



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: October 26, 2022

Subject: Case No. ZCA-2022-0012, A request for recommendation to County Council to amend Chapter 16, with a comprehensive update through Ordinance 02-333, an Ordinance Repealing and Replacing in its entirety the Text of Chapter 16, “County of Los Alamos Development Code”.

Applicant: Los Alamos County, Community Development Department

Case Manager: Sobia Sayeda, Planning Manager

Case No. ZCA-2022-0012: An application and request for recommendation to County Council to amend Chapter 16, with a comprehensive update through Ordinance 02-333, an Ordinance Repealing and Replacing in its entirety the Text of Chapter 16, “County of Los Alamos Development Code”. **See Attachment A.** If approved, the proposed text amendment would be implemented through the adoption of an ordinance, Ordinance 02-333, An Ordinance Repealing and Replacing in Its Entirety the Text of Chapter 16, “County of Los Alamos Development Code”. **See Attachment B.**

INTRODUCTION

The regulations described in Chapter 16, County of Los Alamos Development Code (“Development Code”) provide zoning and associated development standards that apply to the entire County. Such zoning and associated standards serve as the regulatory tool by which the Community Development Department staff and the community can direct the type and intensity of desired growth within the County. Much of the existing Development Code has not been updated since 1965 when it was first adopted, leaving some aspects of the County’s zoning and development standards outdated while other updated sections lack cohesiveness and can be difficult to navigate. Meanwhile, the County has identified its vision and goals for the future through the Los Alamos County 2016 Comprehensive Plan.

Revising the Development Code will allow the County to align its zoning and associated development standards with the changing economic and social realities of the County. This revision will enable the County to more effectively implement the vision and goals identified in the Comprehensive Plan and provide the tools to guide the County’s growth over time.

BACKGROUND

The revision of the Development Code has involved, and continues to involve, extensive public input. Over the course of 2021 – 2022 Los Alamos County consultants Dekker Perich Sabatini (“DPS”) conducted 22 staff meetings and numerous coordination calls, obtained comments and recommendations from Chapter 16 Steering Committee members through 20 regularly scheduled meetings facilitated by staff, received input from the Planning and Zoning Commission (“Commission”) and the County Council (“Council”) via 12 public hearings, and hosted open houses with the public to obtain comments and recommendations. Further presentations to the Commission and Council in various public meetings were made by DPS, including a recent three-day “Joint Session” to County Council and the Commission on October 12, 13, and 14, 2022. **See Attachment C.** DPS and County Staff have received more than 200

public comments which have been considered, analyzed, and incorporated throughout the Development Code update. **See Attachment D.**

The Development Code standards were updated in a series of three modules. Module 1: Zone District and Use Regulations, released in July 2021, focused on updates to the zone and overlay districts, associated district standards, the use index table, and use-specific standards. Module 2: Development Standards, released in January 2021, included parking and loading requirements, landscaping, and architecture. Module 3: Administration and Procedures, focused on the reorganization and streamlining of content related to administration, enforcement, and procedures. Each module built off and incorporated the previous one, such that Module 3 included previous modules to constitute the comprehensive Development Code update. This approach offered incremental updates addressing each section separately and allowed DPS to incorporate public comments received on each module into the subsequent module. Additionally, input from County Staff, the Chapter 16 Steering Committee, the public, the Commission, and County Council was addressed via a comment matrix created by County Consultants. **See Attachment D.**

The final draft of Module 3 was presented to the Commission members at the “Joint Session” and was also referenced in the application submitted by Community Development Department. **See Attachment D.** It has since been updated to reflect the recommendations and public comments made during the “Joint Session” and to conform with ordinance formatting, meaning that it no longer identifies content that was added or struck during this multi-year process because the ordinance will repeal and replace Chapter 16 in its entirety. **See Attachment B.** The proposed text amendment will also affect the Official Zoning Map of Los Alamos County, which will be updated in accordance with Section 16-531(b) of the Los Alamos County Code of Ordinances. **See Attachment E.**

SUMMARY

Los Alamos County has a total area of 109 square miles, the majority of which is federally owned, and two population centers: Los Alamos Townsite and White Rock. Approximately 19,330 people live in Los Alamos County, according to 2020 census data. While population growth has experienced only marginal increases over time, the Los Alamos National Laboratory (“LANL”) has expanded significantly and now employs over 14,000 people. In addition, LANL management seeks to hire 2,000 new employees annually over the next three to five years, which is almost a 50 percent increase in workforce in its workforce, who are primarily located within the County. Many LANL employees commute from neighboring areas, in part because there are limited residential and commercial opportunities for prospective residents.

