



City of Rio Communities Special Business Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, November 21, 2022 4:00 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Scroggins called the meeting to order at 4:04

Pledge of Allegiance

- Chairman Scroggins led the Pledge of Allegiance.

Roll Call

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

Approval of Agenda

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

Public Hearing - For the purpose of the request from Affordable Solar Group LLC C/O Select Row John Tekin OBO Leroy & Sylvia Baca for a rezoning and special permanent use permit for a solar collector overlay.

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 meeting session was recessed at 4:07 pm.

Consideration of Proposed Location: 1010028191335000000, R214152, Subd: RIO DEL ORO Lot: A Unit: 64 PARCEL A 32.43 AC. 2013 REV D-5-15

- ❖ Chairman Scroggins explained the request for a special use permit regarding a solar collector overlay.
- ❖ Chairman Scroggins read his statement of procedures.
- ❖ Secretary Good asked about the documents in front of commission if one was zoning, and the other special use permit.
- ❖ Clerk Adair explained that the zoning needs to be decided first then the special permit and that they coincide with each other.
- ❖ Laurie Moyer began her presentation.
- ❖ Laurie Moyer explained the location of the site and then showed a draft of what it would look like.
- ❖ Member Adair asked what the efficiency rate on the panels.
- ❖ Dylan Connelly answered: they are standard solar panels they are 18-24% efficient these panels since they attract the sun produce about 40% more than the panels on your roof.
- ❖ Member Adair asked life expectancy 40 – 50 years maybe.

- ❖ Dylan Connelly answered: the warranty life on panels are 30 years so at the end of 30 years they should have 90% of the output then they started with.
- ❖ Member Adair asked if they had a plan to upgrade after the decades.
- ❖ Dylan Connelly answered: the limited factor for the solar system is actually the inventor the panels themselves are produced D/C power like a battery and an inverter converts it to a A/C power like we use in our houses and more efficiency won't be necessary because we already oversized the solar panels to force as much as much power as possible through the inverter. The answer is there is no economical for us or for output to change out the panels at any time to change out the panels in the future.
- ❖ Secretary Good said I noticed on the first slide the benefit to Rio Communities. I know right now I have heard people say not to put Solar on their homes because they can't get into the PNM grid right now so how would this affect us.
- ❖ Dylan Connelly answered: one of the benefits to community Solar is specifically for communities like this one where the wire is considered to be full where no more solar could be added. We are connected to a different wire so we're able to connect the solar system, but the actual substation is also full so if we are able to move forward it would force the utility to upgrade their system which could allow more people to collect solar even if they don't want to subscribe to the system.
- ❖ Secretary Good asked so right now you couldn't access the system yourself to the grid.
- ❖ Dylan Connelly answered: in order for project to be put on the grid there has to be a study to see if the grid can handle it as is and if it can't handle it as is it needs to be upgraded. Normal residential homeowners can't afford a million dollars to upgrade a substation so doing a large project to absorb the cost and get tax credits could upgrade the substation for the whole community to utilize.
- ❖ Secretary Good asked what if they don't want to upgrade it.
- ❖ Dylan Connelly answered: there compiled to upgrade the system if we will pay for it. There is also the possibility that basically enough people in this community have complained to the public regulatory commission that governs PNM and PNM is in the process in being compiled to upgrade all the feeders that are closed like yours that is also a multi years process that is in the works, and this project can help speed it up.
- ❖ Secretary Good asked how many years does it look like or months before its up and running.
- ❖ Dylan Connelly answered: this particle solar system construction takes about 4 months but approvals from PNM can take anywhere from 4 months to 12 months and we need 4 months to buy the equipment and get it on site. Realistically if this project is on line 18 to 24 months from now that would be fantastic.
- ❖ Dylan Connelly answered: related to the community benefits Lori allotted to it but these community solar projects are highly sought after by out of state developers but our company is located out of Albuquerque we are the only ones locally in New Mexico developing these projects in order to decide which projects can be moved forward there has to be a selection process they are looking to pick the projects that have the most local benefits so in addition to 30% low income we are committing to 50% low income subscribers to this facility as well as local nonprofits.
- ❖ Secretary Good asked so what does that mean so a non-profit or low-income person needs electricity and if solar is available it would be cheaper.
- ❖ Dylan Connelly answered: we need to provide at least a 30% discount on not the entire bill but on the credit, they are receiving from solar so a regular low-income homeowner if their electric

bill is a \$100 a month, they will save about \$20 a month with subscribing to the system. PNM has a program called blue sky and if you subscribe to blue sky, you can get wind credits and you pay an extra \$5 to \$10 premium for that. This is actual solar in the community that people subscribe to and save money because it is an opportunity to save money, we didn't want to give this to regular wealthy people that can do it on their own homes they wanted to specifically give to benefit to people that don't pay taxes and get a tax credit on solar.

