



## City of Rio Communities Council Regular Business Meeting

City Council Chambers - 360 Rio Communities Blvd

Rio Communities, NM 87002

Monday, June 26, 2023 6:00 PM

### Agenda

*Please silence all electronic devices.*

**Mayor - Joshua Ramsell**

**Mayor Pro Tem - Margaret R. Gutjahr**

**Council - Arthur Apodaca, Lawrence R. Gordon, Jimmie Winters**

#### Call to Order

#### Pledge of Allegiance

#### Roll Call

#### Approval of Agenda

**Approval of Consent Agenda Items** (The consent agenda is approved by a single motion. Any member of the Council may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.)

- 1. Minutes for the City Council Special Business Meeting (05/30/23 & 06/05/23), Minutes for the City Council Workshop & Regular Business Meeting (06/12/23) and Approval of Accounts Payable**

#### Proclamations

- 2. Mayoral Proclamation - Fireworks**

#### Public Hearing - Continuation from the May 8th public hearing

##### **Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing**

- **Consideration of applicant La Merced Moose Lodge request for three RV sites on the property at 306 Rio Communities Blvd**

##### **Motion and roll call vote to go back into Regular Business Meeting session**

- 3. Discussion, Consideration, and Decision – Regarding applicant La Merced Moose Lodge request for three RV sites on the property at 306 Rio Communities Blvd**

**Public Comment:** The Council will take public comments in written format. These should be emailed to [admin@riocommunities.net](mailto:admin@riocommunities.net) through 4:45 PM on Monday, June 26, 2023. These comments will be distributed to all Councilors for review. If you wish to speak during the public comment session, the Council will allow each member of the public to three (3) minutes to address the Council. Both the public and Council will follow rules of decorum. Give your name and where you live. The public will direct comments to the City Council. Comment(s) will not be disruptive or derogatory.

**The Council will not take action or engage in discussion regarding the comments made or received, but when appropriate the matters raised may be referred to staff or others for further review. Both the public and Council will follow rules of decorum. Derogatory Comments or matters under litigation will not be allowed and any person or persons addressing the Council are liable for their own statements, not the Council. Statements are limited to a maximum of 3 minutes duration. Please give your name and where you live for the record.**

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.

## Manager Report

### a) Codification

#### Action Items

4. Discussion, Consideration, and Decision – Authorize to proceed with the design of Phase 2 of the City Hall Multi-use complex
5. Discussion, Consideration, and Decision – Authorize funds to remodel the old public works area behind the Police Department
6. Discussion, Consideration, and Decision – Extend Limited Term Employees thru 12/31/2023
7. Discussion, Consideration, and Decision – Economic Development Consultant contract renewal (Palmetto LLC)
8. Discussion, Consideration, and Decision – Valencia County Business Incubator Agreement renewal (space)
9. Discussion, Consideration, and Decision – Authorization to reassign funds from transportation for the ladder truck graphics
10. Discussion, Consideration, and Decision – Ordinance 2023 – xx Zoning Code – setting public hearing date & approving 15-day review

#### Council Discussion

**Executive Session - For the purpose of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and Reverse Mortgage Funding LLC V. Perea & General Services Department-Insurance Invoice subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; pursuant to NMSA 10-15-1(H)(7)**

**Motion and roll call vote to go into close session**

**Motion and roll call vote to go back into the regular business meeting session**

**Welcome everyone back and statement by the Mayor:** The Governing Body of the City of Rio Communities, New Mexico, hereby states that on June 26, 2023 a Closed Executive Session was held for the purpose of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and Reverse Mortgage Funding LLC V. Perea & General Services Department-Insurance Invoice subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; pursuant to NMSA 10-15-1(H)(7)

#### Action Items

11. **Recommendation, Discussion, Consideration, and Decision - For the purpose of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) and Reverse Mortgage Funding LLC V. Perea & General Services Department-Insurance Invoice subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; pursuant to NMSA 10-15-1(H)(7)**

#### 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 Council Special Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Tuesday, May 30, 2023 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

### **Call to Order**

- Mayor Ramsell called the special business meeting to order at 6:04 pm.

### **Pledge of Allegiance**

- Councilor Gordon led the Pledge of Allegiance.

### **Roll Call**

- PRESENT: Mayor Joshua Ramsell, Mayor Pro-tem (virtual) Margaret R. Gutjahr, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Jimmie Winters.
  - Present: City Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair, Finance Officer Stephanie Finch, Fire Chief Andrew Tabet, Valencia County News-Bulletin Editor Clara Garcia.

### **Approval of Agenda**

- Motion made by Councilor Apodaca to approve the agenda as presented. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the agenda for the special business meeting was approved as presented.

### **American Rescue Plan Act (ARPA) Funds**

- Manager Dr. Moore started to explain the spending of ARPA funds and continued to explain the amount for the State-of-the-art audio and visual systems in City Hall Council \$86,161.88 is what HDI quoted with NM state pricing. He then explained security for the police department \$8,667.89, Fire Department Admin Office \$6,585.74, City Hall security for all exterior of building, in case of active shooters, security cameras and video intercom systems, intercoms, panic buttons \$148,163.41.
- Councilor Apodaca asked if these high-resolution cameras are going to be able to be used in court.
- Manager Dr. Moore said he thinks so and continued to explain how the security will help. He further explained that we were originally looking at spending out of general funds, the service truck was talked about at the last council meeting and the ladder truck. He further said the decontamination unit at fire department we do not have, and we need one it can work for any infectious disease.
- Councilor Apodaca asked I know you have been looking at used truck have you narrowed any of the used trucks down or have any on hold.
- Fire Chief Tabet said he currently has one service truck on hold and four ladder trucks we are looking at.
- Manager Dr. Moore talked about Artesia fire equipment and explained that it has been identified as SCBA.
- Chief Tabet explained that an SCBA is a breathing apparatus and further explained what it is used for. He also explained that each firefighter will have their own mask fitted to their face.
- Manager Dr. Moore explained the COVID Suits for the fire department. Construction Coordinators, court room to reimburse the city for monies already expended \$35,656.82,

Security for the Police Department security wall/window for COVID and case of active shooter the construction has started for this, and we are waiting for the remaining security for the interior that cost was priced \$17,304.98 we are waiting for the last component. He further said we had not brought to the City Council - premium pay for the employees to the employees the period they were employed during the federal emergency. We want to do something for our employees and then there was after all that was \$26,062.28 left, we have talked about upgrading our security at our two fire stations. The ability to know what is going on at both fire stations and being able to see it remotely would be beneficial.

- Councilor Apodaca said it has been well thought out.
- Manager Dr. Moore said I give much credit to our finance department.
- Councilor Gordon asked if there was a time limit.
- Manager Dr. Moore explained the grant expires 2024 should be expend by December 31 of 2026 that is what it says in our grant agreement.
- Manager Dr. Moore gave a brief review due to audio.
- Councilor Winters said it looks like the fire department and police department are the big winners. Which is a good thing.
- Councilor Gutjahr asked if the amount \$1,122,193 is that total amount of what we got and what we are spending is it totally wiped out after that and then said on the employees pay this is for people that worked through COVID. I thought it was for extra work. This is not for extra work.
- Manager Dr. Moore said it was working through COVID as essential workers.
- Councilor Gutjahr said she had thought this was not money given to them for taking on extra duties it's for working during that time of COVID.
- Finance Officer Finch said it is comparable to hazard pay.
- Mayor Ramsell said we will be saving \$52,000.00 general funds this year and \$140,000.00 next year a total of \$200,000.00 going back to the city.
- Motion made by Councilor Apodaca to approve the American Rescue Plan Act (ARPA) Funds as presented. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the expenditure of the American Rescue Plan Act funds.

#### **Mosquito/Pest Control**

- Manager Dr. Moore said we do have an approximate cost not to exceed \$20,000.
- Councilor Gutjahr asked how we can alert the community to those who don't want it near them.
- Manager Dr. Moore said we have a few different ways to notify them, giving them a chance to say they don't want it around their home.
- Motion made by Councilor Gordon to approve the mosquito/pest control not to exceed \$20,000. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the mosquito/pest control not to exceed \$20,000.

#### **Executive Session - For the purpose of the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)**

##### **Motion and roll call vote to go into close session**

- Motion made by Councilor Apodaca with a roll call vote to go into closed session regarding matters stated on the agenda. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem

Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote council went into executive session at 6:56 pm.

**Motion and roll call vote to go back into the special business meeting session**

- Motion made by Councilor Gordon with a roll call vote to go back into the special business meeting session. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council went back into the special business meeting session at 7:30 pm.

**Welcome everyone back and statement by the Mayor**

- Mayor Ramsell stated: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on May 30, 2023 a Closed Executive Session was held and the matters discussed were for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8).

**Recommendation, Discussion, Consideration, and Decision - Of the purchase, addition or disposal of real property or water rights by the public body**

- Mayor Ramsell stated there was no recommendations at this time.

**Adjourn**

- Motion made by Councilor Winters, Seconded by Councilor Apodaca. with a unanimous vote the special business meeting session was adjourned at 7:32pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk  
(Transcribed by Lalena Aragon, Deputy Clerk Clerk)

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

Approved:

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Margaret R. Gutjahr,  
Mayor Pro-tem/Councilor

\_\_\_\_\_  
Arthur Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence R. Gordon,  
Councilor

\_\_\_\_\_  
Jimmie Winters,  
Councilor



**City of Rio Communities Council Special Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, June 05, 2023 7:00 PM**  
**Minutes**

*Please silence all electronic devices.*

### Call to Order

- Mayor Ramsell called the special business meeting to order at 7:10 pm.

### Pledge of Allegiance

- Councilor Apodaca led the Pledge of Allegiance.

### Roll Call

- PRESENT: Mayor Joshua Ramsell, Mayor Pro-tem (Virtual) Margaret R. Gutjahr, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Jimmie Winters.
  - Present: City Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair, Finance Officer (Virtual) Stephanie Finch, Fire Chief Andrew Tabet.

### Approval of Agenda

- Motion made by Councilor Apodaca to approve the agenda. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the agenda was approved as presented.

### Authorizing Funds for Travel

- Manager Dr. Moore explained that we were able to locate a ladder truck in the budgeted amount in Organ. He said on the purchasing side the out of state travel wasn't clear. For them to go out and look at it and walk around it.
- Fire Chief Tabet explained the truck they are talking about is a 2005 central state spartan, the chasy is a spartan the cab is a Rosa brier that is top of the line manufacture the milage is 14,424 which is very low. He further said it is unique to find a truck with this millage rather newer or older and continued to explain the specifications and that spartan is in Albuquerque so they are nearby to do services on this truck.
- Councilor Apodaca asked about the additioanal equipment cost.
- Chief Tabet said not at this time they require a lot of stuff I would imagine it would be in our budget.
- Councilor Gutjahr asked who they is.
- Chief Tabet said it is the NFPA and explained that it is required for the ISO.
- Manager Dr. Moore said as far as the travel cost, I don't know if they have all the costs finalized yet, but it is close to \$5,000. Plus, we are looking at the cost of getting it back here we are estimating \$20 to \$25,000.00 at the highest. Our goal is to not drive the truck back here.
- Councilor Gordon asked if we purchase this truck how long will it be to get transfer it here.
- Chief Tabet explained it would depend on the availability of the lowboy that would transport it.

- Councilor Gordon then asked once we get it how long it will take to outfit it with everything its going to need.
- Chief Tabet explained it will depend on the ordering process with Artesia fire and continued the discussion.
- Councilor Apodaca said it was unfortunate that we are looking at this truck but if we have to outfit it, it is putting the cart before the horse. Is it allowed to use the ARPA funds to outfit the truck.
- Chief Tabet said we allocated the ARPA funds to outfit the truck through that money.
- Manager Dr. Moore explained the actual amount was \$500,000.00, that is \$350,000.00 for the truck and \$150,000.00 for the outfitting.
- Chief Tabet said it should be in the teens to bring it back and continued the discussion.
- Mayor asked the finance Office Finch would it be safe to say not to exceed \$25,000.00.
- Finance Officer Finch said I would suggest that you do it not to exceed \$25,000.00 and then said she wanted to let Council that they cannot use the ARPA funds for the travel or the transport but will come out of the general fund and explained the budget carry over.
- Chief Tabet asked to not to exceed \$6,000.00. They were looking to travel tomorrow and come back Friday or Saturday.
- Motion made by Councilor Apodaca to authorize funds for travel not to exceed \$6,000. Seconded by Councilor Gordon. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote the Council agreed to the funds for travel not to exceed \$6,000.00

#### **Out of State Travel for Fire Apparatus**

- Manager Dr. Moore said this has been well thought out.
- Motion made by Councilor Gordon to approve out of state travel for fire apparatus. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the out of state travel for fire apparatus.

#### **Authorizing Funds for Pickup and Delivery of Fire Apparatus**

- Motion made by Councilor Apodaca to authorize funds for pickup and delivery of fire apparatus not to exceed \$25,00. Seconded by Councilor Winters. Voting Yea: Mayor Pro-tem Gutjahr, Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 4-0 vote Council approved the funds for pickup and delivery of fire apparatus not to exceed \$25,000.

#### **Adjourn**

- Motion made by Councilor Winters, Seconded by Mayor Pro-tem Gutjahr. With a unanimous vote the special business meeting was adjourned at 7:38 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk  
(Transcribed by Lalena Aragon, Deputy Clerk)

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

Approved:

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Margaret R. Gutjahr,  
Mayor Pro-tem/Councilor

\_\_\_\_\_  
Arthur Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence R. Gordon,  
Councilor

\_\_\_\_\_  
Jimmie Winters,  
Councilor





**City of Rio Communities Council Workshop**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, June 12, 2023 3:00 PM**  
**Minutes**

*Please silence all electronic devices.*

### **Call to Order**

- Mayor Joshua Ramsell called the regular workshop to order at 3:06 pm.

### **Attendees**

- PRESENT: Mayor Joshua Ramsell, Councilor Arthur Apodaca, Councilor (virtual) Lawrence Gordon, Councilor Jimmie Winters  
 ABSENT: Mayor Pro-tem Margaret R. Gutjahr.
  - Present: City Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair, Finance Officer Stephanie Finch, Accounting Specialist/CPO Angela Valadez, Fire Chief Andrew Tabet, City Attorney Randall Van Vleck.

