

CITY of ALBUQUERQUE
TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. 0-26-51

ENACTMENT NO. _____

SPONSORED BY: Brook Bassan, by request

1 ORDINANCE

2 ADOPTING A ZONING MAP AMENDMENT FROM NR-SU TO NR-LM FOR
3 APPROXIMATELY 165 ACRES LEGALLY DESCRIBED AS ALL OR A PORTION
4 OF TRACT A, PLAT OF TRACT A, CITY OF ALBUQUERQUE WATER
5 TREATMENT FACILITY, LOCATED AT 6000 ALEXANDER DR. NE AND OWNED
6 BY THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY.

7 **WHEREAS, the subject site is located at 6000 Alexander Blvd NE, the NW**
8 **corner of Mission Ave and Chappell Dr. NE; and**

9 **WHEREAS, the subject site is in an Area of Consistency as designated by**
10 **the Albuquerque-Bernalillo County Comprehensive Plan; and**

11 **WHEREAS, the existing Major Utility use is nonconforming in the NR-SU**
12 **zone district without a primary sensitive use on the property; and**

13 WHEREAS, the request is to rezone the parcel to satisfy Conditions of
14 Approval by the Environmental Planning Commission (EPC) for Major
15 Amendments to the Site Plan in 2018 (PR-2018-001355, SI-2018-00123) and in
16 April 2026 (PR-2018-001355, SP-2026-00028) requiring a zone change; and

17 **WHEREAS, the EPC, in its advisory role on land use and planning matters,**
18 **heard the zone change request on May 21, 2026 and recommended approval of**
19 **the proposed Zoning Map Amendment to the City Council; and**

20 WHEREAS, EPC recommended Findings # 1-16 regarding the Zoning Map
21 Amendment in its Notice of Decision dated May 21, 2026.

22 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
23 ALBUQUERQUE:

SECTION 1. ZONING MAP AMENDMENT. The zoning on the subject site is hereby changed from Non-Residential – Sensitive Use (NR-SU) to Non-Residential – Light Manufacturing (NR-LM).

SECTION 2. FINDINGS. The City Council adopts the following findings of fact.

1. This request is for a Zoning Map Amendment – Council from NR-SU to NR-LM for an approximately 165-acre property legally described as all or a portion of Tract A, Plat of Tract A, City of Albuquerque Water Treatment Facility, located at the NW corner of Mission Ave and Chappell Dr. NE (“subject site”) and owned by the Albuquerque Bernalillo County Water Utility Authority. The subject site was originally used for natural resource extraction but now provides water treatment for the Albuquerque metropolitan area.

2. The EPC is a recommending body to City Council for this request because the subject site is 10 gross acres or more of land and is completely in an Area of Consistency [IDO § 14-16-6-7(H)(1)(a)]. The City Council is the final decision-making body. The request is a quasi-judicial matter.

3. When the EPC approved a Major Amendment to the Site Plan in 2018 (PR-2018-001355, SI-2018-00123) and in April 2026 (PR-2018-001355, SP-2026-00028), a Condition of Approval was included in the notice of decisions requiring a zone change to remedy the nonconforming Major Utility use in the NR-SU zone district without a primary sensitive use on the property. This request will satisfy these conditions.

4. The subject site is currently zoned NR-SU (Non-Residential – Sensitive Use). The purpose of the NR-SU zone district is to accommodate highly specialized public, civic, institutional, or natural resource-related uses that require additional review of location, site design, and impact mitigation to protect the safety and character of surrounding properties. The purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses, and includes Major Utility, other as a permissive use.

5. Background/ History:

A. Sand and gravel extraction began at the subject site in the 1960s.

1 B. In 1997, in response to studies indicating a limited
2 groundwater supply, the City implemented the first Water Resources
3 Management Strategy (WRMS) to move the City away from its primary water
4 source of groundwater to aquifer storage and recovery (ASR), water reuse,
5 water conservation, and other measures to reduce demand and diversify
6 supply.

7 C. The water treatment facility received a permit for operation on
8 the western portion of the subject site in 2003 (Project # 1003170, 03EPC
9 02194), and a plat for the subject site was recorded in 2004 (Project # 1003170,
10 03EPC-02194).

11 D. When the Integrated Development Ordinance (IDO) became
12 effective in 2018, zoning at the subject site was converted to NR-SU. Currently,
13 the entire site is being used for water treatment facilities as a Major Utility (IDO
14 §14-16-7-1), which is nonconforming as a primary use (IDO §14-16-6-8).

15 E. A Condition of Approval of a Major Amendment to the Site
16 Plan in 2018 (PR-2018-001355, SI-2018-00123) required the applicant to pursue
17 a Post-IDO Voluntary Zone Conversion because the natural resource
18 extraction activities had ceased; however, this Condition was not completed.

19 F. In April 2026, EPC approved a Major Amendment to the Site
20 Plan (PR-2018-001355, SP-2026-00028) to add ASR infrastructure, a warehouse
21 complex, a retention pond, a future soils yard, a vault infrastructure area, and
22 space for future phased development on the eastern portion of the subject
23 site. EPC approved a Condition of Approval requiring the applicant to “adhere
24 to the November 8, 2018, EPC Notice of Decision, Condition of Approval # 2,
25 which requires the applicant pursue a Zoning Map Amendment to a district
26 where Major Utility is an allowed primary use.”

27 6. The Albuquerque/Bernalillo County Comprehensive Plan, and the
28 Integrated Development Ordinance (IDO) are incorporated herein by reference
29 and made part of the record for all purposes.

30 7. The subject site is within an Area of Consistency as designated by
31 the Comprehensive Plan, which has policies to protect and enhance the
32 character of existing single-family neighborhoods, areas outside of Centers
33 and Corridors, parks, and Major Public Open Space. Development in Areas of

1 Consistency is expected to reinforce the scale, intensity, and built pattern of
2 the immediately surrounding contexts.

