



**City of Rio Communities Planning and Zoning Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Thursday, February 02, 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. Regular Business Meeting (01/04/23)**

**Public Hearing - For the purpose of the request for a rezoning from Commercial 1 zone to Commercial 3 zone -**

**Applicant - Founders Land Acquisition Company LLC (FLAC): Legal description UPC  
100902830605500000 Tract: UNNUMBERED S: 16 T: 5N R: 2E 0.48 ACRE PLAT N-663,  
2350 HIGHWAY 47 Rio Communities NM , 87002**

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

- **Consideration of: Founders Land Acquisition Company LLC (FLAC): Commercial 3 zone**

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

**Actions Items**

- 3. Discussion, Consideration, and Decision – Recommendation to move to Council applicant Founders Land Acquisition Company LLC (FLAC): Commercial 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 2:00 PM on Thursday February 2, 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 19, 2023 4:00 PM**  
**Minutes**

*Please silence all electronic devices.*

### **Call to Order**

- Chairman Scroggins called the Planning and Zoning meeting to order at 4:19 Pm.

### **Pledge of Allegiance**

- Member Scott Adair led the Pledge of Allegiance.

### **Roll Call**

- Present: Chair Thomas Scroggins, Secretary Melodie Good, Member Scott Adair, Member Adelina Benavidez.  
 ABSENT: Member Chad Good
  - Present City Manager Dr. Marty Moore, Municipal Clerk Elizabeth Adair, Deputy Clerk Lalena Aragon

### **Approval of Agenda**

- Motion made by Member Adair to approve the agenda. Seconded by Secretary Good. With a unanimous vote the agenda was approved for the planning and zoning meeting as presented.

### **Approval of Minutes for the Business Meeting (01/05/23)**

- Motion made by Member Adair to approve the minutes for 01/05/2023. Seconded by Secretary Good. With a unanimous vote the minutes for January 5, 2023 were approved as written.

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

- Chairman Scroggins talked about the adoption of the Open Meetings act.
- Motion made by Secretary Good, Seconded by Member Adair. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez. With a 4-0 vote the Commission approved the adoption of the City's open meetings act resolution.

### **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 made by Member Adair with a roll call vote to recess planning and zoning meeting session and to go into public hearing. Seconded by Member Benavidez. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez. With a 4-0 vote the commission recessed the regular meeting to go into the public hearing at 4:25 pm.

### **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**

- ❖ Manager Dr. Marty Moore gave a presentation. See file.
- ❖ Chairman Scroggins read his statement.
- ❖ Mr. Yates the applicant gave a presentation and thanked everyone for showing up. He showed the map and talked about the area he is talking about. He explained that 262 acers are being asked to be zoned to industrial 3 and the other 38 acers to be zoned as commercial 3. He showed what the property has on it right now. He talked about moving the trash off the property and moving it to the dump. He explained there would be a 50-foot buffer zone with trees to keep them separated from the existing residential area and the golf course. He further explained they would like to drill a water well and that the city would also be able to use the water well to water the tress in the buffer zone and other things as well. He continued to explain that plan of replotting the land to create new roads to keep semis off the residential roads so they can access directly from highway 47 and 304 without using the city roads. He said that the area he is talking about already touched the existing industrial park that is already there, and they are hoping to Annex it to that existing industrial park and that will create a very large-scale industrial park I think it will make it the second largest industrial park in New Mexico. What that will do is bring in opportunities to bring in anchor business that will give them the land and the size to bring in various things I can't give specifics about our investors at this time. He explained I heard people talking outside saying Yates wants to come in a drill we do not own any mineral right in the area and have no intention to drill on the land it is strictly to bring in jobs and businesses and work with the city. This will be a very beneficial location for business to create there is a already a railroad near the other industrial park that will make this a very attractive location to attract businesses that is out intentions to use land that is currently being used as a an illegal dumping site cleanup that land have this other property annex to the city of Rio Communities bring in businesses that would increase the tax base bring jobs and at the same time have a buffer zone to separate the land that is currently being used as a dumping site from the existing residential are a and bring in new roads. That is our only intention. I will open it up for questions from you guys.
- ❖ Member Adair asked you are going to propose to create a new road to bypass that traffic, so they are still going to have to come through 47 going north to get to the freeway. That still creates a lot of traffic.
- ❖ Yates answered all I can say is we are trying to create a different avenue for the heavy rigs and people that do the industrial work and things like that so it is not going through residential. What it does it is not like we are cutting off the existing roads we are just creating newer roads to keep the traffic diverted because they are not going to want to go through residential properties either so we will create an avenue so they could bring in goods and services.
- ❖ Member Adair asked so this road is for the business that might occupy those spaces and have that as a singular road for their traffic.
- ❖ Yates answered correct. So they can bring goods in and out and also access the rail.
- ❖ Member Adair asked so what type of business do you envision.
- ❖ Yates answered so I can't go into specifics but what I do want to specify that we are not planning on drill or things of that nature we are open to all types of businesses if this passed and the zoning gets approved and able to get the annexation and make it one continues industrial park we will be able to bring in all types of business for example wind turbines we are talking about a large enough area were amazon could come in and bring in a warehouse things of that nature it will open up an area where any type of legitimate businesses can come in. Because they are going to have to go in here and spend a lot of money to get it developed you

are going to have legitimate business putting their cash and capitol on the line hoping to get established a base in Rio Communities.

- ❖ Member Adair asked as far as water.
- ❖ Yates answered as far as water if we are able to get through the rezoning process and this gets approved then we are planning on buying water rights and drilling a water well that might mean we have to drill multiple water wells depending on the water rights we buy but what we are planning on doing if there is going to be a need for water is buying the water rights we need to be able to service that.
- ❖ Member Adair asked so do you think any of this business would require a redundant amount of water.
- ❖ Mr. Yates answered I haven't talked to anybody who has said they need a redundant amount of water.
- ❖ Secretary Good asked it is my understanding that anyone you are negotiating with say it is approved and you want to bring somebody in they are going to have to go through the entire process with us to make sure the community wants that type of business.
- ❖ Mr. Yates answered my understanding is that everything has to be approved by you all this gives us is the opportunity to let them know this is zoned industrial I am an industrial business and I have to go and get approved by the community in order to put my business. Cibola can't give the permission to go ahead and put-up shop it would have to be approved by you guys.
- ❖ Member Adair asked how you would propose to restrict the dumping.
- ❖ Mr. Yates answered that we fenced the property we bought we have a crew taking trash out in a safe manner there are some interesting artifacts that have accumulated over the years that all we can do until we get some businesses in there hopefully the gates will help and we can monitor it the best we can.
- ❖ Chairman Scroggins said so if I am not mistaken the first step is rezoning and then after that we would be seeing more of you hopefully.
- ❖ Mr. Yates answered that is correct if it is rezoned we would come to you to get the property replated from the lots so we can install the roads. That would be the next step.
- ❖ Chairman Scroggins said we have quite a list of people two pages I think we got this organized as commercial first and industrial second that is what I will do. I will start with commercial.
- ❖ Lodi Silva; read a statement. My statements are my own and do not represent any former capacity I hold with any city or nonprofit organization I have involvement with. With that being said anyone that knows me knows I am a loyal to the economic development to the City of Rio Communities. I truly believe we are a bedroom community we do need c3, c2, and c1. One of my concerns was the water that Mr. Yates did answer. My other concern is sewer and asked if they will make their own septic or are they going to come into our household sewer or are they going to help build it so we can add to it. I do believe we need commercial 3 and I am all for the growth of Rio Communities as long as Planning and zoning are making the right decisions on the growth we need.
- ❖ Monique Marquez; said I just want to make is clear the Cibola has owned that property since June of 2021, and I am curious on why now they are only moving trash off that has been dumped there now and not for the last almost three years. So, Rio Communities guys what happened to endless views endless opportunities that is our logo it is printed everywhere. If this commercial zoning passes the residents would have endless views distorted by large buildings, smog, odor, smoke, gases, traffic and destroyed roads. Say No to rezoning to maintain the integrity of the city's lifestyle.

