



Regular Governing Body Meeting
City of Rio Rancho
AGENDA
April 25, 2024
6:00 PM
Council Chambers

Governing Body Members

Greggory D. Hull, Mayor	Paul Wymer, Councilor District 4
Jim Owen, Councilor District 1	Karissa Culbreath, Councilor District 5
Jeremy Lenentine, Councilor District 2	Nicole List, Councilor District 6
Bob Tyler, Councilor District 3	

Meeting Information

This meeting will be conducted in-person and virtually, as well as, streamed live on the City of Rio Rancho website at <https://rrnm.gov/2303/Watch-and-Download-City-Meetings>

Join by Computer:<https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MDN0UT09>
Meeting ID:853 0235 3741
Passcode:789419

Join by Phone:
Dial: +1 253 215 8782 US

Pursuant to the Governing Body Rules of Procedures, any person wishing to address the Governing Body related to an item listed under Second Reading of Ordinances, First Reading of Ordinances, or Discussion and Deliberation, shall register in person with the City Clerk no later than fifteen (15) minutes prior to the scheduled start time of a meeting. No more than two (2) hours in total will be allotted for comments pertaining to a specific agenda item at any meeting. A majority vote of the Governing Body members present may approve to extend the total amount of time allotted for public input related to a specific agenda item at a meeting.

Public input can be submitted in writing to the City Clerk, as clerk of the Governing Body, prior to the date of the meeting in which the item is scheduled to be heard; however, only public input received before 4 p.m. on the day of the meeting will be entered into the record prior to the meeting.

Call to Order and Pledge of Allegiance

Proclamations and Awards of Merit

Public Forum

Pursuant to the Governing Body Rules of Procedure, any person wishing to address the Governing Body related to a non-agenda item shall register in person with the City Clerk no later than fifteen (15) minutes prior to the scheduled start time of a meeting. No more than two (2) hours in total will be allotted for public forum comments at any meeting. A majority vote of the Governing Body members present may approve to extend the total amount of time allotted for public forum at a meeting.

Comments by Councilors

Consent Calendar

There will be no discussion of these items unless a Governing Body Member so requests, in which event the item will be moved to a discussion item on the regular agenda.

- 1** Minutes of April 11, 2024 Regular Meeting
Minutes of April 11, 2024 Regular Meeting
- 2** R31, Resolution Authorizing a Budget Adjustment to the Infrastructure Fund (305) for Acceptance of Sandoval County Funds for the 15th Street SE Realignment Project
Resolution
MOU between SC and the City of Rio Rancho
- 3** R32, Resolution Authorizing a Budget Adjustment to the 2022 G.O. Bond Fund (333) for Police Vehicle Upfit and Equipping
Resolution PD

Boards/Commissions/Committee Reports

Public Hearings

- 4** R33, Resolution Amending the Los Diamantes Master Plan to Update Section 4. Design Standards and Section 10. Implementation and Phasing; Providing for Severability and an Effective Date
Resolution_Los_Diamantes
Location Map
Reproduction of Notices, Legal Ad
LDMP Amendment Application Complete
LDMP Amendments as recommended by PZB - Clean
Reviewer Comments
(CURRENT) Los Diamantes Master Plan
Edmiston, Joe and Mary Beth_Public Comment
Comprehensive Los Diamantes Master Plan Amendments 2020 through 2023
LDMP Design Standards Redlines as recommended by PZB
- 5** R34, Resolution Amending the Lomas Negras Specific Area Plan to Update the Land Use Map (Exhibit 13) and the Future Land Use Table (Exhibit 12)
Resolution
Land Use Application
Location_Zoning Map
High Range 6 - ALTA Survey
Letter of Authorization
High Range 6 - Master Plan_updated
Reproduction of Notices
Exhibit A
- 6** R35, Resolution Adopting the High Range 6 Master Plan
Resolution
Location_Zoning Map
Land Use Application
Letter of Authorization
High Range 6 - ALTA Survey
Reproduction of Notices
High Range 6 - Master Plan_updated
- 7** O6, Ordinance Amending the Zoning Classification and Official Zoning Map for the Property Legally Described as Rio Rancho Estates Unit 13, Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45, From O-1 and R-1 to R-5: Single-Family Residential; Identifying Conditions of Development; Providing for Severability and an Effective Date

Ordinance
Location_Zoning Map
Land Use Application
Letter of Authorization
High Range 6 - ZMA Justification Letter
Reproduction of Notices

Second Reading of Ordinances

- 8** O2, Ordinance Amending Chapter 131 Offenses Against Order and Safety & Chapter 154 Planning and Zoning
Amended Ordinance
April 1 2024 GB Work Session PowerPoint
Online submission tracking with attachments
O2 - Public Comment
O2 - Public Comment
O2 - Public Comment
O2 - Public Comment
O2- Public Comment
O2 Public Comment .pdf
Public Comment - O2.pdf
- 9** O5, Ordinance Amending Chapter 34 Municipal Court
Ordinance

First Reading of Ordinances

- 10** O7, Ordinance Authorizing the Issuance and Sale of City of Rio Rancho, New Mexico, Tax-Exempt General Obligation Improvement Bonds, Series 2024, in the Principal Amount of \$16,000,000, Payable from Ad Valorem Taxes Levied on all Taxable Property Within the City, Levied Without Limit as to Rate or Amount; Providing for the Form, Certain Terms and Conditions of the Bonds, the Manner of Their Executions, and the Method of and Security for Payment Thereof; Delegating Authority to Each of the Mayor, City Manager and City Financial Services Director to Determine the Method of Sale of the Bonds and to Determine the Maturity Dates and Amounts, Interest Rates, Prices, Redemption Features and Other Final Terms of the Bonds in an Award Certificate; and Providing for Other Details Concerning the Bonds
Ordinance_Bond
Official Statement
Disclosure Responsibilities Memo

Discussion and Deliberation

- 11** R36, Resolution Establishing an Annual Schedule of Governing Body Meetings and Determining Reasonable Notice for Public Meetings of the City of Rio Rancho
Resolution

City Manager

Adjournment



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:
April 25, 2024

DEPARTMENT:
City Clerk

SUBJECT:
Minutes of April 11, 2024 Regular Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: [Minutes of April 11, 2024 Regular Meeting](#)



Governing Body
of the
City of Rio Rancho

MINUTES
APRIL 11, 2024
6:00 PM
Council Chambers, City Hall

MEMBERS PRESENT:

Greggory D. Hull, Mayor
Jim Owen, Councilor Dist. 1
Jeremy Lenentine, Councilor Dist. 2
Bob Tyler, Councilor Dist. 3
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5
Nicole List, Councilor Dist. 6

STAFF PRESENT:

Matt Geisel, City Manager
Peter Wells, Deputy City Manager
Josh Rubin, City Attorney
Rebecca Martinez, City Clerk
Carol Jaramillo, Director of Financial Svcs.
Connie Peterson, Dir. of Parks, Rec & Comm Svcs.
James DeFillippo, Fire Chief
Amy Rincon, Director of Development Services
Jason Shoup, Library Director
Stewart Steele, Police Chief
Yolanda Lucero, Deputy City Clerk

Call to Order and Pledge of Allegiance

Mayor Hull called the meeting to order at 6:00 p.m.

Proclamations and Awards of Merit

Public Forum

The individuals spoke under public forum:

Alan Silverman
Casey Robinson

Comments by Councilors

Consent Calendar

- 1.) Minutes of March 28, 2024 Regular Meeting
- 2.) R29, Resolution Authorizing the Disposal of Obsolete and Non-Working Equipment and Office Furniture
- 3.) D12, Appointment of Juan Martinez to the Public Infrastructure Advisory Board

Bob Tyler moved to approve consent calendar. Seconded by Karissa Culbreath

The motion carried by a vote of 6 FOR and 0 AGAINST.

1 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
2 Nicole List
3 NO: None
4

5 **Boards/Commissions/Committee Reports**
6

7 **Public Hearings**
8

9 4.) D13, Site Plan for Quail Ranch Solar Development on the Property Legally
10 Described as Lands of Quail Ranch, Tract 2A-1
11

12 Amy Rincon presented this item. The subject property is approximately 3,358 acres and
13 is zoned with a mix of zoning districts, the majority of which are zoned residential. The
14 Quail Ranch Master Plan was adopted June 25, 2003 and has since been amended.
15 Development Services Department recommends the Governing Body approve the
16 applicant's request for Site Plan Approval with findings and conditions.
17

18 Bob Tyler moved to approve D13. Seconded by Jim Owen
19

20 The motion carried by a vote of 6 FOR and 0 AGAINST.

21 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
22 Nicole List
23 NO: None
24

25 **Second Reading of Ordinances**
26

27 **First Reading of Ordinances**
28

29 5.) O4, An Ordinance Amending and Restating Ordinance No. 28, Enactment No. 20-
30 27; Authorizing the Execution and Delivery of an Amended and Restated Loan
31 Agreement ("Loan Agreement") By and Between the City of Rio Rancho, New Mexico
32 (the "City") and the New Mexico Finance Authority, Evidencing a Special Limited
33 Obligation of the City to Pay a Principal Amount of Not to Exceed Fifteen Million One
34 Hundred Fifty Thousand Dollars (\$15,150,000), Together with Interest, Costs of
35 Issuance and Administrative Fees Thereon, for the Purpose of Financing the Costs of
36 Extending and Improving the City's Water and Wastewater Utility System (the
37 "System"), including Upgrades to Well #9; Providing for the Pledge and Payment of the
38 Principal, Interest and Administrative Fees Due Under the Loan Agreement Solely from
39 Net Revenues of the System; Repealing Prior Authorization of the Acceptance of a
40 Loan Subsidy in Consideration of an Offsetting Reduction of the Interest Payable on the
41 Loan Agreement; Setting a Maximum Interest Rate for the Loan; Approving the Form of
42 and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken;
43 Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of
44 Other Actions in Connection with the Execution and Delivery of the Loan Agreement
45

1 Carol Jaramillo, Director of Financial Services stated on September 10, 2020 the City
2 adopted Ordinance No. 28, Enactment No. 20-27 authorizing the execution and delivery
3 of a Loan and Subsidy Agreement by and between the City and the New Mexico
4 Finance Authority in a principal amount not to exceed \$15,150,000 at a 1.0 percent
5 interest rate which included the administrative fee. The loan included a Federal subsidy
6 grant amount of \$468,861. The loan and subsidy were obtained through the Drinking
7 Water State Revolving Loan Fund (DWSRLF), a Federal program administered by
8 NMFA. The purpose of the loan was to finance the costs of extending and improving the
9 City's Water and Wastewater Utility System, specifically the Well #9 redrill, housing and
10 equipping Well #9, expanding arsenic treatment capacity, and enhancing site security.
11 The loan agreement was executed on May 28, 2021. Per the executed DWSRLF loan
12 agreement, the City had two years to complete the project drawing loan funds as
13 needed to pay for construction costs. During the initial two-year period a subsidy of
14 \$468,861 would be granted to the City and only interest on the amount drawn would be
15 due. Upon completion of the project, the total amount borrowed would be converted to a
16 23-year loan and debt service payments would commence. At the end of the initial two-
17 year period the City was granted an extension due to project delays. To date funds have
18 not been drawn from the loan. Approving the ordinance will enable the City to Finance
19 the \$15,150,000 for the Well 9 redrill and security upgrades project.

20
21 Karissa Culbreath moved to approve O4. Seconded by Bob Tyler

22
23 The motion carried by a vote of 6 FOR and 0 AGAINST.

24 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
25 Nicole List
26 NO: None
27

28 6.) O2, Ordinance Amending Chapter 131 Offenses Against Order and Safety &
29 Chapter 154 Planning and Zoning

30
31 Matt Geisel, City Manager provided a brief introduction on this item. The Governing
32 Body has held two work sessions and the item was postponed on March 14, 2024.
33 Existing Municipal Code, Chapter 131 Offenses Against Order and Safety, Section
34 131.06 Unreasonable Noise, has elements which are subjective and undefined. As a
35 result, adherence and enforcement are challenging. The proposed ordinance will
36 provide more objective criteria for what is and is not acceptable community noise levels
37 will be established. By adding more objective criteria for what constitutes unreasonable
38 noise, clear parameters will be established for citizens to adhere to and law
39 enforcement personnel to utilize and enforce. Mr. Geisel went over the proposed
40 changes since the item was postponed on March 14, 2024.

41
42 The following individuals spoke under this item:

43
44 Daniel Gray
45 Casey Robinson
46 James Dory

1 Jerry Schalow
2 Scott Salvas

3
4 Bob Tyler moved to approve O2. Seconded by Karissa Culbreath
5 Bob Tyler moved to amend O2, page 2, line 48 as follows: “Daytime” means from
6 6:00 a.m. (0600 hours) to 9:00 p.m. (2100 hours). [Sunday through Thursday, and](#)
7 [6:00 a.m. \(0600 hours\) to 10:00 p.m. \(2200 hours\) on Friday and Saturday”.](#)
8 Seconded by Jeremy Lenentine

9
10 The motion carried by a vote of 6 FOR and 0 AGAINST.
11 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
12 Nicole List
13 NO: None

14
15 Bob Tyler moved amend O2, page 3, line 3 as follows: “Nighttime” means from
16 9:00 p.m. (2100 hours) to 6 a.m. (0600 hours) [Sunday through Thursday, and](#)
17 [10:00 p.m. \(2200 hours\) to 6 a.m. \(0600 hours\) on Friday and Saturday”.](#)
18 Seconded by Jeremy Lenentine.

19
20 The motion carried by a vote of 6 FOR and 0 AGAINST.
21 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
22 Nicole List
23 NO: None

24
25 Bob Tyler moved to amend O2, page 3, line 29-32 as follows: (D) No person
26 shall operate or allow to be operated outdoors, any power equipment, including,
27 but not limited to, sweepers, power mowers, leaf/snow blowers, rototillers, power
28 saws, or other equipment used to perform gardening, property repair or other
29 functions during the [nighttime hours of 8 p.m. to 7 a.m. At no time when](#)
30 [operational shall the sound level caused by or emitted from any such](#)
31 [equipment/tools exceed 85 dB\(A\) at the source premises property line.”](#)
32 Seconded by Jeremy Lenentine

33
34 The motion carried by a vote of 5 FOR and 1 AGAINST.
35 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, and Karissa
36 Culbreath
37 NO: Nicole List

38
39 Bob Tyler moved to amend O2, page 7, line 8 as follows: [Section 5. Effective](#)
40 [Date. This Ordinance shall become effective on \[June July 1, 2024.\]\(#\)](#) Seconded
41 by Jeremy Lenentine

42
43 The motion carried by a vote of 6 FOR and 0 AGAINST.
44 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
45 Nicole List
46 NO: None

1
2 The main motion as amended carried by a vote of 6 FOR and 0 AGAINST.
3 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
4 Nicole List
5 NO: None
6

7 7.) O5, Ordinance Amending Chapter 34 Municipal Court
8

9 Peter Wells, Deputy City Manager presented this item. As part of the 2023 New Mexico
10 Legislature session, House Bill (HB)139 was passed, which is effective July 1, 2024. It
11 eliminates the State law requirement for municipalities to enact an ordinance requiring
12 an assessment of corrections fees, judicial education fees, and court automation fees to
13 be collected as Municipal Court costs, with a portion remitted to the State. Increasing
14 the corrections fee (prisoner care fee) assessed by Municipal Court from \$50 to \$75 will
15 help offset the increased costs imposed by Sandoval County, and is projected not to
16 raise the General Fund transfer amount. Staff is not recommending a larger increase to
17 the corrections fee (prisoner care fee) because such fees can be viewed as regressive
18 and impact lower-income individuals more significantly. With the proposed increase to
19 the corrections fee (prisoner care fee) from \$50 to \$75, along with the reduction of the
20 judicial education fee (\$3) and court automation fee (\$6), the minimum and mandatory
21 amount someone will pay when convicted of violating any City ordinance related to the
22 operation of a motor vehicle or any ordinance that may be enforced by the imposition of
23 a term of imprisonment will increase from \$77 to \$93 (effective July 1, 2024 and
24 includes the local \$15 traffic safety education and enforcement fee and \$3 court
25 facility/equipment/technology/program fee).
26

27 Bob Tyler moved to approve O5. Seconded by Jim Owen
28

29 The motion carried by a vote of 6 FOR and 0 AGAINST.
30 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
31 Nicole List
32 NO: None
33

34 **Discussion and Deliberation**
35

36 8.) R30, Resolution to Write-Off and Remove Uncollectible Ambulance, Utilities, Parks
37 and Recreation, Alarm, and Library Accounts from the City's Accounts Receivable
38

39 Carol Jaramillo presented this item. The proposed Resolution will allow for the write-off
40 and removal of \$741,778.59 in uncollectible ambulance, utilities, parks and recreation,
41 alarm, and library accounts from the City's financial records. Accounts proposed to be
42 written off are four years old, or in some cases, older.
43

44 Bob Tyler moved to approve R30. Seconded by Karissa Culbreath
45

46 The motion carried by a vote of 6 FOR and 0 AGAINST.

1 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
2 Nicole List
3 NO: None
4

5 **City Manager**

6
7 **Adjournment**

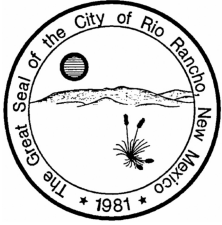
8
9 APPROVED THIS APRIL 25, 2024
10

11 _____
12 Gregory D. Hull, Mayor

13 ATTEST:

14
15 _____
16 Noel Davis, City Clerk
17 SEAL

DRAFT



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R31

AGENDA DATE:
April 25, 2024

DEPARTMENT:
Public Works

SUBJECT:
R31, Resolution Authorizing a Budget Adjustment to the Infrastructure Fund (305) for Acceptance of Sandoval County Funds for the 15th Street SE Realignment Project

BACKGROUND AND ANALYSIS:

Sandoval County has provided the City of Rio Rancho a Memorandum of Understanding, which authorizes a grant of \$95,000 for the 15th Street SE Realignment Project from Westside Boulevard to the paved portion of 15th Street SE.

The City is currently in the design phase (approximately \$308,000), which includes a new roadway alignment that will provide future Unit 10 connectivity from Southern Boulevard to Black Arroyo Road.

This grant from Sandoval County is the second allocation of funds for this project. The City initially accepted the first grant of \$100,000 in August 2023, and the City also budgeted funds to address design costs as part of the approved FY 2024 Budget.

Funding for realignment construction costs (approximately \$1.9 million) is included in the City Manager's Recommended FY 2025 Budget.

IMPACT:

The support and acceptance of the Budget Adjustment Resolution will fund a portion of design costs associated with the 15th Street SE Realignment Project.

ALTERNATIVES:

Approve the Resolution.

Do not Approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [MOU between SC and the City of Rio Rancho](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE
INFRASTRUCTURE FUND (305) FOR ACCEPTANCE OF SANDOVAL COUNTY
FUNDS FOR THE 15th STREET SE REALIGNMENT PROJECT**

WHEREAS: Sandoval County has provided the City a Memorandum of Understanding which authorizes \$95,000 for the 15th Street SE Realignment Project; and

WHEREAS: a budget adjustment is necessary to expend the funds as proposed.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That authorization is given for the following budget adjustment:

Infrastructure Fund (305)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
305-0000-338.10-00 County Grant	PW2478	\$100,000	\$95,000		\$195,000
Total Sources		\$100,000	\$95,000		\$195,000

Infrastructure Fund (305)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
305-0000-442.70-10 Road Construction	PW2478	\$31,337,404	\$95,000		\$31,432,404
Total Uses		\$31,337,404	\$95,000		\$31,432,404

ADOPTED THIS _____ DAY OF _____, 2024.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**MEMORANDUM OF UNDERSTANDING BETWEEN
SANDOVAL COUNTY AND THE CITY OF
RIO RANCHO**

THIS MEMORANDUM OF UNDERSTANDING (hereinafter, referred to as “MOU”) is entered into by and between Sandoval County, a political subdivision of the State of New Mexico (the “County”), and the City of Rio Rancho, a municipal corporation (the City).

IT IS AGREED THAT:

1. SCOPE OF SERVICE:

The County will provide the sum of NINETY-FIVE THOUSAND and 00/100ths dollars (\$95,000.00) (the “Funds”) for various services related to the acquisition, design, engineering and construction for the right-of-way extension improvement project from Westside Blvd to the paved portion of 15th Street Southeast in Rio Rancho, New Mexico (the “Improvement Project”). This sum will be paid from Commissioner Dave Heil’s discretionary fund. The Funds may be used at any time in the future by the City in its sole discretion so long as the Funds are applied to the Improvement Project in Commissioner Heil’s District, and the Funds shall be delivered to the City by the County on or before the Expiration Date (defined herein below). The City will not be responsible for repayment of any portion of the Funds as long as the Funds are used as described in this Scope of Service.

2. EFFECTIVE DATE AND TERM OF MOU:

The term of this MOU shall become effective upon execution of this MOU, and shall continue until December 31, 2024 (the “Expiration Date”).

3. TERMINATION:

This MOU may be terminated by either of the parties by giving thirty (30) calendar days’ notice in writing to a party. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination.

4. LIABILITY:

Each party acknowledges that liability will be subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1 *et seq.* NMSA 1978, as amended.

5. AMENDMENT:

This MOU shall not be altered, changed or amended except by instrument in writing executed by the parties hereto.

6. APPROPRIATION/USE OF FUNDS:

It is expressly understood that any obligation, monetary or otherwise, shall be subject to and contingent upon the availability and sufficiency of resources for appropriations and for obligations. If sufficient funds are not appropriated or sufficient authority is not given to perform such obligations, this MOU is subject to termination by either the County or the City. The County's decision as to whether sufficient appropriations are available shall be final.

7. SCOPE OF MOU:

This MOU incorporates all the agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this written MOU. No prior agreement, covenant or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this MOU.

8. NOTICES:

Any notice required herein shall be sufficient if mailed to the address shown below:

For Notice to the City:

The City of Rio Rancho
Attn: City Manager's Office
3200 Civic Center Circle, NE
Rio Rancho, NM 87144

For Notice to the County:

Sandoval County
Attn: County Manager's Office
P.O. Box 40
Bernalillo, NM 87004

9. APPLICABLE LAW:

This MOU shall be governed by the laws of the State of New Mexico and venue is proper in Sandoval County.

[Signatures on the next page.]

THE CITY OF RIO RANCHO,
a municipal corporation

By: [Signature]
Matt Geisel,
City Manager, City of Rio Rancho

Date: 29/Mar/2024

APPROVED AS TO FORM:

By: [Signature]
Josh Rubin
City Attorney

Date: 3/29/24

SANDOVAL COUNTY,
a political subdivision of the State of
New Mexico

By: [Signature]
Wayne Johnson,
Sandoval County Manager

Date: 3/29/24

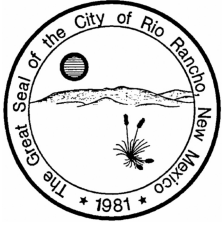
By: [Signature] for
Michael Eshleman
Sandoval County Attorney

ATTEST:

[Signature]
Anne Brady-Romero, County Clerk

Date: _____





**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R32

AGENDA DATE:

April 25, 2024

DEPARTMENT:

Police Department

SUBJECT:

R32, Resolution Authorizing a Budget Adjustment to the 2022 G.O. Bond Fund (333) for Police Vehicle Upfit and Equipping

BACKGROUND AND ANALYSIS:

The Police Department has identified and determined the need to upfit and equip two previously purchased transit vans for criminal investigations and crashes resulting in death or great bodily harm. The cost is \$28,101.

Specific, specialized equipment is imperative when processing major scenes and must be available at all times. The vans in question are not currently marked with agency identifiers and lack emergency equipment such as emergency lights and sirens.

IMPACT:

The addition of markings and equipment for criminal investigations/crashes vans will increase safety at scenes involving death and/or great bodily harm.

The funding source is voter-approved 2022 G.O. Bond proceeds for public safety, and this Resolution allocates existing funding to appropriate budget line items for expenditure purpose. There is no impact to the City's General Fund.

ALTERNATIVES:

Approve Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution PD](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE 2022 G.O. BOND
FUND (333) FOR POLICE VEHICLE UPFIT AND EQUIPPING**

WHEREAS: the Police Department has determined the need to upfit and equip two transit vans for the Criminal Investigation Division and Traffic Division and

WHEREAS: a budget adjustment is necessary to correctly classify the expenditures as minor equipment.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF RIO RANCHO:**

That authorization is given for the following budget adjustment:

2022 GO Bond Fund (333)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
333-0000-424.60-70 Law Enforcement Minor Equipment	PS2246	\$0	\$28,101		\$28,101
333-0000-424.70-15 Law Enforcement Vehicles and Heavy Equipment	PS2247	\$660,794		\$20,655	\$640,139
333-0000-424.70-25 Major Equipment	See Note*	\$19,655		\$7,446	\$12,209
Total Uses		\$680,449	\$28,101	\$28,101	\$680,449

*PS2247 SWAT Vehicles: \$576
PS2249 Virtual Training Simulator: \$6,870

ADOPTED THIS _____ DAY OF _____, 2024.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R33

AGENDA DATE:

April 25, 2024

DEPARTMENT:

Development Services

SUBJECT:

R33, Resolution Amending the Los Diamantes Master Plan to Update Section 4. Design Standards and Section 10. Implementation and Phasing; Providing for Severability and an Effective Date

BACKGROUND AND ANALYSIS:

The applicant, LD Development, LLC., through their agent, Consensus Planning, Inc., requests approval of an amendment to the Los Diamantes Master Plan for proposed changes in the Business Park section, including the allowance of architectural metal as a primary construction material, welded wire mesh fencing as an allowed fencing type, and the color green as an allowable primary structure color.

The Master Plan consists of approximately 190 acres of land located near the northwest corner of Westside Blvd. SE and Los Diamantes Dr. SE. The Master Plan was originally adopted on August 12, 2015 (Resolution No. 61, Enact. No. 15-055) and was subsequently amended on:

- August 13, 2020 (Resolution No. 73, Enact. No. 20-071),
- September 22, 2022 (Resolution No. 87, Enact. No. 22-087), and
- January 26, 2023 (Resolution No. 126, Enact. No. 23-017).

In a concurrent application (Case #24-105-00001), the Applicant has requested a Text Amendment to City Code, Section 154.33 BP: Business Park District standards.

This Master Plan Amendment was heard at the April 9, 2024, Planning and Zoning Board Meeting. The Planning and Zoning Board voted by a vote of six (6) for and 0 against, to recommend approval to the Governing Body.

As the Los Diamantes Master Plan has been amended multiple times to change the design standards, boundaries, and contents of the Master Plan, staff has included an abbreviated list of the previously approved changes below. For a complete list of these changes, please see the attached document, "Comprehensive Los Diamantes Master Plan Amendments 2020 through 2023."

Master Plan Amendment (Approved August 13, 2020) (Resolution No. 73, Enact. No. 20-071):

The amendment updated the land use, proposed zoning, and parks and recreation sections to address a revised lot layout for the R-3 Mixed Residential located south of Westside Blvd. The acreage for the Business Park land use was cut approximately in half with the addition of medium density residential. The amendment also provided for the possibility of a future development of 15 acres of multi-family residential and a public safety facility within the remaining Business Park area.

Master Plan Amendment (Approved September 22, 2022) (Resolution No. 87, Enact. No. 22-087):

The amendment included a conceptual diagram of new signage with measurements and updated text describing larger signage.

Master Plan Amendment (Approved January 26, 2023) (Resolution No. 126, Enact. No. 23-017):

The western boundary of the Master Plan was expanded to the REA Easement to the west and Ark Road and Westside Blvd. to the north. Land Uses were updated and changed to include multi-family south of Los Diamantes Dr.

Master Plan Amendment (April 9, 2024 Proposal):

The Applicant is proposing the following amendments to the Master Plan, as outlined below:

In Section 4: Design Standards under (B) Business Park Design Standards, the text update is as follows; edited or added text is underlined:

II. Building Orientation and Connectivity

a. Setbacks

1. Front Yard Setback

Minimum - 10'

Maximum - 80'

2. Side yard Setback:

~~Minimum of ten (10) feet~~ Minimum of five (5) feet, except that cantilevered roofs and sunscreens may project three (3) feet into the setback area. In the case of a corner lot, the front yard setbacks will apply except that cantilevered roofs and sunscreens may project six (6) feet into the setback area. Interior lot lines for a corner lot shall be considered side lot lines. Signs allowed by the ordinance may be placed in street-side, side-yard setback areas. There is no maximum side setback. (Page 16 of master plan).

3. Rear Yard Setback:

Twenty (20) feet, except that cantilevered roofs and sunscreens may project three (3) feet into the setback area.

b. Building Placement:

~~1. Building placement that creates opportunities for plazas, courtyards, patios, or outdoor dining is strongly encouraged.~~

1. Building entries, for parcels and buildings adjacent to Los Diamantes Road, shall be located so that they are easily identifiable:

a. Los Diamantes Road is the primary roadway serving the business park.

...

IV. Architecture

a. Materials

1. Primary building materials shall be stucco, colored concrete, *architectural metal siding, or colored block. Stone, tile, metal, or brick accents are also allowed.

2. Finished building treatments are required on all four sides of the building.

3. Materials prohibited as the primary building material include the following:

i. Exposed, untreated precision block of wood walls

- ii. Highly reflective surfaces
- iii. Metal paneling

b. Color

1. Predominant colors shall be limited to shades of brown, green, tan, green, rust, and blue. High-intensity colors, such as metallic, black, or fluorescent colors are prohibited.

c. Height

1. Building height shall be limited to sixty (60) feet.

*Pursuant to the City of Rio Rancho Zone Code, Section 154.61 Part (D).

VII. SCREENING, BUFFERING AND WALLS

Intent: The intent is to reduce the visual impact of the necessary elements of parking, mechanical equipment, and refuse on the site; and to provide broader buffers to adjacent land uses without impacting the practical function of the site components.

...

b. Walls

1. All perimeter block walls facing rights-of-way shall be constructed of split-face concrete block and shall include a smooth, continuous 4-inch cap of a complementary color.
2. Plain grey CMU block shall not be used for wall material unless treated with stucco.
3. Chain-link (with or without slats), wood or plastic/vinyl fencing is prohibited except for security fencing where not visible from the public right-of-way.
4. Barbed wire, concertina wire and similar materials are prohibited.
5. Black or dark green welded wire mesh is permitted for security fencing except along Los Diamantes Road.

VII. STORAGE AND EQUIPMENT AREAS

Intent: Storage and equipment areas should be designed to be harmonious with the site without interfering with their storage function and need for security.

- a. Any exterior storage and sales areas shall be screened with walls which are architecturally compatible with the primary building(s) on the site.
- b. Loading and service areas should be provided with separate access and circulation whenever possible.

...

IX. SIGNAGE

The following signage standards were developed to regulate the size, location, type, and quality of sign elements within this property. A properly implemented signage program will serve four very important functions: to direct and inform employees and visitors; to provide circulation requirements and restrictions; to provide for public safety, and to complement the visual character of the development.

a. The following types of signs are permitted in the Los Diamantes Business Park:

1. Monument/Entry Signs
2. Building Mounted Signs (Including individual tenant signage)
3. Vehicle Directional Signs
4. Pedestrian Direction Signs

b. Entry signs shall be monument type and shall complement the materials, color, and architectural character of the buildings and shall not exceed on hundred thirty-five square feet in area, and fifteen feet in height above grade.

...

c. ~~One building mounted sign is~~ Building mounted signs are permitted for facade that faces Los Diamantes Road and are limited to 6% of the building facade a primary roadway. Building mounted signs shall be limited to 10% of the building facade, and a maximum projection of eighteen inches.

Individual tenant signs are permitted provided they don't exceed the allowable percentage of the facade.

d. Vehicle directional signs are permitted when necessary to direct vehicles to a special site feature, such as visitor parking. The design of these signs shall be integrated with the Los Diamantes Business Park entry signs and shall not exceed three square feet in area, and five feet in height above grade.

e. Pedestrian directional signs are permitted when it is necessary to direct pedestrians to a special site feature such as a recreational trail. The design of these signs shall be integrated with the Los Diamantes Business Park monument entry signs and shall not exceed two square feet in area, and 3 feet in height above grade.

f. Illumination of signage is permitted and shall follow the regulations contained in Section X, Lighting, located below.

g. Digital and Light Emitting Diode Lighting is permitted per the City of Rio Rancho Institutional District sign regulations.

...

The Applicant agrees with staff that the proposed additions to Section 10. Implementation and Phasing should be addressed in a Development Agreement at the Development Review level. As such, the Applicant has amended their application and withdrawn their proposed additions to Section 10.

~~10. IMPLEMENTATION AND PHASING~~

...

~~Initiation of Phase 1 will require substantial outlays of capital to extend essential elements of infrastructure to this site. As a result, no neighborhood park improvements will be undertaken until Phase II.~~

~~a. Roadway improvements to Viga Road and 10th Street shall not be required.~~

~~b. Improvements including sidewalks and walls along Viga Road and 10th Street will not be required until further construction occurs along these two roads.~~

...

ANALYSIS:

Request to change side setbacks, building placement and building materials:

The Applicant did not provide direct justification on the requested changes to the sections on Building Placement and Setbacks.

Staff is unable to analyze the requested changes without a justification and therefore cannot support the proposed setback and building placement changes.

The Planning and Zoning Board recommends the Governing Body find the proposed setback and building placement changes meet the intent of the Los Diamantes Master Plan and the Comprehensive Plan. The Planning and Zoning Board voted unanimously to recommend approval of the Master Plan Amendment to the Governing Body at the April 9, 2024 Planning and Zoning Board meeting.

Request to allow metal siding as a building material:

The Applicant states in their justification, "This quote shows citywide support of architectural metal siding as a primary building material, which conflicts with the LDMP design standards. The LDMP Business Park Design Standards do not allow architectural metal siding as a primary building material. The City of Rio Rancho's choice to permit the building material has already resulted in new businesses migrating to the city. This amendment is essentially an opportunity for the LDMP to

match the rest of the City of Rio Rancho's existing zoning regulations."

Section 154.61 (D) states: The use of corrugated metal siding shall not compose more than 20% of a building facade. The use of architectural metal siding as an architectural element of a building that is finished with a powder coating designed to withstand natural elements for a minimum of 20 years is encouraged as long as the metal panels used are composed of two or more colors if metal is the dominant building material used.

While Staff understands the need for building options, the allowance of architectural metal siding as a primary building material directly conflicts with the established community character and design guidelines of the Los Diamantes Master Plan area.

Since August 13, 2020, The Los Diamantes Master Plan has been amended three (3) times. As the business park area of the master plan was substantially downsized by approximately 50% under the August 13, 2020 Los Diamantes Master Plan Amendment, staff finds the Applicant's proposal of architectural metal as a permissive primary building material would further erode the original intention of the business park area, effectively going against the design standards originally established under the Master Plan. Staff is concerned that the proposed inclusion of architectural metal as a primary building material will directly affect the character of the surrounding Los Diamantes community.

The Planning and Zoning Board recommends the Governing Body find the proposed allowance of architectural metal siding as a primary building material meets the intent of the Los Diamantes Master Plan and the Comprehensive Plan. The Planning and Zoning Board voted unanimously to recommend approval of the Master Plan Amendment to the Governing Body at the April 9, 2024 Planning and Zoning Board meeting.

Request for fence material:

The Applicant states in their justification, "While fencing is already conditionally permitted under the LDMP, besides its use as a means of security, fencing itself is prohibited. Welded wire mesh fencing is a cost effective way to secure property but is currently under restriction by the Los Diamantes Master Plan Design Standards section VII, part C which states, 'Chain-link (with or without slats), wood or plastic/vinyl fencing is prohibited except for security fencing where not visible from the public right-of-way'. While this section of the plan doesn't mention welded wire mesh fencing specifically, the language restricting the use of fencing itself has the potential to create roadblocks for projects in the future. The utilization of fencing for strictly security use is a wasted opportunity for potential projects, and an amendment lifting these restrictions would only serve to create more design options in the LDMP plan area. As with architectural metal siding, it is a cheap and resilient material that can be colored to be aesthetically pleasing for parts of the fencing facing the public right-of-way."

The Applicant states, "Welded wire mesh fencing has been used as a means of security for property throughout the state, and country. Its resistance to corrosion means it will last longer, and its core design intentionally makes it difficult to climb."

Under the current master plan design guidelines, chain-link is only permitted as security fencing, provided the fencing is not visible from the public right-of-way. Welded wire mesh can look similar enough to chain-link that it would have the same restrictions. The Applicant's proposal for allowance of security fencing within the master plan except along Los Diamantes Road conflicts with the established design guidelines of the master plan. Fencing should be cohesive throughout the Master Plan area and allowing for additional fence types different from the residential areas will break the continuity between the areas and will change the look of the Business Park to a more Industrial Park look. Subsequent platting of the business park area will allow for opportunities for

security fencing to meet the current design guidelines as the business park develops in the future.

The Planning and Zoning Board recommends the Governing Body find the proposed allowance of welded wire mesh fencing as an allowable fencing material meets the intent of the Los Diamantes Master Plan and the Comprehensive Plan. The Planning and Zoning Board voted unanimously to recommend approval of the Master Plan Amendment to the Governing Body at the April 9, 2024 Planning and Zoning Board meeting.

Request to add a Building Color

In regards to color, the Applicant states, "Color is also something that is loosely restricted in the Los Diamantes Plan Area. In section IV Part B of the Design Standards section of the Los Diamantes Master Plan, it states, 'Predominant colors shall be limited to shades of brown, tan, rust and blue'. It is requested that green be a permitted color within the Los Diamantes Plan Area. The color will be a shade of sage green, which will blend into the existing color palette in Rio Rancho. Expanding the color palette to include green will only serve to provide more architectural variety in the area, without sacrificing the predominant tones that currently exist in Rio Rancho."

The allowance of the expanded option of the use of the color sage green would generally be complimentary to the current natural colors outlined in the Los Diamantes Master Plan; however, the color black for fencing material would not be complimentary to the natural earth colors as outlined in the current master plan.

The Planning and Zoning Board recommends the Governing Body find the proposed allowance for the color green as a permissive building color and for the colors of green and black as permissive fencing colors conform to the intent of the Los Diamantes Master Plan and the Comprehensive Plan. The Planning and Zoning Board voted unanimously to recommend approval of the Master Plan Amendment to the Governing Body at the April 9, 2024 Planning and Zoning Board meeting.

Request for additional signage

The applicant did not provide a justification for the request for additional signage, but staff was able to review the request since additional signage is a common request.

The Planning and Zoning Board recommends the Governing Body find that the Applicant's proposed changes to signage within the business park adds clarification and flexibility to the current design standards outlined in the master plan and would not adversely impact the surrounding community. Currently, individual tenant signs are not addressed within the design standards. The Applicant's proposed changes explicitly allow for individual tenant signage, but also reasonably restrict maximum allowable square footage to minimize impact to the surrounding community.

The Planning and Zoning Board recommends the Governing Body find the Applicant's proposed clarifications to signage meet the intent of the Los Diamantes Master Plan and the Comprehensive Plan, and additionally conform to City of Rio Rancho Code of Ordinances Chapter 156. Sign Regulations.

Request to not pave Viga Rd or 10th Street

The applicant did not provide direct justification why improvements to these roadways should not occur or what would constitute further construction to trigger the needs for sidewalks and walls. However, the Applicant agrees with staff that the proposed additions to Section 10. Implementation and Phasing should be addressed in a Development Agreement at the Development Review level. As such, the Applicant has amended their application and withdrawn their proposed additions to Section 10.

Staff recommends the Governing Body find that the Applicant's withdrawal of the proposed additions under Section 10 bring this section of the application request back into conformance with Volume II. Section 3.8.1 *Roadway Improvements* of the City's Development Process Manual (DPM). Volume II. Section 3.8.1 of the DPM states, "The Developer will be required to construct full roadway improvements adjacent to and surrounding the project's boundaries." Required infrastructure improvements for development are determined at the plan review level and are per the DPM.

The Planning and Zoning Board recommends the Governing Body find the Applicant's withdrawal of the proposed additions under Section 10 bring this section of the application request back into conformance with Volume II. Section 3.8.1 *Roadway Improvements* of the City's Development Process Manual (DPM) . The Planning and Zoning Board voted unanimously to recommend approval of the Master Plan Amendment to the Governing Body at the April 9, 2024 Planning and Zoning Board meeting.

Conformance with Comprehensive Plan:

The Rio Rancho Comprehensive Plan defines a master plan as a detailed development plan often created by a developer, which may fit within a Specific Area Plan boundary or may provide sufficient planning detail that they may be developed in unplanned areas and stand in place of a Specific Area Plan. It states that, "The City will rely on the development of Specific Area Plans and Master Plans for identifying a specific land use at the parcel-level. Specific Area Plans and Master Plans are a part of the Land Use Element and are used as a statement of policy to guide land use decision making by the Governing Body."

Policy L-1 (5.6.3) of the Comprehensive Land Use Plan states: "Encourage master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan."

Staff finds that the Applicant's submittal conflicts with the community character and design standards established within the Los Diamantes Master Plan. Staff finds that the Applicant has not provided enough justification to establish that the proposed changes contained in the subject Master Plan Amendment will not adversely affect the Los Diamantes Master Plan and surrounding areas; Criteria is not satisfied.

The Planning and Zoning Board recommends the Governing Body find the Applicant's submittal meets the intent of the Los Diamantes Master Plan and the Comprehensive Plan, and would not conflict with existent community standards. The Planning and Zoning Board voted unanimously to recommend approval of the Master Plan Amendment to the Governing Body at the April 9, 2024 Planning and Zoning Board meeting.

REVIEWER COMMENTS: Application materials for this Master Plan Amendment request were sent to the below agencies for review:

Development Services Planning	Comments included as staff analysis throughout ABM.
Development Services Engineering	Improvements required for development will be determined at plan review and per the Development Process Manual (DPM). (Attached).
Rio Rancho Fire and Rescue	No adverse comments.
Rio Rancho Police	No comments received.
SSCAFCA	No adverse comments.

Parks, Recreation, and Community Services	Defers to DSD Planning for recommendations.
Rio Rancho Public Schools	No comments received.
MRMPO	No comments received.

NOTIFICATIONS: Notice of the application was sent via first class mail to abutting property owners. A legal notice was published in the Albuquerque Journal on April 10, 2024. Public notice signs were posted on the property as per ordinance. All legal notification requirements have been met.

IMPACT:

The Planning and Zoning Board recommends the Governing Body approve the Master Plan Amendment, subject to the following findings:

General Findings of Fact:

1. The Governing Body has the authority to make a decision on the applicant's request for an amendment to the Los Diamantes Master Plan.
2. The applicant has the authority to make an application to request an amendment to the Los Diamantes Master Plan.
3. The applicant and affected property owners received due process, as proper notice and an opportunity to present views was given.

Specific Findings of Fact:

1. The proposed Master Plan Amendment to the Los Diamantes Master Plan to does not adversely affect the intended character of the Master Plan area.
2. The proposed Master Plan Amendment is consistent with the goals and elements of the Comprehensive Plan.
3. The Applicant shall provide an updated copy of the Los Diamantes Master Plan including all proposed amendments that will be reviewed by staff, and shall include correct acreages for the entire Master Plan boundary and Business Park Land Use acreage.

However, if the Governing Body finds the Applicant's proposal is not in conformance with City standards, Staff recommends the findings of fact for denial as detailed below:

Specific Findings of Fact for Denial:

1. The proposed Master Plan Amendment to the Los Diamantes Master Plan adversely affects the intended character of the Master Plan area.
2. The proposed Master Plan Amendment is not consistent with the goals and elements of the Comprehensive Plan.

ALTERNATIVES:

1. The Governing Body may approve the request.
2. The Governing Body may deny the request.
3. The Governing Body may modify the request and approve such modifications.
4. The Governing Body may continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

The Development Services Department recommends the Governing Body deny the Master Plan Amendment. The Planning and Zoning Board recommends the Governing Body approve the Master Plan Request.

ATTACHMENT: [Resolution_Los_Diamantes](#)

ATTACHMENT: [Location Map](#)

ATTACHMENT: [Reproduction of Notices, Legal Ad](#)

ATTACHMENT: [LDMP Amendment Application Complete](#)

ATTACHMENT: [LDMP Amendments as recommended by PZB - Clean](#)

ATTACHMENT: [Reviewer Comments](#)

ATTACHMENT: [\(CURRENT\) Los Diamantes Master Plan](#)

ATTACHMENT: [Edmiston, Joe and Mary Beth_Public Comment](#)

ATTACHMENT: [Comprehensive Los Diamantes Master Plan Amendments 2020 through 2023](#)

ATTACHMENT: [LDMP Design Standards Redlines as recommended by PZB](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AMENDING THE LOS DIAMANTES MASTER PLAN TO UPDATE
SECTION 4. DESIGN STANDARDS AND SECTION 10. IMPLEMENTATION AND
PHASING; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS: the Governing Body of the City of Rio Rancho has adopted zoning regulations and an official zone map in accordance with New Mexico Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses and provides for specific goals, policies, and actions; proposes land use throughout the City; and also provides for land use in master planned communities via master plans; and

WHEREAS: the Governing Body of the City of Rio Rancho recognizes the need for long range, integrated comprehensive planning to direct future growth and development of the City; and

WHEREAS: the Los Diamantes Master Plan was originally adopted on August 12, 2015 by Resolution No. 61, Enactment No. 15-055 and was subsequently amended on August 12, 2020 by Resolution No. 73, Enactment No. 20-071, on September 22, 2022 by Resolution No. 87, Enactment No. 22-087, and on January 26, 2023 by Resolution No.126, Enactment No.23-017; and

WHEREAS: in order to update design guideline criteria in Section 4. Design Standards; and to update infrastructure improvements in Section 10. Implementation and Phasing; and

WHEREAS: the Planning and Zoning Board of the City of Rio Rancho reviewed the amendments to the Los Diamantes Master Plan at their meeting held on April 9, 2024, and following public hearing recommended approval of those amendments and modifications; and

WHEREAS: the Governing Body of the City of Rio Rancho has reviewed the proposed amendments (Case No. 24-410-00001) to the Los Diamantes Master Plan at their meeting held April 25, 2024, and following public hearing and receipt of the Planning and Zoning Board's report and recommendation, has determined that the amended Plan is in conformance with the City of Rio Rancho Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF RIO RANCHO:**

Section 1. The Governing Body hereby approves and adopts the amendments

1 and modifications to the Los Diamantes Master Plan to update Section 4. Design
2 Standards; and Section 10. Implementation and Phasing.

3
4 **Section 2. Effective Date:**

5 This Resolution shall take effect immediately upon adoption.
6

7
8 ADOPTED THIS _____ DAY OF _____, 2024.
9


10
11 _____
12 Gregory D. Hull, Mayor
13

14 ATTEST:

15
16 _____
17 Rebecca A. Martinez, City Clerk
18 (SEAL)

MASTER PLAN AMENDMENT LOS DIAMANTES MASTER PLAN



 Los Diamantes Master Plan Area

DISCLAIMER: All information on this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. This map is not a survey and should be used for general purposes only.



Map Created by Chris Benson on 05/17/2024



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

April 9, 2024

RE: Master Plan Amendment
Case No. 24-410-00001
Los Diamantes Master Plan Amendment

Dear Property Owner:

You are receiving this notice because your property is within the Los Diamantes Master Plan where a land development decision is required by the Governing Body.

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., requests to amend the Los Diamantes Master Plan to allow Architectural Metal as a primary construction material, welded wire mesh fencing as an allowed fencing type, and the color green as the primary color of a structure within the Business Park area of the Los Diamantes Master Plan.

The **Governing Body** will consider the request on **Thursday, April 25, 2024** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below**.

On the back of this letter is a location map of the project, with the subject area identified in crosshatching.

If you would like to comment on this application, you are encouraged to send in comments in writing or via email to tdvorak@rrnm.gov, which will be presented to the Governing Body. This Governing Body meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rrnm.gov or on Sparklight cable channel 56.

For the **Governing Body meeting**, to participate virtually: Join via computer:
<https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MDN0UT09>
Meeting ID: 853 0235 3741 Passcode: 789419 Join via phone: 1-346-248-7799 US

Please do not hesitate to contact me via e-mail me at tdvorak@rrnm.gov or call me at 505-896-8361, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rrnm.gov, the Friday before the hearing.

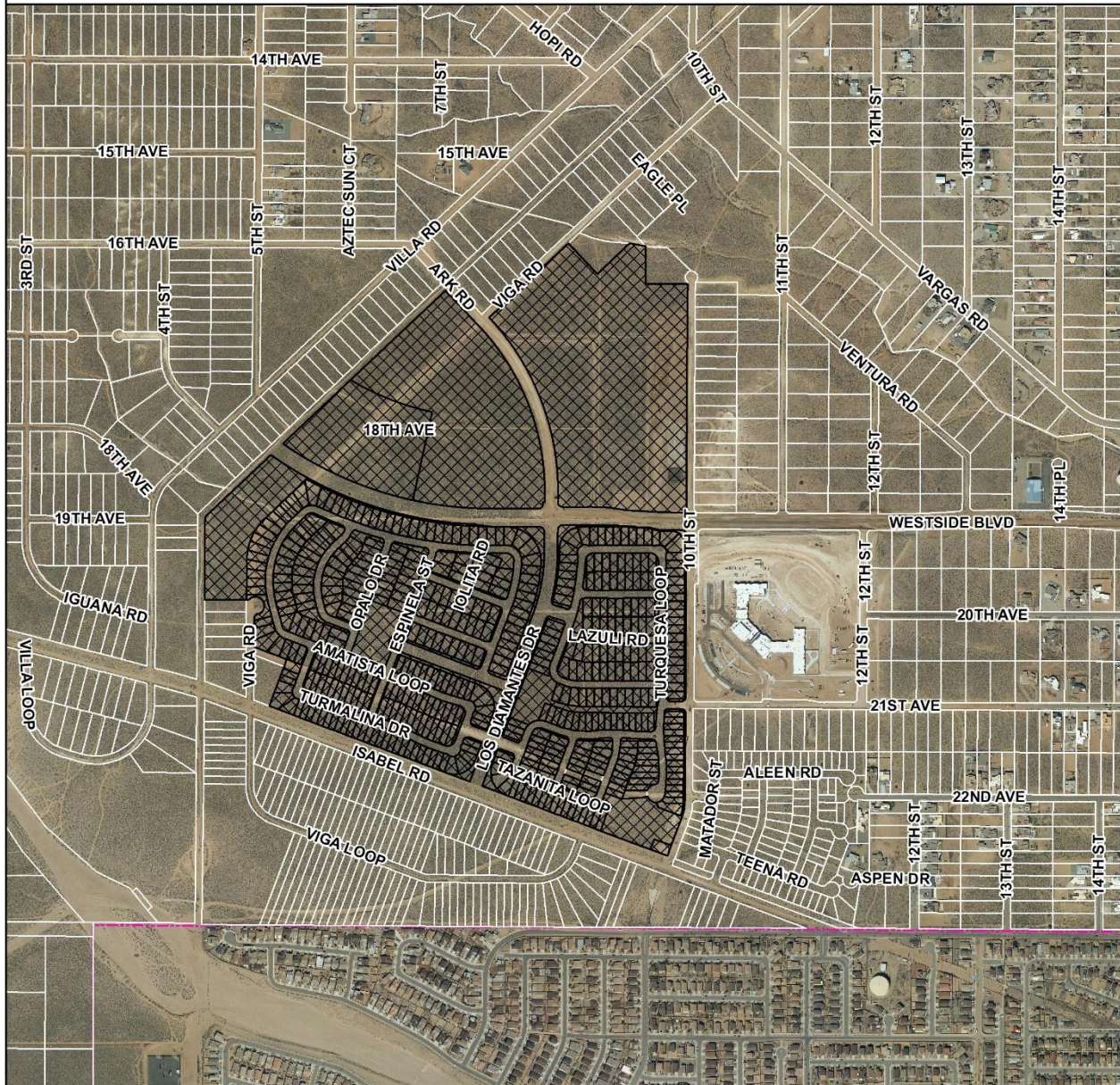
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,

Tim Dvorak

Tim Dvorak
Municipal Planner II
Development Services Department
City of Rio Rancho

MASTER PLAN AMENDMENT LOS DIAMANTES MASTER PLAN



CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The GOVERNING BODY of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Thursday, April 25, 2024:

Text Amendment
Case #24-105-00001

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., seeks to make the following amendments to the Rio Rancho Municipal Code, Chapter 154.33 BP: Business Park District to include following changes and renumbering of (18) through (35):

(B) (18) Outdoor storage, as a primary use, provided:

(a) Shall not be permitted where the property abuts a residential zone;

(b) A combination of buffer wall, fence, landscape, or buildings shall separate the outside storage from abutting rights-of-way;

(c) Shall require a minimum of six (6) foot wall to screen the outdoor storage from adjacent properties;

(d) Roof/carport structure is required for all outdoor storage spaces;

(e) On-site amenities including rinse bay, propane and air fill station, and dump station, shall be required;

(f) Proposed outside storage shall require approval of a site development plan;

(g) Shall not include any outdoor sales display; and

(h) Shall be limited to the storage of personal RV's, Boats, trailers, and other personal and commercial vehicles.

(27) Restaurants, bars, lounges, coffee/tea rooms, patio/al fresco dining facilities provided:

(a) There shall be no drive in or drive up restaurants; and

(b) Outdoor seating is at least 75 feet away from any residential zone;

(C) General requirements and design standards.

(1) All activities and storage of materials, products or equipment shall be within an enclosed building except as provided above and unless consistent with Article III, Section 154.71:

Master Plan Amendment
Case #24-410-00001
The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., requests to amend the Los Diamantes Master Plan to allow Architectural Metal as a primary construction material, welded wire mesh fencing as an allowed fencing type, and the color green as the primary color of a structure within the Business Park area of the Los Diamantes Master Plan.

Zone Map Amendment
Case #23-100-00008
The applicant, LGI Homes, through their agent, Coe & Van

Loo Consultants, Inc., is requesting approval of a Zone Map Amendment from R-1 and O-1 to R-5, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

Specific Area Plan Amendment
Case #23-410-00006
The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of an amendment to the Lomas Negras Specific Area Plan.

Master Plan
Case #23-400-00003
The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of the High Range 6 Master Plan, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rnm.gov. Written comments will be inserted into the public record.
Journal: April 10, 2024

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

(Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input checked="" type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print In Ink Only or Type

Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name: Pierre Amestoy, Amestoy Construction and Development		Phone: 505-822-0044
Address: 4461 Irving Blvd NW		E-Mail: pierre@amestoy.net
City: Rio Rancho	State: NM	Zip: 87114
Proprietary Interest: Owner	List Owners: Pierre Amestoy	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)
Agent Name: Consensus Planning Inc.		Phone: 505-764-9801
Address: 302 8th Street NW		E-Mail: cp@consensusplanning.com
City: Albuquerque	State: NM	ZIP Code: 87102

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)

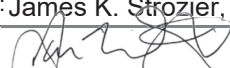
Amend the Los Diamantes Master Plan to allow Architectural Metal as the primary construction material, welded wire mesh fencing as an allowed fencing type, and the color green as the primary color of a structure.

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Los Diamantes	Block(s):	Lot(s): 2-A-1
Existing Zoning: BP	Proposed Zoning: N/A	
No. of existing lots: 1	No. of proposed lots: 1	Total area of site (acres) 36.16

ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name: James K. Strozier, FAICP	Applicant: Pierre Amestoy	Agent: Consensus Planning Inc.
Signature: 	Date: 3/5/2024	

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ DATE: _____

March 5, 2024

Mr. Fred Radosevich, Chair
Planning and Zoning Board
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Re: Request for a Master Plan Amendment

Dear Chair Radosevich:

The purpose of this letter is to provide justification for a request to amend the Los Diamantes Master Plan (LDMP) design guidelines. The applicant’s request for a revision to the design standards within the Los Diamantes Master Plan is to allow for architectural metal siding to be the primary building material of a structure within the area zoned BP. The request goes beyond the aesthetic and structural value of the material, as it aims to use the amendment as a catalyst for future job creation and industrial development.

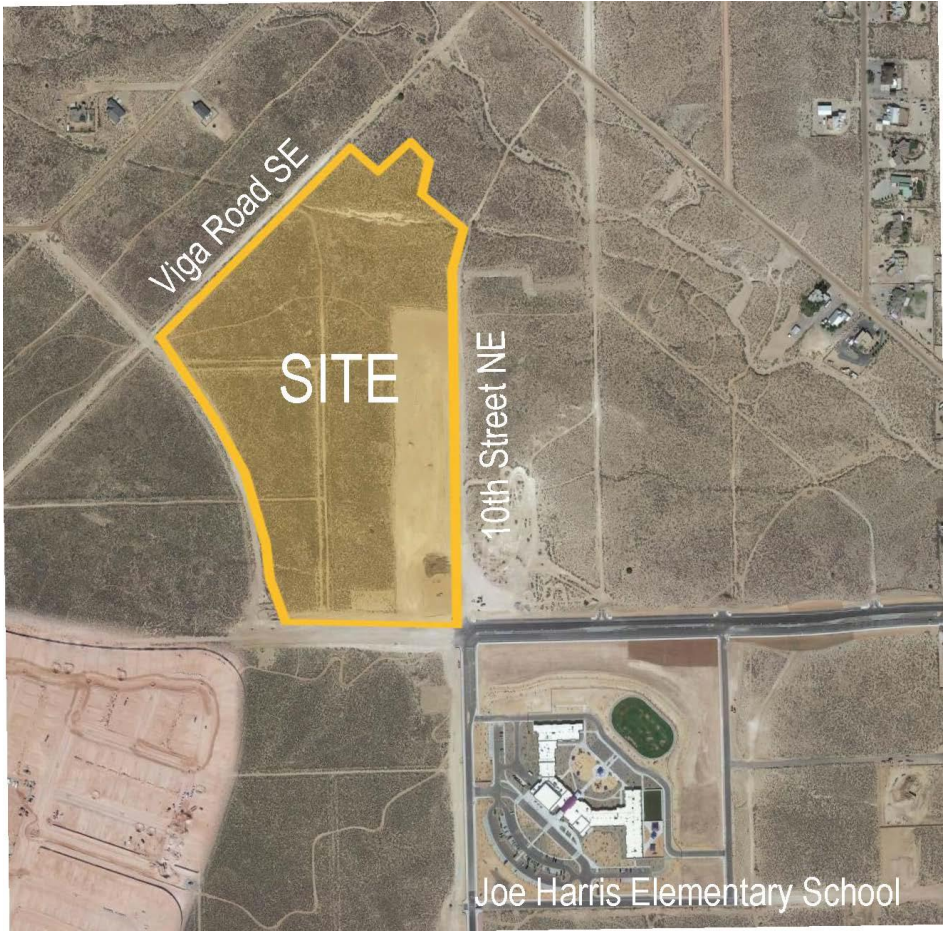


Figure 1: Subject Property Site

Existing Conditions

The subject property is bordered by Viga Road to its north, and Westside Blvd to its south. The property lies within the Los Diamantes Master Plan area, and is legally described as LD, Tr 2-A-1. The property that will be requiring this amendment is a single lot zoned BP and is approximately 36.16 acres in size. The site itself is vacant and is surrounded by vacant land. The Project Site is currently located in between areas zoned R-1 zone on its North, M-1 on its East, and R-3 on its south and west.

The subject property falls under the regulation of the Los Diamantes Master Plan, which prohibits the use of architectural metal siding as a primary material of a structure. These standards were put in place to establish and maintain the unique style that the City has crafted throughout the years but has become outdated. Now types of finishes and colors have expanded the architectural use of metal panels. The City of Rio Rancho has also amended its zoning code to allow for the use of architectural metal siding as the primary building material of the structure (with certain requirements).

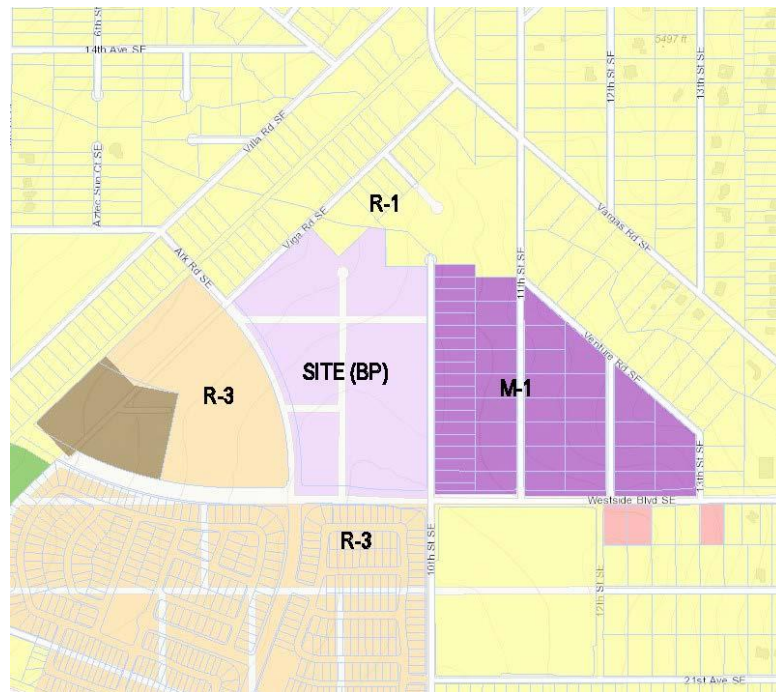


Figure 2: Subject Area Zoning Map

TABLE 1: SURROUNDING ZONING AND LAND USE		
Direction	IDO Zoning	Land Use
North	R-1 and C-1	Vacant
East	M-1	Vacant
South	R-3	Single Family Homes
West	R-1 and R-6	Vacant

Table 1: Surrounding Zoning and Land Use Table

Los Diamantes Master Development Plan

On August 12, 2015, the City of Rio Rancho Governing Body adopted the Los Diamantes Master Development Plan (LDMP). Since its adoption, the plan has been amended 3 times. These individual amendments were adopted on August 13, 2020, September 12, 2018, and September 22, 2023. These three amendments are listed as follows:

On July 12, 2015, the City adopted Resolution No. 61, Enactment No. 15-055, accepting the Los Diamantes Master Plan for an approximate one hundred eighty (180) acre development known as Los Diamantes (hereinafter "Los Diamantes"). Said plan identified the location, land uses, design standards, and improvements necessary to serve Los Diamantes, and other information and details regarding the development of Los Diamantes.

This resolution accepted the Los Diamantes Master Plan as another guiding planning document for the City of Rio Rancho.

On August 13, 2020, a revised Los Diamantes Master Plan was approved 25 by Resolution No. 73, Enactment No. 20-071

This resolution amended Section VII Signage (A.) of the Los Diamantes Master Plan. This amendment was adopted in order to allow for larger entry signage located within larger subdivisions in the Los Diamantes Plan Area. The amendments' broader goal was to create a sense of place in the area.

The Governing Body of the City of Rio Rancho approved the Generalized Land Use Map on September 12, 2018 through Resolution no. 60, Enactment no. 18-058

This amendment allowed for the inclusion of a Generalized Land Use Map included in Section 3, page 9 of the Los Diamantes Master Plan.

On September 22, 2022, a revised Los Diamantes Master Plan was approved by Resolution No.87, Enactment No.22-087

This resolution was adopted in order to expand the boundary of the Los Diamantes Master Plan Area, update zoning designations, updating the phasing of the Master Plan, and updates to the "Los Diamantes Site Vicinity" map, and the "Los Diamantes Phasing Plan" map.

The Los Diamantes Master Development Plan was drafted to guide growth in the area, as the population of Rio Rancho rapidly expands. The standards it set forth aim to establish clear direction for Rio Rancho, focusing mainly on developing housing and economic opportunities within the City. The use of architectural metal siding as the primary construction material is permitted in the larger Rio Rancho area, but under the regulation of the LDMP, it is prohibited on a site zoned BP. With new master plans being written to zero in on the development of specific parts of the city, these plans must ensure safeguards are put in place to keep new construction on par with the style the city has

stayed consistent with, but these safeguards need to be updated so they aren't an obstruction to future growth.

Unit 10 Specific Area Plan (SAP)

The Unit 10 Specific Area Plan is a document that outlines the Unit 10 area, which is bordered by Southern Blvd to its North and Black Arroyo Blvd to its South. The Unit 10 Area overlaps with the LDMP area, creating a space that is under the jurisdiction of two separate planning documents. The Unit 10 Specific Area Plan was adopted August 24, 2016, and was amended once on July 25, 2018. This amendment is as follows:

July 25, 2018, a revised Unit 10 Specific Area Plan was approved by Resolution No.50, Enactment No.18-049

This amendment was approved in order to stay in line with the changes regarding land use and boundary changes that were updated in the Los Diamantes Master Plan.

While this amendment is to the LDMP (which takes precedence over other documents for development in the area), it is important to consider all goals, policies and regulations that may exist in all planning documents in the area. The Unit 10 SAP shares many of the same goals as the LDMP, such as its strong emphasis on job creation and future land use objectives. While it does share commonalities with the LDMP, the Unit 10 SAP does not include any restrictions on the use of architectural metal siding as a primary building material in construction.

City of Rio Rancho Zone Code

The City of Rio Rancho's Zone Code has set forth standards that guide the development of the entire city. While the Zoning Code dictates development citywide, there is a conflict between the Los Diamantes Master Plan and how the zone code regulates metal building materials. The Zoning Code regulations for non-residential design criteria states the following:

Article III. Supplemental Regulations and Standards and Zoning Districts Tables Design Criteria, Section 154.61, Part (D)
"The use of corrugated metal siding shall not compose more than 20% of a building facade. The use of architectural metal siding as an architectural element of a building that is finished with a powder coating designed to withstand natural elements for a minimum of 20 years is encouraged as long as the metal panels used are composed of two or more colors if metal is the dominant building material used."

This quote shows citywide support of "architectural metal siding as a primary building material, which conflicts with the LDMP design standards. The LDMP Business Park Design Standards do not allow architectural metal siding as a primary building material. The City of Rio Rancho's choice to permit the building material has already resulted in new businesses migrating to the city. This amendment is essentially an opportunity for the LDMP to match the rest of the City of Rio Rancho's existing zoning regulations.

Project Design – Fencing

While fencing is already conditionally permitted under the LDMP, besides its use as a means of security, fencing itself is prohibited. Welded wire mesh fencing is a cost-effective way to secure property but is currently under restriction by the Los Diamantes Master Plan Design Standards section VII, part C which states, “Chain-link (with or without slats), wood or plastic/vinyl fencing is prohibited except for security fencing where not visible from the public right-of-way”. While this section of the plan doesn’t mention welded wire mesh fencing specifically, the language restricting the use of fencing itself has the potential to create roadblocks for projects in the future. The utilization of fencing for strictly security use is a wasted opportunity for potential projects, and an amendment lifting these restrictions would only serve to create more design options in the LDMP plan area. As with architectural metal siding, it is a cheap and resilient material that can be colored to be aesthetically pleasing for parts of the fencing facing the public right-of-way.

GOAL UD 4: *Create safe developments that discourage crime.*

Welded wire mesh fencing has been used as a means of security for property throughout the state, and country. Its resistance to corrosion means it will last longer, and its core design intentionally makes it difficult to climb.

Goal EDR-3: *Encourage large-scale manufacturing companies to relocate to Rio Rancho.*

As with the use of architectural metal siding as a building material, the ability to use fencing to surround a property would allow larger manufacturers to secure their property without providing walls covering the entire perimeter. The inexpensiveness of the material will allow for large scale construction at a fraction of the typical price.

Project Design – Color

Color is also something that is loosely restricted in the Los Diamantes Plan Area. In section IV Part B of the Design Standards section of the Los Diamantes Master Plan, it states, “Predominant colors shall be limited to shades of brown, tan, rust and blue”. It is requested that green be a permitted color within the Los Diamantes Plan Area. The color will be a shade of sage green, which will blend into the existing color palette in Rio Rancho. Expanding the color palette to include green will only serve to provide more architectural variety in the area, without sacrificing the predominant tones that currently exist in Rio Rancho.

Project Design – Building Material

While identity is important to development, it is also important that building materials are cost effective, and appropriate for a structure’s purpose. When observing the potential benefits of using architectural metal siding as the primary material in construction, the benefits that it will provide are clear. The material’s resilience to weather is a large aspect of the material. The material is also able to be easily colored, allowing for the opportunity to create vibrant structures. In accordance with the LDMP, Unit 10 SAP and City of Rio Rancho Zoning Code, design aesthetic and structural quality is of high

importance, so a change of this kind would be in clear support of the goals set forth in these documents. By using architectural metal siding as the primary material in construction, major aspects of the area's planning documents are being satisfied and are therefore pushing the area forward developmentally.

Comprehensive Plan

GOAL UD 1: Create focused growth areas where existing public infrastructure can support higher density development.

Applicant Response: The current vacancy of the BP zone and surrounding area will be vital in providing growth opportunities for the Los Diamantes Master Plan area. The site is already zoned to host a variety of different uses ranging from industrial to commercial through its BP zoning designation. By allowing for construction with cheap architectural metal siding, the space will be more enticing to those who may want to move their businesses into the space now that developmental restrictions have been lifted. The resulting growth of Rio Rancho would all be a result of the current infrastructural conditions found in the area.

POLICY UD 1: Identify specific areas within the city where growth should be focused.

Applicant Response: The Rio Rancho Comprehensive Plan established BP zoning to encourage economic development. By creating an opportunity to broaden the City's economy and pave the way for new development in the future, this amendment would be in support of the City of Rio Rancho's Comprehensive Plan in that it would be encouraging growth in specific spaces within the city (BP zones). The Los Diamantes Master Plan mentions BP zones in its first project objective by stating that they "will attract future employers to the City of Rio Rancho". By loosening restrictions on building material, the City is creating a more welcoming environment for new businesses to capitalize on.

This proposal is also an opportunity for areas within the Los Diamantes Master Plan to catch up to the current zoning standards set by the City of Rio Rancho. The city itself has acknowledged the benefits steel paneling for construction could pose and has accepted the use of it as the primary construction material accordingly. The Los Diamantes Area could see even more rapid growth through creating spaces within the city that not only allow for commercial and industrial development but would encourage it as well.

ACTION UD 2: Amend the zoning ordinance to establish higher design-oriented development standards.

Applicant Response: The use of architectural metal siding as a primary construction material has been consistently growing amongst new and existing businesses across the county. The material is inexpensive, and is often colored to create more vibrant, modern structures. Encouraging the use of resilient material that also complements the look of areas through unique design are standards that could be achieved should this amendment be granted. Higher design-oriented standards will be achieved by removing unneeded barriers to using restricted materials.

Goal EDP-1: Create Jobs.

Applicant Response: Through allowing a new type of low-cost construction material, businesses will be encouraged to expand into the Los Diamantes area. The construction projects for new development will employ many workers in the construction itself, and the finished businesses will also provide a range of jobs. Through the creation of these jobs the local economy will be further reinforced.

Goal EDR-1: Expand the economic base of Rio Rancho.

Applicant Response: Allowing for structures to be built out of architectural metal siding will broaden the scope of structures that will be able to be built in the area. The increased flexibility for construction will make it more feasible for large manufacturers to consider utilizing space in Rio Rancho for their businesses. By attracting manufacturing to the area, the City of Rio Rancho will create another avenue of income and job creation in the area and will expand the economic base of the city.

Goal EDR-3: Encourage large-scale manufacturing companies to relocate to Rio Rancho

Applicant Response: By removing the roadblock of applying for an exception to the restrictions set by the LDMP, companies will be encouraged to build new facilities out of approved materials. The vacancy of the land paired with the availability of people to staff these facilities will undoubtedly attract new businesses to the area.

Los Diamantes Master Development Plan

B. Business Park Design Standards

1. Primary building materials shall be stucco, colored concrete, or colored block. Stone, tile, metal, or brick accents are also allowed.

Applicant Response: While architectural metal siding is mentioned as a specific material that isn't permitted in construction within the LDMP, metal as a material is listed as being an acceptable primary building material in a BP zone. While these two materials are different, in design they can often be near indistinguishable. Since metal has not been an issue in design standards within the Los Diamantes area, architectural metal siding shouldn't pose any issue either. The use of metal as an accent in construction is a deliberate choice to showcase metal as a large building material in design. Allowing metal accents shows that architectural metal siding won't risk compromising any of the architectural character of Rio Rancho.

B. Business Park Design Standards

Consider each building as a long-term addition to the city by ensuring high-quality development.

Applicant Response: Quality building material is vital in establishing long lasting infrastructure in a growing city like Rio Rancho. Architectural metal siding is a strong building material that is cheap and can be used in a variety of different construction projects. Uses have ranged from large-scale manufacturing facilities to small commercial

developments. The material has proven to be resilient and is a safe bet in attempting to implement a built environment in Rio Rancho that will hold up for the long term.

Unit 10 Specific Area Plan

GOAL DG-2: Foster attractive developments that use sound design principles.

Applicant Response: The use of architectural metal siding as a design material is very flexible in the way that it can be styled. Those who design using architectural metal siding as the primary construction material will often paint with more vibrant colors. These colors bring life to often monotonous landscapes dominated by the same color palette. On top of their aesthetic appeal, architectural metal siding is also a very resilient material that can withstand the elements and experience minimal degradation over time, making it a very structurally sound material for building design. The proposed structure would be a large metal facility, typical of the standard warehouse design. It would be expected for this structure to take advantage of the aesthetical and structural benefits that architectural metal siding allows for.

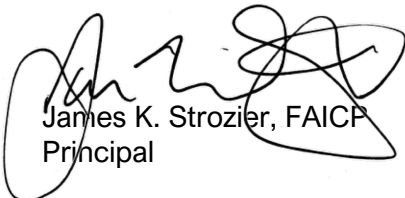
GOAL ACTIONS DEPARTMENT(S) TIMEFRAME GOAL CF-1: Encourage the development of future employment centers (including business parks) that support an improved jobs/housing balance and increased local employment.

Applicant Response: While the proposed amendment to the Los Diamantes Master Plan is to allow BP zones to permit the use of architectural metal siding as the primary construction material, it also supports the goal for job creation and increased local employment set forth by the LDMP and the Unit 10 SAP. The space won't support the traditional business center that was conceptualized by Unit 10 SAP and LDMP but will feature a space that will spur local employment and encourage further development in the area. This amendment will create more jobs and diversify the local economy through the attraction of new industries (such as large-scale manufacturing facilities).

Conclusion

The amendment to the Los Diamantes Master Plan to allow for the use of architectural metal siding as the primary construction material is an amendment that goes beyond building aesthetic. The amendment to allow for this type of construction will pave the way for new industry, and create opportunities for businesses owners, and those looking for work. This amendment will lower barriers blocking further expansion in Rio Rancho, furthering the goals of the Los Diamantes Master Plan, Unit 10 Specific Area Plan, and the City of Rio Rancho's Zoning Code.

Sincerely,



James K. Strozier, FAICP
Principal

Los Diamantes Master Plan

a. Setbacks

1. Front Yard Setback

Minimum – 10'

Maximum – 80'

2. Side yard Setback:

Minimum of five (5) feet, except that cantilevered roofs and sunscreens may project three (3) feet into the setback area. In the case of a corner lot, the front yard setbacks will apply except that cantilevered roofs and sunscreens may project six (6) feet into the setback area. Interior lot lines for a corner lot shall be considered side lot lines. Signs allowed by the ordinance may be placed in street-side, side-yard setback areas. There is no maximum side setback.

3. Rear Yard Setback:

Twenty (20) feet, except that cantilevered roofs and sunscreens may project three (3) feet into the setback area.

b. Building Placement

1. Building entries, for parcels and buildings adjacent to Los Diamantes Road, shall be located so that they are easily identifiable:

a. Los Diamantes Road is the primary roadway serving the business park.

c. Building Entries

1. Building entries should be located so that they are easily identifiable from the primary adjacent roadway.

2. Secondary and employee entrances shall be easily accessible and convenient to building parking and delivery areas but should not be dominant.

d. Sidewalks

1. Sidewalks shall be designed to connect to sidewalks internal to individual sites and to trails when relevant.

2. All sidewalks shall be designed per the Americans with Disability Act requirements.

e. Trails

1. All trails within Los Diamantes Business Park will be designed in compliance with City of Rio Rancho trail standards. Trails will be designed to connect with a sidewalk, business, and/or park. In some locations, a trail may be constructed in lieu of a sidewalk.

Los Diamantes Master Plan

IV. ARCHITECTURE

Intent: the purpose of the architectural standards is to provide direction for the development of an attractive, cohesive built environment that accommodates the function of the individual

Los Diamantes Master Plan

buildings within the Los Diamantes Business Park while also ensuring quality development and reinforcing the unique character and identity of the Park.

a. Materials

1. Primary building materials shall be stucco, colored concrete, *architectural metal siding, or colored block. Stone, tile, metal, or brick accents are also allowed.
2. Finished building treatments are required on all four sides of the building.
3. Materials prohibited as the primary building material include the following:
 - i. Exposed, untreated precision block or wood walls
 - ii. Highly reflective surfaces
 - iii. Metal paneling.

b. Color

1. Predominant colors shall be limited to shades of brown, green, tan, rust, and blue. High-intensity colors, such as metallic, black, or fluorescent colors are prohibited.

c. Height

1. Building height shall be limited to sixty (60) feet.

*Pursuant to the City of Rio Rancho Zone Code, Section 154.61 Part (D)

b. Walls

1. All perimeter block walls facing rights-of-way shall be constructed of split face concrete block and shall include a smooth, continuous 4-inch cap of a complementary color.

Los Diamantes Master Plan

2. Plain grey CMU block shall not be used for wall material unless treated with stucco.
3. Chain-link (with or without slats), wood or plastic/vinyl fencing is prohibited except for security fencing where not visible from the public right-of-way.
4. Barbed wire, concertina wire and similar materials are prohibited.
5. Black or dark green welded wire mesh is permitted for security fencing except along Los Diamantes Road

VIII. STORAGE AND EQUIPMENT AREAS

Intent: Storage and equipment areas should be designed to be harmonious with the site without interfering with their storage function and need for security.

- a. Any exterior storage and sales areas shall be screened with walls which are architecturally compatible with the primary building(s) on the site.
- b. Loading and service areas should be provided with separate access and circulation whenever possible.

IX. SIGNAGE The following signage standards were developed to regulate the size, location, type, and quality of sign elements within this property. A properly implemented signage program will serve four very important functions: to direct and inform employees and visitors; to provide circulation requirements and restrictions; to provide for public safety, and to complement the visual character of the development.

a. The following types of signs are permitted in the Los Diamantes Business Park:

1. Monument/Entry Signs
2. Building Mounted Signs
3. Vehicle Directional Signs
4. Pedestrian Directional Signs

b. Entry signs shall be monument type and shall complement the materials, color, and architectural character of the buildings and shall not exceed one hundred thirty-five square feet in area, and fifteen feet in height above grade.

IX. SIGNAGE The following signage standards were developed to regulate the size, location, type, and quality of sign elements within this property. A properly implemented signage program will serve four very important functions: to direct and inform employees and visitors; to provide circulation requirements and restrictions; to provide for public safety, and to complement the visual character of the development.

a. The following types of signs are permitted in the Los Diamantes Business Park:

1. Monument/Entry Signs
2. Building Mounted Signs (Including individual tenant signage)

Los Diamantes Master Plan

3. Vehicle Directional Signs

4. Pedestrian Directional Signs

b. Entry signs shall be monument type and shall complement the materials, color, and architectural character of the buildings and shall not exceed one hundred thirty-five square feet in area, and fifteen feet in height above grade.

c. Building mounted signs are permitted for each facade that faces Los Diamantes Road and are limited to 6% of the building facade. Building mounted signs shall be limited to 10% of the building facade, and a maximum projection of eighteen inches. Individual tenant signs are permitted provided they don't exceed the allowable percentage of the façade.

d. Vehicle directional signs are permitted when necessary to direct vehicles to a special site feature, such as visitor parking. The design of these signs shall be integrated with the Los Diamantes Business Park entry signs and shall not exceed three square feet in area, and five feet in height above grade.

e. Pedestrian directional signs are permitted when it is necessary to direct pedestrians to a special site feature such as a recreational trail. The design of these signs shall be integrated with the Los Diamantes Business Park monument entry signs and shall not exceed two square feet in area, and 3 feet in height above grade.

f. Illumination of signage is permitted and shall follow the regulations contained in Section X, Lighting, located below.

g. Digital and Light Emitting Diode Lighting is permitted per the City of Rio Rancho Institutional District sign regulations.

10. IMPLEMENTATION AND PHASING

Los Diamantes Master Plan

The implementation of the Los Diamantes Master Plan shall occur at the time of the zone map amendment and platting except for the potential multi-family residential land use. A future zone map amendment will be required to implement that land use in a specific location, up to 15 acres in size, within the larger business park area of this Master Plan depending on absorption of the commercial uses.

1. All land use decisions shall be in compliance with the Los Diamantes Master Plan and in accordance with the City of Rio Rancho Department of Development Services, including right-of-way acquisition.
2. All infrastructure shall be planned and coordinated with City of Rio Rancho Department of Public Works, Department of Development Services, Department of Public Safety, PNM, and any other established entities working with Sandoval County and the City of Rio Rancho.
3. In order to uphold national standards for emergency response times, facility planning shall be coordinated with the City of Rio Rancho as houses are built.
4. The developer shall ensure that all open spaces, entryways, linear walkways, rights-of-way, and landscaped areas meet City standards as shown on landscape and irrigation plans that shall be approved by the City of Rio Rancho prior to final plat.
5. Open space and trails shall be developed; a portion of which shall count towards the park requirements established by the City of Rio Rancho.
6. The residential design standards included in this Master Plan shall be incorporated into the CC&Rs for each Los Diamantes residential subdivision.
7. The Developer intends to use Tax Increment District and Public Improvement District financing within the Master Plan Area. These financing mechanisms will be implemented through separate applications to the City of Rio Rancho.

Due to its relatively large size, Los Diamantes will be divided into three (3) phases, with 224 dwellings in Phase 1, 263 dwellings in Phase 2. Phase 3a and Phase 3b will consist of approximately 250 dwelling units each. The availability of infrastructure and the Marketing Window were the primary determining factors in deciding to locate the first phase in the southeast corner of the property. Phase implementation will be a function of buyer demand and home builder preferences since it is anticipated that numerous homebuilders will be constructing a variety of housing types to get different price points.

The site's terrain slopes down toward the southeast corner where the Water Quality drainage pond will be used to collect runoff from the first phase and all subsequent phases. A new storm drain will then extend further south to the existing 108" Storm Drain and eventually drain into the Calabacillas Arroyo.

Los Diamantes sanitary sewer outfall will also be to a new Lift Station at the southeast corner of Phase 1. Domestic water service to Phase 1 will come south down 11th from an existing line located in Southern Blvd. and on the north side of the site.

Vehicular access for Phase 1 will be via newly constructed Westside Boulevard. New roadways within and around the perimeter of Los Diamantes will also be constructed as new phases of this project are added.

Los Diamantes Master Plan

Prior to Construction of Phase 1, an on-site Drainage Management Plan (DMP) will have to be developed and approved by SSCAFCA and the City of Rio Rancho. As mentioned previously, a study to Amend the SSCAFCA CAW MP for the Regional Pond will also require approval by SSCAFCA and City of Rio Rancho as well as a FEMA CLOMR.

Initiation of Phase 1 will require substantial outlays of capital to extend essential elements of infrastructure to this site. As a result, no neighborhood park improvements will be undertaken until Phase II.



DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: March 7, 2024

- TO:**
- (X) Development Services – Matt Geisel, David Serrano, Amy Rincon, Brian Babyak, Cedric Smith, Peter Prukop
 - (X) Fire and Rescue – James Wenzel, Gerard Bauer
 - (X) Police – Lt. Scott Pope
 - (X) SSCAFCA – Andy Edmondson, Sara Rassa
 - (X) Parks and Recreation - Dyane Sonier
 - (X) Rio Rancho Public Schools – Michael Baker
 - (X) MRCOG – Peach Anderson-Tauzer

FROM: Development Services Department, Planning & Zoning Division

RE: Master Plan Amendment DSD #24-410-00001 (Los Diamantes Master Plan)

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., requests to amend the Los Diamantes Master Plan to allow Architectural Metal as a primary construction material, welded wire mesh fencing as an allowed fencing type, and the color green as the primary color of a structure within the Business Park area of the Los Diamantes Master Plan. The Business Park comprises approximately 36.16 acres and is legally described as LD, Tract 2-A-1.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Tuesday, March 12, 2024**. If redline comments are made on the plan, please also provide me with a copy. Please contact Tim Dvorak at 505-896-8361 or e-mail tdvorak@rrnm.gov if you have any questions or would like to review a hard copy at my office.

This item has been reviewed and is hereby:

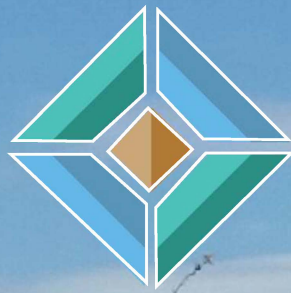
- () RECOMMENDED FOR APPROVAL
- (X) RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
- () RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

“Roadway Improvements to Viga road and 10th street shall not be required
 Improvements including sidewalk and walls along Viga road and 10th street will not be required until further construction occurs along these two roads.”

Improvements required for development will be determined at plan review and per the DPM

Peter Prukop
Reviewer

3/26/2024
Date

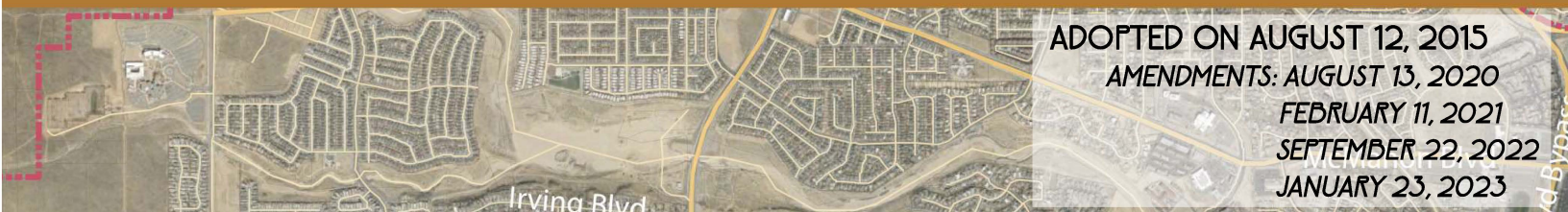


LOS DIAMANTES MASTER PLAN



PREPARED FOR: LOS DIAMANTES, LLC

PREPARED BY: MARK GOODWIN & ASSOCIATES, PA
CONSENSUS PLANNING, INC



ADOPTED ON AUGUST 12, 2015
AMENDMENTS: AUGUST 13, 2020
FEBRUARY 11, 2021
SEPTEMBER 22, 2022
JANUARY 23, 2023

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CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO. 33

ENACTMENT NO. 23-03

1 **ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE**
2 **ZONING CLASSIFICATION AND OFFICIAL ZONING MAP FOR THE PROPERTY**
3 **LEGALLY DESCRIBED AS RIO RANCHO ESTATES UNIT 10, BLOCK 62, LOTS 24-**
4 **33; APPROXIMATELY 0.312 ACRES OF RIO RANCHO ESTATES UNIT 10, BLOCK**
5 **64, LOT 15; AND APPROXIMATELY 18.618 ACRES OF LOS DIAMANTES, TRACT 3**
6 **FROM R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT AND R-2: SINGLE-FAMILY**
7 **RESIDENTIAL DISTRICT TO R-3: MIXED RESIDENTIAL DISTRICT, AND RIO**
8 **RANCHO ESTATES UNIT 10, BLOCK 62, LOTS 16-23, APPROXIMATELY 0.618**
9 **ACRES OF RIO RANCHO ESTATES UNIT 10, BLOCK 64, LOT 15 AND**
10 **APPROXIMATELY 5.382 ACRES OF LOS DIAMANTES, TRACT 3 FROM R-1:**
11 **SINGLE-FAMILY RESIDENTIAL DISTRICT AND R-2: SINGLE-FAMILY RESIDENTIAL**
12 **DISTRICT TO R-6: MULTI-FAMILY RESIDENTIAL DISTRICT, AS DEPICTED IN**
13 **EXHIBIT A OF THIS DOCUMENT, IDENTIFYING CONDITIONS OF DEVELOPMENT;**
14 **PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

15
16 **WHEREAS:** the Governing Body of the City of Rio Rancho has adopted zoning
17 regulations and an official zone map in accordance with New Mexico
18 Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and
19

20 **WHEREAS:** in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section
21 150.07, an application to amend the zoning ordinance on the subject
22 property has been submitted by the City of Rio Rancho, and assigned City
23 Case No. 22-100-00024; and
24

25 **WHEREAS:** the Governing Body received a report from the Planning and Zoning Board,
26 and such report indicates the Planning and Zoning Board has studied and
27 considered the proposed changes pursuant to R.O. 2003 Section 150.07,
28 and said report includes specific findings related to the affected property;
29 and
30

31 **WHEREAS:** a public hearing occurred, in accordance with procedures set forth in R.O.
32 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed
33 zoning district and Official Zone Map changes hereinafter described were
34 duly advertised and held by the Governing Body of Rio Rancho on
35 December 15, 2022 and the Governing Body heard interested parties and
36 citizens for and against the proposed amendments; and
37

38 **WHEREAS:** the proposed amendments to be adopted by this Ordinance comply with the
39 statutory and regulatory requirements of the aforesaid Code of Ordinances
40 and Statutes, and upon specific findings related to the subject property and
41 determining the proposed amendment is consistent with the policies and
42 criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing
43 Body finds the amendment promotes the health, safety, morals, and general
44 welfare of the City;

1
2 **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF**
3 **RIO RANCHO:**
4

5 **Section 1. Rezoning of Property and Change in Land Use.**
6

- 7 A. The Official Zone Map is hereby amended by assigning a zoning designation on
8 approximately 23.93 acres from R-1: Single-Family Residential District and R-2:
9 Single-Family Residential District to R-3: Mixed Residential District on the lands
10 legally described as:

11 Rio Rancho Estates Unit 10, Block 62, Lots 24-33 filed in the office of the
12 County Clerk of Sandoval County New Mexico in Book 1, Page 74 dated
13 May 6, 1963.

14
15 Rio Rancho Estates Unit 10, Block 64, Lot 15 (approximately 0.312), filed
16 in the office of the County Clerk of Sandoval County New Mexico in Book
17 1, Page 74 dated May 6, 1963.

18
19 Los Diamantes, Tract 3 (approximately 18.618 acres), filed in the office of
20 the County Clerk of Sandoval County New Mexico in Book 28, Pages 95-
21 97 dated September 27, 2019.
22

- 23 B. The Official Zone Map is hereby amended by assigning a zoning designation on
24 approximately 4.618 acres from R-1: Single-Family Residential District and
25 approximately 5.382 acres from R-2: Single-Family Residential District to R-6:
26 Multi-Family Residential District on the lands legally described as:

27
28 Rio Rancho Estates Unit 10, Block 62, Lots 16-23 filed in the office of the
29 County Clerk of Sandoval County New Mexico in Book 1, Page 74 dated
30 May 6, 1963.

31
32 Rio Rancho Estates Unit 10, Block 64, Lot 15 (approximately 0.618), filed
33 in the office of the County Clerk of Sandoval County New Mexico in Book
34 1, Page 74 dated May 6, 1963.

35
36 Los Diamantes, Tract 3 (approximately 5.382 acres), filed in the office of the
37 County Clerk of Sandoval County New Mexico in Book 28, Pages 95-97
38 dated September 27, 2019.
39

- 40 C. A plat creating two tracts from the properties legally described as Unit 10, Block
41 62, Lots 16-33; Unit 10, Block 64, Lot 15; and LD, Tract 3 shall be submitted and
42 recorded on the public records, following approval by the Planning and Zoning
43 Board in order to verify and properly describe the acreage, vacation of right-of-
44 way, and legal description of the subject properties.
45

46 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of
47 this Ordinance, or any section, paragraph, clause, or provision of any regulation
48 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
49 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
50 clause, or provision shall not affect the validity of the remaining portions of this

1 Ordinance or the regulation so challenged.

2
3 **Section 3. Effective Date.** This Ordinance shall become effective ten days after
4 adoption.

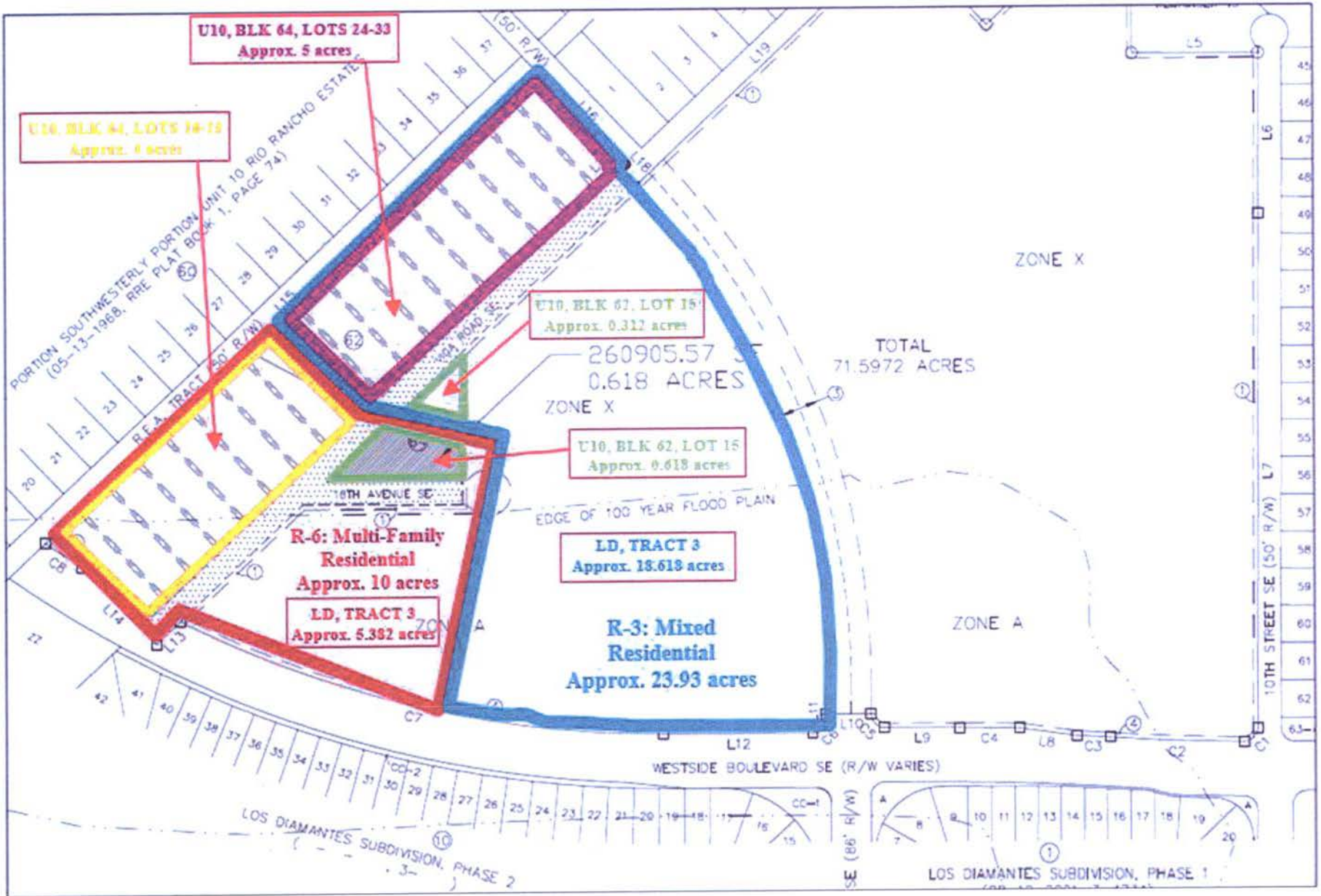
5
6 ADOPTED THIS 26th DAY OF JANUARY, 2023.

7
8  Deputy
9
10 _____
11 Gregory D. Hull, Mayor

12
13 ATTEST:

14 
15 _____
16 Rebecca A. Martinez, City Clerk
17 (SEAL)
18

Exhibit A:





**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO. 125

ENACTMENT NO. 23-016

**RESOLUTION AMENDING THE UNIT 10 SPECIFIC AREA PLAN TO UPDATE MAP
3: EXISTING AND PROPOSED DEVELOPMENTS AND MAP 6: GENERALIZED
LAND USE PROPOSED CHANGE AREAS TO REFLECT THE LAND USE AND
ZONING UPDATES TO THE LOS DIAMANTES MASTER PLAN; PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS: the Governing Body of the City of Rio Rancho has adopted zoning regulations and an official zone map in accordance with New Mexico Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that determines the hierarchy of plan development, Level 5: Specific Area Plans, consider a smaller geographical area of the City (min. 20 acres) and be consistent with community-scale development or a specific transportation corridor; and

WHEREAS: the Governing Body of the City of Rio Rancho recognizes the need for long range, integrated comprehensive planning to direct future growth and development of the City; and

WHEREAS: on July 25, 2018 a revised Unit 10 Specific Area Plan was approved by Resolution No.50, Enactment No.18-049; and

WHEREAS: in order to reflect the updated land use and boundary changes to the Los Diamantes Master Plan, Map 3: Existing and Proposed Developments and Map 6: Generalized Land Use Proposed Change Areas must be amended; and

WHEREAS: the Planning and Zoning Board of the City of Rio Rancho reviewed the amendments to the Unit 10 Specific Area Plan at their meeting held on October 25, 2022, and following public hearing recommended approval of those amendments and modifications; and

WHEREAS: the Governing Body of the City of Rio Rancho has reviewed the proposed amendments (Case No. 22-410-00011) to the Unit 10 Specific Area Plan at their meeting held December 15, 2022, and following public hearing and receipt of the Planning and Zoning Board's report and recommendation, has determined that the amended Plan is in conformance with the City of Rio Rancho Comprehensive Plan.


NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. The Governing Body hereby approves and adopts the amendments and

1 modifications to the Unit 10 Specific Area Plan to update Map 3: Existing and Proposed
2 Developments on page 26 of the Unit 10 Specific Area Plan and Map 6: Generalized
3 Land Use Proposed Change Areas on page 37 of the Unit 10 Specific Area Plan to
4 reflect the updated changes to the Los Diamantes Master Plan.

5
6 **Section 2. Effective Date.** This Resolution shall take effect immediately upon
7 adoption.

8
9 ADOPTED THIS 26th DAY OF JANUARY, 2023.

10
11
12 
13 _____
14 Gregory D. Hull, Mayor

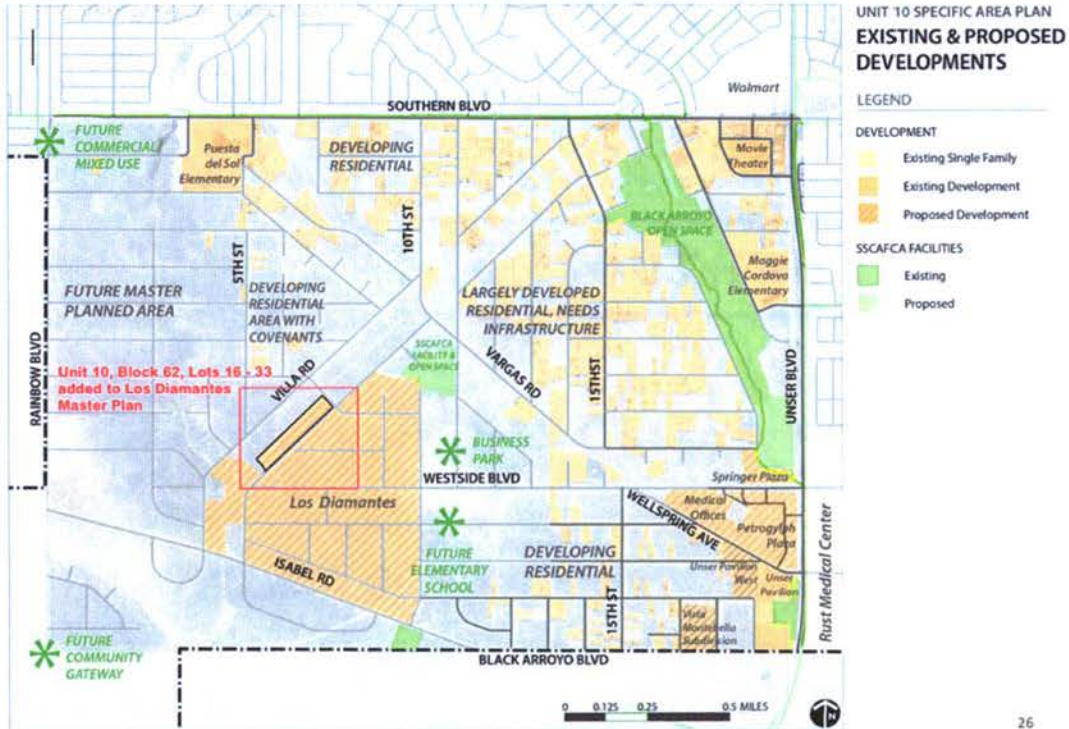
15 ATTEST:

16 
17 _____
18 Rebecca A. Martinez, City Clerk
19 (SEAL)
20

1 EXHIBIT A:

2

MAP 5: EXISTING AND PROPOSED DEVELOPMENTS



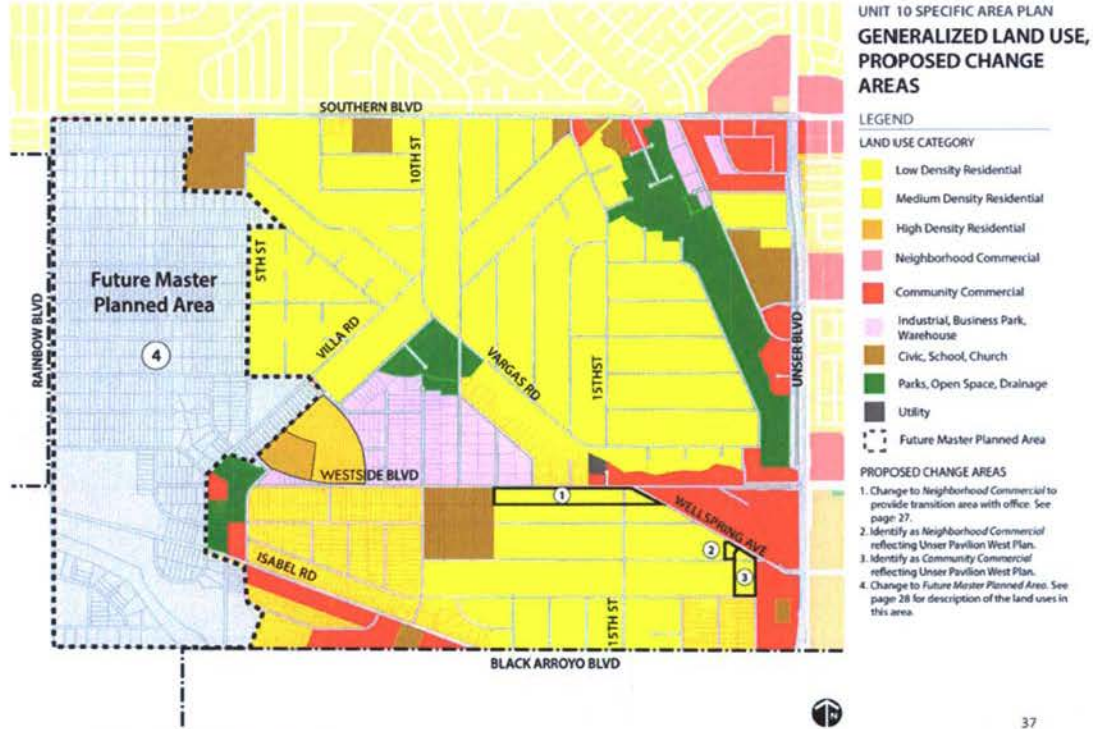
JOBS, HOUSING, & COMMUNITY FACILITIES - IMPLEMENTATION

26

AMENDED - SEPTEMBER 2022

3

MAP 6: GENERALIZED LAND USE PROPOSED CHANGE AREAS



LAND USE - IMPLEMENTATION

37

4



CITY OF RIO RANCHO
RESOLUTION

RESOLUTION NO.126

ENACTMENT NO. 23-017

1 **RESOLUTION AMENDING THE LOS DIAMANTES MASTER PLAN TO UPDATE**
2 **SECTION 1. INTRODUCTION, SECTION 2. EXISTING CONDITIONS, SECTION 3.**
3 **LAND USE, ZONING, AND DENSITY, SECTION 7. TRANSPORTATION ANALYSIS,**
4 **AND SECTION 10. IMPLEMENTATION AND PHASING; PROVIDING FOR**
5 **SEVERABILITY AND AN EFFECTIVE DATE**
6

7 **WHEREAS:** the Governing Body of the City of Rio Rancho has adopted zoning
8 regulations and an official zone map in accordance with New Mexico
9 Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and
10

11 **WHEREAS:** the Governing Body of the City of Rio Rancho has adopted a
12 Comprehensive Plan that addresses and provides for specific goals,
13 policies, and actions; proposes land use throughout the City; and also
14 provides for land use in master planned communities via master plans;
15 and
16

17 **WHEREAS:** the Governing Body of the City of Rio Rancho recognizes the need for
18 long range, integrated comprehensive planning to direct future growth and
19 development of the City; and
20

21 **WHEREAS:** on September 22, 2022, a revised Los Diamantes Master Plan was
22 approved by Resolution No.87, Enactment No.22-087; and
23

24 **WHEREAS:** in order to expand the boundary of the Los Diamantes Master Plan in
25 Section 2. Existing Conditions; update zoning designations in Section 3.
26 Land Use, Zoning, and Density; provide provisions for vacation of public
27 right-of-way in Section 7. Transportation Analysis; to update phasing of
28 the Master Plan in Section 10. Implementation and Phasing; and to update
29 the respective maps "Los Diamantes Site Vicinity" on page 2 of the Los
30 Diamantes Master Plan and "Los Diamantes Master Plan Phasing Plan"
31 on page 56 of the Los Diamantes Master Plan to reflect the updated
32 changes; and
33

34 **WHEREAS:** the Planning and Zoning Board of the City of Rio Rancho reviewed the
35 amendments to the Los Diamantes Master Plan at their meeting held on
36 October 25, 2022, and following public hearing recommended approval of
37 those amendments and modifications; and
38

39 **WHEREAS:** the Governing Body of the City of Rio Rancho has reviewed the proposed
40 amendments (Case No. 22-410-00010) to the Los Diamantes Master Plan
41 at their meeting held December 15, 2022, and following public hearing and
42 receipt of the Planning and Zoning Board's report and recommendation,
43 has determined that the amended Plan is in conformance with the City of
44 Rio Rancho Comprehensive Plan.

1 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY**
2 **OF RIO RANCHO:**


3
4 **Section 1.** The Governing Body hereby approves and adopts the amendments and
5 modifications to the Los Diamantes Master Plan to update Section 2. Existing
6 Conditions; Section 3. Land Use, Zoning, and Density; Section 7. Transportation
7 Analysis; Section 10. Implementation and Phasing; and to update the respective maps
8 "Los Diamantes Site Vicinity" on page 2 of the Los Diamantes Master Plan and "Los
9 Diamantes Master Plan Phasing Plan" on page 56 of the Los Diamantes Master Plan to
10 reflect the updated changes.

11
12 **Section 2. Effective Date:** This Resolution shall take effect immediately upon adoption.

13
14 ADOPTED THIS 26th DAY OF JANUARY, 2023.

15
16
17  Deputy
18 _____
19 Gregory D. Hull, Mayor

20 ATTEST:

21 
22 _____
23 Rebecca A. Martinez, City Clerk
24 (SEAL)

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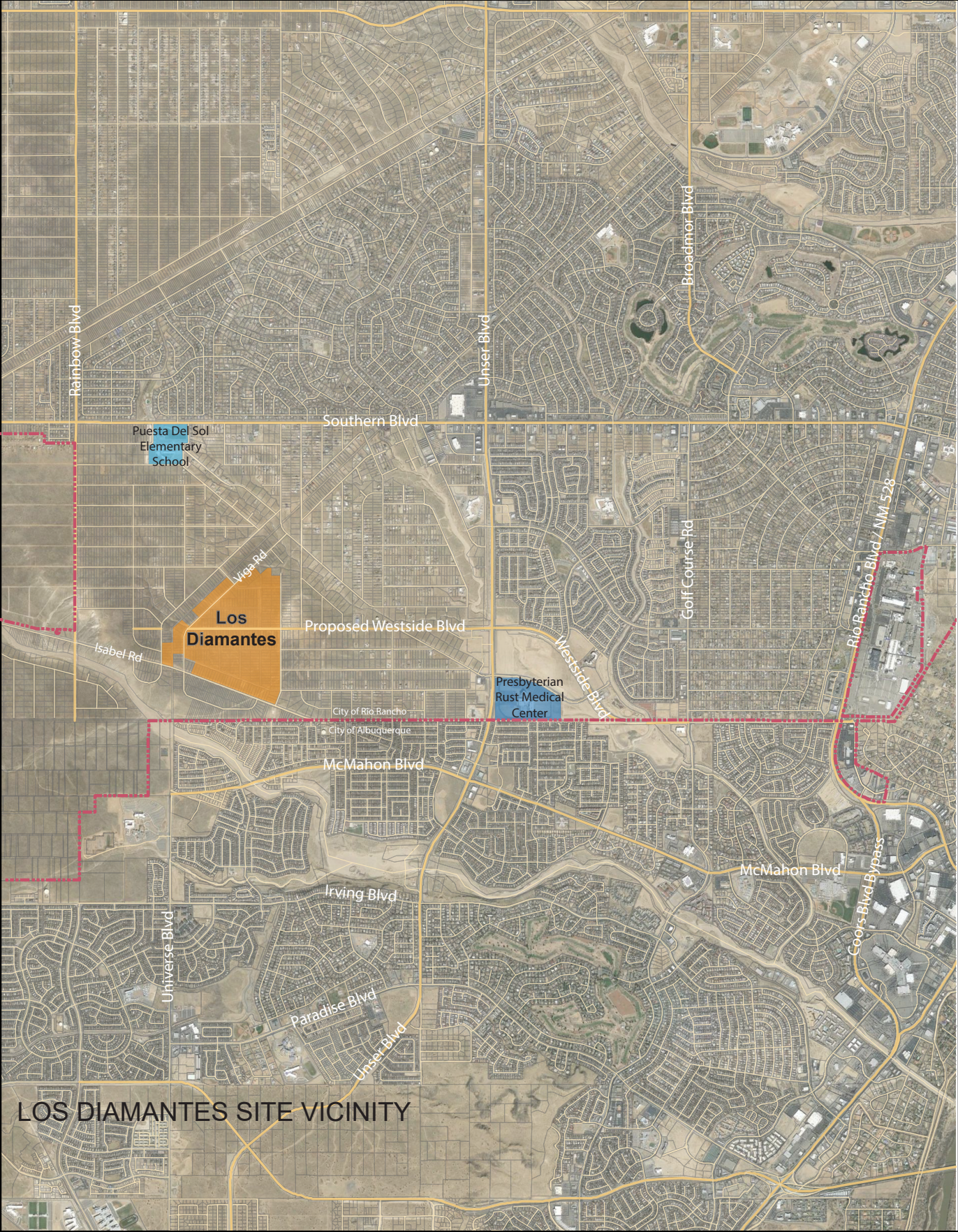
1. INTRODUCTION

This document is a Master Plan for the area known as Los Diamantes, located in Rio Rancho, Sandoval County, New Mexico. The Los Diamantes Master Plan area is comprised of approximately 180 acres owned by Los Diamantes, LLC. The vicinity map located on page 2 illustrates the location of the master plan area. The purpose of this Master Plan is to identify land uses, zoning, parks, trails, drainage facilities, conceptual utilities, transportation corridors, and provide design guidelines. The following are the objectives of the Master Plan:

- To create a zoning and land use plan that includes well-planned single family residential neighborhoods in close proximity to planned schools and commercial services, a business park area that will attract future employers to the City of Rio Rancho, multi-family residential opportunities to support affordable housing goals and commercial services and provide needed services to both the residential neighborhoods and the business park.
- To connect with and extend existing transportation corridors identified in the City's Transportation Policy.
- To correct the jobs/housing imbalance on the Westside by providing a desirable location and infrastructure necessary to support employment in a well-designed business park.
- To provide a balanced land use mix that accommodates high quality residential development of various densities and high-quality employment and commercial development with convenient access to housing.
- To comply with and implement the Rio Rancho Comprehensive Plan and the Unit 10 Specific Area Plan.

Master Planning Process

This Master Plan was accomplished in collaboration with City of Rio Rancho Development Services Department, Los Diamantes LLC, Mark Goodwin and Associates, Price Land Development Group, and Consensus Planning, Inc. A zone map amendment request is included in conjunction with this master plan application. This master plan establishes zoning for the Los Diamantes Plan Area. The Master Plan Project team worked with the City of Rio Rancho Development Services on the Business Park zone; and the Los Diamantes Business Park proposes to use this zone.



2. EXISTING CONDITIONS

As shown on the Vicinity Map, Los Diamantes is located approximately one mile west of Unser Boulevard and a little over a half mile south of Southern Boulevard in Unit 10. The proposed combination of the Business and Residential components comprises approximately 180 acres, which is currently vacant.

The existing alignment of West Side Boulevard runs east and west and bisects the Plan Area. The south boundary is the existing Isabel right-of-way. The east boundary is 10th Street, and the west boundary is the public right-of-way separating Viga Road and Villa Road between Ark Road and Westside Boulevard.

Los Diamantes is the first large scale development within Unit 10 and as such, it is not in close proximity to any other approved master plans. The Plan Area's preferred land use categories and zoning were addressed in the recently approved Generalized Land Use Map as is further discussed in the Land Use section of this master plan. The Los Diamantes Master Plan is in compliance with and furthers the Generalized Land Use Map.

The property lies within a geological saddle that falls from northwest to southeast. The surface is covered by a mixture of sand sagebrush, four-winged saltbush and blue grama grasses, and includes some cholla and cacti. Animal species in the Plan Area include coyote, cottontails, jackrabbits and horned lizards. An Endangered Species Act compliance document was produced, and no endangered species (plant or animal) were documented. A Cultural/ Archeological survey was also performed. The report, along with mitigation recommendations, is on file with the Historic Preservation Division of the State Historic Preservation Office.

There is a large undefined flood plain in an arroyo channel that is created by the "Rainbow Tributary" to the Calabacillas Arroyo that originates in Rio Rancho north of Southern Boulevard and terminates in the City of Albuquerque at the Calabacillas Arroyo. This arroyo and its flows are addressed in the drainage section of the Master Plan.

Amendments

Since this Master Plan was adopted in 2015, the City of Rio Rancho adopted the Unit 10 Specific Area Plan, which addresses land use, transportation, utilities and infrastructure, and general development guidelines for the larger geographic area surrounding Los Diamantes. The Specific Area Plan has subsequently been amended and further amendments have been considered by the Rio Rancho Governing Body.

The Unit 10 Specific Area Plan proposed land use change areas that designated different land uses than those adopted in the Comprehensive Plan and relied on in the original Los Diamantes Master Plan. Such changes included designation of the western portion of Unit 10 as a "Future Master Planned Area," location of the new Joe Harris Elementary School as a civic/institutional land use where residential was previously shown, and an increase in commercial uses along Westside Boulevard and near Unser Pavilion.

This Master Plan was previously amended in 2020 to add Unit 10, Block 64, Lot 15, as well as Unit 10, Block 18, Lot 41, and to remove Unit 10, Block 60, Lots 10 and 13. The Master Plan was amended again in 2022 to add Unit 10, Block 62, Lots 16 - 33, which are located north of Viga Road SE between Ark Road and the Westside Boulevard right-of-way.

3. LAND USE, ZONING, AND DENSITY

The zoning for the Plan is intended to allow for a mix of land uses that will provide for the creation of residential neighborhoods with a mix of single family housing types, multi-family residential opportunities, and the creation of a business park that will provide employment space and commercial services for the City of Rio Rancho. The creation of a regional pond has been designed to handle the regional drainage detention needs for the Plan Area. The residential plan also identifies two public neighborhood parks located within the Los Diamantes residential neighborhood south of Westside Boulevard. See the Los Diamantes Zoning Map on page 7.

The following sections and pages include descriptions of the land use and zoning for the Master Plan.

Business Park (34 acres)

The area that is zoned Business Park follows all of the regulations of the City of Rio Rancho Business Park Zone. The intent of the Los Diamantes Business Park is to provide for large employers within a campus style setting that is supported by commercial services.

This Master Plan contains design standards for the Business Park to ensure that the Park is developed in an aesthetically pleasing and cohesive manner and that the more intense aspects of the industrial uses are enclosed, screened, and/or buffered. The design standards will also ensure any multi-family residential component will be successfully integrated with the remainder of the business park uses.

The commercial uses are intended to support the Business Park by providing the opportunity for commercial services such as restaurants, dry cleaners, and banks that will serve both Business Park employees and the adjacent Los Diamantes residential neighborhoods. Within the employment and commercial mix in the Business Park there is the opportunity for both an employment campus like setting, as well as for the commercial services to take a more urban mixed-use form.

R-3 Mixed Residential District (125 acres)

The Los Diamantes residential neighborhood follows all of the requirements of the City of Rio Rancho R-3 Mixed Residential District. The Master Plan and Los Diamantes Residential Overlay Zone (LDROZ) does not permit multi-family development within the R-3 zone (LDROZ).

The R-3 residential neighborhoods will provide the opportunity for a variety of single-family housing types. The plan intends the neighborhood to develop with a range of lot sizes. All the lots will meet the minimum lot size requirement established by the R-3 zone. The Master Plan establishes the following residential lot sizes for the Plan Area:

Minimum Lot Width	Percent of Residential Units	Number of Units	Density (DU's per acre)
Forty (40) Feet	41%	200	+/- 6
Fifty (50) Feet	43%	209	+/- 5
Fifty-Five (55) Feet	16%	78	+/- 4

R-6 Multi-Family Residential (10 acres)

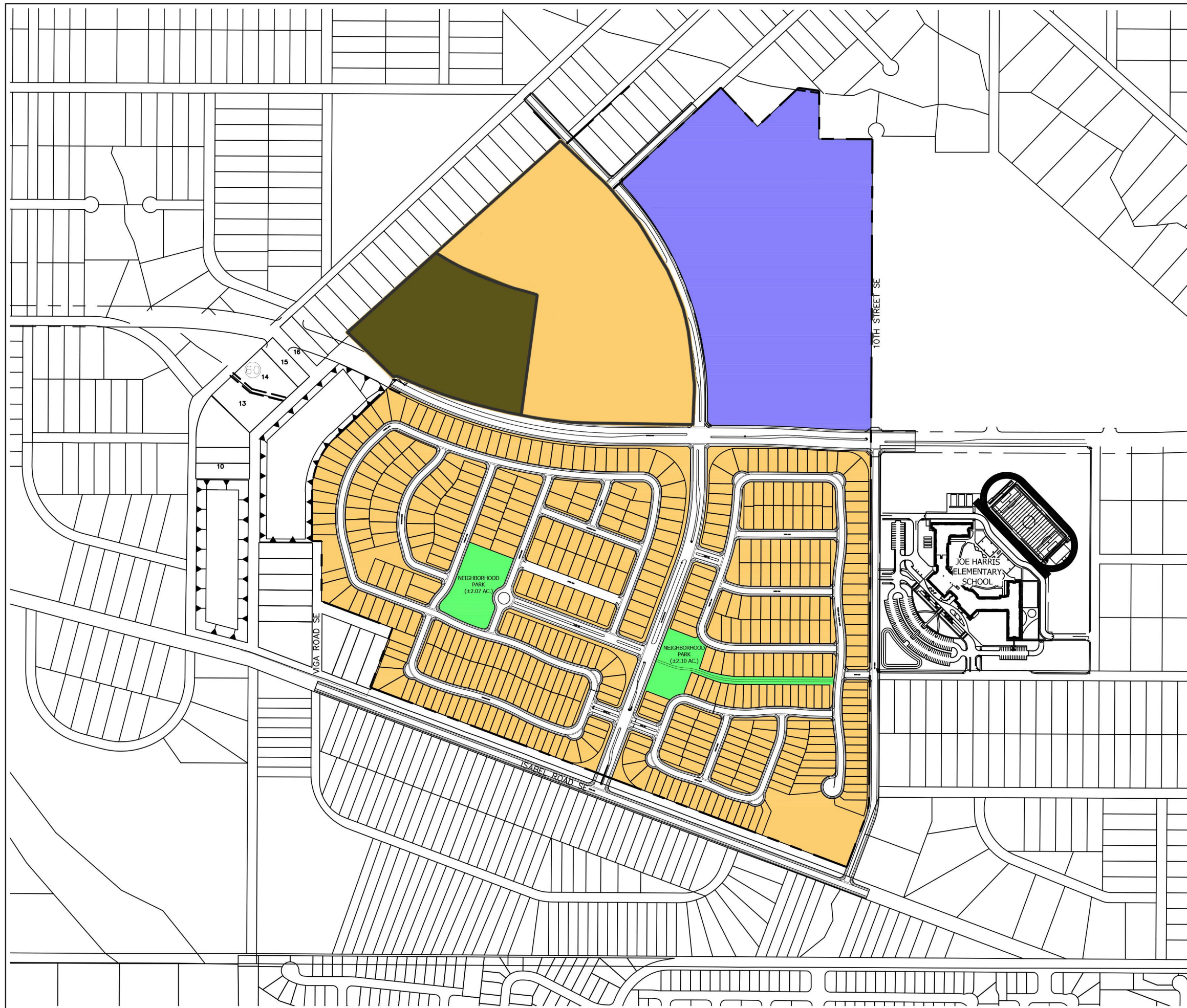
The proposed R-6 multi-family residential neighborhood follows all the requirements of the City of Rio Rancho R-6 zoning district. The neighborhood will be located at the southwestern edge of Los Diamantes along Westside Boulevard, and will feature densities of approximately 25 dwelling units per acre. When this land use is implemented, the Unit 10 buffer overlay district regulations established in Ordinance No. 20, Enactment 18-24 shall be considered and implemented. Further details regarding implementation of this land use may be defined in a separate development agreement.

Pond/Open Space (8 acres)

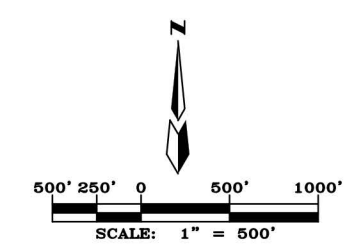
The pond that is located at the Plan Area’s southwest boundary is being developed in collaboration with the Southern Sandoval County Flood Control Authority (SSCAFCA) and the City of Rio Rancho. More information on the Los Diamantes Regional Pond is included in Chapter 8, Conceptual Drainage Plan.

