



Call to Order

- Chairman Scoggins called to order 4:27pm.

Pledge of Allegiance

- Member Good led the Pledge of Allegiance.

Roll Call

- PRESENT Chair Thomas Scroggins, Secretary Melodie Good, Member Scott Adair (zoom), Member Adelina Benavidez, Member Chad Good.
 - Present: City Manager Dr. Marty Moore, Municipal Clerk Elizabeth Adair, Deputy Clerk Lalena Aragon City Attorney Cory Strife.

Approval of Agenda

- Motion made by Member Good, Seconded by Secretary Good with a unanimous vote the agenda was approved as written.

Approval of Minutes for the Business Meeting for 01/19/2023 & 2/02/2023

- Motion made by Secretary Good seconded by Member Benavidez. With a unanimous vote the minutes for 01/19/2023 & 02/02/2023 were approved as written.

Motion and roll call vote to recess Planning and Zoning Meeting session and to go into Public Hearing Consideration of Cibola Land Corporation: Commercial 3 zone:

- Motion made by Member Good, Seconded by Secretary Good.
Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good.
With a 4-0 vote the commission recessed the regular meeting to go into the Public Hearing at 4:32pm.

Public Hearing - Cibola Land Corporation: Commercial 3 zone: Proposed Location: UPC 1009026375240000000 Subd: PLAYA ESTATES Tract: PARCEL 5 11.52 ACRES 1994 SPLIT, UPC 1009026375140000000 Subd: PLAYA ESTATES Tract: PARCEL 7 27.26 ACRES 1994 SPLIT

- ❖ Chairman Scroggins read his statement.
- ❖ Manager Dr. Moore gave a presentation and explained how the Public Hearing works. Explained that the Planning and Zoning Body is to send to Council with recommendation or without recommendation and that there will be another Public Hearing and Council will make the final decision. He then continued to explain the commercial3 and industrial 3 zoning and steps that are involved in those types of zones. (See packet).
- ❖ Mr. Yates gave his presentation talked about the area that they are planning to have rezoned he showed the blue area that is asked to be rezoned too commercial. Mr. Yates explained that they do don't plan to bring in any heavy commercial.
- ❖ Ron Hironimus 837 Lee Trevino; My main concern is the smell with the industrial we already have a smell my other point is we are land blocking the southeast of our building you are keeping the growth of our city within that boundary. You have a solar to the east you have a little bit to where we can build north. If you ok this all comes down to what they are going to

put there with the running of the railroad there is a few of us here that put in quite a few years with them, and we know the procedures. In my opinion I live on 837 Lee Trevino which is right up against the Golf Course, and I would like to see this turned down or moved into there is 39 acers in commercial and the rest is industrial. I don't want to see a auto body. Mr. Gentry said something in the paper the other day if you want to see industrial 3 go down South Broadway in Albuquerque and I don't want to see that in Rio Communities.

- ❖ Secretary Good asked are we only talking about commercial 3 right now.
- ❖ Chairman Scroggins said yes, we are discussing commercial 3.
- ❖ City Attorney explained anyone coming up to speak has 3 minutes and if everyone could speak into the micro phone on the podium.
- ❖ Tom Marez; I want to make things better for the county. Last time I was here commissioner Good you gave me a hard time about what I was speaking. Free speech you have it I have it everyone has free speech as long as I am not yelling fire in a theater cursing people out inciting a riot you need to listen to what people say if your skin is so thin you don't like what people say you should not be in the position of authority. Commissioner Benavidez know me well I speak what I believe. This should not be happening. Mr. Yates has 7,000 acers in this County why does he want to ruin this part he has a lot of land out by Manzanos put in a railroad spear build a highway he's got the money put it there. You want to do polluting things go out there not right next to the golf course where people live. That is just ridiculous. The County has already been bought out by this guy is Rio Communities next. Come on just because he has the money doesn't mean he can buy and do anything he wants in this County. Shut this down. I'm sorry you do not need heavy commercial heavy industrial right in the middle of your city. It is nice corner of the County why do you want to ruin it so a rich guy can get richer. Thank you.
- ❖ Monique Marquez Rio Communities resident on Godfrey; So Dr. Moore just talked about process that we have in place to protect the community process for planning and zoning Council processes that are supposed to protect us from industrial or different types of businesses that are going to come in how ever he did say this going on to council. That means in my opinion that you guys have already made the decision the process here is where it should stop to protect the community.
- ❖ Darrell Tinsley 463 Bishop Ct.; It is not within the 300ft, but I am in the downwind. In regards to commercial it might not be a very large piece of property that you are talking about. My concern is I have heard that its only supposed to be 100ft high of that is ten stories that may be a problem for some people a lot of us bought property here so we can see what is around us we like to see the mountains we like to see this and that and other things. It is not going to happen if you make it so there is a 100ft ceiling on us. I am retired military I came here as soon as I could we owned property here since 1962. I couldn't get here fast enough I had to finish off my Military. I was 15 when my mom and dad bought property here. I like to see what is going on. I don't want to sit here and say oh that is a pretty building. I like to see what I have; I don't want to watch the air I want to see the air and the sky. I don't want to breath weird stuff I can't smell but I want to breath freely. I got enough problems going on health wise I don't need other issues against it, so am I for this heck no. I am not against Mr. Yates or any of his people. What I would like to see is something where we can have expansion of the city if we are going to have to be a city make it to where it can expand with people real people not companies, companies can move further out there is property available.
- ❖ Elizabeth Dicherry 15 Porsche PL Los Lunas, NM 87031; I am a registered nurse I have done a lot of health care hear in Valencia County and Albuquerque I live in Valencia County I have lived

here almost my whole life I heard something very disturbing when I came here tonight. I heard why are you here. You don't live in Rio Communities. I live here in Valencia County I share the water with you guys I share the air with you I recreate down here I have taken care of some of the babies here and some of the older folks here and I was really disappointed when I heard I wouldn't be welcomed well here I am. I am going to speak thank you very much. I have written letters and almost everyone in this room is opposed to this. I read your vision statement here on the Rio Communities Comprehensive plan that committed to fostering a informed city by actively engaging and being responsive to all the residents young and old and planning the development of a safe and steady community. I am sorry but this commercial 3 doesn't have anything to do with this statement you put in. I see that some of your goals. Your goals fostering a informed citatory no plan and develop a safe community no, create a esthetic community no, create recreational activities no, protect natural resources no, also with commercial you have listed heavy and light machinery have you all seen Artishia have you seen Farmington have you all gone to Louisiana by any chance and see all the things that have happened along the Mississippi River. Yes we live near a beautiful river here so yes light heavy machinery you are look at all kinds of things like automobile, equipment and rental, motor frame terminals have been mentioned also there is a lot construction and contractors yards and by the way I live in an area where there is no zoning pretty much and we have kind construction yard by us and it isn't pretty let me tell you and it isn't fun having equipment repair service insulation the list goes on and on and that is just commercial that isn't even talking about industrial. Mr. Yates says oh he wants light commercial don't they hey deny the c3 end of story you want light commercial then you apply for light commercial sir. Thank you very much.

- ❖ Tom Nelson; I am backing my application everything that you guys receive is timed stamped does it not. This doesn't this also has a check mark application fee paid it is not I demand to see a receipt to where this is paid and when it was received you haven't done any of that.
- ❖ Rudy Griego Lee Trevino Blvd.; I moved here about two and half years ago roughly. My reason for coming here was the esthetics of the area we like the people we like the fresh air. If you start ruining things the air quality is going to be going down the ground water is going to be polluted beautiful Rio Grande is going to disappear under these types of industrial revolution or whatever you want to call it. I think what we had here in the past 2 years is what most people came here for the views the fresh air. The traffic is going to continue to go up low income values are going to go sky high everyone is going to be reduced to a lower income. What I am try to say it is going to bring in the wrong type of people to the area property value is going to go down and I don't want to see that happening to me or my neighbors.
- ❖ Nicole Maestas Olonovch; I am an elected representative for congressional district 2 environmental justice caucus. On the matter of commercial development the primary issue is that Rio Communities don't trust what they are going to put in this particular area of zoning, secondly they do not want a developed area pushed outwardly into their eco systems, lastly they do seem to trust the developer. These are all really important issues that need to be addressed. Once areas are rezoned and done so without the Community as a primary stake holder at the table there is a valid believe that things could spiral out of control quickly and the next thing you know your living in a sacrifice zone. Light commercial is what has happened to the South Valley of Albuquerque. We have negative consequences on the community and on the environment. Non of which could be controlled on visible boundaries we must inspire trust we must make sure the Community has a say on what is on the table on behalf of the Environmental Justice Caucus as a disabled veteran who earned her disability serving our

county down wind of burn pits in Iraq and on behalf of this community and future generations. I humbly ask you to vote no on this rezoning.

