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April 21, 2021

Chad Rennaker  
Palindrome Communities, LLC  
412 NW 5<sup>th</sup> Avenue, Suite 200  
Portland, OR 97209

RE: Village Center Project Requirements

Dear Mr. Rennaker,

The purpose of this letter is to clarify the required documents and the approval process for said documents as is outlined in 3.3 Plans, Permits in the Development Agreement between the Village of Los Ranchos and Palindrome Communities, LLC.

We request you return this document with your signature acknowledging and agreeing to the following, which will be an attachment to the Development Agreement.

This document covers the following:

- Required Plans
- Plan Approval
- Other Review Agencies
- Post-Site Plan Approval
- Building Permits
- Plat Requirements
- Site Development Requirements
  - Variances
  - Additional Requirements
- Public Notice

**Required Plans**

The following are required to ensure development in keeping with the purpose and intent of the Village Center Zone and Village Center Project, as identified in §9.2.14 Village Center Zone. If review by the Village's contractors is necessary, Developer will be forwarded the cost.

- (Re)plat for each phase of development
- Master Plan for entire project site
- Public Improvements Plan(s)
- Grading & Drainage Plan(s)
- Site Development Plan(s)

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- Landscaping Plan(s)
- Utilities Plan(s)
- Fire 1 Plan(s)
- Traffic Impact Study (for impact on both 4<sup>th</sup> St and Osuna Rd/Chavez Rd)

**Post-Site Plan Approval:**

- Building Plan(s)
- Demolition Plan(s) (if applicable for that phase)

**Plan Approval**

Plans must be submitted for approval grouped based on the following large plan sets. The Village may approve individual plans (such as a Utilities Plan) separate from this general process.

- Overall Project Master Plan
- Replats
- Site Plan for Each Phase

**Other Review Agencies**

If review and approval by agencies other than the Village of Los Ranchos (Bernalillo County Fire Department, PNM, Albuquerque Bernalillo County Water Utility Authority, and all other agencies and utilities as required) is needed, approval from said agency must be obtained prior to submittal to the Village for approval. For each of the following plans, the Developer must obtain approval from the listed agency/agencies. If agency does not require approval, a letter in writing must be submitted in lieu of the approval.

- Replat: Not applicable. Utilities will review as part of the replat process.
- Master Plan: Not applicable, as details may not yet be identified in the Master Plan and are subject to change.
- Public Improvements Plan: Bernalillo County Public Works
- Grading & Drainage Plan: Not applicable.
- Site Development Plan: City of Albuquerque Transit Department. If components of the Site Development Plan involve other agencies, their approval will be required.
- Landscaping Plan: Not applicable.
- Utilities Plan: PNM, NM Gas Company, Albuquerque Bernalillo County Water Utility Authority, Comcast, Qwest
- Fire 1 Plan: Bernalillo County Fire Department (Fire Marshal's Office)
- Traffic Impact Study: Bernalillo County Public Works Transportation Planning Section, City of Albuquerque Transit Department

If the Developer will access the acequia/ditch for trail and/or irrigation connections, the Middle Rio Grande Conservancy District (MRGCD) must review and approve that component.

**Post-Site Plan Approval**

Prior to development, which includes demolition and earthwork (including grading and the addition or removal of dirt from the site per §9.2.4(D) Development), a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) from the EPA must be obtained.

All contractors doing work on the site must obtain a Village Parcel Permit per §9.3.3.

Any work in the public right-of-way must have excavation/barricade permits from the Village and follow the requirements of §10.1 Street Excavation and §10.2 Limiting Encroachment in Public Right-of-Ways.

### **Building Permits**

The Village of Los Ranchos and Bernalillo County follow the International Building Code. Building permits must be obtained from the Village of Los Ranchos first, and Bernalillo County second. Bernalillo County will handle all building inspections, and the Village of Los Ranchos will ensure building plan conformance to the approved plans.

