

# BERNALILLO COUNTY

Planning & Development Services  
111 Union Square SE, Suite 100  
Albuquerque, NM 87102  
(505) 314-0350 Fax: (505) 314-0480  
www.bernco.gov



## PLANNING SECTION

### SPECIAL USE PERMIT APPLICATION

**PLEASE SCHEDULE A PREAPPLICATION MEETING WITH A PLANNER AT 314-0350 SO THAT WE MAY BETTER ASSIST YOU IN THE APPLICATION PROCESS.**

- Specific use
- Section 18.B

- Must apply in person
- Fee required at time of submittal

APPLICANT	PHONE
ADDRESS/CITY/ZIP	

AGENT (Include letter of Authorization)	PHONE
ADDRESS/CITY/ZIP	
E-MAIL:	
<b>SITE ADDRESS/DIRECTIONS</b>	

<b>LEGAL DESCRIPTION:</b>											
UPC#											PROPERTY SIZE IN ACRES
UPC#											(LIST ALL ADDITIONAL UPC # IF NECESSARY)

**A SPECIAL USE PERMIT IS REQUESTED FOR (Scope of request/list of uses):**

**CURRENT PROPERTY ZONING:**

**The owner may apply for a Special Use Permit for Specific Use(s) (Section 18.B.32) only when the following current zoning exists on the property:**

<p><u>Current Zoning: A-1, A-2, R-1, R-2, and M-H</u> Apply for any of the specific uses set forth in: Section 12. O-1 Office &amp; Institutional Section 13. C-N Neighborhood Commercial Section 14. C-1 Neighborhood Commercial Section 15. C-2 Community Commercial Section 15.5. C-LI Commercial/Light Industrial Zone</p>	<p><u>Current Zoning: C-1, C-2, C-LI</u> Apply for any of the specific uses set forth in: Section 15.5. C-LI Commercial/Light Industrial Zone Section 16. M-1 Light Industrial Section 17. M-2 Heavy Manufacturing <u>Special Use Permits listed in Sections 18.B. 3, 4, or 8</u> also require current C-1, C-2, or C-LI zoning to apply</p>
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**For approval of a Special Use Permit for Specific Use(s), it is the burden of the applicant to demonstrate:**

1. Unique conditions exist that justify the request; and
2. There is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use.

I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

_____	_____	_____
Print Name	Signature	Date

<b>***OFFICE USE ONLY***OFFICE USE ONLY***OFFICE USE ONLY***OFFICE USE ONLY***</b>	
<b>ZONE ATLAS PAGE</b>	<b>HEARING DATE</b>
<b>ZONING</b>	<b>RECEIVED BY &amp; DATE</b>



## APPLICATION REQUIREMENTS - Special Use Permit

**Planner Confirmation Required – Complete application is due by 12 p.m. on the deadline day.**

*Include this Checklist with your application submittal.*

- |                      |                          |                          |  |
|----------------------|--------------------------|--------------------------|--|
| Planner Confirmation | <input type="checkbox"/> | <input type="checkbox"/> | Name, address and telephone number of the applicant and/or agent.  |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Original letter/form from owner, authorizing agent to request Special Use Permit.  |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Application signed by applicant and/or agent.  |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Site plan prepared per Site Plan Requirements (See below).   |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Written response to Resolution 116-86. (Applicant must justify the request based on the Resolution; see attached Resolution 116-86).   |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Proof of neighborhood association notification by certified mail, a copy of the letter and site plan sent to the neighborhood association(s), and the forms from the Neighborhood Program Coordinator (see attached instructions). |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Street address, legal description & all Uniform Property Code number(s) for the site. (List UPC numbers on separate page if necessary.)  |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Any application relating to unplatted land shall be accompanied by a plat delineating the area boundaries where the Special Use Permit is requested.   |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Copy of sign posting instructions (signed by applicant).   |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Fee (Check, Credit Card, Money Order, No Cash)   |
- 
- |  |  |
|--|--|
| 1.0 – 4.9 acres:                                 | \$400.00 first acre + \$25.00 for each additional acre.      |
| 5.0 – 19.9 acres:                                | \$500.00 first 5 acres + \$15.00 for each additional acre.   |
| 20.0 – 59.9 acres:                               | \$725.00 first 20 acres + \$10.00 for each additional acre.  |
| 60.0 or more acres:                              | \$1,125.00 first 60 acres + \$5.00 for each additional acre. |
| Amendment to a Special Use Permit affecting use: | \$300.00   |
- (Fees also apply to a Special Use Permit application that expands the acreage of the permit.)*
- \_\_\_\_ Planner Confirmation (Initial)       \_\_\_\_ Date

