



# Village of Corrales

Planning & Zoning Department  
4324 Corrales Road, Corrales, New Mexico 87048  
Phone: (505) 897-0502 / Fax: (505) 897-7217

## PLANNING AND ZONING COMMISSION

Date of Meeting: Wednesday, August 15, 2018, 6:30 PM

Location of Meeting: Council Chambers

## MEETING MINUTES

### I. CALL TO ORDER

### II. ROLL CALL

**Present:** Elizabeth Staley, Mike Sorce, Sam Thompson, Michele Anderson, Tim Sawina, John McCandless.

### III. APPROVAL OF AGENDA

**Motion: Approve Agenda, Moved by Mike Sorce, Seconded by Sam Thompson.**

**Vote:** Motion carried by unanimous vote (summary: Yes = 6).

**Yes:** Elizabeth Staley, John McCandless, Michele Anderson, Mike Sorce, Sam Thompson, Tim Sawina.

### IV. APPROVAL OF MINUTES

#### *July 18, 2018 Regular Meeting*

**Motion:** Approve July 18 minutes, **Moved by Tim Sawina, Seconded by John McCandless.**

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).

**Yes:** Elizabeth Staley, John McCandless, Michele Anderson, Mike Sorce, Sam Thompson, Tim Sawina.

#### *August 1, 2018 Work Study*

**Motion:** Approve August 1 minutes, **Moved by Michele Anderson, Seconded by Elizabeth Staley.**

**Vote:** Motion passed (summary: Yes = 2, No = 0, Abstain = 4).

**Yes:** Elizabeth Staley, Michele Anderson.

**Abstain:** John McCandless, Mike Sorce, Sam Thompson, Tim Sawina.

**PZA REPORT - CDC Laurie Stout**

**V. COMMISSIONERS' FORUM**

**Commissioner McCandless:** Last meeting we had a home occupation request. One of the issues that came up was the sanitation on that site. That doesn't seem to come up in our ordinances. Should Commission or Council address that?

**Commission Chair Staley:** It is an issue that comes up every once in a while, depending upon the nature of the Home Occupation. Home Occupations should operate in a way that has no noticeable effect on the neighborhood. Rather than have an all-inclusive ordinance, each Commissioner measures an application on the standard of minimal effect on the neighborhood. The applicants indicated they'd be working with Roadrunner, getting regular pickup, that type of assurance often satisfies our requirements.

**VII. PUBLIC COMMENT ON ITEMS NOT OTHERWISE ON AGENDA –  
3 MINUTE LIMIT**

(no public comments)

**VIII. BUSINESS ITEMS**

**Consent Agenda (Home Occupation Permits):** *\*\*\*All matters listed under the Consent Agenda are considered to be routine by the P&Z Commission and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.\*\*\**

(no items on consent agenda)

**IX. NEW BUSINESS ITEMS.**

**SDP 18-05. Affordable Solar Installation, Inc.** (Blake Richards) is requesting Site Development Plan approval of a proposed commercial solar electric-generation array that will sell energy to the City of Rio Rancho, powering their wastewater treatment plant. The 6.44+ acre site is owned by Beta Investments, LLC and is located west of Don Julio Road and east of the Rio Rancho Industrial Park. It comprises newly-approved Tract A of "Lands of Beta Investments".

**Village Engineer Steve Grollman** addressed the Commission. The Commissioners had an email from Mr. Grollman addressing the primary concerns of the first grading and drainage plan submitted by the applicant. Feedback regarding the first grading and drainage submittal had also been requested and received from SSCAFCA and the City of Rio Rancho (because the latter has a sewer easement running through the site.)

**Grollman:** We reviewed the (first) grading and drainage plan and made highlights, comments and redlines and provided those to the applicant, along with the comments by Rio Rancho and SSCAFCA. I held back on submitting this, because I assumed we'd be getting new drawings back. We didn't get those until last week. The email you are seeing is based on the previous submittal. My memo highlights the main concerns we had. Their entire drainage plan, as laid out here, is to capture all the drainage on the lots from the solar array panels, and to divert the flows and discharge into our floodplain. Applicants say this is a short-term solution until the SSCAFCA project is completed.