- ❖ Kip Karnes I live on 1684 Nancy Lopez; I am urging you to vote no it will ruin the community this could ruin the community we are going to have noise nonstop up and down the roads with the trucks it's not good it will ruin the community we have a quiet community most of us are retired and this will just ruin it. I hope you guys vote no knowing that this could ruin the community and I don't want you to go down in history for that. Oh we are the ones that voted for this what turned out to be a very terrible project. Thank you.
- ❖ Lodi Silva 309 Ricodo Pl. My statements are my own and do not represent any former capacity I hold with any city or nonprofit organization I have involvement with. So, this is c3, but this is data basically. I am a local relator I represent a lot of people in this community either bringing them in or helping them make the transition out. Last year 92 homes were listed in 2022 that is a average of 8 per month. Since last public hearing notice on January 19, 2023, less than 30 days Rio Communities has had 10 homes put on the market in less than 30 days. Currently 8 homes on the market in Rio Communities with only 4 in the city of Belen on the market. That shows with this coming people are wanting out of here and that breaks my heart. This a bedroom community most of u have been here since before it even became a city. So let's vote our residents and not for big dollars. Thank you.

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

- Motion made by Secretary Good to move out of public hearing and go back to the regular business meeting. Seconded by Member Benavidez. Voting Yea: Chairman Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good. With a 4-0 vote the Commission went back into regular business meeting session at 6:27pm.

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

- Chairman Scroggins said that it has been suggested that we postpone the discussion and consideration on this commercial 3 zoning until our next meeting on March 2, 2023 meeting.
- Manager Dr. Moore explained that there has been a lot of information given to the commission tonight in person and also in writing and emails he suggested the commission has time to take all the information into consideration on this matter.
- Manager Dr. Moore then explained when a proposal for a zone change comes in, he works with the clerk's office and the responsibility falls on my office. My assistant also looks over the application to make sure it is organized to be brought up to arguments and discussion. Any kind of recommended.
- Chairman Scroggins explained that Mr. Yates explained that they can't tell us what is going on there until it is rezoned.
- Manager Dr. Moore explained that it is online and if you come to the office and we will give a printout of what is permission on a C3.
- Monique came up and read what a c2 and a c3 zoning would be.

****1.02**

****1.04 Rick Sandoval**

- Member Benavidez asked if we table this and table an action to the next meeting there are ****1.05**
- Attorney cory explained ****1.06**

**Motion and roll call vote to recess Planning and Zoning Meeting session and to go into Public Hearing
Consideration of Cibola Land Corporation: Industrial 3 zone:**

- Motion made by Secretary Good, Seconded by Member Benavidez.
Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good. Wit a 4-0 vote the Commission went into Public Hearing for the I3.

Public Hearing - Cibola Land Corporation: Industrial 3 zone: Legal Description: UPC:

**1010026145085000000 Subd: PLAYA ESTATES Tract: PARCEL 12 14.29 ACRES 1994 SPLIT, UPC
1010026270120000000 Subd: PLAYA ESTATES Tract: PARCEL 14 19.56 ACRES 1994 SPLIT, UPC
1010026294187000000 Subd: PLAYA ESTATES Tract: SOUTH PORTION OF PARCEL 15 5.65 ACRES 2006
SPLIT, UPC 1010026397131000000 Subd: PLAYA ESTATES Tract: PORTION OF PARCEL 16 REMAINING
16.44 ACRES 2006 REV, UPC 1010026320050000000 Subd: PLAYA ESTATES Tract: PARCEL 19 54.00
ACRES 1994 SPLIT, UPC 1010026195020000000 Subd: PLAYA ESTATES Tract: PARCEL 20 12.84 ACRES
1994 SPLIT, UPC 1010026195020000000 Subd: PLAYA ESTATES Tract: PARCEL 20 12.84 ACRES 1994
SPLIT, UPC 1009026490035000000 Subd: PLAYA ESTATES Tract: PARCEL 22 35.56 ACRES 1994 SPLIT,
UPC 1009026365015000000 Subd: PLAYA ESTATES Tract: PARCEL 23 33.40 ACRES 1994 SPLIT, UPC
1010025060475000000 Subd: PLAYA ESTATES Tract: PARCEL 24 47.01 ACRES 1994 SPLIT**

- ❖ Attorney Strife read off 4-3-10 heavy industrial. So those include but not limited to following, those are public facilities, meat packaging no slaughtering or rendering, manufacturing of play products brick, tile of cement, community municipal water supply system, heavy manufacturing, feed mills, grain elevators and seed cleaning plants, petroleum or liquified petroleum gas bulk plants, similar uses in character scale in performance with similar noise odor air and water and traffic implants on the properties there are additional uses that are conditional or special use which means they would be potentially permitted with additional consideration. Would be a an open or
- ❖ Chairman Scroggins asked if they get the zoning done and they want to put a meat packaging plant it they will not have to reapply for special use permit.
- ❖ Mr. Yates began his presentation he explained the area that he wants to rezone for industrial was a dumping ground before they purchased it. All this property is planned 140 thousand lots are planned as residential there is a lot of room we not asking to build in the back yard of. they have **1.16 We are proposing a 300ft buffer zone and what you see is it loops up over here the closest house would be 600ft away we are not going to set up a factory right next to the houses. we have two highway that is why we want to do this we want to put new roads and **1.18 We are not trying to destroy the world. **1.19 i will put in writing that we area not going to put storage tanks **1.19 we have a wind mill plant to. the problem is we need these **1.20 They will be paying taxes we will but this in writing that we are trying to put in good development to bring in CEOs and jobs to new Mexico and if we can bring in this we can help the people here, we are not trying to destroy the world we are not going to sell to a hazardous waste **1.22 I don't know what we need to do to put in writing that we are not going to do this we are trying to take advantage to keep the business from moving to Mexico.
- ❖ Member Good asked if we could work with the attorney to have it written up **1.24 we do not want a chemical plant or but i would like it to have language in there there **1.25. Who is going to provide the power the water and the sewer **1.27 next questions are you going to bring in the water rights .
- ❖ Mr. yates said yes, we are going to buy and bring in water rights.

- ❖ Helen Smith 952 Frederico Blvd.; Helen showed a picture of the pipe that is the fence going around the land of the industrial park and the house is mine. Above the land level of the home is all downhill going into the city into the river unless we have sewer of and water reclamation. This will completely change the character of our city. It is inside the city limits there has to be thousands of acers even close to the existing industrial park that are not inside the city limits. They can do this wonderful project there and Rio Communities will still benefit from the jobs the money spent in the area with people buying houses we don't have to put the industry inside the City limits. That is all we are asking is to keep our community. We want the scenery, we want the air, we want the animals we want our peaceful quite life and this is what our master plan calls for. So, we hope that you would seriously think about what this city would become if this goes forward. Because we will be a company town our taxes will go up because we would have to build water recognition, sewer, infrastructure, we would have to add police officers, fire officers, traffic control, lights all of things are a burden on the city. This doesn't have to exist. We can still get the benefits of the developing industries in our area. You can't tell me that these 200 acers is the only place that this industry can go in Valencia county let alone New Mexico it is a pretty big place and is pretty empty. So, there is plenty of room for this to go somewhere else. Please do not do this inside the city limits.
- ❖ Ron Gentry; I filed a letter with your manager under the disability act that that you will provide any adequate sound system for hearing. I am sure it was a little soon for it to get done. But I was assured by the City manager that they were going to get a sound system that worked. This one does not work. Am I the only one having trouble hearing. We cannot hear you that is the problem. I have seen a lot of Public Hearing and never seen one quite this style. I thought last time it was on track according to your agenda you were going to vote yes or no and now it seems that you are having a Hearing and later on you are going to recommend it anyway because your motion here says you will recommend it to Council. So, it is already predestined and that's ok if that's how you run your meetings that way and that is legal. I think it is your responsibility, your duty and we expect that of you to vote up or down if you believe it is good for the community up and if you think it is not what the community wants down. That's simple. My explanation I think the city attorney made it clear and the presentation made it equally as clear. If you want I3. You are going to get that rendition that was ran by the attorney are the legal things that can be done. Your zoning ordinance says that can be done you can't pick and choose once you vote. I beg the differ that you can say oh we don't like that, or we want this one. That what you are going to be up against. I don't think you can piece meal this thing and I think the attorney would have to agree with me. You have an industrial park today and it's not what I call great. I heard that hearing for over two years of it, and it is there I live next to it, and I can smell it you smelled it two weeks ago. When the wind blows this way, you will get it. I hate to see a community that we tried for 20 years to get this community together I hate to see it sit here and degrade and dissolve before our very eyes of a beautiful city it could be. You have a golf course you have nice residents and now you want to put an industrial park. My last comment is if you are going to wait and vote on I3 first or C3 first. If you vote yes on C3 and no on I3 and it passes that way, then you are going to have a commercial zone and a opportunity zone and an industrial park so it looks like the horse and the cart are backwards. You need to start from that end of town and zone it this direction. You are going to split it in half by the way this is done it has to make it look easy it is not a easy job and I don't envy you for having to make a decision. I wish you would make the decision on behalf of the community. Thank you.

