



Regular Governing Body Meeting
City of Rio Rancho
AGENDA
December 14, 2023
6:00 PM
Council Chambers

Governing Body Members

Greggory D. Hull, Mayor	Paul Wymer, Councilor District 4
Jim Owen, Councilor District 1	Karissa Culbreath, Councilor District 5
Jeremy Lenentine, Councilor District 2	Nicole List, Councilor District 6
Bob Tyler, Councilor District 3	

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>

Public comment on agenda items can be taken in-person or remotely via Zoom meeting software with the access information below.

Join by Computer: <https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MDN0UT09>

Meeting ID: 853 0235 3741
Passcode: 789419

Join by Phone:
Dial +1 253 215 8782 US then enter Meeting ID and Passcode

Call to Order and Pledge of Allegiance

Proclamations and Awards of Merit

Public Forum

Pursuant to Section 30.06 Rio Rancho Municipal Code, this section of the agenda is conducted as follows:

(A) Public forum. Any person wishing to address the governing body on any item which is not on the agenda, shall register with the City Clerk within 15 minutes before the beginning of the meeting. Speakers shall be recognized in the order of registration with the City Clerk.

(B) Manner of address. Each person shall seek the recognition of the presiding officer. Each person shall give his name and address. Comments or questions shall be addressed to the governing body as a whole through the presiding officer and not to any members thereof. No person shall enter into any discussion without the permission of the presiding officer.

(C) Time limit. The presiding officer may place a limit on the amount of time any person may speak after being recognized.

(C) Time limit. The presiding officer may place a limit on the amount of time any person may speak after being recognized.

*Must be in-person to participate under Public forum. Remote access is not available.

Comments by Councilors

Consent Calendar

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

- 1.** Minutes of November 16, 2023 Regular Meeting
Minutes of November 16, 2023 Regular Meeting
- 2.** D44, Public Infrastructure Advisory Board 2023 Annual Report to the Governing Body
2023 Annual Report to GB
- 3.** D45, Parks and Recreation Commission 2023 Annual Report to the Governing Body
FY23 PR Commission - Report to Governing Body
- 4.** D46, Capital Improvement Plan Citizens Advisory Committee (CIPCAC) 2023 Annual Report to the Governing Body
CIPCAC GB update 2023
- 5.** R153, Resolution Accepting 2023/2024 State Homeland Security Grant Program (SHSGP) Award and to Authorize a Budget Adjustment to the Federal Grants Fund (259)
2023_Budget_Resolution_FR2439_SHSGP
- 6.** R154, Resolution Authorizing a Budget Adjustment to the State Appropriation Capital Fund (315) to Design Kennel Expansion at the Animal Resource Center
315_Budget_Resolution_ARC_Kennel_Design_Revised__1
- 7.** R155, Resolution Accepting Fiscal Year 2024 Budget Adjustment to the State Grants Fund (252) and the Federal Grants Fund (259) for the ENDWI, STEP/DNOS, and BKLUP/CIOT Program Grants
2024_Budget_Resolution_BKLUP_ENDWI_STEP_DRM
- 8.** R156, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase Police Motorcycles
Budget_Resolution_PS2445_23-H3175
- 9.** R157, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase Police Vehicles and Safety Equipment
Budget_Resolution_PS2444_23-ZH9290
- 10.** R158, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase Police Vehicles and Safety Equipment
Budget_Resolution_PS2443_23-ZH9287_revised
- 11.** R159, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase Police Vehicles and Safety Equipment
Budget_Resolution_PS2446_23-H3176
- 12.** R160, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase and Equip Police All-Terrain Vehicles
Budget_Resolution_PS2447_23-H3169
- 13.** R161, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) for Police Headquarters Renovations
Budget_Resolution_PS2454_23_ZH5040_11

- 14.** R162, Resolution Authorizing the Trade-In of Fleet Equipment
Resolution
Exhibit A
- 15.** D47, Appointment of Richard Smith to the Arts Commission
Richard Smith - Resume - Arts Commission_Redacted
- 16.** D48, Appointment of Timothy Ward to the Library Board
TimothyWard_Resume_RR_Redacted
- 17.** D49, Appointment of Lance Himmelberger to the Library Board
Lance Himmelberger Resume - Library Board Submission_Redacted
- 18.** D50, Appointment of Richard Kozak to the Arts Commission
Richard Kozak - Arts Application_Redacted
- 19.** D51, Appointment of Aldis Philipbar to the Library Board
ALDIS M PHILIPBAR - Resume_Redacted
- 20.** D52, Appointment of Karen White to the Senior Services Advisory Board
Karen White - SS Board_Redacted
- 21.** D53, Senior Services Advisory Board 2023 Annual Report to the Governing Body
DSS_Annual_Report_to_GB_2023
- 22.** D54, Lodgers Tax Advisory Board 2023 Annual Report to the Governing Body
LTAB_Annual_Report_2023ver2
- 23.** D55, Keep Rio Rancho Beautiful Board 2023 Annual Report to the Governing Body
KRRB_Advisory_Board_2023_Report_to_Governing_Body_102523

Boards and Commissions

Public Hearings

- 24.** D56, Site Plan Approval for Perfection Honda at Rio Hondo, Block 2, Lot 1-A-1
Application
Location Map
96-006 O-6.pdf
1996 D-49.pdf
Applicant Narrative
Engineering Comments
CORR PRCS Comments
Legal Ad
Site Plan
Elevations
Traffic Circulation
Civil Plans
Landscape Plan

Second Reading of Ordinances

- 25.** O27, Ordinance Amending Chapter 154, Planning and Zoning, to Create Section 154.79 Condominium Declarations; Providing for Severability and an Effective Date
Ordinance
2023-1116 GB Legal Ad

- 26.** O28, Ordinance Amending Chapter 36, Finance and Revenue, for the Creation of Section 36.130, Affordable Housing Ordinance; Providing for Severability and an Effective Date
Ordinance
R115_-_Signed
- 27.** O29, Ordinance Amending Portions of Chapters 91 Nuisances; Health and Sanitation, Chapter 94 Parks and Open Spaces, Chapter 130 General Provisions, Chapter 131 Offenses Against Order and Safety, Chapter 132 Offenses Against Property, and Chapter 154 Planning and Zoning
Ordinance
- 28.** O30, Ordinance Amending Chapter 30 Governing Body
Ordinance

First Reading of Ordinances

Discussion and Deliberation

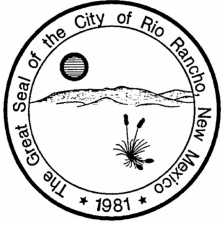
- 29.** R152, Postponed from November 16, 2023 Meeting - Resolution to Require Immediate Removal or Repair of Ruined Building, Structures, Rubbish, Wreckage, Weeds, and Debris, and Abatement of Premises at 2009 Grande Blvd. SE, Rio Rancho, NM 87124
Resolution
2009 Grande Blvd Exhibit 1.pdf
2009 Grande Blvd Exhibit 2.pdf
2009 Grande Blvd Exhibit 3.pdf
2009 Grande Blvd Exhibit 4.pdf
2009 Grande Blvd Exhibit 5.pdf
- 30.** R163, Resolution Repealing and Replacing Boards & Commissions Rules of Procedure
Resolution_Repealing_and_Replacing_Boards_and_Commissions_Rules_of_Procedure_Dec_14_2023
Boards_and_Commissions_Rules_of_Procedure.pdf
Exhibit A Update Boards and Commissions Rules of Procedure Dec 14 2023.pdf
- 31.** R164, Resolution Establishing the City of Rio Rancho's Legislative Priorities for the Regular 2024 New Mexico Legislature Session
Resolution_2024_Leg_Priorities_Dec_14_2023 (1
- 32.** R165, Resolution Establishing the City of Rio Rancho's Capital Outlay Priorities for the Regular 2024 Legislative Session of the New Mexico Legislature
Resolution_Capital_Outlay_Priorities_2024_Leg_Session_Dec_14_2023
Final 2 Capital Outlay Project 2024 Detail Dec 14 2023.docx

City Manager

- 33.** 2024 New Mexico Legislature Preview - City's State Government Lobbyist

Comments by Councilors

Adjournment



**CITY OF RIO RANCHO
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Legislation Item:

AGENDA DATE:

December 14, 2023

DEPARTMENT:

City Clerk

SUBJECT:

Minutes of November 16, 2023 Regular Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: [Minutes of November 16, 2023 Regular Meeting](#)



Governing Body
of the
City of Rio Rancho

MINUTES
NOVEMBER 16, 2023
6:00 PM
Council Chambers, City Hall

MEMBERS PRESENT:

Greggory D. Hull, Mayor
Jim Owen, Councilor Dist. 1
Jeremy Lenentine, Councilor Dist. 2
Bob Tyler, Councilor Dist. 3
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5
Nicole List, Councilor Dist. 6

STAFF PRESENT:

Matt Geisel, City Manager
Peter Wells, Deputy City Manager
Josh Rubin, City Attorney
Rebecca Martinez, City Clerk
Amy Rincon, Dir. of Development Svcs.
James DeFillippo, Fire Chief
Carole Jaramillo, Director of Financial Services
Connie Peterson, Dir. of Parks, Rec & Comm Svcs.
Yolanda Lucero, Deputy City Clerk

Call to Order and Pledge of Allegiance

Mayor Hull called the meeting to order at 6:00 p.m.

Mayor Hull stated at 5:00 p.m. a Closed Session was held in accordance with: Section 10-15-1 (H)(7) NMSA, 1978, meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant:

- D-1329-CV-2021-01559 for City of Rio Rancho vs. Mariposa East 3, LP, et. Al.
- Sandoval County Regional Emergency Communications Center.

Proclamations and Awards of Merit

1.) Mayor Hull's 2023 Fall Community Cleanup - Cleanup Team Winners Award Presentation

Mayor Hull presented the Fall Cleanup Awards.

Public Forum

The following individual spoke under this item:

Anita Leivo
Casey Robinson

1 **Comments by Councilors**

2
3 **Consent Calendar**

- 4
5 2.) Minutes of October 17, 2023 Work Session Meeting
- 6 3.) Minutes of October 26, 2023 Regular Meeting
- 7 4.) R136, Resolution Authorizing the Disposal and Trade-In of Library Materials
- 8 5.) R137, Resolution Authorizing a Budget Adjustment to the State Appropriation Capital
- 9 Fund (315) to Purchase and Equip Vehicles for the Fire Marshal's Office
- 10 6.) R138, Resolution Authorizing a Budget Adjustment to the State Appropriations
- 11 Capital Fund (315) for the Purchase of a Library Item Sorter
- 12 7.) R139, Resolution Authorizing the Disposal of City Property Located at the Sandoval
- 13 County Regional Emergency Communications Center
- 14 8.) R140, Resolution Authorizing a Budget Adjustment to the Sandoval County Regional
- 15 Communication Center (280) Fund
- 16 9.) R141, Resolution Authorizing a Budget Adjustment to the State Appropriation Capital
- 17 Fund (315) to Purchase and Equip an Ambulance
- 18 10.) R142, Resolution Authorizing Budget Adjustment to the State Appropriations
- 19 Capital Fund to Purchase Fire & Rescue Ambulance and Safety Equipment
- 20 11.) R143, Resolution Authorizing a Budget Adjustment to the State Appropriations
- 21 Capital Fund to Purchase Firefighting Equipment
- 22 12.) R144, Resolution Authorizing Disposal of a Generator at Rio Rancho Fire Station 3
- 23 13.) R145, Resolution Authorizing a Budget Adjustment to the Federal Grants Fund
- 24 (259) for the Drug Enforcement Agency Region One State and Local Task Force Grant
- 25 Award for FY 2024
- 26 14.) R146, Resolution Authorizing a Budget Adjustment for the Acceptance of State of
- 27 New Mexico Law Enforcement Recruitment Funds to Hire Law Enforcement Officers
- 28 and Law Enforcement Support Positions
- 29 15.) R147, Resolution Authorizing a Budget Adjustment to the Utilities Operations Fund
- 30 (501) for Equipment Rental
- 31 16.) R148, Resolution Authorizing Disposal of Police Department Property (Vehicles)
- 32 17.) R149, Resolution Authorizing Disposal of Police Department Property
- 33 18.) D42, Appointment of Lanny Busher to the Keep Rio Rancho Beautiful Committee
- 34 19.) D43, Appointment of Scottie Richardson to the Planning and Zoning Board

35
36 Karissa Culbreath moved to approve Consent Calendar. Seconded by Jim Owen

37
38 The motion carried by a vote of 6 FOR and 0 AGAINST

39 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
40 Nicole List

41
42 **Boards and Commissions**

43
44 **Public Hearings**

1 20.) O26, Ordinance of the City of Rio Rancho, New Mexico Amending the Zoning
2 Classification and Official Zoning Map for the Property Legally Described as Los
3 Diamantes 2, Block 10, Lots 63 to 68 from R-1: Single-Family Residential District to R-3:
4 Mixed Residential District; Identifying Conditions of Development, Providing for
5 Severability and an Effective Date
6

7 Amy Rincon, Director of Development Services presented this item. The applicant, City
8 of Rio Rancho Development Services Department, seeks a Zone Map Amendment for
9 Lots 63-68 of Block 10, Los Diamantes Phase 2 from R-1: Single-Family Residential
10 District to R-3: Mixed Residential District. The subject property comprises approximately
11 0.94 acres. The subject property is part of the Unit 10 Specific Area Plan. During the
12 staff review of the Preliminary Plat, approved by the Planning and Zoning Board
13 November 9, 2021, the zoning of these two lots was missed and not accounted for, as
14 they were not part of the original Summary Plat for the Los Diamantes Master Plan area
15 and subsequent Summary Plat splitting Tract 1 into Tract 1-A and Tract 1-B. In the next
16 steps of review and approval of the Final Plat, this error in review and approval without
17 amending zoning for Unit 10, Block 73, Lots 2 and 3, was not caught by staff. The
18 Preliminary Plat for Los Diamantes Phase 2 was approved for an extension by the
19 Planning and Zoning Board on August 9, 2022, with the Final Plat approved December
20 13, 2022. The Final Plat was recorded with the County on February 9, 2023; however, a
21 Correction Plat was then recorded on February 22, 2023 to add missing curve data. As
22 a result of the above process and review, when Lots 63-68 of Block 10, LD2 were re-
23 plated from Lots 2 and 3 of Block 73 in the Los Diamantes Phase 2 Final Plat, they
24 remained zoned R-1 and not R-3: Mixed Residential. This Zone Map Amendment is
25 necessary to update the subject lots to the R-3: Mixed Residential District zoning
26 designation to correct a previous staff oversight and bring the platted lots into
27 compliance with the zoning code requirements. Currently, Lots 63-68 do not comply
28 with the minimum lot width standards of the existing R-1: Single-Family Residential
29 Zoning and Lots 63-66 do not comply with the minimum lot area requirements of R-1
30 zoning.

31
32 Jeremy Lenentine moved to approve O26. Seconded by Bob Tyler
33

34 The motion carried by a vote of 6 FOR and 0 AGAINST
35 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
36 Nicole List
37

38 21.) Public Hearing for Community Development Block Grant (CDBG) Proposed
39 Amendment to 2018-2022 Consolidated Plan and Action Plans 2020, 2021, 2022
40

41 Carol Jaramillo, Director of Financial Services stated this is a public hearing for the
42 proposed amendment to the Community Development Block Grant - Proposed
43 Amendment to 2018-2022 Consolidated Plan and Action Plans 2020, 2021, 2022.
44

45 No individual spoke under this item.
46

1 **Second Reading of Ordinances**

2
3 **First Reading of Ordinances**

4
5 22.) O27, Ordinance Amending Chapter 154, Planning and Zoning, to Create Section
6 154.79 Condominium Declarations; Providing for Severability and an Effective Date

7
8 Amy Rincon presented this item. The applicant, City of Rio Rancho, seeks to amend
9 Chapter 154, Planning and Zoning, for the creation of Section 154.79 Condominium
10 Declarations. Currently, the City Code of Ordinances does not contain specific language
11 relating to condominium declarations and regulations. Condominiums, along with all
12 housing types, in the City must conform to City zoning regulations, including density
13 requirements, setbacks, building heights, and other restrictions in Chapter 154. City
14 staff have encountered a rise in condominium inquiries. To fully answer the queries,
15 staff reviewed state statute provisions for condominium development. State statute
16 allows for local governments to require written confirmation that condominium
17 developments meet local zoning regulations prior to recording of the condominium
18 declarations. As a proactive action to ensure the properly regulated and guided
19 development of condominiums, staff are recommending adoption of this text
20 amendment to Chapter 154.

21
22 Paul Wymer moved to approve O27. Seconded by Jeremy Lenentine

23
24 The motion carried by a vote of 6 FOR and 0 AGAINST

25 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
26 Nicole List
27

28 23.) O28, Ordinance Amending Chapter 36, Finance and Revenue, for the Creation of
29 Section 36.130, Affordable Housing Ordinance; Providing for Severability and an
30 Effective Date

31
32 Amy Rincon presented this item. Funding was allocated in 2021 to develop an
33 Affordable Housing Study in response to growing concerns surrounding rising home
34 sales prices and rents and lack of options. The National Development Council was
35 chosen as the consultant to help identify local housing needs as well as the tools and
36 strategies that may be used to meet those needs. A steering committee was created
37 with members from the local business-owner community, realtors, developers, and non-
38 profit affordable housing entities. The needs assessment was collated into the
39 Affordable Housing Study, which was introduced at the Governing Body work session
40 on August 15, 2023. From the study, the Affordable Housing Plan was drafted. The Plan
41 was adopted by Resolution, at the September 28, 2023 Governing Body Meeting. The
42 accompanying Ordinance, or "enabling legislation," is currently being brought forward
43 for the first reading, and the second reading would occur at the December 14, 2023,
44 Governing Body meeting. Per the Affordable Housing Act the Ordinance will create the
45 ability for the City to consider public-private partnerships for affordable housing activities
46 by creating an exception to the anti-donation clause in the New Mexico Constitution.

1 The Ordinance essentially incorporates the Affordable Housing Act definitions and
2 regulations into local City code. Staff recommends approval will findings of fact and
3 conditions of approval.

4
5 Jeremy Lenentine moved to approve O28. Seconded by Karissa Culbreath

6
7 The motion carried by a vote of 6 FOR and 0 AGAINST
8 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
9 Nicole List

10
11 24.) O29, Ordinance Amending Portions of Chapters 91 Nuisances; Health and
12 Sanitation, Chapter 94 Parks and Open Spaces, Chapter 130 General Provisions,
13 Chapter 131 Offenses Against Order and Safety, Chapter 132 Offenses Against
14 Property, and Chapter 154 Planning and Zoning

15
16 Rebecca Martinez, City Clerk presented this item. The Ordinance proposes
17 amendments to various areas within Municipal Code for the purpose of modernizing
18 outdated definitions and regulations related to public places, public property, and public
19 right-of-way to provide clear, uniform applicability across corresponding chapters. The
20 proposed amendments provide for the following:

- 21 • Uniform definitions for clarity and consistency that will aid in the application and
22 enforcement of the law;
- 23 • An accurate reflection of the City Manager's responsibility and duty to designate
24 the hours of operation of City facilities; and
- 25 • Regulations to protect the public health and safety of the community and to
26 ensure adequate protection of publicly funded resources.

27
28 Bob Tyler moved to approve O29. Seconded by Jim Owen

29
30 The motion carried by a vote of 6 FOR and 0 AGAINST
31 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
32 Nicole List

33
34 25.) O30, Ordinance Amending Chapter 30 Governing Body

35
36 Peter Wells, Deputy City Manager presented this item. This Ordinance is a companion
37 to the Resolution repealing and replacing the Governing Body's Rules of Procedure
38 appearing on the November 16, 2023, meeting agenda. Public forum reference removal
39 from Municipal Code will not eliminate public forum from appearing on noticed public
40 meeting agendas of the Governing Body where action is scheduled to take place. Public
41 forum is retained and further defined via an updated rules of procedure document the
42 Governing Body is considering on today's agenda.

43
44 Bob Tyler moved to approve O30. Seconded by Nicole List

45
46 The motion carried by a vote of 6 FOR and 0 AGAINST

1 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
2 Nicole List
3

4 **Discussion and Deliberation**
5

6 26.) R150, Resolution Approving the Proposed Community Development Block Grant
7 (CDBG) Substantial Amendment and a Budget Adjustment to the CDBG Fund (375)
8

9 Carol Jaramillo, Director of Financial Services presented this item. The Resolution
10 adopts the proposed amendment to reallocate Federal Community Development Block
11 Grant (CDBG) funds for \$107,634.80 from completed activities for planning and
12 administration, supportive housing, and public facilities to a new eligible use for the
13 American with Disabilities Act (ADA) ramp construction. The required thirty-day public
14 comment period ends November 16, 2023. Upon adoption of this Resolution, CDBG
15 funds will be reallocated to the ADA ramp project on Golf Course Road from Chianti
16 Road to Cabezon Boulevard.
17

18 Bob Tyler moved to approve R150. Seconded by Jeremy Lenentine
19

20 The motion carried by a vote of 6 FOR and 0 AGAINST

21 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
22 Nicole List
23

24 27.) R151, Resolution Repealing and Replacing Governing Body Rules of Procedure
25

26 Peter Wells, Deputy City Manager presented this item. The City Charter, Section 2.09,
27 states that the Governing Body determines its own rules and order of business. The
28 Governing Body first adopted rules of procedure in 1994. The last review and
29 amendment of the rules of procedure occurred in 2015. Over the years, elected officials
30 and City staff have identified a variety of necessary and recommended amendments.
31 He briefly went over the proposed changes.
32

33 Bob Tyler moved to approve R151. Seconded by Jim Owen
34

35 Bob Tyler moved to amend R151, Exhibit A, Governing Body Rules of
36 Procedure, Section 2.3 Order of Business as follows:

37 Call to Order

38 Pledge of Allegiance

39 Proclamations and Awards of Merit

40 Public Forum

41 Comments by City Councilors

42 Consent Calendar

43 Board/Commission/Committee Reports

44 Public Hearings

45 Second Reading of Ordinances

46 First Reading of Ordinances

1 Discussion and Deliberation

2 ~~Comments by City Councilors~~

3 City Manager's Report

4 Adjournment

5 Seconded by Karissa Culbreath

6
7 The motion to amend carried by a vote of 6 FOR and 0 AGAINST

8 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
9 Nicole List

10
11 The main motion as amended carried by a vote of 6 FOR and 0 AGAINST

12 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
13 Nicole List

14
15 28.) R152, Resolution to Require Immediate Removal or Repair of Ruined Building,
16 Structures, Rubbish, Wreckage, Weeds, and Debris, and Abatement of Premises at
17 2009 Grande Blvd. SE, Rio Rancho, NM 87124

18
19 Mayor Hull stated the property owner has requested this item be postponed for further
20 review.

21
22 Matt Geisel, City Manager stated the property owner through their counsel has
23 requested postponement to the next regular scheduled meeting on December 14, 2023.
24 When staff notified the property owner regarding the intent for the City to take-action on
25 the property, the owner requested postponement on this item to act and address
26 ongoing safety and health concerns on the property. If the owner is not on track by
27 December 14, 2023, staff will seek approval of R152 from the Governing Body.

28
29 The following individual spoke under this item:

30
31 Casey Robinson

32
33 Bob Tyler moved to postpone R152 to December 14, 2023 Regular Governing
34 Body Meeting. Seconded by Paul Wymer

35
36 The motion carried by a vote of 6 FOR and 0 AGAINST

37 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
38 Nicole List

39
40 **City Manager**

41
42 **Comments by Councilors**

43
44 **Adjournment**

45
46 6:50 p.m.

1 APPROVED THIS DECEMBER 14, 2023

2

3

4

5 ATTEST:

6

7

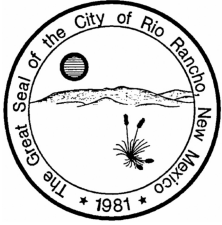
8 Rebecca A. Martinez, City Clerk

9

SEAL

Greggory D. Hull, Mayor

DRAFT



**CITY OF RIO RANCHO
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Legislation Item: D44

AGENDA DATE:

December 14, 2023

DEPARTMENT:

City Clerk

SUBJECT:

D44, Public Infrastructure Advisory Board 2023 Annual Report to the Governing Body

BACKGROUND AND ANALYSIS:

Pursuant to Section 33.05, R.O., 2003, each board, commission or authority of the City shall, on an annual basis, report to the Governing Body, any recommendations, activities or matters of business conducted throughout the year. This report can be presented either in person or in writing.

The Public Infrastructure Advisory Board selected to provide a written report for 2023.

IMPACT:

The submittal of the annual report ensures compliance of the Municipal Code, Chapter 33 Boards, Commissions and Committees.

ALTERNATIVES:

Approve the Report.

Do not approve the Report.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Annual Report.

ATTACHMENT: [2023 Annual Report to GB](#)



November 20, 2023

TO: Rio Rancho Governing Body

FROM: Public Infrastructure Advisory Board Members

RE: 2023 Annual Report

Pursuant to Section 33.26, the Public Infrastructure Advisory Board is required to meet at least quarterly throughout the year. This year, the Board met on January 17, April 25, July 18, and on October 17, 2023.

At each meeting, the Board received project updates of infrastructure and water and wastewater utility activities from the Public Works Department and Utilities Department personnel.

At their April 25, 2023 meeting, and in accordance with Subsection G of Section 33.26, the Board reviewed and expressed support for the City Manager's recommended FY24 Operating Budget and FY23-28 Capital Improvement Program related to roads, drainage and water/wastewater utilities system. This review included an explanation of how the City of Rio Rancho selects both arterial and residential streets for the Hybrid Mill and Inlay and Crack Patch project.

On July 18, 2023, the Board selected member Sue Prelozni as Chair and member Armando Martinez-Cantu as Vice-Chair. On October 17, 2023, the Board set their 2024 meeting schedule and also recommended approval of the 2024 Road Bond proposal for the March 2024 election ballot, of which \$10.6 million would be for roads.

Thank you,

Sue A Prelozni

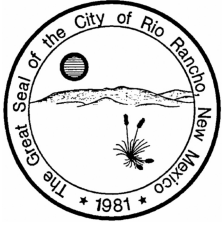
Sue Prelozni, At Large, Chair

Armando Martinez-Cantu, District 1, Vice-Chair

Christian Cruz, District 3

Kimberly Aragon, District 4

Serena Pearson, District 5



**CITY OF RIO RANCHO
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Legislation Item: D45

AGENDA DATE:

December 14, 2023

DEPARTMENT:

City Clerk

SUBJECT:

D45, Parks and Recreation Commission 2023 Annual Report to the Governing Body

BACKGROUND AND ANALYSIS:

Pursuant to Section 33.05, R.O., 2003, each board, commission or authority of the City shall, on an annual basis, report to the Governing Body, any recommendations, activities or matters of business conducted throughout the year. This report can be presented either in person or in writing.

The Chairperson of the Parks and Recreation Commission selected to provide a written report for 2023.

IMPACT:

The submittal of the annual report ensures compliance of the Municipal Code, Chapter 33 Boards, Commissions and Committees.

ALTERNATIVES:

Approve the Report.

Do not approve the Report.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Annual Report.

ATTACHMENT: [FY23 PR Commission - Report to Governing Body](#)

FY23 Current Board Members and Districts

- District 1 Commissioner Tischa Becker
- District 2 Vacant
- District 3 Commissioner Ellen Herrera
- District 4 Commissioner Steven Etter
- District 5 Commissioner Patricia French-Barger - Chairperson
- District 6 Commissioner Lisa Leiding
- At-Large Commissioner Chris Marsh – Vice-Chairperson

FY23 Resource Development Accomplishments

Our most notable accomplishments this year include:

1. Opening of the Enchanted Hills HUB – June 2023
2. Bureau of Reclamation & Army Corp of Engineers continues to work on the Willow Creek river channel improvements and trail alignments – construction taking place through fall 2024 - hope to be completed by April 2024.
3. New shaded performing arts structure was built and installed at Campus Park – paid for out of 1% Arts in Public Places – completed in July 2023.
4. Sports Complex ADA upgrades and updates for safety and playability were completed this year – projects included ADA walkways to bleachers and dugouts and ADA parking – these projects were paid for via state and CDBG grant funding.
5. Vista Grande playground ADA improvements were completed this fall.
6. Campus Park Phase II is under design – will have 80% plans by the end of the calendar year - out to bid in early spring – construction summer of 2024 and completion in fall of 2024.
7. Completion of the Rio Rancho Sports Complex North Phase 2 - includes restroom facilities and a concession facility.
8. Continued progress on GO Bond Projects – Veja Baja Park playground replacement, Enchanted Hills Park playground replacement, and Rio Vista Park playground replacement. All playground structures have been received after extensive shipping delays. Veja Baja playground is currently being erected with an anticipated completion date of Nov 2023. Enchanted Hills and Rio Vista anticipated completion is spring 2024.

9. The *A Park Above* hillside redesign is underway. Construction drawings are at 100% and work is scheduled to begin in December and completed in late January 2024.
10. The North Hills Open Space lighting repairs project has been completed.
11. The Meadowlark Senior Center entryway project is underway.
12. The outdoor programming terrace space at Broadmoor Senior Center is in the design phase.
13. The Sabana Grande Re-stucco project is in the works – anticipated completion end of December 2023.

FY23 Quality of Life Accomplishments

Quality of Life accomplishments are specific providing programs that enrich the lives of our citizens.

Special Events:

- Father Daughter Dance – Feb 4
- Vendor and Craft Spring Fling Sabana Grande – March 25
- Eggs 'n Beggin' Adoption Event – April 1
- Park 'n the Park Car Show – April 22
- Earth Day Activities - April 22
- Mother's Day Tea – April 29
- Tree Seedling Giveaway – May 13
- Great American Clean up – May 13
- Rio Rancho's Largest Yard Sale – May 20
- Memorial Day Ceremony – May 29
- Movies Under the Stars – May through Sept
- Shop Local Markets at Cabezon – March through Sep
- Father's Day Tee at Cabezon – June 10
- Juneteenth Freedom Day Event – June 16
- Mopar Fest Car Show at Haynes – June 17
- July 4th Celebration Campus Park with Philharmonic
- Teddy Bear Picnic at Cabezon – August 26
- Labor Day Concert featuring Philharmonic at Campus Park – Sept 3
- Back to School Rummage Sale – August 12
- Pooch Plunge – September 9
- Mayor's Community Clean Up (Rally in the Desert) Sept 16
- Fall Festival – October 21
- Veterans Day Ceremony – Nov 11
- Arts and Crafts Fair at Sabana – Nov 18
- Breakfast with Santa at Cabezon – Nov 18
- Winterfest Celebration at Campus Park – Dec 1

Programming:

The following links to the programming brochures and Senior Services newsletters demonstrate the hundreds of programs offered at the community centers and senior centers, all with the mission to provide quality education programs, encouraging healthy active lifestyles for citizens of all ages.

<https://rrnm.gov/369/Program-Event-Brochure>



<https://rrnm.gov/843/Newsletter>

Rio Rancho Senior Services
ACTIVITIES & EVENTS FOR ADULTS 65+

OCTOBER 2023

ALL CENTERS CLOSED MONDAY, OCTOBER 9 FOR INDIGENOUS PEOPLES DAY

Broadmoor Senior Center (BSC)

Making Your Android Cell Phone Work for You
Learn the basics of how your Android cell phone works. During this class, voicemail, texting, using apps, Gmail and Google products, voice commands, and password storage will be covered. The presenter will be ready to answer your questions. Please note that this is a general overview class and individual instruction will not be given. Limit: 30
Tuesday, October 24 at 3 p.m. in Main Room

Conversational Italian with Marta Hanley
Are you planning a trip to Italy in the near future? Brush up on your Italian before take-off! Please note, this is not a beginner class for learning Italian. Limit: 10
Tuesday, November 14—December 19
1:30 p.m. in Demo Room

Meadowlark Senior Center (MSC)

Karaoke with Robert Dominguez
Thursday, October 5
1:30 p.m. - 4:00 p.m. in D/R

Pumpkin Painting with Jennifer Tallen
Paint pumpkins for a decorative look for the Fall season with Jennifer Tallen as she teaches you simple techniques to spice up any room or yard. Supplies will be provided. Limit: 15
Monday, October 30 at 1:30 p.m. in Art Room
\$2 payable at Registration

Cooking with Steve: Zuppa Toscana
Steve Morales will demonstrate how to prepare a favorite soup of his, Zuppa Toscana. This savory soup is made up of Italian sausage, white kidney beans, russet potatoes, freshly cut kale with a creamy sauce that will make your mouth water. Samples will be provided for tasting. Limit: 40
Thursday, October 26, 2023 at 3:00 p.m. D/R
\$3 payable at registration

Halloween Monster Mash
Happy Halloween! Bring your friends and have a spooky good time. Wear your best costume for a chance to win. Freaky food, music and dancing provided to set the mood of madness. Limit: 60
Tuesday, October 31, 2023 from 1:30 p.m. in D/R
\$5 payable at registration

Rio Rancho Senior Services
ACTIVITIES & EVENTS FOR ADULTS 65+

NOVEMBER 2023

All centers will be closed on Friday, November 10 for Veterans Day Thursday, November 23 & Friday, November 24 for the Thanksgiving Holiday

Broadmoor Senior Center (BSC)

Land Ownership in New Mexico
Land ownership has long been a hot topic in New Mexico. Learn about the different types of land ownership and how you can locate or file a deed. Limit: 25
Wednesday, November 8 at 1:30 p.m. - 2:30 p.m. in the Main Room

Curanderismo: Traditional Healing
Learn about this traditional healing method practiced in many Latin American countries and some parts of North America. Esteso "Checo" Torres, Vice-President of Student Affairs at UNM, will explain the importance and the culture of traditional healing to benefit the mind, body and spirit. Limit: 25
Friday, November 17 at 1:30 p.m. - 3 p.m. in the Demo Room

Turkey with a Trooper
As the holidays approach, this special event will offer an opportunity to share a meal with the Rio Rancho Police Department. They will listen to your concerns, answer questions, and share in the family style of holiday celebration. We are also asking all members who attend to bring a stuffed animal to donate to the Rio Rancho Police Officers for children in crisis. Limit: 25
Friday, November 17 at 12 p.m. - 1 p.m. in the Main Room

Meadowlark Senior Center (MSC)

"Honoring All Who Served" Veterans Day Ceremony, 2023
The City of Rio Rancho, Division of Senior Services, will host a ceremony to honor the many senior center members who have served in the Armed Forces throughout the years. Uniforms are encouraged, but not required. Limit: 60
Thursday, November 9 at 1:30 p.m. in D/R
Registration Required

Getting to Know Your Smart TV
Gio Worthington is back to share her knowledge of Smart TVs with you. Learn how to navigate your Smart TV in this interactive demonstration. Gio will answer your questions so you can stream all your favorite shows with confidence.
Tuesday, November 21
1:30 p.m.—2:30 p.m. in D/R

FY23 Aquatics Accomplishments

- Successful seasonal staffing during 2023 outdoor pool season (compared to last two years)
- Roof replacement at the Indoor Aquatic Center

- Slide refurbishment/restoration at Rainbow Pool
- Heater replacement at Rainbow Pool
- Haynes pool water heater replaced

FY23 Animal Resource Center Accomplishments

The Animal Resource Center's goals remain consistent. The staff day-in and day-out focus on protecting people and pets through the enforcement of animal laws; encouraging responsible pet ownership; promoting animal welfare; reuniting lost pets with their owners; and finding homes for adoptable animals.

Adoption Events and Activities:

- Eggs 'n Beggin' Animal Adoption at Cabezon – April
- Meadowlark Senior Center Fair – April
- Sunday Funday – August
- Pooch Plunge – Adoption Booth – September
- Fall Festival Adoption Booth – October
- Corrales CARMA adoption event - November
- Thanksgiving and Christmas Dinner for all shelter pets – November and December

Implementation of Volunteer Program:

In FY23 the volunteer handbook was vetted by the City Manager's Office, Legal and Human Resources. At this time ARC has 5 volunteers who weekly assist staff with cleaning; feeding; socializing; exercising; grooming; assisting with adoption events; assisting with adoptions, and more.

FY23 Parks and Facilities Accomplishments

Our Facilities Division continues to daily preserve and maintain the City's investments in community centers, parks, sports facilities and trails. A key element continues to be preventive maintenance of these assets.

Daily, the workforce is assigned regularly scheduled maintenance activities, in addition to managing the inevitable unforeseen or emergency repairs. These assignments ensure that all parks, trails and facilities are inspected, maintained, repaired, and in operable condition for the community.

At this time, crews are winterizing parks and will soon embark on their winter projects including (but not limited to):

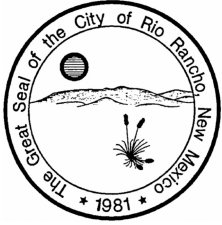
Parks:

- Pruning and hedging of trees and bushes, burn weeds
- Removal of dead trees/shrubs
- Painting tables and benches
- Replacing signage at all parks

- Running brush hog and clearing open space areas
- Installation of new tables, benches, trash cans
- Crusher fine refresh or replacement
- Washout repairs
- Turf timer and irrigation clock repairs
- Cleaning or repairs of curb and gutters
- Post and cable repairs
- Woodchip replacement in playgrounds and dog parks
- Hotbox repairs
- Pecan or mulch replacement in tree wells
- Painting basketball backboards
- Irrigation repairs

Ballfields:

- Repair Warning tracks
- Fix drains
- Edge grass, and fix lips on fields
- Repair dugouts benches
- Burn weeds
- Dig out covert pipes
- Wind fences repairs and pipe fence repairs along arroyo
- Gate repairs, flag pole repainting
- Grass repairs and leveling of clay in fields
- Rebuild stairs to shed, dig out holding ponds
- Build retaining wall for parking lot
- Landscape flag pole and gazebo
- Rebuild maintenance road



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D46

AGENDA DATE:

December 14, 2023

DEPARTMENT:

City Clerk

SUBJECT:

D46, Capital Improvement Plan Citizens Advisory Committee (CIPCAC) 2023 Annual Report to the Governing Body

BACKGROUND AND ANALYSIS:

Pursuant to Section 33.05, R.O., 2003, each board, commission or authority of the City shall, on an annual basis, report to the Governing Body, any recommendations, activities or matters of business conducted throughout the year. This report can be presented either in person or in writing.

The Chairperson of the CIPCAC selected to provide a written report for 2023.

IMPACT:

The submittal of the annual report ensures compliance of the Municipal Code, Chapter 33 Boards, Commissions and Committees.

ALTERNATIVES:

Approve the Report.

Do not approve the Report.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Annual Report.

ATTACHMENT: [CIPCAC GB update 2023](#)

2023 Governing Body CIPCAC Update

CIPCAC's (the Capital Improvement Plan Citizens Advisory Committee) main function is to advise and assist the city in preparation, implementation, and updating of the Impact Fee Capitalization Improvement Plan.

The CIPCAC consists of seven municipal residents appointed by the Mayor and approved subject to confirmation by the Governing Body. Not less than 40% of the CIPCAC (three members) shall be representatives of the real estate, development or building industries, in accordance with the New Mexico Development Fees Act, and no more than two members shall reside in the same City Council district, with members serving three-year terms.

CIPCAC welcomes one new member since last year's update: Tommy Knight, representing District 2.

CIPCAC meets quarterly with three extra meetings during the first part of the year to oversee the annual Community Development Block Grant (CDBG) applications. CDBG is a one year planning document required by HUD for housing and community development programs identifying the needs for housing, homeless, non-homeless special needs population, community development and economic development needs. These federal funds are available each year and are subject to change depending on HUD's budget allocations.

The final amount allocated to the City of Rio Rancho following CIPCAC recommendation and adjustments is \$2,448,860 of which \$489,772 is the new allocation amount. Last year's allocation was \$521,301. Projects included in the funding will be:

- Haven House Shelter Salary Support: \$28,450
- Sandoval County Permanent Supportive Housing: \$16,500
- St. Felix Pantry Homelessness Prevention: \$28,450
- Habitat for Humanity - Residential Emergency and Critical Repair: \$318,417
- CoRR Administration: \$97,954.40

CIPCAC wanted to highlight four main categories of HUD funds distributed:

1. Haven House Shelter Salary Support: This program provides services for victims of domestic violence, dating violence, sexual assault or stalking. CDBG funds will be used to offset administrative costs by providing salary support for staff who provide shelter and services to domestic violence victims and their children.
2. Sandoval County Permanent Supportive Housing: This program provides services for the homeless and at-risk populations. CDBG funds will be used to offset administrative costs by providing salary support for staff who provide long-term supportive housing assistance and comprehensive outreach, case management, and advocacy services to chronically disabled persons who are experiencing homelessness. In addition, the grant provides salary support for ongoing HUD-funded rental assistance to help persons exit homelessness by securing housing and providing support necessary for the participant to retain housing and self-sufficiency.
3. Saint Felix Pantry Homelessness Prevention and Food Assistance: This program provides services for the homeless and at-risk populations residing in the City of Rio Rancho. CDBG funds will be used for homelessness prevention by assisting in-need Rio Rancho households with their utility and mortgage/rent payments.
4. Habitat for Humanity - Residential Emergency and Critical Repair: This program provides a variety of services, including water heater, swamp cooler, furnace, and roof repair, ADA compliance and health and safety type work. CDBG funds will be used to make home repairs for elderly and cost burdened low-income families living in older neighborhoods. Each home will receive situational repairs on one area of focus for each home.

The CIPCAC has been reviewing additions to the Impact Fee Capital Improvement Plan. These additions are for system level projects associated with proposed developments around the city. The IFICP is a component plan of the ICIP. The IFICP contains sources and uses for impact fees

only, while the ICIP is the city's comprehensive 6-year financial plan for capital investment. The IFCIP is a plan required by the New Mexico Development Fees Act that identifies capital improvements or facility expansions for which impact fees may be assessed.

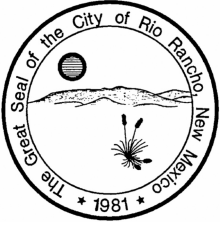
An impact fee capital improvement is: Any of the following facilities that have a life expectancy of ten or more years and are owned and operated by or on behalf of the City:

1. Roadway facilities, including roads, bridges, bus bays, rights-of-way, traffic signals, landscaping and local components of state and federal highways;
2. Bikeways and trails;
3. Parks, recreational areas, open space trails and related areas and facilities;
4. Buildings for fire, police and rescue essential equipment costing \$10,000 or more and having a life expectancy of ten years or more.
5. Water and wastewater facilities, including wells, transmission mains, storage reservoirs, collection mains, lift stations, wastewater treatment plants.
6. Drainage facilities, including regional facilities typically constructed by the Southern Sandoval County Arroyo Flood Control Authority and local facilities typically constructed by the City of Rio Rancho. Regional facilities include storm water conveyances of more than 500 cubic feet per second.

In 2023, CIPCAC reviewed and recommended approval for IFCIP projects including:

- Stormwater infrastructure and drainage capacity improvements for the stretch of road on Vatapa Rd NE between Kafka Rd NE and Idalia Rd NE.

As development increases we are expecting to review multiple projects to be added to the IFCIP. These additions create a way for the developers to receive impact fee credits for system wide infrastructure improvements.



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R153

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Fire and Rescue

SUBJECT:

R153, Resolution Accepting 2023/2024 State Homeland Security Grant Program (SHSGP) Award and to Authorize a Budget Adjustment to the Federal Grants Fund (259)

BACKGROUND AND ANALYSIS:

The New Mexico State Department of Homeland Security and Emergency Management has awarded the Office of Emergency Management federal grant funds for \$82,000.

These funds will be used for the Community Emergency Response Team (CERT) program, Police Department Emergency Response Team (ERT), and Office of Emergency Management training/exercise.

IMPACT:

The Resolution will increase the sources and use of the Federal Grants Fund (259).

There is no impact on the General Fund.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [2023_Budget_Resolution_FR2439_SHSGP](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

RESOLUTION ACCEPTING 2023/2024 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) AWARD AND TO AUTHORIZE A BUDGET ADJUSTMENT TO THE FEDERAL GRANTS FUND (259)

WHEREAS: the State Homeland Security Grant Program (SHSGP) is a core assistance program that provides funds to build capabilities at the state, local, tribal, and territorial levels to enhance national resilience to absorb disruptions and rapidly recover from incidents, as well as to implement the goals and objectives included in state homeland security strategies and initiatives in the State Preparedness Report (SPR); and

WHEREAS: the State of New Mexico Department of Homeland Security and Emergency Management has awarded the Rio Rancho Office of Emergency Management federal grant funds for \$82,000; and

WHEREAS: a budget adjustment is necessary to expend the grant funds as intended.

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

That authorization is given for the following budget adjustment:

Federal Grants Fund (259)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
259-0000-331.20-00 Federal Grants	FR2439	\$934,023	\$82,000		\$1,016,023
Total Uses		\$934,023	\$82,000		\$1,016,023

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
259-0000-424.40-08 CERT Program	FR2439	\$35,511	\$10,000		\$45,511
259-0000-424.40-40 Program Activities	FR2439	\$15,825	\$72,000		\$87,825
Total Sources		\$51,336	\$82,000		\$133,336

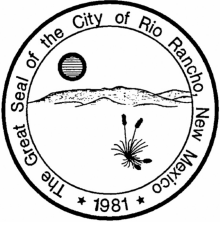
ADOPTED THIS _____ DAY OF _____, 2023.

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Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R154

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Parks, Recreation & Community Services

SUBJECT:

R154, Resolution Authorizing a Budget Adjustment to the State Appropriation Capital Fund (315) to Design Kennel Expansion at the Animal Resource Center

BACKGROUND AND ANALYSIS:

As part of its 2022 regular session, the New Mexico Legislature appropriated \$59,000 (22-G2991) in grant funds to plan, design, and construct improvements at the Animal Resource Center located at 3441 Northern Blvd. NE.

Funding to make improvements at the Animal Resource Center was included in the Governing Body's 2022 Capital Outlay Funding Priority Resolution.

These funds need to be moved from the Repair and Maintenance - Buildings and Minor Furniture and Equipment Budget line items to the Professional Services line item to complete the architectural design portion of the project.

IMPACT:

There is no impact on the General Fund.

The proposed Resolution will create the budget and line items necessary to implement the grant award.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommend approval of the Resolution.

ATTACHMENT: [315_Budget_Resolution_ARC_Kennel_Design_Revised__1](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE STATE
APPROPRIATION CAPITAL FUND (315) TO DESIGN A KENNEL EXPANSION FOR
THE ANIMAL RESOURCE CENTER**

WHEREAS: the New Mexico Legislature has awarded \$59,000 (22-G2991) to the City of Rio Rancho to plan, design, and construct improvements at the Animal Resource Center located at 3441 Northern Blvd.; and

WHEREAS: a budget adjustment is necessary to correctly classify expenditures as capital building improvements and expend the grant funds as intended.

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

That authorization is given the following budget adjustment:

State Appropriation Capital Fund (315)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-416.50-35 Building Repair and Maintenance	PR2319	\$89,000		\$39,000	\$50,000
315-0000-416.60-70 Minor Furniture and Equipment	PR2319	\$272,350		\$20,000	\$252,350
315-0000-416.70-11 Building Improvements	PR2319	\$1,086,084	\$59,000		\$1,145,084
Total Uses		\$1,447,434	\$59,000	\$59,000	\$1,447,434

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R155

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Police Department

SUBJECT:

R155, Resolution Accepting Fiscal Year 2024 Budget Adjustment to the State Grants Fund (252) and the Federal Grants Fund (259) for the ENDWI, STEP/DNOS, and BKLUP/CIOT Program Grants

BACKGROUND AND ANALYSIS:

The New Mexico Department of Transportation Traffic Safety Bureau has provided funding for the ENDWI, STEP/DNOS, and BKLUP/CIOT programs for the Federal Fiscal Year 2024.

The grants provide resources to fund overtime costs for the Rio Rancho Police Department to focus on issues such as DWIs, distracted driving, drivers not wearing seatbelts, and other driving behaviors adversely impacting traffic safety.

The ENDWI program provides law enforcement with overtime funds to perform DWI enforcement checkpoints and saturation patrols. The funding awarded for this program is \$88,000.

STEP/DNOS is the Selective Traffic Enforcement Program and 100 Days and Nights of Summer Program that provide overtime funding for law enforcement to enforce distracted and aggressive driving. The funding awarded for this program is \$69,840.

BKLUP/CIOT or Buckle Up/Click it or Ticket provides law enforcement with overtime funding to enforce seat belt laws and conduct child car seat clinics. The funding awarded for this program is \$44,740.

The City of Rio Rancho has accepted these grant funds for several consecutive years. The grant funds further traffic enforcement operations at no cost to the City of Rio Rancho.

IMPACT:

Approving the Resolution will provide additional funding from the New Mexico Department of Transportation and allow the Rio Rancho Police Department to conduct additional traffic enforcement to reduce traffic crash fatalities and injuries.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [2024_Budget_Resolution_BKLUP_ENDWI_STEP_DRM](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION ACCEPTING FISCAL YEAR 2024 BUDGET ADJUSTMENT TO THE
STATE GRANTS FUND (252) AND THE FEDERAL GRANTS FUND (259) FOR THE
ENDWI, STEP/DNOS, AND BKLUP/CIOT PROGRAM GRANTS**

WHEREAS: the Traffic Safety Bureau of the New Mexico Department of Transportation has provided funding for the ENDWI, STEP/DNOS, and BKLUP/CIOT programs for the Federal Fiscal Year 2024; and

WHEREAS: a budget adjustment is necessary to expend the grant funds as intended.

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

That authorization is given for the following budget adjustment:

State Grants Fund (252)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
252-0000-334.10-00 State Grants	PS2451	\$45,270	\$44,740		\$90,010
Total Uses		\$45,270	\$44,740		\$90,010

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
252-0000-421.10-21 Overtime	PS2451	\$13,214	\$44,740		\$57,954
Total Sources		\$13,214	\$44,740		\$57,954

Federal Grants Fund (259)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
259-0000-331.20-00 Federal Grants	*See Note	\$943,023	\$157,840		\$1,100,863
Total Uses		\$943,023	\$157,840		\$1,100,863

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
259-0000-424.10-21 Overtime	*See Note	\$122,409	\$157,840		\$280,249
Total Sources		\$122,409	\$157,840		\$280,249

*PS2453 ENDWI: \$88,000

1 PS2452 STEP: \$69,840

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3 ADOPTED THIS _____ DAY OF _____, 2023.

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Greggory D. Hull, Mayor

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10 ATTEST:

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Rebecca A. Martinez, City Clerk

13 (SEAL)

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**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R156

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Police Department

SUBJECT:

R156, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase Police Motorcycles

BACKGROUND AND ANALYSIS:

As part of its 2023 regular session, the New Mexico Legislature appropriated \$101,000 (Award No. 23-H3175) to purchase and equip police motorcycles.

Funding to purchase and equip vehicles police motorcycles was included in the Governing Body's 2023 Capital Outlay Funding Priority Resolution.

IMPACT:

Approving the Resolution will provide funding from the State to purchase and equip two police motorcycles.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Budget_Resolution_PS2445_23-H3175](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE STATE
APPROPRIATIONS CAPITAL FUND (315) TO PURCHASE POLICE MOTORCYCLES**

WHEREAS: the New Mexico Legislature has awarded the City of Rio Rancho
\$101,000 (Award No. 23-H3175) to purchase and equip motorcycles; and

WHEREAS: a budget adjustment is necessary to expend the grant funds as intended.

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

That authorization is given for the following budget adjustment:

State Appropriations Capital Fund (315)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-334.50-00 State Grants Revenue	PS2445	\$6,334,352	\$101,000		\$6,435,352
Total Revenue		\$6,334,352	\$101,000		\$6,435,352

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-416.70-15 Capital Expenditures/Vehicles & Heavy Equipment	PS2445	\$1,696,714	\$101,000		\$1,797,714
Total Expense		\$1,696,714	\$101,000		\$1,797,714

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R157

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Police Department

SUBJECT:

R157, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase Police Vehicles and Safety Equipment

BACKGROUND AND ANALYSIS:

As part of its 2023 regular session, the New Mexico Legislature appropriated \$180,000 (Award No. 23-ZH9290) to purchase police vehicles and associated safety equipment.

Funding to purchase police vehicles was included in the Governing Body's 2023 Capital Outlay Funding Priority Resolution.

IMPACT:

The State funds will be used to purchase and equip new police vehicles.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Budget_Resolution_PS2444_23-ZH9290](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE STATE
APPROPRIATIONS CAPITAL FUND (315) TO PURCHASE POLICE VEHICLES AND
SAFETY EQUIPMENT**

WHEREAS: the New Mexico Legislature has awarded the City of Rio Rancho
\$180,000 (Award No. 23-ZH9290) to purchase and equip police vehicles;
and

WHEREAS: a budget adjustment is necessary to expend the grant funds as intended.

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

That authorization is given for the following budget adjustment:

State Appropriations Capital Fund (315)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-334.50-00 State Grants Revenue	PS2444	\$6,334,352	\$180,000		\$6,514,352
Total Revenue		\$6,334,352	\$180,000		\$6,514,352

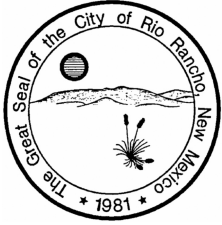
Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-416.70-15 Capital Expenditures/Vehicles & Heavy Equipment	PS2444	\$1,696,714	\$180,000		\$1,876,714
Total Expense		\$1,696,714	\$180,000		\$1,876,714

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R158

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Police Department

SUBJECT:

R158, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase Police Vehicles and Safety Equipment

BACKGROUND AND ANALYSIS:

As part of its 2023 regular session, the New Mexico Legislature appropriated \$175,000 (Award No. 23-ZH9287) to purchase police vehicles and associated safety equipment.

Funding to purchase police vehicles was included in the Governing Body's 2023 Capital Outlay Funding Priority Resolution.

IMPACT:

The State funds will be used to purchase and equip new police vehicles.

ALTERNATIVES:

Approve the Resolution.

Do not Approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Budget_Resolution_PS2443_23-ZH9287_revised](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE STATE
APPROPRIATIONS CAPITAL FUND (315) TO PURCHASE POLICE VEHICLES AND
SAFETY EQUIPMENT**

WHEREAS: the New Mexico Legislature has awarded the City of Rio Rancho
\$175,000 (Award No. 23-ZH9287) to purchase and equip police vehicles;
and

WHEREAS: a budget adjustment is necessary to expend the grant funds as intended.

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

That authorization is given for the following budget adjustment:

State Appropriations Capital Fund (315)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-334.50-00 State Grants Revenue	PS2443	\$6,334,352	\$175,000		\$6,509,352
Total Revenue		\$6,334,352	\$175,000		\$6,509,352

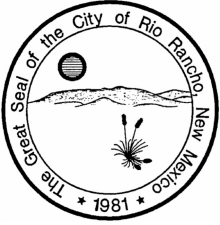
Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-416.70-15 Capital Expenditures/Vehicles & Heavy Equipment	PS2443	\$1,696,714	\$175,000		\$1,871,714
Total Expense		\$1,696,714	\$175,000		\$1,871,714

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R159

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Police Department

SUBJECT:

R159, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase Police Vehicles and Safety Equipment

BACKGROUND AND ANALYSIS:

As part of its 2023 regular session, the New Mexico Legislature appropriated \$183,000 (Award No. 23-H3176) to purchase police vehicles and associated safety equipment.

Funding to purchase police vehicles was included in the Governing Body's 2023 Capital Outlay Funding Priority Resolution.

IMPACT:

The State funds will be used to purchase and equip new police vehicles.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Budget_Resolution_PS2446_23-H3176](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE STATE
APPROPRIATIONS CAPITAL FUND (315) TO PURCHASE POLICE VEHICLES AND
SAFETY EQUIPMENT**

WHEREAS: the New Mexico Legislature has awarded the City of Rio Rancho \$183,000 (Award No. 23-H3176) to purchase and equip police vehicles; and

WHEREAS: a budget adjustment is necessary to expend the grant funds as intended.

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

That authorization is given for the following budget adjustment:

State Appropriations Capital Fund (315)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-334.50-00 State Grants Revenue	PS2446	\$6,334,352	\$183,000		\$6,517,352
Total Revenue		\$6,334,352	\$183,000		\$6,517,352

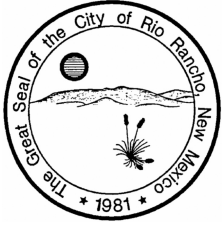
Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-416.70-15 Capital Expenditures/Vehicles & Heavy Equipment	PS2446	\$1,696,714	\$183,000		\$1,879,714
Total Expense		\$1,696,714	\$183,000		\$1,879,714

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R160

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Police Department

SUBJECT:

R160, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) to Purchase and Equip Police All-Terrain Vehicles

BACKGROUND AND ANALYSIS:

As part of its 2023 regular session, the New Mexico Legislature appropriated \$21,000 (Award No. 23-H3169) to purchase and equip police all-terrain vehicles.

Funding to purchase police all-terrain vehicles was included in the Governing Body's 2023 Capital Outlay Funding Priority Resolution.

IMPACT:

The State funds will be used to purchase and equip new police all-terrain vehicles.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

City staff recommends approval of the Resolution.

ATTACHMENT: [Budget_Resolution_PS2447_23-H3169](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE STATE
APPROPRIATIONS CAPITAL FUND (315) TO PURCHASE AND EQUIP POLICE
ALL-TERRAIN VEHICLES**

WHEREAS: the New Mexico Legislature has awarded the City of Rio Rancho \$21,000 (Award No. 23-H3169) to purchase and equip police all-terrain vehicles; and

WHEREAS: a budget adjustment is necessary to expend the grant funds as intended.

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

That authorization is given for the following budget adjustment:

State Appropriations Capital Fund (315)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-334.50-00 State Grants Revenue	PS2447	\$6,334,352	\$21,000		\$6,355,352
Total Revenue		\$6,334,352	\$21,000		\$6,355,352

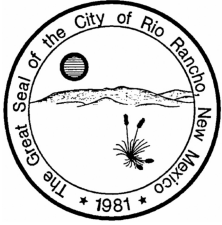
Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-416.70-15 Capital Expenditures/Vehicles & Heavy Equipment	PS2447	\$1,696,714	\$21,000		\$1,717,714
Total Expense		\$1,696,714	\$21,000		\$1,717,714

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R161

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Police Department

SUBJECT:

R161, Resolution Authorizing a Budget Adjustment to the State Appropriations Capital Fund (315) for Police Headquarters Renovations

BACKGROUND AND ANALYSIS:

The New Mexico Department of Finance and Administration has appropriated \$150,000 (Award No. 23-ZH5040-11) in additional funding to make renovations/improvements at police headquarters.

Funding to make police headquarters renovations/improvements was included in the Governing Body's 2022 Capital Outlay Funding Priority Resolution, and \$242,000 was previously appropriated (Award No. 22-G2996).

IMPACT:

The State funds will be used to make police headquarters renovations/improvements.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

City staff recommends approval of the Resolution.

ATTACHMENT: [Budget_Resolution_PS2454_23_ZH5040_11](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE STATE
APPROPRIATIONS CAPITAL FUND (315) FOR POLICE HEADQUARTERS
RENOVATIONS**

WHEREAS: the New Mexico Department of Finance and Administration has awarded the City of Rio Rancho \$150,000 (Award No. 23-ZH5040-11) for police headquarters renovations/improvements; and

WHEREAS: \$242,000 to make police headquarters renovations/improvements was previously appropriated by the State (Award No. 22-G2996); and

WHEREAS: a budget adjustment is necessary to recognize the new award amount of \$150,000; and

WHEREAS: a budget adjustment is necessary to classify expenditures as building repairs.

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

That authorization is given for the following budget adjustment:

State Appropriations Capital Fund (315)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-334.50-00 State Grants Revenue	PS2454	\$6,334,352	\$150,000		\$6,484,352
Total Sources		\$6,334,352	\$150,000		\$6,484,352

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
315-0000-416.50-35 Building Repair and Maintenance	See Note*	\$89,000	\$232,664		\$321,664
315-0000-416.70-11 Building Improvement	PS2336	\$1,086,084		\$82,664	\$1,003,420
Total Uses		\$1,175,084	\$232,664	\$82,664	\$1,325,084

*PS2336: \$82,664

PS2454: \$150,000

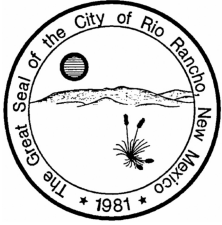
ADOPTED THIS _____ DAY OF _____, 2023.

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Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R162

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Public Works

SUBJECT:

R162, Resolution Authorizing the Trade-In of Fleet Equipment

BACKGROUND AND ANALYSIS:

The Department of Public Works periodically removes fleet equipment from service due to wear and tear, features being outdated, or functions no longer needed.

The Department's primary vendor, John Deere, through their distributor 4 Rivers, operates a program that allows the City to trade-in equipment for credit toward future purchases.

Approval of the Resolution will authorize the trade-in of two road graders, which will generate credit (\$75,000) that will be applied to a future purchase.

IMPACT:

Trade-in credit applied toward future purchases creates additional resources for the Public Works Department to utilize.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Exhibit A](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

RESOLUTION AUTHORIZING THE TRADE-IN OF FLEET EQUIPMENT

WHEREAS: the Department of Public Works periodically removes fleet equipment from service due to wear and tear, features being outdated, or functions no longer needed; and

WHEREAS: the Department's primary vendor, John Deere, through their distributor 4 Rivers, operates a program that allows the City to trade-in equipment for credit toward future purchases; and

WHEREAS: the trade-in of two road graders will generate credit (\$75,000) that will be applied to a future purchase.

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

The equipment listed in Exhibit A, attached hereto, is authorized for trade-in to receive credit from 4 Rivers.

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



Formal Quote

Date 8/29/2023 Contract Used: **CES**

Customer: City of Rio Rancho

Contact: Eric Voccio

Address: 3900 SOUTHERN BLVD SE

City: RIO RANCHO

State: NM Zip: 87124

Phone: (505) 891-7243

Email: evoccio@rrnm.gov

Make: JD Model: 622G

JD List Price: \$594,657.00

CES Discount: 41.0% (\$243,809.37)

Factory Freight: \$7,938.00

Extended Warranty: \$6,524.80

Vendor Attachments: _____

Freight (If Applicable): _____

Trades: -\$75,000.00

Total Sales Price: \$290,310.43

Notes

Trades are outlined below:

2004 CAT 140H - \$35,000

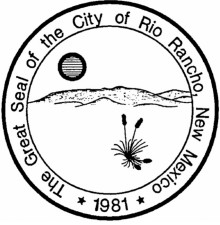
2008 CAT 140H - \$40,000

Quote Expires: 9/28/2023

Accepted By: _____

Quoted By _____





**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D47

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

D47, Appointment of Richard Smith to the Arts Commission

BACKGROUND AND ANALYSIS:

The commission works to enhance and promote the arts within Rio Rancho. Commission members must have knowledge and experience in an art-related discipline.

Smith resides in City Council District 2. He has a Bachelor's degree in visual arts and professional experience as a graphic designer. Smith previously served on the commission.

If appointed, Smith will serve a term (District 2 seat) expiring on December 31, 2026.

IMPACT:

The appointment will fill a vacancy on the Arts Commission caused by term expiration.

ALTERNATIVES:

Approve the appointment.

Do not approve the appointment.

DEPARTMENT RECOMMENDATION:

Mayor Hull recommends the approval of Richard Smith to the Arts Commission.

ATTACHMENT: [Richard Smith - Resume - Arts Commission_Redacted](#)

RICHARD WILLIAM SMITH

GRAPHIC DESIGNER | ARTIST | SPEAKER

CONTACT



[REDACTED]



[REDACTED]

FORMAL EDUCATION

B.S., Visual Arts & Communications major, State University of New York, Old Westbury, NY. Exhibition Title: An Experiment in Humanity - The Downfall. Mentor: Luis Camnitzer.

A.A.S., Advertising Art & Design major, State University of New York, Farmingdale, NY. Project Director: The Reboot of TSS - Times Square Stores. Project Advisor: Patrick Aievoli.

CREATIVE SKILLS

- ACRYLICS
- AIRBRUSH
- PASTELS
- MIXED MEDIA ART
- GRAPHIC DESIGN
- PRINT DESIGN
- WEB DESIGN
- CONTENT CREATION
- MARKETING
- BRANDING

ACADEMIC POSITION & FELLOWSHIPS

1994 President, Artists Society, State University of New York, Old Westbury, NY

NON-ACADEMIC POSITIONS

2023-Present, Chairperson of the Arts Commission for the City of Rio Rancho.

2022-Present, elected to the City of Rio Rancho's Arts Commission, District 2, a municipal organization advising the governing body with key recommendations to enhance and promote the public arts within the jurisdiction of the city.

2017-Present, Design Partner at 11:22 Creative Design, a Rio Rancho-based branding, graphic arts, vinyl crafts, and web design company working in the professional crafters industry.

2011-2017 Founder and Art Director of Richard Smith Design, a graphics and web design company based in New Mexico.

1995-2011 Co-founder and Art Director of Smith and Smyth Creations LLC, a graphic design company with locations in New York and New Mexico.

COMPUTER SKILLS

- ADOBE CREATIVE SUITE
- MICROSOFT OFFICE SUITE
- GOOGLE SUITE

PEOPLE SKILLS

- PUBLIC SPEAKING
- LEADERSHIP
- CUSTOMER SERVICE
- CUSTOMER RELATIONS
- TECH SUPPORT
- COMMUNICATION
- TEAM-ORIENTED
- SOCIAL NETWORKING

ART EXHIBITIONS

2010 Richard Smith: Visionary Art, Mixed Media Work, and Installations, Online Gallery.

1997 Extraterrestrial Intervention Through the Eyes of the Artist, Lightworks Center Gallery, Glen Cove, NY.

1996 Spatial Relationships, A Gallery at The Hudson Grill, New York City, NY.

1996 The UFO Experience, A Gallery at Ware for Art, New York City, NY.

1995 An Experiment in Humanity, Amelie A. Wallace Gallery, State University of New York, Old Westbury, NY.

TEACHING EXPERIENCE

1993-1995 Q&A Art Tutorials (State University of New York, Old Westbury Campus)

1989-1991 Q&A Design Tutorials (State University of New York, Farmingdale Campus)

PROFESSIONAL SOCIETIES

Artists Society

BACCA Babylon Arts Council Association

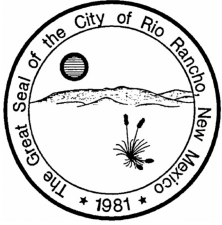
AWARDS

Editor's Choice Award for Outstanding Achievement in Poetry - Legions of Light/Armies of Darkness (International Library of Poetry)

Certificate of Appreciation in Volunteering Time, Effort and Dedicated Service (Eyes of Learning Inc., Hicksville, NY)

Visual Arts Certificate of Academic Achievement in Honor of Outstanding Achievement - Visual Arts Program (State University of New York, Old Westbury, NY)

Dean's List Certificate of Merit - Advertising Art & Design (State University of New York, Farmingdale, NY)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D48

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

D48, Appointment of Timothy Ward to the Library Board

BACKGROUND AND ANALYSIS:

The board is responsible for providing recommendations related to the efficient and economical management and operation of Rio Rancho's public library system.

Ward resides in City Council District 3 and previously served on the board. If appointed, Ward will serve a term (District 3 seat) expiring on December 31, 2026.

IMPACT:

The appointment will fill a vacancy on the Library Board caused by term expiration.

ALTERNATIVES:

Approve the appointment.

Do not approve the appointment.

DEPARTMENT RECOMMENDATION:

Mayor Hull recommends the appointment of Timothy Ward to the Library Board.

ATTACHMENT: [TimothyWard_Resume_RR_Redacted](#)

TIMOTHY WARD

LEADERSHIP EXPERIENCE

City of Rio Rancho Library Board

- Chair

April 2022 – Present

January 2023 – Present

University of Georgia

Chemistry Graduate Student Organization

- Conducted scientific demonstrations at elementary schools and Athens public library summer program.
- Help organization end of summer cook out 2014-2017

August 2013 – May 2018

Graduate Student Association

- Treasurer (May 2015- April 2016)
 - Graduate student representative on University Mandatory Fee Committee
 - Graduate student representative on University Strategic Planning Committee

August 2015 – May 2018

Trinity University

Association of Student Representatives

- Vice-President (April 2011 – March 2012)
 - Managed the student activity fee (over \$250,000)
 - Reviewed funding requests before presenting the proposal to the senate
 - Helped rewrite the student government constitution
 - Lead initiative to both increase the student activity fee and have the full 100 percent be controlled by students
 - Liaison to the faculty senate.
 - Student representative on University Admissions Committee
- Junior Class Senator (April 2010 – March 2011)
 - Represented the junior class in the student senate
 - Student representative on Teaching and Learning Committee
 - Student representative on University Retention Committee

April 2010 – March 2012

Alpha Phi Omega Service Fraternity

- Financial VP (April 2011 – December 2011)
 - Managed the accounts of the Delta Pi chapter
 - Worked in an executive committee of six

Fall 2010- Spring 2012

EDUCATION

University of Georgia – Athens, GA

Ph.D. in Physical Chemistry

Advisor: Michael A. Duncan

Dissertation: Mass Selected-Ion Infrared Photodissociation Spectroscopy of Gas Phase Transition Metal-Acetylene Complexes

May 2018

Trinity University – San Antonio, TX

B.S in Chemistry; Minor in Physics

Advisors: Bert D. Chandler and Christopher J. Pursell

Research: CO Adsorption on Gold and Palladium Doped Gold Nanoparticles on High Surface Area Metal Oxides

May 2012

WORK EXPERIENCE

Intel Corporation

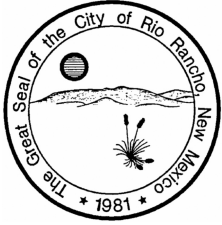
- Silicon Photonics Development Engineer (Rio Rancho, NM) Dec 2020 – Present
 - Strong knowledge in III-V die to wafer bonding
 - Development theoretical bonding interaction models
 - Researched literature to keep up with newest discoveries in wafer bonding field and apply learnings to module development and experiments
 - Lead projects that help reduce particle count and improve end of line defects causing Q&R failures
 - Involved in metrology tool demos to help improve development processes
- PTD Process Development Engineer (Hillsboro, OR) June 2018 – Dec 2020
 - Lead bonder engineer for a first of its kind (FOK) tool working on pathfinding and process development
 - Designed and executed various experiments for improvement of tool process to meet and exceed program targets
 - Represented module in various focus teams and program meetings as the project owner and managing projects assigned to module by management and integration
 - Maintained strong interpersonal communication with other tool modules, global supply chain department, and integration to set up experiments to evaluate process, recipes changes, and various silicon vendors
 - Oversaw 24/7 module support and maintenance as on-call engineer and by training and certification of technicians
 - Worked in team collaborating to create bonding automation logic and automatic tool monitors to reduce engineer and technician hours spent on preventive maintenance

OTHER WORK EXPERIENCE

College Advising Corp

July 2012 – June 2013

- College Adviser at East Central High School, San Antonio, TX
Worked as a college adviser at a Title I low-income school helping seniors apply to college, search for scholarships, and obtain financial aid.



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D49

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

D49, Appointment of Lance Himmelberger to the Library Board

BACKGROUND AND ANALYSIS:

The board is responsible for providing recommendations related to the efficient and economical management and operation of Rio Rancho's public library system.

Himmelberger resides in City Council District 6. He previously served on the board.

If appointed, Himmelberger will serve a term (District 6 seat) expiring on January 14, 2027.

IMPACT:

This appointment will fill a vacancy on the Library Board caused by term expiration.

ALTERNATIVES:

Approve the appointment.

Do not approve the appointment.

DEPARTMENT RECOMMENDATION:

Mayor Hull recommends the appointment of Lance Himmelberger to the Library Board.

ATTACHMENT: [Lance Himmelberger Resume - Library Board Submission_Redacted](#)

LANCE HIMMELBERGER

EDUCATION

UNIVERSITY OF NEW MEXICO, J.D., 1996

Activities/ Honors: Board of Editors Natural Resources Journal
National Environmental Moot Court Team
- Semifinalist 1996 Competition, White Plains, NY
- Multiple Awards for Best Oralist & Best Brief
Dean's List & Honor Roll
Lewis R. Sutin Award for Excellence in Trial & Appellate Advocacy

PENNSYLVANIA STATE UNIVERSITY, B.S. (Biology) w Honors, 1980

Activities/ Honors: Wallops Island Marine Sciences Program
Phi Sigma Biological Sciences National Honor Society

LEGAL EXPERIENCE

Solo Practitioner, Rio Rancho, NM 1996 - Present

Have operated my own private practice since graduation from law school. Areas of emphasis include subrogation and insurance law, personal injury and torts, and wills and probate. Have extensive civil litigation experience that includes both bench and jury trials, as well as appeals. Assist other attorneys with legal research, writing, and litigation on a contract basis.

OTHER PROFESSIONAL EXPERIENCE

PA Department of Environmental Resources, Harrisburg, PA 1981 - 1993

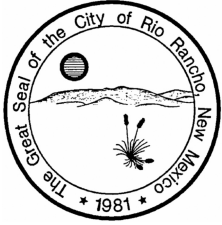
Worked as a biologist both in State Parks and Bureau of Water Quality. Conducted field surveys of lakes and streams. Developed water quality standards for the protection of aquatic life and promulgated legislation. Administered EPA's Clean Lakes Program in PA.

United States Forest Service, Shelton, WA May - Nov. 1980

Worked as a biological technician and firefighter in the Olympic National Forest.

BAR ASSOCIATIONS

Admitted in New Mexico (1996) and Pennsylvania (1996).



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D50

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

D50, Appointment of Richard Kozak to the Arts Commission

BACKGROUND AND ANALYSIS:

The commission works to enhance and promote the arts within Rio Rancho. Commission members must have knowledge and experience in an art-related discipline.

Kozak resides in City Council District 2, and has knowledge and experience related to photography. He previously served on the commission.

If appointed, Kozak will serve an at-large term expiring on December 31, 2026.

IMPACT:

The appointment will fill a vacancy on the Arts Commission caused by term expiration.

ALTERNATIVES:

Approve the appointment.

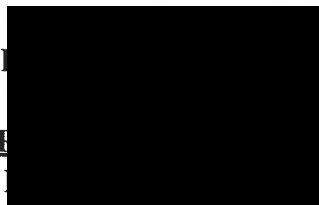
Do not approve the appointment.

DEPARTMENT RECOMMENDATION:

Mayor Hull recommends the appointment of Richard Kozak to the Arts Commission.

ATTACHMENT: [Richard Kozak - Arts Application_Redacted](#)

Richard Emil Kozak



As a consummate photographic professional I produced national, award-winning dramatic and compassionate photography. These photos include the powers in Washington, DC, the streets of Moscow, the playing fields of the NFL as well as the battlefields of Iraq, Afghanistan, Africa, Central America and many others. Patience, creativity and adaptability have led me to cover all aspects of life around the world. I am comfortable in the studio or on location, with the man on the street or with the powers that be.

As an independent photojournalist my work covered the wars in Iraq and Afghanistan. In addition I produced "Portraits of Influence", a weekly portrait series for Insight Magazine, consisting of personalities who influence and formulate United States policy worldwide. As a contributor to a multitude of local, regional and national publications, I consistently utilized my photographic skills in the corporate and political arenas of Washington, DC.

Work Experience:

January 2023 - New Mexico Magazine - Picture of the Year 3rd Place New Mexico Experience.

**April 2023 - Annual New Mexico Photographic Art Show (ANMPAS) - Juried Show - Guest Lecturer.
Fine Arts Building, EXPO, NM**

October 2023 - "The Art of Seeing" class Instructor/lecture. Oasis Albuquerque.

2021 to Present – Art Commissioner, City of Rio Rancho, NM

January 2020 - Featured artist at Albuquerque Oasis Show, Albuquerque, NM

**November 2018 – Featured guest on KCHF's "Issues & Answers"
show hosted by Diane Kinderwater**

**September 2018 - Discussion Panelist - KIMO Theater showing of "*Salvador*",
sponsored by the New Mexico Humanities Council.**

August 2018-September 2018

**"Faces of Humanity & Mankind" one man exhibit of my award winning photography sponsored by the
New Mexico Humanities Council, Albuquerque, NM**

April 2018

**Awarded a month long retrospective at the Rio Rancho Library for over 30 years as a national, award
winning photojournalist. Attendance for the exhibit broke records for the library.**

2004-2009 - *Army Times Publishing*, Springfield, VA

Senior Staff Photographer

**As a War correspondent I covered Iraq, Afghanistan and Beirut as well as all aspects and branches of the
United States military (domestically and global). Duties included satellite transmissions from various
locations, logistics and a clear understanding of the process of the job requirements as well as multi media
videography, still photography and computer skills.**

1994-2004 – Washington, DC

Independent Photographer

Provided still and multi-media photographic expertise to companies such as US News & World Report, Smithsonian Magazine, Science Magazine. My work included all aspects from concept to logistics and production in the Editorial, Commercial and Political fields (on location and in the studio). A mastery of color reproduction and electronic lighting complements my knowledge of the photographic profession.

1987-1994 – *Insight Magazine*- Washington, DC

Staff Photographer

Assigned to cover national and international news related stories for the magazine's cover section. Responsibilities included planning, communicating and formulating cover story ideas as they pertained to economic and political policy. Working directly with Writers, Designers, Art Directors and Editors (from concept to final production) to insure the highest degree of photographic selection for each and every story assigned. Photographed in the field and edited photographic takes for initial and final selection for publication. Honored with numerous national and regional awards in photographic reporting.

1984 – 1987 - *The Washington Times*- Washington, DC

Staff Photographer

Covered all aspects of local, national and international assignments ranging from sports, politics, economics and features. Received numerous national and regional awards.

1980 – 1984 – *The Journal*- Lorain, Ohio

Staff Photographer

Received regional and national awards.

Awards:

3rd Place Winner, New Mexico Magazine Photo Contest, 2023

**White House National Photographers Association “Picture of the Year”
1985, 1986, 1987, 1989, 1990.**

National Press Photographers Association’s “Photo of the Year” - 1986, 1988

Ohio Press Photographers Association- 18 awards – 1980 - 1984

Education:

Kent State University, Kent, Ohio - 1976

Brooks Institute of Photography, Santa Barbara, California, 1980, B.A.

**Platypus Videography Workshop, University of Oklahoma,
Norman, Oklahoma, 1999**

Associations:

White House News Photographers Association

National Press Photographers Association

American Society of Media Professionals

**National Press Photographers Association; Faculty Member Flying Short Course,
national educational lecture.**

**National Press Photographers Association; Judge, Pictures of the Year, University of
Missouri, School of Journalism, Columbia, Missouri**

Belen Art League, Belen, New Mexico

Manzano Mountain Art Council, Mountainair, New Mexico



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D51

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

D51, Appointment of Aldis Philipbar to the Library Board

BACKGROUND AND ANALYSIS:

The board is responsible for providing recommendations related to the efficient and economical management and operation of Rio Rancho's public library system.

Philipbar resides in City Council District 4, and previously served on the board. If appointed, Philipbar will serve a term (at-large seat) expiring on December 31, 2026.

IMPACT:

The appointment will fill a vacancy on the Library Board caused by term expiration.

ALTERNATIVES:

Approve the appointment.

Do not approve the appointment.

DEPARTMENT RECOMMENDATION:

Mayor Hull recommends the appointment of Aldis Philipbar to the Library Board.

ATTACHMENT: [ALDIS M PHILIPBAR - Resume_Redacted](#)

Aldis Philipbar

Professional Experience

Amy Biehl High School Foundation, Development Director

9/2020-Present, Albuquerque, NM, (505) 299-9409

- Same duties as listed below with the addition of the following:
- Liaison between the ABHS Foundation Board and the ABHS Governing Council; ABHS Equity Council Lead and liaison between State Equity Council and school-based council; and supporting the Student Council.
- Working with the Recruitment Team to recruit students to ABHS and increase awareness of the school; representing ABHS at school fairs
- Developing marketing materials including print ads, social media ads, and videos for use in recruitment and fundraising campaigns.
- Producing an Annual Report to be shared with the Board, grant-makers, and donors.
- Representing ABHS at community and work related events.

Amy Biehl High School Foundation, Advancement Coordinator

9/2013-9/2020, Albuquerque, NM, (505) 299-9409

- Responsible for working with the Executive Director and Treasurer to develop and manage an annual operating budget; responsible for all accounting and producing financial reports for board meetings.
- Working with the Board of Directors to develop a fundraising plan, event planning, event management, evaluating the effectiveness of fundraising campaigns, tracking fundraising goals, grant research, grant writing, and grant administration.
- Developing marketing materials including Open House postcards, informational brochures, videos, and e-mail communications; and maintaining a social media presence.
- Responsible for donor relations including acknowledgements, maintaining current donor relationships, and cultivating new donors.
- Other responsibilities include donor database management, preparing audit documents, preparing tax documents, ensuring compliance with all 501c3 regulations, payroll, and processing invoices and payments.

Rael for New Mexico, Deputy Finance Director

11/2013-6/2014, Albuquerque, NM, (505) 681-7962

- Responsible for database management; pledge follow-up; tracking donors; book-keeping using Quick Books; drafting letters; directing call time to cultivate donors; participating in strategizing and fundraising meetings; working with volunteers; coordinating mailings; and accompanying the candidate to various events.

Friends of Montessori Foundation, Fundraising Manager

10/2011-10/2013, Albuquerque, NM, (505) 221-6228

- Responsible for database management; book-keeping using Quick Books; identifying and cultivating relationships with potential donors; researching and writing grants; volunteer and event management; evaluating the effectiveness of fundraising campaigns; correspondence

including e-mails, drafting letters, thank you letters and donation receipts; and implementing new programs.

- Responsible for working with Board to develop and implement a strategic fundraising plan and operating budget; preparing financial reports; bank reconciliations; ensuring compliance with all 501c3 regulations; and preparing audit documents.
- Chair of the Grants Committee

Legislative Council Service, Research Assistant

08/2007-03/2010, Santa Fe, NM, (505) 986-4600

- Responsible for conducting research on behalf of legislators, bill drafters, and constituents; organizing committee meetings and taking minutes; recording business on the House and Senate floors; producing the Bill Locator; training Legislative Session staff; maintaining databases; analyzing issues relevant to state government; and drafting memorials, information bulletins, speeches, and other documents.
 - Staffed various interim committees including the Public School Capital Outlay Oversight Task Force; Courts, Corrections, and Justice Committee; and Economic and Rural Development Committee.
 - Took on the additional responsibilities beginning in the summer of 2009 of working directly with the director in planning the Uniform Law Commission's Annual Conference in Santa Fe; acting as liaison between staff/legislators/visitors and the director and assisting in other tasks as needed.
-

Education

Master of Public Administration, Non-Profit Management

Awarded 05/2010, University of New Mexico

- Through this program I developed a variety of skills applicable to work in the public sector including budget planning and accounting, networking, administrative law, and grant-writing. It also strengthened my writing and research abilities and placed a strong emphasis on teamwork.

BA, Political Science

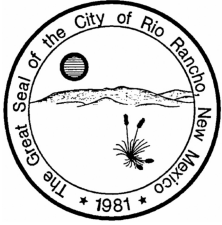
Awarded 12/2006, New Mexico State University

Supplementary Major: Law and Society

Minor: Journalism

Skills

Proficient in Microsoft Office, Google Suite, WeVideo, Canva, and social media marketing; problem solver; Highly collaborative with strong communication skills; flexible and organized; willing to take on new challenges.



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D52

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

D52, Appointment of Karen White to the Senior Services Advisory Board

BACKGROUND AND ANALYSIS:

The board acts in an advisory capacity to ensure the efficient and economical management and operation of City senior service programs and facilities.

White resides in City Council District 2. If appointed, White will complete a term (District 2 seat) expiring on November 10, 2025.

IMPACT:

The appointment will fill a vacancy on the Senior Services Advisory Board caused by resignation.

ALTERNATIVES:

Approve the appointment.

Do not approve the appointment.

DEPARTMENT RECOMMENDATION:

Mayor Hull recommends the appointment of Karen White to the Senior Services Advisory Board.

ATTACHMENT: [Karen White - SS Board_Redacted](#)

RESUME

Abridged Version

Karen S. White [REDACTED]

CAREER EXPERIENCE - Currently retired since 2018.

Education positions include:

elementary & high school teacher for special education, 1971-1996, Wyoming & New Mexico (Pine Hill, Zuni, Gallup);

administrative positions as curriculum manager @ Albuquerque Public Schools 2008-2018; high school principal and then superintendent @ Gallup-McKinley County Public Schools; school counselor @ Gallup-McKinley County Schools 1996-2007;

part time college instructor @ National American University in Rio Rancho 2000 - 2011.

Law Enforcement positions include:

McKinley County Sheriff's deputy 1984-85; Gallup City Police Officer 1985-1991.

COLLEGE DEGREES

UNM Associate Degree Law Enforcement; Mt. Mercy College in Iowa Bachelor's Degree Criminal Justice; Northern Illinois University Bachelor's Degree Special & Elementary Education; UNM Master's Degree Multicultural Education; WNMU Master's Degree School Counseling; WNMU Master's Degree School Administration; Arizona State University Doctorate in School Administration & Supervision.

VOLUNTEER WORK

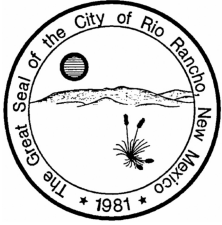
Court Appointed Special Advocate (CASA) for a Sandoval County District Court foster child for two years until he was adopted in 2020.

Currently front desk volunteer at the Broadmoor Senior Center in Rio Rancho.

REFERENCES:

Wanda Butler [REDACTED]

Jan Gassiot [REDACTED]



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D53

AGENDA DATE:

December 14, 2023

DEPARTMENT:

City Clerk

SUBJECT:

D53, Senior Services Advisory Board 2023 Annual Report to the Governing Body

BACKGROUND AND ANALYSIS:

Pursuant to Section 33.05, R.O., 2003, each board, commission or authority of the City shall, on an annual basis, report to the Governing Body, any recommendations, activities or matters of business conducted throughout the year. This report can be presented either in person or in writing.

The Chairperson of the Senior Services Advisory Board selected to provide a written report for 2023.

IMPACT:

The submittal of the annual report ensures compliance of the Municipal Code, Chapter 33 Boards, Commissions and Committees.

ALTERNATIVES:

Approve the Report.

Do not approve the Report.