Opportunities for growth in Los Alamos County are somewhat constrained by geography and topography: the County sits on several mesas and multiple canyons that place limits on development. Residential, commercial, and industrial growth is also influenced, and partially limited, by the applicable zoning and land use standards described in the Development Code. The current Development Code was adopted in 1965, and economic and social realities of the County have since changed. The County faces a widely recognized housing shortage and struggles to support diverse retail and commercial businesses, even as it remains a desirable place to live. While the County has updated parts of the Development Code since 1965, many aspects of the Development Code do not allow the community to effectively implement its current vision and goals, as described in the Los Alamos County 2016 Comprehensive Plan.

The proposed text amendment proposes both broad and specific updates to the Development Code. These updates can generally be considered as aiming to implement a Development Code that is efficient and transparent, with standards that reflect national best practices adjusted to reflect unique needs of the County. Generally, the proposed text amendment updates the zone and overlay districts and associated uses and standards for each zone and district. Many zoning districts have been consolidated for more consistency and cohesion throughout the County. It also clarifies and streamlines administration and enforcement procedures related to the Development Code.

Specific changes provided in the proposed text amendment include updates to parking and loading requirements, landscaping, and architecture throughout the County; the addition of regulations for wireless telecommunications facilities, accessory dwelling units or “ADUs”, and outdoor lighting sections to the Development Code; and densities and building heights in County downtown areas.

These updates reflect the changed conditions in the County since the Development Code was implemented in 1965 and since amended.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

On September 29th, 2022, IDRC was presented with the application for the proposed text amendment, and staff provided a summary of the proposed changes to the Development Code. IDRC reviewed the application and noted that the text amendment pertains primarily to planning-related concepts, rather than building, public works, and engineering requirements. IDRC unanimously approved the Application to move forward to the Commission for consideration and recommendation to County Council, without conditions.

PUBLIC NOTICE

Notice was provided at least 15 days prior to the public hearing pursuant to Section 16-192 of the Development Code, *see Attachment F*, which includes:

- (1) Notice given by U.S. mail to owners of real property within 100 yards of the exterior lot lines of the property or properties affected, mailed October 6 and 7th, 2022, and in this case involved mailing such notice to every owner of real property within the County;
- (2) Publication within the Los Alamos Daily Post, the County’s official newspaper of record, published October 6th 2022; and
- (3) Posting at the Los Alamos County Municipal Building and libraries on October 6th 2022.

TEXT AMENDMENT REVIEW CRITERIA

Sec. 16-158. - Amendment to text. During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission; and the planning and zoning commission shall utilize the following criteria in making its recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:

- 1. The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county.*

Staff Response: The request substantially conforms with the Comprehensive Plan ("Plan") because the intent of the proposed text amendment is to align the Development Code with the goals of the Plan. In addition, the proposed text amendment is aimed to encourage the right development, within appropriate locations and suitable design to enhance the public health, safety, general welfare, and overall quality of living within Los Alamos County.

The amendment provides updated Development Code regulations that would better assist the county with accomplishing its vision and support the core themes within the Plan, particularly those concerning Housing, Neighborhoods and Growth, and Development, Redevelopment and Downtown. Some illustrative goals described in the Plan supported by this proposed amendment include:

- Protect the character of existing residential neighborhoods;
- Provide a variety of housing types, sizes and densities;
- Promote the creation of a variety of housing options for all segments of the Los Alamos Community;
- Diversify the economic base; and significantly improve the quantity and quality of retail businesses;
- Promote growth in the downtown;
- Maintain and protect designated open space; and
- Focus increased residential densities on new development in and near downtown.

The proposed text amendment will address these goals by providing updated development standards throughout the County, including downtown zoning districts and residential zoning districts. For example, building height in the Downtown Los Alamos Zone District and White Rock Town Center Zone District is increased to allow for more opportunity for mixed use developments that encourage business growth and higher residential density in and near the downtowns. In addition, the proposed text amendment describes significant buffering and step-downs between zoning districts to protect existing neighborhoods.

2. *A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.*

Staff Response: A request to amend the Plan is not proposed concurrently with this text amendment application. However, it may be necessary to amend the Plan's Future Land Use Map (FLUM) at a later date, depending on the outcome of this application. If it is necessary to amend the FLUM, the Community Development Department will submit an application to the Commission for consideration.

