

ZCA-2026-0019

Text Amendment: Chapter 16 Article V
(Administration and Enforcement)

Case Manager: Danyelle Valdez, Planning Manager

ATTACHMENT B

LOS ALAMOS

Introduction

Chapter 16 of the Los Alamos County Code (Development Code) is Los Alamos County's primary tool for implementing the Comprehensive Plan and regulating land use and development.

Adopted in January 2023, Chapter 16 modernized zoning, regulations, and procedures to guide growth and redevelopment.

Since adoption, staff identified technical errors, omissions, and inconsistencies in the Code's administrative procedures, cross-references, and terminology.

Ordinance No. 02-371 focuses on Article V – Administration & Enforcement. The Ordinance corrects issues to improve clarity, consistency, and effectiveness for staff, applicants, and the public.

Background

January 23, 2023 – Chapter 16 of the Los Alamos County Code (Development Code) was repealed and replaced in its entirety.

2024 – Staff initiated the Development Code Clean-Up process.

Nov. 12, 2024 – Ordinance No. 02-362

- Amended Chapter 16, Article V – clarified approval authority for Minor Zone Map Amendments
- P&Z Commission unanimously recommended approval on Sept. 25, 2024

Nov. 19, 2024 – Ordinance No. 02-363

- Phase I Clean-Up: Articles I & IV – typographical errors and non-substantive omissions
- P&Z Commission unanimously recommended approval on Oct. 9, 2024

September 10, 2025 – Ordinance No. 02-370 (ZCA-2025-0018)

- Phase II Clean-Up: Article III Use Regulations & Article VI Definitions

Chapter 16 - Explained

Article I – Governing Provisions; Purpose, authority, applicability, interpretation, relationship to other laws, severability, vested rights.

Article II – Zone Districts; Defines zoning districts, intent, permitted/conditional/prohibited uses, zoning maps and boundaries.

Article III – Use Regulations; Regulates land uses, includes Use Table, accessory and temporary uses, standards for specific uses.

Article IV – Development Standards; Lot/building standards, parking, landscaping, signage, lighting, screening, open space, infrastructure.

Article V – Administration & Enforcement; Roles and authority, application procedures, review processes, hearings, variances, appeals, enforcement.

Article VI – Definitions; Technical and land-use definitions.

Explanation of Format

What you see in Code Ordinance 02-371 is a markup of the existing Development Code and staff's recommended changes.

~~Strike-through text~~ represents deletions. These are items currently in the Code that will be removed by this amendment.

Underlined text represents additions. These are new provisions that do not currently exist and are being added to the Code through this amendment.

Ch.16 Amendments Timeline

Fall 2025 (Complete)

Article III - Use Regulations

Article VI - Definitions

Summer 2026 (Presenting)

Article I - Governing Provisions

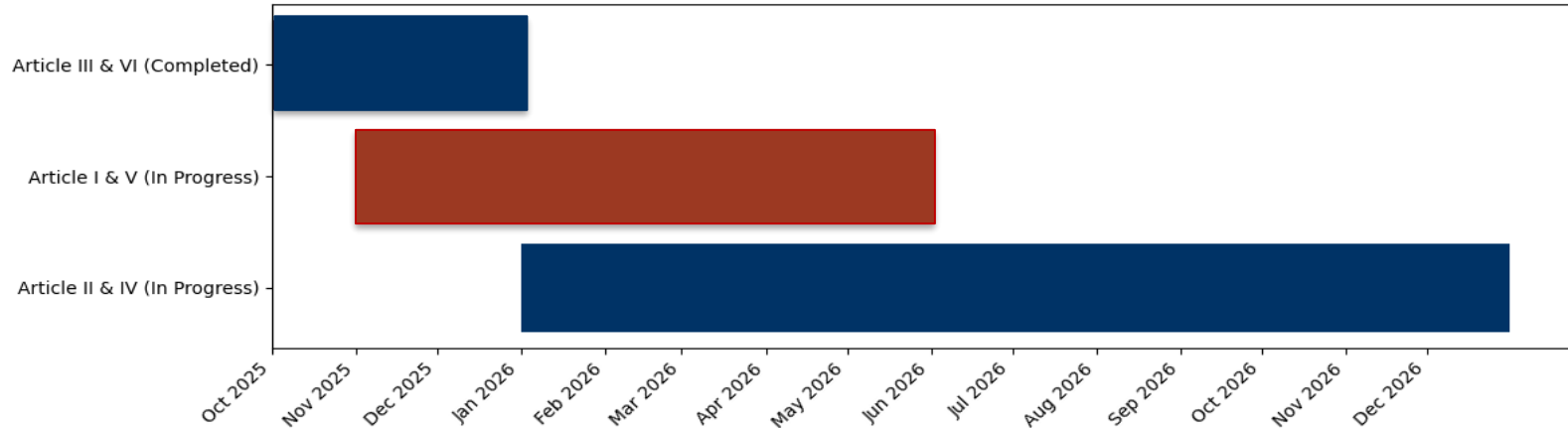
Article V - Administration
& Enforcement

Final – Winter 2026-27 (In Progress)

Article II - Zone Districts

Article IV - Development Standards

Concurrent with Comprehensive Plan update



Proposed Updates:

Division 2 - Procedures

Table 49: Procedures Summary Table (§ 16-71)

- Subdivision Sketch Plat removed as a listed application type — replaced by informal staff pre-review.
- Declaratory Rulings removed as an application type.
- Quasi-judicial and legislative decision labels applied consistently throughout the table.

