



Los Alamos County
Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: April 22, 2026
Subject: Case No. CUP-2026-0002
Applicant/Owner: Bethlehem Evangelical Lutheran Church, property owners, on behalf of Zephyr Ridge Academy
Case Manager: Danyelle Valdez, Planning Manager

Professional Background:

Bachelor's degree in business administration; 12 years' experience in Real Estate Development, Project Management, Planning and Land Use.

CASE NO. CUP-2026-0002: David R. Williams of RMKM Architecture, on behalf of Bethlehem Evangelical Lutheran Church (property owner) and Zephyr Ridge Academy, requests a Conditional Use Permit to allow a private school at 2390 North Road, Los Alamos, NM. The subject property is zoned Multi-Family Residential–Low (MFR-L) and is located within the North Community 1 Subdivision.

EXECUTIVE SUMMARY

This application request is for a Conditional Use Permit (CUP) to allow Zephyr Ridge Academy, a private educational institution serving students with learning differences including dyslexia, ADHD, dyscalculia, and dysgraphia, to operate within an existing facility owned by Bethlehem Evangelical Lutheran Church, located at 2390 North Road in Los Alamos.

The proposed use consists of the weekday co-use of four existing classrooms within the church's religious education wing. The spaces are currently underutilized during weekdays, as the primary church activities occur on Sundays. No expansion of the building footprint, exterior modifications, or new construction is proposed as part of this request.

The applicant indicates that Zephyr Ridge Academy has limited financial resources and is seeking a cost-effective solution to provide specialized educational services to the community. The shared-use arrangement is intended to maximize the efficiency of an existing institutional facility while addressing a demonstrated need for specialized educational space within Los Alamos.

The subject property is zoned MFR-L, where private schools are allowed only through approval of a Conditional Use Permit. The proposal is structured to operate during hours that do not conflict with existing religious uses, thereby minimizing operational overlap and potential impacts.

Based on the application materials, the request represents a low-intensity reuse of existing space, with no anticipated adverse impacts related to site design, infrastructure, or surrounding properties. The proposal leverages existing parking, access, and life safety features already in place at the site.

This CUP request supports adaptive reuse of an existing institutional facility, promotes efficient land use, and provides a community-serving educational function without requiring new development or infrastructure expansion.

PROPERTY INFORMATION & BACKGROUND

The subject property is located at 2390 North Road, Los Alamos, New Mexico. The approximately 2.69-acre parcel is zoned Multi-Family Residential–Low (MFR-L) and is situated within the North Community 1 Subdivision. The site is currently developed with an existing religious institution and associated facilities.

The proposed use requires a Conditional Use Permit (CUP) because a private school is not permitted by-right in the MFR-L zoning district. Under the Los Alamos County Development Code (Permitted Use Table, Sec. 16-14), private schools are classified as a conditional use within this zone, meaning they may be allowed only upon review and approval to ensure compatibility with surrounding uses and compliance with applicable standards.

Although the site is currently developed and used as a religious institution (which is permitted), the introduction of a separate institutional use—specifically, a private school operated by a different entity—constitutes a distinct land use. This change triggers the requirement for a CUP to evaluate operational characteristics such as hours of use, traffic, parking demand, and potential impacts on the surrounding neighborhood.

In summary, the CUP is required not because of physical changes to the site, but because the proposed educational use is a conditionally allowed use in the MFR-L zone and must undergo discretionary review to ensure it meets the criteria set forth in Sec. 16-74(b).