- ❖ Chairman Scroggins asked so are you saying putting this solar farm is going to be for low-income people it's like putting solar panels on their house.
- ❖ Dylan Connelly answered: yes so if were to put solar panels on your house it would cost you about 20 to 30 thousand you get a tax credit and a loan and paying on the loan is usually about \$10 to \$20 less then you currently pay it is very similar except people can subscribe without putting them on your home or qualifying for a loan it's more like a Netflix subscription and you can cancel at any time if you move you can take it with you there is no obligation about 2,000 individuals could subscribe to a system this size.
- ❖ Chairman Scroggins asked about the road on the eastside and asked if they are going to upgrade that road.
- ❖ Dylan Connelly answered: we would do repairs as necessary to that road, for example if it's washed out from a major rain but we won't be making long term upgrades. We are accustomed to construction roads where we need to get equipment in, so we are able to handle the quality of the road as it stands.
- ❖ Chairman Scroggins asked so the city won't have to upgrade the road.
- ❖ Dylan Connelly answered: no, it wouldn't have to be paved for our purposes.
- ❖ Chairman Scroggins asked you are planning to have a chain link fence with barbwire on the top do you have any plans to make it camouflaged so that the fence doesn't look very industrial cause that area there is invasion to be residential in fact there is somebody I'm sure they got your letter that is planning to build or thinking of building houses to the south of your solar farm. Do you have any plans to make that fence more attractive than barbwire.
- ❖ Dylan Connelly answered: generally, these systems are standalone so if there is a neighbor that would come up next to it we can work with them on a screen if they wanted to pay us to install one attached to the structure or most homeowners would put a block wall. We have no plans for that in our project. I believe there is already a chain link fence there for the school so it would match that look.
- ❖ Chairman Scroggins asked so if it gets closed early what are the obligation of you guys to take care of picking it up or is that something that is not available.
- ❖ Dylan Connelly answered: because these solar panels have a 30-year warranty 90 percent of the output because they are valuable so if our company were to go bankrupt and not able to perform maintenance and need to sell it has intrinsic value from the materials on site as well as selling the power to the utilities as I mentioned there is a lot of out of state developers clamoring wanting to do these projects because of the limited to only 40 projects in the whole state. So, if there was a situation where we weren't able to fulfill our obligation it would be worthwhile for someone else to do so.
- ❖ Matthew Romero introduced himself and explained I don't live within 100 feet I do represent the owner of the property to the south am I the realtor broker am I still able to speak on his behalf.
- ❖ Chairman Scroggins said that's to one I was referring to that they wanted to build 200 houses.

- ❖ Matthew Romero answered: Mr. Pofahl the owner of Rio Holdings he owns the property to the south he was unable to make it he wasn't aware of this until late last week and he asked me to come and let you know his concerns and they are also my concerns. We are currently marketing that property for 234 residential lots there is a neighborhood park in his plan there will be 2.2 acers for the community to use in front of that he also has 9.28 acers reserve for residential and commercial use off Manzano express way. The concern is I heard this is a 9-million-dollar project, but our project between bringing in utilities and building homes when complete is a 70-million-dollar project by the time the houses are sold. So, we have an investor willing to invest in building houses and sell them we are going to increase the tax base on 234 homes plus retail. And commercial along the road and he is going after big places like Kroger, Smiths, Albertsons Walmart he's not going after anything small that's what he wants to put right in the front we will create lots of jobs our estimate is 4-6 years from the time we get these lots sold to get all the construction complete on the 234 lots and we believe the absorption rate was they start being built is about 60-75 homes a year. Our problem is I'm going out there with Michael Skolnick he is another real estate broker from Albuquerque he brought together the Los Diamantes subdivision it is a master plan community in Rio Rancho that just started about 2 years ago and we are trying to put the same thing together here. Like Dr Horton, Pulte and Hakes Brothers all the big builders are in that subdivision and those are the builders we are going after here and we are going to reserve some lots for small local builders as well. We really believe if we put up this nice place and we are trying to sell lots people are going to drive out there and see a 8ft tall fence with barbwire and people are going to open their back door and this is what they are going to see while they are BBQ hamburgers on a Sunday afternoon it's not going to be to compiling is our concern so I like your idea of them putting up something but then I heard Dylan say that is going to be our responsibility to pay them to cover up what we believe is distracting to the community so I don't think that's a very good solution to ask us to pay for something when we believes people feel like they live next to a prison facility with a high fence. I think we are going to create more long-term jobs and bring more people to the community then what the solar would do. I thought it was interesting what he said. I am also building homes in Rio Communities right now I'm a builder myself and the first thing I did was tell my electrician I want to put solar on every house and roll it into the cost so people won't have to go to all these aftermarket solar companies to do it would already be there when they buy the house, but we can't do it because of the problem with PNM. So our homes are affordable our houses are meant to be affordable homes not high end homes so its fine if they appeal to those people that's grate but my investor Sandy Pholfhe he is ready to reconsider this project if this gets approved because he doesn't think he could sell these lots if this project gets approved he also has other properties under contract with another 275 lots that we are planning on doing the same thing with and we just think there is a lot of open space in this area that there is plenty of room that is could be further out not right in the city close to where there is going to be residential or commercial retail properties within the plan. So that's all I have to say.
- ❖ Member Adair asked how far is this complex from the overlay.
- ❖ Matthew Romero answered: they are joining properties.
- ❖ Member Adair asked how far in feet.
- ❖ Matthew Romero answered: they are touching properties so the back of the houses would be 10 ft from the rear property line would be the minimum space so I have no idea how far they have to be so I can't answer that question, but the houses would be a minimum of 10 feet from

