

**MINUTES**  
**TOWN OF EDGEWOOD**  
**REGULAR COUNCIL MEETING – June 7, 2017 @ 6:30 P.M.**  
**EDGEWOOD COMMUNITY CENTER - 27 E. FRONTAGE ROAD**

**CALL TO ORDER.**

Mayor Bassett called the meeting to order at 6:30 p.m.

Councilors Present: John Abrams, Sherry Abraham, and Linda Holle.

Also, Present: Clerk/Treasurer Juan Torres, Deputy Clerk Carla Salazar, Staff Member Rebecca Sanchez & Attorney Randy Autio, representing the Town of Edgewood

**PLEDGE OF ALLEGIANCE.**

**1. APPROVAL OF AGENDA.**

Mayor Bassett introduced the Agenda asking for approval omitting Item # 4, as Mr. John L. Jones will not be available.

**MOTION:** Councilor Abrams made a motion to approve the Agenda omitting Item # 4.  
Councilor Abraham seconded the motion.

**VOTE:** All Councilors voted aye. The motion carried.

**2. APPROVAL OF MINUTES.**

a. Approval of the Draft Regular Council Meeting Minutes of May 17<sup>th</sup>, 2017

**MOTION:** Councilor Abrams made a motion to approve the Draft Regular Council Meeting Minutes of May 17<sup>th</sup>, 2017.  
Councilor Holle seconded the motion.

**VOTE:** All Councilors voted aye. The motion carried.

**3. ACKNOWLEDGEMENT AND DISCUSSION OF PLANNING AND ZONING COMMISSION MEETING MINUTES**

a. Discuss and acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of May 8<sup>th</sup>, 2017

**MOTION:** Councilor Holle made a motion to acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of May 8<sup>th</sup>, 2017.  
Councilor Abrams seconded the motion.

**VOTE:** All Councilors voted aye. The motion carried.

**4. GUEST SPEAKER(S)**

a. Mr. John L. Jones, Chief Operating Officer of Entranosa Water & Wastewater Association  
Item was omitted.

**5. MATTERS FROM THE MUNICIPAL JUDGE. – Judge William White**

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Judge White was happy to see a new councilor. He spoke briefly of his duties at a council meeting so that newbie Councilor Holle would understand the process. He introduced the court report for the month of May 2017, and stood for any questions.

Councilor Abraham asked about the new changes on bail bonds and warrants. Judge White stated these new changes go into effect on July 1, 2017. He stated good sense and restraint will be required with the new changes.

**MOTION:** Councilor Abrams made a motion to approve Judge White's report for the month of May, 2017.

Councilor Abraham seconded the motion.

**VOTE:** All Councilors voted aye. The motion carried.

#### 6. PUBLIC HEARING. Quasi-Judicial Procedure:

- Certification that Public Notice of this Meeting has been posted as required
  - This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony.
  - The affected parties will have the right to cross-examine persons giving testimony.
  - Confirmation of no conflict of interest or ex-parte communication.
- a. An appeal of the denial of the Application of Hillcrest LLC for approval of a Minor Subdivision into three lots, of a 45-acre tract known as Unit 2, Hillcrest Master Plan, which tract is located at #35 East Venus Road in the Town of Edgewood, New Mexico by the Planning and Zoning Commission of the Town of Edgewood

Mayor John Bassett gaveled in case number 2017-SUB-001 a Public Hearing on an appeal of the denial of the Application of Hillcrest LLC for approval of a Minor Subdivision into three lots, of a 45-acre tract known as Unit 2, Hillcrest Master Plan, which tract is located at #35 East Venus Road in the Town of Edgewood, New Mexico by the Planning and Zoning Commission of the Town of Edgewood at their meeting on January 23, 2017

Mayor Bassett asked Ms. Tawnya Mortensen, Planning and Zoning Administrator of the Town of Edgewood if she could certify that Public Notice of this Public Hearing had been posted as required.

She so affirmed.

Mayor Bassett then stated that this case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties to the proceedings. Requirements include the identification of all parties and their witnesses and the swearing in of all parties giving testimony and that the affected parties will have the right to cross-examine persons giving testimony.

Mayor Bassett then asked the Council to state whether they could confirm that they had no conflict of interest or ex-parte communication.

Councilor John Abrams confirmed that he had no conflict of interest or ex-parte communication.

Councilor Sherry Abraham confirmed that she had no conflict of interest but did indicate she had received an email about a letter that was sent to Karen Mahalick, former Interim Town Manager, Town of Edgewood, about Hillcrest.