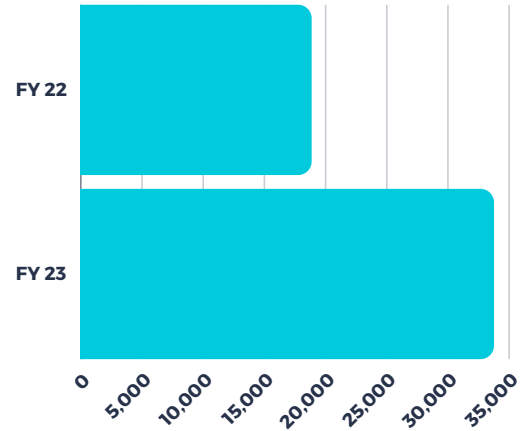
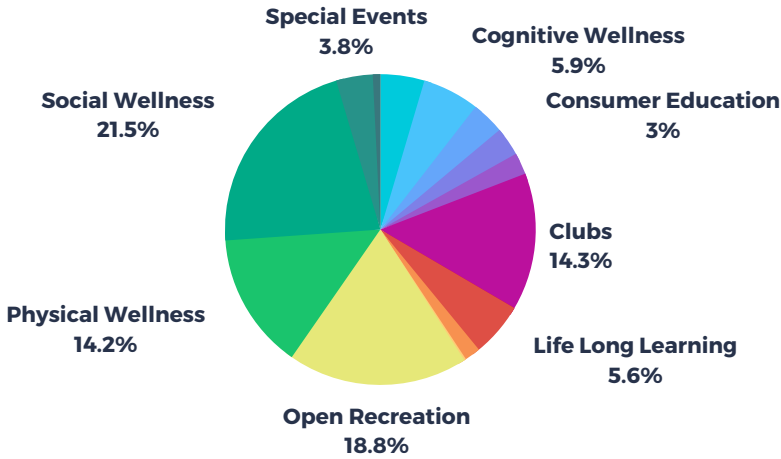
DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Annual Report.

ATTACHMENT: [DSS_Annual_Report_to_GB_2023](#)

DIVISION OF SENIOR SERVICES

FISCAL YEAR 2023 ADVISORY BOARD REPORT



ACTIVITY CATEGORIES

The Division of Senior Services offers a wide variety of activities to older adults. This chart depicts member participation in each category, as a percentage.

PERSONS SERVED

The Division of Senior Services has seen a significant increase in participation in activities at both centers.

STATE CAPITAL OUTLAY FUNDED PROJECTS

CURRENT FUNDED PROJECTS

Broadmoor Senior Center

- \$515,400 Phase II Outdoor Programming Space

Meadowlark Senior Center

- \$119,788 Purchase and Equip Two 15-Passenger Vehicles
- \$301,716 Renovations to the Entryway and Exits

FUTURE PROJECTS APPROVED BY LEGISLATURE

Broadmoor Senior Center

- \$766,823.31 Phase II Multipurpose Room
- \$75,000 External Storage

Meadowlark Senior Center

- \$224, 209.26 Covered Walkway

112,829

MEALS SERVED AT
MEADOWLARK SENIOR
CENTER

10,420

VOLUNTEER HOURS
PROVIDED

103

NUMBER OF VOLUNTEERS
COMBINED

ACCOMPLISHMENTS

- Purchased two vans to transport seniors to activities.
- Began construction on the entryway at Meadowlark.
- Began design work for the Phase II Outdoor Programming Space.
- More variety in activity, class and trip offerings.
- Transitioned from using paper sign in sheets for each activity, to having each member use a barcode to scan in for each activity they participate in.
- Moved the library from a room that was not ADA compliant to a room that can accommodate large motorized chairs.

ADVISORY BOARD MEMBERS

At-Large: Edward Mieszerski (Chair)

District 1: Delores Williams

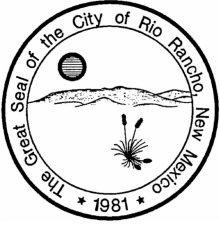
District 2: Vacant

District 3: Francis Tabone

District 4: Jennifer Demiter (Vice-Chair)

District 5: Vacant

District 6: Carol Reimer



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D54

AGENDA DATE:

December 14, 2023

DEPARTMENT:

City Clerk

SUBJECT:

D54, Lodgers Tax Advisory Board 2023 Annual Report to the Governing Body

BACKGROUND AND ANALYSIS:

Pursuant to Section 33.05, R.O., 2003, each board, commission or authority of the City shall, on an annual basis, report to the Governing Body, any recommendations, activities or matters of business conducted throughout the year. This report can be presented either in person or in writing.

The Chairperson of the Lodgers Tax Advisory Board selected to provide a written report for 2023.

IMPACT:

The submittal of the annual report ensures compliance of the Municipal Code, Chapter 33 Boards, Commissions and Committees.

ALTERNATIVES:

Approve the Report.

Do not approve the Report.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Annual Report.

ATTACHMENT: [LTAB_Annual_Report_2023ver2](#)

LODGERS' TAX ADVISORY BOARD

CVB/VISIT RIO RANCHO ANNUAL UPDATE

DECEMBER 2023



VISIT RIO RANCHO/CVB MISSION

- Generate economic activity in Rio Rancho through travel and tourism by promoting the city as a destination for events, meetings and sports tournaments as well as a convenient base-camp to explore NM i.e. “heads in beds” and “butts in seats”
- As a LTAB, we provide strategic direction and input to the CVB on carrying out their mission

WHAT IS LODGERS' TAX?

- Lodgers' Tax is a “bed tax” charged on overnight hotel/lodging stays
- The City of Rio Rancho collects 5% Lodgers' Tax on hotel lodging receipts and are in turn deposited into the 225 Fund, the primary source of funding for the Convention & Visitors Bureau/Visit Rio Rancho
- The main use of the Lodgers' Tax Funds is “*advertising, publicizing and promoting tourist-related attractions, facilities and events of the municipality or county and tourist facilities or attractions within the area*”¹

¹ NM State Statute 3-38-21: eligible uses of (Lodgers') tax proceeds

**FY23 RECAP
&
LOOKING AHEAD TO FY24**

FY23 BY THE NUMBERS

- Lodgers' Tax Revenues:
 - (July 1, 2022 thru June 30, 2023)
 - Actual YTD: \$521,115
 - FY23 Budget: \$475,000
 - 9.7% positive variance over budget
 - Hotel metrics current calendar year, 2023
 - ADR (Average Daily Rate) up 7.9%
 - Occupancy: 71%
 - National average over the last 12 months: 63.2%
 - Albuquerque average over the last 12 months: 64.6%
 - RevPAR (Revenue per available room) down 3%
 - Most lodgers' tax ever collected by the City in FY23

Sources:

- Lodgers Tax Advisory Board Financial Report
- CoRR Financial Services and NMTRD
- STR Report

EVENTS SUPPORTED BY VISIT RIO RANCHO

- 9-10 NMAA State Championships per year
- 9 USSSA Youth Baseball Tournaments
- NMYSA Soccer Tournaments
- Gaylord Sheppard Soccer Tournaments
- RRHS Volleybash
- RRHS Southwest Duals
- RRHS Girls Basketball Tournament
- RRHS Holiday Hoops
- RRHS X-Country Jamboree
- Cleveland HS X-Country Invite
- Conflict @ Cleveland Wrestling Tournament
- Annual Jehovah's Witnesses Regional Conventions

ALBUQUERQUE INTERNATIONAL BALLOON FIESTA

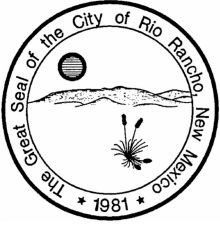
- Rio Rancho realizes significant economic impact from the AIBF
- In general, October is the most lodgers tax the City collects in a given month largely because of Balloon Fiesta
 - \$65k in FY24, \$57k in FY23
- Visit Rio Rancho hosted bus tour company, Free Spirit Tours, with a hospitality tent at the event - guests stayed at both the Hilton Garden Inn and the Quality Inn
- Bus tour company relationships are cultivated through ongoing communication throughout the year, but also attending tradeshow, such as Spotlight on the Southwest and ABA Marketplace

NEW MEXICO ACTIVITIES ASSOCIATION

- Continue to bring 8-10 high traffic events to Rio Rancho every school year
- Currently in the last year of three-year agreement to host NMAA events in Rio Rancho
- Staff has visited numerous high school AD's in various parts of the State over the past 5 years – continue to cultivate those relationships through area tradeshow/conferences i.e. NMAA AD Conference, NM Coaches Assoc. Annual Conference
- This fall staff visited Athletic Directors in the Ruidoso and Roswell areas – 12 schools were visited total
- Continues to be the most important and consistent relationship to the City as it relates to lodgers tax and RREC event load

LOOKING AHEAD – FY24

- Lodgers tax collection has been trending upward since FY20 with the exception of the pandemic year of FY21; record years 3 of the last 4 years
- Continue to support “heads in beds” events as we continue to emerge from the pandemic – both new and recurring
- Mutual agreement has been reached with the NMAA to host State Championship events in Rio Rancho for another three years – FY25-FY27



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: D55

AGENDA DATE:

December 14, 2023

DEPARTMENT:

City Clerk

SUBJECT:

D55, Keep Rio Rancho Beautiful Board 2023 Annual Report to the Governing Body

BACKGROUND AND ANALYSIS:

Pursuant to Section 33.05, R.O., 2003, each board, commission or authority of the City shall, on an annual basis, report to the Governing Body, any recommendations, activities or matters of business conducted throughout the year. This report can be presented either in person or in writing.

The Chairperson of the Keep Rio Rancho Beautiful Board selected to provide a written report for 2023.

IMPACT:

The submittal of the annual report ensures compliance of the Municipal Code, Chapter 33 Boards, Commissions and Committees.

ALTERNATIVES:

Approve the Report.

Do not approve the Report.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Annual Report.

ATTACHMENT: [KRRB_Advisory_Board_2023_Report_to_Governing_Body_102523](#)

FY2023 -FY2024 Current Board Members and Districts

District 1: Joe Cowling District 2: Vacant
District 3: Darryl Manning District 4: Robert Radosevich
District 5: Victoria Robinson District 6: Vacant
At Large: Debra Powell-Schaffer

FY2023 -FY2024 Activities and Accomplishments

A. Urban Forestry and Community Beautification:

- 2023 Great American Cleanup Tree Seedling Give-away
 - April 15 – drive through event at City Hall
 - Board members and staff gave over 540 trees (2 different species) to 300 residents
- Earth Day Tree Planting/Spring Park Tree Plantings 13 trees planted at 3 parks including Haynes, Cabezon and Star Heights Parks.
- Sandoval County Master Gardeners supported and maintained the City’s Water Wise Garden located next to the Veterans Memorial Park and Esther Bone Library – spending more than 240 volunteer hours in care of the Garden.
- Backyard Refuge Class – Grant funds a Backyard Refuge class for 14 residents; we hope to continue to grow the program.

B. Cleanup Events:

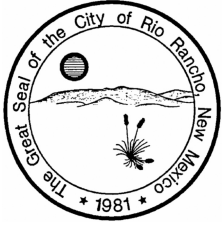
- **2023 Great American Cleanup**
 - May 6 - 174 volunteers cleaned 4 tons of litter from over 14 miles of City roads
- **Mayor Hull’s 2023 Rally in the Desert Cleanup**
 - September 16 - 127 volunteers in 8 teams cleaned 18.61 tons of litter and illegally dumped waste

C. Recycling Events:

- **America Recycles Day 2023**
 - KRRB Staff and a representative from Waste Management of New Mexico provided basic information and displays about waste reduction, reuse and recycling to patrons at the Loma Colorado Library on Saturday, November 11, 2023
- **Holiday Tree-Cycling**
 - Last year’s event was held December 26, 2022 – January 9, 2023
 - More than 500 live trees were dropped off, chipped by PNM, and the mulch taken by residents
 - This year’s event will be held from December 26, 2023 – January 8, 2024

D. Staff Activities

- Staff removed 204 tons of illegally dumped waste from over 82 sites
- Staff resumed collecting plastic bottles and aluminum can recyclables in addition to paper and cardboard from City Hall.



CITY OF RIO RANCHO COVER PAGE

Legislation Item: D56

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Development Services

SUBJECT:

D56, Site Plan Approval for Perfection Honda at Rio Hondo, Block 2, Lot 1-A-1

BACKGROUND AND ANALYSIS:

The applicant, Perfection Honda (Rappaport Family LLC), through their agent, Daniel Puzak (Aria Studio Consultants, Inc), requests site plan approval for the property located at 2603 The American Rd SE. The subject property is legally described as Rio Hondo, Block 2, Lot 1-A-1 and comprises approximately 6.5405 acres. The existing zoning for the subject property is SU: Special Use for all permissive and conditional C-1: Retail Commercial District, C-2: Wholesale and Warehousing Commercial, O-1: Office and O-2: Office land uses, under Ordinance No. 6, Enactment No. 96-006.

The applicant seeks to build a new service garage for electric vehicles on the subject property where the existing Perfection Honda dealership/service shop is located. The site plan shows the new construction on site to be 4,084 square feet. Perfection Honda was initially constructed under building permit 03-9188 dated 12/16/2003.

Ordinance No. 6, Enactment No. 96-006 listed under "Restrictions": "Development standards shall be determined and approved via a master plan. Standards to be address include but are not limited to height, landscaping, architectural issues, and signage".

The Governing Body approved the Rio Hondo Development Master Plan on May 22, 1996 under D-49. The Master Plan lists building heights of 32 ft required, 35 ft setbacks, and further landscaping, access, and architectural style requirements. The proposed structure matches the existing architectural style of the existing building and does not modify access, circulation, and landscaping.

CONFORMANCE WITH THE CITY ZONING ORDINANCE:

The Rio Rancho Code of Ordinances (R.O. 2003) 154.43 (3) requires, "All SU zoned property must have a site plan approved by the Governing Body. The site plan may accompany the application for a change is zoning designation or may be submitted for approval at a later date. Approval of the site plan must be obtained prior to any development of the property."

Additionally, R.O. 2003 154.43 (4) asserts, "The Director of Development Services may approve minor changes to an approved site plan if the change is consistent with the use and other written requirements and/or conditions of approval, if the buildings are of the same general configuration, if the total square footage is not greater than 10% than the approved plan, the site circulation is similar in its effect on adjacent property or streets, and the approving official finds that neither the city nor any person will be substantially aggrieved by the altered site plan."

There is currently 29,304 square feet of constructed building on the subject property. The proposed new service garage for electric vehicles is proposed to be 4,084 square feet, which is 13.9366% of 29,304 square feet. This exceeds the 10% requirement that allows for administrative approval via the Development Services Director and therefore requires a new site plan approval for the subject property.

Pursuant to the criteria provided by R.O. 2003 § 154.43 (3)(a) through (3)(j), the site plan at a minimum shall contain the following:

- a. Scale and north arrow; a scale and north arrow is included on the site plan. Criteria is satisfied.
- b. Lot boundaries and easements; no changes are being made from previous site plan approval. Criteria is satisfied.
- c. Existing and proposed utilities; no changes are being made from previous site plan approval. Criteria is satisfied.
- d. Existing and proposed rights-of-way; no changes are being made from previous site plan approval. Criteria is satisfied.
- e. Proposed structure with uses, dimension, and setbacks; new structure conforms to setback requirements and land use of Chapter 143 and the Rio Hondo Master Plan. Master Plan requires 35 foot setback, site plan indicated a 50 foot setback. Criteria is satisfied.
- f. Proposed ingress, egress, parking and circulation; no changes are being made from previous site plan approval for ingress and egress. Parking conforms to site requirements - parking is reduced from 419 to 403. For a retail use, 111 spaces would be required. Criteria is satisfied.
- g. Landscaping and landscape buffers; no changes are being made from previous site plan approval. Criteria is satisfied.
- h. Elevations; elevations show a structure that conforms to height requirements as outlined by R.O. (2003) Section 154.51 Zoning Table/Non-residential as well as the Rio Hondo Master Plan. Building will not exceed the allowed 32 feet in height of the Development Master Plan, and will match existing buildings on the site in appearance; building height provided on site plan is 22' 8". Criteria is satisfied.
- i. Adjacent property characteristics; Properties to the north, east and south are all zoned SU: Special Use. To the west is NM HWY 528/Coors Blvd. NW beyond the municipal boundary of Rio Rancho into Albuquerque, New Mexico. Criteria is satisfied.
- j. Preliminary drainage plan; A grading and drainage as-built plan has been provided. Criteria is satisfied.

NOTIFICATIONS:

Adjacent property owners were notified of this hearing by mail 15 days prior to the hearing date. A notice sign was posted on the property as required by Ordinance. A legal notice was published in the Monday November 27, 2023 edition of the Albuquerque Journal. All legal notification requirements for this property have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW:

A transmittal and application materials were sent out to the City of Rio Rancho Interdepartmental/Interagency personnel for comments.

- Engineering comments included as an attachment.
- City of Rio Rancho Parks, Recreation, and Community Services comments included as an attachment.

IMPACT:

The Development Services Department recommends the Governing Body approves the applicant's request for Site Plan Approval with following findings of fact and conditions of approval:

GENERAL FINDINGS OF FACT:

1. R.O. 2003 154.43 (3) requires site plan approval by the Governing Body.
2. The applicant has the authority to apply for a site plan approval.
3. The applicant and adjacent property owners received due process as proper notice and a full opportunity to present view were given.

SPECIFIC FINDINGS OF FACT OF CONDITIOINS OF APPROVAL:

1. The subject property is zoned SU: Special Use Zoning for all permissive and conditional uses for C-1: Retail Commercial, C-2: Wholesale and Warehousing, O-1: Office and O-2: Office districts by Ordinance No. 6, Enactment No. 96-006.
2. The site plan conforms to the Rio Rancho Code of Ordinances (R.O. 2003) Section 154.43.
3. The site plan conforms to the Rio Hondo Development Master Plan, adopted under 1996, D-49.
4. Development of the site will conform to all City ordinances, standards, and specifications.
5. The review and subsequent building permit applications will ensure conformance to the approved site plan, City ordinances, and standards and specifications.
6. The Director of the Development Services Department may approve minor changes to this site plan if the changes are consistent with the use and other written requirements and/or conditions of approval, if the buildings are the same general configuration, if the total square footage is not greater than 10% of the approved site plan, the site plan circulation is similar in its effect on adjacent property or streets, and the approving official finds that neither the City nor any person will be substantially aggrieved by the altered site plan.
7. The approval is valid for a period of three years from date of approval, in which time a building permit for the proposed structures must be applied for and issues, remain active, and the authorized construction shall be started and diligently pursued to completion without cessation of 30 days.
8. Applicant shall address all applicable department comments.

ALTERNATIVES:

- The Governing Body may approve the site plan.
- The Governing Body may deny the site plan.
- The Governing Body may modify the site plan request and approve such modifications.
- The Governing Body may continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

The Development Services Department recommends the Governing Body approved the applicant's request for Site Plan approval with findings and conditions.

- ATTACHMENT: [Application](#)
- ATTACHMENT: [Location Map](#)
- ATTACHMENT: [96-006 O-6.pdf](#)
- ATTACHMENT: [1996 D-49.pdf](#)
- ATTACHMENT: [Applicant Narrative](#)
- ATTACHMENT: [Engineering Comments](#)
- ATTACHMENT: [CORR PRCS Comments](#)
- ATTACHMENT: [Legal Ad](#)
- ATTACHMENT: [Site Plan](#)
- ATTACHMENT: [Elevations](#)
- ATTACHMENT: [Traffic Circulation](#)
- ATTACHMENT: [Civil Plans](#)

ATTACHMENT: [Landscape Plan](#)

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

(Fees are listed on the back)

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

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

APPLICANT/AGENT INFORMATION

Applicant Name: Perfection Honda		Phone: 505-898-0000
Address: 2603 The American Rd. SE		E-Mail: rdorn@PERFECTION
City: RIO RANCHO	State: NM	Zip: 87124 CARS.COM
Proprietary Interest: Perfection Honda	List Owners: RAPPAPORT FAMILY LLC	
Deed or Ownership Verification Provided: (Initials) SN	Letter of Authorization Provided: (Initials) [Signature]	

Agent Name: Daniel Puzak, Aria Studio Consultants, Inc.		Phone: 505-506-2314
Address: 100 Gold Ave. SW, Suite 205		E-Mail: Daniel@ariascinc.com
City: Albuquerque	State: NM	ZIP Code: 87102

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

New service garage for electric vehicles. New structure will be attached to existing detail shop. Total new construction on site is 4,084 sf.

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Rio Hondo Subdivision	Block(s): 2	Lot(s): 1-A-1
Existing Zoning:	Proposed Zoning: no change	
No. of existing lots: 1	No. of proposed lots: no change	Total area of site (acres) 6.5405

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.

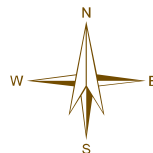
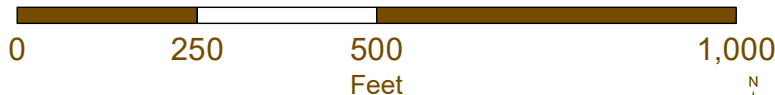
Print Name: BRADY K. LOVECLADY	Applicant: Perfection Honda	Agent: Daniel Puzak
Signature: [Signature]		Date: 11/1/23

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #
23-160-00008	\$267.00	

APPLICATION ACCEPTED BY: Christopher Benson DATE: 11/13/2023

2603 THE AMERICAN RD SE RIO HONDO, BLOCK 2, LOT 1-A-1



	Subject Property
Zoning	
	C-1
	SU

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 Chris Benson on 11/13/2023

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CITY OF RIO RANCHO



ORDINANCE NO. 6

ENACTMENT NO. 96-006

AMENDING ORDINANCE 87-1, (R.O. 1987) APPENDIX G (ZONE MAP AMENDMENT) AND THE ZONE MAP; THAT THE PROPERTIES IN RIO HONDO SUBDIVISION, BLOCK 1, LOTS 1-3, AND BLOCK 2, LOTS 1-5 PREVIOUSLY ZONED VIA ORDINANCE 93-26 SHALL HAVE THEIR ZONING DESIGNATION CHANGED FROM SU/SPECIAL USE FOR MULTI-FAMILY RESIDENTIAL TO SU/SPECIAL USE FOR ALL PERMISSIVE AND CONDITIONAL C-1/RETAIL COMMERCIAL LAND USES, ALL PERMISSIVE AND CONDITIONAL C-2/WHOLESALE AND WAREHOUSING COMMERCIAL LAND USES AND, ALL PERMISSIVE AND CONDITIONAL O-1/OFFICE AND O-2/OFFICE LAND USES (ALL CONDITIONAL USES REQUIRE A CONDITIONAL USE PERMIT).

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

PURPOSE:

RESTRICTIONS:

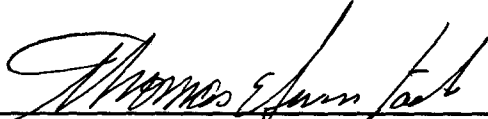
1. Development standards shall be determined and approved via a master plan. Standards to be addressed include but are not limited to height, landscaping, architectural issues, and signage.
2. A master plan for all lots specified herein shall be reviewed and approved by the Governing Body prior to any development to ensure continuity of development standards.

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 unenforceable, 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 City Code of Rio Rancho, R.O. 1987.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective ten days after adoption.

ADOPTED THIS 28TH DAY OF FEBRUARY, 1996



Thomas E. Swisstack, Mayor

ATTEST:



Tina Gonzales, City Clerk
[SEAL]

2/29/96

Date

CODIFIED
796

CITY OF RIO RANCHO

AGENDA BRIEFING MEMORANDUM

REFERENCE #:

0-6

DEPARTMENT: City Development

AGENDA DATE: February 28, 1996

SUBJECT: ZONE MAP ORDINANCE (Attachment)

PROPERTY: Rio Hondo Subdivision, Block 1, Lots 1-3, Block 2, Lots 1-5

PURPOSE: To change the zoning designation of the property from SU/Special Use for Multi-family Residential, apartments or condominiums to a zoning designation of,

SU/Special Use for all permissive and conditional C-1/Retail Commercial uses, all permissive and conditional C-2/Wholesale and Warehousing Commercial land uses, all permissive and conditional O-1/Office land uses and O-2/Office land uses.

APPLICANT: Stephen Ganns Interest

AGENT: Gregory J. Krenik, PE; Mark Goodwin & Associates, PA

BACKGROUND AND ANALYSIS:

We annexed and zoned the subject properties via Ordinance 93-26 (**Attachment**) along with the properties to the north (Chalmers Ford development) which we zoned as requested herein. It is the Department's interpretation that the site plan (**Attachment**) which accompanied the ordinance clearly shows that the City zoned approximately 16 acres of the total acreage to allow for multi-family development. We have also interpreted that a zone change is necessary to allow for extension of nonresidential zoning designations and/or to eliminate the multi-family zoning designation.

The Planning & Zoning Commission reviewed and approved the preliminary and final plat for the subject properties plus reviewed this request for a zone change. Consequently, they have addressed drainage, access, and other development criteria via those processes.

This request for a zone change is consistent with the zoning established for the adjacent properties to the North and should not have an adverse impact on the pattern of land use in the area with respect to the health, safety, and well being of this community and neighboring communities.

Staff has discussed the importance of a master plan for these properties (as it will be the entrance to our City) and recommends that before any development, the applicant provide a master plan for review and approval by the Planning & Zoning Commission. The master plan will include all development criteria such as parking, landscaping, buffering from adjacent land uses, and depict all infrastructure improvements as approved via the subdivision process.

This zone map ordinance, therefore, serves to change the zoning designation and to establish that we must approve a master plan before any development (except grading pursuant to obtaining a grading permit and roadway infrastructure pursuant to obtaining all applicable approvals) and does not include specifics such as height of structures, landscaping requirements, and other architectural and site development issues.

The zoning of adjacent properties to the north is as requested herein, except that the zoning to the north also allows for M-1/Light Industrial land uses. The properties to the south are zoned SU/C-1 for Church and Daycare. The properties to the East are zoned for Residential Development (Skyview Acres) and the properties to the West (across NMSR 528) are zoned SU/1 for R-2 uses.

This request is in conformance with the Comprehensive Plan as to in-fill development and is consistent with adjacent development.

(If you have any questions please contact Acting City Administrator Michael Baker at 896-8721 or on pager at 880-9498)


IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC)

There are no apparent adverse impacts with regard to these issues.

ALTERNATIVES: The Governing Body may vote to approve the proposed zone map ordinance which would change the zoning designation of this property to allow for C-1, C-2, O-1, O-2 land uses, or the Governing Body may vote to deny the proposed zone map ordinance and the zoning as established in Ordinance 93-26 would remain in effect.

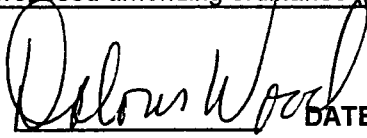
DEPARTMENT RECOMMENDATION: The Department of City Development recommends approval of the proposed zone map ordinance.

REVIEWED BY:

CITY ATTORNEY		DPS	<input checked="" type="checkbox"/>	PARKS & REC.	<input type="checkbox"/>	SENIOR CTR.	<input type="checkbox"/>
CITY CLERK	<input type="checkbox"/>	FINANCE	<input type="checkbox"/>	PERSONNEL	<input type="checkbox"/>	OTHER (SPECIFY)	<input type="checkbox"/>
CITY DEV	<input checked="" type="checkbox"/>	LIBRARY	<input type="checkbox"/>	PUBLIC WORKS	<input checked="" type="checkbox"/>		

OTHER DEPARTMENT'S RECOMMENDATIONS:

At their regularly scheduled meeting of January 30, 1996, the Planning & Zoning Commission by majority voted to recommend approval of the proposed amending ordinance (**Attachment**).

PREPARED BY:  DATE: 2/16/96

DEPARTMENT DIRECTOR:  DATE: 2/16/96

CITY ADMINISTRATOR:  DATE: 2-19-96

ATTACHMENTS:

- ATTACHMENT I Proposed Zone Map Ordinance
- ATTACHMENT II Location Map
- ATTACHMENT III Related Ordinance and site map
- ATTACHMENT IV Minutes; PZC; January 30, 1996

1006
1007



City of Rio Rancho

3900 Southern Blvd. • P.O. Box 15550
Rio Rancho, New Mexico 87124

DEPARTMENT OF CITY DEVELOPMENT

(505) 891-7206

APPLICATION FOR ZONE MAP AMENDMENT

RECEIPT NO.	<u>0050</u>
SCHEDULED P&Z MEETING	<u>1-30-94</u>
FEE (see reverse)	<u>800.00</u>
TOTAL ACREAGE OF REQUEST	<u>15.9621</u>

APPLICANT: Stephen Ganns Interest TELEPHONE: (713) 266-9560

ADDRESS: 651 Bering Drive, Suite 1505 Houston, TX 77057

AGENT: Mark Goodwin & Associates, PA - Gregory J. Krenik, PE

ADDRESS: PO Box 90606 Albuquerque, NM 87199

LEGAL DESCRIPTION OF PROPERTY: Lands of 528 Investors, Tract 2

UNIT: _____ BLOCK: _____ LOT: _____

PRESENT ZONING DESIGNATION: SU / Multi-family

ZONING DESIGNATION REQUESTED: C-1 C-2 M-1 R-2 R-3 SU

IF SPECIAL USE DESIGNATION: INDICATE USE(S): C-1, C-2, O-1 & O-2, Hotel

amended at application subject per

EXPLANATION OF REQUEST (Use reverse side if necessary)

SEE REVERSE SIDE

Signature  Date 1-16-96

INSTRUCTIONS: The application should be submitted to the City Development Department at the Rio Rancho City Hall. Each application should be accompanied by eight (8) copies of a development plan showing the location and dimensions of the property, location, size, and height of proposed structures, signs, or use; design of pedestrian or vehicular circulation; design of parking, loading or traffic handling facilities and methods, and the proposed schedule for completion of the plan.

FOR OFFICE USE ONLY:
 Application Received By: SK
 Date: 1-16-94
 File No: _____
 Action by Planning And Zoning Commission: _____

713-781-3050 Fax for Stephen Ganns

ZONE MAP AMENDMENT FEE SCHEDULE

LESS THAN ONE (1) ACRE	\$200
1 TO 4.99 ACRES	\$400
5 TO 9.99 ACRES	\$600
10 TO 49.99 ACRES	\$800
50 TO 100 ACRES	\$1,000
OVER 100 ACRES	\$1,000 For FIRST 100 ACRES PLUS \$200 PER EACH ADDITIONAL 100 ACRES OR PORTION THEREOF.

ADDITIONAL EXPLANATION OF ZONE MAP AMENDMENT REQUEST

The existing zoning is inappropriate for the way applicant wishes to
develop the property. The applicant would like to continue the
existing land uses of C-1, C-2, O-1 and O-2 per Ordinance 26, Enactment
No. 93-023 across the entire site. The applicant also wishes to add motel/
hotel use on Lot 3, Block 1 and Lot 5, Block 2.

1
2 **E. ZONE MAP AMENDMENT:** Applicant requests a zone change from SU\Multi-
3 Family to SU for C-1, C-2, O-1, and O-2 uses on the property legally described as
4 the Lands of 528 Investors, Tract 2. Applicant: Stephen Ganns Interest

5
6 Mark Schiff, Design Collaborative Architects stated he is of the understanding that
7 the zoning is a mixture of Multi-family and Commercial and asked if Mr. Corsie
8 could please clarify.

9
10 Mr. Corsie stated that when the area was annexed there was a mixture of zoning.
11 He stated that the top was zoned Special Use/Commercial Retail and the bottom
12 was Multi-family.

13
14 Mr. Schiff stated there are changed conditions for this area. He stated there is an
15 increase in development in the area due to the reconstruction of Ellison Road. He
16 stated the coming of Cottonwood Mall has concentrated commercial uses in the
17 area , surrounding the area originally zoned for Multi-family.

18
19 Greg Krenick, Engineer for Mark Goodwin & Associates stated there will be an
20 overpass from the new Ellison Road making it impossible for access to businesses
21 across NMSR 528.

22
23 Mr. Schiff stated they do concur with the staff recommendation for the master plan
24 for development. He stated design standards and architectural covenants will be
25 worked out with City Development staff.

26
27 Commissioner Hawley asked if the request for a hotel will be taken from the
28 request for zone change. Stephen Ganns, owner of the property stated he has
29 dropped the request for a hotel at this time.

30
31 Commissioner Ramaecker asked if Mr. Ganns would be required to come back
32 before the Commission if he desired a hotel to be built at a later date. Mr. Corsie
33 state he would.

34
35 Commissioner Hawley stated he would like to see master plan for the area.
36 Commissioner Drake asked what the schedule is on the master plan. Mr. Ganns
37 stated the master plan will be available in 60 days.
38

**DRAFT
PLANNING & ZONING COMMISSION
MINUTES - JANUARY 30, 1996**

1 Commissioner Drake asked the status on State Highways decision on access. Mr.
2 Ganns stated he is working with the State Highway for a plan of access.

3
4 Commissioner Drake asked why is there not a map accompanying the zone map
5 amendment with the access points on it. Dolores Wood, City Development stated
6 the access has changed and an updated map will be presented to the Commission
7 when final plat is requested.

8
9 Mr. Corsie stated the map approved through the master plan process will have
10 precedent and will be the map that applies.

11
12 Mr. Ganns stated the State Highways primary concern is weaving from the by-pass
13 to take access to the property. He stated the plan is to use a median to prevent the
14 weaving from the by-pass. Mr. Ganns stated the access will be into the businesses,
15 there will be no exit. He stated that he and Mr. Cahlmers are working together to
16 connect the the new road behind Chalmers to the old Ellison Road.

17
18 Commissioner Gahl asked if the property to the north is in the Village of Corrales.
19 Mr. Corsie stated it is. Commissioner Gahl asked if total traffic would be less or
20 peak traffic to a commercial buisness rather than to a residential. Mr. Schiff stated
21 both would be less.

22
23 Commissioner Gahl commented on his concern for a major traffic intersection.
24 Mr. Ganns stated the Highway Department has a standard to prevent access to
25 businesses from the by-pass, the access will be further down NMSR 528.

26
27 Commissioner Drake asked what happened to the hotel. Mr. Ganns stated he was
28 unaware that Amrep was working with a certain hotel group and Intel to build a
29 hotel. During that time he had discussions with Intel about room guarantees and
30 had planned to put a hotel on top of the hill, rationalizing this would be the last
31 thing you would see leaving Rio Rancho and the first thing you see coming to Rio
32 Rancho. He stated that after conferring with Amrep Southwest Inc., he agreed to
33 drop the hotel request from his application.

34
35 Mark Lautman, Amrep Southwest Inc., stated he is not in opposition with Mr.
36 Ganns project, but has concerns for Amreps investment into the Gateway project
37 and the economic development impact this project will have.
38

1 John March, Los Colinas commented he has a list of over 40 projects to be
2 completed in the area in the next year and one half. He also stated the office
3 market will come to this area and at this time there is very little ground for office.
4

5 Tom Kelliher, Attorney for the applicant, stated he understands there is no
6 opposition to this project. He also stated he has never heard of opposition to a
7 zone change based upon competition.
8

9 Commissioner Cunningham commended Amrep for its vision to make a gateway to
10 Rio Rancho as attractive as possible. He stated since we have annexed the land
11 along the hill, it now becomes the first and last thing viewed in and out of Rio
12 Rancho and feels it is commendable that the developers would want to continue
13 the vision of promoting Rio Rancho in an upscale manner.
14

15 **PZC013096E: COMMISSIONER CUNNINGHAM MOVED THAT THE**
16 **REQUEST FOR A ZONE CHANGE FROM SU/MULTI-FAMILY**
17 **TO SU FOR C-1, C-2, O-1, AND O-2 USES ON THE PROPERTY**
18 **LEGALLY DESCRIBED AS THE LANDS OF 528 INVESTORS,**
19 **TRACT 2 BE APPROVED. SECONDED BY COMMISSIONER**
20 **DRAKE. MOTION CARRIED BY A VOTE OF 6 FOR AND 1**
21 **AGAINST.**

22
23 **YES: CUNNINGHAM, DRAKE, GAHL, HAWLEY, RAMAEKER, SOTO**
24 **NO: BLOMBERG**
25
26

CITY OF RIO RANCHO
AGENDA BRIEFING MEMORANDUM

COUNCIL: Approved
DATE: 5-22-96

REFERENCE #: D-49

DEPARTMENT: City Development

AGENDA DATE: May 22, 1996

SUBJECT: Master Plan; Application for approval (Attachment I).

Property: Rio Hondo Subdivision, Blocks 1 and 2
Location: South of Intel, North of St. Paul's Church.
Applicant: RH Number One Limited Liability Company
Agent: Community Sciences Corporation

BACKGROUND AND ANALYSIS: The applicant has submitted the attached Master Plan for review and approval by the Governing Body as required by Ordinance 96-006 (Attachment). Development may not occur on the subject properties until such time that a Master Plan is approved by the Governing Body. The Master Plan is specific as to how development can occur. The Master Plan submitted conforms to the City's Zoning Ordinance and standard development requirements. In some instances, the Master Plan is more strict than the City's ordinances.

Attached for your review is the Rio Hondo Development Master Plan.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE)

There are no apparent adverse impacts with regard to these issues.

ALTERNATIVES: The Governing Body may approve the proposed Master Plan or, the Governing Body may deny the proposed Master Plan. An approval of the Master Plan will allow the Developer to submit construction plans for review and approval by the Department as permits for the various lots are requested. A Denial of the Master Plan will require the Developer to resubmit a Master Plan for review and approval prior to any development occurring on the subject lots. The Governing Body may also request amendments to the Master Plan with or without a postponement of the item.

DEPARTMENT RECOMMENDATION:

The Department of City Development recommends approval of the proposed Master Plan.

REVIEWED BY:

CITY ATTORNEY [Signature] DPS _____ PARKS & REC. _____ SENIOR CTR. _____
CITY CLERK _____ FINANCE _____ PERSONNEL _____ OTHER (SPECIFY) _____
CITY DEV [x] LIBRARY _____ PUBLIC WORKS _____

OTHER DEPARTMENT'S RECOMMENDATIONS:

At their regularly scheduled meeting of April 30, 1996, the Planning & Zoning Commission by majority voted to recommend approval of the proposed Master Plan (Attachment)

PREPARED BY: [Signature: John Wood] DATE: 5/10/96
DEPARTMENT DIRECTOR: [Signature: Antonia] DATE: 5/10/96
CITY ADMINISTRATOR: [Signature: MRL FOR JRL] DATE: 5/14/96

Attachment I: Master Plan for Rio Hondo Subdivision
Attachment II: Related Ordinance
Attachment III: Minutes; P&ZC; April 30, 1996

CITY OF RIO RANCHO



ORDINANCE NO. 6

ENACTMENT NO. 96-006

AMENDING ORDINANCE 87-1, (R.O. 1987) APPENDIX G (ZONE MAP AMENDMENT) AND THE ZONE MAP; THAT THE PROPERTIES IN RIO HONDO SUBDIVISION, BLOCK 1, LOTS 1-3, AND BLOCK 2, LOTS 1-5 PREVIOUSLY ZONED VIA ORDINANCE 93-26 SHALL HAVE THEIR ZONING DESIGNATION CHANGED FROM SU/SPECIAL USE FOR MULTI-FAMILY RESIDENTIAL TO SU/SPECIAL USE FOR ALL PERMISSIVE AND CONDITIONAL C-1/RETAIL COMMERCIAL LAND USES, ALL PERMISSIVE AND CONDITIONAL C-2/WHOLESALE AND WAREHOUSING COMMERCIAL LAND USES AND, ALL PERMISSIVE AND CONDITIONAL O-1/OFFICE AND O-2/OFFICE LAND USES (ALL CONDITIONAL USES REQUIRE A CONDITIONAL USE PERMIT).

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

PURPOSE:

RESTRICTIONS:

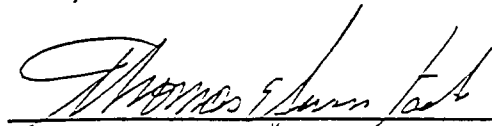
1. Development standards shall be determined and approved via a master plan. Standards to be addressed include but are not limited to height, landscaping, architectural issues, and signage.
2. A master plan for all lots specified herein shall be reviewed and approved by the Governing Body prior to any development to ensure continuity of development standards.

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 unenforceable, 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 City Code of Rio Rancho, R.O. 1987.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective ten days after adoption.

ADOPTED THIS 28TH DAY OF FEBRUARY, 1996



Thomas E. Swisstack, Mayor

ATTEST:



Tina Gonzales, City Clerk
[SEAL]

2/29/96

Date

1 COMMISSIONER CUNNINGHAM MOVED THAT THE MEETING BE ADJOURNED FOR 15
2 MINUTES FOR A CLOSED SESSION. SECONDED BY COMMISSIONER DRAKE. MOTION
3 CARRIED BY A VOTE OF 7 FOR AND 0 AGAINST.
4

5 YES: BLOMBERG, CUNNINGHAM, DRAKE, GAHL, HAWLEY, HEIL, RAMAEKER
6

7 The meeting adjourned at 10:40 p.m. and reconvened at 10:55 p.m.
8

9 Usher Bruger, Resident stated the zoning in the area changes like the wind.
10

11 Joe Molinary, Resident, stated he opposes the zone change unless it conforms to R-1 zoning.
12

13 Commissioner Ramaeker asked if single wide mobile homes are allowed in R-1 zoning. Mr. Corsie
14 stated they are not.
15

16 Jack Reynolds, Resident, asked if a moratorium can be put in place. Commissioner Ramaeker
17 stated a moratorium cannot be done.
18

19 Commissioner Gahl asked if the Commission is creating a new zoning district. Don Young stated
20 he sees this as an overlay zone.
21

22 **PZC0430964H: COMMISSIONER CUNNINGHAM MOVED THAT THE REQUEST FOR A**
23 **ZONE CHANGE ON THE PROPERTY LEGALLY DESCRIBED AS UNIT 12,**
24 **BLOCKS B, BB, C, CC, D, DD, ALL LOT INCLUSIVE FROM "UNZONED"**
25 **(NO ZONING DESIGNATION) TO R-1\ SINGLE FAMILY RESIDENTIAL BE**
26 **APPROVED WITH ALL STAFF RECOMMENDATIONS. SECONDED BY**
27 **COMMISSIONER DRAKE. MOTION CARRIED BY A VOTE OF 5 FOR AND**
28 **2 AGAINST.**
29

30 YES: CUNNINGHAM, DRAKE, GAHL, HAWLEY, RAMAEKER

31 NO: BLOMBERG, HEIL
32

- 33 I. **MASTER PLAN APPROVAL:** Applicant requests approval of the Master Plan for Rio
34 Hondo Subdivision, Lots 1 through 8. Applicant: RH Number One Limited Liability
35 Co. Agent: Community Sciences Corporation.
36

37 Eric LoBrie, Community Sciences Corporation, stated he is requesting the approval of the Master
38 Plan for Rio Hondo Subdivision, Lots 1 through 8.
39

40 Commissioner Hawley asked if the land is being graded. Mr. LoBrie stated it is.
41

42 Commissioner Drake asked what the makeup of the owner control committee is. Mr. LoBrie stated
43 it consists of two owners, Chris Spyrock, and Eric LoBrie of Community Sciences.
44

45 Commissioner Hawley stated he feels this is a good plan.
46

47 **PZC0430964I: COMMISSIONER DRAKE MOVED THAT THE REQUEST FOR APPROVAL**
48 **OF THE MASTER PLAN FOR RIO HONDO SUBDIVISION, LOTS 1**
49 **THROUGH 8 BE APPROVED. SECONDED BY COMMISSIONER**
50 **BLOMBERG. MOTION CARRIED BY A VOTE OF 7 FOR AND 0 AGAINST.**
51

1 **YES: BLOMBERG, CUNNINGHAM, DRAKE, GAHL, HAWLEY, HEIL, RAMAEKER**
2

3 **J. STREET NAME CHANGE:** The Department requests approval to rename a portion
4 of Englum Drive to Loma Colorado Drive, Unit 13, between 5th Avenue and Northern
5 Boulevard.
6

7 Mr. Corsie stated that approximately 3500 linear feet of Englum Drive is requested to be renamed
8 Loma Colorado Drive with the remainder of the street to remain Englum Drive.
9

10 **PZC0430964J: COMMISSIONER BLOMBERG MOVED THAT THE REQUEST TO RENAME**
11 **A PORTION OF ENGLUM DRIVE TO LOMA COLORADO DRIVE, UNIT 13,**
12 **BETWEEN 5TH AVENUE AND NORTHERN BOULEVARD BE APPROVED**
13 **WITH STAFF RECOMMENDATIONS. SECONDED BY COMMISSIONER**
14 **DRAKE. MOTION CARRIED BY A VOTE OF 7 FOR AND 0 AGAINST.**
15

16 **YES: BLOMBERG, CUNNINGHAM, DRAKE, GAHL, HAWLEY, HEIL, RAMAEKER**
17

18 **(APRIL 10, 1996 GOVERNING BODY APPEAL REMAND)**

19 **K. SUBDIVISION:** Applicant requests Final Plat approval on the property legally
20 described as Sara's Meadow. Applicant: Boyle Development. Agent: Cinfran
21 Engineering
22

23 Monte Bingham, Cinfran Engineering, stated he is requesting Final Plat approval on the property
24 legally described as Sara's Meadow. Mr. Bingham stated he plans to put water in the treefarm pond
25 when ready.
26

27 Commissioner Ramaeker asked if the Corrales Engineer has reviewed the plans. Mr. Bingham
28 stated he has.
29

30 Cynthia Tidwell, Corrales Planning & Zoning, stated she has concerns with the site development
31 before the dam and Pond A being completed.
32

33 Commissioner Drake she had requested a copy of the letter from Boyle Development and from
34 SSCAFCA about drainage prior to approving the easement.
35

36 Steve Tollefson, City Development, stated he had just received a faxed letter from Mr. Blaine of
37 Leedshill, Herkenhoff with reference to an analysis of Treefarm Pond and Pond A.
38

39 Ms. Tidwell stated Mr. Blaine feels that the State Engineer should review the plans.
40

41 Bob Garman, SSCAFCA, stated the plans were started by Community Sciences Corporation and had
42 been reviewed by the State Engineer and he would not be comfortable with Sara's Meadow water
43 in Pond A until the outfall is built. He also stated he feels the Treefarm project should be completed
44 before water is put into it or before development of Sara's Meadow.
45

46 Commissioner Hawley asked Mr. Bingham if he agrees with Mr. Garman. Mr. Bingham stated he
47 does agree and no construction will be done before the Treefarm project and Pond A is ready to
48 receive water.
49

RIO HONDO

DEVELOPER'S DISCLAIMER

TABLE OF CONTENTS

RH NUMBER ONE LIMITED LIABILITY COMPANY, herein referred to as the "DEVELOPER," has caused this Development Master Plan and attendant documents to be published and submitted to the City of Rio Rancho, New Mexico.

Since this document contains drawings and text of a changeable nature, it is expressly not a part of the legal documents and contractual commitments between the Developer and any real estate buyer. This Plan serves, until next revised by the Developer (and approved by the City of Rio Rancho, where so governing) as the guidelines and expression of **CONCEPT ONLY** for the location of future roads, utilities, public areas, shapes and sizes of subdivided parcels, and the like.

The Developer makes no representation or warranties, whatever with regard to the information contained herein and disclaims any and all responsibility or liability. When, and if, the City of Rio Rancho adopts this plan, all or in part, that approval shall constitute the sole representation of the allowances, restrictions and process for subsequent use of the land.

Those portions of the Development Master Plan which are not part of the City zoning approvals are the property of the Developer, who reserves the right to amend, modify or otherwise change any provision thereof and to republish same.

No real estate buyer should rely solely on these documents. Any interested buyer/user should procure the latest, approved City version as well as any accompanying City codes, policies, ordinances and data pertaining to the development of this property and building thereon.

All of the property is held for development purposes (except for platted streets and any public use areas or easements). Properties which may be offered for sale are shown on the plats filed for public record which show precise surveyed metes and bounds for such areas and which may be accompanied by any declaration of restrictive covenants which may be recorded with such plat.

Any areas shown on this Development Master Plan may be sold, developed, or their designation and ultimate use changed (subject to the laws of the City). Any planning sketches of unrecorded subdivision designs are subject to change.

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Rio Hondo

DEVELOPMENT

MASTER PLAN

INTRODUCTION

In February, 1996, the City of Rio Rancho approved the final plat for the **Rio Hondo** subdivision. This subdivision comprises approximately 14.2 acres, net of rights-of-way, along New Mexico State Highway 528 (N.M.S.H. 528) near the city limits of the City of Rio Rancho. The site is bounded by St. Paul's United Church, the Skyview Acres residential subdivision, Don Chalmer's Ford Dealership and additional vacant land in the city of Albuquerque, to the east. The vicinity map on page 2 depicts more clearly, the general location of **Rio Hondo**.

A major access to this subdivision is by right-in only from N.M.S.H. 528. N.M.S.H. 528 runs from Albuquerque northward, through Rio Rancho, to the town of Bernalillo. The State Highway designation of 528 becomes Rio Rancho Boulevard in the City of Rio Rancho and becomes Alameda Boulevard in Albuquerque. There is also one internal right-of-way, The American Road, NW, which indirectly connects to N.M.S.H. 528 and provides individual access to each lot within the subdivision.

Rio Hondo is in close proximity to many residential and commercial developments in both Rio Rancho and Albuquerque. It is also close to a few office buildings along N.M.S.H. 528 in Albuquerque. Adjacent residential developments include Skyview Acres and the rapidly growing Seven Bar Ranch area.

There are many commercial developments along N.M.S.H. 528, and in this vicinity, but the most important is the Cottonwood Mall, scheduled to open in July 1996. Being in close proximity to this regional mall will

be beneficial to any development within **Rio Hondo**, as this regional mall is expected to draw consumers from Rio Rancho, Corrales, Bernalillo and a large portion of Albuquerque, as well as from other parts of the state.

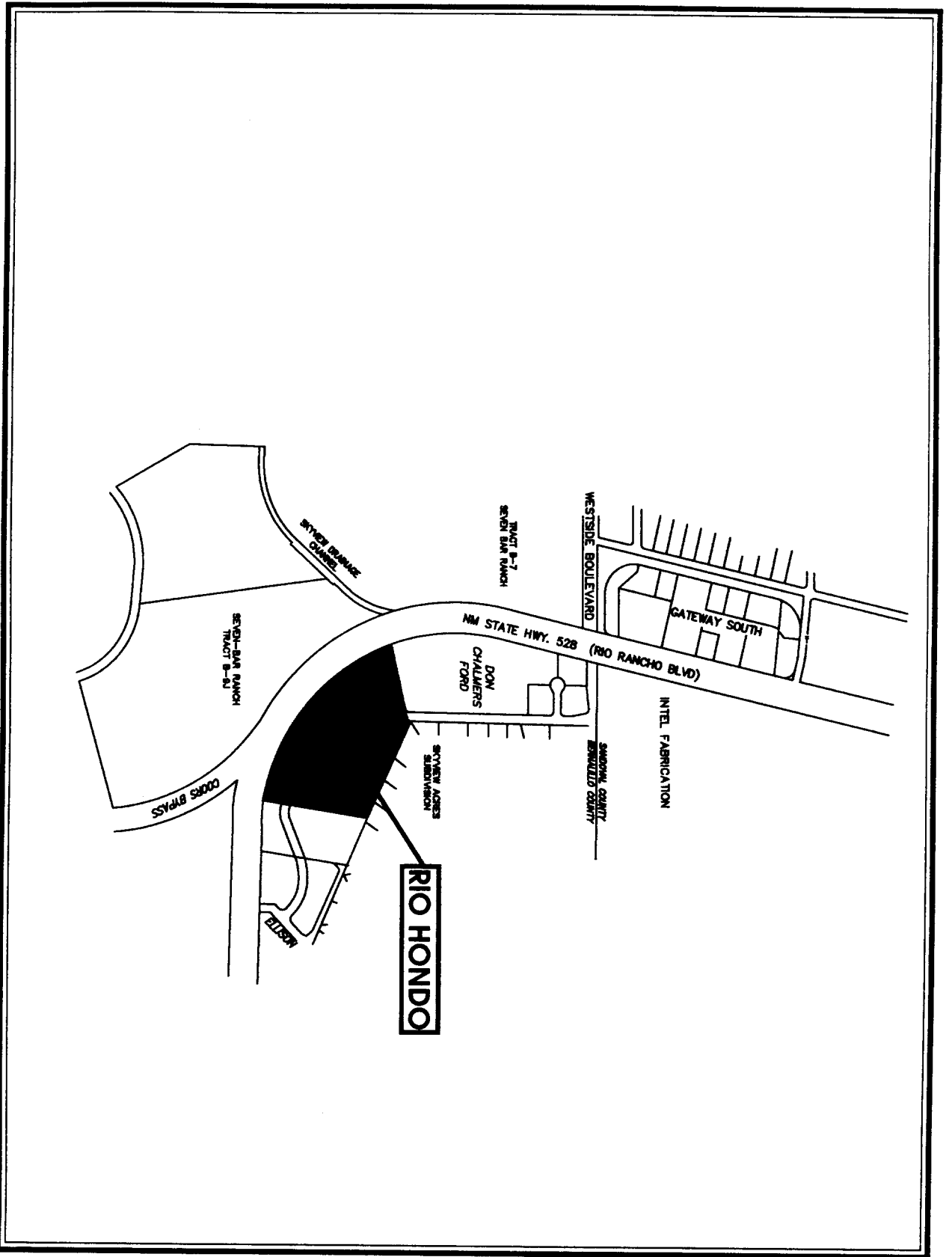
The purpose of this Development Master Plan is to assure proper use and development of the Property; to protect the Owners of each parcel of **Rio Hondo** against undesirable development; and to ensure a quality development through design standards and design guidelines.

This Development Master Plan will comprise the basis for development within **Rio Hondo**. The conditions imposed on subsequent Owners are made pursuant to the property's SU zoning, protective covenants, design standards and design guidelines. All lot Owners and lessees should become familiar with this document, the Developer-imposed design standards, and the City of Rio Rancho's zoning ordinances prior to entering into any agreement regarding the properties located within **Rio Hondo**.

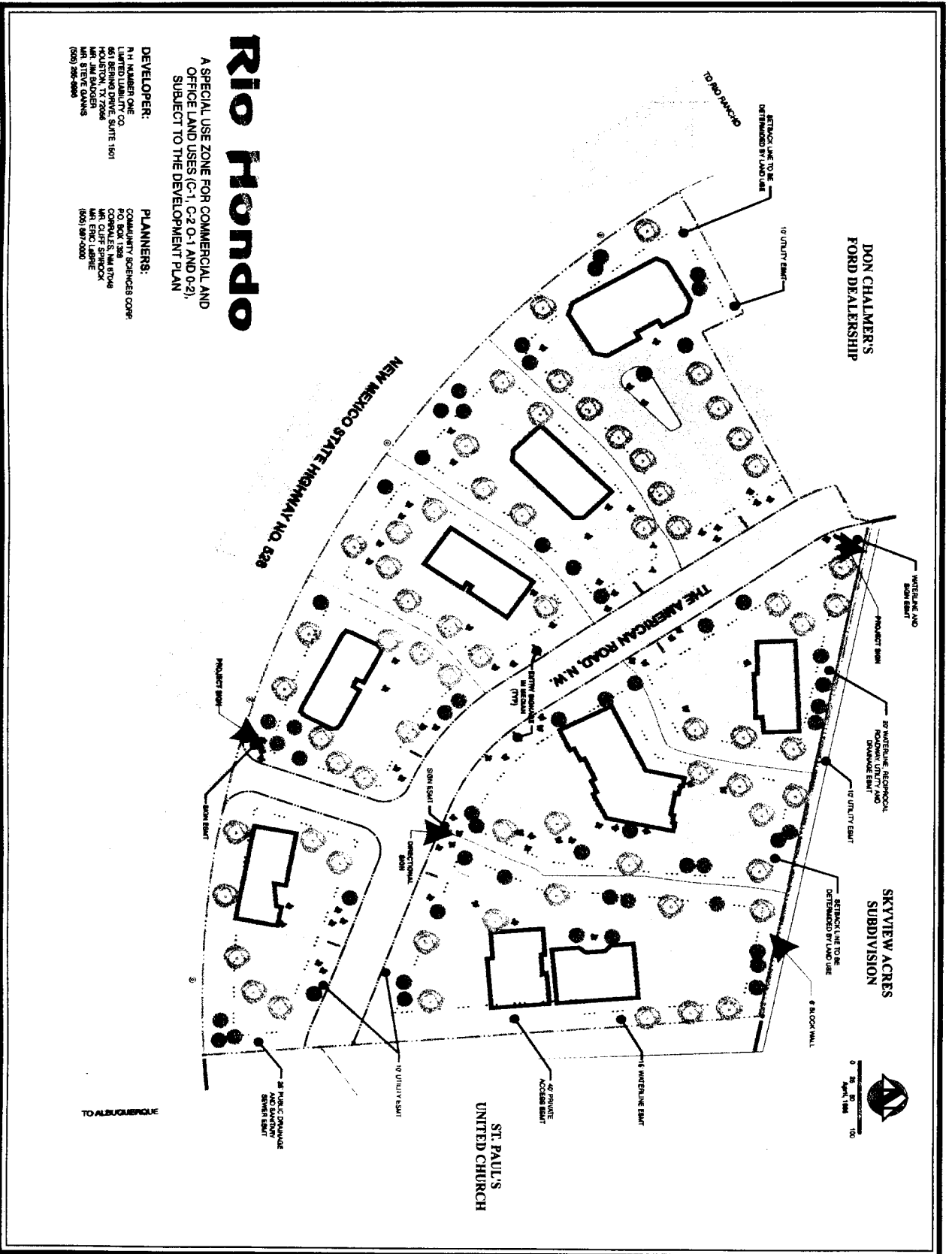
The zoning granted for the lots comprising this development is Special Use (SU) for C-1, C-2 (Commercial Uses) and O-1, O-2 (Office Buildings). This zoning will control permissive and conditional uses, setbacks, minimum lot area, height restrictions and other elements of the zoning code as they are enforced by the City of Rio Rancho. Tables summarizing permissive and conditional uses can be found on pages 5 and 6.

In addition to the approved Special Use Zoning, other controls, related to design issues beyond the scope of zoning, will be imposed by the Developer (see *Design Standards and Design Guidelines*). These are aesthetic controls meant to perpetuate a quality environment and to preserve and enhance land values. These controls will be enforced by

Rio Hondo



Rio Hondo



Rio Hondo

A SPECIAL USE ZONE FOR COMMERCIAL AND OFFICE LAND USES (C-1, C-2 O-1 AND O-2), SUBJECT TO THE DEVELOPMENT PLAN

DEVELOPER:
 M. J. MARRAS ONE
 LIMITED LIABILITY CO.
 681 BERING DRIVE, SUITE 1601
 HOUSTON, TX 77060
 MR. JIM MARRAS
 (713) 296-9999

PLANNERS:
 CONSULTANT SCIENCES CORP.
 P.O. BOX 100
 CORONALES, NM 87004
 MR. CLIFF SPIROCK
 MR. ERIC LARSEN
 (505) 887-0000

Rio Hondo

Rio Hondo subdivision Owners through covenants, associations and private agreements. An Owner's Control Committee will be formed to ensure the standards and guidelines are followed.

All building plans, building materials and site construction features will be required to be submitted to the Developer for review by the Owner's Control Committee. This review process also includes all landscaping, interior and project signage, and irrigation systems. Any private development controls and the procedures and requirements of the Owner's Control Committee can be found in the following sections of this Development Master Plan.

Although the developer will be platting reasonable, logical and best-attempt lots for building purposes, the Owners of each development site can negotiate for flexibility in internal access arrangement, lot configuration, utilities, access, and the like. These requests will be processed in the same fashion as a subdivision replat (summary plat review by the staff of the City of Rio Rancho).

The summary plat procedure consists of an application to the City of Rio Rancho, which must be reviewed and approved by the planning staff of the City of Rancho. The approved plat must then be recorded with the Bernalillo County Clerk. This process is summarized in the City of Rio Rancho Subdivision Process Manual.

Rio Hondo has been divided, initially, into eight parcels for the convenience of phasing, easement provisions and site identification. Subdivision into smaller or alternately configured sites can be accomplished incrementally, as sales and contractual negotiations occur. The Site Plan (see page 3) shows the lots as they are currently platted and is subject to change at the discretion of the Owner.

The final plat has dedicated an internal public right-of-way, The American Road, NW. The permit for access onto N.M.S.H. 528 has been granted by the New Mexico State Highway and Transportation Department and the City of Rio Rancho. The American Road, NW has been constructed from Westside Boulevard to the northern edge of **Rio Hondo** and will continue southward eventually connecting to Ellison Road. Ellison Road and Westside Boulevard are signalized intersections

which provide additional access to NMSH 528 (see page 2). The landowners to the east have agreed to cooperate with land dedications and geometrics at the boundary of this site to allow The American Road, NW to intersect with Ellison Road.

The current approval for access to N.M.S.H. 528 is limited to a right-in only. Access to all sites within **Rio Hondo** from N.M.S.H. 528 by other driveways or streets is strictly prohibited.

Access to each of the individual lots from The American Road, NW is intended to be by driveways which are specified as median delimited and landscaped with building signage. These driveways are restricted by the Developer to a minimum number of street penetrations.

In addition to this plan and the approved zoning for the **Rio Hondo** subdivision, the Developer will record protective covenants with the Bernalillo County Clerk. These covenants are meant to enhance the property values for any future property Owners within **Rio Hondo**. Copies of these protective covenants can be acquired from the Developer.

ZONING **General Schedule of Restrictions, Uses and Allowances**

The following pages contain a general list of some of the allowed uses under the **Rio Hondo's** Special Use (SU) zoning for C-1, C-2 (Commercial), and O-1, O-2 (Office Buildings) zones. These lists should give future Owners guidance as to the uses allowed within **Rio Hondo**.

At the present time, the Rio Rancho Zoning Code will serve as the guideline for allowed uses and restrictions at **Rio Hondo**. The Developer reserves the right to create additional restrictions with amendments to this Development Master Plan. All future Owners should obtain a copy of the Rio Rancho Zoning Code, as these tables may not provide complete listings of permissive or conditional uses and restrictions.

Rio Hondo

ZONING CATEGORY: C-1 LIMITED COMMERCIAL USES*

PERMISSIVE USES:

- Stores for the sale of retail goods
- Restaurants, bars and lounges (excluding drive-up windows)
- Repair shops
- Trade shops (tailoring, dry cleaning, photo developing, etc.)
- Banks, theatres and office buildings
- Places of worship and parish houses
- Bakeries and confectioneries
- Parks, recreational facilities and open space
- Nursery schools
- Undertaking establishments
- Club houses and buildings for fraternal and non-profit service organizations
- Medical complexes, including veterinarians
- Photocopying and blueprinting businesses

CONDITIONAL USES (REQUIRE USE PERMITS):

- Drive-in restaurants and/or convenience stores (excluding drive-up liquor windows)
- Bowling alleys
- Automotive dealers and gasoline service stations (see Rio Rancho Zoning code for additional restrictions)
- Residential uses
- Private schools
- Offset Press Printing
- Recycling Collection Center (see Rio Rancho Zoning Code for additional restrictions)

RESTRICTIONS:

- Area: Minimum 1/2 acre
- Setbacks: 35 foot front setback, others equal to adjacent residential setbacks
- Height Restrictions: No building shall exceed 32 feet
- Landscaping: Minimum of 10 percent of lot must be landscaped
- Buffer Zone required *

ZONING CATEGORY: C-2 HEAVIER COMMERCIAL ACTIVITIES*

PERMISSIVE USES:

- Stores for the sale of retail goods
- Repair shops
- Trade shops (tailoring, dry cleaning, photo developing, etc.)
- Places of worship and parish houses
- Machinery and farm equipment sales and repair
- Food sales
- Wholesale commercial
- Warehousing and storage
- New and used automobile sales
- Office buildings
- Public utilities, including production and disposal facilities

CONDITIONAL USES (REQUIRE USE PERMITS):

- Light manufacturing or industrial
- Auto wrecking, salvage, storage, and contractor's yard
- Garage for automotive repair and painting
- Amusement enterprises, including auditorium, pool hall, dance hall, theatre, skating rink or outdoor carnival activities
- Residential uses

RESTRICTIONS:

- Area: Minimum 1/4 acre
- Setbacks: 35 foot front setback, others equal to adjacent residential setbacks
- Height Restrictions: No building shall exceed 32 feet
- Landscaping: Minimum of 10 percent of lot must be landscaped
- Buffer Zone required *

* See the Rio Rancho Planning and Zoning Ordinance for more detailed information. This is not a complete list of permitted uses and restrictions.

Rio Hondo

ZONING CATEGORY: O-1 RESIDENTIALLY SCALED OFFICES*

PERMISSIVE USES:

- Financial institutions, including banks; non-depository credit institutions and security and commodity brokers
- Insurance and real estate agents and brokers
- Business services
- Health services
- Legal services
- Educational services
- Social services
- Membership organizations
- Executive, legislative and general government
- Justice, public order and safety

CONDITIONAL USES (REQUIRE USE PERMIT):

- Certain service groups
- Private schools
- Residential uses

RESTRICTIONS:

- Area: Minimum 1/4 acre
- Height: One story up to 20 feet unless otherwise stated on the Zone Map
- Setbacks: 25 foot front setback; all front and rear set backs shall be a minimum of 1 foot for each foot of building height
- Landscaping: A minimum of 15 percent of the lot must be landscaped
- Buffer Zone required *

ZONING CATEGORY: O-2 OFFICES*

PERMISSIVE USES:

- Financial institutions, including banks; non-depository credit institutions and security and commodity brokers
- Insurance agents and brokers
- Business services
- Health services
- Legal services
- Educational services
- Social services
- Research and Development Offices
- Membership organizations
- Executive, legislative and general government
- Justice, public order and safety

CONDITIONAL USES (REQUIRE USE PERMIT):

- Certain service groups (see the Rio Rancho Zoning Code for additional restrictions)
- Private schools
- Residential uses

RESTRICTIONS:

- Area: Minimum 1/2 acre
- Height: No building shall exceed 32 feet
- Setbacks: 35 foot front setback
- Landscaping: A minimum of 10 percent of the lot must be landscaped
- Buffer Zone required *

* See the Rio Rancho Planning and Zoning Ordinance for more detailed information. This is not a complete list of permitted uses and restrictions.

Rio Hondo

DESIGN STANDARDS AND GUIDELINES Private Development Controls

conformance with the zoning provisions, covenants and guidelines contained in this Development Master Plan.

These Design Standards and Guidelines are binding upon all persons who at any time construct, reconstruct, refinish, alter, or maintain any improvement upon the Property, or make any change in the natural or existing surface, drainage, or plant life thereof. These entities may be herein referred to as "Users" or "Owners."

These provisions are administered and enforced by the Owner's Control Committee in accordance with the covenants and other recorded documents. They may be amended from time to time, and it is the responsibility of each Owner to obtain and review a copy of the most recently revised document(s).

It is strongly recommended that an Owner retain professional services for planning, design, and construction to ensure that the recommended style, as well as the layout, reflect the overall objectives of **Rio Hondo** as described in this Development Master Plan.

The Owner's Control Committee has identified a number of characteristics which provide its definition of "quality." These characteristics are incorporated into this document as Standards and Guidelines. They are considered the minimal expectations for quality design of any **Rio Hondo** project:

Standards are those design policies which are embodied in City ordinances as well as the recorded covenants. These may not be changed by the Developers alone, and are enforced by the City of Rio Rancho and the Owner's Control Committee.

Guidelines are those design policies which are intended to provide better direction as to the expectations of the Developers. These guidelines may be added to, amended or otherwise changed at the discretion of the Developers and the Owner's Control Committee. These policies are meant to guide the process of property purchase and development, not to control it. Accordingly, most proposed development proposals will be entertained, provided they are in

DESIGN STANDARDS

A. Lot Size

There is no specified minimum lot size for the lots included in **Rio Hondo**. All Owners must adhere to the restrictions set by the City of Rio Rancho Zoning Code for the intended use of each individual site. The minimum size of the lot will also be affected by other criteria described in this Development Master Plan (ground coverage, setbacks, height limitations, access restrictions, etc.). This flexibility enables each Owner to determine the size of his/her purchase based upon actual design considerations as well as anticipated expansion needs. As parcels are re-divided, sold, or otherwise transferred, Owners should review the proposed platting against the following Design Standards to determine the appropriate lot size for their developments.

B. Ground Coverage

No more than 50 percent of the surface area of any site shall be covered by a building or buildings.

C. Building Heights

Multi-story buildings are not prohibited within **Rio Hondo**, except in the O-1 zone. Building heights will be determined by the restrictions cited in the City of Rio Rancho zoning code. The following height restrictions apply to the zoning allowed in **Rio Hondo**:

C-1: 32 feet O-1: One story up to 20 feet
C-2: 32 feet O-2: 32 feet

If a proposed building will minimally exceed the maximum height limit established by the applicable zoning, the Owner may request a height variance with the preliminary submittal to the Owner's Control Committee. If the Owner can prove that the additional height will be beneficial to the project and will not negatively impact any other properties, the Owner's Control Committee will support a variance for maximum height limit. In such a case, the Owner must then

Rio Hondo

request a variance from the City of Rio Rancho, using the approved plans as his/her exhibit. The City of Rio Rancho will not accept an application for such a variance without this prior approval.

D. Building Setbacks

No building shall be constructed upon any site without adequate and reasonable front, side and rear setbacks. The determination of what is an adequate and reasonable setback will be based on the requirements of the City of Rio Rancho's zoning code and the Owner's Control Committee. The following setbacks are required for each zone allowed in Rio Hondo:

C-1: 35 foot front setback O-1: 25 foot front setback
C-2: 35 foot front setback O-2: 35 foot front setback

In addition to the above minimums, when a non-residential development is adjacent to a residential use, the setbacks adjacent to the residential property shall be equal to those in the residential zone. This restriction will apply to all of the lots that back up to the Skyview Acres subdivision to the north of **Rio Hondo**.

E. Landscaped Areas

Landscaping plans shall be submitted to the Owner's Control Committee for approval together with all other plans relating to the site. Within 90 days of occupancy or completion of construction of any building on a site, whichever occurs first, such site shall be landscaped in accordance with the approved plans. The following landscaping standards will apply to each site within **Rio Hondo**:

1. A landscaping buffer of a minimum of seven feet is required along the curb, except at driveway locations and where a portion of such area is required for sidewalks.
2. The equivalent of one tree for each forty linear feet of front property along The American Road, NW is required. The Owner's Control Committee may modify this requirement and may specify that such trees be planted in clusters rather than linearly if appropriate. Minimum tree size at planting shall be 10 feet in height or 2 inch in caliper measured at the trunk 6 inches above grade.

3. The equivalent of one tree for each fifty feet of side property line shall be provided. This requirement is subject to modification by the Owner's Control Committee. Minimum size at planting shall be the same as the requirements listed above (#2).

4. All unpaved areas which are directly visible from any street shall be planted with grass, ground cover, shrub material, or native landscaping. Unpaved areas not visible from any street are permitted to be retained in a bare, weed-free condition.

5. The City of Rio Rancho requires that 10 percent of the total area of the site be landscaped; except in the O-1 zone where 15 percent of the total area of the site must be landscaped.

6. Landscaping should be maintained in a good condition at all times. Landscaping should be irrigated by an underground system with timers to control for seasonal adjustments as necessary.

7. Landscaping plans should be designed by a professional landscape architect, or other qualified individual.

F. Parking Spaces

The number of parking spaces is perhaps the greatest variable determining the required size of a site. The initial design consultation using the City's code (and the Owner's Control Committee) will establish the normal, minimum number of parking spaces for each specific use. The Committee's initial criteria are the same as the standards in the Rio Rancho Zoning Code (see Article One, 9-1-18 of the Rio Rancho Zoning Code). However, if the Owner of a parcel within the Property can demonstrate that actual demands require fewer spaces, the Owner's Control Committee will support a recommendation for fewer spaces. In such a case, the Owner must then request a variance from the City of Rio Rancho, using the approved site plan as his exhibit. The City of Rio Rancho will not accept an application for such a variance without this prior approval.

In cases where the Committee is unsure of the rationale for fewer spaces, it may recommend that land be allocated for the higher standard, but that the smaller number of actual spaces be built with the initial construction.

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Where both the Committee and the City of Rio Rancho agree to reduce the number of parking spaces from the standards of the City's Ordinance, the Owner is required to utilize the extra area (if any) as parking lot landscaping in such a way that future Owners might add spaces if necessary.

Underground parking is encouraged within **Rio Hondo**. This includes partially underground parking areas as well as full basement parking to the extent feasible. By using underground parking, the owner can meet the parking requirements of the zoning code and have less overall paving area. Underground parking also provides better protection from the elements for visitors.

All parking is prohibited on The American Road, NW and along N.M.S.H. 528.

G. Access and Site Circulation

Driveway access to The American Road, NW is initially limited to one access point per lot, as shown on the plan. If necessary for on-site circulation of large developments, multiple driveways may be allowed by the Developer and the Committee. Driveway access points shall be divided by a landscaped median and will be the designated location for building entry signage.

Cross lot pedestrian and/or vehicular access is encouraged, where feasible, to provide efficient access between sites. It is however noted that the some slopes between pads within **Rio Hondo** do not necessarily facilitate cross lot access. The Owner's Control Committee will entertain any request for such on-site access.

Driveway access to N.M.S.H. 528 is regulated by the City of Rio Rancho intersection and driveway spacing policies, administered through the New Mexico State Highway and Transportation Department. No further driveway permits to N.M.S.H. 528 are permitted from within **Rio Hondo**. A public street, The American Road, NW, a right-in only, one way street, is the only direct access to N.M.S.H. 528 from **Rio Hondo**.

H. Drainage Control Structures

Drainage and erosion control structures and slope stabilization mea-

sures shall reflect the high quality of the remainder of the development. All drainage culverts within view of the streets shall be encased by headwalls of an aesthetic design approved by the Owner's Control Committee. Surface drainage shall be on a hard surface, or across maintained turf or rock channels, which are part of an approved landscaping plan. Drainage detention is required on all sites; these must be incorporated into the landscape and shown on the site and landscaping plans.

I. Exterior Lighting

Exterior lighting may not be directed toward streets or adjacent sites. Lighting should be either ground or building mounted and directed toward the building. Parking area lighting should be provided from light standards within the parking area, and not from adjacent buildings.

J. Architectural Style and Harmony

All exterior building elevations, including walls and finishes, shall be reviewed by the Owner's Control Committee. In addition, the proposed building design must show compliance with the following precepts:

Screening of Mechanical Equipment

All roof-mounted equipment shall be screened from view of public traffic in a manner which is compatible with the overall approved architectural design.

Metal Building Extentors Disallowed

No metal panel or pre-fabricated buildings or building components will be allowed to face any major street. Buildings which are constructed using exterior metal panels or exterior concrete block must present an elevation to the street consisting primarily of decorative wood, concrete or masonry or other treatment approved by the Committee.

Loading Facilities

Landing areas, overhead doors, loading docks, and other similar features shall be prohibited on any building elevation which faces The American Road, NW or N.M.S.H. 528. In addition, any such features on the elevations of buildings highly visible from N.M.S.H. 528 shall be screened from the view of that traffic.

Rio Hondo

Screening of Outside Storage

If outside storage is required, it shall be screened from the view of traffic from The American Road, NW and N.M.S.H. 528 by a decorative wall or solid fence, or landscaping which has been approved by the Owner's Control Committee.

K. Grading and Slope Protection

Additional grading for any sites and parcels should be directed by a cohesive plan which minimizes steep cut areas and contains slope control details and grade transitions in accordance with a landscaping plan. Transition areas should strive to increase and complement the total landscaped appearance; and vertical retaining walls should also be designed cohesively with the landscaping plan.

L. Signage

Along with landscaping, the appearance of signs at **Rio Hondo** will have an important visual impact on the development. Many different kinds of signs are desired at **Rio Hondo**, all within the overall framework set by the Design Guidelines and Standards. Signage is an important part of any business development, but without proper guidelines and standards the signage can become cluttered and confusing. All signage must work together to inform, direct and control visitors without confusion and in an orderly manner.

The design, construction, and installation of each exterior sign on the Property shall be submitted to the Owner's Control Committee for review. All signage sizes, placement, and materials must be defined in the submitted plans. The Committee's review is administered in conjunction with the ordinances of the City of Rio Rancho. There shall be no signs placed on the site without the written approval of the Owner's Control Committee.

Entry Signage

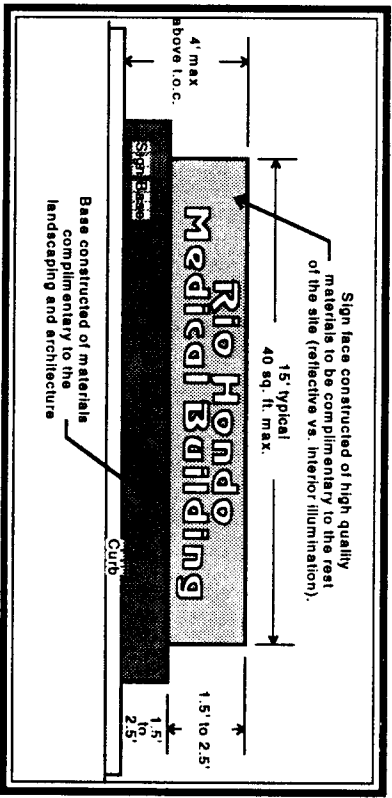
Every building in **Rio Hondo** must be identified with an exterior entry sign within the entrance median(s). The signs shall meet the requirements listed in this Development Master Plan and those designated for monument signs by the City of Rio Rancho Sign Ordinance. One entry sign is allowed for lots less than five acres in size. This sign is intended to display the name of the overall building or complex of

buildings and the street address (not the individual tenant or suite address). The height of the address letters shall be not less than 8 inches, and of similar typeface as the rest of the addresses on other entry signs within **Rio Hondo**.

Low intensity, illuminated signage (reflected as opposed to interior illumination) is recommended, with timers to shut off during minimal activity periods.

The graphics of the sign must be designed by a professional sign contractor to ensure that the intent and design can be built. The materials used in the sign and the base must be consistent throughout **Rio Hondo** and incorporated into the landscaping theme and/or building materials.

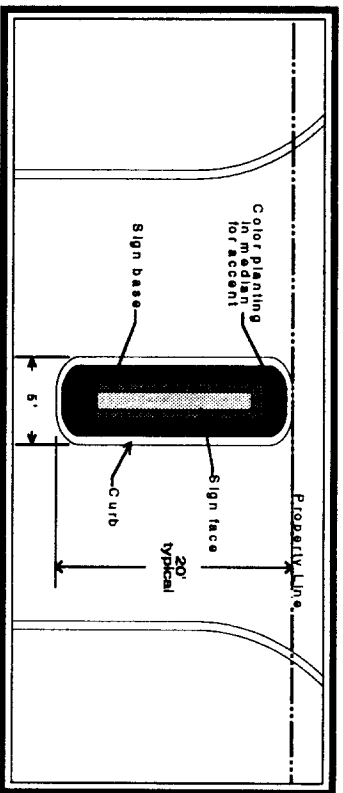
The correct size of all signage must be selected according to the size of the site, the size of the building, and the requirements of the City of Rio Rancho Sign Ordinance. The face of the entry sign must not exceed 40 square feet. The base shall be at least 2 feet in width, and at least 4 feet shorter, in length, than the median in which it is placed. The height of the sign shall not exceed 4 feet above the highest point of the curb of that median.



The placement of the entry signage under the terms of the Owner's Control Committee review, must relate to two factors — the safest position with respect to a clear sight triangle and the best visual relationship to the architecture of the building. No part of the entry

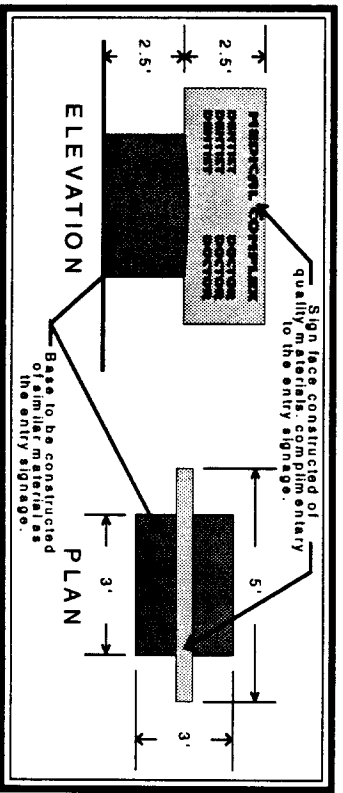
Rio Hondo

sign may be placed closer than 3 feet to the public right-of-way and it shall not be placed within the clear sight triangle.



Directory Signage

Each tenant, in the case of multiple tenants, may be identified on a directory sign that shall be building mounted or freestanding, but in close proximity to the building. Directory signage shall be scaled for viewing from within the site only and not visible from N.M.S.H. 528 or legible from The American Road, NW. These signs must be harmonious with the entry signs, the architecture and the building materials of each building.



Identification Signage

In addition to entry signs, buildings may have identification signage affixed to them. These signs should meet the requirements designated by the City of Rio Rancho Sign Ordinance for wall signs and those listed here.

The identification signs may not exceed 50 square feet or 5 percent of the front facade, whichever is greater. The signs may not extend above the roofline and in no case may a sign be placed upon the roof of any building within **Rio Hondo**.

Low intensity, illuminated signage (reflected as opposed to interior illumination) is recommended, with timers to shut off during minimal activity periods. The signs should not illuminate a residential area.

A maximum of three identification sign per business is allowed at **Rio Hondo**. If more than one business is located within a single building, the identification signs for each tenant should be located above or next to the entrance to that tenant's space, except for those signs facing N.M.S.H. 528 and the American Road, NW.

Vehicular Control Signage

In some cases, particularly larger sites with multiple buildings, vehicular control signage may be required within a site. Vehicular control, as distinct from information signage, will normally be necessary where there is more than one entrance, multiple buildings, one-way internal roadways, cross-walks or complicated loading or parking areas. Any such signage is subject to the approval of the Committee.

The Committee will use the "Guidelines," found in the next section, as their initial conditions of signage design including requiring signs of a specific material and fabrication, where continuity is necessary. The purpose of the Owner's Control Committee's approval of proposed signage is to enhance the appearance and function of the center—not to regulate advertising. Conformance to a common sign standard is a valuable benefit to all businesses and occupants of **Rio Hondo**.

M. Buffer Landscaping

Where the side and/or rear property line of a non-residential use is adjacent to a residential use, a buffer wall and/or buffer landscaping is required. See the Rio Rancho Zoning Code for specific requirements regarding buffer walls and buffer landscaping. This requirement will affect the sites that are adjacent to the Skyview Acres Subdivision to the north of **Rio Hondo**.

DESIGN GUIDELINES

The following guidelines are meant to assist the Owner's Control Committee in the review of submitted plans; therefore, they should prove useful to the Owner of a parcel as well as his/her designer. The ideas expressed are meant to represent good architecture and site design. These guidelines may be added to or otherwise amended at the discretion of the Developer and the Owner's Control Committee or their successors.

These guidelines have been developed for use by a wide variety of projects. Because of the extreme variance in the size and nature of future projects at Rio Hondo, it is not possible to develop a list which is applicable for every site. Some of the expectations listed below describe situations which will only occur in large projects, and will clearly not be applicable to a small business on a single parcel. However, the overall expectation of quality can still be achieved, regardless of project size. The guidelines are grouped into four general categories: site planning, landscape architecture, structure architecture, and signage.

A. Site Planning

1. Integrate the site plan with adjacent sites. Orientation of uses should acknowledge adjoining building uses and circulation.
2. The site plan should respect the existing topography where practical.
3. Vehicular access to the site should allow safe sight distance in each direction.
4. Create a pedestrian-oriented environment within each site, with safe walkways and protection from the weather.
5. Where possible, integrate shopping areas with adjacent residential and office land uses to provide easy pedestrian and vehicular access.
6. Provide an adequate amount of parking, but avoid creating

excessive asphalt areas. Cluster parking into smaller areas throughout the project to reduce walking distances to buildings and to break up large asphalt areas.

7. To the extent practical, screen parking areas from arterial streets by architectural or landscape design (without obscuring building mass).
8. Arrange delivery service drives to have minimal impact on adjoining land use. Dock-high and loading shall be screened from principal views.

9. Locate trash enclosures in less visible places; provide screened enclosures with landscaping.

10. Place ground-mounted mechanical equipment, utility boxes, signal boxes, double irrigation check valves, and other similar items so as to minimize public visibility.

11. Where practical, create different angles of buildings to the street to avoid repetition and monotony.

B. Landscape Architecture

1. Provide for water conservation in landscape design. Locate any consumptive vegetation and water features only in visible and usable places.
2. Select plant materials which are suited for the proposed use and compatible with proposed architecture in color, texture, scale and environmental requirements. The use of native plants is highly encouraged.
3. Except for street trees, major trees should be grouped to simulate natural stands and should be of a drought tolerant species.
4. Emphasis should be directed toward screening, buffer planting, and planting of large common open areas.
5. Foundation planting should be massed in relation to a building's architecture — not necessarily lined up along the foundation.

Rio Hondo

6. As in nature, plant composition should provide simple masses with a predominant species to provide unity, together with a few accent plants.
 7. Planting should be done in accordance with local nursery association practices.
 8. Landscaping should be designed to unify the building and its site, existing adjacent buildings, and existing adjacent landscaping.
 9. Provide a substantial landscaping feature at entrances with special planting and hardscape treatment. Keep clear-sight triangles open for safe, vehicular traffic.
 10. Emphasize entry drives with landscaped medians, sculptures, or other similar special treatments. Continue this treatment within special plazas or landscaped areas where the drive meets the buildings.
 11. Provide outdoor seating areas with shade, trash receptacles and other features to encourage pedestrian use. Orient these spaces for winter sun and include seasonal color in plantings.
 12. Provide planters with canopy trees between parking aisles for shade and visual relief of asphalt areas. (Note: One tree per ten space is standard.)
 13. Provide substantial landscaping along The American Road, NW in accordance with these guidelines (and standards). Serpentine sidewalks with pedestrian benches are encouraged.
 14. Provide a comprehensive lighting plan with a combination of higher light structures for drives and lower structures near parking spaces and other pedestrian areas. Special sensitivity is required on sites adjacent to residential uses to prevent excessive light pollution.
 15. Locate security or parking lot lighting in landscaped islands and design to blend with project. Orient and shield lighting so as not intrude into adjacent areas.
 16. Use special paving materials for pedestrian areas and crossings. Coordinate paving materials with building and/or landscaping materials.
 17. Design drainage detention areas to meet technical requirements while still providing attractive landscaped areas with a natural appearance.
 18. Provide special accent planting around freestanding signs.
 19. Provide a landscape design which will maintain site visibility adjacent to driveways and intersections.
 20. Screen parking and drives from the street with a combination of berms, low walls, and landscaping.
 21. Construct screen walls, of quality materials designed to blend with buildings, along streets, at property boundaries and around trash receptacles. Staggering, capping, inlays, columns, and texturing are necessary to provide relief on long walls.
 22. Provide walls, berms and dense landscaping strips in scale with the project adjacent to existing residential areas.
 23. Where necessary, screen ground-mounted mechanical equipment, utility boxes, signal boxes, double check valves, trash enclosures and other similar items with landscaping.
 24. To encourage pedestrian mobility between sites at places other than the right-of-way, Owners may construct sidewalks which connect the buildings within the interior of the lots.
 25. For both aesthetic and practical purposes, the sidewalks along the right-of-way may be allowed to meander.
- C. Structure Architecture**
The Developer requests that buildings within **Rio Hondo** be designed to be harmonious with the site and with surrounding buildings. The use of southwestern architecture is encouraged. The first principal

Rio Hondo

building approved will determine the dominant theme within **Rio Hondo**, with subsequent buildings designed to complement by using similar major components and materials.