Post-construction, the Village of Los Ranchos will not issue any Certificate of Occupancy for buildings in that phase until an as-built grading and drainage plan for that phase is submitted to and reviewed by the Village Designated Engineer. If multiple buildings are being built in that phase, the as-built grading and drainage plan will be required for the portion around the new building in order to issue a Certificate of Occupancy.

The plan, permit, and construction process shall follow the requirements and timeline in the Development Agreement, which shall supersede typical requirements identified in §9.2.25(l)(1) and (2) Void Permits.

### **Plat Requirements**

Per §9.2.14(L) Application and Approval Process, the approval process outlined below shall replace the approval requirements for Major Subdivisions for each (re)plat. Standard application fees (\$50 for sketch plat and \$100 for final plat) shall apply. The Village shall provide the necessary application forms.

#### **1. Pre-Application Meeting to confirm the requirements for the plat.**

While not requirements, of note for the plats:

- Since each lot is separate, any drainage that flows from one lot to another must have a cross-lot drainage easement.
- Buildings cannot cross property lines.
- Parking spaces that cross property lines must have easements to identify ownership and maintenance responsibilities.
- Anything that crosses property lines (such as planting trees on property lines) must have an easement identifying ownership and maintenance responsibilities.
- The innermost properties not abutting Osuna Rd or 4<sup>th</sup> St must have access through a private access easement, said easement identifying ownership and maintenance responsibilities.

#### **2. Sketch Plat Application & Approval**

The Sketch Plat is a preliminary plat that follows the requirements of §9.1.8(B)(3) Contents of the Final Plat. Ideally, only small technical corrections would be made between this and the final plat. The Developer will submit the application and preliminary plat for review by the Planning & Zoning Director, who will note any corrections that must be made in their report. The Director and Village Administrator shall sign the application approving the Sketch Plat, after which the Developer can make corrections and obtain utility signatures.

1. As §9.2.14(L) notes, the replat is not required to follow §9.2.25. However, to provide opportunity for due process and public comment, the Sketch Plat and Final Plat application will be publicly noticed following the public notice section of this letter.

#### **3. Final Plat Application & Approval**

Once utility signatures have been obtained, the Developer shall submit the Final Plat application and a physical mylar plat. The Director shall review to ensure noted corrections have been made and the plat will be signed by the Mayor with the Village Clerk's attest. The Director and Village Administrator shall sign the application approving the Final Plat. The Developer will file the plat at the Bernalillo County Clerk's Office and will supply the Village with a PDF copy of the filed plat and the DXF file from the surveyor (showing lot lines and easements only) to update digital maps.

While the approval process shall follow this letter, the requirements for each plat document shall follow §9.1 Subdivision, Vacation, and Development.

As noted in §9.1.6(C)(3) Services, "Burial of all utility systems is desirable in new subdivisions and failure to incorporate underground utilities may constitute adequate cause to deny subdivision approval."

§9.1.8(B)(3) Contents of the Final Plat must be met.

2. §9.1.8(B)(3)(e) Supplementary Material shall be met as follows:

1. Storm Drainage Management: This shall be a requirement of the Site Development Plan and is not required for the plat.
2. Soils Analysis: This shall be a requirement of the Site Development Plan and is not required for the plat.
3. Special Problems Analysis: Not required.
4. Improvement Plan: This shall be a requirement of the Site Development plan and is not required for the plat.

§9.1.9 (A) and (B) requiring a subdivision improvements agreement and installation assurance financial guarantee are superseded by the Development Agreement requirements. (C) requiring improvements completed to the satisfaction of the Village Designated Engineer still applies.

§9.1.10 Design Standards applies, and width of access is also subject to approval by Bernalillo County Fire Department to ensure compliance with the International Fire Code (IFC).

Addressing for each lot will be handled by Bernalillo County, per §9.7.5 Premise Identification (Addresses). They will also handle addressing for each building.

