



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
 ALVIN JAMES, DIRECTOR

August 7, 2003

AGENDA: August 19, 2003

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

SUBJECT: Feasibility of Funding an EIR to Allow Wireless Communication Facilities on Commercial Agricultural Land in Santa Cruz County

Members of the Board:

On April 29, 2003, your Board directed staff to investigate the feasibility of funding an environmental impact report (EIR) to study the impacts of permitting wireless communication facilities (WCFs) on Commercial Agricultural (CA) zoned land. Your Board directed staff to report back on this issue on August 19, 2003.

As you recall, the County's recently adopted WCF Ordinance prohibits cell towers and other WCFs on land zoned Commercial Agricultural (CA), subject to exceptions if a carrier can establish that denial of an application would violate the Federal Telecommunications Act. Your Board added the prohibition to CA zoned parcels after objections were raised that the General Plan/Local Coastal Program (LCP) did not expressly authorize WCF uses on parcels zoned CA. It has been determined by County Counsel that an EIR would be required if your Board wished to pursue an amendment to General Plan/LCP.

It has been estimated by Planning Department staff that such an EIR would cost in the \$50-\$100,000 range to prepare. Planning Department staff has contacted representatives of the wireless communication industry and of the Santa Cruz County Farm Bureau to ascertain the Level of industry and CA-zoned parcel landowner interest in jointly providing the funding for such an EIR.

Responses Received:

The Planning Department sent out an inquiry memorandum to representatives of the wireless communication industry and received several responses. However, none of the cell phone service providers or cell tower companies that responded (A.T.&T., Cingular, Verizon, and Crown Castle), expressed interest in contributing to the cost of an EIR for a General Plan/LCP amendment that would allow WCFs on CA-zoned land.

Several service providers have not yet responded (including Sprint, Nextel, Ridge Communications and General Dynamics).

Planning staff also contacted Jess Brown, Executive Director of the Santa Cruz County Farm Bureau. Mr. Brown raised this matter with the County Farm Bureau's 20-member Legislative Committee at their August 6, 2003 meeting. From the ensuing discussion, it is Mr. Brown's estimation that the County's farmers and ranchers are supportive of wireless communication technology and infrastructure and are in favor of making WCFs a principal permitted or conditional use on CA-zoned land. However, also as a result of that Legislative Committee discussion, Mr. Brown is highly doubtful that there would be any willingness among the farmer/rancher community in general to contribute to the funding of a General Plan amendment EIR to make WCFs an allowed use on CA-zoned land.

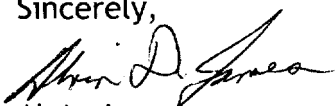
Conclusion and Recommendation:

In conclusion, staff has responded to your Board's direction by surveying representatives of both the wireless communications industry and the farmer/rancher community and determined that there is insufficient private sector support for funding a General Plan/LCP amendment EIR to allow WCFs on CA-zoned land. It is also doubtful that the County could fund such an EIR, as there is no such funding available in the current Planning Department budget. Staff will continue to seek sources of funding for the preparation of an EIR and will report back to your Board when a funding source (or sources) is identified.

In the meantime, WCFs could ~~still~~ potentially be placed on CA-zoned land in circumstances where prohibiting such a siting would violate the Federal Telecommunications Act (FTA) "prohibition of service" or "unreasonable discrimination" clauses. In such a circumstance, the applicant would have to prove such a FTA violation to be granted a "Telecommunications Act Variance" by the County, as described in Section 13.10.668 of the WCF Ordinance.

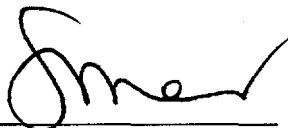
IT IS THEREFORE RECOMMENDED that your Board accept and file this report.

Sincerely,



Alvin James
Planning Director

RECOMMENDED:



Susan A. Mauriello, CAO

Attachment: List of Wireless Industry Representatives Contacted

cc: Telecommunication Policy Advisory Committee (via e-mail)
Jess Brown, Santa Cruz County Farm Bureau

ATTACHMENT 1:

Wireless Industry Representatives Contacted Regarding Potential Funding of an EIR to Allow WCFs on CA-Zoned Land:

Carrie Horton for Sprint
Franklin Orozco for Sprint
Jason Osborne for A.T.& T.
Jim Heard for A.T.&T.
Craig Bloom for A.T.& T.
Marly Rey for A.T. & T.
Wanda Knight for A.T.& T.
Karen McPherson for Ridge Communications

Robert Smith for Crown Castle
Art Najera for General Dynamics
Molly Kales for Nextel
David Ney for Nextel
Cory Alvin for Nextel
Leah Hernikl for Cingular
Peter Maushardt for Verizon