### **Accounts payable report**

- Account payable report over \$500.00. Bound Tree Medical \$2,384.06, Comcast Business \$1,050.00, LN Curtis \$7,823.07, NM Municipal league 800.00, Tyler Technologies \$15,796.89, Village of Los Lunas \$8,176.75, 411 Equipment \$1,197.68, Amazon Business \$3,564.35, City of Pendleton \$350,000, Construction Coordinators \$16,683.14, Al Air Ag Services \$1,035.30, Griffin and Associates \$1,6074.45 H&E Equipment \$1,049.34, HDR Engineering \$1,367.89, NM Government Law \$3,673.14, Sharp Electronics Corp. \$3,009.19, Total Glass Solutions \$6,800.00, Bank of America \$35,951.35, PNM \$2,320.03, Verizon Wireless \$3,508.05.

### **Resolution 2023-XX BAR #5**

- Finance Officer Finch went over the Pooled Cash report. (See packet). She further explained that we will end the year with about 2.1 million in the general operating fund.
- Finance Officer Finch went over the budget adjustment highlights.

### **Resolution 2023 - XX NMDOT Cooperative Agreement**

- Manager Dr. Moore explained that Don Diego street condition and recognized that it is rough. The recommendation from the Department of Transportation and the engineers from HDR was to ask the local government for co-op money to do the design and comeback and sign the grant funds to do the construction. We do not know what the cost will be, they are fluctuating at the time. Estimations are coming close to \$800,000.00.
- Councilor Apodaca asked does the funding award for the fluctuation.
- Manager Dr. Moore explained they would have to come back to us and ask permission from the City Council.

- Councilor Gordon said he is glad this is getting done I has been needed to be done for a while. I'm glad we can get it taken care of.
- Councilor Apodaca asked if there was a general timeline for when we will be shovel ready and when we can start the construction.
- Manager Dr. Moore explained we don't have an exact timeline. We do have the money for Goodman we are thinking about this one would around of spring of 2024.

### **Resolution 2023 - Personnel Policies and Procedures**

- City Attorney Randall Van Vleck explained that the employees that are hired and dismissed by the Council are the Clerk, Manager, Police Chief, and you can add more. What we are asking is if we want the Fire Chief to be there as well.
- Councilor Apodaca said the Fire Chief should be hired the same way as the Police Chief is and continued the discussion.

### **Ordinance 2023 - XX Zoning Amendments**

- Manager Dr. Moore explained we will be having the public hearing at the City Council Business meeting and began a discussion. He further said we are not changing the number of days for posting the hearing that is State statue.

### **Greater Valencia County Chamber of Commerce membership**

- Manager Dr. Moore explained we received a letter from the Greater Valencia Chamber of Commerce membership amount they are requesting is \$1,000.00 and continued the discussion.
- Councilor Apodaca said it is a good idea to participate at that level.
- Councilor Gordon also thinks it is a good idea since so many businesses are already members.
- Councilor Winters said it gives us a chance to work, and asked if it gives us one or two board members as part of the deal.
- Manager Dr. Moore said I believe so but not a hundred percent.

### **Public Comment**

- No public comments

### **Manager Report**

- Manager Dr. Moore gave his area over to the Fire Chief.
- Fire Chief Tabet explained that they went to Oregon to look at the ladder truck. We tested it, drove it, and operated it. They have all the records for the truck. We felt that it is a sound buy and began a discussion.
- Manager Dr. Moore said they received the budget has been approved by the DFA.

### **Council General Discussion & Future Agenda Items**

- The council had no reports.

### **Adjourn**

- The regular workshop was adjourned at 3:45 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk  
(Transcribed by Lalena Aragon, Deputy Clerk)

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

Approved:

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Margaret R. Gutjahr,  
Mayor Pro-tem/Councilor

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Arthur Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence R. Gordon,  
Councilor

\_\_\_\_\_  
Jimmie Winters,  
Councilor



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, June 12, 2023 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

### Call to Order

- Mayor Joshua Ramsell called the Regular Business Meeting to order at 6:00 pm.

### Pledge of Allegiance

- Councilor Apodaca led the Pledge of Allegiance.

### Roll Call

- PRESENT: Mayor Joshua Ramsell, Councilor Arthur Apodaca, Councilor (virtual) Lawrence Gordon, Councilor Jimmie Winters.  
 ABSENT: Mayor Pro-tem Margaret R. Gutjahr.
  - City Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair, Finance Officer (virtual) Stephanie Finch, Fire Chief Andrew Tabet, City Attorney Randall Van Vleck, Valencia County News-Bulletin Editor Clara Garcia.

### Approval of Agenda

- Motion made by Councilor Apodaca to approve the agenda as presented. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the city council regular workshop agenda was approved as presented.

### Approval of Consent Agenda (City Council Special Workshop with Planning and Zoning Commission Minutes (05/18/2023), Minutes for the City Council Workshop & Regular Business Meeting (05/22/23), and Approval of Accounts Payable)

- Motion made by Councilor Apodaca to approve the consent agenda of the City Council Special Workshop with Planning and Zoning Commission Minutes (05/18/2023), Minutes for the City Council Workshop & Regular Business Meeting (05/22/23) and Approval of Accounts Payable. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. with a 3-0 vote the consent agenda items were approved as written.

### Proclamations

#### Thomas Scroggins Day

- ✚ Mayor Ramsell read the proclamation naming June 13, 2023 Thomas Scroggins Day.
- ✚ Councilor Apodaca thanked him for the many years of service to the City we thank you very much.
- ✚ Councilor Gordon said it was a pleasure working with you, you will truly be missed.
- ✚ Councilor Winters said I appreciate the time you spent on Planning and Zoning I know how hard it can be.
- ✚ Mayor Ramsell said thank you I really appreciate the work that you put into the community people don't realize the countless hours that you put in with Planning and Zoning do what you do the behind the scene work that people don't see.
- ✚ Presentation of the Proclamation to Tom Scroggins

## Public Hearing

### Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing

- Motion made by Councilor Apodaca with a roll call vote to go into the public hearing in consideration of the zoning ordinance amendments. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote the regular business meeting session was recessed and the public hearing began at 6:06 pm.

### Consideration of Zoning Ordinance Amendments

- Manager Dr. Moore said there are two different areas specific in the zoning code that are in front of you. One has to do with areas that are related to petroleum, hydrocarbons, geothermal that were allowed use in the I3 zone that are now going to be prohibited uses. He said the second thing is the processes. The way the process is right now a little unique with planning and zoning even with the ordinance. It is a 15-day notice and a 14 day review and our internal process duplicated the public hearing process which created challenges for the applicant, the planning and zoning commission, city council. The new amendments are more streamlined. He gave a summation. He further said I highly recommends moving forward with this.
- Councilor Apodaca said he is glad we are moving forward. This is a great idea.
- Councilor Winters said the ordinance is over 9 years old and so It needs to be modified and upgraded I am glad we are doing that.
- Mayor Ramsell said the other important thing is that this solidifies some of the issues we had previously and clarified those and reinforces them and streamlines the process that is good for everyone.

### Motion and roll call vote to go back into Regular Business Meeting session

- Motion made by Councilor Apodaca with a roll call vote to go back into the regular business meeting session. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council went back into the regular business meeting session at 6:13 pm.

### Ordinance 2023 - (87) Zoning Amendments

- Motion made by Councilor Apodaca to approve Ordinance 2023 - 87 Zoning Amendments. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. with a 3-0 vote Ordinance 2023 - 87 Zoning Amendments was passed, approved, adopted, and signed.

## Public Comment

- There were no public comments.

## Manager Report

### Speed Bumps

- Manager Dr. Moore explained that they had a meeting this morning with HDI that work with state contract pricing. They recommended that we get everything set up first then bring the monitors in and that way everything is tied in the way it needs to be. He further explained the set up for the monitors and mics. He then explained that there have been issues with the fire alarm system other than that he is very pleased with the work of the contractors.

- Manager Dr. Moore said since the ladder truck will be coming, and we will be coming to City Council for permission at the next meeting for the remodeling of the fire station to be able to fit it length wise and further explained the Courtroom and police station we have total glass coming in to put in harden radian glass for both the court and police department in the interior and the police department exterior doors are already in place.
- Manager Dr. Moore said they are continuing to move along with speed bumps we have some money coming to continue to get the speed bumps in.
- Councilor Apodaca asked what we budgeted for speed bumps and how many.
- Manager Dr. Moore said what we did was utilize the existing budget to do that. I can't give you an exact dollar amount. He did explain that we do have speed humps, but they are not as affected as speed bumps.
- Councilor Winters asked in the first phase of audio equipment if we are doing something in the overflow room.
- Manager Dr. Moore said we will have to come back to that separate.
- Mayor Ramsell said he and Dr. Moore have looked at streets that have had issues in the past that you would not considered a raceway, but it can happen. So, we are working on getting them phased in on those roads.

#### **Municipal Clerk Department - Letter to County Clerk regarding upcoming Election**

- Clerk Adair read her letter to the County Clerk into the minutes. (See packet).

#### **Municipal Court Department**

- See agenda packet for report.

#### **Action Items**

##### **Resolution 2023 – (13) BAR #5**

- Motion made by Councilor Apodaca to approve Resolution 2023 – 13 BAR #5. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. with a 3-0 vote Resolution 2023 – 13 Bar #5 was passed, approved, adopted, and signed.

##### **Resolution 2023 - (14) NMDOT Cooperative Agreement**

- Mayor Ramsell explained that this agreement has to do with Don Diego road that needs some help we did apply for a grant and DOT suggested that we use that for the design, the total estimate is \$138,667.00 the city is responsible for 25% so we will be paying \$34,606.70.
- Councilor Apodaca said if the cost should go over the city will be responsible for the difference.
- Councilor Winters said this is one of the worst streets in the city and the expensive to redo this whole street was so high it is good that we are able to do it.
- Motion made by Councilor Apodaca to approve Resolution 2023 - 14 NMDOT Cooperative Agreement. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Resolution 2023 – 14 NMDOT Cooperative agreement was passed, approved, adopted, and signed.

##### **Resolution 2023 - (15) Personnel Policies and Procedures**

- Mayor Ramsell said there has been one recommendation to be added and read the amendment into the minutes.
- Councilor Winters said this clarifies the whole situation.

- Motion made by Councilor Apodaca to approve Resolution 2023 - 15 Personnel Policies and Procedures with the additions as presented by the Mayor. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Resolution 2023 – 15 personnel policies and procedures was passed, approved, adopted, and signed.

#### **Greater Valencia County Chamber of Commerce membership**

- Manager Dr. Moore explained that if you have a \$140.00 and then the \$1,000.00 there is a possibility that we need to pay both. In the letter they said they will offer us a seat on the board.
- Councilor Winters said we have long needed the activity of a chamber, and it is a good move.
- Motion made by Councilor Apodaca to approve the Greater Valencia County Chamber of Commerce membership. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved the membership to the Greater Valencia County Chamber of Commerce.

#### **Council Discussion**

- No comments from Council.

#### **Executive Session - For the purpose of selecting finalists for the Police Chief Position pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)**

##### **Motion and roll call vote to go into close session**

- Motion made by Councilor Apodaca with a roll call vote to go into executive session For the purpose of selecting finalists for the Police Chief Position pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8), Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council went into executive session at 6:45 pm.

##### **Motion and roll call vote to go back into the regular business meeting session**

- Motion made by Councilor Apodaca, Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council went back into the regular business meeting session at 7:32 pm.

##### **Welcome everyone back and statement by the Mayor**

- Mayor Ramsell stated the Governing Body of the City of Rio Communities, New Mexico, hereby states that on June 12, 2023 a Closed Executive Session was held and the matters discussed were For the purpose of selecting finalists for the Police Chief Position pursuant to NMSA 10-15-1(H)(2) - Limited Personnel Matters and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)

**Action Items****Recommendation, Discussion, Consideration, and Decision - For selecting finalists for the Police Chief Position and the purchase, addition or disposal of real property or water rights by the public body**

- Mayor Ramsell recommended selecting finalist for Police Chief position. The recommendation is to bring in William Cutshall and Nunez Felix Jr. for in-person interviews and to pay for travel expenses not to exceed \$2,000.00.
- Motion made by Councilor Apodaca to approve the recommendation for Mr. Cutshall and Mr. Nunez and for the travel expenses not to exceed over \$2,000.00. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Winters. With a 3-0 vote Council approved bringing in the finalist for police chief in person interviews with travel expenses to not exceed \$2,000.00.
- Mayor Ramsell stated there are no recommendations regarding the purchase, addition or disposal of real property or water rights by the public body.