#### **Site Development Requirements**

The required documents for the site development plan are those listed in §9.2.25(E)(4)(f) through (s), in addition to those noted in this letter.

For the following, the standard requirements in §9.2.14 Village Center Zone apply:

(C) Uses: Permissive uses require no additional use permits. Per 3.3 Plans, Permits in the Development Agreement, conditional uses shall be approved administratively and shall follow the public notice process identified in this letter. Prohibited uses require a variance, see separate note on variances.

(D)(4) Building Height: The maximum building height shall be the lesser of three (3) stories or forty-eight (48) feet. As noted in discussion with the Village, some buildings shall be three stories and that will be the maximum building height allowed.

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(H) Dark Skies: All lighting in the project area must follow §9.2.20 Dark Skies.

(J) Outdoor Storage: Outdoor storage shall follow (J)(1) and (2).

(K) Outdoor Display of Merchandise: Outdoor display of merchandise shall follow (K)(1) through (5).

Some initial requirement changes from §9.2.14 Village Center Zone per the Development Agreement and discussions with the Village:

(B) Economic Development Plan: An Economic Development Plan may be required for the Project Area and the content of which would be determined in the Development Agreement. An Economic Development Plan is not required for this project, as it is not noted in the Development Agreement.

(D)(2) Project Area Lot Width: The maximum lot width is noted as two hundred (200) feet, however the phased plan in the Development Agreement notes widths greater than 200', therefore the approximate widths noted in the phase plan will be used instead.

(L) Application and Approval Process will follow the approval process stated in the Development Agreement section 3.3 Plans, Permits, with review and approval by the Planning & Zoning Director and Village Administrator.

Where the Village Center Zone code allows for flexibility in the Project Area, the following apply:

(E) Design: As noted in (E)(1), design will be determined in the Site Development Plan application and approval process subject to Planning & Zoning Director and Village Administrator approval. The Director and Administrator shall review and ensure compliance of this section.

In addition, (E)(2) through (6) are required. Requirement (6)(a) may be superseded by the Development Agreement as the proposed agricultural area is interior in the site.

(F) Off Street Parking: Per (F)(2), parking is determined by the Site Development Plan. The default parking space requirement shall follow (F)(3).

All other requirements for parking, such as number of ADA spaces and dimensions, must follow §9.2.18 Off Street Parking. §9.2.18(B) is replaced with §9.2.14(F)(3). Should additional parking be available on another lot in the Project Area and necessary to meet parking space minimums, a shared parking agreement will be required.

(G) Landscaping: Per (G)(1), landscaping is determined by the Site Development Plan, while maintenance shall follow §9.2.19(F). The default landscaping requirement shall be §9.2.19.

As allowed by §9.2.19(E)(3) Buffer Landscaping Requirements, an alternative landscaping plan may be approved.

(I) Signs: Per (I)(1), signage is determined by the Site Development Plan. The default signage requirements in §9.2.22 shall apply, and any mixed-use buildings shall follow §9.2.22(E) for commercial sign size and specifications.

Where the Village Center Zone code is silent, such as for fence height, the typical Village requirements in other zones will apply.

**Fences/Walls:** The maximum freestanding fence/wall height shall follow §9.2.12(F) C-1 Zone Fences and Walls, with the exception of §9.2.12(F)(5), which shall be replaced as follows: "No solid wall or solid fence located within the side or rear setback area and along a public or private right-of-way shall be more than six (6) feet in height."

#### **Variance**

As mentioned in the Development Agreement, if the Developer seeks a variance from the code, which includes any variation from the requirements of this letter, said variance will require approval by the Planning & Zoning Commission.

Applications for variances must be submitted per the Village's public hearing deadlines identified on the Village website. The application will follow the public hearing public notice requirements and will be heard at the next regularly scheduled Planning & Zoning Commission meeting. Decisions made by the Commission may be appealed to the Board of Trustees within 15 days post-meeting following §9.2.25(H)(2).

