

**Resolution No. 10-30-07**

**A Resolution of the Governing Body of the Town of Bernalillo  
Concerning the Adoption of the Proposed Bernalillo TOD (Transit Oriented  
Development) Plan as a Supplement to the Town of Bernalillo Comprehensive  
Land Use Plan, and Terminating the Moratorium Prohibiting Acceptance of  
Planning & Zoning and/or Building Permit Applications for properties within the  
TOD areas**

**WHEREAS**, at its regular meeting of September 11, 2006, the Governing Body of the Town of Bernalillo adopted Resolution No. 09-11-06 which established a moratorium for the acceptance or approval of any planning & zoning and/or building permit applications for areas near the Rail Runner commuter rail stations located within the Town of Bernalillo until such reasonable time that the Town could consider appropriate new development policies and/or regulations for such transit oriented areas; *and*

**WHEREAS**, since that date, the Town has participated in a regional process facilitated by the Mid-Region Council of Governments (MR-COG) in order to consider design and development policies and/or regulations for all transit-oriented areas from Belen to Bernalillo along the Rail Runner line; *and*

**WHEREAS**, during this process, the Town and its regional partners have held numerous open meetings and hearings in order to solicit professional advice and to encourage public review and comment for said design and development policies and regulations, and that these suggestions and comments have been included in a proposed Bernalillo TOD (Transit Oriented Development) Plan, being a proposed supplement to the existing Comprehensive Land Use Plan for the Town of Bernalillo, which was duly adopted by the Governing Body of the Town at its regular meeting of December 13, 2004; *and*

**WHEREAS**, the proposed Bernalillo TOD Plan does not have the force of law, and therefore can not change any existing laws, ordinances, or regulations of the Town, including those related to zoning, subdivision, or development; *and*

**WHEREAS**, the proposed Bernalillo TOD Plan shall be considered a "work-in-progress" and a "living document" which shall be continually reviewed and revised as appropriate with public input and participation; *and*

**WHEREAS**, the proposed Bernalillo TOD Plan shall be used as a supplement to the existing Comprehensive Land Use Plan in order to guide land use and public improvement decisions only in the defined TOD Station Areas as specifically illustrated in Exhibit B Bernalillo TOD Plan Station Areas Map; which are *located generally in the area bounded by the following major streets:*

*Downtown Station Area*

- *Camino del Pueblo on the west,*
- *The Bernalillo Acequia on the east,*
- *Calle Presidente and Richardson on the north and*
- *East Avenida Bernalillo on the south*

*Sandoval County/ 550 Station Area*

- *Isidro Sanchez to the north,*
- *Calle del Escuela to the south,*
- *Interstate 25 to the east, and*
- *Camino del Pueblo to the west.*

*;and*

**WHEREAS**, the proposed Bernalillo TOD Plan shall be used to guide decisions pertaining to the transportation and circulation network, including new streets, pedestrian paths, bicycle routes and railroad crossings within a ½ mile radius of the commuter rail stations as illustrated on the Bernalillo TOD Plan Circulation Network Map; *and*

**WHEREAS**, the proposed Bernalillo TOD Plan shall provide for traditional village center densities in the defined TOD Station Areas as described in attachment A to be incorporated in the Plan Document; *and*

**WHEREAS**, the implementation of the proposed Bernalillo TOD Plan as a guide for land use and public improvements decisions shall provide for affordable housing in mixed-income, mixed-use neighborhoods ; *and*

**WHEREAS**, the implementation of the proposed Bernalillo TOD Plan as a guiding document shall not strengthen or weaken the Town of Bernalillo's eminent domain powers authorized by state law ( NM ###) which states that private property shall not be taken by any public entity for use by a private commercial enterprise, for economic development or for any private use, except with the consent of the property owner; *and*

**WHEREAS**, the following exhibits are by adopted and shall be incorporated into the Plan Document as described in each exhibit:

- A. Changes to Language Referring to Density,
- B. Bernalillo TOD Plan Station Areas Map,
- C. Glossary,
- D. Public Comments from the October 18<sup>th</sup> 2007 Public Input Meeting,
- F. Additional Public Outreach Material
- E. Existing Density Analysis

**WHEREAS**, after due consideration, the Governing Body of the Town is convinced that the proposed Bernalillo TOD Plan is beneficial for the Town, its residents, and its regional planning partners, and that the Bernalillo TOD Plan is consistent with the Statutory purpose of supplement to a Comprehensive Plan, to wit: "The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development."

**THEREFORE,** be it resolved by the Governing Body of the Town of Bernalillo that:

*The Town of Bernalillo Comprehensive Plan be hereby supplemented with the proposed Bernalillo TOD Plan (attached hereto); and that the moratorium prohibiting planning & zoning and/or building permit applications for areas within the transit-oriented areas, as such areas were defined in the Exhibits to Resolution No. 09-11-06, shall be hereby terminated.*

**PASSED, APPROVED, and ADOPTED** by the Town Council, the governing body of the Town of Bernalillo, at its meeting of **October 30, 2007**.

**ATTEST:**

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**Patricia A. Chávez, Mayor**

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**Ida Fierro, Town Clerk**