- ❖ Matthew Marquez; I am against the rezoning in commercial words is 80 feet enough to separate commercial property from residential homes. Zoning ordinance requires 30 feet set back between residential and commercial establishments plus a 50 foot set back being offered by developer in the recently held special Zoning meeting held on November 21 Dr. Moore himself expressed the concern regarding the proctectomy of solar panels being to closet to homes, why is it not a concern today and I quote it could be 70 ft away and it is still very close he said that on November 21 commercial building affect living conditions more than solar panels deny the zoning change.
- ❖ Chairman Scroggins called up Kathleen McCord.
- ❖ Kathleen McCord; she would like to save her speech for the 13 part.
- ❖ Chairman Scroggins called HS Craig.
- ❖ Hide Craig; I live at the Golf Course at the end of the golf course you are wanting to put heavy industry what are you thinking there are nice houses there 50 feet this room is longer than 50 ft and that is what you want to do, why you were elected by the people to meet our needs and our concerns. Please say no to this industrial and commercial development.
- ❖ Chairman Scroggins called up Monica Vargas.
- ❖ Monica Vargas; said she is here to represent her community and I have a lot of questions I live on highway 304 and my main concern is the gas smell.

**b) Cibola Land Corporation: Industrial 3 zone: Legal Description: 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**

- ❖ Chairman Scroggins said let's move to the industrial and called Ross Harms.
- ❖ Ross Harms; I live on Brown drive I live a couple of blocks from the golf course, and I can see where you are contemplating the rezoning on the southside which appears by the map that it will only be a few blocks from existing homes. I would like to thank our speaker for showing us the pretty picture of the green trees that was over whelming. But I do not think this is the best place to put heavy industrial the process here is first you buy the land then you wait awhile then you get a few people contracted on the side and then you go for the rezoning and then although we are not supposed to talk about the future we all know what the links of the chain will lead to he will be back and her will be asking for sand and gravel and asphalt and plenty other wonderful business to come in. If you think this going to bring jobs to our area this is a retirement community there are elderly people here and they are not going to go over and work at some asphalt plant. I would request strongly that you do not consider going forward with this heavy industrial zoning. Thank you.
- ❖ Chairman Scroggins called up Helen Smith.

- ❖ Helen Smith; I live at 952 Frederico that is the very last house on Frederico on the desert end that use to be a desert. I am a captain from the United States Navy the fact that property owners within 100 ft of this project were he only one that were notified is a failure of our zoning ordinance 100 ft is very small when you are talking about throwing up giant buildings and dirt or whatever so I am asking you reconsider when is comes to something major like this. I do not want an industrial park in my back yard. She continued to talk about the inferstructure and that she was denied a battery for my solar blocking a view of the desert the Manzano Mountains or the night sky of my New Mexico home these are the prime reasons I built my home here. I have a garden a pool and many species of birds and wildlife in which I enjoy feeding and an industrial park would put a end to that. I live 70 yards from this proposed industrial site and expect to be Intolerable inflected with noise, vibration, smoke, dust particulate matters, toxins, heat, glare, night lighting and hazardous waste this is a violation of the living conditions in which under I and my neighbors built our homes. This area of Rio Communities is where our city will grow it is virtually the only area we can add more houses witness Manzano vista is coming in with 36 homes and then we want terminate any residential occupancy with an industrial park and believe me the people on the other side of highway 47 will also be upset by having an industrial park right across the road so there won't be much growth in that area which will limit the residence of our city to 6,000 people and that doesn't hold much future. There is also some infrastructure that I hope would be taken into account in which will have a huge burden on our city. We have a long-lasting drought and our aquafer is down is this a good use of our water supply for our long term future is it protective of the land that feeds our aquafer is it green use of water and treatment of waste water. Our current water infrastructure is in very poor shape drive down to Nancy Lopez and see how many times they patched the water lines it may require the city to maintain those water lines and sewer disposal power almost all of Rio Communities is in a red zone with PNM which means the transformers is maxed out so has PNM been involved in this to the point where they might actually put in some new transformers because I was denied the right to put batteries in for my solar. The elevation of this site is 10 to 15ft higher than the other existing land we are looking at massive water run off possible flooding in local residential areas, wastewater running off, are our roads equipped for that kind of weight of shipping vehicles, will additional traffic control or street lights ect. be required. Fire department require more special equipment, medical training, manpower and special hazardous waste training. Police the I3 works force, traffic and possibly service establishments such as bars which will require more police. This is a great concern for the residents in the City of Rio Communities and would hope we will put it to a public vote, if necessary, not hide behind the screen of nobody know about until it late. I respectfully request the commission vote hell no.
- ❖ Chairman Scroggins called Robert Kanishiro.
- ❖ Robert Kanishiro; I live on Edmundo just down the street from her you know 70 yards from where all this is proposed to take place. Right now, Valencia County has Mesa Oil that caused a big stink the other night a big stink right. This is something that we deal with on a regular basis not just something that happened one time because of an invasion and then the fire department couldn't find where the smell was coming from. I can see Mesa Oil right from my house and you want to put another industrial park to bring in more businesses like this into our community to pollute our air our environment noise all the things that Hellen said, and I stand in opposition to this proposed commercial and industrial zone all it is going to do is create headaches for the residents in this community. Right now, in our area we had quite a few new

houses going up this is going to put an end to that and there is a lot to take into consideration like putting trees up as a buffer zone. That isn't going to stop odors it might stop a little bit of noise the pollution is still going to be there and I thank the company for cleaning up that area because I know and have seen the trash thrown out there by whoever. If you want to put an industrial put it down south because Rio Communities has plenty of land. With jobs I'm all about jobs for providing economic opportunities for our youth I have kids I have grandkids I want them to stay in the area when they grow up and have opportunities but this. I don't think we need this right now all the heavy traffic heavy trucks across the city streets I don't even think that is legal you know to have semis that are over so much weight and do we have enough sheriffs to enforcement. I don't thin this a good idea the commercial or the industrial it's to close its just a stone throw away from where we live. It would really affect us and our community.

- ❖ Chairman Scroggins called up Marsha Walton.
- ❖ Marsha Walton; 111 El Mundo road. I agree with Helen and everything she said I think it will increase our crime and decrease the value of our homes. I moved here 14 years ago and if I would have known about the industrial park I would not have bought my home. Why can they come in here now it's not right I was told it was residential it is crazy the pollution the property value is it true that industrial dosent pay taxes. So where is this going to benefit us. I am against all of it and agree with everyone that has spoken it is going to ruin our city.
- ❖ Chairman Scroggins Called Ron Gentry.
- ❖ Ron Gentry; I have been a resident in Rio Communities and this area most of my life I have served as a councilman a state legislature and I've served as your county commissioner and I have some comments that I would just like for you to think about in behalf of this community I really had a vision years ago and helped to incorporate this place and put together the basis for it go forward. You know we studied this 13 years ago in the county about going to an I3 an industrial park. We had a light duty industrial park, and the people came in with good intentions and we had an I3. We had a battel for about a year or so of the pros and cons of an I3 in our community and finally it got put here in that industrial park. We were promised all kinds of oversite, and looking into things and it was going to be grate. And I can appreciate that. But the first thing that came in after that was zoned I3 we had application for a trash recycling plant, and it went through the procedures, and we couldn't stop it because it was zoned for that kind of a plant. And they were granted the right and they still own the company just north of the old Solo cup. We went to battle with that I did some research at their plant in Colorado. They had one down on Broadway. There's nothing we want in this area people would have really regretted it. I live South end of the industrial park and you wonder where all that gas smell, petroleum smell is coming from it doesn't take a guiness to know the smell is coming from Mesa oil and I don't complain they got zoned the right way and they are doing their business. Where is the demand for I3 in this area. There's 200 acers probably up in the industrial park that nobody is building on. It's for sale it's got everything they are looking for like water sewer and water rights and everything you are looking for in a I3 and I don't recomend it in our back yard not in your community because what we did when we zoned at I3 and I voted against it then and I do not support I3 in your back doorstep. The buffer zone I heard talked about is there already. It starts at the north end of the industrial park and it goes clear up to about the golf course. That's the part that is left in between. You destroy that and you've got all of this stuff in your back yard. Do you realize you can have a trash recycling company, you can have junk yards, chemical plants, oil filtering systems. You can have all of this stuff. If you

want to see what a I3 looks like go down south Broadway in Albuquerque. I know Mr. Yates and his group I've known them for all my life. They are good people they have good intentions but like they say hell is full of good intentions. Now if you want to zone that here you lose control of it because you zoned it for them to do that kind of facility. You cannot go back and say no you can't do it because it says, you would use the best use that is planned for, and you folks know that. If you plan for a I3 you can't deny a I3 and you are liable. My real question is we are having trouble cleaning up the front yard of Rio Communities and the junk yard trouble. How are we going to police an I3 of 300 acres. To my knowledge we have 2 people in public works and I'm not sure if we have a public works director anymore or not. So that's our entire city facility to take care of it. Who is going to do the oversight. What engineering company is going to be on them. Where is our EPA department. We didn't have all of that in the County and we couldn't keep control of it. The State has a hard time and why would we use Rio Communities resources and administration and taxes to take care of all of this stuff this is going to you people oversee. I don't think we are ready for it. Belen has a I3 five miles south of town. We have one two miles south of town. So now we want to bring into our back doorstep. I really encourage you to think about the long term authority that you would have. I believe you would lose it because you voted for it this day. Thank you.

