



**City of Rio Communities Planning and Zoning Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Thursday, January 19, 2023 4:00 PM**

**Agenda**

*Please silence all electronic devices.*

**Call to Order**  
**Pledge of Allegiance**  
**Roll Call**  
**Approval of Agenda**

**Approval of Minutes**

- 1. Minutes for the Business Meeting (01/05/23)**

**Actions Items**

- 2. Discussion, Consideration, and Decision – Adoption of the City's Open Meetings Act Resolution**

**Public Hearing - For the purpose of the request for a rezoning for a Planned Development to Commercial 3 zone and Industrial 3 zone**

- a) Cibola Land Corporation: Commercial 3 zone: Proposed Location: UPC 1009026375240000000 Subd: PLAYA ESTATES Tract: PARCEL 5 11.52 ACRES 1994 SPLIT, UPC 1009026375140000000 Subd: PLAYA ESTATES Tract: PARCEL 7 27.26 ACRES 1994 SPLIT**
- b) Cibola Land Corporation: Industrial 3 zone: Proposed Location: UPC: 1010026145085000000 Subd: PLAYA ESTATES Tract: PARCEL 12 14.29 ACRES 1994 SPLIT, UPC 1010026270120000000 Subd: PLAYA ESTATES Tract: PARCEL 14 19.56 ACRES 1994 SPLIT, UPC 1010026294187000000 Subd: PLAYA ESTATES Tract: SOUTH PORTION OF PARCEL 15 5.65 ACRES 2006 SPLIT, UPC 1010026397131000000 Subd: PLAYA ESTATES Tract: PORTION OF PARCEL 16 REMAINING 16.44 ACRES 2006 REV, UPC 1010026320050000000 Subd: PLAYA ESTATES Tract: PARCEL 19 54.00 ACRES 1994 SPLIT, UPC 1010026195020000000 Subd: PLAYA ESTATES Tract: PARCEL 20 12.84 ACRES 1994 SPLIT, UPC 1010026195020000000 Subd: PLAYA ESTATES Tract: PARCEL 20 12.84 ACRES 1994 SPLIT, UPC 1009026490035000000 Subd: PLAYA ESTATES Tract: PARCEL 22 35.56 ACRES 1994 SPLIT, UPC 1009026365015000000 Subd: PLAYA ESTATES Tract: PARCEL 23 33.40 ACRES 1994 SPLIT, UPC 1010025060475000000 Subd: PLAYA ESTATES Tract: PARCEL 24 47.01 ACRES 1994 SPLIT**

- 3. Motion and roll call vote to recess Planning and Zoning Meeting session and to go into Public Hearing**

**Consideration of:**

- a) Cibola Land Corporation: Commercial 3 zone**
- b) Cibola Land Corporation: Industrial 3 zone**

**Motion and roll call vote to go back into Planning and Zoning Meeting session**

**Actions Items**

- 4. Discussion, Consideration, and Decision – Recommendation to move to Council applicant Cibola Land Corporation: Commercial 3 zone**
- 5. Discussion, Consideration, and Decision – Recommendation to move to Council applicant Cibola Land Corporation: Industrial 3 zone**

**Public Comment:** The Commission will take public comments on *this meeting's specific agenda items*. These should be in written form via email through 2:45 PM on Thursday January 19, 2023 to [info@riocommunities.net](mailto:info@riocommunities.net). These comments will be distributed to all Commissioners for review. *If you wish to speak during the public comment session in person:* The Commission will allow each member of the public three (3) minutes to address the Commission. Both the public and Planning & Zoning Commission will follow rules of decorum. Give your name and where you live. The public will direct comments to the Commission. Comment(s) will not be disruptive or derogatory.

**General Commission Discussion/Future Agenda Items**

**Adjourn**

Please join us from the comfort and safety of your own home by entering the following link: @  
<https://www.facebook.com/riocommunities>

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.



**City of Rio Communities Planning and Zoning Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Thursday, January 05, 2023 4:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to order**

- Chairman Scroggins called the Planning and Zoning meeting to order at 4:06pm.

**Pledge of Allegiance**

- Chairman Scroggins led the Pledge of Allegiance.

**Roll Call**

- PRESENT: Chairman Thomas Scroggins, Secretary Melodie Good, Member Scott Adair  
 ABSENT Vice Chair Ralph Fernandez
- Present City Manager Dr. Moore, Municipal Clerk Elizabeth Adair, Deputy Clerk Lalena Aragon

**Approval of Agenda**

- Motion made by Member Adair, Seconded by Secretary Good. With a unanimous vote the agenda was approved.

**Approval of Minutes for the Special Business Meeting (11/21/22) & Regular Business Meeting (12/1/22)**

- Motion made by Secretary Good, Seconded by Member Adair. With a unanimous vote the minutes were approved as written.

**Public Hearing - For the purpose of the request for a rezoning and special permanent use permit for a solar collector overlay.**

- a) Trigo Sol, LLC agent for Empart LTD Company: Proposed Location: Subd: RIO DEL ORO Lot: A1B Block: 1 Unit: 64 22.33 AC D-5-16B 1999 REV, 1009028395350000000 R172985 Subd: RIO DEL ORO Lot: A1C Block: 1 Unit: 64 20.24 AC D-5-16B 1999 REV, 1009028365430000000 R172984**
- b) Total Energies Renewables USA, LLC: Legal Description: UPC: 1011028015470000000: RIO DEL ORO Lot: PARK SITE Block: 56 Unit: 47 34.77 ACRES 2005 REV**

**Motion and roll call vote to recess Planning and Zoning Meeting session and to go into Public Hearing**

- Motion made by Member Adair, Seconded by Secretary Good. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote the planning and zoning commission recessed the regular meeting and went into the public hearing at 4:10 pm.

**Consideration of:**

- a) Trigo Sol, LLC agent for Empart LTD Company: Proposed Location: Subd: RIO DEL ORO Lot: A1B Block: 1 Unit: 64 22.33 AC D-5-16B 1999 REV, 1009028395350000000 R172985 Subd: RIO DEL ORO Lot: A1C Block: 1 Unit: 64 20.24 AC D-5-16B 1999 REV, 1009028365430000000 R172984**
- ❖ Chairman Scroggins read his statement
  - ❖ Zimmerman gave her presentation at 4:10 pm. She introduced the Trig Sol project they are working on she explained the process of applying with the PRC and they needed to have all permits in hand by January 31, 2023.
  - ❖ Zimmerman continued her presentation.

- ❖ Manager Dr Moore asked can you remind us again that PNM would be doing some sort of internal upgrade there at the substation.
- ❖ Zimmerman answered so when they do those study they go through a series of studies infusibility study, a system impact study, and a facility study and then you have a inter connection agreement. The only way you can get through all those if you agree to the upgrades needed by PNM. In this case for the preapplication we have an electrical engineer who is very familiar with all this said, looks like from the pre application data PNM will have to do their own upgrades that we will have to pay for. So PNM will come in rebuild the things they need to build on their side of the substation we will pay for those we don't have a cost estimate yet we know internally what reconnectors might cost generally per foot of line so we were able to put the numbers that our electrical engineer has said this what PNM is going to charge and this is what it is going to cost us to build that dedicated feeder and we put that into our financial moto and said ok it still works let's keep going.
- ❖ Chairman Scroggins asked we have four applications for this project what if more than one gets okayed what would your obligation be to work together to upgrade the lines to the substation.
- ❖ Zimmerman explained that's exactly what the study process does so the reason you do the facility and impact study is for the utility will take all of the potential generation that has been applied for and say ok let's say Rio Communities gets 2 out of the 4 and we don't know lets say only 60 out of 600 application get awarded that kind of ratio lets say but let's say Rio Communities gets 2 out of 3 then PNM will take those study then together and then say ok will if and I don't know where the other ones are but I know we are at the tub substation lets say the other 2 are on feeder light coming into that same substation PNM will then say ok will now we got to rebuild some other pieces now our upgrade cost, we may share the upgrade cost PNM may say you pay this and you pay that but that's the purpose of the facility study and all of us together that's also why the PRC in there rules says we are not going to do the studies until we give the awards they don't want the utility studying 600 projects when only 60 are going to go forward.
- ❖ McGee said also there will be a que process to along with what Michelle said and the PRC commission will release the awards maybe a handful at a time and it may be messy but the idea of that is if there is a multiple that are awarded that connect to the same infrastructure then having the highest ranked awards issued first then they can get into the application connector que first and somebody who has a lower ranking would be awarded day later and they will go in with PNM into the que after and so as far as I understand PNM will look at those going into the que first with their request first and satisfy that before going to the next person on the que. So, if there were multiple projects awarded to Rio Communities, I think the goal is they would award one higher or earlier than the other and then the other one would have to negotiate being behind the approval of the project that had a higher ranking.
- ❖ Chairman Scroggins asked if PNM would upgrade to there is no capacity left, are they only going to add 5 megawatts or do they have to add more capacity.
- ❖ Zimmerman explained what is typical across utility planning is they would typically add a pretty good contingency so if a feeder is at a 15mpa feeder and it is at compacity and there is a 12mpa on it already they may say ok you need to rebuild this feeder but we need to make sure we have enough for all of our other management so if that's roof top solar coming in or a new demand or load on the system so they will typically build in resource planning every utility has a resource planning group then everyone feeds into that system studies and says we think this and we think that so typically they will include the resource plan as far as they can see as far as

they have planned so if a 100 megawatt project comes in things change they will have to build their own substation and so some things there but typically utilities have a resource planning group.

- ❖ McGee asked if there was a rule about the solar generation can only be 50% of some factor in the substation.
- ❖ Zimmerman answered that is part of the contingency but there is some work right now there has been a rule that said so if the feeder is 12ma only 6 can be solar generated because they want to save the other percent of that for like rooftop solar or whoever that currently has to go in front of the PRC I am not sure if that is going to hold but that's the contingency I was mentioning but that is part of the resource planning I was talking about.
- ❖ Zimmerman continued with her presentation.
- ❖ Secretary Good asked how much land would be left over.
- ❖ Zimmerman answered about 15 acers.
- ❖ Zimmerman continued with her presentation.
- ❖ Zimmerman finished her presentation at 4:40pm.

**b) Total Energies Renewables USA, LLC: Legal Description: UPC: 1011028015470000000: RIO DEL ORO Lot: PARK SITE Block: 56 Unit: 47 34.77 ACRES 2005 REV**

- ❖ Alex Grace with Total Energies began their public hearing. He introduced himself and Randy Janks.
- ❖ Linda Umstead said she lives in the state of Illinois and said stated in the letter that was sent to her regarding her lots in Rio Del Oro block 39 lot 22 and 23 that is a hundred feet away. I was wondering what kind of impact that it will have on my property being it is only a 100ft away also I was wondering if I could obtain a map of the lay out on how far the solar connector overlay would be from my property, I am also wondering how many properties owners are impacted by this new zoning and would it change the zoning of our property of what it is right now.
- ❖ Alex Grace answered there will be no impact to your land specifically, and we will provide a map to you so you can see what our plans are.
- ❖ Linda Umstead said OK so what I understand you guys are going to have a solid fence that is 7ft tall surrounding the facility, so we won't be visualizing or seeing this if we decide to build on that piece of property.
- ❖ Alex Grace explained it will be a chain link fence surrounding the property.
- ❖ Linda Umstead then asked if there is a form of some kind that you can send to me because I am not up to pare on what's is going on this letter is the first sent to me on what is going on can you send me something about your company and how it is going to impact the area.
- ❖ Alex Grace said they will send her a starter pack of everything we got.
- ❖ Clerk Adair said can I interrupt for a minute. We need those questions directed to the commission and then Alex you can answer. Also, Linda for the record because this is a public hearing I need you to say your full name for the record.
- ❖ Linda Umstead introduced herself and stated she owned properties in the Rio Del Oro area and asked if we needed her address or email address.
- ❖ Clerk Adair replied that we have your address and email address and will send the information.
- ❖ Linda Umstead said her 2 properties that are in question are in the Rio Del Oro block 39 lot 22 and 23 unit 47 I just wanted to know I thought the properties were zoned for individual homes so if they rezone it would it be zoned to something else other than that.

