on all facades of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage permitted for individual structures shall not be combined to create a larger sign on any one structure.

c. For a single tenant structure, the maximum total wall sign area is one square foot per one linear foot of building wall where the wall sign(s) will be mounted or 50 square feet, whichever is greater. The square footage permitted for individual façades shall not be combined to create a larger sign on any one façade.

d. For a structure that contains multiple tenants, each tenant that has exterior ground floor frontage is permitted a total wall sign area of one square foot per one linear foot of frontage or 50 square feet, whichever is greater. The square footage permitted for individual tenants shall be used only for each tenant frontage, and shall not be combined to create a larger sign along any tenant frontage.

e. The number of individual wall signs on a façade is not limited, however the cumulative sign area of all signs on a facade shall not exceed the maximum allowable total wall sign area per façade.

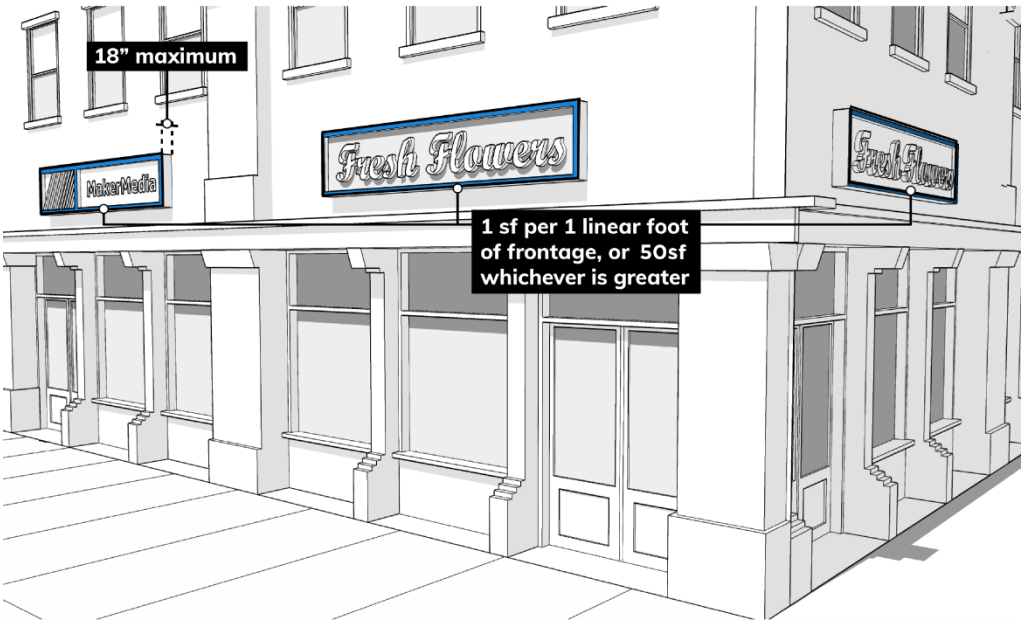
f. Standard wall signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

g. Signs shall be safely and securely mounted to the building wall, and may project a maximum of 18 inches from the façade to which they are mounted.

h. No wall sign affixed to a building, including any sign support structure, may project horizontally beyond the end of a wall, or vertically beyond the roofline of a flat-roofed structure, or the eave of a pitched-roof structure.

a. On existing buildings, a parapet wall shall not be constructed for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is mounted on a parapet wall, such parapet wall shall maintain consistency with the architectural design of the building, including building materials.

Wall Sign - Standard



7. Wall Sign, Painted

a. Painted wall signs are permitted for nonresidential and mixed-use development in any district.

b. Painted wall signs are permitted on each facade of a structure.

c. Painted wall signs are limited to 50% of the façade on which they are painted, or 200 square feet, whichever is less. The square footage permitted for individual façades shall not be combined to create a larger sign on any one façade.

d. Painted wall signs may be externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

e. Painted wall signs shall not project more than 0.25 inches from a building wall.

8. Wall Sign, Projected

a. Projected wall signs are exempt from the calculation of total building-mounted sign area.

b. Projected wall signs are permitted for nonresidential and mixed-use development in the nonresidential and SU districts.

c. Projected wall signs are limited to 50% of the façade onto which they are projected.

d. Projected wall signs shall remain static and shall not flash, rotate, or move. No projected wall sign shall display video.

e. Projected wall signs shall not direct glare onto adjacent properties.

f. Projected wall signs shall not extend beyond the façade onto which they are projected.

g. Projected wall signs shall not be projected over any other permanent or temporary sign, including painted wall signs.

C. Drive-Through Sign

1. Drive-through signs are permitted for all drive-through window restaurants and drive-through facilities in any district.

2. Drive-through signs are limited to a maximum of 70 square feet in area and ten feet in height, and may comprise a mixture of separate freestanding signs, including preview boards installed at earlier points in the drive-through lane. The total square footage of all signs, however, shall not exceed 70 square feet.

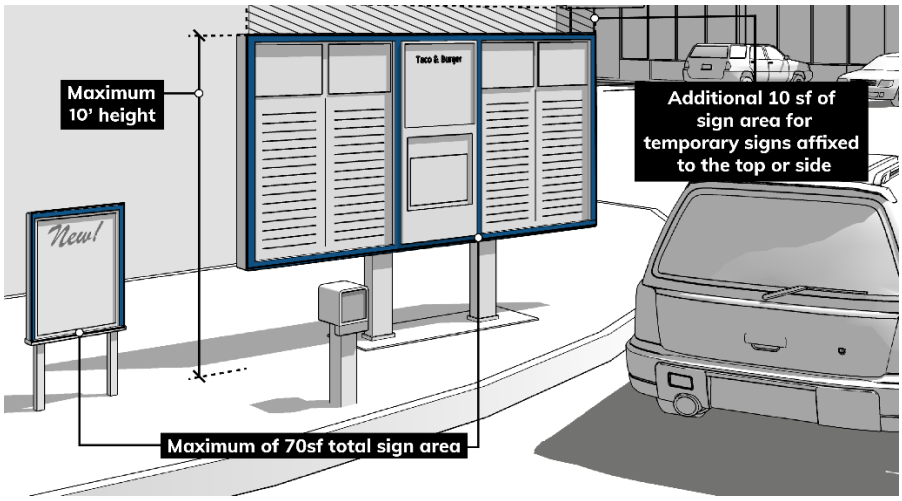
3. An additional ten square feet of sign area is permitted for temporary signs affixed to the top or sides of a permanent drive-through sign.

4. Drive-in restaurants, where customers park in designated stalls and remain in their vehicles to dine, are permitted one sign per parking stall. Such signs are limited to a maximum of 30 square feet in area per stall, and six feet in height. Signs may comprise a mixture of freestanding signs, and temporary signs such as promotions or special items affixed to the top or sides of a permanent sign. The total square footage of all signs, however, shall not exceed 30 square feet per stall.

5. Any drive-through sign, including signs within stalls at drive-in restaurants, shall be located a minimum of 15 feet from any residential district property line, measured from sign face to property line.

6. Drive-through signs, including signs within stalls at drive-in restaurants, may be internally illuminated, and may contain an electronic screen for interaction and verification with customers.

Drive-Through Sign



D. Electronic Message Sign

1. Electronic message signs are permitted for the following:

a. Nonresidential and mixed-use development in the nonresidential and SU districts.

b. The following uses in any zoning district: cultural facilities, educational facilities, parks, places of worship or similar uses.

c. Gasoline service stations in any district are permitted an electronic message sign to display any copy that is required to be displayed by law, such as fuel prices.

2. Electronic message signs are limited to the following dimensions:

a. Electronic message signs are limited to freestanding monument signs (156.08.F.2) and multi-tenant commercial center signs (156.08.F.4), and shall be integrated into a larger sign structure. The electronic component is limited to a maximum of 75% of the total area of the sign, or the limitations established in items b and c below, whichever is less.

b. The electronic component of electronic message signs in the nonresidential and SU districts is limited to a maximum of 50 square feet, unless located immediately adjacent to or across a right-of-way from a residential district, in which case they are limited to a maximum of 30 square feet.

c. The electronic component of electronic message signs in any district other than the nonresidential and SU districts is limited to a maximum of 30 square feet.

3. Only one electronic message sign per lot is permitted. For the purposes of this regulation, a multi-tenant development comprising separate lots of record, including any out-lot parcels, is considered one lot.

4. The sign structure shall contain permanent copy in addition to the electronic component, such that if the electronic component is turned off, the sign is not blank.

5. Each message or image displayed on an electronic message sign shall be static for a minimum of eight seconds, and shall be complete, not continuing on a subsequent message.

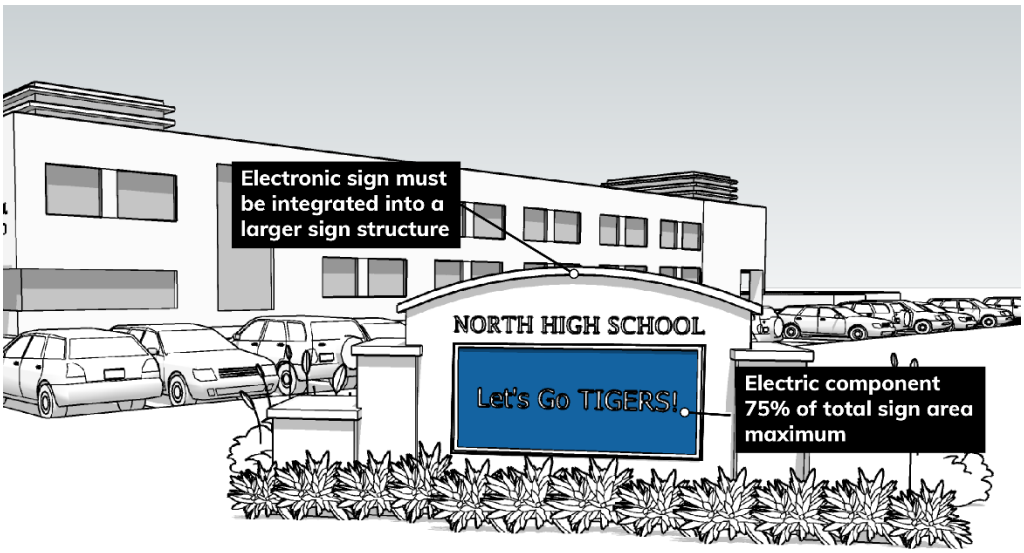
6. Electronic message signs shall display static messages only, with no animation or effects simulating animation or video. Transitions from one message to another shall appear instantaneous as perceived by the human eye. Any scrolling, flashing, blinking, fading, rolling, shading, dissolving, spinning, revolving, shaking, or any other effect that gives the appearance of movement to the message or any component of the sign is prohibited.

7. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The sign must have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.

8. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

9. Electronic message signs shall not operate as an off-premises sign. This does not include public service messages.

Electronic Message Sign



E. Gateway Sign

1. Gateway signs are permitted for nonresidential and mixed-use development in the nonresidential, SU, and H-1 districts.

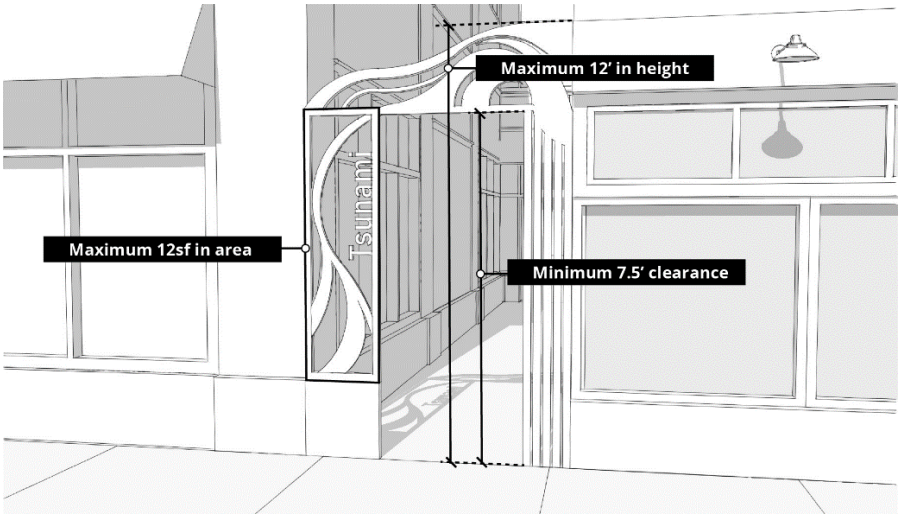
2. One gateway sign is permitted per street frontage. Gateway signs shall be located over a main pedestrian entryway.

3. Gateway signs may not project into, over, or otherwise encroach on a public right-of-way or easement.

4. Gateway signs are limited to a maximum of 12 square feet in area and 12 feet in height. Signs shall maintain a minimum 7.5 foot vertical clearance to allow for passage through the sign.

5. Gateway signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

Gateway Sign



F. Ground Signs

1. General Regulations

a. The following are considered ground signs: freestanding monument signs, freestanding pylon signs, multi-tenant commercial center signs, and residential subdivision signs.

b. Each lot is permitted one ground sign per street frontage. One additional ground sign is permitted where a street frontage exceeds 200 linear feet in length. A minimum of 50 feet separation is required between ground signs.

c. All ground signs shall conform to the specific provisions per sign type established in Sections 156.08.F.2 through 156.08.F.5 below.

2. Freestanding Sign, Monument

a. Freestanding monument signs are permitted for multi-family dwellings, nonresidential development, and mixed-use development in any district.

b. Freestanding monument signs in residential districts are limited to a maximum of 40 square feet in area and eight feet in height.

c. In all other districts, freestanding monument signs are limited to a maximum of 70 square feet in area and ten feet in height, unless located immediately adjacent to or across a right-of-way from a residential district, in which case they are limited to a maximum of 60 square feet in area and ten feet in height.

d. A freestanding monument sign shall be designed so that the width of the top of the sign face is a minimum of 70% and a maximum of 130% of the width of the base, unless designed with decorative posts as follows:

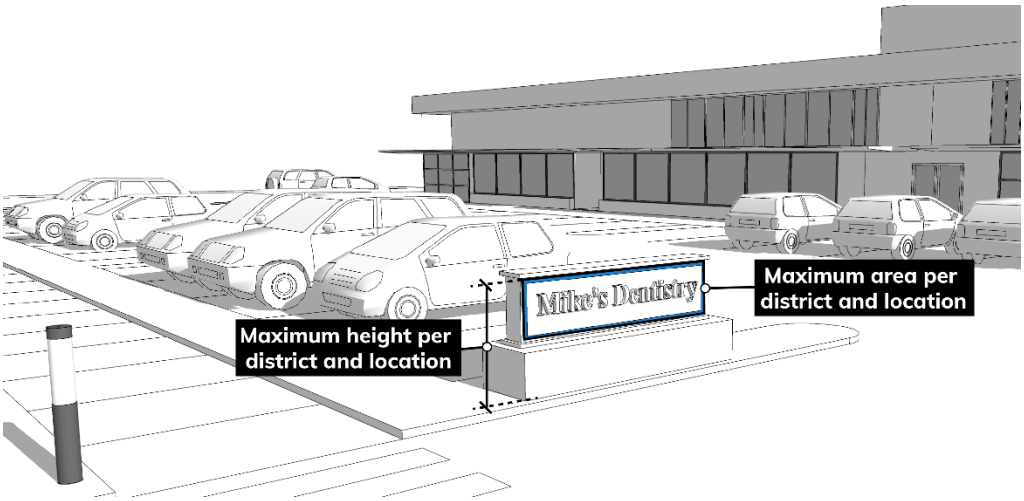
i. To provide flexibility for freestanding monument sign installation on sites where the ground is not level, structural (non-decorative) posts may extend from the ground to support the sign. Such posts are limited to a maximum of one foot in height (measured to the bottom of the sign face) above the ground at the location of their installation.

ii. Freestanding monument signs may be designed to include decorative posts as a component of the overall sign structure and design. Such posts are limited to a maximum of three feet in height (measured to the bottom of the sign face) above the ground at the location of their installation.

e. Freestanding monument signs shall be set back a minimum of five feet from any property line, and may not project into, over, or otherwise encroach on a public right-of-way or easement.

f. Freestanding monument signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

Freestanding Monument Sign



3. Freestanding Sign, Pylon

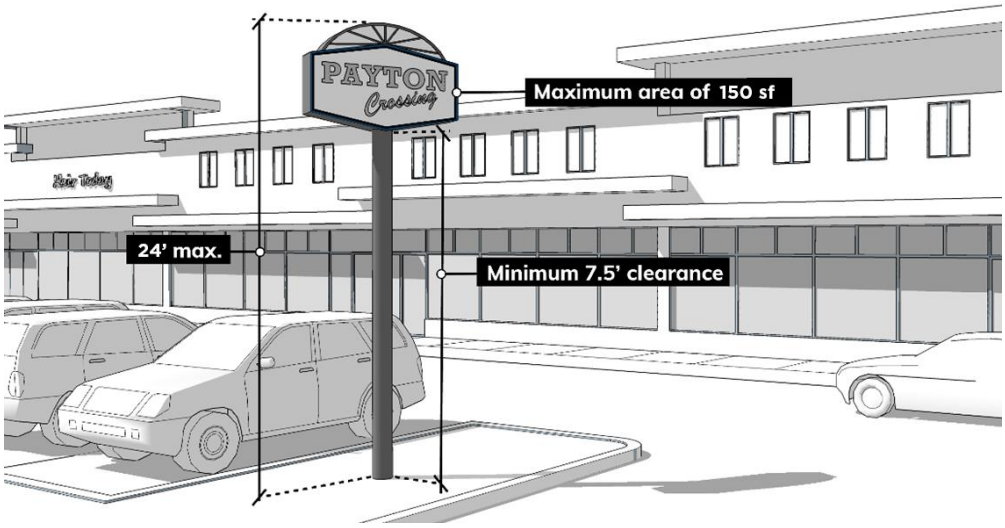
a. Freestanding pylon signs are permitted for nonresidential and mixed-use development in the nonresidential and SU Districts, with the exception of the NC and O-1 Districts.

b. Freestanding pylon signs are limited to 150 square feet in area and 24 feet in height, unless located immediately adjacent to or across a right-of-way from a residential district, in which case they are limited to 60 square feet in area and 16 feet in height.

c. Freestanding pylon signs shall maintain a minimum vertical clearance of 7.5 feet from the bottom of the sign face to the surface of the ground below.

d. Freestanding pylon signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

Freestanding Pylon Sign



4. Multi-Tenant Commercial Center Sign

The following standards apply to multi-tenant commercial center signs. Multi-tenant commercial centers of five or more acres are also required to submit a unified sign plan per the standards of Section 156.09.

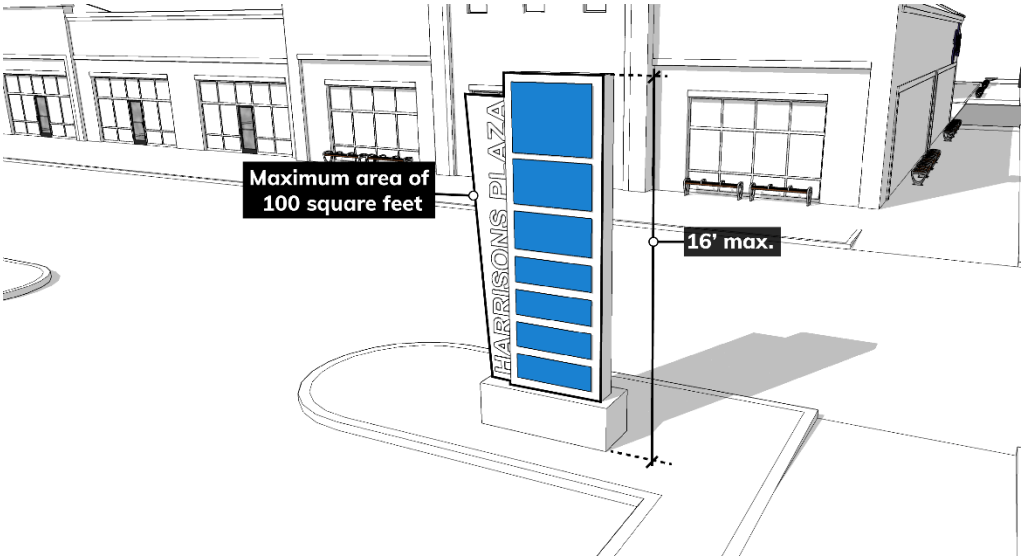
a. Multi-tenant commercial center signs are permitted for multi-tenant commercial centers in any district. A multi-tenant commercial center is a commercial development under unified control consisting of three or more separate commercial establishments sharing a common building, or which are in separate buildings sharing a common access/entranceway or parking area. For the purposes of this regulation, a multi-tenant development comprising separate lots of record, including any out-lot parcels, is considered one lot.

b. Multi-tenant commercial centers are permitted one sign per street upon which the commercial center has frontage of 100 feet or more. No street frontage may have more than one multi-tenant commercial center sign.

c. Multi-tenant commercial center signs shall be constructed as freestanding monument signs.

d. Multi-tenant commercial center signs are limited to 100 square feet in area and 16 feet in height.

Multi-Tenant Commercial Center Sign



5. Residential Subdivision Sign

a. Residential subdivision signs are permitted for residential subdivisions in all districts.

b. One residential subdivision sign is permitted for each entry point into the subdivision development. A minimum separation of 200 feet is required between signs.

c. Residential subdivision signs shall be constructed as freestanding monument signs, or mounted on/integrated into entry features such as decorative or retaining walls.

d. Residential subdivision signs are limited to 150 square feet in area and ten feet in height.

Residential Subdivision Sign

G. Marquee Sign

1. Marquee signs are permitted for nonresidential and mixed-use development in the C-1, C-2, O-1, M-1, and SU Districts.

2. Marquee signs shall be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.

3. The roof of a marquee sign may not be used for any purpose other than to form and constitute a roof and shall be constructed of noncombustible material.

4. Water from the roof of a marquee may not drain, drip, or flow directly onto the surface of a public right-of-way. Sufficient downspouts, drains, and gutters shall be installed as part of each marquee to prevent water from the roof of the sign from flowing onto the surface of a public right-of-way.

5. Marquee signs shall be erected over a building entrance, and are limited to the width of the building entrance, plus an additional five feet on each side of the entrance doors.

6. A marquee sign shall maintain a minimum vertical clearance of ten feet from the surface above which it is mounted. The roof of a marquee sign shall not extend above any second-story windowsills, and shall not conceal or obscure any significant architectural features or ornamentation of the building to which it is mounted.

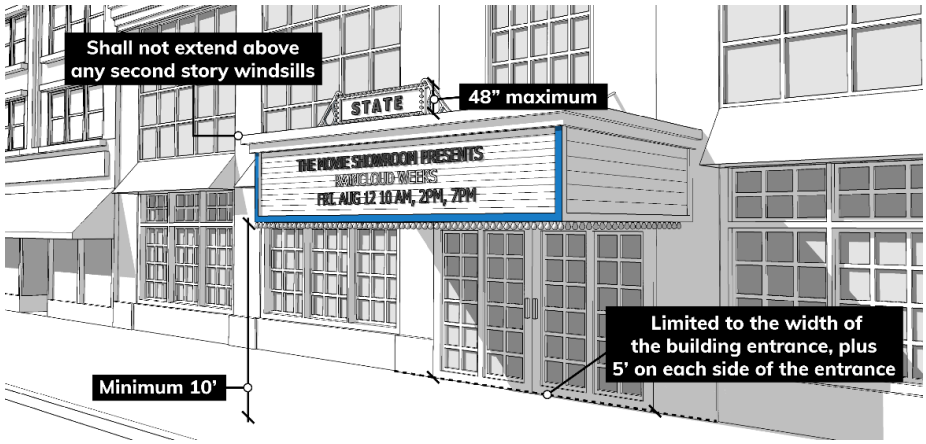
7. Marquee signs may encroach into a public right-of-way, but shall be located a minimum of two feet from any curb line.

8. Marquee signs are permitted lettering attached to and located above the roof of the sign to a maximum height of 48 inches.

9. Marquee signs are permitted an electronic message component, subject to the standards of Section 156.08.D for such signs. Marquee signs are also permitted a changeable message board as a component of the marquee structure. However, the marquee sign may include only one of these two components, not both.

10. Marquee signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

Marquee Sign



H. Right-of-Way Sign

Right-of-Way Signs are permitted as temporary signs, subject to the standards below.

1. Right-of-Way Display Permit Required.
It is unlawful for any person other than a City employee to place a sign in the public right-of-way without a valid Right-of-Way Display Permit. An individual may apply for either a Weekend Right-of-Way Display Permit or a 60-Day Right-of-Way Display Permit. An individual may only have one active Right-of-Way Display Permit at a time.

a. Weekend Right-of-Way Display Period

i. Temporary signs may be posted on the weekends from Friday at 12:00 noon through Monday at 12:00 noon local time.

ii. A maximum of 50 individual signs may be posted.

iii. A Weekend Right-of-Way Display Permit is valid for all weekends during one calendar month.

iv. No more than 12 Weekend Right-of-Way Display Permits may be issued to any person within a 12 month period.

v. A person may apply for up to four consecutive calendar months in advance for a Weekend Right-of-Way Display Permit.

b. 60-Day Display Period

i. Temporary signs may be posted in the right-of-way for up to 60 consecutive calendar days.

ii. No more than three 60-Day Right-of-Way Display Permits may be issued to any person within a twelve month period

iii. A maximum of 50 individual signs may be posted.

2. Sign Standards.
Temporary signs displayed in the public right-of-way in accordance with a validly issued Right-of-Way Display Permit pursuant to this Chapter shall conform with all of the following:

a. Signs may be a maximum of eight square feet in sign area and three feet in height.

b. All signs shall be constructed of semi-durable materials, such as but not limited to corrugated plastic, vinyl, acrylic, or similar and must be anchored to the extent possible to prevent movement of the sign. Anchoring of the sign may not be permanent in nature and shall not damage the property upon which it is placed.

c. Signs shall not be affixed to or leaned against any street light, utility pole, traffic signal, fence, or other similar structure in the right-of-way. Signs shall not be posted in medians, traffic circles, or roundabouts.

d. Signs shall not encroach on or interfere with any vehicular access point, or pedestrian access point.

e. Permitted signs left in the right-of-way more than 48 hours after expiration of an applicable permit may be removed by the City.

f. Non-permitted signs or duly-permitted signs placed in the right-of-way which violate any of the requirements of this Chapter are subject to removal by the City at the expense of the responsible party.

g. No sign may be placed in the clear-sight triangle area of any signalized or unsignalized intersection criteria is based on AASHTO's" A Policy on Geometric Design of Highways and Streets.

156.09 Unified Sign Plan

A. General Applicability

1. A unified sign plan shall be used to coordinate all signs within developments of significant size, establishing criteria to govern the design and construction of signs for current and future tenants.

2. In any district, nonresidential and mixed-use development upon which more than one sign requiring a permit is proposed to be erected may elect or be required to submit a unified sign plan in accordance with the following:

a. Single-tenant and two-tenant nonresidential or mixed-use developments of any size, and multi-tenant nonresidential and mixed-use developments less than five acres in size may submit a unified sign plan at the option of the applicant.

b. Multi-tenant nonresidential and mixed-use developments, including multi-tenant commercial centers, are required to submit a unified sign plan if five acres or more in size.

3. Unified sign plans shall be submitted and approved in accordance with this section.

B. Applicability to Existing Development

1. For development existing as of - *date of adoption* – that requires a unified sign plan under the regulations of this section, the property owner may optionally submit a unified sign plan for approval. Once such unified sign plan is approved per the process described in this section, it shall be kept on file with the Department of Development Services and all future signs shall comply with the approved unified sign plan. If a proposed sign is in compliance with the unified sign plan, the Director of Development Services or their designee will issue a sign permit.

2. If a development existing prior to – *date of adoption* – that requires a unified sign plan under the regulations of this section chooses to forego the submission of a unified sign plan, each future sign installed in the development shall comply with all standards of this Chapter.

C. Unified Sign Plan Requirements

A unified sign plan shall provide details and specifications to establish a coordinated and consistent approach to all signs within a development. At a minimum, unified sign plans shall include the following:

1. A site plan for all lots within the development on which signs will be located, at a scale of not less than one inch to 100 feet and including the location of all buildings, parking lots, driveways and landscaped areas. The site plan shall

accurately indicate the number, location, and orientation of all signs for which a permit is being sought, and the anticipated location of future signs requiring a permit.

