



Los Alamos County
Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: October 9, 2024

Subject: Case No. ZCA-2024-0017, A Text Amendment application to amend minor errors and omissions in Chapter 16: Development Code, Article I, Division 4 (r) and Division 12 (b) and (c); and Article IV, Sections 16-20(e), 16-30(a)(2) and (a)(4), 16-45(d) and (e), 16-48(a) and (b), 16-53(d), 16-58, 16-61(b), and 16-66(d).

Applicant: Paul Andrus, Community Development Director on behalf of Los Alamos County

CASE NO. ZCA-2024-0017. A request from Los Alamos County, Community Development Department, for the Planning and Zoning Commission to make recommendation to County Council to amend Chapter 16, "County of Los Alamos Development Code". The amendment will fix text typos, errors, redundant language, and add text omitted.

See Attachment A: Application and Ordinance #02-363

BACKGROUND

The Los Alamos Development Code ("Development Code") governs development within the County. It applies to all development and redevelopment, public and private, and implements the planning and platting jurisdiction within the municipal boundaries. Exhibit 3, Development Code Article 1, Division 4 – Purpose, explains that the purpose of the Development Code is to:

- Implement the adopted goals, policies and strategies of the Los Alamos County, including those set forth in the Comprehensive Plan and other adopted plans; and
- Provide for the administration and enforcement of this chapter; and
- Provide service to applications and property owners in understanding and working with the provisions and procedures of this chapter [Development Code].

The Development Code ("Code") was repealed and replaced in its entirety on January 23, 2023. The revision updated zoning, development standards and procedures, and reorganized the Code. The intent was to create a Code that would allow the county to more effectively implement the vision and goals identified within the Comprehensive Plan and provide the tools necessary to guide the County's growth over time.

Since that time, Community Development Staff and other County staff have been applying the Code and have identified areas that require clarification of language, and corrections to inconsistencies. Additionally, portions of the Code include numerous typographical and grammatical errors, omissions, and inconsistent standards or procedures in the implementation processes.

To address these issues, staff has begun a process referred to internally as the Development Code "Clean-Up". It will include a series of Text Amendment applications, each addressing a different category of purposes and covering different Code sections and subjects. These text

amendments to the Development Code will improve the clarity, utility, and overall quality of the Development Code, to better serve the purposes as intended and ease the implementation and use of the Code for staff and the public alike.

The first step in this “clean-up” process occurred on September 25th, 2024, at the Planning & Zoning Commission, with targeted corrections to the rezoning process. This text amendment application is the Phase 1 - Errors and Omissions portion of the ongoing clean-up process. Phase II will address more substantial changes to the Code.

SUMMARY

The application, ZCA-2024-0017, is proposed through INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-363, to amend two (2) sections within Article 1. Governing Provisions; and multiple corrections within eight (8) sections of Article IV. Development Standards. The purpose of this Phase I Text Amendment is to correct typographical errors, as well as non-substantive omissions as follows:

Article I. Governing Provisions, Division 4 – Purpose (r). The list is revised to be precise and provide clarity of language. Subsection (r) is updated to explicitly state that the Purpose of the Development Code is to “(r) Provide for the subdivision of land.”

Article I. Governing Provisions, Division 12 - Transitions from Previous Regulations (b) and (c). The change revises ambiguous language to be precise and provide clarity with a full notation. Items (b) and (c) are updated to specify which Article is being referenced: “Article V”, Division 4. Nonconformities.

Article IV. Development Standards, Section 16-20 (e). The correction unites a word that was separated by a space. “Abutting”.

Article IV. Development Standards, Section 16-30 (a)(2). The change corrects an omission of a single digit in a Section reference. The number four (4) was omitted. It should state 16-74(i).

Article IV. Development Standards, Section 16-30 (a)(4). The same change as in (a)(2) above. The change corrects an omission of a single digit in a Section reference. The number four (4) was omitted. It should state 16-74(i).

Article IV. Development Standards, Section 16-45 (d). The change revises incorrect language to be precise and provide clarity. The change replaces “section” with the word “division” because Sec. 16-45 is referencing Division 1. Dimensional Standards.

Article IV. Development Standards, Section 16-45 (e). The same change as in (d) above. The change revises incorrect language to be precise and provide clarity. The change replaces “section” with the word “division” because Sec. 16-45 is referencing Division 1. Dimensional Standards.

Article IV. Development Standards, Section 16-48 (a). The change corrects an omission of a single digit in a section reference. The number three (3) was omitted. It should note 16-73(f).

Article IV. Development Standards, Section 16-48 (b). The same change as in (b) above. The change corrects an omission of a single digit in a section reference. The number three (3) was omitted. It should note 16-73(f).

Article IV. Development Standards, Section 16-53 (d). The change revises incorrect language to be precise and provide clarity. The corrected “ANSI/IES RP-8-21” notation will be consistent with other instances of this standard that occur in this division.

Article IV. Development Standards, Section 16-58. The change revises incorrect language to be precise and provide clarity. The change corrects an incorrect section reference. It should be changed to reference 16-73(e).

Article IV. Development Standards, Section 16-61 (b). The division and section references are revised to be precise and provide clarity of language. Item (b) is updated to specify which article is being referenced: “Article V,” Division 4. Nonconformities.

Article IV. Development Standards, Section 16-66 (d). The change revises language to be precise and provide clarity. The change includes an additional section reference, “and Sec. 16-18(o)”, where additional supporting information can be found.

