



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

Case No. TEL-2024-0005, a request for an eighty (80') foot tall, new Discretionary Wireless Telecommunication Facility tower permit to collocate two (2) commercial antenna arrays; and construction of a twenty (20')-foot by thirty (30')-foot split-faced block wall, eight (8')-foot tall, to surround ground equipment. The property, WRS N1, is within the Open Space (OS-PP) Public Park sub-zone district at Overlook Park, addressed as 580 Overlook Rd., White Rock, Los Alamos County, New Mexico.

Case No. CUP-2024-0000, a request for a Conditional Use Permit to approve a new eighty (80')-foot Wireless Telecommunication Facility tower in an Open Space zone district. The property, WRS N1, is within the Open Space (OS-PP) Public Park sub-zone district at Overlook Park, addressed as 580 Overlook Rd., White Rock, Los Alamos County, New Mexico.

Case No. VAR-2025-0007, a request for a Variance to the height limitation of fifty (50')-foot in an Open Space zone district, for an eighty (80')-foot Wireless Telecommunication Facility tower. The property, WRS N1, is within the Open Space (OS-PP) Public Park sub-zone district at Overlook Park, addressed as 580 Overlook Rd., White Rock, Los Alamos County, New Mexico.

**ORDER ON APPLICATIONS
TEL-2024-0005, CUP-2024-0000, AND VAR-2025-0007**

NOW COMES, the Planning and Zoning Commission ("Commission") of the Incorporated County of Los Alamos ("County"), that hereby finds as follows:

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I. FINDINGS OF THE COMMISSION

1. Pinnacle Consulting (aka Sun State Tower) and Co-Applicant Verizon Wireless, on behalf of Los Alamos County, property owner (“Applicant”), submitted three (3) applications (“Applications”) for approval: (1) a new eighty (80’)-foot tall Discretionary Wireless Telecommunication Facility (“WTF”) tower to collocate two (2) commercial antenna arrays; and construction of a twenty (20’)-foot by thirty (30’)-foot split-faced block wall, eight (8’)-feet tall, to surround ground equipment; (2) a Conditional Use Permitting (“CUP”) for a new eighty (80’)-foot WTF tower in an Open Space zone district; and (3) a Variance (“VAR”) to the height limitation of fifty (50’)-feet in an Open Space zone district, for a new eighty (80’)-foot WTF tower. *See* PLANNING & ZONING COMMISSION STAFF REPORTS (hereafter “CDD Staff Reports”), by Jane Mathews, Senior Planner (“CDD Staff Mathews”), Attachment D, Pages 154, 200, and 254.

2. The Applications were assigned case numbers TEL-2024-0005, CUP-2024-0000, and VAR-2025-0007, respectively. *Id.*

3. A quorum of the Commission was present at the public hearings held on the Applications on March 26, 2025. The public hearings were open to the receipt of evidence and testimony given under oath, which was subject to cross-examination, in accordance with Section 16-72(f)(5) of the County Development Code.

4. Present for the Applicant was Michelle Johnson and Tyler Ross, representing Pinnacle Consulting (aka Sun State Tower) and Verizon Wireless, Co-Applicant, on behalf of Los Alamos County.

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5. Present for the County Community Development Department (“CDD”) was CDD Staff Jane Mathews, Senior Planner.

6. No one appeared in opposition to the Applications.

7. Evidence received by the Commission at the public hearing included: 1) Application Packets; 2) IDRC Minutes; 3) Public Notices; 4) CDD Staff Reports; and 5) presentation, questioning, and testimony from the Applicant, its witnesses, and CDD Staff Mathews.

8. The property, WRS N1, is within the ballfields area at Overlook Park, addressed as 580 Overlook Road (“Site”), and is within the Open Space (OS-PP) Public Park sub-zone district. *See* Applications, Attachment A, starting at Pages 49, 102, 163; and CDD Staff Reports, Attachment D, Pages 154, 200, and 254.

9. As provided in the CDD Staff Reports, 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 March 6, 2025, and the notice was posted at the Property on March 4, 2025. There are no owners of real property within three hundred (300’)-feet of the Site so no notice of the proposed action and public hearing was required to be mailed. *See* CDD Staff Reports, Attachment D, Pages 157, 203, and 257; *see also* Testimony of CDD Staff Mathews at 01:18:49¹.

