



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

Please silence all electronic devices.

Call to order

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

Pledge of Allegiance

- Chairman Scroggins led the Pledge of Allegiance.

Roll Call

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

Approval of Agenda

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

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

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

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

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

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

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

Consideration of:

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

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

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

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

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

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

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

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

- ❖ Linda Umstead thanked everyone for the information.

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

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

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

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

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

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

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

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

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

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

Public Comment:

- No public comment

General Commission Discussion/Future Agenda Items

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

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

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

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

Adjourn

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

Respectfully submitted,

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

Date: _____

Approved:

Thomas Scroggins, Chairman

Melodie Good, Secretary

Scott Adair

Adelina (Lina) Benavidez

Chad Good