



Los Alamos County
Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: September 25, 2024

Subject: Case No. ZCA-2024-0016, A Text Amendment application to amend Chapter 16, Development Code, Article V, Sections 16-68, Community Development Department/Community Development Director; Section 16-69, Planning and Zoning Commission; Section 16-70, County Council; Section 16-71 Procedures Summary Table, and Section 16-74(h), Minor Zone Map Amendment

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

CASE NO. ZCA-2024-0016. Case No. ZCA-2024-0016, A Text Amendment application to amend Chapter 16, Development Code, Article V, Sections 16-68, Community Development Department/Community Development Director; Section 16-69, Planning and Zoning Commission; Section 16-70, County Council; Section 16-71 Procedures Summary Table, and Section 16-74(h), Minor Zone Map Amendment.

See Attachment A: Application Submittal

BACKGROUND

The Los Alamos Development Code (“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. Exhibit 3, Development Code (“Code”), Article 1, Division 4, explains the purpose of the Code, such as:

- Implement the adopted goals, policies and strategies of the Los Alamos County, including those set forth in the Comprehensive Plan and other adopted plans.
- Divide the County into zone districts according to the use of land and structures and intensity of such use and provide for the appropriate regulation land use within those districts.
- Provide service to applications and property owners in understanding and working with the provisions and procedures of this chapter [Development Code].

The Code was repealed and replaced in its entirety on January 23, 2023.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. 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 to guide the County’s growth over time.

Staff has been using the Code as updated and identified areas that should be considered as amendments to clarify language, address inconsistencies, correct typo and grammatical errors

and/or omissions, and standards or procedures that can help further county goals and policies. With that said, staff has started a process referred to as the Development Code “Clean-Up”. It will include a series of Text Amendment applications that will be submitted at different times, each addressing a different category of purposes, different Code sections and subjects.

SUMMARY

The application, ZCA-2024-0016, is proposed through INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-362, to amend five (5) sections within Article V. Administration and Enforcement. The first three (3) sections are within Division 1, Review and Decision-Making Bodies. The purpose of the amendment is to provide clarity of authority and responsibility on Development Applications, particularly Zone Map Amendments.

Section 16-68. Community Development Department/Community Development Director outlines the authority and responsibility of the Community Development Department/Director (“CDD”). It includes the development applications where CDD is the decision-making body and summarizes general procedures for those listed. The section is revised to be precise and provide clarity of language. Subsection (b) Responsibilities is updated to consistently show all administrative decisions within the Code, as shown in Table 49: Procedures Summary Table, and Article V. Division 3, Specific Development Standard.

Section 16-69. Planning and Zoning Commission describes the authority and responsibility of the Planning and Zoning Commission (“Commission”). It defines the development applications where the Commission reviews and makes recommendation, and where the Commission has review and final decision. The revision cleans up subsection (b) Responsibilities to be consistent with Table 49: Procedures Summary Table, and Article V. Division 3, Specific Development Procedures. The change will clarify authorities and responsibilities, add omitted development applications, and categorize Zone Map Amendments into “Minor Zone Map Amendments”, and “Major Zone Map Amendments”. Categorizing Zone Map Amendments within Section 16-69 and 16-70 resolves a conflict with Article V. Division 3, Specific Development Standards, and clearly states that the Commission is the decision-making body for Minor Zone Map Amendments.

The Code defines Minor Zone Map Amendments as:

“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 predominately owned by a single person or entity under common ownership.”

Section 16-70. County Council describes the authority and responsibility of the County Council (“Council”). It defines the development applications where the Council reviews and makes final decision, and where the Council is the appeal authority. The revision to subsection (b) Responsibilities will make the procedure listing of development applications consistent with Table 49: Procedures Summary Table, and Article V. Division 3, Specific Development Procedures. The change will clarify authorities and responsibilities, add omitted development applications, and categorize Zone Map Amendments into “Minor Zone Map Amendments”, and “Major Zone Map Amendments”. Categorizing Zone Map Amendments within Section 16-69 and 16-70 resolves a conflict with Article V. Division 3, Specific Development Standards, and clearly states that Planning and Zoning Commission makes recommendation on Major Zone Map Amendments, and the County Council is the decision-making body.