### Site Plan Requirements

- |                      |                          |                          |  |
|----------------------|--------------------------|--------------------------|--|
| Planner Confirmation | <input type="checkbox"/> | <input type="checkbox"/> | 2 Copies of the site plan. Copies must be folded into 8 ½” x 11”, 8 ½” x 14”, or 11” x 17” or similar size.  |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Drawn to scale; include the scale.   |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Include a North Arrow.   |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Clearly indicate boundaries of the property to be developed.   |
|                      | <input type="checkbox"/> | <input type="checkbox"/> | Show existing & proposed structures on site, including square footages & use of each structure, dimensions, and loading & unloading areas. Indicate existing structures and fences within 50 feet of property lines of subject site. |

- Show the number of parking spaces required & provided (including handicapped parking locations), arrangement, dimensions, aisles, internal traffic circulation (including delivery), internal walkways, bicycle racks, parking lot lighting, points of ingress & egress. (Refer to Bernalillo County Zoning Code, Section 21, for parking requirements.)
- Indicate fire lanes and emergency vehicle parking.
- Show existing and proposed driveways. Include driveway widths and distance from nearest driveway or intersection.
- Show existing and proposed signage, as regulated in the C-1 zone.
- Show existing and proposed water, sewer, fire hydrant, and solid waste container locations.
- Specify existing storm drainage flow patterns on the site and storm drainage facilities. Include pond areas, retention within landscape areas, permeable pavement and any other means to capture storm water. **A Conceptual Grading & Drainage plan may also be required by the Bernalillo County Public Works Division to ensure project feasibility.**  
Conceptual G&D:  Provided  Not Required BCPWD Initial: \_\_\_\_\_ Date: \_\_\_\_\_
- Indicate existing and proposed public/private streets, alleys and easements, and names and dimensions of these features. Indicate nearby transit stops, public sidewalks, bicycle lanes, and multi-use trails.
- A completed Traffic Scoping Report form is required unless the project is strictly residential and under 25 units (see attached Traffic Scoping Report form).
- Provide a Landscape & Buffer Landscaping Plan identifying the type and location of all trees, shrubs, and ground cover. A statement of responsibility for maintenance must be included. (Refer to Bernalillo County Zoning Code, Section 19) for landscaping requirements, and to Bernalillo County Water Conservation Ordinance.

Pre-Application Meeting - Submittal Requirements

**Permit Technician – Intake Checklist**

- Name, address & telephone number of the applicant and/or agent.
- Verify legally platted lots.
- Street address, legal description & Uniform Property Code number(s).
- Original letter/form from owner, authorizing agent to request SUP.
- Application signed by applicant or agent.
- 2 Completed site plans with all min. required elements verified, folded. (Not rolled)
- Written response to Resolution 116-86.
- Proof of neighborhood notification by certified mail and a copy of the letter and Site Plan sent to the Neighborhood Associations and the forms from the Neighborhood Program Coordinator.
- Copy of sign posting instructions (signed by applicant).
- Location Map – Zone Atlas page (with property indicated).
- Fee.
- Receipt printed for customer.
- Cover pages printed for customer and department.

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## SIGN POSTING INSTRUCTIONS

### SIGN POSTING INSTRUCTIONS

As required by the Comprehensive Zoning Ordinance of Bernalillo County, persons scheduled for hearing are required to post and maintain one or more signs on their property to assist in advertising the application and describing its purpose. Applicants, or their agents, will receive their signs at the time their application is filed.

#### 1. LOCATION

- a. Signs shall be conspicuously located on the property and within twenty (20) feet of any property line that abuts a street. Signs must be placed at the edge of the property closest to the street if the property does not abut a street.
- b. The face of the sign shall be parallel to the street. The bottom of edge of the sign shall be at least two (2) feet, but not more than seven (7) feet, above grade.
- c. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.

