

CITY OF
ALBUQUERQUE, NEW MEXICO

RULES OF PROCEDURE
for the
DEVELOPMENT REVIEW BOARD

Adopted March, 1982
Revised July 2003
Revised June 2022

RECOMMENDED:

Development Review Board
By: Jolene Wolfley, Chairperson

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APPROVED:

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DEVELOPMENT REVIEW BOARD RULES OF PROCEDURE

BACKGROUND

~~The Development Review Board (DRB) was established in March, 1982, by Administrative Instruction No. 11, later re-issued on September 1, 1992 as Administrative Instruction 8-2. The DRB provides a forum for key City departments directly responsible for specialized aspects of the physical development of this community to review and make decisions on subdivision proposals scheduled for their hearing.~~

~~The DRB is charged with administering the City Subdivision Ordinance and will exercise administrative approval authority on the types of proposals outlined in "Development Review Board Responsibilities" in this document. In addition, the Board will exercise advisory/review authority on the types of proposals also outlined in "Development Review Board Responsibilities".~~

The Development Review Board ("DRB") was created in 1982 to offer efficient considerations of technical standards, a one-stop shop for property owners and developers alike, which would have otherwise required an applicant to meet individually with the City staff experts from divisions and departments across the city. The vision continues to be that the DRB streamlines the application process by bringing together key department staff responsible for the specialized/expert review of projects in a forum where the staff and applicant meet to discuss projects and the public can ask questions and share input for those decisions. The DRB is not a policy making board and performs no administrative adjudicatory functions regarding individual legal rights, duties or privileges. The DRB staff members, by consensus, apply the technical standards and requirements established in the Integrated Development Ordinance and the Development Process Manual. Once an application is approved, the key departments are all in one place at one time to sign and move projects along.

The DRB is intended to meet three general goals:

- Implement a more effective review and approval process for the City and the applicant.
- Implement a mechanism for discussions where all key agencies departments and the applicant receive the same information and interface as a group, thereby establishing the same base for analysis of the proposal and its relevant impact on each agency's department's specialization area.
- Facilitate better coordination, planning and judgment leading to quality development in the City of Albuquerque.

The DRB is charged with administering the City's Integrated Development Ordinance (hereafter "IDO") and the Development Process Manual ("DPM"). Section 14-16-6-2(D)(1) of the IDO lists the membership of the DRB. Section 14-16-6-2(D)(2) of the IDO details the responsibilities of the DRB.

~~These rules and regulations are in accordance with the applicable provisions of the Revised Ordinances of Albuquerque, New Mexico, R0-1994. Three certified copies of the DRB rules shall be filed with the City Clerk to be kept as permanent public record. Copies of these rules are available to the public at the Planning Department for a nominal~~

fee.

ARTICLE I – RULES

Section 1. Authorization for Rules: These Rules of Practice and Procedure (“Rules”) of the Development Review Board are authorized pursuant to Section 2-15-1 et al., ROA 2007, and the IDO, Section 14-16-6-2(D). In the event of a conflict between the Rules, city ordinances or resolutions of the City Council, and/or state or federal laws; city ordinances, resolutions of the City Council, and/or state or federal laws shall control.

Section 2. Interpretation of Rules. The Rules shall be construed and administered by the DRB and its staff to secure an efficient determination of every matter or proceeding before the DRB while adhering to ordinances and laws, and the stated goals of those ordinances, laws, that govern that particular matter or proceeding.

Section 3. Control of Rules. The Rules shall control the conduct of business before the DRB. All DRB members, City staff, and those appearing before the DRB or having business in front of the DRB shall adhere to the Rules.

Section 4. Suspension of Rules. ~~No rule of the DRB shall be suspended except by a consensus vote of the membership~~

~~of the DRB present. A motion to suspend the rules shall be decided without debate.~~

Except for Rules matching or mandated by charter, statutory or ordinance provisions, the Rules, or any part thereof, may be temporarily suspended by unanimous vote of the DRB members present.

