



County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

Agenda - Final Planning and Zoning Commission

*Terry Priestley, Chair; Beverly Neal-Clinton, Vice-Chair; Melissa
Arias; Ralph Chapman; Jean Dewart; Jessie Dixon; Craig Martin;
Neal Martin; and April Wade, Commissioners*

Wednesday, September 12, 2018

5:30 PM

Council Chambers
1000 Central Avenue

1. **CALL TO ORDER/ROLL CALL**

2. **PUBLIC COMMENT**

*This section of the agenda is reserved for comments from the public
on items that are not otherwise included in this agenda.*

3. **APPROVAL OF AGENDA**

4. **PUBLIC HEARING(S)**

- A. [11148-18](#) A request for approval of application for a lot split and lot line
adjustment by summary procedure of 2142-A & 2142-B 35th St.
Approval of the application will reconfigure the two existing lots that
contain the duplex residence and will create a third vacant lot that can
be developed.

Presenters: Tamara Baer, Planning Manager

Attachments: [Staff Report for Case No. SUM-2018-0024](#)

5. **PLANNING AND ZONING COMMISSION BUSINESS**

- A. [11147-18](#) Minutes from the Planning And Zoning Commission Meeting on July
25, 2018.

Presenters: Anita Barela, Assistant Planner

Attachments: [Draft Minutes for July 25, 2018.](#)

- B. [11169-18](#) Information and Discussion
Land Conveyance and Transfer Project,
Daniel S. Pava, Project Manager

Mr. Pava will present a brief history, description and status of the
Department of Energy (DOE) land transfers to Los Alamos County.

Attachments: [B FY 2017 Land Conveyance and Transfer Annual Report.pdf](#)

6. COMMISSION/DIRECTOR COMMUNICATIONS

- A. *Department Report***
- B. *Chair's Report***
- C. *Committee Reports***
- D. *Board of Adjustment Report***
- E. *Commissioner's Comments***

7. PUBLIC COMMENT

8. ADJOURNMENT

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

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.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department Office at 505-662-8006 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

September 12, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: Tamara Baer, Planning Manager

Legislative File: 11148-18

Title

A request for approval of application for a lot split and lot line adjustment by summary procedure of 2142-A & 2142-B 35th St. Approval of the application will reconfigure the two existing lots that contain the duplex residence and will create a third vacant lot that can be developed.

Attachments

A - Staff Report for Case No. SUM-2018-0024



Los Alamos County
Community Development Department
PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: September 12, 2018
Subject: Case No. SUM-2018-0024; 2142 35th Street
Owners/Applicants: Timothy and Christian Stone, Owners & Applicants
Case Manager: Tamara Baer, Planning Manager

Case No. SUM-2018-024:

A Summary Plat application for a Lot Line Adjustment and Lot Split of existing Lots 129A & B, to create a new Lot 129C in North Community 3. The property is addressed 2142-A and 2142-B 35th Street. The two lots total 1.83± acres, approximately 79,715 square feet, and are zoned R-M (Residential mixed district). Approval of the application will reconfigure the two existing lots, each containing a single family attached residence, and create a third developable lot, fronting Urban Street.

Motion Option 1:

I move to **approve** Case No. SUM-2018-0024, lot line adjustment and a lot split of 2142-A and 2142-B 35th Street, in Los Alamos, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following condition(s):

1. ...

Motion Option 2:

I move to **deny** Case No. SUM-2018-0024, lot line adjustment and a lot split at 2142-A and 2142-B 35th Street, in Los Alamos, finding the proposal fails to meet the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, §16-154, review criteria for a Summary Plat for the following reason(s):

1. ...

SUMMARY – Process and Development Standards

Process:

The Applicants, Timothy and Christian Stone, submitted a Summary Plat application to the Community Development Department on July 27, 2018 to create one new lot through reconfiguring the boundaries of two existing lots located at 2142-A and 2142-B 35th Street in North Community. See Exhibit 4. The Los Alamos County Code of Ordinances, Chapter 16 – Development Code, (Code), Section 16-51, gives the Community Development Director authority to approve, conditionally approve or deny Summary Plat applications.

Planning Division staff reviewed the application and found it to be in full compliance with all Development Code requirements and standards. As required by Section 16-194 of the Code, Notice was sent to adjacent property owners, stating that “the request shall be approved or conditionally approved unless a written protest is received... within the ten-day notice period.” A neighbor who received Notice first called, and subsequently submitted a written objection within the ten day notice period. That correspondence is attached to this report as Exhibit 5.

Code Sec. 16-51 (c) 4., states that a Summary Plat application is referred to the Planning and Zoning Commission whenever a written protest is received. As of the publication date of this report, no other communication about this lot split has been received by the Community Development Department.

Development Standards:

All three proposed or reconfigured lots comply with the minimum lot size, lot coverage, setbacks and minimum street frontage per Code requirements for the R-M district. No Waivers are requested.

The property is zoned R-M, Residential mixed district. The Code describes the purpose of this district as follows: “The R-M residential mixed district is intended to accommodate single-family and two-family dwellings and accessory structures and uses, and is further intended to maintain and protect a residential character of development.” Both attached and detached single-family dwellings are permitted uses in the R-M district.

The duplex that straddles the two existing lots was constructed in 1948 by the Atomic Energy Commission. The area was platted and conveyed to the County in 1965. At the same time, the County created subdivisions and adopted zoning that would govern any further development. These lots are part of the North Community 3 Subdivision, which encompasses two zoning districts. The two districts are differentiated by lots with mostly duplexes in the R-M zone and with quads in the R-3-L zone.

Minimum Lot Size

The two existing lots to be reconfigured consist of Lot 129A, 11,674± square feet, and Lot 129B, 9,909± square feet. If approved, the reconfiguration will reduce Lot 129A to 6,590± square feet, and Lot 129B to 5,014± square feet, and create a new Lot 129C, which will be 10,023± square feet.

The minimum lot size in this district is 10,000 square feet for a two-family dwelling unit, and 8,000 square feet for a single-family dwelling, with exceptions to this rule.

Special development regulations apply to structures and lots that pre-date adoption of the Development Code, as is the case with this application:

Sec. 16-577. - Special district development regulations, (a) (3), states:

Where there are existing two-family dwelling structures located on R-M zoned lots on the date of adoption of this article, such structures and lots may be subdivided (lot split) without the newly created lots being required to conform to the minimum 8,000 square foot land area per dwelling unit requirement, and the two lots created by the subdivision shall be considered conforming lots. No such lot, however, shall be less than 5,000 square feet in area.