Mayor Bassett asked Councilor Abraham if that would have any bearing on her ability to hear this case.

Councilor Abraham answered in the negative.

Councilor Linda Holle confirmed that she had no conflict of interest but did indicate she had been at the Planning and Zoning Meeting on January 23rd, 2017 when this case was before the Commission. She indicated she was at that meeting because at the time she was considering applying for a vacancy on the Commission and was there to see how the commission worked and interacted with staff. As such, she does not believe her presence at that meeting will have any bearing on her ability to make a fair and impartial decision tonight on this case.

Mayor Bassett indicated that he received a letter notifying him of this hearing as his family are adjoining land owners. He does not feel as though this will affect his ability to hear this case.

Mayor Bassett then stated his concern that this hearing be fair in form and substance as well as appearance and asked if anyone present tonight objected to the participation of any member of the governing body in these proceedings.

No one present objected.

He then asked all persons giving testimony in this proceeding to stand and be sworn in.

Ms. Tawnya Mortensen did so and was sworn in.

Mayor Bassett then asked if anyone was going to speak on behalf of the appellant. Mr. Joe Wertz, Attorney at Law with the Moses Law Firm indicated he would be making a presentation on behalf of Hillcrest.

The Mayor then asked Ms. Mortensen to give her preliminary staff report which she did indicating the purpose of the application was to create three lots, Unit 2, Block 1 and Block 2. She then indicated that the minor application was heard by the Planning and Zoning Commission of the Town of Edgewood on January 23<sup>rd</sup>, 2017 and that the application was denied based on not meeting the requirements of a minor subdivision as described in the Subdivision Ordinance of the Town of Edgewood. She then indicated the appeal was ready to be heard tonight.

Mr. Joe Wertz, the applicant's designated representative then rose to speak to the governing body. He indicated Hillcrest is here tonight to request that the council reverse the decision of the Planning and Zoning Commission that was entered on February 6th, 2017 that denied the approval of Hillcrest application for Minor Subdivision of Unit 2 and instead grant approval to that Minor Subdivision application that Hillcrest submitted.

He asked that council take this action tonight for 5 reasons:

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- 1.) The Hillcrest application satisfied all the requirements under the Subdivision Ordinance for a minor subdivision.
- 2.) The findings of the Planning and Zoning Commission do not support denial of the application.
- 3.) The Planning and Zoning Commission used the wrong criteria to evaluate Hillcrest application.
- 4.) Comments made in the staff report that was submitted to the Planning and Zoning Commission, the power point presentation made at the planning and zoning meeting and statements made at the hearing strongly suggest that the application was denied for subjective philosophical reasons.
- 5.) The final determination by the Planning and Zoning Commission on the Hillcrest minor subdivision application was not timely.

Mr. Wertz began by commenting on the staff recommendation and analysis on the appeal in the Commission's board packet. He said there were two comments made in the staff report he wanted to address:

The first comment was that the Unit 2 did not exist because it is not shown on the County Assessor maps and does not have a UPC Number and that therefore it has not existed for 365 days and therefore does not meet the requirements for a minor subdivision application. His response to that was threefold; one, that the existence of Unit 2 was not a finding made by the Planning and Zoning Commission for denying the minor subdivision application but beyond that, the existence of Unit 2 has long been recognized by the Town. And finally, he stated the existence of Unit 2 was recognized back in 2003 by the First Judicial District Court in a lawsuit entitled Hillcrest Stock Farms LLC vs. Town of Edgewood, Case No. CV2003-2241

The second comment was that Unit 2 blocks do not have access to existing roadways and streets. Mr. Wertz said that was not true. His first response was that access was not a finding made by the Planning & Zoning Commission for denying the minor subdivision application. He also stated there was no finding made by the Planning & Zoning Commission that all resulting lots must be accessible from existing roadways and streets. He also stated that if you look at a map and review the proposed plat for the minor subdivision it shows all three blocks in Unit 2 have access directly onto Venus Rd.

Mr., Wertz then turned to the findings of the Planning & Zoning Commission. He stated to council that if they look at Finding of Fact 3.3, which was the key finding, it states the Planning and Zoning Commission said that the requirement for "no need for infrastructure" was not satisfied in their view but he submits to council that it was shown by the applicant. He stated a minor subdivision application does not require a detailed site development plan that identifies where within the property the infrastructure will be placed. He further stated that it is not required until development begins when a site development plan must be submitted and approved under Section 8 of the Zoning Ordinance.