the property line according to the current building codes. It could be potentially 10 feet from the 8-foot fence.

- ❖ Manager Dr. Moore explained first in relationship to the distance from the houses I couldn't say exactly how many feet my understanding was there would be some type of perimeter road that was going around the edge of the subdivision. He further explained it depends on the drawing of the subdivision the subdivision has not been presented to the city for approval as far as providing the plat you know platting out the properties as far as the roads and everything that has not been brought in front of planning and zoning yet. He is correct if there was no road there is approximately 10 feet from the property fence that is really close the maximum could be an additional 60-foot road easement so it could be about 70 feet away any way you look at it is still fairly close. One of our concerns also is they need to provide some type of opaques or in other words a chain link fence on the side of the property where it is a residential area reading the zoning code does this project fit within the parameters with the type of zoning disarrange being next to a r1 residential zone and just having a open view with just a chain link fence what we are looking at it feels insignificant there needs to be some kind of screening nature. There is not going to truck in and out of there what you're going to have are solar panels. It's something that is going to be there for a long period of time. I am not a real estate expert. The other challenge that you might have was the elementary school I did talk to the superintendent and they are in full support of the project. On the other side immediately south of there the properties are zoned as c2, so you have and interesting mix of properties in here currently. We have the planned development properties that are the 33 acers that are requesting solar overlay and to the south you have r1 residential along Manzano Expressway you have the churches then the interior properties over on the westside of that you will see 2 types of commercial zones it is a unique area one of the things on the planned development the idea was for the city to look for some kind of projects that would fit within the function of housing residential, quality of life and safety stand point. It is very interesting we have no comments from the property owners from the north of the proposed project you have full support from the school on the west and concern about industrial development on the south end of it. If there is something that can be done to mitigate some of the site view that may be an issue City Council may be asking questions on how they could find a way to be compatible or can they.
- ❖ Chairman Scroggins asked if we were to recommend the overlay be done and approve the special use what would that mean cause what I think that would mean was city government.
- ❖ Manager Dr. Moore answered: that it means it would go with part of the project an overlay is to provide for a type of use that you wouldn't normally ask to place on this zoning so here is the way the scenario works the company applies to the PRC and the rezoning is approved and they are awarded to project then they are there until that use stops. Once they stop the overlay goes away. If you chose not to approve this, then the special use permit goes away. Let's say they don't get approved then you have a situation where there is no project, and the solar overlay can disappear or be removed.
- ❖ John Tenkin showed the map and explained the area the broker was taking about he explained that the panels would be about 115 feet from the property line.
- ❖ Secretary Good asked how tall are the panels.
- ❖ John Tenkin answered: 6ft 8in.
- ❖ Chairman Scroggins asked when they tilt how tall are they.
- ❖ Laurie Moyer answered 6ft 8in.

