



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: March 26, 2025
Subject: Case No. VAR-2025-0007
Applicant/Owner: Scott Harper, Project Manager/applicant with Pinnacle Consulting (aka Sun State Tower) and Verizon Wireless, Co-Applicant, on behalf of Los County, Property Owner
Case Manager: Jane Mathews, Senior Planner

Professional Background:

Dual Master's Degree in City and Regional Planning, and Landscape Architecture; 26 years in Regional Planning, Land Use, Transportation Planning, and Placemaking; six years in Local Government Zoning, Platting, and Development Case Management.

Case No. VAR-2025-0007: A request from Pinnacle Consulting (aka Sun State Tower) and Co-Applicant Verizon Wireless, on behalf of Los Alamos County, property owner, are requesting a variance to the height limitation of 50-feet in an Open Space zone district, for an unconcealed 80-foot Wireless Telecommunication Facility tower. The property, WRS N1, is within the ballfields area at Overlook Park, addressed as 580 Overlook Rd, and is within the Open Space (OS-PP) Public Park sub-zone district.

See Attachment A: Application Submittal.



Image 1: Google Street Image, March 2025 – 580 Overlook Park Road, Los Alamos, NM – Looking Northeast.

BACKGROUND

The subject property ("Property"), WRS N1, is situated within the ballfields area at Overlook Park, addressed as 580 Overlook Road, and is within the Open Space (OS-PP) Public Park sub-zone district. The proposed wireless telecom tower is proposed to be located on a 5.68-acre parcel within Overlook Park. The Property contains the unpaved access road on the north side of Overlook Road, which leads to the northmost large baseball field, and the primary baseball field on Overlook Road. This Property is approximately 1,200 feet east of Meadow Lane, 900-feet from the residentially zoned (SFR-3 and SFR-4) homes on Meadow Lane, and west of the Overlook Park Playground.