- ❖ Secretary Good answered I don't know why you think your property would be rezoned this is for a specific property that is next to your property also there was a person at the last presentation and I was stratified with the response that I don't think it would visually affect your views and there are low and the distance from the property that if you stand in your back yard you won't see it, is there any specific questions as of right now the only thing it would do is help you get electricity if it was built there.
- ❖ Linda Umstead said as far as the letter she received I don't know what is going on as far as New Mexico here in Illinois the rezoning of property around ours can affect the property so I just want to know what is going on with community solar I just need some more information before I can even ask intelligent questions.
- ❖ Member Adair asked do you think that the solar overlay would affect your property values.
- ❖ Linda Umstead explained no not really I do know the property in Rio Del Oro hasn't gone up to much. However, in the future I would like to leave this property to my children or grandchildren, so I want to know some information to pass it on to them so when the time comes. I know before it was wide open desert sage and cactuses no major development I know one of our properties was by a school not sure what one, but I was thinking that if it is rezoned to industrial or business I thought it was going to be for private homes then that would affect my property for further building a home if not then that's ok I just want to know what is going on I thought they were zoned for private homes.
- ❖ Chairman Scroggins explained that what we are being asked to do is that the property in question is to add a overlay that will allow them to build a solar farm without changing the actual zoning so if it is r1 for single family houses it will stay r1 but it will become a solar overlay and be allowed a special use permit to use the land as a solar farm and after the 40 ears they will take is away and it will stay r1 unless someone wants to come along and change it is not a industrial park it is a solar overlay and we have to inform people that own property within a 100 ft that is why you are talking with us. We have our City Manager here if I have misstated it.
- ❖ Manager Dr. Moore said no you are correct.
- ❖ Member Adair explained it is planned development area not r1. Is that correct.
- ❖ Manager Dr. Moore agreed.
- ❖ Chairman Scroggins explained that the land is planned development now that Rio Communities is a city then that means if someone wanted to build houses here and could then be zoned a r1.
- ❖ Secretary Good said I don't think this going to affect your property at all.
- ❖ Alex Grace then agreed and said I don't think this will affect your property this is a solar overlay with a special use permit on that specific property so it shouldn't be an issue for you.
- ❖ Randy Janks said can I throw in a couple of sentences. Anticipate what you will see if we build this facility it will be a chain link fence 9ft tall all the way around it and what will be inside it will be solar panels that won't be taller then the fence they look like the solar panels that you would put on your house and all of the requirements that were stated by the current provider after the time requirements we will remove everything they are quiet and you will not hear anything during operation and at 100ft away all you will see is the fence.
- ❖ Linda Umstead then asked about the concern of a solar glare so with the panels possibly moving with the sun, I know there will be some kind of coating on the solar panel, but I am just wondering on how far that light goes is it going to be defined just to there.
- ❖ Randy explained that the when the sun hits the panels pretty much all of the energy that the sun puts on the panel is diverted into energy or heat um just like it is on your roof the panels

are black, we have put these panels near airports where glare would be an issue and there are none.

- ❖ Linda Umstead thanked everyone for the information.

#### **Motion and roll call vote to go back into Planning and Zoning Meeting session**

- Motion made by Member Adair, Seconded by Secretary Good. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote the planning and zoning went back into the regular meeting session at 5:00 pm.

#### **Discussion, Consideration, and Decision – Recommendation to move to Council applicant Trigo Sol, LLC agent for Empart LTD Company for a rezoning of solar overlay.**

- Scroggins explained the discussion and consideration that is broken down into four items.
- Motion made by Secretary Good to move forward with the solar overlay to Council with a positive recommendation. Seconded by Member Adair. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote the planning and zoning commission approved the recommendation to move the rezoning to council.

#### **Discussion, Consideration, and Decision – Recommendation to move to Council for applicant Trigo Sol, LLC agent for Empart LTD Company a special permanent use permit for a solar collector overlay.**

- Motion made by Member Adair to move the recommendation to City Council to issue a special use permit for Trigo Sol LLC. Seconded by Secretary Good. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote the planning and zoning commission approved the recommendation to move the special use permit to council.

#### **Discussion, Consideration, and Decision – Recommendation to move to Council applicant Total Energies Renewables USA, LLC for a rezoning of solar overlay.**

- Motion made by Secretary Good to approve we send with a positive recommendation to Council for a rezoning of a solar overlay for Total Energies. Seconded by Member Adair. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote the planning and zoning commission approved the recommendation to move the rezoning to council.

#### **Discussion, Consideration, and Decision – Recommendation to move to Council for applicant Total Energies Renewables USA, LLC a special permanent use permit for a solar collector overlay.**

- Motion made by Member Adair with a positive recommendation to Council for a special use permit for Total energies USA LLC. Seconded by Secretary Good. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote the planning and zoning commission approved the recommendation to move the special use permit to council.

#### **Public Comment:**

- No public comment

#### **General Commission Discussion/Future Agenda Items**

- Cathryn Reese with Cibola land Corp began her presentation and explained that Cibola land owns 300.98 acers in Playa estates and showed the commission it on the map and said they are currently zoned planned development right now we have submitted two applications for rezoning property. One for 10 parcels covering 262 acers of planned development to industrial 3 and one covering 2 parcel that is covering 38.78 acres to be rezoned from planned

development to commercial 3 zoning. She explained how they would separate the C3 and I3 from the residential zoning by putting trees, scrubs or possibly a jogging path.

- Secretary Good asked what they plan to do with this property.
- Reese answered the plan is to bring in some industrial and commercial development because the main road is right there to the West.
- Secretary Good asked how many acres they have.
- Reese answered 300.98.
- Secretary Good asked if it was behind the hills on San Lucas.
- Reese explained she wasn't familiar with the area.
- Manager Dr. Moore explained part of the reason for taking those areas for going to commercial for some kind of commercial offices or retail there is no manufacturing allowed in a C3 zone.
- Secretary Good asked for an example.
- Manager Dr. Moore explained an office space could be in a C3 or some kind of commercial shopping center kind of a set up for a truck shop that is commercial for retail that might have more traffic is a C3 zone.
- Member Adair asked what kind of responsibility you would have as far as infrastructure as for as roads for congestion.
- Reese explained that there are a couple of roads that are platted.
- Manager Dr. Moore explained there are some platted roads on this property and explained a route from highway 47 to highway 304 from the particular property.
- The discussion continued.
- Reese said one will be commercial 3 and the other is industrial 3.
- Chairman Scroggins asked industrial 3 is the heaviest.
- Manager Dr. Moore explained yes that's where you would get your factories like Solo cup and other manufacturing.
- Secretary Good asked what your responsibility on drainage on your 300 acres.
- Reese said then we would have to go back and think of that. This is just to get it rezoned.
- Manager Dr. Moore continued to explain the buffer zone from the industrial and commercial.
- Secretary Good said it is right up against a residential area.
- Manager Dr. Moore explained yes, they are in zoned planned development that is close to a residential area.
- Chairman Scroggins asked if they had a discussion with the property owners on this side.
- Manager Dr. Moore said yes Tierra Del Sur owns most of the property and explained that there are some individual owners but for the most part they are all owned by one owner.
- Chairman Scroggins asked that they may need to look at it in a more oblique way.
- Manager Dr. Moore agreed.
- Chairman Scroggins asked do you have any ideas of possible purchaser of this property.
- Reese said not as of, yet this is just the begin and we are trying to get it rezoned to get business in.
- Chairman Scroggins asked about the blue area that is industrial is adjacent to the industrial park and asked if developing this would help the business park would become part Rio Communities.
- Manager Dr. Moore answered yes that would make a difference.
- Chairman Scroggins said which will be helpful for both the portioner and the existing people.
- Manager Dr. Moore said yes it would be we are looking at some

- Chairman Scroggins asked if this gets approved for a I3 would there have to be more approvals if they have to do with hazardous chemical.
- Manager Dr. Moore said yes because is a multi-agency process so they will have to operate under other guidelines like state and federal law. So, the short answer is yes.
- Chairman Scoggins said you guys will come back on the 19th and give us more information.
- Clerk Adair explained that at the next meeting is that there will be 2 public hearings for both properties, and they will be separate ones. So would you like to hold off on the comprehensive plan.
- Secretary Good suggested that we should just focus on the public hearing.
- The commission agreed.
- Clerk Adair talked about the open meeting act on the next agenda.
- Secretary Good asked about the new commissioners.
- Clerk Adair explained they will be getting sworn in and will be here for our next meeting.

### Adjourn

- Motion made by Secretary Good, Seconded by Member Adair. With a unanimous vote the Planning & Zoning meeting was adjourned at 5:30 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth Adair, Municipal Clerk  
(Taken and transcribed by Lalena Aragon, Deputy Clerk)

Date: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Thomas Scroggins, Chairman

\_\_\_\_\_  
Melodie Good, Secretary

\_\_\_\_\_  
Scott Adair

\_\_\_\_\_  
Adelina (Lina) Benavidez

\_\_\_\_\_  
Chad Good





City of Rio Communities  
360 Rio Communities Blvd.  
Rio Communities, NM 87002  
www.riocomunities.net  
(505) 861-6803

Item 3.

## APPLICATION FOR REZONING OF PROPERTY

Application Fee (\$250) Paid. ☒

Property Owner Name:	<b>Cibola Land Corporation</b>		
Address:	Street: 1429 Central Ave. NW	City: Albuquerque	State: New Mexico 87104
Name of Applicant:	Cibola Land Corporation		
Phone: 505-242-2050	Email: <a href="mailto:petroyates@msn.com">petroyates@msn.com</a>		
Agent: (If partnership, provide proof that agent has legal authorization to sign documents).	Harvey E. Yates, Jr., President		
Agent Phone: 505-980-7761	Agent Email: <a href="mailto:petroyates@msn.com">petroyates@msn.com</a>		
Legal Description of Property: Add attachment if needed	See attached		
Subdivision: Playa Estates	UPC #: See attached	Lot #: See attached	Block #: n/a
Address /Legal Description: Attach document if needed.	See attached		Existing plat map #'s: See attached
Explain how the intended use of the property will correspond with the proposed zoning. (Attach additional documents if needed. We intend to bring in industrial and commercial development.			
Present Zoning:	Planned Development	Requested Zoning Change:	Commercial 3

Accompanying this application are the original and appropriate number of copies for the proposed rezoning. I have examined and am familiar with the regulations governing the rezoning of property, per Chapter 6, adopted by the City of Rio Communities. I understand the City of Rio Communities will not assume liability for lack of understanding on my part or incorrect information submitted. The application for rezoning requires a public hearing and a fee. All final zoning approvals must be filed with the Valencia County Clerks and City of Rio Communities offices.

For Staff Use Only:			
Date of Public Hearing:			

Cibola Land Corporation  
Harvey E. Yates, Jr., President

Printed Name:

Signed Name:



12/14/2020  
Date:

### Attachment to Application For Rezoning of Property to Commercial 3 Zoning

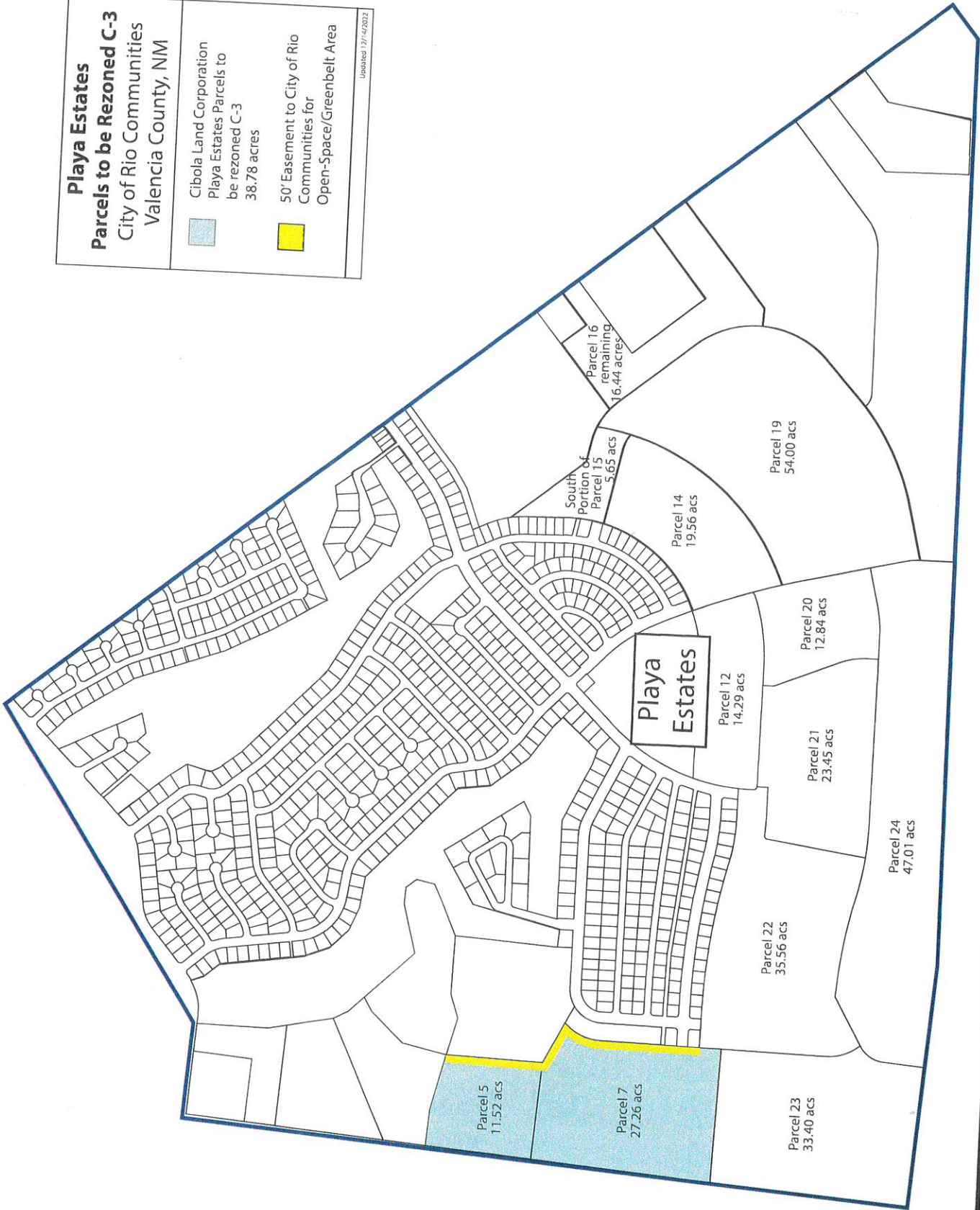
Valencia County Assessor's Account Number	Valencia County Assessor's Uniform Property Code	Subdivision Name	Parcel No.	Acres	Map #	Plat Cabinet & Page
R177894	1-009-026-375-240-000000	Playa Estates	5	11.52	D-5-28	1/272
R177896	1-009-026-375-140-000000	Playa Estates	7	27.26	D-5-28	1/272
				<b>38.78</b>		

Cibola Land Corporation would grant to the City of Rio Communities a fifty-foot easement covering the eastern boundary of the requested C-3 area for the purpose of establishing an open-space on which would be created a greenbelt area - including trees and shrubs - and on which a possible jogging path would be established. The purpose of the open-space area would be to separate the C-3 zoned area from residential areas. See the attached map which exhibits both the requested C-3 area and the planned open-space area.