The Code defines Major Zone Map Amendments as:

“All applications for a zone map amendment where the proposed map amendment does not concern a single tract, parcel or lot under common ownership, or the land affected by the map amendment is not predominantly owned by a single person or entity under common ownership.”

Section 16-71. Table 49: Procedures Summary Table lists the type of development applications authorized by the Code and identifies a summary of required procedures. The amendment would revise the application type column to match their titles as listed within Sections 16-68, 16-69, and 16-70, and as identified throughout Article V, Division 3. Specific Development Procedures.

Section 16-74(h) Minor Zone Map Amendment outlines applicability, procedures, and decision criteria for the development application type. The changes proposed within this section provides clear language.

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 5, 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: The Comprehensive Plan ("Plan"), Exhibit 1, is organized into Core Themes, one of those themes is "Development". The Plan outlines Land Use Policies, and potential strategies that the county should explore to achieve Development Goals. The Plan, Page 104, intends that rezoning applications for uses that conform to the Future Land Use Map ("FLUM") would follow an expedited and 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 change would clarify process and procedures for zone map amendments and be consistent with the procedures outlined within the Code, Article V. Division 3, which expedites and simplifies the process for Minor Zone Map Amendments.

Furthermore, "Operational Excellence" is listed as a strategic goal and priority of County Council, Exhibit 2. Making the proposed changes to the Development Code helps county staff to provide effective and reliable customer service to property owners seeking a Zone Map Amendment.

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

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

Staff Response: Currently the Code, Exhibit 3, Section 16-69-(b), lists "Zone Map Amendments" as a responsibility for Planning and Zoning Commission and County Council, Section 16-70-(b). Table 49: Procedures Summary Table, and Art. V. Administrative and Enforcement, Div. 3. Specific Development Procedures categorizes Zone Map Amendments into "Minor" and "Major" with Planning and Zoning Commission having final decision on Minor Zone Map Amendments and County Council on Major Zone Map Amendments. The proposed change 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 Code.

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

Staff Response: The proposed amendment does not affect the Code to have any influence on public health, safety, or welfare either positively or negatively.

DRAFT MOTION

Motion Option 1:

I move to recommend that the County Council **approve** Case No. **ZCA-2024-0016**, Text Amendment application to amend Chapter 16, Development Code, through 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).

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-2024-0016**, Text Amendment application to amend Chapter 16, Development Code, through 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), with the following condition(s):

1. ...

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-2024-0016**, Text Amendment application to amend Chapter 16, Development Code, through 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).

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
- 3 – Los Alamos County, Chapter 16, Development Code: <https://lacnm.com/MunicipalCode>



2024 STRATEGIC
LEADERSHIP
PLAN

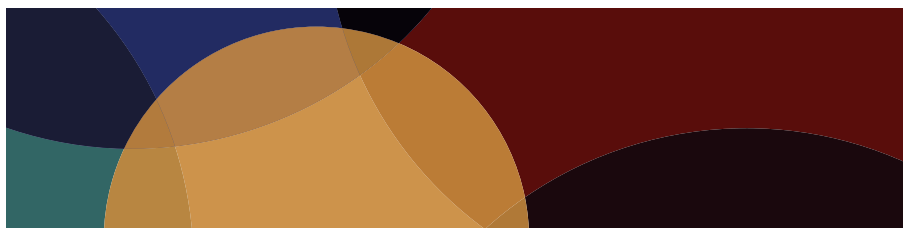
LOS ALAMOS

EXHIBIT 2

VISION

Los Alamos is a world-renowned community where discovery and innovation are inspired by its dramatic history. Extraordinary educational, recreational, and cultural opportunities abound in a vibrant and welcoming small-town atmosphere situated in a magnificent mountain setting.





