

**AGENDA  
TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION MEETING  
JULY 18, 2016 AT 6:00 PM  
EDGEWOOD COMMUNITY CENTER  
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

The Town of Edgewood Planning & Zoning Commission is pleased to have residents of the community take time to attend commission meetings. Attendance and participation is encouraged. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcome and should be given to the town administrator prior to the start of the meeting.

**1. CALL TO ORDER & ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. APPROVAL OF MINUTES:**

- A. Draft Planning & Zoning Commission Meeting Minutes of June 20, 2016
- B. Draft Planning & Zoning Commission Meeting Minutes of July 5, 2016.

**4. PUBLIC COMMENTS**

**5. 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 to cross-examine persons giving testimony. Confirmation of no conflict of interest or ex-parte communication.**

- A. Request for approval of a Minor Subdivision consisting of 2 lots, located at 29 Woods End Road, Woods End Ranch, being tract P-5-A-2, Section 21, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County.

**6. FINDINGS OF FACTS, CONCLUSION OF LAW AND RECOMMENDED ORDER**

for property located at:

- A. Southwest corner of Hill Ranch Road and Hwy 344 being, Tracts 5A, 5B, 5C, & 5D, Lands of Hill, Section 9, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, NM 87015
- B. Woodline Drive, Woods End Ranch, Tract P-1R-1B, Section 21, T10N R7E, NMPM, Town of Edgewood, Santa FE County, New Mexico.

**7. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS**

**8. MATTERS FROM STAFF**

**9. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.**

- A. Next Commission Meeting – August 1, 2016
  - Discussion on Minor Subdivision

**10. ADJOURN.**

A copy of the agenda may be obtained at the Town Office, 1911 Historic Route 66 during regular business hours of 8:00 am - 5:00 pm. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Town Clerk at 505-286-4518 at least one week prior to the meeting or as soon as possible.

**DRAFT MINUTES  
TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION MEETING  
JULY 5, 2016 AT 6:00 PM  
EDGEWOOD COMMUNITY CENTER  
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

**1. CALL TO ORDER & ROLL CALL**

Chairman Dan Thompson called the meeting to order at 6:01 pm. Roll Call was taken. Commissioners present were: Larry Sullivan, Cheryl Huppertz, Garry Bryant and Dan Thompson. Also present were: Juan Torres, Clerk/Treasurer. Bonnie Pettee, Planning & Zoning, Rebecca Sanchez, Staff.

**2. APPROVAL OF AGENDA**

**MOTION:** Commissioner Bryant made a motion to approve the agenda for tonight's meeting. Commissioner Sullivan seconded the motion.

**VOTE:** All Commissioners present voted aye. Motion carried.

**3. APPROVAL OF MINUTES:**

A. Draft Planning & Zoning Commission Meeting Minutes of June 6, 2016

**MOTION:** Commissioner Sullivan made a motion to approve the Minutes of the June 6, 2016 meeting as presented. Commissioner Huppertz seconded the motion.

**VOTE:** All Commissioners present voted aye. Motion carried.

B. Draft Planning & Zoning Commission Meeting Minutes of June 20, 2016.

**MOTION:** Commissioner Sullivan made a motion to postpone approval of the Minutes for the June 20, 2016 meeting until the next regular meeting. Commissioner Huppertz seconded the motion.

**VOTE:** All Commissioners present voted aye. Motion carried.

**4. PUBLIC COMMENTS**

There were none.

**5. PUBLIC HEARING.**

**Quasi-judicial Procedure: Certification that Public Notice of this meeting has been posted as required:** Ms. Pettee confirmed the Public Notice had 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 to cross-examine persons giving testimony.**

**Confirmation of no conflict of interest or ex-parte communication.**

Commissioner Sullivan confirmed he had no conflict of interest or ex-parte communication.

Commissioner Huppertz confirmed he had no conflict of interest or ex-parte communication.

Commissioner Bryant confirmed he had no conflict of interest or ex-parte communication. Chairman Thompson confirmed he had no conflict of interest or ex-parte communication.

Mr. Richard Martin, Proponent, Mr. Tim Oden, Applicant, and Ms. Bonnie Pettee, staff were sworn in to give testimony.

- A. Request for approval of a Minor Subdivision consisting of 3 lots, being tract P-1-R-1-B, Woods End Ranch, located along Woodline Drive, Section 21, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County.

Ms. Pettee presented the staff report. She stated the subject property consists of 8.142 acres and is desired to be divided into three parcels. The current zoning is R1-Residential and is surrounded by residential properties, with an exception of a church to the east. She added Woodline Drive provides access to arterial road, is currently gravel and extends only to the cul-de-sac. A 50 foot access easement is shown on the plat to complete the road beyond the subject property. Water and electricity lines are available at the cul-de-sac and there is also an easement on the plat to extend those lines to Tract 5-P. Ms. Pettee noted that the road and utilities would need to be completed prior to any future development. In staff's opinion, the plat was found in compliance with the Ordinance requirements for "Contents of the Plat". Since the surrounding properties are mostly residential, the request would not cause a negative impact on the neighborhood. Staff recommended approval of the request subject to the road and utilities being extended.

Commissioner Sullivan asked Ms. Pettee to define "Contents of the Plat".

She replied the zoning classification was listed on the plat with the corresponding setback requirements, along with all required easements.

Mr. Sullivan noted that the 50 foot access easement on the plat was adequate.

Mr. Tim Oden, agent to the applicant, addressed the Commission. He stated the infrastructure is available; the road is gravel to the cul-de-sac and the utilities are stubbed out at the cul-de-sac. The owner is looking to sell Tract 5P. The road will need to be developed prior to the sale.

