



County of Los Alamos

Los Alamos, NM 87544
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Minutes

County Council – Special Session

Randall Ryti, Council Chair, Denise Derkacs, Council Vice-Chair,
Melanee Hand, David Izraelevitz, Keith Lepsch, David Reagor, and Sara Scott,
Councilors

Wednesday, November 30, 2022

6:00 PM

Council Chambers – 1000 Central Avenue
TELEVISED

1. OPENING/ROLL CALL

The Council Chair, Randall Ryti, called the meeting to order at 6:00 p.m.

Councilor Izraelevitz joined the meeting in person during Item 3 at 6:05 p.m.

Councilor Lepsch joined the meeting in person during Item 4 at 6:10 p.m.

The following Councilors were in attendance:

Present: 5 - Councilor Ryti, Councilor Derkacs, Councilor Scott, Councilor Reagor, and Councilor Hand

Remote: 2 - Councilor Reagor and Councilor Lepsch

2. PLEDGE OF ALLEGIANCE

Led by: All.

Council Chair Ryti made opening remarks regarding the procedure of the meeting.

Ms. Linda Matteson, Deputy County Manager, listed the County employees in attendance via zoom.

3. PUBLIC COMMENT

Ms. Ellen Walton commented on previous Los Alamos County actions.

APPROVAL OF THE AGENDA

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that Council approve the agenda as presented.

The motion passed with the following vote:

Yes: 6 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, and Councilor Scott

Absent: 1 - Councilor Lepsch

4. PUBLIC HEARING(S)

- A.** Incorporated County of Los Alamos Ordinance No. 02-333. An Ordinance Repealing and Replacing in Its Entirety the Text of Chapter 16, "Development Code"

Council Chair Ryti outlined the procedures for the hearing.

Mr. Paul Andrus, Community Development Director, spoke
Mr. Will Gleason, Dekker/Parich/Sabitini, Principal Urban Planner, presented.
Ms. Jessica Lawlis, Dekker/Parich/Sabitini, Urban Planner, presented.
Mr. Geoff Rodgers, Airport Manager, spoke.
Mr. Christopher Ross, Police Sargent, spoke.
Ms. Sobia Sayeda, Acting Planning Manager, spoke.
Mr. Juan Rael, Public Works Director, spoke.
Mr. Steven Lynne, County Manager, spoke.
Ms. Katie Thwaites, Deputy County Attorney, spoke.

Public Comment:

Mr. Philip Gursky spoke.
Ms. Lisa Reader spoke.
Mr. Charles Richardson spoke.
Mr. Christopher Ross spoke.
Ms. Lisa Shin spoke.
Mr. Galen Gisler spoke.
Mr. Didier Saumon spoke.
Ms. Wendy Staples spoke.
Ms. Stephanie Nakleh spoke.
Ms. Margaret Dare spoke.
Ms. Barbara Calef spoke.
Mr. John Courtright spoke.

RECESS

Councilor Ryti called for recess at 8:09 p.m. The meeting reconvened at 8:31 p.m.

Additional Document Cleanup Items 1-13

A motion was made by Councilor Scott, that Council amend Incorporated County of Los Alamos Ordinance No. 02-333; an Ordinance Repealing and Replacing in its Entirety the Text of Chapter 16, "Development Code", and amendments under Additional Cleanup items 1,2, 3, 4, 5, 6, 7, 8, 9, 11, 12, and then 13 modified to read DTLA add revised row F to include primary building height south of Trinity to a max height of 45 feet and a maximum height of 86 feet everywhere else.

Councilor Reagor offered the following FRIENDLY AMENDMENT to the motion: to add Additional Cleanup Item 10. It was accepted.

Councilor Scott restated the motion as follows, that Council amend Incorporated County of Los Alamos Ordinance No. 02-333; an Ordinance Repealing and Replacing in its Entirety the Text of Chapter 16, "Development Code", as an initial set of amendments the items listed under Additional Document Cleanup 1-13 with 13 to read Table 16 DTLA add revised Row F to include primary building height south of Trinity drive to a max height of 45 feet and a maximum height of 86 feet everywhere else as an initial set of amendments this motion will be added to using the words "I further move" and add additional amendment until the end of the motion we will clarify that we have added no more amendments for consideration at this subsequent hearing regarding Chapter 16.

Councilor Derkacs offered the following FRIENDLY AMENDMENT to the motion: to remove the text of item 13 from the motion.

After additional clarification, the following amendment was offered:

Councilor Derkacs offered a FRIENDLY AMENDMENT: to shorten the motion, removing the text of item 13, as corrections will be considered as recommended actions. It was accepted.

After further discussion, the following motion was reaffirmed and voted on.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that Council amend Incorporated County of Los Alamos Ordinance No. 02-333; an Ordinance Repealing and Replacing in its Entirety the Text of Chapter 16, "Development Code", as an initial set of amendments of Additional Document Cleanup 1-13 and this motion will be added to using the words "I further move" to add subsequent amendments that will be voted upon at the December 13th Council meeting.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, Councilor Lepsch, and Councilor Scott

Planning and Zoning Recommendations 2 and 3

A motion was made by Councilor Scott, seconded by Councilor Hand, to further move that amendments described as the Planning and Zoning recommended Changes 1-4 be included in the update and considered and voted on at the December 13th Council meeting.