- ❖ Chairman Scroggins called up Celestino Alvacado
- ❖ Celestino Alvacado; I am a lifetime Valencia County resident I am here to oppose this ordinance change to I3. I believe it's proximity to the residents in Rio Communities and it imposes many environmental risk, health risk, it imposes danger to our natural wildlife our natural grasses that we like miss Helen said that this community is open space. You can see the Manzanos you can see down south the mountains over there, You can see all around. Its 360-degree views and to put this industrial park here so close to the community. Like others said we already have an Industrial Park down the road, and they need to keep it down there. The lighting at night is going to be a problem the traffic they propose a road but where does it go from there straight to Belen. There is no other way to get out but through Belen or highway 346 and come around that side. It is going to add traffic to our roads in Belen and its going to cause traffic here its going to damage the environment and I strongly oppose this ordinance change. Thank you.
- ❖ Tommy Westmoreland; 458 Garden Court. I have listened to a lot of talk today I am not a tree hugger I would cut one down and sell it to you. Rio Communities dosent own anything they own this building and a couple of fire stations our infrastructure isn't strong. There are alot of folks that are my age and older. I see all your plans and I think we should make those plans a wish list. It isn't going to affect me in anyway whatsoever. I have never seen a state with so many rules they have rules for rules. I dont have a leagacy and I am not going to get one and neither are any of you seniors above 70 its over with. So whatever you decide I hope you take into consideration of the future of our young folks.
- ❖ Chairman Scroggins called up Tom Maraz.
- ❖ Tom Maraz; I am from the beautiful Meadow Lake my wife moved in 2006 because it was peaceful and quiet. I am not against growth at all. I was appointed a commissioner by the governor in 2020 the county commission hadn't even looked at their comprehensive plan hasn't done anything since 2005 I pushed them to come up with a new plan. Around here is piss poor planning look what Los Lunas did this is ridiculous. We are we going to change this for a bunch of billionaires this county needs better planning and not cater to the rich people. Why would you want to put this right here in the middle of the city where people live it is absurd.



The guy is nothing but oil, so you know it is going to be oil of some sort. You have to think about this the man is 80 years old.

- ❖ Secretary Good said if you are here for the rezoning that is fine, but I will not listen to you attack the Yates family.
- ❖ Tom Maraz; said that is fine I am just against unplanned progress. I am for progress, but it needs to be planned and this you let people know 6 days before give a 6-day notice that isn't very good planning either. You got to consider the people that live here, and you should not allow this, I mean this is crazy. Thank you.
- ❖ Chairman Scoggins called Maria Gonzalez.
- ❖ Maria Gonzalez; I live at 119 San Lucas right at the edge where all his is going to happen possibly. I am here on behalf of myself and my mother. I want to express out strong opposition to this rezoning. This came to a surprise to me and my mother that our beautiful sites are about to be destroyed to allow for a possible oil processing commercial development factories and heavy industrial sites. We are shocked and somewhat suspicious at some of the people that this will be most impacted. No one ever informed us about this from your planning and zoning commission we only heard about this by word of mouth by our neighbors. Our primary concern many of us have is the increased potential for air, water, and noise pollution. We are currently dealing with gas fumes from Mesa Oil spews each night and the mesa oil purges in their factory. This Last Friday many people left there home to get away from toxic fumes or stayed inside their homes and suffered headaches and nausea. It is a great concern surrounding the beautiful homes surrounding our homes will leave us more vulnerable than we already are. Another issue that doesn't seem to be adequately considered is the noise. The topography of this area consists of sand, sagebrush tumbleweeds and big open skies. A jogging path or tress and bushes along the perimeter of the proposed heavy industrial zone will do nothing to absorb or hide the noises that the heavy industrial site will create. The potential for additional air and water pollution will not be acceptable for our rural community finally decisions like this are supposed to be made in concert and the city's comprehensive plan and the adopted land use plan. Our Rio Communities comprehensive plan clearly states, the area for 13 heavy industrial should be under the proposal here for a planned unit for housing not industrial use. This proposal for heavy industrial is in direct conflict with the city's comprehensive plan in which you are suppose to follow. This proposal is noting but spot zoning which is illegal. Commissioners anyone else who has who has a say so, please strike this proposal down. Put your community and our fragile desert environment first and especially in from to the profits of the Cibola Land Corporation. Water is life. Thank you.
- ❖ Chairman Scroggins called Tom Nelson.
- ❖ Tom Nelson; I own five houses in this city that are rental, so you do this my property value is going to drop. Now are we in Iowa or are we in New Mexico. This isn't the field of dreams if you zone it the day will come. No. And now, onto the application you quoted 100 feet as far as you have to notify people. Per the zoning application off your website from yesterday. Properties within 300 ft of opposed rezoning would be notified by certified mail whit in 15 days of the public hearing. You said 100ft. She's 200ft. You did not follow your own regulation. The application for rezoning here is the application check list planned land use designed including buffer zones for industrial use of property purposed public roads and all purposes must exist in MDOT access points. All industrial zone request shouldn't include proposed heavy industrial areas as well as proposed office building locations. He is trying to get rezoned without telling

me what's going there or where it's going. So, with this alone this should be thrown out. Thank you.

- ❖ Chairman Scroggins called Lodi Silva.
- ❖ Lodi Silva; 309 Recodo I will repeat my statement. My statements are my own and do not represent any former capacity I hold with any city or nonprofit organization I have involvement with. With that being said. Mr. Yates owns property in the current I3 industrial area outside the city. If you look up the prices for that land, it goes from \$1 to a \$1.95 a square foot times a square footage would be equal \$65,340 per acre. That he would be able to market this property at. Maybe more because it would be the second largest I3 industrial park in the State. Our average median home price in Rio Communities is \$230,000.00. Our average median. You are basically taking away our current resident's home values especially in that immediate area because they will have to disclose, they are living within X amount of feet of an industrial park. So, home values will drop. I will not recommend the I3 zoning in that area. Even with a buffer zone that is proposed. I would not recommend it. It is 50ft plus the 30ft is 80. Which is not enough. I don't know how many houses are going to go on the market once this passes if it does, but I definitely want to sell it but guess what I have to disclose that I'm selling a house near that I3 zoning. So as far as that value goes 65,000 an acre times that times 260 acers you guys can do the math. I have been involved with economic development. I know that developers come in and promise big things. If you chose to pass this, I implore you to please get things in writing documented. Developers can promise the world and promise to do 17 different things. But unless it is in writing there is no grounds to standing on it. Unless you have already seen that and haven't presented that more conversation needs to be had with the developer and our expectations of them if you allow this. Thank you.
- ❖ Chairman Scroggins called Monique Marquez.
- ❖ Monique Marquez; discussing health. It is known concern of multiple industrial areas to the health of the community decrease closer proximity to industrial. I'm going to hand you guys some packets. You have two packets in front of you one is packet A and one is packet B. I will give you a second to look over them, let me know what you see. For reference you guys I am showing the cities calendar. Alright so I'm just going to tell you guys what you are looking at. So, what you guys are looking are the city's calendar. One of them packet a was pulled this morning packet be was pulled today at 2:30pm. This morning you can see there is no meeting agenda. There is no notice to of the planning and zoning public hearing. I was pulling this packet this afternoon and within 10 minute period, this notice went live. So we documented it, according to the minutes that you just approved for the MOA you guys just approved it at the beginning of this. OMA is the open meetings act rules. You guys specifically state that is should be published on the website within 72 hours prior to the meeting. This is a direct violation of the OMA rules and regulations and because of that I have reported it to the attorney general. Secondly, the city has been served with a IPRA request. We want to know what kind of communication has been going on about this proposal. We have not heard back you guys had three days. Today is day three. Time is up. Because of this the IPRA request the city disclose any and all communication, written, electronic, otherwise. Between any and all city employees, members their governing body, Mr. Yates his agents attorneys, staff, commissions regards to this zoning change. The application and or use of the land partial parcels in question and any and all communication directly or indirectly concerning the land use in question of the application. The intent of the law must be respected in this process. There for we ask for you guys to immediately deny and defer this hearing.

