

**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860



## OFFICIAL NOTICE OF DECISION

December 19, 2024

Public Service Company of New  
Mexico (PNM)  
2401 Aztec Rd. NE  
Albuquerque, NM 87107

**Project # PR-2024-011178**  
SI-2024-01578 – Site Plan – EPC, Major Amendment

### **LEGAL DESCRIPTION:**

PNM requests a Major Amendment to a Site Plan – EPC for all or a portion of Tract B (Park Site) Summary Plat, a portion of the Elena Gallegos Grant, located at 7100 Tramway Blvd NE, between Tramway Blvd and the Sandia Mountains, approximately 640 acres.

(C-24, D-24, E-24)

Staff Planner: Jude Miller

On December 19, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # 2024-011178/SI-2024-01578, a Site Plan – EPC, Major Amendment, based on the following Findings.

### FINDINGS – SI-2024-01578 – Site Plan – EPC

1. This is a request for a Site Plan - EPC for all or a portion of Tract B (Park Site) Summary Plat of a portion of the Elena Gallegos Grant, located at 7100 Tramway Blvd. NE, between Tramway Blvd. and the Sandia Mountains containing approximately 640 acres.
2. The request is for an Extraordinary Facility in Major Public Open Space at the Elena Gallegos Open Space. The Extraordinary Facility is a replacement electrical service and transformer that will supply the existing facilities within this Open Space.
3. The existing electrical service is a direct burial cable installed in the 1980s that has reached the end of its service life.
4. The new electrical service will be installed via directional boring approximately 300 feet to the north of the existing electrical service to avoid sensitive lands and minimize disturbance to vegetation and park visitors.
5. The new electrical service will be installed in a flexible conduit to improve longevity and facilitate future maintenance.
6. A new transformer of similar size will be installed on the existing pad to replace the existing unit.

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7. The City acquired the 640-acre mountain park, now the Elena Gallegos Picnic Area/Albert G. Simms Park, located North East of the Albuquerque city limits in 1982. Around that time facilities including the picnic area and bathrooms within the open space area were constructed.
8. The Elena Gallegos Open Space is owned by the City of Albuquerque but is located outside the city limits; therefore, this parcel does not have an IDO zoning designation.
9. The Albuquerque/Bernalillo County Comprehensive Plan, relevant Rank 2 Facility Plans or Rank 3 plans (MRAP Master Plans, Resource Management Plans) are incorporated herein by reference and made part of the record for all purposes.
10. The request is consistent with the following Comprehensive Plan Goals and Policies regarding land use and development from Chapter 10: Parks and Open Space

- A. GOAL 10.1 FACILITIES AND ACCESS: Provide parks, Open Space, and recreation facilities that meet the needs of all residents and use natural resources responsibly.

The proposed project aims to maintain adequate, safe, and reliable electric service to the existing MPOS facilities located within and around the Elena Gallegos Open Space. This maintenance project involves replacing an existing electrical service line and transformer that have reached the end of their useful life. The replacement of the electrical service will ensure that the facilities at the Elena Gallegos Open Space continue to meet the needs of all residents.

- B. POLICY 10.1.1 DISTRIBUTION: Improve the community's access to recreational opportunities by balancing the City and County's parks and Open Space systems with the built environment.

The request will help protect and maintain existing high quality and accessible recreation facilities at the Elena Gallegos Open Space that are essential for the public's use and enjoyment of Open Space in the Sandia Foothills.

- C. POLICY 10.1.2 UNIVERSAL DESIGN: Plan, design, program, and maintain parks, Open Space, and recreation facilities for use by people of all age groups and physical abilities.

The Elena Gallegos picnic area features accessible picnic shelters, an amphitheater, and restroom facilities. The request will ensure that existing electrical service to these facilities is maintained.

- D. GOAL 10.3 OPEN SPACE: Protect the integrity and quality of the region's natural features and environmental assets and provide opportunities for outdoor recreation and education.

The Project involves reconstructing an underground power line dedicated to serving the MPOS facilities. Ensuring uninterrupted electric service will support the Open Space Division in its efforts to manage and protect the area while offering outdoor recreation and educational opportunities at the Elena Gallegos MPOS.

