

# ZCA-2026-0019

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

Case Manager: Danyelle Valdez, Planning Manager

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**January 23, 2023** – Chapter 16 of the Los Alamos County Code (Development Code) was repealed and replaced in its entirety.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

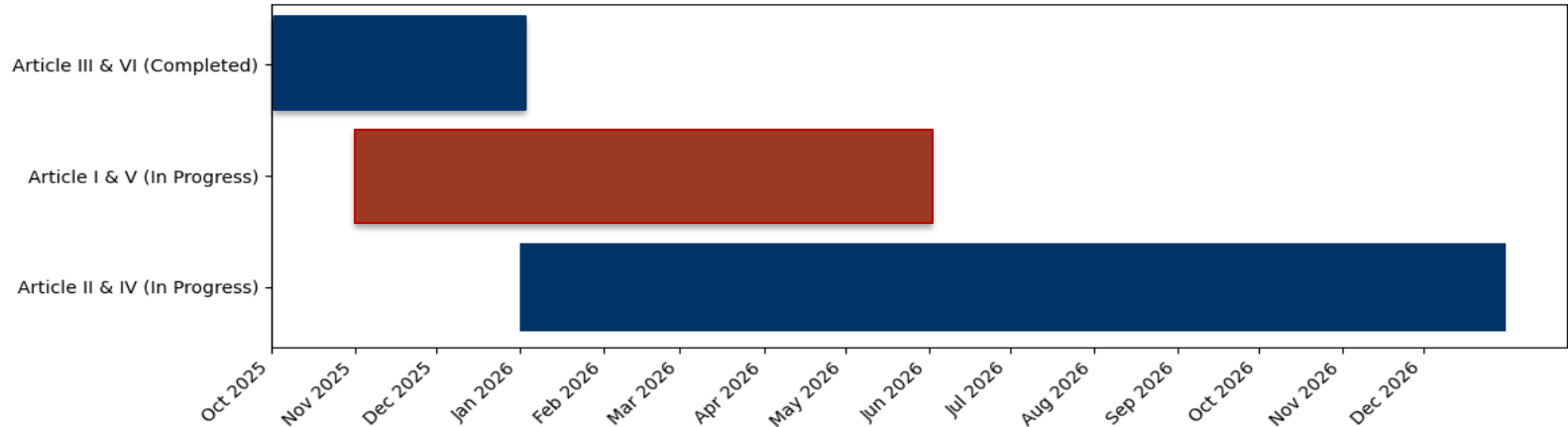
& Enforcement

## 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.