The reconfigured lots will meet the 10,000 square foot minimum for a duplex and the 5,000 square foot minimum for a single-family, constructed before 1965. The new lot will meet the current standard of 10,000 square feet for a duplex.

Lot coverage

Maximum lot coverage in the R-M district is 40%. New Lot 129A will have lot coverage of approximately 24%; 129B will have lot coverage of approximately 17%. The third lot will be vacant and lot coverage will be assessed at the time of any proposed development.

Setbacks

Minimum Setbacks in the R-M districts are: 20-feet in both the front and rear; and five (5) feet on one side lot and ten (10) feet on the other. The proposed property lines respect the required rear setback of 20 feet for the existing dwellings. Front and side setbacks are unchanged. New construction on the third lot will have to meet the minimum setbacks.

Lot frontage

The minimum lot frontage requirement in R-M is 50 feet. There will be no change to the frontage for the existing lots on 35th Street. New lots 129A and 129B with the existing duplex will have approximately 99 feet and 50 feet of frontage, respectively. Frontage of the proposed newly created lot, 129C, will be approximately 183 feet.

The proposed lot split and lot line adjustment will result in three lots, each of which will meet all Code development standards for the R-M district.

Utilities:

Sewer and electric service are currently available on the new lot to be created through this application. Water is immediately adjacent to the property in Urban. Gas is located on the south side of Urban and would need to be trenched underneath the street to serve the lot. One existing easement, containing no utilities, has been determined to be unnecessary and will be vacated. Two other easements, for sewer and electric lines, will remain. The applicant has spoken with representatives of the Utilities Department and understands that both on-site and off-site work will be needed to have full utility service to the new lot. See Exhibit 2.

IDRC

This application was reviewed by the Interdepartmental Review Committee (IDRC) on August 16, 2018, and previously through email distribution. The Committee voted eight to zero (8 to 0) to approve. The neighbor's written objection was presented and discussed at the meeting. The Traffic Engineer stated that the amount of additional traffic on Urban would be negligible. The reviewer from the Utilities Department stated in an email prior to the meeting that there were "No conditions [from DPU] on the lot split between Lots 129A and 129B." He added that, "The proposed NEW lot, 129C is encumbered by numerous easements containing active public utilities. Additionally, there are no developed utility services to the newly created lot and would need considerable utility construction work to develop it in any way."

NOTICE

Notice of this public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-192 (b), and included: U. S. mail to owners of real

property within 100 yards of the subject property; publication in the Los Alamos Daily Post, the County's official newspaper of record; and posting in the Los Alamos County Municipal Building.

Note that once the written objection was received and the case was referred to the Planning and Zoning Commission, expanded notice, as required for public hearing at P&Z, was given as stated above. No further objections or other communications were received by the Community Development Department as of the date of publication of this report.

SUMMARY PLAT REVIEW CRITERIA

Section 16-154 of the Los Alamos County Development Code states that during the course of review of any summary plat, the following approval criteria shall be utilized in rendering a determination of approval, conditional approval, or denial:

Note that all responses to criteria are by CDD staff.

(a) The development of the property shall substantially conform to the Comprehensive Plan and shall not be materially detrimental to the health, safety and general welfare of the County.

The Future Land Use Map (FLUM) adopted as part of the Comprehensive Plan shows the subject property as Medium High Density Residential. Residential land use categories represent density, or the number of dwelling units per gross acre. Medium high density, as defined in the Comprehensive Plan, is 7 to 15 dwelling units (DU) per acre.

The current density for the two lots is 4 DU/acre. With the addition of the third lot, the density for the three lots would increase to 6 DU/acre if one house were built on the new lot, and 8 DU/acre if two dwelling units were built. Density on new Lot 129A would increase to 6.6 DU/acre; and density on new Lot 129B would increase to 8.68 DU/acre. The lot split would bring all three lots closer to or into conformance with the density envisioned in the Future Land Use Map of the Comprehensive Plan.

The proposed Lot Split also conforms to the Comprehensive Plan's Housing Goal to "provide a variety of housing types, sizes and densities." Neighborhood objection to the proposed lot split has focused on another of the Comprehensive Plan's Housing Goals, which is "protect the character of existing residential neighborhoods." However, it is not clear that the addition of another single-family dwelling or duplex in this location would impair the character of the neighborhood, or be "materially detrimental to the health, safety and general welfare of the County."

(b) Both lots shall front onto an existing, dedicated and improved street.

Two lots will continue to have street frontage onto 35th Street, and the new lot will have frontage onto Urban Street. Both 35th and Urban are existing, dedicated and improved streets.

(c) Both lots and uses must meet the minimum site development parking requirements of the applicable district, as set forth in Article IX.

The lots with the existing dwellings currently meet this requirement. The vacant lot will be required to provide at least two off-street parking spaces per dwelling unit at the time of development and Building Permit review.

(d) Necessary easements shall be provided for existing and proposed utilities in an acceptable manner to the County Engineer and the Utilities Manager.