- ❖ Clerk Adair said if you are having trouble hearing in this room the overflow room has better sound.
- ❖ City attorney said I just want to clarify the way the zoning ordinance is written that any type of rezone has to go in front of city council it is not the Planning and zoning job to make that decision it is there job to make a recommendation to either approve, deny or up satin that will go up against city council I just wanted to make it clear by it forwarding to city council it doesn't make an automatic approval. This commission must make a decision one way or another it still has to go in front of council.
- ❖ Steve Gladwell 1624 Blanda Ct.; In my remarks tonight, I am going to be very skeptical and very pessimistic on moving forward with this industrial 3. I think there are two positive point that may happen one is this zoning community is going to stop this in its tracks and not move forward. I know there are some complications with that voting but you need think of this community as a whole and stop at this point. The second positive thing is when it gets to council, I think they will see what the residents want and not move forward with this. We are the people you need to be listening to. It is very important that this community stays a pristine community I mean this gentleman Mr. Yates I think he is just a broker. Once he sells these properties off, he is not going to have control on what they do with them he is going to get his money and then the control is going to come to us and maybe out of control. The money is going to be there, and they are going to press us all the way to get what they want. Bad zoning, bad industrial 3 at that point we are going to be way behind and out of control on this. This Cibola land corp. came into our community and saw very nice homes very nice town homes and after looking at this I can't understand what the thing would be to put an industrial 3 on the edge of our community. I mean what kind of people does it take to do something like that. It shows a lack of respect for the residence it shows a lack of respect for the environment and to me it is somewhat unscrupulous because they won't divulge what they want to do with this project. I mean it is very unclear it is very murky and it will continue to be that way once they broke these properties off to other people. It is going to get really murky and a detriment to us as a community. So what I think he has instore for us is he isn't going to accept a no from this planning and zoning comity he isn't going to accept a no from City Council he probably already has a legal team that is ready to go against this community. If we don't stop him now, we are never going to stop him.
- ❖ Kathy Gurule 1032 Guapo rd.; My husband and I moved here last October from Los Lunas. We left my husband's lifelong home and my home for over 30 years to escape the uncontrolled growth which has turned Los Lunas into a community we no longer recognize. We moved here because of the view the open space and the quiet the big majority of the residence of Rio Communities for the same reasons. Retires seeking a restful quiet place to enjoy their retirement and the younger families who moved here seeking a better place to raise their children. I truly don't believe anyone moved here seeking big job opportunities. I am not opposed to growth, but I am opposed to this type of growth which would have an adverse effect on this community the quality of live would only benefit a select few. I am opposed of growth that isn't well planned out. Rio Communities doesn't have an established police department to handle the increased crime or traffic that comes with this type of development it will put a significant burden on the Sheriff department policing a county as big as Valencia. When the westside of Los Lunas exploded with the industrial growth crime increased the Los Lunas police department has been faced with the ongoing shortage of officers this happened in a community that had the necessary infrastructure in place. Imagine what would happen in a

community such as ours that has none of that we don't even know what types of industries we are considering in inviting into our community and yet it is still our community. But what kind of box might be open if the choice is made to deal with a developer who is unwilling to disclose anything. What is it that is being hidden behind their proposed buffer zone of trees that are going to be so close to a residential property and why are we willing to consider doing business with any developer that is not then 100 percent transparent. Others have spoken of the detrimental effect on our environment and I stand in agreement with them and I will also remind you of that adverse effect that it would have on us all but mostly the medically fragile among us. Ladies and gentlemen look at the faces in the audience these are the faces of our neighbors we are your community please remember the task at hand is to make a recommendation that is in the best interest of Rio Communities and the of the mayor and City Council is to make a decision that is in the best interest of the residents they were elected by and sworn to represent. It is abundantly clear that the people of Rio Communities are opposed to this proposed rezoning there for the only right choice is to return a no vote on this matter. Thank you.

- ❖ Robert Kaneshiro I live on El Mundo; Helen is my neighbor and we have been watching them put up the fences and stuff for the industrial zone and is really close to our home. I am opposed to the industrial zone because it is right in my front yard I have to look at that every day and it is going to bring down our property value. You know Mr. Yates said we won't allow these types of business to come in they won't sell to them so my recommendation is why don't you change the language of the industrial zone to phase out any type of petroleum, liquid petroleum, gas bulk plants, heavy manufacturing, facilities with the production of oil natural oil gas or geothermal resources of another hydrocarbons are hazardous to our health. Look what happened in Ohio the railroad told us it was safe nothing is going to happen and boom what happened. They had a spill. A month ago Mesa Oil made that release up here on the hill that is just south to me to and nobody knew anything right the fire department didn't know how to respond obviously there is no response plan that is required by the EPA the nearest EPA monitoring sight close to us is in Los Lunas so what type of spill or discharge would it take before they are able to monitor it. We are not located in a proper place to have these kinds of industries we have the industrial zone south of us build on the East side of it. The Yates they own 7,000 acres in this area they have plenty of room to build that isn't right next door to homes that will bring down our properties. Turn down this zoning proposal.
- ❖ Jeff Zongora Ben Hogan Loop; For the life of me I cannot understand why anyone would go along with putting a heavy industrial area in our beautiful neighborhood. There is so much open land it is crazy to even think of this. You want to talk about buying local or doing local business if we want to go to a decent grocery store, we have to go to Los Lunas we could use a great grocery store there is so much that we need here we do not need heavy industry. As far as his mentioning if it is zoned here would be able to have it so they could put in the fuel for the company to fuel their own vehicles that means there is going to be so much traffic. Go to UPS and watch them leave in the morning it is a solid stream as far as you can see and that is what is going to happen here. I can only say I hope common sense is common. Thank you.
- ❖ Tom Lee; One thing he wants to do is do an industrial park well I looked online and in the Rio Communities industrial park there are currently 11 unused parcels 178.94 acres why do we need more of something that is not selling neither went out of business and so did Solo cup so we don't need more of the same thing that is not working. There was a claim in the January 26th new bulletin I wasn't at that meeting but it says the zone changed is approved Yates said the

Company plans to build new east west roads through the property to connect the two highway and try to ease some of the heavy semi-truck traffic from city streets. Really. That is absolutely ridiculous you go up 304 or you go up to 47 into Rio Communities it doesn't solve anything. They still have to go through Belen though River Road to get to the Highway i25. Another comment was we are hoping to work with the city to annex the existing industrial park and add to the 300 acers if it is rezoned that would make it the second biggest industrial park in New Mexico. It took me five minutes on the Valencia County assessor's website to look at that area where the railroad goes underneath i25 that is called the Belen industrial park if you don't know what it is and here is some acreages that I found 756, 585, 500, 364, 414, 598 those are single parcels. If a company like amazon or a company like that is going to come in they will want a big continuous piece not a piece that makes a L shape right next to a residential area in addition I looked at Los Lunas and again the Valencia County website didn't take but five minutes there is 738 acer parcel that is only have uses 474 parcel which is not used both of those industrial parks are next to the railroad and to I25. Both are within the incorporated area of Belen and Los Lunas. I live on a Ranch South East of here, but I own a property on Arnold Palmer and one on Pueblo Nuevo. My in laws live on Arnold Palmer I don't want heavy industrial here. I lived in Burbank where I sold real estate and I can tell you horror stories about things like Raytheon and places like that. If you want to smell, go down 47 by the dairy you can smell if a mile away. Vote no.

- ❖ Theresa Smith De Cherif 2424 Highway 47; Thank you Mr. Chairman and members of the Rio Communities Planning and Zoning commission. I am the vice chair of the Valencia soil and water conservation district. I have colleagues here with me Pam Cordova, Dwana Driscivage and the gentleman that gave you a copier of the letter is our District Director Andrew Housesinger. Our soil and water conservation district stands for counties all of Valencia County, all of Isleta Pueblo most of Laguna Pueblo and the northern part of Socorro County. We as a district enjoy very cordial relations that are mutual beneficial in this working relationship with the City of Rio Communities, so it is a pleasure to come to you today and bring some information and questions to the table. Under New Mexico statue our district is charged with specific duties including but not limited to the conservation of natural resources and the promotion of the health, safety and the general welfare of the public. Accordingly, it is appropriate for our district to offer advice and council today, and may I say we just met as a board on Monday and unanimously approved the letter that I have submitted to the record and the comments I will be making today. It is very rare that the Valencia water and soil district does such a thing, but we are an interested party for the reasons I have just mentioned but also because we have property that is very much an assist to this community mainly our Rio Abajo conservation area which is right across the street from the property in review across from 304. We believe as a board that the zone changes to heavy industry coming before you today is a matter of great complexity requiring consultation and bedding the bosque forest which is a unique resource to this State and to our area is the closest part of that is our Rio Abajo conservation area which is you Rio Abajo conservation area. Is the City of Rio Communities Fire Department trained to deal with fire that can be potentially caused by vital chemicals or other matters of I3 materials that can be stored on the property. Is the City of Rio Communities able to measure or monitor the effect on air quality to detect gas leaks. Member of our board who are specialist in their area can answer you no because this is work that is normally forwarded to the environmental protection agency and there is no EPA monitoring site within Valencia County there for there will be no way if you move this to I3 to actually have standers that are

measurable to which parties that can be held accountable. Is the City of Rio Communities prepared to deal with potential leakages of hazardous chemicals or waste into the aquifer or to the Rio Grande itself. Can the City of Rio Communities afford clean up and restoration or does it realize it could possibly be declared as super fund site by the EPA if something terrible should happen. Can the City of Rio Communities the County or the State enforce existing environmental regulations. Is the city of Rio Communities aware that there are significant archaeological and cultural resources that are Native American going back a thousand years surrounding the acreage that is proposed zoning change and likely to be found within it the chances are very high. I have proof that there are cultural resources this an inventory done by the New Mexico Game and Fish by their archaeologist that will tell you that in our property across 304 and the property next to us that there are significant native American ruins dating back a thousand years. So, we believe as a board that the Planning and Zoning don't decide on a zone change without consultation and appropriate parties including our district and others, we believe an environmental impact study and a class 3 archaeological survey be completed before any zone change is permitted. We believe that the City of Rio Communities must consult directly with the tribal nations that have interest and that are represented on our board including the Pueblo of Isleta and the Pueblo of Laguna also the Navajo nation. The Valencia of Soil and Water Conservation stand ready in this and in all matters related to the conservation of natural resources and the promotion of the quality of life in our district.