**Adjourn**

- Motion made by Councilor Winters to adjourn, Seconded by Councilor Gordon. With a unanimous vote the regular business meeting was adjourned at 7:34 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk  
(Transcribed by Lalena Aragon, Deputy Clerk)

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

Approved:

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Margaret R. Gutjahr,  
Mayor Pro-tem/Councilor

\_\_\_\_\_  
Arthur Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence R. Gordon,  
Councilor

\_\_\_\_\_  
Jimmie Winters,  
Councilor





## CITY OF RIO COMMUNITIES

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FROM THE OFFICE OF THE MAYOR

### **PROCLAMATION Regarding Fireworks Ban and Restricted Use During Severe Drought**

- WHEREAS,** La Nina and the failed summer monsoon has resulted in the most significant drought since 2013, with one hundred percent (100%) of the state of New Mexico in severe drought, and Valencia County in 34% extreme drought and 64% in severe drought; and
- WHEREAS,** Drought combined with high wind conditions have caused the fire season to begin in March 2023; and
- WHEREAS,** The National Weather Service (NWS) forecasts temperatures in New Mexico to continue to range from above-to-well-above average temperatures; and drought conditions in New Mexico to persist through July 31; and
- WHEREAS,** Continued heavy fuel loading, low humidity, high heat, and winds increase the danger of wildland, brush, and grass fires, posing an extremely high fire risk in and around the City of Rio Communities; and
- WHEREAS,** These fires would threaten homes and structures, putting the health and safety of our residents at risk; and
- WHEREAS,** Pursuant to the New Mexico Fireworks Licensing and Safety Act, Section 60-2C-1 et. seq. NMSA 1978, as amended, the City of Rio Communities is authorized to ban or restrict the use and sale of certain fireworks when extreme or severe drought conditions exist as determined by the NWS indices and other relevant information supplied by the United States Forest Service; and
- WHEREAS,** New Mexico Statutes Annotated (NMSA) 60-2C-8.1B (1999) states that the governing body of a municipality, based on current drought indices published by the national weather service, shall "issue a proclamation declaring extreme or severe fire conditions within the boundaries of the incorporated municipality"; and the proclamation (NMSA 2C-60-8.1B1) "shall ban the sale and use of missile-type

rockets, helicopters, aerial spinners, stick-type rockets, and ground audible devices within the affected drought area”; and

**WHEREAS.** (NMSA 60-2C-8.1B2) “shall give the governing body the power to (NMSA 60-2C-8.1B2a) “limit the use within its jurisdiction of any fireworks not listed in (NMSA 2C-60-8.1B1) to areas that are paved or barren or that have a readily accessible source of water for use” and (NMSA 60-2C-8.1B2c) to ban or restrict the sale or use of display fireworks”; and

**WHEREAS,** (NMSA 60-8.1C) The proclamation “shall be issued no less than 20 days prior to a holiday for which fireworks may be sold”;

**NOW THEREFORE, BE IT HEREBY ORDAINED** that the City of Rio Communities declares an exceptional drought condition exists in our municipality and high fire risk hazards represent a significant and immediate threat to the safety, health, and welfare to the residents of Rio Communities; and,

**THEREFORE,** in accordance with State Statute, the sale and use of specified permissible aerial and ground audible fireworks are banned within the city limits for 30 days from the date of proclamation enactment. Banned fireworks are aerial spinners; helicopters; mines; missile-type rockets; roman candles; shells; stick-type rockets and ground audible chasers and firecrackers; and,

**THEREFORE,** in accordance with State Statute and City Ordinance 2021 – 79 Chapter 11 Article 1 Fireworks Control, the use of permissible specified fireworks is restricted within the city limits for 30 days from the date of proclamation enactment. Restricted fireworks are cone fountains, crackling devices, cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoke devices, and wheels, which may only be used in areas that are paved, barren or have an accessible source of water for use by the homeowner or the general public; and,

**THEREFORE,** any City approved display of fireworks requires a written permit from the City, and the display fireworks shall be purchased from a distributor or display distributor licensed by the State Fire Marshal and the Bureau of Alcohol, Tobacco and Firearms at the United States Department of Treasury, pursuant to NMSA 60-2C-9,1978.

DULY PROCLAIMED this 26th day of June, 2023.

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

Attest: \_\_\_\_\_  
Elizabeth F. Adair – Municipal Clerk

**Application for a Special Use Permit**  
**City of Rio Communities, NM**

Item 3.

**Instructions**

This application form is required to initiate a special review and approval by the City Planning and Zoning Commission for granting a Special Use Permit (Section 4-7-4, Rio Communities Zoning Ordinance). This form must be completed and submitted with the required administrative fee (Appendix B), Rio Communities Zoning Ordinance) to the Municipal Clerk.

**Applicant Information**

Applicant Name: Lg Merced Moose Lodge  
Mailing Address: 306 Rio Communities Blvd.  
Phone Number: 505-861-1818 Alternate # 505-504-0856

**General Information**

Type of Conditional Use (check as appropriate): If unknown, please don't check any box.

- ☒ Permanent Special Use  
☐ Renewable Special Use

**Location of property that is subject of the request (physical address and legal description):**

306 Rio Communities Blvd., Rio Communities, N.M. 87002  
Tract C2B2B Section 21 T5N R2E NMPM  
Land of Valley Improvement Assoc. 1.45 acres 2006 Rev  
Current zoning of the property: C-2

**Required Attachments**

- 1.A written statement describing existing and future land use of the property with reference to Guidelines in (Article 4-7-4 Rio Communities Zoning Ordinance.)
- 2.A site plan showing location of structures on the property and on contiguous properties, easements and right-of-way, and other relevant information. Proposed future improvements of the property should be indicated if possible.

**Procedural Information**

Signature of Applicant: Alan Salari Date: 2-2-23

Application Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Expiration Date for Renewable Special Use Permit: \_\_\_\_\_

**NOTE: Special conditions assigned to this application must be attached in written form with this application.**

NORTH LOT LINE

Item 3.

43'

3

2

1

15'

Utilities Connects

50'

Electric  
Water  
Waste Water

Electric  
Cool Water

20'

20'

25'

Existing Building

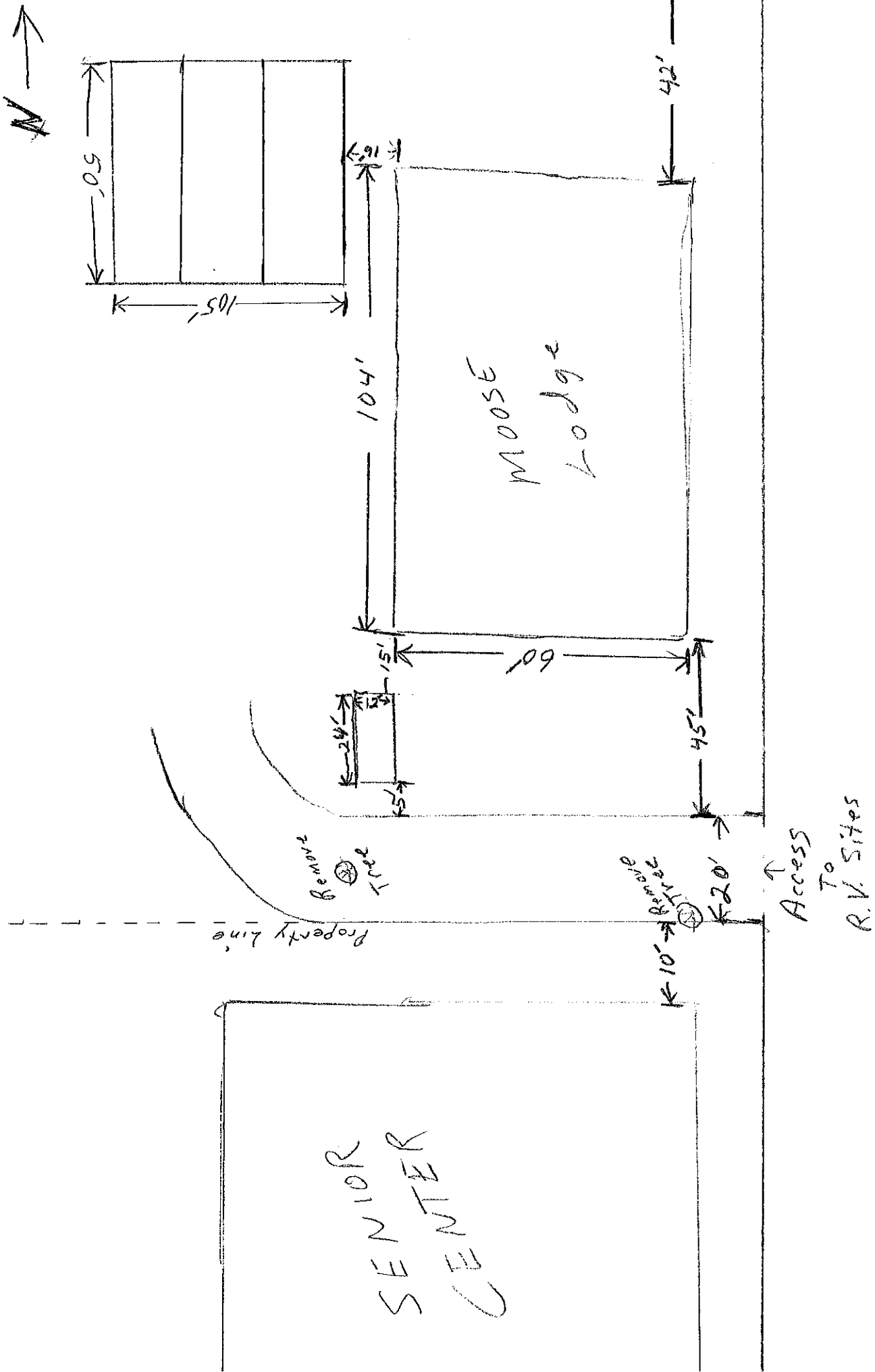
Proposed  
R.V. stalls  
366 Rio Communities, Blvd.  
Rio Communities, NM 87002

N

20

Scale:  $\frac{3}{32}" = 1\text{ft.}$

Feb 2, 2022



Parking Lot

**4-7-4 SPECIAL USE PERMIT**

A Special Use permit is required for a specific land use that is not permitted by right within the zone wherein it is requested. A special use permit may be authorized by the City Council after hearing the recommendation of the Commission. Follow rules listed in 4-18-9 and 4-18-10 for notification and posting.

**A. Provision for a Special Use Permit**

1. The proposed use must be unusual and unique and may be incompatible with planned property uses within the general area and zone in which the special use is proposed.
2. Special Use permits shall not be granted in such cases where it would adversely affect adjoining property values, or endanger public safety.
3. Special Use permits shall not be granted in such cases where the use is or will become detrimental to the character of the zone wherein it is located.
4. Special Use permits do not follow the land, but expire when the special use stops and/or a new owner takes possession of the property. The new owner of the property may reapply for a new permit.

**B. Application Requirements**

The application format for a Special Use permit shall be in the format stipulated by the City. There shall be a comprehensive statement included with each application stating in detail, the reason for the request, the purpose and the use of the property, all improvements to be made and a site plan that includes the following:

1. Location of existing and proposed structures including the dimensions of setbacks;
2. Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas and major points of access, including street pavement width and right-of-ways;
3. Location and treatment of open spaces including landscaping plan and schedule;
4. Lighting and Appropriate Signage;
5. A drainage plan, site plan, landscaping plan and grading plan shall be required for all special use developments.

**C. Notification Public Hearing and Notice Procedure for Special Use Permit**

Follow rules listed in 4-18-9 and 4-18-10 for notification and posting.

## ARTICLE 6 STANDARDS FOR DEVELOPMENT

- 4-6-1 GENERAL STANDARDS FOR DEVELOPMENT
- 4-6-2 ZONING STANDARDS
- 4-6-3 RESIDENTIAL ZONES, EXCEPTIONS AND PROVISIONS
- 4-6-4 COMMERCIAL AND LIGHT INDUSTRY, EXCEPTIONS AND PROVISIONS
- 4-6-5 MOBILE HOME SUBDIVISIONS AND PARKS, PROVISIONS AND EXCEPTIONS
- 4-6-6 DEVELOPMENT IN FLOOD PLAIN AREAS
- 4-6-7 HEIGHT EXCEPTIONS
- 4-6-8 LANDSCAPING AND EROSION CONTROL
- 4-6-9 GRADING, DRAINAGE AND SITE PLANS

### 4-6-1 GENERAL STANDARDS FOR DEVELOPMENT

#### A. Purpose

All structures, buildings, lots and tracts that fall within the City boundaries shall be developed as described in this Article and any related Article of this Code. All the development standards within this Code shall apply to any tract, lot or parcel independent of any other tracts, lots or parcels.

### 4-6-2 ZONING STANDARD

#### A. Standard Setbacks

Zone Type	Minimum Front Offset	Minimum Rear Offset	Minimum Side Offset
R-1 *	<u>20</u> -feet	<u>10</u> -feet	<u>5</u> -feet
R-2 *	<u>20</u> -feet	<u>10</u> -feet	0 to 5-feet
MH-1	<u>20</u> -feet	<u>10</u> -feet	10-feet
MH-2	See Manufactured Home Standards		
C-1	<u>20</u> -feet	<u>10</u> -feet	0 to 5-feet
C-2	<u>20</u> -feet	<u>15</u> -feet	0 to 5-feet
C-3	<u>20</u> -feet	<u>15</u> -feet	0 to 5-feet
* I-1/I-2 & I3	Requires Planning & Zoning Approval		

\* For infill lots in existing neighborhoods, the setback should be equal to or more than the houses on that block.

5. A minimum setback of seven and one-half feet (7' 6") for a two or three story building shall be enforced.
6. The minimum setback distance shall be maintained for both front yards of a corner lot. A lesser setback for one front yard of a triple frontage lot shall be considered for a variance by the Commission.
7. Any new dwellings may be erected as close to the front property line as the average distance established by existing dwellings on that side of the block, assuming the lots on that side are fifty (50) percent or more developed.

**B. Front Yard Parking**

1. Front yard parking is permitted, provided the area shall occupy not more than one-third (1/3) of any open area between the front property line and the front of the dwelling.
2. Homes located on a cul-de-sac may reserve two-thirds (2/3) of a front yard for parking.
3. Where lots are less than fifty (50) feet in width, a twenty (20) foot wide parking area is permitted.
4. Any parking area within an R-2 Zone shall not cover more than three fourths (3/4) of the front yard.

**C. Minimum Distance Between Structures**

There shall be no less than ten (10) feet between structures or buildings located on the same tract, lot or parcel or three (3) feet, if covered on side adjacent to another structure by a 2-hour fire rated material.

