

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



INTEROFFICE MEMORANDUM

October 9, 2025

To: Alan Varela, Planning Department Director

From: James M. Aranda, Deputy Director & ZEO

Subject: Interpretation regarding Assessor Lots for Site Plan Administrative Applications

PURPOSE

The purpose of this interpretation is to provide guidance about what lot may be used for the purposes of development when platted lot lines ("City parcels") do not match ownership lot lines ("Assessor parcels"), and establish the minimum requirement to prove a legal lot for the purposes of development.

CONCLUSION

- (1) An Assessor parcel may be used for the purposes of development if it was recorded by the County Assessor prior to November 16, 1973.
- (2) Records from the County Assessor showing the establishment of an Assessor parcel prior to November 16, 1973 are sufficient proof of a legal lot for the purposes of the IDO.

BACKGROUND

The City of Albuquerque is over 300 years old, yet it did not have a zoning ordinance until 1959. Subdivision regulations were first adopted in 1973. As such, there are many properties in the City that have platted property lines ("City parcels") that differ from the Bernalillo County Assessor parcel boundaries ("Assessor parcels"). Examples may include one City parcel that was broken up and sold as multiple Assessor parcels before the City regulated subdivisions, or an Assessor parcel that was created by combining multiple, and sometimes partial, City parcels together. Sometimes the City and Assessor parcel boundaries run in opposite directions.

Two examples of this situation within the City of Albuquerque are shown below. The City parcels are the blue lines, and the Assessor parcels are the brown lines.

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



When a lot is developed, that development must comply with setbacks that prevent a building or other structures from being built too close to a lot line. As shown in the examples, deciding which lot line must be used to determine the setback may be problematic, particularly for properties where existing buildings are split by a lot line, often from an older City parcel (image on left).

The cleanest way to fix this issue is to replat or subdivide the property to correct the property boundaries and eliminate the discrepancy between Assessor and City property lines; however, this can be an expensive option for most property owners, as it requires:

- (1) Hiring a professional land surveyor to prepare the subdivision plat,
- (2) Bringing it through the IDO review and decision process, and
- (3) Recording with the County Clerk, which in-turn involves bringing tax payments on the property current.

As this issue is usually limited to older historic neighborhoods, this cost would be borne by only some property owners in the City.

DEFINITIONS

Lot Line

A boundary of a deeded lot (i.e., a lot recorded and mapped by the Bernalillo County Assessor) or platted lot (i.e., a lot recorded by the Bernalillo County Clerk and mapped by AGIS).

Nonconforming Lot

A lot that was lawfully created but does not conform to the lot size, lot dimension, or other requirements of this IDO related to the lot.

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



Plat

A graphic and written description of a lot or lots with survey reference ties to permanent survey monuments related to the subdivision, re-subdivision (sometimes called a replat), or consolidation of land.

IDO PROVISION FOR NONCONFORMING LOTS

6-8(E) NONCONFORMING LOTS

A lot that does not meet minimum lot size or width requirements for the zone district where it is located, particularly Subsection 14-16-5-1(C)(2) (Contextual Residential Development in Areas of Consistency), may be used without a Variance if the lot was legally created and placed on the records of the County and the use of the property is permissive, has an approved conditional use, or is legally nonconforming. At least 1 of the following must also apply.

- 6-8(E)(1) The existing structure(s) on the property is allowed or legally nonconforming.
- 6-8(E)(2) Any new structure or outdoor use proposed for the lot meets all of the following provisions:
 - 6-8(E)(2)(a) Complies with the dimensional standards for the zone district where the lot is located to the maximum extent practicable. 6-8(E)(2)(b) Does not exceed the maximum building height allowed in the zone district where the lot is located. 6-8(E)(2)(c) Does not include any encroachments that would not be allowed pursuant to Table 5-1-4.
- 6-8(E)(3) Lots legally nonconforming to minimum lot width or minimum lot size requirements in the R-MH zone district shall be developed governed by the R-ML zone district.