- ❖ Magda Avila I am a resident of the mountain view community of the South Valley; I am here to fully support Rio Communities in the request for a no vote. Today through my public testimony I wish to address the following Policy re: Planning and Zoning Cibola Land Corporation application to re-zone Planned Development to Commercial 3 zone and Industrial Zone. I am a public health researcher and community health expert at the University of New Mexico, Transdisciplinary Research Center for Equity and Engagement. As a Mountain View Resident from Albuquerque's South Valley and in unity and collaboration with Rio Communities we are asking and requesting that the commission DENY Cibola's Land Corporation's request to change 39 acres to Commercial 3 and 3 zoning and 252 acres to industrial 3 zoning policy. Say no to the Cibola's Industry 500 acre Mega Industrial Complex in the Rio Communities. Mt View request the denial based on evidenced based studies which show a link with industrial contaminants and culmination of potential heavy industry health impacts on our community over the years. Rural communities with high concentrations of people of color (Latino, Black/African American, Native Americans and Asians) are a testament for becoming the dumping grounds for industrial complexes that spew contaminants into our air, water and food. Cities and higher income communities unite under powerful stakeholders and say "Not in our back yard" known as NIMBYism; and it gets shuttled to more vulnerable communities whose leaders/policymakers are desperate for economic investment. Vulnerable communities get sacrificed for economic investment such as Rio Communities, that brings nothing but toxic poisoning to those who live in the frontlines of such industry. For Communities of Color There is case after case that one could go through, just look at what is currently happening at East Palestine, Ohio with the recent train wreck that has released so much toxic poisoning. Local communities especially in rural New Mexico are at the nexus of intersecting negative effects, disinvested rural environments that can and do contribute to health inequity via physical and social environmental exposures, resulting in extensive social, socioeconomic status and racial

injustices. A classic document called The Cerrell Report (1980's) was written by industry consultants in California) and it revealed that "poor, vulnerable, minority communities and even those who were highly catholic minority communities" were the best to target for building toxic producing industrial development because they were the most powerless and vulnerable and least likely to oppose due to lack of power. This report was written by professional consultants in the industry with unlimited financial resources, The neighborhood community of Mountain View in Bernalillo County has dealt with challenge after challenge of being a dumping ground of toxic industry including storage tanks for major fuel distributors, large and small wrecking yards, hazardous railyard shipments and toxic leaks and many other sources of ground and air contaminants. In the 60's we had what is known as the "Blue Baby Syndrome", babies dying of high levels of nitrate poisoning (plumes) from contaminated water draining down from Kirkland Airforce Base. We, as a community are still suffering from continued toxic environmental exposures to this day and working hard to defeat and diminish levels of toxic industrial developments including the most recent proposed New Mexico Terminal Services proposed asphalt batch plant, which was denied a permit to operate in our community just last week. As a policy planning and zoning body for the Rio Communities it is critical you become informed and know that: Understanding and effectively addressing persistent health disparities in vulnerable communities like the Rio Communities requires a clear picture of our concerns and priorities and how we define our environment and our perceptions of environmental exposures affecting our health and there are more than sufficient evidenced based studies to support this. Non-Green industry is bad for us. Proximity to industrial facilities may and do influence health outcomes related to cumulative toxic outcomes. Rural Communities, like Rio Communities may and do experience more exposures due to non-green industry. There are many studies which provide evidence of this starting with the classic 1987 Toxic, Waste and Race in the United States (Lee, C.) There is an important distinction between disparities in health outcomes associated with other causes (such as heavy industry) and differences in degrees of toxic exposure. Rio Communities are being unfairly targeted and will carry the burden of heavy industry in terms of chronic illness, disease and respiratory problems. Our children cannot be guaranteed a healthy and prosperous future. The silent killer of our communities will be inhaling the air from heavy industry which will result in worse health like asthma, allergies sinus issues lung disease and cancers in communities with major disparities in health care. Regardless of where the plants (industry) are located we will be the downstream recipients of what we can or cannot see. This is not development, but it is Industrial genocide. Exposure to toxic industry can result in short-term health consequences but also long term which can take years to reveal themselves but all the while decreasing our quality of life. Water use. How much water use will this industrial complex use and its potential contamination to ground water. In today's current situation water is a resource that is already scarce due to drought circumstances and when you add toxic ground level contaminants which will leak into drinking water and river sources you are creating catastrophic conditions for the Rio Communities. This is what is referred to as being part of the downstream river of risk communities. Four Intersecting Crisis: Structural Racism, Selective Siting of Polluting Industry, Climate Change and Chronic Disease all set up the perfect storm of ill health and no benefits for the Rio Communities. Protecting people from harm caused by nearby heavy industry in their

lived environments is an old and almost forgotten goal of city planning. Industrial pollution is a serious source of concern for Rio Residents because of the domino and cumulative effect it will have on our health and quality of lives. Heavy Industry and its industrial uses are a heavy and serious source of distress that will impact us 24/7. Heavy Industry poses “involuntary exposures” which is one of the largest health inequities of our time. Rio Communities are vulnerable communities and because of the high poverty rate and highly Hispanic (Minority) community we are also “extremely vulnerable” in being viewed by our own zoning and planning makers as “the dumping ground” to increase economic opportunities, opportunities which are exacerbated by structural issues such as systematic racism which are actually part of historical social injustices that include neighborhood disinvestments and poor socially built neighborhood environments. Heavy Industry does not benefit us in any way but digs deeply into our lives and diminishes them. We will be the victims of the silent killer which is toxic daily living. Do not vote or support in favor of heavy industry. DENY Cibola’s Land Corporation’s request to change 39 acres to Commercial 3 and 3 zoning and 252 acres to industrial 3 zoning policy. Say no to the Cibola’s Industry 500 acre Mega Industrial Complex in the Rio Communities. There are healthier land use zoning and planning alternatives, open your minds for policy that doesn’t systematically kill the very communities you are proposing to help just because they are poor and vulnerable.

- ❖ Kathleen Mccord I am a resident of Valencia County; just a few miles north of Rio Communities. First, here are a few excerpts from the Rio Communities Zoning Code (ORDINANCE 2021-76):4-1-2 PURPOSE ...the intent and purpose of [the Rio Communities] Zoning Code is to encourage the most appropriate use of land throughout the City of Rio Communities’ jurisdiction by establishing conditions that stimulate a climate for balanced and harmonious development that best preserves the general health, welfare, safety and order and promotes prosperity that is efficient and economically viable to all residents. Preservation of the character of current and future planned neighborhoods is also a goal of this ordinance. 4-1-6 SUMMARY A. [“All property within Rio Communities shall be divided into zoned districts in accordance with their construction, fitness, nature, and intended use. To preserve the character, stability, orderly growth and development and the general welfare for all residents within the City... D. Ultimately, ... this Zoning Code shall strive to: 2. Secure the public safety from fire, panic and other dangers; 3. Promote health and general welfare; Here is the defined purpose of the Heavy Industrial (I-3) zone that Cibola Land Holdings is requesting: 4-3-10 HEAVY INDUSTRIAL (I-3) A. I-3 Purpose 1. An I-3 District is intended to accommodate a wide variety of heavy manufacturing, commercial, processing, storage, packaging, compounding and wholesaling and distribution operations with no limit on size. The RC application for a zone change requests the following information: Explain how the intended use of the property will correspond with the proposed zoning. (Attach additional documents if needed) The application submitted by Mr. Yates of Cibola Land Holdings provides this explanation in just 9 words: *We intend to bring in industrial and commercial development.* In other words, the applicant provides no specifics about the intended uses for this property as Heavy Industrial land, but simply says “If you RE-ZONE it, they will come. “But who are “They,” these “industrial development” entities? I googled “What is Heavy Industry,” and this is what I found on the website Investopedia: Heavy industry relates to a type of business that typically carries a high capital cost (capital-intensive), high barriers to entry, and low transportability. The term “heavy” refers to the fact that the

items produced by "heavy industry" used to be products such as iron, coal, oil, ships, etc. Today, the reference also refers to industries that disrupt the environment in the form of pollution, deforestation, etc. So, the Rio Communities P&Z Commission, and possibly later the City Council, are being asked to approve rezoning 262 acres of land adjacent to hundreds of homes for unknown, unspecified "industries that disrupt the environment in the form of pollution, etc." This is what my grandmother called "a pig in a poke" – you are being asked to make a very significant decision that will affect the lives and livelihoods of thousands of people, and you have no idea what bill of goods you would be approving. Mr. Yates' proposal for "Industrial and commercial development" says nothing about the commitment you would be making for the entire community. Your city website says: "The City of Rio Communities is a progressive community with a diverse history and culture that is striving for a clean, safe and productive city through dedicated leadership. The City will partner with citizens and businesses to make this a quality community of choice for living, working and leisure activities." How does approving, carte blanche, "industries that disrupt the environment in the form of pollution, etc." fit into this picture of who you say you are? The city's website also says, "The population is nearly 5,000 within the city limits and there are nearly 45,000 New Mexicans within a 15-mile radius" (although I don't know how old this information is). Some of us here today are from those nearly 45,000 New Mexicans. All the people of Valencia County are affected by what happens in Rio Communities, because we ALL breathe the air, and we ALL depend on uncontaminated water from the aquifer that is right under our feet to sustain our lives and livelihoods. When the wind is from the south – as recently happened with the still unsolved noxious fumes presumably from Mesa Oil – it affects everyone to the north; the winds carrying noxious and toxic substances won't magically stop at the municipal boundaries of Rio Communities. Everyone who is downwind of the proposed Heavy Industry area – regardless of the way the wind blows – will be negatively impacted by noxious and toxic air pollution. And everyone who is downhill of the proposed Heavy Industry (industries that disrupt the environment in the form of pollution, etc.) is at risk of industrial contamination of the aquifer. Like the vast majority of people at the Public Hearing today, I ask that you take into account all of the testimony of these people who will be irrevocably impacted by your decision regarding this rezoning, and that you resoundingly vote NO to rezoning this land for Heavy Industry.