10. As provided in the CDD Staff Reports, the Applications were presented to the County’s Interdepartmental Review Committee (“IDRC”) on July 8, 2024. *Id.* A second IDRC meeting was held on November 13, 2024, to discuss the revised Applications. The Department of Public

¹ The Video for this hearing is available at [Planning and Zoning Commission Meeting – March 26, 2025](#). All citations to testimony are from this video and is in Hour:Minute:Second format.

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Utilities foresaw no burdens to the utility system. The Fire Marshall, Public Works Department and County Engineer had no comments for the Applicant. The Community Services Department requested the WTF tower to be made of galvanized steel to match the 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 in keeping with the aesthetics of the ballfield area. The Applicant has complied with all requests. *See CDD Staff Reports, Attachment D, Pages 157, 203, and 257; see also Testimony of CDD Staff Mathews at 00:56:00.*

A. TEL-2024-0005

11. For the approval of a Discretionary WTF Permit, 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(c)(3) of the County Development Code.

12. The Commission, having received testimony and evidence of the Applicant and CDD Staff Mathews, finds that the Applicant has met its burden and has demonstrated that the Application meets the requirements of 16-74(c)(3). The Commission, in support of this finding, provides the following:

a. As to criterion (a) of Section 16-74(c)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that the WTF tower is 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. The Applicant provided that the eighty (80')-foot WTF tower is needed to

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provide capacity relief from Verizon's existing WTF in the White Rock area, due to users in this area demanding higher data rates for services. Verizon's measurements show a low throughput per user and the existing Verizon neighboring WCF are alarming/alerting that they are running out of capacity. Verizon's Radio Frequency ("RF") engineers identified a specific geographic area, "search ring", where a new WTF tower is needed to provide effective capacity service (Overlook Park). RF engineer (Steven Kennedy) performed an RF Design Analysis, to provide propagation maps and data showing the need for the WTF tower. Since this is a capacity need, locating more antennas on the existing WTF tower 1.93 miles to the West that Verizon is already on will not resolve the capacity/coverage issues for the residents near Overlook Park and community events at Overlook Park. CDD Staff Mathews agreed that this criterion had been met and added that the studies provided by the Applicant, Alternative Site & Height Analysis, First Responder Statement, and RF Design Analysis Report, demonstrate that the WTF tower is necessary and will function to close a demonstrated and significant gap in service coverage. CDD Staff Mathews requested and received maps demonstrating that alternate sites in White Rock would be less effective in providing coverage than the proposed Site in Overlook Park. *See* Application, Attachment A, starting at Page 49; and CDD Staff Report, Attachment D, Page 158; *see also* Testimony of Applicant at 00:29:32, and Testimony of CDD Staff Mathews at 00:57:49.

b. As to criterion (b) of Section 16-74(c)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that no other less intrusive means or alternative to the proposed telecommunications facilities design is practicable. The Applicant provided that a search was performed using antennaSearch.com which lists three (3) existing towers but was only able to confirm two (2)

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visually during a Site visit on July 7, 2024. The one hundred ninety (190')-foot non-concealed SBA Tower (the existing Verizon WTF that is running out of capacity), the second three hundred sixty (360) degrees, non-concealed sixty-five (65')-foot tower is too close to Verizon's existing WTF to meet Verizon Capacity objectives. The distance between Verizon's existing WTF and the proposed WTF tower is approximately two (2) miles apart. The WTF tower will be located on a large property (Overlook Park) separated from residential homes approximately one thousand (1,000') feet to the west. Overlook Park has several existing eighty (80')-feet tall ballfield light poles that area residents are accustomed to and will have minimal effect on surrounding views. The Site will be unmanned 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. The Site has existing commercial power and fiber connection available with existing paved access from public Right-of-Way to the WTF tower. CDD Staff Mathews agreed that this criterion had been met and added that the Applicant has designed the WTF tower at a height that will match the height of the existing light poles that surround the ballfields at Overlook Park. The eighty (80')-foot height is the most practicable, as demonstrated in the Applicant's Alternative Site & Height Analysis. A shorter tower of fifty-six (56') feet reduced the coverage to nearly the same coverage as the current conditions in White Rock. *See* Application, Attachment A, starting at Page 49; and CDD Staff Report, Attachment D, Pages 158-159; *see also* Testimony of Applicant at 00:26:44 and 00:32:33, and Testimony of CDD Staff Mathews starting at 00:58:22.

