CITY of ALBUQUERQUE TWENTY SIXTH COUNCIL

ENACTMENT NO. 0-2024-019 COUNCIL BILL NO. __ O-24-12 SPONSORED BY: Tammy Fiebelkorn, by request 1 **ORDINANCE** 2 ADOPTING A SMALL AREA TEXT AMENDMENT TO THE INTEGRATED 3 DEVELOPMENT ORDINANCE FOR THE NORTHWEST MESA ESCARPMENT 4 VIEW PROTECTION OVERLAY ZONE (VPO-2) REQUIRING REFERRALS OF 5 APPLICATIONS TO TRIBAL REPRESENTATIVES. 6 WHEREAS, the City Council adopted the Integrated Development 7 Ordinance (IDO) to implement Comp Plan Goals and Policies; and 8 WHEREAS, regulations from the previously adopted Northwest Mesa 9 Escarpment Plan were incorporated into the IDO as the Northwest Mesa 10 Escarpment View Protection Overlay Zone (VPO-2); and Bracketed/Strikethrough Material - Deletion 11 WHEREAS, one purpose of VPO-2 is to ensure development that is [Bracketed/Underscored Material] - New 12 compatible with and respectful of the cultural and natural landscape in the 13 area surrounding the Petroglyph National Monument; and 14 WHEREAS, Indian Nations, Tribes, and Pueblos throughout New Mexico 15 have been the stewards of this cultural and natural landscape for millennia; 16 and 17 WHEREAS, tribal representatives are not currently recognized as 18 commenting agencies for proposed development; and 19 WHEREAS, the IDO Annual Update for 2023 includes an amendment that 20 proposes to add Indian Nations, Tribes, and Pueblos partially or wholly in New 21 Mexico as commenting agencies for proposed development within 660 feet of 22 Major Public Open Space or within 660 feet of tribal land; and 23 WHEREAS, amending the IDO to refer applications for proposed 24 development within VPO-2 would provide an opportunity for tribal 25 representatives to review applications and provide comments to decision-

1	makers in the City's review and decision process for the area with significance
2	to historic and ongoing cultural practices; and
3	WHEREAS, Councilor Fiebelkorn proposed a small area text amendment to
4	require referral of applications for development within the VPO-2 to tribal
5	representatives; and
6	WHEREAS, the City held public review meetings for proposed amendments
7	in the 2023 IDO Annual update, including small area amendments, on October
8	12, October 13, and November 17, 2023; and
9	WHEREAS, the City offered a Pre-submittal Neighborhood Meeting as
10	required by the IDO and held the meeting on October 28, 2023 to present and
11	discuss the proposed changes related to the VPO-2, respond to questions,
12	and gather feedback; and
13	WHEREAS, the City provided a Post-submittal Facilitated Meeting pursuant
14	to IDO §14-16-6-4(L) and held the meeting on January 10, 2024 to present and
15	discuss the proposed changes VPO-2, respond to questions, and gather
16	feedback; and
17	WHEREAS, the City provided all required notice for an Amendment to IDO
18	Text – Small Area, including publishing a legal ad in the Albuquerque Journal,
19	emailing two representatives of each neighborhood organization registered
20	with the Office of Neighborhood Coordination (ONC), mailing property owners
21	within the small area and within 100 feet, and posting notice on the Planning
22	Department website and on the project website; and
23	WHEREAS, the IDO requires an Amendment to IDO Text – Small Area to be
24	reviewed by the Environmental Planning Commission (EPC) and decided as a
25	quasi-judicial action by City Council as the City's zoning authority in §14-16-6-
26	7(E)(2)(c) and (d); and
27	WHEREAS, the EPC held a study session for the 2023 IDO Annual Update
28	on December 7, 2023, and considered this request on January 18, 2024; and
29	WHEREAS, the EPC, following study and consideration, found that the
30	proposed amendment only partially further goals and policies in the ABC
31	Comp Plan related to Community Identity and Land Use and therefore do not
32	satisfy the review and decision criteria for an Amendment to IDO Text - Small
33	Area in §14-16-6-7(E)(3); and

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1	WHEREAS, the EPC forwarded to the City Council a recommendation of
2	denial subject to the findings and recommended condition in the record.
3	BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
4	OF ALBUQUERQUE:
5	SECTION 1. Amend IDO §14-16-6-4(J) to add a new subsection with text as
6	follows:
7	[6-4(J)(#) Development in the Northwest Mesa Escarpment VPO-2
8	6-4(J)(#)(a) Indian Nations, Tribes, and Pueblos.
9	6-4(J)(#)(b) Tribal Representatives.]
10	SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
11	clause, word or phrase of this ordinance is for any reason held to be invalid or
12	unenforceable by any court of competent jurisdiction, such decision shall not
13	affect the validity of the remaining provisions of this ordinance. The Council
14	hereby declares that it would have passed this ordinance and each section,
15	paragraph, sentence, clause, word or phrase thereof irrespective of any
16	provision being declared unconstitutional or otherwise invalid.
17	SECTION 3. COMPILATION. Section 1 of this ordinance shall be
18	incorporated in and made part of the Revised Ordinances of Albuquerque,
19	New Mexico, 1994.
20	SECTION 4. EFFECTIVE DATE. This ordinance shall take effect after
21	publication by title and general summary upon the sooner of the effective date
22	of the 2023 IDO Annual Update or January 31st, 2025.
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	1	PASSED AND ADOPTED THIS17 th DAY OFJune, 2024
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	30	Ethan Watson, City Clerk
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