Neighborhood Parks

There are three neighborhood parks planned within the Los Diamantes residential neighborhoods. These parks will be a variety of sizes based on the neighborhood area served by each. These parks total approximately 4.9 acres. They will be dedicated to the City of Rio Rancho and will be maintained by the City of Rio Rancho. More information of these parks is contained in Chapter 6, Parks and Trails.



- BUSINESS PARK
(± 36 ACRES)
- SU: SPECIAL USE FOR PRD
(± 22 ACRES)
- R-3 MIXED USE RESIDENTIAL
(± 103 ACRES)
- R-6 MULTI-FAMILY RESIDENTIAL
(± 10 ACRES)
- NEIGHBORHOOD PARK
(± 5 ACRES)



LOS DIAMANTES

Land Use/Zoning Plan



MARK GOODWIN & ASSOCIATES, P.A.
CONSULTING ENGINEERS

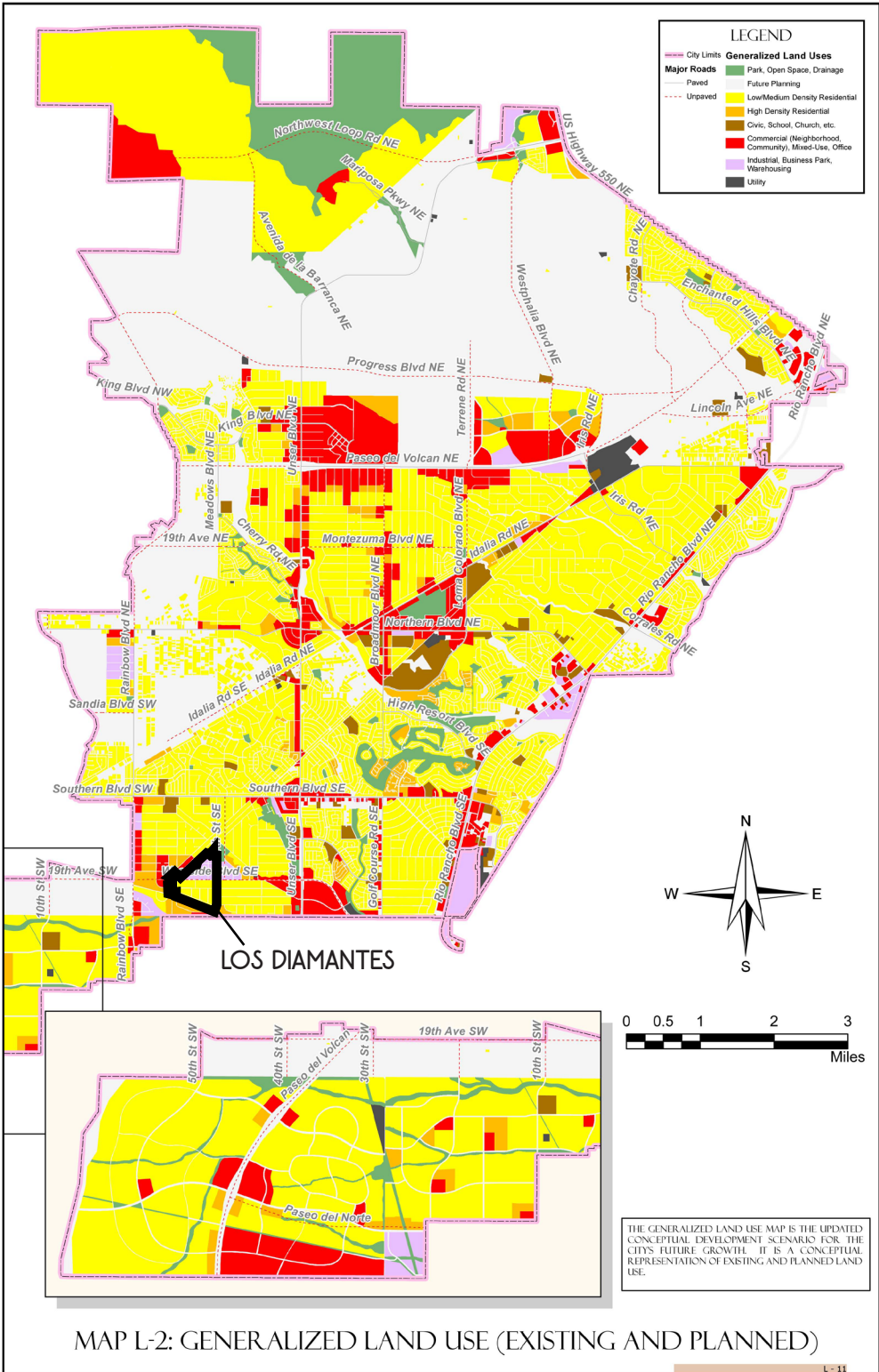
P.O. BOX 90606
ALBUQUERQUE, NEW MEXICO 87199
(505)828-2200, FAX (505)797-9539

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MASTER PLAN

Generalized Land Use

The City of Rio Rancho Comprehensive Plan Generalized Land Use Plan was recently updated in order to add proposed land uses for Unit 10. The Los Diamantes Master Plan is within Unit 10. The Master Plan is consistent with the Generalized Land Use Plan, which shows the land uses as Industrial, Business Park, Warehousing, and Low/Medium Density Residential. See the Generalized Land Use Map located below:



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4. DESIGN STANDARDS

The purpose of these Design Standards is to provide a framework to assist the architects, landscape architects, civil engineers, and designers in understanding the vision and development goals for the Plan Area. Minor amendments to these standards may be approved administratively by the Development Services Department Director and major amendments shall be approved by the City of Rio Rancho Governing Body.

A. RESIDENTIAL DESIGN STANDARDS

The residential design standards address the issues of landscape, setbacks, pedestrian amenities, screening, lighting, and signage that will create the visual image desired for Los Diamantes. They are intended to be complementary to the surrounding area, and to create a unique neighborhood in Los Diamantes that has its own identity but reinforces the character of the Los Diamantes Business Park and commercial development.

I. ARCHITECTURAL REVIEW COMMITTEE

The Los Diamantes residential subdivision will establish a residential Architectural Review Committee (ARC) to ensure that new development follows the design standards and to encourage and promote development that is harmonious and in keeping with the character of the Los Diamantes neighborhood. The ARC will be responsible for reviewing all plans and for making sure that properties are continually maintained.

A more comprehensive and detailed set of design standards and CC&Rs are being developed for the property consistent with the intent of these Master Plan standards. It is anticipated that these CC&Rs will be more detailed and may conflict with these more general guidelines. The ARC will administer these standards to ensure a consistent character and quality of development.

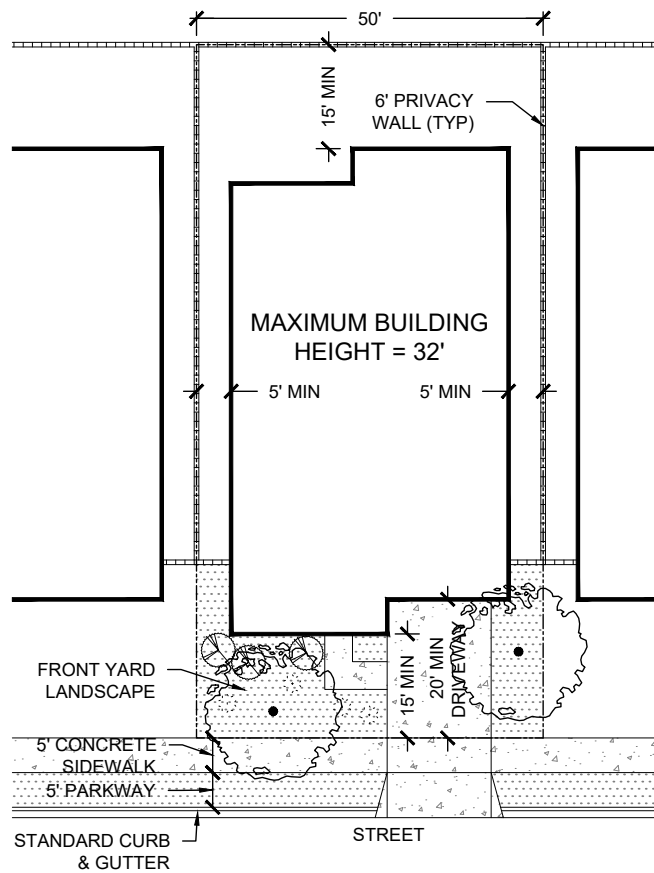
II. PEDESTRIAN AMENITIES

- a. All pedestrian paths shall be designed to be handicapped accessible (See Americans with Disabilities Act Criteria for Barrier-Free Design), except where topography makes this unfeasible.
- b. Sidewalks along Westside Boulevard shall be six feet in width. All other sidewalks shall be five feet in width.
- c. To the maximum extent feasible, private parks, public parks, and open space areas shall be designed to create an integrated system that is connected through trails and sidewalks, which also serve as recreational amenities for the residents.
- d. All trails within Los Diamantes will be designed in compliance with City of Rio Rancho trail standards. Trails will be designed to connect with a sidewalk and/or park. In some locations, a trail may be constructed in lieu of a sidewalk.

III. SETBACKS

The use of building area setbacks is required to provide space for the creation of visually attractive streetscapes. Required within these setbacks shall be pedestrian walkways and screening materials, including landscaping and walls.

- a. Minimum Front Yard Setbacks: 15 feet, except 20 feet for garage doors and single-family attached and zero lot line dwelling units.
- b. Minimum Rear Yard Setbacks: 15 Feet
- c. Minimum Side Yard Setbacks: 5 feet on both sides for any principal building, for a total separation of 10 feet between buildings. 10 feet on the side of corner lots.



Conceptual Diagram Illustrating Setbacks

IV. BUILDING HEIGHT AND MATERIALS

- a. Residential building heights shall not exceed 32 feet in height and shall be consistent with the City Comprehensive Zoning Code unless otherwise restricted as described below.
- b. Stucco shall be the primary building material. Stucco colors shall be limited to shades of brown, tan, sage green, and sand. High intensity colors, such as metallic, black, or florescent colors are prohibited.

MASTER PLAN

- c. Accent colors in entry portals, front door, window frames and trim, and other incidental elements shall be shades of white, blue, brown, and green.
- d. Windows may be wood, metal, or solid vinyl. Reflective film is prohibited.
- e. Exterior doors, including garage doors, shall be stained or painted wood or painted metal and shall match the architectural theme of the dwelling.
- f. Accent materials may consist of rock, wood, tile, or brick. All vinyl or metal window frames must be either recessed or projected a minimum of 2" if they are adjacent to stucco or stone, unless they are wood encased.

V. LANDSCAPE

The development of an overall landscape concept will establish a framework that unifies the neighborhood. The goal is to provide a low water use landscaped community. These standards are to be made as a supplement to the City of Rio Rancho requirements. The following are minimum standards for the development of specific landscape plans:

- a. A five-foot landscape parkway strip shall be located between the sidewalk and the curb. The groundcover for the landscape strip shall be required to be Santa Fe Brown rock, or other equivalent decorative rock groundcover. The maintenance of this strip shall be the responsibility of the Homeowner.
- b. Every lot shall have a minimum of two trees, each of a minimum one and one-half inches in caliper.
- c. Individual lot owners will be responsible for the installation and maintenance of the landscape on their property. All plant material, including trees, shrubs, groundcover, wildflowers, etc. shall be maintained by the lot owner in a living attractive condition.
- d. Landscaping within the private common areas, as shown on the lot layout exhibit, shall be maintained by the Homeowners' Association. These areas are for the benefit of the Homeowners and will be defined with future platting.
- e. The Homeowners' Association shall maintain landscaping in the right-of-way. All landscaping must be maintained in attractive living condition.
- f. Irrigation and landscaping maintenance outside of individual lots shall be the responsibility of the HOA.
- g. Front Yard Minimums:
 - 40' lots
 - 1. 2 trees at least 1.5" caliper and 10-12 feet high at the time of planting
 - 2. 3 large shrubs (minimum 5 gallon)
 - 3. 2 small shrubs (minimum 1 gallon)
 - 50' and 55' lots
 - 1. 2 trees at least 1.5" caliper and 10-12 feet high at the time of planting
 - 2. 3 large shrubs (minimum 5 gallon)
 - 3. 4 small shrubs (minimum 1 gallon)

- h. At a minimum, all front yard landscaping shall be required to contain Pueblo Rose, Santa Fe Brown, River rock, or similar type rock over filter fabric for all yard areas that are not covered with living vegetative groundcover.
- i. Accentuating bark mulch or pecan shells are permitted in front yard landscape.
- j. Within individual lots, landscaping and irrigation system maintenance is required and will be the responsibility of the homeowner, including that which is between the curb and sidewalk. Landscaping shall be maintained in a healthy and attractive condition.
- k. Xeric principles are to be employed when designing landscaped areas and they shall include the use of water harvesting areas to the extent possible.
- l. Suggested Trees:
 - 1. Acer negundo 'Sensation' – Sensation Box Elder
 - 2. Fraxinus velutina 'Medesto' – Modesto Ash
 - 3. Gleditsia triacanthos – Honey Locust
 - 4. Pistacia chinensis – Chinese Pistache
 - 5. Platanus acerifolia 'Bloodgood' – Bloodgood London Plane Tree
 - 6. Ulmus hybrid 'Frontier' – Frontier Elm

VI. LIGHTING

In order to enhance the safety, security, and visual aesthetics, careful consideration must be given to both the daytime and the night-time appearance of the lighting design and fixtures. The primary design objective of the site lighting system shall be to provide for public safety without adversely affecting adjacent properties, buildings, or roadways with unnecessary glare or reflection.

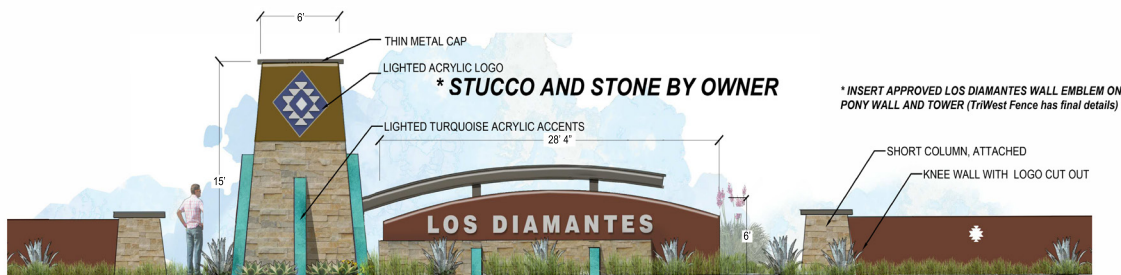
- a. Placement of fixtures and standards shall conform to state and local safety and illumination standards.
- b. All lights shall be fully shielded source with glare cut off angles of a maximum of 75 degrees to prevent spillage onto adjoining properties or light pollution of the existing "dark sky". Cobra and sodium streetlights are prohibited.
- c. Streetlights shall be in accordance with the City of Rio Rancho Outdoor Lighting Ordinance/Chapter 159. Height shall not exceed 16 feet.

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VII. SIGNAGE

The following signage standards were developed to regulate the size, location, type, and quality of sign elements within Los Diamantes. The goal is to provide a signage program that is of high quality, maintains a consistent style and complements the visual character of the property.

- a. Entry signs shall be the monument type and shall complement the materials, color, and architectural character of the buildings. No part of the monument sign shall exceed ~~forty~~ 180 square feet in area and 8 feet in height above grade. The ornamental tower shall be considered an architectural detail, and shall not be included as part of the sign for measurement purposes.

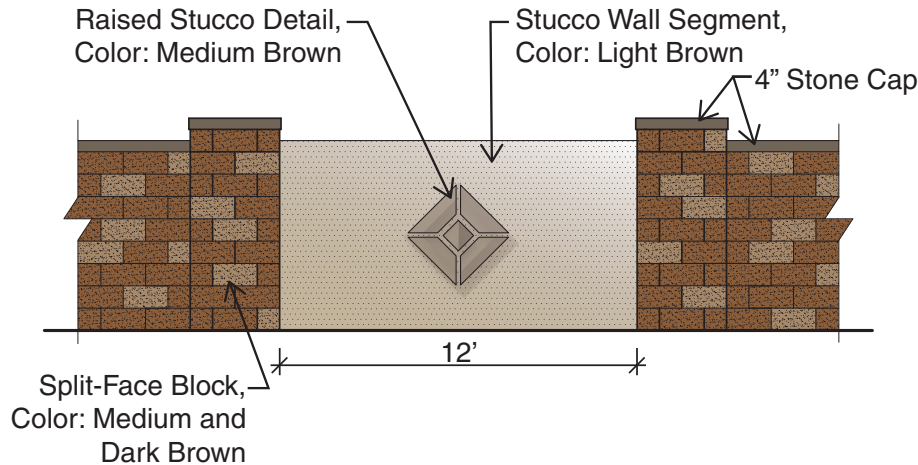


Conceptual Residential Monument Sign

- b. Pedestrian directional signs are permitted. The design of these signs shall be integrated with the Los Diamantes neighborhood monument entry signs and shall not exceed two square feet in area, and three feet in height above grade.
- c. Illumination of signage is permitted and shall follow the Lighting Standards contained in Section VI of this document.
- d. Digital and light emitting diode signage is prohibited.

VIII. WALLS

- a. All perimeter block walls facing rights-of-way shall be designed to complement entry monument signs.
- b. Plain grey CMU block shall not be used for wall material unless treated with stucco.
- c. Chain-link (with or without slats), wood or plastic/vinyl fencing is prohibited except for security fencing where not visible from the public right-of-way.
- d. Barbed wire, concertina wire, and similar materials are prohibited.



Conceptual Los Diamantes Wall Design

IX. UTILITIES

To ensure the overall aesthetic quality of the property and the natural environment, the visual impact of utilities and equipment shall be minimized by the following:

- a. All new electric distribution lines shall be placed underground.
- b. Transformers, utility pads, and telephone boxes shall be appropriately screened with walls and/or vegetation, per the access regulations of the applicable utility company, when viewed from the public right-of-way.
- c. When an above ground backflow prevention device is required by the City, the heated enclosure shall be constructed of materials compatible with the architectural materials used as a main element of the building or with the landscaping there.
- d. If prefabricated fiberglass enclosures are used, they shall be appropriately screened from view by low walls and/or landscaping.

X. OFF-STREET PARKING

Minimal number of off-street parking spaces shall be provided according to the design standard contained in the DPM and Requirements per Zoning Code. Parking shall be calculated and provided as follows:

- a. For each house or townhouse:
 - 1. Three spaces if the dwelling has up to two bedrooms, two in garage
 - 2. Four spaces if the dwelling has three or more bedrooms, two in garage

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- b. Off street parking is prohibited in the front setback/landscape area. Off-street parking is permitted on the driveway within the front setback in front of the garage.

XI. RECYCLING

Curbside recycling pickup and garbage carts are provided by the City (currently via a private provider) within the City of Rio Rancho. Homes within Los Diamantes are required to provide storage for the automated carts, including the recycling cart, and homeowners are encouraged to participate in this recycling program.

B. Business Park Design Standards

The intent of the Los Diamantes Business Park Design Standards are to create the framework for a built environment within the Business Center that supports business and economic development through the creation of a cohesive, attractive setting while also respecting and accommodating the building size and use requirements of a range of employers. The design standards are intended to be complimentary to the surrounding residential neighborhoods and keep in the unique character of the entire Los Diamantes Master Plan. The Business Park Design Standards are based on the following principles:

- Design for compatibility with adjacent uses by outlining design standards which complement the nearby neighborhood and City of Rio Rancho, as a whole;
- Design for overall cohesiveness which unifies the business park with planned residential development; and
- Consider each building as a long-term addition to the city by ensuring high-quality development.

I. ARCHITECTURAL REVIEW COMMITTEE

The Los Diamantes Business Park will establish an Architectural Review Committee (ARC) to ensure that new development follows the design standards and to encourage and promote development that is harmonious and in keeping with the character of the Los Diamantes Business Park. The ARC will be responsible for reviewing all plans and for making sure that properties are continually maintained. The business park ARC will be separate from the residential ARC.

II. BUILDING ORIENTATION AND CONNECTIVITY

Intent: Buildings should be oriented with consideration to the visual impact from the perspective of the driver or pedestrian on the adjacent primary roadways. It is important to create the immediate first impression of a high-quality business park, as part of the city's overall community character and identity. Business parks and campuses are enhanced when it is easier, safer, and more comfortable to walk between buildings and parking areas. The Los Diamantes Business Park is intended to accommodate large employers as well as live/work uses, and supportive retail and services which will have a more urban character. Therefore, both minimum and maximum setbacks have been included in order to allow for both of these land use forms. All development within the Business Park should connect to surrounding uses, including streets, businesses, transit facilities, and residential areas, where appropriate.

a. Setbacks

1. Front Yard Setback:

Minimum - 10'

Maximum - 80'

2. Side Yard Setback:

Minimum of ten (10) feet, except that cantilevered roofs and sunscreens may project three (3) feet into the setback area. In the case of a corner lot, the front yard setbacks will apply except that cantilevered roofs and sunscreens may project six (6) feet into the setback area. Interior lot lines for a corner lot shall be considered side lot lines. Signs allowed by the ordinance may be placed in street-side, side yard setback areas. There is no maximum side setback.

3. Rear Yard Setback:

Twenty (20) feet, except that cantilevered roofs and sunscreens may project three (3) feet into the setback area.

b. Building Placement

1. Building placement that creates opportunities for plazas, courtyards, patios, or outdoor dining is strongly encouraged.

c. Building Entries

1. Building entries should be located so that they are easily identifiable from the primary adjacent roadway.
2. Secondary and employee entrances shall be easily accessible and convenient to building parking and delivery areas but should not be dominant.

d. Sidewalks

1. Sidewalks shall be designed to connect to sidewalks internal to individual sites and to trails when relevant.
2. All sidewalks shall be designed per the Americans with Disability Act requirements.

e. Trails

1. All trails within Los Diamantes Business Park will be designed in compliance with City of Rio Rancho trail standards. Trails will be designed to connect with a sidewalk, business, and/or park. In some locations, a trail may be constructed in lieu of a sidewalk.

III. PARKING

Intent: The intent of the parking standards is to develop a circulation system that safely and efficiently moves vehicles while avoiding and reducing potential conflicts between pedestrians and vehicles. the maximum front setback of 80' allows for two rows of parking and a drive aisle in front of the building. Therefore, the majority of parking shall be located either on the side or

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in the rear of the building.

a. Placement and Design

1. The placement and design of parking areas should foster safe pedestrian access and provide clearly identifiable pedestrian walkways between the primary entrance and visitor parking.
2. The minimum number of vehicular, disabled, motorcycle, and bicycle parking spaces shall be per Section 154.76 Off-street Parking Regulations contained in the City of Rio Rancho Zoning Code.
3. Large parking areas shall be visually segmented into smaller subareas separated by landscaping and/or pedestrian walkways.
4. Parking shall not dominate the street frontage. Wherever possible, visitor parking should be placed on the primary street frontage, and employee parking located either to the side or rear of the building.
5. Parking areas shall be designed to include a pedestrian link to the public sidewalk network, and/or trail system.

IV. ARCHITECTURE

Intent: the purpose of the architectural standards is to provide direction for the development of an attractive, cohesive built environment that accommodates the function of the individual buildings within the Los Diamantes Business Park while also ensuring quality development and reinforcing the unique character and identity of the Park.

a. Materials

1. Primary building materials shall be stucco, colored concrete, or colored block. Stone, tile, metal, or brick accents are also allowed.
2. Finished building treatments are required on all four side of the building.
3. Materials prohibited as the primary building material include the following:
 - i. Exposed, untreated precision block or wood walls
 - ii. Highly reflective surfaces
 - iii. Metal paneling.

b. Color

1. Predominate colors shall be limited to shades of brown, tan, rust, and blue. High intensity colors, such as metallic, black, or florescent colors are prohibited.

c. Height

1. Building height shall be limited to sixty (60) feet.

d. Building Design

1. Facades with a high level of visual interest from both vehicular and pedestrian viewpoints are encouraged.
2. Long unbroken building facades should be broken up with architectural details. Facades with varied front setbacks are encouraged to provide visual interest.
3. Rear and side wall elevations shall be constructed of the same materials as the primary front facade and shall be of the same architectural design.
4. Entrances to individual buildings should be identifiable through the use of architectural recesses or projections, roof elements, columns, or other architectural elements.

V. SUSTAINABILITY

- a. Energy efficient techniques shall be utilized to reduce energy and water consumption, where feasible.
- b. Water harvesting techniques such as curb cuts for drainage to landscaped areas, permeable paving, and or bioswales to slow and treat storm water runoff shall be provided where feasible.
- c. Buildings shall be oriented to take advantage of heat gain in the winter where feasible while coordinating with shading strategies to inhibit solar gain in the summer.
- d. Grasses and other ground vegetation should be near edges to help filter and slow runoff as it enters and exits the site.
- e. Convenient recyclable collection facilities shall be provided by all tenants of the site.

VI. LANDSCAPING

Intent: The intent of the landscape standards is to foster the development of an overall, water efficient, landscape concept that will establish a framework that unifies the entire Business Park.

- a. The use of turf grasses shall be limited per the City of Rio Rancho regulations restricting turf grass.
- b. A landscape setback (outside of the right-of-way) of a minimum of 10 feet shall be provided along each primary street frontage. The landscape area shall be comprised primarily of deciduous trees, 10-foot minimum height at the time of planting and shall be capable of reaching a mature height of at least 25 feet.
- c. An automatic underground irrigation system shall be provided to support all landscaping.

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The system shall be designed to avoid overspraying of walks, buildings, fences, etc.

- d. Proposed lighting and landscaping shall be placed so they are not in conflict with each other.
- e. All plant material within the business park, including trees, shrubs, groundcovers, turf, wildflowers, etc. shall be maintained by a landscaping company. A business park association shall be established to fund landscaping maintenance. Association membership shall be required by property owners within the business park and landscaping maintenance fees shall be based on property size.
- f. Suggested Trees:
 1. Acer negundo 'Sensation' – Sensation Box Elder
 2. Fraxinus velutina 'Medesto' – Modesto Ash
 3. Gleditsia triacanthos – Honey Locust
 4. Pistacia chinensis – Chinese Pistache
 5. Platanus acerifolia 'Bloodgood' – Bloodgood London Plane Tree
 6. Ulmus hybrid 'Frontier' – Frontier Elm
 7. Pinus eldarica – Afghan Pine
 8. Pinus nigra – Austrian Pine

VII. SCREENING, BUFFERING AND WALLS

Intent: The intent is to reduce the visual impact of the necessary elements of parking, mechanical equipment, and refuse on the site; and to provide broader buffers to adjacent land uses without impacting the practical function of the site components.

- a. Screening
 1. Portions of parking lots that are in front of or beside buildings along the primary street (as determined by main entrance) shall be screened with one or more of the following treatments:
 - i. Landscaping to sufficiently screen the first 3 feet in height adjacent to the parking area, within the landscape setback.
 - ii. Low walls made of concrete, masonry, or other similar material and not exceeding a height of 3 feet.
 - iii. Raised planter walls planted with a minimum 80% evergreen shrubs not to exceed 3 feet in height.
 2. Refuse collection shall comply with Waste Management of New Mexico and City of Rio Rancho requirements.
 3. Screening for the refuse collection shall be comprised of a solid wall. The location, design, color, and material of the enclosure shall be compatible with the principal building.

4. Ground and roof-mounted mechanical equipment shall be screened from the view of adjoining properties by landscaping or parapets, respectively.

b. Walls

1. All perimeter block walls facing rights-of-way shall be constructed of split-face concrete block and shall include a smooth, continuous 4-inch cap of a complementary color.
2. Plain grey CMU block shall not be used for wall material unless treated with stucco.
3. Chain-link (with or without slats), wood or plastic/vinyl fencing is prohibited except for security fencing where not visible from the public right-of-way.
4. Barbed wire, concertina wire and similar materials are prohibited.

VIII. STORAGE AND EQUIPMENT AREAS

Intent: Storage and equipment areas should be designed to be harmonious with the site without interfering with their storage function and need for security.

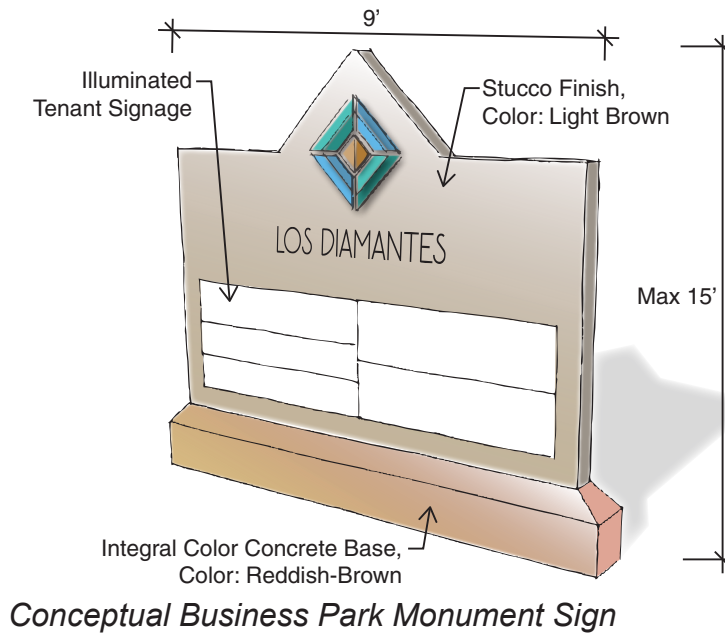
- a. Any exterior storage and sales areas shall be screened with walls which are architecturally compatible with the primary building(s) on the site.
- b. Loading and service areas should be provided with separate access and circulation whenever possible.

IX. SIGNAGE

The following signage standards were developed to regulate the size, location, type, and quality of sign elements within this property. A properly implemented signage program will serve four very important functions: to direct and inform employees and visitors; to provide circulation requirements and restrictions; to provide for public safety, and to complement the visual character of the development.

- a. The following types of signs are permitted in the Los Diamantes Business Park:
 1. Monument/Entry Signs
 2. Building Mounted Signs
 3. Vehicle Directional Signs
 4. Pedestrian Directional Signs
- b. Entry signs shall be monument type and shall complement the materials, color, and architectural character of the buildings and shall not exceed one hundred thirty-five square feet in area, and fifteen feet in height above grade.

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- c. One building mounted sign is permitted for each facade that faces a primary roadway. Building mounted signs shall be limited to 10% of the building facade, and a maximum projection of eighteen inches.
- d. Vehicle directional signs are permitted when necessary to direct vehicles to a special site feature, such as visitor parking. The design of these signs shall be integrated with the Los Diamantes Business Park entry signs and shall not exceed three square feet in area, and five feet in height above grade.
- e. Pedestrian directional signs are permitted when it is necessary to direct pedestrians to a special site feature such as a recreational trail. The design of these signs shall be integrated with the Los Diamantes Business Park monument entry signs and shall not exceed two square feet in area, and 3 feet in height above grade.
- f. Illumination of signage is permitted and shall follow the regulations contained in Section X, Lighting, located below.
- g. Digital and Light Emitting Diode Lighting is permitted per the City of Rio Rancho Institutional District sign regulations.

X. LIGHTING

Intent: Lighting should be designed to provide atmosphere, safety, and security. Lighting shall comply with all applicable City ordinances and shall be further restricted by the following design standards:

- a. Site lighting shall be shielded and oriented to eliminate glare or light trespass on to adjacent rights-of-way and properties.
- b. All parking lot lighting shall be fully shielded and night-sky compliant.
- c. Pedestrian scale bollard lights are encouraged and shall be fitted with louvers, diffusers

or shields, as necessary, to eliminate glare or light trespass on to adjacent rights-of-way and properties.

- d. Light fixtures shall conform to the architectural character of the buildings and other site elements.
- e. Building mounted lights shall be fully shielded and mounted at a maximum height of sixteen feet.
- f. Up-lighting for signage and landscape is permitted and shall be shielded to eliminate glare and light trespass and be night-sky compliant.

XI. UTILITIES

- a. All electric distribution lines shall be placed underground.
- b. Transformers, utility pads, and telephone boxes shall be appropriately screened with walls and/or vegetation when viewed from the public right-of-way. Screening of transformers, electric boxes and other utility structures shall not impede access to the equipment and shall provide for safe maintenance and repair by utility workers.
- c. When an above-ground backflow prevention device is required by the City of Rio Rancho, the heated enclosure shall be constructed of materials compatible with the architectural materials used as the main elements of the building. If prefabricated fiberglass enclosures are used, they shall be appropriately screened from view by walls and/or landscaping.
- d. Any wireless communication facilities shall be concealed and architecturally integrated.

XII. RECYCLING

Recycling pick-up for businesses is provided within the City of Rio Rancho and is encouraged within Los Diamantes. To receive these services, business can purchase containers through the City (currently via a private provider). Site design shall accommodate recycling storage and pick-up.

XIII. MASS TRANSIT STOPS

The roadways adjacent to and through the Business Park shall be designed to accommodate transit stops in anticipation of future transit service within Rio Rancho. Transit shelters will be developed at such time as transit service is made available.

5. RIO RANCHO COMPREHENSIVE PLAN

The Los Diamantes Master Plan furthers and helps implement the Rio Rancho Comprehensive Plan. The Comprehensive Plan is a policy document that lays out goals, policies, and actions to guide growth and development in Rio Rancho. The Rio Rancho Comprehensive Plan is organized around nine fundamental principles, including:

- Annexations, Antiquated Platting & Addressing
- Conservation and the Natural Environment
- Land Use
- Population and Housing
- Transportation
- Public Facilities
- Parks and Recreation
- Urban Design
- Economic Development

The Los Diamantes Master Plan will implement these elements of the Rio Rancho Comprehensive Plan. An explanation of how the Plan meets and furthers the intent of the goals, policies, and actions under each element is included below.

ANNEXATIONS, ANTIQUATED PLATTING and ADDRESSING

The intent of the Annexations, Antiquated Platting, and Addressing element is to ensure proper platting and addressing within the City of Rio Rancho.

- Eliminate antiquated platting within the City of Rio Rancho where desirable.
- Identify alternative mechanisms to aide and encourage the consolidation of prematurely platted land.
- Require appropriate development standards for infrastructure and environmental improvements for both newly platted lots and antiquated lots.

The Los Diamantes Master Plan meets and furthers these goals and policies. The land has been assembled and will be platted according to City standards prior to development within the Plan Area. The Master Plan eliminates the challenges associated with antiquated platting by assembling land for a consolidated master planned community, providing adequate public infrastructure and paved roads to future residents, and addresses historical drainage patterns.

CONSERVATION and THE NATURAL ENVIRONMENT

The intent of the Conservation and the Natural Environment element is to ensure that sustainability is a key component of the City's growth. As development occurs, this element is intended to ensure that concerns such as water quality, air quality, water conservation, geological features, and soil conditions are taken into consideration when development decisions are made.

The Conservation and Natural Environment element of the Comprehensive Plan include some of the following goals, policies, and actions which are relevant to the Los Diamantes Master Plan:

- Preserve water resources.
- Reuse and recycle materials, reduce waste and dispose of all wastes in a safe and responsible manner.
- Integrate site-specific development standards in areas where arroyos exist to manage and protect the functions of these critical areas.
- Provide incentives for developers to implement the use of low impact development techniques and green building practices.
- Develop and protect a public open space network.

The Los Diamantes Master Plan takes into consideration environmentally friendly building practices. Builders at Los Diamantes are encouraged to join green building programs and employ green building techniques.

The use of drought tolerant and native landscaping materials is required. A coordinated pedestrian network is established throughout the Plan Area to help foster non-vehicular mobility and accessibility and decrease vehicular pollution. An open space network will be provided that includes parks and trails to give residents recreation opportunities and non-motorized transportation alternatives.

The Master Plan maintains and improves natural resources in Rio Rancho through support for recycling, water conservation, transportation alternatives, and the use of renewable resources. Grading and development activities will be managed to prevent flood and erosion damage. A pond is proposed to capture and manage flows in the existing Rainbow Tributary and will also reserve land in an open, natural condition.

LAND USE, POPULATION and HOUSING

The intent of the Land Use and Population and Housing elements of the Rio Rancho Comprehensive Plan are to ensure the city has a balance of land uses that supports employment, creates a neighborhood identity, fosters human interaction, and provides a variety of quality housing for all segments of Rio Rancho's population.

The Land Use and Population and Housing elements of the Comprehensive Plan include some of the following goals, policies, and actions which are relevant to the Los Diamantes Master Plan:

- Encourage mixed uses – retail, office, and residential centered on pedestrian-oriented development along principal arterial roads.
- Maintain a balance of land uses throughout the City.
- Encourage the master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan.
- Promote and support developments that incorporate walkability.
- Maintain the strength, vitality, and stability of all residential neighborhoods and types.

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- Promote a variety of housing types to meet the needs of all members of the community.
- To ensure that single-family and multi-family residential neighborhoods provide an attractive living environment.
- Support residential development with appropriate amenities for families with children.

The Los Diamantes Master Plan meets these objectives by providing a range of land uses. The Master Plan calls for a mix of land uses that will accommodate a diversity of single-family and multi-family housing, employment, and retail service options for residents. Land uses include office, commercial, business park, and residential. Los Diamantes is located west of Unser Boulevard and residents living in Los Diamantes will additionally have convenient access to employment, education, and commercial services in the Unser Gateway area. The Los Diamantes Master Plan is consistent with and furthers the City of Rio Rancho's Generalized Land Use Plan recently adopted by the governing body.

The Master Plan's residential and business park design standards promote a strong community character. Dedicated park land and trails are included in the Master Plan to encourage neighborhood vitality and social interaction. Rio Rancho Public Schools plans to build three schools in proximity to the Plan Area to ensure the residential development will be served sufficient educational opportunities for families with children.

The Los Diamantes Master Plan will primarily utilize existing City of Rio Rancho zoning categories. The City is creating a new Business Park zoning designation for the north side of the Plan Area. Development will conform to the design standards contained in this Master Plan.

TRANSPORTATION

The intent of the Transportation element of the Rio Rancho Comprehensive Plan is to establish a long-range transportation network to meet local and regional circulation needs and develop land uses that are benefited by and supportive of mass transit. A multi-modal transportation system to move people and goods is encouraged.

The Transportation element of the Comprehensive Plan include some of the following goals, policies, and actions which are relevant to the Los Diamantes Master Plan:

- A balanced transportation system that provides access to a variety of transportation options....
- Plan key arterial routes that are essential for the efficient movement of goods with freight in mind....

A Traffic Impact Study has been provided to ensure that new residential, commercial, and business park development will not compromise the existing transportation network. Walkways and pedestrian corridors will be provided both as sidewalks along the roadways and within park land and trail corridors. Pedestrian and bicycle connections have been considered for arterial and collector roadways and within trail corridors.

There are plans to extend Westside Boulevard to increase connectivity between the development and other areas of Rio Rancho, while also keeping the integrity of a coordinated pedestrian network.

PUBLIC FACILITIES

The intent of the Public Facilities element of the Rio Rancho Comprehensive Plan is to focus development into areas of the city that already have well established public facilities and minimize the difficulties, due to antiquated platting, of providing infrastructure within the City.

The Public Facilities element of the Comprehensive Plan include some of the following goals, policies, and actions which are relevant to the Los Diamantes Master Plan:

- Make land use recommendations based on the availability of adequate public facilities necessary to support a proposed land use.

The Master Plan is strategically located in an area of Rio Rancho where the project will be able to connect to existing infrastructure and is a logical location for urban expansion. The City considered proper access to schools, police, fire, and emergency services when it adopted the Generalized Land Use Plan. The Los Diamantes Master Plan is in compliance with and furthers the Generalized Land Use Plan. Police, fire, and emergency rescue services impacts will be considered in all future development plans.

PARKS and RECREATION

The intent of the Parks and Recreation element of the Rio Rancho Comprehensive Plan is to ensure that as the City develops, amenities such as parks and recreation facilities are provided for the growing population. The Parks and Recreation element of the Comprehensive Plan include some of the following goals, policies, and actions which are relevant to the Los Diamantes Master Plan:

- Establish new and maintain existing recreation and senior centers, parks, trails, and open space that foster a quality community, support a strong economy, and meet the needs of current and future residents.
- Be responsive to the recreational needs of the community.
- Provide a variety of quality of life services to meet community needs, assuring that there are strong relationships with all sectors of the community and ample opportunities to foster human interaction.
- Develop pedestrian and bicycle linkages between neighborhoods and major natural areas, recreation facilities, education, employment, and retail centers.

The Los Diamantes Master Plan provides well-connected park land and trail corridors to meet the goals of the Rio Rancho Comprehensive Plan. The Plan Area will dedicate the necessary park land and trail corridors per the subdivision ordinance. Fulfilling this requirement will ensure the Master Plan is responsive to the parks and recreation needs of new residents, employees, and the entire community. Through parks and recreation, the Master Plan supports a community and economy intended to improve the lives of its residents and employees.

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URBAN DESIGN

The intent of the Urban Design element of the Comprehensive Plan is to ensure that development follows design standards that help to achieve the creation of community identity and aesthetic quality. The Urban Design element of the Comprehensive Plan include some of the following goals, policies, and actions which are relevant to the Los Diamantes Master Plan:

- Create traditional neighborhood patterns that support a sense of place.
- Create street patterns with development that fosters human interaction.
- Create safe developments that discourage crime.
- Support development that links neighborhoods and encourages the use of all modes of transportation.
- Embrace the use of xeriscape landscaping.

Design features within the Los Diamantes Master Plan will highlight streetscapes, multi-use paths, perimeter walls, gateways, and pedestrian connections to create a community identity and promote aesthetic quality. Design standards created for the Plan Area are designed to expand on the City's Zoning Ordinance and will provide unified streetscapes, unified signage design, and perimeter and wall entry design. Street patterns will be designed to foster human interaction and discourage crime. Native and xeric plant species will be required and water harvesting and irrigation requirements will be included in any future landscape plans.

ECONOMIC DEVELOPMENT

The primary goal of the economic development element is to expand employment opportunities, provide a mix of jobs, support existing retail and service needs as well as provide infrastructure to support and attract existing and new businesses.

- Create jobs.
- Enhance the tax base.
- Expand the economic base of Rio Rancho.

The importance of economic development is amplified by Mayor Hull's stated goal of making the City of Rio Rancho "an environment attractive to job creation". Los Diamantes helps realize this goal through the creation of a new high-quality business park. The Los Diamantes Master Plan will consist of a large business park on the north side of the Plan Area supporting a wide variety of potential employers and new industry in Rio Rancho. This "across the river" job center will support approximately 1,400 jobs and large parcels of land with accessibility to several major arterials will be desirable for future employers. The City should also consider development incentives to attract employers and commercial services to Los Diamantes by providing an expedited development review process. An increase in economic base job creation will support a larger future increase in retail and service-based businesses, thus decreasing retail leakage to Albuquerque. The large business park will provide the necessary infrastructure and land needed to incentivize companies to locate in Rio Rancho.

The business park and residential uses will be served and supported by a mix of retail uses, such as restaurants, banks, dry cleaners, etc., providing a balance of employment and residential land uses within Los Diamantes. Providing retail and other commercial options will keep Rio Rancho residents from spending money in Albuquerque and grow the service-sector base of the City.

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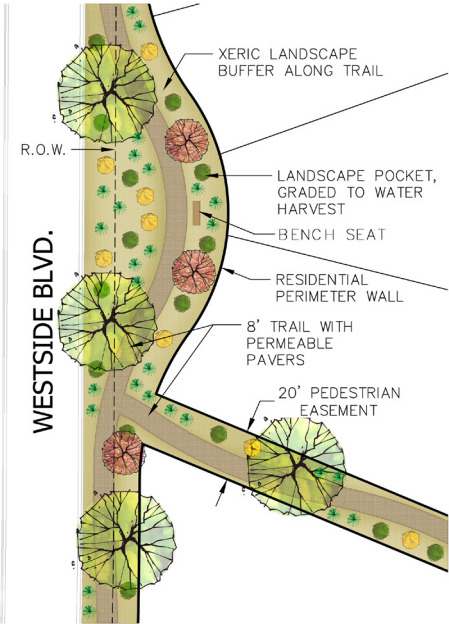
6. PARKS AND TRAILS

Los Diamantes proposes to provide a significant recreational component to its new land use mix. It is anticipated that approximately 1,600 residents will reside here. Parks will be provided at or exceeding City of Rio Rancho standards (which is more than 4 acres for the Master Plan Area).

A. Non-Vehicular Circulation:

Paved trails and sidewalks are proposed inside and around the perimeter of Los Diamantes to create a pedestrian friendly environment. Paved pathways and sidewalks will be incorporated into the streetscape. The intent is to encourage residents and employees of the Business Park to walk or bike to and from work, education facilities, and for recreation.

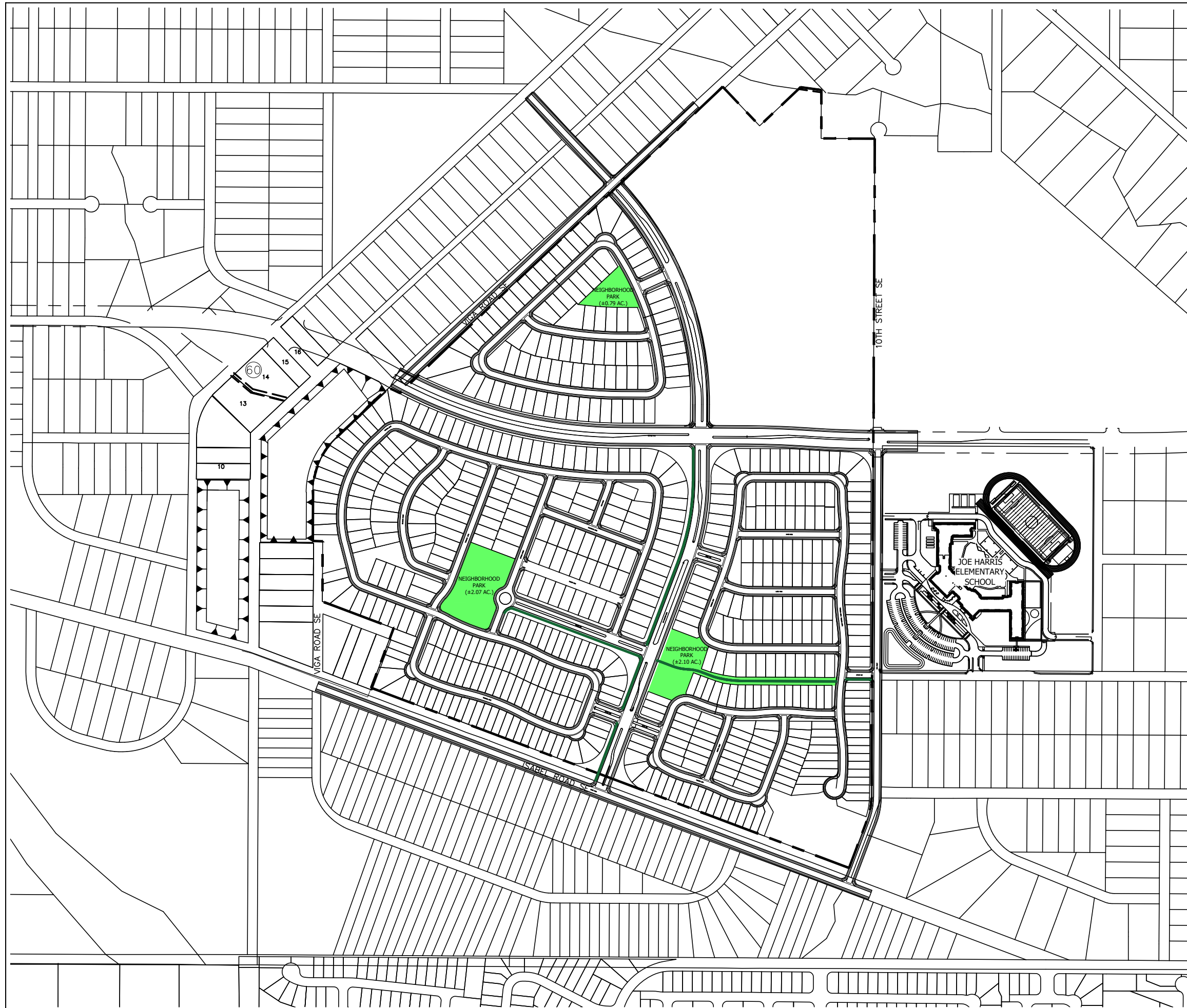
The internal parks will be linked to the paved trail and sidewalk network. There will be approximately 3,450 linear feet of trails within the Plan Area in addition to City standard sidewalks along all roadways throughout the development. These trails and sidewalks will create a comprehensive network within the Master Plan. The trails will be maintained by the HOA. Pedestrian access points will be placed throughout the trail network.



CONCEPTUAL LANDSCAPE POCKET

B. Neighborhood Parks

There are three parks proposed along the principal interior access and circulation routes for each neighborhood in Los Diamantes. Two neighborhood parks approximately two acres in size are proposed in the neighborhoods south of Westside Boulevard, and are designed to provide recreational opportunities for resident's living in the immediate neighborhoods and will feature age-dependent amenities. These parks will be designed and constructed according to the City's DPM standards, with an understanding that they will be dedicated to the City's Parks and Recreation Department. The developer of Los Diamantes will dedicate the land and install park improvements. A third, smaller park is located within the proposed single-family neighborhood located north of Westside Boulevard. This park will serve the residents of this small residential subdivision.

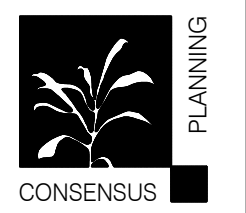
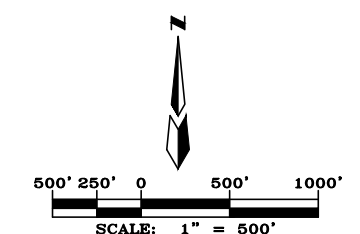
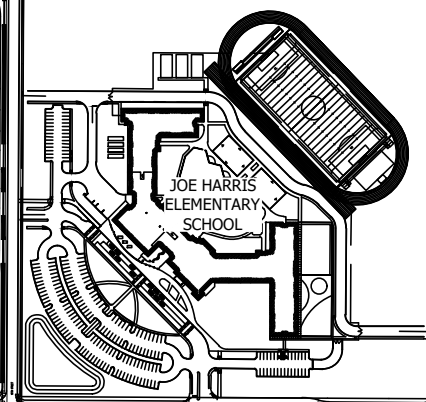


- NEIGHBORHOOD PARK
(±5 ACRES)
- TRAIL SYSTEM
(±3,450 LF OF TRAILS)

10TH STREET SE

VIGA ROAD SE

ISAHIEL ROAD SE



LOS DIAMANTES

Parks and Trails

dmg MARK GOODWIN & ASSOCIATES, P.A.
CONSULTING ENGINEERS
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ALBUQUERQUE, NEW MEXICO 87199
(505)828-2200, FAX (505)797-9539

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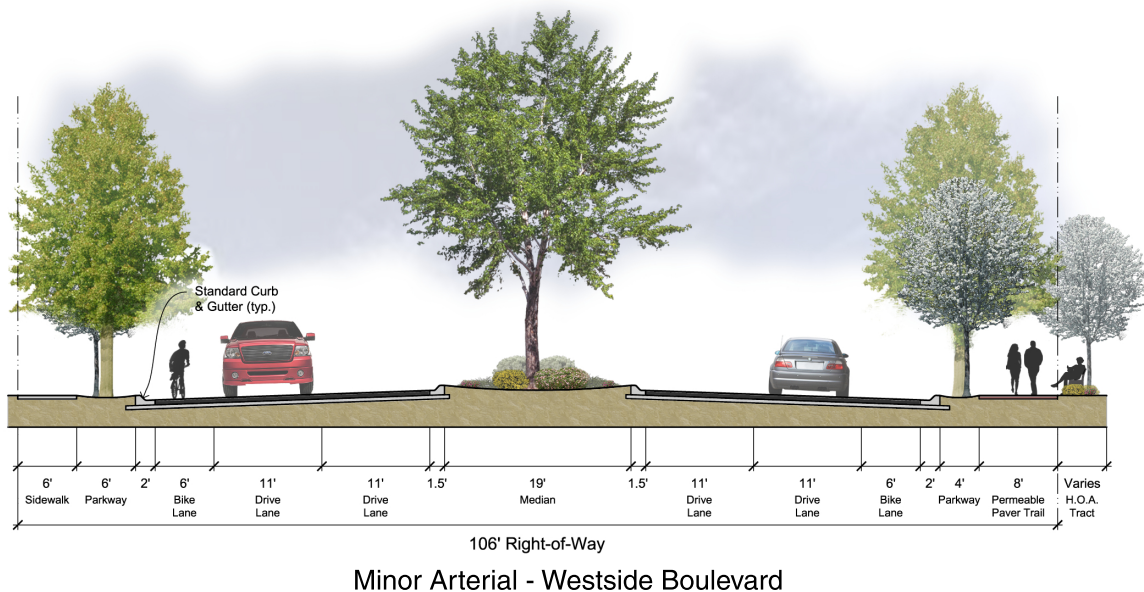
7. TRANSPORTATION ANALYSIS

Los Diamantes is located approximately one mile west of Unser Boulevard which is classified as a Principal Arterial and approximately one-half mile south of Southern Boulevard which is also classified as a Principal Arterial. The property is bisected by the unimproved Westside Boulevard which has been classified as a Minor Arterial by the Mid-Region Council of Governments, MRCOG. To the south, Isabel Road intersects Black Arroyo Road at the Municipal Boundary with the City of Albuquerque. Black Arroyo Road (City of Albuquerque) is classified as a collector.

For its principal access route, Los Diamantes will rely upon the improved Westside Boulevard. It is anticipated that Westside will be improved in phases with two lanes being required from Unser to the east boundary at 10th Street for the full build out of this project. Westside will be built to its' full section as it goes through Los Diamantes. This will also be done in phases. A Traffic Impact Study performed specifically for this project indicates that the City's local street network has adequate capacity for the vehicular impacts generated by Los Diamantes.

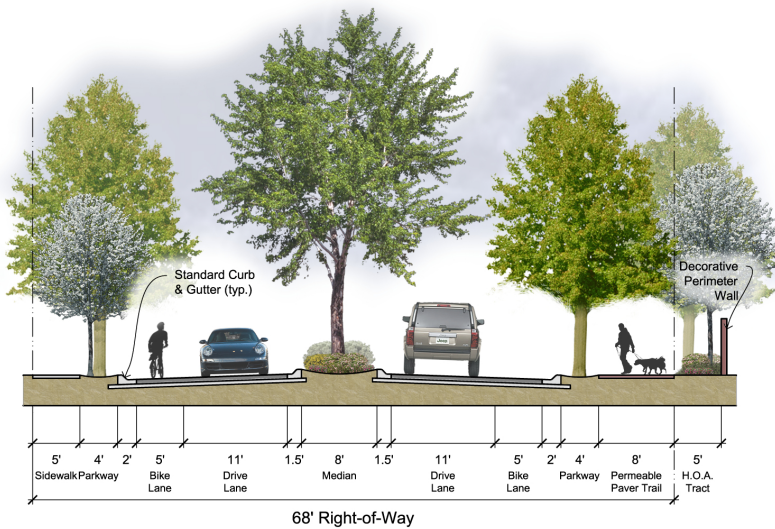
All new streets proposed within Los Diamantes will be improved to City of Rio Rancho Standards including the perimeter streets of Isabel, Viga, and 10th Street as phased development occurs. For the three primary circulation routes within the project, 8-foot paved meandering trails will be installed on one side along with common area landscaping in lieu of the typical 5' sidewalk. It may be necessary for antiquated rights-of-way within the master plan area to be vacated through a vacation plat, which must be approved by the Planning and Zoning Board.

All of the trails and common area landscaping will be HOA maintained.

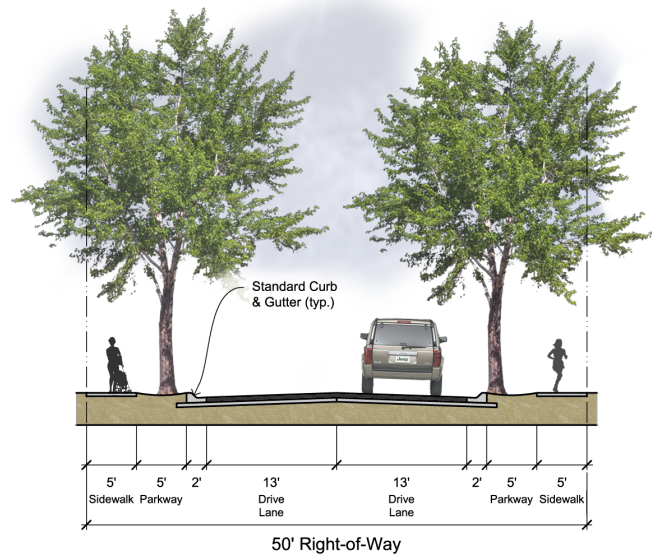


Traffic Impact Study

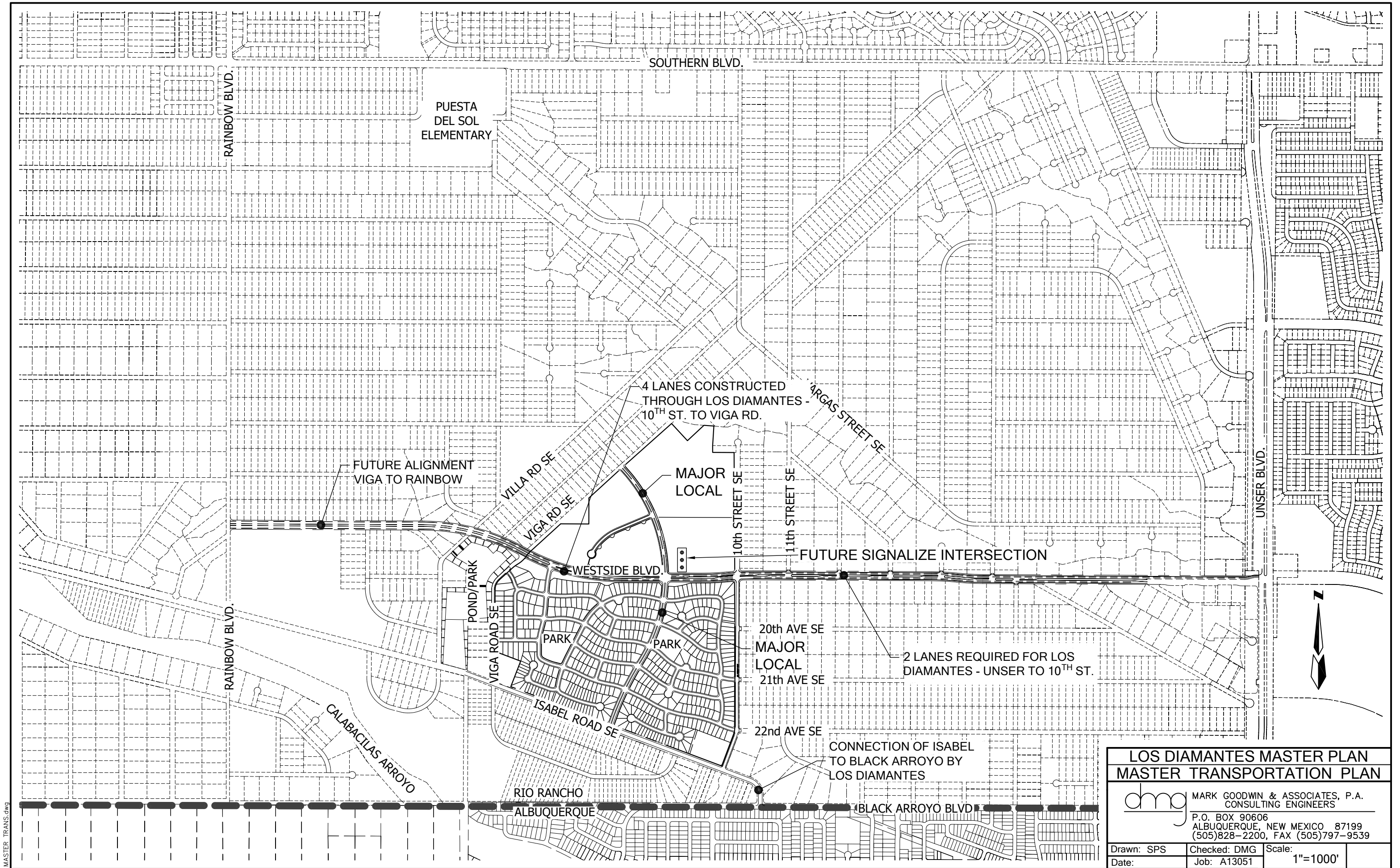
A traffic impact study was performed for Los Diamantes in March 2015. The executive summary of that study is included as Appendix C of this document. The traffic study includes conclusions and recommendations for the transportation network within the Plan Area and how the Plan should be regionally and locally accessed.



Local Street with Trail



Local Street



LOS DIAMANTES MASTER PLAN MASTER TRANSPORTATION PLAN		
		
MARK GOODWIN & ASSOCIATES, P.A. CONSULTING ENGINEERS P.O. BOX 90606 ALBUQUERQUE, NEW MEXICO 87199 (505)828-2200, FAX (505)797-9539		
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8. CONCEPTUAL DRAINAGE PLAN

The Los Diamantes development is encumbered by a FEMA Zone A flood plain created by the Rainbow Tributary to the Calabacillas Arroyo. The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood. The Rainbow Tributary originates within the City of Rio Rancho above Southern Blvd. and ends at the Municipal Boundary with the City of Albuquerque where it enters an existing 108" Storm Drain maintained by the City of Albuquerque for conveyance to the Calabacillas Arroyo (see page 47) The Rainbow Tributary was studied as part of SSCAFCA's Calabacillas Watershed Management Plan.

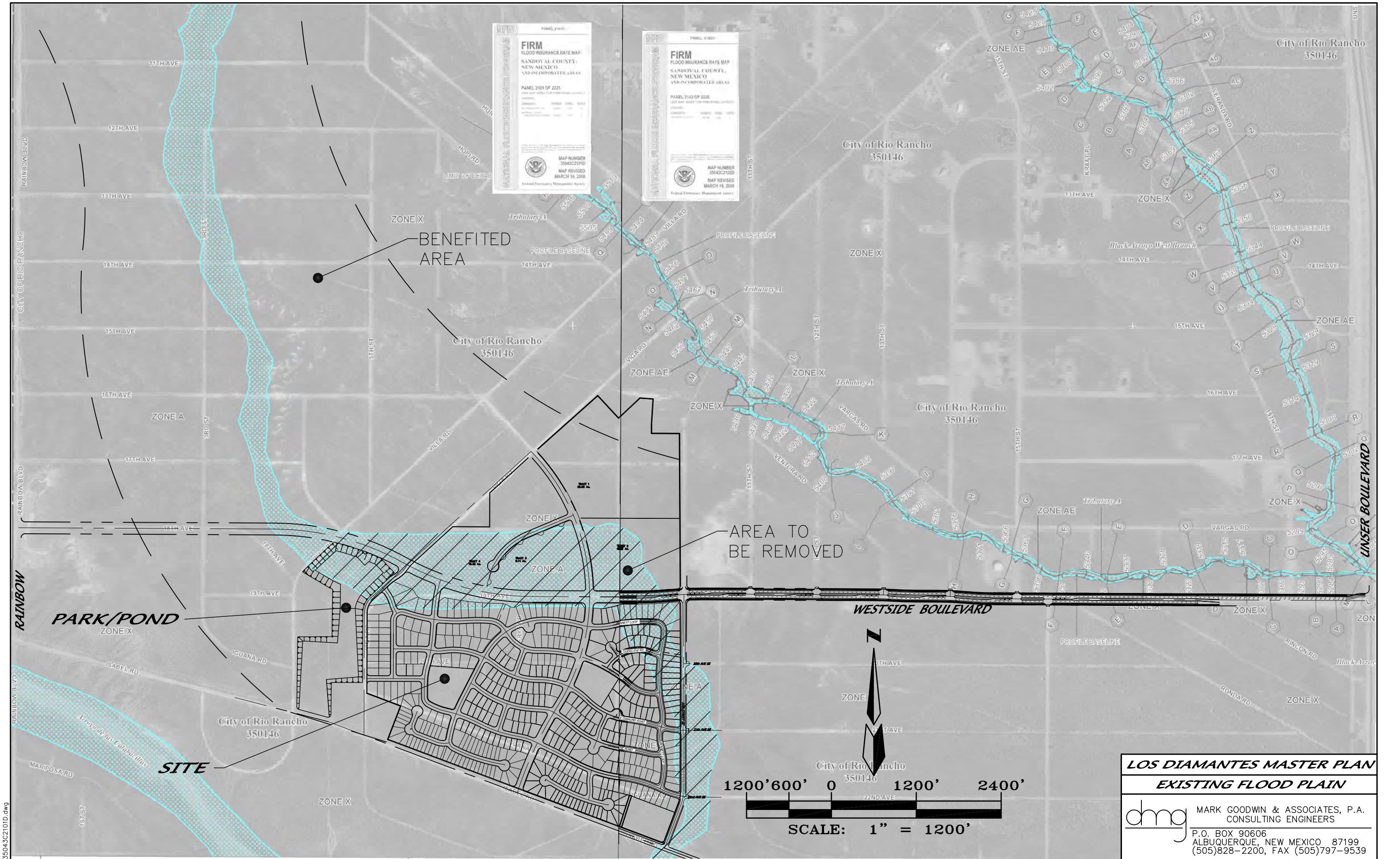
The Los Diamantes Drainage Management Plan, (DMP), proposes to intercept the Rainbow Tributary at the Western Boundary of the subdivision in a large Regional Pond. The Regional Pond will allow for the removal of the FEMA Flood Plain through the project. This pond will benefit approximately 700 acres of land outside of Los Diamantes by allowing those properties to develop without on-site drainage controls. The pond will also provide for a significant upgrade in the water quality of the released flow.

In coordination with SSCAFCA, the Regional Pond is designed to contain both the 10-year, 24-hour storm volume as well as provide flood protection from less frequent, larger storm events up to and including the 100-year storm event. It is proposed that SSCAFCA operate and maintain the pond facility.

Both the Business and Residential components will drain to an internal storm drain network that will discharge to an on-site Water Quality Pond prior to the flows being released to the existing 108" Saltillo storm drain. Water Quality will be enhanced as well as some Water Harvesting. Detention times will be such that significant amounts of urban debris, sediments, oils, and heavy metals will be removed. It will also allow for infiltration to occur.

With the approval of SSCAFCA and the City of Rio Rancho, the analysis and design of the regional Pond will be submitted for FEMA for a Conditional Letter of Map Revision (CLOMR). Upon receipt of the CLOMR, construction would occur. When construction is complete, a Letter of Map Revision (LOMR) will be issued by FEMA.

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FIRM
 FLOOD INSURANCE RATE MAP
 SANDOVAL COUNTY,
 NEW MEXICO
 AND INCORPORATED AREAS

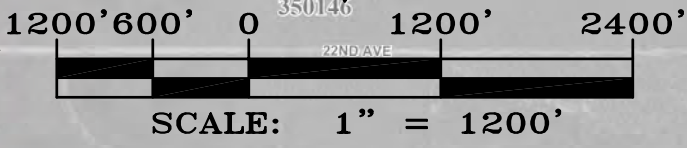
PANEL 2101 OF 2225

MAP NUMBER 35043C2101D
 MAP REVISED MARCH 18, 2008

FIRM
 FLOOD INSURANCE RATE MAP
 SANDOVAL COUNTY,
 NEW MEXICO
 AND INCORPORATED AREAS

PANEL 2102 OF 2225

MAP NUMBER 35043C2102D
 MAP REVISED MARCH 18, 2008



LOS DIAMANTES MASTER PLAN
EXISTING FLOOD PLAIN

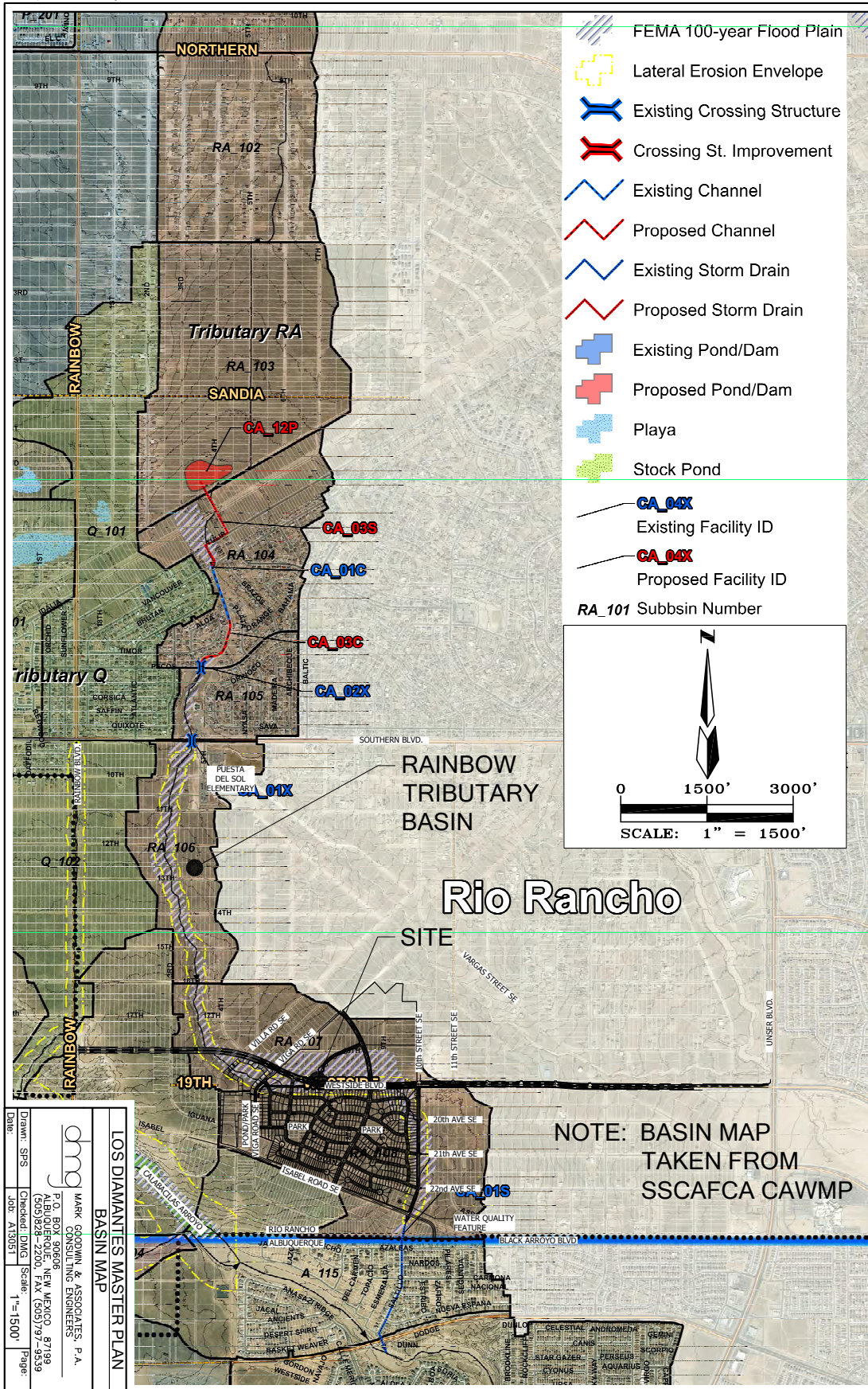
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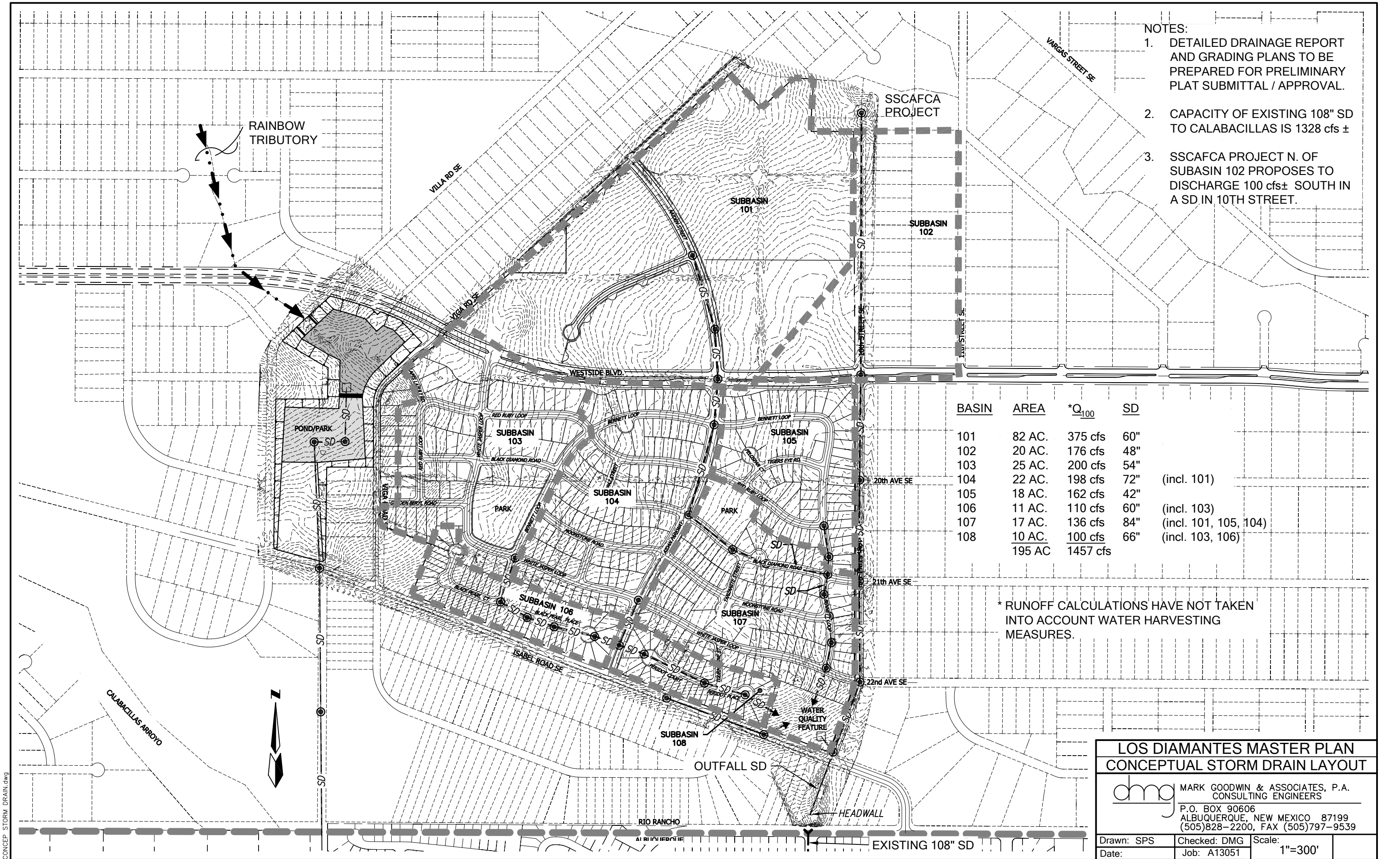
MASTER PLAN

BASIN plan exhibit.dwg



	MARK GORDWIN & ASSOCIATES, P.A. CONSULTING ENGINEERS P.O. BOX 90606 ALBUQUERQUE, NEW MEXICO 87199 (505) 263-2200, FAX (505) 263-7977 www.dmg.com
	LOS DIAMANTES MASTER PLAN BASIN MAP
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	Date:
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- NOTES:
1. DETAILED DRAINAGE REPORT AND GRADING PLANS TO BE PREPARED FOR PRELIMINARY PLAT SUBMITTAL / APPROVAL.
 2. CAPACITY OF EXISTING 108" SD TO CALABACILLAS IS 1328 cfs ±
 3. SCAFCA PROJECT N. OF SUBBASIN 102 PROPOSES TO DISCHARGE 100 cfs± SOUTH IN A SD IN 10TH STREET.

BASIN	AREA	*Q ₁₀₀	SD
101	82 AC.	375 cfs	60"
102	20 AC.	176 cfs	48"
103	25 AC.	200 cfs	54"
104	22 AC.	198 cfs	72" (incl. 101)
105	18 AC.	162 cfs	42"
106	11 AC.	110 cfs	60" (incl. 103)
107	17 AC.	136 cfs	84" (incl. 101, 105, 104)
108	10 AC.	100 cfs	66" (incl. 103, 106)
	195 AC	1457 cfs	

* RUNOFF CALCULATIONS HAVE NOT TAKEN INTO ACCOUNT WATER HARVESTING MEASURES.

LOS DIAMANTES MASTER PLAN
CONCEPTUAL STORM DRAIN LAYOUT

dmg MARK GOODWIN & ASSOCIATES, P.A.
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CONCEPT STORM DRAIN.dwg

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9. CONCEPTUAL UTILITY PLAN

Los Diamantes will be served by the City of Rio Rancho Utility Department.

Water

The proposed development is south of Southern Boulevard and west of Unser Boulevard in southwest Rio Rancho, New Mexico. The development is generally bounded by 17th Avenue to the north, 10th Street to the east, Isabel Road to the south, and Viga Road to the west. The development is bisected by Westside Boulevard with the property north of Westside Boulevard planned for Business Park uses and residential development south of Westside Boulevard.

The property slopes from the west to the east/southeast ranging in elevation from approximately 5515' to 5410'.

Los Diamantes is located in Zone 3 of the City of Rio Rancho's water system. The source of supply for the proposed development is via gravity from Tank 6 which is located near Tulip Road and 2nd Street and from Tank 8 (via PRVs) once a connection to the 16" line in Southern Boulevard NE is completed. It is planned for a new Zone 3 tank to be constructed further south within the City limit sometime in the future at the same HGL as this area continues to develop. Currently, service to the project area can be provided without the proposed Zone 3 tank. In this area Tank 8 and Well 19 feed Zone 5 via gravity and Zone 4 through PRVs.

Due to the proximity of Well 19 and the hydraulic connectivity in this area, these facilities will provide service to Los Diamantes through pressure reducing valves (PRVs).

Currently, no piping exists to support this development. The nearest infrastructure is located in Zone 4 off Hopi Road and Villa Road southeast of Puesta del Sol Elementary School off Southern Boulevard. This development is served from a PRV with the backbone infrastructure being 10-inch waterline.

A 16-inch waterline exists in Rainbow Boulevard bringing Well 19 water to the south. There is also 16-inch waterline in Southern Boulevard in front of Puesta Del Sol Elementary school which brings water east along Southern Boulevard to the lower pressure zones. Approximately 2,150 feet of 16-inch waterline is required to connect in the 16-inch waterlines in Rainbow Boulevard and Southern Boulevard for redundant supply from Tank 8 to Los Diamantes. In addition, some minor looping in Zone 4 is recommended to connect the 8-inch waterlines southwest of Hopi Road to the 10-inch waterline in Villa Road for redundancy to supply the proposed PRV in Ark Road to bring supply to Los Diamantes from the west. Due to the demand on Tank 6 to feed existing customers, this will be the primary supply to Los Diamantes.

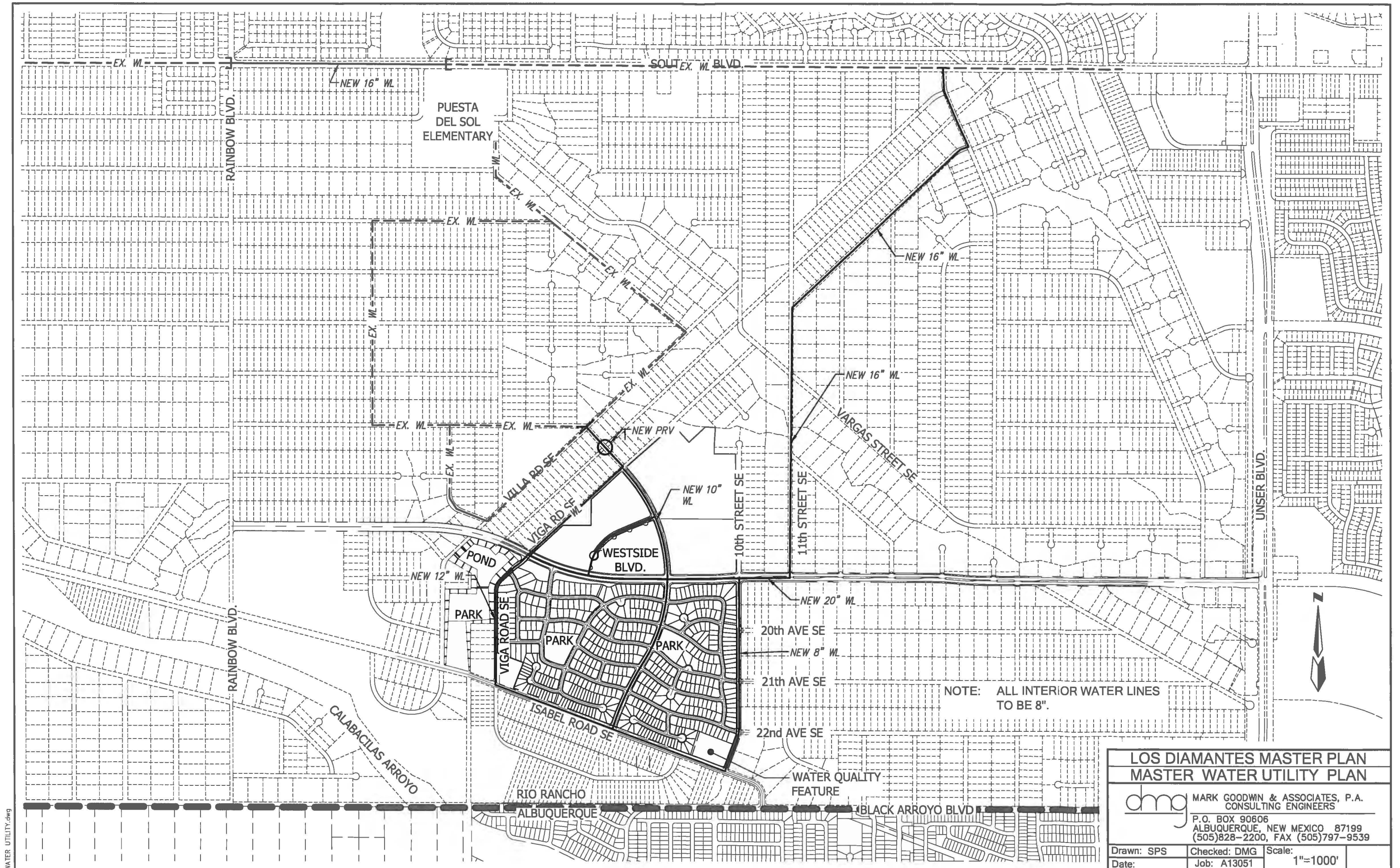
The feed (provided by Tank 6) to Los Diamantes will be extending the existing Zone 3 infrastructure from Southern Boulevard to Los Diamantes via a proposed 16-inch to extend along 15th Street and Viga Road North of Viga Road the 16-inch waterline and extends south along 11th Street to Westside Boulevard where it will tie into a proposed 20-inch waterline to bring water to Los Diamantes.

The waterline diameters required to bring water to Los Diamantes take into consideration the City's Master Plan for future growth. In the future, it is intended for supply from the lower pressure zones to potentially be pumped up to the higher zones using the Westside Boulevard corridor for redundancy. It is important for utilities such as this large diameter pipe, to be taken into consideration as well as the other utilities needed to serve this development during the planning stage.


The piping around the Los Diamantes development takes into consideration the City's Master Plan. A minimum 8-inch diameter pipe is proposed internal to the development.

Sanitary Sewer

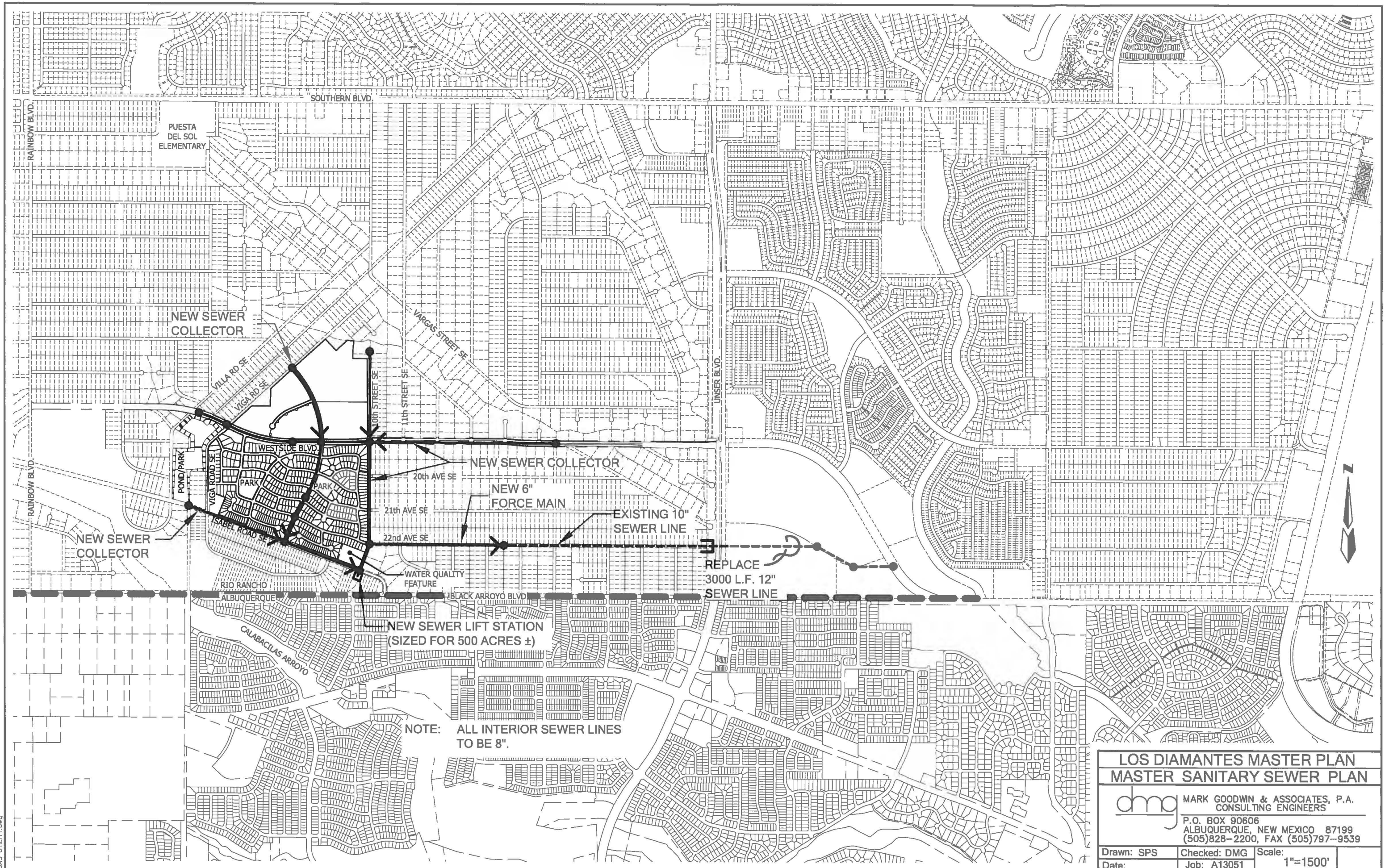
Sewer service for Los Diamantes and all properties within the Rainbow Basin will require construction of a Sanitary Sewer Lift Station designed for a future population of nearly 2,000 dwelling units within nearly 500 acres. Future flows are anticipated to reach nearly 1 million gallons per day. Los Diamantes contribution to this will be on the order of 225,000 gallons per day. Internally, 8" lines will be used. Several collectors will be constructed north and west that will provide service to the remainder of the basin in the future. The Lift Station will be designed to accommodate all future flows, but construction will be phased as needed.



NOTE: ALL INTERIOR WATER LINES TO BE 8".

LOS DIAMANTES MASTER PLAN MASTER WATER UTILITY PLAN		
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NOTE: ALL INTERIOR SEWER LINES TO BE 8".

**LOS DIAMANTES MASTER PLAN
MASTER SANITARY SEWER PLAN**

dmg MARK GOODWIN & ASSOCIATES, P.A.
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10. IMPLEMENTATION AND PHASING

The implementation of the Los Diamantes Master Plan shall occur at the time of the zone map amendment and platting except for the potential multi-family residential land use. A future zone map amendment will be required to implement that land use in a specific location, up to 15 acres in size, within the larger business park area of this Master Plan depending on absorption of the commercial uses.

1. All land use decisions shall be in compliance with the Los Diamantes Master Plan and in accordance with the City of Rio Rancho Department of Development Services, including right-of-way acquisition.
2. All infrastructure shall be planned and coordinated with City of Rio Rancho Department of Public Works, Department of Development Services, Department of Public Safety, PNM, and any other established entities working with Sandoval County and the City of Rio Rancho.
3. In order to uphold national standards for emergency response times, facility planning shall be coordinated with the City of Rio Rancho as houses are built.
4. The developer shall ensure that all open spaces, entryways, linear walkways, rights-of-way, and landscaped areas meet City standards as shown on landscape and irrigation plans that shall be approved by the City of Rio Rancho prior to final plat.
5. Open space and trails shall be developed; a portion of which shall count towards the park requirements established by the City of Rio Rancho.
6. The residential design standards included in this Master Plan shall be incorporated into the CC&Rs for each Los Diamantes residential subdivision.
7. The Developer intends to use Tax Increment District and Public Improvement District financing within the Master Plan Area. These financing mechanisms will be implemented through separate applications to the City of Rio Rancho.

Due to its relatively large size, Los Diamantes will be divided into three (3) phases, with 224 dwellings in Phase 1, 263 dwellings in Phase 2. Phase 3a and Phase 3b will consist of approximately 250 dwelling units each. The availability of infrastructure and the Marketing Window were the primary determining factors in deciding to locate the first phase in the southeast corner of the property. Phase implementation will be a function of buyer demand and home builder preferences since it is anticipated that numerous homebuilders will be constructing a variety of housing types to get different price points.

The site's terrain slopes down toward the southeast corner where the Water Quality drainage pond will be used to collect runoff from the first phase and all subsequent phases. A new storm drain will then extend further south to the existing 108" Storm Drain and eventually drain into the Calabacillas Arroyo.

Los Diamantes sanitary sewer outfall will also be to a new Lift Station at the southeast corner of Phase 1. Domestic water service to Phase 1 will come south down 11th from an existing line located in Southern Blvd. and on the north side of the site.

Vehicular access for Phase 1 will be via newly constructed Westside Boulevard. New roadways within and around the perimeter of Los Diamantes will also be constructed as new phases of this project are added.

Prior to Construction of Phase 1, an on-site Drainage Management Plan (DMP) will have to be developed and approved by SSCAFCA and the City of Rio Rancho. As mentioned previously, a study to Amend the SSCAFCA CAW MP for the Regional Pond will also require approval by SSCAFCA and City of Rio Rancho as well as a FEMA CLOMR.

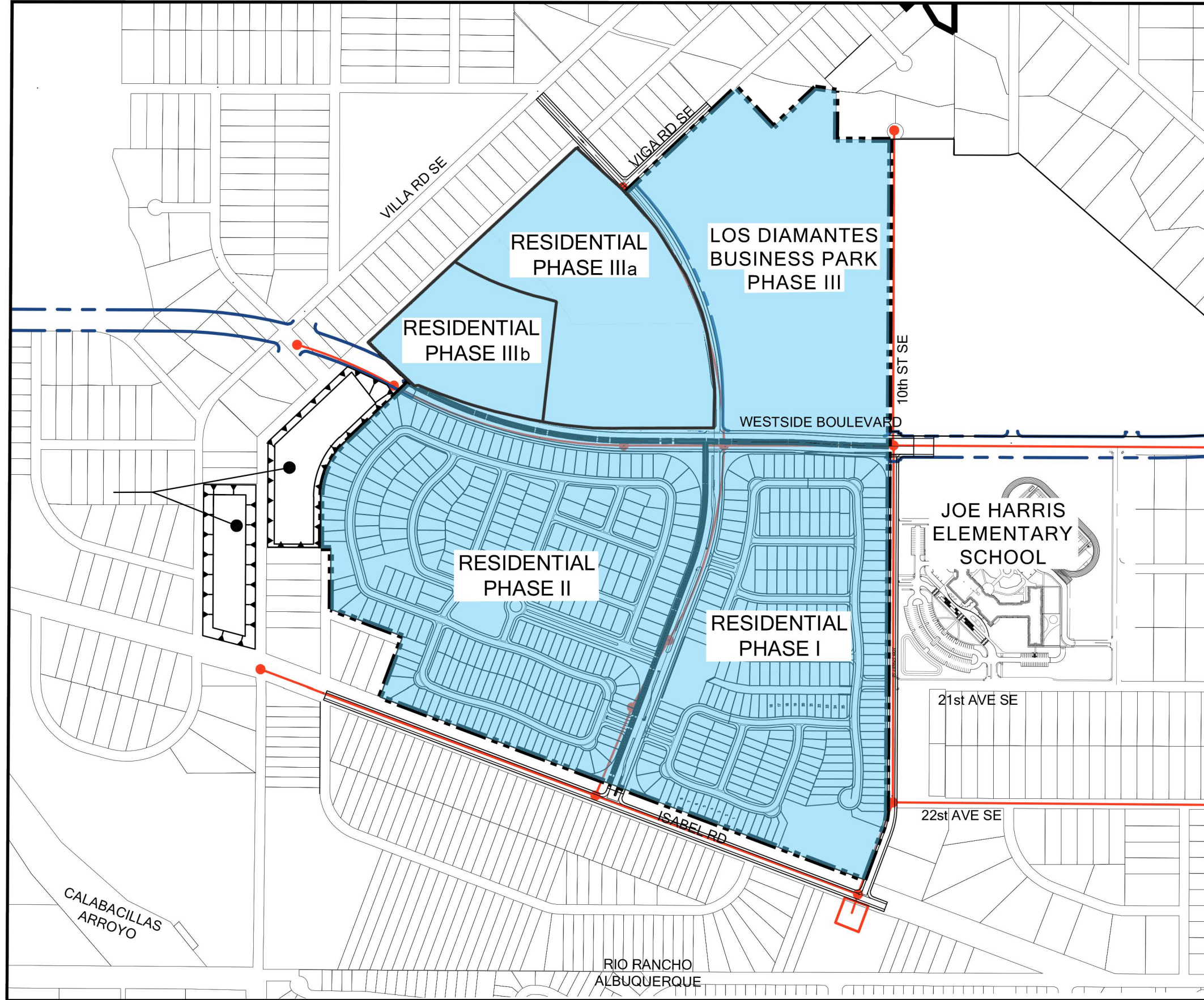
Initiation of Phase 1 will require substantial outlays of capital to extend essential elements of infrastructure to this site. As a result, no neighborhood park improvements will be undertaken until Phase II.

Residential Unit Data

- * NUMBER OF UNITS IN PHASE I 224
- * NUMBER OF UNITS IN PHASE II 263
- * NUMBER OF UNITS IN PHASE IIIa .. 250
- * NUMBER OF UNITS IN PHASE IIIb .. 250

TOTAL NUMBER OF UNITS 987

NOTE: BUSINESS PARK TO BE CONSTRUCTED WITH PHASE III



LOS DIAMANTES MASTER PLAN PHASING PLAN

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11. APPENDICES

- Appendix A - Letters of Availability Page 59
- Appendix B - Economic Impact Assessment Page 73
- Appendix C - Traffic Impact Study Page 75
- Appendix D - Typical Trail Surfacing Page 83
- Appendix E - Previous Amendment Approvals Page 85

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APPENDIX A WATER AND SEWER AVAILABILITY



March 10, 2015

Mr. Mark Goodwin, PE
 President
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 Albuquerque, NM 87113

Courtyard I
 7500 Jefferson St. NE
 Albuquerque, NM
 87109-4335

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voice: 505.823.1000
 facsimile: 505.798.7988
 toll free: 800.877.5332

Re: Water System Availability – Los Diamantes Project – Unit 10, Rio Rancho, NM

Dear Mr. Goodwin:

Per your request, Bohannon Huston Inc. (BHI) performed an analysis of water availability for the proposed improvements for the Los Diamantes Project within Unit 10, in Rio Rancho, NM. BHI's analysis and results are presented below. Be advised that this letter serves as a recommendation only and is not to be considered an official commitment of water availability. Recommendations discussed herein may be revisited and potentially revised by the City of Rio Rancho Engineering and Utility Divisions prior to final plan acceptance. If development has not begun within 18 months of this letter the City of Rio Rancho may request this analysis be revised to take into consideration growth which has occurred over this period to verify recommendations are still valid.

We understand the proposed project consists of 450 new single family homes and 600,000 square feet of Business Park, with an average building size of 60,000 square feet. The total land area is approximately 175 acres. A preliminary pipe layout was not provided for this analysis.

BHI used the City of Rio Rancho Water and Wastewater Design Criteria Guidelines for this analysis.

Water Availability

I. General

The proposed development is south of Southern Blvd and west of Unser Blvd in southwest Rio Rancho, New Mexico. The development is generally bounded by 17th Ave to the north, 10th St to the east, Isabel Rd to the south, and Viga Rd to the west. The development is bisected by Westside Blvd with the property north of Westside Blvd intended for the Business Park and the residential development south of Westside Blvd. A vicinity map is included in Figure 1.

The property slopes from the west to the east/southeast ranging in elevation from approximately 5515' to 5410'.

Los Diamantes is located in Zone 3 of the City of Rio Rancho's water system. The source of supply for the proposed development is via gravity from Tank 6 which is located near Tulip Rd and 2nd St. and from Tank 8 (via PRVs) once a connection to the 16" line in Southern

Engineering ▲

Spatial Data ▲

Advanced Technologies ▲

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Mark Goodwin
 Mark Goodwin & Associates, PA
 February 25, 2015
 Page 2

Blvd NE is completed. The hydraulic grade line (HGL) for this area is set by Tank 6 at approximately 5635'. It is planned for a new Zone 3 tank to be constructed further south within the city limit sometime in the future at the same HGL as this area continues to develop. Currently, service to the project area can be provided without the proposed Zone 3 tank. In this area Tank 8 and Well 19 feed Zone 5 via gravity and Zone 4 through PRVs. Due to the proximity of Well 19 and the hydraulic connectivity in this area, these facilities will provide service to Los Diamantes through pressure reducing valves (PRVs).

II. System Demands

The estimated demand for the residential development for Los Diamantes on an average day is 135,000 gallons. A peaking factor of 2.167 is used in the City of Rio Rancho Design Guidelines resulting in a peak day demand of 292,545 gallons per day, or 203 gallons per minute.

The estimated demand for the Business Park for Los Diamantes assumes a development type of Light Commercial which has an average day design demand of 1,750 gallons per day per acre. With this assumption the average day demand is calculated at 24,105 gallons. A peaking factor of 1.5 is used for non-residential demands resulting in a peak day demand of 36,160 gallons per day, or 26 gpm.

The system-wide diurnal curve, shown below in Table 1, was applied to the entire Los Diamantes peak day demands.

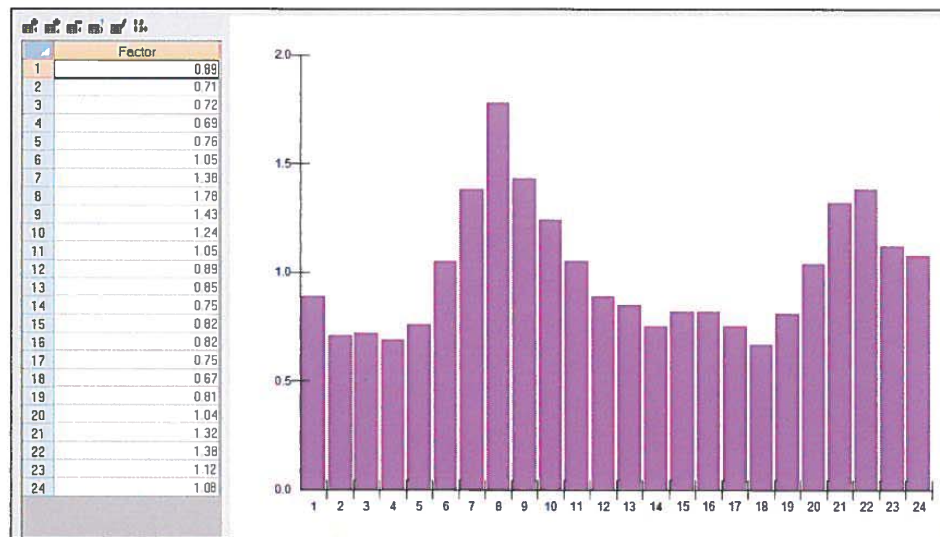


Table 1 – City of Rio Rancho Diurnal Pattern of Use

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Mark Goodwin
Mark Goodwin & Associates, PA
February 25, 2015
Page 3

Per the City's Water and Wastewater Design Criteria, the required fire flow for residential demand is 1,500 gallons per minute and for Light Commercial development 3,000 gallons per minute. These fire flow were evaluated in the model using a residual fire flow pressure of 20 psi at the demand nodes.

III. Proposed Infrastructure and Analysis

Currently, no piping exists to support this development. The nearest infrastructure is located in Zone 4 off Hopi Rd and Villa Rd southeast of Puesta del Sol Elementary School off Southern Blvd. This development is served from a PRV with the backbone infrastructure being 10-inch waterline.

A 16-inch waterline exists in Rainbow Blvd bringing Well 19 water to the south. There is also 16-inch waterline in Southern Blvd in front of Puesta Del Sol Elementary school which brings water east along Southern Blvd to the lower pressure zones. Approximately, 2,150 feet of 16-inch waterline is required to connect in the 16-inch waterlines in Rainbow Blvd and Southern Blvd for redundant supply from Tank 8 to Los Diamantes. In addition, some minor looping in Zone 4 is recommended to connect the 8-inch waterlines southwest of Hopi Rd to the 10-inch waterline in Villa Rd for redundancy to supply the proposed PRV in Ark Rd to bring supply to Los Diamantes from the west. Due to the demand on Tank 6 to feed existing customers this will be the primary supply to Los Diamantes.

The feed (provided by Tank 6) to Los Diamantes will be extending the existing Zone 3 infrastructure from Southern Blvd to Los Diamantes via a proposed 16-inch to extend along 15th St and Viga Rd. North of Viga Rd the 16-inch waterline and extends south along 11th St to Westside Blvd where it will tie into a proposed 20-inch waterline to bring water to Los Diamantes.

The waterline diameters to bring water to Los Diamantes take into consideration the City's Master Plan for future growth. In the future, it is intended for supply from the lower pressure zones to potentially be pumped up to the higher zones using the Westside Blvd corridor for redundancy. It is important for utilities such as this large diameter pipe be taken into consideration as well as the other utilities needed to serve this development during the planning stage.

The piping around the Los Diamantes development takes into consideration the City's Master Plan. A minimum 8-inch diameter pipe should be internal to the development.

Using the proposed infrastructure and calculated demands the hydraulic model was run and peak hour pressures are calculated to range from 50 to 95 psi. Figure 2 summarizes these results as well as the existing and proposed pipes by diameter.

Additionally, the fire flow analysis was conducted under the fire flow demand stated previously. The model results are reflected in Figure 3, and fire flows exceed 3,000 gallons per minute in both the residential and business park areas.

Mark Goodwin
Mark Goodwin & Associates, PA
February 25, 2015
Page 4

IV. Recommendations

The proposed Los Diamantes development should be provided with service from Zone 4 (Tank 8 via PRV) and Zone 3 (Tank 6 via gravity) to provide redundant supply from two separate sources. Additional piping outside of the subdivision area is required to provide supply from Tank 8 along with incorporation of future Master Plan utilities within Westside Blvd SE. This piping network is also required since the location of this study is segregated from current water infrastructure. Improvements noted will provide redundant supply with pressures and fire flows consistent with City standards.

Sincerely,

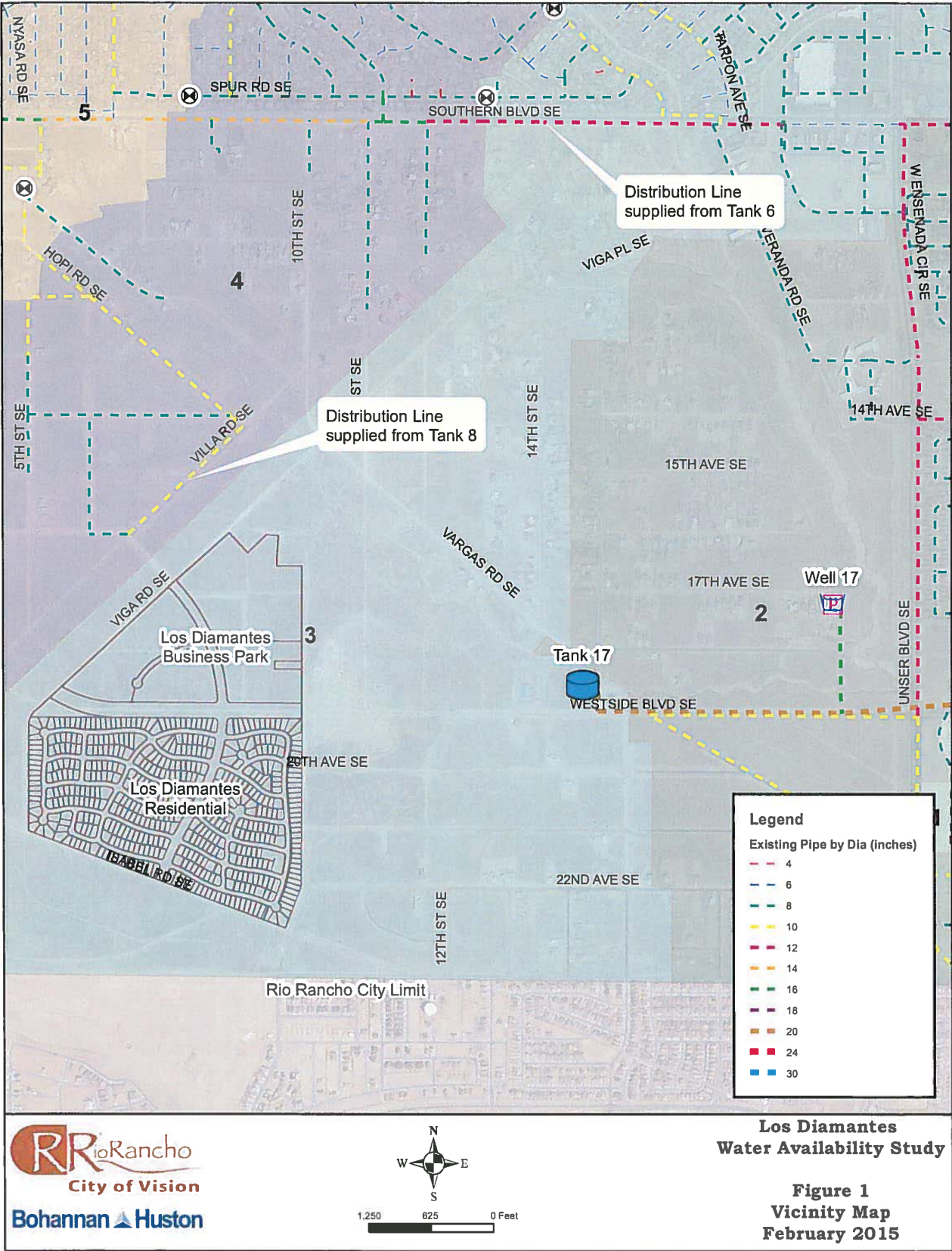


Nathan Roberts, P.E.
Engineer
Water Systems

NR/le
Enclosures

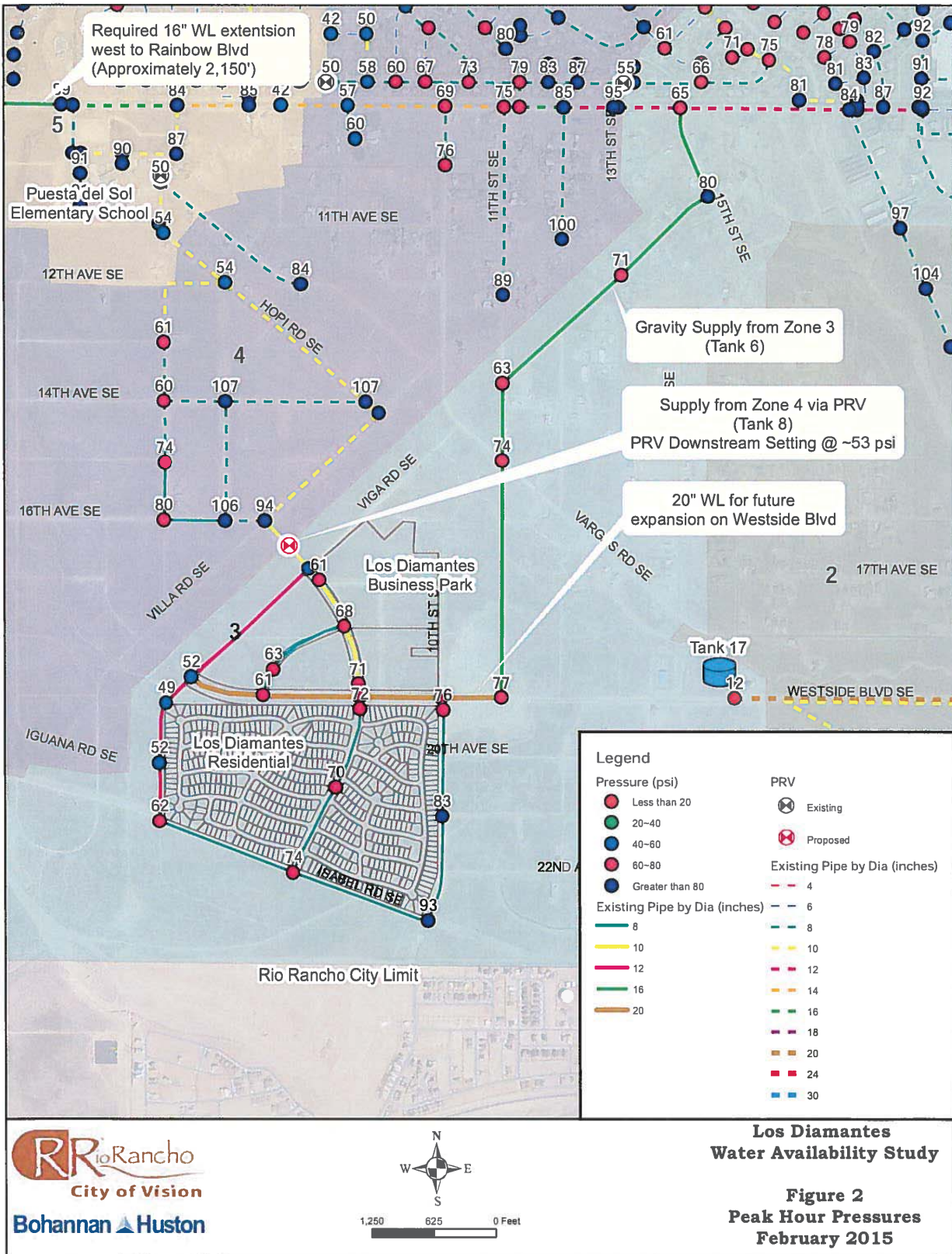
cc: Steve Gallegos, CoRR Utilities Division (w/encls.)
Todd Burt, P.E., BHI (w/encls.)

MASTER PLAN

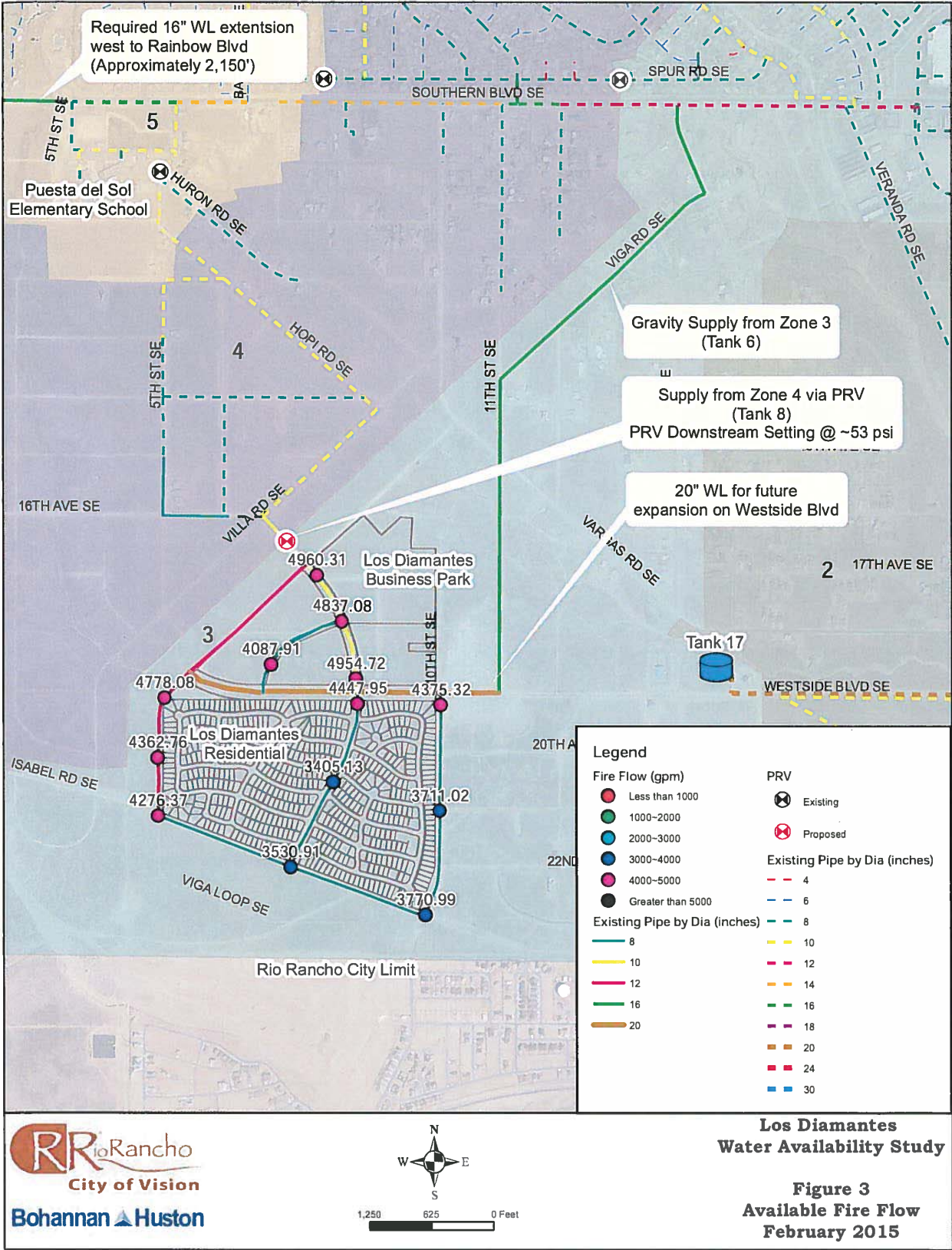


Los Diamantes Water Availability Study

Figure 1 Vicinity Map February 2015



MASTER PLAN





E N G I N E E R I N G

March 27, 2015

Mr. Mark Goodwin, P.E.
D. Mark Goodwin & Associates, PA Consulting Engineers
PO Box 90606
Albuquerque, NM 87199
(505)-828-2200

**Re: Sewer Availability Summary Report
Los Diamantes Business Park Project**

Dear Mr. Goodwin:

We have reviewed your request for sewer availability for the proposed residential development bounded by Isabel Rd. SE, Villa Rd. SE, and 10th St. SE. The development proposes to connect to pump to the gravity line in 21st Avenue along the east side of the development.

The proposed project includes 450 single family residential homes to be constructed in a 600,000 square feet area and part of a business park and is located north of Isabel Road SE approximately between 10th Street SE and 5th Street SE. The sanitary waste from the proposed subdivision will discharge to the 8-inch sewer in 21st Avenue, then increases to a 12- inch on Wellspring Blvd before discharging to a 15-inch sewer on Westside Blvd and ultimately to WWTP 6. Loadings were projected by using the Rio Rancho Wastewater Design Standards and classified as “Residential” at 175 gal/ac-day. This equates to a total of 54.68 gpm for average day and a peak load of 164 gpm, which is 3 times the average day.

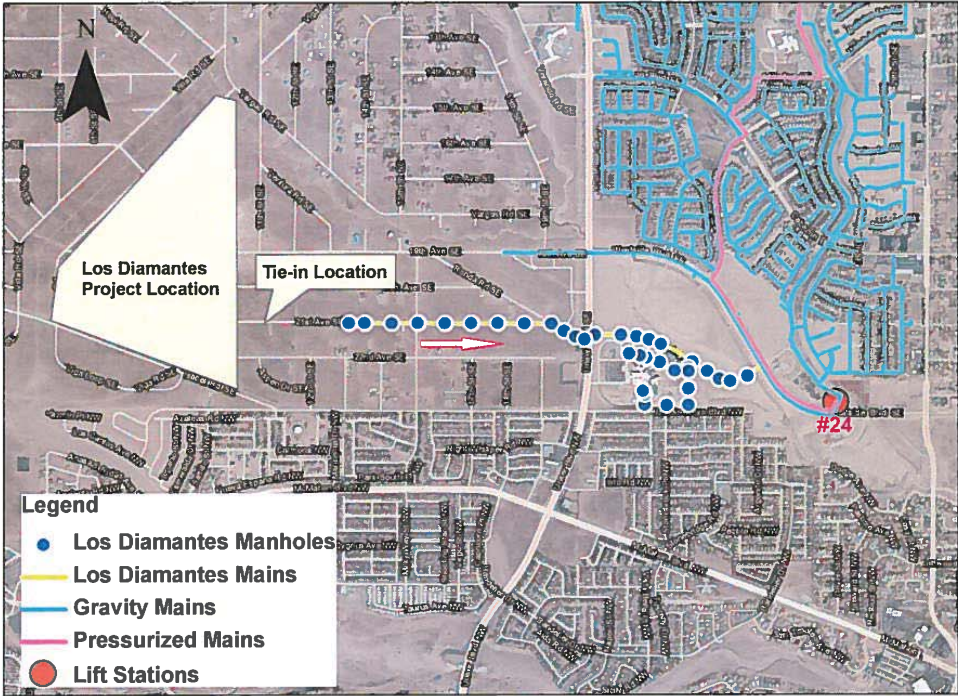
The sewer availability was reviewed for the project, at the tie location, and considered downstream impacts at the wastewater facilities. The offsite infrastructure is assumed to tie into the 8-inch sewer line in 21st avenue. The project area is shown in Figure 1 (vicinity map).

3188 Southern Blvd, Suite A, Rio Rancho, NM 87124 • T: 505 896 7761 • F: 505 896 1985

MASTER PLAN

Mr. Mark Goodwin
March 27, 2015
Page No. 2

Figure 1: Vicinity Map



Mr. Mark Goodwin
March 27, 2015
Page No. 3

Summary of Findings

Available capacities do exceed calculated full flow capacities along the trajectory to WWTP6. The minimum available capacity in the trajectory is reported at 0 gpm. The hydraulic profile also shows that the maximum hydraulic grade do surpass the criteria for the sewer line.

Figure 3 presents the maximum d/D ratio in the route from the project site to the WWTP 6. The maximum d/D ratio does exceed 75%.

Figure 4 presents the flows for the pipes in the project route.

The modeling results indicate that the City's sewer system cannot support the buildout of this project with the existing infrastructure. This analysis concludes that the City of Rio Rancho does not have sufficient capacity along this route to allow wastewater from this development without exceeding City criteria for available capacity, and maximum d/D. Possible mitigation measures can support the proposed development such as the following in order to the flows to meet the City's criteria.

- 1) Field verify the inverts associated with the problem area (implemented from the City's GIS) to ensure slopes are correct and carrying capacities are accurate.
- 2) Realign the construction of the slopes of the 12-inch pipes.
- 3) Construct a parallel sewer.

We encourage you to check with the City on these alternatives and associated costs. This may provide an opportunity for your development to move forward.

Please call me at (505) 896-7761 if you have any questions or need any additional information.