3 8. The subject site is located within the North I-25 Community Planning
4 Area (CPA) as designated by the Comprehensive Plan. The CPA is bound by
5 Edith Blvd on the west, I-25 on the east, Montano on the south, and the city
6 limit in the north. North I-25 CPA includes both Bernalillo County and City land
7 within its boundaries. City lands mostly support business parks, light and
8 heavy manufacturing, and other commercial ventures, many of which are big-
9 box stores and companies.

10 9. The request is consistent with the following goals and policies
11 related to CHAPTER 5: LAND USE:

12 A. GOAL 5.3 EFFICIENT DEVELOPMENT PATTERNS: Promote
13 development patterns that maximize the utility of existing infrastructure and
14 public facilities and the efficient use of land to support the public good.
15 The zone change would facilitate phased infill development at the subject site,
16 which maximizes the use of existing infrastructure and public facilities. This,
17 combined with the reuse of heavily impacted lands from extractive activities,
18 contributes to the efficient use of disturbed lands. Infill development helps
19 maximizes land use, reduces sprawl, and utilizes existing infrastructure that
20 maximizes the utility of existing infrastructure and public facilities
21 contributing to the efficient use of land to support the public good.

22 B. POLICY 5.3.1 INFILL DEVELOPMENT: Support additional
23 growth in areas with existing infrastructure and public facilities.
24 The original uses at the subject site were related to the extractive industry, a
25 high-impact land use. The subsequent introduction and expansion of the
26 existing water treatment facilities at the subject site effectively reuses the
27 highly disturbed lands within an existing industrial area. The request will allow
28 continued infill at the site where there is existing infrastructure and public
29 facilities including water, sewer, road, and electric infrastructure with a use
30 that matches the zone district.

31 C. GOAL 5.6: City Development Areas: Encourage and direct
32 growth to Areas of Change where it is expected and desired and ensure that

development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located wholly within an Area of Consistency. The request reinforces the character and intensity of the surrounding, predominantly NR-LM and NR-BP zoning to the north, south, and east, as the request would designate the current existing, nonconforming water utility use as a permissible use. IDO Use and Development Standards would also help ensure that the use, character, and intensity of any current development as well as future growth conforms to the proposed zone district.

D. POLICY 5.6.3 AREAS OF CONSISTENCY: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request is in an historically non-residential area of the city with a focus on light manufacturing and business activities, and therefore, the proposed zone change to NR-LM would maintain and reinforce the scale, intensity, and built pattern of the surrounding City context outside of a Center, Corridor, park, and Major Public Open Space. Unincorporated county lands to the west and elementary school to the southwest are buffered from subject site activity by setbacks, a substantial earthen berm, landscaping, and/or a fence. The below-grade development in some areas as well as landscaping at the subject site along Tokay St, Chappell Dr. and Mission Ave. should reduce potential impacts to surrounding neighborhoods

10. The request is consistent with GOAL 7.6 CONTEXT-SENSITIVE INFRASTRUCTURE: Match infrastructure design to intended densities and development patterns to minimize lifecycle costs and conserve natural resources related to **CHAPTER 7: URBAN DESIGN:**

Land uses are most successful when they match the character and capacity of streets, as well as other existing infrastructure design and development. The subject site currently houses ABCWUA water treatment and ASR systems at what was once a sand and gravel resource extraction enterprise. The reuse of the site, especially by ABCWUA, which contributes to City infrastructure, matches the intended development densities and development patterns as well as the general character of the surrounding non-residential NR-LM and

NR-BP development. The existing roads, sidewalks, sewer lines, water systems, and public lighting accommodate current use, and any future development would be reviewed for compliance against all IDO, DPM, and any other adopted City regulation and Use and Development Standards for that zoning to assure that added infrastructure design adheres to intended densities and development patterns. The proposal furthers Goal 7.6 – Context-sensitive Infrastructure.

11. The request is consistent with the following goal and policy related to CHAPTER 12: INFRASTRUCTURE, COMMUNITY FACILITIES & SERVICES:

A. GOAL 12.1 INFRASTRUCTURE: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan’s vision for future growth.

The zone change is required for the Major Utility use for the water utility, which provides critical infrastructure, to continue as a permissive use at the subject site. When the IDO became effective in 2018, zoning at the subject site was converted to NR-SU because of the ongoing Natural Resource Extraction use; water treatment was a secondary or accessory use. Currently, the entire site is being used for water treatment facilities as a Major Utility (IDO §14-16-7-1), which is nonconforming as a primary use (IDO §14-16-6-8). A Condition of Approval requires the applicant to pursue this request, which will ultimately support the continued planning, coordination, and provision of environmentally sound infrastructure to support existing communities and the Comp Plan’s vision for future growth by strengthening a more resilient and decentralized water supply.

B. POLICY 12.1.2 WATER AND WASTEWATER UTILITY: Ensure consistency between Comp Plan and ABCWUA policies by coordinating infrastructure planning and programming.

When the Integrated Development Ordinance (IDO) became effective in 2018, zoning at the subject site was converted to NR-SU because of the ongoing Natural Resource Extraction use; water treatment was a secondary or accessory use. The request would ensure consistency between the Comp Plan with goals and policies that promote the protection and preservation of such environmental resources as water and the ABCWUA. Namely, the proposed

1 zoning for the subject site would permissively allow the Major Utility use,
2 unlike the current NR-SU zone district and would allow for continued
3 development of infrastructure planning and programming consistent with IDO
4 regulation.

5 12. The request is consistent with the following goal and policy related
6 to CHAPTER 13: RESILIENCE & SUSTAINABILITY:

7 A. GOAL 13.2 WATER SUPPLY & QUALITY: Protect and conserve
8 our region's limited water supply to benefit the range of uses that will keep our
9 community and ecosystem healthy.

10 The request would facilitate the development of additional water utility
11 infrastructure permissively which would more easily since the Major Utility
12 use would not conflict with the existing zone district (NR-SU). The facilities at
13 the subject site secure water supplies through water treatment and
14 conservation storage in City aquifers to use during dry periods. This
15 technology helps protect and conserve the region's limited water supply to
16 benefit the range of uses that will keep the Albuquerque community and
17 ecosystem healthy not only by storing water for dry times, but also by
18 reducing water loss through evaporation, and eliminating the need for more
19 expensive above ground storage facilities.