PUBLIC NOTICE: The Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-72(c) Notifications, sets forth the requirements for proper notice to the public for a public hearing:

- Published and Posted Notice [16-72(c)(4)]:
 - Notice published in a newspaper of general circulation within the County at least 14-calendar days before the meeting or hearing. **Published on September 19, 2024.**

See Attachment B: Public Notices

DEVELOPMENT CODE TEXT AMENDMENT. Section 16-75(d) of the Los Alamos County Development Code states that an application for a Text Amendment of the Los Alamos County Development Code shall be approved if it meets all the following criteria:

a. The request substantially conforms to the intent and policies of the comprehensive plan and other adopted county policies and plans.

Staff Response: In staff’s expert opinion this criterion has been met. The comprehensive update to the Development Code (Ch.16), effective January 23, 2023, was approved with the intention that it align existing land development regulations with adopted county goals and policies, while improving clarity and efficiency. The update also brought standards up to date by applying measures that reflect contemporary best practices, land use trends, and market demands. Upon adoption by the County Council - staff was asked to utilize the Code and return with any necessary amendments, to include, but not be limited to, typos/errors and areas requiring clarification.

The proposed amendments continue to substantially conform to the Comprehensive Plan - aimed to encourage the right development in appropriate locations and suitable design to enhance the public health, safety, welfare, and overall quality of living within Los Alamos County. The proposed change will clarify existing language, remove redundant or inconsistent language, and simplify the understanding and implementation of the Code. The proposed text amendments would

improve the county's ability to assist in accomplishing their vision and support the core themes within the Strategic Plan.

b. The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the underlying zone district.

Staff Response: In staff's expert opinion this criterion has been met. The proposed changes will not change the base zone districts intent, nor be incompatible. Changes are primarily to "clean up" and clarify language for easy use between staff and the public.

c. The proposed change will clarify existing language, remove redundant or inconsistent language, or simplify the understanding and implementation of the Code.

Staff Response: In staff's expert opinion this criterion has been met. The proposed changes will not change the base zone districts intent, nor be incompatible. Changes are primarily intended to "clean up" and clarify language for easy use between staff and the public.

d. The proposed amendment promotes public health, safety, and welfare.

Staff Response: In staff's expert opinion this criterion has been met. The proposed amendments continue to substantially conform to the Comprehensive Plan - aimed to encourage the right development in appropriate locations and suitable design to enhance the public health, safety, welfare, and overall quality of living within Los Alamos County. The proposed text amendments would improve the county's ability to assist in accomplishing their vision and support the core themes within the Strategic Plan.

DRAFT MOTION

Motion Option 1:

I move to recommend that the County Council **approve** Case No. **ZCA-2024-0017**, Text Amendment application to amend Chapter 16, Development Code, through INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-363. A CODE ORDINANCE AMENDING CHAPTER 16, DEVELOPMENT CODE, ARTICLE I, DIVISION 4 (r), AND DIVISION 12 (b) AND (c), ARTICLE IV, SECTIONS, 16-20(e), 16-30(a)(2) AND (a)(4), 16-45(d) AND (e), 16-48(a) AND (b), 16-53(d), 16-58, 16-61(b), AND 16-66(d).

Approval is based on the conclusion that the Applicant has met the decision criteria for a Text Amendment pursuant to Section 16-75(d)(3) of the Los Alamos County Development Code and that the Commission is acting under the authority granted by Section 16-69-(b)(1) of the Development Code.

I further move to authorize the Chair to sign the Final Order recommending approval of the application based on this decision and to be prepared by county staff.

Motion Option 2:

I move to recommend that the County Council **conditionally approve** Case No. **ZCA-2024-0017**, Text Amendment application to amend Chapter 16, Development Code, through INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-363. A CODE ORDINANCE AMENDING CHAPTER 16, DEVELOPMENT CODE, ARTICLE I, DIVISION 4 (r), AND DIVISION 12 (b) AND (c), ARTICLE IV, SECTIONS, 16-20(e), 16-30(a)(2) AND (a)(4), 16-45(d) AND (e), 16-48(a) AND (b), 16-53(d), 16-58, 16-61(b), AND 16-66(d).

Approval is based on the conclusion that the Applicant has met the decision criteria for a Text Amendment pursuant to Section 16-75-(d)(3) of the Los Alamos County Development Code and that the Commission is acting under the authority granted by Section 16-69-(b)(1) of the Development Code.

I further move to authorize the Chair to sign the Final Order recommending conditional approval of the application based on this decision and to be prepared by county staff.

Motion Option 3:

I move to recommend that the County Council **deny** Case No. **ZCA-2024-0017**, Text Amendment application to amend Chapter 16, Development Code, through INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-363. A CODE ORDINANCE AMENDING CHAPTER 16, DEVELOPMENT CODE, ARTICLE I, DIVISION 4 (r), AND DIVISION 12 (b) AND (c), ARTICLE IV, SECTIONS, 16-20(e), 16-30(a)(2) AND (a)(4), 16-45(d) AND (e), 16-48(a) AND (b), 16-53(d), 16-58, 16-61(b), AND 16-66(d).

Denial is based on the Applicant failing to demonstrate that the application meets the Text Amendment decision criteria within Section 16-75-(d)(3) of the Los Alamos County Development Code, and that the Commission is acting under the authority granted by Section 16-69(b)(1) of the Development Code.

I further move to authorize the Chair to sign the Final Order recommending denial of the application based on this decision and to be prepared by county staff.

EXHIBITS:

- 1 – Comprehensive Plan: <https://lacnm.com/ComprehensivePlan2016>
- 2 – Strategic Leadership Plan: <https://lacnm.com/StrategicPlan>
- 3 – Los Alamos County, Chapter 16, Development Code: <https://lacnm.com/MunicipalCode>