



City of Rio Communities Council Special Business Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Tuesday, December 20, 2022 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

Action Items

- 1. Discussion, Consideration, and Decision – Review the language of the approval letter for the rezoning and special use permit for the solar overlay**
- 2. Discussion, Consideration, and Decision - Capital Outlay (priorities)**
- 3. Discussion, Consideration, and Decision - Setup date for Special Workshop with Legislator(s)**

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)

- o Motion and roll call vote to go into close session**
- o Motion and roll call vote to go back into the special business meeting session**
- o Welcome everyone back and statement by the Mayor:** The Governing Body of the City of Rio Communities, New Mexico, hereby states that on December 20, 2022 a Closed Executive Session was held and the matters discussed were 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)

Action Items

- 4. Discussion, Consideration, and Decision - Mayor recommendation regarding 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)**

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.



**BEFORE THE CITY COUNCIL
OF THE CITY OF RIO COMMUNITIES**

**For a rezoning and a special use permit for a solar overlay at Proposed Location:
101002819133500000, R214152, Subd: RIO DEL ORO Lot: A Unit: 64 PARCEL A 32.43 AC. 2013
REV D-5-15, Rio Communities, NM**

**CONCLUSION IN SUPPORT OF DECISION ON THE APPLICATION FOR A REZONING and SPECIAL
USE PERMIT**

A hearing was held before the Governing Body (“City Council”) on December 12, 2022, at 6:00 p.m. The following members of the Council were present: Joshua Ramsell (Mayor); Margaret R. Gutjahr (Mayor Pro Tem); Arthur Apodaca (Councilor); Lawrence R. Gordon (Councilor); Jimmie Winters (Councilor). A quorum was present.

The hearing on the above Application was convened at approximately 6:07 p.m. The Mayor asked all individuals who intended to testify on the matter of the Application to provide their names and addresses, and they were thereafter sworn prior to providing testimony. Testimony ended and the public hearing portion on the Applicant was closed at 6:51 p.m.

The Governing Body thereafter deliberated on the Applicant and voted to recommend approval of the Applicant:

For: [LIST] Mayor Pro Tem Margaret Gutjahr, Councilor Arthur Apodaca, Councilor Lawrence Gordon, and Councilor Jimmie Winters.

Against [LIST] none

The Governing Body makes and adopts the following findings:

I. Preliminary findings.

The Application filed by Affordable Solar Group, LLC C/O John Tekin (“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:

[LIST] Laurie Moye, John Tekin, Dylan Connelly Select Row obo Affordable Solar Group, LLC

The following persons/entities testified in opposition to granting the special use permit:
[LIST] Matthew Romero 45 Reality obo Rio Holdings

II. Findings with respect to the Zoning Ordinance (Ordinance No. 2021-76, entitled “Chapter 4, Zoning Code,” hereinafter “Ordinance”)

1. The Applicant has requested the proposed rezoning from a planned development district as per 4-3-11 Planned Development District B(5) the use alternative energy sources.
2. The applicant has requested the rezoning for a Solar Collectors Overlay zone as in 4-4-5 C, whereas a special permit is required for this use.

III. Findings with respect to Special Use Permits under Zoning Code 4-7-4 A (“Code”)

1. The proposed use Solar collectors Overlay zone is sufficiently unique and unusual (Code 4-7-4 A.1)
2. No evidence has been presented that the proposed use would adversely affect adjoining property values. (Code 4-7-4 A. 2)
3. No evidence has been presented that the proposed use would endanger public safety. (Code 4-7-4 A. 2)
4. 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)
5. The Council finds that there is a proposed residential development of approximately 230 single family homes located across the road (closest named road is West of the properties De Hann Loop) from the project.
6. The Council further finds there are concerns about whether and to what extent the project will be visible from the residential properties.
7. The Council finds that some sort of shielding or buffer between the project and the proposed residential development would make for a more appropriate transition from the residential properties to the proposed solar project.

IV. Conclusions and conditions of approval

Based upon the foregoing findings, the Governing Body finds that the Applicant has satisfied the conditions under the Zoning Code for the issuance of a rezoning and special use permit for a solar collectors overlay zone allowing the applicant to move forward within the City of Rio Communities.

