



# County of Los Alamos

## Minutes

### County Council – Regular Session

*Denise Derkacs, Council Chair, Theresa Cull, Council Vice-Chair,  
Melanee Hand, Suzie Havemann, Keith Lepsch,  
David Reagor, and Randall Ryti, Councilors*

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Tuesday, November 12, 2024

6:00 PM

Council Chambers - 1000 Central Avenue

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#### 1. OPENING/ROLL CALL

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

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

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

**The following Councilors were in attendance:**

**Present: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann,  
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

#### 2. PLEDGE OF ALLEGIANCE

Led by: All.

#### 3. STATEMENT REGARDING CLOSED SESSION

Councilor Ryti read the following statement to be included in the minutes: “The matters discussed in the closed session of County Council held on November 4, 2024 that began at 5:30 p.m. was limited only to the topics specified in the notice of the closed session, and no action was taken on any matter in the closed session. We request this statement to be included in the meeting minutes.”

#### 4. PUBLIC COMMENT

None.

#### 5. APPROVAL OF AGENDA

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

The motion passed with the following vote:

**Yes: 7– Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann,  
Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

**6. PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**

- A. Recognition and Presentation of Community Services Department accreditation by Commission for Accreditation of Parks and Recreation Agencies (CAPRA)

Mr. Cory Styron, Community Services Director, presented.  
Ms. Anne Laurent, County Manager, spoke.

Public Comment:  
None.

No action taken.

**7. PUBLIC COMMENT FOR ITEMS ON CONSENT AGENDA**

None.

**8. CONSENT AGENDA**

**Consent Motion:**

**A motion was made by Councilor Cull, seconded by Councilor Ryti, that Council approve the items on the Consent Agenda as amended, and that the motions contained in the staff reports be included for the record.**

- A. Approval of County Council Minutes for the October 22, 2024, Work Session, and October 29, 2024, Regular Session

**I move that Council approve the County Council Minutes for the October 22, 2024, Work Session, and October 29, 2024, Regular Session.**

- B. Approval of Contract for General Services, Agreement No. AGR24-06 with Masek Rocky Mountain Golf Cars, in an Amount Not to Exceed \$819,239.08, excluding NMGR, for the Purpose of Leasing Electric Golf Carts and other Golf Course related Vehicles

**I move that Council approve Contract for General Services, Agreement No. AGR24-06 with Masek Rocky Mountain Golf Cars and Yamaha Motor Finance Corporation in the Amount of \$819,239.08, plus Applicable Gross Receipts Tax, for the Purpose of Leasing Electric Golf Carts and other Golf Course related Vehicles.**

- C. Approval of Services Agreement No. AGR25-918 with RoofCARE, LLC in an Amount Not to Exceed \$2,000,000 plus Applicable Gross Receipts Tax for On-Call Roofing Services

**I move that Council approve Services Agreement No. AGR25-918 with RoofCARE, LLC in an amount not to exceed \$2,000,000 plus applicable Gross Receipts Tax for On-Call Roofing Services.**

- D. Approval of Services Agreement No. AGR23-47 with Sherpa Government Solutions LLC, in the Amount of \$1,244,053.46 plus applicable Gross Receipts Tax for Electronic Bidding, Sourcing, and Contracting Software

**I move that Council approve Services Agreement No. AGR23-47 with Sherpa Government Solutions LLC in the Amount of \$1,244,053.46 plus applicable Gross Receipts Tax for Electronic Bidding, Sourcing, and Contracting Software.**

*The corrected staff report for this item is included as an attachment.*

- E. Approval of Report to District Court on Los Alamos County Jail Conditions

**I move that Council approve and forward the attached letter regarding current jail conditions to District Court.**

- F. Board/Commission Appointment - Transportation Board

**I move that Council nominate and appoint Paul Lisowski to fill one vacancy on the Transportation Board that will expire on February 28, 2026.**

**Approval of the Consent Agenda:**

**The motion passed with the following vote:**

**Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

**9. PUBLIC HEARING(S)**

- A. Incorporated County of Los Alamos Ordinance No. 02-362 a Code Ordinance Amending Chapter 16, Development Code, Article V, Sections 16-68, 16-69, 16-70, 16-71, and 16-74(h), pertaining to approval authority for Minor Zone Map Amendments

Ms. Desirae Lujan, Senior Planner, presented.  
 Mr. Dan Osborn, Housing and Special Project Manager, spoke.  
 Ms. Anne Laurent, County Manager, spoke.  
 Mr. Alvin Leaphart, County Attorney, spoke.

Public comment:  
 Mr. Allan Marcus spoke.  
 Mr. James Wernicke spoke.  
 See eComments attachment for additional public comments.

**A motion was made by Councilor Ryti, seconded by Councilor Lepsch, that Council adopt Incorporated County of Los Alamos Code Ordinance No. 02-362, as presented in Attachment D.**

**The motion passed with the following vote:**

**Yes: 6 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, and Councilor Ryti**

**No: 1 – Councilor Reagor**

- B.** Incorporated County of Los Alamos Ordinance No. 736; An Ordinance Terminating the Economic Development Project of Pebble Labs Inc., A Delaware Corporation

Ms. Anne Laurent, County Manager, spoke.  
Mr. Alvin Leaphart, County Attorney, presented.

Public comment:  
None.

**A motion was made by Councilor Cull, seconded by Councilor Havemann, that Council adopt Incorporated County of Los Alamos Ordinance No. 736; An Ordinance Terminating the Economic Development Project of Pebble Labs Inc., A Delaware Corporation. She further moved that, upon passage, the Ordinance be published in summary form.**

**The motion passed with the following vote:**

**Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

## **10. BUSINESS**

- A.** Discussion and Possible Action on Proposed Revisions to Cemetery Fee Schedule

Ms. Wendy Parker, Parks Superintendent, presented.  
Ms. Anne Laurent, County Manager, spoke.

Public comment:  
Mr. John Tegmeyer spoke.