- ❖ Chairman Scroggins requested a short recess.
- ❖ Motion made by Secretary Good, Seconded by Member Benavidez. With a unanimous vote the commission took a short recess at 6:44pm.
- ❖ Motion made by Secretary Good to continue the Public Hearing seconded by Member Benavidez. With a unanimous vote the commission continued the Public Hearing at 7:02pm.
- ❖ Chairman Scroggins explained that there are still 36 names on the list and that they are going to limit the time to 2 min per person to speak the public denied the time limit. The commission decided to call up 5 names at a time and have them at the podium and ready to speak.
- ❖ Chairman Scroggins called Anni Hanna, Xavier Barraza, Paula Castillo, Patricia and Wayne Ciccotelli.
- ❖ Anni Hanna; No address given. I am a member of the Valencia Water Watchers and the letters in the public comments are very important and they need to be considered. One is from the Pueblo of Isleta, and I want to quote the letter on public comments from the Governor of Isleta. The areas in and around Rio Communities are the lands where our ancestors lived, worked, worshiped, played, and engaged in all the activities for life for centuries, and so adjacent lands have historical and cultural significance to us. Our members, who mostly live on and near the

Pueblo, continue to engage in traditional lifeways on and near the Pueblo, including gathering of traditional medicine and ceremonies. So it is of upmost importance that the Pueblo be informed of high level before any decisions are made regarding this. The second letter I want to bring to your attention is from Wildlife Guardians submitted today and these are experts in wildland population and water. The I-3 zoning would allow for the development of a wide variety of heavily polluting industries that would threaten nearby communities in any number of ways. Such a zoning change would inevitably expose nearby residents to quality-of-life impacts including increased noise and light pollution, foul and offensive smells, and increased truck traffic. Even more concerning are the toxic air pollutants that are brought by heavy industry, such as asphalt plants, bulk petroleum storage, or oil and gas production facilities. I want to push back on the narrative of that what Mr. Yates is bringing into this that he would say, or we are not doing bulk storage or petroleum things this is I3 so that allows for those things. I do not see a legal path to where he can say he is not going to be doing that. If for anyone who has been to Carlsbad or Artesia as soon as you go through those towns, you can smell the smell you can feel it in your eyes because it stings that is the type of industries that are going to be causing that type of pollution here. It is unconscionable to think of allowing this type of industrial development mere feet from existing residential neighborhoods. With parts of Valencia County already experiencing elevated ozone pollution levels nearing federal standards, opening the door to additional polluting industry will exacerbate a serious air pollution problem, and simply makes no sense. They also refer to the train disaster in Ohio with reports of toxic contaminants in the Ohio river killing thousands of fish and threatening water supplies for millions of people downstream. We live in a shared water shed and a shared air shed so I am speaking as a mother I would not want this to go up south somewhere or out there. These are all industries that are going to impact aquifer that we all share and the river which is only 2/3 of a mile beneath us.

- ❖ Xavier Barraza; No address given. I work at the Los Adinos institute and the environmental justice team. you may have heard of us we recently with some work that we are doing we have a strategic plan that looks at these issues that are being put before you from the contacts of natural and cultural resource management 600ft is more like 6 miles when we are talking about risk management plan when we are talking about I3 recommendation is 6 miles. That is 30,000 ft. over 30 1000 football fields that is EPA risk management plan recommendation. That you get a notice if you are 6 miles with in that area. Dr. Avila is very humble she didn't mention she was a Doctor. She lives in Mountain View that is where Valle Oro is located we have 40 plus EPA permitted to pollute facilities we are an environmental justice site see community. We have two super fund sites which should not be off the national priority list, and I'll tell you what we are advocacy in our city to get the dirty industry out and we are looking for places like this and we don't want them in our back yard as the city of Albuquerque so I am not sure why you would want them in yours. Not that manufacturing industries are not necessary, but they have been over looked and has been deregulated since the 90's especially since the 70's and it is unacceptable I understand that we need that but this isn't it. This is what major cities are moving away from not towards. They are trying to clean their cities up from industries like this. So the last thing I will say is who is going to manage the waste water you are your public tax dollars. Where are the heavy metals arsenic hydrofluorocarbons going to go in your water facility you are going to cover the taxes. We are going to subsidize the building and those roads we are going to subsidize the infrastructure that's what we do we build cities that's what people do industries do not help with that they allot cities look at Detroit look at the South look

at Louisiana look at Louie Ville Kentucky look all across the nation of what this leads to because of poor oversight and 0 percent staff at EPA. EPA is understaffed by 90 percent that is the current staff. There isn't much today I am surprised we are looking at it, there is a lot you can do with this area there is a lot of open land and open space and growing food and having healthy food and local economies and I hope you get this dirty laundry off your desk so you can get some cool and exciting stuff on your desk. We are ready to work you have a lot of opportunity and I3 is not one of them.

- ❖ Paula Castillo left.
- ❖ Patricia Cicitelli 659 Frederico; I moved her a couple of years ago right where they are going to rezone. It has been two years and we love the Community, we walk our dogs in the area where they are going to rezone and we thought man there is neat place for us to walk our dogs we have a walking path there four wheelers use it, it is just kind of a fun place and they are fencing off right where we walk I know it is being selfish for me but it is a lot of our community a lot of our neighborhood they use those paths and we don't want to walk around heavy industry.
- ❖ Marsha Walton left.
- ❖ Nicole Maestas Olivinch; I live in district 2 and I stand in from of you wearing many hats I am the CD2 chair of the environmental justice Caucus a first time mother of a five month old child and finally a disabled veteran of OIF who was exposed to inviable and environmental toxins, 12 hours a day during my deployment in early 2004. Today I remind you we are all interconnected. Potential contamination, air pollution, water pollution, we share no matter your location in New Mexico. This is called cumulative impacts. There is no invisible buffer zone that protects air and water. It knows no boundary. Rezoning like this puts us all at risk. It puts our culture at risk, our farms at risk, it puts our families at risk and water which is life at risk. Not to mention it literally puts the cart before the horse. While I always appreciate New Mexico being open for business, I cannot help but to notice external forces coming into New Mexico for exploitive, explorative, and polluting business. It is so problematic that we continue to allow this it is to the point to where our federal government is considering using New Mexico as a nuclear waste storage dump. What does this have to do with today. It's the continual opportunities we keep giving via rezoning on a micro level that has macro level government looking at New Mexico as if we are a parking lot for some of the worst polluting industrial development projects. Not being to go into specifics on what or who will have access to these rezoned areas. The level of water potentially needed in a water resource scarce state is shocking. Attracting business is one thing but turning protected zoned areas into heavy industrial zones for unknown business does not inspire trust. Our communities deserve better. New Mexico deserves better. And on behalf of the environmental justice caucus, a disabled veteran, who earned her disability serving our country downwind of environmental toxins and on behalf of future generations, I humbly ask you to vote no on considering this rezoning request. Thank you.
- ❖ Ron Heronimous 837 Lee Trevino; I think you know our wishes I think the people have made their opinions known and I am with them I would vote NO and hope you would also. Thank you.
- ❖ Wendy Montoya left.
- ❖ Kuina Tikain 407 Maddox Loop; I use to be the Chair of economic development of Rio Communities. Me reading the comprehensive plan in preparation for today I realize how far as a community we have come in the last ten years. We have really made a lot of progress and how much good has been accomplished and I would like you to please adhere to the

comprehensive plan in the decisions facing us with this proposal. So, the comprehensive plan is a guide for the decisions for the Rio Communities government and basically it ask for use to consider the general health and safety and general welfare of the community in making decisions and the vision statement says you will foster an informed city and be responsible to all residents young and old in planning a safe and esthetic community. So my request is you table the vote on Yates request as it affects all the residents in Rio Communities and all residents need to be informed and in the comprehensive plan it says all the people need make a vote on that I would like all the citizens of Rio Communities to have a say in this because we will all be affected by this and I would like you to take that to the council and consider to have a survey done for all the citizens in Rio Communities right now if you make a vote and I don't envy the two new commissioners this is a baptism by fire for you to join the commission at this time. Right now, three of you can make a vote. If you vote in favor of this tonight, you are responsible to answer to us on the following. How the Yates proposal will promote health and safety needs of the residents how is heavy industrial manufacturing going to promote the health of our residents and how the esthetics of our community are at hand by I3 heavy manufacturing and how you will compensate property owners of the home if their property goes down in value when it is your responsibility to promote increased property value and sustained growth as per the comprehensive plan and then commissioners how can you justify your decision as being responsible to all residents when the majority of the residents who have spoken are in opposition to this proposal. So those are things you need to be accountable to us in terms of answering. Lastly as a former member of Rio Communities I know the increased number of residential homes need to attract residential businesses like grocery stores drug stores or health clinics a yes vote will give us less land for new developed homes and decrease the current home value and less opportunity for retail business that people want.

