

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO**

***A RECOMMENDATION OF THE PLANNING & ZONING COMMISSION TO THE
COUNTY COUNCIL (APPLICATION ZCA-2024-0016)***

This recommendation by the Planning and Zoning Commission (“Commission”) is issued for Application ZCA-2024-0016: A text amendment application and request for recommendation to County Council to amend Chapter 16, through Ordinance 02-362, an Ordinance Amending Article V, Sections 16-68, 16-69, 16-70, 16-71, and 16-74(h) of Chapter 16 of County of Los Alamos Development Code (“Application”). As an amendment to the text of the County Development Code, the action must be accomplished by ordinance.

After holding a properly noticed public hearing on September 25, 2024, the Commission recommends that the County Council approve the Application for the proposed text amendment.

I. INTRODUCTION

This Application, brought by the Incorporated County of Los Alamos (“County”), Community Development Department (“CDD”), is a request to revise Article V, Sections 16-68, 16-69, 16-70, 16-71, and 16-74(h) of Chapter 16, of the Los Alamos County Code of Ordinances to provide clarity of authority and responsibility on Development Applications, particularly Zone Map Amendments.

The Commission has an advisory duty to conduct a public hearing on the Application pursuant to the requirements of Section 16-72(f) of the County Development Code. The Commission shall make a recommendation to the County Council pursuant to the requirements of Section 16-69(b) of the County Development Code and forward to the County Council a recommendation to approve, approve with changes, or deny the Application based upon the decision criteria of Section 16-75(d)(3) of the County Development Code:

1. The request substantially conforms to the intent and policies of the Comprehensive Plan and other adopted County policies and plans.
2. 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.

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3. The proposed change will clarify existing language, remove redundant or inconsistent language, or simplify the understanding and implementation of the Code.
4. The proposed amendment promotes public health, safety, and welfare.

II. FINDINGS

The Los Alamos County Development Code governs development within the county. It applies to all development and redevelopment, public and private, within the municipal boundaries and the planning and platting jurisdiction of the County. The County Development Code was repealed and replaced in its entirety on January 23, 2023. The revision updated zoning, development standards, and procedures; organized the Code, and was written to align zoning and associate development standards with the changing economic and social realities of the County. Staff has been using the updated County Development Code and has identified areas that should be considered as amendments to clarify language, address inconsistencies, correct typos and grammatical errors and/or omissions, and standards or procedures that can help further County goals and policies. This Application ZCA-2024-0016 will provide consistency throughout the County Development Code as it relates to Review and Decision-Making Bodies, Authorities, Responsibilities, Procedures, and Zone Map Amendments.

After review of the presentation by CDD Staff at the public hearing held on September 25, 2024, the Commission finds that the proposed text amendment text is in conformity with the review criteria contained in Section 16-75(d)(3) of the Development Code. The Commission, in support of their findings, provides as follows:

- a. The proposed text amendment substantially conforms with the Comprehensive Plan ("Plan") because the Plan intends for rezoning applications that conform to the Future Land Use Map ("FLUM") to follow an expedited less onerous application and review process than those that do not. As such, the Plan lists streamlining the development review process, especially for projects that conform with the FLUM, as a potential strategy for the County. The proposed text amendment would clarify process and procedures for zone map amendments and be consistent with the procedures outlined within the County Development Code. Furthermore, "Operational Excellence" is listed as a strategic goal and priority of County Council; making the proposed text

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amendments to the County Development Code helps County staff provide effective customer service to property owners seeking a Zone Map Amendment.


b. The proposed text amendment will not affect land use or established zone districts. The proposed changes will address a conflict in the County Development Code regarding Zone Map Amendment authority and procedure.

c. The proposed text amendment enhances the clarity of the County Development Code. Currently the County Development Code, in Section 16-69(b), lists “Zone Map Amendments” as a responsibility for the Planning and Zoning Commission and the County Council in Section 16-70(b). Table 49 – Procedures Summary Table categorizes Zone Map Amendments into “Minor” and “Major” with the Planning and Zoning Commission having the final decision on Minor Zone Map Amendments and the County Council on Major Zone Map Amendments. The proposed text amendment will fix the contradiction and clarify the process and procedures for staff and applicants by categorizing Zone Map Amendments to be consistent with the Procedures outlined within the County Development Code.

d. The proposed text amendment does not affect the County Development Code to have any influence on public health, safety, or welfare either positively or negatively.

III. RECOMMENDATION TO APPROVE

The Commission, by majority vote, hereby finds that the proposed text amendment is in conformity with the review criteria contained in Section 16-75(d)(3). Therefore, the Commission hereby recommends to the County Council APPROVAL OF THE PROPOSED TEXT AMENDMENT and forwards such recommendation to the County Council.

 _____ 10/11/2024
RACHEL ADLER, Chair of the Planning & Zoning
Commission for the Incorporated County of Los
Alamos