**Commissioner Sorce:** We don't know when this work (SSCAFCA) is going to get done?

**Grollman:** We got a letter from SSCAFCA. They are negotiating to buy the property and if and when they buy it, they'll move ahead on their project. (letter does not give a deadline for when it might occur.) This Commission requested a letter from SSCAFCA giving a commitment as to what they will and won't do regarding drainage. The email you see gives me a "yes" and a "no". The "no" is that (SSCAFCA) will

not act as the certified floodplain manager for the Village. Our company does have one, and the Village has given permission for us to handle that. We are going to figure out what's going on with the floodplain and make sure everything is handled correctly. The "yes" I got from them is the two long-term processes that have to be followed for (SSCAFCA to eventually) abandon the floodplain, and divert the water. It's called a CLOMR and a LOMR, but there is no time-frame.

He explained that the CLOMR is a conditional letter of map revision. SSCAFCA will send to FEMA their plan for (Tract B, future SSCAFCA project) asking "if we do this, will you eliminate the flood plain?" The CLOMR would be a conditional approval (from FEMA, eliminating the flood plain.) The second part is after SSCAFCA has done their project, they send as-builts to FEMA asking for a LOMR, which is the letter of map revision officially eliminating the flood plain.

**Commissioner Thompson:** At this point SSCAFCA has not purchased the land? (No.) If something comes up that SSCAFCA can't purchase that, and we have approved this—

**Grollman:** Look at my drawing, front page. It says "Village Code: onsite ponds". If you put up a structure west of the Main Canal, you have to begin collecting 2.9 inches per square foot of rainfall from the impervious surfaces and collect it on an onsite pond. The (applicants) are planning on dumping it on the floodplain.

Also, SSCAFCA does not give a time frame for the CLOMR and LOMR. These can take years to complete, because you have to go to FEMA twice.

I don't know if all the comments have been resolved with the new (G & D) set we got last week. I mentioned that there are no ponds shown. There's supposed to be a calculation as to how big the pond has to be and where it's going to be located, and that the impervious area can drain to it. (Applicants) have done a nice design as to what the increased flow is going to be, but they haven't provided a drawing showing any ponds on the site.

The FEMA floodplain was not shown on the original submittals. We asked them to show it on the drawing, and it is also essential that the floodplain be staked out in the field, because if they are going to be working out there, and they have assured the Village that they're not going to impact inside the floodplain—how does the bulldozer operator or the building inspector or me or FEMA—how do you know where they're supposed to stop work? It is essentially like a property boundary, because they are not supposed to disturb the floodplain.

Next item: The City of Rio Rancho has a sewer easement (in the proposed Affordable Solar parcel). It has to stay there; it is the outflow from their sewer treatment plant. We know where it is because it breaks fairly often. The surveyor who did the plat didn't tell (Affordable Solar's) engineer that there is a sewer out there. The City of Rio Rancho gave drawings showing where it is (under the proposed northern solar array). I believe the new grading and drainage drawings turned in last week; they turned the solar array so it is parallel with the sewer and not on it anymore. Ms. Stout sent the new drawing to Rio Rancho, and I assume their Jim Chiasson will say: fine, just stay away from it. It's delicate. The new grading and drainage plan will have to show what the applicants are going to be doing on top of that easement such as cutting the grade down or filling on top of it.

**Commissioner Thompson:** Is it possible for City of Rio Rancho to mark it (City sewer easement)?

**Grollman:** Based on the drawing that the City of Rio Rancho provided, it shows (both ends). There are sewer manholes. If you walk along Tortugas Arroyo, you can see manholes sticking up.