Design criteria for any structure includes:

1. Each building should be treated not as an individual creation dropped onto its site, but rather as a carefully planned addition to the existing setting of land and buildings.
2. Design freestanding buildings and accessory structures to conform to, or complement the main buildings in color, materials, architecture, and building scale.
3. Use high quality, durable materials.
4. Provide complete use of materials, special features and trim throughout the project. Fully treat all sides of buildings.
5. Use architectural features to enhance energy conservation.
6. Finish building details, including trimming of all windows and doors, painting or anodizing of all exposed metal, and integration and screening of mechanical elements with the building architecture.
7. Provide a palette of proposed materials and colors in accordance with the Developer's guidelines. Select materials which are durable and appropriate for their intended use.
8. Choose colors which relate well to one another, to the proposed building and landscaping materials, and which are appropriate to the architecture and the surroundings.
9. Avoid highly reflective materials or glare-inducing colors.
10. Detail projects through the use of accent materials such as tile or brick. Avoid painted accents.
11. Use natural materials appropriate to the Southwest desert setting; avoid the use of artificial or simulated materials.

D. Signage Design and Installation *Identification Signage*

The most direct way to control the impact of signage is to standardize its design. Yet each business on the Property needs to identify itself. Some, in fact, have corporate identity programs in which they have great equity, so the need for a variety of graphics is obvious.

There is no standard structural system to be used for all identification signage. Each business has the freedom to apply its own graphics to its signage. However, all identification signage must appear to be structurally and spatially related to the building(s) being identified and the rest of **Rio Hondo**. The Committee will insist that initial architectural design take into account the need for signage so as to avoid a "tacked-on" appearance. All signs must be professionally designed by an architect or graphics specialist.

Identification signs should typically be placed perpendicular to approaching vehicular traffic with two faces. There are two basic rules for placement:

- A. Identification signs should be placed within the first 20 percent of the distance between the vehicular entrance and the building and within the 20 percent of that distance nearest the building.
- B. The sign must be placed so that it does not obscure any other identification, information, or vehicular control signs. In most cases, one two-sided identification sign is sufficient. The exceptions are those cases where the nature of the site and adjacent roadways is such that more than one sign is required for proper identification.

The height of an identification sign is desired so that the center line of the main panel is at the optimum viewing height for a person seated in an automobile (approximately 4 feet).

Information Signage

The second category in a signage system is information signage. This includes all informational and directional signage that occurs within a site.

Rio Hondo

There are two recommended styles of information signage. The first is a piliaster supported, non-illuminated version with single or double faces. The second is an illuminated light-box version supported by the same type of structure as the primary identification signage. Both types are low elevation signs. In all cases, the background of the information signage should be a color compatible with the site design.

The positioning of information signage is critical to its effectiveness. Each site requires careful analysis of vehicular and pedestrian traffic. Decision points must be identified and proper information and directional signage provided.

All signage should not be placed nearer to a road or drive edge than six feet. If signage must communicate to vehicular traffic, it must be placed so that it is visible and legible to approaching vehicles according to speed at the following distances:

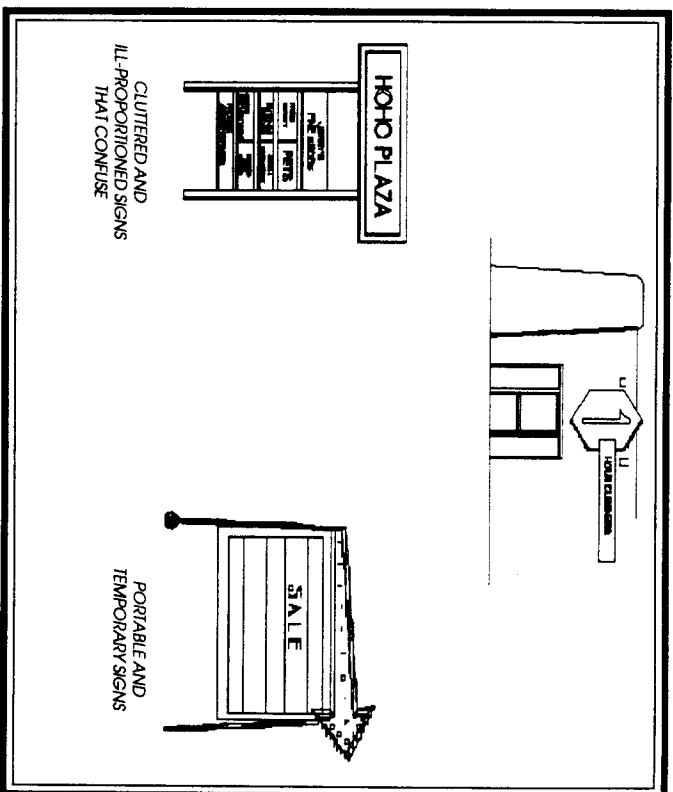
Speed	Distance
20	100 feet
25	175 feet
30	250 feet

In most cases, standard highway control signage will be acceptable, although the systems of mounting the signage should be compatible with the particular site or development.

Depending on the type and nature of the signage installed by the early occupants in **Rio Hondo**, the Owner's Control Committee may ultimately adopt a specific type of identification or vehicular control sign standard.

Inappropriate Signage

The hierarchy of signage outlined in this Development Master Plan is ordered in such a way as to provide clear and effective guidance to all visitors to **Rio Hondo**. Signs that are cluttered, ill-proportioned, out of harmony or temporary in nature will not be approved by the Owner's Control Committee. The following are examples of such inappropriate signage:



ADJACENT PROPERTIES

With a petition to, and the approval of, the Owner's Control Committee and the Developer, the Owner of any property adjacent and contiguous to **Rio Hondo** may become a part of this Master Development Plan. All new properties must accept this Development Master Plan and protective covenants in their entirety. The property Owner must also file a copy of the protective covenants of **Rio Hondo**, amended to cover the new property, with subsequent platting of the new property.

With the addition of any new properties to **Rio Hondo**, the new property Owner must update this Development Master Plan to ensure that proper information is contained regarding the extent of the property, zoning, jurisdiction and process related to this expansion.

Rio Hondo

Adjacent properties may wish to develop their properties in a similar fashion to **Rio Hondo** without becoming a part of this Development Master Plan. With the approval of the Developer, adjacent properties may be able to expand the protective covenants of **Rio Hondo** to encompass their properties, resulting in a similar style of development but without any of the benefit of this Master Development Plan.

OWNER'S CONTROL COMMITTEE PROCEDURES

The purpose of the Owner's Control Committee is to assure the proper use of the property. They achieve this by reviewing all development plans to ensure that they meet the requirements imposed by the City of Rio Rancho and the Developer. These requirements have been discussed in this Development Master Plan. It should be noted that the Owner's Control Committee will not necessarily exclude a development plan that does not specifically meet all of the requirements discussed in this Development Master Plan. All development plans be reviewed for compatibility with the overall objectives of the Developer; however, radical departures from the standards and guidelines presented in this document will not be allowed.

The review process has been developed in order to provide adequate checkpoints, so that time and money are not wasted on plans and designs which do not adhere to the policies and expectations of **Rio Hondo**. Every attempt has been made to streamline the procedures to eliminate excessive delays. Nevertheless, each Owner is responsible for complying with these policies, procedures, protective covenants and the City of Rio Rancho's zoning codes, in order to bring the review process to a speedy and satisfactory conclusion.

The Owner's Control Committee shall consist of three people designated by the Developer to review all development plans. After 75 percent of the total square footage has been sold by the Developer, Owner's Control Committee members shall be elected by the Owner's Association. Each member of the Owner's Control Committee is

subject to removal by the Developer and all vacancies on the committee shall be filled by the Developer, until after 80 percent of the total square footage has been sold. Thereafter, members of the committee may be removed and vacancies filled by the Owner's Association.

The Developer and the Owner's Control Committee understand the importance of time in the development process. While standards and guidelines are rigorous, we do not wish to create a cumbersome review process. If the following clearly defined procedures are followed by an Owner or his/her agent, there will be no unnecessary delays during the review process.

Submission of Plans

The Owner shall submit three copies of the plans to the Owner's Control Committee. After distribution, the Owner's Control Committee will prepare a preliminary review letter and meet with the Owner's Architect or Engineering representative. Requests and submittals will receive prompt attention. There is no charge to the Owner for this review process.

Early discussion or review of concepts and preliminary plans between the Owner's Architect or Engineer and the Owner's Control Committee is encouraged and will expedite approvals.

If submittals are complete and accurate and in conformance with the Owner's Control Committee's specifications, they shall be deemed approved if no action is taken within thirty (30) days from the date of submittal.

The final Owner's Control Committee approval will be in writing.

No Owner shall be inhibited from suggesting alternatives to these guidelines and procedures for review and approval. However, until and unless official changes are adopted by the Owner's Control Committee, the concepts in this Development Master Plan will serve as the basis for plan review.

There are also procedures for amending the standards and conditions of zoning. Those procedures will require not only the concurrence of the

Rio Hondo

Developer's entities (Owners and Owner's Control Committee), but they also involve the City of Rio Rancho. Public hearings and official ordinance amendments may also be expected.

There are three steps in the review process. The first two are optional, but they are designed as time savers.

STEP ONE: Pre-Design Meeting

Prior to preparing preliminary plans for any proposed development, it is strongly recommended that the project Owner and his/her agent meet with a committee member to discuss the proposed plans (with or without any plans or illustrations). This may resolve any questions regarding general requirements, as well as conditions specific to the subject site. The Owner's Control Committee member will provide guidance, and the results of the meeting will be documented in writing.

At, or before, this stage, the Owner or his/her representative should begin dialogue with the City of Rio Rancho, and current copies of ordinances, policies, master plans and the most recently recorded covenants should be obtained from the Developer.

STEP TWO: Preliminary Submittal

The Owner should submit three copies of the preliminary ideas to the Owner's Control Committee prior to the development of a final plan.

The preliminary submittal is a review of concepts, not of details. The purpose of an early review of conceptual plans is to ensure that the plans meet the standards and guidelines presented in this Development Master Plan before the designer wastes any time.

All preliminary submittals shall include:

1. Site plan (at no less than 1"= 50') showing the locations of buildings, parking areas, driveways, landscaped areas, and drainage solutions. The plan should be superimposed upon existing topography and depict any significant alterations to the existing grade.
2. A boundary and existing conditions survey prepared by a licensed surveyor or engineer.

3. Proposed building elevations and typical materials/colors.

4. Schematic architectural floor plans and circulation patterns.

5. Schematic landscaping intentions.

STEP THREE: Final Submittal

The Owner must submit three copies of the final plan to the Owner's Control Committee.

This final submittal is more akin to architectural preliminary plans than to final construction plans. The committee will use on-site inspections to ensure that projects are built as planned; it does not need to review actual construction details unless changes were made to the original architectural details. The committee is primarily interested in the elements which will be visible from the outside of the building. The site plan component of the final submittal should be more detailed than the architectural plans.

All final submittals shall include:

1. Site plans (at no less than 1"= 50') showing the locations of all buildings, fences, other structures, parking areas, driveways, landscaped areas, pedestrian circulation, loading and trash removal areas and drainage solutions. Roof plans should be depicted on buildings. All parking spaces should be identified by striping or by labelling (e.g. 8 spaces @ 9'0").

2. Separate grading and drainage plan illustrating changes to existing topography. Finished grades shall be shown, and all improvements related to grading shall be shown (e.g. retaining walls). Show and identify type of storm runoff treatment.

3. Roof plans and floor plans (at no less than 1/8"=1').

4. Examples (samples, photos, literature, etc.) of all exterior materials and colors, including glass.

5. All exterior elevations, depicting finished grades.

6. Separate landscaping plan (same scale as site plan) showing areas to be irrigated, calling out proposed plans and sizes, showing other decorative features related to landscape architecture (special surfaces, fountains, benches, etc.). Illustrations of special features should be included.

7. Signage plan (locations and illustrations).

STEP FOUR: Submit to the City of Rio Rancho for Building Permit Review and Approval

Separate drainage plans will be required together with City required exhibits and calculations. Normally, the submitted plans to the Owner's Control Committee will be checked for conformance to the **Rio Hondo** Development Master Plan (this book) and will be reviewed administratively (by staff at the City of Rio Rancho) for permit approval. If the submittal does not conform to the Development Master Plan, additional hearings and variance applications may be required (by the City). If the plans require minor alterations to the plat maps or minor easement relocations, it is the intent of this Development Master Plan to call for an administrative (review by staff only) action on the plat changes.

Plan Criteria

While there is no required standard format for plan submittals, there are certain items of information which should appear on each preliminary and final plan:

1. Surveyed property boundary showing current conditions.
2. North arrow and scale.
3. Setback lines per zoning code and/or design standards.
4. Existing rights-of-way, easements, streets, drainage facilities and utilities.
5. Existing topography at one-foot contour intervals.

6. Drainage plan, if applicable (new calculations if site drainage differs previously approved plan).

Submittal Information

The names, addresses and telephone numbers of the current Owner's Control Committee Members and Owner's Control Committee Architectural Representative will be provided upon request.

Initially, at the time of the Development Plan approval, the named individuals are:

Jim Badger RH Number One Limited Liability Company 913 Virginia, NE Albuquerque, NM 87108 (505) 265-8996	OR	Steve Ganns RH Number One Limited Liability Company 615 Bering Drive, Suite #1501 Houston, TX 72056 (713) 781-3050
Eric G. Lofbie Community Sciences Corp. P.O. Box 1328 Corrales, NM 87048 (505) 897-0000	OR	Cliff A. Spirock Community Sciences Corp. P.O. Box 1328 Corrales, NM 87048 (505) 897-0000

Each Owner's Control Committee member reserves the right to appoint a substitute at any time in order to avoid a delay in the review process.



ARIA STUDIO CONSULTANTS, INC.
100 GOLD AVE SW, SUITE 205, ALBUQUERQUE, NEW MEXICO 87102
PRINCIPAL ARCHITECT | DANIEL PUZAK, AIA | (505) 506-2314 | DANIEL@ARIASCINC.COM

November 13, 2023

Planning and Zoning
City of Rio Rancho

**Re: Perfection Honda
New Electric Vehicle Service Garage
Project Narrative**

City of Rio Rancho Planning and Zoning Department;

This project serves the emerging needs of the auto industries move to electric vehicles. Our project utilizes existing space on a very large space dedicated to Perfection Honda. This project will serve the needs of the city of Rio Rancho, by providing a service center for electric car buyers. Below are some of the main highlights of the project.

1. Existing parking is 419 spaces.
2. Parking will be reduced to 403 spaces with the new building.
3. The new garage is constructed of CMU with exterior stucco.
4. The exterior stucco and pattern will match the existing buildings that are currently on the site.
5. The project provides new jobs for the city of Rio Rancho.
6. The existing landscape and design meet the city of Rio Rancho's landscape requirements.
7. The project utilizes existing land owned by Perfection Honda.

If you have any additional questions in regards to our project, please do not hesitate to contact me.

Thank you,

Daniel Puzak, AIA
Architect, Aria Studio Consultants, Inc.



DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: November 13, 2023

- TO:** (X) Development Services – Matt Geisel, Amy Rincon, David Serrano, Brian Babyak, Cedric Smith, Peter Prukop, Jordan Yutzy
 (X) Fire and Rescue – Jessica Duron-Martinez, Gerard Bauer
 (X) Police - Justin Garcia, Andrew Rodriguez
 (X) SSCAFCA – Andy Edmondson, Sara Rassa
 (X) Parks and Recreation - Dyane Sonier, Connie Peterson
 (X) Rio Rancho Public Schools – Michael Baker
 (X) MRCOG – Peach Anderson-Tauzer

FROM: Development Services Department, Planning & Zoning Division

RE: Site Plan: DSD #23-160-00008, 2603 The American Rd SE (Rio Hondo, Block 2, Lot 1-A-1)

The applicant, Perfection Honda (Rappaport Family LLC), through their agent, Daniel Puzak (Aria Studio Consultants, Inc.), requests approval of the Perfection Honda Site Plan for the addition of a 4,084 square foot new service garage for electric vehicles in an SU: Special Use zoned property. The subject property is located at 2603 The American Rd SE, legally described as Rio Hondo, Block 2, Lot 1-A-1, and is approximately 6.5405 acres in size.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Tuesday, November 28, 2023**. If redline comments are made on the application or application materials, please also provide me with a copy. Please contact Chris Benson at 505-896-8342 or e-mail cbenson@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

No adverse comments

Peter Prukop
Reviewer

11/22/2023
Date



DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: November 13, 2023

- TO:** (X) Development Services – Matt Geisel, Amy Rincon, David Serrano, Brian Babyak, Cedric Smith, Peter Prukop, Jordan Yutzy
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This item has been reviewed and is hereby:

- RECOMMENDED FOR APPROVAL
- RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
- RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

No comments.

Dyane N. Sonier

11/15/23

Reviewer

Date

**CITY OF RIO RANCHO
PUBLIC HEARING NOTICE**

The Governing Body of the City of Rio Rancho will consider the following matter at its regularly scheduled meeting at 6:00 p.m. on Thursday, December 14, 2023:

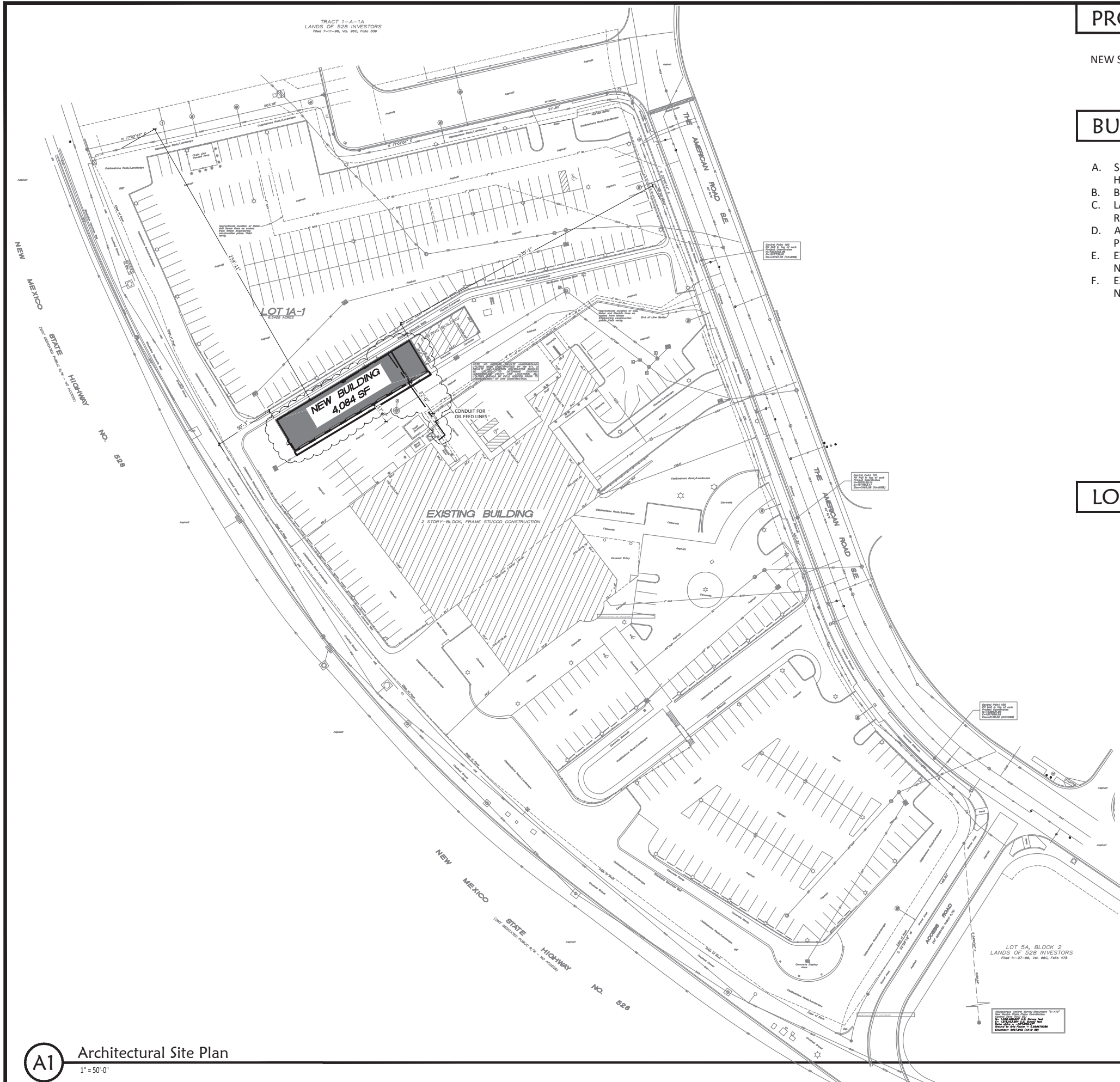
**Site Plan Approval
Request #23-160-00008**

The applicant, Perfection Honda (Rappaport Family LLC), through their agent, Daniel Puzak (Aria Studio Consultants, Inc.), requests approval of the Perfection Honda site plan for an addition of a 4,084 square foot new service garage for electric vehicles on a SU: Special Use zoned property. The subject property is located at 2603 The American Rd SE, legally described as Rio Hondo, Block 2, Lot 1-A-1, and has a total acreage of 6.5405 acres.

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

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

(Date of Publication: **Monday, November 27, 2023**)
PO# 240051 Client # 1010956



PROJECT DESCRIPTION

NEW SERVICE GARAGE FOR ELECTRIC VEHICLES.

BUILDING DATA

- A. SITE AND BUILDING DESIGN MEET THE STANDARDS OF THE RIO HONDO DEVELOPMENT MASTER PLAN.
- B. BUILDING HEIGHT DOES NOT EXCEED 32'
- C. LANDSCAPE MEETS THE MASTER PLAN REQUIREMENTS REQUIREMENTS. SEE LANDSCAPE PLAN.
- D. ALL SETBACK REQUIREMENTS ARE MET, SEE DIMENSIONS PROVIDED ON SITE PLAN.
- E. EXISTING STRUCTURES ON SITE TOTAL 29,304 SF
NEW PROPOSED BUILDING = 4,408 SF
- F. EXISTING PARKING STALLS = 419 SPACES
NEW PROPOSED SITE PLAN REDUCES PARKING TO 403 SPACES

LOCATION MAP



STUDIO CONSULTANTS, INC
100 Gold Ave. SW, Suite 205,
Albuquerque, NM 87102
Daniel@ariascinc.com (505) 506-2314



PERFECTION HONDA
EV Service Bays
2603 The American Road SE
Rio Rancho, NM 87124



Architect/Engineer Seal

mark	date	description
revisions		
		Permit Set
		project no 2313
		drawn by HDP
		checked by DGP
		date November 1, 2023

ARCHITECTURAL SITE PLAN

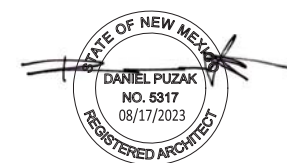
AS101



STUDIO CONSULTANTS, INC
 100 Gold Ave. SW, Suite 205,
 Albuquerque, NM 87102
 Daniel@ariascinc.com (505) 506-2314



PERFECTION HONDA
 EV Service Bays
 2603 The American Road SE
 Rio Rancho, NM 87124

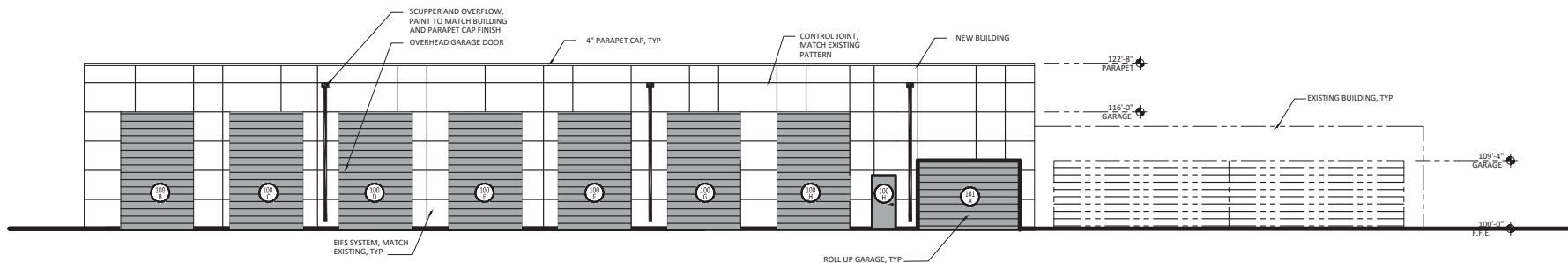


Architect/Engineer Seal

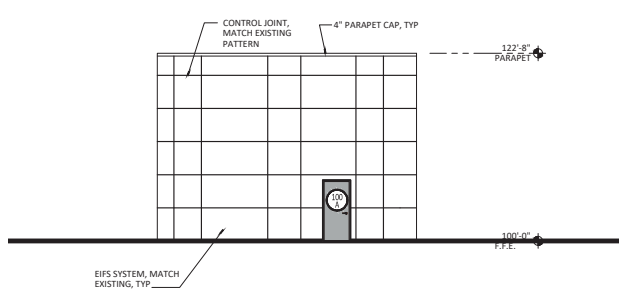
mark	date	description
<i>revisions</i>		
		Permit Set
<i>project no</i>		2313
<i>drawn by</i>		HDP
<i>checked by</i>		DGP
<i>date</i>		August 17, 2023

EXTERIOR ELEVATIONS PARTITIONS

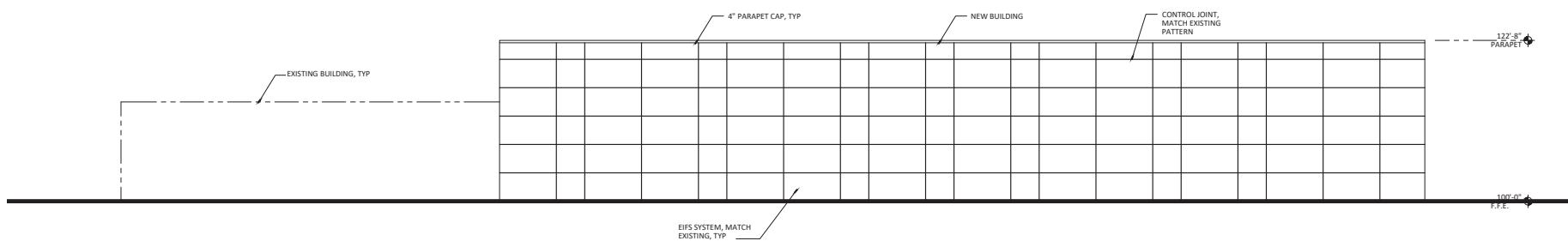
A201



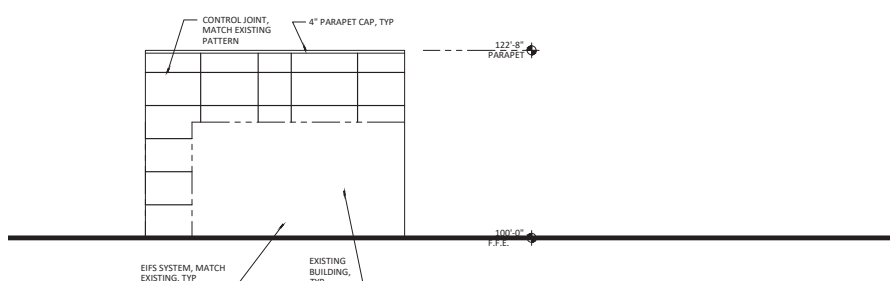
D1 EXTERIOR ELEVATION ~ SOUTH
 1/8" = 1'-0"



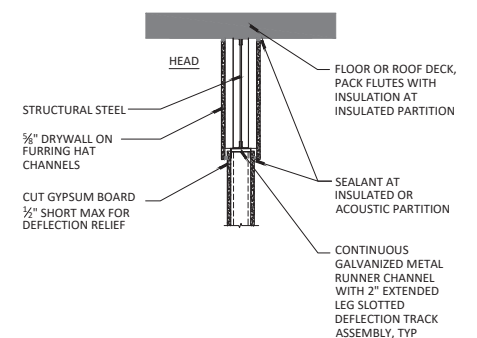
C1 EXTERIOR ELEVATION ~ WEST
 1/8" = 1'-0"



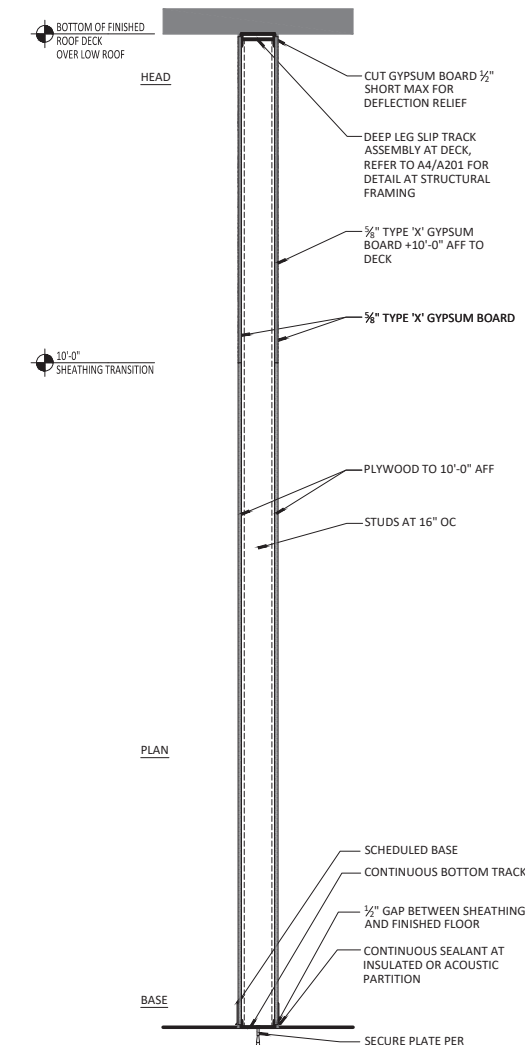
B1 EXTERIOR ELEVATION ~ NORTH
 1/8" = 1'-0"



A1 EXTERIOR ELEVATION ~ EAST
 1/8" = 1'-0"

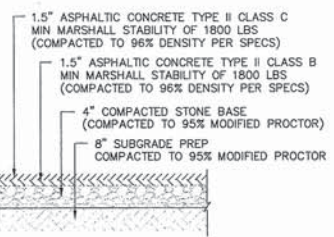
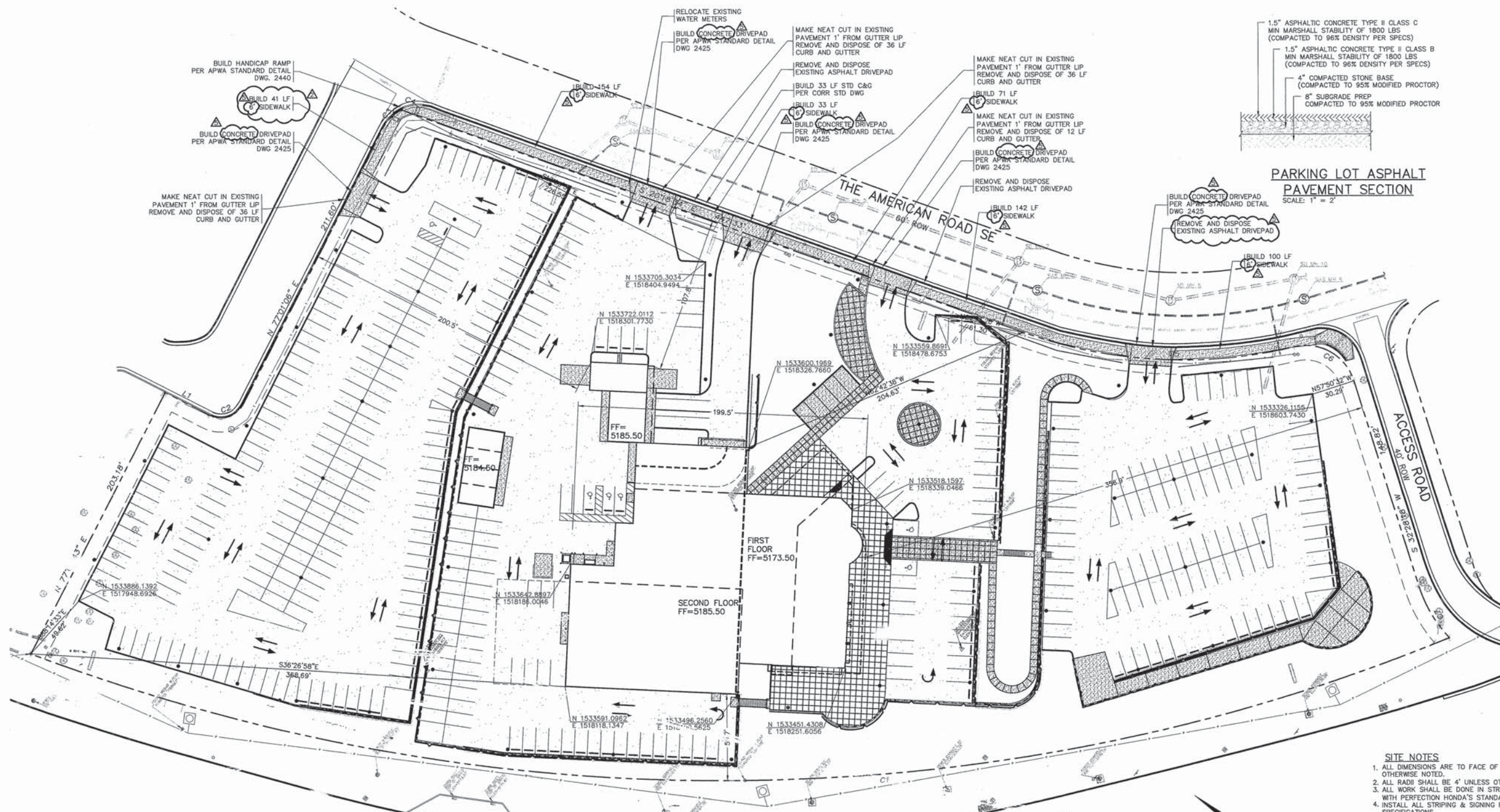


A4 PARTITION HEAD AT STRUCTURAL FRAMING
 3/4" = 1'-0"



A5 INTERIOR PARTITION TYPES
 3/4" = 1'-0"

- NOTES:**
1. STUDS AT 16" OC
 2. SHEATHING AS SHOWN
 3. STAGGER DEVICES IN SEPARATE STUD CAVITIES
 4. USE GREENBOARD TO WITHIN 12" OF WET WALLS
 5. REFER TO FINISHES PLAN AND INTERIOR ELEVATIONS FOR WALL FINISHES
 6. FRP TO 48" HIGH WITHIN 12" OF WET WALLS



PARKING LOT ASPHALT PAVEMENT SECTION
SCALE: 1" = 2"

SITE NOTES

1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL RADII SHALL BE 4' UNLESS OTHERWISE NOTED.
3. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH PERFECTION HONDA'S STANDARD SITE SPECIFICATIONS.
4. INSTALL ALL STRIPING & SIGNING PER MUTCD SPECIFICATIONS.

LEGAL DESCRIPTION:

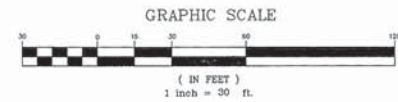
LOT 1-A-1, BLOCK 2, RIO HONDO SUBDIVISION
WITHIN THE TOWN OF ALBUQUERQUE GRANT
IN PROJECTED SECTION 8, TOWNSHIP 11 NORTH, RANGE 3 EAST
NEW MEXICO PRINCIPAL MERIDIAN
CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO

BENCH MARK:

ACS STATION "16-K14" BRASS TABLET
AT THE INTERSECTION OF THE CENTERLINE
OF CENTRAL AVE. & WALTER ST.
ELEV. = 4998.602'

TEMPORARY BENCH MARK:

5/8" REBAR WITH ALUMINUM CAP STAMPED "CP-205"
N=1533796.243, E=1517701.409
ELEV. = 5202.889'



LEGEND

EXISTING		PROPOSED	
---	EXISTING PROPERTY LINE	— 6" WL	WATER LINE
---	EXISTING EASEMENT	— 4" SAS	SANITARY SEWER LINE
---	EXISTING WATER LINE	— 18" SD	STORM DRAIN
---	EXISTING STORM DRAIN	•	STORM MANHOLE
---	EXISTING SANITARY SEWER LINE	□	DROP INLET
⊙	EXISTING STORM MANHOLE	•	CLEAN OUT
⊙	SAS MANHOLE	⊕	TEMPORARY BENCHMARK
⊕	EXISTING WATER VALVE	←	DIRECTION OF TRAFFIC
⊕	WATER METER	---	STD. CURB & GUTTER
⊕	EXISTING FIRE HYDRANT	---	RETAINING WALL
---	EXISTING CURB AND GUTTER	---	RETAINING WALL W/RAILING
		---	PROPOSED PARKING LOT ASPHALT PAVEMENT

LINE	DIRECTION	DISTANCE
L1	S 12°44'42" E	33.59'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1332.50'	1001.09'	525.50'	977.71'	S 40°37'31" E	43°02'44"
C2	18.00'	28.35'	18.07'	25.51'	S 57°51'48" E	90°14'12"
C3	28.50'	19.25'	10.01'	18.89'	S 84°42'29" E	38°42'29"
C4	193.94'	7.08'	3.54'	7.08'	S 19°15'48" E	02°05'32"
C5	330.00'	189.52'	97.45'	186.92'	S 36°52'16" E	32°54'16"
C6	35.00'	52.39'	32.50'	47.63'	S 10°24'34" E	85°45'16"
C7	93.00'	41.69'	21.20'	41.34'	S 19°37'48" W	25°40'59"

BOUNDARY AND TOPOGRAPHIC SURVEY
LOT 1A1, BLOCK 2
RIO HONDO SUBDIVISION
 WITHIN
 THE TOWN OF ALAMEDA GRANT
 IN
 PROJECTED SECTION 6, TOWNSHIP 11 NORTH, RANGE 3 EAST
 NEW MEXICO PRINCIPAL MERIDIAN
 CITY OF RIO RANCHO
 BERNALILLO COUNTY, NEW MEXICO
 JULY, 2023



VICINITY MAP

UTILITY DISCLAIMER

SOURCE INFORMATION FROM PLANS AND MARKINGS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY. NO 811 LOCATE REQUEST TICKET NUMBER 23AN28322, CREATION DATE: 06/28/23. THERE MAY BE PRIVATE UNDERGROUND UTILITY LINES NOT WITHIN DOCUMENTED EASEMENTS THAT WERE NOT MARKED BY UTILITY LINE-SPOTTING COMPANIES NOTIFIED BY 811. THIS PROJECT WAS CALLED IN TO 811 AS A "DESIGN LOCATE". SOME UTILITY LINE-SPOTTING COMPANIES NOTIFIED BY 811 CONSIDER "DESIGN LOCATE" CALLS AS LOW PRIORITY AND IN SOME CASES DELAY RESPONSE, PARTIALLY COMPLETE OR NOT RESPOND AT ALL. THE RETAINING OF A PRIVATE UTILITY LINE-SPOTTING COMPANY MAY BE NECESSARY FOR COMPLETE UTILITY LINE-SPOTTING OF A SUBJECT PROPERTY. PAINT MARKS AND FLAGGING SET ON THE GROUND BY UTILITY COMPANIES AND OTHERS ARE USED TO DESIGNATE UNDERGROUND UTILITIES AS SHOWN HEREON: RED FOR ELECTRIC, BLUE FOR WATER, YELLOW FOR GAS, ORANGE FOR COMMUNICATIONS, GREEN FOR SEWER. ANY PIPE SIZES OR MATERIAL TYPES SHOWN HEREON WERE DERIVED FROM AS-BUILT PLANS AS PROVIDED BY THE VARIOUS UTILITY COMPANIES. SURVEYOR MAKES NO REPRESENTATION THAT SAID INFORMATION IS CURRENT OR CORRECT. ENGINEER AND CONTRACTOR WILL BE RESPONSIBLE FOR VERIFICATION OF SAID INFORMATION DURING THEIR DESIGN PROCESS. QUALIFIED SURFACE UTILITY ENGINEERING (SUE) SERVICES MAY BE REQUIRED. UTILITIES LABELED WITH AN ASTERISK (*) ARE DERIVED OR TRANSMISSION FROM PROVIDED PLANS AND MUST BE VERIFIED BY THE APPROPRIATE UTILITY. UTILITIES LABELED WITH AN ROUNDED SIGN (R) ARE ASSIGNED UTILITY LOCATIONS AND MUST BE VERIFIED BY THE APPROPRIATE UTILITY.

NOTE: NO INTERIOR UNDERGROUND UTILITIES WERE LINE SPOTTED BY 811. A PRIVATE UTILITY LOCATION CONTRACTOR SHOULD BE UTILIZED TO DETERMINE EXISTING UNDERGROUND UTILITY LINE LOCATIONS. ALL UTILITIES SHOULD BE FIELD VERIFIED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.

LEGAL DESCRIPTION

Lot 1A1, Block 2, Rio Hondo Subdivision, being a part of Lot 1A, 2A, 3A and 4A, Block 2, Rio Hondo Subdivision, Bernalillo County, New Mexico, as shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on November 4, 2003, in Plot Book 2003C, page 328.

FLOOD ZONE DETERMINATION

The subject property (as shown hereon) lies within Zone "X" (Area of minimal flood hazard) in accordance with the National Flood Insurance Program Rate Map No. 35001008 G, Effective Date 09-26-2008.

DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY

- A. Plat entitled "PLAT OF LOT 1-A-1, BLOCK 2, RIO HONDO SUBDIVISION, BEING A REPLAT OF LOTS 1A, 2A, 3A AND 4A, BLOCK 2, RIO HONDO SUBDIVISION, CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO, SEPTEMBER 2007", filed November 4, 2003, in Volume 2003C, Page 328, records of Bernalillo County, New Mexico.
- B. Plat entitled "RIO HONDO SUBDIVISION, BERNALILLO COUNTY, NEW MEXICO, SEPTEMBER 1996", filed November 27, 1996, in Volume 96C, Page 478, records of Bernalillo County, New Mexico.
- C. Plat entitled "RIO HONDO SUBDIVISION, BERNALILLO COUNTY, NEW MEXICO, DECEMBER 1995", filed March 13, 1996, in Volume 96C, Page 113, records of Bernalillo County, New Mexico.
- D. Plat entitled "TRACT 1-A, 1A AND TRACT C, LOTS OF 828 INVESTORS, CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO, SEPTEMBER 1996", filed July 11, 1996, in Volume 96C, Page 306, records of Bernalillo County, New Mexico.
- E. Plat entitled "TRACTS A-1A, A-2A AND A-2B, ST. PAUL'S UNITED CHURCH SITE, CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO, SEPTEMBER 1996", filed July 11, 1996, in Volume 96C, Page 306, records of Bernalillo County, New Mexico.
- F. Unified survey entitled "A.L.T.A./A.C.S.M. LAND TITLE SURVEY OF LOT 2A, BLOCK 1, RIO HONDO SUBDIVISION, CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO, OCTOBER 2000", prepared by Russ P. Hugg, N.M.P.S. No. 9750 for SURV-TEK, INC., Albuquerque, New Mexico.
- G. Unified survey entitled "A.L.T.A./A.C.S.M. LAND TITLE SURVEY OF LOTS 1A, 2A, 3A AND 4A, BLOCK 2, RIO HONDO SUBDIVISION, CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO, AUGUST 2000", prepared by Russ P. Hugg, N.M.P.S. No. 9750 for SURV-TEK, INC., Albuquerque, New Mexico.
- H. Unified survey entitled "A.L.T.A./A.C.S.M. LAND TITLE SURVEY OF RIO HONDO SUBDIVISION, CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO, APRIL 1996", prepared by Russ P. Hugg, N.M.P.S. No. 9750 for SURV-TEK, INC., Albuquerque, New Mexico.
- I. Unified survey entitled "A.L.T.A./A.C.S.M. LAND TITLE SURVEY OF LOT 3A, RIO HONDO SUBDIVISION, CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO, MAY 1997", prepared by Russ P. Hugg, N.M.P.S. No. 9750 for SURV-TEK, INC., Albuquerque, New Mexico.
- J. Unified survey entitled "PLAT OF SURVEY, LOT 4A, BLOCK 2, RIO HONDO SUBDIVISION, BERNALILLO COUNTY, NEW MEXICO", prepared by Russ P. Hugg, N.M.P.S. No. 9750 for SURV-TEK, INC., Albuquerque, New Mexico.
- K. Construction Plans entitled "PERFECTION HONDA NEW DEALERSHIP" prepared by Wagon & Company, Steve Stotzer PE 16241 dated March 16, 2008.

GENERAL NOTES

1. Bearings are given based on New Mexico State Plane Coordinate System, Central Zone (NAD 83).
2. Distances along curved lines are arc lengths.
3. Record Plat or Deed bearings and distances, where they differ from those established by this field survey, are shown in parentheses ().
4. All corners that were set are either a 5/8" rebar, with cap stamped "HUGG L.S. 9750" or a concrete nail with brass disk stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
5. Field surveys were performed during the months of March and April, 2023.
6. Vertical Datum is based upon National Geodetic Survey (NGS) Control Survey Monument "M 4", Elevation = 4864.07 feet (NAVD 88).
7. Contour interval shown hereon is one (1') foot.
8. With regard to Table A, Item 11, source information from Plans and markings will be compared with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. NM 811 LOCATE REQUEST TICKET NUMBER 23AN28322, CREATION DATE: 06/28/23.
9. Existing utility line locations are shown in an approximate manner only, and such lines may or may not exist where shown or not shown. The location of any such existing lines is based on information provided by the utility companies, the owner, visual surface indications or others, and the information may be incomplete or may be obscured by the time this survey is completed. No 811 was spotted. Public utilities within the public streets but not located inside on-site utilities. All on-site utilities should be spotted by a private line location company and field verified by the contractor(s) prior to commencement of any construction.
10. City of Albuquerque Zone Atlas Page: A-13-2
11. No Title Commitment or Easement documents have been provided by the client, therefore only easements shown and noted on the recorded plans are referenced hereon, are shown on this survey. Recorded or Unrecorded easements which may or may not exist are NOT covered by this survey. A current title search of existing easements has been suggested but not provided by the client.

EASEMENT TABLE

1. 20' Foot Water Line Easement per document filed 2-21-86, 26' Min. 234A, Pg. 521-522, records of Bernalillo County, New Mexico.
2. 20' Foot Water Line Easement per plat filed 7-11-96, Vol. 96C, Page 306, records of Bernalillo County, New Mexico.
3. 10' Foot Public Utility Easement per plat filed 3-13-96, Vol. 96C, Page 113, records of Bernalillo County, New Mexico.
4. 10' Foot Public Utility Easement per plat filed 7-11-96, Vol. 96C, Page 306, records of Bernalillo County, New Mexico.
5. 10' Foot Public Utility Easement per plat filed 11-23-96, Vol. 96C, Page 478, records of Bernalillo County, New Mexico.
6. Access Easement Agreement recorded December 3, 2002 in Book 445, page 9541 as Document No. 2002159008, records of Bernalillo County, New Mexico.

NOTE: No Title Commitment or Easement documents have been provided by the client, therefore any easements shown and noted on the recorded plans or markings hereon are shown on this survey. Recorded or Unrecorded easements which may or may not exist are NOT covered by this survey. A current title search of existing easements has been suggested but not provided by the client.

LINE TABLE

LINE	DIRECTION	DISTANCE
LT	S 12°44'42" E	33.59
	(S 12°44'42" E)	(33.59)

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARINGS	DELTA
C1	1500.00'	1332.50'	528.50'	977.71'	S40°27'31" W S40°27'31" E	43°10'44"
C2	28.25'	18.00'	18.00'	25.51'	S67°57'48" E S07°57'48" W	90°14'12"
C3	19.25'	28.50'	10.01'	18.89'	N84°42'29" W N84°42'29" E	38°42'29"
C4	7.08'	193.94'	3.34'	7.08'	S19°15'48" E S19°15'48" W	27°02'32"
C5	189.52'	330.00'	97.45'	188.82'	S35°52'18" E N10°24'34" W	32°54'18"
C6	32.39'	35.00'	32.50'	47.81'	N10°24'34" W N10°24'34" E	85°45'18"
C7	41.83'	93.00'	21.20'	41.34'	S19°37'48" W S19°37'48" E	25°40'50"

LEGEND

⊙ Iron Pin Marker	⊙ Telephone Pole
⊙ Boundary Stone Marker	⊙ Utility Box
⊙ Street Marker	⊙ Light Pole
⊙ Meter Marker	⊙ Sign
⊙ Electric Meter	⊙ Concrete Symbol
—S— Sanitary Sewer Line	⊙ Gas Meter
—W— Storm Drain Line	⊙ Water Public
—W— Water Line	⊙ Telephone Pole
⊙ Storm Drain Inlet	⊙ Handicap Parking Sign
⊙ Fire Hydrant	⊙ Handicap Sign
⊙ Power Pole	⊙ Handicap Parking Sign
⊙ Power Pole (Underground)	⊙ Handicap Parking Sign
⊙ City Pole	⊙ Handicap Parking Sign
⊙ Overhead Wire	⊙ Handicap Parking Sign
⊙ Underground Electric Line	⊙ Handicap Parking Sign
⊙ Communications Line	⊙ Chain Link Fence
⊙ Telephone Line	⊙ Pipe Rail Fence
⊙ Gas Line	⊙ Gate Post
⊙ Sanitary Sewer Clean-out	⊙ Electric Pole
⊙ Meter Valve	⊙ Electric Transformer
⊙ Hydrant	

SURVEYORS CERTIFICATION

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby certify that this Boundary and Topographic Survey Plat was prepared from an actual ground survey performed by me or under my supervision, that I am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, and that this Boundary and Topographic Survey Plat and the field survey upon which it is based meet the minimum standards for surveying in New Mexico, and that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this is a Boundary and Topographic Survey Plat of one existing tract.

IN WITNESS WHEREOF, this certificate is executed at Albuquerque, New Mexico, on this 14th day of July, 2023.

Russ P. Hugg
 Russ P. Hugg
 N.M.P.S. No. 9750

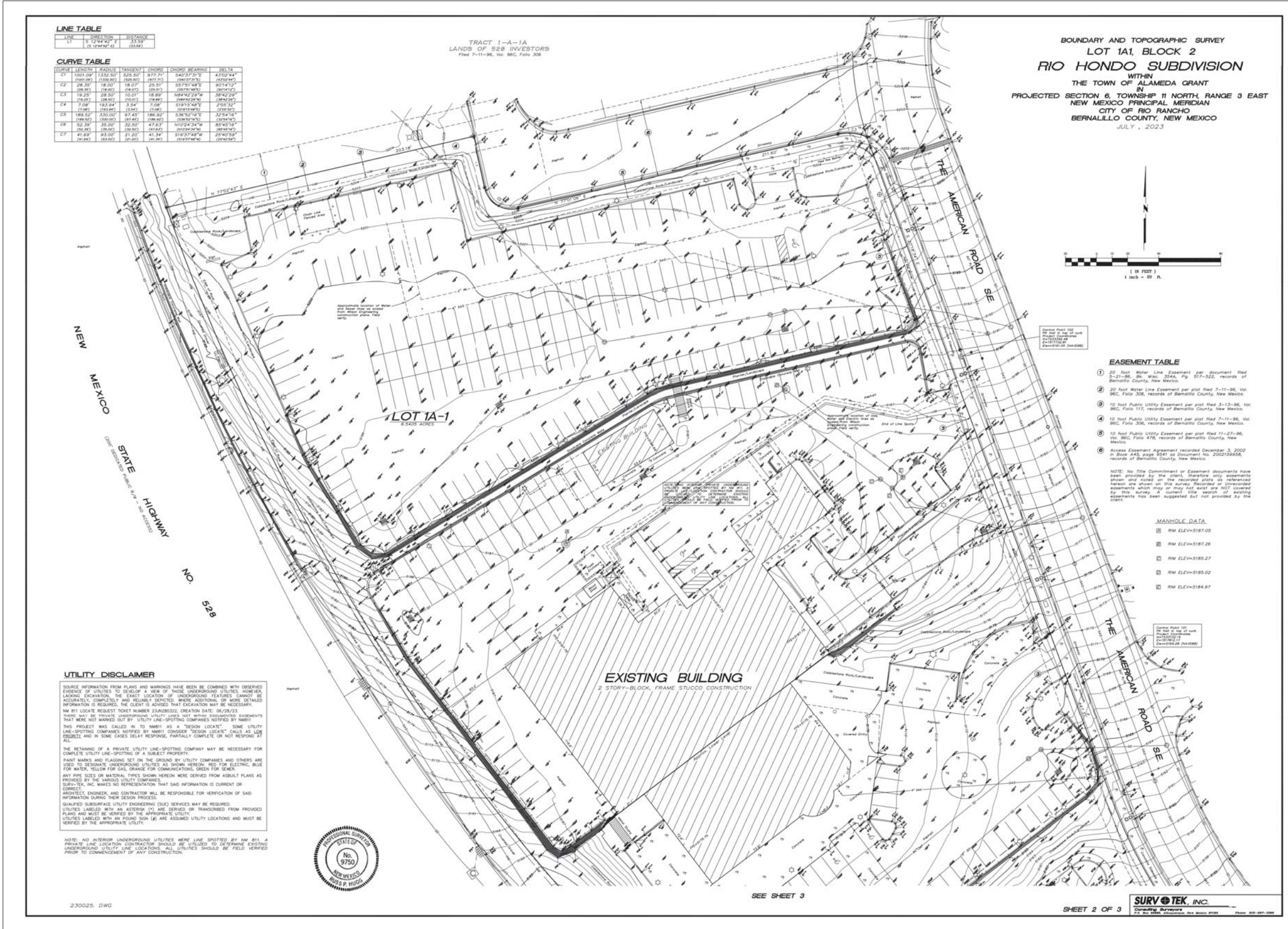


SHEET 1 OF 3

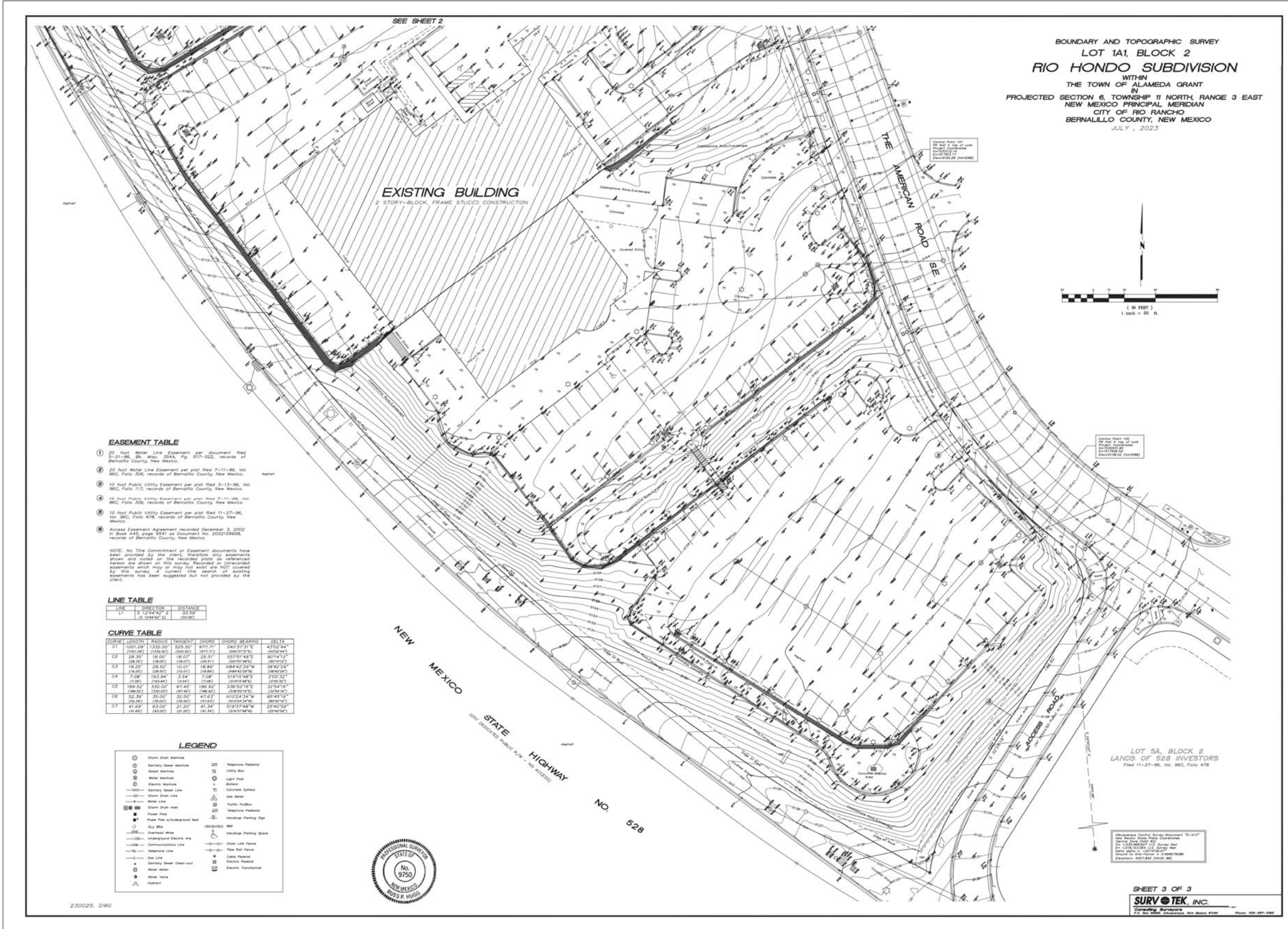


NAME: N:\Projects\W0378-Daniel Puzak Projects\Hondal3_DWG15_Sheets\W0378-XXXXX Survey.dwg PLOT DATE: Aug 17, 2023 2:29pm

NAME: N:\Projects\W0378-Daniel Puzak Projects\###\Perfection Honda\3. DWG\5. Sheets\W0378-XXXXX Survey.dwg PLOT DATE: Aug 17, 2023 2:29pm



NAME: N:\Projects\W0378-Daniel Puzak Projects\Hondal3.DWG15_Sheets\W0378-XXXXX Survey.dwg PLOT DATE: Aug 17, 2023 2:29pm



BOUNDARY AND TOPOGRAPHIC SURVEY
 LOT 1A1, BLOCK 2
RIO HONDO SUBDIVISION
 WITHIN
 THE TOWN OF ALAMEDA GRANT
 IN
 PROJECTED SECTION 6, TOWNSHIP 11 NORTH, RANGE 3 EAST
 NEW MEXICO PRINCIPAL MERIDIAN
 CITY OF RIO RANCHO
 BERNALILLO COUNTY, NEW MEXICO
 JULY - 2023

EASEMENT TABLE

- 20 foot Water Line Easement per document filed 5-21-96, Bn. Mac. 2044, Pg. 517-522, records of Bernalillo County, New Mexico.
- 20 foot Water Line Easement per plat filed 7-11-96, Vol. 96C, Folio 306, records of Bernalillo County, New Mexico.
- 10 foot Public Utility Easement per plat filed 3-13-96, Vol. 96C, Folio 117, records of Bernalillo County, New Mexico.
- 10 foot Public Utility Easement per plat filed 7-11-96, Vol. 96C, Folio 306, records of Bernalillo County, New Mexico.
- 10 foot Public Utility Easement per plat filed 11-27-96, Vol. 96C, Folio 478, records of Bernalillo County, New Mexico.
- Access Easement Agreement recorded December 3, 2002 in Book 445, page 5041 as Document No. 200219955, records of Bernalillo County, New Mexico.

NOTE: No Title Commitment or Easement documents have been provided by the client, therefore, only easements shown and noted on the recorded plats as referenced herein are shown on this survey. Recorded or Unrecorded easements which may or may not exist are NOT covered by this survey & current title opinion of existing easements has been suggested but not provided by the client.

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	S 17°44'32" E	33.53
	S 17°44'32" E	(33.53)

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	1507.09 (1507.09)	1132.50 (1132.50)	328.50 (328.50)	977.71 (977.71)	S40°37'31" E (S40°37'31")	47°02'44"
C2	28.25 (28.25)	18.00 (18.00)	18.00 (18.00)	26.81 (26.81)	S37°51'48" E (S37°51'48")	80°44'12"
C3	19.25 (19.25)	28.50 (28.50)	10.00 (10.00)	18.89 (18.89)	S64°42'29" W (S64°42'29")	27°02'22"
C4	7.00 (7.00)	18.84 (18.84)	3.54 (3.54)	7.00 (7.00)	S19°47'48" W (S19°47'48")	27°02'22"
C5	189.24 (189.24)	330.00 (330.00)	97.48 (97.48)	186.92 (186.92)	S38°52'16" E (S38°52'16")	32°54'16"
C6	32.29 (32.29)	35.00 (35.00)	32.50 (32.50)	47.63 (47.63)	N10°24'34" W (N10°24'34")	80°43'16"
C7	41.69 (41.69)	93.00 (93.00)	21.20 (21.20)	41.34 (41.34)	S19°37'48" W (S19°37'48")	25°40'59"

LEGEND

⊙ Storm Drain Manhole	⊙ Telephone Pole
⊙ Sanitary Sewer Manhole	⊙ Utility Pole
⊙ Street Manhole	⊙ Light Pole
⊙ Meter Manhole	⊙ Pole
⊙ Electric Manhole	⊙ Concrete Symbol
—S— Sanitary Sewer Line	⊙ Gas Meter
—W— Storm Drain Line	⊙ Traffic Padlock
—M— Water Line	⊙ Telephone Pole
⊙ Storm Drain Inlet	⊙ Handicap Parking Sign
⊙ Power Pole / Underground Feed	⊙ Mail
⊙ Guy Wire	⊙ Handicap Parking Sign
⊙ Overhead Wire	⊙ Open Line Fence
⊙ Underground Electric Line	⊙ Post And Fence
⊙ Communications Line	⊙ Chain Fence
⊙ Telephone Line	⊙ Cable Fence
⊙ Gas Line	⊙ Electric Fence
⊙ Sanitary Sewer Clean-out	⊙ Electric Transformer
⊙ Meter Manhole	
⊙ Meter Valve	
⊙ Hydrant	



LOT 5A, BLOCK 2
 LANDS OF 528 INVESTORS
 Filed 11-27-96, Vol. 96C, Folio 478

Measurement Control Survey Monument "B-417"
 See Survey 2018-001 Coordinates
 NAD 83
 Elevation: 5027.442 (Gaussoid)
 Datum: 1985
 Projection: NAD 83 (Gaussoid)

SHEET 3 OF 3
SURVOTEK, INC.
 Consulting Surveyors
 11111 N. Central Expressway, Suite 2000, Dallas, TX 75243
 Phone: 972-997-1888

GRADING GENERAL NOTES

1. CONTRACTOR SHALL FIELD VERIFY SIZE'S AND LOCATION AND ELEVATION OF ALL EXISTING DRY AND WET UTILITIES PRIOR TO ANY CONSTRUCTION AND NOTIFY ENGINEER OF ANY ISSUES. UTILITY RELOCATION MAY BE REQUIRED
2. GRADES SHOWN ARE FINAL SURFACE GRADES AFTER COMPLETION OF SURFACE IMPROVEMENTS AND PLACEMENTS OF TOPSOIL.
3. GRADE ADJACENT AREAS AT SITE PERIMETER SHALL MATCH GRADE OF ADJACENT PARCELS.
4. PROVIDE TEMPORARY GRADING FEATURES SUCH AS BERMS, SWALES, SUMPS, AND BASINS TO MANAGE INTERIM STORM WATER RUNOFF DURING CONSTRUCTION PROCESS. STORM WATER RUNOFF LEAVING THE SITE SHALL MEET ALL FEDERAL, STATE AND LOCAL QUALITY REQUIREMENTS.
5. REFER TO GEOTECHNICAL ENGINEERING SERVICES REPORT NO. 1-30610 BY GEO-TEST DATED JULY 24, 2023.
6. COMPOSITE SLOPE IN HANDICAP PARKING SHALL NOT EXCEED 2% IN ANY DIRECTION.
7. CROSS SLOPE ON ADA CROSSWALKS SHALL NOT EXCEED 2%. LONGITUDINAL SLOPE SHALL NOT EXCEED 5%.
8. LONGITUDINAL SLOPE ON CURB RAMP SHALL NOT EXCEED 8.33%. CROSS SLOPE SHALL NOT EXCEED 2%.
9. COMPOSITE SLOPE ON RAMP LANDINGS SHALL NOT EXCEED 2%.
10. CROSS SLOPES ON SIDEWALKS SHALL NOT EXCEED 2%. LONGITUDINAL SLOPES ON ONSITE SIDEWALKS SHALL NOT EXCEED 5%.
11. SLOPE LABELS SHOW APPROXIMATE SLOPES ONLY. WHERE SLOPE LABELS AND SPOT ELEVATION LABELS CONFLICT, SPOT ELEVATION LABELS SHALL GOVERN AND THE SURVEYOR RESPONSIBLE FOR CONSTRUCTION STAKING SHALL CONTACT THE ENGINEER.

UTILITY GENERAL NOTES

1. THE CONTRACTOR SHALL OBTAIN ALL APPLICABLE UTILITY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION.
2. CONTRACTOR TO FIELD VERIFY SIZE'S AND LOCATION OF ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION.
3. ALL UTILITIES SHOWN ON THE PRIVATE PROPERTY SHALL BE PRIVATE UNLESS OTHERWISE NOTED.

PAVING NOTES

1. PAVING SECTIONS AND INSTALLATION SHALL FOLLOW THE GEOTECHNICAL RECOMMENDATIONS IN THE SITE GEOTECHNICAL REPORT.

ABBREVIATIONS

AC	ACRE
BP	BOTTOM OF POND
CF	CUBIC FOOT
CORR	CITY OF RIO RANCHO
ELEV	ELEVATION
FF	FINISHED FLOOR
HR	HOUR
INV	INVERT
LF	LINEAR FOOT
MAX	MAXIMUM
MIN	MINIMUM
NMAPWA	NEW MEXICO AMERICAN PUBLIC WORKS ASSOCIATION
PVC	POLYVINYL CHLORIDE
ROW	PUBLIC RIGHT OF WAY
RPBA	REDUCED PRESSURE BACKFLOW ASSEMBLY
SAS	SANITARY SEWER
SD	STORM DRAIN
STD DWG	STANDARD DRAWING
TF	TOP OF FOOTING
TP	TOP OF POND
TW	TOP OF WALL
VOL	VOLUME
WQ	WATER QUALITY
WSEL	WATER SURFACE ELEVATION
WTR	WATER
YR	YEAR



STUDIO CONSULTANTS, INC
 100 Gold Ave. SW, Suite 205,
 Albuquerque, NM 87102
 Daniel@ariascinc.com (505) 506-2314



PERFECTION HONDA
 New Garage Building
 2603 The American Road SE
 Rio Rancho, NM



8/17/2023

Architect/Engineer Seal

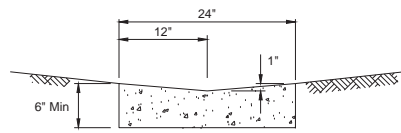
mark	date	description
<i>revisions</i>		
		100% CDs
<i>project no</i>		
<i>drawn by</i>		
<i>checked by</i>		
<i>date</i>	August 3, 2023	

GENERAL NOTES

C-103

KEYED NOTES

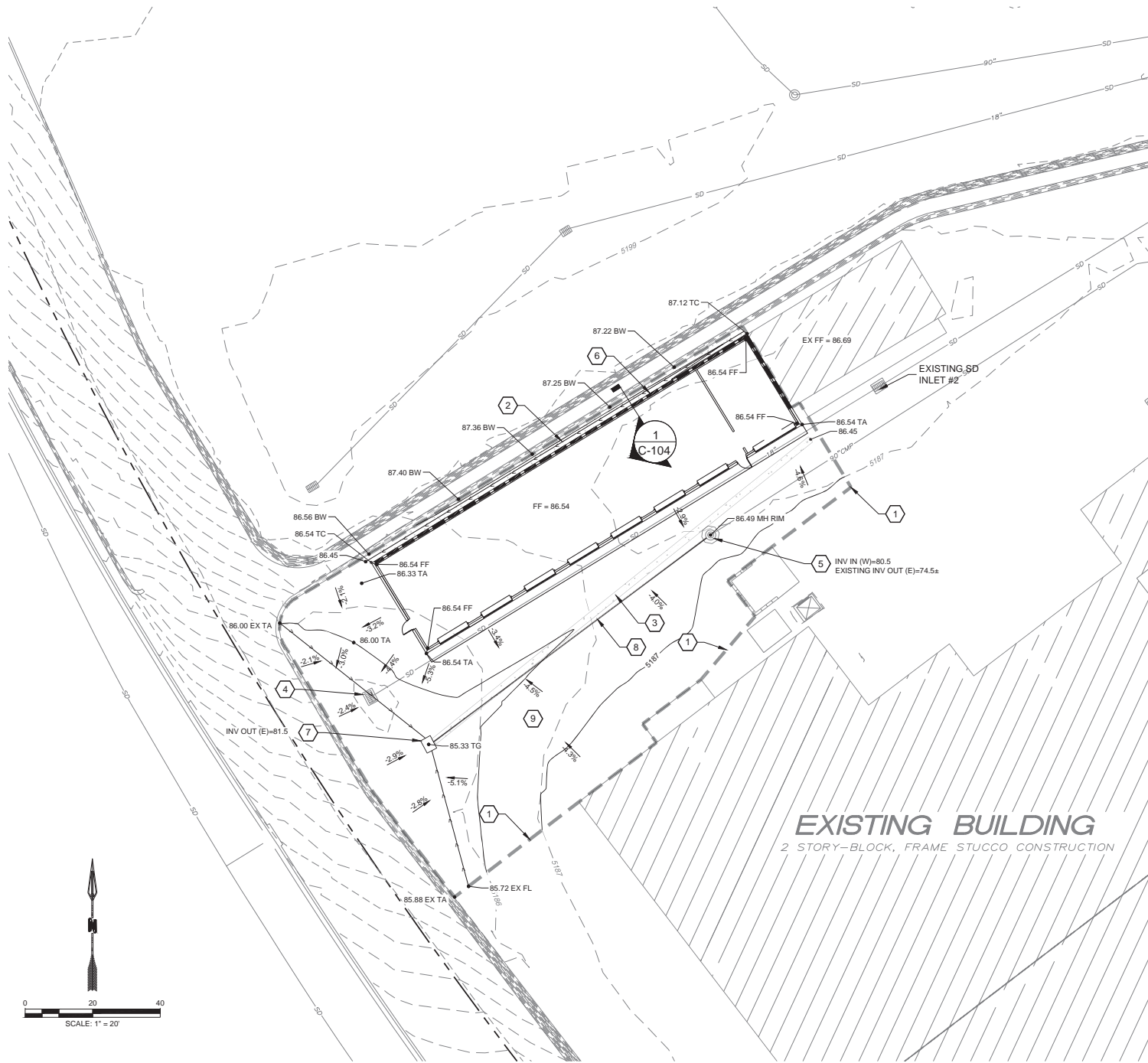
- 1 MATCH ELEVATION AT EXISTING EDGE OF ASPHALT.
- 2 INSTALL CONCRETE BETWEEN BUILDING AND WALL PER TYPICAL SECTION ON THIS SHEET. PROPOSED CONCRETE SHALL MATCH ELEVATION OF EXISTING PAVEMENT AT THE BOTTOM OF THE EXISTING KEystone WALL.
- 3 INSTALL CONCRETE VALLEY GUTTER PER DETAIL ON THIS SHEET.
- 4 REMOVE EXISTING INLET. REMOVE AND DISPOSE EXISTING 18" CMP BETWEEN THIS INLET AND EXISTING SD INLET #2 (175 LF)
- 5 ADJUST MANHOLE RIM AND COLLAR TO FINISHED GRADE.
- 6 RETAIN AGAINST BUILDING.
- 7 INSTALL TYPE "D" INLET.
- 8 INSTALL 101 LF OF 12" DIA. N-12 STORM DRAIN (OR ENGINEER APPROVED ALTERNATIVE). PROPOSED INVERT ELEVATIONS PER PLAN.
- 9 REMOVE EXISTING PAVEMENT WITHIN LIMITS OF DISTURBANCE AND ADJUST GRADES PER THIS GRADING PLAN.



VALLEY GUTTER
SCALE: NTS

GENERAL NOTES:

- 1. VALLEY GUTTER TO BE CONSTRUCTED OF P.C.C
- 2. PROVIDE CONTRACTION JTS. 6" O.C. MAX., ALSO PROVIDE 1/2" EXP. JTS. 48" O.C. MAX. AT CURB RETURNS & AT EACH SIDE OF DRIVEWAY & ADJACENT TO WALLS & BUILDINGS
- 3. PROVIDE 8" OF 95% SUBGRADE COMPACTION BENEATH THE VALLEY GUTTER



SITE CIVIL LEGEND

- PROPERTY BOUNDARY
- - - 5272 PROPOSED MAJOR CONTOUR
- - - 5272 PROPOSED MINOR CONTOUR
- - - 5272 EXISTING MAJOR CONTOUR
- - - 5272 EXISTING MINOR CONTOUR
- LIMITS OF DISTURBANCE
- FLOWLINE
- RETAIN AGAINST BUILDING
- CONCRETE

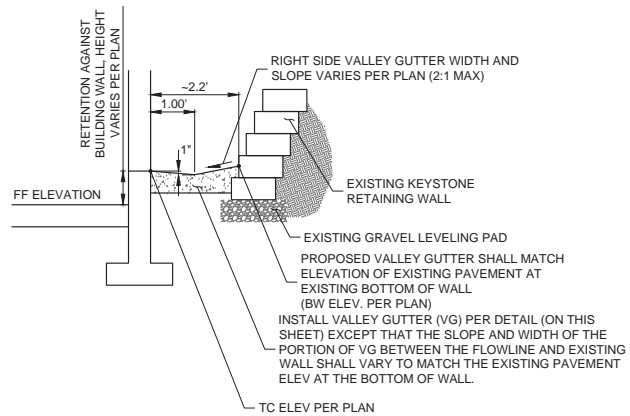
SPOT ELEVATION SYMBOLS

- 20.00 FLOWLINE
- 20.00 TG TOP OF GRATE
- 20.00 TA TOP OF ASPHALT
- 20.00 BW BOTTOM OF WALL (SEE TYPICAL SECTION BETWEEN BUILDING AND RETAINING WALL)
- 20.00 TC TOP OF CONCRETE
- 20.00 FF FINISHED FLOOR

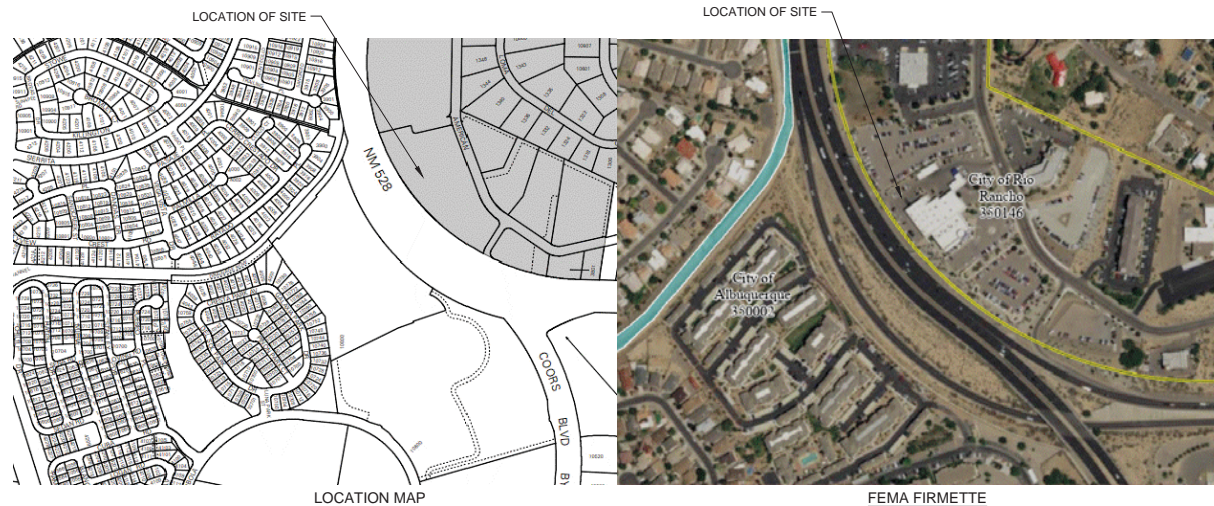
DRAINAGE

THE EXISTING AREA DISTURBED BY CONSTRUCTION IS 100% IMPERVIOUS AND THE DEVELOPED CONDITION IS 100% IMPERVIOUS. THEREFORE, THERE IS NO MATERIAL CHANGE IN THE RATE AND VOLUME OF STORM WATER RUNOFF.

THE PROPOSED STORM SEWER CONNECTION TO THE EXISTING 90" CMP AND THE REMOVAL OF A PORTION OF THE EXISTING 18" CMP THAT IS NEAR THE PROPOSED BUILDING FOUNDATION DOES NOT MATERIALLY CHANGE THE EXISTING DRAINAGE DESIGN FOR THE OVERALL SITE.



1 TYPICAL SECTION BETWEEN BUILDING AND RETAINING WALL
C-104 NOT TO SCALE



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RESPEC

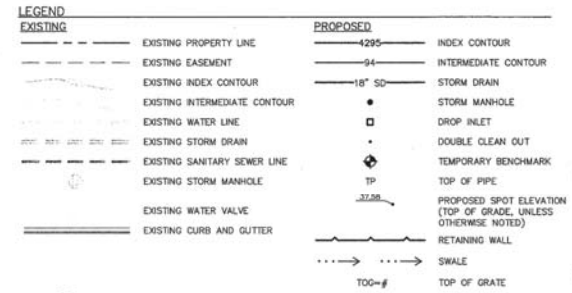
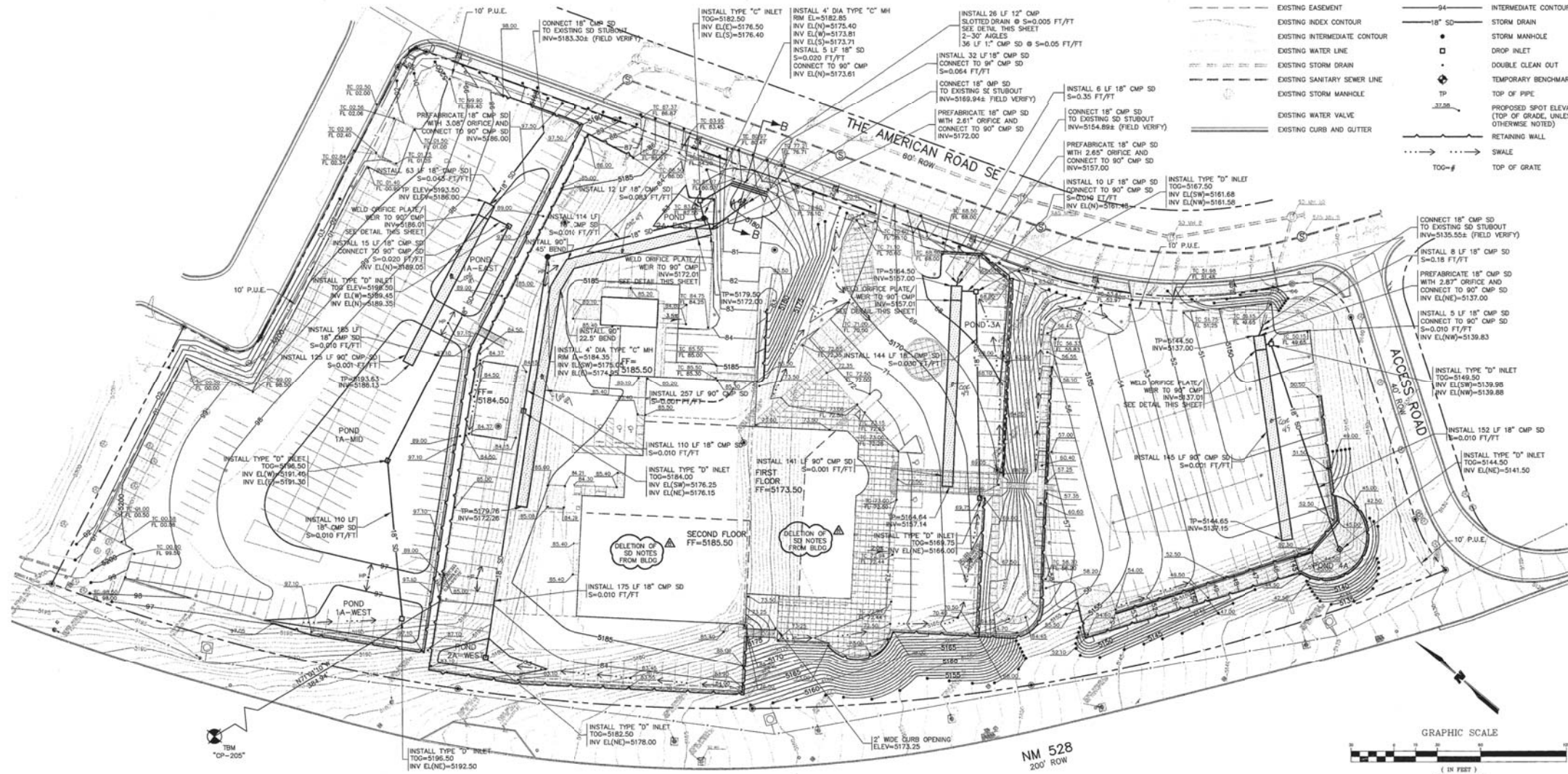
PERFECTION HONDA
New Garage Building
2603 The American Road SE
Rio Rancho, NM

SHELDON E. GREER
NEW MEXICO
1715A
LICENSED PROFESSIONAL ENGINEER
8/17/2023
Architect/Engineer Seal

mark	date	description
revisions		
issue		100% CDs
project no		
drawn by		
checked by		
date	August 3, 2023	

GRADING AND DRAINAGE PLAN
C-104

NAME: N:\Projects\W0378-Daniel Puzak Projects\### Perfection Honda\3. DWG\5. Sheets\W0378-XXXX G&D As-Built.dwg PLOT DATE: Aug 17, 2023 2:30pm



PERFECTION HONDA
NEW DEALERSHIP
2803 AMERICAN ROAD SE.
RIO RANCHO, NEW MEXICO

02847-1 PERFECTION HONDA, CONSTRUCTION SET (03-06-04)

REVISIONS

DATE	BY	REVISION
1/22/04	...	CITY COMMENTS
2/18/04	...	V.E.

- GENERAL NOTES:**
1. ALL WORK DETAILED ON THESE PLANS, EXCEPT AS OTHERWISE STATED OR PROVIDED HEREON, SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION 1987 EDITION.
 2. A CONSTRUCTION PERMIT WILL BE REQUIRED BEFORE BEGINNING ANY WORK WITHIN CITY RIGHT-OF-WAY. AN APPROVED COPY OF THESE PLANS MUST BE SUBMITTED AT THE TIME OF APPLICATION FOR THIS PERMIT.
 3. TWO WORKING DAYS PRIOR TO ANY EXCAVATION, CONTRACTOR MUST CONTACT LINE LOCATING SERVICE, 260-1990, FOR LOCATION OF EXISTING UTILITIES.
 4. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL OBSTRUCTIONS. SHOULD A CONFLICT EXIST, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THE CONFLICT CAN BE RESOLVED WITH A MINIMUM AMOUNT OF DELAY.
 5. MAINTENANCE OF DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY ON WHICH THEY ARE CONSTRUCTED. ROOF DRAINS AND APPURTENANCES SHALL BE REGULARLY INSPECTED AND OBSTRUCTIONS REMOVED.
 6. ALL UTILITIES AND UTILITY SERVICE LINES SHALL BE INSTALLED PRIOR TO PAVING.
 7. DISPOSAL OF ALL WASTE MATERIAL SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 8. CONSTRUCTION SAFETY: THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY WHICH SHALL REMAIN THE CONTRACTOR'S SOLE RESPONSIBILITY.
 9. THE CONTRACTOR SHALL ENSURE THAT NO SOIL ERODES FROM THE SITE INTO PUBLIC RIGHT-OF-WAY OR ONTO PRIVATE PROPERTY. THIS CAN BE ACHIEVED BY CONSTRUCTING TEMPORARY BARRIERS AT THE PROPERTY LINES AND NETTING THE SOIL TO KEEP IT FROM BLOWING.
 10. THE CONTRACTOR SHALL PROMPTLY CLEAN UP ANY MATERIAL EXCAVATED WITHIN THE PUBLIC RIGHT-OF-WAY SO THAT THE EXCAVATED MATERIAL IS NOT SUSCEPTIBLE TO WASHING DOWN THE STREET.
 11. THE CONTRACTOR SHALL EXERCISE CARE SO AS NOT TO DISTURB OR DAMAGE EXISTING FEATURES TO REMAIN DURING ALL PHASES OF CONSTRUCTION.
 12. ALL SIDEWALKS SHALL HAVE A 2% CROSS-SLOPE UNLESS OTHERWISE INDICATED.
 13. CONTRACTOR SHALL CONTACT CITY CONSTRUCTION MANAGER AT 891-5016 TO SCHEDULE AND ATTEND A PRE-CONSTRUCTION MEETING.
 14. CONTRACTOR SHALL NOTIFY THE CITY CONSTRUCTION MANAGER PRIOR TO THE INSTALLATION OF THE SUBSURFACE DETENTION AND STORM DRAIN SYSTEM. CITY CONSTRUCTION MANAGER SHALL BE PRESENT DURING THESE CONSTRUCTION ACTIVITIES.

