

LAC Development Code Update - Module 1 Public Comments					
Comments / Request for Change	Page #	Applicable Code Section	Applicable Sub-Section	Proposed Change	Response
What's the definition of "Outdoor storage" (in the Permitted Use Table under ACCESSORY USES) which is now forbidden in all residential zones? Can residents no longer store their garden tools outdoors, or store their RV between trips?	37	16-2-1 Permissive Uses	16-2-1(D) Permitted Use Table, 2(2)(9) Outdoor Storage, Accessory Definition		Current standards are intended for commercial outdoor storage only. residential outdoor storage is covered in Chapter 18 and the recommendation is that this distinction is carried forward. RV parking is covered under accessory uses in section 2-2(D)(10).
Module 1 defines "Adult entertainment" as "An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment, other than an adult retail establishment, that provides amusement or entertainment." Did you mean to include something about depiction of sexual activities, as in the definition of "Adult retail"? Or do you really classify any restaurant that provides entertainment -- say, a coffee shop with occasional live music -- as "Adult entertainment"? Is every concert hall "Adult entertainment" since the entire purpose of a concert hall is to provide amusement or entertainment?*	53	16-5-2 Defined Terms		Revised definition of adult entertainment to "An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment, other than an adult retail establishment, that provides live entertainment, audio and/or video displays or other graphic representations that are intended to provide sexual stimulation or sexual gratification and is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities".	
There are some references throughout to sections that may change. For example, the very last line of the module. Should we expect there will be at least one round of final review of the entire section 16?	52	Throughout		No change	The footnotes refer to sections that will be addressed in subsequent modules, either Module 2 for development standards or Module 3 for administration or procedures. Additional public comment opportunities will be provided for each of the subsequent modules and before the adoption of Chapter 16 as a whole.
The new WRTC zone is a problem... The interactive map on <a href="https://osalamosconnect.org/2021/06/29/7-8-2021-development-code-update-module-1-release/">https://osalamosconnect.org/2021/06/29/7-8-2021-development-code-update-module-1-release/</a> shows WRTC as applying only to the eastern part of the Mirador housing development -- which is mostly houses, though eventually it might include a few shops -- plus the Del Norte Credit Union at Rover and 4. That's not what I remember seeing when you had public meetings to discuss the downtown master plans. "WRTC" skips all the areas that most people would think of as the White Rock Town Center, like the commercial buildings across from Del Norte on the southwest corner of Rover and 4 including Metzgers, the shops along Rover down to Enterprise Bank, plus Smith's and Pig & Fig and the shops adjacent, and Longview. How is it that the "town center" omits all but one of the town's current businesses? And do the folks living in houses in that part of Mirador know that you've tagged them as "White Rock Town Center"?	Zoning Map			All of the parcels within the downtown boundary were converted to WRTC	There was an error in the original conversion; all of the parcels within the WRTC should have been converted to WRTC. The northwestern portion of the district that was originally indicated as WRTC is the only portion of the district that currently has a DT zoning designation, which is why the conversion showed it as WRTC. The recommendation is to rezone all properties within the district boundary as WRTC. Changes are shown in the revised map which can be viewed here: <a href="https://osalamosconnect.org/wp-content/uploads/2021/09/White-Rock-Zoning9.21.21.pdf">https://osalamosconnect.org/wp-content/uploads/2021/09/White-Rock-Zoning9.21.21.pdf</a>
The overall consolidation of use zones from "Existing Zone Districts" to "Proposed Zone Districts" is well done, in that it preserves most residential neighborhoods zones but simplifies the zone names. HOWEVER, the devil is in the details and many details are missing from this draft. "Lot Standards", "Setbacks" and "Heights" are missing from all zones. To preserve the character of existing neighborhoods, "Lot Standards", "Heights" and "Setbacks" should match the standards of the "Existing Zone Districts". "District Standards" are missing from all zones. Standards of particular concern that must be addressed: Dwelling unit density limits are not defined for any of the "Residential Uses". To maintain the character of neighborhoods, proposed dwelling unit density limits should match existing dwelling unit density limits. Off-street parking minimums for "Co-housing" and "Cottage Dwelling" uses are not defined. For that matter, off-street parking minimums for all types of "Residential Uses" should be defined.		Modules 2 & 3		Development standards will be covered in Module 2.	The Development Code update was proposed to be carried forward in three subsequent modules that will build off of one another: Module 1: Zone District and Use Regulations focuses on updates to the zone and overlay districts, associated district standards, the use index table, and use specific standards. Module 2: Development Standards will reorganize and update any development standards found in the chapter including but not limited to dimensional standards such as setbacks and allowable densities, parking and loading, landscaping, architecture. Module 3: Administration and Procedures will focus on the reorganization and streamlining of content related to administration, enforcement and procedures. The concerns listed in this comment will be addressed in Module 2, anticipated to be released in Fall 2021.
The terms "Low-density", "Medium-density" and "High-density" in "Multi-family Residential" districts and in the "Mixed-use District" are not defined. To maintain the character of neighborhoods (which may have abutting SFR and MFR zones), these definitions should match existing dwelling unit density limits.	62-78	16-5-2 Defined Terms			Definitions for residential, multi-family and non-residential zone districts have been added. An additional definition for low-density has been added as it will relate to neighborhood protection standards. Medium and high-density definitions will be added in Module 2 if code standards necessitate them.
Maximum dwelling unit densities for the new "Co-housing" and "Cottage Dwelling" uses are not defined, even though "Use Specific Standards" have been written for these uses.	37-38	2(2)(A) Residential Uses	2(2)(A)(1) Dwelling, Co-housing development and 2(2)(A)(2) Dwelling, Cottage	Co-housing and cottage dwelling use specific standards will be revised to reflect allowable density. The revised draft states "A cottage development shall have no more than the total residential gross floor area that would be allowed on an equal size property in the same zone district for single-family detached development."	Specific density standards for underlying residential zone districts will be included in Module 2.

LAC Development Code Update - Module 1 Public Comments					
Comments / Request for Change	Page #	Applicable Code Section	Applicable Sub-Section	Proposed Change	Response
<p>"Non-residential Uses" that about "Residential Uses" should have special transition requirements and mitigation requirements when redevelopment would substantially change the character of the abutting residential neighborhood.</p> <p>"Notification Standards" for redevelopment and new development should be well defined so that neighbors can assess potential impacts. Neighbors must have plenty of opportunity to review site plans and have concerns reviewed by the P&amp;Z.</p> <p>The definition of "Accessory Dwelling Unit" is problematic. From the "Permitted Use Table" I can see that an "Accessory Dwelling Unit" used for any "Lodging" purpose requires a "Special Use Permit". If the "Accessory Dwelling Unit" is to be used for long-term rental or an additional owner-occupied unit it also requires a "Special Use Permit". There needs to be a well-defined and published process by which "Special Use Permits" are reviewed and issued. There should be "Notification Standards" for alerting neighbors, public opportunities for site plan reviews, and published alerts when the proposed "Accessory Dwelling Unit" would exceed the dwelling unit density limit of the zone. Such a process is not defined in this draft.</p> <p>It's a little tough to comment on most of Module 1, because it's full of big gaps. Like missing Dimensional Standards for all the zones. And the omission of RW-O from the Permitted Use Tables.</p>	42	2-2(D) Accessory Uses and 16-5-2 Defined Terms	2-2(D)(1) Accessory Dwelling		<p>The current draft standards were initial recommendations based on existing standards. The county is planning to undertake an independent process for public comment specific to Accessory Dwelling Units. The Chapter 16 Development Code updates will reflect the guidance and outcomes from that public comment process.</p>
	33	2-1(D) Permitted Use Table		Permissive uses for the recreational overlay have been picked up in the district standards of Module 2.	<p>The Development Code update was proposed to be carried forward in three subsequent modules that will build off of one another. Module 1: Zone District and Use Regulations focuses on updates to the zone and overlay districts, associated district standards, the use index table, and use specific standards. Module 2: Development Standards will reorganize and update any development standards found in the chapter including but not limited to dimensional standards, parking and loading, landscaping, architecture. Dimensional standards will be picked up in Module 2 anticipated to be released in October 2021. Permissive uses for the RW-O will also be included in Module 2.</p>
<p>Module 1 doesn't seem to follow the Los Alamos Comprehensive Plan. The Comp Plan defines as core values "Protecting virtual all existing open space" and "Protecting the character of existing residential neighborhoods". But Module 1 seems like it's taking away W-1 wilderness protection from open space, and has potential to drastically change neighborhoods by allowing high-density "coottage and co-housing developments".</p> <p>The biggest problem is the removal of the wilderness overlay W-1. The Module 1 plan folds W-1 and W-2 into one overlay, RW-O, and it's hard to know for sure what the rules in RW-O are since it isn't included in the Permitted Use Tables. Is RW-O intended to have the protections of W-1, or W-2? If it's like W-1, then will the existing buildings like the stables be grandfathered? If it's like W-2, I'm concerned that we'd be losing important protection for natural areas. It would make more sense to keep W-1 and W-2, and to make them real zones, not overlays. It doesn't make much sense to have the wilderness overlays on top of P-L zones that have completely different rules.</p> <p>There appears to be a plan to combine current W1 and W2 overlays into a single designation that doesn't supply the W1 protections anywhere. While there is something of a desire to simplify matters by reducing the number of zones, this is actually a place where the county should add three, and eliminate those two overlays. There should be a specific zone for what is now W1, a specific zone for what is now W2, and a specific zone for Parks. While by number of zones this would seem to be more complex, in the end it would probably make life simpler for everyone. It also avoids the appearance of being an attempt to remove the W1 protections.</p>	30	16-1-4 Overlay Districts	1-4(C) Recreational Wilderness Overlay District (RW-O)		<p>The project team is presenting these concerns to the Planning and Zoning Commission and Council for direction. W1 and W2 could be retained as they are or 3 new open spaces districts created with one for parks, one for active open space uses, and once for passive open space uses as indicated in the Future Land Use Map of the Comp Plan.</p>
	30	16-1-4 Overlay Districts	1-4(C) Recreational Wilderness Overlay District (RW-O)		<p>The project team is presenting these concerns to the Planning and Zoning Commission and Council for direction. W1 and W2 could be retained as they are or 3 new open spaces districts created with one for parks, one for active open space uses, and once for passive open space uses as indicated in the Future Land Use Map of the Comp Plan.</p>
	30	16-1-4 Overlay Districts	1-4(C) Recreational Wilderness Overlay District (RW-O)		<p>The project team is presenting these concerns to the Planning and Zoning Commission and Council for direction. W1 and W2 could be retained as they are or 3 new open spaces districts created with one for parks, one for active open space uses, and once for passive open space uses as indicated in the Future Land Use Map of the Comp Plan.</p>

LAC Development Code Update - Module 1 Public Comments					
Comments / Request for Change	Page #	Applicable Code Section	Applicable Sub-Section	Proposed Change	Response
<p>Thank you for the opportunity to comment on Module 1. I strongly object to the proposal to combine W-1 and W-2 in one overlay, RW-O. W-1 (Open Space Passive) should be a zone district. It is unique. I think W-2 (Open Space Active) should also be a zone district. However, it includes Pajarito Ski Area, which is not public land. Module 1 says on p. 5, 16-1-5:</p> <p>"The Development Code is the primary tool used by the County to implement the goals, policies and strategies of the Comprehensive Plan."</p> <p>DPS should begin with the Future Land Use Maps in the Comprehensive Plan.</p> <p>The Comprehensive Plan says:</p> <p>p. 61 (actually p. 51) Los Alamos Open Space Management Plan, adopted in 2015, is based in part on the 2000 document from the Open Space Advisory Committee.</p> <p>Following the extensive work and analyses that the County has already completed, and also based on the current outreach and public participation efforts, and the current adopted strategic goals of County Council, the 2016 Comprehensive Plan adopts all the parcel-specific recommendations for open space as corresponding land use designations in the Future Land Use Map. In addition, the Future Land Use map confirms that all parcels called out in Ordinances 252 and 254 have open space or park status in the map.</p> <p>p. 98 (actually 88) The Future Land Use Map of the Comprehensive Plan adopts land use categories for open space that establish three levels of open space, based on intensity of use. Parks are the most developed and support the most intense level of uses. The Parks category includes Ashley Pond and the adjacent demonstration garden, and all other developed parks and playgrounds. Other open space is designated as Active or Passive Use Open Space, with these categories corresponding to the zoning district categories described above. In addition, the Comprehensive Plan adopts as land use categories the recommendations of the Open Space Management Plan, adopted by Council in 2015, and which categories were supported by the Parks and Recreation Board in 2016.</p> <p>p. 101(91) LAND USE POLICIES</p> <ol style="list-style-type: none"> <li>1. Be stewards of the natural environment, including the existing ecosystems</li> <li>2. Do not build houses in the canyons or canyon walls.</li> </ol> <p>2-2(A)(2) Dwelling. Cottage has several problems. By starting with the word "if," item 1 (if cottage dwelling units are located on one lot, the minimum lot size for the cottage development shall be one (1) acre.) implies that a cottage development can span two or more lots, and if it does, they need not total 1 acre. Which would mean, of course, such a development could be put anywhere an interested party could secure two adjacent lots, in just about any residential area. No minimum size is set and the only requirements are at least one room and a kitchen, however minimal. It would be a simple matter to set this in 200 square feet and pack in an unknown, but surprisingly large number of units on almost any R1 lot, for example. But the clincher is in item iv, in particular. (The development may contain a shared indoor community space... not included in the maximum total residential gross floor area.) As worded, that means the total building area including cottages and common building can actually cover 100% of just about any residential lot in the county, save for required setbacks. There is no comment about parking either. At the very least, this new proposal requires a great deal of clarification. If the listed possibilities are actually what was intended, the public needs to know sooner rather than later. It's also puzzling why this concept is proposed in zones that currently have Dwelling Unit limits that would render the cottages impossible unless there is intent to remove those limits. If so, that's another thing the public needs to know loud and clear.</p>	30	16-1-14 Overlay Districts	1-4(C) Recreational Wilderness Overlay District (RW-O)		The project team is presenting these concerns to the Planning and Zoning Commission and Council for direction. W1 and W2 could be retained as they are or 3 new open spaces districts created with one for parks, one for active open space uses, and once for passive open space uses as indicated in the Future Land Use Map of the Comp Plan.
<p>This is a terrible platform for responses. The paragraphs were run together and I was not given an opportunity to add my name.</p> <p>I think that the golf course, now zoned P-L, should be rezoned to permit housing. The golf course property serves relatively few people and occupies valuable space in the center of the community.</p>		2-2(A)(2)		No change	The project team is presenting these concerns to the Planning and Zoning Commission and Council for direction. W1 and W2 could be retained or 3 new open spaces districts created with one for parks, one for active open space uses, and once for passive open space uses as indicated in the Future Land Use Map of the Comp Plan.
					DPS is exploring more efficient public comment mechanisms for future modules. Members of the public may always provide comments directly to County or project team staff by emailing either Bryce Ternet at michael.ternet@lacnm.us or Jessica Lawlis at jessical@dpdesign.org
					Not within scope of project. This action would require a rezone that is particular to one particular parcels that is outside of the legislative process of this update.

LAC Development Code Update - Module 1 Public Comments					
Comments / Request for Change	Page #	Applicable Code Section	Applicable Sub-Section	Proposed Change	Response
<p>Retail Sales in Los Alamos</p> <p>1.0 Background</p> <p>1.1 I've been following the level of business activity in Los Alamos since 1985. I use the Gross Receipts Taxes (GRT) to measure business activity. To be specific, I follow the level of taxable business activity, I started doing this because the GRT is the major source of revenue for Los Alamos County and I was a County Councilor. The information is currently available at <a href="https://www.tax.newmexico.gov/all-rm-taxes/gross-receipts-taxes-overview/monthly-rp-80-reports-gross-receipts-by-geographic-area-and-naics-code/">https://www.tax.newmexico.gov/all-rm-taxes/gross-receipts-taxes-overview/monthly-rp-80-reports-gross-receipts-by-geographic-area-and-naics-code/</a>.</p> <p>1.2 Currently (with LANL paying GRT) the main levels of taxable business activity in Los Alamos are Services, Construction (9%), and Retail Sales (4%). Clearly lab activity dominates the Service sector.</p> <p>1.3 Figure 1 shows the change in GRT revenues since 1985. Clearly the county has done quite well since LANL started paying taxes.</p> <p>2.0 Relevance</p> <p>2.1 I believe that a healthy retail sector is important to our quality of life. At the turn of century in my terms on the County Council and School Board I worked to change the landscapes of the East end of town by converting school and county property to what is now the Smith's Marketplace area.</p> <p>2.2 I've been following the discussion regarding a potential change to our zoning that would limit the types of businesses that could occupy sidewalk access. I think that the well-meaning intention is to enhance our retail activity.</p> <p>2.3 I saw somewhere a comment that internet sales may be hurting Los Alamos retail sales. I contacted NM Tax and Rev in an attempt to identify the level of internet sales in Los Alamos. They were no help. Apparently buying light bulb at Metzger's or Amazon looks the same to Tax and Rev. It is a retail activity.</p> <p>2.4 So, how's retail activity doing in Los Alamos? Figure 2 shows the level of taxable retail GRT in Los Alamos. Surprising, at least to me, retail activity surged in CY 2020 to an all-time high! I suspect that internet sales are responsible.</p> <p>3.1 My guess is that no actions taken by the downtown master planning and County code revision work being undertaken by the County's consultant Dekker/Perich/Sabatini can change</p>				No change	This comment appears to be referring to the pedestrian retail overlay that is no longer being considered at this time. The project team has been given no direction to limit ground-floor uses within the downtown areas of Los Alamos or White Rock and the Development Updates will work to create mixed-use development standards for these areas.