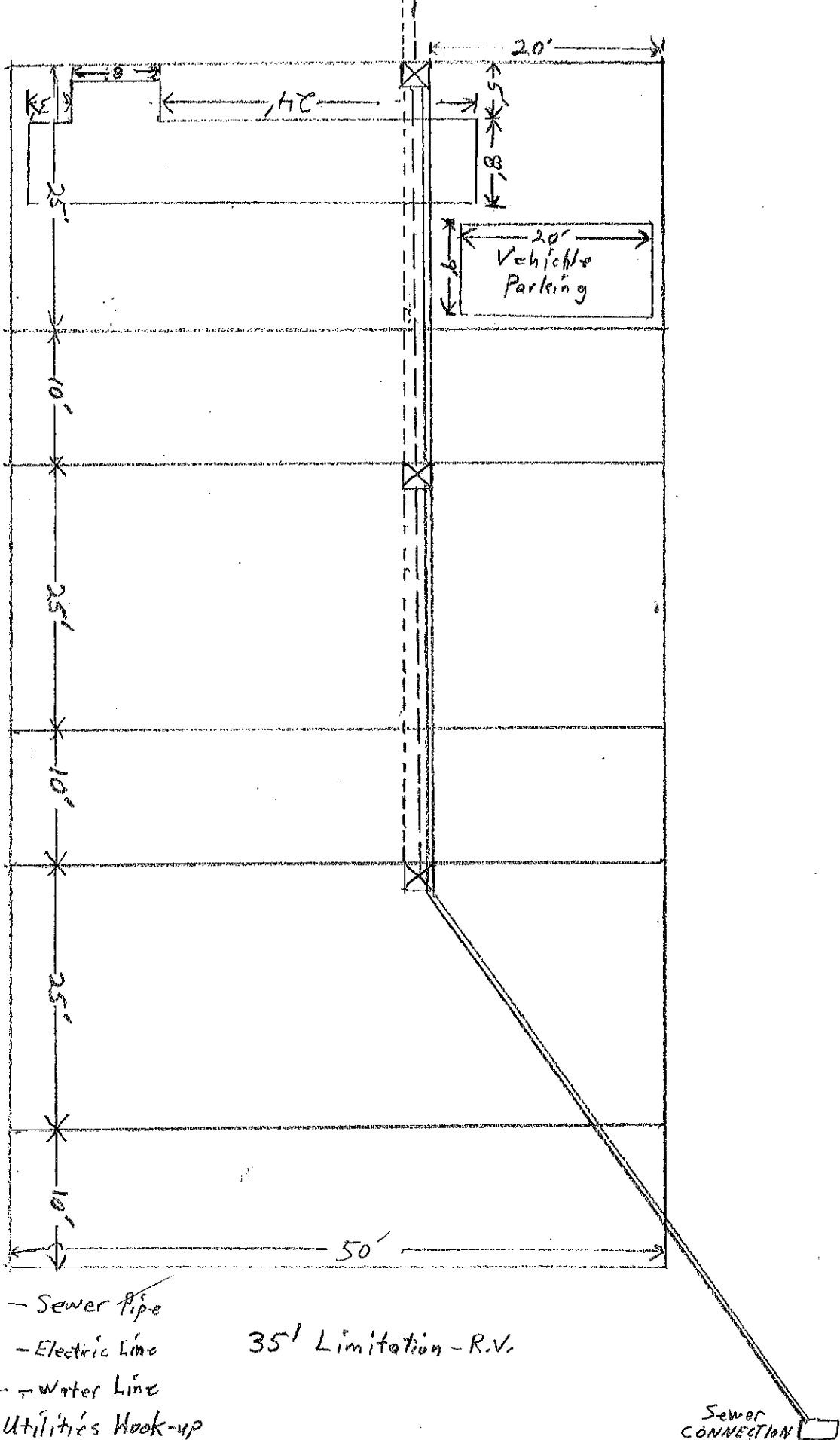
**D. Easement Encroachments**

There shall be no temporary or permanent structures placed on any easement without written approval by the Commission.

**4-6-4 COMMERCIAL (C-1, C-2 & C-3) AND INDUSTRIAL (I-1/I-2 AND I-3) ZONES - EXCEPTIONS AND PROVISIONS**

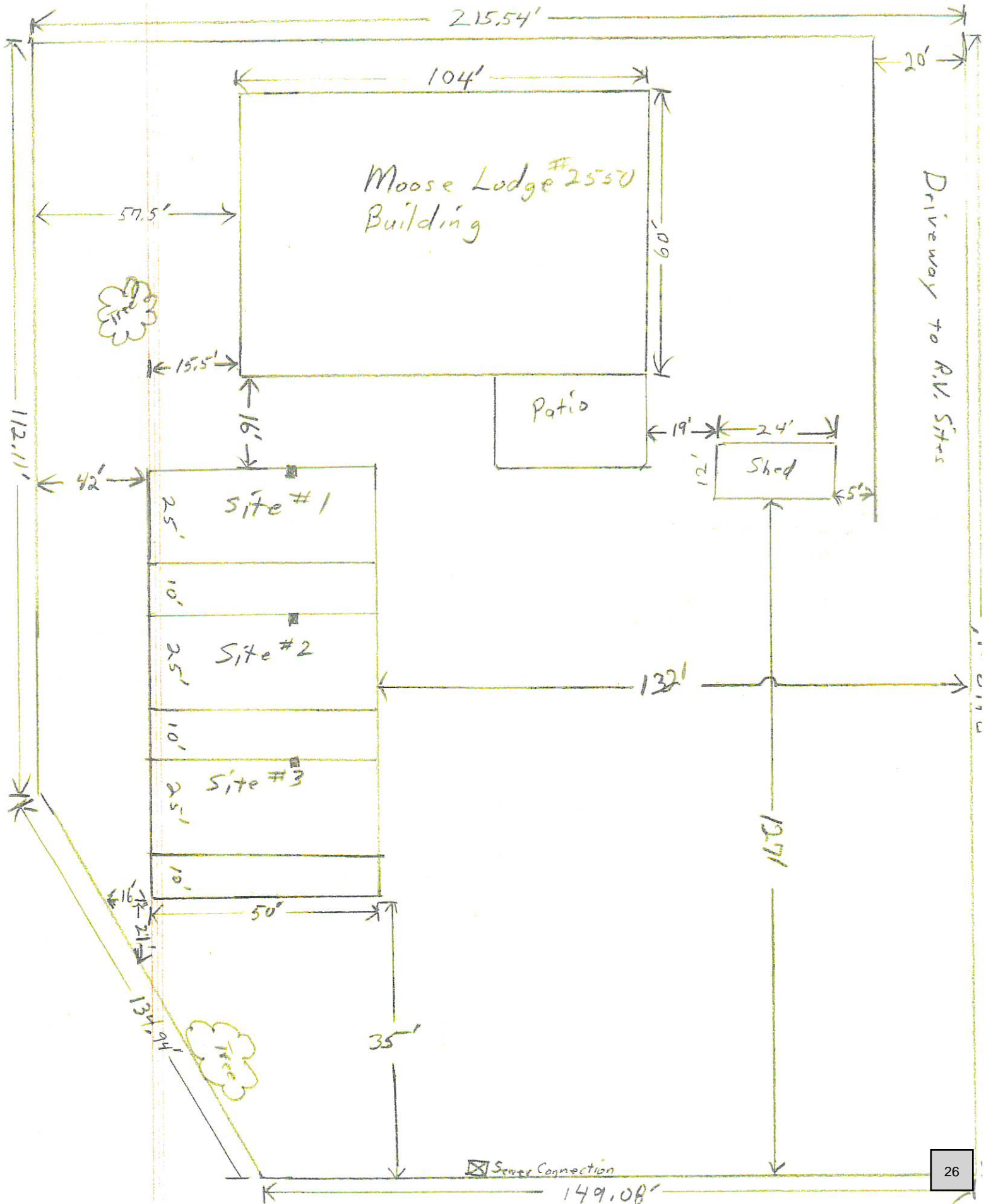
- A.** All development in any commercial or light industrial zone shall comply with the following provisions:
1. A minimum setback of seven and one-half feet (7'-6") for any building of thirty (30) feet or more in height.





# Parking Lot

Item 3.





## CITY OF RIO COMMUNITIES

360 Rio Communities Blvd.  
Rio Communities, NM 87002  
505-861-6803  
www.riocommunities.net

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### BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF RIO COMMUNITIES

#### SPECIAL USE PERMIT

**PROPOSED LOCATION:** La Merced Moose Lodge (rear of property)  
**ADDRESS:** 306 Rio Communities Blvd, Rio Communities NM, 87002  
**LEGAL DESCRIPTION:** UPC 1009027450355000000  
**SUBDIVISION:** Land of Valley Improvement Association  
**TRACT:** C2B2B 1.45 Acres (2006)  
**ISSUE:** *Whether to grant a special use permit for the construction and placement of three (3) recreational vehicle (RV) sites with attending utility hook-ups for temporary use only.*

#### CONCLUSIONS IN SUPPORT OF DECISION ON A RECOMMENDATION TO THE CITY COUNCIL ON THE APPLICATION FOR A REZONING and SPECIAL USE PERMIT

A hearing was held before the Planning & Zoning Commission ("Commission") on April 6, 2023, at 4:00 p.m. The following members of the Commission were present: Scott Adair (Vice Chairman); Melodie Good (Secretary); Adelina Benavidez (Commissioner). A quorum was present.

The hearing on the above Application was convened at approximately 4:10 p.m. The Vice Chair asked all individuals who intended to testify on the matter of the Application to provide their names and addresses, and they were thereafter sworn-in prior to providing testimony. Testimony ended and the public hearing portion on the Applicant was closed at 4:21 p.m.

The Commission thereafter deliberated on the Applicant and voted to recommend approval of the Applicant to the City Council of the City of Rio Communities as follows:

For: Vice Chairman Scott Adair, Secretary Melodie Good and Commissioner Adelina Benavidez.

Against: none

The Commission makes and adopts the following findings with respect to the Commission's recommendation to the City Council to approve the Application:

## **I. Preliminary Findings**

The Application filed by La Merced Moose Lodge (Applicant) was submitted in a format stipulated by the City as required by Zoning Code 4-3-11(B)(5), 4-4-5(C) & 4-7-4(B). The Application has been reviewed by City staff and no further information or documentation has been requested.

Notice of this public hearing by posting has been provided as required by Zoning Code 4-18-9(A). The following persons/entities testified in favor of granting the rezoning and special use permit:  
Mr. Alan Sinclair & Mr. Ken Salmon.

The following persons/entities testified with concerns to granting the special use permit:  
Mr. Ron Gentry.

## **II. Findings with respect to Special Use Permits under Zoning Code 4-7-4(A), hereafter "the code" and Ordinance No. 2021-76, titled "Chapter 4, Zoning Code," hereinafter "Ordinance".**

1. No evidence has been presented that the proposed use would adversely affect adjoining property values. (Code 4-7-4(A)(2).
2. No evidence has been presented that the proposed use would endanger public safety. (Code 4-7-4(A)(2).
3. No evidence has been presented that the proposed use will become detrimental to the character of the zone where it will be located. (Code 4-7-4(A)(3).

## **III. Conclusions and conditions of approval**

Based upon the foregoing findings, the Commission finds that the Applicant has satisfied the conditions within the Zoning Code for the City of Rio Communities.

The Commission therefore recommends approval of the special use permit subject to the following conditions:


1. Moose Lodge (Lodge) will establish three (3) stand-alone RV parking sites; one (1) site reserved for on-site (live-in) security and maintenance.
2. Construction and utility installation will be in accordance with all current codes.
3. No effluent (wastewater) chemicals will be deposited into sewage line.
4. Access road leading to rear of Lodge will be constructed of compacted crusher fine material.
5. A 6-foot chain-link fence will be installed around the perimeter of the rear property.

The Commission therefore recommends approval of the special use permit:


**PASSED, APPROVED AND ADOPTED THIS 6<sup>th</sup> DAY OF APRIL 2023 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.**

\_\_\_\_\_  
Vacant, Chairman


  
\_\_\_\_\_  
Scott Adair, Vice-Chairman

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

\_\_\_\_\_  
Adelina Benavidez, Commissioner

  
\_\_\_\_\_  
Chad Good, Commissioner

ATTEST:

  
\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk



## NEW MEXICO WATER SERVICE

401 Horner St.  
Rio Communities, NM 87002-6322 *Tel:* (505) 864-2218

Item 3.

June 15, 2023

To whom it may concern,

New Mexico Water Service doesn't have any concerns with the 2550 Moose Lodge located in the city of Rio Communities installing 3 R.V sights on their property and tying into their existing sewer service lateral. All we ask for that nothing is discharged into the sewer system that could harm the Wastewater plant and or existing infrastructure. Any questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Bobby Towle". The signature is written in a cursive, flowing style.

Bobby Towle

Wastewater superintendent

New Mexico Water Service

(505) 864-2218



**From:** [Dick Irvine](#)  
**To:** [Lisa Adair](#)  
**Subject:** Consideration Of Applicant La Merced Moose Lodge  
**Date:** Sunday, May 7, 2023 12:13:22 PM

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External (dick.irvine@gmail.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#). Powered by INKY

**I will have a power point of the following:**

Consideration Of Applicant La Merced Moose Lodge.

Request For Three RV Sites On The Property At 306 Rio Communities Blvd.

If Granted, Would It Set A Precedent?

- One Site For Security. From my standpoint, the front of the lodge is very secure. One would have to break in one set of doors and then either bypass the card reader system or break the second set of doors.
- 2 Sites For RVers Visiting La Merced Moose Lodge.
- How long can they stay and what type of RV's would be allowed?
- I have over 15+ years of rving experience.
- Tail gunner on several RV caravans traveling via flat bed railroad cars through the Copper Canyon in Mexico.
- Traveled from Michigan to Alaska.
- Road Shows at Sam's Club & Costco.
- Gate Guard on various oil drilling and fracking sites.
- Types Of Rvs
- Popup Camper
- Trailer Camper Largest 40 foot
- 5<sup>th</sup> Wheel Camper common to see 36- to 40-foot
- Motor Home 45 foot
- What hook ups do RVers need.
- Water

- Black tank dump (sewage)
- Electricity If not provided most have generators
- What Should The Council Consider In Making it's decision?
- If Granted Would It Set A Precedent?
- What RVS would be allowed?
- How long can a RV stay?
- What hookups should be required?
- Bear in mind that Rvers favorite overnight parking is Walmart, Sam's Club and Costco.

Dick Irvine

607 Western Drive.



# Zoning Ordinance Revision Highlights

June 13, 2023

- 5/18/2023—P&Z Commission / Public Hearing on Zoning Process and Petroleum Zoning Amendments
- 6/5/2023—City Council / 2<sup>nd</sup> Community Meeting about Zoning Ordinance Reorganization
- 6/12/2023—City Council / Public Hearing on Zoning Process and Petroleum Zoning Amendments
- 6/15/2023—P&Z Commission / Presentation of Zoning Task Force Findings and Recommendations
- 6/22/2023—P&Z Commission/ Public Meeting on Revised Zoning Ordinance
- 6/26/2023—Findings and Recommendations Transmittal on Revised Ordinance presented to City Council
- 7/10/2023—City Council / Public Hearing on Revised Zoning Ordinance

## Zoning Ordinance Reorganization:

Developing Fair and Safe Zoning Practices

## Zoning Types Identified

- R-1 to R-2= Types of Residential
- MH1-MH2= Manufactured Home / Recreational Vehicle (RV)
- C-1 to C-3= Types of Commercial (related to retail)
- B-M= Business Manufacturing
- I-3= Industrial (Proposed to Not Be Allowed in the current city limits)
- P-D= Planned Development
- Allowable Uses in C-1 permitted in C-2; C-2 in C-3; C-3 in B-M; B-M in I-3, etc.

