



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

May 2, 2007

### 2. Project # 1005493

07DRB-00455 Major- Variance for an overhead electric distribution line – Segment One

PNM request(s) the above action(s) for a VARIANCE FOR AN OVERHEAD ELECTRICAL DISTRIBUTION LINE - **SEGMENT ONE**, located on WESTERN TRAILS NW between UNSER BLVD NW and ATRISCO NW. (F-10/F-11)

07DRB-00454 Major- Variance for an overhead electric distribution line – Segment Two

PNM request(s) the above action(s) for a VARIANCE FOR AN OVERHEAD ELECTRICAL DISTRIBUTION LINE - **SEGMENT TWO**, located on WESTERN TRAILS NW between ATRISCO NW and COORS NW. (F-10/F-11)

At the May 2, 2007 public hearing, the Development Review Board (DRB) denied the Public Service Company of New Mexico's (PNM) request for a variance to the undergrounding requirements of Section 14-14-4-8(B) Electrical and Communication Line Locations of the City Subdivision Ordinance.

PNM requested the variance to allow them to place new electrical three phase distribution lines above ground along the south side of Western Trails, NW between Coors Boulevard, NW and Unser Boulevard, NW.

### FINDINGS:

1. The southern portion of the Western Trails right-of-way between Unser and Atrisco was dedicated for the widening of the roadway when the adjacent properties were subdivided under the City Subdivision Ordinance. Therefore, Section 14-14-4-8 of the City's subdivision regulations applies to this variance request.
2. Section 14-14-4-8(B) of the Subdivision Ordinance states: "The Development Review Board may grant a variance... if it is determined that no significant public purpose would be served by requiring the new lines be placed underground and that one or more of the following conditions exists: (1) the immediate or adjacent area is presently served by overhead lines; or (2) subsurface conditions make underground lines economically unreasonable."
3. The variance request is subject to the policies of the Coors Corridor Plan, the West Side Strategic Plan and the Albuquerque/Bernalillo County Comprehensive Plan.



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4. A significant public purpose is served by requiring the placement of the new lines underground as articulated in the following policies and plans:
  - a. Issue 2 and Policy 11 of the Coors Corridor Plan state that public officials have the responsibility to protect environmental considerations related to placing power distribution lines underground in accordance with existing regulations.
  - b. Policy 4.6 of the West Side Strategic Plan states that the Overhead Utilities Section of that Plan became policy upon plan adoption. The Overhead Utilities Section states that electrical distribution lines should be placed underground consistent with the City's Subdivision Ordinance.
  - c. Policy 8b of the Albuquerque/Bernalillo County Comprehensive Plan states that utilities shall be designed to realize opportunities for City beautification.
  - d. Policy 8c of the Comprehensive Plan states that incidental structures such as wires and poles shall be designed for minimal visual intrusion.
  - e. There is a significant amount of land immediately adjacent to Western Trails on the north and south sides presently unserved by PNM. To allow the placement of overhead lines along Western Trails could set a precedent to justify the remaining undeveloped land, some of which fronts Coors Boulevard, to be served by overhead lines, in violation of the existing Coors Corridor Plan, Westside Strategic Plan and Comprehensive Plan policies.
5. There is a significant public purpose in placing the lines underground because overhead lines create potential safety hazards to children and balloonists and are aesthetically displeasing because they obstruct and, therefore, detract from the natural landscape.
6. The majority of the immediate or adjacent area is not presently served by overhead lines, particularly south of Atrisco Boulevard.
  - a. There are some existing aboveground power lines along Atrisco, within the Quaker Heights Subdivision north of Western Trails and built prior to the underground placement requirement of the Subdivision Ordinance, serving the portable buildings at Chaparral Elementary School, and along the last 400 feet on the north side of Western Trails at Coors.



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- b. In the immediate area, the recently constructed Rancho Encantado del Norte, Rinconado Trails and Western Trails Estates Subdivisions are served by underground lines as is The Garage, a commercial development at the northeast corner of Unser and Western Trails and the permanent building of Chaparral Elementary School.
7. Subsurface conditions along the north side of Western Trails do not make underground lines economically unreasonable due to the following:
  - a. In August 2006, Albuquerque Public Schools (APS) granted PNM an underground utility easement within its property boundaries along the south side of the western end of Western Trails. Therefore, no additional property acquisition costs are required for underground installation.
  - b. PNM did not present any evidence to substantiate that installing underground lines is economically unreasonable.

If you wish to appeal this decision, you must do so by May 17, 2007, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

  
Sheran Matson, AICP, DRB Chair

Cc: Laurie Moye, Public Participation & Regulatory Relations, System Engineering,  
Alvarado Square MS 0600, 87158  
Kevin Winner, PNM, 414 Silver Ave SE, 87102  
Larry Barnsdale, 5939 Los Riscos Rd NW, 87120  
Virginia Kinney, 6001 Western Trail NW, 87120  
Jack Clifford, 12528 Royal Winslow Pl NE, 87111



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Paul & Maria Sacido, 5905 Los Riscos Rd NW, 87120  
John & Bonnie Husler, 5901 Los Riscos Rd NW, 87120  
Dawn Hamilan & Kate Helean, 5920 Mesa Sumbra NW, 87120  
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