County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8728
www.yolocounty.org

PLANNING COMMISSION STAFF REPORT **DECEMBER 10, 2009**

FILE #2009-001: Use Permit to construct and operate a 335-foot tall radio broadcast tower in the Agricultural General (A-1) zone **(Attachment A)**. The tower will be held in place with 15 guy wires located at varying heights on the tower in three directions, spaced 120 degrees apart. The radio tower will be utilized by KMJE, Woodland, and KDVS, Davis.

APPLICANT/OWNER:	Results Radio, LLC (Applicant) 1355 N. Dutton Ave., Suite 225 Santa Rosa, CA 95401	John & Maryalice Martin (Owner) 28150 Mace Blvd. Davis, CA 95616

LOCATION: 28150 Mace Boulevard, approximately ¾ mile south of the City of Davis (APN: 069-010-08) **(Attachment B)**	**SUPERVISORIAL DISTRICT:** 4 (Supervisor Provenza)
GENERAL PLAN: Agriculture	**FLOOD ZONE:** C (area outside the 100-year and 500-year flood plains)
ZONING: Agricultural General (A-1)	**SOILS:** Reiff very fine sandy loam (Class I)
	FIRE SEVERITY ZONE: None

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

REPORT PREPARED BY:	**REVIEWED BY:**
Jeff Anderson, Assistant Planner	David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. **HOLD** a public hearing and receive comments; and

2. **CONTINUE** the item to the next scheduled Planning Commission hearing, at the request of the applicant.

REASONS FOR RECOMMENDED ACTIONS

The applicant has requested a continuance of the item until the next scheduled Planning Commission hearing for two reasons. In response to concerns raised by members of the public, the applicant requests additional time to actively engage interested parties and accommodate their

concerns. Secondly, the applicant has initiated talks with the Yolo Emergency Communications Agency (YECA) and Verizon Wireless to potentially collocate antennas on the tower. YECA has expressed an interest in collocating county public safety communications equipment on the proposed tower. Verizon wireless has also expressed an interest to reserve space for cellular antennas, which would increase cell phone coverage in the South Davis area. Agreements have not been finalized with either party.

The project is in compliance with the Yolo County 2030 Countywide General Plan and the Yolo County Code, and staff believes that all environmental issues have been addressed in the Mitigated Negative Declaration **(Attachment C)**. The proximity of the proposed site to an urban area has generated substantial controversy; however, the project also has the potential to provide several public benefits. In order to allow time to work with the community to address the controversy and to further explore the benefits, staff supports the applicant's request for a continuance.

BACKGROUND

In January 2009 the applicant (Results Radio, LLC) submitted a Pre-Application to the Yolo County Planning and Public Works Department for a radio broadcast tower. The applicant subsequently submitted an application to the City of Davis, since the project site is located within the Pass-Through Agreement boundary. At their May 19, 2009 meeting, the Davis City Council and Redevelopment Agency offered no objection to the project and determined that applicant could begin the formal application process with Yolo County. The applicant submitted a formal Use Permit application with the Yolo County Planning Division on June 16, 2009.

The proposed project is a Use Permit to construct a 335-foot tall radio broadcast tower and an accessory equipment building **(Attachment A)**. The proposed tower will be of lattice design and have a height of 335 feet and width of three feet. The tower will be held in place with 15 guy wires located at varying heights on the tower (five guy wires per side on the triangular shaped tower). The sets of guy wires will be anchored at a distance of 240 feet from the base of the tower. Each guy wire anchor area (measuring 4 by 30 feet) will contain an 8-foot cyclone security fence to enclose the anchor area. The base of the tower, 150 square foot concrete aggregate structure, and associated equipment (propane tank and generator) will be enclosed in a 22-foot by 20-foot area with an 8-foot cyclone security fence. The tower will include 10 to 12 FM "bay" antenna elements that would be positioned at 10-foot intervals down from the top of the tower. These appurtenances will add approximately 36 inches to the width of the tower at their specific locations. The radio tower would also provide collocation opportunities for wireless broadband and cellular operators.

The project site **(Attachment B)** is located on the southeast corner of a 65-acre agriculturally zoned parcel (A-1), approximately 0.75 miles south of the City of Davis (Montgomery Avenue). The portion of the project site where the tower is proposed is currently used as a staging area for the agricultural operations for the remainder of the property. This portion of the site does not contain permanent structures. A residence, mobile home, farm office, and barn are located just north of the proposed tower location. The remainder of the parcel is used for the production of sod. Mature oaks line the eastern boundary of the project site, which borders Mace Boulevard.

The surrounding properties are agriculturally zoned (A-P and A-1), and are all in agricultural production. Rural homesites and agricultural support buildings make up the majority of surrounding development. There are four rural residences within approximately 1,000 feet of the proposed tower location. The nearest cluster of residential homes is located approximately 0.75 miles north in the City of Davis. The Willowbank neighborhood is approximately 0.85 miles northwest and the southern boundary of El Macero is approximately 0.8 miles northeast of the proposed project location. The

nearest cluster of homes in the unincorporated county is located approximately 0.85 miles northwest in the Willowbank neighborhood. The project site is two miles west of the Yolo Basin Wildlife Area and approximately 0.7 miles northeast of the Putah Creek South Fork Preserve.

There are two existing radio transmission towers in Yolo County that exceed 300-feet, as listed below.

- Entravision Communications and Beverly Group Inc. have a 500-foot tower, located approximately one-half mile southeast of the intersection of Gibson Road and County Road 102, next to the City of Woodland.
- Willow Slough Properties has a 538-foot tower, located approximately one-quarter mile southeast of the intersection of County Road 29 and County Road 102, one mile north of the City of Davis.

Project Modification

Since the circulation of the Mitigated Negative Declaration, the applicant has altered the project description. In adherence with the United States Fish and Wildlife Service (USFWS) guidelines, the applicant proposed to use a medium intensity white strobe light at night, instead of red lights, in an attempt to mitigate for bird strikes. This proposed lighting system of a medium intensity white strobe light at night would have required the applicant to paint the tower orange and white to increase the conspicuity of the tower to pilots during the day. Soon after the Mitigated Negative Declaration was circulated, staff was notified that the Federal Aviation Administration (FAA) did not approve of the proposed lighting scheme for the tower. The applicant has since changed the project description to include 24-hour white strobe lighting. This scheme uses only the white strobe at the top of the tower with day/twilight protection of 20,000 candelas (cd) and a reduced brightness white strobe of 2,000 cd at night. The proposed LED strobes substantially eliminate all light below 2.5 degrees at night and three degrees for the daytime configuration. In addition, the tower is now proposed to be painted gray (galvanized steel) instead of orange and white.

STAFF ANALYSIS

The proposed project would directly benefit the University of California, Davis radio station (KDVS), which is run by the Student Union, by increasing coverage to the greater Sacramento region. KDVS is an entirely student-run station that broadcasts educational and music programming to the Davis community. County residents and others in the Sacramento region would also benefit from the programming options and emergency alert broadcasts put out by the KMJE station. The KMJE station would be a full participant in the Emergency Alert System (EAS), including Amber Alert broadcasts to the local community. The radio station would also provide advertising opportunities to local businesses and will broadcast public service announcements at no charge to Yolo County non-profit organizations. The applicant has also indicated that Sacramento River Cats games would be broadcast to Yolo County residents. (Games are also currently aired on 92.1 FM and 106.1 FM). As previously indicated, there may also be opportunities for the proposed facility to include emergency communications equipment for use by local law enforcement, fire departments, and other emergency response organizations; as well as provide local cell phone service through Verizon.

Radio towers are often found to be undesirable because of the sheer height and mass of the tower and attached guy wires, which is a major reason such facilities are allowed only with approval of a Use Permit. It is common practice to locate these facilities in agricultural areas because of the lack of topographical features that could interfere with radio transmission signals. State law, including the

California Environmental Quality Act, does not specify a minimum distance that radio towers or similar facilities must be from residences or neighborhoods. This task lies with local jurisdictions responsible for permitting such facilities. Communication facilities are discretionary in nature, and each project is reviewed on a case by case basis.

Issues have been raised regarding potential problems with the proposed project concerning zoning consistency, aesthetics, the feasibility of alternative sites, electromagnetic radiation effects on human health, and wildlife impacts. Staff's responses to each of these issues are summarized as follows:

Zoning Consistency

The Wireless Communication Facility Ordinance (Yolo County Code Section 8-2.2414), adopted in 2003, established Conditional Use Permit criteria for wireless communication facilities in all zones in the unincorporated area of Yolo County. Because of the height restrictions in other zones, communication towers are typically sited in agricultural zones. The definition of "wireless communication facilities" in Section 8-2.299.27.8 specifically identifies a number of facilities that are within its scope. Among other things, it includes "communication towers," which staff and County Counsel have determined includes the radio tower that is the subject of this application. In addition, under Section 8-2.3215 of the Yolo County Code, a use that is "substantially similar" to a listed conditional use may be treated as such by the Zoning Administrator (i.e, the Planning Director) in interpreting the Yolo County Code. Thus, the proposed application is consistent with the provisions of the Yolo County Code.

Aesthetics

The 335-foot tall lattice tower is approximately three feet in diameter and the lattice design provides some transparency as opposed to a solid monopole. The tower is proposed to have 24-hour white strobe lighting, as discussed in the Background section above. According to project manufacturer information, the LED strobes substantially eliminate all light below 2.5 degrees at night and 3 degrees for the daytime configuration. Therefore, the visibility of the tower lighting will be significantly reduced from ground level in the surrounding area. As a mitigation measure to minimize daytime bird strikes, as recommended by the USFWS, guy wire markers are required. The mitigation measure requires the applicant to use markers that are specifically designed for bird strike avoidance in an effort to reduce the visibility to people.