2. A table or tables containing the following:

a. The number and description of all signs within the development for which a permit is being sought, as well as future signs requiring a permit.

b. Computation of the maximum total sign area and number of signs permitted on the development site by this code.

c. Computation of the total sign area and number of signs being proposed, including dimensions of individual signs, maximum area, and maximum height.

3. Specification of standards for consistency among signs within the development, including color scheme, lettering or graphic style, lighting, typical location of building-mounted signs, materials, and sign proportions.

4. For each sign included in the unified sign plan for which a permit is being sought, the following shall be required:

a. Sign elevation, including annotated dimensions and description of sign elements.

b. For building-mounted signs, elevations including the location of each sign on the building face.

c. Description of illumination proposed for each sign.

D. Approval Procedure

Unified sign plans shall be approved by the Planning and Zoning Board in accordance with the following:

1. The applicant shall submit a unified sign plan to the Director of Development Services or their designee, who will review the unified sign plan and provide comment to the applicant. The applicant may modify the plan or submit the plan to the Planning and Zoning Board through the City Development Department. If the unified sign plan has not been modified per the comments of the Director of Development Services or their designee, a report detailing the comments will be forwarded to the Planning and Zoning Board with the unified sign plan.

2. The Planning and Zoning Board will review the unified sign plan at a public meeting. The Board will approve, approve with conditions, or deny the unified sign plan.

3. If the unified sign plan is approved with conditions, the plan shall be revised to comply with such conditions and be submitted to the Director of Development Services or their designee, who will verify that the revised unified sign plan complies with all required conditions.

4. If the unified sign plan is denied by the Planning and Zoning Board, the applicant may choose to submit a new unified sign plan or appeal the decision to the Governing Body.

5. Approved unified sign plans will be kept on file with the Director of Development Services. Following approval, no permanent sign shall be erected, placed or maintained except in conformance with the unified sign plan. If a proposed sign is in compliance with the unified sign plan, the Director of Development Services or their designee will approve the application through the standard permit process.

E. Amendments to Unified Sign Plans

1. The Director of Development Services or their designee may approve minor modifications to an approved unified sign plan, including modifications to sign dimensions of 10% or less, and relocation of a sign or signs to respond to final site engineering or building construction issues such as topography, drainage, underground utilities, structural safety, or pedestrian and vehicular circulation, when such relocation is deemed to maintain general compliance with the approved unified sign plan.

2. Any modification not considered a minor modification requires resubmittal of a unified sign plan to be approved by the Planning and Zoning Board.

F. Flexibility for Unique Properties, Buildings, and Sign Designs

The unified sign plan may provide flexibility for properties that contain unique elements or requirements, such as those that may need more signage than is otherwise allowed (in size or in quantity), those that may require additional signage due to a unique orientation – such as adjacency to a major thoroughfare, or those that wish to include unique design elements such as signs with sculptural or placemaking features.

1. A unified sign plan may be approved by the Planning and Zoning Board with elements that exceed the permitted height, area, and/or number of signs specified in this Chapter with the recommendation of the Director of Development Services or their designee. Such recommendation shall be based on findings in accordance with the following:

a. The development contains unique or unusual physical characteristics such as topography, proportion, size or relation to a public street that would limit or restrict normal sign visibility.

b. The development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest, or other distinguishing features that represent clear variation from conventional development.

c. The proposed signage incorporates special design features such as sculptural or placemaking elements, or logos, emblems, murals, or statuaries that are integrated with the building architecture.

2. A recommendation to approve a unified sign plan with elements that exceed the standards of this Chapter shall be forwarded from the Director of Development Services or their designee to the Planning and Zoning Board with the unified sign plan per the requirements of Section 156.09.D.

156.10 Nonconforming Signs

A. A nonconforming permanent sign and sign structure may remain in use so long as it remains otherwise lawful and has not been damaged or destroyed to the extent of more than 50% of its value. A nonconforming permanent sign and sign structure that is damaged or destroyed to the extent of 50% or more of its value shall not be restored or repaired unless in conforms to all applicable regulations of this Code.

B. Sign value, for the purposes of item A above, is determined by comparing a repair cost estimate of the damaged sign with an estimate of the cost of a new, identical sign. Sign owners shall supply such estimates to the Director of Development Services or their designee.

C. Once a nonconforming sign and/or sign structure has been removed, it shall not be restored or repaired unless it conforms to all applicable regulations of this Code.

D. All temporary nonconforming signs shall be removed or brought into conformance within 60 days of the effective date of this Code.

E. The sign face of an existing nonconforming permanent sign may be replaced, but the structure shall not be altered to accommodate such change.

F. No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or another lot, unless the entire sign and sign structure conforms to all regulations applicable to the lot where the sign is relocated.

G. No nonconforming sign shall be altered or enlarged in a way that increases the nonconformity of the sign or sign structure. This does not include normal maintenance and cleaning, or changing of the sign face.

156 SIGN REGULATIONS

156.01 Title, Purpose, and Applicability
156.02 Definitions and Rules of Measurement
156.03 Summary Table of Allowed Signs
156.04 General Standards
156.05 Sign Permit
156.06 Prohibited Signs
156.07 Signs Exempt from Permit
156.08 Sign Permit Required
156.09 Unified Sign Plan
156.10 Nonconforming Signs

156.01 Title, Purpose, and Applicability

The purpose of this Chapter is to establish a comprehensive system of controls regarding the construction, installation, and maintenance of signs in the City of Rio Rancho. This regulations within this Chapter are intended to:

A. Promote and protect the health, safety, and welfare of the City by ensuring the compatibility of signs with surrounding structures and land uses.

B. Preserve the natural beauty and scenic environment of Rio Rancho, while enhancing the City's business and economic climate through regulations that encourage the orderly and effective display of signs, and discourage sign clutter.

C. Protect the public from hazardous conditions that may result from the indiscriminate use and placement of signs, structurally unsafe signs, signs that obscure the vision of pedestrians or motorists, and signs that compete or conflict with necessary traffic signals, government signs, and warning signs.

156.02 Definitions and Rules of Measurement

Attention-Getting Device. Devices or ornamentations designed for the purpose of attracting attention. Attention-getting devices include sails, pennants, banners, temporary flex pole signs, balloon and inflatable signs, and similar. Flags of nations, states, and cities, or fraternal, religious, and civic organizations, or temporary holiday decorations are not attention-getting devices. **NEW**

Awning. A roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway, or door, with no supports that extend to the ground. **NEW**

Drive-in Restaurant. An eating establishment where customers park their vehicles in designated stalls and place orders through a speaker system, or directly with a restaurant employee. Food is delivered to the customer in the vehicle, and customers remain in their vehicle throughout the dining experience. **NEW**

Flag. Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations. Pennants and sails are not considered flags. **MODIFIED**.

Flag, Commercial. A sign consisting of fabric, plastic, vinyl, mesh, mylar or similar pliable material attached to a freestanding flagpole or building-mounted flagpole. **NEW**

Foot-candle. A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot. **MODIFIED**

Lumen. A unit of light or illumination from a lamp or bulb, as defined by the International System of Units (SI). A typical 60-watt incandescent bulb or a 13-watt fluorescent bulb emits approximately 800 lumens. Light incident on a surface is measured in foot-candles (SI) using a commercial light meter. **NEW**

Marquee. A permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements. **MODIFIED**

Multi-Tenant Commercial Center. A multi-tenant commercial center is a commercial development under unified control consisting of three or more separate commercial establishments sharing a common building, or which are in separate buildings sharing a common access/entranceway or parking area. **NEW**

Nit. A unit of measurement used to quantify the brightness or luminance of a light source. One nit is equal to one candela per square meter. **NEW**

Off-Premises Sign, Permanent. A permanent sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Permanent off-premises signs are also called billboards (See Chapter 154 of the City of Rio Rancho Municipal Code). **NEW**

Off-Premises Sign, Temporary. A temporary sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any ground-mounted, building-mounted, or sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises. **NEW**

On-Premises Sign. A sign directing attention to a business, product, service, entertainment event, activity, or other commercial activity that is sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. **MODIFIED**

Right-of-Way. The total area of land deeded, reserved by plat, or otherwise acquired by the city, primarily for the use of the public for the movement of people, goods, and vehicles. For the purpose of this chapter, city drainage or utility easements, and other city-owned easements, such as maintenance and service roads serving channels or arroyos, are also included. **ALIGNED (CH. 96)**

Sign. A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right of way. **MODIFIED**

Sign Face. The area of a sign that is designed and intended to display information, graphics, or messages. It represents the visible side or sides of the sign that are meant to be seen by pedestrians, motorists, or other viewers. **NEW**

Sign, A-Frame. A freestanding temporary, movable sign ordinarily in the shape of the letter "A" or some variation thereof. An A-Frame sign is displayed on the ground, not permanently fixed to the ground, and is usually two-sided, generally connected at the top and separated at the bottom. **MODIFIED**

Sign, Animated. A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs. **MODIFIED**

Sign, Arcade. Any sign suspended from and located entirely under an arcade, covered porch, covered walkway, or similar architectural feature. **MODIFIED**

Sign, Awning. An awning sign is a sign printed, painted, stamped, perforated, stitched, or otherwise displayed upon an awning. **MODIFIED**

Sign, Blade. A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Blade signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property. **NEW**

Sign, Canopy. A canopy sign is a sign printed, mounted, or installed upon a canopy. A canopy sign may be one of two types: **NEW**

1. **Canopy, Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric, placed to extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the ground.

2. **Canopy, Structural.** A roofed structure constructed of permanent building materials, such as metal, brick, stone, wood or similar building materials, which is constructed as part of and attached to a building, and extends outward from the building, supported both by the structure and by supports that extend to the ground.

Sign, Changeable Message. A component of a sign, allowing for a message to be changed manually. **MODIFIED**

Sign, Drive-Through. A sign constructed as a component of a drive-through facility. **NEW**

Sign, Electronic Message. A sign designed with a portion of the sign area using changing light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or images, where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs, Flashing signs and animated signs are not considered electronic message signs. Electronic message signs do not include electronic billboards, which are addressed as billboards in Chapter 154 of the City of Rio Rancho Municipal Code. **MODIFIED**

Sign, Flashing. A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs. **NEW**

Sign, Freestanding Pylon. A sign that is placed on or supported by the ground, independent of the principal structure on the lot and affixed, attached, or erected on a pole or pylon. **MODIFIED**

Sign, Freestanding Monument. A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. **MODIFIED**

Sign, Gateway. A sign that is installed over a pedestrian entryway and supported by the ground, independent of the principal structure on the lot, designed as an entryway feature to the property. **NEW**

Sign, Government. A sign erected and maintained pursuant to and in discharge of any government function. A government sign does not include any required legal notice by municipal codes and ordinances; such legal notice is not controlled by the sign code. **MODIFIED**

EDITOR'S NOTE: Government sign does not include any required legal notice by municipal codes and ordinances. Such legal notice is not controlled by the sign code.

Sign, Marquee. A sign that is displayed upon or attached to a marquee. Where designed as a changeable message sign, the changeable message portion may be manually changed or electronically changed when permitted by this Code. **MODIFIED**

Sign, Moving. A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include clocks or barber poles. **NEW**

Sign, Multi-Tenant Commercial Center. A freestanding monument sign installed in conjunction with a multi-tenant commercial center. **NEW**

Sign, Nonconforming. A sign which was in conformity with the applicable regulations when created but which would now be prohibited or does not conform to one or more of the regulations in the sign code or future amendments thereto. **MODIFIED**

Sign, Portable. A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable signs do not include A-frame signs. **MODIFIED**

Sign, Residential Subdivision. A freestanding monument sign installed at the entrance of a residential subdivision. A Residential Subdivision Sign may also be mounted on or integrated into an entry feature, such as a wall. **MODIFIED**

Sign, Right-of-way. A temporary sign installed in the public right-of-way in accordance with an approved right-of-way display permit. Right-of-way signs shall not be considered temporary off-premises signs.

Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. A sign attached to an exterior wall of a building but whose face extends above the roofline or plate line by less than 10% of the face of a sign shall not be considered a roof sign. **CURRENT**

Sign, Temporary. Any sign which is erected for a limited time and/or special purpose, typically constructed from semi-durable materials and not constituting a permanent structure. **MODIFIED**

Sign, Vehicle. Signs placed, mounted, installed, or painted on a vehicle for the primary purpose of attracting attention to an occupant's presence within a building at which the vehicle is being parked. **NEW**

Sign, Wall – Standard. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs. **MODIFIED**

Sign, Wall – Painted. A sign that is painted, applied, or affixed directly on the exterior wall of a building or structure. A painted wall sign is not limited to only the application of paint, but includes other methods of application and/or material including but not limited to tile, screen printing, vinyl application, and paste-ups. **NEW**

Sign, Wall – Projected. A sign created by an optical device that projects an image directly onto the exterior wall of a building or structure by light or other technological means. **NEW**

Sign, Window. A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure that blocks views into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation. **MODIFIED**

Sign, Wrap. A sign consisting of fabric, plastic, vinyl, mesh, mylar or a similar pliable material attached to a building or structure under construction, renovation, or maintenance and used to screen such construction, renovation, or maintenance activity. **NEW**

Sign, Yard. A sign placed within a street-facing yard intended to be viewed by the public. **NEW**

Strobe light. An electronic lighting device designed to emit intense, rapid flashes of light in a systematic and repetitive manner, typically at frequencies ranging from a few to several dozen flashes per second, with each flash lasting for a brief duration. **NEW**

Unified Sign Plan. A Unified Sign Plan addresses signage on a site to establish a coordinated and consistent approach to all signs within developments of significant size. Unified Sign Plans also allow for modification of the regulations of this Code such as permitted height, area, location and number of signs to respond to unique site conditions such as topography, size, or relation to a public street that would limit or restrict normal sign visibility. **NEW**

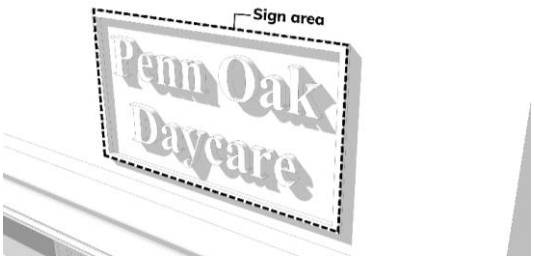
B. Rules of Measurement

1. Sign Area

a. The sign area of each sign is the total exposed surface devoted to the sign's message, including all ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of sign area does not include any supports or bracing. For channel letters or freestanding logos/symbols, the sign area is calculated as the customary, applicable mathematical formula for the

total area of each square, circle, ellipse, rectangle, or triangle, or combination thereof, that encompasses each word, logo, image, background, and/or display. **CURRENT/CLARIFIED**

Sign Area



b. Window area, for the purpose of calculating maximum area of window signs, is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. Total window area is calculated as length times width of the window area. Only the individual letters or logos of the window sign shall be used in the calculation of surface area. The transparent film around the perimeter of the individual letters or logos composing the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door shall be exempt from the area calculations, provided that such portion of the ~~transparent~~ film maintains 100% transparency ~~of the window.~~ **NEW**

EDITOR'S NOTE: This does not address opaque or semi-opaque window clings that do not contain imagery or text that constitute a sign.

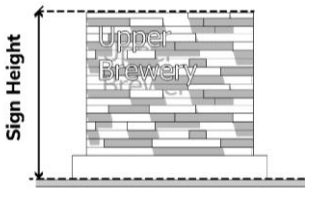
Commented [CJ1]: Comment (Tim/ 6/28 Minutes) says "remove sentence on transparency requirements, as we don't have transparency standards."

Clarifying that this should remain. It is not a minimumtransparency standard, but simply a provision that specifies that area of a window sign that is 100% transparent or clear is not counted as sign area. If it is not 100% transparent or clear, it is counted toward the area of the window sign. I've clarified in an editor's note below that window clings that don't constitute signs are not addressed by this.

2. Sign Height

For ground signs, sign height is measured as the vertical distance measured from the normal grade at the base of the sign to the highest point of the sign, including any decorative elements. Normal grade shall be construed to be the existing grade prior to construction or the newly established grade after construction, exclusive of any fill, berm, mound, or excavation solely for the purpose of locating the sign, whichever is lower. Where a sign is installed on a slope, height shall be measured from the average grade at the base of the sign, determined by measuring the grade at the center of each side of the sign structure and calculating the average. **CURRENT (CLARIFIED)**

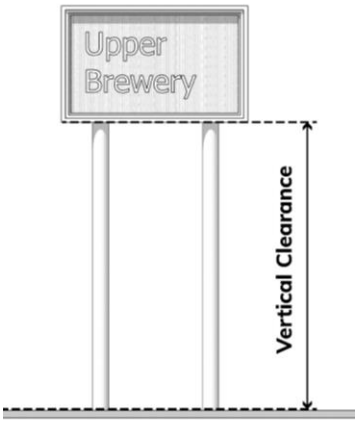
Sign Height



3. Vertical Clearance

Vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign. **NEW**

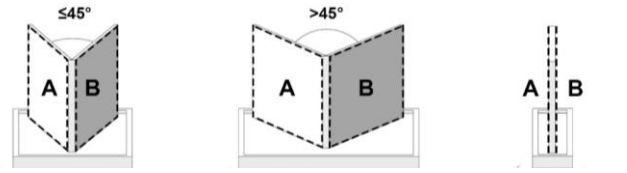
Vertical Clearance



4. Number of Sign Faces

If the interior angle between two sign faces is 45° (degrees) or less, the sign area is calculated as the area of one face only. If the interior angle between two sign faces is greater than 45° (degrees), the sign area is calculated as the sum of the two faces. **MODIFIED**

Calculation of Sign Faces

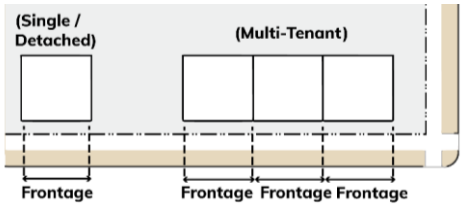


Sign Area = A or B | Sign Area = A + B | Sign Area = A or B

5. Frontage Length

Frontage length is measured as the linear distance between the surfaces of the outermost parallel walls of a principal structure. Where frontage length is calculated on a tenant basis, it is measured from the centerline of any party wall defining the tenant unit to the centerline of another party wall or the surface of an exterior wall. **CURRENT (CLARIFIED)**

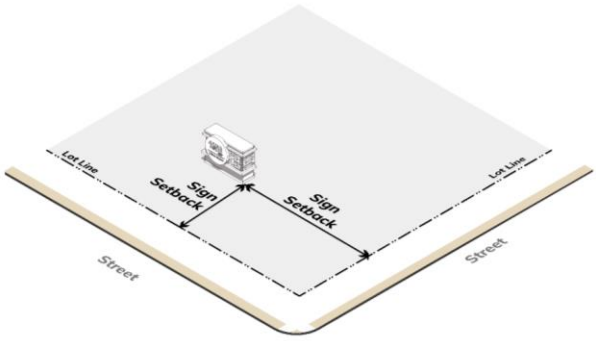
Calculation of Frontage Length



6. Sign Setback

Sign setback is measured perpendicularly from the applicable property line to the closest point of the sign or sign structure. **CURRENT (MOVED)**

Calculation of Sign Setback



156.03 Summary Table of Allowed Signs

Table 156-01, Summary Table of Allowed Signs, catalogs the types of permitted signs, both permanent and temporary, and indicates whether such sign requires a sign permit. This table is provided for reference purposes only. In the case of any conflict with the regulations of this Chapter and this ordinance, the specific sign regulations control over this table. Permanent Off-Premises Signs, also called Billboards, are not included in this table and are regulated by Chapter 154 of the City of Rio Rancho Municipal Code.

Table 156-01: Summary Table of Allowed Signs

Sign Type (Section Reference)	**No Permit Required**	**Permit Required**	Permissions
A-Frame Sign (156.07.A)	✔		Nonresidential and mixed-use development in nonresidential, SU, and H-1 districts
Arcade Sign (156.08.B.2)		✔	Nonresidential and mixed-use development in all districts
Attention-Getting Device (156.08.A)		✔	Nonresidential and mixed-use development in the nonresidential and SU districts
Awning Sign (156.08.B.3)		✔	Multi-family dwellings, nonresidential development, and mixed-use development in all districts
Blade Sign (156.08.B.4)		✔	Nonresidential and mixed-use development in the nonresidential, SU, and H-1 districts
Canopy Sign - Non-Structural (156.08.B.5.a)		✔	Multi-family dwellings, nonresidential development, and mixed-use development in all districts
Canopy Sign – Structural (156.08.B.5.b)		✔	Attached: Multi-family dwellings, nonresidential development, and mixed-use development in all districts Freestanding: Gasoline service stations, drive-through window restaurants, and drive-through facilities in all districts
Drive-Through Sign (156.08.C)		✔	Drive-through window restaurants and drive-through facilities in all districts

Table 156-01: Summary Table of Allowed Signs			
Sign Type (Section Reference)	**No Permit Required**	**Permit Required**	Permissions
Electronic Message Sign (156.08.D)		✔	Nonresidential and mixed-use development in the nonresidential and SU districts For the following uses in all districts: cultural facilities, educational facilities, parks, places of worship, or similar uses Gasoline service stations in any district, to display copy that is required to be displayed by law
Flag (156.07.G)	✔		All districts
Freestanding Sign, Monument (156.08.F.2)		✔	Multi-family dwellings, nonresidential development, and mixed-use development in all districts
Freestanding Sign, Pylon (156.08.F.3)		✔	Nonresidential and mixed-use development in the nonresidential and SU Districts, with the exception of the NC and O-1 Districts
Gateway Sign (156.08.E)		✔	Nonresidential and mixed-use development in the nonresidential, SU, and H-1 districts
Government Sign (156.07.F)	✔		All districts
Marquee Sign (156.08.G)		✔	Nonresidential and mixed-use development in the C-1, C-2, O-1, M-1, and SU districts
Multi-Tenant Commercial Center Sign (156.08.F.4)		✔	Multi-tenant commercial centers in all districts
Residential Subdivision Sign (156.08.F.5)		✔	Residential subdivisions in all districts
Right-of-Way Sign (156.08.H)		✔	Within the public right-of-way, subject to standards
Sign for Cultural or Historical Site (156.07.D)	✔		Sites or buildings with cultural or historical significance in all districts
Sign for Multiple Tenant Building Entry (156.07.H)	✔		Multi-family dwellings, nonresidential development, and mixed-use development with multiple tenants in all districts
Sign for Nonresidential or Mixed-Use Construction Activity (156.07.C)	✔		Sites where active nonresidential or mixed-use construction is taking place in all districts
Sign for On-Site Repair, Renovation, or Improvement (156.07.I)	✔		Sites where on-site repair, renovation, or improvements are taking place in all districts
Sign for Parking Lot or Structure Circulation Point (156.07.J)	✔		Parking lots and structures in all districts
Sign for Real Estate Activity (156.07.K)	✔		Sites where a structure or lot is offered for sale, lease, or rent in all districts
Sign for Residential Construction Activity (156.07.B)	✔		Sites where active residential construction is taking place in all districts
Sign on Gas Pump Island (156.07.E)	✔		Gasoline service stations in all districts
Wall Sign, Painted (156.08.B.7)		✔	Nonresidential and mixed-use development in all districts
Wall Sign, Projected (156.08.B.8)		✔	Nonresidential and mixed-use development in the nonresidential and SU districts
Wall Sign, Standard		✔	Nonresidential and mixed-use development in all districts

Table 156-01: Summary Table of Allowed Signs			
Sign Type (Section Reference)	**No Permit Required**	**Permit Required**	Permissions
(156.08.B.6)			
Window Sign (156.07.L)	✔		Nonresidential and mixed-use development in all districts
Yard Sign (156.07.M)	✔		All residential districts

156.04 General Standards

All signs constructed, erected, modified, or altered shall comply with the following standards.

A. Exceptions

All signs constructed, erected, modified, or altered shall comply with the standards of this Chapter, whether such signs do or do not require a sign permit, except for those items listed In this section. The following signs are not regulated by this Chapter.

1. Signs within a building or enclosed space within a development that are not visible from a public right-of-way.

2. Any required public notice, sign, or warning installed by federal, state, or local governments.

3. Logos and labels located on mechanical equipment, recycling bins, trash containers, and similar equipment, which are part of the equipment as manufactured and/or installed.

4. Works of art that do not contain a commercial message.

5. Holiday decorations that do not contain a commercial message.

B. Location Restrictions

1. No sign may be erected in a location that violates the building code, fire code, and other applicable City codes or ordinances.

2. No sign is permitted within the clear sight triangle as established within Chapter 154 of the City of Rio Rancho Municipal Code.

3. Only signs that have been placed by or authorized by the federal government, state government, or the City may be installed on public property. Any sign installed on public property, including rights-of-way, without prior authorization, will be removed by the City without notice and may be disposed of.

4. No permanent sign may be erected on private property without the consent of the property owner or his/her authorized agent. Any sign installed on private property without authorization may be removed by the property owner without notice and may be disposed of.

5. No sign may be erected in a manner that obstructs access to any ingress or egress, fire escapes, fire hydrants, fire department connections, or standpipes and similar fire safety connections.

C. Audio Components

Audio components are prohibited as part of any sign, except for the following:

1. Drive-through sign: For drive-through signs, including signs in individual stalls at drive-in restaurants, the audio component is limited to communication between the customer and the restaurant staff taking orders.

2. Signs owned and/or operated by a government agency.

3. Permitted gas station pump video screens.

D. Illumination

In addition to the standards below, all outdoor lighting shall comply with Chapter 159 of the City of Rio Rancho Municipal Code and the State of New Mexico Night Sky Protection Act. In the case of a conflict, the more stringent requirement shall apply.

1. Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.

2. The sign face of internally illuminated signs shall function as a filter to diffuse illumination. The sign face shall cover all internal illumination components so that no exposed bulbs are visible.

3. All external illumination of a sign shall concentrate the illumination upon the printed area of the sign face.

4. The use of bare bulbs as external illumination is only permitted for marquee signs.

5. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly glazed tiles, which would increase glare.

6. The maximum allowable illumination measured at the property line is one lumen per square foot (one foot-candle), unless such signs are allowed to extend over the property line, where the maximum allowable illumination is measured at the back of curb or edge of pavement.

7. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The sign shall have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.

E. Construction Standards

1. Supports and braces shall either be designed as an integral part of the overall sign or obscured from public view to the extent feasible.

2. All signs attached to a building shall be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.

3. All signs shall be designed and constructed in compliance with the building code, electrical code, and all other applicable codes and ordinances.

4. Glass comprising any part of a sign shall be safety glass.

5. Conduits, raceways, and other components of a sign illumination system shall be designed as an integral part of the overall sign structure and obscured from public view to the extent technically feasible.

F. Permitted Materials for Signs

1. Permanent sign structures shall be constructed of durable materials such as brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Solid awnings and structural canopies shall be constructed of permanent building materials.

2. Awning, canopy, blade, and wall signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinyl-coated fabric.

3. Wall, awning, canopy, and blade signs constructed of material shall be mounted within a frame so that they are held taut between all support posts.

G. Required Maintenance

1. All signs shall be kept in a safe and well-maintained condition and appearance, and shall be repainted or otherwise maintained by the property owner or business owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.

2. All signs shall be maintained to prevent any kind of safety hazard, including faulty or deteriorated sign structures, a fire hazard, or an electrical shock hazard.

3. All unused sign hardware or wiring shall be removed.

4. No sign frame may remain unfilled or allow any internal part or element of the sign structure to be visible.

5. If a sign is maintained in an unsafe or unsecured condition, it shall be removed or the condition corrected. If The sign is not removed or the condition is not corrected within the required time period, the City may enforce this order through applicable enforcement procedures.

6. The City may remove any sign that is creating an imminent danger of significant harm to persons or property summarily and without notice. The owner of such sign is responsible for all costs of removal. The method for collection of costs may include, but shall not be limited to, a lien pursuant to NMSA SS 3-36-1 to 3-36-7.

7. Where possible by the design of a sign structure, the owner of a permanent sign that becomes obsolete after the associated activity or use is discontinued or abandoned shall remove all sign copy from the sign structure and the panels shall be removed and replaced with a blank panel. This requirement is not satisfied by reversing (i.e., turning such copy so that it faces inward), painting over, covering with vinyl or other fabric, or other means of obfuscating such copy.