Councilor Izraelevitz offered the following FRIENDLY AMENDMENT to the motion: to do changes 2-4 and then reconsider #1. It was not accepted.

Councilor Derkacs offered the following FRIENDLY AMENDMENT to the motion: that Council limit approval to #2 and #3 and to discuss #4. It was accepted.

After further discussion Councilor Izraelevitz withdrew his FRIENDLY AMENDMENT.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, Councilor Lepsch, and Councilor Scott

Additional Document Cleanup Item 14

A motion was made by Councilor Scott, seconded by Councilor Hand, to further move that amendment #14 be considered and voted on at the December 13th Council meeting.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, Councilor Lepsch, and Councilor Scott

Additional Document Cleanup Item 16

A motion was made by Councilor Scott, seconded by Councilor Derkacs, to further move that item #16 be considered and voted on at the December 13th Council meeting.

After further discussion Councilor Scott withdrew her motion.

Additional Document Cleanup Item 17

A motion was made by Councilor Scott, seconded by Councilor Derkacs, to further move that amendment #17 be considered and voted on at the December 13th Council meeting.

After further discussion Councilor Scott withdrew her motion.

Additional Document Cleanup Item 18

A motion was made by Councilor Scott, seconded by Councilor Hand, to further move that amendment #18 under the Additional Document Cleanup section be considered and voted on at the December 13th Council meeting.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, Councilor Lepsch, and Councilor Scott

Outdoor Lighting

A motion was made by Councilor Scott, seconded by Councilor Reagor, to further move that Council consider section 16.50 Dimming in the context of available tools and safety and pursue additional research to find alternatives that could be implemented.

After further discussion Councilor Scott withdrew her motion.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the Outdoor Lighting Amendment 1 be considered and voted on at the December 13th Council meeting.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, Councilor Lepsch, and Councilor Scott

Planning and Zoning Recommendation 4

A motion was made by Councilor Scott, seconded by Councilor Derkacs, to further move that item 4 under the Planning and Zoning recommendations be considered and voted upon at the December 13th Council meeting.

After further discussion Councilor Scott withdrew her motion.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, to further move that Planning and Zoning recommendation #4 with a maximum lot coverage of 50 percent be considered and voted on at the December 13 Council.

Councilor Hand offered the following FRIENDLY AMENDMENT to the motion: that Council go back to the original motion regarding recommendation #4. It was accepted.

The AMENDED motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, Councilor Lepsch, and Councilor Scott

Planning and Zoning Recommendation 1

A motion was made by Councilor Scott, seconded by Councilor Derkacs, to further move that amendment Change 1 from the Planning and Zoning recommendations be considered and voted on at the December 13th Council meeting.

After further discussion Councilor Scott withdrew her motion.

A motion was made by Councilor Scott, seconded by Councilor Reagor, to further move that recommend amendment Change 1 from the Planning and Zoning modified to only increase 50 percent in the Downtown Los Alamos area but remain 25 percent in the MU and WRTC areas be considered and voted upon at the December 13 Council meeting.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, Councilor Lepsch, and Councilor Scott

Parking Alternatives

A motion was made by Councilor Scott, seconded by Councilor Hand, to further move that amendment 1 under Parking alternatives be considered and voted on at the December 13th Council meeting.

After further discussion Councilor Scott withdrew her motion.

A motion was made by Councilor Scott, seconded by Councilor Reagor, to further and finally move that item 3 under parking alternatives in addition to Planning and Zoning recommendation be considered and voted upon at the December 13th Council meeting.

The motion passed with the following vote:

Yes: 7 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Izraelevitz, Councilor Reagor, Councilor Lepsch, and Councilor Scott

Public Comment:
Mr. Philip Gursky spoke.

5. PUBLIC COMMENT

None.

6. ADJOURNMENT

The meeting adjourned at 10:56 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Randall T. Ryti, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed by: Ubaldo Barela, Deputy Clerk

November 30, 2022, County Council – Special Session

For DAIS

4. PUBLIC HEARING

A. OR0966b Incorporated County of Los Alamos Ordinance No. 02-333. An Ordinance Repealing and Replacing in Its Entirety the Text of Chapter 16, "Development Code"

Revised Recommended Action:

I move that Council amend Incorporated County of Los Alamos Ordinance No. 02-333; an Ordinance Repealing and Replacing in its Entirety the Text of Chapter 16, "Development Code", as an initial set of amendments of Additional Document Cleanup 1- 13 and this motion will be added to using the words "I further move" to add subsequent amendments that will be voted upon at the December 13th Council meeting. (Motion passes 7-0)

I further move that amendments described as Planning and Zoning recommended Changes 2-3 be considered and voted on at the December 13th Council meeting (Motion passes 7-0)

I further move that amendment described in Additional Document Cleanup #14 be considered and voted on at the December 13th Council meeting. (Motion passes 7-0)

I further move that amendment described in Additional Document Cleanup #16 be considered and voted on at the December 13th Council meeting. (WITHDRAWN)

I further move that amendment described in Additional Document Cleanup #17 be considered and voted on at the December 13th Council meeting. (WITHDRAWN)

I further move that amendment described in Additional Document Cleanup #18 be considered and voted on at the December 13th Council meeting. (Motion passes 7-0)

Outdoor lighting amendment was changed.

