

Minutes of the Regular Meeting
Of the Santa Cruz County
Board of Adjustment #3
August 18, 2016

APPROVED
10/20/16

Santa Cruz County Board of Supervisors Meeting Room # 120
2150 N. Congress Drive, Nogales, AZ 85621

BOARD MEMBERS PRESENT: Chairman Dean Davis, Vice-Chair Charlotte Stockton, Donald Davidson, and Jean Miller.

STAFF PRESENT: Jesse Drake, Director of Community Development, and Angelika Ortiz, Deputy Planning and Zoning Enforcement Officer.

Chairman Davis called the meeting to order at 2:00 PM. Pledge of allegiance preceded roll call and it was noted for the record that a quorum was present.

Chairman Davis ordered a call to the public. After hearing no response, he moved to the next item on the agenda, Case No. CUP-16-3-12, a request for a conditional use permit to construct a wireless communication facility consisting of a 195-foot-tall tower and ground equipment on a GR (General Rural) zoned property located at 30 E. Rain Valley Loop Road in Elgin, Arizona. The applicant is Mr. Mike Feigenbaum representing Cleartalk.

Mrs. Drake reviewed the staff report, she explained that the application is for a 10,000 square foot site on a 5.78-acre GR (General Rural) zoned parcel, and that the lattice tower will be co-locatable for up to four providers, and would also provide for emergency services. She mentioned that the tower is too tall to camouflage, the tower is exempt from FAA lighting requirements, and that the applicant noted that the tower would not have a light.

Mrs. Drake mentioned that the applicant searched unsuccessfully for alternative sites for the tower, that he met with the Sonoita Forum, who were unopposed, and he also met with the neighbor who is opposed.

Mrs. Drake reviewed the history of previous two cell tower requests in this area noting that had both been denied; and then listed the benefits and negatives of the request.

Chairman Davis asked the applicant to make a presentation.

Mr. Mike Feigenbaum addressed the Board. He mentioned that they are looking at putting one facility that would take care of the need of various carriers, that the Fire District has an interest and that the tower company would make space on the tower available to the County free of charge. He concurred that this is a rural area with certain character and that he had looked at other potential properties but that this was the best location he found that would meet the search criteria as defined by the RF engineer.

Vice-Chair Stockton asked Mr. Feigenbaum when he had met with the Sonoita Forum and what made the other sites he looked at not workable.

Mr. Feigenbaum responded that they met with the Sonoita Forum in March and that the other parcels they looked at were smaller parcels and the areas they were located in were denser.

Vice-Chair. Stockton mentioned that in the location he was requesting, the tower would be very obtrusive for the beauty of the area.

Mr. Feigenbaum responded that they are constrained by geography on the area, particularly elevation changes and they need to be between Weston and Sonoita.

Vice-Chair Stockton asked how much effort was given to the possibility of neighbors agreeing to several less intrusive smaller towers.

Mr. Feigenbaum responded that shorter towers reduce each tower's range of service.

Vice-Chair Stockton stated that this tower would be almost adjacent to the road of a scenic highway and it is very obtrusive.

Mrs. Miller mentioned that in her opinion is better to put it near the highway because there are already power lines. She mentioned that every day she finds people that would not move to this area because they would not be able to do their internet business or have cell service.

Mr. Davidson asked about demographics of the service area in the proposed range area and if the other potential vendors had bought into the concept of co-locating.

Mr. Feigenbaum responded that a lot of this has to do with people using the highway, and he does not have information on the number of residents in the service area, and that the other carriers are on board with co-location on this tower.

Chairman Davis asked how large at the base would the tower be.

Mr. Feigenbaum responded it would be 22 ½ feet wide.

Chairman Davis opened the public hearing.

Mr. John H. Richey spoke against the request, he stated that his home is 0.2 miles from the location of the proposed tower. He mentioned that his main concern is the aesthetics and the imposition this tower would have on them, he requested that the conditional use permit be denied.

Chairman Davis asked Mr. Richey if changes to the location or size of the tower would he be acceptable or if he had any suggestions for another location that would be more acceptable.

Mr. Richey responded that he has met with the applicant and their problem is that they cannot link the Sonoita with the Weston tower that his alternative would be to move the location two or three miles to the east.

Chairman Davis closed the public hearing and moved to questions, deliberation and action by the Board.

Mrs. Miller stated that everyone is striving for balance between a scenic community and the need for service. She stated that coverage service is extremely spotty in that area that she has been stranded on the area with no ability to call anyone, she mentioned that business owners on the area are begging for better service.

Vice-Chair Stockton stated that she is not opposed to cell service but rather is opposed to making one neighborhood pay the price so people driving the highway can have better service. She suggested further investigation into the possibility for multiple, shorter towers be done.

Mr. Davidson stated that he was weighing the quality of life of the constituents' verses providing essential services and that the question is how essential is the service relatively to that constituency. He concurred with Vice-Chair Stockton about the possibility of investigating whether several, smaller towers would work.

Mrs. Miller stated that, as a business person, that would be an impossible feat because they would need to obtain approval on numerous parcels of land, the cost per foot of tower would be higher, and many more neighbors will be disrupted [visually].

Chairman Davis concurred with Mrs. Miller but also agreed with the homeowners that the proposal before them would be very disruptive to their neighborhood.

Vice-Chair Stockton suggested tabling the request to ask the applicant for counter proposals.

Mrs. Miller disagreed.

Chairman Davis stated that the tower has to be 195-feet in that location.

Mr. Feigenbaum agreed.

Chairman Davis allowed a member of the public to speak.

Mrs. Elizabeth Cabala spoke against the request.

Mr. Feigenbaum offered to move the site a little bit and change the tower type for approval.

Mrs. Drake stated that they have to vote on the application as it was submitted and advertised.

Mrs. Miller made a motion, seconded by Mr. Davis, to approve Case CUP-16-3-12, a conditional use permit for a 195-foot tall wireless communication facility.

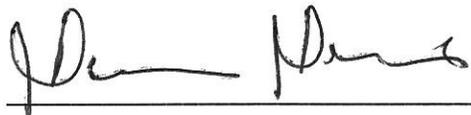
Motion was voted upon and failed by a 3 to 1 vote.

Chairman Davis moved to the approval of the July 21, 2016 minutes.

Vice-Chair Stockton made a motion, seconded by Mr. Davis to approve the July 21, 2016 minutes as presented.

Motion was approved unanimously.

Meeting was adjourned at 3:02 p.m.



Dean Davis – Chair