- ❖ John Lemon 102 El Mundo; I am a five-year resident of Rio Communities it is unfortunate to hear this zoning change. Living on El Mundo with nothing but open Mesa, mountains has brought a peaceful time to many of our residents. Zone 3 changes are not what any residents want to have. Zone 3 changes won't not bring any economic development to Rio Communities not any that a citizen can contribute to. Monday of this week fence post started going up. I live 82 yards from the proposed industrial park our property line is closer to that as I give or I am about to give up my peaceful nights, clean air and water and property value. There is no infrastructure to handle zone 3 I do not want to see truck and machines running at all hours, spotlights, junk cars, storage facilities on property that is used for walking and nature. What happens when the bulldozers come every critter, snakes, spiders, scorpions mouse will head north to our properties a rodent infestation that we would like to avoid. Broadway is not welcome here I believe it will bring a criminal element to our residents and this and more. I ask all of you to not give in to this corruption and greed vote no. Thank you.
- ❖ Linda Gwenly 2729 Highway 47; I live in Adilino about 5 miles north of Rio Communities. I would like to read a letter into the record from Dr. William F Orr. Dr. Orr earned a bachelor's from Stanford in 1968 and his MD from two-lane in 1972 and has practiced in Albuquerque for over 20 years he just can't be here tonight. "I am a medical and I want to eco and expand on the excellent letter sent to you by Doctor Tometi from last meeting. Raising very important concerns regarding Cibola Lands request to changing 262 acers to industrial 3. He outlines very well the risk posed to the affected areas of Rio Communities by the numerus toxin, gasses, carbon monoxide, nitrogen oxide, volcanic, volatile organic compound, sulfur oxide, and chemicals such as led, mercury, PCBs and chlorocarbons that will be released into the air and

ground these risk are substantiated by studied and other communities with similar exposers I am a geriatrician so those who have survived these types of exposure to reach 65 were affected with long term damage such as chronic lung diseases and various malletiers and in addition much of my work were with individuals who were on Medicaid so were economically disadvantage when need to continue to pay attention to social equality so the environmentally damaging industries are not placed in poor communities without considering the long term consequences to that resident population economic development is important however a approval will require these projects has stringent environmental controls to ensure the long term safety of the community I urge you to give this request very careful scrutiny and close attention to Cibola Land Corp. plan for control of these toxic materials to eliminate this risk or to deny the application without appropriate safe guards. I appreciate your attention.”

- ❖ Detra Valasics 1946 Pancan Dr. LL; I am a Valencia Water Watcher I am here on behalf of Ann Mc Cartney to read a letter that she has put into the record Ann Mc Cartney is a resident of Belen at 44 Trueno Loop. Honorable Chairman Scoggins, Vice Chair Fernandez, Secretary Good, Member Adair, Member Rubin. Regarding the Cibola Land Corp. rezoning request to C3 and I3. Dear Planning and zoning commissioners. Thank you for the work you do on behalf of Rio Communities. I have lived in Tierra Grande since 2004 and in Valencia County since 1977. I am writing to request that you deny the request from Cibola Land Corp. to bring heavy industrial zoning to our area. Such zone is not the best interest of Rio Communities and those of us who are near neighbors. Heavy industrial would impact the existing residential areas and would easily and likely impact the drinking water for Rio Communities. According to environmental geologist Dennis McQuillan, who has worked in Valencia County on water protection issues, and whose resume is attached to written comments submitted, the proposed site. 1. Is in an area of shallow ground water that is highly vulnerable to pollution. 2. Within a two-mile Source Water Protection Zone for the Rio Communities drinking water well #2 and the Rio Communities Industrial park public water supply well #4. We all depend on water. The applicants want to subject 262 acers to industrial process, which can include chemical and petroleum storage tanks which have a high probability of using and negatively impacting your water source and air quality. The types of uses allowed in an I3 zone are not compatible with supporting your current residents and once let the “tiger loose” with I3 zoning, the city councilors lose control over what industry comes in. At the first public hearing on January 19,2023, on the proposed zone change, former legislator, Valencia County Commissioner and Rio Communities resident Ron Gentry, spoke from experience. He said if you zone for I3, Rio Communities loses control of denying potentially very hazardous and noxious heavy industry. As Mr. Gentry said once you say yes to heavy industry, you have already said yes when it comes to a special use permit. Mr. Gentry said “if you plan for I3 you can’t deny an I3 use, and you are liable. Who is going to oversight? What engineering company is going to be on them? Where is our EPA department?” Mr. Gentry said: “I don’t think we are ready for it. Belen has I3 five miles south of town. We have one two miles south of town. Se now we want to bring it to our back doorstep?” As Mr. Gentry said, as commissioners you must think about the long-term impacts and the authority and that Rio Communities does not have the capacity to oversee or stop damaging heavy industrial uses and violations once you vote for I3 zoning for this huge parcel surrounding your residential neighbors. Please protect your drinking water, the river, and your residents. Listen to what you will let loose and inflect on your community if you say yes to heavy industry. Vote NO on the requested zone changes.

- ❖ Dick Irvine 607 Western Dr.; We moved here a little less than 2 years ago I am a 82 year old veteran and I got to tell if you approve this I say bye, bye I didn't come here for industry running ramped and I listened to what the gentleman said he didn't say anything he talked about facebook , amazon they are just up the road already in Los Lunas I come from a little town in Michigan when we moved here that probably has less then half of the population that you have here and yet we had more going for us then what you have here. You know why we had infostructure now Monday at the council meeting a very wise man who sits over yonder mention the need for infrastructure you got get households in here. No industry is going to come into something that has less of 5,000 population. I owned a little store in that little old town and if I was looking to move here, I would look at the population. I would look at your annual growth of rate 7.4% and your household income isn't all that high and your average age. Planning and Zoning should be addressing those issues with the wise man over yonder who says we need infostructure. You can't get a business in here without a household and the population that you need. This gentleman didn't present anything. What you have tonight is a lot of restless natives pay attention and say No.
- ❖ Monique Marquez 309 Godfrey; I am here to talk about I3. So Onward energy. Do you know what that is. It is the power generating station that is currently here in our industrial zone that has a registered agent of Mr. Harvey Yates. Mr. Yates mentioned a turbine company is coming in. Onward energy of solar wind and gas this commission and the city council of Rio Communities has already approved Solar, and we now know thanks to Mr. Yates wind is coming in what is next gas. Second point another planet heard from. What does that mean. We would like to know also. Recently city officials have made comments of anti-zoning companies of being outsiders people coming in that are not from here or that there is 30 people against it. Based on today's showing there is more than 30 of us. Mr. Scroggins had an email response to Mrs. Adair to a concerned citizens email in that email it says another planet what does that mean. Is this how our appointed officials should be responding to concerns. We have people from all over the county and within the city and the city responses are being pro trade that it is not us that we are not the ones who are concerned I3 zoning is a city and county concern look around you those of us that are concerned are not from another planet and neither are you. We are your neighbors we all drink from the same well we all drive on the same streets and if this zoning passes, we are all going to face the same health hazards.
- ❖ Darrell Kingsly 463 Bishop Ct.; Some of the points we have to think about we have a 2-man police force in the running. We have a police chief and someone to help him in the running. The concept goes if you have a commercial 3 and industrial 3 area everything goes to pot all at once. You get a bunch of kids that go over there and start wreaking havoc what is going to take your 2 people to go take care if that situation that is going to leave the rest of us in the oh shucks mode. I am going to invest in a dog this tall and teach him how to eat if that is what I have to do that. I don't want to do that to a dog. How long is it going to take to have a response from the sheriff department basically I have deputies tell me this it is going to take 30 minutes or longer to get over here because we only have x amount of people on at a time. I am not going to have 30min of can you wait a few. Second if you haven't noticed we live in a dessert water is scarce if you put in a I3 water is a commodity that is needed in the industry and the commercial operation we don't have a lot. This concept of drilling wells you are sucking water out of the ground that we don't have. Know Mr. Yates I appreciate your presentation I have nothing against you personally or your company. I have put 25 years in the army and other organizations and a lot of years in the industry. What I am hearing is we are the government

and we are here to help. I am sorry I am not real comfortable with that position I would rather recommend tabling this I would recommend voting no personally but that is up to you all and you all have to answer for it.