#### 2. NUMBER

- a. A sign shall be placed on each street frontage abutting the subject property.
- b. If the property does not abut a street, a sign must be placed at the edge of the property nearest the public street.

#### 3. DURATION OF POSTING

- a. Signs are to be posted 15 days before and after the hearing date.
- b. Failure to properly post and maintain the sign(s) is grounds for deferral or denial of the request.

#### *Posting Suggestions:*

*Heavy stakes with crossbar supports or plywood backing typically works best to keep the sign in place, especially during high winds. Signs will tear less easily if they are attached to the support system with large-headed nails or staples.*

I acknowledge that I have read and understand the "Sign Posting Instructions". I also understand my obligation to post the provided signs for the required period of time, as well as their proper posting location(s).

\_\_\_\_\_  
Signature of applicant / agent

\_\_\_\_\_  
Date

\*APPLICANTS / AGENTS WILL RECEIVE A COPY OF THIS DOCUMENT

Staff: \_\_\_\_\_

Number of signs issued: \_\_\_\_\_

Case number: Z-\_\_\_\_\_

SIGNS MUST BE POSTED FROM \_\_\_\_\_ TO \_\_\_\_\_.

THE SCHEDULED PUBLIC HEARING FOR THIS REQUEST WILL BE HELD ON

\_\_\_\_\_.



**NEIGHBORHOOD ASSOCIATION NOTIFICATION  
AND RECOGNITION ORDINANCE NO. 94-4**

**PURPOSE OF ORDINANCE.** The purpose of this ordinance is to provide the Neighborhood Associations, in the unincorporated area of Bernalillo County, with an early notification process for all public hearings held by the Bernalillo County Planning & Development Services Department, and any major County projects affecting neighborhoods. Early notifications will help identify and possibly resolve potential conflicts involving neighborhoods, the private sector, and Bernalillo County prior to the public hearing.

**NOTIFICATION PROCESS.** Prior to filing an application concerning a matter to be heard by the Bernalillo County Planning Commission, the applicant/agent must notify (in writing) the affected neighborhood association(s) which covers, abuts, or is across public right-of-way from the proposal site. A notified association representative must respond back to the applicant within two weeks (14 days) from receiving the written notice.

Written notice must be through certified letter (containing information outlined below), return receipt requested, mailed to **two (2)** designated neighborhood representatives on file with the Neighborhood Program Coordinator. Failure to submit notification to the association representatives shall be grounds for the neighborhood to request deferral of a hearing.

Certified letters must include the following information:

1. Brief description of proposal including any justification deemed appropriate (i.e. requesting a zone change from A-1 to C-1 on property located at \_\_\_\_ for the purpose of establishing).
2. Zone Atlas Map page.
3. The legal description of the property along with actual street names, address(es) and intersections.
4. A copy of the site plan, if applicable, and any other relevant information (typical building elevations, location of proposed buildings, street layout, etc.). These materials are not required to be blueprint final; preliminary drawings may be appropriate.
5. The name, address, and phone number(s) (fax and/or email, if available) of the agent or applicant for the proposed request. If more than one agent/applicant is listed, information must be provided for all those listed.

**Please contact Darrell Dady, Neighborhood Coordination Specialist, at 468-7364 or at [ddady@bernco.gov](mailto:ddady@bernco.gov) for a list of the current county-recognized neighborhood association representatives. Notification forms with a list of applicable Neighborhood Associations and the representatives to be notified will be issued by the Neighborhood Program Coordinator. Please submit copies of these forms, copies of corresponding notification letters, and evidence of certified mail with your application.**

BERNALILLO COUNTY  
PLANNING & DEVELOPMENT SERVICES DEPARTMENT

**Neighborhood Association Notification Confirmation**

(To be completed by applicant)

This certifies that I, \_\_\_\_\_, have notified  
the designated neighborhood representatives via certified return receipt mail regarding our  
application for the property located at \_\_\_\_\_.

List Neighborhood Associations that were contacted:

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\*This form is not complete until copies of the Neighborhood Coordinator Forms (list of applicable Neighborhood Associations and Representatives) and copies of the corresponding notification letters have been attached.