**Playa Estates**  
**Parcels to be Rezoned C-3**  
City of Rio Communities  
Valencia County, NM

-  Cibola Land Corporation  
Playa Estates Parcels to  
be rezoned C-3  
38.78 acres
-  50' Easement to City of Rio  
Communities for  
Open-Space/Greenbelt Area

Updated 12/14/2022







City of Rio Communities  
360 Rio Communities Blvd.  
Rio Communities, NM 87002  
www.riocomunities.net  
(505) 861-6803

Item 3.

## APPLICATION FOR REZONING OF PROPERTY

Application Fee (\$250) Paid ☒

Property Owner Name:	<b>Cibola Land Corporation</b>		
Address:	Street: 1429 Central Ave. NW	City: Albuquerque	State: New Mexico 87104
Name of Applicant:	Cibola Land Corporation		
Phone: 505-242-2050	Email: <a href="mailto:petroyates@msn.com">petroyates@msn.com</a>		
Agent: (If partnership, provide proof that agent has legal authorization to sign documents).	Harvey E. Yates, Jr., President		
Agent Phone: 505-980-7761	Agent Email: <a href="mailto:petroyates@msn.com">petroyates@msn.com</a>		
Legal Description of Property: Add attachment if needed	See attached		
Subdivision: Playa Estates	UPC #: See attached	Lot #: See attached	Block #: n/a
Address /Legal Description: Attach document if needed.	See attached		Existing plat map #'s: See attached
Explain how the intended use of the property will correspond with the proposed zoning. (Attach additional documents if needed. We intend to bring in industrial and commercial development.			
Present Zoning:	Planned Development	Requested Zoning Change:	Industrial 3

Accompanying this application are the original and appropriate number of copies for the proposed rezoning. I have examined and am familiar with the regulations governing the rezoning of property, per Chapter 6, adopted by the City of Rio Communities. I understand the City of Rio Communities will not assume liability for lack of understanding on my part or incorrect information submitted. The application for rezoning requires a public hearing and a fee. All final zoning approvals must be filed with the Valencia County Clerks and City of Rio Communities offices.

For Staff Use Only:			
Date of Public Hearing:			

Cibola Land Corporation  
Harvey E. Yates, Jr., President

Printed Name:

Signed Name:


12/14/2022  
Date:

## Attachment to Application For Rezoning of Property to Industrial 3 Zoning


Valencia County Assessor's Account Number	Valencia County Assessor's Uniform Property Code	Subdivision Name	Parcel No.	Acres	Map #	Plat Cabinet & Page
R177901	1-010-026-145-085-000000	Playa Estates	12	14.29	D-5-27	I/272
R177902	1-010-026-270-120-000000	Playa Estates	14	19.56	D-5-27	I/272
R177903	1-010-026-294-187-000000	Playa Estates	15 South Portion of Parcel 15	5.65	D-5-27	J/615
R177904	1-010-026-397-131-000000	Playa Estates	16 Portion of Parcel 16 remaining	16.44	D-5-27	J/615
R177907	1-010-026-320-050-000000	Playa Estates	19	54.00	D-5-27	I/272
R177908	1-010-026-195-020-000000	Playa Estates	20	12.84	D-5-27	I/272
R177909	1-010-026-105-020-000000	Playa Estates	21	23.45	D-5-27	I/272
R177910	1-009-026-490-035-000000	Playa Estates	22	35.56	D-5-28	I/272
R177911	1-009-026-365-015-000000	Playa Estates	23	33.40	D-5-28	I/272
R177912	1-010-025-060-475-000000	Playa Estates	24	47.01	D-5-34	I/272
				<b>262.20</b>		

Cibola Land Corporation would grant to the City of Rio Communities a fifty-foot easement covering the northern boundary of the requested I-3 area for the purpose of establishing an open-space on which would be created a greenbelt area - including trees and shrubs - and on which a possible jogging path would be established. The purpose of the open-space area would be to separate the I-3 zoned area from residential areas. See the attached map which exhibits both the requested I-3 area and the planned open-space area.

**Playa Estates**  
**Parcels to be Rezoned I-3**  
City of Rio Communities  
Valencia County, NM

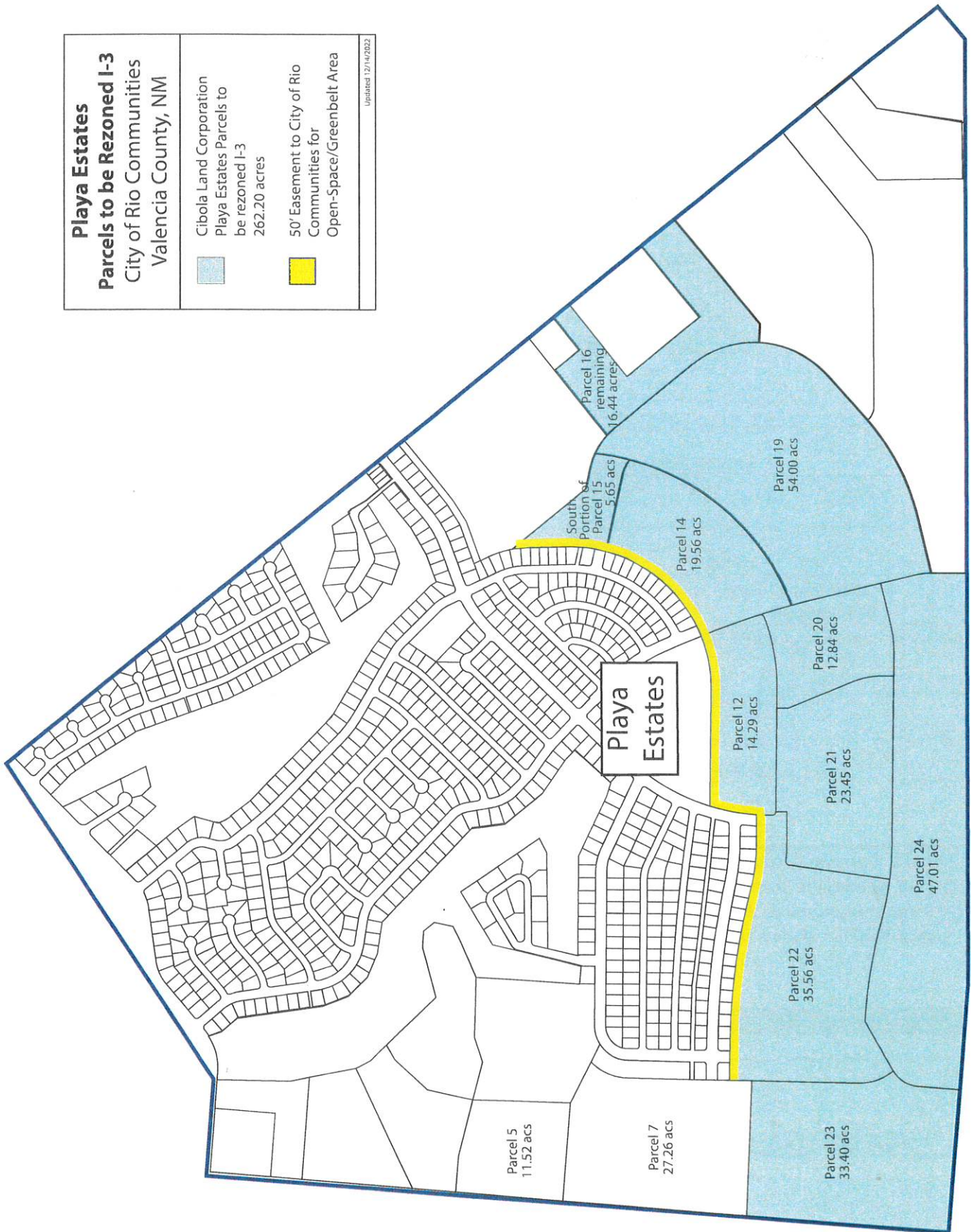


Cibola Land Corporation  
Playa Estates Parcels to  
be rezoned I-3  
262.20 acres



50' Easement to City of Rio  
Communities for  
Open-Space/Greenbelt Area

Updated 12/14/2023



**From:** [Renee Mollineda](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Todays meeting  
**Date:** Thursday, January 19, 2023 12:09:17 PM

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**Caution:** External (reneemollineda@gmail.com)

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Hello, my name is renee Mollineda.

I am a resident of Valencia County, and I am writing this letter in protest of bringing mining or manufacturing to Valencia county. There are a multitude of residency's here on well water the risk is greater than the benefit.

Thank you for your time.

Renee Mollineda

--

Renee Mollineda  
5054806598



**From:** [ratfink2369](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Change in zoning for heavy industrial  
**Date:** Thursday, January 19, 2023 10:00:35 AM

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**Caution:** External (ratfink2369@gmail.com)

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I am totally against the rezoning of this land for heavy industrial use. Rio Communities residents already deal with the odor from Mesa oil that's not even in the city. This type of heavy industrial use should be done far enough away from the city where the effects are minimal at best.

Richard Henderson  
Hillandale area  
505 859 2308

Sent from my Verizon, Samsung Galaxy smartphone



**From:** [Maria Gonzales](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Industrial Zone 3  
**Date:** Wednesday, January 18, 2023 11:33:57 PM

**Caution:** External (maria.gonzales@selectquote.com)

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Dear Commissioners:

I am writing this email to express our strong opposition to the request for a rezoning for a Planned Development to a Commercial 3 and Industrial 3 zone on the south and west ends of San Lucas and Nancy Lopez in Rio Communities.

First off, as residents and property owners in Rio Communities, it came as a surprise to me and my mother, and an overwhelming majority of our neighbors in Rio Communities, to recently hear that these beautiful, peaceful and natural lands with views of the Manzano Mountains that surround our neighborhoods might be rezoned to allow for oil processing, commercial development, factories, and heavy industrial sites. On Jan 5th, Ms. Cathryn Reese, who represents Cibola Land Corporation, a benefactor of this proposal, stated that the eyesore of such development would be blocked by "shrubs, trees or a possible jogging path". This is laughable, especially since there could potentially be only 100 feet separating those Heavy Industry plants from our property lines. I am shocked and somewhat suspicious that as some of the people that would be most impacted by this proposal, we have never been notified by anyone from the Planning and Zoning commission. We have only recently heard of this proposal by word of mouth from our neighbors in Rio Communities.

A primary concern many of us have is the potential for air, water and noise pollution. We are currently dealing with the gas fumes that Mesa Oil spews each night, when Mesa Oil purges the built up gases in their factory. Last Friday, many people in Rio Communities evacuated their homes to get away from the toxic fumes, or stayed inside their homes and suffered headaches and nausea. It is a great concern that rezoning the beautiful land surrounding our homes will leave us more vulnerable than we already are. Another issue that does not seem to be adequately considered is the noise. The topography of the area consists of sand, sage brush, tumble weeds and a big open sky. A jogging path or trees and bushes along the perimeter of the proposed Heavy Industry zone will do nothing to absorb or hide the noises that a heavy industrial site will create. The potential for additional air, water and noise pollution would be unacceptable for our rural community.

Finally, decisions like this are supposed to be made in concert and in accordance with the City's Comprehensive Plan and the adopted Land Use Plan. Our Rio Communities' Comprehensive Plan clearly states that areas for i-3 Heavy Industrial should be on NEWLY ANNEXED areas along Hwy 304 south of town. Indeed, you must know the Land Use Plan shows the area under proposal here is a "Planned Unit Development" for HOUSING....NOT for INDUSTRIAL use. This proposal for Heavy Industry is in direct conflict with the city's Comprehensive Plan which you are supposed to follow. This proposal is nothing less than "spot zoning", which is illegal.

Please strike this proposal down. Put your community and our fragile desert environment first, and especially before the profits of the Cibola Land Corporation.