Staff recognizes that aesthetic perceptions are subjective and the aesthetic impacts associated with the project may be perceived differently by various individuals. The tower would be visible from segments of Mace Boulevard and Montgomery Avenue. In addition, the tower would be visible from other vantage points in the nearby vicinity of the project site, including several rural residences. Based on visual simulations **(Attachment F)**, photographs, and staff site visits to similar towers, the lattice design provides some degree of transparency and lessens the visibility of the tower from a distance.

Though it is staff's determination that the proposed tower would not substantially degrade the existing visual character of the site and its surroundings once landscape screening along County Road 102 is installed as a mitigation measure, the tower will be visible from numerous vantage points. The construction of a radio tower, as with all types of development, will place a structure where there was not one previously. The views created by the tower would be similar to those already seen of existing communication facilities by residents in southeast Woodland and north Davis. The aesthetic impact is greater for those who view it on a regular basis, such as nearby

residents; however, the overall visual appearance of the tower and its impact on the visual character of the surroundings is not considered to be a significant impact.

Alternative Site Analysis

Prior to submission of the Use Permit application, the applicant completed an Area to Locate Study **(Attachment E)** to determine potential alternative locations that met the following criteria mandated by the Federal Communications Commission (FCC): 1) the FCC requires that the tower be fully separated from nearby towers so as not to cause interference to them or receive interference from them within all protected coverage contours; 2) the location must allow for a full-facility station on the assigned channel; and 3) must provide City Grade signal coverage to the incorporated city area of Woodland, the FCC assigned City of License. The unshaded triangle in Attachment E shows the area where the 101.5 MHz signal could be located in order to meet all FCC requirements for a full Class A facility while not causing interference to, or creating a service area that will be interfered with by any of the other stations depicted on the map. The FCC reviewed and confirmed the analysis completed by the applicant and issued an Authority to Construct Permit.

As shown in Attachment D of the Mitigated Negative Declaration **(Attachment C)**, the applicant identified two alternative sites within the area allowed by the FCC. The first alternative is located approximately 0.5 miles northwest of the proposed location on an A-P zoned parcel. The second alternative is located approximately 0.45 miles west of the proposed location on property located in Solano County. Both alternatives would be located several thousand feet from the nearest rural residences, but both options would provide a more open and direct view of the tower from Montgomery Avenue and homes in the nearby neighborhoods. Both alternatives would also require land to be removed from agricultural production. For the reasons listed above, the applicant rejected these alternatives in favor of the site along Mace Boulevard.

Electromagnetic Fields

In August 1996, the FCC adopted new guidelines and methods for evaluating the environmental effects of radiofrequency (RF) radiation from FCC regulated transmitters. The FCC adopted Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters operating at frequencies from 300 kHz to 100 GHz (the proposed radio tower will operate at 101.5 MHz). The guidelines effectively set a national radio frequency (RF) exposure standard based on elements of the 1992 revision of the American National Standards Institute (ANSI) standard and the exposure criteria recommended by the National Council on Radiation Protection and Measurements (NCRP). The FCC concluded, after years of study and analysis, that the adopted guidelines and MPE limits would effectively protect the public and workers from exposure to potentially harmful RF fields.

Measurements made by the FCC, EPA and others have shown that ambient RF radiation levels in inhabited areas near broadcasting facilities are typically well below the exposure levels recommended by current standards and guidelines. According to the FCC, there have been a few situations around the country where RF levels in publicly accessible areas have been found to be higher than those recommended in applicable safety standards. As a result, prior to FCC approval, all broadcast stations are required to demonstrate compliance with FCC safety guidelines.

Bird Strikes

According to the USFWS, the construction of communication towers creates a potentially significant impact on migratory birds. Most migrating birds fly at heights well above 335 feet and will not likely

be affected by the tower; however, due to the fact that the project site is two miles west of the Yolo Basin Wildlife Area and approximately 0.7 miles northeast of the Putah Creek South Fork Preserve, the potential exists that birds may come in contact with the tower and/or guy wires. Staff has incorporated the applicable USFWS guidelines as mitigation measures in the Mitigated Negative Declaration **(Attachment C)**, to reduce the potential of bird strikes. Guy wire markers will be required to be installed according to industry standards, to increase the visibility of the wires to diurnally active species. Additionally, in order to comply with the USFWS guidelines, the applicant has changed the lighting scheme on the tower from red lights located at the top and halfway point of the tower, to one flashing white light at the highest point of the tower. Current research, as documented by the USFWS, indicates that red lights attract birds at a much higher rate than white lights.

SUMMARY OF PUBLIC COMMENTS

A Request for Comments was prepared and circulated for the proposed project from July 9, 2009 to August 3, 2009. The project was also reviewed at three Development Review Committee meetings on January 28, 2009, July 22, 2009, and November 18, 2009. Additionally, a courtesy notice was sent to property owners within 1000 feet of the project site. A Mitigated Negative Declaration was circulated from November 5, 2009 to December 4, 2009. Comments received during the review period from interested agencies are displayed in Table 1, below, and will be incorporated into the project if approved.

The Willowbank County Service Area Advisory Committee submitted a detailed comment letter expressing their concerns with the Mitigated Negative Declaration and opposition to the project. The issues identified by the Willowbank County Service Area Advisory Committee have been addressed in the staff analysis section of this staff report. The majority of the comments received by members of the public reflect similar issues to those addressed in the Willowbank County Service Area Advisory Committee letter.

Staff received two letters in support of the project, one from a representative of KDVS radio station and another from the Woodland Chamber of Commerce.

Table 2, below, provides a list of individuals and agencies who have sent comments to the Yolo County Planning Division in response to the circulated Mitigated Negative Declaration or on the merits of the project in general. All letters and e-mails received from members of the public are included in **Attachment G**.

TABLE 1: COUNTY AND LOCAL AGENCY RESPONSES

DATE	AGENCY	COMMENT
January 21, 2009	Health Department, Environmental Health Division	A Hazardous Materials Inventory and Business Plan shall be submitted to Yolo County Environmental Health by the time hazardous materials and/or waste is present at the facility in reportable quantities.
February 2, 2009	Yolo County Farm Bureau	No Comment.
July 15, 2009	Yolo County Building Division	Applicant must submit plans, permit application, and obtain building permits from the Building Division.

July 17, 2009	Yolo County Public Works Division	Applicant shall install an asphalt driveway connection to Mace Boulevard per County improvement standards. Encroachment permits shall be obtained from the Planning and Public Works Department prior to any work within the County right-of-way. Construction disturbance greater than one acre shall require a Storm Water Pollution Prevention Plan (SWPPP).
July 22, 2009	Yolo-Solano Air Quality Management District (YSAQMD)	Operation of the natural gas generator at the site will require an Authority to Construct and Permit to Operate issued by the District in accordance with Rule 3.1, General Permit Requirements. Contact YSAQMD for all other applicable regulations.
July 27, 2009	Maria Wong, Habitat JPA Manager	Applicant shall mitigate for the loss of Swainson's hawk habitat. The area to be mitigated shall be determined upon building permit application.
August 18, 2009	California Department of Transportation (Caltrans), Department of Aeronautics	Applicant must submit FAA form 7460-1 (Notice of Proposed Construction) to the Federal Aviation Administration.
September 28, 2009	California Department of Fish and Game	Adhere to USFWS guidelines regarding tower siting.
November 9, 2009	Federal Aviation Administration, San Francisco Airports District Office	As required by FAR Part 77, Subpart B, 77.13, proposed antenna will require FAA review through FAA's airspace analysis process. To initiate review, the proponent is required to file FAA Form 7460-1 with the FAA.

TABLE 2: PUBLIC COMMENTS

DATE	NAME/AGENCY	COMMENT
August 28, 2009	Woodland Chamber of Commerce	In support of project.
November 9, 2009	Teresa Brooks on behalf of Brooks Family Ranch	Opposed to project.
November 25, 2009	KDVS (Elisa Hough, Publicity Director)	In support of project.
November 29, 2009	David Ewing	Opposed to project.
November 30, 2009	Willowbank County Service Area Advisory Committee (John Cooluris, Chair)	Opposed to project.
November 30, 2009	Chris & Tracy Ferragamo	Opposed to project.
November 30, 2009	Lance & Hilea Stanley	Opposed to project.
November 30, 2009	Joseph Silva	Opposed to project.
November 30, 2009	Julie Maxwell	Opposed to project.