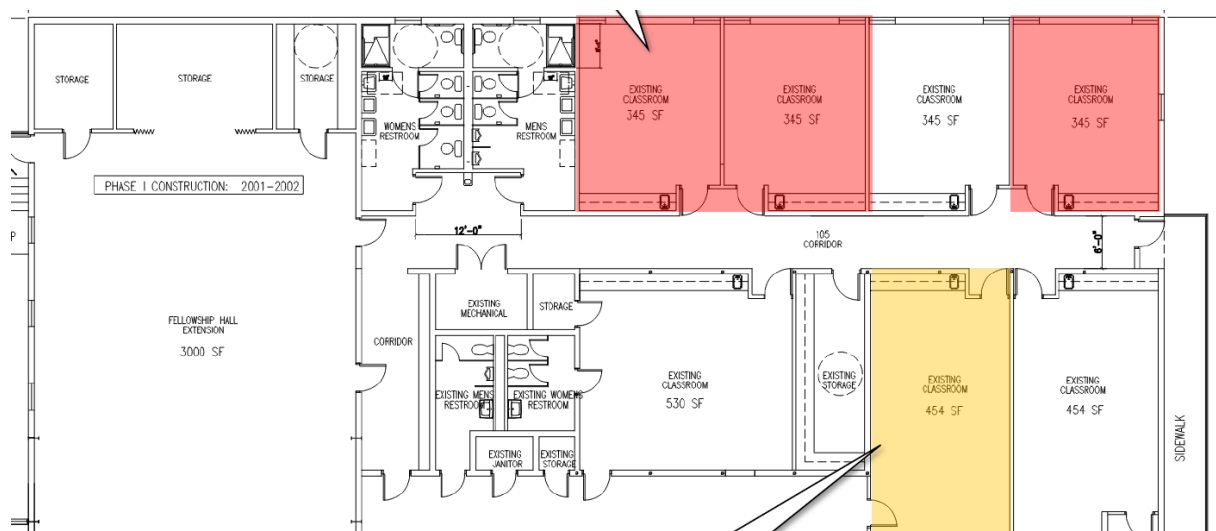


Figure 1: Classroom Layout

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

The Interdepartmental Review Committee (IDRC) conducted an administrative review of the application via email, with plans distributed on March 19, 2026, and consolidated comments received by March 26, 2026. Public Works Engineering, the Department of Public Utilities (DPU), the Planning Division, and the Fire Department reported no comments or concerns. Environmental Services, following a site visit, identified a non-compliant enclosure on-site and recommended that a compliant enclosure be constructed in the existing location or, alternatively, relocated subject to submission of a proposal and review for approval. The Building Division noted that the submitted code analysis appears to rely on outdated building and fire codes and has not been stamped by a licensed design professional, and recommends that an updated, professionally stamped code analysis be provided prior to building permit review. All reviewing departments recommended the application move forward to Planning & Zoning Commission.

