



County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

Agenda - Final Community Development Advisory Board

*John Gustafson, Chair; Robert Day; Brandi Engeman; David
Hanson; Peter La Delfe; Allen McPherson; Anne Marie Solomon,
Members*

Monday, May 16, 2022

5:30 PM

Zoom

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Webinar ID: 837 8111 5274

I. ADMINISTRATIVE ACTIONS

- A. Call to Order/Introductions
- B. Approval of Today's Agenda
- C. Review/Approval of Meeting Minutes

[15934-22](#) Approval of Minutes - March 21, 2022

Presenters: John Gustafson, Chair of the Community Development
Advisory Board

Attachments: [A. Draft Minutes for March 21, 2022](#)

- D. Public Comment for Items Not on the Agenda

II. PRESENTATIONS AND DISCUSSION ITEMS (Action May be Taken on These Items)

- A. Neighborhood Specific Code Requirements
- B. Storage for Recreational Vehicles - County's Role

C. Community Development Dept. Website

D. Quantification of Code Requirments

E. Statement of Purpose (Preamble)

[15927-22](#) Statement of Purpose

Presenters: John Gustafson, Chair of the Community Development
Advisory Board

Attachments: [A. Draft Statement of Purpose](#)

F. CDAB Role in County - Citizen Complaints

G. Review of Cases

H. Work Group Reports

1. Public Outreach and Communication

2. Consultant Communication

3. Code Revisions and Updates

[15928-22](#) Working Group Recommendations

Presenters: John Gustafson, Chair of the Community Development
Advisory Board

Attachments: [A. Working Group Recommendations](#)

III. REPORTS AND UPDATES

A. Chair Report

B. Board Liaison Reports

C. Council Liaison Report

D. Staff Report

IV. PUBLIC COMMENT

V. NEXT MEETING(S)/FUTURE AGENDA ITEMS

VI. ADJOURN

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.



County of Los Alamos

Staff Report

May 16, 2022

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters: John Gustafson, Chair of the Community Development Advisory Board

Legislative File: 15934-22

Title

Minutes from the Community Development Advisory Board Meeting on March 21, 2022.

Recommended Action

I move that the Board approve the Minutes for March 21, 2022

Attachments

A - Draft Minutes for March 21, 2022

DRAFT MINUTES
**Community Development
Advisory Board**



March 21, 2022 – 5:30 P.M. Zoom

I. ADMINISTRATIVE ACTIONS

Members Present: John Gustafson, Chair, David Hanson, Vice Chair, Robert Day, Allen McPherson, Peter La Delfe, Anna Marie Solomon, Brandi Engeman

Council Liaison Present: Councilor David Reagor

Staff Present: Bryce Ternet, Staff Liaison; Adrienne Lovato, Administrative Support; Katie Thwaites, Assistant County Attorney; Paul Andrus, CDD Director, Andrea Salazar, CDD

A. Call to Order

Chair Gustafson called the meeting to order at 5:31 pm and a quorum was present.

B. Approval of Agenda

Member Day moved to approve the agenda as submitted. Member La Delfe seconded, and the motion passed unanimously.

C. Approval of Minutes – February 8, 2022

Chair Gustafson requested an edit be made to the Working Group Report. Member Day moved that the minutes be approved as amended and Member McPherson seconded. Motion passed unanimously.

E. Public Comment for Items Not on the Agenda

There was no public comment.

II. Action Items

A. Staff Proposal to Cancel April 2022 Monthly Meeting

Adrienne Lovato, CDD Staff Support, requested that the Board cancel the April 2022 monthly meeting due to the scheduling conflicts with budget hearings.

Chair Gustafson moved that the April 2022 meeting be cancelled and Member La Delfe seconded. Motion passed unanimously.

B. Meeting Format

After discussion the Board agreed to conduct meetings via hybrid beginning in May.

III. Presentations and Discussion (action may be take on these items)

A. Response to DPS Technical Code Review and Proposed Updated Code Structure

Board members discussed key elements of the code revision and determined that the best path forward would be to create a working group to address the Board concerns with the revisions. The working group will be Member Engeman, Member Hanson and Member La Delfe. All Board members are requested to review the DPS Code revisions and structure and email their comments to the working group members. This item will be on the agenda in May for further discussion.

B. Discussion on Preamble to Chapter 18

The Board discussed the draft preamble text that Member Hanson presented. They all agreed that a preamble is needed but there was some concern regarding the language. Chair Gustafson and Member Hanson will work on the language and bring back another draft to the May meeting.