There was also a staff report that accompanied the presentation at P & Z and there are some items from that staff report that he wanted to address briefly

One was that the purpose of the 20-ft. corridor is undefined, and there was a question as to whether there was legal access to the proposed lots. He once again stated that the 20-ft. corridor was not a finding made by the Planning & Zoning Commission in denying the application and second, the prior masterplan plat clearly shows what the purpose of that 20-foot corridor is and that is that it is reserved

on both sides of Venus road (north and south) for future dedication of land to satisfy section 12U of the Subdivision Ordinance for right of way use.

Secondly there was a comment made in the staff report that no interior roads or easements are shown on the plat. He stated that those are site development plan requirements, not a minor subdivision requirement.

He also stated there was a statement that there is possible impairment of interior circulation. He submits to the Governing Body that that is entirely speculative. There were no facts presented by staff at the Planning and Zoning meeting to support that statement.

Finally, he stated that there was a comment made that there were technical defects in the plat. He then stated that the items missing from the plat are things you would find on a site development plan.

Mr. Werntz stated his belief that the real issue from what he could gather in reviewing the documents presented at the Planning & Zoning Commission meeting is that their decision demonstrated a bias in two ways. One against minor subdivisions in general, and one against those people profiled as professional developers using the minor subdivision. He concluded that those were subjective determinations that are not part of the requirements for approval of a minor subdivision application.

In the final point, Mr. Werntz wanted to make about the Planning & Zoning decision, he asked the Council to go to Section 8.a.3 of the Subdivision Ordinance where it says if Planning & Zoning does not make a final determination on a Minor Subdivision application within 60 days, it is deemed approved automatically. He then stated if you look at the record, the Planning and Zoning Administrator told Hillcrest in a letter dated November 10<sup>th</sup>, 2016 to apply for a minor subdivision. The minor subdivision application was then turned in on November 11<sup>th</sup> 2016. The Planning and Zoning Commission meeting did not occur until January 23<sup>rd</sup>, more than 60 days.

Finally, to conclude his remarks he spoke about the Master Plan and the impact of this minor subdivision upon it, because in reviewing the staff presentation and the report they seem to refer to the Master Plan and indicate or imply that his minor subdivision application was an indirect amendment to the masterplan, which he contends it does not, since the minor subdivision application does not change the uses approved by the masterplan, and there is no increase in density. He finds the staff concerns found in their report are purely speculative. He then referenced Section 24 of the Zoning Ordinance as it expressly states that Master Plan zoning allows greater flexibility in planning and design. The Master Plan, he argued, is a dynamic document. There are going to be incremental changes from time to time, that may occur as development proceeds.

He then stated in the staff report there is an indication of increased traffic concern. He stated that with the current proposed units traffic will decrease, because the proposed density has decreased. He then mentioned the conceptional site development plan that is part of the Planning & Zoning packet does not contemplate direct access to Venus Rd. and shows that interior roads will be constructed.

Mayor Bassett then asked council if they had any questions for Mr. Werntz

Councilor Abraham asked if all the proposed lots had access to a road and utilities

Mr. Werntz stated they all have access to Venus Rd and utilities. He did say when the build out occurs there will be interior roads they will have access to.

Mayor Bassett asked on the subdivision application where access to a road was proposed.

Mr. Werntz stated that right now the legal access is directly onto Venus Rd. The roadways and driveway cuts do not yet exist. The conceptual site plan, which was part of the Planning and Zoning staff report shows where the interior streets are proposed and how they will service Unit 2 once they are built out. For the purpose of the Subdivision Application all Mr. Oden had to show was that he had legal access to a road and for that purpose that is Venus Rd. but that is not how he plans to develop the property.

Mayor Bassett asked Mr. Werntz for clarification on the 60-day rule.

Mr., Werntz responded to the Mayor that his argument was about the timeliness of consideration of the application. He then referenced a section of the Minor Subdivision Ordinance that said Minor Subdivision Applications must be acted on within 60 days of the application or they will be deemed approved. He restated that on November 10<sup>th</sup>, 2016 The Planning and Zoning Administrator sent a letter to Mr. Oden telling him to apply for a Minor Subdivision and he did so the next day.

The Mayor then referencing that same letter dated November 10<sup>th</sup>, 2016 asked Mr. Werntz if that letter said the proposal qualified as a Minor Subdivision. The Mayor, quoting from the letter said that it says "the proposal does not seem to qualify for handling as a minor subdivision".

