

APRIL 29, 2015

TO: MAYOR and TOWN COUNCIL
RE: CELL TOWER CONDITIONAL USE PERMIT,

MY HOPE IS THAT THE TOWN COUNCIL WILL DO A MORE THOROUGH EVALUATION OF THE CELL TOWER LOCATION THAN DID THE PLANNING COMMISSION, AND WILL BE ABLE TO JUSTIFY THE FINAL DECISION.

THIS IS A COMPLICATED ISSUE THAT NEEDS STUDY AND DISCUSSION IN DETAIL BY TOWN STAFF AND ELECTED OFFICIALS AS WELL AS INVOLVED CITIZENS. LAST YEAR, IN NOVEMBER, THE TOWN COUNCIL WAS GIVEN THE OPPORTUNITY TO REVIEW THE CELL TOWER POLICY. I WROTE TO ENCOURAGE THIS REVIEW. THE ONLY RESPONSE TO MY LETTER WAS A PHONE CALL WITH SENIOR PLANNER, BETH ESCOBAR. SHE STATED THE TOWN ATTORNEY'S PROFESSIONAL ADVICE WAS THAT A REVIEW WAS UNNECESSARY UNTIL THERE WAS A TEST CASE. I AM NOT SURE WHAT CONSTITUTES A TEST CASE; HOWEVER, THE MANY PUBLIC COMMENTS AT THE PLANNING COMMISSION MERITS A MORE COMPREHENSIVE UNDERSTANDING OF CELL TOWERS AND CONDITIONAL USE PERMIT REQUIREMENTS.

PAGE 1 OF 2

PLEASE CONSIDER A REVIEW OF CELL TOWER ZONING POLICY AND COMPATIBILITY WITH THE 2012 CLARKDALE GENERAL PLAN BEFORE ACTION IS TAKEN ON THE CONDITIONAL USE PERMIT REQUEST BY CAPITAL TELECOM / VERIZON.

THANK YOU! GARY MORGAN
CLARKDALE RESIDENT and HOMEOWNER

ENCL: LETTER TO CLARKDALE MAYOR and COUNCIL
DATED: OCT. 27, 2014

DISTRIBUTION:

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- COUNCIL PERSON
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- TOWN MANAGER
- COMMUNITY DEVELOPMENT DIRECTOR
- SENIOR PLANNER, BETH ESCOBAR

MY CONTACT INFORMATION IS AVAILABLE AT CLARKDALE COMMUNITY DEV. DEPT.

OCT 27, 2014

TO: CLARKDALE MAYOR and COUNCIL

FROM: GARY MORGAN
1461 DEBORAH DRIVE

RE: TELECOMMUNICATION FACILITIES

- AS A HOMEOWNER IN CLARKDALE I ENCOURAGE COUNCIL ALONG WITH THE TOWN STAFF TO STUDY AND EVALUATE THE IMPACT ON RESIDENTS OF TELECOMMUNICATION TOWERS AND ASSOCIATED EQUIPMENT SHELTERS, WITH THE GOAL OF ESTABLISHING STANDARDS FOR APPROVAL AND CONSTRUCTION OF THESE FACILITIES.

THANK YOU FOR CONSIDERING MY REQUEST.

Gary W Morgan

Date: April 28, 2015

TO: Clarkdale Town Council

RE: Statement Regarding the Telcom Cell Tower Conditional Use Permit (to be included in the Public Record at the Town Council Meeting on 5-12-2015)

Mr. Mayor and Council Members,

I regret not being to be able to read this statement into the record in person. I am out of town and will not return until May 13. I have asked my daughter Maya to read this letter publicly.

As you know my position on locating cell towers closer than 1500 feet from residential areas was clearly expressed when I was on the Council and the cell tower ordinance was voted on.

The present wireless communication tower ordinance does allow cell tower installation in commercial zones adjacent to residential zones with no setbacks other than the stipulated zone setback. As a council member who was involved in the creation of this ordinance I argued vehemently against this issue. I have a very clear memory of the Mayor's and Vice Mayor's support of this particular aspect of the ordinance, not wanting to restrict certain areas of town to cell tower installation. My argument at that time was we needed to stipulate a minimum of 1000 ft setback (preferably 1500) in commercial zones that adjoin residential zones for the purpose of protecting those residences that potentially would be affected. Health reasons were put aside ultimately at that time and I recall arguing view shed and property value effects were justifiable reasons for the inclusion of a minimum of a 1000 ft setback. I recall the Mayor saying a restriction of this type would jeopardize our legal standing and would seem exclusionary.

As we are all aware Clarkdale is a small community. There are certain areas in town where a commercial zone does abut a residential zone. In some of those areas the commercial zone is narrow and the case of this Conditional Use Permit is an example of this circumstance. It was my position, and I tried my best to convince the Council at that time, that in those areas where a narrow commercial zone occurs, communication towers should be excluded due to lack of adequate setbacks from the adjacent residential zone.

In this particular case the setback issue is compounded by the loss of view which contributes to the loss of property value.

As you know I, at my office, I prepared a photographic image for the Council to review showing a view from the Daniel's porch looking northeast towards the red rocks. In the middle of that view is the 65 ft cell tower (with the company's expectation to increase the height to 85 ft.) approximately 160 feet from the Daniel's property. As I recall at that Council meeting the Mayor argued with me that the perspective in the photo was distorted and therefore he dismissed this as an invalid image. The Vice Mayor also stated that this was some sort of diversion that I fabricated to get the Council to consider amending the Communication Tower Ordinance.

