



**City of Rio Communities Planning and Zoning Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Thursday, January 19, 2023 4:00 PM**  
**Minutes**

*Please silence all electronic devices.*

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**Call to Order**

- Chairman Scroggins called the Planning and Zoning meeting to order at 4:19 Pm.

**Pledge of Allegiance**

- Member Scott Adair led the Pledge of Allegiance.

**Roll Call**

- Present: Chair Thomas Scroggins, Secretary Melodie Good, Member Scott Adair, Member Adelina Benavidez.  
ABSENT: Member Chad Good
  - Present City Manager Dr. Marty Moore, Municipal Clerk Elizabeth Adair, Deputy Clerk Lalena Aragon

**Approval of Agenda**

- Motion made by Member Adair to approve the agenda. Seconded by Secretary Good. With a unanimous vote the agenda was approved for the planning and zoning meeting as presented.

**Approval of Minutes for the Business Meeting (01/05/23)**

- Motion made by Member Adair to approve the minutes for 01/05/2023. Seconded by Secretary Good. With a unanimous vote the minutes for January 5, 2023 were approved as written.

**Discussion, Consideration, and Decision – Adoption of the City's Open Meetings Act Resolution**

- Chairman Scroggins talked about the adoption of the Open Meetings act.
- Motion made by Secretary Good, Seconded by Member Adair. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez. With a 4-0 vote the Commission approved the adoption of the City's open meetings act resolution.

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

**Consideration of: a) Cibola Land Corporation: Commercial 3 zone b) Cibola Land Corporation: Industrial 3 zone**

- Motion made by Member Adair with a roll call vote to recess planning and zoning meeting session and to go into public hearing. Seconded by Member Benavidez. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez. With a 4-0 vote the commission recessed the regular meeting to go into the public hearing at 4:25 pm.

**Public Hearing - For the purpose of the request for a rezoning for a Planned Development to Commercial 3 zone and Industrial 3 zone**

**a) 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**

- ❖ Manager Dr. Marty Moore gave a presentation. See file.
- ❖ Chairman Scroggins read his statement.
- ❖ Mr. Yates the applicant gave a presentation and thanked everyone for showing up. He showed the map and talked about the area he is talking about. He explained that 262 acers are being asked to be zoned to industrial 3 and the other 38 acers to be zoned as commercial 3. He showed what the property has on it right now. He talked about moving the trash off the property and moving it to the dump. He explained there would be a 50-foot buffer zone with trees to keep them separated from the existing residential area and the golf course. He further explained they would like to drill a water well and that the city would also be able to use the water well to water the tress in the buffer zone and other things as well. He continued to explain that plan of replotting the land to create new roads to keep semis off the residential roads so they can access directly from highway 47 and 304 without using the city roads. He said that the area he is talking about already touched the existing industrial park that is already there, and they are hoping to Annex it to that existing industrial park and that will create a very large-scale industrial park I think it will make it the second largest industrial park in New Mexico. What that will do is bring in opportunities to bring in anchor business that will give them the land and the size to bring in various things I can't give specifics about our investors at this time. He explained I heard people talking outside saying Yates wants to come in a drill we do not own any mineral right in the area and have no intention to drill on the land it is strictly to bring in jobs and businesses and work with the city. This will be a very beneficial location for business to create there is a already a railroad near the other industrial park that will make this a very attractive location to attract businesses that is out intentions to use land that is currently being used as a an illegal dumping site cleanup that land have this other property annex to the city of Rio Communities bring in businesses that would increase the tax base bring jobs and at the same time have a buffer zone to separate the land that is currently being used as a dumping site from the existing residential are a and bring in new roads. That is our only intention. I will open it up for questions from you guys.
- ❖ Member Adair asked you are going to propose to create a new road to bypass that traffic, so they are still going to have to come through 47 going north to get to the freeway. That still creates a lot of traffic.
- ❖ Yates answered all I can say is we are trying to create a different avenue for the heavy rigs and people that do the industrial work and things like that so it is not going through residential. What it does it is not like we are cutting off the existing roads we are just creating newer roads to keep the traffic diverted because they are not going to want to go through residential properties either so we will create an avenue so they could bring in goods and services.
- ❖ Member Adair asked so this road is for the business that might occupy those spaces and have that as a singular road for their traffic.
- ❖ Yates answered correct. So they can bring goods in and out and also access the rail.
- ❖ Member Adair asked so what type of business do you envision.
- ❖ Yates answered so I can't go into specifics but what I do want to specify that we are not planning on drill or things of that nature we are open to all types of businesses if this passed and the zoning gets approved and able to get the annexation and make it one continues industrial park we will be able to bring in all types of business for example wind turbines we are talking about a large enough area were amazon could come in and bring in a warehouse things of that nature it will open up an area where any type of legitimate businesses can come in. Because they are going to have to go in here and spend a lot of money to get it developed you

are going to have legitimate business putting their cash and capitol on the line hoping to get established a base in Rio Communities.

