

Topic: Local Boards; Local Governance
Resource Type: Regulations
State: New Mexico
Jurisdiction Type: Municipal
Municipality: City of Albuquerque
Year (adopted, written, etc.): 1990
Community Type - applicable to: Urban; Suburban
Title: City of Albuquerque Environmental
Planning Commission
Document Last Updated in Database: January 26, 2017

Abstract

These ordinances create boards to deal with Environmental Planning, Beautification, the Albuquerque Bicycle Network, Open Space, and Recreational Trails.

Resource

('74 Code, § 7-4-5) (Ord. 24-1990)

PART 2: ENVIRONMENTAL PLANNING COMMISSION

§ 14-13-2-1 ENVIRONMENTAL PLANNING COMMISSION CREATED.

(A) **Creation.** There is hereby created an Environmental Planning Commission of the city, hereinafter called the "EPC." The EPC constitutes the "City Planning Commission" or the "Planning Commission" for the purposes of any other ordinance of the city which refers to such body.

(B) **Membership.** The EPC is composed of nine members:

(1) Members shall meet the qualifications set forth in §§ 2-6-1-1 et seq., the Public Boards, Commissions and Committees Ordinance, and

(2) Every reasonable effort shall be made to select appointments to the EPC which will lead to one EPC member residing in each Council District.

(C) **Terms, Vacancies, Member Removal.** Matters concerning appointments, including terms, vacancies, and member removal, shall be as set forth in § 2-6-1-1 et seq.

(D) Expansion. It is contemplated that the EPC will subsequently be expanded into and become a part of Metropolitan Environmental Planning Commission through the appointment of members by the Bernalillo County Board of County Commissioners.

('74 Code, § 7-15-1) (Ord. 294-1972; Am. Ord. 4-1976; Am. Ord. 90-1983; Am. Ord. 40-1994)

§ 14-13-2-2 DUTIES, RESPONSIBILITIES, AND POWERS.

(A) Delegation by City Council. There is hereby delegated to the EPC the following power and authority:

(1) Study. The EPC shall study urban and regional planning and means of protecting and improving the environment. The EPC may request assistance of staff of the city by request to the Mayor.

(2) Advisory Functions. The EPC shall advise the Mayor, City Council, and city staff concerning the development and revision of community goals, plans for urban development and protection of the environment, policies on development and on protection of the environment, ordinances appropriate for effecting such plans and policies, annexation to the city, programming of capital improvements for the city, the designation of land desirable and needed for public purposes, the adoption of air and water quality standards, and other appropriate matters.

(3) Public Education. The EPC shall promote the understanding of planning and environmental matters among public officials as well as residents of Albuquerque and its environs.

(4) Environmental and Economic Impact Analyses. The EPC shall review all environmental and economic impact analyses prepared by the city or required of others by the city, or submitted to the EPC by other interested parties on matters under consideration by the EPC.

(5) Approval of Extraordinary Facilities in City Parks and Open Space. If extraordinary facilities are proposed for city-controlled parks or open space, EPC approval of a site development plan is required before installation or construction. Before considering approval of such facilities, the EPC shall seek the recommendation of the Metropolitan Parks Advisory Board and/or the Open Space Advisory Board, according to their jurisdiction over the area. The decision of the EPC may be appealed to the City Council if appeal is filed with the Planning Director within 15 days of the decision. For the purpose of this division (5):

(a) EXTRAORDINARY FACILITIES IN PARKS are those which are not primarily for facilitating recreation, relaxation, and enjoyment of the outdoors; they do not include incidental parking and access roads, nor do they include infrastructure not visible on the surface;

(b) EXTRAORDINARY FACILITIES IN OPEN SPACE are those other than trails, fencing, signs, incidental parking lots, and access roads.

(6) Other Duties, Responsibilities, and Powers. The EPC has such other duties, responsibilities, and powers as may be delegated to it by the City Council, including but not limited to powers delegated by the Zoning Code and Subdivision Regulations.

(B) Committees. EPC may form standing committees from EPC members in order to carry out the assigned duties, responsibilities and powers of the EPC. The EPC shall select the EPC members to serve on its committees and may select the Chairperson of EPC committees except as otherwise specified by §§ 14-13-2-1 et seq. Members of EPC committees who are not members of the EPC are allowed only as authorized in §§ 14-13-2-1 et seq. Where committee members from the general public are authorized, the EPC may recommend to the Mayor people whom it believes to be well qualified for appointment.

(C) Task Forces. The EPC may form task forces consisting of EPC members and the general public and may select the members and Chairperson of any task force. For the purposes of this division, TASK FORCE means an advisory group established to carry out a specific assignment for a predetermined time, not to exceed 18 months.