Commissioner Sullivan questioned Mr. Oden with regards to ownership of the two lots west of the subject property and the utilities availability.

Mr. Oden replied that the two other lots are owned by the same person and as explained that the utilities are available at the cul-de-sac.

Commissioner Sullivan noted that the road must be accessible from existing road(s), and he looked at the property today and found that it is.

Commissioner Huppertz commented that staff recommended approval with the road and utilities conditions.

Mr. Oden added that conditions were acceptable.

Mr. Sullivan stated that he did not think that this request qualified as a Minor Subdivision because it has needs for all infrastructure. He also noted he does not agree with staff's statement that the proposed subdivision would not be detrimental to the welfare of the neighborhood. He continued that the road is a dead end and the length of the western extension (new part) is not conducive to emergency vehicles. He suggested a new cul-de-sac at the end of the road extension to allow for fire service.

Commissioner Huppertz stated the road will be extended according to the road standards listed in the subdivision ordinance. She suggested possibly the entire length of Woodline Drive be improved to meet those standards.

Commissioner Bryant noted the "Disclosure" required to be on the plat. The disclosure states that the Town doesn't evaluate minor subdivision with regard to the availability of water, off-site sewer services, condition of roads, etc.

Commissioner Sullivan replied that the disclosure does not fit with the definition of Minor Subdivision. He continued stating that he felt it would be irresponsible on our part to approve this request with no fire department standard.

Mr. Richard Martin, a neighbor, addressed the Commission. He stated that Woodline Drive is in need of significant improvement. He would like to see the road brought up to the standards. His concern is the type and number of homes to be developed on the subject parcel. He asked if the road is within city jurisdiction and if there was availability to city sewer in that neighborhood.

Ms. Pettee replied that Woodline Drive is within the city jurisdiction but is a private road and currently, the city sewer is not available there. The homes in the neighborhood are on private septic.

Chairman Thompson closed the Public Hearing.

Commissioner Bryant asked Mr. Oden if he would agree to improve the road.

Mr. Oden replied he already stated that he was in agreement with the conditions requested by staff. He is aware that the road needs to be brought up to standards to Tract 5P and there is a need for a cul-de-sac.

Commissioner Sullivan asked if there were any covenants on the property.

Mr. Oden replied he did not know.

Mr. Lonnie Vaughn, neighbor, replied that when he bought his property, there was a 2 acre covenant, but since then the property owners of the area agreed to abandon that requirement.

Commissioner Sullivan stated it appears that the Commission has come to an agreement with conditions being road and utility extensions and 2 acre covenant.

**MOTION:** Commissioner Sullivan made a motion to approve the Minor Subdivision with the following conditions:

1. Woodline Drive runs north from Woods End road to the cul-de-sac (referred to as the knuckle) and then westerly to lots 3,4,5,6 with a cul-de sac of 50 foot radius at the end of the extension. The road should be improved according to local Sub collector standards as per Subdivision Ordinance.
2. A covenant shall be created to require a 2 acre minimum for any additional divisions of land.

Commissioner Huppertz seconded the motion.

Commissioner Sullivan stated he would like to add another condition.

Commissioner Huppertz replied that they should just vote and deny the motion and start over.

**VOTE:** All Commissioners present voted nay. Motion failed.

**MOTION:** Commissioner Sullivan made motion to approve the Minor Subdivision with the previously stated conditions and adding: 3. The road development must be completed before the plat will be approved.

Ms. Pettee reminded the Commissioners of the requirement to complete the process for the plat within 60 (sixty) days.

Commissioner Sullivan withdrew his motion.

**MOTION:** Commissioner Sullivan made a motion to approve the minor subdivision for Woods End Ranch, located along Woodline Drive, Tract P-1-R-1-B, Section 21, T10N, R7E, NMPM, Town of Edgewood, Santa Fe County, New Mexico, with the following conditions:

1. The roadway that extends northward off Woods End Drive, which is Woodline Drive, shall be improved to city standards; 6 inch road base and 24 feet wide, up to the cul-de-sac (knuckle) then extended westward to an additional cul-de-sac with the radius of 50 feet to serve lots 3,4,5, 6, & 7.
2. A covenant required by the new owner that the new lots would be used for residential purposes and be no less than 2 acres.

Commissioner Huppertz seconded the motion.

**VOTE:** Commissioner Sullivan voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Chairman Thompson voted aye. Motion carried.

**6. REQUEST FOR ZONE CHANGE FROM R1- RESIDENTIAL TO RS- RESIDENTIAL AND SERVICES for property located at:**

- A. Southwest corner of Hill Ranch Road and Hwy 344 being, Tract 5D and Tract 5C, Lands of Hill, Section 9, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, NM 87015.

Ms. Pettee presented the staff report. She explained that due to potential ramifications of the previous request for C2- Commercial zoning, the applicant withdrew her request and is asking the Commission to revisit the property with the request for RS-Residential & Services for both Tract 5C and Tract 5D. The applicant is seeking rezoning to build a neighborhood veterinary clinic. Combining the lots would allow the applicant a larger area for building and more frontage along Hwy 344. The RS Residential and Services zoning would provide a transition from residential zoning to a compatible nonresidential zoning. Ms. Pettee added the request is consistent with the Comprehensive Plan; Objective 2, which states "Establish or support a local organization and process for targeting and recruiting new businesses and industries to locate in the Edgewood community, particularly those that serve local needs and provide higher-wage jobs." She noted a lot line vacation would be required prior to any future development. Regulatory ordinances, such as the zoning and subdivision regulations, will need to be applied during the development decisions to assure the adjacent residential areas will not be impaired in value or integrity. She stated that based on the Staff Analysis, it is their recommendation that approval of the zone change be recommended.