**A motion was made by Councilor Cull, seconded by Councilor Ryti, that Council approve the Proposed Revisions to the Cemetery Fee Schedule as presented.**

**Councilor Havemann offered the following Friendly Amendment: to automatically waive purchase fees for half-sized plots for the burial of an infant or child up to the age of 6. This amendment was accepted by Councilor Cull and Councilor Ryti.**

**The motion passed with the following vote:**

**Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

- B.** Discussion and Possible Action of Site Selection for the Fire Station 4 Replacement Project

Mr. Troy Hughes, Fire Chief, spoke.  
Mr. David Grooms, Principal, Vega Architecture, presented.

Public Comment:  
Mr. John Tegmeyer spoke.  
See eComments attachment for additional public comments.

**A motion was made by Councilor Ryti, seconded by Councilor Havemann, that the County Council approve Site Option A for the Fire Station 4 Replacement Project.**

**The motion passed with the following vote:**

**Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti**

**RECESS:**

**Chair Derkacs called recess at 8:03 p.m. Chair Derkacs reconvened the meeting at 8:16 p.m.**

**C. Presentation and Possible Adoption of Final Climate Action and Target to Achieve Carbon Neutrality by 2050**

Ms. Angelica Gurule, Sustainability Manager, presented.  
Ms. Linda Matteson, Deputy County Manager, spoke.  
Mr. Philo Shelton, Utilities Manager, spoke.

**Public Comment:**

Mr. Greg Weiss spoke.  
Mr. James Wernicke spoke.  
Ms. Sue Barnes spoke.  
Ms. Shannon Blaire spoke.  
Mr. Joe Chandler spoke.  
Ms. Katie Leonard spoke.  
See eComments attachment for additional public comments.

**A motion was made by Councilor Cull, seconded by Councilor Ryti, that Council adopt the Climate Action Plan and target to achieve carbon neutrality by 2050 as presented; and further moved that Council maintains BPU's and Council's goal in the strategic plan to phase out natural gas by 2070 for residents and businesses, while accelerating the natural gas phase out target for County Facilities to 2050 in alignment with CAP recommendations.**

**The motion passed with the following vote:**

**Yes: 5 – Councilor Derkacs, Councilor Cull, Councilor Havemann, Councilor Lepsch, and Councilor Ryti**

**No: 2 – Councilor Hand and Councilor Reagor**

**11. COUNCIL BUSINESS**

**A. General Council Business**

None.

**B. Appointments**

## 1) Commission Appointment - Planning and Zoning Commission

Mr. Dan Osborn, Housing and Special Project Manager, presented.

Public Comment:  
None.

**A motion was made by Councilor Cull, seconded by Councilor Reagor, to nominate Kyle Christensen and Marlon Brown to fill one vacancy on the Planning and Zoning Commission, with a three-year term starting on April 1, 2024, and ending on March 31, 2027.**

**By roll call vote, each Councilor will select one nominee. The nominee who receives the highest total of four or more votes will be appointed to the position for a term beginning April 1, 2024, and ending March 31, 2027.**

**Councilors Derkacs, Cull, and Ryti voted for: Kyle Christensen**

**Councilors Hand, Havemann, Lepsch, and Reagor voted for: Marlon Brown**

**After a roll call vote, Marlon Brown was appointed to the Planning and Zoning Commission for a term beginning April 1, 2024, and ending March 31, 2027.**

**C. Boards and Commission Vacancy Report**

## 1) Board and Commission Vacancy Report

Chair Derkacs mentioned the report is included in the agenda.

**D. Board, Commission, and Working Group Reports**

Councilor Cull reported on a meeting of the Inclusivity Task Force.

Councilor Havemann reported that the Historic Preservation board meeting was cancelled last week.

**E. County Manager's Report**

Ms. Anne Laurent, County Manager, reported on vacancies in Community Development, and that there has been additional turnover in that department. She reported on position vacancies for Community Development Director, Planning Manager, and Economic Development Specialist and on posting those positions. She also mentioned there was a mistake where the agenda for the strategic planning meeting for Thursday was not published on time, and due to this the meeting has been moved to Friday.

**F. Council Chair Report**

Chair Derkacs reported on attending a Federal Working Group meeting, a Joint Session with County Council and the Board of Public Utilities, and the ribbon cutting and tour of the White Rock Water Reclamation Facility.

G. Approval of Councilor Expenses

A motion was made by Councilor Ryti, seconded by Councilor Reagor, that Council approve expenses for up to three (3) Councilors to attend the National Association of Counties Federal Legislative Conference March 1-4, 2025, in Washington, D.C.

The motion passed with the following vote:

Yes: 7 – Councilor Derkacs, Councilor Cull, Councilor Hand, Councilor Havemann, Councilor Lepsch, Councilor Reagor, and Councilor Ryti

H. Preview of Upcoming Agenda Items

- 1) Tickler Report of Upcoming Agenda Items

Chair Derkacs highlighted upcoming agenda items.

12. COUNCILOR COMMENTS

None.

13. ADJOURNMENT

The meeting adjourned at 10:26 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

*Denise Derkacs*  
Denise Derkacs, Council Chair

Attest:  
*Naomi D. Maestas*  
Naomi D. Maestas, County Clerk



Meeting Transcribed by: Casey Salazar, Deputy Clerk



LOS ALAMOS COUNTY, NM  
NAOMI D. MAESTAS COUNTY CLERK  
LACF24-0923 Pages: 32  
12/04/2024 04:44:22 PM  
Allison Collins

**November 12, 2024, County Council – Work Session** **For DAIS**

**8. Business**

Approval of Services Agreement No. AGR23-47 with Sherpa Government Solutions LLC, in the Amount of \$1,244,053.46 plus applicable Gross Receipts Tax for Electronic Bidding, Sourcing, and Contracting Software

**ATTACHED IS THE CORRECTED STAFF REPORT**

The staff report references an incorrect Agreement effective date of October 30, 2024 and Term end date of October 29, 2039 and should instead be November 13, 2024 and November 12, 2039.



LOS ALAMOS

## County of Los Alamos

### Staff Report

November 12, 2024

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:** D.

