

**From:** [Lehner, Catalina L.](#)  
**To:** "Yasmeen Najmi"  
**Cc:** [Reed, Terra L.](#); [Barkhurst, Kathryn Carrie](#); [Renz-Whitmore, Mikaela J.](#); [Toffaleti, Carol G.](#)  
**Subject:** RE: Comments on IDO - EPC Draft December 2016  
**Date:** Tuesday, March 21, 2017 4:40:23 PM

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Hello Yasmeen,  
Thank you for submitting these comments. I am cc'ing other members of the project team so that we all have them.  
-Catalina

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**From:** Yasmeen Najmi [mailto:Yasmeen@mrgcd.us]  
**Sent:** Tuesday, March 21, 2017 3:51 PM  
**To:** Lehner, Catalina L.  
**Subject:** Comments on IDO - EPC Draft December 2016

Dear Chair Hudson:

Thank you for the opportunity to comment on the Integrated Development Ordinance – EPC Draft dated 12/2016. I submitted the comments by the deadline to staff planners Carol Toffaleti and Carrie Barkhurst but they requested I send them also to you. I met with the North and South Valley Acequia Associations to review the language in IDO Chapter 14-16-4, Chapter 4-2.6 Acequia Development Standards and they supported the language with the following exception: We had the following revision to Section B. as we felt it is potentially unenforceable. Additionally, we felt there could likely be confusion between community ditches, which are managed by the Middle Rio Grande Conservancy District (MRGCD) or acequia associations but are also privately owned, and other small feeder ditches on private property. In other words, since community ditches are technically privately owned, someone could make the legal argument that these standards are optional or only “encouraged.” We also collectively agreed that standards for ditches that aren’t managed by the MRGCD or Acequia Associations (where we have ownership, prescriptive or other easements) would be difficult to enforce.

So we propose the following edited language for Section B. “These standards apply to all MRGCD owned or maintained irrigation facilities and community acequia associations. ~~Private landowners are also encouraged to follow these standards for privately-owned ditches, in order to best preserve the system.~~”

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In Chapter 4-2.6 Section C. there is an exception from the Los Duranes Sector Plan, which proposes “15 foot setbacks from the centerline of any ditch, lateral or drain designated on the Los Duranes Community Acequia System Map.” I went to the field with our Irrigation Systems Operator (i.e. ditchrider) for the Duranes area as well as his supervisor. We took sample measurements on various ditches in the Duranes neighborhood to see if the 15 foot setback would be adequate to meet the MRGCD’s needs for irrigation water management and maintenance. We found in many cases that this setback still allows structures to be located quite close to the already very constricted maintenance access. Most importantly, the standards exclude walls and fences, allowing landowners to potentially locate a fence or wall anywhere on the ditch or drain. In fact there are several ditches in Duranes that have fences located right at the top bank of the interior slope and

fences across ditches that prevent our staff from accessing to manage water or maintain that ditch, including in emergencies. Our Board member, Adrian Oglesby, requested a meeting with the Duranes Neighborhood Association on a few occasions to discuss these standards but received no response. Our concerns with the Duranes Sector Plan standards are 1) the 15-foot setback is inadequate for some ditches and/or locations in Duranes and 2) the setbacks don't include walls or fences, which are the primary barriers to the MRGCD's access. With the current standards, it's very likely that more ditches will become inaccessible for proper maintenance and water management, including emergency access for ditch breaks, flooding etc.

We greatly appreciate the efforts of the City Planning staff to work with the MRGCD on the acequia standards as well as other relevant sections of the Comprehensive Plan. If you have any questions regarding these comments, please don't hesitate to contact me.

Sincerely,

Yasmeen Najmi

Yasmeen Najmi  
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**From:** [Renz-Whitmore, Mikaela J.](#)  
**To:** [Reed, Terra L.](#); [Lehner, Catalina L.](#); [Planning Comp Plan-UDO](#)  
**Cc:** [Brito, Russell D.](#)  
**Subject:** FW: APS memo of IDO context  
**Date:** Thursday, April 06, 2017 9:45:53 AM  
**Attachments:** [Memo to CABQ Planning 4-5-2017.pdf](#)

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Please put this in the project file for Council consideration.

Thanks,

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**From:** Halpin, Elizabeth M [mailto:[Elizabeth.Halpin@aps.edu](mailto:Elizabeth.Halpin@aps.edu)]  
**Sent:** Thursday, April 06, 2017 8:35 AM  
**To:** Renz-Whitmore, Mikaela J.; Brito, Russell D.  
**Cc:** Wijenje, Kizito; Lopez, Elvira; Alarid, Karen; Eckert, Martin W; [bsprick@nmmpsfa.org](mailto:bsprick@nmmpsfa.org); Young, Sarah M  
**Subject:** APS memo of IDO context

Dear Mikaela and Russell,

APS Capital Master Plan is unable to attend today's, April 6, EPC hearing of the IDO. Attached is a memo of IDO context in relation to Albuquerque Public Schools. Please note that APS Capital Master Plan submitted official agency comments on March 17, 2017 for today's hearing.