Thank you,

**Maria Gonzales and Eulalia Gonzales**

Customer Care: Life and Health | SelectQuote Senior

National Producer and License Number: 19621252

Phone: (833) 895-0337

Email [maria.gonzales@selectquote.com](mailto:maria.gonzales@selectquote.com)

Address: 6800 W 115th St Overland Park, KS 66211



*"The true sign of intelligence is not knowledge but imagination" -Aristotle*

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**From:** [Angelo Tomedi](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Letter to Rio Communities Planning and Zoning Commission  
**Date:** Thursday, January 19, 2023 11:18:33 AM

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**Caution:** External (atomed2@gmail.com)

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January 19, 2023

Chairman Scroggins, Vice-Chairman Fernandez, Secretary Good, Member Adair and Member Rubin  
 Rio Communities Planning and Zoning Commission  
 360 Rio Communities Blvd.  
 Rio Communities, NM 87002

Re: Cibola Land Corporation application to rezone Planned Development to Commercial 3 zone and Industrial 3 zone

Dear Planning and Zoning Commissioners,

Thank you for the hard work you do as public servants. I am writing today to request that your commission deny Cibola Land Corporation's request to change 39 acres to Commercial 3 and 252 acres to Industrial 3 as these changes have potential health impacts for your community.

I am a medical doctor and serve families who live in communities impacted by industrial development. As you review the possible uses for the Industrial 3 zone, it is important as the gatekeepers for your community to think about the potential impacts from oil and gas extraction, auto wrecking yards, petroleum storage, asphalt production or heavy manufacturing. By example, the Mountain View Community in the South Valley of Albuquerque which experienced continuing expansion of industry next to their residential neighborhood has been constantly exposed to fumes of Carbon Monoxide (CO), Nitrogen Oxides (NOx), Volatile Organic Compounds (VOC), Sulfur Oxides (SOx), and heavy particulate matter. All these pollutants can and do affect the health of the people living near heavy industry.

We have watched here in NM, and nationally, the development of health problems when people live near these types of industrial uses. Oil and gas facilities, if the I3 rezoned land is used for them, can leak toxic gases. Studies show that people living close to these facilities experience increased rates of cancer, asthma, and adverse pregnancy outcomes. Auto salvage or wrecking yards, if that is the proposed use by the applicant, contain many hazardous materials including lead batteries, mercury from light switches, anti-freeze, Freon from cooling systems, Polychlorinated Biphenyls (PCBs), Chlorofluorocarbons (CFCs), asbestos found in the brake pads and lining of older cars, motor oil, and other heavy metals. These substances can cause ground pollution but also air pollution for your residents.

The health risks for Rio Communities depend on what the applicant proposes, but I urge you to insist that these issues be addressed before you approve a zone change. Adverse public health impacts in our communities are not the legacy we want to leave to our children. As a medical doctor, I urge you to protect your residents from heavy industrial uses.

Sincerely,

Angelo Tomedi, MD  
Visiting Associate Professor  
University of New Mexico  
Department of Family and Community Medicine  
Albuquerque, NM

Questions for P&Z January 19, 2023 public meeting to consider zoning changes proposed by Harvey Yates, landowner of the industrial park in the southern section of the city limits of Rio Communities

1. What rights does the Valencia County Natural Resource Overlay Zone give to Mr. Yates?
2. How does the State laws of the Energy Mineral and Natural Resource Department and U.S. Federal environmental protection laws affect Mr. Yates ability to manage his property?
3. How does Mr. Yates propose to protect my right as a resident and property owner in Rio Communities to clean affordable water? (his management above and below ground of his property?) How will he protect my right to clean air- with any proposed building of air polluting heavy manufacturing? How will he protect the roads/infrastructure (especially highway 47) with heavy equipment and manufacturing damaging roadways? How does he propose to deal with decreased property values of homes in Rio Communities if values go down with homes adjacent to auto junk yards, air polluting plants within the city limits of Rio Communities?
4. What safeguards have the Planning and Zoning Commission and the Council and Mayor of Rio Communities considered to protect residents from these forms of industrial pollution? How does the proposed zoning change fit with the comprehensive plan of the city of Rio Communities?

Submitted by

Kuan Tikkun

Resident of Rio Communities

January 18, 2023

Chairman Scroggins, Vice-Chairman Fernandez, Secretary Good, Member Adair and Member Rubin  
Rio Communities Planning and Zoning Commission  
360 Rio Communities Blvd  
Rio Communities, NM 87002

Re: Cibola Land Corporation request to Rezone a Planned Development to Commercial 3 zone and Industrial 3 zone

Dear Planning and Zoning Commissioners,

Please deny Cibola Land's request to change the zoning of approximately 39 acres from Planned Development to Commercial 3 and to change the zoning of approximately 252 acres from Planned Development to Industrial 3. A denial would be in accord with the vision and goals set out in the city's Comprehensive and Economic Development Plans.

When such a change is requested, this Commission must "consider all aspects of the request and balance the need for change against the impact on the Comprehensive Plan."<sup>1</sup> For good reason, the burden is on the applicant to show why a zoning change is needed from an approved Comprehensive Plan. Zoning decisions affect large numbers of persons and should reflect some public policy relating to matters that are permanent and general in character -- such that they shouldn't be made to appease one developer.<sup>2</sup>

Planning: Many reasons exist as to why this zoning change is not needed. To begin with, the City of Rio Communities' *Comprehensive Plan* is, among other charges, to

be a guide for "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." *Id.* at § 3-19-9(A).<sup>3</sup>

The zoning for the affected area is currently Planned Development. According to §4-3-11 of the Zoning Code, "the purpose of the Planned Development District is to promote flexibility in thought that encourages innovative development sensitive to surrounding land uses, community needs and the

<sup>1</sup> Article 15 Amendments To Zoning Code And Maps. 4-15-2 Zoning And Map Amendments, [https://www.riocommunities.net/sites/default/files/fileattachments/ordinance/6601/ordinance\\_2021-76\\_ch\\_4\\_zoning\\_code.pdf](https://www.riocommunities.net/sites/default/files/fileattachments/ordinance/6601/ordinance_2021-76_ch_4_zoning_code.pdf)

<sup>2</sup> *KOB-TV, L.L.C. v. City of Albuquerque*, 2005-NMCA-049, ¶ 19 (stating that legislative action "reflects some public policy relating to matters of a permanent or general character, is not usually restricted to identifiable persons or groups, and is usually prospective" (internal quotation marks and citation omitted))

*Miles v. Bd. of Cnty. Comm'rs*, 1998-NMCA-118, ¶ 12, 125 N.M. 608, 964 P.2d 169 (holding that the county was acting in its legislative capacity when it enacted a comprehensive zoning plan, saying, "the adoption of this comprehensive zoning ordinance . . . was of a character that is commonly described as a legislative act—a policy decision affecting a large number of persons and a vast area of land, based upon general criteria and not the details of any particular land owner")

<sup>3</sup> City of Rio Communities Comprehensive Plan 2015, <https://riocommunitiesedc.net/COMPREHENSIVE%20PLAN.pdf>

natural environment." It is to include "4. A creative approach to land use and physical development" and "7. New or innovative concepts in land use not permitted by other zoning districts."<sup>4</sup>

Modifying the current land use to heavy commercial and/or industrial is not a new or innovative concept. Instead, it would remove the opportunity for visionary future development.

The zoning code requires that a heavy commercial zone "shall ensure compatibility of design with any adjacent residential development" (B. C-3). Surely a change in zoning would require at least as much. Allowing heavy commercial and industrial uses for such purposes as petrochemical and/or asphalt production or heavy manufacturing does not mesh with the publicly approved plans and zoning.

The County Assessor's map shows that many small parcels in the area are owned by several different owners. Has everyone in the region, whether in the County or the City, been notified of this request to make major modifications to the Zone Map?

Expanding the heavy industrial and commercial areas well beyond what is included in the Zoning Map counters the new slogan, *Endless Views. Endless Opportunities*.<sup>5</sup>

Modifying approved existing zoning impacts many who likely purchased and developed their property relying on this zoning. Allowing heavy industry right next door is not likely to increase property values. Close to the parcels sought to be changed is "the only golf course in Valencia County. This was the largest accomplishment of the original developers of the city."<sup>6</sup> Depending on what is planned, noxious odors may waft across not only houses but the greens!

Heavy commercial and/or industrial zones have been already been approved as can be seen on the current Zoning Map (see page 5). Are they full? If not, why allow industrial sprawl to the detriment of the current plan?

Moreover, there is an Industrial Park literally next door (see County Assessor's Parcel Map on page 6), with access and utilities, including water. As the *Economic Development Plan* makes clear, the goal is to annex and expand that rather than repurpose the Planned Development area.

### **10-B-6-1 Rio Grande Industrial Park**

Rio Grande Industrial Park was built as the Rio Communities Industrial Park for the city of Rio Communities by the Horizon Corporation. Horizon Corporation was a land development company that also designed and build the city of Rio Communities. The park has been part of unincorporated Valencia County since it was built. It lies contiguous to the southern border of Rio Communities.

The Rio Grande Industrial Park ... [has] 15 unoccupied parcels that totals 188.64 acres. The unoccupied

<sup>4</sup> Chapter 4 of Municipal Ordinances, Ordinance 2021-76, <https://www.riocommunities.net/ordinances/ordinance-2021-76-chapter-4-zoning>

<sup>5</sup> <http://riocommunitiesedc.net/>. Might Tierra Grande Association members be impacted as well?

<sup>6</sup> 10-B-5-3, *Economic Development Plan*, Ordinance No: 2018-62, <https://www.riocommunities.net/ordinances/ordinance-2018-62-ch-10-part-b-economic-development-plan>; Also, "10-B-3-3 Golf Course - Having the only golf course in the county has added to our visibility and property value increases."

land has nearby electricity, water and sewer. ... The park has a railroad spur owned and operated by BNSF Railroad, with frequent service to park companies. Active development of the remaining parcels is underway.

## **10-B-7 Economic Development Goals**

### **10-B-7-5 Rio Grande Industrial Park**

Expand Rio Grande Industrial Park through annexation and marketing for the benefit of Rio Communities.

Strategy: Accelerate annexation plans.<sup>7</sup>

Implementing this goal and the *Economic Development Plan* overall means that the application must be denied.

Public Health: There are a huge number of potential harms to public health which are likely to be seen if heavy commercial and/or industrial operations are expanded. Consider nearby examples of what happens when large tracts of land are rezoned for heavy industrial use. After Bernalillo County did so, asphalt plants, auto wrecking yards, and jet fuel storage all moved to the South Valley, saddling the Mountain View Neighborhood, a community along the Rio Grande just north of the Pueblo of Isleta, with multiple health consequences.

The Mountain View community is consistently inflicted with toxic and hazardous pollution from High Industrial Businesses, which includes: Emissions / fumes of carbon Monoxide (CO), Nitrogen Oxides (NOx), Volatile Organic Compounds (VOC), Sulfur Oxides (SOx), Total Suspended Particulate (TSP), Particulate Matter < 10 Microns (PM-10), Particulate Matter < 2.5 Microns (PM-2.5), and Hazardous Air Pollutants (HAP).<sup>8</sup>

Public health risks will depend on what is proposed, but such questions must be asked and answered now, before any zone change is approved.

Water? The question of water availability --even if to be supplied by New Mexico Water Services Company<sup>9</sup>-- must be posed, given the ongoing issues with Rio Grande Compact Compliance, lack of

<sup>7</sup> *Rio Communities recently adopted a new slogan, "Spectacular Views, Endless Opportunities."*

City of Rio Communities prioritizing economic development

Clara Garcia, editor | Jan 20, 2022 | <https://news-bulletin.com/city-of-rio-communities-prioritizing-economic-development>

While the Rio Grande Industrial Park, south of Rio Communities, is in the unincorporated county, Mims said it's the dream that one day it will be part of the city.

"The Rio Grande Industrial Park is a place where we can draw economic-based jobs, industry, manufacturing, warehousing, full-scale facilities. What is good about the industrial park is it creates jobs and creates commerce in the community."

Mims also says there's a lot of commercial and residential properties in the city that can be developed, and 90 percent of Rio Communities is in an opportunity zone. ...

Mims said he is working with investors to come into Rio Communities to do residential housing, retail, maybe two or three strip malls and manufacturing — all within the opportunity zone.

<sup>8</sup> <https://www.abqjournal.com/2404174/is-citys-industrial-sacrifice-zone.html>. <https://sign.moveon.org/petitions/stop-the-asphalt-assault-in-the-mountain-view-neighborhood>. Also, *Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking and Associated Gas and Oil Infrastructure*, April 2022, CHPNY-Compendium-8-FINAL.pdf

<sup>9</sup> [https://www.newmexicowater.com/about/system-information/rio\\_comm](https://www.newmexicowater.com/about/system-information/rio_comm)



water for irrigation, climactic changes, drought, etc. While the Industrial Park is already served, will the Water Services Company be able to supply additional heavy commercial and/or industrial users in the Cibola Land parcels as well? Obviously, this will depend on what is specifically being proposed, but such questions must be asked and answered now, before any zone change is approved.

Such water usage and purpose have to also be considered on a regional scale.

To begin with, Harvey Yates, who owns Cibola Land, is not making this zone change request in a vacuum. Yates, as President of Jalapeno Corp, helped to draft a new zone ordinance to enable him to explore for oil and gas in Valencia County.<sup>10</sup> The ordinance allows developers to apply for exploratory surface and subsurface mineral development in the county without changing existing zoning on targeted properties.