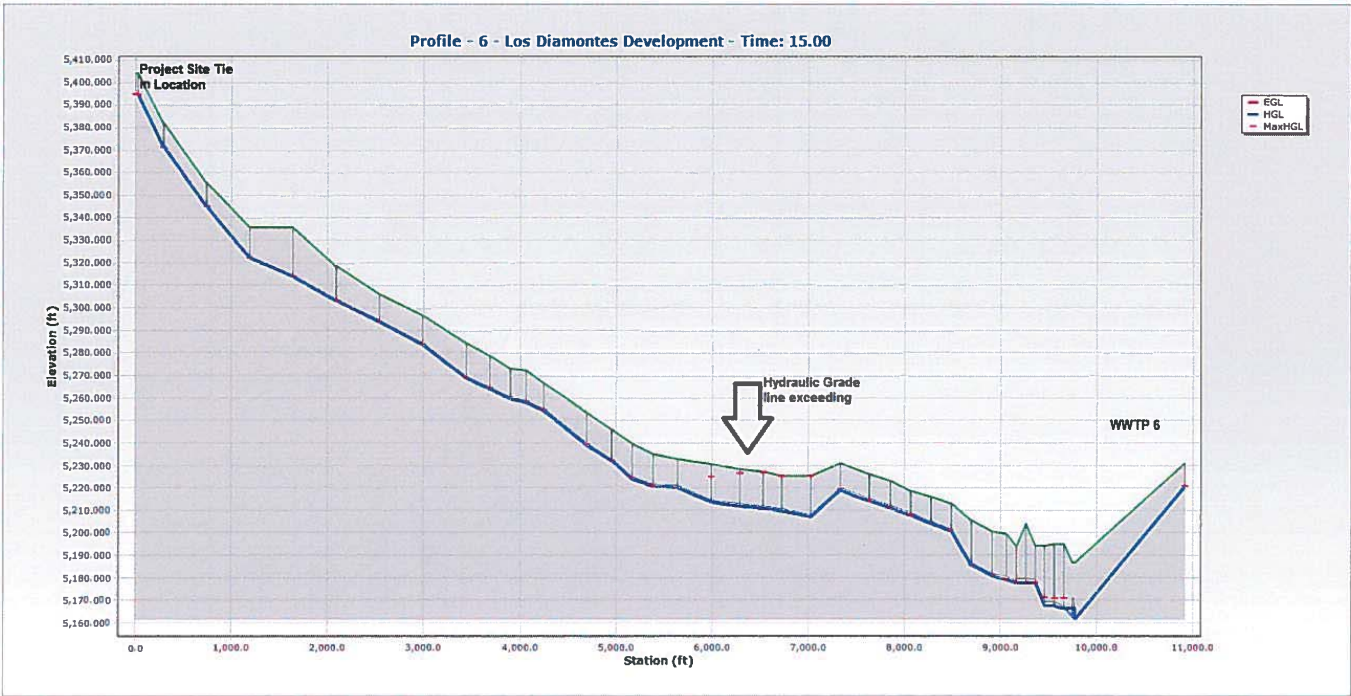
Sincerely,

Camila Fernandez
Project Engineer,
NCS Engineers

MASTER PLAN

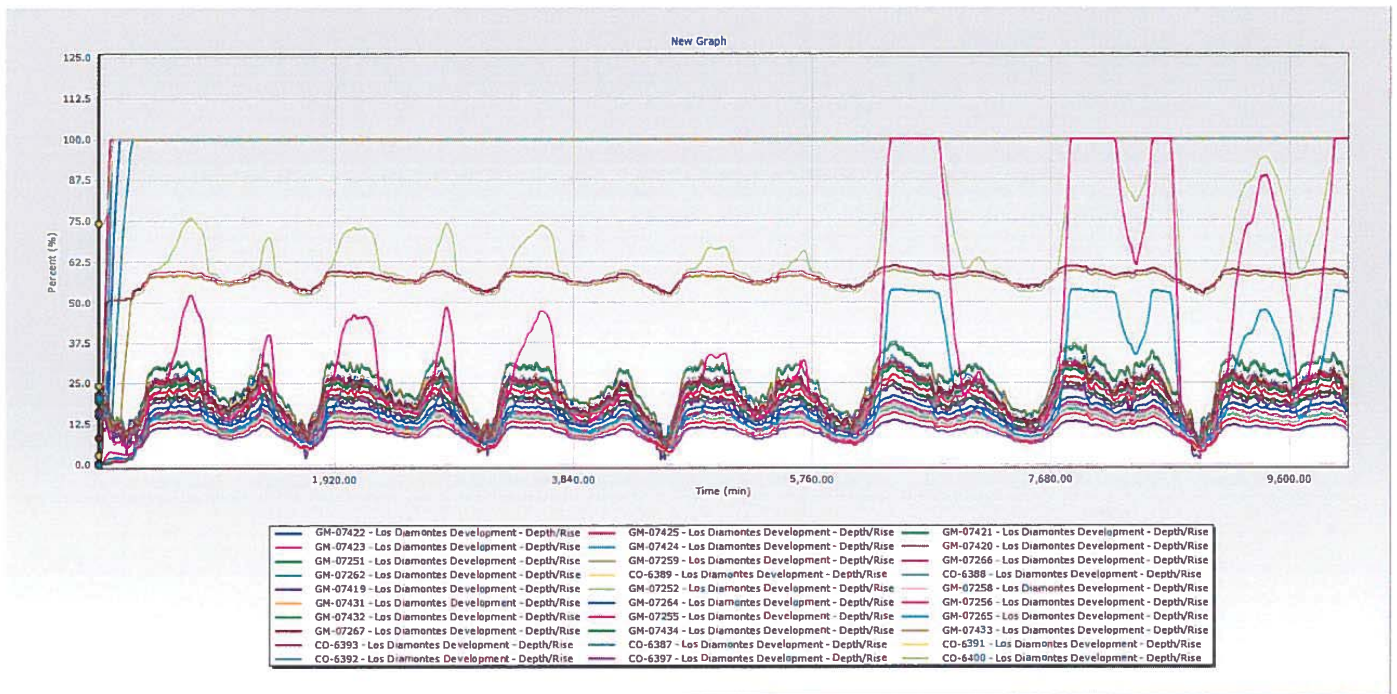
Mr. Mark Goodwin
March 27, 2015
Page No. 4

Figure 2: Hydraulic Profile



Mr. Mark Goodwin
 March 27, 2015
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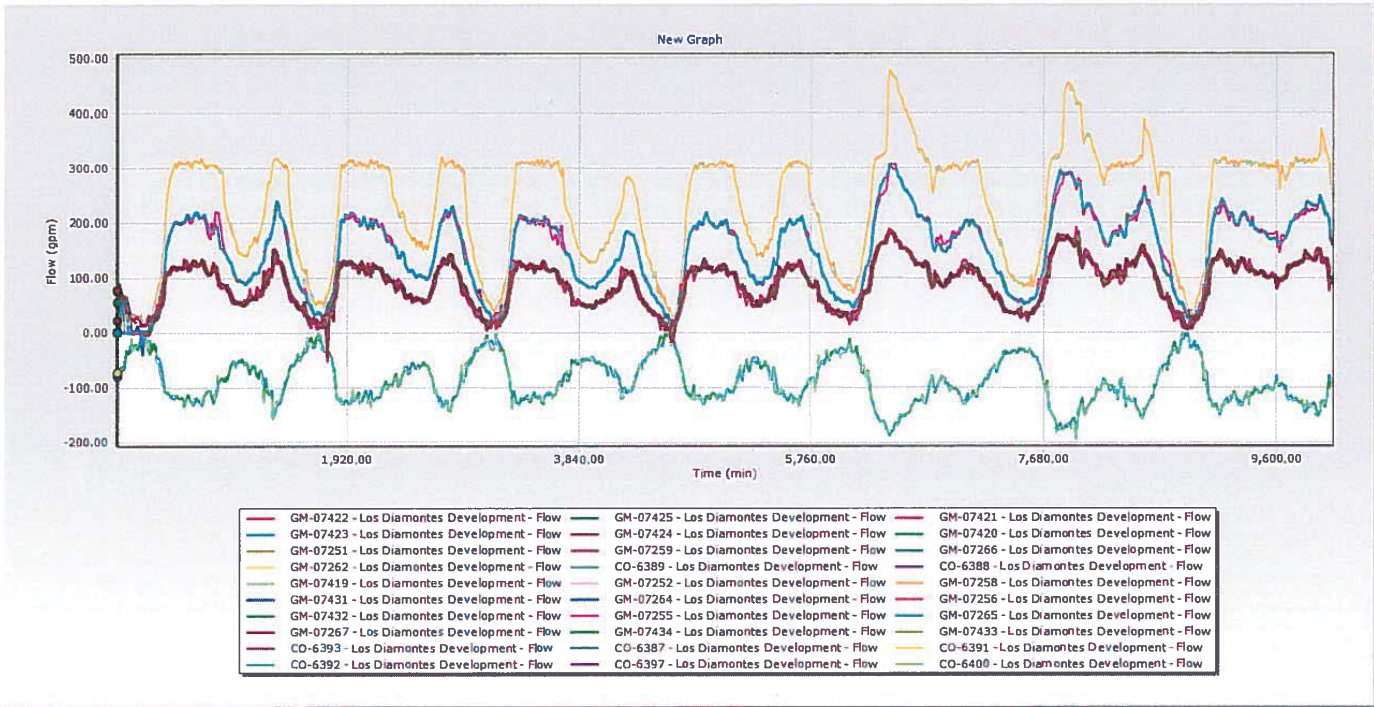
Figure 3: Maximum d/D Ratio in the Sewer Route to WWTP 6



MASTER PLAN

Mr. Mark Goodwin
March 27, 2015
Page No. 6

Figure 4: Maximum Pipe Flow



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APPENDIX B LOS DIAMANTES ECONOMIC IMPACT ASSESSMENT

Los Diamantes Economic Impact Assessment

Initial Results and Assumptions

Mid-Region Council of Governments
November 10, 2014

Summary

The Mid-Region Council of Governments (MRCOG) provides this Economic Impact Assessment of a build out of the Los Diamantes conceptual plan to Sandoval County at the request of the County Manager, Mr. Phillip Rios. MRCOG utilized the REMI model (Regional Economic Models Inc.) for this analysis. This document presents a brief summary of the initial assumptions and findings. A follow up draft will be submitted with further detail related to the findings.

Los Diamantes is a conceptually planned area within the City of Rio Rancho's Unit 10 area. The project includes the development of a 60 acre business park for manufacturing and commercial uses, the development of a 450 single family homes adjacent to the business park, and related on and off-site investments including utilities, roads, and flood control infrastructure. All assumptions related to project costs, funding, and employment were provided to MRCOG by the Unser Gateway Coalition. These assumptions may be updated as more information is available over time.

Timeline

This analysis assumes a timeframe of 6 years with planning beginning in 2015, construction occurring between 2016 and 2018, and a ramp up to full employment between 2017 and 2020.

Funding

The majority of project is expected to be privately financed. Public funds are assumed for off-site infrastructure for the business park in the amount of \$3.1M. Of that amount, \$2.5M is assumed to come from the state and the remaining \$600K from local governments. To reflect public expenditures, funding in the jurisdictions was reduced to offset the money used on the Los Diamantes project. Of the \$2.5M in state funds, approximately \$1.1M is assumed to have been forfeited by other projects within the Central New Mexico Region. The \$1.1M is the population weighted share of the total \$2.5M.

Employment

The construction of Los Diamantes Business Park is assumed to begin in the second half of 2016 and job creation is assumed to begin in 2017 and increase evenly until 2020.

Of the business park's 60 acres, it is assumed that just under one-third of the property would be developed, totaling 600,000 square feet of building space. This translates to an estimate of 1,440 employees using the following square footage to employment conversions as identified in the Institute of Transportation Engineers 2012 Trip Generation Manual, 9th edition:

- 50 % Miscellaneous manufacturing = 300,000 sqft, 1.8 jobs/1,000 sqft = 540 employees

- 10% Motion picture, sound rec = 60,000 sqft, 2.1 jobs/1,000 sqft = 126 employees
- 10% Administrative, support services = 60,000 sqft, 3.3 jobs/1,000 sqft = 198 employees
- 10% Ambulatory health care services = 60,000 sqft , 4.0 jobs/1,000 sqft = 240 employees
- 10% Nursing, residential care facilities = 60,000 sqft, 2.3 jobs/1,000 sqft = 138 employees
- 10% Social assistance = 60,000 sqft, 3.3 jobs/1,000 sqft = 198 employees

Assumptions

Table 1: Assumptions to the REMI model

Variable	Description	Year
Business Park		
On-site Infrastructure	\$2,750,000 (Private Funding)	2016
Off-site Infrastructure	\$2,500,000 (State Funding)	2016
	\$600,000 (Local Funding)	2016
Government Spending	- \$1,100,000 (State Funding) The \$2.5M reductions expected based on the population share of the region to the State.	2016-2017
	- \$600,000 (Local Funding)	2016-2017
Building Construction	\$135,000,000 spread evenly over three years.	2016-2018
Residential Subdivision		
On-site Infrastructure	\$13,500,000 (Private Funding)	2016
Off-site Infrastructure	\$3,100,000 (Private Funding)	2016
Residential Construction	\$54,000,000 (Private Funding) spread over six years.	2017-2022
Residential Building Permits	\$1,600,000 (to City of Rio Rancho)	2017
Employment		
Total Employment	1,440 new jobs added over four years	2017-2020
Ambulatory Health Services	240 new jobs	
Nursing and Residential Care	138 new jobs	
Social Assistance	198 new jobs	
Administrative and Support	198 new jobs	
Motion Picture	126 new jobs	
Miscellaneous Manufacturing*	540 new jobs	

**Miscellaneous manufacturing jobs are associated with lower wages than most all other manufacturing jobs in the region, thereby representing a conservative estimate of impacts.*

Impacts

Preliminary estimates of the economic impacts from this project are presented in Table 2 on the following page. The table shows impacts for three regions: Central New Mexico, the City of Rio Rancho, and Sandoval County as a whole. The tables report changes in employment, gross domestic product, personal consumption, and income. Initially the largest effects are seen in Rio Rancho as construction begins and new jobs are added. Over time, the positive impacts spread throughout the Central New Mexico region.

APPENDIX C LOS DIAMANTES TRAFFIC IMPACT STUDY

LOS DIAMANTES TRAFFIC IMPACT STUDY

Draft Report March 2015



PREPARED FOR:
D. Mark Goodwin & Associates

PREPARED BY:
Lee Engineering, LLC

Los Diamantes Traffic Impact Study

Draft Report

March 2015

Prepared for:

D. Mark Goodwin & Associate

Prepared by:





Executive Summary

Background

A proposed residential and business park development site is to be located off of Westside Boulevard between Viga Road and 10th Street. The site is within the jurisdiction of the City of Rio Rancho (CoRR), New Mexico.

The site will contain 450 single family dwelling units south of Westside Boulevard and approximately 600,000 SF of Business Park land use on the north side of Westside Boulevard. The site plan is presented in **Figure 2 of this report**.

Access to and from the project site will use the existing road Western Boulevard to the east and 10th street to the south, adjacent to the proposed development site. No new access points are proposed and the existing driveway is shown in **Figure 1 of this report**.

Opening day of the development is anticipated to take place in 2020. Therefore, assessment for the opening year of 2020 was made using peak hour intersection turn movement volumes collected on February 24 and 26, 2015 and volumes from adjacent site developments. Peak hour trips generated by the proposed development were then added to the anticipated 2020 background volumes to assess the impact on the surrounding road network.

Conclusions and Recommendations

Based on the traffic analysis and report findings, the conclusions and recommendations are as follows:

Site Access

- Regional access to the site will mainly be provided via Unser Boulevard. Unser Boulevard provides routing to commercial and residential developments to the north and south of the project site. Additionally, Unser Boulevard provides access to east/west arterials of Southern Boulevard, Northern Boulevard and Paseo del Volcan.
- It should be noted that analyses contained within this study is considered conservative as they are based on interim conditions in which Unser Boulevard and Rio Rancho Boulevard/NM 528 are the only two north/south arterial options for project site trips. Ultimately, there will be additional north/south arterial and collector options including the development of Rainbow Boulevard (Minor Arterial) and a Major Collector Road east of the site as identified by the draft MRCOG 2040 Long Range Roadway Plan, which will better disperse project site trips so they are not concentrated strictly through the Unser Boulevard
- Project access will be provided via eight street connections to abutting arterial and collector streets. A main Spine Road will provide access to both residential and commercial components via an intersection with Westside Boulevard to be located approximately 840 feet west of the 10th Street alignment.



- An additional access point off of Westside Boulevard will be provided to both residential and business park land uses located approximately 1350 feet west of the Spine Road intersection.
- The remainder of project access will be provided via several minor two lane collector streets. These will include the following:
 - 10th Street
 - Isabel Road
 - Viga Road
- A secondary access is proposed via Isabel Road to Black Arroyo Boulevard and McMahon Boulevard. Currently, the Isabel Road alignment is shown to be connecting to Black Arroyo at a very acute skew. It is therefore, recommended that the Isabel Road alignment be curved to the east of the current alignment to form a more perpendicular approach to Black Arroyo Boulevard.
- 10th Street is proposed to terminate at Isabel Road forming a T-intersection approximately 450 feet north of Black Arroyo.
- Based on Table 18.C-1 *Access Spacing Standards for Intersections and Driveways*, the following spacing is required for compliance:
 - Signalized intersection spacing should be no less than 1,760 feet on Westside Boulevard (Urban Minor Arterial 35-45 mph).
 - Unsignalized and full access driveway spacing on Westside Boulevard should be no less than 660 feet
 - Full movement driveways spacing on Viga Road, 10th Street, Isabel Road, and Spine Road should be no less than 150 feet.
 - The Isabel Road/Black Arroyo Boulevard intersection should be spaced no closer than 150 feet from existing driveways on Black Arroyo Boulevard (Saltillo Street and Caracol Street)
- Based on the latest site plan contained herein, all proposed driveways and access points appear to be in compliance with NMDOT SAMM recommended spacing.
- It is likely that signal control will be warranted at the Westside Boulevard/Spine Road. Therefore, any future signalized intersection to the east or west of this intersection should be located at a minimum 1,760 feet away from the Spine Road intersection.
- Parcel access for Business Park land use is recommended to be taken off of a Spoke Road on either side of the Spine Road located approximately at the mid-point between Viga Road and Westside Boulevard.
- Full movement parcel access on the Spine Road within the Business Park should be spaced no less than 330 feet and partial access no less than 150-feet. Additionally, there should not be any access point on the Spine Road within 250 feet of the signalized Westside Boulevard/Spine Road intersection.
- It is recommended that access to residential parcels be configured to produce ADT levels on local residential streets (i.e. with back-out driveways) less than 1,500 vehicles. Review of the latest proposed site plan indicates that there are no local residential streets that would generate more than 1,500 ADT.
- Initial project access will be provided via Westside Boulevard exclusively, which will be incorporating one through lane in each direction between 10th Street and Unser Boulevard.



- It is estimated that approximately 70% of the total project can be constructed, which translates to the following scenarios at which secondary access to Black Arroyo and McMahon would be needed:
 - 98% of just the Business Park development
 - Phase 1 of Residential (150 Units) and 94% of the Business Park
 - Phase 2 of Residential (300 Units) and 90% of the Business Park
 - Phase 3 Residential (450 units) and 86% of the Business Park
- The proposed Isabel Road access in combination with a two-lane Westside Boulevard would accommodate full build of the project site.

Existing, Background and Build Out Traffic Demands

- Peak hour turning movement counts for all existing study intersections were collected on February 24, 2015 and February 26, 2015. Existing peak hour turning movements are presented in **Figure 3**.
- Per the February 10th scoping meeting with the CoRR, it was determined that background traffic demands for 2020 would be developed based on the following developments:
 - Cabazon Village
 - Pavilion at Presbyterian
 - X Ray Associates

Resulting 2020 background traffic demands are presented in **Figure 4**.

- Trip generation analysis was performed based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition* and project land use were categorized as ITE land use category 210 (Single-Family Detached Housing) and category 770 (Business Park) and are summarized in **Table 1**.
- A 3% internal capture rate was assumed between the residential and business park land uses. Calculated internal and adjusted external trips are summarized in **Table 2**.
- Offsite primary trip distribution for both AM and PM peak hours are shown in **Figures 5 and 6** for the business park and residential development, respectively.
- On-site distribution are indicated in **Figures 7 and 8** for the business park and residential land use, respectively.
- Total on-site and off-site build out turning movement demands are indicated shown in **Figure 15 and 16**.

Signal Warrant, Capacity and Queuing Analysis

- Based on signal peak hour warrant analyses, signal control is recommended for the Westside Boulevard/Spine Road intersection and is expected to be needed at approximately 70% of total build-out.
- Based on capacity and queue analysis, the following lane geometry, traffic control and storage length mitigation is recommended as part of this development:
 - The following improvements were assumed to be in place as they were recommended and the responsibility of previous studies. They include:
 - Westbound dual left-turn lanes at the Unser Boulevard/Cabazon Boulevard



- Westbound dual left-turn and right-turn lanes at the Unser Boulevard/Westside Boulevard intersection.
 - Southbound dual left-turn lanes at the Unser Boulevard/Westside Boulevard intersection.
- The existing northbound left-turn lane at the Unser Boulevard/Westside Boulevard intersection should be modified to incorporate dual left-turns. This will require restriping and conversion from a northbound protected-permitted phasing to protected only phasing. Additionally, the receiving lanes on the west leg should incorporate two through lanes, which can be tapered down at approximately the west boundary of the proposed X-Ray site. Per MUTCD, lane reduction tapers should incorporate 320 feet.
- The westbound left-turn lane at Unser Boulevard/Westside Boulevard intersection should be modified to incorporate dual left-turns. This will require median modification and the construction and alignment of the receiving lanes on the east leg. The eastbound protected-permitted phasing should be changed to protected only.
- Signal undergrounds including conduit and pull boxes are recommended at the Westside Boulevard/Spine Road. Signal control activation should only occur upon the satisfaction of a full warrant study when count data of the intersection is available.
- The following auxiliary lanes are recommended as part of this project:

Westside Boulevard/10th Street Intersection

- A single 300-foot westbound left-turn lane
- Single 300-foot eastbound left and right-turn lanes
- A single 150-foot Northbound left-turn lane

Westside Boulevard/Spine Road Intersection

- Single 325-foot westbound left and right-turn lanes
- Single 325-foot eastbound left and right-turn lanes
- A single 150-foot northbound left-turn lane
- Southbound 150-foot dual left-turn lanes but striped as a single turn lane until signal control is in place.

Westside Boulevard/Driveway A-Viga Road

- Single 300-foot westbound left and right-turn lanes
- Single 300-foot eastbound left and right-turn lanes
- Single 150-foot northbound and southbound left-turn lanes

Black Arroyo Boulevard/Isabel Road

- A single 175-foot westbound right-turn lane at Isabel Road
- A single 150-foot southbound left-turn lane at Isabel Road



LEE ENGINEERING

On-Site Street Classification

- Per the 2040 long range roadway map, Westside Boulevard is proposed as a Community Primary arterial that will ultimately incorporate 106 feet of ROW with two through lanes and a bike lane in each direction, a raised median, and a 40 mph speed limit.
- A review of the latest master bike facilities plan indicates no proposed multi-use trail along Westside Boulevard. However, it is noted that an existing multi-use trail existing along the south side Westside Boulevard east of Unser Boulevard, which terminates approximately 680 feet short of the Unser Boulevard/Westside Boulevard.
- For the build-out of this project, Westside Boulevard will incorporate one through lanes in each direction from 10th Street to the proposed Pavilion development located at the southwest corner of the Unser Boulevard/Westside Boulevard intersection.
- Between Viga Road and 10th Street, Westside would be fully improved incorporating the ultimate four-lane cross-section with raised median, bike lanes, curb, gutter and sidewalk.
- Two receiving lanes on Westside Boulevard will be required on the west leg of the Unser Boulevard intersection. The two westbound lanes can then taper (320 feet) to one through lane immediately west of the proposed Pavilion Commercial development.
- There are no existing or planned local transit routes along Westside Boulevard. Therefore transit stops, turnouts etc. are not required as part of this project.
- 10th Street is proposed as a minor collector road incorporating 50 feet of ROW and one undivided through lane in each direction with a 25 mph speed limit. Full improvements including curb, gutter and sidewalks will be constructed along the project frontage (west side only) from just north of Westside Boulevard to Isabel Road.
- Isabel Road is proposed as a minor collector incorporating 78 feet of ROW, one undivided through lane in each direction and a 25 mph speed limit. Full improvements including curb, gutter and sidewalks will be constructed along the project frontage (north side only) from Viga Road to 10th Street.
- Isabel Road is recommended to divert from its current alignment east of 10th Street to provide a intersection with Black Arroyo Boulevard that has no skew.
- Viga Road is proposed as a minor collector road incorporating 50 feet of ROW, one undivided through lane in each direction and a 25 mph speed limit. Viga Road will be constructed from Isabel Road to just south of Westside Boulevard and starting on the north side of Westside Boulevard to the north boundary of the business park property with full improvements of sidewalk, curb and gutter on the southeast side abutting the project site. Viga Road will be fully improved south of Westside Boulevard from Isabel Road to just short of Westside Boulevard
- The north leg of Viga Road is recommended to be aligned with Driveway A (westernmost driveway on Westside Boulevard) and the south alignment of Viga Road will not intersect with Westside Boulevard to avoid placing a stop controlled intersection within curved alignment on Westside Boulevard.
- The Spine Road within the Residential area is proposed to be a public minor collector street to incorporate 68 feet of ROW including one through lane in each direction, a minimum 5-foot sidewalk, curb, gutter, and narrow raised landscape medians. There will be no direct residential



driveway access along this roadway. It is anticipated that this road will incorporate a 25 mph speed limit.

- The Spine Road north of Westside Boulevard is proposed to be a public minor collector street to incorporate 98 feet of ROW including one lane of traffic, curb gutter, and sidewalk in each direction. Additionally, due to anticipated traffic intensity and the density of the development, auxiliary lanes are recommended to all future major parcel access points along this alignment. There will likely be raised landscaped medians along this alignment within the business park. It is anticipated that this road will incorporate a 25 mph speed limit.
- A business park access road is to incorporate 50 feet of ROW and provide access for the most commercial parcels to the proposed Spine Road. This access street will terminate in a cul-de-sac at its southwest and northeast termini. It is anticipated that this road will incorporate one undivided lane, curb, gutter, and sidewalk in each direction. No auxiliary turn lanes are anticipated for this alignment. This is recommended to incorporate a 20 mph speed limit.
- All residential parcel access roads are proposed to incorporate 50-feet of ROW including one through lane, curb, gutter and sidewalk in each direction. These residential streets will provide direct access to residential driveways and incorporate a 20 mph speed limit.


Unser Boulevard Coordination Analysis

- A coordination analysis of Unser Boulevard indicates that optimal cycle lengths range from 130 seconds in the AM peak to 150 seconds in PM peak for Background and Build Out traffic demands assuming Unser Boulevard remains a four-lane roadway.
- If Unser Boulevard becomes a six-lane roadway, the optimized cycle length reduces to 120 seconds under Background and Build Out traffic demands.
- If a cycle length change on Unser Boulevard is implemented, the cycle lengths will also have to change on Southern Boulevard to maintain coordination on that corridor. This means that offsets would need to be adjusted on Southern Boulevard as well.
- Unser Boulevard is a lengthy corridor, which traverses both the City of Rio Rancho and City of Albuquerque. In order to provide a consistent and optimal coordinated corridor, both the Cities would need to coordinate timing plans between them.

Crash Analysis

- Crash analyses indicate a high frequency of crashes along Unser Boulevard, especially at Southern Boulevard and McMahon Boulevard. A more detailed safety study of this corridor could shed light on specific safety issues.
- There were two crash fatalities at the Unser Boulevard/Southern Boulevard intersection.
- The majority of the crashes at all the intersections were classified as following too close or driver inattention. This tends to be indicative of congestion issues and usually result in rear-end crashes.
- Many of the congestion caused crashes along this corridor could potentially be reduced when Unser Boulevard becomes a six-lane arterial.


APPENDIX D TYPICAL TRAIL SURFACING



Aqua Roc™
Environmental Collection

TYPICAL TRAIL SURFACING

NOTE: PROPRIETARY PAVERS SHOWN ARE FOR INFORMATION ONLY. OWNER WILL CONSIDER ALTERNATIVES.

LOS DIAMANTES	
TRAIL NETWORK	
PERMEABLE PAVERS	
	MARK GOODWIN & ASSOCIATES, P.A. CONSULTING ENGINEERS P.O. BOX 90606 ALBUQUERQUE, NEW MEXICO 87199 (505)828-2200, FAX (505)787-9539

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APPENDIX E - PREVIOUS AMENDMENTS



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.87

ENACTMENT NO.22-087

RESOLUTION AMENDING THE LOS DIAMANTES MASTER PLAN

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WHEREAS: the State of New Mexico has granted the City of Rio Rancho the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting, zoning, and the power to adopt, amend, extend and carry out a general municipal or master plan which may be referred to as the general or master plan, all pursuant to 3-19-1, NMSA, 1978; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses and provides for specific goals, policies, and actions; proposes land use throughout the City; and also provides for land use in master planned communities via master plans; and

WHEREAS: the Governing Body of the City of Rio Rancho recognizes the need for long range, integrated comprehensive planning to direct future growth and development of the City; and

WHEREAS: the Governing Body of the City of Rio Rancho adopted the Los Diamantes Master Plan August 12, 2015 with Resolution No. 61, Enactment No. 15-055; and

WHEREAS: on August 13, 2020, a revised Los Diamantes Master Plan was approved by Resolution No. 73, Enactment No. 20-071; and

WHEREAS: in order to update signage standards in the Los Diamantes Master Plan to accommodate larger subdivision entry signage than was previously allowed in the Master Plan, and to create a sense of place for future residents, Los Diamantes Development Company, through their agent Consensus Planning, Inc., submitted an application to amend the 2020 Master Plan, requesting to update Section VII. Signage (A.); and

WHEREAS: the Planning and Zoning Board of the City of Rio Rancho reviewed the amendments to the Los Diamantes Master Plan at their meeting held on July 26, 2022, and following public hearing recommended approval of those amendments and modifications; and

WHEREAS: the Governing Body of the City of Rio Rancho has reviewed the proposed amendments (Case No. 22-410-00006) to the Los Diamantes Master Plan at their meeting held on September 22, 2022, and following public hearing and receipt of the Planning and Zoning Board's report and recommendation, has determined that the amended Plan is in conformance with the City of Rio Rancho Comprehensive Plan.

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NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. The Governing Body hereby approves and adopts the amendments and modifications to the Los Diamantes Master Plan to update Section VII. Signage (A.) attached hereto as Exhibit A.

Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED THIS 22nd DAY OF SEPTEMBER, 2022.



Greggory D. Hull, Mayor

ATTEST:



Rebecca A. Martinez, City Clerk
(SEAL)



CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO. 5

ENACTMENT NO. 21-09

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ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE ZONING CLASSIFICATION AND OFFICIAL ZONING MAP FOR PROPERTY LEGALLY DESCRIBED AS LOS DIAMANTES SUBDIVISION TRACT 3 FROM BP: BUSINESS PARK DISTRICT TO R-2: SINGLE-FAMILY RESIDENTIAL AND UNIT 10, BLOCK 64, LOT 15 FROM R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2: SINGLE-FAMILY RESIDENTIAL DISTRICT, IDENTIFYING CONDITIONS OF DEVELOPMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS: the Governing Body of the City of Rio Rancho has adopted zoning regulations and an official zone map in accordance with New Mexico Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and

WHEREAS: in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07, an application to amend the zoning designation on the subject property has been submitted by Los Diamantes, LLC, and assigned City Case No. 20-100-00018; and

WHEREAS: the City of Rio Rancho Planning and Zoning Board held a duly noticed public hearing on January 12, 2021, regarding the proposed changes to the Official Zoning Map and, following study and consideration, has made findings (where applicable) whether or not the criteria in R.O. 2003 Section 150.07 are satisfied, and made these recommendations to the Governing Body regarding adoption of the changes; and

WHEREAS: the Governing Body received a report from the Planning and Zoning Board, and such report indicates the Planning and Zoning Board has studied and considered the proposed changes pursuant to R.O. 2003 Section 150.07, and said report includes specific findings related to the affected property; and

WHEREAS: a public hearing occurred, in accordance with procedures set forth in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed zoning district and Official Zone Map changes hereinafter described were duly advertised and held by the Governing Body of the City of Rio Rancho on February 11, 2021 and the Governing Body heard interested parties and citizens for an against the proposed amendments; and

WHEREAS: the proposed amendments to be adopted by this Ordinance comply with the statutory and regulatory requirements of the aforesaid Code of Ordinances and Statutes, and upon specific findings related to the subject property and determining the proposed amendment is consistent with the policies and criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing Body finds the amendments propose the health, safety, morals, and general welfare of the city.

1 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
2 RIO RANCHO:

3
4 **Section 1. Rezoning of Property and Change in Land Use**

- 5 A. The Official Zone Map is hereby amended by assigning a zoning
6 designation on approximately 24.0963 acres of property from BP: Business
7 Park District to R-2: Single-Family Residential on land legally described as:
8 Tract 3, Los Diamantes Subdivision, Unit 10, Rio Rancho Estates Within the
9 Town of Alameda Grant, Projected Sections 33 & 34, Township 12 North,
10 Range 2 East, NMPM, City of Rio Rancho, Sandoval County, New Mexico
11 in Rio Rancho Estates Plat Book Number 28, As Page 95, 96, 97, on
12 September 27, 2019.
- 13 B. The Official Zone Map is hereby amended by assigning a zoning
14 designation on approximately on approximately 0.93 acres of property from
15 R-1: Single-Family Residential District to R-2: Single-Family Residential
16 District on land legally described as:
17 Unit 10, Block 64, Lot 15, Portion of Unit Ten, Rio Rancho Estates, Town of
18 Alameda Grant, Sandoval County, New Mexico, Filed in the Office of the
19 County Clerk of Sandoval County, New Mexico, in Rio Rancho Estates Plat
20 Book No. 1, Page 14, on January 31, 1962.
- 21 C. The City's Comprehensive Plan, Generalized Land Use Map (GLUM), Map
22 L-2 will change to reflect the land described in Section 1A and 1B above, as
23 having a "Low/Medium Residential" GLUM designation.

24
25 **Section 2. Land Use, Conditions, Development Standards/Regulations and use**
26 **of Property:** The property identified in Section 1A and 1B, above is subject to all
27 requirements of the R-2: Single-Family Residential District zoning designation.

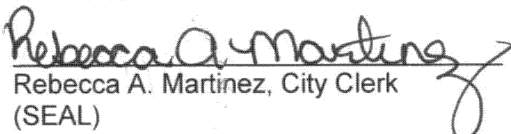
28
29 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of this
30 Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated
31 hereunder shall for any reason be held to be invalid, unlawful, or enforceable, the
32 invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision
33 shall not affect the validity of the remaining portions of this Ordinance or the regulation so
34 challenged.

35
36 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
37 adoption.

38
39 ADOPTED THIS 11TH DAY OF FEBRUARY, 2021

40
41
42 
43 _____
44 Greggory D. Hull, Mayor

45
46 ATTEST:

47 
48 _____
49 Rebecca A. Martinez, City Clerk
50 (SEAL)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO. 73

ENACTMENT NO. 20-071

RESOLUTION AMENDING THE LOS DIAMANTES MASTER PLAN

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WHEREAS: the State of New Mexico has granted the City of Rio Rancho the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting, zoning, and the power to adopt, amend, extend and carry out a general municipal or master plan which may be referred to as the general or master plan, all pursuant to 3-19-1, NMSA, 1978; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses and provides for specific goals, policies, and actions; proposes land use throughout the City; provides for adoption of specific area plans for specific area within the City; and also provides for land use in master planned communities via master plans; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses land use in master planned communities; and

WHEREAS: the Governing Body of the City of Rio Rancho approved the Los Diamantes Master Plan on August 12, 2015 with Resolution No. 61 Enactment No. 15-055; and

WHEREAS: the Governing Body of the City of Rio Rancho approved the Generalized Land Use Map on September 12, 2018 through Resolution no. 60, Enactment no. 18-058; and

WHEREAS: the Planning and Zoning Board of the City of Rio Rancho reviewed the land use amendments to the Los Diamantes Master Plan at their meeting held on July 28, 2020, and following public hearing recommends approval of those amendments and modifications; and

WHEREAS: the Governing Body of the City of Rio Rancho has reviewed the proposed land use amendments (Case No. 20-410-02) to the Los Diamantes Master Plan at their meeting held on August 13, 2020, and following public hearing and receipt of the Planning and Zoning Board's report and recommendation, has determined that the amended Plan is in conformance with the City of Rio Rancho Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. The Governing Body hereby approves and adopts the land use amendments and modifications to the Los Diamantes Master Plan, Exhibit A to this resolution.

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Section 2. Designs, layouts, and engineering requirements or details are subject to compliance with City engineering and/or subdivision requirements prior to development.

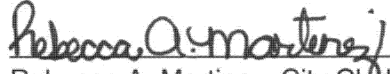
Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED THIS 13th DAY OF AUGUST, 2020.



Greggory D. Hull, Mayor

ATTEST:



Rebecca A. Martinez, City Clerk
(SEAL)



CITY OF RIO RANCHO
ORDINANCE

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ORDINANCE NO. 17 ENACTMENT NO. 15-14

AN ORDINANCE TO AMEND THE ZONING CLASSIFICATION FOR PROPERTIES KNOWN LEGALLY AS UNIT 10, BLOCK 18, LOTS 27-41; BLOCK 60, LOTS 1-10 & 13-16; BLOCK 62, LOTS 7-13; BLOCK 64, LOTS 1-14 & 16-25; BLOCK 65, LOTS 1-41; BLOCK 66, LOTS 1-28; BLOCK 67, LOTS 1-31; BLOCK 68, LOTS 1-36; BLOCK 69, LOTS 1-16; BLOCK 70, LOTS 1-17; BLOCK 71, LOTS 1-22; BLOCK 72, LOTS 1-27; BLOCK 73, LOTS 4-35. THE PROPERTY IS LOCATED NORTH OF ISABEL ROAD SE, WEST OF 10TH STREET SE, AND SOUTH AND EAST OF VILLA ROAD SE AND GENERALLY DESCRIBED AS LOS DIAMANTES AS NOTED BELOW:

WHEREAS: The Governing Body has recognized and approved the Los Diamantes Master Plan; and
WHEREAS: The zoning designations proposed for the master planned area are in conformance with the Los Diamantes Master Plan, the Rio Rancho Comprehensive Plan Generalized Land Use Map, and Title XV: Land Use, Chapter 154. Planning and Zoning with exceptions or revisions as set forth below:

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. The Zone Map is hereby amended on property known as Los Diamantes with the legal description attached hereto as Exhibit A, to reflect a change in zoning designation from R-1/Single Family Residential District to R-3/Mixed Residential District (109 acres) with a Los Diamantes Residential Overlay Zone (hereafter LDROZ), BP/Business Park (63 acres), and PR/Parks & Recreation (8 acres) as reflected in the Los Diamantes Master Plan Zoning Map attached hereto as Exhibit B.

Section 2. Land Use:
Zoning designations are R-3/Mixed Residential District (109 ac) with LDROZ, BP/Business Park District (63 ac) and PR/Parks & Recreation (8 ac). Development shall occur in accordance with the approved Master Plan, or Amendments thereto, as adopted by the Governing Body by Resolution No. ____.

Section 3. Development Regulations:
Development shall occur as regulated in Title XV: Land Use, Chapter 154. Planning and Zoning; and the Los Diamantes Master Plan. In the event that there is conflict, the strictest shall apply.

For purposes of regulating development in the LDROZ, the following revisions/modifications to the R-3 District are hereby adopted:

- B. Permissive Uses
 1. Same as those in the R-1 District, design standards apply;
 2. Single-family attached and detached dwelling units;
 3. Town-home, patio home, or similar development provided all city regulations are met;
 4. Multi-family dwellings, and
 5. Boarding and lodging houses
- C. Conditional Uses (requiring use permit)
 1. Same as those in the R-1 District.

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- 2. ~~Community residential care facility up to 18 persons.~~
- 3. ~~Senior transitional care facilities, senior living facilities, and/or other similar facilities.~~

D. Area

4) Setbacks

- a. ~~Multi-family dwelling units~~
- b. Single-family detached dwelling units:
 - 1. Front - 15 feet, garage - 20 feet; ~~side-loaded garage—15 feet~~
 - 2. Rear - ~~5 feet~~ 15 feet
 - 3. Side - 5 feet; ~~zero lot lines setbacks are allowed on one side with a 10 foot setback on the opposite side.~~ on both sides, for a total separation of 10 feet between buildings.
 - 4. Corner- 10 feet
- c. Single-family attached dwelling units:
 - 1. Front - ~~20 feet~~ 15 feet
 - 2. Rear - ~~zero feet~~ 15 feet; ~~alley loaded garage—zero feet~~
 - 3. Side - ~~zero feet~~ 5 feet on both sides of any principal building, for a total separation of 10 feet between buildings.
 - 4. Corner- 10 feet
- d. Setbacks shall not apply to storage sheds of 120 square feet or less; provided, that the structure is located behind the required front setback line and on a corner lot, is not located in a side yard visible from the street.
- e. Free-standing wind energy units – 2:1 height to setback ratio with a 40 foot maximum height.
- f. Sports courts and pools – 5 feet on side and rear lot lines. Corner side setback of 10 feet except for pools.
- g. Flag poles – 10 feet from any property line.
- h. Trash containers and trash compactors – 15 feet from the property line when adjacent to land planned or zoned for a single-family residential use.
 - 1. All trash containers and trash compactors shall be screened from a public right of way by decorative wall or enclosure and shall be not less than 2 feet above the height of the trash container or compactor.

5) Projections into the setback area are the same as the R-1 District.

Section 4. Severability Clause:

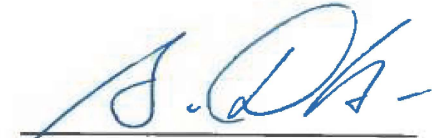
If any section, paragraph, clause, or provision of this Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder shall for any reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the remaining portions of this Ordinance or the regulation so challenged.

Section 5. Effective Date. This Ordinance shall take effect in ten (10) days after adoption.

MASTER PLAN

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ADOPTED THIS 12TH DAY OF AUGUST, 2015.



Greggory D. Hull, Mayor

ATTEST:



Stephen J. Ruger, City Clerk
(S E A L)



CITY OF RIO RANCHO
RESOLUTION

RESOLUTION NO. 61

ENACTMENT NO. 15-055

A RESOLUTION ADOPTING THE LOS DIAMANTES MASTER PLAN

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WHEREAS, The State of New Mexico has granted the City of Rio Rancho the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting, and zoning pursuant to 3-19-1, NMSA, 1978; and

WHEREAS, The Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses land use in master planned communities via master plans; and

WHEREAS, The Governing Body of the City of Rio Rancho, State of New Mexico has the authority to adopt, amend, extend and carry out a general municipal plan, Rio Rancho Comprehensive Plan; and

WHEREAS, The Governing Body of the City of Rio Rancho has reviewed the proposed Los Diamantes Master Plan and determined that the Los Diamantes Master Plan is in conformance with the City of Rio Rancho Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That the Governing Body hereby approves the Resolution adopting the *Los Diamantes Master Plan (LDMP)* comprised of properties known legally as Unit 10, block 18, lots 27-41; block 60, lots 1-10 & 13-16; block 62, lots 7-13; block 64, lots 1-14 & 16-25; block 65, lots 1-41; block 66, lots 1-28; block 67, lots 1-31; block 68, lots 1-36; block 69, lots 1-16; block 70, lots 1-17; block 71, lots 1-22; block 72, lots 1-27; block 73, lots 4-35. The property is located north of Isabel Road SE, west of 10th Street SE, and south and east of Villa Road SE

The *Los Diamantes Master Plan* attached hereto as "Exhibit A" is hereby adopted and accepted with the following conditions:

- 1) The *Los Diamantes Master Plan (LDMP)* constitutes approval of the conceptual land uses within the specified zoning. More detailed levels of information, planning and City reviews shall occur, including, but not limited to, a detailed Traffic Impact Analysis as the project proceeds through the development review process, i.e. subdivision stage, etc.
- 2) The zoning for the property is conditioned upon adherence to and enforcement of the conditions for approval of the *LDMP*.
- 3) Development shall occur as per the *LDMP* and Title XV: Land Use, Chapter 154. Planning and Zoning. Where there is conflict, the strictest requirement shall apply.
- 4) Significant changes to the approved *LDMP* will require approval by the Governing Body.
- 5) Applicant will provide areas for mass transit stops within the Business Park.
- 6) Stormwater Pond in the PR/Parks and Recreation District zoning requires Conditional Use approval.
- 7) All conditions of, and permit from SCAFCA shall be met prior to construction.
- 8) Separation of uses between BP/Business Park and all residential uses shall be provided in accordance with the City Comprehensive Plans' Urban Design Element.
- 9) A Master Sign Plan shall be submitted and approved for the BP/Business Park District prior to issuance of any BP District sign permit per Title XV: Land Use, Chapter 156. Sign Regulations.
- 10) Parks located within the residential development component to be zoned R-3.

MASTER PLAN

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11) No trees required for landscaping on residentially zoned lots shall be planted within the right-of-way.

ADOPTED THIS 12TH DAY OF JULY, 2015.


Greggory D. Hull, Mayor

ATTEST:

Stephen J. Ruger, City Clerk
(SEAL)

Timothy Dvorak

From: Mary Edmiston <guttersbutter@gmail.com>
Sent: Wednesday, March 13, 2024 12:14 PM
To: Timothy Dvorak
Subject: Re: Los Diamantes Master Plan Amendment

Caution! This message was sent from outside your organization.

[You don't often get email from guttersbutter@gmail.com. Learn why this is important at [Mr. Dvorak and Members of the Planning and Zoning Board,](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGvVhcm5BYm91dFNlbnRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNmMDdk%26t%3DZ1lyUGhOWDIDVWZ0dVNVTk12aUZBWE5TMEdOUkUxK2E4WnNpSzloUFJvdz0%3D%26h%3D43ba4435e3f5436492c1c83e3ec4836c%26s%3DAVNPUeHUT0NFTkNSWVBUSVZijJrtID4NLHFKCB-CPvtvtyMPh7WXWrvEE0PZa7WiQ&data=05%7C02%7Ctdvorak%40rrnm.gov%7C5917e97de8644efdf4c808dc4389634d%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638459504577549992%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=IhPQw018zHsKdplSU nLT5HJNuE1HIUDAXy%2BxcwW79qA%3D&reserved=0]</p></div><div data-bbox=)

My husband and I , Joseph and Mary Beth Edmiston, live at 3030 Turquesa Loop SE in the Los Diamantes Development. We do not feel that any change should be made to the original Los Diamantes Master Plan. We purchased our home with the understanding that there were specific guidelines for building additional homes in our neighborhood. We feel that allowing the change of primary construction materials to Architectural Metal and allowing welded wire mesh fencing instead of what it currently being used will cheapen the looks of the neighborhood and thus decrease our property values

Therefore we request that the Planning and Zoning Board deny the applicant's request to amend the Los Diamantes Master Plan.

Thank you for your time and attention to this matter.

Sincerely, Joe and Mary Beth Edmiston

Sent from my iPad

As the Los Diamantes Master Plan has been amended recently multiple times to change the design standards, boundaries, and contents of the Master Plan, Staff has outlined these previously approved changes below in their entirety:

Master Plan Amendment (Approved August 13, 2020) (Resolution No. 73, Enact. No. 20-071):

Section 1: Introduction

- Changed ownership from AB Southwest, LLC., to reflect new ownership by Los Diamantes, LLC.
- Added “multi-family residential opportunities to support affordable housing goals and commercial services”.
- Added “To plan for a future public safety facility to serve the proposed development and surrounding area in southern Rio Rancho”.
- Changed “Unit 10 Generalized Land Use Plan” to “Unit 10 Specific Area Plan”.

Section 2: Existing Conditions

- Added “2020 Amendment: Since this Master Plan was adopted in 2015, the City of Rio Rancho adopted the Unit 10 Specific Area Plan, which addresses land use, transportation, utilities and infrastructure, and general development guidelines for the larger geographic area surrounding Los Diamantes. The Specific Area Plan has subsequently been amended and further amendments have been considered by the Rio Rancho Governing Body. Due to these changing conditions, housing market demands, and in support of the Comprehensive Plan policies of the City of Rio Rancho, this Master Plan was amended in 2020. The amendment updates the land use, zoning, and parks and recreation sections to address a revised lot layout for the R-3 Mixed Residential located south of Westside Boulevard, changes a portion of the Business Park to R-2 single-family residential, and provides for the future development of 15 acres of multi-family residential and a public safety facility within the remaining Business Park area.”

Section 3: Land Use, Zoning, and Density

- Added “multi-family residential opportunities” and “as well as a location for a public safety facility for the City of Rio Rancho.”
- Slight changes to reflect new regional pond designed to handle regional drainage detention.
- Removed “and provide an area for recreational fields.”
- Cuts proposed Business Park acreage approximately in half.
- Added language further describing reduction, stating, “In addition, up to 15 acres of the business park area is reserved for future multi-family residential development. A future zone map amendment will be required to implement the multi-family residential land use.”
- Added additional description of land use for Business Park stating, “The business park also offers an opportunity to provide for a new public safety facility for the City of Rio Rancho”.
- Removed “attached and detached” next to housing types.
- Removed “containing both detached single family houses and townhouses”.
- Edited chart for proposed lot criteria.
- R-2 Single-Family Residential acreage expanded due to reduction of Business Park area.

New description is as follows “The proposed R-2 single-family residential neighborhood follows all of the requirements of the City of Rio Rancho R-2 zoning district. This neighborhood, located north of Westside Boulevard, will provide additional single-family detached residential needed in the Rio Rancho housing market at slightly lower densities than within the R-3 area located to the south. A small park serving the residents of this neighborhood will be provided upon

development.”

- Added “Multi-Family Residential (15 acres)

New descriptions is as follows “As mentioned above, approximately 15 acres of the Business Park area is designated for potential multi-family residential development. Implementation and use of this land use will be done via a zone map amendment utilizing the R-6 zone district or other equivalent zoning designation provided by the Rio Rancho Code of Ordinances.”

- Removed “Park” from header for the Park/Pond/Open Space (8 acres) subsection.
- Changed the number of neighborhood parks from two to three.
- Changed the size of parks from “approximately 2 acres in size” to “a variety of sizes based on the neighborhood area served by each. These parks total approximately 4.5 acres”.
- In the proposed Master Plan land use map, in the far northeast corner of the Master Plan area, there is a new lot included within the boundaries. This lot is/was legally described as Unit 10, Block 18, Lot 42, and was combined by Summary Plat process (Book 28, Pages 95-98) and therefore included in the proposed Business Park area of the plan.
- In the approved Master Plan land use map, there is a triangular shaped lot, legally described as Unit 10, Block 64, Lot 15, along the boundary of the Business Park, however, the proposed Master Plan land use map shows the exclusion is now a part of the newly proposed residential subdivision north of Westside Blvd. SE. It is not included on Ordinance No. 17, Enactment No. 15-14 which zoned the Los Diamantes master planned area.
- In the approved Master Plan land use map, it shows a regional park and a pond along the western boundary of the Master Plan, however in the proposed Master Plan, this area is no longer reflecting to show a regional park and pond, and there is no key indicating what use it will serve.
- In the approved Master Plan land use map, it indicated that Viga Rd. SE will continue northward to intersect Westside Blvd. SE., however, in the proposed Master Plan land use map, Viga Rd. SE., will not continue northward to Westside Blvd. SE., and will dead end instead.

Section 4: Design Standards

- Added “or other equivalent decorative rock groundcover.”
- Added “deciduous or 8 feet minimum evergreens” to the front yard minimums, in Landscape.

Section 5: Rio Rancho Comprehensive Plan

- Removed “joint use” describing the pond.
- Removed “and recreation area”.
- Removed “provide recreational fields” and replaced with “will also reserve land in an open, natural condition”.
- Added “and multi-family”.
- Added “institutional/public safety”.
- Added “In addition, the Master Plan area allows for a new City of Rio Rancho public safety facility to be located within the proposed business park area. This public safety facility will extend the availability of public safety services and serve as a hub that covers this portion of Rio Rancho within the plan area, the larger Unit 10 area, and beyond.”

Section 6: Parks and Trails

- Removed “two” before “internal parks”.
- Removed “system” and added “and sidewalk network”.
- Removed “The trail system will be expanded next to Westside Boulevard in order to enhance and provide for multi modal transportation on this main corridor through the Los Diamantes Community”.
- Removed “a total of seven trails within the Plan area, totaling 11,000 feet”.

- Added “3,450 linear [feet] of trails within the Plan Area in addition to City standard sidewalks along all roadways throughout the development.”
- Added “and sidewalks”.
- Changed the amount of parks proposed from two to three.
- Changed the language to state that instead of each park being approximately two acres in size, the two neighborhood parks will be approximately two areas in size and are “proposed in the neighborhoods south of Westside Boulevard”.
- Added “A third smaller park is located within the proposed single-family neighborhood located north of Westside Boulevard. This park will serve the residents of this small residential subdivision.
- Removed all of subsection C., labeled “Regional Park and Pond”.

Section 7: Transportation Analysis

- Changed “Middle Rio Grande” to “Mid-Region”.
- Removed “The trail and landscape buffer will also be installed along the south side of Westside adjacent to the residential component”.

Section 8: Conceptual Drainage Plan

- Removed “multi-use” and “park”.
- Removed “as well as providing a recreational opportunity”.
- Revised section detailing information in regards to the Regional Pond.

Section 9: Conceptual Utility Plan

- Removed “Per the attached sewer model performed for this project, 3,000 feet of an existing 12” sewer line east of Unser Boulevard will need to be re-constructed. It currently lacks the necessary capacity and needs to be re-done as part of Phase 1.”

Section 10: Implementation and Phasing

- Added “except for the multi-family residential land use. A future zone map amendment will be required to implement that land use in a specific location, up to 15 acres in size, within the larger business park area of this Master Plan.”
- Changes the number of phases from four to three.
- Removed “averaging 115 dwellings per phase”.
- Added “with 224 dwellings in Phase 1, 263 dwellings in Phase 2, and 91 dwellings in Phase 3.”
- Changed the phasing of the Business Park from Phase 1 to Phase 3.
- Changed the location of the first phase from the northeast corner of the property to the southeast.
- Changed vehicular access for Phase 1 to exclude Black Arroyo Road.
- Removed “Construction of recreation improvements within the regional park will be delayed until the downstream storm drain is installed”.

Master Plan Amendment (Approved September 22, 2022) (Resolution No. 87, Enact. No. 22-087):

Section VII. Signage (A) updated in order to accommodate signage that was not then allowed under the Master Plan standards. The amendment included a conceptual diagram of the new signage with measurements and updated text describing the larger sign. The revised signage consists of a 170 square foot freestanding monument sign (6' in height, 28' 4" long), accompanied by an ornamental tower. The ornamental tower measures 15' in height and approximately 8.06' in width. The total square footage of the ornamental tower comes to 121

square feet. The entire square footage for both the proposed monument sign and ornamental tower totals approximately 291 square feet. The freestanding monument sign and ornamental tower are proposed to be located on the southwest corner of the intersection on Tract 1-A-1 of the Los Diamantes Subdivision.

The text revision to VII. Signage (A) is as follows. Edited or added text is underlined: "Entry signs shall be the monument type and shall complement the materials, color, and architectural character of the buildings. No part of the monument sign shall exceed 180 square feet in area and 8 feet in height above grade. The ornamental tower shall be considered an architectural detail, and shall not be included as part of the sign for measurement purposes."

Master Plan Amendment (Approved January 26, 2023) (Resolution No. 126, Enact. No. 23-017):

The western boundary of the Master Plan was expanded to the public right-of-way separating Viga Road and Villa Road between Ark Road and Westside Boulevard. (pg. 3 of Master Plan)"

Under Section 2. *Amendments*, Unit 10, Block 62, Lots 16-33, which are located north of Viga Road SE between Ark Road and the Westside Boulevard right-of-way, were added to the Master Plan area. (pg. 4 of Master Plan)"

A concurrent Zone Map Amendment was approved under Resolution No. 126, Enactment No. 23-017 on January 26, 2023 by the Governing Body, as outlined below:

R-1: Single-Family Residential (Unit 10, Block 62, Lots 16-26) and R-2: Single-Family Residential (Los Diamantes, Tract 3 & Unit 10, Block 64, Lot 15) to R-3: Mixed Residential District. These properties consist of approximately 23.93 acres.

For the 10 remaining acres of Los Diamantes, Tract 3 (approx. 6.5 acres) and Unit 10, Block 62, Lots 27-33 (approx. 3.5 acres) from R-1: Single-Family Residential and R-2: Single-Family Residential to R-6: Multi-Family District. The total acreage of all properties is approximately 34.2 acres.

The Unit 10 Specific Area Plan was additionally amended by the Governing Body on January 26, 2023 to reflect the approved Zone Map Amendment changes within the Los Diamantes Master Plan as outlined above, via Resolution No. 125, Enactment No. 23-016.

Under Section 3. Land Use, Zoning, and Density, the option of up to 15 acres within the Business Park area of the Master Plan has been completely removed. (pg. 5 of Master Plan). The section of R-2: Single-Family Residential zoning has been completely removed (pg. 6 of Master Plan). R-6: Multi-Family Residential has been updated as follows; edited or added text is underlined:

"The proposed R-6 multi-family residential neighborhood follows all the requirements of the City of Rio Rancho R-6 zoning district. The neighborhood will be located west of Los Diamantes Drive, and will feature densities of approximately 25 dwelling units per acre. When this land use is implemented, the Unit 10 buffer overlay district regulations established in Ordinance No. 20, Enactment 18-24 shall be considered and implemented. Further details regarding implementation of this land use may be defined in a separate development agreement."

CIRCULATION: Along with the proposed addition of 18 lots on Viga Rd SE (U10, Blk 62, Lots 16-33) to the master plan boundary, the proposal included right-of-way on Viga Rd SE and 18th Ave SE, which will be vacated with subsequent platting.

In Section 7. Transportation Analysis, the text update is as follows; edited or added text is underlined:

"It may be necessary for antiquated rights-of-way within the master plan area to be vacated through a vacation plat, which must be approved by the Planning and Zoning Board. (pg. 36 of Master Plan)"

PHASING AND FINANCING: Phase III became the business park section of the master plan: LD, Tract 2. Phase IIIa comprises the approximately 23.93 acres of LD, Tract 3, Unit 10, Block 64, Lot 15, and Unit 10, Block 62, Lots 16-33, rezoned as R-3: Mixed Residential District. Phase IIIb comprises the remaining approximate 10 acres of LD, Tract 3 which was rezoned as R-6: Multi-Family Residential District. This updated phasing is reflected on the updated figure on page 56 of the Los Diamantes Master Plan.

In Section 10. Implementation and Phasing, the text update is as follows; edited or added text is underlined:

"Due to its relatively large size, Los Diamantes will be divided into three (3) phases, with 224 dwellings in Phase 1 and 263 dwellings in Phase 3. Phase 3a will consist of approximately 150 dwelling units, while 3b will consist of approximately 210 dwelling units. (pg. 54 of Master Plan)"

An updated phasing map incorporating Phases 3a and 3b is provided on page 56 of the Master Plan.

Los Diamantes Master Plan

a. Setbacks

1. Front Yard Setback

Minimum – 10'

Maximum – 80'

2. Side yard Setback:

~~Minimum of ten (10) feet~~ Minimum of five (5) feet, except that cantilevered roofs and sunscreens may project three (3) feet into the setback area. In the case of a corner lot, the front yard setbacks will apply except that cantilevered roofs and sunscreens may project six (6) feet into the setback area. Interior lot lines for a corner lot shall be considered side lot lines. Signs allowed by the ordinance may be placed in street-side, side-yard setback areas. There is no maximum side setback.

3. Rear Yard Setback:

Twenty (20) feet, except that cantilevered roofs and sunscreens may project three (3) feet into the setback area.

b. Building Placement

~~1. Building placement that creates opportunities for plazas, courtyards, patios, or outdoor dining is strongly encouraged.~~

1. Building entries, for parcels and buildings adjacent to Los Diamantes Road, shall be located so that they are easily identifiable:

a. Los Diamantes Road is the primary roadway serving the business park.

c. Building Entries

1. Building entries should be located so that they are easily identifiable from the primary adjacent roadway.

2. Secondary and employee entrances shall be easily accessible and convenient to building parking and delivery areas but should not be dominant.

d. Sidewalks

1. Sidewalks shall be designed to connect to sidewalks internal to individual sites and to trails when relevant.

2. All sidewalks shall be designed per the Americans with Disability Act requirements.

e. Trails

Los Diamantes Master Plan

1. All trails within Los Diamantes Business Park will be designed in compliance with City of Rio Rancho trail standards. Trails will be designed to connect with a sidewalk, business, and/or park. In some locations, a trail may be constructed in lieu of a sidewalk.

|

Los Diamantes Master Plan

IV. ARCHITECTURE

Intent: the purpose of the architectural standards is to provide direction for the development of an attractive, cohesive built environment that accommodates the function of the individual buildings within the Los Diamantes Business Park while also ensuring quality development and reinforcing the unique character and identity of the Park.

a. Materials

1. Primary building materials shall be stucco, colored concrete, [*architectural metal siding](#), or colored block. Stone, tile, metal, or brick accents are also allowed.
2. Finished building treatments are required on all four sides of the building.
3. Materials prohibited as the primary building material include the following:
 - i. Exposed, untreated precision block or wood walls
 - ii. Highly reflective surfaces
 - iii. Metal paneling.

b. Color

1. Predominant colors shall be limited to shades of brown, [green](#), tan, rust, and blue. High-intensity colors, such as metallic, black, or fluorescent colors are prohibited.

c. Height

1. Building height shall be limited to sixty (60) feet.

[*Pursuant to the City of Rio Rancho Zone Code, Section 154.61 Part \(D\)](#)

Los Diamantes Master Plan

b. Walls

1. All perimeter block walls facing rights-of-way shall be constructed of split face concrete block and shall include a smooth, continuous 4-inch cap of a complementary color.
2. Plain grey CMU block shall not be used for wall material unless treated with stucco.
3. Chain-link (with or without slats), wood or plastic/vinyl fencing is prohibited except for security fencing where not visible from the public right-of-way.
4. Barbed wire, concertina wire and similar materials are prohibited.

5. Black or dark green welded wire mesh is permitted for security fencing except along Los Diamantes Road

VIII. STORAGE AND EQUIPMENT AREAS

Intent: Storage and equipment areas should be designed to be harmonious with the site without interfering with their storage function and need for security.

- a. Any exterior storage and sales areas shall be screened with walls which are architecturally compatible with the primary building(s) on the site.
- b. Loading and service areas should be provided with separate access and circulation whenever possible.

IX. SIGNAGE The following signage standards were developed to regulate the size, location, type, and quality of sign elements within this property. A properly implemented signage program will serve four very important functions: to direct and inform employees and visitors; to provide circulation requirements and restrictions; to provide for public safety, and to complement the visual character of the development.

a. The following types of signs are permitted in the Los Diamantes Business Park:

1. Monument/Entry Signs
2. Building Mounted Signs
3. Vehicle Directional Signs
4. Pedestrian Directional Signs

b. Entry signs shall be monument type and shall complement the materials, color, and architectural character of the buildings and shall not exceed one hundred thirty-five square feet in area, and fifteen feet in height above grade.

IX. SIGNAGE The following signage standards were developed to regulate the size, location, type, and quality of sign elements within this property. A properly implemented signage program will serve four very important functions: to direct and inform employees and visitors; to provide circulation requirements and restrictions; to provide for public safety, and to complement the visual character of the development.

a. The following types of signs are permitted in the Los Diamantes Business Park:

Los Diamantes Master Plan

1. Monument/Entry Signs
2. Building Mounted Signs ([Including individual tenant signage](#))
3. Vehicle Directional Signs
4. Pedestrian Directional Signs

b. Entry signs shall be monument type and shall complement the materials, color, and architectural character of the buildings and shall not exceed one hundred thirty-five square feet in area, and fifteen feet in height above grade.

c. ~~One building mounted sign is~~ [Building mounted signs are](#) permitted for each facade that faces [Los Diamantes Road and are limited to 6% of the building facade](#) ~~a primary roadway~~. Building mounted signs shall be limited to 10% of the building facade, and a maximum projection of eighteen inches. [Individual tenant signs are permitted provided they don't exceed the allowable percentage of the façade.](#)

d. Vehicle directional signs are permitted when necessary to direct vehicles to a special site feature, such as visitor parking. The design of these signs shall be integrated with the Los Diamantes Business Park entry signs and shall not exceed three square feet in area, and five feet in height above grade.

e. Pedestrian directional signs are permitted when it is necessary to direct pedestrians to a special site feature such as a recreational trail. The design of these signs shall be integrated with the Los Diamantes Business Park monument entry signs and shall not exceed two square feet in area, and 3 feet in height above grade.

f. Illumination of signage is permitted and shall follow the regulations contained in Section X, Lighting, located below.

g. Digital and Light Emitting Diode Lighting is permitted per the City of Rio Rancho Institutional District sign regulations.

Los Diamantes Master Plan

10. IMPLEMENTATION AND PHASING

The implementation of the Los Diamantes Master Plan shall occur at the time of the zone map amendment and platting except for the potential multi-family residential land use. A future zone map amendment will be required to implement that land use in a specific location, up to 15 acres in size, within the larger business park area of this Master Plan depending on absorption of the commercial uses.

1. All land use decisions shall be in compliance with the Los Diamantes Master Plan and in accordance with the City of Rio Rancho Department of Development Services, including right-of-way acquisition.

2. All infrastructure shall be planned and coordinated with City of Rio Rancho Department of Public Works, Department of Development Services, Department of Public Safety, PNM, and any other established entities working with Sandoval County and the City of Rio Rancho.

3. In order to uphold national standards for emergency response times, facility planning shall be coordinated with the City of Rio Rancho as houses are built.

4. The developer shall ensure that all open spaces, entryways, linear walkways, rights-of-way, and landscaped areas meet City standards as shown on landscape and irrigation plans that shall be approved by the City of Rio Rancho prior to final plat.

5. Open space and trails shall be developed; a portion of which shall count towards the park requirements established by the City of Rio Rancho.

6. The residential design standards included in this Master Plan shall be incorporated into the CC&Rs for each Los Diamantes residential subdivision.

7. The Developer intends to use Tax Increment District and Public Improvement District financing within the Master Plan Area. These financing mechanisms will be implemented through separate applications to the City of Rio Rancho.

Due to its relatively large size, Los Diamantes will be divided into three (3) phases, with 224 dwellings in Phase 1, 263 dwellings in Phase 2. Phase 3a and Phase 3b will consist of approximately 250 dwelling units each. The availability of infrastructure and the Marketing Window were the primary determining factors in deciding to locate the first phase in the southeast corner of the property. Phase implementation will be a function of buyer demand and home builder preferences since it is anticipated that numerous homebuilders will be constructing a variety of housing types to get different price points.

The site's terrain slopes down toward the southeast corner where the Water Quality drainage pond will be used to collect runoff from the first phase and all subsequent phases. A new storm drain will then extend further south to the existing 108" Storm Drain and eventually drain into the Calabacillas Arroyo.

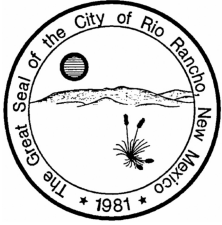
Los Diamantes sanitary sewer outfall will also be to a new Lift Station at the southeast corner of Phase 1. Domestic water service to Phase 1 will come south down 11th from an existing line located in Southern Blvd. and on the north side of the site.

Los Diamantes Master Plan

Vehicular access for Phase 1 will be via newly constructed Westside Boulevard. New roadways within and around the perimeter of Los Diamantes will also be constructed as new phases of this project are added.

Prior to Construction of Phase 1, an on-site Drainage Management Plan (DMP) will have to be developed and approved by SSCAFCA and the City of Rio Rancho. As mentioned previously, a study to Amend the SSCAFCA CAW MP for the Regional Pond will also require approval by SSCAFCA and City of Rio Rancho as well as a FEMA CLOMR.

Initiation of Phase 1 will require substantial outlays of capital to extend essential elements of infrastructure to this site. As a result, no neighborhood park improvements will be undertaken until Phase II.



CITY OF RIO RANCHO COVER PAGE

Legislation Item: R34

AGENDA DATE:

April 25, 2024

DEPARTMENT:

Development Services

SUBJECT:

R34, Resolution Amending the Lomas Negras Specific Area Plan to Update the Land Use Map (Exhibit 13) and the Future Land Use Table (Exhibit 12)

BACKGROUND AND ANALYSIS:

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of an amendment to the Lomas Negras Specific Area Plan to change the Land Use Map and Future Land Use Table. A proposed Zone Map Amendment to change the zoning of Unit 13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45, is being heard concurrently under case #23-100-00008. The High Range 6 Master Plan, case #23-400-00003, is also being heard concurrently.

This proposed Specific Area Plan Amendment is to update the Land Use Map (Exhibit 13) and Exhibit 12: Future Land Use Table, in the Lomas Negras Specific Area Plan (LNSAP); to allow for compliance with the proposed Zone Map Amendment. The amendment requests the proposed Land Use be amended from "Office Corridor" to "Medium Density Residential" for the existing 12-acre portion of "Office Corridor" land use.

The concurrent Zone Map Amendment application request is for R-5: Single-Family Residential and the applicant's conceptual lot layout under the High Range 6 Master Plan proposes 463 dwelling units, for a density of approximately 4.5 dwelling units per acre on (4.5 DU/Acre). In the requested amendment to "Medium Density Residential" land use, R-5 is a permissive zoning designation with a density of up to 17.4 DU/Acre. The proposed density is in conformance with the LNSAP as a result.

This area is bounded by Montezuma Blvd. NE to the north, Inca Rd NE to the south, Excalibur St. NE to the east, and Bedivere St. NE to the west. The Lomas Negras Specific Area Plan was adopted June 25, 2008, under Resolution No. 56, Enactment No. 08-51; amended on July 8, 2009, pursuant to Resolution No. 75 Enactment 09-74; and again, on February 23, 2011, pursuant to Resolution No. 15 Enactment 11-17. Updates to the Land Use Map were made under Resolution No. 54, Enactment No. 21-53, Resolution No. 69, Enactment No. 21-068, and Resolution No. 123, Enactment No. 23-124.

The updated Land Use Map for the Lomas Negras Specific Area Plan is attached, as well as the updated Land Use Table.

The Planning and Zoning Board recommended the Governing Body adopt the Resolution to amend the Lomas Negras Specific Area Plan by a vote of six (6) for and 0 against, at the April 9, 2024, Planning and Zoning Board Meeting.

REVIEW CRITERIA:

The City's Comprehensive Plan states that "the City will rely on the development of Specific Area Plans and Master Plans for identifying a specific land use at the parcel-level. Specific Area Plans and Master Plans are a part of the Land Use Element and are used as a statement of policy to guide land use decision making by the Governing Body." The City's Comprehensive Plan further outlines the type of material expected to be included in a Specific Area Plan or Master Plan. Staff has used the list as the guiding policy on whether the amendments fit with Specific Area Plans in general.

The applicant states: "High Range 6 is intended to provide an affordable housing option for current and future Rio Rancho residents. It is designed to complement the single-family development to the east and surrounding area and remains consistent with the primary land use identified on the property by the Lomas Negras Specific Area Plan." The applicant goes on to state that, "the project supports the city's goals, objectives, and vision by providing a land use that is compatible with the Lomas Negras Specific Area Plan designation of Medium Density Residential (MDR). The requested amendment will remove the split land use designation and allow for a cohesive plan that will contain residential densities which complement the existing and proposed development in the surrounding area." Specifically, the applicant states that the request further the Lomas Negras SAP land use goal of promoting a variety of housing choices, "[by] increasing the availability of affordable housing opportunities and bring[ing] a diversity of housing types to the city."

The Planning and Zoning Board recommends that the Governing Body find that the proposed amendment to the Land Use Map in the LNSAP meets the intent, Goals and Objectives of the Specific Area Plan by enabling a variety of housing. The proposed Land Use accomplishes the Land Use goal of the LNSAP: "Develop land use categories which allow for choice of a variety of zoning districts and which mitigate impacts on surrounding uses through design standards." The request allows for a diversity of housing with the introduction of R-5 zoning, in an area that is otherwise dominated by R-1 and R-4 zoning. The R-5 zoning also serves as a more compatible zoning/use for the primarily residential area, than the existing O-1: Office zoning designation.

The Planning and Zoning Board recommends that the Governing Body find that the proposed amendment also accomplishes Goal PH-3 of the Comprehensive Plan: "Promote a variety of housing types to meet the needs of all members of the community." The Planning and Zoning Board recommends that the Governing Body recommend approval of the request to amend the Land Use Map and Future Land Use Table of the Lomas Negras Specific Area Plan, as the request conforms with and furthers the goals, policies, and objectives of the Lomas Negras Specific Area Plan and City Comprehensive Plan. Furthermore, the proposed density of 4.5 DU/acre coincides with the 16 DU/acre maximum density stipulated in the Medium Density Residential land use category described in the Comprehensive Plan.

The Planning and Zoning Board recommends that the Governing Body approve of the request to amend the Land Use Map and Future Land Use Table of the Lomas Negras Specific Area Plan, as the request conforms with and furthers the goals, policies, and objectives of the Lomas Negras Specific Area Plan and City Comprehensive Plan.

SITE ANALYSIS: The Lomas Negras Specific Area Plan was adopted June 25, 2008 under Resolution No. 56, Enactment No. 08-51; amended on July 8, 2009, pursuant to Resolution No. 75 Enactment 09-74; February 23, 2011, pursuant to Resolution No. 15 Enactment 11-17, May 27, 2021 pursuant to Resolution No. 54, Enactment No. 21-053; July 22, 2021 pursuant to Resolution No. 69, Enactment No. 21-068; and on October 12, 2023, pursuant to Resolution No. 123, Enactment No. 23-124.

The plan encompasses an area of 981 acres located in Unit 13, containing the Mirador del Sol,

High Range 1-5, Tierra del Oro, Tierra del Norte, Solcito, Melon Ridge, Stonegate, and Scottish Isle Master Plan areas. It is bounded by Montezuma Blvd. NE on the north, Loma Colorado Blvd. NE on the east, Montoyas Arroyo on the west, and Idalia Rd NE on the south. Overlap occurs in Blocks 68 and 77 with the Del Norte Specific Area Plan. The overlay zone for that plan applies in these locations. The subject property is bounded by Montezuma Blvd. NE to the north, Inca Rd NE to the south, Excalibur St. NE to the east, and Bedivere St. NE to the west.

LAND USE: The subject property being amended in the Specific Area Plan currently has a "Office Corridor" land use in the Lomas Negras Specific Area Plan (Exhibit 13), and a "Commercial (Neighborhood, Community), Mixed-Use, Office" Land Use in the Generalized Land Use Map, Map L-2 in the City Comprehensive Plan. The proposed amendment would update the Specific Area Plan to reflect a "Medium Density Residential" land use and the GLUM, Map L-2, to a "Low/Medium Density Residential" land use.

GRADING AND DRAINAGE: No proposed changes.

CIRCULATION: No proposed changes.

PHASING AND FINANCING: No proposed changes.

DESIGN STANDARDS: No proposed changes.

NOTIFICATIONS: Notifications were sent to affected property owners in conjunction with the Zone Map Amendment and Master Plan requests. A legal advertisement was placed in the April 10, 2024, edition of the Albuquerque Journal. All legal notification requirements have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW: See comments listed for Zone Map Amendment case #23-100-00008.

IMPACT:

The Planning and Zoning Board recommends that the Governing Body approve the request for an amendment to the Lomas Negras Specific Area Plan subject to the findings and conditions below:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board may make a recommendation to the Governing Body on the applicant's request for an amendment to the Lomas Negras Specific Area Plan.
2. The applicant has the authority to make an application to request an amendment to the Lomas Negras Specific Area Plan.
3. The applicant and adjacent property owners received due process, as proper notice and an opportunity to present view was given.

SPECIFIC FINDINGS OF FACT AND CONDITONS FOR APPROVAL:

1. The change of Land Use from Office Corridor to Medium Density Residential does not adversely affect the goals and objectives of the Lomas Negras Specific Area Plan.
2. The change of Land Use to Medium Density Residential will be consistent with the goals and policies from the Land Use Element of the Comprehensive Plan.

ALTERNATIVES:

1. The Governing Body may approve the request.
2. The Governing Body may deny the request.
3. The Governing Body may modify the request and approve such modifications.
4. The Governing Body may continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

The Planning and Zoning Board recommends the Governing Body adopt the Resolution amending the Lomas Negras Specific Area Plan.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Land Use Application](#)

ATTACHMENT: [Location_Zoning Map](#)

ATTACHMENT: [High Range 6 - ALTA Survey](#)

ATTACHMENT: [Letter of Authorization](#)

ATTACHMENT: [High Range 6 - Master Plan_updated](#)

ATTACHMENT: [Reproduction of Notices](#)

ATTACHMENT: [Exhibit A](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AMENDING THE LOMAS NEGRAS SPECIFIC AREA PLAN TO
UPDATE THE LAND USE MAP (EXHIBIT 13) AND THE FUTURE LAND USE TABLE
(EXHIBIT 12)**

WHEREAS: the State of New Mexico has granted the City of Rio Rancho the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting, zoning, and the power to adopt, amend, extend and carry out a general municipal or master plan which may be referred to as the general or master plan, all pursuant to 3-19-1, NMSA, 1978; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses and provides for specific goals, policies, and actions; proposes land use throughout the City; provides for adoption of specific area plans for specific areas within the City; and also provides for land use in master planned communities via master plans; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses land use in master planned communities; and

WHEREAS: the Governing Body of the City of Rio Rancho adopted the Lomas Negras Specific Area Plan on June 25, 2008, under Resolution No. 56, Enactment No. 08-51; and amended the plan on July 8, 2009, pursuant to Resolution No. 75 Enactment 09-74; February 23, 2011, pursuant to Resolution No. 15 Enactment No. 11-17; May 27, 2021, pursuant to Resolution No. 54, Enactment No. 21-053; July 22, 2021, pursuant to Resolution No. 69, Enactment No. 21-068; and October 12, 2023, pursuant to Resolution No. 123, Enactment No. 23-124; and

WHEREAS: the Planning and Zoning Board of the City of Rio Rancho reviewed the amendments to the Lomas Negras Specific Area Plan at their meeting held on April 9, 2024, and following public hearing recommends approval of those amendments and modifications; and

WHEREAS: the Governing Body of the City of Rio Rancho has reviewed the proposed amendments (Case No. 23-410-00005) to the Lomas Negras Specific Area Plan at their meeting held on April 25, 2024, and following public hearing and receipt of the Planning and Zoning Board's report and recommendation, has determined that the amended Plan is in conformance with the City of Rio Rancho Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF RIO RANCHO:**

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Section 1. The Governing Body hereby approves and adopts the amendments and modifications to the Lomas Negras Specific Area Plan as shown as Exhibit A to this Resolution.

Section 2. Effective Date: This Resolution shall take effect immediately upon adoption.

ADOPTED THIS _____ DAY OF _____, 2024.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

(Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print In Ink Only or Type

Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name:		Phone:	
Address:		E-Mail:	
City:	State:	Zip:	
Proprietary Interest:		List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)	
Agent Name:		Phone:	
Address:		E-Mail:	
City:	State:	ZIP Code:	

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)


New Master Plan, Specific Area Plan Amendment and Zone Map Amendment to pursue a single family residential community known as High Range 6.

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit :	Block(s):	Lot(s):
Existing Zoning:	Proposed Zoning:	
No. of existing lots:	No. of proposed lots:	Total area of site (acres)

ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name:	Applicant:	Agent:
Signature: 		Date:

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:** _____

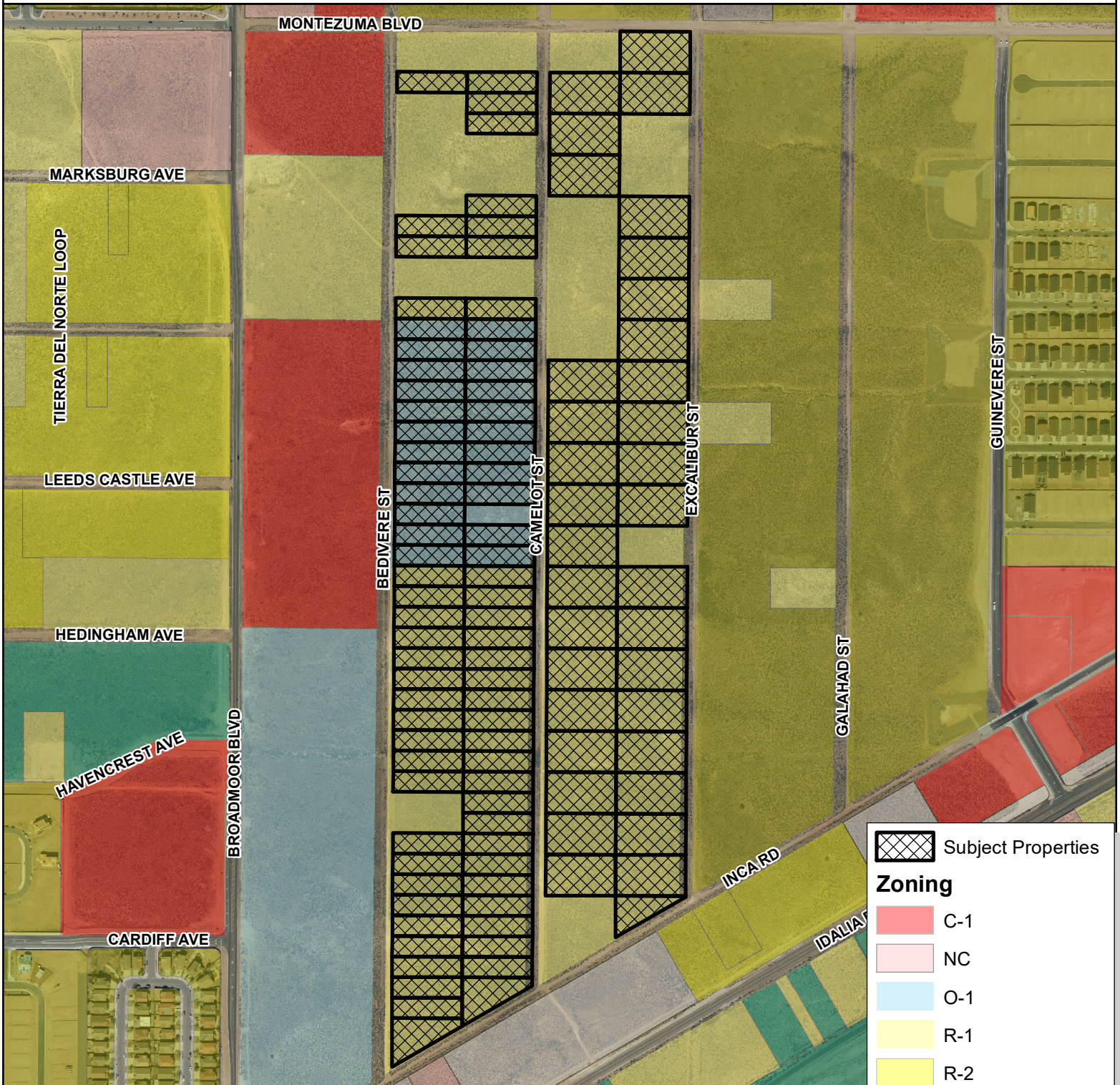
Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 1 and 2, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Zomax, LLC, a New Mexico limited liability company, as to an undivided 75% interest, as to Lot 3, Block 70; Nucito IRA LLC, as to Lot 4, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as joint tenants as to an undivided 50% interest, and Yohanse Manzanarez and Kimberly Kathleen Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 5, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as joint tenants as to an undivided 50% interest, and Alfredo Eric Manzanarez and Jocelyn Ann Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 6, Block 70; Dawn View, LLC, a New Mexico limited liability company, as to Lots 7, 8, 16, 17, 18, 19, 78, 84 and 85, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 9 and 10, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 12 and 13, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 14 and 15, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 20, 21, 22 and 23, Block 70; Terry Lopez, a single man, as to Lots 24 and 25, Block 70; Jeffrey James and Michelle James, as to Lot 26, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 27, 28, 29, 70 and 71, Block 70; Block 70, LLC, a New Mexico limited liability company, as to Lots 30, 31, 32, 67, 68 and 69, Block 70; Block 70, LLC, a New Mexico limited liability company, as to Lots 33, 34, 35, 36, 63, 64, 65 and 66, Block 70; Jason Marton and Katherine Marton, husband and wife, as joint tenants, as to Lots 37, 38, 61 and 62, Block 70; Little IRA LLC, a New Mexico limited liability company, as to Lots 39 and 40, Block 70; Antonio Barreda and Denise Barreda, husband and wife, as joint tenants, as to an undivided 1/2 interest and Danny Bean and Monica Bean, husband and wife, as joint tenants, as to an undivided 1/2 interest, as tenants in common, as to Lots 41, 42 and 55, Block 70; Antonio Barreda and Denise Barreda, husband and wife, as joint tenants, as to Lots 43 and 44, Block 70; Andrew R. Hadcock and January V. Hadcock, Co-Trustees of the Andrew and January Hadcock Revocable Trust under Trust Agreement dated March 11, 2010, as to Lot 45, Block 70; Silke S. Raymond, a married woman as her sole and separate property, as to Lot 46, Block 70; Nucito IRA LLC, a New Mexico limited liability company, as to Lot 47, Block 70; Levi Heath and Judy Heath, husband and wife, as joint tenants, as to Lots 48 and 49, Block 70; Ruben S. Marquez, Ofelia B. Marquez, Leticia Rutledge, Raul Marquez and Lisa Marquez, as joint tenants, as to Lots 50 and 51, Block 70; Little IRA LLC, as to Lot 52, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as to an undivided 75% interest and Gabriel Vargas and Juliana Vargas, husband and wife as to an undivided 25% interest, as to Lot 53, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife and Gabriel Vargas and Juliana Vargas, husband and wife, as to Lot 54, Block 70; Danny Bean, Jr. and Monica Y. Bean, husband and wife, as joint tenants, as to Lots 56 and 57, Block 70; Scott B. Clark, and Pamela M. Clark, husband and wife, as joint tenants, as to an undivided


50% interest and Brandon L. Mason, a single man, as to an undivided 50% interest, as to Lot 58, Block 70; Tierra Mesilla LLC, a New Mexico Limited Liability Company, as to Lot 59, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 60, Block 70; Excalibur Holdings, LLC, a New Mexico limited liability company, as to Lot 72, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 74, Block 70; Michael J. Markowitz and David Markowitz, tenants in common, as to Lot 75, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 76, Block 70; Tierra Mesilla, L.L.C., a New Mexico limited liability company, as to Lot 77, Block 70; Rose Vogt, as Lots 79 and 80, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 81, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 82 and 83, Block 70; Mason Edward Pierce, an unmarried man, as to an undivided 50% interest, and Jennifer Jean Pierce, an unmarried woman, as to an undivided 50% interest, as tenants in common, as to Lot 86, Block 70; Nucito IRA LLC, a New Mexico limited liability company, as to Lot 87, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to Lot 88, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to an undivided 50% interest, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as amended and restated as to an undivided 50% interest, as to Lots 89, 90, 93 and 94, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as to Lot 91, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to an undivided 50% interest, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as amended and restated as to an undivided 50% interest, as to Lot 92, Block 70; Joyce Haden, a married woman dealing with her sole and separate property, as to Lot 95, Block 70 and Excalibur Holdings, LLC, a New Mexico limited liability company, as to Lot 96, Block 70; Little IRA, LLC, a New Mexico limited liability company, as to Lot 3, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 4, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 5, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 6, Block 71; 625 Property LLC, a New Mexico limited liability company, as to Lot 7, Block 71; Excalibur Holdings, LLC, a New Mexico limited liability company, as to an undivided 49.99% interest; Chester French Stewart and Successors as Trustee of the Chester French Stewart and Diana K. Stewart Revocable Trust UTA dated September 17, 1996, as to an undivided 25.005% interest; and David S. J. Anderson and Maureen C. Anderson Trustees of the David S. J. Anderson and Maureen C. Anderson Revocable Trust under that certain Trust Agreement dated November 13, 1992, as to an undivided 25.005% interest, as to Lots 8, 9, 11, 14 & 15, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 10, Block 71; Roslyn R. Zimmerman Living Trust dated April 28, 1993, as to Lot 12, Block 71; Little IRA LLC, a New Mexico limited liability company, as to Lot 13, Block 71; Leroy A. Ryckman, Jr., as to Lot 16, Block 71; Gregory R. Stelmak, a single person, as to Lot 17,

Block 71; Kwang Shin and Ok Shin, husband and wife, as to Lots 18 and 19, Block 71; Dawn View, LLC, a New Mexico Limited Liability Company, as to Lots 20 and 21, Block 71; Little IRA LLC, a New Mexico limited liability company, as to Lot 22, Block 71; Alfredo L. Cota, as to Lot 23, Block 71; Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTH IRA, as to an undivided 80% interest and Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 20% interest, as to Lots 24 and 25, Block 71; Loretta Vasquez, an unmarried woman, as to Lot 26, Block 71; Richard L. Tiedman and Cynthia R. Vigil, husband and wife, as to Lot 27, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 12.5 % interest, Jeffrey C. McCullough and Debbie L. McCullough, Trustees or their Successors in Trust, under the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 12.5% interest, Anthony E. King, a single man, as to an undivided 25% interest, Millennium Trust Company, LLC, Custodian FBO Bruce Maxey ROTH IRA, as to an undivided 25% interest and Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTH IRA, as to an undivided 25% interest, as to Lots 28 and 29, Block 71; J2C LLC, a New Mexico limited liability company, as to Lot 30, Block 71; Richard Shube, a single man, as to Lot 31, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Carlton P. Davenport and Nancy Whiteman-Davenport, husband and wife, as to an undivided 25% interest, and Jeffrey C. McCullough and Debbie L. McCullough, Trustees of the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 50% interest, as to Lot 32, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 33, Block 71; Little IRA, LLC, , a New Mexico limited liability company, as to Lot 34, Block 71; Dawn View, LLC, a New Mexico limited liability company, as to Lot 35, Block 71; Mark Parra and Susan T Parra, as joint tenants, as to Lot 37, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 38, 39, 41, 42, 43, 44 and 45, Block 71, and SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 40, Block 71











LOCATION/ZONE MAP

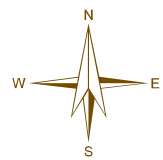
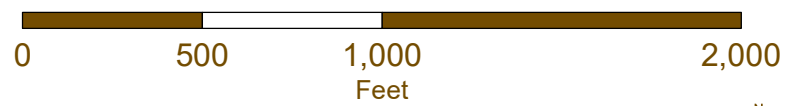
HIGH RANGE 6 - ZONE MAP AMENDMENT



 Subject Properties

Zoning

-  C-1
-  NC
-  O-1
-  R-1
-  R-2
-  R-3
-  R-4
-  SU
-  TZ
-  Unzoned



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

Map Created by Liz Ruiz Carlos on 04/02/2024

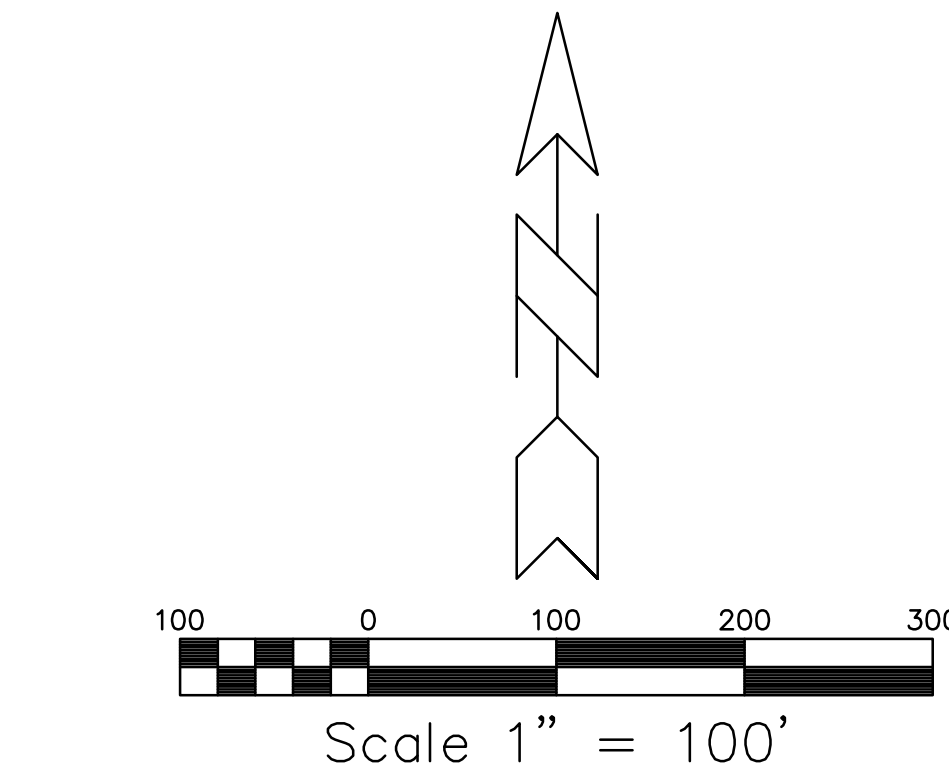
DESCRIPTION
 A tract of land situate within the Town of Alameda Grant, projected Section 12, Township 12 North, Range 2 East and projected Section 7, Township 12 North, Range 3 East, N.M.P.M., City of Rio Rancho, Sandoval County, New Mexico, being all of Lots 1 thru 10, 12 thru 72 and 74 thru 96, Block 70 & Lots 3 thru 35 and 37 thru 45, Block 71, Rio Rancho Estates, Unit 13, as the same are shown and designated on said plat, filed for record in the office of the County Clerk of Sandoval County, New Mexico, on February 9, 1967, in Rio Rancho Estates Plat Book No. 1, Page 51A, and containing 88.9982 acres more or less.

- LEGEND**
- CURB AND GUTTER
 - - - EDGE OF ASPHALT
 - ▭ CONCRETE
 - ⊕ SANITARY SEWER MANHOLE
 - ⊖ STORM DRAIN MANHOLE
 - ⊖ DROP INLET
 - ⊕ STANDPIPE
 - ⊕ WATER VALVE
 - ⊕ FIRE HYDRANT
 - ⊕ COMBINATION AIR RELEASE/VACUUM VALVE
 - ▭ GRAVEL ROAD
 - ▭ RIP-RAP
 - ⊕ LIGHT POLE

NOTE:
 There is an existing 5' PUE (02-09-1967, RRE 1, PAGE 51A) around all sides of all lots.

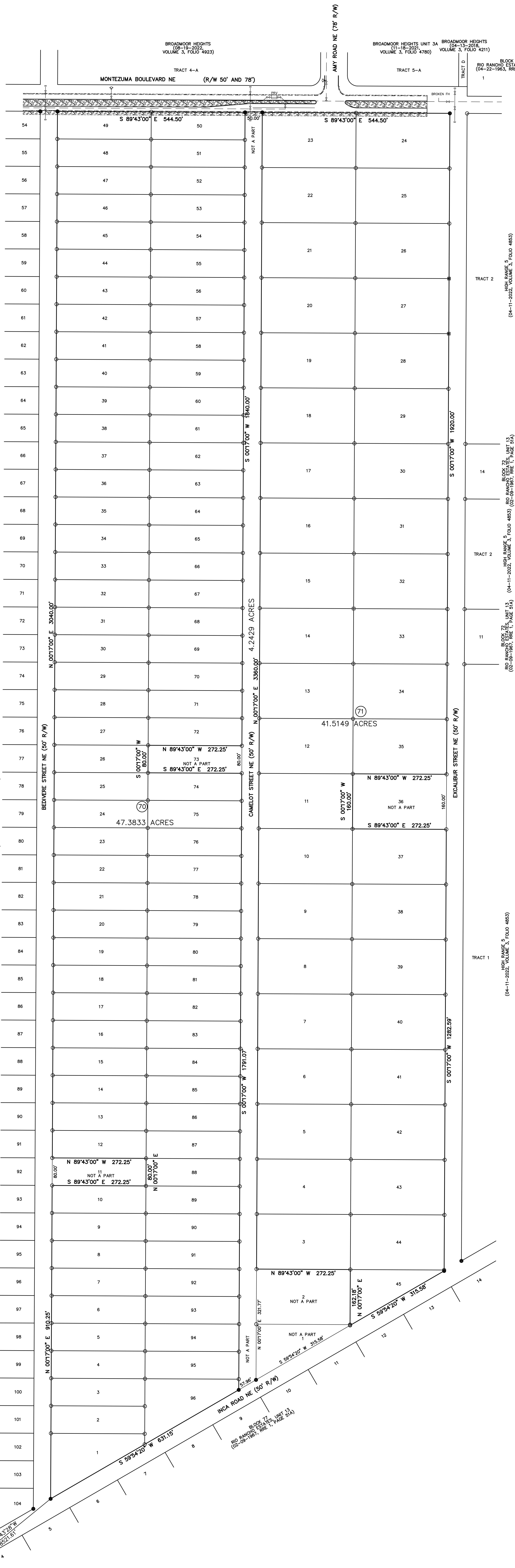
- NOTES**
- Bearings are New Mexico State Plane Grid Bearings (Central Zone).
 - Distances are ground distances.
 - Bearings and distances in parenthesis are record.
 - Basis of boundary are the following plats and documents of record entitled:
 PLAT OF "BROADMOOR HEIGHTS", (08-19-2022, VOL. 3, FOL. 4923)
 PLAT OF "TRACT 1 AND TRACT 2, HIGH RANGE 5", (04-11-2022, VOL. 3, FOL. 4853, RRE BK. 29, PG. 23-25)
 PLAT OF "HIGH RANGE UNIT 4, PHASE B", (10-30-2019, VOL. 3, FOL. 4458, RRE BK. 29, PG. 52-53)
 PLAT OF "HIGH RANGE UNIT 4, PHASE A", (01-30-2019, VOL. 3, FOL. 4346, RRE BK. 28, PG. 55-56)
 PLAT OF "BROADMOOR HEIGHTS", (04-13-2018, VOL. 3, FOL. 4211; RRE BK. 27, PG. 64-69)
 PLAT OF "RIO RANCHO ESTATES, UNIT 13", (04-24-2013, VOL. 3, FOL. 3570, RRE BK. 24, PG. 54-57)
 PLAT OF "RIO RANCHO ESTATES, UNIT 13", (06-05-1968, RRE BK. 1, PG. 77)
 PLAT OF "RIO RANCHO ESTATES, UNIT 13", (02-09-1967, RRE BK. 1, PG. 51A)
 all being records of Sandoval County, New Mexico.
 - Field Survey completed April 12, 2023.
 - Title Commitment:
 Title Company: Old Republic National Title Insurance Company
 Underwriter: Old Republic National Title Insurance Company
 Commitment No.: 2207508 (Commitment Date: March 6, 2023)
 - Address of Property: Rio Rancho, NM 87144
 - City of Rio Rancho, New Mexico Zone:
 Lots 1 thru 10, 12 thru 23, 36 thru 63 and 76 thru 96 Block 70 = R-1
 Lots 24 thru 35, 64 thru 72 and 74 thru 75 Block 70 = O-1
 Lots 3 thru 35 and 37 thru 45, Block 71 = R-1
 - 100 Year Flood Zone Designation: ZONE X, as shown on Panel 1893 and 1900 of 2225 Flood Insurance Rate Map, City of Rio Rancho, Sandoval County, New Mexico, dated March 18, 2005.
 - Encroachments: Gravel, Rip-Rap and grading along the north lines of Blocks 70 and 71 as shown hereon. Maximum encroachment 10 feet.
 - Rotate bearings 0017'00" counter-clockwise for record bearings.

EXISTING EASEMENTS
 ⊕ EXISTING 5' PUE (02-09-1967, RRE BOOK NO. 1, PAGE 51A) AROUND ALL SIDES OF ALL LOTS IN BLOCK 70 AND 71



- PROPERTY CORNERS**
- FOUND 1/2" REBAR
 - FOUND 3/4" OR 1" PIPE
 - FOUND BATTERY MARKER WITH CAP "LS 14271"
 - FOUND 1/2" REBAR WITH CAP "LS 8686"

SCCS MONUMENT AND BENCHMARK "SAGE"
 N=1545611.580
 E=149264.765
 G-C=0.93954548
 Δz=-00'16"22.2"
 CENTRAL ZONE
 ELEVATION=5676.181
 (NAD83/NAVDS8)



"ALTA/NSPS LAND TITLE SURVEY FOR"
 LOTS 1 THRU 10, 12 THRU 72 & 74 THRU 96, BLOCK 70,
 LOTS 3 THRU 35 & 37 THRU 45, BLOCK 71,
 RIO RANCHO ESTATES, UNIT 13

TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M. AND PROJECTED SECTION 7, TOWNSHIP 12 NORTH, RANGE 3 EAST, N.M.P.M. CITY OF RIO RANCHO SANDOVAL COUNTY, NEW MEXICO MAY, 2023

CLIENT:
 LSI Homes-New Mexico, LLC, a New Mexico limited liability company, as to Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 70;
 Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 1 and 2, Block 70;
 Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Zonas, LLC, a New Mexico limited liability company, as to an undivided 75% interest, and Zonas, LLC, a New Mexico limited liability company, as to an undivided 50% interest, and Pamela Clark, husband and wife, as joint tenants, as to an undivided 50% interest, and Yohanne-Manzanarez and Kimberly Kathleen Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 5, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as joint tenants, as to an undivided 50% interest, and Alfredo Eric Manzanarez and Jocelyn Ann Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 6, Block 70;
 Dawn View, LLC, a New Mexico limited liability company, as to Lots 7, 8, 16, 17, 18, 19, 78, 84 and 85, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 9 and 10, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 12 and 13, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 14 and 15, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 20, 21, 22 and 23, Block 70; Terry Lopez, a single man, as to Lot 24 and 25, Block 70; Jeffrey James and Michelle James, as to Lot 26, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 27, 28, 29, 70 and 71, Block 70; Block 70, LLC, a New Mexico limited liability company, as to Lots 33, 34, 35, 36, 63, 64, 65 and 66, Block 70; Jason Marton and Katherine Marton, husband and wife, as joint tenants, as to Lots 37, 38, 61 and 62, Block 70; Little IRA LLC, a New Mexico limited liability company, as to Lots 39 and 40, Block 70; Antonio Barreda and Denise Barreda, husband and wife, as joint tenants, as to Lot 43 and 44, Block 70; Andrew R. Hatfield and January V. Hatfield, Co-Trustees of the Andrew and January Hatfield Revocable Trust under Trust Agreement dated March 11, 2010, as to Lot 45, Block 70; Silke S. Raymond, a married woman as her sole and separate property, as to Lot 46, Block 70; Nucleo IRA, LLC, a New Mexico limited liability company, as to Lot 47, Block 70; Lev Heath and Judy Heath, husband and wife, as joint tenants, as to Lots 48 and 49, Block 70; Ruben S. Marquez, Ofelia B. Marquez, Leticia Rutledge, Raul Marquez and Lisa Marquez, as joint tenants, as to Lots 50 and 51, Block 70; Little IRA, LLC, as to Lot 52, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, as to an undivided 75% interest, and Gabriel Vargas and Juliana Vargas, husband and wife, as to an undivided 25% interest, as to Lot 53, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, and Gabriel Vargas and Juliana Vargas, husband and wife, as to Lot 54, Block 70; Danny Bean, Jr. and Monica V. Bean, husband and wife, as joint tenants, as to Lot 56 and 57, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, as joint tenants, as to an undivided 50% interest and Brandon J. Mason, a single man, as to an undivided 50% interest, as to Lot 58, Block 70; Tierra Mesilla LLC, a New Mexico limited liability company, as to Lot 59, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 60, Block 70; Excelsior Holdings, LLC, a New Mexico limited liability company, as to Lot 72, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 74, Block 70; Michael J. Markowitz and David Markowitz, tenants in common, as to Lot 75, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 76, Block 70; Tierra Mesilla, L.L.C., a New Mexico limited liability company, as to Lot 77, Block 70; Rose Vogt, as to Lot 79 and 80, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 81, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 82 and 83, Block 70; Mason Edward Pierce, an unmarried man, as to an undivided 50% interest, and Jennifer Jean Pierce, an unmarried woman, as to an undivided 50% interest, as tenants in common, as to Lot 86, Block 70; Nucleo IRA, LLC, a New Mexico limited liability company, as to Lot 87, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to Lot 88, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to an undivided 50% interest, and Shirley M. Clark, Trustee of The Clark Family Trust, dated December 4, 1991, as amended and restated as to an undivided 50% interest, as to Lots 89, 90, 93 and 94, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, and Shirley M. Clark, Trustee of The Clark Family Trust, dated December 4, 1991, as amended and restated as to Lot 92, Block 70; Joyce Hadan, a married woman dealing with her sole and separate property, as to Lot 95, Block 70 and Excelsior Holdings, LLC, a New Mexico limited liability company, as to Lot 96, Block 70; Little IRA, LLC, a New Mexico limited liability company, as to Lot 3, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 5, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 6, Block 71; 625 Property LLC, a New Mexico limited liability company, as to Lot 7, Block 71; Excelsior Holdings, LLC, a New Mexico limited liability company, as to an undivided 49.99% interest, Chester French Stewart and Successors as Trustee of the Chester French Stewart and Diana C. Stewart Revocable Trust UTA dated September 17, 1996, as to an undivided 25.00% interest, and David S. J. Anderson and Maureen C. Anderson Trustees of the David S. J. Anderson and Maureen C. Anderson Revocable Trust under certain Trust Agreement dated November 13, 1992, as to an undivided 25.00% interest, as to Lots 8, 9, 11, 14 & 15, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 10, Block 71; Rodney R. Zimmerman Living Trust dated April 28, 1993, as to Lot 12, Block 71; Little IRA, LLC, a New Mexico limited liability company, as to Lot 13, Block 71; Leroy A. Beckman, Jr., as to Lot 16, Block 71; Gregory S. Seidman, a single person, as to Lot 17, Block 71; Kwang Shin and Ok Shin, husband and wife, as to Lots 18 and 19, Block 71; Dawn View, LLC, a New Mexico limited liability company, as to Lots 20 and 21, Block 71; Little IRA, LLC, a New Mexico limited liability company, as to Lot 22, Block 71; Alfredo L. Coia, as to Lot 23, Block 71; Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTII IRA, as to an undivided 80% interest and Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 20% interest, as to Lots 24 and 25, Block 71; Loretta Yousef, an unmarried woman, as to Lot 26, Block 71; Richard L. Tideman and Cynthia R. Vigil, husband and wife, as to Lot 27, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 12.5% interest, Jeffrey C. McCullough and Debbie L. McCullough, Trustees or their successors in Trust, under the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 12.5% interest, Anthony E. King, a single man, as to an undivided 25% interest, Millennium Trust Company, LLC, Custodian FBO Bruce Stevey ROTII IRA, as to an undivided 25% interest and Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTII IRA, as to an undivided 25% interest, as to Lots 28 and 29, Block 71; J2C, LLC, a New Mexico limited liability company, as to Lot 30, Block 71; Richard Shube, a single man, as to Lot 31, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Carolyn P. Davengott and Nancy Whitman Davengott, husband and wife, as to an undivided 25% interest, and Jeffrey C. McCullough and Debbie L. McCullough, Trustees of the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 50% interest, as to Lot 32, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 33, Block 71; Little IRA, LLC, a New Mexico limited liability company, as to Lot 34, Block 71; Dawn View, LLC, a New Mexico limited liability company, as to Lot 35, Block 71; Mark Parra and Susan I. Parra, as joint tenants, as to Lot 37, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 38, 39, 41, 42, 43, 44 and 45, Block 71, and SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 40, Block 71

TITLE CO.: Old Republic National Title Insurance Company

SURVEYOR'S CERTIFICATION

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 6(a), 7(a), 8, 9 and 11 of Table A thereof. The field work was completed on November 8, 2020.

Timothy Aldrich, NMPLS NO. 7719

ALDRICH LAND SURVEYING
 P.O. BOX 30701, ALBUQUERQUE, N.M. 87190
 505-884-1990

Drawn By: TA	Date: 05-14-2023
Checked By: TA	Drawing Name: 22170ALT.DWG
Job No.: 22-170	Sheet: 1 of 1



July 14, 2023

City of Rio Rancho
Development Services
3200 Civic Center Circle NE,
Rio Rancho, New Mexico 87144

Re: High Range 6 – Letter of Authorization

This letter is to inform you that Coe & Van Loo Consultants Inc. (CVL) is authorized by the undersigned developer to pursue the applications required to amend the land use, zoning and subdivision of the High Range 6 property generally located at the northeast corner of Inca Road NE and Bedivere Street NE in Rio Rancho, New Mexico. We appreciate staffs efforts in reviewing the project and all input provided.

Respectfully,

COE & VAN LOO
Consultants, Inc.

Julie Vermillion
Project Manager

Authorization

By: Rick Taysien
Print Name: Rick Taysien
Title: Officer
Date: 7-14-2023

November 27, 2023
Revised: February 16, 2024
March 27, 2024

High Range 6

City of Rio Rancho, New Mexico

MASTER PLAN



4550 N 12th Street
Phoenix, AZ 85014
CVL Job No: 1-01-04022-01

Master Plan

for

High Range 6

City of Rio Rancho, New Mexico

Developer

LGI Homes

9105 East Del Camino Drive, Suite 118
Scottsdale, AZ 85258
Attn: Rick Tayrien

**Planning/Civil Engineering
Consultant**

CVL Consultants

4550 North 12th Street
Phoenix, Arizona 85014
Attn: Julie Vermillion
Phone: (602) 264-6831
Email: jvermillion@cvlci.com

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Exhibits

Site Vicinity Map	Exhibit A
Nearby Ongoing Subdivisions	Exhibit B
Phasing Plan	Exhibit C
Existing Zoning	Exhibit D
Proposed Zoning	Exhibit E
Existing Specific Area Plan	Exhibit F
Proposed Specific Area Plan	Exhibit G
Conceptual Site Plan	Exhibit H
Proximity to Activity Nodes	Exhibit I
Conceptual Paving Plan	Exhibit J
Drainage Plan	Exhibit K
Conceptual Utility Plan	Exhibit L
Wild Horse Road Section	Exhibit M
Wall and Entry Monument Elevations	Exhibit N
Plant Palette	Exhibit O

1. Introduction

CVL Consultants on behalf of and in conjunction with LGI Homes, is proceeding with companion Master Plan, Zone Map Amendment, and Specific Area Plan Amendment requests to establish the entitlements required for development of the subject single-family residential community known hereto as High Range 6.

High Range 6 is an approximately 102-acre portion of land located at the northeast corner of Inca Road NE and Bedivere Street NE in Rio Rancho, New Mexico (City). The site is currently platted as a portion of Rio Rancho Estates Unit 13, Blocks 70 and 71, and bound by Montezuma Boulevard NE on the north, Inca Road NE on the south, Excalibur Street NE on the east, and Bedivere Street NE on the west (the Property). (See Exhibit A, Site Vicinity Map).

The design proposed with this Master Plan represents project visioning conducted by the homebuilder, LGI Homes, who are taking on this project with the objective of creating a new and attractive master planned community to serve as a continuation of the High Range 5 neighborhood to the east. This vision is brought to life in the extension of the 8' multi-use trail along Wild Horse Road and the planned amenities for the proposed pocket park and neighborhood park, described further in this proposal. Opportunities are provided for added landscaping with landscape tracts wrapping around the perimeter of the Project to enhance the streetscape.

This proposal addresses the opportunities and challenges of the Property, including its checkerboard ownership and outparcels, topography, and access constraints, while featuring an appropriate land use solution for this long undeveloped parcel. The High Range 6 Master Plan is consistent with and complementary to the surrounding developments in the area and this request for a single-family detached community on the Property is supported by a market need in this growing area of Rio Rancho. (See Exhibit B, Nearby Ongoing Subdivisions).

Master Plan Overview and Process

The entitlement process for the proposed community consists of companion Master Plan, Zone Map Amendment, and Specific Area Plan Amendment requests to amend the current entitlements on the Property to support this proposal. This Master Plan serves as a framework for the proposed land assemblage to create the approximately 102-acre development site. The specific parcels currently anticipated for inclusion and exclusion of the Master Plan are detailed further in this proposal. They are subject to change during this process and, as such, the acreages provided herein are conceptual and based on the estimated 102-acre overall project boundary for consistency.

A Zone Map Amendment is requested to revise the underlying zoning districts from the existing patchwork zoning of R-1 Single-Family Residential (± 90 acres) & O-1 Office (± 12 acres) to overall R-5 Single-Family Residential zoning (± 102 acres) to permit High Range 6 as proposed. (Refer to Exhibits D and E, Existing and Proposed Zoning.)

The requested amendment to the Lomas Negras Specific Area Plan seeks to revise the existing ± 12 -acre Office designation on the Property to Medium Density Residential land use to permit overall Medium Density Residential for the community (± 102 acres). (Refer to Exhibits F and G, Existing and Proposed Specific Area Plan.)

Approval of the above-mentioned requests is required to facilitate the development of the approximately 102-acre High Range 6 community described within this Master Plan. Preliminary and final subdivision plats for the first phase of development, the southern ± 57 acres of High Range 6 known as Phase 1 are anticipated shortly after Master Plan approval and intended for 323 single-family lots. (Refer to Exhibit H, Conceptual Site Plan.) The northern ± 45 -acre portion is anticipated for future development as Phase 2 and planned for 140 single-family lots. Site design for Phase 2 will be prepared later in the development process. As a whole, High Range 6 proposes the future creation and subdivision of approximately 463 single-family residential lots at 4.5 dwelling units per acre (du/ac) with an anticipated minimum 3.93 acres reserved for the purpose of parks or recreational facilities for the future residents of the subdivision, pending the final lot count. (See Exhibit C, Phasing Plan). All acreages, lot counts, and park space calculations provided herein by this Master Plan are intended for conceptual planning purposes and will be finalized during the development process.

The above-mentioned requests will define the general parameters of the Project and its design guidelines, which are set forth by this Master Plan and to be reflected on all upcoming development plans.

The objectives of the High Range 6 Master Plan maintain consistency with the High Range 5 neighborhood to the east, as detailed below.

- Eradicate the antiquated platting and checkerboard ownership that hinder the growth of the City of Rio Rancho;
- Designate the preferred zoning for the subject property;
- Provide high quality, medium density single-family residential development within this area of Rio Rancho;

- Implement the goals and policies of the City of Rio Rancho Comprehensive Plan and the Lomas Negras Special Area Plan; and
- Integrate land use, recreation facilities, drainage, and utilities into a comprehensive, master development plan.

2. Existing Conditions

In accordance with City guidelines, this portion of the Master Plan describes the natural features of the site, surrounding land use and zoning, proximity to activity nodes, existing antiquated platting and land assemblage efforts, transportation, and existing infrastructure in relation to the Property.

Natural Features

The site consists of approximately 102 acres of primarily rolling grassland hills with shrubs sparsely covering the surface within a high-desert environment. The Sandia Mountains to the east provide attractive views for residents. Existing vegetation of indian rice grass, blue grama, and ring and bush muhly are dominant grass species and cholla, prickly pear, and narrow leaf yucca are common to the area. Fauna such as quail, cottontail rabbit, jackrabbit, and coyotes are common to the area as well.

Surrounding Zoning and Land Use

The zoning and land uses surrounding the Project are identified in the table below.

Direction	Zoning	Land Use
North	R-4	Undeveloped land planned for Broadmoor Heights, a single-family residential master planned community.
South	Unzoned with one NC parcel	Undeveloped land platted as Rio Rancho Estates Unit 13, Block 77.
East	R-4 with three outparcels zoned R-1	Undeveloped land planned for High Range 5, a single-family residential master planned community. Undeveloped out parcels platted as Rio Rancho Estates Unit 13, Block 72.
West	R-1, C-1, O-1	Undeveloped land platted as Rio Rancho Estates Unit 13, Block 69.

High Range 6 is composed of two residential phases with shared open space and recreation facilities, as further described within this narrative. The proposed community is an appropriate land use for this Property that will complement the surrounding neighborhoods listed in the proceeding table and support the growth planned in this area of Rio Rancho.

Proximity to Activity Nodes

High Range 6 is centrally located between several activity nodes within Rio Rancho. Several of the surrounding activity nodes are featured in the list below.

- The Rio Rancho City Center, UNM Sandoval Regional Medical Center, and V. Sue Cleveland High School are located within 2 miles north of the Property.
- Shining Stars Preschool, High Range Dog Park, and Rio Rancho Middle School are located within one and one half miles east of the Property.
- Colorado Mountain Park, Rio Rancho Ram Stadium, Rio Rancho High School, Lincoln Middle School, Rio Rancho Sports Complex, Loma Colorado Park, Rio Rancho Aquatic Center, Loma Colorado Main Library, and the McDermott Athletic Center are located within 2 miles south of the Property.
- Commercial retail is located within two miles south and southwest with a larger commercial center located less than three miles south of the Property.

Refer to Exhibit I, Proximity to Activity Nodes, for a detailed illustration of the featured activity nodes.

Antiquated Platting

The Property is spread across several undeveloped parcels of checkerboard ownership platted as a portion of Rio Rancho Estates Unit 13, Blocks 70 and 71. At the time that Unit 13 was annexed and platted, it was common to have a development pattern with streets laid out in a grid with rectangular one-acre residential parcels adjacent to the streets. This development pattern created long blocks of checkerboard ownership and antiquated platting that is in contrary to and does not further the City's goals and standards for development. Rio Rancho Estates Unit 13 is an example of antiquated platting which serves to be a common constraint within Rio Rancho and poses a significant challenge for land development. A few of the key challenges associated with antiquated platting include access issues and inadequate street layout, insufficient lot sizes, diversity of ownership, and obsolete and impractical planning practices.

Rio Rancho's Vision 2020 Integrated Comprehensive Plan (ICP) recognizes that this antiquated platting is a major obstacle to growth and promotes land assemblage to address the issue. In accordance with the City's vision for growth, High Range 6 intends to improve upon the existing entitlements by establishing the framework and site design required for the development of a master planned, single-family residential community.

Land Assemblage Summary

The High Range 6 Master Plan is the outcome of pursuing the assemblage of the 141 parcels of Rio Rancho Estates Unit 13, Blocks 70 and 71 to create the approximately 102-acre development site. The developers of High Range 6 have made an attempt to reach out to the current land ownership of all parcels within the Plan area of this proposal with an offer to acquire their properties. These efforts were successful for several parcels but some outlying parcels are anticipated to be excluded. A summary of the current land assemblage efforts is provided in the following subsection.

The 112 parcels that have been confirmed for inclusion in the Master Plan at this time are described below.

- Rio Rancho Estates Unit 13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, and 74-96.
- Rio Rancho Estates Unit 13, Block 71, Lots 3-15, 20-22, 24-25, 28-35, and 37-45.

The 29 outparcels detailed in the following list are currently excluded from the High Range 6 community.

- Rio Rancho Estates Unit 13, Block 70, Lots 11, 37-38, 41-46, 48-51, 55-57, 61-62, and 73.
- Rio Rancho Estates Unit 13, Block 71, Lots 1-2, 16-19, 23, 26-27, and 36.

As stated above, land ownership has remained unresponsive for some outlying parcels that are anticipated to be excluded as a result. Of these parcels, Rio Rancho Estates Unit 13, Block 70, Lot 73 is the only outlying parcel with existing O-1 Office zoning. This zoning was established concurrently with the Lomas Negras Specific Area Plan in 2008 under Case No. 08-100-00031, which served as a revision from the original designation of “Unzoned” as the land was never officially zoned when it was annexed into the City in 1995. As with the prior zoning case, land ownership of this subject parcel and all other parcels within the Plan area of this proposal have received proper notice and have been given a full opportunity to present their views. Property owners within the Plan area of this proposal are permitted by right to submit land use and zoning applications if there is a future desire to deviate from the designations established herein by the High Range 6 Master Plan.

The High Range 6 Master Plan intends to assemble these parcels through the cohesive visioning and site design proposed for development of the community. The parcels included and/or excluded from the Master Plan are undergoing further coordination. Flexibility regarding the parcels specified above is requested as the Property moves forward through the development process. Access will be provided for all outparcels.

Roadway System

Access to the High Range 6 internal street network will be via two entrance roads off of Bedivere Street and two entrance road connections off of Excalibur Street. Access to the major roadway network will be gained through the Inca Road intersection with Guinevere Street, south to Idalia or east to Loma Colorado Boulevard and through the Bedivere Street intersection with Montezuma Boulevard, west to Broadmoor Boulevard. The City's major roadway network provides access to the major activity nodes detailed above.

Existing Infrastructure

Existing water and sewer utility systems are available to serve High Range 6. The water supply source is proposed to come from an existing 10-inch line in Excalibur and an existing 20-inch line in Montezuma.

Sewer connection is anticipated at the far northeast corner connecting to the existing sanitary sewer line at the intersection of Excalibur Street and Montezuma Boulevard. Two additional connections are anticipated in Excalibur Street at its intersection with the two proposed entrance roads for Phase 1.

3. Proposed Land Use, Zoning and Density

This chapter includes a summary of the proposed land use and zoning for the community along with an analysis of the featured goals, objectives, and policies of the City of Rio Rancho Comprehensive Plan and the Lomas Negras Special Area Plan that are furthered by the High Range 6 Master Plan.

Land Use

High Range 6 is intended to provide an affordable housing option for current and future Rio Rancho residents. It is designed to complement the single-family development to the east and the surrounding area and remains consistent with the primary land use identified on the Property by the Lomas Negras Specific Area Plan.

As a whole, High Range 6 proposes the future creation and subdivision of approximately 463 single-family residential lots at 4.5 dwelling units per acre (du/ac) with an anticipated minimum 3.93 acres reserved for the purpose of parks or recreational facilities for the future residents of the subdivision, pending the final lot count at ultimate buildout. The parks / recreational facilities are planned to be provided by the combination of a neighborhood park and smaller pocket park

proposed for the community. A continuation of the multi-use trail to the east along Wild Horse Road is planned to serve residents of High Range 6 as well as residents of the other subdivisions in the area.

The acreages provided below serve as an overview for the intended land use distribution for the community at ultimate build-out. These acreages are provided for conceptual purposes to demonstrate the intent for the future development and are subject to change as the site plan is refined during the development process.

Category	Plan Area
Medium Density Single-Family Residential	± 66.7 acres
Parks	± 3.93 acres
Common Areas	± 2.15 acres
Drainage Facilities	± 5.96 acres
Roads	± 23.63 acres
Total	± 102.37 acres

Zoning

The proposed zoning for High Range 6 is R-5: Single-Family Residential, which requires a minimum lot width of 35 feet and a minimum lot size of 2,500 square feet. All of the lots within High Range 6 are designed with a minimum lot width of 35 feet and lot depth of 100 feet, exceeding the minimum lot area requirements of the R-5 zoning district. Setbacks, height, and other development standards are addressed further in this proposal.

Density

High Range 6 is a medium density, single-family residential development. A total of 463 lots are proposed at ultimate build-out for a density of approximately 4.5 dwelling units per acre.

Parks and Common Areas

A pocket park and neighborhood park is planned within Phase 2. The parks are anticipated to total 3.93 acres in size in accordance with the parks requirement established by the City of Rio Rancho and shall count towards this requirement. This acreage is subject to change pending the final lot count at ultimate build-out. The proposed park and recreation facilities will serve the community residents as well as residents in the area. Park amenities will be determined in conjunction with City of Rio Rancho Parks and Recreation and may feature amenity options including but not limited to children's play area, basketball court, walking paths, parking, trees, passive

seating nodes, event and community gathering spaces, passive and active turf areas, and/or similar amenity options to be determined. The developer will design and construct the park and recreation facilities.

In addition to the proposed neighborhood park and pocket park, High Range 6 includes several common areas planned throughout the development, including landscape buffers along the perimeter and small tracts at the primary entries and intersections. Landscape improvements are anticipated in these common areas to provide an attractive character for the community. The neighborhood park and other planned recreational facilities developed as part of the High Range 6 Master Plan shall be owned and maintained by the HOA.

Trails

Wild Horse Road is a collector road that runs east-west between High Range 6 Phases 1 and 2. It is designed with adequate right-of-way to accommodate an 8-foot multi-use trail along its north side in Phase 2. The multi-use trail provides an alternative to vehicle travel in the area and will provide a link to other parks within the Lomas Negras Specific Area Plan, as well as a connection to the High Range 5 neighborhood park to the east. The multi-use trail will be designed and constructed in accordance with the City of Rio Rancho Development Standards. (Refer to Exhibit M, Wild Horse Road Section.)

4. City of Rio Rancho Plans and Policies

Corridor Overlay Zone

Portions of the Property are subject to the COZ Corridor Overlay Zone. The zoning overlay was adopted in 2008 through an amendment to the Lomas Negras Specific Area Plan under Ordinance No. 57. The zoning overlay was intended to establish access, floodplain, and design standards on specific parcels in the area.