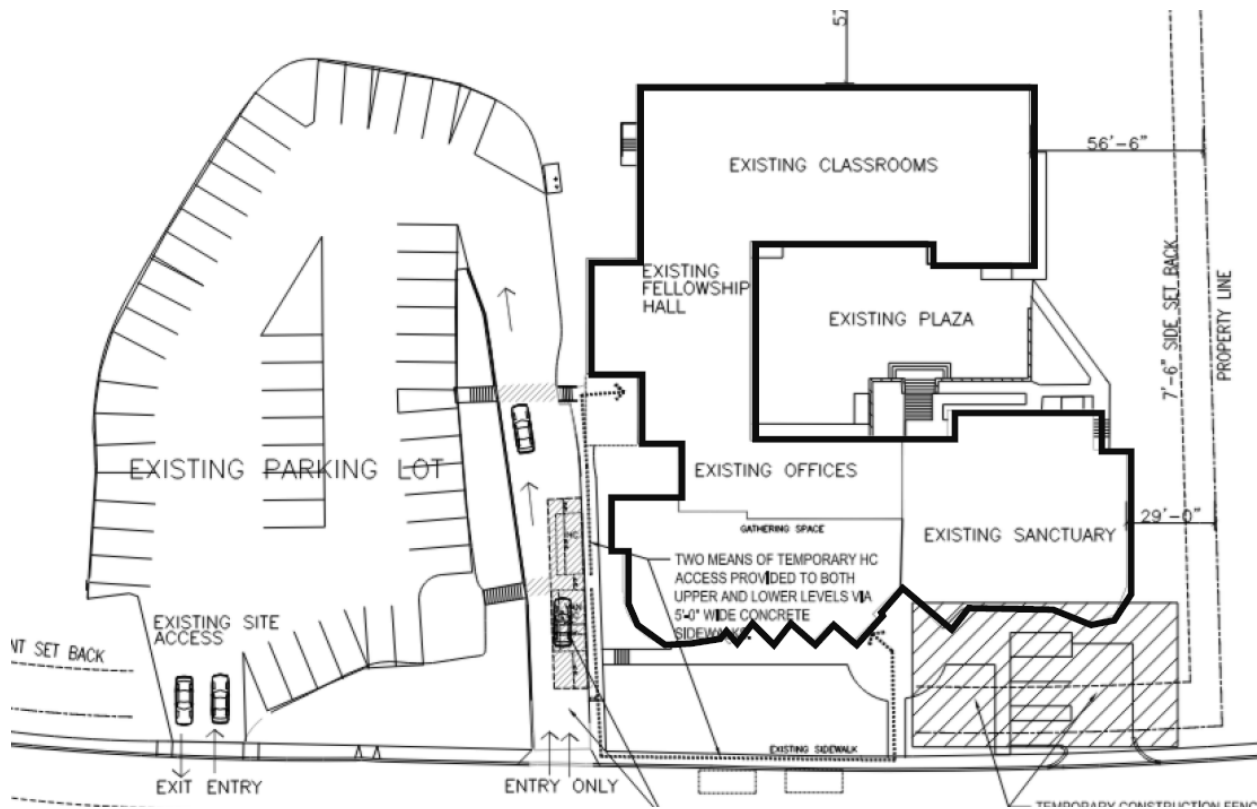


Figure 2: Site Plan

PUBLIC NOTICE

The *Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-71 Procedures Summary Table*, sets forth the notice requirements. *Section 16-72(c) Notifications* establishes the notice requirements 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 April 2, 2026**
 - Posted notice of at least one sign on a street abutting the property that is the subject of the application – visible from the street – at least 14-calendar days before the public meeting or hearing. **Posted April 6, 2026.**

- *Mailed Notice [16-72(c)(5)c.]:*
 - Notice shall be mailed 14-days prior to the public hearing to all owners of record, as identified in the records of the County Tax Assessor, or occupants of properties within 300 ft., excluding public rights-of-way, of exterior lot lines of the subject property. **Mailed August 6, 2026.**

CONDITIONAL USE PERMIT APPROVAL

Section 16-74(b) of the Los Alamos County Development Code states that an application for a Conditional Use Permit shall be approved if it meets all the following criteria. The planning and zoning commission shall approve or deny the proposed amendment pursuant to the decision criteria within section 16-74(b)(3):

a. The conditional use substantially conforms to the intent and policies of the comprehensive plan and other adopted county policies and plans.

Applicant Response: The Bethlehem Evangelical Lutheran Church is currently zoned as a MFR-L based on current LA County Zoning. The existing facility is currently a Type IIIA Non-Sprinklered Building with a total area of 21,440 sf. (2 levels). Occupancy is A-3 (assembly) for the worship space and includes associated break out areas, offices and classrooms for support of the worship services. Most services are held one on day per week, Sunday. There is adequate off-street parking with dedicated and appropriate number of handicapped and van accessible spaces. There area adequate number of exits on both levels with proper exiting (panic) door hardware and currently meets all ADA / ANSI A117.1 handicapped requirements for restrooms, exiting, lighting, corridor widths. Building is set back from adjoining public access roads and has fire vehicle (apparatus) access on three (3) sides and is in required proximity of nearby public fire hydrants and has a smoke detection and fire alarm system. In conclusion, the conditional use of four existing classrooms during the weekdays DOES substantially conform to the intent and policies off the LA County Comprehensive Plan. Please see exhibit A.

Staff Response: It is the expert opinion of staff that this criterion is met. The applicant’s response primarily addresses building conditions and life safety features rather than demonstrating consistency with the Comprehensive Plan and other adopted county policies. However, staff finds that the proposed use—reuse of an existing institutional structure for educational purposes—aligns with Comprehensive Plan goals supporting efficient use of existing infrastructure, community-serving uses, and educational opportunities. The co-use

of an existing religious facility for weekday educational programming is consistent with land use efficiency and minimizes the need for new development. Therefore, staff finds this criterion is met, independent of the applicant's building-focused justification.

b. The conditional use is not detrimental to the public safety, health, or welfare.

Applicant Response: The conditional use of using existing lower level classrooms for non-religious private school during weekday hours is NOT detrimental to the public safety, health, or welfare. Because these spaces are generally NOT used by the Owner during the weekday hours, the intended use by Zephyr Ridge Academy of 4 classrooms and the existing restrooms will HELP the citizens and families of this community by providing much needed educational space to an organization that does not have enough funds to construct their own facility. Please see exhibit A.

Staff Response: It is the expert opinion of staff this criterion is met. The applicant asserts benefit but does not fully address safety compliance. Staff's IDRC review identifies no inherent land use incompatibility; however, Building Division comments indicate deficiencies in the code analysis (outdated codes and lack of professional stamp). This introduces a conditional compliance issue, not a land use incompatibility. Provided that building and fire code compliance is verified at the building permit stage, the use itself is not detrimental.

c. The conditional use is in conformance with all applicable provisions of this Code and other adopted county regulations.

Applicant Response: The Conditional Use (Private School) will NOT cause any adverse impacts on the existing property and to the surrounding properties. There will be NO additional construction or modification to the existing facility which will cause any disruption to the existing Owner or any of the surrounding properties. All setbacks as per Table 9 in section 2-3(A)(VI) will remain UNCHANGED.