(D) Relationship of the EPC to its Committees and Task Forces. Committees and task forces of the EPC shall report to the EPC on their activities at least semi-annually, and as may be directed by the EPC. The EPC may set guidelines for the communication from its committees and task forces to other governmental entities and the public. The EPC may take an advisory position on a matter which is different from the advisory position of an EPC committee or task force; however, the EPC shall not convey its advice to another governmental entity or the public without also conveying the position of its committee or task force on the same matter.

(E) Delegation of Planning Commission duties, responsibilities, and powers to a staff hearing officer or Zoning Hearing Examiner may be authorized by rule of the Planning Commission in the following cases:

(1) Matters determined by the Planning Commission as provided by the Zoning Code, except not the adoption or amendment of sector development plans and not the hearing of appeals; in addition, advice on Zoning Code text amendments shall not be delegated;

(2) Matters determined by the Planning Commission as provided by the Subdivision Regulations; and

(3) Advice to the City Council as to proposed annexations.

('74 Code, § 7-15-2) (Ord. 294-1972; Am. Ord. 10-1983; Am. Ord. 90-1983; Am. Ord. 79-1989)

§ 14-13-2-3 ORGANIZATION, MEETINGS.

(A) Officers. Annually in January, or more frequently at the pleasure of the EPC, the EPC shall elect a Chairperson, a Vice-Chairperson, and any other officers which seem appropriate to the EPC members by the vote of the majority of the members of the EPC.

(B) Conduct of Business. The EPC shall adopt such rules and regulations for the conduct of business as seem appropriate to its members, and publish such rules and regulations. A quorum of the EPC is five members. All actions, including zone changes, may be decided by a simple majority of those present.

(C) Conflict of Interest. This division (C) supplements Section 4 of Article XII of the Charter of the city. An EPC member having a financial interest in the outcome of any policy, decision, or determination before the EPC or one of its committees on which he serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his financial interest in the issue, and shall be disqualified from participating in any debate, decision or vote relating thereto.

(D) Meetings. The EPC shall hold regularly scheduled meetings at least once a month and such meetings will be open to the public. All decisions by the EPC shall be made at regularly scheduled public meetings. The EPC may hold additional meetings as may be called by the Chairperson or Vice-Chairperson with at least 24-hour notice to members. Such meetings shall be open to the public.

(E) Records. A record shall be kept of all meetings of the EPC and its committees. The records shall be kept available for public inspection at reasonable times.

('74 Code, § 7-15-3) (Ord. 294-1972; Am. Ord. 4-1976; Am. Ord. 90-1983)

§ 14-13-2-4 STAFF.

The Mayor shall appoint city staff as appropriate and necessary to assist the EPC and its committees and task forces.

('74 Code, § 7-15-7) (Ord. 29-1981; Am. Ord. 76-1981; Am. Ord. 10-1983)

§ 14-13-2-5 BEAUTIFICATION COMMITTEE.

(A) Appointment. The Mayor, with the advice and consent of the Council, shall appoint a ten-member advisory committee to the EPC to be known as the Beautification Committee. One member of the Committee shall be a member of the Metropolitan Parks and Recreation Advisory Board who has been appointed by the Mayor, and the other members of the Committee shall be broadly representative of such relevant institutions or organizations as commerce, education, government, industry, art architecture, landscape architecture and the media. Of the initial appointments, three members shall be appointed to terms expiring June 1, 1977, four members shall be appointed to terms expiring June 1, 1978, and four

members shall be appointed to terms expiring June 1, 1979; thereafter, the terms of all members shall be three years. The member of the Beautification Committee who is also a member of the Metropolitan Parks and Recreation Advisory Board shall not remain a member of the Committee when they cease being a member of the Metropolitan Parks and Recreation Advisory Board.

(B) Officers. The Beautification Committee shall elect from its membership a Chairperson and an assistant chairperson. The Chairperson shall appoint a secretary. Terms of office shall be one year, with elections held in July. Any member whose Committee term has not expired is eligible for office.

(C) Duties, Responsibilities, Powers.

(1) Advise the Environmental Planning Commission on the city plans, programs, legislation, and needs relating to beautification and maintenance of beautification.

(2) Provide recognition on a periodic basis for the excellence of beautification programs, including special annual awards for the following categories: residential, commercial, institutional and public projects.

(3) Review existing policies and ordinances affecting the public which contribute directly or indirectly to the city's physical appearance and make recommendations to the EPC for any changes that are deemed appropriate.

(4) Review policies and practices related to the design and construction of the city's public facilities and recommend any changes which would enhance their appearance, structures, garbage receptacles, arroyo systems and the like.