The affected parcels intended to be included in High Range 6 are described below.

- Rio Rancho Estates Unit 13, Block 70, Lots 24-35, 64-72 and 74-75.
- Rio Rancho Estates Unit 13, Block 71, Lot 24.

Ordinance No. 57 also included an overlay for future rights-of-way and street setbacks to be provided in addition to the setbacks required for each zoning district. The additional standards that apply to High Range 6 are listed below.

- Collector street: 34-foot setback from centerline.
- Minor arterial street: 53-foot setback from centerline.

- Principal arterial street: 78-foot setback from centerline.

The site design for High Range 6 complies with all applicable COZ standards. Furthermore, the street section proposed for the collector street, Wild Horse Road, provides 68 feet of right-of-way which exceeds the standards in the Corridor Overlay Zone. The community does not provide driveway access to residential lots from Wild Horse Road.

Lomas Negras Specific Area Plan

The Project supports the City's goals, objectives, and vision by providing a land use that is compatible with the Lomas Negras Specific Area Plan (SAP) designation of Medium Density Residential (MDR). The anticipated site design is consistent with and conforms to the MDR land use currently designated on the majority of the site. An amendment is requested to update the existing ± 12 -acre portion of Office land use designated on the Property. The requested amendment will remove the split land use designation and allow for a cohesive plan that will contain residential densities which complement the existing and proposed development in the surrounding area.

As described below, this request conforms with the key concepts identified for future growth within the SAP and complies with the permitted uses under the requested MDR designation. The proposed amendment to the plan is consistent with the SAP Goals and Objectives and will bring a new and desirable community to Rio Rancho.

Land Use

The Lomas Negras SAP encourages the consolidation of lots and platting action to bring land up to meet the City's current development standards. The following land use goal is furthered by the High Range 6 Master Plan:

Land Use Goal: Promote a variety of housing choices including low- and medium density single-family residential uses and high density multi-family residential uses.

The High Range 6 Master Plan furthers the above goal by implementing medium density residential use through a Zone Map Amendment to R-5: Single-family Residential. The medium density residential use proposed increases the availability of affordable housing opportunities and brings a diversity of housing types to the City.

Utilities

The High Range 6 Master Plan furthers the SAP's utilities goal, objective, and policy by coordinating and linking to existing water and sewer utility infrastructure within adjacent roadways.

Utilities Goal: Assure that urban uses have full utilities, both community water and sewer provided to all new development in the Plan area.

Utilities Objective: Coordinate water and sewer utility infrastructure among various master plan and subdivision developments as approved within the Plan area.

Existing water and sewer utility systems are available to serve High Range 6 as described further in this proposal. All proposed utility systems and plans will be designed per the standards of the City and utility company to be submitted for review and approval during the development process. Additional coordination with the providers will be made to confirm adequate servicing.

The service and utility providers intended to serve the community are listed below.

Service	Provider
Water	City of Rio Rancho Utilities
Sewer	City of Rio Rancho Utilities
Electric	Public Service Company of New Mexico (PNM)
Gas	New Mexico Gas Company (NMGC)
Telephone / Cable	Lumin (Qwest Corporation) / Sparklight

Community Facilities

The High Range 6 Master Plan expands the City of Rio Rancho’s parks inventory through the provision of a neighborhood park and multi-use trail, furthering the Community Facilities goal featured below.

Community Facilities Goal: Create open space, parkland, trails and other recreation amenities to serve the Plan area.

As previously mentioned, the neighborhood park and multi-use trail will serve the residents of High Range 6, the adjacent High Range 5 to the east, and other residents in the area.

City of Rio Rancho Comprehensive Plan

The High Range 6 Master Plan is consistent with the goals and policies established by the City of Rio Rancho Comprehensive Plan. The following analysis describes how the High Range 6 Master Plan achieves and furthers the City’s goals and policies.

Annexation, Antiquated Platting, and Addressing

The intent of the Annexation, Antiquated Platting, and Addressing element of the Comprehensive Plan is to ensure the challenges associated with antiquated platting are resolved throughout Rio Rancho through proper platting and addressing practices.

Antiquated platting and checkerboard ownership existing on the Property presents a significant challenge to development and land assemblage. As stated above, High Range 6 intends to improve upon the existing entitlements by assembling the land and establishing the framework required for the development of a master planned, single-family residential community.

Conservation and the Natural Environment

The intent of the Conservation and the Natural Environment element of the Comprehensive Plan is to ensure that sustainability is a key component of the City's growth. As development occurs, concerns regarding water quality, air quality, water conservation, energy conservation, geological features, and soil conditions should be considered by the City of Rio Rancho when development decisions are made.

The Conservation and the Natural Environment goal identified below is furthered by the High Range 6 Master Plan.

Goal 1: Preserve water resources.

In an effort to address concerns regarding water resources, the High Range 6 Master Plan features xeriscape landscape requirements in the Design Guidelines section provided below. Preferred plant materials include native shrubs, trees, and grasses, as identified in Exhibit O, Plant Palette.

Land Use

The intent of the Land Use element of the Comprehensive Plan is to provide land use guidance for population growth by identifying and proposing the location of different types of development and land uses. The High Range 6 Master Plan furthers the featured Land Use policy identified below.

Policy 1: Encourage the master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan.

The High Range 6 Master Plan establishes the desired community character through the Design Guidelines defined further in this proposal. The Design Guidelines addresses building setbacks, architectural colors and finishes, and landscape requirements. The development includes a pocket park and neighborhood park along with a multi-use trail to meet the recreational needs of residents. Conceptual Paving, Drainage, and Utility Plans were prepared to address the above-mentioned engineering items and are attached for reference.

Population and Housing

The intent of the Population and Housing Element of the Comprehensive Plan is to ensure that housing is available to all sectors of the population and to guide development to key areas that are fundamental to the development of the City.

The High Range 6 Master Plan furthers the following Population and Housing goals and policies as identified in the list below.

Goal 4: To ensure that single-family and multi-family residential neighborhoods provide an attractive living environment.

Policy 7: Support residential developments with appropriate amenities for families and children.

The High Range 6 community is designed to provide an attractive single-family neighborhood. The development includes a pocket park and neighborhood park with a multi-use trail that will help serve the multi-generational needs of the community.

Transportation

The Transportation element of the Comprehensive Plan encourages a multi-modal transportation network to meet long-term local and regional circulation needs. The featured transportation goals, policies, and objectives listed below are applicable to the High Range 6 Master Plan.

Goal TR-1: Transportation facilities designed and constructed in a manner to facilitate Rio Rancho's economic goals, enhance livability, and meet federal, state, and regional and local requirements.

Goal TR-3: A balanced transportation system that provides access to a variety of transportation options (automobile, transit, bus rapid transit, rail, bicycle, and pedestrian facilities).

Policy TR-11: Ensure all rights-of-way and transportation facilities are ADA-compliant.

All new streets within High Range 6 will be constructed to meet City of Rio Rancho standards. Furthermore, High Range 6 is linked to the High Range 5 neighborhood to the east through the provision of a multi-use trail along Wild Horse Road, the east-west collector street running through the center of High Range 6. Wild Horse Road will also link High Range 6 to future development to the west toward Broadmoor Boulevard. The multi-use trail will provide greater balance to the transportation system by providing an option for residents to bike and walk.

Parks and Recreation

The intent of the Parks and Recreation element of the Comprehensive Plan is to ensure that amenities such as parks and recreational facilities are provided for City residents. The goals met by the High Range 6 Master Plan are listed below.

Goal PR-1: Establish new and maintain existing recreation and senior centers, parks, trails and open space that foster a quality community, support a strong economy, and meet the needs of current and future residents.

Goal PR-2: Be responsive to the recreational needs of the community.

As previously mentioned, the High Range 6 Master Plan furthers these goals by providing a pocket park and neighborhood park along with a multi-use trail along Wild Horse Road to create a quality community environment. Park site plans and final locations of recreational facilities shall be provided later in the development process and shall be subject to approval by Rio Rancho Parks and Recreation Department.

Urban Design

The Urban Design element of the Comprehensive Plan ensures that development will follow design standards that achieve the creation of community identity and aesthetic quality. Relevant goals furthered by the High Range 6 Master Plan are listed below.

Goal UD-2: Create traditional neighborhood patterns that support a sense of place.

Goal UD-6: Support development that links neighborhoods and encourages the use of all modes of transportation.

As stated above, High Range 6 is linked to the High Range 5 neighborhood to the east through the provision of a multi-use trail along Wild Horse Road, the east-west collector street running through the center of High Range 6. Wild Horse Road will also link High Range 6 to future development to the west toward Broadmoor Boulevard.

As demonstrated above, these Urban Design goals are furthered by the High Range 6 layout which creates a traditional neighborhood development pattern with multiple points of access to the existing street system and adjacent neighborhoods.

5. Transportation

Overview

The newly planned High Range 6 is to be located contiguous to the established High Range subdivision located west of the Unit 5 subdivision that is currently in the city approval process. The new development phase is to be situated north of Inca Road, south of the future Montezuma Boulevard, west of the future Excalibur Street, and east of the future Bedivere Street alignment. High Range 6 will have access to Idalia Road via the Guinevere Street intersection, located 0.25 miles east of the site. The Guinevere Street intersection is to be located about 0.65 miles southwest of Loma Colorado Boulevard and about 0.68 miles northeast of Broadmoor Boulevard. Access will also be available to the future Montezuma Boulevard to the north via Bedivere Street as well as via Excalibur Street. East/west access to Loma Colorado Boulevard and the other site development phases will be possible via Inca Road, an internal local collector street parallel to Idalia Road.

Located near the northerly reaches of the developing Rio Rancho area, major employment centers of the greater Albuquerque and Rio Rancho areas are generally located to the south and east.

The site will be developed in two construction phases with a total of 463 single family dwelling units at full build-out. Access to the High Range 6 internal street network will be via three entrance road connections off Excalibur Street, two entrance roads off Bedivere Street, and one entrance road connection off Montezuma Boulevard. Along the north boundary of High Range 6, Montezuma Boulevard was partially constructed with Broadmoor Heights. High Range 6 will construct its adjacent half street of Montezuma Boulevard and align a right-in right-out entrance with Amy Road. The full build-out of Montezuma Boulevard will be 82-foot wide (106-foot right-of-way) extending west from the proposed High Range Unit 5. The main entrance road (Wild Horse Road) will be a 50-foot wide collector street (68-foot right-of-way) extending west from the proposed High Range Unit 5. There will be a 8-foot wide multi-use trail on the north side and a 5-foot wide sidewalk on the south side. Access to the major roadway network will be gained through the Inca Road intersection with Guinevere Street, south to Idalia or east to Loma Colorado Boulevard. In addition, Inca Road will extend west to Broadmoor Boulevard allowing access to Idalia Road to the south and Montezuma Boulevard to the north. Bedivere Street will be extended north to Montezuma Boulevard, allowing access to Broadmoor Boulevard to the west. All internal streets in the subdivision will have a 30-foot wide paved section. All new streets within High Range 6 will be constructed to meet City of Rio Rancho standards. This includes the perimeter streets of Excalibur, Bedivere, Inca Road, and Montezuma Boulevard.

Based on existing topography of High Range 6, the proposed linear site layout allows the development to follow the existing terrain more closely and limits roadway alignments that may be against the downward gradient of existing slopes when compared to curvilinear alignments. Additionally, open space corridors between adjacent rear yards will allow space for natural grading and ultimately reducing excessive retaining wall heights throughout the site. (Refer to Exhibit J, Conceptual Paving Plan.)

6. Conceptual Drainage Plan

Plan Area Description

The proposed High Range 6 subdivision will be completed in 2 Phases. The first phase will consist of 323 single family residential lots, while the second phase will consist of 140 single family residential lots. The entire site covers approximately 102 acres. The project site is not encumbered by a FEMA 100-year floodplain and is located within Zone X (refer to FEMA FIRM panels 35043C1900D and 35043C1893D, dated 3/18/2008). Zone X is defined by FEMA as “Area of Minimal Flood Hazard”.

Existing Conditions

The general topography in the area slopes away from the site, as it is located on a set of regional highpoints. The southmost portion of the site drains southwest via an earthen flow path up to and beyond Idalia Road NE. The eastern portion of the site drains east towards three offsite detention ponds some distance east of High Range 6. The northern portion drains northeast, also towards these three eastern detention ponds. Offsite flows only affect Phase 2, as there are three small offsite subbasins northwest of the future Bedivere Street NE, which historically drain east across the site toward the previously mentioned three offsite detention ponds.

Developed Conditions

With developed conditions, the minor offsite flows originating northwest of Bedivere Street NE will be routed through detention ponds in the future High Range 6 Phase 2, with some portion possibly travelling via Wild Horse Road NE and Montezuma Boulevard NE before reaching detention ponds within High Range 5 and continuing to their ultimate outfall east.

Onsite runoff for the southernmost portion of the site will enter the two onsite southern detention ponds before being released towards its historic flow path, which is earthen and travels southwest up to and beyond Idalia Road NE. The eastern portion of Phase 1 will enter an onsite detention pond, before heading east and being intercepted by a 24" pipe that leads to a High Range 5 detention pond. The western portion of Phase 1 will drain to an onsite detention pond at the western edge of the property before being released to another earthen existing outfall. The northern portion of Phase 1 will drain northeast to an onsite detention pond before being released toward a proposed 42" pipe that is associated with a proposed storm system and detention pond within High Range 5. Lastly, all of the proposed High Range 6 Phase 2 onsite runoff will be routed to onsite detention ponds before being bled off to storm systems in High Range 5 Phase 2 and detention ponds associated with that subdivision.

All released flows from detention ponds will not exceed the historic runoff peak discharges produced by the site, such that downstream flow patterns are not disturbed. The detention ponds will be sized to provide capacity for 100-year 6-hour storm plus 1 foot of freeboard and empty within 24 hours. This is to meet pond capacity and water quality requirements in accordance with the City of Rio Rancho Development Manual – Vol II. More analysis will be completed in a future drainage submittal as the subdivision plats for High Range move forward. (Refer to Exhibit K, Conceptual Drainage Plan.)

7. Conceptual Utility Plan

This section describes water and sewer infrastructure and services. High Range 6 shall be serviced by the City of Rio Rancho Utility Department.

Water

The existing north half of the High Range 6 property slopes from west to east while the south half of the property is split by a ridge line. High Range 6 ranges in elevation from 5,575 feet to 5,487 feet.

The water supply source is proposed to come from an existing 10-inch line in Excalibur and an existing 20-inch line in Montezuma. An 8-inch line would be extended in Bedivere Street with two stubs to the west for future development. This 8-inch line would be looped to a new 8-inch line in Inca Road, which would extend eastward where it will connect to the existing 8-inch waterline just west of Bedivere Street.

An 8-inch line will be looped throughout the proposed development extending from the two entrance roads off Bedivere Street on the west side and looped to the existing 10-inch waterline in Excalibur Street at three entrance road locations on the east side of the site.

All waterlines within High Range 6 are proposed to be 8-inch lines with all the appropriate valves and fire hydrants.

Sanitary Sewer

The High Range 6 subdivision will be serviced through an internal 8-inch gravity line with manholes as necessary to meet City of Rio Rancho design standards along with sanitary sewer services to each lot. The topography within the northern half of the project site falls from west to east while the south half of the property is split by a ridge line.

Based on the topography, the proposed subdivision will require up to three separate sanitary sewer connections and a potential lift station located in High Range 6 Phase 1 located near Bedivere Street to drain the site properly. One connection will be at the far northeast corner connecting to the existing sanitary sewer line at the intersection of Excalibur Street and Montezuma Boulevard. The additional two connections will be in Excalibur Street at the intersection with the two entrance roads. Several 8-inch stub-outs will be provided to the property to the west in Bedivere Street.

The proposed sewer design for High Range 6 Phase 1 has options between having a deep sewer or needing a lift station along Bedivere Street. The existing topography along the portion of Bedivere Street in Phase 1 creates a local valley with the ridge lines rising more than 20 feet in all directions. Servicing the existing platted lots west of Bedivere Street by gravity sewer would require manholes exceeding depths of 30 feet. Alternatively, a lift station would resolve the issue of deep sewer line and manholes but would create an additional future maintenance for the City of Rio Rancho. (Refer to Exhibit L, Conceptual Utility Plan.)

8. Design Guidelines

Introduction

The Design Guidelines established for High Range 6 are proposed as a continuation of the High Range 5 neighborhood to the east for cohesion and consistency between the two residential developments. The desired character of design features common to the community, such as grading, landscape, signage, lighting, walls, setback, pedestrian connections, and architecture, are expressed in the guidelines identified below. These design guidelines help implement the Urban Design provisions of the City of Rio Rancho's Comprehensive Plan.

The Design Guidelines are primarily intended for use by homebuilders. Guidelines using the term "shall" and "will" are mandatory. These guidelines do not supersede specific requirements under the Rio Rancho Zoning Code. Where conflicts occur between these design guidelines and City regulations, the more restrictive shall apply.

The Design Guidelines address site planning, pedestrian amenities, multi-use trail, building design and materials, setbacks, landscape, walls, entry signs, lighting, and utilities to create the visual image desired for High Range 6. The Design Guidelines are intended to be complementary to the surrounding area while maintaining the unique neighborhood identity established by the prior High Range Master Plans.

General Site Planning

- Development within High Range 6 shall comply with the City of Rio Rancho Subdivision Ordinance.
- Residential lots developed as part of this Master Plan are prohibited from fronting or having driveway access to a collector or major local street.
- The typical lot shall be a minimum of 35 feet in width with a minimum lot area of 2,500 square feet per the regulations of the R-5 zoning district.

- Lots that face streets at the front and rear shall be limited to one driveway access from the front facing street. A solid wall shall be provided at the rear yard of these properties to ensure no access from the secondary street frontage.
- Clear sight distances shall be maintained at all driveway locations and intersections per AASHTO design standards.

Pedestrian Amenities

- All pedestrian paths shall be designed to be accessible (see Americans with Disabilities Act Criteria for Barrier-Free Design), except where topography makes this unfeasible.
- Sidewalks shall be five feet in width throughout the subdivision, with the exception of the north side of Wild Horse Road, which shall contain the 8-foot multi-use trail.
- To the maximum extent feasible, all residential streets, parks, trails, and common open space areas shall be designed to create a connected system that promotes pedestrian circulation and access.
- All pedestrian walkways and trails shall be designed to be accessible and consistent with the Americans with Disabilities Act Criteria for Barrier-Free Design.

Multi-Use Trail

The Lomas Negras SAP calls for an 8-foot multi-use trail within the right-of-way of the east-west collector road (Wild Horse Road) through Phase 2 of the High Range 6 project area. The High Range 6 Master Plan provides a 68-foot right-of-way for Wild Horse Road that is designed to accommodate the multi-use trail.

- The multi-use trail shall be 8 feet in width, designed to be ADA-compliant, and constructed to AASHTO standards, or equivalent.
- The multi-use trail shall be located on the north side of Wild Horse Road.

For an illustration refer to Exhibit M, Wild Horse Road Section.

Building Design and Materials

Architectural style is not regulated by the City of Rio Rancho. However, certain common design elements should be complementary to and enhance the community image. The architectural design should respond to climate, views, solar exposure, and aesthetic considerations. The architectural design elements shall be enforced through an Architectural Review Committee (ARC) established through the Homeowners' Association (HOA) shared between High Range 5 and High Range 6. The ARC will be formed at the time of final plat approval.

- Residential building heights shall not exceed 32 feet in height and shall be consistent with the City Comprehensive Zoning Code.
- Stucco shall be the primary building material. Stucco colors shall be limited to shades of brown, sage green, and tan. High intensity colors, such as metallic, black, or florescent colors, are prohibited.
- Stucco colors should vary and there shall be no more than two houses in a row with the same stucco color.
- Accent colors in entry portals, front door, window frames and trim, and other incidental elements shall be shades of white, blue, maroon, brown, and green.
- Windows may be wood, metal, or solid vinyl. Reflective film is prohibited.
- Exterior doors, including garage doors, shall be stained or painted wood or painted metal and shall match the architectural theme of the dwelling.
- Accent materials may consist of rock, wood, tile, or brick.
- All vinyl or metal window frames must be either recessed or projected a minimum of 2-inches if they are adjacent to stucco or stone, unless they are wood encased.

Yard Walls

Walls and fences will serve to provide security, screening of unsightly areas, and visual relief. A consistent approach to wall design, quality, and height will provide visual continuity. Walls are considered an integral part of the site design and shall include:

- 6-foot CMU block with stucco finish.
- Yard walls shall not be constructed of unfinished gray block walls, barbed wire, chain link, concertina wire, and wood or plastic/vinyl fencing.

(Refer to Exhibit N, Wall and Entry Monument Elevations.)

Perimeter Walls

The perimeter wall surface shall be finished with a combination of:

- Smooth and split-face CMU block.
- A continuous 4-inch cap that projects 2 inches out from the wall surface on the public side of the wall.
- Project identification medallion facing public rights-of-way along Montezuma Boulevard, Inca Road, Bedivere Street, and Excalibur Street.

(Refer to Exhibit N, Wall and Entry Monument Elevations.)

View Fence

To enhance the aesthetics of the High Range 6 community, a view fence shall enclose the drainage ponds. The view fences shall include:

- Smooth-face CMU block for the base and pilasters.
- Tubular steel fence panels between the pilasters.

(Refer to Exhibit N, Wall and Entry Monument Elevations.)

Entry Signage

Signage should enhance the overall attractive character of the community and provide project identification. A common design theme for signage will enhance the community image of High Range 6. Size and placement of entry monument signs should be considered an integral part of the site development process.

- Entry signage shall be monument style. The entryway monument shall not exceed 5 feet in height and 14 feet in length.
- Entry monument signs shall be designed and sited to allow adequate sight distance at roadway intersections.

(Refer to Exhibit N, Wall and Entry Monument Elevations.)

Lighting

The objective of the lighting guidelines is to provide lighting that enhances the safety, security, and visual aesthetic of High Range 6. Careful attention to lighting detail will contribute to a cohesive community feel and image.

- Outdoor lighting shall conform to state and local safety illumination standards and the existing City of Rio Rancho Outdoor Lighting Ordinance.

- Lighting should be located to enhance the safety of pedestrian and vehicular flows at key points along roadways. Street lights should be limited to intersections, tight curves, cul-de-sacs, and pedestrian crosswalks.
- The developer is responsible for obtaining any applicable approvals and permits prior to installation of lighting. Where any provisions of federal, state, county, or city statutes, codes, or laws conflict with any provisions of these design guidelines, the more restrictive shall govern unless otherwise regulated by law.

Setbacks

The use of setbacks provides space for visually attractive streetscapes and allows for adequate spacing and fire access between homes.

- The front setback shall be a minimum of 10 feet with a minimum of 15 to a side loaded garage and 20 feet to a front loaded garage. The livable portion of the dwelling shall have a minimum offset of 5 feet from the garage in order to avoid a garage-dominated landscape. The use of courtyards, porches, or other design features may be used to accomplish this. The offset shall vary a minimum of every 3 lots.
- The rear setback shall be a minimum of 15 feet.
- The side setback shall be a minimum of 5 feet for a total of 10 feet between structures.
- Corner lots shall have a minimum 10-foot setback.

Landscape

The High Range 6 Master Plan promotes the use of native and naturalized plant species that perform well in an arid environment and conserve water. A landscape palette is included as Exhibit O, Plant Palette, to identify the landscaping proposed within this Master Plan.

- Shrubs and/or boulders shall be provided along rights-of-way where front yards face the street, in a group of three. For example, two boulders and one shrub, one boulder and two shrubs, or three shrubs. The shrubs/boulders shall be provided in the planting strip between the back of curb and the public sidewalk.
- Street trees shall be provided along rights-of-way where side yards face the street, at a frequency of one tree per 50 feet and a maximum of two trees per side yard frontage. The street trees should be provided in the planting strip between the back of curb and the sidewalk; however, where planting strips are not present, the street trees shall be provided within 20 feet of the back of curb.

- Builders are required to provide front yard landscaping for each residential unit.
- Front yard residential landscapes shall include 1 Tree, 3 Shrubs, and 2 Accent boulders.
- The landscape within the planting strip adjacent to residential lots shall be maintained by the individual lot owner. Individual lot owners shall be responsible for the maintenance of the landscape on their property and the landscape strip between the back of curb and sidewalk within the public right-of-way.
- All plant material, including trees, shrubs, groundcover, wildflowers, etc. shall be maintained by the lot owner in a living attractive condition.
- Landscapes shall employ xeric principles of design and is encouraged to incorporate water harvesting to the extent possible.

Site Utilities and Screening

Screening is required to minimize the visual impact associated with utility equipment and structures.

- All permanent utilities shall be located underground.
- Mechanical roof top units shall be screened from public view by the use of parapets or equivalent.
- Transformers, utility pads, and telephone boxes shall be appropriately screened with walls and/or vegetation when viewed from the public right- of-way as practical and allow adequate clearance for safe operation, maintenance, and repair purposes.

9. Implementation

The implementation of the High Range 6 Master Plan shall occur at the time of development.

1. All infrastructure should be planned and coordinated with City of Rio Rancho Public Infrastructure, City of Rio Rancho Departments of Public Safety and Transportation, PNM, and any other established entities working with Sandoval County and the City of Rio Rancho.
2. National Standards for emergency response times shall be upheld; therefore, facility planning shall be coordinated upon subdivision occurrence.
3. All interior street locations and alignments are conceptual and subject to minor adjustment. Final location and alignment of internal streets shall be determined at the time of subdivision plat.
4. All streets shall be dedicated to the City of Rio Rancho at subdivision plat.
5. The subdivision design and dwelling units shall be developed in accordance with the High Range 6 Master Plan and the City of Rio Rancho Ordinances.
6. A Development Agreement shall be submitted and approved at the time of subdivision plat.
7. Property owners within the Plan area of this proposal are permitted by right to submit land use and zoning applications if there is a future desire to deviate from the designations established herein by the High Range 6 Master Plan.
8. Architectural design elements shall be enforced through an Architectural Review Committee (ARC) established through the Homeowners' Association (HOA) shared between High Range 5 and High Range 6. The ARC will be formed at the time of final plat approval.
9. High Range 6 serves as a continuation of the approved High Range subdivisions and features a new neighborhood park, pocket park, and lot size to create the opportunity for diverse housing product options tailored to the current market. The trail along Wild Horse Road NE in High Range 5 continues through High Range 6 for pedestrian connectivity between the subdivisions and their respective parks.
10. High Range 6 will be completed in two phases as identified on the Phasing Plan provided as Exhibit C. Bedivere Street NE will terminate at the phase line in Phase 1 to be continued north with Phase 2 to Montezuma Road NE. Phase 1 will include Inca Road NE half street improvements which will continue southwest to Broadmoor Boulevard NE.

10. Conclusion

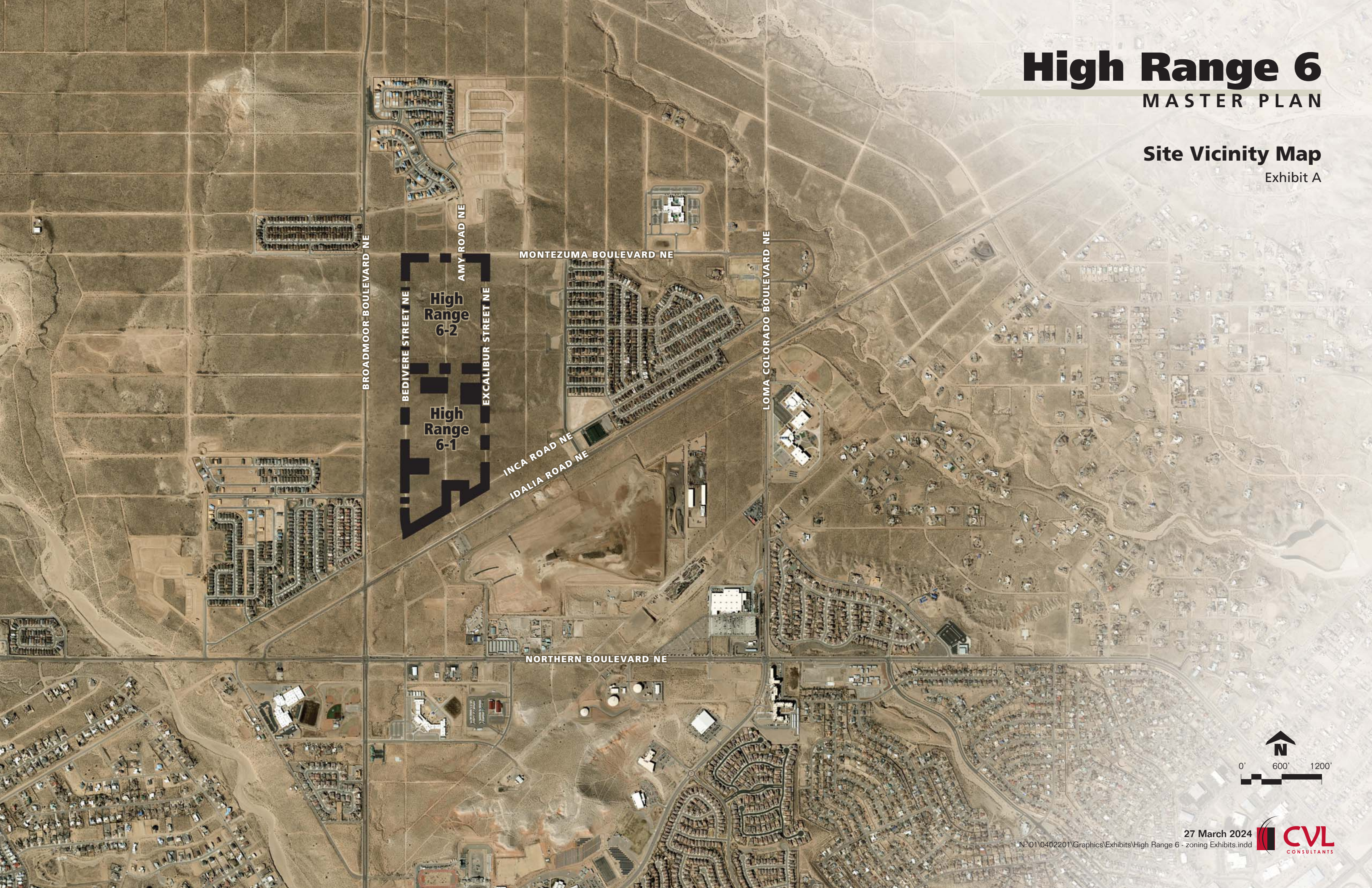
High Range 6 improves upon the existing entitlements to create an attractive addition to the existing High Range communities in the area. The intent for High Range 6 is to transform the existing site into a master planned community that will add to the growth already at work in the area and bring a new and attractive residential development to Rio Rancho. The proposed plan is well suited for the site and improves upon the existing entitlements to fulfill current market demand. This community provides compatibility with existing planned and proposed development in the area while supporting the economic goals and objectives of Rio Rancho.

High Range 6

MASTER PLAN

Site Vicinity Map

Exhibit A



27 March 2024

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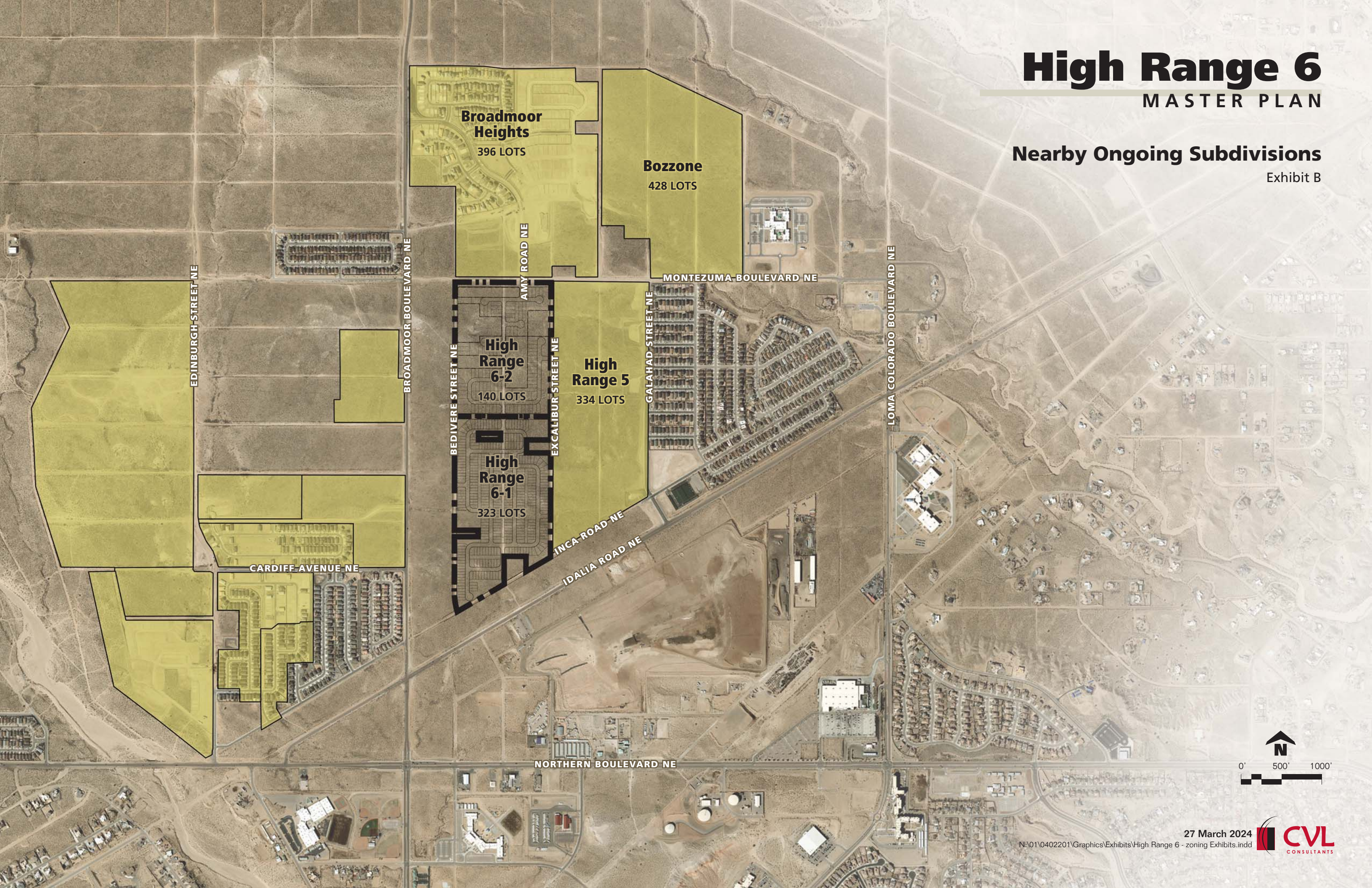


High Range 6

MASTER PLAN

Nearby Ongoing Subdivisions

Exhibit B



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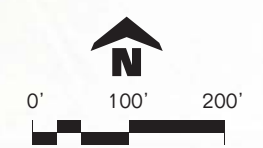
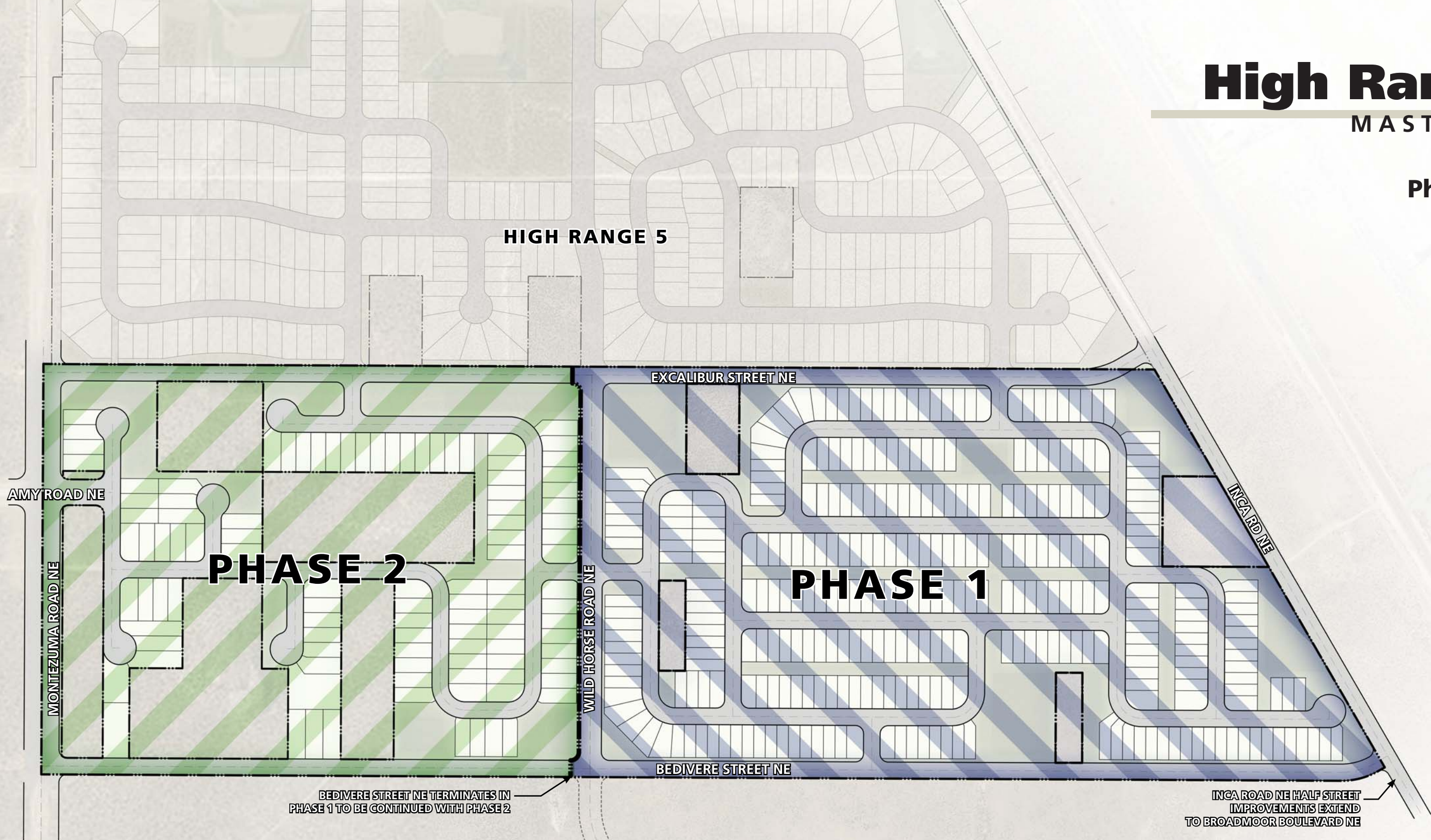


High Range 6

MASTER PLAN

Phasing Plan

Exhibit C














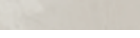

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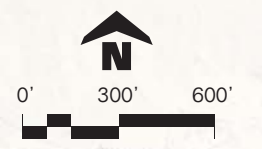
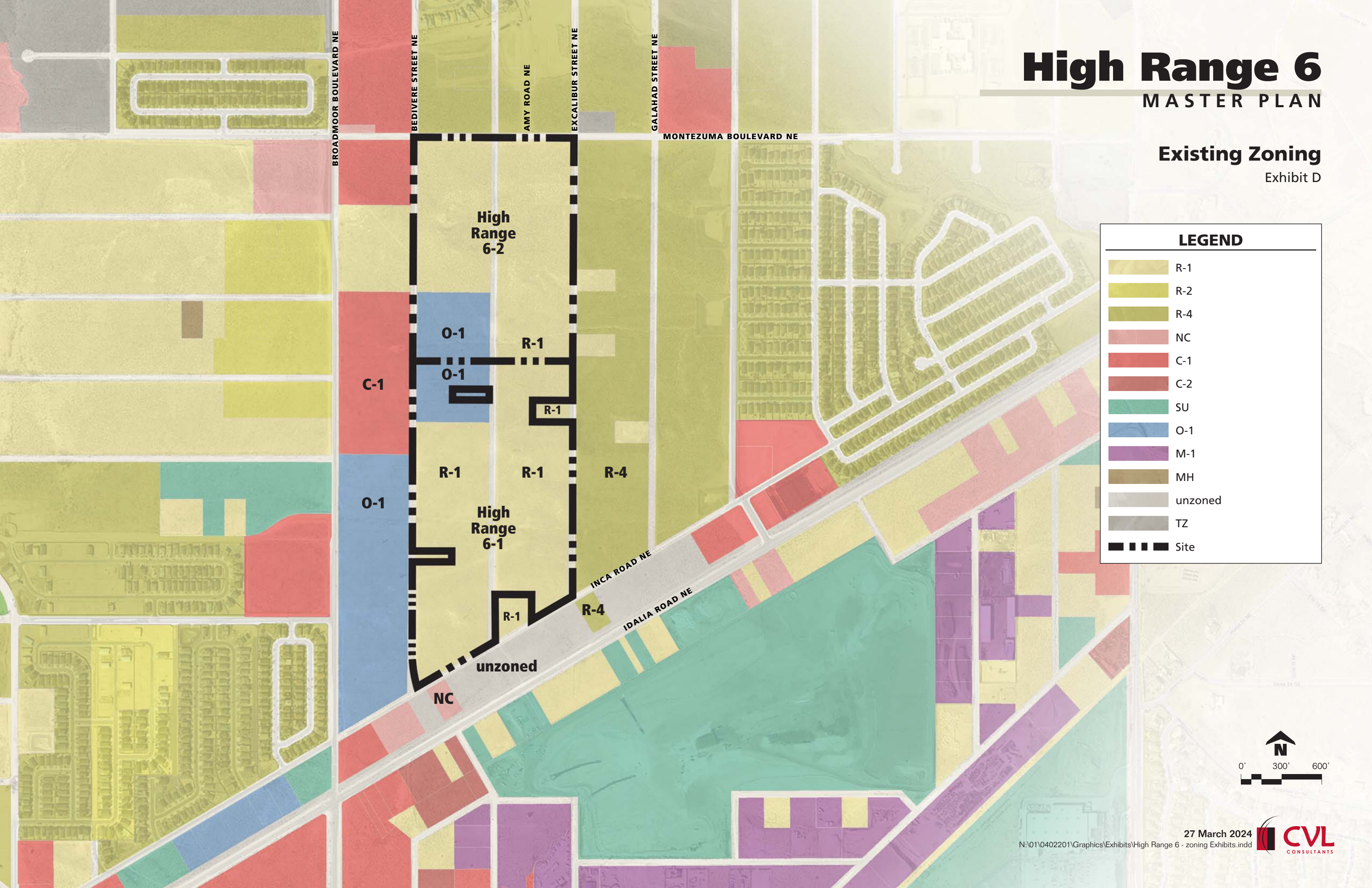
MASTER PLAN

Existing Zoning

Exhibit D

LEGEND

	R-1
	R-2
	R-4
	NC
	C-1
	C-2
	SU
	O-1
	M-1
	MH
	unzoned
	TZ
	Site














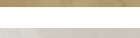
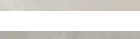
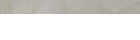
High Range 6

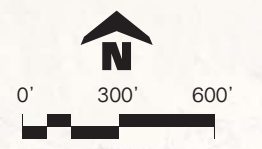
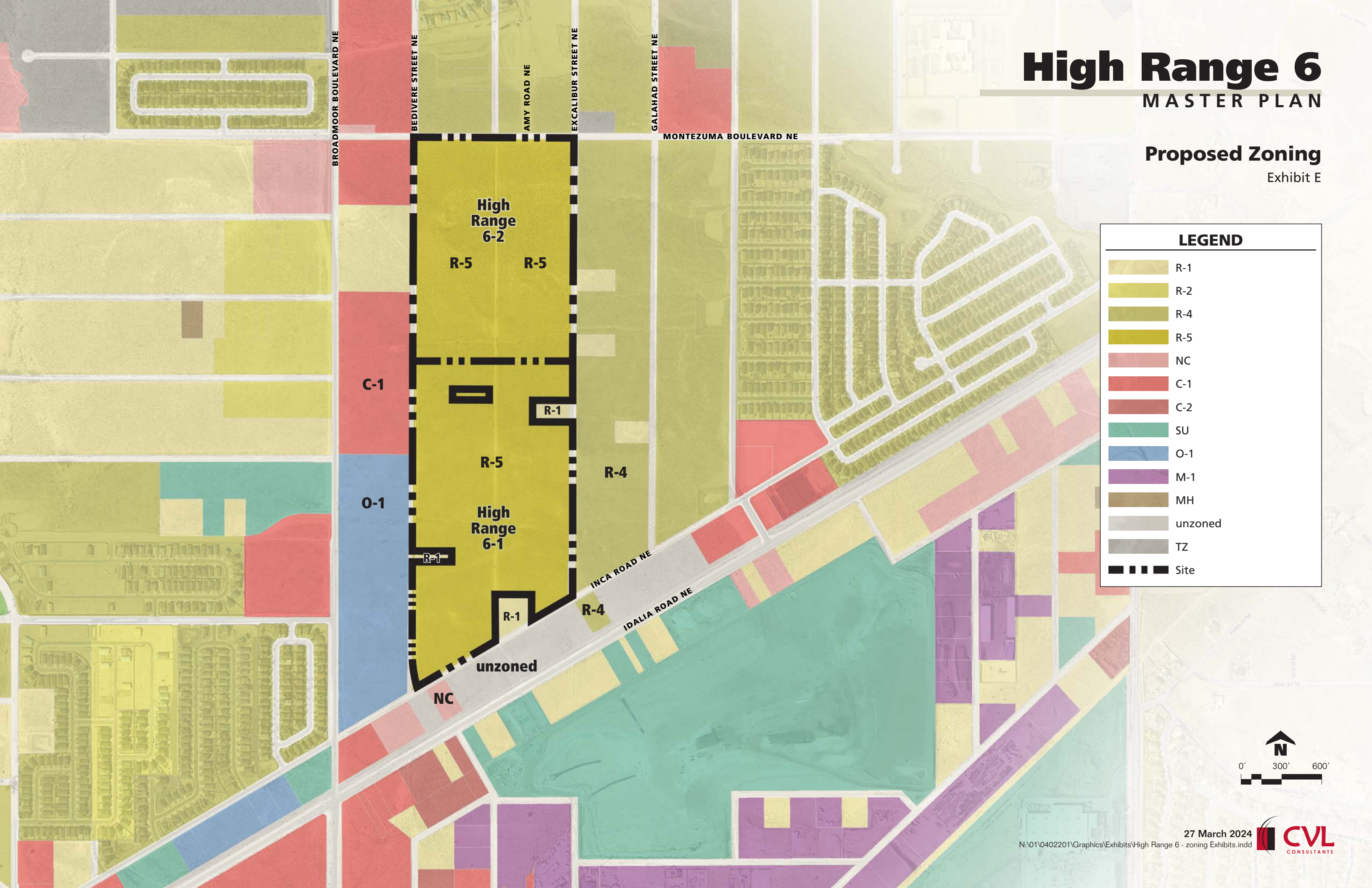
MASTER PLAN

Proposed Zoning

Exhibit E

LEGEND

	R-1
	R-2
	R-4
	R-5
	NC
	C-1
	C-2
	SU
	O-1
	M-1
	MH
	unzoned
	TZ
	Site



27 March 2024

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High Range 6

MASTER PLAN

Existing Specific Area Plan

Exhibit F

LOMAS NEGRAS LEGEND

- Community Center
- Neighborhood Center
- Neighborhood Corridor
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Vacant
- SU/R-6
- ROW
- Site

LOMAS NEGRAS FUTURE LAND USE TABLE					
LAND USE	ZONING DISTRICTS	ACREAGE	%	DENSITY	POPULATION
Community Center	C-2 designated (C-1, SU/MU, MU/A, R-6)	13.2	1.3%	-	-
Neighborhood Center	C-1 designated (CMU, O-1, O-2, SU/MU, MU/A, R-3)	32.0	3.3%	-	-
Neighborhood Corridor	C-1 designated CMU designated* (O-1, SU/MU, MU/A, R-3)	37.7 0.0	3.8% 0.0%	-	-
Office Corridor	O-1 designated O-2 designated	36.7 15.0	3.7% 1.5%	-	-
High Density Residential	R-6,	9.1	0.9%	32.0	291
	R-3	19.3	2.0%	36.0	1,055
	undesignated	24.5	2.5%	34.0	1,401
Medium Density Residential	R-4	152.5	15.5%	10.9	1,662
	R-5	0.0	0%	17.4	0
	undesignated	330.3	33.7%	11.8	3,113
Low Density Residential	R-1	70.0	7.2%	6.2	168
	R-2	45.1	4.6%	8.7	392
	undesignated	151.2	9.2%	7.5	1,134
Vacant	-	45.0 90.2	-	-	-
Parks and Schools	OS, PR, SU-schl (dedicated)	15.5	1.6%	-	-
Streets, Drainage, Utility ROW	-	89.7	9.1%	-	-

*Neighborhood Corridor: CMU on south side of Montezuma will be C-1 if lots consolidated.



27 March 2024

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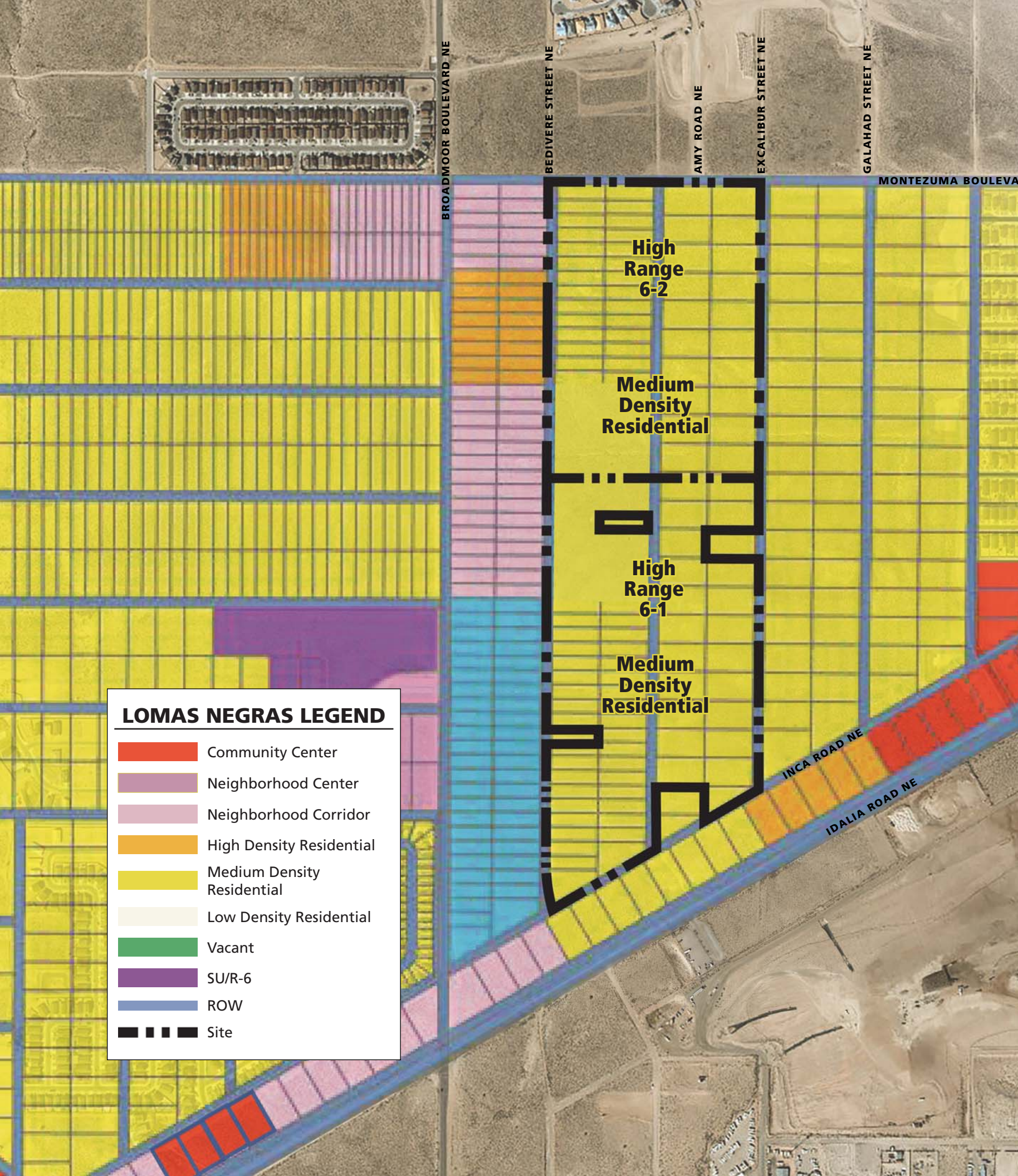


High Range 6

MASTER PLAN

Proposed Specific Area Plan

Exhibit G



LOMAS NEGRAS FUTURE LAND USE TABLE

LAND USE	ZONING DISTRICTS	ACREAGE	%	DENSITY	POPULATION
Community Center	C-2 designated (C-1, SU/MU, MU/A, R-6)	13.2	1.3%	-	-
Neighborhood Center	C-1 designated (CMU, O-1, O-2, SU/MU, MU/A, R-3)	32.0	3.3%	-	-
Neighborhood Corridor	C-1 designated CMU designated* (O-1, SU/MU, MU/A, R-3)	37.7 0.0	3.8% 0.0%	-	-
Office Corridor	O-1 designated O-2 designated	24.7 15.0	2.5% 1.5%	-	-
High Density Residential	R-6, R-3 undesignated	9.1 19.3 24.5	0.9% 2.0% 2.5%	32.0 36.0 34.0	291 1,055 1,401
Medium Density Residential	R-4 R-5 undesignated	152.5 102.0 228.3	15.5% 10.4% 23.3%	10.9 17.4 11.8	1,662 1,774 2,693
Low Density Residential	R-1 R-2 undesignated	70.0 45.1 151.2	7.2% 4.6% 9.2%	6.2 8.7 7.5	168 392 1,134
Vacant	-	45.0 90.2	-	-	-
Parks and Schools	OS, PR, SU-schl (dedicated)	15.5	1.6%	-	-
Streets, Drainage, Utility ROW	-	89.7	9.1%	-	-

*Neighborhood Corridor: CMU on south side of Montezuma will be C-1 if lots consolidated.

LOMAS NEGRAS LEGEND

- Community Center
- Neighborhood Center
- Neighborhood Corridor
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Vacant
- SU/R-6
- ROW
- Site



27 March 2024

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High Range 6

MASTER PLAN

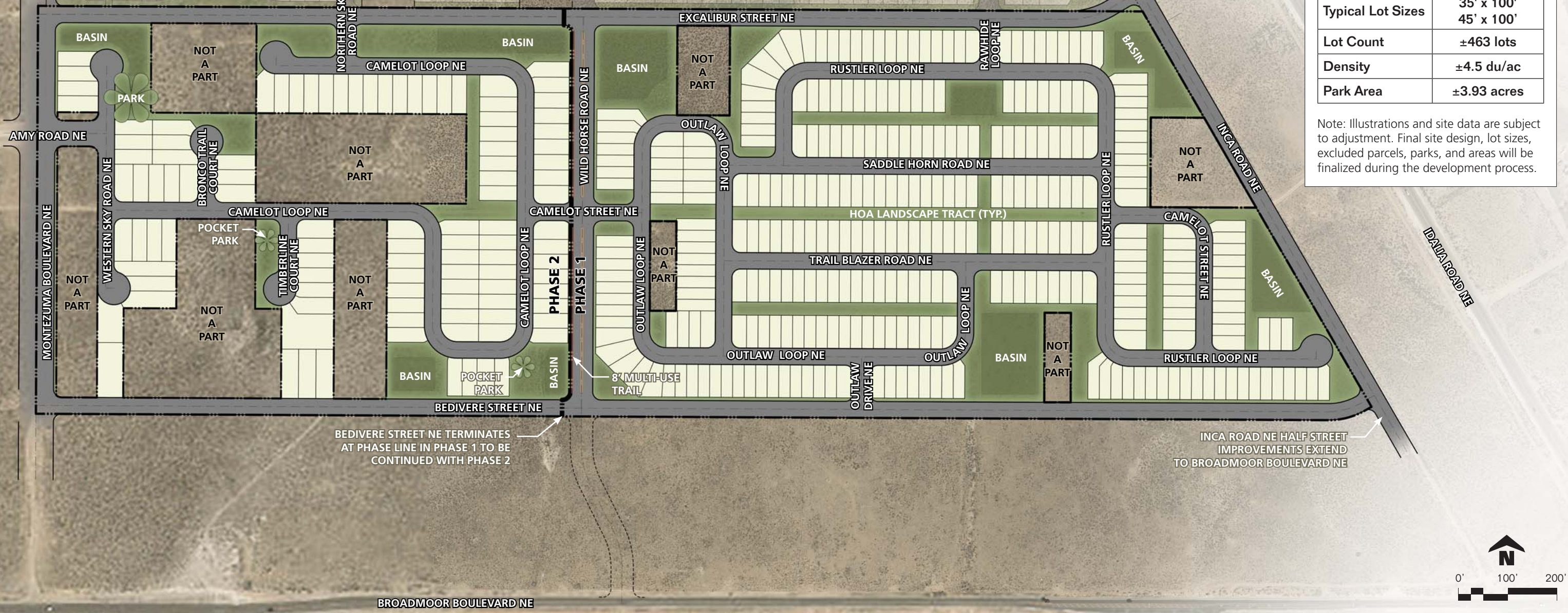
Conceptual Site Plan

Exhibit H

HIGH RANGE 5

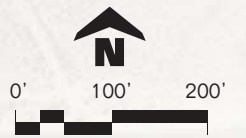
Overall Site Data	
Gross Area	±102.37 acres
Typical Lot Sizes	35' x 100' 45' x 100'
Lot Count	±463 lots
Density	±4.5 du/ac
Park Area	±3.93 acres

Note: Illustrations and site data are subject to adjustment. Final site design, lot sizes, excluded parcels, parks, and areas will be finalized during the development process.



BEDIVERE STREET NE TERMINATES AT PHASE LINE IN PHASE 1 TO BE CONTINUED WITH PHASE 2

INCA ROAD NE HALF STREET IMPROVEMENTS EXTEND TO BROADMOOR BOULEVARD NE

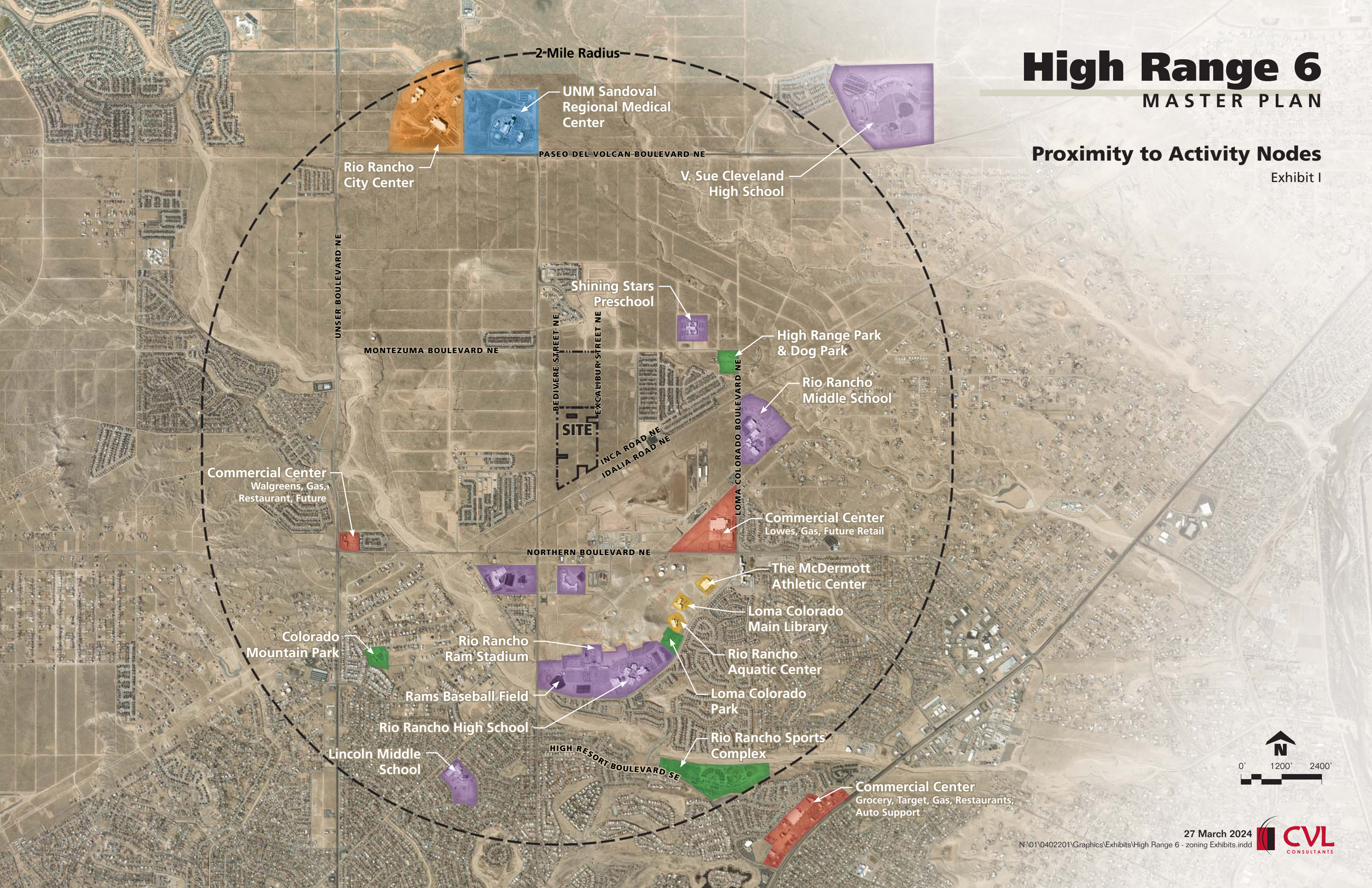


High Range 6

MASTER PLAN

Proximity to Activity Nodes

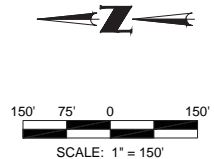
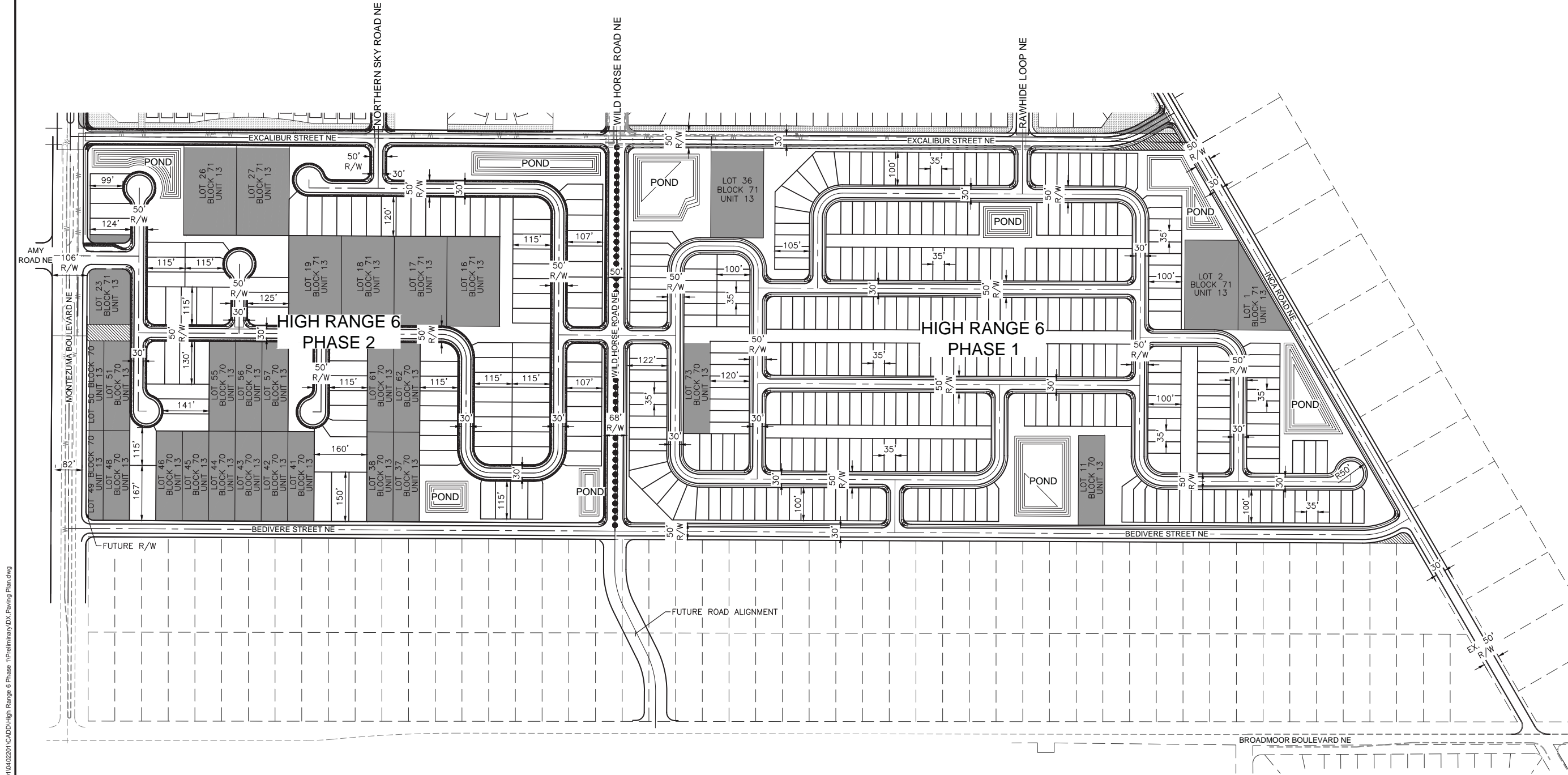
Exhibit I



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NO.	REVISION	DATE

CONCEPTUAL PAVING PLAN
HIGH RANGE 6
 CITY OF RIO RANCHO, NEW MEXICO

Coe & Van Loo Consultants, Inc.

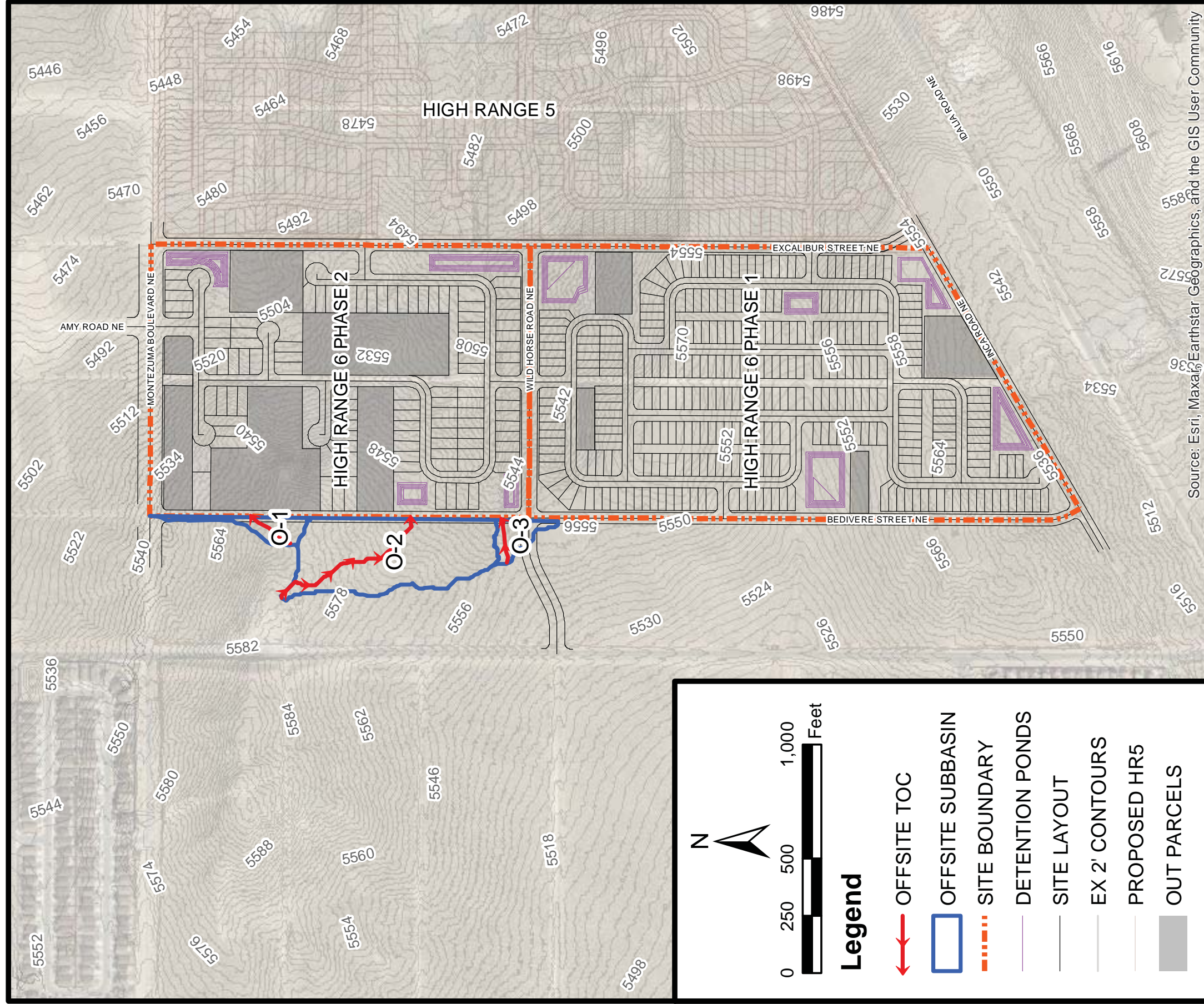
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 CVL Contact: D. CHUBIN
 CVL Project #: 01-04022-01


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High Range 6

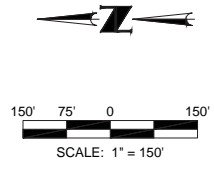
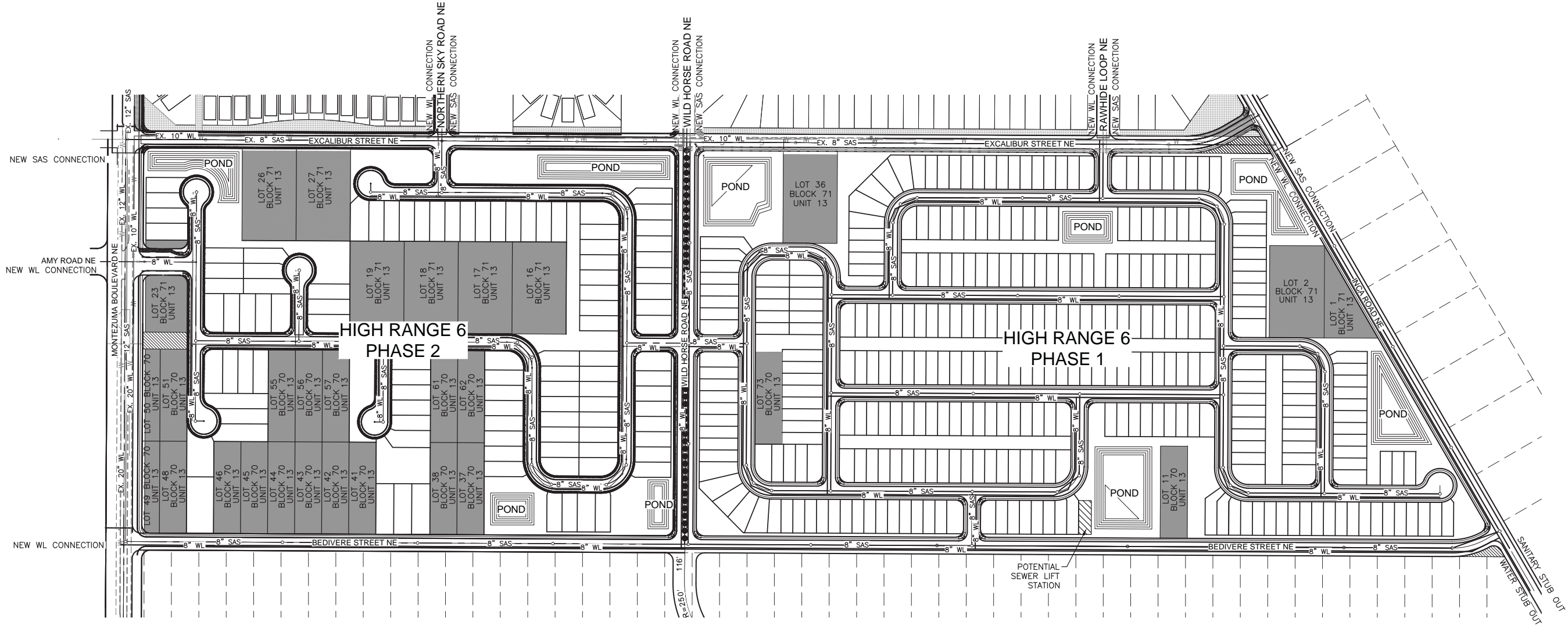
Conceptual Paving Plan

MASTER PLAN Exhibit J



 4550 NORTH 12TH STREET PHOENIX, ARIZONA 85014 TELEPHONE (602) 264-6831	HIGH RANGE 6		JOB NO. 1-01-04022-01
	OFFSITE DRAINAGE MAP		

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NO.	REVISION	DATE

CONCEPTUAL UTILITY PLAN

01 SHEET OF 01
 CVL Contact: D. CHUBIN
 CVL Project #: 01-04022-01

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HIGH RANGE 6
 CITY OF RIO RANCHO, NEW MEXICO

Coe & Van Loo Consultants, Inc.



High Range 6

MASTER PLAN

Conceptual Utility Plan

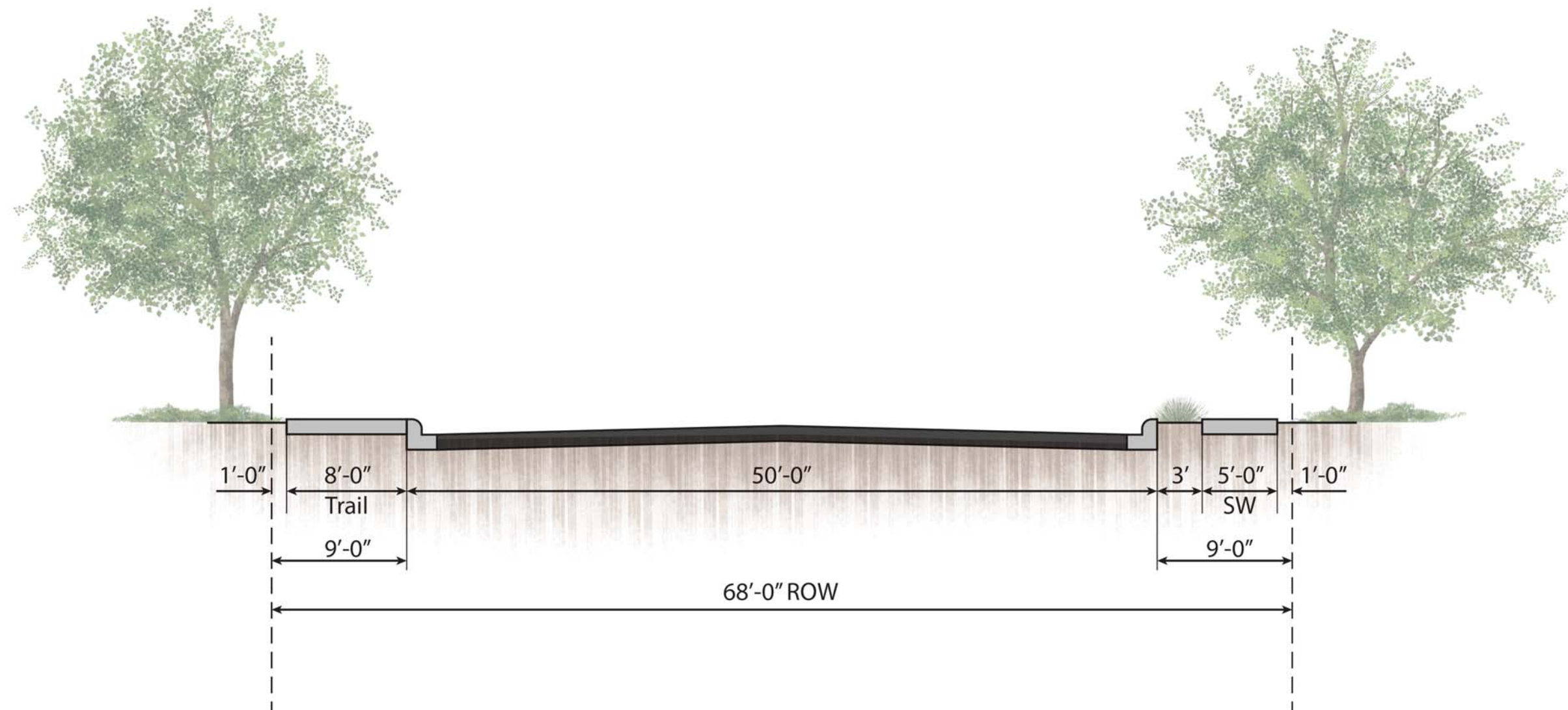
Exhibit L

High Range 6

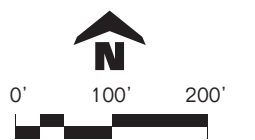
MASTER PLAN

Road Sections

Exhibit M



WILD HORSE ROAD SECTION

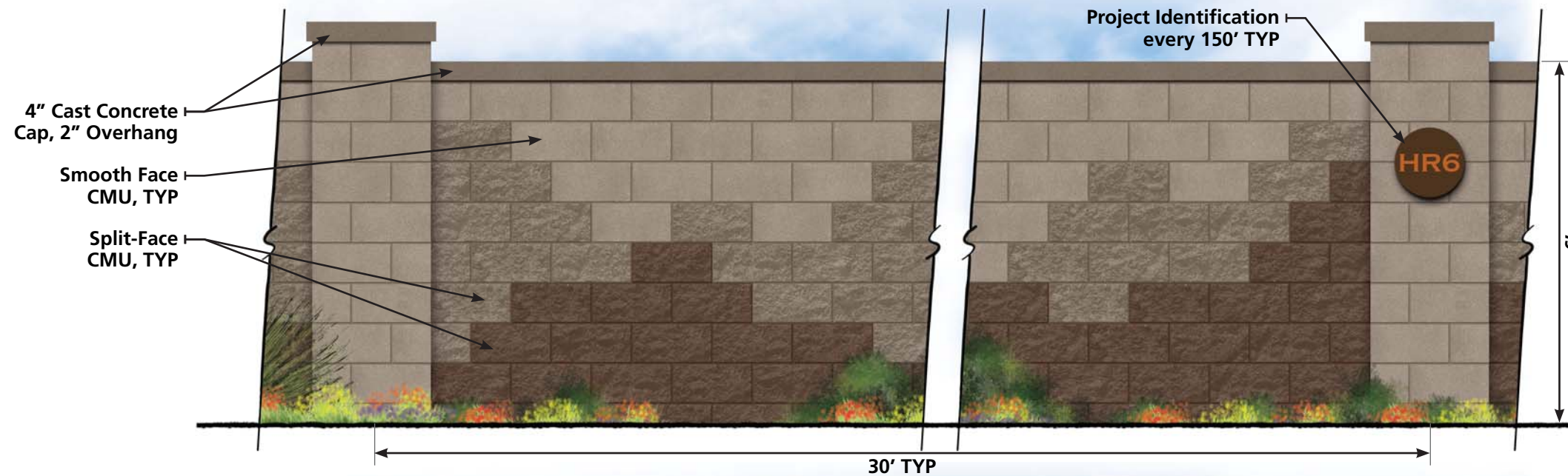


High Range 6

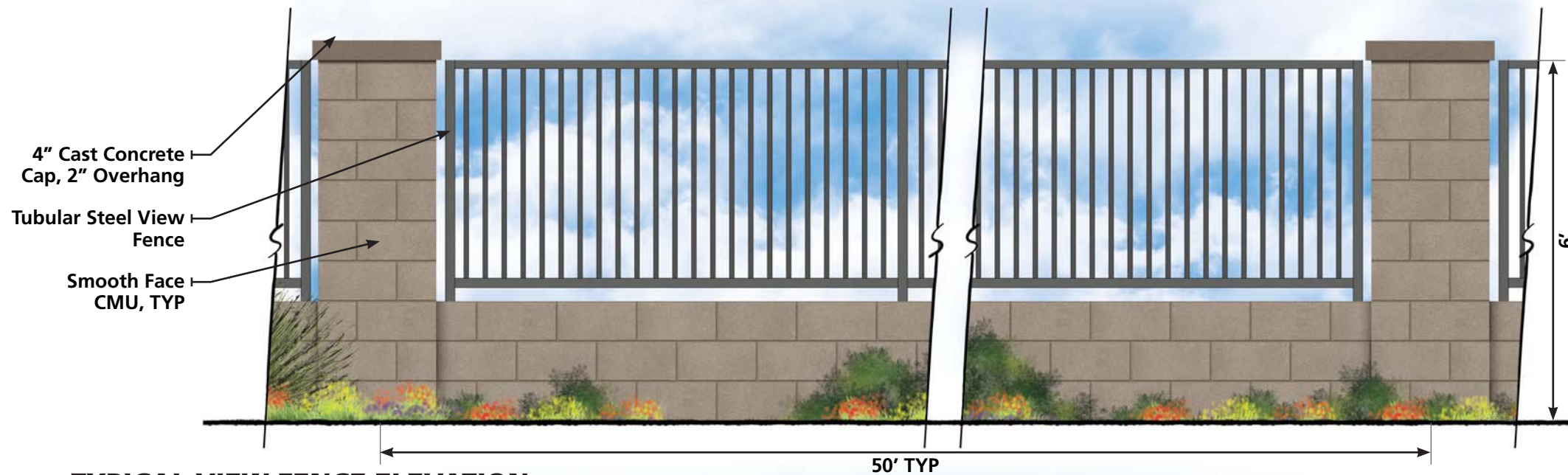
MASTER PLAN

Wall and Entry Monument Elevations

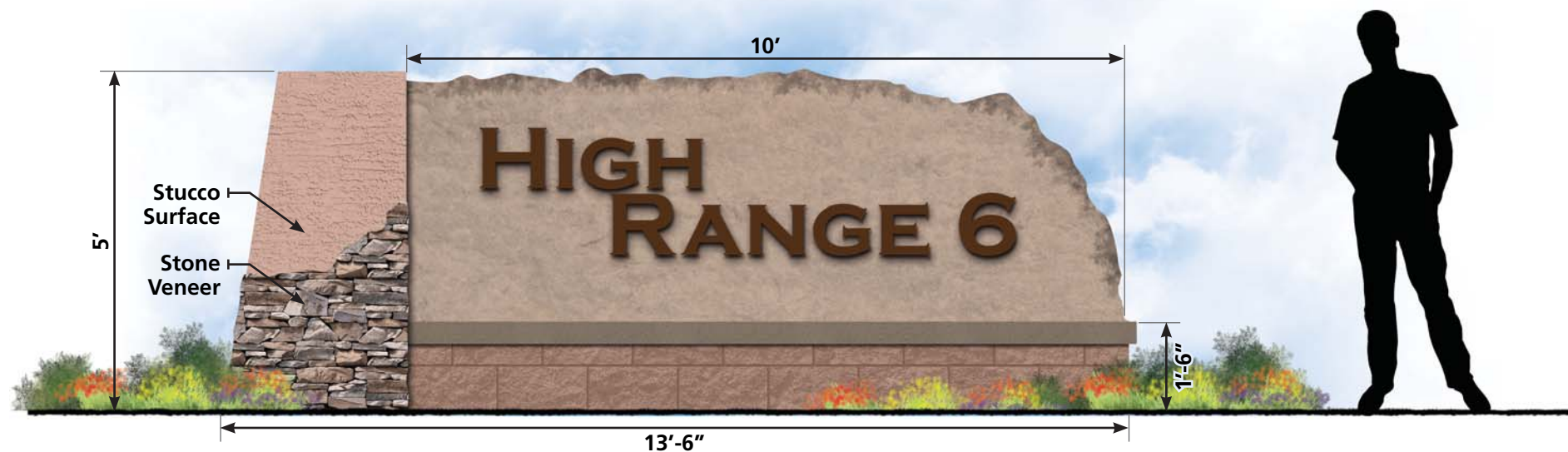
Exhibit N



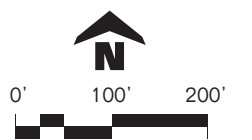
TYPICAL VIEW FENCE ELEVATION



TYPICAL VIEW FENCE ELEVATION



ENTRY SIGN ELEVATION



27 March 2024

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Landscape plans within High Range 6 should emphasize plant materials with low to medium water requirements and xeriscape principles of design, to the extent feasible. The following plant palette is not intended to limit plant selection, but rather to provide guidance only.

SCIENTIFIC NAME	COMMON NAME
TREES	
<i>Acer tartaricum</i> 'Hot Wings'	Hot Wings Maple
<i>Chilopsis linearis</i> 'Bubba'	Desert Willow
<i>Crataegus crus-galli inermis</i>	Thornless Cockspur Hawthorn
<i>Fraxinus oxycarpa</i> 'Raywood'	Raywood Ash
<i>Fraxinus velutina</i> 'Modesto'	Modesto Ash
<i>Gleditsia T.</i> 'Imperial'	Imperial Honeylocust
<i>Juniperus scopulorum</i>	Skyrocket Juniper
<i>Koelreuteria paniculata</i>	Goldenrain Tree
<i>Lagerstroemia indica</i> 'Whit II'	Crape Myrtle
<i>Pinus eldarica</i>	Afghan Pine
<i>Pinus nigra</i>	Austrian Pine
<i>Pistachia chinensis</i>	Chinese Pistache
<i>Platanus a.</i> 'Bloodgood'	London Plane Tree
<i>Pyrus calleryana</i> 'Cleveland'	Flowering Pear
<i>Quercus shumardii</i>	Shumard Oak
<i>Vitex agnus-castus</i>	Chaste Tree
SHRUBS	
<i>Arctostaphylos pungens</i>	Pointleaf Manzanita
<i>Buddleia davidii</i> 'Nanhoensis'	Butterfly Bush
<i>Caryopteris clandonensis</i>	Blue Mist
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster
<i>Ephedra spp.</i>	Joint Fir
<i>Erysimum</i> 'Bowles Mauve'	Bowles Mauve Wallflower
<i>Fallugia paradoxa</i>	Apache Plume
<i>Gallardia grandiflora</i> 'Fanfair'	Blanket Flower
<i>Helichrysum augustifolia</i>	Curry Plant
<i>Hemerocallis hybrid</i>	Daylily
<i>Hymenoxys acaulis</i>	Angelita Daisy
<i>Lavandula augustifolia</i>	English Lavender
<i>Nandina domestica</i> 'Firepower'	Dwarf Heavenly Bamboo
<i>Perovskia atriplicifolia</i>	Russian Sage
<i>Pinus mugo mugo</i>	Mugo Pine
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil
<i>Prunus besseyi</i>	Western Sand Cherry

High Range 6

MASTER PLAN Plant Palette

Exhibit O.1

SHRUBS, cont.

<i>Rhaphiolepis indica</i>	India Hawthorn
<i>Rhus trilobata</i> 'Autumn Amber'	Creeping Three-leaf Sumac
<i>Rosmarinus officinalis</i>	Rosemary
<i>Salvia greggii</i> 'furman's red'	Cherry Sage
<i>Salvia dorrii</i>	Purple Sage
<i>Sedum spectabile</i>	Stonecrop

DESERT ACCENTS

<i>Agave havardiana</i>	Havard Agave
<i>Hesperaloe parviflora</i>	Red/yellow Flowering Yucca
<i>Nolina microcarpa</i>	Beargrass

ORNAMENTAL GRASSES

<i>Bouteloua g.</i> 'Blond Ambition'	Blond Ambition Blue Grama
<i>Calamagrostis a.</i> 'Karl Foerster'	Karl Foerster Reed Grass
<i>Helictotrichon sempervirens</i>	Blue Avena Grass
<i>Miscanthus spp.</i>	Maiden Grass
<i>Muhlenbergia c.</i> 'Regal Mist'	Muhly Grass

VINES

<i>Campsis radicans</i>	Trumpet Vine
<i>Rosa banksiae</i>	Lady Banks Rose

TURFGRASS

<i>Turfgrass revielle</i>	Bluegrass Sod
---------------------------	---------------

NATIVE GRASSES

<i>Blue Grama</i>	<i>Bouteloua Gracilis</i>
<i>Buffalo Grass</i>	<i>Bouteloua dactyloides</i>

High Range 6

MASTER PLAN Plant Palette

Exhibit O.2



4550 N 12th Street
Phoenix, AZ 85014



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

April 8, 2024

RE: Zone Map Amendment, Master Plan, and Specific Area Plan Amendment
Case No. 23-100-00008, 23-400-00003, and 23-410-00006
U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45

Dear Property Owner:

You are receiving this certified notice because your property abuts a site where a land development decision is required by the Governing Body.

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of a Zone Map Amendment from R-1 and O-1 to R-5, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The applicant is concurrently requesting approval of a Master Plan for the development, to be known as High Range 6; as well as an amendment to the Lomas Negras Specific Area Plan. The properties total 102 acres and are located on the north side of Inca Rd, bordered by Bedivere St to the west, Montezuma Blvd to the north, and Excalibur Blvd to the east.

The **Governing Body** will consider the request on **Thursday, April 25, 2024** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below**.

On the back of this letter is a location map of the project, with the subject property identified with the black outline.

If you would like to comment on this application, you are encouraged to send in comments in writing, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rnm.gov or on Sparklight cable channel 56.

For the **Governing Body meeting**, to participate virtually: Join via computer: <https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MjN0UT09>
Meeting ID: 853 0235 3741 Passcode: 789419 Join via phone: 1-346-248-7799 US

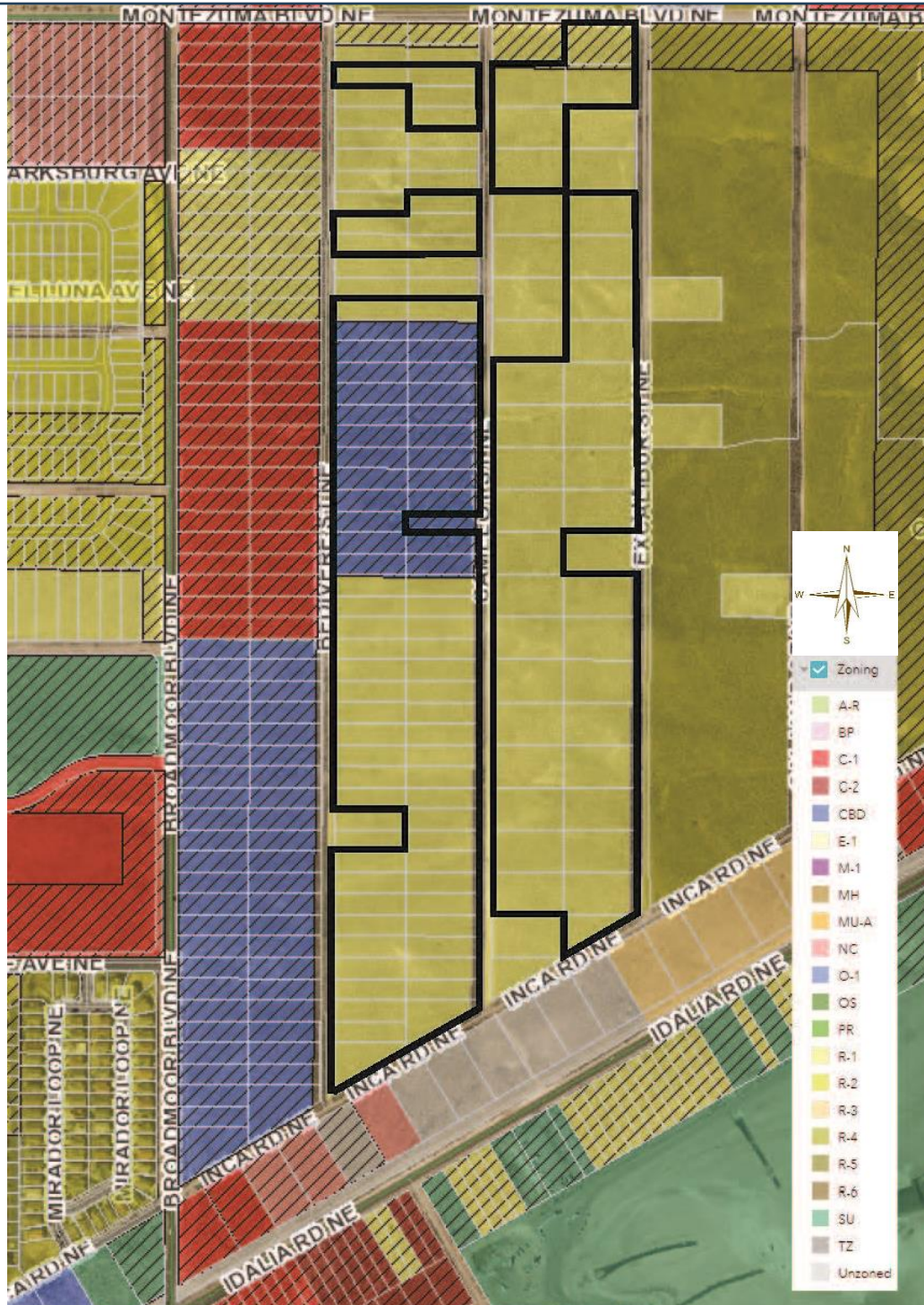
Please do not hesitate to contact me via e-mail me at lruizcarlos@rnm.gov or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rnm.gov, the Friday before the hearing.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,

Liz Ruiz Carlos
Municipal Planner II/Development Services Department/City of Rio Rancho

**UNIT 13, BLOCK 70, LOTS 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96;
BLOCK 71, LOTS 3-15, 20-22, 24-25, 28-35, 37-45
ZONE MAP AMENDMENT, MASTER PLAN, AND SPECIFIC AREA PLAN
AMENDMENT**



 Subject Parcels

Map Created by Liz Ruiz Carlos on 3.8.24

CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The GOVERNING BODY of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Thursday, April 25, 2024:

Text Amendment
Case #24-105-00001

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., seeks to make the following amendments to the Rio Rancho Municipal Code, Chapter 154.33 BP: Business Park District to include following changes and renumbering of (18) through (35):
(B) (18) Outdoor storage, as a primary use, provided:
(a) Shall not be permitted where the property abuts a residential zone;
(b) A combination of buffer wall, fence, landscape, or buildings shall separate the outside storage from abutting rights-of-way;
(c) Shall require a minimum of six (6) foot wall to screen the outdoor storage from adjacent properties;
(d) Roof/carport structure is required for all outdoor storage spaces;
(e) On-site amenities including rinse bay, propane and air fill station, and dump station, shall be required;
(f) Proposed outside storage shall require approval of a site development plan;
(g) Shall not include any outdoor sales display; and
(h) Shall be limited to the storage of personal RV's, Boats, trailers, and other personal and commercial vehicles.

(27) Restaurants, bars, lounges, coffee/tea rooms, patio/al fresco dining facilities provided:

(a) There shall be no drive in or drive up restaurants; and
(b) Outdoor seating is at least 75 feet away from any residential zone;
(C) General requirements and design standards.

(1) All activities and storage of materials, products or equipment shall be within an enclosed building except as provided above and unless consistent with Article III, Section 154.71;

Master Plan Amendment
Case #24-410-00001

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., requests to amend the Los Diamantes Master Plan to allow Architectural Metal as a primary construction material, welded wire mesh fencing as an allowed fencing type, and the color green as the primary color of a structure within the Business Park area of the Los Diamantes Master Plan.

Zone Map Amendment
Case #23-100-00008
The applicant, LGI Homes, through their agent, Coe & Van

Loo Consultants, Inc., is requesting approval of a Zone Map Amendment from R-1 and O-1 to R-5, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

Specific Area Plan Amendment
Case #23-410-00006

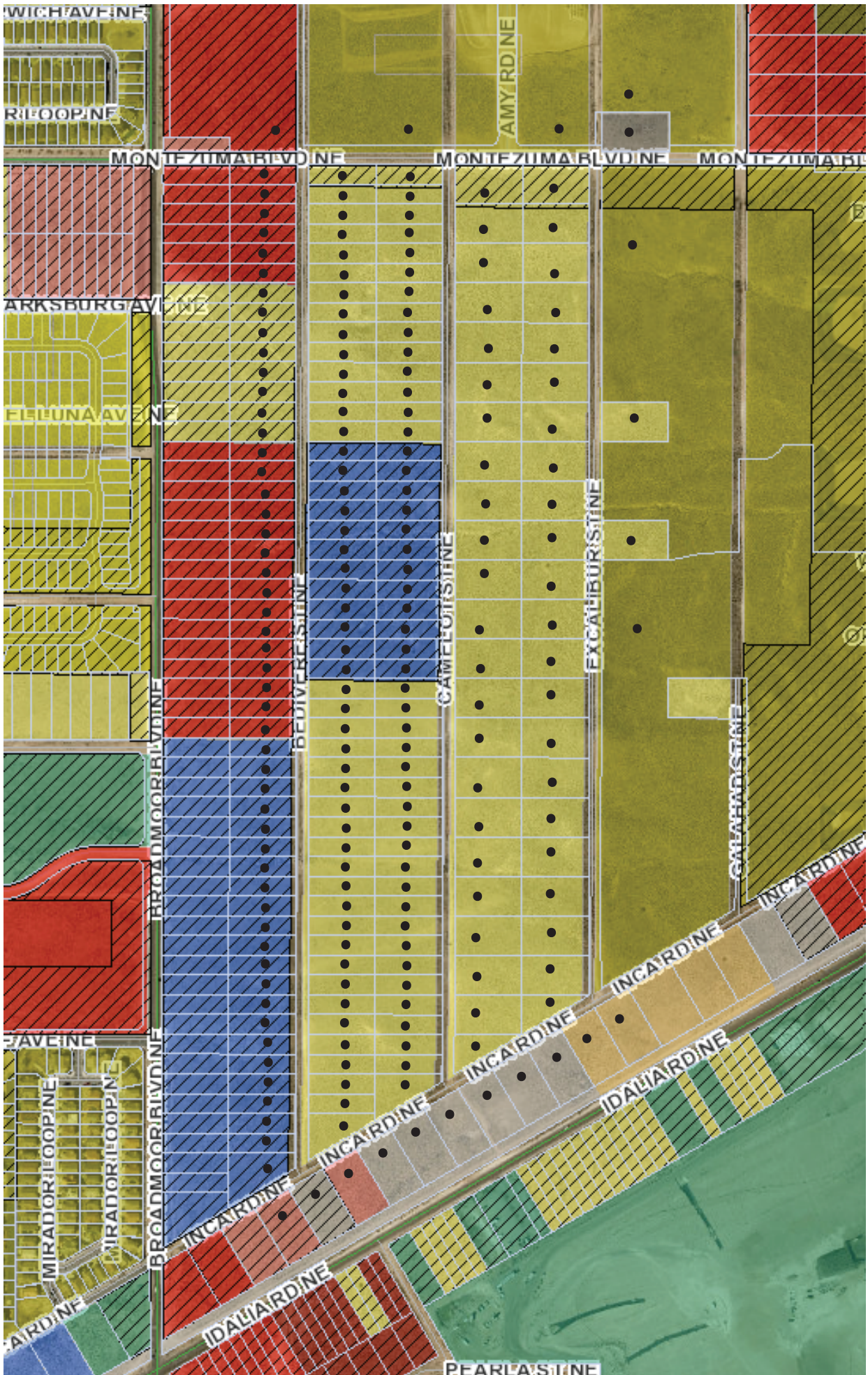
The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of an amendment to the Lomas Negras Specific Area Plan.

Master Plan
Case #23-400-00003

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of the High Range 6 Master Plan, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rnm.gov. Written comments will be inserted into the public record.
Journal: April 10, 2024



NOTICE MAP:

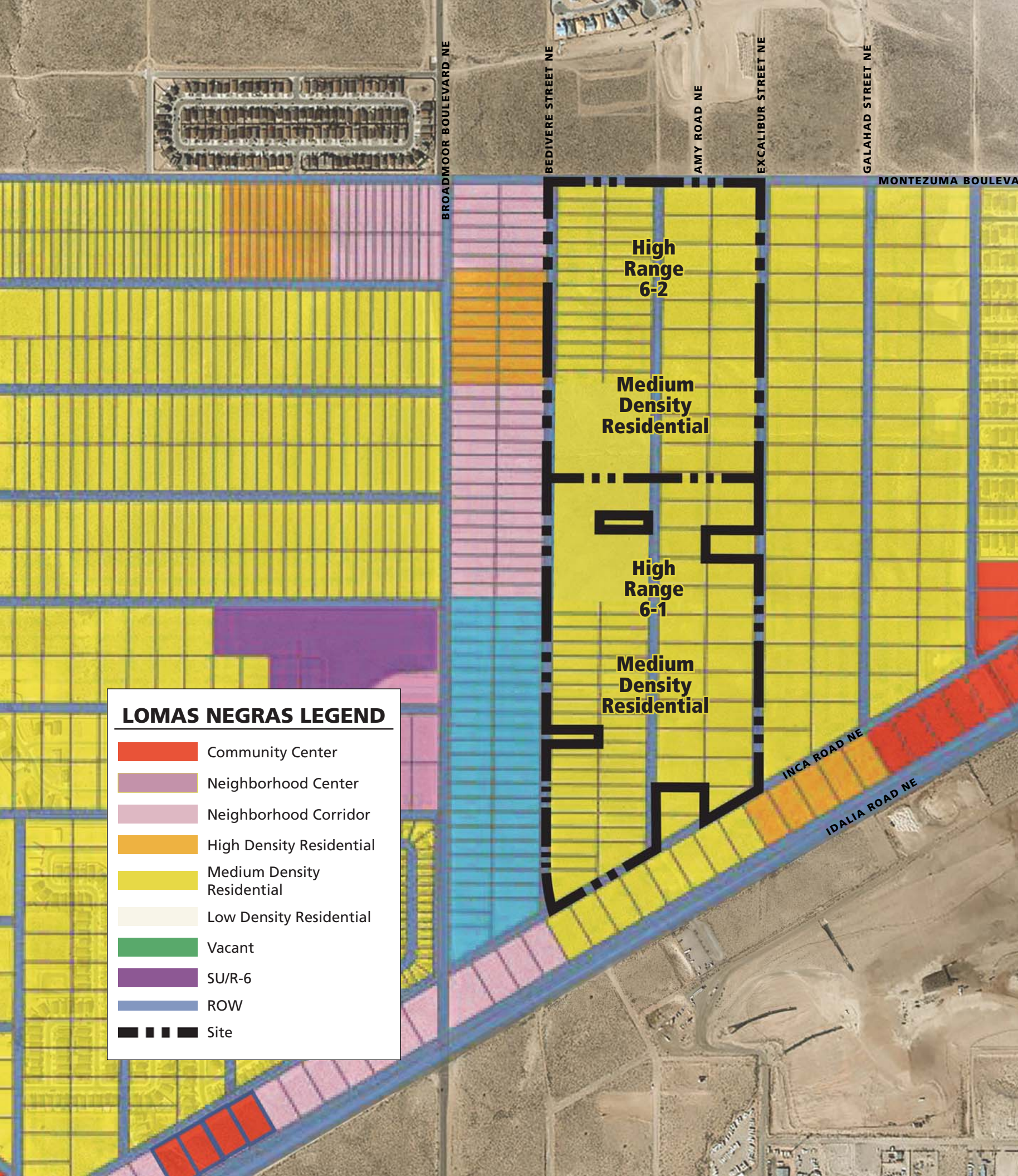
- - FIRST CLASS MAIL TO AFFECTED PROPERTIES & PROPERTIES WITHIN 100FT

High Range 6

MASTER PLAN

Proposed Specific Area Plan

Exhibit G



LOMAS NEGRAS FUTURE LAND USE TABLE

LAND USE	ZONING DISTRICTS	ACREAGE	%	DENSITY	POPULATION
Community Center	C-2 designated (C-1, SU/MU, MU/A, R-6)	13.2	1.3%	-	-
Neighborhood Center	C-1 designated (CMU, O-1, O-2, SU/MU, MU/A, R-3)	32.0	3.3%	-	-
Neighborhood Corridor	C-1 designated CMU designated* (O-1, SU/MU, MU/A, R-3)	37.7 0.0	3.8% 0.0%	-	-
Office Corridor	O-1 designated O-2 designated	24.7 15.0	2.5% 1.5%	-	-
High Density Residential	R-6, R-3 undesignated	9.1 19.3 24.5	0.9% 2.0% 2.5%	32.0 36.0 34.0	291 1,055 1,401
Medium Density Residential	R-4 R-5 undesignated	152.5 102.0 228.3	15.5% 10.4% 23.3%	10.9 17.4 11.8	1,662 1,774 2,693
Low Density Residential	R-1 R-2 undesignated	70.0 45.1 151.2	7.2% 4.6% 9.2%	6.2 8.7 7.5	168 392 1,134
Vacant	-	45.0 90.2	-	-	-
Parks and Schools	OS, PR, SU-schl (dedicated)	15.5	1.6%	-	-
Streets, Drainage, Utility ROW	-	89.7	9.1%	-	-

*Neighborhood Corridor: CMU on south side of Montezuma will be C-1 if lots consolidated.

LOMAS NEGRAS LEGEND

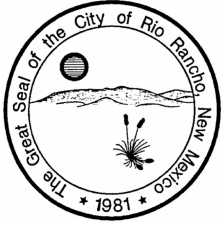
- Community Center
- Neighborhood Center
- Neighborhood Corridor
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Vacant
- SU/R-6
- ROW
- Site



27 March 2024

N:\01\0402201\Graphics\Exhibits\High Range 6 - zoning Exhibits.indd





CITY OF RIO RANCHO COVER PAGE

Legislation Item: R35

AGENDA DATE:

April 25, 2024

DEPARTMENT:

Development Services

SUBJECT:

R35, Resolution Adopting the High Range 6 Master Plan

BACKGROUND AND ANALYSIS:

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of the High Range 6 Master Plan, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

The Planning and Zoning Board recommended the Governing Body adopt the Resolution to by a vote of six (6) for and 0 against, at the April 9, 2024, Planning and Zoning Board Meeting.

REVIEW CRITERIA:

The Rio Rancho Comprehensive Plan defines a master plan as a detailed development plan often created by a developer, which may fit within a Specific Area Plan boundary or may provide sufficient planning detail that they may be developed in unplanned areas and stand in place of a Specific Area Plan. It states that, "The City will rely on the development of Specific Area Plans and Master Plans for identifying a specific land use at the parcel-level. Specific Area Plans and Master Plans are a part of the Land Use Element and are used as a statement of policy to guide land use decision making by the Governing Body."

The High Range 6 Master Plan details a conceptual lot layout and roadway sections, identifies community amenities, and seeks to change the zoning of all subject parcels so that it is compatible with the proposed residential development. The subject properties comprise approximately 102 acres and are currently zoned R-1: Single-Family Residential District, as well as O-1: Office District.

Concurrently, the applicant is applying for a Zone Map Amendment (Case # 23-100-00008) to change the zoning of the subject lots within the proposed Master Plan to R-5: Single-Family Residential District, as well as applying for a Specific Area Plan Amendment (Case #23-410-00006), to update the land use map and related exhibits for the subject properties. The Master Plan additionally includes provisions for drainage and utility planning.

The Planning and Zoning Board recommends that the Governing Body find that the High Range 6 Master Plan would comply with and further the goals and policies of the Comprehensive Plan and integrate with the adjacent High Range 4 and High Range 5 Master Plans. Policy L-1 of the Comprehensive Plan is to "encourage the master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan."

The multi-use trail proposed on the north side of Wild Horse Rd, in addition to the sidewalk on the south side of the street, also further Policy L-3 from the Comprehensive Plan which is to "promote and support development that incorporates walkability" and Policy L-4 which is to "encourage adequate pedestrian connections to future transit facilities in all residential site development." The proposed multi-use trail and sidewalk will further residents' connection to the adjacent High Range 4 and High Range 5 communities, as well as future commercial development along Broadmoor Blvd. NE. and eventually connect across Broadmoor to the Tierra Del Norte, Scottish Isle and Stonegate subdivisions. The High Range 6 Master Plan will feature 4.93 acres of park, which will be owned and maintained by the Homeowner's Association. Several acres of land will also be dedicated to 9 detention ponds throughout the site.

SITE ANALYSIS: The subject property is approximately 102 acres of vacant land bounded by Bedivere St. NE to the west, Excalibur St. NE to the east, Inca Rd NE to the south, and Montezuma Blvd. NE to the north. The subject properties are zoned R-1: Single-Family Residential District and O-1: Office District. The proposed development will be a medium density residential subdivision that is planned for a total of 463 residential lots.

LAND USE: The High Range 6 Master Plan lies within the Lomas Negras Specific Area Plan and has a current land use designation of Medium Density Residential and Office Corridor. Concurrently, the applicant is requesting an amendment to the Specific Area Plan to update the land use map and related exhibits to Medium Density Residential for the entirety of the Master Plan area. Additionally, in a concurrent separate request, the applicant seeks a Zone Map Amendment to change the subject properties from R-1: Single-Family Residential District and O-1: Office District to R-5: Single-Family Residential District in order to allow for the proposed residential development in the Master Plan.

GRADING & DRAINAGE: A conceptual grading and drainage is included with this Master Plan which proposes improvements associated with storm water runoff management that will be employed to collect and convey flows generated across the development to several detention ponds to be located throughout the site. A separate, official drainage report will be considered at the Preliminary Plat stage.

CIRCULATION: The development will have several access points, off of Rawhide Loop NE, Wild Horse Rd NE, Amy Rd NE, and Outlaw Dr. NE. Wild Horse Rd NE is proposed to be a 68' ROW, featuring a trail on the north side.

NOTIFICATIONS: Notifications were sent to affected property owners in conjunction with the Zone Map Amendment, Master Plan, and Specific Area Plan Amendment requests. A legal advertisement was placed in the April 10, 2024, edition of the Albuquerque Journal. A sign was posted on the property one week prior to the hearing. All legal notification requirements have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW: See comments listed for Zone Map Amendment case #23-100-00008.

IMPACT:

The Planning and Zoning Board recommends that the Governing Body adopt the resolution, subject to the findings and conditions below:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board may make a recommendation to the Governing Body on the applicant's request for a Master Plan.
2. The applicant has the authority to apply for a Master Plan on the subject properties.
3. The applicant and adjacent property owners received due process.

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

1. The High Range 6 Master Plan complies with the requirements of the Comprehensive Plan and adequately integrates with the adjacent Master Plans.
2. The applicant has submitted an application and narrative that meets the basic requirements of establishing a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design.
3. The High Range 6 Master Plan complies with the Lomas Negras Specific Area Plan, pending approval of the concurrent Specific Area Plan Amendment (case #23-410-06).

ALTERNATIVES:

1. The Governing Body may approve the request.
2. The Governing Body may deny the request.
3. The Governing Body may modify the request and approve such modifications.
4. The Governing Body may continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

The Planning and Zoning Board recommends the Governing Body adopt the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Location_Zoning Map](#)

ATTACHMENT: [Land Use Application](#)

ATTACHMENT: [Letter of Authorization](#)

ATTACHMENT: [High Range 6 - ALTA Survey](#)

ATTACHMENT: [Reproduction of Notices](#)

ATTACHMENT: [High Range 6 - Master Plan_updated](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

RESOLUTION ADOPTING THE HIGH RANGE 6 MASTER PLAN

WHEREAS: the State of New Mexico has granted the City of Rio Rancho the power, authority, jurisdiction, and duty to enforce and carry out the provisions of law relating to planning, platting, zoning, and the power to adopt, amend, extend and carry out a general municipal or master plan which may be referred to as the general or master plan, all pursuant to 3-19-1, NMSA 1978; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses and provides for specific goals, policies, and actions; proposes land use throughout the City; provides for adoption of specific area plans for specific area within the City; and also provides for land use in master planned communities via master plans; and

WHEREAS: the Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that addresses land use in master planned communities; and

WHEREAS: the Planning and Zoning Board of the City of Rio Rancho reviewed the proposed High Range 6 Master Plan (Case No. 23-400-00003) at their meeting held on April 9, 2024, and have made recommendation to the Governing Body on the adoption of the proposed Plan; and

WHEREAS: the Governing Body of the City of Rio Rancho, following a duly noticed public hearing on April 25, 2024, has reviewed the proposed High Range 6 Master Plan and determined that the Master Plan is in conformance with the City of Rio Rancho Comprehensive Plan

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. The Governing Body hereby approves and adopts the proposed High Range 6 Master Plan (planning area comprising approximately 102 acres), attached hereto.

Section 2. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED THIS _____ DAY OF _____, 2024.

Greggory D. Hull, Mayor

1 ATTEST:

2

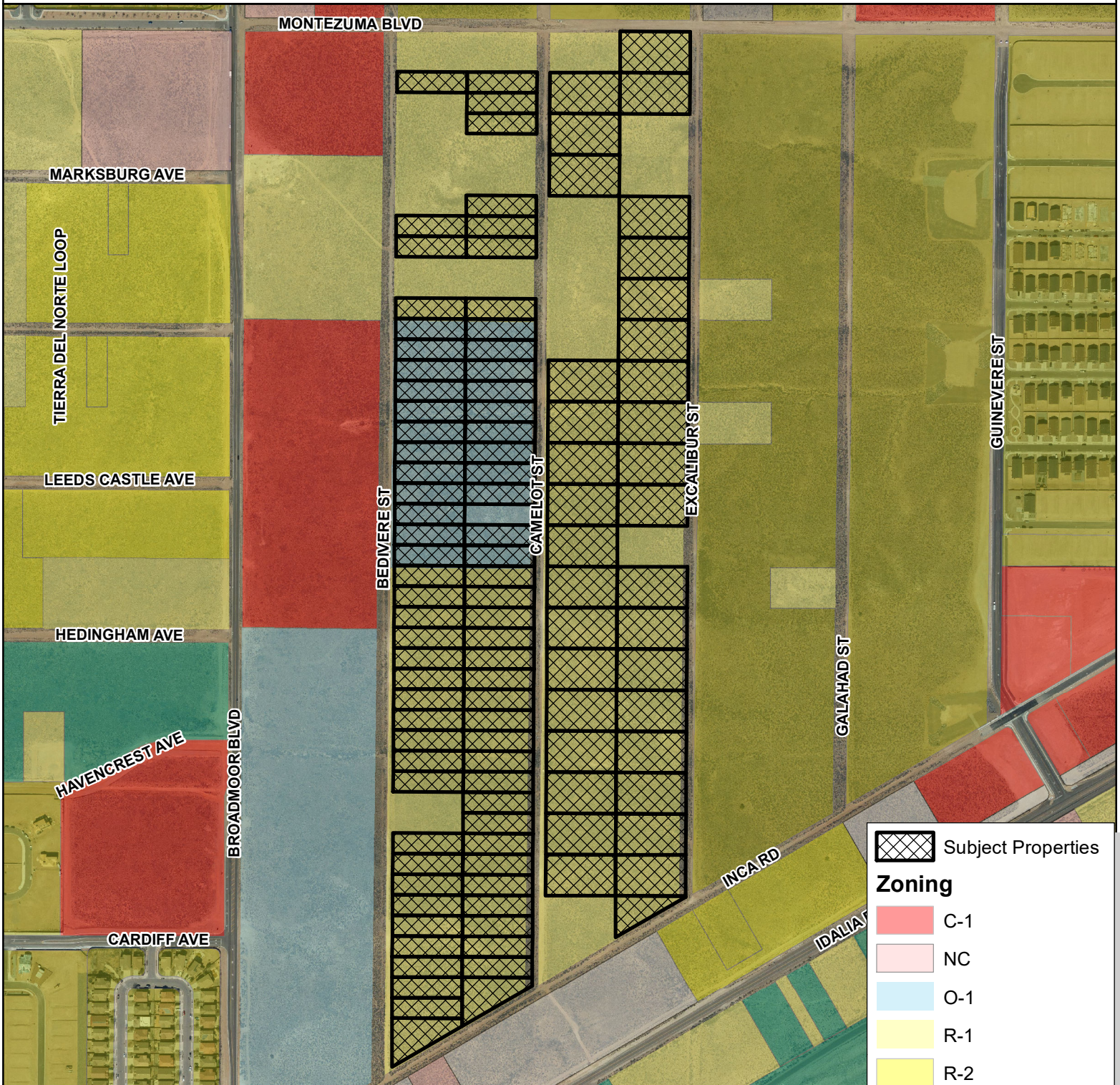
3

4 _____
Rebecca A. Martinez, City Clerk

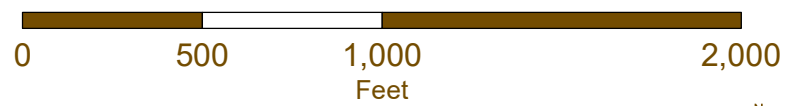
5 (SEAL)

LOCATION/ZONE MAP

HIGH RANGE 6 - ZONE MAP AMENDMENT



	Subject Properties
Zoning	
	C-1
	NC
	O-1
	R-1
	R-2
	R-3
	R-4
	SU
	TZ
	Unzoned



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

Map Created by Liz Ruiz Carlos on 04/02/2024

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

(Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print In Ink Only or Type

Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name:		Phone:
Address:		E-Mail:
City:	State:	Zip:
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)
Agent Name:		Phone:
Address:		E-Mail:
City:	State:	ZIP Code:

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)


New Master Plan, Specific Area Plan Amendment and Zone Map Amendment to pursue a single family residential community known as High Range 6.

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit :	Block(s):	Lot(s):
Existing Zoning:	Proposed Zoning:	
No. of existing lots:	No. of proposed lots:	Total area of site (acres)

ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name:	Applicant:	Agent:
Signature: 		Date:

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:** _____

Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 1 and 2, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Zomax, LLC, a New Mexico limited liability company, as to an undivided 75% interest, as to Lot 3, Block 70; Nucito IRA LLC, as to Lot 4, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as joint tenants as to an undivided 50% interest, and Yohanse Manzanarez and Kimberly Kathleen Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 5, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as joint tenants as to an undivided 50% interest, and Alfredo Eric Manzanarez and Jocelyn Ann Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 6, Block 70; Dawn View, LLC, a New Mexico limited liability company, as to Lots 7, 8, 16, 17, 18, 19, 78, 84 and 85, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 9 and 10, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 12 and 13, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 14 and 15, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 20, 21, 22 and 23, Block 70; Terry Lopez, a single man, as to Lots 24 and 25, Block 70; Jeffrey James and Michelle James, as to Lot 26, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 27, 28, 29, 70 and 71, Block 70; Block 70, LLC, a New Mexico limited liability company, as to Lots 30, 31, 32, 67, 68 and 69, Block 70; Block 70, LLC, a New Mexico limited liability company, as to Lots 33, 34, 35, 36, 63, 64, 65 and 66, Block 70; Jason Marton and Katherine Marton, husband and wife, as joint tenants, as to Lots 37, 38, 61 and 62, Block 70; Little IRA LLC, a New Mexico limited liability company, as to Lots 39 and 40, Block 70; Antonio Barreda and Denise Barreda, husband and wife, as joint tenants, as to an undivided 1/2 interest and Danny Bean and Monica Bean, husband and wife, as joint tenants, as to an undivided 1/2 interest, as tenants in common, as to Lots 41, 42 and 55, Block 70; Antonio Barreda and Denise Barreda, husband and wife, as joint tenants, as to Lots 43 and 44, Block 70; Andrew R. Hadcock and January V. Hadcock, Co-Trustees of the Andrew and January Hadcock Revocable Trust under Trust Agreement dated March 11, 2010, as to Lot 45, Block 70; Silke S. Raymond, a married woman as her sole and separate property, as to Lot 46, Block 70; Nucito IRA LLC, a New Mexico limited liability company, as to Lot 47, Block 70; Levi Heath and Judy Heath, husband and wife, as joint tenants, as to Lots 48 and 49, Block 70; Ruben S. Marquez, Ofelia B. Marquez, Leticia Rutledge, Raul Marquez and Lisa Marquez, as joint tenants, as to Lots 50 and 51, Block 70; Little IRA LLC, as to Lot 52, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as to an undivided 75% interest and Gabriel Vargas and Juliana Vargas, husband and wife as to an undivided 25% interest, as to Lot 53, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife and Gabriel Vargas and Juliana Vargas, husband and wife, as to Lot 54, Block 70; Danny Bean, Jr. and Monica Y. Bean, husband and wife, as joint tenants, as to Lots 56 and 57, Block 70; Scott B. Clark, and Pamela M. Clark, husband and wife, as joint tenants, as to an undivided

50% interest and Brandon L. Mason, a single man, as to an undivided 50% interest, as to Lot 58, Block 70; Tierra Mesilla LLC, a New Mexico Limited Liability Company, as to Lot 59, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 60, Block 70; Excalibur Holdings, LLC, a New Mexico limited liability company, as to Lot 72, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 74, Block 70; Michael J. Markowitz and David Markowitz, tenants in common, as to Lot 75, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 76, Block 70; Tierra Mesilla, L.L.C., a New Mexico limited liability company, as to Lot 77, Block 70; Rose Vogt, as Lots 79 and 80, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 81, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 82 and 83, Block 70; Mason Edward Pierce, an unmarried man, as to an undivided 50% interest, and Jennifer Jean Pierce, an unmarried woman, as to an undivided 50% interest, as tenants in common, as to Lot 86, Block 70; Nucito IRA LLC, a New Mexico limited liability company, as to Lot 87, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to Lot 88, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to an undivided 50% interest, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as amended and restated as to an undivided 50% interest, as to Lots 89, 90, 93 and 94, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as to Lot 91, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to an undivided 50% interest, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as amended and restated as to an undivided 50% interest, as to Lot 92, Block 70; Joyce Haden, a married woman dealing with her sole and separate property, as to Lot 95, Block 70 and Excalibur Holdings, LLC, a New Mexico limited liability company, as to Lot 96, Block 70; Little IRA, LLC, a New Mexico limited liability company, as to Lot 3, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 4, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 5, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 6, Block 71; 625 Property LLC, a New Mexico limited liability company, as to Lot 7, Block 71; Excalibur Holdings, LLC, a New Mexico limited liability company, as to an undivided 49.99% interest; Chester French Stewart and Successors as Trustee of the Chester French Stewart and Diana K. Stewart Revocable Trust UTA dated September 17, 1996, as to an undivided 25.005% interest; and David S. J. Anderson and Maureen C. Anderson Trustees of the David S. J. Anderson and Maureen C. Anderson Revocable Trust under that certain Trust Agreement dated November 13, 1992, as to an undivided 25.005% interest, as to Lots 8, 9, 11, 14 & 15, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 10, Block 71; Roslyn R. Zimmerman Living Trust dated April 28, 1993, as to Lot 12, Block 71; Little IRA LLC, a New Mexico limited liability company, as to Lot 13, Block 71; Leroy A. Ryckman, Jr., as to Lot 16, Block 71; Gregory R. Stelmak, a single person, as to Lot 17,

Block 71; Kwang Shin and Ok Shin, husband and wife, as to Lots 18 and 19, Block 71; Dawn View, LLC, a New Mexico Limited Liability Company, as to Lots 20 and 21, Block 71; Little IRA LLC, a New Mexico limited liability company, as to Lot 22, Block 71; Alfredo L. Cota, as to Lot 23, Block 71; Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTH IRA, as to an undivided 80% interest and Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 20% interest, as to Lots 24 and 25, Block 71; Loretta Vasquez, an unmarried woman, as to Lot 26, Block 71; Richard L. Tiedman and Cynthia R. Vigil, husband and wife, as to Lot 27, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 12.5 % interest, Jeffrey C. McCullough and Debbie L. McCullough, Trustees or their Successors in Trust, under the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 12.5% interest, Anthony E. King, a single man, as to an undivided 25% interest, Millennium Trust Company, LLC, Custodian FBO Bruce Maxey ROTH IRA, as to an undivided 25% interest and Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTH IRA, as to an undivided 25% interest, as to Lots 28 and 29, Block 71; J2C LLC, a New Mexico limited liability company, as to Lot 30, Block 71; Richard Shube, a single man, as to Lot 31, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Carlton P. Davenport and Nancy Whiteman-Davenport, husband and wife, as to an undivided 25% interest, and Jeffrey C. McCullough and Debbie L. McCullough, Trustees of the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 50% interest, as to Lot 32, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 33, Block 71; Little IRA, LLC, , a New Mexico limited liability company, as to Lot 34, Block 71; Dawn View, LLC, a New Mexico limited liability company, as to Lot 35, Block 71; Mark Parra and Susan T Parra, as joint tenants, as to Lot 37, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 38, 39, 41, 42, 43, 44 and 45, Block 71, and SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 40, Block 71



July 14, 2023

City of Rio Rancho
Development Services
3200 Civic Center Circle NE,
Rio Rancho, New Mexico 87144

Re: High Range 6 – Letter of Authorization

This letter is to inform you that Coe & Van Loo Consultants Inc. (CVL) is authorized by the undersigned developer to pursue the applications required to amend the land use, zoning and subdivision of the High Range 6 property generally located at the northeast corner of Inca Road NE and Bedivere Street NE in Rio Rancho, New Mexico. We appreciate staffs efforts in reviewing the project and all input provided.