8. Any activity that increases the sign area, sign height, or any sign dimension, or moves the location of a sign, requires a sign permit.

9. The following maintenance activities are exempt from requiring a sign permit. All other maintenance and alterations to a sign require a permit.

a. Painting, cleaning, or other normal maintenance and repair of a sign. This does not include any structural changes or any changes in the electrical components of the sign, including the removal or replacement of electrical components.

b. Changing the copy of a changeable message sign

H. Permanent Off-Premises Signs

Permanent off-premises signs are considered billboards, which are a distinct land use, and are subject to the regulations of Chapter 154 of the City of Rio Rancho Municipal Code.

156.05 Sign Permit

EDITOR'S NOTE: This mirrors the current sign permit procedure.

No sign, unless specifically identified as exempt by this Chapter, may be erected, constructed, altered, or relocated without first obtaining approval of a sign permit in accordance with the following.

A. Authority
The Director of Development Services or their designee is responsible for determining compliance with this title and issuing a sign permit.

B. Approval Procedure

1. A complete application for a sign permit, as well as any submittals required as a component of the application, shall be submitted to the Director of Development Services or their designee. If the party submitting the application does not own the subject property, the property owner is required to submit written permission for the installation of the sign as a component of the application.

2. Upon receiving an application for a sign permit, the Director of Development Services or their designee shall review it for completeness. If the application is determined to be incomplete, the applicant shall be notified in writing, specifying the deficiencies in the application.

3. Following a determination of completeness, the Director of Development Services or their designee shall either:

a. Approve the sign permit, if the application complies with all the requirements of these regulations and any other applicable codes.

b. Deny the sign permit, if the application fails in any way to comply with the requirements of these regulations or any other applicable codes. If the application is denied, the applicant shall be notified in writing, specifying the section or sections of these regulations or any other applicable codes with which the application is inconsistent.

C. Fees
To obtain a sign permit, all fees in accordance with the City's associated fee schedule shall be paid.

D. Illegal Signs

1. Illegally constructed signs
If a sign is constructed illegally without a required sign permit, the Director of Development Services or their designee will serve notice to the property owner that such sign shall be removed within 30 days of notice for permanent signs or seven days of notice for temporary signs. If the sign is not removed within the required period, the Director of Development Services or their designee may enforce this order through any remedies that are and as may from time to time be provided for or allowed by state law or municipal ordinances.

2. Illegally placed signs
Any sign placed on public property or within the public right-of-way without authorization may be removed immediately and without notice.

156.06 Prohibited Signs

EDITOR'S NOTE: All signs below are prohibited by the current code, unless noted below as a new prohibition.

The following sign types are specifically prohibited. All signs not expressly permitted by this chapter are also prohibited.

A. Flashing signs, except as specifically permitted within this Code.

B. Moving signs whether illuminated or not, including any sign that rotates, revolves, or has any visible moving part, or any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements. This excludes clocks and barber poles.

C. Portable signs, not including A-frame signs. **NEW**

D. Roof signs.

E. Strobe lights, moving or fixed spotlights, floodlights/searchlights.

F. Signs that constitute a traffic hazard, including signs that: **NEW**

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, or amber color.

2. May be confused with any public safety lighting, including signs illuminated in red and blue colors.

3. Mislead, interfere with, or confuse traffic.

G. Temporary off-premises signs. Also known as push signs, bandit signs, and snipe signs. **NEW**

H. Vehicle signs. This prohibition does not include signs painted on or applied to vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, and rental trucks, provided that the primary purpose of such vehicles is not the display of such sign, and that they are properly parked or stored in areas related to their use as vehicles and all such vehicles are in operable condition. This does not include vehicle for-sale signs.

I. Video display screens.

156.07 Signs Exempt from Permit

A. A-Frame Sign

1. A-frame signs are permitted for nonresidential and mixed-use development in the City's nonresidential districts, and the SU and H-1 Districts.

2. One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development. A minimum separation of 15 feet is required between A-frame signs.

EDITOR'S NOTE: Limitation of 1 sign per establishment/tenant is new, current code does not have a limitation on number of A-Frame signs. Separation requirement is also new. These are common standards in sign codes to ensure that signs do not proliferate and block pedestrian circulation.

3. A-frame signs shall be located within 15 feet of the primary entrance of the business, and shall not interfere with pedestrian traffic or violate any standards of accessibility as required by ADA or other accessibility codes.

4. A-frame signs are limited to six square feet in area per side, and shall be no taller than four feet in height.

EDITOR'S NOTE: Current standard is 12sf max. sign area per business. Here, we have split it into 6sf per side of the sign; this is no real change in the amount of signage allowed, but ensures that a sign remains in scale with the A-Frame form – a 12sf single sided sign would be very large for this type of sign. The height maximum is a new standard to ensure visibility over the signs, another common provision in modern sign codes.

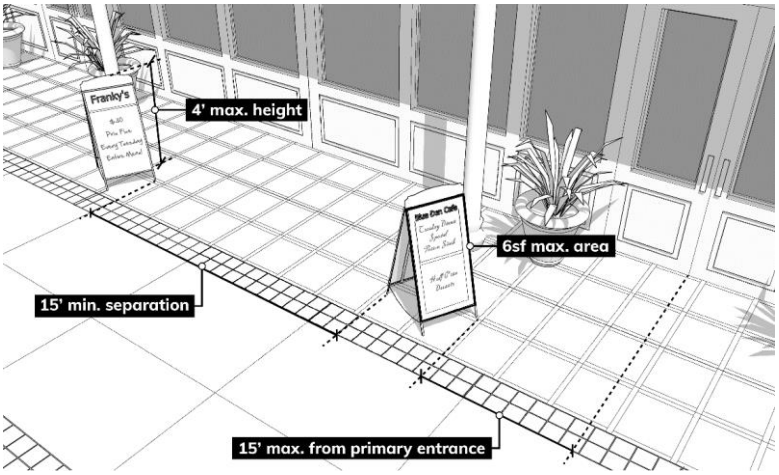
5. A-frame signs may be displayed outdoors during business hours only. At all other times, the signs shall be stored indoors.

6. A-frame signs shall not be displayed outdoors when severe wind, rain, or other weather conditions may pose a hazard.

7. Illumination of A-frame signs is prohibited.

8. No A-frame sign may have any type of electronic component.

A-Frame Sign



B. Sign for Residential Construction Activity

Where active residential construction is taking place, a temporary sign is permitted subject to the following:

1. One sign is permitted at each entrance to a residential subdivision or master planned community from a street classified as a collector or arterial.

2. Signs shall be designed as freestanding signs, wall signs, or signs on a fence, and shall be located a minimum of five feet from any property line.

3. Signs are limited to 32 square feet in area, and six feet in height.

EDITOR'S NOTE: This is a new sign type. Proposed standards match the current code's temporary sign standards for area and height in residential zones (156.22).

4. Illumination of signs is prohibited.

5. Signs shall be removed once construction within the residential subdivision or master planned community is complete.

C. Sign for Nonresidential or Mixed-Use Construction Activity

Where active nonresidential or mixed-use construction is taking place, a temporary sign is permitted subject to the following:

1. One sign is permitted per street frontage.

2. Signs shall be constructed as freestanding signs, wall signs, or signs installed on a fence.

3. The total square footage of signs on a lot shall not exceed 64 square feet, unless located on a single parcel 20 acres or more in size, in which case the total square footage shall not exceed 128 square feet.

EDITOR'S NOTE: This is a new sign type. Proposed standards match the current code's temporary sign standards for area and height in commercial zones (156.22).

4. Individual signs are limited to 32 square feet in area. When freestanding, signs are limited to six feet in height and shall be located a minimum of five feet from any property line.

EDITOR'S NOTE: Proposed area for individual signs matches the current code's limitation for an individual sign (156.22). Six foot height limitation is a new addition.

5. In lieu of a freestanding sign, wall sign, or sign installed on a fence, a wrap sign may be used to wrap the fence or the structure under construction. A wrap sign requires review and approval during site plan review. Such wrap sign shall be made of mesh or similar material ~~that is not completely opaque~~. There is no maximum square footage limitation for a wrap sign.

EDITOR'S NOTE: This is a new flexibility, allowing for unlimited square footage when using a wrap sign on a fence or structure.

6. Illumination of signs is prohibited.

D. Sign for Cultural or Historical Site

EDITOR'S NOTE: This is a new sign type, allowing for signs on cultural or historical sites.

Sites or buildings with cultural or historical significance are permitted a permanent sign, subject to the following:

1. Signs on culturally or historically significant sites or buildings are limited to one sign per street frontage.

2. Signs on culturally or historically significant sites or buildings may be constructed as freestanding signs or wall signs as follows:

a. Signs are limited to six square feet.

b. Freestanding signs are limited to four feet in height and shall be located a minimum of five feet from any property line.

c. Wall signs shall be placed to be an integral part of the structure, cut into stone or masonry, or be a permanently affixed plaque of metal or other durable material.

E. Sign on Gas Pump Island

A maximum of one sign mounted on each gas station pump island is permitted and is limited to two square feet in sign area. All such signs shall be oriented to face the vehicle parked at the pump.

EDITOR'S NOTE: This is a new sign type, allowing for small signs on gas pump islands.

F. Government Sign

1. Government signs are allowed in all districts and in any number, configuration, or size.

2. In all districts, the type and extent of illumination required is at the discretion of the authorized government agency.

EDITOR'S NOTE: Standards are aligned with current approach.

G. Flag

Flags are permitted in all districts.

1. Flags may be freestanding or wall mounted. There is no limit on the number of flags permitted.

2. There is no limit on the size of flags.

EDITOR'S NOTE: This proposed approach does not limit the number or size of flags. Flagpoles, as structures, are currently regulated within Chapter 154 of the City Code which limits them to 32 feet in height, and requires a ten foot setback from any property line in any residential district (154.60). In commercial districts, flagpoles are limited to 50 feet in height, and must be set back 25 feet from any property line. Heights greater than 50 feet may be approved by a conditional permit (154.61).

3. All flagpoles shall conform to the standards established within Chapter 154 of the City of Rio Rancho Municipal Code.

4. Flags may be externally illuminated, and shall comply with Chapter 159 of the City of Rio Rancho Municipal Code and the State of New Mexico Night Sky Protection Act.

H. Sign for Multiple Tenant Building Entry

EDITOR'S NOTE: New sign type. Standards match the current code's standards for "building identification signs." It has been renamed to meet content neutrality rules.

Multi-family dwellings, nonresidential development, and mixed-use development with multiple tenants in all districts are permitted a permanent sign at each building entry, subject to the following:

1. A maximum of one sign is allowed per building entry.

2. Signs may be constructed as either freestanding signs or wall signs.

3. Signs are limited to eight square feet in area.

4. Freestanding signs are limited to six feet in height, and shall be located within five feet of the building entry, and a minimum of five feet from any property line.

5. Wall signs shall be installed within five feet of the building entry.

I. Sign for On-Site Repair, Renovation, or Improvement

On lots where on-site repair, renovation, or improvements are taking place, a temporary sign is permitted. Such temporary signs are subject to the following:

1. A maximum of one sign per lot is permitted.

2. Signs are permitted in all districts on sites with active repair, renovation, or improvement projects.

3. Signs may be installed only after approval of a permit for the repair, renovation, or improvement activity. Signs shall be removed upon the completion of the repair, renovation, or improvement activity.

4. Signs may be constructed as freestanding signs, subject to the following:

a. Signs are limited to a maximum of eight square feet in area and six feet in height.

EDITOR'S NOTE: This is a new sign type. Proposed standards match the current code's temporary sign standards for area and height in residential zones (156.22).

b. Signs shall be located a minimum of five feet from any property line.

c. Signs may not be illuminated.

J. Sign for Parking Lot or Structure Circulation Point

Parking lots and structures in all districts are permitted permanent signs at parking lot and/or structure circulation points in accordance with the following:

1. Circulation points include, but are not limited to, entrances/exits, driveway intersections, drive-through lanes, fire zones, and parking lot drive aisles.

2. Signs are limited to a maximum of four square feet in area and five feet in height.

EDITOR'S NOTE: This is a new sign type. Proposed standards match the current code's standards for "Incidental/Directional/Safety" signs.

3. Freestanding parking lot or structure circulation point signs shall be located a minimum of five feet from any right-of-way line.

4. Signs for parking lot or structure circulation points may be internally or externally illuminated.

K. Sign for Real Estate Activity

When a structure or lot is offered for sale, lease, or rent, a temporary real estate activity sign is permitted on such lot as follows:

1. Signs are permitted in all districts, and shall be located on the lot offered for sale, lease, or rent, or at the entrance of a new residential subdivision.

2. Signs are limited to one sign per street frontage, except for new residential subdivisions which are limited to one sign.

3. Signs may be constructed as freestanding, wall, or window signs, apart from those for new residential subdivisions which shall be freestanding. Freestanding signs shall be located a minimum of five feet from any property line.

4. Signs are subject to the following maximum sign area limitations:

a. Residential districts, A-R, OS, PR, T-Z: eight square feet.

EDITOR'S NOTE: Proposed standards match the current code (156.22)

b. Nonresidential, SU and H-1 districts (not including M-1 or BP): 32 square feet.

EDITOR'S NOTE: Proposed standards match the current code (156.22)

c. M-1 and BP districts: 40 square feet.

EDITOR'S NOTE: Proposed standards exceed what is allowed in the current code.

d. New residential subdivision of three lots or more (any district): 32 square feet.

EDITOR'S NOTE: Proposed standards match the current code (156.22)

5. Freestanding signs are limited to six feet in height.

6. Signs for real estate activity may not be illuminated.

7. Signs shall be removed within five days of final closing, lease, or rental.

L. Window Sign

1. Window signs are permitted for nonresidential and mixed-use development in all districts.

2. All window signs, whether temporary or permanent, are limited to no more than 50% of the surface of each window area. Window area is measured as a continuous surface until divided by an architectural or structural element.

Mullions are not considered an element that divides window area.

EDITOR'S NOTE: Proposed standards exceed the current code, which allows for 25% coverage. Window signs are also proposed to be permitted in all districts for nonresidential and mixed use buildings, a more permissive approach than the current code.

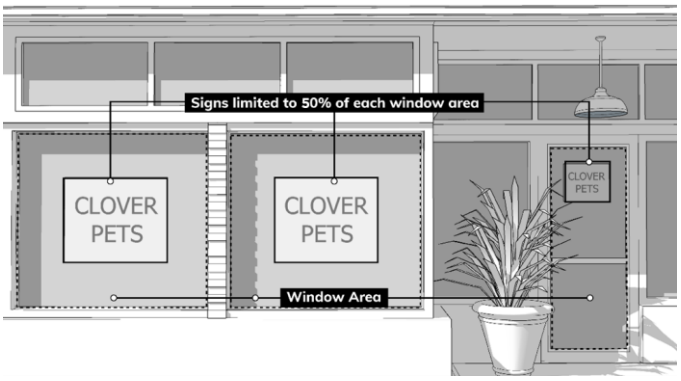
3. Internally illuminated window signs are permitted, but are limited to a maximum area of six square feet or 30% of the surface of the window area, whichever is less. Such illuminated signs may not contain an animated or flashing component, and may not strobe.

EDITOR'S NOTE: Allowance for internally illuminated window signs is a new flexibility.

4. Window displays of items sold on the premises are not considered window signs.

EDITOR'S NOTE: This is another clarification that provides flexibility, not in the current code.

Window Sign



M. Yard Sign

Yard signs are permitted in all residential districts.

1. There is no limit on the number of signs permitted, however the maximum total sign area may not exceed 32 square feet

2. Individual signs are limited to a maximum of eight square feet in area and six feet in height.

EDITOR'S NOTE: This is a newly defined sign type. Proposed standards, however, match the current regulations for these types of signs on private property (156.22)

3. Yard signs shall be located a minimum of five feet from any right-of-way line.

4. No sign may be illuminated.

5. Signs shall not be used for any on-premises or off-premises advertising.

156.08 Sign Permit Required

This section describes the types of signs allowed with a sign permit. Specific regulations for each sign type may include further restrictions pertaining to which districts and/or uses within a district may utilize these sign types.

A. Attention-Getting Device

Attention-getting devices are permitted as temporary signs for nonresidential and mixed-use development in the nonresidential and SU districts.

~~1.~~ ~~One freestanding and one wall-mounted attention-getting device may be installed or mounted simultaneously.~~

~~2~~1. Attention-getting devices are limited to the following display periods:

a. When used in coordination with an event, attention-getting devices are permitted a total display period of seven days prior to the start of the event, the duration of the event, and three days following the end of the event.

b. When not in coordination with an event: 15 days

c. Four display periods per year are permitted, with a minimum of 30 days required between successive display periods.

~~3~~2. Attention-getting devices for multi-tenant sites are subject to the following:

a. Each tenant establishment with ground floor frontage in a multi-tenant structure may have one freestanding and one wall-mounted attention-getting device installed or mounted simultaneously.

b. The display period and minimum 30-day interval between displays applies to each tenant establishment individually, rather than the site as a whole.

~~4~~3. Freestanding attention-getting devices are subject to the following:

a. Freestanding attention-getting devices are allowed at a ratio of one attention-getting device for every 25 linear feet of street frontage. Where a structure or tenant space has less than 25 linear feet of street frontage, one attention-getting device is permitted. There shall be a 15 foot separation between freestanding attention-getting devices.

EDITOR'S NOTE: This is more permissive than the current code, which only allows 12 square feet of sign area per business.

b. Freestanding attention-getting devices are limited to a maximum height of ten feet and 32 square feet in area. If designed as a balloon or inflatable sign, a freestanding attention-getting device is limited to a maximum of 15 feet in height, including any tethering.

EDITOR'S NOTE: Proposed standards exceed the 12 square feet allowed within the current regulations for these types of signs, currently called "Flags (Flex-Pole) on nonresidential lots."

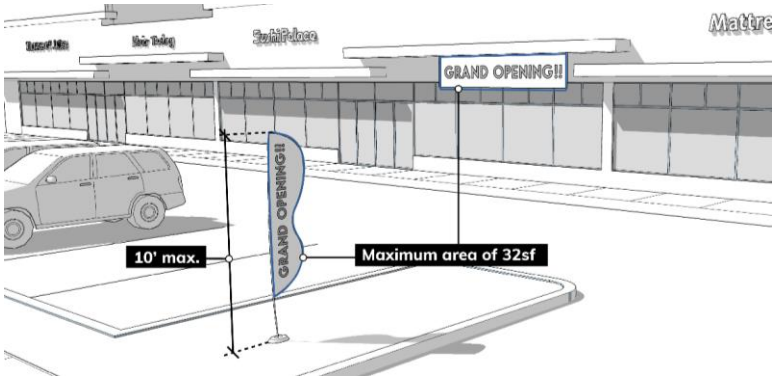
c. Freestanding attention-getting devices shall be located a minimum of five feet from the property line, as measured from the outermost portion of the sign. No part of a freestanding attention-getting device may extend over the property line.

~~5~~4. Wall-mounted attention-getting devices are limited to 60 square feet, and may not exceed the height of the ground floor of the structure. Wall-mounted attention getting devices for multi-tenant structures are limited to 32 square feet per tenant establishment.

EDITOR'S NOTE: Proposed standards for wall-mounted attention-getting devices match the current standards for these types of signs, currently called "banners."

Commented [CJ2]: Removed this limitation; controlled below for multi-tenant; I don't think it was our intent to limit the number of these, but to allow them based upon frontage as specified in 3a.

Attention-Getting Device



B. Building-Mounted Signs

1. General Regulations

a. The following are considered building-mounted signs: permanent arcade signs, awning signs, blade signs, canopy signs, standard wall signs, and painted or projected wall signs.

b. Single-tenant structures are permitted a maximum building-mounted sign area of two square feet per one linear foot of building length or 50 square feet, whichever is greater. Multi-tenant structures are permitted a maximum building-mounted sign area of two square feet per one linear foot of frontage per ground-floor tenant, or 50 square feet per ground-floor tenant, whichever is greater.

EDITOR'S NOTE: Proposed standards are a new, clearer, more permissive approach to these signs. Current code is somewhat vague and allows for "20% of building frontage," though it is unclear how this is calculated or applied. Example – 50 feet of frontage would be allowed 100sf of sign area under this new approach, which could include any (or all) of the sign types in items 2-8 below.

c. Building-mounted signs may be used in any quantity or combination, so long as the total permitted square footage is not exceeded and all individual signs conform to the specific provisions per sign type established in Sections 156.08.B.2 through 156.08.B.8 below.

2. Arcade Sign

a. Arcade signs are permitted for nonresidential and mixed-use development in all districts.

EDITOR'S NOTE: This is more permissive than the current code, which only allows this sign type in the neighborhood and commercial/industrial sign districts, and only "where a plaza exists."

b. Arcade signs shall be located beneath, and shall be securely attached to an arcade, gallery, covered porch or walkway, awning, or canopy.

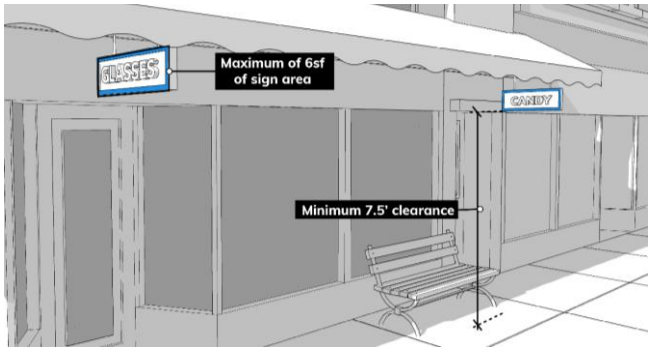
c. One arcade sign is permitted per building entry.

d. Arcade signs shall maintain a minimum vertical clearance of 7.5 feet from the surface above which the sign is mounted, and are limited to a maximum of 12 square feet in sign area.

EDITOR'S NOTE: Proposed area matches the current code. Vertical clearance is a new standard.

e. Arcade signs are not counted toward the maximum building-mounted sign area for single- or multi-tenant structures.

Arcade Sign



3. Awning Sign

a. Awning signs are permitted for multi-family dwellings, nonresidential development, and mixed-use development in all districts.

b. Awning signs shall maintain a minimum vertical clearance of 7.5 feet from the surface above which the sign is mounted.

c. Awning signs may encroach into the public right-of-way, but shall be located at least two feet from a curb line.

d. Sign copy on any awning sign is limited to 25% of each awning surface area (front, sides, valance).

EDITOR'S NOTE: Proposed standards are a new, clearer, more permissive approach to these signs. Current code is somewhat vague and allows for "20% of awning for each tenant space or building," but does not specify how the 20% is measured.

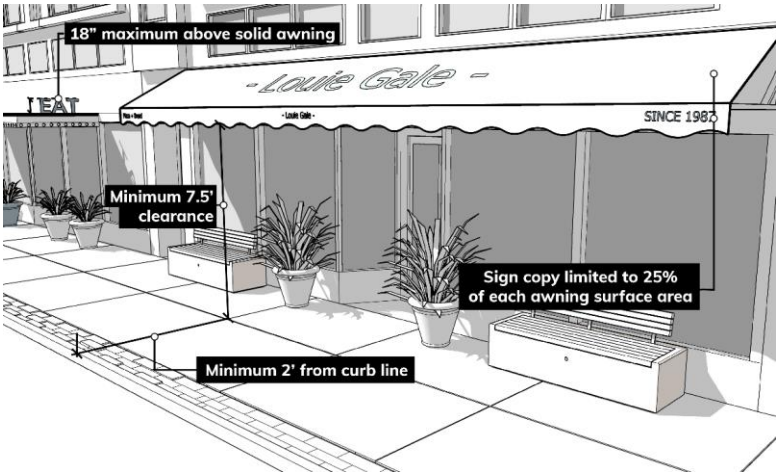
e. Awning signs shall be constructed of durable, weather-resistant material such as, but not limited to, canvas, canvas-like material, nylon, vinyl-coated fabric, or permanent building material such as metal.

f. Solid, non-textile awnings are permitted lettering attached to and located either above or below the awning to a maximum height of 18 inches. If attached below the awning, a minimum vertical clearance of 7.5 feet shall be maintained from the bottom of the lettering to the surface above which it is mounted.

EDITOR'S NOTE: This is a new flexibility, not within the current code.

g. Awning signs may be externally illuminated. Any illumination of an awning sign shall be focused on the sign copy or printed area. Back-lit awnings are prohibited.

Awning Sign



4. Blade Sign

a. Blade signs are permitted for nonresidential and mixed-use development in the nonresidential, SU and H-1 districts.

b. One blade sign is permitted per establishment with ground-floor frontage on a street or public plaza.

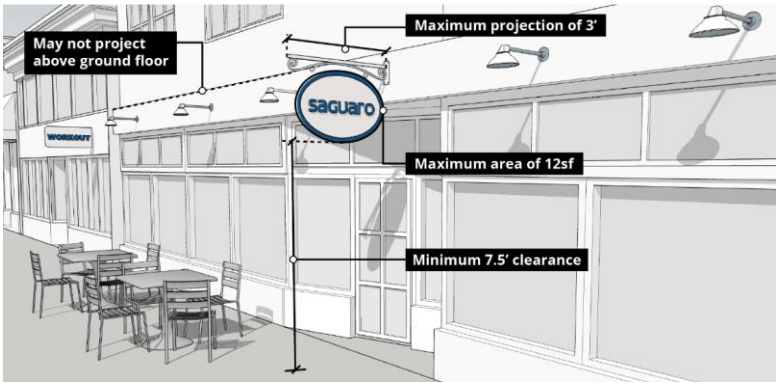
c. Blade signs are limited to 12 square feet, and may project a maximum of three feet from the façade.

EDITOR'S NOTE: This sign has been renamed. Proposed standards match the current code's standards for "Projecting Signs." Vertical clearance (below) is a new standard which is related to public safety.

d. Blade signs shall maintain a minimum vertical clearance of 7.5 feet from the surface above which the sign is mounted. No blade sign affixed to a building may project higher than the ground floor, including the sign support structure.

e. Blade signs may be internally or externally illuminated.

Blade Sign



5. Canopy Sign

EDITOR'S NOTE: Proposed standards are a new, clearer, more permissive approach to canopy signs. The current code specifies the allowed area for canopy signs as "sign area on perpendicular face of building," which is unclear and difficult to administer. The proposed approach includes allowances for multiple types of canopy signs, and allows a significant area for sign copy to be displayed, largely in alignment with the approach to awning signs, which are more permissive than the current code.

Canopy signs are divided into two types: non-structural and structural.

a. Non-Structural Canopy Signs

I. Non-structural canopy signs are permitted for multi-family dwellings, nonresidential development, and mixed-use development in all districts.

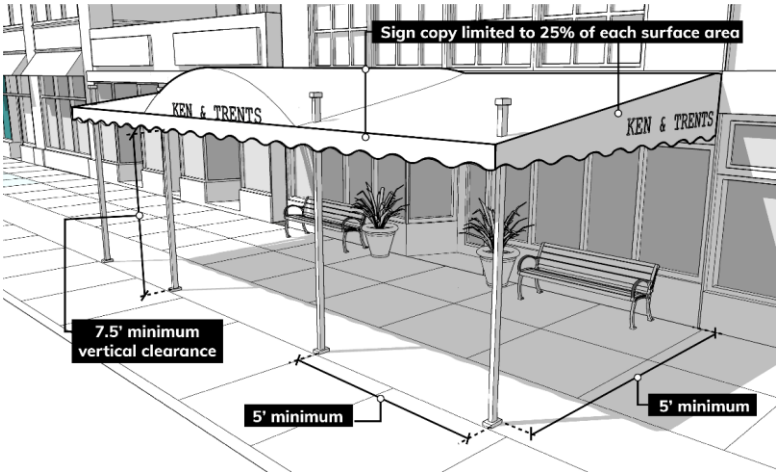
ii. Non-structural canopy signs shall maintain a minimum vertical clearance of 7.5 feet.

iii. Non-structural canopy signs may encroach into the public right-of-way but shall be located at least two feet from the curb line. Support posts shall maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.

iv. Sign copy on any canopy sign is limited to 25% of each surface area (front, sides, valance).

v. Non-structural canopy signs may be externally illuminated. Any illumination shall be focused on the sign copy or printed area. Back-lit canopies are prohibited.