Los Alamos County Council, with input from County staff and community members, reviewed and updated the 2023 strategic goals and priorities and subsequently adopted these five goals and 22 priorities for 2024. The goals and priorities address issues that are important to the community and the governance of essential functions. They are tools to help maintain a focus on important and challenging issues, including those identified in the National Community Survey conducted in December 2022. They are not all-inclusive of the broad scope of the County's work and investments.

Concrete actions for addressing each of the priorities will be determined, in the context of all ongoing County efforts, for making and communicating progress and identifying challenges throughout the year. Many of the actions will come from existing plans listed at the end of this document, which can be found on the County's website using the search function. An electronic dashboard has been developed in parallel with the County's new website implementation. The purpose of the dashboard is to capture the scope of County actions to address each of the priorities and to enable measurements to be assigned and tracked.

A high-level summary of the progress made toward the 2024 strategic goals and priorities will be provided in the State of the County Annual Report in January 2025.



STRATEGIC GOALS AND PRIORITIES

Quality Governance

Quality governance is participatory, consensus-oriented, transparent, accountable, effective, efficient, and responsive to present and future needs of stakeholders.

Communication and Engagement

Inform, engage, and solicit feedback from the community and boards and commissions on County projects, policies, and priorities to promote a culture of open communication and collaboration and foster exceptional customer service.

Intergovernmental, Tribal, and Regional Relations

Collaborate and problem-solve with the County's major employers; community partner organizations; neighboring Pueblos; and regional, state, and national governmental entities.

Fiscal Stewardship

Maintain fiscal sustainability, transparency, and compliance with applicable budgetary and financial regulatory standards.



STRATEGIC GOALS AND PRIORITIES

Operational Excellence

Operational excellence involves having structures, processes, standards, and oversight in place to ensure that effective services are efficiently delivered within available resources and that services continuously improve.

Effective, Efficient, and Reliable Services

Deliver customer-focused, accessible, reliable, and sustainable services to the community through sound financial management, collaborative decision-making, and efficient implementation.

Infrastructure Asset Management

Evaluate the County's assets and infrastructure and prioritize funding to first maintain and protect those investments and second to inform new investments.

Employee Recruitment and Retention

Attract and employ diverse and highly qualified staff; retain staff through development opportunities, compensation, and benefits; and promote staff to address increasingly complex challenges.



STRATEGIC GOALS AND PRIORITIES

Economic Vitality

Economic vitality encompasses the ability of the community to diversify, develop, grow, and sustain the many elements necessary for a local economy to flourish.

Housing

Increase the capacity for new housing development and the amount and variety of housing types to meet the needs of a changing and growing population, particularly middle- and lower-income households.

Local Business

Encourage the retention of existing businesses, facilitate the startup of new businesses, and assist in opportunities for business growth.

Downtown Revitalization

Revitalize the downtown areas of Los Alamos and White Rock by facilitating development opportunities in accordance with the downtown master plans.

Tourism and Special Events

Sponsor special events, support major employer and community events, and promote tourism by enhancing amenities, utilizing facilities and contract services, and encouraging overnight stays.

Community Broadband

Provide community broadband as a basic essential service that will enable reliable high-speed internet services throughout the County at competitive pricing.



STRATEGIC GOALS AND PRIORITIES

Quality of Life

Quality of life is a reflection of general well-being and the degree to which community members are healthy, comfortable, welcomed, included, and able to enjoy the activities of daily living.

Health, Wellbeing, and Social Services

Improve access to behavioral, mental, and physical health and social services and amenities to address identified issues and promote wellbeing in the region.

Diversity, Equity, and Inclusivity

Promote diversity, equity, and inclusivity through community awareness training, targeted events, and expanded opportunities for diverse interests.

Mobility

Improve and expand access to, and all-ability accommodations for, alternative modes of travel including public transit, cycling, and walking amenities and services.

Educational, Historical, and Cultural Amenities

Promote educational and cultural opportunities, in coordination with community partners, and provide for the preservation and restoration of historic buildings and the protection of archaeological sites.

