



PNM 48-hour Responses to Staff Comments

2020 IDO Annual Update

Environmental Planning Commission

Project #2018-001843

In response to the January 21, 2021 Staff report:

PNM Amendment 1

Amendment to 1-7(A)(3):

1-7 COMPLIANCE REQUIRED

1-7(A) GENERAL

- 1-7(A)(3) Other City regulations or State or federal laws may apply [+, such as the National Electrical Safety Code (NESC)+], even if the IDO is silent on these other applicable laws or regulations. Violations of these other applicable laws or regulations are not considered violations of this IDO.

Response

Because the National Electrical Safety Code (NESC) is required by New Mexico state law, PNM wants to ensure that Planning staff and Applicants are aware of its applicability in situations where development is proposed in close proximity to existing electric lines, poles, and structures.

Either through reference in the IDO and/or via updated administrative checklists, early coordination, review, and input from the public electric utility company will make for a safer and more sustainable built environment. But, having the reference codified in the IDO ensures that it is not “missed” or “overlooked” as Administrations and Planning staff change and turn over.

PNM Amendments 2 and 4

New 1-8(E):

1-8 RELATIONSHIP TO OTHER REGULATIONS

[+ **1-8(E)** If any regulation in this IDO conflicts with any applicable regulations, standards, or processes of the City-adopted Rank 2 Facility Plan: Electric System Transmission & Generation (Facility Plan), the provisions in the Facility Plan shall prevail. +]

Amendment to 6-3(B):

6-3(B)

RANK 2 FACILITY PLANS

Facility Plans provide policy guidance on a particular topic citywide to relevant implementing departments. They normally cover only one type of natural resource (such as Major Public Open Space) or one type of public facility or utility (such as electricity transmission). These plans are required to be consistent with the ABC Comp Plan, as amended, and to identify how they relate to its vision, goals, and policies. In case of conflict, policies in the ABC Comp Plan, as amended, shall prevail. [The Facility Plan: Electric System Transmission and Generation contains standards and processes that prevail over normally applicable IDO regulations (see also Section 14-16-1-8(E). +]

Response

PNM originally suggested language in January 5, 2021 agency comments for a new 1-8(E) that generally referenced “a City-adopted Rank 2 Facility Plan” instead of just the Facility Plan: Electric System Transmission & Generation (Facility Plan), in order to accommodate any other Rank 2 Facility Plan that may have regulatory standards and processes. In a follow-up meeting, Planning staff expressed concern that the originally suggested language was too broad, and that PNM should narrow the requested reference to just the Facility Plan: Electric System Transmission & Generation (Facility Plan). PNM made the requested adjustments in its agency comments that are in the record.

As stated in PNM’s agency comments, the City Council did not rescind nor incorporate this Facility Plan into the Rank 1 ABC Comp Plan like other Rank 2 Plans. Its subject matter is specific to the electric system and its standards and processes are different than, but not incongruent with IDO standards and processes. But, as mentioned in the Planning staff report, the language of IDO Section 1-8(D) now requires the Zoning Enforcement Officer (ZEO) to determine on a case-by-case basis which conflicting provision(s) is/are more restrictive.

For example, this Facility Plan includes landscape design standards for substations with some that are more restrictive and some that are less restrictive than what is in IDO Section 5-6, such as the requirement for shade trees in locations where they can conflict with electric power lines and poles and potentially providing an unnecessary security risk by becoming a way for trespassers to scale a tall perimeter wall. This also becomes an issue for enforcement purposes where the ZEO will have to provide a determination about each standard’s relative restrictiveness for documentation on a landscape plan that could be confusing for Code Enforcement staff.

Even when this Facility Plan is updated in the very near future on its ten-year cycle, there may be a conflict between its updated standards and the IDO, which goes through an annual update every year. The ZEO may then have to constantly make determinations/redeterminations about the relative restrictiveness of conflicting regulations. This is counter to and not consistent with IDO Purpose sections 1-3(B), 1-3(C), and 1-3(H).

Being regulatory in nature, this Rank 2 Facility Plan, being City-wide, should have its status and implementation made predictable and consistent. This will help the City and the local electric utility company be more responsive to increased electric energy demands as the city grows and changes.

PNM greatly appreciates the opportunity to provide these 48-hour comments as part of the 2020 IDO Annual Update process. Please feel free to contact me with any questions about the proposed text amendments.

Thank you,

Russell Brito, Land Use & Permitting Administrator

Projects and Program Management

PNM, 2401 Aztec Rd NE, MS-Z200, Albuquerque, NM 87107

505.241.2798 Office

Russell.Brito@pnm.com