- ❖ Member Adair asked as far as water.
- ❖ Yates answered as far as water if we are able to get through the rezoning process and this gets approved then we are planning on buying water rights and drilling a water well that might mean we have to drill multiple water wells depending on the water rights we buy but what we are planning on doing if there is going to be a need for water is buying the water rights we need to be able to service that.
- ❖ Member Adair asked so do you think any of this business would require a redundant amount of water.
- ❖ Mr. Yates answered I haven't talked to anybody who has said they need a redundant amount of water.
- ❖ Secretary Good asked it is my understanding that anyone you are negotiating with say it is approved and you want to bring somebody in they are going to have to go through the entire process with us to make sure the community wants that type of business.
- ❖ Mr. Yates answered my understanding is that everything has to be approved by you all this gives us is the opportunity to let them know this is zoned industrial I am an industrial business and I have to go and get approved by the community in order to put my business. Cibola can't give the permission to go ahead and put-up shop it would have to be approved by you guys.
- ❖ Member Adair asked how you would propose to restrict the dumping.
- ❖ Mr. Yates answered that we fenced the property we bought we have a crew taking trash out in a safe manner there are some interesting artifacts that have accumulated over the years that all we can do until we get some businesses in there hopefully the gates will help and we can monitor it the best we can.
- ❖ Chairman Scroggins said so if I am not mistaken the first step is rezoning and then after that we would be seeing more of you hopefully.
- ❖ Mr. Yates answered that is correct if it is rezoned we would come to you to get the property replatted from the lots so we can install the roads. That would be the next step.
- ❖ Chairman Scroggins said we have quite a list of people two pages I think we got this organized as commercial first and industrial second that is what I will do. I will start with commercial.
- ❖ Lodi Silva; read a statement. My statements are my own and do not represent any former capacity I hold with any city or nonprofit organization I have involvement with. With that being said anyone that knows me knows I am a loyal to the economic development to the City of Rio Communities. I truly believe we are a bedroom community we do need c3, c2, and c1. One of my concerns was the water that Mr. Yates did answer. My other concern is sewer and asked if they will make their own septic or are they going to come into our household sewer or are they going to help build it so we can add to it. I do believe we need commercial 3 and I am all for the growth of Rio Communities as long as Planning and zoning are making the right decisions on the growth we need.
- ❖ Monique Marquez; said I just want to make is clear the Cibola has owned that property since June of 2021, and I am curious on why now they are only moving trash off that has been dumped there now and not for the last almost three years. So, Rio Communities guys what happened to endless views endless opportunities that is our logo it is printed everywhere. If this commercial zoning passes the residents would have endless views distorted by large buildings, smog, odor, smoke, gases, traffic and destroyed roads. Say No to rezoning to maintain the integrity of the city's lifestyle.

- ❖ Matthew Marquez; I am against the rezoning in commercial words is 80 feet enough to separate commercial property from residential homes. Zoning ordinance requires 30 feet set back between residential and commercial establishments plus a 50 foot set back being offered by developer in the recently held special Zoning meeting held on November 21 Dr. Moore himself expressed the concern regarding the proctectomy of solar panels being to closet to homes, why is it not a concern today and I quote it could be 70 ft away and it is still very close he said that on November 21 commercial building affect living conditions more than solar panels deny the zoning change.
- ❖ Chairman Scroggins called up Kathleen McCord.
- ❖ Kathleen McCord; she would like to save her speech for the I3 part.
- ❖ Chairman Scroggins called HS Craig.
- ❖ Hide Craig; I live at the Golf Course at the end of the golf course you are wanting to put heavy industry what are you thinking there are nice houses there 50 feet this room is longer than 50 ft and that is what you want to do, why you were elected by the people to meet our needs and our concerns. Please say no to this industrial and commercial development.
- ❖ Chairman Scroggins called up Monica Vargas.
- ❖ Monica Vargas; said she is here to represent her community and I have a lot of questions I live on highway 304 and my main concern is the gas smell.

**b) 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**

- ❖ Chairman Scroggins said let's move to the industrial and called Ross Harms.
- ❖ Ross Harms; I live on Brown drive I live a couple of blocks from the golf course, and I can see where you are contemplating the rezoning on the southside which appears by the map that it will only be a few blocks from existing homes. I would like to thank our speaker for showing us the pretty picture of the green trees that was over whelming. But I do not think this is the best place to put heavy industrial the process here is first you buy the land then you wait awhile then you get a few people contracted on the side and then you go for the rezoning and then although we are not supposed to talk about the future we all know what the links of the chain will lead to he will be back and her will be asking for sand and gravel and asphalt and plenty other wonderful business to come in. If you think this going to bring jobs to our area this is a retirement community there are elderly people here and they are not going to go over and work at some asphalt plant. I would request strongly that you do not consider going forward with this heavy industrial zoning. Thank you.
- ❖ Chairman Scroggins called up Helen Smith.