Respectfully,

COE & VAN LOO
Consultants, Inc.

Julie Vermillion
Project Manager

Authorization

By: Rick Taysien
Print Name: Rick Taysien
Title: Officer
Date: 7-14-2023

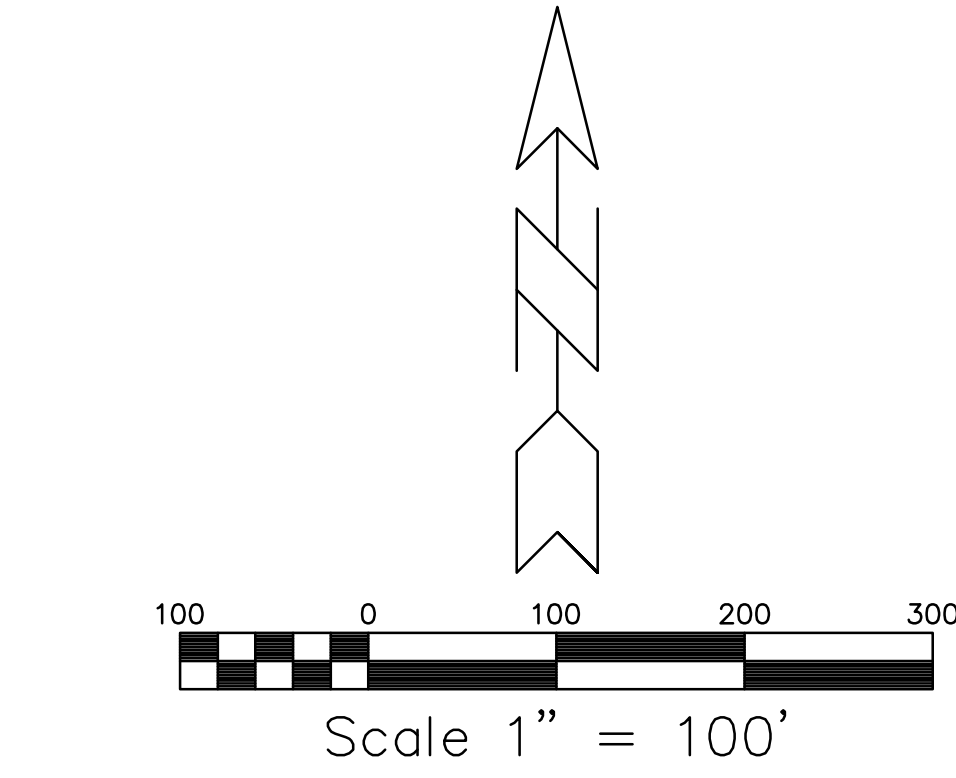
DESCRIPTION
 A tract of land situate within the Town of Alameda Grant, projected Section 12, Township 12 North, Range 2 East and projected Section 7, Township 12 North, Range 3 East, N.M.P.M., City of Rio Rancho, Sandoval County, New Mexico, being all of Lots 1 thru 10, 12 thru 72 and 74 thru 96, Block 70 & Lots 3 thru 35 and 37 thru 45, Block 71, Rio Rancho Estates, Unit 13, as the same are shown and designated on said plat, filed for record in the office of the County Clerk of Sandoval County, New Mexico, on February 9, 1967, in Rio Rancho Estates Plat Book No. 1, Page 51A, and containing 88.9982 acres more or less.

- LEGEND**
- CURB AND GUTTER
 - - - EDGE OF ASPHALT
 - ▭ CONCRETE
 - ⊕ SANITARY SEWER MANHOLE
 - ⊖ STORM DRAIN MANHOLE
 - ⊖ DROP INLET
 - ⊕ STANDPIPE
 - ⊕ WATER VALVE
 - ⊕ FIRE HYDRANT
 - ⊕ COMBINATION AIR RELEASE/VACUUM VALVE
 - ▭ GRAVEL ROAD
 - ▭ RIP-RAP
 - ⊕ LIGHT POLE

NOTE:
 There is an existing 5' PUE (02-09-1967, RRE 1, PAGE 51A) around all sides of all lots.

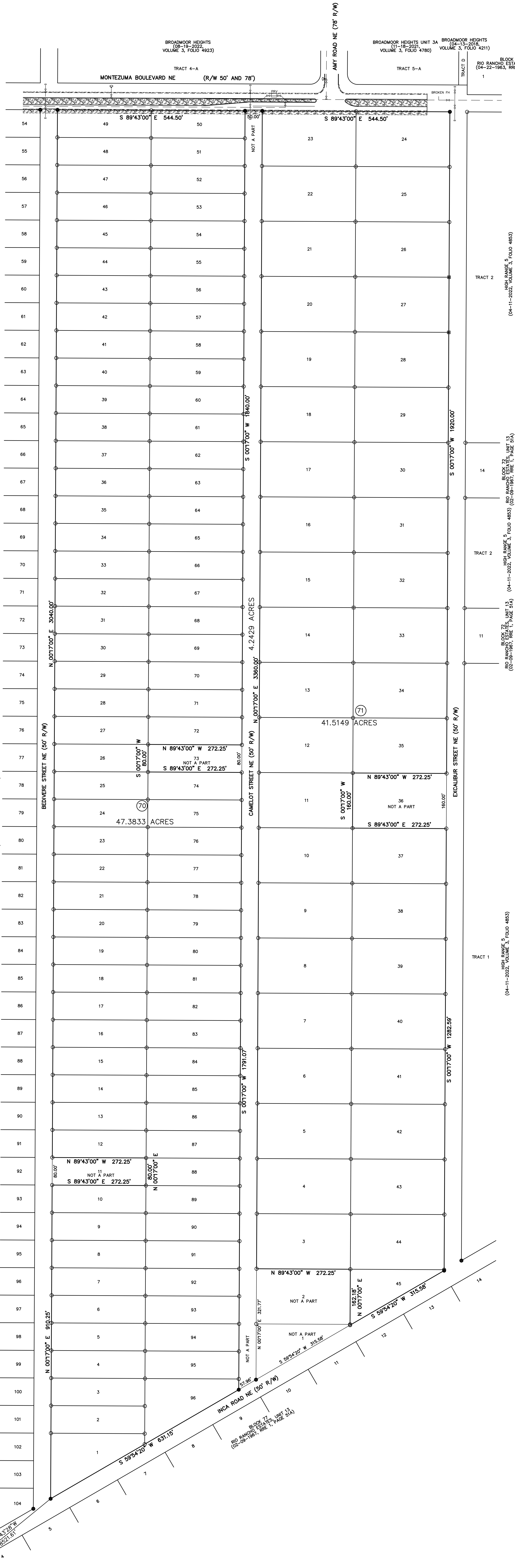
- NOTES**
- Bearings are New Mexico State Plane Grid Bearings (Central Zone).
 - Distances are ground distances.
 - Bearings and distances in parenthesis are record.
 - Basis of boundary are the following plats and documents of record entitled:
 PLAT OF "BROADMOOR HEIGHTS", (08-19-2022, VOL. 3, FOL. 4923)
 PLAT OF "TRACT 1 AND TRACT 2, HIGH RANGE 5", (04-11-2022, VOL. 3, FOL. 4853, RRE BK. 29, PG. 23-25)
 PLAT OF "HIGH RANGE UNIT 4, PHASE B", (10-30-2019, VOL. 3, FOL. 4458, RRE BK. 29, PG. 52-53)
 PLAT OF "HIGH RANGE UNIT 4, PHASE A", (01-30-2019, VOL. 3, FOL. 4346, RRE BK. 28, PG. 55-56)
 PLAT OF "BROADMOOR HEIGHTS", (04-13-2018, VOL. 3, FOL. 4211; RRE BK. 27, PG. 64-69)
 PLAT OF "RIO RANCHO ESTATES, UNIT 13", (04-24-2013, VOL. 3, FOL. 3570, RRE BK. 24, PG. 54-57)
 PLAT OF "RIO RANCHO ESTATES, UNIT 13", (06-05-1968, RRE BK. 1, PG. 77)
 PLAT OF "RIO RANCHO ESTATES, UNIT 13", (02-09-1967, RRE BK. 1, PG. 51A)
 all being records of Sandoval County, New Mexico.
 - Field Survey completed April 12, 2023.
 - Title Commitment:
 Title Company: Old Republic National Title Insurance Company
 Underwriter: Old Republic National Title Insurance Company
 Commitment No.: 2207508 (Commitment Date: March 6, 2023)
 - Address of Property: Rio Rancho, NM 87144
 - City of Rio Rancho, New Mexico Zone:
 Lots 1 thru 10, 12 thru 23, 36 thru 63 and 76 thru 96 Block 70 = R-1
 Lots 24 thru 35, 64 thru 72 and 74 thru 75 Block 70 = O-1
 Lots 3 thru 35 and 37 thru 45, Block 71 = R-1
 - 100 Year Flood Zone Designation: ZONE X, as shown on Panel 1893 and 1900 of 2225 Flood Insurance Rate Map, City of Rio Rancho, Sandoval County, New Mexico, dated March 18, 2005.
 - Encroachments: Gravel, Rip-Rap and grading along the north lines of Blocks 70 and 71 as shown hereon. Maximum encroachment 10 feet.
 - Rotate bearings 0017'00" counter-clockwise for record bearings.

EXISTING EASEMENTS
 ⊕ EXISTING 5' PUE (02-09-1967, RRE BOOK NO. 1, PAGE 51A) AROUND ALL SIDES OF ALL LOTS IN BLOCK 70 AND 71



- PROPERTY CORNERS**
- FOUND 1/2" REBAR
 - FOUND 3/4" OR 1" PIPE
 - ⊖ FOUND BATTERY MARKER WITH CAP "LS 14271"
 - ⊖ FOUND 1/2" REBAR WITH CAP "LS 8686"

SCCS MONUMENT AND BENCHMARK "SAGE"
 N=1545611.580
 E=149264.765
 G=C=0.99954568
 Δz=-00'16"22.2"
 CENTRAL ZONE
 ELEVATION=5676.181 (NAD83/NAVDS8)



"ALTA/NSPS LAND TITLE SURVEY FOR"
 LOTS 1 THRU 10, 12 THRU 72 & 74 THRU 96, BLOCK 70,
 LOTS 3 THRU 35 & 37 THRU 45, BLOCK 71,
 RIO RANCHO ESTATES, UNIT 13

TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M. AND PROJECTED SECTION 12
TOWNSHIP 12 NORTH, RANGE 3 EAST, N.M.P.M. CITY OF RIO RANCHO SANDOVAL COUNTY, NEW MEXICO
 MAY, 2023

CLIENT:
 LSI Homes-New Mexico, LLC, a New Mexico limited liability company;
 Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 9 and 70, Block 70;
 Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 1 and 2, Block 70;
 Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Zonas, LLC, a New Mexico limited liability company, as to an undivided 75% interest, and Zonas, LLC, a New Mexico limited liability company, as to an undivided 50% interest, and Pamela Clark, husband and wife, as joint tenants, as to an undivided 50% interest, and Yohanne-Manzanarez and Kimberly Kathleen Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 5, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as joint tenants, as to an undivided 50% interest, and Alfredo Eric Manzanarez and Jocelyn Ann Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 6, Block 70;
 Dawn View, LLC, a New Mexico limited liability company, as to Lots 7, 8, 16, 17, 18, 19, 78, 84 and 85, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 9 and 10, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 12 and 13, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 14 and 15, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 20, 21, 22 and 23, Block 70; Terry Lopez, a single man, as to Lot 24 and 25, Block 70; Jeffrey James and Michelle James, as to Lot 26, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 27, 28, 29, 70 and 71, Block 70; Block 70, LLC, a New Mexico limited liability company, as to Lots 33, 34, 35, 36, 63, 64, 65 and 66, Block 70; Jason Marton and Katherine Marton, husband and wife, as joint tenants, as to Lots 37, 38, 61 and 62, Block 70; Little IRA LLC, a New Mexico limited liability company, as to Lots 39 and 40, Block 70; Antonio Barreda and Denise Barreda, husband and wife, as joint tenants, as to Lot 43 and 44, Block 70; Andrew R. Hatteck and January V. Hatteck, Co-Trustees of the Andrew and January Hatteck Revocable Trust under Trust Agreement dated March 11, 2010, as to Lot 45, Block 70; Silke S. Raymond, a married woman as her sole and separate property, as to Lot 46, Block 70; Nucleo IRA, LLC, a New Mexico limited liability company, as to Lot 47, Block 70; Lev Heath and Judy Heath, husband and wife, as joint tenants, as to Lots 48 and 49, Block 70; Ruben S. Marquez, Ofelia B. Marquez, Leticia Rutledge, Raul Marquez and Lisa Marquez, as joint tenants, as to Lots 50 and 51, Block 70; Little IRA, LLC, as to Lot 52, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, as to an undivided 75% interest, and Gabriel Vargas and Juliana Vargas, husband and wife, as to an undivided 25% interest, as to Lot 53, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, and Gabriel Vargas and Juliana Vargas, husband and wife, as to Lot 54, Block 70; Danny Bean, Jr. and Monica V. Bean, husband and wife, as joint tenants, as to Lot 56 and 57, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, as joint tenants, as to an undivided 50% interest and Brandon J. Mason, a single man, as to an undivided 50% interest, as to Lot 58, Block 70; Tierra Mesilla LLC, a New Mexico limited liability company, as to Lot 59, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 60, Block 70; Excalibur Holdings, LLC, a New Mexico limited liability company, as to Lot 72, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 74, Block 70; Michael J. Markowitz and David Markowitz, tenants in common, as to Lot 75, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 76, Block 70; Tierra Mesilla, L.L.C., a New Mexico limited liability company, as to Lot 77, Block 70; Rose Vogt, as to Lot 79 and 80, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 81, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 82 and 83, Block 70; Mason Edward Pierce, an unmarried man, as to an undivided 50% interest, and Jennifer Jean Pierce, an unmarried woman, as to an undivided 50% interest, as tenants in common, as to Lot 86, Block 70; Nucleo IRA, LLC, a New Mexico limited liability company, as to Lot 87, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to Lot 88, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to an undivided 50% interest, and Shirley M. Clark, Trustee of The Clark Family Trust, dated December 4, 1991, as amended and restated as to an undivided 50% interest, as to Lots 89, 90, 93 and 94, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, and Shirley M. Clark, Trustee of The Clark Family Trust, dated December 4, 1991, as amended and restated as to Lot 92, Block 70; Joyce Hadan, a married woman dealing with her sole and separate property, as to Lot 95, Block 70 and Excalibur Holdings, LLC, a New Mexico limited liability company, as to Lot 96, Block 70; Little IRA, LLC, a New Mexico limited liability company, as to Lot 3, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 5, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 6, Block 71; 625 Property LLC, a New Mexico limited liability company, as to Lot 7, Block 71; Excalibur Holdings, LLC, a New Mexico limited liability company, as to an undivided 49.99% interest, Chester French Stewart and Successors as Trustee of the Chester French Stewart and Diana C. Stewart Revocable Trust UTA dated September 17, 1996, as to an undivided 25.00% interest, and David S. J. Anderson and Maureen C. Anderson Trustees of the David S. J. Anderson and Maureen C. Anderson Revocable Trust under certain Trust Agreement dated November 13, 1992, as to an undivided 25.00% interest, as to Lots 8, 9, 11, 14 & 15, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 10, Block 71; Rodney R. Zimmerman Living Trust dated April 28, 1993, as to Lot 12, Block 71; Little IRA, LLC, a New Mexico limited liability company, as to Lot 13, Block 71; Leroy A. Beckman, Jr., as to Lot 16, Block 71; Gregory S. Seidman, a single person, as to Lot 17, Block 71; Kwang Shin and Ok Shin, husband and wife, as to Lots 18 and 19, Block 71; Dawn View, LLC, a New Mexico limited liability company, as to Lots 20 and 21, Block 71; Little IRA, LLC, a New Mexico limited liability company, as to Lot 22, Block 71; Alfredo L. Cota, as to Lot 23, Block 71; Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTII IRA, as to an undivided 80% interest and Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 20% interest, as to Lots 24 and 25, Block 71; Loretta Yousef, an unmarried woman, as to Lot 26, Block 71; Richard L. Tideman and Cynthia R. Vigil, husband and wife, as to Lot 27, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 12.5% interest, Jeffrey C. McCullough and Debbie L. McCullough, Trustees or their successors in Trust, under the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 12.5% interest, Anthony E. King, a single man, as to an undivided 25% interest, Millennium Trust Company, LLC, Custodian FBO Bruce Stevey ROTII IRA, as to an undivided 25% interest and Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTII IRA, as to an undivided 25% interest, as to Lots 28 and 29, Block 71; J2C, LLC, a New Mexico limited liability company, as to Lot 30, Block 71; Richard Shube, a single man, as to Lot 31, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Carolyn P. Davengott and Nancy Whitman Davengott, husband and wife, as to an undivided 25% interest, and Jeffrey C. McCullough and Debbie L. McCullough, Trustees of the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 50% interest, as to Lot 32, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 33, Block 71; Little IRA, LLC, a New Mexico limited liability company, as to Lot 34, Block 71; Dawn View, LLC, a New Mexico limited liability company, as to Lot 35, Block 71; Mark Parra and Susan I. Parra, as joint tenants, as to Lot 37, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 38, 39, 41, 42, 43, 44 and 45, Block 71, and SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 40, Block 71

TITLE CO.: Old Republic National Title Insurance Company

SURVEYOR'S CERTIFICATION

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 6(a), 7(a), 8, 9 and 11 of Table A thereof. The field work was completed on November 8, 2020.

Timothy Aldrich, NMPLS NO. 7719
 05-14-2023

Drawn By: TA Date: 05-14-2023
 Checked By: TA Drawing Name: 22170ALT.DWG
 Job No.: 22-170 Sheet: 1 of 1

ALDRICH LAND SURVEYING
 P.O. BOX 30701, ALBUQ., N.M. 87190
 505-884-1990



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

April 8, 2024

RE: Zone Map Amendment, Master Plan, and Specific Area Plan Amendment
Case No. 23-100-00008, 23-400-00003, and 23-410-00006
U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45

Dear Property Owner:

You are receiving this certified notice because your property abuts a site where a land development decision is required by the Governing Body.

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of a Zone Map Amendment from R-1 and O-1 to R-5, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The applicant is concurrently requesting approval of a Master Plan for the development, to be known as High Range 6; as well as an amendment to the Lomas Negras Specific Area Plan. The properties total 102 acres and are located on the north side of Inca Rd, bordered by Bedivere St to the west, Montezuma Blvd to the north, and Excalibur Blvd to the east.

The **Governing Body** will consider the request on **Thursday, April 25, 2024** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below**.

On the back of this letter is a location map of the project, with the subject property identified with the black outline.

If you would like to comment on this application, you are encouraged to send in comments in writing, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rnm.gov or on Sparklight cable channel 56.

For the **Governing Body meeting**, to participate virtually: Join via computer:
<https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MjN0UT09>
Meeting ID: 853 0235 3741 Passcode: 789419 Join via phone: 1-346-248-7799 US

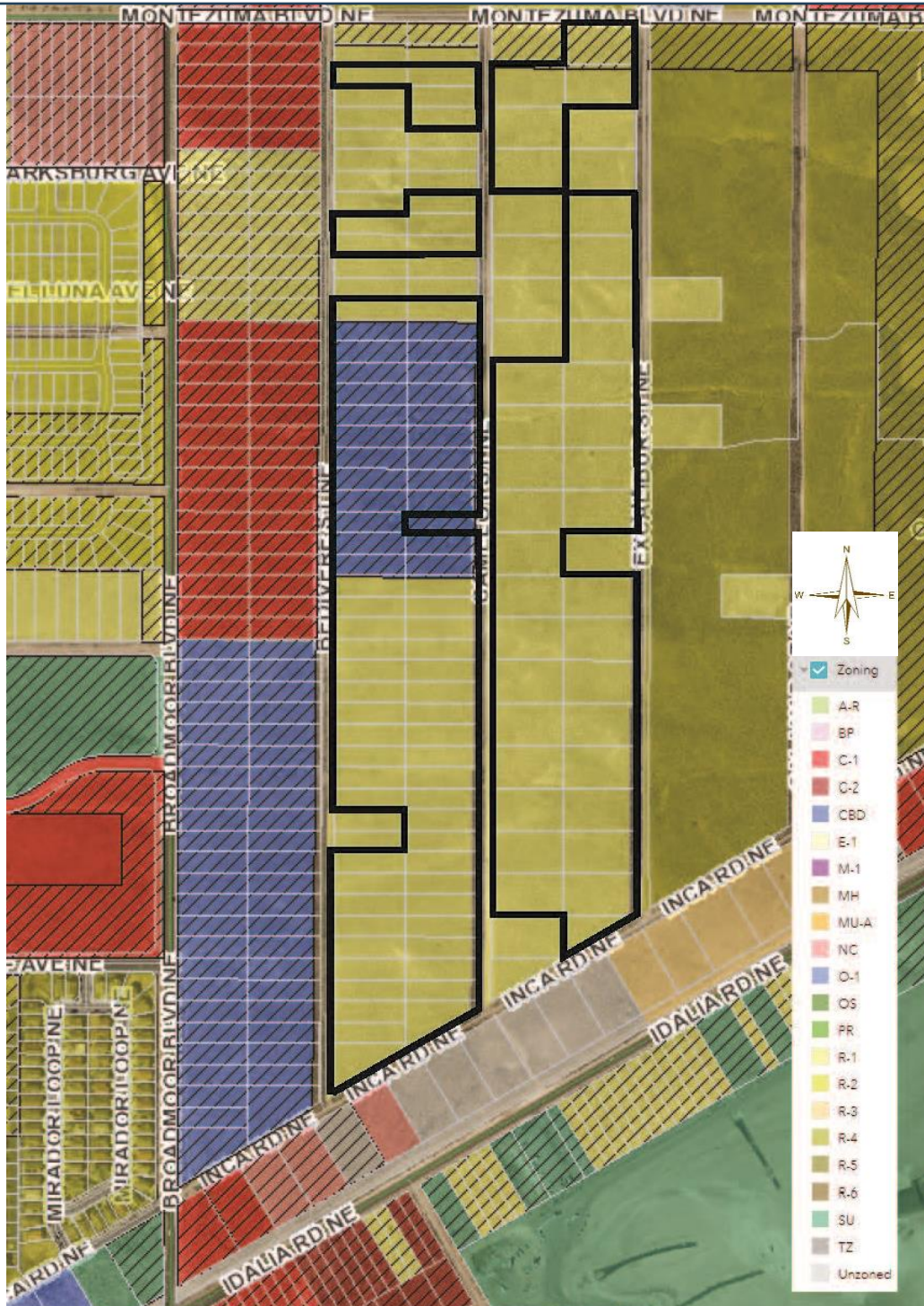
Please do not hesitate to contact me via e-mail me at lruizcarlos@rnm.gov or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rnm.gov, the Friday before the hearing.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,

Liz Ruiz Carlos
Municipal Planner II/Development Services Department/City of Rio Rancho

**UNIT 13, BLOCK 70, LOTS 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96;
BLOCK 71, LOTS 3-15, 20-22, 24-25, 28-35, 37-45
ZONE MAP AMENDMENT, MASTER PLAN, AND SPECIFIC AREA PLAN
AMENDMENT**



 Subject Parcels

Map Created by Liz Ruiz Carlos on 3.8.24

CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The GOVERNING BODY of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Thursday, April 25, 2024:

Text Amendment
Case #24-105-00001

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., seeks to make the following amendments to the Rio Rancho Municipal Code, Chapter 154.33 BP: Business Park District to include following changes and renumbering of (18) through (35):
(B) (18) Outdoor storage, as a primary use, provided:
(a) Shall not be permitted where the property abuts a residential zone;
(b) A combination of buffer wall, fence, landscape, or buildings shall separate the outside storage from abutting rights-of-way;
(c) Shall require a minimum of six (6) foot wall to screen the outdoor storage from adjacent properties;
(d) Roof/carport structure is required for all outdoor storage spaces;
(e) On-site amenities including rinse bay, propane and air fill station, and dump station, shall be required;
(f) Proposed outside storage shall require approval of a site development plan;
(g) Shall not include any outdoor sales display; and
(h) Shall be limited to the storage of personal RV's, Boats, trailers, and other personal and commercial vehicles.

(27) Restaurants, bars, lounges, coffee/tea rooms, patio/al fresco dining facilities provided:

(a) There shall be no drive in or drive up restaurants; and
(b) Outdoor seating is at least 75 feet away from any residential zone;
(C) General requirements and design standards.

(1) All activities and storage of materials, products or equipment shall be within an enclosed building except as provided above and unless consistent with Article III, Section 154.71;

Master Plan Amendment
Case #24-410-00001

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., requests to amend the Los Diamantes Master Plan to allow Architectural Metal as a primary construction material, welded wire mesh fencing as an allowed fencing type, and the color green as the primary color of a structure within the Business Park area of the Los Diamantes Master Plan.

Zone Map Amendment
Case #23-100-00008
The applicant, LGI Homes, through their agent, Coe & Van

Loo Consultants, Inc., is requesting approval of a Zone Map Amendment from R-1 and O-1 to R-5, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

Specific Area Plan Amendment
Case #23-410-00006

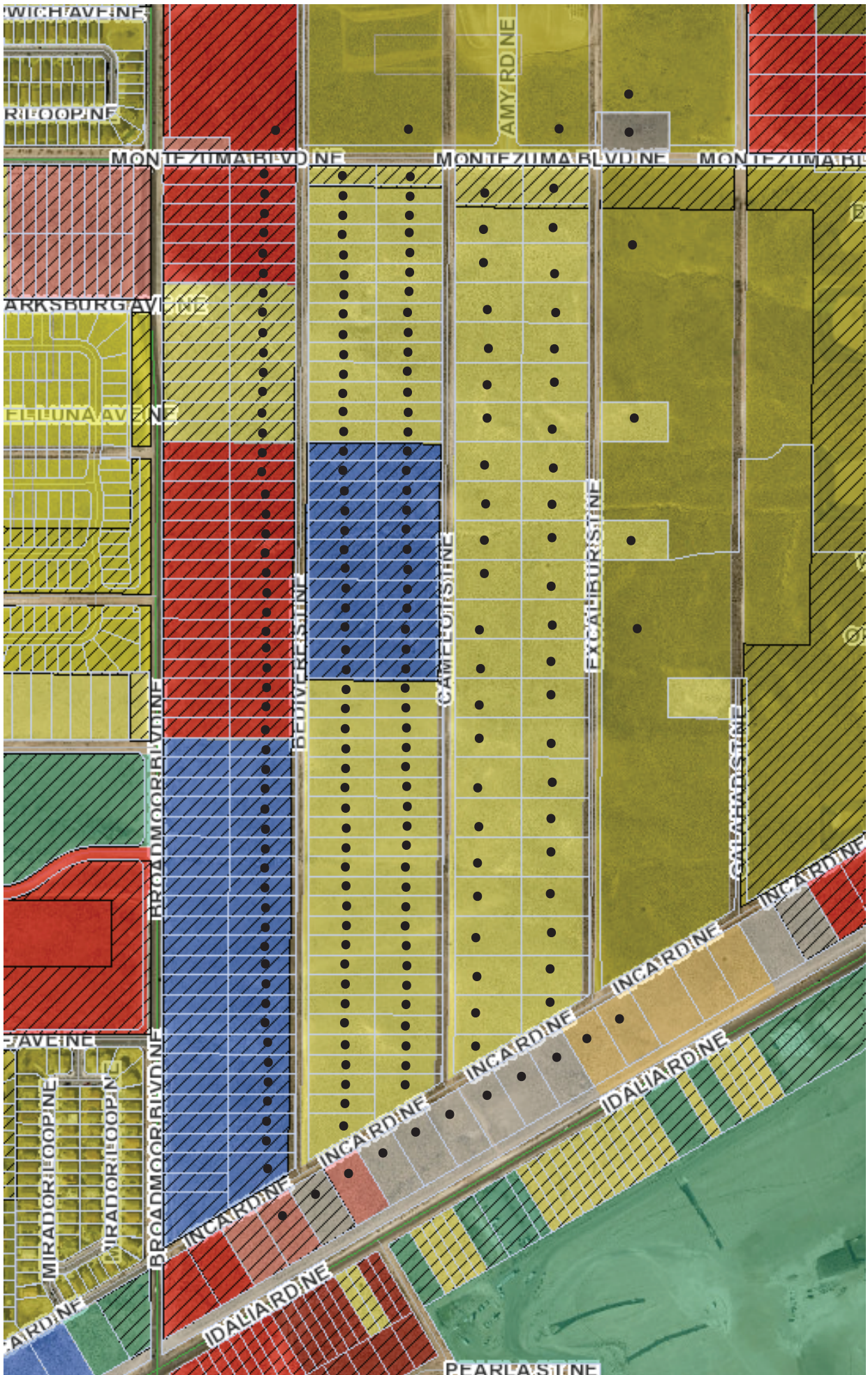
The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of an amendment to the Lomas Negras Specific Area Plan.

Master Plan
Case #23-400-00003

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of the High Range 6 Master Plan, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rnm.gov. Written comments will be inserted into the public record.
Journal: April 10, 2024



NOTICE MAP:

- - FIRST CLASS MAIL TO AFFECTED PROPERTIES & PROPERTIES WITHIN 100FT

November 27, 2023
Revised: February 16, 2024
March 27, 2024

High Range 6

City of Rio Rancho, New Mexico

MASTER PLAN



4550 N 12th Street
Phoenix, AZ 85014
CVL Job No: 1-01-04022-01

Master Plan

for

High Range 6

City of Rio Rancho, New Mexico

Developer

LGI Homes

9105 East Del Camino Drive, Suite 118
Scottsdale, AZ 85258
Attn: Rick Tayrien

**Planning/Civil Engineering
Consultant**

CVL Consultants

4550 North 12th Street
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Exhibits

Site Vicinity Map	Exhibit A
Nearby Ongoing Subdivisions	Exhibit B
Phasing Plan	Exhibit C
Existing Zoning	Exhibit D
Proposed Zoning	Exhibit E
Existing Specific Area Plan	Exhibit F
Proposed Specific Area Plan	Exhibit G
Conceptual Site Plan	Exhibit H
Proximity to Activity Nodes	Exhibit I
Conceptual Paving Plan	Exhibit J
Drainage Plan	Exhibit K
Conceptual Utility Plan	Exhibit L
Wild Horse Road Section	Exhibit M
Wall and Entry Monument Elevations	Exhibit N
Plant Palette	Exhibit O

1. Introduction

CVL Consultants on behalf of and in conjunction with LGI Homes, is proceeding with companion Master Plan, Zone Map Amendment, and Specific Area Plan Amendment requests to establish the entitlements required for development of the subject single-family residential community known hereto as High Range 6.

High Range 6 is an approximately 102-acre portion of land located at the northeast corner of Inca Road NE and Bedivere Street NE in Rio Rancho, New Mexico (City). The site is currently platted as a portion of Rio Rancho Estates Unit 13, Blocks 70 and 71, and bound by Montezuma Boulevard NE on the north, Inca Road NE on the south, Excalibur Street NE on the east, and Bedivere Street NE on the west (the Property). (See Exhibit A, Site Vicinity Map).

The design proposed with this Master Plan represents project visioning conducted by the homebuilder, LGI Homes, who are taking on this project with the objective of creating a new and attractive master planned community to serve as a continuation of the High Range 5 neighborhood to the east. This vision is brought to life in the extension of the 8' multi-use trail along Wild Horse Road and the planned amenities for the proposed pocket park and neighborhood park, described further in this proposal. Opportunities are provided for added landscaping with landscape tracts wrapping around the perimeter of the Project to enhance the streetscape.

This proposal addresses the opportunities and challenges of the Property, including its checkerboard ownership and outparcels, topography, and access constraints, while featuring an appropriate land use solution for this long undeveloped parcel. The High Range 6 Master Plan is consistent with and complementary to the surrounding developments in the area and this request for a single-family detached community on the Property is supported by a market need in this growing area of Rio Rancho. (See Exhibit B, Nearby Ongoing Subdivisions).

Master Plan Overview and Process

The entitlement process for the proposed community consists of companion Master Plan, Zone Map Amendment, and Specific Area Plan Amendment requests to amend the current entitlements on the Property to support this proposal. This Master Plan serves as a framework for the proposed land assemblage to create the approximately 102-acre development site. The specific parcels currently anticipated for inclusion and exclusion of the Master Plan are detailed further in this proposal. They are subject to change during this process and, as such, the acreages provided herein are conceptual and based on the estimated 102-acre overall project boundary for consistency.

A Zone Map Amendment is requested to revise the underlying zoning districts from the existing patchwork zoning of R-1 Single-Family Residential (± 90 acres) & O-1 Office (± 12 acres) to overall R-5 Single-Family Residential zoning (± 102 acres) to permit High Range 6 as proposed. (Refer to Exhibits D and E, Existing and Proposed Zoning.)

The requested amendment to the Lomas Negras Specific Area Plan seeks to revise the existing ± 12 -acre Office designation on the Property to Medium Density Residential land use to permit overall Medium Density Residential for the community (± 102 acres). (Refer to Exhibits F and G, Existing and Proposed Specific Area Plan.)

Approval of the above-mentioned requests is required to facilitate the development of the approximately 102-acre High Range 6 community described within this Master Plan. Preliminary and final subdivision plats for the first phase of development, the southern ± 57 acres of High Range 6 known as Phase 1 are anticipated shortly after Master Plan approval and intended for 323 single-family lots. (Refer to Exhibit H, Conceptual Site Plan.) The northern ± 45 -acre portion is anticipated for future development as Phase 2 and planned for 140 single-family lots. Site design for Phase 2 will be prepared later in the development process. As a whole, High Range 6 proposes the future creation and subdivision of approximately 463 single-family residential lots at 4.5 dwelling units per acre (du/ac) with an anticipated minimum 3.93 acres reserved for the purpose of parks or recreational facilities for the future residents of the subdivision, pending the final lot count. (See Exhibit C, Phasing Plan). All acreages, lot counts, and park space calculations provided herein by this Master Plan are intended for conceptual planning purposes and will be finalized during the development process.

The above-mentioned requests will define the general parameters of the Project and its design guidelines, which are set forth by this Master Plan and to be reflected on all upcoming development plans.

The objectives of the High Range 6 Master Plan maintain consistency with the High Range 5 neighborhood to the east, as detailed below.

- Eradicate the antiquated platting and checkerboard ownership that hinder the growth of the City of Rio Rancho;
- Designate the preferred zoning for the subject property;
- Provide high quality, medium density single-family residential development within this area of Rio Rancho;

- Implement the goals and policies of the City of Rio Rancho Comprehensive Plan and the Lomas Negras Special Area Plan; and
- Integrate land use, recreation facilities, drainage, and utilities into a comprehensive, master development plan.

2. Existing Conditions

In accordance with City guidelines, this portion of the Master Plan describes the natural features of the site, surrounding land use and zoning, proximity to activity nodes, existing antiquated platting and land assemblage efforts, transportation, and existing infrastructure in relation to the Property.

Natural Features

The site consists of approximately 102 acres of primarily rolling grassland hills with shrubs sparsely covering the surface within a high-desert environment. The Sandia Mountains to the east provide attractive views for residents. Existing vegetation of indian rice grass, blue grama, and ring and bush muhly are dominant grass species and cholla, prickly pear, and narrow leaf yucca are common to the area. Fauna such as quail, cottontail rabbit, jackrabbit, and coyotes are common to the area as well.

Surrounding Zoning and Land Use

The zoning and land uses surrounding the Project are identified in the table below.

Direction	Zoning	Land Use
North	R-4	Undeveloped land planned for Broadmoor Heights, a single-family residential master planned community.
South	Unzoned with one NC parcel	Undeveloped land platted as Rio Rancho Estates Unit 13, Block 77.
East	R-4 with three outparcels zoned R-1	Undeveloped land planned for High Range 5, a single-family residential master planned community. Undeveloped out parcels platted as Rio Rancho Estates Unit 13, Block 72.
West	R-1, C-1, O-1	Undeveloped land platted as Rio Rancho Estates Unit 13, Block 69.

High Range 6 is composed of two residential phases with shared open space and recreation facilities, as further described within this narrative. The proposed community is an appropriate land use for this Property that will complement the surrounding neighborhoods listed in the proceeding table and support the growth planned in this area of Rio Rancho.

Proximity to Activity Nodes

High Range 6 is centrally located between several activity nodes within Rio Rancho. Several of the surrounding activity nodes are featured in the list below.

- The Rio Rancho City Center, UNM Sandoval Regional Medical Center, and V. Sue Cleveland High School are located within 2 miles north of the Property.
- Shining Stars Preschool, High Range Dog Park, and Rio Rancho Middle School are located within one and one half miles east of the Property.
- Colorado Mountain Park, Rio Rancho Ram Stadium, Rio Rancho High School, Lincoln Middle School, Rio Rancho Sports Complex, Loma Colorado Park, Rio Rancho Aquatic Center, Loma Colorado Main Library, and the McDermott Athletic Center are located within 2 miles south of the Property.
- Commercial retail is located within two miles south and southwest with a larger commercial center located less than three miles south of the Property.

Refer to Exhibit I, Proximity to Activity Nodes, for a detailed illustration of the featured activity nodes.

Antiquated Platting

The Property is spread across several undeveloped parcels of checkerboard ownership platted as a portion of Rio Rancho Estates Unit 13, Blocks 70 and 71. At the time that Unit 13 was annexed and platted, it was common to have a development pattern with streets laid out in a grid with rectangular one-acre residential parcels adjacent to the streets. This development pattern created long blocks of checkerboard ownership and antiquated platting that is in contrary to and does not further the City's goals and standards for development. Rio Rancho Estates Unit 13 is an example of antiquated platting which serves to be a common constraint within Rio Rancho and poses a significant challenge for land development. A few of the key challenges associated with antiquated platting include access issues and inadequate street layout, insufficient lot sizes, diversity of ownership, and obsolete and impractical planning practices.

Rio Rancho's Vision 2020 Integrated Comprehensive Plan (ICP) recognizes that this antiquated platting is a major obstacle to growth and promotes land assemblage to address the issue. In accordance with the City's vision for growth, High Range 6 intends to improve upon the existing entitlements by establishing the framework and site design required for the development of a master planned, single-family residential community.

Land Assemblage Summary

The High Range 6 Master Plan is the outcome of pursuing the assemblage of the 141 parcels of Rio Rancho Estates Unit 13, Blocks 70 and 71 to create the approximately 102-acre development site. The developers of High Range 6 have made an attempt to reach out to the current land ownership of all parcels within the Plan area of this proposal with an offer to acquire their properties. These efforts were successful for several parcels but some outlying parcels are anticipated to be excluded. A summary of the current land assemblage efforts is provided in the following subsection.

The 112 parcels that have been confirmed for inclusion in the Master Plan at this time are described below.

- Rio Rancho Estates Unit 13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, and 74-96.
- Rio Rancho Estates Unit 13, Block 71, Lots 3-15, 20-22, 24-25, 28-35, and 37-45.

The 29 outparcels detailed in the following list are currently excluded from the High Range 6 community.

- Rio Rancho Estates Unit 13, Block 70, Lots 11, 37-38, 41-46, 48-51, 55-57, 61-62, and 73.
- Rio Rancho Estates Unit 13, Block 71, Lots 1-2, 16-19, 23, 26-27, and 36.

As stated above, land ownership has remained unresponsive for some outlying parcels that are anticipated to be excluded as a result. Of these parcels, Rio Rancho Estates Unit 13, Block 70, Lot 73 is the only outlying parcel with existing O-1 Office zoning. This zoning was established concurrently with the Lomas Negras Specific Area Plan in 2008 under Case No. 08-100-00031, which served as a revision from the original designation of “Unzoned” as the land was never officially zoned when it was annexed into the City in 1995. As with the prior zoning case, land ownership of this subject parcel and all other parcels within the Plan area of this proposal have received proper notice and have been given a full opportunity to present their views. Property owners within the Plan area of this proposal are permitted by right to submit land use and zoning applications if there is a future desire to deviate from the designations established herein by the High Range 6 Master Plan.

The High Range 6 Master Plan intends to assemble these parcels through the cohesive visioning and site design proposed for development of the community. The parcels included and/or excluded from the Master Plan are undergoing further coordination. Flexibility regarding the parcels specified above is requested as the Property moves forward through the development process. Access will be provided for all outparcels.

Roadway System

Access to the High Range 6 internal street network will be via two entrance roads off of Bedivere Street and two entrance road connections off of Excalibur Street. Access to the major roadway network will be gained through the Inca Road intersection with Guinevere Street, south to Idalia or east to Loma Colorado Boulevard and through the Bedivere Street intersection with Montezuma Boulevard, west to Broadmoor Boulevard. The City's major roadway network provides access to the major activity nodes detailed above.

Existing Infrastructure

Existing water and sewer utility systems are available to serve High Range 6. The water supply source is proposed to come from an existing 10-inch line in Excalibur and an existing 20-inch line in Montezuma.

Sewer connection is anticipated at the far northeast corner connecting to the existing sanitary sewer line at the intersection of Excalibur Street and Montezuma Boulevard. Two additional connections are anticipated in Excalibur Street at its intersection with the two proposed entrance roads for Phase 1.

3. Proposed Land Use, Zoning and Density

This chapter includes a summary of the proposed land use and zoning for the community along with an analysis of the featured goals, objectives, and policies of the City of Rio Rancho Comprehensive Plan and the Lomas Negras Special Area Plan that are furthered by the High Range 6 Master Plan.

Land Use

High Range 6 is intended to provide an affordable housing option for current and future Rio Rancho residents. It is designed to complement the single-family development to the east and the surrounding area and remains consistent with the primary land use identified on the Property by the Lomas Negras Specific Area Plan.

As a whole, High Range 6 proposes the future creation and subdivision of approximately 463 single-family residential lots at 4.5 dwelling units per acre (du/ac) with an anticipated minimum 3.93 acres reserved for the purpose of parks or recreational facilities for the future residents of the subdivision, pending the final lot count at ultimate buildout. The parks / recreational facilities are planned to be provided by the combination of a neighborhood park and smaller pocket park

proposed for the community. A continuation of the multi-use trail to the east along Wild Horse Road is planned to serve residents of High Range 6 as well as residents of the other subdivisions in the area.

The acreages provided below serve as an overview for the intended land use distribution for the community at ultimate build-out. These acreages are provided for conceptual purposes to demonstrate the intent for the future development and are subject to change as the site plan is refined during the development process.

Category	Plan Area
Medium Density Single-Family Residential	± 66.7 acres
Parks	± 3.93 acres
Common Areas	± 2.15 acres
Drainage Facilities	± 5.96 acres
Roads	± 23.63 acres
Total	± 102.37 acres

Zoning

The proposed zoning for High Range 6 is R-5: Single-Family Residential, which requires a minimum lot width of 35 feet and a minimum lot size of 2,500 square feet. All of the lots within High Range 6 are designed with a minimum lot width of 35 feet and lot depth of 100 feet, exceeding the minimum lot area requirements of the R-5 zoning district. Setbacks, height, and other development standards are addressed further in this proposal.

Density

High Range 6 is a medium density, single-family residential development. A total of 463 lots are proposed at ultimate build-out for a density of approximately 4.5 dwelling units per acre.

Parks and Common Areas

A pocket park and neighborhood park is planned within Phase 2. The parks are anticipated to total 3.93 acres in size in accordance with the parks requirement established by the City of Rio Rancho and shall count towards this requirement. This acreage is subject to change pending the final lot count at ultimate build-out. The proposed park and recreation facilities will serve the community residents as well as residents in the area. Park amenities will be determined in conjunction with City of Rio Rancho Parks and Recreation and may feature amenity options including but not limited to children's play area, basketball court, walking paths, parking, trees, passive

seating nodes, event and community gathering spaces, passive and active turf areas, and/or similar amenity options to be determined. The developer will design and construct the park and recreation facilities.

In addition to the proposed neighborhood park and pocket park, High Range 6 includes several common areas planned throughout the development, including landscape buffers along the perimeter and small tracts at the primary entries and intersections. Landscape improvements are anticipated in these common areas to provide an attractive character for the community. The neighborhood park and other planned recreational facilities developed as part of the High Range 6 Master Plan shall be owned and maintained by the HOA.

Trails

Wild Horse Road is a collector road that runs east-west between High Range 6 Phases 1 and 2. It is designed with adequate right-of-way to accommodate an 8-foot multi-use trail along its north side in Phase 2. The multi-use trail provides an alternative to vehicle travel in the area and will provide a link to other parks within the Lomas Negras Specific Area Plan, as well as a connection to the High Range 5 neighborhood park to the east. The multi-use trail will be designed and constructed in accordance with the City of Rio Rancho Development Standards. (Refer to Exhibit M, Wild Horse Road Section.)

4. City of Rio Rancho Plans and Policies

Corridor Overlay Zone

Portions of the Property are subject to the COZ Corridor Overlay Zone. The zoning overlay was adopted in 2008 through an amendment to the Lomas Negras Specific Area Plan under Ordinance No. 57. The zoning overlay was intended to establish access, floodplain, and design standards on specific parcels in the area.

The affected parcels intended to be included in High Range 6 are described below.

- Rio Rancho Estates Unit 13, Block 70, Lots 24-35, 64-72 and 74-75.
- Rio Rancho Estates Unit 13, Block 71, Lot 24.

Ordinance No. 57 also included an overlay for future rights-of-way and street setbacks to be provided in addition to the setbacks required for each zoning district. The additional standards that apply to High Range 6 are listed below.

- Collector street: 34-foot setback from centerline.
- Minor arterial street: 53-foot setback from centerline.

- Principal arterial street: 78-foot setback from centerline.

The site design for High Range 6 complies with all applicable COZ standards. Furthermore, the street section proposed for the collector street, Wild Horse Road, provides 68 feet of right-of-way which exceeds the standards in the Corridor Overlay Zone. The community does not provide driveway access to residential lots from Wild Horse Road.

Lomas Negras Specific Area Plan

The Project supports the City's goals, objectives, and vision by providing a land use that is compatible with the Lomas Negras Specific Area Plan (SAP) designation of Medium Density Residential (MDR). The anticipated site design is consistent with and conforms to the MDR land use currently designated on the majority of the site. An amendment is requested to update the existing ± 12 -acre portion of Office land use designated on the Property. The requested amendment will remove the split land use designation and allow for a cohesive plan that will contain residential densities which complement the existing and proposed development in the surrounding area.

As described below, this request conforms with the key concepts identified for future growth within the SAP and complies with the permitted uses under the requested MDR designation. The proposed amendment to the plan is consistent with the SAP Goals and Objectives and will bring a new and desirable community to Rio Rancho.

Land Use

The Lomas Negras SAP encourages the consolidation of lots and platting action to bring land up to meet the City's current development standards. The following land use goal is furthered by the High Range 6 Master Plan:

Land Use Goal: Promote a variety of housing choices including low- and medium density single-family residential uses and high density multi-family residential uses.

The High Range 6 Master Plan furthers the above goal by implementing medium density residential use through a Zone Map Amendment to R-5: Single-family Residential. The medium density residential use proposed increases the availability of affordable housing opportunities and brings a diversity of housing types to the City.

Utilities

The High Range 6 Master Plan furthers the SAP's utilities goal, objective, and policy by coordinating and linking to existing water and sewer utility infrastructure within adjacent roadways.

Utilities Goal: Assure that urban uses have full utilities, both community water and sewer provided to all new development in the Plan area.

Utilities Objective: Coordinate water and sewer utility infrastructure among various master plan and subdivision developments as approved within the Plan area.

Existing water and sewer utility systems are available to serve High Range 6 as described further in this proposal. All proposed utility systems and plans will be designed per the standards of the City and utility company to be submitted for review and approval during the development process. Additional coordination with the providers will be made to confirm adequate servicing.

The service and utility providers intended to serve the community are listed below.

Service	Provider
Water	City of Rio Rancho Utilities
Sewer	City of Rio Rancho Utilities
Electric	Public Service Company of New Mexico (PNM)
Gas	New Mexico Gas Company (NMGC)
Telephone / Cable	Lumin (Qwest Corporation) / Sparklight

Community Facilities

The High Range 6 Master Plan expands the City of Rio Rancho’s parks inventory through the provision of a neighborhood park and multi-use trail, furthering the Community Facilities goal featured below.

Community Facilities Goal: Create open space, parkland, trails and other recreation amenities to serve the Plan area.

As previously mentioned, the neighborhood park and multi-use trail will serve the residents of High Range 6, the adjacent High Range 5 to the east, and other residents in the area.

City of Rio Rancho Comprehensive Plan

The High Range 6 Master Plan is consistent with the goals and policies established by the City of Rio Rancho Comprehensive Plan. The following analysis describes how the High Range 6 Master Plan achieves and furthers the City’s goals and policies.

Annexation, Antiquated Platting, and Addressing

The intent of the Annexation, Antiquated Platting, and Addressing element of the Comprehensive Plan is to ensure the challenges associated with antiquated platting are resolved throughout Rio Rancho through proper platting and addressing practices.

Antiquated platting and checkerboard ownership existing on the Property presents a significant challenge to development and land assemblage. As stated above, High Range 6 intends to improve upon the existing entitlements by assembling the land and establishing the framework required for the development of a master planned, single-family residential community.

Conservation and the Natural Environment

The intent of the Conservation and the Natural Environment element of the Comprehensive Plan is to ensure that sustainability is a key component of the City's growth. As development occurs, concerns regarding water quality, air quality, water conservation, energy conservation, geological features, and soil conditions should be considered by the City of Rio Rancho when development decisions are made.

The Conservation and the Natural Environment goal identified below is furthered by the High Range 6 Master Plan.

Goal 1: Preserve water resources.

In an effort to address concerns regarding water resources, the High Range 6 Master Plan features xeriscape landscape requirements in the Design Guidelines section provided below. Preferred plant materials include native shrubs, trees, and grasses, as identified in Exhibit O, Plant Palette.

Land Use

The intent of the Land Use element of the Comprehensive Plan is to provide land use guidance for population growth by identifying and proposing the location of different types of development and land uses. The High Range 6 Master Plan furthers the featured Land Use policy identified below.

Policy 1: Encourage the master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan.

The High Range 6 Master Plan establishes the desired community character through the Design Guidelines defined further in this proposal. The Design Guidelines addresses building setbacks, architectural colors and finishes, and landscape requirements. The development includes a pocket park and neighborhood park along with a multi-use trail to meet the recreational needs of residents. Conceptual Paving, Drainage, and Utility Plans were prepared to address the above-mentioned engineering items and are attached for reference.

Population and Housing

The intent of the Population and Housing Element of the Comprehensive Plan is to ensure that housing is available to all sectors of the population and to guide development to key areas that are fundamental to the development of the City.

The High Range 6 Master Plan furthers the following Population and Housing goals and policies as identified in the list below.

Goal 4: To ensure that single-family and multi-family residential neighborhoods provide an attractive living environment.

Policy 7: Support residential developments with appropriate amenities for families and children.

The High Range 6 community is designed to provide an attractive single-family neighborhood. The development includes a pocket park and neighborhood park with a multi-use trail that will help serve the multi-generational needs of the community.

Transportation

The Transportation element of the Comprehensive Plan encourages a multi-modal transportation network to meet long-term local and regional circulation needs. The featured transportation goals, policies, and objectives listed below are applicable to the High Range 6 Master Plan.

Goal TR-1: Transportation facilities designed and constructed in a manner to facilitate Rio Rancho's economic goals, enhance livability, and meet federal, state, and regional and local requirements.

Goal TR-3: A balanced transportation system that provides access to a variety of transportation options (automobile, transit, bus rapid transit, rail, bicycle, and pedestrian facilities).

Policy TR-11: Ensure all rights-of-way and transportation facilities are ADA-compliant.

All new streets within High Range 6 will be constructed to meet City of Rio Rancho standards. Furthermore, High Range 6 is linked to the High Range 5 neighborhood to the east through the provision of a multi-use trail along Wild Horse Road, the east-west collector street running through the center of High Range 6. Wild Horse Road will also link High Range 6 to future development to the west toward Broadmoor Boulevard. The multi-use trail will provide greater balance to the transportation system by providing an option for residents to bike and walk.

Parks and Recreation

The intent of the Parks and Recreation element of the Comprehensive Plan is to ensure that amenities such as parks and recreational facilities are provided for City residents. The goals met by the High Range 6 Master Plan are listed below.

Goal PR-1: Establish new and maintain existing recreation and senior centers, parks, trails and open space that foster a quality community, support a strong economy, and meet the needs of current and future residents.

Goal PR-2: Be responsive to the recreational needs of the community.

As previously mentioned, the High Range 6 Master Plan furthers these goals by providing a pocket park and neighborhood park along with a multi-use trail along Wild Horse Road to create a quality community environment. Park site plans and final locations of recreational facilities shall be provided later in the development process and shall be subject to approval by Rio Rancho Parks and Recreation Department.

Urban Design

The Urban Design element of the Comprehensive Plan ensures that development will follow design standards that achieve the creation of community identity and aesthetic quality. Relevant goals furthered by the High Range 6 Master Plan are listed below.

Goal UD-2: Create traditional neighborhood patterns that support a sense of place.

Goal UD-6: Support development that links neighborhoods and encourages the use of all modes of transportation.

As stated above, High Range 6 is linked to the High Range 5 neighborhood to the east through the provision of a multi-use trail along Wild Horse Road, the east-west collector street running through the center of High Range 6. Wild Horse Road will also link High Range 6 to future development to the west toward Broadmoor Boulevard.

As demonstrated above, these Urban Design goals are furthered by the High Range 6 layout which creates a traditional neighborhood development pattern with multiple points of access to the existing street system and adjacent neighborhoods.

5. Transportation

Overview

The newly planned High Range 6 is to be located contiguous to the established High Range subdivision located west of the Unit 5 subdivision that is currently in the city approval process. The new development phase is to be situated north of Inca Road, south of the future Montezuma Boulevard, west of the future Excalibur Street, and east of the future Bedivere Street alignment. High Range 6 will have access to Idalia Road via the Guinevere Street intersection, located 0.25 miles east of the site. The Guinevere Street intersection is to be located about 0.65 miles southwest of Loma Colorado Boulevard and about 0.68 miles northeast of Broadmoor Boulevard. Access will also be available to the future Montezuma Boulevard to the north via Bedivere Street as well as via Excalibur Street. East/west access to Loma Colorado Boulevard and the other site development phases will be possible via Inca Road, an internal local collector street parallel to Idalia Road.

Located near the northerly reaches of the developing Rio Rancho area, major employment centers of the greater Albuquerque and Rio Rancho areas are generally located to the south and east.

The site will be developed in two construction phases with a total of 463 single family dwelling units at full build-out. Access to the High Range 6 internal street network will be via three entrance road connections off Excalibur Street, two entrance roads off Bedivere Street, and one entrance road connection off Montezuma Boulevard. Along the north boundary of High Range 6, Montezuma Boulevard was partially constructed with Broadmoor Heights. High Range 6 will construct its adjacent half street of Montezuma Boulevard and align a right-in right-out entrance with Amy Road. The full build-out of Montezuma Boulevard will be 82-foot wide (106-foot right-of-way) extending west from the proposed High Range Unit 5. The main entrance road (Wild Horse Road) will be a 50-foot wide collector street (68-foot right-of-way) extending west from the proposed High Range Unit 5. There will be a 8-foot wide multi-use trail on the north side and a 5-foot wide sidewalk on the south side. Access to the major roadway network will be gained through the Inca Road intersection with Guinevere Street, south to Idalia or east to Loma Colorado Boulevard. In addition, Inca Road will extend west to Broadmoor Boulevard allowing access to Idalia Road to the south and Montezuma Boulevard to the north. Bedivere Street will be extended north to Montezuma Boulevard, allowing access to Broadmoor Boulevard to the west. All internal streets in the subdivision will have a 30-foot wide paved section. All new streets within High Range 6 will be constructed to meet City of Rio Rancho standards. This includes the perimeter streets of Excalibur, Bedivere, Inca Road, and Montezuma Boulevard.

Based on existing topography of High Range 6, the proposed linear site layout allows the development to follow the existing terrain more closely and limits roadway alignments that may be against the downward gradient of existing slopes when compared to curvilinear alignments. Additionally, open space corridors between adjacent rear yards will allow space for natural grading and ultimately reducing excessive retaining wall heights throughout the site. (Refer to Exhibit J, Conceptual Paving Plan.)

6. Conceptual Drainage Plan

Plan Area Description

The proposed High Range 6 subdivision will be completed in 2 Phases. The first phase will consist of 323 single family residential lots, while the second phase will consist of 140 single family residential lots. The entire site covers approximately 102 acres. The project site is not encumbered by a FEMA 100-year floodplain and is located within Zone X (refer to FEMA FIRM panels 35043C1900D and 35043C1893D, dated 3/18/2008). Zone X is defined by FEMA as “Area of Minimal Flood Hazard”.

Existing Conditions

The general topography in the area slopes away from the site, as it is located on a set of regional highpoints. The southmost portion of the site drains southwest via an earthen flow path up to and beyond Idalia Road NE. The eastern portion of the site drains east towards three offsite detention ponds some distance east of High Range 6. The northern portion drains northeast, also towards these three eastern detention ponds. Offsite flows only affect Phase 2, as there are three small offsite subbasins northwest of the future Bedivere Street NE, which historically drain east across the site toward the previously mentioned three offsite detention ponds.

Developed Conditions

With developed conditions, the minor offsite flows originating northwest of Bedivere Street NE will be routed through detention ponds in the future High Range 6 Phase 2, with some portion possibly travelling via Wild Horse Road NE and Montezuma Boulevard NE before reaching detention ponds within High Range 5 and continuing to their ultimate outfall east.

Onsite runoff for the southernmost portion of the site will enter the two onsite southern detention ponds before being released towards its historic flow path, which is earthen and travels southwest up to and beyond Idalia Road NE. The eastern portion of Phase 1 will enter an onsite detention pond, before heading east and being intercepted by a 24" pipe that leads to a High Range 5 detention pond. The western portion of Phase 1 will drain to an onsite detention pond at the western edge of the property before being released to another earthen existing outfall. The northern portion of Phase 1 will drain northeast to an onsite detention pond before being released toward a proposed 42" pipe that is associated with a proposed storm system and detention pond within High Range 5. Lastly, all of the proposed High Range 6 Phase 2 onsite runoff will be routed to onsite detention ponds before being bled off to storm systems in High Range 5 Phase 2 and detention ponds associated with that subdivision.

All released flows from detention ponds will not exceed the historic runoff peak discharges produced by the site, such that downstream flow patterns are not disturbed. The detention ponds will be sized to provide capacity for 100-year 6-hour storm plus 1 foot of freeboard and empty within 24 hours. This is to meet pond capacity and water quality requirements in accordance with the City of Rio Rancho Development Manual – Vol II. More analysis will be completed in a future drainage submittal as the subdivision plats for High Range move forward. (Refer to Exhibit K, Conceptual Drainage Plan.)

7. Conceptual Utility Plan

This section describes water and sewer infrastructure and services. High Range 6 shall be serviced by the City of Rio Rancho Utility Department.

Water

The existing north half of the High Range 6 property slopes from west to east while the south half of the property is split by a ridge line. High Range 6 ranges in elevation from 5,575 feet to 5,487 feet.

The water supply source is proposed to come from an existing 10-inch line in Excalibur and an existing 20-inch line in Montezuma. An 8-inch line would be extended in Bedivere Street with two stubs to the west for future development. This 8-inch line would be looped to a new 8-inch line in Inca Road, which would extend eastward where it will connect to the existing 8-inch waterline just west of Bedivere Street.

An 8-inch line will be looped throughout the proposed development extending from the two entrance roads off Bedivere Street on the west side and looped to the existing 10-inch waterline in Excalibur Street at three entrance road locations on the east side of the site.

All waterlines within High Range 6 are proposed to be 8-inch lines with all the appropriate valves and fire hydrants.

Sanitary Sewer

The High Range 6 subdivision will be serviced through an internal 8-inch gravity line with manholes as necessary to meet City of Rio Rancho design standards along with sanitary sewer services to each lot. The topography within the northern half of the project site falls from west to east while the south half of the property is split by a ridge line.

Based on the topography, the proposed subdivision will require up to three separate sanitary sewer connections and a potential lift station located in High Range 6 Phase 1 located near Bedivere Street to drain the site properly. One connection will be at the far northeast corner connecting to the existing sanitary sewer line at the intersection of Excalibur Street and Montezuma Boulevard. The additional two connections will be in Excalibur Street at the intersection with the two entrance roads. Several 8-inch stub-outs will be provided to the property to the west in Bedivere Street.

The proposed sewer design for High Range 6 Phase 1 has options between having a deep sewer or needing a lift station along Bedivere Street. The existing topography along the portion of Bedivere Street in Phase 1 creates a local valley with the ridge lines rising more than 20 feet in all directions. Servicing the existing platted lots west of Bedivere Street by gravity sewer would require manholes exceeding depths of 30 feet. Alternatively, a lift station would resolve the issue of deep sewer line and manholes but would create an additional future maintenance for the City of Rio Rancho. (Refer to Exhibit L, Conceptual Utility Plan.)

8. Design Guidelines

Introduction

The Design Guidelines established for High Range 6 are proposed as a continuation of the High Range 5 neighborhood to the east for cohesion and consistency between the two residential developments. The desired character of design features common to the community, such as grading, landscape, signage, lighting, walls, setback, pedestrian connections, and architecture, are expressed in the guidelines identified below. These design guidelines help implement the Urban Design provisions of the City of Rio Rancho's Comprehensive Plan.

The Design Guidelines are primarily intended for use by homebuilders. Guidelines using the term "shall" and "will" are mandatory. These guidelines do not supersede specific requirements under the Rio Rancho Zoning Code. Where conflicts occur between these design guidelines and City regulations, the more restrictive shall apply.

The Design Guidelines address site planning, pedestrian amenities, multi-use trail, building design and materials, setbacks, landscape, walls, entry signs, lighting, and utilities to create the visual image desired for High Range 6. The Design Guidelines are intended to be complementary to the surrounding area while maintaining the unique neighborhood identity established by the prior High Range Master Plans.

General Site Planning

- Development within High Range 6 shall comply with the City of Rio Rancho Subdivision Ordinance.
- Residential lots developed as part of this Master Plan are prohibited from fronting or having driveway access to a collector or major local street.
- The typical lot shall be a minimum of 35 feet in width with a minimum lot area of 2,500 square feet per the regulations of the R-5 zoning district.

- Lots that face streets at the front and rear shall be limited to one driveway access from the front facing street. A solid wall shall be provided at the rear yard of these properties to ensure no access from the secondary street frontage.
- Clear sight distances shall be maintained at all driveway locations and intersections per AASHTO design standards.

Pedestrian Amenities

- All pedestrian paths shall be designed to be accessible (see Americans with Disabilities Act Criteria for Barrier-Free Design), except where topography makes this unfeasible.
- Sidewalks shall be five feet in width throughout the subdivision, with the exception of the north side of Wild Horse Road, which shall contain the 8-foot multi-use trail.
- To the maximum extent feasible, all residential streets, parks, trails, and common open space areas shall be designed to create a connected system that promotes pedestrian circulation and access.
- All pedestrian walkways and trails shall be designed to be accessible and consistent with the Americans with Disabilities Act Criteria for Barrier-Free Design.

Multi-Use Trail

The Lomas Negras SAP calls for an 8-foot multi-use trail within the right-of-way of the east-west collector road (Wild Horse Road) through Phase 2 of the High Range 6 project area. The High Range 6 Master Plan provides a 68-foot right-of-way for Wild Horse Road that is designed to accommodate the multi-use trail.

- The multi-use trail shall be 8 feet in width, designed to be ADA-compliant, and constructed to AASHTO standards, or equivalent.
- The multi-use trail shall be located on the north side of Wild Horse Road.

For an illustration refer to Exhibit M, Wild Horse Road Section.

Building Design and Materials

Architectural style is not regulated by the City of Rio Rancho. However, certain common design elements should be complementary to and enhance the community image. The architectural design should respond to climate, views, solar exposure, and aesthetic considerations. The architectural design elements shall be enforced through an Architectural Review Committee (ARC) established through the Homeowners' Association (HOA) shared between High Range 5 and High Range 6. The ARC will be formed at the time of final plat approval.

- Residential building heights shall not exceed 32 feet in height and shall be consistent with the City Comprehensive Zoning Code.
- Stucco shall be the primary building material. Stucco colors shall be limited to shades of brown, sage green, and tan. High intensity colors, such as metallic, black, or florescent colors, are prohibited.
- Stucco colors should vary and there shall be no more than two houses in a row with the same stucco color.
- Accent colors in entry portals, front door, window frames and trim, and other incidental elements shall be shades of white, blue, maroon, brown, and green.
- Windows may be wood, metal, or solid vinyl. Reflective film is prohibited.
- Exterior doors, including garage doors, shall be stained or painted wood or painted metal and shall match the architectural theme of the dwelling.
- Accent materials may consist of rock, wood, tile, or brick.
- All vinyl or metal window frames must be either recessed or projected a minimum of 2-inches if they are adjacent to stucco or stone, unless they are wood encased.

Yard Walls

Walls and fences will serve to provide security, screening of unsightly areas, and visual relief. A consistent approach to wall design, quality, and height will provide visual continuity. Walls are considered an integral part of the site design and shall include:

- 6-foot CMU block with stucco finish.
- Yard walls shall not be constructed of unfinished gray block walls, barbed wire, chain link, concertina wire, and wood or plastic/vinyl fencing.

(Refer to Exhibit N, Wall and Entry Monument Elevations.)

Perimeter Walls

The perimeter wall surface shall be finished with a combination of:

- Smooth and split-face CMU block.
- A continuous 4-inch cap that projects 2 inches out from the wall surface on the public side of the wall.
- Project identification medallion facing public rights-of-way along Montezuma Boulevard, Inca Road, Bedivere Street, and Excalibur Street.

(Refer to Exhibit N, Wall and Entry Monument Elevations.)

View Fence

To enhance the aesthetics of the High Range 6 community, a view fence shall enclose the drainage ponds. The view fences shall include:

- Smooth-face CMU block for the base and pilasters.
- Tubular steel fence panels between the pilasters.

(Refer to Exhibit N, Wall and Entry Monument Elevations.)

Entry Signage

Signage should enhance the overall attractive character of the community and provide project identification. A common design theme for signage will enhance the community image of High Range 6. Size and placement of entry monument signs should be considered an integral part of the site development process.

- Entry signage shall be monument style. The entryway monument shall not exceed 5 feet in height and 14 feet in length.
- Entry monument signs shall be designed and sited to allow adequate sight distance at roadway intersections.

(Refer to Exhibit N, Wall and Entry Monument Elevations.)

Lighting

The objective of the lighting guidelines is to provide lighting that enhances the safety, security, and visual aesthetic of High Range 6. Careful attention to lighting detail will contribute to a cohesive community feel and image.

- Outdoor lighting shall conform to state and local safety illumination standards and the existing City of Rio Rancho Outdoor Lighting Ordinance.

- Lighting should be located to enhance the safety of pedestrian and vehicular flows at key points along roadways. Street lights should be limited to intersections, tight curves, cul-de-sacs, and pedestrian crosswalks.
- The developer is responsible for obtaining any applicable approvals and permits prior to installation of lighting. Where any provisions of federal, state, county, or city statutes, codes, or laws conflict with any provisions of these design guidelines, the more restrictive shall govern unless otherwise regulated by law.

Setbacks

The use of setbacks provides space for visually attractive streetscapes and allows for adequate spacing and fire access between homes.

- The front setback shall be a minimum of 10 feet with a minimum of 15 to a side loaded garage and 20 feet to a front loaded garage. The livable portion of the dwelling shall have a minimum offset of 5 feet from the garage in order to avoid a garage-dominated landscape. The use of courtyards, porches, or other design features may be used to accomplish this. The offset shall vary a minimum of every 3 lots.
- The rear setback shall be a minimum of 15 feet.
- The side setback shall be a minimum of 5 feet for a total of 10 feet between structures.
- Corner lots shall have a minimum 10-foot setback.

Landscape

The High Range 6 Master Plan promotes the use of native and naturalized plant species that perform well in an arid environment and conserve water. A landscape palette is included as Exhibit O, Plant Palette, to identify the landscaping proposed within this Master Plan.

- Shrubs and/or boulders shall be provided along rights-of-way where front yards face the street, in a group of three. For example, two boulders and one shrub, one boulder and two shrubs, or three shrubs. The shrubs/boulders shall be provided in the planting strip between the back of curb and the public sidewalk.
- Street trees shall be provided along rights-of-way where side yards face the street, at a frequency of one tree per 50 feet and a maximum of two trees per side yard frontage. The street trees should be provided in the planting strip between the back of curb and the sidewalk; however, where planting strips are not present, the street trees shall be provided within 20 feet of the back of curb.

- Builders are required to provide front yard landscaping for each residential unit.
- Front yard residential landscapes shall include 1 Tree, 3 Shrubs, and 2 Accent boulders.
- The landscape within the planting strip adjacent to residential lots shall be maintained by the individual lot owner. Individual lot owners shall be responsible for the maintenance of the landscape on their property and the landscape strip between the back of curb and sidewalk within the public right-of-way.
- All plant material, including trees, shrubs, groundcover, wildflowers, etc. shall be maintained by the lot owner in a living attractive condition.
- Landscapes shall employ xeric principles of design and is encouraged to incorporate water harvesting to the extent possible.

Site Utilities and Screening

Screening is required to minimize the visual impact associated with utility equipment and structures.

- All permanent utilities shall be located underground.
- Mechanical roof top units shall be screened from public view by the use of parapets or equivalent.
- Transformers, utility pads, and telephone boxes shall be appropriately screened with walls and/or vegetation when viewed from the public right- of-way as practical and allow adequate clearance for safe operation, maintenance, and repair purposes.

9. Implementation

The implementation of the High Range 6 Master Plan shall occur at the time of development.

1. All infrastructure should be planned and coordinated with City of Rio Rancho Public Infrastructure, City of Rio Rancho Departments of Public Safety and Transportation, PNM, and any other established entities working with Sandoval County and the City of Rio Rancho.
2. National Standards for emergency response times shall be upheld; therefore, facility planning shall be coordinated upon subdivision occurrence.
3. All interior street locations and alignments are conceptual and subject to minor adjustment. Final location and alignment of internal streets shall be determined at the time of subdivision plat.
4. All streets shall be dedicated to the City of Rio Rancho at subdivision plat.
5. The subdivision design and dwelling units shall be developed in accordance with the High Range 6 Master Plan and the City of Rio Rancho Ordinances.
6. A Development Agreement shall be submitted and approved at the time of subdivision plat.
7. Property owners within the Plan area of this proposal are permitted by right to submit land use and zoning applications if there is a future desire to deviate from the designations established herein by the High Range 6 Master Plan.
8. Architectural design elements shall be enforced through an Architectural Review Committee (ARC) established through the Homeowners' Association (HOA) shared between High Range 5 and High Range 6. The ARC will be formed at the time of final plat approval.
9. High Range 6 serves as a continuation of the approved High Range subdivisions and features a new neighborhood park, pocket park, and lot size to create the opportunity for diverse housing product options tailored to the current market. The trail along Wild Horse Road NE in High Range 5 continues through High Range 6 for pedestrian connectivity between the subdivisions and their respective parks.
10. High Range 6 will be completed in two phases as identified on the Phasing Plan provided as Exhibit C. Bedivere Street NE will terminate at the phase line in Phase 1 to be continued north with Phase 2 to Montezuma Road NE. Phase 1 will include Inca Road NE half street improvements which will continue southwest to Broadmoor Boulevard NE.

10. Conclusion

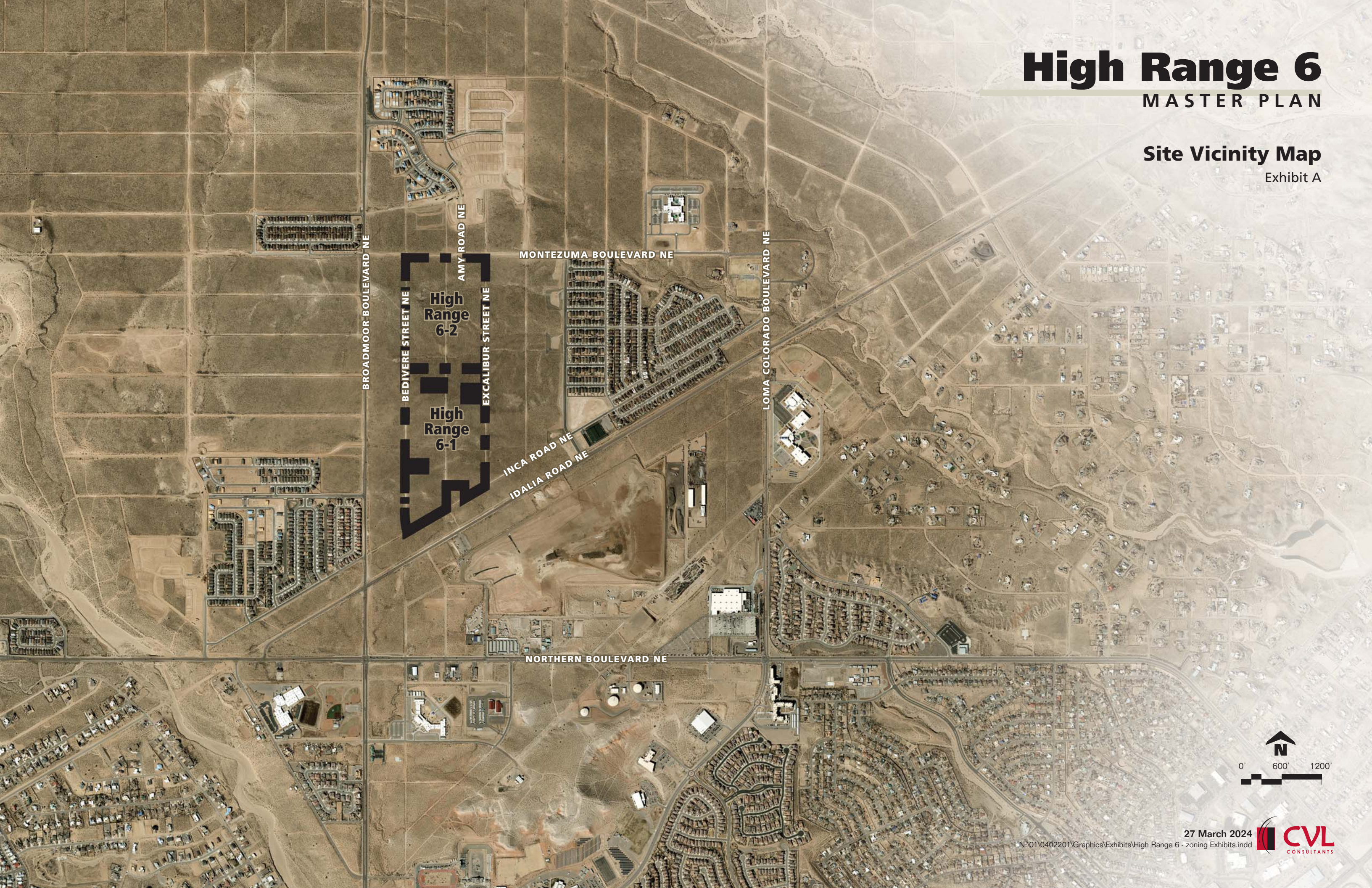
High Range 6 improves upon the existing entitlements to create an attractive addition to the existing High Range communities in the area. The intent for High Range 6 is to transform the existing site into a master planned community that will add to the growth already at work in the area and bring a new and attractive residential development to Rio Rancho. The proposed plan is well suited for the site and improves upon the existing entitlements to fulfill current market demand. This community provides compatibility with existing planned and proposed development in the area while supporting the economic goals and objectives of Rio Rancho.

High Range 6

MASTER PLAN

Site Vicinity Map

Exhibit A



BROADMOOR BOULEVARD NE

BEDIVERE STREET NE

High Range 6-2

High Range 6-1

EXCALIBUR STREET NE

AMY ROAD NE

MONTEZUMA BOULEVARD NE

INCA ROAD NE

IDALIA ROAD NE

NORTHERN BOULEVARD NE

LOMA COLORADO BOULEVARD NE



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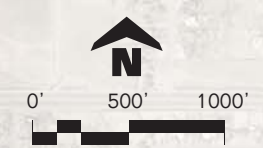
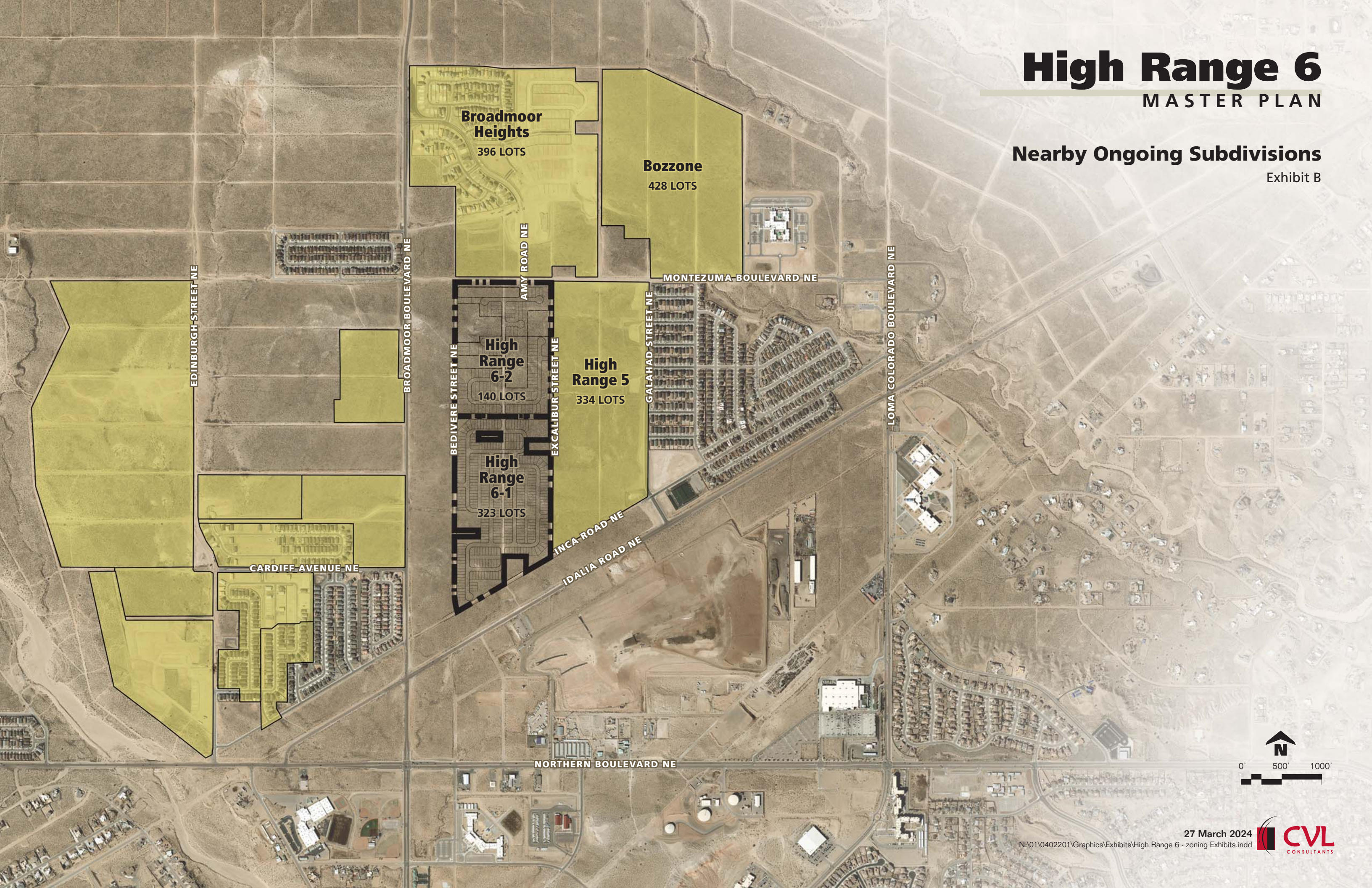


High Range 6

MASTER PLAN

Nearby Ongoing Subdivisions

Exhibit B



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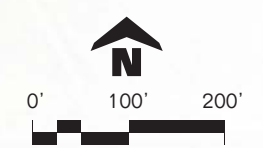
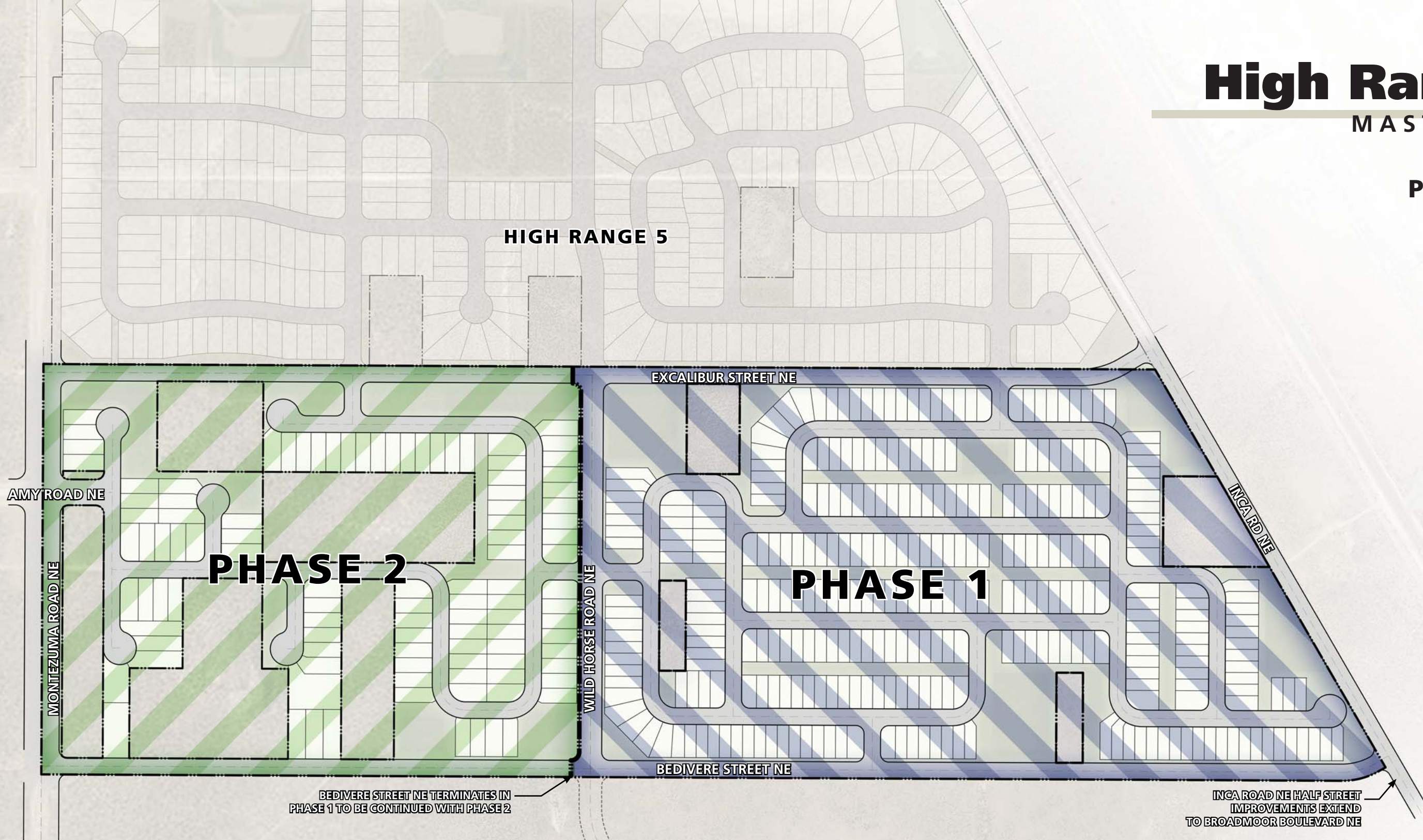


High Range 6

MASTER PLAN

Phasing Plan

Exhibit C






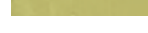









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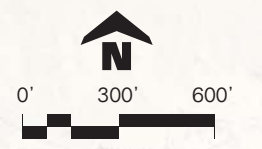
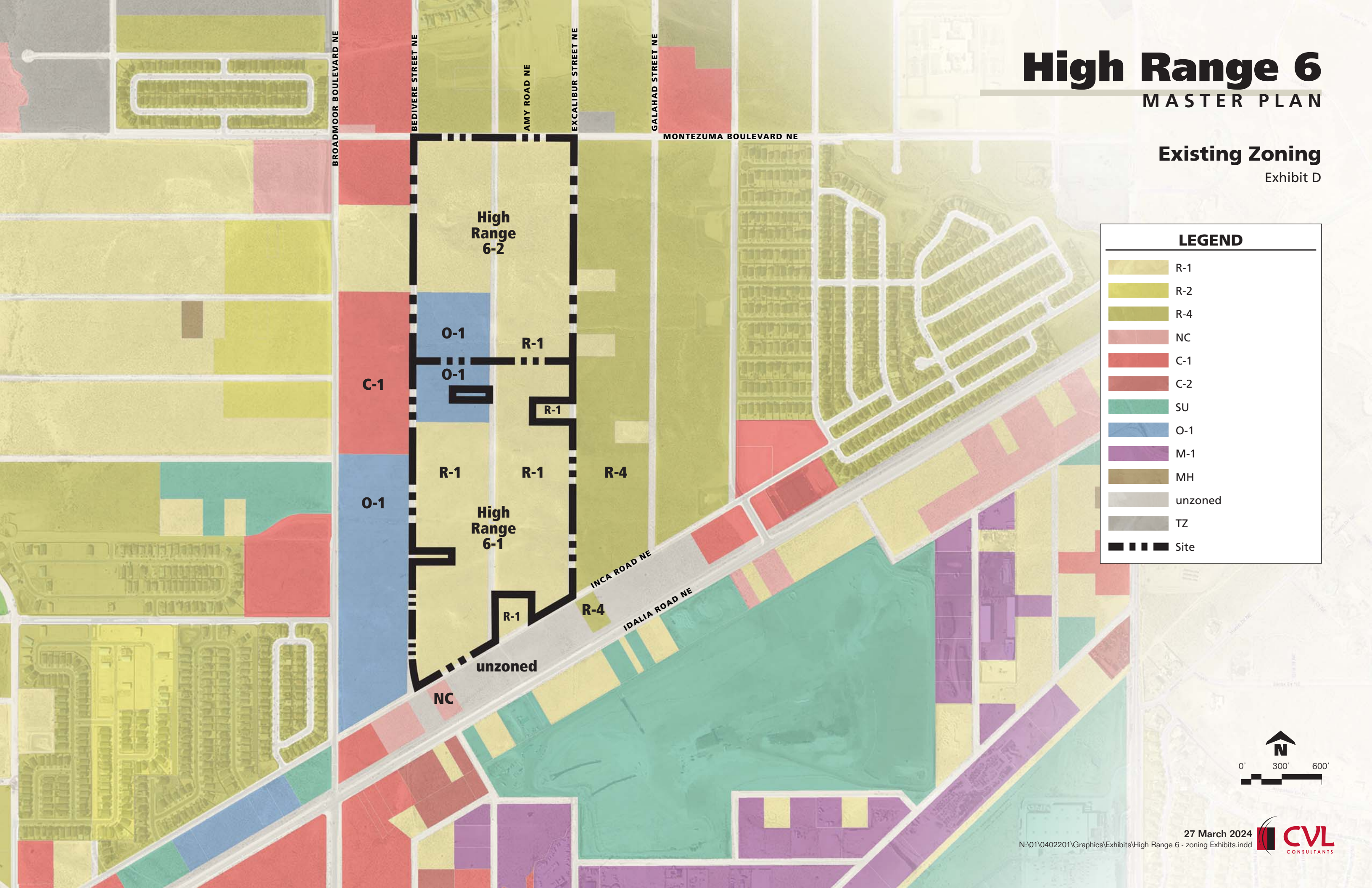
MASTER PLAN

Existing Zoning

Exhibit D

LEGEND

	R-1
	R-2
	R-4
	NC
	C-1
	C-2
	SU
	O-1
	M-1
	MH
	unzoned
	TZ
	Site














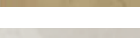
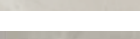
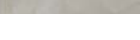
High Range 6

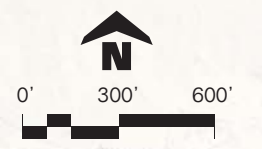
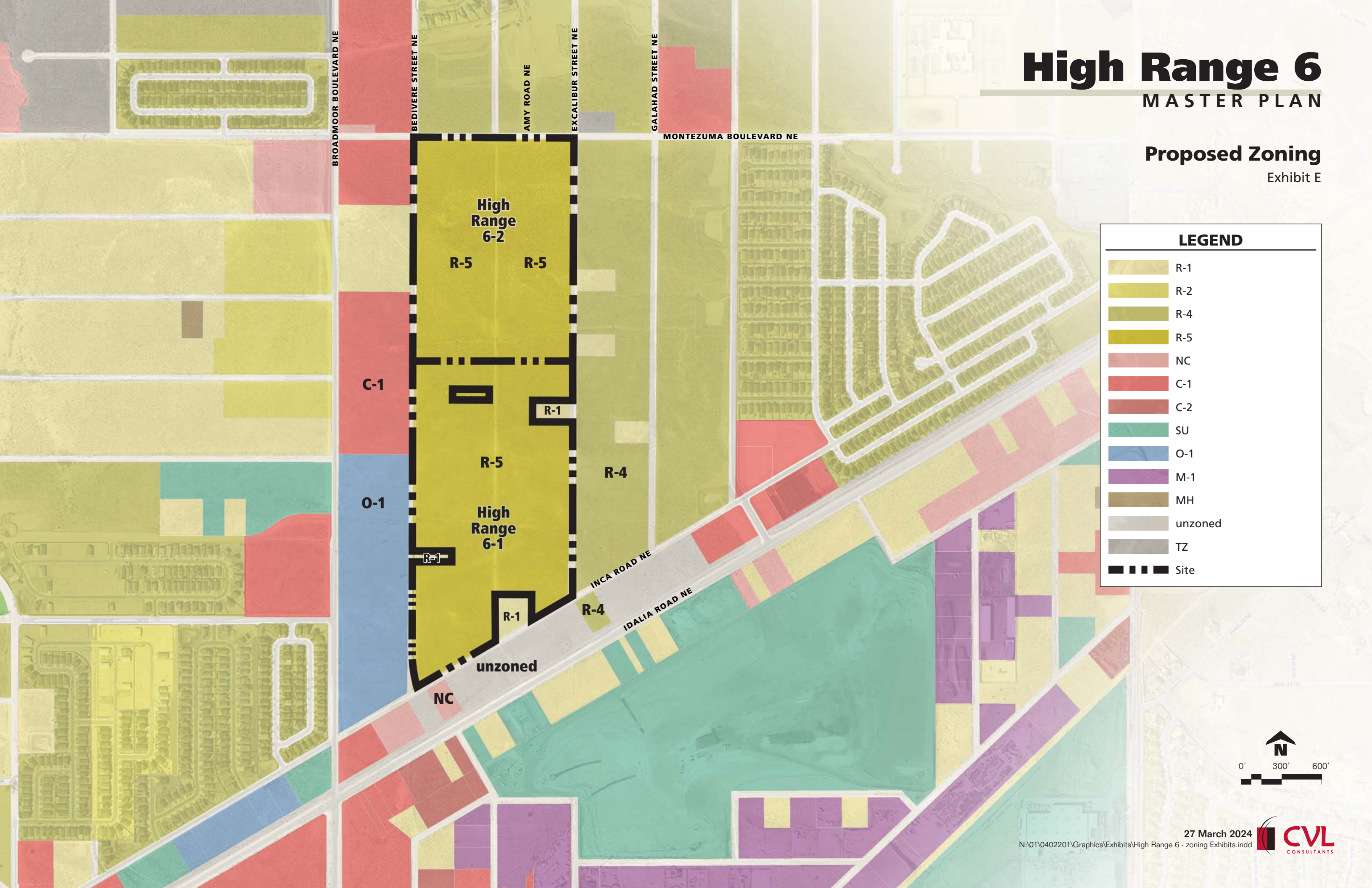
MASTER PLAN

Proposed Zoning

Exhibit E

LEGEND

	R-1
	R-2
	R-4
	R-5
	NC
	C-1
	C-2
	SU
	O-1
	M-1
	MH
	unzoned
	TZ
	Site



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High Range 6

MASTER PLAN

Existing Specific Area Plan

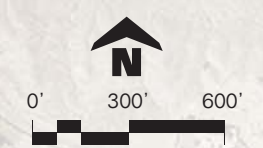
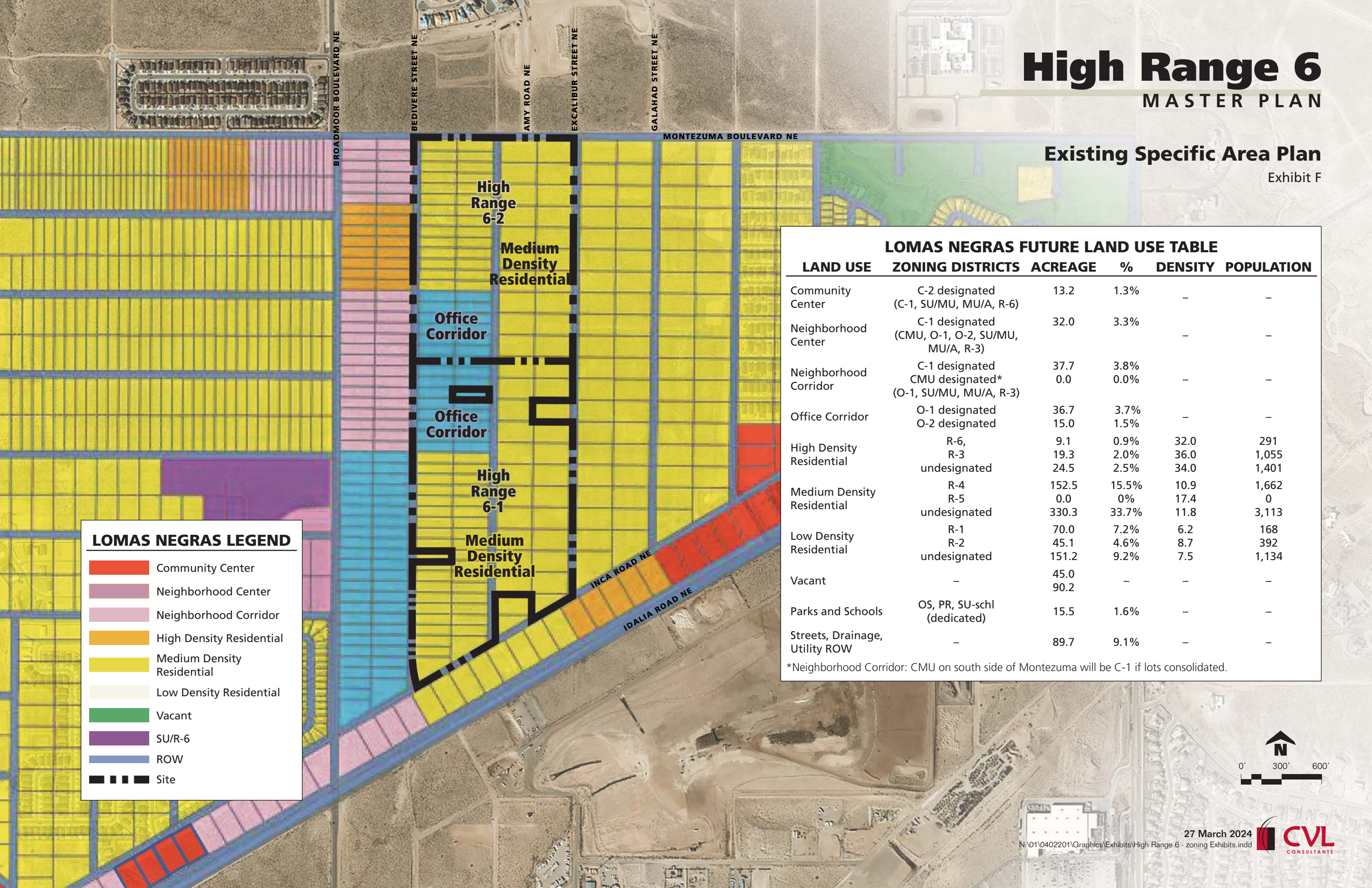
Exhibit F

LOMAS NEGRAS LEGEND

- Community Center
- Neighborhood Center
- Neighborhood Corridor
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Vacant
- SU/R-6
- ROW
- Site

LOMAS NEGRAS FUTURE LAND USE TABLE					
LAND USE	ZONING DISTRICTS	ACREAGE	%	DENSITY	POPULATION
Community Center	C-2 designated (C-1, SU/MU, MU/A, R-6)	13.2	1.3%	-	-
Neighborhood Center	C-1 designated (CMU, O-1, O-2, SU/MU, MU/A, R-3)	32.0	3.3%	-	-
Neighborhood Corridor	C-1 designated CMU designated* (O-1, SU/MU, MU/A, R-3)	37.7 0.0	3.8% 0.0%	-	-
Office Corridor	O-1 designated O-2 designated	36.7 15.0	3.7% 1.5%	-	-
High Density Residential	R-6,	9.1	0.9%	32.0	291
	R-3	19.3	2.0%	36.0	1,055
	undesignated	24.5	2.5%	34.0	1,401
Medium Density Residential	R-4	152.5	15.5%	10.9	1,662
	R-5	0.0	0%	17.4	0
	undesignated	330.3	33.7%	11.8	3,113
Low Density Residential	R-1	70.0	7.2%	6.2	168
	R-2	45.1	4.6%	8.7	392
	undesignated	151.2	9.2%	7.5	1,134
Vacant	-	45.0 90.2	-	-	-
Parks and Schools	OS, PR, SU-schl (dedicated)	15.5	1.6%	-	-
Streets, Drainage, Utility ROW	-	89.7	9.1%	-	-

*Neighborhood Corridor: CMU on south side of Montezuma will be C-1 if lots consolidated.

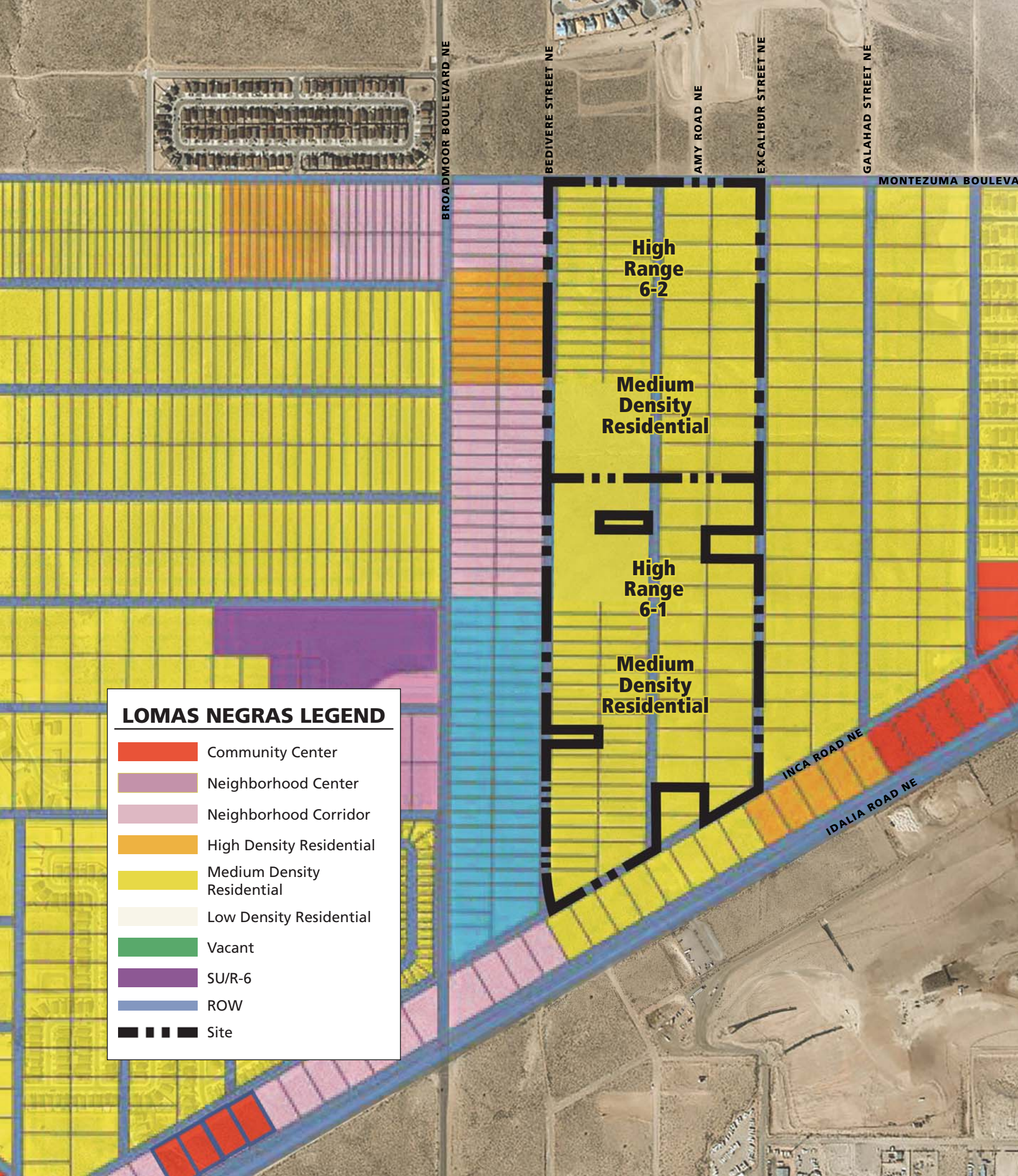


High Range 6

MASTER PLAN

Proposed Specific Area Plan

Exhibit G



LOMAS NEGRAS FUTURE LAND USE TABLE

LAND USE	ZONING DISTRICTS	ACREAGE	%	DENSITY	POPULATION
Community Center	C-2 designated (C-1, SU/MU, MU/A, R-6)	13.2	1.3%	-	-
Neighborhood Center	C-1 designated (CMU, O-1, O-2, SU/MU, MU/A, R-3)	32.0	3.3%	-	-
Neighborhood Corridor	C-1 designated CMU designated* (O-1, SU/MU, MU/A, R-3)	37.7 0.0	3.8% 0.0%	-	-
Office Corridor	O-1 designated O-2 designated	24.7 15.0	2.5% 1.5%	-	-
High Density Residential	R-6, R-3 undesignated	9.1 19.3 24.5	0.9% 2.0% 2.5%	32.0 36.0 34.0	291 1,055 1,401
Medium Density Residential	R-4 R-5 undesignated	152.5 102.0 228.3	15.5% 10.4% 23.3%	10.9 17.4 11.8	1,662 1,774 2,693
Low Density Residential	R-1 R-2 undesignated	70.0 45.1 151.2	7.2% 4.6% 9.2%	6.2 8.7 7.5	168 392 1,134
Vacant	-	45.0 90.2	-	-	-
Parks and Schools	OS, PR, SU-schl (dedicated)	15.5	1.6%	-	-
Streets, Drainage, Utility ROW	-	89.7	9.1%	-	-

*Neighborhood Corridor: CMU on south side of Montezuma will be C-1 if lots consolidated.

LOMAS NEGRAS LEGEND

- Community Center
- Neighborhood Center
- Neighborhood Corridor
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Vacant
- SU/R-6
- ROW
- Site



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High Range 6

MASTER PLAN

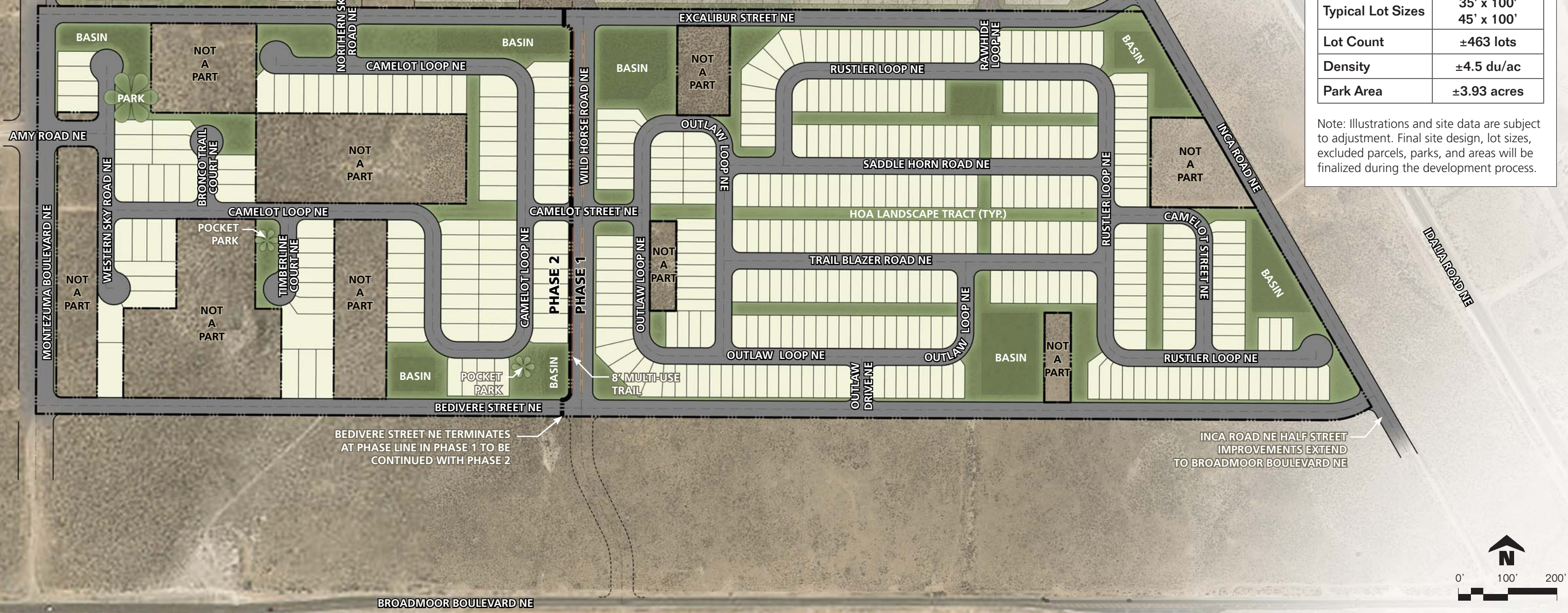
Conceptual Site Plan

Exhibit H

HIGH RANGE 5

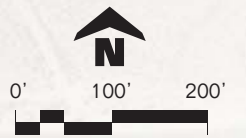
Overall Site Data	
Gross Area	±102.37 acres
Typical Lot Sizes	35' x 100' 45' x 100'
Lot Count	±463 lots
Density	±4.5 du/ac
Park Area	±3.93 acres

Note: Illustrations and site data are subject to adjustment. Final site design, lot sizes, excluded parcels, parks, and areas will be finalized during the development process.



BEDIVERE STREET NE TERMINATES AT PHASE LINE IN PHASE 1 TO BE CONTINUED WITH PHASE 2

INCA ROAD NE HALF STREET IMPROVEMENTS EXTEND TO BROADMOOR BOULEVARD NE

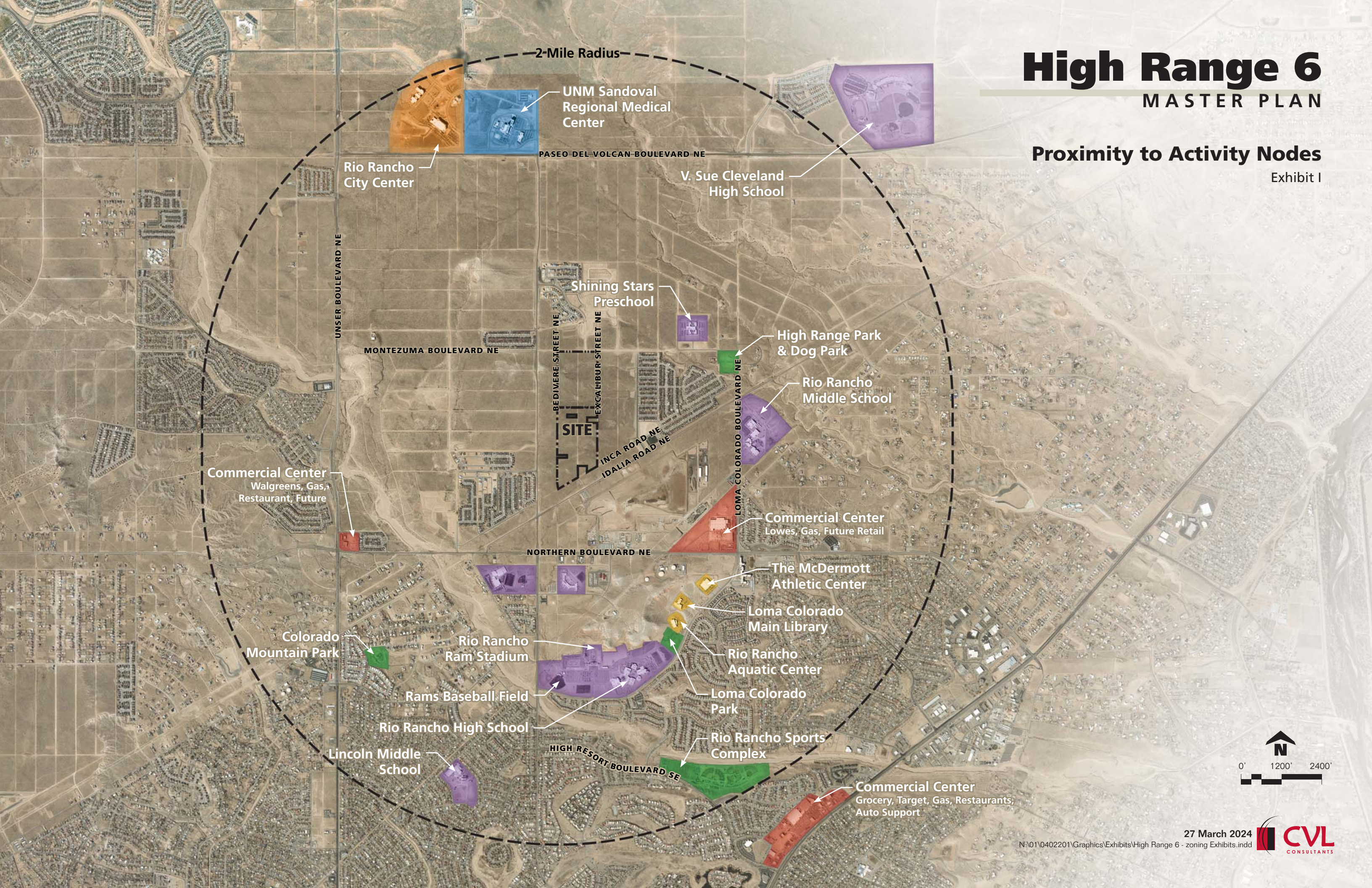


High Range 6

MASTER PLAN

Proximity to Activity Nodes

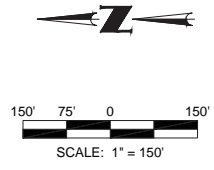
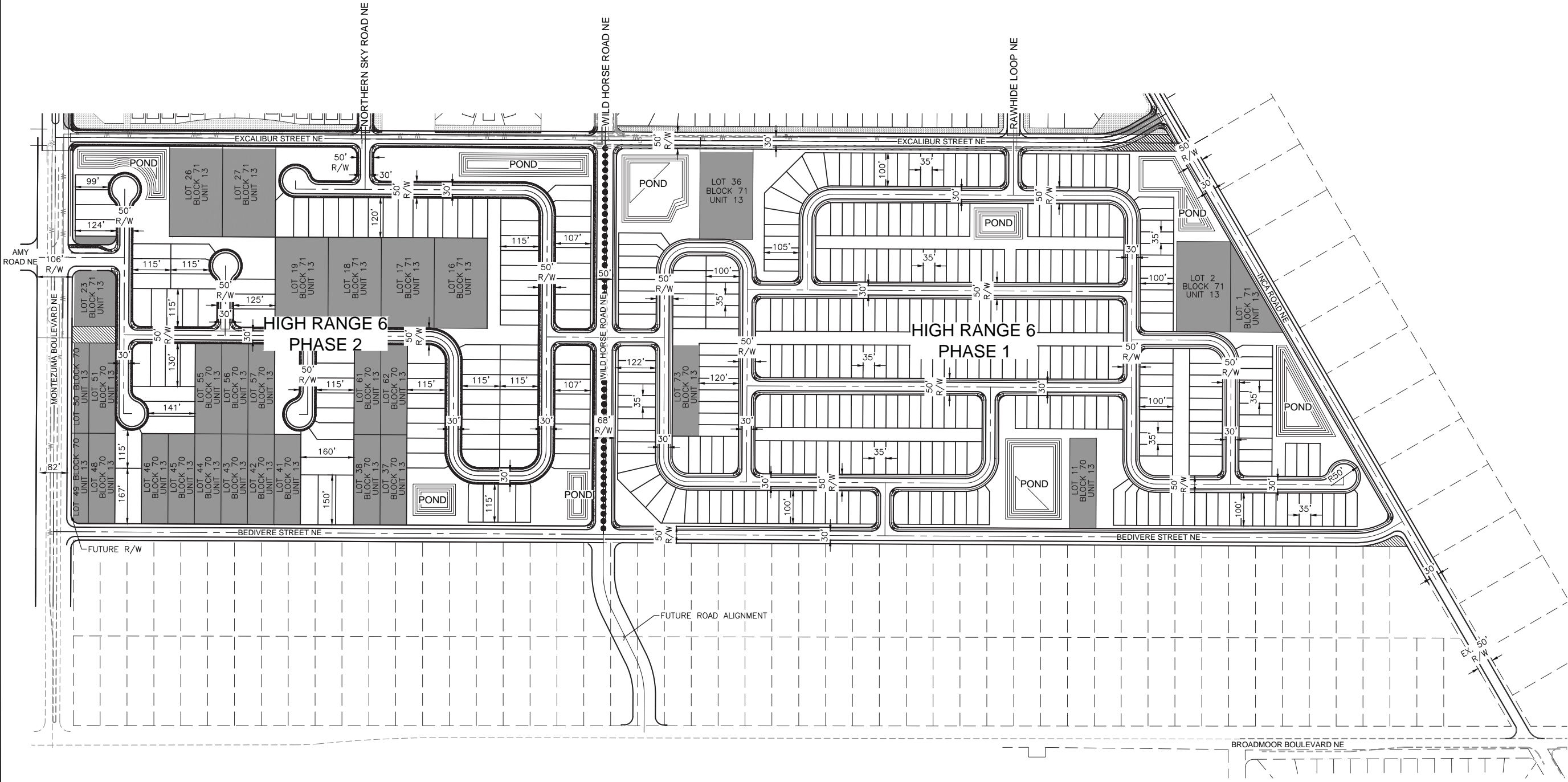
Exhibit I



27 March 2024

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CONCEPTUAL PAVING PLAN		NO.	REVISION	DATE
HIGH RANGE 6				
CITY OF RIO RANCHO, NEW MEXICO				



Coe & Van Loo Consultants, Inc.

High Range 6

MASTER PLAN

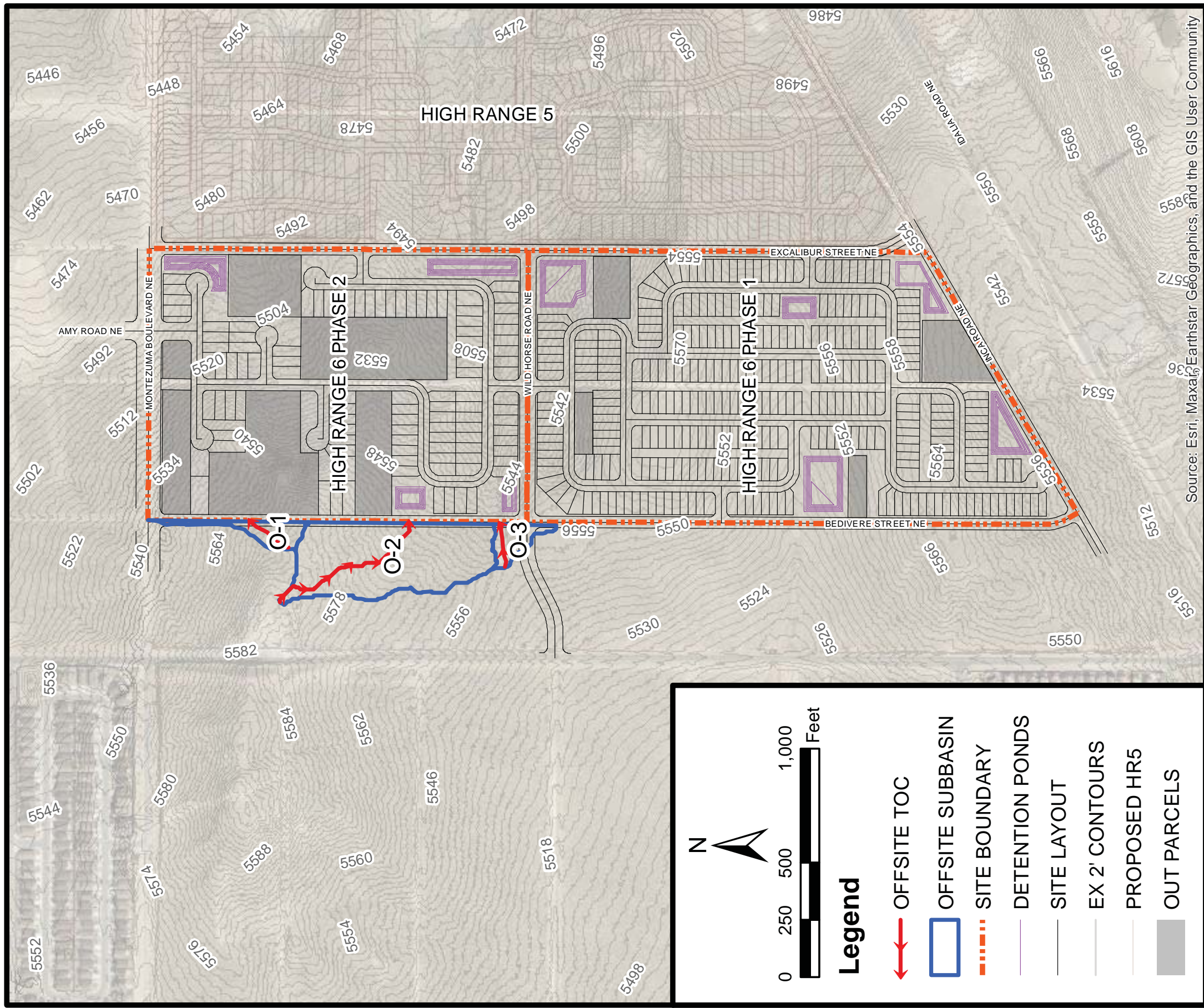
Conceptual Paving Plan

Exhibit J


01 SHEET OF 01

CVL Contact: D. CHUBIN
CVL Project #: 01-04022-01

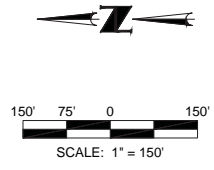
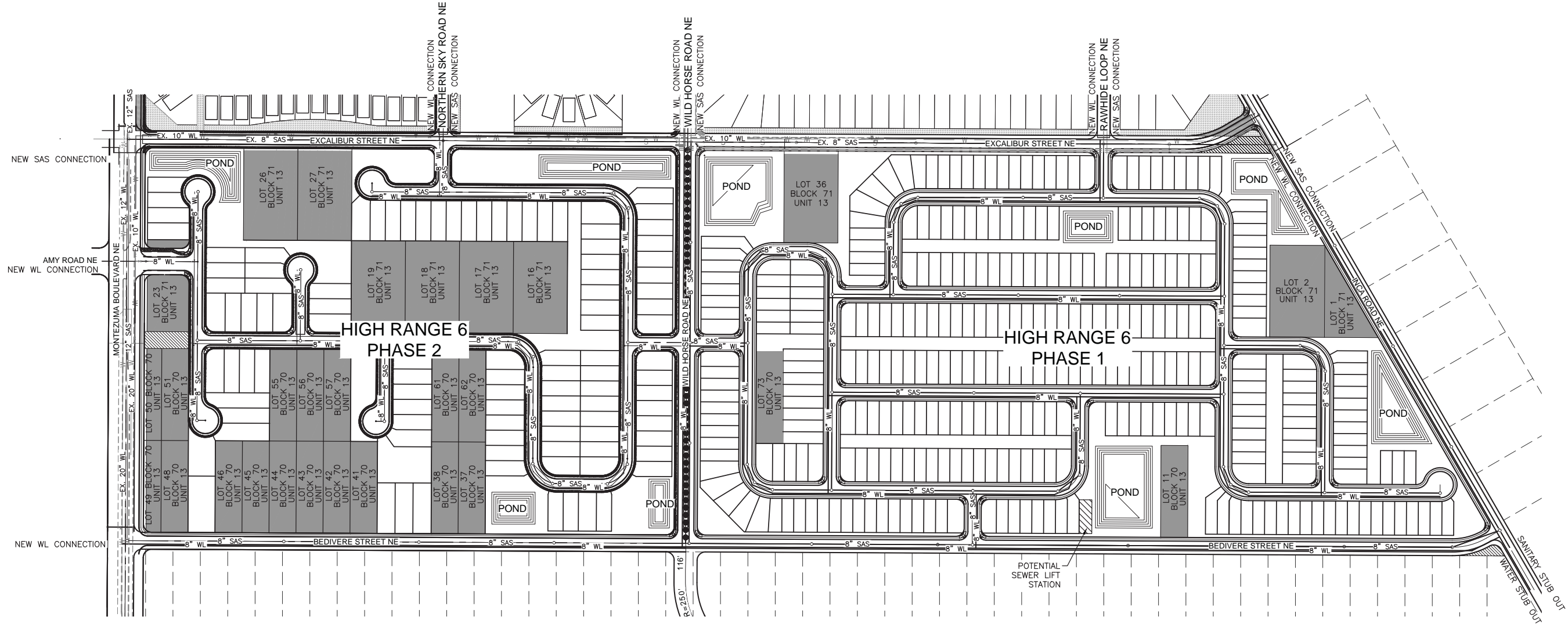
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Source: Esri, Maxar, Earthstar, Geographics, and the GIS User Community

 <p>4550 NORTH 12TH STREET PHOENIX, ARIZONA 85014 TELEPHONE (602) 264-6831</p>	<h2>HIGH RANGE 6</h2>		JOB NO. 1-01-04022-01
	<h1>OFFSITE DRAINAGE MAP</h1>		

N:\01\0402201\Hydro\High Range Unit 6\2_Preliminary Drainage Study\GIS\Exhibits\Offsite_Drainage_Map.mxd



CONCEPTUAL UTILITY PLAN		NO.	REVISION	DATE
HIGH RANGE 6 CITY OF RIO RANCHO, NEW MEXICO				
CONCEPTUAL UTILITY PLAN				
HIGH RANGE 6 CITY OF RIO RANCHO, NEW MEXICO				
CONCEPTUAL UTILITY PLAN				
HIGH RANGE 6 CITY OF RIO RANCHO, NEW MEXICO				
CONCEPTUAL UTILITY PLAN				
HIGH RANGE 6 CITY OF RIO RANCHO, NEW MEXICO				

01 SHEET OF 01
 CVL Contact: D. CHUBIN
 CVL Project #: 01-04022-01
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Coe & Van Loo Consultants, Inc.