20 B. POLICY 13.2.3 WATER QUALITY: Coordinate with the
21 ABCWUA, state, and other agencies to maintain the quality of our groundwater
22 and surface waters.

23 The proposed zone change to NR-LM is being undertaken by the ABCWUA,
24 which uses direct injection and infiltration to store purified San Juan-Chama
25 drinking water in the City's aquifer. Projects must meet federal Safe Drinking
26 Water Act standards, and obtain permits from the New Mexico Office of the
27 State Engineer (OSE) and NM Environmental Department. Treatment ensures
28 that the water is compatible with the aquifer's chemistry, maintains the quality
29 and health of ground as well as surface waters, and then ensures safety for
30 consumption. ABCWUA typically coordinates these efforts in partnership with
31 consultants who provide technical and other support. The request shall
32 comply with all applicable provisions of this IDO, the DPM, and other adopted
33 City regulations.

1 13. The request generally meets the Zoning Map Amendment Review &
2 Decision Criteria pursuant to §14-16-6-7(H)(3)(a-c) of the Integrated
3 Development Ordinance.

4 A. 6-7(H)(3)(a) The criteria for approval of a Zoning Map
5 Amendment – EPC in Subsection 14-16-6-7(G)(3).

6 i. 6-7(G)(3)(a) The proposed zone change is consistent
7 with the health, safety, and general welfare of the City as shown by furthering
8 (and not being in conflict with) a preponderance of applicable Goals and
9 Policies in the ABC Comp Plan, as amended, and other applicable plans
10 adopted by the City.

11 The proposed zone change is consistent with the health, safety, and
12 general welfare of the City as shown by the applicant's policy-based response
13 that reviews five goals and four policies related to Land Use; Urban Design;
14 Infrastructure, Community Facilities & Services; and Resilience &
15 Sustainability, and adequately demonstrates the request furthers a
16 preponderance of applicable goals and policies. The request does not present
17 any significant conflicts with the Comprehensive Plan, as amended, or other
18 applicable plans adopted by the City as shown in the sections above.

19 *Applicable citations:* Goal 5.3-Efficient Development Pattern, Policy 5.3.1-Infill
20 Development, Goal 5.6-City Development Areas, Policy 5.6.3-Areas of
21 Consistency; Goal 7.6-Context-Sensitive Infrastructure; Goal 12.1-
22 Infrastructure, Policy 12.1.2-Water and Wastewater Utility; Goal 13.2-Water
23 Supply & Quality, Policy 13.2.3-Water Quality.

24 ii. 6-7(G)(3)(b) If the subject property is located partially
25 or completely in an Area of Consistency (as shown in the ABC Comp Plan, as
26 amended), the applicant has demonstrated that the new zone would clearly
27 reinforce or strengthen the established character of the surrounding Area of
28 Consistency and would not permit development that is significantly different
29 from that character. The applicant must also demonstrate that the existing
30 zoning is inappropriate because it meets any of the following criteria.

31 1. There was a typographical or clerical error when the existing zone
32 district was applied to the property.

1 2. There has been a significant change in neighborhood or community
2 conditions affecting the site.

3 3. A different zone district is more advantageous to the community as
4 articulated by the ABC Comp Plan, as amended (including implementation of
5 patterns of land use, development density and intensity, and connectivity),
6 and other applicable adopted City plan(s).

7 This request concerning a subject site located completely within an Area of
8 Consistency meets Criteria 2 and 3. The subject site was once a site of natural
9 resource extraction. Natural resource extraction requires an NR-SU zoning for
10 that use to be permissive. Currently the site supports the local water utility
11 uses, which are characterized by the use of a Major Utility, other. Because
12 there has been a significant change in the primary use of the subject site, the
13 existing zoning is inappropriate. The proposed NR-LM zone district is more
14 advantageous to the community because it would allow a Major Utility that
15 ensures a safe, clean, and long-term water supply for the City.

16 iii. 6-7(G)(3)(c) If the subject property is located wholly in
17 an Area of Change (as shown in the ABC Comp Plan, as amended) and the
18 applicant has demonstrated that the existing zoning is inappropriate because
19 it meets any of the following criteria:

20 1. There was a typographical or clerical error when the existing zone
21 district was applied to the property.

22 2. There has been a significant change in neighborhood or community
23 conditions affecting the site that justifies this request.

24 3. A different zone district is more advantageous to the community as
25 articulated by the ABC Comp Plan, as amended (including implementation of
26 patterns of land use, development density and intensity, and connectivity),
27 and other applicable adopted City plan(s).

28 The subject site is located wholly in an Area of Consistency and not in an
29 Area of Change.

30 iv. 6-7(G)(3)(d) The requested zoning does not include
31 permissive uses that would be harmful to adjacent property, the
32 neighborhood, or the community, unless the Use-specific Standards in

1 Section 14-16-4-3 associated with that use will adequately mitigate those
2 harmful impacts.

3 The applicant states that the zone change “adds numerous permissive
4 uses, none of which will have a harmful impact on the surrounding mostly
5 industrial area;” however, since the property does abut both Mission Avenue
6 Elementary (grades K-5) and Sandia Preparatory School (grades 6-12), it is
7 important to consider all permissive uses that would be allowed with the
8 proposed zone change, as the requested zoning does include permissive uses
9 that could be considered harmful to adjacent property, the neighborhood, or
10 the community. These potentially harmful uses include Adult Entertainment,
11 Bar, Nightclub, Adult retail, and Cannabis related uses.

12 Future development of any harmful uses would be required to meet
13 applicable IDO use-specific standards [e.g., IDO § 14-16-4-3(D) & (E)], DPM
14 standards, and in the case of Cannabis related uses, New Mexico state law
15 regulation, including, but not limited to, requirements regarding minimum
16 spacing from other uses or facilities. These regulations are designed to further
17 mitigate any potential adverse impacts associated with such activities and
18 serve to protect and preserve the identity of the neighborhood by mitigating
19 the impacts of potentially incompatible uses, although it cannot outright
20 prohibit permissive uses within a zone district [IDO Table 4-2-1: Allowable
21 Uses].