c. As to criterion (c) of Section 16-74(c)(3), the Commission finds based on the testimony and evidence provided by the Applicant and CDD Staff Mathews that no higher priority

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location per section 16-17(j)(2) of the County Development Code is practicable. The Applicant provided that it considered the existing eighty (80')-foot light poles owned by Los Alamos County at Overlook Park, but due to interference/shadowing issues that can be caused by antennas, the separation requirements would be approximately twenty (20')-feet or more below the bottom of the light fixtures, and would not meet Verizon's height requirement seventy-six (76')-feet for capacity/ coverage objective and would limit the ability to add additional carriers. The locations zoned WRTC and GC are too close to Verizon's existing WTF 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. With the proliferation of smartphones, applications, 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 and utilizing these streaming features non-stop. The WTF tower will help maintain an adequate level of network capacity. CDD Staff Mathews agreed that this criterion had been met and added that pursuant to County Development Code Section 16-17(j)(2) Location, in Industrial and General Commercial zone districts, it is the highest priority. The other non-residential zone district in White Rock is the Institutional ("INS") zone district, where the elementary school and public library are located. For this reason, Overlook Park, with the eighty (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 WTF tower will be located next to existing eighty (80')-foot tall lights at the ballfields. *See Application, Attachment A, starting at Page 49; and*

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CDD Staff Report, Attachment D, Pages 159-160; *see also* Testimony of Applicant at 00:38:23, and Testimony of CDD Staff Mathews starting at 00:59:39.

B. CUP-2024-0000

13. For the approval of a Conditional Use Permit, the Commission finds the applicable review criteria for the Commission, in determining whether to approve, approve with conditions, or to deny the Application (*see* §16-72(f)(5)(c)), are the review criteria found in Section 16-74(b)(3) of the County Development Code.

14. The Commission, having received testimony and evidence of the Applicant and CDD Staff Mathews, finds that the Applicant has met its burden and has demonstrated that the Application meets the requirements of 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 the Applicant and CDD Staff Mathews that the conditional use substantially conforms to the intent and policies of the comprehensive plan and other adopted county policies and plans. The Applicant provided that the WTF tower satisfies several of the applicable goals and policies of the Comprehensive Plan. Wireless demand is growing, and robust wireless networks are essential to businesses and residences throughout the White Rock Community. The demand for coverage and capacity services also increases and changes; these changes require that service providers, both public and private, plan the provision of services in a coordinated manner. CDD Staff Mathews agreed that this criterion had been met and added that the project contributes to the County Council Goals for Economic Development. The project supports goals in both of the following strategic focus areas: (1) Economic Vitality by

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maximizing the utilization of County-owned land for facilities providing effective, efficient, and reliable services to businesses and the community and by providing expanded cellular coverage in support of tourism, outdoor recreation, and special events held at Overlook Park and White Rock; and (2) Financial Stability by attracting new tourism-related businesses and by encouraging 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 (3) core themes, Growth; Development, Redevelopment & Downtown; and Open Space, Trails and Mobility to further the County's goals, policies, and strategies. Increasing access to broadband internet has long been a goal of Los Alamos County, and the goals can be strengthened by offering better telephone service on the eastern side of White Rock, the Lookout, and the trails below. *See Application, Attachment A, starting at Page 102; and CDD Staff Report, Attachment D, Pages 204-205; see also Testimony CDD Staff Mathews starting at 01:00:48.*

b. As to criterion (b) of Section 16-74(b)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that the Conditional Use is not detrimental to the public safety, health, or welfare. All telecommunications equipment will comply with all federal safety standards. The Applicant provided that scientists have studied potential effects of RF emissions from wireless telecommunications equipment and cell phones for decades, and that based on all the research, federal agencies have concluded that equipment that complies with the FCC safety standards poses no known health risks. The WTF tower would promote the public health, safety, and general welfare by improving wireless communications, including emergency call capacity, in this area of

