

Chapter 2 SUBDIVISION

INTRODUCTION

The subdivision of land within the platting and planning jurisdiction of Albuquerque is generally controlled by the Albuquerque/Bernalillo County Comprehensive Plan and specifically regulated by the subdivision ordinance(s). The process of reviewing subdivision proposals is intended to produce coordination of land development in accordance with City policies for provision of public open space, adequate transportation, water, sewage, drainage and other public improvements and facilities. Through coordination with other development regulations, principally the Zoning Code, this review process also attempts to provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City.

In addition the process described here is intended to be integrated with the design and review process of infrastructure improvements to ensure that public facilities are available and provide sufficient capacity to serve a proposed subdivision.

The City of Albuquerque uses the following terms and concepts and applies them uniformly through-out this portion of the development process. Detailed definitions are contained in the subdivision ordinance(s).

Subdivision: The act of subdivision or the parcel of land subdivided.

Subdivision, Bulk Land: Any subdivision of property which is primarily intended to facilitate transfer to intermediate land holders, not final users, and which conforms to Development Review Board interpretive rules.

Subdivision, Major: Any subdivision not classified as minor.

Subdivision, Minor: Any subdivision:

a. Within the City or the City's extraterritorial jurisdiction:

(1) Creating not more than 10 lots on any single lot which existed three years previously; and

(2) Not requiring installation of any significant infrastructure; and

(3) Not containing any lots which do not front on a street; but

(4) Including plats which only combine lots and terminate easements created by plat where it is clear that all benefitted and burdened parties agree to the easement termination; and

b. Within the City's extraterritorial jurisdiction and qualifying as a "land division" as defined by the Bernalillo County Subdivision Ordinance; and

c. Not adversely affecting the remainder of the parcel or adjoining property.

Subdivision or Applicant: Any person having an ownership interest in land who causes land, directly or indirectly, to be subdivided or proposes it for subdivision.

Development Review Board (DRB): A board consisting of five (5) members representing major City agencies which meets for the purpose of subdivision review and approval. Membership includes: the City Planner as Chairperson, the City Engineer (also AMAFCA designee), Traffic Engineer, Public Works Engineer, and Parks and Recreation Director or their authorized representatives.

Park Dedication: A City requirements which is intended ultimately to provide develop park space for recreational opportunities and visual relief within one-half mile of every home. The Park Dedication and Development Ordinance requires the dedication of land or payment of cash in lieu of land the payment of a park development fee. These requirements are in addition to the open space requirements set forth under the Zoning Code.

Open Space Requirement: The Comprehensive City Zoning Code requires either publicly or privately owned land to be set aside for open space. The intent of the requirement is to provide visual and psychological relief from urbanization. Land designated as open space may be covered with vegetation, game courts, non-vehicular paths, or incidental buildings, provided that such incidental buildings do not cover more than five (5) percent of the ground area. The open space requirement varies according to zone and location as identified in the Comprehensive City Zoning Code.

Infrastructure Improvements: Streets, sidewalks, sanitary sewer and water system facilities, lines and appurtenances, drainage and flood control facilities, street lighting, and other improvements used by the public or used in common by owners of lots within a subdivision.

Sketch Plat: A conceptual plat of a proposed subdivision used for discussion by the applicant and Development Review Board. The Development Review Board uses the Sketch Plat to determine suitability of subdivision.

Preliminary Plat: A tentative plat of a proposed subdivision prepared in accordance with the specifications of the subdivision ordinance(s) for presentation to the Development Review Board for action.

Final Plat: The completed subdivision plat in a form for approval and recordation.

Subdivision Agreement: An instrument which guarantees the installation of the necessary infrastructure improvements within a specified period of time.

Drainage, Flood Control and Erosion Control Submittals: Approvals of development proposals by the City require that drainage, flood control and erosion control be addressed. The particular nature, location and scope of the proposed development defines the type of submittal. One or more of the following types of submittals may be required:

Conceptual Grading and Drainage Plan: A graphic presentation of existing and proposed grading, drainage, flood control and erosion control information. The information should be of sufficient detail to determine project feasibility. The purposes of this plan are to check the compatibility of the proposed development within grading, drainage, flood hazard and erosion control constraints as dictated by on-

site physical features as well as adjacent properties, streets, alleys and channels. Modifications to the Comprehensive Plan and the development of Area Plans, Sector Plans and Site Development and Landscaping Plans on tracts of five (5) acres or more are appropriate applications of conceptual grading and drainage plans. A detailed checklist of items to be addressed is contained in Volume 2, Chapter 22.