- ❖ Matthew Romero answered: thank you for clarifying the distance regardless of the distance it would be in my opinion on why my client would oppose it would be the homeowners would see when they are in the back yard you have a view of the mountains this way and the valley this way then the solar panels.
- ❖ Laurie Moya asked if it would be a wall community or an open.
- ❖ Matthew Romero answered: it is going to be a wall but typically a wall is 5ft 11in tall you wouldn't want a wall any higher than that you want to feel open not closed in with an 8ft 10ft wall.
- ❖ Member Adair explained so the whole point in having Solar in order to perpetrate it is to relief the dependance on fossil fuels with climate change you can agree or disagree all you want. So, in our grandchildren's scenario I'd like to see that we have some kind of mitigating things in place to create sustainable energy and if the question is to have sustainable energy or to have a fence that is 110 ft away behind a 6ft stone wall or block fence that might cause a little inconvenience at first, I think I might choose my grandchildren.
- ❖ Matthew Romero answered: I think solar is a great thing I am a huge supporter of solar and wind power and alternative energy more rapidly and make it more affordable for people right now it isn't affordable I got a quote for \$70,000 for my house you get a loan you pay for it by the time you pay for it why don't you just pay an electric bill and not go through the hassle. So, they are going to provide solar for low-income households that's great. I would like to start it, but I can't do it because the grid won't allow us to. My thing is why does it have to be right next to that was just changed to rural why does it have to be there when there is plenty of land in Rio Del Oro or the 1700 acers just south of here why it would have to be right in the middle of the community in the back yards. Why can't it be in a rural area like the wind farms by Encino.
- ❖ John Tenkin answered: there is a very good reason why it need to be there one of the biggest thing is there is a lot of vacant land there in Rio Communities the problem is it is very fascinating interest it's not continuous ownership in order for this to work we have to have a certain number of acreage of continuous ownership so that knocks out possible even more then 95% of the area we have so many fractionating ownership. The wind turbines that are out in the middle of nowhere or the 1500 acers south those are real projects impacts that make is feasible or not feasible to have solar. What is important to solar is precoitally to the substation and precoitally for inner connection and the problem with moving to the 1500 acers south of there is the fact that it is cost the reason we went to this site is because this site is very likely to be selected by the public regulation to build solar in Rio communities and it very hard to find this much continuous acreage in Rio Communities in order to build this site.
- ❖ Laurie Moya answered: we are focused on low income this open to everyone we just have to reserve a percentage for low income so the gentleman that wants to put solar on his development with this subscription he would have this solar access to his houses. I understand to esthetics, and I understand the balance people move to things where other people think it is a nuisance where they never ever see them or hear them. I know esthetically this gentleman doesn't want to have a solar facility nearby but for Rio Communities this is a true opportunity to have solar by a local New Mexico developer.
- ❖ Mathew Romero answered: I was not opposed to the solar farm I think it is great everything they said I am just opposed to the site.

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

- Motion made by Member Adair to return to regular P&Z meeting. Second my Secretary Good. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote the Planning and Zoning Commission went back into the meeting session at 5:01 pm.

Discussion, Consideration, and Decision – Recommendation to move to Council for a rezoning and special use permit for a solar collector overlay.

- Chairman Scroggins explained that that they are now back to the regular business meeting, the action item is Discussion, Consideration, and Decision – Recommendation to move to Council for a rezoning and special use permit for a solar collector overlay.
- Chairman Scroggins explained we have an application for the property in question to a solar overlay zone. Do we have a motion to consider that rezoning.
- Member Adair asked so we are making a motion to a plan development to add it to a solar overlay zone.
- Clerk Adair explained you are motioning to move it forward with a recommendation to counsel.
- Member Adair said I move with a motion to move with a recommendation to city council that the planned development acreage to redesignate to a solar overlay zone.
- Secretary Good asked if Chairman Scroggins can second it.
- Clerk Adair said the Chair can second it or it gets thrown out.
- Chairman Scroggins second it.
- Chairman Scroggins asked if there were any discussions.
- Commission had no discussion regarding rezoning of this property
- Chairman Scroggins said well then, the question is whether or not the P&Z is going to send the recommendation to City Counsel to address the rezoned to be a solar collector over lay zone. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote the Commission approved to recommend to council the rezoning of the solar overlay.
- Chairman Scroggins then explained the next part to recommend the overlay zone they just recommended also recommend for a solar use permit.
- Secretary Good moved that we move this recommendation to City Council that that we grant a special use permit. Member Adair second it.
- Chairman Scroggins said I think the city should make a demand that there will be a more attractive fencing around.
- Member Adair said I don't think it will be an issue. The discussion continued.
- Chairman Scroggins asked should we recommend to the governing body to approve the special use permit for the parcel land we have been discussing. Voting Yea: Chair Scroggins, Secretary Good, Member Adair. With a 3-0 vote approved to recommend moving to council to grant the special use permit.
- Clerk Adair said the letter of recommendation to council will be presented to you at the next meeting for approval.

Adjourn

- Motion made by Secretary Good to adjourn, Seconded by Member Adair. With a unanimous vote the Planning and Zoning meeting was adjourned at 5:13 pm.

Respectfully submitted,

Elizabeth F. Adair, Municipal Clerk
(Taken and Transcribed by Lalena Aragon Deputy Clerk)

Date: _____

Approved:

Thomas Scroggins, Chairman

Ralph Fernandez, Vice-Chairman

Melodie Good, Secretary

Member Adair