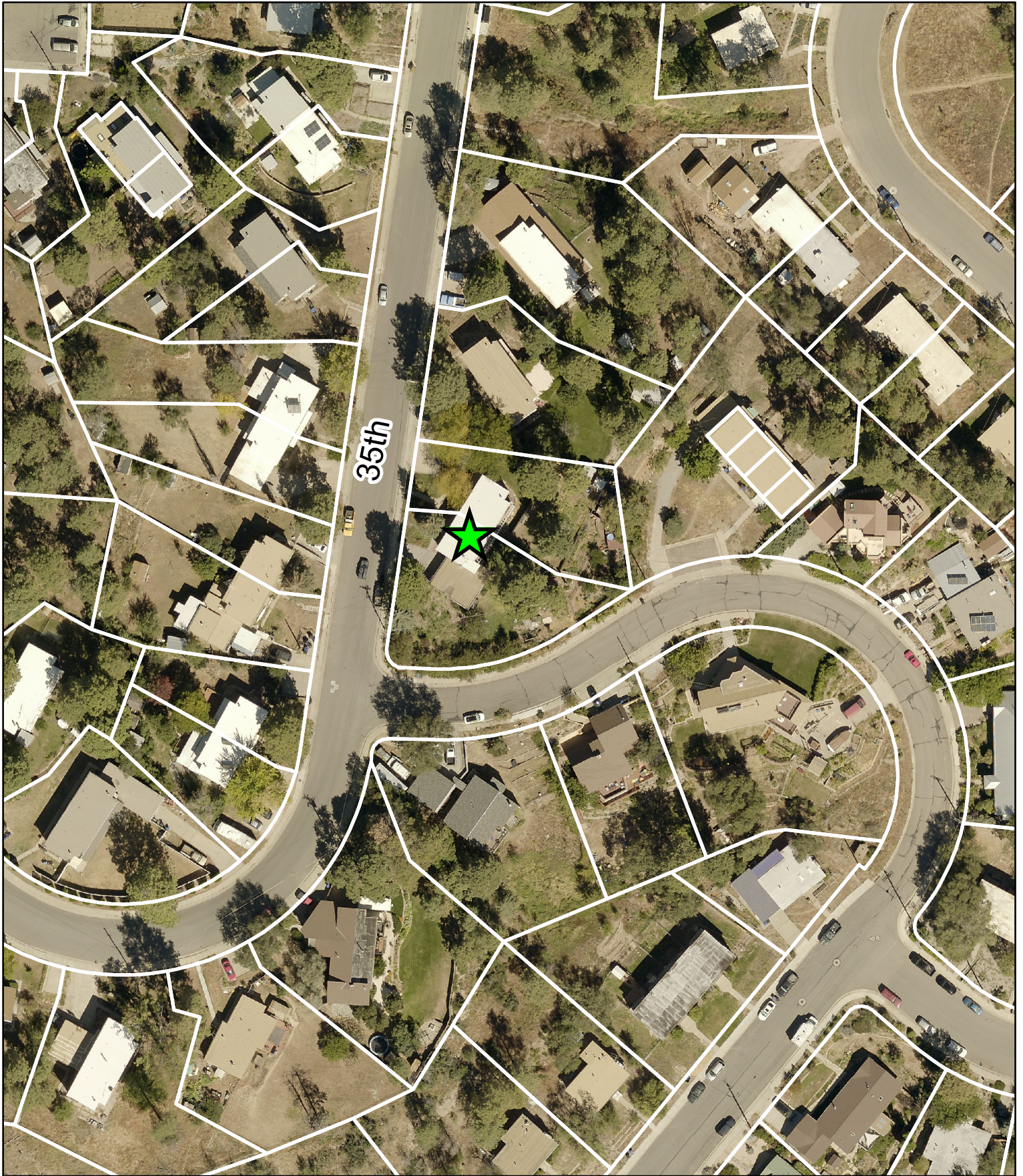
Three utility easements cross the existing lots. Two are for sewer and electric lines, and the third is an unnecessary remnant that will be vacated. The County Engineer and the Utilities Manager do not require any new easements relative to this lot split.

FINDINGS OF FACT

1. Notice of this public hearing, setting forth the nature of the request, the specific parcels of property affected, and the date, time and place of the public hearing, was announced and published in The Los Alamos Daily Post, the official newspaper of record; and property owners of real property located within 100 yards of the subject property were notified of this public hearing by U.S. mail, all in accordance with the requirements of §16-192 of the Los Alamos County Development Code.
2. The request is for a lot split and lot line adjustment of 2142 A and 2142 B, 35th Street (Lot 129A and Lot 129B, North Community 3 Subdivision), a total of 21,594± square feet (0.495± acres), zoned R-M (Residential Mixed).
3. The lot split and lot line adjustment will create Lot 129C measuring 0.23± acres and Lots 129A & 129B measuring 0.1513± and 0.1151± acres respectively, located in the North Community 3 Subdivision.
4. The proposed lots conform to all site development requirements for residential mixed districts, R-M, in the Los Alamos County Development Code, including 5,000 square foot minimum lot size and a minimum of 50 feet of street frontage.
5. Creation of the third lot will bring all three lots closer to or into conformance with the density established in the Future Land Use Map of the Comprehensive Plan.

EXHIBITS

- Exhibit 1: Vicinity, Location, and Notification Maps, and List of Property Owners within 100 Yards (300 Feet)
- Exhibit 2: Utilities
- Exhibit 3: IDRC Report
- Exhibit 4: Application and Proposed Replat
- Exhibit 5: Letter from Property Owner within the Subdivision
- Exhibit 6: Photographs of Subject Property



SUM-2018-0024
2142 35th

0 50 100 200 Feet

EXHIBIT 1



SUM-2018-0024
2142 A&B 35TH

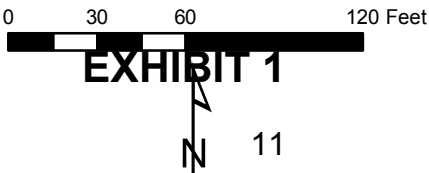
*New propsed lot shown in red.



EXHIBIT 1



2142 35th Street
300'



