

PLANNING AND ZONING COMMISSION

PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: August 31, 2026

File: TA-26-02

ISSUED BY: Planning and Zoning Department

SUBJECT: Request to amend zoning code related to acequia setbacks

APPLICANT: Village of Los Ranchos

AGENT: Shanna Schultz, Planning and Zoning Director

LOCATION AND LEGAL: N/A

SURROUNDING LAND USES: N/A

SUMMARY OF CHANGES:

The proposed text amendment was originally presented to the Planning and Zoning Commission at its July hearing. As initially proposed, the amendment would have removed the existing twenty-five-foot setback from acequias, irrigation ditches, and drains from the affected zone districts.

At the July hearing, the Commission received public comment expressing concern that complete removal of the special ditch setback could allow development too close to acequias, irrigation ditches, and drains and could be inconsistent with the Village's Master Plan policies related to ditch preservation, access, rural character, and historic development patterns. Commenters also raised concerns regarding continued access for maintenance, inspection, repair, and operation of ditch and irrigation facilities.

In response to the public comment received, the proposed amendment has been revised. The revised proposal no longer eliminates the special ditch setback. Instead, it establishes a tiered setback based on lot size. Lots greater than one-half acre would remain subject to the existing twenty-five-foot setback. Lots one-half acre or less would be subject to a reduced fifteen-foot setback. This revised approach retains a special setback from acequias, irrigation ditches, and drains while recognizing that a uniform twenty-five-foot setback can have a disproportionate impact on smaller, narrow, irregular, historic, or already-developed lots.

The revised proposal also adds a new access-preservation requirement for walls, fences, and gates located near acequias, drainage ditches, or irrigation facilities. Where any portion of a proposed wall, fence, or gate would be located within ten feet of the centerline of such a facility, the applicant must demonstrate that access for maintenance, inspection, repair, and operation of the facility will be preserved for property owners who use the facility. The applicant is responsible for identifying affected parties and securing any required recorded agreement. The Village will not determine ownership, water rights, or the validity of easement claims.

Together, the revisions are intended to respond to public concerns by preserving a ditch setback, retaining the full twenty-five-foot setback on larger lots, providing a more proportional fifteen-foot setback on smaller lots, and adding targeted access protections for walls, fences, and gates that could affect ditch maintenance or operation.

Since the August 11th hearing, Staff has made minor changes to the proposal, including:

1. Correcting language in the explanatory text of the changes
2. Removing language related to the Village making no determination about acequia access; this was unnecessary language that established confusing guidance.

Criterion 1: Conformance with the Village Master Plan

The proposed text amendment is consistent with the Village Master Plan because it continues to recognize acequias, ditches, agricultural history, historic lot patterns, and semi-rural character as important Village features. The amendment no longer removes the special ditch setback. Instead, it retains the existing twenty-five-foot setback on lots greater than one-half acre and establishes a fifteen-foot setback on lots one-half acre or less.

This tiered approach better reflects the Master Plan's recognition of varied lot patterns, building placement, and traditional development conditions. Smaller, narrow, irregular, historic, or already-developed lots may be disproportionately affected by a uniform twenty-five-foot setback, while larger lots can more reasonably accommodate the full setback. The amendment also adds a new access-preservation requirement for walls, fences, and gates near acequias, drainage ditches, and irrigation facilities, which supports the Master Plan's policies related to ditch access, maintenance, privacy, and safety.

Criterion 2: Public Health, Safety, Morals, and General Welfare

The proposed text amendment promotes the public health, safety, and general welfare by creating a more proportional and administrable ditch setback standard. The amendment maintains a special setback from acequias, irrigation ditches, and drains, while recognizing that the same twenty-five-foot standard may not be appropriate for every lot size or development condition.

The amendment also strengthens the Code by requiring applicants proposing walls, fences, or gates within ten feet of the centerline of an acequia, drainage ditch, or irrigation facility to demonstrate that access for maintenance, inspection, repair, and operation will be preserved. This provides a more targeted protection for functional ditch access while avoiding unnecessary impacts on smaller lots. For these reasons, staff finds that the proposed amendment can be recommended for approval because it is consistent with the Village Master Plan and advances the public health, safety, and general welfare.