- ❖ Helen Smith; I live at 952 Frederico that is the very last house on Frederico on the desert end that use to be a desert. I am a captain from the United States Navy the fact that property owners within 100 ft of this project were he only one that were notified is a failure of our zoning ordinance 100 ft is very small when you are talking about throwing up giant buildings and dirt or whatever so I am asking you reconsider when it comes to something major like this. I do not want an industrial park in my back yard. She continued to talk about the infrastructure and that she was denied a battery for my solar blocking a view of the desert the Manzano Mountains or the night sky of my New Mexico home these are the prime reasons I built my home here. I have a garden a pool and many species of birds and wildlife in which I enjoy feeding and an industrial park would put an end to that. I live 70 yards from this proposed industrial site and expect to be intolerable inflected with noise, vibration, smoke, dust particulate matters, toxins, heat, glare, night lighting and hazardous waste this is a violation of the living conditions in which under I and my neighbors built our homes. This area of Rio Communities is where our city will grow it is virtually the only area we can add more houses witness Manzano vista is coming in with 36 homes and then we want terminate any residential occupancy with an industrial park and believe me the people on the other side of highway 47 will also be upset by having an industrial park right across the road so there won't be much growth in that area which will limit the residence of our city to 6,000 people and that doesn't hold much future. There is also some infrastructure that I hope would be taken into account in which will have a huge burden on our city. We have a long-lasting drought and our aquifer is down is this a good use of our water supply for our long term future is it protective of the land that feeds our aquifer is it green use of water and treatment of waste water. Our current water infrastructure is in very poor shape drive down to Nancy Lopez and see how many times they patched the water lines it may require the city to maintain those water lines and sewer disposal power almost all of Rio Communities is in a red zone with PNM which means the transformers is maxed out so has PNM been involved in this to the point where they might actually put in some new transformers because I was denied the right to put batteries in for my solar. The elevation of this site is 10 to 15ft higher than the other existing land we are looking at massive water run off possible flooding in local residential areas, wastewater running off, are our roads equipped for that kind of weight of shipping vehicles, will additional traffic control or street lights ect. be required. Fire department require more special equipment, medical training, manpower and special hazardous waste training. Police the I3 works force, traffic and possibly service establishments such as bars which will require more police. This is a great concern for the residents in the City of Rio Communities and would hope we will put it to a public vote, if necessary, not hide behind the screen of nobody know about until it late. I respectfully request the commission vote hell no.
- ❖ Chairman Scroggins called Robert Kanishiro.
- ❖ Robert Kanishiro; I live on Edmundo just down the street from her you know 70 yards from where all this is proposed to take place. Right now, Valencia County has Mesa Oil that caused a big stink the other night a big stink right. This is something that we deal with on a regular basis not just something that happened one time because of an invasion and then the fire department couldn't find where the smell was coming from. I can see Mesa Oil right from my house and you want to put another industrial park to bring in more businesses like this into our community to pollute our air our environment noise all the things that Hellen said, and I stand in opposition to this proposed commercial and industrial zone all it is going to do is create headaches for the residents in this community. Right now, in our area we had quite a few new

houses going up this is going to put an end to that and there is a lot to take into consideration like putting trees up as a buffer zone. That isn't going to stop odors it might stop a little bit of noise the pollution is still going to be there and I thank the company for cleaning up that area because I know and have seen the trash thrown out there by whoever. If you want to put an industrial put it down south because Rio Communities has plenty of land. With jobs I'm all about jobs for providing economic opportunities for our youth I have kids I have grandkids I want them to stay in the area when they grow up and have opportunities but this. I don't think we need this right now all the heavy traffic heavy trucks across the city streets I don't even think that is legal you know to have semis that are over so much weight and do we have enough sheriffs to enforcement. I don't thin this a good idea the commercial or the industrial it's to close its just a stone throw away from where we live. It would really affect us and our community.

- ❖ Chairman Scroggins called up Marsha Walton.
- ❖ Marsha Walton; 111 El Mundo road. I agree with Helen and everything she said I think it will increase our crime and decrease the value of our homes. I moved here 14 years ago and if I would have known about the industrial park I would not have bought my home. Why can they come in here now it's not right I was told it was residential it is crazy the pollution the property value is it true that industrial dosent pay taxes. So where is this going to benefit us. I am against all of it and agree with everyone that has spoken it is going to ruin our city.
- ❖ Chairman Scroggins Called Ron Gentry.
- ❖ Ron Gentry; I have been a resident in Rio Communities and this area most of my life I have served as a councilman a state legislature and I've served as your county commissioner and I have some comments that I would just like for you to think about in behalf of this community I really had a vision years ago and helped to incorporate this place and put together the basis for it go forward. You know we studied this 13 years ago in the county about going to an I3 an industrial park. We had a light duty industrial park, and the people came in with good intentions and we had an I3. We had a battel for about a year or so of the pros and cons of an I3 in our community and finally it got put here in that industrial park. We were promised all kinds of oversite, and looking into things and it was going to be grate. And I can appreciate that. But the first thing that came in after that was zoned I3 we had application for a trash recycling plant, and it went through the procedures, and we couldn't stop it because it was zoned for that kind of a plant. And they were granted the right and they still own the company just north of the old Solo cup. We went to battle with that I did some research at their plant in Colorado. They had one down on Broadway. There's nothing we want in this area people would have really regretted it. I live South end of the industrial park and you wonder where all that gas smell, petroleum smell is coming from it doesn't take a guiness to know the smell is coming from Mesa oil and I don't complain they got zoned the right way and they are doing their business. Where is the demand for I3 in this area. There's 200 acers probably up in the industrial park that nobody is building on. It's for sale it's got everything they are looking for like water sewer and water rights and everything you are looking for in a I3 and I don't recomend it in our back yard not in your community because what we did when we zoned at I3 and I voted against it then and I do not support I3 in your back doorstep. The buffer zone I heard talked about is there already. It starts at the north end of the industrial park and it goes clear up to about the golf course. That's the part that is left in between. You destroy that and you've got all of this stuff in your back yard. Do you realize you can have a trash recycling company, you can have junk yards, chemical plants, oil filtering systems. You can have all of this stuff. If you