- ❖ Chairman Scroggins called Matthew Marquez
- ❖ Matthew Marquez; I am a retired army person I moved here about three years ago. We moved over by 309 Godfrey. So that's where I live. My son is here my daughter she is going to be 12 soon I want to raise her in an area that is away from the big industrial sites and anything that had to do with situations like that. Now we got word of what's going to happen over here. My son just bought property on Nancy Lopez this was about a month ago. He just found out about this. Him and his fiancé just moved in about two weeks ago what are they going to do if this gets approved the property value is going to drop they paid a lot of money for this house now the prices are high. What are they going to do are they going to be able to sell it when and if they put this industrial park in. They are not going to be able to sell it they are going to be upside down on their property and if they have a child soon they are going to have to raise their child in that type of situation. How is the child's health going to be. Is their child going to be sick its entire life because there's going to be pollutants in the air, in the water. I say no to this industrial park, this industrial site. It's something that I believe in strongly that we don't need to have this type of companies coming into our community it's something we don't need. We have the elderly and the young people. My kids are my legacy it's a no on this plan.
- ❖ Chairman Scroggins called Guy Ducheri.
- ❖ Guy Ducheri; I have lived in Valencia County for 39 years. I wrote a letter, and I attached a appendix to it the appendix is 11 pages. Guy Ducheri email will be attached to the official minutes. I also have an issue of the notice of these changes. In your comprehensive plan it references to the city initiatives, and they require 14-day notification. If this indeed is a city initiative and there's a state that says regulations of the municipal zoning authority are to be in accordance to the comprehensive plan. So, if you didn't do a 14 day notice I think you need to redo this whole hearing. My letter is in opposition to and I'm here in person to with my opposition. Thank you.
- ❖ Chairman Scroggins called up Kathleen McCord.
- ❖ Kathleen McCord; I am a Valencia County resident I found a couple of statements on your comprehensive plan that are very relevant on why we are here today on page 55 it says Rio Communities is a community that has been in decline for many decades to this point its future falls to responsible government and a full of participation of concerned citizenry. On page 42 it says ultimately community and the governing body have many choices. With consensus, informed decisions can be made that will determine the future character of our community. Those are your words folks. It seems like the future of the community is what is on the table right now. You are being asked to approve the rezoning of 300 acers of land just south of the golf course community to heavy industrial and heavy commercial. Right now, those 300 acers are zoned as PD. Which Is a combination of residential and light commercial uses. So all of us here have many questions on what that heavy industrial and heavy commercial zoning would bring to Rio Communities. Cibola land plan is to quote bring in some industrial and commercial development because the railroad is right there to the west. When asked, do you have any ideas of possible purchasers of this property the Cibola Land person answer was not as of yet. This is just the beginning, and we are trying to get it rezoned and get business in. We are concerns citizens who think that answer does not provide nearly enough information for you to make those informed decisions that are part of your desired responsible governance. What constitutes heavy industrial in the RC zoning code. Here are just a few examples. Bulk storage tanks for petroleum and LPG, auto wrecking yards, facilities for production of oil and natural gas, asphalt material, production plant and more. These do not seem like the kinds of business

operations that the people of Rio Communities want. Literally in their back yard. Cibola land Corp holdings is a component in the Yates family petroleum empire. And so it is reasonable to surmise that some of the unspecified heavy industrial application could be those bulk storage tanks for petroleum ect. And even a facility for production of oil and natural gas and other hydrocarbons petroleum. After all, that has been the business of the Yates family for decades. So it is unlikely they would be leaning toward a meat packing plant for example. So, my request for you folks is this. Please ask the Cibola Land Holdings if bulk storage tanks for petroleum ect. Or facilities for the production of oil and natural gas ect. Are part of their vision for quote industrial and commercial development land if the land is rezoned for heavy industrial. Finally here is an important point made by another concerned citizen. Those who make such request of the planning and zoning commission should be liable to find original independent, site-specific research demonstrating to the satisfaction of all community residents that the proposed heavy industrial development will cause no harm to come to their properties, to their property values, to their health, or to the natural environment in which they live. I share the conviction and opposition of all the concerned citizens who are here tonight. And that includes the people in the other room. Please vote to deny this rezoning request. Thank you.

- ❖ Chairman Scroggins called up Mariah Gomez
- ❖ Mariah Gomez; I am here as a private citizen and resident of Valencia County. Last Friday when we received the alert that there was a voluntary evacuation of the area based on the smell was coming from the area that still hasn't been determined. We were alerted in Los Lunas it impacted my family significantly and it pointed to some infrastructure failure. Should this be rezoned to heavy industrial. I take great interest in the comment earlier when one of you posed the question asking how many water right would be needed for a certain project. And is was the answer was this was hyperbole. And I find it ironic is that they pointed to hyperbole when in fact the presentation started with hyperbole pointing to dumping other than calling it what it is what is which is pollution . Which is what the heavy industrial use would be zoned as pollution. If it were to in fact happen. One other thing I find to be of interest is that I would encourage for a environmental impact assessment to be done. Because non has been done. This would high lite not only the health but direct environment like water, air. It can look into like the South Valley we could look at the similar community in Utah none of this has happened and if there isn't money to do a environmental impact assessment then why are we considering this. In fact the hyperbole here is they are hiding behind the production of or creation of jobs. And what would happen is that people would not be moving here they would be moving away because of the pollution. This will not create the type of jobs that are being highlighted here. This is actually going to be very detrimental to the community. So, as you consider your vote tonight I urge you to think about the fact that there are so many people here and not one in the community has spoken in favor of this rezoning. Thank you.
- ❖ Monica Vargas; did not show.
- ❖ April Sorzano; did not show.
- ❖ Allen Sinclair; Thank you for doing your jobs I know you feel like you are getting attacked tonight but we are just voicing our concerns. I want to read the Rio Communities zoning ordinance 4-1-2. To me it is clear that this I3 is none of that it does not promote any harmonious or balanced development and it does not preserve the general health and welfare of the citizens of Rio Communities. what is in your zoning ordinance. I am retired from General Electric South Broad way Albuquerque and I did not want to live any where near where i worked that place I put in 32 years they were caught up in polluting the ground water. If you

have heavy industrial you can't stop that it is going to happen. You can't control everything. Thank you.

- ❖ Chairman called up Monica Marquez 410 Western Drive.
- ❖ Monica Marquez; read a statement it says all, such request must be received one day prior to the post Hearing and will be read into the minutes of the meeting. And letters that were received on time will they be read into the records tonight. They should be properly read into them. Now I have another part of this I want to thank you for doing your jobs. I am a truck driver I am concerned about the safety of the big semis on the roads are a concern, down by Hobbs a lot of lives are lost. There is something that is missing and that is a Hospital that needs to be more of a concern.
- ❖ Chairman called up Ann McCarthy
- ❖ Ann McCarthy; 44 Traino Loop in Tierra Grande; Some neighbors to Rio Communities. I am one of those people addicted to the endless views. I have lived in Valencia County since 1977. I am concerned about this proposal to have the heavy industrial zone change which would allow manufacturing, petroleum storage tanks, asphalt, possibly an auto wrecking yard. This rezoning is not necessary. Mr. Yates owns an industrial park that's your neighbor. If he needs to do more development or more industrial development he has got the land to do it. This is not needed. Heavy industrial has major impacts and has already been stated here today, health impacts, air pollution, gases, noxious fumes, chemicals, hazard waste. I want to read in to the record to have it for everyone to hear. A statement from a medical doctor in the state of New Mexico written today to the commission. Thank you for your hard work. You do as public servants. I am writing you today that your commission denies Cibola Land Corp. request to change 39 acers to commercial and 252 acers to Industrial 3. As these changes have potential health impacts for your community. I am a medical doctor and serve families that live in industrial development. As you review the possibilities for the industrial 3 zone it is important as 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 is experience continuing expansion of industry next to their residential neighborhood. Has been constantly exposed to fumes of carbon monoxide, nitrogen oxides, volatile organic compounds. Or VOCs., Sulfur oxides, 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 New Mexico and nationally the development of health problems when people live near these types of industrial uses. Oil and gas facilities. If the I3 rezoned is used for them, it 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 a proposed use by the applicant contain many hazardous materials including lead batteries, mercury from light switches. antifreeze, freon from cooling systems, polychlorinated bisphenols, chlorofluorocarbons, asbestos found in brake pads and linings of older cars, motor oil and other heavy metals. These Substances can cause ground pollution but also air pollution for your residents. The health risk for Rio Communities depends on what the applicant proposed. But I urge you to insist that these issues be addressed before you approve a zone change. Adverse public health impacts in our community. It is not the legacy we want to leave our children. As a medical doctor, I urge you to protect your residents from heavy industrial uses. This letter is from Angelo Tomeni. He is a visiting associate professor at UNM, and I ask that you take all these considerations into

consideration as you deliberate as the gatekeepers for this community, and I ask you on behalf of Tierra Grande residents that you deny this application.