Drainage Plan: A short detailed presentation required for small, simple development approvals. Drainage plans are prepared with or on the detailed grading plan and address both on-site and off-site drainage, flood control and erosion control issues. Drainage plans are required for building permits, Site Development Plans and Landscaping Plans for developments involving less than five (5) acres, and for subdivisions not requiring a drainage report. A detailed checklist of items to be addressed is contained in Volume 2, Chapter 22.

Drainage Report: A drainage report is a comprehensive analysis of the drainage, flood control and erosion control constraints on and impacts resulting from a proposed platting, development or construction project. Drainage reports are required for subdivisions containing more than ten (10) lots or constituting five (5) acres or more, platting or construction within a designed flood hazard area and for any platting or development adjacent to a major arroyo. A detailed checklist of items to be addressed is contained in Volume 2, Chapter 22.

Non-Compliant Applicant Parcel: A parcel of land the subdivider proposes to subdivide (1) created by metes and bounds description or by plat prior to the effective date of the City of Albuquerque's Subdivision Ordinance, or created after the effective date of the City of Albuquerque's Subdivision Ordinance without complying with the requirements thereof; (2) that shares a boundary with a Non-Compliant Adjacent Parcel; and (3) that was, prior to its creation, a part of a larger parcel of land that included the Non-Compliant Adjacent Parcel.

Non-Compliant Adjacent Parcel: Any parcel of land (1) created by metes and bounds description or by plat prior to the effective date of the City of Albuquerque's Subdivision Ordinance, or created after the effective date of the City of Albuquerque's Subdivision Ordinance without complying with the requirements thereof; (2) that shares a boundary with a the Non-Compliant Applicant Parcel; and (3) that was, prior to its creation, a part of a larger parcel of land that included the Non-Compliant Applicant Parcel.

FUNDAMENTALS

Governing Regulations

- Subdivision Ordinance, City of Albuquerque (Article 7-11 R.O.A. 1994)
- Comprehensive City Zoning Code, City of Albuquerque, (Article 7-11 R.O.A. 1994)
- Drainage Ordinance, City of Albuquerque, (Article 7-9 R.O.A. 1994)
- Park Dedication and Development Ordinance, City of Albuquerque, (Article 7-18 R.O.A. 1994)

- AMAFCA 80-15, Albuquerque Metropolitan Arroyo Flood Control Authority in addition, the following are applicable within the five (5) mile planning and platting jurisdiction:
- Subdivision Ordinance, Bernalillo County, Commission Ordinance 241 as amended.
- Comprehensive Zoning Ordinance, Bernalillo County, Commission Ordinance 213 as amended.

Applicant

- Any person having an ownership interest in the property, principally the owner and equitable owner of the property. The Applicant must ensure the final plat is prepared by a licensed surveyor and/or a registered professional engineer.

Approval Plat Approval: Development Review Board
Mechanism Appeal to: Environmental Planning Commission
 Appeal to: City Council
 Approval of Drainage Submittals: City Engineer
 Appeal to: Technical Standards Committee
 Appeal to: City Council

SUBDIVISION PROCEDURE (STANDARD)

The application and review procedure outlines below involves a three-phase process: Sketch Plat, Preliminary Plat and Final Plat.

The procedures are designed to achieve maximum coordination between the subdivider and the Development Review Board (DRB). As the subdivider proceeds from the pre-application discussion with the planner through the process, agreement is reached on the design for the subdivision.

The subdivider must engage the services of a licensed surveyor and/or a registered professional engineer to prepare the Final Plat in accordance with details in Volume2, Chapter 26.

PRE-APPLICATION DISCUSION

Before entering Phase I of the subdivision procedure, the subdivider must schedule an appointment for a pre-application discussion with a Planning Division planner. The purpose of this discussion is to review the appropriateness of the proposal under the subdivision ordinance(s), current plans, policies, zoning classifications, infrastructure availability and geographic suitability for subdivision. In addition, the subdivider is encouraged to schedule a predesign meeting with the Design Hydrologist to establish site specific drainage constraints, requirements and procedures (See Chapter 17). The subdivider should be prepared to provide information regarding the location, size and general concept of the proposed subdivision. If the parcel proposed for subdivision is a Non-Compliant Applicant Parcel, the subdivider should be prepared to demonstrate that the subdivider has made reasonable attempts to secure participation in the subdivision process by the owner of the Non-Compliant Adjacent Parcel and that the owner of the Non-Compliant Adjacent Parcel has failed or refused to participate (without compensation from the owner of the Non-Compliant Applicant Parcel). Certain subdivision proposals may be

considered to proceed directly to Phase III, Final Plat Review. Criteria for determining the possibility of abbreviated review procedure are as follows:

- The proposal contains not more than ten (10) lots fronting on any existing streets.
 - The proposal does not involve any new street, road, private way, or additional right-of-way on an existing street.
 - The proposal does not involve installation of any significant infrastructure improvements and does not adversely affect the remainder of the parcel or adjoining property.
 - The proposal does not conflict with any portion of the Albuquerque/Bernalillo County Comprehensive Plan, applicable zoning ordinance(s), or any other adopted plans.