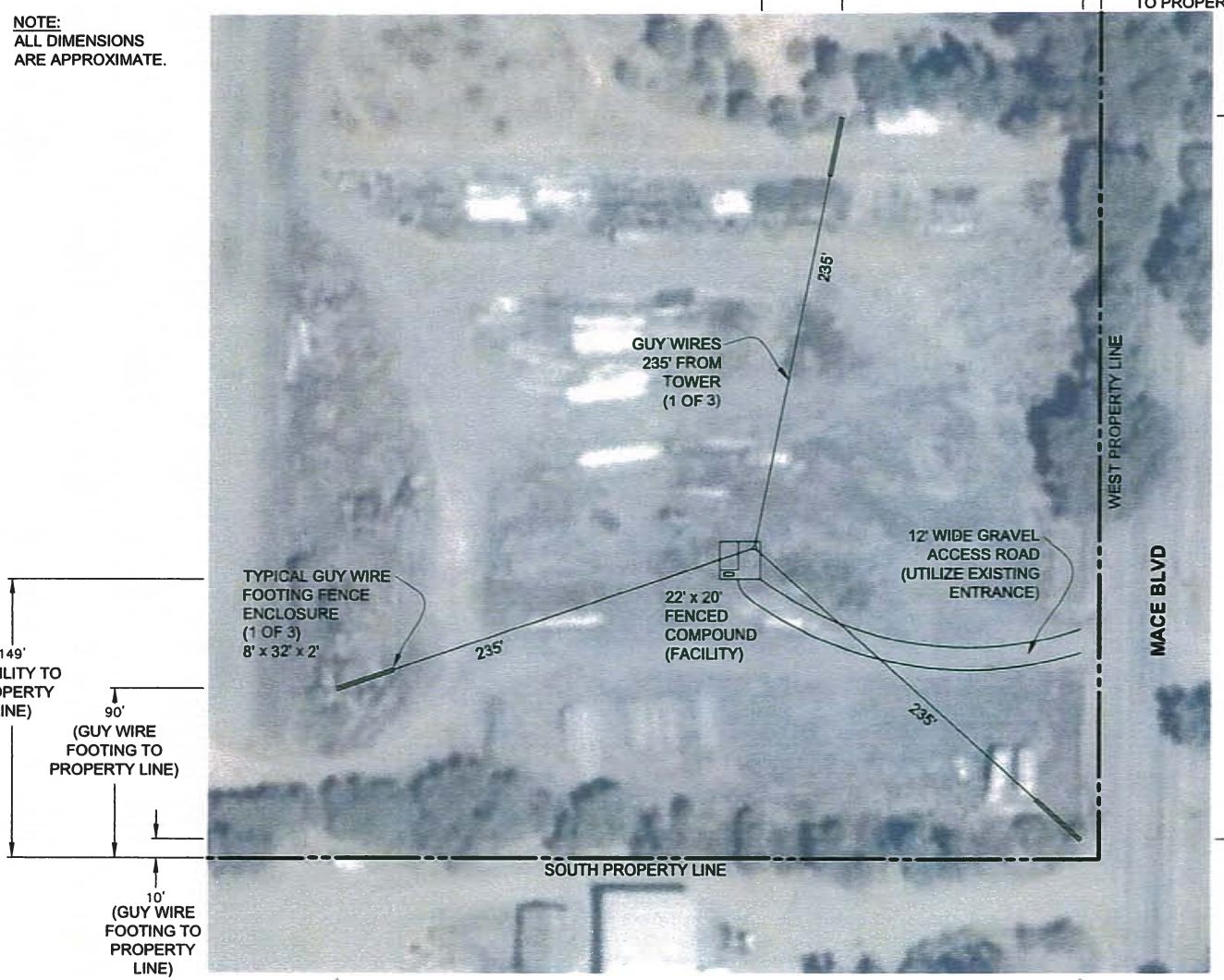
November 30, 2009	Greater Willowbank Improvement Association (Donald Gueffroy, Vice President)	Opposed to project.
November 30, 2009	Tim & Diane Cronan	Opposed to project.
December 1, 2009	Paul Guyer	Opposed to project.
December 1, 2009	Katherine Shipley	Opposed to project.
December 2, 2009	Stephen Cole	Opposed to project.
December 2, 2009	Henry & Lenore Spoto	Opposed to project.
December 2, 2009	Diane Warne	Opposed to project.
December 2, 2009	Lynne Wegner	Opposed to project.
December 2, 2009	Barbara McNurlin	Opposed to project.

ATTACHMENTS

A: Site Plan
B: Location Map
C: Mitigated Negative Declaration with attachments
D: PPW Pre-Application Response Letter, February 5, 2009
E: Federal Communication Commission location limits
F: Visual Simulations
G: Public Correspondence (letters and e-mails)

ATTACHMENT A

SITE PLAN



CECWEST.COM
Project Planning ■ Civil Engineering ■ Landscape Architecture
■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-3205
■ Cayucos Office
2840 Spellford Street, Suite 200
Davis, CA 95618
(530) 758-3205

RESULTS RADIO TOWER EMTITLEMENTS
SITE PLAN EXHIBIT

YOLO COUNTY CALIFORNIA

DESIGNED	
DRAWN	DW
CHECKED	MR
SCALE	1" = 60'
SHEET	1
OF	1
DATE:	11/18/09
JOB No:	1049.01

S:\Projects\1000\1049 Results Radio Tower\AutoCAD\EXHIBITS\1049-01-Results_Radio_Site_Plan_Exhibit.dwg - 11x17 11/19/2009 - 4:54PM Plotted by: dave

ATTACHMENT B

LOCATION MAP


Northstar
Covell Park
Senda Nueva
Richmond American Homes
Kaufman and Broad
80
F St
W 8th St
E 8th St
5th St
El Macero Estates
El Macero
El Macero Golf And Country Club
Davis
West Park
113


Road 104

ATTACHMENT C

MITIGATED NEGATIVE DECLARATION

YOLO COUNTY PLANNING & PUBLIC WORKS DEPARTMENT

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION
ZONE FILE # 2009-001
RESULTS RADIO, LLC. RADIO BROADCAST TOWER USE PERMIT

NOVEMBER 5, 2009

Mitigated Negative Declaration / Initial Environmental Study

1. **Project Title:** Zone File No. 2009-001

2. **Lead Agency Name and Address:**
   Yolo County Planning and Public Works Department
   292 West Beamer Street
   Woodland, CA 95695

3. **Contact Person and Phone Number:** Jeff Anderson, Assistant Planner
   (530) 666-8036; jeff.anderson@yolocounty.org

4. **Project Location:** 28150 Mace Boulevard, approximately 0.75 mile south of the City of Davis (APN: 069-010-08).

5. **Project Sponsor's Name and Address:**
   Results Radio, LLC. (Ron Castro)
   1355 N. Dutton Ave., Ste. 225
   Santa Rosa, CA 95401

6. **General Plan Designation(s):** Agriculture

7. **Zoning:** Agricultural General (A-1)

8. **Description of the Project:** See attached "Project Description" on the following pages for details.

9. **Surrounding Land Uses and Setting:**

Relation to Project	Land Use	Zoning	General Plan Designation
Project Location	Agricultural	Agricultural General (A-1)	Agriculture
North	Agricultural	Agricultural Preserve (A-P)	Agriculture
South	Agricultural	Agricultural General (A-1)	Agriculture
East	Agricultural	Agricultural General (A-1)	Agriculture
West	Agricultural (SOLANO COUNTY)	SOLANO COUNTY	Agriculture (SOLANO COUNTY)

10. **Other public agencies whose approval is required:** Yolo County Building Division, Yolo County Public Works Division, Yolo County Health Department, Environmental Health Division (Hazardous Materials Business Plan), Federal Aviation Administration (FAA) Air Hazard Clearance, Federal Communication Commission (FCC) FM Broadcast Construction Permit.

11. **Other Project Assumptions:** The Initial Study assumes compliance with all applicable State, Federal, and local codes and regulations including, but not limited to, County of Yolo Improvement Standards, the California Building Code, the State Health and Safety Code, and the State Public Resources Code.

Project Description

The "Project" Under CEQA

This Environmental Initial Study is prepared in accordance with the California Environmental Quality Act (CEQA). The term "project" is defined by CEQA as the whole of an action that has the potential, directly or ultimately, to result in a physical change to the environment (CEQA Guidelines Section 15378). This includes all phases of a project that are reasonably foreseeable, and all related projects that are directly linked to the project. The "project" which is the subject of this Environmental Initial Study involves a Use Permit to construct a radio broadcast tower and accessory equipment building.

Pass Through Agreement

As part of the Pass-Through Agreement between Yolo County and the City of Davis, all projects that fall within the City's 1987 Planning Area and outside the city limits are referred to the City of Davis for review and comment. The subject site is located within the City of Davis Planning Area, so the project was referred to the city earlier this year. At their May 19, 2009 meeting, the City of Davis Redevelopment Agency and the City Council determined that the project was consistent with the city's general plan. The recommendations **(Attachment A)** made by the Redevelopment Agency and City Council have been incorporated in the project.

Project Site and Surrounding Location

The proposed project is a Use Permit to construct a 335-foot tall radio broadcast tower and an accessory equipment building. The proposed tower would be a cooperative, co-located facility to include the UC Davis student-operated station KDVS (Davis), and Results Radio's KMJE station (Woodland). The proposed project will allow KDVS, a full-service, non-commercial station operated by the student union of UC Davis, to increase its existing signal to cover new areas in the region. The addition of KMJE will provide locally-programmed entertainment and emergency alert broadcasts to Yolo County and the greater area. The project site **(Figure 1)** is located on the southeast corner of a 65-acre agriculturally zoned parcel (A-1), approximately 0.75 mile south of the City of Davis (Montgomery Avenue). The portion of the project site where the tower is proposed is currently used as a staging area for the agricultural operations for the remainder of the property. This portion of the site does not contain permanent structures. A residence, mobile home, farm office, and barn are located just north of the proposed tower location. The remainder of the parcel is used for the production of sod. Mature oaks line the eastern boundary of the project site, which borders Mace Boulevard.

The surrounding properties are agriculturally zoned (A-P and A-1), and are all in agricultural production. Rural homesites and agricultural support buildings make up the majority of surrounding development. There are four rural residences within 1,000 feet of the proposed tower location. The nearest cluster of residential homes is located approximately 0.75 mile north in the City of Davis. The nearest cluster of homes in the unincorporated county is located approximately 0.85 mile northwest in the Willowbank neighborhood. The project site is two miles

west of the Yolo Basin Wildlife Area and approximately 0.7 mile northeast of the Putah Creek South Fork Preserve

Tower Specifications

The proposed tower will be of lattice design and have a height of 335 feet and width of three feet **(Figure 4)**. The tower will be held in place with 15 guy wires located at varying heights on the tower (five guy wires per side on the triangular shaped tower). The sets of guy wires will be anchored at a distance of 240 feet from the base of the tower. Each guy wire anchor area (measuring four by 30 feet) will contain an 8-foot cyclone security fence to enclose the anchor area **(Figure 5)**. The base of the tower, 150 square foot concrete aggregate structure, and associated equipment (propane tank and generator) will be enclosed in a 22-foot by 20-foot area by an 8-foot cyclone security fence **(Figure 3)**.