It was my feeling that even if this was a photo taken by the Mayor with his camera that the Council still would have been biased and not seen the effect of the loss of view from the residential property. I felt that the image I presented told the story very clearly.

Prior to that Council meeting I asked Glenn Straub for a letter of opinion regarding cell tower locations within a proximity to residential neighborhoods. Glenn, a respected and long term appraiser here in the Verde Valley, clearly stated that cell towers located within 500 ft of residential neighborhoods could "negatively" affect the value of the residential property. At a later date, Karen Daniels asked Pamela Pearson, the Yavapai County Assessor, to visit her property and the residential neighborhood affected by this potential cell tower application. It was also Pamela's opinion that a cell tower installed at that distance, obscuring the view, would also devalue the residential property. So here are two well-respected "experts" in their field agreeing that there would be a negative effect due to the cell tower installation. Also in your packets, I believe Karen Daniels provided you numerous federal court cases that uphold cell tower placement restrictions to protect property value.

There are other communities that included in their cell tower ordinances the requirement of the applicant to provide the governing body with alternate sites. This requirement gives you, the deciding body, choices. In such a case as this an alternate site would be critical to your decision. An alternate site would also allow the affected residents to feel that there are other options. Today without that requirement your choices are very black and white, and the affected citizens feel trapped. Yavapai County, I am told by one of their Planning and Zoning members, has that requirement in their ordinance.

As Council Members, you are obligated to protect the health and welfare of the citizens of our community. Applications such as these always present a challenge. In my view our wireless communication tower ordinance is lacking some vital considerations and needs to be amended.

There has been substantial evidence presented to you, including a signed petition with over 250 signatures which indicates that the citizens of these adjoining neighborhoods object to a cell tower being built in this location.

Now four of you can argue the various aspects of my letter which, as we know, you did when Ordinance 352 was passed, but the facts remain that no cell tower should be allowed to be constructed in a location such as this. The view, property values, and a close proximity to a residential area are all being violated by this application.

As a former Vice Mayor, Mayor and Council Member over many years in Clarkdale, I am also aware of legal advice given to Council Members both in executive sessions and in open sessions. In this case I believe some of the legal advice you may have been given on loss of property value was not broad enough and possibly not researched thoroughly. We have now become aware that court decisions have been made protecting property values in relationship to cell tower placement. Given this information you must realize there is a potential legal problem here. I urge you to deny this application, and if not deny, require alternate sites to be presented to you so you can equitably assess this request.

Sincerely,



Reynold P. Radoccia

Beth Escobar

From: Jodie Filardo
Sent: Friday, May 08, 2015 7:43 AM
To: Beth Escobar; Victoria McReynolds
Subject: FW: Comments on Cell Phone Tower application

Hi Beth,

Can you please add this to the comments to be read at the Council meeting, please?

Thanks and regards,
Jodie

P.S. Vicki, can you please add Robyn's comments to the information loaded on the website for public access too? Thanks!

Jodie S. Filardo

Community & Economic Development Director
Jodie.Filardo@Clarkdale.AZ.gov

928.639.2500 – office

928-301-8338 – mobile

We are open to serve you

Monday through Thursday, 8:00 AM - 5:30 PM and
Friday from 8:00 AM until Noon.



From: Robyn Prud'homme-Bauer [REDACTED]
Sent: Thursday, May 07, 2015 5:32 PM
To: Gayle Mabery; Jodie Filardo
Subject: Comments on Cell Phone Tower application

Good Evening Gayle and Jodie,

Here are my comments on the cell phone tower application.

Thank you - Robyn

May 7, 2015

To: Clarkdale Mayor and Town Council members

From: Robyn Prud'homme-Bauer, Clarkdale resident and business owner

CC: Clarkdale Town Manager, Clarkdale Community Development Director

RE: Cell Phone Tower Application

I am unable to attend the May 12 Clarkdale Town Council meeting discussion of the cell phone tower application. So I request that my comments be read into the record of the meeting.

I have been a resident of Clarkdale for 18 years and my family has owned a business in Clarkdale for 30 years. As of July 1, 2015 our business will be leaving its location in historic downtown Clarkdale and becoming a home-based business in my residence at 1750 Cholla Lane. This location is about 3 blocks from the location of the cell phone tower.

I am in support of the application for the cell phone tower at the location proposed and here are my reasons:

1. Current cell phone reception is very poor in at my residence. I have Verizon as my carrier and I get 4G service with 1 bar reception.
2. This poor reception causes dropped calls on a regular basis whether calls are being made or received inside or outside my house.
3. With my business becoming a home-based business, I need reliable cell phone reception because the business will not be having a land line.
4. I need reliable reception for phone calls, uploading and downloading data, and processing of financial transactions.

Also on the issue of views, as I said at the planning commission meeting, my house was the first house built in my area – everyone who built house after this one was built changed the views that this house had!!

And the currently undeveloped area around our house is in an approved residential development area – at anytime houses can be built that will further change the views from my house.

And lastly the location of the cell phone tower is in a zoned commercial area as is all of the land along Hwy. 89A and buildings that may be built in the future as the commercial area developments can have a height of 50 ft. and will further change views for all of us.

In closing, I believe I speak for many people who have decided for many reasons that the use of a cell phone is preferable to land lines. As this use grows, we need adequate and reliable cell phone service not only for personal use but in many cases – business use. I urge your support of this application.

Thank you for listening to my comments.

Robyn Prud'homme-Bauer

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