Staff Response: It is the expert opinion of staff this criterion is met. The conditional use is in conformance with all applicable provisions of the Los Alamos County Development Code and other adopted County regulations. The proposed private school is a conditionally permitted use within the MFR-L zoning district pursuant to Sec. 16-14 (Permitted Use Table) and is therefore eligible for consideration through the Conditional Use Permit process.

The request involves the use of existing interior classroom space within an established institutional building, with no proposed expansion, site modification, or change to the approved site layout. As such, the proposal does not trigger additional development standards related to setbacks, lot coverage, or site design. Existing infrastructure, including

parking, access, and utilities, remains unchanged and continues to serve the site in compliance with applicable Code requirements.

d. The special use shall conform to all applicable regulations of the district in which it is located.

Applicant Response: The Conditional Use will conform to the applicable regulations of the MFR-L district in which it is located because the existing religious classrooms are of adequate size for the intended use for the occupants. There is adequate off-street parking directly accessible to the allocated classrooms and NO additional buildings or structures will need to be constructed for this new function to occur. All setbacks as per Table 9 in section 2-3(A)(VI) will remain UNCHANGED.

Staff Response: It is the expert opinion of staff this criterion has been met. The proposed conditional use conforms to all applicable regulations of the Multi-Family Residential–Low (MFR-L) zoning district. The request does not involve any expansion of the existing structure, site alterations, or changes to the approved development pattern. Therefore, all existing dimensional standards, including setbacks, lot coverage, and building placement, remain compliant with the requirements of the MFR-L zone district.

The use is proposed within an existing institutional building with established access, parking, and utilities that meet Code requirements. The introduction of a private school within the existing facility does not alter the physical characteristics of the site or create nonconformities with district regulations.

e. The conditional use does not cause significant adverse impacts on properties in the vicinity.

Applicant Response: The Conditional Use (Private School) will NOT cause any adverse impacts on the existing property and to the surrounding properties. There will be NO additional construction or modification to the existing facility which will cause any disruption to the existing Owner or any of the surrounding properties. All setbacks as per Table 9 in section 2-3(A)(VI) will remain UNCHANGED.

Staff Response: It is the expert opinion of staff this criterion has been met. The absence of construction does not alone establish absence of impacts. Staff evaluated operational impacts including traffic, parking, and intensity. The proposed use occurs during weekday hours when the church is not in primary use, reducing overlap and peak demand conflicts. The scale (4 classrooms) is limited and consistent with the existing institutional character of the site. No evidence of significant adverse impacts to adjacent properties was identified.

- f. **There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures.**

Applicant Response: Yes, there are adequate EXISTING utilities, access roads, and on-site drainage to allow the land to be used for this proposed conditional use. There is fire vehicle (apparatus) access on three (3) sides and is in required proximity of nearby public fire hydrants. Please see Exhibit A.

Staff Response: It is the expert opinion of staff the criterion has been met. There are adequate existing utilities, access, drainage, and site improvements to support the proposed conditional use. The subject property is fully developed with an existing institutional building that is currently served by established water, wastewater, and electrical infrastructure.

Access to the site is provided via North Road, a public roadway capable of accommodating existing and anticipated traffic volumes associated with the proposed use. On-site circulation and parking are already developed and have historically supported assembly uses with comparable or greater occupancy levels. No modifications to access points or roadway infrastructure are proposed. Stormwater drainage and site grading are existing and functioning, and no changes are proposed that would alter drainage patterns or require additional improvements.

- g. **The location, size, design, and operating characteristics of the conditional use will be compatible with the use and development of properties in the vicinity.**

Applicant Response: Yes, the proposed size of the existing classes for the Conditional Use will be compatible with the use and development of the existing property because there will be NO added modifications to the existing religious building. Each of the existing lower level classrooms is of adequate size (three are at 345 sf and one is 454 sf) to accommodate the intended use of the small size classrooms for Zephyr Ridge Academy students and staff. As per 2021 IBC, Table 1004.5, the Occupant Load Factor of Educational Classroom areas is 20, therefore $345 \text{ sf} / 20 \text{ OLF} = 18 \text{ occupants MAX}$ and $454 \text{ sf} / 20 \text{ OLF} = 23 \text{ occupants MAX}$. These will be POSTED in each room. There is adequate LED lighting throughout and all doors swing in the direction of egress. Please see Exhibit A.

Staff Response: It is the expert opinion of staff the criterion has been met. The location, size, design, and operating characteristics of the proposed conditional use are compatible with the existing use and development pattern of surrounding properties. The subject property is already developed with an institutional use (religious facility), and the proposed private school represents a similar institutional use within the existing building.