- E. POLICY 10.3.2 PRESERVATION: Identify and manage sensitive lands within the Open Space network to protect their ecological function.

As part of the request, the applicant collaborated with archaeologists from the USFS and a private archaeological firm to determine a route for the replacement electrical service that avoids sensitive lands. Additionally, the applicant will use boring instead of trenching to further minimize land disturbances. In areas where excavation is necessary, the applicant will remediate and re-seed any disturbed land.

- F. **POLICY 10.3.3 USE:** Provide low-impact recreational and educational opportunities consistent with the carrying capacity of the Open Space resource.

The request involves reconstructing an underground power line dedicated exclusively to serving MPOS facilities, which currently offer low-impact recreational and educational opportunities. This maintenance project will ensure the continued provision of electric service to these facilities in the future.

- G. **GOAL 10.4 COORDINATION:** Coordinate across disciplines, jurisdictions, and geographies to leverage limited resources, maximize efficiencies, and best serve the public's need for parks and recreation facilities.

The applicant has coordinated this project with various stakeholders across jurisdictional boundaries including the United States Forest Service (USFS), and the Open Space Advisory Board. These efforts ensure inter-agency collaboration and alignment with the interests of the general public.

- H. **POLICY 10.4.2 SYSTEM PLANNING:** Coordinate among departments and across jurisdictional boundaries to plan interconnected networks, manage natural resources, leverage public investment, eliminate gaps in service, and avoid duplication of effort.

The applicant has coordinated this project with various stakeholders, including the United States Forest Service (USFS), the landowner of the open space areas surrounding the Elena Gallegos Open Space, and the Open Space Advisory Board. These efforts ensure inter-agency collaboration and alignment with the interests of the general public.

11. The request is consistent with the following Comprehensive Plan Goals and Policies regarding land use and development from Chapter 11: Heritage Conservation.

- A. **GOAL 11.3 CULTURAL LANDSCAPES:** Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

The underground installation of the electrical service via directional boring ensures no alteration to the topography and minimizes surface disturbance.

- B. **POLICY 11.3.1 NATURAL AND CULTURAL FEATURES:** Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

As part of this request, the applicant consulted with archaeologists from the USFS and a private archaeological firm to identify an updated route for the electrical service that steers clear of sensitive lands. To further reduce impacts, the applicant plans to use boring methods rather than trenching. In areas where excavation is required, the applicant will restore the affected land by remediating and re-seeding.

12. The request is consistent with the following Comprehensive Plan Goals and Policies regarding land use and development from Chapter 12: Infrastructure, Community Facilities, and Services.

- A. **GOAL 12.1 INFRASTRUCTURE:** Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth.

The request is for a replacement electrical service to the existing facilities at the Elena Gallegos Open Space. It calls for the installation of the replacement line using a directional boring technique

to reduce installation costs and minimize disruption to the surface. This is a maintenance project that will install a new electrical service and transformer of the same size and capacity as the existing service.

- B. **POLICY 12.1.1 INFRASTRUCTURE DESIGN:** Encourage design of visible infrastructure (surface and overhead) that respects the character of neighborhoods and communities and protects significant natural and cultural features.

The request specifies that the replacement electrical service will be installed using boring methods instead of trenching. This approach will minimize surface disturbances, except in areas where excavation is necessary. The new service will be installed within a conduit to improve durability and allow for less disruptive repairs in the future.

- C. **POLICY 12.1.6 ENERGY SYSTEMS:** Coordinate with energy providers to safeguard essential infrastructure to serve existing development and ensure a safe, adequate, and reliable supply to support growth.

The request is for a maintenance project to replace an existing direct burial electrical service cable that has reached the end of its useful life and has recently required multiple repairs due to faults. The replacement service line will use a conduit and access boxes to provide greater durability and facilitate easier maintenance in the future. PNM has coordinated with the City Open Space Division to safeguard and supply reliable essential infrastructure to serve the existing Open Space area.