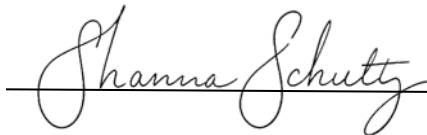
Action

Staff recommends the Planning and Zoning Commission recommend **Approval** of TA-26-02 to the Board of Trustees subject to the following findings:

Findings:

1. The proposed amendment would revise, rather than remove, the mandatory setback from acequias, irrigation ditches, and drains in applicable zone districts, including A-1, A-2, A-3, R-2, R-3, C-1, Gateway District, Village Center, A-C, and Core Commercial.
2. The proposed amendment would establish a tiered setback based on lot size. Lots greater than one-half acre would remain subject to the existing twenty-five-foot setback from acequias, irrigation ditches, and drains. Lots one-half acre or less would be subject to a fifteen-foot setback.
3. The proposed amendment would also add a new access-preservation requirement for walls, fences, and gates located within ten feet of the centerline of an acequia, drainage ditch, or irrigation facility.
4. Under the proposed access provision, an applicant proposing a wall, fence, or gate within ten feet of the centerline of an acequia, drainage ditch, or irrigation facility must demonstrate that access for maintenance, inspection, repair, and operation of the facility will be preserved for property owners who use the facility.

5. The applicant is responsible for identifying affected parties and securing any required access agreement, easement agreement, or similar recorded instrument. The Village will not determine ownership, water rights, or the validity of easement claims.
6. Properties will remain subject to the applicable front, side, and rear setbacks of the underlying zone district, which will continue to regulate building placement and provide separation between structures and property lines.
7. Amendments may be considered upon receipt of a completed application or upon request of the Planning Director, Planning and Zoning Commission, or a member of the Board of Trustees.
8. Final action on zoning code changes is reserved to the Board of Trustees. The Planning and Zoning Commission's role is to hold a public hearing and make a recommendation to the Board of Trustees.
9. The proposed amendment is consistent with the purpose and intent of the Comprehensive Zoning Code. The Zoning Code is intended to implement the goals and objectives of the adopted Master Plan and to require development and redevelopment in a manner that retains and enhances the Village's economic, historical, architectural, civic, cultural, aesthetic, and quality-of-life values.
10. The proposed amendment is consistent with the Village Master Plan. The amendment continues to recognize acequias, irrigation ditches, agriculture, historic lot patterns, and semi-rural character by retaining a special ditch setback in all applicable zone districts.
11. The proposed amendment supports the Master Plan's Village Form goals by recognizing that lot size, lot shape, historic development patterns, and existing built conditions vary throughout the Village. A reduced fifteen-foot setback on lots one-half acre or less provides a more proportional standard for smaller lots, while the full twenty-five-foot setback remains in place for larger lots.
12. The proposed amendment supports the Master Plan's ditch-related policies by pairing a dimensional setback standard with a targeted access-preservation requirement for walls, fences, and gates near acequias, drainage ditches, and irrigation facilities.
13. The proposed amendment supports the public health, safety, and general welfare by preserving ditch setbacks, improving the proportionality and administration of the Zoning Code, and requiring access to be preserved where walls, fences, or gates could interfere with maintenance, inspection, repair, or operation of a ditch or irrigation facility.
14. The proposed amendment will not create a regulatory gap. Development near acequias, irrigation ditches, and drains will remain subject to the applicable ditch setback, underlying zone district setbacks, and other applicable local, state, regional, federal, private easement, drainage, floodplain, utility, access, and irrigation authority requirements, as applicable.
15. The proposed amendment promotes fair and consistent administration of the Zoning Code. The tiered setback recognizes that a uniform twenty-five-foot setback may disproportionately affect small, narrow, irregular, historic, or already-developed lots, while still retaining the full setback for larger lots where the standard can more reasonably be accommodated.
16. The proposed amendment responds to public comment received at the July hearing by retaining a special ditch setback, preserving the full twenty-five-foot setback for larger lots, establishing a meaningful fifteen-foot setback for smaller lots, and adding a new access-preservation requirement for walls, fences, and gates near ditch and irrigation facilities.


