

PREFACE

The Development Process Manual (DPM) responds to the mutual needs of the private and public sectors in Albuquerque to clarify the development process of the City. There are three sources for this process:

- Adopted City plans, particularly the Albuquerque/Bernalillo County Comprehensive Plan, are the foundation or guide for City-initiated development as well as regulations for private development. Plans are available from the Planning Department. They are not part of the DPM.
- Legislation regulating development is published in the compilation of City ordinances, Revised Ordinances of Albuquerque, 1994 (abbreviated as "R.O.A. 1994"). It is available for sale, copying of pages, or reading at the office of the City Clerk. A few Key ordinances are published separately and sold at the City Treasurer's office. Most important, relevant legislative provisions are reflected in the DPM.
- When legislative policies are adopted, the legislative body may mandate or allow the public staff involved in carrying out its policies to develop more detailed rules and guidelines for policy implementation. The development of detailed rules and guidelines by public staff is referred to as Administrative Rule making. These rules are the heart of the DPM. They are not always available elsewhere.

The DPM effort began in February, 1981, with the establishment of a special team of City staff and Albuquerque Urban Advisory Council members. The document has undergone several revisions since its organization. The DPM is intended for City staff, property owners, developers and their agents, especially planners, architects and engineers. Its general purpose is to carry out the goals and policies of the Albuquerque/Bernalillo County Comprehensive Plan by encouraging high quality, innovative design; variety in choice of neighborhoods and lifestyles; preservation of natural features and resources; and ensuring the health, safety and welfare of the community.

Specifically, the DPM delineates the development process from initial land use proposals, through infrastructure construction, to completion of a proposed development. Use of the DPM assumes compliance with all legal requirements and the exercise of sound professional judgment by design professionals. It also emphasizes the professional obligations and responsibilities of City staff and the development community.

The DPM highlights those development activities which occur most frequently. There is no way to adequately address all development proposals or all aspects within all proposals. Unique situations will continue to be handled on a case-by-case basis.

Volume I, PROCEDURES, describes the basic procedures of the development process with an attempt to integrate specific procedures with other related requirements (e.g., subdivision procedures with recordable documents criteria). The City's first formal procedures related to the preparation, review and approval of Sector Development Plans are also presented.

Volume II, DESIGN CRITERIA, outlines minimum design standards and criteria and presents examples of acceptable methodology for the design of infrastructure improvements required in developments. It establishes appropriate standards and criteria to provide acceptable levels of safety, durability, economical construction, operational utility, economy and reliability.

The DPM material was prepared jointly by both the private sector and City staff members. It is expected the cooperative effort will continue with future reviews. Because the content of the DPM is not intended to remain static, users of the DPM are encouraged to note errors, omissions, and conflicts in the content and suggest modifications or topics to be included in future revisions. Any additions, corrections or clarifications which require immediate action will be issued as addendum or errata sheets to purchasers of the DPM who automatically will be added to the publication list. There is a charge for new editions and changes of the DPM to cover the cost of printing.

The user is encouraged to submit suggestions, corrections, or modifications, in writing, at any time. The procedure for DPM update is outlined starting on the following page. User comments should be directed to:

Director
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

DEVELOPMENT PROCESS MANUAL (DPM) UPDATE PROCEDURE

I. ESTABLISHING AND MONITORING LEGISLATIVE POLICY AND ADMINISTRATIVE RULES

Development controls may result from two distinctly different enactment processes. These enactment processes are called Legislative Policy and Administrative Rule making. The State Legislature enacts statutes. The City Council and County Commission adopt ordinances and resolutions. These are legislative policies which cannot be legally changed by administrative action alone. Only the legislative body adopting the policy may subsequently amend it. However, often when legislative policies are adopted, the legislative body will mandate or allow the public staff involved in carrying out its policies to develop more detailed rules and guidelines for policy implementation. The development of detailed rules and guidelines by public staff is referred to as Administrative Rule making.

The Development Process Manual (DPM) contains both legislative requirements and administrative rules and procedures affecting development activities in the Albuquerque area. The purpose of this section is to set forth the general procedures by which administrative rules and procedures within the DPM

can be changed. Any administrative change that will require a legislative amendment must also follow the amendment procedures set forth in the respective legislation.

II. COMMITTEES RESPONSIBLE FOR REVIEW OF ADMINISTRATIVE CHANGES

A. DPM EXECUTIVE COMMITTEE

The DPM Executive Committee was established to review and direct changes in the DPM. The DPM Executive Committee consists of 11 individuals from the public and private sectors. Composition of the DPM Executive Committee is as follows:

- Co-Chairs, Planning Department Director; Municipal Development Department Director
- Development Review Division Manager
- City Engineer, Planning Department
- City Attorney or designated representative
- Albuquerque/Bernalillo County Water Utility Authority representative
- Five members from the private sector who are actively involved in land development either as developers, consultants or planners or represent organizations that are actively involved in land development activities.