LAC Development Code Update - Module 1 Public Comments					
Comments / Request for Change	Page #	Applicable Code Section	Applicable Sub-Section	Proposed Change	Response
<p>Accessory Dwelling Units</p> <p>The clear need, as well as the policy of the County in the Comprehensive Plan and multiple strategic policies adopted by the County Council, is to create additional housing of all kinds in the County.</p> <p>Given the limited amount of vacant or re-developable real estate in the County, either privately or publically owned, the County will not be able to reach anywhere near the projected 1600 residential units needed now in the County, in addition to the current projects in various stages of development and approval, expressed in the 2020 Housing Study conducted pursuant to the North Mesa Housing Project process, if there are important administrative policies that substantially restrict or eliminate a substantial category of potential residential growth. That is exactly what has occurred with respect to approval of Accessory Dwellings in the County. If I understand correctly, the County Attorney office has opined and the Community Development Department has been obliged to enforce a definition of Accessory Dwelling that categorizes accessory dwellings or apartment as an additional dwelling under every respective residential zoning district, resulting in banning accessory dwellings for any residential zoning district limited to a single family unit.</p> <p>Now that the County Council has mandated an updating and revision of Chapter 16 and given the large shortage of needed residential units, now and in the coming years, the largest single category of potential additional residential units in the County is through encouraging and widely approving large numbers of Accessory Dwellings.</p> <p>As I read this Module 1, I believe the authors intended to address this issue. However, given current administrative guidance, I think it would be wise to insure residential landowners can widely apply for and, where approved by the Planning and Zoning Commission, receive a special use permit for an Accessory Dwelling.</p> <p>Accordingly, I suggest a number of additions to address this issue, while still protecting neighborhoods from undesirably intense growth where necessary:</p> <p>SECTION 16-2-2(D)(1) iii:</p> <p>iii. The underlying zoning district requirements including lot, setback and coverage standards shall apply to an Accessory Dwelling unit, provided that an Accessory Dwelling under this</p> <p>I believe a much better definition is needed for "Accessory Structure." Is it a "building" and excludes anything else? Is a small cabinet-like storage shed a structure. What dimensions make it an Accessory Structure. This definition needs to be improved and clarified. I believe limiting the number allowed is going to create problems. Maybe a maximum percentage of property area would be better?</p> <p>what is this a joke? the video is not a meeting! I sat through 12 minutes and this was NOT A MEETING AND NO PRESENTATION!</p> <p>It was difficult to understand. I am concerned that we will be required to have look-alike yards within a residential zone, and I strongly disagree with that. Anyone's home and yard should allow for expression of landscape that the owner finds aesthetically (subjectively) pleasing. That is what makes it interesting to walk through neighborhoods and enjoy the creativity of each yard. I saw no mention of the danger of dead trees and large dead branches, which can cause damage and injuries. Code enforcement should be strictly on a complaint basis. There should be no code enforcers dropping in unannounced, and they should stay out of the back yard unless invited in to answer questions. Only the safety issues should be a criminal complaint. The esthetic issues should not be criminal or civil complaints. People are working a lot, raising families, and already under enough stress. It is very threatening to think a code enforcer can enter my private property unannounced.</p> <p>Page 77 X May be useful to define Xeriscaping</p> <p>Also, "Trailer sales lot" must include automobile sales? Seems odd.</p> <p>Small conflict between "Tenant" and the use of the word in "Multiple Tenant Building" on page 66.</p> <p>Page 75 Structural alterations -- only outside walls or roof?</p> <p>Story -- very confusing.</p> <p>Next item, passive the final clause "for structural heating" is unnecessary and may cause problems down the road.</p>	<p>16-2-2(D)(1) iii: 16-5-2 16-2-2(D)(1)(x) 16-2-2(D)(1) 16-2-2(D)v 16-2-2(D)(1)viii</p>	<p>2-2(D)(7) Accessory Dwelling</p>			<p>The current draft standards were initial recommendations based on existing standards. The county is planning to undertake an independent process for public comment specific to Accessory Dwelling Units. The Chapter 16 Development Code updates will reflect the guidance and outcomes from that public comment process.</p>
					<p>The project team has updated the presentation on the project website to remove the pause at the beginning of the video.</p> <p>This comment refers to issues addressed within the Chapter 18 nuisance code, not the Chapter 16 Development Code Update. The Chapter 18 Nuisance Code update is ongoing and public input opportunities are anticipated to occur in Winter 2022.</p>
	77	16-5-2 Defined Terms			<p>Xeriscaping definition will be provided in Module 2 with landscape regulations.</p> <p>This was an old use category that will not be carried forward.</p> <p>Definitions pertaining to content about development standards will be revised in Module 2.</p> <p>Definitions pertaining to content about development standards will be revised in Module 2.</p> <p>Definitions pertaining to content about development standards will be revised in Module 2.</p>
	76 and 66	16-5-2 Defined Terms 16-5-2 Defined Terms		Deleted Trailer Sales lot definition	
	75	16-5-2 Defined Terms			
	74	16-5-2 Defined Terms			
	74	16-5-2 Defined Terms		Revised definition to read "A system that employs siting and orientation, structural materials and landscaping to take advantage of solar energy."	Revised definition to remove the term for structural heating

LAC Development Code Update - Module 1 Public Comments					
Comments / Request for Change	Page #	Applicable Code Section	Applicable Sub-Section	Proposed Change	Response
Solar energy collection system, active Might want to say mechanical or electrical rather than just mechanical.	74	16-5-2 Defined Terms		Revised definition to read "A mechanical or electrical system for heating or cooling a structure by collecting, storing and transporting solar energy."	Revised definition to include electrical systems
Sign, temporary "limited period of time." Since the earth will eventually be burned to a cinder, we can assume all signs will be up for a limited period of time. Without some idea of the actual limit, this is a meaningless proposal. Consider defining "quasi-legal"	73	16-5-2 Defined Terms			Signage definitions will be comprehensively updated in Module 2 with the recommendations for signage regulations.
Page 72 Setbacks Might want to define "projections" Kennel As worded, this would mean six birds, six cats, six lizards in a terrarium? Frontage What determines the front of the lot when on a corner or curve? Equestrian trail Is this intended to specifically exclude bicycles? Dwelling, livework Could this include retail? Restaurant?	72	16-5-2 Defined Terms			Quasi-legal may be defined if necessary depending on the standards within Modules 2 and 3. Projections into the setback areas will be addressed in Module 2.
	64	16-5-2 Defined Terms		Revised definition to refer to cats and dogs rather than domesticated pets.	
	61	16-5-2 Defined Terms			Definitions pertaining to content about development standards, such as frontage calculations, will be revised in Module 2.
	60	16-5-2 Defined Terms			Equestrian trail definition does specifically exclude bicyclist use.
	59	16-5-2 Defined Terms		Added a new standards on the use standards for live/work dwelling to limit the uses that can occupy the work component. New standard reads "The nonresidential work use shall not be used for the following uses identified in Table 2-1.1 Permitted Use Table: any use in the Agricultural category; any use in the Recreation & Entertainment category; any use in the Food and Beverage category; and Indoor Entertainment category; any use in the Vehicle and Equipment-Related category; any use in the Industrial Uses category except artisan manufacturing; construction contractor facility and yard; crematorium; mortuary; or laboratory".	
Unnecessary gender specification County clerk means the elected clerk of the County of Los Alamos or his agent.	57	16-5-2 Defined Terms		Change to "their agent"	
Archism? Dry-cleaning, coin-operated, means the use of single-batch, automatic cleaning machines, activated by the insertion of a coin. Do the vehicle storage rules apply to vehicles that are driven regularly, but we lack the space to park them all in the carport? Do the vehicle maintenance restrictions apply to the simple things most of us do at home, such as a quick oil change, add air to tires, add water to battery? Do the storage unit restrictions apply to temporary items such as a large Rubbermaid storage cabinet? Is a violation still a criminal offense, or can it be changed to a civil offense? If a permanent storage building was permitted and inspected, but the rules have changed, we should not need to tear it down and obtain a new permit. Dead trees and dead tree limbs should be added as a hazard to neighbor properties, as they are more of a threat than a dandelion. Any rules related to our yards should allow for the homeowner's choice to avoid mono-culture clipped green grass in favor of healthy biodiversity and pollinator habitat and soil health, green plants and healthy soil sequester carbon, helping us reach our carbon-neutral goal. Concrete and gravel add reflected heat to the atmosphere. Regarding outdoor vehicle storage, it is not clear whether this applies to the three vehicles we drive most days and if we may continue parking one in the carport, one offset in the driveway, and one in the street. It is also unclear whether homeowners will continue to be allowed to perform minor maintenance (add air to tires, change oil, add water to battery, change a tire) in our own carports. It takes time to get appointments at repair shops and time to find a ride home.	59	16-5-2 Defined Terms		Deleted dry cleaning definition No change in Chapter 16 update	This was an old use category that was not carried forward. This comment appears to be concerned with issues that are covered within the Chapter 18 nuisance code, rather than the zoning standards within the Chapter 16 Development Code.
				No change in Chapter 16 update	This comment appears to be concerned with inoperable vehicles, which will be covered under the Chapter 18 Nuisance update, not in the Chapter 16 Development Code.
Regarding accessory structures, does the maximum number include temporary storage bins (such as Rubbermaid) and temporary small metal sheds?				Revised definition of accessory structure to read "A structure detached from and located on the same lot as a primary building, customarily used with and clearly incidental and subordinate to the primary building or use. Accessory structures include but are not limited to barns, garages, carports, sheds, greenhouses, gazebos, pergolas, or similar roofed structures."	The maximum number of accessory structure would include all metal sheds. If it was a temporary storage structure it would need to meet the definition for temporary storage which only permit the placement of items like PODS on-site for a maximum of 45 days. Rubbermaid containers wouldn't qualify for the definition of temporary storage or accessory structures within Chapter 16, but may qualify as "rubbish" under the Chapter 18 nuisance code.



Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Parks and open space district	2-3(C)(V)(1)(a)	My greatest concern is with the confusing definitions for parks and open space and the contents of the permitted use table. I am still struggling to make sense of those pages in Module 2.	2-3(C)(V)(1)(a) PUBLIC PARK SUB-ZONE (POS-P) The Public Park sub-zone is intended to protect existing County owned or managed parks, <sup>7</sup> <del>recreation areas, and County-owned or controlled lands which provide valuable natural and open space functions.</del> 2-3(C)(V)(1)(b) ACTIVE OPEN SPACE SUB-ZONE (POS-AO) The Active Open Space sub-zone is intended to protect the natural character of the County's wilderness areas designated for use of active public recreation, use, and enjoyment with limited development such as camp grounds, skiing, athletic fields, and stables. 2-3(C)(V)(1)(c) PASSIVE OPEN SPACE SUB-ZONE (POS-PO) The Passive Open Space sub-zone is intended to protect the natural and scenic character of the County's wilderness areas for use of passive public recreation, use, and enjoyment that have minimal effect on the land.	Clarified the intent statements for the open space subzones in Section 2-3(C)(V) PARKS AND OPEN SPACE ZONE DISTRICTS (POS) per guidance of the Comp Plan.
Outdoor lighting	16-6-2 Defined terms	BUG: The figure gives the impression that sidewalks are outside the range of useful light and that illuminating them is a form of light trespass, which it is not. The human figures are hard to see, especially the two figures on the left. This gives the messages that pedestrians are expected to walk in the dark. The facades of buildings are white, which is incongruous with the night scene depicted and conceptually confusing. Most building facades are dark at night, except, perhaps, for their windows. Fully shielded luminaire: The illustration is missing (and, in my opinion, very important to make the concept easy to understand). Light trespass: Nice figure! See the above comment about white building facades, however.	Revised the graphics so that the buildings are a dark gray instead of white. Provide a fully shielded luminaire graphic.	
Outdoor lighting	16-4-6(A)2. Purpose	There needs to be a curfew at which time illuminated signs and EMCs that are not required for public safety are turned off. This could be 30 minutes after close of business of 11PM, for example. Los Alamos is a small town that sees very little activity after 9PM and there's very little benefit in having a sign advertising a business illuminated all night. EMC should be included in the total lumen site limit.		P/Z and Council guidance is needed for the issue of a lighting curfew as consensus on this particular issue was not reached within the Steering Committee. At the P/Z hearing on 2.23.2022, suggested that lighting levels for EMCs should be regulated. No guidance was given on the light curfew.
Outdoor lighting	16-4-6(B) Applicability. Line 3. Amortization	The draft states that fixtures not in compliance installed earlier may be retained, subject to the provisions of a section yet to be written. I feel strongly that an amortization clause is required, i.e. that non-compliant fixtures be replaced by compliant ones within a horizon of 10 years (the ordinance proposed by the Jemez Mountains Night Sky Coalition used 1 January 2030 as the horizon - that draft was begun in early 2020).		P/Z and Council guidance is needed for the issue of amortization as consensus on this issue was not reached within the Steering Committee. The current draft does not require amortization for any non-conforming site elements, such as lighting or signage. At the P/Z hearing on 2.23.2022, suggested the consideration of amortization for non-residential districts, but not residential districts.
Outdoor lighting	Amortization	2. I did not see a timeframe for bringing grandfathered fixtures into compliance. We really need set a limit of 10 years for bringing existing fixtures into compliance. This is consistent with the time within which fixtures generally need maintenance (at least bulb changes). Related to section 4-6(B).		P/Z and Council guidance is needed for the issue of amortization as consensus on this issue was not reached within the Steering Committee. The current draft does not require amortization for any non-conforming site elements, such as lighting or signage.

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor lighting	Amortization	This draft of the outdoor lighting ordinance has much to be commended for and I am grateful that it incorporates many of the recommendations in the draft lighting ordinance that we provided to the county and DPS. I do have a few serious concerns about the current version, however. There needs to be a period over which all lighting will be brought into compliance (8-10 years, for example). I understand that this will be addressed in Module 3. Nonetheless, it is a very important component of an effective outdoor lighting ordinance. Remodel of residential and commercial property occurs too slowly to effectively bring the outdoor lighting in Los Alamos County to the proposed new standard and have an impact over a reasonable period of time. There are several sites with particularly egregious lighting. Without an amortization period, we will be living with these lights for decades to come. As for streetlights, which are responsible for at least 50% of the outdoor lighting lumens in the county, the current rate of replacement is about 50 lights per year. At this rate, it will take 60 years to have the approximately 3000 streetlights brought into compliance. A more realistic time line is necessary if the stated goals are to have any meaning.		At the P/Z hearing on 2.23.2022, suggested the consideration of amortization for non-residential districts, but not residential districts. Further input is needed on this issue.
Outdoor lighting	4-6(C) Exemptions. Lines 5 and 9.	Special event lighting and Temporary lighting for construction. Both of these must be tightly circumscribed in both space and time, i.e. such lighting should illuminate only the area of the event itself or the property or roadway under construction, without causing light trespass on other properties or glare on adjacent roadways or sidewalks, and such lighting should be extinguished at the termination of the event or construction, or be reduced after a curfew to levels necessary for pedestrian and motorist safety.		P/Z and Council guidance is needed for the issue of special / temporary lighting on this particular issue was not reached within the Steering Committee.
Outdoor lighting	Exemptions 4-6(C)2	I think that it would make more sense to say: "Increase nighttime visibility BY reducing light trespass,....". Using "while" strongly suggests that one of the purposes is to increase the overall amount of light. I hope that this is not the intent.	Revised section 4-6(C)2 to read "increase nighttime visibility BY reducing light trespass".	
Outdoor lighting	Section 4-6(C): Exemptions	Section 4-6(C): Exemptions. Special Event lighting should be limited to the area involved, eliminated after the event, and reduced at some reasonable hour in the evening.		P/Z and Council guidance is needed for the issue of special / temporary lighting on this particular issue was not reached within the Steering Committee.
Outdoor lighting	4-6(E). Line 4.	The exemptions to the fully-shielded requirements are fine, but it must be made clear that the total lumens from the exempted items must be included in the total site limit of lumens per net acre specified in Table 39.	Revised 4-6(E) to read "Light fixtures are required to be fully shielded with a BUG rating of U0. Exceptions to the fully-shielded requirement are as follows, provided that the total lumens from the exempted fixtures comply total site limit of lumens per net acre specified in Table 40 Site Lighting Standards:"	
Outdoor lighting	4-6(E). Line 5 and Figure 45	It is good to exclude undeveloped areas from the site lumen limits, but I also wonder whether undeveloped rooftops should also be excluded from those limits. Otherwise, a very large building with a small parking lot could be vastly over-lighting the parking lot.	Revised exclude undeveloped rooftops.	



Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor lighting	4-6(E), Line 3	The mention of "high color rendition index (CRI) " is far too vague. There are are specific and limited places where color rendition is important, as in outdoor vending areas or on sports fields, and appropriate numerical CRI values can be specified for those cases. For most other uses of artificial light, color rendition under low-color-temperature lamps such as our existing HPS lamps is perfectly adequate.		P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue. At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K.
Outdoor lighting	4-6(E), Site Lighting Standards, Line 2.	The upper limit of 3000 K for correlated color temperature (CCT) is too high. This specification is repeated at 4-6(G) Line 1 and in Table 40. where these comments will also apply. The aspiration everywhere should be a color temperature limit of 2200 K, possibly with exceptions related to availability. We recognize that there are price and availability concerns for low-color-temperature LED lamps, but these will become less expensive and more available with time. Most of the street lamps in Los Alamos are currently high-pressure sodium lamps, with a color temperature of 2200 K, and their warm orange glow is comforting and familiar to all. Lamps with CCT of 3000 K are uncomfortably bright and white looking, and the portion of blue light that they emit contributes strongly to sky glow and light pollution. According to a published study done by representatives of the National Park Service, "one-for-one HPS to 3000 K LED replacements are likely to increase light pollution" (L-W Hung et al. 2021, Journal of Environmental Management, 292, 112776.). Locking in an upper CCT limit that most dark-sky advocates agree is too high in a document that is meant to last for decades is a serious mistake. Moreover, the just-cited paper remarks that, because of variations among LED lamps, lighting ordinances also need a specification that limits the amount of blue light (light with wavelength shorter than 500 nm) emitted by luminaires, because blue light is much more strongly reflected and scattered than other colors and contributes disproportionately to sky glow, even when fixtures are properly shielded.		P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue. At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.
Outdoor lighting	4-6(E)2, 4-6(G)1, Table 40	Light pollution in Los Alamos County has increased noticeably over the last 5 years, much more rapidly than during the previous 15 years. This is because of a recent surge in excessive lighting and the use of LED lights with a high color temperature (4000 - 5000K). Without an amortization period, this recent degradation of the night sky will become permanent. A maximum color temperature of 3000K is specified for nearly all lighting (4-6(E)2, 4-6(G)1, Table 40). A previous draft (9-17-2021) listed 2700K as the maximum for streetlights. In the fall of 2021, the director of public works presented a plan for streetlight maintenance and upgrade that relied on 2700K LED lights, based on "lessons learned" in part from the reactions of affected residents. In this context, the maximum CCT for streetlights should be 2700K. Strictly speaking, requiring a maximum CCT of 3000K is an improvement over recent and current practices as it would bring an end to the installation of new, and far too common 4000K and 5000K lights. However, if all lights were to be replaced with 3000K (which would be allowed), it would have disastrous consequences on light pollution. It has been argued by public works that a CCT of 2700K is the lowest practical value given the state of the LED streetlight market and costs of fixtures in 2021. It is not possible for the public to verify this statement as vendors of streetlights don't publish their prices. However, LED technology and the outdoor lighting market evolve very rapidly. For example, only 5000K LED were available ten years ago. More recently, the city of Tucson, AZ retrofitted all its streetlights		P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue. At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.