Shanna Schultz, Planning & Zoning Dept. Director

Date: August 31, 2026

This proposed amendment has been updated since the June 9th Planning and Zoning Commission Meeting in response to public comment. In lieu of deleting the acequia setback in it's entirety, this updated proposal instead does the following:

1. Retains the 25-foot acequia setback requirement for lots that are larger than .5 acres.
2. Creates a 15-foot acequia setback requirement for lots that are smaller than .5 acres
3. Clarifies that this setback is always measured from the property line nearest to the ditch that is triggering the setback requirement
4. Implements a new protective process for when walls or fences are proposed to be within close proximity to an acequia
5. Creates a definition of a community ditch

The revised proposal is as follows, to include a revised justification letter:

Amend the Zoning Code as follows:

Section 1. Amendment to § 9.2.7, A-1 Agricultural/Residential Zone.

Section 9.2.7(E)(2)(a)(4) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 2. Amendment to § 9.2.8, A-2 Agricultural/Residential Zone.

Section 9.2.8(E)(2)(a) is amended as follows:

(a) Except as provided elsewhere in § 9.2.8, the minimum front setback shall be twenty-five (25) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be twenty-five (25) feet. ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 3. Amendment to § 9.2.9, A-3 Agricultural/Residential Zone.

Section 9.2.9(E)(2)(a) is amended as follows:

(a) Except as provided elsewhere in § 9.2.9(E), the minimum front setback shall be twenty-five (25) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be twenty-five (25) feet. ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.~~ For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.

Section 4. Amendment to § 9.2.10, R-2 Residential Zone.

Section 9.2.10(E)(2)(a) is amended as follows:

(a) The minimum front setback shall be twenty (20) feet; the minimum side setback shall be ten (10) feet; and the minimum rear setback shall be fifteen (15) feet. ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.~~ For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.

Section 5. Amendment to § 9.2.11, R-3 Residential Zone.

Section 9.2.11(E)(2)(a) is amended as follows:

(a) The minimum front setback shall be twenty (20) feet; the minimum side setback shall be ten (10) feet; and the minimum rear setback shall be fifteen (15) feet. ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.~~ For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.

Section 6. Amendment to § 9.2.12, C-1 Retail Commercial Zone.

Section 9.2.12(D)(2)(c) is amended as follows:

(c) ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.~~ For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch

and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.

Section 7. Amendment to § 9.2.13, GD Gateway District Zone.

Section 9.2.13(F)(3)(a)(4) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 8. Amendment to § 9.2.14, VC Village Center Zone.

Section 9.2.14(D)(3)(c) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 9. Amendment to § 9.2.15, A-C Agricultural-Commercial Zone.

Section 9.2.15(I) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 10. Amendment to § 9.2.28, Core Commercial Zone.

Section 9.2.28(F)(4)(d) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 11. Amendment to § 9.2.7(H), 9.2.8(H), 9.2.9(H), 9.2.10(H), 9.2.11(H), and 9.2.12(F).

In the above referenced sections, add a new #9 as follows:

(9) Where any portion of a proposed wall, fence, or gate would be located within ten (10) feet, measured horizontally, of the centerline of an acequia or community ditch, the applicant shall demonstrate that access for the maintenance, inspection, repair, and operation of the facility will be preserved for property owners who a legal right of access to the facility. The applicant shall be responsible for securing any required agreements.

A. The applicant shall submit an access agreement, easement agreement, or similar recorded instrument executed by all parties possessing a legal right of access to the affected facility.

B. Such agreement shall provide reasonable access for maintenance, inspection, repair, and operation of the facility.

C. Prior to issuance of any permit authorizing construction of the wall or fence, the agreement shall be fully executed and recorded with the Bernalillo County Clerk.

Section 12. Amendment to § 9.2.3

Create a new definition as follows:

COMMUNITY DITCH means a man-made conveyance for irrigation water that is not part of the Middle Rio Grande Conservancy District irrigation system and that serves two or more properties or water users and is operated or maintained collectively by those users or by an acequia or community ditch association organized under Chapter 73, Articles 2 or 3 NMSA 1978.