Mr. Werntz in referencing the letter dated November 10<sup>th</sup>, 2016 quoted from the letter "you may wish to file a preliminary plat under Section 8 of the Subdivision Ordinance".

Mayor Bassett asked if the letter had in it the section he had previously quoted about it not seeming to qualify for handling as a minor subdivision.

Mr. Werntz referenced again that Section 8 of the Subdivision Ordinance is for Minor Subdivisions and this application was processed as a Minor Subdivision and the Planning & Zoning Commission considered it as a Minor Subdivision. He also stated there was a subsequent letter from the Planning and Zoning Administrator dated January 9<sup>th</sup>, 2017 that comments on the application as a Minor Subdivision application.

Mayor Bassett then paraphrased from the letter dated January 9<sup>th</sup>, 2017 that stated there were several issues that needed to be resolved before the application can be considered ready for submission. His conclusion was that Mr. Sullivan; the former Planning and Zoning Administrator did not conclude it was ready for submission based on the January 9<sup>th</sup> letter.

Mr. Werntz said he could not speak for the way Mr. Sullivan worded his letters to Mr. Oden, but he did instruct Mr. Oden to file under Section 8 of the Subdivision Ordinance which is for Minor Subdivisions and the application was processed as a Minor Subdivision application and that was how it was heard at the Planning and Zoning Commission meeting.

Mayor Bassett asked Mr. Werntz if Mr. Oden brought up the 60-day rule in the Planning and Zoning Commission meeting of January 23<sup>rd</sup>.

Mr. Werntz answered that he believed he did.

Mayor Bassett asked Mr. Werntz about the issue of Unit 2 existing or not existing.

Mr. Werntz stated that first that was not a basis upon which the Planning & Zoning Commission denied the application. Second when you look at the prior history Unit 2 has before this council, you have an approved Master Plan that shows Unit 2, you have a 2003 lawsuit that dealt with the Unit 2 and you have the action of the council in 2016 which basically approved the uses for Unit 2.

The Mayor asked if Unit 2 had a UPC code number or a parcel number.

Mr. Werntz answered that he did not know. He did say according to the staff report it did not and according to the assessor's map attached as an exhibit to the staff report it does not. Mr. Werntz referenced a plat that did show Unit 2 and all the other units called out in the Master Plan.

Mayor Bassett asked what the title of the plat was that Mr. Werntz had in his hand.

Mr. Werntz read out "Conceptual Layout of Hillcrest Master Plan" and then listed the unit numbers.

Mayor Bassett asked if it called it out as having been subdivided.

Mr. Werntz said usually when you record a plat that has been approved by the Town and you have the free consent of the owner those are things you usually find on a subdivision plat. He stated that sometimes when plats are filed the titles do not get updated and so words like "conceptual" do not get deleted on the final plat that is approved and supposes that is what happened here.

Mayor Bassett asked again if at this time he would say it does not have a UPC number or a parcel number.

Mr. Werntz said he had not verified that one way or another.

Ms. Tawnya Mortensen, Planning and Zoning Administrator stood to make her final staff report to the governing body. She did state she was not at the Planning & Zoning Commission Meeting of January 23rd nor did she write the staff report presented to the Planning & Zoning Commission as she was not employed by the Town of Edgewood at that time.

She continued by saying for the staff analysis she used the Subdivision Ordinance Minor Subdivision Definition which states "Any Subdivision resulting in no more than three (3) lots on any single Lot which formerly existed, provided such single Lot was in existence in its current form a minimum 365 days prior to the date of the application, has no infrastructure needs, and all resulting Lots must be accessible from existing Roadways/Streets. Only those Lots which meet all of the conditions set forth herein are eligible to be subdivided as a Minor Subdivision."

She then focused on a part of that which said ".....on any single Lot which formerly existed, provided such single Lot was in existence in its current form a minimum 365 days prior to the date of the application..." Her conclusion was that Unit 2(46.03 acres) has not been in existence for 365 days. In

fact, it is not a Lot at all. Per Santa Fe County Assessor's Map, Hillcrest Master Plan North of Venus Rd does not have a Unit 2.

She did say the conceptual layout the council has in their packet does show Unit 2, but she has talked to the County Assessor and as you can see by the County Assessor Map (which was up on a projection screen) there is no Unit 2. She stated Unit 2 does not have a UPC code or a parcel number because it has never been subdivided.

She continued the issue of roadway access by once again quoting from the Subdivision ordinance saying ".....all resulting Lots must be accessible from existing Roadways/Streets."