Module 2 Public Comments			
Topic	Applicable Code Section	Comment	Revision
			Response
		<p>about 2 years ago with then state-of-the-art luminaires of 3000K. The state-of-the-art is now closer to 2200K.</p> <p>For several decades, the national standard has been HPS lights with a CCT of 2000-2200K (CRI = 25). This ubiquitous roadway lighting technology has not been shown to be problematic in terms of safety or color perception. The county should aim to use 2000 - 2200K streetlights as soon as they become a practical choice (perhaps in 2-3 years), especially in residential neighborhoods. A limited allowance for 2700K LED lights can be made in certain areas, such as parts of downtown where a somewhat whiter color may be desirable, with better color rendition.</p> <p>I have seen a demonstration of 2700K and 3000K streetlights in Santa Fe last spring, it is clear that such lights provide plenty of color perception and are safe for roadway lighting and that there is no need to go to higher CCT. Visually, the difference between 3000K and 2700K is subtle. The ordinance should state a preference for 2200K streetlights explicitly in this section, with 2700K being the maximum allowed.</p> <p>About blue light The reason for this insistence on a low color temperature is the disproportionate impact of blue light on the night sky and the environment. Everything else being equal, blue light causes about 10 times more light pollution than red light. A 2700K LED streetlight typically emits twice as much blue light (17-20% of its light output) as an HPS streetlight (9-10%). Replacing all county streetlights with 2700K luminaires would considerably increase their impact on the environment, human health and the night sky. Needless to say, 3000K would be even worse, with 18-25% of the light emitted at blue wavelengths. I emphasize that using lights with a BUG rating of U0 (no uplight) is very important but not nearly enough to protect the night sky and the environment. Replacing 2200K HPS with 3000K will increase light pollution. This is clearly demonstrated in a study of a re-lamping project in Chelan County, WA:</p> <p>"This case study shows that typical one-for-one HPS to 3000 K LED replacements are likely to increase light pollution. Chelan County retrofitted all of their 3600+ county owned street lights in a period of one year. The county staff intentionally chose mostly 3000 K LEDs, a color temperature generally regarded as night sky friendly. Furthermore, the estimated average lumen output per light decreased by about 50%. The new LEDs are more energy efficient, have lower brightness, provide better directed light beams, and are fully shielded. Yet, these advantages did not result in reduced skyglow."</p> <p>From: Hung et al. "Changes in night sky brightness after a countywide LED retrofit", Journal of Environmental Management, 292, 112776 (2021) Quantitative measurements of light pollution showed an increase of 50% after the re-lamping project was completed.</p> <p>CCT is a crude measure of the amount of blue light that a given fixture emits. A better measure is the scotopic to photopic ratio ("S/P") that accounts for the shift of the eye's sensitivity to bluer light under low light conditions. Lumens are based on eye's spectral response under bright (daytime) illumination levels. The S/P ratio allows the conversion to "nighttime lumens," so to speak. Thus, a maximum S/P ratio for streetlights (as a reference, HPS have S/P=0.4) to complement a maximum CCT value would be sensible. Furthermore, it would prevent the shock of residents who see their old HPS light replaced by a LED fixtures that is much brighter in comparison because it has a higher S/P ratio, even though it has the same lumens rating. Generally, to help navigate these technical concepts, a statement of intent should be included. I suggest that language from an earlier draft be re-instated:</p> <p>LEDs with emission predominantly in the yellow or amber range are the preferred illumination</p>	

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor lighting	Section 4-6(E): Blue Light content.	<p>source throughout Los Alamos County. The emission should be confined to the longer wavelength portion of the visible spectrum Emission of blue light (light with wavelength less than 500 nanometers) is strongly discouraged.</p> <p>When evaluating luminaires for streetlights and parking lots, the county should take into account their spectral light distributions (which vendors must provide in a spec sheet) and give preference to those that have less emission below 500 nm.</p> <p>This is my greatest concern. The new draft specifies a color temperature of 3000K. This is too high. A better specification is 2200K, consistent with much of our existing high pressure Sodium lighting. The new guidance would increase the blue light content of our light fixtures! Note that the human eye is more sensitive to blue light, so any fixture with increased blue light will look brighter, regardless of the lumen specification. In addition, blue light is scattered by the atmosphere and disproportionately contributes to sky glow. A more detailed comment on the blue light content follows in the next suggestion.</p>		<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
Outdoor lighting	4-6(H): Table 41.	<p>The illuminance levels specified here for roads closely match those we specified in the draft provided by the Jemez Mountains Night Sky Coalition (and derived from the RP-8-18 standards from the Illumination Engineering Society), although, once again the 3000 K maximum color temperature is too high. I note, however, that Trinity Drive in Los Alamos and State Route 4 in White Rock are excluded from this Table. Although both these roads have New Mexico State Highway designations, the portions that lie fully within Los Alamos County should at least be mentioned in an ordinance for Los Alamos County. This may have the possibility of influencing the State Transportation Department's still-pending revisions of their road lighting guidelines. The State DOT will probably eventually wish to abide by the recommendations of the IES RP-8-18 standards, and it wouldn't hurt to have those standards for those two very important roads reiterated in this Table.</p>		<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
Outdoor lighting	4-6(H)9 Right of way lighting	<p>Right of way lighting 4-6(H)9 Please break that long sentence: "... safety hazard. The property owners..."</p>	Revised to break the long sentence.	
Outdoor lighting	4-6(H): Table 41.	<p>Nothing is said in the new ordinance regarding acceptable blue light content. 3000K LEDs generally contain a large amount of blue light with wavelengths under 500nm. Blue light is scattered by the atmosphere much more strongly than longer-wavelength light. This is why the sky is blue (Technically, Rayleigh Scattering)! Many studies have been done which clearly show that when normal 3000k LEDs are installed, the light pollution produced by the community actually INCREASES, owing to scattering of the excess blue light. For example, see Journal of Environmental Management, 292, 112776, 2021. I suggest limiting the color temperature to 2200k and limiting the amount of light produced below 500nm. I have noticed several different companies now produce restricted blue light LEDs of different color temperatures, owing to growing dark sky concerns.</p>		<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor lighting	4-6(F)4 Holiday Lighting	Holiday lighting for up to 60 consecutive days 3 times a year 4-6(G)7C. This allows for a total of 180 days, or half of the year. This upper limit is excessive for lights that are exempt from any requirement (CCT, blinking, shielding, etc.). A total of 60 days per year, consecutive or not, ought to accommodate the most fervent holiday enthusiasts. As a dedicated star gazer, I can attest that the night sky over White Rock is noticeably brighter during the holiday season because of residential holiday lights. Allowing for 180 days of this excess lighting is inconsistent with the ordinance stated purpose 4-6(A) 3 to 5.		P/Z and Council guidance is needed to determine appropriate timeframes for holiday lighting for the community as no consensus has been reached on this issue. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.
Outdoor lighting	4-6(G). Specialized Outdoor Lighting Standards. Line 7 C.	For holiday lighting to be permitted 3 times per year for 60 consecutive days each enables the possibility of a given location (household or business) being an obnoxious source of bright, multi-colored, blinking lights for fully half the year. Please limit this to 60 days, consecutive or not.		P/Z and Council guidance is needed to determine appropriate timeframes for holiday lighting for the community as no consensus has been reached on this issue. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.
Outdoor lighting	4-6(G)7C Holiday Lighting	The text should explain that in the total site lumen limit, the average value quoted (e.g., 5 lux) is an approximate average but that the design standard is the total number of lumens per net acre, not this average lux value. For clarity, perhaps the average lux level should be removed from the table. What is the purpose of the word "Average" in a total site lumen limit? The Total is the sum of all the lumens installed, not an average.		
Outdoor lighting	4-8(F)	The illumination levels included in the table are laudable and appropriate. However, Trinity Drive and NM4 in White Rock are omitted. They should be included. Even though they are state roads, the portion of those roads that pass through Los Alamos should be governed by County limitations. NM DOT is notorious for installing lighting that is extremely bright, has an unnecessarily high color temperature, and are not properly shielded. I realize that we must try to work with NM DOT directly elsewhere, but within Los Alamos County, the County should be able to put limits on road lighting. Ideally, these roads would have automatically dimming features when no traffic is present.		
Outdoor lighting	Sign illumination (4-8(F)(III)2 and EMC (4-8(F)(IV)	High CRI requirement to optimize nighttime color accuracy (4-6(E)3). At the very least, "high CRI" needs to be quantified. Good color rendition is valuable and even necessary for specific applications such as outdoor retail and sports fields but is completely unjustified for most outdoor applications, especially streetlights and even more so in residential neighborhoods that see very little activity at night. Because streetlights emit at least half of the county-wide lumens, and that their purpose is very different from that of most other lighting, the ordinance should have separate CRI and CCT requirement lighting of roadways and parking lots and be more explicit as to which applications require "high CRI." This should be clarified. I can't figure out what this refers to.		
Outdoor lighting	4-6(G)1	Specialized outdoor lighting 4-6(G)1 It should read "must limit the color temperature (CCT) of light sources to a maximum of 3000K."	Revised to read "must limit the color temperature (CCT) of light sources to a maximum of 3000K".	
Outdoor lighting	4-8(F)(IV) Electronic Message Centers (EMC).	There should be lumen limits for EMCs, and curfews (close of business or 11 pm).	Revised code per ISA recommendations that EMCs exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.	P/Z and Council guidance is needed to determine if a light curfew is recommended as the Streeting Committee was not able to reach consensus on that issue. Further input from the public, P/Z and Council is needed on this issue.

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor lighting	EMCs	EMCs should have lumen limits and should be turned off at a given time in the evening.		
Outdoor lighting	Definitions Footcandle:	Footcandle: ...0.1 footcandle equals approximately one lumen per square meter (not per square foot) or one lux.	Revised definition	
Outdoor lighting	Definitions Fully Shielded Luminaire:	Fully Shielded Luminaire: An illustration is referenced, but it is missing.	Added shielded luminaire figure.	
Outdoor lighting	16-6-2 Defined terms	BUG: The figure gives the impression that sidewalks are outside the range of useful light and that illuminating them is a form of light trespass, which it is not. The human figures are hard to see, especially the two figures on the left. This gives the messages that pedestrians are expected to walk in the dark. The facades of buildings are white, which is incongruous with the night scene depicted and conceptually confusing. Most building facades are dark at night, except, perhaps, for their windows. Fully shielded luminaire: The illustration is missing (and, in my opinion, very important to make the concept easy to understand).	Revised the graphics so that the buildings are a dark gray instead of white. Provide a fully shielded luminaire graphic.	
Covered Patios	Sec 16-272, paragraph 2, 4 states	Light trespass: Nice figure! See the above comment about white building facades, however. In the existing development code, Sec 16-272, paragraph 2, 4 states: Covered patios, porches or decks attached to the main structures may extend to a maximum of 40 percent of the distance into the required rear yard; provided, however, that the space under the cover is open on at least three sides; the covers may not extend into the required front or side yards, except in the R-4 and R-1-5 districts, where a covered, one-story porch, open on three sides, may encroach not more than five feet into the required front yard. In both cases, the eave of the patio or porch cover may project an additional two feet into the required yard. In the new draft, there is a similar provision on page 19 in section 2-3(A)(III)(1)(B): 2-3(A)(III)(1)(B) SFR-5 ZONE DISTRICT 1. Covered patios, porches, or decks attached to the main structures may extend to a maximum of 40 percent of the distance into the required rear setback area provided they meet the following standards: A. The space under the cover is open on at least 3 sides, B. The structure shall not encroach more than 5 feet into the required front setback area, and C. The eave of the structure shall not project more than 2 feet into any required setback area. The existing rule applies to all districts, the new, only to SFR-5. Why is this option being taken away from other residential districts? Thank you for developing a new DPS draft that includes updated lighting guidance. I believe enhancing our dark skies to be an important issue for local residents and tourists alike, especially given our proximity to two Dark Sky certified national parks. I am particularly interested in the new lighting ordinance portion of the new draft, so I will confine my comments to that section. Please find below some comments on the current draft. 1. In general, the new draft lighting ordinance is much better than the one currently in place. I really like the recommendation for shielded fixtures and the new luminance limits given in various places. I did notice that some of the figures are relegated to an appendix, but I believe	No change	The current draft of Module 2 attempts to restructure the code so that universal development standards that apply to all districts are located in Part 16-4 Development Standards. Exceptions to those standards that apply only to specific districts are picked up in district specific standards of Part 16-2 Zone Districts. The universal permissions that allow covered patios to occupy a maximum 40% of the required rear yard is therefore located in Section 4-1(C) PERMISSIVE PROJECTIONS INTO REQUIRED SETBACK AREAS, specifically on page 88 shown below, and the exceptions that are specific to the SFR-5 district (formerly R-1-5) are located in the district specific standards found on page 19 in section 2-3(A)(III)(1)(B).
Outdoor lighting	General Comment		Move applicable illustrations into text.	

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		they would be more useful inline with the text, particularly the diagrams showing some acceptable shielded fixtures.		
Outdoor lighting	Prohibited lighting 4-6(F)4	Why would blinking, flashing, fluttering, etc be allowed for roadway lighting? This basically allows creating dangerous lighting conditions. Unless this refers to traffic signals, in which case the text needs to be clarified. I am plodding my way through Module 2 and plan to attend the meeting tomorrow evening. However, I have a few preliminary comments. Section 16-1-3 p. 7 #3 These sentences belong in #2: The intent of this exemption is to allow the County to construct unique structures such as utility stations, water towers and wastewater treatment plants that may be incompatible with development regulations that were written for more routine structures. The examples of specific uses in this subsection are included for purposes of illustration and not limitation. Permissive is misused repeatedly in this document. "permissive" means giving, or predisposed to give permission. The correct word is "permitted" or "permissible." p.16: 1. Animal husbandry activities are permissive, provided they comply with the requirements of Chapter 6: Animals. 2. The use of barbed wire, razor wire, or barbed tape is permissive p. 22 3. A maximum of 1 Accessory Dwelling Unit per lot is permissive, provided it complies with the p. 24 1. A single-family dwelling on a flag lot is permissive within the MFR-L-NC zone district p. 25 2. A single-family dwelling on a zero lot is permissive within the MFR-L-NC zone district 4.A maximum of 1 Accessory Dwelling Unit per lot is permissive These are just a few examples; there are many more.	Revised to "Temporary emergency lighting necessary for public safety and emergency services"  Will change all instances of 'permissive' to 'permitted' to keep document consistency.	"Permissive use" is a commonly utilized term in contemporary zoning codes. However, since the term 'permitted' is used in the 'Permitted Use Table' and a definition is established in this section, references to 'permissive' throughout the rest of the document may cause confusion. Therefore, all occurrences of 'permissive' will be changed to 'permitted.'
Walls, fences and gates				
Notification	TBT	My question about the LAC code update concerns fences and walls on property lines shared by adjacent homeowners. I have just learned that last year one of my neighbors obtained unilaterally a permit to modify a fence I co-own. Why does code allow permitting to proceed without notice to the adjacent owners? Or, how can this loophole be closed?		Notification for the various development applications will be covered under Module 3 Administration and Enforcement. We will discuss the request for notification on Wall / Fence permits with County staff and the Steering Committee.



Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p>It is startling to me that schools land and developed county lands are designated as Public Open. I believe all government lands need to be differentiated by that which is developed and that which is not. For schools there needs to be at least three designations: 1.) Active public schools, 2.) Former public schools under commercial lease, and 3.) reserved land for possible future public schools. A similar designation should be for county land and other governmental land. The maps don't even show major government developments such as schools, county offices, county and schools industrial areas for maintenance.</p>	No change.	In the past, the County reached out to the NM AG and his office issued an opinion. In summary, it says lands owned by the Los Alamos Public School District and used for school purposes, directly and indirectly, may be subject to local zoning and development ordinances and when LAPS is using, renting, or leasing their property for other than "traditional" school uses it is subject to local zoning and land use restrictions.
		<p>public schools under commercial lease should be treated no different than other commercial property except for: it provenance and potential future use.</p>	No change.	
		<p>the County exemption from planning rules is ok - but there needs to be some sort of day to day oversight beyond just getting County Council approval. Projects have a propensity to drift after approval. The internal independent board in previous code was an attempt at this - but obviously not well executed in the examples provided earlier. To not burden County Council with day to day oversight - perhaps there is another citizen committee that can take on that role and then when appropriate refer back to County Council for changes.</p>		The project team and County legal are reviewing this particular issue.
		<p>the less than \$50k waiver for county also needs some sort of controls. The most egregious issues tend to be around "staging areas". These temporary uses need more oversight with a beginning, an end, and someone to oversee restoration.</p>		
		<p>4.) Section 3-2(E)(i) construction Staging areas. The biggest user/abuser of this is the county. Although the contractor at former Black Hole has issues too. Frequently the county or contractors offer land owner "valuable" millings and they remain on the property for decades. As a person who has built many large projects, I understand the importance of staging areas. Perhaps each community area needs permanently designated staging areas for utility refurbishment. But there need to be more strict rules and oversight. If the areas are to be used for large quantities of soil and road millings there needs to be controls including sediment management, fencing when heavy equipment is on site, storm water management, signage, toilets so workers don't just use nature. There needs to be restoration plans. There needs to be some sort of community communication - usually these areas are in the middle of our communities. There should be built into contract some sort of financial retain-age to assure restoration. The county has both building inspectors and environmental resources - they need to make regular visits.</p>		
		<p>Most of these uses will fall under the less than \$50K exemption - so where is the control?</p> <p>Page 85, Figure 21:</p> <ul style="list-style-type: none"> <li>• Left front yard needs label "Front Yard".</li> <li>• Does Front Yard include or exclude walkways and driveways?</li> <li>• Define "building line" and/or "any ... facade". Are these a building wall or the drip line of a roof eave? Seemingly answered in 16-4-1(C)</li> </ul>	Figure 21 was revised and updated to center the front yard label so that it is clearer that it includes the walkways and driveway.	We reorganized this section to begin with required setbacks and setback areas, followed by allowed projections within required setback areas, then yard requirements. We are hoping this reorganization clears up some of the confusions. In addition, we updated Figure 21 to place the label into the middle of the front yard to make it clearer that yes, walkways and driveways are included within what is defined as the Front Yard. Figure 22 was also updated to label the building façade so that is clearer that projections into required setback areas are measured from the lot line to the building façade, both which are defined terms in Part X.

