

November 23, 2020



Mr. Bob Tyler
Deputy Mayor and City Councilor, District 3
City of Rio Rancho
3200 Civic Center Circle, NE
Rio Rancho, NM 87144
Email: btyler@rrnm.gov

Re: **Text Amendment: Table of Notification Requirements
Rio Rancho Code of Ordinances, Title XV Land Usage, Chapter 150 General Provisions**

Dear Councilor Tyler,

This comment letter is being submitted by the Mariposa Neighborhood Association (MNA) regarding the proposed Text Amendment to add a Table of Notification Requirements to the City of Rio Rancho (the City) Code of Ordinances, Title XV Land Usage, Chapter 150 General Provisions, which was approved by the Planning and Zoning Board (the P&Z) on Tuesday, November 10, 2020. This proposed text amendment is scheduled to be heard by the City's Governing Body on December 10, 2020. Though the MNA agrees that a more accessible and simplified table outlining public notification requirements is much needed, and we applaud the P&Z's move toward more transparency, we disagree with some of the contents of its proposal.

Three concerns stand out to the MNA: 1) the proposed Table of Notification Requirements exclude formal notification of neighborhood associations (NAs), 2) the designations of affected, abutting, and adjacent property owners are too restrictive and their definitions unclear, and 3) the timelines for public notifications, including property postings, are too restrictive to allow for meaningful and thoughtful review and input.

Inclusion of Neighborhood Associations in Mailing Notifications

The proposed Table of Notification Requirements references only homeowners associations (HOAs), not NAs, as organizations eligible and entitled to receive a variety of application notifications. Upon reviewing the City's Homeowners and Neighborhood Associations webpage (<https://rrnm.gov/335/Homeowners-and-Neighborhood-Associations>), the majority of those listed are HOAs and other professionally managed associations. And, the Mariposa Community Association (MCA) is no exception. As the MNA has repeatedly communicated to the City, the MCA has no resident representation on its board, and therefore all decisions affecting our community are made by the current developer, its employees, and a builder. Therefore, a group of residents determined it was critical to form the MNA. In fact, when the former Director of Development Services, Anthony Caravella, approved the MNA's Recognition Application on March 21, 2019, he included the following note recognizing the difference between an HOA and an NA:

**Development Services Review: It is noted that there presently exists a Mariposa Homeowners Association (Mariposa Community Association, Inc.) The City considers Neighborhood Associations to be a voluntary organization of residents who work together to improve and maintain the quality of life in its neighborhood, where Homeowners Associations are formal legal entities created to maintain common areas and enforce private deed restrictions. There are no identified other Neighborhood Associations within the boundaries of this new association, therefore, no support and concurrence of the Homeowner's Association is needed.*

The MNA strongly believes that both types of associations are equally important to its resident members and that both deserve equal recognition, acknowledgment, consideration, and notifications of actions by the City that directly and indirectly impact its members.

Designation of Property Owners

As currently written, the proposed Table of Notification Requirements references not only HOAs as deserving of notifications, but also “adjacent,” “affected,” and “abutting” property owners. We believe that these designations are unclear, undefined, and have oftentimes been inadequate to the residents in Mariposa East. A couple of recent examples come to mind. The Southern Sandoval County Flood Control Authority (SSCAFCA) owns a public protective arroyo easement that traverses the northern boundary of the Jemez Vista tract. When the developer submitted their preliminary plat and preliminary plat extension to the P&Z, SCAFCA received notification, not the residents of the Vista de Santa Fe neighborhood, whom are directly affected by the construction activities and its future development. Another example includes the expansion and improvements made to the City’s water treatment plant that is situated on the southeastern edge of Mariposa East. Because the MCA owns the strip of land between the plant and several residential neighborhoods, they received the notifications, not the residents whom were directly affected. Likewise, the same occurred with the proposed Papillon Masterplan. The City should be aware that the MCA is very selective in what information they pass on to their dues-paying members, and unlike the MCA, SCAFCA has no obligation to do so. Notifying NAs would allow its officers to disseminate the information to its resident members.

Timeline for Notification Requirements

The MNA believes that the proposed timeline is too restrictive to allow meaningful and thoughtful review and input to applications by its member residents. Yes, we are notified through legal ads and postings prior to a P&Z hearing. However, we do not have access to the submittal documents until the hearing agenda and members’ packets are posted on the P&Z’s website, sometimes only a week in advance of their hearing. And these packets sometimes include volumes of studies, e.g., traffic, drainage, etc., which should be reviewed and commented on not just by the P&Z staff, but also by affected residents.

The City’s Neighborhood Association Recognition Policy

The City’s Neighborhood Association Recognition Policy (Administrative Policies and Procedures Chapter 9, Article 2), effective June 26, 2000, includes the following responsibilities of the City:

Section 9-2-4(B)(3) *The Department of City Development, as part of its approval process, shall direct applicants for approval of amendments of the zone map, zoning site development plans, preliminary and final plat plans and major subdivision plans to notify, **within one week of filing an application**, the officers of a recognized neighborhood association which covers, abuts or is across public right of ways from the site of the plans.*

Section 9-2-4(B)(5) *The City...shall make reasonable attempts to give directly affected recognized neighborhood associations notification of pending major city development and redevelopment projects and changes in services by the City which have a direct, significant impact on that neighborhood....*

The MNA understands that this policy is 20 years old and that several current Development Services staff may not have been aware of its existence. However, we are also aware that the above-cited City responsibilities have not been complied with since our recognition in March of 2019. That said, the MNA is very appreciative of the Development Services staff for scheduling a meeting with a few of our representatives on November 20, 2019, to discuss our concerns regarding the City’s compliance with their own policy. The staff was very open to our ideas and interested in revising its current policy to

mutually benefit the City and its recognized HOAs and NAs and to reflect the current times. We believe that the revised policy should also take into account and mirror the proposed Table of Notification Requirements and vice versa.

Conclusion

In conclusion, the MNA would like to see the following changes made to the proposed Table of Notification Requirements:

- Add NAs to the mailing notifications column.
- Require applicants as part of their approval process for amendments of the zone map, zoning site development plans, preliminary and final plat plans and major subdivision plans to notify, within one week of filing an application, the officers of a recognized neighborhood association which covers, abuts or is across public right of ways from the site of the plans, in accordance with Section 9-2-4(B)(3) of the City's Neighborhood Association Recognition Policy.
- Change the legal notifications timing from 15 days to 30 days prior to the P&Z hearing.
- Change the posting notifications timing from one week prior to two weeks prior to a P&Z hearing.
- Clarify the language/definitions for "affected," "adjacent," and "abutting" property owners. In no case should notification to an independent political body (e.g. SCAFCA) adjacent to or abutting a proposed zoning amendment, variance or conditional use permit application be considered adequate notification of affected property owners.
- Extend the required mailing notifications to property owners within 300' of a permit application.

The MNA looks forward to participating in the City's revision to its Neighborhood Association Recognition Policy so that it reflects the current times and its recognition of NAs as a relevant component of a "City of Vision," including its goals of community engagement that inspire citizens "to become more involved in the community and to become more involved in government." Neighborhood associations are a well-established pathway towards community engagement. It is essential that more recognition be given to the vital role of NAs in community building including, in particular, their role in planning and zoning decision-making. Such recognition should also include updating the City's code language so that both HOAs and NAs are equally recognized as vital to its citizens.

Respectfully Submitted By:

Mariposa Neighborhood Association



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