**Index (Council Goals):** Quality Excellence - Effective, Efficient, and Reliable Services

**Presenters:** Annalisa Miranda, Chief Purchasing Officer and Derrill Rodgers, Deputy Chief Purchasing Officer

**Legislative File:** AGR1075-24

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#### **Title**

Approval of Services Agreement No. AGR23-47 with Sherpa Government Solutions LLC, in the Amount of \$1,244,053.46 plus applicable Gross Receipts Tax for Electronic Bidding, Sourcing, and Contracting Software

#### **Recommended Action**

**I move that Council approve Services Agreement No. AGR23-47 with Sherpa Government Solutions LLC in the Amount of \$1,244,053.46 plus applicable Gross Receipts Tax for Electronic Bidding, Sourcing, and Contracting Software.**

#### **County Manager's Recommendation**

The County Manager recommends that Council approve the motion as presented.

#### **Body**

The County advertised a formal competitive solicitation for Electronic Bidding, Sourcing, and Contracting Software through RFP No. 23-47. Five (5) responses were received, and the evaluation committee is recommending award to Sherpa Government Solutions LLC.

Upon Council approval, the term of the Agreement shall commence on November 13, 2024, and continue for a fifteen-year term through November 12, 2039, unless sooner terminated.

The implementation of Electronic Bidding, Sourcing, and Contracting Software would benefit suppliers, the public, and the County and improve procurement process efficiency and transparency in multiple ways.

Electronic bidding software systems improve supplier information management and communication. They streamline the bid submission process for the supplier. They support broader competition by providing a comprehensive vendor database and increase transparency of the procurement process. They provide reporting and data analysis tools to help define benchmarks, and assess performance compared to benchmarks from prior years or to similar purchases.

Other municipalities throughout New Mexico, including the Cities of Albuquerque, Taos, and Las Cruces, currently utilize electronic bidding software systems.

#### **Alternatives**

Council could choose not to approve the agreement, in which case, the County would continue to use its current procurement processes.

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**Fiscal and Staff Impact/Planned Item**

The total not-to-exceed compensation amount of the Agreement, \$1,244,053.46, includes licensing and implementation fees and potential optional products, functionality, and services the County may request for the fifteen-year term of the Agreement. \$50,000.00 has been budgeted for Year 1 implementation and license fees. Year 1 implementation and license fees total \$31,900.00. Should the County request any of the optional products, functionality, and services, as described in the Agreement, during Year 1, a remaining budget amount of \$18,100.00 would be available to include those during implementation. A more detailed breakdown of costs is available in Section I and Exhibit A of the attached Agreement.

**Attachments**

A - AGR23-47 Sherpa Government Solutions LLC

Los Alamos County Council  
Regular Session  
November 12, 2024  
Item 8.E Attachment B



County Manager's Office

November 12, 2024

Honorable Bryan Biedscheid, Chief Judge  
First Judicial District  
P.O. Box 2268  
Santa Fe, NM 87504-2268

Re: Jail Inspection Report in Conformance with NMSA Section 33-3-4

Dear Judge Bryan Biedscheid;

**COUNTY COUNCIL**

Denise Derkacs  
Council Chair

Theresa Cull  
Council Vice Chair

**COUNCILORS**

Melanee Hand  
Suzie Havemann  
Keith Lepsch  
David Reagor  
Randall T. Ryti

**COUNTY MANAGER**

Anne W. Laurent

On October 23<sup>rd</sup>, 2024, Los Alamos County Councilors Denise Derkacs, David Reagor, and Randall Ryti met with Detention Administrator Hilario Salinas for an inspection of the Los Alamos County Detention Facility. They conducted a tour of the facility that included male and female housing areas, kitchen areas, showers, inmate booking area, exercise room, natural light recreation area, juvenile housing cells, and master control and support service areas.

In accordance with NMSA 33-3-4, the inspection addressed the cleanliness and discipline of the facility. The Councilors participating in the tour prepared a report to the Council as a whole, rating the facility on the following criteria: (1) overall appearance and housekeeping; (2) aisles, passageways and floors; (3) lighting; (4) ventilation; (5) exposed floor, electrical and telephone wires; (6) disposal of trash and waste; (7) office furnishings; (8) outside yard; (9) general building condition; (10) personal cleanliness of the prisoners; (11) appropriate level of discipline and (12) knowledge of detention staff on policy and procedures in response to questions asked.

The Los Alamos County Detention Facility was found to be clean and orderly. Based on the inspection, the prisoners appear to be properly cared for and the detention facility staff is knowledgeable of operating policies and procedures. No violations of law were disclosed.

Sincerely,

Denise Derkacs, Chair  
Los Alamos County Council

Enclosures



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**INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-362**

**A CODE ORDINANCE AMENDING CHAPTER 16, DEVELOPMENT CODE,  
ARTICLE V, SECTIONS 16-68, 16-69, 16-70, 16-71, and 16-74(h)**

**WHEREAS**, the Incorporated County of Los Alamos, New Mexico (“County”) is a home rule county possessing the full power of local self-government pursuant to Article X, Sections 5 and 6 of the New Mexico Constitution, NMSA 1978, Chapters 3, 4 and 5, and County’s Home Rule Charter; and

**WHEREAS**, pursuant to the New Mexico Statutes Annotated 1978, Chapter 3, Articles 19, 21, and 26, *et seq.* the New Mexico Legislature has given municipalities and counties in the state the authority to regulate land use within their territorial limits; and

**WHEREAS**, on December 13, 2022, County Council adopted a complete substitution for the Development Code, or Chapter 16 of the Los Alamos County Code of Ordinances (“Code”), to refine the standards and procedures of the Chapter, including procedures for administration and enforcement, to better support implementation of the Comprehensive Plan; and

**WHEREAS**, Article V of the substitute Development Code adopted by Council establishes procedures for administration and enforcement, including separate descriptions of the individual authority and responsibilities of the review and decision-making bodies for the purposes of the Development Code: The Community Development Department, specifically, the director; the Planning and Zoning Commission; and County Council; and

**WHEREAS**, since the new Development Code became effective on January 23, 2023, Community Development Department staff have processed a number of applications for Minor Zone Map Amendments, which subject to Quasi-Judicial proceedings and decided by the Planning and Zoning Commission, pursuant to Section 16-71, Table 49: “Procedures Summary Table;” and

**WHEREAS**, the review and decision-making responsibilities for the Planning and Zoning Commission, listed in Section 16-69(b)(1) and (2), only assigns the Commission review and recommendation authority over “Zone Map Amendments,” generally, despite the clear separation of Major Zone Map Amendments from Minor Zone Map Amendments, the former going to County Council for review and decision, and the latter going to the Planning and Zoning Commission; and