22 v. 6-7(G)(3)(e) The City’s existing infrastructure and
23 public improvements, including but not limited to its street, trail, and sidewalk
24 systems, meet any of the following criteria:

25 1. Have adequate capacity to serve the development made possible by the
26 change of zone.

27 2. Will have adequate capacity based on improvements for which the City
28 has already approved and budgeted capital funds during the next calendar
29 year.

30 3. Will have adequate capacity when the applicant fulfills its obligations
31 under the IDO, the DPM, and/or an Infrastructure Improvements Agreement
32 (IIA).

1 4. Will have adequate capacity when the City and the applicant have
2 fulfilled their respective obligations under a City-approved Development
3 Agreement between the City and the applicant.

4 Existing infrastructure at the subject site includes streets, sidewalks,
5 public and private utility facilities, sanitary sewer and water system facilities,
6 drainage and flood control facilities, street lighting, and other improvements
7 used by the public and in common by the property owners. The subject site
8 should have adequate capacity to serve the development made possible by
9 the change of zone, thereby, meeting Criterion 1.

10 vi. 6-7(G)(3)(f) The applicant's justification for the Zoning
11 Map Amendment is not completely based on the property's location on a
12 major street.

13 The subject site is a partially developed parcel comprised of ABCWUA
14 water utility infrastructure within an Area of Consistency. The requested zone
15 change is not based on the property's location on a major street, but rather,
16 based on the appropriate size and ability of the Major Utility to reuse a heavily
17 impacted site due to natural resource extraction. Also, this request is an
18 attempt to bring the current use of Major Utility into conformance with the IDO
19 and previous Major Amendment actions ((PR-2018-001355, SI-2018-00123, SP-
20 2026-00028) which require the property to reflect a zone district that would
21 allow Major Utility as a permissive use.

22 vii. 6-7(G)(3)(g) The applicant's justification is not based
23 completely or predominantly on the cost of land or economic considerations.

24 The applicant's justification is not based upon the cost of land or economic
25 considerations. Although the applicant indicates this request is based on the
26 long-term use of the property as a major utility and the numerous EPC
27 approvals for site development, the applicant's request is actually an attempt
28 to bring the current use of Major Utility into conformance with the IDO and
29 previous Major Amendment actions ((PR-2018-001355, SI-2018-00123, SP-2026-
30 00028) which require the property to reflect a zone district that allows a Major
31 Utility as a permissive use.

32 viii. 6-7(G)(3)(h) The Zoning Map Amendment does not
33 apply a zone district different from surrounding zone districts to one small

1 area or one premises (i.e., create a “spot zone”) or to a strip of land along a
2 street (i.e., create a “strip zone”) unless the requested zoning will clearly
3 facilitate implementation of the ABC Comp Plan, as amended, and at least 1 of
4 the following applies.

5 1. The subject property is different from surrounding land because it can
6 function as a transition between adjacent zone districts.

7 2. The subject property is not suitable for the uses allowed in any adjacent
8 zone district due to topography, traffic, or special adverse land uses nearby.

9 3. The nature of structures already on the subject property makes it
10 unsuitable for the uses allowed in any adjacent zone district.

11 Since the properties adjacent to the north of the subject site are currently
12 zoned NR-LM, the proposed NR-LM zone district for the subject site does not
13 apply a zone district different from surrounding zone districts to create either
14 a “spot zone” or “strip zone”.

15 B. 6-7(H)(1)(b) Pursuant to Section 3-21-6 NMSA 1978, an
16 application for a Zoning Map Amendment – EPC for which a protest of the final
17 action has been received within 15 calendar days of the Notice of Decision
18 that meets both of the following criteria.

19 1. All of the equitable owners of land that comprises at least 20 percent of
20 the area proposed for change or 20 percent of the area within 100 feet in any
21 direction (excluding public right-of-way) of the area proposed for change have
22 protested in writing the proposed Zoning Map Amendment.

23 2. The persons filing the protest have shown that this Subsection 14-16-6-
24 7(H)(1)(b) applies through clear and convincing evidence.

25 This request is not for the creation or amendment of an NR-BP zone district,
26 but for a zone district change from an NR-SU to NR-LM zone district.

27 C. 6-7(H)(1)(c) An application to amend the Official Zoning
28 Map by any entity other than the City may not be submitted within 1 year after
29 the date of final action by the City denying or approving (with or without
30 conditions) a prior application to amend the Official Zoning Map with the same
31 requested change.

32 This request is not for the creation or amendment of a PC zone district, but
33 for a zone district change from an NR-SU to NR-LM.

1 14. The applicant notified the two neighborhood organizations—
2 District 4 Coalition of Neighborhood Associations and the North Valley
3 Coalition—within 660 feet of the subject site, and all property owners within
4 100 feet of the subject site as required.

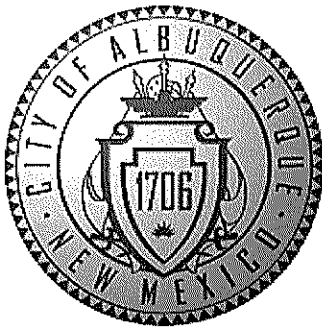
5 15. Eleven Agency comments were received; none requires further
6 action at this time.

7 16. The applicant was not required to offer a tribal meeting as part of
8 a pre-submittal requirement for a Site Plan – EPC. Staff referred the
9 applications for Agency Comment to Indian Nations, Tribes, or Pueblos and
10 Tribal Representatives, and no comment was received.

11 **SECTION 3. SEVERABILITY.** If any section, paragraph, sentence, clause,
12 word or phrase of this Ordinance is for any reason held to be invalid or
13 unenforceable by any court of competent jurisdiction, such decision shall not
14 affect the validity of the remaining provisions of this Ordinance. The Council
15 hereby declares that it would have passed this Ordinance and each section,
16 paragraph, sentence, clause, word or phrase thereof irrespective of any
17 provision being declared unconstitutional or otherwise invalid.

