City of Albuquerque

Office of the City Clerk

Richard J. Berry, Mayor **Trina Gurule, Interim City Clerk**

Interoffice Memorandum

December 4, 2014

To: CITY COUNCIL

From: TRINA GURULE, INTERIM CITY CLERK

Subject: BILL NO. R-14-82; ENACTMENT NO. R-2014-098

I hereby certify that on December 4, 2014, the Office of the City Clerk received Bill No. R-14-82 as signed by the president of the City Council, Ken Sanchez. Enactment No. R-2014-098 was passed at the November 17, 2014 City Council meeting. Mayor Berry did not sign the approved Resolution within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-14-82.

Sincerely,

Trina Gurule
Interim City Clerk

CITY of ALBUQUERQUE
TWENTY-FIRST COUNCIL

COUNCIL BILL NO. R-14-82 ENACTMENT NO. R-2014-098

SPONSORED BY: Don Harris

RESOLUTION

FOR AN AREA OF APPROXIMATELY 684 ACRES, THAT INCLUDES THE TIJERAS CANYON AND THE TIJERAS ARROYO FOR APPROXIMATELY 3.7 MILES FROM THE CARÑUEL INTERSTATE-40 INTERCHANGE WESTWARD TO THE BOUNDARY OF KIRTLAND AIR FORCE BASE; ADOPTING THE RESOURCE MANAGEMENT PLAN FOR THE TIJERAS ARROYO BIOLOGICAL ZONE (RMP FOR THE TABZ) AS A RANK II FACILITY PLAN.

WHEREAS, the City Council, the governing body of the City of Albuquerque, has the authority to adopt and amend plans for the physical development of areas within the planning and platting jurisdiction of the City authorized by Statute, Section 3-19-1 et. Seq., NMSA 1978, and by its home rule powers; and

WHEREAS, approval of the RMP for the TABZ is consistent with the applicable goals and policies of the Albuquerque/Bernalillo County Comprehensive Plan, the Major Open Space Facility Plan, the Facility Plan for Arroyos, and the East Gateway Sector Development Plan; and

WHEREAS, The Facility Plan for Arroyos, adopted in 1986, calls for the entirety of the 100-year floodplains of Major Open Space Arroyos to be purchased by the City as open space and remain in a natural or semi-natural condition, and the Plan designates the portion of Tijeras Arroyo from the eastern city limits to Kirtland AFB on the west as a Major Open Space Arroyo; and

WHEREAS, The Albuquerque/Bernalillo County Major Public Open Space Facility Plan, adopted in 1999, specifically calls for a Resource Management Plan to be developed for the Tijeras Arroyo; and

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WHEREAS, the Albuquerque City Council approved Resolution R-07-278, mandating the City of Albuquerque to develop a Tijeras Arroyo Bio-Zone Preserve; and

WHEREAS, the East Gateway Sector Development Plan (adopted 2010) recommends that the City Open Space Division continue acquiring public lands within the Tijeras Arroyo to consolidate public ownership, provide opportunities for education and low-impact recreation, and improve and enhance habitat; and

WHEREAS, in 2012, Neighborhoods adjacent to the arroyo requested implementation of the recommendations in the East Gateway Sector Development Plan; and

WHEREAS, in 2013 the City Council and the Parks Department initiated a process to adopt a resource management plan to establish City policies for the purposes of allocating City and potentially State funds to improve trail facilities, install interpretive signage, create storm-water wetlands and repair the natural areas; and

WHEREAS, the primary goal of the RMP for the TABZ is to provide guidance and outline measures that will aid in the conservation of natural and cultural resources and identify opportunities for public recreation; and

WHEREAS, on May 8, 2014, the Environmental Planning Commission (EPC), voted that a Recommendation of Approval be forwarded to City Council for Project 1009983, 14EPC-40013, a request for an Adoption of a Rank II Facility Plan for the Tijeras Arroyo Bio-Zone, as recommended in the findings within the May 8, 2014 staff report (see Record).

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. The City Council adopts the Following Findings:

1. The Tijeras Arroyo Biological Zone includes the Tijeras Canyon and the Tijeras Arroyo for approximately 3.7 miles from the Carñuel Interstate-40 interchange westward to the boundary of Kirtland Air Force Base, containing approximately 684 acres that is made up of City, State, Albuquerque Metropolitan Arroyo Flood Control Authority, and privately owned parcels. The Plan provides goals and policies for City departments and other

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stakeholders to use in the conservation and preservation of the Tijeras Arroyo.

2. The primary goal of the Plan is to provide guidance and outline measures that will aid in the conservation of natural and cultural resources and identify opportunities for public recreation. The Plan: does not change zoning; calls for the City Open Space Division to acquire private lands within Tijeras Arroyo to consolidate public ownership; and, provides goals and policies that align with the Comprehensive Plan, and other city plans to better coordinate the preservation and conservation of the Tijeras Arroyo.

3. The Albuquerque/Bernalillo County Comprehensive Plan, the City of Albuquerque Zoning Code, the Major Open Space Facility Plan, the Facility Plan for Arroyos, and the East Gateway Sector Development Plan are incorporated herein by reference and made part of the record for all purposes.