**WHEREAS**, this Amendment reconciles the discrepancy between Table 49 and Section 16-69(b) to assign review and decision-making for Minor Zone Map Amendment applications to the Planning and Zoning Commission, and clarifies the Code for interpretation, which in turn promotes Code compliance; and

**WHEREAS**, this Amendment corrects these typographical errors and omissions in an effort to improve the clarity, utility, and overall quality of the Development Code, and to better serve the purposes it is intended; and

**WHEREAS**, on September 25, 2024, County Staff presented the text amendment to the Planning and Zoning Commission for review and its recommendations to County Council for consideration and adoption; and

**WHEREAS**, the Planning and Zoning Commission followed a legislative process to recommend approval of the proposed text amendment utilizing the factors described in Section 16-75(d) of the Development Code; and

**WHEREAS**, Council has considered this text amendment and the planning and Zoning Commission's recommendation in a public hearing where members of the public had further opportunity to make public comment; and

**WHEREAS**, Council's approval of the text amendment is based on the review criteria contained in Section 16-75(d) of the Development Code.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS**, the Los Alamos County Code of Ordinances is hereby amended as follows:

**Section 1.** Chapter 16, Article V, Section 16-68 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

**Sec. 16-68. Community development department/community development director.**

(a) *Authority.* The planning division of the community development department is responsible for day-to-day administration of this Code, unless this Code ~~states that another individual, department, or body has a specific responsibility, specifically states otherwise.~~

The community development director has overall responsibility to make oversee the administration of this Code, including but not limited to: directing day-to-day operations, making administrative decisions on matters related to development for the decisions on behalf of Planning Division staff; and may delegate authority as necessary to any staff member in furtherance of the purposes and objectives of this Code.

(b) *Responsibilities.*

(1) The community development director, or ~~their~~ designee, shall have the review and final decision authority as shown for administrative decisions listed in Table 49: Procedures Summary Table, pursuant to the Decision Criteria for application-specific procedures outlined in Division 3, Specific Development of this Code, including the following development applications:

- a. Accessory structure permits.
- b. Administrative deviations/~~waivers.~~
- e. ~~Declaratory rulings.~~
- ~~d-c.~~ Encroachment permits.
- d. Fence/wall permits.

- ~~f.~~ Landscape plans.
- e. Lighting plans.
- hf. Minor development plan amendments.
- lg. Minor site plan amendments.
- jh. Sign permits.
- ki. Special event permits.
- lj. Summary plats.
- mk. Temporary use permits.
- nl. Administrative wireless telecommunications facilities permits.
- em. Small wireless facilities permit.
- pn. Minor historic demolition permit.
- go. Minor historic property alteration certificate.

- (2) In performing the duties and activities stated in this section, if the community development director, or their designee, determines that an application otherwise subject to administrative decision involves unique conditions or circumstances that warrant review and decision making by the planning and zoning commission, the community development director, or designee, shall refer any the application or and decision-making authority granted by this chapter pursuant to 16-68(b)(1) to the planning and zoning commission. ~~when the community development director, or their designee, determines that there are unusual conditions or unique circumstances that warrant review and decision making by the planning and zoning commission.~~
- (3) The community development director, or their designee, shall maintain an office ~~to supply the public with information about, and interpretation of,~~ for the public to provide information and assistance consistent with, and in furtherance of, ~~by providing information~~ the text of this Code, the official zoning map and the comprehensive plan.
- (4) The community development director, or their designee, shall interpret the County of Los Alamos Development Code and may take any necessary or appropriate action based on such interpretation of the Code pursuant to the procedures below.
- (5) The community development director, or their designee, shall not be required to accept an application or take any other action that cannot, based on the community development director's interpretation of the County of Los Alamos Development Code, be approved or justified as a matter of law.
- (6) The community development director, or their designee, shall, upon request, provide the applicant or requestor a written explanation of the director's action.

- (7) The community development director, or ~~their~~ designee, shall make a reasonable interpretation of the Code that is not inconsistent with the policies of the county and guidance by the planning and zoning commission and county council.
- (8) The decisions and code interpretations of the community development director, or ~~their~~ designee, shall apply to all applications filed and actions taken on or before the time a different interpretation is determined and applied by the planning and zoning commission pursuant to section 16-69.
- (9) If a development application is subject to review and a final decision by the community development director, or ~~their~~ designee, the director, or ~~their~~ designee, shall make a decision based on the decision criteria applicable to the application type in Division 3, Specific Development. Final decision on development applications reviewed by the community development director, or ~~their~~ designee, shall be issued in writing and shall clearly state reasons for a denial or any applicable conditions of approval.
- (10) Any final decision of the community development director, or ~~their~~ designee, including code interpretations, may be appealed to the planning and zoning commission pursuant to section 16-72(g).

**Section 2.** Chapter 16, Article V, Section 16-69 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

**Sec. 16-69. Planning and zoning commission.**

- (a) *Authority.* The planning and zoning commission is a ~~9~~ nine-member board appointed by county council per the requirements of Chapter 8, Boards and Commissions. ~~Pursuant to NMSA 1978 § 3-19-1 the planning and zoning commission shall provide advisory recommendations to the county council regarding planning and zoning for the county and for promoting the general welfare of the citizens of the county.~~ The planning and Zoning Commission only has the authority expressly granted by the Los Alamos County Code and state law.
- (b) *Responsibilities.*
  - (1) The planning and zoning commission shall have the review and recommendation authority as shown for discretionary decisions listed in *division 3, Specific Development Procedures*, pursuant to the application-specific procedures outlined in *division 3, Specific Development Procedures* this Code, for the following development applications:
    - a. Master plan adoption or amendments ~~approvals~~.
    - b. ~~Development plan approvals, including any associated site plans or sketch plats.~~
    - ~~b.-e.~~ Comprehensive plan adoption or amendments.
    - ~~c.-d.~~ Major Zone map amendments.
    - ~~d.-e.~~ Text amendment.