Justification and Master Plan Consistency

The proposed amendment is consistent with the 2035 Village Master Plan. The Master Plan identifies acequias, ditches, agriculture, traditional lot patterns, open space, and semi-rural character as central elements of the Village's identity. The proposed amendment preserves those values while refining how the Village applies ditch-related setbacks and access requirements to different lot and development conditions.

Under the proposed amendment, the Village would retain a special setback from acequias, irrigation ditches, and drains. The amendment would not eliminate the setback. Instead, it would establish a fifteen-foot setback for lots that are one-half acre or less, while retaining the existing twenty-five-foot setback for lots greater than one-half acre. This approach continues to recognize the importance of ditches while addressing the disproportionate effect that a uniform twenty-five-foot setback can have on smaller lots.

The Master Plan calls for the Village to preserve its semi-rural identity and character, including agriculture, Village history, the natural environment, open space, vistas, canopy, and ditches. It also recognizes traditional land use patterns and familiar vernacular characteristics, including tripas and acequias, as important elements of Village identity. The proposed amendment is consistent with those values because it continues to require physical separation from ditches, while tailoring that separation to the size and development capacity of the affected lot.

The amendment is also consistent with the Master Plan's Village Form policies, which call for recognition of traditional land development patterns, building placement, setback requirements, views, lot patterns, and density. A single twenty-five-foot setback applied uniformly to all lots can be difficult to reconcile with those policies, particularly on small, narrow, irregular, historic, or already-developed properties. On lots of one-half acre or less, the same twenty-five-foot setback may consume a substantially larger portion of the lot than it would on a larger property. A fifteen-foot setback for smaller lots better reflects the scale of those properties while still preserving a meaningful setback from the ditch.

For larger lots, the amendment retains the existing twenty-five-foot setback. This is consistent with the Master Plan's emphasis on agriculture, open space, semi-rural character, and the role of ditches in the Village landscape. Larger lots generally have more land area available to accommodate the full setback without the same proportional impact on development potential. Retaining the twenty-five-foot setback on lots greater than one-half acre therefore continues to support the Master Plan's ditch-related and semi-rural character goals where the lot size can more reasonably accommodate that standard.

The proposed amendment also adds a new access-preservation requirement for walls, fences, or gates proposed within ten feet of the centerline of an acequia, drainage ditch, or irrigation facility. In those cases, the applicant must demonstrate that access for maintenance, inspection, repair, and operation of the facility will be preserved for property owners who use the facility. The applicant must identify affected parties and secure any required access agreement, easement agreement, or similar recorded instrument before a permit is issued. This provision is directly responsive to the Master Plan's direction to require ditch access, maintenance, and preservation of irrigation in development proposals, to encourage landowners to preserve access to ditches, and to discourage abandonment of ditch or irrigation easements and access.

This access provision also addresses the distinction between dimensional setback and functional preservation. A setback regulates where structures may be placed, but it does not by itself guarantee that a ditch can be accessed, maintained, inspected, repaired, or operated. The proposed amendment therefore preserves a ditch setback while also adding

a more targeted requirement for the type of development most likely to obstruct access: walls, fences, and gates. This makes the code more closely aligned with the Master Plan's ditch policies because it addresses both physical separation and functional access.

The Village's base zone district setbacks will also continue to apply. The proposed fifteen-foot ditch setback for smaller lots would operate in addition to, and not in place of, the applicable front, side, and rear setbacks of the underlying zone district. As a result, smaller ditch-adjacent lots would remain subject to both the base dimensional standards of the zone district and a special ditch setback, while larger ditch-adjacent lots would remain subject to the full twenty-five-foot ditch setback.

For these reasons, the amendment is consistent with the Master Plan. It continues to recognize acequias, irrigation ditches, and drains as important features of the Village; retains the existing twenty-five-foot setback on larger lots; establishes a meaningful fifteen-foot setback on smaller lots; adds a targeted access-preservation requirement for walls, fences, and gates near ditch facilities; and better aligns the zoning code with the Master Plan's recognition of traditional lot patterns, building placement, setback requirements, agriculture, ditches, access, privacy, safety, and semi-rural character.