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

Staff Response: The proposed text amendment will repeal and replace the Development Code in its entirety. In so doing, the proposed text amendment will provide consistent and comprehensive updates to zoning districts and uses throughout the County. The intent of the proposed text amendment is to align existing land development regulations with adopted County goals and policies described in the Plan and protect the health, safety, and general welfare of those people and property that may be located near new or existing uses within each zoning district. The proposed changes to zoning districts and uses are broad and do not target specific parcels. The proposed text amendment generally does not significantly change the levels of impact within the existing zoning districts. In such instances where zoning districts may introduce heavier uses, then the text amendment requires mitigation measures to protect adjacent

properties. For example, the proposed text amendment implements neighborhood protection standards to protect adjacent properties.

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

Staff Response: The proposed change enhances the clarity of the Code and resolves discrepancies between zoning and land use by improving the overall organization and structure; adding illustrations, tables, and flowcharts for better understanding; consolidating the complex lineup of zone districts; consolidating and modernizing the land use classification system; and streamlining the development process. The revision and reorganization of the overall framework improves user friendliness of the Development Code – allowing the standards and procedures to be easily located and understood.

DRAFT FINDINGS

1. The application ZCA-2022-0012 is a request for a text amendment to repeal and replace in its entirety Chapter 16 of the Los Alamos County Code of Ordinances through the adoption of Ordinance No. 02-333, An Ordinance Repealing and Replacing In Its Entirety the Text of Chapter 16, “County of Los Alamos Development Code”.
2. The text amendment is in response to the need to update the existing Development Code since the current code has not undergone a comprehensive update since 1965 and requires revisions to align with changing economic and social realities such as the acute need for housing and diversified economic development.
3. The text amendment will encourage the right development, within appropriate locations and suitable design to enhance the public health, safety, welfare, and overall quality of living within Los Alamos County pursuant to those goals described in the Comprehensive Plan.
4. The application does not currently request an amendment to the County’s Comprehensive Plan, although the Community Development Department will apply to amend the Comprehensive Plan’s Future Land Use Map in the future if necessary.
5. The text amendment implements a comprehensive and cohesive update to zoning districts and uses that results in consistent land uses within zoning districts. Where heavier uses might be introduced, the text amendment requires various mitigation measures to protect adjacent people and property.
6. The text amendment simplifies and clarifies requirements in the Development Code and will improve understanding and implementation of the Code.
7. Proposed text amendments will enhance the clarity of the existing Development Code and will resolve discrepancies between zoning and land use by improving the overall organization and structure of the Code.
8. Notice of this public hearing, setting forth the nature of the request, and the date, time and place of the public hearing, was provided in a mailed notice to real property owners within Los Alamos County; announced and published in the Los Alamos Daily Post, the official newspaper of record; and posted at the municipal building and library in accordance with the requirements of Section 16-192 of the Development Code.
9. The proposed application, ZCA-2022-0012, including attached draft Ordinance No. 02-333, was presented to the Planning and Zoning Commission at a public hearing on October 26, 2022, for consideration of recommending approval of the application to the County Council.
10. In addition to considering the proposed application, the Planning and Zoning Commission also received public comment at the public hearing, in accordance with Section 16-451(b).

RECOMMENDATION

The Planning and Zoning Commission has utilized the criteria described in Section 16-158 of the Los Alamos County Development Code to consider the application for the proposed text amendment. After full hearing and consideration, the Planning and Zoning Commission determines that the application is in conformity with the criteria described in Section 16-158 and is not materially detrimental to public welfare. Therefore, the Planning and Zoning Commission, acting pursuant to Section 16-452(a)(1)(a), recommends that Council approves the application and proposed text amendment.

MOTIONS

Motion Option 1:

I move to **recommend approval** of Case No. ZCA-2022-0012 to County Council to amend Chapter 16, with a comprehensive update through Ordinance 02-333, an Ordinance Repealing and Replacing in its entirety the Text of Chapter 16, "County of Los Alamos Development Code" as presented in the application. This recommendation is based on the conclusion that the application is in conformity with the applicable review criteria contained in Section 16-158 of the Los Alamos County Development Code and is not materially detrimental to public welfare, pursuant Section 16-452(a)(1)(a) of the Development Code.

I further move to authorize the Chair to sign a Recommendation to be forwarded to Council, approving the application for this case, based on this decision and to be subsequently prepared by County staff.

Motion Option 2:

I move to **recommend approval with modifications** of Case No. ZCA-2022-0012 to County Council to amend Chapter 16, with a comprehensive update through Ordinance 02-333, an Ordinance Repealing and Replacing in its entirety the Text of Chapter 16, "County of Los Alamos Development Code" as presented in the application with the modifications described below. This recommendation is based on the conclusion that the application is in conformity with the applicable review criteria contained in Section 16-158 of the Los Alamos County Development Code but requires limited changes and is not materially detrimental to public welfare, pursuant Section 16-452(a)(1)(a) of the Development Code.