Non-Structural Canopy Sign



b. Structural Canopy Signs

if. Permissions for Structural Canopy Signs
Structural canopy signs are permitted as follows:

(A) Structural canopy signs attached to the principal structure are permitted for multi-family dwellings, nonresidential development, and mixed-use development in all districts.

(B) Freestanding structural canopy signs are permitted for gasoline service stations, drive-through window restaurants, and drive-through facilities in any district.

ii. Structural Canopy Signs Attached to Principal Structure
Structural canopy signs attached to the principal structure are subject to the following:

(A) Canopy signs attached to the principal structure may encroach into the public right-of-way but shall be located at least two feet from a curb line.

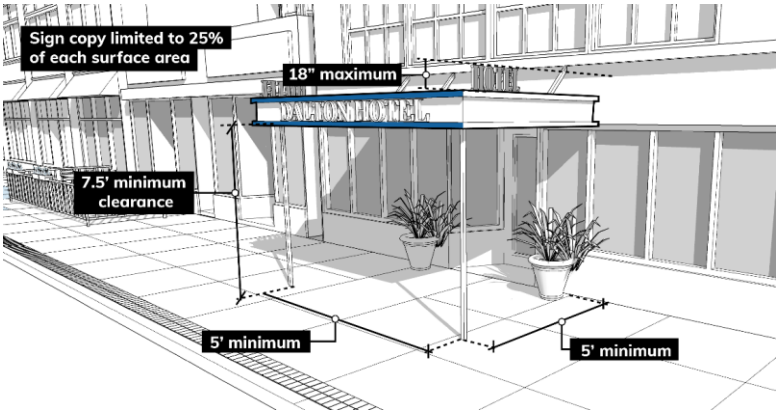
(B) Support posts shall maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.

(C) Canopy signs attached to a building shall maintain a minimum vertical clearance of 7.5 feet.

(D) For structural canopies attached to a principal building, sign copy is limited to 25% of each surface area. Such signs are permitted lettering attached to and located either above or below the canopy to a maximum height of 18 inches. If attached below the canopy, a minimum vertical clearance of 7.5 feet shall be maintained from the bottom of the lettering to the surface above which it is mounted.

(E) Structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign copy or printed area.

Structural Canopy Sign Attached to Principal Structure



iii. Freestanding Structural Canopy Signs

Freestanding structural canopy signs are subject to the following. Such signs are exempt from the calculation of total building-mounted sign area.

EDITOR'S NOTE: Exemption from the calculation of total building-mounted sign area is a significant new flexibility.

(A) Freestanding structural canopy signs are subject to the setback requirements of the district where they are located or ten feet from any property line, whichever is greater.

(B) Freestanding structural canopy signs are limited to a maximum height of 25 feet. Height is measured to the top of a flat roof or to the average height between the eave and the ridge of a pitched roof.

(C) For freestanding structural canopies, sign copy is limited to a maximum of 25% of the area of each façade. No sign may be mounted above the top of the roof of the structural canopy, but a sign mounted on the structural canopy façade may extend a maximum of six inches above the roofline.

(D) Freestanding structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign copy or printed area. Freestanding structural canopies are permitted an illuminated band along each facade of the canopy, which is limited to 10% of the overall height of the facade of the canopy.

Freestanding Structural Canopy Sign

6. Wall Sign, Standard

EDITOR'S NOTE: This is clearer and more permissive than the approach to "attached/building/wall signs" in the current code. Current standards allow "20% of building unit frontage," however it is unclear how the current 20% allowance is measured (frontage is a linear measurement).

Example of new approach – 50 feet of frontage would allow for 50 square feet of wall sign area for a single tenant. Regardless of frontage, all tenants and structures are guaranteed a minimum of 50 square feet of sign area, more permissive than the current code.

a. Standard wall signs are permitted for nonresidential and mixed-use development in any district.

b. Standard wall signs are permitted on all facades of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage permitted for individual structures shall not be combined to create a larger sign on any one structure.

c. For a single tenant structure, the maximum total wall sign area is one square foot per one linear foot of building wall where the wall sign(s) will be mounted or 450 square feet, whichever is greater. The square footage permitted for individual façades shall not be combined to create a larger sign on any one façade.

d. For a structure that contains multiple tenants, each tenant that has exterior ground floor frontage is permitted a total wall sign area of one square foot per one linear foot of frontage or 50 square feet, whichever is greater. The square footage permitted for individual tenants shall be used only for each tenant frontage, and shall not be combined to create a larger sign along any tenant frontage.

e. The number of individual wall signs on a façade is not limited, however the cumulative sign area of all signs on a facade shall not exceed the maximum allowable total wall sign area per façade.

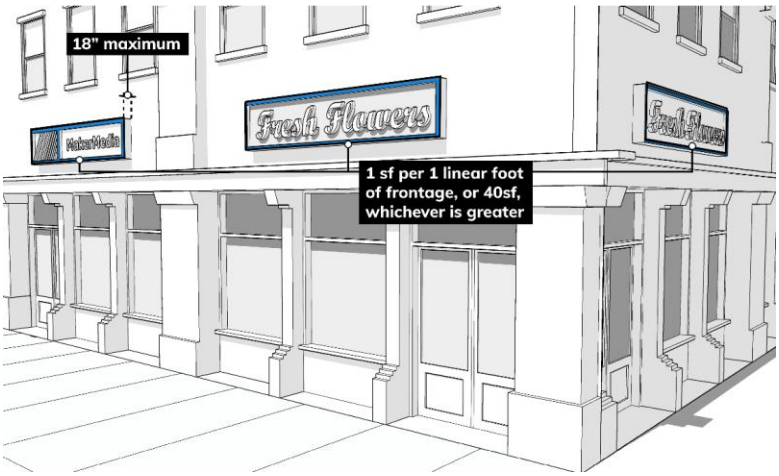
f. Standard wall signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

g. Signs shall be safely and securely mounted to the building wall, and may project a maximum of 18 inches from the façade to which they are mounted.

h. No wall sign affixed to a building, including any sign support structure, may project horizontally beyond the end of a wall, or vertically beyond the roofline of a flat-roofed structure, or the eave of a pitched-roof structure.

a. On existing buildings, a parapet wall shall not be constructed for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is mounted on a parapet wall, such parapet wall shall maintain consistency with the architectural design of the building, including building materials.

Wall Sign - Standard



7. Wall Sign, Painted

EDITOR'S NOTE: This is a new sign type that allows for significant sign area.

a. Painted wall signs are permitted for nonresidential and mixed-use development in any district.

b. Painted wall signs are permitted on each facade of a structure.

c. Painted wall signs are limited to 50% of the façade on which they are painted, or 200 square feet, whichever is less. The square footage permitted for individual façades shall not be combined to create a larger sign on any one façade.

d. Painted wall signs may be externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

e. Painted wall signs shall not project more than 0.25 inches from a building wall.

8. Wall Sign, Projected

EDITOR'S NOTE: This is a new sign type that allows for significant sign area.

a. Projected wall signs are exempt from the calculation of total building-mounted sign area.

b. Projected wall signs are permitted for nonresidential and mixed-use development in the nonresidential and SU districts.

c. Projected wall signs are limited to 50% of the façade onto which they are projected.

d. Projected wall signs shall remain static and shall not flash, rotate, or move. No projected wall sign shall display video.

e. Projected wall signs shall not direct glare onto adjacent properties.

f. Projected wall signs shall not extend beyond the façade onto which they are projected.

g. Projected wall signs shall not be projected over any other permanent or temporary sign, including painted wall signs.

C. Drive-Through Sign

EDITOR'S NOTE: This is a new sign type. Standards are more permissive than the current "freestanding monument sign" allowances.

1. Drive-through signs are permitted for all drive-through window restaurants and drive-through facilities in any district.

2. Drive-through signs are limited to a maximum of 70 square feet in area and ten feet in height, and may comprise a mixture of separate freestanding signs, including preview boards installed at earlier points in the drive-through lane. The total square footage of all signs, however, shall not exceed 70 square feet.

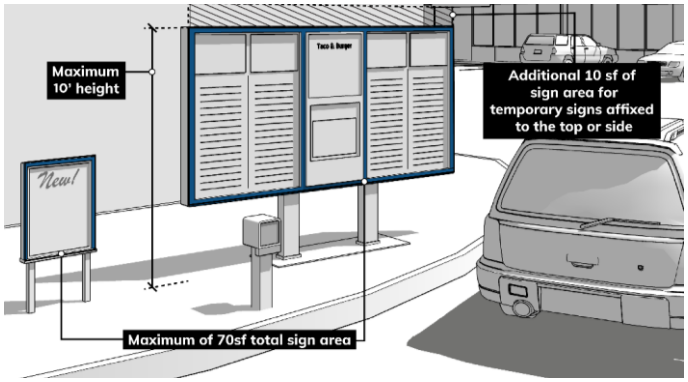
3. An additional ten square feet of sign area is permitted for temporary signs affixed to the top or sides of a permanent drive-through sign.

4. Drive-in restaurants, where customers park in designated stalls and remain in their vehicles to dine, are permitted one sign per parking stall. Such signs are limited to a maximum of 30 square feet in area per stall, and six feet in height. Signs may comprise a mixture of freestanding signs, and temporary signs such as promotions or special items affixed to the top or sides of a permanent sign. The total square footage of all signs, however, shall not exceed 30 square feet per stall.

5. Any drive-through sign, including signs within stalls at drive-in restaurants, shall be located a minimum of 15 feet from any residential district property line, measured from sign face to property line.

6. Drive-through signs, including signs within stalls at drive-in restaurants, may be internally illuminated, and may contain an electronic screen for interaction and verification with customers.

Drive-Through Sign



D. Electronic Message Sign

EDITOR'S NOTE: Electronic message signs are more broadly permitted in this draft than in the current code. Electronic message signs do not include electronic billboards, which are addressed as billboards in Chapter 154 of the City of Rio Rancho Municipal Code.

1. Electronic message signs are permitted for the following:

a. Nonresidential and mixed-use development in the nonresidential and SU districts.

b. The following uses in any zoning district: cultural facilities, educational facilities, parks, places of worship or similar uses.

c. Gasoline service stations in any district are permitted an electronic message sign to display any copy that is required to be displayed by law, such as fuel prices.

2. Electronic message signs are limited to the following dimensions:

a. Electronic message signs are limited to freestanding monument signs (156.08.F.2) and multi-tenant commercial center signs (156.08.F.4), and shall be integrated into a larger sign structure. The electronic component is limited to a maximum of 75% of the total area of the sign, or the limitations established in items b and c below, whichever is less.

b. The electronic component of electronic message signs in the nonresidential and SU districts is limited to a maximum of 50 square feet, unless located immediately adjacent to or across a right-of-way from a residential district, in which case they are limited to a maximum of 30 square feet.

EDITOR'S NOTE: 50 square foot maximum is the current standard. 30 square foot limitation when adjacent or across from a residential district is new permission from that of the current approach, which prohibits electronic message signs within 40 feet of a residential district. The 30 square foot limitation is the current code's allowance for these signs in the neighborhood and institutional sign districts. Since we have allowed them within 40 feet of a residential district, we feel it is a reasonable compromise to make them slightly smaller.

c. The electronic component of electronic message signs in any district other than the nonresidential and SU districts is limited to a maximum of 30 square feet.

EDITOR'S NOTE: This is the current standard.

3. Only one electronic message sign per lot is permitted. For the purposes of this regulation, a multi-tenant development comprising separate lots of record, including any out-lot parcels, is considered one lot.

4. The sign structure shall contain permanent copy in addition to the electronic component, such that if the electronic component is turned off, the sign is not blank.

5. Each message or image displayed on an electronic message sign shall be static for a minimum of eight seconds, and shall be complete, not continuing on a subsequent message.

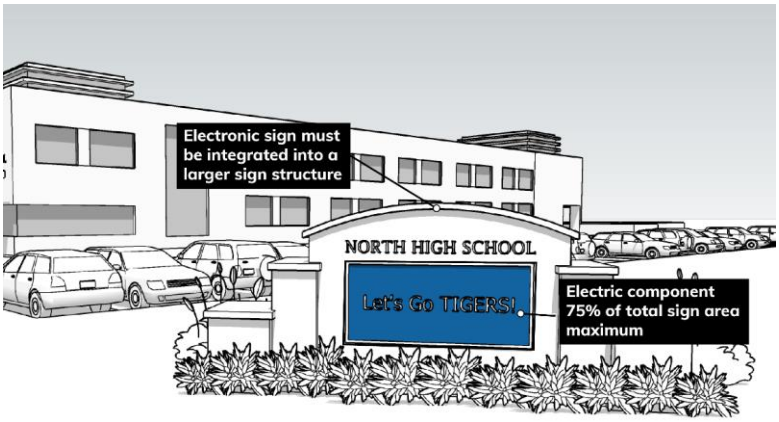
6. Electronic message signs shall display static messages only, with no animation or effects simulating animation or video. Transitions from one message to another shall appear instantaneous as perceived by the human eye. Any scrolling, flashing, blinking, fading, rolling, shading, dissolving, spinning, revolving, shaking, or any other effect that gives the appearance of movement to the message or any component of the sign is prohibited.

7. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The sign must have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.

8. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

9. Electronic message signs shall not operate as an off-premises sign. This does not include public service messages.

Electronic Message Sign



E. Gateway Sign

EDITOR'S NOTE: This is a new sign type, not defined or addressed within the current code.

1. Gateway signs are permitted for nonresidential and mixed-use development in the nonresidential, SU, and H-1 districts.

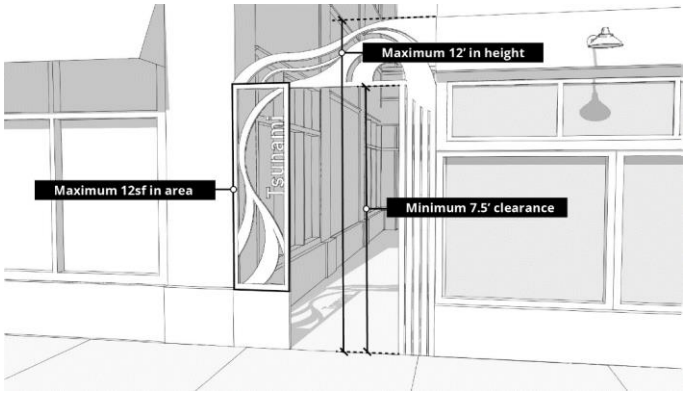
2. One gateway sign is permitted per street frontage. Gateway signs shall be located over a main pedestrian entryway.

3. Gateway signs may not project into, over, or otherwise encroach on a public right-of-way or easement.

4. Gateway signs are limited to a maximum of 12 square feet in area and 12 feet in height. Signs shall maintain a minimum 7.5 foot vertical clearance to allow for passage through the sign.

5. Gateway signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

Gateway Sign



F. Ground Signs

1. General Regulations

a. The following are considered ground signs: freestanding monument signs, freestanding pylon signs, multi-tenant commercial center signs, and residential subdivision signs.

b. Each lot is permitted one ground sign per street frontage. One additional ground sign is permitted where a street frontage exceeds 200 linear feet in length. A minimum of 50 feet separation is required between ground signs.

EDITOR'S NOTE: This is more permissive than the current code. Current code allows one sign per street frontage, regardless of length in all but the commercial/industrial sign district. In the commercial/industrial sign district, one sign is allowed per 200 linear feet of frontage.

Example: 400' of linear frontage would be needed to have two ground signs under the current code, and would only be allowed in the commercial/industrial sign district. In the proposed draft, a second sign would be allowed at 200 linear feet of frontage, regardless of the district.

c. All ground signs shall conform to the specific provisions per sign type established in Sections 156.08.F.2 through 156.08.F.5 below.

2. Freestanding Sign, Monument

a. Freestanding monument signs are permitted for multi-family dwellings, nonresidential development, and mixed-use development in any district.

b. Freestanding monument signs in residential districts are limited to a maximum of 40 square feet in area and eight feet in height.

EDITOR'S NOTE: This is the current standard for freestanding monument signs.

c. In all other districts, freestanding monument signs are limited to a maximum of 70 square feet in area and ten feet in height, unless located immediately adjacent to or across a right-of-way from a residential district, in which case they are limited to a maximum of 60 square feet in area and ten feet in height.

EDITOR'S NOTE: This aligns with the current code, which allows 70 square feet in the commercial/industrial sign district, but limits signs to 60 square feet in the neighborhood and institutional sign districts.

d. A freestanding monument sign shall be designed so that the width of the top of the sign face is a minimum of 70% and a maximum of 130% of the width of the base, unless designed with decorative posts as follows:

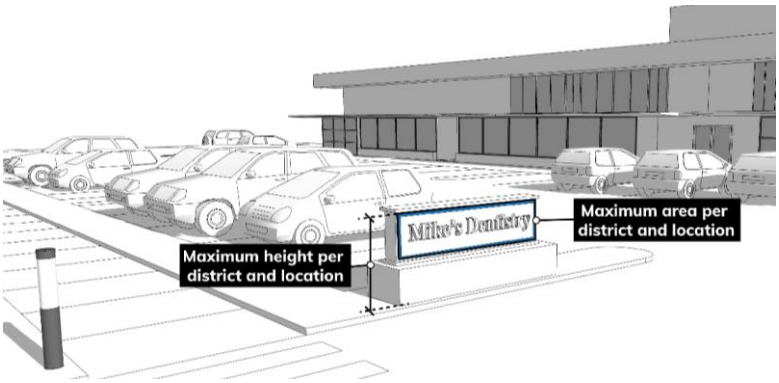
i. To provide flexibility for freestanding monument sign installation on sites where the ground is not level, structural (non-decorative) posts may extend from the ground to support the sign. Such posts are limited to a maximum of one foot in height (measured to the bottom of the sign face) above the ground at the location of their installation.

ii. Freestanding monument signs may be designed to include decorative posts as a component of the overall sign structure and design. Such posts are limited to a maximum of three feet in height (measured to the bottom of the sign face) above the ground at the location of their installation.

e. Freestanding monument signs shall be set back a minimum of five feet from any property line, and may not project into, over, or otherwise encroach on a public right-of-way or easement.

f. Freestanding monument signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

Freestanding Monument Sign



3. Freestanding Sign, Pylon

a. Freestanding pylon signs are permitted for nonresidential and mixed-use development in the nonresidential and SU Districts, with the exception of the NC and O-1 Districts.

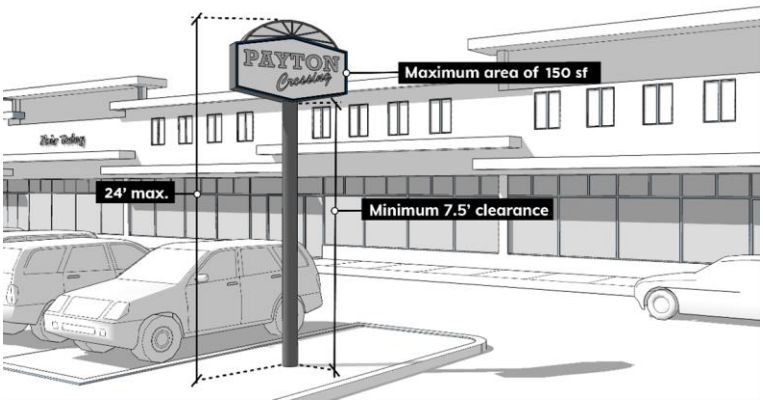
b. Freestanding pylon signs are limited to 150 square feet in area and 24 feet in height, unless located immediately adjacent to or across a right-of-way from a residential district, in which case they are limited to 60 square feet in area and 16 feet in height.

EDITOR'S NOTE: This is the current standard for pedestal/pylon signs.

c. Freestanding pylon signs shall maintain a minimum vertical clearance of 7.5 feet from the bottom of the sign face to the surface of the ground below.

d. Freestanding pylon signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

Freestanding Pylon Sign



4. Multi-Tenant Commercial Center Sign

EDITOR'S NOTE: This is a new sign type. The 100 square feet and 16 feet in height allowed by this sign type is more permissive than the current freestanding monument sign (70sf and 10' in height).

The following standards apply to multi-tenant commercial center signs. Multi-tenant commercial centers of five or more acres are also required to submit a unified sign plan per the standards of Section 156.09.

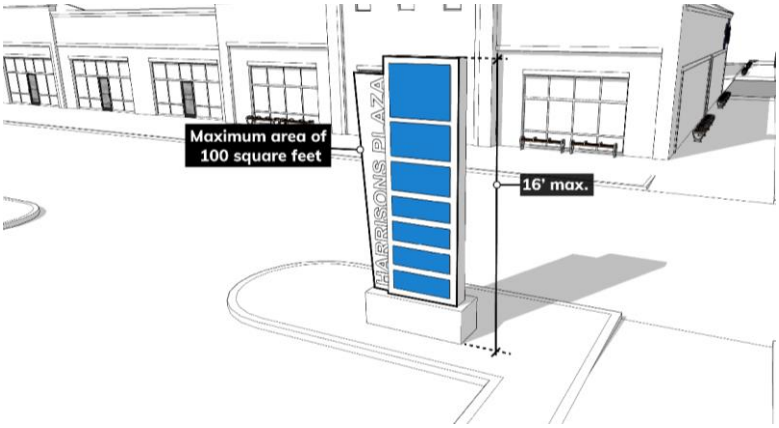
a. Multi-tenant commercial center signs are permitted for multi-tenant commercial centers in any district. A multi-tenant commercial center is a commercial development under unified control consisting of three or more separate commercial establishments sharing a common building, or which are in separate buildings sharing a common access/entranceway or parking area. For the purposes of this regulation, a multi-tenant development comprising separate lots of record, including any out-lot parcels, is considered one lot.

b. Multi-tenant commercial centers are permitted one sign per street upon which the commercial center has frontage of 100 feet or more. No street frontage may have more than one multi-tenant commercial center sign.

c. Multi-tenant commercial center signs shall be constructed as freestanding monument signs.

d. Multi-tenant commercial center signs are limited to 100 square feet in area and 16 feet in height.

Multi-Tenant Commercial Center Sign



5. Residential Subdivision Sign

EDITOR'S NOTE: This is a new sign type. "Subdivision sign" is defined in the current code, but no specific standards are identified. "Attached/building/wall sign" and "freestanding monument sign" contain specific standards for subdivision entries, allowing for 32 square feet (attached/building/wall) and 40 square feet and 8 feet in height (freestanding monument). This sign type is more permissive, allowing for 150 square feet in area, and ten feet in height.

a. Residential subdivision signs are permitted for residential subdivisions in all districts.

b. One residential subdivision sign is permitted for each entry point into the subdivision development. A minimum separation of 200 feet is required between signs.

c. Residential subdivision signs shall be constructed as freestanding monument signs, or mounted on/integrated into entry features such as decorative or retaining walls.

d. Residential subdivision signs are limited to 150 square feet in area and ten feet in height.

Residential Subdivision Sign

G. Marquee Sign

EDITOR'S NOTE: This is a clearer, more permissive approach to marquee signs. Current standards are vague, indicating allowed sign area as "on perpendicular face of marquee," difficult to interpret and administer.

1. Marquee signs are permitted for nonresidential and mixed-use development in the C-1, C-2, O-1, M-1, and SU Districts.

2. Marquee signs shall be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.

3. The roof of a marquee sign may not be used for any purpose other than to form and constitute a roof and shall be constructed of noncombustible material.

4. Water from the roof of a marquee may not drain, drip, or flow directly onto the surface of a public right-of-way. Sufficient downspouts, drains, and gutters shall be installed as part of each marquee to prevent water from the roof of the sign from flowing onto the surface of a public right-of-way.

5. Marquee signs shall be erected over a building entrance, and are limited to the width of the building entrance, plus an additional five feet on each side of the entrance doors.

6. A marquee sign shall maintain a minimum vertical clearance of ten feet from the surface above which it is mounted. The roof of a marquee sign shall not extend above any second-story windowsills, and shall not conceal or obscure any significant architectural features or ornamentation of the building to which it is mounted.

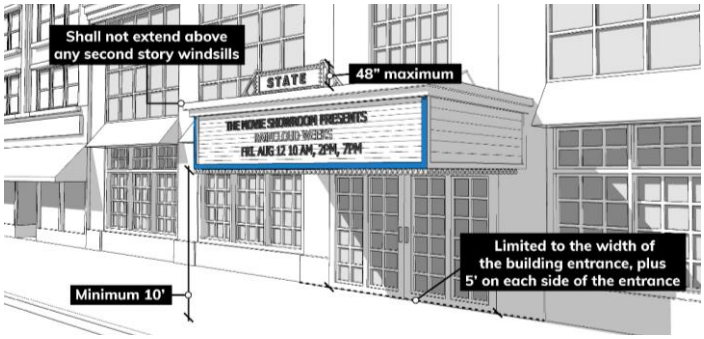
7. Marquee signs may encroach into a public right-of-way, but shall be located a minimum of two feet from any curb line.

8. Marquee signs are permitted lettering attached to and located above the roof of the sign to a maximum height of 48 inches.

9. Marquee signs are permitted an electronic message component, subject to the standards of Section 156.08.D for such signs. Marquee signs are also permitted a changeable message board as a component of the marquee structure. However, the marquee sign may include only one of these two components, not both.

10. Marquee signs may be internally or externally illuminated. If externally illuminated, the lighting shall be focused on the sign face.

Marquee Sign



H. Right-of-Way Sign

EDITOR'S NOTE: This sign type has been added per discussion and review with the Sign Code working group.

Right-of-Way Signs are permitted as temporary signs, subject to the standards below.

1. Right-of-Way Display Permit Required.
It is unlawful for any person other than a City employee to place a sign in the public right-of-way without a valid Right-of-Way Display Permit. An individual may apply for either a Weekend Right-of-Way Display Permit or a 60-Day Right-of-Way Display Permit. An individual may only have one active Right-of-Way Display Permit at a time.

a. Weekend Right-of-Way Display Period

i. Temporary signs may be posted on the weekends from Friday at 12:00 noon through Monday at 12:00 noon local time.

ii. A maximum of 50 individual signs may be posted.

iii. A Weekend Right-of-Way Display Permit is valid for all weekends during one calendar month.

iv. No more than 12 Weekend Right-of-Way Display Permits may be issued to any person within a 12 month period.

v. A person may apply for up to four consecutive calendar months in advance for a Weekend Right-of-Way Display Permit.

b. 60-Day Display Period

i. Temporary signs may be posted in the right-of-way for up to 60 consecutive calendar days.

ii. No more than three 60-Day Right-of-Way Display Permits may be issued to any person within a twelve month period

iii. A maximum of 50 individual signs may be posted.

2. Sign Standards.
Temporary signs displayed in the public right-of-way in accordance with a validly issued Right-of-Way Display Permit pursuant to this Chapter shall conform with all of the following:

a. Signs may be a maximum of ~~shall be less than~~ eight square feet in sign area and three feet in height.

b. All signs shall be constructed of semi-durable materials, such as but not limited to corrugated plastic, vinyl, acrylic, or similar and must be anchored to the extent possible to prevent movement of the sign. Anchoring of the sign may not be permanent in nature and shall not damage the property upon which it is placed.

c. Signs shall not be affixed to or leaned against any street light, utility pole, traffic signal, fence, or other similar structure in the right-of-way. Signs shall not be posted in medians, traffic circles, or roundabouts.

d. Signs shall not encroach on or interfere with any ~~clear-sight triangle,~~ vehicular access point, or pedestrian access point.

e. Permitted signs left in the right-of-way more than 48 hours after expiration of an applicable permit may be removed by the City.

f. Non-permitted signs or duly-permitted signs placed in the right-of-way which violate any of the requirements of this Chapter are subject to removal by the City at the expense of the responsible party.

g. No sign may be placed in the clear-sight triangle area of any signalized or unsignalized intersection criteria is based on AASHTO's" A Policy on Geometric Design of Highways and Streets.

156.09 Unified Sign Plan

EDITOR'S NOTE: This is a revised process that consolidates the current processes for "Common Signage" and "Master Sign" plans. Applicability, requirements, and flexibilities have all been clarified, making it easier for users to understand what is required of them and for administrators to administer this requirement.

A. General Applicability

1. A unified sign plan shall be used to coordinate all signs within developments of significant size, establishing criteria to govern the design and construction of signs for current and future tenants.

2. In any district, nonresidential and mixed-use development upon which more than one sign requiring a permit is proposed to be erected may elect or be required to submit a unified sign plan in accordance with the following:

a. Single-tenant and two-tenant nonresidential or mixed-use developments of any size, and multi-tenant nonresidential and mixed-use developments less than five acres in size may submit a unified sign plan at the option of the applicant.

b. Multi-tenant nonresidential and mixed-use developments, including multi-tenant commercial centers, are required to submit a unified sign plan if five acres or more in size.