- ❖ Chairman Scroggins called Linda Gwenley.
- ❖ Linda Gwenley; I live in Adelino; Adelino is about 5 miles up the road from here. I am most concerned about the traffic on 47 as you know it is a two lane road right now. I have noticed an increase in big rigs coming up and down 47 and I shudder to think how much more traffic this would cause. Highway 47 is just not built for this kind of traffic. I shudder to think how I will even get out of my own driveway. I also have my own water well and I am concerned about the amount of water additional water that would be used which might cause me to drill a new well which is not an expense I'm looking forward to. Thank you for your time and listening to all these comments. You do a public service and I appreciate it.
- ❖ Manager Dr. Moore explained that there are some written comments that I want to make sure they are a part of the official record of the hearing.
- ❖ Manager Dr. Moore read the names of the people that sent in a written comment. First one I have in front of me is from Max Soony Governor of the Pueblo of Isleta obviously he lives in the Pueblo area, Patterson Harris and Sofia Harris of Rio Communities. I have a couple of different ones that have the exact same verbiage, but I want to make it clear that those written document is for the record. Elaine Hebard who lives in Albuquerque NM, Norm Klingbile in Rio Communities who has written a comment, Lynn Eubank Valencia County NM, Linda Zaragoza, Maria Gonzalez Rio Communities, Richard Henderson Rio Communities.
- ❖ Chairman Scroggins requested a short recess.
- ❖ Secretary Good made a motion for a short recess, seconded by Member Adair. With a unanimous vote the commission took a short recess at 6:22pm.
- ❖ Member Adair motioned to continue the public hearing seconded by Secretary Good. With a unanimous vote the commission continued to Public Hearing at 6:30pm.
- ❖ Manager Dr. Moore explained every piece of documented information will be available online everyone will be able to get it and read them for themselves. They will also be part of the official part of the hearing. If anyone spots a descriptive talk to us let us know so we can make it good. Next we have a Ron Finch from the city of Albuquerque, Linda Laswell from Belen, Amber Jenson Valencia County, Elizabeth Dicharry Los Lunas, Angelo Tomeni MD Albuquerque, Martha Saiz Rio Communities, Michael Melendez Rio Communities, Renee Mollineda, Elaine Cimino the documents include some citations and they will all be part of the public record. Theresa Smith de Cherif, Katrina Bedsaul Valencia County, Hanna Anna Albuquerque NM, Kuan Tikkun, Frank Maza Jr. Rio Communities, Ralph Wrons Bernalillo County, Geraldine Feron Rio Communities. T Those are the ones I have in front of me if we may have left anyone out, we will make sure we get them and make them part of the permanent record.
- ❖ Manager Dr. Moore finished reading the written comment.
- ❖ Chairman called Nicole Maestas.
- ❖ Nicole Maestas; I live in district 2 and I stand in from of you waring many hats I am the CD2 chair of the environmental justice Caucus a first time mother of a five month old child and finally a disabled veteran of OIF who was exposed to inviable and environmental toxins, 12 hours a day during my deployment in early 2004. Today I remind you we are all interconnected. Potential contamination, air pollution, water pollution, we share no matter your location in New Mexico. This is called cumulative impacts. There is no invisible buffer zone that protects air and water. It knows no boundary. Rezoning like this puts us all at risk. It puts our culture at risk, our farms at risk, it puts our families at risk and water which is life at risk. Not to mention it

literally puts the cart before the horse. While I always appreciate New Mexico being open for business, I cannot help but to notice external forces coming into New Mexico for exploitive, explorative, and polluting business. It is so problematic that we continue to allow this it is to the point to where our federal government is considering using New Mexico as a nuclear waste storage dump. What does this have to do with today. It's the continual opportunities we keep giving via rezoning on a micro level that has macro level government looking at New Mexico as if we are a parking lot for some of the worst polluting industrial development projects. Not being to go into specifics on what or who will have access to these rezoned areas. The level of water potentially needed in a water resource scarce state is shocking. Attracting business is one thing but turning protected zoned areas into heavy industrial zones for unknown business does not inspire trust. Our communities deserve better. New Mexico deserves better. And on behalf of the environmental justice caucus, a disabled veteran, who earned her disability serving our country downwind of environmental toxins and on behalf of future generations, I humbly ask you to vote no on considering this rezoning request. Thank you.

- ❖ Chairman called John Thompson
- ❖ John Thompson; I am a resident here in Rio Communities and I have served there where you are for several years on planning and zoning. It is apparent to me watching the process that I think the rest of the community understands that your job is to represent the request of the petitioner and I'm happy to see that my fellow citizens here have treated you with courtesy and respect that you deserve. So from all of our discussions, when I was there in your seat, it became clear that the interest of the community were to repair pot holes, increase police presence, paved roads, and mostly get us some parks. We know that takes money and I see the temptation is to bring in an industrial park to bring in some revenue to get some money to do the things we want. But this is a bedroom community a golf course community. We're a desert community. I had five pages of stuff here but I'm not going to repeat it. All I am going to say to all the people that spoke before me, Ditto. We need to grow our community in the best way and to stop the growth in our community is with a I3 backstop. This will kill our residential growth and depress our property value. Once a industrial park is in it will make our city less attractive to find a housing developer that will want to build a housing development behind a industrial park and it will be tough for realtors to get potential home buyers through the industrial park to look at homes that they would be commuting to and from that industrial park once or twice a day. We should build. We should have a developer, a property owner who is eager to develop. I would encourage you to find a way to encourage them to build some beautiful homes at \$100 a sq foot. Get us some grocery store, some convenience stores. Thank you.

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

#### **Actions Items**

- Motion made by Secretary Good to go back into regular Planning and Zoning meeting. Seconded by Member Adair. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez. With a 4-0 vote the planning and zoning commission went back into the regular business meeting session at 6:28 pm.

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

- Manager Dr. Moore explained due to the amount of people and written comments to digest, his recommendation is to table items four and five and hold a second Public Hearing on February 16th. He further explained there will be another opportunity for comment and input, so the residents and our neighbors feel like they have ample opportunity to be able to provide their comments.
- Motion made by Secretary Good to table the items 4 and 5 to February 16<sup>th</sup>. Seconded by Member Adair. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez. With a 4-0 vote the Commission agreed to have another public hearing on February 16, 2023.
- Manager Dr. Moore explained to the commission the Open Meetings act and suggested that members of the Commission not talk about this to refrain from a rolling quorum.

**Public Comment:**

- Chairman called names of people that signed up for Public Comments.
- Theresa wanted to share my appreciation for everybody that has very factual information. I hope this commission will take that into consideration.
- Maria Gonzalez so during the presentation the gentleman in the suite jacket saying it is a dump site. I do think it will be a huge loss for community children do ride four wheelers and bikes there. I have also picked up bags of trash near there on Christmas, so I am not sure exactly where it is getting cleaned up.
- Monica Marquez I just wanted to bring something I missed I do believe Facebook really helped Los Lunas and we do deserve something like that just not so close to our homes.
- Celestino Landavazo. I want to make a comment we have over 70 thousand residents here is Valencia County and we all share the same aquifer with Bernalillo and Socorro County and it is out responsibility as citizens we need to think or our neighboring Counties to help protect the water beneath our feet. We cant have industrial coming in a polluting our water once it is polluted it is done there is no other source of water for our community. This is not only affecting our water but our neighbors as well. Water is becoming more and more scarce.