want to see what a I3 looks like go down south Broadway in Albuquerque. I know Mr. Yates and his group I've known them for all my life. They are good people they have good intentions but like they say hell is full of good intentions. Now if you want to zone that here you lose control of it because you zoned it for them to do that kind of facility. You cannot go back and say no you can't do it because it says, you would use the best use that is planned for, and you folks know that. If you plan for a I3 you can't deny a I3 and you are liable. My real question is we are having trouble cleaning up the front yard of Rio Communities and the junk yard trouble. How are we going to police an I3 of 300 acres. To my knowledge we have 2 people in public works and I'm not sure if we have a public works director anymore or not. So that's our entire city facility to take care of it. Who is going to do the oversight. What engineering company is going to be on them. Where is our EPA department. We didn't have all of that in the County and we couldn't keep control of it. The State has a hard time and why would we use Rio Communities resources and administration and taxes to take care of all of this stuff this is going to you people oversee. I don't think we are ready for it. Belen has a I3 five miles south of town. We have one two miles south of town. So now we want to bring into our back doorstep. I really encourage you to think about the long term authority that you would have. I believe you would lose it because you voted for it this day. Thank you.

- ❖ Chairman Scroggins called up Celestino Alvacado
- ❖ Celestino Alvacado; I am a lifetime Valencia County resident I am here to oppose this ordinance change to I3. I believe it's proximity to the residents in Rio Communities and it imposes many environmental risk, health risk, it imposes danger to our natural wildlife our natural grasses that we like miss Helen said that this community is open space. You can see the Manzanos you can see down south the mountains over there, You can see all around. Its 360-degree views and to put this industrial park here so close to the community. Like others said we already have an Industrial Park down the road, and they need to keep it down there. The lighting at night is going to be a problem the traffic they propose a road but where does it go from there straight to Belen. There is no other way to get out but through Belen or highway 346 and come around that side. It is going to add traffic to our roads in Belen and its going to cause traffic here its going to damage the environment and I strongly oppose this ordinance change. Thank you.
- ❖ Tommy Westmoreland; 458 Garden Court. I have listened to a lot of talk today I am not a tree hugger I would cut one down and sell it to you. Rio Communities dosent own anything they own this building and a couple of fire stations our infrastructure isn't strong. There are alot of folks that are my age and older. I see all your plans and I think we should make those plans a wish list. It isn't going to affect me in anyway whatsoever. I have never seen a state with so many rules they have rules for rules. I dont have a leagacy and I am not going to get one and neither are any of you seniors above 70 its over with. So whatever you decide I hope you take into consideration of the future of our young folks.
- ❖ Chairman Scroggins called up Tom Maraz.
- ❖ Tom Maraz; I am from the beautiful Meadow Lake my wife moved in 2006 because it was peaceful and quiet. I am not against growth at all. I was appointed a commissioner by the governor in 2020 the county commission hadn't even looked at their comprehensive plan hasn't done anything since 2005 I pushed them to come up with a new plan. Around here is piss poor planning look what Los Lunas did this is ridiculous. We are we going to change this for a bunch of billionaires this county needs better planning and not cater to the rich people. Why would you want to put this right here in the middle of the city where people live it is absurd.

The guy is nothing but oil, so you know it is going to be oil of some sort. You have to think about this the man is 80 years old.

- ❖ Secretary Good said if you are here for the rezoning that is fine, but I will not listen to you attack the Yates family.
- ❖ Tom Maraz; said that is fine I am just against unplanned progress. I am for progress, but it needs to be planned and this you let people know 6 days before give a 6-day notice that isn't very good planning either. You got to consider the people that live here, and you should not allow this, I mean this is crazy. Thank you.
- ❖ Chairman Scoggins called Maria Gonzalez.
- ❖ Maria Gonzalez; I live at 119 San Lucas right at the edge where all this is going to happen possibly. I am here on behalf of myself and my mother. I want to express out strong opposition to this rezoning. This came to a surprise to me and my mother that our beautiful sites are about to be destroyed to allow for a possible oil processing commercial development factories and heavy industrial sites. We are shocked and somewhat suspicious at some of the people that this will be most impacted. No one ever informed us about this from your planning and zoning commission we only heard about this by word of mouth by our neighbors. Our primary concern many of us have is the increased potential for air, water, and noise pollution. We are currently dealing with gas fumes from Mesa Oil spews each night and the mesa oil purges in their factory. This Last Friday many people left their home to get away from toxic fumes or stayed inside their homes and suffered headaches and nausea. It is a great concern surrounding the beautiful homes surrounding our homes will leave us more vulnerable than we already are. Another issue that doesn't seem to be adequately considered is the noise. The topography of this area consists of sand, sagebrush tumbleweeds and big open skies. A jogging path or tress and bushes along the perimeter of the proposed heavy industrial zone will do nothing to absorb or hide the noises that the heavy industrial site will create. The potential for additional air and water pollution will not be acceptable for our rural community finally decisions like this are supposed to be made in concert and the city's comprehensive plan and the adopted land use plan. Our Rio Communities comprehensive plan clearly states, the area for I3 heavy industrial should be under the proposal here for a planned unit for housing not industrial use. This proposal for heavy industrial is in direct conflict with the city's comprehensive plan in which you are suppose to follow. This proposal is nothing but spot zoning which is illegal. Commissioners anyone else who has who has a say so, please strike this proposal down. Put your community and our fragile desert environment first and especially in from to the profits of the Cibola Land Corporation. Water is life. Thank you.
- ❖ Chairman Scroggins called Tom Nelson.
- ❖ Tom Nelson; I own five houses in this city that are rental, so you do this my property value is going to drop. Now are we in Iowa or are we in New Mexico. This isn't the field of dreams if you zone it the day will come. No. And now, onto the application you quoted 100 feet as far as you have to notify people. Per the zoning application off your website from yesterday. Properties within 300 ft of opposed rezoning would be notified by certified mail within 15 days of the public hearing. You said 100ft. She's 200ft. You did not follow your own regulation. The application for rezoning here is the application check list planned land use designed including buffer zones for industrial use of property purposed public roads and all purposes must exist in MDOT access points. All industrial zone request shouldn't include proposed heavy industrial areas as well as proposed office building locations. He is trying to get rezoned without telling