The tower will be painted orange and white, as per Federal Aviation Administration (FAA) requirements. The FAA regulations require seven alternating bands, four orange and three white, from top to bottom. The FAA also requires nighttime lighting on the tower to increase the visibility of the tower to passing aircraft. The lighting will consist of a single, white flashing strobe positioned at the highest point of the proposed tower. All lighting used will be state of the art LED lights that have been computer designed to minimize "light pollution" to the greatest extent possible. The FAA requires that the light be visible from the horizon, but the light intensity can be significantly reduced at angles below the horizon.

The tower will include 10 to 12 FM "bay" antenna elements that would be positioned at 10-foot intervals down from the top of the tower. These appurtenances will add approximately 36 inches to the width of the tower at their specific locations. The radio tower would also provide collocation opportunities for wireless broadband and cellular operators.

Alternative Site Locations

Prior to submission of the Use Permit application, the applicant conducted an investigation to determine potential alternative locations that met the following criteria mandated by the Federal Communications Commission (FCC): 1) the FCC requires that the station is fully spaced from nearby stations so as not to cause interference to them or receive interference from them within all protected coverage contours; 2) the location must allow for a full-facility station on the assigned channel; and 3) must provide City Grade signal coverage to the incorporated city area of Woodland, the FCC assigned City of License. The area where all of those criteria were met is depicted in **Attachment D**. Within the allowed area, the applicant ruled out various sites because the development of a tower would remove productive agricultural land or would have a greater visual impact to neighborhoods in the City of Davis and the Willowbank neighborhood. The location chosen by the applicant is not actively farmed and the visual impact is considerably less significant than other alternatives. In addition, the proposed location of the radio broadcast tower will not cause interference to existing radio and TV stations in the area. The increased distance from densely populated areas will ensure that the tower will also not interfere with any unpermitted stations. Both radio stations will have valid FCC construction permits prior to commencing any transmissions.

Other Issues

The addition of a 335-foot tall radio broadcast tower will be visible from several vantage points in the nearby vicinity **(Attachment E)**. The eastern boundary of the project site, adjacent to Mace Boulevard, is lined with mature oak trees which will effectively screen the tower from vehicles and bicyclists passing the project site. As a Mitigation Measure, the applicant will be required to install additional tree screening to minimize the visual impact of the tower from Mace Boulevard.

The United States Fish and Wildlife Service (USFWS) has produced a list of suggested guidelines to minimize bird strikes with communication towers **(Attachment B)**. The applicant has incorporated the guidelines, where feasible, in an effort to reduce potential bird strikes. The applicant's response to the USFWS guidelines is included as **Attachment C**. As described above, the project is located in close proximity to the Yolo Basin Wildlife Area and Putah Creek South Fork Preserve. The project site is in an area of the county where there are known Swainson's hawk sightings, and where there is exceptional foraging and nesting habitat. To mitigate for the potential impact to Swainson's hawk and various other raptors and birds, several mitigation measures have been included in the Biological Resources section of this document, including the requirement of daytime visual markers on the guy wires, which is consistent with the USFWS guidelines.

Electromagnetic radiation exposure limits, both public and occupational, are a matter of long-settled federal law, and are entirely under the jurisdiction and regulation of the federal government. The FCC Rules and Regulations require that any applicant for a broadcast construction permit demonstrate strict compliance with environmental standards established by the United States Congress. As a Condition of Approval, the applicant will be required to demonstrate compliance with FCC requirements regarding electromagnetic radiation.

The project site is located in Flood Zone C, as designated by the Federal Emergency Management Agency (FEMA). Flood Zone C is area outside the 100-year and 500-year flood plains; however, FEMA is in the process of updating the Flood Insurance Rate Maps for the Yolo County area. The preliminary updated map that has been released for review by FEMA indicates that a large portion south of the City of Davis, including the project site, will be included within the newly designated 100-year floodplain when the preliminary maps are made final, now scheduled for June, 2010 (FEMA, 2009). Thus, if any new construction on the project site were to begin after the new updated FEMA maps became finalized, the new radio tower and accessory building would have to be elevated at least one-foot above the base flood elevation. The applicant intends to complete construction before June, 2010. A Condition of Approval has been incorporated to clarify this and ensure compliance with the new FEMA map.

The facility will be unmanned, but visited an average of twice per month for routine maintenance purposes. No water or sewer service is required for the facility. No advertising or signage is proposed, except signs required by the FCC and emergency contact information provided at the site. Noise output will not exceed existing ambient noise levels at the project site, which is composed primarily of traffic on Mace Boulevard and agricultural operations. The facility will have direct access from Mace Boulevard. The proposed facility will not encroach upon or impact property access or any public right-of-way. No additional parking, utilities, or services are required at the proposed site as a result of this project.