3. Unified sign plans shall be submitted and approved in accordance with this section.

B. Applicability to Existing Development

1. For development existing as of - *date of adoption* – that requires a unified sign plan under the regulations of this section, the property owner may optionally submit a unified sign plan for approval. Once such unified sign plan is approved per the process described in this section, it shall be kept on file with the Department of Development Services and all future signs shall comply with the approved unified sign plan. If a proposed sign is in compliance with the unified sign plan, the Director of Development Services or their designee will issue a sign permit.

2. If a development existing prior to – *date of adoption* – that requires a unified sign plan under the regulations of this section chooses to forego the submission of a unified sign plan, each future sign installed in the development shall comply with all standards of this Chapter.

C. Unified Sign Plan Requirements

A unified sign plan shall provide details and specifications to establish a coordinated and consistent approach to all signs within a development. At a minimum, unified sign plans shall include the following:

1. A site plan for all lots within the development on which signs will be located, at a scale of not less than one inch to 100 feet and including the location of all buildings, parking lots, driveways and landscaped areas. The site plan shall accurately indicate the number, location, and orientation of all signs for which a permit is being sought, and the anticipated location of future signs requiring a permit.

2. A table or tables containing the following:

a. The number and description of all signs within the development for which a permit is being sought, as well as future signs requiring a permit.

b. Computation of the maximum total sign area and number of signs permitted on the development site by this code.

c. Computation of the total sign area and number of signs being proposed, including dimensions of individual signs, maximum area, and maximum height.

3. Specification of standards for consistency among signs within the development, including color scheme, lettering or graphic style, lighting, typical location of building-mounted signs, materials, and sign proportions.

4. For each sign included in the unified sign plan for which a permit is being sought, the following shall be required:

a. Sign elevation, including annotated dimensions and description of sign elements.

b. For building-mounted signs, elevations including the location of each sign on the building face.

c. Description of illumination proposed for each sign.

D. Approval Procedure

Unified sign plans shall be approved by the Planning and Zoning Board in accordance with the following:

1. The applicant shall submit a unified sign plan to the Director of Development Services or their designee, who will review the unified sign plan and provide comment to the applicant. The applicant may modify the plan or submit the plan to the Planning and Zoning Board through the City Development Department. If the unified sign plan has not been modified per the comments of the Director of Development Services or their designee, a report detailing the comments will be forwarded to the Planning and Zoning Board with the unified sign plan.

2. The Planning and Zoning Board will review the unified sign plan at a public meeting. The Board will approve, approve with conditions, or deny the unified sign plan.

3. If the unified sign plan is approved with conditions, the plan shall be revised to comply with such conditions and be submitted to the Director of Development Services or their designee, who will verify that the revised unified sign plan complies with all required conditions.

4. If the unified sign plan is denied by the Planning and Zoning Board, the applicant may choose to submit a new unified sign plan or appeal the decision to the Governing Body.

5. Approved unified sign plans will be kept on file with the Director of Development Services. Following approval, no permanent sign shall be erected, placed or maintained except in conformance with the unified sign plan. If a proposed sign is in compliance with the unified sign plan, the Director of Development Services or their designee will approve the application through the standard permit process.

E. Amendments to Unified Sign Plans

1. The Director of Development Services or their designee may approve minor modifications to an approved unified sign plan, including modifications to sign dimensions of 10% or less, and relocation of a sign or signs to respond to final site engineering or building construction issues such as topography, drainage, underground utilities, structural safety, or pedestrian and vehicular circulation, when such relocation is deemed to maintain general compliance with the approved unified sign plan.

2. Any modification not considered a minor modification requires resubmittal of a unified sign plan to be approved by the Planning and Zoning Board.

F. Flexibility for Unique Properties, Buildings, and Sign Designs

The unified sign plan may provide flexibility for properties that contain unique elements or requirements, such as those that may need more signage than is otherwise allowed (in size or in quantity), those that may require additional signage due to a unique orientation – such as adjacency to a major thoroughfare, or those that wish to include unique design elements such as signs with sculptural or placemaking features.

1. A unified sign plan may be approved by the Planning and Zoning Board with elements that exceed the permitted height, area, and/or number of signs specified in this Chapter with the recommendation of the Director of Development Services or their designee. Such recommendation shall be based on findings in accordance with the following:

a. The development contains unique or unusual physical characteristics such as topography, proportion, size or relation to a public street that would limit or restrict normal sign visibility.

b. The development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest, or other distinguishing features that represent clear variation from conventional development.

c. The proposed signage incorporates special design features such as sculptural or placemaking elements, or logos, emblems, murals, or statuaries that are integrated with the building architecture.

2. A recommendation to approve a unified sign plan with elements that exceed the standards of this Chapter shall be forwarded from the Director of Development Services or their designee to the Planning and Zoning Board with the unified sign plan per the requirements of Section 156.09.D.

156.10 Nonconforming Signs

EDITOR'S NOTE: This section has been expanded and clarified.

A. A nonconforming permanent sign and sign structure may remain in use so long as it remains otherwise lawful and has not been damaged or destroyed to the extent of more than 50% of its value. A nonconforming permanent sign and sign structure that is damaged or destroyed to the extent of 50% or more of its value shall not be restored or repaired unless in conforms to all applicable regulations of this Code.

B. Sign value, for the purposes of item A above, is determined by comparing a repair cost estimate of the damaged sign with an estimate of the cost of a new, identical sign. Sign owners shall supply such estimates to the Director of Development Services or their designee.

C. Once a nonconforming sign and/or sign structure has been removed, it shall not be restored or repaired unless it conforms to all applicable regulations of this Code.

D. All temporary nonconforming signs shall be removed or brought into conformance within 60 days of the effective date of this Code.

E. The sign face of an existing nonconforming permanent sign may be replaced, but the structure shall not be altered to accommodate such change.

EDITOR'S NOTE: This is a new flexibility, not within the current code.

F. No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or another lot, unless the entire sign and sign structure conforms to all regulations applicable to the lot where the sign is relocated.

G. No nonconforming sign shall be altered or enlarged in a way that increases the nonconformity of the sign or sign structure. This does not include normal maintenance and cleaning, or changing of the sign face.

Sign Code Working Group Meeting Date Table:

Sign Code Working Group Meeting Date:	**Agenda Topics Discussed:**
October 12, 2022	Overview of Ordinance and discussion of goals and how to proceed.
October 26, 2022	Staff presentation on issues with the current sign code.
November 9, 2022	Continuation of staff presentation, discussion of elements.
November 30, 2022	Begin line-by-line reading of draft sign code, discussion of elements.
December 7, 2022	Continuation of draft code reading. Section: Summary Table
December 21, 2022	Continuation of draft code reading. Sections: Sign Permit, Prohibited Signs
January 11, 2023	Discussion on temporary signs in the right-of-way.
January 25, 2023	Presentation on hypothetical business (permissive signage current vs. draft)
February 8, 2023	Continuation of hypothetical business comparison, temporary signs in the right-of-way.
March 8, 2023	Continuation of temporary signs in the right-of-way discussion, proposed language.
March 22, 2023	Continuation of draft code reading. Section: Sign Permit Required
April 12, 2023	Continuation of draft code reading. Section: Sign Permit Required, Unified Sign Plan.
April 26, 2023	Continuation of draft code reading. Sections: Nonconforming Signs, Prohibited Signs, Signs Exempt from Permit.
June 14, 2023	Discussion of June revision of the draft sign code.
June 28, 2023	Final group read-through. Edits made throughout document as necessary.

CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO. **ENACTMENT NO.**

AN ORDINANCE REPEALING AND REPLACING CITY OF RIO RANCHO CODE OF ORDINANCES CHAPTER 156: SIGN REGULATIONS.

WHEREAS: In order to create a more updated and usable sign code and to conform to provisions as outlined by Supreme Court Case *Reed vs.* Gilbert, The City of Rio Rancho has determined an update to Chapter 156 *Sign Regulations* is necessary; and

WHEREAS: City of Rio Rancho Code of Ordinances Title XV Land Use Chapter 156 *Sign Regulations* was repealed and replaced by Ordinance No. 13, Enactment No. 11-14, adopted by the Governing Body on August 10, 2011, and subsequently amended by Ordinance No. 28, Enactment No. 12-28, adopted by the Governing Body on September 26, 2012; and

WHEREAS: The City of Rio Rancho granted RFP Request 21-DS-110 for revisions to City of Rio Rancho Code of Ordinances Title XV Land Use Chapter 156 *Sign Regulations* on February 2, 2021 to Camiros, LTD; and

WHEREAS: The Development Services Department worked with Camiros, LTD to identify and conduct stakeholder interviews to determine the direction for updates to Chapter 156 *Sign Regulations*; and

WHEREAS: The Draft Sign Code was presented at the August 16, 2022 Governing Body Workshop and it was determined further revisions were needed; and

WHEREAS: A Sign Code Working Group consisting of members from the Governing Body, Planning and Zoning Board, The Rio Rancho Chamber of Commerce, and Development Services was established; and

WHEREAS: The Sign Code Working Group held regular meetings from October 12, 2022 to June 28, 2023 to address all proposed revisions, stakeholder feedback, and group input for the Draft Sign Code; and

WHEREAS: The Draft Sign Code document resulting from the Sign Code Working Group was presented during the August 15, 2023 Governing Body Workshop; and

WHEREAS: The Planning and Zoning Board of the City of Rio Rancho reviewed the proposed Draft Sign Code to repeal and replace Chapter 156 at their meeting held on September 26, 2023, and following public hearing recommended approval of the repeal and replacement of Chapter 156; and

WHEREAS: The Governing Body of the City of Rio Rancho reviewed the proposed Draft Sign Code to repeal and replace Chapter 156 at their meeting held October 26, 2023, and following public hearing and receipt of the Planning and

Zoning report and recommendation, has determined that the repeal and replacement of Chapter 156 *Sign Regulations* conforms

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

Section 1. The following shall hereby repeal and replace Chapter 156: Sign Regulations

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

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

Section 4. Effective Date. This Ordinance shall become effective ten days after adoption.

ADOPTED THIS _____DAY OF _____, 2023.

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
(SEAL)

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 21-210-00021

AGENDA DATE:
September 26, 2023

DEPARTMENT:
Development Services

SUBJECT:
Preliminary Plat Amendment. The applicant, Amestoy Construction and Development II, LLC, through their agent, Aldrich Land Surveying, requests approval of an amended Preliminary Plat for Tierra Del Norte on the property legally described as Unit 13, Block 43, Lots 20-28 and 31-39, Block 44, Lots 22-42, Block 45, Lots 22-31 and 39-40. Staff contact is Michelle Costilla and staff recommends approval with findings and conditions.

BACKGROUND AND ANALYSIS:
The applicant, Amestoy Construction and Development II, LLC, through their agent, Aldrich Land Surveying, requests approval of an amended Preliminary Plat for Tierra Del Norte on the property legally described as Unit 13, Block 43, Lots 20-28 and 31-39, Block 44, Lots 22-42, Block 45, Lots 22-31 and 39-40. The Tierra Del Norte Preliminary Plat was originally approved by the Planning and Zoning Board on November 9, 2021 with findings and conditions and received an extension on December 13, 2022. A subdivision variance to the Rio Rancho Code of Ordinances Chapter 155.43 requiring 5 foot minimum easements on side and rear lot lines was also approved the same day as the original approval under case 21-280-00007.

The Tierra Del Norte subdivision would create 115 R-2: Single-Family Residential lots and 3 tracts on approximately 27.34 acres. It is located off of Broadmoor Blvd NE and bound by Marksburg Ave to the north and Headingham Ave to the south. The subject property is zoned R-2 and R-1: Single Family Residential per Ordinance No. 23, Enactment No. 21-25 and Ordinance No. 57, Enactment No. 08-58. The site is within the Loma Negras Specific Area Plan and the Tierra Del Norte Master Plan.

The proposed preliminary plat amendment will add Unit 13, Block 45, Lot 40 to the plat, which will be included in Tract C, a drainage tract at the south end of the plat.

According to a statement provided by the applicant, "the intent has always been to have this lot included in this subdivision. The use of Lot 39 was for the sanitary sewer and water tie-ins and Lot 40 for drainage (pond)." This lot was not previously included in the original Preliminary Plat approval and therefore, a plat amendment is required.

NOTIFICATIONS:
No notifications are required for this action.

IMPACT:

The Development Services Department recommends the Planning and Zoning Board approve the amendments to preliminary plat subject to the following findings of fact and conditions of approval:

GENERAL FINDINGS OF FACT:
1. The Planning and Zoning Board has jurisdiction over the subject property and the applicant's request for approval of the preliminary plat amendment.
2. The applicant has the authority to apply for a preliminary plat amendment.

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF APPROVAL:
1. The application has been prepared, reviewed, and conforms to the City of Rio Rancho plans and policies.
2. The preliminary plat amendment conforms to the requirements of R.O. 2003 Chapter 155: Subdivisions.
3. The preliminary plat amendment conforms to the requirements of the R-2: Single Family Residential Zoning District per R.O. 2003 §154.60.
4. In accordance with R.O. 2003 § 155.24(A), the final plat shall be recorded within 12 months following approval of the preliminary plat, or the Planning and Zoning Board approval shall become null and void.
5. Infrastructure shall be installed and accepted prior to the recording of the final plat or the applicant shall submit for staff review and approval of a subdivision improvement agreement and financial guarantee prior to the final plat hearing.
6. A Subdivision Improvement Agreement (SIA) and Bond/Performance Guarantee are required if the infrastructure is not complete and accepted prior to recording.
7. Impact fee assessment will be based on the date of the original preliminary plat approval and valid for four (4) years from the date of that approval.
8. The applicant shall address the reviewers' comments prior to submitting construction plans or the final plat, whichever is applicable, including:
   i. The applicant shall submit updated construction plans addressing comments from DSD Engineering prior to construction.
   ii. Specify the proposed uses for Tracts A, B, and C.
   iii. Remove any reference to ABCWUA.
   iv. Address comments made on the attached Drainage Report and Construction Plans.
   v. Need ROW for southbound right auxiliary lane and northbound left auxiliary lane at Broadmoor and Leeds Castle.
   vi. The lot between lots 4 and 5 and abutting Tract C needs to be a Tract.
   vii. An additional 10' minimum is needed for the water line in Tract C.

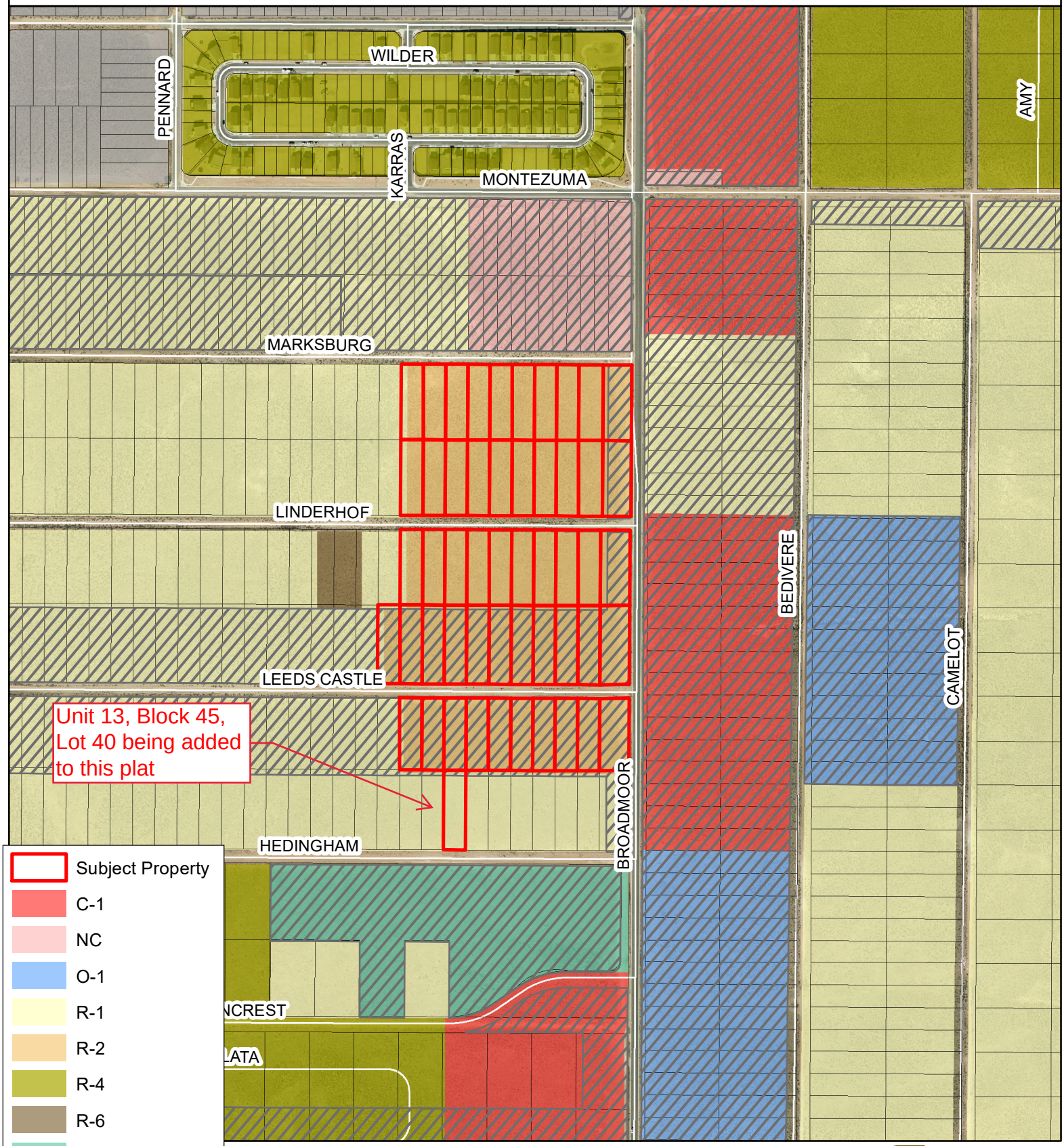
ALTERNATIVES:
The Planning and Zoning Board may:
1. Approve the amended preliminary plat with staff recommendations and conditions.
2. Approve the amended preliminary plat with amendments to recommendations and/or conditions.
3. Deny the amended preliminary plat.
4. Postpone the item and continue deliberation for the preliminary plat amendment in order to further review.

DEPARTMENT RECOMMENDATION:
The Development Services Department recommends approval with findings and conditions.

ATTACHMENT: Zoning, Location.pdf
ATTACHMENT: Authorization.pdf
ATTACHMENT: Request.pdf
ATTACHMENT: Tierra Del Norte Preliminary Plat.pdf

ATTACHMENT: Tierra Del Norte Amendended Plat.pdf

TIERRA DEL NORTE ZONING



Rio Rancho
City of Vision

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 Michelle Costilla DATE 10/21/2021

Amestoy Construction & Development II, LLC
4461 Irving Blvd. NE
Albuquerque, NM 87114

September 6, 2023

Ms. Amy Rincon
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Re: Tierra del Norte

Dear Ms. Rincon:

I hereby authorize Aldrich Land Surveying., to act on my behalf for the above referenced project. The legal description pertaining to this project is Lots 20-28 and 31-39, Block 43; Lots 22-42, Block 44; and Lots 22-31 and 39-40, Block 45; Unit 13, Rio Rancho Estates.

Please contact our office if you have any questions.

Sincerely,

Pierre Amestov. Managing Member

MICHELLE COSTILLA

From: TIMOTHY ALDRICH <tim.aldrich@comcast.net>
Sent: Wednesday, September 6, 2023 10:50 AM
To: MICHELLE COSTILLA
Subject: RE: TIERRA DEL NORTE

Caution! This message was sent from outside your organization.

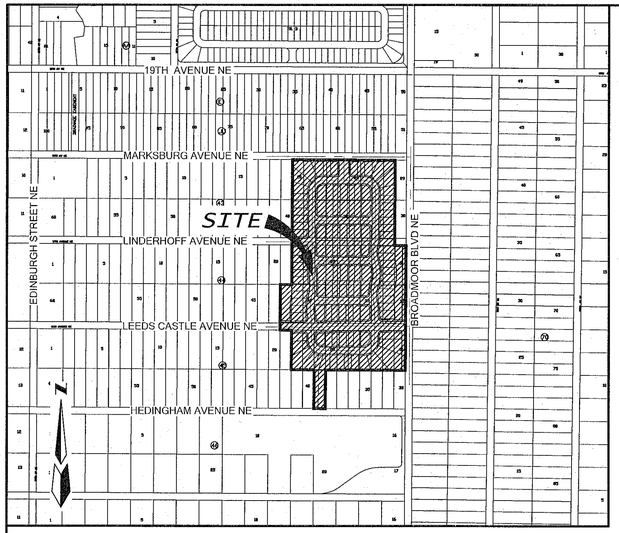
Micelle,

I would like to ask for an Amendment to the Tierra del Norte Preliminary Plat to include Lot 40, Block Block 45, RRE 13. The intent has always been to have this lot included in this subdivision. The use of Lot 39 was for the sanitary sewer and water tie-ins and Lot 40 for drainage (pond). I believe the original submittal, which I was not privy too, should have included this lot. Please let me know what our schedule will be for this.

Thank you,

Tim Aldrich, PS
Aldrich Land Surveying
505-328-3988

> On 09/06/2023 9:48 AM MDT MICHELLE COSTILLA <mcostilla@rrnm.gov> wrote:
>
> Hi Tim,
>
> Thank you for that. Attached is the Agenda Briefing Memo from the initial Preliminary Plat approval on 11/9/2021. I believe the attachment hyperlinks should work but let me know if it gives you any trouble. I have also attached the minutes from that meeting (items 8 and 9). Those documents can also be found at this link: https://rrnm.gov/2303/Watch-and-Download-City-Meetings. Let me know if you have any questions.
>
> If you would like to include Block 45, Lot 40 on the plat, we will need to schedule a Preliminary Plat Amendment for the hearing with the Planning and Zoning Board on 9/26/23. Please send me a letter and/or email requesting the amendment and a description of why it is being amended.
>
> Thank you,



LOCATION MAP *SCALE:NTS*

SUBDIVISION DATA

GROSS ACREAGE:	26.8432 AC.
NO. OF EXISTING LOTS:	50 LOTS
NO. OF EXISTING TRACTS:	0 TRACTS
NO. OF LOTS CREATED:	115 LOTS
NO. OF TRACTS CREATED:	3 TRACTS
PUBLIC RIGHT OF WAY CREATED:	6.3537 AC.
DATE OF SURVEY:	DECEMBER, 2020

FREE CONSENT AND DEDICATION

THE SUBDIVISION HEREON DESCRIBED IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) AND/OR PROPRIETOR(S) THEREOF. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO THE CREATION OF LOTS AND TRACTS AS SHOWN HEREON. THE TRACTS LABELED "H.O.A." WILL BE DEEDED IN FEE SIMPLE TO THE TIERRA DEL NORTE HOME OWNERS ASSOCIATION AND WILL BE MAINTAINED BY SAME. THEY WILL BE FOR THE BENEFIT OF THE HOME OWNERS. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HERBY CONSENT TO THE GRANTING OF PUBLIC, PRIVATE AND TEMPORARY EASEMENTS AS SHOWN HEREON, INCLUDING THE RIGHT TO CONSTRUCT, OPERATE, INSPECT AND MAINTAIN FACILITIES THEREIN. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY GRANT ALL PUBLC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRIC, WATER, SEWER AND COMMUNICATION SERVICES, WHERE SHOWN OR INDICATED, INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE, AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO THE DEDICATION OF PUBLIC STREET RIGHT-OF-WAY SHOWN HEREON TO THE CITY OF RIO RANCHO IN FEE SIMPLE WITH WARRANTY COVENANTS. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO ALL THE FOREGOING AND DO HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED. SAID OWNER(S) WARRANT THAT THEY HOLD AMONG THEM COMPLETE AND INDEFEASABLE TITLE IN FEE SIMPLE TO THE PROPERTY SUBDIVIDED HEREON.

OWNER(S): AMESTOY CONSTRUCTION & DEVELOPEMENT II, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

Pierre Amestoy, Managing Member — Date: 8-17-2021

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
BERNALILLO COUNTY) SS

On this 17th day of August, 2021, this instrument was acknowledged before me by Pierre Amestoy, Managing Member, for Amestoy Construction & Development II, LLC, a New Mexico Limited Liability Company on behalf of said Limited Liability Company.

Notary Public: LaVerne Lucero — My Comission Expires: 10-5-2024

OFFICIAL SEAL
LaVerne Lucero
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10-5-2024

LEGAL DESCRIPTION

A TRACT OF LAND SITUATE WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTION 12, TOWNSHIP 12 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO BEING ALL OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43; LOTS 22 THRU 42, BLOCK 44; AND LOTS 22 THRU 31 AND LOT 39, BLOCK 45, S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES, AS THE SAME IS SHOWN SHOWN AND DESIGNATED ON SAID PLAT, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON APRIL 22, 1963 IN RIO RANCHO ESTATES PLAT BOOK 1, PAGE 49, AND CONTAINING 26.8423 ACRES MORE OR LESS.

PURPOSE OF PLAT

1. TO SUBDIVIDE 50 EXISTING LOTS INTO 115 NEW LOTS AND 3 TRACTS AS SHOWN HEREON.
2. TO DEDICATE PUBLIC RIGHT-OF-WAY TO THE CITY OF RIO RANCHO AS SHOWN HEREON.
3. TO GRANT ALL EASEMENTS AS SHOWN HEREON.
4. TO ELIMINATE EXISTING LOT LINES AS SHOWN.
5. TO VACATE ALL EXISTING 5' P.U.E.

SUBDIVISION NOTES

1. ALL BEARINGS ARE GRID BASED ON THE NEW MEXICO STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE).
2. ALL DISTANCES ARE GROUND DISTANCES (U.S. SURVEY FOOT) ARE FIELD AND RECORD.
3. ALL BEARINGS AND DISTANCES ARE FIELD AND RECORD.
4. BASIS OF BOUNDARY IS THE FOLLOWING PLATS OF RECORD ENTITLED:

   "S.W. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES" (04-22-1963, RRE PLAT BOOK 1, PAGE 49) "REPLAT S.W. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES" (06-13-1966, RRE PLAT BOOK 1, PAGE 69) "REPLAT S.W. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES" (08-08-1966, RRE PLAT BOOK 1, PAGE 70) "S.E. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES" (06-02-1968, RRE PLAT BOOK 1, PAGE 77) "TRACTS A AND B, BLOCK 46, RIO RANCHO ESTATES, UNIT 13" (02-05-2009, VOLUME 3, FOLIO 2996-A) "BROADMOOR BOULEVARD, PHASE 1 ROADWAY WIDENING PROJECT" (02-02-2017, VOLUME 3, FOLIO 4055) "TIERRA DEL ORO PHASE ONE" (08-19-2019, VOLUME 3, FOLIO 4419) all being records of Sandoval County, New Mexico.

   ALL BEING RECORDS OF SANDOVAL COUNTY, NEW MEXICO.