Outcome

- Based on information available, the planner advises the subdivider as to the appropriateness of the proposal as related to current plans, policies and zoning.
- The planner identifies the appropriate subdivision ordinance(s) to be followed depending on the location of the proposal.
- The planner briefs the subdivider on the expected procedure to be followed and supplies him with all appropriate forms and checklists.
- The planner indicates those Preliminary Plat requirements which must be included on the Sketch Plat.
- If desired by either the subdivider or the planner, a summary of the preapplication advice will be prepared by the planner using the Sketch Plat review form.

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Step 1: Application to Development Review Board

Submit application material and six (6) copies of attachments to Development and Building Services.

Application Materials

- Completed application form.
- Certification of zoning or other planning action, if current zoning map is in conflict with proposal.

- Location/ Vicinity Map. Show the relationship of the proposed plat to existing community facilities which serve it:
 - Arterial and collector streets,
 - Shopping centers, and
 - Schools and parks.
- Sketch Plat. On current topographic survey, show in simple sketch form (the sketch may be a freehand pencil sketch made directly on a print of the topographic survey):
 - General proposed layout of blocks, lots and other features, numbered for identification.
 - Existing streets – including those that abut or serve.
 - Proposed layout of streets and access easements (dedications) indicated as public or private and labeled for identification (e.g. Street “A”).
 - Existing easements
- If the parcel to be subdivided is a Non-Compliant Applicant Parcel, the proposed location of any easements on the Non-Compliant Applicant Parcel necessary for any overhead or underground utilities serving the Non-Compliant Adjacent Parcel(s), and the proposed location of any easements on the Non-Compliant Applicant Parcel necessary for access to and from the Non-Compliant Adjacent Parcel(s).
- 100 Year Floodplain from F.E.M.A. approved maps or superseding report.
- Existing storm drainage facilities.
- Identification of any major street or corridor shown on the Long Range Major Street Plan.
- Existing water and sewer locations as shown on the water and sewer atlases.
- Other features (e.g. major natural or manmade geographic features such as rock outcrops and landfills).
- Written information
 - ◆ Name and address of subdivider and agent, if any.

- ◆ Estimated total area of proposed plat.
- ◆ Approximate area, in acres, of each proposed use.
- ◆ Description of existing conditions of the site and the proposed development as necessary to supplement the Sketch Plat.
- ◆ If the parcel to be subdivided is a Non-Compliant Applicant Parcel, copies of the vesting deed and the tax records for the Non-Compliant Adjacent Parcel(s) showing the name and address of the owner(s) of the Non-Compliant Adjacent Parcel(s).
- ◆ Tentative approach to fulfill solar access requirements.
- ◆ Additional written information may include:
 - Identification of how subdivider intends to fulfill the park dedication and open space requirements, if any
 - Data on existing covenants and land characteristics: surface drainage, grading, land-fill areas, and available private and City utilities.
 - Description of any prior Sector Development Plan, Area Plan or Site Development Plan conditions and of how they will be implemented.
 - An appropriate Drainage Submittal as required in the City's Drainage Ordinance and in accord with any written statement of site specific conditions stemming from a pre-design conference (recommended) with the Design Hydrology Section (see Chapter 17).
 - Statement of the purpose or intent of the subdivision if other than for creating lots for development.

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Outcome

Development and Building Services (internal processing; no applicant responsibility):

- Reviews application material for completeness; incomplete applications are unacceptable and are returned. Applicant is notified of unacceptable application within two(2) working days.
- Opens a case file
- Prepares a zoning map of the area.

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- Distributes copies of the application and attachments to the DRB and other agencies as necessary.
- If the parcel proposed for subdivision is a Non-Compliant Applicant Parcel and the subdivider has adequately demonstrated that the subdivider has used reasonable efforts to secure participation in the subdivision process by the owner of the Non-Compliant Adjacent Parcel and that the owner of the Non-Compliant Applicant Parcel has failed or refused to participate (without compensation from the owner of the Non-Compliant Applicant Parcel), recommend that the Non-Compliant Parcel Procedure should be applicable (See Phase II Step 6).
- Schedules application for review.

