

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-319

REVISION NO. 2021-03 IN TEXTUAL FORM TO THE OFFICIAL ZONING MAP OF LOS ALAMOS COUNTY BY ZONING TRACT F-2, WESTERN AREA 1, CONSISTING OF APPROXIMATELY 0.39 ACRES OF LAND TO PUBLIC-LAND (P-L).

WHEREAS, Los Alamos County owns the real property known as Tract F-2, Western Area 1, commonly known as 695 Diamond Drive, Los Alamos, New Mexico (hereafter “Property”) which is the subject of this Code Ordinance; and

WHEREAS, the Property currently does not have a zoning designation; and

WHEREAS, Section 16-531 of the Los Alamos County Code of Ordinances (“Development Code”) authorizes amendments to the Official Zoning Map of the County by application; and

WHEREAS, Los Alamos County, property owner, applied to the Planning and Zoning Commission of the Incorporated County of Los Alamos (the “Commission”) to change the Official Zoning Map, specifically to zone Tract F-2, Western Area 1 to Public-Land (P-L); and

WHEREAS, the Commission, at its meeting on July 28, 2021, held a public hearing on the application for the amendment to the Official Zoning Map pursuant to the criteria contained in Section 16-155 of the Development Code; and

WHEREAS, the Community Development Department staff properly issued notice to all required parties pursuant to Chapter 16, Article V, of the Development Code; and

WHEREAS, the Commission, after holding a public hearing on the application recommends to the County Council approval of the amendments to the Official Zoning Map; and

WHEREAS, the County Council held a public hearing on September 28, 2021, at which the County Council found that the amendments to the Official Zoning Map are in conformity with the provisions of Section 16-155 of the Development Code and made the following findings:

1. The application, REZ-2019-0013 (“Application”), is a request to amend the Official Los Alamos County Zoning Map by designating Tract F-2, Western Area 1, as Public-Land (P-L).
2. The Incorporated County of Los Alamos is the legal owner of the subject Property commonly referred to as 695 Diamond Drive.
3. The creation of a lot from county-owned public right-of-way warrants an amendment to the Official Zoning Map to designate a zoning district.
4. The Application conforms to the Comprehensive Plan by accomplishing a goal established by the Council to promote economic vitality by providing a community service and maximizing the utilization of county-owned land.

5. The Property provides a community service and the Public-Land (P-L) zone is intended to accommodate local government and school district uses and structures, designed to support community needs and the public health, safety and welfare.
6. The Property, commonly known as “the Lemon Lot”, historically and currently has been used by the community for the sale of used vehicles. There is no evidence, nor complaints and concerns that have been received by the County that would suggest that the existing use has been materially detrimental to the health, safety and general welfare of the County; or persons residing or working adjacent to or within its proximity.
7. No new development is being considered – existing use will continue, and consideration on the plat have been made for public services and facilities.
8. The proposed zoning application as Public-Land is consistent with surrounding zoning districts specifically with the adjacent Los Alamos Public Schools north parking lot (Sullivan Field) and across Diamond Drive, northeast, with the Los Alamos High School.
9. Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in The Los Alamos Daily Post, the official newspaper of record; and property owners of real property located within 100 yards of the subject property were notified of this public hearing by U.S. mail, all in accordance with the requirements of §16-192 of the Los Alamos County Development Code.
10. The public hearing was held in-person before a quorum of the Commission on July 28, 2021, in the Los Alamos County Council Chambers, located at 1000 Central Ave, Los Alamos, New Mexico. Members of the public were also notified and able to attend the public hearing virtually due to concerns regarding the COVID-19 pandemic.
11. After full hearing and consideration, the Planning and Zoning Commission finds that the Applicant has met each applicable Amendment to the Official Zoning Map Review Criteria contained in §16-155 of the Los Alamos County Development Code and is acting under the authority granted it by §16-452(b)(1)(a) of the Development Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS:

Section 1. The Official Zoning Map of the Incorporated County of Los Alamos is hereby amended by zoning to Public-Land (P-L), a certain tract of land being ~ 0.39 acres of land, more or less, to wit:

- 1) *Tract F-2, Western Area 1, 0.39 ± acres from no zoning designation to Public-Land (P-L).*

Section 2. The Official Zoning Map of the Incorporated County of Los Alamos is hereby amended to reflect the rezoning referenced herein, and said change is to be made to the Official Zoning Map at its next update.

Section 3. Effective Date. This Code Ordinance shall be effective thirty (30) days after publication of notice of its adoption.

Section 4. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 28th day of September 2021.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

**Randall T. Ryti,
Council Chair**

ATTEST: (SEAL)

**Naomi D. Maestas,
Los Alamos County Clerk**