(5) Coordinate with other committees which may have overlapping responsibilities, with city and other public agency staff or committees and private groups to ensure consistency and awareness of other efforts.

(6) Review applications for variance requests from city sign regulations and make comments to the Zoning Hearing Examiner.

('74 Code, § 7-15-4) (Ord. 294-1972; Am. Ord. 79-1981; Am. Ord. 90-1983; Am. Ord. 50-1990)

§ 14-13-2-6 GREATER ALBUQUERQUE BICYCLING ADVISORY COMMITTEE.

(A) Appointment.

(1) The Mayor, with the advice and consent of the Council, shall appoint seven members of a ten member advisory committee to be known as the Greater Albuquerque

Bicycling Advisory Committee. The seven members shall be appointed by the city in the following manner:

- (a) One member to represent the city area north of I-40 and east of I-25.
- (b) One member to represent the city area south of I-40 and east of I-25.
- (c) One member to represent the area north of I-40 and west of I-25.
- (d) One member to represent the area south of I-40 and west of I-25.
- (e) Three at-large members, at least one of whom shall be a member of the EPC.

(2) Three members of the Greater Albuquerque Bicycling Advisory Committee shall be appointed by Bernalillo County and shall represent the following areas:

- (a) One member representing the area east of the city limits.
- (b) One at-large member.
- (c) One member representing the unincorporated area on the northwest side.

(3) Each member shall understand and represent the needs of citizens, particularly bicyclists, within the geographic area which he or she represents.

(4) When the Committee is formed, every effort shall be made to initially appoint members of the existing Committee organized under Planning Commission resolution. Of the initial appointments, three members shall be appointed to terms expiring April 1, 1984, four members shall be appointed to terms expiring April 1, 1985, and three members shall be appointed to terms expiring April 1, 1986; thereafter, the terms of all members shall be three years, expiring April 1. The Chairperson shall be elected annually by the members of the Committee.

(B) Duties, Responsibilities, Powers. The Committee shall:

(1) Advise the EPC, the city, Bernalillo County, the Middle Rio Grande Council of Governments, and other governmental entities concerning plans and programs for bikeways, including but not limited to the Transportation Improvement Program and the Capital Improvements Program;

(2) Monitor all bicycling facilities and recommended implementation strategies for adopted plans for bikeways;

(3) Promote bicycling in Bernalillo County for both transportation and recreation;

(4) Promote bicycling safety and safety education;

(5) Promote bicycling support facilities in Bernalillo County;

(6) Review and make recommendations to the EPC, the County Planning Commission, or the Planning staff regarding proposals for right-of-way acquisitions or vacations which involve areas designated for bicycle use on adopted plans.

('74 Code, § 7-15-5) (Ord. 72-1976; Am. Ord. 90-1983; Am. Ord. 1-1988; Am. Ord. 2-1995)

§ 14-13-2-7 OPEN SPACE ADVISORY BOARD.

(A) Appointment. The Mayor, with the advice and consent of the Council, shall appoint a Seven member committee to be known as the Open Space Advisory Board. Members shall be citizens with a demonstrated commitment to the accomplishment of the Albuquerque/Bernalillo County Comprehensive Plan. Members shall be knowledgeable as to open space, ecology, the real estate market, urban and regional planning and/or related law. Terms of office shall be three years except that initial terms will be staggered so that at least one position on the Board will expire each year.

(B) Duties, Responsibilities, Powers.

(1) Study data, including ecological data, which should guide the adoption and amendment of open space plans and programs, maintain liaison and seek input from citizen interest groups including especially the Open Space Task Force.

(2) Advise the EPC, the Mayor, and the City Council as to an appropriate city open space program, which advice shall include:

(a) Implementation of adopted open space plans;

(b) Priorities for the acquisition of "major public open space" or "public easement or rights" implementing the Albuquerque/Bernalillo County Comprehensive Plan;

(c) Basic policies on management of city-owned open space; and

(d) Criteria for evaluating proposals for significant physical changes and installations on and adjacent to open space lands;

(e) Evaluation of proposals to install extraordinary facilities on city-owned open space; and

(f) Evaluation of proposals to sell, lease, exchange, or otherwise dispose of open space exchange lands or other lands acquired with open space funds.

(3) Annually make recommendations to the EPC, the Mayor, and the City Council on updating the open space program, including land acquisition and other open space capital improvements.

(4) Periodically review open space plans in consultation with citizen interest groups, especially the Open Space Task Force. Advise the EPC, the Mayor, and the City Council on needed new plans and plan amendments, ranging from detailed project plans to the Albuquerque/Bernalillo County Comprehensive Plan. Make recommendations for the annual proposed city planning program.