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White Rock. CDD Staff Mathews agreed that this criterion had been met and added that the safety concerns discussed at IDRC were primarily related to the safety of the recreating public using the ballfields. The WTF tower will provide a hard canopy over the block wall enclosure to prevent balls from being lost “over the fence” and will now allow anyone to climb into the enclosure. 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 WTF tower demonstrates that the coverage will extend beyond the Lookout Point towards the east into the recreational areas of the National Parks. *See* Application, Attachment A, starting at Page 102; and CDD Staff Report, Attachment D, Page 205; *see also* Testimony of Applicant at 00:43:18, and Testimony of CDD Staff Mathews at 01:02:31.

c. As to criterion (c) of Section 16-74(b)(3), the Commission finds that it was demonstrated by the evidence provided by the Applicant and the testimony and evidence provided by CDD Staff Mathews that the conditional use is in conformance with all applicable provisions of the County Development Code and other adopted county regulations. The Applicant testified that the WTF tower substantially complies with all relevant rules and regulations outlined in the local zoning code and any additional County Ordinances. CDD Staff Mathews agreed that this criterion had been met and added that the Applicant has met the applicable requirements of the Use Specific Standards of 16-17(j) of the County Development Code. The Applicant has demonstrated compliance through maps, photo simulations, alternative site and height analysis, and a project narrative to satisfy the requirements of the County Development Code. The Applicant has demonstrated through location analysis that the proposed Site is the only available

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site in White Rock that is not redundant with existing services provided. *See* Application, Attachment A, starting at Page 102; and CDD Staff Report, Attachment D, Pages 206-207; *see also* Testimony of CDD Staff Mathews at 01:04:12.

d. As to criterion (d) of Section 16-74(b)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that the proposed WTF tower substantially conforms with applicable regulations of the district in which it is located. The Applicant provided that a search was performed for collocations and public utility collocation using antennasearch.com, which lists three (3) existing towers, but was only able to confirm two (2) visually during a Site visit on July 7, 2024. The one hundred ninety (190')-foot non-concealed SBA tower and the other three hundred sixty (360) degrees non-concealed sixty-five (65')-foot tower is too close to Verizon's existing WTF to meet Verizon Capacity objectives. The distance between Verizon's existing WTF and the WTF tower is approximately two (2) miles. The eighty (80')-foot WTF tower meets and or exceeds all setback requirements and is approximately one thousand (1,000) feet from existing residential properties. Fifty (50')-feet is insufficient for reasonable collocation for Verizon and for future carriers to resolve the capacity/coverage objectives in this area. CDD Staff Mathews stated that this criterion will be met with the Commission's approval of a Variance request to exceed the height limitation of fifty (50')-feet in an Open Space zone district. Los Alamos County Development Code 16-17(j)(4) states that WTF's shall not exceed fifteen (15')-feet above the maximum height permitted in the zone in which the WTF tower is to be located. The WTF tower exceeds the allowed sixty-five (65') feet by an additional fifteen (15') feet. *See* Application, Attachment A, starting at Page

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102; and CDD Staff Report, Attachment D, Page 207; *see also* Testimony of Applicant at 00:32:42, and Testimony of CDD Staff Mathews at 00:55:28 and 01:09:55.

e. As to criterion (e) of Section 16-74(b)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant CDD Staff Mathews that Conditional Use does not cause significant adverse impacts on properties in the vicinity. The WTF tower will be located within Overlook Park next to the North Baseball Fields. The nearest residential properties are approximately one thousand (1,000') feet to the west. There are several existing eighty (80')-foot tall light poles near the WTF tower and will have minimal effect on surrounding views. The Site will be unmanned, 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 technician will visit the Site approximately once a month. CDD Staff Mathews agreed that this criterion had been met and added that the property in the vicinity of the WTF tower is Overlook Park, and the administrators of the County Parks and Recreation Division 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 so as not to impact normal circulation and parking at the ballfields. *See* Application, Attachment A, starting at Page 102; and CDD Staff Report, Attachment D, Page 208; *see also* Testimony of CDD Staff Mathews at 01:10:32.

f. As to criterion (f) of Section 16-74(b)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant CDD Staff Mathews that there are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures. The Applicant provided

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that the WTF tower is unmanned and only requires power and Telco Utilities located within Overlook Park to the north. Existing paved streets and drives will be used to access the Site. No water or sewer utilities are needed, and the existing drainage will not be impacted. CDD Staff Mathews agreed that this criterion had been met and added that Public Works and Public Utilities Departments stated that no County access roads or facilities would be impacted, no new utilities are required, and no drainage or runoff will leave the Site. *See* Application, Attachment A, starting at Page 102; and CDD Staff Report, Attachment D, Page 208; *see also* testimony of CDD Staff Mathews at 01:11:21.