FIGURE 1
LOCATION MAP

FIGURE 2
SITE PLAN

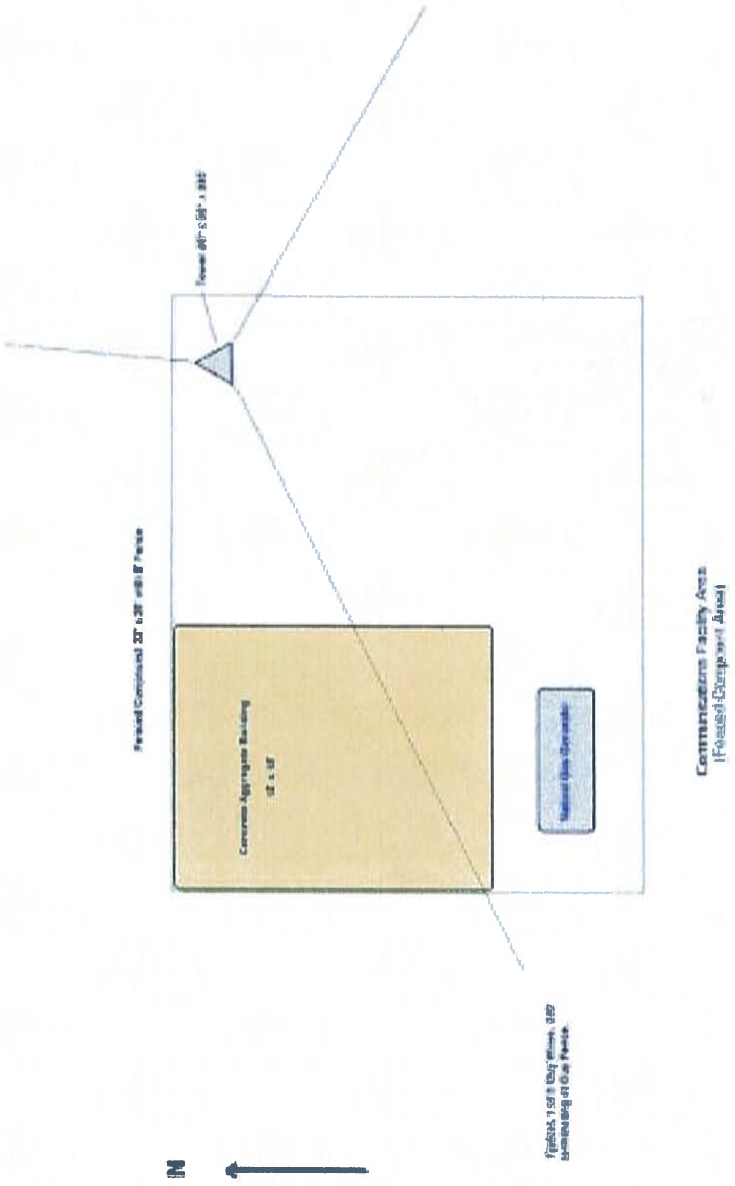


FIGURE 3
HORIZONTAL SITE PLAN SKETCH

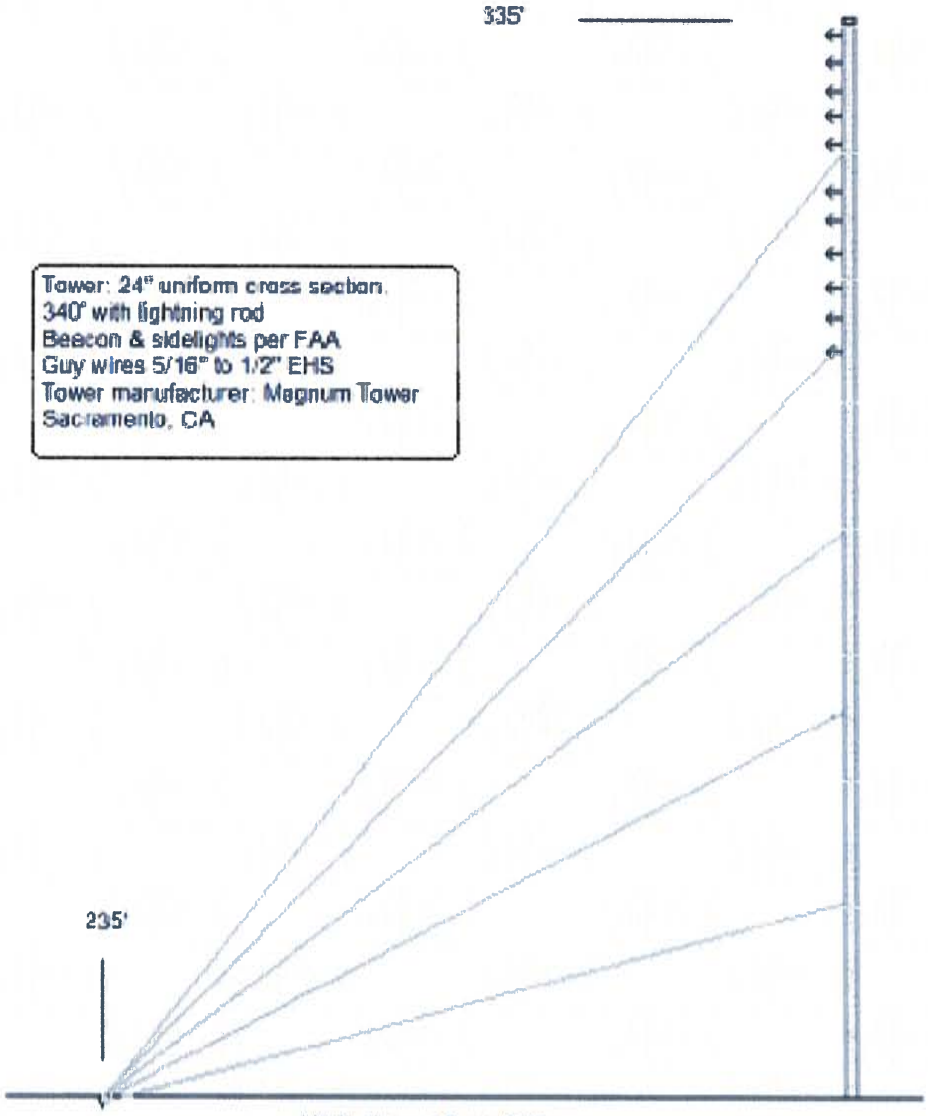


FIGURE 4
VERTICAL SITE PLAN SKETCH

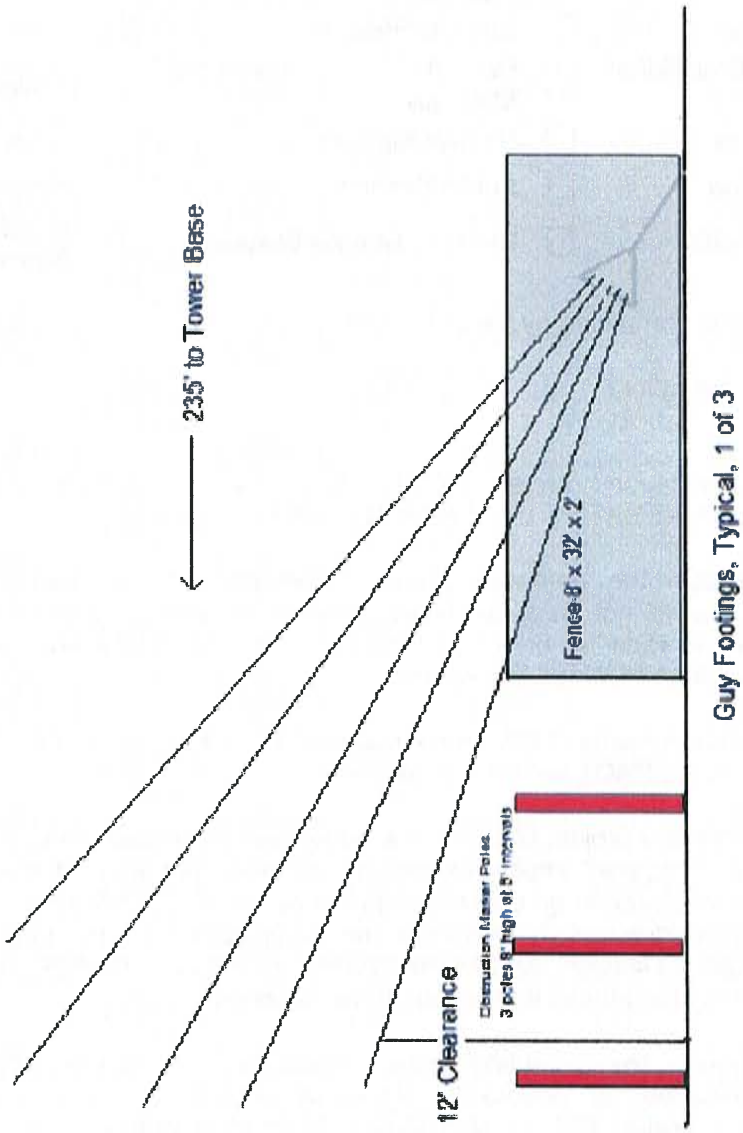


FIGURE 5
GUY WIRE FOOTINGS/ENCLOSURE

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is still "Potentially Significant Impact" (after any proposed mitigation measures have been adopted) as indicated by the checklist on the following pages.

☒ Aesthetics	☐ Agricultural & Forest Resources	☐ Air Quality
☒ Biological Resources	☐ Cultural Resources	☐ Geology / Soils
☐ Greenhouse Gas Emissions/ Climate Change	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use / Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation / Traffic	☐ Utilities / Service Systems	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On behalf of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Planner's Signature Date

_____

Planner's Printed name

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project as described herein may have a significant effect upon the environment.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5. A determination that a "Less Than Significant Impact" would occur is appropriate when the project could create some identifiable impact, but the impact would be less than the threshold set by a performance standard or adopted policy. The initial study should describe the impact and state why it is found to be "less than significant."

6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, pursuant to Section 15063 (c)(3)(D) of the California Government Code. Earlier analyses are discussed in Section XVII at the end of the checklist.

7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

8. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

I. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☒	☐	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion of Impacts

a) *Less Than Significant Impact.* The proposed radio broadcast tower facility is not located within view of any scenic highways or vistas. However, the proposed 335-foot tall lattice tower, with attached guy wires, will be located in a relatively flat area surrounded by agricultural lands with no significant topographical features. Therefore, the lattice tower could potentially be seen from various rural residential and urban vantage locations. The nearest residence (not located on the project site) is approximately 375 feet south of the proposed tower location. There are a total of six rural residences (including the two homes on the project site) within approximately 1,000 feet of the proposed tower. Additionally, the nearest residential neighborhoods (City of Davis & Willowbank neighborhood) are located approximately 0.75 and 0.85 mile north of the project site. The tower will also be visible from Mace Boulevard/County Road 104 (east of the project site) and portions of Montgomery Avenue (north of the project site) (see **Attachment E** for photo simulations). Guy wires will not be visible at a distance of 0.75 mile.

b) *No Impact.* The proposal would not damage any scenic resources. The adjoining roadway (Mace Boulevard) is not listed or designated as "scenic highway," and there are no scenic resources on or within view of the project site. The surrounding properties are agricultural and contain single family residences.

c) *Less Than Significant Impact With Mitigation Incorporated.* The project site and the surrounding area are relatively flat and do not contain features that could potentially screen the proposed tower, thus, the 335-foot radio broadcast tower would be visible from several locations in the surrounding area. Rural residences and agricultural structures comprise the development in close proximity to the project site. However, photo simulations **(Attachment E)** demonstrate that the proposed radio tower will have a negligible impact upon the landscape when viewed from the Davis city limits on Montgomery Avenue and the unincorporated communities of Willowbank and El Macero. In the northern hemisphere, the sun is located in the southern sky which causes objects, such as the proposed tower, to cast a shadow off to the north and generally does not cast direct light on the north-facing surfaces of the structure. The tower will essentially be in its own shadow when viewed from the north. The nearby suburban communities are all to the north and will all be looking south when viewing the tower, and as such, the tower will not be as visible as it would if viewed from the south looking north. This shadowing effect will tend to obscure the orange and white painting required by the FAA and will substantially reduce the visual impact of the tower. Daytime lighting is not proposed for the project. Guy wire markers will be installed per Mitigation Measure BIO-4, to reduce the potential for bird strikes by diurnal species. As shown in the **Attachment F**, the visual impact of guy wire markers will be negligible from greater than 300 yards.

The project site is directly adjacent to Mace Boulevard. The majority of the subject property is lined with mature trees that effectively screen views of the project site from Mace Boulevard when passing the site. However, there is a 150-foot segment where there is a lack of trees along the property line nearest the proposed location of the radio tower. In addition, there are several spots along the eastern 100 feet of the south property line where there is a lack of screening. Although the proposed radio tower will still be visible from various vantage points, a Mitigation Measure will be implemented to reduce the visual impact when viewing the tower from Mace Boulevard immediately in front or in close proximity of the project site. The Mitigation Measure will require the applicant to install additional landscape screening to reduce the visual impact of the radio tower when viewed from the east and southeast on Mace Boulevard. The Mitigation Measure will require trees or plants to be planted at a distance to provide for the maximum amount of screening. Thus, the proposed project will have a less than significant impact on the existing visual character and quality of the site and its surroundings.

MITIGATION MEASURE AES-1

The applicant shall reduce the visual impact of the radio tower from the east and southeast on Mace Boulevard by installing screening along the southern 150 feet of the east property line (with the exception of approximately 50 feet for the access driveway), extending north to the existing mature tree line. The screening shall be installed at a distance to provide for the maximum amount of screening. Screening shall also be installed along the eastern 100 feet along the south property line (southeast corner of the project site) to fill in areas where there are no trees.