**Commissioner McCandless:** The width of the easement is sufficient to do repair work?

**Grollman:** 15 feet. New drawings show panels both north and south of that easement. If the City of Rio Rancho sees a problem, and feels the need for more room, I assume they're going to say something. That's why we sent them the drawings (both the applicant's original and revised grading and drainage plans). I'm hoping to hear back from Rio Rancho next week. Both Rio Rancho and SSCAFCA provided comments to the grading and drainage first submittal. We have not yet (had time to) address the applicant's response to those comments. (He mentioned that reconfiguring the solar panels to accommodate that existing sewer easement caused some encroachment into the SSCAFCA Tract, which will necessitate a new summary plat. The property owner will be changing the boundaries of Tract A, where the solar panels will be, and Tract B, where SSCAFCA proposes their drainage project.)

**Commission Chair Staley:** We are talking about drainage into the floodplain without any on-site ponding shown, and with the approval from FEMA being sometime down the road?

**Grollman:** Village code is fairly strict, and it requires (creation of on-site ponding to handle impervious surface flows). If they did onsite ponding, and it then took ten years for SSCAFCA, it would be OK. Then when the SSCAFCA project was completed, the flow could then be diverted at that point.

**Commissioner Sawina:** Why is this before us?

**Commission Chair Staley:** We are not in a position to approve outright or conditionally because of the new information coming in. The Village Engineer is absolutely right about the ponding. Right now, we have nothing to approve.

**Village Administrator Suanne Derr:** I'm wondering if you can hear this application and make a determination with conditions.

**Commission Chair Staley:** I believe there are too many variables. The possibility for misunderstanding could be there.

**CDC Stout:** Could the Commission approve with the condition that construction not begin until an approved grading and drainage plan is in, and approved by all parties? (SSCAFCA, Village Engineer and City of Rio Rancho.)

**Commission Chair Staley:** The concern would be that we'd be asked to vote on something we haven't seen in front of us. I would not be comfortable with that. I think Mr. Grollman has done a terrific job with the redlines in identifying the issues. In terms of enforcement of any conditions, who's going to follow through to see it's all done.

**Commissioner Sorce:** This could drag on for years. People lose track of what conditions are there, and here we sit, approving something that has some problems.

**Commission Chair Staley:** To me, the import of Mr. Grollman's observations about the ponding and compliance with existing ordinance is that—with adequate ponding—that could allow things to move forward. The question for FEMA will be whether they will release the floodplain, but in the meantime it's in use and there is no alternative in place.

**Grollman:** All of the property between Rio Rancho and the inlet to the Harvey Jones Channel is under one ownership. One of the reasons they say "oh, let us do this is, even if it floods, it floods our property". But what if land is sold? We don't know what may happen later. If the applicants' grading & drainage will contain water on site, not a problem. (The applicants) keep saying they are going to be working with SSCAFCA when SSCAFCA does something. By putting in the ponding now, it doesn't preclude that from happening.

**Blake Richards** (applicant, sworn): (he wanted to distribute some handouts. He mentioned their redline revisions were turned into Village before previous week.) We essentially answered all the comments on the (grading and drainage) redline from Rio Rancho, SSCAFCA and the Village. We expected you would have those documents at this meeting. (CDC Note: New grading and drainage documents answering redline comments were received August 3<sup>rd</sup> and were still with the three aforementioned parties undergoing 2<sup>nd</sup> review.) We were told you would have these documents. So if I could give these to you, that you could distribute— (CDC note: the document applicant wanted distributed was not the redline revisions, but a general project overview not previously submitted.)

**Commission Chair Staley:** You can give them to Ms. Stout. Since they were not part of the packet or the record, we will listen.

**Richards:** With respect to grading and drainage, we have been coordinating and collaborating with SSCAFCA. They are on board one-hundred percent with the arroyo channel, and their future developments, in coordinating that with the project. Currently as the site flows and the hydrology reports concur, there will not be additional site flows outside of what would be affecting the downstream flows in the existing arroyo. I can let (our engineer) explain.