LEGAL DESCRIPTION:
LOT 1-A-1, BLOCK 2, RIO HONDO SUBDIVISION WITHIN THE TOWN OF ALBUQUERQUE GRANT IN PROJECTED SECTION 6, TOWNSHIP 11 NORTH, RANGE 3 EAST NEW MEXICO PRINCIPAL MERIDIAN CITY OF RIO RANCHO, BERNALILLO COUNTY, NEW MEXICO

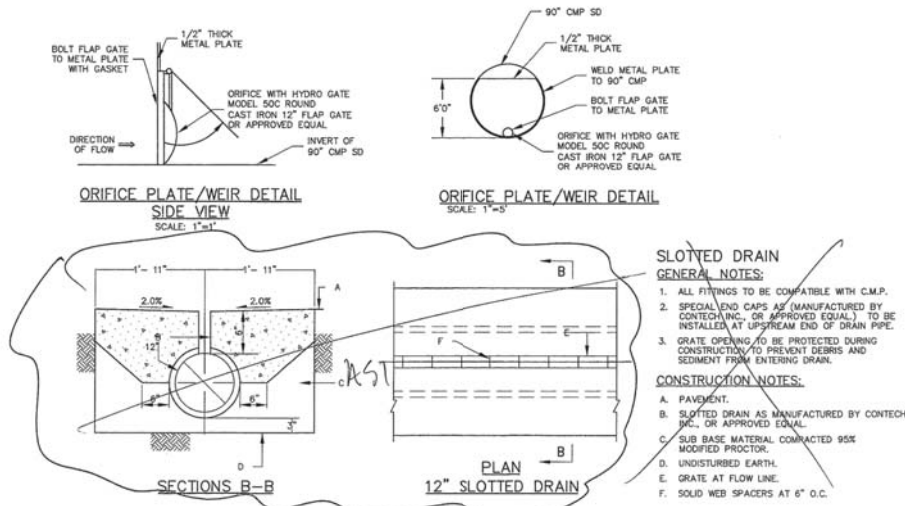
BENCH MARK:
ACS STATION "16-K14" BRASS TABLET AT THE INTERSECTION OF THE CENTERLINE OF CENTRAL AVE. & WALKER ST. ELEV. = 4998.602'

TEMPORARY BENCH MARK:
5/8" REBAR WITH ALUMINUM CAP STAMPED "CP-205" N=1533796.243, E=1517701.409 ELEV. = 5202.899'

EXISTING CONDITIONS:
THE 6.5405 AC. SITE HAS BEEN MASS GRADED AS PART OF THE RIO HONDO SUBDIVISION. IT IS CURRENTLY UNDEVELOPED. 1.1989 ACRES OF THE WESTERN PORTION OF THE SITE HAS 3:1 SIDE SLOPES AND DRAINS DIRECTLY TO NM 528. A NORTHERN PORTION OF EACH LOT ALSO HAS 3:1 SLOPES AND DRAINS INTO THE REMAINING PORTION OF THE LOT AND IS DESIGNED TEMPORARILY TO RETAIN FLOWS FROM THE SITE.

DEVELOPED CONDITIONS:
AN AUTO DEALERSHIP IS PLANNED FOR THIS FOUR LOT SITE. THE SITE WILL BE DRAINING INTO THE STORM DRAIN WITHIN AMERICAN ROAD AND CONVEYED TO THE NM 528 STORM DRAIN SYSTEM PER THE DRAINAGE REPORT FOR THE RIO HONDO SUBDIVISION BY MARK GOODWIN AND ASSOCIATES AND REVISED STORM DRAIN ROUTING. EXCESS DEVELOPED CONDITION FLOWS WILL BE RETAINED ONSITE WITH 90" CMP UNDERGROUND PONDS AND PARKING LOT PONDS DESIGNED TO BE LESS THAN 6" IN DEPTH. BOTH SURFACE AND UNDERGROUND PONDS ARE CONNECTED. THE MAXIMUM STORAGE REQUIRED FOR EACH LOT IS AS FOLLOWS: LOT 1A-1: 8992 CFS; LOT 2A-1: 692 CFS; LOT 3A-1: 6,747 CFS; LOT 4A-1: 6,791 CFS. PARKING LOT PONDING FOR EACH LOT IS AS FOLLOWS: LOT 1A-4: 440 CFS; LOT 2A-4: 44 CFS; LOT 3A-4: 43 CFS; LOT 4A-4: 37 CFS. THE ALLOWABLE 0100 FROM EACH LOT IS AS FOLLOWS: 1A-0.84 CFS; LOT 2A-0.60 CFS; LOT 3A-0.62 CFS; LOT 4A-0.62 CFS. THE RUNOFF WILL DISCHARGE FROM EACH LOT THROUGH AN ORIFICE AT OR BELOW THE ALLOWABLE DISCHARGE INTO THE EXISTING STORM DRAIN STUBOUT FOR EACH LOT.

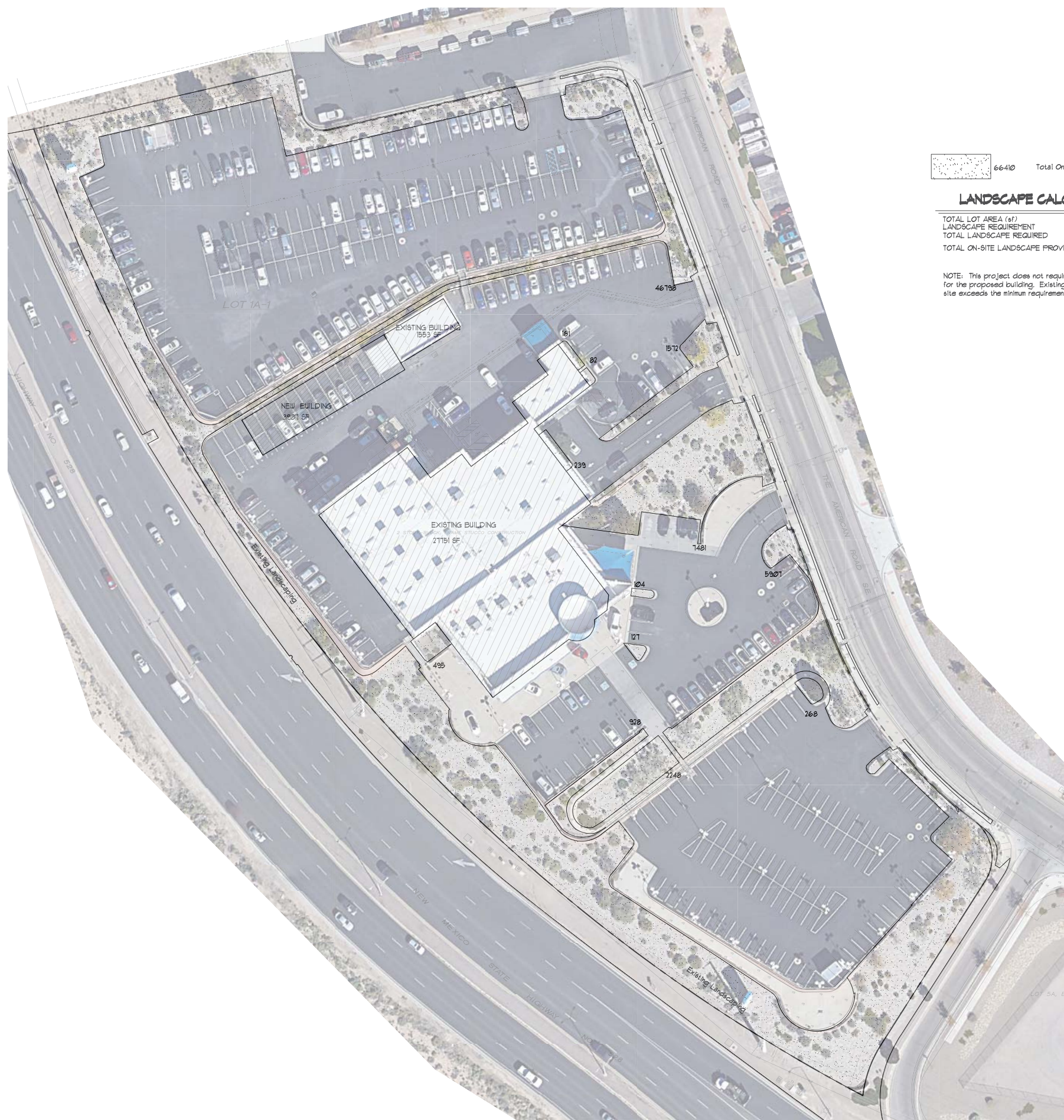
SD MH 1 N RM ELEV=5185.53' N INV ELEV=5181.73' (18" RCP) S INV ELEV=5181.08' (18" RCP) W INV ELEV=5178.38' (18" RCP)	SAS MH 2 N RM ELEV=5198.89' N INV ELEV=5187.83' (12") W INV ELEV=5176.38' (12")	SD MH 3 N RM ELEV=5182.10' SE INV ELEV=5178.50' (18" CMP) N INV ELEV=5178.60' (18" CMP)	SD MH 4 N RM ELEV=5176.11' NE INV ELEV=5168.59' (18" CMP) S INV ELEV=5168.41' (18" CMP) NW INV ELEV=5168.59' (18" CMP)	SAS MH 5 N RM ELEV=5173.66' N INV ELEV=5161.37' (12") S INV ELEV=5161.96' (12")	SD MH 6 N RM ELEV=5159.58' N INV ELEV=5147.29' (12") S INV ELEV=5146.89' (12")	SD MH 7 N RM ELEV=5166.99' N INV ELEV=5154.08' S INV ELEV=5153.63' W INV ELEV=5153.74'	SD MH 8 N RM ELEV=5150.41' N INV ELEV=5143.35' (18" CMP) SE INV ELEV=5142.78' (18" CMP)	SAS MH 9 N RM ELEV=5142.02' N INV ELEV=5128.60' (12") S INV ELEV=5129.32' (12")	SD MH 10 N RM ELEV=5141.90' N INV ELEV=5134.20' (18" CMP) NE INV ELEV=5134.18' (18" CMP) S INV ELEV=5133.80' (18" CMP) NW INV ELEV=5134.17' (18" CMP)
---	---	---	---	---	--	---	---	---	---



- SLOTTED DRAIN GENERAL NOTES:**
1. ALL FITTINGS TO BE COMPATIBLE WITH C.M.P.
 2. SPECIAL END CAPS AS MANUFACTURED BY CONTECH INC. OR APPROVED EQUAL, TO BE INSTALLED AT UPSTREAM END OF DRAIN PIPE.
 3. GRATE OPENING TO BE PROTECTED DURING CONSTRUCTION TO PREVENT DEBRIS AND SEDIMENT FROM ENTERING DRAIN.
- CONSTRUCTION NOTES:**
- A. PAVEMENT.
 - B. SLOTTED DRAIN AS MANUFACTURED BY CONTECH INC. OR APPROVED EQUAL.
 - C. SUB BASE MATERIAL COMPACTED 95% MODIFIED PROCTOR.
 - D. UNDISTURBED EARTH.
 - E. GRATE AT FLOW LINE.
 - F. SOLID WEB SPACERS AT 6" O.C.

T:\Projects\X2218073\M\SHETS\8273GD.dwg 03/02/04 08:29:21 PM MST

1414 West Broadway Road Suite 119 Tempe, Arizona 85282 480.214.1050/office 480.214.1052/fax shurch@shellerhall-arch.com

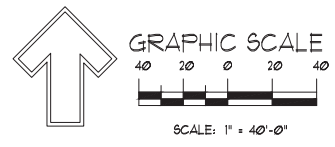


 66410 Total On-Site Landscape Provided

LANDSCAPE CALCULATIONS


TOTAL LOT AREA (sf)	284901
LANDSCAPE REQUIREMENT	X 30
TOTAL LANDSCAPE REQUIRED	284900
TOTAL ON-SITE LANDSCAPE PROVIDED	66410

NOTE: This project does not require any new landscapes for the proposed building. Existing landscape for the site exceeds the minimum requirement by 233 percent.



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 100 Gold Ave. SW, Suite 205,
 Albuquerque, NM 87102
 Daniel@ariasinc.com (505) 506-2314

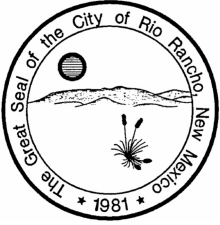
PERFECTION HONDA
 New Garage Building
 2603 The American Road SE
 Rio Rancho, NM

Landscape Architect

 Architect/Engineer Seal

mark	date	description
revisions		
issue		95% CDs
project no		2313
drawn by		PP
checked by		DM
date		July 24, 2023

Mitchell Associates, inc

 LANDSCAPE ARCHITECTURE
 Danny Mitchell
 danny@mitchellassociatesinc.com 505.639.9583



CITY OF RIO RANCHO COVER PAGE

Legislation Item: O27

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Development Services

SUBJECT:

O27, Ordinance Amending Chapter 154, Planning and Zoning, to Create Section 154.79 Condominium Declarations; Providing for Severability and an Effective Date

BACKGROUND AND ANALYSIS:

This is the second reading of the Ordinance. The Governing Body unanimously approved the first reading at their November 16, 2023 meeting.

The applicant, City of Rio Rancho, seeks to amend Chapter 154, Planning and Zoning, for the creation of Section 154.79 Condominium Declarations.

Currently, the City Code of Ordinances (R.O. 2003) does not contain specific language relating to condominium declarations and regulations. Condominiums, along with all housing types, in the City must conform to City zoning regulations, including density requirements, setbacks, building heights, and other restrictions in Chapter 154.

City staff have encountered a rise in condominium inquiries. To fully answer the queries, staff reviewed State statute provisions for condominium development. State statute allows for local governments to require written confirmation that condominium developments meet local zoning regulations prior to recording of the condominium declarations. As a proactive action to ensure the properly regulated and guided development of condominiums, staff are recommending adoption of this text amendment to Chapter 154.

New Mexico Statutes Annotated 1978 (NMSA 1978) adopted, as amended, the "Condominium Act" in 1980 applying to all condominiums created within the State of New Mexico after the effective date of that act. The Condominium Act is found in Chapter 47, Article 7A through 7D in NMSA 1978. The Condominium Act provides for regulations of the creation, alteration, termination, management and protection of condominiums.

Section 47-7A-6 of NMSA 1978 provides for the applicability of local ordinances, regulations and building codes for condominiums, stating:

"No provision of the Condominium Act invalidates or modifies any provision of any zoning, subdivision, building code or other real estate use law, ordinance or regulation; provided, however, a zoning, subdivision, building code or other real estate use law, ordinance or regulation may not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon the same development under a different form of ownership."

Section 47-7B-5(13) of NMSA 1978 allows for local ordinances to require that written confirmation from the local zoning official that condominiums comply with the zoning density requirements of

local zoning and subdivision ordinances or regulations as required in NMSA 1978 Section 47-7A-6, to be contained in the declaration of condominium.

R.O. 2003 does not currently include the requirement to obtain written confirmation from the local zoning official, as allowed under NMSA 1978 Section 47-7B-5(13). City staff recommend the Governing Body find that the addition of this requirement is permitted under State statute, and shall be required prior to condominium declarations recording with the appropriate county in which any portion of the condominium is located.

The written confirmation would be in the form of a zoning certification. Zoning certifications review the site plan, density, zoning, and researches if there are any variances associated with the property.

Staff recommends the Governing Body finds that the proposed text amendment protects zoning density requirements and regulations, and all other applicable zoning regulations, while still fostering a diversity of housing options. The proposed text amendment is consistent with the health, safety, morals, and general welfare of the City by protecting the requirements and regulations listed above through the zoning certification requirement and encouraging housing diversity in the City.

The Planning and Zoning Board reviewed this text amendment and provide recommendation at its November 14, 2023, meeting.

IMPACT:

The recommendation is for the Governing Body to adopt the proposed text amendment, 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 R.O. 2003 Chapter 154 Planning and Zoning.
2. The Planning and Zoning Board has the authority to provide a recommendation to the Governing Body for the amendment of R.O. 2003 Chapter 154 Planning and Zoning.
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 amend R.O. 2003, Chapter 154 Planning and Zoning, for the creation of Section 154.79 Condominium Declarations is consistent with the health, safety, and welfare of the City of Rio Rancho.
2. The proposed text amendment is consistent with the provisions of New Mexico Statutes Annotated 1978, Chapter 47, Article 7A -7D "Condominium Act".

ALTERNATIVES:

1. The Governing Body may approve the request;
2. The Governing Body may deny the request;
3. The Governing Body may modify the request and approve such modifications;
4. The Governing Body may continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Ordinance.

ATTACHMENT: [Ordinance](#)

ATTACHMENT: [2023-1116 GB Legal Ad](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

**ORDINANCE AMENDING CHAPTER 154, PLANNING AND ZONING, TO CREATE
SECTION 154.79 CONDOMINIUM DECLARATIONS; 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: Chapter 47, Article 7A of NMSA 1978 was adopted as amended in 1980, as the "Condominium Act" applying to all condominiums created within this state after the effective date of that act; and

WHEREAS: NMSA 1978 47-7A-6 provides for the applicability of local ordinances, regulations and building codes for condominiums; and

WHEREAS: NMSA 1978 47-7B-5(13) allows for local ordinance to require the written confirmation from the local zoning official that condominiums comply with the zoning density requirements of local zoning and subdivision ordinances or regulations as required in NMSA 1978 Section 47-7A-6; and

WHEREAS: in order to protect zoning density requirements, subdivision ordinances and regulations, while fostering a diversity of housing options, the Governing Body has determined that written confirmation from the local zoning official is appropriate prior to recording of condominium declarations with the appropriate county; and

WHEREAS: in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 33.15 (C) (2) (f) on November 14, 2023, the City of Rio Rancho Planning and Zoning Board reviewed the proposed amendment in a duly noticed public hearing regarding the proposed changes, and made 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; and

WHEREAS: public hearings occurred, in accordance with procedures set forth in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed text amendment hereinafter described were duly advertised and held by the Governing Body of the City of Rio Rancho on November 16, 2023 (First Reading) and December 14, 2023 (Second and Final Reading), and the Governing Body heard interested parties and citizens for and against

1 the proposed text amendment; and

2
3 **WHEREAS:** the proposed text amendment to be adopted by this Ordinance complies
4 with the statutory and regulatory requirements of the aforesaid Code of
5 Ordinances and Statutes, and upon specific findings and determination
6 that the proposed text amendment is consistent with the policies and
7 criteria set forth in R.O. 2003, the Governing Body finds that the text
8 amendment promotes the health, safety, morals, and general welfare of
9 the City.

10
11 **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF**
12 **RIO RANCHO:**

13
14 **Section 1.** Section 154.79 CONDOMINIUM DECLARATIONS is hereby added to
15 Chapter 154 as the following:

16
17 154.79 Condominium Declarations.

18
19 All newly formed condominiums or amended and restated condominiums located within
20 the municipal boundaries of the City shall obtain a written zoning certification letter from
21 the Director of Development Services or their designee that said condominium complies
22 with the local zoning and density requirements, as required in NMSA Section 47-7A-6 of
23 the Condominium Act. Pursuant to NMSA 1978 47-7B-5(13), the written zoning
24 certification shall be obtained prior to any formal condominium declaration is recorded in
25 each county in which any portion of the condominium is located and shall be included
26 as a part of any such declaration.

27
28 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of
29 this Ordinance, or any section, paragraph, clause, or provision of any regulation
30 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
31 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
32 clause, or provision shall not affect the validity of the remaining portions of this
33 Ordinance or the regulation so challenged.

34
35 **Section 3. Compiling Clause.** This Ordinance shall be incorporated in and compiled
36 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

37
38 **Section 4. Effective Date.** This Ordinance shall become effective shall become
39 effective ten days after adoption.

40
41
42 ADOPTED THIS _____ DAY OF _____, 2023.

43
44
45
46 _____
47 Gregory D. Hull, Mayor
48
49
50
51

1 ATTEST:

2

3

4 _____
Rebecca A. Martinez, City Clerk

5 (SEAL)



**CITY OF RIO RANCHO
PUBLIC HEARING NOTICE**

The GOVERNING BODY of the CITY OF RIO RANCHO, NM, will consider the following matter at its regularly scheduled meeting on Thursday, November 16, 2023 at 6:00 pm:

**Text Amendment
Case #23-105-00004**

The applicant, City of Rio Rancho, requests a text amendment to amend Rio Rancho Code of Ordinances (R.O. 2003) Title III Administration, Chapter 36, to establish the Affordable Housing Ordinance under Section 36.130. This is the first reading of the proposed text amendment.

**Text Amendment
Case #23-105-00005**

The applicant, City of Rio Rancho, is requesting approval of a Text Amendment to Chapter 154 Planning and Zoning, Section 154.79 for the addition of a "Condominium Declaration Requirements" section.

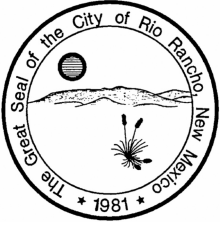
**Zone Map Amendment
Case #23-100-00007**

The applicant, City of Rio Rancho, seeks a Zone Map Amendment for Lots 63-68 of Block 10, Los Diamantes Phase 2 from R-1: Single-Family Residential District to R-3: Mixed Residential District. The subject Lots comprise approximately 0.94 acres.

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

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

Journal: November 1, 2023



CITY OF RIO RANCHO COVER PAGE

Legislation Item: O28

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Development Services

SUBJECT:

O28, Ordinance Amending Chapter 36, Finance and Revenue, for the Creation of Section 36.130, Affordable Housing Ordinance; Providing for Severability and an Effective Date

BACKGROUND AND ANALYSIS:

This is the second reading of the Ordinance. The first reading of the Ordinance occurred on November 16, 2023 and received unanimous approval of the Governing Body.

Funding was allocated in 2021 to develop an Affordable Housing Study in response to growing concerns surrounding rising home sales prices and rents and lack of options. The National Development Council (NDC) was chosen as the consultant to help identify local housing needs as well as the tools and strategies that may be used to meet those needs.

A steering committee was created with members from the local business-owner community, realtors, developers, and non-profit affordable housing entities. Rada Moss, from the Capital Improvements Plan Citizen's Advisory Committee (CIPCAC), served as the committee Chair, and Gordon Moore, of Lectrosonics, served as the committee Vice-Chair. The committee guided the development and deployment of the Affordable Housing Survey.

NDC conducted the survey of Rio Rancho residents in June 2022 to gather information on the public's perception on housing needs within the City. In total, the survey garnered 674 responses. The overwhelming response from the survey data was that residents felt that access to affordable housing is a problem in Rio Rancho (75% of survey respondents agreed or strongly agreed).

Four public forum meetings were held in late September and early October 2022 to further gather citizen input. Rada Moss and Gordon Moore lead the conversations at these public forums along with other steering committee members. The four meetings garnered 64 attendants in total. Sentiments expressed at the public forum meetings echoed the survey data, with citizens explaining their personal difficulties finding affordable housing in Rio Rancho. In particular, housing for seniors, those on fixed-incomes, young families, and single-income professionals just getting into the workforce was described as limited.

The needs assessment was collated into the Affordable Housing Study, which was introduced at the Governing Body work session on August 15, 2023. From the study, the Affordable Housing Plan was drafted.

This Plan went through a review by the New Mexico Mortgage Finance Authority (MFA) to ensure it met the requirements of the Affordable Housing Act. The Plan identifies key opportunities for Rio Rancho to implement strategies that address the conditions that impact the availability and

affordability of housing in the City.

The Plan was adopted by Resolution, at the September 28, 2023 Governing Body Meeting.

Per the Affordable Housing Act (AHA), this Ordinance will create the ability for the City to consider public-private partnerships for affordable housing activities by creating an exception to the anti-donation clause in the New Mexico Constitution. The Ordinance essentially incorporates the Affordable Housing Act definitions and regulations into local City code.

The Adopted Plan and Ordinance will be taken back to the NM MFA for final acceptance at the beginning of 2024. After these two elements are in place, the City will have met the requirements of the Affordable Housing Act and can start considering donations to qualified grantees, for Affordable Housing developments. Donations can take the form of: land for affordable housing construction; an existing building for conversion or renovation into affordable housing; costs of infrastructure necessary to support affordable housing projects; and the cost of acquisition, development, construction, financing, operating or owning affordable housing.

IMPACT:

Staff recommend the Governing Body adopt the Affordable Housing Ordinance, subject to the following findings of fact and conditions of approval:

GENERAL FINDINGS OF FACT:

1. The City of Rio Rancho has the authority to make an application to request an amendment to R.O. 2003 Chapter 36 Finance and Revenue.
2. The applicant has the authority to create and adopt an Affordable Housing Ordinance.
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 Ordinance is in conformance with the Affordable Housing Act and will be reviewed by the New Mexico Mortgage Finance Authority for final acceptance.

ALTERNATIVES:

1. The Governing Body may approve the request.
2. The Governing Body may deny the request.
3. The Governing Body may modify the request and approve such modifications.
4. The Governing Body may continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Affordable Housing Ordinance.

ATTACHMENT: [Ordinance](#)

ATTACHMENT: [R115_-_Signed](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING RIO RANCHO CODE OF ORDINANCES TITLE III ADMINISTRATION, CHAPTER 36, TO ESTABLISH THE AFFORDABLE HOUSING ORDINANCE UNDER SECTION 36.XXX, IDENTIFYING CONDITIONS OF DEVELOPMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS: this Ordinance is established pursuant to the Mortgage Finance Authority Act, NMSA 1978 § 58-18-1 et seq. and the Affordable Housing Act, NMSA 1978, §.6-27-1 et seq.; and

WHEREAS: this Ordinance is adopted to implement the City of Rio Rancho's ("City") affordable housing programs in accordance with the New Mexico Constitution, Article IX § 14, the Affordable Housing Act, NMSA 1978, § 6-27-1 et seq. and the Rules adopted pursuant thereto; and

WHEREAS: the City is subject to the New Mexico Affordable Housing Act should it intend to make a donation for purposes of affordable housing development; and

WHEREAS: the City has developed an Affordable Housing Plan (AHP) to comply with the Act rules; and

WHEREAS: the City, in conjunction with the New Mexico Mortgage Finance Authority ("MFA"), has developed an ordinance for incorporation in the City's Municipal Code to implement the provisions of the Affordable Housing Act; and

WHEREAS: the MFA has reviewed and approved of the form and terms of this Ordinance prior to final adoption hereof.

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

Section 1. An Ordinance is hereby adopted to read: Chapter 36.XXX Affordable Housing Ordinance.

Section 2. Short Title. This Ordinance may be cited as the "Affordable Housing Ordinance."

Section 3. Purpose. This Ordinance is adopted to implement the City's Affordable Housing Plan. In accordance with the N.M. Constitution, Article IX, §14, the Affordable Housing Act, NMSA 1978, §6-27-1 et seq. and the Rules adopted pursuant thereto, and MFA Rules, the purpose of the Affordable Housing Ordinance is to:

- 1 (A) Establish procedures to ensure that local housing assistance grantees are
2 Qualifying Grantees who meet the requirements of the Act and the Rules
3 promulgated pursuant to the Act both at the time of the award and throughout the
4 term of any grant or loan under the Program;
5
- 6 (B) Establish an application and award timetable for local housing assistance grants
7 or loans to permit the selection of the Qualifying Grantee(s).
8
- 9 (C) In conjunction with the MFA, create an evaluation process to determine:
10
- 11 (1) The financial and management stability of the Applicant;
 - 12
 - 13 (2) The demonstrated commitment of the Applicant to the community;
 - 14
 - 15 (3) A cost-benefit analysis of the project proposed by the Applicant;
 - 16
 - 17 (4) The benefits to the community of a proposed project;
 - 18
 - 19 (5) The type or amount of assistance to be provided;
 - 20
 - 21 (6) The scope of the Affordable Housing Project;
 - 22
 - 23 (7) Any substantive or matching contribution by the Applicant to the proposed
24 project;
 - 25
 - 26 (8) A performance schedule for the Qualifying Grantee with performance
27 criteria; and
 - 28
 - 29 (9) Any other rules or procedures the City believes are necessary for a full
30 review and evaluation of the Applicant and the Application or which the MFA
31 believes is necessary for a full review of the City's evaluation of the
32 Applicant.
 - 33
- 34 (D) Require long-term affordability of the City's Affordable Housing Projects so that a
35 project cannot be sold shortly after completion and taken out of the affordable
36 housing market;
37
- 38 (E) Require that a grant or loan for a project must impose a contractual obligation on
39 the Qualifying Grantee that the affordable housing units in any project be occupied
40 by persons of low or moderate income as defined in this Ordinance;
41
- 42 (F) Provide for adequate security against the loss of public funds or property in the
43 event that the Qualifying Grantee abandons or otherwise fails to complete the
44 project;
45
- 46 (G) Require review and approval of a housing grant project budget by the City and/or
47 the MFA before any expenditure of grant funds or transfer of granted property;
48
- 49 (H) Require that a condition of grant or loan approval be proof of compliance with all
50 applicable State and local laws, rules and ordinances;

- 1
2 (I) Provide definitions for "low-income" and "moderate-income" and set out
3 requirements for verification of income levels;
4
5 (J) Provide the city with a valid affordable housing program; and
6
7 (K) Require that the City enter into a contract with the Qualifying Grantee consistent
8 with the Act, which contract shall include remedies and default provisions in the
9 event of the unsatisfactory performance by the Qualifying Grantee and which
10 contract shall be subject to the review of the MFA in its discretion.
11

12 **Section 4. Definitions.** The following words and terms shall have the following
13 meanings:
14

15 Act shall mean the Affordable Housing Act, NMSA 1978, §6-27-1 et seq.
16

17 Affordable shall mean consistent with minimum rent and/or income limitations set forth in
18 the MFA Act and in guidelines established by MFA.
19

20 Affordable Housing means residential housing primarily for persons or households of low
21 or moderate income.
22

23 Affordable Housing Funds shall mean any or all funds awarded or to be awarded, loaned
24 or otherwise distributed under the Act.
25

26 Affordable Housing Plan or Plan shall mean a plan pursuant to detailed research and
27 analysis of the community and housing profile, including a review of land use and policy
28 regarding land use, which produces a housing needs assessment for low- and moderate-
29 income households in that locality.
30

31 Affordable Housing Program or Program shall mean any programs the City establishes
32 pursuant to the Act.
33

34 Affordable Housing Project or Project shall mean any work or undertaking, whether new
35 construction, acquisition of existing Residential Housing, remodeling, improvement,
36 rehabilitation or conversion, which may be developed in one or more phases, as approved
37 by the City and/or the MFA for the primary purposes as allowed by the Act.
38

39 Affordability Period shall mean:
40

41 (A) If the fair market value of any housing assistance grant or the total amount of
42 affordable housing funds that have been awarded, loaned, donated, or otherwise
43 conveyed to the qualifying grantee is from one dollar (\$1.00) to fourteen thousand
44 nine hundred ninety-nine dollars and ninety-nine cents (\$14,999.99), then the
45 affordability period shall be not less than five (5) years.
46

47 (B) If the fair market value of any housing assistance grant or the total amount of
48 affordable housing funds is from fifteen thousand dollars (\$15,000.00) up to and
49 including forty thousand dollars (\$40,000.00), then the affordability period shall be
50 not less than ten (10) years.

1
2 (C) If the fair market value of any housing assistance grant or the total amount of
3 affordable housing funds is greater than forty thousand dollars (\$40,000.00) up to
4 and including one hundred thousand dollars (\$100,000.00), then the affordability
5 period shall be not less than fifteen (15) years.
6

7 (D) If the fair market value of any housing assistance grant or the total amount of
8 affordable housing funds is greater than one hundred thousand dollars
9 (\$100,000.00), then the affordability period shall be not less than twenty (20) years.
10

11 Applicant shall mean, an individual, a governmental housing agency, regional housing
12 authority, a for-profit organization, including a corporation, limited liability company;
13 partnership, joint venture, syndicate, or association or a non-profit organization meeting
14 the appropriate criteria set by the City and/or the MFA.
15

16 Application shall mean an application to participate in one or more Affordable Housing
17 Projects or Programs under the Act submitted by an Applicant to the City.
18

19 Builder shall mean an individual or entity licensed as a general contractor to construct
20 Residential Housing in the State that satisfies the requirements of a Qualifying Grantee
21 and has been approved by the City and/or the MFA to participate in an Affordable Housing
22 Program. The term "Builder" shall also include an individual or entity that satisfies the
23 requirements of a Qualifying Grantee and has been approved by the City and/or the MFA
24 to participate in an Affordable Housing Program, who is not licensed as a general
25 contractor in the State, provided such individual or entity contracts with a general
26 contractor licensed in the State to construct Residential Housing.
27

28 Building shall mean a structure capable of being renovated or converted into Affordable
29 Housing or a structure that is to be demolished and is located on land donated for use in
30 connection with an Affordable Housing Project.
31

32 City shall mean the City of Rio Rancho, New Mexico, a unit of local government under
33 the Constitution and laws of the State of New Mexico.
34

35 Congregate Housing Facility shall mean Residential Housing designed for occupancy by
36 more than four Persons of Low- or Moderate-Income living independently of each other.
37 The facility may contain group dining, recreational, health care or other communal living
38 facilities and each unit in a Congregate Housing Facility shall contain at least its own
39 living, sleeping, and bathing facilities.
40

41 Federal Government shall mean the United States of America and any agency or
42 instrumentality, corporate or otherwise, of the United States of America.
43

44 Household shall mean one or more persons occupying a housing unit.
45

46 Housing Assistance Grant means the donation, provision or payment by the City of:
47

48 (A) Land upon which Affordable Housing will be constructed; or
49

50 (B) An existing Building that will be renovated, converted or demolished and

1 reconstructed as Affordable Housing; or

2
3 (C) The costs acquisition, development, construction, financing, and operating or
4 owning Affordable Housing; or

5
6 (D) The costs of financing or infrastructure necessary to support Affordable Housing.
7

8 HUD shall mean the United States Department of Housing and Urban Development.

9
10 Infrastructure shall mean Infrastructure Improvements and Infrastructure Purposes.

11
12 Infrastructure Improvement includes, but is not limited to:

13
14 (A) Sanitary sewage systems, including collection, transport, storage, treatment,
15 dispersal, effluent use and discharge;

16
17 (B) Drainage and flood control systems, including collection, transport, diversion,
18 storage, detention, retention, dispersal, use and discharge;

19
20 (C) Water systems for domestic purposes, including production, collection, storage,
21 treatment, transport, delivery, connection and dispersal;

22
23 (D) Areas for motor vehicle use for road access, ingress, egress and parking;

24
25 (E) Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use
26 for access, ingress, egress and parking;

27
28 (F) Parks, recreational facilities and open space areas for the use of residents for
29 entertainment, assembly and recreation;

30
31 (G) Landscaping, including earthworks, structures, plants, trees and related water
32 delivery systems;

33
34 (H) Electrical transmission and distribution facilities;

35
36 (I) Natural gas distribution facilities;

37
38 (J) Lighting systems;

39
40 (K) Cable or other telecommunications lines and related equipment;

41
42 (L) Traffic control systems and devices, including signals, controls, markings and
43 signs;

44
45 (M) Inspection, construction management and related costs in connection with the
46 furnishing of the items listed in this subsection; and

47
48 (N) Heating, air conditioning and weatherization facilities, systems or services, and
49 energy efficiency improvements that are affixed to real property.
50

1 Infrastructure Purpose shall mean:

2
3 (A) Planning, design, engineering, construction, acquisition or installation of
4 Infrastructure, including the costs of applications, impact fees and other fees,
5 permits and approvals related to the construction, acquisition or installation of the
6 Infrastructure, provided the City may determine it appropriate to reduce or waive
7 building permit fees, sewer and water hook-up fees and other fees with respect to
8 an Affordable Housing Project for which Affordable Housing Funds and/or Housing
9 Assistance Grants are awarded, loaned, donated or otherwise distributed under
10 the Act;

11
12 (B) Acquiring, converting, renovating or improving existing facilities for Infrastructure,
13 including facilities owned, leased or installed by the owner;

14
15 (C) Acquiring interests in real property or water rights for infrastructure, including
16 interests of the owner; and

17
18 (D) Incurring expenses incident to and reasonably necessary to carry out the purposes
19 specified in this subsection.
20

21 MFA shall mean the New Mexico Mortgage Finance Authority.

22
23 MFA Act shall mean the Mortgage Finance Authority Act, enacted as Chapter 303 of the
24 Laws of 1975 of the State of New Mexico, as amended (being Sections 58-18-1 through
25 58- 18-27, inclusive, N.M.S.A (1978), as amended).
26

27 Mortgage shall mean a mortgage, mortgage deed, deed of trust or other instrument
28 creating a lien, subject only to title exceptions as may be acceptable to the City and/or
29 the MFA, on a fee interest in real property located within the State or on a leasehold
30 interest that has a remaining term at the time of computation that exceeds or is renewable
31 at the option of the lessee until after the maturity day of the Mortgage Loan.
32

33 Mortgage Lender shall mean any bank or trust company, mortgage company, mortgage
34 banker, national banking association, savings bank, savings and loan association, credit
35 union, building and loan association and any other lending institution; provided that the
36 mortgage lender maintains an office in the State, is authorized to make mortgage loans
37 in the State and is approved by the City and/or the MFA and either the Federal Housing
38 Authority, Veterans' Affairs, Federal National Mortgage Association (now known as
39 Fannie Mae), or Federal Home Loan Mortgage Corporation (now known as Freddie Mac).
40

41 Mortgage Loan shall mean a financial obligation secured by a Mortgage, including a
42 Mortgage Loan for a Project.
43

44 Multiple Family Housing Project shall mean Residential Housing that is designed for
45 occupancy by more than four persons or families living independently of each other or
46 living in a Congregate Housing Facility, at least sixty percent (60%) of whom are Persons
47 of Low- or Moderate-Income, including without limitation Persons of Low- or Moderate-
48 Income who are elderly and handicapped as determined by the City and/or the MFA,
49 provided that the percentage of low-income persons and families shall be at least the
50 minimum, if any, required by federal tax law.

1
2 Multi-Family Housing Program shall mean a program involving a Congregate Housing
3 Facility, a Multiple Family Housing Project or a Transitional Housing Facility.
4

5 Ordinance shall mean this ordinance, also cited as the Affordable Housing Ordinance.
6

7 Persons of Low- or Moderate-Income shall mean persons and families who are
8 determined to lack sufficient income to pay enough to cause private enterprise to build an
9 adequate supply of decent, safe and sanitary residential housing in the City and whose
10 incomes are below the income levels established by the MFA and the Plan to be in need
11 of the assistance made available by the Act, taking into consideration, without limitation,
12 such factors as defined under the Act. For purposes of this definition, the word "families"
13 shall mean a group of persons consisting of, but not limited to, the head of a household;
14 his or her spouse, if any; and children, if any, who are allowable as personal exemptions
15 for Federal income tax purposes. In accordance with the Plan, persons of low- and
16 moderate-income who are eligible for assistance in accordance with the Plan are as
17 follows:
18

19 (A) Persons of low-income shall mean persons in households with annual gross
20 incomes below 80% of Area Median Income for City as approved and published
21 each year by MFA and verified by the City.
22

23 (B) Persons of Moderate Income shall mean persons in households with annual gross
24 incomes between 80% and 120% of Area Median Income for City as approved and
25 published each year by MFA and verified by the City.
26

27 (C) For purposes of this definition, "annual gross income" shall mean the annual
28 anticipated income from assets, regular cash or noncash contributions, and any
29 other resources and benefits determined to be income by HUD, as defined in 24
30 CFR Section 5.609.
31

32 Policies and Procedures shall mean Policies and Procedures of the MFA, including but
33 not limited to, Mortgage Loan purchasing, selling, servicing and reservation procedures,
34 which the MFA may update and revise from time to time as the MFA deems appropriate.
35

36 Public Service Agencies shall include, but are not limited to, any entities that support
37 Affordable Housing and which believe that the program or project proposed by the
38 Applicant is worthy and advisable, but which are not involved, either directly or indirectly,
39 in the Affordable Housing Program or Project for which the Applicant is applying.
40

41 Qualifying Grantee means:
42

43 (A) An individual who is qualified to receive assistance pursuant to the Act and is
44 approved by the City; and/or MFA
45

46 (B) A governmental housing agency, regional housing authority, corporation, a limited
47 liability company, partnership, joint venture, syndicate, association or a non-profit
48 organization that:
49

50 (1) Is organized under State or local laws and can provide proof of such

1 organization;

2
3 (2) If a non-profit organization, has no part of its net earnings inuring to the
4 benefit of any member, founder, contributor, or individual; and

5
6 (3) Is approved by the City and/or MFA.
7

8 Recertification shall mean the recertification of Applicants and/or Qualifying Grantees
9 participating in any Affordable Housing Programs or in any programs under the Act as
10 determined necessary from time to time by the City and/or the MFA.
11

12 Rehabilitation shall mean the substantial renovation or reconstruction of an existing
13 single-family residence or a Multi-Family Housing Project, which complies with
14 requirements established by the MFA. Rehabilitation shall not include routine or ordinary
15 repairs, improvements or maintenance, such as interior decorating, remodeling or exterior
16 painting, except in conjunction with other substantial renovation or reconstruction.
17

18 Residential Housing shall mean any Building, structure or portion thereof that is primarily
19 occupied, or designed or intended primarily for occupancy, as a residence by one or more
20 Households and any real property that is offered for sale or lease for the construction or
21 location thereon of such a building, structure or portion thereof. "Residential Housing"
22 includes congregate housing, manufactured homes and housing intended to provide or
23 providing transitional or temporary housing for homeless persons.
24

25 Residential Use shall mean that the structure or the portion of the structure to benefit from
26 the Affordable Housing Funds or Housing Assistance Grant is designed primarily for use
27 as the principal residence of the occupant or occupants and shall exclude vacation or
28 recreational homes.
29

30 RFP shall mean any request for proposals made by the City.
31

32 Rules shall mean the New Mexico Mortgage Finance Authority Affordable Housing Rules
33 adopted pursuant to Section 6-27-8(B) NMSA 1978.
34

35 State shall mean the State of New Mexico.
36

37 Transitional Housing Facility shall mean residential housing that is designed for temporary
38 or transitional occupancy by Persons of Low- or Moderate-Income, or with special needs.
39

40 **Section 5. General Requirements.**

41 The following requirements shall apply to all Housing Assistance Grants and/or Affordable
42 Housing Funds awarded, loaned or otherwise distributed by the City under the Act to a
43 Qualifying Grantee:
44

45 (A) Request for Proposals. The City, in its discretion, may issue one or more RFPs to
46 solicit Applications from Applicants or shall otherwise identify a Qualifying Grantee
47 for the use of any Affordable Housing Funds or Housing Assistance Grants to be
48 awarded, loaned, donated or otherwise distributed under the Act.
49

50 (B) Applicant Eligibility. The following Applicants are eligible under the Act to apply for

1 Affordable Housing Funds or a Housing Assistance Grant to provide housing or
2 related services to Persons of Low- or Moderate-Income in the community:

3
4 (1) All individuals who are qualified to receive assistance pursuant to the Act,
5 the Rules, and this Ordinance that are approved by the City and/or MFA, as
6 applicable;

7
8 (2) All regional housing authorities and any governmental housing agencies;

9
10 (3) All for-profit organizations, including any corporation, limited liability
11 company, partnership, joint venture, syndicate or association;

12
13 (4) All non-profit organizations meeting the following requirements:

14
15 (a) A primary mission of the non-profit organization must be to provide
16 housing or housing-related services to Persons of Low- or Moderate-
17 Income;

18
19 (b) The non-profit organization must have received its 501(c)(3)
20 designation prior to submitting an Application;

21
22 (c) Have no part of its net earnings inuring to the benefit of any member,
23 founder, contributor, or individual;

24
25 (5) All non-individual Applicants must:

26
27 (a) Be organized under State or local laws and can provide proof of such
28 organization and be approved by the City;

29
30 (b) Have a functioning accounting system that is operated in accordance
31 with generally accepted accounting principles ("GAAP") or has
32 designated an entity that will maintain such an accounting system
33 consistent with GAAP;

34
35 (c) Have among its purposes significant activities related to providing
36 housing or services to Persons or Households of Low or Moderate
37 Income; and

38
39 (d) Have no significant outstanding or unresolved monitoring findings
40 from the City, the MFA, or its most recent independent financial audit,
41 or if it has any such findings, it has a certified letter from the City, the
42 MFA, or auditor stating that the findings are in the process of being
43 resolved.

44 (C) Applications.

45
46 (1) Process for Applying. Applicants wishing to apply for a Housing Assistance
47 Grant, including the use of any Affordable Housing Funds, or to participate
48 in any Affordable Housing Program are required to submit to the City the
49 following (as applicable):
50

- 1 (a) One original Application together with all required schedules,
2 documents, or such other information which may be required by the
3 City or in any RFP which may have been issued by the City;
4
- 5 (b) A proposal describing the nature and scope of the Affordable
6 Housing Project proposed by the Applicant and for which the
7 Applicant is applying for funds or a grant under the Act, and which
8 documents the need for the requested funds or grant, describes the
9 type and/or amount of assistance which the Applicant proposes to
10 provide to Persons of Low- or Moderate-Income and documents the
11 consistency of the proposal with the City's Affordable Housing Plan;
12
- 13 (c) Executive summary and project narrative(s) that address(es) the
14 evaluation criteria set forth in any RFP issued by the City for the
15 Affordable Housing Funds or the Housing Assistance Grant for which
16 the Applicant is applying;
17
- 18 (d) A proposed budget for the Affordable Housing Project for which the
19 Applicant is applying for Affordable Housing Funds or for a Housing
20 Assistance Grant;
21
- 22 (e) A copy of its most recent independent financial audit;
23
- 24 (f) If the Applicant is a non-profit organization:
25
- 26 1. Proof of 501(c)(3) tax status;
27
- 28 2. Documentation that confirms that no part of its net earnings
29 inures to the benefit of any member, founder, contributor or
30 individual;
31
- 32 (g) If an Applicant is a legal entity, including a non-profit organization:
33
- 34 1. A current annual budget for the Applicant, including all
35 sources and uses of funds not just those related to relevant
36 programs and/or a current annual budget only for the program
37 for which the Applicant is applying for a Housing Assistance
38 Grant, or as otherwise may be required by the City and/or the
39 MFA in its discretion;
40
- 41 2. An approved mission statement that the Applicant has among
42 its purposes significant activities related to providing housing
43 or housing related services to Persons or Households of Low
44 or Moderate Income;
45
- 46 3. A list of members of the Applicant's current board of directors
47 or other governing body, including designated homeless
48 participation, where required by the City;
49
- 50 4. Evidence (or a certification as may be allowed by the City) that

1 the Applicant has a functioning accounting system that is
2 operated in accordance with GAAP or has a designated entity
3 that will maintain such an accounting system consistent with
4 GAAP;

5
6 5. Evidence that the Applicant has no significant outstanding or
7 unresolved monitoring findings from the City, the MFA, or its
8 most recent independent financial audit; or if it has any
9 significant outstanding or unresolved monitoring findings from
10 the City, the MFA or its most recent independent financial
11 audit, it has a certified letter from the City, the MFA or the
12 auditor stating that the findings are in the process of being
13 resolved;

14
15 6. An organizational chart, including job titles and qualifications
16 for the Applicant's employees or as otherwise may be required
17 by the City and/or the MFA in its discretion. Job descriptions
18 may be submitted as appropriate;

19
20 7. Documentation that the Applicant is duly organized under
21 State or local law and certification that the Applicant is in good
22 standing with any State authorities, including the Public
23 Regulation Commission and the Secretary of State;

24
25 (h) Information as may be required by the City and/or the MFA in order
26 for it to determine the financial and management stability of the
27 Applicant;

28
29 (i) Information as may be required by the City and/or the MFA in order
30 for it to determine the demonstrated commitment of the Applicant to
31 the community;

32
33 (j) A completed cost-benefit analysis of the Affordable Housing Project
34 proposed by the Applicant. Any cost-benefit analysis must include
35 documentation that clearly evidences that there is a need for the
36 Housing Assistance Grant being requested from the City, that there
37 is or will be a direct benefit from the project proposed by the Applicant
38 to the community and/or to the purported beneficiaries of the project,
39 consistent with the provisions of the Act, and that the Affordable
40 Housing Project will meet the needs and affordability criteria defined
41 in the City 's Affordable Housing Plan;

42
43 (k) Information supporting the benefits to the community of the
44 Affordable Housing Project proposed by the Applicant;

45
46 (l) Proof of substantive or matching funds or contributions and/or in-kind
47 donations to the proposed Affordable Housing Project in connection
48 with the Application for funds under the Act. Nothing contained herein
49 shall prevent or preclude an Applicant from matching or using local,
50 private, or federal funds in connection with a specific Housing

1 Assistance Grant or a grant of Affordable Housing Funds under the
2 Act;

3
4 (m) Any certifications or other proof which the City may require in order
5 for the City to confirm that the Applicant is in compliance with all
6 applicable federal, State and local laws, rules and ordinances;

7
8 (n) A verification signed by the Applicant before a notary public that the
9 information provided, upon penalty of perjury, is true and correct to
10 the best of the Applicant's information, knowledge and belief;

11
12 (o) Certifications as may be required by the City and signed by the chief
13 executive officer, board president, or another authorized official of
14 the Applicant;

15
16 (p) Applicant shall submit adequate information, as required by the City
17 and/or MFA, of the Affordable Housing Project proposed by the
18 Applicant. The information provided must clearly evidence the need
19 for the subsidy, that the value of the housing assistance grant
20 reduces the housing costs to Persons of Low- or Moderate-Income,
21 and that there will be a direct benefit from the project proposed by
22 the Applicant to the community and/or to the purported beneficiaries
23 of the project, consistent with the provisions of the Act, the Rules,
24 and this Ordinance.

25
26 (2) Additional Requirements for Multi-Family Housing Projects Applicants who
27 are submitting Applications in connection with a Multi-Family Housing
28 Program. The Applicant must also submit to the City following additional
29 information:

30
31 (a) A verified certificate that, among other things:

32
33 1. Identifies every Multi-Family Housing Program, including
34 every assisted or insured project of HUD, RHS, FHA and any
35 other state or local government housing finance agency in
36 which such Applicant has been or is a principal;

37
38 2. States that, except as shown on such certificate:

39
40 i. No mortgage on a project listed on such certificate has
41 ever been in default, assigned to the Federal
42 Government or foreclosed, nor has any mortgage relief
43 by the mortgagee been given;

44
45 ii. There has not been a suspension or termination of
46 payments under any HUD assistance contract in which
47 the Applicant has had a legal or beneficial interest;

48
49 iii. Such Applicant has not been suspended, debarred or
50 otherwise restricted by any department or agency of

1 the Federal Government or any state government from
2 doing business with such department or agency
3 because of misconduct or alleged misconduct; and
4

- 5 iv. The Applicant has not defaulted on an obligation
6 covered by a surety or performance bond.
7

8 If such Applicant cannot certify to each of the above, such Applicant
9 shall submit a signed statement to explain the facts and
10 circumstances that such Applicant believes will explain the lack of
11 certification. The City may then determine if such Applicant is or is
12 not qualified.
13

- 14 (b) The experience of the Applicant in developing, financing and
15 managing Multiple-Family Housing Projects; and
16

- 17 (c) Whether the Applicant has been found by the United States Equal
18 Employment Opportunity Commission or the New Mexico Human
19 Rights Commission to be in noncompliance with any applicable civil
20 rights laws.
21

- 22 (3) Additional Requirements for Mortgage Lenders. If the Applicant is a
23 Mortgage lender, the City shall consider, among other things:
24

- 25 (a) The financial condition of the Applicant;
26

- 27 (b) The terms and conditions of any loans to be made;
28

- 29 (c) The aggregate principal balances of any loans to be made to each
30 Applicant compared with the aggregate principal balances of the
31 loans to be made to all other Applicants;
32

- 33 (d) The City's assessment of the ability of the Applicant or its designated
34 servicer to act as originator and servicer of Mortgage Loans for any
35 Multi-Family Housing Programs or other programs to be financed;
36 and
37

- 38 (e) Previous participation by the Applicant in the programs administered
39 by the MFA, HUD, Federal Housing Authority or Rural Housing
40 Service programs.
41

- 42 (4) Submission Procedure.
43

- 44 (a) Time, Place and Method of Submission Delivery.
45

- 46 1. If the City has issued an RFP, all Applications must be
47 received by the City no later than the deadline set forth in the
48 RFP; otherwise, all Applications must be received by the City
49 by the deadline the City has established in connection with the
50 respective award or grant. So that any Qualifying Grantees

1 may be selected prior to January of the year in which any
2 Housing Assistance Grant would be made, the City shall issue
3 any RFP's, solicit any Applications, or otherwise identify any
4 Qualifying Grantees no later than October 15 of any year in
5 order to allow sufficient time for prospective Applicants to
6 respond to any such RFP, solicitation, or otherwise, and
7 further to allow the MFA not less than forty-five (45) days in
8 which to review any such Applications or otherwise determine
9 or confirm that an Applicant is a Qualifying Grantee under the
10 Act and consistent with the Rules.

- 11
- 12 2. Applications shall be submitted by Applicants to the City in the
13 form required by the City and shall contain all information
14 which is required by this Ordinance and any RFP which may
15 have been issued.

16

17 (b) Additional Factors.

- 18
- 19 1. Timely completion and submission to the City of an
20 Application or other appropriate response to any solicitation
21 by the City;
- 22
- 23 2. Timely submission of all other information and documentation
24 related to the program required by the City as set forth in this
25 Ordinance or as set forth in the Rules;
- 26
- 27 3. Timely payment of any fees required to be paid to the City at
28 the time of submission of the Application; and
- 29
- 30 4. Compliance with program eligibility requirements as set forth
31 in the Act, the Rules and this Ordinance.

32

33 (c) Submission Format.

- 34
- 35 1. City forms or MFA forms (if available) must be used when
36 provided and no substitutions will be accepted; however,
37 attachments may be provided as necessary.
- 38
- 39 2. An Applicant's failure to provide or complete any element of
40 an Application, including all requirements of the City or as may
41 be listed on any RFP, may result in the rejection of the
42 Application prior to review.
- 43
- 44 3. Illegible information, information inconsistent with other
45 information provided in the Application, and/or incomplete
46 forms will be treated as missing information and evaluated
47 accordingly.
- 48
- 49 4. City and the MFA reserve the right to request further
50 information from any Applicant so long as the request is done

1 fairly and does not provide any Applicant an undue advantage
2 over another Applicant.

3
4 5. The City in its discretion may cancel any RFP or reject any or
5 all proposals in whole or part submitted by any Applicant.

6
7 6. The Applicant shall be responsible for any expenses incurred
8 in preparing and submitting an Application. The City or the
9 MFA, as applicable, may establish and collect fees from
10 Applicants who file Applications. Notice that fees will be
11 charged and the amount of any such fees shall be included by
12 the City or the MFA, as applicable, in any RFP or otherwise
13 shall be advertised as part of the Application solicitation
14 process.

15
16 (5) Review by the City. On receipt of an Application, the City shall:

17
18 (a) Determine whether the Application submitted by the Applicant is
19 complete and responsive;

20
21 (b) Determine whether the Applicant is a Qualifying Grantee as defined
22 herein and in the Act;

23
24 (c) Review and analyze whether the Applicant has shown a
25 demonstrated need for activities to promote and provide affordable
26 housing and related services to Persons of Low- or Moderate-
27 Income and that the proposal is consistent with the City's adopted
28 Affordable Housing Plan;

29
30 (d) Determine whether the Applicant has demonstrated experience
31 related to providing housing or services to Persons of Low- or
32 Moderate-Income; as well as experience and/or the capacity of the
33 Applicant to administer the Affordable Housing Program or Project
34 for which the Applicant has applied;

35
36 (e) Determine whether the Applicant's proposal provides a plan for
37 coordinating with other service providers in the community; whether
38 the Applicant's proposal addresses how Persons of Low-Income or
39 Moderate-Income in need of housing and/or housing related services
40 can receive supportive services and referrals to federal, State and
41 local resources; and, whether the Applicant's proposal addresses
42 outreach efforts to reach the population to be served as identified by
43 the City in any RFP, in the Affordable Housing Plan or otherwise;

44
45 (f) Determine whether the Applicant has support from Public Service
46 Agencies, or such other support as may be required by the City
47 and/or the MFA in its discretion, for its proposed services in the
48 community;

49
50 (g) Ascertain the amount of any matching funds or in-kind services

1 specific to the program that may be utilized by the Applicant in
2 connection with the program;

3
4 (h) Ascertain whether any local, private, or federal funds will be used by
5 the Applicant in connection with the specific grant for which the
6 Applicant is applying;

7
8 (i) Ascertain whether the Applicant has and can demonstrate the
9 capability to manage the implementation of the Program for which
10 the Applicant is applying;

11
12 (j) If Applicant is a prior recipient of either a Housing Assistance Grant,
13 Affordable Housing Funds and/or other Program funds, confirm that
14 the Applicant had no outstanding findings or matters of non-
15 compliance with program requirements from the City or the MFA, as
16 applicable or if it has any such findings, it has a certified letter from
17 the City, the MFA, or auditor stating that the findings are in the
18 process of being resolved;

19
20 (k) If Applicant is a prior recipient of either a Housing Assistance Grant,
21 Affordable Housing Funds and/or other Program funds, confirm that
22 the Applicant reasonably committed and expended the funds under
23 the prior Program and/or met anticipated production levels as set
24 forth in any contract with the City or the MFA, as applicable, for those
25 prior Program funds;

26
27 (l) Evaluate the Applicant's proposal in part based upon the Applicant's
28 current financial audit;

29
30 (m) Evaluate the Applicant's proposed budget for the Project for which
31 the Applicant is applying for Affordable Housing Funds or a Housing
32 Assistance Grant which proposed budget must be approved by the
33 City before the Applicant can be approved as a Qualifying Grantee
34 and any expenditure of grant funds under the Act or granted property
35 is transferred to the Applicant;

36
37 (n) On receipt of an Application from a Builder, the City will analyze the
38 Builder's ability to construct and sell sufficient Residential Housing
39 units to Persons of Low- or Moderate- Income within the time or times
40 as may be required by the City.

41
42 (o) Consider other factors it deems appropriate to ensure a reasonable
43 geographic allocation for all Affordable Housing Programs.

44
45 (6) Certification by the City to the MFA. The City shall certify an Application to
46 the MFA in writing upon:

47
48 (a) Completion of its review of the Application;

49
50 (b) Determination that the Application is complete;

1
2 (c) Determination that the requirements of the Act, the Rules and this
3 Ordinance have been satisfied; and
4

5 (d) Determination that the Applicant is a Qualifying Grantee.
6

7 (7) Discretionary Review by the MFA for Completeness. The MFA upon its
8 receipt of the certification from the City may, in its discretion, review the
9 Application and any of the materials submitted by the Applicant to the City.
10 The MFA may also request any additional information from the Applicant,
11 which it may require in order to determine whether the Applicant is a
12 Qualifying Grantee under the Act and the Application is complete. The MFA
13 will then notify the City of its determination of whether or not the Application
14 is complete and that the requirements of the Act and the Rules have been
15 satisfied and the Applicant is a Qualifying Grantee. Unless the period is
16 extended for good cause shown, the MFA shall act on an Application within
17 forty-five (45) days of its receipt of any Application, which the MFA deems
18 to be complete, and, if not acted upon by the MFA, the Application shall be
19 deemed to be approved.
20

21 (8) Notification of Acceptance. The City, upon completion of its review of the
22 Application and an evaluation of the criteria for approval of the Application
23 as set forth in the this Ordinance and in any RFP issued by the City and
24 upon its determination that the Applicant is a Qualifying Grantee, and upon
25 its receipt of notification from the MFA that it agrees that the Application is
26 complete and that the Act and Rules have been satisfied and the Applicant
27 is a Qualifying Grantee, by written notice, shall notify each Applicant which
28 has submitted an Application of the approval or disapproval of its
29 Application. Upon approval of its Application, the Applicant shall be
30 considered approved to participate in the Affordable Housing Program. The
31 City's and the MFA's determination of any Application shall be conclusive.
32

33 (D) Additional Requirements. Upon acceptance, the following additional requirements
34 shall apply to any Applicant who is a Qualifying Grantee:
35

36 (1) Contractual Requirements. The Qualifying Grantee shall enter into one or
37 more contracts with the City, which contract(s) shall be consistent with the
38 Act and subject to the review of the MFA, in its discretion, and which
39 contract(s) shall include remedies and default provisions in the event of the
40 unsatisfactory performance by the Qualifying Grantee.
41

42 (2) Security Provisions; Collateral Requirements. In accordance with the Act,
43 the Rules and this Ordinance, the City shall require the Qualifying Grantee
44 to execute documents, which will provide adequate security against the loss
45 of public funds or property in the event the Qualifying Grantee abandons or
46 fails to complete the Affordable Housing Project, and which shall further
47 provide, as may be permitted by law, for the recovery of any attorneys' fees
48 and costs which the City and/or the MFA may incur in enforcing the
49 provisions of this Ordinance, the Rules, the Act and/or any agreement
50 entered into by the City and the Qualifying Grantee, and which documents

1 may include, but are not limited to the following: note, mortgage, loan
2 agreement, land use restriction agreement, restrictive covenant
3 agreements and/or any other agreement which the City may require in order
4 to allow for any funds which the Qualifying Grantee may receive under a
5 Housing Assistance Grant or Affordable Housing Funds to be adequately
6 secured and to allow the City and the MFA to ensure that such funds shall
7 be used by the Qualifying Grantee in accordance with the Act, the Rules
8 and this Ordinance.

9
10 (3) Performance Schedule and Criteria. The Qualifying Grantee shall be
11 required to abide by a reasonable performance schedule and performance
12 criteria that the City, in its discretion, may establish.

13
14 (4) Examination of Books and Records. The Qualifying Grantee shall submit to
15 and the City shall cause to be made such examinations of the books and
16 records of each Qualifying Grantee as the City and/or the MFA deems
17 necessary or appropriate to determine the Qualifying Grantee's compliance
18 with the terms of the Act, the Rules, this Ordinance and any contracts
19 between the Qualifying Grantee and the City. The City and/or the MFA may
20 require each Qualifying Grantee to pay the costs of any such examination.

21
22 (5) Infrastructure Cost Reimbursement Contracts.

23
24 (a) Cost Reimbursements. Payment to a Qualifying Grantee under cost
25 reimbursable contract provisions shall be made upon the City's
26 receipt from the Qualifying Grantee of certified and documented
27 invoices for actual expenditures allowable under the terms of any
28 agreement between the Qualifying Grantee and the City.

29
30 (b) Cost Reimbursements for Units of Service. Payment under any unit
31 cost contract provisions shall be made upon the City's receipt from
32 the Qualifying Grantee of a certified and documented invoice
33 showing the number of units of service provided during the billing
34 period.

35
36 (c) Rate at which Costs Incurred. Under unit cost or cost reimbursable
37 contracts, it is anticipated that costs will be incurred by the Qualifying
38 Grantee at an approximate level rate during the term of any
39 agreement between the Qualifying Grantee and the City. If the City
40 determines that the Qualifying Grantee is underspending or
41 overspending, then the City may reduce the budget and/or exercise
42 such other budgetary fiscal controls it deems appropriate.

43
44 (d) Invoices. Qualifying Grantees shall not submit invoices more than
45 once a month, unless written approval is obtained in advance from
46 the City. Failure to submit invoices within twenty (20) calendar days
47 of the close of the month for which payment is sought may result in
48 the non-availability of funds for reimbursement.

49
50 (e) No Dual Application of Costs. The Qualifying Grantee shall certify

1 that any direct or indirect costs claimed by the Qualifying Grantee will
2 not be allocable to or included as a cost of any other program,
3 project, contract, or activity operated by the Qualifying Grantee and
4 which has not been approved by the City in advance, in writing.
5

6 (f) Prohibition of Substitution of Funds. Any Affordable Housing Funds
7 or other amounts received by Qualifying Grantee may not be used
8 by Qualifying Grantee to replace other amounts made available or
9 designated by the State or local governments through appropriations
10 for use for the purposes of the Act.
11

12 (g) Cost Allocation. The Qualifying Grantee shall clearly identify and
13 distribute all costs incurred pertaining to the Affordable Housing
14 Project by a methodology and cost allocation plan at times and in a
15 manner prescribed by, or acceptable to the City.
16

17 (h) Additional Information. Qualifying Grantees shall provide the City
18 with any and all information which the City may reasonably require
19 in order for it to confirm that the Qualifying Grantees continue to
20 satisfy the requirements of the Act, the Rules and this Ordinance
21 throughout the term of any contract and/or any Affordability Period or
22 otherwise as may be required by the City or the MFA in its discretion.
23 At a minimum, on an annual basis, the City shall certify to the MFA
24 in writing that to the best of its knowledge the Qualifying Grantee is
25 in compliance with applicable provisions of the Act, the Rules and
26 this Ordinance.
27

28 (E) Affordable Housing Requirements. All Affordable Housing Funds or Housing
29 Assistance Grants awarded under the Act are to be used by Qualifying Grantees
30 for the benefit of Persons of Low- or Moderate-Income subject to the provisions of
31 the Act and with particular regard to their housing related needs.
32

33 (1) Single-Family Property.
34

35 (a) Qualifying Grantees shall agree that they shall maintain any single-
36 family property which has been acquired, rehabilitated, weatherized,
37 converted, leased, repaired, constructed, or which property has
38 otherwise benefited from Affordable Housing Funds, including but
39 not limited to any loans which have been repaid with Affordable
40 Housing Funds and which loans previously were secured by such
41 properties, as Affordable Housing for so long as any or all of the
42 Affordable Housing Funds which have been awarded, loaned, or
43 otherwise conveyed to the Qualifying Grantee are unpaid and
44 outstanding or the Affordability Period, whichever is longer.
45

46 (b) If any single-family properties are to be rehabilitated, weatherized,
47 converted, leased, repaired, constructed or otherwise are to benefit
48 from Affordable Housing Funds, and if the Qualifying Grantee
49 intends to rent the single-family property out, those single-family
50 properties shall be leased to Persons of Low- or Moderate-Income

1 at the time of any such award. Grantees also shall agree that the
2 Persons of Low- or Moderate-Income, who are tenants of those
3 apartments, shall be allowed to remain tenants for so long as there
4 are no uncured defaults by those tenants under their respective
5 leases which must be compliant to the New Mexico Uniform Owner-
6 Resident Relations Act (NMSA 1978 Sections 47-8-1 through 47- 8-
7 52) -- and provided that there is no just cause, as outlined in NMSA
8 1978 Section 47-8-33, for the landlord to terminate any lease
9 agreement with those tenants.

10
11 (2) Multi-Family Property.

12
13 (a) Single Apartment within a Multi-Family Property. Qualifying Grantees
14 shall agree that, if any single apartments are to be rehabilitated,
15 weatherized, converted, leased, repaired, constructed or otherwise
16 are to benefit from Affordable Housing Funds, those apartments shall
17 be leased to Persons of Low- or Moderate-Income at the time of any
18 such award. Qualifying Grantees, who are the landlords and/or
19 owners of such properties, shall further agree to contribute at least
20 sixty percent (60%) of the cost of the rehabilitation, weatherization,
21 conversion, lease, repair, and/or construction. Qualifying Grantees
22 also shall agree that the Persons of Low- or Moderate- Income, who
23 are tenants of those apartments, shall be allowed to remain tenants
24 for so long as there are no uncured defaults by those tenants under
25 their respective leases -- which must be compliant to the New Mexico
26 Uniform Owner-Resident Relations Act, NMSA 1978 Sections 47-8-
27 1 through 47-8-52, and provided that there is no just cause, as
28 outlined in Section 47-8-33 NMSA 1978, for the landlord to terminate
29 any lease agreement with those tenants.

30
31 (b) Multiple Apartments. Qualifying Grantees shall agree that, if multiple
32 apartments or an entire multi-family property are to be acquired,
33 rehabilitated, weatherized, converted, leased, repaired, constructed
34 or otherwise are to benefit from Affordable Housing Funds, including
35 but not limited to any loans which have been repaid with Affordable
36 Housing Funds and which loans previously were secured by such
37 properties, they shall maintain not less than sixty percent (60%) of
38 the housing units as Affordable Housing for so long as any or all of
39 the Affordable Housing Funds which have been awarded, loaned, or
40 otherwise conveyed to the Qualifying Grantee are unpaid and
41 outstanding or the Affordability Period, whichever is longer.

42
43 (3) Non-Residential Property. Qualifying Grantees shall agree that they shall
44 maintain any non-residential property which has been acquired,
45 rehabilitated, weatherized, converted, leased, repaired, constructed, or
46 which property has otherwise benefitted from Affordable Housing Funds,
47 including but not limited to any loans which have been repaid with
48 Affordable Housing Funds and which loans previously were secured by
49 such properties, as a facility which provides housing related-services to
50 Persons of Low- or Moderate-Income for so long as any or all of the

1 Affordable Housing Funds which have been awarded, loaned, or otherwise
2 conveyed to the Qualifying Grantee are unpaid and outstanding or the
3 Affordability Period, whichever is longer.
4

5 (4) Housing Assistance Grant Affordability Requirements. Qualifying Grantees
6 shall agree that they shall maintain any land or buildings received as a
7 Housing Assistance Grant as either single-family or multi-family Affordable
8 Housing in accordance with Sections 4.E.(i) and (ii) of this Ordinance or as
9 a facility which provides housing related- services to Persons of low- or
10 Moderate-Income in accordance with Section 4.E.(iii) of this Ordinance (as
11 applicable) for the duration of the Affordability Period. Qualifying Grantees
12 shall agree that they shall maintain any land or buildings for which they have
13 received the costs of Infrastructure as a Housing Assistance Grant either as
14 either single- family or multi-family Affordable Housing or as a facility which
15 provides housing related-services to Persons of low- or Moderate-Income
16 (as applicable) for the duration of the Affordability Period. In calculating the
17 Affordability Period for Housing Assistance Grants of either land or
18 buildings, the fair market value of the land or buildings or the costs of
19 Infrastructure at the time of the donation by the City shall apply.
20

21 (5) Affordability Period. The City, in its discretion, may increase the Affordability
22 Period in any contract, note, mortgage, loan agreement, land use restriction
23 agreement, restrictive covenant agreements and/or any other agreement
24 which the City may enter into with any Qualifying Grantee or beneficiary of
25 the Affordable Housing Funds or of the Housing Assistance Grant. (See
26 definition of Affordability Period in Section 3.C. of this Ordinance.)
27 Notwithstanding the foregoing, in the discretion of the MFA, weatherization
28 funds conveyed from the State to the MFA and/or any other similar
29 conveyances where an Affordability Period is not practical, shall not be
30 subject to the Affordability Period requirements of this Section 4.E.; but
31 nevertheless, any such conveyances may be subject to recapture on some
32 pro-rated basis as determined by the City and/or the MFA.
33

34 (F) Consent to Jurisdiction. Each Qualifying Grantee shall consent to the jurisdiction
35 of the courts of the State over any proceeding to enforce compliance with the terms
36 of the Act, the Rules and this Ordinance and any agreement between the
37 Qualifying Grantee and the City and/or the MFA.
38

39 (G)Recertification Procedures.
40

41 (1) The Qualifying Grantee must meet the requirements of the Act, the Rules
42 and this Ordinance both at the time of any award and throughout the term
43 of any grant and contract related thereto.
44

45 (2) The City may establish procedures for recertifying Qualifying Grantees from
46 time to time.
47

48 (3) Qualifying Grantees that fail to satisfy the requirements for Recertification
49 shall cease to be eligible and shall be denied further participation in
50 Affordable Housing programs until the requirements of the City and the MFA

1 are satisfied.

2
3 (H) Compliance with the Law. Qualifying Grantee shall provide the City with any
4 certifications or other proof that it may require in order for the City and the MFA to
5 confirm that the Qualifying Grantee and the Qualifying Grantee's proposed Project
6 are in compliance with all applicable federal, State and local laws, rules and
7 ordinances. At a minimum, on an annual basis, the Qualifying Grantee shall
8 provide the City with certifications and proof of compliance, and the City shall
9 certify to the MFA in writing that the Qualifying Grantee is still in compliance with
10 the Act and the Rules.

11
12 (I) Extension of Affordable Housing Programs. The MFA shall have the power to
13 create variations or extensions of affordable housing programs, or additional
14 programs that comply with the Act and the rules.

15
16 (J) City Grant Requirements.

17
18 (1) The City is authorized to make Housing Assistance Grants under the Act.
19 Upon determination that the City will make a Housing Assistance Grant,
20 including the use of any Affordable Housing Funds, the City shall provide
21 the MFA with the following:

22
23 (a) Documentation that confirms that the City has an existing valid
24 Affordable Housing Plan;

25
26 (b) Documentation that confirms that the City has an existing valid
27 Affordable Housing Ordinance which provides for the authorization
28 of the Housing Assistance Grant, including the use of any Affordable
29 Housing Funds;

30
31 (c) Written certification that the proposed grantee is in compliance with
32 Act and the Rules so that the MFA may confirm that the Application
33 is complete, and that the proposed grantee is a Qualifying Grantee
34 under the Act and the Rules.

35
36 (2) Prior to the submission of the Application and project authorization to the
37 Governing Body, the Governing Body must approve the budget submitted
38 by the Applicant.

39
40 (3) An action authorizing the City to make a Housing Assistance Grant and/or
41 distribute Affordable Housing Funds:

42
43 (a) Must authorize the grant, including use of Affordable Housing Funds,
44 if any;

45
46 (b) Must state the requirements and purpose of the grant;

47
48 (c) Must authorize the transfer or disbursement to the Qualifying
49 Grantee only after a budget is submitted to and approved by the
50 Governing Body;

1
2 (d) Must comply with the Rules, as amended; and

3
4 (e) May provide for matching or using local, private or federal funds
5 either through direct participation with a federal agency pursuant to
6 federal law or through indirect participation through the MFA.
7

8 (4) The MFA shall act to approve the proposed Housing Assistance Grant
9 authorized by the City within forty-five(45) days of its receipt of the
10 documentation required above in Section 4.J.(i), (ii) and (iii) of this
11 Ordinance.
12

13 (5) The City, in its discretion, may also hold any award of Affordable Housing
14 Funds or any Housing Assistance Grant made by the City in suspense
15 pending the issuance by the City of any RFP or pending the award of the
16 Affordable Housing Funds or of the Housing Assistance Grant by the City
17 to the Qualifying Grantee without the issuance of an RFP by the City. Any
18 award of Affordable Housing Funds or a Housing Assistance Grant by the
19 City shall subject the Qualifying Grantee of the award or grant to the
20 oversight of the City and the MFA under this Ordinance and the Rules.
21

22 (K) School District and Public Post-Secondary Educational Institution Donations for
23 Housing Projects. If a school district or a public post-secondary education
24 institution intends to transfer land to the City to be further granted to a Qualifying
25 Grantee as part or all of an Affordable Housing project, this transfer shall be subject
26 to the limitations contained in the Act that the school district and the City enter into
27 a contract that provides the school district with a negotiated number of affordable
28 housing units that will be reserved for employees of the school district. Any transfer
29 of land by a public post-secondary educational institution shall be subject to the
30 additional limitations contained in the Act that:
31

32 (1) The property transferred shall be granted to a Qualifying Grantee by the
33 City as part of a grant for an Affordable Housing project; and
34

35 (2) The governing board of the public post-secondary educational institution
36 and the City enter into a contract that provides the public post-secondary
37 educational institution with Affordable Housing units.
38

39 As used in this section, "public post-secondary educational institution" means a state
40 university or a public community college. The City, in its discretion, may also hold any
41 Housing Assistance Grant made by any school district or public post-secondary
42 educational institution in suspense pending the issuance by the City of any RFP or
43 pending the award of the Housing Assistance Grant by the City to the Qualifying Grantee
44 without the issuance of an RFP by the City. Any award of a Housing Assistance Grant by
45 a school district or a public post-secondary educational institution shall subject the
46 Qualifying Grantee of the grant to the oversight of the City and the MFA under the Rules.
47

48 **Section 6. Discrimination Prohibited.** The development, construction, occupancy
49 and operation of an Affordable Housing Program or an Affordable Housing Project
50 financed or assisted under the Act shall be undertaken in a manner consistent with

1 principles of non-discrimination and equal opportunity, and the City shall require
2 compliance by all Qualifying Grantees with all applicable federal and State laws and
3 regulations.

4
5 **Section 7. Administration.** The City shall administer any Affordable Housing
6 programs in accordance with provisions of the Act, the Rules, this Ordinance, any
7 applicable state and federal laws and regulations as each of which may be amended or
8 supplemented from time to time. The City, in establishing, funding and administering the
9 Affordable Housing Programs and by making, executing, delivering and performing any
10 award, contract, grant or any other activity or transaction contemplated by the Act, shall
11 not violate any provision of law, rule or regulation or any decree, writ, order, injunction,
12 judgment, determination or award and will not contravene the provisions of or otherwise
13 cause a default under any of its agreements, indentures, or other instruments to which it
14 may be bound. Any proposed amendment to this ordinance shall be submitted to MFA
15 for review prior to adoption by the Governing Body.

16
17 **Section 8. Severability Clause.** If any section, paragraph, clause, or provision of this
18 Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated
19 hereunder shall for any reason be held to be invalid, unlawful, or enforceable, the
20 invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision
21 shall not affect the validity of the remaining portions of this Ordinance or the regulation so
22 challenged.

23
24 **Section 9. Compiling Clause.** This Ordinance shall be incorporated in and compiled
25 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

26
27 **Section 10. Effective Date.** This Ordinance shall become effective ten days after
28 adoption.

29
30 ADOPTED THIS _____ DAY OF _____, 2023.

31
32
33
34
35 _____
36 Gregory D. Hull, Mayor

37
38 ATTEST:

39
40 _____
41 Rebecca A. Martinez, City Clerk
42 (SEAL)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO. 115

ENACTMENT NO. 23-116

RESOLUTION ADOPTING AN AFFORDABLE HOUSING PLAN

WHEREAS: the City of Rio Rancho ("City") is subject to the New Mexico Affordable Housing Act (NMSA 1978, §.6-27-1 et seq.) and New Mexico Mortgage Finance Authority Act (NMSA 1978 § 58-18-1 et seq.); and

WHEREAS: the Affordable Housing Act identifies specific requirements including the adoption of an Affordable Housing Plan and implements the provisions of Subsections E and F of §14 of Article 9 of the New Mexico Constitution; and

WHEREAS: the City, in conjunction with the New Mexico Mortgage Finance Authority, has developed a plan for adoption; and

WHEREAS: the New Mexico Mortgage Finance Authority has reviewed and approved of the form and terms of the City's plan prior to final adoption hereof.

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 Affordable Housing Plan, attached hereto.

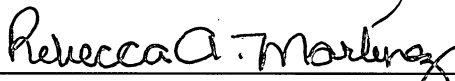
Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED THIS 28th DAY OF SEPTEMBER, 2023.



Greggory D. Hull, Mayor

ATTEST:



Rebecca A. Martinez, City Clerk
(SEAL)



City of Rio Rancho

2023 Affordable Housing Plan

Prepared by the City of Rio Rancho
with the assistance of
the National Development Council



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Executive Summary

The City of Rio Rancho ("Rio Rancho") is a vibrant and growing community situated northwest of the City of Albuquerque in New Mexico. Over the past 10 years, the city's population has grown 19 percent from 87,521 residents in 2010 to 104,046 residents in 2020. Many residents work in high-paying industries, including health care, finance and insurance, and other professional services. Rio Rancho residents bring home paychecks that are much higher than the statewide average - the city's median household income is \$76,096 compared to the statewide median household income of \$53,992.

Rio Rancho's rapid growth in population has not come without consequences. While Rio Rancho was once known as a community where a young family could purchase a "starter home" or a retiree could purchase a modest home in a warm climate, the city's housing market no longer offers ample affordable housing options. Over the past five years, homes sales prices have risen dramatically from a median sales price of \$192,000 in 2018 to \$330,000 in early 2023. Average asking rents have also risen at a steady pace from \$992 in 2018 to \$1,404 in early 2023.

Due to the rapid increase in home sales prices and rents, city residents have begun to voice concerns about housing affordability. In a citywide survey conducted in 2022, 74% of respondents agreed or strongly agreed with the statement that "finding housing that is affordable is a problem in the City of Rio Rancho." Survey respondents recognized that the city's economy benefits when housing is affordable for both low-income and higher-income earners. Respondents indicated that schools benefit when students have stable housing and families benefit when they can spend more of their income on education, health care, and childcare. Respondents also agreed that the local tax base improves when corporations choose to relocate or expand in Rio Rancho because they know that their employees will be able to find housing that is affordable.

Therefore, in late 2021, Rio Rancho's city leaders initiated the process to develop an Affordable Housing Study ("Study") in order to identify local housing needs and the tools and strategies that may be used to meet those needs. City leaders decided to develop the Study prior to developing an Affordable Housing Plan ("Plan") in accordance with the State of New Mexico's Affordable Housing Act. A Plan, approved by the New Mexico Mortgage Finance Authority (MFA) and the Affordable Housing Act, permits public-private partnerships for affordable housing activities by creating an exception to the anti-donation clause in the New Mexico constitution. Once this Plan is accepted by the State, Rio Rancho will have the ability to use a combination of public and private resources for affordable housing acquisition, development, financing, maintenance, and operations. Adopting an Affordable Housing Plan is a strategy for incentivizing the production and preservation of affordable housing in the City of Rio Rancho

Benefits of Complying with the New Mexico Affordable Housing Act's Requirements

Under the Act, entities that are authorized to make donations to affordable housing include: the State of NM, counties, municipalities, and school districts. Allowable donations include land for affordable housing construction, an existing building for conversion or renovation into affordable housing, cost of infrastructure necessary to support affordable housing projects, waiving of application costs, fees, and permits related to the acquisition or installation of infrastructure, the cost of acquisition, development, construction, financing, operating or owning affordable housing. The donations reduce the cost of developing - they incentivize the production and preservation of affordable housing. With reduced costs, multi-family housing becomes more affordable (rents are lower) to low- and moderate-income households.

Entities eligible to receive donations (qualified grantees) include public entities, non-profit organizations, and private enterprises. Qualified grantees must be entities whose mission is to provide affordable housing.

The Study set the table for a Plan that complies with the requirements of the New Mexico Affordable Housing Act. In other words, the Study is a draft affordable housing plan. The Governing Body of the City of Rio Rancho reviewed and commented on the study on 8/15/23. The Study was submitted to the MFA for review. MFA approved the Study as an Affordable Housing Plan (“Plan”) on 8/23/23. The Affordable Housing Plan guides the development, by the City, of a draft affordable housing ordinance. Only after the draft ordinance is approved by MFA the City pass an Affordable Housing Ordinance.

The Plan identifies several conditions that impact the availability and affordability of housing in the city, including:

- **The majority of Rio Rancho’s existing housing inventory consists of single-family detached homes** and over 75% of all homes have three or more bedrooms. The lack of housing types that offer smaller square footage on smaller parcels of land – duplexes, townhomes, and triplexes or even larger apartment buildings – means that many potential renters and homebuyers are unable to afford to move into the city.
- **The nature of Rio Rancho’s early (pre-incorporation) development is negatively impacting its potential to develop new housing units in a cost-effective manner.** Specifically, it can be prohibitively expensive for developers to construct infill housing in Rio Rancho since many subdivisions are not supported by adequate infrastructure. Additionally, it can be difficult for subdivision developers to acquire a sufficient amount of land, since fewer than 100 parcels of consolidated undeveloped land consisting of more than 10 acres are available in the city.
- **Rio Rancho’s original inventory of housing stock is beginning to show its age.** Over half of the city’s housing inventory was constructed before the year 2000. Many of these original “starter homes” were constructed poorly and are beginning to experience significant repair needs.

The Plan also identifies numerous opportunities for Rio Rancho to implement strategies that address the conditions that impact the availability and affordability of housing in the city, including:

- **Preserve existing single-family housing that is occupied by current city residents** by coupling code enforcement activity with resources that help homeowners repair and maintain their homes.
- **Preserve existing renter-occupied single-family housing** by developing a single-family rental registration and inspection ordinance. A rental registration and inspection ordinance will help the city identify the location and condition of single-family rental properties. Thereafter, the city can design an incentive program to encourage landlords to repair and maintain their properties.
- **Spur development of housing on vacant or underutilized parcels** by creating a land swap /land banking program that allows the city to sell city-owned land to developers who agree to build housing that is affordable to families earning a range of incomes.
- **Encourage development of “starter homes”** and other forms of affordable housing by providing public financing to support housing development.
- **Add additional housing units to existing neighborhoods** by helping homeowners navigate the process of building a backyard casita or a garage conversion.

- **Speed up housing development by removing unnecessary regulatory barriers** to developing a range of housing types and encourage more new housing development by modifying land use regulations so that more dense forms of housing can be developed throughout the city.

Overview of the New Mexico Affordable Housing Act’s Requirements

The New Mexico Housing Finance Authority (MFA) is the statewide entity responsible for accepting, reviewing, and approving Affordable Housing Plans developed by local communities. In order for a community’s plan to be accepted, it must meet certain requirements. The following are the minimum elements required for a local housing plan to be compliant the with Affordable Housing Act:

1. **Community and Housing Profile** – Include demographic characteristics, race/ethnicity, income, age, employment, population trends, number of existing households, housing units by tenure, housing costs, rents, vacancy rates, and sales prices.
2. **Housing Needs Assessment** – Include a description of needs such as: number of households that are housing cost-burdened, overcrowded households, persons with special needs, housing for the elderly, female-headed households, and homelessness. Identify the gap between market rate housing costs and incomes, by area median income (AMI). Project needs, including: number of new units needed by tenure, type and cost to meet current needs and to accommodate expected population growth and job generation, determination of number of homes to be created through new construction, and number of homes in need of rehabilitation and preservation.
3. **Land Use and Policy Review** – Include a general analysis of land use parcels including zoning, size and existing use, environmental constraints, availability of infrastructure. Evaluate the suitability, availability, and realistic development capacity of developable sites, including appropriate zoning for special needs housing, such as multi-family rental, mobile homes, transitional and homeless shelters. Identify constraints, such as land use controls; codes and enforcement; fees and exactions; processing and permit procedures; on/off site improvements; reasonable accommodation; availability of financing; land availability and prices; construction costs; and local capacity to assist, finance, and manage construction; provide housing support services; and administer housing funds and programs. Include minimum density calculations targeted to affordable housing populations.
4. **Goals, Policies, and Quantifiable Objectives** – Include an estimate of the number and percentage of unit increases, by income levels, to be constructed, rehabilitated or conserved over a set period of time. Identify needed programs and agencies responsible for constructing new housing stock; improving existing housing stock; promoting access and equal opportunity to affordable housing; and increasing capacity of residents to lower their housing cost burden; build long term equity; and stabilize their housing situations through home-buyer training, rental vouchers, assistance to persons with disabilities, and other capacity assistance. Include a plan to promote potential regulatory concessions and incentives for removing or mitigating government and non-government constraints to development, rehabilitation or conservation of affordable housing. Identify potential sources of federal, state, and local financing and subsidies to support affordable housing. Include a discussion of related issues, such as public participation, job/housing mix, consistency with existing planning and land use policy, protection of ecological resources, and promotion of efficient development patterns and green building.

Community, Economic, and Housing Profile

Brief History of Development of Rio Rancho

In the early 1960s, Rio Rancho Estates, Inc. (hereinafter, “AMREP”) purchased 55,000 acres of land on the outskirts of Albuquerque, originally called Rio Rancho Estates. AMREP subdivided the property into tens of thousands of lots and marketed the area to residents in the Midwest and eastern states using mass marketing and mail order techniques. In total, AMREP sold 77,000 lots to 40,000 buyers at \$795 for one half acre and \$1,495 for one acre, while retaining over 25 percent of the acreage for future development.