18 **SECTION 4. COMPILATION.** SECTION 1 of this Ordinance amends, is
19 incorporated in, and is to be compiled as part of the Revised Ordinances of
20 Albuquerque, New Mexico, 1994.

21 **SECTION 5. EFFECTIVE DATE.** This Ordinance takes effect five (5) days
22 after publication by title and general summary.



Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

INTER-OFFICE MEMORANDUM

June 5, 2026

TO: Klarissa J. Peña, President, City Council

FROM: Timothy M. Keller, Mayor

A handwritten signature in dark ink, appearing to be 'TK' or a stylized 'K', is written over the printed name of the Mayor.

SUBJECT: Zoning Map Amendment from NR-SU to NR-LM for an approximately 165-acre property legally described as all or a portion of Tract A, Plat of Tract A, City of Albuquerque Water Treatment Facility, located at 6000 Alexander Dr. NE and owned by the Albuquerque Bernalillo County Water Utility Authority (ABCWUA).

Request

This request is for a Zoning Map Amendment – Council from NR-SU to NR-LM for an approximately 165-acre property (“subject site”) owned by the Albuquerque Bernalillo County Water Utility Authority (ABCWUA). The subject site was originally used for natural resource extraction but now provides water treatment for the Albuquerque metropolitan area.

If approved, this request satisfies Conditions of Approval by the Environmental Planning Commission (EPC) for Major Amendments to the Site Plan in 2018 (PR-2018-001355, SI-2018-00123) and in April 2026 (PR-2018-001355, SP-2026-00028). The existing Major Utility use is nonconforming in the NR-SU zone district without a primary sensitive use on the property. The zone change would remedy the nonconforming use and allow Major Utility as a permissive primary use in the NR-LM zone district.

EPC Recommendation

The EPC held a public hearing on May 21, 2026 to consider the proposed Zoning Map Amendment [ZMA-2025-00005].

The EPC found that the proposed zone change furthers a preponderance of applicable Comprehensive Plan Goals and Policies and meets Review and Decision Criteria in IDO §14-16-6-7(H)(3). The EPC is forwarding a Recommendation of Approval to City Council based on Findings in the Notice of Decision.

Neighborhood/Public

Neighborhood Associations within 660 feet of the subject site — District 4 Coalition of Neighborhood Associations and North Valley Coalition — were notified as required. Property owners within 100 feet of the subject site were notified as required. No comments were received from the public.

The subject site is more than 660 feet from Major Public Open Space or tribal land, so neither a Pre-submittal Tribal Meeting nor a referral of the case for comments was required to be sent to Indian Nations, Tribes, and Pueblos [IDO § 14-16-6-4(B) and IDO § 14-16-6-4(I)].

Conclusion

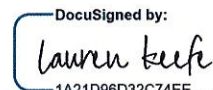
The EPC is forwarding a Recommendation of Approval to the City Council for the Zoning Map Amendment from NR-SU to NR-LM for the property located at 6000 Alexander Dr. NE owned by the ABCWUA. The EPC recommended Findings #1-16 in the Official Notice of Decision dated May 21, 2026.

TITLE/SUBJECT OF LEGISLATION: Adopting A Zoning Map Amendment from NR-SU to NR-LM for Approximately 165 Acres Legally Described as All or a Portion of Tract A, Plat of Tract A, City of Albuquerque Water Treatment Facility, Located at 6000 Alexander Dr. NE and Owned by the Albuquerque Bernalillo County Water Utility Authority.

Approved:

Approved as to Legal Form:

 7/6/26
Samantha Sengel, EdD
Chief Administrative Officer
Date

DocuSigned by:
 6/23/2026 | 9:13 AM MDT
1A21D96D32C74EE
Lauren Keefe
City Attorney
Date

Recommended:

Signed by:
 6/9/2026 | 10:16 AM MDT
947D88B6EF4C443
Alan Varela
Planning Department Director
Date

Cover Analysis

1. What is it?

This is an Ordinance to adopt a Zoning Map Amendment from NR-SU to NR-LM for an approximately 165-acre, Albuquerque Bernalillo County Water Utility Authority (ABCWUA) property (“subject site”) located at 6000 Alexander Dr. NE.

2. What will this piece of legislation do?

This legislation would change the zoning of the subject site, originally used for natural resource extraction but now used for water treatment for the Albuquerque metropolitan area. This Zoning Map Amendment remedies a nonconforming use to allow the ABCWUA to continue the major utility use in NR-LM as a permissive primary use.

3. Why is this project needed?

This Zoning Map Amendment completes a Condition of Approval related to a Major Amendment to a Site Plan for the subject site approved by the Environmental Planning Commission (EPC) in April 2026 (PR-2018-001355, SP-2026-00028). The Site Plan was first approved by EPC in 2018 (PR-2018-001355, SI-2018-00123). The Condition of Approval requires a zone change to remedy the nonconforming use in the NR-SU zone district. The NR-SU zone district only allows a major utility as an accessory use. This request will satisfy the Condition of Approval and allow the ABCWUA to further develop the property.

4. How much will it cost and what is the funding source?

No governmental cost is associated with the request.

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

No. N/A.

6. What will happen if the project is not approved?

The ABCWUA water treatment facility would continue to operate as a nonconforming use at the subject site, which would limit future expansion and require approval by the Zoning Hearing Examiner [IDO § 14-16-6-6(C)]. The Major Amendment approved by the EPC in April 2026 would become void. The ABCWUA would not be allowed to add the proposed Aquifer Storage and Recovery (ASR) infrastructure, a warehouse complex, a retention pond, a Vault infrastructure area, a future soils yard, and space for future, phased development to the eastern portion of the subject site to facilitate underground water storage capacity and ABCWUA soil recycling.

7. Is this service already provided by another entity?

No.