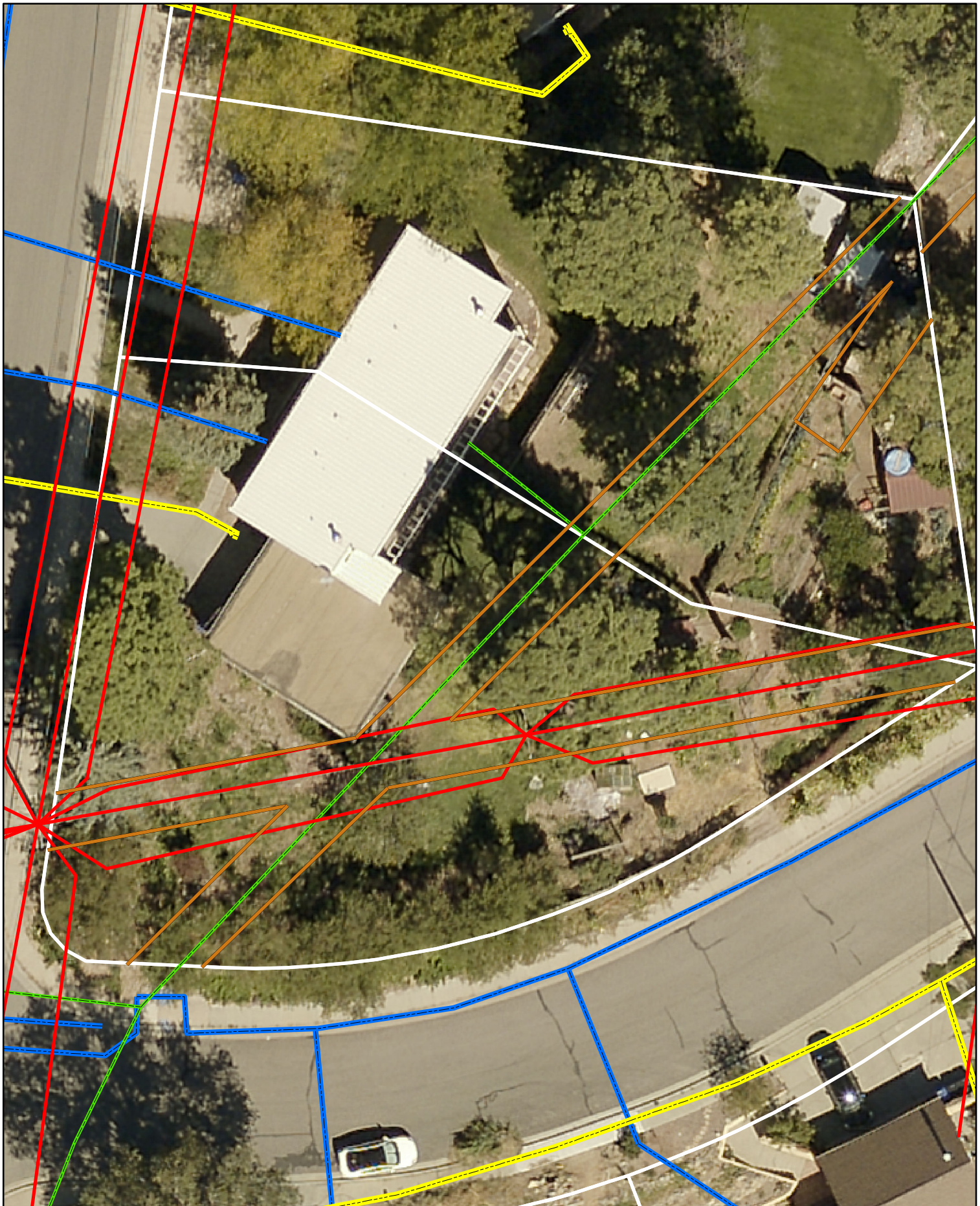
Neighbors within 300 feet

Name	Address	Citystate	State	zipcode
SCHOOLCRAFT ALBERT TRUST	128 NARA VISA NW	ALBUQUERQUE	NM	87107
NEAL TIMOTHY R & CAROL HUBER REVOC TRUST	3451 URBAN ST	LOS ALAMOS	NM	87544
LAPTEV ALEXANDER & ELENA	3463 URBAN ST	LOS ALAMOS	NM	87544
GARCIA FRED R & ANNIE A	3475 URBAN ST	LOS ALAMOS	NM	87544
LIND GARY	2130 37TH ST	LOS ALAMOS	NM	87544
HAYWARD ALLEN D & LORRAINE D REVOC TRUST	2114 35TH ST	LOS ALAMOS	NM	87544
MARTINEZ-WOODSON MICHELLE J & WOODSON BRIAN J	3419 URBAN ST	LOS ALAMOS	NM	87544
COURTRIGHT INVESTMENTS LLC	2197 LOMA LINDA DR	LOS ALAMOS	NM	87544
WILLCUTT GORDON J JR. & KATHRYN	2105 37TH ST	LOS ALAMOS	NM	87544
HOCHHALTER MELVIN B & LAURIE W	2108 35TH ST	LOS ALAMOS	NM	87544
GONZALES ANGELINA I	2035 46TH ST	LOS ALAMOS	NM	87544-1718
SCUDDER ELLEN Y	2100 35TH ST	LOS ALAMOS	NM	87544
SANCHEZ JUAN S & YVETTE M	3405 URBAN ST	LOS ALAMOS	NM	87544
APGAR STEWART A IV	2158 35TH ST	LOS ALAMOS	NM	87544
KOH AIK-SIONG & TRACY REVOC TRUST	3765 A VILLA ST	LOS ALAMOS	NM	875442569
GRANT VIRGINIA A REVOC TRUST	2150 35TH ST	LOS ALAMOS	NM	87544
LIND GARY	2130 B 37TH ST	LOS ALAMOS	NM	87544
STONE TIMOTHY B & CHRISTIAN M	2142 B 35TH ST	LOS ALAMOS	NM	87544
COBURN CHRISTEN M	646 GRAND VIEW CIR	GRAND JUNCTION	CO	81506-4884
KOSKA LEAH A MAXWELL	2123 A 35TH ST	LOS ALAMOS	NM	87544
WAMPLER LEROY S & MARY P REV TR	2140 B 37TH ST	LOS ALAMOS	NM	87544
WEHNER CRAIG J & RACHEL A	2126 B 34TH ST	LOS ALAMOS	NM	87544

EXHIBIT 1

Neighbors within 300 feet

VELUPILLAI SANTHANA M	135 MCKENZIE LN	NORTH LIBERTY	IA	52317
WIEMANN SHELLY	2162 36TH ST	LOS ALAMOS	NM	87544
LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	NM	87544
MCDOWELL D E	2135 A 35TH ST	LOS ALAMOS	NM	87544
DIGBY BARBARA A	2135 35TH ST	LOS ALAMOS	NM	87544
2164 36TH ST CONDOMINIUM	2164 36TH ST	LOS ALAMOS	NM	87544
3458 URBAN ST CONDOMINUMS	3458 URBAN ST	LOS ALAMOS	NM	87544



- Easements
 - Sewer
 - Electric
 - Water
 - - - Gas
- *Location of utility lines are approximate.

2142 35th Street

0 10 20 40 Feet

EXHIBIT 2
14



IDRC REPORT

Case: SUM-2018-0024-2142 35th

Date of Meeting: August 16, 2018

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved w conditions	Denied
M. Arellano / J. Dudziak	Building	X		X		
T. Baer /	Planning	X		X		
D. Erickson	Traffic	X		X		
P. Guerrerortiz /C.Moseley	Utilities	X	Clay made comments by email.	X		
A. Gurule / L. Martinez	Env. Serv.	X		X		
E. Martinez	PW	X		X		
J. Naranjo	Planning	X		X		
W. Servey	Fire	X		X		
OTHERS ATTENDING:						
Anita Barela	Planning	X				
Lucas Fresquez	Parks	X				
Jason Romero	PW	X	Jason suggested that a condition be the new address be placed on the plat for the new lot.			
S. Rinaldi	Fire	X				
* Blue strikethrough indicates not present at meeting.						

MOTION: D. Ericson moved and M. Arellano seconded that the case be forwarded to the P&Z Commission with a recommendation for Approval. Motion passed 8-0.