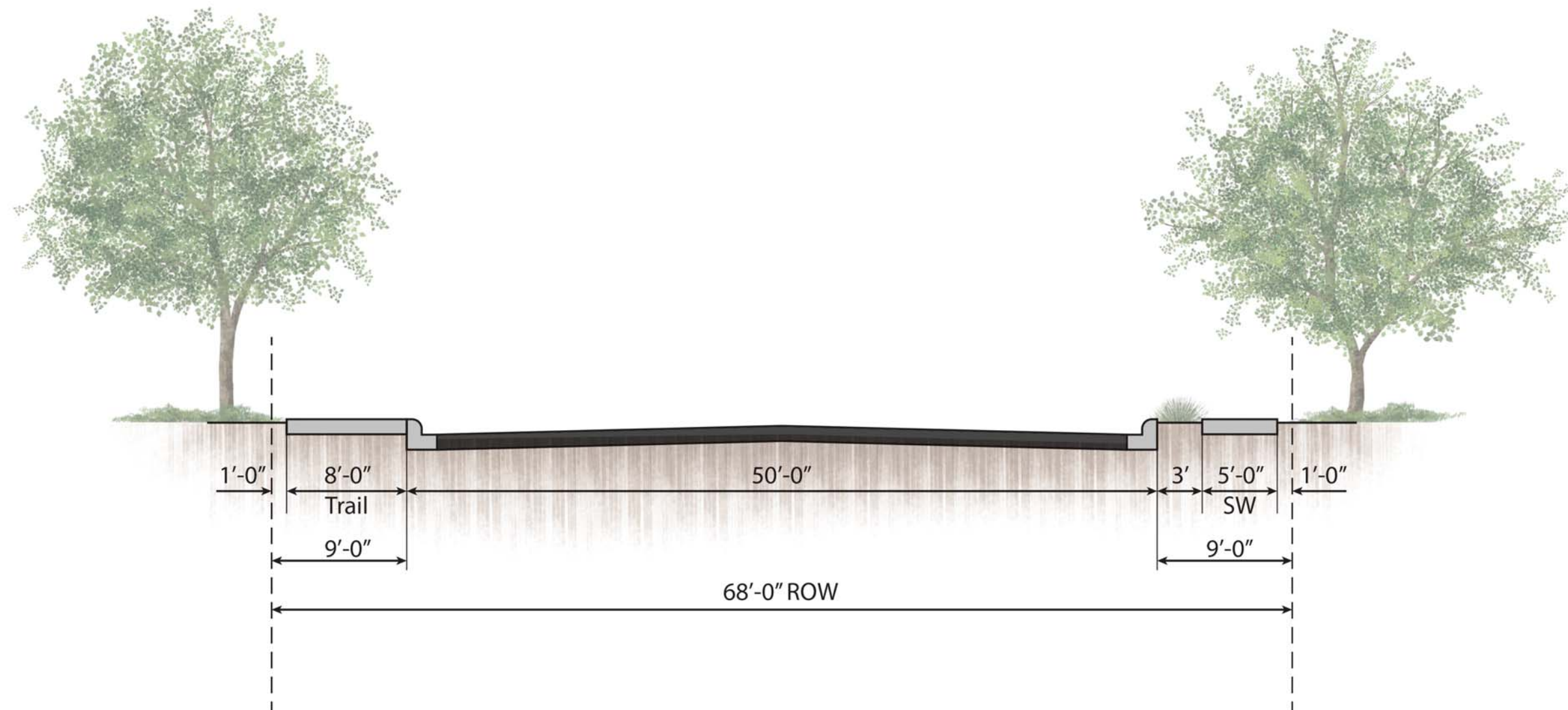
High Range 6
 MASTER PLAN
Conceptual Utility Plan
 Exhibit L

High Range 6

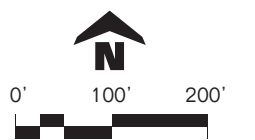
MASTER PLAN

Road Sections

Exhibit M



WILD HORSE ROAD SECTION

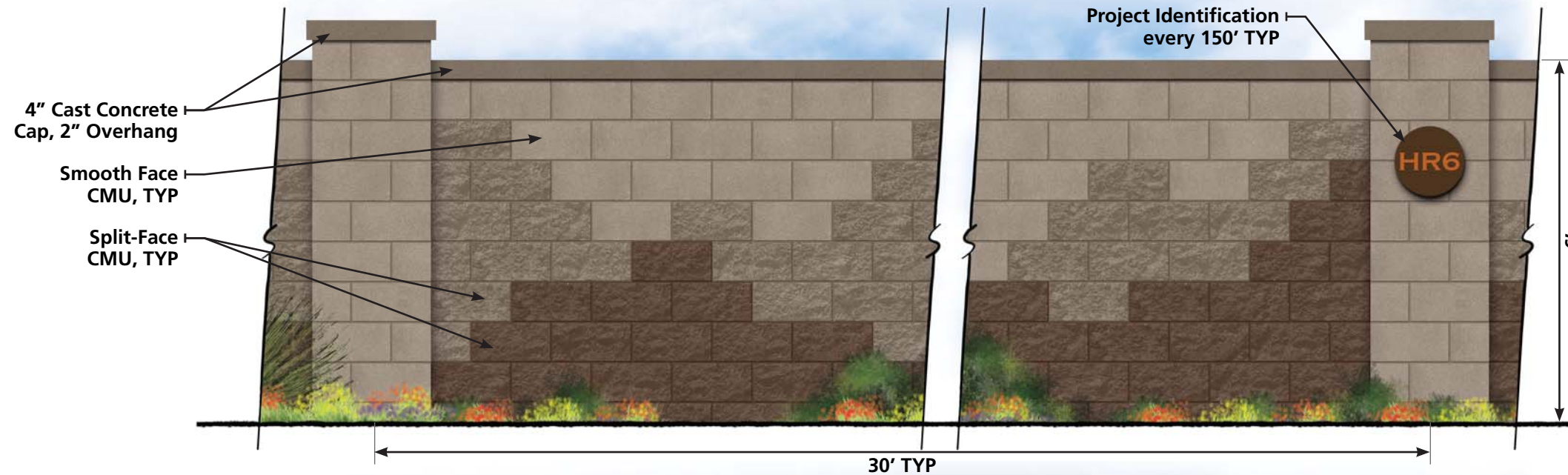


High Range 6

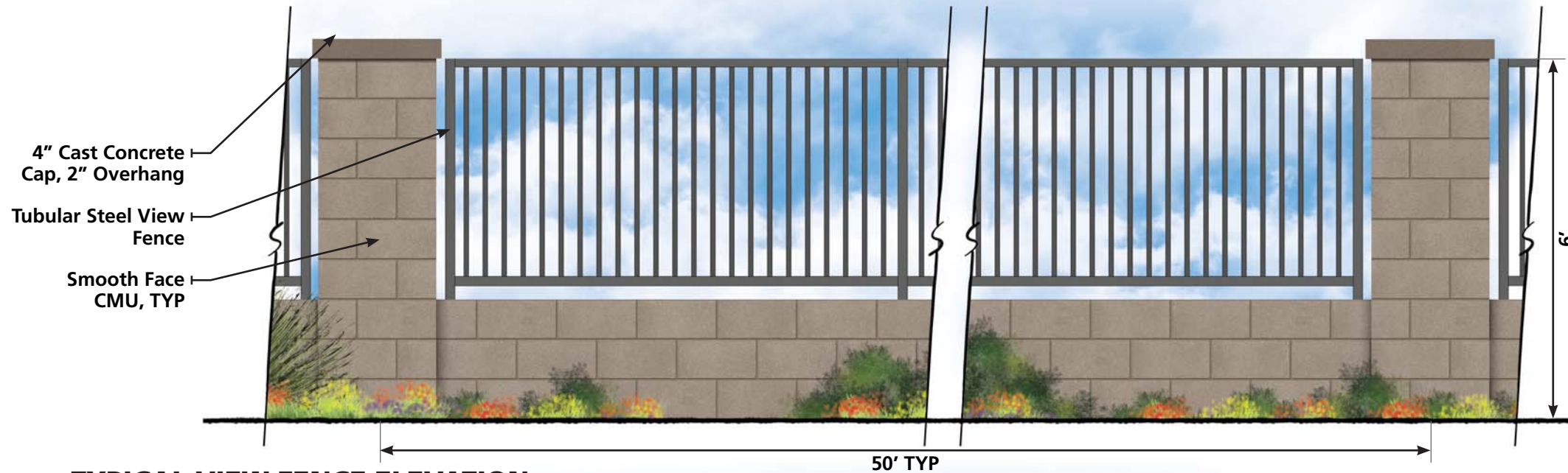
MASTER PLAN

Wall and Entry Monument Elevations

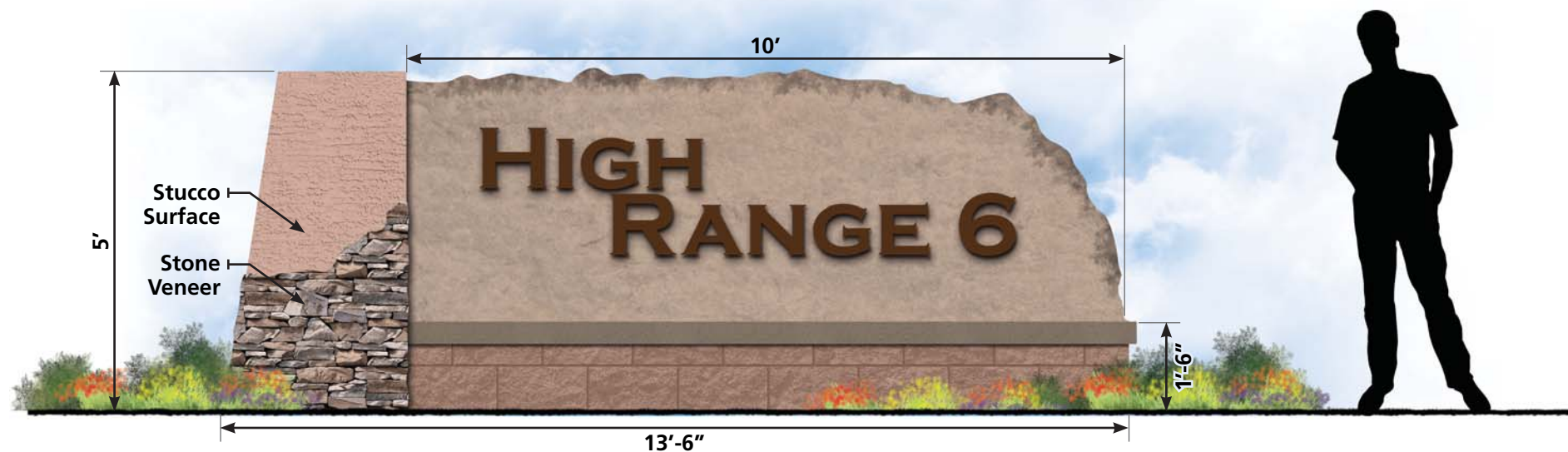
Exhibit N



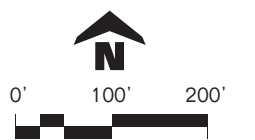
TYPICAL VIEW FENCE ELEVATION



TYPICAL VIEW FENCE ELEVATION



ENTRY SIGN ELEVATION



27 March 2024

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Landscape plans within High Range 6 should emphasize plant materials with low to medium water requirements and xeriscape principles of design, to the extent feasible. The following plant palette is not intended to limit plant selection, but rather to provide guidance only.

SCIENTIFIC NAME	COMMON NAME
TREES	
<i>Acer tartaricum</i> 'Hot Wings'	Hot Wings Maple
<i>Chilopsis linearis</i> 'Bubba'	Desert Willow
<i>Crataegus crus-galli inermis</i>	Thornless Cockspur Hawthorn
<i>Fraxinus oxycarpa</i> 'Raywood'	Raywood Ash
<i>Fraxinus velutina</i> 'Modesto'	Modesto Ash
<i>Gleditsia T.</i> 'Imperial'	Imperial Honeylocust
<i>Juniperus scopulorum</i>	Skyrocket Juniper
<i>Koelreuteria paniculata</i>	Goldenrain Tree
<i>Lagerstroemia indica</i> 'Whit II'	Crape Myrtle
<i>Pinus eldarica</i>	Afghan Pine
<i>Pinus nigra</i>	Austrian Pine
<i>Pistachia chinensis</i>	Chinese Pistache
<i>Platanus a.</i> 'Bloodgood'	London Plane Tree
<i>Pyrus calleryana</i> 'Cleveland'	Flowering Pear
<i>Quercus shumardii</i>	Shumard Oak
<i>Vitex agnus-castus</i>	Chaste Tree
SHRUBS	
<i>Arctostaphylos pungens</i>	Pointleaf Manzanita
<i>Buddleia davidii</i> 'Nanhoensis'	Butterfly Bush
<i>Caryopteris clandonensis</i>	Blue Mist
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster
<i>Ephedra spp.</i>	Joint Fir
<i>Erysimum</i> 'Bowles Mauve'	Bowles Mauve Wallflower
<i>Fallugia paradoxa</i>	Apache Plume
<i>Gallardia grandiflora</i> 'Fanfair'	Blanket Flower
<i>Helichrysum augustifolia</i>	Curry Plant
<i>Hemerocallis hybrid</i>	Daylily
<i>Hymenoxys acaulis</i>	Angelita Daisy
<i>Lavandula augustifolia</i>	English Lavender
<i>Nandina domestica</i> 'Firepower'	Dwarf Heavenly Bamboo
<i>Perovskia atriplicifolia</i>	Russian Sage
<i>Pinus mugo mugo</i>	Mugo Pine
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil
<i>Prunus besseyi</i>	Western Sand Cherry

High Range 6

MASTER PLAN Plant Palette

Exhibit O.1

SHRUBS, cont.

<i>Rhaphiolepis indica</i>	India Hawthorn
<i>Rhus trilobata</i> 'Autumn Amber'	Creeping Three-leaf Sumac
<i>Rosmarinus officinalis</i>	Rosemary
<i>Salvia greggii</i> 'furman's red'	Cherry Sage
<i>Salvia dorrii</i>	Purple Sage
<i>Sedum spectabile</i>	Stonecrop

DESERT ACCENTS

<i>Agave havardiana</i>	Havard Agave
<i>Hesperaloe parviflora</i>	Red/yellow Flowering Yucca
<i>Nolina microcarpa</i>	Beargrass

ORNAMENTAL GRASSES

<i>Bouteloua g.</i> 'Blond Ambition'	Blond Ambition Blue Grama
<i>Calamagrostis a.</i> 'Karl Foerster'	Karl Foerster Reed Grass
<i>Helictotrichon sempervirens</i>	Blue Avena Grass
<i>Miscanthus spp.</i>	Maiden Grass
<i>Muhlenbergia c.</i> 'Regal Mist'	Muhly Grass

VINES

<i>Campsis radicans</i>	Trumpet Vine
<i>Rosa banksiae</i>	Lady Banks Rose

TURFGRASS

<i>Turfgrass revielle</i>	Bluegrass Sod
---------------------------	---------------

NATIVE GRASSES

<i>Blue Grama</i>	<i>Bouteloua Gracilis</i>
<i>Buffalo Grass</i>	<i>Bouteloua dactyloides</i>

High Range 6

MASTER PLAN Plant Palette

Exhibit O.2



4550 N 12th Street
Phoenix, AZ 85014



CITY OF RIO RANCHO COVER PAGE

Legislation Item: O6

AGENDA DATE:

April 25, 2024

DEPARTMENT:

Development Services

SUBJECT:

O6, Ordinance Amending the Zoning Classification and Official Zoning Map for the Property Legally Described as Rio Rancho Estates Unit 13, Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45, From O-1 and R-1 to R-5: Single-Family Residential; Identifying Conditions of Development; Providing for Severability and an Effective Date

BACKGROUND AND ANALYSIS:

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of a Zone Map Amendment from R-1 and O-1 to R-5, for the subject property legally described as Unit 13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres and the area is bounded by Montezuma Blvd. NE to the north, Inca Rd NE to the south, Excalibur St. NE to the east, and Bedivere St. NE to the west.

The adopted Generalized Land Use Map (GLUM), Map L-2 of the City Comprehensive Plan identifies the subject property as "Low/Medium Density Residential" and "Commercial (Neighborhood, Community), Mixed-Use, Office", and will be amended to be entirely under the "Low/Medium Density Residential" land use.

Concurrent to this Zone Map Amendment request, is an amendment to the Lomas Negras Specific Area Plan. The Specific Area Plan amendment request is to change the Land Use for a portion of the subject property from Office Corridor to Medium Density Residential and update the Future Land Use Table and Map.

This request was heard by the Planning and Zoning Board at their meeting on April 9, 2024. The motion to recommend approval carried by a vote of six (6) for and 0 against.

CONFORMANCE WITH THE CITY ZONING ORDINANCE:

City of Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07 (A) requires that an applicant file a request for a zone map amendment through the City Planning & Zoning Board when a change in zoning designation is sought.

The Planning and Zoning Board recommends the Governing Body find that the application, presented as an attachment, meets the submittal requirements for the proposed zoning request.

Pursuant to the criteria provided by R.O. 2003 Section 150.07 (D) through (G), a request for change in zoning designation must address the following policies and criterion for a zone map change:

(D) The following policies for deciding zone map change applications pursuant to the City zoning

code are hereby adopted:

(1) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

The applicant states: "adequate safety, health and general welfare of the public is ensured in the proposed single-family residential community of High Range 6. The subdivision provides several points of access for adequate circulation for day to day function, police access and, in case of fire, flood, or other natural disaster, will allow for orderly and timely evacuation. The proposed recreational amenities, trail, and common open space areas will ensure ease of travel for pedestrians and allow outdoor exercise, increasing overall public health and general welfare. This proposal brings an attractive neighborhood that is not only consistent with but furthers the health, safety, morals, and general welfare of the City."

The Planning and Zoning Board recommends the Governing Body find that the proposed zoning is consistent with the health, safety, morals and general welfare of the City. The requested Zone Map Amendment would enable additional housing dwellings in the City of Rio Rancho, providing residents with increased housing options in a growing area of the City, consistent with surrounding developments, and consistent with the morals and welfare of the City.

(2) Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should be made.

The applicant states: "High Range 6 serves as a continuation of the approved High Range development approvals that have been granted by the City and features a new neighborhood park, pocket park, and lot size to create the opportunity for diverse housing product options tailored to the current market. Antiquated platting and checkerboard ownership existing on the property presents a significant challenge to development and land assemblage. High Range 6 intends to improve upon the existing entitlements by assembling the land and establishing the framework required for the development of a master planned, single-family residential community to bring new housing, recreational amenities, landscaping, and infrastructure improvements to support the growth in this area."

The Planning and Zoning Board recommends the Governing Body find that the zone change will bring added stability to the area as it will address antiquated platting and checkerboard ownership issues that have made the area difficult to develop under the current O-1: Office zoning designation. The proposed Zone Map Amendment would provide for a continuation of the residential development to the west, while also allowing for a variety of housing options; given the distinction of R-5 zoning vs. the surrounding R-4 zoning of High Range 4 and 5, and the properties to the north.

(3) A proposed change shall generally be consistent with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

The applicant states: "This request conforms with the key concepts identified for future growth within the SAP and complies with the permitted uses under the requested MDR designation. The proposed amendment to the plan is consistent with the SAP Goals and Objectives including but not limited to the excerpts featured below; [ie.] Land Use, Utilities, and Community facilities."

The Planning and Zoning Board recommends the Governing Body find that the zone change is consistent with adopted elements of the Comprehensive Plan. The Planning and Zoning Board recommends the Governing Body find that the proposed zone change to R-5 promotes and furthers goals and policies of the Population and Housing Element of the City Comprehensive Plan;

particularly Goal PH-3: Promote a variety of housing types to meet the needs of all members of the community.

The Planning and Zoning Board recommends the Governing Body find that the zone change also meets the Goals and Objectives of the Lomas Negras Specific Area Plan, in that it enables a variety of housing. Specifically, the proposed Land Use accomplishes the Land goal of the LNSAP: "Develop land use categories which allow for choice of a variety of zoning districts and which mitigate impacts on surrounding uses through design standards." The request allows for a diversity of housing with the introduction of R-5 zoning, in an area that is currently dominated by R-1 and R-4 zoning. The R-5 zoning also serves as a more compatible zoning for the primarily residential area, than the existing O-1: Office zoning designation.

- (4) The applicant must demonstrate that the existing zoning is inappropriate because:
- (a) There was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of an R-1 or transitional zone on an antiquated plat filed before the City's incorporation and adoption of its own zoning code or on land annexed by the City; or
 - (b) Changed neighborhood or community conditions justify the change; or
 - (c) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (D)(1) or (2) does not apply.
- Applicant's reliance on this provision requires proof that (i) there is a public need for a change of the kind in question, and (ii) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

In response to criteria B, the applicant states that: "High Range 6 serves as a continuation of the previous High Range development approvals that have been granted by the City to fulfill the current residential demand in this area of Rio Rancho. However, antiquated platting and checkerboard ownership existing on the property presents a significant challenge to development and land assemblage. The High Range 6 Master Plan intends to assemble parcels through the cohesive visioning and site design proposed for development of the community. High Range 6 intends to improve upon the existing entitlements by assembling the land and establishing the framework required for the development of a master planned, single-family residential community to bring new housing, recreational amenities, infrastructure improvements, and landscaping to support the growth in this area. The proposed community improves upon the existing undeveloped land under antiquated checkerboard ownership to bring new housing, recreational amenities, landscaping, and infrastructure improvements to the area as a positive contribution to Rio Rancho that fulfills the needs of the current conditions of the community."

The Planning and Zoning Board recommends the Governing Body find that the existing zoning is inappropriate because a different zoning type would be more advantageous for the community. The proposed R-5: Single-Family Residential zoning designation serves as a more cohesive zoning designation given the surrounding R-4 zoned High Range 4 and 5 communities to the west, and R-4 zoning to the north; as well as provides a more varied mix of housing strategies, per goal PH-6 of the comprehensive plan.

The Planning and Zoning Board recommends the Governing Body find that changed community conditions further justify the change. The O-1: Office zoning designation is currently ill-fitting given the surrounding residential zoning and developments that have built out in the area.

- (5) The cost of land or other economic considerations pertaining to the applicant shall not be a determining factor for a change of zone.

The Planning and Zoning Board recommends the Governing Body find that the cost of land or other economic considerations pertaining to the applicant is not considered a determining factor in the

change in zoning designation.

(6) Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

The Planning and Zoning Board recommends the Governing Body find that the zoning request does not involve apartment, office, or commercial zoning.

(7) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when: The change will clearly facilitate realization of the comprehensive Plan and any applicable adopted sector development plan or area development plan; or the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The applicant states, "The High Range 6 Master Plan intends to assemble parcels through the cohesive visioning and site design proposed for development of the community. Land ownership has remained unresponsive for several outlying parcels that are anticipated to be excluded as a result. Of these parcels, Rio Rancho Estates Unit 13, Block 70, Lot 73 is the only outlying parcel with existing O-1 office zoning. Land ownership of the 23 remaining O-1 office zoned parcels have expressed their agreement and interest in rezoning for inclusion in High Range 6. The O-1 zoning on Lot 73 was established concurrently with the Lomas Negras Specific Area Plan in 2008 under Case No. 08-100-00031, which served as a revision from the original designation of "Unzoned" as the land was never officially zoned when it was annexed into the City in 1995.

As with the prior zoning case, land ownership of this subject parcel and all other parcels within the Plan area of this proposal have received proper notice and have been given a full opportunity to present their views. As stated above, land ownership of the O-1 zoned Lot 73 has remained entirely unresponsive. Several attempts have been made by the development team to contact the owner of Lot 73. Currently there is no known market interest in developing the office zoned parcels at this location. With the current trajectory of development leaning towards new residential communities and the positive coordination with the land ownership on 23 of the 24 office zoned parcels, leaving the property as-is under O-1 office zoning would likely remain stagnant as long undeveloped land to be surrounded by the growing residential communities of Rio Rancho. Access has been and will continue to be provided for all outparcels. Land owners within the Master Plan area of this proposal are permitted by right to submit land use and zoning applications if there is a future desire to deviate from the designations intended to be set forth by the High Range 6 Master Plan."

The Planning and Zoning Board recommends the Governing Body find that the requested zone map amendment, while it does create a spot-zone of one lot zoned O-1, the proposed R-5 zoning is more advantageous for the area and realizes elements of the Comprehensive Plan by enabling a variety of housing options. Also this zoning request is being heard concurrently with a request to amend the LNSAP and a request to create new Master Plan for the area that will assign a land use that is more appropriate than the current O-1: Office zoning designation.

SURROUNDING LAND USE/ZONING:

The neighboring properties to the north and east are zoned R-4: Single-Family Residential, while the properties to the west are zoned C-1: Retail Commercial, O-1: Office, and R-1: Single-Family Residential. The properties to the south are zoned NC: Neighborhood Commercial, R-3: Mixed Residential, and also feature a couple of unzoned properties.

NOTIFICATIONS: Notifications were sent to affected property owners in conjunction with the Zone Map Amendment, Master Plan, and Specific Area Plan Amendment requests. A legal advertisement was placed in the April 10, 2024 edition of the Albuquerque Journal. All legal notification requirements have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW: DSD Planning and Zoning - Comments within document.

DSD Engineering - No adverse comments provided.

Rio Rancho Public Schools - No comments provided.

Fire and Rescue - No adverse comments.

Police Department - No comments provided.

SSCAFCA - No adverse comment.

MRCOG - No adverse comments.

Parks, Recreation, and Community Services - No adverse comments.

IMPACT:

The Planning and Zoning Board recommends the Governing Body adopt the Zoning Ordinance, subject to the following findings below:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board may make a recommendation to the Governing Body on the applicant's request for a zone map amendment.
2. The applicant has the authority to apply for a zone map amendment on the subject property.
3. The applicant and adjacent property owners received due process.

SPECIFIC FINDINGS OF FACT FOR APPROVAL:

1. The proposed ordinance change would be consistent with the health, safety, morals, and general welfare of the City by promoting a variety of housing options.
2. The applicant has provided sound justification, in a narrative dated February 14, 2024, for the proposed zone change and the zone map amendment would provide for stability of zoning.
3. The proposed zone map amendment would be consistent with the adopted elements, goals, policies, and objective of the Comprehensive Plan and Lomas Negras Specific Area Plan.
4. The applicant has demonstrated that the R-5: Single-Family Residential zoning designation would be more advantageous zoning for the subject property.
5. The cost of the land or other economic considerations does not appear to be a justification for the proposed zone map amendment.
6. The applicant has provided sufficient justification that the zone map amendment request is not solely based on the properties' location.
7. The requested zone map amendment, while it would create a "spot zone," is more advantageous than the existing zoning, realizes elements of the comprehensive plan, and changed community conditions justify the change.

SPECIFIC CONDITIONS OF APPROVAL:

1. Approval of the Zone Map Amendment is pending approval of Specific Area Plan Amendment case no. 23-410-00006, which will result in conformance with the Lomas Negras Land Use Map and Future Land Use Table.

If the Governing Body determines the proposed zone map amendment is not justified, the following findings are recommended for denial:

SPECIFIC FINDINGS OF FACT FOR DENIAL:

1. The proposed zone map amendment does not meet the requirements of Rio Rancho Code of Ordinances (R.O. 2003) §150.07(D) Amendments.

2. The proposed zone map amendment does not conform with the Land Use Map and Future Land Use Table in the Lomas Negras Specific Area Plan.

ALTERNATIVES:

1. The Governing Body may approve the request.
2. The Governing Body may deny the request.
3. The Governing Body may modify the request and approve such modifications.
4. The Governing Body may postpone final action on the request and continue the public hearing to request additional information or consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

The Planning and Zoning Board recommends the Governing Body adopt the Ordinance.

ATTACHMENT: [Ordinance](#)

ATTACHMENT: [Location_Zoning Map](#)

ATTACHMENT: [Land Use Application](#)

ATTACHMENT: [Letter of Authorization](#)

ATTACHMENT: [High Range 6 - ZMA Justification Letter](#)

ATTACHMENT: [Reproduction of Notices](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

**ORDINANCE AMENDING THE ZONING CLASSIFICATION AND OFFICIAL ZONING
MAP FOR THE PROPERTY LEGALLY DESCRIBED AS RIO RANCHO ESTATES
UNIT 13, BLOCK 70, LOTS 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96, AND
BLOCK 71, LOTS 3-15, 20-22, 24-25, 28-35, 37-45, FROM O-1 AND R-1 TO R-5:
SINGLE-FAMILY RESIDENTIAL, IDENTIFYING CONDITIONS OF DEVELOPMENT,
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS: the Governing Body of the City of Rio Rancho has adopted zoning regulations and an official zone map in accordance with New Mexico Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and

WHEREAS: in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07, an application to amend the zoning ordinance on the subject property has been submitted by The City of Rio Rancho, and assigned City Case No. 23-100-00008; and

WHEREAS: the City of Rio Rancho adopted the Lomas Negras Specific Area Plan on June 25, 2008 pursuant to Resolution No. 56 Enactment 08-51; and amended the plan on July 8, 2009, pursuant to Resolution No. 75 Enactment 09-74; February 23, 2011, pursuant to Resolution No. 15 Enactment 11-17; May 27, 2021, pursuant to Resolution No. 54, Enactment No. 21-053; July 22, 2021, pursuant to Resolution No. 69, Enactment No. 21-068; October 12, 2023, pursuant to Resolution No. 123, Enactment No. 23-124; and April 25, 2024, pursuant to Resolution No. ___, Enactment No. 23-___

WHEREAS: the City of Rio Rancho Planning and Zoning Board held a duly noticed public hearing on April 9, 2024, regarding the proposed changes to the Official Zoning Map and, following study and consideration, has made findings (where applicable) whether or not the criteria in R.O. 2003 Section 150.07 are satisfied, and made these recommendations to the Governing Body regarding adoption of the changes; and

WHEREAS: the Governing Body received a report from the Planning and Zoning Board, and such report indicates the Planning and Zoning Board has studied and considered the proposed changes pursuant to R.O. 2003 Section 150.07, and said report includes specific findings related to the affected property; and

WHEREAS: a public hearing occurred, in accordance with procedures set forth in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed zoning district and Official Zone Map changes hereinafter described were duly advertised and held by the Governing Body of the City of Rio Rancho on April 25, 2024 and the Governing Body heard interested parties and

1 citizens for and against the proposed amendments; and

2
3 **WHEREAS:** the proposed amendments to be adopted by this Ordinance comply with
4 the statutory and regulatory requirements of the aforesaid Code of
5 Ordinances and Statutes, and upon specific findings related to the subject
6 property and determining the proposed amendment is consistent with the
7 policies and criteria set forth in R.O. 2003 Section 150.07 (D) through (G),
8 the Governing Body finds the amendments promote the health, safety,
9 morals, and general welfare of the City.

10
11 **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF**
12 **RIO RANCHO:**

13
14 **Section 1. Rezoning of property and Change in Land Use.**

15 A. The Official Zone Ordinance is hereby amended on approximately 102 acres from
16 R-1: Single-Family Residential Zoning District and O-1: Office Zoning District to R-
17 5: Single-Family Residential Zoning District on the land legally described as:
18 Unit 13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96;
19 as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45, as shown on
20 "S.E. PORTION OF UNIT THIRTEEN RIO RANCHO ESTATES, TOWN OF
21 ALAMEDA GRANT, SANDOVAL COUNTY, NEW MEXICO" filed in the
22 office of the County Clerk of Sandoval County, New Mexico on February 9,
23 1967.

24
25 B. The City Comprehensive Plan, Generalized Land Use Map (GLUM), Map L-2 is
26 hereby amended in the land described in Section 1A above, as having a
27 "Low/Medium Density Residential" land use.

28
29 **Section 2. Land Use, Conditions, Development Standards/Regulations and use**
30 **of PROPERTY:**

31
32 The property identified in Section 1, above, is subject to all requirements of the R-5:
33 Single-Family Residential District; as set forth in R.O. 2003 Section 154.12 (as of the
34 effective date of this ordinance or as subsequently amended).

35
36 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of
37 this Ordinance, or any section, paragraph, clause, or provision of any regulation
38 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
39 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
40 clause, or provision shall not affect the validity of the remaining portions of this
41 Ordinance or the regulation so challenged.

42
43 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
44 adoption.

45
46 ADOPTED THIS _____ DAY OF _____, 2024.

47
48
49
50 _____
Greggory D. Hull, Mayor

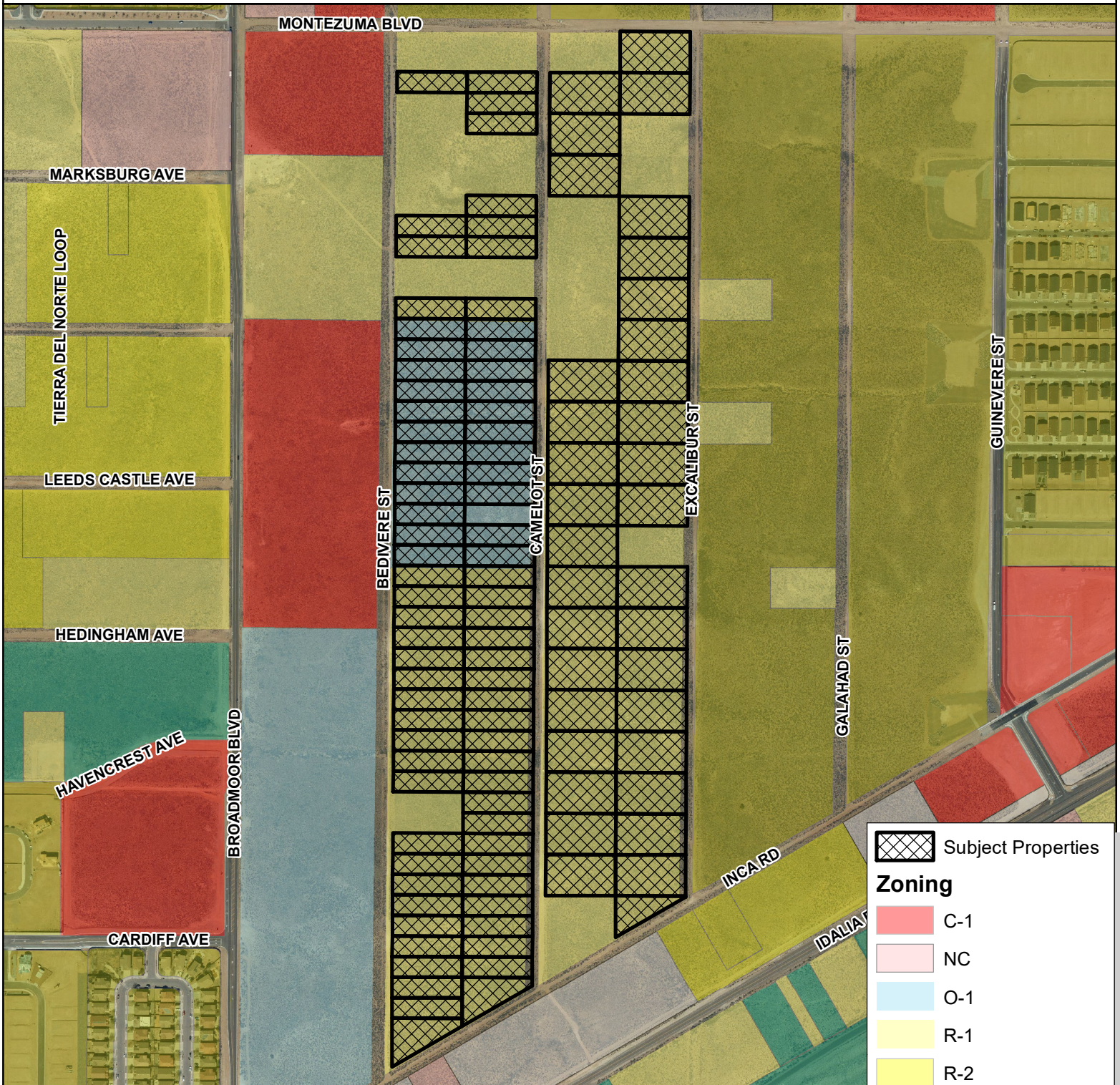
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ATTEST:

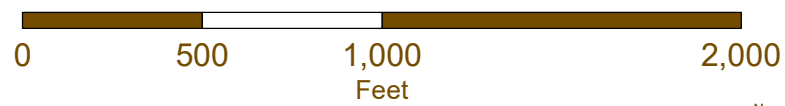
Rebecca A. Martinez, City Clerk
(SEAL)

LOCATION/ZONE MAP

HIGH RANGE 6 - ZONE MAP AMENDMENT



	Subject Properties
Zoning	
	C-1
	NC
	O-1
	R-1
	R-2
	R-3
	R-4
	SU
	TZ
	Unzoned



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

Map Created by Liz Ruiz Carlos on 04/02/2024

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

(Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print In Ink Only or Type

Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name:		Phone:
Address:		E-Mail:
City:	State:	Zip:
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)
Agent Name:		Phone:
Address:		E-Mail:
City:	State:	ZIP Code:

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)


New Master Plan, Specific Area Plan Amendment and Zone Map Amendment to pursue a single family residential community known as High Range 6.

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit :	Block(s):	Lot(s):
Existing Zoning:	Proposed Zoning:	
No. of existing lots:	No. of proposed lots:	Total area of site (acres)

ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name:	Applicant:	Agent:
Signature: 		Date:

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:** _____

Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 1 and 2, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Zomax, LLC, a New Mexico limited liability company, as to an undivided 75% interest, as to Lot 3, Block 70; Nucito IRA LLC, as to Lot 4, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as joint tenants as to an undivided 50% interest, and Yohanse Manzanarez and Kimberly Kathleen Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 5, Block 70; Scott B. Clark and Pamela Clark, husband and wife, as joint tenants as to an undivided 50% interest, and Alfredo Eric Manzanarez and Jocelyn Ann Manzanarez, husband and wife, as joint tenants, as to an undivided 50% interest, as tenants in common, as to Lot 6, Block 70; Dawn View, LLC, a New Mexico limited liability company, as to Lots 7, 8, 16, 17, 18, 19, 78, 84 and 85, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 9 and 10, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 12 and 13, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 14 and 15, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 20, 21, 22 and 23, Block 70; Terry Lopez, a single man, as to Lots 24 and 25, Block 70; Jeffrey James and Michelle James, as to Lot 26, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 27, 28, 29, 70 and 71, Block 70; Block 70, LLC, a New Mexico limited liability company, as to Lots 30, 31, 32, 67, 68 and 69, Block 70; Block 70, LLC, a New Mexico limited liability company, as to Lots 33, 34, 35, 36, 63, 64, 65 and 66, Block 70; Jason Marton and Katherine Marton, husband and wife, as joint tenants, as to Lots 37, 38, 61 and 62, Block 70; Little IRA LLC, a New Mexico limited liability company, as to Lots 39 and 40, Block 70; Antonio Barreda and Denise Barreda, husband and wife, as joint tenants, as to an undivided 1/2 interest and Danny Bean and Monica Bean, husband and wife, as joint tenants, as to an undivided 1/2 interest, as tenants in common, as to Lots 41, 42 and 55, Block 70; Antonio Barreda and Denise Barreda, husband and wife, as joint tenants, as to Lots 43 and 44, Block 70; Andrew R. Hadcock and January V. Hadcock, Co-Trustees of the Andrew and January Hadcock Revocable Trust under Trust Agreement dated March 11, 2010, as to Lot 45, Block 70; Silke S. Raymond, a married woman as her sole and separate property, as to Lot 46, Block 70; Nucito IRA LLC, a New Mexico limited liability company, as to Lot 47, Block 70; Levi Heath and Judy Heath, husband and wife, as joint tenants, as to Lots 48 and 49, Block 70; Ruben S. Marquez, Ofelia B. Marquez, Leticia Rutledge, Raul Marquez and Lisa Marquez, as joint tenants, as to Lots 50 and 51, Block 70; Little IRA LLC, as to Lot 52, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as to an undivided 75% interest and Gabriel Vargas and Juliana Vargas, husband and wife as to an undivided 25% interest, as to Lot 53, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife and Gabriel Vargas and Juliana Vargas, husband and wife, as to Lot 54, Block 70; Danny Bean, Jr. and Monica Y. Bean, husband and wife, as joint tenants, as to Lots 56 and 57, Block 70; Scott B. Clark, and Pamela M. Clark, husband and wife, as joint tenants, as to an undivided

50% interest and Brandon L. Mason, a single man, as to an undivided 50% interest, as to Lot 58, Block 70; Tierra Mesilla LLC, a New Mexico Limited Liability Company, as to Lot 59, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 60, Block 70; Excalibur Holdings, LLC, a New Mexico limited liability company, as to Lot 72, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 74, Block 70; Michael J. Markowitz and David Markowitz, tenants in common, as to Lot 75, Block 70; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 76, Block 70; Tierra Mesilla, L.L.C., a New Mexico limited liability company, as to Lot 77, Block 70; Rose Vogt, as Lots 79 and 80, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 81, Block 70; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lots 82 and 83, Block 70; Mason Edward Pierce, an unmarried man, as to an undivided 50% interest, and Jennifer Jean Pierce, an unmarried woman, as to an undivided 50% interest, as tenants in common, as to Lot 86, Block 70; Nucito IRA LLC, a New Mexico limited liability company, as to Lot 87, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to Lot 88, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to an undivided 50% interest, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as amended and restated as to an undivided 50% interest, as to Lots 89, 90, 93 and 94, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as to Lot 91, Block 70; Scott B. Clark and Pamela M. Clark, husband and wife as joint tenants, as to an undivided 50% interest, and Shirley M. Clark, Trustee of The Clark Family Trust B, dated December 4, 1991, as amended and restated as to an undivided 50% interest, as to Lot 92, Block 70; Joyce Haden, a married woman dealing with her sole and separate property, as to Lot 95, Block 70 and Excalibur Holdings, LLC, a New Mexico limited liability company, as to Lot 96, Block 70; Little IRA, LLC, a New Mexico limited liability company, as to Lot 3, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 4, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 5, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 6, Block 71; 625 Property LLC, a New Mexico limited liability company, as to Lot 7, Block 71; Excalibur Holdings, LLC, a New Mexico limited liability company, as to an undivided 49.99% interest; Chester French Stewart and Successors as Trustee of the Chester French Stewart and Diana K. Stewart Revocable Trust UTA dated September 17, 1996, as to an undivided 25.005% interest; and David S. J. Anderson and Maureen C. Anderson Trustees of the David S. J. Anderson and Maureen C. Anderson Revocable Trust under that certain Trust Agreement dated November 13, 1992, as to an undivided 25.005% interest, as to Lots 8, 9, 11, 14 & 15, Block 71; Buddy 13 RR, LLC, a New Mexico limited liability company, as to Lot 10, Block 71; Roslyn R. Zimmerman Living Trust dated April 28, 1993, as to Lot 12, Block 71; Little IRA LLC, a New Mexico limited liability company, as to Lot 13, Block 71; Leroy A. Ryckman, Jr., as to Lot 16, Block 71; Gregory R. Stelmak, a single person, as to Lot 17,

Block 71; Kwang Shin and Ok Shin, husband and wife, as to Lots 18 and 19, Block 71; Dawn View, LLC, a New Mexico Limited Liability Company, as to Lots 20 and 21, Block 71; Little IRA LLC, a New Mexico limited liability company, as to Lot 22, Block 71; Alfredo L. Cota, as to Lot 23, Block 71; Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTH IRA, as to an undivided 80% interest and Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 20% interest, as to Lots 24 and 25, Block 71; Loretta Vasquez, an unmarried woman, as to Lot 26, Block 71; Richard L. Tiedman and Cynthia R. Vigil, husband and wife, as to Lot 27, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 12.5 % interest, Jeffrey C. McCullough and Debbie L. McCullough, Trustees or their Successors in Trust, under the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 12.5% interest, Anthony E. King, a single man, as to an undivided 25% interest, Millennium Trust Company, LLC, Custodian FBO Bruce Maxey ROTH IRA, as to an undivided 25% interest and Millennium Trust Company, LLC, Custodian FBO Timothy E. Cline ROTH IRA, as to an undivided 25% interest, as to Lots 28 and 29, Block 71; J2C LLC, a New Mexico limited liability company, as to Lot 30, Block 71; Richard Shube, a single man, as to Lot 31, Block 71; Scott B. Clark and Pamela Clark, husband and wife, as to an undivided 25% interest and Carlton P. Davenport and Nancy Whiteman-Davenport, husband and wife, as to an undivided 25% interest, and Jeffrey C. McCullough and Debbie L. McCullough, Trustees of the Jeffrey C. McCullough Family Living Trust dated January 17, 2001, as to an undivided 50% interest, as to Lot 32, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 33, Block 71; Little IRA, LLC, , a New Mexico limited liability company, as to Lot 34, Block 71; Dawn View, LLC, a New Mexico limited liability company, as to Lot 35, Block 71; Mark Parra and Susan T Parra, as joint tenants, as to Lot 37, Block 71; SBC-MNB, LLC, a New Mexico limited liability company, as to Lots 38, 39, 41, 42, 43, 44 and 45, Block 71, and SBC-MNB, LLC, a New Mexico limited liability company, as to Lot 40, Block 71



July 14, 2023

City of Rio Rancho
Development Services
3200 Civic Center Circle NE,
Rio Rancho, New Mexico 87144

Re: High Range 6 – Letter of Authorization

This letter is to inform you that Coe & Van Loo Consultants Inc. (CVL) is authorized by the undersigned developer to pursue the applications required to amend the land use, zoning and subdivision of the High Range 6 property generally located at the northeast corner of Inca Road NE and Bedivere Street NE in Rio Rancho, New Mexico. We appreciate staffs efforts in reviewing the project and all input provided.

Respectfully,

COE & VAN LOO
Consultants, Inc.

Julie Vermillion
Project Manager

Authorization

By: Rick Taysien
Print Name: Rick Taysien
Title: Officer
Date: 7-14-2023



February 14, 2024

City of Rio Rancho
Development Services
3200 Civic Center Circle NE - Ste 130
Rio Rancho, NM 87144

Re: High Range 6 Master Plan (Case 23-410-00003, 23-400-00003, 23-100-00008)
Zoning Map Adjustment (ZMA) Findings

This letter outlines the required findings for approval met by the applicant in pursuit of companion Master Plan, Zone Map Amendment (ZMA), and Specific Area Plan (SAP) Amendment requests to establish the entitlements required for development of the High Range 6 community. The subject ZMA is requested to revise the underlying zoning districts from the existing patchwork zoning of R-1 Single-Family Residential (± 90 acres) & O-1 Office (± 12 acres) to overall R-5 Single-Family Residential zoning (± 102 acres) to facilitate development of High Range 6.

The community's conformance is detailed below pursuant to the criteria set forth in subsections (D) and (G) of the City of Rio Rancho (City) Zoning Code Chapter 150.07, "Amendments."

(D) The following policies for deciding zone map change applications pursuant to the City zoning code are hereby adopted:

(1) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

Adequate safety, health and general welfare of the public is ensured in the proposed single-family residential community of High Range 6. The subdivision provides several points of access for adequate circulation for day to day function, police access and, in case of fire, flood, or other natural disaster, will allow for orderly and timely evacuation. The proposed recreational amenities, trail, and common open space areas will ensure ease of travel for pedestrians and allow outdoor exercise, increasing overall public health and general welfare. This proposal brings an attractive neighborhood that is not only consistent with but furthers the health, safety, morals, and general welfare of the City.

(2) Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

High Range 6 serves as a continuation of the approved High Range development approvals that have been granted by the City and features a new neighborhood park, pocket park, and lot size to create the opportunity for diverse housing product options tailored to the current market.

Antiquated platting and checkerboard ownership existing on the property presents a significant challenge to development and land assemblage. High Range 6 intends to improve upon the existing entitlements by assembling the land and establishing the framework required for the development of a master planned, single-family residential community to bring new housing, recreational amenities, landscaping, and infrastructure improvements to support the growth in this area.

As stated above, the subject ZMA is requested to revise the underlying zoning districts from the existing patchwork zoning of R-1 Single-Family Residential (± 90 acres) & O-1 Office (± 12 acres) to overall R-5 Single-Family Residential zoning (± 102 acres). Currently there is no known market interest in developing low density residential or office uses in accordance with the existing zoning. With the current trajectory of development leaning towards new medium density residential communities and the positive coordination with the land ownership for inclusion of 23 of the 24 existing office zoned parcels, the proposed ZMA to overall R-5 zoning serves as compatible zoning to the adjacent subdivisions and a market appropriate designation to facilitate the development of the land. Leaving the existing R-1 and O-1 zoning as-is would likely continue to remain stagnant as long undeveloped vacant land to be surrounded by the growing residential communities of Rio Rancho.

The proposed ZMA will facilitate the development of a community that improves upon the existing undeveloped land under antiquated checkerboard ownership to bring new housing, recreational amenities, landscaping, and infrastructure improvements to the area for a positive contribution to Rio Rancho.

(3) A proposed change shall generally be consistent with adopted elements of the comprehensive plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

High Range 6 serves as a continuation of the previous High Range development approvals that have been granted by the City. As with the prior High Range subdivisions, this request supports the City's goals, objectives, and vision by providing a land use that is compatible with the Lomas Negras Specific Area Plan (SAP) designation of Medium Density Residential (MDR).

The anticipated site design is consistent with and conforms to the MDR land use currently designated on the majority of the site. An amendment is requested to update the existing ± 12 -acre portion of Office land use designated on the property. The requested amendment will remove the split land use designation and allow for a cohesive plan that will contain residential densities which complement the existing and proposed development in the surrounding area.

This request conforms with the key concepts identified for future growth within the SAP and complies with the permitted uses under the requested MDR designation. The proposed amendment to the plan is consistent with the SAP Goals and Objectives including but not limited to the excerpts featured below.

Land Use

Land Use Goal: Promote a variety of housing choices including low- and medium density single-family residential uses and high density multi-family residential uses.

The High Range 6 Master Plan furthers the above goal by implementing medium density residential use through a Zone Map Amendment to R-5: Single-family Residential. The medium density residential use proposed increases the availability of affordable housing opportunities and brings a diversity of housing types to the City.

Utilities

The High Range 6 Master Plan furthers the SAP's utilities goal, objective, and policy by coordinating and linking to existing water and sewer utility infrastructure within adjacent roadways.

Utilities Goal: Assure that urban uses have full utilities, both community water and sewer provided to all new development in the Plan area.

Utilities Objective: Coordinate water and sewer utility infrastructure among various master plan and subdivision developments as approved within the Plan area.

Existing water and sewer utility systems are available to serve High Range 6 as described further in the Master Plan. All proposed utility systems and plans will be designed per the standards of the City and utility company to be submitted for review and approval during the development process. Additional coordination with the providers will be made to confirm adequate servicing.

Community Facilities

The High Range 6 Master Plan expands the City of Rio Rancho's parks inventory through the provision of a neighborhood park and multi-use trail, furthering the Community Facilities goal featured below.

Community Facilities Goal: Create open space, parkland, trails, and other recreation amenities to serve the Plan area.

As previously mentioned, the neighborhood park, pocket park, and multi-use trail along Wild Horse Road NE will serve the residents of High Range 6, the adjacent High Range 5 to the east, and other residents in the area.

(4) The applicant must demonstrate that the existing zoning is inappropriate because:

- (a) There was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of an R-1 or transitional zone on an antiquated plat filed before the City's incorporation and adoption of its own zoning code or on land annexed by the City; or**

Refer to item 4.b. below.

- (b) Changed neighborhood or community conditions justify the change; or**

High Range 6 serves as a continuation of the previous High Range development approvals that have been granted by the City to fulfill the current residential demand in this area of Rio Rancho. However, antiquated platting and checkerboard ownership existing on the property presents a significant challenge to development and land assemblage. The High Range 6 Master Plan intends to assemble parcels through the cohesive visioning and site design proposed for development of the community.

High Range 6 intends to improve upon the existing entitlements by assembling the land and establishing the framework required for the development of a master planned, single-family residential community to bring new housing, recreational amenities, infrastructure improvements, and landscaping to support the growth in this area. The proposed community improves upon the existing undeveloped land under antiquated checkerboard ownership to bring new housing, recreational amenities, landscaping, and infrastructure improvements to the area as a positive contribution to Rio Rancho that fulfills the needs of the current conditions of the community.

- (c) A different use category is more advantageous to the community, as articulated in the comprehensive plan or other City master plan, even though (D)(1) or (2) does not apply. Applicant's reliance on this provision requires proof that (i) there is a public need for a change of the kind in question, and (ii) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.**

Refer to item 4.b. above.

(G) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

(1) The change will clearly facilitate realization of the comprehensive plan and any applicable adopted sector development plan or area development plan; or

The High Range 6 Master Plan intends to assemble parcels through the cohesive visioning and site design proposed for development of the community. Land ownership has remained unresponsive for several outlying parcels that are anticipated to be excluded as a result. Of these parcels, Rio Rancho Estates Unit 13, Block 70, Lot 73 is the only outlying parcel with existing O-1 office zoning. Land ownership of the 23 remaining O-1 office zoned parcels have expressed their agreement and interest in rezoning for inclusion in High Range 6.

The O-1 zoning on Lot 73 was established concurrently with the Lomas Negras Specific Area Plan in 2008 under Case No. 08-100-00031, which served as a revision from the original designation of “Unzoned” as the land was never officially zoned when it was annexed into the City in 1995. As with the prior zoning case, land ownership of this subject parcel and all other parcels within the Plan area of this proposal have received proper notice and have been given a full opportunity to present their views. As stated above, land ownership of the O-1 zoned Lot 73 has remained entirely unresponsive. A coordination log is attached identifying the several attempts made by the development team to contact the owner of Lot 73.

Currently there is no known market interest in developing the office zoned parcels at this location. With the current trajectory of development leaning towards new residential communities and the positive coordination with the land ownership on 23 of the 24 office zoned parcels, leaving the property as-is under O-1 office zoning would likely remain stagnant as long undeveloped land to be surrounded by the growing residential communities of Rio Rancho.

Access has been and will continue to be provided for all outparcels. Land owners within the Master Plan area of this proposal are permitted by right to submit land use and zoning applications if there is a future desire to deviate from the designations intended to be set forth by the High Range 6 Master Plan.

(2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Refer to item G.1. above.

City of Rio Rancho

Re: High Range 6 Master Plan (Case 23-410-00003, 23-400-00003, 23-100-00008)
Zoning Map Adjustment (ZMA) Findings

February 14, 2024

As described above, the proposed High Range 6 community is an appropriate land use for this property that will complement the surrounding neighborhoods and support the growth planned in this area of Rio Rancho.

Thank you for your consideration. Should you have questions or concerns, please contact me at 602-285-4765 or jvermillion@cvlci.com.

Respectfully,

COE & VAN LOO
Consultants, Inc.



Julie Vermillion
Project Manager

Attachments: Coordination Log for Unit 13; Block 70; Lot 73

Coordination Log

Attempts to Contact Owner of Unit 13; Block 70; Lot 73						
Call #	Person to Contact	Method of Contact	Date	Time	Comments	Response
1	Rick Tayrien	Phone Call	Friday, September 15, 2023	10:30am		No
2	Rick Tayrien	Phone Call	Thursday, September 21, 2023	1:45pm	Left VM	No
3	Rick Tayrien	Phone Call	Friday, November 10, 2023	4:30pm	Left VM	No
4	Eric Berman	Phone Call	Monday, January 29, 2024	6:00pm		No
5	Eric Berman	Phone Call	Tuesday, January 30, 2024	1:10pm	Left VM	No
6	Eric Berman	Phone Call	Wednesday, January 31, 2024	4:30pm	Left VM	No
7	Eric Berman	Phone Call	Tuesday, February 20, 2024	9:30am	Left VM	No
8	Eric Berman	Phone Call	Wednesday, February 21, 2024	2:30pm		No
9	Eric Berman	Phone Call	Friday, February 23, 2024	1:34pm	Left VM	No
10	Eric Berman	Text Message	Friday, February 23, 2024	1:45		No
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

Phone Number 818-334-0447



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

April 8, 2024

RE: Zone Map Amendment, Master Plan, and Specific Area Plan Amendment
Case No. 23-100-00008, 23-400-00003, and 23-410-00006
U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45

Dear Property Owner:

You are receiving this certified notice because your property abuts a site where a land development decision is required by the Governing Body.

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of a Zone Map Amendment from R-1 and O-1 to R-5, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The applicant is concurrently requesting approval of a Master Plan for the development, to be known as High Range 6; as well as an amendment to the Lomas Negras Specific Area Plan. The properties total 102 acres and are located on the north side of Inca Rd, bordered by Bedivere St to the west, Montezuma Blvd to the north, and Excalibur Blvd to the east.

The **Governing Body** will consider the request on **Thursday, April 25, 2024** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below**.

On the back of this letter is a location map of the project, with the subject property identified with the black outline.

If you would like to comment on this application, you are encouraged to send in comments in writing, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rnm.gov or on Sparklight cable channel 56.

For the **Governing Body meeting**, to participate virtually: Join via computer: <https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MjN0UT09>
Meeting ID: 853 0235 3741 Passcode: 789419 Join via phone: 1-346-248-7799 US

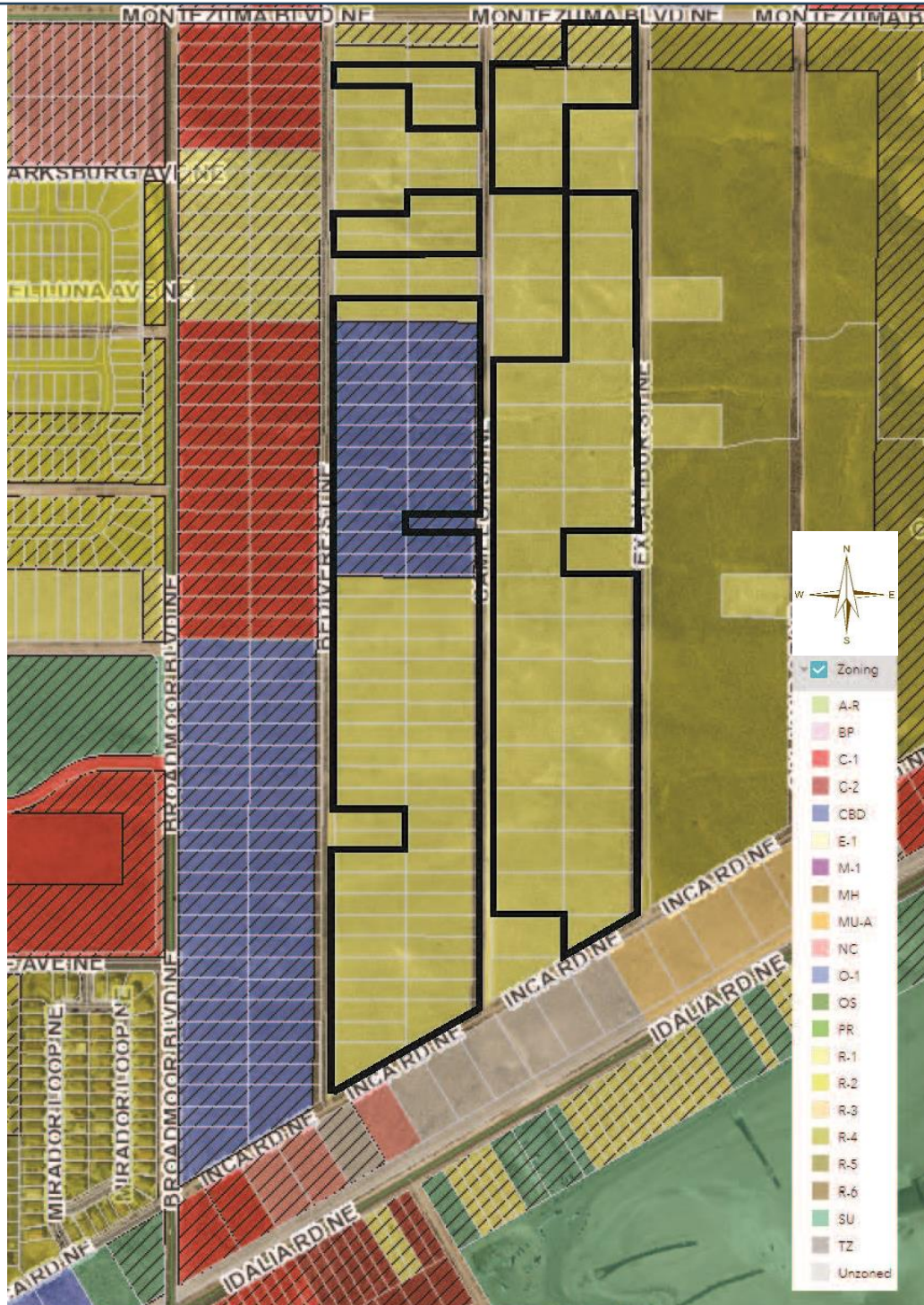
Please do not hesitate to contact me via e-mail me at lruizcarlos@rnm.gov or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rnm.gov, the Friday before the hearing.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,

Liz Ruiz Carlos
Municipal Planner II/Development Services Department/City of Rio Rancho

**UNIT 13, BLOCK 70, LOTS 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96;
BLOCK 71, LOTS 3-15, 20-22, 24-25, 28-35, 37-45
ZONE MAP AMENDMENT, MASTER PLAN, AND SPECIFIC AREA PLAN
AMENDMENT**



 Subject Parcels

Map Created by Liz Ruiz Carlos on 3.8.24

CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The GOVERNING BODY of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Thursday, April 25, 2024:

Text Amendment
Case #24-105-00001

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., seeks to make the following amendments to the Rio Rancho Municipal Code, Chapter 154.33 BP: Business Park District to include following changes and renumbering of (18) through (35):
(B) (18) Outdoor storage, as a primary use, provided:
(a) Shall not be permitted where the property abuts a residential zone;
(b) A combination of buffer wall, fence, landscape, or buildings shall separate the outside storage from abutting rights-of-way;
(c) Shall require a minimum of six (6) foot wall to screen the outdoor storage from adjacent properties;
(d) Roof/carport structure is required for all outdoor storage spaces;
(e) On-site amenities including rinse bay, propane and air fill station, and dump station, shall be required;
(f) Proposed outside storage shall require approval of a site development plan;
(g) Shall not include any outdoor sales display; and
(h) Shall be limited to the storage of personal RV's, Boats, trailers, and other personal and commercial vehicles.

(27) Restaurants, bars, lounges, coffee/tea rooms, patio/al fresco dining facilities provided:

(a) There shall be no drive in or drive up restaurants; and
(b) Outdoor seating is at least 75 feet away from any residential zone;
(C) General requirements and design standards.

(1) All activities and storage of materials, products or equipment shall be within an enclosed building except as provided above and unless consistent with Article III, Section 154.71;

Master Plan Amendment
Case #24-410-00001

The applicant, Pierre Amestoy (Amestoy Construction and Development), through his agent, Consensus Planning Inc., requests to amend the Los Diamantes Master Plan to allow Architectural Metal as a primary construction material, welded wire mesh fencing as an allowed fencing type, and the color green as the primary color of a structure within the Business Park area of the Los Diamantes Master Plan.

Zone Map Amendment
Case #23-100-00008
The applicant, LGI Homes, through their agent, Coe & Van

Loo Consultants, Inc., is requesting approval of a Zone Map Amendment from R-1 and O-1 to R-5, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

Specific Area Plan Amendment
Case #23-410-00006

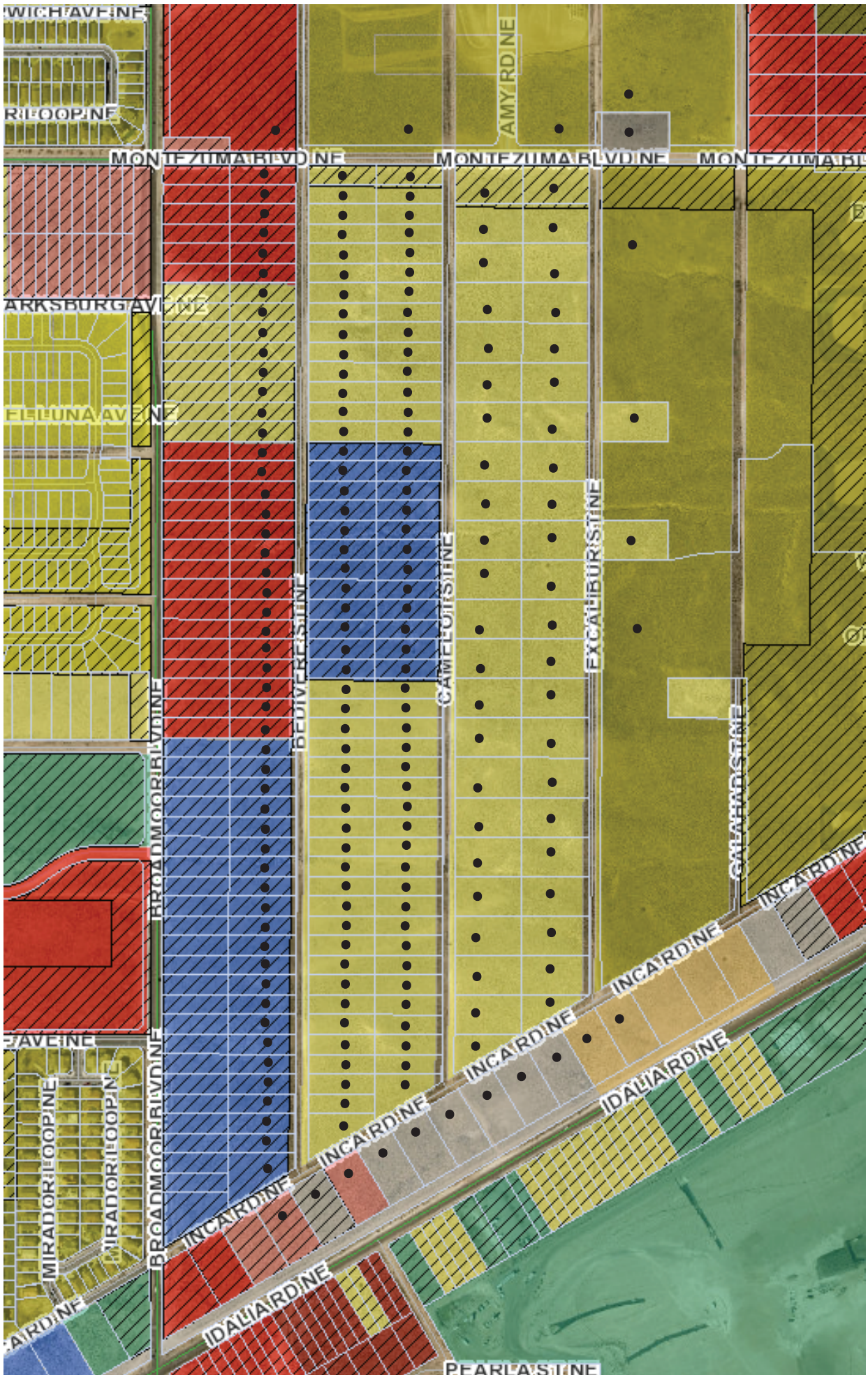
The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of an amendment to the Lomas Negras Specific Area Plan.

Master Plan
Case #23-400-00003

The applicant, LGI Homes, through their agent, Coe & Van Loo Consultants, Inc., is requesting approval of the High Range 6 Master Plan, for the subject property legally described as U13, Block 70, Lots 1-10, 12-36, 39-40, 47, 52-54, 58-60, 63-72, 74-96; as well as Block 71, Lots 3-15, 20-22, 24-25, 28-35, 37-45. The properties total 102 acres.

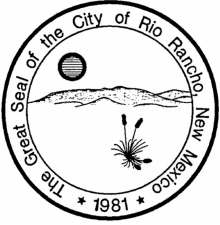
The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rnm.gov. Written comments will be inserted into the public record.
Journal: April 10, 2024



NOTICE MAP:

- - FIRST CLASS MAIL TO AFFECTED PROPERTIES & PROPERTIES WITHIN 100FT



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: O2

AGENDA DATE:

April 25, 2024

DEPARTMENT:

Administration

SUBJECT:

O2, Ordinance Amending Chapter 131 Offenses Against Order and Safety & Chapter 154 Planning and Zoning

BACKGROUND AND ANALYSIS:

The Governing Body first considered this item at its March 14, 2024 meeting and postponed taking any action until its April 11, 2024 meeting. At its April 11, 2024 meeting, the Governing Body approved an amended version of the Ordinance.

Second reading of an Ordinance. Two readings/approvals required for adoption.

Existing Municipal Code, Chapter 131 Offenses Against Order and Safety, Section 131.06 Unreasonable Noise, has elements which are subjective and undefined. As a result, adherence and enforcement are challenging.

From January 1, 2022 through December 31, 2023, the Police Department received 1,323 calls for service related to noise complaints, and 7 citations were issued for Municipal Court. Of the 1,323 calls for service, the source premises zoning was the following: single-family residential - 1,221 (92.4%); multi-family - 20 (1.5%); mobile home - 16 (1.2%); non-residential - 60 (4.5%); and park - 5 (0.4%).

Extreme and/or unreasonable noise is a nuisance that creates a hazard to public health, welfare, and safety. It does not promote the use, value and enjoyment of property, or sleep/repose. Unreasonable noise is a form of pollution, similar to ordinances that regulate light pollution (e.g., Night Sky Ordinance).

Based on research and review, including an analysis of other New Mexico cities and those in other States, the proposed Ordinance establishes more objective criteria (e.g., decibel measurement) for what is and is not acceptable community noise levels and follows best practices and commonly adopted standards. For example, noise, above certain levels, should not transfer/travel from one private property boundary to another; private property needs to contain its activities, etc., to their own property (i.e., same concept as vegetation growth, vehicle parking, structure placement/encroachment, etc.).

In addition to research related to different community regulations, the proposed Ordinance is based on past Police Department and other City staff experiences and emerging issues related to mixed-use zoning (i.e., residential adjacent to/abutting commercial).

The proposed Ordinance establishes:

- Applicable definitions.
- Sound level measurement standards.
- Sound level measurement assessment/testing parameters.
- Permissible hours (daytime (6 a.m. to 9 p.m.) / nighttime (9 p.m. to 6 a.m.)) for sound levels.
- Temporary variance request.
- Exceptions and exclusions.

For reference in relation to the sound level (decibels) in the proposed Ordinance, the Federal Occupational Safety and Health Administration notes the following for typical sound levels:

0 (1000 Hz)	Threshold of Hearing	80 dB(A)	Freight Train (100 ft. away)
20 dB(A)	Silent Study Room	90 dB(A)	Boiler Room
30 dB(A)	North Rim of Grand Canyon	100 dB(A)	Construction Site
40 dB(A)	Soft Whisper (5 ft. away)	110 dB(A)	Night Club (w/ music)
50 dB(A)	Urban Residence	120 dB(A)	Operating Heaving Equipment
60 dB(A)	Conversation (3 ft. away)	130 dB(A)	Jet Taking Off (200 ft. away)
70 dB(A)	Classroom Chatter	140 dB(A)	Threshold of Pain

Each instance of unreasonable noise would be subject to the standard Municipal Code penalty via Municipal Court and Judge discretion:

10.99 General Penalty: Any person found guilty of violating any of the provisions of this code shall be fined not more than \$500 or imprisoned for a period of not more than 90 days, or by both such fine and imprisonment, and each day this code is violated shall constitute a separate offense, provided, however, that if a specific penalty is provided therefor in any particular and individual section of this code, then the specific penalty shall prevail.

In relation to noise caused by animals, existing Municipal Code remains applicable:

90.02 Definitions:

Continuously or Continual. Continuing without interruption for a period of 10 minutes, and/or interrupted then starting again where the animal noise occurs in each of the 10 one-minute period intervals.

Reasonable. What conventional wisdom would deem as justifiable or explainable, i.e., being within the bounds of reason.

Unreasonable. What conventional wisdom would deem as unexplainable or unjustified, i.e., not being guided by reason.

90.22 Animals Disturbing the Peace: (A)(1) No person shall allow any animal to persistently or continuously bark, howl or make noise common to their species, or otherwise unreasonably disturb the peace and quiet of the inhabitants of the city. This section does not differentiate from any particular time frame of the day or night, nor does it discriminate if the owner or keeper is at the premises or not. Reasonable barking or noise that is common under normal circumstances is not to be considered as disturbing the peace under this section.

In order to enforce the proposed Ordinance, sound-level meters must be purchased and provided to City staff. The estimated cost of an applicable sound-level meter, including certification, is \$400 per unit. Initially, it is anticipated that 30 units will need to be acquired.

The effective date of the Ordinance is proposed to be July 1, 2024 (prior to postponement and amendment at first reading, the date was June 1, 2024) in order to allow for the necessary time to

acquire sound-level meters and train applicable staff on the new regulations.

At the Governing Body's February 20, 2024 work session meeting, proposed updates to the City's current Unreasonable Noise Ordinance were presented and discussed.

From March 18 through noon on March 29, 2024, members of the public had the opportunity via the City's website to submit suggestions regarding the proposed Ordinance. Attached is a summary of the suggestions received.

A special work session meeting of the Governing Body was held on April 1, 2024 regarding this topic. Attached is the City staff presentation from the April 1 meeting.

At the Governing Body's April 11, 2024 meeting, four amendments were proposed and adopted. These amendments are reflected in the amended Ordinance document. In addition, a cross reference to applicable, existing appeal procedures found in Section 150.08 of Municipal Code (i.e., appeal of the final decision of the City Manager filed with the Planning and Zoning Board; appeal of final decision by the Planning and Zoning Board filed with the Governing Body) has been added to the amended Ordinance document.

IMPACT:

More objective criteria (e.g., decibel measurement) for what is and is not acceptable community noise levels will be established. By adding more objective criteria for what constitutes unreasonable noise, clear parameters will be established for citizens to adhere to and law enforcement personnel to utilize and enforce.

Existing and available City resources will be utilized to acquire sound-level meters.

ALTERNATIVES:

Approve the Ordinance.

Do not approve the Ordinance.

DEPARTMENT RECOMMENDATION:

City staff recommends approval of the Ordinance as presented.

ATTACHMENT: [Amended Ordinance](#)

ATTACHMENT: [April 1 2024 GB Work Session PowerPoint](#)

ATTACHMENT: [Online submission tracking with attachments](#)

ATTACHMENT: [O2 - Public Comment](#)

ATTACHMENT: [O2 - Public Comment](#)

ATTACHMENT: [O2 - Public Comment](#)

ATTACHMENT: [O2 - Public Comment](#)

ATTACHMENT: [O2- Public Comment](#)

ATTACHMENT: [O2 Public Comment .pdf](#)

ATTACHMENT: [Public Comment - O2.pdf](#)



CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO.

ENACTMENT NO.

AMENDED

**ORDINANCE AMENDING CHAPTER 131 OFFENSES AGAINST
ORDER AND SAFETY & CHAPTER 154 PLANNING AND ZONING**

WHEREAS: extreme and/or unreasonable noise is a nuisance that creates a hazard to public health, welfare, and safety, which does not promote the use, value and enjoyment of property, or sleep/repose; and

WHEREAS: extreme and/or unreasonable noise is a form of pollution, such as light pollution, which the Governing Body can regulate; and

WHEREAS: existing Municipal Code, Chapter 131 Offenses Against Order and Safety, Section 131.06 Unreasonable Noise, has elements which are subjective and undefined; and

WHEREAS: a desire exists to add more objective criteria (e.g., decibel measurement) for what is and is not acceptable community noise levels; and

WHEREAS: by adding more objective criteria for what constitutes unreasonable noise, clear parameters will be established for citizens to adhere to and law enforcement personnel to utilize and enforce.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. Chapter 131 Offenses Against Order and Safety, Section 131.06 Unreasonable Noise, R.O. 2003, is hereby amended as follows (underline new text, strikethrough deleted text, and first reading amendments are red font text):

131.06 Unreasonable Noise

~~(A) It is unlawful for any person to make, continue to make or cause to be made, any loud or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.~~

~~(B) Unlawful noises include but shall not be limited to the following:~~

~~(1) Horns and signal devices. The sounding of any horn or signaling device of any automobile, motorcycle, truck or other vehicle on any street, Public Place, Public Property, or Public Right-of-Way except as a danger warning, the creation by means of any signaling devices of any unreasonable, loud or harsh sound, the sounding of the signaling device where traffic is held up. For purposes of this Section, the definitions for the terms Public Place, Public Property, and Public Right-~~

1 of Way as set out in Section 91.02 R.O. 2003 shall apply.

2
3 ~~(2) Radios and phonographs. The use or operation of any radio, phonograph or~~
4 ~~other sound producing machine in a manner as to disturb the peace and quiet of~~
5 ~~neighbors.~~

6
7 ~~(3) Loudspeakers; amplifiers used for advertising. The use or operation or permitting~~
8 ~~to be played, used or operated any radio, receiver set, musical instrument,~~
9 ~~phonograph, tape recorder, loudspeaker, sound amplifier or other machine or~~
10 ~~device for the production or reproduction of sound which is cast upon the public~~
11 ~~streets for the purpose of commercial advertising or attracting the attention of the~~
12 ~~public in any residential area, except with the proper permit.~~

13
14 ~~(4) Yelling or shouting. Yelling, shouting or creating other loud noises which annoy~~
15 ~~or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or~~
16 ~~residence, or of any persons in the vicinity.~~

17
18 ~~(5) Schools, courts, churches, hospitals. The creating of any excessive noise on any~~
19 ~~street adjacent to any hospital, school, institution of learning, church or court which~~
20 ~~interferes with the workings of the institution or which disturbs or annoys patients in~~
21 ~~a hospital.~~

22
23 ~~(6) Retarders, Jake brakes, engine brakes and other like devices.~~

24
25 ~~(a) The sounding of any device or piece of equipment, including, but not~~
26 ~~limited to a retarder, Jake brake and/or engine brake, which helps slow a~~
27 ~~motor vehicle's rate of speed, except in an emergency situation where extra~~
28 ~~braking power is required to avert the danger of bodily harm to a person or~~
29 ~~damage to property when the emergency situation is not caused by the driver~~
30 ~~using the device.~~

31
32 ~~(b) "Retarder, Jake brake and engine brake" mean any exhaust and/or~~
33 ~~engine device used as braking power to slow down a motor vehicle's rate of~~
34 ~~speed. When activated, a retarder, Jake brake or engine brake creates noise~~
35 ~~through the motor vehicle's exhaust system.~~

36
37 (A) Definitions as used in this Section.

38
39 "A-Weighted" sound pressure level means the sound pressure level as
40 measured on a sound-level meter using the A-weighting network. The unit of
41 measurement is dB(A). Sounds measured with the "A" weighting network
42 approximate the response of human hearing when measuring sounds of low to
43 moderate intensity.

44
45 "C-Weighted" sound pressure level means the sound pressure level as
46 measured on a sound-level meter using the C-weighting network. The unit of
47 measurement is dB(C). The "C" weighting network is more sensitive to low
48 frequencies than is the "A" weighting network.

49
50 "Daytime" means from 6:00 a.m. (0600 hours) to 9:00 p.m. (2100 hours).

1
2 “Daytime” means from 6:00 a.m. (0600 hours) to 9:00 p.m. (2100 hours) Sunday
3 through Thursday, and 6:00 a.m. (0600 hours) to 10:00 p.m. (2200 hours) on
4 Friday and Saturday.

5
6 “Decibel or dB” means a logarithmic and dimensionless unit of measure often
7 used in the describing of amplitude of sound.

8
9 “Nighttime” means from 9:00 p.m. (2100 hours) to 6 a.m. (0600 hours).

10
11 “Nighttime” means from 9:00 p.m. (2100 hours) to 6 a.m. (0600 hours) Sunday
12 through Thursday, and 10:00 p.m. (2200 hours) to 6 a.m. (0600 hours) on Friday
13 and Saturday.

14
15 “Persistently or Continuously” means a 10-minute period during which any sound
16 is discerned and that sound exceeds the applicable sound limits in each of the
17 10 one-minute intervals of such period.

18
19 “Person” means a person, firm, association, co-partnership, joint venture,
20 corporation, or any other entity, public or private in nature.

21
22 “Property Line” means the official boundary of a parcel, lot, or tract of land as
23 designated by either a metes and bounds description or subdivision plat filed in
24 the records and maps with Sandoval or Bernalillo County.

25
26 “Source Premises” means the premises that is emitting sound that is crossing
27 one or more property lines.

28
29 “Unreasonable Noise” means any sound that exceeds the applicable decibel
30 level limits set forth in Tables 1 or 2 in Section 131.06 (E) for the applicable
31 zoning designation and as measured from the source premises property line.

32
33 (B) It is unlawful for any person to emit from any source premises within the City
34 extreme noise which causes material harm to the health and welfare of another.

35
36 (C) It is unlawful for any person to emit from any source premises within the City a
37 persistently or continuously unreasonable noise during daytime or nighttime hours.

38
39 ~~(D) No person shall operate or allow to be operated outdoors, any power~~
40 ~~equipment, including, but not limited to, sweepers, power mowers, leaf/snow blowers,~~
41 ~~rototillers, power saws, or other equipment used to perform gardening, property repair~~
42 ~~or other functions during the nighttime.~~

43
44 (D) No person shall operate or allow to be operated outdoors, any power equipment,
45 including, but not limited to, sweepers, power mowers, leaf/snow blowers, rototillers,
46 power saws, or other equipment used to perform gardening, property repair or other
47 functions during the hours of 8 p.m. to 7 a.m. At no time when operational shall the
48 sound level caused by or emitted from any of such equipment/tools exceed 85 dB(A) at
49 the source premises property line.

50

1 (E) Decibel Level Limits.

2

3 Table 1 (A-weighted measurements in decibels (dB))

4

<u>Source Premises Zoning</u>	<u>Daytime</u>	<u>Nighttime</u>
<u>Residential Zoned Districts</u>	<u>55</u>	<u>50</u>
<u>Office District; Neighborhood Commercial District; Retail Commercial District; Business Park District; Special Use District; and Overlay and Special Purpose Zoning Districts</u>	<u>65</u>	<u>60</u>
<u>Wholesale and Warehousing Commercial District; Central Business District; Mixed Use Activity Center District; and Industrial and Business Park District</u>	<u>75</u>	<u>70</u>

5

6 Table 2 (C-weighted measurements in decibels (dB))

7

<u>Source Premises Zoning</u>	<u>Daytime</u>	<u>Nighttime</u>
<u>Residential Zoned Districts</u>	<u>60</u>	<u>55</u>
<u>Office District; Neighborhood Commercial District; Retail Commercial District; Business Park District; Special Use District; and Overlay and Special Purpose Zoning Districts</u>	<u>70</u>	<u>65</u>
<u>Wholesale and Warehousing Commercial District; Central Business District; Mixed Use Activity Center District; and Industrial and Business Park District</u>	<u>80</u>	<u>75</u>

8

1 (F) Exceptions and Exclusions.

2
3 This Section, and its requirements, shall not apply to:

4
5 (1) Aircraft and airports. The limits set forth in this Section do not apply to sounds
6 or vibrations generated by any aircraft or generated in connection with the
7 operation of any airport or approved helipad used in support of law enforcement,
8 public utility restoration, emergency medical transport, or search and rescue.

9
10 (2) Earthshaking vibrations. The limits set forth in this Section do not apply to
11 vibrations caused by construction, demolition or repair work.

12
13 (3) Construction, demolition, or repair work. The limits set forth in this Section do
14 not apply to sounds generated in construction, demolition or repair work of an
15 emergency nature or in work on improvements authorized by any governmental
16 body or agency.

17
18 (4) Entertainment/sporting events. The limits set forth in this Section do not apply
19 to those sounds emanating from authorized school bands, school
20 athletic/entertainment events, or those sounds generated by a stadium,
21 amphitheater, arena, or athletic field.

22
23 (5) Horns and signal devices. The limits set forth in this Section do not apply to
24 the sounding of any horn or signaling device of any automobile, motorcycle,
25 truck, or other vehicle on any roadway when used as a danger warning, or by an
26 authorized emergency vehicle when responding to an emergency call or acting in
27 a time of emergency.

28
29 (6) Human voices. The limits set forth in this Section do not apply to sound levels
30 created by unamplified human voices.

31
32 (7) Fireworks displays. The limits set forth in this Section do not apply to any
33 public or private legally permitted fireworks displays. Chapter 92, Fireworks,
34 remains in full force and effect.

35
36 (8) Mass transit. The limits set forth in this Section do not apply to sounds or
37 vibrations generated in the operation of any mass transit system.

38
39 (9) Parades and protests. The limits set forth in this Section do not apply to
40 legally permitted parades or to protests.

41
42 (10) Retarders, Jake brakes, engine brakes, and other like devices. The limits
43 set forth in this Section do not apply to the sounding of any device or piece of
44 equipment, including, but not limited to a retarder, Jake brake, and/or engine
45 brake, which helps slow a motor vehicle's rate of speed, when used in an
46 emergency situation where extra braking power is required to avert the danger of
47 bodily harm to a person or damage to property when the emergency situation is
48 not caused by the driver using the device.

49
50

1 (11) Refuse/recycling collection. The limits set forth in this Section do not apply
2 to refuse collection activities.

3
4 (12) Total preemption. The limits set forth in this Section do not apply to sounds
5 otherwise governed by federal, state, or municipal laws or regulations.

6
7 (13) Any activity conducted pursuant to an approved Temporary Variance for
8 Amplified or Construction Sound in accordance with Section 154.84.

9
10 **Section 2.** Chapter 154 Planning and Zoning, R.O. 2003, is hereby amended to add a
11 new section 154.84 as follows (underline new text):

12
13 154.84 Temporary Variance.

14
15 (1) The City Manager or their designee may grant a temporary variance which allows non-
16 compliance with the decibel level limitations stated in Section 131.06 for a non-reoccurring,
17 short duration activity. The City Manager's or their designee's decision to grant or deny a
18 temporary variance shall be final (see Section 150.08 for Appeals).

19
20 (2) The temporary variance shall be considered only after an applicant/requestor provide
21 the following information, and the City Manager or their designee has determined that
22 granting the temporary variance shall not be detrimental to public health, welfare, and
23 safety, and the temporary variance is warranted because adherence to the decibel level
24 limitations stated in this Section would impose undue economic burden upon any lawful
25 business, occupation or activity:

26
27 (a) Type of activity and equipment;

28 (b) Estimated decibel level and duration;

29 (c) Sound mitigation measures to be used;

30 (d) Number of amplification devices to be used in the proposed activities;

31 (e) Anticipated direction of amplification devices;

32 (f) Whether the activity will be held within or without a structure;

33 (g) Proposed benefits of the activity;

34 (h) Why decibel level limitations stated in this Section cannot be adhered to; and

35 (i) Other circumstances or conditions that may be impacted or aggravated by the
36 proposed activity.

37
38 (3) No temporary variance shall be granted for reoccurring events. No more than four

39 (4) temporary variances shall be granted to the same applicant/requestor during a
40 twelve (12)-month period of time.

41
42 (4) Any temporary variance granted shall be issued in writing and specifying
43 place, date, duration, and any requirements appropriate to the proposed activity
44 site, which may include maximum decibel levels.

45
46 (5) An issued temporary variance shall become void, and surrendered to any Police
47 Officer, Code Enforcement Officer, or the City Manager (or their designee) as
48 applicable, when it is determined that any requirement contained in the variance has
49 been violated. Upon revocation of the temporary variance, activities must either
50 immediately cease or must comply with the decibel level limitations stated in Section

1 131.06.

2
3 (6) A subsequent temporary variance request by the same applicant/requestor may be
4 denied upon substantiated complaint(s) related to an activity previously granted a
5 variance, or if an applicant has previously been required to surrender a temporary
6 variance as described in this Section.

7
8 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of
9 this Ordinance, or any section, paragraph, clause, or provision of any regulation
10 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
11 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
12 clause, or provision shall not affect the validity of the remaining portions of this
13 Ordinance or the regulation so challenged.

14
15 **Section 4. Compiling Clause.** This Ordinance shall be incorporated in and
16 compiled as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

17
18 **Section 5. Effective Date.** This Ordinance shall become effective on ~~June 1, 2024~~
19 July 1, 2024.

20
21
22 ADOPTED THIS _____ DAY OF _____, 2024.

23
24
25 _____
26 Gregory D. Hull, Mayor

27
28
29 ATTEST:

30
31 _____
32 Rebecca A. Martinez, City Clerk
33 (SEAL)



Special Governing Body Work Session

April 1, 2024

General Concepts

Per U.S. CDC

Sound intensity is the amount of sound energy in a confined space.

It is measured in decibels (dB). The decibel scale is logarithmic, which means that loudness is not directly proportional to sound intensity. Instead, the intensity of a sound grows very fast. This means that a sound at 20 dB is 10 times more intense than a sound at 10 dB.

Two sounds that have equal intensity are not necessarily equally loud. Loudness refers to how you perceive audible sounds. A sound that seems loud in a quiet room might not be noticeable when you are on a street corner with heavy traffic, even though the sound intensity is the same.

In general, to measure loudness, a sound must be increased by 10 dB to be perceived as twice as loud.

Inverse-Square Law (Dictionary Definition)

The principle according to which the intensity of a wave, including a light wave or a sound wave, decreases in proportion to the square of the distance from its source.

For example, every doubling of distance can reduce the sound level by 6 dB; sound source measuring 70 dB at 20 feet could be 64 dB at 40 feet away and 58 dB at 80 feet away.

General Daytime/Nighttime Hours

	Proposed	Alb.	Santa Fe	Las Cruces	Farmington	Bern. Co.
Daytime	6 a.m. to 9 p.m.	7 a.m. to 10 p.m. *With Temporary Permit for amplified sound or construction can extend to midnight Friday & Saturday	7 a.m. to 9 p.m.	N/A	7 a.m. to 7 p.m.	Sunrise to Sunset
Nighttime	9 p.m. to 6 a.m.	10 p.m. to 7 a.m.	9 p.m. to 7 a.m.	N/A	7 p.m. to 7 a.m.	Sunset to Sunrise

General Decibels Comparisons

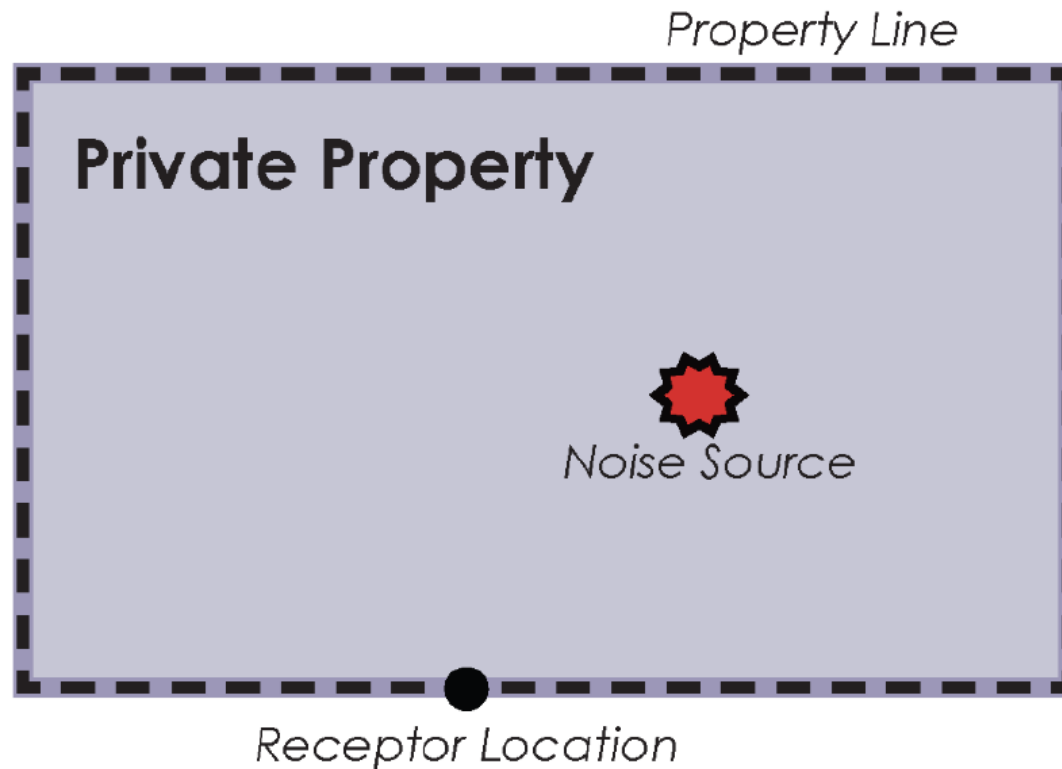
A-weighted; D=Daytime & N=Nighttime

Zoning	Proposed	Alb.	Santa Fe	Las Cruces	Farmington	Bern. Co.
Residential	D-55 dB N-50 dB	D-55 dB N-50 dB	D-55 dB N-50 dB	N/A	D-60 dB N-50 dB	D-55 dB N-45 dB
Non-Residential & Commercial	D-65 dB N-60 dB	D-65 dB N-60 dB *When residential is receptor: Outdoor D-60 dB N-55 dB Indoor D-55 dB N-50 dB	D-60 dB N-55 dB	N/A	D-65 dB N-55 dB	D-65 dB N-60 dB
Industrial & Manufacturing	D-75 dB N-70 dB	D-75 dB N-70 dB *When residential is receptor: Outdoor D-60 dB N-55 dB Indoor D-55 dB N-50 dB	D-75 dB N-70 dB	N/A	75 dB at all times	D-75 dB N-70 dB

General Measurement Methods

Proposed	Alb.	Santa Fe	Las Cruces	Farmington	Bern. Co.
<p>Source Property Line.</p> <p>10-minute period.</p>	<p>Measured inside structure of receptor premises; residential receptor where people live/sleep with windows open 25% with no mechanical ventilation and windows closed with mechanical ventilation.</p> <p>When the receptor premises is located in a residential zoning district and the source premises is located in a commercial or industrial/manufacturing zoning district, measurements shall be measured outside within 25 feet from any side of the residential structure which is nearest to the source premises.</p> <p>10-minute period.</p>	<p>At least one foot inside affected property line.</p> <p>If noise measured in more than one land use category, the limits of the more restrictive use shall apply at the boundaries between different zones.</p> <p>10-minute period.</p>	<p>Audible or aware of vibration by any person or police officer at a distance of 30 or more feet from the source.</p> <p>Temporary permit available for amplified sound that is noncompliant and may only be issued between 7 a.m. to midnight and no longer than 3 consecutive days.</p>	<p>No person on private property can cause or operate any source of sound which exceeds limits of receiving land use category when measured at or within property boundary of the receiving land use.</p> <p>Three readings taken at 2 minute intervals; average of the readings used.</p>	<p>As measured on any other property receiving the sound.</p> <p>Sound projecting from property of one land use category onto property of another land use category having a lower sound level limit shall not exceed the limits for the property of the land use category onto which it is projected.</p> <p>Rules for sound amplifying equipment limited 8 a.m. to 10 p.m.; commercial use not allowed Sundays/holidays; max 15 dB above ambient measured at any property line; other limits applicable.</p>

Proposed - Measuring



At the Property Line of Noise Source

Proposed – Measuring (Non-Residential Abutting Residential Example)

Measure at the Property Line of the Noise Source, which means higher decibels and less distance

Residential (Receptor)

Residential
D-55 dB
N-50 dB

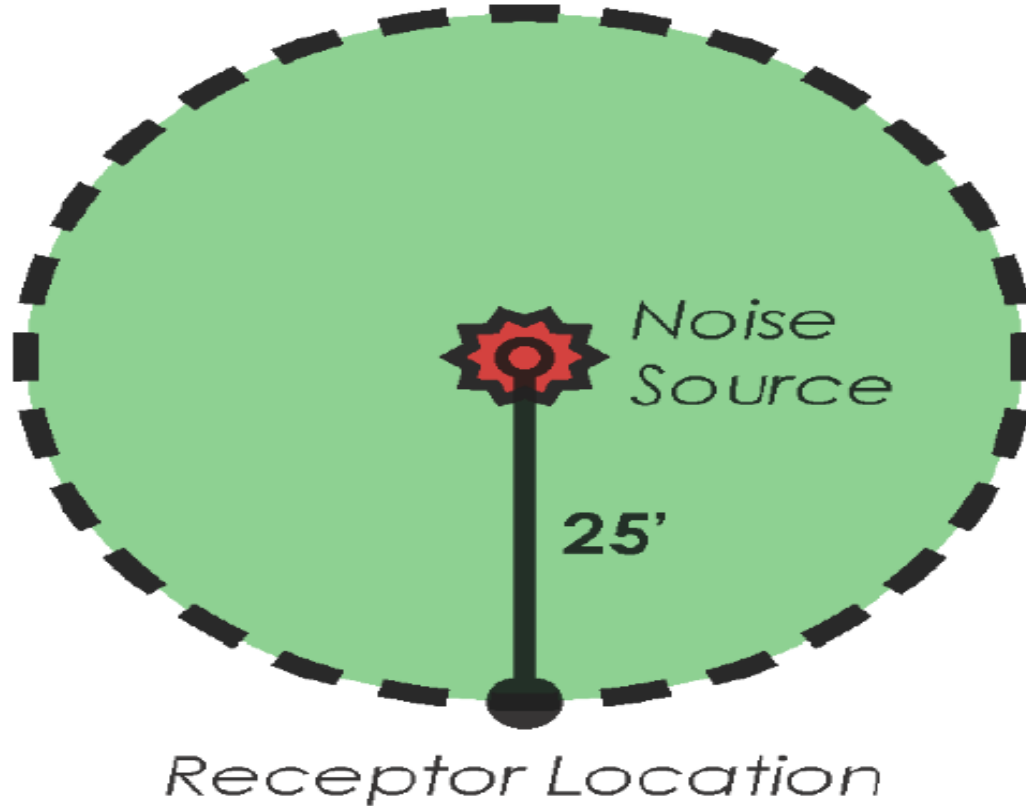
Property Line

Commercial Business (Source)

Commercial
D-65 dB
N-60 dB

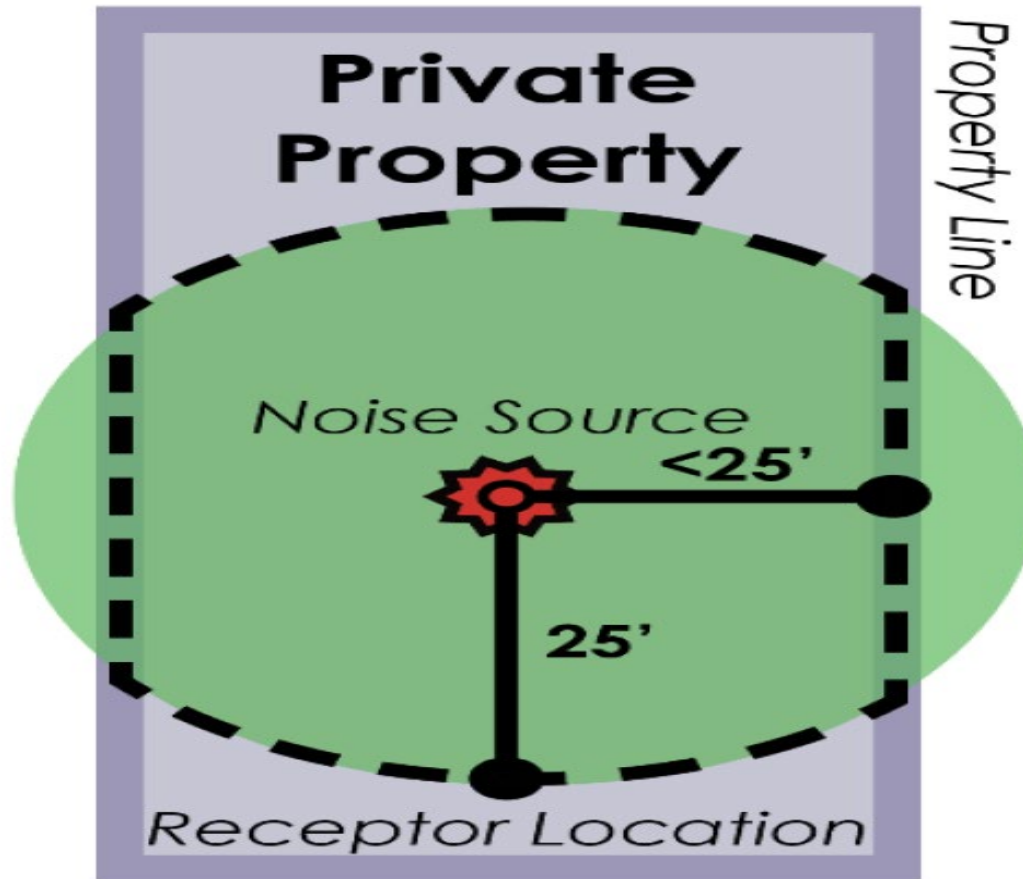
Some example communities use a greater distance by measuring at a receptor property; however, the lower (residential) decibel levels standard is applied when different zone types are abutting

Alternative - Measuring



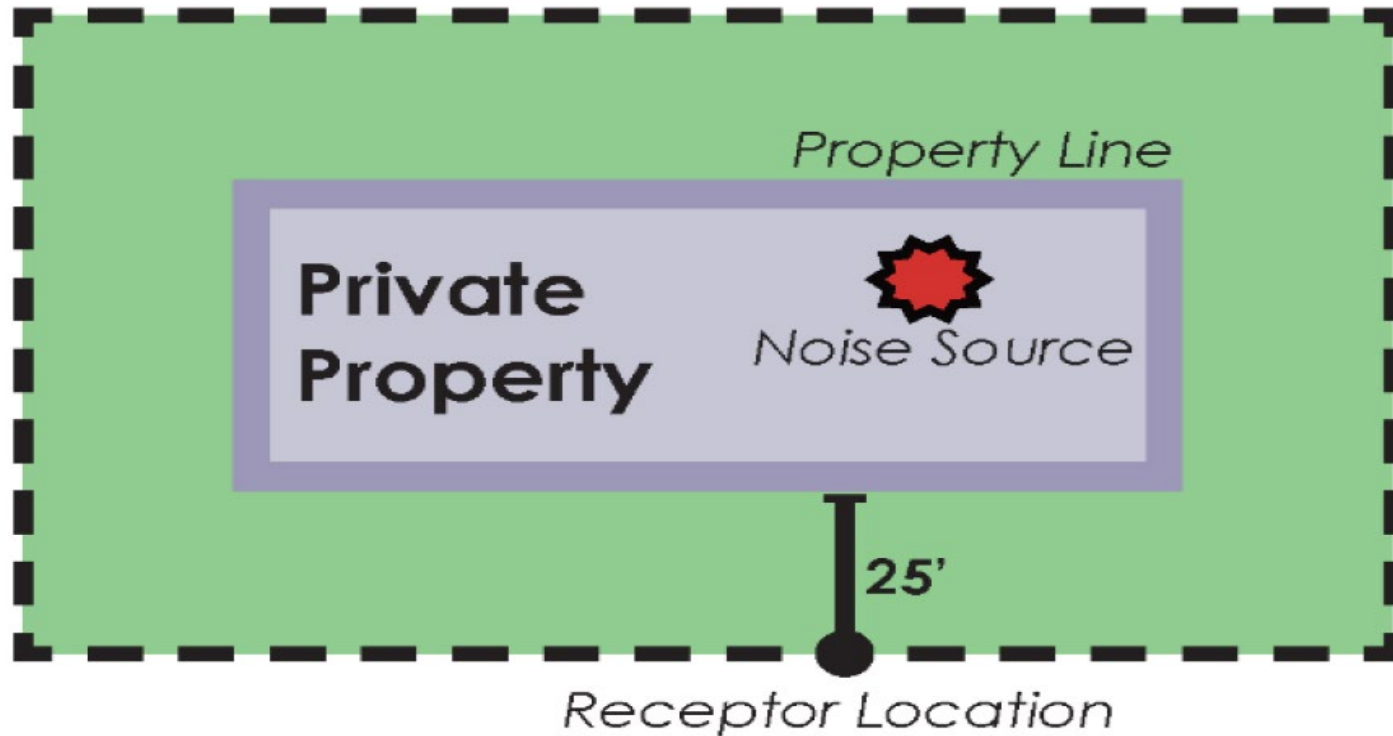
Twenty Five (25) Feet from Noise Source

Alternative - Measuring

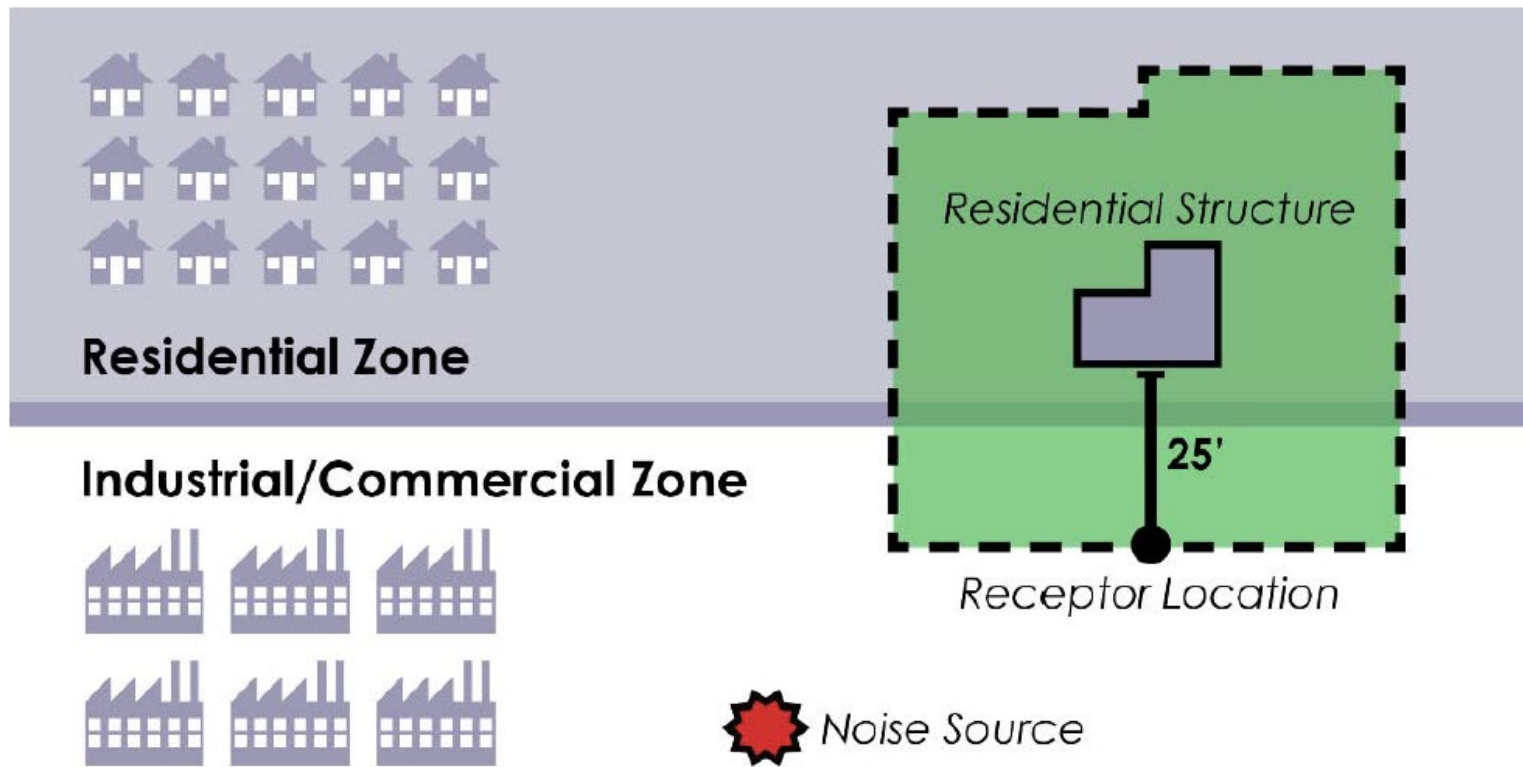


At the Property Line or Within the Property Boundary Up to Twenty Five (25) Feet from Noise Source

Alternative Measuring



Alternative Measuring



Within Twenty Five (25) Feet of the Residential Structure Nearest the Noise Source Located in Different Zone Type

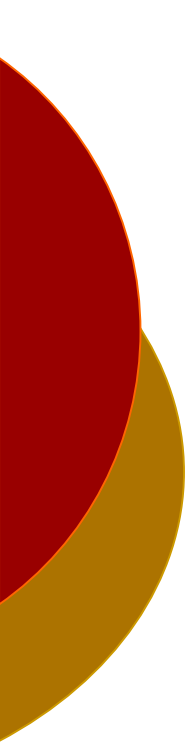
Power Tools/Mowers,. Etc. – Potential Addition

Proposed:

D) No person shall operate or allow to be operated outdoors, any power equipment, including, but not limited to, sweepers, power mowers, leaf/snow blowers, rototillers, power saws, or other equipment used to perform gardening, property repair or other functions during the nighttime.

Alternative:

D) No person shall operate or allow to be operated outdoors, any power equipment, including, but not limited to, sweepers, power mowers, leaf/snow blowers, rototillers, power saws, or other equipment used to perform gardening, property repair or other functions during the ~~nighttime~~ hours of 8 p.m. to 7a.m. At no time when operational shall the sound level caused by or emitted from any of such equipment/tools exceed 85 dB(A) at the source premises property line.



END

Online Suggestions Received from March 18 – March 29, 2024

Required Suggestion Form Submission Fields	Specific Replacement Language for Proposed Ordinance Update Document (please be as specific as possible and include page and line numbers)	Justification for Replacement Language (please provide for each suggested change). Please Provide Links and/or Upload Files Related to Other Community Standards and/or Studies/Research if Applicable.	Name	Organization	Initial Staff Comments/Analysis
1	Define "Quiet Hours"	None	Marcia Gushard	Islands at Rio Rancho	Proposed Ordinance has daytime/nighttime hours defined.
2	1) The night times should be 10 pm, not 9 pm. 2) I see nothing about addressing complaints where the 2 am music blaring from outside parties might be addressed via county coordination when the offender is across the street from city limits repeatedly offending neighbors with outside pitch	1) Isn't that standard? over my life, that's the time is shutting down gatherings and related noise. 2) insanity develops and neighborhood issues that degrade living environment in the city AND county. City/county coordination would indicate partnership and improve all areas where city boundaries exist.	Tina Weiss		Sandoval County has no defined, general noise regulations; County would use general public nuisance laws via the State/County code.

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	praying until early mornings.				
3	I don't have any replacement language but sub woofers need to be addressed, not always loud in decibels but the constant pounding a vibrations are far more disturbing.	Na	Ian Ward		C-weighted table and decibel standards in the Proposed Ordinance intended to address low frequencies.
4	No changes	Keep document AS IS	Danny Gray		
5	Ordinance should not be changed.	Pass as it is written	Laurel Gray		
6	10.99 Penalties for noncompliance should increase with each occurrence.	None	Bill Ryan		Proposed Ordinance maintains current general penalty language for unreasonable noise in Municipal Code – max fine of \$500, max 90 days in jail, or both subject to Municipal Judge.
7	There is not a ordinance addressing	Justification for this is people want nice quiet neighborhoods for their families to live in. My house backs up	Stephen Curtis Newton		Existing Municipal Code 12-10-1.10 addresses modified

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	<p>extremely loud or non-muffled automobile, motorcycle and truck exhausts. High performance cars, motorcycles and trucks are very popular in Rio Rancho and some vehicles have been modified to be very loud and the operators of them enjoy revving the engines and racing through quiet neighborhoods. I propose that police pull over vehicles that are too loud and be allowed to issue citations for loud exhausts.</p>	<p>to Cardiff Ave where I hear loud cement trucks and loud vehicle exhausts that sound like a drag raceway is behind my house.</p>			<p>mufflers and excessive noise; officers cited 7 times last two years.</p>
8	<p>Do not implement a decibel rating system. A conversation 3 ft away is too loud? Children happily playing and yelling hide and seek in the backyard are subject to a fine</p>	<p>Common sense. This is not a retirement facility, but rather a city of vision, can't have vision if businesses are blinded by ordinances.</p>	Bryan		<p>Proposed Ordinance exempts sound levels created by unamplified human voices.</p> <p>Proposed Ordinance maintains current general penalty language for unreasonable noise</p>

Online Suggestions Received from March 18 – March 29, 2024

	and or imprisonment? No. I do not agree!				in Municipal Code – max fine of \$500, max 90 days in jail, or both subject to Municipal Judge.
9	The limits in the residential zones of table 2 (pg 4, line 6) are completely unreasonable for anyone with a hobby in woodworking, metal working, and even general home renovation and repair. These need to be raised by AT LEAST 10 decibels each if not more.	The background analysis that is based from Jan 1, 2022 to Dec 31, 2023 lists 1323 calls for noise complaints, but i would consider a huge portion of these complaints to be invalid. The reason being there has been an organized small campaign of "complainers" that have pumped the numbers of these calls on almost a weekly/monthly basis through a group on the Nextdoor app. The name of the group is Salt Yard NOISE and has for almost the exact period of time this study was conducted, been overinflating those numbers. The group has 76 people (including me to follow the events). It would not be fair to use 75 peoples complaints to regulate tip-toeing around for another 111,000 residents. Let alone that, not every is a "cranky" or a bothered like the older resident of the city. It is starting to attract a newer younger population that wants to see the city grow and introduce new economic development with entertainment like The Block being built. Stifling this new growth because a small segment of the population that moved out here nearly half a century ago for a "quieter" lifestyle is not the	Aaron Long		Amendment language (power tools, lawnmowers) for Proposed Ordinance drafted and presented at 4/1/24 meeting. 10 dB higher can be perceived as 2X as loud. Salt Yard is located in Albuquerque, 3700 Ellison Road NW Alb, NM 87114.

Online Suggestions Received from March 18 – March 29, 2024

		city of vision, it is looking to just hold onto the past...			
10	This ordinance suggestion shouldn't even exist. Just be respectful of one another.	The city doesn't need to intrude into the lives of otherwise benign citizens and the attempt to do so is rather unsettling. This is a blatant and gross reach for power that is absolutely unnecessary and will lead to further militarization of our police as well as pitting citizens against one another.	Mike		
11	All tractor trailer trucks shall have mufflers on all exhaust pipes to suppress sound. All cars, including performance type vehicles, i.e. Mustang, Dodge and other performance (muscle) cars shall be muffled at all times.	The noise ordinance should include semi-tractor trailer rigs that have no "muffler" although some trucks put covers on the exhaust, they do not have a muffler, but straight pipes and they are very loud. These non-muffler trucks are easy to hear and identify. Harold's Grading along Iris Road is a violator as his company has several big rigs that are extremely noisy.	Jeff Pasquier	Perfection Laserwerks LLC	Existing Municipal Code 12-10-1.10 addresses modified mufflers and excessive noise; officers cited 7 times last two years.

Online Suggestions Received from March 18 – March 29, 2024

<p>12</p>	<p>Page 6, line2 19-21: "...as measured from the source premises property line." This needs to specify the exact distance from the property line from which the sound level testing will be assessed with the sound meters. Please also include specific language regarding exceptions for the use of yard maintenance equipment, air conditioning units, etc. See below for examples.</p>	<p>As an example, the Boulder County, Colorado, noise ordinance includes this language: "C. Sound from a non-vehicular source shall be measured at a distance of ten feet from the property line of the property where such sound is radiating, except that where the noise source is located on public property owned by a governmental entity, the sound shall be measured at a distance of ten feet from the property line or fifty feet from the noise source, whichever is less. The sound of amplified music from a non-moving vehicle on private property or public property which is not a road or highway shall be considered "sound from a non-vehicular source." This ordinance also includes the following wording about sound that is exempt from the ordinance: " L. The sound made by a lawnmower, snowblower, or other hand or power tool of no more than five horsepower, between the hours of 7 a.m and 10 p.m." See https://assets.bouldercounty.gov/wp-content/uploads/2017/02/ordinance-noise.pdf Denver has the following exception: (6)Any tree maintenance, landscaping, or lawn care equipment operated upon a residential, commercial, industrial, or public premises between 7:00 a.m. and 9:00 p.m. This exemption does not apply if the equipment is not in good working order, not used for the manufacturer's intended purpose, or not operated in compliance with any required license. Denver also has</p>	<p>Nancy Hoffmann</p>		<p>Amendment language (power tools, lawnmowers) for Proposed Ordinance drafted and presented at 4/1/24 meeting.</p>
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Online Suggestions Received from March 18 – March 29, 2024

		<p>this language, which might apply to air conditioning units: (8)Any domestic power equipment operated by the owner and or occupant of the property upon any residential, commercial, industrial or public premises between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound pressure level of eighty (80) dB(A) when measured twenty-five (25) feet from the noise source or the complainant's property line, whichever is greater. This exemption does not apply if the equipment is not in good working order, not used for the manufacturer's intended purpose, or not operated in compliance with any required license. This is specified in: Sec. 36-6. - Restrictions and measurements of noise between source and receiving premises (Table A).</p> <p>See attached for ordinance.</p>			
13	<p>Residential should be 70 during the day and 50 at night. During Spring and Summer, day hours should be extended to 10pm During Friday-Sunday.</p>	<p>Neighbors are less than 20ft around each other and children playing in the backyard or front are going to be louder than classroom chatter. Residents should be able to have outdoor gatherings in their own backyard. Unfortunately, because the city let homes be built less than 10-20 feet in diameter from each other, no one would be able to enjoy their backyard with these new levels being proposed. During Spring and Summer there is more daylight</p>	Christine Salguero		<p>Proposed Ordinance exempts sound levels created by unamplified human voices.</p> <p>10 dB higher can be perceived as 2X as loud.</p>

Online Suggestions Received from March 18 – March 29, 2024

		allowing families to take advantage of outdoor activities with each other.			
14	60 to 100 decibels	The average conversation is 60 decibels... an average motorcycle engine is 95 decibels. https://www.cdc.gov	Asa Shaw	My affiliation is to a government that doesn't make dumb rules to keep their jobs as communists	10 dB higher can be perceived as 2X as loud.
15	There should be no noise ordinance during day. Maybe night but definitely not daytime hours	The reason is its easy to go past 55 decibels. And many residents are tradesmen and work at the home during the day. Not to mention a kids birthday party can have kids that can scream while having fun over 55 decibels.	Jacob Van de moere		Proposed Ordinance exempts sound levels created by unamplified human voices. Amendment language (power tools, lawnmowers) for Proposed Ordinance drafted and presented at 4/1/24 meeting.
16	Duration should be increased from 10 minutes to 15 minutes Acceptable decibel level should be increased to 65 for daytime and 55 for night	Suggested increased thresholds are more realistic for actual daily life	Steve Meagher		10 dB higher can be perceived as 2X as loud.

