

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

Case No. CPA-2022-0008: A request by Los Alamos County Community Development, to amend the Comprehensive Plan – Future Land Use Map (FLUM), changing a designation from High-Density Residential to Mixed Use.

**FINDINGS AND RECOMMENDATION TO COUNTY COUNCIL
ON APPLICATION CPA-2022-0008**

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. Pursuant to Section 16-161 of the Los Alamos County Code of Ordinances (“County Code”), the Community Development Department (“CDD”) through its Director, Paul Andrus (“Applicant”), submitted an application (“Application”) to amend the County’s adopted Comprehensive Plan (“Plan”) and Future Land Use Map (“FLUM”) to align with application REZ-2022-0017 heard on April 21, 2022. As provided in the CDD Staff Report and as presented by CDD Staff Desirae Lujan, the application was assigned case number CPA-2022-0008.

2. As provided in the CDD Staff Report, the amendment to the Comprehensive Plan’s FLUM is required by Application REZ-2022-0017 which seeks to rezone the two parcels/properties addressed as 2100 Canyon Road and 2202 Canyon Road (“Properties”) from the R-3-H-40 zoning district to Mixed Use (“MU”) zoning district. In the current FLUM¹, the zoning designation of the

¹ The County’s current Comprehensive Plan is “*Comprehensive Plan, Los Alamos County 2016*.” The Future Land Use Map, or “FLUM” is found in Exhibit 41 of the Comprehensive Plan.

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two properties are designated “High Density Residential-15+ DU/A.” This application seeks to change these Properties from R-3-H-40 to MU on the FLUM.

3. The Commission finds that the required review criteria for the Application is Section 16-161 of the Los Alamos County Code of Ordinances (“County Code”). As provided in this section of the County Code, an Applicant must demonstrate the Application: 1) “shall conform to the vision statement and policy plan of the [C]omprehensive [P]lan and to the Strategic Leadership Plan of the County Council;” 2) “replaces outdated information in the [C]omprehensive [P]lan, responds to changed conditions or provides new information which is not included in the Comprehensive Plan;” and 3) “does not conflict with other parts of the [C]omprehensive [P]lan.” County Code, § 16-161.

4. The Commission, pursuant to Section 16-161 is required to make findings and provide its recommendation of approval, conditional approval or denial of an application to the County Council. The County Council shall then make findings in determining whether to approve, conditionally approve, or deny an application.

5. As provided by the CDD Staff Report and testimony of CDD Staff Lujan, notice of the public hearing was published in accordance with Section 16-192(a) of the County Code and the County Charter. There was no quorum of Commissioners present for the properly noticed public hearing on April 13, 2022, and the public hearing was rescheduled pursuant to § 16-192(c), for April 21, 2022.

6. A quorum of the Commission was present at the public hearing on April 21, 2022. Appearing on behalf of the Applicant were CDD Staff Bryce Ternet, Desirae Lujan, and Anita Barela. Also present was Mr. Adam Thorton, owner of the Properties (“Owner”), Ms. Kate Maliskas on behalf of Owner, and Mr. Philip H. Gursky representing the Los Alamos Jewish Center.

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7. The Commission, having received testimony from CDD Staff, Owner, and Mr. Gursky, finds that the Applicant has not met its burden to demonstrate that the Application meets the review criteria found in Section 16-161 of the County Code. The Commission, in support of this finding, provides as follows:

a. As to criteria (1) of Section 16-155, the Commission finds the testimony of Mr. Gursky persuasive that the proposed amendment to the Comprehensive Plan's FLUM does not conform with the vision statement of the Plan as the proposed amendment to the County's official zoning map, as applied for in Application REZ-2022-0017, would alter and change the character of the area neighborhood, increase the density of the two parcels, and allow for expanded commercial uses as permitted under the MU zoning district.

b. The Commission finds, in regards to review criteria (2) of Section 16-161, the specific amendment requested in REZ-2022-0017 is not consistent with the current and surrounding land uses. In reaching this finding, the Commission considered the testimony of the Applicant, Owner and Mr. Gursky and found the testimony of Mr. Gursky persuasive that the proposed MU zoning district would be inconsistent with the existing and surrounding high-density *residential* districts (R-3-H-40) and established public and religious uses of the adjacent properties, *e.g.*, PEEC Environmental Center, and the Los Alamos Jewish Center. Such an increase in the density and uses would not protect the established neighborhoods of the surrounding districts and parcels. The Commission further finds, based on the evidence in the CDD Staff Report and testimony of Mr. Gursky, that the proposed amendment would impact the Comprehensive Plan's goal of protecting public Open Space as the zoning change and FLUM amendment would place higher density uses and commercial spaces directly adjacent to Pueblo Canyon, which is public Open Space.

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c. The Commission finds, pursuant to criteria (3) of Section 16-161, the Applicant has not sufficiently presented evidence whether the amendment of Comprehensive Plan's FLUM will conflict with other parts of the Comprehensive Plan.

II. RECOMMENDATION

1. The Commission, on a majority vote, and pursuant to Section 16-452(j), hereby finds that the Applicant has failed to demonstrate the Application is in conformity with the review criteria as found Section 16-161 of the County Code.

2. The Commission therefore recommends **DENIAL** of Applicant's request for an amendment of the Comprehensive Plan's FLUM in case CPA-2022-0008.

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