



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: March 26, 2025
Subject: Case No. CUP-2024-0000
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. CUP-2024-0000: Case No. CUP-2024-0000. A request from Pinnacle Consulting (aka Sun State Tower) and Co-Applicant Verizon Wireless, on behalf of Los Alamos County, property owner, are requesting conditional use permitting (CUP) and review from the Planning and Zoning Commission for approval of a new 80-foot Wireless Telecommunication Facility tower in an Open Space zone district. 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 East.

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 small 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.

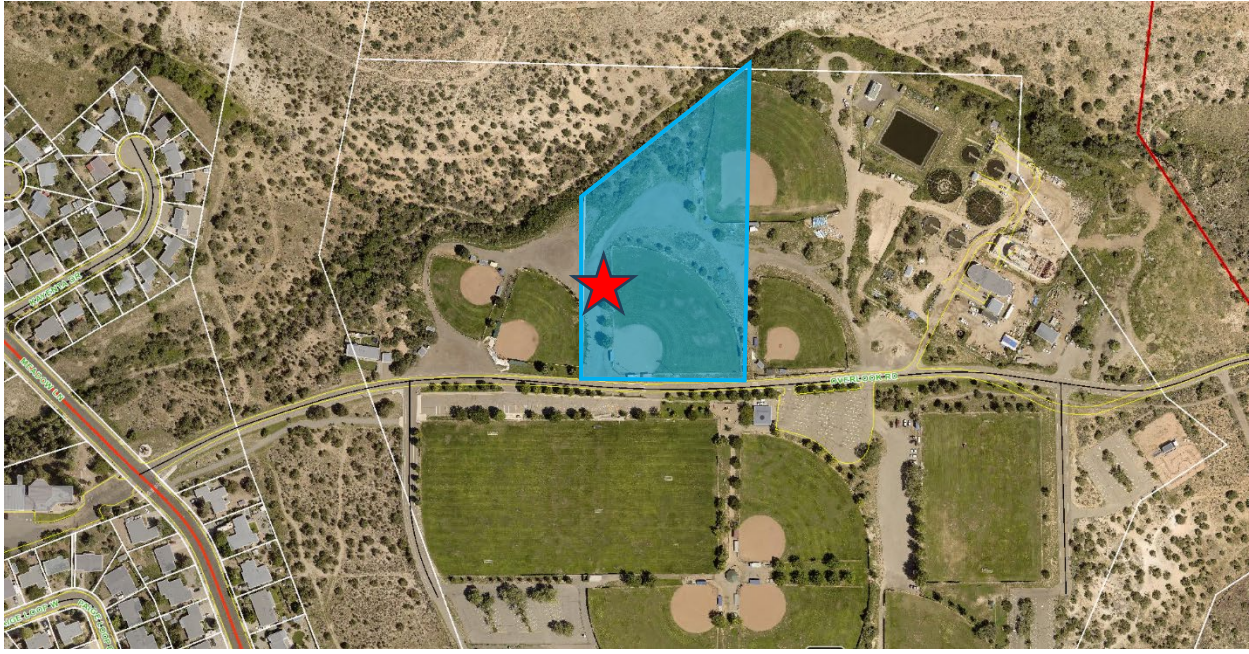


Figure 1: Location Area Map, with Property WRS N1 shown in blue and proposed WTF location shown with a Red Star. Collector Streets and County boundary shown in red.

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.