C. Anonymity of Complaints

Member Hanson brought up the concern of anonymity when citizens make a complaint through the website. He would like for the citizens to be able to make a complaint and request to be contacted in order to know what is happening with their complaint or to provide additional information regarding the complaint, but not to have their name show up in any public information requests. Staff explained that citizens can search the Citizen Self Service Portal at any time to see the status of any code case or permit in our system.

D. Quantification to the Code

Chair Gustafson asked the Board members to look at areas of the code that would benefit with hard numbers. He discussed quantification versus subjectiveness.

E. Review of CDD Website

Member Hanson suggested that each Board member go to the CDD website and submit a complaint on their own property as a test to see how easy or hard it is to navigate through the process. He also would like the members to think about what information they would like to see included or not included on the website. This item will be on the May agenda for further discussion.

F. Review of Cases

Member McPherson suggested that all the Board members take time to look at each of the monthly cases and report on ones they have concerns about. He asked a question regarding issues with violations in backyards and staff addressed his question.

G. Working Group Reports

1. Public Outreach and Communication

Chair Gustafson reported that the group met, and they have come up with action items to work on. They intend to start up communications again which could include the monthly report data.

2. Consultant Communication Group

Bryce stated that DPS will be presenting an update on the Chapter 18 revisions to Council at the April 5th meeting. A draft of the Chapter 18 update should be available for review at the May CDAB meeting.

IV. Reports and Updates

A. Chair Report

Chair Gustafson reported that he has had another citizen contact him regarding a list of services however this person was looking for a handyman.

Chair Gustafson attended the Boards and Commissions luncheon on March 17th.

Chair Gustafson has been uploading documents that he feels would be useful to the current Board members and future Board members onto the Teams site. One of the documents on the Teams site is the Path Forward document that was created by a past Councilor and the CDAB Board at the time. He suggested that everyone on the Board review that document.

B. Board Liaison Reports

Environmental Sustainability Board – Member McPherson stated that he has emailed the Board Chair and Vice-Chair and he plans on attending the next meeting.

Planning and Zoning Commission – Member Day reported that the Planning and Zoning Commission has not had a meeting.

C. Council Liaison Report

Councilor Reagor once again stressed the need for storage in the community. He also explained that he has noticed that since the County has switched to the new system, many of his events on his calendar have disappeared.

H. Staff Report

Mr. Ternet stated the Planning and Zoning Commission will meet on March 23rd to hear a case on a Pet Care Facility in White Rock.

IV. Public Comment

None

V. Next Meeting (s) Future Agenda Items

The next meeting will be on Monday, May 16, 2022, at 5:30pm

VI. Adjourn

The meeting was adjourned at 7:27pm

Approved

John Gustafson, Chair

Date



County of Los Alamos

Staff Report

May 16, 2022

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters: John Gustafson, Chair of the Community Development Advisory Board

Legislative File: 15927-22

Title

Statement of Purpose (Preamble)

Attachments

A. Draft Statement of Purpose

Los Alamos County has established in its Municipal Code requirements to help ensure the health, safety, and quality of life of our community. Many of these requirements focus on the maintenance of buildings and grounds of residential and commercial properties. While issues that directly affect the health and safety of residents have the highest priority, deficiencies in property maintenance that affect the quality of life of neighbors and the community as a whole are also regulated. Code violations can be so severe that they reduce the desirability and value of property. Dead shrubs or trees and yards overgrown with weeds can pose a fire hazard and at times a safety hazard to pedestrian traffic. Inoperable vehicles and inappropriate outdoor storage of items can not only affect the appearance of a neighborhood but potentially interfere with emergency responders. Los Alamos County regularly inspects residential and commercial properties and welcomes input from community members reporting possible code violations. Health, safety, and quality of life considerations should not be confused with aesthetics, i.e. something whose characteristics are pleasing to the senses.

DPS Draft Statement of Purpose

Sec. 18-1 Purpose

The purpose of the Chapter 18 Article II Nuisances is to protect the County's residents from threats to health, safety, and welfare that result from nuisances, as defined within this Article, and to identify and provide a means to abate specified nuisance conditions that, if permitted to continue, will cause substantial diminution of the enjoyment and use of affected properties. This Article establishes minimum standards governing the maintenance and conditions of property and structures that will:

1. Protect public health, safety, and welfare insofar as they are affected by the continued maintenance of structures and premises.
2. Promote life safety by reducing fire hazards and unsanitary conditions.
3. Prevent interference with the safe passage or use of any public rights-of-way, sidewalk, or other public facility.



