

PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
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## OFFICIAL NOTIFICATION OF DECISION

PNM of New Mexico  
2401 Aztec, NE  
Albuquerque, NM 87107

**Project #PR-2024-009995**

Application#

**VA-2024-00036** WAIVER TO IDO, REQUIREMENT  
FOR UNDERGROUNDING OF ELECTRIC  
DISTRIBUTION LINES

**LEGAL DESCRIPTION:**

**WEST SIDE OF UNIVERSITY BLVD between CLARK  
CARR RD SE and ACADEMY RD SOUTHERN CITY  
LIMITS (N-15, P-15)**

On March 27, 2024, the Development Hearing Officer (DHO) held a public meeting concerning the above referenced application and **denied** the request, based on the following Findings:

1. This is a waiver request to the IDO 5-4(l) requirement that installation of new electrical 3-phase distribution lines carrying between 12 Kilovolts, but less than 40 Kilovolts, shall be installed underground. PNM is seeking this new line to allow for the connection and continuation of electric lines.
2. City Aviation and the FAA were contacted. Both parties had no objection to the overhead electric distribution lines being placed on the West side of University Ave. The FAA determined that the overhead lines presented by PNM were of 'no hazard to air navigation.'
3. Kirtland Air Force Base was contacted two times and did not provide any comments.
4. The Water Utility Authority (WUA) noted that there is existing non-potable water infrastructure behind the curb on the west side of University north of Rio Bravo. South of Rio Bravo this infrastructure crosses and there is infrastructure along both the West and East of University; it varies through the proposed alignment.

Currently there is some indication that the non-potable 24-inch waterline is under the trail. The WUA said that line spots will be necessary, and potentially potholes, to determine the exact layout and if there is 7 feet of clearance to a water line. Without this survey information, WUA could not make a recommendation on the Waiver. WUA needed an exhibit with detail at each pole location of how far the non-potable waterline is from each proposed pole.

5. The Parks and Recreation Department noted that no vertical obstructions may be within 2 feet of either side of the existing, paved multi-use trail.
6. The Transportation Section (of the Development Review Services Division of the Planning Department) noted that the ROW was tight in several locations on West University, and power poles would need to avoid the multi-use trail and any other City facilities along the roadway. The City Engineer testified that vertical poles in the right-of-way are contrary to aesthetics and do represent a traffic safety hazard.
7. Planning staff noted that the IDO requirement for undergrounding of electric lines has a purpose to preserve aesthetics.
8. IDO 6-6(P)(3)(b) states that an application for a Waiver to the undergrounding requirement shall be approved if the DHO determines that no significant public purpose would be served by requiring the new construction to place electrical distribution lines underground. The DHO found that this threshold question was not met because there was a significant public purpose of aesthetics and transportation traffic safety by requiring the new construction of electric distribution lines to be placed underground, as the IDO requires as the default.
9. The DHO made no findings or conclusion regarding IDO 6-6(P)(3)(b)(2) because the threshold question of no significant public purpose was not satisfied and, therefore, findings for these criteria were not necessary.

**APPEAL:** Per Table 6-1-1 of the IDO, a Waiver – DHO may be appealed. If you wish to appeal this decision, you must do so within 15 days of the DHO’s decision or by **APRIL 12<sup>TH</sup>, 2024**. The date of the DHO’s decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) (if files are less than 9MB in size). Files larger than 9MB can be sent to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) using <https://wettransfer.com>. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

Official Notice of Decision

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Sincerely,

*Robert Lucero*

[Robert Lucero \(Mar 30, 2024 17:10 MDT\)](#)

Robert Lucero, Esq.

Development Hearing Officer

RL/jw

Ken Maestas, PNM of New Mexico, 2401 Aztec, NE, Albuquerque, NM 87107







# PR-2024-009995 March 27th, 2024 Notice of Decision

Final Audit Report

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