- e. County landmark or historic district adoption or amendment.
- (2) The planning and zoning commission shall have the review and final decision authority as shown for discretionary decisions listed in Table 49: Procedures Summary Table, including the authority to approve, conditionally approve or deny the following development applications:
- ~~a. Code interpretations.~~
  - a. b. Subdivision Sketch plats.
  - b. e. Subdivision Preliminary plats.
  - c. d. Subdivision Final plats.
  - d. e. Conditional use permits.
  - e. f. Site plan adoption or major amendment.
  - f. g. Development plan
  - ~~h. Major site plan amendments.~~
  - ~~i. Major development plan amendments.~~
  - g. j. Variances.
  - h. k. Discretionary wireless telecommunication facilities permit.
  - i. Minor Zone Map Amendment
  - j. Historic economic hardship waivers
  - k. Major historic demolition permit
  - l. Major historic property alteration certificate
- (3) Any application or decision-making authority referred to it by the community development director, or ~~their~~ designee, pursuant to section 16-68.
- (4) The planning and zoning commission shall have ~~appeal-appellate~~ authority ~~for to review~~ any all-administrative decisions acted on by the community development director, or ~~their~~ designee, as listed in Table 49: Procedures Summary Table and for all decisions or determinations of the county engineer or county utilities manager to require or not require any or all impact reports. The planning and zoning commission shall affirm, overturn, or modify the decision of the community development director, or ~~their~~ designee, the county engineer, or the county utilities manager.
- (5) If the application is subject to a recommendation to the county council, the commission shall make a decision based on the decision criteria applicable to the application type in division 3, Specific Development Procedures. The planning and zoning commission shall take any one (1) of the following actions:
- a. Recommendation of approval of the development application as presented;
  - b. Recommendation of approval of the development application with conditions. In recommending conditional approval, the planning and zoning commission may only recommend such conditions as are reasonably necessary to meet the approval criteria of specific procedures outlined division 3, Specific Development Procedures, including the granting of variances more restrictive than those originally requested by the applicant;

- c. Recommendation of denial of the application; or
  - d. If the planning and zoning commission is unable to arrive at a recommendation, the proposed development application shall be forwarded without recommendation to the county council for consideration.
- (6) If an application is subject to review and a final decision by the planning and zoning commission, the commission shall make a decision based on the decision criteria applicable to the application type in division 3, Specific Development Procedures. The planning and zoning commission shall take any one of the following actions:
- a. Approve the development application as presented;
  - b. Approve the development application with conditions. In granting conditional approval, the planning and zoning commission may only impose such conditions as are reasonably necessary to meet the approval criteria of specific procedures outlined in Table 26: Permitted Use Table, including the granting of variances more restrictive than those originally requested by the applicant;
  - c. Denial of the application; or
  - d. Defer the matter to a date no more than 60 calendar days following its first appearance on the agenda, unless a longer deferral is accepted by the applicant.
- (7) ~~A majority of planning and zoning commissioners in office shall constitute a quorum for the transaction of business. Five members shall be a quorum for the conduct of business of the planning and zoning commission. No final action on any substantive matter, other than recommendations to the county council, shall be taken except on the affirmative vote of a majority of the commission members present, but in no event less than four affirmative votes. Whenever a quorum is not present to commence, no action shall be taken except to adjourn the meeting to the next scheduled public hearing. No business shall be conducted by the planning and zoning commission in the absence of a quorum. The only actions that may undertake in the absence of a quorum are to set the time and date of the next meeting, attempt to achieve a quorum by contacting absent members, and to adjourn.~~
- (8) Final decision on development applications reviewed by the planning and zoning commission shall be issued in writing and shall clearly state reasons for an approval, denial, or any applicable conditions of approval. ~~within 15 days of the public hearing.~~
- (9) Planning and zoning commissioners shall attend planning and zoning commission training conducted by the community development director, or their designee, or other county staff.

**Section 3.** Chapter 16, Article V, Section 16-70 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

**Sec. 16-70. - County council.**

(a) Authority. The county council ~~is the zoning authority for Los Alamos County~~ and has authority to make decisions on those types of applications as shown as county council responsibilities in Table 49: Procedures Summary Table.

The county council has delegated some of its broad planning and zoning authority to the planning and zoning commission authorized by law, and the effect of those delegations is shown in this Code.

(b) Responsibilities.

- (1) The county council shall have the review and final decision authority as shown for policy decisions listed in Table 49: Procedures Summary Table, pursuant to the application-specific procedures outlined in division 3, Specific Development Procedures of this Code, for the following development applications:
  - a. Master plan approvals.
  - b. ~~Development plan approvals, including any associated site plans or sketch plans.~~
  - ~~b.e.~~ Comprehensive plan adoption or amendments.
  - ~~c.d.~~ Major Zone map amendments.
  - ~~d.e.~~ Text amendments.
  - e. County landmark or historic district adoption or amendment.
- (2) The county council shall have appeal authority for all discretionary decisions acted on by the planning and zoning commission as listed in Table 49: Procedures Summary Table, for the following development applications:
  - a. Subdivision Sketch plats.
  - b. Subdivision Preliminary plats.
  - c. Subdivision Final plats.
  - d. Conditional use permits.
  - e. Site plan adoption or major amendment
  - f. Development plan adoption or major amendment
  - ~~g. Major site plan amendments.~~
  - ~~h. Major development plan amendments.~~
  - ~~g.i.~~ Variances.
  - h. Discretionary wireless telecommunication facilities permit
  - i. Minor zone map amendments
  - j. Historic economic hardship waivers
  - k. Major historic demolition permit
  - l. Major historic property alteration certificate
- (3) ~~A majority of county council members in office shall constitute a quorum for the transaction of business. Whenever a quorum is not present to commence, no action shall be taken except to adjourn the meeting to the next scheduled public hearing. Four members shall~~

be a quorum. No action of the Council shall be valid unless adopted by the affirmative vote of at least four members.