Step 2: Development Review Board Sketch Plat Review Meeting

This meeting provides an opportunity for the subdivider and/or engineer to discuss the proposal with the DRB. Its purpose is to establish and clarify requirements for subsequent submittals. The subdivider and/or engineer should be present to answer questions.

Outcome

The DRB (internal processing; no applicant responsibility):

- Determines suitability of proposal for development and for infrastructure improvements according to the intent of the Subdivision Ordinance.
- Determines whether the subdivision is major or minor if requested to make that determination by the Development Services.
- Determines whether the Non-Compliant Parcel Procedure is applicable (See Phase II Step 6), and if so, sends written notice to the owner(s) of any Non-Compliant Adjacent Parcel at the address(es) indicated on the vesting deed and the tax records that (i) an application for subdivision has been made by the subdivider, and (ii) unless the owner of the Non-Compliant Adjacent Parcel notifies the Development Review Board in writing within [redacted] days after receipt of the written notice from the DRB that such owner will voluntarily participate in the subdivision application as an additional applicant (without compensation from the owner of the Non-Compliant Applicant Parcel) and such owner does participate in the subdivision process as an additional applicant, the Development Review Board will proceed with the subdivider's application without including the Non-Compliant Adjacent Parcel as a part of the platting process and without further notice to the owner of the Non-Compliant Adjacent Parcel, that the decisions of the Development Review Board concerning the plat for the Non-Compliant Applicant Parcel may have an effect on the Non-Compliant Adjacent Parcel, and that the Development Review Board will make such decisions concerning the plat as may be necessary and appropriate in the judgment of the Development Review Board in such proceeding.

- Identifies subsequent procedure:
- Determines the type and level of further drainage submittal.
- Establishes specific requirements and recommendations (e.g. Street sizes, line sizes, drainage treatment).
- Specifies Subdivision Agreement content
- Sends applicant a Letter of Advice outlining the decisions, requirements and recommendations of the meeting along with copies of the Sketch Plat review forms.

PHASE II PRELIMINARY PLAT/DRAINAGE SUBMITTAL/ CONSTRUCTION PLAN APPROVAL

During this phase the subdivider and/or engineer begin the process necessary to produce a Preliminary Plat proposal accompanied by a drainage submittal which is coordinated with the initial proposals for the design of public or private infrastructure.

Step 1: Preparation of Required Drainage and Infrastructure Submittals

Step 1a: Preparation of Drainage Submittal

Based on the DRB Sketch Plat review meeting, the subdivider/engineer must prepare and submit to the City Engineer for review and approval the specified required drainage report or plan prior to Preliminary Plat review. An approved drainage report or plan and an approved Preliminary Plat are necessary conditions to be met prior to work order preparation.

Step 1b: Infrastructure Improvement Plan

The subdivider/engineer should begin discussion of significant infrastructure improvement design with the Engineering Division based on the decisions, requirements and recommendations of the Sketch Plat review meeting. Design of infrastructure improvements must be approved prior to execution of the Subdivision Agreement and the terms of Subdivision Agreement fulfilled prior to final Plat application.

If it is determined that a park is needed, a Park Agreement must be initiated. The Park Agreement must be finalized and approved prior to Final Plan Approval.

Step 2: Application for Preliminary Plat Review

Submit application material in required number of copies to Development and Building Services.

Application Materials

- Completed application form.
- DRB fee
- Filing fee
- Preliminary Plat drawn according to the requirements of the subdivision ordinance(s) and guidelines set forth in the DRB's Letter of Advice. The City Surveyor's review and comment are needed prior to DRB approval of the Preliminary Plat.
- Attachments according to Preliminary Plat requirements of the subdivision ordinance(s).
- Any other written information set forth in the letter of advice.
- Written statement of water and sewer availability from the Water Resources Department.
- Approved Conceptual Grading and Drainage Plan.
- Appropriate drainage submittal of type and level specified at Sketch Plat review meeting, if required. Approval of the specified drainage submittal is required prior to DRB approval of the Preliminary Plat and may be required prior to application for such approval.
- Proposed construction schedule and listing of all public infrastructure improvements and critical private infrastructure improvements.

Outcome

- Development and Building Services (internal processing; no applicant responsibility):
- Reviews application material for completeness and notifies applicant of unacceptable application within two (20) working days.
- Updates case file.
- Prepares zoning and land use map of the area.
- Sends copies of application attachments to other public agencies for review and comment (in accordance with previous DRB action).
- Schedules application for DRB public hearing (Major subdivisions only).
- Publishes legal advertisement in a newspaper (Major subdivisions only).
- Conducts a field inspection of the location.