13. The request is consistent with the following City of Albuquerque Major Public Open Space Facility Plan General Policies:

- A. **Policy A.1.D:** MPOS facilities are the primary locations of developed facilities such as parking lots, picnic shelters, restrooms and other structures. This Major Public Open Space type shall be protected and conserved while allowing for primary public use, but only where the consistent impacts of use on the environment can be mitigated. Facilities shall be designed for minimal impact on Major Public Open Space resources. Some low impact recreational facilities are allowable, but only where appropriate, and where urban and rural form is not affected. Unpaved or paved trails can be utilized as links to more sensitive trails and areas. Protection of these areas should include signage, natural barriers, fencing, walls, and patrol by rangers.

*The Elena Gallegos Picnic Area features amenities such as parking lots, picnic shelters, restrooms, and other facilities that depend on consistent electric service. By ensuring safe and reliable electricity, the Project will enhance the functionality of these MPOS facilities, allowing them to better serve the public while safeguarding the surrounding sensitive environment. Like the existing power line, the proposed replacement will be installed underground and specifically designed to minimize impacts on MPOS resources.*

- B. **Policy B.1.D:** Open Space Facilities. Open space facilities are intended to concentrate low impact recreational use of open space in areas that can accommodate heavy use, while protecting natural and cultural resources.

- Open space facilities should be located at the edges of MPOS areas in locations with access to urban streets.

- No new facilities shall be developed in areas with archeological sites or which are likely habitats for threatened or endangered plant or animal species. All new facilities, expansion of existing facilities and trails shall be designed to avoid these areas and to direct people away from these areas.
- Open space facilities may include a variety of low impact recreational opportunities. Facilities for organized recreation or turf game fields are not appropriate.

*The facilities at the Elena Gallegos MPOS are strategically situated to serve the public effectively. Reliable and safe electric service provided by the Project will support the parking lots, picnic shelters, restrooms, and other structures in managing high levels of public use. This will help MPOS staff carry out their mission to safeguard natural and cultural resources.*

- C. **Policy B.2.A:** Facilities within Major Public Open Space shall be designed to minimize their impact on natural processes or natural, visual or cultural resources.

*The new electrical service will be installed underground via directional boring, a less invasive method for installation of underground utilities. This process will help minimize impact on the land and resources.*

- D. **Policy B.2.B:** Archaeological surveys and mitigation shall be conducted prior to facility development. Facilities shall not be located in a manner that will cover, undermine or otherwise damage archaeological or cultural sites. Sites should be preserved in place or avoided whenever possible. If appropriate, information about archaeological sites will be integrated into interpretive facilities.

*The applicant is relocating the new line rather than following the existing line after consulting with archaeological services with the USFS. The applicant states that PNM staff will work closely with USFS and City open space staff to ensure that archaeological and cultural sites are avoided and not damaged.*

14. The request is consistent with the following City of Albuquerque Major Public Open Space Facility Plan Sandia Foothills Policies:

**Policy B1:** Lands in the Sandia Foothills shall be acquired and managed to promote the purposes of Major Public Open Space as stated in the Comprehensive Plan. with the following subgoals:

- (a) Conserve natural resources and environmental features including wildlife habitat, and the mix and diversity of ecotones;
- (b) Provide opportunities for outdoor education and recreation including trails for a variety of users; picnicking and environmental education;
- (c) Shape urban form by providing an eastern edge to development and by providing a skyline free of development;

*The Project is focused on preserving cultural and natural resources while ensuring the safety of visitors in the Sandia Foothills. By maintaining electric service to lighting, restrooms, buildings,*

*and other MPOS facilities, it also supports recreational activities and the use of trail corridors as secondary benefits.*

**Policy C1:** The conservation and protection of cultural and natural resources and protection of people from natural hazards related to development of steep slopes are the primary functions of the Sandia Foothills. Recreational use and trail corridors are secondary to these functions.

*The project is designed to minimize negative impacts on vegetation, slopes, and cultural resources during construction. Providing a new electrical service to replace the existing system, which is past its useful life, will help ensure the continued use of recreational facilities at Elena Gallegos Open Space.*

**Policy D1:** The Project is focused on preserving cultural and natural resources while ensuring the safety of visitors in the Sandia Foothills. By maintaining electric service to lighting, restrooms, buildings, and other MPOS facilities, it also supports recreational activities and the use of trail corridors as secondary benefits.