Section 5. Not Covered by Rules. Any matter not covered by the Rules shall be governed by Roberts’ Rules of Order (latest edition), or, if not covered by Roberts’ Rules of Order, then by a decision of the chair, subject to the right of appeal. A violation of Roberts’ Rules of Order not brought to the attention of the DRB Chairperson during the proceeding and prior to vote at issue shall not be a basis for an appeal.

Section 6. Amendment of Rules. ~~These rules and the mandating policies or rules of conduct for a committee of the DRB may be amended by the majority of a quorum of DRB at a public meeting, provided written notice of the proposed changes and their time of consideration is given to all DRB members at least five (5) days in advance.~~

Any amendment to these Rules must be made following the requirements and procedures for rule making stated in Section 2-15-1 et al. of the City ordinance.

Section 7. Dissemination of Rules. Copies of the Rules shall be available to the public upon request from the City Clerk and shall be published on the City website for the DRB.

Section 8. Citation to Rules. A particular rule of the Rules may be cited by giving the Roman numeral of Article first, then the Section number, followed by the subsections if any. For example, the rule concerning appealing decisions of the DRB would be cited or called ‘Rule I.8.A(1)(a)’.

ARTICLE II – ORGANIZATION AND MEETINGS

Composition—Section 1. Members of the Board. As described in the IDO, the DRB shall be composed of five-six (66) members, who are employees of the City of Albuquerque and the Albuquerque Bernalillo County Water Utility Authority ("ABCWUA") representing the following:

- ~~▲ Director of the Planning Department~~
- ~~▲ Director of the Parks and Recreation Department~~
- ~~▲ Water & Sewer Utilities Engineer~~
- ~~▲ Traffic Engineer~~
- ~~▲ City Engineer~~

14-16-6-2(D)(1)(a) City Planning Department Director or designee (chair of the DRB)

14-16-6-2(D)(1)(b) City Engineer designee for hydrology (who may also function as a designee for AMAFCA)

14-16-6-2(D)(1)(c) City Engineer designee for transportation

14-16-6-2(D)(1)(d) Zoning Enforcement Officer or designee

14-16-6-2(D)(1)(e) Parks and Recreation Department Director designee

14-16-6-2(D)(1)(f) ABCWUA representative.

Section 2. Designation of Members. Each department director will designate a member and an alternate. All designation shall be made in writing to the Planning Director with concurrence of the Chief Administrative Officer ("CAO") for the City. Each member and alternate shall serve until a replacement has been assigned. Any member or alternate may be removed by the responsible director with written notice to the Planning Director with the concurrence of the CAO. In case of an emergency, absence of designate member(s), the appropriate department Director can sit for, or can designate a temporary alternate for the absent member.

Qualifications & Responsibilities of Members

General

- ~~▲ A board member must be appointed by his/her department director.~~
- ~~▲ A board member must be authorized to sign plats.~~
- ~~▲ Each of the members shall have an alternate whose qualifications are commensurate with the specific qualifications described here.~~
- ~~▲ If an agenda item is under consideration in which any of the DRB members voting on the item have a personal financial interest, his/her alternate must sit in review of that item.~~
- ~~▲ Members charged with engineering responsibilities must be licensed, professional engineers.~~

Specific responsibilities of each DRB member pertaining to DRB matters are:

The Planning Director representative provides:

- ~~▲ Expertise in the provisions of the City Subdivision Ordinance, City Comprehensive Zoning Code, and other applicable policies and regulations.~~
- ~~▲ Knowledge of and compliance with planning efforts including the~~

Comprehensive Plan, Planned Growth Strategy, area plans and sector plans.

- Land use and design expertise.

The Parks and Recreation Director representative provides:

- Knowledge of park dedication and development fee requirements and methods by which the requirements are met.
- Expertise regarding suitability of parks, trails, recreations facilities and open space.
- Expertise regarding planned and programmed park and open space areas and their relationship to proposed development.
- Expertise regarding overall design of the proposed development.
- Knowledge of open space needs and requirements.