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
General Comment		I've had a chance to briefly review the proposed Chapter 16 Code update proposal. Overall, I am in agreement with most of the changes. This has been a long road for those of us in the community who have lived with the inadequacies of the existing document. I live in Western Area, an older neighborhood where property owners currently have little protection from a variety of issues that are generally covered in a modern code. Thanks you for your efforts. In the past many suggestions have been proposed and shot down at the last minute by those that scream the loudest at council meetings. I see the current proposal as very reasonable. It addresses many of my concerns relative to protecting property values and the character of Western Area, one of the most beautiful of the older neighborhoods in Los Alamos.	No change required.	
Use Specific Standards		I especially appreciate the revised elements that address B and B's, which now have little regulation in older residential neighborhoods. Specifically, the impact on quality of life for neighbors, parking, and in-house standards in general. I'd like to add that the number of rooms rented should be tied to the general number of bedrooms and size of homes in each neighborhood. Responsibility for additional services, such as garbage, and utilities, and associated costs should also be addressed, along with some schedule of inspections of these commercial businesses.	No change required.	
Dimensional Standards		I fully support sections that clearly define setbacks. Here again, I now feel defenseless when vehicles and RV's are parked in front yards. What the proposal misses is historical setbacks already existed in Western Area, since its construction. These contribute to its overall beauty. Please consider researching the existing standard for setbacks in Western Area as they exceed the 20 feet described in the proposal. My point is maintaining the existing standard, preserves the integrity, character and beauty of older neighborhood designs. Also many homes in Western Area do not have side yards, and some sit on corners.		The project team will examine the setbacks in the Western Area to verify and change dimensional standards as necessary to accommodate existing conditions.
General Comment		Finally, I see the proposed revisions as providing excellent guidance for county staff who now often find themselves in conflict with those who ignore or skirt existing code standards. Please consider additional protections for county staff given the history of hostility directed toward them when they are performing their duties. In closing, Thank you for your efforts. The input process will likely be difficult for all involved. Please remember that many chose to not be part of the rancorous public input process due to the ill will that is conveyed by many. Los Alamos and Western Area are beautiful and deserve a code update that protects the stability of our neighborhoods and our investments from acts that decay the over all quality of life in the places we live.	No change required.	
General Comment		A DPS comment was made during the public meeting on Tuesday Feb 15 - that there are "no zoning changes" in this proposed development code. Can you review this concept, using a real example, at the presentation to P&Z.		There are a series of zoning reclassifications that are occurring through this process. Proposed zone reclassifications throughout this process are occurring through a series of decision rules. Where districts were reclassified, the following summary reflects the zone conversion rules for base zones from the existing Development Code: <ul style="list-style-type: none"> <li>• Guidance from approved County documents, such as the Comp Plan or Master Plans</li> <li>• 2 or more existing zones that were very similar in terms of permissive land uses and densities, districts were consolidated into 1 proposed district that allows uses for the highest base zone.</li> <li>• Where zones existed that are no longer used or are currently not mapped anywhere in the County were eliminated.</li> <li>• Planned residential districts (PD), which are no longer accepted by the County as of August 28, 2007, were converted to the closest</li> </ul>

Module 2 Public Comments			
Topic	Applicable Code Section	Comment	Revision
			Response residential base zone in regard to permissive land uses and densities. Where planned developments contained undeveloped lots, the reclassification followed the above-mentioned conversion, but approved site plan entitlements were carried over through the new Planned Residential Development Overlay District.  For example, the current zoning code has three commercial zones Light Commercial and Professional Business (C-1) Civic Center Business and Professional (C-2) Heavy Commercial (C-3), all parcels with any of that zoning was reclassified as General Commercial (GC) and the permitted uses from the most intense, C-3 category, were applied.
General Comment		The "rubber hits the road" with the publication of Module 2 - that is, it brings to understanding the requirements of the new code. It would be really helpful to the public, if DPS would summarize the major differences between the existing code and the new code. I understand this will take some judgement - but, you probably have a sense of these items from your steering committee discussions and from the public comment received to date. From another point of view, the County does not want to inadvertently surprise County residents by changes in the Code - so, let's help the County be aware of and understand the changes. 172 pages is a lot for the average citizen to digest!	The PowerPoint presentation outlines attempts to highlight major code changes. Dimensional standards and permitted uses are fairly similar to the existing code, the extent of updates to development standards is more extensive particularly for parking, landscaping, outdoor lighting and signage.
Neighborhood Protection Standards		The neighborhood protection standards would really benefit by including a GIS analysis of where they apply. That is, a map showing the heights of buildings next to residential areas. For example, I cannot tell if Fuller Lodge will be appropriately protected when 85' buildings are built in the Los Alamos downtown. I misnumbered this comment, so replacing the number with a *) The zoning maps printed in the text have a different color scheme than the maps on-line . . . anyway to bring these two the same color scheme?	The project team could conduct such an analysis, but it is out of the current scope and would require additional services. Neighborhood protection standards only apply when a property is adjacent to low-density residential defined as RA, RE, SFR. They do not currently apply to Historic areas. The team can create similar height step down requirements for the Historic Overlay, however these protections only apply to locally designated resources. Fuller Lodge is only designated on the state/federal level so the County would need to designate these resources locally as well.
		*) The zoning maps printed in the text have a different color scheme than the maps on-line . . . anyway to bring these two the same color scheme?	The maps aren't a one-for-one translation, so the existing versions attempt to translate the colors to match as closely as possible. The project will evaluate if this can be done more clearly.
General Procedures	Section 16-1-3, item 2.	This statement is awkward to me, and gives the wrong impression, I think. I recommend saying what the County's responsibility for compliance with the Code is first. Then go into special facilities - No one objects to electrical, sewer, and other utilities being under the regulation of other entities.	This is existing code language, the project team will evaluate how to best revise.
	Section 16-1-8, item 3.	"Adoption of this Code is not intended to impair, annul, or abrogate any easement, covenants, deed, or other agreement between parties, public, or private." In our recent review of the SUP application for a daycare in La Senda - we specifically didn't address any of the covenants of the properties. Is this a contradiction?	No, this statement is saying that this Code does not prohibit private covenants or easements from occurring.
	Section 16-1-10, item C. Section X	Section 16-1-10, item C. Section X Nonconformities - this seems like a big deal for the portions of the town built prior to 1965, in particular. Hope that P&Z notices this when Module 3 comes forward.	Non-conformities will be covered in Module 3.

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
	Nonconformities -			
Conversion Table	Table 1	It appears to me, that the naming convention of the zones is not strictly followed in Table 1 - and it would help me, if they were. Page 11 - I think it should be Multi-Family Residential Low (MFR-L) and Multi-Family Residential - Medium (MFR-M) and Multi-Family Residential-High (MFR-H).	Revised the naming convention to Multi-Family Residential Low (MFR-L) Multi-family Residential - Medium (MFR-M) and Multi-family Residential-High (MFR-H) throughout the document	
District Standards	Table 2	Table 2 should probably include the height for an accessory building	Tables were revised to include Accessory Structure heights.	
District Standards	Table 5 -	Table 5 - Perhaps define SF and DPX/TH the first time they are used.	Added asterisk to the table that clarifies SF and DPX/TH.	
District Standards	2-3(A)(V)	Why are accessory structures in the North Community allowed to be 12', where they are 15' in SFR districts?	Revise to a maximum of 15'	The 12' maximum height for accessory structures within NC is an existing entitlement that was carried over. It can be increased to 15' to be consistent with SF allowances if desired.
District Standards		Can you provide some examples of "limited civic and institutional uses" in MFR-L (page 23). Are these schools or firehouses?	Removed the statement "The MFR-L zone district may include limited civic and institutional uses and incidental or accessory uses that serve the surrounding residence" from intent statement.	Removed the statement referring to limited civic and instructional uses since the uses aren't any different than those in other districts.
District Standards	Page 23. 2-3(A) VI 1.	Is there some reason for only 3 accessory structures when you can have four-plexes?	Revised to a maximum of 4 accessory structures.	The maximum 3 for accessory structures is an existing entitlement that was carried over. This was increased to 4.
District Standards		Pages 26 & 27 - I recommend the wording Multi-Family Residential-Medium and Multi-Family Residential High.	Revised naming convention to "Multi-Family Residential-Medium" and "Multi-Family Residential High".	
District Standards		Page 30 MU Zones - Is this a complete list - Conoco Hill shopping center, DP Road, Anderson pharmacy/Morning Glory, hospital, old DOE property apartments (the Hill, I think). Is the 50' height higher than existing site plan approvals? When do neighborhood protections kick in for these sites?		County staff would need to provide the complete list of MU zoned property and the approved building heights. The maximum 50' building height is an existing standard from the current code. Neighborhood Standards that limit building height to 35' would apply in areas that are between 50-75' or a property zoned low-density, i.e. RE, RA or SFR.
Downtown Admin Approvals		Page 32: Review/Approval Procedures - 50,000 square feet and 50 units is too high a threshold. Recommend changing to 20,000 square feet and 20 dwellings).		P/Z and Council guidance needed on this issue as the Steering Committee was unable to reach consensus. At the P/Z hearing on 2.23.2022, the PZ wasn't sure if this recommended should be carried forward but felt that if it was the threshold was too high and be reduced by half - 25,000 sq.ft. or 25 units. Further input from the public, P/Z and Council are needed on this issue.
Downtown Standards		parking - a number of zones are recommended at 50% the requirements of Table 28 - why?		The two Downtown districts (DTLA, WRTC) are being recommended to have 50 percent. This is based on guidance from the Master Plans and a National Best Practice for mixed-use environments that are intended to be walkable and easily accessible by a multitude of transportation modes including walking, transit, and bicycles.
Downtown Standards		page 43 Open Space for the DTLA zone. Why is the required common residential open space allowed to be reduced by 50%?		Similar to parking requirements, many contemporary codes reduce open space requirements in Downtown areas as they often have publicly accessible open space amenities within their boundaries.

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Downtown Standards		page 43 I thought the LA downtown master plan called for roads to break up the large parcels between 9th and 20th streets.		Correct, the DTLA MP Development Framework does show breaking up smaller parcels. If it is in the purview of the PZ and Council, the project team can include access/connectivity standards that create maximum block widths within the DTLA to ensure a walkable urban grid is maintained.
Public Land Zone District		Page 49 - Public Land Zone. I think that it is very confusing to include publicly owned parks or open space lands in this district, because of the Parks and Open Space Districts. I would think public lands are schools and county buildings and their associated grounds. Probably utility buildings and their associated grounds.	Removed mention of public parks or open space from Public Lands Intent Statement as follows "The Public Land (PL) zone district is intended to accommodate local institutional or civic uses or publicly-owned <del>parks or open</del> <del>space</del> lands, which have a community-wide emphasis that warrant their inclusion under a public designation rather than another zone district designation".	
Parks and open space district		page 50. I think it would be most helpful to list the actual parks and open space that go into each sub-zone. Otherwise public park and active open space could be very similar (e.g. golf course)		The project team can work with county staff to list the various open spaces in each subzone if that is in the purview of PZ and Council.
Parks and open space district		page 51. Caretaker units are appropriate for the golf course and the schools - but it is hard to imagine them for parks and open space.	Remove caretaker units within OS-A and OS-P subdistricts.	This was an existing entitlement.
Use Standards - Daycare Home		Daycare Facility (page 76). P&Z recently reviewed a daycare operation for 12 children in La Senda. Can you compare that SUP application with these requirements? It could be helpful to list the current daycare facilities in Los Alamos/White Rock - and how these operations will be regulated under the new code. (I know that some facilities are Private Schools, and not daycare)		This request is beyond the project team's scope.
Use Standards - Daycare Home		Daycare Home (page 77). Is this a change from current practice of 6 children to 4 children? If so, what is the basis for the change?	No change.	This change is to make daycare facilities consistent with state legislation.
Signage		Signage - at one time (3 years ago), we reviewed updates to our sign code, based on the Supreme Court ruling on the city of Gilbert, Az case. Is what we have now - the final draft of those changes?	No change.	This draft was drafted with guidance from the previous signage code update and ongoing coordination with County legal.
		The map on p. 14 is not accurate. The actual existing zoning map shows zoning for W1, W2. The proposed zoning map on p. 15 needs some changes. For instance, the eastern part of Bayo Canyon should be W1. Also, much of the public land needs to be zoned PINS, POS-P, POS-AO, or POS-AO. These names are completely lacking in White Rock. What is the process for doing this and when will it happen?		The map in the current draft was based purely on the conversions from what is currently designated W-1 or W-1. Within the parameters of this update, the project team can update the open space designations per the Future Land Use Map of the Comprehensive Plan. In areas where the public feels that those instances are not appropriate, a formal Zone Map Amendment will need to be taken through outside of this update process. Pinon Park is one example of this as most of it is indicated as Public Land on the future land use map of the Comp Plan.
		I still find some of the terminology confusing in Module 2. On p. 12 in Table 1 one existing zone district is called Public Land (P-L). The next column says "Public Land (PL) Remains." However, in the permitted use table beginning on p. 63, it is called PINS (for Public Institutional?). I think that is preferable.		The Public Lands district could be renamed as an Institutional District if it is in the purview of the Commission. This issue is something the team has been going back and forth on, since there will be a large amount of undeveloped lands that aren't necessary used for institutional uses.
		p.49 2-3(C)(IV) PUBLIC LAND ZONE DISTRICT(PL) and 2-3(C)(IV)(1) PL ZONE DISTRICT STANDARDS		

Module 2 Public Comments			
Topic	Applicable Code Section	Comment	Revision
		<p>This section seems to refer to what is called PINS in the permitted use table. I think the description is too broad. (The description of POS is given on page 50.)</p> <p>The Public Institutional (PINS) Land (PL) zone district is intended to accommodate local institutional or civic uses [or publicly- owned parks or open space lands,] which have a community-wide emphasis that warrant their inclusion under a public designation rather than another zone district designation.</p>	
		<p>p. 51</p> <p>2-3(C)(V)(2) PO ZONE DISTRICT STANDARDS</p> <p>One Caretaker Unit shall be permitted for lots 30 acres to less than 400 acres in area; lots greater than or equal to 400 acres in area shall be permitted 1 such Accessory Dwelling for every 200 acres in total area.</p> <p>Motor vehicle use shall be restricted to movement through the zone district on designated roads or to movement on designated roads to uses allowed in the zone district.</p> <p>PO Zone District is Professional Office according to the definition on p. 46. Is that what is meant? If so, why is motor vehicle use restricted? If this refers to Passive Open Space, it is totally inappropriate to build dwellings on those lands. Furthermore, it is not included in the permitted use table.</p>	<p>Revised subsection title to read "POS ZONE DISTRICT STANDARDS (POS-PP, POS-AO, POS-PO)".</p> <p>Remove caretaker units from POS-A and POS-P.</p>
		<p>p. 53 Table 26 POS-P, POS-AO, POS-PO should not be lumped together. The restrictions listed are appropriate for POS-P. POS-AO should be more restrictive. POS-PO should be extremely restrictive and the building height should be one story.</p> <p>appropriate for POS-P. POS-AO should be more restrictive. POS-PO should be extremely restrictive and the building height should be one story.</p> <p>Permitted Use Table</p> <p>The descriptions of active and passive open space lands in the Comprehensive Plan on p. 117 (actually p. 107) should guide what is permitted in the use table.</p>	<p>Deleted cemetery for POS-AO</p> <p>Deleted institutional and civic buildings for POS-P, POS-AO</p>
	Permitted use Table	<p>Permitted Use Table</p> <p>The descriptions of active and passive open space lands in the Comprehensive Plan on p. 117 (actually p. 107) should guide what is permitted in the use table. I see that you have made some changes from the current uses. What procedure do you suggest for further changes? Below are the changes I would like to see.</p> <p>I see that you have made some changes from the current uses. What procedure do you suggest for further changes?</p> <p>Below are the changes I would like to see.</p> <p>p. 63</p> <p>Delete cemetery for POS-AO</p> <p>Delete institutional and civic buildings for POS-P, POS-AO</p>	
		<p>p.64</p> <p>Delete Community garden, outdoor recreation facility, park or playground for POS-PO.</p>	<p>Deleted Community garden, outdoor recreation facility, park or playground for POS-PO.</p>
		<p>p.64</p> <p>Delete Bar, lounge, or tavern for POS-AO.</p>	<p>Deleted Bar, lounge, or tavern for POS-AO.</p>
		<p>p.65</p> <p>Delete Microbrewery, distillery, or winery for POS-AO.</p>	<p>Deleted Microbrewery, distillery, or winery for POS-AO.</p>
		<p>p.67</p> <p>Delete Radio or tv studio or station for POS-P, POS-AO, and POS-PO.</p>	<p>Deleted Radio or tv studio or station for POS-P, POS-AO, and POS-PO.</p>
			<p>Permitted uses within the Parks and Open Space reflect current entitlements. Per public comment and Council guidance permitted uses in open space zones will be ramped down so more intense uses are allowed in parks and less intense uses in POS-AO and POS-PO per guidance of the Comp Plan. A separate more intense subdistrict will be added for recreational areas such as the Ski Area.</p>



Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor Lighting		<p>p. 68 Delete Swimming pool for POS-PO</p> <p>The Pajarito Environmental Education Center (PEEC), operators of the Los Alamos Nature Center, wish to call attention to the recently released draft of Module 2 of Los Alamos County's Development code, published on January 24th by Dekker/Perich/ Sabatini, and available at <a href="https://losalamosconnect.org">https://losalamosconnect.org</a>. Among many other topics, this document contains an important revision to the outdoor lighting ordinance contained in Chapter 16-276 of the present County Charter, bringing it up to date with modern technology and the latest recommendations from the International Dark-Sky Association and the Illumination Engineering Society. Public comment on this draft is solicited through March 15th, and there will be a public open house over Zoom on February 15th.</p> <p>There is much in the DPS draft that is commendable, and indeed long overdue. Limits on total illumination per site (residential or commercial) are expressed in lumens per net acre, and curfews for reducing illumination after a certain hour are included. As PEEC is concerned with the deleterious effects of artificial light on wildlife, human health, and our enjoyment of the night skies, we hope that this new ordinance will be adopted and enforced.</p> <p>There is one point in the draft, however, that we would like to improve. It specifies an upper limit of 3000 K color temperature for outdoor lighting, and we would like to see that reduced to 2500 K or 2200 K, in keeping with the opinions of most dark-sky advocates. The vast majority of streetlights in Los Alamos are the high-pressure sodium lamps, whose comfortable and familiar warm orange glow is indeed typical of many cities. Those lamps have a color temperature of 2200 K. Higher color temperature lamps provide whiter light, seem brighter to our blue sensitive eyes, and produce much greater skyglow and light pollution, even if the lamps are shielded to prevent stray light. The reason for this is that shorter wavelength (bluer) light is scattered and reflected much more effectively than longer-wavelength (redder) light. That, after all, is why the sky is blue.</p> <p>We, as the Board of PEEC, urge that the lighting ordinance draft be amended to lower the upper limit of color temperature for artificial outdoor lighting in Los Alamos County.</p> <p>I write in support of changing the county's lighting ordinance to specify cooler lighting for our town. Please use cooler lighting 2200k, do not use the bright harsh 3000k for lighting. We must preserve our dark night skies. We cannot have more lighting around town that is as harsh and disruptive as the lighting at the new roundabout. If the lighting at the new round about can be replaced to comply with the cooler standards that would be ideal.</p>	Deleted Swimming pool for POS-PO	<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
Outdoor Lighting		<p>An updated lighting ordinance has been proposed for the new Los Alamos County Development Code. The proposal has allowed for an increased upper color temperature of 3000K. This means very bright lighting in residential areas. Some of our neighborhood lighting is aging and the replacements suggested are LEDs.</p> <p>I am in favor of this because bright lighting deters crime. Neighborhoods are safer when there are fewer dark corners. Lets not put things into place which encourage bad behavior such as</p>		<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>

Module 2 Public Comments			
Topic	Applicable Code Section	Comment	Revision
Outdoor Lighting		<p>poorly lit neighborhoods. You have a better chance of seeing the wild animals like deer, raccoons, skunks, bears etc. that wander at night with decent lighting.</p> <p>I am writing this note to comment on the proposed changes to the Los Alamos County lighting ordinance within the new proposed development code. I am encouraged to see that one of the primary purposes of the new lighting ordinance is stated "to curtail light pollution, reduce sky glow, and improve the night-time environment for outdoor enthusiasts and astronomers". As one of the many local amateur astronomers, over the past 32 years I have unfortunately witnessed the steady degradation of our dark skies in Los Alamos by continued increases in local light pollution. Enacting this ordinance presents a terrific opportunity to not only limit further worsening of our night skies, but perhaps to even dial back current light pollution and restore our night skies to what we once were able to experience.</p> <p>I believe this is important for the County and our neighbors for a number of reasons. As a science community, access to the nighttime views afforded by truly dark skies can be a wonderful source of inspiration for all of us and the strong community interest in the night sky is made clear by the continued enthusiastic attendance at dark sky nights held at Overlook Park. There is a very large and active community of amateur astronomers in the County who are excited about sharing our hobby with all county residents, but we share a growing sense of dismay at the continued brightening of our skies. Our light pollution affects more than just the County. Much excitement has been voiced lately over the fact that the Valles Caldera Preserve has been certified recently as an International Dark Sky Park. The County has a responsibility to help the Park maintain quality night skies through our own efforts to rein in light pollution. Finally, for many children that first excitement leading to a lifelong interest and even career in science is often sparked by early views of the night sky. That sense of wonder and awe on exploring what is above us can last a lifetime (as it has with me). Sadly, for so many children and adults alike, such inspiring views are no longer possible from our cities and towns.</p> <p>While the new lighting ordinance promotes a number of important practices that will help rein in and possibly even reduce light pollution, I share a common concern with many in the community that the proposed standard on maximum correlated color temperature (CCT), noted in a number of spots to be 3000K, will actually make our light pollution worse, rather than serve to improve our skies. Such a standard will result in a significantly bluer cast to the lighting in the County that will create increased glare (and thus actually reduced visibility) and significantly increased sky glow due to the highly efficient scattering of the bluer wavelengths of light present in such lighting. One only needs to drive through the new roundabout at the entrance to town to see just how bad this type of lighting can be. Changing to a standard of 2200K will provide continued adequate visibility where needed, with a warmer, more pleasing, less glaring color cast that also will help to reduce sky glow through light scatter in comparison to the 3000K standard. We should strive for best practices in this new ordinance, and reducing the CCT to a recommended 2200K or lower will be an important step in line with that philosophy.</p> <p>I appreciate your consideration of these comments.</p> <p>I agree with the Dark-Sky concept and support the Friends of the Night Sky in keeping our light pollution to a minimum and favor a lower color temperature range of 2200K also.</p> <p>Stargazing in New Mexico is an ancient and authentic experience!</p>	<p>conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p> <p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation.</p> <p>This item has been added to the list of items that need to be reviewed and refined.</p>
			<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of</p>

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor Lighting		<p>I believe strongly that Los Alamos should be a leader in promoting dark skies. There are several reasons for this:</p> <ul style="list-style-type: none"> <li>Light pollution disturbs breeding populations of animals and birds.</li> <li>These creatures are already under so much stress from other environmental problems that the least we can do is not contribute to them.</li> <li>It is an unnecessary waste of energy that contributes to global warming.</li> <li>There is no purpose to having bright lights go up into the sky.</li> <li>Los Alamos, more than most places values our natural environment.</li> <li>The night sky is part of that environment, and we should make it accessible to all.</li> <li>Some lights in my neighborhood are so bright and make it difficult to sleep. What an unnecessary waste!</li> </ul>		<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
Outdoor Lighting		<p>I write this email in support of protecting our night sky in residential areas by lowering the color temperature range of the new street lights and covering the lights to prevent the lights from shining up into the night sky.</p> <p>It is wonderful that I can see the milkyway from my backyard. This is one of the things that makes Los Alamos so special.</p>		<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
Outdoor Lighting		<p>I was reading the summary of the proposed changes in the Chapter 16 code that appeared in the LA Daily Post and I was wondering if any of these changes impact the spacers that exist along Central and Trinity, in particular.</p> <p>These heavily traveled roads have spacers that contain mostly sand, dirt, rocks and pieces of concrete along many sections of both roads, designed to separate the heavy traffic that flows along these roads from the adjacent sidewalks used by pedestrians.</p> <p>I have complained over the years to various County officials about the fact that these spacers are an eyesore and should be paved by the County with the same kind of brick-styles concrete that has been used to such good effect by NM DOT when they installed spacers on both sides of the round-about leading into Los Alamos.</p> <p>No one in their right mind would plant trees or bushes in these spacers along such heavily traveled routes, since every winter the snow plows would push snow, sand and dirt on top of the plants, killing them. So cementing these spaces is the only thing that makes sense.</p> <p>Right now, my understanding is that nothing can be done because no one seems to know who should be responsible for these spacers.</p> <p>It makes no sense to me to require owners of the adjacent property to be responsible since these spacers are part of our major right-of-ways. Clearly, NM DOT has the same view, since they put in the brick cement work without charging the owners of the adjacent property.</p>		<p>This comment appears to be concerning what is often referred to in planning and zoning as a "landscape buffer". The Chapter 16 Update addresses landscape buffers only within the Downtown areas, e.g. WRTC and DTLA zone districts. In these districts, the update recommends a minimum 6' landscape buffer allocation in order to isolate pedestrians from traffic within the ROW and provide a unified location for street trees per the guidance of the Downtown Master Plans. Landscape buffers are common within downtowns or other activity centers that are intended to become more pedestrian oriented to increase pedestrian safety as well as increase the pedestrian experience by providing a place for street trees and other pedestrian amenities such as lighting, benches, and/or trash receptacles.</p>

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p>The County should do the same thing for the spacers along our major roads, and that should be clarified in Chapter 16.</p> <p>I would be happy to answer any questions you might have over this issue, but others in County government should be aware of the issue, including Steve Lynne and Philo Shelton, who I have pestered more than once about this issue.</p> <p>The current situation has resulted only in leaving ugly spacers containing nothing but rocks, sand and pieces of concrete along these major roads.</p> <p>Thank you for your consideration.</p>		
Outdoor Lighting		<p>Light trespass is mentioned in the "Purpose" section 4-6(A) and several specific instances but it needs to be regulated more broadly (in 4-6(E) for example). The reason is that light trespass is a common irritant for residents. It is as much a nuisance as barking dogs or loud music late into the night, which are regulated. One common source of light trespass that is not covered in the draft ordinance is from businesses (including schools, churches, apartment buildings) and their parking lots that can have excessively bright and unshielded lights that are on all night. There are several examples of such light trespass in Los Alamos and White Rock for which there is no justification. Preventing light trespass is a "good neighbor" practice.</p> <p>We do NOT support the new guidelines in the LA County Development Code Section 4-6(E) Site Lighting Standards point 2, "Correlated color temperature (CCT) shall be equal to or less than 3000K."</p> <p>Our kids bring home friends from college who <b>marvel</b> at the stars we see in Los Alamos. These young adults have never seen the Milky Way or even been able to pick out the constellations that jump out at us almost every night. Please preserve the natural beauty that comes with living in the mountains and change to <b>limit to 2200K</b> as suggested by the dark ski organization.</p> <p>We live in Western Area and often walk at night without the need of a flashlight when the moon is full or a minimal red head lamp on darker nights. This is enough light to see the wildlife that shares our town. In fact, <u>it is hardest to see in the shadows of streetlights</u>. Increasing the brightness of existing lights will only cause darker shadows while increasing light pollution.</p> <p>We often wish the current lighting on streets and park paths was closer to the ground so as not to shine into our home windows at night. Never have we desired more lighting or brighter lighting for ourselves or our children.</p> <p>Preserve the unique magic of our mountain town</p> <p>I support Dr. Galen Gisler's comments on the proposed LAC Lighting Ordinance.</p>		<p>The current draft provides standards for shielded fixtures that are intended to reduce light trespass.</p>
Outdoor Lighting				<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation.</p> <p>This item has been added to the list of items that need to be reviewed and refined.</p>
Outdoor Lighting				<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council requested further study on the feasibility of implementing this light limit. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation.</p> <p>This item has been added to the list of items that need to be reviewed and refined.</p>

Module 2 Public Comments			
Topic	Applicable Code Section	Comment	Revision
		<p>I'm writing regarding Open Space in Module 2 of the Los Alamos Chapter 16 rewrite, fleshing out some of the comments I made in the public meetings.</p> <p>Jessica said at the P&amp;Z meeting that Module 2 doesn't rezone any land. But that's not quite true: there are several open space areas for which your proposed zones permit far more development than is currently allowed. That is effectively a change in zoning, with a loss of open-space protection.</p> <p>The biggest problem is Piñon Park in White Rock, currently an undeveloped piñon-juniper hill with trails. The current zoning is P-L.</p> <p>In Module 2 it's rezoned WRTC, opening the entire park to high-rise commercial development. That doesn't make sense for a P-L parcel consisting of a library and youth center, a playground and splash pad, and a large natural undeveloped hiking area.</p> <p>The P-L designation is used for quite a lot of open space, but it isn't defined. The zone definitions starting on page 49 include a PL (Public Land) zone plus three Parks and Open Space zones: POS-P, POS-AO and POS-PO. The Permitted Use Table that starts on p. 63 includes the three POS zones, but doesn't include P-L, saying that the old PL becomes POS-P.</p> <p>So we have no idea what would be permitted in the new P-L zone, which is a problem because it includes a lot of undeveloped open space, such as White Rock Canyon and Grand Canyon Park in White Rock, and the open space north of Diamond Drive in Los Alamos.</p> <p>New zone POS-AO is confusing. The use table allows all sorts of development in POS-AO (it's much more permissive than POS-P), including retail sales; bars; taverns and microbreweries; radio/tv stations; sports fields and swimming pools; and so on. Someone speculated at the public meeting that this was because of the ski area; indeed, on the map I can find only two areas designated POS-AO, the ski area and eastern Bayo Canyon. But none of those uses make sense for Bayo Canyon. If the problem is the ski area, couldn't you put the ski area in a different zone, or use an overlay for it, rather than redefining an open space zone to allow uses that are incompatible with open space?</p> <p>Our open space is very important to us in Los Alamos. Please reconsider zoning Piñon Park as WRTC. Please consider making POS-AO a real open space zone, using a different zone for the developed part of the ski area if need be. Please clarify that P-L designation: if it's really a zone in the new scheme, can it be added to the use table so we know what its uses are? And please look at the other open space areas zoned as P-L, like White Rock Canyon, Grand Canyon Park, and the areas adjacent to Diamond Drive so that they continue to be protected as open space.</p>	<p>Response</p> <p>There are a series of zoning reclassifications that are occurring through this process. Proposed zone reclassifications throughout this process are occurring through a series of decision rules. Where districts were reclassified, the following summary reflects the zone conversion rules for base zones from the existing Development Code:</p> <ul style="list-style-type: none"> <li>Guidance from approved County documents, such as the Comp Plan or Master Plans</li> <li>2 or more existing zones that were very similar in terms of permissive land uses and densities, districts were consolidated into 1 proposed district that allows uses for the highest base zone.</li> <li>Where zones existed that are no longer used or are currently not mapped anywhere in the County were eliminated.</li> <li>Planned residential districts (PD), which are no longer accepted by the County as of August 28, 2007, were converted to the closest residential base zone in regard to permissive land uses and densities. Where planned developments contained undeveloped lots, the reclassification followed the above-mentioned conversion, but approved site plan entitlements were carried over through the new Planned Residential Development Overlay District.</li> </ul> <p>Per discussions with legal counsel, all parks and open spaces should be reclassified via the guidance of the future land use map within the Comprehensive Plan (Comp Plan). In areas where the public feels that those instances are not appropriate, a formal Zone Map Amendment will need to be taken through outside of this update process. Pinon Park is one example of this as most of it is indicated as Public Land on the future land use map of the Comp Plan.</p>
Outdoor Lighting		<p>When I moved here in the late 70's, I used to marvel at how dark the sky was in town. Of course, as time went on, I didn't look much at the sky, but then when I did, I was appalled at what I saw, or rather at what I didn't see. The sky is much more washed out now. Stars that I used to be able to see are gone. I miss them.</p> <p>I hope that the push to remove unnecessary light in town is successful and we can go back to seeing faint stars.</p> <p>Please see below my comment on the outdoor lighting section of Module 2 of the Los Alamos Development code.</p> <p>Light trespass</p> <p>Light trespass is mentioned in the "Purpose" section 4-6(A) and several specific instances but it needs to be regulated more broadly (in 4-6(E) for example). The reason is that light trespass is a common irritant for residents. It is as much a nuisance as barking dogs or loud music late into the night, which are regulated. One common source of light trespass that is not covered in</p>	<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council is still evaluating the feasibility of a 2,200K requirement.</p> <p>The code requires fully shielded light fixtures going forward. Consensus has not been reached around the issue of requiring a light curfew. Further input from the public, P/Z and Council is needed on that issue.</p>



Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p>the draft ordinance is from businesses (including schools, churches, apartment buildings) and their parking lots that can have excessively bright and unshielded lights that are on all night. There are several examples of such light trespass in Los Alamos and White Rock for which there is no rational justification. Preventing light trespass is a "good neighbor" practice.</p> <p>Eliminating all limits on the number of dwelling units per lot may have unintended consequences, especially in communities where property is priced above average. It's true that approach is simpler, and it does allow more flexibility -- probably too much. There's no doubt the weird Dwelling Unit allowances, stuck mysteriously at the end of section 16-537, could use an update. But getting rid of them entirely is unreasonable, no matter how much it may be in vogue.</p> <p>For example, consider what can happen if someone were to purchase a run-down house on say, Navajo, on Barranca Mesa (zoned R-1-12, lots averaging about 15,000 sqft, max building height of 35', coverage of 30% allowed). It would be perfectly okay to put four 3,300 sqft houses on that same lot.</p> <p>Should you think that unlikely, it's not. As property prices increase, the same kind of thing has been seen all over the expensive parts of California. Maybe that's the fate some would like to see in Los Alamos, but it's doubtful the majority would approve.</p>	<p>Add the following language to the RA, RE and SFR district specific standards "Not more than 1 principal dwelling shall be permitted on any parcel, except in the case of cottage development, which shall comply with the standards of Section X".</p>	<p>Many contemporary codes are moving away from defining maximum dwelling units per acre within zone district standards. Any development would still need to meet the minimum standards of the underlying zone district in which it resides, e.g. lot size, setbacks etc.</p> <p>The update reclassifies R-1-12 to SFR-2 which requires minimum lot sizes of 12,000 sq.ft. with a maximum 30% lot coverage. A 15,000 sq. ft. lot would therefore only allow a maximum 4,500 sq.ft. of coverage on the lot. Four 3,300, as provided in the example, would comprise 13,200 sq.ft. or 88% lot coverage and would therefore not be allowed. The major concern of this particular comment appears to be to the lower density single-family districts densifying beyond 1 primary dwelling per lot within the rural and single-family districts. Our recommendation would be to add language to the RA, RE and SFR districts that states that lots within those districts are limited to 1 principal dwelling unit per lot.</p>
		<p>Madam and Sir,</p> <p>I find nothing objectionable and much to support in the Module 2 Draft. My primary concern is that Short Term Rental regulation discussions will be delayed or, worse, pushed through quickly without sufficient understanding of this growing problem. Short-term rental schemes leave the communities in which they exist with little recourse other than a hyped up police presence and unregulated commercialization of residential areas. I hope the council and the architects stay true to this statement in Module 2 beginning on Page 62 under Table 27, footnote 30 on "Short Term Rentals": "placeholder for new use, use specific standards to be determined based on independent outreach efforts of the county." Further, I would support holding off issuing any business licenses or any other community "okay" of short term rental schemes until the development and acceptance of new regulations.</p> <p>No one should be "grandfathered (or grandmothered) in" for an operation that is potentially intrusive on the peace and safety of a residential street.</p>		<p>The County has issued a Request for Proposals (RFP) to hire a consultant to initiate a public process to collect input on and provide specific recommendations regarding short-term rentals in the County. The decision to separate the short-term rental discussion from the larger code re-write is based on input from the "listening session" at the County Council Meeting on October 26, 2021, which can be viewed here: <a href="http://losalamos.granicus.com/MediaPlayer.php?view_id=2&amp;clip_id=2614&amp;meta_id=195289">http://losalamos.granicus.com/MediaPlayer.php?view_id=2&amp;clip_id=2614&amp;meta_id=195289</a> (topic starts at approx. 47:30). The short-term rental RFP requires a similar process to this Chapter 16 update process that will include community discussion and input revolving around the design of an overall program for revenue capture as well as compliance and code regulations for short-term rentals. The resulting code regulations will be worked into the appropriate sections of County's municipal code including the finalized version of the Chapter 16 rewrite, Chapters 12 Business and 18 Environment (<a href="https://library.municode.com/nm/los_alamos_county/codes/code_of_ordinances?nodeId=PTIIICCOOR_CH16DECO">https://library.municode.com/nm/los_alamos_county/codes/code_of_ordinances?nodeId=PTIIICCOOR_CH16DECO</a>), and will include any other necessary LAC code cross-references.</p>
		<p>We are grateful to those of you working on the lighting ordinance for Los Alamos County. It's a privilege to live in a community with strong ties to its history and a commitment to preserving its natural beauty. From the times of the Ancestral Pueblo people, the remote Ranch School, the Secret City and to the present day our home has a special appeal to visitors and residents alike. Part of that appeal lies in the night sky, and we ask the county council to be guided in preserving the night sky by the dedicated scientifically innovative members of our community who are well educated in this challenge.</p> <p>The Pajarito Astronomers Club has been partnering with Los Alamos County since the 1970s to show members of our community and visitors from around the globe up-close views of our</p>		