Ms. Roni Merbler addressed the Commissioners. She stated after the last meeting, she spoke to her client about what was said at the meeting. He liked the idea of including two lots instead of one. She also spoke to Ms. Janelle Turner, who recommended the RS- Residential & Services

zoning. She added the applicant really likes this location and wants to comply with all the necessary requirements.

Ms. Janelle Turner approached the podium. She stated that when the property was sold in 1999 the zoning ordinance was designed specifically for transitional areas. Edgewood is a diverse area and now there are many zoning categories. She suggested that anytime a zone change is considered, the Commissioners consider any kind of permissive use that can be done in that area. There is no guarantee that the proposed use will actually be developed.

Commissioner Sullivan expressed his appreciation to the applicant for reconsidering the zoning category. He asked what had changed in the area to warrant the zone change.

Ms. Turner stated the originally zoning was not thoughtfully placed and at that time there was not development in the area. Now there are a lot of homes with people who like animals.

Commissioner Sullivan added Hill Ranch Road was not paved at the time of zoning.

He stated that the subject lots still form a triangle, which makes development difficult. He suggested that the applicant consider the entire eastern half of the subdivision to be included in the zone change to give enough room to develop the site for all that they need.

Ms. Turner reminded the Commission that if they recommend approval for four lots instead of two, they need to site the reasons.

**MOTION:** Commissioner Huppertz made a motion to approve the change in zoning from R-1-Residential to RS- Residential and Services for property located at the south west corner of Hill Ranch Road & Hwy 344, Lands of Fred C. and Betty G. Hill, Tracts 5A, 5B, 5C and 5D, Section 9, T10N, R7E, NMPM, Town of Edgewood, Santa Fe County, based on the topography of the land, the property is not suitable for R1-Residential; there is new development across the street; The proposed use will serve the community well; and the original zoning not fully considered, no RS-Residential & Services zoning at the time. Commissioner Bryant seconded the motion.

Commissioner Sullivan amended the motion to include that when staff reviews the site development they consider the following Goals of the Comprehensive Plan: C2 pollution, F1 Transit, F2 trails, G1 ground water, J1 underground utilities, L2 higher pay jobs and M1, 2, & 3 adult education and training. Commissioner Bryant seconded the amendment.

**VOTE:** Commissioner Sullivan voted aye. Commissioner Huppertz voted aye.  
Commissioner Bryant voted aye. Chairman Thompson voted aye. Motion carried.

#### **7. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS**

Commissioner Sullivan commented on Minor Subdivisions and the need to discuss them in a non-quorum setting to ease the problems.

Mr. Torres stated that this will be one of the topics of discussion at the Workshop with MRCOG.

#### **8. MATTERS FROM STAFF**

Ms. Pettee reported she had talked with Sandy Gaiser regarding the topics for the meeting. The suggested discussions will be on: Motions, Roberts Rule of Order (Parliamentary Procedures), Findings of Fact, and Minor Subdivisions. The workshop will be on Monday, July 11, 2016 at 4:00 to 6:00 pm, at the Community Center.

#### **9. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.**

**A. Next Commission Meeting – 7/18/16**

- 1. Minor Subdivision
- B. Special Workshop – 7/11/16

**10. ADJOURN.**

**MOTION:** Commissioner Bryant made a motion to adjourn tonight's meeting. Commissioner Sullivan seconded the motion.

**VOTE:** All Commissioners present voted aye.

Chairman Thompson adjourned the meeting of July 5, 2016 at 9:02 pm.

**APPROVED, APPROVED AND ADOPTED this 18<sup>th</sup> day of JULY, 2016.**

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Dan Thompson, Chairman

ATTEST

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Garry Bryant, Secretary

**TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION  
STAFF REPORT**

**SUBJECT** : ITEM 2016-Sub 005  
**APPLICANT/AGENT** : Tim Oden

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**REQUESTED ACTION**

The applicant is seeking approval of a minor subdivision for Woods End Ranch, Tract P-5-A-2, 29 Woods End Drive, Section 21, T10N, R7E, NMPM, Town of Edgewood, Santa Fe County, New Mexico.

**APPLICATION EXHIBITS**

- A) Staff Report
- B) Application
- C) Plat for a Minor Subdivision
- E) Agent Authorizations from Owners
- F) Warranty Deed Recorded March 3, 1989
- G) Road Maintenance Agreement
- H) Pillars Revocable Trust
- I) Zone Map
- J) Google Map

**APPLICABLE REGULATIONS**

Subdivision Ordinance 2014-03  
Zoning Ordinance 2014-02

**NOTIFICATION**

Public Hearing notification was printed in the Independent on July 13, 2016. The property owners within 500 feet were notified by mail. Notice signs were posted on the property, and Public Hearing Notices were posted at the six (6) Town of Edgewood public posting locations, on July 8, 2016.

**LOCATION**

Subject property is located in the Woods End Ranch, Tract P-5-A-2, 29 Woods End Road, Section 21, T10N, R7E, NMPM, Town of Edgewood, Santa Fe County, New Mexico.

**BACKGROUND**

The subject property consists of 8.843 acres and is owned by Pillars Revocable Trust. It is his desire to subdivide the property into 2 parcels. The current zoning for the parcel is R1 Residential. There are no plans for future development.

