



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: March 26, 2025
Subject: Case No. TEL-2024-0005
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. TEL-2024-0005: A request from Pinnacle Consulting (aka Sun State Tower) and Co-Applicant Verizon Wireless, on behalf of Los Alamos County, property owner, are requesting an 80-foot tall, new 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.

See Attachment A: Application Submittal.



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

BACKGROUND

The subject property ("Property"), WRS N1, is addressed as 580 Overlook Road, White Rock, and is within the Open Space (OS-PP) Public Park sub-zone district. The Property is north of Overlook Road, situated within the ballfields area at Overlook Park. Overlook Park is equipped with 2 softball fields, 5 baseball fields, 1 T-Ball field, 2 soccer fields, a playground, an RC car Raceway, sail plane field, dog park, and the Lookout Point giving Overlook Park its name, as it offers a great vantage point to view the Rio Grande in the valley below. The wireless telecom tower's proposed location is on a 5.68-acre parcel within Overlook Park which contains an unpaved access road leading to the northmost ball field. 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.

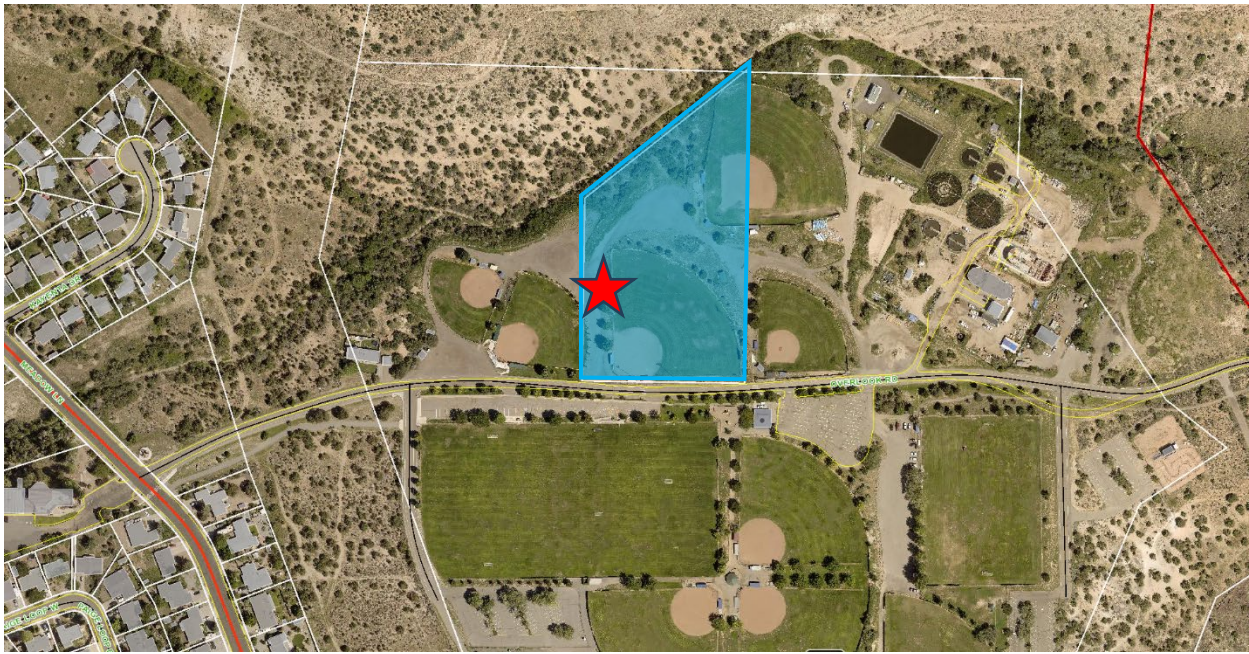


Figure 1: Location Area Map, with Property WRS N1 shown in blue and proposed WTF location is shown with a Red Star. Collector Streets and County boundary shown in red.

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.