me what's going there or where it's going. So, with this alone this should be thrown out. Thank you.

- ❖ Chairman Scroggins called Lodi Silva.
- ❖ Lodi Silva; 309 Recodo I will repeat my statement. My statements are my own and do not represent any former capacity I hold with any city or nonprofit organization I have involvement with. With that being said. Mr. Yates owns property in the current I3 industrial area outside the city. If you look up the prices for that land, it goes from \$1 to a \$1.95 a square foot times a square footage would be equal \$65,340 per acre. That he would be able to market this property at. Maybe more because it would be the second largest I3 industrial park in the State. Our average median home price in Rio Communities is \$230,000.00. Our average median. You are basically taking away our current resident's home values especially in that immediate area because they will have to disclose, they are living within X amount of feet of an industrial park. So, home values will drop. I will not recommend the I3 zoning in that area. Even with a buffer zone that is proposed. I would not recommend it. It is 50ft plus the 30ft is 80. Which is not enough. I don't know how many houses are going to go on the market once this passes if it does, but I definitely want to sell it but guess what I have to disclose that I'm selling a house near that I3 zoning. So as far as that value goes 65,000 an acre times that times 260 acres you guys can do the math. I have been involved with economic development. I know that developers come in and promise big things. If you chose to pass this, I implore you to please get things in writing documented. Developers can promise the world and promise to do 17 different things. But unless it is in writing there is no grounds to standing on it. Unless you have already seen that and haven't presented that more conversation needs to be had with the developer and our expectations of them if you allow this. Thank you.
- ❖ Chairman Scroggins called Monique Marquez.
- ❖ Monique Marquez; discussing health. It is known concern of multiple industrial areas to the health of the community decrease closer proximity to industrial. I'm going to hand you guys some packets. You have two packets in front of you one is packet A and one is packet B. I will give you a second to look over them, let me know what you see. For reference you guys I am showing the cities calendar. Alright so I'm just going to tell you guys what you are looking at. So, what you guys are looking are the city's calendar. One of them packet a was pulled this morning packet be was pulled today at 2:30pm. This morning you can see there is no meeting agenda. There is no notice to of the planning and zoning public hearing. I was pulling this packet this afternoon and within 10 minute period, this notice went live. So we documented it, according to the minutes that you just approved for the MOA you guys just approved it at the beginning of this. OMA is the open meetings act rules. You guys specifically state that is should be published on the website within 72 hours prior to the meeting. This is a direct violation of the OMA rules and regulations and because of that I have reported it to the attorney general. Secondly, the city has been served with a IPRA request. We want to know what kind of communication has been going on about this proposal. We have not heard back you guys had three days. Today is day three. Time is up. Because of this the IPRA request the city disclose any and all communication, written, electronic, otherwise. Between any and all city employees, members their governing body, Mr. Yates his agents attorneys, staff, commissions regards to this zoning change. The application and or use of the land partial parcels in question and any and all communication directly or indirectly concerning the land use in question of the application. The intent of the law must be respected in this process. There for we ask for you guys to immediately deny and defer this hearing.