The Water/Sewer Utilities Engineer provides:

- Expertise on the availability and design of planned and programmed water and sanitary sewer facilities serving proposed development.
- Expertise regarding conformance with City water and sewer design and construction specifications including fire protection service.
- General engineering expertise including consideration of items such as utility easements.
- Special assessment district information related to the provision of water and sewer facilities.

The Traffic Engineer provides:
Intersection and street capacity information and design engineering expertise.
On-site and off-site design and access expertise.
Planning expertise in all applicable forms of transportation including Long Range Roadway System and Long Range Bikeway System Plan, etc.
Expertise regarding access requirements for fire and refuse equipment.
Coordination of drainage treatment with City Engineer.
General engineering expertise including consideration of items such as adequate easements.
Special assessment district information related to the provision of transportation facilities.

The City Engineer representative provides:

_____ Storm drainage engineering expertise (must qualify as AMAFCA's designee)
General engineering expertise including consideration of items such as drainage easements.
Master Drainage Plan information
Special Assessment District information
Coordination of drainage treatment with Traffic Engineer.
Administration of subdivision improvements agreements.

Appointment of Members

Each designated department director will appoint a member and an alternate.
All appointments of members and alternates shall be made in writing to the Planning Department Director with the concurrence of the Chief Administrative Officer.
The member and alternate shall receive a copy of the appointment and a copy of these rules.
Each member and alternate, unless removed, shall serve until a replacement is appointed.

Removal of Members

Any member (not alternate) who has missed more than fifty percent of the meetings, held during a three (3) month period, shall be automatically removed unless the appropriate Department Director assures that member's attendance in the future. In addition, violation of any of the provisions of these rules or unprofessional conduct may be cause for removal.
Any member may be removed by written notice to the Planning Department Director with the concurrence of the Chief Administrative Officer and sent to the appropriate department director.

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Section 3. Duties.

A. Chairperson: The Planning Director or designee shall designate a Chairperson and an alternate, chair the DRB. In the temporary absence of the DRB Chairperson, and the alternate, another DRB member designated by the Chairperson or the Planning Department Director shall chair the DRB. The Chairperson's duties include:

The Chairperson:

1. Manage and administer Presides at all meetings and hearings of the DRB to include requiring appropriate decorum, preserve order, decide all points of order and procedure. The Chairperson may restrict or limit times for the public to speak at a DRB meeting including taking steps necessary to maintain public order. This authority includes but is not limited to halt or limit repetitive, irrelevant or inappropriate comments. The Chair may allow the public to address comments and/or questions directly to the applicant and the board members if deemed appropriate and productive.
2. Preserves order, decides all points of order and procedure, subject to appeal by membership.
2. Prepare all Notice of Decisions and Actions of the DRB and ensure that the Notices are available at least five days before the next regularly scheduled meeting.
3. Takes evidence when appropriate. Signs transmittals to the Environmental Planning Commission (EPC), Mayor/CAO. Communications to City Council are forwarded to the Planning Director for transmittal under his/her signature.
4. Represents the DRB before the EPC, City Council and other appellant bodies. The chairperson may appoint any member to appear in his/her behalf.
5. Oversees the scheduling of matters which come before DRB. Matters scheduled for public hearing shall follow requirements for legal advertisement and notice. Matters not requiring legal advertisement and notice may be set for the next regular meeting of the DRB.
6. Coordinate with Ensures that the Planning Department to ensure that the Planning Department provides the necessary staff support for reports, meeting recordation, filing, preparation of decision documents and other appropriate tasks.
7. Notifies and requests additional department, agency, or other representatives are present at meetings, when necessary, for a comprehensive review and approval process.
- 7-8. Ensures that a file is maintained in the Planning Department listing persons from all agencies departments and divisions who are authorized to sign plats and communicate with the signing authority and. Ensures that the list is sent to the County Treasurer and County Clerk's Offices, & updated lists are sent whenever there is a change.
- 8-1. Notifies and requests additional department, agency, or other representatives are present at meetings, when necessary, for a comprehensive review and approval process.