**General Commission Discussion/Future Agenda Items**

- Eric Lindahl, I have recently purchased the building at 2350 NM Highway 47 next to Allsup's we are looking for a change in zoning. It was represented as a C3 but were informed by Rio Communities that it is a zoned a C1 and that will affect our remodel entice future tenants into that building. I will be on the docket for February 2.

**Adjourn**

- Motion made by Secretary Good, Seconded by Member Adair. With a unanimous vote the Planning & Zoning meeting was adjourned at 6:59 pm



Respectfully submitted,

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

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

Approved:

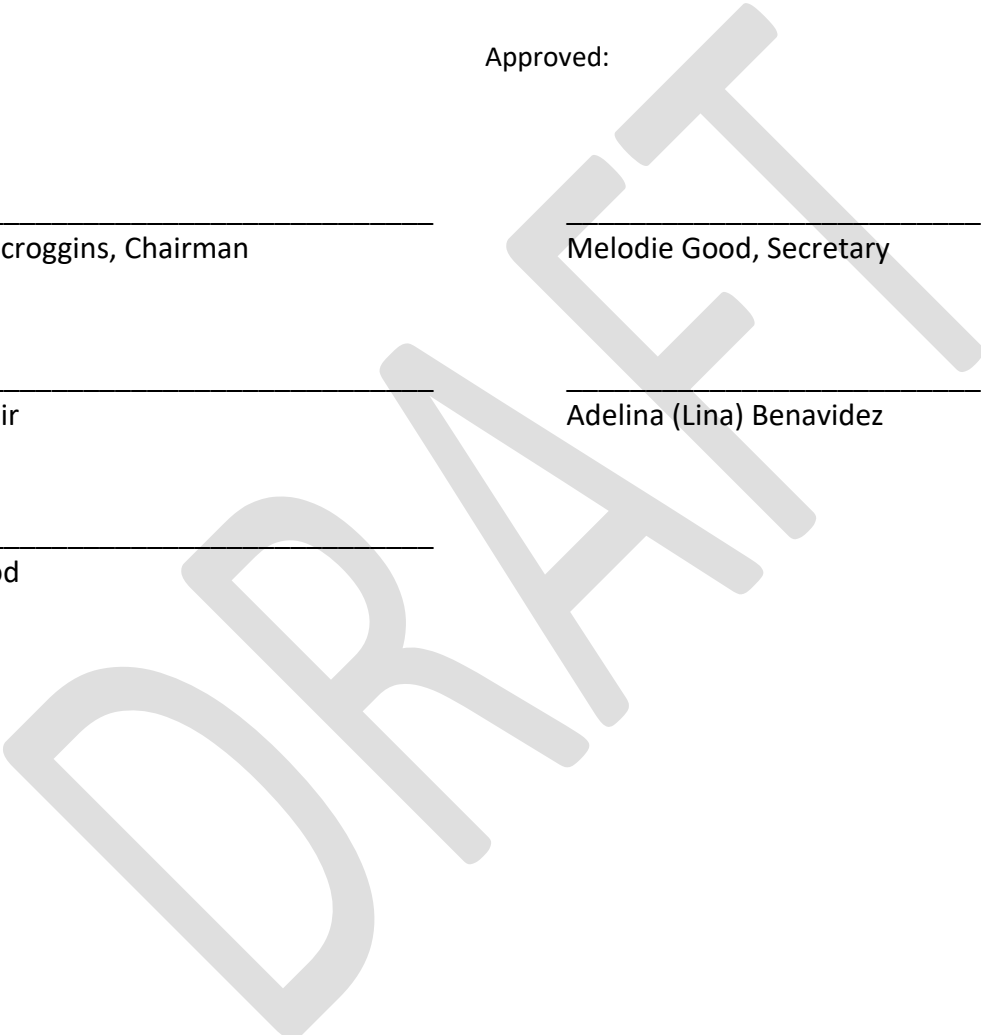
\_\_\_\_\_  
Thomas Scroggins, Chairman

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

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

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

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



**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

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**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**

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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

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<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

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<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://sourcennm.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,

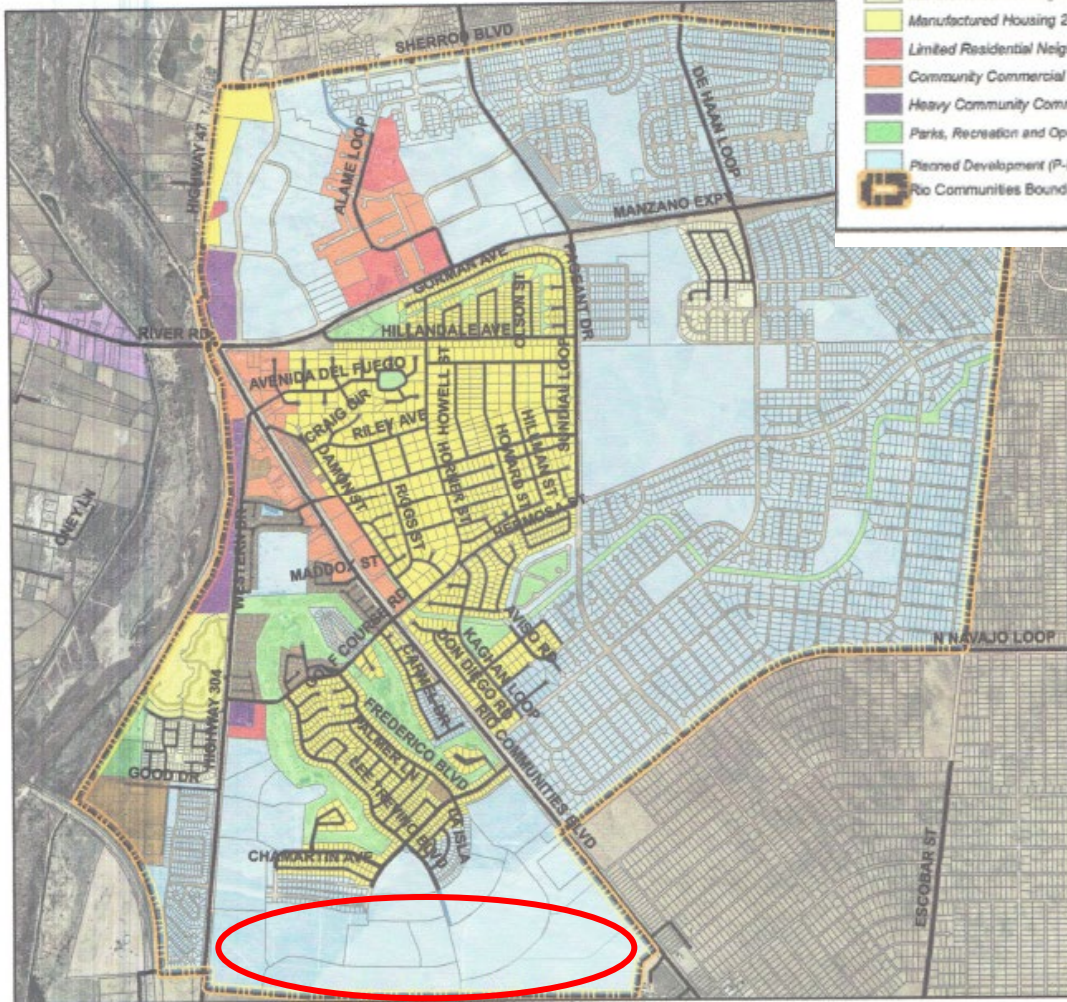
Elaine Hebard  
Retired attorney and regional water planner  
1513 Escalante SW  
Albuquerque, NM 87104

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

### City of Rio Communities ATTACHMENT A Zoning Map

**Zoning Classification**

- Single Family, Low Density Residential (R-1)
- High Density Residential (R-2)
- Manufactured Housing 1 (MH-1)
- Manufactured Housing 2 (MH-2)
- Limited Residential Neighborhood Retail and Service (C-1)
- Community Commercial and Retail Use (C-2)
- Heavy Community Commercial and Retail Use (C-3)
- Parks, Recreation and Open Space (PRO)
- Planned Development (P-D)
- Rio Communities Boundary