I further move to authorize the Chair to sign a Recommendation to be forwarded to Council, approving the application for this case with the proposed modifications, based on this decision and to be subsequently prepared by County staff.

Motion Option 3:

I move to **recommend denial** of Case No. ZCA-2022-0012 to County Council to amend Chapter 16, with a comprehensive update through Ordinance 02-333, an Ordinance Repealing and Replacing in its entirety the Text of Chapter 16, "County of Los Alamos Development Code" as presented in the application, pursuant Section 16-452(a)(1)(a) of the Development Code. The proposed text amendments do not conform to the review criteria within Section 16-158 of the Los Alamos County Development Code.

I further move to authorize the Chair to sign a Recommendation to be forwarded to Council, denying the application for this case based on this decision and to be subsequently prepared by County staff.

EXHIBITS

Attachment A: Text Amendment Application (ZCA-2022-0012)

Attachment B: Draft Ordinance No. 02-333

Attachment C: Comments Matrix

Attachment D: Module 3 Final Draft, As Presented at Joint Sessions

Attachment E: Proposed Official Zoning Map of Los Alamos County - Draft

Attachment F: Legal Notices



TEXT AMENDMENT APPLICATION

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

Note: The Planning & Zoning Commission considers Applications for Text Amendments at a public hearing and recommends approval or denial to the County Council. Council has final authority to approve or deny.

Describe the purpose of the proposed amendment:

The purpose of the proposed amendment is to adopt the first comprehensive amendment to the Los Alamos County's Development Code, Chapter 16. It is intended to align existing land development regulations with adopted County goals and policies, while improving clarity and efficiency. The update will also bring the standards up to date by applying measures that reflect contemporary best practices, land use trends, and market demands.

Provide the existing (if applicable) and proposed text. (Use strikeouts for any text to be removed and underline any new language proposed.) Use this space or attach additional sheet(s):

The Development Code is the county's zoning code, which defines how a property in specific geographic zones can be used and developed. The intent is to replace the existing Code, adopted in 1965, in its entirety, with the attached proposed update.

[Chapter 16, Development Code Update attached]

APPLICANT (Unless otherwise specified, all communication regarding this application shall be to Applicant):

Check here if Applicant is County Staff. Indicate Department and Title:

Community Development
Department

Community Development Director
Title

Name: Paul F. Andrus Phone: 505-662-8197 Cell #: 505-500-5779
Please Print

Address: 1000 Central Ave STE150, Los Alamos, NM 87544 Email: paul.andrus@lacnm.us

Paul Andrus

SIGNATURE

DATE

TEXT AMENDMENT REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-158:

During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, the planning and zoning commission shall utilize the following criteria in making its recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:

Please provide your response to each of the following criteria. (Attach additional sheets if needed.)

- (1) The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county;**

The amendment substantially conforms with the Comprehensive Plan ("Plan") because its intent is to align the code with the goals of the Plan. It is aimed to encourage the right development, within appropriate locations and suitable design to enhance the public health, safety, welfare, and overall quality of living within Los Alamos County. The proposed Development Code Update provides regulations that would better assist the county with accomplishing their vision and support the core themes within the Plan, particularly those concerning Housing, Neighborhoods and Growth, and Development, Redevelopment and Downtown. Furthermore, proposed updates correlate with the Land Use strategies outlined in the Plan to achieve county goals.

- (2) A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.**

A request to amend the Comprehensive Plan is not proposed concurrently with this request to amend Chapter 16 – Development Code. However, an amendment to the Comprehensive Plan’s – Future Land Use Map (FLUM) – may be necessary later depending on the outcome of this request.

- (3) The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.**

The proposed change will replace Chapter 16, Development Code, entirely. Zoning districts are proposed to align existing land development regulations with adopted County goals and policies. The amendment is intended to provide consistency, and proposes mitigation impacts from heavier uses that may adversely impact adjacent properties.

- (4) The proposed change will clarify existing language, remove redundant or inconsistent language, or will simplify the understanding and implementation of the Code.**

The proposed change enhances the clarity of the Code and resolved discrepancies between zoning and land use by improving the overall organization and structure; adding illustrations, tables, and flowcharts for better understanding; consolidating the complex lineup of zone districts; consolidating and modernizing the land use classification system; and streamlining the development process. The overall framework revision and reorganization improves the user friendliness of the Code – allowing the standards and procedures to be easily located and understood.

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 9/24/22

Staff Initial: DL

CDD Application Number: ZCA 2022-0012

Fees Paid: _____