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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 Sombrillo 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 Sombrillo Nursing Home, located at 1011 Sombrillo Ct, is currently zoned R-3-H (current zoning map is located here: https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_6435726/File/I Want To/Find Property Info - GIS Mapping/Zone_TS78x36_20190515.pdf). 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 renaming 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: https://www.arcgis.com/home/webmap/viewer.html?webmap=911bcb06a09c482ba02392852869994e&extent=-106.3448,35.8676,-106.218,35.9245
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

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				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(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.		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(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 exemption section for Outdoor Lighting has been revised to remove construction lighting, emergency lighting, and special event lighting.
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."	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.

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			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."	
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.		EMCs will be regulated by Section 4-8(F)(IV) within the Signage Section.
General		Thank you for changing "permissive" to "permitted" in the text. (I see that the wrong word is still used in the responses to comments.)		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 Developme nt	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.		

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Use Specific Standards	3-2(A)(IV) Co-housing	Also Page 74, 3-2(A)(IV) DWELLING,CO-HOUSINGDEVELOPMENT 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 MFRL-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, ~~or~~ research, or 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.

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		stay for work weeks I suggest the definition of Dormitory in Section 16-6-2 read: *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 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.		
Manufactured homes	3-1(D) Permitted Use Table Part 16-6 Definitions	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. a. 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 "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." b. It might also be appropriate to define manufactured home separately from its exclusion in the definition of Mobile Home under Section 16-6-2. c. 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.	Revise Permitted Use Table to include Dwelling, Manufactured Home as permitted in the MFR-L, MFR-M, MFR-H, and MU zone districts. 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."	Language revised to allow manufactured home in the same residential zone districts as single-family dwellings and to add a definition of manufactured homes.

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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.	Revised reference to refer to Part 16-4 Development Standards.	
		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).		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.

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		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.		
		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) However, on p. 41 of Module 3, concerning downtown Los Alamos, it says 2-3(B)(III)(3) REVIEW/APPROVAL PROCEDURES 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. 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.	Revised 2-3(B)(III)(3) REVIEW/APPROVAL PROCEDURES Any multi-family, mixed-use, or non-residential development projects under ~~50,000~~ 25,000 square feet or that contain ~~50~~ 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.	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&Z and Council where the team will request guidance on how to deal with this particular issues.
		We also noted an apparent inconsistency in the procedure for White Rock. On p. 34: 2-3(B)(II)(3) REVIEW/APPROVAL PROCEDURES 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). There are a couple of problems here. Section 2-3(A)(I) establishes the standards for the RA (residential agricultural) Zone. 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.	Revised 2-3(B)(III)(3) REVIEW/APPROVAL PROCEDURES Any multi-family, mixed-use, or non-residential development projects under ~~50,000~~ 25,000 square feet or that contain ~~50~~ 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.	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&Z and Council where the team will request guidance on how to deal with this particular issues.

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		The White Rock procedures should align with those of Los Alamos.		