#### **Additional Requirements**

Per §9.2.4(C) Clear Sight Triangle, no obstructions shall be placed in the clear sight triangle. Per §9.2.4(G) Fire Hazard and Fire Hydrant Access, the developer must follow the International Fire Code (IFC).

Per §9.2.4(P) Utility Easement Restrictions, trees planted around overhead utility lines have height restrictions.

Per §9.2.4(U) Fourth Street Development, the Developer must dedicate seven (7) feet of right-of-way with improvements installed per Village requirements along the property fronting Fourth Street. The Developer must dedicate both the improvements and land as public right-of-way to the Village of Los Ranchos.

Per §9.2.12(O) Transit Regulations, an easement for a new sheltered bus stop is required for existing bus stops located directly adjacent to a property. Said sheltered bus stop and easement (if applicable) must be approved by the City of Albuquerque Transit Department. An easement for the bus stop will be required if it encroaches beyond the right-of-way.

#### **Public Notice**

Though approvals will be administrative, the public and governing body must be informed of plans for the project area in public meetings and have the opportunity to voice concerns. Therefore, the Developer is required to present to the Board of Trustees *for discussion only* each of the plans that must be approved for each phase and/or significant project milestones. Presentation of multiple plans or documents can occur at the same meeting. Presentations are required for the following, though if the Developer wishes to present at other times they may do so:

- When financing is secured
- When each replat is finalized
- When a development timeline milestone is met (or if not met, when it should have been met)
- When plans for each phase are submitted

Prior to any Director and Administrator decision for site and related plans, the Planning & Zoning Department shall follow the requirements of §9.2.25(F)(1) (a) through (e) Planning Director Approvals. Any public comment received within the 15 calendar day comment period shall be

considered per §9.2.25(F)(1)(e). Per §9.2.25(F)(1)(c), the Developer is required to post public notice sign(s) on the property during this notice period.

A Notice of Decision shall be sent to the Developer and anyone who submitted a written comment on the application, which shall include notice of the appeal process §9.2.25(H). Appeals of Director decisions shall follow §9.2.25(H).

The plat approval process shall follow this public notice process. Building permit approval is administrative and will not be publicly noticed or put before the Board for review.

If you have any questions, please contact me via email at [tjustice@losranchosnm.gov](mailto:tjustice@losranchosnm.gov) or call (505) 344-6582.

Sincerely,



Tiffany Justice  
Director, Planning & Zoning

cc: Donald T. Lopez, Mayor  
Ann Simon, Village Administrator  
Maria Rinaldi, Village Projects Manager  
Nann Winter, Legal Counsel  
Village of Los Ranchos Board of Trustees

**Developer & Village Signatures**

The parties hereto acknowledge and agree to the requirements stated in this letter, which shall be an attachment to the Development Agreement signed between Palindrome Communities, LLC and the Village of Los Ranchos de Albuquerque.

By:  
Village of Los Ranchos de Albuquerque, a New Mexico incorporated municipality

Donald T. Lopez PE, CMO  
 Mayor

Dated: July 14, 2021

STATE OF NEW MEXICO            )  
   ) ss.  
 COUNTY OF BERNALILLO         )

The foregoing instrument was executed and acknowledged before me on this 14<sup>th</sup> day of July, 2021, by Donald T. Lopez, Mayor of the Village of Los Ranchos de Albuquerque.

M. Danielle Molina  
 Notary Public

My Commission Expires:  
May 10, 2022



Palindrome Communities, LLC, a Nevada limited liability company

[Signature]

Dated: 7-7-21

STATE OF Oregon                    )  
   ) ss.  
 COUNTY OF Multnomah         )

The foregoing instrument was executed and acknowledged before me on this 7<sup>th</sup> day of July, 2021, by Chad I. Bennaker, President of Palindrome Communities, LLC.

Heather Marie Boyd  
 Notary Public

My Commission Expires:  
10/21/2024