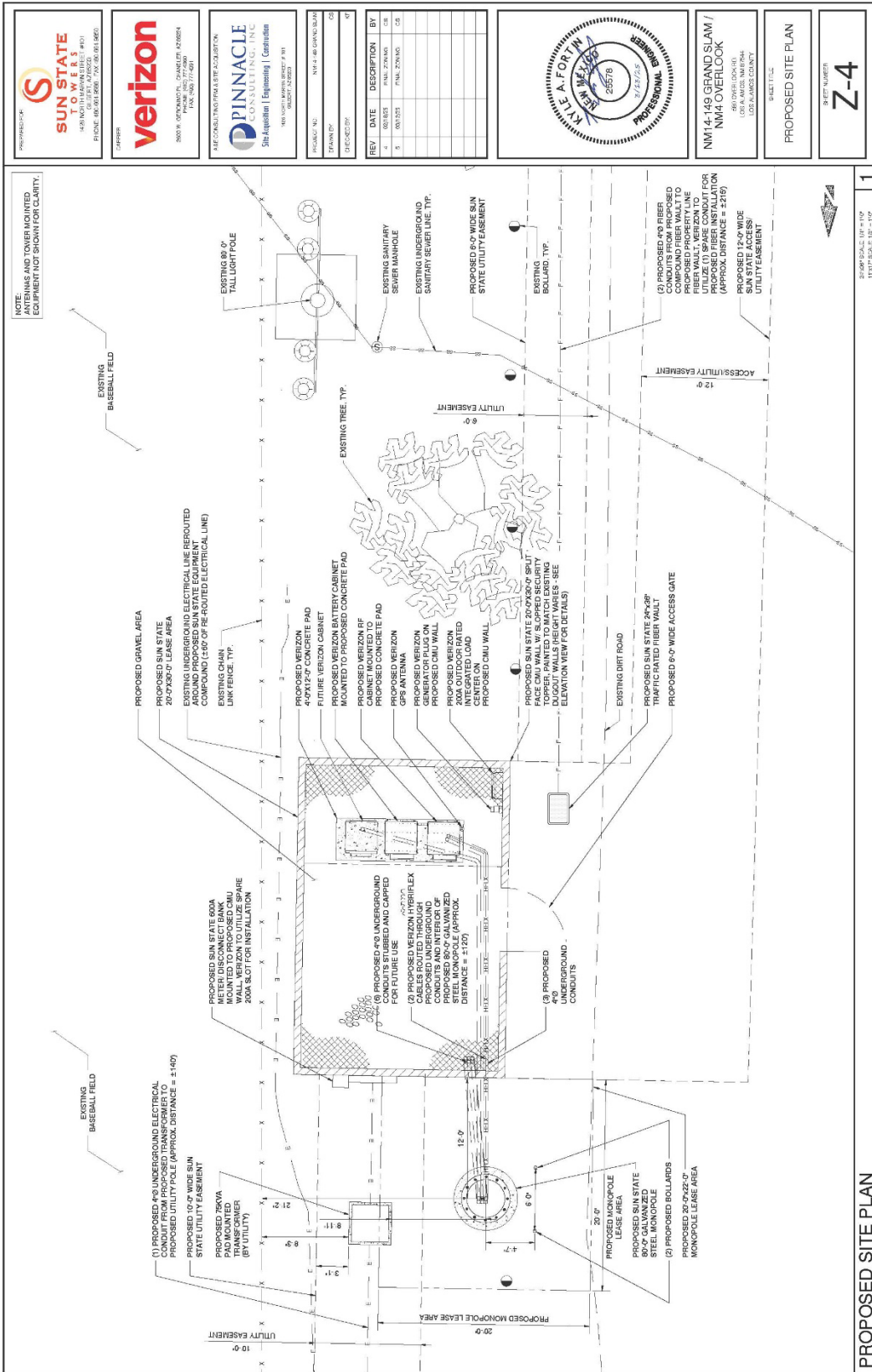


Figure 2: Plan Set page Z-4 – Proposed Site Plan.

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. Specifically, the tower location, concealment, and height will be considered with this 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 Community Services Department Director.

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

CONDITIONAL USE PERMIT DECISION CRITERIA

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

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

Applicant Response: The proposed WCF satisfies several of the applicable goals and policies of the City Comprehensive Plan., not necessarily perfectly matching every detail, but still fitting within the overall framework. Wireless demand is growing, and robust wireless networks are essential to businesses and residences throughout the White Rock Community. 96% of Americans own a Cellular Phone, 57% of American Homes rely exclusively on cellular phones, 84% or more of 9-1-1 emergency calls are made from wireless devices. The demand for Coverage/capacity services also increases and changes. These changes require that service providers, both public and private, plan for the provision of services in a coordinated manner.