Neighborhood Meetings (§ 16-72(b)(2))

- Applicant is now responsible for noticing, conducting, and documenting the meeting — not the County.
- Prior waiver provision removed; non-attendance by neighbors does not waive the requirement.
- New documentation: proof of notice, date/time/location, sign-in sheet, written discussion summary.

Public Notice (§ 16-72(c))

- Notice period extended from 14 to 15 calendar days for published, posted, and mailed notices.
- New: Applicant must post notice signs on their property, submit signed affidavit + photo; failure postpones hearing.

Division 2 – Procedures Cont.

Public Hearing Procedures (§ 16-72(f))

- Quasi-judicial hearing requirements codified: sworn testimony, cross-examination, written findings of fact within 10 business days.
- Legislative and administrative decision categories defined and distinguished throughout.
- Hearing officer qualifications and appointment procedures clarified.

Appeals (§ 16-72(g))

- Appeal filing window: 15 calendar days from date of final written decision (administrative and quasi-judicial).
- Record and briefing schedule updated; appellant briefing 14 days, appellee response 14 days, reply 7 days.

Permit Expirations & Extensions (§§ 16-72(i), 16-72(j))

- Extensions granted administratively by CDD Director without public hearing, even if hearing was required initially.

Division 3 - Specific Development Procedures

Administrative Decisions (§ 16-73)

- All administrative permit procedures updated: applicant descriptions clarified, redundant language removed, cross-references corrected.

Quasi-Judicial Decisions (§ 16-74)

- Conditional Use Permit decision criteria reduced from 8 to 7 — criterion (d) removed as duplicative of criterion (c).
- Site plan applicability thresholds and exception categories updated; cross-references to § 16-74(i) corrected throughout.
- Subdivision Sketch Plat removed from § 16-74(a); replaced by informal staff pre-review of sketch plat prior to application.

Legislative Decisions (§ 16-75)

- Text Amendment decision criteria retained; "policy decisions" replaced with "legislative decisions" for consistency.
- Zone map amendment and historic district procedures: cross-references and applicant descriptions corrected.

Divisions 4, 5 & 6

Nonconformities, Construction & Enforcement

Division 4 – Nonconformities (§§ 16-79, 16-81, 16-83)

- Minor repair/maintenance definition refined, compliant alterations may modify footprint.
- Nonconforming use continuation language updated; 180-day discontinuance period retained.
- 25% GFA expansion threshold retained; only features affected by expansion need to be brought into compliance, not the entire site.

Division 5 – Construction Improvements (§§ 16-84, 16-91, 16-92, 16-93)

- County acceptance, monuments, general construction standards, minor terminology cleanup only.

Division 6 – Violations, Enforcement & Penalties (§ 16-98)

- Penalty cross-reference updated from 'Section 1-8' to the General Provisions of the Code.
- Each calendar day of violation continues to constitute a separate offense; injunctive relief authority preserved.

Decision Criteria

Pursuant to Section 16-75(d)(3) of the Los Alamos County Development Code, a Text Amendment shall be approved if it meets the specified criteria:

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

The Comprehensive Plan designates the Development Code as a key implementation tool; this amendment addresses procedural errors and inconsistencies identified through daily administration of Article V.

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

The amendment is procedural only. It does not alter permitted, conditional, or prohibited uses, zone districts, or any substantive land use standards.

Decision Criteria

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

The amendment improves clarity, consistency, and usability of Article V by correcting cross-references, removing redundant provisions, and conforming terminology throughout all six Divisions. It enhances readability and supports more efficient administration by staff, applicants, and the public.

- d. The proposed amendment promotes public health, safety, and welfare.**

The amendment supports public health, safety, and welfare by extending public notice periods, strengthening neighborhood meeting accountability, codifying quasi-judicial due process requirements, and improving the transparency of land use administration throughout Article V.

Confirmation of Pre-Application & Public Notice

In accordance with Chapter 16, Section 16-72(b)(1) of the Los Alamos County Development Code, Pre-Application Meeting requirements have been satisfied.

– Prior to the submission of a Text Amendment, the applicant shall attend a pre-application meeting pursuant to section 16-72(b)(1). **Conducted December 17, 2025.**

In accordance with Chapter 16, Section 16-72(c) of the Los Alamos County Development Code, all public notice requirements for the public hearing have been satisfied.

Published Notice [16-72(c)(4)]:

– Notice published in a newspaper of general circulation within the County at least 15 calendar days before the public hearing. **Published May 7, 2026**

Staff Recommendation

Staff requests that the Planning and Zoning Commission **recommend approval** of Case No. ZCA-2026-0005 / adoption of Ordinance No. 02-371 based on the Findings of Fact established in the record and a determination that the application satisfies the decision-making criteria for a Text Amendment set forth in Section 16-75(d) of the Los Alamos County Development Code.