5. FIELD SURVEY PERFORMED IN DECEMBER 2020.
6. CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO ZONE: R-1 AND R-8.
7. 100 YEAR FLOOD ZONE DESIGNATION:ZONE X, AS SHOWN ON PANEL 1900 OF 2225, FLOOD INSURANCE RATE MAP, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO, DATED MARCH 18, 2008.
8. TITLE COMMITMENT: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 2010534; COMMITMENT DATE; NOVEMBER 19, 2020, LOT 24, BLOCK 43. COMMITMENT NO. 2000243; COMMITMENT DATE; JANUARY 16, 2020, ALL OTHER LOTS SURVEYED.
9. DEDICATION OF PUBLIC RIGHT-OF-WAY INCLUDES THE USE OF THE ROADWAYS AND RIGHTS-OF-WAY FOR ALL USES TYPICALLY ASSOCIATED WITH THE USE OF A RIGHT-OF-WAY AND PURPOSES APPURTENANT THERETO, INCLUDING, BUT NOT LIMITED TO, THE PASSAGE AND ACCOMMODATION OF VEHICULAR AND PEDESTRIAN TRAFFIC, AND THE CONSTRUCTION, OPERATION, USE, MAINTENANCE, INSPECTION, REPAIR, ALTERATION, AND REPLACEMENT OF A PAVED ROAD WITHIN THE BOUNDARIES OF THE RIGHT-OF-WAY AREA, AND FOR ALL OTHER PURPOSES FOR WHICH A PUBLIC STREET AND RIGHT-OF-WAY IS COMMONLY USED, INCLUDING BUT NOT LIMITED TO INSTALLING, REPAIRING, MAINTAINING, ALTERING, REPLACING, RELOCATING AND OPERATING PUBLIC AND PRIVATE UTILITIES IN, INTO, UPON, OVER, ACROSS, AND UNDER ANY SUCH RIGHT-OF-WAY.
10. NO DIRECT VEHICULAR ACCESS SHALL BE ALLOWED TO BROADMOOR BOULEVARD N.E.
11. H.O.A. TRACTS AS SHOWN HERE ON ARE FOR THE BENEFIT OF THE HOME OWNERS AND ARE TO BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE COMMON AND JOINT USE OF:

1. PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM) FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF OVERHEAD AND UNDERGROUND ELECTRICAL LINES, TRANSFORMERS, AND OTHER EQUIPMENT, FIXTURES, STRUCTURES AND RELATED FACILITIES REASONABLY NECESSARY TO PROVIDE ELECTRICAL SERVICES.
2. NEW MEXICO GAS COMPANY (NMGCO) FOR INSTALLATION, MAINTENANCE, AND SERVICE OF NATURAL
3. GAS LINES, VALVES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE NATURAL GAS SERVICES.
4. Lumin (QWEST) FOR INSTALLATION, MAINTENANCE AND SERVICE OF ALL BURIED AND AERIAL COMMUNICATION LINES AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE COMMUNICATION SERVICES, INCLUDING BUT NOT LIMITED TO ABOVE GROUND PEDESTALS AND ENCLOSURES.
5. Sparklite FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF SUCH LINES, CABLE AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE CABLE TV SERVICES.
6. CITY OF RIO RANCHO UTILITIES (WATER AND SANITARY SEWER) FOR INSTALLATION, MAINTENANCE AND SERVICES OF LINES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE SERVICES.

INCLUDED, IS THE RIGHT TO BUILD, REBUILD, CONSTRUCT, RECONSTRUCT, LOCATE, RELOCATE, CHANGE, REMOVE, MODIFY, RENEW, OPERATE, AND MAINTAIN FACILITIES FOR THE PURPOSES DESCRIBED ABOVE, TOGETHER WITH FREE ACCESS TO, FROM, AND OVER SAID RIGHT-OF-WAY AND EASEMENT, WITH THE RIGHT AND PRIVILEGE OF GOING UPON, OVER AND ACROSS ADJOINING LANDS OF GRANTOR FOR THE PURPOSES SET FORTH HEREIN AND WITH THE RIGHT TO UTILIZE THE RIGHT-OF-WAY AND EASEMENT TO EXTEND SERVICES TO CUSTOMERS OF GRANTEE, AND TO TRIM AND REMOVE TREES, SHRUBS OR BUSHES WHICH INTERFERE WITH THE PURPOSES SET FORTH HEREIN. NO BUILDING, SIGN, POOL (ABOVE GROUND OR SUBSURFACE), HOT TUB, CONCRETE OR WOOD POOL DECKING, OR OTHER STRUCTURE SHALL BE ERECTED OR CONSTRUCTED ON SAID EASEMENTS, NOR SHALL ANY WELL BE DRILLED OR OPERATED THEREON.

EASEMENTS FOR ELECTRIC TRANSFORMERS/SWITCHGEARS, AS INSTALLED, SHALL EXTEND TEN (10) FEET IN FRONT OF TRANSFORMER/SWITCHGEAR DOORS AND FIVE (5) FEET ON EACH SIDE.

DISCLAIMER IN APPROVING THIS PLAT, PNM, NMGCO, LUMIN AND SPARKLITE ONE DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, PNM, NMGCO, QWEST AND CABLE ONE DO NOT WAIVE OR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT AND WHICH ARE NOT SHOWN ON THIS PLAT.

CITY CLERKS CERTIFICATE

I, Rebecca A. Martinez, City Clerk of the City of Rio Rancho, New Mexico do hereby certify that the plat shown hereon was approved administratively by the Rio Rancho Development Services Department Director on the day of _____, 2021.

Rebecca A. Martinez, City Clerk, City of Rio Rancho — Date

TREASURER'S CERTIFICATE

I, Jennifer Taylor, Treasurer of Sandoval County, New Mexico do hereby certify that the previous ten (10) years property taxes have been paid in full.

Jennifer Taylor, Sandoval County Treasurer — Date

PRELIMINARY PLAT
FOR
TIERRA DEL NORTE SUBDIVISION

(BEING A REPLAT OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43, LOTS 22 THRU 42, BLOCK 44, AND LOTS 22 THRU 31 AND LOT 39, BLOCK 45, S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES)
WITHIN
THE TOWN OF ALAMEDA GRANT
PROJECTED SECTION 12
TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
AUGUST, 2021

DSD CASE NO. _____

RIO RANCHO PLANNING AND ZONING BOARD

Approved on the _____ day of _____ 2021.

Michael Schlichte, Co-Chairman — Date

UTILITY APPROVALS:

City of Rio Rancho — Date

New Mexico Gas Company — Date

Lumin — Date

Public Service Company of New Mexico — Date

Sparklite — Date

COUNTY CLERKS RECORDING INFORMATION

THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____TH DAY OF _____, 2021 IN RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO, AND WAS RECORDED IN VOLUME_____, FOLIO_____, RECORDS OF SAID COUNTY.

(RIO RANCHO ESTATES PLAT BOOK _____, PAGE _____)

ANNE BRADY-ROMERO, COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

JURISDICTIONAL AFFIDAVIT

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby affirm that the property described hereon does lie within the platting and extra-territorial jurisdiction of the City of Rio Rancho, New Mexico."

Timothy Aldrich, P.S. No. 7719 — 08/16/2021 Date

SURVEYOR'S CERTIFICATION

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the Minimum Standards for Land Surveying in the State of New Mexico and the City of Rio Rancho Subdivision Ordinance and is true and correct to the best of my knowledge and belief."

Timothy Aldrich, P.S. No. 7719 — 08/16/2021 Date

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505-884-1990

Designed: DMG	Drawn: DER	Checked: ALS	Sheet 1 of 4	
Scale: as shown	Date: 8/17/21	Job: A19035		

Book ____, Page ____

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PRELIMINARY PLAT
FOR
TIERRA DEL NORTE SUBDIVISION

(BEING A REPLAT OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43, LOTS 22 THRU 42, BLOCK 44, AND LOTS 22 THRU 31 AND LOT 39, BLOCK 45, S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES)
WITHIN
THE TOWN OF ALAMEDA GRANT
PROJECTED SECTION 12
TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
AUGUST, 2021

PROPERTY CORNERS

□ – FOUND 5/8" REBAR

○ – FOUND 1/2" REBAR

◎ – FOUND BATHEY MARKER WITH CAP "LS 14271"

● – SET 1/2" REBAR WITH CAP "LS 7719"

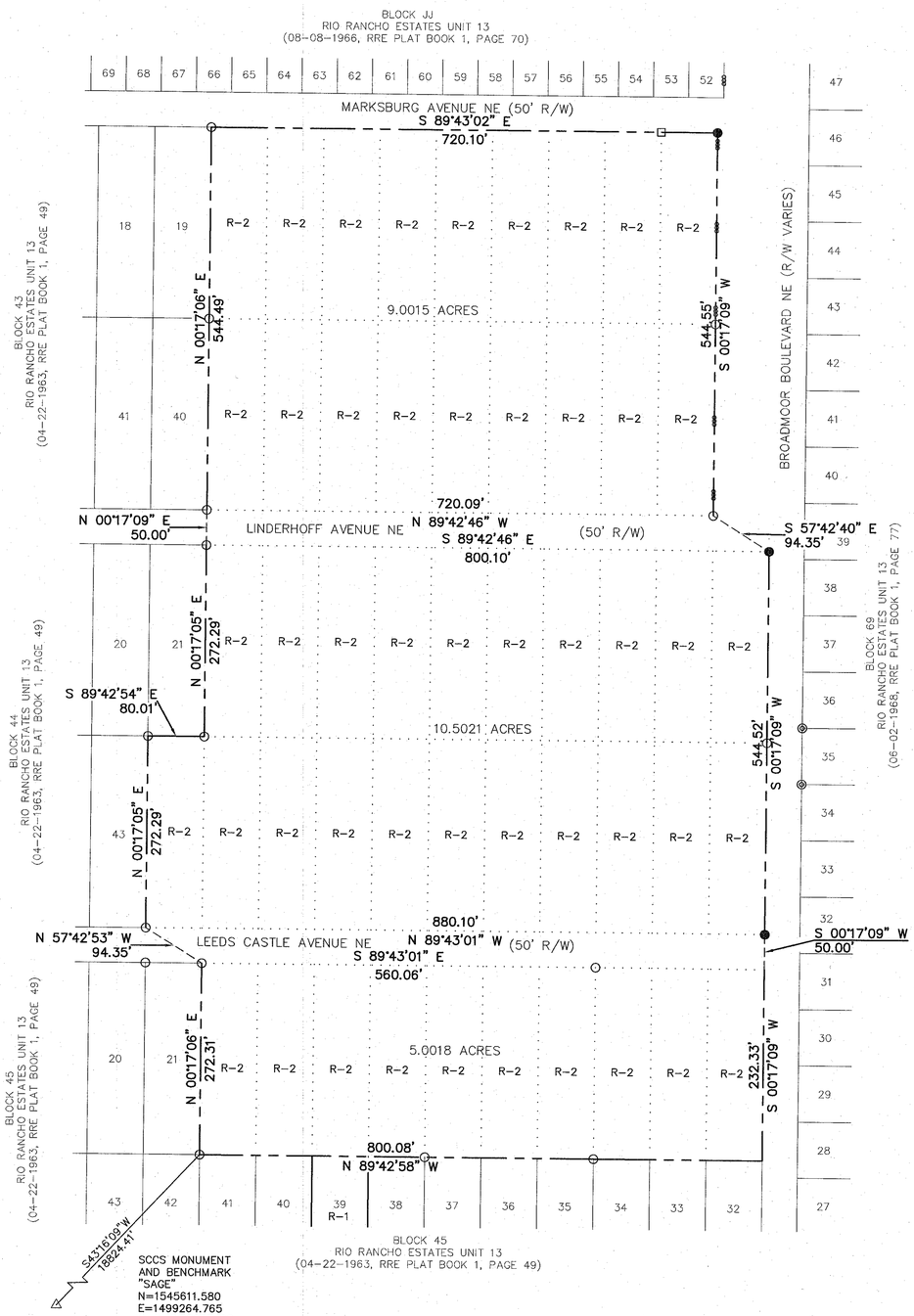
ACCESS CONTROL

LEGEND

EXISTING PROPERTYLINE TO BE ELIMINATED WITH THIS PLAT

EXISTING EASEMENTS

① EXISTING 5' PUE (ALL SIDES OF ALL LOTS) VACATED WITH THIS PLAT (04–22–1963, RRE PLAT BOOK 1, PAGE 49)



100 0 100 200 300

Scale 1" = 100'

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Checked By:	TA	Drawing Name:	20140PLT.DWG
Job No.:	20–140	Sheet:	2 of 4

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505–884–1990

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PRELIMINARY PLAT
FOR
TIERRA DEL NORTE SUBDIVISION

(BEING A REPLAT OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43, LOTS 22 THRU 42, BLOCK 44 AND LOTS 22 THRU 31 AND LOT 39, BLOCK 45, S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES)
WITHIN
THE TOWN OF ALAMEDA GRANT
PROJECTED SECTION 12
TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
AUGUST, 2021

PROPERTY CORNERS

- □ – FOUND 1/2" REBAR WITH CAP "LS 7719"
- ○ – FOUND 1/2" REBAR
- ● – FOUND 1" PIPE

ABBREVIATIONS

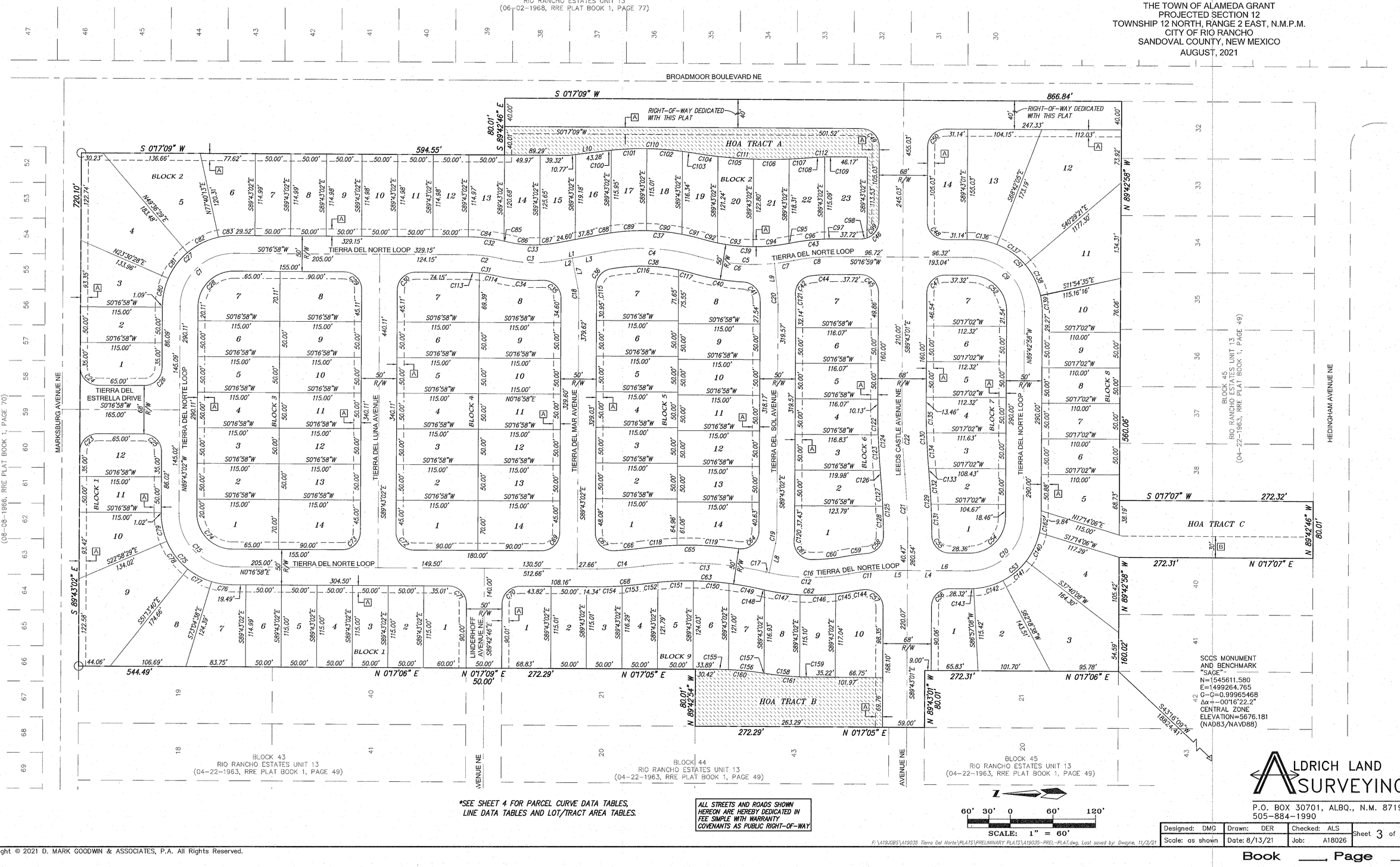
- 10' P.U.E. = PUBLIC UTILITY EASEMENTS GRANTED WITH THIS PLAT
- ROW = RIGHT-OF-WAY
- H.O.A. = HOME OWNERS ASSOCIATION

NOTES:

1. TRACTS A & B ARE TO BE HOA MAINTAINED PARKS FOR THE USE OF THE TIERRA DEL NORTE HOMEOWNERS.
2. TRACT C IS AN HOA MAINTAINED FIRST FLUSH POND AND A PUBLIC SANITARY SEWER, WATER AND DRAINAGE EASEMENT.

NEW EASEMENTS

- [A] NEW 10' PUBLIC UTILITY EASEMENT (P.U.E.) GRANTED BY THIS PLAT.
- [B] NEW 30' PUBLIC SANITARY SEWER, WATERLINE AND DRAINAGE EASEMENT GRANTED WITH THIS PLAT.



*SEE SHEET 4 FOR PARCEL CURVE DATA TABLES, LINE DATA TABLES AND LOT/TRACT AREA TABLES.

ALL STREETS AND ROADS SHOWN HEREON ARE HEREBY DEDICATED IN FEE SIMPLE WITH WARRANTY COVENANTS AS PUBLIC RIGHT-OF-WAY

SCALE: 1" = 60'

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505-884-1990

Designed: DMG	Drawn: DER	Checked: ALS	Sheet 3 of 4
Scale: as shown	Date: 8/13/21	Job: A18026	

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Book ____, Page ____

PRELIMINARY PLAT
FOR
TIERRA DEL NORTE SUBDIVISION

(BEING A REPLAT OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43, LOTS 22 THRU 42, BLOCK 44 AND LOTS 22 THRU 31 AND LOT 39, BLOCK 45, S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES)
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CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
AUGUST, 2021

Parcel Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	75.00'	117.81'	90°00'00"	N44°43'02"W	106.07'
C2	200.00'	46.71'	13°22'52"	N6°58'24"E	46.60'
C3	200.00'	85.40'	24°27'58"	S1°25'51"W	84.76'
C4	280.00'	132.52'	27°07'04"	N2°45'25"E	131.29'
C5	280.00'	135.45'	27°43'00"	S2°27'27"W	134.13'
C6	280.00'	108.15'	22°07'52"	S5°15'01"W	107.48'
C7	280.00'	27.30'	5°35'07"	S8°36'29"E	27.28'
C8	280.00'	57.10'	11°41'01"	N5°33'32"W	57.00'
C9	75.00'	117.81'	90°00'03"	N45°17'00"E	106.07'
C10	75.00'	117.81'	89°59'57"	S44°43'00"E	106.07'
C11	280.00'	53.81'	11°00'42"	N5°13'22"W	53.73'
C12	280.00'	117.29'	24°00'02"	S1°16'17"W	116.43'
C13	475.00'	173.26'	20°53'58"	N2°49'19"E	172.30'
C14	475.00'	65.58'	7°54'38"	S3°40'21"E	65.53'
C15	75.00'	117.81'	90°00'00"	S45°16'58"W	106.07'
C17	280.00'	4.48'	0°55'03"	S12°48'47"W	4.48'
C18	75.00'	14.51'	11°05'06"	N84°44'25"E	14.49'
C19	75.00'	15.80'	12°04'17"	S83°40'53"E	15.77'
C20	150.00'	15.97'	6°05'54"	N87°14'01"E	15.96'
C21	1000.00'	94.90'	5°26'15"	N87°33'51"E	94.87'
C22	1000.00'	94.90'	5°26'15"	S87°33'51"W	94.87'
C23	25.00'	39.27'	90°00'00"	N44°43'02"W	35.36'
C24	25.00'	39.27'	90°00'00"	S45°16'58"W	35.36'
C25	25.00'	39.27'	90°00'00"	N45°16'58"E	35.36'
C26	25.00'	39.27'	90°00'00"	S44°43'02"E	35.36'
C27	100.00'	157.08'	90°00'00"	N44°43'02"W	141.42'
C28	50.00'	78.54'	90°00'00"	S44°43'02"E	70.71'
C29	25.00'	39.27'	90°00'00"	S45°16'58"W	35.36'
C30	25.00'	39.27'	90°00'00"	S44°43'02"E	35.36'
C31	175.00'	40.87'	13°22'52"	N6°58'24"E	40.78'
C32	225.00'	50.79'	12°56'02"	N6°44'59"E	50.68'
C33	175.00'	74.73'	24°27'58"	S1°25'51"W	74.16'
C34	225.00'	64.50'	16°25'30"	S5°27'05"W	64.28'
C35	25.00'	40.60'	93°02'38"	S43°45'39"W	36.28'
C36	25.00'	38.12'	87°21'56"	S53°46'25"E	34.53'
C37	305.00'	144.36'	27°07'04"	N2°45'25"E	143.01'
C38	255.00'	117.52'	26°24'24"	N3°06'45"E	116.49'
C39	255.00'	123.36'	27°43'00"	S2°27'27"W	122.16'
C40	305.00'	71.34'	13°24'04"	S9°36'55"W	71.18'
C41	25.00'	36.50'	83°39'29"	S44°44'37"W	33.35'
C42	25.00'	38.10'	87°19'09"	S50°36'55"E	34.52'
C43	305.00'	62.20'	11°41'01"	N5°33'32"W	62.09'
C44	255.00'	32.22'	7°14'19"	S3°20'11"E	32.19'
C45	25.00'	39.27'	90°00'00"	S45°16'59"W	35.36'
C46	25.00'	39.27'	90°00'00"	S44°43'01"E	35.36'
C47	25.00'	39.27'	90°00'00"	S44°43'01"E	35.36'
C48	25.00'	39.27'	90°00'00"	S45°16'59"W	35.36'
C49	25.00'	39.27'	89°59'49"	N45°17'04"E	35.35'
C50	25.00'	39.27'	90°00'13"	N44°42'56"W	35.36'
C51	100.00'	157.08'	90°00'03"	N45°17'00"E	141.42'
C52	50.00'	78.54'	90°00'03"	N45°17'00"E	70.71'
C53	100.00'	157.08'	89°59'57"	S44°43'00"E	141.42'
C54	50.00'	78.54'	89°59'57"	S44°43'00"E	70.71'
C55	25.00'	39.05'	89°29'05"	N45°01'31"E	35.20'
C56	25.00'	39.27'	90°00'00"	N44°43'01"W	35.36'
C57	25.00'	42.54'	97°29'41"	N41°32'08"E	37.59'
C58	25.00'	37.21'	85°16'28"	N47°34'35"W	33.87'
C59	305.00'	30.82'	5°47'23"	N7°50'02"W	30.81'
C60	255.00'	47.65'	10°42'27"	N5°22'30"W	47.59'
C61	25.00'	42.01'	96°16'46"	N48°07'07"E	37.24'
C62	305.00'	127.76'	24°00'02"	S1°16'17"W	126.83'
C63	450.00'	164.14'	20°53'58"	N2°49'19"E	163.23'
C64	25.00'	42.69'	97°50'17"	N40°47'53"W	37.69'
C65	500.00'	86.81'	9°56'51"	N3°08'50"E	86.70'
C66	450.00'	38.46'	4°53'51"	N5°10'44"W	38.45'

Parcel Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C67	25.00'	40.58'	93°00'47"	N43°46'35"E	36.27'
C68	500.00'	69.03'	7°54'38"	S3°40'21"E	68.98'
C69	25.00'	39.27'	90°00'00"	N44°43'02"W	35.36'
C70	25.00'	39.27'	89°59'45"	N44°42'54"W	35.35'
C71	25.00'	39.27'	90°00'15"	N45°17'06"E	35.36'
C72	25.00'	39.27'	90°00'00"	N45°16'58"E	35.36'
C73	25.00'	39.27'	90°00'00"	N44°43'02"W	35.36'
C74	50.00'	78.54'	90°00'00"	N45°16'58"E	70.71'
C75	100.00'	157.08'	90°00'00"	S45°16'58"W	141.42'
C76	100.00'	29.04'	16°38'24"	N8°36'10"E	28.94'
C77	100.00'	38.13'	21°50'58"	N27°50'51"E	37.90'
C78	100.00'	49.31'	28°15'11"	N52°53'56"E	48.81'
C79	100.00'	40.59'	23°15'27"	N78°39'15"E	40.31'
C80	100.00'	40.54'	23°13'30"	S78°06'17"E	40.26'
C81	100.00'	45.55'	26°06'01"	S53°26'32"E	45.16'
C82	100.00'	48.98'	28°03'44"	S26°21'39"E	48.49'
C83	100.00'	22.01'	12°36'45"	S6°01'24"E	21.97'
C84	225.00'	50.43'	12°50'31"	S6°47'45"W	50.32'
C85	225.00'	1.76'	0°26'50"	S13°26'25"W	1.76'
C86	175.00'	48.66'	15°55'58"	S5°41'51"W	48.51'
C87	175.00'	26.06'	8°32'00"	S6°32'08"E	26.04'
C88	305.00'	13.07'	2°27'21"	S9°34'27"E	13.07'
C89	305.00'	50.17'	9°25'31"	S3°38'01"E	50.12'
C90	305.00'	50.29'	9°26'50"	S5°48'10"W	50.23'
C91	305.00'	30.82'	5°47'22"	S13°25'16"W	30.81'
C92	255.00'	20.59'	4°37'38"	S14°00'08"W	20.59'
C93	255.00'	50.33'	11°18'35"	S6°02'02"W	50.25'
C94	255.00'	50.32'	11°18'21"	S5°16'26"E	50.24'
C95	255.00'	2.11'	0°28'26"	S11°09'50"E	2.11'
C96	305.00'	48.36'	9°05'04"	S6°51'31"E	48.31'
C97	305.00'	13.84'	2°35'58"	S1°01'00"E	13.84'
C98	25.00'	8.62'	19°45'16"	S9°35'39"E	8.58'
C99	25.00'	30.65'	70°14'44"	S54°35'39"E	28.77'
C100	420.00'	7.11'	0°58'13"	N6°27'27"W	7.11'
C101	420.00'	50.09'	6°50'00"	N2°33'20"W	50.06'
C102	420.00'	50.15'	6°50'30"	N4°16'55"E	50.12'
C103	420.00'	14.34'	1°57'22"	N8°40'51"E	14.34'
C104	650.00'	36.15'	3°11'12"	N8°03'56"E	36.15'
C105	650.00'	50.13'	4°25'09"	N4°15'45"E	50.12'
C106	650.00'	50.01'	4°24'31"	N0°09'05"W	50.00'
C107	650.00'	27.09'	2°23'18"	N3°32'59"W	27.09'
C108	420.00'	23.01'	3°08'22"	N3°10'27"W	23.01'
C109	420.00'	13.84'	1°53'15"	N0°39'39"W	13.83'
C110	420.00'	121.70'	16°36'06"	N1°21'29"E	121.27'
C111	650.00'	163.39'	14°24'10"	S2°27'27"W	162.96'
C112	420.00'	36.85'	5°01'36"	N2°13'50"W	36.84'
C113	175.00'	15.87'	5°11'43"	N2°52'50"E	15.86'
C114	175.00'	25.00'	8°11'09"	N9°34'15"E	24.98'
C115	100.00'	13.51'	7°44'21"	S86°24'48"W	13.50'
C116	255.00'	96.21'	21°37'05"	N0°43'06"E	95.64'
C117	255.00'	21.31'	4°47'19"	N13°55'17"E	21.31'
C118	500.00'	50.62'	5°48'04"	S4°43'38"E	50.60'
C119	500.00'	86.81'	9°56'51"	S3°08'50"W	86.70'
C120	100.00'	10.43'	5°58'31"	N86°43'46"W	10.42'
C121	175.00'	13.92'	4°33'28"	S88°00'14"W	13.92'
C122	1034.00'	39.88'	2°12'34"	N89°10'41"E	39.87'
C123	1034.00'	50.10'	2°46'35"	N86°41'07"E	50.10'
C124	1034.00'	58.26'	3°13'41"	S86°27'34"W	58.25'
C125	966.00'	83.30'	4°56'28"	S87°18'57"W	83.28'
C126	1034.00'	8.15'	0°27'06"	N85°04'16"E	8.15'
C127	966.00'	42.00'	2°29'28"	N86°05'27"E	41.99'
C128	966.00'	41.31'	2°27'00"	N88°33'41"E	41.30'
C129	1034.00'	88.83'	4°55'20"	N87°18'23"E	88.80'
C130	966.00'	91.68'	5°26'15"	N87°33'51"E	91.64'
C131	1034.00'	43.71'	2°25'19"	S88°33'24"W	43.70'