This seems absurd. Especially if successful, subsurface mineral development won't end with an exploratory well. As others have pointed out, you need big drilling equipment, trucks or pipelines to carry the resulting liquids away; roads for the trucks to access the wells and pipelines; and locations to store and refine the products. All of that leads to further heavy industrial development and in practical terms, changes the surface land use -- for miles around. A zoning change would enable such activities.

Non-conventional drilling, also known as fracking, and petrochemical production use vast amounts of water. According to USGS, water use per well can be anywhere from about 1.5 million gallons to about 16 million gallons.<sup>11</sup> Is Cibola Land's request being made in part to access water service inside the city limits?

Furthermore, such drilling creates a by-product called Produced Water --fluid that is an incidental byproduct of drilling or the production of natural gas-- which carries the possibility that chemicals remain in the fluid. Whether it seeps into the aquifer or is reused, there are concerns about its safety. According to geologist Don Phillips:

The Rio Grande Rift is very slowly pulling apart, each new movement sending fault lines from the surface and through an aquifer to the greatest depths of the basement rock. Already, the rift is seismically active and its strata fragile, much like the layers of a croissant.

In the Albuquerque Basin, ... aquifers filter water through the delicate fault lines. If fracked, high-pressure fluid could easily rupture the strata, sending chemicals into the aquifer. Disposing of waste fluid, meanwhile, would induce earthquakes.<sup>12</sup>

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<sup>10</sup> *Longtime New Mexico oilman hopes to drill in Valencia County*; Kevin Robinson-Avila; May 31, 2022; <https://www.abqjournal.com/2503935/yates-seeks-oil-and-gas-in-valencia-county.html>. *Valencia County to reconsider opening door to oil, gas development*; Kevin Robinson-Avila and Matthew Narvaiz; May 31, 2022, Updated: June 1, 2022; <https://www.abqjournal.com/2503931/valencia-county-to-reconsider-measure-that-opens-door-to-oil-gas-development.html>. *New Mexico county to ease oil and gas drilling rules despite new evidence of health dangers* - A move by the Valencia County Commission surprises the public and helps a major donor; Jerry Redfern, Capital & Main, May 26, 2022, <https://sourcenm.com/2022/05/26/new-mexico-county-to-ease-oil-gas-drilling-rules-despite-new-evidence-of-health-dangers/>

<sup>11</sup> <https://www.usgs.gov/faqs/how-much-water-does-typical-hydraulically-fractured-well-require>

<sup>12</sup> *Magnate opus: The power plays of Harvey Yates* - For 50 years, the oil mogul has dreamed of drilling Valencia County and getting ink in New Mexico. This year, he hit paydirt, by Alicia Inez Guzmán, Searchlight New Mexico, December 8, 2022, <https://searchlightnm.org/magnate-opus-the-power-plays-of-harvey-yates>

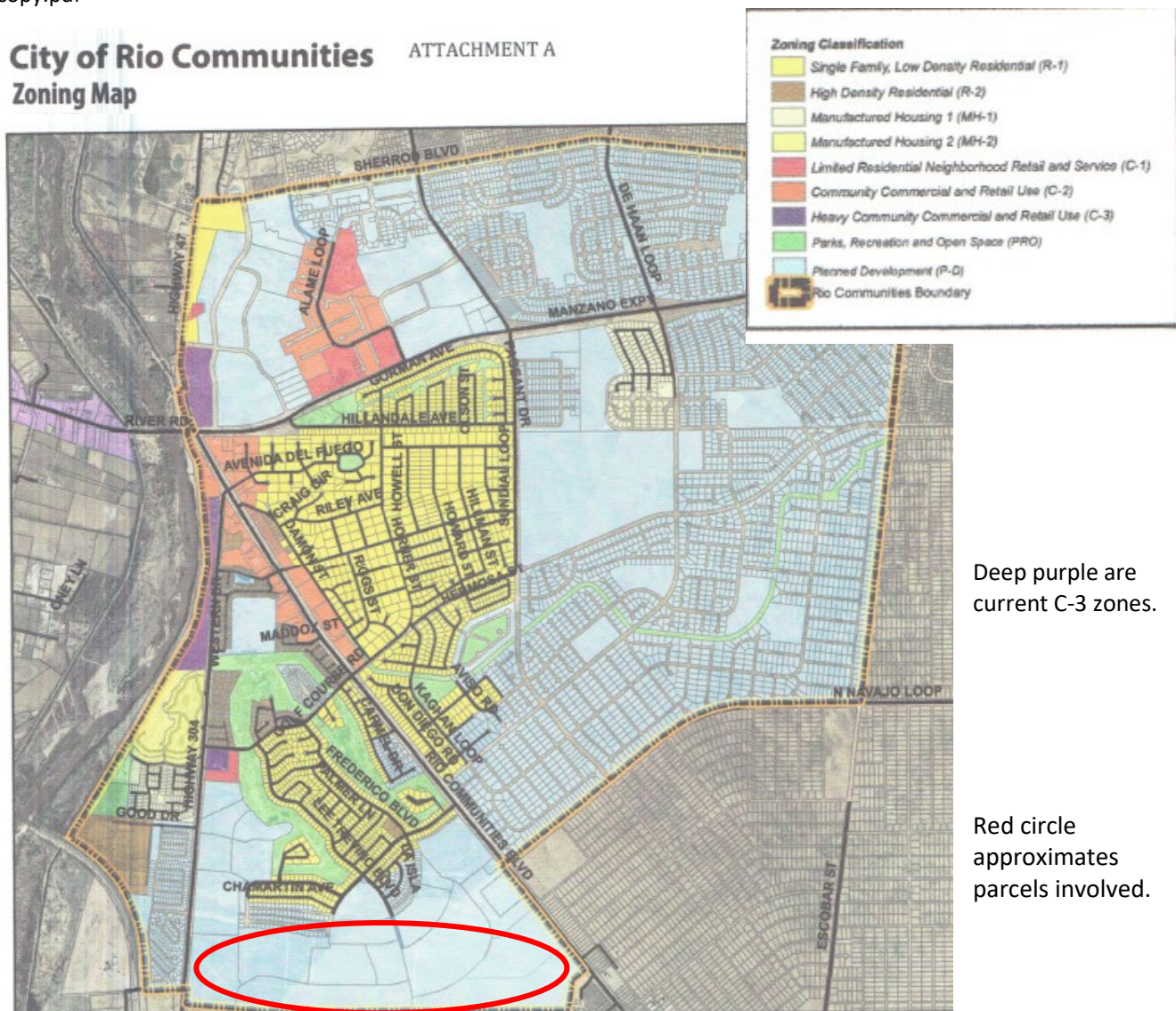
Again, these regional concerns will depend on what is specifically being proposed, but such questions must be asked and answered now, before any zone change is approved.

Clearly, after considering the request and balancing the need for change against the impact on the Comprehensive Plan, Cibola Land's request to modify the zoning map must be denied.

Thank you for your service,

Elaine Hebard  
Retired attorney and regional water planner  
1513 Escalante SW  
Albuquerque, NM 87104

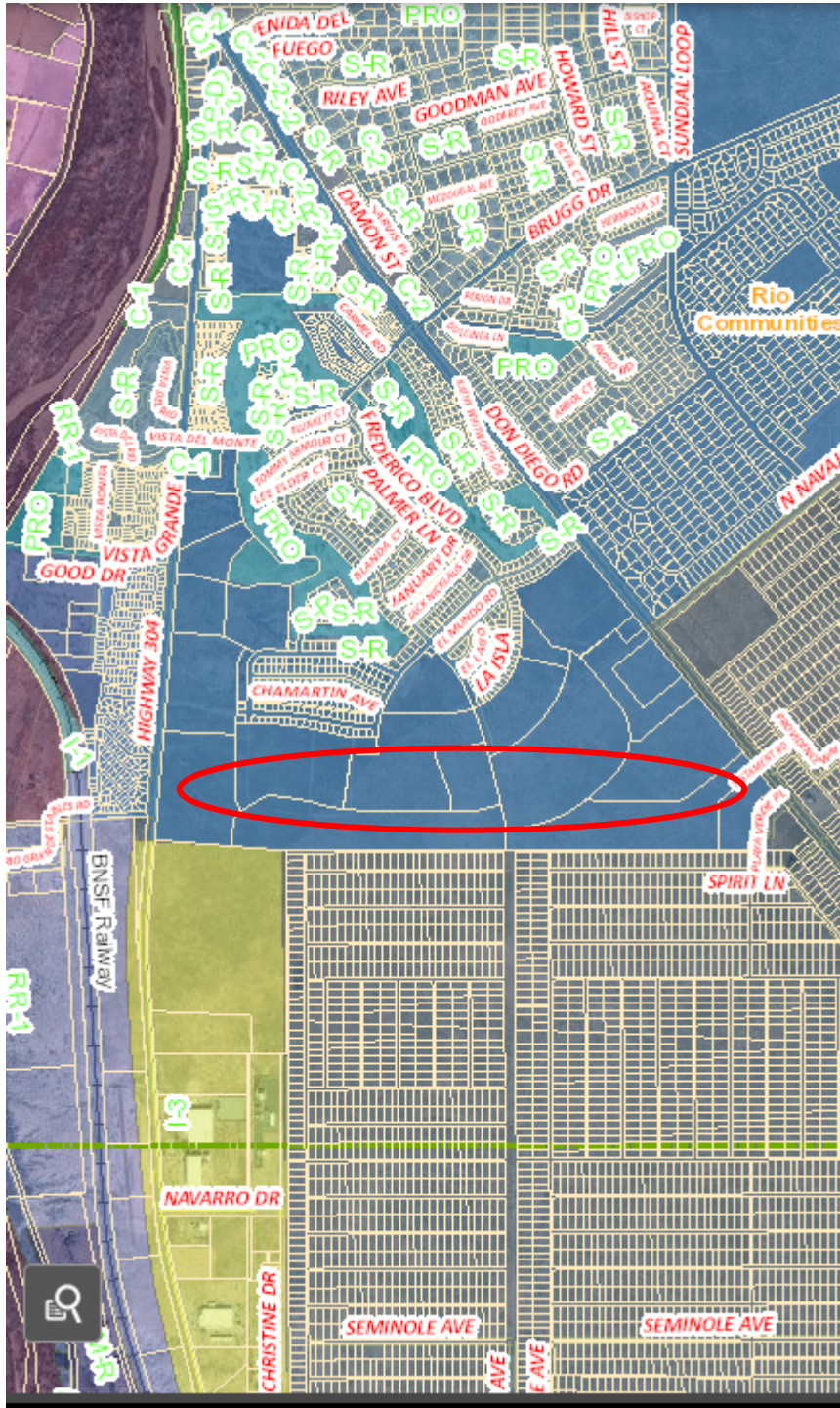
<https://www.riocommunities.net/sites/default/files/fileattachments/planning/page/1111/rio-communities-zoning-map-copy.pdf>





# County Parcel Map shows location of Industrial Park

<https://arcgis2.co.valencia.nm.us/parcelmap/>



Yellow area is Industrial Park.

Red circle approximates parcels involved.

Guy Dicharry, Attorney at Law  
 Post Office Box 2578  
 Los Lunas, New Mexico 87031  
 505.269.3757  
 dicharrylaw@gmail.com

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January 19, 2023

**sent to info@riocommunities.net**

Rio Communities Planning and Zoning Commission  
 Commissioner Thomas Scroggins, Chairman  
 Rio Communities Planning and Zoning Commissioners  
 360 Rio Communities Blvd  
 Rio Communities, NM 87002

Re: Cibola Land Corporation application for a re-zoning from Planned Development to Commercial 3 zone (two parcels) and Industrial 3 zone (nine parcels)

Dear Chairman Scroggins and Planning and Zoning Commissioners,

I am writing to urge you to reject the proposed changes to the City of Rio Communities Zoning Ordinance for the reasons set out in this letter. Based on the information contained in the meeting agenda, the applicant is seeking the following changes:

- Two parcels currently zoned as Planned Development to be zoned Heavy Community Commercial and Retail Use (C-3), permitting uses described in the Zoning Ordinance §4-3-8. *See, attached Appendix, pages 1 – 2.*
- Nine parcels currently zoned as Planned Development to be zoned Heavy Industrial (I-3), permitting uses described in the Zoning Ordinance §4-3-10. *See, attached Appendix, pages 3 – 11.*

**1. Application for two parcels to be zoned Heavy Community Commercial and Retail Use (C-3).**

Pages 1 and 2 of the attached Appendix show the proximity of the proposed C-3 parcels to existing homes and areas currently zoned for residential development.

The Rio Communities zoning ordinance at §4-3-8(C)(3a – s) provides examples of permitted uses within a C-3 zone.