Should you have questions, please contact me at [Elizabeth.halpin@aps.edu](mailto:Elizabeth.halpin@aps.edu).

Thank you,

Elizabeth Halpin - Planner, Capital Master Plan  
Albuquerque Public Schools  
915 Locust St. SE  
Lincoln Bldg. 2<sup>nd</sup> Floor, Suite 9  
Albuquerque, NM 87106  
Phone: 505.842.4507  
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Kizito Wijenje  
EXECUTIVE DIRECTOR

April 5, 2017

**MEMORANDUM**

**To:** Russell Brito, City of Albuquerque Planning Dept.  
Mikaela Renz-Whitmore, City of Albuquerque Planning Dept.

**Cc:** Kizito Wijenje AICP, Executive Director, APS Capital Master Plan  
Martin Eckert, Director, APS Real Estate & Property  
Karen Alarid, Director APS, Facility Planning & Construction  
Elvira Lopez, Senior Planner/Manager, APS Capital Master Plan  
Sarah Young, Planner, APS Capital Master Plan  
Bill Sprick, State of NM Public Schools Facilities Authority

**From:** Elizabeth Halpin, Planner, APS Capital Master Plan

**Re:** City of Albuquerque Integrated Development Ordinance (IDO) Draft to be heard before the EPC on April 6, 2017

Albuquerque Public Schools Capital Master Plan staff will not be in attendance at the April 6, 2016 Environmental Planning Commission hearing of the Integrated Development Ordinance. Official agency comments were submitted March 17, 2017.

The purpose of this memo is to establish an assumption of context for Albuquerque Public Schools in relation to the proposed City of Albuquerque Integrated Development Ordinance (IDO) per Section 1-4.4 in which the proposed zoning legislation states the following:

“This IDO may not be applicable to state or governmental activities or development on lands owned by a state or governmental or quasi-governmental entity, to the extent the state of New Mexico has explicitly exempted them from the operation of local land use regulations.”

Albuquerque Public Schools supports this proposed policy language in relation to existing and future Albuquerque Public Schools development and growth.

If you have questions, please contact Elizabeth Halpin at [Elizabeth.halpin@aps.edu](mailto:Elizabeth.halpin@aps.edu) or (505) 842-4507.

Thank you,  
Elizabeth Halpin  
APS Capital Master Plan, Planner

PNM  
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April 10, 2017

Chair Karen Hudson  
City of Albuquerque  
Environmental Planning Commission  
600 2nd St NW  
Albuquerque, NM 87102

Subject: Additional Comments - City of Albuquerque Draft Integrated Development Ordinance

Dear Ms. Hudson:

As a key utility stakeholder, PNM appreciates the opportunity to provide additional comments and suggested revisions to the City of Albuquerque Draft Integrated Development Ordinance (IDO). Suggested new language is shown underlined and in red, deletions are shown with strikethrough in red.

1. While the IDO Zoning Conversion Map was being developed, PNM requested equivalent zoning on two electric facility parcels; however, the existing IP zoning or equivalent for these two parcels was not carried forward into the current draft map. The two referenced electric facility parcels are Reeves Generating Station and Sandia Switching Station, both currently zoned "Industrial Park: IP" (Enclosure). The City's proposed zoning for both parcels is "Non-Residential Business Park: NR-BP". The current IP zoning allows for industrial uses in an industrial environment which is defined as follows:

*This zone provides suitable sites for a wide range of industrial and commercial uses, provided such uses are conducted in a compatible and harmonious manner within industrial environments achieved through a Development Plan." Permissive uses include..."(19) Public utility use or structure and fire stations, provided their location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.*

The definition of "Non-Residential-Business Park: NR-BP" is as follows:

*The purpose of the NR-BP district is to accommodate a wide range of non-residential uses in close proximity while buffering potential impacts of each use from surrounding uses and adjacent areas. A wide variety of commercial, research, light assembly, development, office, distribution, showroom, processing, and institutional uses are permitted...*

The definition of "Non-Residential-General Manufacturing: NR-GM" is as follows:

*The purpose of the NR-GM zone district is to accommodate a wide variety of industrial, manufacturing, and heavy commercial uses, particularly those with noise, glare, or heavy traffic impacts, in areas separated from residential neighborhoods and lighter impact businesses and mixed-use areas.*

PNM is requesting the EPC to change the proposed zoning for the Reeves and Sandia parcels to NR-GM which is the most appropriate one-to-one conversion for the existing zone.

