

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

Case No. ZCA-2021-0010, Ordinance No. 02-320, an ordinance amending the text of Chapter 16, Article I Section 9, Article VII Section 278, Section 288, and Article XIV Section 577 to adopt local regulations for mobile food vending.

**RECOMMENDATION TO COUNTY COUNCIL
ON APPLICATION ZCA-2022-0010**

NOW COMES, the Planning and Zoning Commission (“Commission”) of the Incorporated County of Los Alamos (“County”), that hereby finds as follows:

I. FINDINGS OF THE COMMISSION

1. On September 10, 2021, the Director of the Community Development Division (“CDD”) submitted an application (“Application”) to amend the text of Chapter 16 of the County’s “Development Code”.
2. The Application, assigned case number ZCA-2021-0010, is a request from CDD for the Commission’s approval of the Application.
3. The proposed text amendment, as provided in the Application, CDD Staff Report, and as testified by CDD Staff Sayeda, the Application is in response to increased demand and interest from local business owners to obtain a business license for mobile food truck vending to be operated in the County.
4. As provided in the CDD Staff Report, CDD had conducted a public survey on the proposed action between October 8 , 2021 and November 8, 2021. The survey results were presented in the CDD Staff report as **Attachment C**.

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5. Attached to the Application, as ***Attachment B*** was draft Ordinance No. 02-320, titled “*AN ORDINANCE AMENDING THE TEXT OF CHAPTER 16, ARTICLE I SECTION 9, AMENDING ARTICLE VII SECTION 278, 288 AND 577 TO ADOPT LOCAL REGULATIONS FOR MOBILE FOOD VENDING.*”

6. The Commission finds, as provided in the CDD Staff Report and per testimony of CDD Staff, notice of the public hearing was published in accordance with Section 16-192(a) of the County Code.

7. The Commission finds, based on the CDD Staff Report, that the Application was timely presented to the Interdepartmental Review Committee (“IDRC”) as required by Section 16-54 of the County Code.

8. As the Application is a request for a text amendment to Chapter 16, the Commission finds the applicable review criteria is Section 16-158 and the Commission’s decision-making authority is that provided in Section 16-452(a) of the County Code.

9. Present for the Applicant was CDD Staff Sobia Sayeda. Also, in attendance was Mr. Philip H. Gursky.

10. As provided in the CDD Staff Report, and in the testimony of CDD Staff Sayeda, the current Los Alamos County Code of Ordinances (“County Code”) does not include specific mobile food vending requirements or limitations; the proposed text amendments as found in the Application will provide clarity for businesses desiring to operate mobile food vending vehicles in the County.

11. The Commission, having received testimony of the Applicant and the public present at the public hearing, Mr. Gursky, and as presented in the CDD Staff Report, finds that the Applicant has met its burden to demonstrate, pursuant to Section 16-155 of the County Code that the Application:

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(1) substantially conforms to the comprehensive plan and will not be materially detrimental to the health, safety and general welfare of the county; (2) that the Application does not require an amendment to the comprehensive plan; (3) the proposed change will not result in land use inconsistent with the purpose of any district and is not incompatible with uses allowed in the applicable districts; and (4) the text amendment change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code. The Commission, in support of this findings, provides as follows:

a. The review criteria as found in Section 16-158(1), was met by the information as found in the CDD Staff Report and testimony of CDD Staff Sayeda. Specifically, the Commission found persuasive the testimony of Ms. Sayeda that the text amendments will comply with the County's adopted Comprehensive Plan as it promotes local businesses, allows for economic development throughout the community, but limits the impacts to existing neighborhoods and residential areas by only allowing such mobile sales in non-residential areas unless a temporary use permit is obtained for mobile food vending in residential zoning districts.

b. The Commission finds the health, safety, and general welfare of the community is considered by the inclusion of the requirements that any mobile food sales have the required State permits, are required to collect and dispose of trash properly, noise and signs are controlled, and that parking does not disrupt or disturb existing uses.

c. The Commission finds that the review requirements of criteria 2 of Section 16-158 are not applicable based on the testimony of CDD Staff Sayeda and the CDD staff Report.

d. Review criteria 3 of Section 16-158 was met by the testimony of CDD Staff Sayeda as the changed use of allowing mobile food vending in the Downtown-Neighborhood Center Overlay (DT-NCO), Downtown-Neighborhood General Overlay (DT-NGO), Downtown-Town

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Center Overlay (DT-TCO), Mixed-Use (MU), Light Commercial and Professional (C-1), Civic Center Business and Professional (C-2), Heavy Commercial District (C3), Professional Office (P-O), Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts will not result in incompatible uses or be inconsistent with the underlying zoning district.

e. The Applicant's testimony of CDD Staff Sayeda demonstrated that the proposed text amendment will clarify existing Chapter 16 language regarding mobile food vending and sales.

f. As provided in the Application and per the testimony of CDD Staff Sayeda, mobile food vending will be allowed via issuance of a temporary use permit in the Downtown-Civic Public Open Space Overlay (DT-CPO), Public Land (P-L), Recreation Wilderness (W- 2), and all Residential (R) zoning districts.

II. RECOMMENDATION

The Commission, in a vote of 5 to 0, and pursuant to Section 16-452(a), hereby finds the proposed amendment to text is in conformity with the review criteria contained in Section 16-158 and is not materially detrimental to public welfare, and thereby the Planning and Zoning Commission **RECOMMENDS** to the County Council **ADOPTION** of the Applicant's request to amend the text of Chapter 16 in ZCA-2022-0010.

APPROVED this the ____ day of May 2022.

Neal Martin

Neal Martin, Acting Chair of the Planning &
Zoning Commission for the Incorporated County of
Los Alamos