This proposed amendment has been updated since the June 9th Planning and Zoning Commission Meeting in response to public comment. In lieu of deleting the acequia setback in it's entirety, this updated proposal instead does the following:

1. Retains the 25-foot acequia setback requirement for lots that are larger than .5 acre
2. Creates a 15-foot acequia setback requirement for lots that are larger than .5 acres
3. Clarifies that this setback is always measured from the property line nearest to the ditch that is triggering the setback requirement
4. Implements a new protective process for when walls or fences are proposed to be within close proximity to an acequia
5. Creates a definition of a community ditch

The revised proposal is as follows, to include a revised justification letter:

Amend the Zoning Code as follows:

Section 1. Amendment to § 9.2.7, A-1 Agricultural/Residential Zone.

Section 9.2.7(E)(2)(a)(4) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 2. Amendment to § 9.2.8, A-2 Agricultural/Residential Zone.

Section 9.2.8(E)(2)(a) is amended as follows:

(a) Except as provided elsewhere in § 9.2.8, the minimum front setback shall be twenty-five (25) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be twenty-five (25) feet. ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 3. Amendment to § 9.2.9, A-3 Agricultural/Residential Zone.

Section 9.2.9(E)(2)(a) is amended as follows:

(a) Except as provided elsewhere in § 9.2.9(E), the minimum front setback shall be twenty-five (25) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be twenty-five (25) feet. ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.~~ For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.

Section 4. Amendment to § 9.2.10, R-2 Residential Zone.

Section 9.2.10(E)(2)(a) is amended as follows:

(a) The minimum front setback shall be twenty (20) feet; the minimum side setback shall be ten (10) feet; and the minimum rear setback shall be fifteen (15) feet. ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.~~ For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.

Section 5. Amendment to § 9.2.11, R-3 Residential Zone.

Section 9.2.11(E)(2)(a) is amended as follows:

(a) The minimum front setback shall be twenty (20) feet; the minimum side setback shall be ten (10) feet; and the minimum rear setback shall be fifteen (15) feet. ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.~~ For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.

Section 6. Amendment to § 9.2.12, C-1 Retail Commercial Zone.

Section 9.2.12(D)(2)(c) is amended as follows:

(c) ~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.~~ For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.

Section 7. Amendment to § 9.2.13, GD Gateway District Zone.

Section 9.2.13(F)(3)(a)(4) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 8. Amendment to § 9.2.14, VC Village Center Zone.

Section 9.2.14(D)(3)(c) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 9. Amendment to § 9.2.15, A-C Agricultural-Commercial Zone.

Section 9.2.15(I) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 10. Amendment to § 9.2.28, Core Commercial Zone.

Section 9.2.28(F)(4)(d) is amended as follows:

~~For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet. For any property line bounded by an acequia or community ditch, the setback shall be measured from the property line nearest the acequia or community ditch and be fifteen (15) feet for lots containing less than one-half (0.5) acre and twenty-five (25) feet for lots containing one-half (0.5) acre or more.~~

Section 11. Amendment to § 9.2.7(H), 9.2.8(H), 9.2.9(H), 9.2.10(H), 9.2.11(H), and 9.2.12(F).

In the above referenced sections, add a new #9 as follows:

(9) Where any portion of a proposed wall, fence, or gate would be located within ten (10) feet, measured horizontally, of the centerline of an acequia or community ditch, the applicant shall demonstrate that access for the maintenance, inspection, repair, and operation of the facility will be preserved for property owners who use the facility. The applicant is responsible for identifying affected parties and securing any required agreements; the Village shall not determine ownership, water rights, or the validity of easement claims.

A. The applicant shall submit an access agreement, easement agreement, or similar recorded instrument executed by all parties possessing a legal right of access to the affected facility.

B. Such agreement shall provide reasonable access for maintenance, inspection, repair, and operation of the facility.

C. Prior to issuance of any permit authorizing construction of the wall or fence, the agreement shall be fully executed and recorded with the Bernalillo County Clerk.