## Zoning Ordinance Reorganization:

Developing Fair and Safe Zoning Practices



## Proposed to Prohibit the Following New Developments Inside the Current City Limits (effective when zoning amendments enacted)

- ⊘ Wind Turbine Recycling (Graveyard)
- ⊘ Slaughtering or rendering of animals
- ⊘ Auto wrecking yard
- ⊘ Sawmills, planing mills, and other raw wood processing facilities.
- ⊘ Onsite facilities for the manufacturing or bulk storage of petroleum products, natural gas, geothermal resources or other hydrocarbons.
- ⊘ Granaries
- ⊘ Battery production (except for “Green Manufacture”)/Tires
- ⊘ Nuclear energy and/or waste storage
- ⊘ Smelting





## C-1 Development Zone Permitted Use

- Bakery, Butcher, Meat or Seafood Shop
- Barber, Beauty, or Cosmetology Shop
- Bookstore or Stationary Shop
- Catering
- Clinics (Chiropractic, Dental, or Medical)
- Community Center (Public or Private/Non-residential)
- Convenience Store
- Food Service (e.g., Coffee, Delicatessen, Restaurant, or Snack)
- General Business Office (e.g., Accounting, Advertising, or Professional Service)
- General Service Shops (e.g., Arts and Craft; Dance, Music, or similar Lessons; Bicycle Sales and Service; Dress; Dry-cleaning; Firewood Sales; Florist; Gift and Hobby; Small Appliance Repair; Knit and Yarn; Self-service Laundry; Photography, Shoe Repair; Tailoring; Video and Music)
- Library
- Newspaper (to include distribution)
- Postal Service
- Pharmacy
- Real Estate

# C-1 Development Zone Conditional and Special Use

## Conditional Use:

- Postal Service
- Bank with Drive-up
- Childcare, Nursery, or Similar Use
- Cigar/Cigarette Shop
- Construction “Laydown” Yard or Structure (Temporary)
- Church
- Firework Sales (See City Ordinance 2014-13 for Restriction)
- Retail Sales and Special Merchandise
- Storage incidental to Primary Use
- Swimming Pools (Public or Private/ Non-residential)

## Special Use:

- Automobile Washing Establishment
- Any Permitted Business with a Gross Floor Area Exceeding Three Thousand (3,000) Square Feet (SF)
- Gas Pumps (Accessory to Grocery or Convenience Store)
- Halfway-house and/or Quasi-institutional Use
- Hospital and Overnight Clinic
- Public, Educational, Religious, or Philanthropic Institution
- Package Liquor
- School (Public or Private)



# C-2 Development Zone Permitted Use

C-1 Permitted Uses are Allowed in C-2

- Animal Hospital & Clinic
- Apartments
- Automobile Parking Lot
- Banks & Financial Institutions
- Boat Storage, Sales/Service
- Building Contractor (Office Only)
- Christmas Tree Sales
- Church
- Columbarium (Urn Storage)
- Convention/Exhibition Hall
- Dance Hall or Music Academy
- Department Shop
- Electrical Shop/Electricians
- Fast Food & Drive-ins
- Frozen Food Locker
- Funeral Home/Mortuary
- Gas Station
- Glass Cutting/Finishing
- Gymnasium
- Hotel or Motel
- Home Appliance Sales/Service
- Home Appliance Repair
- Insurance Services
- Institutions (Public/Quasi-Public)
- Jewelry/Light Manufacturing
- Jewelry Store
- Laboratory (Medical, Dental, Research, or Engineering)
- Law Office
- Liquor Store
- Lumber & Construction
- Medical Center
- Microwave Radio Delay Structure
- Motion Picture Theater
- Motorcycle Sales/Service
- Newspaper/Distribution Office
- Nursing/Convalescent/Retirement Home
- Paint Sales
- Parking Garage
- Pet Sop/Grooming
- Pharmacy
- Photographic Studio
- Physician's Office
- Playground & Recreation
- Pool & Billiard Room
- Printing & Publishing
- Radio & Television Broadcasting Station
- Recycling Center
- Retail Sales
- Roofing/Sheet Metal Shop (Office Only)
- Spa
- Sporting Good Store
- Steam Cleaning Establishment
- Tailoring
- Tavern & Cocktail Lounges
- Telephone Exchange Station
- Telegraph & Messenger Service
- Tire Sales & Service
- Title & Abstracting Service
- Travel Agency
- Upholstery Shop
- Variety Store
- Warehouse & Storage
- Watch & Clock Sales/Service
- **Private Club or Lodge**

# C-2 Development Zone Conditional and Special Use

## Conditional Use:

- Amusement Park or Enterprise
- Bank Drive-up Windows
- Bowling Alley
- Brewery/Winery
- Drive-In Theater
- Firewood sales -Should this be under Permitted Use
- Furniture Assembly (Accessory Use)
- Miniature Golf Course
- Mini Storage Units
- School (Trade)
- Welding (Accessory Use)

## Special Use:

- Apartments (10 Unit Maximum) and Townhouses (R-2 Zone Development Standards Apply)



# C-3 Development Zone Permitted, Conditional, and Special Use

## Permitted Use:

- Auditorium
- Automotive & Camper Sales/Service/Repair
- Automotive Equipment & Rental
- Bus or Motor Freight Terminals (Construction or Contractors Yard)
- Drive-in Theater
- Dry Cleaning & Steam Cleaning Facility
- Farm & Ranch Products & Supplies
- Firewood Sales (More than 5 Cords)
- Heavy Equipment Repair & Service
- Kennel (Commercial)
- Landscaping Material Sales
- Roofing & Sheet Metal Shops
- Smoke Shop
- Taxicab Transportation
- Welding

## Conditional Use:

- Adult Entertainment Use

## Special Use:

- Body Art/Modification Establishment
- Fabrication Shop
- Storage of Products
- Warehousing or wholesale Distribution of Goods, Metal Works, or Machine Products

## I-1/I-2 Development Zone

**I-1 / I-2 ZONES ARE PROPOSED TO BE ELIMINATED**

# B-M (Business Manufacturing) Development Zone

## Permitted Uses

- **All permitted uses in C-1, C-2. and C-3**
- Commercial or Trade School
- Concrete Sales and Ready Mix (Under 5 Yards)
- Electrical or Mechanical Part & Equipment Assembly
- Fabrication Shops
- Freight Warehouse & Dock
- Mining & Mineral Excavation--Office Only
- Packing of Food, Cosmetics, Pharmaceuticals, or Toiletry Products
- Processing and Compounding of Bakery Goods, Candy or Food Products
- Warehousing or wholesale Distribution of Goods, Metal Works, or Machine Products
- Rail Spur Usage for transport, temporary storage for pending shipments, and delivery of product to manufacturing facilities
- Manufacturing of Mobile Homes
- Manufacturing of pre-made building/house walls and roofs
- Manufacturing of tools
- Manufacturing of Electronic Instruments
- Manufacturing of electrical *devices*
- Manufacturing of Consumer Goods not otherwise prohibited by this ordinance (e.g., Appliances, Furniture, Garments, Engine Blocks, etc.)

# B-M (Business Manufacturing) Development Zone

## Permitted Uses

- Distribution Terminals
- Government Facilities and Offices
- TV & Radio Broadcasting Facilities
- Wholesale Businesses
- Hotel/Motel
- Mortuary/Funeral Home/Cemetery
- Cannabis Testing Laboratory
- Farm Implement Sales and Repair
- Amusement Enterprises
- Temporary Stands (60 Day Temporary)
- Food Packaging
- Winery - all aspects of manufacturing/sales/warehousing
- Wholesale Nursery
- Veterinary Hospital
- Municipal Water Supply/Treatment
- Fruit/Vegetable/Nut processing & packaging/warehousing/refrigeration

# B-M (Business – Manufacturing) Development Zone Conditional, & Special Uses

## Conditional Use:

- Conditional Uses classified as conditional use in zones C-1, C-2, and C-3, unless considered a permitted use in B-M
- Paint Shop

Special Use: (NOTE: Recommend banning these from the current city limits; and moving to special use in I-3

- Racetracks (All Motorized Vehicles)

# I- 3 Development Zone Permitted, Conditional, & Special Use (*Outside of Current City Boundaries*)

- All Permitted Uses in B-M Zone
- Community or Municipal Water Supply System
- Heavy Manufacturing
- Hot Mix Plant (Temporary)
- Manufacturing of Clay Products, Brick, Tile and Cement
- Meat Packing Plant (No Slaughtering or Rendering)
- Wood Pellet Manufacturing (for Wood Stoves)
- Public Facilities
- Similar Uses in Character, Scale, and Performance with Similar Odor, Noise, Water, and Traffic Impacts on Neighboring Properties

## Conditional Use:

- Open or Exterior Storage and Display
- Paint Shop
- Commercial Sand, Gravel, or Concrete Sales under Five (5) Yards per Load, with Weight Limit on Gross Vehicle Weight

## Special Use:

- Asphalt Material Production Plant (Temporary)
- Manufacturing of Any Type that Would Use a Considerable Amount of Water
- Correctional Facilities or Institutions
- Metal or Other Used/Scrap Materials (Sales, Recycling, or Purchase)

# Development Standards

- Noise – Chapter 1, Section 7
- Time limitations
- Light Pollution
- Setback Distances
- Land use
- Buffer Zones
- Open spaces – To be used in any new or updates sub-division commercial development



## Other Development Standard Considerations



- Alternative Energy Source Use (Highly Encouraged)
- Dark Skies (Lighting)
- LEED Rating – Utilities Use Efficiencies Standards (Highly Encouraged)
- Natural Vegetation with Low Water Usage in Required Open Space Areas
- Parking Standards
- Stormwater or Floodwater Drainage



# Proximity of Zoning Types to Residential Areas

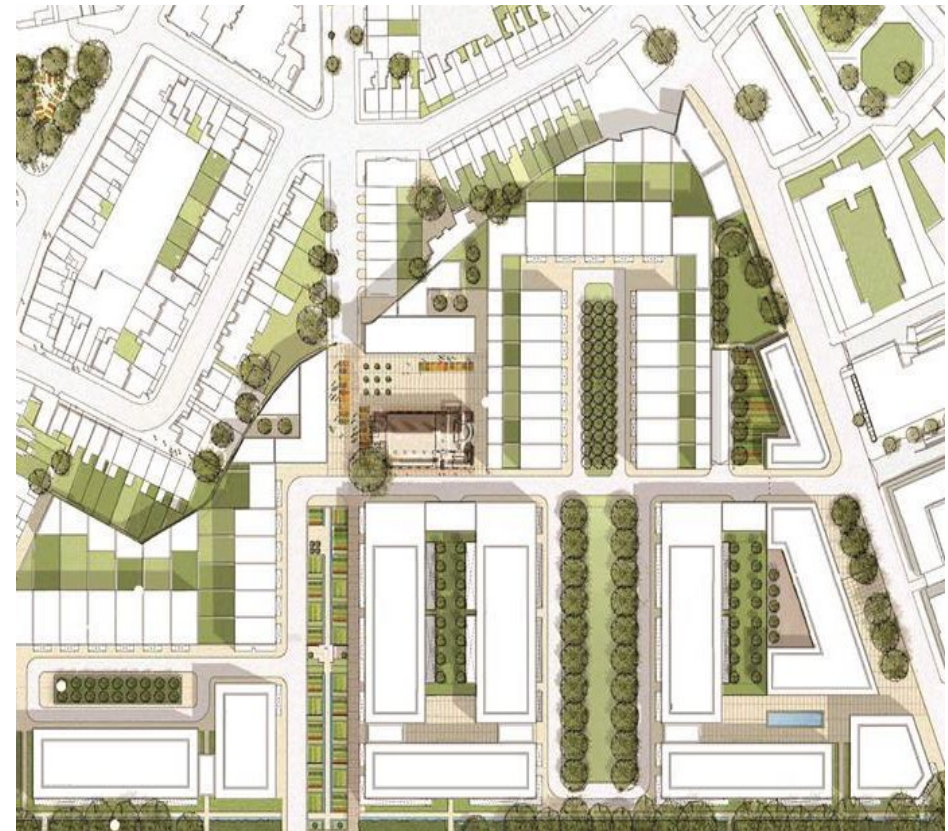
Suggested zone transition to serve as a buffer between Planned Development (PD) Properties to existing residential areas.



Zone	Minimum Buffer
C-1	25 FT
C-2	50 FT
C-3	100 FT
B-M	300 FT
I-3	300 FT
P-D	To Be Determined

# Lot Size Requirements per Zone

Zone Type	Minimum Lot Area (SF)	Minimum Lot Width (FT)	Maximum Building Height (FT)
R-1	6,000	60	30
R-2	3,500	45	30
MH-1	3,500	45	30
MH-2	3,500	45	30
C-1	5,000	50	35
C-2	5,000	60	40
C-3	5,000	60	50
B-M	130,680 (3 acres)	80	80
I-3	>130,680 (3 acres)	80	100



# Commercial and Industrial Safety



## Fire Suppression

- 🔥 Frequent fire inspections
- 🔥 Proper training

## Hazardous Material Standards

- ☢ Chemical storage
- ☢ Transportation of Chemicals



## Traffic Concerns

- ⚠ An outside corridor road system
- ⚠ Development of new roads to divert large vehicles or hazardous materials near residential areas
- ⚠ Development of new roads to create more efficient entrances and exits to manufacturing areas away from residential areas
- ⚠ Re-design of Hwy 47, Hwy 304, and Hwy 309 (Manzano Expressway)
- ⚠ Upgrade and extend existing roads

#### 4-4-2 FLOOD OVERLAY ZONE

- A. Intent:** The Flood Overlay Zone provides special regulations designed to reduce flood damage to property and risk to human life.
- B. Boundaries:** The boundaries of the flood hazard overlay district shall be determined by the most recent Flood Insurance Rate Map maintained by FEMA and the Valencia County Floodplain Manager. All boundaries of this overlay zone shall substantially conform to the designated flood hazard areas identified under the National Flood Insurance Program.
- C. Permits:** In addition to review by the City Planning and Zoning Commission, a review must be undertaken by the Valencia Flood Plain Manager. This review may also include a development as may be specified by any existing or subsequent flood damage protection ordinances of the City of Rio Communities.

#### 4-4-6 STORMWATER DRAINAGE OVERLAY ZONE

##### **A. Intent**

The regulations, restrictions and requirements of this section are intended to preserve the quality of life, mitigate the effects from flood and other dangers and conserve and stabilize the value of property. Accordingly, the preservation of natural drainage arroyos and ditches are of prime concern to prevent downstream flooding and resulting damage to property.