Parcel Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C132	1034.00'	45.12'	2°30'01"	S86°05'44"W	45.12'
C133	966.00'	5.02'	0°17'52"	S84°59'39"W	5.02'
C134	966.00'	50.11'	2°58'19"	S86°37'45"W	50.10'
C135	966.00'	36.55'	2°10'04"	S89°11'57"W	36.55'
C136	100.00'	36.68'	21°00'56"	S10°47'27"W	36.47'
C137	100.00'	49.24'	28°12'44"	S35°24'17"W	48.74'
C138	100.00'	48.50'	27°47'21"	S63°24'19"W	48.03'
C139	100.00'	22.66'	12°59'02"	S83°47'31"W	22.61'
C140	100.00'	44.24'	25°21'01"	N65°00'22"W	43.88'
C141	100.00'	43.01'	24°38'30"	N40°00'37"W	42.68'
C142	100.00'	43.01'	24°38'30"	N15°22'07"W	42.68'
C143	100.00'	5.81'	3°19'50"	N1°22'56"W	5.81'
C144	255.00'	15.65'	3°31'01"	N8°58'13"W	15.65'
C145	305.00'	23.32'	4°22'51"	N8°32'18"W	23.31'
C146	305.00'	50.08'	9°24'31"	N1°38'37"W	50.03'
C147	305.00'	50.49'	9°29'06"	N7°48'12"E	50.43'
C148	305.00'	3.86'	0°43'34"	N12°54'32"E	3.86'
C149	450.00'	46.96'	5°58'46"	N10°16'55"E	46.94'
C150	450.00'	50.14'	6°23'01"	N4°06'02"E	50.11'
C151	450.00'	50.08'	6°22'33"	N2°16'46"W	50.05'
C152	450.00'	16.97'	2°09'37"	N6°32'51"W	16.97'
C153	500.00'	33.34'	3°49'15"	N5°43'02"W	33.34'
C154	500.00'	35.69'	4°05'23"	N1°45'43"W	35.68'
C155	420.00'	16.12'	2°11'56"	S1°22'56"W	16.12'
C156	420.00'	49.60'	6°45'57"	S5°51'53"W	49.57'
C157	420.00'	0.68'	0°05'32"	S9°12'06"W	0.68'
C158	420.00'	50.26'	6°51'21"	S5°43'40"W	50.23'
C159	420.00'	14.78'	2°01'00"	S11°29'W	14.78'
C160	420.00'	65.72'	8°57'54"	N4°45'55"E	65.65'
C161	420.00'	65.72'	8°57'53"	S4°45'55"W	65.65'
C162	100.00'	21.00'	12°02'05"	N83°41'55"W	20.97'

Parcel Line Table

Line #	Direction	Length
L1	S10°48'08"E	62.43
L2	S10°48'08"E	15.50
L3	S10°48'08"E	46.93
L4	N00°16'59"E	116.32
L5	N00°16'59"E	29.00
L6	N00°16'59"E	87.32
L7	S79°11'52"W	42.72
L8	S77°38'45"E	42.07
L9	N84°11'05"E	42.01
L10	S06°56'34"E	54.05

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	1	6766.3761 sf
2	1	5750.0726 sf
3	1	5749.9824 sf
4	1	5749.8922 sf
5	1	5749.8020 sf
6	1	5749.7117 sf
7	1	7696.7064 sf
8	1	9561.9020 sf
9	1	15447.7832 sf
10	1	8020.7942 sf
11	1	5750.0000 sf
12	1	6631.7477 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	2	6631.7477 sf
2	2	5750.0000 sf
3	2	8016.8318 sf
4	2	14167.1295 sf
5	2	12241.2829 sf
6	2	7464.4829 sf
7	2	5749.3852 sf
8	2	5749.2578 sf
9	2	5749.1304 sf
10	2	5749.0030 sf
11	2	5748.8756 sf
12	2	5748.7555 sf
13	2	5843.9587 sf
14	2	6218.7415 sf
15	2	6126.5762 sf
16	2	5873.8737 sf
17	2	5764.4600 sf
18	2	5774.1212 sf
19	2	5923.0083 sf
20	2	6126.3869 sf
21	2	6053.2464 sf
22	2	5802.1747 sf
23	2	6896.3024 sf
HOA TRACT A	2	21824.2958 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	3	7513.4954 sf
2	3	5750.0000 sf
3	3	5750.0000 sf
4	3	5750.0000 sf
5	3	5750.0000 sf
6	3	5750.0000 sf
7	3	7526.0407 sf
8	3	7928.4192 sf
9	3	5750.0000 sf
10	3	5750.0000 sf
11	3	5750.0000 sf
12	3	5750.0000 sf
13	3	5750.0000 sf
14	3	7915.8739 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	4	7915.8739 sf
2	4	5750.0000 sf
3	4	5750.0000 sf
4	4	5750.0000 sf
5	4	5750.0000 sf
6	4	5750.0000 sf
7	4	7924.6250 sf
8	4	7003.3307 sf
9	4	5750.0000 sf
10	4	5750.0000 sf
11	4	5750.0000 sf
12	4	5750.0000 sf
13	4	5750.0000 sf
14	4	7915.8739 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	5	7889.7748 sf
2	5	5750.0000 sf
3	5	5750.0000 sf
4	5	5750.0000 sf
5	5	5750.0000 sf
6	5	5750.0000 sf
7	5	8487.8631 sf
8	5	7244.6762 sf
9	5	5750.0000 sf
10	5	5750.0000 sf
11	5	5750.0000 sf
12	5	5750.0000 sf
13	5	5750.0000 sf
14	5	7096.2274 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	6	8668.5832 sf
2	6	6103.5230 sf
3	6	5910.1476 sf
4	6	5813.4680 sf
5	6	5803.2566 sf
6	6	5803.2598 sf
7	6	8380.0895 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	7	6426.9836 sf
2	7	5318.1206 sf
3	7	5512.3408 sf
4	7	5607.4970 sf
5	7	5615.9558 sf
6	7	5615.9956 sf
7	7	7364.7217 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	8	7055.5126 sf
2	8	8785.6919 sf
3	8	13881.1186 sf
4	8	9360.0421 sf
5	8	7441.3246 sf
6	8	5500.1461 sf
7	8	5500.1461 sf
8	8	5500.1461 sf
9	8	5500.1461 sf
10	8	7079.5067 sf
11	8	11597.9371 sf
12	8	19585.5729 sf
13	8	11616.3715 sf
14	8	8435.7453 sf
HOA TRACT C	8	25253.2369 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	9	7781.0078 sf
2	9	5750.5182 sf
3	9	5765.7294 sf
4	9	5942.5398 sf
5	9	6168.7318 sf
6	9	6143.0523 sf
7	9	5946.5347 sf
8	9	5790.8265 sf
9	9	5774.4035 sf
10	9	7969.4122 sf
HOA TRACT B	9	19348.5125 sf

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505-884-1990

Designed: DMG	Drawn: DER	Checked: ALS	Sheet 4 of 4
Scale: as shown	Date: 8/13/21	Job: A18026	

Book ____, Page ____

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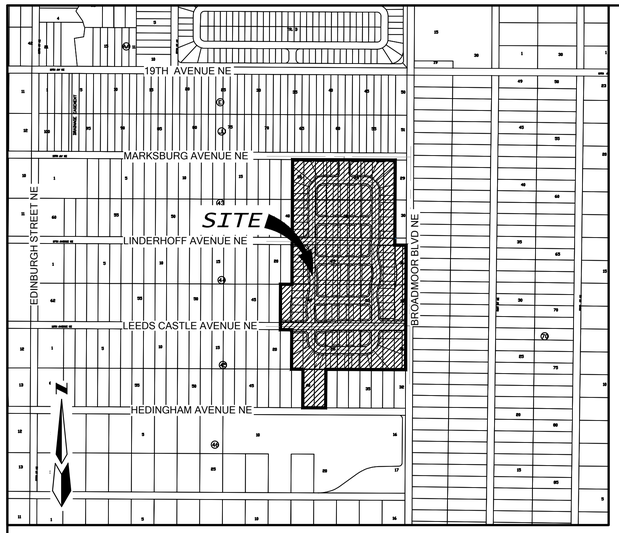

LOCATION MAP SCALE:NTS

SUBDIVISION DATA

GROSS ACREAGE:..... 27.3425 AC.
NO. OF EXISTING LOTS..... 51 LOTS
NO. OF EXISTING TRACTS..... 0 TRACTS
NO. OF LOTS CREATED: ..... 115 LOTS
NO. OF TRACTS CREATED:..... 4 TRACTS
PUBLIC RIGHT OF WAY CREATED:. ..... 6.3537 AC.
DATE OF SURVEY: ..... DECEMBER, 2020

FREE CONSENT AND DEDICATION

THE SUBDIVISION HEREON DESCRIBED IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) AND/OR PROPRIETOR(S) THEREOF. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO THE CREATION OF LOTS AND TRACTS AS SHOWN HEREON. THE TRACTS LABELED "H.O.A." WILL BE DEEDED IN FEE SIMPLE TO THE TIERRA DEL NORTE HOME OWNERS ASSOCIATION AND WILL BE MAINTAINED BY SAME. THEY WILL BE FOR THE BENEFIT OF THE HOME OWNERS. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HERBY CONSENT TO THE GRANTING OF PUBLIC, PRIVATE AND TEMPORARY EASEMENTS AS SHOWN HEREON, INCLUDING THE RIGHT TO CONSTRUCT, OPERATE, INSPECT AND MAINTAIN FACILITIES THEREIN. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY GRANT ALL PUBLC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRIC, WATER, SEWER AND COMMUNICATION SERVICES, WHERE SHOWN OR INDICATED, INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE, AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO THE DEDICATION OF PUBLIC STREET RIGHT-OF-WAY SHOWN HEREON TO THE CITY OF RIO RANCHO IN FEE SIMPLE WITH WARRANTY COVENANTS. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO ALL THE FOREGOING AND DO HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED. SAID OWNER(S) WARRANT THAT THEY HOLD AMONG THEM COMPLETE AND INDEFEASABLE TITLE IN FEE SIMPLE TO THE PROPERTY SUBDIVIDED HEREON.

OWNER(S): AMESTOY CONSTRUCTION & DEVELOPEMENT II, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

Pierre Amestoy, Managing Member Date

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
BERNALILLO COUNTY) SS

On this _____ day of _____, 2023, this instrument was acknowledged before me by Pierre Amestoy, Managing Member, for Amestoy Construction & Development II, LLC, a New Mexico Limited Liability Company on behalf of said Limited Liability Company.

Notary Public My Comission Expires

LEGAL DESCRIPTION

A TRACT OF LAND SITUATE WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTION 12, TOWNSHIP 12 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO BEING ALL OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43; LOTS 22 THRU 42, BLOCK 44; AND LOTS 22 THRU 31 AND LOTS 39 AND 40, BLOCK 45, TOGETHER WITH VACATED PORTIONS OF LINDERHOFF AVENUE AND LEEDS CASTLE AVENUE S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES, AS THE SAME IS SHOWN SHOWN AND DESIGNATED ON SAID PLAT, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON APRIL 22, 1963 IN RIO RANCHO ESTATES PLAT BOOK 1, PAGE 49, AND CONTAINING 27.3425 ACRES MORE OR LESS.

PURPOSE OF PLAT

1. TO SUBDIVIDE 51 EXISTING LOTS INTO 115 NEW LOTS AND 3 TRACTS AS SHOWN HEREON.
2. TO DEDICATE PUBLIC RIGHT-OF-WAY TO THE CITY OF RIO RANCHO AS SHOWN HEREON.
3. TO GRANT ALL EASEMENTS AS SHOWN HEREON.
4. TO ELIMINATE EXISTING LOT LINES AS SHOWN.
5. TO VACATE ALL EXISTING 5' P.U.E.

SUBDIVISION NOTES

1. ALL BEARINGS ARE GRID BASED ON THE NEW MEXICO STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE).
2. ALL DISTANCES ARE GROUND DISTANCES (U.S. SURVEY FOOT) ARE FIELD AND RECORD.
3. ALL BEARINGS AND DISTANCES ARE FIELD AND RECORD.
4. BASIS OF BOUNDARY IS THE FOLLOWING PLATS OF RECORD ENTITLED:

   "S.W. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES" (04-22-1963, RRE PLAT BOOK 1, PAGE 49) "REPLAT S.W. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES" (06-13-1966, RRE PLAT BOOK 1, PAGE 69) "REPLAT S.W. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES" (08-08-1966, RRE PLAT BOOK 1, PAGE 70) "S.E. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES" (06-02-1968, RRE PLAT BOOK 1, PAGE 77) "TRACTS A AND B, BLOCK 46, RIO RANCHO ESTATES, UNIT 13" (02-05-2009, VOLUME 3, FOLIO 2996-A) "BROADMOOR BOULEVARD, PHASE 1 ROADWAY WIDENING PROJECT" (02-02-2017, VOLUME 3, FOLIO 4055) "TIERRA DEL ORO PHASE ONE" (08-19-2019, VOLUME 3, FOLIO 4419) all being records of Sandoval County, New Mexico.

   ALL BEING RECORDS OF SANDOVAL COUNTY, NEW MEXICO.
5. FIELD SURVEY PERFORMED IN DECEMBER 2020.
6. CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO ZONE: R-1 AND R-2.
7. 100 YEAR FLOOD ZONE DESIGNATION:ZONE X, AS SHOWN ON PANEL 1900 OF 2225, FLOOD INSURANCE RATE MAP, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO, DATED MARCH 18, 2008.
8. TITLE COMMITMENT: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

   COMMITMENT NO. 2010534; COMMITMENT DATE; NOVEMBER 19, 2020,
   COMMITMENT NO. 2000243; COMMITMENT DATE; JANUARY 16, 2020,
   COMMITMENT NO. 2103005; COMMITMENT DATE; MARCH 30, 2021,
   COMMITMENT NO. 2103671; COMMITMENT DATE; APRIL 21, 2021,
   COMMITMENT NO. 2104321; COMMITMENT DATE ;MAY 4, 2021,
   COMMITMENT NO. 2105081; COMMITMENT DATE; MAY 28, 2021,
   COMMITMENT NO. 2203645; COMMITMENT DATE; MAY 10, 2022.

   ALL OTHER LOTS SURVEYED.
9. DEDICATION OF PUBLIC RIGHT-OF-WAY INCLUDES THE USE OF THE ROADWAYS AND RIGHTS-OF-WAY FOR ALL USES TYPICALLY ASSOCIATED WITH THE USE OF A RIGHT-OF-WAY AND PURPOSES APPURTENANT THERETO, INCLUDING, BUT NOT LIMITED TO, THE PASSAGE AND ACCOMMODATION OF VEHICULAR AND PEDESTRIAN TRAFFIC, AND THE CONSTRUCTION, OPERATION, USE, MAINTENANCE, INSPECTION, REPAIR, ALTERATION, AND REPLACEMENT OF A PAVED ROAD WITHIN THE BOUNDARIES OF THE RIGHT-OF-WAY AREA, AND FOR ALL OTHER PURPOSES FOR WHICH A PUBLIC STREET AND RIGHT-OF-WAY IS COMMONLY USED, INCLUDING BUT NOT LIMITED TO INSTALLING, REPAIRING, MAINTAINING, ALTERING, REPLACING, RELOCATING AND OPERATING PUBLIC AND PRIVATE UTILITIES IN, INTO, UPON, OVER, ACROSS, AND UNDER ANY SUCH RIGHT-OF-WAY.
10. NO DIRECT VEHICULAR ACCESS SHALL BE ALLOWED TO BROADMOOR BOULEVARD N.E.
11. H.O.A. TRACTS AS SHOWN HERE ON ARE FOR THE BENEFIT OF THE HOME OWNERS AND ARE TO BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE COMMON AND JOINT USE OF:

1. PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM) FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF OVERHEAD AND UNDERGROUND ELECTRICAL LINES, TRANSFORMERS, AND OTHER EQUIPMENT, FIXTURES, STRUCTURES AND RELATED FACILITIES REASONABLY NECESSARY TO PROVIDE ELECTRICAL SERVICES.
2. NEW MEXICO GAS COMPANY (NMGCO) FOR INSTALLATION, MAINTENANCE, AND SERVICE OF NATURAL GAS LINES, VALVES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE NATURAL GAS SERVICES.
3. LUMEN (LUMEN) FOR INSTALLATION, MAINTENANCE AND SERVICE OF ALL BURIED AND AERIAL COMMUNICATION LINES AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE COMMUNICATION SERVICES, INCLUDING BUT NOT LIMITED TO ABOVE GROUND PEDESTALS AND ENCLOSURES.
4. SPARKLIGHT (SPARKLIGHT) FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF SUCH LINES, CABLE AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE CABLE TV SERVICES.
5. CITY OF RIO RANCHO UTILITIES (WATER AND SANITARY SEWER) FOR INSTALLATION, MAINTENANCE AND SERVICES OF LINES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE SERVICES.

INCLUDED, IS THE RIGHT TO BUILD, REBUILD, CONSTRUCT, RECONSTRUCT, LOCATE, RELOCATE, CHANGE, REMOVE, MODIFY, RENEW, OPERATE, AND MAINTAIN FACILITIES FOR THE PURPOSES DESCRIBED ABOVE, TOGETHER WITH FREE ACCESS TO, FROM, AND OVER SAID RIGHT-OF-WAY AND EASEMENT, WITH THE RIGHT AND PRIVILEGE OF GOING UPON, OVER AND ACROSS ADJOINING LANDS OF GRANTOR FOR THE PURPOSES SET FORTH HEREIN AND WITH THE RIGHT TO UTILIZE THE RIGHT-OF-WAY AND EASEMENT TO EXTEND SERVICES TO CUSTOMERS OF GRANTEE, AND TO TRIM AND REMOVE TREES, SHRUBS OR BUSHES WHICH INTERFERE WITH THE PURPOSES SET FORTH HEREIN. NO BUILDING, SIGN, POOL (ABOVE GROUND OR SUBSURFACE), HOT TUB, CONCRETE OR WOOD POOL DECKING, OR OTHER STRUCTURE SHALL BE ERECTED OR CONSTRUCTED ON SAID EASEMENTS, NOR SHALL ANY WELL BE DRILLED OR OPERATED THEREON.

EASEMENTS FOR ELECTRIC TRANSFORMERS/SWITCHGEARS, AS INSTALLED, SHALL EXTEND TEN (10) FEET IN FRONT OF TRANSFORMER/SWITCHGEAR DOORS AND FIVE (5) FEET ON EACH SIDE.

DISCLAIMER IN APPROVING THIS PLAT, PNM, NMGCO, LUMEN AND SPARKLIGHT DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, PNM, NMGCO, LUMEN AND SPARKLIGHT DO NOT WAIVE OR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT AND WHICH ARE NOT SHOWN ON THIS PLAT.

CITY CLERKS CERTIFICATE

I, Rebecca A. Martinez, CIty Clerk of the City of Rio Rancho, New Mexico do hereby certify that the plat shown hereon was approved administratively by the Rio Rancho Development Services Department Director on the day of _____, 2023.

Rebecca A. Martinez, City Clerk, City of Rio Rancho Date

TREASURER'S CERTIFICATE

I, Jennifer Taylor, Treasurer of Sandoval County, New Mexico do hereby certify that the previous ten (10) years property taxes have been paid in full.

Jennifer Taylor, Sandoval County Treasurer Date

PLAT
FOR
TIERRA DEL NORTE SUBDIVISION

(BEING A REPLAT OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43, LOTS 22 THRU 42, BLOCK 44, AND LOTS 22 THRU 31 AND LOTS 39 AND 40, BLOCK 45, TOGETHER WITH VACATED PORTIONS OF LINDERHOFF AVENUE AND LEEDS CASTLE AVENUE S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES)
WITHIN
THE TOWN OF ALAMEDA GRANT
PROJECTED SECTION 12
TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
AUGUST, 2023

DSD CASE NO. _____

RIO RANCHO PLANNING AND ZONING BOARD

Approved on the _____ day of _____ 2023.

Fred Radosevich, Chairman Date

UTILITY APPROVALS:

City of Rio Rancho Date

New Mexico Gas Company Date 8/9/2023

Lumen Date 08/09/2023

Public Service Company of New Mexico Date 08/09/2023

Sparklight Date 8/10/23

Anthony Lovato

COUNTY CLERKS RECORDING INFORMATION

THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____TH DAY OF _____, 2023 IN RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO, AND WAS RECORDED IN VOLUME_____, FOLIO_____, RECORDS OF SAID COUNTY.

(RIO RANCHO ESTATES PLAT BOOK _____, PAGE _____)

ANNE BRADY-ROMERO, COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

JURISDICTIONAL AFFIDAVIT

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby affirm that the property described hereon does lie within the platting and extra-territiorial jurisdiction of the City of Rio Rancho, New Mexico."

Timothy Aldrich, P.S. No. 7719 Date 08/08/2023

SURVEYOR'S CERTIFICATION

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the Minimum Standards for Land Surveying in the State of New Mexico and the City of Rio Rancho Subdivision Ordinance and is true and correct to the best of my knowledge and belief."

Timothy Aldrich, P.S. No. 7719 Date 08/08/2023

Timothy Aldrich Registered Professional Land Surveyor New Mexico 7719

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505-884-1990

Designed: DMG	Drawn: DER	Checked: ALS	Sheet 1 of 4
Scale: as shown	Date: 8/8/23	Job: A19035	

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Book ____, Page ____

PLAT
FOR
TIERRA DEL NORTE SUBDIVISION

(BEING A REPLAT OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43, LOTS 22 THRU 42, BLOCK 44, AND LOTS 22 THRU 31 AND LOTS 39 AND 40, BLOCK 45, TOGETHER WITH VACATED PORTIONS OF LINDERHOFF AVENUE AND LEEDS CASTLE AVENUE S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES)
WITHIN
THE TOWN OF ALAMEDA GRANT
PROJECTED SECTION 12
TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
AUGUST, 2023

PROPERTY CORNERS

□ – FOUND 5/8" REBAR

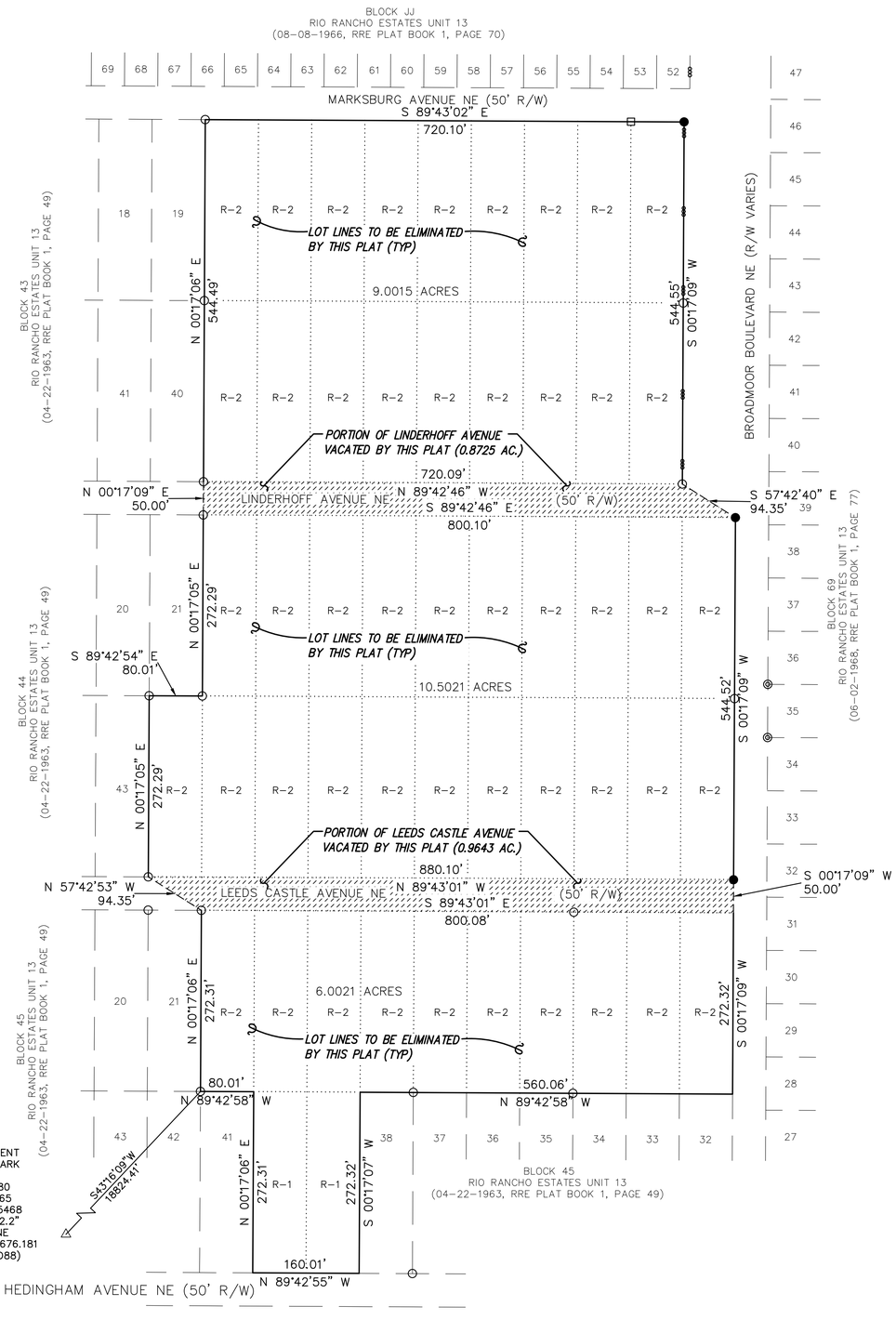
○ – FOUND 1/2" REBAR

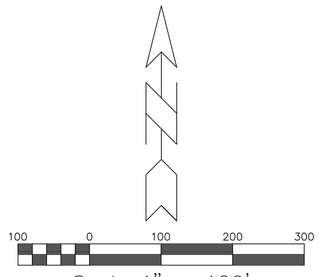
◎ – FOUND BATHEY MARKER WITH CAP "LS 14271"

● – SET 1/2" REBAR WITH CAP "LS 7719"

ACCESS CONTROL

⊖⊖⊖





LEGEND

PORTION OF EXISTNG RIGHT-OF-WAY VACATED BY THIS PLAT

EXISTING LOT LINES VACATED BY THIS PLAT

EXISTING EASEMENTS

① EXISTING 5' PUE (ALL SIDES OF ALL LOTS) (04-22-1963, RRE PLAT BOOK 1, PAGE 49) *VACATED BY THIS PLAT*

06-09-22 rev

Drawn By:	TA	Date:	12-31-20
Checked By:	TA	Drawing Name:	20140PLT.DWG
Job No.:	20-140	Sheet:	2 of 4

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505-884-1990

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PLAT
FOR
TIERRA DEL NORTE SUBDIVISION

(BEING A REPLAT OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43, LOTS 22 THRU 42, BLOCK 44, AND LOTS 22 THRU 31 AND LOTS 39 AND 40, BLOCK 45, TOGETHER WITH VACATED PORTIONS OF LINDERHOFF AVENUE AND LEEDS CASTLE AVENUE S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES)

WITHIN

THE TOWN OF ALAMEDA GRANT
PROJECTED SECTION 12
TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
AUGUST, 2023

PROPERTY CORNERS

□ – FOUND 1/2" REBAR WITH CAP "LS 7719"

○ – FOUND 1/2" REBAR

● – FOUND 1" PIPE

ABBREVIATIONS

10' P.U.E. = PUBLIC UTILITY EASEMENTS GRANTED WITH THIS PLAT

ROW = RIGHT-OF-WAY

H.O.A. = HOME OWNERS ASSOCIATION

NEW EASEMENTS

[A] NEW 10' PUBLIC UTILITY EASEMENT (P.U.E.) GRANTED WITH THIS PLAT.

[B] NEW PUBLIC SANITARY SEWER AND PUBLIC DRAINAGE EASEMENT GRANTED WITH THIS PLAT.

NOTES:

1. TRACTS A & B ARE TO BE HOA MAINTAINED PARKS FOR THE USE OF THE TIERRA DEL NORTE HOMEOWNERS.
2. TRACT C IS AN HOA MAINTAINED FIRST FLUSH POND AND A PUBLIC SANITARY SEWER, WATER AND DRAINAGE EASEMENT FOR THE USE & BENEFIT OF ALL LOT OWNERS.
3. TRACT D IS AN HOA MAINTAINED PNM SWITCH GEAR EASEMENT/TRACT FOR THE USE & BENEFIT OF ALL LOT OWNERS.
4. Lots 2, 3 and 4, Block 8 are encumbered by a private cross-lot drainage easement for the purpose of surface storm drainage to Tract C. The maintenance shall be the responsibility of the owner of each lot to ensure the storm water is not impeded. Granted by this plat.