*The Project is focused on preserving cultural and natural resources while ensuring the safety of visitors in the Sandia Foothills. By maintaining electric service to lighting, restrooms, buildings, and other MPOS facilities, it also supports recreational activities and the use of trail corridors as secondary benefits.*

15. The request meets the Site Plan-EPC Review & Decision Criteria in IDO §14-16-6-6(I)(3) as follows:

- 6-7(G)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

*The Site Plan – EPC for an Extraordinary Facility is consistent with the ABC Comp Plan by promoting balanced development that supports the area’s environmental sustainability, community character, transportation, and parks and open space goals and policies. The plan also addresses infrastructure needs and adheres to policies for environmental protection.*

- 6-7(G)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.

*The site is outside of the city limits and is therefore not governed by the IDO nor was it ever previously under a NR-SU or PD zoning designation. This criterion does not apply.*

- 6-7(G)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

*The site is outside of the city limits and is therefore not governed by the IDO. This criterion does not apply.*

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- 6-7(G)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

*The request is for a maintenance project for the electrical service that serves the facilities at the Elena Gallegos picnic area. This project is not intended to increase capacity or attract more visitors to the site. This criterion does not apply.*

- 6-6(I)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

*The proposed site plan calls for the new electrical service to be installed via directional boring, a process that reduces surface impacts and minimizes disruptions to site users. The new line is being rerouted approximately 300 feet north of the existing electrical service to avoid disturbing an archaeological site identified during the U.S. Forest Service's review of the project on their properties. The applicant coordinated with the U.S. Forest Service and CABQ Open Space land managers to create a new alignment for the electrical service that avoids archaeologically and environmentally sensitive areas.*

- 6-6(I)(3)(f) If the subject property is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

*The subject site is not within any approved Master Development Plan. This criterion does not apply.*

- 6-6(I)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

*The subject site is not within a Railroad and Spur Area; therefore, this criterion does not apply.*

- 6-6(I)(3)(h) If an outdoor or site lighting performance analysis is requested, the proposed lighting design must prove it will not adversely affect the lighting requirements of Section 14-16-5-2(E) without sufficient mitigation and benefits that outweigh the expected impacts.

*No outdoor lighting is proposed that would trigger an evaluation under §14-16-5-2(E); therefore, this criterion does not apply.*

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16. There are no neighborhoods recognized by the City of Albuquerque's Office of Neighborhood Coordination with boundaries within 660 feet of the subject site. No neighborhood or facilitated meetings have been held.
17. The applicant shall coordinate with City of Albuquerque Parks and Open Space departments Urban Forestry Division staff to ensure that damage to tree roots does not occur during the boring process.
18. As of this writing, staff has not received public comments in support or opposition to the request.
19. The EPC is the final decision-making body for this quasi-judicial matter. The Development Facilitation Team (DFT) does not need to sign off, as no site development will take place as part of this request.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **January 6, 2025**. The date of the EPC's decision is not included in this 15-day period. If the 15<sup>th</sup> day falls on a Saturday, Sunday, or Holiday, the next working day is considered the deadline for filing an appeal.

For more information regarding the appeal process, please refer to the Integrated Development Ordinance (IDO), §14-16-6-4(U) (Appeals). The IDO is available online here: <https://www.cabq.gov/ido>. A non-refundable fee is required to be paid when the appeal is filed. It is not possible to appeal EPC recommendations to the City Council, because a recommendation is not a final decision.

You will receive notification if anyone files an appeal. If the decision is not appealed, you can receive building permits any time after the appeal deadline, provided all conditions of approval associated with the decision and all other applicable regulations have been met.

Sincerely,

/Mikaela Renz-Whitmore/

for Alan Varela  
Planning Director

AV/MJ/JM

cc:

PNM, Russel Brito, [Russel.Brito@pnm.com](mailto:Russel.Brito@pnm.com)

CABQ Open Space, Colleen Langan-McRoberts, [cmcroberts@cabq.gov](mailto:cmcroberts@cabq.gov)

USFS, Richard Wilhelm, [richard.wilhelm@usda.gov](mailto:richard.wilhelm@usda.gov)

City Legal, [acon@cabq.gov](mailto:acon@cabq.gov)

EPC file