##### **B. Boundaries**

The boundary of this overlay zone is twenty-five (25) feet or more on each side of a defined drainage area. For any proposed structure within a defined drainage area, the petitioner shall include to the Commission for review and approval:

1. A comprehensive drainage and grading plan stamped and signed by a professional engineer, registered and licensed to practice in New Mexico.
2. All plans should be engineered to provide drainage for one hundred percent (100%) of storm water generated by a one hundred (100) year flood produced from a twenty-four (24) hour storm.

##### **C. Permits**

A. conditional use or Special Use permit shall be required for all proposed construction within an identified overlay drainage area, pending review and approval of the Commission. Drainage overlay conditional or special use requires

a public hearing and approval of the City Council after a recommendation by the Planning and Zoning Commission. Follow instructions in 4-18-9 and 4-18-10 for rules on posting and notification for either Planning and Zoning or City Council hearings. See Article 4-7-2 or 4-7-4 for specific conditions and provisions related to Conditional or Special Use. A stormwater drainage grading plan shall be submitted with the request for building permit to prevent delay of the approval process.

#### **D. Restrictions**

No stormwater shall be allowed to enter an arroyo or ditch that is a result of run-off created from any new construction. Stormwater retention ponds are authorized as needed to obtain these results, however, no more than fifty percent (50%) of a front setback may be used for these retention ponds.

##### **1) WATER RUN-OFF (DRAINAGE)**

Accessory Building structures shall not generate water run off onto adjacent property. The installation of drainage infrastructure ~~side gutters or drainage channels~~ may be necessary to keep such run-off from running onto adjacent property.

#### **4-6-9 GRADING, DRAINAGE AND SITE PLANS**

- A.** All developments over 1 acre in size or, as otherwise stated in this Code, shall specifically address grading and drainage on their site plans.
- B.** A registered civil engineer may be requested to address these issues on the site plan. The City shall ~~may~~ require retention of any drainage water on site ~~through the Planning and Zoning Commission.~~

### **ARTICLE 10 PARKING REQUIREMENTS**

#### **4-10-1 PURPOSE**

#### **4-10-2 PHYSICAL SPACE REQUIREMENTS**

#### **4-10-3 PARKING SPACE CRITERIA**

#### **4-10-4 HANDICAPPED PARKING**

#### **4-10-5 LOADING SPACE**

#### **4-10-6 ENLARGEMENT OR CHANGE OF USE**

## 4-10-7 JOINT USE

## 4-10-8 PARKING SPACE SIZE

## 4-10-9 PARKING PLAN APPROVAL

## 4-10-10 PARKING CONSTRUCTION STANDARDS

## 4-10-1 PURPOSE

This section shall establish the parameters for parking at business establishments based on the type of business and its use. For uses not specified in this Code, the category that is the most similar shall be followed. In an effort to reduce on-street parking, front yard parking is permitted. However, at no time shall parking be permitted on sidewalks or any pedestrian walkway. Furthermore, any formula used in determining the allowable number of parking spaces is rounded to the nearest whole number. Parking shall be provided on the same lot of the structure being served, except with Planning and Zoning Commission approval.

## 4-10-2 PHYSICAL SPACE REQUIREMENTS

As physical space allows, businesses shall adhere to the following standard for single axel vehicle parking spaces:

Minimum Parking Standards			
Type	Stall Width	Stall Depth	Maneuvering Width
90 degree	9 feet	19 feet	23 feet
60 degree	9 feet	22 feet	15 feet
45 degree	9 feet	21 feet	15 feet
30 degree	9 feet	16 feet	15 feet

Table 6

## 4-10-3 PARKING SPACE CRITERIA

## A. Lodging and Residential

1. Bed and Breakfast, Boarding Houses and Similar Uses shall provide two (2) spaces per establishment plus one (1) space per guest room.
2. Motels and Hotels shall provide one (1) space per guest room. If a restaurant or sales shop is co-located on or near the establishment's property, the number of spaces allowed shall be determined by Joint Use. See Article 4-10-7.

3. Single-Family Dwellings located within an R-1 District shall provide two (2) spaces per unit. In addition, two spaces may be added in a front yard area, if needed. Asphalt, concrete, base course or gravel must be installed for all parking spaces. See Article 4-10-9. Curbing is required for use of gravel or base course products to prevent spreading of the materials. A no charge building permit is required for all additional parking space requests.
4. Multi-Family Dwellings located within an R-2 District shall be allowed two (2) spaces per unit.

#### B. Retail Establishments

1. Small Volume Retail Sales: Stores that are three thousand (3,000) square feet or less in total floor area shall provide three (3) spaces per establishment, plus an additional space for each four hundred (400) square feet of gross floor space. Examples are stores that sell carpets, cabinets, parts, shoes, clothing, furniture, electrical supplies, plumbing supplies, and similar items.
2. Larger Volume Retail Sales: Stores that are greater than three-thousand (3,000) square feet in total floor shall provide one (1) space for each three-hundred (300) square feet of gross floor space. However, a minimum of three (3) spaces shall be provided. Examples are stores that sell large volumes of products such as shopping centers, grocery stores or similar types.
3. Retail Sales of Vehicles, Heavy Equipment or Similar Large Products: These types of businesses shall provide one of the following options:
  - a. One (1) space for each business vehicle plus one (1) space for each three hundred and fifty (350) square feet of gross interior floor space, or
  - b. Six (6) spaces plus one (1) space for each company employee.
  - c. The greater of these two options shall apply to this category.
  - d. Examples are sales of recreational vehicles, mobile homes, automobiles, boats and similar businesses.
4. Storage Areas within a Retail Business: Any retail sales business that designates more than twenty percent (20%) of the store's available gross floor space exclusively to storage of merchandise to be sold in the establishment, may deduct this storage area from the total gross floor area that is used to calculate their required parking spaces. However, no more than eighty percent (80%) of the gross floor area used for storage in this scenario may be deducted from the total in this calculation.

#### C. Entertainment Establishments and Restaurants



1. Any retail business that offers entertainment or food to the public shall provide one (1) space for each one hundred (100) square feet of gross floor area plus one (1) space for each employee who is working during the establishment's peak hours of business or the largest shift on duty. Examples of such establishments include theaters, dance halls, private clubs or lodges, auditoriums, sports arenas, skating rinks, meeting halls and similar uses.
2. Any retail business that offers participatory recreational activities to the public shall provide four (4) spaces for each alley, court, or venue, plus one (1) space for each employee who is working during the establishment's peak hours of business or the largest shift on duty. on the largest shift. Alley and Court Style Entertainment: Examples of establishments include bowling alleys, basketball courts, handball and tennis courts or similar uses.
3. Any retail business that offers beverages and or food to the public shall provide one (1) space for each one-hundred (100) square feet of gross floor area plus one (1) space for each two (2) employees who is working during the establishment's peak hours of business or the largest shift on duty. Examples of such establishments include lounges, bars, donut shops, coffee shops, cafes, restaurants and similar uses.
  - a. An establishment that has an outdoor patio area shall provide an additional one (1) space for each two-hundred (200) square feet of patio area.
  - b. An establishment that has a drive-up window shall provide that the drive-up lane is a minimum width of twelve (12) feet and a length that shall provide for maximum traffic count so as to prevent overflow onto any public thoroughfare. In short, no on-street waiting fine is permitted.

#### D. Offices and Personal Service Businesses

1. Any Child Care Center, Nursery or Institutional Home shall provide one (1) space per employee for each shift plus one (1) space for each ten (10) children or residents when at maximum capacity.
2. Any Drive-Up Window Type Services establishment shall provide lane(s) that are a minimum width of twelve (12) feet, a minimum height of fourteen (14) and a length shall provide for maximum traffic count so as to prevent overflow onto any public thoroughfare. No on-street waiting line is permitted. Overflow parking must be provided.

3. Any business that offers a Professional Services shall provide one (1) space for each two-hundred and fifty (250) feet of gross floor space. Examples of such businesses include hairdressers, barbers, medical offices, dental offices or similar uses.
  4. Any Large Business Office shall provide one (1) space for each business owned vehicle plus one (1) space for each three (300) square feet of gross floor area. Examples of such businesses include utility companies, banks, telephone or communication companies or similar uses.
  5. Any Drive-In Bank shall provide one (1) space for each full-time employee and shall fulfill the requirements for overflow as stated in Article 4-10-3(D)(2). **Spell this out**
  6. A Funeral Home shall provide one (1) space for each fifty (50) square feet of floor area in funeral home plus one (1) space for every two (2) seating spaces in the facility. A turn-around area must be provided to accommodate vehicles associated with burial services.
  7. Any Small Business Office shall provide two (2) spaces plus one (1) space for each three hundred (300) square feet of gross floor area. Examples of such businesses include engineering, real estate, law offices or similar uses.
  8. Any High-Volume Service Business shall provide one (1) space for each two hundred (200) square feet of floor area. Examples of such businesses include Self Service Laundry or similar uses
  9. Any Low Volume Service Business shall provide one (1) space for each two hundred (200) square feet of floor space. Examples of such businesses include equipment rental, repair shops, dry cleaning or similar uses.
- E. Churches, Community Centers, Healthcare Facilities and Schools
1. A church shall provide one space for each four (4) seats in main assembly hall, but only when at maximum capacity.
  2. A Community Center shall provide one (1) space for every two-hundred (200) square feet of floor area. Examples of such establishments include museums, administration buildings, libraries, art galleries or similar uses.

3. Any Healthcare facility shall provide one (1) space for each two (2) beds plus one (1) space for each employee who is working during the establishment's peak hours of business or the largest shift on duty.
4. A School shall provide one (1) space for each two-hundred (200) square feet of floor area. Fifty percent (50%) shall be added to the school's total floor area calculation if the school has, on its premises, a gymnasium or auditorium. Examples of such schools include a High School or Junior High School.
  - a. For any Elementary and Pre-school Facility, one (1) space for each classroom plus one (1) space for each employee who is working during the establishment's peak hours of business or the largest shift on duty shall be provided.

F. Warehouse, Manufacturing, Industry or Wholesale Establishments

1. Any Business whose primary function is the storage or warehousing of goods for distribution shall provide one (1) space for each employee plus one (1) space for each two thousand (2,000) square feet of area, up to a total of thirty-five thousand (35,000) square feet. In addition, one (1) space, appropriately sized, for each company-owned apparatus, truck or vehicle shall be provided.
2. Any business whose primary function is the large-scale production of goods or services shall provide one (1) space per employee that is equal to the largest scheduled shift plus one (1) space, appropriately sized, for each company owned apparatus, vehicle or truck. In addition, one (1) space for each one thousand (1,000) square feet of floor area, up to twenty thousand (20,000) square feet shall be reserved and designated for Visitor Parking.
3. Any business whose primary function is the large-scale distribution of wholesale goods or services shall provide one (1) space per each five-hundred (500) square feet of floor area; provide one (1) space, appropriately sized, for each company-owned apparatus, truck or vehicle and shall designate and reserve one (1) space for each one-thousand (1,000) square feet of floor area, up to twenty-thousand (20,000) square feet for Visitor Parking.

4-10-4 HANDICAPPED PARKING **review updated standards**

All parking within government, commercial and industrial properties shall comply with:

- A. ~~The Current 2010~~ standards for State and local governments that consist of the Title II regulations at 28 CFR 35.151 and the 2004 American Disabilities Act Accessibility Guidelines (ADAAG) at 36 CFR part 1191, appendices B and D;
- B. ~~The Current 2010~~ standards for public accommodations and commercial facilities that consist of the Title III regulations at 28 CFR part 36, subpart D, and the 2004 ADAAG at 36 CFR part 1191, appendices B and D.
- C. The minimum number of designated handicapped parking spaces (in relation to the total number of parking spaces within any given area), for all zones except R-1 Single Dwelling units shall be:

Total Spaces per Parking Lot	Minimum Designated Handicapped Spaces
0 to 5	1
26-35	2
36-50	3
51 - 100	4
101- 300	8
a. Than 300	8+ 1 for each additional fifty (50) spaces

Table 7  
(ADA Minimum Requirements)

1. All Handicapped designated parking spaces shall be located as close as possible to the nearest curb cut or access to entryway. Additional parking spaces to meet the maximum need shall be provided in establishments that cater to elderly, handicapped or very ill customers.

#### 4-10-5 LOADING SPACE REQUIREMENTS research this area

~~The Planning and Zoning Commission or the Code Enforcement Officer~~ The City shall determine the appropriate area necessary for determining the amount of space required for loading functions.

#### 4-10-6 ENLARGEMENT OR CHANGE OF USE

When the floor space of a building is enlarged by more than a ten percent (10%), the new dimensions shall determine the appropriate number of parking spaces required.

#### 4-10-7 JOINT USE

When businesses that are located close to each other choose to use the same parking area, the number of spaces will be calculated by using the maximum number of employees per shift for both companies and applying the formula for the type of business that requires the most spaces. Approval must be obtained from the Planning and Zoning Commission. A written agreement from all businesses must be submitted with the request to the Planning and Zoning Commission.

#### 4-10-8 PARKING SPACE SIZE

- A. Each parking lot shall provide for the ingress and egress into a public street by each automobile, without moving any other automobile.
- B. Only R-1 Zoned property can ingress and egress to an alley.
- C. All remaining property must ingress and egress to a public street or highway.

#### 4-10-9 PARKING PLAN APPROVAL

Two sets of detailed plans showing all parking, entry points and exit points of the property shall be submitted to the City as part of the Building Permit approval package.

#### 4-10-10 PARKING CONSTRUCTION STANDARDS

All parking spaces covered in the provisions of this Code shall:

- A. Be paved with asphalt, concrete or compacted base course per Building Permit specifications.
- B. Have parking bumpers, blocks or stops per parking space.
- C. Contain aisle safety markings and necessary spaces.
- D. Provide landscaping in compliance with Article 11 of this Code.
- E. Meet adequate drainage requirements, including retaining all displaced water on site. A drainage plan must be included when parking spaces are in the path of

normal drainage or needed to retain water run-off. Two copies must be submitted to the City for Zoning or Building Permit approval.