B. Staff Board Members: The designated Staff Board Members or alternates will attend all meetings of the DRB, providing the expertise in each of their specialty areas and

each must be authorized to sign documents and plats on behalf of the City and ABCWUA.

1. The appearance of impropriety will be avoided. Staff Board Members will recuse themselves from participating in a matter if a conflict of interest exists or appears to exist, including for example, a direct or indirect financial conflict of interest, or if circumstances exist which would impair or appear to impair the independence of judgment of the Staff Board Member. Notwithstanding the foregoing, Staff Board Members, as experts for the City and the Water Authority, have a duty to perform their staff duties on behalf of the City and Water Authority and should only recuse themselves for good reason. As the DRB is not a policy making board, Staff Board Members may be present for any matter heard by the DRB and are not required to leave any meeting for any action before the DRB.
2. By the very nature of the DRB being a non-policy making board, staffed by City and Water Authority employees whose responsibilities include assisting citizens with their development endeavors, DRB Staff Board Members may communicate with any applicant about their application at any time, both outside and during DRB meetings.
3. Electronic signatures of DRB members are allowed.

B.C. Administrative Assistant: The Planning Director shall provide an administrative Assistant for the DRB ("DRB Admin"), who shall attend all meetings of the DRB.

~~The administrative assistant shall also act as the DRB corresponding secretary.~~

~~The administrative assistant shall attend meetings of the DRB.~~

1. ~~The administrative assistant DRB Admin shall will~~ prepare and distribute copies of the DRB agenda and other materials as directed by the Chairperson.

~~1-2.~~ The DRB Admin will

~~The administrative assistant shall record and maintain summary minutes of all matters considered by the Board DRB. These summary minutes shall normally consist of persons speaking on the matter, findings and actions of the Board DRB. The recordings of the DRB meeting will be maintained by the DRB Admin and made available to the public upon request. The audio recordings of the meeting will be kept in a digital format acceptable to the City and will be provided to the public upon request in the format in which it exists at the time of the request. Any requests for the recordings can be made of the City's Record Custodian. The Board may, on occasion, request a detailed transcript of a particular matter. The records shall be kept available for public inspection in the Planning Department during regular working hours.~~

~~The administrative assistant shall arrange for the meeting place and prepare and provide notices of hearings as prescribed by the Revised~~
Page 4.

- ~~• The administrative assistant shall prepare the DRB Official Notices of Decision and Action Sheets. Findings on which the decisions are based shall be included.~~

C.D. Legal Counsel:

The City Attorney or a designated representative ~~shall~~ will be the legal counsel for the DRB.

~~The designated DRB Legal counsel shall will, when possible, attend all DRB meetings, and other meetings as requested by the DRB Chairperson or other DRB members. A lack of Legal Counsel will not prevent a DRB meeting if Legal Counsel is necessary and not available.~~

D.E. Committees

1. The Chairperson, with concurrence of a majority vote of the DRB, may create committees and assign responsibilities and authority in writing, as deemed necessary or desirable. DRB members and/or other City Staff may serve on these committees.

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Committees shall handle specific project areas, special problems and carry out the duties as specifically assigned by DRB at the time of committee creation. The DRB shall select the members and the committee will select its chairperson.

- a. Committees established by the DRB shall proceed by these rules of procedure.

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- b. ~~When related staff development review committees are established by other bodies, such as the design team established by the Sidewalk Ordinance, the DRB shall make recommendations as appropriate for implementation.~~

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2. ~~The DRB will establish criteria and standards to allow staff to exercise administrative approval on specific types of requests. The criteria and standards must be appended to these rules prior to delegation of authority. A consensus is required to establish or amend the criteria or standards.~~

Section 4. Meetings.