**Attach certified mail receipts here**



## Resolution 116-86

### ADOPTING POLICIES FOR CONSIDERING ZONE MAP CHANGES SPECIAL USE PERMIT APPLICATIONS AND APPEALS OF COUNTY DECISIONS.

WHEREAS, the usefulness of the Comprehensive County Zoning Code in implementing the City/County Comprehensive Plan and promoting health, safety, morals, and general welfare is enhanced by a reasonable flexibility in order to deal reasonably with changes in the physical, economic, and sociological aspects of the County; and

WHEREAS, certain general policies for consideration of zone map changes and other zoning regulation changes should be recognized as determinative.

BE IT RESOLVED BY BERNALILLO COUNTY COMMISSION. THE GOVERNING BODY OF THE COUNTY OF BERNALILLO:

Section 1. [Adoption of policies for Zone Map changes and Special Use Permit applications]

**The following policies for deciding zone map changes and Special Use Permit applications pursuant to the Comprehensive County Zoning Code are hereby adopted:**

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - (1) there was an error when the existing zone map pattern was created; or
  - (2) changed neighborhood or community conditions justify the land use change;  
or
  - (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, even though (1) or (2) above do not apply.

- F. A land use change of zone shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and un-programmed capital expenditures by the County may be:
  - (1) denied due to lack of capital funds; or
  - (2) granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
  - (1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone difference from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
  - (1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area of development plan; or
  - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

# Special Use Permit Traffic Scoping Report

## TRAFFIC SCOPING REPORT INFORMATION

A completed traffic scoping is required by Bernalillo County Public Works for special use permits for non-residential land uses and residential land uses with 25 or more dwelling units. For applicable land uses, complete this form or provide the information from the form in a letter format.

The completed traffic scoping report along with the special use application site plan provide a preliminary review of the potential changes to the transportation system resulting from the proposed special use. The traffic scoping report allows Bernalillo County Public Works to identify reasonable modifications that can be made to the site plan that support the function of the transportation system and ensure safe and efficient access to and from the site to the adjacent roadway. This information is also used to determine if a Traffic Impact Analysis is required.

**Contact for questions related to the Traffic Scoping Report:** Julie Luna, 505-848-1508, jaluna@bernco.gov

## APPLICANT INFORMATION

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_ Permit or Case  
Number (if known): \_\_\_\_\_

## SITE INFORMATION

Address: \_\_\_\_\_ Implementation Year: \_\_\_\_\_  
\_\_\_\_\_

Specific Land Use(s) or Business Type: \_\_\_\_\_

New Use  Change of Use  Unchanged Use Same Use with  Increased  Decreased Capacity

Building Size (Square Feet, provide existing, new, remodel): \_\_\_\_\_

Business Hours and Days: \_\_\_\_\_

Number Daily Employees: \_\_\_\_\_ Number Daily Customers: \_\_\_\_\_ Number Other Daily Visitors: \_\_\_\_\_

*(Please attach any additional information about trips to the site if available.)*

### Expected Vehicle Mix

% Passenger Vehicles (including pick-ups): \_\_\_\_\_ % Buses: \_\_\_\_\_

% Heavy Single Unit Vehicles: \_\_\_\_\_ % Heavy Multi-Unit Vehicles (Semi-Truck): \_\_\_\_\_

% Other (Please Specify): \_\_\_\_\_

## ROADWAY INFORMATION

Driveway(s) located on: \_\_\_\_\_

Is the road(s) accessing site under NM Department of Transportation jurisdiction?  Yes  No  Unknown

Posted speed of roadway providing access: \_\_\_\_\_





## WATER CONSERVATION REQUIREMENTS FOR SPECIAL USE PERMITS

The Bernalillo County Water Conservation Ordinance (Sections 30-241 through 30-251 of the Bernalillo County Code) requires water conservation measures for new development, including remodels and additions. If new development is anticipated with a Special Use Permit, any Site Plan or Landscape Plan submitted with the Special Use Permit application must conform to the Water Conservation Ordinance requirements below.