Trees and plants used for screening purposes shall consist of fast growing trees, native vegetation, shrubs, or berms. Recommendations for tree and plant selection may be found in the Yolo County Design Guidelines *Appendix A.* Prior to issuance of building permits for the radio tower, the applicant shall submit a detailed landscaping and irrigation plan for the proposed screening. The landscaping and irrigation plan shall be implemented to the satisfaction of the Planning and Public Works Director prior to issuance of final building permits.

d) *Less Than Significant Impact.* The proposed radio tower and supporting guy wires will not be visible from any significant distance during nighttime; however, the Federal Aviation Administration (FAA) requires nighttime lighting on the radio broadcast tower to make the tower visible to pilots. The applicant has proposed to use state-of-the-art LED lights that have been computer designed to minimize "light pollution" to the greatest extent possible. Nighttime lighting will consist of a single, white flashing strobe light positioned at the highest point of the tower. The light will flash at a rate of 40 flashes per minute (fpm). The light strobe will still be visible from ground level, but the lighting will be a less than significant impact when viewed from the immediate and surrounding area, including Montgomery Avenue and the residential neighborhoods of Willowbank and the City of Davis. The FAA requires that the light be visible from the horizon, but light intensity can be significantly reduced at angles below the horizon. The light pollution emitted from this type of lighting is significantly less than incandescent lighting used on older towers. The optical design of the white strobe focuses light selectively in the areas required and avoids spilling excess light towards the ground. In addition to lighting on the tower, any security lighting for the equipment buildings shall be low-intensity, shielded and/or directed away from adjacent properties and the night sky. This is a standard Condition of Approval that applies to any outdoor lighting for discretionary projects within the county.

II. AGRICULTURAL & FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion of Impact

a-b) *No Impact.* The proposed project would not result in the conversion of any significant agricultural land. The proposed location of the radio broadcast tower is currently used as a staging area for agricultural operations and is not in agricultural production, nor is it under a Williamson Act contract. Communication facilities, including radio broadcast towers, are allowed on agriculturally zoned properties with a Use Permit. The staging area consists of vehicle parking, storage for movable irrigation equipment, pipes, and various agricultural supplies.

c-d) *No Impact.* The project does not conflict with existing zoning for, or cause rezoning of, forest land and would not result in the loss of forest land or conversion of forest land to non-forest use.

e) *No Impact.* The project does not involve any other changes that could result in the conversion of farmland to non-agricultural uses.

III. AIR QUALITY:

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e)	Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Discussion of Impacts

The Yolo Solano Air Quality Management District (YSAQMD) has published a set of recommendations that provide specific guidance on evaluating projects under CEQA relative to the above general criteria (YSAQMD, 2007). The Guidelines identify quantitative and qualitative long-term significance thresholds for use in evaluating the significance of criteria air pollutant emissions from project-related mobile and area sources. These thresholds include:

Reactive Organic Gases (ROG)	10 tons/year
Oxides of Nitrogen (NOx)	10 tons/year
Particulate Matter (PM_{10})	80 ppd
Carbon Monoxide (CO)	Violation of a state ambient air quality standard for CO

Development projects are considered cumulatively significant if:

1. The project requires a change in the existing land use designation (i.e., general plan amendment, rezone); and

2. Projected emissions (ROG, NOx, or PM_{10}) of the project are greater than the emissions anticipated for the site if developed under the existing land use designation.

a) *No Impact.* The project would not substantially conflict with or obstruct implementation of the Yolo Solano Air Quality Management District Air Quality Attainment Plan (1992), the Sacramento Area Regional Ozone Attainment Plan (1994), or the goals and objectives of the County's General Plan.

b) *Less Than Significant Impact.* The Yolo-Solano Region is a non-attainment area for state particulate matter (PM_{10}) and ozone standards, and the Federal ozone standard. The project would not contribute significantly to air quality impacts, including PM_{10}, since site preparation would be limited to foundation placement for installation of a radio broadcast tower, guy wires, and accessory equipment shelter. Ground disturbance from construction activity will be minimal. Construction activities, including vehicular traffic, would generate a temporary or short-term increase in PM_{10}. This impact is considered less than significant because any potentially sensitive receptors would be exposed to minor amounts of construction dust and equipment emissions for short periods of time with no long-term exposure to potentially affective groups. As a Condition of Approval, the project applicant would be required to comply with all standards as applied by the YSAQMD to minimize dust and other construction related pollutants. In addition, prior to any building permit issuance the applicant is required to obtain any permits as required by the YSAQMD to ensure the project complies with District regulations. Thresholds for project-related air pollutant emissions would not exceed significant levels as set forth in the 2007 YSAQMD Handbook.

c) *Less Than Significant Impact.* Effects on air quality can be divided into short-term construction-related effects and those associated with long-term aspects of the project. Short-term construction impacts are addressed in (b), above. Long-term mobile source emissions from a radio broadcast

tower facility would be negligible and would not exceed thresholds established by the Yolo-Solano Air Quality Management District Handbook for Assessing and Mitigating Air Quality Impacts (2007), and would not be cumulatively considerable for any non-attainment pollutant from the project. Therefore, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant.

d) *No Impact.* The proposed project is located in a rural agricultural area and there are no sensitive receptors in the vicinity. ("Sensitive receptors" refer to those segments of the population most susceptible to poor air quality, i.e. children, elderly, and the sick, and to certain at-risk sensitive land uses such as schools, hospitals, parks, or residential communities.) There are four rural residences within approximately 1,000 feet of the project site; however, individual rural homes are not considered sensitive receptors. The proposed project will not expose sensitive receptors to pollutant concentrations in excess of standards.

e) *No Impact.* The proposed project and associated uses would not create objectionable odors.

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 4040 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion of Impacts

a) *Less Than Significant Impact With Mitigation Incorporated.* One special-status wildlife species is expected to occur in the area because suitable habitat occupies the parcel (APN: 069-010-08) and surrounding area. This species is the Swainson's hawk (*Buteo swainsoni*), which is designated as a federal species of concern and state listed as threatened. In the Central Valley, the Swainson's hawk nests primarily in riparian areas adjacent to agricultural fields or pastures, although it sometimes

uses isolated trees or roadside trees. Nest sites are in mature trees and are typically located near suitable foraging areas. The primary foraging areas for Swainson's hawk include open agricultural lands and pastures.

Suitable nesting habitat for raptors, including Swainson's hawk, white-tailed kite, and burrowing owl, occurs in the project vicinity. The temporary disturbance of nesting habitat as well as noise and other construction-related disturbances may affect nesting raptors in the vicinity of the project area during breeding season (March-September 15). Although the footprint of development for the proposed tower is relatively small, the height of the tower and the supporting guy wires has the potential to cause substantial adverse effects on sensitive or special status species if not mitigated. Implementation of the following mitigation measures would ensure that the impact on the above species would be less than significant.

Mitigation Measure BIO-1

As a Condition of Approval, prior to issuance of a grading permit, the applicant shall mitigate for the loss of Swainson's hawk habitat through participation in the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The applicant shall either: 1) pay a Swainson's hawk mitigation fee for the area disturbed by development, which is currently estimated at 0.6 acres, or 2) implement another project specific mitigation plan which is deemed appropriate to the California Department of Fish and Game. The fee is currently set at $8,660 per acre and is subject to change. In the event that the final HCP/NCCP is adopted before development occurs, the applicant shall participate in the Final HCP/NCCP to mitigate for the loss of Swainson's hawk habitat.

Mitigation Measure BIO-2

If construction occurs during the breeding season (March-September 15), the project applicant shall conduct pre-construction surveys no more than 14 days, and no less than 7 days, prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning and Public Works Department for review. The survey area shall include all potential nesting sites located within 0.5 mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed below.

If an active nest used by a Swainson's hawk or white-tailed kite is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game (CDFG) and a 0.5 mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own, or the nest is no longer in active use.

Mitigation Measure BIO-3

Prior to land disturbance activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the California Department of Fish and Game (CDFG) and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed and no further mitigation is required.

If potentially nesting burrowing owls are present during pre-construction surveys conducted between February 1 and August 31, grading shall not be allowed within 250 feet of any nest burrow during the nesting season (February 1—August 31), unless approved by the CDFG.

If burrowing owls are detected during pre-construction surveys outside the nesting season (September 1—January 31), passive relocation and monitoring shall be undertaken by a qualified biologist following the CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1—August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.

b-c) *No Impact.* The project would have no substantial adverse effect on any riparian habitat or any other sensitive natural community identified in local or regional plans, policies, or regulations. Agricultural lands surround the project to the north, south, east and west. There are no known wetlands or riparian habitat on the site.

d) *Less Than Significant Impact With Mitigation Incorporated.* The U.S. Fish and Wildlife Service (USFWS) has indicated that the construction of new communication towers creates a potentially significant impact on migratory birds, particularly affecting approximately 350 species of night-migrating birds **(Attachment B)**. The USFWS also estimates that communication towers kill four to five million birds per year in the United States, which violates the spirit and intent of the Migratory Bird Treaty Act (MBTA). The majority of the research on bird strikes, however, has been conducted primarily in the eastern, midwestern, and southern United States (USFWS). In addition, most of the documented research on bird strikes has been conducted on towers of much greater heights (1,000 feet to 2,000 feet) than the proposed 335-foot tower (Anderson, 2009). There have not been sufficient studies conducted in California, or the western United States in general, thus, the USFWS guidelines are a generalized approach to minimizing bird strikes with communication towers.