(5) Upon request, advise or assist the Mayor in negotiations for open space land acquisition.

(6) The Board's recommendations shall be consistent with the conditions imposed on expenditure of interest of the Permanent Fund for Open Space as specified in §§ 4-2-3-1 et seq. and the conditions imposed on the expenditure of monies from the Quality of Life Fund as specified in Resolution 89-1987; the Board's proposals shall also take into account all funding sources available for the Open Space program.

(7) Approve the sale or lease of certain interests in Open Space Exchange Lands, as provided in § 4-2-3-5.

('74 Code, § 7-15-6) (Ord. 10-1983; Am. Ord. 79-1989; Am. Ord. 39-1990)

§ 14-13-2-8 GREATER ALBUQUERQUE RECREATIONAL TRAILS COMMITTEE.

(A) Appointment.

(1) The Mayor, with the advice and consent of the Council, shall appoint six members of an eight-member advisory committee to be known as the Greater Albuquerque Recreational Trails Committee. The six members shall be appointed by the city to represent the following interest groups:

(a) One member to represent equestrian interests.

(b) One member to represent the interests of the physically challenged.

(c) One member to represent pedestrians and hikers.

(d) One member to represent off-road bicyclists (nonmotorized mountain bicyclists).

(e) One member to represent runners and joggers.

(f) One member to represent the active elderly.

(2) Of the initial city appointments, two members shall be appointed to terms expiring January 1, 1990, two members shall be appointed to terms expiring January 1, 1991, and two members shall be appointed to terms expiring January 1, 1992; thereafter, the terms of all members shall be three years.

(3) Two members of the Greater Albuquerque Recreational Trails Committee shall be appointed by Bernalillo County to represent general recreational trail interests in the County outside of the city limits. The initial term shall expire January 1, 1992 and January 1, 1993; thereafter, the term shall be three years.

(4) The Chairperson shall only vote in case of ties.

(5) The governmental entities and organizations listed below are each requested to name one advisory member to the Committee and to give written notice to the Mayor of appointments. Advisory members may have indefinite terms and may be replaced when the appointing entity chooses. Advisory members will be notified of the time and place of every meeting. Advisory members shall not be officers or voting members of the Committee. Advisory members shall be appointed from the following groups:

- (a) Environmental Planning Commission;
- (b) Bernalillo County Planning Commission;
- (c) Open Space Advisory Board;
- (d) Greater Albuquerque Bicycling Advisory Committee;
- (e) Metropolitan Parks and Recreation Advisory Board;
- (f) City of Rio Rancho;
- (g) Village of Los Ranchos;
- (h) Village of Corrales;
- (i) Village of Tijeras;
- (j) Middle Rio Grande Conservancy District;
- (k) National Forest Service;
- (l) Albuquerque Metropolitan Arroyo Flood Control Authority;
- (m) Albuquerque Public Schools;
- (n) Governor's Committee on Concerns of the Handicapped and the Sierra Club.

(B) Duties, Responsibilities, Powers. The Committee shall:

(1) Advise the Environmental Planning Commission, the County Planning Commission, the city, the county, the Urban Transportation Planning Policy Board and

other governmental entities concerning plans, programs and standards for recreational trails that are predominantly off-street facilities but which may cross, parallel or share street right-of-way for limited lengths;

(2) Help develop and promote a recreational trails plan to:

(a) Create a network of off-road trail which link major open space, parks, other public facilities and neighborhoods;

(b) Incorporate existing adopted city and county policies regarding open space and trails; and

(c) Set priorities to optimize the use of public funds for recreational trails;

(3) Help promote multi-use of public right-of-way for trails where desirable and appropriate;

(4) Help coordinate joint use of recreational trail facilities by a variety of users;

(5) Promote trail safety and safety education.

(6) Review and make recommendations to the Environmental Public Commission, the County Planning Commission, the city, the county, the Middle Rio Grande Council of Governments, the Urban Transportation Planning Policy Board and Planning staff and other governmental entities concerning plans or actions which impact recreational trails or the proposed recreational trail network;

(7) Cooperatively work with organized and non-organized constituent groups to make recommendations which to the extent possible, meet the needs of all recreational trail users;

(8) Advise and recommend appropriate levels of trail maintenance and cooperatively work with organized and non-organized constituent groups on development of volunteer maintenance programs as appropriate;

(9) Except where modified in this section, the provisions §§ 2-6-1-1 et seq. apply to all duties, powers, and procedures of the Committee.

('74 Code, § 7-15-8) (Ord. 56-1989; Am. Ord. 48-1990)