Section 12. Amendment to § 9.2.3

Create a new definition as follows:

COMMUNITY DITCH means a man-made conveyance for irrigation water that is not part of the Middle Rio Grande Conservancy District irrigation system and that serves two or more properties or water users and is operated or maintained collectively by those users or by an acequia or community ditch association organized under Chapter 73, Articles 2 or 3 NMSA 1978.

Justification and Master Plan Consistency

The proposed amendment is consistent with the 2035 Village Master Plan. The Master Plan identifies acequias, ditches, agriculture, traditional lot patterns, open space, and semi-rural character as central elements of the Village's identity. The proposed amendment preserves those values while refining how the Village applies ditch-related setbacks and access requirements to different lot and development conditions.

Under the proposed amendment, the Village would retain a special setback from acequias, irrigation ditches, and drains. The amendment would not eliminate the setback. Instead, it would establish a fifteen-foot setback for lots that are one-half acre or less, while retaining the existing twenty-five-foot setback for lots greater than one-half acre. This approach continues to recognize the importance of ditches while addressing the disproportionate effect that a uniform twenty-five-foot setback can have on smaller lots.

The Master Plan calls for the Village to preserve its semi-rural identity and character, including agriculture, Village history, the natural environment, open space, vistas, canopy, and ditches. It also recognizes traditional land use patterns and familiar vernacular characteristics, including tripas and acequias, as important elements of Village identity. The proposed amendment is consistent with those values because it continues to require physical separation from ditches, while tailoring that separation to the size and development capacity of the affected lot.

The amendment is also consistent with the Master Plan's Village Form policies, which call for recognition of traditional land development patterns, building placement, setback requirements, views, lot patterns, and density. A single twenty-five-foot setback applied uniformly to all lots can be difficult to reconcile with those policies, particularly on small, narrow, irregular, historic, or already-developed properties. On lots of one-half acre or less, the same twenty-five-foot setback may consume a substantially larger portion of the lot than it would on a larger property. A fifteen-foot setback for smaller lots better reflects the scale of those properties while still preserving a meaningful setback from the ditch.

For larger lots, the amendment retains the existing twenty-five-foot setback. This is consistent with the Master Plan's emphasis on agriculture, open space, semi-rural character, and the role of ditches in the Village landscape. Larger lots generally have more land area available to accommodate the full setback without the same proportional impact on development potential. Retaining the twenty-five-foot setback on lots greater than one-half acre therefore continues to support the Master Plan's ditch-related and semi-rural character goals where the lot size can more reasonably accommodate that standard.

The proposed amendment also adds a new access-preservation requirement for walls, fences, or gates proposed within ten feet of the centerline of an acequia, drainage ditch, or irrigation facility. In those cases, the applicant must demonstrate that access for maintenance, inspection, repair, and operation of the facility will be preserved for property owners who use the facility. The applicant must identify affected parties and secure any required access agreement, easement agreement, or similar recorded instrument before a permit is issued. This provision is directly responsive to the Master Plan's direction to require ditch access, maintenance, and preservation of irrigation in development proposals, to encourage landowners to preserve access to ditches, and to discourage abandonment of ditch or irrigation easements and access.

This access provision also addresses the distinction between dimensional setback and functional preservation. A setback regulates where structures may be placed, but it does not by itself guarantee that a ditch can be accessed, maintained, inspected, repaired, or operated. The proposed amendment therefore preserves a ditch setback while also adding

a more targeted requirement for the type of development most likely to obstruct access: walls, fences, and gates. This makes the code more closely aligned with the Master Plan's ditch policies because it addresses both physical separation and functional access.

The Village's base zone district setbacks will also continue to apply. The proposed fifteen-foot ditch setback for smaller lots would operate in addition to, and not in place of, the applicable front, side, and rear setbacks of the underlying zone district. As a result, smaller ditch-adjacent lots would remain subject to both the base dimensional standards of the zone district and a special ditch setback, while larger ditch-adjacent lots would remain subject to the full twenty-five-foot ditch setback.