- ❖ Chairman Scroggins called Matthew Marquez
- ❖ Matthew Marquez; I am a retired army person I moved here about three years ago. We moved over by 309 Godfrey. So that's where I live. My son is here my daughter she is going to be 12 soon I want to raise her in an area that is away from the big industrial sites and anything that had to do with situations like that. Now we got word of what's going to happen over here. My son just bought property on Nancy Lopez this was about a month ago. He just found out about this. Him and his fiancé just moved in about two weeks ago what are they going to do if this gets approved the property value is going to drop they paid a lot of money for this house now the prices are high. What are they going to do are they going to be able to sell it when and if they put this industrial park in. They are not going to be able to sell it they are going to be upside down on their property and if they have a child soon they are going to have to raise their child in that type of situation. How is the child's health going to be. Is their child going to be sick its entire life because there's going to be pollutants in the air, in the water. I say no to this industrial park, this industrial site. It's something that I believe in strongly that we don't need to have this type of companies coming into our community it's something we don't need. We have the elderly and the young people. My kids are my legacy it's a no on this plan.
- ❖ Chairman Scroggins called Guy Ducheri.
- ❖ Guy Ducheri; I have lived in Valencia County for 39 years. I wrote a letter, and I attached a appendix to it the appendix is 11 pages. Guy Ducheri email will be attached to the official minutes. I also have an issue of the notice of these changes. In your comprehensive plan it references to the city initiatives, and they require 14-day notification. If this indeed is a city initiative and there's a state that says regulations of the municipal zoning authority are to be in accordance to the comprehensive plan. So, if you didn't do a 14 day notice I think you need to redo this whole hearing. My letter is in opposition to and I'm here in person to with my opposition. Thank you.
- ❖ Chairman Scroggins called up Kathleen McCord.
- ❖ Kathleen McCord; I am a Valencia County resident I found a couple of statements on your comprehensive plan that are very relevant on why we are here today on page 55 it says Rio Communities is a community that has been in decline for many decades to this point its future falls to responsible government and a full of participation of concerned citizenry. On page 42 it says ultimately community and the governing body have many choices. With consensus, informed decisions can be made that will determine the future character of our community. Those are your words folks. It seems like the future of the community is what is on the table right now. You are being asked to approve the rezoning of 300 acers of land just south of the golf course community to heavy industrial and heavy commercial. Right now, those 300 acers are zoned as PD. Which Is a combination of residential and light commercial uses. So all of us here have many questions on what that heavy industrial and heavy commercial zoning would bring to Rio Communities. Cibola land plan is to quote bring in some industrial and commercial development because the railroad is right there to the west. When asked, do you have any ideas of possible purchasers of this property the Cibola Land person answer was not as of yet. This is just the beginning, and we are trying to get it rezoned and get business in. We are concerns citizens who think that answer does not provide nearly enough information for you to make those informed decisions that are part of your desired responsible governance. What constitutes heavy industrial in the RC zoning code. Here are just a few examples. Bulk storage tanks for petroleum and LPG, auto wrecking yards, facilities for production of oil and natural gas, asphalt material, production plant and more. These do not seem like the kinds of business

operations that the people of Rio Communities want. Literally in their back yard. Cibola land Corp holdings is a component in the Yates family petroleum empire. And so it is reasonable to surmise that some of the unspecified heavy industrial application could be those bulk storage tanks for petroleum ect. And even a facility for production of oil and natural gas and other hydrocarbons petroleum. After all, that has been the business of the Yates family for decades. So it is unlikely they would be leaning toward a meat packing plant for example. So, my request for you folks is this. Please ask the Cibola Land Holdings if bulk storage tanks for petroleum ect. Or facilities for the production of oil and natural gas ect. Are part of their vision for quote industrial and commercial development land if the land is rezoned for heavy industrial. Finally here is an important point made by another concerned citizen. Those who make such request of the planning and zoning commission should be liable to find original independent, site-specific research demonstrating to the satisfaction of all community residents that the proposed heavy industrial development will cause no harm to come to their properties, to their property values, to their health, or to the natural environment in which they live. I share the conviction and opposition of all the concerned citizens who are here tonight. And that includes the people in the other room. Please vote to deny this rezoning request. Thank you.

- ❖ Chairman Scroggins called up Mariah Gomez
- ❖ Mariah Gomez; I am here as a private citizen and resident of Valencia County. Last Friday when we received the alert that there was a voluntary evacuation of the area based on the smell was coming from the area that still hasn't been determined. We were alerted in Los Lunas it impacted my family significantly and it pointed to some infrastructure failure. Should this be rezoned to heavy industrial. I take great interest in the comment earlier when one of you posed the question asking how many water right would be needed for a certain project. And is was the answer was this was hyperbole. And I find it ironic is that they pointed to hyperbole when in fact the presentation started with hyperbole pointing to dumping other than calling it what it is what is which is pollution . Which is what the heavy industrial use would be zoned as pollution. If it were to in fact happen. One other thing I find to be of interest is that I would encourage for a environmental impact assessment to be done. Because non has been done. This would high lite not only the health but direct environment like water, air. It can look into like the South Valley we could look at the similar community in Utah none of this has happened and if there isn't money to do a environmental impact assessment then why are we considering this. In fact the hyperbole here is they are hiding behind the production of or creation of jobs. And what would happen is that people would not be moving here they would be moving away because of the pollution. This will not create the type of jobs that are being highlighted here. This is actually going to be very detrimental to the community. So, as you consider your vote tonight I urge you to think about the fact that there are so many people here and not one in the community has spoken in favor of this rezoning. Thank you.
- ❖ Monica Vargas; did not show.
- ❖ April Sorzano; did not show.
- ❖ Allen Sinclair; Thank you for doing your jobs I know you feel like you are getting attacked tonight but we are just voicing our concerns. I want to read the Rio Communities zoning ordinance 4-1-2. To me it is clear that this I3 is none of that it does not promote any harmonious or balanced development and it does not preserve the general health and welfare of the citizens of Rio Communities. what is in your zoning ordinance. I am retired from General Electric South Broad way Albuquerque and I did not want to live any where near where i worked that place I put in 32 years they were caught up in polluting the ground water. If you

have heavy industrial you can't stop that it is going to happen. You can't control everything. Thank you.