SUMMARY PLAT APPLICATION

Los Alamos County Community Development Department
1000 Central Ave, Suite 150, Los Alamos NM 87544
(505) 662-8120

Note: A Summary Plat is for the purpose of a lot split into no more than two lots in any zoning district; or for adjustment of a lot line; consolidation of no more than two lots; or a technical surveying correction.

Check all that apply:

☐ Lot Split ☒ Lot Line Adjustment ☐ Lot Consolidation ☐ Re-Plat

PROPERTY OWNER [Applications for Summary Plat may only be made by the Owner of the Property]:

Name: Timothy Brandon Stone Phone: 505 665-6741 Cell #: 505 490-1445
Please Print Christian Marie Stone

Address: 2125 33rd st. Email: stonebric@gmail.com
Owner's Mailing Address

Timothy Brandon Stone
SIGNATURE

7-27-2018
DATE

Property to be Split or Consolidated: Lots 129 A&B, North Community No. 3
2142 A&B 35th St. Los Alamos, NM 87544
Address

Zoning District: R-M Acreage: Lot 129A=0.1513 Acres Lot 129B=0.1151 Acres
Lot 129C=0.2301 Acres

Lot Coverage for each lot: Lot 129A=15% Lot 129B=12.7% (Note: Only if subject parcels are developed)
Lot 129C=0.0% (vacant lot)

Related Applications: _____

SUMMARY PLAT REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-154 establishes four (4) criteria to be considered when reviewing an application for Summary Plat approval. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided.

(a) *The development of the property shall substantially conform to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county.*

There are no health or safety issues.

(b) For Lot Splits, both lots shall front on an existing, dedicated and improved street.

The lots front 35th street and Urban Street

(c) Both lots and uses must meet the minimum site development parking requirements of the applicable district, as set forth in Article IX. See plat.

(d) Necessary easements shall be provided for existing and proposed utilities in a manner acceptable to the county engineer and the utilities manager. See plat.

REQUIRED SUBMITTALS:

Check each of the boxes to indicate that you have attached each of the following, and, if possible, one complete copy of all materials on disk:

- ☐ Provide a TITLE for the Plat (Lot Split, Lot Consolidation, etc.) or Provide a Purpose Statement on the Plat.
- ☐ Proof of property ownership.
- ☐ A scaleable proposed Plat with Metes and Bounds prepared by a Licensed Surveyor including all the following information:
 - ☐ Label "Old Lot Line," "New Lot Line," "Adjusted Lot Line," or "Lot Line to be Removed" as appropriate.
 - ☐ Show and label the footprint of all existing buildings and structures on the site.
 - ☐ Show, dimension and label all existing and proposed easements.
 - ☐ Show, dimension and label all existing and proposed setbacks.
 - ☐ Proof of payment of taxes. See below.

Per N.M.S.A. 1978, § 7-38-44.1 (B), A taxpayer shall pay the taxes, penalties, interest and fees due on real property divided or combined through the taxable year in which the property is divided or combined prior to filing a plat.

CDD Staff shall record all lot split and consolidation plats upon proof of payment of taxes.

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Issue: _____ Staff Initial: _____

Naranjo, James

From: Atgstar <atgstar@aol.com>
Sent: Monday, August 13, 2018 5:39 PM
To: Naranjo, James
Subject: Fwd: Case No. SUM-2018-0024 (Revised)

Dear Los Alamos Community Development, Planning and James Naranjo, Assistant Planner,

I have concerns regarding Case No. SUM-2018-0024 for a Lot Split at 2142-A &-B 3142 B 35th Street to create a new lot 129C. The Owners of this property Timothy and Christian Stone are a very sweet couple and at one time neighbors. Although I am not happy with them wanting to add another house for a Rental Income to their property. It is going to congest the small area of our street here on (Little) Urban Street more than it already is not to mention the heavy traffic we already receive with the Lyceum for Kids Daycare, LLC. Owned By The Lapteva's at 3463 Urban Street which is next door to my home and across the street from where they would like this proposed lot. This area is already an accident waiting to happen area. People speed through this street. There are times when the daycare center has Special Occasions you can't even find parking across both areas of the street. Sometimes my driveway has been blocked. This affects the area before you even begin to drive down the little hill with a curve. It's bad enough I have to deal with the daycare and it's traffic. Now to have to deal with adding another house just for rental income? None of you there at the county or The Stone's may understand my concern because you don't live here on this block. Although it does get to be crazy! I feel that the County needs to decide what's more important. The Lyceum for Kids Daycare next door or having the Stone's placing another house for income purposes. I feel The Stone's can go purchase another income rental elsewhere. I am asking you to PLEASE NOT ALLOW THIS LOT SPLIT. It's already bad enough that the value of my house has gone down because of the daycare next door. I don't want it to go even more down in value because of a congested area and heavy traffic. I will be forwarding you a few pictures of this area of my concern. If you have any further questions regarding this matter please feel free to contact me by email.

Thank you so very much for your help regarding this matter.

Sincerely Concerned,
Annie Trujillo-Garcia

Photographs of Subject Property

2142 35th Street



Image 1 Front of property



Image 2 Southeast corner of property – looking west on Urban toward 35th St.

EXHIBIT 6



County of Los Alamos

Staff Report

September 12, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: Anita Barela, Assistant Planner

Legislative File: 11147-18

Title

Minutes from the Planning And Zoning Commission Meeting on July 25, 2018.

..Motion

I move that the Commission approve the Minutes for July 25, 2018

Attachments

A - Draft Minutes for July 25, 2018.



County of Los Alamos

Minutes

Planning and Zoning Commission

1000 Central Avenue
Los Alamos, NM 87544

Terry Priestley, Chair; Beverly Neal-Clinton, Vice-Chair; Melissa Arias; Jean Dewart; Jessie Dixon; Ashley Mamula; Craig Martin; Neal Martin; and April Wade, Commissioners

Wednesday, July 25, 2018

5:30 PM

1000 Central Avenue
Council Chambers

1. CALL TO ORDER/ROLL CALL

Present 6 - Commissioner Arias, Commissioner Dixon, Commissioner Mamula, Commissioner Wade, Commissioner Priestley and Commissioner Neal-Clinton

Absent 3 - Commissioner Martin, Commissioner Dewart and Commissioner Martin

2. PUBLIC COMMENT

3. APPROVAL OF AGENDA

A motion was made by Member Mamula, seconded by Member Neal-Clinton, that this item be approved as presented. The motion passed unanimously.