- A. ~~All regular meetings of the DRB meetings are will be open to the public and will be held on a regularly scheduled basis. The DRB is a consensus board of City and Water Authority staff, where each designee, using their unique expertise, is required to review and make decisions/recommendations concerning various parts of the applications presented to the board. The DRB is not a policymaking body and its City and Water Authority staff members, as such, may, from time to time, meet for the purposes to review and confer with each other and/or the applicant concerning applications before the DRB. No meeting outside the advertised DRB meeting will adopt any proposed resolution, rule, regulation or take any formal action. The DRB members may meet with applicants to address questions and issues with the application or project.~~
- B. ~~aAll regular meetings of the DRB shall will be held in the Plaza del Sol Hearing-basement/garden level meeting Room, Garden Level at 600 Second Street, NW or through a virtual meeting. Notice of the location and time and place of DRB hearings the~~

meeting will be posted in the lobby of the Plaza Del Sol building and on the City's website, shall be in accordance with the Subdivision Ordinance, rules and regulations governing the items under discussion. If the meeting is held virtually, notice of the meeting will contain detailed information including web address and/or phone numbers.

C. For all meetings, a required A-DRB quorum consists of five-six (60) members or their alternates. A quorum is necessary to conduct DRB business. In the case of the emergency absence of designated member(s), the appropriate department director can sit for, or designate, a temporary alternate for the missing representative(s).

A.D. For regularly scheduled meetings, the administrative assistant-DRB Admin shall will prepare an agenda, the previous meeting's minutes/action sheet and Notices of Decisions at least five (5) days prior to each DRB meeting, based on applications received, listing the matters of business generally in the following order:

Call to order — recording of members present and absent
Changes to Agenda — any and all changes to the printed agenda, shall normally be announced at the beginning of each meeting.
New or old business not part of submittals to be heard
Public Hearing Matters. Major Actions.
Signatures on items previously considered by the DRB, EPC, or others. Minor Actions.
Sketch plat or plan review of subdivisions — conceptual review prior to formal submittal.
Approval of minutes.
Adjournment.

E. For special meetings, the DRB Admin will prepare the agenda and post notice in the lobby of the Plaza Del Sol building and on the City's website at least seventy-two (72) hours prior to the DRB meeting.

F. All revised/supplemental application submittals must be received digitally by the DRB Administrative Assistant by noon on the Monday-Friday before the scheduled Wednesday meeting date. Materials received after this deadline will be reviewed only in extraordinary circumstances as determined by the Chairperson. If materials are faxed, the burden is on the applicant to notify the Administrative Assistant that a fax is being sent. If a DRB member has pre-approved a submittal and/or agreed before the meeting, the materials can be submitted at the meeting.

G. All regularly scheduled meetings of the DRB will be public meetings. Notwithstanding the foregoing, DRB Staff members and Chairperson may meet to fulfil their responsibilities as City staff and these meetings shall not be considered official meetings of the DRB and will not be required to comply with the Open Meetings Act. DRB will use the Open Meetings Act as guidance for conducting public meetings.

B.H. At regularly scheduled DRB meetings for major cases, the DRB will allow public comment. For minor cases, the DRB will allow public comment when possible and practicable. The Chairperson may restrict or limit times for the public to speak at a DRB meeting including taking steps necessary to maintain public order. This authority includes but is not limited to halt or limit repetitive, irrelevant or inappropriate comments. The Chairperson may allow the public to address comments and/or questions directly to the applicant and the board members if deemed appropriate and productive.

ARTICLE III. AUTHORITY AND DECISIONS

DELEGATION/INTERNAL ROUTING

Section 1. Authority. The DRB, by ordinance, has the authority to consider, review, deny and approve applications requiring review by the DRB, as set forth in the IDO and DPM.

Section 2. Decisions.

- A. Approval. A consensus of the six (6) members is necessary to advise and exercise administrative approval on items before the DRB. Failure to achieve a consensus is deemed a denial for purposes of the decision unless a deferral is agreed to in writing by the applicant or verbally requested at the DRB meeting.