Online Suggestions Received from March 18 – March 29, 2024

<p>17</p>	<p>I'm surprised you do not reference something common like a car or home alarm system. That is an irritating noise that could go on for more than 10 minutes and one that residents understand in decibels.</p>	<p>Alarm Sirens are usually 120 decibels or more. Much more recognizable than "operating heavy equipment."</p>	<p>Pamela Troutman</p>		<p>Existing Municipal Code Chapter 97 pertains to alarm systems; penalty begins for three nonemergency false alarm activations within 12-month period.</p>
<p>18</p>	<p>Unreasonable Noise Ordinance Update Section (D) Could you please specify that the use of powered tools are allowed during daytime hours for the upkeep, maintenance, repair, and/or improvement of residential properties by the home owner.</p>	<p>In our current modern society it is simply not possible to perform services to building structures and landscape without the use of power tools. Thank You for your consideration.</p>	<p>Mike Donovan</p>		<p>Amendment language (power tools, lawnmowers) for Proposed Ordinance drafted and presented at 4/1/24 meeting.</p>

<p>19</p>	<p>Please see attached proposed revisions to noise ordinance.</p>	<p>Please see attached proposed revisions to noise ordinance.</p>	<p>Scott Salvas</p>	<p>Brew Lab 101 Beer & Cider Co.</p>	<p>Incongruous language.</p> <p>Incomplete/inaccurate references to ABQ code (2 standards exist, not 1).</p> <p>Lack of recognition that residential is adjacent to non-residential in some instances.</p> <p>Inaccurate/incomplete reference to zoning.</p> <p>This business has Special Use for C-1 retail commercial (shopping center) zoning. Wholesale alcohol relates to state liquor license for business. Business is not zoned for outdoor commercial entertainment venue and site plan Governing Body approved does not specify outdoor commercial entertainment use for its patio.</p>
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					Proposed Ordinance maintains current general penalty language for unreasonable noise in Municipal Code – max fine of \$500, max 90 days in jail, or both subject to Municipal Judge.
20	see attached document with changes highlighted in yellow	Document has slight additions and changes. The table listed has source and receptor classifications to allow for higher limits in commercial or industrial only areas.	Jerry Schalow	Rio Rancho Regional Chamber of Commerce	<p>Lack of justification or reference to other standards/studies.</p> <p>Undefined terms.</p> <p>Incongruous language.</p> <p>Amendment language (power tools, lawnmowers) for Proposed Ordinance drafted and presented at 4/1/24 meeting.</p> <p>10 dB higher can be perceived as 2X as loud.</p>

ORDINANCE NO. 92-28
AN ORDINANCE PERTAINING TO THE REGULATION
OF NOISE ON PUBLIC AND PRIVATE PROPERTY
CHAPTER 1.01

SECTION 1.01.010

Declaration of Policy.

It is hereby declared to be the policy of the County of Boulder that the peace, health, safety and welfare of its citizens require protection from excessive, unnecessary and unreasonable noise. It is the intention of this ordinance to control such noise.

SECTION 1.01.020

Definitions.

As used in this ordinance, the following words shall have the following meanings:

A. "Residential area" means an area of single or multi-family dwellings where businesses may or may not be conducted in such dwellings. This includes areas where multiple unit dwellings, high-rise apartment districts and redevelopment districts are located. A residential area includes areas containing limited accommodations for transients such as motels and hotels, and residential areas with limited office development, but it does not include retail shopping facilities. "Residential Area" includes educational facilities, hospitals, nursing homes, and similar institutions, and parks and open space. Undeveloped areas adjacent to residential areas constitute a residential area for purposes of this ordinance, notwithstanding the zoning classification under the Zoning Resolution of the County.

B. "Property used for commercial business purposes" means an area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments located within walking distance of the residents served; a tourist-oriented area where hotels, motels and gasoline stations are located; a large integrated regional shopping center; a business strip along a main street containing offices, retail businesses, and commercial enterprises; a central business district; or a commercially dominated area with limited multiple unit dwellings.

C. "Property used for manufacturing or industrial purposes" means an area where manufacturing, processing or fabrication of any commodity, storage and warehousing, wholesale sales of equipment, supplies and materials, repair, rental and servicing of commodities, research laboratories, motor vehicle repair and servicing, and similar activities are conducted.

D. "Agricultural equipment which is used on a farm or ranch in the production of agricultural products" means any type of vehicle, machine, or device used on a farm or ranch, as those terms are defined in

subsections (3.5) and (13.5) of C.R.S. §39-1 -102, for planting, growing, and harvesting agricultural products or for raising or breeding livestock for the primary purpose of obtaining a monetary profit.

E. "Vehicle" means any device which is capable of moving itself, or being moved, from place to place upon wheels or endless tracks; but such term does not include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

F. "Motorcycle" means every vehicle designed to travel on not more than three wheels in contact with the ground, but does not include trail bikes, dirt bikes, minibikes, go-carts, golf carts, and similar vehicles which are not designed or approved for use on public roads and highways.

G. "Muffler" means a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and which is effective in reducing noise.

H. "dB(A)" means a sound level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S1.4-1971.

I. "Ambient Noise Level" means the lowest sound level repeating itself during a six-minute period as measured with a sound level meter. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source at issue.

J. "Decibel" is a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of the ratio of that sound pressure level to a reference level of $2 \times 10^{-5} \text{ N/m}^2$ (Newton's/meter squared).

SECTION 1.01.030

Excessive Sound Levels Prohibited.

No person shall operate any type of vehicle, machine, or device, or carry on any activity, or promote or facilitate the carrying on of any activity which makes sound in excess of the levels specified in Sections 1.01.050 of this ordinance.

SECTION 1.01.040

Measurement of Sound Level.

A. Sound from a vehicle operating on a public road or highway, including the sound of amplified music coming from such vehicle, shall be measured at a distance of fifty feet from the center of the lane of travel.

B. Sound from a vehicle operating on private property or public property which is not a road or highway, including the sound of amplified music coming from such vehicle, shall be measured at a distance of fifty feet or more from such vehicle.

C. Sound from a non-vehicular source shall be measured at a distance of ten feet from the property line of the property where such sound is radiating, except that where the noise source is located on public property owned by a governmental entity, the sound shall be measured at a distance of ten feet from the property line or fifty feet from the noise source, whichever is less. The sound of amplified music from a non-moving vehicle on private property or public property which is not a road or highway shall be considered "sound from a non-vehicular source."

D. Sound shall be measured on the "A" weighting scale on a sound level meter of standard design and quality and characteristics established by the American National Standards Institute.

E. For purposes of this ordinance, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour or twenty-five miles per hour with a wind screen.

F. For all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

SECTION 1.01.050

Prohibited Noise Levels.

A. Sound from a vehicle being operated on a public road or highway with the following speed limits shall not exceed the following as measured on the "A" weighting scale dB(a):

Type of Vehicle Speed limit of 35 mph or less Speed limit more than 35 mph

Motorcycle manufactured before 1/1/1973 82 dB(A) 86 dB(A)

Motorcycle manufactured on or after 1/1/1973 80 dB(A) 84 dB(A)

Vehicle with a manufacturer's gross vehicle rating of 10,000 lbs. or more, and any combination of vehicles towed by such vehicles 86 dB(A) 88 dB(A)

All other vehicles 80 dB(A) 84 dB(A)

B. Sound from a vehicle being operated on private property or public property which is not a road or highway shall not exceed the following as measured on the "A" weighting scale dB(A):

All vehicles: 78 dB(A)

C. Sound from a non-vehicular source located in a residential area, shall not exceed the following limits:

7:00 a.m.-7 p.m. of the same day: 55 dB(A)

7:00 p.m.-7 a.m. of the following day: 50 dB(A)

D. Construction projects in residential areas shall not exceed the following noise levels for the period within which construction is to be completed pursuant to any applicable construction permit issued by Boulder County, or if no time limitation is imposed, then for a reasonable period of time for completion of project:

7:00 a.m.-7:00 p.m. of the same day: 80 dB(A)

7:00 p.m.-7:00 a.m. of the following day: 75 dB(A)

E. Periodic, impulsive, or shrill noises are hereby declared unlawful when such noises are at or above a sound level of five dB(A) less than those listed in sections 1.01.050(A), (B), (C), and (D) above.

SECTION 1.01.060

Exceptions.

The provisions of Sections 1.01.030, 1.01.040 and 1.01.050 of this ordinance shall not apply to:

A. The use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period of time within which such use of property is authorized by the political subdivision or governmental agency having lawful jurisdiction to authorize such use.

B. The use of property for the purpose of manufacturing, maintaining, or grooming machine-made snow.

C. The use of property by the state, or any political subdivision of the state, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays.

D. Property used for manufacturing, industrial, or commercial business purposes.

E. Public utilities regulated pursuant to Title 40, C.R.S.

F. Oil and gas production subject to the provisions of Article 60 of Title 34, C.R.S.

G. Operation of aircraft or other activities which are subject to federal law with respect to noise control.

H. Any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

I. The sound made by animals.

J. The sound made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any burglar, fire, personal safety or other warning device.

K. Activities conducted pursuant to a special use permit issued by the county, unless noise is not addressed by the special use permit.

L. The sound made by a lawnmower, snowblower, or other hand or power tool of no more than five horsepower, between the hours of 7 a.m and 10 p.m.

M. The sound made by agricultural equipment which is used on a farm or ranch in the production of agricultural products.

SECTION 1.01.070

Vehicle Muffler Required.

A. No person shall operate anywhere in unincorporated Boulder County any vehicle that is not equipped with a muffler in constant operation.

B. No person shall operate any vehicle in which a muffler is not properly maintained to prevent any noise in excess of the noise emitted when the muffler was originally installed by the manufacturer of the vehicle.

SECTION 1.01.080

Muffler Modification Prohibited.

No person shall operate anywhere in unincorporated Boulder County any vehicle having a muffler that has been equipped or modified with a cutoff, bypass, or any similar device or modification.

SECTION 1.01.190

Violations and Penalties.

Any person who violates any of the provisions of this ordinance commits a Class 2 Petty Offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S. may be followed by the arresting law enforcement officer for any such violation of this ordinance. Any person who is convicted of a violation of any of the provisions of this ordinance shall be punishable by a fine of \$30.00 for each separate violation, plus customary court costs when applicable. A graduated fine schedule for repeat offenses by the same individual within one year shall apply: a \$30.00 increase for each recurring offense, beginning at \$30.00 to a maximum of \$300.00.

SECTION 1.01.100

Effective Date

This ordinance shall take effect and be in force beginning on the 30th day after publication in the Longmont Times Call.

ADOPTED this 14th day of January, 1992.

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO

Homer Page, Chair

Ronald K. Stewart, Vice-Chair

Sandy Hume



CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO.

ENACTMENT NO.

**ORDINANCE AMENDING CHAPTER 131 OFFENSES AGAINST ORDER AND
SAFETY & CHAPTER 154 PLANNING AND ZONING**

WHEREAS: extreme and/or unreasonable noise is a nuisance that creates a hazard to public health, welfare, and safety, which does not promote the use, value and enjoyment of property, or sleep/repose; and

WHEREAS: extreme and/or unreasonable noise is a form of pollution, such as light pollution, which the Governing Body can regulate; and

WHEREAS: existing Municipal Code, Chapter 131 Offenses Against Order and Safety, Section 131.06 Unreasonable Noise, has elements which are subjective and undefined; and

WHEREAS: a desire exists to add more objective criteria (e.g., decibel measurement) for what is and is not acceptable community noise levels; and

WHEREAS: by adding more objective criteria for what constitutes unreasonable noise, clear parameters will be established for citizens to adhere to and law enforcement personnel to utilize and enforce.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. Chapter 131 Offenses Against Order and Safety, Section 131.06 Unreasonable Noise, R.O. 2003, is hereby amended as follows (underline new text and strikethrough deleted text):

131.06 Unreasonable Noise

~~(A) It is unlawful for any person to make, continue to make or cause to be made, any loud or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.~~

~~(B) Unlawful noises include but shall not be limited to the following:~~

~~(1) Horns and signal devices. The sounding of any horn or signaling device of any automobile, motorcycle, truck or other vehicle on any street, Public Place, Public Property, or Public Right-of-Way except as a danger warning, the creation by means of any signaling devices of any unreasonable, loud or harsh sound, the sounding of the signaling device where traffic is held up. For purposes of this Section, the definitions for the terms Public Place, Public Property, and Public Right-of-Way as set out in Section 91.02 R.O. 2003 shall apply.~~

1 ~~(2) Radios and phonographs. The use or operation of any radio, phonograph or~~
2 ~~other sound producing machine in a manner as to disturb the peace and quiet of~~
3 ~~neighbors.~~

4
5 ~~(3) Loudspeakers; amplifiers used for advertising. The use or operation or~~
6 ~~permitting to be played, used or operated any radio, receiver set, musical~~
7 ~~instrument, phonograph, tape recorder, loudspeaker, sound amplifier or other~~
8 ~~machine or device for the production or reproduction of sound which is cast upon~~
9 ~~the public streets for the purpose of commercial advertising or attracting the~~
10 ~~attention of the public in any residential area, except with the proper permit.~~

11
12 ~~(4) Yelling or shouting. Yelling, shouting or creating other loud noises which annoy~~
13 ~~or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or~~
14 ~~residence, or of any persons in the vicinity.~~

15
16 ~~(5) Schools, courts, churches, hospitals. The creating of any excessive noise on~~
17 ~~any street adjacent to any hospital, school, institution of learning, church or court~~
18 ~~which interferes with the workings of the institution or which disturbs or annoys~~
19 ~~patients in a hospital.~~

20
21 ~~(6) Retarders, Jake brakes, engine brakes and other like devices.~~

22
23 ~~(a) The sounding of any device or piece of equipment, including, but not~~
24 ~~limited to a retarder, Jake brake and/or engine brake, which helps slow a~~
25 ~~motor vehicle's rate of speed, except in an emergency situation where extra~~
26 ~~braking power is required to avert the danger of bodily harm to a person or~~
27 ~~damage to property when the emergency situation is not caused by the~~
28 ~~driver using the device.~~

29
30 ~~(b) "Retarder, Jake brake and engine brake" mean any exhaust and/or~~
31 ~~engine device used as braking power to slow down a motor vehicle's rate~~
32 ~~of speed. When activated, a retarder, Jake brake or engine brake creates~~
33 ~~noise through the motor vehicle's exhaust system.~~

34
35 (A) Definitions as used in this Section.

36
37 "A-Weighted" sound pressure level means the sound pressure level as measured
38 on a sound-level meter using the A-weighting network. The unit of measurement
39 is dB(A). Sounds measured with the "A" weighting network approximate the
40 response of human hearing when measuring sounds of low to moderate
41 intensity.

42
43 "C-Weighted" sound pressure level means the sound pressure level as measured
44 on a sound-level meter using the C-weighting network. The unit of measurement
45 is dB(C). The "C" weighting network is more sensitive to low frequencies than is
46 the "A" weighting network.

47
48 "Daytime" means from 6:00 a.m. (0600 hours) to ¹10:00² a.m. ³(2200 hours).

49
50 "Decibel or dB" means a logarithmic and dimensionless unit of measure often

Summary of Comments on Converted from C:\Windows
\Temp\ufc\conversion-6091737\input.docx to C:\Windows
\Temp\ufc\conversion-6091737\output.pdf by
EasyPDFConvert.exe version 17.12.8.0 at 2024-03-07
20:57:37Z

Page: 2

Number: 1 Author: Scott Subject: Sticky Note Date: 3/26/2024 10:09:52 AM
Nighttime should be defined as starting at 10 pm. This would be consistent with other large Cities including the City of Albuquerque Noise Ordinance. 9 pm may be appropriate for a small town but is too early for a large and growing metropolitan area.

Number: 2 Author: Scott Subject: Highlight Date: 3/26/2024 10:55:15 AM

Number: 3 Author: Scott Subject: Highlight Date: 3/26/2024 10:55:20 AM

1 used in the describing of amplitude of sound.

2
3 "Nighttime" means from ¹7:00 p.m. (²200 hours) to 6 a.m. (0600 hours).

4
5 "Persistently or Continuously" means a 10-minute period during which any sound
6 is discerned and that sound exceeds the applicable sound limits in each of the 10
7 one-minute intervals of such period.

8
9 "Person" means a person, firm, association, co-partnership, joint venture,
10 corporation, or any other entity, public or private in nature.

11
12 ~~⁴Property Line" means the official boundary of a parcel, lot, or tract of land as~~
13 ~~designated by either a metes and bounds description or subdivision plat filed in~~
14 ~~the records and maps with Sandoval or Bernalillo County.~~

15
16 ~~⁵Receptor Premises" means the premises that is receiving sound.~~

17
18 "Source Premises" means the premises that is emitting sound. ⁶that is crossing
19 one or more property lines.

20
21 "Unreasonable Noise" means any sound that exceeds the applicable decibel
22 level limits set forth in Tables 1 or 2 in Section 131.06 (E) for the applicable
23 zoning designation and as measured from ⁹the ⁸interior of the dwelling of the ⁷
24 receptor premises.

25
26
27 (B) It is unlawful for any person to emit from any source premises within the City
28 extreme noise which causes material harm to the health and welfare of another.










29
30 (C) It is unlawful for any person to emit from any source premises within the City a
31 persistently or continuously unreasonable noise during daytime or nighttime hours.

32
33 (D) No person shall operate or allow to be operated outdoors, any power
34 equipment, including, but not limited to, sweepers, power mowers, leaf/snow blowers,
35 rototillers, power saws, or other equipment used to perform gardening, property repair
36 or other functions during the nighttime.

37
38
39 *This space left intentionally blank.*

40
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49
50 (E) Decibel Level Limits.

Page: 3

 Number: 1	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:55:28 AM
 Number: 2	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:55:24 AM
 Number: 3	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:55:32 AM
 Number: 4	Author: Scott	Subject: Cross-Out	Date: 3/26/2024 10:55:43 AM
 Number: 5	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:55:49 AM
 Number: 6	Author: Scott	Subject: Cross-Out	Date: 3/26/2024 8:33:27 AM
 Number: 7	Author: Scott	Subject: Sticky Note	Date: 3/26/2024 11:20:55 AM
<p>Measurements should occur inside of the receptor home since that is the entity being impacted, not the source property boundary where there is no impact. For example, in the City of Albuquerque Noise Ordinance measurements are conducted inside the receptor's house since the dwelling is expected to provide some buffer from noise. In addition, what is considered unreasonable noise to one person may be considered music or no problem to someone else. Therefore the perception of the receptor is what matters, not the source property line. This will also hopefully cut down on the number of frivolous calls so police are not overburdened.</p>			
 Number: 8	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:56:01 AM
 Number: 9	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:55:58 AM

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Table 1 (A-weighted measurements in decibels (dB))

<u>Source Premises Zoning</u>	<u>Daytime</u>	<u>Nighttime</u>
<u>Residential Zoned Districts</u>	<u>55</u>	<u>50</u>
<u>Office District;</u> <u>Neighborhood Commercial</u> <u>District; Retail Commercial</u> <u>District; Business Park</u> <u>District; ¹Special Use</u> <u>District; and Overlay and</u> <u>Special Purpose Zoning</u> <u>Districts</u>	<u>65</u>	<u>60</u>
<u>Wholesale and Warehousing</u> <u>Commercial District; Central</u> <u>Business District; Mixed Use</u> <u>Activity Center District; and</u> <u>Industrial and Business Park</u> <u>District; ³Special Use Zoning</u>	<u>75</u>	<u>70</u>

4
5
6

Table 2 (C-weighted measurements in decibels (dB))

<u>Source Premises Zoning</u>	<u>Daytime</u>	<u>Nighttime</u>
<u>Residential Zoned Districts</u>	<u>60</u>	<u>55</u>
<u>Office District;</u> <u>Neighborhood Commercial</u> <u>District; Retail Commercial</u> <u>District; Business Park</u> <u>District; ⁴Special Use</u> <u>District; and Overlay and</u> <u>Special Purpose Zoning</u> <u>Districts</u>	<u>70</u>	<u>65</u>
<u>Wholesale and Warehousing</u> <u>Commercial District; Central</u> <u>Business District; Mixed Use</u> <u>Activity Center District; and</u> <u>Industrial and Business Park</u> <u>District; ⁵Special Use Zoning</u>	<u>80</u>	<u>75</u>

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(F) Exceptions and Exclusions.

This Section, and its requirements, shall not apply to:

- (1) Aircraft and airports. The limits set forth in this Section do not apply to sounds or vibrations generated by any aircraft or generated in connection with the operation of any airport or approved helipad used in support of law enforcement, public utility restoration, emergency medical transport, or search and rescue.

T Number: 1 Author: Scott Subject: Cross-Out Date: 3/25/2024 5:50:40 PM

S Number: 2 Author: Scott Subject: Sticky Note Date: 3/26/2024 10:42:35 AM
Special Use Zoning is generally a mix of light and heavy commercial and industrial uses which includes manufacturing and wholesaling which is part of what Brew Lab does and has been approved to do by the City. For example, SU can include airports, landfills, junk yards and other very loud uses. It can also be comparable to C2 zoning which includes restaurants and bars and which falls in the 3rd row of the proposed decibel level table. Therefore, SU zoning should also be included in the 3rd row of the decibel level table (i.e., 75 day and 70 night).

T Number: 3 Author: Scott Subject: Highlight Date: 3/26/2024 10:56:08 AM

F Number: 4 Author: Scott Subject: Cross-Out Date: 3/25/2024 5:52:10 PM

T Number: 5 Author: Scott Subject: Highlight Date: 3/26/2024 10:56:12 AM

1 (2) Earthshaking vibrations. The limits set forth in this Section do not apply to
2 vibrations caused by construction, demolition or repair work.

3
4 (3) Construction, demolition, or repair work. The limits set forth in this Section do
5 not apply to sounds generated in construction, demolition or repair work of an
6 emergency nature or in work on improvements authorized by any governmental
7 body or agency.

8
9 (4) Entertainment/sporting events. The limits set forth in this Section do not apply
10 to those sounds emanating from authorized school bands, school
11 athletic/entertainment events, or those sounds generated by a stadium, amphitheater, arena,
12 or athletic field, or ¹commercial entertainment venue featuring live performances
13 indoor or outdoor (i.e., live music from restaurants/bars on patios). ³
14

15 (5) Sounding of signal devices. The limits set forth in this Section do not apply
16 to truck, or
17 other vehicle on any roadway when used as a danger warning, or by an authorized
18 emergency vehicle when responding to an emergency call or acting in a time of
19 emergency.

20 (6) Human voices. The limits set forth in this Section do not apply to sound levels
21 created by unamplified human voices.

22
23 (7) Fireworks displays. The limits set forth in this Section do not apply to any
24 public or private legally permitted fireworks displays. Chapter 92, Fireworks,
25 remains in full force and effect.

26
27 (8) Mass transit. The limits set forth in this Section do not apply to sounds or
28 vibrations generated in the operation of any mass transit system.

29
30 (9) Parades and protests. The limits set forth in this Section do not apply to
31 legally permitted parades or to protests.

32
33 (10) Retarders, Jake brakes, engine brakes, and other like devices. The limits set
34 forth in this Section do not apply to the sounding of any device or piece of
35 equipment, including, but not limited to a retarder, Jake brake, and/or engine
36 brake, which helps slow a motor vehicle's rate of speed, when used in an
37 emergency situation where extra braking power is required to avert the danger of
38 bodily harm to a person or damage to property when the emergency situation is
39 not caused by the driver using the device.

40
41 (11) Refuse/recycling collection. The limits set forth in this Section do not apply to
42 refuse collection activities.

43
44 (12) Total preemption. The limits set forth in this Section do not apply to sounds
45 otherwise governed by federal, state, or municipal laws or regulations.

46
47 (13) Any activity conducted pursuant to an approved ⁴Temporary Variance for
48 Amplified or Construction Sound in accordance with Section 154.84.

49
50 **Section 2.** Chapter 154 Planning and Zoning, R.O. 2003, is hereby amended to add a

Number: 1	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 5:53:56 PM
Number: 2	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:56:17 AM
Number: 3	Author: Scott	Subject: Sticky Note	Date: 3/26/2024 10:59:16 AM
Businesses engaging in hosting live performances such as live music and shows inside and outside should also be excluded from the decibel limits since that activity is not "unreasonable noise", it is for commercial entertainment purposes and part of the economy of the City.			
Number: 4	Author: Scott	Subject: Cross-Out	Date: 3/26/2024 8:17:54 AM


1 new section 154.84 as follows (underline new text):

2
3 154.84¹ Temporary Variance.  ²

4
5 (1) The City Manager or their designee may grant a temporary³ or permanant variance which allows
6 ~~4~~ non-compliance with the decibel level limitations stated in Section 131.06 for an ~~5~~ non-
7 ~~reoccurring, short duration activity⁶ or period of time.~~ The City Manager's or their designee's
8 decision to grant or deny a temporary⁷ or permanant variance shall be final.

9
10 (2) The ~~8~~ temporary variance shall be considered only after an applicant/requestor provide
11 the following information, and the City Manager or their designee has determined that
12 granting the ~~9~~ temporary variance shall not be detrimental to public health, welfare, and
13 safety, and the ~~10~~ temporary variance is warranted because adherence to the decibel level
14 limitations stated in this Section would impose undue economic burden upon any lawful
15 business, occupation or activity:

- 16
17 (a) Type of activity and equipment;
18 (b) Estimated decibel level and duration;
19 (c) Sound mitigation measures to be used;
20 (d) Number of amplification devices to be used in the proposed activities;
21 (e) Anticipated direction of amplification devices;
22 (f) Whether the activity will be held within or without a structure;
23 (g) Proposed benefits of the activity;
24 (h) Why decibel level limitations stated in this Section cannot be adhered to; and
25 (i) Other circumstances or conditions that may be impacted or aggravated by the
26 proposed activity.

27
28 ~~11~~ No temporary variance shall be granted for reoccurring events. No more than four
29 ~~12~~ temporary variances shall be granted to the same applicant/requestor during a
30 twelve (12) month period of time.  ¹²

31
32 (4) Any ~~13~~ temporary variance granted shall be issued in writing and specifying
33 place, date, duration, and any requirements appropriate to the proposed activity
34 site, which may include maximum decibel levels.

35
36 (5) An issued ~~14~~ temporary variance shall become void, and surrendered to any Police
37 Officer, Code Enforcement Officer, or the City Manager (or their designee) as
38 applicable, when it is determined that any requirement contained in the variance has
39 been violated. Upon revocation of the ~~15~~ temporary variance, activities must either
40 immediately cease or must comply with the decibel level limitations stated in Section
41 131.06.

42
43 (6) A subsequent ~~16~~ temporary variance request by the same applicant/requestor may be
44 denied upon substantiated complaint(s) related to an activity previously granted a
45 variance, or if an applicant has previously been required to surrender a ~~17~~ temporary
46 variance as described in this Section.

47
48 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of
49 this Ordinance, or any section, paragraph, clause, or provision of any regulation
50 promulgated hereunder shall for any reason be held to be invalid, unlawful, or

☒	Number: 1	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 6:35:44 PM
☒	Number: 2	Author: Scott	Subject: Sticky Note	Date: 3/26/2024 10:45:55 AM
Variances or noise permits should be granted both temporarily or permanently as needed.				
☒	Number: 3	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:56:25 AM
☒	Number: 4	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:56:33 AM
☒	Number: 5	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 5:59:15 PM
☒	Number: 6	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:56:37 AM
☒	Number: 7	Author: Scott	Subject: Highlight	Date: 3/26/2024 10:56:39 AM
☒	Number: 8	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 5:58:07 PM
☒	Number: 9	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 5:58:14 PM
☒	Number: 10	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 6:01:35 PM
☒	Number: 11	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 5:58:41 PM
☒	Number: 12	Author: Scott	Subject: Sticky Note	Date: 3/26/2024 10:48:39 AM
There should be no limitations on the amount of events or variances granted. For instance, if many temporary variances are required that would necessitate the need for a permanent variance.				
☒	Number: 13	Author: Scott	Subject: Cross-Out	Date: 3/26/2024 8:17:11 AM
☒	Number: 14	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 5:59:35 PM
☒	Number: 15	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 5:59:46 PM
☒	Number: 16	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 5:59:56 PM
☒	Number: 17	Author: Scott	Subject: Cross-Out	Date: 3/25/2024 6:00:09 PM

1 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
2 clause, or provision shall not affect the validity of the remaining portions of this
3 Ordinance or the regulation so challenged.

4
5 **Section 4. Compiling Clause.** This Ordinance shall be incorporated in and compiled
6 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

7
8 **Section 5. Effective Date.** This Ordinance shall become effective on June 1, 2024.

9
10 ADOPTED THIS _____ DAY OF _____, 2024.

11
12
13
14
15 _____
16 Gregory D. Hull, Mayor

17 ATTEST:

18
19 _____
20 Rebecca A. Martinez, City Clerk
21 (SEAL)
22

Additional Comments:

1. In the same way that stadiums, arenas, schools, amphitheatres, etc are excluded, businesses engaging in hosting live performances such as live music and shows inside and outside should be excluded from the decibel limits since that activity is not "unreasonable noise", it is for commercial entertainment purposes and part of the economy of the City.
2. Penalties should be defined as graduating civil fines; not as criminal fines and possible jail time of up to 90 days. If a citation is provided there should be a hearing or appeal process for the offender. This is similar to Albuquerque's Noise Ordinance.
3. Special Use Zoning is generally a mix of light and heavy commercial and industrial uses which includes manufacturing and wholesaling which is part of what Brew Lab does and has been approved to do by the City. For example, SU can include airports, landfills, junk yards and other very loud uses. It can also be comparable to C2 zoning which includes restaurants and bars and which falls in the 3rd row of the proposed decibel level table. Therefore, SU zoning should also be included in the 3rd row of the decibel level table (i.e., 75 day and 70 night).
4. Nighttime should be defined as starting at 10 pm. This would be consistent with other large Cities including the City of Albuquerque Noise Ordinance. 9 pm may be appropriate for a small town but is too early for a large and growing metropolitan area.
5. Measurements should occur inside of the receptor home since that is the entity being impacted, not the source property boundary where there is no impact. For example, in the City of Albuquerque Noise Ordinance measurements are conducted inside the receptor's house since the dwelling is expected to provide some buffer from noise. In addition, what is considered unreasonable noise to one person may be considered music or no problem to someone else. Therefore the perception of the receptor is what matters, not the source property line. This will also hopefully cut down on the number of frivolous calls so police are not overburdened.

ORDINANCE NO.
NO.

ENACTMENT

ORDINANCE AMENDING CHAPTER 131 OFFENSES AGAINST ORDER
AND 1 SAFETY & CHAPTER 154 PLANNING AND ZONING

WHEREAS: extreme and/or unreasonable noise is a nuisance that creates a hazard to public health, welfare, and safety, which does not promote the use, value and enjoyment of property, or sleep/repose; and

WHEREAS: extreme and/or unreasonable noise is a form of pollution, such as light pollution, which the Governing Body can regulate; and

WHEREAS: existing Municipal Code, Chapter 131 Offenses Against Order and Safety, Section 131.06 Unreasonable Noise, has elements which are subjective and undefined; and

WHEREAS: a desire exists to add more objective criteria (e.g., decibel measurement) for what is and is not acceptable community noise levels; and

WHEREAS: by adding more objective criteria for what constitutes unreasonable noise, clear parameters will be established for citizens to adhere to and law enforcement personnel to utilize and enforce.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF RIO RANCHO:

Section 1. Chapter 131 Offenses Against Order and Safety, Section 131.06 Unreasonable Noise, R.O. 2003, is hereby amended as follows (underline new text and 26 strikethroughs deleted text):

131.06 Unreasonable Noise

“(A) Definitions as used in this Section.

“A-Weighted “sound pressure level means the sound pressure level as measured on a sound-level meter using the A-weighting network. The unit of measurement is dB(A). Sounds measured with the "A" weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity.

“C-Weighted” sound pressure level means the sound pressure level as measured on a sound-level meter using the C-weighting network. The unit of measurement is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

“Decibel or dB” means a logarithmic and dimensionless unit of measure often used in the describing of amplitude of sound. For specific sound measurements, dBspl (with correct weighting A or C) should be used. spl = Sound Pressure Level

“Nighttime” means from 9:00 p.m. (2100 hours) to 6 a.m. (0600 hours).

“Daytime” means from 6:00 a.m. (0600 hours) to 9:00 p.m. (2100 hours).

Commercial hours

“Daytime Weekend” means from 6:00 a.m. (0600 hours) to 10:00 p.m. (2200 hours) Thursday through Saturday. In addition Sunday and Monday for Memorial Day and Labor Day, the Fourth of July.

“Persistently or Continuously” means a 10-minute period during which any sound is discerned, and that sound exceeds the applicable sound limits in each of the 10 one-minute intervals of such period.

“Person” means a person, firm, association, co-partnership, joint venture, corporation, or any other entity, public or private in nature.

“Property Line” means the official boundary of a parcel, lot, or tract of land as designated by either a metes and bounds description or subdivision plat filed in the records and maps with Sandoval or Bernalillo County and property line change or limits do not include right of way as designated or maintained by the city, county, state, or utility.

“Source Premises” means the premises that are emitting sound that is crossing one or more property lines.

“Receptor premises” shall mean the premises (residential, commercial, industrial, or public) as listed in Table A which is occupied and receiving *noise* emitted from the source premises after crossing at least one (1) or more property lines not including public right of way.

“Unreasonable Noise” means any sound that exceeds the applicable decibel level limits set forth in Tables 1 or 2 in Section 131.06 (E) for the applicable 20 zoning designation and as measured at the receptor premises property line.

(B) It is unlawful for any person to emit from any source premises within the City extreme noise which causes material harm to the health and welfare of another.

(C) It is unlawful for any person to emit from any source premises within the City a persistently or continuously unreasonable noise during daytime or nighttime hours.

(D) No person shall operate or allow to be operated outdoors, any power equipment, including, but not limited to, sweepers, power mowers, leaf/snow blowers, rototillers, power saws, or other equipment used to perform gardening, property repair or other functions during the nighttime.

(DD) Person shall operate or allow to be operated outdoors, any power equipment listed within the noise ordinance limits, including, but not limited to, sweepers, power mowers, leaf/snow blowers, rototillers, power saws, or other equipment used to perform gardening, property repair or other functions during the daytime. Noise limits may be exceeded for intermittent use during daytime hours after 7am (1900 hours).

(E) Decibel Level Limits – Units in dBspl A Weighted as measured with a calibrated Sound Pressure Level meter (+/- 3dBspl) - uncalibrated measurements such as those provided by phone applications are not properly calibrated for accuracy.

Revised Table

A-Weighted	Receptor Premises								
	Residential		Commercial			Industrial		Public Event/Park	
Source Premises	6am-9pm	9pm-6am	6am-9pm	9pm-6am	Thurs-Sat 6am-10pm	6am-10pm	10pm-6am	6am-10pm	10pm-6am
Residential	60	50	70	65	65	75	75	65	55
Commercial	65	55	70	65	70	75	75	70	65
						-	-	-	-
Industrial	65	55	70	65	70	80	75	70	65
-			-	-	-	-	-	-	-
Public	65	55	70	65	70	75	75	70	65

(F) Exceptions and Exclusions.

This Section, and its requirements, shall not apply to:

- (1) Aircraft and airports. The limits set forth in this Section do not apply to sounds or vibrations generated by any aircraft or generated in connection with the operation of any airport or approved helipad used in support of law enforcement, public utility restoration, emergency medical transport, or search and rescue.
- (2) Earthshaking vibrations. The limits set forth in this Section do not apply to vibrations caused by construction, demolition or repair work.
- (3) Construction, demolition, or repair work. The limits set forth in this Section do not apply to sounds generated in construction, demolition or repair work of an emergency nature or in work on improvements authorized by any governmental body or agency.
- (4) Entertainment/sporting events. The limits set forth in this Section do not apply to those sounds emanating from authorized school bands, school athletic/entertainment events, or those sounds generated by a stadium, amphitheater, arena, athletic field, or festival.
- (5) Horns and signal devices. The limits set forth in this Section do not apply to the sounding of any horn or signaling device of any automobile, motorcycle, truck, or other vehicle on any roadway when used as a danger warning, or by an authorized emergency vehicle when responding to an emergency call or acting in a time of emergency.
- (6) Human voices. The limits set forth in this Section do not apply to sound levels created by unamplified human voices.
- (7) Fireworks displays. The limits set forth in this Section do not apply to any public or private legally permitted fireworks displays. Chapter 92, Fireworks, remains in full force and effect.
- (8) Mass transit. The limits set forth in this Section do not apply to sounds or vibrations generated in the operation of any mass transit system.
- (9) Parades and protests. The limits set forth in this Section do not apply to legally permitted parades or to protests.
- (10) Retarders, Jake brakes, engine brakes, and other like devices. The limits set forth in this Section do not apply to the sounding of any device or piece of equipment, including, but not limited to a retarder, Jake brake, and/or engine brake, which helps slow a motor vehicle's rate of speed, when used in an emergency situation where extra braking power

is required to avert the danger of bodily harm to a person or damage to property when the emergency situation is not caused by the driver using the device.

- (11) Refuse/recycling collection. The limits set forth in this Section do not apply to refuse collection activities.
- (12) Total preemption. The limits set forth in this Section do not apply to sounds otherwise governed by federal, state, or municipal laws or regulations.
- (13) Any activity conducted pursuant to an approved Temporary Variance for Amplified or Construction Sound in accordance with Section 154.84.

Section 2. Chapter 154 Planning and Zoning, R.O. 2003, is hereby amended to add a new section 154.84 as follows (underline new text):

154.84 Temporary Variance.

(1) The City Manager or their designee may grant a temporary variance which allows non-compliance with the decibel level limitations stated in Section 131.06 for a non-reoccurring, short duration activity. The City Manager's or their designee's decision to grant or deny a temporary variance shall be final. The City Council may review for a temporary variance in lieu of the city manager/designee or on appeal if denied by city manager/designee.

(2) The temporary variance shall be considered only after an applicant/requestor provide the following information, and the City Manager or their designee has determined that granting the temporary variance shall not be detrimental to public health, welfare, and safety, and the temporary variance is warranted because adherence to the decibel level limitations stated in this Section would impose undue economic burden upon any lawful business, occupation, or activity:

- (a) Type of activity and equipment.
- (b) Estimated decibel level and duration.
- (c) Sound mitigation measures to be used.
- (d) Number of amplification devices to be used in the proposed activities.
- (e) Anticipated direction of amplification devices.
- (f) Whether the activity will be held within or without a structure.
- (g) Proposed benefits of the activity.

(h) Why decibel level limitations stated in this Section cannot be adhered to; and

(i) Other circumstances or conditions that may be impacted or aggravated by the proposed activity.

(3) No temporary variance shall be granted for reoccurring events. No more than four (4) temporary variances shall be granted to the same applicant/request or during a twelve (12)-month period of time.

(4) Any temporary variance granted shall be issued in writing and specifying place, date, duration, and any requirements appropriate to the proposed activity site, which may include maximum decibel levels.

(5) An issued temporary variance shall become void, and surrendered to any Police Officer, Code Enforcement Officer, or the City Manager (or their designee) as applicable, when it is determined that any requirement contained in the variance has been violated. Upon revocation of the temporary variance, activities must either immediately cease or must comply with the decibel level limitations stated in Section 40 131.06.

(6) A subsequent temporary variance request by the same applicant/requestor may be denied upon substantiated complaint(s) related to an activity previously granted a variance, or if an applicant has previously been required to surrender a temporary variance as described in this Section.

(7) The city development services will review noise ordinance limitations with commercial and industrial businesses to proactively address potential violations before approval to prepare for noise buffers when needed to minimize decibel levels. This ensures the protection of community well-being and quality of life. Businesses may request a variance from the city manager or designee or seek approval from the city council to operate outside noise parameters.

(8) The city will provide certified decibel meters for residents and businesses to borrow, enabling them to verify compliance with noise level requirements. This initiative ensures transparency and empowers stakeholders to proactively manage noise parameters.

Section 3. Severability Clause. If any section, paragraph, clause, or provision of this Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder shall for any reason be held to be invalid, unlawful, or

enforceable, the invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the remaining portions of this Ordinance or the regulation so challenged.

Section 4. Compiling Clause. This Ordinance shall be incorporated in and compiled as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

Section 5. Effective Date. This Ordinance shall become effective on June 1, 2024.

ADOPTED THIS _____ DAY OF _____, 2024.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk 21 (SEAL)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Robert Cordts <ranger1331@gmail.com>

Date: 4/3/24 9:08 PM (GMT-07:00)

To: Gregory Hull <ghull@rrnm.gov>

Subject: Proposed Noise Ordinance

Caution! This message was sent from outside your organization.

[You don't often get email from ranger1331@gmail.com. Learn why this is important at [Dear Mayor, I am encouraging you to support or approve the proposed Noise Ordinance. I have been a victim of a neighbor who stole electricity from PNM and ran a noisy generator for up to 15 hours a day for 18 days to partially power their rental house. The police were called multiple times but did not result in a solution. The homeowner in the end decided not to renew the renters lease. I believe the proposed ordinance would give the Police more enforcement tools for education and enforcement toward neighborhood safety. Thank you, Robert Cordts](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNIZTcx%26t%3DZVV5eDQ3bkQ0M2NlMnRmVmdVnFaTWpEcnM3VkdORElvcXhkdVgwVnFWTT0%3D%26h%3Dc061d89e8a4340b0ba98f53aa007530d%26s%3DAVNPUeHUT0NFTkNSWVBUSVbzL1vOsruW5SvZ1Y2WNTnjFZY8ODxqzmpfWE1-8lUqGw&data=05%7C02%7Cghull%40rrnm.gov%7C58ffa0597600458fb08008dc54548dc4%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638477969348622091%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAilCjQljojV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=g6KVKcG99ZNXMwtDnsfREVJSkFN1d4sw%2BwcqrhxgZT0%3D&reserved=0]</p></div><div data-bbox=)

From: [Mary Bissell](#)
To: [Clerk](#)
Subject: O2, Ordinance Amending Chapter 131 Offenses Against Order and Safety & Chapter 154 Planning and Zoning
Date: Wednesday, April 10, 2024 11:26:41 PM

Caution! This message was sent from outside your organization.

You don't often get email from mcbisselli@gmail.com. [Learn why this is important](#)

I am writing in regards to the proposed changes to Chapter 131. I live in what has infamously now become the "car wash" neighborhood at 525 Monterrey Road NE off the corner of Northern Blvd. and Monterrey Rd. For months we have had to deal with the fallout of the construction of the Champion Xpress Car Wash on this corner. One of those effects has been a huge increase in the amount of noise pollution.

I'd like to take a moment to (again) question the thought process behind allowing a car wash in a residential neighborhood. There are no other businesses on that side of Northern until you reach the Speedway at Northern and Loma Colorado. Which...has a car wash. Speaking of car washes, a quick Google search reveals at least 17 car washes within Rio Rancho, not including all of the car washes attached to gas stations (of which there are many). But I digress. Having a car wash that you must access on a residential street is ridiculous, especially because there are no other businesses around; people are more likely to go to a car wash while completing other business. Additionally, because their options upon exiting the car wash are to go on a dirt road immediately after or back out onto Northern, people head out onto Northern. This has significantly increased traffic at this intersection, which is difficult to turn either way on due to its proximity to the light on Northern/528.

On another point, the average amount of water used in a car wash depends on the type of car wash, but ranges from 35 gallons per vehicle to 120 gallons per vehicle. Luckily much of it can be reclaimed and recycled (up to about 75%). Still, to have so many car washes in an arid climate when we know we are facing drought, more impending changes due to climate change, and water shortages throughout the southwest seems silly at best and criminal at worst. The U.S. Bureau of Reclamation is asking states that use water from the Colorado River (which we definitely do!) to conserve 2 to 4 million acre feet of water. More than two decades of drought in the Colorado River basin needs to be accounted for, and climate scientists say that is not likely to turn around any time soon. 40 million people across the southwest rely on water from that system, and the supply is just getting stretched thin. And we're building more car washes?

On to the noise! Construction at the car wash was a mess in and of itself; there was a week when they were doing road work that could be heard at 2am that woke me from a dead sleep. We have also had an influx of mice, rabbits, and coyotes that have been displaced from the land purchased and used by the car wash. We also know that this impacts wildlife including owls and hawks. But hey! We needed another car wash. In a residential neighborhood. The car wash's daily operations are loud. I used to be able to sit out on our patio and barely hear traffic on Northern. Now that traffic is drowned out by the noise from the car wash. Oh, and the lights are incessant--we have a nice view of a bright red sign from our bedroom now. Truly beautiful.

Rio Rancho City Council, with all sincerity, you owe it to the people who have been affected by this car wash to mitigate the effects of your disastrous decision to allow the car wash to be

built. Pass the amendment to allow for more concrete definitions of sound pollution. And for the love of all that is good in the world, no more car washes.

Thanks,
Mary Bissell
525 Monterrey Rd. NE 87144
405-230-6910

From: [Laurel Gray](#)
To: [Clerk](#)
Subject: Comments for council meeting of April 11th
Date: Thursday, April 11, 2024 10:23:40 AM

Caution! This message was sent from outside your organization.

You don't often get email from laurelannegray@gmail.com. [Learn why this is important](#)

Mayor and council members,

I would like to voice my opinion and concern about the noise coming from the new car wash in our neighborhood. The noise from the car wash is unacceptable, especially when you're trying to enjoy a peaceful day at your own home. This ordinance as written is the beginning of a solution for this problem. Please pass this ordinance as is with no amendments. Sincerely,
Laurel Gray

From: [Matt Geisel](#)
To: [REBECCA MARTINEZ](#); [YOLANDA LUCERO](#); [Noel Davis](#)
Cc: [Peter Wells](#)
Subject: Fwd: City Council meeting- Noise Ordinance
Date: Thursday, April 11, 2024 5:20:20 PM

Rebecca -
Pls see the below public comment for O2/item#6.

Matt B. Geisel
City Manager

City of Rio Rancho | City Administration

O: [505.891.5002](tel:505.891.5002) **C:** [505.382.4326](tel:505.382.4326)

RRNM.gov | 

Begin forwarded message:

From: Amy Goldfarb <amy@tdainc.com>
Date: April 11, 2024 at 12:21:52 PM MDT
To: Matt Geisel <mgeisel@rrnm.gov>
Cc: Tiffany Gravelle <tiffany@hellotiffany.com>, DOMINIC GARCIA <domgarcia@comcast.net>
Subject: **City Council meeting- Noise Ordinance**

Caution! This message was sent from outside your organization.

Hi Matt! I am here doing a punch walk at THE BLOCK. I heard that the noise ordinance meeting is tonight? I have to fly out before the meeting but I am trying to get a member of the team to attend.

Our biggest concern is the time - we would prefer 10pm weekdays and 11 pm weekends. We also think the db level is low at 65 and we would prefer 95. Just wanted to let you know our concerns.

Thank you!
Amy
Sent from my iPhone

From: Jerry Schalow <jerry@rrrcc.org>
Sent: Thursday, April 11, 2024 12:27 PM
To: Gregory Hull <ghull@rrnm.gov>
Subject: Noise Ordinance Discussion this Evening

Caution! This message was sent from outside your organization.

Hi Mayor, sent this out to city Councilors this morning after meeting with our executive team yesterday.

One of the things I don't think we have addressed is residential bounce houses in the backyard for a party. The blowers go at 75 to 90 depending on the size.

Measuring the sound from a shared wall or between the houses in a neighborhood will put these in violation. My concern is does the homeowner risk renting it and if called out by the neighbor, is the party over? How does an officer deal with this where a bounce house is set up for 6 to 8 hours?

I am reaching on behalf of the Chamber Board of Directors.

Our Executive Committee met yesterday to review what changes to the proposed ordinance is most important.

We have addressed these changes in the attached letter.

- Being inside 25 feet of the receptor proposed property line will work well to protect all parties especially residential to residential. Otherwise decibels could be measured at the shared backyard wall creating increased violations.
- We are requesting residential receptor be increased to 65, which is at the conversational level. Neighbors can still enjoy their backyards, have graduation parties, rent bouncers (75-90 decibels) for parties and reduce violations
- We have a proposed a source and receptor grid that allows for commercial to be louder and industrial to industrial to be louder. We also added a section for parks to allow for decibel differences based on neighbors.
- Allow for and extension of daytime hours to 10pm Thursday thru Sunday.
- City and school functions are omitted from the noise ordinance can we also omit special events approved by the city, car shows, Oktoberfest, Sunday is Funday etc
- Allow for City Council to have a voice in case of an appeal for a special event noise ordinance adjustment request.
- Finally, the noise ordinance can affect all new businesses in the community, so having development services provide a copy of the noise ordinance to potential developments will allow for clearer understanding of the requirements so the business can make necessary adjustments. This may have helped if this was reviewed by the car wash prior to building the facility and they could have flipped the carwash building to allow the blowers to face commercial area instead of residential area.

Thank you for your consideration

Jerry Schalow
President/CEO
Rio Rancho Regional Chamber of Commerce
4201 Crestview SE
Rio Rancho, NM 87124
Jerry@rrcc.org
Ofc. 505-999-1831
Cell. 505-504-4991



Rio Rancho Regional Chamber of Commerce Submission 4/10/2024

Dear City Councilors,

The Rio Rancho Regional Chamber of Commerce is proposing revisions to the Noise Ordinance that is being considered. We believe revisions are necessary to ensure a peaceful and harmonious environment, and we are proposing an ordinance that is not going to have the Rio Rancho Police Department responding to an exorbitant number of calls. In addition, we must realize that all vacant land in the city is “Residential” until an investor chooses to bring a business to Rio Rancho and request a zoning change from Planning and Zoning. Rio Rancho already has challenges with assembling land for commercial development, and a Noise Ordinance should not be a hinderance to business investment in the best city in New Mexico.

1. Our proposed revisions define various terms such as "Nighttime," "Daytime," "Daytime Weekend," "Property Line," "Source Premises," and "Receptor Premises," providing clarity and consistency in the ordinance.

“Nighttime” means from 9:00 p.m. (2100 hours) to 6 a.m. (0600 hours).

“Daytime” means from 6:00 a.m. (0600 hours) to 9:00 p.m. (2100 hours). Commercial hours

“Daytime Weekend” means from 6:00 a.m. (0600 hours) to 10:00 p.m. (2200 hours) Thursday through Saturday. In addition, Sunday and Monday for Memorial Day and Labor Day, the Fourth of July.

“Property Line” means the official boundary of a parcel, lot, or tract of land as designated by either a metes and bounds description or subdivision plat filed in the records and maps with Sandoval or Bernalillo County and property line change or limits do not include right of way as designated or maintained by the city, county, state, or utility.

“Source Premises” means the premises that are emitting sound that is crossing one or more property lines.

“Receptor premises” shall mean the premises (residential, commercial, industrial, or public) as listed in Table A which is occupied and receiving *noise* emitted from the source premises and is ***25 feet inside the receptors property line not including public right of way.***



2. The revisions include specific decibel level limits for different types of noise sources and receptor premises. For example, the limits for noise levels from a Resident source to a Resident receptor during the day are set at 65 decibels, while the limits for noise levels from a Commercial source to a Commercial receptor during the day are set at 75 decibels. These limits are designed to protect residents and provide a higher limit in commercially and industrial zoned areas.

Revised Table

C-Weighted	Receptor Premises									
	Residential			Commercial			Industrial		Public Event/Park	
Source Premises	6am-9pm	9pm-6am	Thurs-Sat 6am-10pm	6am-9pm	9pm-6am	Thurs-Sat 6am-10pm	6am-10pm	10pm-6am	6am-10pm	10pm-6am
Residential	65	55	65	70	65	70	70	65	65	55
Commercial	65	55	65	75	70	75	80	75	75	65
							-	-	-	-
Industrial	65	55	65	80	75	80	80	75	75	65
-				-	-	-	-	-	-	-
Public	65	55	65	75	70	75	75	75	75	65

The table above is easier to understand for residents and businesses alike and recognizes there are four primary groups that all zoning can be referenced quickly and easily.

Example:

- Resident source to Resident receptor 65 during the day
- Resident source to Commercial receptor 70 during the day
- Commercial source to Commercial receptor 75 during the day
- Commercial has a weekend time limit that is extended to 10pm Thurs-Sun
- Industrial areas are based on a 10pm day 7 days a week



3. We also appreciate the provision in the proposed revisions that exempts certain sounds from the decibel level limits, such as those emanating from authorized school bands, school athletic/entertainment events, or those generated by a stadium, amphitheater, arena, athletic field, ***but we need an addition to allow for city approved special event community festivals. This exemption recognizes the importance of these events to our community while still ensuring that noise levels are kept at a reasonable level.***

4. The City Manager or their designee may grant a temporary variance which allows non-compliance with the decibel level limitations stated in Section 131.06 for a non-reoccurring, short duration activity. The City Manager's or their designee's decision to grant or deny a temporary variance shall be final. ***The City Council/Governing Body should have the ability to review for a temporary variance in lieu of the city manager/designee or on appeal if denied by city manager/designee.***

5. ***We would also recommend the city development services provide a proactive approach in reviewing noise ordinance limitations with commercial and industrial businesses to address potential violations in the design process. This initiative demonstrates a commitment to protecting the business community to ensure they are aware of the Noise Ordinance and can address it during the design process or when reviewing the specifications of equipment being installed.***

In conclusion, we believe that the proposed revisions to the Noise Ordinance are a step in the right direction towards creating a Noise Ordinance that fulfills an enjoyable environment for all residents and businesses, does not alienate residents and businesses, and does not have our police force performing many unnecessary calls thus draining resources.

Thank you for your attention to this matter.

Sincerely,

Jerry Schalow, President

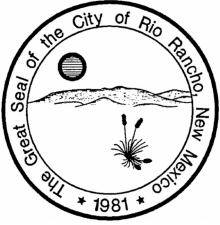
Gordon Moore, Business Chair, Former CEO of Lectrosonics (International Sound Company)
Rio Rancho Regional Chamber Board of Directors

From: [Laurel Gray](#)
To: [Clerk](#)
Subject: O2
Date: Thursday, April 25, 2024 12:21:17 PM

Caution! This message was sent from outside your organization.

You don't often get email from laurelannegray@gmail.com. [Learn why this is important](#)

Please approve the noise ordinance (O2) with no amendments especially elevated dB levels!
Thank you, Laurel Gray 632 Sonora Rd N.E Rio Rancho 87144



CITY OF RIO RANCHO COVER PAGE

Legislation Item: O5

AGENDA DATE:

April 25, 2024

DEPARTMENT:

Administration

SUBJECT:

O5, Ordinance Amending Chapter 34 Municipal Court

BACKGROUND AND ANALYSIS:

Second reading of an Ordinance. The Governing Body approved the first reading of this Ordinance on April 11, 2024.

As part of the 2023 New Mexico Legislature session, House Bill (HB) 139 was passed.

HB 139, effective July 1, 2024, eliminates the State law requirement for municipalities to enact an ordinance requiring an assessment of corrections fees, judicial education fees, and court automation fees to be collected as Municipal Court costs, with a portion remitted to the State. For example, the City currently assesses and remit to the State a \$3 judicial education fee, \$6 court automation fee, and retains a \$50 corrections fee.

As a home-rule municipality pursuant to State law, the City of Rio Rancho can re-establish (effective July 1, 2024) and require a corrections fee (prisoner care fee) to be collected as Municipal Court costs.

Historically, the assessment of a corrections fee (prisoner care fee) is mandatory for anyone convicted of violating any City ordinance related to the operation of a motor vehicle or any ordinance that may be enforced by the imposition of a term of imprisonment. The fee provides resources to help offset a portion of the expenses associated with housing municipal prisoners at the Sandoval County Detention Center.

City staff recommends maintaining the assessment of a corrections fee (prisoner care fee) as a means to offset a portion of the costs charged by Sandoval County for housing prisoners at the Sandoval County Detention Center.

Sandoval County recently increased the daily rate for housing prisoners from \$95 to \$130. As a result, the current corrections fee (prisoner care fee) amount of \$50 is now more insufficient related to accounting for the cost of housing municipal prisoners, and the annual General Fund transfer will need to increase. The corrections fee (prisoner care fee) has not been adjusted since 2019.

The General Fund is the primary source of funding for municipal government public services including, but not limited to, police, fire/rescue, road maintenance, parks and recreation, and libraries. Ensuring that the General Fund does not have to offset more costs related to housing prisoners is advised because not doing so reduces available funding for other public services.

By increasing the corrections fee (prisoner care fee) from \$50 to \$75, the General Fund transfer that is necessary to fully account for housing municipal prisoners in future fiscal years is projected not to increase.

IMPACT:

In Fiscal Year 2023 (the last complete fiscal year with data available), the City of Rio Rancho incurred \$287,660 in prisoner care costs from Sandoval County for housing municipal prisoners at the Sandoval County Detention Center. This amount corresponds to a \$95 per day rate.

In Fiscal Year 2023, \$216,363 was generated through the assessment of a corrections fee (prisoner care fee) of \$50 by Municipal Court from those convicted of violating any City ordinance related to the operation of a motor vehicle or any ordinance that may be enforced by the imposition of a term of imprisonment.

As a result of assessed corrections fees (prisoner care fee) not fully covering the daily cost to house prisoners in Fiscal Year 2023, available revenues in the City's General Fund had to be utilized in the amount of \$71,297.

Sandoval County's recent increase from \$95 to \$130 for the daily rate to house prisoners will greatly increase, in future fiscal years, the annual General Fund transfer amount necessary to offset costs unless a corresponding fee increase is enacted.

Increasing the corrections fee (prisoner care fee) assessed by Municipal Court from \$50 to \$75 will help offset the increased costs imposed by Sandoval County, and is projected not to raise the General Fund transfer amount.

Staff is not recommending a larger increase to the corrections fee (prisoner care fee) because such fees can be viewed as regressive and impact lower-income individuals more significantly. With the proposed increase to the corrections fee (prisoner care fee) from \$50 to \$75, along with the reduction of the judicial education fee (\$3) and court automation fee (\$6), the minimum and mandatory amount someone will pay when convicted of violating any City ordinance related to the operation of a motor vehicle or any ordinance that may be enforced by the imposition of a term of imprisonment will increase from \$77 to \$93 (effective July 1, 2024 and includes the local \$15 traffic safety education and enforcement fee and \$3 court facility/equipment/technology/program fee).

The following charts illustrate the cost, fee, and General Fund transfer scenarios noted above.

FY 2023 Actual	Prisoner Care Costs @ \$95 Per Day	Revenue Generated through Assessment of \$50 Corrections Fee by Municipal Court	General Fund Transfer Required
	\$287,660	\$216,363	\$71,297

Projected FY 2025 Scenario – No Fee Increase	Prisoner Care Costs @ \$130 Per Day	Revenue Generated through Assessment of \$50 Corrections Fee by Municipal Court	General Fund Transfer Required
	\$394,420	\$216,363	\$178,057

Projected FY 2025 Scenario - With Fee Increase	Prisoner Care Costs @ \$130 Per Day	Revenue Generated through Assessment of \$75 Corrections Fee by Municipal Court	General Fund Transfer Required
	\$394,420	\$324,545	\$69,875

The effective date of the Ordinance is July 1, 2024, to coincide with changes to State law.

ALTERNATIVES:

Approve the Ordinance.

Do not approve the Ordinance

DEPARTMENT RECOMMENDATION:

City Administration recommends approval of the Ordinance.

The elected Municipal Court Judge has been provided the Ordinance for review, and has no objections.

ATTACHMENT: [Ordinance](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

ORDINANCE AMENDING CHAPTER 34 MUNICIPAL COURT

WHEREAS: as part of the 2023 New Mexico Legislature session, House Bill (HB)139 was passed; and

WHEREAS: HB 139, effective July 1, 2024, eliminates the State law requirement for municipalities to enact an ordinance requiring an assessment of a corrections fee, judicial education fee, and court automation fee to be collected as Municipal Court costs, with a portion remitted to the State; and

WHEREAS: as a home-rule municipality pursuant to State law, the City of Rio Rancho can re-establish (effective July 1, 2024) and require a corrections fee (prisoner care fee) to be collected as Municipal Court costs; and

WHEREAS: historically the assessment of a corrections fee (prisoner care fee) is mandatory for anyone convicted of violating any City ordinance related to the operation of a motor vehicle or any ordinance that may be enforced by the imposition of a term of imprisonment; and

WHEREAS: the corrections fee (prisoner care fee) provides resources to account for the expenses associated with housing municipal prisoners at the Sandoval County Detention Center; and

WHEREAS: the City of Rio Rancho desires to maintain the assessment of a corrections fee (prisoner care fee) as a means to offset a portion of the costs charged by Sandoval County for housing prisoners at the Sandoval County Detention Center; and

WHEREAS: Sandoval County recently increased the daily rate for housing prisoners from \$95 to \$130; and

WHEREAS: as a result of recent cost increases imposed by Sandoval County, the current corrections fee (prisoner care fee) of \$50 is now more insufficient related to accounting for the total cost of housing municipal prisoners; and

WHEREAS: by increasing the corrections fee (prisoner care fee), the General Fund transfer that is necessary to fully account for housing municipal prisoners is projected not to increase.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. Chapter 34 Municipal Court, Section 34.06 Penalties and Fines; Bonds,

1 R.O. 2003, is hereby amended as follows (underline new text and strikethrough deleted
2 text):

3
4 34.06 Penalties and Fines; Bonds

5
6 (A)(1) *Penalties.*

7
8 (a) The penalty for conviction of violating a municipal ordinance shall be as
9 directed by the ordinance or code, and no single offense shall exceed a fine of
10 \$500 or 90 days' imprisonment or a combination of both the fine and
11 imprisonment.

12
13 (b) A violation subject to trial in municipal court shall be a misdemeanor or
14 petty misdemeanor.

15
16 (c) Notwithstanding any other provision of this code, where a defendant is
17 charged with more than one offense arising out of a single transaction, act or
18 occurrence, the maximum combined sentence that may be imposed for all
19 offenses shall not exceed 179 days.

20
21 (d) This section shall apply to all offenses for which proceedings in the
22 municipal court or appeals from it have not been concluded on the effective
23 date of this section, whether or not the proceedings have been initiated, and
24 shall apply to all offenses committed after its effective date.

25
26 (2) *Mandatory fees.*

27
28 (a) In addition to any fine or imprisonment described in subsection (A)(1) of this
29 section, from any person convicted of a violation of any ordinance of the city
30 relating to the operation of a motor vehicle, including penalty assessments, or
31 any ordinance which may be enforced by the imposition of a term of
32 imprisonment, the Municipal Judge shall collect the following mandatory fees:
33 \$75 Prisoner Care Fee.

- 34
35 ~~1. Corrections fee: \$50;~~
36 ~~2. Judicial education fee: \$3;~~
37 ~~3. Court automation fee: \$6.~~

38
39 (b) If the conviction is for a drug-related offense, in addition to mandatory fees
40 prescribed herein above, the Municipal Judge shall collect:

- 41
42 1. Fee to be imposed upon conviction of provisions relating to the
43 Controlled Substance Act or conviction of distribution or possession of a
44 controlled substance: \$75 per conviction.
45 2. If the conviction is for a traffic violation, in addition to subsections
46 (A)(2)(a)(1) through (3) of this section the Municipal Judge shall collect a
47 traffic safety education and enforcement fee: \$15.
48 3. If conviction is for an animals ordinance violation, in addition to any of
49 the above, the Municipal Judge shall collect a spay/neuter fee: \$5.

1 (c) All money collected pursuant to this section as a ~~corrections~~ Prisoner Care
2 Fee shall be deposited in a special fund in the Municipal Treasury and shall
3 be used solely for the purpose of constructing, operating or maintaining the
4 municipal jail or for paying for the cost of housing municipal prisoners in ~~the a~~
5 county jail or other detention facilities in the state.

6
7 ~~(d) All judicial education fees collected shall be remitted monthly to the State~~
8 ~~Treasurer for credit to the judicial education fund and shall be used for the~~
9 ~~education and training, including production of bench books and other written~~
10 ~~materials, of municipal judges and other municipal court personnel.~~

11
12 ~~(e) All court automation fees collected shall be remitted monthly to the State~~
13 ~~Treasurer for credit to the Municipal Court Automation Fund and shall be used~~
14 ~~for the purchase and maintenance of court automation systems in the~~
15 ~~municipal courts. The court automation systems shall have the capability of~~
16 ~~providing, on a timely basis, electronic records in a format specified by the~~
17 ~~Judicial Information System Council.~~

18
19 ~~(f)~~ (d) All traffic safety education and enforcement fees collected shall be
20 distributed only by the Traffic Safety Advisory Committee, with approval of the
21 governing body. The fund shall be used to institute and promote the program
22 of traffic safety through education and enforcement to reduce serious and fatal
23 traffic accidents and to provide for the purchase of equipment and support
24 services as are necessary to establish and maintain the program. ('87 Code, §
25 5-6-1)

26
27 ~~(g)~~ (e) All spay/neuter fees collected shall be deposited into a segregated and
28 separate fund established under the Animals Chapter, to be distributed with
29 approval of the governing body. The fund shall be used by the Rio Rancho
30 Animal Resource Center (RRARC) to implement and maintain programs
31 associated with spaying and neutering of domestic pets within the city, and for
32 equipment or services needed to support those initiatives.

33
34 ~~(h)~~ (f) The Municipal Judge shall collect the following mandatory fee from any
35 person convicted of a violation of any ordinance of the city for purposes of
36 funding Rio Rancho Municipal Court facility, equipment, technology, or
37 program needs: \$3.

38
39 ~~(i)~~ (g) In lieu of a fine for a traffic violation, the Municipal Judge may order (one
40 time only) completion of a safe driving school program, and in doing so the
41 Municipal Judge shall collect \$75 in addition to all mandatory fees, as
42 applicable, prescribed herein above.

43
44 (B) The Municipal Judge may designate specific offenses, not including breaches of the
45 peace as defined by the Procedures for Municipal Courts, for which a voluntary plea of
46 "guilty" or "no contest" together with the designated fine may be accepted by the court in
47 lieu of a formal hearing. The court shall deliver a receipt for all fines paid whether
48 voluntary or as a result of conviction. ('87 Code, § 5-6-2)

1 (C)If the circumstances do not warrant that the defendant be confined pending hearing,
2 but the Municipal Judge has reasonable doubt that the defendant will appear, the
3 Municipal Judge may require the posting of an appearance bond to exceed the
4 maximum fine allowed upon conviction of the violation charged. If the defendant
5 appears as summoned, the bond or cash shall be refunded; if the defendant does not
6 appear, the bond or cash is forfeited to the court. ('87 Code, §5-6-3)
7

8 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of
9 this Ordinance, or any section, paragraph, clause, or provision of any regulation
10 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
11 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
12 clause, or provision shall not affect the validity of the remaining portions of this
13 Ordinance or the regulation so challenged.
14

15 **Section 3. Compiling Clause.** This Ordinance shall be incorporated in and compiled
16 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).
17

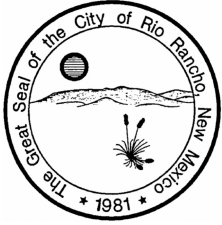
18 **Section 4. Effective Date.** This Ordinance shall become effective July 1, 2024.
19

20 ADOPTED THIS _____ DAY OF _____, 2024.
21
22

23 _____
24 Gregory D. Hull, Mayor
25

26
27 ATTEST:
28

29 _____
30 Rebecca A. Martinez, City Clerk
31 (SEAL)



CITY OF RIO RANCHO COVER PAGE

Legislation Item: 07

AGENDA DATE:

April 25, 2024

DEPARTMENT:

Financial Services

SUBJECT:

O7, Ordinance Authorizing the Issuance and Sale of City of Rio Rancho, New Mexico, Tax-Exempt General Obligation Improvement Bonds, Series 2024, in the Principal Amount of \$16,000,000, Payable from Ad Valorem Taxes Levied on all Taxable Property Within the City, Levied Without Limit as to Rate or Amount; Providing for the Form, Certain Terms and Conditions of the Bonds, the Manner of Their Executions, and the Method of and Security for Payment Thereof; Delegating Authority to Each of the Mayor, City Manager and City Financial Services Director to Determine the Method of Sale of the Bonds and to Determine the Maturity Dates and Amounts, Interest Rates, Prices, Redemption Features and Other Final Terms of the Bonds in an Award Certificate; and Providing for Other Details Concerning the Bonds

BACKGROUND AND ANALYSIS:

On October 26, 2023 the Governing Body approved a Resolution authorizing placement of three bond questions (roads, public safety, and quality of life facilities) on the March 5, 2024 ballot to seek voter approval of all three bond questions.

Rio Rancho voters approved all three bond questions which, together, authorize the City to issue up to \$16.0 million in General Obligation bonds. The voters approved (75 percent in favor) up to \$10,600,000 of General Obligation bonds to be issued for improvements to the road system; voters approved (70 percent in favor) up to \$4,200,000 for public safety facilities, equipment and apparatuses; and voters approved (67 percent in favor) up to \$1,200,000 for improving quality of life facilities. It has been estimated that approval of all bond questions will leave the property tax rate for municipal debt service unchanged.

The Ordinance authorizes the issuance and sale of General Obligation bonds in an aggregate principal amount not to exceed \$16.0 million.

In order to issue General Obligation bonds, the Governing Body must approve an Ordinance that outlines the parameters of the bonds to be issued. The bonds may be sold in either a competitive sale, negotiated sale, or private placement to an underwriter or purchase or purchasers, whichever is in the best interest of the City and as determined pursuant to an award certificate. The Ordinance delegates authority to the Mayor, City Manager, and City Financial Services Director to execute and deliver the award certificate. Final terms of the award certificate must be within the parameters set forth in the Ordinance including specific principal amounts, interest rates, maturity dates, prices and other features.

The following are the authorized parameters: the bonds will be issued in an aggregate principal amount not to exceed \$16,000,000, the net effective interest rate will not exceed 10%, and the final maturity of the bonds will be no later than August 1, 2044.

Repayment of the bonds is secured by a pledge of the City to levy property tax on all taxable property within the City sufficient to pay interest and principal on the bonds. If approved, the City will issue the bonds at such time as the market is as favorable as possible.

IMPACT:

Approval of the Bond Parameters Ordinance will allow the City to issue the voter-approved General Obligation Bonds and establish the parameters for issuance of the bonds. Once issued, the bonds will provide resources for road improvements, public safety improvements, and quality of life facilities improvements. There is no impact to the proceed with the projects to be funded by the bonds.

ALTERNATIVES:

Approve the Ordinance.

Do not approve the Ordinance.

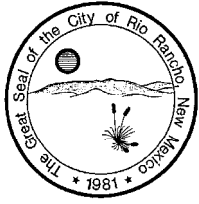
DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Ordinance.

ATTACHMENT: [Ordinance_Bond](#)

ATTACHMENT: [Official Statement](#)

ATTACHMENT: [Disclosure Responsibilities Memo](#)



CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO. _____

ENACTMENT NO. _____

1 AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF RIO
2 RANCHO, NEW MEXICO, TAX-EXEMPT GENERAL OBLIGATION IMPROVEMENT
3 BONDS, SERIES 2024, IN THE PRINCIPAL AMOUNT OF \$16,000,000, PAYABLE
4 FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE
5 CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE
6 FORM, CERTAIN TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF
7 THEIR EXECUTION, AND THE METHOD OF AND SECURITY FOR PAYMENT
8 THEREOF; DELEGATING AUTHORITY TO EACH OF THE MAYOR, CITY
9 MANAGER AND CITY FINANCIAL SERVICES DIRECTOR TO DETERMINE THE
10 METHOD OF SALE OF THE BONDS AND TO DETERMINE THE MATURITY DATES
11 AND AMOUNTS, INTEREST RATES, PRICES, REDEMPTION FEATURES AND
12 OTHER FINAL TERMS OF THE BONDS IN AN AWARD CERTIFICATE; AND
13 PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.
14

15 **WHEREAS,** At the general obligation bond election held for the City of Rio Rancho (the
16 "City"), State of New Mexico, on the 5th day of March, 2024, the electors of
17 the City authorized the Governing Body of the City (the "Governing Body")
18 to contract bonded indebtedness on behalf of the City and upon the credit
19 thereof by issuing general obligation bonds of the City (the "Bonds") to
20 secure funds for the following purpose (the "Project"), in the following
21 amounts:
22

<u>Purpose</u>	Amount Authorized by <u>election</u>	Amount previously <u>issued</u>	Amount to be <u>issued</u>
Designing, constructing, repairing, preserving, rehabilitating, enhancing and otherwise improving roads and underlying utility infrastructure	\$10,600,000	-0-	\$10,600,000

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Designing, constructing, repairing, preserving, rehabilitating, enhancing and otherwise improving public safety facilities and repairing, replacing, or otherwise improving public safety vehicles, apparatuses, and equipment	\$4,200,000	-0-	\$4,200,000
--	-------------	-----	-------------

Designing, constructing, renovating, acquiring, rehabilitating, improving and equipping public quality of life facilities within the City	\$1,200,000	-0-	\$1,200,000
---	-------------	-----	-------------

and

WHEREAS, the Governing Body has determined, and does hereby determine, that it is necessary and in the best interest of the City and the inhabitants thereof that the entire amount of the general obligation bonds authorized at the election (the "Bonds"), be authorized for issuance at this time; provided, however, that a satisfactory price for the Bonds be obtained upon a public sale; and

WHEREAS, the Governing Body expects to sell the Bonds in either a competitive sale, negotiated sale, or private placement to an underwriter or purchaser or purchasers (for purposes of this Ordinance, the "Purchaser"), as determined pursuant to an award certificate (the "Award Certificate") supplementing this Bond Ordinance, and to delegate authority to each of the Mayor, the City Manager and the City Financial Services Director (each a "Delegate") to execute and deliver the Award Certificate to the

1 Purchaser, as authorized by Section 6-14-10.2 NMSA 1978, provided that
2 the final terms of the Bonds set forth in the Award Certificate be within the
3 parameters set forth in this Ordinance; and
4

5 **WHEREAS,** the Governing Body intends that, if the Mayor, City Manager or City
6 Financial Services Director, in consultation with the City's Municipal
7 Advisor, determines that it is most advantageous to the City to offer the
8 Bonds in a competitive sale, the specific details of and requirements for
9 bidding for the Bonds shall be provided in an official notice of sale (the
10 "Notice of Sale") to be approved on behalf of the City by the Mayor, City
11 Manager or City Financial Services Director, or designees thereof; and
12

13 **WHEREAS,** the Governing Body desires to delegate to the Delegates authority to
14 determine the specific principal amounts, interest rates, maturity dates,
15 prices and other final terms and other features of the Bonds, including,
16 without limitation, provisions concerning a Bond Insurance Policy (if any),
17 to be set forth in the Award Certificate to be executed by any of the
18 Delegates, and to award the Bonds to the best bidder therefor.
19

20 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY**
21 **OF RIO RANCHO:**
22

23 **Section 1. Ratification.** All actions heretofore taken by the Governing Body
24 and the officers and employees of the City directed toward the issuance and sale of the
25 Bonds to secure funds for the Road Improvement Project and the Public Safety Project
26 (each defined in Section 2 below) be, and the same hereby are, ratified, approved and
27 confirmed.
28

29 **Section 2. Project Authorization.**
30

31 A. Proceeds of the Bonds derived from \$10,600,000 in aggregate principal
32 amount of the Bonds are hereby authorized to be applied to the designing, constructing,
33 repairing, preserving, rehabilitating, enhancing and otherwise improving roads and
34 underlying utility infrastructure within the City (the "Road Improvement Project").
35

36 B. Proceeds of the Bonds derived from \$4,200,000 in aggregate principal
37 amount of the Bonds are hereby authorized to be applied to the designing, constructing,
38 repairing, preserving, rehabilitating, enhancing and otherwise improving
39 public safety facilities and repairing, replacing, or otherwise improving public safety
40 vehicles, apparatus, and equipment (the "Public Safety Project").
41

42 C. Proceeds of the Bonds derived from \$1,200,000 in aggregate principal
43 amount of the Bonds are hereby authorized to be applied to the designing, constructing,
44 renovating, acquiring, rehabilitating, improving and equipping public quality of life
45 facilities in the City (the "Quality of Life Facilities Project" and, together with the Road
46 Improvement Project and the Public Safety Project, the "Project").
47

1 **Section 3. Findings.**
2

3 A. The issuance of the Bonds under the home rule powers of the City
4 granted by the City Charter, this Bond Ordinance, and Sections 6-15-1 through 6-15-22
5 NMSA 1978, for the purpose of providing funds to finance the costs of the Project, is
6 necessary and in the interest of the public health, safety, morals and welfare of the
7 residents of the City.
8

9 B. The Bonds may be authorized by an affirmative vote of a majority of all the
10 members of the Council.
11

12 C. The City will finance the costs of the Project, in whole or in part, with the
13 proceeds of the Bonds.
14

15 E. The Net Effective Interest Rate on the Bonds shall not exceed the
16 statutory maximum of 10%.
17

18 **Section 4. Bonds are General Obligations.** The Bonds shall constitute the
19 general obligation debt of the City, payable from general *ad valorem* taxes which shall
20 be levied without limitation as to the rate or amount. The full faith and credit of the City
21 shall be, and hereby is, irrevocably pledged to the payment of the principal of and
22 interest on the Bonds.
23

24 **Section 5. Authorization, Parameters and Detail.**
25

26 A. Authorization. This Bond Ordinance has been adopted by the affirmative
27 vote of a majority of all of the members of the Governing Body. For the purpose of
28 protecting the public health, conserving the property, and protecting the general welfare
29 and prosperity of the citizens of the City, it is hereby declared necessary that the City,
30 pursuant to the Act, issue its negotiable, fully registered, general obligation bonds in one
31 or more series in the total aggregate principal amount not to exceed \$16,000,000 to be
32 designated in the Award Resolution as the “City of Rio Rancho, New Mexico General
33 Obligation Improvement Bonds, Series 2024” and the issuance, sale and delivery of the
34 Bonds is hereby authorized.
35

36 B. Parameters Authorized. The Bonds shall be issued subject to the
37 following parameters:
38

39 (1) The Bonds shall be issued in an aggregate principal amount not to
40 exceed \$16,000,000 for the Project.
41

42 (2) The net effective interest rate on the Bonds shall not exceed 10%
43 per annum.
44

45 (3) The final maturity of the Bonds shall not be later than August 1,
46 2044.
47

48 C. Details of Bonds.
49

1 (1) The forms, terms, and provisions of the Bonds in the form set forth
2 in Section 11 are hereby approved with only such changes therein as are not
3 inconsistent with this Bond Ordinance and as shall be approved in the Award
4 Certificate.

5
6 (2) The Bonds shall be negotiable instruments but shall be issued only
7 as fully registered bonds, in such numbers and denominations as may be requested by
8 the Purchaser, but exchangeable for other fully registered Bonds of any denominations
9 which are multiples of \$5,000. The Bonds shall be numbered separately and
10 consecutively, shall be dated the date of their delivery to the Purchaser, shall mature on
11 August 1 of each year and shall bear interest from the most recent date to which
12 interest has been paid or provided for or, if no interest has been paid or provided for,
13 from their date, payable semi-annually on February 1 and August 1 in each year
14 commencing on February 1, 2025, or as otherwise specified in the Award Certificate,
15 until their respective maturities. The Bonds shall bear the rates of interest, maturities
16 and provisions for redemption prior to maturity as shall be established in the Award
17 Certificate.

18
19 D. Notice of Sale. If the City Manager or City Financial Services Director, in
20 consultation with the City's Municipal Advisor, determines that it is most advantageous
21 to the City to offer the Bonds in a competitive sale, the Bonds shall be sold pursuant to
22 the terms of the Official Notice of Sale appended to the form of preliminary official
23 statement presented to the Governing Body in connection with this Ordinance (the
24 "Preliminary Official Statement"). The City Financial Services Director is hereby
25 authorized and directed to have published once, at least one week prior to the date of
26 sale, a notice of sale of the Bonds in a newspaper of general circulation in the City, and
27 the Financial Services Director of the City is hereby authorized and directed to give
28 such other notice of the bond sale as he shall determine, including the publication of the
29 notice in financial papers and periodicals and the distribution among investment
30 bankers and others of the Preliminary Official Statement.

31
32 E. Final Terms; Award of Bonds. The exact principal amounts, maturity
33 dates, interest rates, prices, redemption features and other final terms of the Bonds
34 shall be as set forth in the Award Certificate. The Bonds shall be awarded to the
35 Purchaser as provided in the Award Certificate.

36
37 F. Series Date; Numbering; Interest Payment Dates. The Bonds shall be
38 dated the date of delivery (herein the "Series Date"), will be issued in one series and
39 shall consist of bonds numbered consecutively from R-1 upward, issuable in the
40 denomination of \$5,000 each or integral multiples thereof (provided that no individual
41 bond will be issued for more than one maturity); shall bear interest from the Series Date
42 to maturity at the rates set forth in the Award Certificate, payable to the registered
43 owner thereof, or registered assigns, on August 1, 2025 or as otherwise specified in the
44 Award Certificate, and semiannually thereafter on February 1 and August 1 in each year
45 in which the Bonds are outstanding and shall mature on August 1 of each year as set
46 forth in the Award Certificate.

47
48 **Section 6. Redemption of Bonds Prior to Maturity.**

1 A. Optional Redemption. Redemption of the Bonds prior to maturity at the
2 option of the City shall be as provided in the Award Certificate.

3
4 B. Notice of Redemption. Notice of redemption shall be given by the
5 Registrar/Paying Agent by sending a copy of such notice by first-class, postage prepaid
6 mail at least thirty (30) days prior to the redemption date to the registered owner of each
7 Bond, or portion thereof, to be redeemed at the address shown as of the close of
8 business of the Registrar/Paying Agent on the fifth day prior to the mailing of notice on
9 the registration books kept by the Registrar/Paying Agent. The City shall give notice of
10 redemption of the Bonds to the Registrar/Paying Agent at least forty-five (45) days prior
11 to the redemption date. The Registrar/Paying Agent's failure to give such notice to the
12 registered owner of any Bond, or any defect therein, shall not affect the validity of the
13 proceedings for the redemption of any Bonds for which proper notice was given.
14 Notices of redemption shall specify the maturity dates and the number or numbers of
15 the Bonds to be redeemed (if less than all are to be redeemed) and if less than the full
16 amount of any Bond is to be redeemed, the amount of such Bond to be redeemed, the
17 date fixed for redemption, and that on such redemption date there will become and be
18 due and payable upon each Bond to be redeemed at the office of the Registrar/Paying
19 Agent the principal amount to be redeemed plus accrued interest to the redemption date
20 and that from and after such date interest will cease to accrue on such amount. Such
21 notice may be a conditional notice of redemption – the money required to pay the
22 principal of and interest on the Bonds to be called for redemption need not be on
23 deposit with the Registrar/Paying Agent at the time of mailing the conditional notice of
24 redemption. Notice having been given in the manner hereinbefore provided, the Bond
25 or Bonds so called for redemption shall become due and payable on the redemption
26 date so designated and if an amount of money sufficient to redeem all Bonds called for
27 redemption shall on the redemption date be on deposit with the Registrar/Paying Agent,
28 the Bonds to be redeemed shall be deemed not outstanding and shall cease to bear
29 interest from and after such redemption date. Upon presentation of the Bonds to be
30 redeemed at the office of the Registrar/Paying Agent, the Registrar/Paying Agent will
31 pay the Bond or Bonds so called for redemption with funds deposited with the
32 Registrar/Paying Agent by the City.

33
34 **Section 7. Execution of Bonds.**

35
36 A. The Bonds shall bear the facsimile or manual signature of the Mayor of
37 the City and shall be attested by the facsimile or manual signature of the City Clerk and
38 shall bear the facsimile or original seal of the City. The Bonds shall be authenticated by
39 the manual signature of an authorized officer of the Registrar/Paying Agent. The Bonds
40 bearing the signatures or facsimile signatures of the officers in office at the time of the
41 signing thereof shall be the valid and binding obligations of the City, notwithstanding
42 that before the delivery of the Bonds and payment therefor, or before the issuance
43 thereof upon transfer or exchange, any or all of the persons whose signatures appear
44 on the Bonds shall have ceased to fill their respective offices. The Mayor and City Clerk
45 shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and
46 for their respective signatures the facsimiles thereof appearing on the Bonds; and, at
47 the time of the execution of the signature certificate, the Mayor and City Clerk may each
48 adopt as and for his or her facsimile signature the facsimile signature of his or her
49 predecessor in office in the event that such facsimile signature appears upon any of the
50 Bonds. If facsimile signatures are to appear on the Bonds, the Mayor and City Clerk,

1 pursuant to Sections 6-9-1 through 6-9-6, inclusive, NMSA 1978, shall each forthwith
2 file his or her manual signature, certified by him or her under oath, with the Secretary of
3 State of New Mexico, provided that such filing shall not be necessary for any officer
4 where any previous filing shall have application to the Bonds.
5

6 B. No Bond shall be valid or obligatory for any purpose unless the certificate
7 of authentication, substantially in the form hereinafter provided, has been duly executed
8 by the Registrar/Paying Agent. The Registrar/Paying Agent's certificate of
9 authentication shall be deemed to have been duly executed by it if manually signed by
10 an authorized officer of the Registrar/Paying Agent, but it shall not be necessary that the
11 same officer sign the certificate of authentication on all of the Bonds issued hereunder.
12

13 **Section 8. Registration of Bonds.**

14
15 A. Books for the registration and transfer of the Bonds shall be kept by the
16 BOKF, NA, as Registrar/Paying Agent, which is hereby appointed by the City as
17 registrar and as paying agent for the Bonds. Upon the surrender for transfer of any
18 Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or
19 accompanied by an assignment duly executed by the registered owner or his attorney
20 duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver not
21 more than three business days after receipt of the Bond to be transferred in the name of
22 the transferee or transferees a new Bond or Bonds in fully registered form of the same
23 aggregate principal amount of authorized denominations, and of the same maturity,
24 interest rate and series, bearing a number or numbers not contemporaneously
25 outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying
26 Agent for an equal aggregate principal amount of Bonds of other authorized
27 denominations, and of the same maturity, series and interest rate. The
28 Registrar/Paying Agent shall authenticate and deliver not more than three business
29 days after receipt of the Bond to be exchanged a Bond or Bonds which the registered
30 owner making the exchange is entitled to receive, bearing a number or numbers not
31 contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided
32 shall be without charge to the owner or any transferee, but the Registrar/Paying Agent
33 may require the payment or reimbursement by the owner of any Bond requesting
34 exchange or transfer of any transfer fee, tax or other governmental charge required to
35 be paid with respect to such exchange or transfer. The Registrar/Paying Agent shall
36 close the registration books fifteen days prior to each interest payment date for change
37 of name or address of the registered owners. Transfers shall be permitted within fifteen
38 days prior to each interest payment date but such transfer will not include transfer of
39 interest payable on such interest payment date.
40

41 B. The person in whose name any Bond shall be registered on the
42 registration books kept by the Registrar/Paying Agent, shall be deemed and regarded
43 as the absolute owner thereof for the purpose of making payment thereof and for all
44 other purposes except as may otherwise be provided in this ordinance with respect to
45 payment of interest; and payment of or on account of either principal or interest on any
46 Bond shall be made only to or upon the written order of the registered owner thereof or
47 his legal representative, but such registration may be changed upon transfer of such
48 Bond in the manner and subject to the conditions and limitations provided herein. All
49 such payments shall be valid and effectual to discharge the liability upon such Bond to
50 the extent of the sum or sums so paid.

1
2 C. If any Bond shall be lost, stolen, destroyed or mutilated, the
3 Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence,
4 information or indemnity relating thereto as it may reasonably require and as may be
5 required by law, authenticate and deliver a replacement Bond or Bonds of a like
6 aggregate principal amount of authorized denominations, and of the same maturity,
7 interest rate and series, bearing a number or numbers not contemporaneously
8 outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the
9 Registrar/Paying Agent may pay such Bond in lieu of replacement.

10
11 D. Bonds which are reissued upon transfer, exchange or other replacement
12 shall bear interest from the most recent interest payment date to which interest has
13 been fully paid or provided for in full or, if no interest has been paid, from the Series
14 Date.

15
16 E. The officers of the City are authorized to deliver to the Registrar/Paying
17 Agent fully executed but unauthenticated Bonds in such quantities as may be
18 convenient to be held in custody by the Registrar/Paying Agent pending use as herein
19 provided.

20
21 F. Whenever any Bond shall be surrendered to the Registrar/Paying Agent
22 upon payment thereof, or to the Registrar/Paying Agent for transfer, exchange or
23 replacement as provided herein, such Bond shall be promptly canceled by the
24 Registrar/Paying Agent, and counterparts of a certificate of such cancellation shall be
25 furnished by the Registrar/Paying Agent to the City.

26
27 G. The Bonds may be issued or registered, in whole or in part, in book-entry
28 form from time to time with no physical distribution of bond certificates made to the
29 public, with a depository acting as securities depository for the Bonds. A single
30 certificate for each maturity date of the Bonds issued in book-entry form will be
31 delivered to the depository and immobilized in its custody. The book-entry system will
32 evidence ownership of the Bonds in authorized denominations, with transfer of
33 ownership effected on the books of the depository and its participants ("Participants").
34 As a condition to delivery of the Bonds in book-entry form, the Purchaser will,
35 immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the
36 Bond certificates with the depository, registered in the name of the depository or its
37 nominee. Principal, premium, if any, and interest will be paid to the depository or its
38 nominee as the registered owner of the Bonds. The transfer of principal, premium, if
39 any, and interest payments to Participants will be the responsibility of the depository;
40 the transfer of principal, premium, if any, and interest payments to the beneficial owners
41 of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other
42 nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect
43 Participants"). The City will not be responsible or liable for maintaining, supervising or
44 reviewing the records maintained by the depository, Participants or Indirect Participants.

45
46 (1) If (i) the Bonds are not eligible for the services of the depository, (ii)
47 the depository determines to discontinue providing its services with respect to the
48 Bonds or (iii) the City determines that a continuation of the system of book-entry
49 transfers through the depository ceases to be beneficial to the City or the Beneficial
50 Owners, the City will either identify another depository or certificates for the Bonds will

1 be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or
2 their nominees, upon authentication of Bonds and registration of those Bonds in the
3 Beneficial Owners' or nominees' names, will become the owners of the Bonds for all
4 purposes. In that event, the City shall mail an appropriate notice to the depository for
5 notification to Participants, Indirect Participants and Beneficial Owners of the substitute
6 depository or the issuance of bond certificates to Beneficial Owners or their nominees,
7 as applicable.

8 (2) Authorized Officers of the City are authorized to sign agreements
9 with the depository relating to the matters set forth in this Section.

10
11 (3) Notwithstanding any other provision of this ordinance, so long as all
12 of the Bonds are registered in the name of the depository or its nominee, all payments
13 of principal, premium, if any, and interest on the Bonds, and all notices with respect to
14 the Bonds, shall be made and given by the Registrar/Paying Agent or the City to the
15 depository as provided in this ordinance and by the depository to its Participants or
16 Indirect Participants and to the Beneficial Owners of the Bonds.

17
18 **Section 9. Successor Registrar/Paying Agent.** If the Registrar/Paying
19 Agent initially appointed hereunder shall resign, or if the City shall reasonably determine
20 that such Registrar/Paying Agent has become incapable of fulfilling its duties hereunder,
21 the City may, upon notice mailed to each registered owner of Bonds at the address last
22 shown on the registration books, appoint a successor registrar/paying agent. Every
23 such successor registrar/paying agent shall be a bank or trust company located in and
24 in good standing in the United States and having shareholders' equity (e.g., capital
25 stock, surplus and undivided profits), however denominated, of not less than
26 \$10,000,000.

27
28 **Section 10. Bonds Negotiable.** Subject to the registration provisions hereof,
29 the Bonds hereby authorized shall be fully negotiable and shall have all the qualities of
30 negotiable paper, and the registered owner or owners thereof shall possess all rights
31 enjoyed by the holders of negotiable instruments under the provisions of the Uniform
32 Commercial Code.

33
34 **Section 11. Form of Bonds.** The Bonds shall be in substantially the following
35 form:

36
37 [Form of Bond]

38
39 REGISTERED REGISTERED
40
41 NO. R-_____ \$_____

42
43 UNITED STATES OF AMERICA
44 STATE OF NEW MEXICO
45 CITY OF RIO RANCHO
46 SANDOVAL AND BERNALILLO COUNTIES, NEW MEXICO
47 GENERAL OBLIGATION IMPROVEMENT BONDS
48 SERIES 2024
49
50

1 Registered Owner: _____

2

3 Principal Amount: _____ DOLLARS

4

5 Interest Rate Maturity Date Series Date CUSIP

6

7 _____% per annum _____, 2024 _____

8

9 The Governing Body of the City of Rio Rancho (the "Governing Body "), on the

10 faith, credit and behalf of the City of Rio Rancho, Sandoval and Bernalillo Counties,

11 New Mexico (the "City"), for value received, hereby promises to pay to the registered

12 owner named above, or registered assigns, the principal amount hereof on the Maturity

13 Date and to pay interest on the principal amount at the Interest Rate on February 1,

14 2025 and thereafter on February 1 and August 1 of each year (the "Interest Payment

15 Date") from the Series Date to its maturity. The principal of the bonds of the series of

16 which this is one (the "Bonds") and interest due at maturity shall be payable to the

17 registered owner thereof as shown on the registration books kept by BOKF, NA, as

18 "registrar/paying agent" (such registrar/paying agent and any successor thereto, the

19 "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and

20 surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall

21 not be paid upon such presentation and surrender at or after maturity, it shall continue

22 to draw interest at the rate borne by said Bond until the principal thereof is paid in full.

23 Payment of interest on the Bonds (other than at maturity) shall be made by check or

24 draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be

25 mutually agreed to by the Registrar/Paying Agent and such registered owner), on or

26 before each Interest Payment Date (or, if such Interest Payment Date is not a business

27 day, on or before the next succeeding business day), to the registered owner thereof as

28 of the close of business on the Record Date (defined below) at his address as it

29 appears on the registration books kept by the Registrar/Paying Agent. All such

30 payments shall be made in lawful money of the United States of America. The term

31 "Record Date" as used herein with respect to any Interest Payment Date shall mean the

32 15th day of the month preceding the Interest Payment Date. The person in whose

33 name any Bond is registered at the close of business on any Record Date with respect

34 to any Interest Payment Date shall be entitled to receive the interest payable thereon on

35 such Interest Payment Date notwithstanding any transfer or exchange thereof

36 subsequent to such Record Date and prior to such Interest Payment Date; but interest

37 on any Bond which is not timely paid or duly provided for shall cease to be payable as

38 provided above and shall be payable to the person in whose name such Bond is

39 registered at the close of business on a special record date (the "Special Record Date")

40 fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The

41 Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys

42 become available for payment of overdue interest, and notice of any such Special

43 Record Date shall be given not less than ten days prior thereto, by first-class mail, to the

44 registered owners of the Bonds as of the fifth day preceding the mailing of such notice

45 by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for

46 the payment of overdue interest.

47

48 The Bonds are fully registered and are issuable in denominations of \$5,000 and

49 any integral multiple thereof (provided that no individual bond may be issued for more

50 than one maturity).

1
2 The series of Bonds of which this bond is one is limited to the total principal
3 amount of \$16,000,000 of like tenor except as to number, denomination, maturity date,
4 and interest rate, issued by the City of Rio Rancho, Sandoval and Bernalillo Counties,
5 New Mexico, for the purposes of providing funds in the amount of \$10,600,000 to
6 design, construct, repair, preserve, rehabilitate, enhance and otherwise improve roads
7 and underlying utility infrastructure in the City of Rio Rancho, funds in the amount of
8 \$4,200,000 to design, construct, repair, preserve, rehabilitate, enhance and otherwise
9 improve public safety facilities and repairing, replacing, or otherwise improving public
10 safety vehicles, apparatuses, and equipment, and funds in the amount of \$1,200,000 to
11 design, construct, renovate, acquire, rehabilitate, improve and equip public quality of life
12 facilities within the City.

13
14 The Bonds are issued under the authority of and in full conformity with the
15 Constitution and laws of the State of New Mexico (particularly Sections 3-30-1 through
16 3-30-9 NMSA 1978, the provisions of Sections 6-15-1 through 6-15-22 NMSA 1978, and
17 acts amendatory and supplemental thereto), and pursuant to an ordinance of the
18 Governing Body duly adopted and made a law of the City prior to the issuance of this
19 bond (the "Bond Ordinance").

20
21 The Bonds maturing on or after August 1, 20___, are subject to prior redemption
22 at the City's option on and after August 1, 20___, in whole or in part at any time, in one
23 or more units of principal of \$5,000 in such order of maturities as the City may
24 determine (and by lot if less than all of the Bonds of any maturity are called, such
25 selection by lot to be made by the Registrar/Paying Agent in such manner as it shall
26 consider appropriate and fair). The purchase price for Bonds selected for redemption
27 will be equal to the principal amount of each bond (or portion thereof) so redeemed,
28 plus accrued interest thereon to the redemption date.

29
30 The Registrar/Paying Agent will maintain the books of the City for the registration
31 of ownership of the Bonds. Upon the surrender for transfer of any Bond at the principal
32 office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an
33 assignment duly executed by the registered owner or his attorney duly authorized in
34 writing, the Registrar/Paying Agent shall authenticate and deliver not more than three
35 business days after receipt of the Bond to be transferred in the name of the transferee
36 or transferees a new Bond or Bonds in fully registered form of the same aggregate
37 principal amount of authorized denominations, and of the same maturity, interest rate
38 and series, bearing a number or numbers not contemporaneously outstanding. Bonds
39 may be exchanged at the principal office of the Registrar/Paying Agent for an equal
40 aggregate principal amount of Bonds of other authorized denominations, and of the
41 same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate
42 and deliver not more than three business days after receipt of the Bond to be
43 exchanged a Bond or Bonds which the registered owner making the exchange is
44 entitled to receive, bearing a number or numbers not contemporaneously outstanding.
45 Exchanges and transfers of Bonds as herein provided shall be without charge to the
46 owner or any transferee, but the Registrar/Paying Agent may require the payment or
47 reimbursement by the owner of any Bond requesting exchange or transfer of any
48 transfer fee, tax or other governmental charge required to be paid with respect to such
49 exchange or transfer. The Registrar/Paying Agent shall close the registration books
50 fifteen days prior to each Interest Payment Date for change of name or address of the

1 registered owners. Transfers shall be permitted within fifteen days prior to each Interest
2 Payment Date but such transfer will not include transfer of interest payable on such
3 Interest Payment Date.
4

5 The person in whose name any Bond shall be registered on the registration
6 books kept by the Registrar/Paying Agent, shall be deemed and regarded as the
7 absolute owner thereof for the purpose of making payment thereof and for all other
8 purposes except as may otherwise be provided with respect to payment of interest; and
9 payment of or on account of either principal or interest on any Bond shall be made only
10 to or upon the written order of the registered owner thereof or his legal representative,
11 but such registration may be changed upon transfer of such Bond in the manner and
12 subject to the conditions and limitations provided herein. All such payments shall be
13 valid and effectual to discharge the liability upon such Bond to the extent of the sum or
14 sums so paid.
15

16 If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying
17 Agent shall, upon receipt of the mutilated Bond and such evidence, information or
18 indemnity relating thereto as it may reasonably require and as may be required by law,
19 authenticate and deliver a replacement Bond or Bonds of a like aggregate principal
20 amount of authorized denominations, and of the same maturity, interest rate and series,
21 bearing a number or numbers not contemporaneously outstanding. If such lost, stolen,
22 destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay
23 such Bond in lieu of replacement.
24

25 For the punctual payment of the principal of and interest on this bond as
26 aforesaid and for the levy and collection of taxes in accordance with the statutes
27 authorizing the issuance of this bond, the full faith and credit of the City is hereby
28 irrevocably pledged. The Governing Body has, by the Bond Ordinance, ordered the
29 creation of an interest and sinking fund for the payment of the Bonds. Such fund is to be
30 held in trust for the benefit of the owner or owners of the Bonds.
31

32 It is hereby certified, recited and warranted that all the requirements of law have
33 been complied with by the proper officials of the City in the issuance of this bond; that
34 the total indebtedness of the City, including that of this bond, does not exceed any limit
35 of indebtedness prescribed by the Constitution or laws of the State of New Mexico; that
36 provision has been made for the levy and collection of annual taxes sufficient to pay the
37 principal of and the interest on this bond when the same become due. This bond shall
38 not be valid or obligatory for any purpose until the Registrar/Paying Agent shall have
39 manually signed the certificate of authentication hereon.
40

41 IN TESTIMONY WHEREOF, the Governing Body of the City of Rio Rancho, in
42 Sandoval and Bernalillo Counties, New Mexico, constituting the governing board of the
43 City, has caused the seal of the City to be hereto affixed and this bond to be signed and
44 executed with the facsimile or manual signature of the Mayor of the City and subscribed
45 and attested with the facsimile or manual signature of the City Clerk, all as of the Series
46 Date.
47

48 GOVERNING BODY OF THE
49 CITY OF RIO RANCHO, NEW MEXICO
50

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[SEAL]

By _____
Mayor

ATTEST:

By _____
City Clerk

[Form of Certificate of Authentication]

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the Bond Ordinance and has been duly registered on the registration books kept by the undersigned as Registrar/Paying Agent for the Bonds.

Date of Authentication and
Registration: _____

BOKF, NA,
as Registrar/Paying Agent

By _____
Authorized Officer

[End of Form of Certificate of Authentication]

[Form of Assignment]

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto _____ whose social security or tax identification number is _____ the within bond and irrevocably constitutes and appoints _____ attorney to transfer such bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

1 Signature Guaranteed: _____
2
3 _____
4
5

6 NOTE: The assignor's signature to this assignment must correspond with the name as
7 it appears upon the face of the within bond in every particular, without alteration or
8 enlargement or any change whatsoever.
9

10
11 [End of Form of Assignment]
12

13 [End of Form of Bond]
14

15 **Section 12. Delivery of Bonds.** When the Bonds have been duly executed
16 and authenticated, they shall be delivered to the Purchaser named in the Award
17 Resolution. The funds realized from the sale of the Bonds shall be applied solely to the
18 specified purposes for the Bonds, but the purchaser of the Bonds shall in no manner be
19 responsible for the application of or disposal by the City, or any of its officers, of any of
20 the funds derived from the sale thereof.
21

22 **Section 13. Levy of Taxes.** In order to pay the principal of and interest on the
23 Bonds as they become due and, at the option of the City, to reimburse the general fund
24 or other funds for the payment of principal of or interest on the Bonds for which property
25 taxes were not available, there shall be an annual assessment and levy upon all of the
26 taxable property of the City subject to taxation which provides an amount sufficient to
27 pay the principal of and the interest on the Bonds as they become due and payable.
28 However, the City may, at its option, apply any other funds lawfully available for the
29 purpose to the payment of principal or interest on the Bonds as they become due, and
30 the levies required by this Section may be reduced to the extent other revenues are or
31 will be available and used for payment of the Bonds. To the extent property taxes are
32 not available for that purpose, the principal of and interest accruing on the Bonds shall
33 be paid from the City's general fund or from any other fund lawfully available for that
34 purpose. The taxes shall be assessed, levied and collected annually at the time and in
35 the manner as other City taxes are assessed, levied and collected. Annually, the
36 Governing Body shall take all reasonable action to insure the levy and collection of
37 taxes by the governmental authority charged with legal responsibility to levy and collect
38 taxes in amounts sufficient at the time to pay the principal of and interest on the Bonds.
39 The money produced by the levy of taxes provided in this Section to pay the principal of
40 and interest on the Bonds is appropriated for that purpose and that amount shall be
41 included in the annual budget adopted and passed by the Governing Body each year.
42 The taxes collected shall be maintained in an interest and sinking fund, which is hereby
43 created, and kept for and applied only to the payment of the principal of and interest on
44 the Bonds when due and as otherwise required or permitted by law.
45

46 **Section 14. Additional Action of Authorized Officers; Delegation of**
47 **Authority to Determine Final Terms of the Bonds and Award to Purchaser or Best**
48 **Bidder.**
49

1 A. The Mayor, City Manager, City Financial Services Director, City Clerk and
2 other officers of the City be and they hereby are authorized and directed to take all
3 action necessary or appropriate to effectuate the provisions of this ordinance, including
4 without limiting the generality of the foregoing, the deposit of \$16,000,000 of the
5 proceeds of the Bonds, plus an allocable share of net premium, if any, into an
6 acquisition fund for payment of the costs of the Project and the costs of issuance
7 allocable to the Project, the execution and delivery of a continuing disclosure
8 undertaking to enable the Purchaser to comply with Securities and Exchange
9 Commission Rule 15c2-12(b)(5), the printing of the Bonds, the execution of an official
10 statement of the City relating to the Bonds, and the execution of such certificates as
11 may be required by the Purchaser relating to the signing of the Bonds, the tenure and
12 identity of City officials, the receipt of the purchase price of the Bonds from the
13 Purchaser and the absence of litigation, pending or threatened, if in accordance with the
14 facts, affecting the validity thereof and the absence and existence of factors affecting
15 the exclusion of interest on the Bonds from gross income for federal income tax
16 purposes.

17
18 B. Pursuant to Section 6-14-10.2, NMSA 1978, each of the Mayor, City
19 Manager and City Financial Services Director is hereby delegated authority to
20 determine whether the Bonds shall be sold by competitive or negotiated sale, or
21 privately placed, to select the Purchaser of the Bonds, to execute an Award Certificate
22 and to determine any or all of the final terms of the Bonds, including, without limitation,
23 the exact principal amounts, maturity dates, interest rates, prices, redemption features
24 and other final terms of the Bonds subject to the parameters and conditions contained in
25 this Bond Ordinance. The City Manager or City Financial Services Director shall
26 present the Award Certificate to the Governing Body in a timely manner, before or after
27 delivery of the Bonds, at a regularly scheduled public meeting of the Governing Body.

28
29 **Section 15. Covenants to Maintain Tax-Exempt Status of Bonds.**

30
31 A. The City covenants that it will restrict the use of the proceeds of the Bonds
32 in such manner and to such extent, if any, as may be necessary so that the Bonds will
33 not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986,
34 as amended (the "Code"). The Mayor, City Clerk and any other officer of the City
35 having responsibility for the issuance of the Bonds shall give an appropriate certificate
36 of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the
37 reasonable expectations of the City regarding the amount and use of all the proceeds of
38 the Bonds, the facts, circumstances and estimates on which they are based, and other
39 facts and circumstances relevant to the tax treatment of interest on the Bonds.

40
41 B. The City covenants that it (i) will take or cause to be taken such actions
42 which may be required of it for the interest on the Bonds to be and remain excluded
43 from gross income for federal income tax purposes, and (ii) will not take or permit to be
44 taken any actions which would adversely affect that exclusion, and that it, or persons
45 acting for it, will, among other acts of compliance, (aa) apply the proceeds of the Bonds
46 to the governmental purpose of the borrowing, (bb) restrict the yield, as required, on
47 investment property acquired with those proceeds, (cc) make timely rebate payments, if
48 required, to the federal government, (dd) maintain books and records and make
49 calculations and reports, and (ee) refrain from certain uses of proceeds, all in such
50 manner and to the extent necessary to assure such exclusion of that interest under the

1 Code. The Mayor and City Clerk and other appropriate officers are hereby authorized
2 and directed to take any and all actions, make calculations and rebate payments, and
3 make or give reports and certifications, as may be appropriate to assure such exclusion
4 of that interest.

5
6 **Section 16. Defeasance.**
7

8 A. Any Bond and the interest thereon shall be deemed to be paid, retired,
9 and no longer outstanding (a "Defeased Bond") hereunder when payment of the
10 principal of such Bond, plus interest thereon to the due date (whether such due date be
11 by reason of maturity, upon redemption, or other) either (i) shall have been made or
12 caused to be made in accordance with the terms thereof (including the giving of any
13 required notice of redemption), or (ii) shall have been provided for on or before such
14 due date by irrevocably depositing with or making available to a qualified depository for
15 such payment (1) lawful money of the United States of America sufficient to make such
16 payment or (2) Government Obligations which mature as to principal and interest in
17 such amounts and at such times as will ensure the availability, without reinvestment, of
18 sufficient money to provide for such payment (as verified by a certified or registered
19 public accountant), and when proper arrangements have been made by the City with a
20 qualified depository for the payment of its services until all Defeased Bonds shall have
21 become due and payable. At such time as a Bond shall be deemed to be a Defeased
22 Bond hereunder, such Bond and the interest thereon shall no longer be secured by,
23 payable from, or entitled to the benefits of the ad valorem taxes herein levied and
24 pledged as provided in this ordinance, and such principal and interest shall be payable
25 solely from such money or Government Obligations.
26

27 B. Any moneys so deposited with the qualified depository may, at the written
28 direction of the City, also be invested in Government Obligations, maturing in the
29 amounts and times required to make payments when due on the Defeased Bonds, and
30 all income from such Government Obligations received by the qualified depository
31 which is not required for the payment of the Defeased Bonds and interest thereon, with
32 respect to which such money has been so deposited, shall be turned over to the City for
33 deposit in the interest and sinking fund for payment of principal and interest on the
34 Bonds. The term "Government Obligations" means direct obligations of the United
35 States of America, including obligations the principal of and interest on which are
36 unconditionally guaranteed by the United States of America which may be United States
37 Treasury Obligations such as its State and Local Government Series, which may be in
38 book-entry form.
39

40 **Section 17. Investment of Bond Proceeds.** Moneys in any fund not
41 immediately needed may be invested as provided by state law and applicable federal
42 statutes and regulations, provided that the Governing Body and the City hereby
43 covenant to the Purchaser and the holders of the Bonds from time to time that the City
44 will make no use of the proceeds of the Bonds or any funds reasonably expected to be
45 used to pay the principal of or interest on the Bonds which will cause the Bonds to be
46 arbitrage bonds within the meaning of Section 148 of the Code, as amended, or which
47 would adversely affect the tax status of interest on the Bonds under the Code. This
48 covenant is for the benefit of the Purchaser and the holders of the Bonds from time to
49 time.
50

1 to each of the City Manager and City Financial Services Director to determine the
2 method of sale of the Bonds, the exact principal amounts, maturity dates, interest rates,
3 prices, redemption features and other final terms of the Bonds and to award the Bonds
4 as provided in an Award Certificate to be executed by the City Manager or City
5 Financial Services Director; provides for the delivery of the Bonds; provides for levy of
6 taxes to pay the principal of and interest on the bonds; makes certain covenants for the
7 benefit of the owners of the Bonds; and provides other details concerning the bonds.

8
9 Complete copies of the Ordinance are available for public inspection during
10 normal and regular business hours at the offices of the City of Rio Rancho, New
11 Mexico. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

12
13 DATED this 23rd day of May, 2024.

14
15 CITY OF RIO RANCHO, NEW MEXICO

16
17
18 By _____/s/_____
19 Noel C. Davis, City Clerk

20
21 [End Form of Notice]

22
23 **Section 21. Repealer Clause.** All acts and resolutions in conflict with this
24 ordinance are hereby rescinded, annulled and repealed.
25

1 PASSED, ADOPTED AND APPROVED this 23rd day of May, 2024.

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CITY OF RIO RANCHO, NEW MEXICO

[SEAL]

By _____
Greggory D. Hull, Mayor

ATTEST:

By _____
Noel C. Davis, City Clerk

NOTICE

\$16,000,000*
CITY OF RIO RANCHO, NEW MEXICO
General Obligation Improvement Bonds
Series 2024

Preliminary Official Statement, subject to completion,
Dated June 10, 2024

The Preliminary Official Statement, dated June 10, 2024 (the “Preliminary Official Statement”), relating to the above-described bonds (the “Bonds”) of the City of Rio Rancho, New Mexico (the “City”), has been posted as a matter of convenience. The posted version of the Preliminary Official Statement has been formatted in Adobe Portable Document Format. Although this format should replicate the Preliminary Official Statement available from the City, appearance may vary for a number of reasons, including electronic communication difficulties or particular user software or hardware. Using software other than Adobe Acrobat or later may cause the Preliminary Official Statement that you view or print to differ in appearance from the Preliminary Official Statement.

The Preliminary Official Statement and the information contained therein are subject to completion or amendment or other change without notice. Under no circumstances shall the Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of the Bonds in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction.

For purposes of Rule 15c2-12 promulgated by the United States Securities and Exchange Commission, the Preliminary Official Statement alone, and no other document or information on the internet, constitutes the “Official Statement” that the City has “deemed final” as of its date in respect of the Bonds, except for certain information permitted to be omitted therefrom.

No person has been authorized to give any information or to make any representations other than those contained in the Preliminary Official Statement in connection with the offer and sale of the Bonds and, if given or made, such information or representations must not be relied upon as having been authorized. The information and expressions of opinion in the Preliminary Official Statement are subject to change without notice and neither the delivery of the Official Statement nor any sale made thereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City since the date of the Preliminary Official Statement.

By choosing to proceed and view the electronic version of the Preliminary Official Statement, you acknowledge that you have read and understood this Notice.

Preliminary Official Statement dated June 10, 2024.

* Preliminary, subject to change.

PRELIMINARY OFFICIAL STATEMENT DATED JUNE 10, 2024

NEW ISSUE

RATING: Moody's "___"

In the opinion of Modrall, Sperling, Roehl, Harris & Sisk, P.A., Bond Counsel, under existing laws, regulations, rulings and judicial decisions, and assuming compliance with certain covenants described in "TAX EXEMPTION" herein, interest on the Bonds (including original issue discount treated as interest) (a) is excludable from the gross income of the recipients thereof for federal income tax purposes, under Section 103 of the Internal Revenue Code of 1986, as amended, and (b) is not a specific item of tax preference for purposes of the federal alternative minimum tax under the Code; however, interest on the Bonds is included in the "adjusted financial statement income" of certain corporations that are subject to the alternative minimum tax under Section 55 of the Code. Bond Counsel is also of the opinion based on existing laws of the State of New Mexico as enacted and construed that interest on the Bonds is exempt from all taxation by the State of New Mexico or any political subdivision thereof. For a more complete description of such opinion of Bond Counsel and a description of certain provisions of the Internal Revenue Code of 1986, as amended, which may affect the federal tax treatment of interest on the Bonds for certain owners of such Bonds, see "TAX EXEMPTION" herein.

\$16,000,000*
CITY OF RIO RANCHO, NEW MEXICO
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2024

Dated: Date of Delivery
Book-Entry Only

Due: August 1, as shown below

The City of Rio Rancho, New Mexico General Obligation Improvement Bonds, Series 2024 (the "Bonds") are issuable as fully registered bonds and when initially purchased will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"). Purchases of the Bonds will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof, through brokers and dealers who are, or who act through, DTC Participants. Beneficial owners of the Bonds will not be entitled to receive physical delivery of bond certificates so long as DTC or a successor securities depository acts as the securities depository with respect to the Bonds. Interest on the Bonds is payable on each February 1 and August 1, commencing February 1, 2025. As long as DTC or its nominee is the registered owner of the Bonds, reference in this Official Statement to the registered owner will mean Cede & Co., and payments of principal or interest on the Bonds will be made directly to DTC by the Paying Agent. Disbursement of such payments to DTC Participants is the responsibility of DTC. See "The Bonds – Book-Entry Only System" herein. BOKF, NA, Albuquerque, New Mexico, is the Registrar and Paying Agent for the Bonds.

The Bonds are issuable only as fully registered bonds in denominations of \$5,000 each or any integral multiple thereof. The Bonds will bear interest from the delivery date.

MATURITIES, INTEREST RATES AND YIELDS OR PRICES

Year Maturing (Aug. 1)	Principal*	Interest Rate	Yield	CUSIP	Year Maturing (Aug. 1)	Principal*	Interest Rate	Yield	CUSIP
2025					2032			%	
2026					2033				
2027					2034				
2028					2035				
2029					2036				
2030					2037				
2031									

The Bonds are subject to optional redemption as provided herein. The Bonds are general obligations of the City of Rio Rancho, New Mexico (the "City"), payable from general (*ad valorem*) taxes which shall be levied against all taxable property in the City without limitation as to rate or amount. The City has undertaken, for the benefit of the owners of the Bonds, to provide certain annual and periodic disclosures described under the caption "CONTINUING DISCLOSURE INFORMATION" herein.

The Bonds are being issued pursuant to the powers of the City Council under Sections 3-30-1 through 3-30-9 and Sections 6-15-1 through 6-15-22 NMSA 1978, as amended and supplemented, the Constitution and other laws of the State for the purpose of providing funds for (1) designing, constructing, repairing, preserving, rehabilitating, enhancing and otherwise improving roads and underlying utility infrastructure within the City, (2) designing, constructing, repairing, preserving, rehabilitating, enhancing and otherwise improving public safety facilities and repairing, replacing, or otherwise improving public safety vehicles, apparatus, and equipment, (3) designing, constructing, renovating, acquiring, rehabilitating, improving and equipping public quality of life facilities within the City, and (4) paying costs of issuance related to the Bonds. The Bonds are offered when, as and if issued by the City, subject to the approval of Modrall, Sperling, Roehl, Harris & Sisk, P.A., as Bond Counsel and certain other conditions. It is expected that the Bonds will be available for delivery on or about July 16, 2024 through the facilities of DTC.

Dated: _____, 2024

* Preliminary, subject to change.

This Preliminary Official Statement and the information contained herein are subject to completion and amendment. Under no circumstances shall the Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

USE OF INFORMATION IN THIS OFFICIAL STATEMENT

No dealer, salesman or other person has been authorized by the City of Rio Rancho, New Mexico (the “City”) to give any information or to make any statements or representations, other than those contained in this Official Statement, and, if given or made, such other information, statements or representations must not be relied upon as having been authorized. This Official Statement does not constitute an offer to sell or solicitation of an offer to buy any of the Bonds in any jurisdiction in which such offer or solicitation is not authorized, or in which any person making such offer or solicitation is not qualified to do so, or to any person to whom it is unlawful to make such offer or solicitation in such jurisdiction. The information set forth or included in this Official Statement has been provided by the City and from other sources believed by the City to be reliable. The information and expressions of opinion herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale hereunder shall create any implication that there has been no change in the financial condition or operations of the City described herein since the date hereof. This Official Statement contains, in part, estimates and matters of opinion that are not intended as statements of fact, and no representation or warranty is made as to the correctness of such estimates and opinions or that they will be realized.

The Bonds have not been registered under the Securities Act of 1933, in reliance upon exemptions contained in such Act. The registration and qualification of the Bonds in accordance with applicable provisions of the securities law of the states in which the Bonds have registered or qualified and the exemption from registration or qualification in other states cannot be regarded as a recommendation thereof. Neither the United States Securities and Exchange Commission (the “SEC”) nor any other federal, state, municipal or other governmental entity, nor any agency or department thereof, has passed upon the merits of the Bonds or the accuracy or completeness of this Official Statement. Any representation to the contrary may be a criminal offense.

This Official Statement is “deemed final” by the City for purposes of Rule 15c2-12 of the SEC (the “Rule”), except for the omission of certain information as permitted by the Rule. The City has covenanted to provide such annual financial statements and other information in the manner as may be required by regulations of the SEC or other regulatory body.

The Underwriter has provided the following sentence for inclusion in this Official Statement. The Underwriter has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information.

IN MAKING AN INVESTMENT DECISION INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE CITY AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

This Official Statement contains statements that are “forward-looking statements” as defined in the Private Securities Litigation Reform Act of 1995. When used in this Official Statement, the words “estimate,” “project,” “intend,” “expect,” and similar expressions are intended to identify forward-looking statements. Such statements are subject to risks and uncertainties that could cause actual results to differ materially from those contemplated in such forward-looking statements. Readers are cautioned not to place undue reliance on these forward-looking statements, which speak only as of the date hereof.

CITY OF RIO RANCHO, NEW MEXICO

3200 Civic Center Circle NE
Rio Rancho, NM 87144
(505) 891-5000

CITY COUNCIL

Mayor	Greggory D. Hull
District 1 Councilor	Deb Dapson
District 2 Councilor	Jeremy Lenentine
District 3 Councilor	Bob Tyler
District 4 Councilor	Paul Wymer
District 5 Councilor	Karissa Culbreath
District 6 Councilor	Nicole List

ADMINISTRATION

City Manager	Matt Geisel
City Clerk	Noel Davis
City Financial	
Services Director	Carole Jaramillo
City Attorney	Joshua Rubin

MUNICIPAL ADVISOR

RBC Capital Markets, LLC
6301 Uptown Boulevard, NE, Suite 110
Albuquerque, NM 87110
(505) 872-5999

BOND AND DISCLOSURE COUNSEL

Modrall, Sperling, Roehl, Harris & Sisk, P.A.
500 Fourth Street, NW
Albuquerque, NM 87102
(505) 848-1800

PAYING AGENT/REGISTRAR

BOKF, NA
100 Sun Avenue NE, Suite 500
Albuquerque, NM 87109
(505) 222-8447

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OFFICIAL STATEMENT

\$16,000,000*
CITY OF RIO RANCHO, NEW MEXICO
GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2024

INTRODUCTION AND SUMMARY

This Official Statement is furnished to prospective purchasers of the City of Rio Rancho, New Mexico, General Obligation Improvement Bonds, Series 2024 (the “Bonds”), issued in the aggregate principal amount of \$16,000,000* by the City of Rio Rancho, New Mexico (the “City”). The offering of the Bonds is made only by way of this Official Statement authorized by Ordinance No. ____ adopted by the City Council on May 23, 2024 (the “Bond Ordinance”), as supplemented by an Award Certificate as provided in the Bond Ordinance. Additional information concerning the City, the Bonds and other aspects of this offering may be obtained either from the City or from RBC Capital Markets, LLC (the “Municipal Advisor”) at the addresses set forth in the section entitled “ADDITIONAL INFORMATION.”

The following material is qualified in its entirety by the more complete information contained throughout this Official Statement, and detachment or other use of this “INTRODUCTION AND SUMMARY” without the entire Official Statement, including the cover page and the appendices, is unauthorized.

All terms used in this Official Statement that are not defined herein shall have the meanings given such terms in the Bond Ordinance.

The Issuer

The City is a political subdivision of the State of New Mexico (the “State”), organized and existing under the Constitution, and general laws of the State. The City was incorporated in 1981, operates under a Council-Manager form of government with the Mayor elected at large, and is located in central New Mexico, adjacent to Albuquerque, New Mexico’s largest city. The City has a land area of approximately 105 square miles. Rio Rancho is the third largest city in New Mexico and over the last 3 decades has been one of the fastest growing cities in the nation, with a current population of 112,358. The City’s Fiscal Year ends June 30 and is referred to in this Official Statement as the “Fiscal Year.”

Authority for Issuance and Purpose

The Bonds are issued in accordance with the Constitution and laws of the State of New Mexico, in particular, Sections 3-30-1 through 3-30-9 and Sections 6-15-1 through 6-15-22 NMSA 1978, as amended and supplemented. The \$16,000,000* principal amount of the Bonds represents the entire series of general obligation bonds approved by the qualified electors of the City at an election held on March 5, 2024 to provide funds for (1) designing, constructing, repairing, preserving, rehabilitating, enhancing and otherwise improving roads and underlying utility infrastructure within the City, (2) designing, constructing, repairing, preserving, rehabilitating, enhancing and otherwise improving public safety facilities and repairing, replacing, or otherwise improving public safety vehicles, apparatus, and equipment, (3) designing, constructing, renovating, acquiring, improving and equipping public quality of life facilities within the City, and (4) paying costs of issuance related to the Bonds.