Module 2 Public Comments			
Topic	Applicable Code Section	Comment	Revision
		<p>surrounding universe. Compared to more populous regions, our skies could be vibrantly starry rather than shrouded in the featureless glow of city lights. Our club routinely receives e-mails from visitors who are particularly excited about our relatively low level of light pollution and want to participate in the Dark Night events where volunteer astronomers provide telescopes and share their knowledge and enthusiasm about the night sky. We do acknowledge that as time progresses the stars and faint deep-space objects have become less visible, and we fear that we are in a position to lose what visitors seek and we currently enjoy.</p> <p>Using star-friendly lighting is about being a good neighbor. Valles Caldera, which just became dark-sky certified, and Banderlier National Monument, which seeks this certification need us to partner with them to reduce sky-directed light pollution. Furthermore, amateur astronomy research would not be possible without the dark skies that New Mexico currently enjoys and that many people even move to New Mexico to enable. Scientific institutions are very supportive of and reliant on a widespread network of observers, and there is a role for amateurs to contribute to follow-up observations. These include confirming exoplanet candidates, understanding exoplanet host stars, monitoring stars long-term for variability and outbursts, as well as tracking and discovering supernovae, near-earth objects, and comets.</p> <p>Doing what we can to preserve our dark skies for future generations is a most worthy endeavor. In contrast with large cities, we are in a unique position to protect and even improve our splendid night sky while we serve as a positive example to surrounding communities. While it's probably not possible to restore our sky to the glory that was enjoyed in the days of the Los Alamos Ranch School, there are some steps we could take. The proposed ordinance is a good start; however, we have the additional challenge of bringing our facilities into alignment with the updated ordinance. We would like to see an amortization clause added that encourages and rewards compliance with the updated lighting ordinance. With smart lighting choices, this can be accomplished while supporting our businesses and our safety.</p> <p>Pajarito Astronomers Club</p>	
		<p>I am writing in support of the Dark Sky concept and keeping our light pollution to a minimum. I would like to see the draft lighting ordinance add a 2200 K limit on the color temperature of streetlights, add a strong statement about light trespass, institute an amortization clause, and add a curfew for dimming lights.</p> <p>I have been a resident of Los Alamos county for nearly 30 years and the dark night skies are something to be cherished.</p> <p>1) Downtown - personally, I feel that 7 stories is way to tall for our little mountain town. While I understand that going up allows for more housing, and can help preserve more public green space, 7 stories is too tall. Four is more appropriate for our community.</p>	
		<p>2) I am confused on the proposed zoning and overlays for the North Mesa Stables-The entire North Mesa Stables and Arena area are covered under a Quit Claim deed that requires that the area be used for Equestrian pursuits. This is not mentioned anywhere in the proposed new zoning, nor in any of the overlays or terms and definitions.</p>	<p>Add "equestrian facilities" as a use within the Permitted Use Table allowed within the RA district and OS-A subzone.</p>
			<p>P/Z and Council guidance is needed to determine appropriate lighting levels for the community as the Steering Committee was unable to reach a consensus on this issue.</p> <p>At the P/Z hearing on 2.23.2022, the PZ recommended that lighting level are reduced to 2,200K. Council is still evaluating the feasibility of a 2,200K requirement.</p> <p>No census has been reached on the issue of building height. P/Z and Council guidance on the issue of appropriate building heights is needed within the Downtown. Further input from the public, P/Z and Council is needed on that issue.</p> <p>The existing zoning in two subzones currently allows 60', which equates to a 5-story equivalent with a height incentive to 75' if 20% of the building floor is residential within the TCO subarea. At a minimum, those existing entitlements would need to be retained.</p> <p>The project team added an equestrian facilities use into the Permitted Use Table that would be allowed within the RA and OS-A districts that will retain these existing entitlements.</p>

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p>Is there a plan to remove the stables through re-zoning, or allow other potential uses through re-zoning? Will this violate the Quit Claim deed?</p> <p>Why is a portion of the stable area proposed as PL while the rest is proposed as OS-A? Twelve of the current stable lots are proposed to be rezoned PL. Why the difference, and for what purpose?</p>		<p>The current version of the Active and Passive subzones of the Parks and Open Space zone district was based on areas that were previously zoned either W-1 or W-2. It appears that the area in question does not currently have a W-2 overlay designation while the other stables do, which is why it was not originally picked up. That being said, we have received several comments that the existing W-1 and W-2 designations do not properly pick up areas that the community feels would be included within the public open space districts of this update. Under the legal confines of such a project, we can utilize the Future Land Use Map of the adopted County Comprehensive Plan (<a href="https://p1cdn4static.civiclive.com/UserFiles/Servers/Server_6435726/File/Government/Departments/Community%20Development/Planning%20Division/LACCP_12_06_16_B_Final.pdf">https://p1cdn4static.civiclive.com/UserFiles/Servers/Server_6435726/File/Government/Departments/Community%20Development/Planning%20Division/LACCP_12_06_16_B_Final.pdf</a>) to guide zoning conversions. The area you are concerned with is shown as active open space on the Future Land Use Map (pg 121 of the pdf) and will therefore be converted to Public Open Space – Active (POS-A) going forward. You will see this change in the next Module.</p>
		<p>Could you better define and advise on the uses allowed under PL, OS-A, OS-P and OS-PP? A portion of North Mesa is privately licensed stable lots. A portion of the Mesa is Arena and Fairgrounds (Public access). A portion of North Mesa is trails, a portion of North Mesa is developed park (dog park, soccer field, tot lot, tennis court) and a portion on North Mesa is undeveloped open space. There is no difference in the proposed zoning addressing these vastly different uses.</p>	<p>2-3(C)(V)(1)(a) PUBLIC PARK SUB-ZONE (POS-P) The Public Park sub-zone is intended to protect existing County owned or managed parks, <del>recreation areas, and County-owned or controlled lands, which provide valuable natural and open space functions.</del></p> <p>2-3(C)(V)(1)(b) ACTIVE OPEN SPACE SUB-ZONE (POS-AO) The Active Open Space sub-zone is intended to protect the natural character of the County's wilderness areas designated for use of active public recreation, use, and enjoyment with limited development such as camp grounds, skiing, athletic fields, and stables.</p> <p>2-3(C)(V)(1)(c) PASSIVE OPEN SPACE SUB-ZONE (POS-PO) The Passive Open Space sub-zone is intended to protect the natural and scenic character of the County's wilderness areas for use of passive public recreation, use, and enjoyment <del>that have minimal effect on the land.</del></p>	<p>Clarified the intent: statements for the open space subzones in Section 2-3(C)(V) PARKS AND OPEN SPACE ZONE DISTRICTS (POS) per guidance of the Comp Plan.</p>
		<p>Post- Cerro Grande fire, some of the area was used for temporary housing, and the community was assured that, post FEMA-ville, it would return to undeveloped open space. Would this proposed zoning allow for more developed recreational uses?</p>		<p>This area is proposed as OS-A which under the current draft allows a variety of recreational uses such as a playground, sports field, campground or RV park, by right, outdoor recreational facilities per a Special Use Permit and, per comment above, equestrian facilities.</p>
		<p>In a community desperately in need of housing options, particularly affordable-higher density options, many provisions being urged on the Council by the CDD, the Contractor and the Steering Committee in this re-write of the Development Code (Chapter 16) will have the effect of removing or restricting many such options. Although I did not attend Steering Committee meetings and I do not know individual or collective motivations, this restated Chapter 16 has</p>		<p>The Chapter 16 Development Code Update, following the guidance of the Los Alamos County Comprehensive Plan, looks to balance the opportunities to provide affordable housing options in areas deemed appropriate, primarily the multi-family, mixed-use and Downtown districts, while providing stability for existing lower-density neighborhoods, with the</p>

Module 2 Public Comments			
Topic	Applicable Code Section	Comment	Revision
		<p>the appearance and impact of promoting neighborhoods with only single unit per lot housing; restricting, eliminating or creating administrative barriers to alternative housing options throughout residential districts in town.</p> <p>In some cases the proposed Chapter 16 provisions restrict or eliminate existing density and affordability options and in other cases proposing change create higher density options only to effectively restrict them from virtually every neighborhood with minimum parcel size requirements.</p> <p>I do not believe the charge by the County Council to CDD, the Contractor and the Steering Committee was to promote the status quo throughout neighborhoods in town to the detriment of alternative affordable housing options to single family homes.</p> <p>Below are a number of considerations that are problematic:</p>	<p>Comprehensive Plan specifically mentioning protecting the existing character of these established neighborhoods. The approach is based on the National Best Practice outlined below, to allow a larger range of housing choices in areas deemed appropriate through reduction of zoning barriers such as density limits, increased maximum building heights, and reduced parking standards for multi-family housing developments.</p> <p>Los Alamos County is predominantly zoned single family residential, in one form or another. This Code Update cannot change that. Apart from places where Accessory Dwelling Units can be accommodated (see more below on that topic), the Code has a limited number of tools to increase the density in these single-family zones. The most successful solution is therefore to remove barriers to implementing affordable housing options in areas deemed by the community as acceptable locations. For Los Alamos County, that means focusing on the downtown areas of White Rock and the Townsite, along with major corridors that are in close proximity to services. This particular approach is in conformance with the County's Comprehensive Plan and Downtown Master Plans that look to encourage higher density housing within the Los Alamos Townsite and the White Rock Town Center. Additional zoning barriers tied to development standards such as maximum density limits, building heights, and parking requirements can be modified across zone districts, but particularly in those areas listed above, to enable affordable housing developments. Such strategies are balanced with set neighborhood protection standards that ensure adequate buffering and building step-downs.</p> <p>If additional public input is received throughout this process that encourages more opportunities to up-zone existing low-density to allow a greater variety of housing choices, those changes can be incorporated in Module 3. Another strategy would be to include an additional Single-family Residential subzone on top of those that exist in the County today, which would allow a wider range of housing choices. Further input from the public, P/Z and Council is needed on that issue.</p>
		<p>The boarding house use definition was eliminated. And while you might argue that it is an old archaic use, in practical fact, there are many de-facto boarding houses being created by landlords renting out individual rooms longer term in single family homes throughout town. If not to keep multi-tenant facilities out of all single family neighborhoods, why eliminate it. As a matter of fact, proper enforcement of existing regulations may clarify requirements and protect residents;</p>	<p>A boarding house is currently defined as "Boardinghouse means a building where lodging is provided with meals for compensation; it does not mean rest homes or homes for the aged." A boarding house is very similar to a Bed and Breakfast or Inn use in the existing code. Primary differences exist in density limits, requirements for owner occupation, and whether or not a Special Use Permit is required.</p> <p>The code update attempts to create more flexible use categories; as boarding houses are essentially a bed and breakfast, it was eliminated, but could be reinstated if the community feels it is a valid housing option that will be beneficial in the County.</p>

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p>"Inns" was a use category eliminated from the Code. Single room occupancy facilities with kitchenettes have provided seasonal and medium term living options, throughout the Country. Why when this might now be a useful housing or lodging option, has this been dropped from the code;</p>		<p>An Inn is currently defined as "Inn means an owner-occupied building that contains up to 15 units, plus the owner's dwelling unit. Any or all of the units may contain a kitchen. Meal service by the owner is limited to breakfast." Such a use is only allowed within the multi-family districts through a Special Use Permit within the R-3-L, R-3-H, and R-3-40 and requires an owner on-site.</p> <p>Module 2 proposes a co-housing dwelling type and is intended to allow similar congregate living options for micro to full size apartment / condominium units without the owner-occupancy and density requirements within the similar MFR-L, MFR-M, and MFR-H zone districts.</p> <p>This an error. It was intended to read mobile homes or transportable structure that does not meet the construction safety standards of the federal Manufactured Housing Act of 1974. Manufactured homes that are compliant with the federal housing act would fall under a single-family dwelling and allowed within all RA, RE and SFR districts.</p>
		<p>Under our current code, HUD certified manufactured housing permanently connected to utilities and on a permanent foundation pursuant to an available foundation permit can be used on virtually any legal residential lot in town. These are among the only affordable housing options for some folks in town for infill construction. By restricting manufactured housing exclusively to Manufactured Housing Community zoning districts the Contractor and Steering Committee have struck a death blow to a current affordable construction option for our residents. I note that there is not even a definition of a manufactured house in Section 16-6, inviting confusion.</p> <p>Despite being asked several times to consider, as many municipalities and states with housing shortages have, to create a regulatory scheme that would make use of Accessory Dwelling Units (ADU's) consistent, simplified and affordable, the County Planning Manager, Contractor and/or Steering Committee recommend definitions and regulations that will have the effect, if not the outright intention, to make ADU's an elite and expensive option. After first setting out a wide ranging and useable set of technical requirements for ADUs, the modules continue to require Special Use Permit P&amp;Z approval of every unit (even though past ambiguities have been eliminated), prohibit ADU's in any 5,000 sq. ft. or 8,000 sq. ft. lot districts (even when such ADUs could meet all other technical requirements) and requiring architectural design approval (even for lots with un-updated government homes and though units are all in the back yard and not visible from the street). In multiple jurisdictions, ADU's have become an indispensable tool for creating higher densities and more accessible housing without destroying the residential nature of neighborhoods. With approximately 7500 to 8000 housing units in Los Alamos, if just 3% of current housing inventory added reasonably cost effective ADU's on them, it would add more than 200 new housing units. The proposed process virtually guarantees little or no additional affordable rental units will be added. I believe it a significantly short-sighted policy to adopt the proposed ADU scheme. ( I have attached wording for ADU's I suggested, with explanations.)</p>	<p>Change "Manufactured Home dwelling" to "Mobile Home, dwelling" within the permitted use table.</p> <p>Add definition for Mobile Home dwelling to read "A transportable structure that does not meet the construction safety standards of the federal Manufactured Housing Act of 1974."</p>	<p>The draft included initial recommendations for ADUs. Initially, CDD planned to hold a separate process for receiving input on the issue of ADUs. It now appears that the scope of this process will be expanded to include a more thorough analysis of the applicability of ADUs within the County and refine a set of recommendations based on National Best Practice. In addition, the project team will review the proposed recommendation submitted with this comment. Refined recommendations will be available for review in Module 3 which is anticipated to be released this summer.</p>
		<p>Modules 1 and 2 create cottage and co-housing options, albeit without necessary definitions and requirements being listed. I believe these are being touted as affordable housing options, however two factors mitigate against their usefulness. There might be a number of single or multiple lot infill locations, for which this would be an appropriate use. However, the proposed cottage and co-housing uses are restricted to one acre or larger sites, eliminating a large amount of possible infill options. And second, at the current time, and for the foreseeable future, home mortgages secured by liens on lots in developments making use of significant common elements and HOA's to manage them, are not eligible under FNMA or HUD mortgage regulations, rendering this kind of development option effectively unfeasible as affordable ownership options. These uses are not necessary for rental housing projects.</p>	<p>Revised co-housing definition for clarity to read "A medium to high-density residential development in which multi-family dwellings may share access, parking, common spaces, community kitchens, and dining rooms. Cohousing developments can include townhouses, micro-apartments, apartments or condominiums.</p>	<p>Definitions for both cohousing and cottage housing are listed within the definition sections.</p> <p>Dwelling, Co-housing Development is defined as "A residential development in which dwellings may share access, parking, common spaces, community kitchens, and dining rooms". This definition has been revised to clarify its intent to facilitate more congregant living opportunities within the County that could be utilized for seniors, student or temporary workers in a seasonal, medium, or long-term condition.</p> <p>Dwelling, Cottage Development are defined as "A low-density residential development in which multiple attached or detached single-family</p>