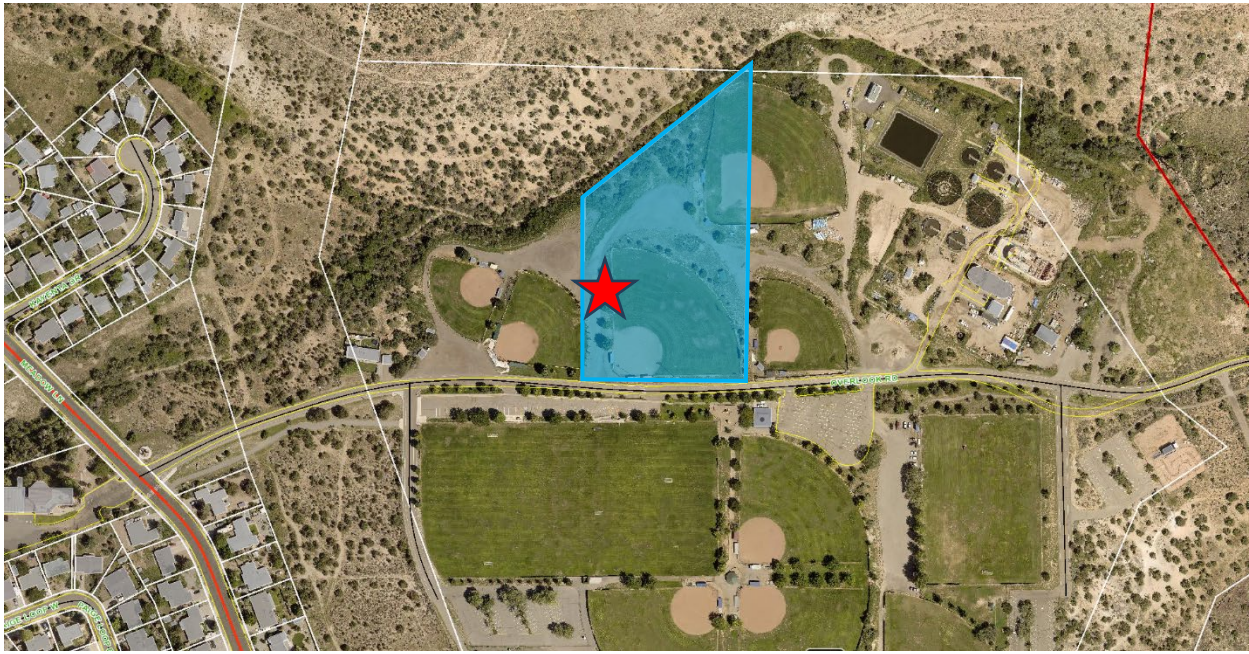
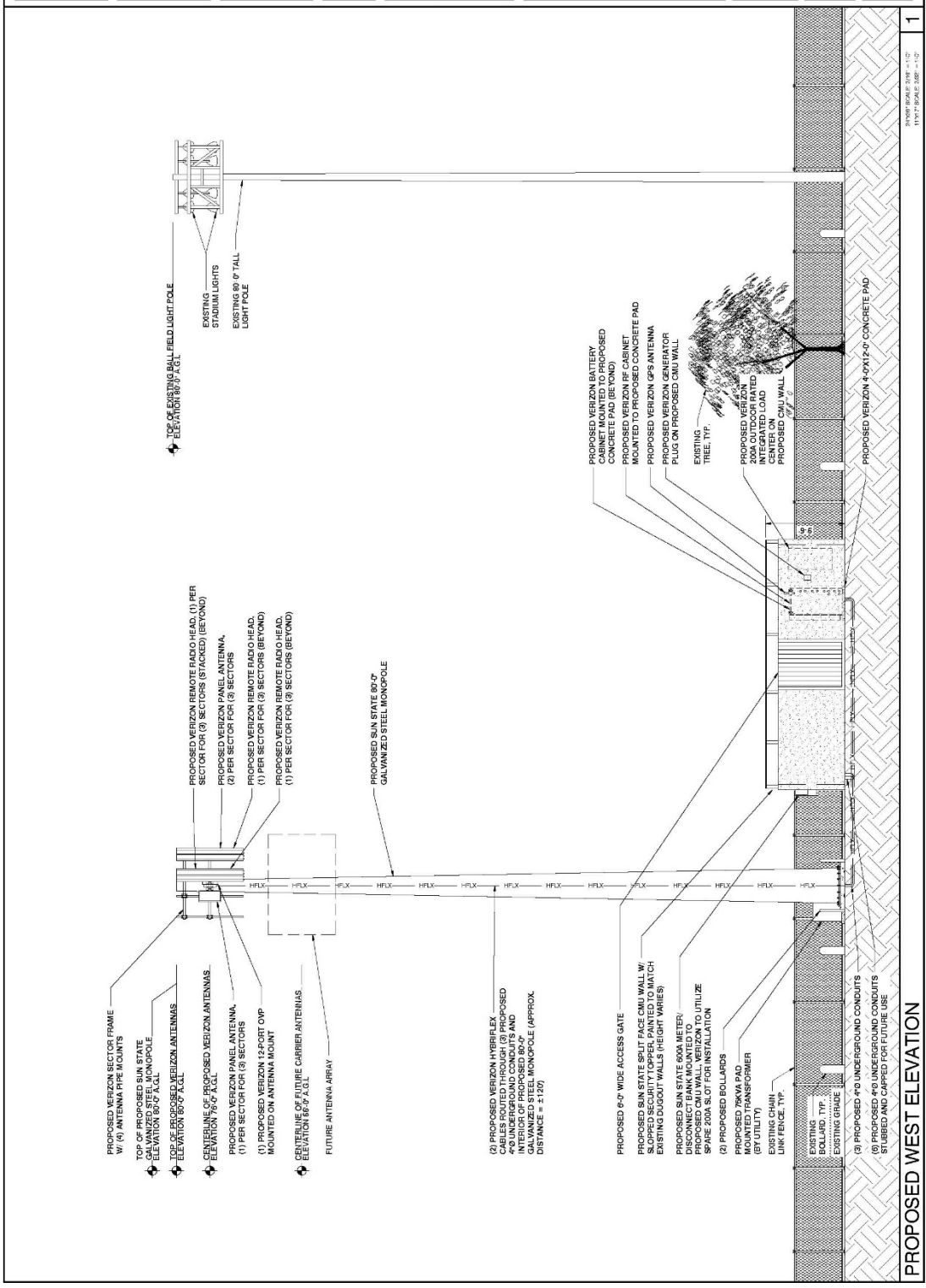


Figure 1: Location Area Map, Collector Streets shown in red.

SUMMARY

The request from Pinnacle Consulting (aka Sun State Tower) and Co-Applicant Verizon Wireless, is to install an 80-foot tall, galvanized Steel monopole Wireless Telecommunication Facility tower to accommodate one commercial antenna array for Verizon Wireless and one collocation for a future, second carrier's antenna.

The enclosure, an 8-foot high, 20-foot x 30-foot split-faced concrete block (CMU) wall with a ball-deflecting roof structure, is proposed to surround ground equipment, a 4'-0"x12'-0" concrete pad with battery cabinet, and RF cabinet. The tower will house the Verizon antenna, GPS antenna, telco service, and antenna frame for (9) proposed antennas, (9) proposed remote radio heads, (1) proposed 12-port OVP, and (2) hybridflex cables. Proposed groundwork includes (9) proposed 4"Ø underground conduit and installation of private electrical service. No back-up generator is proposed. The proposed project will not affect the existing parking for the northmost large baseball field and will remain behind the curb along the primary baseball field on Overlook Road. The project does not include water or sewer, lighting, or signage except for safety notices required by law.