#### ARTICLE 11 STANDARDS FOR LANDSCAPING

##### 4-11-1 PURPOSE

##### 4-11-2 LANDSCAPE STANDARDS

##### 4-11-3 LANDSCAPE LOCATION STANDARDS

##### 4-11-4 LANDSCAPE REQUIREMENTS

##### 4-11-5 LANDSCAPE PLAN

##### 4-11-6 MAINTENANCE AND IRRIGATION

##### 4-11-7 SCREENING

##### 4-11-8 CLEAR LINE OF SIGHT TRIANGLE

##### 4-11-1 PURPOSE

1. A. The City of Rio Communities desires to preserve and fully promote visually attractive development of all land within the city limits. It is also the City's intention to improve environmental quality.

B. Landscaping shall follow and be maintained to the guidelines found within this Article. Whenever possible, indigenous and drought tolerant plants should be used.

C. The standards included are considered to be minimum acceptable for the project.

#### 4-11-2 LANDSCAPE STANDARDS

A. New construction in all ~~R-1, R-2, C-1, C-2, C-3, 14/1-2 and 1-3~~ Zones shall contain a landscaped area equivalent to ten percent (10%) of the total of all driveways, access points, sidewalks and loading areas on the parcel. ~~This rule also applies to all new MH-1 subdivisions and MH-2 parks.~~

B. Any alteration ~~reconstruction~~ or addition ~~to~~ of a structure ~~R-1, R-2, C-1, C-2, C-3, 1-1/1-2 or 1-3~~ parcels with a value of ~~more than \$100,000~~ shall require that the lots modified ~~meet be brought up to~~ the minimum specifications in this Article.

#### 4-11-3 LANDSCAPE LOCATION STANDARDS

A. A minimum of 50% of the landscaping shall be in the front of the building.

B. Lots with side streets shall have a minimum of 25% of the landscaping in the front yard and a minimum of 25% on the side yard facing the side street.

#### 4-11-4 LANDSCAPE REQUIREMENTS

A. Landscaping may consist of ground covers (e.g. low shrubs, flowers, grass, trees, cactus, or native desert plants). Cottonwoods are not recommended.

B. All plantings shall have a system to reduce blowing sand (e.g. gravel, mulch, decorative rock, bark or low water usage native grasses are examples).

C. Trees requiring excessive water (e.g. Chinese Elm, Mulberry, Russian Olive or Salt Cedar) are not recommended.

#### 4-11-5 LANDSCAPE PLAN

A. Landscaping plans are required for all Building Permits of new dwelling or business construction, regardless of the complexity of the project.

B. A landscaping plan should be attached to the Building Permit.

#### 4-11-6 MAINTENANCE AND IRRIGATION

A. Manual or automatic irrigation systems are appropriate to water plants. Drip irrigation system is recommended to reduce evaporation.

B. Dead or dying plants will be removed and/or replaced before the next growing season.

#### 4-11-7 SCREENING

The use of thick shrubbery, walls, berms or sight-obscuring fences to minimize the potentially adverse impact of one land use on another is optional. However, if used, all screening:

A. Shall be at least three (3) feet in height, but shall not exceed six (6) feet in height; and

B. Shall conform to the clear line of sight triangle requirements as stated in Section 4-11-8; and

C. Shall not adversely affect the public or surrounding property owners, and

D. Shall be maintained, trimmed or otherwise kept in good repair.

#### 4-11-8 CLEAR LINE OF SIGHT TRIANGLE

A. A triangle formed by the intersection of two curbs or the edge of a city-maintained roadway measured back from the intersection or roadway twenty-five feet along the curb line or city roadway. A continuous unobstructed view of twenty-five (25) feet in both directions of the intersection or roadway to a height of 3 feet or more must be maintained.

B. All vegetation must be kept trimmed in order to keep this area open and free of obstructions.



## ARTICLE 12 OUTDOOR LIGHTING

### 4-12-1 PURPOSE

### 4-12-2 AUTHORITY

### 4-12-3 OUTDOOR (EXTERIOR) LIGHTING DEFINED

### 4-12-4 CONFORMANCE

### 4-12-5 EXEMPTIONS

### 4-12-6 VARIANCE

### 4-12-7 GENERAL REQUIREMENTS

### 4-12-8 LEGAL BASIS

### 4-12-9 PROTECT THE NIGHT SKY (DARK SKY)

### 4-12-1 PURPOSE

- A. The Article is intended to permit adequate lighting that promotes public safety by encouraging the use of outdoor artificial illuminating devices that will not impede on astronomical observations resulting from the emission of undesirable light rays into the night sky.
- B. All outdoor lighting installations shall conform to the provisions of this Article ~~and all other related codes of the City, specifically the Uniform Building Code (UBC) as amended~~ and shall require a permit and inspection from the City.

### 4-11-2 AUTHORITY

The Night Sky Protection Act, NMSA 1978, 5 74-12-2, regulates the use of "outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy." Accordingly, all exterior lighting shall comply with the New Mexico "Night Sky Protection Act" and the specifications as stated within this Section.

### 4-12-3 OUTDOOR (EXTERIOR) LIGHTING DEFINED

Outdoor artificial illuminating devices, outdoor fixtures, lamps, spot or flood lights and other devices, whether permanent or portable that are used for illumination or advertisement. The application of such devices may be used for:

1. Building and structures
2. Recreational areas

3. Parking lot lighting
4. Landscape lighting
5. Billboards and other signage (advertising or other)
6. Street lighting

#### 4-12-4 CONFORMANCE

- A. This Section does not apply to interior lighting.
- B. Any non-conforming outdoor fixture installed prior to and operable on the effective date of this Code shall be removed or converted to a conforming fixture when the existing fixture becomes inoperable or un-repairable.
- C. The City may require an illuminating device that is non-conforming to be corrected if the City determines that the non-conforming use is creating a nuisance glare or disabling glare as defined in Section 4-12-7.
- D. All existing outdoor lighting fixtures owned and maintained by any public utility company within the City shall be required to remove or comply with the "Night Sky Protection Act", NMSA 1978, Section 74-12-1 et. seq., and this Section, within 12 months from the enactment of this Code.
- E. All new installations and modification or replacement to existing non-conforming fixtures shall comply with the Section.
- F. Compliance with this Section shall be administered and enforced by the City ~~and the Planning and Zoning Commission~~ or designated City personnel.
- G. In the event of a conflict with any other section of this article, the more stringent requirement shall apply.

#### 4-12-5 EXEMPTIONS

- A. Traffic control signals and devices.
- B. Outdoor lighting fixtures necessary for safety at schools and fire stations, to include lighting for outdoor sporting events.

- C. Streetlights installed prior to the effective date of this Section.
- D. Temporary emergency lighting (e.g., fire, police, repair workers) or moving vehicle
- E. Navigation light or communications towers and flagpole displaying the United States flag after sundown.
- F. Seasonal light decorations
- G. Special situations approved by the City for temporary or periodic events (e.g., concerts, fairs, festivals, fiestas, flee-markets, etc.)

4-12-6 VARIANCE Follow instructions in 4-18-9 and 4-18-10 for rules on posting and notification. Any resident or business may submit an application to the Commission for a variance from the requirements of this Section. Such request shall be in writing and shall be approved only when it is determined that a deviation or variance clearly demonstrates a need for enhanced security for personal property, business, or special activities or events.

- A. Each application shall state fully:
  1. The circumstances and conditions relied upon as grounds for an exemption;
  2. The circumstances and conditions by which strict application of the provisions deprive the applicant of reasonable use of the land, building or outdoor light fixtures; and
  3. The grounds by which the granting of the administrative exemption will not be injurious to the neighborhood or otherwise detrimental to the public, health, safety or welfare, and
  4. Include plans indicating the location, type, shielding device and height of luminaires including both building and ground-mounted fixtures along with manufacturer's specification (e.g. photometric data, angle of light emission.

#### 4-12-7 GENERAL REQUIREMENTS

The following general standards shall apply to all outdoor lighting installed after the effective date of this Code adoption, except as stated above in Section 4-12-4.

- A. All exterior lighting shall be hooded or shielded with no upward light escaping that would contribute to light pollution.

1. A fully shielded illuminating device is one in which no light shall shine above the highest part of the device where light is emitted.
  2. A partially shielded illuminating device is one in which the light bulb is not visible, but is shielded by a frosted, partly opaque or colored siding.
- B. All exterior lighting shall be aimed downward onto the ground surface.
  - C. Existing fixtures may be adapted to comply with this Section by adding a properly designed hood or shield, or by pointing any upward-mounted shielded fixture downward toward the ground surface.
  - D. Any light falling onto adjacent property or street that results in nuisance glare or disabling glare shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered non-compliant.
  - E. Any outdoor lighting fixtures shall be designed, installed, located and maintained such that glare onto other properties or streets shall be eliminated and all direct illumination kept within the boundaries of the fixture owner's property.
  - F. Direct light emissions shall not be visible above the roofline or beyond the building
  - G. Accent or landscape lighting shall be directed onto foliage or objects and not toward the sky or onto adjacent properties.
  - H. Spotlighting on landscaping, foliage, and flagpoles shall be limited to 2600 lumens output (150 watt incandescent). The lamp shall be shielded and not create disabling or nuisance glare.
  - I. Rotating, flashing, moving or stationary beacons of light used for advertising purposes or public events are prohibited.
  - J. Exterior light fixtures shall be limited to fifteen (15) feet in height from grade.
  - K. Where exterior lighting is used for security purposes or to illuminate walkways, entrances, driveways, equipment yards and parking lots, outdoor shielded lights shall be used.
  - L. This section shall be enforced on the basis of a formal complaint in writing with the Planning and Zoning Department.

#### 4-12-8 LEGAL BASIS

The legal basis for regulating the use of private property in the U.S. is based in the common law concept of "nuisance" where persons are entitled to "use and enjoyment" of their lands, so long as their acts do not interfere with the use or enjoyment of another. Accordingly, this Light Code is intended to provide proactive notice that certain "lighting" uses are prohibited or limited on the basis of the cross-boundary impacts. Additionally, this Light Codes makes no effort to control lighting design but only its effect.

#### 4-12-9 PROTECT THE NIGHT SKY (DARK-SKY)

- A. ~~Title: This ordinance together with the amendments thereto, shall be known and may be cited as the Dark Sky Ordinance.~~
- B. Authority: The ~~City Planning and Zoning Commission~~ shall have the authority to require new lighting to ensure that such lighting shall meet the recommendations and guidelines of this Ordinance.
- C. Purpose: The general purpose of this Ordinance shall be to protect and promote safety, while maintaining the ability to view the night sky, by establishing regulations for exterior lighting. This Ordinance establishes standards for exterior lighting in order to accomplish the following:
  - 1. Protect against direct glare and excessive lighting
  - 2. Promote safe roadways for motorists, cyclists and pedestrians
  - 3. Protect the ability to view and enjoy the night sky
  - 4. Allow for flexibility in the style of lighting
  - 5. Provide lighting guidelines
  - 6. Reduce excessive lighting in neighborhoods
- D. Scope: All exterior lighting installed in any and all zoning districts in the City of Rio Communities, after the effective date of this Ordinance, shall be in conformance with the standards established by this Ordinance.
- E. Review: The ~~City Planning and Zoning Commission~~ shall consider the following standards to ensure a balance of public safety to dark sky viewing.

1. All exterior area lights, including streetlights, parking area lights and landscape lights shall be shielded to produce a down lit light pattern that shall not extend beyond the owner's parcel of land.
2. All non-essential exterior commercial and residential lighting should to be turned off after business hours and/or when not in use. Motion sensor activated lights are encouraged.
3. The average exterior foot-candlelight level for new service stations shall not exceed:
  - a. 1,750 lumens or 137 foot-candles when using 100 Watt incandescent bulbs, or
  - b. 1,600 lumens or 125 foot-candles when using 23 Watt fluorescent light,  
or
  - c. Light emitting diodes (LED) equivalent to 3(a)(b).
4. Upward Flagpole lighting is permitted.
5. Landscape lighting is allowed.
6. All radio, communication, and navigation towers that require lights shall have dual lighting capabilities.
  - a. For daytime, only white strobe lights shall be used.
  - b. For nighttime, only red lights shall be used.
7. Neon lights are only permitted pursuant to the Sign Ordinance.
8. It is highly encouraged that solar powered lights be installed whenever possible.

## ARTICLE 13 SIGNS, WALLS AND FENCES

### 4-13-1 PURPOSE

### 4-13-2 GENERAL REGULATIONS FOR SIGNS

### 4-13-3 SIGN PERMIT

### 4-13-4 SIGN SAFETY

### 4-13-5 SIGN ILLUMINATION AND ANIMATION

### 4-13-6 LIMITATIONS ON ELECTRONIC MESSAGE SIGNS

### 4-13-7 SIGN REGULATIONS BY TYPE

### 4-13-8 NONCONFORMING SIGNS

### 4-13-9 SIGN EXCEPTIONS

### 4-13-10 POLITICAL SIGNS

### 4-13-11 WALL AND FENCE STANDARDS

### 4-13-1 PURPOSE

- A. This Article is intended to provide regulations for the placement and orientation of all signs, walls and fences that shall not hinder or obstruct the clear and free vision of pedestrians or motorist in a manner that would create a traffic hazard.
- B. This Article is also intended to standardize the design and construction of signs, walls and fences within the boundaries of the City of Rio Communities in a manner that provides privacy, maintains security and promotes aesthetic improvement to property, while maintaining safety to the public.

### 4-13-2 GENERAL REGULATIONS FOR SIGNS

- A. The location of any sign shall not be designed, erected or maintained, except in a manner approved by the City Planning and Zoning Commission.
- B. Any sign mounted to a wall or building cannot project over the property line of that wall or building.

### 4-13-3 SIGN PERMIT

- A. Any billboard or sign to be erected within the City that exceeds one-hundred and twenty-eight (128) square feet of area and that identifies or advertises a business, product, service or trade shall first require an application for a sign permit, submitted to the City Commission for approval.

- B. The application shall clearly state the proposed sign's construction materials, language, dimensions, location, its method for mounting and the desired length of posting.
- C. The Commission shall make a decision based on this ordinance. Approval, approval with limitations or denial are options. Approval with limitations of the request or denial are appealable to the City Council.
- D. The code enforcement officer has the right to inspect any sign for compliance. The owner of any non-compliant sign shall receive a citation. Normal procedures used by the Code Enforcement Officer are followed.