When home building began in 1962, many of the first residents were middle-income retirees. In 1971, AMREP purchased and platted an additional 35,000 acres. Rio Rancho Estates was now 92,000 acres and larger, geographically, than the city of Albuquerque. By 1977, the population had grown to 5,000.

In 1981, Rio Rancho was incorporated, and its population had reached 10,000. Several years later, a new financing program offering low interest home loans changed Rio Rancho from a retirement community to a community attracting young families in the form of first-time homebuyers.

Today, Rio Rancho is the most populous and only city in Sandoval County, which is part of the expansive Albuquerque metropolitan area of New Mexico. A small portion of the city extends into northern Bernalillo County. It is the third-largest city in New Mexico, and one of the most rapidly growing.

Demographic Characteristics¹

Rio Rancho has an estimated total population of 105,839 as of 2021. The total population within Rio Rancho increased 20.8% (16,920 residents) from the 2010 Census. Rio Rancho grew faster than both Sandoval County (13.13%) and the State of New Mexico (2.83%) between 2010 and 2020.

Rio Rancho’s population is evenly divided by gender, with 50.1% of the population identifying as female and 49.9% identifying as male. Rio Rancho has a higher portion of residents who are military veterans (11.1%) than the State (8.8%). Disabled residents comprise 14% of the city’s population whereas 16% of the State’s population has one or more disabilities.

Rio Rancho is a stable community with most residents remaining in the same home year over year. In the 2020 Census, 88% of Rio Rancho residents reported that they lived in the same house in the past year whereas only 12% of residents lived in a different house 1 year ago. Of the latter, an estimated 5.4% came from Sandoval County and 6.3% from a different county. Of these different county migrants, 3.6% moved from a different county within New Mexico, 2.7% moved from a different State, and less than 1% moved from a foreign country.

¹ This Study uses 2010 and 2020 U.S. Census data as well as 1-year and 5-year American Community Survey data to review changes to the population, race, ethnicity, age, and educational attainment of the residents of Rio Rancho.

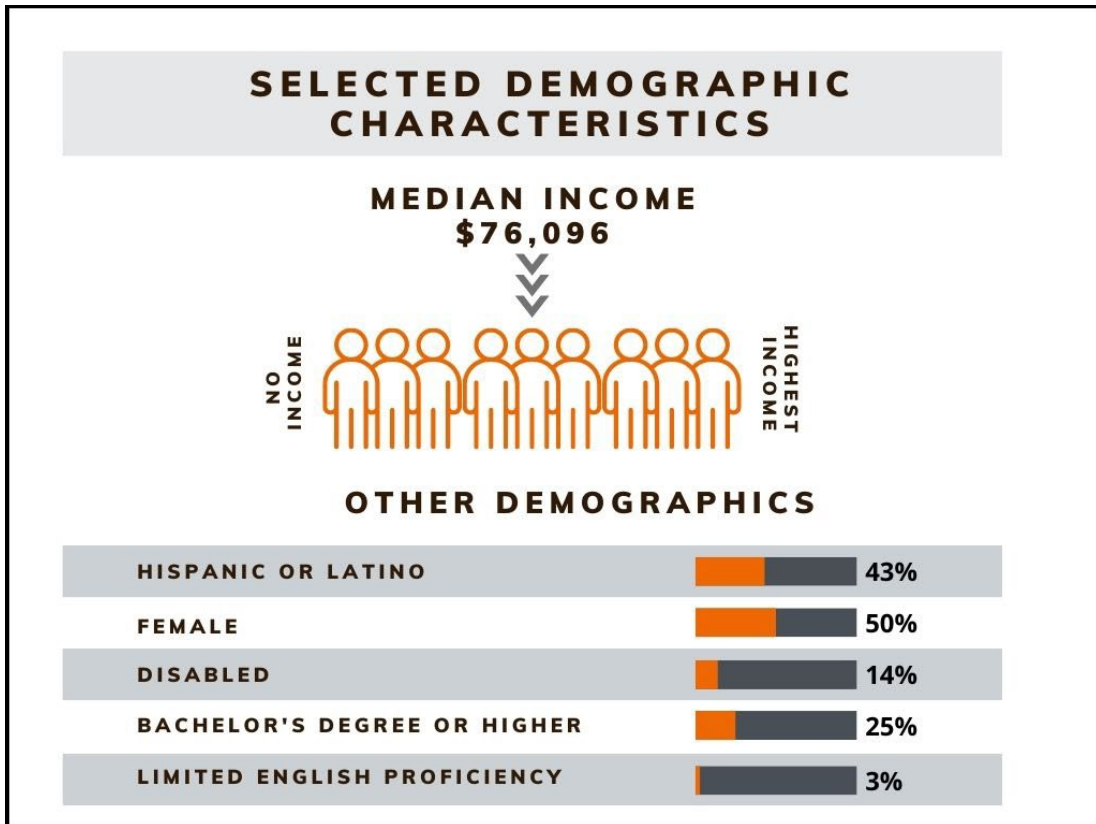


Figure 1: Selected Demographic Characteristics of Residents

Additional demographic information is as follows:

Race/ethnicity

In 2021, 42.5% of the city’s population identified as Hispanic or Latino and 57.5% identified as Not Hispanic or Latino.

Age

The following table shows the age breakdown of the Rio Rancho population for 2010 and 2021:

Age Cohort	2010	% of Total	2021	% of Total	% Change
Under Age 5	6,157	7%	5,262	5%	-15%
5 to 19	21,637	25%	22,617	21%	5%
20 to 49	34,742	39%	40,854	39%	18%
50 to 64	15,392	17%	19,336	18%	26%
65 and over	10,027	11%	17,770	17%	77%
Total	87,955	100%	105,839	100%	20%
Median Age	36		39		

Figure 2: Trends in City Population by Age Cohorts

The data shows Rio Rancho experienced population growth in each age cohort except for the youngest residents (*Under Age 5*). A 15% decrease in this cohort has been more than replaced by population increases in all other age cohorts.

Rio Rancho’s older population has grown at a higher rate than its younger population. For example, the population of residents aged 65 and over grew by 77% over the past decade, while the population aged 5 to 19 only grew at 5%.

Older residents now make up a larger percentage of the overall population. Whereas residents aged 65 and over comprised 11% of the city’s population in 2010, they now comprise 17% of the city’s population. Age cohorts 20 to 49 and 50 to 64 remained stable as percentages of the total Rio Rancho population. If these population growth trends hold, Rio Rancho’s population is likely to resemble what it was in the 1960s and 1970s – a retirement community. The following graphic depicts the population trends for all age cohorts from 2010 to 2020.

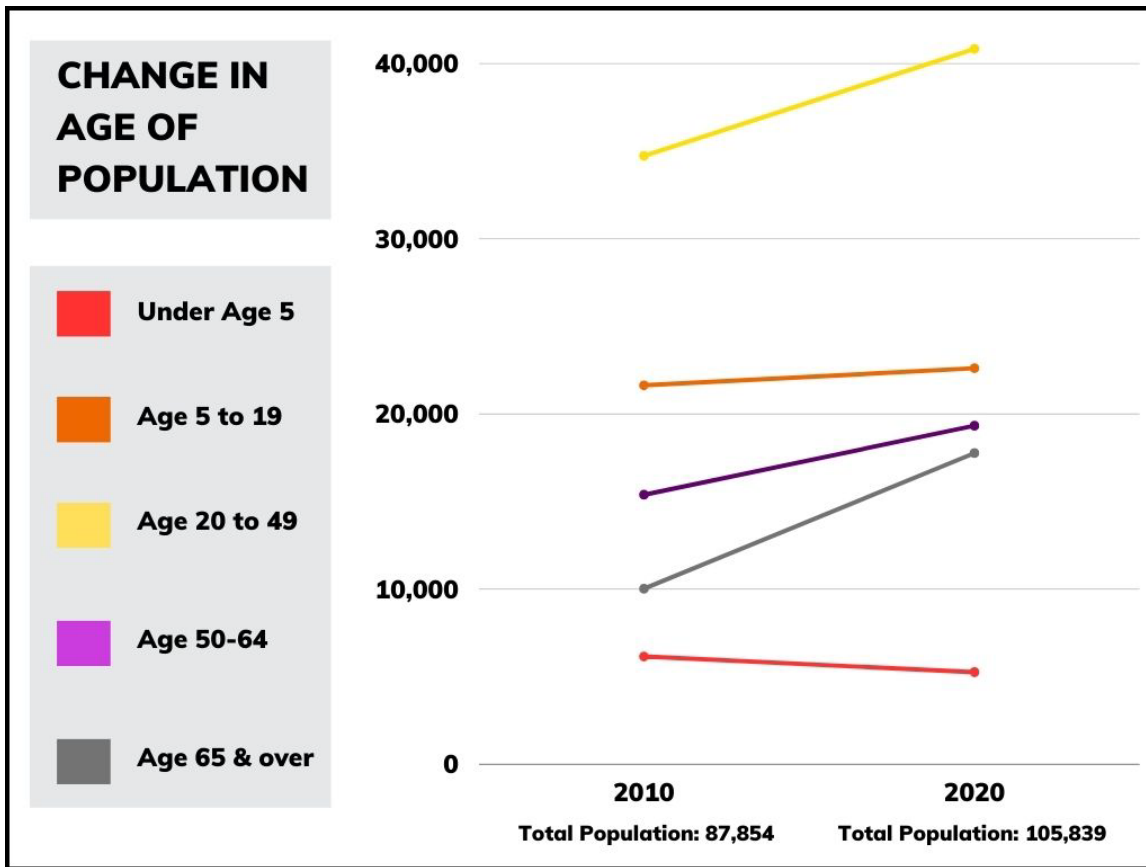


Figure 3: Trends in City Population by Age Cohorts (Visualization)

A future where a significant proportion of City residents are on fixed incomes and empty nesters will impact service needs, housing needs and the tax base. For example, older residents may need accessibility improvements to remain in their homes. Additionally, the city’s property tax base will be impacted if more homeowners qualify for the state’s property tax freeze that is offered to low-income, elderly homeowners.

School Enrollment

School enrollment in Rio Rancho is shown in the following table:

While total school enrollment has increased 17% between 2010 and 2020, enrollment at nursery/preschool and kindergarten has dropped significantly (-12%). This enrollment decline for the youngest children aligns with the decline in total population under age 5. This very young population has been replaced by higher enrollment in grades 1-12 and college or graduate school.

School Enrollment	2010	2020	Change from 2010 to 2020 (%)
Population 3 years or older enrolled in school	23,667	27,751	17%
Nursery/Pre-school	1,583	1,387	-12%
Kindergarten	1,415	1,236	-12%
Grades 1 – 8	9,967	10,982	10%
Grades 9 – 12	5,404	6,202	15%
College or Grad School	5,298	7,944	50%

Figure 4: Trends in School Enrollment

Looking deeper into the numbers in school enrollment, the estimated decline of 375 students in Pre-school and Kindergarten has been replaced by an estimated increase in enrollment in Grades 1-12 of 1,813 students over the past decade. This is likely correlated to an aging of the population in Rio Rancho over the past decade. An older, in-place population has older children in higher grades and in post-secondary education.

An alternative (or additional factor) impacting school enrollment may be that Rio Rancho is attractive to households with children in Grades 1-12. Young families may rent or own a home in Albuquerque when their first child is young and then move into Rio Rancho when their child reaches school age. Families with older children may desire to live in neighborhoods that have ample parking for teenaged drivers and that offer public or private amenities such as basketball courts, skate parks, and libraries with maker spaces and study rooms. In comparison, families with younger children may seek out neighborhoods close to public playgrounds and aquatic centers.

Households and Families

Difference between definition of “household” and “family” – Whereas households refer to one person or group of people living in a housing unit, families are groups of two or more related people who live together. Generally, households that do not contain a family are made up of unrelated people living together (e.g., roommates) or people living alone. While it is possible for two families to share a household, the difference between the number of households and the number of families in an area shows, approximately, the number of non-family households in community.

The table below shows the breakdown of households, families, and non-family households in Rio Rancho in 2010 and 2021.

	2010	2021	% Change
Households	32,232	40,013	24%
Non-Family Households	8,964	10,946	6%
Families	23,270	29,067	18%

Figure 5: Trends in Household Composition

The composition of households in Rio Rancho is as follows:

- 1-person household 8,671 (22% of total population)
- 2-person household 12,721 (31% of total population)
- 3-person household 5,822 (15% of total population)
- 4 or more-person household 12,799 (32% of total population)

As will be discussed in the Housing Needs Assessment, there is a large mismatch between the types of households that live in Rio Rancho and the existing housing inventory.

Economic Characteristics

Household Income

Households in Rio Rancho have significantly higher incomes when compared to incomes throughout the State of New Mexico. According to the most recent census data, the median household income for Rio Rancho rose from \$53,998 in 2010 to \$76,096 in 2021. For comparative purposes, the statewide median household income rose from \$42,090 in 2010 to \$53,992 in 2021. Thus, the median household income has grown 40% in Rio Rancho over the past decade whereas it has only grown 28% at the statewide level.

Approximately 49% of all households in Rio Rancho had an annual income of less than \$75,000 per year. This is improved from 67% of all Rio Rancho households having less than \$75,000 annual income per year in 2010. The number of households in Rio Rancho with annual incomes of less than \$75,000 per year in 2021 (49%) is considerably less than the same statistic of 63% all households in the state. Rio Rancho also has a significant share of higher-income households; specifically, 36% of all households in Rio Rancho had annual incomes of \$100,000 or more in 2021. In 2010, only 20% of all households had annual incomes of \$100,000 or more.

Family Income

The median family income for the City of Rio Rancho rose from \$60,123 in 2010 to \$83,767 in 2021. For comparative purposes, the statewide median family income was \$62,611 per the 2020 Census. Families tend to have higher incomes than households because households may be composed of a single person earning one wage (or receiving public benefits), whereas a family necessarily includes at least two people, both of whom may be wage earners.

The Census also disaggregates Rio Rancho median incomes by the following household and family types:

- Households = \$76,096
- Families = \$83,767

- Married couple families = \$97,280
- Nonfamily households - \$50,612

Source of Income

Households have incomes of varying amounts and from different sources. Sources of income include earnings (defined as wages from employment or self-employment), retirement and investments, and social security benefits. The table below shows estimated sources of income for Rio Rancho residents.

Source of Income	2010	% of HHs	2021	% of HHs	Change from 2010 to 2020	
					\$	%
Households	32,234		40,013		7,779	24%
Median HH Income	\$53,998		\$76,096		\$22,098	40%
Avg HH Income	\$74,393		\$92,818		\$18,425	24%
HH with Wages/Salaries	25,046	78%	30,426	76%	5,380	21%
Avg Wage/Salary Earnings	\$68,345		\$86,000		\$17,654	26%
HH with Retirement Income	5,963	19%	12,067	30%	7,104	119%
Avg Retirement Income	\$24,972		\$27,171		\$2,198	8%
HH with Interest, Dividends & Rental Income (IDR)	6,769	21%	8,021	20%	1,252	18%
Avg IDR Income	\$32,626		\$31,057		(\$1,569)	-5%
HH with Social Security Income	8,059	25%	13,708	34%	5,649	70%
Avg Social Security Income	\$17,367		\$22,135		\$4,768	27%
HH with Supplemental Security Income (SSI)	1,289	4%	1,285	3%	-4	0%
Avg SSI Income	\$9,170		\$8,523		(\$647)	-7%
HH with Cash Public Assistance (CPA)	516	2%	3,801	10%	3,285	636%
Avg CPA Income	\$1,602		\$6,507		\$4,905	306%

Figure 6: Trends in Sources of Income

Note - Many households may receive income from more than a single source.

A review of the changes in sources of income for residents of Rio Rancho over the past decade provides several interesting findings. From 2010 to 2021:

- The number of households with income from *Earnings* (wages from employment) increased, but slightly decreased as a percentage of total households in Rio Rancho from 78% to 76%.
- The number of households with income from *Retirement* more than doubled and increased as a percentage of total households in Rio Rancho from 19% to 30%.
- Similarly, the number of households with income from *Social Security* increased in total numbers and as a percentage of total households in Rio Rancho from 25% to 34%.
- The number of households with income from *Interest, Dividends and Rental Income (IDR)* grew at a lower rate than other forms of income and remained stable as a percentage of total households.
- The number of households with income from *Cash Public Assistance* increased dramatically from 516 to 3,801 and increased as a percentage of total households from 2% to 9.5%.

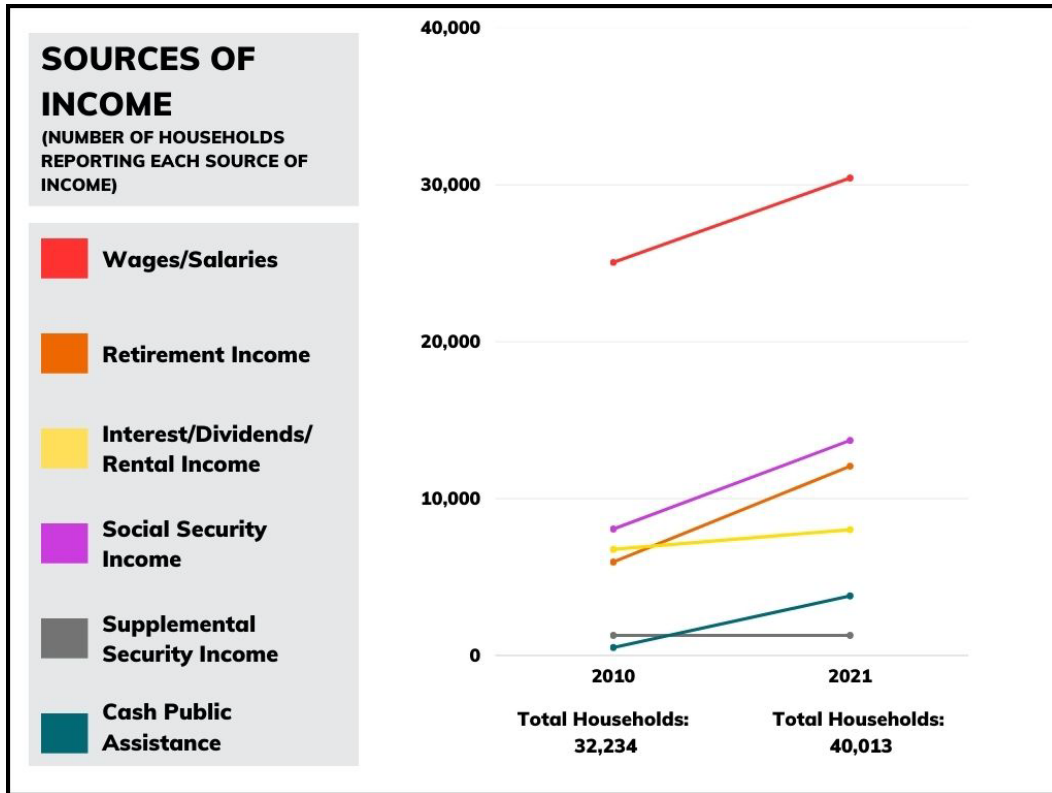


Figure 7: Trends in Sources of Income by Number of Households

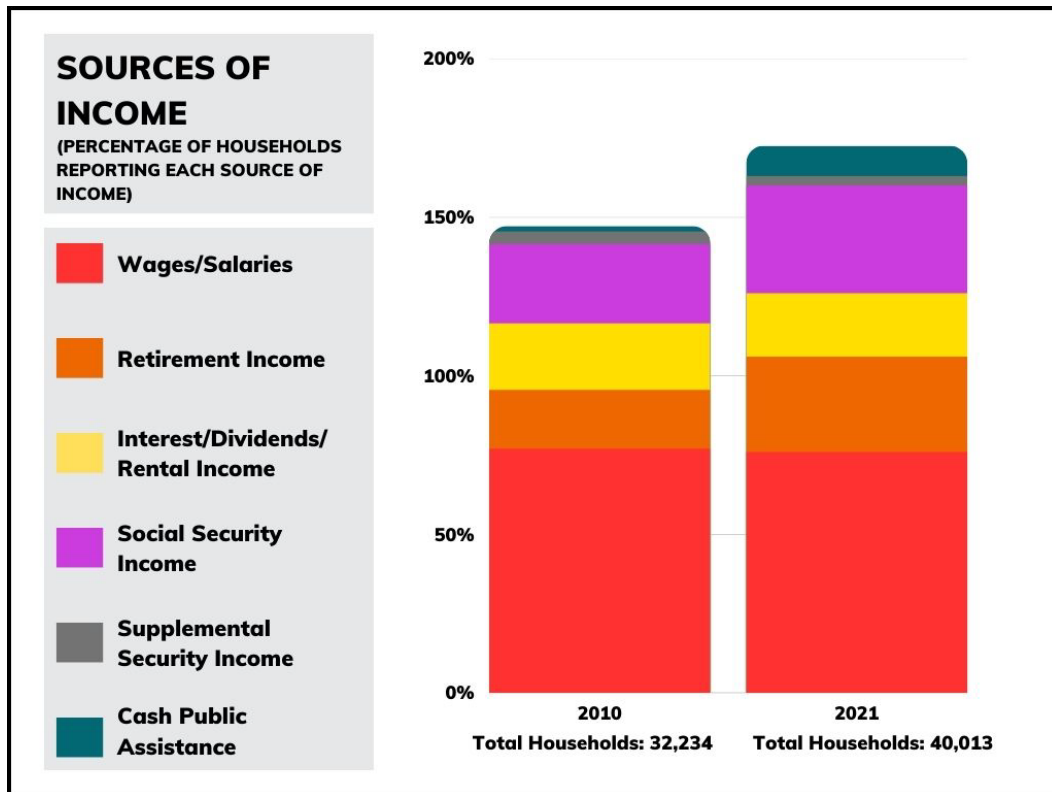


Figure 8: Trends in Sources of Income by Percentage of Households

This income trend analysis reveals that sources of household income are changing as the age demographic in Rio Rancho trends older. Thus, income from work-related activities such as *Earnings* (wages and salaries) is declining because a smaller percentage of the population is of working age. It follows that income from non-employment sources (e.g., *Retirement, Social Security, IDR* and *SSI*) are becoming increasingly influential in household budgets.

It is also important to note that non-employment sources of income such as *Retirement, Social Security* and *SSI*, are usually fixed sources of income. Households reliant on fixed incomes are more likely to be negatively impacted by rising home prices and rents (especially when these housing costs escalate rapidly). Even in instances where a homeowner on a fixed income is not impacted by rising housing prices because they have a fixed mortgage payment or no mortgage payment, they can still be negatively impacted by rising property tax bills and home maintenance expenses.

Another method of understanding income and earnings is to review tax returns for specific zip codes. An analysis of 2019 tax returns filed in the City of Rio Rancho finds:

- 30% of filers had adjusted gross income of less \$25,000 per year (\$12,465 average)
- 25% of filers had adjusted gross income between \$25,001 and \$50,000 per year (\$36,549 average)
- 16% of filers had adjusted gross income between \$50,001 and \$75,000 per year (\$61,762 average)

In summary, 71% of tax returns filed in Rio Rancho from 2019 had adjusted gross income (AGI) of less than \$75,000. For this cohort, average AGI per return was \$37,000. The remaining 29% of tax returns from Rio Rancho had average AGI of \$184,000.

The average household size of those reporting AGI less than \$75,000 was 1.7 people and for those reporting AGI of more than \$75,000 was 2.70. Ninety percent of single filers and 86% of those filing as head of household reported AGI of less than \$75,000. Sixty five percent of tax returns filed by those over age 60 had AGI of less than \$75,000 (\$37,000 average).

In summary, Rio Rancho has an increasing number of residents over age 65. They report less AGI and are more likely to be rely on unearned, fixed income (e.g. retirement, interest/dividends/rents, and social security income). Those with lower incomes are less likely to be able afford maintenance/upkeep on their homes without facing significant financial hardships.

Poverty

The federal government sets "poverty guidelines" to determine eligibility for various benefits available to low-income U.S. citizens and qualified immigrants. The poverty guidelines are based upon the number of **For families/households with more than 8 persons, add \$5,140 for each additional person.* people included in a "household" and the annual income earned by all the household members. The guidelines are recalculated yearly. The following chart shows the 2023 Federal Poverty Guidelines (U.S. Dept of Health & Human Services) for the 48 contiguous states.

Household/ Family Size	Poverty Guideline
1	\$14,580
2	\$19,720
3	\$24,860
4	\$30,000
5	\$35,140
6	\$40,280
7	\$45,240
8	\$50,560

*Figure 9: Poverty Guidelines
by Household Size*

Approximately 6% of individuals residing in Rio Rancho (6,425 residents) and 9% of households (3,801 households) live at or below the U.S. poverty level. Local poverty rates are well below statewide poverty rates where 18.4% of individuals live below the poverty level.

Notably, the *Source of Income* table on the prior page demonstrates a significant increase in population and households that receive Social Security, SSI, and/or Cash Public Assistance and are living at or below the Federal Poverty Guidelines.

Employment

Roughly 47,272 Rio Rancho residents aged 16 and over are employed. 67% of these individuals are employees of private sector businesses; 19.7% work in local, state and federal government; 7.6% work in the private not-for-profit sector; and 2.3% are self-employed in an incorporated business. Data from the Bureau of Labor Statistics shows the March 2023 unemployment rate in Rio Rancho was 3.4%, which was not significantly different than the national and statewide unemployment rate of 3.5%.

The table on the next page shows the top 10 employment industries for residents of Rio Rancho and the State. Data is shown as percent of total labor force employed in the industry as a percentage of the total available labor force.

Industry	Rio Rancho	New Mexico
Educational services, and health care and social assistance	23.3%	25.8%
Professional, scientific, and management, and administrative and waste management services	12.1%	13.5%
Finance and insurance, and real estate and rental and leasing	9.8%	4.7%
Public administration	9.4%	8.4%
Arts, entertainment, and recreation, and accommodation and food services	9.0%	9.2%
Retail trade	7.8%	10.4%
Construction	7.6%	7.2%
Manufacturing	6.4%	4.0%
Transportation and warehousing, and utilities	5.5%	5.2%
Other services, except public administration	3.3%	4.5%
Wholesale trade	3.0%	1.8%

Figure 10: Employment of Residents by Industry

The table above shows over 40% of people employed in Rio Rancho work in industries that traditionally pay low wages and/or require low skills such as: *healthcare, education and social assistance; retail, and arts, entertainment, recreation, and accommodation and food services*. It must also be noted that many employers in all industries hire at entry level positions which pay lower wages. Detailed employment and wage information can be found at the Bureau of Labor Statistics but only for the Albuquerque MSA.

Housing Characteristics

Housing Units and Vacancy

In 2010, there were 34,156 housing units located within Rio Rancho and 95% of the units were occupied. By 2021, that number had risen to 40,978 housing units and nearly 98% of the units were occupied.

The vast majority of the city's housing units are *1-unit detached units*, which are traditional, single-family homes. Only 5% of Rio Rancho's housing inventory consists of housing units located within larger apartment complexes with 10 or more units. Likewise, Rio Rancho has very few housing units located within "missing middle" housing types - such as townhomes, duplexes, and triplexes - that bridge the gap between detached single-family homes and apartment complexes.

A lack of diversity of housing types can negatively impact housing affordability. Detached single-family housing is often built on large lots, which raises the purchase price for the home since the purchase price includes both the value of the structure and the value of the land upon which the structure sits.

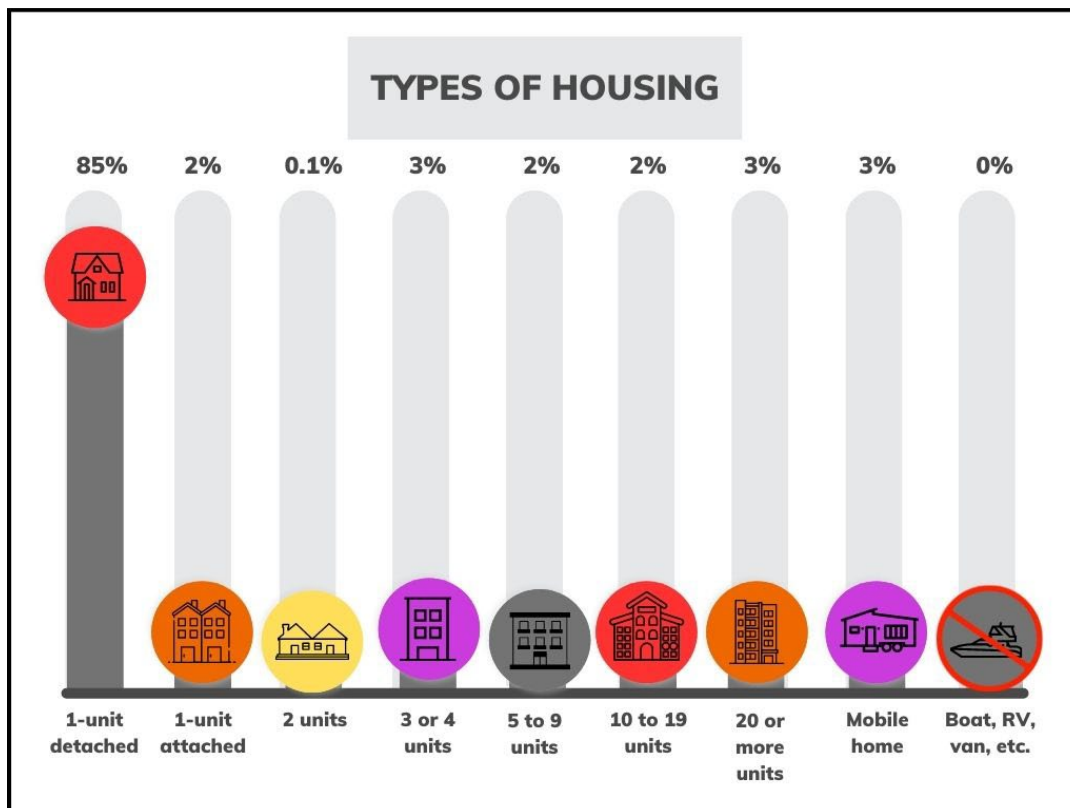


Figure 11: Types of Housing in the City

Another manner of slicing the data related to the city's housing inventory is to examine the number of bedrooms per housing unit. Because the majority of the city's housing stock consists of detached, single-family homes, it is unsurprising that housing units in Rio Rancho tend to have multiple bedrooms. In fact, over 75% of the city's housing units have three or more bedrooms.

Just as the lack of diversity of housing types negatively impacts housing affordability, so does the lack of smaller housing units. Smaller housing units – such as studio apartments and one-bedroom apartments or condominiums – often rent or sell at lower price points as compared to larger units. Likewise, the lack of smaller units within the city may impact available housing supply (and therefore, housing affordability) by deterring aging homeowners from downsizing from their large single-family homes into a smaller apartment or condominium units.

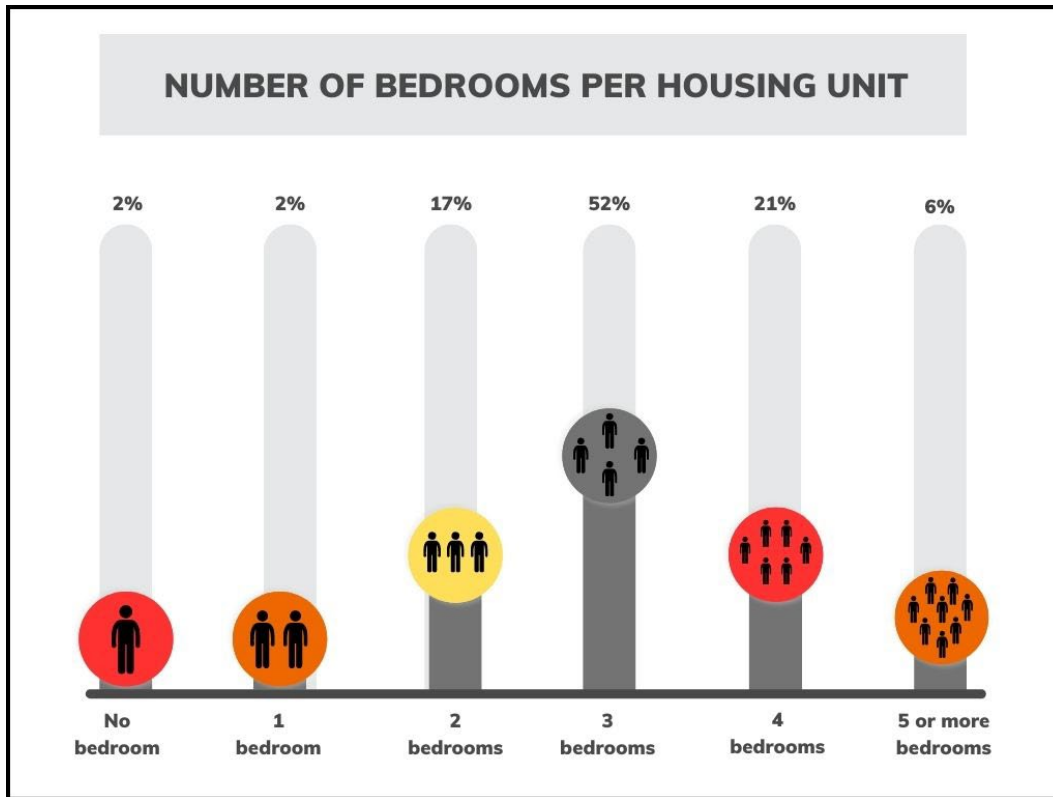


Figure 12: Number of Bedrooms Per Housing Unit

Residential Construction

According to city permit data, there have been 30,870 single family residential housing starts since 1985. Housing construction has ebbed and flowed with economic conditions. For example, Rio Rancho saw a 5-year burst of single-family construction from 2003 to 2007. During this construction period more than 1,000 homes per year were built, with a peak of 3,084 single family home permits being issued in 2005.

The 2008 Recession negatively impacted the pace of single-family home construction in Rio Rancho. By 2011, single-family housing starts had dropped to a low of 301. As the country entered a period of economic recovery beginning in 2012, housing starts in Rio Rancho steadily increased to 400-500 per year. Then, in 2020, single-family home construction began to heat up again. There were 901 single-family housing starts in 2020 and 1,054 single family housing starts in 2021.

The graphic on the next page depicts the age of the City’s entire housing stock. The data correlates with the city’s historical single family new construction permit data; specifically, over one quarter of the City’s housing units were constructed during the building boom between 2000-2009.

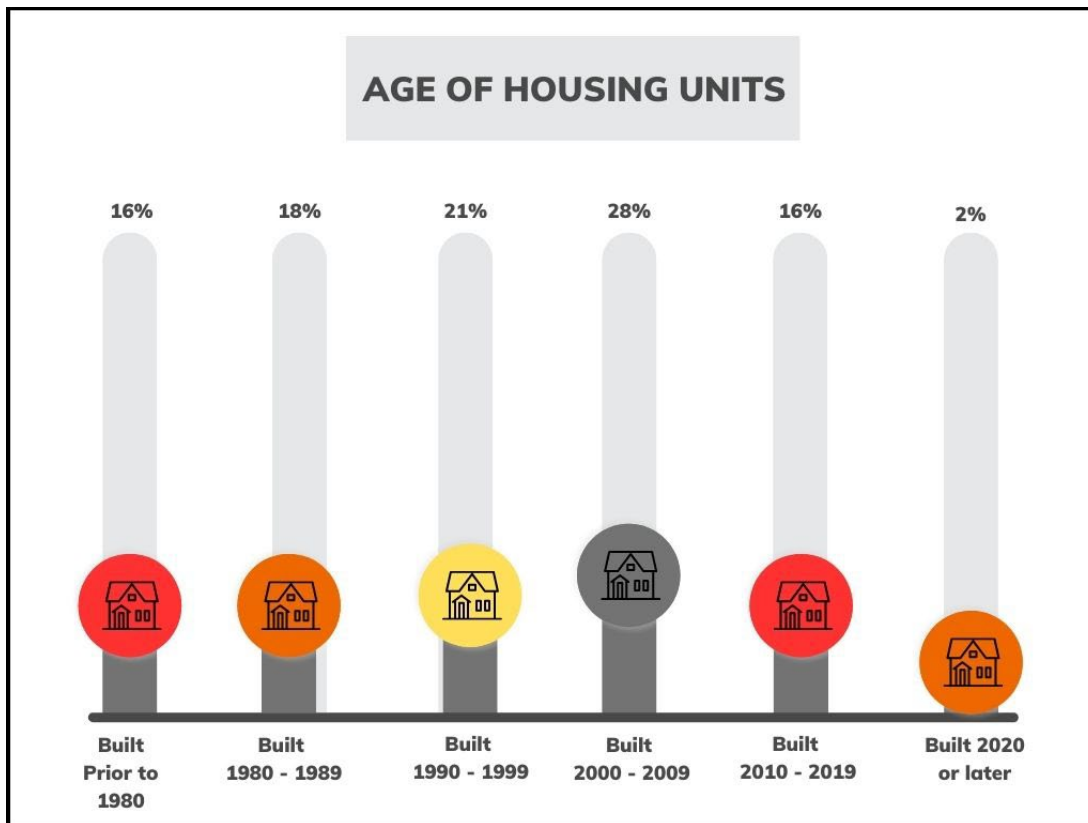


Figure 13: Age of Housing Units

Tenure, Household Size and Mobility of Residents

Rio Rancho is primarily occupied by residents who own their homes. In 2021, 81% of Rio Rancho households owned their home. The remaining 19% of housing units were occupied by renters. The percentage of owners has not changed significantly from 2010 when 79.2% of housing units were occupied by owners.

Owner-households tend to be slightly smaller than renter-households. In 2021, the average household size of owner-occupied housing units was 2.52 versus 3.14 for renter-occupied housing units. In 2010, the average household size of owner-occupied units was 2.65 versus 3.02 for renter occupied housing units.

Year Moved into Unit		
Total Occupied Housing Units	40,013	
	#	%
2020 or later	10,163	25%
2015 to 2019	12,684	32%
2010 to 2014	5,801	15%
2000 to 2009	5,361	13%
1990 to 1999	3,921	10%
1989 and earlier	2,121	5%

Figure 14: Year Resident Moved into Housing Unit

The table below displays data related to the year city residents moved into their housing unit. Nearly 75% of city residents moved into their unit since 2010, which aligns with population trend data showing that the city’s population has grown by nearly 21% since 2010.

Housing Cost - Residential Housing Market Sales

An analysis from the real estate firm Redfin² notes that the median home price in Rio Rancho in April 2023 was \$350,000 (an increase of 5.7% over April 2022). Despite its steady increase, the city’s median home sale price is still 13% lower than the national average, according to Redfin. Redfins reports, “*The Rio Rancho housing market is somewhat competitive. Homes in Rio Rancho receive 2 offers on average and sell in around 35.5 days...The median sale price per square foot in Rio Rancho is \$199, up 8.2% since last year.*”

Rio Rancho Housing Market Analysis											
	2018	2019	2020		2021		2022		2023 (through 4/11)		
			% Change	% Change	% Change	% Change	% Change	% Change	% Change	% Change	% Change
Sales Per Year	1,209	2,395	98%	2,543	6%	2,714	7%	1,940	-29%	405	
Average Days on Market	80	77		75		67		55		38	
Average List Price	\$219,757	\$235,693	7%	\$256,467	9%	\$305,582	19%	\$356,737	17%	\$372,331	4%
Average Closing Price	\$216,125	\$232,766	8%	\$255,213	10%	\$308,248	21%	\$358,705	16%	\$369,479	3%
Avg Close Price/List Price	98.3%	98.8%		99.5%		100.9%		100.6%		99.2%	
Median List Price	\$195,000	\$215,000	10%	\$239,900	12%	\$280,000	17%	\$329,700	18%	\$340,000	3%
Median Closing Price	\$192,000	\$212,500	11%	\$238,000	12%	\$285,000	20%	\$330,000	16%	\$338,330	3%
Median Close Price/List Price	98.5%	98.8%		99.2%		101.8%		100.1%		99.5%	

Figure 15: Housing Market Analysis Through April 11, 2023

The data is included in **Figure 15**³ provided by the local chapter of Homewise, Inc. shows similar statistics to the Redfin analysis. The *median closing price* has risen from \$192,000 in 2018 to a high of \$338,330 in the second quarter of 2023. Additionally, in Rio Rancho the *average days on market* has steadily declined year over year. Both data points – rising *median closing price* and decreasing *average days on market* - indicate a strong demand for housing in Rio Rancho.

Annual home sales in 2019, 2020, and 2021 were more than two times that of 2018. Likewise, the *average and median closing price* exceeded the *average and median list price* in 2021 and 2022. Buyers paid a premium to acquire a home in these years as demand exceeded supply of homes for sale. In 2021 and 2022 cash sales were 13% and 18% of all homes sales.

However, annual home sales fell 29% (774 units) between 2021 and 2022. This recent decline in home sales is likely related to rising interest rates, which has locked many existing homeowners into their

² <https://www.redfin.com/city/16268/NM/Rio-Rancho/housing-market>

³ Data provided by Homewise, <https://homewise.org>.

current home because they are unwilling to trade a 2-4% mortgage interest rate for a 6-7% interest rate. Homeowners' unwillingness to sell led to less for-sale inventory in the market. Likewise, the decline in annual sales may also indicate that homebuyers are unable to afford to purchase a home in Rio Rancho due to high mortgage interest rates and rising household expenses such as groceries and childcare.

Residents of Rio Rancho who owned their home prior to 2018 are considerably wealthier due to rising home values. Homeowner's home equity position increased \$142,580 (65%) based on average closing price statistics and \$141,000 (73%) based on median closing price from 2018 to 2022. Nevertheless, existing Rio Rancho homeowners' ability to move up in the housing market is constrained by high prices and high interest rates. It follows that potential Rio Rancho first-time homebuyers are still struggling to enter the home ownership market.

Housing Cost - Rents

As discussed earlier, approximately 19% of households in Rio Rancho are renters. This percentage is significantly lower than the statewide share of population that are renters, which is 32%. The share of Rio Rancho households who rent has remained fairly stable over the past decade –decreasing slightly from 19.8% in 2010 to 19% in 2021.

The share of households who rent varies substantially by age. In Rio Rancho, as of 2021, households headed by an individual aged 15-24 were the most likely to rent (51.6%) while households headed by an individual aged 65-74 were the least likely to rent (13.7%).

Moody's Analytics, a national economics research firm, tracks numerous data points related to commercial real estate, including multifamily residential real estate. According to Moody's Analytics, the City of Rio Rancho is located in the Northwest Albuquerque apartment submarket. A submarket is a distinct part of a larger market (Albuquerque) with similar properties that tend to compete against one another for tenants.

According to Moody's data as of March 31, 2023, this submarket contained 8,566 units or 21% of the metro Albuquerque's total inventory of market rate rental apartments. Moody's estimates that in the decade since Q1 2013, 1,158 units have been added to the submarket inventory. This equates to annualized growth of 1.5% compared to 0.8% growth for the entire metro Albuquerque. The average vacancy in the submarket was reported at 1.6% (137 units). Over the past 3 months, submarket absorption totaled 55 units, less than half of the average annual absorption rate of 134 units recorded since the beginning of Q2 2013.

Asking rents in the Northwest submarket have risen significantly since 2018, when the average asking rent was \$922. The average asking rent in the submarket is currently \$1,359, which is higher than the Albuquerque metro's average of \$1,270. Between now and year-end 2023 asking rents are expected to climb 3.3% to a level of \$1,404. On an annualized basis asking and effective rents are expected to increase by 4% through 2025 reaching average rates of \$1,487 and \$1,518.

Moody's forecasts average asking rent per unit to be higher (\$100-\$150 month) than that of the Albuquerque MSA through 2028.

The following table displays historical asking rent data along with forecasted asking rent data from both the Northwest submarket and the broader Albuquerque submarket.

Year	Asking Rent per Unit	Vacancy %	Asking Rent per Unit	Vacancy %
	Northwest		Albuquerque	
2008	\$758.00	7.00%	\$709.16	5.90%
2009	\$736.06	7.00%	\$706.06	6.90%
2010	\$751.70	6.20%	\$715.96	4.70%
2011	\$758.43	5.10%	\$725.11	4.30%
2012	\$762.93	4.70%	\$738.31	4.20%
2013	\$785.09	5.60%	\$754.12	4.30%
2014	\$799.15	3.60%	\$766.96	3.50%
2015	\$825.20	6.60%	\$784.45	4.20%
2016	\$843.42	5.40%	\$813.59	3.80%
2017	\$858.36	4.70%	\$826.12	4.30%
2018	\$921.82	6.10%	\$869.71	5.00%
2019	\$984.61	4.00%	\$903.50	4.50%
2020	\$1,019.61	3.40%	\$918.27	3.30%
2021	\$1,303.76	2.10%	\$1,145.24	3.00%
2022	\$1,402.24	1.80%	\$1,282.75	1.90%
2023	\$1,403.59	2.20%	\$1,305.00	2.50%
2024	\$1,448.85	2.60%	\$1,343.00	2.70%
2025	\$1,518.40	3.10%	\$1,381.00	3.00%
2026	\$1,583.69	3.50%	\$1,425.00	3.20%
2027	\$1,635.79	3.70%	\$1,462.00	3.40%
2028	\$1,678.32	4.90%	\$1,501.00	3.30%

Figure 15: Asking Rent Trends for Northwest Submarket and Albuquerque Market

Recently, rents increased have started to cool. Asking rents actually fell every month (totaling about 3.1% decrease) in the first quarter of 2023. The submarket's mean unit prices are as follows:

- Studio \$980mo/\$11,760 year
- 1-bedroom \$1,225/\$14,700 year
- 2-bedroom \$1,432/\$17,184 year
- 3-bedroom \$1,645/\$19,740 year

Moody’s also tracks apartment construction activity. It forecasts that builders will deliver 158 units to the Northwest submarket by the end of 2023, and net total absorption will be a positive 106 units. As a result of the delivery of new rental units, the vacancy rate is projected to drift slightly upward from 1.6% to 2.2%. During 2024 and 2025, developers are expected to deliver a total of 176 additional units of market rate rental apartments to the submarket. The submarket vacancy rate is forecasted to rise to 3.1% in 2025. From a practical standpoint, a 2.2% or even a 3.1% vacancy rate means that prospective renters will have difficulty finding available multifamily rental units in the city.

The table below shows the Northwest submarket inventory since 2019.

Year	Inventory	Inventory Growth	Vacant Stock	Occupied Stock	Net Absorption
2019	8,514	0	343	8,171	180
2020	8,566	52	287	8,279	108
2021	8,566	0	182	8,384	105
2022	8,566	0	155	8,411	27

Figure 16: Northwest Submarket Inventory

Summary

Seventy four percent of respondents of a survey Rio Rancho residents (conducted by NDC, June 2022) agreed or strongly agree that finding affordable housing is a problem in the City of Rio Rancho. This is reflective of the socio-economic and housing cost trends presented in the preceding sections. At the time of this Plan, demand for affordable for sale and rental housing exceeds the supply of affordable housing. Therefore, the cost of for sale homes and rental units have escalated, pricing individuals, households, and families out of the market. This is a problem for Rio Rancho residents and businesses.

Housing that is affordable provides many community benefits. When asked about these benefits in a survey of Rio Rancho residents conducted by NDC in June 2022, respondents listed in rank order:

- 89% - Our schools benefit when students have stable housing.
- 83% - Our local tax base improves when corporations relocate or expand here because they know that their employees will be able to find housing that is affordable.
- 82% - Families benefit because they can spend more of their income on education, health care and child-care.
- 81% - Our community benefits when entrepreneurs move here because they can afford a starter home.

The following sections of this Plan seek to address the constraints to development of affordable housing in Rio Rancho.

Land Use Policy Review & Development Cost Review

This section contains an analysis of the land use policies and development costs within the City of Rio Rancho to identify practices that may be creating impediments to the production of affordable housing and make recommendations for policies the City can adopt to encourage and incentivize private-sector developers to build a range of housing types within the City of Rio Rancho. Changes to development standards and codes may encourage developers to deviate from the proven model of market-rate single-family home development, which currently predominates in Rio Rancho, and increase their production of higher-density housing – such as townhomes, duplexes and multifamily complexes. However, due to Rio Rancho’s strong real estate market, it is unlikely that such townhomes, duplexes and multifamily complexes would be offered for sale or lease at rates that are affordable for a low- or moderate-income household.

Therefore, in order to encourage private developers to offer their housing product for sale or lease at rates that are affordable for low- or moderate-income households, the City will likely need to couple changes to development standards and codes with additional targeted policies and financial incentives.

Land Use Policy Review

Present State of Parcels, Infrastructure, and Use

Prior to the state of New Mexico’s adoption of the State Subdivision Act in 1973, which requires that subdivisions and development be supported by adequate infrastructure, a New York-based firm purchased thousands of acres in what would later be incorporated as Rio Rancho. One-half and full acre lots were sold to absentee investors through a mail order business in the 1960s and early 1970s. These lots were exempt from the 1973 Act, and as a result, many of the privately-developed homes built in the original geographic boundaries of Rio Rancho lack public infrastructure meeting today’s development standards, including paved roads, stormwater management, water/sewer connections, and designated recreational space. Referred to as “antiquated platting” in Rio Rancho’s 2011 Comprehensive Plan, this land development process created challenges that include vacant land with difficult-to-locate owners interspersed throughout established neighborhoods, inadequate infrastructure within neighborhoods, and very low population density per square mile.

Thus, approximately 20% of the City’s total acreage is currently developed, but fewer than 100 parcels of consolidated undeveloped land consisting of more than 10 acres are available; more than 20,000 one-acre or smaller lots have no infrastructure and owners scattered around the world. With limited municipal eminent domain powers granted by New Mexico’s state legislature, Rio Rancho’s ability to pursue strategic infill development and provide a mix of uses on the land sold as single family lots prior to incorporation is very constrained. Therefore, new Planned Unit Developments (PUDs) on available consolidated parcels of land along with City services leading to them, have promoted sprawling land use patterns and an inefficient provision of services.

Special Assessment Districts (SADs) are one means of addressing inadequate infrastructure in otherwise established neighborhoods. SADs have been designated in several Rio Rancho neighborhoods, allowing the city to issue bonds for infrastructure improvements. The debt is serviced through assessments on land included in the District that are paid by homeowners. However, SADs potentially present an affordability concern for existing homeowners who may be financially unprepared for the monthly assessments. Additionally, public infrastructure improvements within SADs increase the value of housing that may have

been relatively affordable for Rio Rancho residents. When properties within SADs become delinquent on their assessments, the City has the ability to acquire these properties through foreclosure.

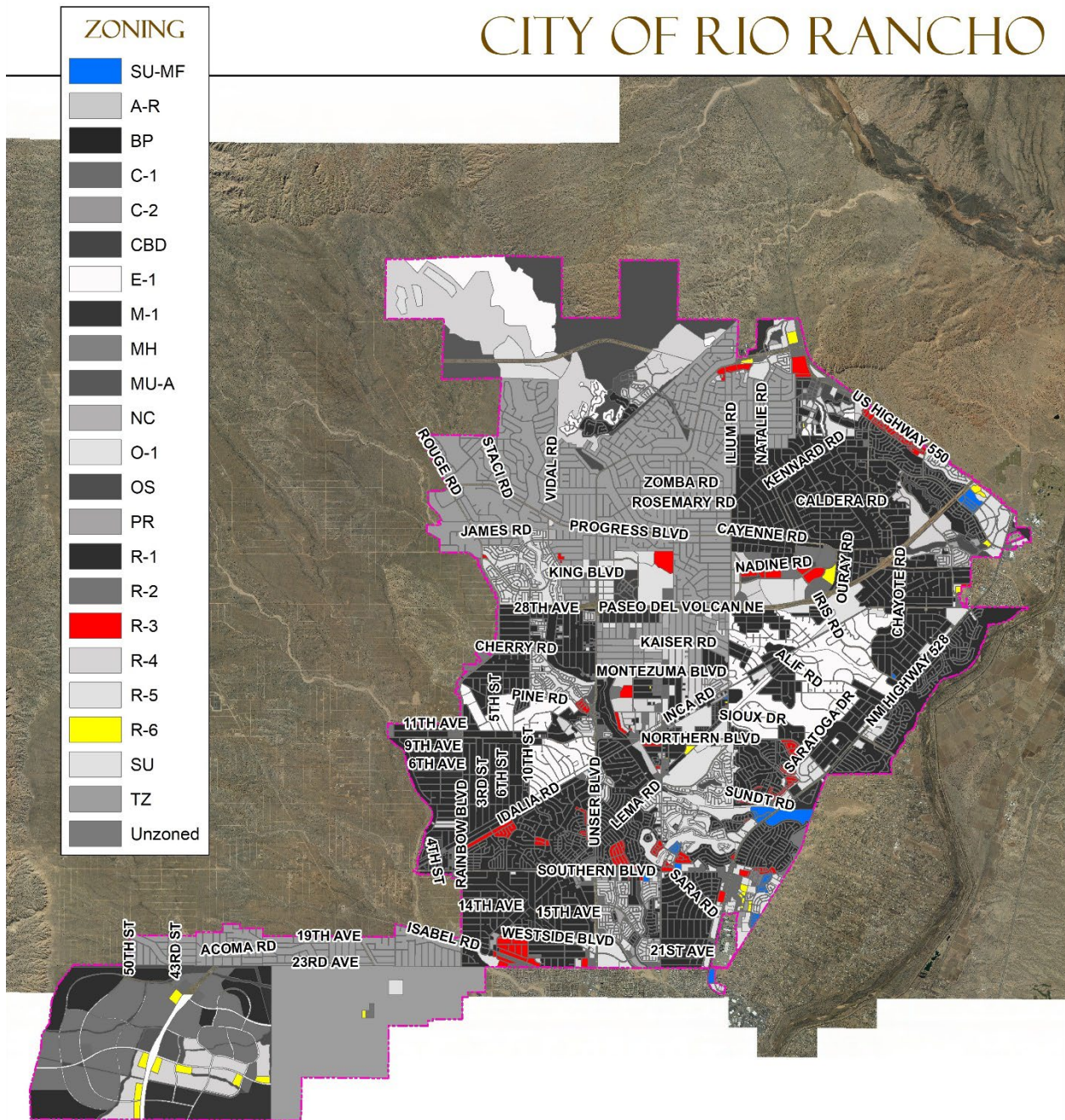
Constraints to Affordable Development

Most of the land in Rio Rancho is zoned for single-family use with a maximum of one principal dwelling unit per lot plus one accessory dwelling unit (ADU) if certain conditions are met. The City of Rio Rancho's Multifamily Zoning map, prepared and accessed in May 2022, indicates areas of the City where the zoning allows multifamily construction. Note that the R-3: Mixed Residential Development designation (red) only allows multifamily development (up to 26 dwelling units per acre) as a conditional use, meaning that approval from the Governing Body is required. R-6 is the only zoning designation that allows multi-family development by right, but R-6 zoning also allows detached single-family homes. R-6 zoning permits multifamily dwelling units for sale or rent limited to 50 units per acre.

Zoning Change Processes

- Applications for a *conditional use permit* in R-3: Mixed Residential Development zoned areas are initially evaluated by staff who recommend approval or denial of development plans. The application is then forwarded to the Planning and Zoning Board, with staff's recommendation, which usually occurs about one month after the receipt of the application. After receiving a Planning and Zoning recommendation, conditional use cases advance to the Governing Body. After approval of the Governing Body, applicants may apply for a building permit.
 - Other conditional use permits do not require this same process
- Applications for a *variance* are initially evaluated by staff who recommend approval or denial of development plans. The application is then forwarded to the Planning and Zoning Board, with staff's recommendation, but the application does not have to be approved by the Governing Body. According to the Rio Rancho Municipal Code, variances from standards may be granted in the case of "exceptional physical condition[s] where the strict application of the requirements of this title would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his land or building." Financial gain, loss, or savings; inconvenience upon the property owner; or impacts on personal comfort do not constitute practical difficulty or unnecessary hardship. Therefore, this process would not be beneficial to facilitating density that supports multifamily units.
- Applications for a *special use* are typically tied to an ordinance and a site plan must be approved by the Governing Body at a public hearing.
- **Public Role in the above processes** – Development Services staff notify surrounding property owners (typically those within 100 feet of the property in question) of any impending hearings via certified mail, priority mail, or informational postcards, depending on the request. Property owners are provided information 15 days before the public hearing, including a description of the request, a map of the property, and a map showing the nearby zoning. Owners can then submit written comments, which are forwarded to the applicant and board members as well as made available as a part of the hearing's online agenda packet. Members of the public are also encouraged to attend the hearings (in-person or virtually) so they can offer further public comments/directly ask any questions they have.

MULTI-FAMILY ZONING CITY OF RIO RANCHO



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.



Figure 17: City of Rio Rancho Zoning Map (Multifamily Zoning)

A significant portion of the City is designated as a Transitional Zoning District (T-Z), which permits only low-density residential use (a single dwelling unit per parcel) on an interim basis. Conditional use or subdivision of property is not allowed in T-Z (consolidation is permitted). These areas may be prioritized for land use planning to enable realization of Comprehensive Plan growth projections. While there has been developer interest in building subdivisions in Transitional Zones, the City has held off on further development of T-Z land until it can be addressed and guided by the Comprehensive Plan.

The following maps (from the Mid Region Metropolitan Planning Organization) show the forecasted distribution of household and job growth throughout the region to 2040. Mid Region Metropolitan Planning forecasts that Sandoval County, led by the City of Rio Rancho, will hold onto its position as the fastest growing county in the region and state. Sandoval County/City of Rio Rancho are projected to experience 32% growth in new household formations and 20% job growth over a base year of 2016.

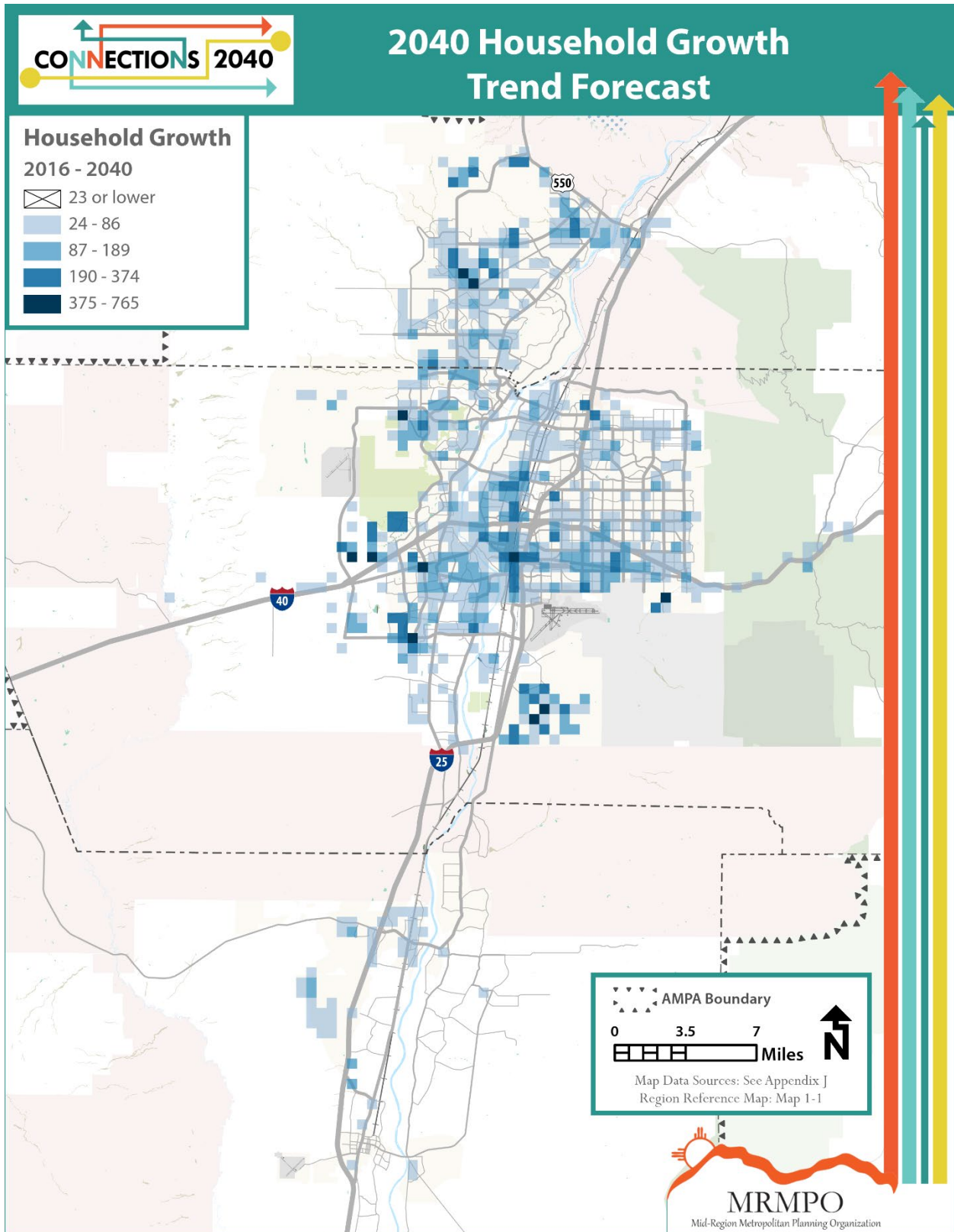


Figure 18: Mid-Region Metropolitan Planning Organization 2040 Household Growth Trend Forecast

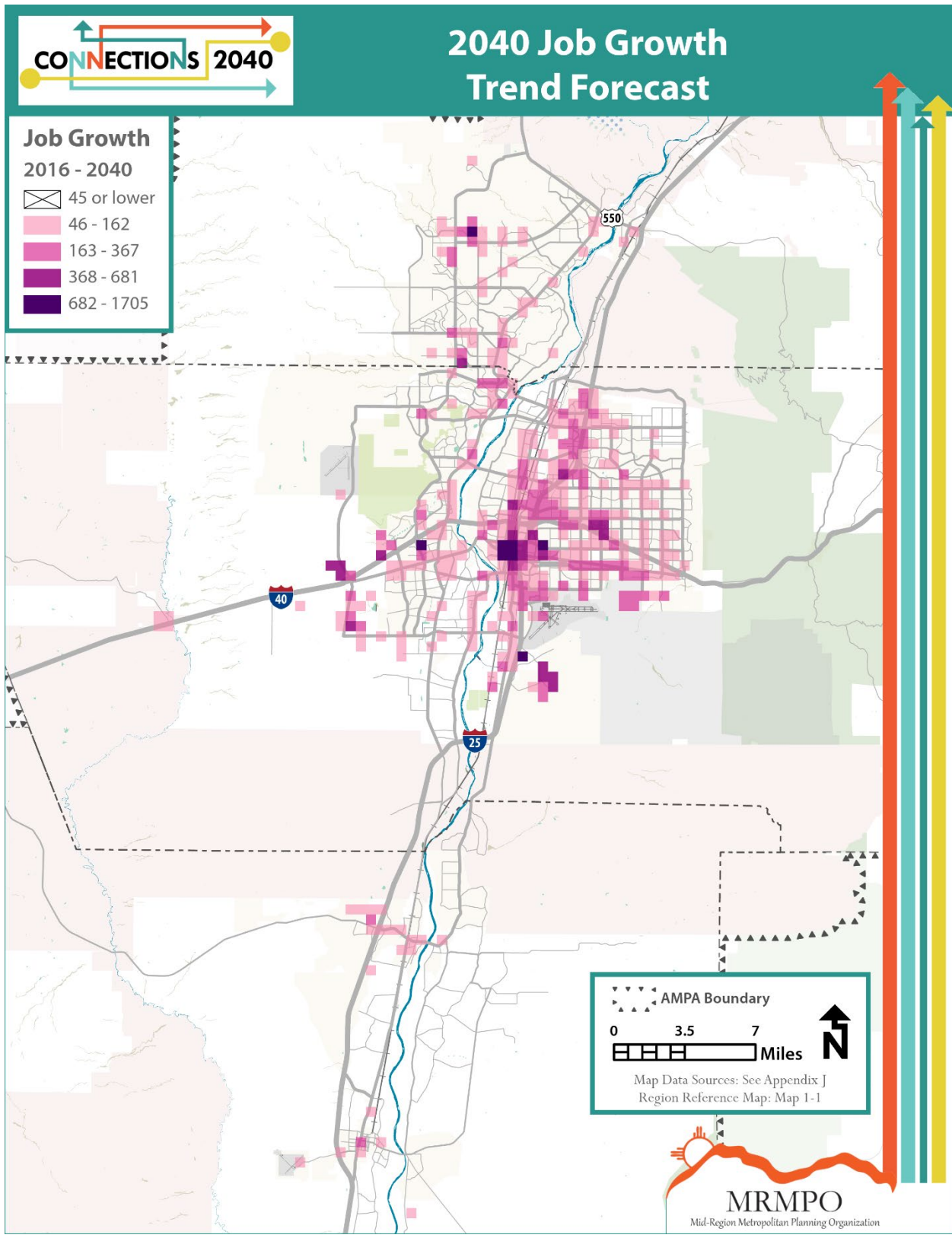


Figure 19: Mid-Region Metropolitan Planning Organization 2040 Job Growth Trend Forecast

In addition to any neighborhood or association covenants which are enforced privately, below are elements from the City's residential design criteria mentioned in the Rio Rancho Municipal Code that may impact the potential affordability of housing in Rio Rancho:

- Each dwelling unit must have either an attached or detached private garage structurally affixed to a permanent foundation of sufficient size park vehicles. The number of parking spaces shall be in accordance with off-street parking requirements...The garage shall have an external appearance and finish treatment similar to and consistent with the dwelling unit.
- Each single-family dwelling unit shall have exterior siding and roofing which, in color, materials and appearance, are comparable to the predominant materials in use on surrounding dwelling units, or if there is no predominance, are similar to the exterior siding and roofing material commonly in use on residential dwelling units in the community as a whole.
- All utility services and distribution lines shall be placed underground.
- Design criteria for landscaping include (per dwelling unit) a minimum of two trees, each of a minimum one and one-half inches in caliper (deciduous trees) or eight-foot-high conifers (evergreen trees), and three five-gallon shrubs.

Community Opposition

Like many communities in the United States where extensive single-family zoning is the status quo, a vocal contingency of Rio Rancho residents has publicly expressed “Not in My Backyard” (NIMBY) attitudes about affordable housing, or multifamily housing more generally. To the extent that residents with this mindset have sway over public officials who are responsible for approving conditional or special uses to allow the development of multifamily housing, NIMBY attitudes are a significant constraint on the production of housing typologies conducive to affordability in Rio Rancho. Local developers are most likely to stick with single-family developments, while multifamily developments are pursued largely by nonlocal or national developers. Staff consult comprehensive, master, and area plans when making recommendations, but ultimately the typologies built are largely at the discretion of the developers.

Limited Staff Capacity

There is currently limited capacity to implement and operate complex affordable housing programs as the City's only housing programs use Community Development Block Grant (CDBG) funds. Rio Rancho has one full-time CDBG employee. The City does not operate or coordinate services for Housing Choice Vouchers holders. Funding for affordable housing programs is limited to CDBG funds, which have primarily been used to support the following housing activities:

- Provide support for individuals transitioning from homelessness to shelter through a partnership with the Sandoval County Permanent Supportive Housing program;
- Operate a Down Payment Assistance program that helps low-to-moderate-income Rio Rancho residents purchase their first homes;
- Conduct home repairs that are meant to alleviate financial burdens for Rio Rancho residents as they age in place.

The City does not operate any affordable housing development programs or provide direct assistance for low- or moderate-income renters who fall outside of the category of special needs individuals or families.

Opportunities to Incentivize Additional Density and Different Housing Typologies

“Missing Middle Housing” - The City’s regulatory framework could proactively encourage and incentivize different housing typologies that may be offered for sale or lease at lower price points, including various degrees of multifamily and small-lot single family development. This “missing middle” housing includes typologies between single-family units and multifamily units that may be renter- or owner-occupied. This more efficient use of land and infrastructure (i.e. added density) decreases the cost of development, thus allowing the developer to charge lower rents or sale prices while still making a reasonable profit. In areas of the county such as Rio Rancho that have rapidly rising home prices, these structures – duplexes, townhomes, triplexes and fourplexes – represent some of the last opportunities for first-time homebuyers to access the home market at a price point that is affordable. It must be noted, however, that increasing the supply of “missing middle housing” does not solve housing affordability issues. Even if developers become interested in building more multifamily and “missing middle” housing, these units will likely be offered at market rates that are still not affordable for renters and buyers of lower incomes. Therefore, it is crucial that the City leverage financial resources and land use tools to prioritize, incentivize, and facilitate easier development of affordable housing options for residents.

The following residential zoning designations allow for multifamily construction at the indicated densities:

- R-3 (mixed residential district) – allows multifamily dwellings with a conditional use designation, provided there are not more than 26 units per acre, with a site plan reviewed by the Planning and Zoning Commission and approved by the Governing Body.
- R-6 (multi-family residential district) - permissive uses include multiple-family dwelling units for sale or rent that are attached, up to a density of 50 dwelling units/acre.

The multifamily densities allowed conditionally in R-3 and by right in R-6 are conducive to affordable housing development of a variety of typologies.

Tiny Homes and ADUs - An Accessory Dwelling Unit (ADU) is a secondary house located on the same lot as a larger, primary home. ADUs differ from other accessory structures such as sheds, pool houses, and workshops insofar as they contain all of the necessary facilities for a separate dwelling unit, including separate sleeping, eating and bathing facilities. Homeowners may be motivated to build an ADU in order to create separate living space for an aging parent or a college student who has returned home. Alternatively, they may want to tap into an additional source of income by renting out the ADU to a tenant.

In Rio Rancho, residents often refer to ADUs as “casitas.” The city code defines an ADU as “a separate, complete housekeeping unit, attached or detached, which does not exceed 900 square feet or 50% of the primary structure, whichever is greater, and is on a lot 7,000 square feet or greater in area, but not a mobile home, with a separate entrance, kitchen, sleeping area and full bathroom facilities.” The city code imposes several design and parking requirements on ADUs, including requiring an additional parking space that does not block a two-car garage and mandating that the ADU be constructed of materials similar (or same, depending on size of the ADU) in color and appearance to those used in the primary structure. Finally, the city also imposes impact fees on newly-constructed ADUs; these impact fees average \$3-4,000 per structure (not including any applicable water and wastewater meters).

Until 2013, the Rio Rancho city code did not allow property owners to construct and occupy an accessory structure that contained a kitchen. Instead, the municipal code contained a definition for “Accessory Living Quarters” that specifically defined this type of use as “[l]iving quarters that do not contain a kitchen

located within an accessory building” (emphasis added). Furthermore, the former city code limited the use of accessory buildings in R-1 districts by stating that, “[t]here shall not be two separate and distinct dwelling units, each exclusively occupied by some family members.” Since 2019 the City has issued 25 permits for accessory dwelling units.

The assessment of impact fees, cost of utility connections (particularly water and wastewater) as well as parking and foundation requirements all impact the cost of constructing an ADU on a lot. Though property owners may be interested in leasing such a structure to recapture the costs of the investment, those costs might necessitate a higher monthly rent, minimizing the impact of ADUs as a strategy to boost affordable housing. The City should consider waiving the impact fee and rebating the cost of utility connections when an ADU will be offered for an affordable rent.

Infrastructure - As discussed in the prior section, antiquated platting has the tendency to create sprawling development patterns because new planned subdivisions must move outward to access consolidated areas of developable land. Sprawling development requires greater investment in building and maintaining the infrastructure to reach those areas. Homeowners may be faced with unexpected assessments to pay for infrastructure if their property is included in a Special Assessment District. Inadequate investment in publicly-shared infrastructure may also increase individual homeowner costs for services such as water access via private wells, or wastewater disposal via private septic systems. As Rio Rancho has a higher-than-average portion of unpaved roads, the cost of right-of-way construction further burdens multifamily developers. Therefore, the City should identify opportunities to encourage consolidation of parcel, which may include using redevelopment authority pursuant to state statute.

Development Costs

Multiple developers noted that land acquisition costs are reasonable – averaging around \$10 per square foot for land that is zoned for single-family use and \$10-\$30 per square foot for land that is zoned for multifamily use.

While developers reported that there are no unusual soil or environmental constraints that adversely affect the feasibility of residential development, developers uniformly reported that site work – i.e. the work that must be done to prepare a site for building - is a significant driver of total development costs. Specifically, costs associated with installation of on-site and off-site infrastructure can be quite high. This problem appears to be especially acute in Rio Rancho where sprawling development patterns mean that many subdivisions and infill lots are located significant distances away from city infrastructure. , City staff informs that the City charges impact fees of approximately \$10,717.50 per single-family home. According to the City of Rio Rancho Impact Fee Schedule, the City has 7 types of impact fees: roadways, bikeways and trails, parks, public safety, water, sewer, and drainage. The latter is only when necessary. For a 50-unit multifamily development impact fees can total \$208,000 or \$4,174 per unit.

Additionally, supply chain issues, the price of lumber, and a “tremendous” shortage of labor are also contributing to rising development costs. The time it takes to construct a single-family home has also risen sharply. One developer stated that it used to take approximately four months to construct a single-family home, while it now takes closer to 9 months.

The impact of these rising costs is seen in the sales prices of newly constructed homes. Whereas a single-family developer could previously sell subdivision homes under \$200,000 per home and make a

reasonable profit, now many developers price entry-level single-family homes starting at \$350,000 and receive multiple bids.

Housing Needs Assessment

Definitions

Housing is Affordable – when a households’ housing expenses (rent/mortgage and utility costs) are **no more than 30% of their monthly income**.

Cost burdened households – have monthly housing costs (rent/mortgage and utility costs) exceeding 30% of monthly income.

Family – includes related individuals living in the same household.

Household – includes all people living in a housing unit. Members of a household can be related (see family) or unrelated.

Severely cost-burdened households – have monthly housing costs (rent/mortgage and utility costs) exceeding 50% of monthly income.

Housing Affordability Analysis

Summary of Data Impacting Housing Affordability

Rio Rancho is a vibrant and growing community. Over the past 10 years, the city’s population has grown 19 percent from 87,521 residents in 2010 to 104,046 residents in 2020. Many residents work in high-paying industries, including health care, finance and insurance, and other professional services. Rio Rancho residents bring home paychecks that are much higher than the statewide average - the city’s median household income is \$76,096 compared to the statewide median household income of \$53,992.

Rio Rancho’s rapid growth in population has not come without consequences. While Rio Rancho was once known as a community where a young family could purchase a “starter home” or a retiree could purchase a modest home in a warm climate, the city’s housing market no longer offers ample affordable housing options. Over the past five years, homes sales prices have risen dramatically from a median sales price of \$192,000 in 2018 to \$330,000 in early 2023. Average asking rents have also risen at a steady pace from \$992 in 2018 to \$1,404 in early 2023.

Due to the rapid increase in home sales prices and rents, city residents have begun to voice concerns about housing affordability. In a citywide survey conducted in 2022, 74% of respondents agreed or strongly agreed with the statement that “finding housing that is affordable is a problem in the City of Rio Rancho.” Survey respondents recognized that the city’s economy benefits when housing is affordable for both low-income and higher-income earners. Respondents indicated that schools benefit when students have stable housing and families benefit when they can spend more of their income on education, health care, and childcare. Respondents also agreed that the local tax base improves when corporations choose to relocate or expand in Rio Rancho because they know that their employees will be able to find housing that is affordable.

Earlier in this Plan, household income trends, rental trends, and home sales trends were discussed in separate sections. Now, in the following sections, the relationship between incomes and housing costs will be explored in order to identify the extent to which rising housing costs are impacting Rio Rancho residents’ ability to pay for other expenses, such as health care, childcare and groceries.

A homeowner’s housing expenses are typically defined as mortgage payments (principal and interest), property taxes, and property insurance. A renter’s housing expenses are typically defined as rent and utilities. When a homeowner or renter spends more than 30% of their monthly income on housing expenses, they are considered “housing cost-burdened.” While both high-income households and lower-income households can become housing-cost burdened, lower-income households are impacted more severely because their total income is lower. For example, an individual with an annual income of \$100,000 that is spending 40% of their income on housing costs (\$40,000), still has \$60,000 in remaining income that can be used to pay for other expenses. However, an individual earning a \$30,000 annual income who spends 40% of their income on housing costs (\$12,000), only has \$18,000 in remaining income that can be used to pay for other expenses.

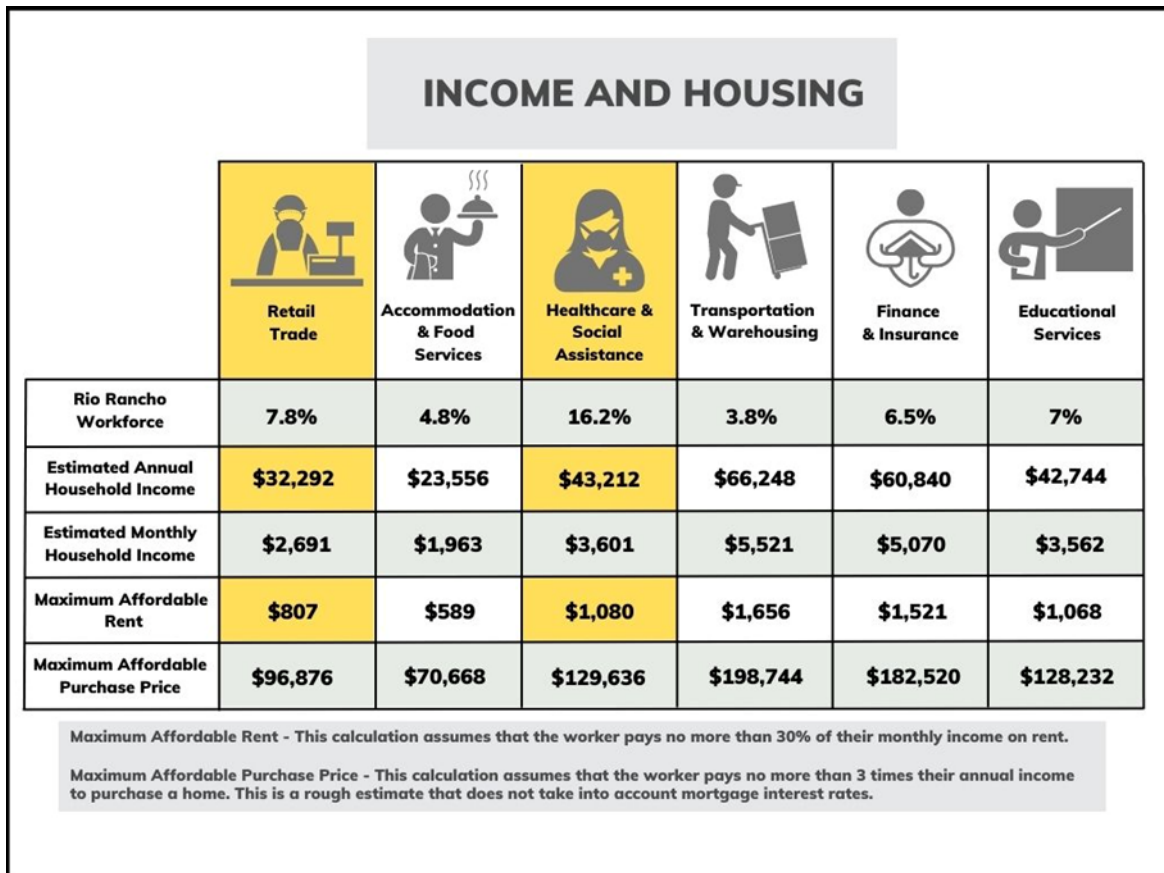


Figure 20, below, provides real-world examples of how much Rio Rancho residents can afford to pay for housing. If their housing payment exceeds the “maximum affordable rent” or if they purchase a home that is priced higher than the “maximum affordable purchase price,” they will be housing cost-burdened.

Figure 20: Analysis of Local Incomes and Affordable Housing Costs

Housing Cost Burden - Renters

In Rio Rancho, the total share of renter households that are cost-burdened or severely cost-burdened increased from 47.6% in 2015 to 49.8% in 2020. The share of renter households in Rio Rancho that were cost-burdened or severely cost-burdened in 2020 (49.8%) was higher than the share in the Albuquerque, NM Metro Area, (46.8%), and higher than the share in the United States (45.7%).

In Rio Rancho, renter households with an annual income less than \$20,000 had the highest incidence of cost burden in 2020 (96%), which is not surprising because the income of these households approximates the poverty threshold. However, over three-fourths (76%) of renter households earning a higher income between \$35,000-\$50,000 were also cost-burdened in 2020. Ten years ago, only one-third (33%) of this cohort of renter households reported being cost-burdened. **Figure 21**, below, displays cost-burden trends for renter households with annual incomes ranging from \$0 to more than \$75,000.

Housing Cost Burden - Renters				
	# of Housing Units	% of Housing Units	# of Housing Units	% of Housing Units
	2010		2020	
Total Housing Units	29,726		35,476	
Renter-occupied housing units:	5,952		7,323	
Less than \$20,000:	1,366		1,044	
Less than 20 percent	26	1.90%	0	0.00%
20 to 29 percent	7	0.51%	43	4.12%
30 percent or more	1,333	97.58%	1,001	95.88%
\$20,000 to \$34,999:	1,110		1,319	
Less than 20 percent	32	2.88%	34	2.58%
20 to 29 percent	160	14.41%	62	4.70%
30 percent or more	918	82.70%	1,223	92.72%
\$35,000 to \$49,999:	994		1,330	
Less than 20 percent	51	5.13%	0	0.00%
20 to 29 percent	611	61.47%	319	23.98%
30 percent or more	332	33.40%	1,011	76.02%
\$50,000 to \$74,999:	1,173		1,649	
Less than 20 percent	334	28.47%	370	22.44%
20 to 29 percent	539	45.95%	935	56.70%
30 percent or more	300	25.58%	344	20.86%
\$75,000 or more:	1,035		1,580	
Less than 20 percent	939	90.72%	1,259	79.68%
20 to 29 percent	96	9.28%	257	16.27%
30 percent or more	0	0.00%	64	4.05%
Zero or negative income	52		75	
No cash rent	222		326	

Figure 21: Trends in Housing Cost .

Within the city limits of Rio Rancho, there are only three multifamily housing complexes that offer subsidies to make rent affordable for lower-income households pursuant to their participation in the Low Income Housing Tax Credit Program. Combined, these three multifamily complexes offer 546 affordable rental units. If a lower-income individual or family cannot secure one of these apartments, they will likely end up paying more than 30% of their annual income on the rent for a market-rate (unsubsidized) apartment. The table below lists an additional 587 affordable rental units under construction or in permitting.

Project Name:	Project Address:	Project City:	Project State:	Total No. of Units:	Total Low-Income Units:
Enchanted Vista Apts.	4501 Sprint Blvd. NE	Rio Rancho	NM	174	174
Arrowhead Ridge Apts.	4515 Arrowhead Ridge Dr. NE	Rio Rancho	NM	179	179
Buena Vista Active Adult Community	1355 Meadowlark Ln. SE	Rio Rancho	NM	258	193
550 Paseo Apts.	7810 Paseo 550 Drive NE	Rio Rancho	NM	240	240
Sandoval Flats*	3200 Camino Encantadas NE	Rio Rancho	NM	216	216
Felician Villa Apts.*	4209 Meadowlark Ln. SE	Rio Rancho	NM	66	65
Felician Villa II Apts.**	4210 Meadowlark Ln. SE	Rio Rancho	NM	66	66
* Project awarded Housing Tax Credits in 2022; ** Project awarded Housing Tax Credits in 2023					

Figure 22: Housing Tax Credit Units in Rio Rancho

Housing Cost Burden – Owners

Unlike the cost-burdened status of Rio Rancho renters, the share of owner-occupied households (with a mortgage) who are moderately or severely cost-burdened decreased from 34.7% in 2015 to 27.9% in 2020. Households without a mortgage saw no notable change in cost-burden (8.6% of homeowners to 8.5% in the same years). The share of owner households in Rio Rancho that were moderately or severely cost-burdened in 2020 (27.9%) was lower than the share in the Albuquerque, NM Metro Area, (29.1%) and around the same as the share in the United States (27.4%). These figures present a stark contrast to the increasing cost burdens experienced by renter households.

Housing Cost Burden - Owners				
	# of Housing Units	% of Housing Units	# of Housing Units	% of Housing Units
	2010		2020	
Total Housing Units	29,726		35,476	
Owner-occupied housing units:	23,774		28,153	
Less than \$20,000:	1,637		1,885	
Less than 20 percent	144	8.80%	157	8.33%
20 to 29 percent	239	14.60%	163	8.65%
30 percent or more	1,254	76.60%	1,565	83.02%
\$20,000 to \$34,999:	2,868		2,355	
Less than 20 percent	515	17.96%	603	25.61%
20 to 29 percent	235	8.19%	292	12.40%
30 percent or more	2,118	73.85%	1,460	62.00%
\$35,000 to \$49,999:	3,973		3,699	
Less than 20 percent	953	23.99%	989	26.74%
20 to 29 percent	1,120	28.19%	902	24.38%
30 percent or more	1,900	47.82%	1,808	48.88%
\$50,000 to \$74,999:	5,480		6,189	
Less than 20 percent	1,952	35.62%	2,435	39.34%
20 to 29 percent	2,065	37.68%	2,503	40.44%
30 percent or more	1,463	26.70%	1,251	20.21%
\$75,000 or more:	9,686		13,892	
Less than 20 percent	6,145	63.44%	10,954	78.85%
20 to 29 percent	2,847	29.39%	2,565	18.46%
30 percent or more	694	7.16%	373	2.68%
Zero or negative income	130		133	

Figure 23: Trends in Housing Cost Burden for Owners

Unsurprisingly, nearly all homeowners earning the lowest annual income - those earning below \$20,000 - were housing cost-burdened. However, nearly 50% of homeowners with a mortgage earning between \$35,000-\$49,999 annually, reported being housing-cost burdened.

Special Needs Analysis

Disabled Persons

The U.S. Census Bureau estimates that 13,680 disabled persons live in the Rio Rancho, which constitutes 14% percent the City's total population. The majority of disabled persons are aged of 65 and older; 27.1% of persons between the age of 65-74 are disabled (2693 persons) and 52.3% of persons 75 years and older are disabled (2,856 persons).

The most prevalent disability is ambulatory difficulty, which is defined as "serious difficulty walking or climbing stairs." Approximately 8% of the City's total population experiences ambulatory difficulty, and approximately 22% of the population 65 years and older experiences ambulatory difficulty (3,413 persons). The second most prevalent disability is independent living difficulty, which is defined as "difficulty doing errands alone such as visiting a doctor's office or shopping due to a physical, mental, or emotional condition." Approximately 7% of the City's total population experiences independent living difficulty, and approximately 15% of the population 65 years and older experiences independent difficulty (2,365 persons).

The U.S. Census Bureau also collects data on employment, income, and poverty levels of disabled persons. In Rio Rancho, much like in the rest of the United States, higher percentages of disabled persons experience poverty and are not in the labor force (i.e. not actively working or searching for work) compared to their non-disabled peers. These factors create a heightened need for accessible housing units that are affordable for low-income disabled persons. Specifically, U.S. Census data reveals that approximately 71% of disabled Rio Rancho residents are not in the labor force, compared to 30% of non-disabled residents. Likewise, the median annual earnings of a disabled Rio Rancho resident is \$30,387 while the median annual earnings of a non-disabled Rio Rancho resident is \$36,417. Higher percentages of disabled residents are living in poverty – 11.5% of disabled Rio Rancho residents over the age of 16 are living in poverty, compared to 7% of non-disabled Rio Rancho residents.