~~The DRB will establish criteria and standards to allow staff to exercise administrative approval on specific types of requests. The criteria and standards must be appended to these rules prior to delegation of authority. A consensus is required to establish or amend the criteria or standards.~~

- B. Delegation of approval. To help facilitate applications, if ~~Where~~ approval requires the signatures of DRB members on a plan or plat, any member of the at least three (3) DRB members or their alternates may accept delegation for the matter if it would not result in any redesign of the project and the matter will be deferred. To accept delegation, a deadline to have all unresolved issues completed will be established. If the unresolved issues are not resolved prior to the deadline, the matter will be placed on the DRB agenda. If the unresolved issues are corrected or met, it will be the responsibility of the applicant to notify the DRB Chairperson and obtain the remaining DRB member(s) signature(s). The -conditions for final sign off and the Notice of Decision must appear in the DRB minutes.- file.

- C. Deferrals. Applicants may make a written request for a deferral of their application any time prior to the meeting by contacting the DRB Admin by email. If the applicant has not requested a deferral in writing prior to the meeting, the applicant is expected to attend the DRB meeting. The DRB may defer the agenda item to a specific date, time, and place by consensus vote of the DRB members, majority vote with the written consent of the applicant or, if the applicant is present, with verbal consent entered as part of the record. If the deferral is due to: an incomplete submittal, insufficient time allowed for hydrology review or additional materials submitted after Monday at noon of the hearing week, a deferral fee will be charged.

1. At the recommendation of any DRB member, if an applicant requests a deferral on a whole project application for more than a year from the date of the first scheduled meeting and/or makes no substantial submittals that demonstrate a furtherance of the application, the application will expire. This rule is made to protect the communities from situations where an applicant who makes application under one set of rules/ordinances and then fails to pursue the application for years and demands development under the old rules/ordinances that no longer reflect best practices or what is in the best interest of the community.

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2. A deferral at the request of the DRB or of the applicant is not a final decision of the DRB.

D. Failure to appear; Failure to request deferral.

If an applicant is not present when his/her project item is announced by the DRB Chairperson, the application will be deferred to the end of the public hearing items if it is a publicly advertised case or to the end of the meeting agenda for

non-advertised cases. If the applicant still does not appear before the above deadlines, the project will be indefinitely deferred. Projects indefinitely deferred require re-application and repayment of all application fees. If an applicant fails to appear at a scheduled DRB meeting and fails to make a timely written request for a reasonable deferral, the DRB members may agree to defer actions on the application for up to two weeks. If the applicant has failed to appear and pursue the application for multiple scheduled DRB meetings and has failed to request a deferral in writing, the DRB may recommend the application be denied as a final action.

A.E. Denial. Failure to achieve a consensus is deemed a denial for purposes of the decision unless a deferral is agreed to in writing by the applicant or verbally requested at the DRB meeting. Incomplete submissions are grounds for deferral. Inaccurate, false or misleading information is grounds for denial.

F. Final decision. An approval or denial is a final decision of the DRB.

Section 3. Appeals. All appeals of DRB final decisions will be governed by the IDO.

Public notification will occur via DRB agenda attachments and availability at the Development Services Front Counter as well as publication on Planning's website.

To delegate a non-discretionary item off the agenda to DRB members at the meeting, three (3) DRB members must sign the plat or site development plan at the DRB meeting. The specific reasons for delegation must be stated at the meeting where delegation occurs. Approval by delegation shall occur only when those specific reasons are satisfied. If three signatures cannot be obtained at the meeting, the item is deferred to a future meeting. In the event the delegated item is not submitted to the DRB within the time set by the DRB, the DRB may disapprove the action at the next scheduled hearing.

To internally route a minor subdivision plat or delegate a minor plat off the agenda, all DRB members must agree to approve the plat prior to hearing it at a DRB meeting. In this case, minor subdivision plats are lot splits with no zoning, planning, access, grading or water and sewer issues. In those instances where issues such as major infrastructure are involved, the plat will not be delegated but will remain on the DRB agenda. In the case of internal routing, the application will have to be scheduled for a DRB meeting.

