

## **MEMORANDUM**

**DATE:** April 16, 2009

**TO:** County Development Review Committee

**FROM:** Wayne Dalton, Building and Development Services Supervisor

**VIA:** Shelley Cobau, Building and Development Services Manager

**FILE REF.:** CDRC CASE # DP/V 08-5400 PNM (Camel Tracks Feeder 13)  
Development Plan

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### **ISSUE:**

PNM, (Laurie Moyer) applicant, requests Development Plan approval to allow the construction of approximately 1000 feet of a three phase distribution line from the Camel Tracks substation to connect to an existing single-phase electric line. This request also includes a variance of Ordinance No. 2007-5 Subsection 2.3.9b (1) to allow electric utility lines that transmit electricity at a voltage less than 46 kilovolts to be placed overhead.

The property is located in the vicinity of County Road 56 and Calle Debra, within Section 17, Township 16 North, Range 8 East, (Commission District 3).

### **SUMMARY:**

The applicant requests Development Plan approval to allow the construction of approximately 1000 feet of an above ground three phase distribution line from the Camel Tracks substation to connect to an existing single-phase electric line using both private and County Road 56 Right of Way. The new distribution poles will be 34.5 feet in height and built with raptor safe cross arms. This request also includes a variance of Ordinance No. 2007-5 Subsection 2.3.9b (1) to allow electric utility lines that transmit electricity at a voltage less than 46 kilovolts to be placed overhead.

Ordinance No. 2007-5, amending Ordinance No. 1996-10 and 1998-15 the Santa Fe County Land Development Code, Article III, Subsection 2.3.9b and Article III, Subsection 8.3.8 relating to underground placement of utility lines specifies that electric utility lines that transmit electricity at a voltage less than 46 kilovolts shall be placed underground.

The total length of the proposed project is approximately 1000 feet. Placement of the overhead line will be within current easements crossing County Road 56 Right-of-Way and along Calle Debra, typically 5 feet from the edge of Right of Way. The applicant states that the need for Camel Tracks Feeder 13 is to construct an electric line in order to provide more reliable service to existing structures. The construction of this project will allow PNM to maintain service voltages within the service area during normal peak load periods for customers in the area. This is a continuing effort to improve voltage and reliable electric service to customers residing in the La Cienega area.

The development would involve placing 10 new distribution poles, typically 34.5 feet in height above ground with typical raptor safe pole and cross arms.

**Variance:**

The applicant is requesting a variance for the following reasons.

- The County of Santa Fe and PNM have agreed that PNM should apply for variances from the County's underground placement requirements prior to PNM seeking recovery of excess costs associated with the underground installation of electric lines. This agreement is reflected in the stipulation that PNM and the County entered into on June 13, 2008 and filed with the PRC in case No. 07-00373-UT.
- Underground construction of electric facilities is more expensive than overhead construction. If the County requires PNM to construct this project underground, PNM will seek the PRC's approval to recover the excess costs of installing the line underground from PNM's Santa Fe County customers, excluding customers located within the jurisdictional boundaries of municipalities and other political subdivisions.
- Both overhead and underground electric systems provide a high degree of reliability of service. Overhead electric lines are easier and faster to repair in the event of an outage as compared to underground lines.
- Underground lines significantly impair the use of the land in the easement while overhead lines are not as restrictive. Also an underground line is more likely to be in conflict with any future grading work associated with development or expansion of road or development access.
- Currently the customers in the area are served from overhead lines and granting the variance is not injurious to health or safety.

- Currently, the area is served from both overhead lines and underground lines. Granting of a variance does not nullify the County Code since there is virtually no change or adverse impact on the terrain or residents of Santa Fe County.

Article II Section 3 (Variances) of the County Code states that “where in the case of proposed development it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This Section goes on to state “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.”

**REQUIRED ACTION:**

The CDRC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions or table for further analysis of this request.

**RECOMMENDATION:**

The proposed project is not in accordance with Ordinance 2007-5, which amended Article III, Subsection 2.3.9.b, and Article III, Subsection 8.3.8 relating to the underground placement of utility lines. Ordinance 2007-5 requires electric utility lines that transmit electricity at a voltage less than 46 kilovolts be placed underground. Staff recommends denial of the requested Development Plan and variances.

**ATTACHMENTS:**

Exhibit “A”- Applicant’s Report  
Exhibit “B”- Applicant’s Plans  
Exhibit “C”- Letters of Opposition  
Exhibit “D”- View from Calle Debra  
Exhibit “E”- Ordinance No. 2007-5  
Exhibit “F”- Article II, Section 3 of the Code (Variances)  
Exhibit “G”- Vicinity map

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