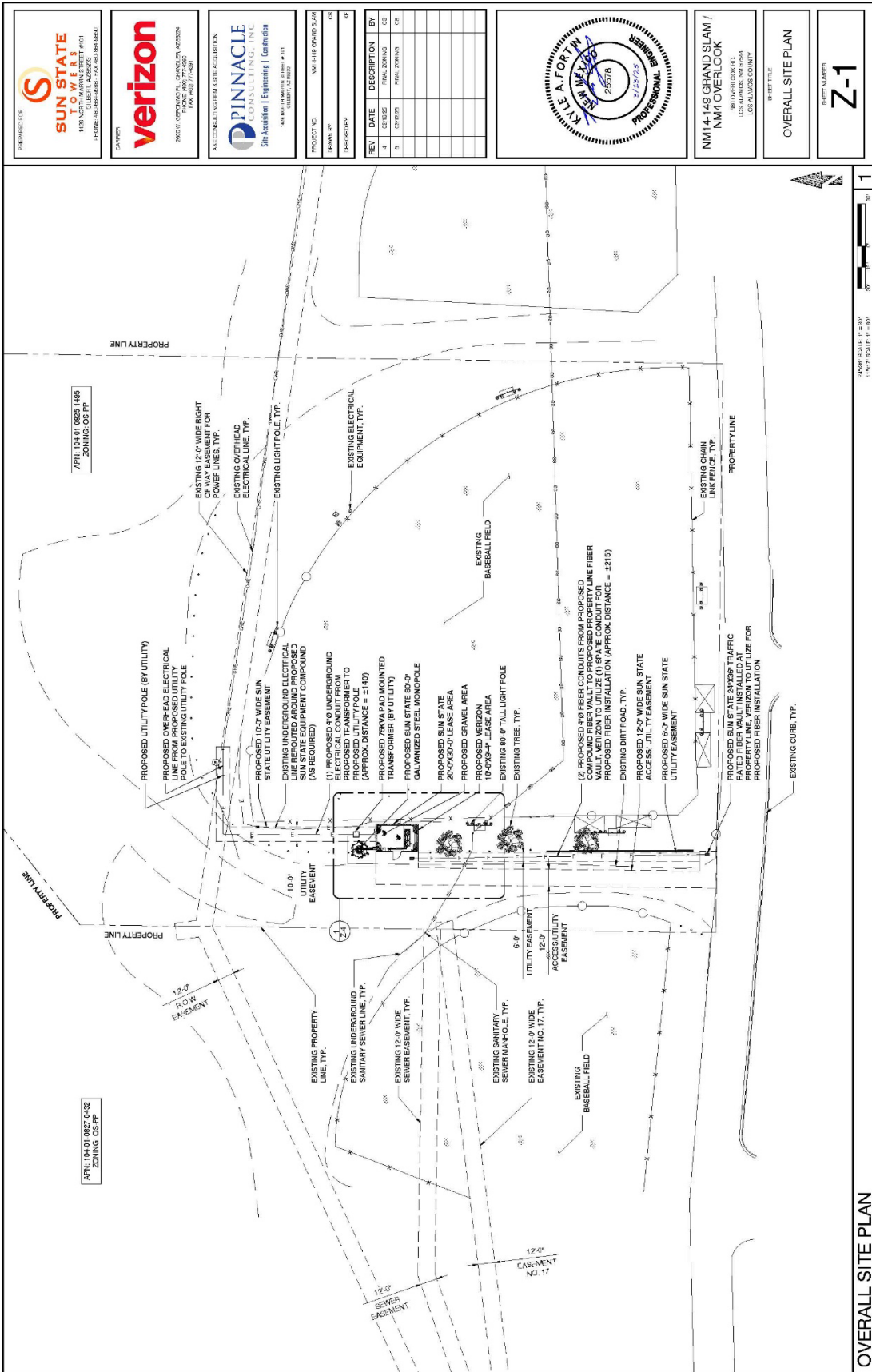


Figure 2: Plan Set page Z-1 – Overall Site Plan, showing the location north of Overlook Road, adjacent to a ballfield.

ASSOCIATED APPLICATIONS

A Conditional Use Application has been submitted as Case No. CUP-2024-0000 to be reviewed concurrently with this application. 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 and 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. Specifically, the tower location, concealment, and height will be considered with the Conditional Use Permit.

Secondly, Case No. VAR-2025-0007, is a variance request for the height limitation of 50 feet in an Open Space zone district, for an unconcealed 80-foot Wireless Telecommunication Facility tower. The variance is conditional on the approval of the Conditional Use Permit application and the Wireless Telecommunication Facility application.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

The Interdepartmental Review Committee (IDRC) met to review the site plan documents and application requests 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, County Engineer, had no comments for the applicant. Cory Styron, Community Services Department Director, requested galvanized steel to match existing ballfield light poles, a roof structure 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

WIRELESS TELECOMMUNICATION FACILITY DECISION CRITERIA

Section 16-74(c)(3) of the Los Alamos County Development Code states that a Discretionary Wireless Telecommunication Facility Permit shall be approved if it complies with all applicable standards in this Code and meets all of the following criteria:

- a. The proposed telecommunications facilities are necessary to close a demonstrated significant gap in service coverage of the applicant based on actual signal strength data for the area where the gap is claimed and for the type of gap claimed.**

Applicant Response: The proposed telecommunications facilities are necessary to close a demonstrated significant gap in service.

Reliable in-building coverage is now a necessity and every community's expectation. Consistent with the abandonment of land-line telephones and reliance on only wireless communications, federal courts now recognize that a "significant gap" can exist based on inadequate in-building coverage. The least intrusive means standard "requires that the provider 'show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.'"

STUDIES PROVIDED: Alternative Site & Height Analysis; 1st Responder Statement; RF Design Analysis Report

Staff Response: The studies provided by the applicant, "Alternative Site & Height Analysis", "1st Responder Statement", and "RF Design Analysis Report" demonstrate that the facilities are necessary and will function to close a demonstrated and significant gap in service coverage. Staff requested and received maps demonstrating that alternate sites in White Rock would be less effective in providing coverage than the proposed location in Overlook Park.