g. As to criterion (g) of Section 16-74(b)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that the location, size, design, and operating characteristics of the conditional use will be compatible with the use and development of properties in the vicinity. The Applicant provided that eighty (80')-foot WTF tower is a passive, unmanned use, that will not produce noise, dust, traffic, light, glare, or toxic fumes. Overlook Park has several existing eighty (80')-foot tall light poles that area residents are accustomed to, which will minimize the visual impact. The WTF tower will help 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. CDD Staff Mathews agreed that this criterion had been met and added that the recommendations of the County Community Service Department have been incorporated and will ensure that the tower blends with the existing baseball field improvements in both height and materials and has 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 WTF tower will be behind

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the curb, protected by two (2) bollards, and the driveway will not be impacted. The WTF tower will be over one thousand (1,000) feet from residential areas and will not impact the viewshed for drivers heading to Lookout Point. *See* Application, Attachment A, starting at Page 102; and CDD Staff Report, Attachment D, Pages 208-209; *see also* Testimony of Applicant at 00:30:51, and Testimony of Mathews at 01:11:38.

h. As to criterion (h) of Section 16-74(b)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that the conditional use is in compliance with the site plan procedures and requirements of section 16-74(h) of the County Development Code and demonstrates that the Site development will be compatible with properties in the vicinity. The WTF tower adheres to the site plan guidelines outlined in Section 16-74(h) of the County Development Code, and the WTF tower will not negatively affect the surrounding properties, ensuring compatibility with the neighborhood. An eight (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 Community Services Department. CDD Staff Mathews agreed that this criterion had been met and added that the proposed Site is unobtrusive visually, as the height is similar in height to the existing ballfield lighting and does not impose on area viewsheds. *See* Application, Attachment A, starting at Page 102; and CDD Staff Report, Attachment D, Page 209; *see also* Testimony of Applicant at 00:25:10, and Testimony of Mathews at 00:54:12 and 1:12:26.

C. VAR-2025-0007

15. For the approval of a Variance, the Commission finds the applicable review criteria for the Commission, in determining whether to approve, approve with conditions, or to deny the

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Application (*see* §16-72(f)(5)(c)), are the review criteria found in Section 16-74(g)(3) of the County Development Code.

16. The Commission, having received testimony and evidence of the Applicant and CDD Staff Mathews, finds that the Applicant has met its burden and has demonstrated that the Application meets the requirements of 16-74(g)(3). The Commission, in support of this finding, provides the following:

a. As to criterion (a) of Section 16-74(g)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that the variance will not be contrary to the public safety, health, or welfare. The Variance request for thirty (30') feet over the allowed height is not detrimental to public safety, health or welfare. Telecommunications Facilities are required to comply with Federal Safety Standards, rules and regulations. The Applicant provided that scientists have studied potential health effects of RF emissions from wireless telecommunications equipment and cell phones for decades, and based on all the research, federal agencies have concluded that equipment that complies with the FCC safety standards poses no known health risks. CDD Staff Mathews agreed that this criterion had been met and added that the safety concerns discussed in IDRC were primarily related to the safety of the recreating public using the ballfields. The WTF tower 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. The height requested, eighty (80')-feet, is well within the safety guidelines in Section 16-17(j)(5) Setbacks and Separation, of the County Development Code, which recommends a setback from public right-of-way equal to the height of the tower. The tower is two hundred thirty (230) feet from Overlook Park Road. *See* Applications, Attachment A,

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starting at Page 163; and CDD Staff Report, Attachment D, Pages 257-258; *see also* Testimony of Applicant at 00:43:18, and Testimony Mathews starting at 01:13:24.

b. As to criterion (b) of Section 16-74(g)(3), the Commission finds that it was demonstrated by the evidence provided by the Applicant and the testimony and evidence provided by CDD Staff Mathews that the variance will not undermine the intent of the County Development Code, the applicable zone district, other County adopted policies or plans, or violate the building code. The requested height increase of thirty (30') feet on the WTF tower will be the same height as the existing eighty (80')-foot light poles used at the Baseball Fields. The Applicant provided that studies were done to make sure that no higher priority (GC or PO) zone districts would fulfill the coverage needs of Verizon. The eighty (80')-foot height request is the minimum useful height to meet collocation preferences stated in the County Development Code. CDD Staff Mathews agreed that this criterion had been met and added that the intent of the County Development Code has been thoroughly examined through the WTF application process. *See* Application, Attachment A, starting at Page 163; and CDD Staff Report, Attachment D, Page 258; *see also* Testimony Mathews starting at 01:14:37.