- (4) If an application is subject to review and a final decision by the county council, the council shall make a decision based on the decision criteria applicable to the application type in Division 3, Specific Development Procedures. The council shall take any one (1) of the following actions:
- a. Approve the development application as presented;
  - b. Approve the development application with conditions. In granting conditional approval, the council may only impose such conditions as are reasonably necessary to meet the approval criteria of specific procedures outlined Division 3, Specific Development Procedures, including the granting of variances more restrictive than those originally requested by the applicant;
  - c. Denial of the application; or,
  - d. ~~Defer the matter to a date no more than 60 calendar days following its first appearance on the agenda, unless a longer deferral is accepted by the applicant.~~ Remand the application back to the recommending body for further proceedings in accordance with the instructions of the county council.
- (5) Final decision on development applications reviewed by the county council shall be issued in writing and shall clearly state reasons for an approval, denial, or any applicable conditions of approval. ~~within 15 days of the public hearing.~~

**Section 4.** Chapter 16, Article V, Section 16-71 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

## **DIVISION 2. - PROCEDURES**

### **Sec. 16-71. - Procedures summary table.**

Table 49: Procedures Summary Table lists the type of development applications authorized by this Code. For each type of application, the table indicates what type of notice is required, whether pre-application meetings with staff or neighbor meetings are required, which county bodies review and make a decision on the application, and in which cases a public meeting or hearing is required.

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**Table 49: PROCEDURES SUMMARY TABLE**

APPLICATION TYPE	NOTICE			MEETINGS		REVIEW/APPROVING BODIES		SPECIFIC PROCEDURES	
	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/DESIGN EE	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
Administrative Decisions									
Accessory Structure Permit						D	AD		section 16-73(c)
Administrative Deviation/Waiver						D	AD		section 16-72(f)
Administrative Wireless Telecommunications Facility						D	AD		section 16-73(b)
Encroachment Permit						D	AD		section 16-73(a)
Fence/Wall Permit						D	AD		section 16-73(e)
Lighting Plan						D	AD		section 16-73(f)
Minor Historic Demolition Permit						D	AD		section 16-73(g)
Minor Historic Property Alteration Certificate						D	AD		section 16-73(h)
Minor Development Plan Amendment						D	AD		section 16-73(i)
Minor Site Plan Amendment						D	AD		section 16-73(j)
Sign Permit						D	AD		section 16-73(k)

**Table 49: PROCEDURES SUMMARY TABLE**

APPLICATION TYPE	NOTICE			MEETINGS		REVIEW/APPROVING BODIES		SPECIFIC PROCEDURES	
	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/DESIGNER	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
Special Event Permit						D	AD		section 16-73(m)
Summary Plat						D	AD		section 16-73(n)
Temporary Use Permit						D	AD		section 16-73(o)
Small Wireless Facilities Permit						D	AD		section 16-73(l)
<u>Code Interpretations</u>						<u>D</u>	<u>AD</u>		Section 16-72(a)
<u>Declaratory Rulings</u>						<u>D</u>	<u>AD</u>		
Quasi-Judicial Decisions									
<u>Subdivision Sketch Plat</u>	X	X	X	X			D	AD	section 16-74(a)
<u>Subdivision Preliminary Plat</u>	X	X	X	X			D	AD	section 16-74(a)
<u>Subdivision Final Plat</u>	X	X	X	X			D	AD	section 16-74(a)
Conditional Use Permit	X	X	X	X			D	AD	section 16-74(b)
Discretionary Wireless Telecommunication Facility Permit	X	X	X	X			D	AD	section 16-74(c)
Historic Economic Hardship Waiver							D	AD	section 16-74(d)

**Table 49: PROCEDURES SUMMARY TABLE**

X = Required R = Review and Recommend D = Review and Decide AD = Appeal Review and Decision	NOTICE			MEETINGS		REVIEW/APPROVING BODIES		SPECIFIC PROCEDURES		
	APPLICATION TYPE	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/DESIGNER	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
Major Historic Demolition Permit	X	X	X	X				D	AD	<u>section 16-74(e)</u>
Major Historic Property Alteration Certificate	X	X	X	X				D	AD	<u>section 16-74(f)</u>
Variances	X	X	X					D	AD	<u>section 16-74(g)</u>
Minor Zone Map Amendment	X	X	X	X	X			D	AD	<u>section 16-74(h)</u>
Site Plan Adoption/Major Amendment	X	X	X	X				D	AD	<u>section 16-74(i)</u>
Development Plan Adoption/Major Amendment	X	X	X	X	X			D	AD	<u>section 16-74(j)</u>
<b>Legislative Decisions</b>										
County Landmark or Historic District Adoption or Amendment	X	X	X	X	X			R	D	<u>section 16-75(b)</u>
Master Plan <u>adoption or amendment</u>	X			X				R	D	<u>section 16-75(c)</u>
Comprehensive Plan Adoption or Amendment	X			X				R	D	<u>section 16-75(a)</u>
Major Zone Map Amendment	X	X	X	X	X			R	D	<u>section 16-75(e)</u>

**Table 49: PROCEDURES SUMMARY TABLE**

APPLICATION TYPE	NOTICE			MEETINGS		REVIEW/APPROVING BODIES		SPECIFIC PROCEDURES	
	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/DESIGNER	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
Text Amendment	X			X			R	D	<u>section 16-75(d)</u>

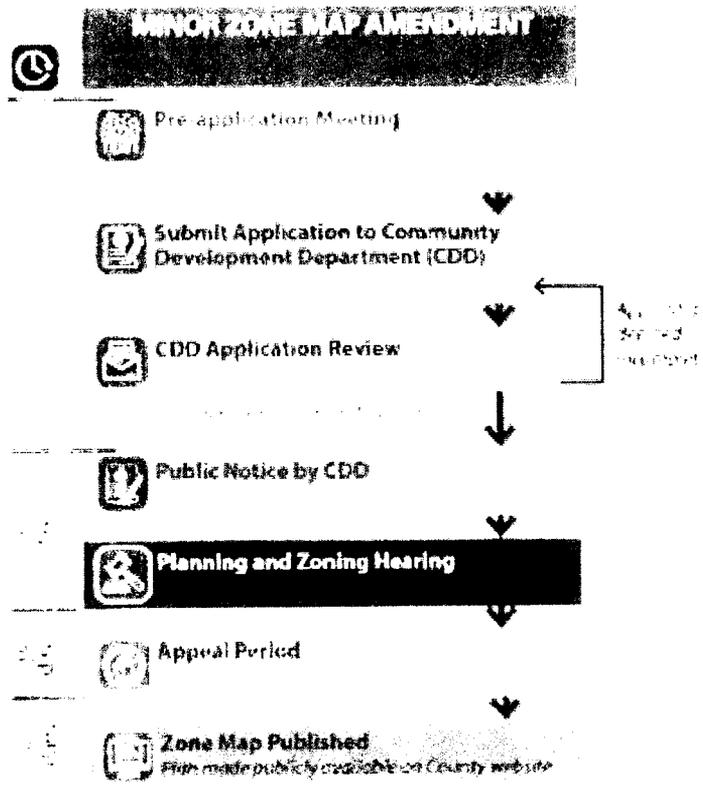
**Section 5.** Chapter 16, Article V, Section 16-74(h) of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

(h) *Minor zone map amendment.*

(1) *Applicability.* This section applies to all applications for a zone map amendment to change a single tract, parcel or lot under common ownership; ~~or the land~~ or the land affected by the map amendment is predominantly owned by a single person or entity under common ownership.

