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Sent: Tuesday, March 2, 2021 8:57 AM
To: Barkhurst, Kathryn Carrie; Lehner, Catalina L.
Cc: Aranda, James M.; Salas, Alfredo E.
Subject: IDO Annual Update
Attachments: PNM CABQ - 2021-03-02.docx

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Carrie and Catalina,

Thanks for meeting with me late last week. We have reviewed the new strategy to address Electric Utility the IDO Annual Update. Please find attached PNM's contribution to our collaboration and coordination efforts.

All the Best,

- *Russell*

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CABQ and PNM Coordination

Recommended Findings

1. PNM proposed 4 amendments to the IDO to improve and clarify the connection between the Electric Facility Plan and the IDO. The 1st change would specifically reference the National Electrical Safety Code, the 2nd and 4th changes would elevate the regulations, standards and processes of the Electric Facility Plan above the IDO regulations, and the 3rd change would regulate 3 listed uses differently than they are defined in the Electric Facility Plan and would provide more guidance about which zones and how (permissively or accessory) these uses are allowed. Staff has considered the intent of these proposed amendments and prepared recommended conditions of approval that would implement those changes in a different manner than PNM suggested but achieving the stated goals in the PNM comment letters.
2. The Facility Plan in its current format was adopted in 1995 and then updated with the existing version in 2012 via City Council Enactment No. R-2012-023. The City Council's legislative findings clearly describe the Facility Plan's standards and review processes as separate and distinct from other development standards and processes. The IDO has incorporated some of the processes, but still refers to the Facility Plan in several instances.
3. The City Council's 2017 adoption of the IDO did not include rescission of the Facility Plan, but upon its enactment in 2018 the IDO's text related to prior approvals and Rank 2 Plans have created uncertainty about the status of the Facility Plan as a predictable regulatory document for use by decision-makers, the public, Planning staff, and electric utility providers.
4. Amending the Facility Plan will not address existing, internal inconsistencies in the IDO. The Annual Update process is the appropriate mechanism to address existing, internal inconsistencies within the IDO.
5. The text changes are consistent with the spirit and intent of the ABC Comp Plan and further a preponderance of applicable Goals and Policies as follows:

ABC Comp Plan

Goal 5.7 – Implementation Processes

Policy 5.7.2 - Regulatory Alignment

Policy 5.7.6 - Development Services

These text changes rectify and clarify existing, internal inconsistencies within the IDO that currently require restrictiveness determinations on a site-by-site and/or case-by-case basis by the ZEO and other Planning staff. The changes will clarify procedures and processes to effectively and equitably implement the Comp Plan via the IDO and a Rank 3 Electric Facility Master Plan. The changes will improve the connection between the Comp Plan, the Rank 3 Electric Utility Master Plan, and the IDO by clarifying their relative and coordinated statuses to regulate Electric Utility primary uses. The changes will provide for transparent approval and permitting processes.

Policy 8.1.2 – Resilient Economy

The safe and reliable provision of electric service is key to economic development efforts that improve the quality of life for new and existing residents and to foster a robust, resilient, and diverse economy. Desirable economic diversity includes clean industry and technology-based businesses that rely on electric energy. Land use and procedural inconsistencies that require additional, unnecessary determinations and the lack of primary use allowances needed for sustainable energy delivery may hamper desired economic development efforts.

Goal 5.1 – Centers and Corridors

Policy 5.1.2 – Development Areas

The IDO implements this Goal and Policy via taller building heights and decreased setbacks in many IDO zone districts such as R-MH, MX-M, MX-H, and MX-FB with additional height bonuses in UC-MS-PT designated areas. This type of directed, more intense development may conflict with required clearances from existing power lines per the National Electrical Safety Code (NESC), which are required standards that have not been regularly used by architects and designers in Albuquerque in the past. But as demand for multi-family and mixed-use development increases, it is imperative that designers are made aware of and become familiar with the NESC so that required standards can be noted, addressed, and reflected in permit applications as early as possible in the design and review processes. This will help avoid unnecessary delays and costly “after-the-fact” enforcement actions while enhancing the City’s ability to maintain appropriate density and scale of development within these areas.

Goal 12.1 – Infrastructure

Policy 12.1.1 – Infrastructure Design

Policy 12.1.6 – Energy Systems

Policy 12.1.7 – Communication Systems

Electric power is ubiquitous and touches all aspects of land use, services, and transportation. The City Council-adopted Facility Plan is how the City plans, coordinates, and provides for efficient, safe, equitable, reliable, and environmentally sound electric infrastructure. The IDO, the NESC, and the Rank 3 Electric Utility Master Plan’s design standards need to be coordinated to support existing communities and the Comp Plan’s vision to support future growth. Electric facilities and infrastructure support widespread and affordable access to high-quality communication systems with the flexibility for colocation of Wireless Telecommunications Facilities (WTFs).