4. PUBLIC HEARING(S)

- A. Case No. ZCA-2018-004 a request for approval of text amendments to the Los Alamos County Code of Ordinances, Chapter 16 - Development Code, replacing Article X, Sign Code, and amending related sections of the Chapter. The proposed amendments to the existing Sign Code are comprehensive and result in the replacement of the existing code. The proposed amendments remove and replace content based regulation of signage, restructure the regulations based on permanent v. temporary signage, consolidate and clarify definitions, reduce the number of "Sign Areas" from five to four, and make other related changes.

Attachments: [A - Staff Report for Sign Code Amendment](#)

Commissioner Mamula moved to send code back to staff for clarification and resolve five issues brought up by legal.

Commissioner Neal-Clinton seconded the motion.
the motion passed with the following votes:

Yes: 6 - Commissioner Arias, Commissioner Dixon, Commissioner Mamula, Commissioner Wade, Commissioner Priestley and Commissioner Neal-Clinton

Absent: 3 - Commissioner Martin, Commissioner Dewart and Commissioner Martin

5. PLANNING AND ZONING COMMISSION BUSINESS

- A. Minutes from the Planning And Zoning Commission Meeting on June 27, 2018.

Attachments: [A - Draft Minutes for June 27, 2018.](#)

Jessie Dixon: I move that the Commission approve the Minutes for June 27, 2018.
Melissa Aria Seconded. Motion Passed 6-0.

6. COMMISSION/DIRECTOR COMMUNICATIONS

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County of Los Alamos

Staff Report

September 12, 2018

Los Alamos, NM 87544
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Agenda No.: B.

Index (Council Goals):

Presenters:

Legislative File: 11169-18

Title

Information and Discussion
Land Conveyance and Transfer Project,
Daniel S. Pava, Project Manager

Mr. Pava will present a brief history, description and status of the Department of Energy (DOE) land transfers to Los Alamos County.

Attachments

FY 2017 Land Conveyance and Transfer Annual Report

The Land Conveyance and Transfer Project

Los Alamos Field Office Project Manager: Vicki D. Loucks

Los Alamos National Security, LLC Program Manager: Jennifer E. Payne

Los Alamos National Security, LLC Project Manager/Point of Contact: Daniel S. Pava

Executive Summary

In fiscal year (FY) 2017, Los Alamos National Security, LLC (LANS) Land Conveyance and Transfer (LC&T) program supported the Department of Energy (DOE), National Nuclear Security Administration (NNSA) in achieving the following accomplishments:

- Conveyed Tract C-3 (Front Hill Road) to Los Alamos County in December 2016;
- Completed installation of erosion controls along a trail in Tract A-14-c in Rendija Canyon;
- Drafted environmental baseline survey reports for Tracts A-18-2 (Technical Area 74, Pueblo Canyon), A-16-b, and A-16-d (Technical Area 21);
- Gained approval from the DOE for revised authorized limits for real property releases;
- Re-evaluated the residential land use scenario for Tract A-16-a at the request of the Los Alamos County Administrator with DOE concurrence, and revised the dose assessment consistent with DOE Order 458.1 *Radiation Protection of the Public and the Environment*;
- Prepared sampling and analysis plans, dose assessments, and completed confirmatory and independent verification sampling of several tracts in accordance with DOE Order 458.1; and
- Continued landlord responsibilities and activities for the remaining tracts in and near Technical Area 21 in preparation for conveyance to Los Alamos County.

Background

The DOE, NNSA Los Alamos Field Office (NA-LA) manages the LC&T project and LANS personnel provide technical and project management support. The LC&T project was authorized by Public Law 105-119 in November 1997. The 10 original tracts located at Los Alamos National Laboratory, identified for conveyance or transfer in an Environmental Impact Statement (DOE/EIS 0293), have been subdivided into 32 tracts to date. Fifteen tracts have been conveyed to Los Alamos County, three tracts have been conveyed to the Los Alamos County School District, and three tracts have been transferred to the Bureau of Indian Affairs to be held in trust for the Pueblo de San Ildefonso (Figure 1). Additional tracts, which may be further subdivided, will be conveyed or transferred by September 2022, in accordance with Public Law 105-119.

The Laboratory's Operations and Infrastructure Program Office (Infrastructure Projects Office) funds the LC&T project and LANS LC&T program. Project managers reside in the

Associate Directorate for Environment, Safety, and Health in the Environmental Protection and Compliance Division's Environmental Stewardship Group.

The LANS LC&T program continues to work with the NA-LA and the Associate Directorate for Environment Management to prepare a coordinated schedule for the outstanding compliance activities and requirements associated with conveyance of the remaining tracts to Los Alamos County.

FY 2017 Deliverables and Milestones

This section provides a summary of deliverables and milestones *not otherwise* noted elsewhere in the annual report.

Dose Assessments and As Low As Reasonably Achievable (ALARA)

- Revised authorized limits for real property conveyance were approved by DOE in February 2017. The new authorized limits address DOE's direction to LANS to use an alternate dosimetric method, and a change in the approval pathway for authorized limits subsequent to the promulgation of DOE Order 458.1.
- During FY 2017, dose assessments, ALARA reports, and sampling were conducted for Tracts A-16b, c, d, and e. Independent verification confirmatory radiation sampling was conducted for Tracts A-16-c and A-16-d and started for A-16-e. Additional sampling was conducted at the outfall location in Tract A-16-d to clarify previous results.
- DOE Order 458.1 requires a rigorous sampling strategy (Multi-Agency Radiation Survey and Site Investigation Manual) to assess residual radioactivity and the application of the ALARA concept. This sampling had been done by a subcontractor through a contract with ADEM, but is now being conducted by LANS EPC-ES staff. During FY 2017, this made it easier to coordinate and perform radiological sampling in a timely manner. The DOE Order also calls for independent verification of the residual radioactivity results by DOE. These activities have been included in the project schedule for FY 2018 and beyond.

Environmental Baseline Survey Reports

The DOE Tsay/Adelante contract remained in place during FY 2017. Environmental Baseline Survey Reports (EBSRs) for Tracts A-18-2, A-16-b, and A-16-d were drafted in FY 2017.

Management Observation and Verifications

The LC&T program conducted a number of management observation and verifications in FY 2017, including visits to Rendija Canyon Tract A-14-c, and at Technical Area 21. In particular, the project arranged a site visit for Los Alamos County staff to Tract A-16-a on August 31, 2017, that stimulated interest in resolution of deed language as applies to Material Disposal Area V. Regular meetings were also held with the DOE Los Alamos Field Office and with project staff throughout the year.