4. The proposed plan supports the following applicable Goals and Policies of the Rank I Comprehensive Plan:

a. Open Space Network Goal and Policies

The request is consistent with the Open Space Network Goal and furthers Policy II.B.1.a because the RMP for the TABZ strengthens the City's commitment to acquire important open space lands and waters in the Tijeras Arroyo to conserve natural resources and environmental features, provide opportunities for outdoor education and recreation, conserve archaeological resources, provide trail corridors and help protect the public from flooding. It does this by stating the intent to acquire specific parcels in the Bio-Zone by various methods, prioritizing those parcels, and by providing policy objectives and best management practices that will help accomplish these purposes.

The request furthers Policy II.B.1.f because the RMP for the TABZ calls for the closing of makeshift trails along the Arroyo and creating and managing formal, sustainable trails that will protect natural features, views, drainage and other functions, as well as link to other areas within the Open Space network.

b. Rural Area Policies

The request is consistent with the Rural Area Goal and furthers Policy II.B.3.c because implementation of RMP for the TABZ policies—particularly

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land acquisition for open space— will help to curb inappropriate development in the floodplain and valley areas where flood danger, high water table, and soils inhibit extensive urbanization.

c. Developing and Established Urban Area Policies

The request is consistent with the Developing and Established Urban Area Goal and furthers Policy II.B.5.d because approval and implementation of the RMP for the TABZ will help ensure that new development respects existing natural environmental conditions and carrying capacities, scenic resources, and cultural and recreational resources by listing and describing those conditions and resources in detail and providing policies and best practices for managing them.

d. Archaeological Resource Policies

The request is consistent with the Archaeological Resource Goal and furthers Policies II.C.6.a, b and c because the Plan surveys and evaluates the significance of several archaeological and paleontological sites and presents strategies for preserving and managing them for research and education.

The request furthers Policy II.C.8.a because the RMP for the TABZ inventories important visual and environmental resources unique to the Tijeras Arroyo floodplain and notes their significance, facilitating their being taken into account in development decisions.

e. Water Management Policies

The request is consistent with the Water Management Goal and furthers Policy II.D.2.b because the RMP for the TABZ policies encourage the maximum absorption of precipitation through the retention of the natural arroyo (the Tijeras Arroyo) and conservation of run-off within the context of overall water resource management.

f. Education Policies

The request is consistent with the Education Goal and furthers Policy II.D.7.d because the RMP for the TABZ policies call for interpretive signs and programs to integrate educational programs with the natural and cultural environments.

5. The proposed plan supports the following applicable goals and policies of the following Rank II Area/Facility Plans:

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a. The Major Public Open Space (MPOS) Facility Plan

The request is consistent with the Major Public Open Space Facility Plan Mission and furthers Policy A.2.C because the MPOS Facility Plan specifically calls for a Resource Management Plan to be developed for the Tijeras Arroyo, a directive fulfilled by the TABZ. These plans protect vegetation, wildlife habitat, and archaeological resources from damage while making major public open space accessible to people.

b. The Facility Plan for Arroyos

This request is consistent with the Facility Plan for Arroyos Goal and furthers Policy 1 one of the main objectives of the RMP for the TABZ is to acquire and incorporate into the City of Albuquerque Open Space Network, as many parcels as possible that are owned privately or by various agencies to maximize ecological protection and facilitate management of the TABZ.

6. This request is consistent with the Rank III East Gateway Sector Development Plan, Goal 5, because the RMP for TABZ outlines strategies to prioritize land acquisition by significance of resource value and development pressure. The RMP for TABZ also recommends that the Open Space Division acquire the arroyo channel in its entirety. This request furthers the Major Public Open Space Recommendation in the East Gateway Sector Development Plan.

7. There were no adverse comments from the reviewing agencies. The Hydrology Development Division commented that reserving floodplains for Open Space will help the City improve their National Flood Insurance Program Community Rating which may result in a greater discount on flood insurance premiums for the citizens of Albuquerque.

8. There were no adverse comments from the public. All affected Neighborhood Associations, Homeowner Associations and Coalitions were notified by certified mail and, all property owners within the Plan boundaries were notified by mail. There is no known opposition to the Plan.

Section 2. The Resource Management Plan for the Tijeras Arroyo Biological Zone, attached hereto and made a part hereof, is adopted as a Rank II Facility Plan and regulatory guide to the implementation of the Rank I

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Albuquerque/Bernalillo County Comprehensive Plan and applicable Rank II and Rank III Plans as cited above.

Section 3. EFFECTIVE DATE. This resolution shall take effect five days after publication by title and general summary.

Section 4. SEVERABILITY CLAUSE. If any section paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

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PASSED AND ADOPTED THIS 17th DAY OF November, 2014
BY A VOTE OF: 9 FOR 0 AGAINST.

Ken Sanchez, President
City Council

APPROVED THIS _____ DAY OF _____, 2014

Bill No. R-14-82

Richard J. Berry, Mayor
City of Albuquerque

ATTEST:

Trina M. Gurule, Acting City Clerk

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