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
				dwellings share access, parking, and common spaces, and sometimes community buildings including a larger community kitchen and dining room. Cottage development can include homes on individual lots, homes owned as condominiums, or leased homes.” The 1 acre housing was a metric that is used by many communities that currently allow cottage housing, but it does indeed restrict the ability to infill cottage housing. This minimum lot size can be removed from the use specific standards to allow more infill opportunities.
		The text of the hotel/motel definition has still not been changed to clarify that extended stay facilities are allowed to have full kitchen facilities in each room. This is an oversight that should be clarified.		Standards don't specifically address kitchens in hotel definitions or motels. Kitchen would currently be allowed in hotels and there is nothing in the code that prohibits them. The code can include language specifically stating kitchens are a permissive accessory use to hotel/motel is desired, further guidance from P/Z and Council is needed on this issue.
		For reasons unclear, the Bed and Breakfast business license procedure has been converted to a use requiring a Special Use Permit, detailing a much more extensive and expensive approval process. There has been no problem with proliferation of BnB's. Why would this change be considered? This is a policy that should be left to the short-term rental re-write process, as BnB's need not be permanent; accordingly, a permanent Special Use Permit land use requirement is unnecessary.		The change to Special Use Permit requirements were based on discussions with the Steering Committee. The County has issued a Request for Proposals (RFP) to hire a consultant to initiate a public process to collect input on and provide specific recommendations regarding short-term rentals in the County. Recommendations that result as part of that separate process will be picked up in the Chp 16 code update.
		Respectfully, there are more provisions that may, even unintendedly, have the effect of restricting or disincentivizing housing accessibility under the Development Code for a wide range of our residents. This is likely the Council's best and last opportunity to make Los Alamos housing policy responsive and receptive those without significant resources or income. I believe the only thoughtful and equitable decision at this time is to reject the entire Chapter 16 rewrite until there is a comprehensive re-evaluation with an eye towards helping, rather than hindering, affordable housing opportunities. This effort has been disappointing, and frankly, disheartening to citizens looking for more accessible housing options in the County. Section 16-4-6 appears to have been written attempting to adapt and simplify the Model Lighting Ordinance (MLO) that was jointly developed by the International Dark-Sky Association (IDA) and the Illuminating Engineering Society (IES). The MLO is currently the national best practice for outdoor lighting. 2. The result that I reviewed fails to "align the Development Code with the goals of the Comprehensive Plan, create a Development Code that is efficient and transparent with standards that reflect national best practices." I think something much more closely aligned with the organization and methodologies of the MLO would be more understandable and thus more transparent, easier to use and thus more efficient, and would better reflect national best practices.		The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.
		3. Several omissions and apparent errors in the current Section 16-4-6 will severely reduce its effectiveness in moving the entire County into compliance with the ordinance in a reasonable amount of time: a. There is no clear requirement that replacement luminaires comply with the ordinance. b. Non-compliant luminaires (light fixtures) are permitted to be replaced with matching non-compliant luminaires. This will perpetuate bad lighting.	Clarify applicability section regarding modifications of in excess of 25 percent in terms of additional gross floor area, seating capacity, or parking spaces to existing uses shall require all outdoor lighting to be brought into compliance with this ordinance”.	The applicability section requires all new lighting to comply with the ordinance and the text was revised to provide clearer thresholds for modifications/replacements and chance of uses to be brought into compliance. No consensus has been reached regarding a county wide amortization clause which would require all outdoor lighting to be brought into compliance within a set timeframe. At the P/Z hearing on 2.23.2022, the PZ

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p>c. There is no requirement that major modifications or repairs to an existing outdoor lighting system trigger a requirement to bring the entire system into compliance.</p> <p>d. There is no requirement that re-zoning, change of use, or resumption of use of a property after abandonment trigger a requirement to bring the entire outdoor lighting system into compliance.</p> <p>e. There is no requirement that after a reasonable amortization period, all outdoor lighting shall be brought into compliance with the ordinance.</p>	<p>New language to read "Except as provided in Section X, Nonconforming Site Elements whenever the use of any existing building, structure or premises is intensified through the incorporation of additional dwelling units, gross floor area, seating capacity, or other units of measurement which create a need for an increase in the total number of parking spaces of 25 percent or more the change of use shall require all outdoor lighting to be brought into compliance with this ordinance".</p>	<p>recommended the consideration of amortization for non-residential, but not residential districts. Council provided no guidance on this particular issue. Further input from the public, P/Z and Council is needed on that issue.</p>
		<p>One of the stated purposes of Section 16-4-4 is to conserve energy, but the section contains no requirements for automatic controls to switch outdoor lighting OFF when it is not needed.</p> <p>5. Several exemptions and allowances will prevent achieving another stated purpose of Section 16-4-4</p> <p>4: to curtail light pollution (including glare and light trespass), reduce sky glow, and improve the nighttime environment for outdoor enthusiasts and astronomers.</p> <p>a. There is no limitation on the output of luminaires used in seasonal decorations.</p> <p>b. String lights of up to 1000 lumens per lamp are allowed; these will be particularly egregious sources of light pollution, glare, and light trespass.</p> <p>6. These and other concerns are addressed in the following detailed comments.</p> <p><b>4-6(A)</b> In the first sentence the word "article" should be "section".</p>		<p>No consensus has been reached regarding a mandated light curfew. Further input from the public, P/Z and Council is needed on that issue.</p>
		<p><b>4-6(B)(1)</b> Paragraph refers to luminaires used for advertisement; this should be addressed in the sign ordinance, not in the outdoor lighting ordinance. [Refer to MLO III(B)(b)]</p> <p><b>4-6(B)(1)</b> A new second sentence should be added: "This includes, but is not limited to, new lighting, replacement lighting, or any other lighting, whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party." [Refer to MLO III(B)]. It is essential to clearly state that replacement lighting (i.e. luminaires) must comply with the ordinance.</p> <p><b>4-6(B)(2)</b> In addition major building modifications, the single or multiple cumulative modifications, additions, repairs, or replacements to more than 25% of the outdoor luminaires on a property should trigger a requirement to bring all outdoor lighting into compliance with this ordinance. [Refer to MLO VII(C)(1).] The "single or multiple cumulative" phrase is necessary to prevent clever owners from circumventing this requirement by making incremental modifications, additions, repairs, or replacements of less than 25% of the luminaires.</p> <p><b>4-6(B)(2)</b> In the second sentence the words "or fixtures" should be deleted. [Refer to MLO III(B)]. As written, this sentence would allow bad lighting to continue to exist forever just by replacing non-conforming fixtures with like non-conforming fixtures.</p> <p><b>4-6(B)(2)</b> The second sentence should become a new article that defines "repair" and states that for the purposes of this section "repair" does not include normal re-lamping or replacement of components including capacitor, ballast, or photocell. Retrofitting a luminaire with a new lamp and/or ballast technology is considered a modification, and for the purposes of this ordinance the luminaire shall be treated as if new.</p>	<p>Revised to read section rather than article.</p>	<p>The regulations of holiday lighting was one issue that the Steering Committee was unable to reach consensus on. Further input from the public, P/Z and Council is needed on that issue.</p>
			<p>Remove reference to advertising.</p>	<p>Sign illumination will be exclusively dealt with in the signage section.</p>
			<p>Added language as requested.</p>	
			<p>Revised applicability section regarding modifications to read "Additions or modifications of in excess of 25 percent in terms of additional gross floor area, seating capacity, or parking spaces to existing uses shall require all outdoor lighting to be brought into compliance with this Code".</p>	
			<p>Remove the term fixture.</p>	
			<p>No change.</p>	<p>Non-conforming site elements section will be released as part of Module 3 for review.</p>



Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p><b>4-6(B)</b> A new paragraph should be added that emulates MLO VII(B): "Whenever there is a new use of a property (zoning or variance change) or the use of the property is changed, all outdoor lighting on the property shall be brought into compliance with this ordinance before the new or changed use commences."</p>	<p>New applicability language added to read "Except as provided in Section X, Nonconforming Site Elements whenever the use of any existing building, structure or premises is intensified through the incorporation of additional dwelling units, gross floor area, seating capacity, or other units of measurement which create a need for an increase in the total number of parking spaces of 25 percent or more the change of use shall require all outdoor lighting to be brought into compliance with this Code".</p>	
		<p><b>4-6(B)</b> A new paragraph should be added that emulates MLO VII(C)(3): "Resumption of Use after Abandonment. If a property with non-conforming outdoor lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs."</p>		<p>Further input from the public, P/Z and Council is needed on that issue.</p>
		<p><b>4-6(B)(3)</b> We do not yet have Section X, Nonconforming Site Elements, so it is not possible to judge how effective it might be. To avoid confusion and to make the Lighting Ordinance more self-contained, please insert the words "for a period not to exceed ten years," after the words "may be retained in use". An alternative approach is to use the verbiage from MLO VII(A): "<b>Amortization</b> On or before [amortization date], all outdoor lighting shall comply with this Code." The MLO user notes state that most outdoor lighting can be fully depreciated once it is fully amortized, usually no longer than 10 years, if not sooner, from the date of initial installation. It makes sense to set the amortization date as not more than 10 years after the adoption of Section 16-4-6.</p>		<p>Non-conforming site elements section will be released as part of Module 3 for review. Appropriate cross-reference will be provided, but our recommendation would be to include all rules/procedures associated with non-conformities in one place.</p> <p>No consensus has been reached regarding a county wide amortization clause which would require all outdoor lighting to be brought into compliance within a set timeframe. At the P/Z hearing on 2.23.2022, the PZ recommended the consideration of amortization for non-residential, but not residential districts. Council provided no guidance on this particular issue. Further input from the public, P/Z and Council is needed on that issue. If the community proceeds with an amortization clause it will be included within the outdoor lighting section and appropriate changes to non-conformities will be made as applicable.</p>
		<p><b>4-6(C)</b> Please add another numbered exception: Lighting solely for signs (lighting for signs is regulated by the Sign Ordinance. [Refer to MLO III(B)(c).]</p>	<p>Revised language added to read "Lighting solely for signage which shall comply with sign illumination standards of section X".</p>	
		<p><b>4-6(C)(5)</b> The term "special event lighting" is not adequately tied to a "Special Event" as defined in 3-2E(I)X of the proposed development code. "Special event lighting" should therefore be treated as "temporary lighting" which has a definition in the MLO. In view of this the verbiage in 4-6(C)(5) should be replaced with "Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens." [Refer to MLO III(B)(g).]</p>		<p>Further input from the public, P/Z and Council is needed on that issue. There was concern among members of the Steering Committee regarding the regulation of special event lighting. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
		<p><b>4-6(D)(1)</b> The term site development application is not defined; it is not clear whether this requirement applies to just non-residential properties or also residential properties.</p>	<p>Revised to "Site Plan application" rather than "site development application".</p>	
		<p><b>4-6(D)(1)</b> The term "lighting plans" is not defined. What information will be required? I would suggest at a minimum a scale drawing showing for each outdoor luminaire: description, location, mounting height, orientation, initial lumens, color temperature, and BUG rating.</p>		<p>Lighting plans shall be addressed in Module 3. The recommendations as requested will be incorporated.</p>

Module 2 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p><b>4-6(F)(2)</b> It is not clear who is qualified to perform the “photometric illumination study”, what is required to be addressed by the study, the study methodology, or how one determines that the design complies with the requirements of the Outdoor Lighting article. It would be much more efficient and transparent to use the compliance approaches described in MLO Section IV.</p>	<p>Revised to read “<u>Site plan applications may require a photometric illumination study shall be required</u> for development in commercial zone districts and for complex residential lighting projects, as determined by the Community Development Director.</p>	<p>The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
		<p><b>4-6(E) (or elsewhere)</b> Section 16-4-4 does not contain any requirements for automatic control of outdoor lighting. The MLO sets requirements for two levels of automatic controls: (1) automatic switching to extinguish all outdoor lighting when sufficient daylight is available, and (2) automatic lighting controls that will reduce total outdoor lighting is reduced by at least 30% or extinguished, at times set by the lighting Authority. Such automatic control is necessary if this proposed outdoor lighting ordinance is to fulfill one of the stated purposes: conserve energy.</p>		<p>There is interest by Dark Sky proponents to lower this limit to 2,200K. P/Z recommended this change, but Council would like further study into the feasibility of lowering the limit.</p>
		<p><b>4-6(F)(2)</b> The 3000K correlated color temperature (CCT) limit for outdoor lighting is the best current practice, and is to be commended.</p>		
		<p><b>4-6(E)(3)</b> A high color rendering index (CRI) is not needed for all outdoor lighting situations. The need for a good CRI should be considered based on the particular application.</p>		
		<p><b>4-6(F)(4)(F)</b> There should be no exception for “string lights” or any similar unshielded light sources. String lights are exactly the kind of luminaire prohibited by 4-6(F)(2). Allowing 1000 lumens per string light luminaire would create potentially serious glare and light trespass issues. In addition, the UL listing on most common string lights is for temporary use, which the National Electrical Code limits to 90 days. The MLO limits temporary lighting and seasonal lighting to less than 10 watts and 70 lumens per luminaire. [Refer to MLO III(B)(g).]</p>		<p>Members of the steering committee didn’t want to limit the allowed timeframe of string lights which are often used by businesses or districts for outdoor dining lighting and/or to create a sense of place, i.e. placemaking. Further input on this issue is needed from the public, P/Z, and Council. The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
		<p><b>4-6(E)(5)</b> The method for determining allowable site lumens is made confusing by the use of the ad-hoc “net acre” method, and using the same methodology for both residential and non-residential applications. It does not make sense for the building footprint area to be included in the area that determines the allowable site lumens. I think the MLO provides much more understandable and transparent approaches to designing outdoor lighting systems and selecting luminaires that are in compliance for both residential and non-residential applications.</p>		<p>The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
		<p><b>4-6(E)(6)</b> Table 39 shows zone district PL in two places.</p>	<p>Removed second instance of PL in Table 39.</p>	
		<p><b>4-6(F)(6)</b> Table 39 specifies the Total Site Lumen Limit for LZ-1 as “Average 20,000 lumens per net acre or 5 lux.” Similarly LZ-2 is “Average 50,000 lumens per net acre or 12 lux.” It is not at all clear what value is added by the word “average.” A total is a total, not an average. Similarly, the calculated lux adds no value, just confusion. A homeowner is not going to know what to do with this ... neither is a lighting design professional. The words “Average”, “or 5 lux”, and “or 12 lux” should be deleted.</p>		<p>The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>
		<p><b>4-6(E)(6)</b> Table 39 uses BUG ratings for luminaire selection. This is appropriate for selecting specification grade commercial outdoor luminaires, but is useless for purchasing outdoor luminaires for residential applications from on-line retailers or local big box stores. If you walk into the Home Depot store in Santa Fe and ask for an outdoor luminaire with a BUG rating of</p>		<p>The project team is reviewing the MLO and will adjust residential lighting based on guidance of this document and discussion with a subcontracted lighting specialist. Revised recommendations will be reflected in Module 3.</p>

Module 2 Public Comments			
Topic	Applicable Code Section	Comment	Revision
		<p>B1-U0-G1, you will most likely get a strange look then shown a bug zapper or yellow lamps. The MLO uses shielding descriptions for residential type outdoor luminaires.</p> <p><b>4-6(F)(6)</b> Table 39 specifies a quantity of lumens along with a particular BUG rating. For example backlight for LZ-1 reads "500 lumens per luminaire BUG rating B1." It is not made clear what the lumen quantity means – perhaps it is the total light in IES TM-15 backlight zones BL, BM, BH, and BVH, sometimes called "downward house side lumens" in the zonal lumen summary tables often found in photometry data for commercial luminaires. Note that photometry data does not commonly indicate lumens in the IES TM-15 glare zones FH, FVH, BH, and BVH. This needs to be clarified or deleted.</p> <p><b>4-6(G)(7)(A)</b> the following words should be added to the end of this sentence "provided that individual lamps are less than 10 watts and 70 lumens." [Refer to MLO III(B)(g).] To meet the stated purposes of this article (e.g. curtail light pollution, reduce sky glow, improve the nighttime environment), it is necessary to limit the intensity of holiday lighting.</p> <p><b>4-6(H)(9)</b> This article should be clarified so that it only applies to publicly owned streetlights that comply with this article (e.g. have a BUG rating of B1, U0, G0). The county should bear the full expense of removing or replacing a non-conforming streetlight with light trespass issues that cause justified complaints from just one resident.</p>	<p>The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p> <p>The County is pursuing additional scope to subcontract a lighting specialist to refine the outdoor lighting section and conduct an operational plan to assess the feasibility of implementation. This item has been added to the list of items that need to be reviewed and refined.</p>

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Zone Map	16-2-2	The Module 3 draft released July 18th is very interesting. I have a question about the proposed zoning maps on pages 18 and 19: Why is the Sombriello Nursing Home parcel colored MFR-M Multi-Family Medium Density Residential? Is that a mistake? Or is the nursing home going to be removed and replaced with apartment buildings?		To start, we want to clarify that there is a distinction between the land use on a parcel and the zoning on a parcel. While these are often assumed to be the same thing, the land use deals with the existing functions of land, while zoning refers to the regulatory tool used by municipalities to regulate the types of land uses that are allowed and the development standards such as building height, setback, required parking etc., to which the use will be held. It looks like the Sombriello Nursing Home, located at 1011 Sombriello Ct, is currently zoned R-3-H (current zoning map is located here: <a href="https://cdns-hosted.civiclive.com/UserFiles/Servers/Server_6435726/File/I Want To Find Property Info - GIS Mapping/Zone_1578x36_20190515.pdf">https://cdns-hosted.civiclive.com/UserFiles/Servers/Server_6435726/File/I Want To Find Property Info - GIS Mapping/Zone_1578x36_20190515.pdf</a> ). The existing R-3-H zone currently allows a range of multiple-family uses, including nursing facilities, and these currently allowed uses are carried over in the zoning code update. This zone code update is remaining some of the districts and rewriting the intent statements to clarify the types of uses and development characteristics that are allowed. The allowed uses and required development standards within the residential districts closely follow what is allowed under the current zoning code. This is why the naming convention on the site has changed. That being said, this zoning code update has no intention of redeveloping the existing nursing home to multi-family. However, the existing zoning would allow the nursing home to redevelop as another use like multi-family in the future and those existing allowed uses cannot be taken away during this process.
Zone Map	16-2-2	I'm reading through Module 3 prior to tomorrow's meeting. But I'm having trouble figuring out where the zone boundaries are. Is there any chance of getting a GIS file for the proposed zones, or seeing them on a zoomable map where we could tell which underlying properties are in each zone?		An interactive version of the map here: <a href="https://www.arcgis.com/home/webmap/viewer.html?webmap=911bcb06a09c482ba02392852869994e&amp;extent=-106.3448,35.8676,-106.218,35.9245">https://www.arcgis.com/home/webmap/viewer.html?webmap=911bcb06a09c482ba02392852869994e&amp;extent=-106.3448,35.8676,-106.218,35.9245</a>
Zone Map	16-2-2	The open space zoning makes SO much more sense now than in Module 2. But I'm concerned about Pinon Park in White Rock: it's rezoned from P-L (public land) to WRTC (White Rock Town Center). It's almost all open space with natural pinon/juniper woodland and a few trails: I'd be very concerned to see it rezoned in a way that encouraged high-density buildings.		As a legislative process, this update is operating set of zoning conversion rules that attempt to matched permissive uses in the pre-existing zoning with the closest matching set of permissive uses under the updated. In order to deviate from that conversion rule, the County has to have an adopted policy to justify the change. The Comprehensive Plan Future Land Use Map or the land use related policies of the Downtown Master Plans are examples of the types of policy that can be utilized to justify such a change. In order to reflect the new open space categories requested in previous comments, the project team was able to utilize the future land use map of the Comprehensive Plan (see exhibit 42 below). We are unable to convert the zoning of a single parcel outside of these conversion rules.  Unfortunately, there are a few instances where the existing zoning doesn't match the existing land use or future land use map of the Comp Plan doesn't reflect the uses desired by the community. Pinon Park is one such example, as the majority of park is indicated as an institutional land use within that land use map. Pinon Park was converted to WRTC as it falls within the boundary of the White Rock Town Center and wasn't indicated as open space within the Comp Plan Future Land Use map. We are aware that is not the zoning that is