### **New Commercial and Large Multifamily (8 or More Dwelling Units) Development**

- New commercial and large multifamily developments greater than one acre must implement at least four of the following outdoor water conservation measures (and one of the four must be option 1, 2, or 3):
  1. Precipitation only supported plants on 45% of the landscape area
  2. Passive water harvesting on 45% of the landscape area
  3. 100% of irrigation water supply must be from a non-potable municipal, private, or well source.
  4. Smart Irrigation Controller
  5. Soil Amendment Program during installation of landscaping
  6. Non-potable water must be collected and stored as the primary water source for irrigation (e.g. cistern for rainwater or graywater). Storage capacity must be a minimum of 50% of peak month landscape demand.
  7. Exterior Management Plan that includes best management practices to significantly reduce water use, chemical use, and water runoff
- New commercial and large multifamily developments less than one acre must follow the options above OR use only low and medium water use plants, a Smart Irrigation Controller, and no spray irrigation.

### **All New Development**

- High water use plants and turf must be limited to 10% of the landscape area (30% for large multifamily development).
- Exceptions to outdoor water conservation requirements exist for parks, athletic fields, golf courses, and for agricultural properties irrigated with a Middle Rio Grande Conservancy District ditch, community acequia, or well with irrigation water rights.
- Indoor water conservation requirements (i.e. use of high-efficiency plumbing fixtures) must be addressed in the Building Permit application.

Water Conservation Development Standards and Guidelines and forms are available at: [www.bernco.gov/public-works/water-conservation-development-standards-guidelines.aspx](http://www.bernco.gov/public-works/water-conservation-development-standards-guidelines.aspx). For more information, contact the Water Conservation Program at (505) 848-1500.



# Special Use Permit Application Process

## Applicant's Responsibilities

- Schedule a Pre-Application Meeting (to meet with Planning Staff, call 314-0350 and ask for a Planner)
- Neighborhood Association Notification (see Attachment)
- File Application (see Application Requirements)
- Post Sign (15 days Prior to 15 days After Public Hearing)
- Attend CPC hearing (recommended)

County departments and other agencies review the application. Planning staff prepares a report for the CPC.

## County Planning Commission (CPC)

- Conducts a Public Hearing on the application
- Votes to approve or deny the application

If the application is DENIED by the CPC and there is no appeal filed then:

Applicant must wait 1 year to Re-apply

If the application is APPROVED by the CPC and there is no appeal filed then:

No Further Action Required

If the application is denied or approved by the CPC and an APPEAL is filed then:

Appeal proceeds to the Board of County Commissioners (BCC)

## Board of County Commissioners (BCC)

Conducts a Public Hearing & Considers the Appeal based on the CPC decision, transcript, and record, and new testimony.

The BCC will:

- Deny the appeal; or
- Grant the appeal; or
- Grant the appeal with revisions/conditions; or
- Remand the case/application back to the CPC.

If the CPC denied the application and the BCC denied an appeal, then the applicant must wait 1 year to re-apply.

**The BCC decision is FINAL and may be subject to Judicial Review (30-day)**

# County Planning Commission SCHEDULE 2019

CPC HEARING DATE *	APPLICATION DEADLINE	REQUEST FOR COMMENT	COMMENT DEADLINE	APPEAL DEADLINE
12-05-18	10-22-18	10-23-18	11-12-18	**
01-02-19	11-26-18	11-27-18	12-10-18	**
02-06-19	12-17-19	12-18-18	01-14-19	**
03-06-19	01-28-19	01-29-19	02-11-19	**
04-03-19	02-25-19	02-26-19	03-11-19	**
05-01-19	03-25-19	03-26-19	04-08-19	**
06-05-19	04-22-19	04-23-19	05-13-19	**
07-03-19	05-28-19	05-29-19	06-10-19	**
08-07-19	06-24-19	06-25-19	07-08-19	**
09-04-19	07-22-19	07-23-19	08-12-19	**
10-02-19	08-26-19	08-27-19	09-09-19	**
11-06-19	09-23-19	09-24-19	10-14-19	**
12-04-19	10-28-19	10-22-19	11-11-19	**

Revised: August, 2018

Applications & appeals will be accepted until 12:00 noon on deadline day.

\*Wednesday, 9:00 a.m.

\*\* Appeal deadline is fifteen (15) days from the date of the Notice of Decision letter.