The DRB has delegated approval authority for technical corrections to recorded final plats in circumstances where the corrections have no material effect on the substantive content of the plat. The DRB Chairperson and the City Surveyor shall jointly have authority to approve technical corrections to recorded final plats. The DRB Chairperson and City Surveyor will consult other DRB members as appropriate prior to approving the correction plat.

DEVELOPMENT REVIEW BOARD RESPONSIBILITIES

Exercise Administrative Approval Authority

- Subdivision (where no rezoning action or annexation is required)
- Site development plans for administrative approval and/or as delegated by the EPC
- Minor amendments to approved site development plans
- Sidewalk variances
- Sign-off for compliance with written conditions set by the EPC on site development plans
- Extensions of subdivision improvements agreements
- Sector plans and area plans

Advisory Review Responsibilities

- Subdivision for which rezoning and/or annexation is required
- Sector development and area plans
- Plans for transportation corridors shown on the Long Range Roadway System or in an alignment study
- Future street alignment recommendations
- Facilities Master Plan Review for Flood Control
- Functional review of site development plans to be approved by other bodies
- Preliminary subdivision and/or development agreements as appropriate

Other matters as determined necessary or appropriate by the Mayor.

MEETINGS

- Open Meetings. All DRB meetings are open to the public.
- Meetings shall be held on a regularly-scheduled basis.
- Special meetings. Special meetings may be called by the Chairperson with at least twenty-four hours public notice posted in lobby of Plaza del Sol. Such meetings shall be open to the public.
- The Chairperson shall preside at all meetings of the DRB. In the event of the absence or disability of the Chairperson, the DRB member designated by the Chairperson or the Planning Director shall preside as Chairperson.

- ~~Place of Meetings. Generally all meetings shall be in the Plaza del Sol Hearing Room, Garden Level, 600 Second Street, NW. However, depending upon items to be discussed they may be held at various public places throughout the community where deemed desirable or necessary to promote citizen participation or to fulfill the requirements of City ordinances.~~
- ~~Notice.~~
- ~~Quorum. A DRB quorum consists of five members or their alternates. A quorum is necessary to conduct business. In the case of the emergency absence of designated member(s), the appropriate department director can sit for, or designate, a temporary alternate for the missing representative(s).~~
- ~~Meeting Agenda: For regularly scheduled meetings, the administrative assistant shall prepare an agenda at least five (5) days prior to each DRB meeting based on applications received, listing the matters of business generally in the following order:

 1. Call to order — recording of members present and absent
 2. Changes to Agenda — any and all changes to the printed agenda, shall normally be announced at the beginning of each meeting.
 3. New or old business not part of submittals to be heard
 4. Public Hearing Matters- Major Actions.
 5. Signatures on items previously considered by the DRB, EPC, or others. Minor Actions.
 6. Sketch plat or plan review of subdivisions—conceptual review prior to formal submittal.
 7. Approval of minutes.
 8. Adjournment.~~
- ~~All revised application submittals must be received by the DRB Administrative Assistant by noon on the Monday before the scheduled Wednesday meeting date. Materials received after this deadline will be reviewed only in extraordinary circumstances as determined by the Chairperson. If materials are faxed, the burden is on the applicant to notify the Administrative Assistant that a fax is being sent. If a DRB member has pre-approved a submittal and/or agreed before the meeting, the materials can be submitted at the meeting.~~
- ~~As used within these rules, the term "meeting" also refers to a "hearing", a type of meeting at which public comments are taken and decisions are made by DRB.~~

DECISIONS

~~A consensus of the five members is necessary to advise and exercise administrative approval on items before the DRB. Failure to achieve a consensus is deemed a denial for purposes of appeal unless a deferral is agreed to in writing by the applicant or verbally requested at the DRB meeting.~~

~~Where approval requires the signatures of DRB members on a plan or plat, at least three~~