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor Lighting	4-6(B) Applicability	Items 2 and 3, bringing nonconforming lighting into compliance only when 25% improvements are made to the property in question is not sufficient to protect and improve our night skies. This is my major objection to this document. The pace of change in Los Alamos is slow, so the requirement for lamp replacement of 25 percent change to a building or parking lot essentially means that we will be stuck with bad lighting for generations to come. We need an amortization period of (say) 10 years so that the nuisance of excessive light will be ameliorated in time.		desired by the community. Most communities that do similar zoning code updates, allow the conversions of such scenarios through a sponsored zone change once the larger zoning code is adopted in order to fix error that resulted do existing zoning errors that can not be updated through such a legislative process. We have suggested such an approach to the County and are keeping a running list of parcels where we have heard of concerns, such as Pinion Park.
Outdoor Lighting	4-6(C) Exemptions	Item 2, 5, and 9 are too broad; it should be made clear that emergency lighting, construction lighting, or special event lighting must be confined to the area or event of concern. All too often such lighting is obtrusive and causes glare affecting passing motorists, and light trespass on adjacent properties. Lights warning approaching motorists are appropriate, but they need not be the same brilliant white lights as are needed for emergencies, construction, or special events.		The applicability section for Outdoor Lighting has been revised and will be presented to the Planning and Zoning Commission and County Council at the joint workshops on October 12-14. Guidance from those bodies is needed as to whether an amortization clause should be included.
Outdoor Lighting	4-6(E) Site Lighting Standards	There should be an item here for the dimming or extinguishing of outdoor lighting around businesses and parking lots at some time after close of business, excluding lighting specifically required for security.	Proposed dimming language states "LZ-2 lighting shall be dimmed by 50% by 10:00 p.m. or one (1) hour after business close (whichever comes latest). This LZ-2 curfew shall remain in effect until 6:00 a.m. The LZ-2 curfew does not apply to the following: A. Street, Roadway, and other Department of Transportation lighting. B. Code required lighting for public steps, stairs, walkways, and building entrances. C. Other special use or permitted exceptions listed within this ordinance such as flag, seasonal, sports fields, and businesses which operate during these hours."	The exemption section for Outdoor Lighting has been revised to remove construction lighting, emergency lighting, and special event lighting.  A requirement for dimming after a curfew has been added.
Outdoor Lighting	4-6(G) Specialized outdoor lighting standards	Item 7 C is too generous, allowing holiday lighting essentially for half the year. Could this not be limited to, say, 90 days consecutive or not?	Revised holiday lighting language states " Holiday lighting of a temporary nature is allowed between November 15 and January 30, provided that the lighting is low-wattage (1 watt/ft. for string lights or 70 lumens for single bulb), does not exceed 1000 lumens per site, create dangerous glare on adjacent streets or properties, is maintained in an attractive condition and does not constitute a fire hazard.	Revise holiday lighting language as shown to the left.

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Outdoor Lighting	4-8(F)(IV) Electronic message centers	It should be made clear that uplight from EMCs is not permitted at all, and that glare be kept to a minimum. Motorists are frequently distracted by EMCs, and this section does not address this problem at all. There should also be a curfew on EMCs — there is no reason for most of them to be lit after business hours. Thank you for changing “permissive” to “permitted” in the text. (I see that the wrong word is still used in the responses to comments.)	A. All other lighting associated with any national, local or religious holiday or celebration may be illuminated two weeks prior to the holiday and extinguished within two days after the holiday.”	EMCs will be regulated by Section 4-8(F)(IV) within the Signage Section.
General				The code language was changed to reflect this concern, the previous public comment matrix was drafted prior and was not updated to reflect this change.
Open Space Districts		p.15 Thank you also for creating a new Open Space category, Recreational Open Space, POS-RO to distinguish the ski area from other active open space.		No revisions necessary.
Open Space	Table 26: PERMITTED USE TABLE	In the Use Index, the uses in general for open space are much more appropriate. However, on p. 67 “Community Garden” is shown as a permitted use for POS-P. That should be changed. A community garden would require irrigation and fencing and does not belong in for passive open space.	Remove Community Garden as a permitted use within the POS-P district of Table 26: PERMITTED USE TABLE	
Use Specific Standards	3-2(A)(1) Cottage Development	Page 74, 3-2(A)(1) DWELLING, COTTAGE DEVELOPMENT  This still refers in the copy to co-housing rather than cottage developments. Removing the total lot coverage clause means essentially full coverage would be allowed, since the setbacks could also function as the only required open space. This is, of course, at least as absurd as the prior iteration, and probably worse. We are now to the point that every variation presented has persistently been to allow rampant violation of previous zoning law by allowing extraordinary numbers of cottages on just about any residential lot. This increasingly looks like someone in the process is working very hard to ensure that situation comes about.  While it is possible the changes were made in the assumption that the phrase “Underlying zone district lot and setback requirements shall apply to the project site boundaries as a whole...” you’ll note that clause limits itself to the “site boundaries” and not any restriction on the interior use or coverage limits. Thus removing the statement about the gross floor area remains a very questionable change, and unscrupulous parties have been known to exploit such legal weaknesses.		



Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Use Specific Standards	3-2(A)(IV) Co-housing	Also Page 74, 3-2(A)(IV) DWELLING, CO-HOUSING/DEVELOPMENT This only contains one line of copy, which is inadequate: 1. This use may contain shared indoor community space for all residents to use		Cottage development and co-housing standards will be reevaluated with Accessory Dwelling Units as part of the additional scope of the Development Code Update.
Accessory Dwelling Units		Accessory Dwelling Unit is only vaguely defined (Page 215) though they are allowed in the larger residential and multi-family lots. There are no limitations on size, even relative to the main structure.		Accessory dwelling unit standards have been revised and will be presented to the Planning and Zoning Commission and County Council at the joint workshops on October 12-14. The proposed standards limit the size of ADUs to 800 sf. Guidance on where ADUs are allowable is needed from the Planning and Zoning Commission and County Council
Permitted Uses	16-3-1	A Private School, permitted in most zones and conditional in residential zones (Table on Page 67), has absolutely no definition that includes building limitations, number of students, number of classrooms, etc. This could lead to some serious problems.		Private schools in residential zone districts would be subject to a conditional use permit reviewed by the Planning and Zoning Board. The approval criteria for a conditional use permit include the requirement that the proposed use does not cause significant adverse impacts on properties in the vicinity and that the location, size, design, and operating characteristics of the Conditional Use will be compatible with the use and development of properties in the vicinity. Any request to locate a private school in a residential zone district would be required to meet these standards.
Dormitories	3-1(D) Permitted Use Table Part 16-6 Definitions	While the return of a dormitory use category in Table 26 is a welcome change, there is a use table adjustment that should be made to reflect the need to address chronic shortages of student, interns and short-term employee housing and the ability of these renters to pay. a. The zoning districts in which a dormitory facility ought to be allowed should include the lower multifamily density zoning districts of newly designated as RM, RM-NC, FMR-L and MFR-L-NC. One of the axioms of dormitory housing is that it needs to be able to be located near either the where the residents work or go to school or near essential services for living where transportation to the work or institutional facility is located. b. There will be infill parcels with the lower density multi-family zoning in useful locations, many will be in or around lower density residential neighborhoods and no dormitory facility should overwhelm its neighbors. Accordingly, I believe it to be prudent to cap the number of room allowed in such zones to 10 units maximum (any onsite resident manager's unit would be one of the units). Under the existing code a family includes a group of up to 5 unrelated individuals. Restricting size to that of a two family unit lot of unrelated individuals seems a reasonable limitation that still allows for an economically sustainable dormitory. c. The definition of Dormitory requires that it be located in a strictly residential building. Many anticipated use locations would be downtown or other convenient areas, so the definition should allow in residential multi-use building, as in Table 26 the use is allowed. d. In our community we have long had difficulty attracting and maintaining nurse, technicians veterinary techs and other trained human and animal health professionals. For that reason and to meet our need for full-time residents or health professionals who	Add Dormitory as a conditional use in the RM and MFR-L zone districts.  Revise dormitory definition to read "Dormitory. A residential building, multiple buildings, or portion of a building, providing rooms for individuals or groups, with common spaces for living and cooking, related to an educational, <del>or</del> research, <del>or</del> human or veterinary health institution."	Revise language to add dormitories as a conditional use in the RM and MFR-L zone districts. The proposed draft consolidates the RM-NC and MFR-L-NC into these districts. The County may rely upon the dimensional standards and the requirements of conditional use approval to ensure that dormitories located in these zone districts would be compatible with the surrounding development.  Revise dormitory definition.

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Manufactured homes	3-1(D) Permitted Use Table Part 16-6 Definitions	<p>stay for work weeks I suggest the definition of Dormitory in Section 16-6-2 read:</p> <p><i>Dormitory. A residential building or a residential multi-use building (dedicated in whole or in part to dormitory), providing rooms for individuals or groups, with common spaces for living and cooking, related to an educational, research or human or veterinary health institution.</i></p> <p>I suggest consideration be given to make these uses permissive in lower density residential areas, as regular rejection of them, similar to group homes protected by the Federal Fair Housing Act, would likely occur regardless of limited size and compliance with applicable development standards.</p> <p>I applaud the increased allowance for manufactured housing in the new draft, as it is a primary source of affordable housing stock. I do believe there are a few changes that would be helpful. The definition and use of the term “manufactured housing” needs to be cleared up in the code.</p> <ol style="list-style-type: none"> <li>Unless it is the intention to prevent the location of manufactured homes on a permanent foundations, as allowed throughout the County now, there needs to be provisions to insure that <ul style="list-style-type: none"> <li>“nothing in this code may be construed to prohibit placement on any single family residential lot of a manufactured home, built to the standards of the New Mexico Building Code and the National Manufactured Home Construction and Safety Act.”</li> </ul> </li> <li>It might also be appropriate to define manufactured home separately from its exclusion in the definition of Mobile Home under Section 16-6-2.</li> <li>The exclusion of the use of manufactured housing solutions from higher density residential use zones for uses like cottage and co-housing, will likely doom such projects to unaffordability if limited to modular and onsite constructed dwellings. The newly designated MFRL-M, MFRL-H and MU would be the likely zones for any such high-density, low-cost use. Without going into technical and cost differences between manufactured and modular construction designations, to fully support affordability in build to rent or sell projects like these, manufactured housing stock needs to be included.</li> </ol>	<p>Revise Permitted Use Table to include Dwelling, Manufactured Home as permitted in the MFR-L, MFR-M, MFR-H, and MU zone districts.</p> <p>Add Dwelling, Manufactured Home definition “Dwelling, Manufactured Home. A structure transportable in one or more sections that is built on a permanent chassis, is designed for use with or without a permanent foundation when connected to the required utilities, and meets the construction safety standards of the federal Manufactured Housing Act of 1974. Similar structures that do not meet the construction safety standards of that Act are referred to as mobile homes and are not allowed to be installed in the city. See also Definitions Dwelling, Mobile Home.”</p>	<p>Language revised to allow manufactured home in the same residential zone districts as single-family dwellings and to add a definition of manufactured homes.</p>

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Dimensional Standards	Section 16-2-3(A)(III)	The revision of lot width for townhouse lots in a constructive change, however, to be more than marginally useful it will be necessary also reduce the gross square footage required for a townhouse lot. (Section 16-2-3(A)(III)). A lot that is 25 feet wide would need to be 140 ft deep to comply with the dimensional standards for an SFR-6 lot. As practical matter I do not believe there is a single developable tract of land that could usefully accommodate lots of that dimension. I suggest, with a 25-foot lot width minimum, the appropriate minimum size lot would be approximately 2000 sq. ft, rather than 3500 sq. ft. Also note that in Table 22 (Section 16-2-4) the minimum width of an SFR-6 lots has not been changed to 25 ft. and the lot minimum should also be reduced to match Section 16-2-3(A)(III).	Revised Table 4 to allow a minimum lot area of 2,000 SF for SFR-6. Revise Table 22 to a minimum lot width of 25 ft and a minimum lot area of 2,000 sf for SFR-6.	
Typo	Section 16-2-3(B)(II)(3)	In Section 16-2-3(B)(II)(3) the reference to compliance with the development standards of Section 2-3(A)(1) must be an error as that section references RA districts. With respect to development standards modification or waiver, decision making regarding property contained within a Metropolitan Redevelopment Area, should reside with the Community Development Director, or his designee. It would not make sense to give broad discretionary powers to effectuate development with such districts, only for it to be disallowed in the submission and approval process. (See Table 43; Procedures Summary Table).	Revised reference to refer to Part 16-4 Development Standards.	Metropolitan Redevelopment Area are currently not treated any differently than areas that contain approved Master Plans. Deviations, or Variances as they are referred to in this update, are required for a deviation to any standards that are defined within adopted master plans. We recommend that MRAs are treated similarly, which is common practice.
Accessory Dwelling Units	Section 16-3-2(D)(I)	When reintroduced, Section 16-3-2(D)(I) regarding accessory dwellings needs to be a permissive and not conditional use. It is entirely incongruous that a 50,000 sq. ft. or 50-unit development can, under this draft, be submitted for administrative approval without hearing and the poor single-family owner must first comply with what will be a myriad of requirements and then have to submit this small structure for Planning and Zoning Commission approval of a conditional use permit. It would subvert the process of creating affordable accessory rental housing units and favor the more affluent. Accessory units, to be effective as affordable rental housing options must be able to be designed, approved, permitted and constructed in a cost effective and expeditious manner. The contrast between commercial projects worth millions approvable without hearing and a small accessory residential requiring an expensive public approval process could not be starker.		The project team has been working on recommendations for Accessory Dwelling Units, including an assessment to where ADUs could be added by proposed zones. The team will present a range of potential alternatives to P&Z and Council during the October 2022 Work Sessions and ask for guidance on how to move this particular issue forward.
Rentals		The use category of boardinghouse has been removed from all three module iterations. In practical fact there are dozens, if not hundreds, of de-facto boardinghouses with rooms rented to unrelated individuals with access to common area of a home. Similar to the issues raised by short term rentals, the rights of room tenants and obligations of landlords are ambiguous and without objective standards. These de-facto boardinghouses serve a significant number of individuals who may not have experience or resources to know or defend their rights.		Long-term and short-term rental regulations are outside of the scope of this Chapter 16 Development Code update.

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
		<p>While I don't feel that County intervention in the form of zoning requirements or licensing schemes would be productive at this juncture, it seem reasonable that a bill or rights and obligations of renters and property owners might constructively be adopted to allow all parties to have a clear set of rights and obligations and an opportunity to avail themselves of the magistrate (small claims) court to support and defend their rights. I realize this will be outside the scope of the Development Code, but I believe it a worthwhile provision.</p>		
		<p>Under current procedures, the Planning and Zoning Commission is required to hold a public hearing to approve every development for any use in the downtown or mixed-use district. (16-152 of the current Development Code)</p> <p>However, on p. 41 of Module 3, concerning downtown Los Alamos, it says</p> <p>2-3(B)(III)(3) REVIEW/APPROVAL PROCEDURES</p> <p>Any multi-family, mixed-use, or non-residential development projects under 50,000 square feet or that contain 50 or fewer dwelling units that meet the development standards outlined in Section 2-3(B)(III)(4) may be reviewed and approved administratively by the Community Development Director.</p> <p>Our comment: It is reasonable to establish a minimum size for commercial projects requiring a public hearing. However, in our small county, the proposed size seems too large. We suggest that review by the Planning and Zoning Commission be required for projects larger than 10,000 square feet or 10 dwelling units.</p>	<p>Revised 2-3(B)(III)(3) REVIEW/APPROVAL PROCEDURES</p> <p>Any multi-family, mixed-use, or non-residential development projects under <del>50,000</del>25,000 square feet or that contain <del>50</del>25 or fewer dwelling units that meet the development standards outlined in Section 2-3(B)(III)(4) may be reviewed and approved administratively by the Community Development Director.</p>	<p>No consensus has been reached on this particular standard. We have received additional input to reduce these numbers by half, so 25,000 or 25 dus, as well as completely eliminate it. This particular standard will be discussed in more detail during the October 2022 Work Sessions with the P&amp;Z and Council where the team will request guidance on how to deal with this particular issues.</p>
		<p>We also noted an apparent inconsistency in the procedure for White Rock.</p> <p>On p. 34:</p> <p>2-3(B)(II)(3) REVIEW/APPROVAL PROCEDURES</p> <p>Multi-family, mixed-use or non-residential development projects under 50,000 square feet or that contain 50 or less [should say "fewer"] dwelling units that meet the development standards outlined in Section 2-3(A)(I) may be reviewed/approved by the administrative site plan approval pursuant to Section 5-3(A)(VII).</p> <p>There are a couple of problems here.</p> <p>Section 2-3(A)(I) establishes the standards for the RA (residential agricultural) Zone.</p> <p>Section 5-3(A)(VII), on p. 174, pertains to "Minor Site Plan Amendments." We do not see where the procedure for the initial review for a development in White Rock is explained.</p>	<p>Revised 2-3(B)(III)(3) REVIEW/APPROVAL PROCEDURES</p> <p>Any multi-family, mixed-use, or non-residential development projects under <del>50,000</del>25,000 square feet or that contain <del>50</del>25 or fewer dwelling units that meet the development standards outlined in Section 2-3(B)(III)(4) may be reviewed and approved administratively by the Community Development Director.</p>	<p>No consensus has been reached on this particular standard. We have received additional input to reduce these numbers by half, so 25,000 or 25 dus, as well as completely eliminate it. This particular standard will be discussed in more detail during the October 2022 Work Sessions with the P&amp;Z and Council where the team will request guidance on how to deal with this particular issues.</p>

Module 3 Public Comments			
Topic	Applicable Code Section	Comment	Response
		The White Rock procedures should align with those of Los Alamos.	