### **PROJECT DESCRIPTION**

The subject property is bordered on all sides by residential properties. Lot P-8 will consist of 3.774 acres and Lot P-9 will consist of 5.082 acres.

Woods End Road Drive provides access to State Hwy 344. It is within the jurisdiction of the Town of Edgewood, but is a private road and, therefore, privately maintained. It is currently gravel and extends beyond the subject property to a private residence. A "Road Maintenance Agreement" was signed and put into place on January 2, 1985 that would require all property owners within the Woods End Subdivision to maintain a 50 foot, dedicated and private roadway on their parcels. The agreement also allows for a "Committee" to accept bids for road maintenance.

A 10 foot public easement for utilities is also provided for on the plat on both the east boundary line and the west boundary line. A 10 foot gas line easement runs along the west boundary of lot P-8 and a power line easement runs along the northern boundary of Lot P-8. The R1-Residential zoning with corresponding setback requirements are noted on the plat.

### **STAFF ANALYSIS**

- A) Staff performed a review of the Plat and found it to be in compliance with Subdivision Ordinance 2014-03, Section 8. Minor Subdivision, with regards to Contents of the Plat, and the infrastructure needs are provided for.
- B) It is the staff's opinion, that approval of this request will not be detrimental to the public welfare or cause a negative impact to the neighborhood.

### **STAFF RECOMMENDATION**

It is the staff's opinion that the request for division of land on Woods End Road is in compliance with the requirements of the Subdivision Ordinance 2014-03, Section 8. Minor Subdivision. As noted above. Staff recommends approval by the Planning and Zoning Commission.

Any future development of the two (2) lots shall be required to meet the provisions of all applicable Town of Edgewood Ordinances.



**Town of Edgewood**  
**Community Planning & Development**  
 P.O. Box 3610  
 Edgewood, NM 87015  
 (505) 286-4519 ext. 3 Fax: 286-4519

**SUBDIVISION AND PLATTING APPLICATION**

For Municipal Use Only: File No. \_\_\_\_\_  
 Date of Receipt: \_\_\_\_\_  
 Planning Commission Meeting Date: \_\_\_\_\_

The undersigned hereby applies for approval under the Town of Edgewood Subdivision Ordinance, for the Plan, submitted herewith and described below:

**Application Classification:**

- Sketch Plat/Pre-Application
- Minor Subdivision Plat \$250.00 + 10.00 per resulting lot (limit three)
- Preliminary Plat \$50.00 per resulting lot
- Final Plat \$ 250.00 + 10.00 per resulting lot
- Vacation of Plat
- Lot line vacation/replat \$ 50.00
- Right-of-way vacation \$ 100.00

Applicant: Pillars Revocable Trust Telephone: 238-0666  
 Address: PO Box 9 Edgewood, NM 87015  
Street Address City State Zip Code

Agent: ODEN & ASSOC. INC. Telephone: 832-1424  
 Address: PO Box 1976 Moriarty, NM 87025  
Street Address City State Zip Code

Legal Description: TRACT P-5-A-2 WOODS END RANCH  
 Existing Subdivision WOODS END RANCH  
 Project Address # 29 WOODS ENM

Address: \_\_\_\_\_

Number of Lots Created 2 Total Acreage: 8.843  
 Current Zoning: R-7

**\*\*\*IMPORTANT - PLEASE READ AND REVIEW\*\*\***

- Check if there are any easements on the property and show them on all concept and preliminary plats.
- Check if there are any drainage or stormwater facilities on the property and show them on all concept and preliminary plats.
- Check if there are any encroachments on current or proposed easements and show them on all concept and preliminary plats.
- Check if there are any public or private utilities on the property and show them on all concept and preliminary plats.

*In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after the Planning Commission's; review for the purposes of inspecting the proposed and/or approved parcels. Notarized Agent Authorizations are required as part of the application documents in the event an Agent is assigned.*

Applicant's Signature: [Signature] Date: 6/18/16

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(If different from applicant)

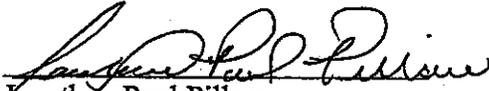
Fee Paid: \_\_\_\_\_ Date: \_\_\_\_\_

Receipt: \_\_\_\_\_ Initials: \_\_\_\_\_



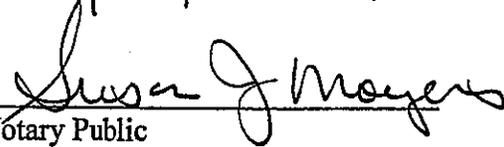
**Authorization to Act as Agent**

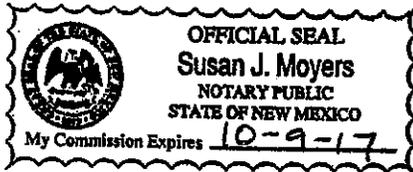
I, Jonathan Paul Pillars, Trustee of the Pillars Revocable Living Trust, hereby authorize Oden & Associates, Inc., it's principals and staff, to act on my behalf in any and all matters relating to the Subdivision of Tract P-5-A-2, Lands of Pillars Revocable Trust in Section 21, T 10 N, R 7 E, Town of Edgewood, Santa Fe County, New Mexico.

  
Jonathan Paul Pillars

State of New Mexico  
County of Torrance ) .ss

This instrument was acknowledged before me on May 16, 2016 by  
Jonathan Paul Pillars.