- Prepares a report and recommendation.
- Sends applicant a copy of report prior to the public hearing.

Step 3: Development Review Board Hearing Preliminary Plat

Step 3a: Public Notice Required (Major Subdivisions only)

The purpose of the hearing is to reach decision on the request after public discussion. It is advisable for the applicant to make a presentation if substantial if submittal public interest is shown in the proposal or is the proposal has been substantially modified since Sketch Plat review. When substantial public interest is shown, the Development Services Division staff report is presented orally. Interested residents may speak for or against the proposal; the applicant is given the opportunity to respond to public opposition. Discussion of zoning issues is not appropriate. Members of the DRB may ask the applicant and residents questions.

Step 3b: No Public Notice Required (Minor Subdivisions only)

Subdivisions classified as Minor Subdivisions do not require public notice or hearing (Subdivision Ordinance Section 4.B.3). However, unless the DRB has specifically delegated its approval authority, it will meet and act upon Minor Subdivision requests.

Outcome

- Development Review Board acts to:
- Approve,
- Approve with conditions, or
- Deny
- Defer with written consent of subdivider, or
- Delegate approval authority (Minor Subdivisions only).

Decision may be appealed to Environmental Planning Commission.

Step 4: Infrastructure Improvements Design/Drainage Submittal Approval

If the formal approval process for infrastructure improvements was not begun following Phase II, Step 1, it must begin now. DPM, Volume I, Chapter 5, Public Infrastructure Improvements or Charter 6, Private Infrastructure Improvements provide detailed information on this process.

The required drainage submittal must be approved by the City Engineer and Albuquerque Metropolitan Arroyo Flood Control Authority at this time.

Step 5: Subdivision Agreement

After preliminary plat approval the subdivider submits to the City Engineer the proposed Subdivision Agreement along with detailed subdivision construction plans and specifications for final approval. The Subdivision Agreement specifies the extent of necessary subdivision improvements, the method of providing improvements and the date of completion. The Subdivision Agreement must be executed before Final Plat application, and within a time frame established by the Development Review Board not to exceed one year from Preliminary Plat approval.

Step 6: Non-Compliant Parcel Procedure

It is the policy of the City of Albuquerque that where a parcel proposed to be subdivided is a Non-Compliant Applicant Parcel, any Non-Compliant Adjacent Parcel be included as a part of the proposed subdivision. In the event that the Applicant has demonstrated at or prior to the Sketch Plat Review meeting that the Applicant has used reasonable efforts to secure the participation in the subdivision process of the owner of the Non-Compliant Adjacent Parcel and that the owner of the Non-Compliant Applicant Parcel has failed or refused to participate (without compensation from the owner of the Non-Compliant Applicant Parcel), and the owner of the Non-Compliant has failed to participate with the Applicant in the subdivision application (without compensation from the Applicant), then the Development Review Board shall proceed with the subdivision without the participation of the owner of the Non-Compliant Adjacent Parcel without including the Non-Compliant Adjacent Parcel as part of the platting process and without requiring the signature of the owner of the Non-Compliant Adjacent Parcel on the plat, and such Non-Compliant Adjacent Parcel shall be labeled "Not a Part" on the plat and any easements on the Non-Compliant Applicant Parcel necessary to serve the Non-Compliant Adjacent Parcel shall be reserved on the plat.

Phase III Final Plat

Step 1: Application to Development Review Board

Submit application materials to Development and Building Services.

Application Materials

- Completed application form.
- Filing fee, if not paid previously.
- Verification of approved drainage submittals.
- The original and six (6) copies of the Final Plat drawn according to the Final Plat requirements of the subdivision ordinance(s) with all required certifications affixed, except those of the DRB members.
- Digital .dxf file of right-of-way, parcel and easement lines shown on final plat, in New Mexico State Plane Feet, NAD 1983.
- Executed Subdivision Agreement, or City Engineer's Letter of Acceptance of infrastructure improvements.

- Executed Park Agreement.

Outcome

A Development Review Board signature meeting is scheduled if needed.

Step 2: Development Review Board Signature Meeting

If all conditions of approval are satisfied, the DRB accepts the Final Plat and records it with the County Clerk as expeditiously as possible, but in no case more than five (5) working days from date of signature.

Outcome

The subdivider receives notification that the plat is recorded. The Development Services Division keeps a copy of the plat as recorded, makes one copy for the City Clerk, and the original is returned to the surveyor.