c. As to criterion (c) of Section 16-74(g)(3), the Commission finds that it was demonstrated by the evidence provided by the Applicant and the testimony and evidence provided by CDD Staff Mathews that granting of the variance will not cause an intrusion into any utility or other easement unless approved by the owner of the easement. The Applicant provided that the Site was surveyed and plotted so it would not intrude on any existing easements unless approval was obtained from the property owner. CDD Staff Mathews agreed that this criterion had been met and added that the Public Works Director reviewed the plans and had no concerns with any

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utility work interference with public utilities or public utility easements. *See* Application, Attachment A, starting at Page 163; and CDD Staff Report, Attachment D, Page 258; *see also* Testimony Mathews starting at 01:15:27.

d. As to criterion (d) of Section 16-74(g)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that 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. The Applicant provided that the height increase is needed to allow Verizon to meet the capacity/coverage demand in this area. CDD Staff Mathews agreed that this criterion had been met and added that the WTF tower demonstrated a need to be located east of Meadow Lane, at a distance that would accommodate the required one thousand (1,000)-foot separation from other telecommunication towers. The need for the additional height was sufficiently demonstrated in the Applicant's Alternative Site & Height Analysis. A lesser height would not provide the density of coverage for cellular, data, and emergency services within White Rock. *See* Application, Attachment A, starting at Page 163; and CDD Staff Report, Attachment D, Pages 258-259; *see also* Testimony of Applicant at 00:32:23, and Testimony Mathews starting at 01:15:56.

e. As to criterion (e) of Section 16-74(g)(3), the Commission finds that it was demonstrated by the evidence provided by the Applicant and the testimony and evidence provided by CDD Staff Mathews that the variance will not create any significant adverse impacts on properties within the vicinity. The Site is located within Overlook Park. The nearest residential properties are approximately one thousand (1,000) feet to the west. The eighty (80')-foot tower will blend in with several existing eighty (80')-foot tall light poles and will have minimal effect

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on surrounding views. The Site will be unmanned, and have very minimal effect on traffic to and from the Site after construction. CDD Staff Mathews agreed that this criterion had been met and added that because the WTF tower will be over one thousand (1,000) feet from residential areas, it will not have an adverse impact upon neighboring properties and will not impact the viewshed for drivers heading to Lookout Point. In addition, the recommendations of the Community Services Department have been incorporated which will ensure that the WTF tower blends with the existing baseball field improvements in both height and materials. *See* Application, Attachment A, starting at Page 163; and CDD Staff Report, Attachment D, Page 259; *see also* Testimony Mathews starting at 01:16:55.

f. As to criterion (f) of Section 16-74(g)(3), the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicant and CDD Staff Mathews that granting of the approved variance is the minimum necessary easing of the County Development Code requirements making possible the reasonable use of the land, structure, or building. By approving the requested thirty (30')-foot Variance to eighty (80')-feet, it will allow additional carriers to collocate on the tower. The Applicant provided that the minimum useful height for the tower is seventy-six (76')-feet for 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. CDD Staff Mathews agreed that this criterion had been met and added that the Applicant has demonstrated that no other less intrusive means or alternative to the WTF tower design is practicable. The Application meets all other requirements of the County Development Code and makes use of County land to further County goals for development of infrastructure, support for economic development through

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tourism, outdoor recreation and special events, and additional services that provide effective, efficient and reliable services to improve life in White Rock. *See* Application, Attachment A, starting at Page 163; and CDD Staff Report, Attachment D, Page 259; *see also* Testimony of Applicant at 00:26:03, and Testimony Mathews starting at 01:17:18.

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 Discretionary Wireless Telecommunication Facility Permit, Conditional Use Permit, and Variance meets all requirements, and after full hearings and consideration, **hereby Approves Applications TEL-2024-0005, CUP-2024-0000, and VAR-2025-0007.**

APPROVED on this date: 5/5/2025

Karen Easton

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