ASSOCIATED APPLICATIONS

The primary application is for a Wireless Telecommunication Facility application, Case No. TEL-2024-0005, which must be heard concurrently with Case No. CUP-2024-0000. The request for a Wireless Telecommunication Facility (WTF) in the Open Space (OS-PP) Public Park sub-zone shows a "C" in the Chapter 16, Art. III, Table 26: Permitted Use Table. A "C" in a cell indicates

that the land use is permitted in that zone district upon approval of a Conditional Use Permit by the Planning and Zoning Commission. Compliance with the Use-Specific Standards referenced at 16-17(j) are required, as shown in the right-hand column of Table 26: Permitted Use Table.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

The Interdepartmental Review Committee (IDRC) met to review the site plan documents and application request on July 8, 2024. A second IDRC meeting was held November 13, 2024, to discuss the revised applications. The Department of Public Utilities foresees no burdens to the utility system. The Public Works Department had no comments for the applicant. Cory Styron, Community Services Department Director, requested galvanized steel to match existing ballfield light poles, a topper or netting on any enclosures to allow balls to roll off and prevent players from attempting to retrieve balls, an unconcealed monopole design, and no additional landscaping as it would not be in keeping with the aesthetics of the ballfield area, per Sec. 16-17(j). The applicant has complied with the requests of Mr. Styron.

See Attachment B: IDRC Minutes and Memorandums

PUBLIC NOTICE

The *Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-72(c) Notifications*, sets forth the requirements for proper notice to the public 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 March 6, 2025.**
 - The posting of at least one sign on a street abutting the property that is the subject of the application – visible from the street – for at least 14-calendar days before the public meeting or hearing. **Posted March 4, 2025.**
- Mailed Notice [16-72-(c)(5)]:
 - Mailed notice 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 Certified on March 11, 2025.**

The notices specified that the public hearing would be located at 1000 Central Ave, Los Alamos, NM, with an option for the public to provide comment virtually, via Zoom.

See Attachment C: Public Notices

VARIANCES DECISION CRITERIA

Section 16-74(g)(3) of the Los Alamos County Development Code states that a Variance shall be approved if it meets all of the following criteria:

a. The variance will not be contrary to the public safety, health, or welfare.

Applicant Response: The increase in height will not be contrary to public safety, health or welfare. Telecommunications facilities are required to comply with Federal safety standards, rules, and regulations. Scientists have studied potential health effects of RF emissions from wireless telecommunications equipment and cell phones for decades. Based on all the research, federal agencies have concluded that equipment that complies with the FCC safety standards poses no known health risks.

Staff Response: It is the staff's expert opinion that this criterion has been met because the safety concerns discussed in IDRC were primarily related to the safety of the recreating public using the ballfields. The proposed WTF will provide a hard canopy over the block wall enclosure to prevent balls from being lost "over the fence" and will not allow anyone to climb into the enclosure. A gap of 10-inches sloping down to 4-inches covers the enclosure.

The variance request for an additional 15 feet over the allowed height is not detrimental to the public safety, health, or welfare. To be assured of this, staff has received 100% complete plans, signed and wet sealed by New Mexico professional engineer, Kyle A. Fortin, from the applicant's team.

The height requested, 80 feet, is well within the safety guidelines in Sec. 16-17(j)(5) Setbacks and separation, Setbacks and separation, which recommends a setback from public right-of-way equal to the height of the tower. The tower is over 230 feet from Overlook Road.

b. The variance will not undermine the intent of this Code, the applicable zone district, other county adopted policies or plans, or violate the building code.

Applicant Response: The requested height increase of an additional 30' of height on the WTF pole will be the same height as the existing 80' light poles used at the Baseball Field. Studies were done to make sure that no higher-priority (GC or PO) zone districts would fulfill the coverage needs of Verizon. The 80-foot height request is the minimum useful height to meet colocation preferences stated in the Development Code.

Staff Response: It is the staff's expert opinion that this criterion has been met because the intent of the code has been thoroughly examined through the process of the Wireless Telecommunication Facility application, Case No. TEL-2024-0005, being heard concurrently with the conditional use Case No. CUP-2024-0000. The request for a Wireless Telecommunication Facility (WTF) in the Open Space (OS-PP) Public Park sub-zone shows a "C" in the Chapter 16, Art. III, Table 26: Permitted Use Table. A "C" in a cell indicates that the land use is permitted in the Open Space (OS-PP) zone district upon approval of a Conditional Use Permit by the Planning and Zoning Commission.