Maximize the utilization of County-owned land for infrastructure expansion. Per Los Alamos County Development Code, Sec 16-14 permitted use table: Wireless Telecommunications Facility (WTF) may be allowed in OS-PP zoning areas via CUP process. The proposed 80' tower will exceed the 50' height allowed per sec 16-17(4), although the proposed height is comparable with other pole structures that exist throughout the Park, Sun State will be requesting a Variance for the tower height. This proposed WTF will meet required setbacks per sec 16-17(5).

Staff Response: It is the staff's expert opinion that this criterion has been met because the project contributes to the County Council Goals for Economic Development. This project supports goals in both of the following strategic focus areas:

ECONOMIC VITALITY:

- Maximize the utilization of County-owned land for facilities providing effective, efficient, and reliable services to businesses and the community.
- Provide expanded cellular coverage in support of tourism, outdoor recreation, and tourism and special events held in Overlook Park and White Rock.

FINANCIAL STABILITY:

- Attract new tourism-related businesses
- Encourage the retention of existing businesses and assist in their opportunities for growth

The Comprehensive Plan sets the County's goals and policies to direct and promote growth within the community and ensure its success. The Comprehensive Plan has three core themes to further the County's goals, policies, and strategies. Core theme 3.1 Growth; 3.2 Development, Redevelopment & Downtown; and 3.3 Open Space, Trails and Mobility. Increasing access to broadband internet has long been a goal of Los Alamos County. While not mentioning telecommunication directly, the following goals can be strengthened by offering better telephone service on the eastern side of White Rock, the Lookout, and onto the trails below.

Land Use and Infrastructure policies:

- Maximize the utilization of County-owned land.
- Promote basic facilities such as roads, schools, power plants, transmission lines, transportation, and communication systems on which the continuance and growth of a community depends.

Open Space policies:

- Support street and infrastructure design for safety and comfort of all users.
- Promote comfort and safety on trails.
- Offer wide range of choice in recreational opportunities.

b. The Conditional Use is not detrimental to the public safety, health, or welfare.

Applicant Response: All telecommunications equipment will comply with all federal safety standards. 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. Citizens will not be unduly affected by this WTF, and will benefit by the improved dependability, coverage for personal, business and emergency uses. the proposed WCF would promote the public health, safety and general welfare by improving wireless communications, including emergency call capacity, in this area of the White Rock.

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. In my professional opinion, safety is increased when hikers, pedestrians, tourists, event attendees, and other open space users are able to call 9-1-1 services, have wayfinding at their fingertips, or consult a weather report when visiting the parks and trail system. The service area of the proposed WTF tower demonstrates that the coverage will extend beyond the Lookout Point towards the east, into the recreational areas of the National Parks.

The conditional use 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.

c. The conditional use is in conformance with all applicable provisions of this Code and other adopted county regulations.

Applicant Response: The WCF substantially complies with all the relevant rules and regulations outlined in the local zoning code and any additional county ordinances. The proposed WCF will not violate any existing laws or regulations regarding land development. Sun State / Verizon considered the existing 80' 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' or more below the bottom of the light fixtures, therefore, would not meet Verizon height requirement (76') for capacity and coverage objectives and would limit Sun State's ability to add additional carriers. (Please see Alternative Site & Height Analysis).

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

Staff Response: It is the staff's expert opinion that the applicant has met the applicable requirements of the Use Specific Standards of 16-17(j). The applicant has demonstrated compliance through maps, photo simulations, alternative site and height analysis, and a project narrative to satisfy the requirements of the Code, all of which can be found in the application submittal.

See Attachment A: Application Submittal.