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May 16, 2022

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Index (Council Goals):

Presenters: John Gustafson, Chair of the Community Development Advisory Board

Legislative File: 15928-22

Title

Working Group Recommendations

Attachments

A. Working Group Recommendations

Working Group Position Paper

Sidewalk Rationale

Member Perspective A

Sidewalks are maintained for the benefit of pedestrians, e.g. adults or children walking or jogging, children riding tricycles or scooters, people pushing baby carriages. They have the expectation that they can use the entire sidewalk with minimal risk of injury or inconvenience. Bushes with thorns (e.g. rose bushes or Russian olive), shrubs with sharp branches or twigs and fences or decorations that they can reasonably come in contact with are a potential source of injury. To ensure that these conditions are met, the county requires that all plants and other objects are maintained well outside the sidewalk edge. Since pollen from some noxious weeds such as rag weed pose a health issue for people with asthma, property owners are required to control the growth of these weeds. This may be necessary even before the plants reach a height of 18”.

In the current version of Section 18, there is no ordinance that addresses the drop-off at the edge of sidewalks. This should be corrected in the re-write to provide specific limits, e.g. 3”.

We feel that the following provisions in the existing code support these conclusions:

Sec. 18-33. - Responsibility.

(b) It is a violation of this chapter if the owner, agent, tenant, occupant, or person in charge of any property or premises fails to keep the public way or right-of-way, setbacks or sidewalks abutting or adjoining their property or premises clear and free of any public nuisance including weeds, as defined in section 18-42, trees, shrubs, limbs, other obstructions that prohibits or interferes with the safe use and travel of pedestrians over, through or on the public way or right-of-way, setbacks or sidewalk.

Sec. 18-42. - Weeds, brush piles, refuse and rubbish.

(d) No owner or occupant of any property shall allow any hedge, shrub, tree or other vegetation, or any part thereof, to overhang, extend or protrude into any street, sidewalk, or public right-of-way in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon.

Member Perspective B

18-33 already covers everything we could possibly encourage from homeowners. We could remove the language surrounding "nuisances" in general and throughout the code, simply because it is one of those words that's moved so far away from its origins (harm or injury) and into something that means simply "annoyance" in modern language that it is inappropriate for a code that is striving to be less subjective.

Regarding airborne particles or allergens: If we start limiting what people can grow and maintain in their yards based on allergies, asthma and other health issues of that nature, we will be opening the door to elimination of all plant-based landscaping. It's simply too broad a scope.

As for brushing up against plants or thorny bushes, there is plenty of language encouraging homeowners to keep public right of ways clear. The problem seems to be most prevalent in older neighborhoods where sidewalks are not up to ADA compliance and this is an issue that should be addressed by the county before we create additional burdens on tenants and homeowners.

Outdoor Storage Rationale

Member Perspective A

A storage nuisance includes collections of items that appear to be damaged, unusable or inappropriate for outdoor storage, especially if they are in a disordered pile that is visible from the street or sidewalk. The county recognizes that some high-density residential properties have less storage space than single family

dwellings, necessitating the use of carports for storage in some instances. The existing code doesn't provide any exceptions for this however.

Member Perspective B

"Items that appear to be damaged, unusable or inappropriate" is all subjective. We cannot put each citizen through a burden of proof test every time someone considers their collection of materials an eyesore or annoyance. They may have a project in mind for those items, but even if they don't they should not have to prove such intent to store materials for future use unless said materials are indeed found to be immediately hazardous to the health of the surrounding environment (inappropriately stored chemicals, for example). This goes for carports as well. Although it may not be attractive to see stored materials in an open carport, if those materials are not a health or safety hazard as laid out in the fire, environmental safety, or building codes for our county or state, we should not wish to create additional burdens on those who have no other storage options on their property. This would be, in my opinion, a violation of the "bundle of rights" regarding property ownership that local governments should be careful not to violate. (The rights to possess, control, exclude access to and dispose of property).

Regarding inoperable vehicles, the numbers feel arbitrary. Vehicles on someone's property may actually be a future resource for the person who owns it.

Storage of RV's and Construction Equipment Rationale

Member Perspective A

The county recognizes that the availability of land for storage of private vehicles and equipment is very limited. However, action by the county to alleviate this problem is complicated by the New Mexico Anti-Donation Statute.

Member Perspective B

We have established there is a need for RV storage. Beyond that, this seems to be something that should be addressed by county staff as far as placement, pricing, etc. I do not endorse a plan to require anyone who owns an RV to remove it from their personal property and store it in a county or privately owned storage facility. RVs that block sight lines or create other traffic safety issues should be addressed, but I do not know the right answer for how to move those if space is an issue at the owner's property.