Homeless Persons

Background

Currently, there are no homeless shelters in Rio Rancho or in Sandoval County. Nor is the City a recipient of Emergency Solutions Grant (ESG) funding from the federal government, which provides funding for homelessness-related services, including street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and data collection. The City does not belong to either of the State of New Mexico's two Continuum of Care Programs (CoC). According to the New Mexico Coalition to End Homelessness, CoCs "foster communitywide collaboration and effective communication throughout the state by coordinating federal funding, fostering state-wide connections and aligning quality data with the goal of providing housing and supportive services for individuals and families facing homelessness."

Emergency Solutions Grant (ESG) Background

The U.S. Dept. of Housing and Urban Development ESG program provides funding to: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly rehouse homeless individuals and families, and (6) prevent families/individuals from becoming homeless. Eligible recipients generally consist of states, metropolitan cities, urban counties, and territories, as defined in 24 CFR 576.2. U.S. Department of Housing and Urban Development sets aside for allocation to the territories up to 0.2%, but not less than 0.1%, of the total fiscal year appropriation. The

remainder is allocated to States, metropolitan cities, and urban counties. The percentage allocated to each State, metropolitan city, and urban county equals the percentage of the total amount available under section 106 of the Housing and Community Development Act of 1974 for the prior fiscal year that was allocated to the State, metropolitan city or urban county. If an allocation to a metropolitan city or urban county would be less than 0.05% of the total fiscal year appropriation for ESG, the amount is added to the allocation of the State in which the city or county is located. HUD notifies each State, metropolitan city, urban county, and territory that is eligible to receive an allocation under this section of the amount of its allocation. In New Mexico, the New Mexico Mortgage Finance Authority (MFA) receives ESG funds for Statewide use. MFA then distributes funds to service providers in the State.

Continuum of Care Programs

The Continuum of Care (CoC) Program is designed to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

On March 28, 2023, HUD announced \$2.76 billion in FY 2022 Continuum of Care (CoC) Competition Awards in approximately 7,000 local homeless housing and service programs across the U.S. and its territories. These CoC grants provide funding for efforts by nonprofit providers, states, and local governments to quickly rehouse individuals and families experiencing homelessness and provide support while minimizing the trauma and dislocation caused by homelessness. The New Mexico Coalition to End Homeless Reports the Albuquerque (NM-500) CoC was awarded a total of **\$6,054,608** and New Mexico Balance of State CoC (NM-501) was awarded a total of **\$8,479,033** in funding. Recipients of these funds can be found here <https://www.nmceh.org/cocfederalfunding>.

A second Continuum of Care program is managed by the New Mexico Mortgage Finance Authority (MFA). The CoC Performance program supports nonprofit agencies that provide homeless prevention and assistance services. The program is funded through NM State Homeless Funds. MFA partners with the New Mexico Coalition to End Homelessness to provide funding through this program to agencies across the state.

Data

While the City does not specifically receive funding for homeless services through the ESG grant, the City of Rio Rancho regularly uses federal Community Development Block Grant (CDBG) funding to support several local agencies that service persons who are homeless or at risk of homelessness, including those who are fleeing domestic violence. The City currently provides funding to: (1) Sandoval County Permanent Supportive Housing Program to fund staff who provide outreach assessment, community service linkages, home visits, housing assessments, intakes, leasing coordination, move-in inspections and client advocacy for chronically homeless persons with chronic disabling conditions; (2) St. Felix Food Pantry Homelessness Prevention Project, which provides short-term utility, rent, and mortgage assistance to extremely low-income and low-income families to enable families to stay in their home with necessary resources in order to avoid shutoff, eviction, or foreclosure, and (3) Haven House, which provides emergency shelter and assistance to victims of domestic violence and their families.

Housing Need

Because the City of Rio Rancho is not a member of a Continuum of Care, it does not participate in the annual Point-in-Time Count, which is a count of sheltered and unsheltered people experiencing homelessness in a city on a single night. However, data collected by local service agencies indicates that Rio Rancho has a need for housing units that are affordable for persons with extremely low incomes – such as persons who are homeless or at risk of homelessness. For example, in recent CDBG planning and performance reports, the City has reported that the Sandoval County Permanent Supportive Housing Program provided housing and supportive services to approximately 60 chronically homeless persons residing in Rio Rancho. Additionally, Haven House reporting providing temporary housing to approximately 300 persons fleeing domestic violence and St. Felix Pantry reported providing short-term utility, rent, and mortgage assistance to approximately 300 individuals.

Gap Between Market Rate Housing Costs and Incomes

Definitions

Median and Average Income - The U.S. Census Bureau collects and publishes data related to median and average income for families and households. This data is published for various geographies including census tracts, census block groups, cities, and zip code tabulation areas. Median/Average Household Income is often less than Median/Average Family Income because households can be as small as one person living alone, whereas the minimum family size is at least two related persons living together. Additionally, families tend to have more people who are earning an income, as compared to households, which may have only one person (who may be elderly and on a fixed-income).

Income limits – also known as Area Median Income – set forth the maximum income a household can earn and still be eligible for specific affordable housing programs. These income limits are adjusted upwards and downwards depending on a household's size; larger households may earn higher incomes and still be eligible for various affordable housing programs.

The Department of Housing & Urban Development (HUD) uses income data collected by the U.S. Census Bureau to estimate Median Family Income (MFI) for states, non-metropolitan counties and metropolitan statistical areas (a combination of counties). HUD then uses the MFI to calculate income limits for its programs, such as the Community Development Block Grant Program. The adjusted income limits are commonly referred to as Area Median Income (AMI).

Rent limits – set forth the maximum monthly rent that can be charged by a landlord who is participating in an affordable housing program. The rent limits are calculated based on a presumed household size of 1.5 occupants per bedroom, or one occupant for studio/efficiency units.

HUD does not set individual income and rent limits for every city in the nation; instead, HUD sets its income and rent limits based on broader geographic areas that often include multiple counties. The City of Rio Rancho is part of the Albuquerque, NM Metropolitan Statistical Area (MSA). HUD uses income data from the following counties to calculate the AMIs for the Albuquerque, NM MSA: Bernalillo County, NM; Sandoval County, NM; Tarrant County, NM; and Valencia County, NM.

*The New Mexico Mortgage Finance Authority publishes the income and rents limits on its website on an annual basis. HUD calculates income limits only up to 80% of the median family income for the MSA. For purposes of this housing Plan, additional income and rent limits were calculated to include 80-120% AMIs.

Overview of Gap Analysis

In the **Housing Affordability Analysis**, this Plan began examining the relationship between incomes and housing costs and introduced the term *housing cost-burden*. In this section, the Plan further explores actual market data to provide examples of the gap between rents and mortgage payments that are considered affordable (i.e. household is not spending more than 30% of their annual income on housing costs) and actual market-rate housing costs.

Figures 24 and 25 display the income limits calculated by the New Mexico Mortgage Finance Authority (NMMFA) along with their calculation of affordable rents. As discussed further below, market rents are considerably higher than the affordable rents calculated by NMMFA.

New Mexico Mortgage Finance Authority									
2022 Housing Tax Credit Income and Rent Limits									
Income Limits	AMFI %	Number of Household Members							
		1	2	3	4	5	6	7	8
	20%	\$10,580	\$12,080	\$13,600	\$15,100	\$16,320	\$17,520	\$18,740	\$19,940
	30%	\$15,870	\$18,120	\$20,400	\$22,650	\$24,480	\$26,280	\$28,110	\$29,910
	40%	\$21,160	\$24,160	\$27,200	\$30,200	\$32,640	\$35,040	\$37,480	\$39,880
	50%	\$26,450	\$30,200	\$34,000	\$37,750	\$40,800	\$43,800	\$46,850	\$49,850
	60%	\$31,740	\$36,240	\$40,800	\$45,300	\$48,960	\$52,560	\$56,220	\$59,820
	70%	\$37,030	\$42,280	\$47,600	\$52,850	\$57,120	\$61,320	\$65,590	\$69,790
	80%	\$42,320	\$48,320	\$54,400	\$60,400	\$65,280	\$70,080	\$74,960	\$79,760
	90%	\$47,610	\$54,360	\$61,200	\$67,950	\$73,440	\$78,840	\$84,330	\$89,730
	100%	\$52,900	\$60,400	\$68,000	\$75,500	\$81,600	\$87,600	\$93,700	\$99,700
	110%	\$58,190	\$66,440	\$74,800	\$83,050	\$89,760	\$96,360	\$103,070	\$109,670
	120%	\$63,480	\$72,480	\$81,600	\$90,600	\$97,920	\$105,120	\$112,440	\$119,640

Figure 24: New Mexico Mortgage Finance Authority Income Limits

Rent Limits	AMFI%	Number of Bedrooms					
		0	1	2	3	4	5
	20%	\$264	\$283	\$340	\$392	\$438	\$483
	30%	\$396	\$424	\$510	\$589	\$657	\$725
	40%	\$529	\$566	\$680	\$785	\$876	\$967
	50%	\$661	\$708	\$850	\$981	\$1,095	\$1,208
	60%	\$793	\$849	\$1,020	\$1,178	\$1,314	\$818
	70%	\$925	\$991	\$1,190	\$1,374	\$1,533	\$1,692
	80%	\$1,058	\$1,133	\$1,360	\$1,571	\$1,752	\$1,934
	90%	\$1,190	\$1,274	\$1,530	\$1,767	\$1,971	\$2,175
	100%	\$1,322	\$1,416	\$1,700	\$1,963	\$2,190	\$2,417
	110%	\$1,454	\$1,557	\$1,870	\$2,160	\$2,409	\$2,659
	120%	\$1,587	\$1,699	\$2,040	\$2,356	\$2,628	\$2,901

Figure 25: New Mexico Mortgage Finance Authority Rent Limits

Multifamily Rental Units

NW ABQ Submarket	Number of Bedrooms						
		0	1	2	3	4	5
Asking Rent		\$1,003	\$1,254	\$1,407	\$1,681		
Inventory		1.2%	43.2%	45.2%	10.3%		

Figure 26: Asking Rent in the Northwest Submarket

Market rate rental data from Moody’s Analytics was examined in order to identify the gap between market rate apartment rental housing costs and the area median income for various household sizes. The table below displays the average asking rent for 0-3 bedroom units in the submarket. When compared against NMMFA’s rents limits, it is apparent that a single person earning less than 80% of the area median income (\$42,320) would not be able to afford the average rent charged for an efficiency apartment. Likewise, a single person or a 2-person household earning less than 90% of the area median income (\$47,610 or \$54,360) would not be able to afford the average rent charged for a one-bedroom apartment. The same trend holds true for apartments with additional bedrooms – a household would need to earn at least 80% of the area median income in order to be able to afford to pay the average rent charged in Rio Rancho.

For-Sale Housing

Recent home sales data, along with home sales trend data, both of which were discussed earlier in this Plan and displayed in **Figure 15**, demonstrate that it has become nearly impossible for low- and moderate-income individuals to purchase a home in the City of Rio Rancho. The median closing price has increased from \$192,000 in 2018, to \$330,000 in September 2022.

In order to visualize how out-of-reach Rio Rancho home sales prices have become for low- and moderate-income households, we created **Figure 27**, which is displayed on the next page. In this example, we assumed that a family attempting to purchase a home in Rio Rancho earned the median household income for the City of Rio Rancho (\$66,733), which roughly equates to the 90% AMI income limit for a household of four. We also assumed that the family would attempt to purchase a modest home for \$295,000, rather than a home selling for the September 2022 median closing price of \$330,000.

We then used the two most common lender underwriting ratios to calculate the maximum mortgage loan for which the household would qualify. The first lender underwriting ratio that we used was the front-end/back-end ratio, which accounts for a household’s ability to pay their total monthly housing costs (i.e. mortgage principal, mortgage interest, property taxes and home insurance (PITI)). The front-end ratio compares the household’s monthly housing costs, *exclusive* of any other monthly consumer debt payments (such as student loan or car payments) to the household’s total annual income. The back-end ratio compares the household’s total consumer debt payments to the household’s total annual income. The second lender underwriting ratio that we used was the loan-to-value ratio, which compares the assessed value of a property to the mortgage loan.

In this example, the lender used a front-end ratio of 28% and a back-end ratio of 36%. Since our sample household had annual income of \$66,733, if the front-end ratio was 28%, they would have \$18,685 available annually to pay PITI. We assumed that the household would pay annual property taxes of \$2,124 and annual home insurance of \$2,567, leaving \$13,994 annually and \$1,166 monthly available for mortgage payments. Taking into account the household's other consumer debt (\$300 car payment and \$200 student loan payment), we calculated that the household would have \$13,332 annually and \$1,111 monthly available for all consumer debt payments. Since the lender will always take into account a household's ability to pay all consumer debt, we used \$1,111 to calculate the maximum mortgage amount assuming that the household qualified for a mortgage interest rate of 6.5% and a loan term of 30 years. Thus, according to this calculation, the household would qualify for a maximum mortgage loan of \$175,790.

Using the much simpler loan-to-value ratio, we assumed that the lender would loan a maximum of 80% of the home's assessed value. Therefore, according to this calculation, the household would qualify for a maximum mortgage loan of \$236,000. Since a lender will almost always use the lower of the two ratios, we concluded that the household would qualify for a maximum mortgage loan of \$175,790.

With a maximum mortgage loan of \$175,790, this household would have to bring \$119,210 in cash to the table in order to purchase a home selling for \$295,000, which equates to a 40% down payment. However, if the household was able to secure a much lower interest rate of 3%, they would qualify for a significantly higher mortgage loan of \$263,545, which would only require an approximately 10% down payment.

This example demonstrates that, even in a low interest rate environment (3% or less), a household earning less than the City’s median income would find it nearly impossible to afford to purchase a home in Rio Rancho. And, in this increasingly high interest rate environment, homeownership is also out of reach for households earning incomes slightly above the city’s median household income.

CALCULATING HOUSING AFFORDABILITY - RIO RANCHO HOMEBUYER

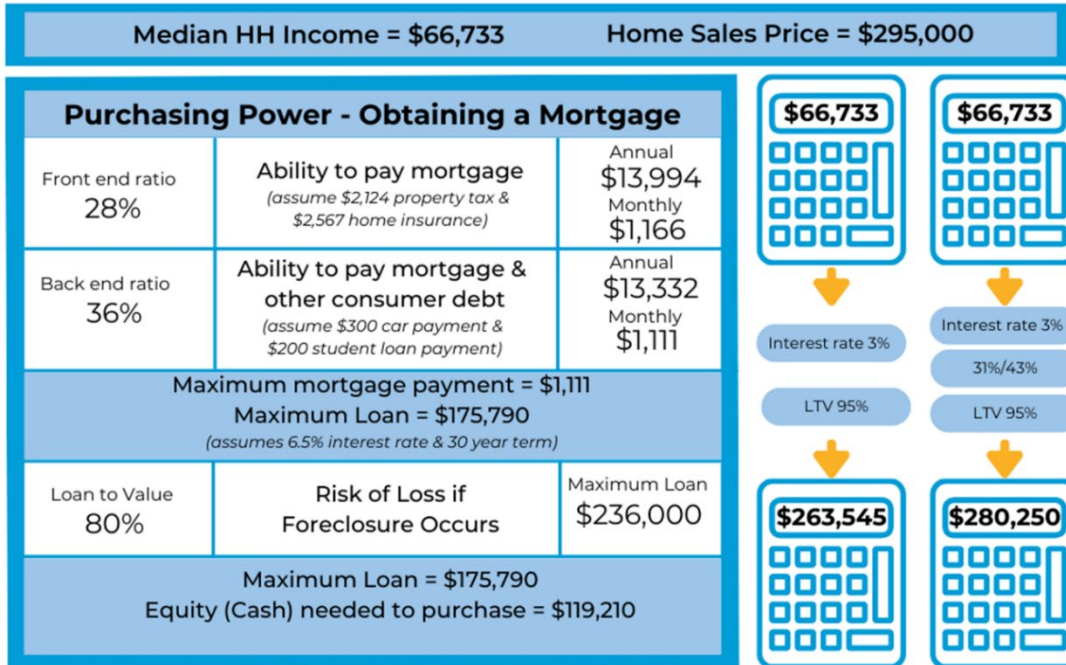


Figure 27: Homebuyer Affordability Analysis

Current and Future Housing Needs

Overview of Current and Future Housing Needs Analysis

In the **Housing Affordability Analysis**, this Study examined the relationship between incomes and housing costs and introduced the term *housing cost-burden*. In the **Gap Analysis**, the Plan further explored the gap between rents and mortgage payments that are considered affordable and the rents and sales prices that are currently offered in the Rio Rancho market. In this section, the Plan reviews population growth trend data, household formation data, and existing housing cost-burden data to estimate Rio Rancho's current and future need for affordable for-sale and rental housing units.

Unlike some analyses that examine current and future affordable housing needs only by income and tenure (renter/owner), this Plan analyzes affordable housing needs based on household income, tenure as well as the **household's size and the type of housing unit in which the household resides (multifamily/single family)**. This more-detailed analysis will allow Rio Rancho to develop incentives that are tailored to the needs in the community and to support projects that propose to build the types of units that are needed in the community.

Analysis of Current and Future Housing Need

Population Growth - In 2010, the population of Rio Rancho was 87,521. By 2020, the City's population had grown to 104,046, which was a 19% increase in population during the 10-year period. Per the most recent U.S. Census American Community Survey 1-Year Estimates (2021), the City has added an additional 1,793 new residents for a total population of 105,839.

The City's actual population growth from 2010-2020 is aligned with the population growth that was anticipated in the City's Comprehensive Plan, which was adopted in 2011 and amended in 2015. The Comprehensive Plan states, "Rio Rancho has been characterized as a growing community since its incorporation in 1981. A number of population projections indicate that Rio Rancho will continue to increase in population over the next several decades." While the City's population continues on an upward growth trend, over the past decade, the New Mexico Mid-Region Council of Government (MRCOG) has revised its projections regarding the rate at which Rio Rancho will continue to grow. Specifically, MRCOG previously estimated that Rio Rancho's population would grow to over 210,000 by 2035. However, in its most recently-published projections, the MRCOG projects that Rio Rancho will have a population of approximately 118,233 by 2040, which would be a rate of population growth of approximately 14% over the time period from 2020 to 2040.

Household Formation - In order to assess future housing needs, it is important to examine household formation trends alongside total population growth. Population increases that result from births, for example, do not necessarily create a need for new housing units, since newborn children will join *already existing households*. However, where population growth is driven by the migration of people into a City, these newly-arrived residents often desire to rent or own their own home rather than move in with family or friends. Therefore, these new residents form *new households*.

A "household" is defined by the U.S. Census Bureau as "all people living in a housing unit. Members of a household can be related or unrelated."

Rio Rancho has a total of 35,476 households, which is an increase of 5,550 households from a total of 29,726 in 2010. This is an increase of 19% in 10 years, which closely aligns with the City’s 19% total population growth. Of these households, nearly 74% are “family households,” meaning that the household includes related individuals living in the same household, and 26% are “non-family households,” meaning that the householder is living alone (a one-person household) or the householder shares the home *exclusively* with people to whom he/she is not related. This ratio of family to non-family households has remained virtually unchanged over the past 10 years. The percentage of persons living alone has dipped slightly over the past decade, from 22.7% of all households in 2010 to 19.6% of all households in 2020.

Based on the fact that the population of Rio Rancho and the number of households have grown at similar rates, MRCOG’s population growth estimates can be used as a basis for estimating future housing needs. Although MRCOG projected a 14% increase in population by 2040, this analysis uses a slightly more conservative projection of 10% population and household growth over the next 5 years.

Housing Unit Production – After examining total population growth and household formation, the next step in assessing future housing needs is to study how trends in household formation align with the production of housing units and the tenure of people occupying the housing units (owner vs. renter).

A “housing unit” is defined by the U.S. Census Bureau as, “a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters.”

In Rio Rancho, the number of housing units has grown from 34,156 to 40,978 from 2010 to 2021, which is an increase of 17%. The vast majority of housing units in the city are 1-unit detached homes, which are more commonly known as single-family homes. In 2010, approximately 86% of the total housing units were single-family homes; this percentages was unchanged when measured again in 2020.

Housing Units	2010		2021		Change from 2010 to 2021	
	#	%	#	%	#	&
Total Housing Units	34,156		40,978		6,822	20%
1-unit detached	29,955	87.70%	34,667	85%	4,712	16%
1-unit, attached	853	2.50%	820	2%	-33	0%
2 units	34	0.10%	41	0%	7	30%
3 or 4 units	1,332	3.90%	1,229	3%	-103	0%
5 to 9 units	342	1.00%	615	2%	273	80%
10 to 19 units	307	0.90%	942	2%	635	206%
20 or more units	546	1.60%	1,352	3%	806	147%

Figure 28: Trends in Housing Type

However, over this same period of time, there have been noticeable increases and decreases in certain other types of housing units. Specifically, as shown in **Figure 28**, the City experienced a loss of 116 housing units located in triplexes and quadplexes as well as a loss of 63 units in mid-sized apartment complexes (10-19 units). Noticeably, the number of mobile or manufactured homes has increased by 448 units, which is an 89% increase in units over the past 10 years.

According to stakeholder feedback, there are very few abandoned homes in Rio Rancho. While census data indicated that there are 1,935 vacant homes in the city, it is likely that these homes are seasonal or “second-home” properties that happened to be vacant during the survey period. Likewise, local realtors stated that there are very few properties that are subject to foreclosure or a short sale – which is another indication that there is strong demand for housing in Rio Rancho. The City reported 63 registered foreclosed homes on 6/16/23.

The fact that the growth in housing units has not kept pace with overall population growth means that current and future Rio Rancho residents are likely to continue to experience rising housing costs, since the demand for housing exceeds supply.

Housing Tenure - There are 28,153 owner-occupied housing units in Rio Rancho, 7,323 renter-occupied housing units, and 1,935 vacant housing units. Rio Rancho is primarily occupied by residents who own their homes. In 2021, 81% of Rio Rancho households owned their home. The remaining 19% of housing units were occupied by renters.

When examining the range of housing types that exist in a city along with breakdowns in owner versus renter status (i.e. housing tenure), it is important to recognize that owners and renters live in a range of housing types, including single-family homes, duplexes, and condominium units in small and large complexes. Unsurprisingly, in Rio Rancho over 97% of persons who own their housing unit live in a one-unit single-family home. But, notably, 60% of renters living in Rio Rancho *also reside in a one-unit single-family home*. Only 10% of renters live in large apartment complexes (50+ units); another 15% live in duplexes, triplexes, or quadplexes.

Housing Needs Calculation

In order to dig deeper into current and future housing needs, the following approach was taken:

- Reviewed U.S. Census American Community Survey 5-year estimates (2016-2020) to determine the number of owner- and renter occupied housing units in the City.
- Reviewed U.S. Census American Community Survey 5-year estimates (2016-2020) to determine the type of housing units that were occupied by owner and renter households and calculated the percentage of each housing unit type that was occupied by owner and renter households of varying sizes.
- Reviewed U.S. Census American Community Survey 5-year estimates (2016-2020) to determine the number of owner- and renter-occupied housing units where the owner or renter reported spending 30% or more of their income on housing costs. These owners and renters were considered “housing cost burdened.”
- Aligned the incomes reported by housing cost-burdened owners and renters with HUD’s area median incomes. The income ranges reported by the U.S. Census do not align exactly with HUD’s area median income. Therefore, owners or renters who reported less than \$20,000 in annual income per the U.S. Census were categorized as 30% AMI households. Owners or renters who reported more than \$20,000 and less than \$35,000 in annual income per the U.S. Census were categorized as 50% AMI households. Owners or renters who reported more than \$35,000 and less than \$75,000 in annual income per the U.S. Census were categorized as 80% AMI households. Owners or renters who reported more than \$75,000 in annual income per the U.S. Census were categorized as 100% AMI (or greater) households.
- Allocated the share of cost-burdened renter- and owner-occupied housing units across various household sizes based on the percentage of each housing unit type that was occupied by owner and renter households of varying sizes.

Using this analysis, this Plan calculates that Rio Rancho has **3,643 housing units that are currently occupied by housing cost-burdened renters** and **6,457 housing units that are currently occupied by housing cost-burdened homeowners**.

Current Needs

Future Needs

Current and Future Affordable Housing Needs – Renter-Occupied Housing Units

Current Housing Need Cost-Burdened Renters	
AMFI %	Units
30%	1001
50%	1223
80%	1355
100%	64
Total	3643

Figure 29: Housing Units Currently Occupied by Housing Cost-Burdened Renters

Future Housing Need Cost-Burdened Renters	
AMFI %	Units
30%	1101
50%	1345
80%	1491
100%	70
Total	4007

Figure 30: Housing Units Projected to be Occupied by Housing Cost-Burdened Renters

The following four tables estimate the number of housing units in Rio Rancho that are currently occupied

Current Housing Need Cost-Burdened Owners	
AMFI %	Units
30%	1565
50%	1460
80%	3059
100%	373
Total	6457

Figure 31: Housing Units Currently Occupied by Housing Cost-Burdened Owners

Future Housing Need Cost-Burdened Owners	
AMFI %	Units
30%	1722
50%	1606
80%	3365
100%	410
Total	7103

Figure 32: Housing Units Projected to be Occupied by Housing Cost-Burdened Owners

by cost-burdened renter households and that will likely be occupied by cost-burdened renters in the next

5 years. The tables are categorized by the type of housing unit where the renter resides – either multifamily (i.e. an apartment unit) or a single-family rental unit.

It is also important to note that cost-burdened renter households are particularly at risk of displacement due to rising housing prices. Since most residential leases are for a term of 1-2 years, renters are exposed to rent increases at each lease renewal. If households with higher incomes who are able to *afford* higher rents begin moving into a neighborhood and seeking housing units to rent, landlords are likely to begin *charging* higher rents. Rents may increase to the point that existing low- and moderate-income renters are forced to move because they cannot afford the higher rents that are charged for their homes.

A similar analysis was conducted to estimate the number of housing units in Rio Rancho that are likely to be occupied by cost-burdened rental households. This analysis assumes 10% population growth equally in all income levels and households sizes over the next 5 years.

Estimated Current Housing Need						
Rental Units - Multifamily						
AMFI %	Number of Household Members					Total
	1	2	3	4	5	
30%	175	124	68	27	6	399
50%	213	151	83	33	7	487
80%	236	167	92	36	8	540
100%	11	8	4	2	0	25
Total	636	450	247	98	22	1451
	Percent Renter Occupied Units - Multifamily					
	17.45%	12.34%	6.77%	2.68%	0.60%	

Figure 33: Estimated Current Affordable Housing Need for Renters Residing in Multifamily Housing Units

Estimated Current Housing Need						
Rental Units - Single Family (detached or attached)						
AMFI %	Number of Household Members					Total
	1	2	3	4	5	
30%	99	222	116	87	78	602
50%	121	271	142	106	96	736
80%	134	301	157	118	106	815
100%	6	14	7	6	5	38
Total	359	808	422	317	285	2191
	Percent Renter Occupied Units - Single Family					
	9.86%	22.18%	11.59%	8.70%	7.82%	

Figure 34: Estimated Current Affordable Housing Need for Renters Residing in Single Family Housing Units

Estimated Future Housing Need						
Rental Units - Multifamily						
AMFI %	Number of Household Members					Total
	1	2	3	4	5	
30%	192	136	75	30	7	439
50%	235	166	91	36	8	536
80%	260	184	101	40	9	594
100%	12	9	5	2	0	28
Total	699	495	271	107	24	1597
	Percent Renter Occupied Units - Multifamily					
	17.45%	12.34%	6.77%	2.68%	0.60%	

Figure 35: Projected Affordable Housing Need for Renters Residing in Multifamily Housing Units

Estimated Future Housing Need						
Rental Units - Single Family (detached or attached)						
AMFI %	Number of Household Members					Total
	1	2	3	4	5	
30%	109	244	128	96	86	662
50%	133	298	156	117	105	809
80%	147	331	173	130	117	897
100%	7	16	8	6	6	42
Total	395	889	464	349	313	2410
	Percent Renter Occupied Units - Single Family					
	9.86%	22.18%	11.59%	8.70%	7.82%	

Figure 36: Projected Affordable Housing Need for Renters Residing in Single Family Housing Units

Current and Future Affordable Housing Needs – Renter-Occupied Housing Units

An analysis was conducted to estimate the number of housing units in Rio Rancho that are currently occupied by cost-burdened owner households. Unlike renters, existing homeowners are less exposed to rising housing prices because their mortgage amount does not adjust based on neighborhood sales prices and the term of their mortgage is usually for at least a decade. Instead, when homeowners become cost-burdened, it is usually because they have experienced a drop in income – for example, due to job loss or retirement – or their housing costs have increased, which could include rising property taxes or insurance. Cost-burdened homeowners are at risk of displacement due to foreclosure and are vulnerable to below-market purchase offers from investors. Likewise, cost-burdened homeowners may struggle to afford to make minor or major repairs to their homes, or even to afford basic landscaping.

Estimated Current Housing Need						
Owner Units - Multifamily						
AMFI %	Number of Household Members					Total
	1	2	3	4	5	
30%	15	17	9	2	1	43
50%	14	16	9	2	1	40
80%	28	33	18	3	1	84
100%	3	4	2	0	0	10
Total	60	69	39	7	3	178
	Percent Owner Occupied Units - Multifamily					
	0.93%	1.07%	0.60%	0.11%	0.04%	

Figure 37: Current Affordable Housing Need for Owners Residing in Multifamily Housing Units

Estimated Current Housing Need						
Owner Units - Single Family (detached or attached)						
AMFI %	Number of Household Members					Total
	1	2	3	4	5	
30%	261	648	237	202	174	1522
50%	244	605	221	188	162	1420
80%	511	1,267	463	394	340	2975
100%	62	154	56	48	41	363
Total	1,078	2,674	976	832	717	6279
	Percent Owner Occupied Units - Single Family					
	16.70%	41.42%	15.12%	12.89%	11.11%	

Figure 38: Current Affordable Housing Need for Owners Residing in Single Family Housing Units

A similar analysis was conducted to estimate the number of housing units in Rio Rancho that are likely to be occupied by cost-burdened owner households. This analysis assumes 10% population growth equally in all income levels and households sizes over the next 5 years.

Estimated Future Housing Need						
Owner Units - Multifamily						
AMFI %	Number of Household Members					Total
	1	2	3	4	5	
30%	16	18	10	2	1	47
50%	15	17	10	2	1	44
80%	31	36	20	4	1	93
100%	4	4	2	0	0	11
Total	66	76	43	8	3	195
	Percent Owner Occupied Units - Multifamily					
	0.93%	1.07%	0.60%	0.11%	0.04%	

Figure 39: Projected Affordable Housing Need for Owners Residing in Multifamily Housing Units

Estimated Current Housing Need						
Owner Units - Single Family (detached or attached)						
AMFI %	Number of Household Members					Total
	1	2	3	4	5	
30%	287	713	260	222	191	1674
50%	268	665	243	207	178	1562
80%	562	1,394	509	434	374	3272
100%	69	170	62	53	46	399
Total	1,186	2,942	1,074	916	789	6907
	Percent Owner Occupied Units - Single Family					
	16.70%	41.42%	15.12%	12.89%	11.11%	

Figure 40: Projected Affordable Housing Need for Owners Residing in Multifamily Housing Units

Home Rehabilitation and Preservation Needs

In the ***Current and Future Housing Needs Analysis*** this Plan estimated the number of homeowners who are currently housing-cost burdened and who are projected to become housing-cost burdened in the next five years. As stated earlier, cost-burdened homeowners may struggle to afford to make minor or major repairs to their homes. Therefore, it is important for the City of Rio Rancho to understand the rehabilitation needs of existing housing units. This will allow the City of Rio Rancho to develop strategies to preserve existing housing units that are occupied by low- and moderate-income owners who do not have the disposable income needed to adequately maintain and repair their homes. The City may also consider developing strategies to encourage landlords to repair and upgrade their existing rental units.

In order to gauge the home rehabilitation and affordable housing preservation needs in the City, this report used information from the City's Comprehensive plan, application data from the City's home repair programs, along with input received via the Affordable Housing Plan survey.

Single-Family Homeowner Repair Needs

Rio Rancho is a relatively "young" city as it wasn't officially incorporated until 1981, although homes were being built decades before the city was incorporated. The city experienced its first building boom in the 1990's with a second, larger building boom between 2000 and 2009. In general, homes that were built prior to 2000 are more likely to be in need of repairs, since many of the components that comprise major systems (roofing, HVAC, plumbing and electrical) tend to have a useful life of between 15-25 years. In Rio Rancho, approximately 21,865 of existing homes were built prior to 2000, which is 58.4% of the City's total housing stock.

Additionally, a unique element of Rio Rancho's history impacts the home repair needs of residents. Many of the homes that were built in Rio Rancho during the 1960's and 1970's were constructed by one builder, Rio Rancho Estates, Inc. (commonly known as "AMREP"), which was also major landowner at the time. According to the City's Comprehensive Plan, these homes were marketed primarily to retirees and young families who were looking for a "starter home." Unfortunately, local residents and construction contractors report that AMREP's quality of construction was poor, which has created repair needs that are more substantial than would be expected for the age of the homes.

While Rio Rancho is a "young" city, a large share of residents are over the age of 65. These residents are both more likely to be on a fixed income (and thus repair and maintenance costs may be more financially burdensome) and more likely to be disabled or have limited mobility (in which case, the physical act of maintaining the property and lot may pose a challenge).

Over the years, Rio Rancho has sought to address the home repair needs of low-income households by investing Community Development Block Grant (CDBG) funding in programs that provide home repair assistance to low-income Rio Rancho homeowners. On average, these programs would assist less than 20 homeowners per year. However, in 2021, the City of Rio Rancho allocated an unprecedented amount of funding – approximately \$360,000 from American Rescue Plan Act – to a Home Repair Pilot Program that was managed by a local non-profit, Homewise, Inc.

The Home Repair Pilot Program allowed qualifying low-income residents to receive up to \$25,000 in a deferred, forgivable, 0% loan to address heating/cooling systems, plumbing systems, roofs, doors, windows, stucco/siding, electrical systems, and other principal components. The deferred, forgivable

loans were structured to be forgiven over a five (5) year period at a rate of 20% per year as long as the homeowner/legal property title holder continues to reside at the property.

To qualify for the Home Repair Pilot Program the home must be in City of Rio Rancho, homeowner income was or at 80% of the Area Median Income for Sandoval County, and all work had to be completed by a licensed, insured and bonded contractor.

The City and Homewise, Inc. marketed the Home Repair Pilot Program between March 3 and March 31, 2022. Homewise, Inc. received 463 inquiries. Once the program opened, Homewise Inc. received over 250 applications for assistance. The number of applications demonstrates an existing level of need that is above the resources that were typically dedicated to the City's home repair program. Additionally, the map included on the next page displays the approximate locations where home repairs were actually completed via the Home Repair Pilot Program. It shows that many of the home repairs were concentrated in older neighborhoods in the southern portion of the City. Given the success of the Home Repair Pilot Program, the FY 24 City budget allocates an additional \$580,000 ARPA funds for Homewise, Inc., to deploy.

Single-Family and Multi-Family Rental Repair Needs

The City of Rio Rancho does not administer either a single family or a multifamily registration and inspection program. However, community perception (as expressed in the Affordable Housing Plan survey) is that many of the City's single-family rental and multifamily rental housing units are not properly maintained or managed.

Census data points to a potential lack of ongoing investment in smaller multifamily complexes, such as triplexes, quadplexes and mid-sized apartment complexes (10-19 units). Specifically, the City has experienced a loss of 116 housing units located in triplexes and quadplexes as well as a loss of 63 units in mid-sized apartment complexes (10-19 units). The fact that these units have been lost from the market suggests that it was more economically viable to demolish the units or convert them to another use rather than repair them.

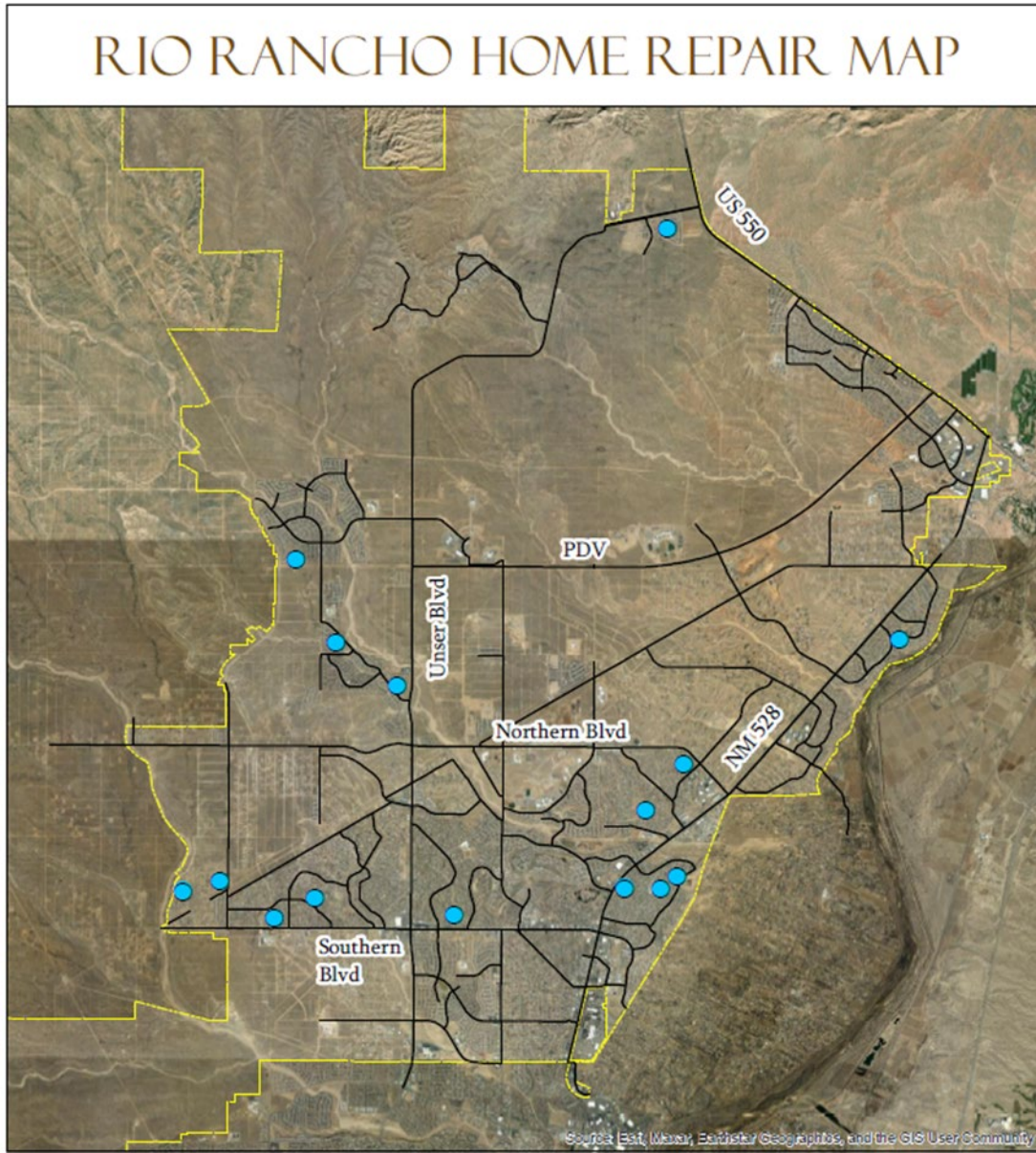


Figure 41: City of Rio Rancho and Homewise, Inc. 2022 Home Repair Program Locations

Goals, Policies and Quantifiable Objectives

Overview of Goal, Policies and Quantifiable Objectives

In the **Housing Affordability Analysis**, this Plan examined the relationship between incomes and housing costs and introduced the term *housing cost-burden*. Next, in the **Gap Analysis**, this Plan further explored the gap between rents and mortgage payments that are considered affordable and the rents and sales prices that are currently offered in the Rio Rancho market. In the **Current and Future Housing Analysis**, this Plan reviewed population growth trend data, household formation data, and existing housing cost-burden data to estimate Rio Rancho’s current and future need for affordable for-sale and rental housing units.

In this final section, the Plan uses the data and analysis from the *Housing Affordability Analysis, Gap Analysis*, and *Current and Future Housing Analysis*, to identify numerous opportunities for Rio Rancho to implement strategies that address the conditions that impact the availability and affordability of housing in the city, including:

- **Preserve existing single-family housing that is occupied by current city residents** by coupling code enforcement activity with resources that help homeowners repair and maintain their homes. For example, Cities across the nation offer 0%, 5-year forgivable loans to qualifying (low to moderate income) homeowners to make necessary repairs. The loan agreement comes with covenants restricting the timeliness of sale of the home and sharing of equity proceeds from a sale of the home.
- **Preserve existing renter-occupied single-family housing** by developing a single-family rental registration and inspection ordinance. A rental registration and inspection ordinance will help the city identify the location and condition of single-family rental properties. Thereafter, the city can design an incentive program to encourage landlords to repair and maintain their properties. For example, Cities across the nation offer 0%, 5-year forgivable loans to qualifying landlords to make necessary repairs. The loan agreement comes with covenants restricting the rent charged (keeping it affordable), timeliness of sale of the home and sharing of equity proceeds from a sale of the home. A program like this may preserve existing affordable renter occupied single family housing and reduce naturally occurring affordable housing
- **Spur development of housing on vacant or underutilized parcels** by creating a land swap /land banking program that allows the city to sell city-owned land to developers who agree to build housing that is affordable to families earning a range of incomes.
- **Encourage development of “starter homes”** and other forms of affordable housing by providing public financing to support housing development.
- **Add additional housing units to existing neighborhoods** by helping homeowners navigate the process of building a backyard casita or a garage conversion.
- **Speed up housing development by removing unnecessary regulatory barriers** to developing a range of housing types and encourage more new housing development by modifying land use regulations so that more dense forms of housing can be developed throughout the city.

Additionally, this Plan proposes quantifiable objectives that seek to meet the affordable housing needs of 20% of homeowner and renter households who are projected to be cost-burdened within the next 5 years.

Preservation Strategies

Couple Code Enforcement with Assistance to Homeowners and Landlords

Context – Owner-Occupied Homes

While it is important and necessary for the City to set and enforce property maintenance standards to protect the health and welfare of residents, it is equally important for the City to recognize that the enforcement of these standards can disproportionately impact low- and moderate-income homeowners who are unable to pay for expensive repairs to their aging homes. Engaging with residents to proactively identify their repair needs can help preserve code enforcement resources and prevent homeowners from facing escalating code enforcement.

The inability to maintain and repair an aging home can cause a cascade of problems for a homeowner. Deferred maintenance, such as an inability to fix broken windowpanes or rotten window casings, can lead to high heating and cooling costs. Similarly, leaking faucets and toilets can lead to higher water bills as well as more extensive water damage, which carries with it high repair costs. And when regular maintenance is deferred for longer periods of time, it can lead to more extensive repair issues that are noticeable from the street – such as sagging roofs, crumbling foundations, and rotten wood siding. This can put the home on the radar of code enforcement officials who may fine the owner for violations of local codes and, in extreme circumstances where the home has become uninhabitable, may order the owner to vacate the property.

Additionally, when owners of aging properties are elderly or disabled, deferred maintenance can prevent the homeowner from safely living in their home. Issues such as holes or cracks in the floor can create trip hazards that lead to falls, especially for homeowners with limited vision. Similarly, without accessibility modifications such as widened doorways, walk-in tubs, or lowered countertops and cabinets, a homeowner with a mobility-related disability may become unable to use rooms in their home, including the kitchen and bathroom. The isolation of the homeowner within their own home can impact their ability to maintain a healthy lifestyle by cooking their own meals and bathing regularly.

Context – Single-Family and Multifamily Rental Properties

Landlords who own single-family or multifamily rental properties can also fall behind on maintenance responsibilities. While some landlords may deliberately choose to ignore repair needs at their properties, other landlords may struggle to obtain loans that allow them to invest significantly in their properties. Regardless of the intention of the landlord, poorly maintained rental properties have a negative impact on the health and well-being of tenants who live in the rental units as well as the vitality of the surrounding neighborhood. Poor maintenance of both single- and multifamily rental properties also creates negative associations within the community regarding density.

There is a strong need for the City of Rio Rancho and the private sector (for-profit and non-profit) to invest in single-family and multi-family rehabilitation programs. Community members expressed a strong preference for investments in rehabilitation programs. Specifically, they expressed concerns about: (1) poorly maintained multifamily properties that become a magnet for crime and (2) aging or disabled homeowners who are both physically and financially unable to make repairs to their home or even maintain the exterior landscaping of their homes.

Continue to Devote Resources to Single-Family Home Repair Programs

The City's most recent Home Repair Pilot Program validated the need to provide home repair assistance to low-income households who struggle to pay for repairs to their aging homes. Through this pilot program, the City was able to identify and partner with a non-profit that had the expertise and staff capacity to administer the program, including evaluating the income of applicants, verifying completion of repairs made by contractors, and offering technical assistance and education to homeowners. The City should consider several options to fund a continuation and expansion of the program:

1. **CDBG Funding** - consider expanding the share of CDBG dollars that are devoted to home repair,
2. **Philanthropic Funding** - conduct outreach with major employers and non-profit organizations such as Homewise Inc. and Habitat for Humanity to identify philanthropic resources that could be devoted to home repair programs,
3. **State-Administered Funding** - Strengthen relationships with the New Mexico Housing Finance Authority and its service-providers in order to market the MFA's home repair and NM EnergySmart Weatherization Programs.

Additionally, if multiple funding sources are secured to continue and expand the City's home repair efforts, the City should consider putting together a working group of staff, home repair service providers, and neighborhood leaders who can work to market and coordinate home repair efforts.

Develop a Single-Family Rental Registration and Inspection Ordinance Coupled with Funding for Repairs

As discussed in the Housing Needs Assessment, 60% of renter households living in Rio Rancho reside in a one-unit single-family home, which equates to 4,405 single-family rental housing units. However, the City of Rio Rancho does not require landlords who own single-family rental properties to register their properties with the City and the City does not regularly inspect these properties. Therefore, the City has very little data about these rental units. For example, the City does not know how many of these units are owned by the same landlord, whether the landlord self-manages the property or uses a third-party property manager, and the physical condition of each unit.

In the Rio Rancho Affordable Housing Plan Survey, nearly 90% of respondents indicated that they strongly agreed or agreed with the statement that the "City should preserve affordable homes by providing financial assistance to encourage single-family landlords to make repairs to their rental properties to address code compliance and/or weatherization issues." However, due to the City's lack of data related to single-family rental properties, it would be difficult for the City to design and market such a program.

If the City adopted a single-family rental registration and inspection program coupled with repair incentives for landlords, the program could assist the City in achieving two goals:

1. To protect the health, safety and welfare of its citizens by identifying the location and condition of all single-family rental properties; and
2. To preserve and create affordable rental housing units by providing a suite of incentives to single-family landlords who repair their properties and agree to charge affordable rents for an agreed-upon period of time.

There is a basis in the current municipal code for a single-family rental registration and inspection program. Currently, the City requires the registration and regular maintenance of properties pursuant to the following ordinances:

- **Chapter 91, Nuisances; Health and Sanitation** – In this chapter, the City of Rio Rancho establishes minimum standards governing the maintenance, appearance, and conditions of all residential and non-residential premises. A primary purpose of the chapter is to promote the health, safety and welfare of the citizens of the city by protecting property from blighting and deteriorating conditions such as leaning fences, graffiti, peeling paint, rotting or damaged materials, inoperable or disabled vehicles, and piles of refuse. The City’s Code Enforcement Division is responsible for enforcement of the chapter.
- **Chapter 99, Abandoned Residential Property Registration**– In this chapter, the City of Rio Rancho established an abandoned residential property registration program that applies to residential properties that are vacant or illegally occupied and are either pending foreclosure or were subject to a foreclosure sale and are owned by the mortgage lender/bank, i.e. Real Estate Owned (REO) properties. The ordinance requires the mortgage lender/bank to regularly inspect any properties subject to a notice of default or where ownership of the property has been transferred to the mortgage lender/bank via a foreclosure sale or deed-in-lieu of foreclosure. The mortgage lender/bank is required to register any properties that are found to be vacant.

Therefore, it is recommended that the City of Rio Rancho consider adopting a single-family rental registration and inspection ordinance. This ordinance could be implemented in two phases. Initially, the City could educate landlords and tenants about the program, market it broadly via community partners such as Realtors and lenders, and open the registration process. After successful implementation of the registration process, the City could begin its inspection process.

The ordinance should require owners of single-family rental properties to register with the City and provide, at a minimum:

- Property address,
- Owner/landlord’s mailing address, email address, and telephone number,
- Property manager’s mailing address, email address, and telephone number (if applicable),
- Name and telephone number of a local representative who is designated as an emergency contact and can arrive at the property within 12-24 hours to respond to a public health or safety emergency at the property,
- A signed verification that the single-family rental property is compliant with Chapter 91’s minimum health and safety standards. *(This could also take the form of a checklist of items that the landlord verifies are in good repair, such as windows and doors, roof, and major systems as well as exterior items such as fences and yards.)*

In addition to the signed verification of property conditions, the City could choose to implement an inspection program. Inspections could occur based only upon complaint by a tenant (or other concerned person) or could occur upon the property’s registration in the program and every 5-7 years thereafter. Where a landlord’s property is found to be in need of repairs, the landlord could be offered financial and non-financial incentives to repair the property and lease it for an affordable rent.

Short-Term Rentals

The City of Rio Rancho requires operators of hotels and other short-term rental properties to register as a vendor and to collect and remit to the city a 5% occupancy tax on all rents collected. Additionally, all New Mexico short-term rental properties are required to collect and pay the state's gross receipts tax. The City of Rio Rancho does not officially license short term rentals such as those found via sites like Airbnb or VRBO and, therefore, it is difficult to determine whether the existence of possible short-term rentals within the City represents as a barrier to affordable housing. However, if the City were to create a licensing program for short-term rentals, this would allow the City to track the number and location of all rentals, the code compliance issues associated with such units, as well as collect a licensing fee for the operation of the rental.

Production Strategies

Develop Land Swap/Land Banking Programs and Encourage Charitable Donations to Qualified Housing Developments

Another way for the City to facilitate the development of new affordable housing is to acquire abandoned and blighted (often tax-delinquent) parcels of land and resell the parcels to builders who agree to construct high-quality affordable housing units on the land. This process is often known as "land banking." Land banking is most easily accomplished when state law creates a process by which municipalities or non-profit agencies can fast-track the foreclosure of tax-delinquent parcels and acquire them *before* they are offered for sale at public auction. However, the State of New Mexico does not currently enable such a process.

However, the City of Rio Rancho has several alternative options to acquire and dispose of land for affordable housing purposes:

Acquisition of Land for Affordable Housing Development

1. **New Mexico Statutes, Chapter 3, Article 43, Section 3-54-2** allows a City to "sell, at a private or public sale, exchange or donate real or personal property to the state, to any of its political subdivisions or to the federal government if such sale, exchange or gift is in the best interests of the public and is approved by the local government division of the department of finance and administration." The City should explore whether any state-owned land would be suitable for residential development and identify city-owned parcels of land that could be exchanged in order to acquire the state-owned property.
2. **New Mexico Statutes, Chapter 3, Article 60A** allows a municipality to engage in redevelopment activities – including land acquisition and disposition - in areas of the city that have been determined to be "a slum area or a blighted area or a combination thereof." A city must comply with all the planning and approval processes outlined in state law prior to engaging in redevelopment activities pursuant to the statute. The City should examine whether any areas in the City meet the state definition of slum or blight areas and explore whether it would be advisable and feasible to engage in redevelopment activities.

Sale of City-Owned Land for Affordable Housing Development – Upon approval of a City of Rio Rancho Affordable Housing Plan by the MFA and adoption of an Affordable Housing Ordinance by the Rio Rancho

City Council, the City will be able to donate city-owned land to for-profit or non-profit organizations who agree to build affordable housing units on the land.

Incentivize Donation via the New Mexico Affordable Housing Tax Credit Program - In addition to developing affordable housing programs that are administered by the City, the City should also develop a strategy for encouraging private parties to support affordable housing development in Rio Rancho via the New Mexico Affordable Housing Tax Credit program.

According to the New Mexico Mortgage Finance Authority, “the New Mexico Affordable Housing Tax Credit program encourages private investment in affordable housing by providing donors to qualified housing developments with a credit on their state taxes. State tax credits provide a direct savings on income taxes, gross receipts taxes and compensating taxes (excluding local option gross receipts tax imposed by a municipality or county or the government gross receipts tax) to any eligible individual, business, and local or tribal government that makes a donation to an affordable housing development.”

Support the Development of New Affordable Housing Units and the Rehabilitation of Existing Units

Developing housing can be a complex and multi-year process that involves identifying a suitable development site, securing financing, obtaining city approvals, constructing the housing, and finding acceptable tenants or purchasers. Developing *affordable housing* involves added complexities because a project that charges below-market rents or sales prices cannot attract sufficient conventional debt and equity to finance the construction and operation of the project; therefore, affordable housing developers must secure additional financing including Low Income Housing Tax Credits, public loans or grants, and fee waivers. Developing *affordable housing in communities that lack affordable units* can be the most complex and difficult type of endeavor because affordable housing developers must compete with market-rate developers for key building sites and often must respond to strong neighborhood opposition regarding the addition of affordable housing in the community.

Therefore, in order to develop a significant amount of new affordable housing units, especially units that are affordable for extremely low-income families, it is necessary to adopt a multi-pronged approach that focuses on the factors that make it financially or politically difficult to develop, including regulatory barriers, lack of infrastructure, and community opposition.

Private Activity Bonds and Gap Financing - Providing low-cost, long-term gap financing to experienced developers and rehabbers of affordable apartment communities and single-family homes is a common strategy that cities use to incentivize the construction or substantial rehabilitation of affordable housing units. The City of Rio Rancho has access to two potential sources of revenue to support the development of affordable housing: (1) the City could issue general obligation bonds for the purpose of providing gap financing to affordable housing developers; this strategy would need to be approved during a general election; or (2) the City could apply to the New Mexico State Board of Finance (SBOF) for an allocation of Private Activity Bonds (PABs), which are a form of tax-exempt financing that may be used to support privately-owned public purpose projects such as affordable single-family mortgage programs or construction of multifamily rental housing. The federal government imposes an annual cap on the principal amount of tax-exempt PABs that may be issued within each state; therefore the allocation process is highly competitive.

Incentivize Accessory Dwelling Units/Casitas and Garage Conversions - In recent years, many cities have recognized that developable land is actually plentiful in many neighborhoods – if you take into account the backyard and side yard space that is available on large single-family lots. The City of Rio Rancho has already authorized the development of accessory dwelling units (ADUs); however less than 20 have been permitted. The City should explore public or private financing options for the construction units that will be tenant occupied and where the owner agrees to charge an affordable rent. Additionally, in such instances, the City should waive the impact fees charged for the construction of an ADU.

Garage Conversions are another tool for residents to leverage their assets as a homeowner. Converting garages into living space adds to homeowners' capacities to accommodate more people or a growing family. In recent years, the City of Rio Rancho discovered that a numerous residents residing in some of Rio Rancho's older communities had completed garage conversions without obtaining building permits. This discovery occurred when property inspections were triggered by property sales or solar panel installation. To expedite and streamline the process for these conversions, the City updated the city code in October 2018 to reflect its adoption of the Retroactive Garage Administrative Conversion Variance Process, which is a streamlined administrative process by which property-owners can apply for an administrative variance. Since 2019, the City has approved 32 such requests – 6 in 2019, 4 in 2020, 13 in 2021, and 9 in 2022. Rising numbers of approvals may simply indicate an increase of awareness of the process but it may also indicate more homeowners making such changes in order to ease cost burden while accommodating larger households.

For both ADUs and garage conversions, the City could provide education or technical assistance to help homeowners successfully complete their projects. For example, the City could release info sheets, FAQs, or even help match ADU owners with renters.

Remove Regulatory Barriers to the Development of Affordable Housing

According to recent research conducted by the National Association of Homebuilders and the National Multifamily Housing Council, regulations imposed by all levels of government account for an average of 40.6% of apartment development costs. At the local level, these regulations can include lengthy and unpredictable zoning approval processes and permit and impact fees. Therefore, since regulations account for a significant share of development costs, Rio Rancho should identify opportunities to waive or modify local regulations in order to incentivize the development of high-quality affordable housing units. This process will involve a balancing of public interests, between the need for affordable housing and financially sustainable city operations. Stakeholders who were consulted during the development of this Plan cited occasional lack of transparency regarding applicable regulations and lack of consistent application of such regulations.

Modify Land Use Regulations to Allow for the Development of More Affordable Housing Units

Nearly every real estate professional who was consulted during the development of this Plan cited zoning as the leading factor that limits construction of "missing middle" housing along with more dense apartment communities. A review of Rio Rancho zoning maps and ordinances shows that existing land zoned for R-6 multi-family residential use is limited and concentrated to particular geographies in the City. The same can be said for R-3 Mixed-residential uses. Results from the Rio Rancho Affordable Housing Survey demonstrate strong support for neighborhoods to be developed with multiple types of housing

rather than a single type of housing. The City of Rio Rancho may choose to expand (and reduce concentrations) of the amount of land designated under the R-6 and R-3 uses or combine the designations to allow for the development of multiple types of housing in new neighborhoods. Multiple types of housing translate into higher density of dwellings and more efficient use of public infrastructure.

Improve Neighborhood Conditions in Order to Spur Private Investment in Housing

Many neighborhoods in the City lack adequate infrastructure that would serve a newly-constructed home, including water and sewer lines, gas pipes, and broadband transmission technology. Private real estate developers and their financing partners will shy away from developing housing in such neighborhoods due to added development costs and the perception that the neighborhood is not adequately prioritized for city investment and services. The City should continue to explore all available opportunities to install infrastructure in neighborhoods as a means of spurring private investment.

Quantifiable Objectives

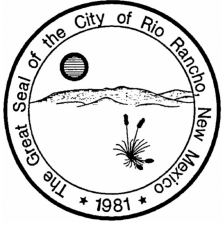
This Plan proposes the following quantifiable objectives that seek to meet the affordable housing needs of 20% of homeowner and renter households who are projected to be cost-burdened within the next 5 years.

Housing Production

- **Produce 220 new rental housing units that are affordable for households earning 30% of AMI or lower.** This goal will allow the City of Rio Rancho to meet 20% of the projected affordable housing need for renters in this income range. **Focus on production of multifamily units with 0-1-2 bedrooms.** This will add to the very limited supply of smaller-size rental units and will provide opportunities for seniors on fixed-incomes who may need assisted services to downsize from their larger homes into a rental product.
- **Produce 269 rental housing units that are affordable for households earning 50% of AMI or lower.** This goal will allow the City of Rio Rancho to meet 20% of the projected affordable housing need for renters in this income range. **Focus on production of multifamily units with 0-1-2 bedrooms.** This will add to the very limited supply of smaller-size rental units and will offer opportunities for entry-level workers to move into Rio Rancho.
- **Produce 344 owner housing units that are affordable for households earning 30% of AMI or lower.** This goal will allow the City of Rio Rancho to meet 20% of the projected affordable housing need for owners in this income range. **Focus on production of condominium and townhouse units with 1-2 bedrooms.** This will add to the very limited supply of smaller-size owner units and will provide opportunities for seniors on fixed-incomes to downsize from their larger homes while still remaining homeowners.

Housing Preservation

- **In the next five years, provide home repair assistance to 100 single-family homeowner households earning 80% AMI or lower.** This goal will allow the City of Rio Rancho to provide assistance to 20% of the homeowners who applied for the 2021 Homewise-administered Home Repair Program.
- **In the next five years, develop and implement single-family and multifamily rental registration programs.** This will allow the City of Rio Rancho to identify the location and condition of its single-family and multifamily rental housing units. The City of Rio Rancho can use the data to develop strategies to incentivize landlords to repair their properties.



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: O29

AGENDA DATE:

December 14, 2023

DEPARTMENT:

City Clerk

SUBJECT:

O29, Ordinance Amending Portions of Chapters 91 Nuisances; Health and Sanitation, Chapter 94 Parks and Open Spaces, Chapter 130 General Provisions, Chapter 131 Offenses Against Order and Safety, Chapter 132 Offenses Against Property, and Chapter 154 Planning and Zoning

BACKGROUND AND ANALYSIS:

Second reading of an Ordinance. The first reading, which occurred on November 16, 2023, received unanimous approval of the Governing Body.

The Ordinance proposes amendments to various areas within Municipal Code for the purpose of modernizing outdated definitions and regulations related to public places, public property, and public right-of-way to provide clear, uniform applicability across corresponding chapters.

These amendments are in-line with the City's efforts to refresh antiquated language throughout the Municipal Code. Many of the changes proposed are within chapters that, in large part, haven't been updated in over 30 years. The most dated chapter last saw revisions in 1981.

The proposed amendments provide for the following:

- uniform definitions for clarity and consistency that will aid in the application and enforcement of the law;
- an accurate reflection of the City Manager's responsibility and duty to designate the hours of operation of City facilities; and
- regulations to protect the public health and safety of the community and to ensure adequate protection of publicly funded resources.

IMPACT:

If approved, Municipal Code will have updated definitions and regulations modernized in relation to public places, public property, and public right-of-way to provide clear, uniform applicability across corresponding chapters.

ALTERNATIVES:

Approve Ordinance.

Do not approve Ordinance.

DEPARTMENT RECOMMENDATION:

Staff recommends the approval of the amendments.

ATTACHMENT: [Ordinance](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

ORDINANCE AMENDING PORTIONS OF CHAPTERS 91 NUISANCES; HEALTH AND SANITATION, CHAPTER 94 PARKS AND OPEN SPACES, CHAPTER 130 GENERAL PROVISIONS, CHAPTER 131 OFFENSES AGAINST ORDER AND SAFETY, CHAPTER 132 OFFENSES AGAINST PROPERTY, AND CHAPTER 154 PLANNING AND ZONING

WHEREAS: the City recognizes the need for uniform definitions in its Municipal Code and the proposed terms and definitions provide for clarity and consistency and will aid in the application and enforcement of the law; and

WHEREAS: the City recognizes the need for the City Manager to designate or alter hours of operation of City facilities, City property, and other City controlled places in step with the duty to manage the day-to-day operations of the City; and

WHEREAS: the City recognizes the need for regulations to protect the public health and safety of the community and to ensure adequate protection of publicly funded resources.

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

Section 1. Chapters 91 Nuisances; Health and Sanitation, Chapter 94 Parks and Open Spaces, Chapter 130 General Provisions, Chapter 131 Offenses Against Order and Safety, Chapter 132 Offenses Against Property, and Chapter 154 Planning and Zoning, are hereby amended to read as follows (underline is new text and strikethrough is deleted text):

CHAPTER 91 NUISANCES, HEALTH AND SANITATION

91.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. A motor vehicle which has remained for more than 48 hours in a condition described by one of the following:

- (1) Without license plates or a temporary registration conspicuously displayed thereon; or
- (2) With license plates which have an expiration date more than 90 days prior to the date of inspection.

AIRBORNE PARTICULATE MATTER. Material discharged into or suspended in the air

1 in finely-divided form, i.e., sand or dust.

2
3 **AIRCRAFT.** Any contrivance now known or hereafter invented, used or designated for
4 navigation or for flight in the air including helicopters, lighter-than-air conveyances.

5
6 **AUTHORIZED PRIVATE RECEPTACLES.** A litter storage and collection receptacle as
7 required in Chapter 50 of this code.

8
9 **BLIGHT or BLIGHTED.** Unsightly conditions including the accumulation of debris; fences
10 characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping
11 that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged
12 and any other similar conditions of disrepair and deterioration regardless of other
13 properties in the area.

14
15 **CITY ENGINEER.** The chief administrative engineer of the city or that engineer's
16 designee.

17
18 **DEBRIS.** Any substance of little or no apparent economic value, which may be present
19 in accumulations in excess of six inches in height and ten inches in diameter, including
20 but not limited to deteriorated lumber, old newspapers, furniture parts, stoves, sinks,
21 cabinets, household fixtures, refrigerators, car parts, abandoned or neglected equipment,
22 or the scattered remains of items.

23
24 **DETERIORATION.** The condition or appearance of a building, structure or part thereof,
25 characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other
26 evidence of physical decay, neglect or lack of maintenance.

27
28 **DIGGING.** Excavating or turning up the soil with a spade or other hand tool.

29
30 **DUST.** Very fine particles that become airborne due to wind, traffic and other human
31 activity.

32
33 **ENCLOSED STRUCTURE.** A structure at least six feet in height or tall enough to
34 eliminate the public's view, including neighbors, of the interior and meets all applicable
35 building codes.

36
37 **EXPOSED TO PUBLIC VIEW.** Any premises, or any building or any part thereof, which
38 may be lawfully viewed by the public or any member thereof, from a sidewalk, street,
39 alleyway, open-air parking lot or from any adjoining or neighboring premises.

40
41 **EXTERIOR OF THE BUILDING.** Those portions of a building which are exposed to public
42 view and the open space of any premises outside of any building erected thereon.

43
44 **EXTERIOR PROPERTY AREAS.** Open space on the premises, on adjoining property
45 and all sidewalks under the control of the owners or operators of the premises.

46
47 **EXTERMINATION.** The control or elimination of insects, rodents or other pests by
48 recognized programs of integrated pest management which includes sanitation,
49 harborage control and the use of approved pesticides and other legal pest elimination
50 methods.

1
2 **FENCES, SCREEN WALLS or RETAINING WALLS.** Self-standing structures designed
3 to provide semi-privacy, security or bank retention between grade separations.
4
5 **FIRE HAZARD.** Anything or act which may increase or may cause any increase of the
6 hazard or menace of fire to a greater degree than that customarily recognized as normal
7 by the Fire Inspector, or which may obstruct, delay or hinder the prevention, suppression
8 or extinguishment of fire.
9
10 **FIRE INSPECTOR.** Department of Public Safety personnel authorized to exercise the
11 powers and duties required in administering and enforcing the city's fire code.
12
13 **GARBAGE.** Putrescible animal and vegetable wastes resulting from the handling,
14 preparation, cooking or consumption of food.
15
16 **GRADING.** Leveling the soil and the removal of vegetation.
17
18 **HANDBILL.** Any printed, reproduced or written matter, or any sample or device which
19 advertises any business, commercial establishment, person, meeting, exhibition,
20 theatrical performance or other activity, for the purpose of either directly or indirectly
21 promoting the interest thereof; or which, while containing reading matter other than
22 advertising matter, is predominantly and essentially for advertising purposes, or for the
23 private benefit and gain of any person so engaged as advertiser for distributor, however,
24 "newspaper," as defined herein, is not to be construed to be included within the definition
25 of **HANDBILL**.
26
27 **HAZARDOUS WASTE.** Any chemical compound, mixture, substance or article which is
28 identified or listed by the United States Environmental Protection Agency or appropriate
29 agency of the state, except that, for the purpose of this article, hazardous waste shall
30 include household waste,
31
32 **HEALTH HAZARD.** The presence of any items which adversely impact or jeopardize the
33 well being or health of an individual. Such items include human waste, medical or
34 biological waste, sharps, gaseous or combustible materials, radioactive waste,
35 dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable
36 asbestos, offal and decay matter.
37
38 **INFESTATION.** The apparent presence of unpleasant, damaging or unhealthful insects,
39 rodents, reptiles or pests.
40
41 **INOPERATIVE or INOPERABLE VEHICLE.** Any motor vehicle which by reasons of
42 dismantling, disrepair or other cause is incapable of being propelled under its own power.
43
44 **LANDFILL.** An area of land or an excavation in which solid wastes are placed for disposal
45 and that employs an engineered method that minimizes environmental hazards and
46 meets the requirements of the state solid waste regulations.
47
48 **LITTER.** Decaying or non-decaying solid and semi-solid wastes, including but not limited
49 to both combustible and non-combustible wastes, such as paper, trash, cardboard, waste
50 material, cans, yard clippings, wood, glass, bedding, scrap paving material, discarded

1 appliances, discarded furniture, dry vegetation, trees, which may harbor insect or rodent
2 infestations or may become a fire hazard, and piles of earth mixed with any of the above
3 foreign objects, including inoperable vehicles.

4
5 **LOT.** A parcel or tract of land, platted and placed on the Sandoval County Clerk's record
6 in accordance with applicable laws and ordinances, generally as a portion of a subdivision
7 intended for development purposes, including public right-of-way.

8
9 **MOTOR VEHICLE.** Any wheeled vehicle which is self-propelled or intended to be self-
10 propelled.

11
12 **NEWSPAPER.** Any newspaper of general or local circulation as defined by general law;
13 any newspaper duly entered with the Post Office Department of the United States, in
14 accordance with federal statute or regulation; any newspaper filed and recorded with any
15 recording officer as provided by general law; and in addition thereto, shall mean and
16 include any periodical or current magazine regularly published with not less than four
17 issues per year, and sold to the public.

18
19 **OCCUPANT.** A person, persons or legal entity that, through rights of ownership or
20 tenancy, has possession or the use and enjoyment of the subject real property.

21
22 **OWNER.** A person, persons or legal entity listed as the current title holder as recorded in
23 the official records of the Sandoval County Assessor's Office.

24
25 **PREMISES.** A lot, plot or parcel of land including the structures thereon.

26
27 **PUBLIC NUISANCE.** Creating, performing or maintaining anything affecting without
28 lawful authority any number of citizens which is either injurious to public health, safety or
29 welfare, or interferes with the exercise and enjoyment of public rights including the right
30 to use public property.

31
32 **PUBLIC PLACE.** Any and all ~~rights of way, and any and all~~ public parks, spaces, and
33 grounds and buildings owned or under the control of the City of Rio Rancho.

34
35 **PUBLIC PROPERTY.** Any public building, facility, structure, parking lot, or enclosure
36 used for a public purpose or as a place of public gathering, owned or under the control of
37 the City of Rio Rancho.

38
39 **PUBLIC RIGHT-OF-WAY.** Paved or unpaved streets and adjoining public real property,
40 alleys, drainage, gutter or other public easements and lined or unlined drainage channels
41 which comprise the municipal storm drainage system.

42
43 **REFUSE.** Includes, but is not limited to all putrescible and nonputrescible solid wastes
44 (except body wastes) including ashes, waste or unwholesome material of any kind, street
45 cleanings, dead animals, abandoned motor vehicles, vehicle parts and solid market and
46 industrial wastes.

47
48 **RESPONSIBLE PARTY.** An occupant, lessor, lessee, manager, licensee or other person
49 having control over a structure or parcel of land; and, in the case where the demolition of
50 a structure is proposed as a means of abatement, any lienholder whose lien interest is

1 recorded in the official records of the Sandoval County Assessor's Office.

2
3 **RUBBISH.** Includes, but is not limited to all nonputrescible solid wastes such as paper,
4 cardboard, cans, wood, yard clippings, leaves, glass, bedding, crockery and other similar
5 materials.

6
7 **SCREENED AREA, EXTERIOR.** An area separated by a permanent non-flexible device
8 to completely conceal one element of a property from other elements or from adjacent or
9 contiguous property. Examples include, but are not limited to fencing six feet in height
10 that is made from solid brick or chain link fencing with opaque slats.

11
12 **SOLID WASTE.** Includes, but is not limited to any garbage, litter, refuse, rubbish, special
13 waste, white goods, debris and other discarded materials originating from residential,
14 commercial or industrial sources.

15
16 **SPECIAL WASTE.** Includes, but is not limited to any solid waste which requires special
17 handling or a special sign such as, but not restricted to, incinerator ash, infectious and
18 noninfectious medical waste, petroleum products, hazardous waste, white goods and
19 tires.

20
21 **TILLAGE.** Cultivating, plowing or turning over the soil.

22
23 **VEGETATION.** Plant life of any kind.

24
25 **WATER.** Water provided through the system through which the city receives its water or
26 any extensions thereof, as well as through private wells and delivery systems.

27
28 **WATER WASTE.** The non-beneficial use of water that is supplied by any water supply
29 system within the municipality.

30
31 **WEEDS.** Pigweed (*lamaranthus retroflexus*), Russian thistle (*salsola pestifer*), or
32 ragweed (*ambrosia* spp.) commonly referred to as tumbleweeds. For the purpose of this
33 subchapter, WEEDS shall also mean plants that, by reason of abandonment, lack of care
34 or lack of maintenance, choke out growth of other plant material in the area, and dead,
35 dying or unattended plant life, named or unnamed, which is abandoned or overgrown.

36
37 **WHITE GOODS.** Includes, but is not limited to any major appliances, such as washing
38 machines, clothes dryers, hot water heaters, stoves and refrigerators.

39
40 **91.07 LITTERING.**

41 *(A) Litter in Public Places, Public Property, or Public Right-of-Way.* No person shall
42 throw or deposit litter in or upon any street, sidewalk or other Public Place, Public
43 Property, or Public Right-of-Way within the city except in public receptacles, in city
44 approved receptacles for collection or at a state approved sanitary landfill.

45
46 *(B) Placement in receptacles; prevention of scattering.* Persons placing litter in public
47 receptacles or in authorized private receptacles shall do so in a manner as to prevent it
48 from being carried or deposited by the elements upon any public or private place.
49 Receptacles shall not be placed or positioned in a manner which may constitute a public
50 nuisance or obstruction.

1
2 (C) *Throwing or distributing handbills or newspapers.*

3
4 (1) *Handbills at Public Places, Public Property, or Public Right-of-Way.* No person
5 shall throw or deposit any handbill in or upon any Public Place, Public Property, or
6 Public Right-of-Way within the city. However, it shall not be a violation of this
7 subchapter for any person to hand out, without charge to the receiver thereof, any
8 handbill to any person willing to accept it in Public Place, Public Property, or Public
9 Right-of-Way.

10
11 (2) *Placing handbills on vehicles.* No person shall throw, attach or deposit any handbill
12 in or upon any vehicle.

13
14 (3) *Distributing handbills or newspapers at private premises.*

15
16 (a) Handbills may be placed or deposited in or upon inhabited private premises by
17 these methods:

18
19 1. Handing or transmitting handbills directly to the occupant of the property
20 then present in and upon the premises; or

21
22 2. Placing and depositing the handbills in a way as to secure the handbills
23 from being blown or drifting about the premises or upon Public Place,
24 Public Property, or Public Right-of-Way.

25
26
27 (b) No handbill or newspaper shall be deposited upon or to any private premises if
28 either of the following applies:

29
30 1. The private premises are temporarily or continuously uninhabited or
31 vacant.

32
33 2. If required by any resident thereon not to do so, a sign no larger than one
34 square foot with letters a minimum of one inch in size, must be placed on
35 the premises in a conspicuous position near the front entrance. The sign
36 must contain the words "No Solicitation," "No Distribution," "No Trespassing"
37 or equivalent wording to indicate that the occupants of the premises do not
38 desire to be molested or have their right of privacy disturbed, or to have the
39 handbills left upon the premises.

40
41 (c) The provisions shall not apply to agencies of federal, state, county or city
42 government, and regulated public utilities with respect to communications or
43 distribution of materials with their customers concerning official business, e.g.,
44 distribution of all articles upon which United States postage has been paid, notices
45 of violation, utility bills, telephone directories or package delivery notices.

46
47 (D) *Dropping litter from aircraft.* No person in aircraft shall throw out, drop or deposit any
48 litter.

49
50 (E) *Posting or affixing notices and posters.* It shall be unlawful to post or affix any notice,

1 poster or other paper or device calculated to attract the attention of the public to any lamp
2 post, public utility pole, street median, Ppublic Rright-of-Wway, tree in the Ppublic Rright-
3 of-Wway, or upon any Public structure or building Property except as may be authorized
4 or required by law.

5
6 (F) *Unlawful dumping or disposal of solid waste.* It shall be unlawful to dispose of solid
7 waste in any manner other than as specified in Chapter 50 of this code.

8
9 (1) *Unlawful to dump.* It shall be unlawful for any person to place or dump solid waste
10 or debris in any arroyo, stream bed, drainage ditch, public fountain or any public body
11 of water within the boundaries of the city.

12
13 (2) *Dumping on property.* It shall be unlawful for any person to place or dump solid
14 waste or debris on any property within the city whether owned by the person or not.

15
16 (3) *Vacant lots or land.* Vacant lots or lands which have been the subject of repeated
17 dumping shall be secured to prevent future occurrences of dumping. Methods of
18 securing vacant lots or lands must be approved and may include permanent fencing,
19 ditch or berm, or placement of four-foot high posts at four-foot intervals. Signs stating
20 "no dumping" shall be erected in accordance with applicable ordinances on vacant
21 lands which have been subject to dumping on more than one occasion.

22
23 (4) *Rebuttable presumption of violation.* Whenever any litter is discovered to contain
24 any article or articles, including but not limited to letters, bills, publications, or other
25 writings which display the name of a person thereon in such a manner as to indicate
26 that the article belongs or belonged to such person, it shall be a rebuttable
27 presumption that such person has violated this subsection.

28
29 (G) *Transportation of solid waste.* No person shall drive or move any vehicle within the
30 city that has been loaded with solid waste unless the solid waste is covered or securely
31 loaded in a manner to prevent littering.

32
33 **91.09 ADMINISTRATION AND ENFORCEMENT.**

34 (A) Except as otherwise provided in this subchapter, the City Development Director, his
35 designee and the code enforcement officers shall enforce this subchapter, which shall
36 include the inspection of premises, the issuance of violations and the issuance of citations
37 pursuant to §Section 150.01, R.O. 2003.

38
39 (B) It shall be unlawful and a violation of this subchapter for the owner, builder, agent,
40 lessee or occupant of any lot within the city to allow solid waste or debris to accumulate
41 upon the property within the city, or to allow materials to accumulate and become in any
42 way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic.
43 Any responsible party who causes, permits, facilitates or aids or abets any violation of
44 any provision of this subchapter shall be subject to enforcement as stated herein.

45
46 (C) Any person aggrieved by a violation or apparent violation of this subchapter may file
47 a written complaint with the City Development Department, shall investigate the complaint
48 and take action to have the violation penalized and removed, if the violation is found to
49 exist.

1 (D)(4) Any person violating the provisions of this subchapter may be issued a notice of
2 violation or a citation to Municipal Court.

3
4 (12) A notice of violation is a warning which requires a reasonable time limit for
5 abatement, which shall not be more than 15 days after the issuance of the notice of
6 violation, except as otherwise provided in this subchapter. The notice of violation shall
7 be written and shall be served by personal delivery or by certified mail to the person's
8 last known address, or by posting upon the property for ten calendar days. Upon the
9 failure to abate a violation pursuant to the issuance of a notice of violation, a citation
10 to Municipal Court will be issued.

11
12 (2E) A notice of violation warning for any offense governed by this subchapter shall
13 also serve as warning notice to the violator that subsequent offenses, within a 12-
14 month period, shall result in a Court citation in lieu of additional notices of violation.

15
16 (FE) In those instances where unauthorized or improper grading or tillage of a lot occurs,
17 the person that caused the violation shall revegetate or restore the property to its prior
18 state; in accordance with a plan approved by the City Development Department Director.

19
20 (GF) Upon the failure of any person to abate a violation of this subchapter, the city may
21 require the removal or mitigation of the violation at the expense of the person who caused
22 the violation or the person in control of a property. Any person who causes property
23 damages to Public Places, Ppublic Pproperty, or Public Right-of-Way shall be liable for
24 the damage. The method for collection of costs to the city may include, but shall not be
25 limited to, a lien pursuant to NMSA §§ 3-36-1 et seq.

26
27 **91.20 UNLAWFUL ACTIVITY.**

28 It is unlawful to commit public nuisance. Public nuisance consists of knowingly creating,
29 performing or maintaining anything affecting any number of citizens without lawful
30 authority which is either injurious to public health, safety, morals or welfare, or interferes
31 with the exercise and enjoyment of public rights including the right to use Public Places,
32 Ppublic Pproperty, or Public Right-of-Way. This may include, but is not limited to, the use
33 of any electronic or mechanical device, including unmanned aircraft such as a drone.

34
35 **CHAPTER 94 PARKS AND OPEN SPACES**

36
37 **94.03 CAMPING.**

38 Camping is allowed only on sites specifically designated and marked as camping areas.
39 For purposes of this Section, the term "Camping" means to reside or dwell temporarily in
40 a place, with shelter, outside of the permitted hours of operation. The term "shelter"
41 includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets,
42 vehicles, recreational vehicles, or any form of cover or protection from the elements other
43 than clothing. The term "Camping" does not apply to grilling, picnicking, and napping
44 during operational hours. The term "recreational vehicles" is defined in Section 154.03,
45 R.O. 2003.

46
47 **94.04 HOURS OF OPERATION.**

48 City park sites will be open from 6:00 a.m. until 10:00 p.m. ~~Any use between 10:00 p.m.~~
49 ~~and 6:00 a.m. is restricted to temporary uses that have been granted by express~~
50 ~~permission of the Director of Parks and Recreation or his duly appointed representative.~~

1 ~~Permission shall be granted upon application and pursuant to set by the Parks and~~
2 ~~Recreation Department.~~

3
4 **94.22 PROHIBITED ACTIVITIES.**

5 It shall be unlawful for any person to engage in any of the following activities in the Rio
6 Rancho Bosque Preserve:

7
8 (A) Hunting, trapping, snaring, or collecting any mammal, bird, reptile or amphibian, or
9 the eggs or young of such animals;

10
11 (B) Cutting wood or digging up, cutting or removing any trees, plants or soil;

12
13 (C) Marking or defacing in any way any tree, shrub, rock, or surface of the Bosque;

14
15 (D) Discharging any firearm, air gun, gas-operated gun, spring gun, or slingshot;

16
17 (E) Bow and arrow shooting;

18
19 (F) Starting or maintaining any fire, including in cook stoves or cooking containers, or
20 igniting any fireworks;

21
22 (G) Discharging, shooting, throwing, or operating model aircraft or rockets;

23
24 (H) Camping, as defined in Section 94.03, R.O. 2003;

25
26 (I) Using the Rio Rancho Bosque Preserve for any commercial purpose;

27
28 (J) Possessing or consuming alcoholic beverages;

29
30 (K) Dumping or littering in any manner;

31
32 (L) Operating any motorized vehicle;

33
34 (M) Equestrian use on existing paths be permitted. This would not include pulling any
35 animal-drawn vehicle;

36
37 (N) Non-motorized bicycles are permitted on existing (or designated) paths in the
38 Bosque. No bicycle competition events or the construction of additional paths will be
39 permitted;

40
41 (O) Erecting or constructing any facility or shelter, including but not limited to picnic
42 tables, campgrounds, chemical toilets, sports fields, shacks or tree houses;

43
44 (P) Permitting any pet to be astray or run at large;

45
46 (Q) Playing any radio, television, sound-amplifying equipment, or any recording device
47 without using a headphone or similar device to contain the sound;

48
49 (R) Smoking;

50

1 (S) Being in the Preserve between the hours of 10:00 p.m. and 5:00 a.m.

2
3 **94.23 EXEMPTIONS.**

4 The following exemptions are hereby allowed, provided that any person exempted under
5 this section shall exercise reasonable care to honor the spirit and intent of the policy and
6 restrictions declared in this subchapter:

7
8 (A) Collecting of materials or items ~~plants or animals~~ for scientific research may be
9 allowed pursuant to prior written authorization by the City Manager or designee Director,
10 ~~of Rio Rancho Department of Parks and Recreation.~~

11
12 (B) Law enforcement officers, fire department and emergency rescue unit personnel,
13 other authorized officers, agents and employees of the federal, state and local
14 government, and any necessary vehicles therefor, acting within the scope of their duties.

15
16 (C) Any enhancements to the preservation and enjoyment of the area authorized by the
17 governing body, including but not limited to such things as bicycle paths and walking trails.

18
19 (D) Any activities authorized by the Director of the, Rio Rancho Department of Public
20 Safety or the Director of the Rio Rancho Fire and Rescue Department, necessary to carry
21 out the requirements of this subchapter.

22
23 **CHAPTER 130 General Provisions**

24
25 **130.02 DEFINITIONS; RULES OF CONSTRUCTION.**

26 For the purpose of this title, the following definitions shall apply unless the context
27 clearly indicates or requires a different meaning.

28
29 **ACCUSED.** Any person charged with the violation of any ordinance of the municipality
30 that imposes a penalty. (NMSA § 31-1-2)

31
32 **ANOTHER or OTHER.** Any other human being or legal entity, whether incorporated or
33 unincorporated, including the United States, the state or any subdivision thereof. (NMSA
34 § 30-1-12)

35
36 **ANYTHING OF VALUE.** Any conceivable thing of the slightest value, tangible or
37 intangible, moveable, corporeal or incorporeal, public or private. The term is not
38 necessarily synonymous with the traditional legal term "property." (NMSA § 30-1-12)

39
40 **BATTERY.** The unlawful, intentional touching or application of force to the person of
41 another, when done in a rude, insolent or angry manner. (NMSA § 30-3-4)

42
43 **BET.** A bargain in which the parties agree that, dependent upon chance, even though
44 accompanied by some skill, one stands to win or lose anything of value specified in the
45 agreement. A BET does not include:

46
47 (1) Bona fide business transactions which are valid under the laws of contracts,
48 including, without limitation:

49
50 (a) Contracts for the purchase or sale, at a future date, of securities or other

1 commodities; and

2
3 (b) Agreements to compensate for loss caused by the happening of chance,
4 including, without limitation contracts for indemnity or guarantee and life and
5 health and accident insurance.

6
7 (2) Offers of purses, prizes or premiums to the actual contestants in any bona fide
8 contest for the determination of skill, speed, strength or endurance or to the bona fide
9 owners of animals or vehicles entered in the contest;

10
11 (3) A lottery which is defined as an enterprise wherein, for a consideration, the
12 participants are given an opportunity to win a prize, the award of which is determined
13 by chance, even though accompanied by some skill. As used in this definition,
14 "consideration" means anything of pecuniary value required to be paid to the promoter
15 in order to participate in the enterprise; or

16
17 (4) Betting otherwise permitted by law. (NMSA § 30-19-1)

18
19 **CARRYING A DEADLY WEAPON.** Being armed with a deadly weapon by having it on
20 the person, or in close proximity thereto, so that the weapon is readily accessible for
21 use. (NMSA § 30-7-1)

22
23 **CONTROLLED SUBSTANCE.** A drug, substance or immediate precursor listed in
24 NMSA §§ 30-31-6 through 30-31-10 of the Controlled Substance Act or regulations
25 adopted thereto.

26
27 **DEADLY WEAPON.** Means any firearm, whether loaded or unloaded; or any weapon
28 capable of producing death or great bodily harm including, but not restricted to, any types
29 of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives,
30 dirk knives, and all such weapons with which dangerous cuts can be given, or with which
31 dangerous thrusts can be inflicted, including swordcanes, and any kind of sharp pointed
32 canes, also slingshots, slung shots, bludgeons; or any other weapons with which
33 dangerous wounds can be inflicted.