- ❖ Ross Harms 1611 Brown Dr.; I have lived there for 17 years. Rio Communities ordinance 2021-76 chapter 04 zoning code passed January 21 you guys know this you lied this you are planning and zoning. Someone has already read you the intent and purpose of the zoning code is to encourage the most appropriate use of land throughout the city and then it goes on to say the best preserve the general health welfare safety and order and promotes prosperity that is efficient and economically liable to all the residents. I am not going to lecture you guys in all this I want to go on to the heavy industrial part and it does say, uses shall be constructed and operated to ensure that there is no excessive noise vibrating smoke dust or any particulate matter toxins or noxious matter, humidity heat or glare at or beyond any lot line on any parcel on which it is located how are you going to control that. I won't go any farther on that because what I heard earlier was rather you recommend it or not it still has to go in front of the City Council. I used to come in here and sit at the workshops and sit in the meetings at night I know Peggy, Josh and Lawrence they are all good people they want to do the right thing. I'm sure you want to do the right thing you don't have a choice here you are sitting here with a hot potato and your just going to get this monkey off your back because rather or not you recommend it or not it is going to go to the city council. The city manager just said we are going to go through all this again. You know what Dr. Moore I worked for the city for 17 months I vacuumed your carpet and I have emptied your trash and thank you for trash.
- ❖ Brenda Sanchez 19 Victoria St.; Earlier I guess you are the Chairman and when you said you people you represent us and that was very disrespectful. Mr. Yates you have a business to run, and it is clearly that Rio Communities and Valencia County but we are not ready for that. I live south by Mesa Oil and the smell that everyone smelt a few weeks ago I have been smelling it for over a year and that is your business over there. I don't know where the rest of you live but that's all you smell 5 days out of the week you can almost taste it and that isn't an exaggeration. I have called the planning and zoning before I have spoken to Mesa Oil, they said it was some place out of California that is burning their oil so when they had this thinking it was New Mexico gas leak it was not. It was from there supposedly the fire department went to check it out they said the burner was dry of course they quit burning the wind just happened to be blowing this way that's what happened, and if that is what Mr. Yates business let's take care of that first they didn't even know where it was coming from. I can't even believe that this would happen that you would want more look at the industrial park that is there we can't even handle that, and the City is going to handle something like this if we have two officers, how many firemen what we are going to do. The people from California that had this plant they said they were going to upgrade it they shut down for a few days I talked to the guy from Valencia County air protection they brought it back they had an explosion. Thank God nobody died but there they are burning again.
- ❖ Elizabeth Discherry; I wear a couple of hats to one of my hats one of my hats is I am the Director and founder of Valencia Wildlife Conservation Advocacy Southwest. It is based here in Valencia County we advocate for unprotected species, species for which there are no bag limits, native species, plants, animals, and habitats. It is a passion near and dear to my heart I recognize some of the people I volunteer with, and I am proud to say a I am a master naturalist with Whitfield Rio Bajo. I volunteer with all kinds of projects. One project I have been working on is Native species here in New Mexico and I think it is interesting for you to know how many

Native species we have here in Valencia County I am pretty surprised. This information comes from the Beata information system New Mexico which is managed by New Mexico Game and Fish. We have here in Valencia county 516 different species I am not going to read off all 516 but I will say we have 72 mammals we have 192 birds, 32 dragon fly's I think is amazing, we have 43 different reptiles, we have many, many different kinds of insects so I won't name them all we have fish and butterflies and all of use enjoy these animals a great deal sadly we also have 45 species that are listed as conservation concern. I am going to tell you about the species of greatest conservation need and federally protected species and species that are threatened and endangered and they are all right here and I am not going to list them all but they are from the bat, to the yellow bill coco to the broad bill humming bird to the bald eagle, the common black hawk the Mexican spotted Owl, paragon falcon the Southwestern willow fly catcher and of course the silver minnow and some smaller animals including the mellow jumping mouse. But all of t hem are special they all need this environment they have been here for 100s if not thousands of years all these animals are in need of our protection and I hope you will all understand when they talk about the railroad they want the railroad I go back to what they said about Ohio about what the person in Mountain View said and go back to the importance of the railroad is and look at what they want to do it doesn't take a rocket science to figure out this trouble is going to go far and wide. Thank you.

- ❖ Tom Nelson 309 Recodo; A comprehensive plan expresses the community value and preferences, so commissions ask your self's does this request sub stand to the comprehensive plan and is not judgmental to the health, safety, and general welfare of the citizens of Rio Communities I am a veteran a prostate cancer survivor from toxic chemical say NO.
- ❖ Jerimiah Linscott; According to article 20 section 21 of New Mexico Constitution this governing body duty is the protection the environment as in fundamental important to public interest. Yet in May of 2022 the Valencia County Commissioner decided to ease oil and gas regulations. Article 20 section one of New Mexico Constitution the commissioner has to swear an oath to their duties to as outlined by the Constitution. Did you know article 10 section 9 authorizes the recall of all government officials in the State of New Mexico NM staff 41-40-3 authorizes the recovery of damages for violating our rights. How about the fact that this is the second hearing meant to cover up the failures of this official body follow its own stated rules. This hearing should not exist and is in fact unconstitutional. If you don't believe me listen to the court Nesbic in the city of Albuquerque which held that failing to follow statutory procedures in the proclamation of zoning ordinances due process was violated and no subsequent act could correct the defect yet here we are. After violating oaths of office after violating statutory rules after being informed of these violations after attempting to cover it up by sending late mail to select homes in the area after scheduling a second hearing to cover up everything just stated this in now a willful violation of oath of office. Which brings us to a problem here see the state of New Mexico is no stranger to corruption and this looks like at the least a attempt to defraud the United States government. If two or more persons conspire either to commit any offense against the United States or defraud the Unites States or any agency in any manner or purpose **housebeangle to for the purpose of impairing obstructing or defeating the lawful function of any department of government Hemersend further says that defraud is.** Now let's take a look at article 20 section 21 of the New Mexico state constitution one more time. I think it is time for an environmental impact study and for you to vote no. If you are to afraid to vote no you can use our voice.

- ❖ Lydia I am a future resident my husband and I are in the process of planning to move here importantly because of these issues our plan is on hold. I am also here in behalf of my mother she is 93 years old lives here in Rio Communities on Palmer Ln. for the past 40 years on the behalf of the three of us I urge you to say no to Cibola Lands request. According to the Rio Communities comprehensive plan Rio Communities stands voice to renew its vision and promise as a distinctive small town of many vistas idyllic community living abounds. There is nothing idyllic living next to an industrial park that can contain, meat packing plants ,play products, brick tile or cement factories, heavy manufacturing, feed mills, grain elevator, or seed cleaning plant, petroleum or liquified petroleum gas bulk storage plants and similar uses character, scale and performance with similar noise, air, water and similar impacts as well asphalt material production plants, sand gravel and concrete plants, manufacture of forest products, and facilities for production oil, natural gas, geothermal and other hydrocarbons. A prime example of what this land would look like is South Broad way in unincorporated Bernalillo County this area is zoned light industrial it is dusty, smelly, noisy, an eye sore and has no business being anywhere near an established residential neighborhood. In his January 19th presentation Mr. Yates was long of generalities but very short on details and the same thing has happened here tonight. Unless we know what types of businesses could be located in this industrial park we can't even begin to anticipate what the effects would be on our natural resources our environment our existing infrastructure our property values and our quality of life. Does the commission have answers to the following critical questions, 1. How much water will the industrial park require and where will it be coming from, how much water would be produced and how will it be removed, what prevision will there be to prevent pollution of the ground water and the Rio Grande 2. What prevision will there be to prevent noise pollution in the residential neighbor hoods 3. Rio Communities has already had problems with air and odor pollution with the Mesa petroleum plant how much air pollution and noxious gas release will there be from the industrial park and what will be done to prevent it. My experience living on Los Angeles industrial plants have high intensive lighting that is all around the clock will this industrial park be any different and what previsions will there be to prevent light pollution at night. How badly will residents' property value will be affected and what kind of compensation will there be for these losses if you do not have these answers then you do not have significant information to make a informed decision on behalf of Rio Communities residents on that basis alone you should reject Cibola Lands request.

Ferando Najera; left.

- ❖ Ester Reyes; My family has been in this community for 40 years. We came here looking here looking for *** everything that my colleagues and cowards here and concerned community members are saying and now to see this is what we come to is really shocking. I mean I literally learned to roller skate in this plaza I learned to swim in the Tierra del sol county club. I am shocked that you are actually considering this and that you can sit there quietly and just look at us and I am really shocked that there is just no response I mean how can you even consider anything but a no. there is no good that can come from this not for the environment not the air quality not the water quality not for our human health welfare our future my parents came here to create a legacy for us you know and fortunately we are very blesses I am someone who represents the young people of the community I am generation z my friends still have property here we still come back here because this is where we grew up this is the treasure where my parents found for a safe place for us to play on the streets ride our bikes roller-skate swim we would walk across the fields with the animals we would be like I said go to the county club swim

all day come back pick weeds completely care free I know it isn't something that exist that much in modern society but it existed here. I still feel the safety here in this beautiful community and I grew up here. Did you grow up here Mr. Yates I think not. I would like to see development of real infrastructure I'd like to a traders joes, boutiques and coffee houses a celebration of the wine community with the Jaramillo's Chaves and the blacks we have a real opportunity to have a blossoming Belen and Rio Communities a community thriving economically a community with local business people that are passionate like myself who want to see good come of this not an industrial waste land. I was here a month ago with that crazy smell I couldn't even breath I had to bring my whole family all my animals the whole community was wondering what's going on I called NM gas their phones were ringing off the hook everybody was in a up roar asking questions and I come here to get answers and I am stunned to see nothing. So I urge you please for you own sake for your carrier you families your children your grand children for any sort of legacy you want to leave behind as I stand here and want to leave behind a legacy for my nephew and nieces and kids and anyone who comes after me. I urge you to say no there is no other answer. Thank you.