  
Notary Public



My Commission Expires: 10-9-17

WARRANTY DEED

641802

OSCAR L. PILLARS AND MARJORIE PILLARS, HUSBAND AND WIFE

for consideration paid, grant

to OSCAR LAWRENCE PILLARS AND MARJORIE JEAN PILLARS, TRUSTEES

U/D/T, JANUARY 25, 1989

whose address is BOX 392, EDGEWOOD, NEW MEXICO 87015

the following described real estate in SANTA FE County, New Mexico:

Tract 4-B-2, of Land Division Plat of Woods End Ranch, in SE 1/4 Section 21, T10N, R7E, SANTA FE COUNTY, NEW MEXICO, Recorded in Book 148, Page 014, records of Santa Fe County, New Mexico, filed January 2, 1985.

Subject to patent reservations, restrictions, and easements of record and taxes for the current year and subsequent years.

672,995
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 14th day of MAR A.D. 19 89 at 2:35 o'clock p.m. and was duly recorded in book 641 page 80 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Juna G. Armijo
County Clerk, Santa Fe County, N.M.
Deputy



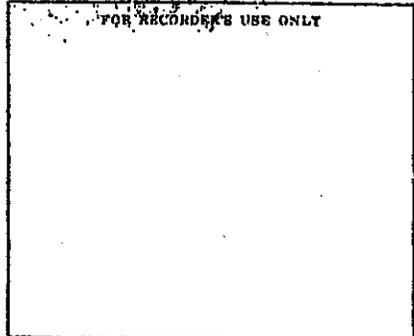
with warranty covenants.

WITNESSED hand and seal of this 3rd day of MARCH, 19 89
Oscar L. Pillars (Seal) Marjorie Pillars (Seal)
OSCAR L. PILLARS MARJORIE PILLARS

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
The foregoing instrument was acknowledged before me this 3rd day of MARCH, 19 89 by OSCAR L. PILLARS AND MARJORIE PILLARS, HUSBAND AND WIFE
My commission expires 12-4-89
Virginia Cable
Notary Public

ACKNOWLEDGMENT FOR CORPORATION



STATE OF NEW MEXICO
COUNTY OF ...
The foregoing instrument was acknowledged before me this ... day of ... 19 ... by ... (Name of Officer) of ... (Name of Corporation Acknowledging) corporation, on behalf of said corporation.
My commission expires:
(Seal)
Notary Public

13067 ROAD MAINTENANCE AGREEMENT

This agreement entered into this day of JULY 2, 1985 by the undersigned who are owners of parcels within land division known as Woods End Ranch, Lands of Oscar L. and Marjorie Pillers within SE 1/4 of Sec. 21, T10N, R7E, S4W, Santa Fe County, N. M., declare that it is in their best interest and in the best interest of all future owners of parcels within this land development to be bound by an agreement to maintain the fifty foot (50) dedicated and private roadways as shown on attached plot should Santa Fe County fail to do so, with exceptions of owners of Tract A & B (front on 244).

A road maintenance committee is hereby established composed of three persons chosen from among owners of parcels in the development. This committee is hereby authorized and empowered to contract with a suitable entity for the maintenance of such roads. Upon the death, resignation or refusal to act of a committee member the remaining members shall have full authority to designate a successor. The committee members shall serve without compensation of any kind.

For the purposes of voting hereunder the owners of each tract of land shall be entitled to one vote plus one vote per five acres for owners of unpleated land.

The committee has the authority to accept bids for road maintenance and after notifying membership to award contracts and assess each parcel. Each parcel owner shall be responsible for paying his pro-rate share of maintenance costs. This assessment shall be paid yearly and be paid to road maintenance committee. In event of failure of any parcel member to pay said assessment yearly, the road maintenance committee is hereby declared to have power to file a lien against said lot for unpaid assessments. Said lien, if not paid within one year of the date of filing, shall be foreclosed as provided by law.

By a writing signed by a majority of the voting membership, may the amount of the assessment be determined, increased or decreased. The disbursement of such funds shall be final. Upon request an accounting of the collection of funds including interest if any and expenditures of said account shall be made within forty five (45) days to any owner who requests an accounting in writing.

The monies collected as provided for above shall be placed in bank account and disbursed solely for the purpose of maintenance of constructed roads, i.e. snow removal and drainage control.

Road maintenance charge will be paid only upon those tracts containing living quarters and begins at time of construction starts or temporary living quarters moved onto the tract. No road maintenance charged for vacant land.

Parcel owners are responsible for construction of driveway culverts, run-off and ponding within roadway easement.

This agreement is to run with the land and be binding on all future parcel owners as successors and assigns of the present owners.

To indicate their agreement to all the terms of this document, parcel owners have executed this document and their signatures appear below.

Oscar L. Pillers  
Oscar L. Pillers  
Marjorie Pillers  
Marjorie Pillers

David E. Iversen  
David E. Iversen  
Sharon L. Iversen  
Sharon L. Iversen

OSCAR LAWRENCE PILLARS AND  
MARJORIE JEAN PILLARS REVOCABLE TRUST

This TRUST DECLARATION made on this 25th day of January, 1989, at 10:20 A.M., by and between OSCAR LAWRENCE PILLARS and MARJORIE JEAN PILLARS, husband and wife (herein after called the Grantors or the trustees, depending on the context, and sometimes referred to as husband and wife).

ARTICLE I.

DECLARATION OF TRUST

The Grantors declare that they have set aside and hold in trust the property described in Schedule A attached to this instrument.

ARTICLE II.

TRUST ESTATE

All property subject to this instrument from time to time including the property listed in Schedule A is referred to as the trust estate and shall be held, administered, and distributed according to this instrument.