34
35 **DEFENDANT.** Any person accused of a violation of any ordinance or code provision
36 that imposes a penalty. (NMSA § 31-1-2)

37
38 **DISORDERLY CONDUCT.** Engaging in violent, abusive, indecent, profane, boisterous,
39 unreasonably loud or otherwise **DISORDERLY CONDUCT** which tends to disturb the
40 peace, or maliciously disturbing, threatening or, in an insolent manner, intentionally
41 touching any house occupied by any person. (NMSA § 30-20-1)

42
43 **DRUG PARAPHERNALIA.** All equipment, products and materials of any kind which are
44 used or intended for use or designed for use in planting, propagating, cultivating, growing,
45 harvesting, manufacturing, compounding, converting, producing, processing, preparing,
46 testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting,
47 ingesting, inhaling or otherwise introducing into the human body a controlled substance
48 or controlled substance analog. It includes but is not limited to:

49
50 (1) Kits used, intended for use or designed for use in planting, propagating, cultivating,

1 growing or harvesting any species of plant which is a controlled substance or
2 controlled substance analog or from which a controlled substance can be derived;

3
4 (2) Kits used, intended for use or designed for use in manufacturing, compounding,
5 converting, producing, processing or preparing controlled substances or controlled
6 substance analogs;

7
8 (3) Isomerization devised, used or intended for use or designed for use in increasing
9 the potency of any species of plant which is a controlled substance or controlled
10 substance analog;

11
12 (4) Testing equipment used, intended for use or designed for use in identifying or in
13 analyzing the strength, effectiveness or purity of controlled substances or controlled
14 substance analogs;

15
16 (5) Scales or balance used, intended for use or designed for use in weighing or
17 measuring controlled substances or controlled substance analogs;

18
19 (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite
20 dextrous and lactose used, intended for use or designed for use in cutting controlled
21 substances or controlled substance analogs;

22
23 (7) Separation gins and sifters used, intended for use or designed for use in
24 removing twigs and seeds from or in otherwise cleaning or refining marijuana;

25
26 (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use,
27 or designed for use in compounding controlled substances;

28
29 (9) Capsules, balloons, envelopes and other containers used, intended for use or
30 designed for use in packaging small quantities of controlled substances or controlled
31 substance analogs;

32
33 (10) Containers and other objects used, intended for use or designed for use in
34 storing or concealing controlled substances or controlled substance analogs;

35
36 (11) Hypodermic syringes, needles and other objects used, intended for use or
37 designed for use in parenterally injecting controlled substances or controlled
38 substance analogs into the human body;

39
40 (12) Objects used, intended for use, or designed for use in ingesting, inhaling or
41 otherwise introducing marijuana, cocaine, hashish or hashish oil into the human
42 body, such as:

43
44 (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without
45 screens, permanent screens, hashish heads or punctured metal bowls;

46
47 (b) Water pipes;

48
49 (c) Carburetion tubes and devices;

50

- 1 (d) Smoking and carburetion masks;
- 2
- 3 (e) Roach clips (meaning objects used to hold burning material, such as a
- 4 marijuana cigarette that has become too small to hold in the hands);
- 5
- 6 (f) Miniature cocaine spoons and cocaine vials;
- 7
- 8 (g) Chamber pipes;
- 9
- 10 (h) Carburetor pipes;
- 11
- 12 (i) Electric pipes;
- 13
- 14 (j) Air-driven pipes;
- 15
- 16 (k) Chilams;
- 17
- 18 (l) Bonges; or
- 19
- 20 (m) Ice pipes or chillers.

21
22 (13) In determining whether an object is **DRUG PARAPHERNALIA**, a court or other
23 authority should consider, in addition to all other logically relevant factors, the
24 following:

- 25
- 26 (a) Statements by the owner or by anyone in control of the object concerning its
- 27 use;
- 28
- 29 (b) The proximity of the object to controlled substances or controlled substance
- 30 analogs;
- 31
- 32 (c) The existence of any residue of controlled substances or controlled substance
- 33 analogs on the objects;
- 34
- 35 (d) Instructions, written or oral, provided with the objects concerning its use;
- 36
- 37 (e) Descriptive materials accompanying the object which explain or depicts its
- 38 use;
- 39
- 40 (f) The manner in which the object is displayed for sale;
- 41
- 42 (g) The existence and scope of legal uses for the object in the community; and
- 43
- 44 (h) Expert testimony concerning its use. (NMSA § 30-31-2)

45
46 **HE, HIM, SHE or HER.** Not be construed to be mandatory distinctions of gender if not
47 expressly stipulated.

48
49 **LAWFUL CUSTODY OR CONFINEMENT.** The holding of any person pursuant to
50 lawful authority, including, without limitation, actual or constructive custody of prisoners

1 temporarily outside a penal institution, reformatory, jail, prison farm or ranch. (NMSA §
2 30-1-12)

3
4 **MINOR.** Any unmarried person who has not reached his or her eighteenth birthday,
5 except that under application of the Alcohol Beverage Control Act, or any alcohol-
6 related division of this title, **MINOR** means any person under 21 years of age.

7
8 **MUNICIPALITY.** The City of Rio Rancho.

9
10 **OFFICIAL PROCEEDING.** A proceeding heard before any legislative, judicial,
11 administrative or other governmental agency or official authorized to hear evidence
12 under oath, including any referee, hearing examiner, commissioner, notary or other
13 person taking testimony or depositions in any proceeding. (NMSA § 30-1-12)

14
15 **PERSON.** Any human being or legal entity, whether incorporated or unincorporated.

16
17 **POLICE OFFICER, LAW ENFORCEMENT OFFICER, PEACE OFFICER or OFFICER.**
18 Any public official or public officer vested by law with a duty to maintain public order or
19 to make arrests for crimes, whether that duty extends to all crimes or is limited to
20 specific crimes.

21
22 **PROSTITUTION.** Knowingly engaging in or offering to engage in a sexual act for hire.
23 (NMSA § 30-9-2)

24
25 **PUBLIC EMPLOYEE.** Any person receiving remuneration for regular services rendered
26 to the state or any of its political subdivisions. (NMSA § 30-1-12)

27
28 ~~**PUBLIC GROUND.** Any real property owned or leased by a municipality.~~

29
30 **PUBLIC OFFICER.** Any elected or appointed officer of the state or any of its political
31 subdivisions, serving with or without remuneration for his services. (NMSA § 30-1-12)

32
33 **STREET.** Any thoroughfare that can accommodate pedestrian or vehicular traffic, is
34 open to the public and is under the control of the municipality. (NMSA § 3-1-2)

35
36 **TRESPASS.**

37
38 (1) Entering upon, or refusing to leave, any residential property of another, either
39 where the property has been posted with “No Trespassing” signs, or where
40 immediately prior to entry, or subsequent thereto, notice is given by the owner or
41 occupant, orally or in writing, that the entry, or continued presence, is prohibited.

42
43 (2) Entering upon, or refusing to leave, any Public Property or Public Place, as
44 defined in Section 91.02 R.O., 2003 in violation of regulations or outside of hours of
45 operation as promulgated by the official charged with the security, care or
46 maintenance of the property and approved by the ~~governing body~~ City Manager of the
47 public agency owning property, where the regulations have been conspicuously
48 posted or where immediately prior to entry, or subsequent thereto, the regulations or
49 hours of operation are made known by the official charged with the security, care or
50 maintenance of the property, ~~his agent-designee~~, or a police officer.

1
2 **VOLATILE SOLVENT.** The following types of chemical compounds, but not limited to:

3
4 (1) Hydrocarbons, including, but not limited to petroleum distillates and aromatic
5 hydrocarbons;

6
7 (2) Oxygenated organic compounds, including, but not limited to ketones, esters and
8 ethers;

9
10 (3) Halogenated hydrocarbons; and

11
12 (4) Nitrous oxides.

13
14 **CHAPTER 131 OFFENSES AGAINST ORDER AND SAFETY**

15
16 **131.06 UNREASONABLE NOISE.**

17 (A) It is unlawful for any person to make, continue to make or cause to be made, any
18 loud or unusual noise which either annoys, disturbs, injures or endangers the comfort,
19 repose, health, peace or safety of others.

20
21 (B) Unlawful noises include but shall not be limited to the following:

22
23 (1) *Horns and signal devices.* The sounding of any horn or signaling device of any
24 automobile, motorcycle, truck or other vehicle on any street, Public Place, Public
25 Property, or Public Right-of-Way except as a danger warning, the creation by means
26 of any signaling devices of any unreasonable, loud or harsh sound, the sounding of
27 the signaling device where traffic is held up. For purposes of this Section, the
28 definitions for the terms Public Place, Public Property, and Public-Right-of-Way as set
29 out in Section 91.02 R.O. 2003 shall apply.

30
31 (2) *Radios and phonographs.* The use or operation of any radio, phonograph or other
32 sound producing machine in a manner as to disturb the peace and quiet of neighbors.

33
34 (3) *Loudspeakers; amplifiers used for advertising.* The use or operation or permitting
35 to be played, used or operated any radio, receiver set, musical instrument,
36 phonograph, tape recorder, loudspeaker, sound amplifier or other machine or device
37 for the production or reproduction of sound which is cast upon the public streets for
38 the purpose of commercial advertising or attracting the attention of the public in any
39 residential area, except with the proper permit.

40
41 (4) *Yelling or shouting.* Yelling, shouting or creating other loud noises which annoy or
42 disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or
43 residence, or of any persons in the vicinity.

44
45 (5) *Schools, courts, churches, hospitals.* The creating of any excessive noise on any
46 street adjacent to any hospital, school, institution of learning, church or court which
47 interferes with the workings of the institution or which disturbs or annoys patients in a
48 hospital.

49
50 (6) *Retarders, Jake brakes, engine brakes and other like devices.*

1
2 (a) The sounding of any device or piece of equipment, including, but not limited to
3 a retarder, Jake brake and/or engine brake, which helps slow a motor vehicle's
4 rate of speed, except in an emergency situation where extra braking power is
5 required to avert the danger of bodily harm to a person or damage to property
6 when the emergency situation is not caused by the driver using the device.
7

8 (b) "Retarder, Jake brake and engine brake" mean any exhaust and/or engine
9 device used as braking power to slow down a motor vehicle's rate of speed. When
10 activated, a retarder, Jake brake or engine brake creates noise through the motor
11 vehicle's exhaust system.
12

13 **131.11 OBSTRUCTING MOVEMENT.**

14 It is unlawful to:

15
16 (1) hinder, impede annoy or molest, interfere, or obstruct pedestrian, vehicular or other
17 traffic persons passing or travelling along any street, sidewalk, crosswalk or other
18 Public Right-of-Way;
19

20 (2) to lie, sit, or stand around the entrance of any church, theater, public building Public
21 Property or Public Place or other place of public assemblage in any manner so as to
22 unreasonably obstruct the entrance thereof; or
23

24 (3) to place or erect upon any Public Right-of-Way an obstruction of any type except
25 temporary barriers or warning signs placed for the purpose of safeguarding the public
26 against any hazard.
27

28 For purposes of this Section, the definitions for the terms Public Property, Public Place
29 and Public Right-of-Way as set out in Section 91.02 R.O. 2003 shall apply.
30

31 **CHAPTER 132 OFFENSES AGAINST PROPERTY**

32 **132.03 SCATTERING TRASH AND RUBBISH.**

33 It is unlawful for any person to throw or permit to be deposited or scattered upon any
34 sidewalk, alley, street or Public Property, Public Place, Public Right-of-Way, or upon
35 the private property of another, any rubbish, waste, trash or other disposed material of
36 any kind. For purposes of this Section, the definitions for the terms Public Property, Public
37 Place and Public Right-of-Way as set out in Section 91.02 R.O. 2003 shall apply.
38
39

40 **132.10 WRONGFUL USE OF PUBLIC PROPERTY OR PUBLIC PLACE.**

41 It is unlawful for any person to commit unlawful use of Public Property or Public
42 Place, by:
43

44 (1) knowingly entering any Public Property or Public Place, without permission of
45 the lawful custodian or his representative designee when the Public Property or
46 Public Place is not open to the public, or
47

48 (2) remaining in or occupying any Public Property or Public Place after having
49 been requested to leave by the lawful custodian, or his representative designee, who
50 has determined that the Public Property or Public Place is being used or occupied

1 contrary to its intended or customary use, or

2
3 (3) damaging or destroying that the ~~P~~public ~~P~~roperty or Public Place may be
4 damaged or destroyed by the use.

5
6 For purposes of this Section, the definitions for the terms Public Property and Public
7 Place as set out in Section 91.02 R.O. 2003 shall apply.

8
9 **132.11 REMOVAL OF EARTH.**

10 It is unlawful for any unauthorized person to move, distribute or take away any earth,
11 stone or other material from any public street, way, alley, park or ~~P~~ublic ground
12 Property, Public Place or Public Right-of-Way. For purposes of this Section, the
13 definitions for the terms Public Property and Public Place as set out in Section 91.02
14 R.O. 2003 shall apply.

15
16 **132.12 WRONGFUL USE OF PUBLIC WATER CONVEYANCE SYSTEM.**

17 It is unlawful for any person to remain in or otherwise occupy any Public Water
18 Conveyance System after having been requested to leave by:

19
20 (1) the lawful custodian or their designee or,

21
22 (2) a law enforcement official addressing health and safety concerns.

23
24 For purposes of this Section, the definition for the term Public Water Conveyance
25 System is an engineered or natural channel that may transport water, including an
26 arroyo, drainage channel, irrigation channel, pond, and piping which is owned, operated
27 or maintained by a governmental or public agency.

28
29 **154.03 DEFINITIONS.**

30 For the purpose of this chapter, the following definitions will apply unless the context
31 clearly indicates or requires a different meaning:

32
33 **ABUT/ABUTTING.** Having a common border with an immediately adjacent parcel, or
34 being separated from such a common border by a right-of-way, alley, or easement.

35
36 **ACCESS OR ACCESS WAY.** The place, means, or way by which pedestrians and
37 vehicles shall have safe, adequate and usable ingress and egress to a property or use
38 as required by city ordinance.

39
40 **ACCESSORY BUILDING OR USE.** A building or use that is appropriate, subordinate,
41 and customarily incidental to the main use of the lot; a building detached from the
42 primary structure and does not cumulatively exceed 75% of the size of the primary
43 structure or 15% of the lot area, whichever is greater, and is located on the same site as
44 the primary structure or principal use served.

45
46 **ACCESSORY DWELLING UNIT.** A separate, complete housekeeping unit, attached or
47 detached, which does not exceed 900 square feet or 50% of the primary structure,
48 whichever is greater, and is on a lot 7,000 square feet or greater in area, but not a
49 mobile home, with a separate entrance, kitchen, sleeping area and full bathroom
50 facilities. An additional parking space that does not block a two-car garage is required

1 for an accessory dwelling unit.

2
3 **ACCESSORY LIVING SPACE.** Living space that is accessory to the primary residence
4 used for residential purposes which does not contain kitchen facilities located within an
5 accessory building and on the same lot as the primary building on the lot.

6
7 **ACRE.** An area unit of measurement consisting of 43,560 square feet.

8
9 **ACTIVITY CENTER.** A collection of land uses that attracts residents and visitors for
10 multiple purposes that may include: shopping, employment, culture, education, housing,
11 government services, recreation, and entertainment.

12
13 **AGGRIEVED PARTY.**

14 (1) Any person whose financial or property rights or interests are adversely affected
15 by an act of another or an order, judgment or statute.

16
17 (2) Any person whose property interest is within 300 feet of a land use decision.

18
19 **AGRICULTURAL USE.** The use of land where such land is devoted to the production of
20 plants, animals or horticultural products, including but not limited to forages; grains and
21 feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle,
22 sheep, swine and horses; bees and apiary products; trees and forest products; fruits,
23 nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products.
24 Agricultural use shall not include use of land for recreational purposes.

25
26 **ALLEY.** A public thoroughfare, which affords only a secondary means of access to
27 abutting property.

28
29 **AMATEUR RADIO ANTENNA.** Any antenna used for the purpose of transmitting and
30 receiving radio signals as licensed by the Federal Communications Commission.

31
32 **ANIMAL FOSTER CARE PROVIDER.** Any person who supplies a home to an animal
33 on behalf of an animal rescue group while a permanent home for the animal is being
34 found. Such providers shall follow the regulations set forth for foster homes in Chapter
35 116.

36
37 **ANIMAL RESCUE.** Any person or group who accepts companion animals for the
38 purpose of finding a permanent adoptive home for the animals and does not maintain a
39 central facility for keeping animals, but rather uses a system of fostering in private
40 homes, or boarding or keeping in licensed pet animal facilities. This definition does not
41 include wildlife rescue and rehabilitation services.

42
43 **ANNEXATION.** To add additional territory into Rio Rancho's jurisdiction thereby
44 changing the boundaries of the community.

45
46 **ANTENNA.** A device designed to receive or send broadcasts either as over the air
47 signals from transmitters, including fixed television or radio signals, or microwave
48 signals for earth orbiting communications satellites.

49
50 **ARTERIAL STREET.** A street having the primary purpose of carrying large volumes of

1 traffic and does not usually provide direct access to individual properties. Arterials are
2 designed to provide cross-city travel.

3
4 **AUTO REPAIR, MAJOR.** Repairs that produce relatively high levels of noise, vibration
5 and fumes and, more specifically, include the following types of repairs to motor
6 vehicles and repairs of a similar nature with respect to impacts on nearby properties:
7 auto body customizing, auto body sheet metal/fiberglass/plastic repair/replacement,
8 auto body prepping/painting/media blasting, chassis fabrication/repair, complete
9 engine/transmission rebuild and replacement.

10
11 **AUTO REPAIR, MINOR.** Repairs and servicing that will produce relatively low noise,
12 vibration and fumes and, more specifically, include the following types of repairs to
13 motor vehicles: air conditioning service, brake repair/replacement, engine oil changes,
14 fluids replacement, exhaust system repair/replacement, shock absorber/spring/strut
15 replacement, tire balancing/installation, wheel alignment, windshield/glass replacement,
16 tune-ups, diagnostics, emission control service.

17
18 **BALCONY.** A small outdoor area, raised above the ground, directly accessible from
19 within the building and open except for a balustrade on at least one side.

20
21 **BASEMENT (OR CELLAR).** A story of a building, which has at least one-half of its
22 height below grade.

23
24 **BAY WINDOW.** A projection from the wall of a building that contains a window, is wholly
25 above the level of the adjacent floor surface and does not result in any projection of the
26 adjacent floor area.

27
28 **BOARD.** The Planning and Zoning Board of the City of Rio Rancho.

29
30 **BOARDING HOUSE (BOARDING, LODGING HOUSE, OR BED AND BREAKFAST).**
31 A dwelling containing one or more, but not more than five, guest rooms where lodging is
32 provided with or without meals for compensation.

33
34 **BOARDING KENNEL.** Any facility where dogs or cats are housed for the general public
35 for a profit with the exception of state-inspected veterinarian hospitals, pet shops,
36 animal grooming parlors and pet shelters.

37
38 **BUFFER LANDSCAPING.** Areas of landscaping parallel to a buffer wall.

39
40 **BUFFER WALL.** A stone, concrete, or masonry wall that is located on or near the
41 property line between nonresidential zoned and residential property, is a part of a buffer
42 zone and is intended to provide a buffer for the residential zone.

43
44 **BUFFER ZONE.** A strip of property located between commercially and residentially
45 zoned property, where property lines abut, and intended to provide a buffer for the
46 residential zone.

47
48 **BUILD.** To erect, convert, enlarge, reconstruct, or structurally alter a building or
49 structure.

1 **BUILDING.** Any structure built for use of persons or animals.

2
3 **BUILDING ENVELOPE.** Refers to an area on a developable lot that delineates the
4 maximum area of disturbance in which any building and associated structures may be
5 located, exclusive of the driveway, underground utilities, irrigation, landscaping and
6 natural material retaining walls (not to exceed four feet in height). The intent of this
7 delineation is to preserve pre-existing grade and native vegetation outside of the
8 building envelope.

9
10 **BUILDING HEIGHT.** The vertical distance measured from the finished floor elevation of
11 the structure to the highest point of the coping of a flat roof; to the deck line of a
12 mansard roof; or to the average height between the eave and the ridge of a gable, hip,
13 or gambrel roof. Chimneys, vents, or utility service structures shall not be included in the
14 measurement of vertical dimensions.

15
16 **BUILDING, PRINCIPAL.** A building which occupies the major or central portion of a lot,
17 is the chief or main building on a lot, or constitutes, by reason of its use, the primary
18 purpose for which the lot is used.

19
20 **BUILDING, TEMPORARY.** A building or structure intended for removal or demolition
21 within a prescribed time not exceeding two years or as set out in a building permit.

22
23 **BUSINESS PARK.** The BP District is intended for master-planned developments in a
24 campus-like setting. This district is suitable for administrative and professional offices,
25 research and development, limited distribution, light manufacturing, and assembly
26 operations. Commercial uses are generally limited to business support services and
27 accessory sales for goods produced on site. The BP Zoning District is consistent with
28 the business park industrial land use category of the comprehensive plan.

29
30 **CALIPER.** A measurement of thickness or diameter of new landscape plantings
31 measured six inches above ground.

32
33 **CAMPING.** The definition in Section 94.03, R.O. 2003 shall apply to this term.

34
35 **CARETAKER LIVING QUARTERS.** An accessory housing unit that is permitted in
36 association with a commercial or industrial use where no residential dwelling exists, and
37 the expressed purpose of the accessory housing unit is to provide housing for on-site
38 security or operations personnel.

39
40 **CARPORT.** A structure not completely enclosed by walls for use to shelter automobiles.

41
42 **CELLAR.** A story of a building which has more than one-half its height below grade.

43
44 **CENTERLINE.** The line which bisects any right-of-way.

45
46 **CLEAR SIGHT TRIANGLE.** The area needed to be clear of sight obstructions for safe
47 vehicular turning movements based on AASHTO's: A Policy on Geometric Design of
48 Highways and Streets.

49
50 **CLINIC.** An establishment occupied by one or more members of the medical profession

1 for the purpose of providing medical services.

2
3 **CLUB.** Any membership organization catering exclusively to members and their guests
4 and whose facilities are limited to meeting, eating, and/or recreation uses, and further
5 whose activities are not conducted for monetary gain; including but not limited to civic,
6 fraternal, charitable, religious, social, and patriotic organizations.

7
8 **COLLECTOR STREET.** A street that collects traffic from local streets and provides
9 connections to arterial streets.

10
11 **COMMERCIAL VEHICLE/EQUIPMENT.** Any vehicle and/or equipment which has a
12 gross vehicle weight rating that exceeds 10,000 pounds that is used or designed for a
13 commercial or industrial function. This term includes any vehicle/equipment that is not a
14 noncommercial or a recreational vehicle.

15
16 **COMMUNITY RESIDENTIAL CARE FACILITY.** Any congregate residence, maternity
17 shelter, or building for persons, which provides and whose primary purpose is to provide
18 to the residents, within the facility, either directly or through contract services,
19 programmatic services, room, board, assistance with the activities of daily living, in
20 accordance with the program narrative, and/or general supervision of two or more
21 adults who have difficulty living independently or managing their own affairs.

22
23 **COMMUNITY RESIDENTIAL CARE FACILITY** does not include facilities for persons
24 currently in custody of, or recently released by, correctional authorities that are
25 designed to offer an alternative to imprisonment and/or to facilitate ex-offender
26 reintegration into community life, nor does it include facilities for persons who require
27 such services by reason of the effects of alcohol or drug abuse. **COMMUNITY**
28 **RESIDENTIAL CARE FACILITY** does include facilities for recovering alcohol or drug
29 abusers.

30
31 **CONDITIONAL USE.** A use allowed with conditions in the applicable zoning district as
32 determined by the Planning and Zoning Board.

33
34 **CONIFER.** Any tree with needle leaves and a woody cone fruit.

35
36 **CONSTRUCTION TRAILER.** Is a movable structure, which may be a mobile home, that
37 is:

38
39 (1) Located on a construction site and occupied by persons having construction or
40 security responsibilities over such construction site; or

41
42 (2) Located on a construction site in order to provide storage for tools and materials.

43
44 **CONVERSION.** Changing the original purpose of a building to a different use with or
45 without structural alteration requiring a building permit.

46
47 **COURT.** An open space that is more than half surrounded by a single building or
48 buildings.

49
50 **CURB CUT.** Depressing the curb to the adjacent level.

1
2 **DAY SPA.** Any premises, place of business or membership club providing facilities
3 devoted especially to health, beauty, and relaxation that deals with cosmetic,
4 therapeutic massage, and/or holistic treatments, where people visit for professionally
5 administered personal care treatments.

6
7 **DECIDUOUS TREE.** A tree that drops its foliage annually before becoming dormant.

8
9 **DECK, UNENCLOSED.** Structure usually made of wood, built to provide a solid
10 continuous surface for outdoor use and/or access to a door, which is accessible from
11 the ground level, directly or from a connecting stairway and is separated from the
12 ground by air space.

13
14 **DENSITY.** The measure of families, individuals, dwelling units, household or housing
15 structures per unit of land, i.e., number of dwelling units per acre.

16
17 **DENSITY, GROSS RESIDENTIAL.** The ratio between the number of dwelling units
18 located or proposed to be located on a lot and the area of the lot where the area to be
19 measured includes all lands within the lot used or proposed to be used for roads or any
20 other purpose other than an industrial use, and may be determined by the number of
21 dwelling units divided by the lot area in acres.

22
23 **DEVELOPMENT.** The construction, reconstruction, conversion, structural alteration,
24 relocation, or enlargement of any buildings, structures, or accessory structures, any use
25 or change in use of any buildings or land, any extension of any use of land, mining,
26 dredging, filling, grading, paving, excavation or drilling operations or the storage,
27 deposition or extraction of materials, public or private sewage disposal systems or water
28 supply facilities, for which permission may be required pursuant to city ordinances.

29
30 **DRIVEWAY.** An all-weather, vehicular access way connecting an off-street parking
31 space or parking lot with a public or private street.

32
33 **DUPLEX.** A building arranged, intended, or designed to be occupied by two families
34 living independently of each other and having separate cooking facilities in each
35 dwelling unit.

36
37 **DWELLING, MULTIPLE-FAMILY.** A building arranged or designed to be occupied by
38 two or more families living independently of each other and having separate cooking
39 facilities in each dwelling unit.

40
41 **DWELLING, SINGLE-FAMILY.** A building arranged or designed to be occupied by one
42 family, the structure having only one dwelling unit but not including a mobile home.

43
44 **DWELLING UNIT.** One or more rooms within a building designed for residential
45 occupancy by one family for living and sleeping purposes, and containing kitchen
46 facilities, but not including a recreation vehicle or travel trailer, permanently installed on
47 a permanent foundation which has received a permit from the city pursuant to R.O.
48 1987 or another permitting agency with jurisdiction, and the structure is either:

49
50 (1) Constructed to the standards adopted by the city and other technical codes, as of

1 the date of the unit's construction; or

2
3 (2) A single-family detached dwelling with a heated area at least 36 by 24 feet and
4 864 square feet, constructed in a factory to the standards of the U.S. Department of
5 Housing and Urban Development, National Manufactured Housing Construction and
6 Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., HUD Zone Code II, as
7 amended to the date of the unit's construction, and installed consistent with the
8 Manufactured Housing Act (NMSA Chapter 60, Article 14), and with the regulations
9 made pursuant thereto relating to ground level installation and ground anchors.

10
11 **ENTERTAINMENT ESTABLISHMENT.** An establishment which includes live
12 performances and/or patron dancing, including but not limited to nightclubs, dance halls
13 or discotheques.

14
15 **EVERGREEN.** Those trees, including broad-leaved and conifer evergreens, that
16 maintain their leaves year-round.

17
18 **FAMILY.** One or more persons who are related by blood or marriage, and including any
19 foster children, or a group of not more than five persons living together as a
20 housekeeping unit by joint agreement on a nonprofit cost sharing basis, or a
21 combination of persons related by blood or marriage along with unrelated adults living
22 together and occupying a single housekeeping unit. In addition, up to 10 persons with a
23 disability or handicap, including any staff residents, residing in a dwelling shall be
24 considered a family.

25
26 **FAMILY CHILD CARE FACILITY.** A private residence in which care, services, and
27 supervision are provided to a maximum of 12 children for a period of less than 24 hours
28 of any given day. The licensee will reside in the home and be the primary caregiver.

29
30 **FENCE.** A vertical structure taller than one foot, not more than 20 inches wide, which
31 forms a barrier built for the purpose of protection, decoration, confinement,
32 enhancement of privacy, and in some cases, built for safety.

33
34 **COMMON FENCE.** A fence that straddles a property line. For the purposes of this
35 section, it is assumed that common fences are jointly owned in their entirety by each
36 property owner and that initial construction and any modifications that require city
37 approval beyond typical maintenance require the written permission of each property
38 owner.

39
40 **ELECTRICAL FENCING.** A fence consisting of wires charged with electricity serving
41 to confine domestic animals or livestock.

42
43 **RETAINING WALL.** Any structure that is intended to retain more than 18 inches of soil
44 or similar material.

45
46 **SWIMMING POOL FENCE.** A fence that is six feet in height that serves to limit access
47 for safety purposes.

48
49 **FENCING.** A masonry, metal, or wood wall, or plantings such as hedges, forming a
50 boundary to and enclosing same area.

1
2 **FLOOR AREA.** The area included within the surrounding walls of a building measured
3 from outside to outside, excluding vents, shafts, and courts.

4
5 **FLOOR AREA, GROSS.** For the purpose of this chapter, the sum of all the floor areas
6 of a building or buildings, measured from the exterior of the supporting walls or
7 supporting devices, including all accessory buildings on the same lot.

8
9 **FRONTAGE.** The distance along a street line from one intersecting street to another or
10 from one intersecting street to the end of a dead end street. Lot frontage is the width of
11 a lot measured along a street.

12
13 **GARAGE, COMMERCIAL.** Any building or structure where automobiles, trucks,
14 tractors, or other vehicles are stored, painted, repaired, or equipped for a charge, and
15 where the service and sale of gasoline and oil are incidental to the principal building
16 use.

17
18 **GARAGE, PRIVATE.** A detached accessory building or a portion of a dwelling unit,
19 which is designed or used for the sheltering of private motor vehicles and the storage of
20 household equipment incidental to the residential occupancy and which is fully enclosed
21 and roofed and excludes a carport or other open shelter.

22
23 **GASOLINE SERVICE STATION.** Any building or premises used principally for the
24 storing, dispensing, sale, or offering for sale at retail of gasoline, oil, and/or other fuels.

25
26 **GOLF COURSE or CLUB.** Nine- or 18-hole course, which may or may not be
27 associated with a clubhouse, but not including a miniature course or golf driving range.

28
29 **GRADE.** The average of the finished ground level at the center of all walls of a
30 structure.

31
32 **GREENHOUSE.** A transparent enclosed building used for cultivating plants.

33
34 **HANDICAP RAMP.** An inclined surface for handicap movement in lieu of steps.

35
36 **HOBBY BREEDER.** Any person that occasionally breeds and raises animals on their
37 property as regulated in Chapter 116.

38
39 **HOME OCCUPATION.** An occupation conducted within a dwelling unit as regulated in
40 Chapter 121.

41
42 **HOTEL/MOTEL.** An establishment or building providing lodging, food, and the like to
43 travelers and long-term residents.

44
45 **LANDFILL.** A waste disposal site where waste is deposited with cover material being
46 applied at regular intervals.

47
48 **LANDSCAPING.** To improve or ornament through the arrangement and/or modification
49 of the effects of natural scenery over a tract of land for aesthetic effect.

1 **LOT.** Any parcel of land platted and placed on record in accordance with laws and
2 ordinances; a parcel described by metes and bounds and having frontage on a public
3 right-of-way.

4
5 **LOT WIDTH.** The distance between straight lines connecting front and rear lot lines at
6 each side of the lot, measured across the rear of the required front yard.

7
8 **LUMBERYARD.** A facility where building materials such as lumber, plywood, drywall,
9 paneling, cement blocks and other cement products, and other building products are
10 stored and sold. Lumberyards may also process lumber by performing millwork,
11 planning, cutting, and other customizing processes. Lumberyards may provide for the
12 sale of associated products including tools and fasteners.

13
14 **MANUFACTURED/MOBILE HOME PARK.** A unified development that provides space
15 and facilities for manufactured/mobile homes.

16
17 **MANUFACTURING USE.** Primarily engaged in the mechanical or the chemical
18 transformation of materials or substances into new products. Manufacturing activities
19 include, but are not limited to, assembly, baking, brewing, fabrication, milling,
20 processing, refining, smelting and treatment. Except as otherwise provided in this
21 chapter, **MANUFACTURING USES** are defined and distinguished from
22 nonmanufacturing uses in the North American Industrial Classification Manual.

23
24 **MASTER PLAN.** A comprehensive plan of development for a large tract of land (such
25 as a growth node or activity center, that may include intended land use, street patterns,
26 development timing and functional plans for open space, utilities, drainage and the
27 interrelationship between the development and the city's comprehensive plan).

28
29 **MINING.** For the purposes of this chapter, means the removal of sand, gravel, earth,
30 rock, stone or mineral-bearing substance from the ground for the purpose of obtaining
31 any mineral therefrom.

32
33 **MIXED USE.** A project or single building which includes both primary nonresidential and
34 primary residential uses or where the different types of land uses are in close proximity,
35 planned as a unified complementary whole, and functionally integrated for the use of
36 shared vehicular and pedestrian access and parking areas.

37
38 **MOBILE HOME.** A movable or portable housing structure larger than 40 feet in body
39 length, eight feet in width or 11 feet in overall height, designed for and occupied by no
40 more than one family for living and sleeping purposes, that is not constructed to the
41 standards of the United States Department of Housing and Urban Development, the
42 National Manufactured Housing Construction and Safety Standards Act of 1974 and the
43 Housing and Urban Development Zone Code II or Uniform Building Code, as amended
44 to the date of the unit's construction or built to the standards of any municipal building
45 code.

46
47 **MODEL HOME.** Any furnished dwelling, which is primarily used as a marketing tool to
48 show prospective homebuyers a particular plan, type of construction, accoutrements or
49 floor plan and which is not a residence at the same time. A sales office need not be
50 physically located in the dwelling.

1
2 **MULTI-SECTION MANUFACTURED HOME.** A manufactured home or modular home
3 that is a single-family dwelling with a heated area of at least 36 by 24 feet and at least
4 864 square feet and constructed in a factory to the standards of the United States
5 Department of Housing and Urban Development, the National Manufactured Housing
6 Construction and Safety Standards Act of 1974 and the Housing and Urban
7 Development Zone Code 2 or the Uniform Building Code, as amended to the date of the
8 unit's construction, and installed consistent with the Manufactured Housing Act and with
9 the rules made pursuant thereto relating to permanent foundations.

10
11 **NIGHT SKY PROTECTION ACT.** The Night Sky Protection Act regulates outdoor night
12 lighting fixtures to preserve and enhance the state's dark sky while promoting safety,
13 conserving energy and preserving the environment for astronomy as per NMSA 1978
14 Chapter 74, Article 12, Night Sky Protection.

15
16 **NONCOMMERCIAL VEHICLE/EQUIPMENT.** A motor vehicle/equipment used in the
17 conduct of normal daily activities which has a gross vehicle weight rating of not more
18 than 14,000 pounds which can be lawfully parked in a nine-foot by 28-foot parking
19 space. This term includes motor vehicles commonly called motorcycles, automobiles,
20 vans, sport utility vehicles, light trucks or pickups.

21
22 **NONCONFORMING USE.** Lots, structures, and uses which were in conformity with the
23 applicable zoning ordinance and regulations when created but which would now be
24 prohibited or do not conform to one or more of the regulations in the zoning code or
25 future amendments thereto.

26
27 **NORTH PROPERTY LINE.** Any lot line which is positioned at an angle of 45 degrees or
28 less in relation to a line drawn due east/west. Measurement of an angle shall occur in
29 the interior of the lot under review.

30
31 **NURSING HOME.** An institution, building or place, whether operated for profit or not,
32 including a place operated by a county or municipality, which undertakes through its
33 ownership or management to provide for a period exceeding 24 hours nursing care,
34 personal care, or custodial care and may include a rest home, convalescent home or
35 senior transitional living and care facilities.

36
37 **OFFICE BUILDING.** A building designed for or used as the offices of professional,
38 commercial, industrial, religious, public or semipublic persons or organizations.

39
40 **OPEN SPACE.** Any parcel or area of land or water essentially unimproved and set
41 aside, dedicated, designated, or reserved for public or private use or enjoyment or for
42 the use and enjoyment of owners, occupants, and their guests of land adjoining or
43 neighboring such open space.

44
45 **OUTDOOR SALES DISPLAY.** An outdoor arrangement of objects, items, products, or
46 other materials, typically not in a fixed position and capable of rearrangement, designed
47 and used for the purpose of advertising or identifying a business, product, or service.
48 This definition excludes new and used sale, lease, or rental of automobiles, trucks,
49 motorcycles, recreational vehicles, boats, or watercraft.

1 **OUTSIDE STORAGE.** The keeping of commodities, goods, raw materials, equipment,
2 vehicles, heavy vehicles, or merchandise not within an enclosed building, including
3 incidental maintenance and repair of the material which is being stored. This definition
4 excludes new and used sale, lease, or rental of automobiles, trucks, motorcycles,
5 recreational vehicles, boats, or watercraft. Parking of company-owned automobiles that
6 are currently registered, licensed, and operable will be excluded. Materials and
7 equipment that are transferred from an enclosed building for an outdoor sales display
8 are not considered outside storage.

9
10 **OVERHANG.** The part of a roof or wall that extends beyond the facade of a lower wall
11 or the portion of a vehicle extending beyond the wheel stops or curb.

12
13 **PARAPET.** The extension of the main walls of a building above the roof level.

14
15 **PARK.** An open space reserved in the public domain where appropriate development
16 may take place and which is intended primarily for passive activity.

17
18 **PARKING AREA, PRIVATE.** An open off-street area of land used for the parking of
19 more than five motor vehicles used by occupants including employees of a building to
20 which such area is appurtenant.

21
22 **PARKING AREA, PUBLIC.** An open area other than a street provided for public use or
23 including customer use.

24
25 **PARKING LOT.** An area provided for the free use of patrons or employees of any office
26 or state or local government or of any public accommodation, or retail or commercial
27 establishment.

28
29 **PARKING SPACE.** An area on a lot sufficient in size to store one automobile (not less
30 than nine feet wide and 18 feet long) connected to a public street or alley by a driveway
31 not less than 10 feet wide and so arranged as to permit ingress and egress of the
32 automobile at all times without moving any other automobile parked adjacent to the
33 parking space. The required length of the space can be reduced to 16 feet with the
34 incorporation of a two-foot vehicle overhang if such overhang does not reduce the
35 required width of an adjacent pedestrian walkway and/or landscape area.

36
37 **PARKING SPACE, ACCESSIBLE.** A parking space with a minimum stall depth of 18
38 feet, a minimum stall width of nine feet and an access aisle and access route per
39 current ADA regulations. Accessible parking spaces must be located on the shortest
40 accessible route of travel to an accessible facility entrance.

41
42 **PARKING SPACE, VAN ACCESSIBLE.** A parking space with a minimum stall depth of
43 18 feet, a minimum stall width of nine feet and an access aisle and access route per
44 current ADA regulations. Van accessible parking spaces shall also contain wider access
45 aisles and access routes to accommodate wheelchair lifts along with additional signage
46 that clearly identifies the parking spaces as “van accessible.”

47
48 **PARKING STRUCTURE.** Includes a partially open and/or an enclosed area other than
49 a street or lane used for the parking of motor vehicles. A parking structure generally
50 includes three or more parking spaces together with aisles and has a principal access

1 from a driveway to a street and may constitute the main use of the lot.

2
3 **PARKS, RECREATIONAL.** An area developed and maintained primarily for active
4 recreation.

5
6 **PATIO COVER.** An unenclosed attached roofed structure used only for recreational and
7 outdoor living purposes.

8
9 **PERMISSIVE USE.** A use allowed by right in a particular zoning district.

10
11 **PET SHELTER.** Any establishment owned and operated by a not-for-profit organization,
12 licensed to do business in the State of New Mexico, whose sole function is to bring aid
13 and comfort to animals.

14
15 **PET SHOP.** Any commercial establishment or premises or part thereof, maintained for
16 the purchase, sale, exchange, or hire of animals of any type; except that the term shall
17 not include livestock auctions.

18
19 **PHYSICAL BLINDING.** A screening or structure that is in accordance with all existing
20 applicable codes including but not limited to building codes, fire codes, and zoning
21 codes.

22
23 **PICKUP CAMPER.** A structure designed to be mounted on a pickup or truck chassis
24 with sufficient equipment to render it suitable for use as a temporary dwelling for travel
25 and recreation use.

26
27 **PLAT.** A map showing the location, boundaries and ownership of individual properties,
28 planned and developed as a single project.

29
30 **PLAZA.** A community gathering space, sometimes called a square, usually with seating
31 areas, and with a variety of ground-plane finishes such as hard surfaces, lawn and
32 landscaping. It is often designed as a focal point with an amenity located within, and it
33 may be bounded on one or more sides by a civic or commercial use in a neighborhood,
34 commercial and recreational centers.

35
36 **PREMISES.** Land together with any buildings or structures occupying it; however, each
37 individual business shall be considered a premises.

38
39 **PUBLIC FACILITIES.** Facilities operated by a municipality including parks, trails, paths,
40 and other recreational areas and open spaces, public schools and other public
41 buildings, including fire stations and police substations, and places where the public is
42 directly or indirectly invited to visit or permitted to congregate.

43
44 **PUBLIC UTILITY.** An office, pumping station, communication center, distribution, or
45 transfer facility, or other management or operation need for electricity, communication,
46 gas, water, transportation, sewage, but exclusive of production or disposal plants,
47 storage yards, or supply base, unless otherwise provided for by this chapter.

48
49 **RECREATIONAL VEHICLE.** A vehicular unit primarily designed as a temporary living
50 quarters for recreational, camping, or travel use; it either has its own motive power or is

1 designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle
2 includes motor home, boat, truck camper, travel trailer, and camping trailer.

3
4 **RECYCLING COLLECTION CENTER.** A temporary site/facility which is an accessory
5 use to an existing site/facility and serves as a “drop off” location for household
6 recyclables such as paper, glass, plastics, and aluminum, but not to include refuse.

7
8 **REPLAT.** A process used to move, erase, or add new interior property lines within a
9 recorded summary or subdivision plat. It results in a new plat being recorded for the
10 affected parcels or lots.

11
12 **SALES OFFICE.** An office accessory use to a dwelling unit being used as a model
13 home or a freestanding building usually located in a residential area, used specifically
14 for the purpose of conducting business transactions associated with the sale of
15 residential dwelling units.

16
17 **SCHOOL.** A public school, a separate school, a university, a college or a private school
18 authorized by the authority having jurisdiction.

19
20 **SECOND KITCHEN.** A second culinary facility which is located within a dwelling and
21 may include a stove, oven, sink, cabinets and/or other related storage areas,
22 refrigerator or any combination of these, in addition to the primary culinary facilities
23 located in the kitchen of the dwelling. Outdoor kitchens which may consist of barbecues
24 and/or ovens are not considered second kitchens so long as they are not enclosed
25 within a building.

26
27 **SELF-STORAGE FACILITY.** A group of buildings or other facilities having components,
28 rooms, spaces, containers or other types of units that are individually leased, rented,
29 sold or otherwise contracted for by customers for the storage of personal or business
30 goods or property.

31
32 **SENIOR TRANSITIONAL LIVING AND CARE FACILITY.** An age-targeted facility for
33 “seniors” (typically 55 years and over) that can provide a continuum of care and living
34 arrangements from independent living apartments to assisted care units, nursing care
35 beds, memory units for memory-impaired residents, and other health conditions. Living
36 units can be owned or leased, separate or attached, and with varying degrees of
37 independence for residents, but all units are under a common management.

38
39 **SETBACK.** The shortest distance between a structure and the present or future street
40 line or property line. Setbacks shall be measured to the foundation and provide an
41 allowance of four inches for stucco, cladding, and exterior building finishes. Placement
42 of the following structures is allowed in this area: structures of 120 square feet or less.
43 The placement of paved concrete, blacktop, brick and wood decking, pads, poured
44 slabs, driveways, walkways, and ornamental landscaping accoutrements is permitted. It
45 is the responsibility of the property owner to secure permission, in writing, from any and
46 all franchised utilities upon whose easements the property owner wishes to place any of
47 the above structures. Setback exceptions for residential and nonresidential zone
48 categories are included in each relevant section of this chapter.

49
50 **SHOOTING RANGE, INDOOR.** An enclosed facility used for the discharge of firearms

1 at targets.

2
3 **SHOPPING CENTER.** Two or more tenants or occupants of a structure or structures
4 used for commercial purposes on a single parcel, or more than one parcel within a
5 common commercial subdivision, of at least five acres that typically includes shared
6 parking, access, and sidewalks under common management.

7
8 **SIGNAGE.** A structure or graphic display designed to inform or attract the attention of
9 persons not on the premises on which the sign is located.

10
11 **SITE PLAN.** A scale drawing or plan showing accurately and with complete
12 dimensioning all of the buildings, structures and uses and the exact manner of
13 development proposed for a specific parcel of land.

14
15 **SOLAR ENERGY UNIT.** A solar collector or other device that relies upon sunshine as
16 an energy source and is capable of collecting, distributing, and storing (if so equipped)
17 the sun's radiant energy.

18
19 **SPECIAL EVENT.** An event, the duration of which is temporary in nature.

20 **STABLES.** Building(s) in which livestock (horses, cows and pigs) and other domestic
21 animals are sheltered and fed; especially, such a building having stalls or
22 compartments.

23
24 **STUDIO.** The workspace of a painter, sculptor, or other artist, limited to the production
25 and sale of the works of said artist and to one occupational employee.

26
27 **STREET.** A thoroughfare which has been dedicated to the public or which has been
28 made public by right-of-use and which affords the principal means of access to abutting
29 property.

30
31 **STRUCTURAL ALTERATION.** Any change in the supporting members of a building,
32 such as bearing walls, or partitions, columns, beams, or girders, or any substantial
33 change in the roof or exterior walls.

34
35 **STRUCTURE.** Anything constructed or erected which requires location on the ground or
36 attached to something having a location on the ground but not including a utility pole, a
37 tent or vehicle.

38
39 **SWIMMING POOL.** A deep body of usually fresh water, suitable for swimming, built into
40 the ground, or situated above the ground, made of concrete or plastic, but exceeding 36
41 inches in depth.

42
43 **SWIMMING POOL, PRIVATE.** A swimming pool to which admission is limited by
44 ownership or membership.

45
46 **SWIMMING POOL, PUBLIC.** A swimming pool to which admission may be gained by
47 the general public with or without payment of a fee.

48
49 **TEMPORARY, EMERGENCY, CONSTRUCTION, OR REPAIR RESIDENCE.** Which
50 may be a mobile home, is:

- 1
2 (1) Located on the same lot as a residence made uninhabitable by fire, flood or other
3 natural disaster; or
4
5 (2) Located on the same lot as a residence that is under construction or undergoing
6 substantial repairs or reconstruction and occupied by the persons intending to live in
7 such permanent residence when the work is completed.
8

9 **TOWNHOUSE, TOWNHOME, CONDOMINIUM, OR PATIO HOME.** A residential
10 dwelling unit which is connected by one or more walls to a series of similar units, usually
11 sharing the same street frontage.
12

13 **TRACT, SEPARATE.** A parcel of land or a group of continuous parcels of land under
14 one ownership on the effective date of this chapter.
15

16 **TRAVEL TRAILER OR RECREATIONAL VEHICLE.** A vehicular, portable structure
17 built on a chassis, designed to be used as a temporary dwelling for travel and
18 recreational purposes, and not permanently connected to utilities.
19

20 **TRAVEL TRAILER OR RECREATIONAL VEHICLE PARK OR CAMPGROUND.** A
21 tract of land with spaces or stands provided for temporary use of travel trailers, pickup
22 campers, tents, or recreational vehicles. The parking area for two or more vehicles of
23 this type will be considered a trailer park or campground.
24

25 **USABLE RECREATION SPACE.** An area on the same lot as the multi-family
26 residential development that serves to permanently provide indoor or outdoor open
27 space and/or recreational uses. Usable recreation space may include, but is not limited
28 to: lawns, decorative planting areas, and native plants, open balconies and covered
29 patios that are open on two or more sides, walkways, active and passive recreational
30 areas, fountains, swimming pools, water features, and ponds, clubhouse areas for
31 video/technology rooms, exercise or fitness activities, or meeting rooms, or
32 playgrounds. Usable recreation space does not include public right-of-way, parking lots,
33 driveways, or buildings, garages, carport or equipment areas that are not designed for
34 common use.
35

36 **WIND ENERGY UNIT.** A machine by which mechanical energy supplied by the wind is
37 converted to electrical energy, including any energy storing device (if so equipped).
38

39 **XERISCAPE.** A combination of landscaping and irrigation techniques which reduce the
40 demand for water requirement to maintain a given landscape. Primary techniques are:
41 use of water-conserving plants, minimum amount of turf (grass area), plants grouped
42 based on watering needs, irrigation system designed to meet the needs of the plants in
43 the landscape.
44

45 **YARD.** An open space on the same lot as a building; except as provided herein, it is
46 unoccupied and unobstructed by a structure. Yard width or depth is the shortest
47 horizontal distance from a lot line to the main building.
48

49 **YARD, FRONT.** The area from one side lot line to the other side lot line and between
50 the main building and the street. A front yard line is a line parallel to the street and as far

1 from the street as required in this chapter. On corner lots (lots abutting on two or more
2 streets at their intersection), the front yard may face either street.

3
4 **YARD, REAR.** The area from one side lot line to the other side lot line and from the
5 main building to the rear lot line. The rear yard is always on the opposite end of the lot
6 from the front yard.

7
8 **YARD, SIDE.** The area from the front building line to the rear building line and from the
9 main building to the side lot line.

10
11 **ZERO LOT LINE HOME.** A structure of two or more dwelling units with common walls
12 at the lot lines between adjoining units, or the placement of a detached home on the lot
13 line on one side with the setback on the other side.

14
15 **ZONING DISTRICT.** Any section of the City of Rio Rancho where regulations governing
16 the use of buildings and premises or the height and area of buildings and lot size are
17 uniform.

18
19 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of this
20 Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated
21 hereunder shall for any reason be held to be invalid, unlawful, or enforceable, the
22 invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision
23 shall not affect the validity of the remaining portions of this Ordinance or the regulation so
24 challenged.

25
26 **Section 3. Compiling Clause.** This Ordinance shall be incorporated in and compiled
27 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

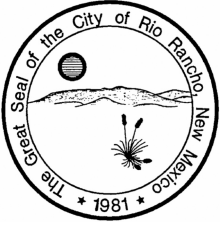
28
29 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
30 adoption.

31
32 ADOPTED THIS _____ DAY OF _____, 2023.

33
34
35
36 _____
37 Gregory D. Hull, Mayor

38
39 ATTEST:

40
41 _____
42 Rebecca A. Martinez, City Clerk
43 (SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: O30

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

O30, Ordinance Amending Chapter 30 Governing Body

BACKGROUND AND ANALYSIS:

Second reading of an Ordinance.

This Ordinance is a companion to the Resolution repealing and replacing the Governing Body's Rules of Procedure which received unanimous approval by the Governing Body on November 16, 2023.

It has been determined that an update to the Governing Body's Rules of Procedure document is necessary and advised. The City Charter, Section 2.09, states that the Governing Body determines its own rules and order of business.

In conjunction with updating the rules of procedure document, it has been determined that an associated update to Municipal Code is necessary.

Public forum (i.e., the public offering comments at a noticed public meeting of elected Governing Body members not related to any meeting agenda item) is not required to be included on any local public meeting agenda per Federal or State laws.

Historically, public forum has appeared on the agendas of noticed public meetings of the Governing Body where action is scheduled to take place as a result of public forum referenced in Municipal Code and the Governing Body's rules of procedure document.

Public forum reference removal from Municipal Code will not eliminate public forum from appearing on noticed public meeting agendas of the Governing Body where action is scheduled to take place. Public forum is retained and further defined via an updated rules of procedure document the Governing Body approved at their November 16, 2023, meeting, which has effective date of December 26, 2023.

IMPACT:

Public forum will be accounted for and prescribed via the Governing Body's Rules of Procedure document, which is adopted via Resolution.

ALTERNATIVES:

Approve the Ordinance.

Do not approve the Ordinance.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Ordinance as presented.

ATTACHMENT: [Ordinance](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

ORDINANCE AMENDING CHAPTER 30 GOVERNING BODY

WHEREAS: the Governing Body has determined that an update to its rules of procedure document is necessary; and

WHEREAS: in conjunction with updating the rules of procedure document, it has been determined that an associated update to Municipal Code is necessary; and

WHEREAS: public forum (i.e., the public offering comments at a noticed public meeting of elected Governing Body members not related to any meeting agenda item) is not required to be included on any local public meeting agenda per Federal or State laws; and

WHEREAS: public forum at noticed public meetings of the Governing Body where action is scheduled to take place is retained and further defined via an updated rules of procedure document.

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

Section 1. Title III, Chapter 30 Governing Body, Section 30.06 "Addressing the Governing Body", R.O. 2003, is hereby amended as follows (underline is new text and strikethrough is deleted text):

30.06 ADDRESSING THE GOVERNING BODY.

The Governing Body's rules of procedure shall prescribe the manner in which the Governing Body may be addressed at noticed public meetings.

~~(A) Public forum.~~

~~(1) Any person wishing to address the governing body on any item which is not on the agenda, shall register with the City Clerk within 15 minutes before the beginning of the meeting.~~

~~(2) Speakers shall be recognized in the order of registration with the City Clerk.~~

~~(B) Manner of address.~~

~~(1) Each person shall seek the recognition of the presiding officer.~~

~~(2) Each person shall give his name and address.~~

~~(3) Comments or questions shall be addressed to the governing body as a whole through~~

1 ~~the presiding officer and not to any members thereof.~~

2
3 ~~(4) No person shall enter into any discussion without the permission of the presiding~~
4 ~~officer.~~

5
6 ~~(C) Time limit. The presiding officer may place a limit on the amount of time any person~~
7 ~~may speak after being recognized.~~

8
9 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of
10 this Ordinance, or any section, paragraph, clause, or provision of any regulation
11 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
12 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
13 clause, or provision shall not affect the validity of the remaining portions of this
14 Ordinance or the regulation so challenged.

15
16 **Section 3. Compiling Clause.** This Ordinance shall be incorporated in and compiled
17 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

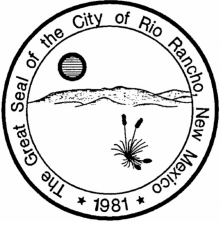
18
19 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
20 adoption.

21
22 ADOPTED THIS _____ DAY OF _____, 2023.

23
24
25 _____
26 Gregory D. Hull, Mayor
27

28
29 ATTEST:

30
31 _____
32 Rebecca A. Martinez, City Clerk
33 (SEAL)



CITY OF RIO RANCHO COVER PAGE

Legislation Item: R152

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

R152, Postponed from November 16, 2023 Meeting - Resolution to Require Immediate Removal or Repair of Ruined Building, Structures, Rubbish, Wreckage, Weeds, and Debris, and Abatement of Premises at 2009 Grande Blvd. SE, Rio Rancho, NM 87124

BACKGROUND AND ANALYSIS:

This item was originally scheduled to be heard at the November 16, 2023 Governing Body meeting; however, the owners of the property requested more time to arrange the necessary cleanup. The Governing Body voted to postpone this item to their December 14, 2023 meeting.

The property located at 2009 Grande Blvd. SE, Rio Rancho, NM 87124 ("Property" or "Premises") and its curtilage have been severely damaged by fire, vandalism, and/or neglect.

The Rio Rancho Fire & Rescue Department has responded to multiple structure fires at the Property. On December 28, 2022 (Call # 22013826) a fire caused the roof to collapse and severely damaged other areas of the primary building on the Premises. A second fire, occurring on March 5, 2023 (Call # 23002502), caused further damage to the roof and overall building structure on the Premises.

The City of Rio Rancho's Police Department, Fire Marshal, Code Enforcement Division, and Building Division have responded to, inspected, and investigated the Property during the time period of December 28, 2022 through November 1, 2023, and have continually found the Property to be so ruined, damaged, and/or dilapidated that the building and surrounding area constituted a menace and/or nuisance to the public comfort, health, peace, welfare, and/or safety, and removal and/or substantial repair was warranted.

The Building Division inspected and investigated the condition and structure of the building on March 8, 2023. The Building Division issued a red tag due to the building being an unsafe structure. Additionally, the Code Enforcement Division has issued multiple notices of violations to the Owners of the Property due to non-compliance with City Ordinances. Specifically, Code Enforcement has found the Property to be unsecured and covered with ruins, rubbish, wreckage, and/or other debris over the course of numerous investigations.

Finally, the Police Department has responded to calls for service forty-seven (47) times to the property from dates ranging from December 2022 through October 2023. Calls for service have consisted of structure fire, area check, suspicious activity, criminal damaged, and public nuisance. A total of eighty-two (82) officers have been dispatched through this time period.

The Property Owner, Chabad of New Mexico Inc., has been contacted many times by different City

employees and representatives, but has not acted to address the ongoing safety and health concerns that exist on the property due to the dilapidated and severely damaged structure.

IMPACT:

After 10 days of receipt of this Resolution should the property owner not commence with cleanup/abatement or file a written objection to the Resolution with the City Clerk pursuant to State law, the City of Rio Rancho will begin abatement procedures as soon as possible. If the City expends public funds to abate the nuisance violations, a lien would be placed by the City on the property to recover costs associated with the abatement actions, and the City may seek foreclosure in accordance with lien foreclosure proceedings, if necessary.

The current Fiscal Year 2024 Budget has \$50,000 allocated/available to abate declared public nuisances as needed.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

The City Manager's Office, Police Department, Fire & Rescue Department, and the Development Services Department's Code Enforcement Division and Building Division recommend approval of the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [2009 Grande Blvd Exhibit 1.pdf](#)

ATTACHMENT: [2009 Grande Blvd Exhibit 2.pdf](#)

ATTACHMENT: [2009 Grande Blvd Exhibit 3.pdf](#)

ATTACHMENT: [2009 Grande Blvd Exhibit 4.pdf](#)

ATTACHMENT: [2009 Grande Blvd Exhibit 5.pdf](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

1 **PURSUANT TO § 3-18-5 NMSA 1978, A RESOLUTION TO REQUIRE IMMEDIATE**
2 **REMOVAL OF RUINED, DAMAGED, OR DILAPIDATED BUILDINGS OR**
3 **STRUCTURES, RUBBISH, WRECKAGE, AND DEBRIS, AND ABATEMENT OF**
4 **MENACE AND/OR NUISANCE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR**
5 **SAFETY AT 2009 GRANDE BLVD. SE, RIO RANCHO, SANDOVAL COUNTY, NEW**
6 **MEXICO 87124, DESCRIBED MORE SPECIFICALLY AS BLOCK 24 OF LOT 1 UNIT**
7 **16 OF RIO RANCHO ESTATES IN THE CITY OF RIO RANCHO, SANDOVAL**
8 **COUNTY, NEW MEXICO;REQUIRING OWNER(S) THEREOF PROMPTLY TO**
9 **COMMENCE REMOVAL OR REPAIR OF THE RUINED BUILDING, STRUCTURES,**
10 **RUBBISH, WRECKAGE AND/OR DEBRIS AND ABATEMENT OF THE**
11 **MENACE/NUISANCE; AUTHORIZING THE CITY TO ABATE THE**
12 **MENACE/NUISANCE TO PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY; AND**
13 **PROVIDING THAT THE CITY SHALL RECOVER ITS COSTS INCURRED IN THE**
14 **MATTER**

15
16 **WHEREAS:** it has been brought to the attention of the Governing Body that the
17 premises at 2009 Grande Blvd. SE, Rio Rancho New Mexico, 87124 (the
18 “Property” or “Premises”) has been damaged severely by fire, vandalism
19 and/or neglect; and
20

21 **WHEREAS:** the Rio Rancho Fire & Rescue Department has responded to structure
22 fires at the Property: December 28, 2022 (Call # 22013826) where a fire
23 caused the roof to collapse and severely damaged other areas of the
24 primary building on the Premises, and a fire occurring on March 5, 2023
25 (Call # 23002502) causing further damage to the roof and overall building
26 structure on the Premises (see Exhibit 1); and
27

28 **WHEREAS:** the City of Rio Rancho Code Enforcement Division has issued multiple
29 notices of violations (Case # 23-1470, 23-1471, 23-1472, and 23-2653) to
30 the Owners of the Property due to non-compliance with City Ordinances;
31 specifically, the Code Enforcement Division has found the Property to be
32 unsecured and covered with ruins, rubbish, wreckage, and/or other debris
33 (see Exhibit 2, 3, and 4); and
34

35 **WHEREAS:** the City of Rio Rancho Building Division inspected and investigated the
36 condition and structure of the building on March 8, 2023, issued a red tag
37 due to the building being an unsafe structure (see Exhibit 5), and has
38 assessed that the multi-story section of the building needs demo and/or
39 alterations made to restore the building to safe condition and other
40 sections of the building will need to be evaluated by an engineer to
41 determine any alterations needed; and
42

43 **WHEREAS:** the City of Rio Rancho’s Police Department has responded to calls for
44 service forty-seven (47) times (and dispatched eighty-two (82) officers) to

1 the property from dates ranging from December 2022 through October
2 2023, and these calls for service have consisted of structure fire, area
3 check, suspicious activity, criminal damaged, and public nuisance; and
4

5 **WHEREAS:** the City of Rio Rancho's Police Department, Fire Marshal, Code
6 Enforcement Division, and Building Division have responded to, inspected,
7 and investigated the Property during the time period of December 28,
8 2022 through November 1, 2023, and have continually found the Property
9 to be so ruined, damaged, and/or dilapidated that the building and
10 surrounding area constituted a menace and/or nuisance to the public
11 comfort, health, peace, welfare, and/or safety, and removal and/or
12 substantial repair was warranted; and
13

14 **WHEREAS:** the Governing Body finds that repair or abatement to the Premises has not
15 occurred since December 28, 2022; the property has been without some
16 utility services since December 9, 2006; the Premises and the remaining
17 structure remain open and accessible to weather elements and potential
18 trespassers; and the Property presents a multitude of dangers to the
19 inhabitants of all surrounding properties, first responders, and the general
20 public; and
21

22 **WHEREAS:** the Governing Body finds that the Premises is an imminent, ongoing,
23 and serious menace to the public's comfort, health, peace, welfare, and/or
24 safety which constitutes an ongoing public nuisance; and
25

26 **WHEREAS:** the Governing Body finds that immediate abatement of the hazardous
27 conditions of the Premises by removal of the unsafe building, other
28 structures, rubbish, wreckage, and debris is required for the protection of
29 the public comfort, health, peace, welfare, and/or safety.
30

31 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF**
32 **RIO RANCHO:**
33

34 **SECTION 1.**
35

36 A. That the findings of the City of Rio Rancho Police Department, Fire Marshal,
37 Code Enforcement Division, and Building Division, in regard to the Premises,
38 structure(s), and/or curtilage, are hereby approved and adopted, and that all
39 structure(s) and/or curtilage is found to be ruined, damaged, and dilapidated, as
40 to be a menace to the public comfort, health, peace, welfare, and/or safety
41 pursuant to §3-18-5 NMSA 1978.
42

43 B. That the findings of the City of Rio Rancho Police Department, Fire Marshal,
44 Code Enforcement Division, and Building Division, in regard to the Premises,
45 structure(s), and/or curtilage, are hereby approved and adopted, and that all
46 structure(s) and/or curtilage is found to be ruined, damaged, and dilapidated, as
47 to be a public nuisance injurious to the public health, safety, and welfare as
48 proscribed by §30-8-1 NMSA 1978 and as referenced in §3-18-5 NMSA 1978.
49

50 **SECTION 2.** That Chabad of New Mexico Inc., the owner of the Premises, and/or agent

1 in charge of the Premises (collectively, the “Owner”) is hereby ordered to immediately
2 commence and promptly bring to completion the removal of the unsafe building(s),
3 other structures, rubbish, wreckage, and debris on the Premises; to bring the Premises
4 into such a condition that it no longer constitutes a menace to the public comfort, health,
5 peace, or safety; and all to the full and complete satisfaction of the City, as determined
6 by the City Manager.
7

8 **SECTION 3.** Within ten (10) days following receipt of a copy of this Resolution or of
9 the posting and publishing of a copy of the Resolution, the Owner shall commence
10 removing the building, structure(s), ruin, rubbish, wreckage, or debris, or file a written
11 objection with the City Clerk, as described below. Once begun, abatement and/or
12 removal shall be conducted vigorously and continuously until the unsatisfactory
13 conditions have been fully resolved as provided herein.
14

15 **SECTION 4.** If the Owner, occupant, or agent in charge of the Premises objects to
16 this Resolution or any provision hereof, such person(s) may, within ten (10) days
17 following receipt of a copy of this Resolution or the posting and publishing of a copy of
18 this Resolution, file written objections in the office of the City Clerk. The City will
19 provide for a hearing before the Governing Body to consider the Resolution and the
20 objections pursuant to §3-18-5(D) NMSA 1978. Further, pursuant to §3-18-5(E)
21 NMSA 1978, and following any such hearing before the Governing Body, if the
22 Owner is aggrieved by the determination of the Governing Body, the Owner may
23 appeal the determination to the District Court.
24

25 **SECTION 5.** If the Owner fails to commence abatement of the unsatisfactory conditions
26 on the Premises:

27
28 A. Within ten (10) days of service of this Resolution or of the posting and publishing
29 of this Resolution; or

30
31 B. Within five (5) days of the determination by the Governing Body that the
32 Resolution shall be enforced; or

33
34 C. After the District Court enters judgment sustaining the determination of the
35 Governing Body following an appeal to the District Court filed pursuant to § 3-18-
36 5(E) NMSA 1978,

37
38 the City may remove the building(s), structure(s), ruins, rubbish, wreckage, and/or
39 debris on the Premises at the cost and expense of the Owner. The reasonable cost
40 of such removal shall constitute a lien against the Premises, as provided by law.
41

42 **SECTION 6.** The Owner shall be required to reimburse the City for its costs incurred
43 in this matter, and such costs shall remain a lien on the Premises until paid, as provided
44 by law.
45

46 **SECTION 7.** The City may pay for the removal of such building(s), structure(s),
47 wreckage, rubbish, and/or debris by granting to the person removing the same legal
48 title to all salvageable materials removed from the Premises in lieu of all other
49 compensation.
50

1 **SECTION 8.** Any person or firm removing any condemned building, structure,
2 wreckage, rubbish, or debris shall leave the Premises from which the material has
3 been removed in a clean, level, and safe condition, suitable for further occupancy or
4 construction, and with all excavations filled.

5
6 **SECTION 9. SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause,
7 word or phrase of the Resolution is for any reason held to be invalid or
8 unenforceable by any court of competent jurisdiction, such decision shall not affect the
9 validity of the remaining provisions of this Resolution. The Governing Body hereby
10 declares that it would have passed this Resolution and each sentence, paragraph,
11 sentence, clause word or phrase thereof irrespective of any provisions being
12 declared unconstitutional or otherwise invalid.

13
14
15 ADOPTED THIS _____ DAY OF _____, 2023.

16
17
18 _____
19 Gregory D. Hull, Mayor

20
21 ATTEST:

22
23 _____
24 Rebecca A. Martinez, City Clerk
25 (SEAL)

May 17, 2023

TRANSMITTED VIA EMAIL (chaim@swcp.com)
AND CERTIFIED MAIL

Chabad of New Mexico, Inc. a New Mexico non-profit
c/o Chaim Schumukler, its Registered Agent
PO BOX 30851,
Albuquerque, NM 87190

Chabad of New Mexico, Inc. a New Mexico non-profit
c/o Chaim Schumukler, its Registered Agent
4000 San Pedro NE,
Albuquerque, NM 87110

Chabad of New Mexico, Inc. a New Mexico non-profit
c/o Chaim Schumukler, its Registered Agent
4209 Penelope Pl. NE,
Albuquerque, NM 87109

Re: Status of the Structure located at 2009 Grande Blvd. SE, Rio Rancho NM, 87124

Mr. Schumukler and Directors of Chabad of New Mexico:

The purpose of this letter is to outline the concerns of Rio Rancho Fire Rescue regarding the former Jewish Community Center located at 2009 Grande Blvd SE, Rio Rancho, NM 87124. These concerns have resulted from the past two structure fires that Rio Rancho Fire Rescue has responded to at this address, both of which were within the past year, and present possible life endangering and safety threats to our citizens and our emergency response personnel.

The 2021 International Fire Code, that has been adopted by the City, has included within Section 311, "*Vacant Premises*," several provisions regarding vacant/abandoned properties. A vacant premise that is abandoned is a structure that meets the following criteria:

" 311.1.1 Abandoned Premises

Buildings, structures, and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be

Exhibit 1

considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the international property maintenance code and the international building code. "

The former Jewish Community Center meets the criteria for an abandoned property due to it being unoccupied for approximately 1.5 years prior to the recent structure fires. During this time frame, the structure at the site has shown signs of transient activity, including but not limited to, the destruction of the interior and exterior of the structure, signs of forced entry at several points of the structure, and after the most recent fire there are severe signs of structural instability. During the last fire, fire crews used approximately 45,000 gallons of water for extinguishment. This amount of water added significant weight to the structure, which could exceed the weight the structure was initially intended to hold. Also, the structure now has a partial collapse of the second floor above the southeast corner.


Due to these circumstances, our fire crews will now initially operate from a defensive standpoint regarding this structure. Extinguishment of any fires will now be conducted from the exterior. Interior operations will only be considered if there are indications that the structure is currently inhabited or in the event of an imminent rescue.

Additionally, it was brought to our attention after the last structure fire that the building was potentially constructed using asbestos. Asbestos can become a hazardous air pollutant that can remain airborne for days after being disturbed. This is concerning due to the possibility of a building collapse related to the structural issues identified above. If this structure were to collapse, and the asbestos became airborne, it could expose the surrounding homeowners, citizens who utilize the nearby community park, and first responders who arrive on scene to hazardous conditions. Any demolition of the structure should be done in accordance with proper practices related to asbestos.

The fire code violations identified in this letter must be corrected promptly to protect our fire personnel and the citizens that live close to the structure. Please do not hesitate to contact me if you have any questions about violations. If you have any questions, please do not hesitate to contact us.

Sincerely,

Rio Rancho Fire and Rescue,
a department of the City of Rio Rancho

By: 
James DeFillippo, Fire Chief

cc: Mr. Matthew Geisel
Mr. David Branch



James DeFillippo
Fire Chief

Rio Rancho Fire Rescue

O: 505.891.5281

RRNM.gov |





Development Services Department
Code Enforcement Division

Date: 03/08/2023

Location of Violation: 2009 Grande Blvd Ne, Rio Rancho, New Mexico

RE: **COURTESY NOTICE OF CODE VIOLATION**

TO: Property Owner's Mailing Address is 4000 San Pedro Drive Ne, Albuquerque, New Mexico 87110-1555

Observation and investigation of the property described above identified a violation of City of Rio Rancho Code of Ordinances.

- 91.03 Building & Structure Exteriors
- 91.04 Exterior Premises and Vacant Land
- 91.05 Vegetation
- 91.06 Inoperable Vehicle
- 154.01 Planning & Zoning
- 154.81 Building Permit
- 156.06 Violations
- Misc.

To Correct the Violation:



City of Rio Rancho
Development Services Department
3200 Civic Center Circle NE, Room 130
Rio Rancho, NM 87144

CE 5005
XB

CHABAD OF NEW MEXICO INC
4000 SAN PEDRO DR NE,
ALBUQUERQUE, NM 87110-1555
UNITED STATES OF AMERICA

Exhibit 2





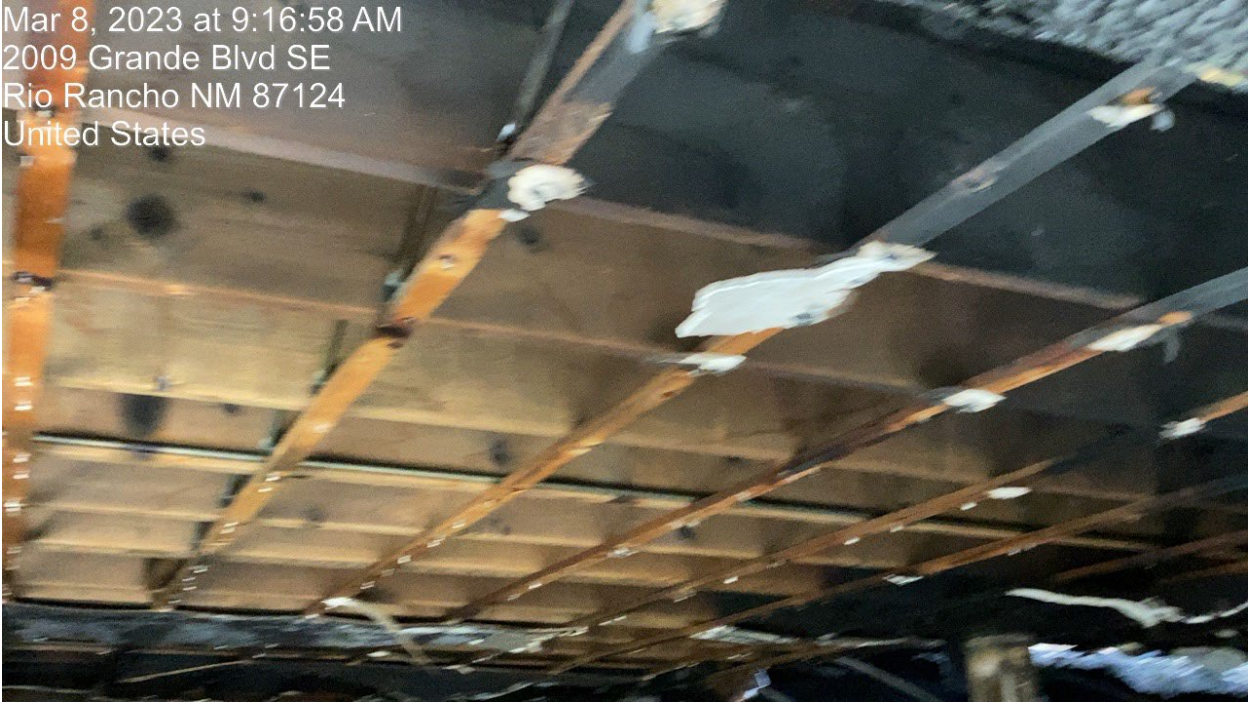


Mar 8, 2023 at 9:17:58 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:17:48 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States

Mar 8, 2023 at 9:16:58 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:16:56 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:16:41 AM
2009 Grande Blvd SE
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United States



Mar 8, 2023 at 9:16:38 AM
2009 Grande Blvd SE
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United States



Mar 8, 2023 at 9:14:44 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:14:40 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:13:35 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:13:32 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:09:38 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:09:36 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States





Mar 8, 2023 at 9:06:17 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:05:50 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
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Mar 8, 2023 at 9:05:48 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:05:42 AM
2009 Grande Blvd SE
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United States





Mar 8, 2023 at 9:05:26 AM
2009 Grande Blvd SE
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United States



Mar 8, 2023 at 9:02:28 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 8, 2023 at 9:02:26 AM
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Rio Rancho NM 87124
United States



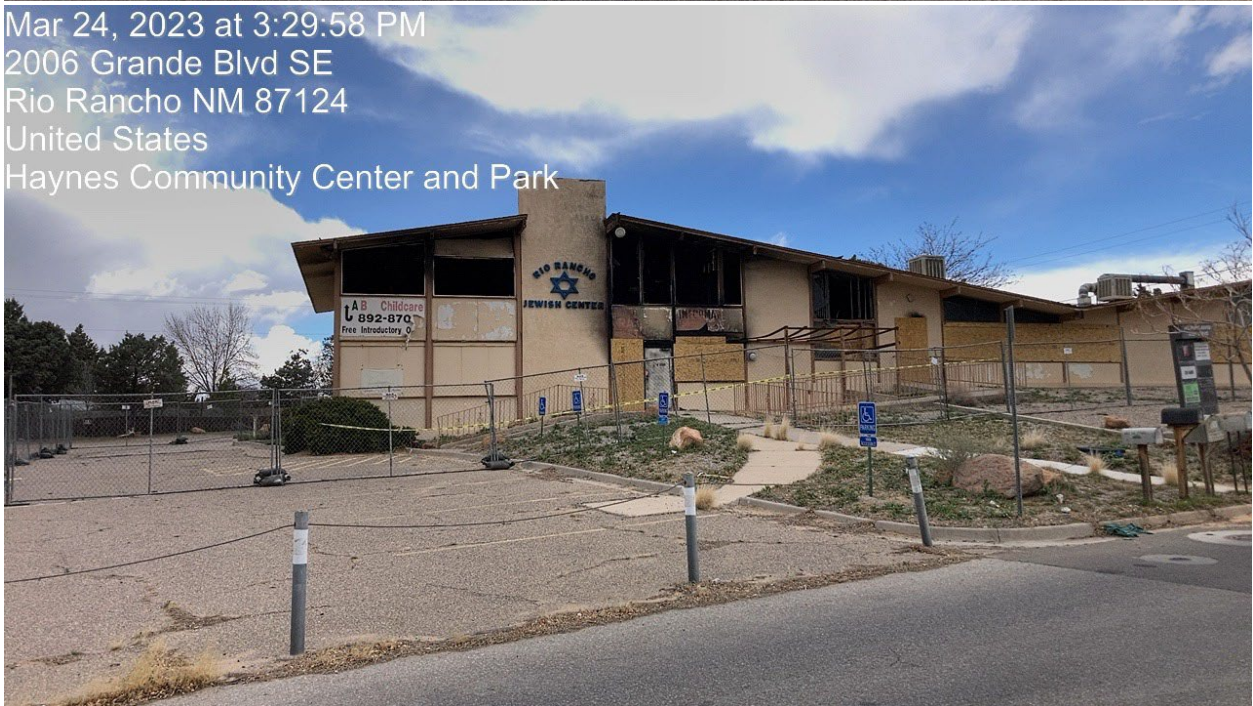
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2009 Grande Blvd SE
Rio Rancho NM 87124
United States



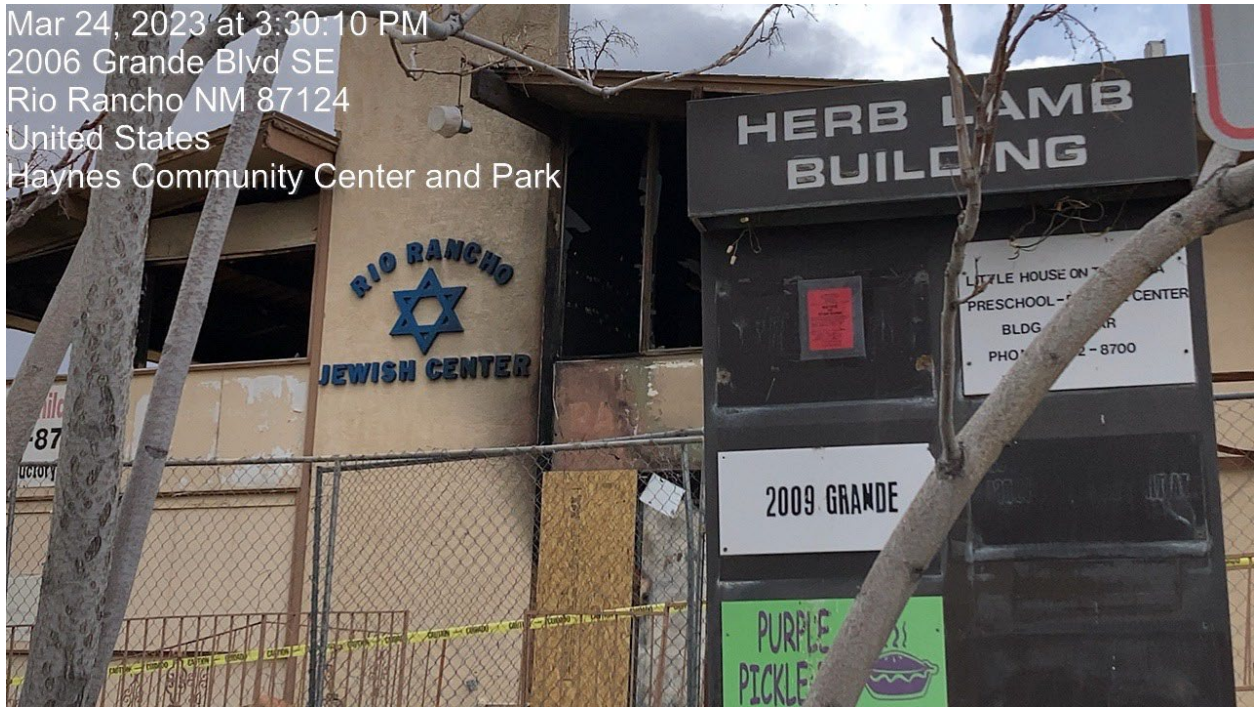
Mar 24, 2023 at 3:29:54 PM
2006 Grande Blvd SE
Rio Rancho NM 87124
United States
Haynes Community Center and Park



Mar 24, 2023 at 3:29:58 PM
2006 Grande Blvd SE
Rio Rancho NM 87124
United States
Haynes Community Center and Park



Mar 24, 2023 at 3:30:10 PM
2006 Grande Blvd SE
Rio Rancho NM 87124
United States
Haynes Community Center and Park



Mar 24, 2023 at 3:30:22 PM
2006 Grande Blvd SE
Rio Rancho NM 87124
United States
Haynes Community Center and Park













Jun 2, 2023 at 2:38:36 PM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States





Jun 2, 2023 at 2:38:49 PM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Jun 2, 2023 at 2:39:08 PM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States









Jun 8, 2023 at 9:44:40 AM
3709 21st Ave SE
Rio Rancho NM 87124
United States



Jun 8, 2023 at 9:45:15 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Jun 8, 2023 at 9:45:37 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



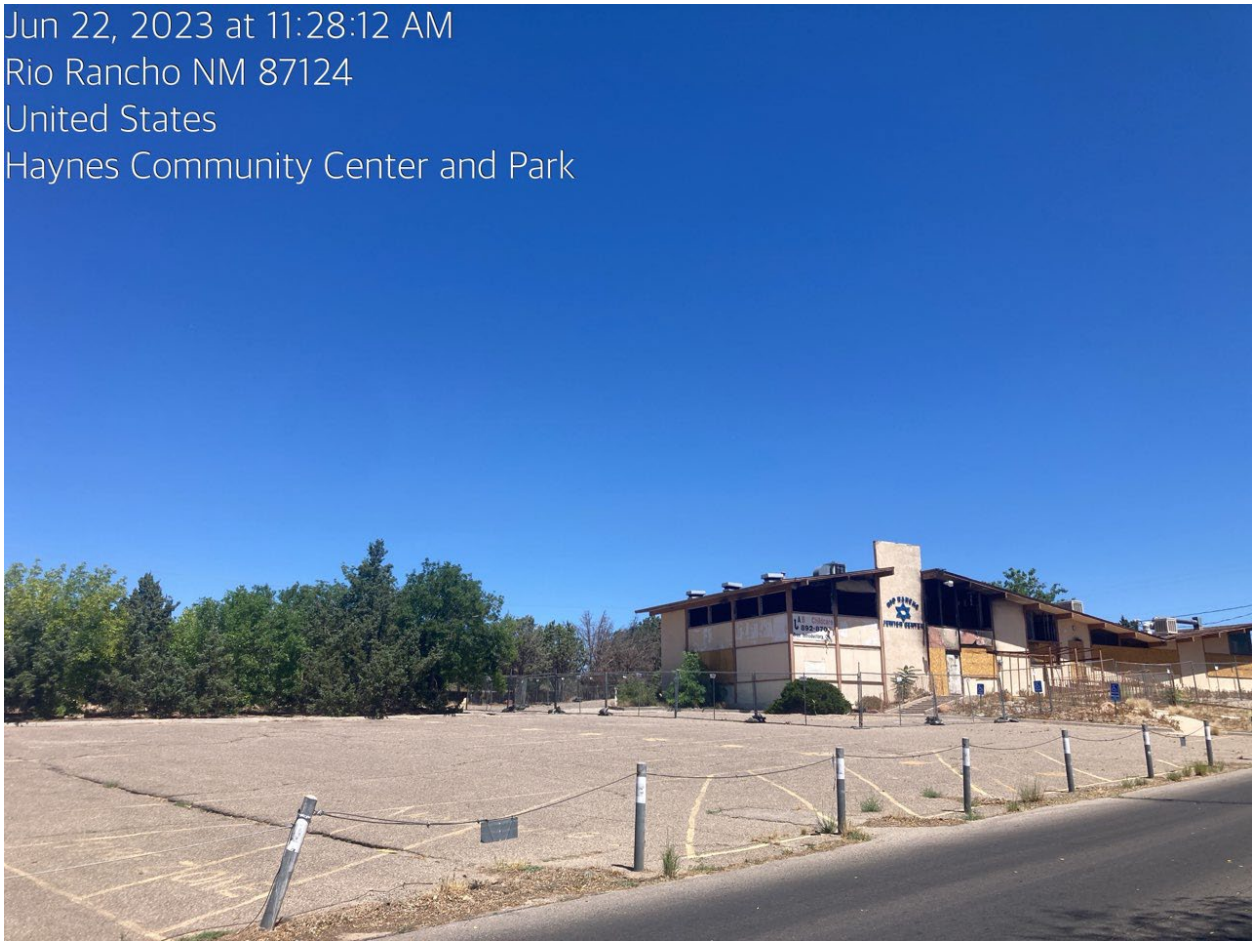
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2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Jun 22, 2023 at 11:28:19 AM
Rio Rancho NM 87124
United States
Haynes Community Center and Park



Jun 22, 2023 at 11:28:12 AM
Rio Rancho NM 87124
United States
Haynes Community Center and Park



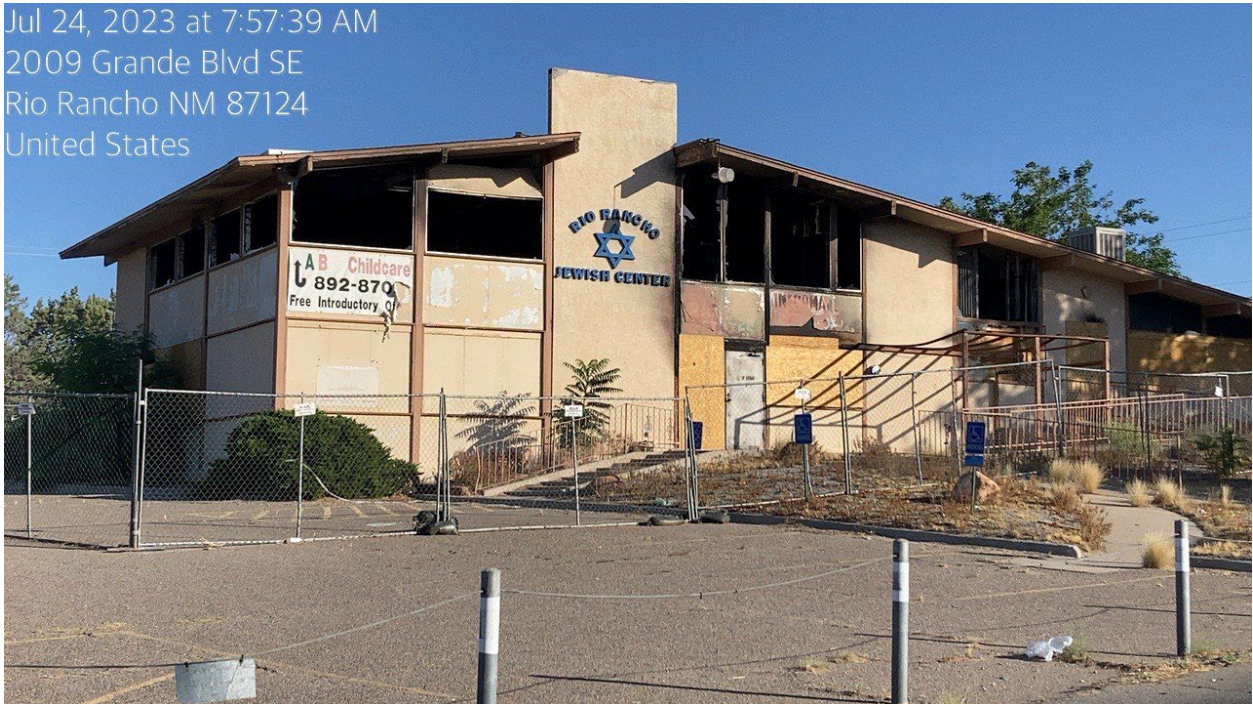
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Rio Rancho NM 87124
United States
Haynes Community Center and Park



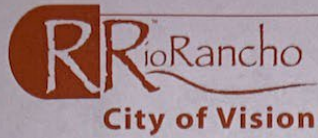
Jul 24, 2023 at 7:57:29 AM
Rio Rancho NM 87124
United States
Haynes Community Center and Park



Jul 24, 2023 at 7:57:39 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States







**Development Services Department
Code Enforcement Division**

Date: 05/01/2023

Location of Violation: 2009 Grande Blvd Se, Rio Rancho, New Mexico 87124

RE: **COURTESY NOTICE OF CODE VIOLATION**

TO: Chabad of New Mexico Inc
4000 San Pedro Drive Ne, Rio Rancho, New Mexico 87110

Observation and investigation of the property described above identified a violation of City of Rio Rancho Code of Ordinances.