Required Collocations, 16-17(j)(1)

- a. Collocations are encouraged.
- b. The wireless provider shall agree to allow on a nondiscriminatory basis, to the maximum extent feasible, the collocation of other antennas on the approved tower.

The applicant has provided a second location on the tower where another telecommunication company may locate their antenna. This will reduce the number of towers that could be needed in the future. The applicant has demonstrated that collocation on existing infrastructure or buildings on the east side of White Rock, or more specifically, on the buildings or light poles within Overlook Park is not feasible or desired by County departments.

Preferred Location, 16-17(j)(2)

- a. 3. If proposed in the lowest priority areas, residential zone districts or open space districts, a conditional use permit and discretionary wireless telecommunication facility permit are required.
- b. An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected without a demonstration that inability to use the requested site would constitute a prohibition or effective prohibition under applicable federal or state law.

The applicant is requesting conditional use as is required and has demonstrated through location analysis that the proposed site is the only available site in White Rock that is not redundant with existing services provided. The applicant did not bypass other higher priority sites (WRTC, INS) because those sites already have towers at full capacity.

Concealment Requirement, 16-17(j)(3)

- b. WTFs shall have the least adverse visual effect of the environment to the maximum extent feasible by using concealment technology and building materials, colors, and textures designed to blend with the structure to which it may be affixed or to which it is adjacent and to harmonize with the natural surroundings.
- c. A WTF is considered concealed if the community development director or designee determines the facility is:
 1. Aesthetically integrated with existing buildings, structures, and landscaping to blend in with the nature and character of the built and natural environment, considering height, color, style, massing, placement, design, and shape.
 2. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening of the WTF.
 3. Constructed and located so as not be a readily visible or identifiable as a WTF.

Both concealed and unconcealed options are illustrated through images included in Attachment A. Discussion at IDRC and in follow up emails with Community Services Director Cory Styron confirmed that an unconcealed WTF facility would be less visually obtrusive because it would be narrower and would blend in with the nature and character of the ballfields. The acting Community Development Director agreed. The nature of the surroundings, according to Mr. Styron, is utilitarian, so he requested the height to be 80 feet; the color to be unpainted galvanized metal tower to match the ballfield light poles; and for the style of the enclosure to blend with the dugouts in color while prioritizing safety (with a ball-deflecting cover).

Setbacks and separation, 16-17(j)(5)

- a. All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way by sufficient distance to assure safety of persons and structures in the vicinity. A standard of acceptable distance will be equal to the height of the proposed tower or wireless telecommunication facility structure.
- b. This use is prohibited within 1,000 feet in any direction of any other freestanding WTFs, as measured from the wall or fence of each freestanding WTF, unless the wireless provider proves by clear and convincing evidence that no technical alternative or combination of alternatives to lesser spacing is possible.

The applicant will provide a setback of 253 feet and 7 inches from the Overlook Road right-of-way. In addition, the applicant has shown that all existing nearby freestanding WTF are over 1,000 feet away. These are shown in the plan set page Z-2 – Overall Setback Plan, and verified with county GIS software.

Landscaping and Screening, 16-17(j)(6)

- a. Freestanding WTFs shall be surrounded by an opaque wall or fence design acceptable to the county of at least six feet high.

The applicant has met the County's request for an 8-foot-tall opaque wall.

d. The special use shall conform to all applicable regulations of the district in which it is located.

Applicant Response: The Proposed WCF substantially conforms with applicable regulations of the district in which it is located.

Collocations and public utility collocation; 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 (this is the location Verizon has an existing WCF that is running out of capacity) the other 360 Degrees Non-concealed 65' Tower, is too close to Verizon's existing WCF (SBA 190' Tower) to meet Verizon Capacity objectives. The distance between Verizon's existing WCF and the proposed Sun State proposed concealed WCF is approximately two (2) miles.