Grantors declare that all property described in Schedule A is their community property and any community property transferred to the trust shall retain its character as such notwithstanding the transfer to this trust. Any power reserved to Grantors to alter, amend, modify, or revoke this trust, in whole or in part, is held by the Grantors during their joint lifetimes in their capacity as managers of the community property, subject to all restrictions imposed by law on their management of the community property. In no event shall the powers granted to the trustees under this instrument during the joint lifetimes of Grantors be more extensive than those powers possessed by husband or wife under the provisions of New Mexico Community Property Act. If the trust is revoked, this community property shall be returned to Grantors as their community property and not as the separate property of either or both Grantors.

ARTICLE III.

PAYMENTS TO MARRIED GRANTORS FROM COMMUNITY ESTATE  
DURING JOINT LIFETIMES

3.1 During the Grantors' joint lifetimes, the trustees shall pay to husband or wife for the account of the community, or shall apply for the Grantors' benefit as much of the net income

signed by both Grantors and delivered to the trustees. No amendment shall substantially increase the trustees' duties or liabilities or change the trustees' compensation without the trustees' consent, nor shall the trustees be obligated to act under such an amendment unless the trustees accept it. If a trustee is removed as a result of refusal to accept an amendment, the Grantors shall pay to the trustee any sums due and shall indemnify the trustee against liability the trustee has lawfully incurred in administering the trust.

9.3 On the deceased spouse's death, the surviving spouse may amend, revoke, or terminate the survivor's trust; but the exemption trust may not be amended, revoked, or terminated. On the surviving spouse's death, none of the trusts may be amended, revoked, or terminated. On revocation or termination of the survivor's trust, all of its assets shall be delivered to the surviving spouse.

#### ARTICLE X.

##### THE TRUSTEE

10.1. On the death, resignation, or incapacity of either husband or wife, the other shall become the sole trustee, except as provided below.

(a) While the surviving spouse serves as trustee of the exemption trust, all decisions regarding payments of income or principal or both to the surviving spouse, as provided in Section 7.3, shall only be made jointly with the special co-trustee. The special co-trustees responsibilities shall be limited to the exercise of discretion under this Subsection, and the special co-trustee shall not be concerned with any other aspects of trust administration.

(b) The Grantors' son, JONATHAN P. PILLARS is appointed to serve as special co-trustee. If he is unable or unwilling to serve as special co-trustee, the Grantors' daughter REBECCA HINDI or son-in-law NABAY A. HINDI, in that order, shall act as special co-trustee.

10.2 On the death, resignation, or in capacity of both husband and wife as trustee(s), JONATHAN P. PILLARS shall serve as trustee. If he is unable or unwilling to serve as trustee, then REBECCA HINDI shall act as trustee. Provided, however, in the event JONATHAN P. PILLARS is serving as trustee of the exemption trust during the life of the surviving spouse, all decisions regarding payments of income, principal or both to any permissible beneficiaries, other than the surviving spouse, shall only be made jointly with the special co-trustee. REBECCA HINDI is appointed to serve as special co-trustee. If she is unable or unwilling to so serve, then NABAY A. HINDI shall act as special co-trustee.

10.3 a. JONATHAN P. PILLARS is appointed to serve as trustee of any trust established pursuant to Subsection 8.3d.

b. REBECCA HINDI is appointed to serve as trustee of any trust established pursuant to Subsection 8.3e.

c. NABAY A. HINDI and KAREN PILLARS are appointed to serve as co-trustees of any trust established pursuant to Subsection 8.4(f).

10.4 If there is no designated trustee able or willing to serve at any time, before or after qualification, a majority of the beneficiaries (including a beneficiary's natural or legal guardian or legal representative, in the case of a beneficiary under a legal disability) who are then permitted to receive income from the trust estate shall appoint as a successor trustee a national bank maintaining a trust department or trust subsidiary.

10.5 Any successor trustee, upon executing a written acceptance of the office of trustee and upon the settlement of the accounts of the prior trustee, shall be vested, without further act on the part of anyone, with all the estate, title, powers, duties, immunities and discretions granted to the original trustee.

10.6 The trustee, in addition to and not in limitation of all common law and statutory power and authority, shall have the following power and authority:

- (a) Comprehensive Power. To abandon, accept, accumulate, allocate, apportion, appraise, assure, borrow, claim, collect, commingle, compromise, construct, consummate, contest, contract, convey, create, deal, define, delegate, demolish, direct, dispose, distribute in kind, divide, earn, elect, employ, empower, encumber, enforce, engage, enhance, erect, estimate, execute, exercise, extract, farm, grant, handle, hold, hypothecate, improve, incorporate, insure, invest, lease, lend, let, license, liquidate, litigate, loan, manage, manufacture, merge, mine, mortgage, negotiate, obligate, operate, pledge, procure, purchase, receive, render, renew, repair, replace, satisfy, secure, sell, settle, store, testify, trade, transmit, transfer, transport, for the benefit of, with respect to, on behalf of, and in regard to the trust estate and to do or perform such acts and exercise all such rights and privileges which are deemed prudent and for the best interest of the trust

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SCALE: 1" = 750'