The request is limited to the use of existing interior classroom space, with no expansion of the building footprint or exterior modifications. The scale and design of the structure will remain unchanged. Operationally, the proposed use will occur during weekday hours and will not conflict with the primary church activities, which occur primarily on weekends.

The surrounding area includes a mix of residential and institutional uses consistent with the MFR-L zoning district. The introduction of a low-intensity educational use within an existing facility is not expected to generate impacts beyond those already associated with the current use of the site.

- h. The conditional use is in compliance with the site plan procedures and requirements of section 16-74(h) and demonstrates that the site development will be compatible with properties in the vicinity.**

Applicant Response: Yes, the Conditional Use is in compliance with the existing Site Plan procedures and requirements of Section 16-74(h) for Minor Zone Map amendment. The pre-application meeting with the Owner, potential user group, and the Architect was held online on 22 February 2026 and will attend a neighborhood meeting as required by the County. During this required pre-application meeting the Owner and Architect clearly explained the intended use of the facility and how the existing facility can meet the needs of intended Conditional Use for weekday classrooms. This application for Conditional Use will be submitted before the 11 March 2026 deadline (3 pm) for IDRC hearing on 26 March 2026.

Staff Response: It is the expert opinion of staff the criterion has been met. The proposed conditional use complies with the applicable site plan procedures and requirements of Sec. 16-74(i). The applicant cites the incorrect code section; however, the necessary submittals to evaluate the use within the context of the existing site, including site plan information, parking, access, and building layout have been included.

The request does not involve any changes to the site plan, building footprint, or site configuration. The use is limited to existing interior classroom space within a previously developed institutional facility. As such, the existing site design, circulation, parking, and infrastructure remain unchanged and continue to function in compliance with Development Code requirements.

The proposed use has been reviewed through the required pre-application process and is subject to public hearing procedures, ensuring that compatibility with surrounding properties is evaluated.

DRAFT MOTION

Recommended Motion:

I move to **approve** Case No. CUP-2026-0002, Bethlehem Evangelical Lutheran Church, property owners, on behalf of Zephyr Ridge Academy request a Conditional Use Permit for a private school at 2390 North Road, Los Alamos, NM. The property is zoned Multi-family Residential-Low (MFR-L) and within the North Community 1 Subdivision.

Approval is based on the findings established at the hearing and the conclusion that the Applicant has met the decision criteria for a Conditional Use Permit per Section 16-74(b)(3) of the Los Alamos County Development Code. The Commission acts under the authority of Section 16-69(b)(2) and (6) of the Development Code.

I further move to authorize the Chair to sign the Findings of Fact and Conclusions of Law for this case that reflects the decision of the Commission. This document will be prepared by county staff based on this decision.

Motion Option 2:

I move to **conditionally approve** Case No. CUP-2026-0002, Bethlehem Evangelical Lutheran Church, property owners, on behalf of Zephyr Ridge Academy request a Conditional Use Permit for a private school at 2390 North Road, Los Alamos, NM. The property is zoned Multi-family Residential-Low (MFR-L) and within the North Community 1 Subdivision.

Approval is based on the findings established at the hearing and the conclusion that the Applicant has met the decision criteria for a Conditional Use Permit per Section 16-74(b)(3) of the Los Alamos County Development Code, subject to the following conditions:

1.

The Commission acts under the authority of Section 16-69(b)(2) and (6) of the Development Code.

I further move to authorize the Chair to sign Findings of Fact and Conclusions of Law for this case that reflects the decision of the Commission. This document will be prepared by County staff based on this decision.

Motion Option 3:

I move to **deny** Case No. CUP-2026-0002, Bethlehem Evangelical Lutheran Church, property owner, on behalf of Zephyr Ridge Academy request a Conditional Use Permit for a private school at 2390 North Road, Los Alamos, NM. The property is zoned Multi-family Residential-Low (MFR-L) and within the North Community 1 Subdivision.

Denial is based on the findings established at the hearing and the conclusion that the Applicant has not met the decision criteria for a Conditional Use Permit per Section 16-74(b)(3) of the Los Alamos County Development Code. The Commission acts under the authority of Section 16-69(b)(2) and (6) of the Development Code.

I further move to authorize the Chair to sign the Findings of Fact and Conclusions of Law for this case that reflects the decision of the Commission. This document will be prepared by county staff based on this decision.

REFERENCES:

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

Los Alamos County, 2016 Comprehensive Plan: <https://lacnm.com/ComprehensivePlan2016>

Los Alamos County, 2025 Strategic Leadership Plan: [https://lacnm.com/Strategic Plan](https://lacnm.com/Strategic_Plan)