B. DPM SUBCOMMITTEES

Proposals to change the DPM may be reviewed by a Subcommittee of the DPM Executive Committee composed of various public and private sector members from professions or companies closely related to various aspects of land development. The Subcommittee is responsible for reviewing and advising the DPM Executive Committee on all significant changes to the DPM. The Subcommittee is advisory only and has no authority to override any public agency which is responsible for the enforcement of public policy or is charged

with the responsibility of promulgation of new rules, policies, ordinances or procedures.

III. STEPS FOR CHANGING THE ADMINISTRATIVE RULES

A. Changes to Administrative Rules Other than the Drainage Ordinance

Step 1:

The proposed change is submitted in letter or memo form to the Administration Office of the Planning Director, 3rd Floor, Plaza Del Sol Building, Albuquerque, New Mexico 87102. The letter is to be accompanied by a brief statement outlining the reason for the proposed change and is to reference the name and address of the firm, organization, agency, or individual proposing the change. In addition, requests should include the DPM text pertaining to the change with single-line strike-through of all material proposed to be deleted, and legible writing, underlined for all new text proposed. Should the proposed change be related to provisions of a City ordinance or resolution, the pertinent section(s) of that ordinance or resolution as enacted shall be referenced in the proposed change.

Step 2:

The request then is reviewed by the DPM Executive Committee at a Public Hearing. The public hearing shall be noticed in accordance with ROA 1994 Chapter 2 Article 15 Section 1, et seq. Decisions are based on a 2/3 vote of the members present, provided there are at least six affirmative votes. The DPM Executive Committee determines the merits or validity of the change, and whether further investigation, information or research is needed. If the proposed change requires further study, the DPM Executive Committee will appoint a subcommittee to undertake the work.

Step 3:

The subcommittee evaluates any comments received for possible rule modification. The recommendation of the Subcommittee shall go back to the

DPM Executive Committee for consideration at a public hearing noticed per **ROA 1994 Chapter 2 Article 15 Section 1, et seq.**

Step 4: If the DPM Executive Committee rejects the change, written notification of such decision shall be given to the requester of the change. The notice shall include a statement outlining the reasons for the rejection.

If the change is accepted as originally proposed or modified as a result of comments received, the change will take effect pursuant to **ROA 1994 Chapter 2 Article 15 Section 1, et seq., entitled Rules and Regulations – Scope, Notice, Hearings, Access and Repeal.**

B. Changes to Administrative Rules Related to the Drainage Ordinance

If related to the City's Drainage Ordinance, proposed rule changes shall be made pursuant to the **ROA 1994 Chapter 14 Article 5 Part 2 Section 1, et seq.**

IV. NOTIFICATION OF PROPOSED RULE CHANGES

Any proposed rule change to the DPM shall be in accordance with **ROA 1994 Chapter 2 Article 15 Section 1, et seq., entitled Rules and Regulations – Scope, Notice, Hearings, Access and Repeal**, unless an emergency effective date applies (see Paragraph V. below).

The amendments may be purchased, at the cost of reproduction, in the Planning Department Office. The Planning Department will mail amendments upon request, but the cost of reproduction and postage must be paid prior to mailing.

V. EMERGENCY EFFECTIVE DATE

In the case of emergencies, there are two ways that a rule may be changed:

1. For rules not requiring public notice pursuant to adopted City policy, the DPM Executive Committee may require emergency implementation of a rule change. The rule can be placed temporarily into effect prior to general public notice by filing a copy of the change clearly marked "Interim Rule" with the City

Clerk. However, the rule shall not be final until public notice is provided and update procedures are followed as set forth herein.

2. In addition, the Mayor may determine in writing that urgent and compelling reasons require emergency modifications of a rule and may adopt such modification and make it effective immediately upon posting and distribution. If such rule is to be in effect longer than 60 days, public notice shall be given and the opportunity for public comment provided.

VI. APPEALS

Anyone may appeal a proposed rule change within 15 days of its posting and filing with the City Clerk, or within 15 days of sending notice of final rejection to the proponent of the change. If the proposed rule change is related to implementation of the City's Drainage Ordinance, appeal is to the Technical Standards Committee as provided for in **ROA 1994 Chapter 14 Article 5 Part 2 Section 1, et seq.** of the Drainage Ordinance. Appeals for matters other than those related to the City's Drainage Ordinance will be to the City Council.

Appeal forms may be obtained from the Albuquerque Development and Building Services Permit Center, Garden Level, Plaza Del Sol Building.