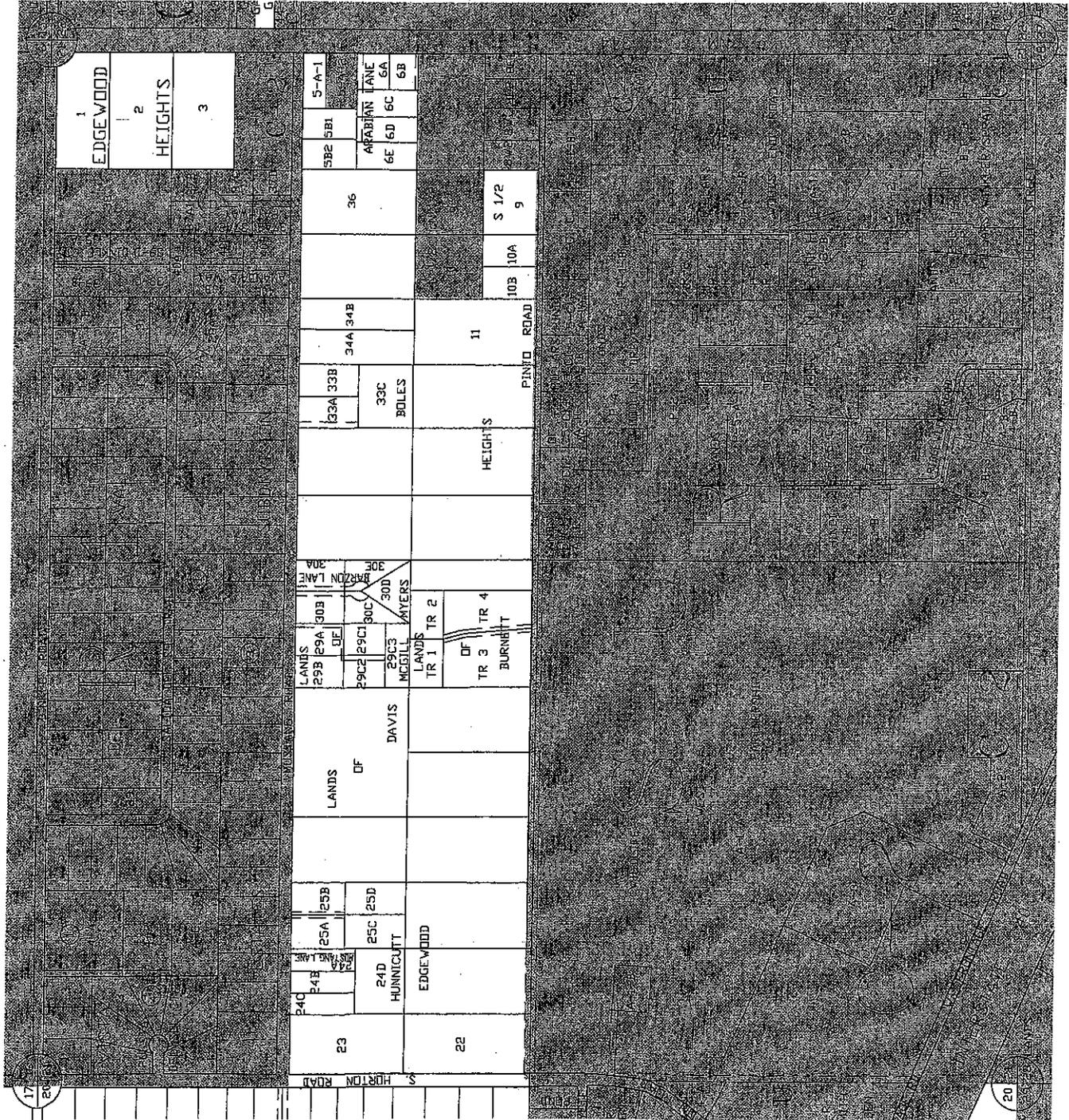


LEGAL DESCRIPTION  
T 10 N  
R 7 E  
SEC 21

UNIFORM PROPERTY CODE  
1039057

MAP AMENDED THROUGH  
JANUARY 1, 2013

K 39



# 29 Woods End Drive

## Legend



29 Woods End Rd

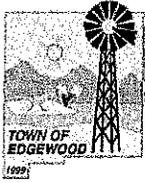


1000 ft



Google earth

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## **BEFORE THE TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION**

### **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER**

IN THE MATTER OF AN APPLICATION BY:

MERBLER, RONI

CASE: 2016-ZC 003

ZONE CHANGE FROM R1 RESIDENTIAL TO RS-RESIDENTIAL AND SERVICES  
FOR PROPERTY LOCATED AT SW CORNER OF HILL RANCH ROAD & HWY 344, LANDS OF FRED C AND  
BETTY G. HILL, TRACTS 5A, 5B, 5C, & 5D, SECTION 9, T10N, R7E, N.M.P.M., TOWN OF EDGEWOOD,  
SANTA FE COUNTY, NM 87015

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#### **I. APPLICATION PROCESS**

##### **1.1 LEGAL**

A request by Roni Merbler, for a Zone Change from R1 Residential to RS-Residential & Services zoning for property located at:  
SW corner of Hill Ranch Road & Hwy 344, Lands of Fred C. & Betty G. Hill, Tracts 5A, 5B, 5C, & 5D, Section 9, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, NM 87015.

#### **2. PUBLIC MEETING**

On July 5, 2016 the Planning & Zoning Commission reviewed this application for recommendation to the Town Council.

Applicant Presenting Information : Ms. Roni Merbler  
Staff Presenting Information : Ms. Bonnie Pettee  
Others Presenting Information : Ms. Janelle Turner

#### **3. FINDINGS OF FACT**

- 3.1 The subject property is located within the Town of Edgewood.
- 3.2 Edgewood Planning & Zoning Commission is authorized to hear this case and to make a recommendation to the Edgewood Town Council to approve this Zone Change application for Mr. Terry Milford.
- 3.3 Topography of the subject property is not suitable for R-1 Residential zoning.
- 3.4 RS Residential & Services zoning did not exist at the time of the original zoning.
- 3.5 Recommendation for approval of this Zone Change will not adversely affect the general plan of the Town or be contrary to the general public health and welfare.