Least intrusive means: The Proposed concealed 80' WCF (Antennas will be housed in a stealth canister shroud), meets and or exceeds all setback requirements, is approximately 1,000 feet from existing residential properties (Please refer to Photo Sims)
Height; 50' 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 with the CUP, requesting a height increase to 80' that will match several existing Ballfield light poles near the WCF. (Please refer to Alternative Site & Height Analysis).

Staff Response: It is the staff's expert opinion that this criterion will be met through the approval of the variance, Case No. VAR-2025-0007, a variance request for the height limitation of 50 feet in an Open Space zone district. The Code states in Sec. 16-17(j)(4) that WTFs shall not exceed 15 feet above the maximum height permitted in the zone in which the WTF is to be located. The proposed WTF exceeds the allowed 65 feet by the additional 15 feet.

e. The conditional use does not cause significant adverse impacts on properties in 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 Proposed concealed 80' WCF (Antennas will be housed in a stealth canister shroud.) will be located within Overlook Park next to the North Baseball Fields. The nearest residential properties are approximately 1,000' to the west. There are several existing 80' tall light poles near the proposed WCF and will have minimal effect on surrounding views. The site will be unmanned, and will have no discernible impacts to 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.

Staff Response: It is the staff's expert opinion that this criterion has been met because the property in the vicinity of the proposed WTF is Overlook Park, and the administrators of the Park and Recreation department have had their concerns addressed and their requirements have been met for a pole that visually blends in height and in galvanized metal surfaces to match the existing lighting, a secure enclosure, and a site that fits to the side of existing roadways to not impact normal circulation and parking at the ballfields.

f. There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures.

Applicant Response: The proposed WCF is unmanned and only requires Power and Telco Utilities located within White Rock Park to the north (No water or sewer is needed) existing paved streets and drives will be used to access the site, the existing drainage will not be impacted.

Staff Response: It is the staff's expert opinion that this criterion has been met because Public Works and Public Utilities have stated that no County access roads or facilities will be impacted, and no utilities are required. No drainage runoff will leave the lease area.

g. The location, size, design, and operating characteristics of the conditional use will be compatible with the use and development of properties in the vicinity.

Applicant Response: The Proposed concealed 80' WCF is a passive, unmanned use, that will not provide noise, dust, traffic, light and glare, or toxic fumes. The proposed WCF is concealed Overlook Park has several existing 80' tall Ballfield light poles that area residents are accustomed to, which will minimize the visual impact. The proposed WCF will help to maintain an adequate level of network capacity for residents near the Park and particularly at large scale events at the Park where users are congregated in one place (4th of July at Overlook Park etc.)

Staff Response: It is the staff's expert opinion that this criterion has been met because 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. The proposed WTF tower and enclosure have been designed to match the utilitarian characteristics of the surrounding ballfields. The WTF tower will match existing ballfield lighting which is unpainted, galvanized metal. The tower will be behind the curb, protected by two bollards, and the driveway will not be impacted.

The WTF will be over 1,000 feet from residential areas and will not impact the viewshed for drivers heading to the Lookout Point.

- h. 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.**

Applicant Response: The WCF adheres to the site plan guidelines outlined in section 16-74(h) of the relevant zoning code, and the WCF will not negatively affect the surrounding properties, ensuring compatibility with the neighborhood. An 8-foot solid wall is proposed to surround the equipment to prevent or discourage ball players from attempting to retrieve fly balls from the enclosure, as requested by the director of CSD.

Staff Response: The proposed location, approximately 1,200 feet east of Meadow Lane, 900 feet from the residentially zoned (SFR-3 and SFR-4) homes on Meadow Lane, and 50 feet from Overlook Rd is unobtrusive visually, as can be seen in the photorealistic images provided by the applicant and included in the packet materials. In addition, as mentioned above, the height is similar in height to the existing ballfield lighting and does not impose on area viewsheds.

DRAFT MOTION

Motion Option 1:

I move to **approve** Case No. CUP-2024-0000, 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 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(b)(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. CUP-2024-0000, 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(b)(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>