- ❖ Chairman called up Monica Marquez 410 Western Drive.
- ❖ Monica Marquez; read a statement it says all, such request must be received one day prior to the post Hearing and will be read into the minutes of the meeting. And letters that were received on time will they be read into the records tonight. They should be properly read into them. Now I have another part of this I want to thank you for doing your jobs. I am a truck driver I am concerned about the safety of the big semis on the roads are a concern, down by Hobbs a lot of lives are lost. There is something that is missing and that is a Hospital that needs to be more of a concern.
- ❖ Chairman called up Ann McCarthy
- ❖ Ann McCarthy; 44 Traino Loop in Tierra Grande; Some neighbors to Rio Communities. I am one of those people addicted to the endless views. I have lived in Valencia County since 1977. I am concerned about this proposal to have the heavy industrial zone change which would allow manufacturing, petroleum storage tanks, asphalt, possibly an auto wrecking yard. This rezoning is not necessary. Mr. Yates owns an industrial park that's your neighbor. If he needs to do more development or more industrial development he has got the land to do it. This is not needed. Heavy industrial has major impacts and has already been stated here today, health impacts, air pollution, gases, noxious fumes, chemicals, hazard waste. I want to read in to the record to have it for everyone to hear. A statement from a medical doctor in the state of New Mexico written today to the commission. Thank you for your hard work. You do as public servants. I am writing you today that your commission denies Cibola Land Corp. request to change 39 acres to commercial and 252 acres to Industrial 3. As these changes have potential health impacts for your community. I am a medical doctor and serve families that live in industrial development. As you review the possibilities for the industrial 3 zone it is important as gatekeepers for your community to think about the potential impacts from oil and gas extraction, auto wrecking yards, petroleum storage, asphalt production, or heavy manufacturing. By example, the Mountain View community in the South Valley of Albuquerque which is experience continuing expansion of industry next to their residential neighborhood. Has been constantly exposed to fumes of carbon monoxide, nitrogen oxides, volatile organic compounds. Or VOCs., Sulfur oxides, and heavy particulate matter all these pollutants can and do affect the health of the people living near heavy industry. We have watched here in New Mexico and nationally the development of health problems when people live near these types of industrial uses. Oil and gas facilities. If the I3 rezoned is used for them, it can leak toxic gases. Studies show that people living close to these facilities experience increased rates of cancer, asthma, and adverse pregnancy outcomes. Auto salvage or wrecking yards if that is a proposed use by the applicant contain many hazardous materials including lead batteries, mercury from light switches. antifreeze, freon from cooling systems, polychlorinated bisphenols, chlorofluorocarbons, asbestos found in brake pads and linings of older cars, motor oil and other heavy metals. These Substances can cause ground pollution but also air pollution for your residents. The health risk for Rio Communities depends on what the applicant proposed. But I urge you to insist that these issues be addressed before you approve a zone change. Adverse public health impacts in our community. It is not the legacy we want to leave our children. As a medical doctor, I urge you to protect your residents from heavy industrial uses. This letter is from Angelo Tomeni. He is a visiting associate professor at UNM, and I ask that you take all these considerations into

consideration as you deliberate as the gatekeepers for this community, and I ask you on behalf of Tierra Grande residents that you deny this application.

- ❖ Chairman Scroggins called Linda Gwenley.
- ❖ Linda Gwenley; I live in Adelino; Adelino is about 5 miles up the road from here. I am most concerned about the traffic on 47 as you know it is a two lane road right now. I have noticed an increase in big rigs coming up and down 47 and I shudder to think how much more traffic this would cause. Highway 47 is just not built for this kind of traffic. I shudder to think how I will even get out of my own driveway. I also have my own water well and I am concerned about the amount of water additional water that would be used which might cause me to drill a new well which is not an expense I'm looking forward to. Thank you for your time and listening to all these comments. You do a public service and I appreciate it.
- ❖ Manager Dr. Moore explained that there are some written comments that I want to make sure they are a part of the official record of the hearing.
- ❖ Manager Dr. Moore read the names of the people that sent in a written comment. First one I have in front of me is from Max Soony Governor of the Pueblo of Isleta obviously he lives in the Pueblo area, Patterson Harris and Sofia Harris of Rio Communities. I have a couple of different ones that have the exact same verbiage, but I want to make it clear that those written document is for the record. Elaine Hebard who lives in Albuquerque NM, Norm Klingbille in Rio Communities who has written a comment, Lynn Eubank Valencia County NM, Linda Zaragoza, Maria Gonzalez Rio Communities, Richard Henderson Rio Communities.
- ❖ Chairman Scroggins requested a short recess.
- ❖ Secretary Good made a motion for a short recess, seconded by Member Adair. With a unanimous vote the commission took a short recess at 6:22pm.
- ❖ Member Adair motioned to continue the public hearing seconded by Secretary Good. With a unanimous vote the commission continued to Public Hearing at 6:30pm.
- ❖ Manager Dr. Moore explained every piece of documented information will be available online everyone will be able to get it and read them for themselves. They will also be part of the official part of the hearing. If anyone spots a descriptive talk to us let us know so we can make it good. Next we have a Ron Finch from the city of Albuquerque, Linda Laswell from Belen, Amber Jenson Valencia County, Elizabeth Dicharry Los Lunas, Angelo Tomeni MD Albuquerque, Martha Saiz Rio Communities, Michael Melendez Rio Communities, Renee Mollineda, Elaine Cimino the documents include some citations and they will all be part of the public record. Theresa Smith de Cherif, Katrina Bedsaul Valencia County, Hanna Anna Albuquerque NM, Kuan Tikkun, Frank Maza Jr. Rio Communities, Ralph Wrons Bernalillo County, Geraldine Feron Rio Communities. T Those are the ones I have in front of me if we may have left anyone out, we will make sure we get them and make them part of the permanent record.
- ❖ Manager Dr. Moore finished reading the written comment.
- ❖ Chairman called Nicole Maestas.
- ❖ Nicole Maestas; I live in district 2 and I stand in from of you waring 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.