3. Examples of Permitted C-3 businesses are:
- a. Apartments
  - b. Auditoriums
  - c. Auto & Camper Sales, Service and Repair
  - d. Automotive Equipment and Rental

- e. Automobile Body & Repair Shop (Not permitted within one-hundred (100) feet of any residential zone)
- f. Bus or Motor Freight Terminals (Only when located on an arterial street or highway as designated on the City Street Plan)
- g. Construction or Contractors Yard (Yard shall be maintained in a neat and orderly fashion and enclosed by a fence at least six (6) feet in height except that the height shall be limited to three (3) feet above the street-curb within twenty-five (25) feet of a street intersection)
- h. Drive-in Theater
- i. Dry Cleaning & Steam Cleaning Facility
- j. Farm & Ranch Products & Supplies
- k. Firewood sales (more than 5 cords on site)
- l. Heavy Equipment Repair & Service
- m. Insulation Shop
- n. Kennel (Commercial)
- o. Plumbing and Heating Shop
- p. Roofing and Sheet Metal Shops
- q. Smoke Shop
- r. Taxicab Transportation
- s. Welding: Welding shall be permitted in the C-3 zone. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.

The eastern half of the parcel numbered A2 in the Appendix (UPC 1009026375140000000) abuts an area of residential development of both established homes and lots still to be developed. Allowing heavy community commercial and retail development adjacent to those neighboring residential areas imposes an unreasonable aesthetic burden and will likely result in a negative financial impact to those property owners. *See, Appendix at page 2.*

## **2. Application for nine parcels to be zoned Heavy Industrial (I-3).**

Pages 3 – 11 of the attached Appendix show the proximity of the nine proposed I-3 parcels to existing homes and other areas currently zoned for residential development.

The Rio Communities zoning ordinance at §4-3-10(1 – 7) provides some examples of permitted uses in I-3 zoning:

- 1. meat packing – no slaughtering or rendering
- 2. manufacture of clay products, brick, tile and cement
- 3. community or municipal water supply system
- 4. heavy manufacturing
- 5. feed mills, grain elevators and seed cleaning plants
- 6. petroleum or liquefied petroleum gas bulk plants
- 7. similar uses in character, scale and performance with similar odor, noise, air, water and traffic impacts on neighboring properties

None of the above-listed examples – nor any others allowable under I-3 – are appropriate in close proximity to the neighboring residential properties. Allowing those uses near existing residences and to properties currently zoned for residential development is at odds with the Comprehensive Plan. *See, Appendix at pages 3 – 11.*

The following goals adopted in the Comprehensive Plan mitigate against approving the application before the Commission.

**§5-4-4.10** Develop a retail stabilization and improvement plan for the city and surrounding area. The plan should comply with the Zoning Code to ensure proper grouping of compatible types of business operations.

**§5-4-9.02** Encourage future development that is commensurate with surrounding areas one-of-kind housing options.

**§5-4-11.11** Develop trails for running, jogging and walking either as stand-alone facilities or part of a recreational complex.

**§5-4-11.12** Add picnic sites and parks designed for all ages, including very small children.

Currently, the parcels at issue in the application are classified as Planned Development under §4-3-11 of the Zoning Code. Initially, Planned Development functions as a placeholder category with guidelines to be considered and proposed by the municipal zoning authority once it receives an application to change the zoning map.

According to the Zoning Ordinance, a viable Planned Development should consider and propose:

- Open spaces and recreation areas;
- A pattern of development that preserves natural vegetation, natural topography and geologic features that prevents soil erosion;
- An environment of stable character in harmony with surrounding development.

*Rio Communities Zoning Ordinance §4-3-11(B).*

In this case, granting the applicant's proposed change to I-3 is likely to:

- subject the owners of neighboring residential properties to negative financial impacts on what is likely their single most valuable investment;
- impose negative aesthetic and quality of life burdens on the neighboring residential properties;
- result in a missed opportunity to anticipate future needs of Rio Communities for school construction, additional residential development, parks, and open spaces; and
- needlessly add industrial zoning to an existing surplus of land currently zoned for industrial use in and near Rio Communities.

**3. Did the commission provide to the public adequate notice of the proposed changes to the zoning map?**

The Rio Communities Comprehensive Plan requires 14-day notification on all city initiatives.

§5-4-1.05 To encourage public input and ensure adequate lead-time, the City shall post conspicuously at public locations, and at least fourteen (14) days before, notification on information concerning all City initiatives.

Do the proposed changes to the zoning map constitute a city initiative? If so, it appears that the Commission published notice of the proposed changes less than 14 days prior to the scheduled hearing. State law requires that regulations and restrictions of the county or municipal zoning authority are to be in accordance with a comprehensive plan. *NMSA § 3-21-5(A)*. If the publication did not comply with the public notification provision in the Comprehensive Plan, then the Commission should not conduct a public hearing on the proposed zoning changes, nor should any decision be made until the zoning authority publishes notice of the proposed changes in accordance with the law.

I again request that you reject the proposed changes to the zoning code I have outlined above. Thank you for taking the time to read my letter.

Sincerely yours,  
*/s/ Guy Dicharry*

I, AS A RESIDENT AND PROPERTY OWNER in Rio Communities am extremely concerned about a zone change. I am **absolutely against a zone change** allowing Cibola Land Corporation any access to the land, commercial 3 zone, 253 Acres; changing 9 parcels of land to heavy industrial and two to heavy commercial.

Residents of Rio Communities have had virtually no information dispersed , little notification of the meeting on January 19, 2023, or time to enter their thoughts, comments, consideration; let alone, any time for facts and information gathering. This appears to be an effort to keep local citizens ignorant with no say in the matter and to sneak in a change of zoning for the benefit of Cibola Land Corporation.

I do not want any heavy manufacturing, storage of petroleum gas, auto wrecking yards, asphalt production plants, facilities for production of oil or natural gas or other hydrocarbons, cement manufacturing or concrete plants or industries similar to waste recycling, any heavy industry similar to character, scale and performance with noise, odor, fouling of air, water or local traffic in any way. The zoning areas in question are entirely too close to existing residential, play, walking areas for people, pets of Rio Communities. The activities of Cibola Land Corporation appear counter to the health and general welfare of the residents of Rio Communities. I walk in this area, ride my bicycle and know several other neighbors who do so also. One neighbor takes his dog daily to exercise in the area.

Any such rezoning poses serious risks:

Health—the proximity of any potential heavy industry or manufacturing, storage, production, recycling can cause air pollution, water pollution, aquifer and Rio Grande pollution. The river is .68 miles from the zoning area.

Water demands would be huge with water availability and consumption precious for ALL.

Contamination is possible from heavy metals if an auto wrecking yard were allowed to be present.

Noise pollution is assured from manufacturing and truck traffic increase or any other traffic allowed in relation to manufacturing or plants allowed to be present.

Hindrance of the natural views, habitats for local wildlife would be destroyed.

I implore, in the most emphatic way possible, that the planning and zoning membership **DENY this change in zoning for the safety and health, wellbeing and welfare of the residents of Rio Communities.**

What do we gain by the rezoning? We have much to lose.

Linda Zaragoza

Resident, Property owner Rio Communities over 20 years





**PUEBLO OF ISLETA**  
**OFFICE OF THE GOVERNOR**

P. O. Box 1270  
Isleta, New Mexico 87022  
Telephone: 505-869-3111

January 19, 2023

Rio Communities City Council  
360 Rio Communities Blvd  
Rio Communities, NM 87002

By Email to: [info@riocommunities.net](mailto:info@riocommunities.net)

**Re: Change in Cibola Land Corporation Properties Zoning Designation**

To Whom It May Concern,

The Pueblo of Isleta submits this written comment expressing its opposition to the rezoning of the Cibola Land Corporation properties from residential and planned development zones to Heavy Industrial (I-3) and Heavy Commercial (C-3). The Pueblo of Isleta ("Pueblo") is extremely concerned about the proposal to rezone 252 acres of land in Rio Communities to heavy industrial and heavy commercial land uses. This change in zoning designation would threaten the air and water quality and quality of life on and near the Pueblo's Reservation, including the Comanche Ranch. The Pueblo writes to you today to address the Pueblo's concerns about Cibola Land Corporation's application to re-zone these properties and express our strong opposition. Thank you for this opportunity to share the Pueblo's concerns with you.

The Isleta people have lived on and used the Pueblo's current lands and surrounding areas for centuries, long before the first Spanish explorers arrived. The areas in and around Rio Communities are lands where our ancestors lived, worked, worshipped, played, and engaged in all the other activities of life for centuries, and so adjacent lands have historical and cultural significance to us. Our members, who mostly live on and near the Pueblo, continue to engage in traditional lifeways on and near the Pueblo, including gathering plants for traditional medicine and ceremonies.

The proposed zoning change from residential and planned development to heavy industrial and heavy commercial land uses will adversely impact the Pueblo of Isleta, which neighbors Rio Communities to the north and west. The activities permitted by heavy industrial zoning include heavy manufacturing, asphalt production, and oil, gas, and hydrocarbon production. *Rio Communities Zoning Ordinance 4-3-10*. The proposed zoning designation

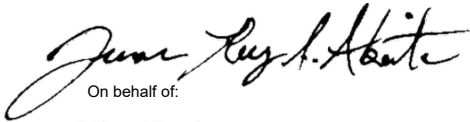
change does not conform with the Rio Communities Comprehensive Plan, which requires appropriate land use that considers community design and protects natural resources. *City of Communities Comprehensive Plan* (2015)  
<https://www.riocommunities.net/sites/default/files/fileattachments/planning/page/1091/ch-5-comprehensive-plan.pdf>. Heavy industrial and heavy commercial land use will lead to air pollution, noise, pollution, and increased traffic for the neighboring community and the Pueblo of Isleta. Additionally, heavy industrial land use will lead to contamination of our land, aquifer, and shared ground water, as well as the Rio Grande, which is less than a mile from the property.

The Pueblo is continually forced to conform to the squeeze of development, including the industrial and commercial land uses in neighboring communities, which have caused and continue to cause pollution of our air, water, and lands. Like many tribal and other minority communities across the country, we have been disproportionately affected by sources of pollution, which are more often located near our lands and communities than others'. Pollution also affects us disproportionately because it harms plant and animal life which support our cultural and religious practices, and because many of our members suffer from the impacts of generational poverty or trauma imposed on us, which make our members more susceptible to disease. And, like the rest of the world, we are feeling the impacts of the climate crisis, which is changing long-term weather patterns and increasing extreme weather events. Because climate change negatively affects people and the natural world, it also magnifies the harms to us from increased pollution

**For the above reasons, we ask for the Rio Communities Governing Body to deny the Cibola Land Corporation application to rezone 252 acres to heavy industrial and heavy commercial land use.**

Lastly, the Pueblo is aware that Cibola Land Corporation or any additional entities that seek to develop these properties will need to apply for additional licenses and permits in order to move forward with any constructions. If Rio Communities receives any such license or permits related to these properties, we ask that you inform the Pueblo and make high-level staff available for government-to-government consultation with the Pueblo on those applications, as well as whatever public participation you solicit under applicable laws and regulations.

Sincerely,  
 PUEBLO OF ISLETA



On behalf of:

Max Zuni  
 Governor

Cc: Lindsay K. Cutler, Legal Counsel, Pueblo of Isleta  
 Emily J. Soli, Legal Counsel, Pueblo of Isleta

January 19, 2023

Chairman Scroggins, Vice-Chairman Fernandez, Secretary Good, Member Adair and Member Rubin

Rio Communities Planning and Zoning Commission  
360 Rio Communities Blvd  
Rio Communities, NM 87002

Re: Cibola Land Corporation request to Rezone a Planned Development to Commercial 3 zone and Industrial 3 zone

Dear Planning and Zoning Commissioners,

I am a mother, photographer, and someone who has been able to spend time and interview people in the Mountain View Neighborhood of the South Valley.

I have listened to their stories about how the cumulative impacts of industry—asphalt plants, auto wrecking yards, and bulk storage of petroleum products— have impacted their health—from increased childhood asthma to lower life expectancy. The impacts of air pollution are well documented in medical literature.

Rio Communities can plan development that nurtures the community—whether that be retirement facilities, healthcare or other creative and innovative ways to offer residents healthy surroundings and preserve the beautiful views and nature that is part of Rio Communities.

I cannot imagine having heavy industry—the truck traffic, noise and light pollution in my backyard. This is being proposed 50 feet from homes. Will those children be breathing in fumes from the industry in their backyard? Is this what we want for future generations? As Planning and Zoning Commissioners, you have a duty and responsibility to the next generations to thrive.

Please deny Cibola Land's request to change the zoning of approximately 39 acres from Planned Development to Commercial 3 and to change the zoning of approximately 252 acres from Planned Development to Industrial 3. A denial would be in accord with the vision and goals set out in the city Comprehensive and Economic Development Plans.