#### **4. CONCLUSIONS OF LAW**

The request for a Zone Change from R1-Residential to RS Residential & Services zoning for a 9.4 acre parcel located on Hill Ranch Road & Hwy 344 is:

4.1 Determined to have met the requirements for a Zone Change Request per the Zoning Ordinance 2014-02, Section 40 Amendments and Section 13. RS- Residential & Services Zone, with the following conditions:

- A. All applicable Town Ordinances shall be followed as the project moves forward in development.
- B. When staff reviews the site development, they consider the following Goals of the Comprehensive Plan: C2 pollution, F1 Transit, F2 trails, G1 ground water, J1 underground utilities, L2 higher pay jobs and M1, 2, & 3 adult education and training.

4.2 Approval of this request will not result in adverse impact on neighboring properties.

**5. ORDER OF DECISION**

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Town of Edgewood Planning and Zoning Commission recommends that Zone Change Application 2016-ZC 003, a request for a change to the zoning designation from R1-Residential to RS-Residential & Services for the property identified as the sw corner of Hill Ranch Road & Hwy 344, Lands of Fred C. & Betty G. Hill, Tracts 5A, 5B, 5C, & 5D, Section 9, T10N, R7E, NMPM, Santa Fe County, Edgewood, NM 87015 be forwarded to the Town Council for approval and Zone Map Amendment.

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**THIS RECOMMENDATION WAS APPROVED BY THE EDGEWOOD PLANNING AND ZONING COMMISSION JULY 5, 2016.**

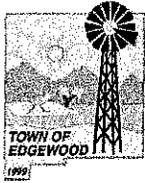
\_\_\_\_\_  
Dan Thompson, Chairman  
Town of Edgewood Planning & Zoning Commission

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Garry Bryant, Secretary  
Town of Edgewood Planning & Zoning Commission

\_\_\_\_\_  
Date



## BEFORE THE TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION

### FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

IN THE MATTER OF AN APPLICATION BY:

TIM ODEN & ASSOCIATES

CASE# 2016-SUB 004

MINOR SUBDIVISION FOR PROPERTY LOCATED AT:

WOODS END RANCH, LOCATED ALONG WOODLINE DRIVE, TRACT P-1-R-1-B, SECTION 21, T10N, R7E, N.M.P.M., TOWN OF EDGEWOOD, SANTA FE COUNTY, NEW MEXICO

#### **I. APPLICATION PROCESS:**

##### **1.1 LEGAL:**

The applicant is seeking approval of a Minor Subdivision of 8.132 acres into three (3) lots located on Woodline Drive, Tract P-1-R-1-B, Section 21, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, New Mexico.

#### **2. PUBLIC MEETING:**

On July 5, 2016 the Planning & Zoning Commission reviewed this application for approval of a Minor Subdivision.

2.1 APPLICANT SWORN IN FOR TESTIMONY: Mr. Tim Oden, Agent

2.2 STAFF SWORN IN FOR TESTIMONY: Ms. Bonnie Pettee

2.3 PROPONENT SWORN IN FOR TESTIMONY: Richard Martin

#### **3. FINDINGS OF FACT:**

3.1 Woodline Drive is within the Town of Edgewood. It is currently a private road.

3.2 The Edgewood Planning & Zoning Commission is authorized to hear this case and to make a decision on this matter.

3.3 Woodline Drive is a dead end road and there is no way it can be anything other than that.

3.4 Woodline Drive is not up to design standards required by the Town of Edgewood.

3.5 Utilities are stubbed out at the north cul-de-sac and can be extended without additional easements.

3.6 A new cul-de-sac at the western end of Woodline Drive is the only way to complete the road to meet the requirements of emergency vehicles.

#### **4. CONCLUSIONS OF LAW:**

The request for an approval of the Minor Subdivision of 8.132 acres into three (3) lots located Woods End Ranch, Tract P-1-R-1-B, Section 21, T10N, R7E, N.M.P.M., Town Of Edgewood, Santa Fe County, New Mexico is:

4.1 Determined to have met the requirements of the Subdivision Ordinance, with the following conditions:

- Woodline Drive is required to be extended west of the current cul-de-sac to Tracts 3 & 4, with a new cul-de-sac at the west end with a radius of 50 feet.
- Woodline Drive from Woods End Road to the new western cul-de-sac shall be constructed according to the Design Standards listed in the Subdivision Ordinance, U) Geometric Standards Summary.
- Utility lines shall be extended to Tract 5 P prior to Development Review.
- A covenant shall be created that would not allow new lots less than 2 acres.

4.2 The proposed sub-division, because it is Residential 2 acres lots, does not interfere or compromise the development around the subject property.

**5. ORDER OF DECISION:**

Based on the Findings of Fact, Conclusions of Law, and the reasons stated, the Town of Edgewood Planning and Zoning Commission recommends approval of the Minor Subdivision, 2016-Sub 004 for the property located along Woodline Drive, Woods End Ranch, Tract P-1-R-1-B, Section 21, T10N, R7E, N.M.P.M., Town Of Edgewood, Santa Fe County, New Mexico

**WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW WAS APPROVED BY THE EDGEWOOD PLANNING AND ZONING COMMISSION July 18, 2016.**

\_\_\_\_\_  
Dan Thompson, Chairman

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Garry Bryant, Secretary

\_\_\_\_\_  
Date