



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

Case No. CUP-2026-0002, a request for a Conditional Use Permit to allow a private school at 2390 North Road, Los Alamos, New Mexico. The subject property is zoned Multi-Family Residential-Low (MFR-L) and is located within the North Community 1 Subdivision.

ORDER ON APPLICATION CUP-2026-0002

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. On or about March 9, 2026, David R. Williams of RMKM Architecture, on behalf of Bethlehem Evangelical Lutheran Church (property owner) and Zephyr Ridge Academy (“Applicants”), submitted an application (“Application”) for approval for a Conditional Use Permit to allow Zephyr Ridge Academy, a private educational institution with learning differences to operate within an existing facility owned by Bethlehem Evangelical Church located at 2390 North Road, Los Alamos, New Mexico (“Property”). See PLANNING & ZONING COMMISSION STAFF REPORT by Danyelle Valdez, Planning Manager, (hereafter “CDD Staff Report”), Attachment A, Page 110.

2. The Application was assigned case number CUP-2026-0002. *Id.*

3. A quorum of the Commission was present at the public hearing held on May 13, 2026¹.

The public hearing was open to the receipt of evidence and testimony given under oath, which was

¹The Video for this hearing is available at Planning and Zoning Commission Meeting – May 13, 2026. All citations to testimony are from this video and is in Hour:Minute:Second format

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subject to cross-examination, in accordance with Section 16-72(f)(5) of the County Development Code².

4. Present for the Applicant was David P. Moore, Congregational President of Bethlehem Evangelical Lutheran Church, 82 Barcelona Avenue, White Rock, NM; David R. Williams of RMKM Architecture; Celina Morgan, 1535 Camino Redondo, Los Alamos, NM, co-director of Zephyr Ridge Academy; and Kate Hovey, 2145 35th Street, Apt. B, Los Alamos, NM, co-director of Zephyr Ridge Academy.

5. Present for the County's Community Development Department ("CDD") was Danyelle Valdez, Planning Manager ("CDD Staff Valdez").

6. Marissa Christman and Anthony Mitchell, 2441 Canyon Glen, Los Alamos, NM, Affected Parties, testified in opposition of this Conditional Use Permit.

7. Donna Simone, 2381 Canyon Glen, Los Alamos, NM, Affected Party, testified on this Conditional Use Permit.

8. Peter and Ruth McNiff, 2451 Canyon Glen, Los Alamos, NM, Affected Parties, testified in opposition of this Conditional Use Permit.

9. Eric Olson, 2105 Loma Linda Drive, Los Alamos, NM, was present.

10. Evidence received by the Commission at the public hearing included: 1) CDD Staff Report; 2) IDRC Minutes; 3) Public Notices; 4) Application Packet; and 5) presentation, questioning, and testimony from agents and witnesses of the Applicant, Affected Parties, and CDD Staff Valdez.

11. The 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 Property is currently developed with an existing religious

² Available at Municode Chapter 16.

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institution and associated facilities. *See* CDD Staff Report, Attachment A, Page 111; *see also* Testimony of CDD Staff Valdez at 02:03:41.

12. As provided in the evidence of Applicant and CDD Staff Valdez, this Conditional Use Permit will 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. *See* CDD Staff Report, Attachment A, Page 110.

13. As provided in the CDD Staff Report, notice of the public hearing was published in accordance with Section 16-72(c) of the County Development Code, as notice was published in the *Los Alamos Daily Post* on April 2, 2026, notice of the proposed action and public hearing was mailed via U.S. Mail to the owners of real property within three hundred (300) feet of the Property on April 6, 2026, and the notice was posted at the Property on April 6, 2026. *See* CDD Staff Report, Attachment A, Page 113; *see also* Testimony of CDD Staff Valdez at 02:07:49.

14. Based on the CDD Staff Report, the Application was presented to the Interdepartmental Review Committee (“IDRC”) on March 19, 2026, and consolidated comments were received by March 26, 2026. Public Works, Engineering, Department of Public Utilities (DPU), 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 appeared to rely on outdated building and fire codes and had not been stamped by a licensed design professional, and recommended that an updated, professionally stamped code analysis be provided prior to building permit review. All reviewing departments recommended the

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application move forward to Planning & Zoning Commission. See CDD Staff Report, Attachment A, Page 112; see also Testimony of CDD Staff Valdez at 02:04:05.

15. For the approval of a Conditional Use Permit Application, the Commission finds the applicable review criteria, in determining whether to approve, approve with conditions, or to deny the Application (*see* §16-69(b)(2)), are the review criteria found in Section 16-74(b)(3) of the County Development Code.