Communication

Throughout FY 2017, the LC&T program continued to work with the Field Office and DOE Environmental Management representatives to update and track project milestones on the schedule for the conveyance of the remaining tracts. The schedule is tracked and updated weekly and revised accordingly to reflect the latest changes, challenges, and progress. A sample weekly worksheet is attached as Appendix A.

Remaining Tract Status (Table 1)

- A-5-2 and A-5-3 (Airport South): Work needed to convey these two tracts includes finalizing Environmental Baseline Survey Reports, completion of real property releases, and deeds. Conveyance is expected during FY 2018.
- A-14-A, -C and -D (Rendija Canyon): DOE will retain Tract A-14-B, the 4-acre Poor Man's Shooting Range. The memorandum of agreement (MOA) between DOE, Los Alamos County, the Pueblo de San Ildefonso, and Santa Clara Pueblo for Tracts A-14-C and -D will be in effect when the property conveys to Los Alamos County. DOE will retain the archery range and the Sportsman's Club (Figure 1). A real property release, a final EBSR, and a deed will be completed prior to conveyance of tract A-14-A to Los Alamos County. Negotiations between DOE and Los Alamos County regarding deed restriction requirements continued throughout FY 2017.
- A-16-a (TA-21): A January 2012 Amended Record of Decision allows for the conveyance of this tract. In 2015, LC&T staff with Field Office concurrence created sub-parcels A-16-b, A-16-c, A-16-d, and A-16-e to better reflect schedule priorities. Independent verification sampling occurred during FY 2017 and some sampling remains to be done in early FY 2018.
- A-18-2 (Bayo Canyon): Work continues on conveyance of Tract A-18-2 to Los Alamos County for recreational uses. Sampling for dose assessment surveys was completed. Independent verification was in progress at the end of FY 2017. An EBSR has been drafted and a land survey will be completed in FY 2018.
- C-2, C-3, and C-4: The EBSRs for Tracts C-2, C-3, and C-4 were updated and submitted to the Field Office and Los Alamos County on April 15, 2016. The schedule for conveyance of Tracts C-2 and C-4 to Los Alamos County has been impacted by the design of several DOE special environmental projects in the vicinity.
- A-15-2 (DP Road): Confirmatory sampling and analysis, a dose assessment and ALARA report, and the real property release remain to be done. A final EBSR, a survey, and a deed will be completed prior to conveyance of the tract to Los Alamos County.

Upcoming FY 2018 Events and Challenges

- Convey Tracts A-5-2, A-5-3, and A-16-a in FY 2018 pending completion of deeds for these parcels. Deed restriction issues with Los Alamos County for Tract A-14 in Rendija Canyon must be resolved in order for these lands to be conveyed.
- Continue to coordinate between NNSA and DOE Environmental Management during the bridge contract period and beyond so that the LC&T program may stay on

schedule to meet the intent of Public Law 105-119. There are 11 more tracts remaining to be transferred to Los Alamos County. Seven of these tracts are in or near Technical Area 21, which is being remediated by DOE Environmental Management, and is subject to the bridge contract, related influencing factors, and project objectives.

- Reach concurrence with Los Alamos County on the path forward for conveyance of Tracts C-2 and C-4. These highway segments are within the project scope of roadway improvements that are part of the DOE/New Mexico Environment Department agreement on supplemental environmental projects.
- Resolve responsibility for and implement lead clean up (from demolished water tower) on Tract A-16-c at Technical Area 21. In 2016, LC&T project staff met with Associate Directorate for Environment Management and DOE Environmental Management staff to discuss the process of cleaning up lead contamination on Tract A-16-c. The clean-up effort is necessary so the tract can be conveyed to Los Alamos County.