The Governing Body of the City of Rio Communities therefore approves the rezoning and special use permit subject to the following conditions:

- The Company will have the ability to determine their visibility device, with either chain link fencing, plastic slats or vegetation with opaqueness of 80%.
- This has to be maintained by the company for the duration.

PASSED, APPROVED AND ADOPTED THIS 12 DAY OF DECEMBER 2022 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.

City of Rio Communities Governing Body

Joshua Ramsell,
Mayor

Margaret R. Gutjahr,
Mayor Pro-tem/Councilor

Arthur Apodaca,
Councilor

Lawrence R. Gordon,
Councilor

Jimmie Winters,
Councilor

ATTEST:

Elizabeth F. Adair,
Municipal Clerk

**Rio Communities
Project Summary**

ID	Year	Rank	Project Title	Category	Funded to date						Total	Amount	Phases?
						2024	2025	2026	2027	2028	Project Cost	Not Yet Funded	
40104	2024	001	Police Department Complex	Facilities - Other	0	350,000	2,500,000	500,000	0	0	3,350,000	3,350,000	Yes
36240	2024	002	City Hall Multi-Purpose Complex	Facilities - Administrative Facilities	50,000	1,000,000	400,000	425,000	340,000	0	2,215,000	2,165,000	Yes
29938	2024	003	Parks and Open Space Assessment Plan	Other - Other	0	750,000	450,000	450,000	450,000	450,000	2,550,000	2,550,000	Yes
36239	2024	004	Storm Water and Drainage Infrastructure Project	Water - Storm/Surface Water Control	0	1,000,000	1,000,000	1,000,000	1,000,000	0	4,000,000	4,000,000	Yes
38440	2024	005	Streelights	Transportation - Lighting	0	1,050,000	1,000,000	500,000	500,000	500,000	3,550,000	3,550,000	Yes
38442	2024	006	Public Works Complex	Facilities - Other	0	300,000	500,000	250,000	250,000	250,000	1,550,000	1,550,000	Yes
29907	2024	007	Public Safety Equipment	Equipment - Public Safety Equipment	261,488	870,000	500,000	150,000	750,000	500,000	3,031,488	2,770,000	Yes
32859	2024	008	Pavement Reconstruction	Transportation - Highways/Roads/Bridges	518,750	606,250	450,000	450,000	450,000	450,000	2,925,000	2,406,250	Yes
32858	2024	009	Roadway Beautification	Transportation - Other	0	660,000	400,000	400,000	400,000	400,000	2,260,000	2,260,000	Yes
36242	2024	010	Roadways, Trails, Paths and Sidewalks	Transportation - Highways/Roads/Bridges	0	1,050,000	1,000,000	500,000	500,000	500,000	3,550,000	3,550,000	Yes
38441	2024	011	Fire Department Complex	Facilities - Fire Facilities	0	750,000	500,000	0	0	0	1,250,000	1,250,000	Yes
38460	2024	012	Public Works Heavy Equipment	Equipment - Other	0	300,000	300,000	0	0	0	600,000	600,000	Yes
34160	2024	013	VC Wide public safety - 700 MHZ state system	Equipment - Public Safety Equipment	0	219,416	540,000	575,863	1,132,405	3,535,000	6,002,684	6,002,684	No
40214	2024	014	Valencia County Flood Prevention	Water - Storm/Surface Water Control	0	3,000,000	0	0	0	0	3,000,000	3,000,000	Yes

Infrastructure Capital Improvement Plan F2024-2028

Item 2.

40827	2024	015	City Wastewater System	Water - Wastewater	0	500,000	1,350,000	5,350,000	800,000	0	8,000,000	8,000,000	Yes
40828	2024	016	City Water System	Water - Other	0	4,550,000	3,250,000	3,250,000	1,000,000	0	12,050,000	12,050,000	Yes

Number of projects:	16													
	Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	Total Project Cost:	Total Not Yet Funded:						
Grand Totals	830,238	16,955,666	14,140,000	13,800,863	7,572,405	6,585,000	59,884,172	59,053,936						