Open Space, Parks, and Recreation

Manage County open space and maintain and improve parks and recreation facilities, trails, and amenities as defined by adopted plans and approved projects.

Public Safety

Ensure overall community safety through proactive and sustained implementation of police, fire, hazard mitigation, and emergency response plans.



STRATEGIC GOALS AND PRIORITIES

Environmental Stewardship

Environmental stewardship is the responsible use and protection of the natural environment through active participation in conservation efforts and sustainable practices in coordination with community and organizational partners.

Natural Resource Protection

Take actions to protect the wildlife and wildland interface, safeguard water, and mitigate tree loss in the community.

Greenhouse Gas Reduction

Establish targets for achieving net-zero greenhouse gas emissions and integrate sustainability and resiliency practices into County policies and operations.

Carbon-Neutral Energy Supply

Achieve carbon neutrality in electrical supply by 2040 through diversified carbon-free electric sourcing, and phase out natural gas supply by 2070 through energy-efficient, all-electric buildings.

Water Conservation

Reduce potable water use and increase non-potable water use and water harvesting for irrigation where suitable.

Waste Management

Manage waste responsibly by diversion of solid waste from landfills through recycling, re-use, composting, and waste reduction programs and zero-waste education campaigns; and pursue efficient long-term solutions for disposal of solid waste.



Administrative Services

- 2023–2024 Biennial Budget (FY2023, Adopted–FY2024, Adopted)
- 2023–2024 Citizen’s Guide (FY2023, Adopted–FY2024, Adopted)
- 2023 Annual Comprehensive Financial Report (ACFR)
- 2023 Popular Annual Financial Report (PAFR)

Community Development

- 2021 Los Alamos Downtown Master Plan
- 2021 White Rock Town Center Master Plan
- 2020 North Mesa Housing Study
- 2019 Los Alamos Housing Market Needs Analysis
- 2019 Los Alamos County Economic Vitality Strategic Plan
- 2018 Fuller Lodge Interpretive Plan
- 2018 Los Alamos Tourism Strategic Plan and 2020 Tourism Task Force Recommendations
- 2016 Los Alamos County Comprehensive Plan
- 2014 Brand Action Plan
- 2011 Los Alamos Creative District Plan
- 2010 Los Alamos County Affordable Housing Plan
- 2009 Regional Economic Development Strategic Plan
- 2008 Los Alamos County Historic Preservation Plan

Community Services

- 2023 Integrated Master Plan
- 2022 ADA Audit Report
- 2020–2023 Los Alamos County Library System Strategic Plan
- 2020 Health Services Gap Analysis Final Report
- 2015 Trail Network Signage Plan*
- 2015 Open Space Management Plan*
- 2013 Los Alamos County Community Trail Plan*
- 2012 Trail Management Planning Documents*

**These open space and trail plans will be consolidated in 2024 into one updated management plan.*



County Manager

- 2023 Community Broadband Network Final Report
- 2022 Racial Equity and Inclusivity Task Force Final Report
- 2022 Communication Plan
- 2017 Foundation Document—Manhattan Project National Historical Park

Fire

- 2019-2024 Los Alamos Fire Department Strategic Plan

Police

- 2023 Continuity of Operations Plan
- 2023 Emergency Operations Plan
- 2023 Local Hazard Mitigation Plan

Public Utilities

- FY2024 Department of Public Utilities Goals and Objectives
- 2022 Department of Public Utilities Water and Energy Conservation Plan

Public Works

- 2023 Transit Study
- 2023 Facility Condition Reports
- 2022 Food Waste Composting Feasibility Study
- 2022 Los Alamos Resiliency, Energy, and Sustainability Task Force Final Report
- 2021 Pavement Management Analysis and Parking Lot Analysis Reports
- 2017 Bicycle Transportation Plan
- 2013 Airport Master Plan
- 2011 Canyon Rim Trail Master Plan
- 1998 Pedestrian Transportation Plan