There are various factors that need to be considered when determining the impact the proposed project will have on wildlife species. These factors include tower height, number of guy wires, lighting, species present in the vicinity of the tower, geographic location, and surrounding land use. The proposed 335-foot tower is significantly smaller compared to other nearby radio towers located in the county. The tower located off County Road 29, just east of County Road 102 is 538 feet (APN: 042-120-03, approved in 1973). The radio tower located off County Road 102, just south of the Mountain Valley Golf Center is 500 feet tall (APN: 042-010-68, approved in 1992). Though significantly shorter than nearby radio towers, the proposed tower nonetheless presents a potential obstruction in the flight path of birds. Most migrating birds fly at heights well above 335 feet and will not likely be affected by the tower. However, due to the fact that the project site is two miles west of the Yolo Basin Wildlife Area and approximately 0.7 mile northeast of the Putah Creek South Fork Preserve, the potential exists that birds may come in contact with the tower and/or guy wires.

The tower is proposed to be held in place with fifteen guy wires located at varying heights on the tower (five guy wires per side on the triangular shaped tower). The guy wires will be anchored at a distance of 240 feet from the base of the tower. This triangular shaped area created by the guy wires has the potential to impede the daily movement routes of birds, especially in known raptor concentration areas. Raptors, especially the Swainson's hawk, are known to exist in the project area. There are several large oak trees and various other trees on the project site and surrounding area, which may provide nesting habitat for raptors. Staff observed a vacant nest in a tree on the project site during a site visit on October 16, 2009. In addition, the project location provides foraging habitat for raptors, and the agricultural fields on the subject parcel and surrounding parcel is ideal foraging habitat. Raptors are not prone to mass avian mortalities as happens with flocking, night migrating birds, however they are known to collide with guy wires, causing fatality. When locating a tower in an area of known raptor concentration, the USFWS recommends that daytime visual markers should be installed on guy wires to prevent collisions by diurnally active species. A Mitigation Measure to this effect is included below.

Tower lighting also has the potential to contribute to bird strikes. The Federal Aviation Administration (FAA) has strict regulations regarding tower lighting that the applicant must follow. The FAA requirements are intended to increase conspicuity and make the tower visible to pilots during the

night. Two options are provided by the FAA for nighttime lighting for the proposed 335-foot tower. The first option consists of a flashing red beacon light at the highest point of the tower and two steady burning red lights at the halfway level. The second option consists of a medium intensity white strobe light positioned at the highest point of the tower. Both of these options require the tower to be painted orange and white, as described in the project description and aesthetics section, to increase the visibility of the tower to passing aircraft since lighting will not be used during the day. The applicant has proposed to install the flashing white strobe light at the top of the tower instead of the red beacon and steady burning lights. The USFWS recommends that towers use white strobe lights at night, unless otherwise required by the FAA. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights (USFWS). Most research has indicated that the use of strobe or flashing lights on towers results in less bird aggregation and, by extension, lower bird mortality, than use of steady burning lights (Longcore, 2009). Thus, the lighting proposed by the applicant is expected to have a less than significant impact on migrating birds.

Mitigation Measure BIO-4

In order to reduce the potential of daytime bird strikes, the supporting guy wires shall be marked with an industry-accepted visual marker designed to prevent collisions by diurnally active bird species. The visual markers shall be installed prior to operation of the facility.

e) *No Impact.* The proposed project does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) *No Impact.* The Yolo County Habitat Conservation Joint Powers Agency (JPA) was formed in August 2002 for the purposes of acquiring habitat conservation easements and to serve as the lead agency for the preparation of a Natural Communities Conservation Plan/Habitat Conservation Plan for all of Yolo County. A county-wide HCP/NCCP is under preparation, but will not likely be completed until 2010. Thus, the project would not conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Discussion of Impacts

a) *No Impact.* The project site is not known to have any historical significant characteristics as defined by the criteria within the CEQA Guidelines.

b) *No Impact.* The project site is not known to have any archaeologically significant characteristics as defined by the criteria in the CEQA Guidelines.

c) *No Impact.* No paleontological resources are known or suspected and no unique geologic features exist on the project site.

d) *Less Than Significant Impact.* No human remains are known or predicted to exist in the project area. However, the potential exists during construction to uncover previously unidentified resources. Section 7050.5 of the California Health and Safety Code states that when human remains are discovered, no further site disturbance shall occur until the County coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

VI. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known Fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Discussion of Impacts

a) *Less Than Significant Impact:*

(i) The project site can be expected to experience moderate to strong ground shaking during future seismic events along major active faults throughout Northern California or on smaller

active faults located in the project vicinity. However, the project will comply with all applicable Uniform Building Code requirements.

(ii) Any major earthquake damage on the project site is likely to occur from ground shaking, and seismically related ground and structural failures. Local soil conditions, such as soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response. Seismically induced shaking and some damage should be expected to occur during a major event but damage should be no more severe in the project area than elsewhere in the region. The tower structure and other framed construction on proper foundations constructed in accordance with Uniform Building Code requirements are generally flexible enough to sustain only minor structural damage from ground shaking. Therefore, people and structures would not be exposed to potential substantial adverse effects involving strong seismic ground shaking.

(iii) The proposed radio broadcast tower facility is located in a relatively level area. The erosion hazard is none to slight. Effects of liquefaction or cyclic strength degradation beneath the project vicinity during seismic events are unlikely.

(iv) The project site is relatively level and approval of the project would not expose people or structures to potential landslides.

b) *No Impact.* Only a small area of ground disturbance is proposed for the foundation placement of the radio broadcast tower, guy wires, and related equipment. Substantial soil erosion or loss of topsoil is unlikely to occur.

c) *Less Than Significant Impact.* The project is not located on unstable geologic materials and will not have any affect on the stability of the underlying materials or on the underlying materials to potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The project site is relatively level ground. On-site or off-site potential landslides, liquefaction or other cyclic strength degradation during seismic events are unlikely.

d) *No Impact.* The project will not be located on expansive soils. The existence of substantial areas of expansive, and corrosive soils has not been documented in the project area.

e) *No Impact.* The proposed radio broadcast tower facility will not be served by a septic system.

VII. GREENHOUSE GAS EMISSIONS/ CLIMATE CHANGE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒
c) Be affected by climate change impacts, e.g., sea level rise, increased wildfire dangers, diminishing snow pack and water supplies, etc.?	☐	☐	☒	☐

Discussion of Impacts

a) *Less Than Significant Impact.* The proposed project is an unmanned radio broadcast tower. Aside from truck trips during the construction of the proposed tower, the only vehicular traffic generated by the project would be two vehicle trips per month for routine maintenance purposes. A 30kW natural gas generator will exercise once per week for fifteen minutes, and will turn on if power to the site ever fails. Thus, the project will not generate greenhouse gas emissions that will have a significant impact on the environment.

b) *No Impact.* The proposed project would not conflict with any applicable plan, policy or regulation adopted to reduce GHG emissions, including the numerous policies of the newly adopted Yolo County 2030 Countywide General Plan.

c) *Less Than Significant Impact.* As discussed below in the Hydrology and Water Quality section, the project site is located in Flood Zone C, as designated by the Federal Emergency Management Agency (FEMA), but the site will be included within the newly designated 100-year floodplain when the preliminary Flood Insurance Rate Maps (FIRMs) are made final, now scheduled for June, 2010. The project will be required to be constructed at least one foot above base flood elevation if construction commences after the new FIRM maps are adopted (scheduled for June, 2010). The project is not at significant risk of wildfire dangers or diminishing snow pack or water supplies.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion of Impacts

a) *Less Than Significant Impact.* Construction of the proposed project would require the transport, storage, use, handling and disposal of different types of hazardous substances including fuel, oil, lubricants, and solvents. However, operation of the project itself would not result in any new hazardous emissions or materials. Storage of significant quantities of fuel, oil, or other potentially hazardous materials at the construction site would not occur. The transport, use, and disposal of any construction related hazardous materials will be stored and handled in accordance with all applicable federal, state, and local requirements, including Yolo County Environmental Health Division regulations. Therefore, hazardous impacts to the public or environment are unlikely and would be considered less than significant.

b) *Less Than Significant Impact.* See (a), above. Additionally, the applicant is required to provide a Hazardous Materials Business Plan and inventory to the satisfaction of the Yolo County Environmental Health Division. Impacts from the accidental release of hazardous materials into the environment are less than significant. Electromagnetic radiation exposure limits, both public and occupational, are a matter of long-settled federal law, and are solely under the jurisdiction and regulation of the federal government. The FCC Rules and Regulations require that any applicant for a broadcast construction permit demonstrate strict compliance with environmental standards established by the United States Congress (Federal Communications Commission Office of Engineering and Technology, 1997). As a Condition of Approval, the applicant will be required to demonstrate compliance with FCC requirements regarding electromagnetic radiation.

c) *No Impact.* See (a) and (b), above. Additionally, the project site is not located within one-quarter mile of an existing or proposed school.

d) *No Impact.* The project site is not located on a site that is included on a list of hazardous materials sites complied by the Yolo County Environmental Health Division-Hazardous Waste Site Files pursuant to Government Code 65962.5.

e) *No Impact.* The project site is not located within an airport land use plan or within two miles of a public airport or public use airport. The radio broadcast tower requires the approval of the Federal Aviation Administration (FAA). The tower will be built according to the requirements of the FAA to ensure safety for general aircraft and the general public at ground level.

f) *No Impact.* See (e), above. Additionally, the project site is not located within the vicinity of a private airstrip.

g) *No Impact.* The project would not interfere with any adopted emergency response or evacuation plans.

h) *No Impact.* The project site is not located in a wildland area and, therefore, would not be at risk from wildland fires.

IX. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Significantly deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing	☐	☐	☐	☒

	nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f)	Otherwise substantially degrade water quality?	☐	☐	☐	☒
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion of Impacts

a) *No Impact.* The proposed project would not discharge any pollutants into the water system, or result in any violations of existing requirements.

b) *No Impact.* The proposed radio broadcast tower facility would not affect any onsite well and would not deplete groundwater supplies or interfere with groundwater recharge.