Goal 12.4 - Coordination

Policy 12.4.1 - Collaborative Strategies

Policy 12.4.5 – Facility Plans

PNM is obligated to meet future customer needs for electric service, provide system reliability, and operate safe facilities. The City Council-adopted Facility Plan is how the City coordinates with electric service providers to leverage resources, maximize efficiencies, bridge service gaps, and provide added value. The proposed text

amendments to clarify the relative statuses of the IDO, the NESC, and the Rank 3 Electric Utility Master Plan is a collaborative strategy to meet changing demand over time for public infrastructure. The proposed text amendments to adopt a Rank 3 Electric Facility Master Plan will benefit cross-agency and public-private coordination. New system facilities, including electric lines and substations, will need to be constructed to meet existing and future demands for electric service, replace aged infrastructure, and to enhance safety and reliability in the coming years.

Recommended Conditions of Approval

1. **NECS reference (PNM Amendment 1).** On Tables 5-1-1, 5-1-2, and 5-1-3, in the Setbacks and Building Height rows, add new footnotes to read: “On lot lines that abut, are adjacent to, or within any property that has overhead PNM electric wires or PNM easements, greater setbacks and/or height reductions may be required for compliance with the National Electrical Safety Code (NECS) and as per 5-4(l)(4).”
2. **Status of Facility Plans (PNM Amendment 2 & 4).**
 - a. The Planning Director, as the relevant implementing department, shall adopt a Rank 3 Electric Utility Master Plan with relevant standards and procedures described in IDO Section 6-4(Z)(3), that will fulfill the purposes of the City’s Master Plan per the State Constitution. The procedures shall reflect those outlined in 6-5(G) and 6-6(l) for substations, generation, and battery storage. The procedures will note that the City does not permit Distribution and Transmission structures (poles) but does require compliance with the terms of the Franchise Agreement in the public right-of-way and/or establishment of and location within necessary easements on private property.
 - b. Once the Rank 3 Electric Utility Master Plan is adopted by the Planning Director with direct references to applicable ABC Comp Plan Goals and Policies, the City Council rescinds the Rank 2 Facility Plan and all relevant references to it in the IDO shall be changed to “Rank 3 Electric Utility Master Plan” and removed from 6-3(B).
 - c. The Rank 3 Electric Utility Master Plan’s updated Project List and corresponding location map shall be adopted per the revised 6-6(l)(1)(c) with criteria and siting standards as adopted by the Planning Director.
3. **Status of Facility Plans (PNM Amendment 2 & 4).** Regarding the procedural requirements from the Electric Facility Plan, revise to reflect these updated procedures based on Table 1 and Table 2 of the 2010 Electric Facility Plan as follows:
 - a. On page 425, Subsection 6-5(G) Site Plan – Administrative, revise 6-5(G)(1)(e)(2) as follows: “All electric utilities with administrative approval, according to the approved Facility Plan. Any application for an electric utility that has been approved by the EPC, if required by any applicable site plan and/or condition(s) of approval; changing the timing and/or preliminary location of any proposed project described in the Project List of the Rank 3 Electric Utility Master Plan.” Add a new 6-5(G)(1)(e)(3) to read: “All solar energy generation rooftop installations and ground-mounted installations on sites under 5 acres.” Add a new 6-5(G)(1)(e)(4) to read: “All wind energy generation rooftop installations and ground-mounted installations on sites under 2 acres.” Add a new 6-5(G)(1)(e)(5) to read: “All utility-scale battery storage on sites under 5 acres.”

- b. On page 444, Subsection 6-6(I) Site Plan – DRB, revise 6-6(I)(1)(c) as follows: “Any application for expansion of an existing substation; a new substation; any utility-scale generation that is not solar or wind; and the adoption of, addition or amendment to the Project List of the Rank 3 Electric Utility Master Plan.” Revise 6-6(I)(1)(d) to read: “All solar energy generation ground-mounted installations on sites over 5 acres.” Add a new 6-6(I)(1)(e) to read: “All wind energy generation rooftop installations and ground-mounted installations on sites over 2 acres.” Renumber following sections.
 - c. On page 446, Subsection 6-6(J) Site Plan – EPC, delete 6-6(J)(1)(b)(7) and 6-6(J)(1)(b)(8).
4. **Standards for solar energy, battery storage, and back-up generators (PNM Amendment 3).** Regarding the Electric Utility, Geothermal energy generation, Solar energy generation, and Wind energy generation Use-specific Standards, in Subsection 14- 16-4-3(E)(8)_on page 183, revise to read:
- a. All uses and facilities shall be subject to the terms and conditions in the Facility Plan for Electric System Transmission and Generation or the Rank 3 Electric Utility Master Plan, ~~as amended.~~
 - b. Where this use includes geothermal or solar energy generation the provisions of Subsections 14-16-4-3(E)(9) or 14-16-4-3(E)(10) apply.
 - c. Electric Generation Facilities, as identified in the Facility Plan for Electric System Transmission and Generation and/or the Rank 3 Electric Utility Master Plan, are of a larger scale and more industrial in nature. This facility type is only allowed in the NR-GM zone district except that battery storage facilities and solar electric generation facilities may be a primary permissive use in association with an electric utility in the NR-BP, NR-LM and NR-GM zone districts.
5. **Standards for solar energy, battery storage, and back-up generators (PNM Amendment 3).** Regarding the Electric Utility definition on page 521, Section 7-1 revise to read: “A facility used or designed to provide electricity services to the city or part of the city that is regulated as a public utility by the New Mexico Public Regulation Commission ~~and that is included in the Facility Plan for Electric System Transmission and Generation,~~ ~~as amended.~~ See also Major Utility.”