~~(3) DRB members or their alternates present at the meeting must sign at the meeting for the agenda item to be conditionally approved and delegated off the agenda. The remaining two DRB members will sign once the stated conditions are met. If three DRB members cannot sign at the meeting, the item will be deferred at the agent's request, either indefinitely or to a specific date agreed to by DRB and the applicant. The conditions for final sign off must appear in the DRB minutes.~~

~~Voting occurs on rules, procedures, and similar items. A simple majority of votes cast shall carry all motions.~~

PARTICIPATION AT MEETINGS

~~The DRB intends to conduct its business in an orderly manner. Orderly procedure requires that each person shall proceed without interruption from any other person except as deemed necessary by the Chairperson. All arguments and questions shall be addressed to the DRB. Persons addressing the DRB must state their name and interest, and must sign in with the administrative assistant for record-keeping purposes. If they are appearing for an advertised agenda item, they shall be sworn in as well.~~

~~Matters of public hearing before the DRB shall be presented in the following manner:~~

- ~~1. Applicant's presentation of the request.~~
- ~~2. Comments by other concerned parties.~~
- ~~3. Applicant's response~~
- ~~4. Comments by other agencies and DRB members.~~
- ~~5. Chairman's summary of issues when needed, and close of public participation~~
- ~~6. Comments by DRB members, staff~~
- ~~7. Decision of the DRB with conditions as necessary~~

~~Members of the DRB may ask questions at any time.~~

~~A copy of all material presented to the DRB shall be given to the DRB administrative assistant for the record.~~

~~The DRB may defer the agenda item to a specific date, time, and place by majority vote with the written consent of the applicant or, if the applicant is present, with verbal consent entered as part of the record. If the deferral is due to an incomplete submittal, insufficient time allowed for hydrology review or additional materials submitted after Monday at noon of the hearing week, a deferral fee will be charged.~~

APPEALS

Individuals who own a property interest within 300 feet of the subject site excluding any public right of way which would not be altered by the action and organized neighborhood associations recognized by the City whose boundary is within 600 feet of the subject site (excluding public right of way) may file appeals of DRB decisions under the Subdivision Ordinance to the EPC.

TRANSMITTAL TO MAYOR, EPC AND CITY COUNCIL

Matters requiring transmittal to the EPC, Mayor/CAO and City Council from the DRB shall be transmitted by the DRB Chairperson to the Planning Director and include a copy of the minutes of the matter and a record of recommendation(s)/actions taken. The Planning Director will then transmit the information.

SUSPENSION OF RULES

— No rule of the DRB shall be suspended except by consensus vote of the membership of the DRB present. A motion to suspend the rules shall be decided without debate.

AMENDMENT OF RULES

These rules and the mandating policies or rules of conduct for a committee of the DRB may be amended by the majority of a quorum of DRB at a public meeting, provided written notice of the proposed changes and their time of consideration is given to all DRB members at least five (5) days in advance.

TYPICAL PROCESSING TIMES

From date of acceptance of application as complete, these non-publicly advertised (minor) cases will be considered at a DRB meeting usually within one week unless DRB is not meeting the following week. In that instance, the case will be heard within two weeks:

- Sketch plat review
- Final plats
- Amendments to site development plans originally DRB approved
- Amendments to site development plans delegated to DRB by EPC
- Sidewalk variances/deferrals
- Minor subdivisions
- EPC approved site development plans requiring DRB final sign off
- Site development plans delegated to DRB without public hearing
- Preliminary plat approval extensions.

From date of acceptance of application as complete, the following public hearing items will be considered at a Board meeting within four (4) weeks. These items shall be sent to appropriate agencies for review and comment and a legal notice will be prepared and published at least fifteen (15) days prior to the hearing dates:

~~Site development plans delegated to DRS wit Major~~ a public notification requirement
~~subdivision preliminary plats —~~
~~Sector development plans~~
~~Vacations~~
~~Subdivision Improvement Agreement extensions~~

The Planning Director shall adopt standard requirements for submission of applications which detail the required information and/or materials. Incomplete submissions are grounds for deferral. Inaccurate, false or misleading information is grounds for denial.