FISCAL IMPACT ANALYSIS

TITLE: Zone change for the ABCWUA property at 6000 Alexander Blvd NE, Albuquerque Bernalillo County Water Utility Authority (ZMA-2026-00005)

R: O:
FUND:
DEPT:

- ☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2026	Fiscal Years 2027	2028	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses		-		-
Property		-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
☒ Estimated revenues not affected				
☐ Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City InKind Match				
City IDOH	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

This request is for a Zoning Map Amendment from NR-SU to NR-LM for the property located at 6000 Alexander Blvd NE totaling approximately 165 acres in an Area of Consistency. This Zoning Map Amendment request remedies the nonconforming Major Utility Use in the NR-SU zone district and allows Albuquerque Bernalillo County Water Utility Authority, the City's Water Utility, to continue providing services as a permissive use in NR-LM and allow future development as such at this location.

PREPARED BY:

Debbie Dombroski

FISCAL ANALYST

APPROVED:

Signed by:

Alan Lujan 6/9/2026 | 10:16 AM MDT

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DIRECTOR

REVIEWED BY:

Diane Shaver 6/23/2026 | 8:50 AM MDT

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EXECUTIVE BUDGET ANALYST

Signed by:

Dawn M. Smith 6/23/2026 | 9:10 AM MDT

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BUDGET OFFICER

Signed by:

Christina Bourcier 6/23/2026 | 9:11 AM MDT

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CITY ECONOMIST



Environmental Planning Commission Hearing

MINUTES

May 21, 2026

Zoom Meeting

Commissioners Present:

Renn Halstead, Chair
Adrian N. Carver, Vice-Chair
Jarrod Likar
Matthew Archuleta
Abdul Ganiu Tanko

City Staff Present:

Mikaela Renz-Whitmore –UD&D Manager, Planning Department
Megan Jones – EPC Principal Planner, Planning Department
William Steele – EPC Senior Planner, Planning Department
Catherine Heyne – Planner, Planning Department
Nichole Maher – EPC Hearing Monitor, Planning Department

Chair, Renn Halstead: Right. Thank you very much, Mr. Steele. Let's go to agenda item number 3.

Catherine Heyne: Good morning, I'll be the next presenter. This is Ms. Heyne. And let me share my screen. And I'm just ... waiting for my request to be... presentable, let's see...

Planning EPC: I have a quick question. This is Nichole Maher, the hearing monitor. Will Jackie Fishman be presenting on this one? For the applicant?

Catherine Heyne: This is Ms. Heyne. I think that she would be the one to be presenting, but you..., I know that her staff is on.

Planning EPC: So, I didn't know if I should promote her to panelists so that she can present after you're done, but I'll wait until you're done, and then we can ask her.

Chair, Renn Halstead: That sounds good. Please proceed.

Catherine Heyne: All right, thank you, and good morning, Mr. Chair, Commissioners, and members of the public. My name is Catherine Heyne, and I'm the staff planner assigned to this case. This is agenda item number 3, PR-2018-001355, Plan # ZMA-2026-00005. This request is for a Zoning Map Amendment – Council from NR-SU to NR-LM for an approximately 165-acre property owned by the Albuquerque Bernalillo County Water Authority. This subject site is located at 6000 Alexander Boulevard NE, which is located north of Renaissance Boulevard, south of Osuna Road, and more specifically, at the northwestern corner of the Mission Avenue and Chappelle Drive intersection. The subject site is in an area of the city that supports light industrial and commercial uses, and unincorporated County lands are to the west, and they consist of manufactured and single-family homes.

The purpose of the NR-SU zone district is to accommodate highly specialized public, civic, institutional, or natural resource-related uses that require additional review of location, site design, and impact mitigation to protect the safety and character of the surrounding properties. The request is to update the zoning to NR-LM to allow the current major utility permissibly and otherwise accommodate moderate intensity commercial light assembly, fabrication, and manufacturing uses, while buffering adjacent lower-intensity residential and mixed-use zone districts from the traffic noise and other impacts of those uses.

The EPC is a recommending body to the City Council for this request because the subject site is greater than 10 acres and is completely within an Area of Consistency. The City Council is the final decision-making body, and this request is a judicial... quasi-judicial matter.

In 1997, the City of Albuquerque adopted the Water Resources Management Strategy to move the city away from groundwater dependence, and in 2003, the Water Authority developed a facility to treat and store the San Juan Chama Project water at this location. As a public utility, the water treatment facility was allowed under the then SU-1 for sand and gravel extraction and related activities and uses permitted in the M-1, or light manufacturing zone. When the Integrated Development Ordinance became effective in 2018, zoning at the subject site was converted to NR-SU because of the continued natural resource extraction. Water treatment continued as a secondary or accessory use.

In 2018, when the EPC approved a Major Amendment as part of PR-2018-001355, SI-2018-00123, the Notice of Decision included a Condition of Approval that required that the applicant pursue a Post-IDO Voluntary Zone Conversion to update the zoning for the subject site from NR-SU to a zone district where Major Utility is permissive as a primary use since the sand and gravel mining had ceased. In April of 2026, as part of Project PR-2018-001355, SP-2026-00028, the EPC approved an additional Major Amendment for the subject site, which included a Condition of Approval that required the applicant to adhere to the November 8th, 2018 EPC Notice of Decision, Condition of Approval # 2, which requires the applicant to pursue a Zoning Map amendment to a district where Major Utility is an allowed primary use.

This Zoning Map Amendment request remedies the nonconforming major utility use in the NR-SU zone district and would allow the current water utility to continue as a permissive use in NR-LM. Here are two overview photos of the subject site from Mission Avenue, which bounds the site on the south. And here are more overview photos. The top picture shows the general topography of the subject site, looking west from the eastern boundary of Chapelle Drive. The middle is a panoramic photo showing the northern edge of the subject site, taken from a private road. And the bottom photo shows the subject site at Tokay Street, which delineates the western edge of the site.