Thank you,  
Anni Hanna  
Mom and Photographer  
11510 Ranchitos Road NE  
Albuquerque, NM 87122



Dear Rio Communities Planning and Zoning Commission,

January 18th, 2023

Public Comment on the matter before you regarding:

a) Cibola Land Corporation: Commercial 3 zone: Proposed Location: UPC 1009026375240000000 Subd: PLAYA ESTATES Tract: PARCEL 5 11.52 ACRES 1994 SPLIT, UPC 1009026375140000000 Subd: PLAYA ESTATES Tract: PARCEL 7 27.26 ACRES 1994 SPLIT

b) Cibola Land Corporation: Industrial 3 zone: Proposed Location: UPC: 1010026145085000000 Subd: PLAYA ESTATES Tract: PARCEL 12 14.29 ACRES 1994 SPLIT, UPC 1010026270120000000 Subd: PLAYA ESTATES Tract: PARCEL 14 19.56 ACRES 1994 SPLIT, UPC 1010026294187000000 Subd: PLAYA ESTATES Tract: SOUTH PORTION OF PARCEL 15 5.65 ACRES 2006 SPLIT, UPC 1010026397131000000 Subd: PLAYA ESTATES Tract: PORTION OF PARCEL 16 REMAINING 16.44 ACRES 2006 REV, UPC 1010026320050000000 Subd: PLAYA ESTATES Tract: PARCEL 19 54.00 ACRES 1994 SPLIT, UPC 1010026195020000000 Subd: PLAYA ESTATES Tract: PARCEL 20 12.84 ACRES 1994 SPLIT, UPC 1010026195020000000 Subd: PLAYA ESTATES Tract: PARCEL 20 12.84 ACRES 1994 SPLIT, UPC 1009026490035000000 Subd: PLAYA ESTATES Tract: PARCEL 22 35.56 ACRES 1994 SPLIT, UPC 1009026365015000000 Subd: PLAYA ESTATES Tract: PARCEL 23 33.40 ACRES 1994 SPLIT, UPC 1010025060475000000 Subd: PLAYA ESTATES Tract: PARCEL 24 47.01 ACRES 1994 SPLIT

Common Ground Rising, a citizen advocacy group, asks that you deny the application for Cibola Land, owned by Harvey Yates, who is requesting to rezone 252 acres of open land from R1 and PD (residential and “planned development” zones) to Heavy Industrial (I-3) and Heavy Commercial (C-3). This land is 0.68 ( $\frac{2}{3}$ ) miles from the Rio Grande. Nine parcels of land would be zoned to Heavy Industrial and two to Heavy Commercial.

We are asking you to take a precautionary approach to your decision making and include a disparate social impact report because of the environmental economic health impacts that this ordinance change will cause on majority minority communities in the regions.

We are requesting that a ‘Economic Health and Social Disparity Report’ be done to address what impacts this would have on the communities. Some of those environmental impacts include, fine particles, sometimes called soot, can penetrate deep into the lungs and can result in serious health effects that include asthma attacks, heart attacks, dementia and premature death – disproportionately affecting vulnerable populations including children, older adults, those with heart or lung conditions, as well as communities of color and low-income communities throughout the United States. An example, in Albuquerque, an ordinance approval for heavy industrial and commercial has permitted major health and environmental impacts in the South Valley that has detrimental impact to the community. These particles emitted directly from a sources, such as construction sites, unpaved roads, fields, smokestacks, vapor clouds or fires; other particles form in the atmosphere as a result of complex reactions of chemicals such as sulfur dioxide and nitrogen oxides, which are pollutants emitted from gas and energy plants, industrial facilities, asphalt paving facility, cement factories and vehicles. There are thousands of new scientific studies that have demonstrated the dangers of soot exposure. You should be requesting a report to address disparities and protect public health, at a minimum to show your concern. There are several [tools](#) available to look at the [social environmental economic impacts](#) of your decision. One such tool is the [Compendium on Safety and health risk of fracking](#) should be a bellwether on your decision making because Harvey Yates has told many that he intends to frack in this area.

There is virtually no enforcement by the State or federal government if you allow this industrial siting. The fossil fuel industries [self-reported, "excess" emissions](#), **1,341 times in the past 12 months no one was fined, yet, the health impacts continue**. You are opening the door to the gates of misery for your community. Not only impacting your water supply but potentially the water supply of perched aquifers throughout the basin. The argument that the state will oversee and enforce is false.

On Jan 13, 2023, Mesa Oil's release of toxic fumes caused serious health and safety concerns, this should be your wake up call. It was evident by the lack of the appropriate responses, such as health alerts, evacuation plans, staging areas for search and rescue, and notice to the community that the City of Rio Communities, residents, businesses, schools, prisons, hospitals, the city of Las Lunas and County of Valencia is not prepared for the risks to public health and safety of the families they are responsible for, and should not approve an ordinance change for this type of heavy industrial site.

In the United States the particulate matter 2.5 (PM2.5) causes: [up to 4,200 premature deaths per year](#); 270,000 lost workdays per year; results in as much as \$43 billion in net health benefits in 2032. Do you know what impacts this heavy industry will impose on your budgets? How many in your community will you risk in premature deaths? If the workers are not healthy they are not working, and this impacts whether family members are ill as well. Mr Yates, two requests for this ordinance change does not give him or his partnerships the right to destroy the ecology, degrade the environment and impose health hazards for profit.

Heavy Industrial Zoning does not fit with the comprehensive plan of Rio Communities.

Residents have been kept in the dark and were only notified 6 days ago about rezoning. The law puts the burden on citizens to file a lawsuit if impacted. The lack of transparency in this process and, at the County, the shading after midnight approvals when the overwhelming community said NO, shows the capitulation to Industry by the city or the county and risks being sued.

This is the planning and zoning chance to do the Social Disparity Screenings, the economic health and social impact reports, the air dispersion modeling and to hold meetings in the communities to listen to their concerns. Vote down this application and do your due diligence.

Thank you for considering our concerns.

Elaine Cimino

Director of Common Ground Rising

505 604-9772

January 17, 2023

I/we are writing to you in response to what we have recently been informed of in regard to the issue of new "Industrial Zoning" of properties located near Rio Communities. I am a certified federal firefighter with more than 25 years of experience in that profession and have large concerns over this and how it would pertain to the safety of the community and its residents.

I have heard that there is a possibility of one of these new businesses serving in the capacity of "Petroleum and/or Natural Gas" production. With that in mind, I have the important question of whether or not our local firefighters are properly certified and qualified to handle and mitigate an incident involving such hazardous chemicals? Furthermore, do we have enough firefighting personnel and equipment to accommodate such a task of battling a large industrial fire?

Even at the Federal level, if we have a large hazardous materials incident, we have to notify the New Mexico State HAZMAT Team, which I believe is the 64th CST, so that they can decide if they need to take command of the incident.

Also of grave concern is the fact that any of these processes and facilities are more than likely going to be located relatively close to actual residential areas and housing which could potentially place unaffiliated persons at high risk in regard to their lives and/or property.

We feel that this plan and these issues should be vetted at the highest levels of authority, i.e. the State of New Mexico, or even at the Federal level, before being allowed to proceed and place our community and its citizens at risk.

Respectfully,

Preston Harris and Sofia Harris  
305 Pueblo Nuevo Drive  
Rio Communities, New Mexico 87002

Signatures:

Preston M. Harris, Jr.

Soafia A. Harris

STATE OF NEW MEXICO  
NOTARY PUBLIC  
ELIZABETH LUGO  
Commission Number 1120077  
My Commission Expires 12/27/2025

RECEIVED

JAN 18 2023

City of Rio Communities

Lalena Aragon  
Deputy Clerk

**From:** [Lynn Eubank](#)  
**To:** [Lalena Aragon](#)  
**Subject:** object to rezoning request  
**Date:** Wednesday, January 18, 2023 11:26:42 AM

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**Caution:** External (lynneubank@yahoo.com)

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I strongly object to the rezoning request by Harvey Yates to reclassify 252 acres of open land near the Rio Grande in Valencia County from R1/PD to Heavy Industrial (I-3) and Heavy Commercial (C-3). This request involves land that is very close to the backyards of existing homes (within 30 feet) and permits air pollution, water pollution, and heavy metal pollution from asphalt production, production of petroleum hydrocarbons, and cement manufacturing. It is completely out of character with Rio Communities and surrounding areas, and it will likely reduce the life expectancy of residents by making the area into a dumping ground for heavy industry.

Lynn Eubank  
Valencia County, NM  
lynneubank@yahoo.com

**From:** [martha saiz](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Planning and Zoning discussion 01/19/23  
**Date:** Wednesday, January 18, 2023 1:44:01 PM

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**Caution:** External (firesaiz@yahoo.com)

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Greetings, this letter is for the discussion tomorrow. Thank you!!



01/18/2023

To: City of Rio Communities City Council and Mr. Mayor  
From: Martha Saiz  
1607 Ben Hogan Loop, Rio Communities, NM 87002  
RE: City Council meeting regarding Planning and Zoning

Dear Council and Mr. Mayor,

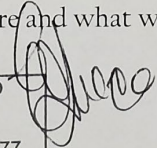
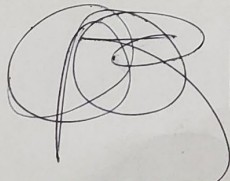
Greetings all. My name is Martha Saiz, me and my family have lived in our beautiful neighborhood for the last 2 years and 2 months. We are a family of 6 at our residence, and absolutely love our home, neighborhood, and community. Our community gives us and our children a safe, secure, quite area to grow and live to our full potential. My fiancée and I picked this area due to the beauty and safety it offers and provides that is in my opinion a higher quality than surrounding areas of real estate. I have not regretted our purchase thus far and I am shocked and worried recently by learning of the possible change of zoning to industrial at literally outside our front door being our front door faces south.

I am definitely all for "growth and development" in our small town, however I can't believe that the area in mind is up for this kind of zoning development. In my opinion we have our fair share of industrial as it is with the unpleasant smells coming from Mesa Oil, I couldn't and wouldn't even want to think of even more! Commercial zoning such as stores, businesses and the such would give us the gross receipts revenue that we need to continue to help our town is what we need. We need a good mix of commercial, multifamily, and residential in order to continue to grow as a whole. The area of land that is wanting to be re-zoned was not I-3 when the developer bought so that land owner knew full well that it was residential. Why should it be allowable to make this industrial area in our beautiful area, the area that is really quite honestly the "more upscale" part of our small town?

You all as councilors, and Mayor are suppose to be the voice for OUR community. I am sure that I am not the only one who is worried about this decision. We have our homes, our families, children and grand-children here. I would seriously hate to think that this beautiful area could be a heavy traffic, foul smelling industrial area in the future to come. We bought our home with the intent to live years and years to come, and now that dream could be realistically compromised.

Please think twice about this decision, think of the future and what we want for our community.

Sincerely,



STATE OF NEW MEXICO  
NOTARY PUBLIC  
ELIZABETH LUGO  
Commission Number 1120077  
My Commission Expires 12/27/2025

**From:** [tsdecherif@aol.com](mailto:tsdecherif@aol.com)  
**To:** [Lalena Aragon](#)  
**Subject:** Planning and Zoning matter  
**Date:** Thursday, January 19, 2023 1:42:50 PM

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**Caution:** External (tsdecherif@aol.com)

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My name is Teresa Smith de Cherif. I am the Vice Chair of the Valencia Soil and Water Conservation District. I am writing today in my personal capacity.

I write to oppose the request from Cibola Land Corporation to the Rio Communities Planning and Zoning Board to rezone the Planned Development parcels to Commercial 3 and 9 other parcels to Industrial 3 zones.

I specifically request that the petition from Cibola Land Corporation be tabled until your Planning and Zoning Board can perform its due diligence by undertaking consultations with appropriate and concerned entities, including the Pueblos of Isleta and Laguna (because there are significant Native American archaeological resources in the immediate area), the New Mexico Department of Game and Fish (which owns nearby land), and the Valencia Soil and Water Conservation District (because the District owns a large Conservation area adjacent to the properties in question). The District, in particular, has enjoyed very productive relations with the City of Rio Communities and can be an important consulting partner on this matter, if requested.

I look forward to hearing from you.

Sincerely,

Teresa Smith de Cherif

**From:** [Elisabeth Dicharry](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Please oppose or table the rezoning changes requested by Cibola Land Corp  
**Date:** Thursday, January 19, 2023 11:06:59 AM

**Caution:** External (lgdicharry@gmail.com)

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Dear Planning and Zoning Chairman and Members,

Please oppose or table the Cibola Land Corporation's request to RC Planning and Zoning for a rezoning from a Planned Development to Commercial 3 (2 parcels) and Industrial 3 (9 parcels) zones. I am asking that you oppose or table these zone changes for the following reasons:

1. A denial would be in accord with the vision and goals set out in the Comprehensive and Economic Development Plans. Cibola Land Corporation's requests apply to the zoning of approximately 39 acres from Planned Development to Commercial 3 and to approximately 252 acres from Planned Development to Industrial 3. The zoning for the affected area is currently Planned Development. According to §4-3-11 of the Zoning Code, the purpose of the Planned Development District is to promote flexibility in thought that encourages innovative development sensitive to surrounding land uses, community needs and the natural environment.

2. When looking at the parcel maps where the changes are being requested, there are many occupied residences and still to be occupied properties. Many people who bought land in the area rely upon the notion that it would be a residential area, not an area filled with industrial equipment and manufacturing. The population of Rio Communities will grow over the next decade.

3. The Rio Grande Industrial Park already exists and was built as the Rio Communities Industrial Park for the city of Rio Communities by the Horizon Corporation.

