



CITY OF RIO COMMUNITIES

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

BEFORE THE CITY COUNCIL OF THE CITY OF RIO COMMUNITIES

**For a rezoning and a special use permit for a solar overlay at Proposed Location:
1010028191335000000, R214152, Subd: RIO DEL ORO Lot: A Unit: 64 PARCEL A 32.43 AC. 2013
REV D-5-15, Rio Communities, NM**

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

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

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

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

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

Against [LIST] none

The Governing Body makes and adopts the following findings:

I. Preliminary findings.

The Application filed by Affordable Solar Group, LLC C/O John Tekin ("Applicant") was submitted in a format stipulated by the City as required by Zoning Code 4-3-11 B(5), 4-4-5 C & 4-7-4 B. The Application has been reviewed by City staff and no further information or documentation has been requested.

Notice of this public hearing by posting has been provided as required by Zoning Code 4-18-9 A.

The following persons/entities testified in favor of granting the rezoning and special use permit:

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

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

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

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

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

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

IV. Conclusions and conditions of approval

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

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

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

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

City of Rio Communities Governing Body

Joshua Ramsell,
Mayor

Margaret R. Gutjahr,
Mayor Pro-tem/Councilor

Arthur Apodaca,
Councilor

Lawrence R. Gordon,
Councilor

Jimmie Winters,
Councilor

ATTEST:

Elizabeth F. Adair,
Municipal Clerk