2. In Table 3-2-1 at the top of page 115 in the first line, it is recommended that "Solar or geothermal energy generation" is clarified that this category refers to private solar generation and not to utility-scale solar generation. Private solar generation is an accessory use; utility-scale generation is primary use and is permissive.
3. In Section 16-16-3-3.5, F. Solar or Geothermal Energy Generation or Device on page 141, is recommended that items 2, 3 and 4 which apply to primary use of the property be removed and placed under Section 16-16-3-3.5, G. Utility, Electric, also on page 141.
4. In Section 14-16-3-3-5, I. Co-locations and Public Utility Co-location, item iv, on page 146, it is recommended that the term "electric transmission line structure" is replaced with "public utility structure" to be consistent with the definition provided on page 416.
5. In Section 14-16-4-6-9, B. Maximum Height, on pages 250 and 251, it is recommended that the following statement regarding wall height in item 3 on page 251 is repeated at the end of item 1 on page 251. In the current IDO draft, it may be interpreted that taller walls for security reasons may only apply to the NR-LM and NR-GM zones; however, it is necessary to allow taller walls for security reasons in all zones in order to accommodate PNM's substation wall height as directed in the Rank II *Facility Plan: Electric System Transmission and Generation (2010 – 2020)* where all electric substation walls are allowed to be 12 feet in height (see Standard #15 in the Facility Plan on page 6). The 12' wall height is required at electric substations and switching stations for safety and security purposes. The recommended revision includes inserting the following language at the end of B. Maximum Height 1. at the top of page 251:

*In any zone district except the NR-LM and NR-GM zone districts, a wall located between the front or side façade of a primary building and a public street, park, Major Public Open Space, trail or arroyo may not be more than 36 inches tall. Walls in other locations on the lot may not be more than eight feet tall and may be opaque. The Director, or their designee, may approve a taller wall if necessary for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site.*

6. In Section 14-16-5-4.9 A. Referrals to Commenting Agencies on page 314, there is a concern that during the staff review of an application, if the review does not include those commenting agency subject matter experts currently reviewing applications, impacts will potentially be missed. In order to provide an efficient method for issues to be resolved early on in the review process, it is recommended that commenting agency review of the applicant's submittal materials be added as a review step on the Pre-Application form which would formalize the process as part of the EPC review.
7. In Section 14-16-5-5.2, H. Subdivision of Land-Minor, 1. Applicability, item a. iv. on page 351, it is recommended that the terms "pipes, wires" be deleted, as they are unnecessary and since the terms are not used anywhere else in the IDO. The sentence is clearer without the terms. Recommended revision:

*Does not require installation of any significant infrastructure, other than ~~pipes, wires, and other~~ connections between permitted structures on the lot and existing infrastructure*

~~pipes, wires,~~ and other systems located on or in an adjacent street or parcel of land;  
and...

8. On page 375, in the definition of the term "Infrastructure" it is recommended to delete "lines, and appurtenances". The use of the term "Infrastructure" throughout the IDO should not apply to utility lines such as electric facilities, as these are already defined on page 425.

*Infrastructure*

*Streets, sidewalks, sanitary sewer and water system facilities, ~~lines and appurtenances,~~ drainage and flood control facilities, street lighting, and other improvements used by the public or used in common by owners of lots within a subdivision. Includes both private (owned by a non-governmental entity) and public (owned by a governmental entity) improvements.*

9. On page 119, Temporary Use Not Listed" in the Permitted Use Table 3-2-1 and on page 163, 3-3.7 Temporary Uses, J. Temporary Use Not Listed, the language is short-sighted for construction project uses such as staging areas that typically last longer than 4 days. Since this is a case-by-case basis approval, the number of days should be removed and process made clearer.

10. On page 199, 4-4.12, Easements or Rights-of-Way, in section A. and in section D., suggest changing the term "infrastructure" to "facilities" as follows:

A. *The Development Review Board may require rights-of-way or easements for public ~~infrastructure~~ or private ~~infrastructure~~ facilities.*

D. *Easements may be jointly used for private ~~infrastructure~~ facilities with approval from the Development Review Board as specified in the Development Process Manual and in Section 5-5.2H (Subdivision of Land – Minor) or Section 14-16-5-5.2.I (Subdivision of Land – Major).*

11. On page 415, in the definition of Private Way, it is recommended to change the term "infrastructure" to "facilities" or "use" as follows:

*Private Way*

*A lot or easement that is not public right-of-way and that contains a street or alley providing access between public right-of-way and one or more lots. The term may include easements for public and private ~~infrastructure~~ facilities when such are established through a suitable legal document, along with the access rights.*

Thank you for your consideration of our comments.

Sincerely,



Laurie Moyer  
Coordinator, Regulatory Project and Public Participation

Enclosure