(2) *Procedures.*

- a. Prior to the submission of a zone map amendment application, the applicant shall attend a pre-application meeting pursuant to section 16-72(b)(1) and conduct a neighborhood meeting pursuant to section 16-72(b)(2).
- b. Applications for an amendment to the official zoning map may be made by the county council, the planning and zoning commission, the county manager, the community development director, or their designee, or the owner or agent of any parcel of property to be affected.



- c. Zone map amendment applications shall be submitted to the community development department. The application shall explain how it conforms to the decision criteria in section 16-74(h)(3).
- d. A request for amendment to the comprehensive plan, if found necessary by the community development planning director, shall be submitted, processed, heard, and decided upon concurrently with the request for zone map amendment.
- e. The community development department shall intake the application pursuant to the requirements of section 16-72(d).
- f. The community development department shall provide public notice pursuant to the requirements of section 16-72(c)(2).
- g. The community development director, or their designee, shall set a date for public hearing before the planning and zoning commission on the zone map amendment request within 28 days of receipt of a complete application.
- h. The planning and zoning commission shall conduct a public hearing on the application pursuant to the requirements of section 16-72(f).
- i. The planning and zoning commission shall approve or deny the proposed zone map amendment pursuant to the decision criteria within section 16-74(h)(3).

- j. If the planning and zoning commission approves the zone map amendment, the official zoning map shall be amended to note the new zone district designation and posted on the county website.

(3) *Decision criteria.* An application for a zone map amendment of the official zoning map shall be approved if it meets all of the following criteria:

- a. The proposed zone map amendment is consistent with the health, safety, and welfare of the county as shown by conformance with the goals and policies of the comprehensive plan and other adopted county plans or policies.
- b. The existing zone district designation is shown to be inappropriate for one or more of the following reasons:
  1. It was established in error;
  2. Changed conditions warrant the rezoning; or
  3. A different zone is more advantageous to the community as articulated by conformance with each applicable goal and policy the comprehensive plan, including the future land use map.
- c. The proposed zoning will not designate a zone district different from surrounding zone districts to one small area, i.e. create a spot zone, unless one or more of the following criteria are met:
  1. Granting such zoning accomplishes the goals and policies of the comprehensive plan;
  2. Unique characteristics specific to the site exist;
  3. The zoning serves as an appropriate transition between land uses of higher and lower intensity; or
  4. The county's existing and proposed infrastructure and public improvements including, but not limited to utilities, streets, sidewalks, or trails have adequate capacity to serve the development made possible by the zone map amendment.
- d. The establishment, maintenance, or operation of uses made possible by the zone map amendment will not be detrimental to the health, safety, or welfare of persons residing or working adjacent to or within the proximity of the subject property.

**Section 6. Severability.** If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

**Section 7. Effective Date.** This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

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**Section 8. Repealer.** All other ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

**ADOPTED** this 12<sup>th</sup> day of November 2024.

**INCORPORATED COUNTY OF LOS ALAMOS**

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**Denise Derkacs,  
Council Chair**

**ATTEST:**

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**Naomi D. Maestas,  
Los Alamos County Clerk**

# County Council - Regular Session on 2024-11-12 6:00 PM

Meeting Time: 11-12-24 17:45

## eComments Report

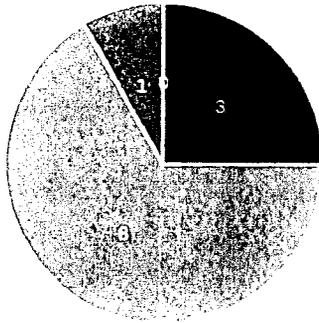
Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
County Council - Regular Session on 2024-11-12 6:00 PM	11-12-24 17:45	41	12	3	8	1

### Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

#### Overall Sentiment

Support (25%)
  Oppose (66%)
  Neutral (8%)
  No Response (0%)



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**County Council - Regular Session on 2024-11-12 6:00 PM**

11-12-24 17:45

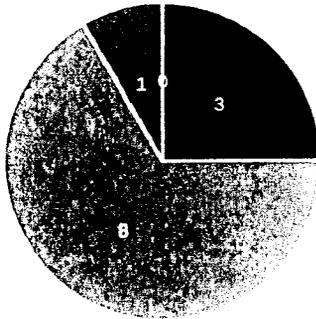
Agenda Name	Comments	Support	Oppose	Neutral
A. OR1035-24b Incorporated County of Los Alamos Ordinance No. 02-362 a Code Ordinance Amending Chapter 16, Development Code, Article V, Sections 16-68, 16-69, 16-70, 16-71, and 16-74(h), pertaining to approval authority for Minor Zone Map Amendments	8	0	8	0
B. 19162-24 Discussion and Possible Action of Site Selection for the Fire Station 4 Replacement Project	2	1	0	1
C. 19184-24 Presentation and Possible Adoption of Final Climate Action and Target to Achieve Carbon Neutrality by 2050	2	2	0	0

**Sentiments for All Agenda Items**

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

**Overall Sentiment**

Support (25 of 100%) Oppose (0 of 0%) Neutral (0 of 0%) No Response (0 of 0%)

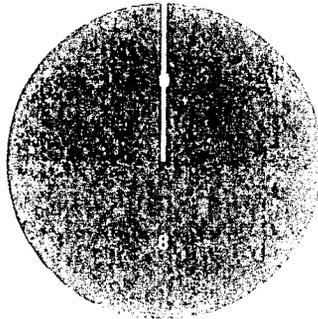


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Agenda Item: eComments for A. OR1035-24b Incorporated County of Los Alamos Ordinance No. 02-362 a Code Ordinance Amending Chapter 16, Development Code, Article V, Sections 16-68, 16-69, 16-70, 16-71, and 16-74(h), pertaining to approval authority for Minor Zone Map Amendments

Overall Sentiment

Support (0%) Oppose (100%) Neutral (0%) No Response (0%)



**Susan Barns**

Location:  
Submitted At: 7:33am 11-12-24

If "a single tract, parcel or lot under common ownership; or the land affected... is predominately owned by a single person or entity under common ownership." includes County-owned land, then I strongly OPPOSE giving P&Z authority to amend the zone map. All changes to public land should be approved by Council with input from the public. Thank you!