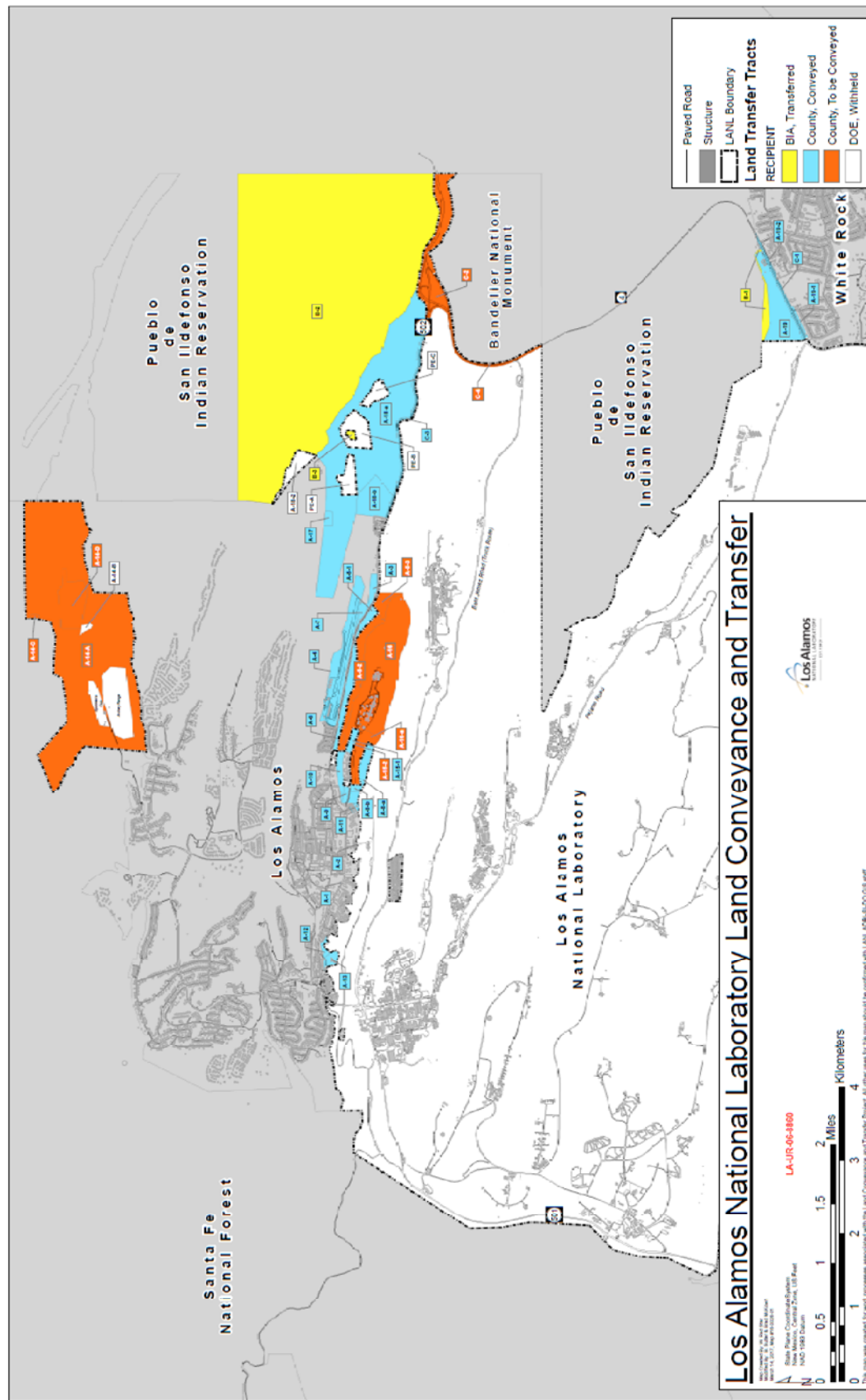


Figure 1. LC&T current project tract status

December 2017

Table 1: Remaining LC&T Tract Status (Green indicates completed, Orange indicates FY 2016 completed work, Yellow indicates remaining work.)

Tracts	Tract No.	Site Preparation	EBSR	Boundary Survey	DOE Order 458.1 Sampling	Tentative or Actual Transfer Date	Archeological Fieldwork	Preservation Easements
Rendija Canyon Site	A-14-A	Fenced 2004; Asphalt 2006	Draft EBSR reviewed by the Field Office in FY 2012 - modified in FY 2014 and resubmitted in FY 2015. Revised and reformatted with new photos during FY 2016	Complete FY 2014	Complete FY 2012	TBD ¹ per deed restriction negotiations	Complete	N/A ²
Rendija Canyon Site	A-14-B	Cleaned up, fenced, and signed 2012		Complete FY 2014	Complete FY 2012	To be retained by DOE	N/A	N/A
Rendija Canyon Site	A-14-C	Access gate installed 2014		Complete FY 2014	Complete FY 2012	TBD per deed restriction negotiations	State Historic Preservation District	MOA
Rendija Canyon Site	A-14-D	Access gate installed 2014		Complete FY 2014	Complete FY 2012	TBD per deed restriction negotiations	State Historic Preservation District	MOA
DP Road	A-15-2	N/A	FY 2018	FY 2018	FY 2018	TBD	N/A	N/A
Technical Area 21	A-16-a,b,c,d,e	Fence around Material Disposal Area B to remain and be screened.	EBSR for A-16-a submitted to Field Office and Los Alamos County on 8/31/16. Dose assessment revised during FY 2017.	Complete FY 2013	Complete for Tract A-16-a and b. Independent verification for A-16-c,d and e was ongoing for other tracts in FY 2017	FY 2018 for Tract A-16-a; remaining tracts in out-years	N/A	N/A
Technical Area 74 Site	A-18-2	2003	Complete FY 2018	Complete FY 2018	Complete FY 2018	FY 2018	N/A	TBD
Airport-3 (South)	A-5-2	Fencing installed FY 2015	Draft completed and submitted to Field Office in FY 2015	Complete FY 2014	Complete FY 2014	FY 2018	N/A	N/A
Airport-3 (South)	A-5-3	Fencing installed FY 2015	Draft completed and submitted to Field Office in FY 2015	Complete FY 2014	Complete FY 2014	FY 2018	N/A	N/A
White Rock Y	C-2	N/A	Completed but not submitted to Field Office in FY 2016	Complete	Complete FY 2015	FY 2018	Restrictions will be included in the deed	N/A
New Mexico State Road 4 Y to Truck Route	C-4	N/A	Completed but not submitted to Field Office in FY 2016	Complete	Complete FY 2015	FY 2018	Restrictions will be included in the deed	N/A

¹ TBD = to be determined.² N/A = not applicable.

APPENDIX A – Sample Weekly Worksheet

LAND TRANSFER & CONVEYANCE: Weekly Worksheet

[illegible]

DOE/LANL Land Conveyances and Transfers - Progress Over 20 Years

Before any transfer or conveyance actions, DOE owned approximately 45 square miles (28,800 acres) and most of this comprised Los Alamos National Laboratory. Since 1999, under Public Law 105-119, DOE/LANL has conveyed 4.8 square miles (3072 acres) of property to Los Alamos County and 6 acres to the Los Alamos School District. In addition, 3.2 square miles (2,048 acres) and has been transferred to the Bureau of Indian Affairs to be held in trust for the Pueblo de San Ildefonso.

These areas are no longer part of the LANL footprint, thus shrinking the size of the Laboratory. Several areas conveyed to Los Alamos County have subsequently been or are in the process of being developed. The remaining DOE/LANL land ownership is now about 40 square miles (25,600 acres). Land conveyances will continue under Public Law 105-119. Remaining tracts that may be conveyed by 2022 include: parts of TA-21 (up to 250 acres); Rendija Canyon (890 acres); a 24-acre tract in Bayo Canyon; the White Rock Wye and NM 4 between the wye and East Jemez Road (150 acres); in total about 2 square miles.

The most recent conveyances happened in January 2018 and included 30 acres along DP Road that is suitable for commercial and industrial uses, and tracts between East Road and DP and Los Alamos Canyons, that are mostly suitable for open space. The accompanying map attachment (LA-UR-06- 8860) shows the status of the Land Conveyance and Transfer Program.

Conveyance of the TA-21 tracts are subject to the remediation schedule set by DOE EM and N3B. Conveyance of Rendija Canyon for open space and recreational uses depends on resolving deed restrictions. The most likely lands to be conveyed this calendar year or next are those comprising the White Rock Wye and NM 4 between the wye and East Jemez Road; and the Bayo Canyon parcel.

Tracts conveyed over the past 15 years include lands now developed and being developed. The Smiths Marketplace is situated on part of former Tract A-11. One-Hundred Sixty homes are being built in White Rock on part of former Tract A-19, which also includes the fire station and Visitor Center. The former DOE Building site has been proposed for market rate apartments, and another tract near the DP Road/Trinity intersection for affordable housing apartments.

The Land Conveyance and Transfer Program is funded by the DOE and supported by the Laboratory's Environmental Stewardship Group. The process for conveying land involves over 30 steps that include environmental reviews, radiation dose sampling and assessments, and environmental records searches and reports. The DOE/NSA Field Office and the County Administrator meet regularly to address and resolve issues prior to preparing final boundary plats and deeds. In summary, the Land Conveyance and Transfer Program is meeting to intent of Congress to provide lands that enable community self-sufficiency through economic diversification, and providing lands for historic, cultural, and environmental preservation.

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