* Preliminary, subject to change.

The Bonds

The Bonds will be registered as to principal and interest, issued in denominations of \$5,000 each, or integral multiples thereof, in conformance with the Constitution and laws of the State and pursuant to the Bond Ordinance. The Bonds shall mature in the principal amounts and on the dates shown on the cover page hereof. Interest shall be payable February 1 and August 1 of each year commencing February 1, 2025 to registered owners shown on the books of the Registrar on the 15th day of the month preceding each regularly scheduled interest payment date thereafter (“Record Date”). The Bonds will be issued only in fully registered form and will be initially registered and delivered to Cede & Co., the nominee of The Depository Trust Company pursuant to the book-entry only system described herein.

Security

The Bonds are secured by the City’s full faith and credit and are general obligations of the City payable from *ad valorem* taxes to be levied, without limitation as to rate or amount, against all taxable property within the City. See “SECURITY AND REMEDIES”

Financial Statements

The City’s audited financial statements as of and for the year ended June 30, 2023 including the opinions rendered thereon of certified public accountants, are attached as Appendix B.

Selected Debt Ratios

The following table sets forth details relating to the ratio of general debt and overlapping debt to population and assessed valuation:

2023 Assessed Valuation	\$ 3,204,145,301
2023 Estimated Actual Valuation ⁽¹⁾	\$11,333,406,498
City Net Debt as a % of:	
-Assessed Valuation	1.11%
-Estimated Actual Valuation	0.32%
Direct and Overlapping Debt as a % of	
Assessed Valuation	6.05%
Estimated Actual Valuation	1.71%
City Net General Obligation Debt Outstanding ⁽²⁾	\$35,680,073
Estimated Direct & Overlapping G/O Debt ⁽³⁾	\$193,983,588
2024 Estimated Population	112,358
City Net Debt Per Capita	\$317.56
Direct and Overlapping Debt Per Capita	\$1,726.48

⁽¹⁾ Actual valuation would be computed by adding 2023 exemptions to the 2023 assessed valuation and multiplying by three.

⁽²⁾ Net of debt service fund balance of \$5,619,927.15 as of April 9, 2024; figure includes proposed Bonds.

⁽³⁾ Figure includes proposed Bonds.

See “DEBT AND OTHER FINANCIAL OBLIGATIONS – General Obligation Debt” herein.

Tax Matters

In the opinion of Modrall, Sperling, Roehl, Harris & Sisk, P.A. (“Bond Counsel”), (a) the interest on the Bonds will be excludable from gross income for federal income tax purposes under existing law, and (b) is not a specific preference item for purposes of the federal alternative minimum tax on individuals, subject to the matters described under the caption “TAX EXEMPTION” herein. Bond Counsel is also of the opinion, based on existing laws of the State of New Mexico as enacted and construed, that the Bonds and income from the Bonds are exempt from all taxation by the State of New Mexico or any political subdivision thereof.

Agents and Advisors

BOKF, NA, Albuquerque, New Mexico will serve as Paying Agent and Registrar. CliftonLarsonAllen LLP audited the City’s general purpose financial statements as of and for the year ended June 30, 2023.

At the time of the issuance and sale of the Bonds, Modrall, Sperling, Roehl, Harris & Sisk, P.A., as Bond Counsel, will deliver the bond opinion included in Appendix A hereto. See “LEGAL MATTERS” herein. Certain legal matters relating to the Bonds will be passed on for the City by Modrall, Sperling, Roehl, Harris & Sisk, P.A., as Disclosure Counsel.

RBC Capital Markets, LLC (“RBC”) is employed as Municipal Advisor to the City in connection with the issuance of the Bonds. The Municipal Advisor’s fee for services rendered with respect to the sale of the Bonds is contingent upon the issuance and delivery of the Bonds. RBC, in its capacity as Municipal Advisor, has not verified and does not assume any responsibility for the possible impact of any present, pending or future actions taken by any legislative or judicial bodies. The Municipal Advisor is not obligated to undertake, and has not undertaken to make, an independent verification of, or assume responsibility for, the accuracy, completeness, or fairness of the information in this Official Statement.

Additional Information

This Official Statement is accurate only as of its date, and no representation is made that the information contained herein has not changed since that date. This Official Statement is intended to be made available to investors through the Municipal Advisor.

The quotations from, and summaries and explanations of, the statutes, regulations and documents contained herein do not purport to be complete, and reference is made to those statutes, regulations and documents for full and complete statements of their provisions. Copies, in a reasonable quantity, of those statutes, regulations and documents may be obtained upon request directed to the City, and upon payment to the City of a charge for copying, mailing and handling, at the City of Rio Rancho, 3200 Civic Center Circle NE, Rio Rancho, NM 87144, telephone number (505) 891-5000, Attention: Director of Financial Services.

Any statements in this Official Statement involving matters of opinion, whether or not expressly so stated, are intended as such and not as representations of fact. This Official Statement is not to be construed as a contract between the City and the purchasers or holders of any of the Bonds.

THE BONDS

Description

The Bonds are general obligation bonds to be issued by the City in the total principal amount of \$16,000,000* and will be dated the Date of Delivery, which is expected to be on or about July 16, 2024. The Bonds will be issued as fully registered bonds in denominations of \$5,000 or integral multiples thereof, bearing interest from their date to maturity at the rates specified on the cover page of this Official Statement payable semiannually on February 1 and August 1 each year, commencing on February 1, 2025, and maturing serially, as set forth on the cover page of this Official Statement.

The Bonds will be issued only in fully registered form and will be initially registered and delivered only to Cede & Co., the nominee of The Depository Trust Company, New York, New York (“DTC”), pursuant to the book-entry only system described herein. No physical delivery of the Bonds will be made to the owners hereof. Principal of, premium, if any, and interest on the Bonds will be payable by the Paying Agent/Registrar to Cede & Co., which will make distribution of the amounts so paid to the beneficial owners of the Bonds. See “THE BONDS – Book-Entry Only System” herein.

Authorization

The Bonds are being issued pursuant to the City Council’s powers under Article IX, Section 10 of the Constitution of the State of New Mexico, and Sections 3-30-1 through 3-30-9 and 6-15-1 through 6-15-22 NMSA 1978, as amended and supplemented, and the Bond Ordinance, as supplemented by the Pricing Certificate as provided in the Bond Ordinance.

Bond Registrar and Paying Agent

BOKF, NA, Albuquerque, New Mexico will serve as the Bond Registrar (the “Registrar”) and Paying Agent (the “Paying Agent”) for the Bonds.

Payment of Principal and Interest; Record Date

The principal of the Bonds is payable to the registered owners of the Bonds at the principal office of the Paying Agent. Interest on the Bonds is payable by check or draft of the Paying Agent mailed on or before each interest payment date to the registered owners of the Bonds as of the close of business on the 15th day of the calendar month preceding the interest payment date (the “Regular Record Date”) at the addresses appearing in the registration books maintained by the Registrar; but any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner thereof at the close of business on the Regular Record Date and shall be payable to the person who is the registered owner thereof at the close of business on the date to be fixed by the Registrar whenever moneys become available for the payment of defaulted interest (the “Special Record Date”).

Optional Redemption of Bonds

The Bonds maturing on and after August 1, 20__ may be redeemed prior to their scheduled maturity on August 1, 20__, or on any date thereafter, in whole or in part, at the option of the City Council at par plus accrued interest to the date of redemption, if any.

Exchange or Transfer of Bonds

The Registrar/Paying Agent will maintain the books of the City for the registration of ownership of the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying

Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be transferred in the name of the transferee or transferees a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be exchanged a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment by the owner of any Bond requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer. See “THE BONDS – Book-Entry Only System” herein for a description of the system to be utilized initially in regard to ownership and transferability of the Bonds.

Book-Entry Only System

The information in this section concerning DTC and DTC’s book-entry system has been obtained from sources that the City believes to be reliable, but neither the City, Municipal Advisor nor Bond Counsel take responsibility for the accuracy thereof.

Introduction

Unless otherwise noted, the information contained under the caption “General” below has been provided by DTC. The City, the Municipal Advisor, the Underwriters or their agents and counsel, make no representations as to the accuracy or the completeness of such information. The Beneficial Owners of the Bonds should confirm the following information with DTC, the Direct Participants or the Indirect Participants.

NEITHER THE CITY NOR THE PAYING AGENT WILL HAVE ANY RESPONSIBILITY OR OBLIGATION TO DIRECT PARTICIPANTS, TO INDIRECT PARTICIPANTS, OR TO ANY BENEFICIAL OWNER WITH RESPECT TO (A) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC, ANY DIRECT PARTICIPANT, OR ANY INDIRECT PARTICIPANT; (B) ANY NOTICE THAT IS PERMITTED OR REQUIRED TO BE GIVEN TO THE OWNERS OF THE BONDS UNDER THE BOND ORDINANCE; (C) THE SELECTION BY DTC OR ANY DIRECT PARTICIPANT OR INDIRECT PARTICIPANT OF ANY PERSON TO RECEIVE PAYMENT IN THE EVENT OF A PARTIAL REDEMPTION OF THE BONDS; (D) THE PAYMENT BY DTC OR ANY DIRECT PARTICIPANT OR INDIRECT PARTICIPANT OF ANY AMOUNT WITH RESPECT TO THE PRINCIPAL OR INTEREST DUE TO THE OWNER OF THE BONDS; (E) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC AS THE OWNERS OF THE BONDS; OR (F) ANY OTHER MATTER REGARDING DTC.

General

The Bonds will be issued in book-entry form. DTC will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered bond will be issued for each maturity of the Bonds, each in the aggregate principal amount of that maturity and will be deposited with DTC.

DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of the Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of the Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each bond (the "Beneficial Owner") in turn is to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interest in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not affect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Redemption notices shall be sent to DTC. If less than all of the Bonds are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor such other DTC nominee) will consent or vote with respect to the Bonds unless authorized by Direct Participants in accordance with DTC's procedures. Under its usual

procedures, DTC will mail an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal of and sinking fund and interest payments on the Bonds will be made to Cede & Co., or such other name as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts on each payable date in accordance with their respective holdings shown on DTC's records unless DTC has reason to believe that it will not receive payment on the date payable. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City, disbursement of such payments to Direct Participants shall be the responsibility of DTC or the Paying Agent, and disbursement of such payments to the Beneficial Owners shall be responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to the Bonds at any time by giving reasonable notice to the City or the City may decide to discontinue use of the system of book entry transfers through DTC (or a successor securities depository). In such an event, bonds will be printed and delivered as described in the Bond Ordinance.

The City cannot and does not give any assurances that DTC will distribute to Participants, or that Participants or others will distribute to the Beneficial Owners, payments of principal of and interest and premium, if any, on the Bonds paid or any redemption or other notices or that they will do so on a timely basis or will serve and act in the manner described in this Official Statement. The City is not responsible or liable for the failure of DTC or any Direct Participant or Indirect Participant to make any payments or give any notice to a Beneficial Owner with respect to the Bonds or any error or delay relating thereto.

The foregoing description of the procedures and record keeping with respect to beneficial ownership interests in the Bonds, payment of principal of and interest and other payments with respect to the Bonds to Direct Participants, Indirect Participants or Beneficial Owners, confirmation and transfer of beneficial ownership interest in such bonds and other related transactions by and between DTC, the Direct Participants, the Indirect Participants and the Beneficial Owners is based solely on information provided by DTC. Accordingly, no representations can be made concerning these matters and none of the Direct Participants, the Indirect Participants or the Beneficial Owners should rely on the foregoing information with respect to such matters but should instead confirm the same with DTC or the Participants, as the case may be.

SO LONG AS CEDE & CO. IS THE REGISTERED OWNER OF THE BONDS, AS NOMINEE OF DTC, REFERENCES HEREIN TO THE HOLDERS SHALL MEAN CEDE & CO., AS AFORESAID, AND SHALL NOT MEAN THE BENEFICIAL OWNERS OF THE BONDS.

SECURITY AND REMEDIES

General

The Bonds are general obligations of the City payable from *ad valorem* taxes, which may be levied against all taxable property within the City without limitation as to rate or amount. The Bonds are secured by the obligation of the City to levy and collect upon all taxable property within the City a tax rate levy sufficient, together with other legally available revenues, to pay the debt service on the Bonds. Such annual levy for debt service creates a statutory tax lien that can be enforced personally against the owner of the

property or enforced by sale of the property. Neither the State nor any other political subdivision has any responsibility to pay the debt service on the Bonds.

Legal Matters

Various State laws and constitutional provisions apply to the assessment and collection of *ad valorem* property taxes. There is no assurance that there will not be any amendment, change in the interpretation of, or addition to the applicable laws, provisions and regulations that would have a material effect, directly or indirectly, on the affairs of the City.

Limitations on Remedies Available to Owners of Bonds

There is no provision for acceleration of maturity of the principal of the Bonds in the event of a default in the payment of principal of or interest on the Bonds. Consequently, remedies available to the owners of the Bonds may have to be enforced from year to year.

The enforceability of the rights and remedies of the owners of the Bonds, and the obligations incurred by the City in issuing the Bonds, are subject to the following: the Federal Bankruptcy Code and applicable bankruptcy, insolvency, reorganization, moratorium, or similar laws relating to or affecting the enforcement of creditor's rights generally, now or hereafter in effect; usual equity principles, which may limit the specific enforcement under State law of certain remedies; the exercise by the United States of America of the powers delegated to it by the federal Constitution; and the reasonable and necessary exercise, in certain exceptional situations, of the police power inherent in the sovereignty of the State and its governmental bodies in the interest of serving a significant and legitimate public purpose. Bankruptcy proceedings, or the exercise of powers by the federal or State government, if initiated, could subject the owners of the Bonds to judicial discretion and interpretation of their rights in bankruptcy or otherwise, and consequently may entail risks of delay, limitation, or modification of their rights.

Cybersecurity Risks

The City operates a large and complex information technology infrastructure to support internal and external operations. As is the case with any such environment, the threat of cybersecurity incidents is a constant one. These incidents may arise from multiple sources, including unintentional events or actions, intentional insider threat, and deliberate malicious attacks or actions from outside entities. The effect of these threats may include unauthorized access to City systems, data or resources, inappropriate exposure or use of City information, disruption of City services, and damage to City systems.

PURPOSE AND PLAN OF FINANCING

The Bonds will be issued in a principal amount of \$16,000,000*, which represents the entire series of general obligation bonds approved by the qualified electors of the City at an election held on March 5, 2024. Proceeds of the Bonds will be used to provide funds for (1) designing, constructing, repairing, preserving, rehabilitating, enhancing and otherwise improving roads and underlying utility infrastructure within the City, (2) designing, constructing, repairing, preserving, rehabilitating, enhancing and otherwise improving public safety facilities and repairing, replacing, or otherwise improving public safety vehicles, apparatus, and equipment, (3) designing, constructing, renovating, acquiring, rehabilitating, improving and equipping public quality of life facilities within the City, and (4) paying costs of issuance related to the Bonds.

* Preliminary, subject to change.

SOURCES AND USES OF FUNDS

The sources and uses of funds relating to the Bonds, other than accrued interest, are set forth in the following table.

SOURCES OF FUNDS	
Bond principal	\$
[Net] Premium	
TOTAL SOURCES OF FUNDS	\$
USES OF FUNDS	
Deposit to Acquisition Fund	\$
Underwriter's Discount	
Costs of Issuance ⁽¹⁾	
TOTAL USES OF FUNDS	\$

⁽¹⁾ Includes Municipal Advisor fees, rating agency fees, legal fees, fees of the paying agent/registrar, and other miscellaneous costs and expenses related to the issuance of the Bonds.

DEBT AND OTHER FINANCIAL OBLIGATIONS

Table 1

General Obligation Debt

Article IX, Section 13, of the New Mexico Constitution prohibits municipalities, including the City, from incurring general obligation debt in an aggregate amount, including existing indebtedness, exceeding four percent of the value of the taxable property within such municipality, as shown by the last preceding general assessment. A test for maximum general obligation bonds outstanding of the City follows:

2023 Assessed Valuation ⁽¹⁾	\$3,204,145,301
2023 Estimated Actual Valuation	11,333,406,498
 Bonded Debt Outstanding ⁽²⁾	 \$41,730,000.00
 NET DEBT ⁽³⁾	 \$36,110,072.85
 City Net Debt as a % of:	
-Assessed Valuation	1.11%
-Estimated Actual Valuation	0.32%
2024 Estimated Population	112,358

Source: City of Rio Rancho Audited Financial Statements.

⁽¹⁾ New Mexico Assessed Values represent 33-1/3% (the maximum assessment ratio permitted by the New Mexico Constitution) of the actual property value after deduction of certain exemptions. Property tax levies are based upon the certified assessed valuation.

⁽²⁾ Figure includes the proposed Series 2024 Bonds.

⁽³⁾ Net of debt service fund balance of \$5,619,927.15 as of April 9, 2024; includes proposed Bonds.

The general obligation bonded indebtedness of the City as of the date of this Official Statement follows:

Series	Original Amount Issued	Final Maturity (August 1)	Amount Outstanding as of June 1, 2024
2016	\$11,310,000	2028	\$1,490,000
2018	14,100,000	2030	6,120,000
2020	14,600,000	2032	8,860,000
2022	15,250,000	2034	9,260,000
Total	\$55,260,000		\$25,730,000

Table 2

Debt Service Requirements to Maturity

The following represents annual debt service expenses on the City’s existing general obligation debt, including issuance of the Bonds.

DEBT SERVICE SCHEDULE

Calendar Year	Series 2016 Bonds	Series 2018 Bonds	Series 2020 Bonds	Series 2022 Bonds	Series 2024 Bonds*	Total Debt Service*
2022						
2023						
2024						
2025						
2026						
2027						
2028						
2029						
2030						
2031						
2032						
2033						
2034						
Total						

*Preliminary, subject to change.

Table 3

Statement of Estimated Direct and Overlapping Debt

The following calculation analyzes the debt load and per capita debt of the City payable from property taxes. In addition to outstanding debt of the City, the calculation takes into account debt attributable to taxing entities that is the responsibility of taxpayers within the boundaries of the City.

<u>Taxing Entity</u>	<u>2023 Assessed Valuation</u>	<u>General Obligation Debt Outstanding</u>	<u>Percentage Applicable</u>	<u>Amount</u>
State of New Mexico	\$110,879,706,059	\$447,170,000	2.89%	\$ 12,922,091
Sandoval County	5,082,477,123	12,305,000	63.04%	7,757,439
Central New Mexico Community College	24,108,727,247	112,175,000	13.29%	14,908,502
Southern Sandoval County Arroyo Flood Control Authority ⁽¹⁾	3,861,135,858	13,675,000	80.85%	11,055,634
Rio Rancho Public Schools	3,322,471,468	109,510,000	96.44%	105,609,922
City of Rio Rancho	3,204,145,301		100.00%	25,730,000 ⁽²⁾
Total Overlapping Debt				\$177,983,588 ⁽²⁾

Ratio of Estimated Direct & Overlapping Debt to 2023 Assessed Valuation: 5.55%

Ratio of Estimated Direct & Overlapping Debt to 2023 Estimated Actual Valuation: 1.57%

Per Capita Direct & Overlapping Debt: \$1,584.08

Source: Sandoval County Assessor's Office and individual entities; compiled by Accu-Disclose, LLC.

⁽¹⁾ 80.85%, or \$3,121,557,902 of the assessed value of Southern Sandoval County Arroyo Flood Control Authority is within the boundaries of the City of Rio Rancho.

⁽²⁾ Figure does not include the proposed 2024 Bonds.

Table 4

Analysis of Assessed Valuation

Assessed Valuation of property within the City is calculated as follows: Of the total assessed valuation of all taxable property in the City, 33 1/3% is legally subject to *ad valorem* taxes. After deduction of certain personal exemptions, the 2023 Assessed Valuation is \$3,143,475,268. The actual value of personal property within the City (see “Assessments” below) is determined by the Sandoval County Assessor. The actual value of certain corporate property within the City (see “Centrally Assessed” below) is determined by the State of New Mexico, Taxation and Revenue Department, Property Tax Division.

The analysis of Assessed Valuation in Sandoval County follows:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Assessments					
Value of Land	\$978,167,968	\$998,743,971	\$648,175,099	\$695,527,175	\$771,844,351
Improvements	2,045,366,224	2,134,962,463	2,307,376,239	2,563,760,453	2,903,703,196
Personal Property	32,415,365	34,349,912	35,481,568	33,203,842	34,094,751
Mobile Homes	3,327,032	5,212,926	5,731,789	6,272,811	7,038,249
Livestock	<u>20,904</u>	<u>19,526</u>	<u>18,939</u>	<u>19,678</u>	<u>25,829</u>
Assessor's Taxable Value	\$3,059,297,493	\$3,173,288,798	\$2,996,783,634	\$3,298,783,959	\$3,716,706,376
Less Exemptions					
Head of Family	\$29,686,286	\$30,149,886	\$30,112,299	\$30,256,680	\$30,175,264
Veterans	74,871,921	82,916,095	90,280,848	101,461,190	117,710,081
Other	<u>690,152,861</u>	<u>687,167,012</u>	<u>332,835,701</u>	<u>335,381,152</u>	<u>425,345,763</u>
Total Exemptions	\$794,711,068	\$800,232,993	\$453,228,848	\$467,099,022	\$573,231,108
Assessor's Net Taxable Value	\$2,264,586,425	\$2,373,055,805	\$2,543,554,786	\$2,831,684,937	\$3,143,475,268
Centrally Assessed	<u>49,721,731</u>	<u>50,617,457</u>	<u>49,061,929</u>	<u>52,833,351</u>	<u>50,852,454</u>
Total in Sandoval County	\$2,314,308,156	\$2,423,673,262	\$2,592,616,715	\$2,884,518,288	\$3,194,327,722
Residential	\$1,897,563,227	\$1,999,211,889	\$2,157,873,387	\$2,414,193,840	\$2,686,773,411
Non-Residential	<u>416,744,929</u>	<u>424,461,373</u>	<u>434,743,328</u>	<u>470,324,448</u>	<u>507,554,311</u>
Total	\$2,314,308,156	\$2,423,673,262	\$2,592,616,715	\$2,884,518,288	\$3,194,327,722
Analysis of assessed valuation for portion of City located in Bernalillo County follows:					
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Residential	\$0	\$0	\$0	\$0	\$0
Non-Residential	<u>5,768,491</u>	<u>10,073,179</u>	<u>9,624,178</u>	<u>9,096,381</u>	<u>9,817,579</u>
Total in Bernalillo County	<u>\$5,768,491</u>	<u>\$10,073,179</u>	<u>\$9,624,178</u>	<u>\$9,096,381</u>	<u>\$9,817,579</u>
Total City Assessed Valuation	\$2,320,076,647	\$2,433,746,441	\$2,602,240,893	\$2,893,614,669	\$3,204,145,301

Table 5

History of Assessed Valuation

The following is a history of assessed valuation for the City and Sandoval County.

<u>Year</u>	<u>City of Rio Rancho</u>	<u>Sandoval County</u>	<u>Bernalillo County</u>
2023	\$3,204,145,301	\$5,082,477,123	\$20,382,533,837
2022	2,893,614,669	4,599,282,433	19,256,970,464
2021	2,602,240,893	4,122,515,350	18,390,395,538
2020	2,433,746,441	3,897,811,663	17,666,252,107
2019	2,320,076,647	3,732,770,115	17,172,340,660

Source: Sandoval & Bernalillo County Assessor's Office.

Article VIII, Section 2, of the New Mexico Constitution limits the total *ad valorem* taxes for operational purposes levied by all overlapping governmental units within the City to \$20.00 per \$1,000 of assessed value. This limitation does not apply to levies for public debt and levies for additional taxes if authorized at an election by a majority of the qualified voters of the City voting on the question. The following table summarizes the tax rates on residential property located within the City for 2022-2023 Fiscal Year and the previous four fiscal years. The City expects no change in the level of its taxes in the foreseeable future but is unable to predict what overlapping entities might do. A high level of taxation may adversely impact the City's ability to repay bonds.

Table 6

RESIDENTIAL TAX RATES - Per \$1,000 Assessed Valuation

WITHIN 20 MILL LIMIT FOR GENERAL PURPOSES					
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
State of New Mexico	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
Sandoval County	6.493	6.444	6.284	6.170	6.089
City of Rio Rancho	7.553	7.482	7.278	7.116	7.004
Rio Rancho Schools	0.267	0.264	0.257	0.259	0.254
SSCAFCA	0.828	0.820	0.798	0.791	0.779
Central NM Community College	<u>2.823</u>	<u>2.822</u>	<u>2.763</u>	<u>2.775</u>	<u>2.790</u>
Total	\$17.964	\$17.832	\$17.380	\$17.111	\$16.916
OVER 20 MILL LIMIT - INTEREST, PRINCIPAL, JUDGMENT, ETC.					
State of New Mexico	\$1.360	\$1.360	\$1.360	\$1.360	\$1.360
Sandoval County	0.835	0.737	0.852	0.740	0.606
City of Rio Rancho	2.770	2.770	2.770	2.770	2.772
Rio Rancho Schools	10.543	10.531	10.474	10.484	10.451
SSCAFCA	1.246	1.247	1.246	1.246	1.246
Central NM Community College	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Total	\$17.754	\$17.645	\$17.702	\$17.600	\$17.435
TOTAL LEVY					
State of New Mexico	\$1.360	\$1.360	\$1.360	\$1.360	\$1.360
Sandoval County	7.328	7.181	7.136	6.910	6.695
City of Rio Rancho	10.323	10.252	10.048	9.886	9.776
Rio Rancho Schools	10.810	10.795	10.731	10.743	10.705
SSCAFCA	2.074	2.067	2.044	2.037	2.025
Contracting Hospitals	1.900	1.886	1.839	1.840	1.816
Central NM Community College	<u>3.823</u>	<u>3.822</u>	<u>3.763</u>	<u>3.775</u>	<u>3.790</u>
Total Residential Rio Rancho	\$37.618	\$37.363	\$36.921	\$36.551	\$36.167
Total Non-Residential Rio Rancho⁽¹⁾	\$41.982	\$39.157	\$41.282	\$41.705	\$41.640

Table 7

Major Taxpayers

The 10 largest taxpayers in the City are identified below.

Taxpayer	Business	Assessed Valuation	City Percentage of Assessed Value
Public Service Company of New Mexico	Public Utility	\$58,549,622	1.83%
Presbyterian Healthcare	Medical	29,624,220	0.92%
Intel Corporation	Manufacturing	29,244,708	0.91%
Cable One	Cable Provider	9,262,746	0.29%
New Mexico Gas Company	Public Utility	9,121,439	0.28%
Enchanted Hills Blvd LLC	Shopping Center	5,688,915	0.18%
Northland Links LLC	Apartment Complex	5,520,271	0.17%
EP Country Club Drive LLC	Apartment Complex	5,505,049	0.17%
Wal-Mart Stores	Retail	4,660,097	0.15%
Rio Rancho Retirement Residence	Assisted Living	4,583,929	0.14%
Total		\$161,760,996	5.05%

Source: Sandoval County Assessor's Office.

Yield Control Limitation

State law limits property tax increases from the prior property tax year. Specifically, no taxing entity may set a rate or impose a tax (excluding oil and gas production *ad valorem* and oil and gas production equipment *ad valorem* taxes) or assessment that will produce revenues that taxes exceed the prior year's tax revenues from residential and non-residential property multiplied by a "growth control factor." The growth control factor is the percentage equal to the sum of (a) "percent change I" plus (b) the prior property tax year's total taxable property value plus "net new value," as defined by statute, divided by such prior property tax year's total taxable property value; but if that percentage is less than 100 percent, then the growth control factor is (a) "percent change I" plus (b) 100%. "Percent change I" is based upon the annual implicit price deflator index for state and local government purchases of goods and services (as published in the United States Department of Commerce monthly publication entitled "Survey of Current Business," or any successor publication) and is a percent (not to exceed 5%) that is derived by dividing the increase in the prior calendar year's index over the index for the calendar year next preceding the prior calendar year (unless there was a decrease, in which case zero if used) by the index for such calendar year next preceding the prior calendar year. *The growth control factor applies to authorized operating levies and to any capital improvements levies, but does not apply to levies for paying principal and interest on public general obligation debt.*

Limitations on Residential Property Tax Increases

In an effort to limit large annual increases in residential property taxes in some areas of the State (particularly the Santa Fe and Taos areas which have experienced large increases in residential property values in recent years), an amendment to the uniformity clause (Article VIII, Section 1) of the New Mexico Constitution was approved by a wide margin by New Mexico voters on November 3, 1998.

The amendment directs the Legislature to provide for valuation of residential property in a manner that limits annual increases in valuation. The limitation may be applied to classes of residential property taxpayers based on occupancy, age or income. The limitations may be authorized statewide or at the option of a local jurisdiction and may include conditions for applying the limitations.

Section 7-36-21.2 NMSA 1978 establishes a statewide limitation on residential property valuation increases beginning in tax year 2001. Annual valuation increases will be limited to 3% over the prior year's valuation or 6.1% over the valuation from two years prior. These limitations do not apply under the following exceptions:

1. When property is being valued for the first time;
2. When physical improvements are made to the property;
3. When a change of ownership outside the family occurs;
4. When a change in zoning or use of property occurs; and
5. To property that is subject to the valuation limitations under Section 7-36-21.3 NMSA 1978.

Section 7-36-21.3 NMSA 1978 places a limitation on the increase in value for property taxation purpose for single-family dwellings occupied by low-income owners who are sixty-five years of age or older or who are disabled. The statute fixes the valuation of the property to the valuation in the year that the owner turned 65 or became disabled. The Section 7-36-21.3 limitation does not apply:

1. To property that is being valued for the first time;
2. To a change in valuation resulting from physical improvements made to the property in the preceding year; and
3. To a change in valuation resulting from a change in the zoning or permitted use of the property in the preceding year.

Amendments to State laws affecting residential property taxes are proposed from time to time and may be proposed in the future by the Legislature. Such amendments, if enacted, could result in an increase to the tax rate imposed on residential property tax within the City in order to pay the principal of and interest on general obligation bonds issued by the City, including the Bonds.

The constitutionality of the property tax limitation has been challenged in a number of venues. On March 28, 2012, the New Mexico Court of Appeals upheld the statutory valuation cap and its application under Section 7-36-21.2 NMSA 1978, which ruling was affirmed by the New Mexico Supreme Court in June, 2014.

Table 8

Tax Collections on Locally Assessed and Centrally Assessed Property

General (*ad valorem*) taxes for all units of government are collected by the Sandoval County Treasurer and distributed monthly to the various political subdivisions to which they are due. Property taxes are due in two installments. The first half installment is due on November 10 and becomes delinquent on December 10. The second half installment is due on April 10 and becomes delinquent on May 10. Collection statistics for Sandoval County are presented here:

Property Tax Collections for Sandoval County						
Tax	Fiscal	Net Taxes	Current	Current	Current/Delinquent	Current/Delinquent
Year	Year	Charged to	Tax	Collections	Tax	Collections as a
		Treasurer	Collections ⁽¹⁾	as a	Collections ⁽²⁾	% of Net Levied
				% of Net		
				Levied		
2022	22/23	\$157,850,066	\$153,229,924	97.07%	\$153,229,924	97.07%
2021	21/22	144,304,219	139,859,626	96.92%	142,943,050	99.06%
2020	20/21	134,831,632	129,969,551	96.39%	134,144,219	99.49%
2019	19/20	131,742,870	127,693,224	96.93%	131,223,611	99.61%
2018	18/19	119,816,354	116,428,185	97.17%	119,422,853	99.67%
2017	17/18	114,558,076	110,892,832	96.80%	114,143,082	99.64%
2016	16/17	124,527,953	120,420,512	96.70%	124,176,466	99.72%
2015	15/16	119,096,333	115,023,384	96.58%	118,787,038	99.74%
2014	14/15	115,940,796	111,651,378	96.30%	115,665,792	99.76%
2013	13/14	115,627,087	111,929,449	96.80%	115,367,319	99.78%

⁽¹⁾ Current collections through June 30 of each year.

⁽²⁾ As of June 30, 2023.

Source: Sandoval County Treasurer's Office;
compiled by Accu-Disclose, LLC.

Interest on Delinquent Taxes

Pursuant to Section 7-38-49 NMSA 1978, if property taxes are not paid for any reason within thirty days after the date they are due, interest on the unpaid taxes shall accrue from the thirtieth day after they are due until the date they are paid. Interest accrues at the rate of one percent (1%) per month or any fraction of a month.

Penalty for Delinquent Taxes

Pursuant to Section 7-38-50 NMSA 1978, if property taxes become delinquent, a penalty of one percent of the delinquent tax for each month, or any portion of a month, they remain unpaid shall be imposed, but the total penalty shall not exceed five percent (5%) of the delinquent taxes. The minimum penalty imposed is \$5.00. A City can suspend application of the minimum penalty requirement for any tax year.

If property taxes become delinquent because of intent to defraud by the property owner, 50% of the property taxes due or \$50.00, whichever is greater, shall be added as a penalty.

Remedies Available for Non-Payment of Taxes

Pursuant to Section 7-38-47 NMSA 1978, property taxes are the personal obligation of the person owning the property on the date on which the property was subject to valuation for property taxation purposes. A personal judgment may be rendered against the taxpayer for payment of taxes that are delinquent, together with any penalty and interest on the delinquent taxes.

Taxes on real property are a lien against the real property. A lien runs in favor of the State and secures the payment of property taxes and any penalty and interest until such payments are made. Such lien is a first lien and paramount to any other interest in the property, perfected or unperfected. Pursuant to Section 7-38-65 NMSA 1978, delinquent taxes on real property may be collected by selling the real property on which taxes are delinquent.

Pursuant to Section 7-38-53 NMSA 1978, delinquent property taxes on personal property may be collected by asserting a claim against the owner(s) of the personal property for which taxes are delinquent.

Protest

Pursuant to Section 7-38-39 NMSA 1978, after receiving his or her property tax bill and after making payment prior to the delinquency date of all property taxes due in accordance with the bill, a property owner may protest the value or classification determined for his or her property for property taxation purposes, the allocation of value of his or her property to a particular governmental unit, the application to his or her property of an administrative fee adopted pursuant to Section 7-38-36.1 NMSA 1978 or a denial of a claim for an exemption by filing a claim for refund in the district court. Pursuant to Section 7-38-41 NMSA 1978, the portion of any property taxes paid to the County Treasurer that is not admitted to be due and is the subject of a claim for refund will be deposited in a "property tax suspense fund." Moneys in the property tax suspense fund may not be used for the payment of debt service on the Bonds.

FINANCES OF THE CITY

Budget Process

The City adheres to the following procedure in establishing its annual budget: the City Manager prepares a recommended budget, which is forwarded to the Mayor by April 15th for the fiscal year commencing the following July 1; public input is sought by the Governing Body during the month of May in public hearings; the budget is approved by the Governing Body and forwarded for approval to the State of New Mexico, Local Government Division of the Department of Finance and Administration by June 1; the final budget is returned to the City with recommended changes and modifications, if any; and the final budget is approved by the Governing Body by July 31.

The operating budget includes proposed expenditures and the means of financing them. The City has established thresholds under which budget adjustments may be authorized administratively. Administrative budget adjustments less than \$1,000 can be approved by the Budget and Grants Manager; adjustments up to \$5,000 can be approved by the Director of Financial Services; and adjustments up to \$50,000 can be approved by the City Manager. When a departmental budget contains more than one fund, the total administrative budget adjustments shall not exceed \$50,000 in any one fund and shall not exceed \$100,000 in aggregate. Approval of the Governing Body for funding adjustments between departments, that impact the overall budget of any fund, or pull from the ending fund balance is required. As a management control device, the City employs formal budgetary integration at the line-item level. Deficit financing is not permitted under New Mexico law. The level of classification detail at which expenditure may not legally exceed appropriation for each budget item is the fund level (i.e., General, Water Utility, etc.).

The City was awarded the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for fiscal year 2024, which is the 18th consecutive year the City has achieved this designation.

Financial Statement

The following General Fund Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balances have been included herein for informational purposes only. Figures were taken from the audit reports prepared by the City. Audited figures are excerpts of the audit reports and do not purport to be complete. Reference is made to the complete audit reports which are available upon request.

Table 9

CITY OF RIO RANCHO, NEW MEXICO
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES-
GENERAL FUND⁽¹⁾

<i>Year Ending June 30</i>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Revenues					
Property Taxes	\$16,647,216	\$17,313,316	\$17,401,465	\$18,653,039	\$20,603,894
Municipal Taxes	20,369,275	25,012,095	26,227,197	34,659,421	38,057,447
Franchise Taxes	3,707,166	4,449,274	4,935,662	5,187,677	5,358,634
License and Permits	368,108	371,336	330,157	393,214	329,274
Intergovernmental - Federal	194,310	595,454	13,164,926	239,780	267,147
Intergovernmental - State	12,275,825	15,913,692	17,216,025	22,303,294	27,409,750
Intergovernmental - Local	95,124	118,323	168,207	49,772	162,145
Charges for Services	6,200,202	5,598,336	6,439,369	7,168,792	7,263,071
Fines and Forfeitures	886,131	787,673	746,391	667,756	578,102
Investment Income (Expense)	68,781	81,046	186,111	(919,976)	186,867
Miscellaneous	2,187,496	2,483,403	2,601,970	3,437,640	3,165,623
Total Revenues	<u>\$62,999,634</u>	<u>\$72,723,948</u>	<u>\$89,417,480</u>	<u>\$91,840,409</u>	<u>\$103,381,954</u>
Expenditures					
General Government	\$8,689,428	\$9,547,521	\$10,935,830	\$11,436,849	\$13,479,586
Public Safety	27,579,494	29,646,668	29,646,668	32,178,790	34,311,229
Public Works	6,979,240	7,119,139	7,119,139	8,599,253	9,430,888
Parks, Recreation and Culture	7,877,624	7,890,035	7,890,035	8,502,380	10,133,510
Community and Economic Development	2,977,644	2,749,908	2,749,911	3,178,043	3,433,727
Capital Outlay	764,031	1,344,503	1,036,219	3,044,477	4,373,474
Total Expenditures	<u>\$54,867,461</u>	<u>\$58,297,774</u>	<u>\$59,377,802</u>	<u>\$66,939,792</u>	<u>\$75,162,414</u>
Revenues Over (Under) Expenditures	\$8,132,173	\$14,426,174	\$30,039,678	\$24,900,617	\$28,219,540
Other Financing Sources (Uses)					
Loan Proceeds	-	-	-	-	-
Sale of Capital Assets	-	61,059	69,335	8,850	128,929
Transfers In	3,748,505	121,778	163,875	628,955	50,077
Transfers Out	(4,823,928)	(6,342,094)	(3,419,056)	(23,683,967)	(21,125,431)
Total Other Financing Sources (Uses)	<u>(1,075,423)</u>	<u>(6,159,257)</u>	<u>(3,185,846)</u>	<u>(23,046,162)</u>	<u>(20,946,425)</u>
Net Change in Fund Balances	\$7,056,750	\$8,266,917	\$26,853,832	\$1,854,455	\$7,273,115
Fund Balance, Beginning of Year	\$13,739,208	\$20,795,958	\$29,062,875	\$55,916,707	\$57,771,162
Fund Balance, End of Year	\$20,795,958	\$29,062,875	\$55,916,707	\$57,771,162	\$65,044,277

Table 10

**CITY OF RIO RANCHO, NEW MEXICO
BALANCE SHEET – GENERAL FUND⁽¹⁾**

<i>Year Ending June 30</i>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Assets					
Cash & Cash Equivalents	\$13,674,160	\$19,858,971	\$36,502,216	\$26,357,733	\$23,612,651
Receivables:					
Accounts, Net	1,394,011	1,447,551	1,639,264	1,860,150	1,620,479
Interest	5,513	5,101	7,576	9,817	112,084
Property Taxes	931,567	1,015,300	1,017,924	954,857	955,540
Gross Receipt Taxes	3,698,571	4,326,314	4,558,317	6,001,285	6,540,125
Due from Federal Government	80,399	315,916	-	32,253	48,073
Due from State Government	2,198,000	2,660,461	2,992,691	4,462,256	4,830,771
Due from Local Governments	-	20,876	89,083	38,855	-
Lease Receivable	-	-	-	2,531,884	2,427,226
Investments	1,293,630	1,361,668	16,084,121	19,407,938	30,826,558
Due from Other Funds	780,834	1,283,867	2,878,254	2,002,334	2,644,790
Total Assets	\$24,056,685	\$32,296,025	\$65,769,446	\$63,659,362	\$73,618,297
Liabilities					
Accounts Payable	\$1,074,332	\$903,305	\$1,095,600	\$962,819	\$1,614,328
Accrued Liabilities	1,383,385	1,469,917	2,105,636	2,079,417	4,301,430
Unearned Revenues	-	-	5,765,727	-	-
Total Liabilities	\$2,457,717	\$2,373,222	\$8,966,963	\$3,042,236	\$5,915,758
Deferred Inflows of Resources					
Unavailable Revenue - Property Taxes	\$803,010	\$859,928	\$885,776	\$874,139	\$852,940
Deferred Lease Items	-	-	-	1,971,825	1,805,322
Total Deferred Inflows of Resources	\$803,010	\$859,928	\$885,776	\$2,845,964	\$2,658,262
Fund Balances (Deficits)					
Restricted	\$0	\$0	\$0	\$0	\$0
Assigned	-	-	-	-	-
Unassigned	20,795,958	29,062,875	55,916,707	57,771,162	65,044,277
Total Fund Balances	\$20,795,958	\$29,062,875	\$55,916,707	\$57,771,162	\$65,044,277
Total Liabilities, Deferred Inflows of Resources and Fund Balances	\$24,056,685	\$32,296,025	\$65,769,446	\$63,659,362	\$73,618,297

Source: Audited Financial Statements of the City of Rio Rancho.

THE CITY

General

The City of Rio Rancho is currently the third largest city in New Mexico and has experienced rapid growth historically. Rio Rancho is located in central New Mexico at 5,679 feet above sea level, and is adjacent to Albuquerque, New Mexico’s largest city. In the early 1960s, the AMREP Corporation purchased 55,000 acres of land on the outskirts of Albuquerque, originally called Rio Rancho Estates. AMREP marketed the area to residents in the Midwest and eastern states. When home building began in 1962, many of the first residents were middle-income retirees. In 1966, the 100th family moved to Rio Rancho and by 1977 the population had grown to 5,000. In 1971, AMREP purchased and platted an additional 35,000 acres. Rio Rancho Estates at that time included 92,000 acres and was larger, geographically, than the city of Albuquerque.

By the late 1970’s the area had grown to a community of about 11,000. In September of 1981 the City of Rio Rancho was formally incorporated as a New Mexico municipality. Rapid employment, population and housing growth characterized Rio Rancho in the 1980’s and continued through the 1990’s. Population and housing stock tripled between 1980 and 1990. The City’s population grew by approximately 45 percent between the 2000 census and the 2010 census and has overtaken Santa Fe as the third largest City in the State behind Albuquerque and Las Cruces. The City has a land area of approximately 105 square miles and a population of approximately 104,046 (2020 Census).

Government

The City was incorporated in 1981 and operates under a home rule charter, adopted by voter approval in March, 1992, with a Council-Manager form of government. Nonpartisan elections are held for members of the Governing Body of the City (the “Governing Body”) for the election of councilors from six single member districts and for a Mayor to be nominated and elected at large by the residents and qualified voters of the City. Under the City Charter, as amended, the Mayor is a voting member of the Governing Body in the event of a tie vote or if a councilor is absent.

Members of the Governing Body are elected for staggered four-year terms. The members and the date of expiration of their current terms are as follows:

Name	Office	Current Term Expires
Greggory D. Hull	Mayor	March, 2026
Deb Dapson	Councilor, District 1	March, 2028
Jeremy Lenentine	Councilor, District 2	March, 2026
Bob Tyler	Councilor, District 3	March, 2026
Paul Wymer	Councilor, District 4	March, 2028
Karissa D. Culbreath	Councilor, District 5	March, 2026
Nicole List	Councilor, District 6	March, 2028

Administrative Officers

Greggory D. Hull, Mayor. The Mayor is a member of the Governing Body of the City and the Chief Executive Officer of the City. The Mayor presides at meetings of the Governing Body and is a member of the Governing Body entitled to vote in the absence of a councilor or to break a tie. As Chief Executive Officer of the City, the Mayor exercises all administrative and executive powers, except to the extent that those powers are vested with the City Manager; represents the City in intergovernmental

relationships; presents an annual State of the City report to the Governing Body; and performs other duties and exercise such other powers as specified in the City Charter, City ordinances and resolutions, or by the Governing Body. Mr. Hull was first elected as Mayor of Rio Rancho in April 2014 via a runoff election for a four-year term, and was re-elected in March 2022 for another four-year term.

Matt Geisel, City Manager. The City Manager is the Chief Administrative Officer of the City, in charge of the day-to-day administrative affairs of the City, and responsible to the Mayor and Governing Body, as appropriate, for the administration of all City affairs placed in the administrator's charge by or under the City Charter. The Governing Body appointed Mr. Geisel the City Manager on April 22, 2021. Mr. Geisel served as the Secretary of the Economic Development Department of the State of New Mexico from October, 2016 to December, 2018. In September 2019, Mr. Geisel returned to the City in the role of Economic Development and Business Relations Manager and Acting Development Services Director. Mr. Geisel previously worked for the City from January 2009 to September 2016 in various roles, including Economic Development and Business Relations Manager. Mr. Geisel has a Bachelor of Arts in Economics and Spanish from the University of California, Davis and a Master of Business Administration, from the University of California, Los Angeles.

Carole Jaramillo, Director of Financial Services. The Chief Financial Officer of the City is the Director of Financial Services, who also serves as the City Treasurer. The Director of Financial Services is appointed by the City Manager and is confirmed by the Governing Body. The Director of Financial Services is responsible for the City's cash and investments, accounting, budgeting, contracts, procurement, and Motor Vehicle Division. Ms. Jaramillo began serving as Director of Financial Services in 2016, through April 2019 and then resumed her position with the City in August 2019. She previously served as Santa Fe County Finance Director, and prior to that served as the payroll supervisor, budget administrator and accountant with Santa Fe County. Prior to her public sector experience, Ms. Jaramillo spent her career in the not-for-profit sector serving various entities in financial capacities of accountant, assistant controller and finance director. Ms. Jaramillo studied Business Administration at George Mason University in Fairfax, Virginia and is an alumna of the Leadership New Mexico Local Government Leadership and Core Programs.

Josh Rubin, City Attorney. The City Attorney serves as chief legal advisor to the Council, City Manager, and all department heads, offices and agencies. The City Attorney represents the City in all legal proceedings and performs any other duties prescribed by law. The City Attorney is appointed by the City Manager and confirmed by the Governing Body. Mr. Rubin has served as City Attorney since March 13, 2023; however, Mr. Rubin has been employed by the City since August of 2018. Prior to serving as the City Attorney, Mr. Rubin served as Deputy City Attorney and Assistant City Attorney. Before joining the City, Mr. Rubin served as an Assistant District Attorney in Bernalillo County (March of 2016 through August of 2018) as a felony prosecutor and worked for Fidelity Investments LLC (August of 2015 through March of 2016) in Fidelity's retirement benefits contracting group. Mr. Rubin holds a Bachelor of Business Administration, majoring in finance with a minor in economics, from the University of New Mexico and a Juris Doctorate from the University of New Mexico School of Law.

Other Employees

As of June 30, 2023, the City had 770.98 full-time equivalent employees. The City's police force consists of 145 uniformed officers. The City operates a library, an aquatic center, a senior citizens center, six fire stations, a municipal water and sewer utility, and a solid waste collection and disposal system, contracted by the City. The City also operates outdoor swimming pools, sports fields and playgrounds with paid staff members during an active summer recreational program. The City has three employee unions, including Police, Fire, and AFSCME. The City considers its relations with its employees to be good.

Economy

The City's economy and surrounding area have been based primarily on the Intel manufacturing plant, government and related activities, retail trade, tourism, arts and entertainment, and recreation. Over the past decade, Rio Rancho has experienced steady growth in healthcare. In 2011 and 2012, Presbyterian Rust Medical Center ("Rust") and University of New Mexico Sandoval Regional Medical Center ("UNMSRMC") hospitals opened in the City. Rust continues to expand with a 100,000 square foot Professional Medical Office Building, which represents a \$30M investment, is the fourth building constructed pursuant to a six-building master plan, and is expected to employ more than 1,000 individuals across the entire medical complex. UNMSRMC recently completed a Center of Excellence for Orthopedic Surgery and Rehabilitation, which will house academic faculty, research office and labs, clinic and rehabilitation.

Rust and UNMSRMC have attracted additional medical offices in the surrounding areas along the Unser corridor in the Petroglyphs Medical Plaza and Unser Pavilion sites. As part of this associated medical growth, the City has seen Acute Care and Assisted, Independent and Memory Care facilities invest in Rio Rancho. The Village, an approximately 64-acre mixed use development adjacent to Presbyterian Rust Medical Center along the Unser Gateway, is positioning its development to attract medical and wellness providers, as well as retail uses.

The City has attracted industry to provide employment for its residential growth. Intel Corporation, New Mexico's most prominent manufacturer, has upgraded or overhauled its Rio Rancho site seven times since the 1980s. Over the past few years, Intel has repositioned its Rio Rancho facility from traditional wafer chip manufacturing to new technologies. In fall 2018, the company announced the relocation of its Optane (formerly known as 3D XPoint) technology development to Rio Rancho, creating over 100 new research and development jobs. In spring 2019, Intel announced another 300 new jobs in the area of silicon photonics. Per Media reports, employment would grow to more than 1,600 with an average annual salary at the facility of \$145,000. In Spring, 2021, Intel announced that it will invest \$3.5 billion to equip its Rio Rancho operations for the manufacture of advanced semiconductor technologies. The multi-year investment is expected to create at least 700 high-tech jobs.

New Mexico start-up Nature's Toolbox has relocated its operation to Rio Rancho. The company's mission is to advance the healthcare industry with commercial its cell-free technology to expedite the development and manufacturing of vaccines and pharmaceuticals using mRNA and protein technology to accelerate preclinical drug discovery efforts. Nature's Toolbox has created ___ high paying jobs in its Rio Rancho facility.

A number of long-standing, small to mid-sized manufacturers have located in Rio Rancho, including as Aero Parts, Aer Sale, DHF Technical, Insight Lighting, LectroSonics, and Stainless Motors in Sandoval County. Those manufacturers serve as a solid base of advanced and skilled manufacturing jobs in Rio Rancho.

The office and customer contact center industry has played a key role in Rio Rancho for more than two decades. HP, Inc. has operated a sales and premium support center since 2009, currently employing approximately 800 workers with a \$45 million payroll. Bank of America, which has operated a customer care facility in Rio Rancho since 1999, started a job creation and service line expansion in 2015, with plans to grow its staff by 300 to a total of 450. As of late 2019, the facility employed over 500, providing premium customer care to multi-line and high net-worth customers as well as small-business lending services. The facility's starting wage is \$20 per hour.

Rio Rancho continues to be an attractive place to live for both growing families and retirees. Over the past decade, Rio Rancho's share of single-family residential starts has averaged 31.8 percent of the four

county metro area with the high point being 44.3 percent of the market share in 2021. In fiscal year 2023 Rio Rancho had 966 new single-family home starts, and there are a total of 2846 vacant developed lots and preliminary plat approvals in the pipeline throughout the City in approved master-planned communities and subdivisions. The 173-acre Los Diamantes Masterplan Community is the cornerstone of this anticipated residential growth, with 457 single family residential lots and approximately 63 acres designated for commercial/industrial use. Los Diamantes is in close proximity to Joe Harris Elementary School, which opened in August 2021, as well as the site for Rio Rancho's third high school (construction date to be determined).

Retirement Plan

The City participates in a pension plan organized on a statewide basis and operated by the State of New Mexico. The Public Employees' Retirement Association of New Mexico (the Plan"), established by Chapter 167, Laws of 1947, New Mexico Statutes Annotated, 1978 Compilation, as amended, requires contributions, computed as a percentage of salary, from both employee and employer for all full-time employees. The majority of State and municipal employees in New Mexico participate in the Plan. The Plan requires contributions by the City and by employees at rates established by statute.

In addition to retirement benefits, the Plan provides disability benefits, surviving spouse and children's benefits, deferred benefits option and cost of living adjustments for all eligible participants. Employer contributions to the pension plan amounted to \$8,754,230 for the fiscal year ended June 30, 2023. The City's liability under the Plan is limited to the periodic employer contributions, that it is required to make for its participating employees. Future deficits of the Plan are expected to be financed by the State. For additional information regarding the Plan, please refer to Note 10 to the City's audited financial statements.

On June 25, 2012, the Governmental Accounting Standards Board approved Statement No. 68 which requires governments providing defined benefit pensions to recognize their long-term obligation for pension benefits as a liability for the first time, and to more comprehensively and comparably measure the annual costs of pension benefits. Statement No. 68 requires cost-sharing employers, such as the City, to record a liability and expense equal to their proportionate share of the collective net pension liability and expense for the cost-sharing plan. Statement No. 68 was effective for fiscal years beginning after June 15, 2014.

The City offers other post-employment benefits through the Retiree Health Care Fund, a cost-sharing multiple employer defined benefit plan administered by the New Mexico Retiree Healthcare Authority. This plan is used to provide post-employment health insurance benefits for eligible employees and their dependents. The contribution requirements are established by and may be amended by the statute. The City's contribution to the fund for Fiscal Year 2023 was \$773,547. For additional information regarding the post-employment benefit plan, please refer to Note 11 to the City's audited financial statements.

City Insurance Coverage

The City participates in the New Mexico Self-Insurers' Fund Risk Pool (the "Pool"), together with other New Mexico municipalities. The Pool is a public entity risk pool currently operating as a common risk management and insurance program for its members. The City paid an annual premium of \$1,670,320 for general insurance coverage during Fiscal Year 2023. The City maintains commercial insurance for all other risks of loss, including accident insurance. The City believes that it maintains coverage for its assets and operations at a level which is customary and adequate, in its opinion, for similar entities insuring similar operations and assets. There can be no assurance, however, that the City will continue to maintain the present level of coverage or that the insurance maintained will be sufficient.

ECONOMIC AND DEMOGRAPHIC STATISTICS

This section contains general information concerning the economic and demographic conditions in and surrounding the City. The information presented was obtained from the sources indicated, and the City makes no representation as to the accuracy or completeness of the data presented. All data in this subsection is presented on a calendar year basis. See also “*Special Factors Affecting the Payment of Debt Service on the Bonds and Available Remedies-- Public Health Pandemics or Outbreak Risks*” for a discussion of potential economic implications of the COVID-19 pandemic.

Table 12

Population

The Albuquerque Metropolitan Statistical Area (“MSA”) includes Bernalillo, Sandoval, Torrance and Valencia Counties. The Census added Torrance County to the MSA in the 2000 Census.

Population

Year	City of Rio Rancho	Albuquerque MSA	State
2000	51,733	729,649	1,819,046
2005	67,598	797,146	1,912,884
2006	72,857	815,979	1,937,916
2007	77,757	833,044	1,964,402
2008	81,906	845,913	1,984,356
2009	85,169	857,903	2,009,671
2010	87,357	887,077	2,059,179
2011	84,355	896,838	2,077,744
2012	87,068	900,368	2,083,590
2013	89,098	902,083	2,085,161
2014	90,627	902,069	2,083,207
2015	91,807	903,489	2,082,264
2016	92,966	906,877	2,085,432
2017	93,317	910,726	2,088,070
2018	98,802	911,171	2,081,015
2019	99,371	915,071	2,087,058
2020	104,361	917,579	2,097,688
2021	105,944	919,332	2,099,133
2022	108,082	920,438	2,113,976

Source: United States Census Bureau, Annual Estimates & American Community Survey2022.

Table 13**Age Distribution**

The following table sets forth the age distribution profile for the Albuquerque Metropolitan Statistical Area, the State and the United States.

<u>Percentage of Population</u>			
Age	City of Rio Rancho	New Mexico	United States
0 – 24	32.31%	32.15%	31.56%
25 – 34	11.91%	13.24%	13.52%
35 – 44	13.97%	12.30%	12.74%
45 – 54	12.87%	11.20%	12.34%
55 and older	29.12%	31.11%	29.84%

Source: Spotlight, June, 2021.

Table 14**Income**

The following table sets forth annual per capita personal income levels in dollars for the Albuquerque MSA, the State and the United States.

<u>Per Capita Personal Income</u>			
Calendar Year	Albuquerque MSA	New Mexico	United States
2014	37,284	36,880	46,357
2015	38,644	37,753	48,038
2016	40,050	38,175	48,943
2017	40,802	39,177	50,977
2018	42,178	40,977	53,310
2019	44,587	43,121	55,539
2020	48,654	46,629	59,159
2021	52,972	51,134	64,411
2022	53,954	52,190	65,475
2023	**	54,428	68,548

Source: Bureau of Economic Analysis, U.S. Department of Commerce, compiled by Federal Reserve Bank of St. Louis.

** Data unavailable.

Table 15

Employment

The following table provides a ten-year history of average employment in the Albuquerque MSA, the State and the United States.

EMPLOYMENT/UNEMPLOYMENT RATES

Year⁽¹⁾	Albuquerque MSA Labor Force	Albuquerque MSA % Unemployed	State Labor Force	State % Unemployed	U.S. % Unemployed
2023	**	3.4%	964,991	3.8%	3.6%
2022	441,364	3.7%	947,991	4.1%	3.6%
2021 ⁽²⁾	438,348	6.6%	942,505	7.1%	5.4%
2020	429,080	7.7%	931,147	7.9%	8.1%
2019	437,880	4.7%	955,890	5.0%	3.7%
2018	432,462	4.7%	944,844	4.9%	3.9%
2017	433,432	5.6%	948,364	6.0%	4.4%
2016	429,598	6.2%	944,335	6.8%	4.9%
2015	422,292	6.2%	938,333	6.6%	5.3%
2014	418,981	6.4%	932,024	6.6%	6.2%

** Figures not available.

⁽¹⁾ Figures are annual averages.

Source: U.S. Bureau of Labor Statistics, as compiled by Federal Reserve Bank of St. Louis.

Table 16

Major Employers

Some of the largest employers in the City are set forth below. No independent investigation into their affairs has been made and consequently there can be no representation as to the stability or financial condition of the companies listed hereafter, or the likelihood that such companies will maintain their status as major employers in the area.

**MAJOR EMPLOYERS
By Number of Employees – 2023**

ORGANIZATION	EMPLOYEES	DESCRIPTION
Rio Rancho Public Schools	2,830	Public School District
Intel Corporation	2,100	Semiconductor Manufacturer
Presbyterian Healthcare Services	1,200	Hospital/Medical Services
City of Rio Rancho	770.98	Municipal Government
HP, Inc.	650	Computer & Computer Parts Manufacturer
Sandoval Regional Medical Center	650	Medical Services
Brycon Corporation	420	Construction
Bank of America	400	Banking and Financial Services
Safelite Solutions, LLC	300	
US Cotton Inc.	250	Manufacturing

Source: Sandoval Economic Alliance.

Table 17

The following table reflects the Percent of Households by Effective Buying Income Groups (“EBI”) for the Albuquerque Metropolitan Statistical Area (“MSA”), the State and the United States. EBI is defined as money income less personal tax and non-tax payments described below. Money income is the aggregate of wages and salaries, net farm and nonfarm self-employment income, interest, dividends, net rental and royalty income, Social Security and railroad retirement income, other retirement and disability income, public assistance income, unemployment compensation, Veterans Administration payments, alimony and child support, military family allotments, net winnings from gambling, and other periodic income. Deducted from this total money income are personal income taxes, personal contributions to social insurance (Social Security and federal retirement payroll deductions), and taxes on owner-occupied non-business real estate. Receipts from the following sources are not included as money income: money received from the sale of property; the value of “in kind” income such as food stamps, public housing subsidies, and employer contributions for persons; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump-sum inheritances, insurance payments, and other types of lump-sum receipts.

**Percent of Households by
Effective Buying Income Groups**

Effective Buying Income Group	Albuquerque MSA	New Mexico	United States
Under \$25,000	19.52%	23.08%	16.38%
\$25,000 - \$34,999	9.10%	10.17%	7.70%
\$35,000 - \$49,999	12.30%	12.92%	11.36%
\$50,000 - \$74,999	17.06%	16.79%	16.21%
Over \$75,000	42.02%	37.04%	48.35%
2018 Est. Median Household Income	\$52,172	\$48,044	\$60,133
2019 Est. Median Household Income	\$54,350	\$49,654	\$60,336
2020 Est. Median Household Income	\$54,440	\$49,385	\$65,228
2021 Est. Median Household Income	\$54,431	\$49,658	\$67,086
2022 Est. Median Household Income	\$54,431	\$49,658	\$67,086

Source: Spotlight, February 2022.

Table 18

Gross Receipts

The following tables show the total reported gross receipts, total reported retail gross receipts, and taxable gross receipts generated in the City for the past five years. For the purposes of these tables, gross receipts means the total amount of money received from selling goods and services in the State of New Mexico, from leasing property employed in the State and from performing services in the State. Gross receipts include, among other things, food sales and services such as legal and medical services.

Historical Total Gross Receipts Reported for City

Fiscal Year	City of Rio Rancho	
	Retail Trade	Total
2023	\$977,560,795	\$4,065,377,937
2022	872,133,930	3,561,665,655
2021	663,138,562	2,434,753,844
2020	560,446,332	2,576,819,120
2019	583,379,988	2,093,324,562

Source: New Mexico Taxation and Revenue Department RP-80 Reports.

**Historical Taxable Gross Receipts Reported for City
HERE**

<u>Fiscal Year</u>	<u>Taxable Gross Receipts</u>
2023	\$ 1,987,084,984
2022	1,935,419,701
2021	
2020	1,438,863,424
2019	1,223,013,900

Source: New Mexico Taxation and Revenue Department RP-80 Reports.

TAX EXEMPTION

General

In the opinion of Modrall, Sperling, Roehl, Harris & Sisk, P.A., Bond Counsel, to be delivered at the time of original issuance of the Bonds, under existing laws, regulations rulings and judicial decisions, and assuming compliance with covenants described herein, interest on Bonds is excludable from gross income for federal income tax purposes and is not an item of tax preference under Section 57 of the Code (as defined below) for purposes of the federal alternative minimum tax imposed on individuals. Bond Counsel is also of the opinion, based on existing laws of the State of New Mexico as enacted and construed, that interest on the Bonds is exempt from all taxation by the State of New Mexico or any political subdivision thereof.

The Internal Revenue Code of 1986, as amended (the “Code”), imposes various restrictions, conditions and requirements relating to the exclusion from gross income for federal tax purposes of interest on obligations such as the Bonds. The City has made various representations and warranties with respect to, and has covenanted in the Bond Ordinance and other documents, instruments and certificates to comply with the applicable provisions of the Code to assure that interest on the Bonds will not become includible in gross income. Failure to comply with these covenants or the inaccuracy of these representations and warranties may result in interest on the Bonds being included in gross income from the date of issue of the Bonds. The opinion of Bond Counsel assumes compliance with the covenants and the accuracy of such representations and warranties.

Although Bond Counsel has rendered an opinion that interest on the Bonds is excludable from gross income for federal income tax purposes, the accrual or receipt of interest on the Bonds may otherwise affect the federal income tax liability of the recipient. The extent of these other tax consequences will depend upon the recipient’s particular tax status or other items of income or deduction. Bond Counsel expresses no opinion regarding any such consequences. Before purchasing any of the Bonds, potential purchasers should consult their tax advisors as to the tax consequences of purchasing or owning the Bonds.

The opinions expressed by Bond Counsel are based upon existing law as of the date of issuance and delivery of the Bonds, and Bond Counsel expresses no opinion as of any date subsequent thereto or with respect to any pending legislation.

From time to time, there are legislative proposals in Congress that, if enacted, could alter or amend the federal tax matters referred to above or adversely affect the market value of the Bonds. It cannot be

predicted whether or in what form any such proposal might be enacted or whether if enacted, it would apply to Bonds issued prior to enactment. Each purchaser of the Bonds should consult his or her own tax advisor regarding any pending or proposed federal tax legislation. Bond Counsel expresses no opinion regarding any pending or proposed federal tax legislation.

Internal Revenue Service Audit Program

The Internal Revenue Service (the “Service”) has an ongoing program auditing tax-exempt obligations to determine whether, in the view of the Service, interest on such tax-exempt obligations is includable in the gross income of the owners thereof for federal income tax purposes. No assurances can be given as to whether the Service will commence an audit of the Bonds. If an audit is commenced, under current procedures the Service will treat the City as the taxpayer and the Bond owners may have no right to participate in such procedure. None of the Municipal Advisor, the Underwriter, or Bond Counsel is obligated to defend the tax-exempt status of the Bonds. The City has covenanted in the Bond Ordinance not to take any action that would cause the interest on the Bonds to become includable in gross income except to the extent described above for the owners thereof for federal income tax purposes. None of the City, the Municipal Advisor, the Underwriters or Bond Counsel is responsible to pay or reimburse the costs of any Bond owner with respect to any audit or litigation relating to the Bonds.

Original Issue Discount

The Bonds may be offered at a discount (“original issue discount”) equal generally to the difference between public offering price and principal amount. For federal income tax purposes, original issue discount on a bond accrues periodically over the term of the bond as interest. The amount of original issue discount deemed received by the holder is excludable from gross income of the holder for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals. The accrual of original issue discount increases the holder’s tax basis in the bond for determining taxable gain or loss from sale or from redemption prior to maturity. Holders of Bonds offered at an original issue discount should consult their tax advisors for an explanation of the accrual rules.

Original Issue Premium

The Bonds may be offered at a premium (“original issue premium”) over their principal amount. For federal income tax purposes, original issue premium is amortizable periodically over the term of a bond through reductions in the holders’ tax basis in the bond for determining taxable gain or loss from sale or from redemption prior to maturity. Amortizable premium is accounted for as reducing the tax-exempt interest on the bond rather than creating a deductible expense or loss. Holders of Bonds offered at an original issue premium should consult their tax advisors for an explanation of the amortization rules.

CONTINUING DISCLOSURE INFORMATION

In connection with the issuance of the Bonds, the City will execute a Continuing Disclosure Undertaking, in the form attached hereto as Appendix C, under which it will agree for the benefit of the owners of the Bonds to provide audited annual financial statements of the City when available after the end of each Fiscal Year, and to provide certain annual financial information and operating data (“Annual Disclosure”) relating to the City and timely notice of certain events.

The City has previously entered into continuing disclosure undertakings with respect to certain other obligations of the City in accordance with Rule 15c2-12. On March 24, 2017, the City's disclosure dissemination agent filed a notice that the City had inadvertently omitted certain data from its GRT and Water & Wastewater Annual Disclosures for FY2015. The data was subsequently included in the City Annual Disclosure for FY2016. The City believes that it has not otherwise been in default under those

continuing disclosure agreements in any material respect in connection with the filing of audited annual financial statements, annual financial information and notice of significant events in the past five years.

LITIGATION

At the time of the original delivery of the Bonds, the City will deliver a no-litigation certificate to the effect that no litigation or administrative action or proceeding is pending or, to the knowledge of the appropriate City officials, threatened, restraining or enjoining, or seeking to restrain or enjoin, the issuance and delivery of the Bonds, effectiveness of the Bond Ordinance, or contesting or questioning the proceedings and authority under which the Bonds have been authorized and are to be issued, sold, executed or delivered, or the validity of the Bonds.

UNDERWRITING

_____ (the “Underwriter”) has agreed, subject to certain customary conditions, to purchase the Bonds at a price equal to the initial offering prices to the public, as shown on the front cover page hereof, less an Underwriter’s discount of \$ _____. The Underwriter’s obligations are subject to certain conditions precedent, and the Underwriter will be obligated to purchase all of the Bonds, if any Bonds are purchased. The Bonds to be offered to the public may be offered and sold to certain dealers (including the Underwriter and other dealers depositing Bonds into investment trusts) at prices lower than the public offering prices of such Bonds and such public offering prices may be changed, from time to time, by the Underwriter.

The Underwriter has provided the following sentence for inclusion in this Official Statement. The Underwriter has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information.

LEGAL MATTERS

Modrall, Sperling, Roehl, Harris & Sisk, P.A., Albuquerque, New Mexico, Bond Counsel, will render an opinion with respect to the validity of the Bonds and with respect to tax matters described above under “TAX EXEMPTION”. The proposed form of such opinion is attached hereto as Appendix A. Modrall, Sperling, Roehl, Harris & Sisk, P.A., has also acted as special counsel to the City in connection with the preparation of this Official Statement. Certain legal matters will be passed upon for the City by the City Attorney. Certain legal matters will be passed upon for the Underwriter by McCall, Parkhurst & Horton L.L.P., Dallas, Texas.

INDEPENDENT ACCOUNTANTS

CliftonLarsonAllen LLP audited the financial statements of the City as of and for the year ended June 30, 2023 and delivered their report to the New Mexico State Auditor and the City. The complete Comprehensive Annual Financial Report of the City of Rio Rancho – Audited General Purpose Financial Statements – as of and for the Fiscal Year ended June 30, 2023, as well as for previous fiscal years, are public documents and are available from the New Mexico State Auditor. An excerpt from the 2023 audit is included in Appendix B to this Official Statement. CliftonLarsonAllen LLP has not been engaged to review this Official Statement or any information contained herein.

RATING

The Bonds have received a rating of “___” from Moody’s Investors Service (“Moody’s”). An explanation of the significance of the rating given by Moody’s may be obtained from Moody’s at 7 World Trade Center at 250 Greenwich Street, New York, NY 10007 or <https://www.moodys.com>.

Such rating reflects only the views of Moody’s and there is no assurance that such rating will continue for any given period of time after obtained or that such rating will not be revised downward or withdrawn entirely by the rating agency if, in its judgment, circumstances so warrant. Any such downward revision or withdrawal of such rating may have an adverse effect on the market price of the Bonds. Neither the City nor the initial purchasers of the Bonds have undertaken any responsibility to bring to the attention of the owners of the Bonds any proposed change in or withdrawal of such rating once received or to oppose any such proposed revision.

MUNICIPAL ADVISOR

RBC Capital Markets, LLC is employed as Municipal Advisor to the City in connection with the issuance of the Bonds. The Municipal Advisor’s fee for services rendered with respect to the sale of the Bonds is contingent upon the issuance and delivery of the Bonds. RBC Capital Markets, LLC, in its capacity as Municipal Advisor, has relied on the opinion of Bond Counsel and does not assume any responsibility for the information, covenants and representations contained in any of the legal documents with respect to the federal income tax status of the Bonds, or the possible impact of any present, pending or future actions taken by any legislative or judicial bodies.

The Municipal Advisor to the City has provided the following sentence for inclusion in this Official Statement. The Municipal Advisor has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to the City and, as applicable, to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Municipal Advisor does not guarantee the accuracy or completeness of such information.

TRANSCRIPT AND CLOSING DOCUMENTS

A complete transcript of proceedings and a no-litigation certificate (described above under “LITIGATION”) will be delivered by the City when the Bonds are delivered. The City will at that time also provide a certificate relating to the accuracy and completeness of this Official Statement.

ADDITIONAL INFORMATION

All summaries of the statutes, resolutions, opinions, contracts, agreements, financial and statistical data and other related reports described in this Official Statement are subject to the actual provisions of such documents. The summaries do not purport to be complete statements of such provisions and reference is made to such documents, copies of which are either publicly available or available for inspection during normal business hours at the offices of the City located at 3200 Civic Center Circle NE, Rio Rancho, New Mexico 87144 or at the offices of RBC Capital Markets, LLC, 6301 Uptown Boulevard, N.E., Suite 100, Albuquerque, New Mexico 87110.

OFFICIAL STATEMENT CERTIFICATION

As of the date hereof, this Official Statement is true to the best of my knowledge, complete and correct in all material respects, and does not include any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made herein, in light of the circumstances under which they are made, not misleading.

The preparation of this Official Statement and its distribution have been authorized by the City Council. The Official Statement is hereby duly approved by the City Council as of the date on the cover page hereof.

CITY OF RIO RANCHO, NEW MEXICO

By: /s/ _____
Greggory D. Hull, Mayor

APPENDIX A

OPINION OF BOND COUNSEL

_____, 2024

City of Rio Rancho
Rio Rancho, New Mexico

\$ _____
City of Rio Rancho, New Mexico
General Obligation Improvement Bonds
Series 2024

Ladies and Gentlemen:

We have acted as bond counsel to the City of Rio Rancho (the “City”), Sandoval County, State of New Mexico (the “State”), in connection with the issuance and sale of its \$ _____ General Obligation Improvement Bonds, Series 2024 (the “Bonds”), dated _____, 2024, with interest payable on February 1, 2025, and semi-annually thereafter on February 1 and August 1 in each year in which the Bonds are outstanding, being issued in registered form and maturing serially on August 1 in the years 2024 through 2036, inclusive. The Bonds are being issued pursuant to Ordinance No. _____, Enactment No. _____ adopted by the City Council on May 23, 2024 and the Pricing Certificate executed on June 18, 2024 (together, the “Bond Ordinance”).

We have examined the transcript of proceedings (the “Transcript”) relating to the issuance of the Bonds and the law under authority of which the Bonds are issued. Based on our examination, we are of the opinion that, under the law existing on the date of this opinion, subject to the provisions of federal bankruptcy law and other laws affecting creditors’ rights and further subject to the exercise of judicial discretion in accordance with general principles of equity:

1. The Bonds constitute legal, valid and binding general obligation debt of the City and the principal of and interest on the Bonds, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes on all property within the City subject to ad valorem taxes levied by the City, which taxes are unlimited as to rate or amount.

2. Under existing laws, regulations, rulings and judicial decisions, interest on the Bonds is excludable from gross income for federal income tax purposes. We are also of the opinion that interest on the Bonds is not a specific preference item for purposes of calculating the alternative minimum tax imposed on individuals under provisions contained in the Internal Revenue Code of 1986, as amended (the “Code”). Although we are of the opinion that interest on the Bonds is excludable from gross income for federal income tax purposes, the accrual or receipt of interest on the Bonds may otherwise affect the federal income tax liability of the recipient. The extent of these other tax consequences will depend upon the recipient’s particular tax status or other items of income or deduction. We express no opinion regarding any such consequences.

3. The Bonds and the income from the Bonds are exempt from all taxation by the State or any political subdivision of the State.

The opinions set forth above in paragraph 2 are subject to continuing compliance by the City with covenants regarding federal tax law contained in the proceedings and other documents relevant to the issuance by the City of the Bonds. Failure to comply with these covenants may result in interest on the Bonds being included in gross income retroactive to their date of issuance.

The opinions expressed herein are based upon existing laws as of the date of issuance and delivery of the Bonds. We express no opinion as of any date subsequent hereto, and our engagement with respect to the Bonds has concluded with their issuance. We disclaim any obligation to update this opinion.

The obligations of the City related to the Bonds are subject to the reasonable exercise in the future by the State and its governmental bodies of the police power inherent in the sovereignty of the State and to the exercise by the United States of the powers (including bankruptcy powers) delegated to it by the United States Constitution. The obligations of the City and the security provided therefor, as contained in the Bond Ordinance, may be subject to general principles of equity which permit the exercise of judicial discretion and are subject to the provisions of applicable bankruptcy, insolvency, reorganization, moratorium or similar laws relating to or affecting the enforcement of creditors' rights generally, now or hereafter in effect.

The foregoing opinions represent our legal judgment based upon a review of existing legal authorities that we deem relevant to render such opinions and are not a guarantee of result. We express no opinion with respect to any pending legislation.

We are passing upon only those matters set forth in this opinion and are not passing upon the accuracy or completeness of any statement made in connection with any sale of the Bonds or upon any tax consequences arising from the receipt or accrual or interest on, or the ownership of, the Bonds except those specifically addressed in paragraphs 2 and 3 above.

Respectfully submitted,

APPENDIX B

AUDITED FINANCIAL STATEMENTS – JUNE 30, 2023

The City has not requested the consent of CliftonLarsonAllen, LLP, which performed the audit of the City's Financial Statements, to the inclusion of the audit report and excerpts thereof in this Official Statement, and the auditor has not conducted a post-audit review of those Financial Statements.

APPENDIX C

FORM OF CONTINUING DISCLOSURE UNDERTAKING

CONTINUING DISCLOSURE UNDERTAKING

Section 1. Recitals. This Continuing Disclosure Undertaking (the “Undertaking”) is executed and delivered by the City of Rio Rancho, New Mexico (the “City”), in connection with the issuance of the City of Rio Rancho, New Mexico General Obligation Improvement Bonds, Series 2022 (the “Series 2022 Bonds” or the “Bonds”). The Bonds are being issued pursuant to Ordinance No. __, Enactment No. _____ adopted by the City Council on May 23, 2024, as supplemented by a Pricing Certificate executed on June 18, 2024 (together, the “Bond Ordinance”). Pursuant to the Bond Ordinance, to allow the owners of the Bonds to comply with the Rule (defined below), the City is required to make certain continuing disclosure undertakings for the benefit of owners (including beneficial owners) of the Bonds (the “Owners”). This Undertaking is intended to satisfy the requirements of the Rule.

Section 2. Definitions.

“Annual Financial Information” means the financial information (which will be based on financial statements prepared in accordance with generally accepted accounting principles, as in effect from time to time (“GAAP”), for governmental units as prescribed by the Governmental Accounting Standards Board (“GASB”)) and operating data with respect to the City, delivered at least annually pursuant to Sections 3(a) and 3(b) of this Undertaking, consisting of information of the type set forth under the captions “DEBT AND OTHER FINANCIAL OBLIGATIONS” and “FINANCES OF THE CITY” (tables 1 – 10) in the Official Statement.

“Audited Financial Statements” means the annual financial statements for the City, prepared in accordance with generally accepted accounting principles consistently applied, as in effect from time to time, audited by a firm of certified public accountants.

“EMMA” means the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access System located on its website at emma.msrb.org.

“Events” means any of the events listed in Section 4(a) of this Disclosure Undertaking.

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided however that a “financial obligation” shall not include municipal securities as to which a final official statement (as defined in Rule 15c2-12) has been provided to the MSRB consistent with Rule 15c2-12.

“Fiscal Year” means the Fiscal Year of the City, ending June 30.

“Official Statement” means the Official Statement dated _____, delivered in connection with the original issue and sale of the Series 2024 Bonds.

“Owners” means the registered owners of the Series 2024 Bonds, and so long as the Series 2024 Bonds are subject to the book-entry system, any Beneficial Owner, as such term is defined in the Bond Ordinance.

“Report Date” means March 31 of each year, beginning in 2025.

“Rule” means Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934, as amended (17 C.F.R. Part 240, Section 240.15c2-12), as the same may be amended from time to time.

“Rule 15c2-12” or “Rule” shall mean Rule 15c2-12 adopted by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

Section 3. Provision of Annual Financial Information.

(a) The City, or its designated agent, will provide the Annual Financial Information for the preceding fiscal year to EMMA on or before each Report Date while the Bonds are outstanding.

(b) Annual Financial Information shall be provided by the City not later than 270 days after the end of each Fiscal Year. If not filed with the Annual Financial Information, the Audited Financial Statements will be provided when available.

(c) The City, or its designated agent, may provide Annual Financial Information by specific reference to other documents, including information reports and official statements relating to other debt issues of the City, which have been submitted to EMMA or filed with the SEC; provided, however, that if the document so referenced is a “final official statement” within the meaning of the Rule, such final official statement must also be available from the MSRB.

Section 4. Reporting of Events.

(a) This Section 4 shall govern the giving of notices of the occurrence of any of the following Events with respect to the Series 2024 Bonds:

1. principal and interest payment delinquencies;
2. non-payment related defaults, if material;
3. unscheduled draws on debt service reserves reflecting financial difficulties;
4. unscheduled draws on credit enhancements reflecting financial difficulties;
5. substitution of credit or liquidity providers, or their failure to perform;
6. adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the Series 2024 Bonds;
7. modifications to the rights of the security holders, if material;
8. bond calls, if material, or tender offers;

9. defeasances;
10. release, substitution or sale of property securing repayment of the Series 2024 Bonds, if material;
11. rating changes;
12. bankruptcy, insolvency, receivership or a similar event with respect to the City or an obligated person;
13. the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. appointment of a successor or additional trustee, or a change of name of a trustee, if material;
15. the incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
16. a default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

(b) At any time the Series 2024 Bonds are outstanding and the City obtains knowledge of the occurrence of an Event, the City shall file, in a timely manner not in excess of ten (10) business days after the occurrence of the event, a notice of such occurrence with EMMA.

(c) At any time that the Series 2024 Bonds are outstanding, the City or its designated agent, shall provide to EMMA, notice in a timely manner not in excess of ten (10) business days after the occurrence of any failure of the City to timely provide the Annual Financial Information and Audited Financial Statements as specified in Section 3 hereof.

Section 5. Term. This Disclosure Undertaking shall be in effect from and after the issuance and delivery of the Series 2024 Bonds and shall extend to the earliest of (a) the date all principal and interest on the Series 2024 Bonds are deemed paid or legally defeased pursuant to the terms of the Bond Ordinance; (b) the date that the City is no longer an “obligated person” with respect to the Series 2024 Bonds within the meaning of the Rule; and (c) the date on which those portions of the Rule which require this Disclosure Undertaking are determined to be invalid by a court of competent jurisdiction in a non-appealable action, have been repealed retroactively or otherwise do not apply to the Series 2024 Bonds, the determination of (a), (b) or (c) herein to be made in any manner deemed appropriate by the City, including by an opinion of Counsel experienced in federal securities laws selected by the City. The City shall file a notice of any such termination with EMMA.

Section 6. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Undertaking, the City may amend this Disclosure Undertaking, and any provision of this Disclosure

Undertaking may be waived, if (a) such amendment or waiver is consented to by the Owners of no less than a majority in aggregate principal amount of the Series 2024 Bonds obtained in the manner prescribed by the Bond Ordinance or (b) if such amendment or waiver is otherwise consistent with the Rule, as determined by an opinion of Counsel experienced in federal securities laws selected by the City. Written notice of any such amendment or waiver shall be provided by the City to EMMA, and the Annual Financial Information shall explain the reasons for the amendment and the impact of any change in the type of information being provided. If any amendment changes the accounting principles to be followed in preparing financial statements, the Annual Financial Information for the year in which the change is made will present a comparison between the financial statement or information prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles. The City shall provide notice of any such amendment or waiver to EMMA.

Section 7. Additional Information. Nothing in this Disclosure Undertaking shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Disclosure Undertaking or any other means of communication, or including any other annual information or notice of occurrence of an event which is not an Event, in addition to that which is required by this Disclosure Undertaking; provided that the City shall not be required to do so. If the City chooses to include any annual information or notice of occurrence of an event in addition to that which is specifically required by this Disclosure Undertaking, the City shall have no obligation under this Disclosure Undertaking to update such information or include it in any future annual filing or notice of occurrence of an Event.

Section 8. Default and Enforcement. If the City fails to comply with any provision of this Disclosure Undertaking, any Owner of the Series 2024 Bonds may take action to seek specific performance by court order to compel the City to comply with its obligations under this Disclosure Undertaking; provided that any Owner of the Series 2024 Bonds seeking to require the City to so comply shall first provide at least 30 days' prior written notice to the City of the City's failure (giving reasonable details of such failure), following which notice the City shall have 30 days to comply and, provided further, that only the Owners of no less than a majority in aggregate principal amount of the Series 2024 Bonds may take action to seek specific performance in connection with a challenge to the adequacy of the information provided by the City in accordance with this Disclosure Undertaking, after notice and opportunity to comply as provided herein, and such action shall be taken only in a court of competent jurisdiction in the State of New Mexico. A DEFAULT UNDER THIS DISCLOSURE UNDERTAKING SHALL NOT BE DEEMED AN EVENT OF DEFAULT UNDER THE BOND ORDINANCE OR THE SERIES 2024 Bonds, AND THE SOLE REMEDY UNDER THIS DISCLOSURE UNDERTAKING IN THE EVENT OF ANY FAILURE OF THE CITY TO COMPLY WITH THIS DISCLOSURE UNDERTAKING SHALL BE AN ACTION TO COMPEL PERFORMANCE.

Section 9. Beneficiaries. The Disclosure Undertaking shall inure solely to the benefit of the City, the Underwriter and Owners from time to time of the Series 2024 Bonds, and shall create no rights in any other person or entity.

Section 10. Requesting Information. Persons seeking to obtain the Annual Financial Information, including the Audited Financial Statements, may obtain such information by contacting the City Director of Financial Services at 3200 Civic Center Circle NE, Rio Rancho, New Mexico 87144 (505) 891-5000.

Section 11. Governing Law. This Undertaking is governed by and is to be construed in accordance with the law of the State.

Dated: _____, 2024

CITY OF RIO RANCHO, NEW MEXICO

By: _____
Mayor

APPENDIX D

OFFICIAL NOTICE OF BOND SALE

\$16,000,000

**City of Rio Rancho, New Mexico
General Obligation Improvement Bonds
Series 2024**

PUBLIC NOTICE IS HEREBY GIVEN that electronic bids will be received by the City Council (the “Council”) of the City of Rio Rancho, New Mexico (the “City”), for the purchase of all of the City’s General Obligation Bonds, Series 2024 (the “2024 Bonds” or the “Bonds”), more particularly described below. The 2024 Bonds will be awarded to the winning bidder for the 2024 Bonds at 3:00 p.m., prevailing Mountain Time, on June 18, 2024.

Bids for the purchase of the 2024 Bonds will be accepted through the Grant Street Group electronic bidding web site (“Grant Street Group”) at www.grantstreet.com. No other method of submitting bids will be accepted. The date and time for submitting bids will be as follows:

Bid Date: June 18, 2024
Bid Time: Between 10:30 a.m. and 11:00 a.m. Eastern Time
(Between 8:30 a.m. and 9:00 a.m. Mountain Time)
Submit Bid to: www.grantstreet.com

Information related to this auction can be obtained from Grant Street Group Auction Support at (412) 391-5555 (x370), attention John Carver.

To bid, bidders must have both (1) completed the registration form on the Grant Street Group website and (2) requested and received admission to the City’s auction, as described under “TERMS OF SALE - Submission of Bids” below. The use of Grant Street Group shall be at the bidder’s risk and expense, and the City shall have no liability with respect thereto.

Neither the City, Grant Street Group, the Municipal Advisor, nor Bond Counsel shall be responsible for, and each bidder expressly assumes the risk of, any incomplete, inaccurate, or untimely bid submitted by Internet transmission by such bidder, including, without limitation, by reason of garbled transmissions, mechanical failure, engaged telephone or telecommunications lines, or any other cause arising from delivery by Internet transmission. Additionally, the Grant Street Group time stamp will govern the receipt of all bids. The official bid clock does not automatically refresh. Bidders must refresh the auction page periodically to monitor the progression of the bid clock and to ensure that their bid will be submitted prior to the termination of the auction. All bids will be deemed to incorporate the provisions of this Official Notice of Bond Sale.

This Official Notice of Bond Sale, and the information set forth herein, are not to be treated as a complete disclosure of all relevant information with respect to the 2024 Bonds. The information set forth herein is subject, in all respects, to a more complete description of

the 2024 Bonds and the security therefore set forth in the Preliminary Official Statement dated June 10, 2024 (the “Preliminary Official Statement”).

BOND DETAILS

The 2024 Bonds will be issued in the aggregate principal amount of \$16,000,000, exclusive of premium, if any. The 2024 Bonds and the interest thereon are general obligations of the City. The City has prepared the Preliminary Official Statement, relating to the 2024 Bonds which is deemed by the City to be final as of its date for purposes of allowing bidders to comply with Rule 15c2-12 of the Securities Exchange Commission (“the Rule”), except for the omission of certain information as permitted by the Rule. Details of the 2024 Bonds, including maturities, redemption provisions, payment dates and security for payment are contained in the Preliminary Official Statement. The Preliminary Official Statement is subject to revision, amendment and completion in a Final Official Statement.

Official Statement. The Preliminary Official Statement may be viewed and downloaded from www.grantstreet.com or a physical copy may be obtained by contacting the City or the Municipal Advisor, see “Information” below.

The City will make available to the winning bidder, within seven business days after the award of the sale of the 2024 Bonds, the Final Official Statement which is to be downloaded from www.grantstreet.com. One physical copy of the Final Official Statement also will be provided to the winning bidder at that time; provided, however, the winning bidder must cooperate in providing the information required to complete the Final Official Statement. Additional copies of the Final Official Statement may be provided at the expense of the winning bidder.

The winning bidder shall comply with the requirements of Rule 15c2-12 and the rules of the Municipal Securities Rulemaking Board.

TERMS OF SALE

Submission of Bids. All bids must be submitted only by electronic bidding on Grant Street Group at www.grantstreet.com. No other provider of bidding services and no other means of delivery (i.e. telephone, telefax or physical delivery) will be accepted. Bidding for the 2024 Bonds will begin at 10:30 a.m., Eastern Time (8:30 a.m. Mountain Time), as indicated above. The receipt of bids will end promptly at 11:00 a.m., Eastern Time (9:00 a.m. Mountain Time), unless extended in accordance with the two-minute rule described herein. If any bid becomes a leading bid two (2) minutes prior to the end of the auction, then the auction will be automatically extended by two (2) minutes from the time such new leading bid was received by Grant Street Group. The auction end time will continue to be extended, indefinitely, until a single leading bid remains the leading bid for at least two (2) minutes.

To bid, bidders must first visit the Grant Street Group website where, if they have never registered with Grant Street Group, they can register and then request admission to bid on the 2024 Bonds. Bidders will be notified prior to the scheduled bidding time of their eligibility to bid. Only NASD registered broker-dealers and dealer banks with DTC clearing arrangements will be eligible

to bid. Bidders who have previously registered with Grant Street Group may call **(412) 391-5555, x 370, attention John Carver**, for their ID Number or password.

Rules of Grant Street Group. Bidders must comply with, and all bids must be made in accordance with, the Rules of Grant Street Group in addition to the requirements of this Official Notice of Bond Sale. The Rules of Grant Street Group can be viewed on the Grant Street Group website and are incorporated herein by reference. In the event the Rules of Grant Street Group conflict with this Official Notice of Bond Sale, this Official Notice of Bond Sale shall prevail.

Bidding Parameters. Bidders are required to submit unconditional all-or-none bids specifying the rate of interest at which the bidder will purchase all of the 2024 Bonds. Interest shall be bid in multiples of 1/20th or 1/8th percentum and only one interest rate may be bid for each maturity of the 2024 Bonds. The maximum interest rate may not exceed 5% and the maximum interest rate specified for any maturity of the 2024 Bonds may not exceed the minimum interest rate specified for any maturity of the 2024 Bonds by more than 3 percent (3%). The maximum net effective interest rate of the 2024 Bonds shall not exceed ten percent (10%) per annum.

Term Bonds. A bidder may elect to have all or a portion of the 2024 Bonds scheduled to mature in consecutive years issued as one or more term bonds (the “Term Bonds”) scheduled to mature in the latest of the consecutive years and subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth in the Preliminary Official Statement, however, not less than all Bonds of the same serial maturity shall be converted to Term Bonds with mandatory redemption requirements.

Adjustment of principal amounts, modification or clarification prior to examination of bids. The City Financial Services Director, in consultation with the City’s financial and bond advisors, in the City Financial Services Director’s sole discretion and prior to the examination of bids, may (i) adjust the aggregate principal amount set forth herein or may adjust the principal amount of each series without increasing the aggregate principal amount of Bonds; (ii) adjust individual maturities, and/or (iii) modify or clarify any other term hereof, including the date on which bids for the 2024 Bonds will be received, by issuing a notification of the adjusted series, amounts, modification or clarification via Thomson Municipal News (“TM3”) and/or Grant Street platform and/or Bloomberg Financial Services no later than 8:00 a.m., Mountain Time, on the Bid Date.

Adjustments to principal amounts after determination of best bid. The aggregate principal amount of the 2024 Bonds is subject to increase or reduction, and each scheduled maturity thereof is subject to increase or reduction, by the City Financial Services Director after the determination of the Best Bid (defined below). Such adjustments will be made within no more than two (2) hours after the end of the time of bid examination and will be in the sole discretion of the City. To cooperate with any adjustment in the principal amounts, the Purchaser is required to indicate by e-mail to Carole Jaramillo at cjaramillo@rrnm.gov or such other address as may be indicated by the City Financial Services Director within one-half (1/2) hour after the end of the time of bid examination, the amount of any original issue discount or premium on any maturity of the 2024 Bonds, the initial offering price of each maturity, the cost of bond insurance, if any, and the

amount received from the sale of the 2024 Bonds to the public that will be retained by the Purchaser as its compensation.

The City Financial Services Director in consultation with the City's financial and bond advisors, may change the dollar amount bid by the Purchaser if the aggregate principal amount of the 2024 Bonds is adjusted as described below, but the interest rates specified by the Purchaser for all maturities will not change. The City Financial Services Director in consultation with the City's financial and bond advisors, will make every effort to ensure that the percentage net compensation to the Purchaser (i.e., the percentage resulting from dividing (i) the aggregate difference between the offering price of the 2024 Bonds to the public and the price to be paid to the City, less any bond insurance premium to be paid by the bidder, by (ii) the principal amount of the 2024 Bonds) does not increase or decrease from what it would have been if no adjustment was made to principal amounts shown in the maturity schedule. The City will notify the Purchaser of the final principal amounts and the resulting adjusted prices no later than 11:00 a.m. Mountain Time on the day of the sale and award of the 2024 Bonds. **THE PURCHASER MAY NOT WITHDRAW OR MODIFY ITS BID ONCE SUBMITTED TO THE CITY FOR ANY REASON, INCLUDING, WITHOUT LIMITATION, AS A RESULT OF ANY INCREASE OR DECREASE IN THE FINAL PRINCIPAL AMOUNTS AND THE AGGREGATE PURCHASE PRICE OF THE 2024 BONDS.**

Information Regarding Bids. Bidders may change and submit bids as many times as they wish during the bidding, provided, however, that each bid submitted subsequent to a bidder's initial bid must result in a lower true interest cost ("TIC") with respect to a bid when compared to the immediately preceding bid of such bidder. During the bidding, no bidder will see any other bidder's bid, but each bidder will be able to see its own ranking (i.e., "Leader," "Cover," "3rd," etc.).

Bids Constitute an Irrevocable Offer. Each bid submitted through Grant Street Group shall be deemed an irrevocable offer to purchase the 2024 Bonds on the terms provided in this Official Notice of Bond Sale and shall be binding upon the bidder.

Basis of Award. The 2024 Bonds will be sold to the bidder or bidders offering to purchase the same at the lowest true interest cost. The actuarial yield on the 2024 Bonds using the true interest cost method will be computed at that yield which, if used to compute the present value of all payments of principal and interest on the 2024 Bonds as of June 18, 2024 produces an amount equal to the aggregate bid price. Such calculation will be made based upon a 360-day year and a semiannual interval for compounding.

The winning bid or bids will be indicated on Grant Street Group and the auction results, as posted on such website, will be subject to verification by the City. The City will verify the auction results immediately following the close of the bidding period and notice of confirmation by the City of the winning bidder or bidders will be made by a posting on Grant Street Group stating "Auction Results Verified and Confirmed".

An award may be made by the City to any bidder in a principal amount less than the principal amount of the 2024 Bonds for which the bid is submitted. Further, in the event of an

award by the City for a principal amount less than the principal amount the bidder submitted, any premium bid shall be ratably reduced. If two or more bids have the same true interest cost, the first bid submitted, as determined by reference to the time stamp displayed on Grant Street Group, shall be deemed to be the leading bid.

Sale Reservations. The City reserves the right (a) to reject any and all bids for any Bonds, (b) to reoffer any Bonds for public sale, and (c) to waive any irregularity or informality in any bid.

Good Faith Deposit Not Required to Bid. A good faith deposit will not be required in connection with the submission of any bid for the Series 2024 Bonds. The winning bidder will be required to submit a Bid Award Deposit (see “Bid Award Deposit” below).

Bid Award Deposit. Not later than 2:00 p.m., Mountain Time on June 18, 2024, the winning bidder is required to submit a Bid Award Deposit of \$320,000. All Bid Award Deposits must be made in good funds by wire transfer of the required amount to an account specified by the City Financial Services Director and provided to the winning bidder after the sale of the Bonds:

No interest will be paid by the City on the amount of the Bid Award Deposit. The proceeds of the Bid Award Deposit of the winning bidder will be applied to the purchase price of the 2024 Bonds, or in the event of the failure of a winning bidder to take up and pay for the Bonds in compliance with the terms of the bid, at the option of the City, its Bid Award Deposit may be retained as liquidated damages, as partial payment of actual damages or as security for any other remedy available to the City.

Manner and Time of Delivery. The 2024 Bonds will be delivered to DTC for the account of the winning bidder or bidders at the expense of the City on July 16, 2024, or such later date as the City and the winning bidder may agree. Payment of the purchase price due at delivery must be made in Federal Reserve funds for immediate and unconditional credit to the City.

Continuing Disclosure Undertaking. The City has covenanted to provide, in a timely manner, on the Electronic Municipal Market Access (EMMA) Website maintained by the Municipal Securities Rulemaking Board notice of the occurrence of specified, material events. The City has not failed to comply with any of its previous undertakings under Rule 15c2-12, except as may be disclosed in the Preliminary Official Statement.

State Securities Laws. The City has taken no action to qualify the offer or sale of the 2024 Bonds under the securities laws of any state. Should any such qualification be necessary, the City agrees to cooperate with the winning bidder in such matters, provided that the City reserves the right not to consent to service of process outside its boundaries and expenses related to any such qualification shall be the responsibility of the winning bidder.

CUSIP Numbers. CUSIP numbers will be issued and printed on the 2024 Bonds at the expense of the City. Any error or omission in printing such numbers on the 2024 Bonds will not constitute cause for any winning bidder to refuse delivery of any Bond.

Legal Opinion, Certificates and Transcript. The validity and enforceability of the 2024 Bonds will be approved by the City’s Bond Counsel. A copy of the form of the opinion of Bond Counsel is attached as an exhibit to the Preliminary Official Statement.

The purchaser of the 2024 Bonds will receive a certified transcript of legal proceedings which will include, among other items:

(a) a certificate of the City to the effect that, as of its date, the Preliminary Official Statement was deemed final within the meaning of Rule 15c2-12, except for the omissions permitted under Rule 15c2-12;

(b) a certificate of the City to the effect that there is no litigation pending or, to its knowledge, threatened affecting the validity of the 2024 Bonds as of the date of their delivery; and

(c) a certificate of the City to the effect that, as of the date of the Official Statement and at all times to and including the date of delivery of the 2024 Bonds, the Official Statement did not contain any untrue statement of a material fact or omit any statement of a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

Establishment of Issue Price (Hold-the-Offering Price Rule May Apply if Competitive Sale Requirements are Not Satisfied): The winning bidder shall assist the City in establishing the issue price of the 2024 Bonds and shall execute and deliver to the City at closing an “issue price” or similar certificate, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City, and Bond Counsel. All actions to be taken by the City to establish the issue price of the 2024 Bonds may be taken on behalf of the City by the City’s municipal advisor identified herein and any notice or report to be provided to the City may be provided to the City's municipal advisor.

(a) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the 2024 Bonds) will apply to the initial sale of the Bonds (the “competitive sale requirements”) because:

(i) the City shall disseminate a Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;

(ii) all bidders shall have an equal opportunity to bid;

(iii) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and

(iv) the City anticipates awarding the sale of the 2024 Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to the Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event that the competitive sale requirements described above in subparagraph (a) are not satisfied, the City shall so advise the winning bidder. The City may determine to treat (i) the first price at which 10% of each maturity of the 2024 Bonds is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the 2024 Bonds as the issue price of that maturity (the “hold-the-offering-price rule”), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the 2024 Bonds satisfies the 10% test as of the date and time of the award of the 2024 Bonds. The City shall promptly advise the winning bidder, at or before the time of award of the 2024 Bonds, which maturities of the Bonds shall be subject to the 10% test or shall be subject to the hold-the-offering-price rule during the Holding Period, as defined in subparagraph (d)(i) below. Bids will not be subject to cancellation in the event that the City determines to apply the hold-the-offering-price rule to any maturity of the 2024 Bonds. Bidders should prepare their bids on the assumption that all of the maturities of the 2024 Bonds will be subject to the 10% test in order to establish the issue price of the 2024 Bonds.

(b) The City acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the 2024 Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the 2024 Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the 2024 Bonds.

(c) By submitting a bid, each bidder confirms that:

(i) any agreement among underwriters, any selling group agreement, and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the 2024 Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold 2024 Bonds of each maturity allotted to it until it is notified by the winning bidder that either the 10% test has been satisfied as to the 2024 Bonds of that maturity or all 2024 Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and

(ii) any agreement among underwriters relating to the initial sale of the 2024 Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the 2024 Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (A) report the prices at which it sells to the public the unsold 2024 Bonds of each maturity allotted to it until it is notified by the winning bidder or such underwriter that either the 10% test has been satisfied as to the 2024 Bonds of that maturity or all 2024 Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

(d) The following terms are defined below:

(i) Hold-the-Offering-Price Maturity means a maturity of the 2024 Bonds of which less than 10% has been sold to the Public on the Sale Date.

(ii) Holding Period means, with respect to a Hold-the-Offering-Price Maturity, the period starting on the Sale Date and ending on the earlier of (a) the close of the fifth business day after the Sale Date, or (b) the date on which the winning bidder sold at least 10% of such Hold-the-Offering-Price Maturity to the Public at prices that are no higher than the Initial Offering Price for such Hold-the-Offering-Price Maturity.

(iii) Maturity means 2024 Bonds with the same credit and payment terms. Bond with different maturity dates, or 2024 Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(iv) Public means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(v) Sale Date means the first day on which there is a binding contract in writing for the sale of a Maturity of the 2024 Bonds. The Sale Date of the 2024 Bonds is expected to be May 10, 2024.

(vi) Underwriter means (i) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the 2024 Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the 2024 Bonds to the to the Public).

Postponement of Sale. The City reserves the right to postpone the date and time established for the receipt of bids. Any such postponement will be announced by posting on Grant Street Group prior to commencement of the bidding. If any date and time fixed for the receipt of bids and the sale of the 2024 Bonds is postponed, an alternative sale date and time will be

announced at least one business day prior to such alternative sale date. On any such alternative sale date and time, any bidder may submit bids electronically as described above for the purchase of the 2024 Bonds in conformity in all respects with the provision of this Official Notice of Bond Sale, except for the date and time of sale and except for any changes announced by posting on Grant Street Group at the time the sale date and time are announced.

Rating. A rating of “_____” has been received by Moody’s Investors Service.

Information. Copies (in reasonable quantities) of this Official Notice of Bond Sale, the Preliminary Official Statement, and other information concerning the City and the 2024 Bonds may be obtained from:

Erik Harrigan, Director
RBC Capital Markets
6301 Uptown Blvd., Ste. 110
Albuquerque, NM 87110
Phone: (505) 872-5999

The date of this Official Notice of Bond Sale is June 10, 2024.

CITY OF RIO RANCHO, NEW MEXICO

CITY OF RIO RANCHO, NEW MEXICO
General Obligation Improvement Bonds
Series 2024

OFFICIAL BID FORM (June 18, 2024)

City of Rio Rancho, New Mexico
c/o RBC Capital Markets, LLC
6301 Uptown Boulevard NE, Suite 110
Albuquerque, New Mexico 87110

City Manager:

Pursuant to the City of Rio Rancho’s "Official Notice of Bond Sale," dated June 10, 2024, relating to the City of Rio Rancho, New Mexico General Obligation Improvement Bonds, Series 2024 (the “2024 Bonds”) in the principal amount of \$16,000,000 which by reference is made a part hereof, we submit the following bid:

For your legally issued Bonds as described in the Official Notice of Bond Sale, we will pay you par, plus accrued interest, if any, from the date of the Bonds to the date of delivery to us, provided the Bonds bear interest per annum as follows:

2024 Bonds

<u>Maturing (August 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Yield</u>
2025			
2026			
2027			
2028			
2029			
2030			
2031			
2032			
2033			
2034			
2035			
2036			
2037			

If this bid is the best bid for the Bonds, we will send a wire transfer to the City of Rio Rancho (the “City”), in the amount of \$320,000.00 prior to the acceptance of our bid by the City of Rio Rancho, which wire transfer will be our bid award deposit and submitted in accordance with the terms set forth in the Official Notice of Bond Sale. We will pay the CUSIP Service Bureau charge, if any, for the assignment of CUSIP numbers.

The undersigned agrees to complete, execute, and deliver to the City a Certificate Regarding Issue Price or a similar certificate relating to the "issue price" of the 2024 Bonds, in the form attached hereto as Exhibit A.

We understand and agree that no more than fifty (50) copies of the final Official Statement, including any amendments or supplements thereto will be supplied to us at the County's expense and that any additional copies requested will be subject to a charge to us. By accepting this bid, you agree to provide such copies of the final Official Statement and of any amendments or supplements thereto in accordance with the Official Notice of Bond Sale, and you undertake your other obligations described therein, as contemplated by Rule 15c2-12 of the Securities and Exchange Commission.

Respectfully submitted,

By: _____
Authorized Representative

* (Strike inapplicable words)

For informational purposes only, our calculation of the True Interest Cost is as follows:

True Interest Cost: (stated as a nominal annual percentage) _____%

Additionally, for informational purposes only, the following is requested:

Gross Interest Cost: \$ _____

Less Premium Bid: \$ _____

Net Interest Cost: \$ _____

[2024 Bonds Bid Form]

ACCEPTANCE CLAUSE

The above bid is hereby accepted by the City of Rio Rancho, New Mexico, this 18th day of June, 2024.

CITY OF RIO RANCHO, NEW MEXICO

Carole Jaramillo,
Director of Financial Services

[2024 Bonds Bid Form]

EXHIBIT A
[to 2024 Bonds Bid Form]

UNDERWRITER'S CERTIFICATE REGARDING ISSUE PRICE

\$16,000,000
City of Rio Rancho, New Mexico
General Obligation Improvement Bonds
Series 2024

The undersigned, _____ (the *Underwriter*), hereby certifies as set forth below with respect to the sale and issuance of the above-captioned obligations (the *Bonds*) of the City of Rio Rancho, New Mexico (the *Issuer*).

1. ***Sale of the General Rule Maturities.*** As of the date of this certificate, for each Maturity of the General Rule Maturities, the first price at which at least 10% of such Maturity was sold to the Public is the respective price listed in Schedule A.

2. ***Initial Offering Price of the Hold-the-Offering-Price Maturities.***

(a) The Underwriter offered the Hold-the-Offering-Price Maturities to the Public for purchase at the respective initial offering prices listed in Schedule A (the *Initial Offering Prices*) on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this certificate as Schedule B.

(b) As set forth in the Purchase Agreement, the Underwriter agreed in writing on or prior to the Sale Date that, (i) for each Maturity of the Hold-the-Offering-Price Maturities, it would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Holding Period for such Maturity (the “hold-the-offering-price rule”), and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the hold-the-offering-price rule.

(c) The Underwriter, as the party controlling all of the Hold-the-Offering Price Maturities, has not offered or sold any Maturity of the Hold-the-Offering-Price Maturities at a price higher than the respective Initial Offering Price for that Maturity of the Bonds during the Holding Period.

3. ***Defined Terms.***

(a) *General Rule Maturities* means those Maturities of the Bonds listed in Schedule A hereto as the “General Rule Maturities.”

(b) *Hold-the-Offering-Price Maturities* means those Maturities of the Bonds listed in Schedule A hereto as the “Hold-the-Offering-Price Maturities.”

(c) *Holding Period* means, with respect to a Hold-the-Offering-Price Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date, or (ii) the date on which the Underwriting Group sold at least 10% of such Hold-the-Offering-Price Maturity to the Public at prices that are no higher than the Initial Offering Price for such Hold-the-Offering-Price Maturity.

(d) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(e) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(f) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is June 18, 2024.

(g) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Tax Compliance Certificate with respect to the Bonds and with respect to compliance with the federal income tax rules affecting the Bonds, and by Modrall, Sperling, Roehl, Harris, & Sisk, P.A., in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the City from time to time relating to the Bonds.

[NAME OF UNDERWRITER]

By: _____
Managing Director

Dated: June 18, 2024

SCHEDULE A TO ISSUE PRICE CERTIFICATE
INITIAL OFFERING PRICES OF THE TAX EXEMPT BONDS

\$16,000,000
City of Rio Rancho Santa Fe County, New Mexico
General Obligation Improvement Bonds
Series 2024

Maturity Date (August 1)	Principal Amount	Interest Rate	Yield	Price	Issue Price
2025					
2026					
2027					
2028					
2029					
2030					
2031					
2032					
2033					
2034					
2035					
2036					
2037					

To: Members of the Governing Body of the City of Rio Rancho

From: Carole Jaramillo, Financial Services Director

Date: April 25, 2024

Re: \$16,000,000* City of Rio Rancho, New Mexico General Obligation Improvement Bonds, Series 2024

The attached Preliminary Official Statement (the "POS") has been prepared in connection with the offering and sale of the \$16,000,000* City of Rio Rancho, New Mexico General Obligation Improvement Bonds, Series 2024 (the "Bonds"). The POS makes various disclosures about the City, its financial condition, property tax collections, operations and management, and the Bonds. The POS will be reviewed by bidders for the Bonds and a final Official Statement will be provided to investors after the best bid is determined by the City Manager following a competitive sale of the Bonds.

The attached POS is similar to the one used when the City issued general obligation bonds in 2022. The information has been updated by City staff and me. Peter Franklin of the Modrall Sperling Law Firm, the City's Bond and Disclosure Counsel and Erik Harrigan of RBC Capital Markets Corporation, the City's Financial Advisor, assisted in the disclosure process by assembling the information and reviewing the financial and economic data in the POS. We have discussed, confirmed and updated information contained in the POS, examined information for materiality, and identified additional information for inclusion. If you have any questions relating to the disclosure process and preparation of the POS, please contact me.

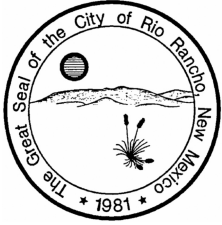
The POS is provided to you for review to as a result of enforcement actions by the U.S. Securities and Exchange Commission (the "SEC") against the board of Supervisors of Orange County, California, and more recently against other municipalities throughout the United States. The SEC has stated that:

"Public entities that issue securities are primarily liable for the content of their disclosure documents.... In addition to the government entity issuing municipal securities, public officials of the issuer who have ultimate authority to approve the issuance of securities and related disclosure documents have responsibilities under the federal securities laws as well. In authorizing the issuance of the securities and related disclosure documents, a public official may not authorize disclosure that the official knows to be false; nor may the public official authorize disclosure while recklessly disregarding facts that indicate that there is a risk that the disclosure may be misleading."

Although City staff and the finance team collaborated in preparing the POS, each Councilor should review it carefully. The POS is a Governing Body document, and the City and Governing Body are responsible for its accuracy. Please use extra care in reviewing the sections labeled "INTRODUCTION AND SUMMARY," "SECURITY AND REMEDIES" and "THE CITY." In conducting your review, focus on whether the POS contains misleading statements of material facts or omits to state material facts. A material fact is one that could influence an investor in making a decision to purchase the Bonds.

*Preliminary and subject to change.

After reviewing the POS, please contact me if you have any reason to believe that the POS contains any inaccurate information or if you know of anything that might make any of the statements made in the POS incomplete or misleading. Thank you for your attention to this important matter.



CITY OF RIO RANCHO COVER PAGE

Legislation Item: R36

AGENDA DATE:
April 25, 2024

DEPARTMENT:
City Clerk

SUBJECT:
R36, Resolution Establishing an Annual Schedule of Governing Body Meetings and Determining Reasonable Notice for Public Meetings of the City of Rio Rancho

BACKGROUND AND ANALYSIS:

The Resolution serves to fulfill two obligations. First, it sets the annual schedule of regular Governing Body meetings (May 2024-May 2025). Second, it communicates what constitutes reasonable notice for all meetings held by the Governing Body and Rio Rancho boards, commissions and committees. Each of these tasks are required by the New Mexico Open Meetings Act, Section 10-5-1, NMSA 1978 and City regulation, Section 2.09 of the City Charter and Section 30.04 of the Municipal Code.

The Resolution proposes the following:

Regular Governing Body Meeting Schedule

- In 2024 - May, June, Aug., Sept., and Oct. and in 2025 - Jan., Feb., March, April - every 2nd and 4th Thursday of the month at 6:00 p.m.
- July 2024 - 4th Thursday of the month at 6:00 p.m.
- Nov. 2023 - 2nd Thursday of the month at 6:00 p.m.
- Dec. 2023 - 2nd Thursday of the month at 6:00 p.m.
- Notice must be posted on the City's website and in the City Hall Lobby at least 10 days prior to meeting
- Agenda must be posted on the City's website and in the City Hall Lobby no later than 72 hours prior to the meeting

Work Sessions

- In 2024 - June, Aug., Oct., and Dec. and in 2025 - Feb. and April - every other month on 3rd Tuesday of the month at 3:00 p.m.
- Notice must be posted on the City's website and in the City Hall Lobby at least 10 days prior to meeting
- Agenda must be posted on the City's website and in the City Hall Lobby no later than 72 hours prior to the meeting

Special Meetings

- May be called by the Mayor or 3 or more City Councilors at least 72 hours prior to the meeting
- Notice and Agenda must be posted on the City's website and in the City Hall Lobby no later than 72 hours prior to the meeting

Reasonable Notice for Boards, Commissions and Committees

- Notice must be posted on the City's website and in the City Hall Lobby at least 10 days prior to meeting
- Agenda must be posted on the City's website and in the City Hall Lobby no later than 72 hours prior to the meeting

The Resolution provides other details related to closed meetings (called during an open meeting or separately), emergency meetings, and how to properly reconvene a meeting.

IMPACT:

The approval of the Resolution will ensure compliance with State and local law, and will provide the public with information about when the Governing Body will conduct its meetings and what items will be considered.

ALTERNATIVES:

Approve Resolution as proposed,
Amend Resolution, or
Do not approve Resolution and be out of compliance with State and local law.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION ESTABLISHING AN ANNUAL SCHEDULE OF GOVERNING BODY
MEETINGS AND DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS
OF THE CITY OF RIO RANCHO**

WHEREAS: Subsection B of Section 10-15-1, NMSA 1978 requires all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body, or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times except as otherwise provided in the Constitution or the provisions of the Open Meetings Act; and

WHEREAS: any meeting subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS: the Rio Rancho Governing Body being a local public body subject to the Open Meeting Act, in accordance with Subsection D of Section 10-15-1, NMSA 1978, and Section 2.09 of the City Charter, shall determine annually what constitutes reasonable notice for its public meetings, as well as, the public meetings of the boards, commissions and committees it has created; and

WHEREAS: the Governing Body must also establish an annual schedule of its regular meetings at the second meeting in April of each year, pursuant to Section 30.04(A)(1), Revised Ordinances of Rio Rancho, New Mexico 2003.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF RIO RANCHO:**

Section 1. Regular Meetings. Regular meetings of the Governing Body will be held on the second and fourth Thursdays of each month at 6:00 p.m., except for July, when only one meeting will be held on the fourth Thursday at 6:00 p.m., November, when only one meeting will be held on the second Thursday at 6:00 p.m., and December, when only one meeting will be held on the second Thursday at 6:00 p.m. Regular meetings will be held in the Council Chambers in City Hall, or via virtual software, as provided by law.

- A. Every attempt will be made to broadcast meetings on the government cable television channel and streamed on the City website www.rrnm.gov.
- B. Meetings may be canceled, postponed, or rescheduled by vote of at least four members of the Governing Body. Furthermore, the Mayor may cancel a regular meeting in the event of an emergency, for lack of a quorum, or for lack of agenda

1 items by giving such notice as is practical under the circumstances. In the case of
2 cancellation or postponement, a notice shall be posted on the entrance door of the
3 meeting location and on the City's website www.rrnm.gov as soon as practicable.

4 C. Notice of regular meetings shall be given no fewer than 10 days in advance of the
5 meeting date and shall indicate how a copy of the agenda may be obtained.

6 D. Agendas for each meeting shall contain a list of specific items of business to be
7 discussed or transacted and will be available at least seventy-two (72) hours prior
8 to the meeting on the City's website www.rrnm.gov and posted in the City Hall
9 Lobby, 3200 Civic Center Circle NE, Rio Rancho, New Mexico.

10
11 **Section 2. Work Sessions.** Beginning in June, regular work sessions of the
12 Governing Body will be held every other month on the third Tuesday of the month at 3:00
13 p.m. Preferred locations for the work sessions will be the Overflow Room or the Council
14 Chambers at City Hall; however, locations may vary, to include via virtual software, as
15 provided by law. Non-regular work sessions may be called by the Mayor or by three or
16 more members of the City Council.

17
18 A. No action shall be taken in a work session.

19 B. Every attempt will be made to broadcast meetings on the government cable
20 television channel and streamed on the City website.

21 C. Work session topics can be proposed by individual Governing Body members or
22 the City Manager, pursuant to the Governing Body's adopted Rules of Procedure.

23 D. Work sessions may be canceled, due to lack of agenda items or a quorum. A notice
24 of cancellation shall be posted on the entrance door of the meeting location and
25 on the City's website www.rrnm.gov as soon as practicable.

26
27 **Section 3. Special Meetings.** Special meetings of the Governing Body may be called
28 by the Mayor or by three or more members of the City Council, with notice of special
29 meeting given no later than seventy-two (72) hours prior to the meeting. The notice shall
30 indicate who called the meeting, a list of specific items of business to be discussed or
31 transacted or instructions on how a copy of the agenda may be obtained. Agendas for
32 special meetings will be available at least seventy-two hours prior to the meeting on the
33 City's website www.rrnm.gov and posted in the City Hall Lobby, 3200 Civic Center Circle
34 NE, Rio Rancho, New Mexico.

35
36 **Section 4. Reasonable Notice of Rio Rancho Board, Commissions and**
37 **Committee Meetings.**

38
39 A. Notice of regular meetings shall be given no fewer than 10 days in advance of the
40 meeting date and shall indicate how a copy of the agenda may be obtained.

41 B. Agendas for each meeting shall contain a list of specific items of business to be
42 discussed or transacted and will be available at least seventy-two hours prior to
43 the meeting on the City's website www.rrnm.gov and posted in the City Hall Lobby,
44 3200 Civic Center Circle NE, Rio Rancho, New Mexico.

45 C. If a meeting is cancelled due to a lack of a quorum, or for lack of agenda items, a
46 notice shall be posted on the entrance door of the meeting location and on the
47 City's website www.rrnm.gov as soon as practicable.

1
2 **Section 4. Emergency Meetings.** Emergency meetings of the Governing Body will
3 be called only under unforeseen circumstances, which demand immediate action to
4 protect the health, safety and property of citizens or to protect the public body from
5 substantial financial loss. Emergency meetings will be avoided whenever possible and
6 may be called by the Mayor or by no fewer than three members of the City Council upon
7 twenty-four (24) hours' notice, unless threat of personal injury or property damage
8 requires less notice. All emergency meeting notices shall include an agenda or
9 information on how the public may obtain a copy of the agenda and will be posted on the
10 City's website www.rnm.gov and in the City Hall Lobby, 3200 Civic Center Circle NE, Rio
11 Rancho, New Mexico. Within ten days of acting on an emergency matter, the Governing
12 Body is required to report to the New Mexico Attorney General's Office the action taken
13 and the circumstances creating the emergency; provided that the requirement to report
14 to the attorney general is waived upon the declaration of a state or national emergency.
15

16 **Section 5. Closed Meetings.** The Governing Body will close a meeting to the public
17 only if the subject matter of such discussion or action is excepted from the requirement
18 under Subsection H of Section 10-15-1, NMSA 1978.
19

- 20 A. If a meeting is closed during an open meeting, such closure shall be approved by
21 a majority vote of a quorum of the Governing Body taken during the open meeting.
22 The authority for the Closed Meeting and the subject(s) to be discussed shall be
23 stated with reasonable specificity in the motion to close and the vote of each
24 individual member on the motion will be recorded in the minutes. Only those
25 subjects specified in the motion may be discussed in the closed meeting.
- 26 B. If the decision to hold a Closed Meeting is made when the Governing Body is not
27 in an open meeting, the Closed Meeting shall not be held until public notice as
28 required in Subsection I of Section 10-15-1, NMSA 1978 is given to the members
29 and to the general public. Non-emergency Closed Meetings may be called by the
30 Mayor or by at least three members of the City Council upon not less than seventy-
31 two (72) hours' notice.
- 32 C. Following completion of the Closed Meeting, the minutes of the open meeting that
33 was closed, or the minutes of the next open meeting, if the Closed Meeting was
34 separately scheduled, shall state whether the matter(s) discussed in the Closed
35 Meeting were limited only to those specified in the motion or notice for closure, as
36 required by Subsection J of Section 10-15-1, NMSA 1978.
- 37 D. In accordance with the Open Meetings Act any action taken as a result of
38 discussions in a Closed Meeting shall be made by a vote of the Governing Body
39 in an open public meeting.
40

41 **Section 6. Reconvened Meetings.** Pursuant to Subsection E of Section 10-15-1,
42 NMSA 1978, the Governing Body may recess and reconvene a meeting to a day
43 subsequent to that stated in the meeting notice, if, prior to recessing, the Governing Body
44 specifies the date, time and place for continuation of the meeting, and immediately
45 following the recessed meeting, posts notice of the date, time and place for the
46 reconvened meeting on or near the door of the place where the original meeting was held
47 and in at least one other location appropriate to provide public notice of the continuation

1 of the meeting. Only matters appearing on the agenda of the original meeting may be
2 discussed at the reconvened meeting.

3
4 **Section 7. Notice Posting Locations and Content.** For the purposes of all meetings
5 of the Governing Body described in this Resolution, notice requirements are met if notice
6 of the date, time, place and agenda is posted on the City’s website and in the City Hall
7 Lobby. Appropriate notice shall also be provided to those broadcast stations licensed by
8 the Federal Communications Commission and newspapers of general circulation, which
9 have made a written request for notice of public meetings. All notices shall contain the
10 following language: “If you are an individual with a disability who needs a reader, amplifier,
11 qualified sign language interpreter or any other form of auxiliary aid or service to attend
12 or participate in the hearing or meeting, please contact the City Clerk at 505-891-5004 at
13 least forty-eight (48) hours in advance to make arrangements. Public documents,
14 including the agenda and minutes, can be provided in various accessible formats. Please
15 contact the City Clerk if a summary or other type of accessible format is needed.”

16
17 **Section 8. Publication of Annual Schedule and Notice Requirements for Public**
18 **Meetings of Governing Body.** The City Clerk is hereby instructed to publish this
19 Resolution, in its entirety in a newspaper of general circulation, immediately after
20 adoption.

21
22
23 ADOPTED THIS __ DAY OF _____ 2024.

24
25
26 _____
27 Gregory D. Hull, Mayor

28
29 ATTEST:

30
31 _____
32 Rebecca Martinez, City Clerk
33 (SEAL)