



Legislation Text

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**CITY of ALBUQUERQUE**  
**TWENTY SIXTH COUNCIL**

COUNCIL BILL NO. O-24-12 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Tammy Fiebelkorn, by request

ORDINANCE

Adopting A Small Area Text Amendment To The Integrated Development Ordinance For The Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2) Requiring Referrals Of Applications To Tribal Representatives (Fiebelkorn, by request)

WHEREAS, the City Council adopted the Integrated Development Ordinance (IDO) to implement Comp Plan Goals and Policies; and

WHEREAS, regulations from the previously adopted Northwest Mesa Escarpment Plan were incorporated into the IDO as the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2); and

WHEREAS, one purpose of VPO-2 is to ensure development that is compatible with and respectful of the cultural and natural landscape in the area surrounding the Petroglyph National Monument; and

WHEREAS, Indian Nations, Tribes, and Pueblos throughout New Mexico have been the stewards of this cultural and natural landscape for millennia; and

WHEREAS, tribal representatives are not currently recognized as commenting agencies for proposed development; and

WHEREAS, the IDO Annual Update for 2023 includes an amendment that proposes to add Indian Nations, Tribes, and Pueblos partially or wholly in New Mexico as commenting agencies for proposed development within 660 feet of Major Public Open Space or within 660 feet of tribal land; and

WHEREAS, amending the IDO to refer applications for proposed development within VPO-2 would provide an opportunity for tribal representatives to review applications and provide comments to decision-makers in the City's review and decision process for the area with significance to historic and ongoing cultural practices; and

WHEREAS, Councilor Fiebelkorn proposed a small area text amendment to require referral of applications for development within the VPO-2 to tribal representatives; and

WHEREAS, the City held public review meetings for proposed amendments in the 2023 IDO Annual update, including small area amendments, on October 12, October 13, and November 17, 2023; and

WHEREAS, the City offered a Pre-submittal Neighborhood Meeting as required by the IDO and held the meeting on October 28, 2023 to present and discuss the proposed changes related to the VPO-2, respond to questions, and gather feedback; and

WHEREAS, the City provided a Post-submittal Facilitated Meeting pursuant to IDO §14-16-6-4 (L) and held the meeting on January 10, 2024 to present and discuss the proposed changes VPO-2, respond to questions, and gather feedback; and

WHEREAS, the City provided all required notice for an Amendment to IDO Text - Small Area, including publishing a legal ad in the Albuquerque Journal, emailing two representatives of each neighborhood organization registered with the Office of Neighborhood Coordination (ONC), mailing property owners within the small area and within 100 feet, and posting notice on the Planning Department website and on the project website; and

WHEREAS, the IDO requires an Amendment to IDO Text - Small Area to be reviewed by the Environmental Planning Commission (EPC) and decided as a quasi-judicial action by City Council as the City's zoning authority in §14-16-6-7(E)(2)(c) and (d); and

WHEREAS, the EPC held a study session for the 2023 IDO Annual Update on December 7, 2023, and considered this request on January 18, 2024; and

WHEREAS, the EPC, following study and consideration, found that the proposed amendment only partially further goals and policies in the ABC Comp Plan related to Community Identity and Land Use and therefore do not satisfy the review and decision criteria for an Amendment to IDO Text - Small Area in §14-16-6-7(E)(3); and

WHEREAS, the EPC forwarded to the City Council a recommendation of denial subject to the findings and recommended condition in the record.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

ALBUQUERQUE:

SECTION 1. Amend IDO §14-16-6-4(J) to add a new subsection with text as follows:

[6-4(J)(#) Development in the Northwest Mesa Escarpment VPO-2

6-4(J)(#)(a) Indian Nations, Tribes, and Pueblos.

6-4(J)(#)(b) Tribal Representatives.]

SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance 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 ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. Section 1 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect after publication by title and general summary upon the sooner of the effective date of the 2023 IDO Annual Update or January 31st, 2025.