**John Jacques** (applicant's engineer, sworn): If you've ever seen a flood, it's that huge wall of water that comes down in the arroyo. There's an engineering calculation called "time of concentration" that starts at the top of the basin and that water accumulates over time. It's a hydrograph. What determines the flood zone is based on the peak flow. A letter that was done by a previous engineering drainage study with that

peak flow was 300 cfs. We didn't do the calculations, we went off of that number. That 300 cfs has a certain time of concentration, before it hits this area. The water that drops on our site is going to hit, get into the inlets, and be into that channel (and) long gone before the 300 cfs hits our site. Our flow will be (an additional) 14 cfs. That is not going to be the difference between downstream flooding and non-downstream flooding. Understand the concerns, but that was our reason for no ponding. The owner (of the downstream property) is sitting here, and in our professional opinion, it's not going to flood because of this project, with or without SSCAFCA's channel. That's just an engineering standpoint. If that is the only comment—because every other comment he mentioned—as you were not privy to these plans, we were not even privy to the memo. This is the first we've heard of that memo. (CDC note: the memo was Village Engineer Steve Grollman's email he prepared for the Commissioners before the meeting, in which he bullet-pointed his concerns with the applicant's initial G & D. All of those concerns were noted on the redlines applicants had received on July 20th.)

**Brian McCarthy** (property owner, sworn): I am one of the owners of Beta Investments, LLC (the Affordable Solar and SSCAFCA proposed sites) and also one of the owners of Abrazo Homes, LLC which owns the other 88 acres east of Don Julio Road, all the way down to the Montoyas Arroyo downstream. Not all of the downstream areas are shown on the materials we're reviewing. SSCAFCA is not buying land. We have carved out a dedicated area to create a channel for drainage improvements. Those 88 acres are rendered useless by the FEMA floodplain. So, 88 acres of potential development in the future that right now are undevelopable. I'm pointing this out because we've created this area for SSCAFCA to divert the water. If we do nothing, the water flows tremendously, through this site, underneath Don Julio, through the other 88 acres today. There is no ponding, and it discharges into the Montoyas Arroyo. Inaction still does not create ponding, still does not alleviate the floodplain. The flood zone exists, the Tortugas Arroyo is not supposed to exist. The parcel that has been carved out for SSCAFCA—they will not be purchasing the land; it will be a land-swap or we will grant them an easement. I want to make sure everybody knows there's no transaction with SSCAFCA that requires financial exchange.

Ponding areas were addressed by engineering. The spirit of the ponding requirement is, if we have a one-acre lot in Corrales, and I build a 10-thousand square-foot house, I'm affecting a quarter of the lot with new impervious materials. We have to pond *that* water. This is essentially the mouth of an arroyo. The ponding requirement here would essentially be useless because we are already receiving huge amounts of discharge that coming from the Rio Rancho Industrial Park. The impervious area the solar panels will create is a drop in the bucket compared to the amount the site is already receiving from other sources. CLOMR's from FEMA can take years, but hundreds of them happen all over town, every year. It is a routine process. The creating of this (SSCAFCA project) would a) divert the water at a much better point into the Montoyas; and b) we're creating a large sediment pond to drop a lot of the sediments out of the discharge that the site's already receiving from the Rio Rancho Industrial Park that we believe would be hugely beneficial to the Village of Corrales in your pursuit of compliance with the MS4 permit. The idea is to take pollutants out of the water before it hits the river. Without a sediment pond to capture these particulates, they're blasting straight under Don Julio to the Tortugas, straight to the Montoyas, straight to the Rio Grande. The point is, the floodplain exists today. If you do nothing, it will always exist. This (SSCAFCA project) is the only means to alleviate this site from the flood plain.

The north array, we did get comments back from engineer, and revised the layout of the north array. There will be no structure completed in the FEMA flood zone, but there will have to be sloping—to build to the specs of the grading and drainage plan—essentially the banks of the arroyo.

**Jacques:** I believe the slope limits lie outside the flood plain. All the slopes that are catching from the new array, are happening outside the flood plain.