For these reasons, the amendment is consistent with the Master Plan. It continues to recognize acequias, irrigation ditches, and drains as important features of the Village; retains the existing twenty-five-foot setback on larger lots; establishes a meaningful fifteen-foot setback on smaller lots; adds a targeted access-preservation requirement for walls, fences, and gates near ditch facilities; and better aligns the zoning code with the Master Plan's recognition of traditional lot patterns, building placement, setback requirements, agriculture, ditches, access, privacy, safety, and semi-rural character.

PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: August 3, 2026

File: TA-26-02

ISSUED BY: Planning and Zoning Department

SUBJECT: Request to amend zoning code related to acequia setbacks

APPLICANT: Village of Los Ranchos

AGENT: Shanna Schultz, Planning and Zoning Director

LOCATION AND LEGAL: N/A

SURROUNDING LAND USES: N/A

SUMMARY OF CHANGES:

The proposed text amendment was originally presented to the Planning and Zoning Commission at its July hearing. As initially proposed, the amendment would have removed the existing twenty-five-foot setback from acequias, irrigation ditches, and drains from the affected zone districts.

At the July hearing, the Commission received public comment expressing concern that complete removal of the special ditch setback could allow development too close to acequias, irrigation ditches, and drains and could be inconsistent with the Village's Master Plan policies related to ditch preservation, access, rural character, and historic development patterns. Commenters also raised concerns regarding continued access for maintenance, inspection, repair, and operation of ditch and irrigation facilities.

In response to the public comment received, the proposed amendment has been revised. The revised proposal no longer eliminates the special ditch setback. Instead, it establishes a tiered setback based on lot size. Lots greater than one-half acre would remain subject to the existing twenty-five-foot setback. Lots one-half acre or less would be subject to a reduced fifteen-foot setback. This revised approach retains a special setback from acequias, irrigation ditches, and drains while recognizing that a uniform twenty-five-foot setback can have a disproportionate impact on smaller, narrow, irregular, historic, or already-developed lots.

The revised proposal also adds a new access-preservation requirement for walls, fences, and gates located near acequias, drainage ditches, or irrigation facilities. Where any portion of a proposed wall, fence, or gate would be located within ten feet of the centerline of such a facility, the applicant must demonstrate that access for maintenance, inspection, repair, and operation of the facility will be preserved for property owners who use the facility. The applicant is responsible for identifying affected parties and securing any required recorded agreement. The Village will not determine ownership, water rights, or the validity of easement claims.

Together, the revisions are intended to respond to public concerns by preserving a ditch setback, retaining the full twenty-five-foot setback on larger lots, providing a more proportional fifteen-foot setback on smaller lots, and adding targeted access protections for walls, fences, and gates that could affect ditch maintenance or operation.

Criterion 1: Conformance with the Village Master Plan

The proposed text amendment is consistent with the Village Master Plan because it continues to recognize acequias, ditches, agricultural history, historic lot patterns, and semi-rural character as important Village features. The amendment no longer removes the special ditch setback. Instead, it retains the existing twenty-five-foot setback on lots greater than one-half acre and establishes a fifteen-foot setback on lots one-half acre or less.

This tiered approach better reflects the Master Plan's recognition of varied lot patterns, building placement, and traditional development conditions. Smaller, narrow, irregular, historic, or already-developed lots may be disproportionately affected by a uniform twenty-five-foot setback, while larger lots can more reasonably accommodate the full setback. The amendment also adds a new access-preservation requirement for walls, fences, and gates near acequias, drainage ditches, and irrigation facilities, which supports the Master Plan's policies related to ditch access, maintenance, privacy, and safety.

Criterion 2: Public Health, Safety, Morals, and General Welfare

The proposed text amendment promotes the public health, safety, and general welfare by creating a more proportional and administrable ditch setback standard. The amendment maintains a special setback from acequias, irrigation ditches, and drains, while recognizing that the same twenty-five-foot standard may not be appropriate for every lot size or development condition.

The amendment also strengthens the Code by requiring applicants proposing walls, fences, or gates within ten feet of the centerline of an acequia, drainage ditch, or irrigation facility to demonstrate that access for maintenance, inspection, repair, and operation will be preserved. This provides a more targeted protection for functional ditch access while avoiding unnecessary impacts on smaller lots. For these reasons, staff finds that the proposed amendment can be recommended for approval because it is consistent with the Village Master Plan and advances the public health, safety, and general welfare.