- ❖ Carol Romero Hunter 600 Western; Some people know me as Miss. Goldie I owned Goldies restaurant here many years ago. I started in the real estate business in 1979. Prior to that I was a Valencia County planer when Valencia County included grants. Over the years selling and listing properties in both counties. Over the years I have spent thousands of hours in meeting like this listing to presentations all the good the bad the ugly thousands and thousands of hours. This is the first time in that 43 year history have I not seen a body demand a impact study on traffic and environment the first time, first time in all those years and I am going back to when it was pretty primitive. This something you must do prior to any plan at all. You need a site plan the gentleman has not provided you with a site plan my gosh. You are voting on something you don't even know what it is going to be what effect it is going to have on this community I think you are smarter then that. I was watching Mr. Yates give his presentation it reminded me of a man that I did a consulting job for many years ago. He called me one day and said Carol come here he said "if you can't razzle them with reality dazzle them with dun" Mr. Yates is quite the dazzler. Please don't do this to your community there are plenty of other opportunities for the Yates family to make money instead of on your back door. Thank you.
- ❖ Joe Macias; As I come up here it says Rio Communities Spectacular Views Endless Opportunities. You will probably have to change that if you vote yes on this. But I think something that helps me out is getting granular with certain things. There is a lot of talk with I3 and stuff like that. What is going to go on there is an industrial complex. I got this from Wikipedia The industrial complex is a concept wherein businesses become entwined in social or political systems of institutions, creating, or bolstering a profit economy from these systems. Such a complex is said to pursue its own financial interests regardless of, and often at the expense of, the best interests of society and individuals. Businesses within an industrial complex may have been created to advance a social or political goal, but mostly profit when the goal is not reached. The industrial complex may profit financially from maintaining socially detrimental or inefficient systems. So, it is pretty straight forward we would want to see a big no on this. Thank you.
- ❖ Celestion Landavazo 16 Mesita Ln; I want to talk about a few things here. There is a lot of heritage her in Valencia there are a lot of families that have been here over 400 years and before that the indigent people that were here using the land and living with the land and not against it. Those families have been here for one reason there is access to water to the Rio

Grand and they love the environment here. This industrial complex will pollute our water our environment and our air. They said they want to bring business like Face Book. Face Book uses 60 million gallons of water a year Niagra water uses 90 million gallons of water a year. This industrial complex is going to need water. Where is that water going to come from our aquafer cannot sustain these big industries water a record rates. What are we going to do when we don't have water to drink. What are we going to do when this water gets polluted beneath our feet. We have no other water source the Rio Grand can not support our water needs we need that water from the Rio Grand and our aquafer. I urge you to vote no today. There has been a lot of people who spoke before me and not one of them stand for this and I stand beside them an i urge you to vote No for the sake our children, community, environment. wildlife and water. Thank you.

- ❖ Edward Gallegos I am in total agreement with everything I have heard tonight it is hard to expand on what has been said here. But what I do have to say they have already started the process. I live on the end of Lee Trevino very close to where this is and what I have seen I have lived there for 14 years and I can count on one hand the amount of trucks I have seen on this property in 14 years and in the past week I have seen more truck and semis and it is very disturbing and ironic that all this activity is happening while all of this is going on. They are putting a new fence they are building access for a gate they are preparing for this to happen before it has happened and it is very disturbing. So I do have a question for Mr. Yates and I would like to ask him, do you live next to an industrial park sir.
- ❖ Manager Dr. Moore explained that the question to the applicant is inappropriate.
- ❖ Mr. Gallegos continued and said we will leave that at that and I am in agreement with everything that has been said and I hope you vote no on this zoning change.
- ❖ Matthew Marquez 309 Godfrey; I wanted to ask there is a road Shawn Marie road there has been money about a million dollars put into that road to upgrade. That road is in the same area where Mr. Yates wants to build his industrial 3 site at. Is there any correlation between the two. Next I have a Rio Communities scrap book pioneer days the first addition from 2014 there is an article in here it says in 1200 AD a pit house was unearthed near Belen and the pit house was located directly north of Baca Auto sales which is here in Rio Communities. According to Reggie Wiseman a project supervisor what he did was indicate a request with the State Highway Department this is from May 21, 1986. When they were working on the Rio Grand Bridge an access improvement project. Mr. Wiseman said he only had enough money to research for about a week and in this article it proves there are in the local are ancient artifacts from a Indian reservation. I have lives here for three or four years I have seen the dessert being used by four wheelers and side by side I have seen trash but not nearly as much as there will be if you approve this. There is so much I have to say but I don't have enough time three minutes are not enough. Infrastructure does Rio Communities have that to handle these industries that want to come in, we don't we don't have the roads that he says he wants to build better roads but still in five ten years those roads are going to ger worse and worse. With the heavy trucks there will be more accidents more accidents are going arise. Air we don't have a way to monitor the pollution, water we don't enough resource to say if the water will get polluted or not. We don't have any thing to do with Mr. Yates and his ideas of what he wants and what he wants is to wright a blank check for you guys to say yes. There is no reason to approve it if there is no idea of what is going to be here and all of us want to say No. Thank you.
- ❖ Lodi Silva this My statements are my own and do not represent any former capacity I hold with any city or nonprofit organization I have involvement with. Mr. Yates I am glad you are taking

advantage of our existing infrastructure the comment of the east mesa having 140 residential lots are a quarter acer lots that you cant put water or a well or septic you should be familiar with the Horizon corporation which your father capitalized on the demise of the Horizon Corp. by purchasing millions of acers of mineral right and 7 thousand plus acers of land. Why are these lots not being utilized, the 140 thousand lots remain unserved the right of water, sewer or electric. Why, because the lots don't have access sewer access without million dollars lift station expansion or addition to the sewer plant our current residents or future residents don't have the financial means to install the infrastructure or build developments 500 lots if you add water sewer streets is 3.4 million dollars where is that money coming from to develop those lots. If Mr. Yates wants to utilize our prime land that doesn't require updating the sewer plant ask him to put it in writing that he will provide infrastructure for new housing development in our community. Who will pay for the EPA upgrade to the sewer plant to monitor the waste coming from the industrial park if it is rezoned. My only other comment is don't check his golden ticket with promises of bring wind turbine here he still has battles with that to get through. BNSF has to approve widening the crossing DOT has to approve the road expansion for those to go down our highways. So, he still has a long battle don't let him wave that in front of you thinking that it is immediate money coming in because it is not. Look at the fight Belen had with DOT to get a simple coffee shop a simple gas station. Dealing with DOT and BNSF is going to be a headache. Thank you.

- ❖ Guy Dicharry; I moved to northern Valencia County 39 years ago I sent a letter with a appendix that mapped for each of the eleven parcels that are requested to be rezoned. See packet for email and appendix.
- ❖ Mr. Sandoval; My first question is for the City Manager. You don't own any utilities here. You don't have a cash register here to provide us with police and city lights and all the things that come with it. They are controlled by New Mexico water you know NM water has a commitment of approximately a thousand lots that they are required to serve. Hermit Tabet and all those rights for their property because they paid their way through water right, assessment and they provided hydrants, streets, gutter service. Now Mr. Yates is going to come is he going to build a brand new sewer plant along the Rio Grand corner the hell he is because the environmental department wont allow the industry waste to be dumped into the river unless it goes through NM water. They a EPDS permit. Does anybody know what that entails that is a national pollution discharge elimination system they don't give those away people. If that plant goes down, then the environmental department will shut that down in a heartbeat and do you know what that fine is for every day not compliant 15 to 25 thousand dollars a day who is going to pay it. So, Mr. Yates doesn't build a brand new sewer plant and get a permit from the EPA they will not allow that to reach that river. But this community is trapped. I own property here. Thank you for the opportunity of my three minutes.

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

- Motion made by Secretary Good, Seconded by Member Good.
Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good. With a 5-0 vote the planning and zoning commission went back into the regular business meeting at 8:20pm.

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

- Marty I strongly recommends that you table this and come back dual process is required on **3:55
- Motion made by Member Good, Seconded by Secretary Good.
Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good 8:24

Motion made by Secretary Good, Seconded by Member Good.
Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good

Public Comment:

- Wendy montoya
- Maria Gonzales san locus i think it is safe to say that non of us spent our hard money to **4.01
- Kip Carnes
- Helen Smith i would like to ask if it is possible to put this on the November Ballot

General Commission Discussion/Future Agenda Items

Adjourn 8:30

Motion made by Member Benavidez, Seconded by Secretary Good.
Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good

Respectfully submitted,

Elizabeth F. Adair, Municipal Clerk
(Taken and transcribed by Lalena Aragon, Deputy Clerk,
Cheyenne Sullivan, Assistant Clerk)

Date: _____

Approved:

Thomas Scroggins, Chairman

Melodie Good, Secretary

Scott Adair, Commissioner

Adelina (Lina) Benavidez, Commissioner

DRAFT