She then referenced a 2003 Master Plan poster which showed North Hillcrest Blvd and Cinnamon Drive. She pointed out there are no driveways shown using E. Venus Rd. and there are no interior roads in place yet because they don't exist although those are the roads shown on the Master Plan that driveways should exit onto.

Finally, she stated that even though she was not present for the meeting on January 23, 2017 she has looked this over and done her due diligence on researching the application and has found that this should have never been heard as a Minor because it does not meet the conditions of a Minor Subdivision. Most importantly, Unit 2 with 46.03 acres does not exist and cannot be subdivided.

She recommends Town Council uphold the denial of the application made by the Planning and Zoning Commission on January 23, 2017.

Mayor Bassett asked the applicant if he wished to cross examine staff

Mr. Werntz did not.

Mr. Werntz then gave the applicant's closing summary and stated he did not wish to repeat what he had stated earlier but did want to make two comments in regards to what Ms. Mortensen had just stated.

He stated that Mr. Oden had told him that the Santa Fe County Assessor has assessed most of the Hillcrest land as grazing land. That is why there are not multiple UPC numbers. Until you have developed you are not going to get a specific UPC numbers for specific units. He understands there is one UPC number that has been granted on the north side and one on the south side and the rest of it is assessed for grazing. The information we are getting from the assessor is about the assessment of this land as grazing land.

Second, if you look at the letter that Mr. Oden submitted to Planning and Zoning on November 11<sup>th</sup>, 2016 it clearly states the application is a Minor Subdivision application and it was processed as such.

Councilor Abrams told Mr. Werntz that he did not seem to have a copy of the November 11<sup>th</sup> letter he referenced. He asked if other councilors had a copy.

The Mayor answered that it was not in the packet.

Councilor Abrams then asked Mr. Werntz when exactly did the applicant put in the application.

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Mr. Werntz stated the application for a minor subdivision was dated November 11<sup>th</sup>, 2016.

Councilor Abrams said that information in his packet shows the fee was paid November 14<sup>th</sup>, 2016 so officially that would have been the date.

Councilor Abrams stated he did have a copy of the letter generated January 9<sup>th</sup> that states there are three stipulations that had to be met. He asked Mr. Werntz if those stipulations were met by January 23<sup>rd</sup>, 2017 the night of the Planning and Zoning Commission meeting.

After reviewing the letter and consulting with Mr. Oden, Mr. Werntz said about item No. 1, which was "access to lots appears to have been impaired" that it was addressed by Mr. Oden at the Planning and Zoning hearing and again stated that it was not a basis upon which the Planning and Zoning Commission denied the application.

Councilor Abrams clarified that his question was not whether these things were addressed at the meeting but were they addressed by the applicant prior to the meeting.

Mr. Werntz said with regards to item No. 1 if you look at the 2010 approved Master Plan it shows there is a 20-foot corridor located on the North side of Venus Rd. for future right-of-way, that was one of the submittals. With respect to item No. 2, that would have been in the interior he does not know if there was a discussion before about where those would be but they would be detailed in a later site development plan not on a minor subdivision plat and does not know if there was any specific information provided beforehand with respect to those easements in Unit 2 because it is premature. In regards to item No. 3 he says it is referring to the approved plan of vehicular circulation interior to Unit 2. Again, that is part of the conceptual site development plan that was part of staff's package.

Councilor Abrams then stated that his reading of the Minor Subdivision Ordinance says "only those lots which meet all the conditions are eligible to be subdivided..." In regards to roads, he asked Mr. Werntz, was he saying that Venus Rd. sufficed for the interior roads which have not been constructed.

Mr. Werntz answered that for the Minor Subdivision Application that is correct.

Councilor Abrams said the ordinance said nothing about proposed or supposed roads. He asked again are there or are there not existing roads.

Mr. Werntz answered the existing road was Venus Rd.

Councilor Abrams then asked in regards to the subdivision would the subdivision not be of the 400 plus acres into 3 lots.

Mr. Werntz answered not necessarily because the units have been designated on prior approved Master Plans and it is his understanding that the Master Plan plat that was recorded March 2<sup>nd</sup> of 2010 was processed as a subdivision plat and there is a SUB number associated with that action taken by the Town at that time.

Councilor Abrams then stated that a Master Plan was not a final plat nor is it an actual division of land for sale is it.

Mr. Wertz answered that the actual division of land for sale would be when a site development plan came in that would designate legally described lots within a tract of land.