#### 4-13-4 SIGN SAFETY

- A. Movable parts or audible devices are prohibited on any sign.
- B. A sign shall not be erected along any street or highway that would obstruct the clear vision of pedestrians or motorist in a manner that would create a traffic hazard.
- C. No sign shall be attached to any fire escape or standpipe or hinder in any way, the free ingress to or egress from any fire escape, door or window.
- D. No sign of more than three (3) feet high above the level of a street curb shall be placed within a Clear Sight Triangle. A triangle formed by the intersection of two curbs or the edge of a city-maintained roadway measured back from the intersection or roadway twenty-five feet along the curb line or city roadway. A continuous unobstructed view of twenty-five (25) feet in both directions of the intersection or roadway to a height of 3 feet or more must be maintained.
- E. The Clear Sight Triangle rule shall apply to any entrance or exit of a commercial property.
- F. There shall be a minimum of twelve (12) feet vertical clearance and a six (6) feet horizontal clearance from overhead electric conductors and any other sign.

#### 4-13-5 SIGN ILLUMINATION AND ANIMATION



A. The use of any Illumination devise (lighting) on a commercial sign that varies in intensity, flashes or blinks excessively, revolves or appears to create motion is prohibited.

B. The illumination source on any sign shall be concealed from direct view.

#### 4-13-6 LIMITATIONS ON ELECTRONIC MESSAGE SIGNS

Programmable electronic signs are prohibited within residential districts but are permitted elsewhere on condition they conform to the following:

A. No sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.

B. No sign shall contain any audio message.

C. No sign message shall be displayed for a period of less than eight seconds.

D. Each sign message shall be a complete thought in itself and shall not scroll a continued or subsequent sign message.

E. Signs shall utilize automatic dimming technology that adjusts the brightness of the sign's message relative to the ambient light, so that at no time shall a sign exceed the brightness of the ambient light, as measured using a foot-candle meter.

1. Light measurements shall be taken with a foot-candle meter aimed directly at the sign's message face, or at the area of the sign emitting the brightest light, if that area is not the sign's message face.

#### 4-13-7 SIGN REGULATIONS BY TYPE

##### A. For Sale or Rent

A sign that is used for the purpose of identifying or advertising the sale or rental of any dwelling, apartment or real estate may be wall mounted or free-standing.

1. Such sign may be illuminated in accordance with the restrictions as stated in Subsection 4-13-5(A) of this Article.

2. The location of any sign shall be erected within property lots lines, excluding easements. See Subsection 4-13-2(B).

3. The sign shall not exceed five (5) feet in height and be more than twenty (20) square feet in area.

**B. On-Site Residential Business**

Signs on the residential premises that identify or advertise a business, service or trade within a residence shall:

1. Not be illuminated, and
2. Be limited to one (1) per dwelling unit, and
3. Not exceed three (3) feet in height, or
4. Be attached to the dwelling unit.

**4-13-11 WALL AND FENCE STANDARDS**

**A. General Construction**

Any and all materials used in the construction of any residential or commercial fence, other than organic vegetation, shall comply with materials as expressly approved by any certified fencing manufacturer, or fencing association or fencing institute. **The Planning and Zoning Commission shall have final approving question for legal** authority to any wall or fence that deviates, differs, or does not comply with these standards. Such certified fencing organizations include, but are not limited to:

1. The American Fence Association; or
2. The Chain Link Fence Manufacturers Institute; or
3. The Vinyl Fencing Manufactures.

**B. Wind Loads**

All walls or fences, whether for residential or commercial use shall conform to wind load standards in accordance with the American Society of Civil Engineers' (ASCE) Minimum Design Loads for Buildings and Other Structures, Standard ASCE/SEI 7-10.

**C. Residential Heights**

Any residential wall or fence shall not exceed eight (8) feet in height above ground. The wall or fence may be erected and located anywhere in a residential yard, but it shall be in accordance with Line of Sight Triangle Rule as identified in this Code. Note: Refer to CID rules on building codes. A building permit is required for fences or walls more than 6 feet in height.

**D. Line of Sight Triangle Rule for Walls and Fences**

Any wall or fence must not violate the line of sight rule. A triangle formed by the intersection of two curbs or the edge of a city maintained roadway measured back from the intersection or roadway twenty-five feet along the curb line or city roadway. A continuous unobstructed view of twenty-five (25) feet in both directions of the intersection or roadway to a height of 3 feet or more must be maintained.

**E. Retaining Wall**

Any wall or structure for the express purpose of retaining more than four (4) feet of soil or earth shall be designed, stamped and signed by a professional engineer, registered and licensed to practice in New Mexico. A copy of the retaining wall's engineered design and specifications shall be kept on file with the City Clerk.

**F. Commercial or Industrial**

Any wall or fence on a commercial or industrial property may be located anywhere on the property and may be up to eight (8) feet in height but shall comply with the Line of Sight Triangle Rule as specified in this Code.

**G. Swimming Pools**

All swimming pools, whether public or private shall be completely enclosed by a wall, fence or barrier at least five (5) feet in height. Uniform Swimming Pool, Spa and Hot Tub Code 17.46.050.

**H. Electrified Wall or Fence**

Any wall, fence or barrier that has an attached component, wire, or element that produces an electrical field is permitted only in a Planned Development (PD) zone or by special use permit, pending review and approval by the Commission.

**I. Public Right-of Way**

Any wall, fence or barrier is prohibited in a public Right-of-Way.

**J. Barbed Wire**

1. Barbed wire attached to any wall, fence or barrier shall be at least six (6) feet above the highest adjacent ground surface.
2. The use of barbed wire in any residential zone, whether attached to any wall, fence or barrier or unattached is prohibited.
3. The use of barbed wire in a Planned Development (PD) zone, when attached to a wall, fence or barrier is permitted.

**K. Mobile Home Parks**

Any wall, fence or barrier installed around the perimeter of a Mobile Home Park (MH-2) shall be at least six (6) feet in height.

**L. Other**

Any wall, fence or barrier, when located in a residential side or rear yard or when used to surround a tennis, basketball, handball or other recreational area, shall not exceed sixteen (16) feet in height and shall be located at least seven (7) feet from any property line.

**ARTICLE 17 ~~SOLAR AND WIND TURBINES~~ ALTERNATIVE ENERGY  
PRODUCING SYSTEMS**

**4-17-1PURPOSE****4-17-2DESIGN STANDARDS****4-17-3RESTRICTIONS****4-17-4COMPLIANCE****4-17-5ENVIRONMENTAL IMPACT****4-17-6SOLAR ENERGY COLLECTION SYSTEMS****4-17-7WIND TURBINE ENERGY COLLECTION SYSTEMS**

#### 4-17-1 PURPOSE

The purpose of this Article is to encourage safe and effective use of Alternative Energy Producing Systems (e.g. solar, ~~and~~ wind turbines or geothermal) for both residential and commercial applications; and establish minimum requirements for the placement, construction, and modification of these systems and related support equipment.

#### 4-17-2 DESIGN STANDARDS

##### A. Building Permit

A building permit shall be required for all Alternative Energy Systems. Applications shall be submitted to the City Commission ~~Commission~~ for review and approval. All applications shall include the following documentation:

1. **Engineered Drawings:** A complete set engineered drawings, stamped and signed by a professional engineer, registered and licensed to practice in New Mexico, of the Alternative Energy System that clearly details the tower, base, footings, supports, and foundation as provided by the manufacturer. The engineered drawings shall include production capacity of Alternative Energy Systems and wind loads for Wind Energy Systems.
2. **Site Plan:** The site plan shall include a date, North arrow and appropriate scale and dimensions to reflect adequately the details necessary to describe the proposed location and use; locations of surrounding structures, existing property lines, fences, public or private rights-of-way, public roads, and all utilities (both buried and overhead).
3. **Utility Notification:** The building permit application shall include documentation that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
4. **Fire Department Approval:** The building permit application shall include documentation of review and approval by the Rio Communities Fire Department in accordance with International Fire Code.

#### 4-17-3 RESTRICTIONS

- A. The energy (power) produced by any solar collection system (photovoltaic) erected on a residential or business property shall be used exclusively for that resident or business and shall not be "sold" to another resident or business except Public Service of New Mexico (PNM) or similarly regulated New Mexico Public Utility Company.

- B.** No Wind Turbine Energy Collection System shall be erected on any residential or business property that is within three-thousand (3,000) feet in line of sight to any other residential or business property.

#### **4-17-4 COMPLIANCE**

- A.** It shall be unlawful for any person to construct, install, alter or operate an Alternative Energy System that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this Code.
- B.** The construction and operation of any Alternative Energy Systems shall be consistent with all applicable federal, state and local requirements, including all applicable safety, construction, building, environmental, electrical, FCC communications and FAA aviation requirements. Alternative Energy Systems shall comply in all respects with building and electrical codes contained in the International Building Code, New Mexico Construction Industries Division and National Electric Code as adopted by the City of Rio Communities.
- C.** All Alternative Energy Systems shall be designed to be compatible with the character of the surrounding neighborhood.

#### **4-17-5 ENVIRONMENTAL IMPACT**

- A.** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the Alternative Energy System and is otherwise prescribed by applicable laws, regulations and ordinances.
- B.** Once the system is operational, any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation immediately.

#### **4-17-6 SOLAR ENERGY COLLECTION SYSTEMS**

The installation of any solar energy collection system shall comply with NMSA 1978, § 3-18-31(Municipal Restriction on Solar Collectors) and NMSA 1978, § § 4-55C-1 through 8 (Solar Energy Improvement Special Assessment Act).

##### **A. Roof Mounted Solar Energy Collection Systems**

- 1.** All residential roof mounted solar energy collections systems shall comply with the maximum height requirements in the applicable zoning district. Where maximum height is measured at the midpoint between eaves and roof peak and where the roof peak exceeds the maximum building height, the Solar Energy Collection System shall not exceed the height of the roof peak.

2. Roof-mounted Solar Energy Collection Systems shall be flush-mounted and parallel to the roof surface to the extent possible. Solar Energy Collection Systems may be bracket mounted or tilted on flat or pitched roofs to improve efficiency, but shall have at least one (1) side of the array within twelve (12) inches of the roof surface.

**B. Passive Or Building-Integrated Solar Energy Collection Systems**

Passive or Building-Integrated Solar Energy Collection Systems are exempt from the requirements of this section and shall be regulated as any other building element.

**C. Ground-Mounted Solar Energy Collection Systems**

1. Ground-mounted Solar Energy Collection Systems shall not exceed fourteen (14) feet in height.
2. Ground-mounted Solar Energy Collection Systems in Residential zoning districts shall be limited to the side or rear yard, shall be treated as accessory structures and shall adhere to all applicable setback requirements. Additionally, all such systems shall have a protective barrier or fence five (5) feet in height around the yard, lot or collection area.
3. Ground-mounted Solar Energy Collection Systems in non-residential zoning districts shall be limited to the side or rear yard and shall not encroach into any required setback. Additionally, all such systems shall have a protective barrier or fence at least six (6) feet in height around the yard, lot or collection area.
4. All exterior electrical and/or plumbing lines shall be placed in a conduit, marked and buried below the surface of the ground in accordance with applicable codes. Electrical lines may be placed overhead but only near points of interconnection to the electric grid.

#### **4-17-7 WIND TURBINE ENERGY COLLECTION SYSTEMS**

**A. Height Requirements**

1. The height of Small Wind Energy Systems shall not exceed eighty (80) feet, measured at the highest point of the turbine blade or other component. In Agricultural or Manufacturing zones, the Small Wind Energy System shall not exceed one-hundred ~~and twenty~~ (100 ~~20~~) feet.

2. If the Small Wind Energy System is attached to a building or structure, this measurement shall include the height of the building or structure.
3. The Small Wind Energy System shall comply in all respects with Federal Aviation Regulations Part 77, and any other applicable Federal Aviation Administration requirements.

#### **B. Minimum Blade Height**

The minimum height of the lowest point of a turbine blade shall be fifteen (15) feet above the ground and ten (10) feet above or distant from any roof surface.

#### **C. Setbacks**

1. Small Wind Energy Systems shall be set back at a distance equal to or greater than one-hundred percent (100%) of the total height of the system from all overhead utility lines, property lines, and public roads or public rights-of-way.
2. If the Small Wind Energy System is installed on a roof, the total height is equal to the roof height and tower height.
3. Guy wires and other support devices shall be set back at least five (5) feet from all property lines. Guy wires and other support devices shall be set back at least twenty (20) feet from any public right-of way.
4. Small Wind Energy Systems shall not be allowed in the required front yard setback.

#### **D. Access**

1. No tower shall have a climbing apparatus within twelve (12) feet of the ground.
2. All access doors or access ways to towers and electrical equipment shall be accessible by authorized personnel only. Towers with lattice within twelve (12) feet of the ground shall be enclosed within a secured fence or wrapped by a protective metal mesh up to twelve (12) feet and sufficient to prevent climbing.

#### **E. Feeder Lines**

All exterior electrical lines shall be placed in a conduit, marked and buried below the surface of the ground in accordance with applicable codes. Electrical lines may be placed overhead only near points of interconnection to the electric grid.

#### **F. Lighting**

Illumination or lighting on the Small Wind Energy System shall be prohibited except as required and allowed by the Federal Aviation Administration.



**G. Sound**

The Small Wind Energy System and associated equipment shall not exceed fifty (50) dB(A) for any period of time under normal operating conditions as measured from the nearest neighboring inhabited structure.

**H. Signage And Advertising**

Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the Small Wind Energy System, utility, and safety signs. No other signage shall be permitted.

**I. Color And Finish**

The Small Wind Energy System shall remain painted or finished in the color or finish that was originally applied by the manufacturer, or shall be painted gray, beige or white. Rust, corrosion or peeling paint on any component shall be repaired and repainted.

~~End of Appendix B~~

~~City of Rio Communities  
Code of Ordinances  
APPENDIX B~~

~~LIST OF SCHEDULED FEES~~

~~Contact the Municipal Clerk's office for current fee schedule or visit the city website at [www.riocommunities.net](http://www.riocommunities.net)~~

~~City of Rio Communities  
Code of Ordinances  
APPENDIX B ~~D~~~~

~~LINE OF SIGHT DIAGRAM (PLACEHOLDER)~~

End of Appendix D

~~City of Rio Communities~~

**Code of Ordinances**  
**APPENDIX C**

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**~~LIST OF CITY FORMS~~**

~~Contact the Municipal Clerk's office for the list of city forms or visit the city website at [www.riocommunities.net](http://www.riocommunities.net).~~

~~End of Appendix C~~

**City of Rio Communities**  
**Code of Ordinances**  
**APPENDIX C**