4. For Commercial 3 and Industrial 3 zoning the following could become significant problems for the residents of Rio Communities including:

- roads damaged by large trucks
- damaging the aesthetics/beauty of the community
- storage of manufacturing/commercial equipment, not unlike what we see in the south valley near 2nd street and along Broadway St in Albuquerque
- bulk storage of petroleum and liquefied petroleum gas,
- auto wrecking yards,
- asphalt production plants,
- facilities for production of oil/natural gas/other hydrocarbons,
- cement manufacture and concrete plants, and
- industries like the existing Mesa Oil waste recycling plant
- any heavy industry "similar [in] use in character, scale and performance with

similar odor, noise, air, water, waste, and traffic impacts on neighboring properties”

- lack of enforcement of zoning and other standards that promote quality of life

5. In addition, the Rio Grande is a mere 0.68 miles away downhill from the proposed development area. In this area there is a large tract of land known as the Rio Abajo. This land is part of the Whitfield Conservation Area Complex managed by the Valencia Soil and Water Conservation District (VSWCD). It is open space, a conservation area for fauna and flora including migratory birds protected by the Federal Migratory Bird Act. The area contributes to the quality of life for all Valencia County residents. There are significant archaeological resources in the area as well. To my knowledge, there has not been consultation with VSWCD, Fish and Wildlife Service, the State, and Pueblos about these proposed zone changes.

6. There are multiple potential harms to public health which are likely to be seen if heavy commercial and/or industrial operations are expanded. Exposure to high levels of air pollution can cause a variety of adverse health outcomes including respiratory, cardiac, and immune system adverse effects. Many of the residents in Rio Communities are elderly and more prone to illness. Also, young families living in the area already stressed from financial woes and substandard housing do not need more exposure to toxins.

7. Residents of Rio Communities and the surrounding area have not been given specific information on businesses and industries that could be built if the area is rezoned as requested by Cibola Land Corporation. **I understand Rio Communities needs services. I support commercial development for roads, shopping areas, restaurants, educational facilities, day care, assisted living facilities, health care, and parks. As far as I know, the rezoning requests do not apply to any of these services.**

Please oppose or table the rezoning requested by the Cibola Land Corporation.  
Thank you.

Sincerely,  
Elisabeth Dicharry, BSN,MS  
Director, Wildlife Conservation Advocacy Southwest  
A 501(c)(3) organization  
PO Box 2578  
Los Lunas, NM 87031  
505-269-6534 (c)  
[Lgdicharry@gmail.com](mailto:Lgdicharry@gmail.com)  
[wcasouthwest@gmail.com](mailto:wcasouthwest@gmail.com)

**From:** [Ron Faich](#)  
**To:** [Lalena Aragon](#)  
**Cc:** [Valencia Water Watchers](#)  
**Subject:** Proposed Rezoning Cibola Land for Harvey Yates  
**Date:** Thursday, January 19, 2023 2:07:32 AM

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**Caution:** External (ronfaich@comcast.net)

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To the Rio Communities Planning and Zoning Committee:

I am deeply opposed to the request by Harvey Yates to rezone Cibola Land acreage in Rio Communities from R-1 and PD-1 to I-3 and C-3. Though I am not a resident of Valencia County, I believe the danger to the Rio Grande and wildlife resulting from drilling and heavy industry in the area outweighs any gains from this proposed development. The quality of life for people residing near the Cibola Land area should also be a paramount consideration; they have invested time and money to enjoy living in a semi-rural area and their investments deserve your protection. Thank you for considering my views on this issue.

Ron Faich  
Albuquerque, NM 87112

Sent from my iPad

**From:** [Katrina Bedsaul](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Public comment for P&Z meeting July 19th: DENY request for a rezoning for a Planned Development to Commercial 3 zone and Industrial 3 zone  
**Date:** Thursday, January 19, 2023 1:25:55 PM

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**Caution:** External (katrina\_bedsaul@outlook.com)

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I will not be able to attend today's 4pm meeting and thus am providing written comment instead per your directions on the agenda.

I urge you to **deny** the Cibola Land Corporation's requests to rezone the land to C-3 and I-3. I feel that land would be better suited to residential and planned development, as it is zoned today. That specific area does not need to be a drive-in movie theatre or a commercial kennel (valid options under the C-3 permitted use) or hosting meat packing or a petroleum bulk plan (listed as permitted usages for I-3).

While I don't live in Rio Communities, I do live in Valencia county, due north of the proposed location, and I am in the area frequently.

Thanks,  
Katrina

**From:** [Cutler, Lindsay](#)  
**To:** [Lalena Aragon](#)  
**Cc:** [Abeita, Juan Rey](#)  
**Subject:** Public Comment for Planning and Zoning Commission on Cibola Land Corporation Zoning Change  
**Date:** Thursday, January 19, 2023 2:29:29 PM  
**Attachments:** [Pueblo of Isleta Comment - Change in Rio Communities Zoning Designation.pdf](#)

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**Caution:** External (lindsay.cutler@isletapueblo.com)

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Hello,

Please see the attached public comment from the Pueblo of Isleta on the Cibola Land Corporation zoning change, which is on the agenda for Rio Communities Planning and Zoning Meeting this evening.

Sincerely,

**Lindsay K. Cutler**

Senior Associate General Counsel | Pueblo of Isleta

(505) 869-9716 (office) | (505) 235-2435 (direct) | [lindsay.cutler@isletapueblo.com](mailto:lindsay.cutler@isletapueblo.com)

Tribal Services Complex Building "C" | 3950 Highway 47 | Isleta, NM 87105





## PUEBLO OF ISLETA OFFICE OF THE GOVERNOR

P. O. Box 1270  
Isleta, New Mexico 87022  
Telephone: 505-869-3111

January 19, 2023

Rio Communities City Council  
360 Rio Communities Blvd  
Rio Communities, NM 87002

By Email to: [info@riocommunities.net](mailto:info@riocommunities.net)

### **Re: Change in Cibola Land Corporation Properties Zoning Designation**

To Whom It May Concern,

The Pueblo of Isleta submits this written comment expressing its opposition to the rezoning of the Cibola Land Corporation properties from residential and planned development zones to Heavy Industrial (I-3) and Heavy Commercial (C-3). The Pueblo of Isleta ("Pueblo") is extremely concerned about the proposal to rezone 252 acres of land in Rio Communities to heavy industrial and heavy commercial land uses. This change in zoning designation would threaten the air and water quality and quality of life on and near the Pueblo's Reservation, including the Comanche Ranch. The Pueblo writes to you today to address the Pueblo's concerns about Cibola Land Corporation's application to re-zone these properties and express our strong opposition. Thank you for this opportunity to share the Pueblo's concerns with you.

The Isleta people have lived on and used the Pueblo's current lands and surrounding areas for centuries, long before the first Spanish explorers arrived. The areas in and around Rio Communities are lands where our ancestors lived, worked, worshipped, played, and engaged in all the other activities of life for centuries, and so adjacent lands have historical and cultural significance to us. Our members, who mostly live on and near the Pueblo, continue to engage in traditional lifeways on and near the Pueblo, including gathering plants for traditional medicine and ceremonies.

The proposed zoning change from residential and planned development to heavy industrial and heavy commercial land uses will adversely impact the Pueblo of Isleta, which neighbors Rio Communities to the north and west. The activities permitted by heavy industrial zoning include heavy manufacturing, asphalt production, and oil, gas, and hydrocarbon production. *Rio Communities Zoning Ordinance 4-3-10*. The proposed zoning designation

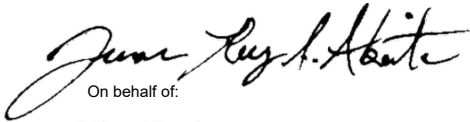
change does not conform with the Rio Communities Comprehensive Plan, which requires appropriate land use that considers community design and protects natural resources. *City of Communities Comprehensive Plan* (2015)  
<https://www.riocommunities.net/sites/default/files/fileattachments/planning/page/1091/ch-5-comprehensive-plan.pdf>. Heavy industrial and heavy commercial land use will lead to air pollution, noise, pollution, and increased traffic for the neighboring community and the Pueblo of Isleta. Additionally, heavy industrial land use will lead to contamination of our land, aquifer, and shared ground water, as well as the Rio Grande, which is less than a mile from the property.

The Pueblo is continually forced to conform to the squeeze of development, including the industrial and commercial land uses in neighboring communities, which have caused and continue to cause pollution of our air, water, and lands. Like many tribal and other minority communities across the country, we have been disproportionately affected by sources of pollution, which are more often located near our lands and communities than others'. Pollution also affects us disproportionately because it harms plant and animal life which support our cultural and religious practices, and because many of our members suffer from the impacts of generational poverty or trauma imposed on us, which make our members more susceptible to disease. And, like the rest of the world, we are feeling the impacts of the climate crisis, which is changing long-term weather patterns and increasing extreme weather events. Because climate change negatively affects people and the natural world, it also magnifies the harms to us from increased pollution

**For the above reasons, we ask for the Rio Communities Governing Body to deny the Cibola Land Corporation application to rezone 252 acres to heavy industrial and heavy commercial land use.**

Lastly, the Pueblo is aware that Cibola Land Corporation or any additional entities that seek to develop these properties will need to apply for additional licenses and permits in order to move forward with any constructions. If Rio Communities receives any such license or permits related to these properties, we ask that you inform the Pueblo and make high-level staff available for government-to-government consultation with the Pueblo on those applications, as well as whatever public participation you solicit under applicable laws and regulations.

Sincerely,  
 PUEBLO OF ISLETA



On behalf of:

Max Zuni  
 Governor

Cc: Lindsay K. Cutler, Legal Counsel, Pueblo of Isleta  
 Emily J. Soli, Legal Counsel, Pueblo of Isleta

**From:** [Michael Melendez](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Request for a rezoning for a planned development to commercial 3 zone and industrial 3 zone.  
**Date:** Thursday, January 19, 2023 11:36:28 AM

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**Caution:** External (mmelnd@outlook.com)

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Can the applicant specify the purpose for this request to rezone an Industrial Park area to Commercial 3 Zone and Industrial 3 Zone?

Michael Melendez

608 Western Dr. Rio Communities, NM 87002

Sent from [Mail](#) for Windows

**From:** [Amber Jeansonne](#)  
**To:** [Lalena Aragon](#)  
**Subject:** rezoning proposal tomorrow  
**Date:** Wednesday, January 18, 2023 2:18:30 PM

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**Caution:** External (ambernicojeansonne@gmail.com)

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Dear City of Rio Communities Planning and Zoning Committee,

Please deny the request to rezone 252 acres of open land from R1 and PD to Heavy Industrial and Heavy Commercial. There is too much unknown about what developments this could lead to and too much at risk. Heavy Industrial Zoning allows for industries such as heavy manufacturing, bulk storage of petroleum and liquefied petroleum gas, auto wrecking yards, and asphalt production plants.

The repercussions from having industries such as these so close to residents' homes and the Rio Grande need to be considered. Residents were only notified about this zoning change 6 days ago which is not enough time for them to gather enough information about how their neighborhood will be affected.

I am not a Rio Communities resident but am a resident of Valencia County and am extremely concerned about this happening in my community. When the South Valley was rezoned for heavy industrial use, asphalt plants, auto wrecking yards, and jet fuel storage all moved in. The cumulative impacts of the air pollution have had a devastating impact on that community and I don't want to see that same thing happen here.

At the very least, please consider delaying this vote until more information can be gathered about what specific industry will be moving in. The community deserves to have that information.

Thank you,  
Amber Jeansonne

**From:** [N Klingbile](#)  
**To:** [Lalena Aragon](#)  
**Subject:** Rezoning/Cibola Land Corporation  
**Date:** Saturday, January 14, 2023 3:05:37 PM

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**Caution:** External (normk07@gmail.com)

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Elected City Officials,

Please let it be known that I, as an official resident of Rio Communities, object to and discourage the approval to rezone said acreage as stated in the agenda (Cibola Land Corporation) for January 19th, 2023 Planning and Zoning meeting.

Thank you,

Norm Klingbile

1210 Perion Drive, Rio Communities, NM. 87002



**From:** [Linda Laswell](#)  
**To:** [Lalena Aragon](#)  
**Subject:** say no to heavy industry  
**Date:** Thursday, January 19, 2023 6:24:18 AM

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**Caution:** External (lblaswell@gmail.com)

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I live in Belen. Everytime I drive into Albuquerque I am grateful for the rural clear skies we enjoy here in VC. I knew when the County Commission approved his rape and pillage of the earth there would be nothing but trouble after that and for what? He's just another greedy Oil and Gas man who denies the science of environmentalism.

Please, please, please say no to this zoning change. Water is precious. Water is life. The Rio Grande and people's property values and lives are at stake.

Sincerely

Linda Laswell  
314 N 14th ST  
Belen NM 87002

**From:** [Wyn Sanchez](#)  
**To:** [Lalena Aragon](#)  
**Cc:** [Valencia Water Watchers](#)  
**Subject:** To: Rio Communities P & Z : Rezoning from residential to Industrial & Commercial being considered today  
**Date:** Thursday, January 19, 2023 9:23:40 AM

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**Caution:** External (schzclz@gmail.com)

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Please be aware of your civic duty to uphold your constituents quality of life. Please ensure that the (lifelong in many cases) investments they have made in their homes remain viable and their neighborhoods remain liveable. Please do not sell them out. Mr. Yates surely has or can acquire other properties more suitable for heavy industry, such as those already zoned for those activities. Please consider the impact of having, say, a waste fuel dump next door to your home. Please protect your constituents interests and lives. Thank You kindly for taking proper action in this very important matter.