Councilor Abrams stated that the lots we are talking about now are not legally described lots.

Mr. Wertz answered that they are legally described bulk lots.

Councilor Abrams said he sees a difference between a proposed division of land and an actual legal division of land. In all the submitted documents, he does not see an actual division of land. He would like to see a deed for this actual division of land. The only one he sees properly recorded is the one for the 400 plus acres. He finally stated he does not see a proposal of a division of land as being the same thing as an actual division of land so if Unit 2 is not a subdivided piece of land that has a real legal designation a further subdivision of that same land would not be legal. He asked Mr. Wertz if that followed.

Mr. Wertz stated the way Council Abrams put it, no. He then said he has an enlarged version of the plat that was recorded March 2<sup>nd</sup> of 2010 and asked if Council had a copy in their packet.

They did.

Councilor Abraham said does that not have in there a description of Unit 2 as 45 + acres?

Councilor Abrams answered yes, conceptually.

Mr. Wertz then asked for permission to give Councilor Abrams the letter dated November 11<sup>th</sup>, 2016 and it does state there are 10 copies of the Warrant Deed to Unit 10 aka Periwinkle Ridge that accompanied the application for Minor Subdivision.

The Mayor gave his permission and Mr. Wertz gave a copy of the letter to Councilor Abrams.

He then referenced the warranty deed which has a legal description of Unit 2 and that is a recorded deed and he understands the deed was recorded at or about the time the Master Plan that was recorded in March of 2010 was recorded so he thinks the evidence is there to show the existence of Unit 2.

Councilor Abraham asked what it meant when the roads that are listed on the Area Table of the 2010 recorded plat are called "future roadways"?

Mr. Wertz clarified that she was referring to the roads that are shown on the second page of the survey and answered that they are approximations of the land area that each of the units and each of the roads would take up. All of this would be more specifically defined and confirmed on a site development plan when it is submitted to staff for review and approval.

Councilor Abarham asked if that meant those roads were recorded but not built.

Mr. Werntz said they are roads that are anticipated to be built there, subject to further approval by staff of a site development plan. He then referenced again Section 24 of the Zoning Ordinance which states that Master Plan zoning is intended to allow great flexibility in planning and design.

Mr. Werntz asked if Council had anything else they wanted to ask him.

Mayor Bassett then gaveled shut the public portion of the hearing.

Councilor Abraham made a motion to approve the appeal and overturn the decision of the Planning and Zoning Commission.

The Mayor asked for a second. There was no response.

Mayor Bassett began to pose a question to the Town's attorney, Mr. Randy Autio when Councilor Abrams asked to continue discussion before he made a motion.

Councilor Abrams stated it was little awkward to not have staff that was involved in the original application process here to speak. He went on to say he was curious why the letter the applicant sent on the 11th which stated it included a check was not actually recorded until the 14th but conceded that may be an internal issue. Regardless he said three days was three days. He then stated that he also knows when an application is made for something the hearing for that application is posted out sometime in the future so the public can be informed. He agrees that between November and January there is more than 60 days but he wonders if we are including weekends and holidays. Regardless he does know the Ordinance states that a Minor Subdivision will go through if no action is taken in 60 days. He then stated that Minor Subdivision is designed for certain kinds of lots meeting all the criteria for a regular subdivision and having all the necessary roadways and utilities. He believes the intent of the previous administration and council was to allow a more streamlined approach to certain types of divisions of land. He is not sure what certain types meant because division of land can get dicey and the idea of what is and is not infrastructure has been discussed by this body and others before.

With this case in mind he is torn. He agrees Venus is a road and it borders on the edge of the proposed subdivided pieces of land but does it provide egress and ingress to those pieces. He thinks not without some improvements. So is it by the definition of the Ordinance ready to go. The answer is not without a 4-wheel drive. With that in mind he then made a motion.

**MOTION:** Councilor Abrams made a motion to uphold the decision of the Planning and Zoning Commission to deny the Application of Hillcrest LLC for approval of a Minor Subdivision into three lots, of a 45-acre tract known as Unit 2, Hillcrest Master Plan, which tract is located at #35 East Venus Road in the Town of Edgewood, New Mexico. In other words, to deny the appeal of Hillcrest LLC regarding the decision of the Planning and Zoning Commission.  
Councilor Holle seconded the motion.

Mayor Bassett added his thoughts saying the January 9<sup>th</sup> letter from Mr. Sullivan, previous Planning and Zoning Administrator of the Town of Edgewood states several issues must be resolved before