- | | |
|---|---|
| <input type="checkbox"/> 91.03 Building & Structure Exteriors | <input type="checkbox"/> 154.01 Planning & Zoning |
| <input checked="" type="checkbox"/> 91.04 Exterior Premises and Vacant Land | <input type="checkbox"/> 154.81 Building Permit |
| <input type="checkbox"/> 91.05 Vegetation | <input type="checkbox"/> 156.06 Violations |
| <input type="checkbox"/> 91.06 Inoperable Vehicle | <input type="checkbox"/> Misc. |

To Correct the Violation:

The property located at 2009 Grande Blvd Se, Rio Rancho, New Mexico 87124 is in



City of Rio Rancho
Development Services Department
3200 Civic Center Circle NE, Room 130
Rio Rancho, NM 87144

CE 5005
XB

Chabad of New Mexico Inc
4000 San Pedro Drive Ne,
Albuquerque, New Mexico 87110

Exhibit 3



City of Vision

Development Services Department
Code Enforcement Division

NOTICE OF CODE VIOLATION

Property Owner: Chabad of New Mexico
Owner's Address: 4000 San Pedro Drive Ne, Rio Rancho, New Mexico 87124
Address: 2009 Grande Blvd Se, Rio Rancho, New Mexico 87124

Property Address: 2009 Grande Blvd Se, Rio Rancho, New Mexico 87124
Street Address: 2009 Grande Blvd Se, Rio Rancho, New Mexico 87124

Case Number: 2023-0002653

Date: 05/17/2023

Observation and investigation of the property described above identified a violation of City of Rio Rancho Code of Ordinances (R.O. 2003) 91:04 "EXTERIOR PREMISES AND VACANTLAND", Chapter 91 "NUISANCE: HEALTH AND SANITATION".

Specifically:

§ 91:04 EXTERIOR PREMISES AND VACANT LAND

YOUR PROPERTY IS IN VIOLATION OF THE CITY OF RIO RANCHO CODE OF ORDINANCES, AND THE CITY OF RIO RANCHO ALLOWS FOR THIRTY (30) DAYS TO BRING YOUR PROPERTY INTO COMPLIANCE



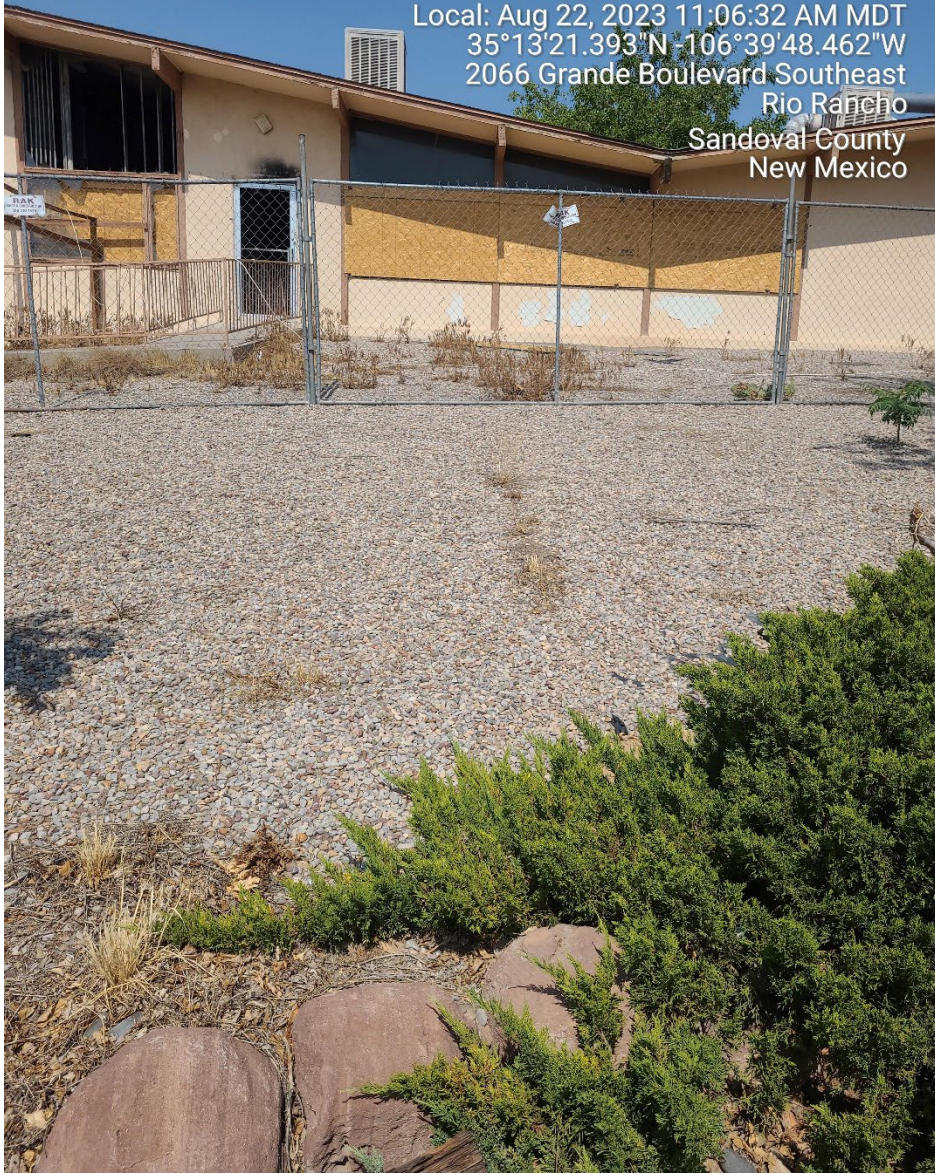
City of Vision

City of Rio Rancho
Development Services Department
3200 Civic Center Circle NE, Room 130
Rio Rancho, NM 87144

CE 5005
XB

Chabad of New Mexico
4000 San Pedro Drive Ne,
Rio Rancho, New Mexico 87124

Network: Aug 22, 2023 11:06:32 AM MDT
Local: Aug 22, 2023 11:06:32 AM MDT
35°13'21.393"N -106°39'48.462"W
2066 Grande Boulevard Southeast
Rio Rancho
Sandoval County
New Mexico



Network: Aug 22, 2023 11:06:29 AM MDT
Local: Aug 22, 2023 11:06:29 AM MDT
35°13'21.383"N -106°39'48.447"W
2066 Grande Boulevard Southeast
Rio Rancho
Sandoval County
New Mexico



May 17, 2023 at 9:33:22 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



May 17, 2023 at 9:33:19 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



May 17, 2023 at 9:33:26 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Exhibit 4



NOTICE OF ORDINANCE VIOLATION

October 31, 2023

Chabad of New Mexico
4000 SAN PEDRO DR NE
ALBUQUERQUE, NM 87110-1555

REGARDING Property Legally Described as:

Rio Rancho Estates Unit 16, Block 24, Lot 1 Addressed as: 2009 Grande Blvd SE
Rio Rancho, NM 87124

VIOLATION (S): Rio Rancho Municipal Code Sections 91.03 , and 91.04 , and 91.21, and 93.03, and 93.07, and 151.01, 151.04, and 2015 International Building Codes (IBC)

The undersigned, under penalty of perjury, complains and says that the property located at 2009 Grande Blvd Se Rio Rancho NM is in violation of the City Ordinance listed below:

- City Ordinance 91.03 Building And Structures Exteriors**
- City Ordinance 91.04 Exterior Premises and Vacant Land**
- City Ordinance 91.21 Nuisances Declared**

On or about December 28, 2022 a structure fire occurred at the Rio Rancho Jewish Center located at 2009 Grande Blvd SE, Rio Rancho, NM 87124. The fire had two areas of origin. The first and most damaged area was in what appeared to be the "worship" area. A partially collapsed ceiling and heavy fire damage was noted to this area. The second area of origin noted was in the western portion of the facility. In this area investigators located what appeared to be an incendiary device, as well as two canisters of kerosene.

The property meets the criteria for an abandoned property due to being unoccupied for approximately 1.5 years before the recent structure fires. During this time frame, the structure has shown signs of transient activity, including but not limited to destruction noted to the interior and exterior of the structure, signs of forced entry at several points of the structure, and after the most recent fire, signs of structural instability. The property was found to be unsecured for approximately 4 months after the first structure fire. The property was initially secured in March of 2023 via fencing and security patrols. There were two documented instances where the structure showed signs of forced entry after March of 2023, once in June of 2023 and once in August of 2023.

City Ordinance 91.03(B) All structures on premises shall be safe, structurally sound and shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. The fire damage has made the structure structurally unsound and the boarded up appearance of the structure is a visual blight.

City Ordinance 91.04(A) General land. All land, including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of debris or blight, which includes, but is not limited to, graffiti on walls, fences or mail boxes, accumulation of litter, rubbish, refuse, waste material, bottles, paper, glass, cans, organic or inorganic material, inoperable or disabled vehicles, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled, or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a health hazard.

City Ordinance 91.21(C) Hazardous premises. It shall be unlawful for any person to permit in or about his premises weeds, briars, brush or any other solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic. Asbestos has been identified as a building material used in construction of the structure. The open roof and broken upper windows present, a hazard to the community by allowing, an escape avenue for airborne asbestos particulates

City Ordinance 93.03 Adoption of The Fire Code

City Ordinance 93.07 Penalty

2021 International Fire Code Section 311 Vacant Premises

City Ordinance 151.01 Adoption

The former Jewish Community Center meets the criteria for an abandoned property due to being unoccupied for approximately 1.5 years before the recent structure fires. During this time frame, the structure has shown signs of transient activity, including but not limited to destruction noted to the interior and exterior of the structure, signs of forced entry at several points of the structure, and after the most recent fire, signs of structural instability. The property was found to be unsecured for approximately 4 months after the first structure fire. The property was initially secured in March of 2023 via fencing and security patrols. There were two documented instances where the structure showed signs of forced entry after March of 2023, once in June of 2023 and once in August of 2023. Photos of these instances can be provided upon request. During the most recent fire, fire crews used approximately 45,000 gallons of water for extinguishment. This amount of water added significant weight to the structure, which could exceed the weight the structure initially intended to hold. Regarding structural instability, the structure now has a partial collapse of the second floor above the SE corner. Due to these circumstances, our fire crews will now initially operate from a defensive standpoint regarding this structure. Extinguishment of any fires on this property will now be conducted from the exterior. Interior operations will only be considered if there are indications that the structure is currently inhabited or in the event of an imminent rescue. The fire code violations must be corrected promptly to protect our fire personnel and the citizens that live close to the structure.

It was brought to our attention after the last structure fire that the building was potentially constructed using asbestos. As you know, asbestos can become a hazardous air pollutant that can remain airborne for days after being disturbed. This is concerning due to the possibility of this building collapsing. If this building were to collapse and the asbestos became airborne, it could expose the surrounding homeowners and citizens who utilize the nearby community park. To mitigate any exposure, it is crucial that the building be demolished with practices that take asbestos into account

For the purpose of regulation of fire hazards and control of fires and fire prevention, the minimum Fire Codes for the State of New Mexico, as identified in 10.25.1 through 10.25.12 NMAC, including any and all future amendments, replacement sections and additional provisions thereof, are adopted. The minimum Fire Codes for the State of New Mexico shall be controlling within the city to the same extent as if such provisions were set out in full in this chapter.

City Ordinance 93.07 Any person violating the provisions of this chapter or the Fire Code shall be subject to the penalties prescribed in Section 10.99.

2021 International Fire Code 311.1.1 Abandoned Premises

Buildings, structures, and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the international property maintenance code and the international building code.”

2021 International Fire Code 311.2 Safeguarding Vacant Premises.

Temporarily unoccupied buildings, structures, premises, or portions thereof shall be secured and protected in accordance with Sections 311.2.1 through 311.2.3.

2021 International Fire Code 311.2.1 Security.

Exterior and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The fire code official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

2021 International Fire Code 311.5 Placards.

Any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5.

2021 International Fire Code 311.5.1 Placard Location.

Placards shall be applied on the front of the structure and be visible from the street. Additional placards shall be applied to the side of each entrance to the structure and on penthouses.

2021 International Fire Code 311.5.2 Placard Size and Color.

Placards shall be 24 inches by 24 inches (610 mm by 610 mm) minimum in size with a red background, white reflective stripes, and a white reflective border. The stripes and border shall have a 2-inch (51 mm) minimum stroke.

2021 International Fire Code 311.5.3 Placard Date.

Placards shall bear the date of their application to the building and the date of the most recent inspection.

2021 International Fire Code 311.5.4 Placard Symbols.

The design of the placards shall use the following symbols:

1. This symbol shall mean that the structure had normal structural conditions at the time of marking.
2. This symbol shall mean that structural or interior hazards exist, and interior firefighting or rescue operations should be conducted with extreme caution.
3. This symbol shall mean that structural or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, with entry only occurring for known life hazards.

4. Vacant marker hazard identification symbols: The following symbols shall be used to designate known hazards on the vacant building marker. They shall be placed directly above the symbol.

- 4.1.R/O—Roof open
- 4.2.S/M—Stairs, steps and landing missing
- 4.3.F/E—Avoid fire escapes
- 4.4.H/F—Holes in floor”

**City Ordinance 151.04 Compliance with Construction Standards
2015 IBC Building Codes Section 116 Unsafe Structures and Equipment
City Ordinance 93.03**

City Ordinance 151.01 The city hereby adopts the Building Plan Review Code.

City Ordinance 151.04 (A) No part of this chapter shall relieve the applicant from compliance with all requirements of the New Mexico Uniform Building Code.

(B) That certain documents, three copies of which are on file and are open for inspection by the public in the City Development Department, Division of Building Inspection, are marked and designated as:

(1) Uniform Building Code (current edition adopted by the State of New Mexico), published by the International Conference of Building Officials, including the Generic Fire-Resistive Assemblies listed in the Fire Resistance Design Manual (current edition adopted by the State of New Mexico), published by the Gypsum Association, as reference in Tables 43A, 43B, and 43C; also reference Appendix Chapter 25, if adopted, of the Specified Uniform Building, including Appendix Chapters U.B.C., Section 103, Appendix Chapter 51; an additional reference to ANSI/ASME A17-1; (current edition adopted by the state) Safety Code for Elevators and Escalators; Appendix Sections 5109 and 5111(1);

(2) Uniform Building Standards (current edition adopted by the state), published by the International Conference of Building Officials, including Structural Welding Code, Reinforcing Steel AWS DI 4-78, U.B.C. Standard No. 26-8(ii); Structural Welding Code, Sheet Steel ANSI/AWS D1, 3-8 U.B.C. Standard No. 27-16, published by American Welding Society, Inc.; and Standard for the Installation of Sprinkler Systems, NFPA 13-1980, published by the International Fire Protection Association (U.B.C.), Standard No. 38-1, as modified or amended in the Uniform Building Standards Code reference herein;

2015 IBC Building Codes needing to follow.

SECTION 116

UNSAFE STRUCTURES AND EQUIPMENT

[A] 116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

[A] 116.5 Restoration. Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the International Existing Building Code.

On or about February 8, 2023, the following was observed at the Rio Rancho Jewish Center located at 2009 Grande Blvd SE, Rio Rancho, NM 87124. The property meets the standards for unsafe structures and equipment. The building is unsafe and deficient because structural members of framing and building supports have been compromised by fire. The building further has inadequate light and ventilation since utilities have been disconnected, the building is unable to have the proper lighting and ventilation. Additionally, the building is dangerous to human life and the public welfare because the building has major framing issues and 2nd floor has potential to collapse. Also, there are no utilities causing the building to not have lighting and ventilation. Building Division has issued a red tag due to unsafe structure. We recommend the multi-story section of the building needs demo and or alterations made to restore the building to a safe condition. The other sections of building will need to be evaluated by engineer to determine any alterations needed. All alterations will need to be approved by NM structural engineer.

TO WIT:

The property located at 2009 Grande Blvd SE, also known as Jewish Community Center (JCC) has been in violation of City Ordinances since, January 15, 2023. The property remains in violation of City Ordinances and has not been brought back into compliance as of today's date August 25, 2023. The current owner is CHABAD OF NEW MEXICO, Current inspection of the property has found that the Ordinance violations remain.

COMPLIANCE

Please apply for all applicable permits associated with the repair or removal of the fire damage structure.

Please maintain the property to a standard of not being blighted, by broken windows, and visible fire debris.

Please remove all unsafe materials from the property that may become injurious to the general public and surrounding property owners.

Please bring this property up to date with all current Fire Code requirements.

Please bring this property up to date with all current Building Code requirements.

Please have the multi-story section of the structure demolished or made to restore the building to a safe condition. The other sections of building will need to be evaluated by an Engineer to determine if alterations are needed. All alterations will need to be approved by NM Structural Engineer and the City of Rio Rancho.

Please correct the Fire Code violations to protect Fire Personnel and the citizens that live in the proximity of this structure.

Please bring this property into compliance before November 14, 2023.

Complainant,

Dale Carrier
City of Rio Rancho
Code enforcement Officer
Phone: 505 891-5863
Email: dcarrier@rrnm.gov



Mar 8, 2023 at 9:21:28 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States

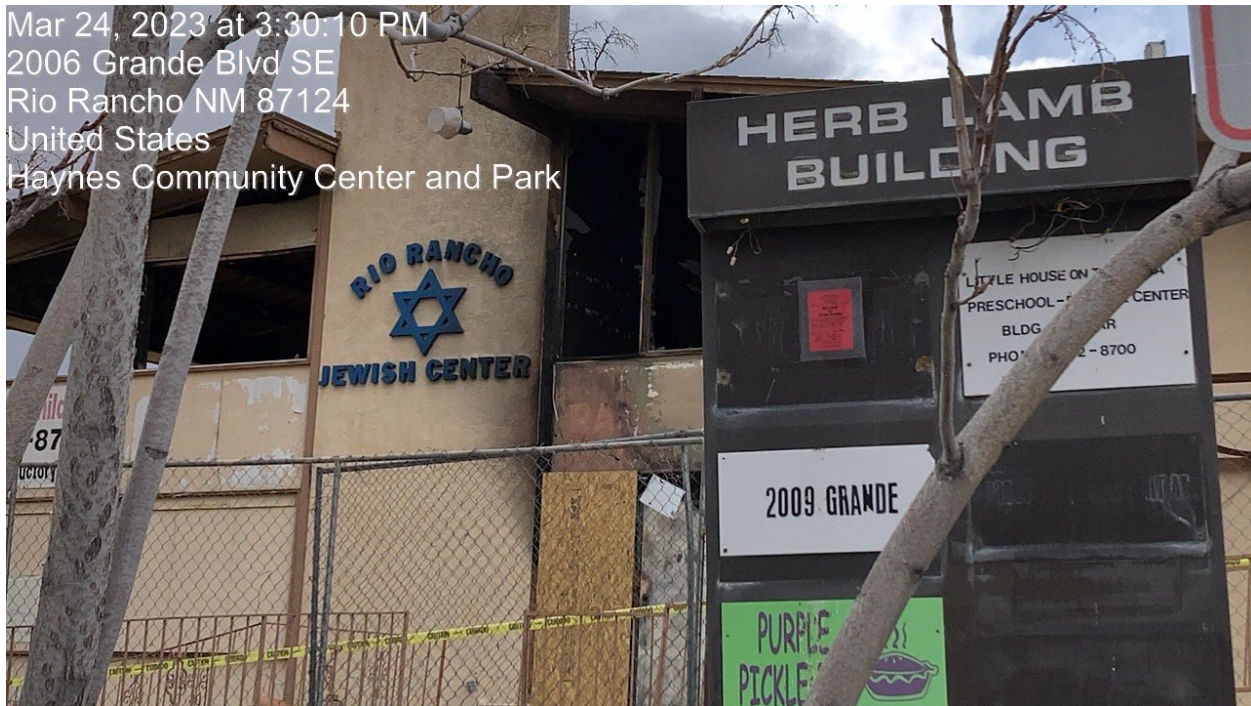


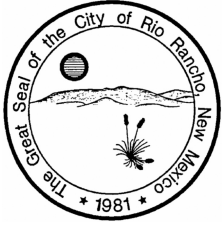
Exhibit 5

Mar 8, 2023 at 9:02:24 AM
2009 Grande Blvd SE
Rio Rancho NM 87124
United States



Mar 24, 2023 at 3:30:10 PM
2006 Grande Blvd SE
Rio Rancho NM 87124
United States
Haynes Community Center and Park





CITY OF RIO RANCHO COVER PAGE

Legislation Item: R163

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

R163, Resolution Repealing and Replacing Boards & Commissions Rules of Procedure

BACKGROUND AND ANALYSIS:

The City Charter, Section 5.07, states that the Governing Body may, by ordinance, establish boards and commissions with such powers, purpose, scope, and authority as is deemed appropriate by the Governing Body. In addition, the Governing Body may establish advisory bodies, as it determines to be appropriate and advantageous to the conduct of city government.

The Governing Body first adopted rules of procedure for boards and commissions in 2010 (Resolution No. 92/Enactment No. 10-091). This was done because, at that time, the various City boards, commissions, and committees operated under different rules of procedures, which was confusing and caused training issues. The rules of procedure established for City boards and commissions mirrored the Governing Body's rules of procedure document.

Rules of procedure are necessary to provide an orderly and methodical plan so that the business and matters that come before various City boards, commissions, committees, and advisory bodies may receive proper consideration and prioritization.

The Governing Body repealed and replaced its rules of procedure at its November 16, 2023, meeting. The new document incorporated necessary and recommended amendments.

This Resolution will repeal and replace the rules of procedure document for boards and commissions with a document (as applicable) that is similar to the new Governing Body rules of procedure document that was recently adopted.

IMPACT:

Updated Boards, Commissions, Committees, and Advisory Bodies Rules of Procedure will be adopted and take effect on December 26, 2023, which is the same effective date as the new Governing Body Rules of Procedure.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

City staff recommends approval of the Resolution.

ATTACHMENT: [Resolution_Repealing_and_Replacing Boards and Commissions Rules of Procedure Dec 14 2023](#)

ATTACHMENT: [Boards and Commissions Rules of Procedure.pdf](#)

ATTACHMENT: [Exhibit A Update Boards and Commissions Rules of Procedure Dec 14 2023.pdf](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION REPEALING AND REPLACING BOARDS & COMMISSIONS
RULES OF PROCEDURE**

WHEREAS: the City Charter, Section 5.07, states that the Governing Body may, by ordinance, establish boards and commissions with such powers, purpose, scope, and authority as is deemed appropriate by the Governing Body, and the Governing Body may establish advisory bodies, as it determines to be appropriate and advantageous to the conduct of city government; and

WHEREAS: the Governing Body first adopted rules of procedure for boards and commissions in 2010 (Resolution No. 92/Enactment No. 10-091), which was done because, at that time, the various City boards and commissions operated under different rules of procedures and this caused confusion and training issues; and

WHEREAS: rules of procedure are necessary to provide an orderly and methodical plan so that the business and matters that come before various City boards, commissions, committees, and advisory bodies may receive proper consideration and prioritization; and

WHEREAS: the Governing Body repealed and replaced its rules of procedure on November 16, 2023; and

WHEREAS: repealing and replacing the rules of procedure document for boards and commissions with a document (as applicable) that is similar to the recently adopted Governing Body rules of procedure document is advised for consistency purposes.

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

Section 1. The Boards and Commissions Rules of Procedure, initially adopted via Resolution No. 92/Enactment No. 10-091, are hereby repealed and replaced with the Boards, Commissions, Committees, and Advisory Bodies Rules of Procedure Rules of Procedure attached hereto as Exhibit A.

Section 2. The effective date of the Resolution shall be December 26, 2023.

ADOPTED THIS _____ DAY OF _____, 2023.

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Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



BOARDS & COMMISSIONS RULES OF PROCEDURE

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BOARDS & COMMISSIONS RULES OF PROCEDURE

ARTICLE I GENERAL PROVISIONS

1.1 Meetings

- A. Meetings of the Board & Commission shall be held in accordance with Section 33.04 R.O. 2003, and in compliance with the Open Meetings Act, NMSA, 1978, §10-15-1 et. seq.
- B. All binding actions of the Board & Commission shall be taken at regular meetings or special meetings.
- C. The Board & Commission may recess and reconvene a meeting to a subsequent date provided that prior to recessing, the presiding officer specifies the date, time and place for continuation, and immediately posts notice of the date time and place for the reconvened meeting on or near the door of the designated meeting area and in the lobby of City Hall. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.
- D. Notice of all meetings shall be in accordance with the City Open Meetings Resolution.
- E. Work Sessions.
 - 1. Work sessions may be held for the purpose of examining issues, but no official action may be taken.
 - 2. Non-mandatory work sessions held in accordance with Section 33.04 R.O. 2003 will be held for the purpose of formulating policy issue recommendations.
 - a. Public input will be allowed only at the discretion of the presiding officer.

1.2 Attendance

- A. Members of the Board & Commission are expected to attend all scheduled meetings and shall make every effort to attend all special meetings. Specific ordinances may contain additional requirements and or consequences for attendance issues.

1.3 Duties of the Presiding Officer

- A. The presiding officer shall possess the powers and perform the following duties:
 - 1. Preserve order and decorum and have general direction of the meeting.
 - 2. Announce the business before the body in the order in which it is to be acted upon.
 - 3. Recognize the speakers entitled to the floor and guide and direct the proceedings of the body.
 - 4. Call for public input on agenda items.
 - 5. Decide all points of order, subject to appeal, unless he prefers to submit the question to the decision of the Board & Commission.
 - 6. Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings.
- B. In the absence of the presiding officer, upon his inability to act, or upon the request of the presiding officer, the vice-chairperson shall preside and shall have all the powers and authority of the mayor.

1.4 Adopted Rules

- A. Any matter not covered by these rules shall be governed by decision of the presiding officer, applying Robert's Rules of Order, Newly Revised Edition.
- B. Amendment of Rules. These rules or any part thereof may be amended, repealed, altered or rescinded by a vote of a majority of the Board & Commission, after notice to the City Clerk of intended proposal. Such notice shall be presented at a regular meeting of the Board & Commission.
- C. Suspension of Rules. Except for charter, statutory, or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a majority vote of members present. When the suspension of a rule is requested, and no objection is offered, the presiding officer shall announce the rule suspended, and the Board & Commission may proceed accordingly.
- D. Violation of Rules. Violation of these rules does not invalidate action of the Board & Commission.

BOARDS & COMMISSIONS RULES OF PROCEDURE

ARTICLE II PROCEDURES

2.1 Preparation and Distribution of Agendas

- A. The city staff person designated to the Board & Commission, through the department director shall prepare the agenda for all Board & Commission meetings.
 - 1. The city administrator may place matters on the consent calendar which are routine or ministerial in nature.
 - 2. The City Clerk shall assure that scheduled public hearings have been duly advertised.
- B. All material to be presented to the Board & Commission shall be submitted to the city staff person designated to the Board & Commission not later than noon nine days prior to the meeting date.
- C. An agenda item is deemed introduced to the Board & Commission when filed with the city staff person designated to the Board & Commission.
- D. The agenda, along with introductions and related material, shall be available to each member of the Board & Commission at least seven days in advance of the meeting.
- E. The agenda shall be posted in the lobby of City Hall at least 72 hours in advance of any meeting.
- F. Work Sessions: No more than three items will be placed on any work session agenda.
- G. When adjournment closes the work session with business pending, the pending business at the time of adjournment will be taken up as the first item on the agenda of the next scheduled work session.

2.2 Minutes

- A. Minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted.
- B. Verbatim transcription of entire Board & Commission proceedings will be prepared only upon the unanimous consent of the Board & Commission.
- C. Approval of the minutes shall be placed on the consent calendar. Unless a reading of the minutes is requested by a member, the minutes of previous meetings may be corrected and approved without reading.
- D. Previously approved minutes may be corrected whenever an error is noticed, although the time to reconsider the vote has elapsed in accordance with Article II, Section 10 of these rules.

2.3 Order of Business

- A. The order of business of the Board & Commission shall be conducted in the following order; provided, however that the presiding officer may, during a meeting, rearrange items on the agenda to conduct business before the Board & Commission more efficiently:
 - Call to order and Pledge of Allegiance
 - Proclamations and Awards of Merit
 - Public Forum
 - Consent Calendar. The consent calendar is approved by a single motion. Any member of the Board & Commission may request an item to be withdrawn from the consent calendar without discussion or vote.
 - Department Director Presentations/Comments
 - Public Hearings
 - Discussion and Deliberation
 - Comments by members
 - Adjournment

BOARDS & COMMISSIONS RULES OF PROCEDURE

- B. The order of business for work sessions shall be conducted in the following order:
Call to Order and Pledge of Allegiance
Discussion
Adjournment

2.4 Appeals

Appeals to the Board & Commission are the class of action mandated by the charter, statutory or ordinances provisions.

2.5 Proposals for Action

- A. Proposals for action shall be presented to the Board & Commission for its determination as a definite proposition in the form it is desired that the action be taken or question resolved.
B. Proposals for action shall be in the format adopted by the department director.

2.6 Motions

- A. Presentation of Motions
1. Main Motion. A main motion presents an agenda item for the passage, adoption, approval, or rejection. The question is usually stated in the positive form, "to pass", "to adopt", "to approve" "to confirm", to concur.
 2. A main motion must be seconded before debate can take place and only one main motion may be on the floor at a time. A member may give brief explanatory comments before stating the motion, but must refrain from debate until the motion has been seconded. In the absence of a second, the motion fails. Main motions are debatable, amendable, and can be reconsidered after adoption.
 3. Motions become the official recorded statement of an action taken by the Board & Commission. A motion should therefore be worded in a concise, unambiguous, and complete form appropriate to such a purpose.
 4. A motion should not be offered if its only effect is to propose that the body refrain from doing something since the same result can be accomplished by no motion at all.
- B. Withdrawal and Modification of Motions. Until a motion is seconded and stated, the mover may withdraw or modify the motion without consent. When a motion is seconded, and stated, it is in the possession of the Board & Commission and can, therefore be withdrawn or modified only by consent of the body.

2.7 Postponement of Action

- A. Postponement (to a definite time). The motion to postpone defers action on a pending question to some definite, day, or meeting. When a question has been postponed to a certain time, it becomes an order of the day for that time. When the time to which a question has been postponed arrives and the question is taken up, it can be postponed again if the additional delay will not interfere with the proper handling of the postponed question. The motion to postpone is debatable, amendable, and may be reconsidered.
- B. To Table. (Postpone temporarily) Any measure before the Board & Commission may be tabled temporarily at the same meeting. Items must be removed from the table and acted upon prior to adjournment. The motion to table is not debatable, not amendable, and cannot be reconsidered.
- C. To Remove from the Table. (Resume Consideration) The purpose is to bring before the Board & Commission for action a question that has previously been laid on the table. The motion to remove from the table is not debatable, not amendable and cannot be reconsidered.

2.8 Reconsideration of Action

The purpose is to permit the Board & Commission to reconsider a vote on previous action. The reconsideration of a negative vote on final action is as proper as reconsideration of a favorable vote.

- A. Right of Reconsideration
The motion to reconsider may be made at the same meeting or a subsequent meeting. However, certain rules apply as appropriate under the circumstances.
1. The motion must be made by a member who voted on the prevailing side.

BOARDS & COMMISSIONS RULES OF PROCEDURE

2. The motion to reconsider is inappropriate after the action taken has gone into effect or after it is too late for any reason, to reverse the action taken.
 3. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.
 4. Should the motion for reconsideration pass, the item is immediately before the Board & Commission to be acted upon or scheduled for hearing at a subsequent meeting.
 5. Should the motion for reconsideration fail, the item remains as adopted.
 6. Either the motion to reconsider or notice of intent to reconsider must be made not later than the next regular meeting. A member of the Board & Commission may indicate notice of intent to propose reconsideration either orally or in writing.
- B. Effect of Reconsideration.
The effect of making the motion to reconsider, or of giving notice of the motion, is to suspend all action on the subject of the motion until the reconsideration is acted upon.
- C. Reconsideration at a subsequent meeting.
1. When notice is required for a question, the Board & Commission shall comply with all rules requiring public notice.
 2. If reconsideration will be taken up at a subsequent meeting, notice of intent will be placed on the agenda. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.
- D. Debate of Motion.
Debate on the motion to reconsider will be limited to the merits of the reconsideration and not the merits of the question to be reconsidered.
- E. Vote.
The passage of the motion to reconsider requires a majority vote, even if the measure to be reconsidered requires a two-thirds vote.

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2.9 Appeal a decision of the presiding officer. An appeal must be made promptly before any debate or other business has intervened. When an appeal is taken, the presiding officer should clearly state the decision being appealed and may state his reasons for his decision. If there is no debate, or when debate is concluded, the presiding officer may put the question to the Board & Commission. A majority vote of those present sustains a decision of the presiding officer.

2.10 Amendments

- A. Every amendment proposed must be relevant to the subject of the proposition.
- B. A proposed amendment takes precedence over the original motion out of which it arises and must be voted upon before the original motion.
- C. After an amendment is adopted, the question as amended must be put to a vote.
- D. Rejection of an amendment leaves the pending question worded as it was before the amendment was offered.
- E. Form of amendments
 1. Amendments should be offered in a concise, unambiguous and in a complete form of a motion.
 2. In form, amendments may be divided into the following types:
 - a. To add (that is to place at the end)
 - b. To insert
 - c. To strike out
 - d. To strike out and insert
- F. Decision on amendments
 1. An amendment, once adopted, may not thereafter at the same meeting be changed or modified, except upon reconsideration of the vote by which it was adopted.
 2. When a proposed amendment has been defeated, the same amendment may not be proposed again without first reconsidering the vote by which the amendment lost.
- G. The presiding officer may require amendments to be submitted in writing.
- H. Withdrawing Amendments and Accepting Modification
 1. Amendments may be withdrawn before being seconded and stated by the presiding officer. After it is seconded and stated it is in the possession of the Board & Commission and be withdrawn only with the consent of the Board & Commission.

BOARDS & COMMISSIONS RULES OF PROCEDURE

2. A member may modify an amendment before it is seconded and stated by the presiding officer. After it is seconded and stated, it is in the possession of the Board & Commission and can be modified only with the consent of the body. The presiding officer may put the question of modification without waiting for a motion, if there is no objection.

ARTICLE III RULES OF ORDER

- 3.1 Rules of Debate. Debate is the essential feature of an advisory body. It is the means by which the opinions of members are exchanged, questions deliberated and conclusions reached on the business before the body.
 - A. To permit debate:
 1. There must be a debatable question before the body, and one member must have been recognized as entitled to speak.
 2. All debate must be addressed to the presiding officer, and not to the members.
 3. Debate must be confined to the question before the body.
 - B. Time Limits. The presiding officer may set time limits in debate.
 - C. Call the Question (Previous Question). Debate may be closed immediately by calling the question. The motion for the call for the question may motivate unanimous consent to ending debate. Before such a motion has been seconded, the chair may ask if there is any objection to closing debate. If there is no objection, the presiding officer shall immediately call the question. If one member objects, the presiding officer shall ask if there is a second to the motion. If there is a second to the call, he must immediately take a vote on whether to order the call for the question. The call for the question requires a majority vote before the vote on the question to which applied. The call for the questions is neither amendable nor debatable and can be reconsidered.
- 3.2 Rules of Voting
 - A. Each member in attendance must vote for or against all measures before the Board & Commission, unless there is a conflict of interest, for which abstention is recognized. Such conflict of interest disclosure shall be recorded in the minutes.
 - B. A member shall not explain his vote during voting, which would be the same as debate at such a time.
 - C. Except for procedural matters, voting shall be by roll call and each member's vote shall be recorded in the minutes. Roll call votes shall be at random. Actions declared as procedural by the presiding officer may be decided by a show of hands.
 - D. No member of the Board & Commission shall participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item before the Board & Commission in which the member has a conflict of interest. Further, in order to avoid the appearance of impropriety, any member determined to have a conflict of interest on any agenda item before the Board & Commission shall leave the meeting room, except that if the matter is being considered at a public meeting, the Board & Commission member may remain in the area of the room occupied by the general public.
- 3.3 Decorum
 - A. Members must address all remarks through the presiding officer.
 - B. Members of the Board & Commission shall confine their remarks to the question under discussion or debate, avoiding personal references or attacks on fellow members, staff members or members of the public. No member of the Board & Commission shall engage in private discourse or commit any other act tending to distract the attention of the Board & Commission from the business before it.
 - C. A member who resorts to persistent irrelevance or persistent repetition may be directed to discontinue his speech by the presiding officer.
 - D. Point of Order: A member may call attention to the violation of the rules or a mistake in procedure by rising to a point of order. The presiding officer may permit a full explanation

BOARDS & COMMISSIONS RULES OF PROCEDURE

before ruling on the claim and may submit the question to the Board & Commission for decision by a majority vote. The presiding officer is not required to decide any point of order not directly presented in the proceedings of the body. Such an assertion does not require a second, is neither debatable nor amendable and cannot be reconsidered.

- E. Question of Privilege Questions of privilege do not relate to pending business, but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. The presiding officer makes a ruling as to whether it is admitted as a question of privilege and whether it requires consideration before the pending business is resumed.

3.4 Public Hearing Procedures (Applicable to any Board & Commission having final authority in a quasi-judicial hearing.

- A. Reasonable efforts shall be made to give notice of public hearings to all interested people. Notice of public hearings shall state the subject, the time and place of the public hearing, the manner in which interested people may express their views and where interested people may obtain copies of the material that is the subject of the hearing.
- B. A meeting of the Board & Commission is called to order and business, if any, is considered until the public hearing comes on the agenda.
- C. At the beginning of the public hearing, the presiding officer shall require that all interested persons, who have an immediate, pecuniary or direct interest that will be substantially and specifically affected by the proceeding, and witnesses sponsored by such interested persons, wishing to address the Board & Commission register with the city staff person designated to the Board & Commission, giving their names and addresses, and whether they wish to speak as a proponent, opponent, or otherwise. Any person who fails to register shall not be permitted to speak until all those who signed in have spoken.
- D. All interested persons offering testimony as parties to the proceeding and their witnesses will be sworn by the presiding officer and are subject to cross-examination by other parties, city staff or the members of the body. Objections to the proffered testimony of any person must be made at the time the testimony is offered. Appeals of final decisions of the Board & Commission allowed by ordinance can only be brought by an "aggrieved person" who appeared as an interested person before the Planning and Zoning Board. An aggrieved person is a person who has a direct personal or pecuniary interest, or a property right, which is affected by the decision being appealed. The aggrieved party's interest must be an immediate and substantial consequence of the decision, and not merely nominal or remote.
- E. The presiding officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g., proponents, opponents, adjacent owners, vested interests, etc.
- F. The presiding officer will introduce the item, open the public hearing and call upon the staff to submit its report into evidence and request the proponent to describe the matter under consideration.
- G. Interested persons shall have the opportunity to submit data, views or arguments orally or in writing. All written material must be marked as exhibits, submitted to the city staff person designated to the Board & Commission, and placed into evidence as part of the administrative record. Cross examination of a witness or interested persons, expressing their views although expressly permitted, may be limited in the discretion of the presiding officer.
- H. The presiding officer may establish reasonable speaker time limits and otherwise control presentations to avoid repetition or the introduction of incompetent evidence. Additional time may be granted if appropriate and necessary to secure a full and fair presentation of any testimony.
- I. After the proponents and opponents have had an opportunity to be heard, the presiding officer will call for rebuttal. A proponent or opponent speaking in rebuttal shall not introduce new material.
- J. After the Board & Commission has heard all the evidence, the presiding officer closes the public hearing and entertains a motion. Following the motion and its second, discussion occurs among the body. Comments from the general public on legal or policy matters raised by the proceeding may be received after the close of the public hearing, but will not be considered as evidence or as part of the record. The presiding officer calls the question and requests identification and adoption of proposed facts and conclusions of law that support the body's decision to be issued in a written order.

BOARDS & COMMISSIONS RULES OF PROCEDURE

- K. The Board & Commission shall promptly prepare a written decision that includes an order granting or denying relief and a statement of the factual and legal basis for the order; shall file the order with the City Clerk; and shall serve a copy of the written decision and the requirements for filing an appeal on all persons who appeared as interested persons in the proceeding and every person who has filed a written request for notice of the final decision in that particular proceeding.

[03-050]

**ARTICLE IV
GENERAL PROCEDURES**

4.1 Member Responsibilities

A. Initiation of Proposals for Action

1. Requests for initiation of agenda items shall be directed through the department director. As sponsor of legislation, it is the responsibility of the member to present the proposal to the Board & Commission. City staff is available to assist in the preparation of the necessary documents.

B. In addition to other duties, responsibilities and rights, the member shall:

1. In all public statements, make clear that they speak only for themselves unless authorized by the presiding officer or a majority of the Board & Commission to speak for the body as a whole.
2. Insure that the presiding officer is informed, as soon as practical, of significant communications with outside entities on pending matters, be they either directed to, or initiated by the member.

Exhibit A



**BOARDS,
COMMISSIONS,
COMMITTEES, &
ADVISORY BODIES
RULES OF PROCEDURE**

Effective December 26, 2023

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Article I General Provisions

1.1 Boards, Commissions, Committees, and Advisory Bodies

A. City Charter Section 5.07 states the following:

1. The Governing Body may, by ordinance, establish boards and commissions with such powers, purpose, scope, and authority as is deemed appropriate by the Governing Body.
2. The Governing Body may establish advisory bodies, as it determines to be appropriate and advantageous to the conduct of City government. Advisory bodies shall be established by ordinance when the advisory body is to function for a period greater than one year. A resolution may be used for advisory bodies that will function for a period of one year or less.
3. The ordinance or resolution creating an advisory body shall describe the purpose, scope and authority of the advisory body so established.
4. Except as otherwise provided in the Charter, the mayor shall appoint all members of boards, commissions and advisory bodies, and fill vacancies thereon, subject to the confirmation of the Governing Body, as provided in Section 3.02 of the Charter. The mayor shall appoint persons within forty-five days of the formation of the board, commission or advisory body, or as soon as practicable for a vacancy thereon.
5. Every effort shall be made to ensure that all council districts are represented on all advisory bodies. No more than two members of any advisory body may reside in the same council district, unless provided for otherwise by law, or unless the advisory body is comprised of more than twelve members.
6. No vacancy in the office of any member of any advisory body shall be caused by redistricting of City Council election districts. All members of an advisory body shall be entitled to serve out their terms, unless otherwise removed pursuant this section, even if redistricting causes the number of members to exceed two from any one district.
7. No member of the Governing Body, nor any appointive officer or employee of the City, shall be appointed to any City board, commission or advisory body as a voting member. This subsection does not apply to any internal board or committee which consists solely of appointive officers or employees.
8. Except as otherwise provided by ordinance or the Charter, members of all boards, commissions and advisory bodies shall serve at the pleasure of the Governing Body, and may be removed at any time.

B. Municipal Code Chapter 33 (Boards, Commissions, and Committees) addresses matters such as:

1. Creation.
2. Appointment; qualifications and term.
3. Removal from office.
4. Reports to Governing Body.
5. Quorum.
6. Conflict of interest and recusal.
7. Compensation.

1.2 Meetings

A. Meetings of boards, commissions, committees, and advisory bodies shall be held in accordance with Municipal Code Chapter 33, the Open Meetings Act, 10-15-1 et. seq. NM, 1978, and the Governing Body's annually adopted Open Meetings Act Resolution (as applicable).

B. Reasonable notice of boards, commissions, committees, and advisory body meetings is pursuant to the Governing Body's annually adopted Open Meetings Act Resolution:

1. Notice of regular meetings shall be given no fewer than 10 days in advance of the meeting date and shall indicate how a copy of the agenda may be obtained.
2. Agendas for each meeting shall contain a list of specific items of business to be discussed or transacted and will be available at least seventy-two (72) hours prior to the meeting on the City's website and posted in the City Hall lobby (3200 Civic Center Circle NE).
3. If a meeting is cancelled due to lack of a quorum, or for lack of agenda items, a notice shall be posted on the entrance of the meeting location and on the City's website as soon as practicable.
4. Annually, as applicable, boards, commissions, committees, and advisory bodies shall establish a regular meeting schedule for the next fiscal year.
5. A special meeting of a board, commission, committee, and advisory body may be called by the Chairperson with notice of special meeting given no later than seventy-two (72) hours prior to the meeting.

C. The City staff designated by the City Manager, through the applicable Department Director, for each board, commission, committee, or advisory body shall cause appropriate public notice to be given.

D. All binding actions of boards, commissions, committees, and advisory bodies shall be taken at regular or special meetings.

E. All boards, commissions, committees, and advisory bodies may recess and reconvene a meeting to a subsequent date provided that prior to recessing, the presiding officer specifies the date, time and place for continuation, and immediately posts notice of the date time and place for the reconvened meeting in the lobby of City Hall and on the City's website. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting, pursuant to 10-15-1 et. seq. NMSA, 1978.

1.3 Attendance

A. Members of boards, commissions, committees, and advisory bodies are expected to attend all scheduled meetings in person.

B. In accordance with 10-15-1 et. seq. NMSA, 1978, members of boards, commissions, committees, and advisory bodies may participate in meetings remotely by telephone conference or other similar communications equipment when it is otherwise difficult or impossible to attend the meeting in person. Boards, commissions, committees, and advisory body members may only participate remotely in regular meetings utilizing telephone conference or other similar communications equipment no more than 25% of the time in a consecutive twelve (12)-month period.

C. Pursuant to Municipal Code Section 33.03, any appointed member may be automatically removed for failure to attend 75% of the regular meetings in a consecutive twelve (12)-month period.

1.4 Duties of the Presiding Officer

A. The Chairperson of a board, commission, committee, or advisory body, pursuant to Municipal Code Chapter 33, shall possess the powers and perform the following duties:

1. Preserve order and decorum and have general direction of the room where the meeting is occurring.
2. Announce the business before the board, commission, committee, or advisory body in the order in which it is to be acted upon.
3. Recognize the speakers entitled to the floor and guide and direct the proceedings of the board, commission, committee, or advisory body.
4. Call for public input on agenda items.
5. Decide all points of order, subject to appeal, unless the Chairperson prefers to submit the question to the decision of the board, commission, committee, or advisory body.
6. Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings.

B. In the absence of the presiding officer (Chairperson), upon their inability to act or upon the request of the presiding officer, the Vice-Chairperson (pursuant to Municipal Code Chapter 33), shall preside and shall have all the powers and authority of the Chairperson. In absence or inability to act of both the Chairperson and Vice-Chairperson, the senior board, commission, committee, or advisory body members shall serve as presiding officer. In those instances where members have equal authority, the members representing the Council District with the lowest district number shall preside.

1.5 Adopted Rules

A. Application of Robert's Rules of Order. Any matter not covered by these rules shall be governed by decision of the presiding officer, applying Robert's Rules of Order, Newly Revised Edition.

B. Violation of Rules. Violation of these rules does not invalidate the action of a board, commission, committee, or advisory body.

Article II Procedures

2.1 Preparation and Distribution of Agendas and Materials

A. The City staff person designated by the City Manager, through the applicable Department Director, designated for each board, commission, committee, and advisory body shall prepare and coordinate all meeting agendas and associated materials.

1. City staff may place matters on the consent calendar which are routine or ministerial in nature.
2. City staff shall assure that scheduled public hearings, as applicable, have been duly advertised.

B. The agenda for a regular meeting, along with related material, shall be electronically available to the members of each board, commission, committee, and advisory body member at least five (5) days in advance of the meeting.

C. The agenda shall be posted by the designated City staff in accordance with the procedures stipulated in the Governing Body's annually adopted Open Meetings Act Resolution, pursuant to Municipal Code Chapter 30, and 10-15-1 et. seq. NMSA, 1978.

2.2 Minutes

A. Minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted.

B. Approval of the minutes shall be placed on the consent calendar, if used by a board, commission, committee, or advisory body. Unless a reading of the minutes is requested by a board, commission, committee, and advisory body member, the minutes of previous meetings may be corrected and approved without reading.

C. Previously approved minutes may be corrected whenever an error is noticed, and the parameters of these rules related to the reconsideration of an action are not applicable.

2.3 Order of Business

A. Meetings (regular or special) shall be conducted in the following order; however, the presiding officer may, during a meeting, rearrange items on the agenda to conduct the business before the board, commission, committee, and advisory body more efficiently:

- Call to Order
- Pledge of Allegiance
- Consent Calendar
- Staff Presentations, Reports and Comments
- Public Hearings
- Discussion and Deliberation
- Comments by Members
- Public Forum
- Adjournment

B. The consent calendar, if used by a board, commission, committee, or advisory board, shall be used for items recommended for approval, without amendment or substitution, that are routine or ministerial in nature. The consent calendar is approved by a single motion. Discussion of an item appearing on the consent calendar shall only occur if a member of a board, commission, committee, and advisory body requests the item to be withdrawn from the consent calendar without discussion or vote.

C. Public Forum

1. Any person wishing to address a board, commission, committee, or advisory body related to a non-agenda item shall register in person with the applicable City staff person no later than fifteen (15) minutes prior to the scheduled start time of a meeting.

2. Manner of address:

- a. Each person shall seek the recognition of the presiding officer.
- b. Only the person signed up to speak shall stand at the podium, unless assistance or accommodations are needed to provide the public input.
- c. Each person shall give their name and address.
- d. Comments shall be addressed to the board, commission, committee, or advisory body as a whole through the presiding officer and not to any members thereof.
- e. No person shall enter into any discussion without the permission of the presiding officer.
- f. Speakers will be recognized by the presiding officer in order of registration with applicable City staff.
- g. Each person speaking under public forum shall have one (1) or two (2) minutes in total for comments after being recognized by the presiding officer. The presiding officer shall determine the specific amount of time given to public forum speakers at a meeting.
- h. No more than two (2) hours in total will be allotted for public forum comments at any meeting. A majority vote of the board, commission, committee, or advisory body members present may approve to extend the total amount of time allotted for public forum at a meeting.

D. Public Input on Agenda Items

1. Public input on items listed under Public Hearings shall be taken pursuant to the Public Hearing procedures stated in these rules.

2. Any person wishing to address the board, commission, committee, or advisory body related to an item listed under Discussion and Deliberation, shall register in person with the applicable City staff person no later than fifteen (15) minutes prior to the scheduled start time of a meeting. Manner of address:

- a. Each person shall seek the recognition of the presiding officer.
- b. Only the person signed up to speak shall stand at the podium, unless assistance or accommodations are needed to provide the public input.
- c. Each person shall give their name and either City Council District or address.
- d. Comments shall be addressed to the board, commission, committee, or advisory body as a whole through the presiding officer and not to any members thereof.
- e. No person shall enter into any discussion without the permission of the presiding officer.
- f. Speakers will be recognized by the presiding officer in order of registration with the applicable City staff person.
- g. Each person speaking on a specific agenda item shall have one (1) or two (2) minutes in total for comments after being recognized by the presiding officer. The presiding officer shall determine the specific amount of time given to speakers at a meeting.
- h. No more than two (2) hours in total will be allotted for comments pertaining to a specific agenda item at any meeting. A majority vote of the board, commission, committee, or advisory body members present may approve to extend the total amount of time allotted for public input related to a specific agenda item at a meeting.
- i. Public input can be submitted in writing to the designated City staff prior to the date of the meeting in which the item is scheduled to be heard; however, only public input

received before 4 p.m. on the day of the meeting will be entered into the record prior to the meeting.

E. Work Sessions

1. Work sessions may be held for the purpose of examining issues, policy discussions, and receiving information, but no official action or vote may be taken.
2. Work sessions are limited to two (2) hours unless a majority of the board, commission, committee, or advisory body members attending the work session consent to a time extension.
3. No more than three (3) items will be placed on any work session agenda.
4. Public input will not be taken at a work session meeting.
5. Meetings shall be conducted in accordance with the Governing Body's annually adopted Open Meetings Act Resolution, pursuant to Municipal Code Chapter 30, and 10-15-1 et. seq. NMSA, 1978.
6. The order of business for a work session meeting shall be:
 - Call to Order
 - Pledge of Allegiance
 - Discussion
 - Adjournment

F. Public Decorum

1. The presiding officer may bar anyone acting improperly from continuing their address to the board, commission, committee, or advisory body.
2. While the board, commission, committee, or advisory body is in session, no person shall disturb or cause a breach of the peace, pursuant to Municipal Code Section 131.05 Disturbing the Peace, or delay or interrupt the proceedings of the board, commission, committee, or advisory body.
3. Electronic devices shall be kept in silent mode during the meeting.
4. No signage, banners, posters, or props shall be held or displayed in the room where the meeting is occurring in a manner that blocks the view of others or creates a distraction from the business of the board, commission, committee, or advisory body.
5. When necessary, the Director of the Department of Public Safety (Police), or their designee, shall serve as sergeant-at-arms.
6. When necessary, the Director of the Department of Fire and Rescue, or their designee, shall enforce the room capacity, ingress and egress of the room where the board, commission, committee, or advisory body meeting is occurring.

2.4 Appeals (Applicable to any Board, Commission, Committee, or Advisory Board having Final Authority in a Quasi-Judicial Hearing)

Appeals to a board, commission, committee, or advisory body are the class of action mandated by the City Charter, statutory or ordinances provisions.

2.5 Motions

A. Presentation of Motions

1. Main Motion. A main motion presents an ordinance, resolution, or other proposition for the passage, adoption, approval, or rejection. The question is stated in the positive form, "to pass," "to adopt," "to approve," "to confirm," or "to concur."
2. A main motion must be seconded before debate can take place and only one main motion may be on the floor at a time. A board, commission, committee, or advisory body member may give brief explanatory comments before stating the motion, but must refrain from debate until the motion has been seconded. In the absence of a second, the motion fails. Main motions are debatable, amendable, and can be reconsidered after adoption.
3. Motions become the official recorded statement of an action taken by the board, commission, committee, or advisory body. A motion should therefore be worded in a concise, unambiguous, and complete form appropriate to such a purpose.
4. A motion should not be offered if its only effect is to propose that the board, commission, committee, or advisory body refrain from doing something since the same result can be accomplished by no motion at all.

B. Withdrawal and Modification of Motions. Until a motion is seconded and stated, the mover may withdraw or modify the motion without consent. When a motion is seconded, and stated, it is in the possession of the board, commission, committee, or advisory body and can, therefore, be withdrawn or modified only by consent of the body.

2.6 Postponement of Action

A. Postponement (to a definite time). The motion to postpone defers action on a pending question to some definite, day, or meeting. When a question has been postponed to a certain time, it becomes an order of the day for that time. When the time to which a question has been postponed arrives and the question is taken up, it can be postponed again if the additional delay will not interfere with the proper handling of the postponed question, provided that there shall be no more than two (2) postponements for any item. The motion to postpone is debatable, amendable, and may be reconsidered.

B. To Table (Postpone Temporarily). Any measure before the board, commission, committee, or advisory body may be tabled temporarily at the same meeting. Items must be removed from the table and acted upon prior to adjournment. The motion to table is not debatable, not amendable, and cannot be reconsidered.

C. To Remove from the Table (Resume Consideration). The purpose is to bring before the board, commission, committee, or advisory body for action a question that has previously been laid on the table. The motion to remove from the table is not debatable, not amendable and cannot be reconsidered.

2.7 Reconsideration of Action

The purpose is to permit the board, commission, committee, or advisory body to reconsider a vote on previous action. The reconsideration of a negative vote on final action is as proper as reconsideration of a favorable vote.

A. Right of Reconsideration. The motion to reconsider may be made at the same meeting or a subsequent meeting. However, certain rules apply as appropriate under the circumstances.

1. The motion must be made by a member who voted on the prevailing side.

2. The motion to reconsider is inappropriate after the action taken has gone into effect or after it is too late for any reason, to reverse the action taken.
3. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.
4. Should the motion for reconsideration pass, the item is immediately before the board, commission, committee, or advisory body to be acted upon or scheduled for hearing at a subsequent meeting.
5. Should the motion for reconsideration fail, the item remains as adopted.
6. Either the motion to reconsider or notice of intent to reconsider must be made not later than the next regular meeting. A member of the board, commission, committee, or advisory body may indicate notice of intent to propose reconsideration either orally or in writing to the designated City staff person.

B. Effect of Reconsideration. The effect of making the motion to reconsider, or of giving notice of the motion, is to suspend all action on the subject of the motion until the reconsideration is acted upon.

C. Reconsideration at a Subsequent Meeting.

1. When notice is required for a question, the board, commission, committee, or advisory body shall comply with all rules requiring public notice.
2. If reconsideration will be taken up at a subsequent meeting, notice of intent will be placed on the agenda by the designated City staff person. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.

D. Debate of Motion. Debate on the motion to reconsider will be limited to the merits of the reconsideration and not the merits of the question to be reconsidered.

E. Vote. The passage of the motion to reconsider requires a majority vote, even if the measure to be reconsidered requires a two-thirds vote.

2.8 Appeal a Decision of the Presiding Officer

An appeal must be made promptly before any debate or other business has intervened. When an appeal is taken, the presiding officer should clearly state the decision being appealed and may state the reasons for their decision. If there is no debate, or when debate is concluded, the presiding officer may put the question to the board, commission, committee, or advisory body. A majority vote of those present sustains a decision of the presiding officer.

2.9 Amendments

A. Every amendment proposed must be relevant to the subject of the proposition.

B. A proposed amendment takes precedence over the original motion out of which it arises and must be voted upon before the original motion.

C. After an amendment is approved, the question as amended must be put to a vote.

D. Rejection of an amendment leaves the pending question worded as it was before the amendment was offered.

E. Form of Amendments

1. Amendments should be offered in a concise, unambiguous, and in a complete form of a motion, to include the page and line number of the content to be amended.
2. In form, amendments may be divided into the following types:
 - a. To add (that is to place at the end)
 - b. To insert
 - c. To strike out
 - d. To strike out and insert

F. Decision on Amendments

1. An amendment, once adopted, may not thereafter at the same meeting be changed or modified, except upon reconsideration of the vote by which it was adopted.
2. When a proposed amendment has been defeated, the same amendment may not be proposed again without first reconsidering the vote by which the amendment lost.
3. The presiding officer may require amendments to be submitted in writing.

G. Withdrawing Amendments and Accepting Modification

1. Amendments may be withdrawn before being seconded and stated by the presiding officer. After it is seconded and stated it is in the possession of the board, commission, committee, or advisory body and can be withdrawn only with the consent of the board, commission, committee, or advisory body.
2. A member may modify an amendment before it is seconded and stated by the presiding officer. After it is seconded and stated, it is in the possession of the board, commission, committee, or advisory body and can be modified only with the consent of the board, commission, committee, or advisory body. The presiding officer may put the question of modification without waiting for a motion, if there is no objection.

Article III Rules of Order

3.1 Rules of Debate

Debate is an essential feature of a governmental body which the opinions of members are exchanged, questions deliberated, and conclusions reached on the business before board, commission, committee, or advisory body.

A. To permit debate:

1. There must be a debatable question before the board, commission, committee, or advisory body, and one member must have been recognized by the presiding officer as entitled to speak.
2. All debate must be addressed to the presiding officer, and not to the other members or public.
3. Debate must be confined to the question before the board, commission, committee, or advisory body.

B. Time Limits. The presiding officer may set time limits in debate. No board, commission, committee, or advisory body member shall be permitted to speak more than once on any motion until every member wishing to speak has been allowed to do so.

C. Call the Question (Previous Question). Debate may be closed immediately by calling the question. The motion for the call for the question may motivate unanimous consent to ending debate. Before such a motion has been seconded, the presiding officer may ask if there is any objection to closing debate. If there is no objection, the presiding officer shall immediately call the question. If one member objects, the presiding officer shall ask if there is a second to the motion. If there is a second to the call, they must immediately take a vote on whether to order the call for the question. The call for the question requires a majority vote before the vote on the question to which applied. The call for the questions is neither amendable nor debatable and can be reconsidered.

3.2 Rules of Voting

A. Each board, commission, committee, or advisory body member in attendance must vote for or against all measures before them, unless there is a conflict of interest, for which abstention is recognized. Such conflict of interest disclosure shall be recorded in the minutes.

B. A board, commission, committee, or advisory body member shall not explain their vote during voting, which would be the same as debate at such a time.

C. Except for procedural matters, voting shall be by roll call and each member's vote shall be recorded in the minutes. Roll call votes shall be at random. Actions declared as procedural by the presiding officer may be decided by a show of hands.

D. No member of a board, commission, committee, or advisory body shall participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item before them in which the member has a conflict of interest. Further, in order to avoid the appearance of impropriety, any member determined to have a conflict of interest, as determined by majority vote of the board, commission, committee, or advisory body members present, on any agenda item before the board, commission, committee, or advisory body shall leave the meeting room.

3.3 Decorum

A. Members must seek recognition of the presiding officer before speaking and must address all remarks through the presiding officer.

B. Members of a board, commission, committee, or advisory body shall confine their remarks to the question under discussion or debate, avoiding personal references or attacks on fellow members, City staff members, or members of the public. No member of a board, commission, committee, or advisory body shall engage in private discourse or commit any other act tending to distract the attention of the board, commission, committee, or advisory body from the business before it.

C. A member who resorts to persistent irrelevance or persistent repetition may be directed to discontinue their speech by the presiding officer.

D. Point of Order. A board, commission, committee, or advisory body member may call attention to the violation of the rules or a mistake in procedure by rising to a point of order. The presiding officer may permit a full explanation before ruling on the claim and may submit the question to the board, commission, committee, or advisory body for decision by a majority vote of the members present. The presiding officer is not required to decide any point of order not directly presented in the proceedings of

the body. Such an assertion does not require a second, is not debatable nor amendable, and cannot be reconsidered.

E. Question of Privilege. Questions of privilege do not relate to pending business, but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. The presiding officer makes a ruling as to whether it is admitted as a question of privilege and whether it requires consideration before the pending business is resumed.

3.4 Public Hearing Procedures (Applicable to any Board, Commission, Committee, or Advisory Body having Final Authority in a Quasi-Judicial Hearing)

A. Reasonable efforts shall be made to give notice of public hearings to all interested people. Notice of public hearings shall state the subject, the time and place of the public hearing, the manner in which interested people may express their views, and where interested people may obtain copies of the material that is the subject of the hearing.

B. A meeting of the board, commission, committee, or advisory body is called to order and business, if any, is considered until the public hearing comes on the agenda.

C. All aggrieved persons, and materially relevant witnesses sponsored by such interested persons, wishing to participate in the public hearing and address the board, commission, committee, or advisory body shall register in person or via specified communications technology/equipment with the applicable City staff person no later than fifteen (15) minutes prior the scheduled start time of a related hearing. For the purposes of a Public Hearing, an Aggrieved Person is a person who has a direct personal or pecuniary interest, or a property right, which is affected by the decision being considered by the board, commission, committee, or advisory body. The Aggrieved Person's interest must be an immediate and substantial consequence of the decision, and not merely nominal or remote. Any person who receives specific notice of an official action which is required pursuant to ordinances shall be considered an Aggrieved Person. Those who register must provide name and address, and whether they wish to speak as a proponent or opponent, and how they qualify as an Aggrieved Person as defined above. Any person who fails to register shall not be permitted to speak.

D. All Aggrieved Persons offering testimony as parties to the proceeding and their materially relevant witnesses will be sworn by the presiding officer and may be questioned by the board, commission, committee, or advisory body. An Aggrieved Person does not have to appear before the Planning and Zoning Board to participate as a party in a land use proceeding. However, appeals of final decisions of the Planning and Zoning Board may only be brought by an "Aggrieved Person" who appeared before the Planning and Zoning Board.

E. The order of speakers for a Public Hearing item is:

1. City staff presentation
2. Proponent/Applicants
3. Opponent/Aggrieved Persons
4. Board, commission, committee, or advisory body question of parties (also allowed throughout the proceeding)

The presiding officer may change the order of speakers so that testimony is heard in the most logical groupings.

F. The presiding officer will introduce the item, open the public hearing and call upon the City staff to submit its report into evidence, and request the proponent to describe the matter under consideration.

G. Aggrieved Persons shall have the opportunity to submit data, views, or arguments orally or in writing. All written material must be marked as exhibits, submitted to the designated City staff a minimum of ten (10) days prior to the hearing date, and placed into evidence as part of the administrative record.

H. The presiding officer may establish reasonable speaker time limits and otherwise control presentations to avoid repetition or the introduction of irrelevant evidence. Additional time may be granted if appropriate and necessary to secure a full and fair presentation of either factual or opinion testimony or of legal argument.

I. After the proponents and opponents have had an opportunity to be heard, the presiding officer will allow board, commission, committee, or advisory body members to ask questions of the parties and Aggrieved Persons.

J. After the board, commission, committee, or advisory body has heard all the evidence, the presiding officer closes the public hearing and entertains a motion. Following the motion and its second, discussion occurs among the body. Comments from the general public on legal or policy matters raised by the proceeding may be received after the close of the public hearing, but will not be considered as evidence or as part of the record by the board, commission, committee, or advisory body. The presiding officer calls the question and requests identification and adoption of proposed facts and conclusions of law that support the board, commission, committee, or advisory body decision to be issued in a written order.

K. The board, commission, committee, or advisory body shall promptly prepare a written decision that includes an order granting or denying relief and a statement of the factual and legal basis for the order; shall file the order with the designated City staff; and shall mail a copy of the written decision to all persons who appeared as Aggrieved Persons in the proceeding. Mailing will be done by certified mail to the address provided by the Aggrieved Person at the proceeding.

L. No member of a board, commission, committee, or advisory body shall initiate, permit or consider a communication directly or indirectly with a party or the party's representative outside of the hearing and outside of the presence of all interested parties concerning the pending matter, pursuant to Municipal Code Section 39.23.

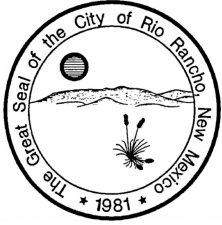
Article IV General Procedures

4.1 Member Responsibilities

A. A request for an item to be placed on a meeting agenda by a board, commission, committee, or advisory body member must be directed to the designated City staff person a minimum of forty-five (45) days in advance of the requested meeting agenda date. Any associated document drafting, research, analysis, or legal review for the agenda item in question will only be performed by applicable City staff.

B. In addition to other duties, responsibilities, and rights pursuant to the City Charter and adopted ordinances and resolutions, a board, commission, committee, or advisory body member shall:

1. In all public statements, make clear that they speak only for themselves and do not speak for the board, commission, committee, or advisory body as a whole.
2. Ensure that the presiding officer and designated City staff person is informed, as soon as practical of significant communications with outside entities, be they either directed to, or initiated by the board, commission, committee, or advisory body member.



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R164

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

R164, Resolution Establishing the City of Rio Rancho's Legislative Priorities for the Regular 2024 New Mexico Legislature Session

BACKGROUND AND ANALYSIS:

The New Mexico Legislature is scheduled to hold a regular 30-day session beginning January 16, 2024, and concluding February 15, 2024.

Pursuant to the State Constitution, a 30-day session is limited to matters pertaining to budgets, appropriations and revenue bills; bills drawn from special messages of the Governor; and bills from the last regular session vetoed by the Governor.

The City of Rio Rancho has specific legislative priorities and objectives that it desires the New Mexico Legislature and the elected officials representing Rio Rancho and Sandoval County to consider and support.

The specific legislative priorities and objectives listed in the attached Resolution have been developed from the following sources: Legislative Priority Resolutions previously adopted by the Governing Body; New Mexico Municipal League legislative priorities; emergent issues; City staff input; and feedback from the City's State government lobbyist.

IMPACT:

There is no direct fiscal impact.

Approval of a Legislative Priority Resolution provides clear direction and parameters for Governing Body members, City staff, and the City's lobbyist when interacting with different officials and organizations during the regular 2024 New Mexico Legislature session.

ALTERNATIVES:

Approve the Resolution.

Amend and approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Governing Body policy decision. Staff recommends approval of the Resolution as presented.

ATTACHMENT: [Resolution_2024_Leg_Priorities_Dec_14_2023](#) (1



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION ESTABLISHING THE CITY OF RIO RANCHO'S LEGISLATIVE
PRIORITIES FOR THE REGULAR 2024 NEW MEXICO LEGISLATURE SESSION**

WHEREAS: the New Mexico Legislature is scheduled to hold a regular 30-day session starting January 16, 2024, and concluding February 15, 2024; and

WHEREAS: pursuant to the State Constitution, a 30-day session is limited to matters pertaining to budgets, appropriations and revenue bills; bills drawn from special messages of the Governor; and bills from the last regular session vetoed by the Governor; and

WHEREAS: the City of Rio Rancho has specific legislative priorities and objectives that it desires the New Mexico Legislature and the elected officials representing Rio Rancho and Sandoval County to consider and support; and

WHEREAS: approval of a Legislative Priority Resolution provides clear direction and parameters for Governing Body members, City staff, and the City's lobbyist when interacting with different officials and organizations during the regular 2024 New Mexico Legislature session.

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

That the City of Rio Rancho's legislative priorities and objectives for the regular 2024 session of the New Mexico Legislature are:

Authority/Autonomy

Does not support any legislation that restricts or otherwise reduces municipal government home-rule charter authority or autonomy as municipal government should be empowered to regulate, to the greatest extent possible, local affairs and issues.

Does not support legislation that, as an employer, undermines and/or minimizes municipal government management rights in relation to making operational decisions and abilities to govern responsibly.

Does not support any legislation that reduces municipal government's authority to conduct its own municipal elections.

Supports changes to regulations that would allow those that have earned retirement benefits from the Public Employees Retirement Association (PERA) to return to work in order to fill PERA-associated critical need positions, hard to fill vacancies, and part-time positions without incurring penalties to existing retirement benefits.

1 Economic Development

2 Supports legislation that makes available more resources for job creation and
3 economic development programs such as the Job Training Incentive Program
4 (JTIP) and Local Economic Development Act (LEDA).

5
6 Supports legislation that would raise the municipal population maximum, which is
7 currently at 60,000, allowing the State, though the Local Economic Development
8 Act (LEDA), to provide extensions or improvements to infrastructure on
9 government-owned land.

10
11 Does not support any legislation that adversely impacts New Mexico's tax
12 competitiveness and the State's or municipal government's ability to recruit and
13 retain employers.

14
15 Financial

16 Does not support any changes to the current schedule of the Hold Harmless
17 payment phase-outs that would further negatively impact municipalities' revenue.

18
19 Supports legislation that will clarify for public school districts that use of their
20 indebtedness/borrowed funds is not limited to school grounds and can be used
21 for infrastructure improvements required and necessary to serve/access school
22 grounds.

23
24 Supports legislation that will ensure municipal governments will share
25 proportionally in solvency solutions that increase the soundness of the municipal
26 general, municipal police, and municipal fire divisions of the Public Employees
27 Retirement Association Fund.

28
29 Supports legislation to increase appropriations to the Library Division of the New
30 Mexico Cultural Affairs Department to provide grant-in-aid to local libraries to
31 address growing service and operational needs as the national average per
32 capita is \$3.47 and the current State distribution is 47 cents.

33
34 Supports placing before voters as part of the November 2024 General Election
35 ballot a State General Obligation Bond that, if approved, would provide continued
36 funding to libraries.

37
38 Supports legislation to adjust the monetary thresholds in State Statute pertaining
39 to the municipal sale or lease of property and corresponding referendum
40 provisions to reflect the rate of inflation since the last statutory change, which
41 was decades ago.

42
43 Supports legislation pertaining to the Public Improvement District Act and Tax
44 Increment for Development Act that would make clarifications to the election and
45 appointment of district board members consistent with the State's current
46 Election Code; clarify that the audit of a public improvement district or tax
47 increment development district may be conducted separately from its primary
48 government entity; and clarify the applicability of the State's Procurement Code
49 to public improvement district or tax increment development district expenditures.

50

1 Supports dedicated funding sources for municipal road and infrastructure
2 projects.

3
4 Does not support any legislation that restricts or reduces municipal government
5 revenue sources.

6
7 Public Safety

8 Supports legislation and funding for additional mental health resources that
9 would support public safety personnel with carrying out their mission of
10 protecting and assisting those in crisis.

11
12 Supports a statewide emergency medical services assessment, and that
13 assessment recommendations are utilized to develop policy regarding
14 appropriate funding mechanisms for emergency medical services in New Mexico.

15
16 Records

17 Supports legislation that amends the outdated Inspection of Public Records Act
18 (IPRA) in the following manner: (a) improved and expanded definitions of
19 accessible and confidential records, as the privacy rights of individual citizens,
20 juveniles, and public employee applicants should be better preserved and
21 respected; (b) acknowledgment of modern technology, and specifically police
22 bodycam footage and police audio recordings, while taking into consideration
23 privacy concerns and reasonable cost recovery for the time associated with
24 redaction and production; and (c) protections for municipalities from costly,
25 abusive, and harassing use of IPRA.

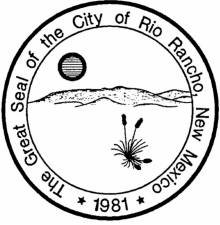
26
27 Supports legislation that would allow municipalities to have greater access to
28 Gross Receipts Tax reporting information.

29
30
31 ADOPTED THIS _____ DAY OF _____, 2023.

32
33
34 _____
35 Gregory D. Hull, Mayor

36
37 ATTEST:

38
39 _____
40 Rebecca A. Martinez, City Clerk
41 (SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R165

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

R165, Resolution Establishing the City of Rio Rancho's Capital Outlay Priorities for the Regular 2024 Legislative Session of the New Mexico Legislature

BACKGROUND AND ANALYSIS:

The New Mexico Legislature is scheduled to hold a regular 30-day session starting January 16, 2024, and concluding February 15, 2024.

Statewide capital appropriations are made from general fund, property tax, and State severance tax revenues.

The amount of funding Rio Rancho municipal government may receive in 2024 via Capital Outlay is subject to available State funding and individual State Legislators, the Governor, and their approvals. State officials may award funding to Rio Rancho local government for projects not identified on the project priority Resolution.

The specific Capital Outlay requests listed in the attached Resolution have been developed from the following sources: Governing Body's adopted Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Years 2024-2029; City staff input; feedback from the City's State government lobbyist; and previous State Legislator funding allocations.

The City's 2024 Capital Outlay requests take into consideration unprecedented State government revenues that are anticipated to be available for allocation.

IMPACT:

State Capital Outlay funding will allow projects to be completed sooner than they otherwise could be completed. Approval of the Resolution provides clear direction to the State elected officials representing Rio Rancho and Sandoval County in regards to priorities for Capital Outlay funding.

ALTERNATIVES:

Approve the Resolution.

Amend and approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Governing Body policy decision. Staff recommends approval of the Resolution as presented.

ATTACHMENT: [Resolution_Capital_Outlay_Priorities_2024_Leg_Session_Dec_14_2023](#)

ATTACHMENT: [Final 2 Capital Outlay Project 2024 Detail Dec 14 2023.docx](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION ESTABLISHING THE CITY OF RIO RANCHO'S CAPITAL OUTLAY
PRIORITIES FOR THE REGULAR 2024 LEGISLATIVE SESSION OF THE
NEW MEXICO LEGISLATURE**

WHEREAS: the New Mexico Legislature is scheduled to hold a regular 30-day session starting January 16, 2024, and concluding February 15, 2024; and

WHEREAS: pursuant to the State Constitution, a 30-day session is limited to matters pertaining to budgets, appropriations and revenue bills; bills drawn from special messages of the Governor; and bills from the last regular session vetoed by the Governor; and

WHEREAS: the City of Rio Rancho has specific Capital Outlay funding requests that it desires the New Mexico Legislature and the elected officials representing Rio Rancho and Sandoval County to consider; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted an Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Years 2024-2029; and

WHEREAS: the ICIP is a medium-range management and financial plan identifying the City's needs and financing requirements for acquisition, improvement, and replacement of the City's capital assets; and

WHEREAS: the City's Capital Outlay requests include projects identified in the City's ICIP; and

WHEREAS: State Capital Outlay funding will allow projects to be completed sooner than they otherwise could be completed; and

WHEREAS: the City's Capital Outlay requests align with the City's strategic goals; and

WHEREAS: the City's 2024 Capital Outlay requests take into consideration unprecedented State government revenues that are anticipated to be available for allocation; and

WHEREAS: approval of a Capital Outlay Priority Resolution provides clear direction and parameters for Governing Body members, City staff, and the City's lobbyist when interacting with different officials and organizations during the regular 2024 New Mexico Legislature session.

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

1 **OF RIO RANCHO:**

2
3 That the New Mexico Legislature considers the City of Rio Rancho's priority Capital
4 Outlay funding requests during its 2024 regular session, which are as follows:

5
6 Quality of Life

- 7
- 8 • \$600,000 to design, construct, and install Little League field lighting at the Rio
9 Rancho Sports Complex.
 - 10
11 • \$39,000 to repair and replace equipment at Haynes Community Center Public
12 Pool.
 - 13
14 • \$570,000 to plan, design, and construct a pedestrian pathway from the Rio
15 Rancho Aquatic Center to the Loma Colorado Main Library.
 - 16
17 • \$150,000 to design, purchase, and equip a bookmobile operated by the Rio
18 Rancho Library and Information Services Department.

19
20 Public Safety

- 21
- 22 • \$500,000 to purchase police vehicles.
 - 23
24 • \$166,000 to purchase police motorcycles.
 - 25
26 • \$166,000 to purchase dual band radios for public safety personnel.
 - 27
28 • \$85,000 to purchase a law enforcement SWAT Robot.
 - 29
30 • \$2,500,000 to design, equip and construct Fire & Rescue Station #8.
 - 31
32 • \$375,000 to replace and equip an ambulance.
 - 33
34 • \$500,000 for fire station improvements.

35
36 Public Infrastructure

- 37
- 38 • \$750,000 to replace water service lines as Phase 1-A per the U.S.
39 Environmental Protection Agency's Lead and Copper Rule mandate.
 - 40
41 • \$350,000 to design and construct a new water tank at Well 17.
 - 42
43 • \$4,420,000 to plan, design, and construct Rio Rancho Aquifer ReInjection
44 System expansion.
 - 45
46 • \$615,000 to design, acquire and install roadway safety equipment.
 - 47
48 • \$800,000 to design and reconstruct the parking lot serving the Esther Bone
49 Memorial Library and Veterans Monument Park.

1 • \$4,455,000 to reconstruct Sara Road and upgrade associated water utilities.

2

3

4 ADOPTED THIS _____ DAY OF _____, 2023.

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Greggory D. Hull, Mayor

9

10 ATTEST:

11

12 _____
13 Rebecca A. Martinez, City Clerk

14 (SEAL)

Project Detail – 2024 Capital Outlay Requests

Quality of Life

- \$600,000 to design, construct, and install Little League field lighting at the Rio Rancho Sports Complex.
 - The Rio Rancho Sports Complex Little League and community baseball fields (#3, #4, #5, #6) lack lighting, while only fields #1, #2, and #7 have lights primarily for adult softball. Installing lights on fields #4 and #5, estimated at \$300,000 per field, would enable Little League and youth baseball and softball players to have weeknight games in spring and fall, extend playing hours, improve visibility, and enhance the experience for parents and spectators.

- \$39,000 to repair and replace equipment at Haynes Community Center Public Pool.
 - Haynes Community Center Public Pool, the City's oldest recreation facility, is vital for various activities such as summer camps, swimming lessons, local rentals, special events, and revenue generation. The original pool slide requires resurfacing and sealing. Additionally, the pumps and strainers must be replaced for daily pool operation.

- \$570,000 to plan, design, and construct a pedestrian pathway from the Rio Rancho Aquatic Center to the Loma Colorado Main Library.
 - A pedestrian pathway from the Rio Rancho Aquatic Center to the Loma Colorado Main Library will provide additional access between the two facilities for patrons. The pathway will provide additional parking between the two facilities for large and special events.

- \$150,000 to design, purchase, and equip a bookmobile operated by the Rio Rancho Library and Information Services Department.
 - \$150,000 will cover the remaining 50% of costs to purchase and equip a bookmobile, which will provide further accessibility for library patrons of all ages throughout the City and offer additional community outreach opportunities. The City has identified funding for the remaining 50% of the total cost.

Public Safety

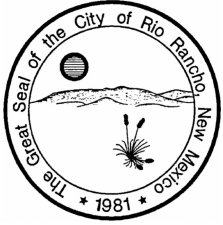
- \$500,000 to purchase police vehicles.
 - Funding would be used to acquire and equip approximately six (6) police vehicles that would be replaced due to high mileage.
- \$166,000 to purchase police motorcycles.
 - Funding would be used to acquire three (3) police motorcycles that would replace high mileage units. Motorcycles are used primarily for traffic enforcement.
- \$166,000 to purchase dual band radios for public safety personnel.
 - Funding would purchase 30 additional hand-held, dual-band radios used by public safety personnel.
- \$85,000 to purchase a law enforcement SWAT Robot.
 - The law enforcement robot will assist the Rio Rancho Police Department SWAT Team-by performing surveillance, providing video updates, delivering and retrieving items, and accessing areas deemed unsafe for humans. Its primary purpose is to enhance public and officer safety during barricaded subject or hostage incidents. This robot is equipped to search rooms, navigate stairs, open doors, and transmit information to the tactical team.
- \$2,500,000 to design, construct, and equip Fire & Rescue Station #8.
 - A location for a new station has been identified in the southwest quadrant of the City near Unser and Cabazon Blvd. The addition of a new station in this area is warranted based on current call volumes and future development and population growth. The City is currently finalizing land acquisition and has identified potential funding sources for the remaining construction and equipment costs, including apparatus, estimated to be approximately \$10,000,000. The planning and design phase will take an estimated 8-10 months, with an anticipated groundbreaking in late 2025.
- \$375,000 to replace and equip an ambulance.
 - \$275,000 to purchase a new ambulance, and \$120,000 for associated equipment. The projected time frame for building and delivery of an ambulance is approximately 17 months.

- \$500,000 for fire station improvements.
 - Funding would be used for for the addition of a third apparatus bay and covered and secured parking/storage for multiple pieces of Heavy Trench Rescue (HTR) equipment at Fire & Rescue Station #3.

Public Infrastructure

- \$750,000 to replace water service lines as Phase 1-A per the U.S. Environmental Protection Agency’s Lead and Copper Rule mandate.
 - In compliance with the EPA’s Lead and Copper Rule mandate, the City must replace approximately 1,500 water service lines between October 2024 and October 2027. The City estimates that completion of the project will cost a minimum of \$3.75 million, at \$2,500 per line. This request will partially fund the first phase of the project (375/800 lines), and the City will fund the remainder of the project. Phase 1-A is set to begin fall 2024.
- \$350,000 to design and construct a new water tank at Well 17.
 - A new water tank at Well 17, located in the southwestern quadrant of the City, will allow off-peak well pumping and it will allow maintenance to the existing tank 17 when needed. A new water tank will increase water storage and fire protection capabilities for healthcare facilities, commercial, and residential homes in the vicinity.
- \$4,420,000 to plan, design, and construct Rio Rancho Aquifer ReInjection System expansion.
 - Funding would be used for injection wells and advanced water treatment equipment. Expansion of the existing system will promote sustainability and increase the amount of highly treated wastewater that can be injected annually back into the aquifer for future use, preserving the City’s long-term water supply. Since the existing system went operational in 2017, approximately 300,000,000 gallons have been reinjected back into the aquifer.
- \$615,000 to design, acquire, and install roadway safety equipment.
 - Funding would be used for traffic equipment enhancements and installation throughout the City, including signal communications, closed circuit television cameras (CCTV), school flasher installations and upgrades, and traffic signal detection replacements.

- \$800,000 to design and reconstruct the parking lot serving the Esther Bone Memorial Library and Veterans Monument Park.
 - Funding will be used to design and reconstruct the parking lot serving the Esther Bone Memorial Library and Veterans Monument Park. The parking lot is more than 30 years old and is also used for large special events for public safety personnel and military/veterans.
- \$4,455,000 to reconstruct Sara Road and upgrade associated water utilities.
 - Funding would be used to reconstruct Sara Road (east from N.M. 528 to Meadowlark Lane), including roundabout construction and utility upgrades. The City has designated \$400,000 for project design. This section of Sara Road serves an Intel chip/manufacturing facility, residential areas, a commercial/retail area, educational facilities, senior housing and facilities, and is an access point to the Village of Corrales.



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:

December 14, 2023

DEPARTMENT:

Administration

SUBJECT:

2024 New Mexico Legislature Preview - City's State Government Lobbyist

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

Non-action item.