

This letter is intended to provide argument and supplement our prior submittal. We appeal the following findings in the County Planning Commission's Notification of Decision:

Notification of Decision 4. The subject property is located within the Comprehensive Plan's Established Urban Area and within the Southwest Area Plan's Residential Area 5, thereby allowing up to 9 dwelling units per net acre.

Appellant response:

- The Albuquerque/Bernalillo Comprehensive Plan and the Southwest Area Plan are not legally binding documents. Only the Comprehensive Zoning Ordinance of Bernalillo County (CZO) is legally binding.
- The CZO allows one (1) dwelling unit per net acre in A-1.
- The proposed density is too high for a normal A-1 parcel.

Notification of Decision 5. The request furthers goals and policies of the Comprehensive Plan and the Southwest Area Plan related to density, land use, housing, developed landscape, energy management and water management.

Appellant response:

- The applicant proposed an R-2 use (multi-family) in an A-1 zone (single-family).
- This finding contradicts the staff report, which stated, in part: "Staff acknowledges that, due to the complex nature of this request, the history of the subject property, neighborhood character and substantial public input, not all applicable goals and policies are entirely furthered by this request. Specifically, the proposed density, building design and layout **are not consistent** with the character of the surrounding neighborhood."
- The subject site would be lost in perpetuity, and development of the parcel would encourage new development along the Bosque and Rio Grande Valley State Park.

Notification of Decision 6. As required by Zoning Code Section 18 for a Planned Development Area, the applicant demonstrated the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features, or to facilitate development as allowed by an approved Master Plan. The site plan includes areas dedicated to open space, agricultural and recreational uses.

Appellant response:

- The applicant provided no justification for cluster housing.
- The subject site is not unusual.
- The agricultural area identified in the site plan is for "boutique gardening" and is not consistent with A-1 area land use.
- SUP for PDA for cluster housing on riparian farmland zoned A-1 is a stealth rezoning.

20% Rule

Property owners who own approximately 35% of the property (shown in green) within 100 feet of the subject site (shown in red) signed the “20% petition” to object to CSU2019-0001. The “20% rule” should apply to this appeal as well as all other appeals of CSU2019-0001.