Staff has analyzed the request using the Comprehensive Plan and found that it is consistent with five goals and four policies from Chapters 5, 7, 12, and 13. This is summarized in Findings 8 through 11 for your consideration. Staff finds that this request meets the review and decision criteria for the Zoning Map Amendment as found in IDO § 6-6(H)(3). This analysis is summarized in Finding 12 for your consideration. Namely, the applicant has provided the required policy-based response, which demonstrates that the zone change is consistent with the health, safety, and

general welfare of the city, and it furthers Comp Plan goals and policies related to land use, urban design, infrastructure, community facilities and services, and resilience and sustainability.

The applicant has demonstrated that the new zone would clearly reinforce and strengthen the established character of the surrounding Area of Consistency and would not prevent development that is significantly different from that character. The existing zoning is also inappropriate because there has been a significant change in the primary use of the subject site, and two previous projects mandate a zone change. An NR-LM zone district would also be more advantageous because it would permissibly allow a Major Utility, a use that ensures a safe, clean, and long-term water supply for the city.

The request includes uses that could be considered harmful by neighbors, but any proposed development would be subject to applicable IDO, and in the case of cannabis-related uses, subject to additional state regulation that serves to protect and preserve the identity of the community. The City's existing infrastructure and public improvements have adequate capacity to serve the development made by the possible, by the zone change, and the justification for the zone change is not completely based on the location along a major street, cost of land, or economic considerations. Lastly, this request is not for the creation or amendment of an NR-BP or PC zone district.

The District 4 Coalition of Neighborhood Associations and North Valley Coalition are within 660 feet of the subject site, and they were notified as required. All property owners within 100 feet of the subject site were notified as required as well. Notification of Indian Nations, Tribes, and Pueblos was not required for this request. Comments were received from 11 agencies, but no response requires further action. And no comments were received from the public. The applicant has adequately justified the request pursuant to IDO zone change review and decision criteria in IDO 14-16-6(7)(H)(3). Therefore, staff recommends that the EPC forward a recommendation of approval of project 2018-001355, Plan # ZMA-2026-00005, based on Findings 1 through 15 within this report to the City Council. And with that, I stand for questions.

Chair, Renn Halstead: Thank you, Ms. Heyne. I don't have any questions currently. Anyone else on the Commission wish to ask questions? All right, seeing none, thank you very much for your presentation. Let's go ahead and move to the applicant's presentation. Ms. Fishman, I believe you're going to be presenting?

Jackie Fishman: Yes.

Chair, Renn Halstead: Thank you very much. Please proceed.

Jackie Fishman: All right, I think you need to swear me in, Mr. Chairman.

Chair, Renn Halstead: Oh, yes, thank you so much. You've done this before, I see.

Jackie Fishman: I have.

Chair, Renn Halstead: Alright, name and address, please.

Jackie Fishman: My name is Jackie Fishman, and my address is 1820 Gabaldon Northwest, Albuquerque, 87104.

Chair, Renn Halstead: Thank you. Please raise your right hand. You swear to tell the truth under the penalty of perjury?

Jackie Fishman: I do.

Chair, Renn Halstead: Thank you so much. Appreciate it. Please proceed.

Jackie Fishman: Alright, I'm gonna share my screen. If I could... There we go. All right, thank you, Mr. Chairman and Commissioners. I'm pleased be here today. We had our previous hearing on the Major Amendment to the Site Plan last month, and as Ms. Heyne explained, one of the Conditions of Approval last month was to request this Zone Change. It is, also, was a Condition from the 2018 Major Amendment that somehow got overlooked by the Water Authority and the City of Albuquerque.

So, I think one of the Commissioners last month termed this as housekeeping, and I would agree with this. This is an important, critical infrastructure project that has become a nonconforming use in the NR-SU zone, and in order to expand this use, we need to have this zone change. So... And it is a mandatory zone change, and you can see on the screen, this parcel will become purple, just like all the purple that is to the north is all NR-LM. It's also surrounded by NR-BP. This is a very industrial part of the city of Albuquerque. I'm gonna go to my next slide very quickly.

As you know, this is the San Juan Chama Drinking Water Treatment Plant project. Again, in order to expand that project, we need this zone change. This is, we're asking for a recommendation of approval to City Council. And, just some background, this slide just lets you

know that the ASR well sites do treat San Juan Chama surface water for later recovery and use in the metro area. This is a very timely project. I think, yesterday in the newspaper it reported that, I don't know, 94% of the state of New Mexico is in drought. So, very timely.

I do have with me today, I believe, two members, it's hard to tell with this new format, but two members from... or staff from the Water Authority, if you have any questions for them, Diane Agnew and Rochelle Larson. Also, Cher Jensen from Consensus Planning is here as well.

I would just end with, we have not gotten, had any contact with neighbors or neighborhood associations. I think they understand what this project is about, and so there's been no negative comments that we've received. And I would just urge your support to recommend this zone change to City Council. With that, I stand ready for any questions you may have.

Chair, Renn Halstead: Thank you very much, Ms. Fishman. I don't have any questions for you at the moment. I would agree that this seems like a housekeeping task. So, any other questions from the Commission before we move on to public testimony? Seeing none, I do want to just briefly touch on...

Commissioner Abdul Ganiu Tanko: Chair, I have a... I have a question, Chair.

Chair, Renn Halstead: Please, Commissioner Tanko.

Commissioner Abdul Ganiu Tanko: Yeah, just before I move into the substantive question that I have, I just want either staff or, you know, the applicant to clarify what... why exactly they selected the NR-LM instead of more, a restricted district, you know. Why specifically did they select the NR-LM, yeah?

Jackie Fishman: Okay, I can, I can try to field that. Mr. Chairman and Commissioner Tanko, our, the Condition of Approval from 2018, and that's a really important date, because 2018 was when the IDO was adopted, and the Major Amendment came in to, before the EPC a few months after that. And, it was clear that, I mean, the IDO rezoned this NR-SU, Non-residential Sensitive Use, and that zone is for very specific lists of uses, and it does not include Major Utility. Major Utility is allowed in... as a permissive primary permissive use in several zones, but the NR-LM, in my mind, was the closest and the best zone to select from.

