

Town of Edgewood
MINUTES
Special Meeting
Thursday, March 6, 2025 @ 2:00 PM
TOWN HALL COMMISSION CHAMBERS
171-A NM 344, Edgewood, NM

I. WELCOME, INTRODUCTION, & ROLL CALL

2:00 PM Meeting called to order by Commissioner Ken Brennan, chair.

Present: Commissioner Murillo, Commissioner Milligan, Commissioner Brennan

Absent: Commissioner Anaya

- A. Invocation
- B. Pledge of Allegiance
- C. NM Flag Salute

II. AGENDA APPROVAL

III. PUBLIC QUASI-JUDICIAL HEARING

2:02 PM Quasi-Judicial Hearing opened

To Consider an Appeal of an Approval by the Town of Edgewood Planning and Zoning Commission for a Minor Subdivision.

Parcel 910012931 Sec. 36 T10N R7E located in the Town of Edgewood.

Present: EMPAC attorney Hessel Yntema; Bernalillo County attorney Mike Garcia; Town of Edgewood attorney Young Jun Roh; Town of Edgewood Planning & Zoning attorney Kathy Ahghar; witnesses and members of the public; Town staff (Town Manager Nina McCracken, Community Development Director Brad Hill, Planning & Zoning Manager Paul Dominguez, Planning & Zoning Assistant Rebecca Garcia, Deputy Clerk Linda Burke, IT Director James Reader).

Chair read the matter before the Commission and the rules of procedure for the quasi-judicial hearing.

Chair asked Commission to disclose any real or potential conflicts of interest. Brennan – none; Milligan – none; Murillo – none.

Chair asked Commission to disclose any ex-parte communications related to the matter. Brennan – non; Milligan – none; Murillo – none.

Chair read rules of procedure for appellant presentations and cross-examination, commission questions, appellee presentation and cross examination. In the interest of time, no public comment will be heard at this hearing because public comment was accepted at the original quasi-judicial hearing at the Planning & Zoning level and town believes it has received sufficient public comment in writing and through the appeal filings. Chair read procedure for Appellant rebuttal.

Cross examination

Applicant – position is P&Z processed properly.

P&Z attorney Ahghar – no cross

Questions from Town Commission

1. (Murillo) What missing of record? (EMPAC Yntema) no video transcript (YouTube inadequate).
2. (Murillo) What was notice issue? (EMPAC Yntema) Claimed legal notice not met, posted 11/7/2024 and meeting 11/21/2024. (TOE Young) states notice met. (EMPAC) minutes not posted w/in 10 days (TOE Young) responded, no answer yet. (EMPAC Yntema) OMA violations.
3. (Murillo) Review of P&Z decision. (TOE Young) Review of P&Z Decision by Town Commission based on record.
4. (Murillo) What is concern with 1999 or 2019 ordinances? (EMPAC Yntema) Does Campbell have vested rights, when development has relied on substantially on the ordinance in proceedings.
5. (Murillo) Standing limited to adjacent v. aggrieved? (EMPAC Yntema) Show standing, can't limit without hearing injury.
6. (Milligan) Documents (record proper) received at 9:30 AM (dated 9:05 AM), also some yesterday and 3/5/2025 evening but couldn't open. Another addition at 11:30 AM on 3/6/2025. (TOE Young) Town should have provided record proper 2 days in advance, but not uncommon, town should have done better, appellant submitted their own documents.

Staff Report

Paul Dominguez, Planning & Zoning Manager, gave a staff report and explained the application was to divide five (5) tracts of land. Stated emails, applications, documents available before Planning & Zoning hearing.

(EMPAC Yntema) When did Dominguez start as P&Z Manager? (P&Z Dominguez) Nov. 25, 2024. (P&Z Hill) made statement regarding 2002 Ordinance (stipulation, per District Court) and discussion with P&Z Attorney Nann Winter, she agreed 1999-R applied. Decision made prior to pre-application review. (EMPAC Yntema) Any meetings with counsel or Applicant on 1999-R? (P&Z Hill) Yes.

Question about swearing-in town staff to testify. (TOE Attorney Young) Clarified that staff presumed to be under oath because speaking for the town, Code of Conduct/Ethics applies to public employees. Remedy agreed to by EMPAC and BernCo to swear in Hill and Dominguez. Hill and Dominguez sworn-in by Deputy Clerk.

(EMPAC) questioned as to why 1999-R applies. (Hill) there was a dispute between TOE and CF which went to court/court ordered parties stipulate agreement, resulted in 2002 Ordinance confirming agreement that Ordinance 1999-R would govern CF/Campbell Ranch Master Plan. Determination that 1999-R applies to current application based on the 2002 Ordinance.

(BernCo) Once divided, they could be conveyed or sold? (Hill) Yes. (BernCo) No observable difference between Tract and Lot in BernCo opinion. (Hill) Distinction is Lot can be built, Tract cannot.

3:59 PM Ten (10) minute recess.

At 4:10 PM Hearing resumed.

Commissioners waived questions.

Public Comment (speakers from P&Z Hearing): 1 minute each:

Rich Dunn – gaps in info, can't see making decision on this today.

Andrea Trambrell – costs of these types of development fall on TOE.

Joel Darnold – requires Court Settlement be found and available.

Teresa Marie Haycock – schools, BernCo won't pay for schools.

Dennis Kellog (President of EMPAC) – hope you make the right decision

Steve Buford – traffic concerns, water biggest issue.

Additional Speakers (1 minute each):

Mark Moll – State Engineer underground basins over appropriated, denied CR application.

Jean DeMarte – opposes application, town cannot afford to provide services.

Annie Withers – does this create orderly development, spoke to NMDOT Dist 3 Isreal, says no agreement for N14 access.

Rebuttal

(EMPAC) thank you for running a courteous hearing.

(BernCo) Minor subdivision, but not a minor issue. Reiterate to remand to P&Z to re-file decision and make conditions.

Appellee

(P&Z Dominguez) RE: 1999-R access to NM 14, NMDOT would not have permit, that is not required until time of development, NMDOT would be proper then, not required now at Tract stage. Section 9-E-9 certificate of public utility easement not in this application because not required at this stage.

Motion

Chair called for a motion for modification or remand.

Motion: Commissioner Milligan motioned to remand the matter to Planning & Zoning.

Second: Commissioner Murillo.

Discussion:

(Brennan) We should fix the minor errors

(Murillo) Big issue, info not received by counsel in a timely manner.

(Murillo) Why we don't use most recent ordinance and information about the court order needed.

(Milligan) too much information/not enough time to review

(Brennan) lots to read, need more time.

(Milligan) recordkeeping needs improvement, no table of contents, documents jumped around

VOTE: Aye - 3 (Milligan, Murillo, Brennan); Nay – 0; Matter remanded to P&Z.

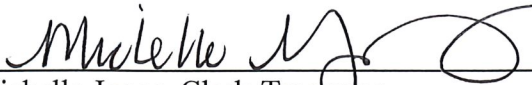
IV. ADJOURN

Meeting adjourned at 4:35 PM



Ken Brennan, Mayor

ATTEST:



Michelle Jones, Clerk-Treasurer