ANALYSIS

The General Provisions of the IDO state that a building permit shall not be issued unless there is evidence of a proper (legal) lot, which can be either of the following:

- 1-7(B)(1)(a) A print of the final subdivision plat as recorded with the County Clerk and approved pursuant to this IDO or any predecessor ordinance that applied at the time the lot was created, showing the subject property.
- 1-7(B)(1)(b) Satisfactory evidence that this IDO is not applicable to the lot upon which the building is to take place, either because the lot existed prior to the enactment of this IDO or any predecessor ordinances or because the lot is outside the jurisdiction of this IDO. If such evidence is provided, exemption

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



from the IDO regulations shall only apply to the establishment of the lot and not any development on the lot.

Proof of a platted City parcel is clearly acceptable to obtain a building permit [IDO Subsection 14-16-1-7(B)(1)(a)]. An alternative requires an applicant to take the affirmative step to show satisfactory evidence that the Assessor parcel was properly created prior to the City's adoption of subdivision regulations, which occurred in 1973 [IDO Subsection 14-16-1-7(B)(1)(b)].

Further, specific procedures for a Site Plan – Administrative provide that a Site Plan “*may only be approved for development on legally platted or nonconforming lots and may not be approved for unsubdivided property*” [IDO Subsection 14-16-6-5(G)(1)(a), emphasis added]. While there is a preference for platted lot lines (i.e., the City parcels), the Site Plan procedure allows proof of a nonconforming lot (i.e., legal establishment of a lot prior to the IDO or predecessor ordinance, namely the Subdivision Ordinance of 1973) in order to move forward.

This is bolstered by the IDO definition of what constitutes a lot [IDO Subsection 14-16-7-1], which states that a lot has been established for the purposes of development in the IDO if it:

- (1) *Has been platted and placed on the Bernalillo County Clerk's record in accordance with laws and ordinances applicable at the time.*
- (2) *Is described by metes and bounds held in separate ownership prior to June 20, 1950 or October 2, 1950, as shown on the records of the Bernalillo County Assessor.*
- (3) *Is a portion of one or more platted lots, which portion was placed on the records of the Bernalillo County Assessor prior to November 16, 1973, provided that such portion met all requirements of area and dimension of the zone in which it was located when created.*
- (4) *Has been placed in the records of the Bernalillo County Assessor pursuant to the laws of the State of New Mexico related to situations not covered by the applicable subdivision regulations in effect at that time.*

INTERPRETATION

The lot definitions contained in the IDO Definitions in Subsection 14-16-7-1 indicate the proof required to determine a legal lot for the purposes of the IDO.

- (1) A subdivision plat recorded by the County Clerk that establishes the lot is proof of a City parcel.
- (2) A description of metes and bounds for a lot recorded by the County Assessor prior to 1950 is proof of an Assessor parcel.

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



- (3) A portion of a lot or multiple lots recorded by the County Assessor prior to 1973 that met zoning standards in place at the time is proof of an Assessor parcel.
- (4) A lot recorded by the County Assessor that met State laws that regulated situations beyond City or County subdivision regulations.

In newer subdivisions, the City and Assessor parcel boundaries match. For older properties, where these property lines do not align, either set of lot lines may constitute a lot for the purposes of development under the IDO. If the proposed development will not be using the platted City parcel for setbacks, and a property owner will not be pursuing a replat to adjust platted lot lines to match the Assessor parcel, the City must receive satisfactory evidence or proof that the Assessor parcel was proper and legal.

The burden of proof for providing this information is on the applicant for any permit or approval pursuant to IDO Subsections 14-16-6-4(E)(3) and (4). To meet the burden of proof, at a minimum, an applicant must provide a copy of a deed showing both the legal description matching the current description and the recording date verifying the deed was recorded with the Bernalillo County Assessor prior to November 16, 1973. Such evidence of the Assessor parcel is satisfactory evidence of a legal lot, and re-platting is not required. If no such evidence can be produced by an applicant, a replat will be required to ensure that the lot is legally established.

Information from the City's GIS map viewer is not sufficient because while the City displays Assessor information, it does not include information that would indicate whether a particular Assessor parcel was created legally or when it was established.

Respectfully,

James A. Aranda
Deputy Director & Zoning Enforcement Officer (ZEO)
City of Albuquerque Planning Department