**Commission Chair Staley:** We'll have future meetings; the Village Engineer will be involved on behalf of the Village. We look towards having something concrete, and if we vote on it, we're not looking for it to change. On behalf of the Commission, regarding the ponding requirement that everybody else on the west side is required to adhere to—we don't generally grant exceptions to the ordinances. The concept of

the ponding is very much in play, especially for a process that could take years. We have the obligation to act on the ordinances.

**Richards:** Just a correction; we do have a CAD survey drawing of the sanitary sewer line from Rio Rancho.

**McCarthy:** When we're talking about the CLOMR taking years, that is the procedural revision of the flood plain. The construction of this (SSCAFCA) drainage facility can be done in 90 days. The only thing that's going to take years is getting information back and forth to FEMA to formally change the flood plain, but the actual flood discharge can change very quickly.

**Commissioner Sawina:** I would like to see something more comprehensive that everybody has signed off on before we make a final recommendation. I wanted to clarify a couple of concerns that the Village Engineer raised. Entering into the floodplain for construction, are you saying that's not an issue?

**Richards:** That's correct.

**Commissioner Sawina:** What FEMA approval is necessary to make this (solar project) go through?

**Richards:** None.

**Commissioner Sawina:** Ponding sounded like a potential deal-breaker. Our ordinance talks about ponding for what collects on your site. Is that doable for your guys? I know you want to dump it into the arroyo.

**Richards:** It's a potential and it's a discussion that can be had with civil engineering staff. We'd like to be a party to those meetings. Essentially, all we would be doing is creating a pond in the arroyo. The arroyo is part of the tract. The flows from Rio Rancho would come in and collapse our pond, creating a flood situation over the top of the road, in my opinion, because you'd just be collecting additional water—not only from the site, but from outside of the site as well.

**Commissioner Sawina:** We may need to require that (on-site ponding) to be faithful to the requirements that we ask of all the other residents. So I'm asking again, is that a deal-breaker from your perspective? Or you just think it should be done differently?

**McCarthy:** This is the way SSSCAFCA would like it. There's no benefit to us to design it this way. We are doing what SSSCAFCA wants.

**Commissioner Thompson:** I would like the engineer from SSSCAFCA to be present if this comes before us again.

**Commissioner McCandless:** One of the concerns we have is, when will SSSCAFCA get (their project) done? If it drags on, and the Village is stuck with approving a project that contradicts our ordinance, that's not a good situation. We have the potential for that runoff not being dealt with adequately.

**Richards:** Financially, it costs us a lot more to. We're more than happy to dig a pond and pond the water. We're just trying to communicate to you that—SSCAFCA and our civil engineers—the best interest of the Village is to develop the property in this manner, and have clean water down the arroyo.

**Commissioner McCandless:** I might point out that the primary benefit of doing this redirection of this flow is downstream. This has very little impact on this particular project right here. It really benefits what's happening across the street, that 88-acre piece.

**McCarthy:** It will also greatly benefit the Village of Corrales, for compliance with the MS4 permit. Anybody who drains into the Rio Grande has to comply with these new regulations. If this does drag on for years, what will continue to happen—what has happened several times in the last month—is the Tortugas will flood. (Talked about Tortugas erosion, damage to RR sewer manholes, future SSSCAFCA project impact on that.)

**Commissioner Thompson:** That arroyo right now is a pond. I want to talk to SSSCAFCA about this. You're putting a whole lot more water in—

**McCarthy:** We're not. We're putting less than 1 percent more water.

**Commissioner Thompson:** From the rain we had last week, there is still standing water.

**McCarthy:** I was in the arroyo 48 hours ago. No additional water is traveling into the arroyo. We're changing the point of entry. (CDC note: Again, speaking of the future SSSCAFCA project and not the Affordable Solar Site Development plan.) He discussed some more details of the SSSCAFCA plan.

**Jacques:** If the owners build this pond, it will not only benefit their property east of there, it's benefiting the MS4 permit for Corrales. We deal with the City of Rio Rancho and the City of Albuquerque and they're to the point where if they don't follow that MS4 permit conditions, they could be fined heavily. This Commission is going to be part of this approval. It's going to make the MS4 permit process better. (Spoke about SSCAFCA's planned de-siltation pond.) The amount of water we're releasing (increased impervious surface due to solar arrays) is going to be less than the amount of water held by that pond.