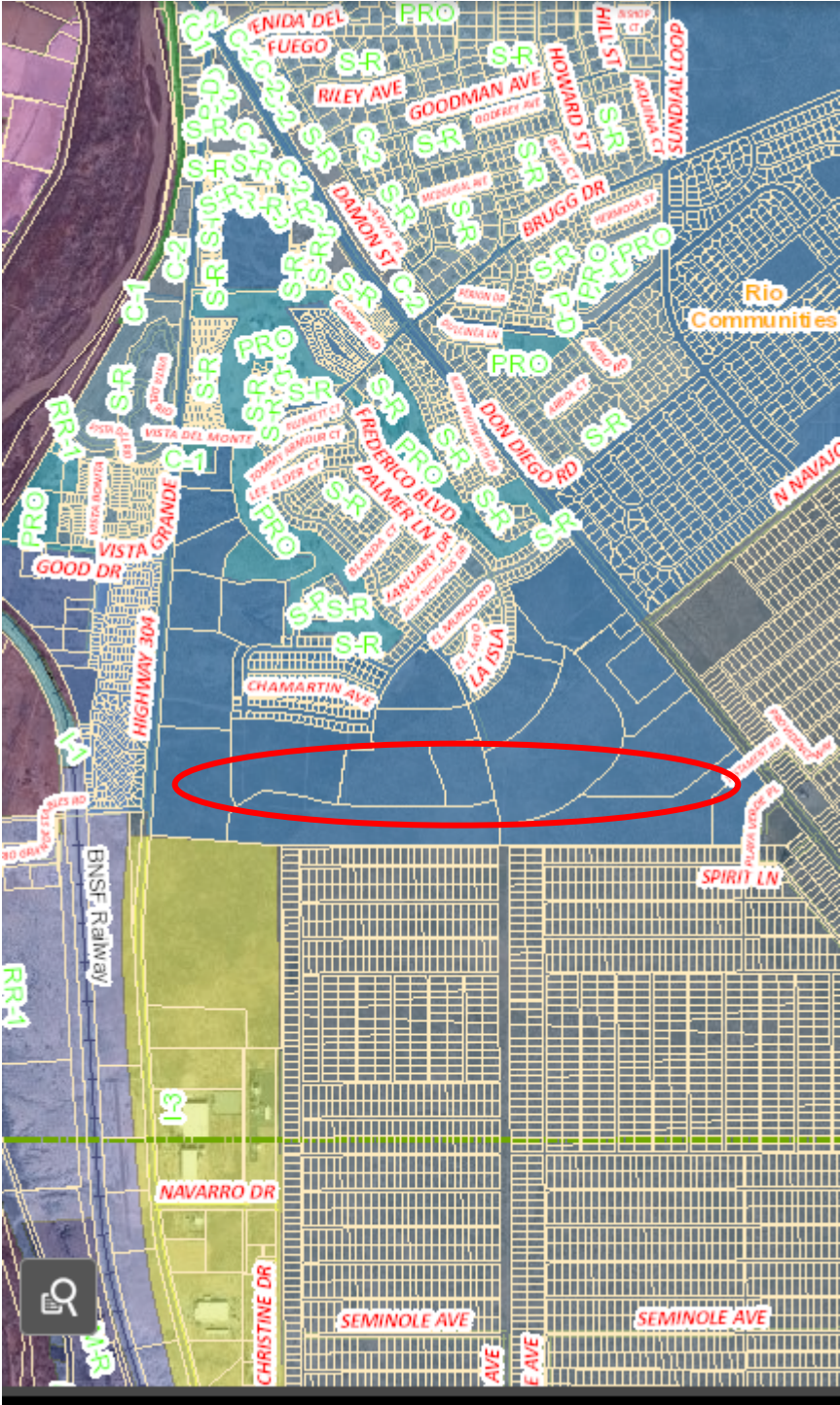


Deep purple are current C-3 zones.

Red circle approximates parcels involved.

### County Parcel Map shows location of Industrial Park

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



Yellow area is Industrial Park.

- Code\_Enforcement\_Officer\_Area
- PnZ
  - AP
  - C-1
  - C-2
  - I-1
  - I-2
  - I-3
  - M-R
  - MU
  - OD
  - P-D
  - PRO
  - RR-1
  - RR-2
  - S-R
  - S-W
  - WCF
- Transportation

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

Max Zuni  
Governor



Item 1.

Lt. Governor, Eugene Jiron  
Lt. Governor, Juan Rey Abeita

## 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 heaving industrial zoning include heavy manufacturing, asphalt production, and oil, gas, and hydrocarbon production. *Rio Communities Zoning Ordinance 4-3-10*. The proposed zoning designation

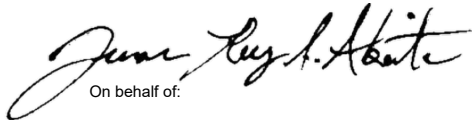
change does not conform with the Rio Communities Comprehensive Plan, which requires appropriate land use that considers community design and protects natural resources. *City of Communities Comprehensive Plan* (2015) <https://www.riocommunities.net/sites/default/files/fileattachments/planning/page/1091/ch-5-comprehensive-plan.pdf>. 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 100902637524000000 Subd: PLAYA ESTATES Tract: PARCEL 5 11.52 ACRES 1994 SPLIT, UPC 100902637514000000 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.

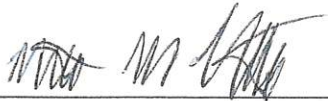
Also of grave concern is the fact that any of these processes and facilities are more than likely going to be located relatively close to actual residential areas and housing which could potentially place unaffiliated persons at high risk in regard to their lives and/or property.


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,

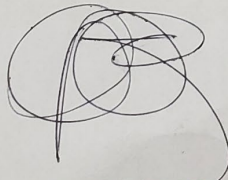
Greetings all. My name is Martha Saiz , me and my family have lived in our beautiful neighborhood for the last 2 years and 2 months. We are a family of 6 at our residence, and absolutely love our home, neighborhood, and community. Our community gives us and our children a safe, secure, quite area to grow and live to our full potential. My fiance 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?

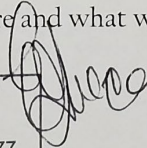
You all as councilors, and Mayor are suppose to be the voice for OUR community. I am sure that I am not the only one who is worried about this decision. We have our homes, our families, children and grand-children here. I would seriously hate to think that this beautiful area could be a heavy traffic, 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

Max Zuni  
Governor



Item 1.

Lt. Governor, Eugene Jiron  
Lt. Governor, Juan Rey Abeita

## 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 heaving 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 (ambernicolejeansonne@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)

First-Time Sender [Details](#)

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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.



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

Item 2.

**APPLICATION FOR REZONING OF PROPERTY**

Application Fee (\$250) Paid

Property Owner Name:		Millennium Trust Company LLC- Custodian FBO Carl M Baca IRA	
Address: 2001 Spring Road Suite 700 Oak Brook, Illinois 60523		Street: Spring Road	City: Oak Brook
Name of Applicant:		Founders Land Acquisition Company LLC (FLAC)	
Phone: 203-530-8114		Email: aly@buddingoperations.com	
Agent: (If partnership, provide proof that agent has legal authorization to sign documents).		Aly Piscatelli	
Agent Phone: 203-530-8114		Agent Email: aly@buddingoperations.com	
Legal Description of Property: Add attachment if needed		Tract: Unnumbered S:16, T:5N R:2E .048 Acre Plat N-663	
Subdivision: N/A		1009028306055000000 UPC #:	Lot #: unnumbered
Address /Legal Description: Attach document if needed.		2350 NM HWY 47 Rio Communities, NM 87002	Block #: 0
Explain how the intended use of the property will correspond with the proposed zoning. (Attach additional documents if needed.) <small>The property is intended to be a future retail cannabis dispensary. Under the Rio Communities ordinance, dispensaries are allowed in C3 zoning areas. The retail cannabis dispensary will create jobs and respect the existing community by following all laws including applying for a special use permit.</small>			
Present Zoning:	C-1	Requested Zoning Change:	C-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 4, 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:			

Aly Piscatelli  
 \_\_\_\_\_  
 Printed Name:

*Aly Piscatelli*  
 \_\_\_\_\_  
 Signed Name:

01/04/2023  
 \_\_\_\_\_  
 Date:



**AT** SITE PLAN - EXISTING CONDITIONS  
1/16" = 1'-0"

**PROJECT INFORMATION**

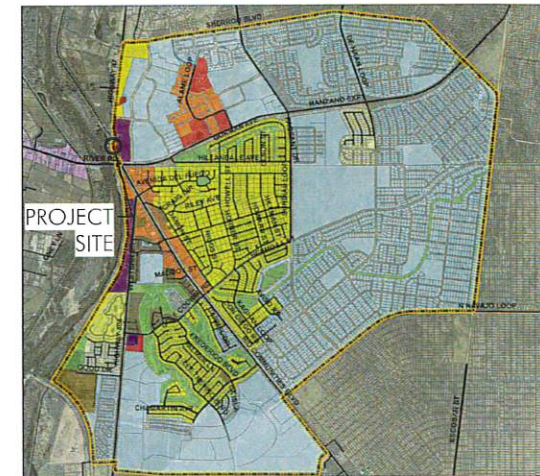
ADDRESS	2350 NM HWY 47 RIO COMMUNITIES, NM 87002
LEGAL DESCRIPTION	TRACT: UNNUMBERED S. 16 T: 5N R:2E 0.48 ACRE PLAT N-663
LOT	UNNUMBERED
BLOCK	0
PARCEL	1009028306055000000
PROJECT TYPE	ZONE CHANGE REQUEST FOR FUTURE RETAIL USE
EXISTING ZONING	C-1 (LIMITED RESIDENTIAL NEIGHBORHOOD RETAIL AND SERVICE)
PROPOSED ZONING	C-3 (HEAVY COMMUNITY COMMERCIAL AND RETAIL USE)
SQUARE FOOTAGE	EXISTING: 980 SF TOTAL: 980 SF EXISTING ROOF FOOTPRINT: 1,121 SF

**GENERAL NOTES - SITE**

- SEE T-001 FOR ADDITIONAL CODE INFORMATION AND ZONING REQUIREMENTS.
- CONTRACTOR TO ESTABLISH AND ADHERE TO A WASTE MANAGEMENT PLAN DURING THE DURATION OF CONSTRUCTION. AT A MINIMUM, CONTRACTOR TO PROVIDE ON-SITE FACILITIES TO SEPARATE TRASH AND GLASS, PLASTIC, WOOD/PAPER, METALS FOR RECYCLING. CONTRACTOR TO REUSE OR RECYCLE ALL MATERIALS AS LOCAL FACILITIES ALLOW HAZARDOUS WASTE TO BE DISPOSED OF PER LOCAL REQUIREMENTS. CONSTRUCTION SITE TO BE KEPT CLEAN AND SAFE AT ALL TIMES. TRASH AND RECYCLING IS TO BE CONTAINED AND REMOVED WEEKLY, IN ACCORDANCE WITH LOCAL REGULATIONS.
- WASTE-WATER SYSTEM TO BE ENGINEERED AND SPECIFIED TO DATA PROVIDED WITH A PERCOLATION TEST. CONTRACTOR RESPONSIBLE FOR ALL PERMITS, INSPECTIONS, AND TESTS REQUIRED.
- FINISHED FLOOR OR TOP OF STEM WALL TO BE MINIMUM 4' ABOVE ADJACENT GRADE - SEE FOUNDATION PLAN FOR ADDITIONAL INFORMATION.
- CONTRACTOR TO CONFORM WITH DISTURBANCE ZONE INDICATED ON SITE PLAN. ERECT APPROPRIATE FENCE OR BARRICADES FOR DURATION OF CONSTRUCTION. IF DISTURBANCE ZONE IS NOT INDICATED ON DRAWINGS, CARE SHOULD BE TAKEN TO MINIMIZE DAMAGE TO EXISTING TREES, GRADE AND FOLIAGE AROUND BUILDING FOOTPRINT.
- COMPACT EARTH AROUND THE BUILDING AFTER COMPLETION OF STEM WALL AND RE-GRADE AROUND HOUSE TO ENHANCE FREE DRAINAGE AWAY FROM BUILDING. MINIMUM 1/4" SLOPE PER FOOT FOR 10'-0". MAINTAIN POSITIVE DRAINAGE DURING ENTIRE CONSTRUCTION PROCESS. FINAL GRADING TO BE PROPERLY SLOPED AND RAKED CLEAN. MAINTAIN 1/8" PER FOOT MIN SLOPE FROM BUILDING AT PAVED SURFACES ADJACENT TO BUILDING.
- PROVIDE SPLASH BLOCKS BELOW SCUPPERS OR DRAIN-PIPES TO DIRECT WATER AWAY FROM FOUNDATIONS.
- LANDSCAPING WHICH WILL REQUIRE REGULAR HEAVY IRRIGATIONS IS TO BE LOCATED AT LEAST 5 FEET FROM THE BUILDING. AVOID FRENCH DRAINS ADJACENT TO THE FOUNDATION TO MINIMIZE WATER INFILTRATION AT THE FOUNDATION LEVEL. PROVIDE PERFORATED DRAINPIPE AT PERIMETER OF FOUNDATION SYSTEM - DAYLIGHT PIPE SYSTEM. IF RETENTION BASINS, PLANTERS AND/OR LANDSCAPING ARE ADJACENT TO OR NEAR BUILDINGS, SUCH FEATURES SHOULD BE SEALED AND CONTAIN SHALLOW ROOTED LANDSCAPING. GRADES IN BASINS OR PLANTERS SHOULD SLOPE AWAY FROM BUILDINGS AND OUTLETS PROVIDED FOR OVERFLOW.
- CONTRACTOR RESPONSIBLE FOR OBTAINING ADDITIONAL ENGINEERING AND DESIGN SERVICES WHEN REQUIRED BY CODE OFFICIALS AND NOT PART OF THE ARCHITECT'S SCOPE OF WORK - INCLUDING, BUT NOT LIMITED TO, STEM WALLS, YARD WALLS, RETAINING WALLS, FOOTINGS AND SIGNAGE.
- UNLESS NOTED OTHERWISE ALL CONCRETE TO BE MINIMUM 3000 PSI.
- PROVIDE FREE-DRAINING SOIL LAYER AT BACK OF RETAINING WALLS. TIE VERTICAL DRAINAGE ZONE TO DAYLIT GRAVITY DRAINAGE SYSTEM AT BASE OF WALL.
- IF SITE CONDITIONS EXIST THAT CREATE A 30' OR GREATER DROP-OFF CONDITION, PROVIDE A GUARDRAIL ON THE HIGH SIDE TO A HEIGHT OF NOT LESS THAN 3'-6". CONTACT ARCHITECT FOR DETAIL IF NOT PROVIDED ON DOCUMENTS.
- DRIVEWAY SURFACE TO BE CROWNED TO PROVIDE POSITIVE DRAINAGE. SEE ELECTRICAL SHEETS FOR EXTERIOR LIGHTING SPECIFICATIONS.

**LEGEND - ZONING**

	R-1 (SINGLE FAMILY, LOW DENSITY RESIDENTIAL)
	R-2 (HIGH DENSITY RESIDENTIAL)
	MH-1 (MANUFACTURED HOUSING 1)
	MH-2 (MANUFACTURED HOUSING 2)
	C-1 (LIMITED RESIDENTIAL NEIGHBORHOOD RETAIL AND SERVICE)
	C-2 (COMMUNITY COMMERCIAL AND RETAIL USE)
	C-3 (HEAVY COMMUNITY COMMERCIAL AND RETAIL USE)
	PRO (PARKS, RECREATION AND OPEN SPACE)
	P-D (PLANNED DEVELOPMENT)



**A5** VICINITY MAP - RIO COMMUNITIES ZONING  
NOT TO SCALE

302 central ave se  
albuquerque, nm 87102  
ph 505.242.2851 regenerative design  
www.equiterrra.design

FLORESTA RIO COMMUNITIES  
DISPENSARY  
FOUNDERS LAND ACQUISITION  
COMPANY, LLC  
2350 NM HWY 47, RIO COMMUNITIES, NM 87002

**ZONE CHANGE REQUEST**  
DRAWN BY: MG, CD  
CHECKED BY: KDB, DD  
DATE: DEC 22, 2022

SITE PLAN -  
EXISTING  
CONDITIONS

22021  
**AS101**

Item 2.

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