BLOCK 69
RIO RANCHO ESTATES UNIT 13
(06-02-1968, RRE PLAT BOOK 1, PAGE 77)

BROADMOOR BOULEVARD NE

MARKSBURG AVENUE NE

TIERRA DEL ESTRELLA DRIVE

TIERRA DEL NORTE LOOP

TIERRA DEL LUNA AVENUE

TIERRA DEL MAR AVENUE

TIERRA DEL SOL AVENUE

LEEDS CASTLE AVENUE NE

HEDINGHAM AVENUE NE

LINDERHOFF AVENUE NE

HOA TRACT A

HOA TRACT B

HOA TRACT C

HOA TRACT D

BLOCK 2

BLOCK 1

BLOCK 3

BLOCK 4

BLOCK 5

BLOCK 6

BLOCK 7

BLOCK 8

BLOCK 9

RIGHT-OF-WAY DEDICATED WITH THIS PLAT

SCCS MONUMENT AND BENCHMARK "SAGE"
N=1545611.580
E=1499264.765
G-G=0.99965468
=-00°16'22.2"
CENTRAL ZONE
ELEVATION=5676.181
(NAD83/NAVD88)

BLOCK JJ
RIO RANCHO ESTATES UNIT 13
(08-08-1966, RRE PLAT BOOK 1, PAGE 70)

BLOCK 43
RIO RANCHO ESTATES UNIT 13
(04-22-1963, RRE PLAT BOOK 1, PAGE 49)

BLOCK 44
RIO RANCHO ESTATES UNIT 13
(04-22-1963, RRE PLAT BOOK 1, PAGE 49)

BLOCK 45
RIO RANCHO ESTATES UNIT 13
(04-22-1963, RRE PLAT BOOK 1, PAGE 49)

BLOCK 46,
TATES, UNIT 13"

RIO RANCHO ESTATES UNIT 13
(04-22-1963, RRE PLAT BOOK 1, PAGE 49)

*SEE SHEET 4 FOR PARCEL CURVE DATA TABLES, LINE DATA TABLES AND LOT/TRACT AREA TABLES.

ALL STREETS AND ROADS SHOWN HEREON ARE HEREBY DEDICATED TO THE C.O.R.R. IN FEE SIMPLE WITH WARRANTY COVENANTS AS PUBLIC RIGHT-OF-WAY

60' 30' 0 60' 120'
SCALE: 1" = 60'

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505-884-1990

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Scale: as shown	Date: 8/8/23	Job: A18026	

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Book ____, Page ____

PLAT
FOR
TIERRA DEL NORTE SUBDIVISION

(BEING A REPLAT OF LOTS 20 THRU 28 AND 31 THRU 39, BLOCK 43, LOTS 22 THRU 42, BLOCK 44, AND LOTS 22 THRU 31 AND LOTS 39 AND 40, BLOCK 45, TOGETHER WITH VACATED PORTIONS OF LINDERHOFF AVENUE AND LEEDS CASTLE AVENUE S.W. PORTION OF UNIT 13, RIO RANCHO ESTATES)
WITHIN
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PROJECTED SECTION 12
TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
AUGUST, 2023

Parcel Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	75.00'	117.81'	90°00'00"	N44°43'02"W	106.07'
C2	200.00'	46.71'	13°22'52"	N6°58'24"E	46.60'
C3	200.00'	85.40'	24°27'58"	S1°25'51"W	84.76'
C4	280.00'	132.52'	27°07'04"	N2°45'25"E	131.29'
C5	280.00'	135.45'	27°43'00"	S2°27'27"W	134.13'
C6	280.00'	108.15'	22°07'52"	S5°15'01"W	107.48'
C7	280.00'	27.30'	5°35'07"	S8°36'29"E	27.28'
C8	280.00'	57.10'	11°41'01"	N5°33'32"W	57.00'
C9	75.00'	117.81'	90°00'03"	N45°17'00"E	106.07'
C10	75.00'	117.81'	89°59'57"	S44°43'00"E	106.07'
C11	280.00'	53.81'	11°00'42"	N5°13'22"W	53.73'
C12	280.00'	117.29'	24°00'02"	S1°16'17"W	116.43'
C13	475.00'	173.26'	20°53'58"	N2°49'19"E	172.30'
C14	475.00'	65.58'	7°54'38"	S3°40'21"E	65.53'
C15	75.00'	117.81'	90°00'00"	S45°16'58"W	106.07'
C16	280.00'	112.80'	23°04'59"	S0°48'46"W	112.04'
C17	280.00'	4.48'	0°55'03"	S12°48'47"W	4.48'
C18	75.00'	14.51'	11°05'06"	N84°44'25"E	14.49'
C19	75.00'	15.80'	12°04'17"	S83°40'53"E	15.77'
C20	150.00'	15.97'	6°05'54"	N87°14'01"E	15.96'
C21	1000.00'	94.90'	5°26'15"	N87°33'51"E	94.87'
C22	1000.00'	94.90'	5°26'15"	S87°33'51"W	94.87'
C23	25.00'	39.27'	90°00'00"	N44°43'02"W	35.36'
C24	25.00'	39.27'	90°00'00"	S45°16'58"W	35.36'
C25	25.00'	39.27'	90°00'00"	N45°16'58"E	35.36'
C26	25.00'	39.27'	90°00'00"	S44°43'02"E	35.36'
C27	100.00'	157.08'	90°00'00"	N44°43'02"W	141.42'
C28	50.00'	78.54'	90°00'00"	S44°43'02"E	70.71'
C29	25.00'	39.27'	90°00'00"	S45°16'58"W	35.36'
C30	25.00'	39.27'	90°00'00"	S44°43'02"E	35.36'
C31	175.00'	40.87'	13°22'52"	N6°58'24"E	40.78'
C32	225.00'	50.79'	12°56'02"	N6°44'59"E	50.68'
C33	175.00'	74.73'	24°27'58"	S1°25'51"W	74.16'
C34	225.00'	64.50'	16°25'30"	S5°27'05"W	64.28'
C35	25.00'	40.60'	93°02'38"	S43°45'39"W	36.28'
C36	25.00'	38.12'	87°21'56"	S53°46'25"E	34.53'
C37	305.00'	144.36'	27°07'04"	N2°45'25"E	143.01'
C38	255.00'	117.52'	26°24'24"	N3°06'45"E	116.49'
C39	255.00'	123.36'	27°43'00"	S2°27'27"W	122.16'
C40	305.00'	71.34'	13°24'04"	S9°36'55"W	71.18'
C41	25.00'	36.50'	83°39'29"	S44°44'37"W	33.35'
C42	25.00'	38.10'	87°19'09"	S50°36'55"E	34.52'
C43	305.00'	62.20'	11°41'01"	N5°33'32"W	62.09'
C44	255.00'	32.22'	7°14'19"	S3°20'11"E	32.19'
C45	25.00'	39.27'	90°00'00"	S45°16'59"W	35.36'
C46	25.00'	39.27'	90°00'00"	S44°43'01"E	35.36'
C47	25.00'	39.27'	90°00'00"	S44°43'01"E	35.36'
C48	25.00'	39.27'	90°00'00"	N45°16'59"E	35.36'
C49	25.00'	39.27'	89°59'49"	S45°17'04"W	35.35'
C50	25.00'	39.27'	90°00'10"	S44°42'56"E	35.36'
C51	100.00'	157.08'	90°00'03"	N45°17'00"E	141.42'
C52	50.00'	78.54'	90°00'03"	N45°17'00"E	70.71'
C53	100.00'	157.08'	89°59'57"	S44°43'00"E	141.42'
C54	50.00'	78.54'	89°59'57"	S44°43'00"E	70.71'
C55	25.00'	39.05'	89°29'05"	N45°01'31"E	35.20'
C56	25.00'	39.27'	90°00'00"	N44°43'01"W	35.36'
C57	25.00'	42.54'	97°29'41"	N41°32'08"E	37.59'
C58	25.00'	37.21'	85°16'28"	N47°34'35"W	33.87'
C59	305.00'	30.82'	5°47'23"	N7°50'02"W	30.81'
C60	255.00'	47.65'	10°42'27"	N5°22'30"W	47.59'
C61	25.00'	42.01'	96°16'46"	N48°07'07"E	37.24'
C62	305.00'	127.76'	24°00'02"	S1°16'17"W	126.83'
C63	450.00'	164.14'	20°53'58"	N2°49'19"E	163.23'
C64	25.00'	42.69'	97°50'17"	N40°47'53"W	37.69'
C65	500.00'	86.81'	9°56'51"	N3°08'50"E	86.70'
C66	450.00'	38.46'	4°53'51"	N5°10'44"W	38.45'

Parcel Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C67	25.00'	40.58'	93°00'47"	N43°46'35"E	36.27'
C68	500.00'	69.03'	7°54'38"	S3°40'21"E	68.98'
C69	25.00'	39.27'	90°00'00"	N44°43'02"W	35.36'
C70	25.00'	39.27'	89°59'45"	N44°42'54"W	35.35'
C71	25.00'	39.27'	90°00'15"	N45°17'06"E	35.36'
C72	25.00'	39.27'	90°00'00"	N45°16'58"E	35.36'
C73	25.00'	39.27'	90°00'00"	N44°43'02"W	35.36'
C74	50.00'	78.54'	90°00'00"	N45°16'58"E	70.71'
C75	100.00'	157.08'	90°00'00"	S45°16'58"W	141.42'
C76	100.00'	29.04'	16°38'24"	N8°36'10"E	28.94'
C77	100.00'	38.13'	21°50'58"	N27°50'51"E	37.90'
C78	100.00'	49.31'	28°15'11"	N52°53'56"E	48.81'
C79	100.00'	40.59'	23°15'27"	N78°39'15"E	40.31'
C80	100.00'	40.54'	23°13'30"	S78°06'17"E	40.26'
C81	100.00'	45.55'	26°06'01"	S53°26'32"E	45.16'
C82	100.00'	48.98'	28°03'44"	S26°21'39"E	48.49'
C83	100.00'	22.01'	12°36'45"	S6°01'24"E	21.97'
C84	225.00'	50.43'	12°50'31"	S6°47'45"W	50.32'
C85	225.00'	1.76'	0°26'50"	N13°26'25"E	1.76'
C86	175.00'	48.66'	15°55'58"	N5°41'51"E	48.51'
C87	175.00'	26.06'	8°32'00"	S6°32'08"E	26.04'
C88	305.00'	13.07'	2°27'21"	S9°34'27"E	13.07'
C89	305.00'	50.17'	9°25'31"	S3°38'01"E	50.12'
C90	305.00'	50.29'	9°26'50"	S5°48'10"W	50.23'
C91	305.00'	30.82'	5°47'22"	S13°25'16"W	30.81'
C92	255.00'	20.59'	4°37'38"	S14°00'08"W	20.59'
C93	255.00'	50.33'	11°18'35"	S6°02'02"W	50.25'
C94	255.00'	50.32'	11°18'21"	S5°16'26"E	50.24'
C95	255.00'	2.11'	0°28'26"	S11°09'50"E	2.11'
C96	305.00'	48.36'	9°05'04"	S6°51'31"E	48.31'
C97	305.00'	13.84'	2°35'58"	S1°01'00"E	13.84'
C98	25.00'	8.62'	19°45'16"	S9°35'39"E	8.58'
C100	420.00'	7.11'	0°58'13"	N6°27'27"W	7.11'
C101	420.00'	50.09'	6°50'00"	N2°33'20"W	50.06'
C102	420.00'	50.15'	6°50'30"	N4°16'55"E	50.12'
C103	420.00'	14.34'	1°57'22"	N8°40'51"E	14.34'
C104	650.00'	36.15'	3°11'12"	N8°03'56"E	36.15'
C105	650.00'	50.13'	4°25'09"	N4°15'45"E	50.12'
C106	650.00'	50.01'	4°24'31"	N0°09'05"W	50.00'
C107	650.00'	27.09'	2°23'18"	N3°32'59"W	27.09'
C108	420.00'	23.01'	3°08'22"	N3°10'27"W	23.01'
C109	420.00'	13.84'	1°53'15"	N0°39'39"W	13.83'
C110	420.00'	121.70'	16°36'06"	N1°21'29"E	121.27'
C111	650.00'	163.39'	14°24'10"	S2°27'27"W	162.96'
C112	420.00'	36.85'	5°01'36"	N2°13'50"W	36.84'
C113	175.00'	15.87'	5°11'43"	N2°52'50"E	15.86'
C114	175.00'	25.00'	8°11'09"	N9°34'15"E	24.98'
C115	100.00'	13.51'	7°44'21"	S86°24'48"W	13.50'
C116	255.00'	96.21'	21°37'05"	N0°43'06"E	95.64'
C117	255.00'	21.31'	4°47'19"	N13°55'17"E	21.31'
C118	500.00'	50.62'	5°48'04"	S4°43'38"E	50.60'
C119	500.00'	86.81'	9°56'51"	S3°08'50"W	86.70'
C120	100.00'	10.43'	5°58'31"	N86°43'46"W	10.42'
C121	175.00'	13.92'	4°33'28"	S88°00'14"W	13.92'
C122	1034.00'	39.88'	2°12'34"	N89°10'41"E	39.87'
C123	1034.00'	50.10'	2°46'35"	N86°41'07"E	50.10'
C124	1034.00'	58.26'	3°13'41"	S86°27'34"W	58.25'
C125	966.00'	83.30'	4°56'28"	S87°18'57"W	83.28'
C126	1034.00'	8.15'	0°27'06"	N85°04'16"E	8.15'
C127	966.00'	42.00'	2°29'28"	N86°05'27"E	41.99'
C128	966.00'	41.31'	2°27'00"	N88°33'41"E	41.30'
C129	1034.00'	88.83'	4°55'20"	N87°18'23"E	88.80'
C130	966.00'	91.68'	5°26'15"	N87°33'51"E	91.64'
C131	1034.00'	43.71'	2°25'19"	S88°33'24"W	43.70'
C132	1034.00'	45.12'	2°30'01"	S86°05'44"W	45.12'
C133	966.00'	5.02'	0°17'52"	S84°59'39"W	5.02'

Parcel Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C134	966.00'	50.11'	2°58'19"	S86°37'45"W	50.10'
C135	966.00'	36.55'	2°10'04"	S89°11'57"W	36.55'
C136	100.00'	36.68'	21°00'56"	S10°47'27"W	36.47'
C137	100.00'	49.24'	28°12'44"	S35°24'17"W	48.74'
C138	100.00'	48.50'	27°47'21"	S63°24'19"W	48.03'
C139	100.00'	22.66'	12°59'02"	S83°47'31"W	22.61'
C140	101.71'	21.36'	12°02'05"	N83°35'43"W	21.33'
C141	100.00'	43.01'	24°38'30"	N40°00'37"W	42.68'
C142	100.00'	43.01'	24°38'30"	N15°22'07"W	42.68'
C143	100.00'	5.81'	3°19'50"	N1°22'56"W	5.81'
C144	255.00'	15.65'	3°31'01"	N8°58'13"W	15.65'
C145	305.00'	23.32'	4°22'51"	N8°32'18"W	23.31'
C146	305.00'	50.08'	9°24'31"	N1°38'37"W	50.03'
C147	305.00'	50.49'	9°29'06"	N7°48'12"E	50.43'
C148	305.00'	3.86'	0°43'34"	N12°54'32"E	3.86'
C149	450.00'	46.96'	5°58'46"	N10°16'55"E	46.94'
C150	450.00'	50.14'	6°23'01"	N4°06'02"E	50.11'
C151	450.00'	50.08'	6°22'33"	N2°16'46"W	50.05'
C152	450.00'	16.97'	2°09'37"	N6°32'51"W	16.97'
C153	500.00'	33.34'	3°49'15"	N5°43'02"W	33.34'
C154	500.00'	35.69'	4°05'23"	N1°45'43"W	35.68'
C155	420.00'	16.12'	2°11'56"	S1°22'56"W	16.12'
C156	420.00'	49.60'	6°45'57"	S5°51'53"W	49.57'
C157	420.00'	0.68'	0°05'32"	S9°12'06"W	0.68'
C158	420.00'	50.26'	6°51'21"	S5°43'40"W	50.23'
C159	420.00'	14.78'	2°01'00"	S1°17'29"W	14.78'
C160	420.00'	65.72'	8°57'54"	N4°45'55"E	65.65'
C161	420.00'	65.72'	8°57'53"	S4°45'55"W	65.65'
C162	99.20'	43.89'	25°21'01"	N64°54'09"W	43.53'

Parcel Line Table

Line #	Direction	Length
L2	S10°48'08"E	15.50
L3	S10°48'08"E	46.93
L4	N00°16'59"E	116.32
L5	N00°16'59"E	29.00
L6	N00°16'59"E	87.32
L7	S79°11'52"W	42.72
L8	S77°38'45"E	42.07
L9	N84°11'05"E	42.01
L10	S06°56'34"E	54.05
L11	N00°16'59"E	25.00
L12	N89°42'51"W	25.00

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	1	6766.3761 sf
2	1	5750.0726 sf
3	1	5749.9824 sf
4	1	5749.8922 sf
5	1	5749.8020 sf
6	1	5749.7117 sf
7	1	7696.7064 sf
8	1	9561.9020 sf
9	1	15447.7832 sf
10	1	8020.7942 sf
11	1	5750.0000 sf
12	1	6631.7477 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	2	6631.7477 sf
2	2	5750.0000 sf
3	2	8016.8318 sf
4	2	13821.8403 sf
5	2	10906.4768 sf
6	2	6699.4291 sf
7	2	5249.4120 sf
8	2	5249.2578 sf
9	2	5249.1304 sf
10	2	5249.0030 sf
11	2	5248.8756 sf
12	2	5248.7555 sf
13	2	5343.9587 sf
14	2	6118.4259 sf
15	2	6126.5762 sf
16	2	5873.8737 sf
17	2	5764.4600 sf
18	2	5774.1212 sf
19	2	5923.0083 sf
20	2	6126.3869 sf
21	2	6053.2464 sf
22	2	5802.1747 sf
23	2	6896.3024 sf
HOA TRACT A	2	27869.7651 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	3	7513.4954 sf
2	3	5750.0000 sf
3	3	5750.0000 sf
4	3	5750.0000 sf
5	3	5750.0000 sf
6	3	5750.0000 sf
7	3	7526.0407 sf
8	3	7928.4192 sf
9	3	5750.0000 sf
10	3	5750.0000 sf
11	3	5750.0000 sf
12	3	5750.0000 sf
13	3	5750.0000 sf
14	3	7915.8739 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	4	7915.8739 sf
2	4	5750.0000 sf
3	4	5750.0000 sf
4	4	5750.0000 sf
5	4	5750.0000 sf
6	4	5750.0000 sf
7	4	7924.6250 sf
8	4	7003.3307 sf
9	4	5750.0000 sf
10	4	5750.0000 sf
11	4	5750.0000 sf
12	4	5750.0000 sf
13	4	5750.0000 sf
14	4	7915.8739 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	5	7889.7748 sf
2	5	5750.0000 sf
3	5	5750.0000 sf
4	5	5750.0000 sf
5	5	5750.0000 sf
6	5	5750.0000 sf
7	5	8487.8631 sf
8	5	7244.6762 sf
9	5	5750.0000 sf
10	5	5750.0000 sf
11	5	5750.0000 sf
12	5	5750.0000 sf
13	5	5750.0000 sf
14	5	7096.2274 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	6	8668.5832 sf
2	6	6103.5230 sf
3	6	5910.1476 sf
4	6	5813.4680 sf
5	6	5803.2566 sf
6	6	5803.2598 sf
7	6	8380.0895 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	7	6426.9836 sf
2	7	5318.1206 sf
3	7	5512.3408 sf
4	7	5607.4970 sf
5	7	5615.9558 sf
6	7	5615.9956 sf
7	7	7364.7217 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	8	7055.5126 sf
2	8	8785.6919 sf
3	8	13881.1186 sf
4	8	9616.6914 sf
5	8	7225.7896 sf
6	8	5500.1461 sf
7	8	5500.1461 sf
8	8	5500.1461 sf
9	8	5500.1461 sf
10	8	7079.5067 sf
11	8	11597.9371 sf
12	8	19585.5729 sf
13	8	11616.3715 sf
14	8	7944.8537 sf
HOA TRACT C	8	46999.0822 sf
HOA TRACT D	8	490.8898 sf

Parcel Area Table

Lot No.	Block No.	Area (sf)
1	9	7781.0078 sf
2	9	5750.5182 sf
3	9	5765.7294 sf
4	9	5942.5398 sf
5	9	6168.7318 sf
6	9	6143.0523 sf
7	9	5946.5347 sf
8	9	5790.8265 sf
9	9	5774.4035 sf
10	9	7969.4122 sf
HOA TRACT B	9	19348.5125 sf

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBQ., N.M. 87190
505-884-1990

Designed: DMG	Drawn: DER	Checked: ALS	Sheet 4 of 4
Scale: as shown	Date: 8/8/23	Job: A18026	

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CITY OF RIO RANCHO
COVER PAGE

Legislation Item:

AGENDA DATE:
September 26, 2023

DEPARTMENT:
Development Services

SUBJECT:
Planning and Zoning Monthly Building Activity Report- AUGUST 2023

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: 2023 PZ MONTHLY COMPARISONS.pdf

2023 BUILDING ACTIVITY COMPARISON

PERMIT TYPES	MAR #s	APR #s	MAY	MAY VALUATION	JUNE	JUNE VALUATION	JUL	JULY VALUATION	AUG	AUGUST VALUATION	ANNUAL TOTALS	
Single Family	94	79	50	$11,907,856	80	$17,412,620	92	$21,209,979	115	$24,368,154	**599**	**$126,350,016**
Additions/Residential	17	16	11	$245,100	11	$279,341	12	$1,101,521	16	$2,249,296	**106**	**$5,277,090**
New Commercial	0	0	0	$0	3	$4,050,000	0	$0	0	$0	**6**	**$16,046,598**
New Office/Institution	0	0	2	$907,251	2	$1,410,000	2	$195,000	1	$10,000,000	**7**	**$12,512,251**
New Industrial	0	0	0	$0	0	$0	1	$4,522,039	0	$0	**1**	**$4,522,039**
Non-Residential Interior Tenant Improvement	5	4	3	$574,451	4	$205,808	1	$50,000	0	$0	**29**	**$4,573,719**
Office/Institution Addition	0	0	0	$0	1	$160,881	0	$0	0	$0	**1**	**$160,881**
Industrial Addition	0	0	0	$0	0	$0	0	$0	0	$0	**0**	**$0**
New Multi-Family	3	1	0	$0	2	$7,086,294	0	$0	0	$0	**6**	**$12,900,414**
Telecommunication Tower	2	2	1	$25	1	$1,200	0	$0	5	$54,200	**13**	**$182,925**
Demolition - Non-Residential	0	1	0	$0	0	$0	0	$0	0	$0	**1**	**$20,000**
Demolition - Residential	0	0	0	$0	0	$0	0	$0	0	$0	**0**	**$0**
Fence	11	7	14	$69,805	17	$238,332	7	$41,150	7	$49,010	**80**	**$839,677**
Garages	7	7	3	$105,034	3	$77,822	3	$82,460	4	$150,666	**36**	**$1,384,338**
Pool	5	13	6	$505,284	5	$269,946	9	$571,098	7	$518,805	**60**	**$4,164,093**
Reroofs/Windows/ Doors	77	96	86	$914,383	66	$1,033,421	38	$462,156	65	$780,073	**513**	**$6,866,793**
Retaining Wall	17	4	12	$801,303	20	$1,765,507	3	$14,002	43	$6,470,950	**119**	**$20,923,614**
Small Shed (120 sq.ft. or less)	16	20	16	$55,685	16	$78,511	10	$43,850	19	$77,370	**128**	**$542,582**
Sheds	8	8	7	$132,789	13	$206,922	11	$73,390	6	$99,045	**59**	**$1,177,926**
Solar (Rooftop & Ground Mount)	75	81	147	$1,926,052	99	$1,521,373	125	$1,924,366	97	$1,979,472	**741**	**$43,405,367**
Business Registrations (Occupancy Inspection)	15	14	16		8		12		19		**106**	**$0**
Building Inspections	2,716	2,559	2,807		3,022		2,755		3,240		**21,960**	**$0**
Engineering Inspections	142	138	165		151		166		240		**1,281**	**$0**
R.O.W. Permits (Fees)	25	36	37	$12,765	17	$10,005	20	$8,682	27	$8,278	**208**	**$64,290**
TOTALS:	**3,235**	**3,086**	**3,383**	**$18,157,783**	**3,541**	**$35,807,983**	**3,267**	**$30,299,693**	**3,911**	**$46,805,319**	**26,060**	**$261,914,613**

CITY OF RIO RANCHO
COVER PAGE

Legislation Item:

AGENDA DATE:
September 26, 2023

DEPARTMENT:
Development Services

SUBJECT:
Planning and Zoning Monthly Summary Plat Report - AUGUST

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: August Summary Plat Activity.pdf

SUMMARY PLAT ACTIVITY

AUGUST 2023

CASE #	RECEIVED	LOCATION	COMMENTS	RECORDED
20-200-00010	03/23/20	12A, 16A, 16B, BLOCK 22, U10	Under Review	
21-200-00003	01/27/21	UNIT 16 BLOCK 91 TRACT A SPLIT	RECORDING	
21-200-00004	02/01/21	LOT COMBO U10, BLK 25, LOTS 57 & 58	Awaiting Signatures	
21-200-00010	03/03/21	UNIT 20 BLOCK 142 LOTS 14 AND 15	Under Review	
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	
22-200-00008	03/17/22	UNIT 16, BLOCK F, LOTS 6 & 7 COMBO	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	
22-200-00033	10/19/22	RR Estates Unit 16, Blk J, Lot 1	Under Review	
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	
23-200-00001	01/10/23	UNIT 11, BLOCK P, LOTS 15 AND 16 COMBO, SUMMARY PLAT	Under Review	
23-200-00004	02/14/23	PETROGLYPH MEDICAL PLAZA, BLOCK A, LOTS 6A1A AND 7A1 COMBINATION SUMMARY PLAT	Under Review	
23-200-00005	02/21/23	UNIT 13, BLOCK 143, LOTS 23A & 23B LOT SPLIT	Awaiting Signatures	
23-200-00007	03/03/23	SUMMARY PLAT, LOT SPLIT (TRACT P-1C), CARTESIAN SURVEYS, INC.	Under Review	

SUMMARY PLAT ACTIVITY
AUGUST 2023

23-200-00008	03/08/23	U11, BLK10, LOTS 66 & 67 (LOT COMBO)	Awaiting Signatures	
23-200-00010	03/13/23	UNIT 17, TRACT U SPLIT	Under Review	
23-200-00011	03/28/23	MELON RIDGE, BLK 2, TRACT B AND LOTS 2, 3 LOT LINE ADJUSTMENT	Under Review	
23-200-00012	04/14/23	U10, BLK B, LOTS 20, 21, AND 22 (LOT COMBO)	Under Review	
23-200-00013	04/17/23	UNIT 17, BLOCK 148, LOTS 10-11, LOT COMBINATION	Under Review	
23-200-00014	5/8/2023	SUMMARY PLAT - RRE UNIT 11, BLOCK 9, LOTS 9+10 (512-508 8TH ST NE) 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	
23-200-00018	6/20/2023	UNIT 11, BLOCK E, LOTS 60 AND 61 LOT COMBINATION	Under Review	
23-200-00019	6/23/2023	EH2, BLOCK 1, PARCELS C1 AND C2 LOT LINE ADJUSTMENT	Under Review	
23-200-00020	6/30/2023	BLK 95, LOTS 1 & 34; LOT LINE ADJUSTMENT; CARTESIAN S	Under Review	
23-200-00021	7/6/2023	THE VILLAGE, TRACT E2 LOT SPLIT	Under Review	
23-200-00022	7/10/2023	CORRALES SOUTH, BLOCK H, LOT 16B1B1, LOT SPLIT	Under Review	
23-200-00023	7/18/2023	LD2, BLOCK 10, TRACT 63A / SUMMARY PLAT	Under Review	
23-200-00024	**08/29/23**	**SUMMARY PLAT - CABEZON, LOTS 3 AND 4 (RE**	Under Review	
TOTAL TO DATE:		**47**		