**Commission Chair Staley:** You're presenting an argument based on information we don't fully have. I encourage you to work with Mr. Grollman. The Commission will look that the issues he raised in his redlines to be addressed, as well as follow-through with SSCAFCA and the City of Rio Rancho. We're not voting tonight. If you believe there are not still a lot of points that are in contention, that is great. If you can work with Mr. Grollman and the other resources available, that will get us back here that much faster.

**Richards:** So, are there any conditional approvals we can obtain?

**Commissioner Sorce:** Not in my opinion, no.

**McCarty:** Since we have submitted the revised materials to the Village, is there a way we can be on the September agenda? Or have we missed the cutoff?

**Stout:** As long as the Village has the materials by next Friday (August 17<sup>th</sup>).

**Jacques:** You guys already have everything you need?

**Stout:** We do have your latest grading and drainage revisions; Mr. Grollman has them.

**Grollman:** We also have the revised plat, that I believe is also on the (September) schedule.

**Commission Chair Staley:** That's part of the issue. When you submit to meet the deadline, you cannot just keep updating those.

**Jacques:** If I may ask one more thing of Mr. Grollman. Do you remember in our preliminary meeting, we talked about this process—

**Commission Chair Staley:** No cross examination.

**Jacques:** It's a simple question, not even for a vote. (Applicant) wants to get started, and Mr. Grollman heard our request for a mass grading plan and not a site grading plan, so we could start some earthmoving.

**Commission Chair Staley:** No, you're really getting into testimony.

**Commissioner Sorce:** You've been asked to stop, by the Chair.

## **X. OTHER BUSINESS.**

### **Small Cell Application report**

**Commission Chair Staley:** Next on the agenda is the small cell application report. Ms. Stout?

**Stout:** I brought copies of a draft telecommunications facility application we've been working on. (These were distributed to the Commissioners.)

**Commission Chair Staley:** These are being handed out for your review so if Commissioners have any comments, you can give them to Ms. Stout. This is nothing you have to vote on. The issue is the law goes into effect on September 1. We want to improve cell coverage in Corrales, but without poles going up where we have in our ordinances, underground utilities. (Discussion of roads with right-of-way over 50 feet, that might be impacted.) Another thing we were encouraging is co-location. No facilities in Village drainage areas. Also, we wanted to encourage competition; not allowing one company to buy up all of it. Maybe allowing one pole per quarter mile or half mile. Commissioner Anderson used her expertise to help us make sure if there is an application, that there is working equipment being used. We have the mechanism under the statute to verify folks aren't buying up the rights and then squatting.

Ms. Stout, would you like a deadline for us to get revisions to you?

**Stout:** I wanted to add that after this first page of the draft application, the section of ordinance you see attached is our existing Village ordinance regarding wireless telecommunications facilities, which is pretty robust. Parts of the application reference those ordinances.

**Commission Chair Staley:** When it comes time for us to propose an ordinance to the Council, we can just make it a subsection. (Regarding application recommendations), let's get those to Ms. Stout by August 22<sup>nd</sup> to give her a chance to get them formatted and ready to go.

**Commissioner Sawina:** Is the idea that the ordinance language be part of the application?

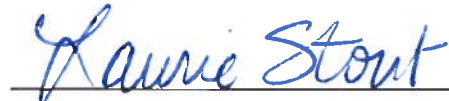
**Stout:** I think it's helpful. Otherwise applicants tend not to read the ordinances (that drive the) requirements referred to in the applications.

## XI. ADJOURNMENT.

**Motion: Adjourn, Moved by Sam Thompson, Seconded by John McCandless.**

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 6).

**Yes:** Elizabeth Staley, John McCandless, Michele Anderson, Mike Sorce, Sam Thompson, Tim Sawina.



Laurie Stout  
Community Development Coordinator



Date