- ❖ Chairman called John Thompson
- ❖ John Thompson; I am a resident here in Rio Communities and I have served there where you are for several years on planning and zoning. It is apparent to me watching the process that I think the rest of the community understands that your job is to represent the request of the petitioner and I'm happy to see that my fellow citizens here have treated you with courtesy and respect that you deserve. So from all of our discussions, when I was there in your seat, it became clear that the interest of the community were to repair pot holes, increase police presence, paved roads, and mostly get us some parks. We know that takes money and I see the temptation is to bring in an industrial park to bring in some revenue to get some money to do the things we want. But this is a bedroom community a golf course community. We're a desert community. I had five pages of stuff here but I'm not going to repeat it. All I am going to say to all the people that spoke before me, Ditto. We need to grow our community in the best way and to stop the growth in our community is with a I3 backstop. This will kill our residential growth and depress our property value. Once a industrial park is in it will make our city less attractive to find a housing developer that will want to build a housing development behind a industrial park and it will be tough for realtors to get potential home buyers through the industrial park to look at homes that they would be commuting to and from that industrial park once or twice a day. We should build. We should have a developer, a property owner who is eager to develop. I would encourage you to find a way to encourage them to build some beautiful homes at \$100 a sq foot. Get us some grocery store, some convenience stores. Thank you.

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

#### **Actions Items**

- Motion made by Secretary Good to go back into regular Planning and Zoning meeting. Seconded by Member Adair. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez. With a 4-0 vote the planning and zoning commission went back into the regular business meeting session at 6:28 pm.

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

- Manager Dr. Moore explained due to the amount of people and written comments to digest, his recommendation is to table items four and five and hold a second Public Hearing on February 16th. He further explained there will be another opportunity for comment and input, so the residents and our neighbors feel like they have ample opportunity to be able to provide their comments.
- Motion made by Secretary Good to table the items 4 and 5 to February 16<sup>th</sup>. Seconded by Member Adair. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez. With a 4-0 vote the Commission agreed to have another public hearing on February 16, 2023.
- Manager Dr. Moore explained to the commission the Open Meetings act and suggested that members of the Commission not talk about this to refrain from a rolling quorum.

**Public Comment:**

- Chairman called names of people that signed up for Public Comments.
- Theresa wanted to share my appreciation for everybody that has very factual information. I hope this commission will take that into consideration.
- Maria Gonzalez so during the presentation the gentleman in the suite jacket saying it is a dump site. I do think it will be a huge loss for community children do ride four wheelers and bikes there. I have also picked up bags of trash near there on Christmas, so I am not sure exactly where it is getting cleaned up.
- Monica Marquez I just wanted to bring something I missed I do believe Facebook really helped Los Lunas and we do deserve something like that just not so close to our homes.
- Celestino Landavazo. I want to make a comment we have over 70 thousand residents here is Valencia County and we all share the same aquifer with Bernalillo and Socorro County and it is our responsibility as citizens we need to think of our neighboring Counties to help protect the water beneath our feet. We can't have industrial coming in and polluting our water once it is polluted it is done there is no other source of water for our community. This is not only affecting our water but our neighbors as well. Water is becoming more and more scarce.

**General Commission Discussion/Future Agenda Items**

- Eric Lindahl, I have recently purchased the building at 2350 NM Highway 47 next to Allsup's we are looking for a change in zoning. It was represented as a C3 but were informed by Rio Communities that it is zoned a C1 and that will affect our remodel and future tenants into that building. I will be on the docket for February 2.

**Adjourn**

- Motion made by Secretary Good, Seconded by Member Adair. With a unanimous vote the Planning & Zoning meeting was adjourned at 6:59 pm

Respectfully submitted,

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

Date: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Thomas Scroggins, Chairman

\_\_\_\_\_  
Melodie Good, Secretary

\_\_\_\_\_  
Scott Adair

\_\_\_\_\_  
Adelina (Lina) Benavidez

\_\_\_\_\_  
Chad Good