Current United States Code Service, 47 USCS Sec. 332, preserves the local zoning authority, while also limiting "decisions regarding the placement, construction, and modification of personal wireless service facilities" but also states that the local government "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

- b. The applicant has demonstrated that no other less intrusive means or alternative to the proposed telecommunications facilities design is practicable.**

Applicant Response: The proposed site is the best available. A search was performed using antennaSearch.com, which lists (3) existing towers, but was only able to confirm (2) visually during a site visit on 07/07/2024. 190' Non-concealed SBA Tower (The existing Verizon WCF that is running out of capacity) the second 360 Degrees, Non-concealed 65' Tower is too close to Verizon's existing WCF to meet Verizon Capacity objectives. The distance between Verizon's existing WCF and the proposed Sun State concealed WCF is approximately two (2) miles apart.

OS-PP allows 35' building Height max + 15' = 50'. The height limit is insufficient for reasonable collocation for Verizon and or future carriers to resolve the capacity/coverage objectives in this area. A height Variance application will be submitted, requesting a height increase to 80' that matches several existing Ballfield light poles near the WCF. (Please refer to Alternative Site & Height Analysis)

The proposed WCF will be located on a large property (Overlook Park) separated from residential homes approximately 1,000 feet to the west. Overlook Park has several existing 80'

tall Ballfield light poles that area residents are accustomed to and will have minimal effect on surrounding views.

The site will be un-manned and will have no impact on pedestrian or vehicular transit, and the facility will not emit odor, dust, gas, noise, vibration, smoke, heat or glare. After construction, a site Tech will visit the site approximately once a month. (Please refer to Zoning Drawings for tower and ground equipment size & details).

Best technologically feasible site: Proposed location has existing commercial power and Fiber connection available on the property with existing paved access from public ROW to proposed WCF.

STUDIES PROVIDED: Alternative Site & Height Analysis; 1st Responder Statement; RF Design Analysis Report

Staff Response: It is the staff's expert opinion that this criterion has been met because the applicant has designed the WTF tower at a height that will match the height of existing light poles that surround the ballfields at Overlook Park. The first WTF proposed a 90-foot tower and concealment shroud that drew more attention to the facility, prompting Parks and Recreation staff to request the less intrusive unconcealed proposal.

The 80-foot height is the most practicable, as demonstrated in the Alternative Site & Height Analysis. A shorter tower of 56 feet reduced the coverage to nearly the same coverage as is the current conditions in White Rock.

c. The applicant has demonstrated that no higher priority location per section 16-17(j)(2) is practicable.

Applicant Response: Sun State / Verizon considered the existing 80-foot light poles owned by Los Alamos County at Overlook Park, but due to interference / shadowing issues that can be caused by the antennas, the separation requirements would be approximately 20 feet or more below the bottom of the light fixtures, therefore, would not meet Verizon height requirement (76') for Capacity / coverage objective and would limit Sun State's ability to add additional carriers. (Please see Alternative Site & Height Analysis)

The locations zoned WRTC & GC are too close to Verizon's existing WCF to meet Verizon Capacity objectives.

Solid voice communications are an important necessity related to everyday public safety and are especially critical in the event of emergencies or unplanned events. Voice communication requires robust data capacity to ensure reliability. Additionally, with the proliferation of Smartphones – apps, photography and video streaming demand a persistent connection to the network, as the phones connect to the "Cloud" and do not release from it, even when not in use. This creates an unprecedented demand on the capacity of the network, particularly at large scale events where users are congregated in one place (4th of July at Overlook Park etc.) and utilizing these streaming features non-stop. This proposed WCF will help to maintain an adequate level of network capacity.

Staff Response: It is the staff's expert opinion that this criterion has been met because, per section 16-17(j)(2)-Location, the highest priority is Industrial (IND) and General Commercial (GC) zone districts, which White Rock is not zoned. White Rock has residential and White Rock Town Center (WRTC) zone districts (lowest priority) thorough most of the town. The other non-residential zone district in White Rock is the Institutional (INS) zone district, where the elementary school and the public library are located. For this reason, Overlook Park, with the existing 80-foot light poles is the most practicable location to provide additional service. The Overlook Park site is also the most appropriate site to mitigate adverse impacts to the viewshed as the proposed facility will be located next to existing 80-foot-tall lighting standards at the ballfields.

DRAFT MOTION

Motion Option 1:

I move to **conditionally approve** Case No. TEL-2024-0005, 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.

Approval is conditioned on the granting of a conditional use permit to construct a Wireless Telecommunication Facility tower in the Open Space (OS-PP) Public Park sub-zone district, and is based on the Findings of Facts established at the hearing and the conclusion that the Applicant has met the decision criteria for a Discretionary Wireless Telecommunication Facility within Section 16-74(c)(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.

Motion Option 2:

I move to **deny** Case No. TEL-2024-0005, 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(c)(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>