I further move that Outdoor Lighting amendment 1 be considered and voted on at the December 13th Council meeting. (Motion passes 7-0)

I further move that amendment described as Planning and Zoning recommended Change 4 be considered and voted on at the December 13th Council meeting.
(Motion passes 7-0)

I further move that amendment described as Planning and Zoning recommended Change 1 be considered and voted on at the December 13th Council meeting.
(WITHDRAWN)

I further move that amendment described as Planning and Zoning recommended Change 1 modified to only reduce 50% in DTLA but 25% in MU and WRTC be considered and voted on at the December 13th Council meeting. (Motion passes 7-0)

I further move that amendment described as “Parking alternatives in addition to P&Z recommendations” #1 be considered and voted on at the December 13th Council meeting. (WITHDRAWN)

I further and finally move that amendment described as “Parking alternatives in addition to P&Z recommendations” #3 be considered and voted on at the December 13th Council meeting. (Motion passes 7-0)

Parking alternatives in addition to P&Z recommendations:

- 1) Multi-family parking requirements to be reduced to 1 space per unit in all mixed use districts.
- 2) Retail parking requirements including medical offices and food & beverage to be reduced to 2 spaces per 1000 in all mixed use districts.
- 3) Increase shared parking reduction in Table 29 for all instances of multi-family shared with food & beverage / recreation & entertainment and retail sales from 15 to 20%

P&Z Recommendation #1: Reintroduce allowances for developments within mixed-use districts to reduce minimum off-street parking requirements per the applicable parking reductions by a maximum of fifty percent.

Outdoor Lighting

- 1) Add amortization schedule to section 16-50(b) Dimming.

Additional Document Clean-up

- 1) Revise 2-3(B)(I)(1) MU ZONE DISTRICT STANDARDS number 2. to read “Minimum common open space shall be provided per any applicable standards for the residential uses provided on site pursuant to Use-Specific Standards in Section 3-2(A) may be reduced by 50 percent.
- 2) Revise Group Care Facility definition to read “Any congregate residence or facility which provides room and board, programmatic services, care or assistance for persons that meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended).”
- 3) Revise Group Residential Facility definition to read “Any congregate residence or facility which provides room and board, programmatic services, care, or assistance for persons in the criminal justice system or residential facilities to divert persons from the criminal justice system or persons who require such services by reason of the effects of current alcohol or drug abuse”.
- 4) Revise Assisted Care Facility to read “A facility that provides a combination of housing, supportive services, personalized assistance, and health care services designed to respond to the individual needs of those who need help with activities of daily living. Such facilities may include separate bedrooms or living quarters, a central or private kitchen, dining, recreational, and other residential accessory uses. The use does not include a "Hospital" or a "Group Residential Facility".
- 5) Add new definition of Family to read “See Household”.
- 6) Add new definition of Guest House to read “A separate, independent accessory structure located on the same lot as a primary single-family residential dwelling that does not contain a kitchen as defined by this code.”
- 7) Add new definition of Guestroom per existing code to read “A room in a residential dwelling, having no kitchen, for the occupation by one or more guests”.
- 8) Add definition of Guest per existing code to read “A social visitor or any person hiring or occupying a room for living or sleeping purposes.”
- 9) Add new definition of Household to read “One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or motel, Assisted Care Facility, Dormitory, Group Care Facility or Group Residential Facility house.”
- 10) Change 4-2(C)(VI)(1) SIDEWALKS to C) 3 “3. Sidewalks are not required on local streets in the RA and RE zone districts or in steep-slope areas where sidewalks on 1 side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems according to the County Engineer.”
- 11) Change table 26 to conditionally allow assisted care facilities in the RA, RE, SFR, RM zone districts.

- 12) Add the golf course and the canyons in the properties that need evaluation of zoning category during the post adoption zone change evaluation.
- 13) Table 16 DTLA: revise row “F” to include primary building height south of Trinity to a max height of 45’ and a maximum height of 86’ for everywhere else. (Note: ongoing projects will be based on the current code.)
- 14) Revise 16-15 E-1 to read “a minimum common open space of 10 percent of the net site area shall be designated and permanently reserved as usable common open space” and strike 16-15 E-2.
- 15) Western area front setbacks.(retain setback at 20’)—no change
- 16) Stables to be mentioned in the exemptions to this code. Current draft calls out stables.
- 17) Allowing administrative deviations in the MRA.
- 18) Add conditional uses for self storage facilities and vehicle storage to WRTC zone.