16. Although there was opposing testimony provided during the public hearing, the Commission, having received testimony and evidence provided during the public hearing, finds that the Applicant has met its burden and has demonstrated that the Application meets the requirements of Section 16-74(b)(3). The Commission, in support of this finding, provides the following:

a. As to criterion (a) of Section 16-74(b)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by CDD Staff Valdez and the Applicant that the Conditional Use substantially conforms to the intent and policies of the Comprehensive Plan and other adopted County policies and plans. The Property is currently zoned as a MFR-L based on current Los Alamos 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 for the worship space and includes associated break-out areas, offices and classrooms for support of the worship services. Most services are held on one day per week, Sunday. There is adequate off-street parking with dedicated and appropriate number of handicapped and van accessible spaces. There are an adequate number of exits on both levels with proper exiting door hardware and currently meets all ADA / ANSI A117.1 handicapped requirements for restrooms, exiting, lighting, and corridor widths. The building is set back from adjoining public access roads and has fire vehicle access on

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three (3) sides and is in the required proximity of nearby public fire hydrants and has a smoke detection and fire alarm system. The proposed use or 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. *See* CDD Staff Report, Attachment A, Pages 113-114; *see also* Testimony of CDD Staff Valdez at 02:05:07.

b. As to criterion (b) of Section 16-74(b)(3), the Commission finds that there was ample evidence to demonstrate that this conditional use is not detrimental to public health, safety, and welfare. As provided through the evidence of the Applicant and CDD Staff Valdez, the using existing lower-level classrooms for non-religious private school during weekday hours is not detrimental to 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 (four) 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. IDRC's review identified no inherent land use incompatibility; however, the Building Division comments indicated deficiencies in the code analysis (outdated codes and lack of professional stamp). This introduced 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. Further, educational activities associated with a religious institution would be a permitted use under the County Development Code, by right. However, the Conditional Use Permit is required in this case due to the operational structure of the educational activities being conducted by a private educational institution, rather than the

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operation of the educational institution. *See* CDD Staff Report, Attachment A, page 114; *see also* Testimony of CDD Staff Valdez at 02:05:28 and 02:09:00.

c. As to criterion (c) of Section 16-74(b)(3), the Commission finds the conditional use is in conformance with all applicable provisions of this Code and other adopted County regulations. As provided through the evidence of the Applicant and CDD Staff Valdez, the Conditional Use will not cause any adverse impacts on the Property or 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. 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 Property in compliance with applicable Code requirements. *See* CDD Staff Report, Attachment A, pages 114-115; *see also* Testimony of CDD Staff Valdez at 02:05:49.

d. As to criterion (d) of Section 16-74(b)(3), the Commission finds the proposed special use conforms with all applicable regulations of the district in which it is located. As provided through the evidence of the Applicant and CDD Staff Valdez, the Conditional Use will conform to the applicable regulations of the MFR-L district in which it is located. The request does not involve any expansion of the existing structure, site alterations, or changes to the approved

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development pattern. 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 Property or create nonconformities with district regulations. *See* CDD Staff Report, Attachment A, Page 115; *see also* Testimony of CDD Staff Valdez at 02:06:05.

e. As to criterion (e) of Section 16-74(b)(3), the Commission finds that the conditional use does not cause significant adverse impacts on the properties in the vicinity. As provided by the testimony at the public hearing, the Conditional Use will not cause any adverse impacts on the Property or 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. 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 Property. No evidence of significant adverse impacts to adjacent properties were identified. *See* CDD Staff Report, Attachment A, Page 115; *see also* Testimony of CDD Staff Valdez at 02:06:25.

f. As to criterion (f) of Section 16-74(b)(3), the Commission finds this criterion was met. As provided through the evidence of the Applicant and CDD Staff Valdez, 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. There are adequate existing utilities, access, drainage,

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and site improvements to support the proposed conditional use. The Property is fully developed with an existing institutional building that is currently served by established water, wastewater, and electrical infrastructure. Access to the Property 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. *See* CDD Staff Report, Attachment A, Page 116; *see also* Testimony of CDD Staff Valdez at 02:06:41.

g. As to criterion (g) of Section 16-74(b)(3), the Commission finds that this Criterion has been met. As provided through the evidence and testimony of the Applicant and CDD Staff Valdez, the proposed size of the existing classrooms for the Conditional Use will be compatible with the use and development of the Property because there will be no added modifications to the existing religious building. Each of the existing lower-level classrooms is of adequate size to accommodate the intended use of the small size classrooms for Zephyr Ridge Academy students and staff. 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 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

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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 Property or surrounding properties. *See* CDD Staff Report, Attachment A, Pages 116-117; *see also* Testimony of CDD Staff Valdez at 02:07:00.

h. As to criterion (h) of Section 16-74(b)(3), the Commission finds that 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. The pre-application meeting with the Owner, Zephyr Ridge Academy, and the Architect was held online on February 22, 2026. 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. The request does not involve any changes to the site plan, building footprint, or Property 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 County Development Code requirements. *See* CDD Staff Report, Attachment A, Page 117; *see also* Testimony of CDD Staff Valdez at 02:07:19.

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II. ORDER

The Commission, pursuant to Section 16-72(f)(5)(c)(3), by unanimous vote, hereby finds that the Applicant has sufficiently demonstrated that the request for a Conditional Use Permit meets all requirements, and after full hearing and consideration, **hereby Approves Application CUP-2026-0002.**

APPROVED on this date: 6/16/2026

Karen Easton

Karen Easton, Chair of the Planning & Zoning
Commission for the Incorporated County of Los
Alamos