The difference between NR-SU and NR-LM is the NR-SU, we can ask for different types of development standards that are not listed in the IDO, whereas with the NR-LM, we have to follow that zoning district requirements to the letter of the law. So, it's not necessarily that it's more

lenient. I would say maybe it's... it's less lenient to... to be zoned NR-LM, but again, because the Major Utility is a... primary permissive use, that is not allowed in the current zoning. So, that's why we picked NR-LM.

Commissioner Abdul Ganiu Tanko: Okay, Commissioner, the Chair, if you allow me to do a follow-up?

Chair, Renn Halstead: Please.

Commissioner Abdul Ganiu Tanko: Okay, thank you. So basically my... I asked this question because I wanted to know what, you know, future, uses can be allowed on this NR-LM, because especially when APS, APS raised, you know, concerns about safety and operational impact. So, I wanted to find out, what additional uses could potentially be allowed under the NR-LM in the future, beyond the existing utility function, and how could this be compatible with nearby educational institutions or... other institutions, to maintain, you know, usage?

Chair, Renn Halstead: Great question.

Jackie Fishman: Mr. Chairman and Commissioner, in my letter to you all, there is a pretty extensive analysis of the use comparisons between NR-LM and NR-SU. It's on page 8. I can bring it up on my screen, if you like?

Chair, Renn Halstead: Yeah, why don't we do that real quick, so we can fully answer it?

Jackie Fishman: Okay, let me... Pull that up... oop. Can you see the... the new information on the screen now? Yes. Okay, good. Okay, like I said, this is... this narrative, responds to Criterion 6-7(G)(3)(d), and that is the analysis between the permissive uses that, in the... the two zones. So there's a lot of narrative in there. As... as Ms. Heyne tried to explain, that some of the... more impactful uses that would be allowed in the NR-LM, cannabis, those kinds of things. Those are restricted with use-specific standards, that don't allow that use within a certain amount of feet of a school. We do have Mission Elementary on the southwest corner of our property, or to the southwest of our property, and then also Albuquerque Academy is to the northwest, right at the very, very corner of the water utility property. So, those... I mean, the likelihood of cannabis going in this, campus, this is a long-term facility. I... I can't see it ever going away, in this, in this

location. But, like I said, I have pages 8, 9, and 10 devoted to that analysis. If the Commissioner has any specific questions about those uses, I'm happy to field any further questions.

Chair, Renn Halstead: Thank you. Thank you, Ms. Fishman. Commissioner Tanko, do you have any specific uses that you're concerned about, or you want further clarification on?

Commissioner Abdul Ganiu Tanko: No, Chair, I'm good, yeah. I'm just going through the analysis, and yeah, I'm good for now. Thank you. **(00:34:20)**

Chair, Renn Halstead: Excellent, and we can always, if you have further questions or clarifications that you want, we can bring those up at the closing as well. Thank you very much. Go ahead and move to – any public registered to speak?

Planning EPC: Chair Commissioners, there's no one signed up to speak at this time. If you're a member of the public, and you're an attendee, if you'd like to speak on this, item, please raise your virtual hand. You can do that by, at the bottom, there's a raise hand function. It's a picture of a hand. Just hit that. Chair Commissioners, I don't see anyone that would like to speak on this matter at this time.

Chair, Renn Halstead: Thank you very much, Mr. Maher. All right. I think we can move, although this is quasi-judicial, since there hasn't been any testimony, I don't know that there's any need for cross-examination. Mr. Myers, would you agree with that?

Matt Myers, EPC Counsel: Chair, I would agree with that assessment.

Chair, Renn Halstead: Okay. Thank you very much. Let's go ahead and go to the staff closing statements.

Catherine Heyne: Thank you, Chair. And I have nothing further to add other than, the staff does support this request. Thanks.

Chair, Renn Halstead: Thank you very much. And any closing, words from you, Ms. Fishman, as the applicant?

Jackie Fishman: Mr. Chairman, only that I urge your support.

Chair, Renn Halstead: Thank you very much. Alright, I think we can end the, close the... presentation portion. I think, to summarize, this is, again, as mentioned, I think this is a housekeeping item. Although there are some harmful uses that, or could be considered harmful uses that NR-LM brings into, into play here, I think, as shown in the staff report and in the applicant's application. Those are controlled in many ways because of the proximity to the schools, so I feel comfortable that this is an appropriate change. This is a really important project for the sustainability of our water system. So, I'd love to hear any comments or further questions from the Commission, but I will be in, in favor of recommendation of approval. Any other commissioners wish to provide thoughts?

Vice-Chair, Adrian Carver: Mr. Chair, this is Carver. I also agree with the, that this is a cleanup. I'm glad that this was caught, and I'm glad that we can help meet the Condition of Approval of the prior case. If I... it doesn't sound like other Commissioners have anything else to say, but I'll pause for a second, but I'm ready to give a motion.

Chair, Renn Halstead: Okay.

Vice-Chair, Adrian Carver: Looks like I'm seeing head shaking. So, Mr. Chair, I move approval of agenda item number 3. It's PR-2018-001355, Plan # ZMA-2026-00005, based on Findings 1 through 15.

Chair, Renn Halstead: And that was a recommendation of an approval, correct, to the City?

Vice-Chair, Adrian Carver: Yes.

Chair, Renn Halstead: Perfect.

Commissioner Abdul Ganiu Tanko: I second.

Chair, Renn Halstead: And second by Commissioner Tanko. Thank you very much. Let's move to a roll call vote. Commissioner Tanko?

Commissioner Abdul Ganiu Tanko: Tanko, aye.

Chair, Renn Halstead: Commissioner Archuleta?

Commissioner Matthew Archuleta: Archuleta, aye.

Chair, Renn Halstead: Commissioner Likar?

Commissioner Jarrod Likar: Likar, aye.

Chair, Renn Halstead: Vice Chair Carver?

Vice-Chair, Adrian Carver: Carver, aye.

Chair, Renn Halstead: And the Chair is an aye. That passes unanimously, 5-0. Thank you very much, Ms. Fishman.

Jackie Fishman: Thank you.

Chair, Renn Halstead: Presentation. Appreciate it.