Action

Staff recommends the Planning and Zoning Commission recommend **Approval** of TA-26-02 to the Board of Trustees subject to the following findings:

Findings:

1. The proposed amendment would revise, rather than remove, the mandatory setback from acequias, irrigation ditches, and drains in applicable zone districts, including A-1, A-2, A-3, R-2, R-3, C-1, Gateway District, Village Center, A-C, and Core Commercial.
2. The proposed amendment would establish a tiered setback based on lot size. Lots greater than one-half acre would remain subject to the existing twenty-five-foot setback from acequias, irrigation ditches, and drains. Lots one-half acre or less would be subject to a fifteen-foot setback.
3. The proposed amendment would also add a new access-preservation requirement for walls, fences, and gates located within ten feet of the centerline of an acequia, drainage ditch, or irrigation facility.
4. Under the proposed access provision, an applicant proposing a wall, fence, or gate within ten feet of the centerline of an acequia, drainage ditch, or irrigation facility must demonstrate that access for maintenance, inspection, repair, and operation of the facility will be preserved for property owners who use the facility.

5. The applicant is responsible for identifying affected parties and securing any required access agreement, easement agreement, or similar recorded instrument. The Village will not determine ownership, water rights, or the validity of easement claims.
6. Properties will remain subject to the applicable front, side, and rear setbacks of the underlying zone district, which will continue to regulate building placement and provide separation between structures and property lines.
7. Amendments may be considered upon receipt of a completed application or upon request of the Planning Director, Planning and Zoning Commission, or a member of the Board of Trustees.
8. Final action on zoning code changes is reserved to the Board of Trustees. The Planning and Zoning Commission's role is to hold a public hearing and make a recommendation to the Board of Trustees.
9. The proposed amendment is consistent with the purpose and intent of the Comprehensive Zoning Code. The Zoning Code is intended to implement the goals and objectives of the adopted Master Plan and to require development and redevelopment in a manner that retains and enhances the Village's economic, historical, architectural, civic, cultural, aesthetic, and quality-of-life values.
10. The proposed amendment is consistent with the Village Master Plan. The amendment continues to recognize acequias, irrigation ditches, agriculture, historic lot patterns, and semi-rural character by retaining a special ditch setback in all applicable zone districts.
11. The proposed amendment supports the Master Plan's Village Form goals by recognizing that lot size, lot shape, historic development patterns, and existing built conditions vary throughout the Village. A reduced fifteen-foot setback on lots one-half acre or less provides a more proportional standard for smaller lots, while the full twenty-five-foot setback remains in place for larger lots.
12. The proposed amendment supports the Master Plan's ditch-related policies by pairing a dimensional setback standard with a targeted access-preservation requirement for walls, fences, and gates near acequias, drainage ditches, and irrigation facilities.
13. The proposed amendment supports the public health, safety, and general welfare by preserving ditch setbacks, improving the proportionality and administration of the Zoning Code, and requiring access to be preserved where walls, fences, or gates could interfere with maintenance, inspection, repair, or operation of a ditch or irrigation facility.
14. The proposed amendment will not create a regulatory gap. Development near acequias, irrigation ditches, and drains will remain subject to the applicable ditch setback, underlying zone district setbacks, and other applicable local, state, federal, private easement, drainage, floodplain, utility, access, and irrigation authority requirements, as applicable.
15. The proposed amendment promotes fair and consistent administration of the Zoning Code. The tiered setback recognizes that a uniform twenty-five-foot setback may disproportionately affect small, narrow, irregular, historic, or already-developed lots, while still retaining the full setback for larger lots where the standard can more reasonably be accommodated.
16. The proposed amendment responds to public comment received at the July hearing by retaining a special ditch setback, preserving the full twenty-five-foot setback for larger lots, establishing a meaningful fifteen-foot setback for smaller lots, and adding a new access-preservation requirement for walls, fences, and gates near ditch and irrigation facilities.


Shanna Schultz, Planning & Zoning Dept. Director

Date: August 3, 2026