**Jean Dewart**

Location:  
Submitted At: 7:58pm 11-11-24

Residents of Los Alamos County place very high value on our open space and trails. Delegating authority to approve zoning changes for open space to the Planning and Zoning Commission is counter to the reason County Councillors have been elected. This change to the Development Code should not be approved.

**Akkana Peck**

Location:  
Submitted At: 4:25pm 11-11-24

Under the proposal, rezoning a large County-owned open space parcel would be considered a "minor zone amendment" and the P&Z Commission would have final say. Such a change isn't minor, and should be done in full public view, with repeated hearings and plenty of opportunity for comment, and with notice given to all county residents, not just adjacent property owners. Parcels above some set size, and/or owned by the County, should not be considered "minor".

**Kyle Dickman**

Location:  
Submitted At: 7:14am 11-11-24

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Rezoning County land should be a policy decision made by the elected County Council, not by unelected citizens.

**Brian Larsen**

Location:

Submitted At: 6:58am 11-11-24

I strongly oppose delighting this important role away from the elected officials. In this area it is critical the these all of county decision be made directly by the elected officials to maintain citizen view and direct accountability to the citizens. P&Z commission is important but must be advisory to the council

**Turin Dickman**

Location:

Submitted At: 10:21pm 11-10-24

Rezoning County land should be a policy decision made by the elected County Council, not by unelected citizens.

**Kevin Holsapple**

Location:

Submitted At: 3:22pm 11-10-24

As I understand it, this proposed ordinance would result in treating proposed rezoning of designated open space lands as "minor zone map amendments" which is totally inappropriate. Any suggestion of rezoning open space lands to any other use is a major consideration that should require full public processes and hearings - the decision making authority for any such proposal should remain with the Council. I am curious whether the staff solicited input on this from the Open Space Working Group.

**June Fabryka-Martin**

Location:

Submitted At: 1:49pm 11-10-24

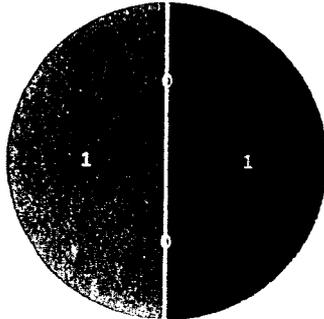
I feel that the definition of Minor Zone Map Amendment should exclude County land, and not give P&Z decision-making authority for applications to rezone, for example, County open space. The definition is appropriate for privately owned land, but not public land. Rezoning County land requires prioritization of conflicting plan objectives, which is a policy decision to be made by the elected Council. Open space is too important to the community for the decision to be made by unelected citizens.

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Agenda Item: eComments for B. 19162-24 Discussion and Possible Action of Site Selection for the Fire Station 4 Replacement Project

Overall Sentiment

Support (50%)    Oppose (0%)    Neutral (50%)  
No Response (0%)



**John Ullmann**

Location:  
Submitted At: 4:21pm 11-11-24

I strongly support replacing FS4 at the current location. The alternative "Site C" (Loma Linda Park) is not appropriate for 3 reasons: 1) Impact of 24 hour operations (sound and light) on the adjacent neighborhood, 2) Poor vehicle access via a steep 2-lane road with limited visibility, and 3) Removal of zoned park land when other alternatives (current location) are viable and better. More discussion and similar comments are documented in the Public Comment Matrix.

**Kevin Holsapple**

Location:  
Submitted At: 4:18pm 11-10-24

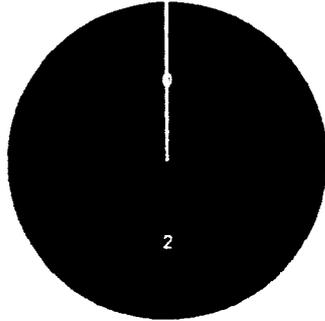
I favor replacing on the current site & I request that the Council challenge the staff to do what is needed within the existing parcel footprint. I went to a meeting & the main reason I heard for the idea of encroaching into adjacent lands was to accommodate police department use which seems like project creep. Please be creative & keep it compact! The 2 other sites considered are inappropriate for the fire station use- they already have open space uses. OPEN SPACE IS NOT LAND FOR DEVELOPMENT

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Agenda Item: eComments for C. 19184-24 Presentation and Possible Adoption of Final Climate Action and Target to Achieve Carbon Neutrality by 2950

Overall Sentiment

Support (100%) Oppose (0%) Neutral (0%) No Response (0%)



**Kevin Holsapple**

Location:  
Submitted At: 8:12am 11-11-24

I support the plan in concept. It is a worthy pursuit in my mind. Without a clear summary of the implications for the amount and timing of County net expenditures it is hard to understand if it is a practical plan. Also, what are expected impacts on local small business operations or costs -- enhancing the small business environment is another high priority, so understanding and mitigating the impact on small business costs and operations is pretty essential in how this is approached.

**June Fabryka-Martin**

Location:  
Submitted At: 2:04pm 11-10-24

I support the draft CAP & carbon-neutral target dates for many reasons, but only have room for two. Approval would signify the willingness of the County to act with foresight & is consistent with the goals & plans of neighboring jurisdictions, thereby providing more opportunities for regional coordination & collaboration. However, a well-designed & maintained Performance Dashboard that tracks progress with measurable metrics will be key to maintaining public awareness, support & momentum.

<p>Los Alamos County Council Regular Session November 12, 2024 eComments for Items 9.A, 10.B, &amp; 10.C</p>
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