In addition, all non-residential zone districts have a cap of 50 feet and would require this process. The open space zone district is not unique.

The Building Code Division requested a 100% plan set, signed and sealed, to assure that building codes are met.

c. Granting of the variance will not cause an intrusion into any utility or other easement unless approved by the owner of the easement.

Applicant Response: Site was surveyed and plotted so to not to intrude on any existing easements unless approval is obtained from the owner (Los Alamos County).

Staff Response: It is the staff's expert opinion that this criterion has been met because the Public Works Director has reviewed the plans and has no concerns with any utility work interference with public utilities or public utility easements.

d. The variance request is caused by unusual physical characteristic or a hardship inherent in the lot or lot improvements and the peculiarity or hardship has not been self-imposed.

Applicant Response: The height increase is needed to allow Verizon to meet the capacity/coverage demand in this area. See attached studies.

Staff Response: It is the staff's expert opinion that this criterion has been met because the proposed wireless telecommunication tower has demonstrated a need to be located east of Meadow Lane, at a distance that would accommodate the required 1,000-foot separation from other telecommunication towers. The need for an additional 15-foot height has been demonstrated in the Alternative Site & Height Analysis, provided in Attachment A. A lesser height would not provide the density of coverage within White Rock demonstrated as necessary to provide adequate cellular, data, and emergency services.

e. The variance will not create any significant adverse impacts on properties within the vicinity.

Applicant Response: The Proposed project site is located within Overlook Park near the center at one of the baseball Fields. The nearest residential properties are approximately 1,000' to the west. The proposed 80' tower will blend in with several existing 80' tall light poles and will have minimal effect on surrounding views. The site will be unmanned, and have very minimal effect on traffic to and from the site after construction (a site Tech will visit the site approximately once a month). Thus, the proposed project will not have an adverse impact upon neighboring properties.

Staff Response: It is the staff's expert opinion that this criterion has been met because the WTF will be over 1,000 feet from residential areas and will not impact the viewshed for drivers heading to the Lookout Point. In addition, the recommendations of CSD have been incorporated and will ensure that the towers blend with the existing baseball field improvements in both height and materials.

f. Granting of the approved variance is the minimum necessary easing of the Code requirements making possible the reasonable use of the land, structure, or building.

Applicant Response: By approving the requested 30-foot Variance to 80 feet, it will allow additional carriers to collocate on the tower. The minimum useful height for the tower is 76 feet for the Verizon antennas. The additional height will allow a second carrier to be located below the Verizon array and will provide a location that would preempt the need for another carrier to build a tower of their own.

Staff Response:

The applicant has demonstrated that no other less intrusive means or alternative to the proposed telecommunications facilities design is practicable. The proposal meets all other requirements of the Code and makes use of County land to further county goals for development of infrastructure, support for economic development through tourism, outdoor recreation and special events, and additional services that provide effective, efficient, and reliable services to improve life in White Rock.

DRAFT MOTION

Motion Option 1:

I move to **approve** Case No. VAR-2025-0007, a request from Pinnacle Consulting (aka Sun State Tower) and Co-Applicant Verizon Wireless, on behalf of Los Alamos County, property owner,

requesting a variance to the height limitation of 50-feet in an Open Space zone district, for an unconcealed 80-foot Wireless Telecommunication Facility tower. The property, WRS N1, is within the ballfields area at Overlook Park, addressed as 580 Overlook Rd, and is within the Open Space (OS-PP) Public Park sub-zone district.

Approval is based on the Findings of Fact established at the hearing and the conclusion that the Applicant has satisfied the decision criteria for site plan adoption as outlined in Section 16-74(g)(3) of the Los Alamos County Development Code. The Commission is acting under the authority granted by Section 16-69(b)(2) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application, as well as the Findings of Fact and Conclusions of Law for this case. This document will be prepared by county staff based on this decision.

Motion Option 2:

I move to **deny** Case No. VAR-2025-0007, a request to construct an 80-foot tall Wireless Telecommunication Facility tower to collocate two commercial antenna arrays; and construction of a 20-foot x 30-foot split-faced block wall, 8-foot tall, to surround ground equipment. The property, WRS N1, is within the ballfields area at Overlook Park, addressed as 580 Overlook Rd, and is within the Open Space (OS-PP) Public Park sub-zone district.

Denial is based on the Applicant failing to demonstrate that the application meets the decision criteria for a Discretionary Wireless Telecommunication Facility within Section 16-74(g)(3) of the Los Alamos County Development Code and that the Commission is acting under the authority granted by Section 16-69(b)(2) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application and Findings of Fact and Conclusions of Law for this case, based on this decision, to be prepared by county staff.

EXHIBITS:

A – Comprehensive Plan: <https://lacnm.com/ComprehensivePlan2016>

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