(c)—(f) *No Impact.* The proposed project will not modify any drainage patterns or change absorption rates, or the rate and amount of surface runoff. The project site does not have access to any existing or proposed storm water drainage systems. No additional impacts to water quality are anticipated.

g) *No Impact.* The project does not include any housing and would not place housing in an existing floodplain.

h) *Less Than Significant Impact.* The project site is located in Flood Zone C, as designated by the Federal Emergency Management Agency (FEMA). Flood Zone C is area outside the 100-year and 500-year flood plains; however, FEMA is in the process of updating the Flood Insurance Rate Maps for the Yolo County area. The preliminary updated map that has been released for review by FEMA indicates that a large portion south of the City of Davis, including the project site, will be included within the newly designated 100-year floodplain when the preliminary maps are made final, now scheduled for June, 2010 (FEMA, 2009). Thus, if any new construction on the project site were to begin after the new updated FEMA maps became finalized, the tower and accessory building would have to be elevated at least one-foot above the base flood elevation. The applicant intends to complete construction before June, 2010. A Condition of Approval has been incorporated to clarify this and ensure compliance with the new FEMA map.

i) *No Impact.* The project site is not located immediately down stream of a dam or adjacent to a levee that would expose individuals to risk from flooding.

j) *No Impact.* The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, the project site is relatively flat and is not located near any physical or geologic features that would produce a mudflow hazard.

X. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Physically divide an established community?	☐	☐	☐	☒
d) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
e) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion of Impacts

a) *No Impact.* The proposed project is located within an agricultural area, surrounded by agricultural lands, thus it would not divide an established community.

b) *No Impact.* The project site is zoned for agricultural uses. The proposed project is sited in the southeast corner of a 65-acre parcel, which is being used as an agricultural staging area and is not currently farmed. The proposal will not conflict with any land use plan.

c) *No Impact.* The county does not have an adopted HCP or NCCP. The project would not conflict with the Yolo County Draft Natural Community Conservation Plan.

XI. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion of Impacts

(a)(b) *No Impact.* The project site is not designated as an area of significant aggregate deposits, as classified by the State Department of Mines and Geology.

XII. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion of Impacts

(a)(b)(c) *Less Than Significant Impact.* The operation of the radio broadcast tower facility would not generate excessive levels of new noise. A 30kW natural gas generator will exercise 15 minutes once per week and run when power fails. Sound output from the generator would reach approximately 71dBA at 23 feet. A sound enclosure would also be used to reduce noise. The noise generation on from the project will not exceed noise levels currently generated at the project site, which are primarily composed of agricultural operations and traffic on Mace Boulevard.

d) *Less Than Significant Impact.* Construction noise would be of a short period—lasting only a few weeks. Impacts from excessive noise levels would be less than significant.

e) *No Impact.* The nearest public airport is approximately five miles away (University Airport), and the project site is not within an airport land use plan.

f) *No Impact.* The project site is not located near a private airstrip and would not be exposed to noise from any private airstrip.

XIII. POPULATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion of Impacts

(a)(b)(c) *No Impact.* The proposed project is a radio broadcast tower facility and would not induce substantial population growth in the area, would not displace any existing housing, and would not displace any people.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response time or other performance objectives for any of the public services:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Fire protection?	☐	☐	☐	☒
b)	Police Protection?	☐	☐	☐	☒
c)	Schools?	☐	☐	☐	☒
d)	Parks?	☐	☐	☐	☒
e)	Other public facilities?	☐	☐	☐	☒

Discussion of Impacts

(a)—(e) *No Impact.* The radio broadcast tower facility would not increase the need for any public services.

XV. RECREATION

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion of Impacts

a) *No Impact.* The project would not require the construction of additional recreational facilities nor substantially increase the use of existing recreational facilities.

b) *No Impact.* The project would not require the construction of nor include additional recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion of Impacts

(a)(b) *No Impact.* Construction of the proposed radio broadcast tower facility would generate a limited number of truck trips for the construction phases for the project. This traffic increase is only temporary during construction activity. The facility will be unmanned, but visited an average of twice per month for routine maintenance purposes. The project will not exceed a level of service standard for any road.

c) *Less Than Significant Impact.* The project does not involve or affect air traffic movement. The Federal Aviation Administration (FAA) requires nighttime lighting on the radio broadcast tower to make the tower visible to pilots. Nighttime lighting will consist of a single, white flashing strobe at the highest point of the 335-foot tower.

d) *No Impact.* The proposed project does not incorporate design features that would substantially increase hazards or introduce incompatible uses.

e) *No Impact.* The proposed project would not result in inadequate emergency access. The proposed facility is directly adjacent to Mace Boulevard and will be accessed by a gravel/dirt driveway approximately 225 feet in length.

f) *No Impact.* The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion of Impacts

(a)—(g) *No Impact.* The project is a proposed unmanned radio broadcast tower facility and would have no impacts on public utilities and facilities.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plan or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion of Impacts

a) *Less Than Significant With Mitigation Incorporated.* As discussed in the Biological Resources section of the Initial Study, the proposed radio broadcast tower and attached guy wires could result in a potentially significant impact in terms of reducing the habitat of the Swainson's hawk. The construction of the tower and guy wires also may interfere with daily movement of diurnal birds. However, implementation of mitigation measures described in this Initial Study would reduce these individual impacts to less-than-significant levels. As proposed and described in this Initial Study, the project does will not reduce the number or restrict the range of a rare or endangered plan or animal or eliminate important examples of the major periods of California history or prehistory.

b) *No Impact.* Based on the analysis provided in this Initial Study, potential cumulative impacts of the project would be less than significant.

c) *No Impact.* Based on the analysis provided in this Initial Study, the proposed project would not result in environmental effects that could cause adverse effects on human beings, either directly or indirectly.

REFERENCES

- City of Davis Redevelopment Agency staff report (May 19, 2009)
- Dick Anderson (private consultant and wind-energy/wildlife interaction expert, Davis, CA), phone conversation, October 8, 2009
- Federal Aviation Administration Advisory Circular 70/74601K: *Obstruction Marking and Lighting.*
- Federal Communications Commission Office of Engineering and Technology: OET Bulletin 65 Edition 97-01, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" (August, 1997)
- Longcore, T., Rich C., & Gauthreaux, S.A. (2008). Height, guy wires, and steady-burning lights increase hazard of communication towers to nocturnal migrants: A review and meta-analysis. *The Auk*, 125(2), 485-492.
- Project description and application materials provided by applicant
- Yolo County 2030 Countywide General Plan (November, 2009)
- Yolo-Solano Air Quality Management District Handbook for Assessing and Mitigating Air Quality Impacts (July 2007)
- United States Fish and Wildlife Service: Letter from Director Jamie Rappaport Clark to Regional Directors, "*Service Guidance on the Siting, Construction, Operation and Decommissioning of Communication Towers"* (September 14, 2000)

ATTACHMENTS

A: City of Davis Redevelopment Agency staff report (May 19, 2009)
B: USFWS Guidelines: Service Guidance on the Siting, Construction, Operation and Decommissioning of Communication Towers (September 14, 2000)
C: Applicant response to USFWS Guidelines
D: Applicant provided alternative location criteria and map
E: Photo simulations
F: Photographs of guy wire markers on towers in Sacramento County

STAFF REPORT

DATE: May 19, 2009

TO: Redevelopment Agency and City Council

FROM: Katherine Hess, Community Development Director
Mike Webb, Principal Planner
Rhys Rowland, Assistant Planner

SUBJECT: PA # 54-08; Yolo County Referral – KMJE/KDVS Communications Facility at 28150 Mace Boulevard

Recommendation
Staff recommends that the Redevelopment Agency of the City of Davis make the following finding:

Determine that the proposed project, constructing a 335 foot tall radio broadcasting tower on an existing property is "urban development" under the pass-through agreement, but that the Redevelopment Agency does not object to the use.

Staff also recommends that the City Council make the following recommendations to Yolo County for its consideration in reviewing the use permit:

1. The developer and County engage the community in the vicinity of the project to evaluate potential visual impacts of the project in the County's Conditional Use Permit process

2. The developer install additional tree screening along the property's east property line adjacent to Mace Boulevard.

3. The developer seek alternative locations to eliminate potential bird strike risks associated with the site location adjacent to the South Fork Preserve and Yolo Basis Wildlife Area. If not feasible, the developer shall follow the recommendations of the City's Wildlife Resource Specialist as outlined in Attachment 10.

4. The County shall keep the City's CDD Director apprised of outreach meetings, changes to project description, and public hearing dates.

5. Any substantive change to the project location, project description not consistent with these conditions shall be subject to a new County Referral prior to issuance of a conditional use permit.

6. The developer permit collocation of other telecommunication facilities with this tower to the extent that it is feasible and does not interfere with the broadcast capabilities of the facility.

ATTACHMENT A

Project Location: 28150 Mace Boulevard

Applicant: Results Radio, LLC
1355 N. Dutton Avenue
Santa Rosa, CA 95401

Property Owner: John and Maryalice Martin
28150 Mace Boulevard
Davis, CA 95618

Fiscal Analysis
The project will not have any fiscal impact on the City of Davis. Staff time in processing this referral application is covered by processing fees.

Noticing
This item is not a public hearing. The County will hold a formal public hearing on the application and provide legal noticing prior to the time the application is scheduled for hearing.

Project Description
The project is located at the southeast end of the property located at 21850 Mace Boulevard (Attachment 1). The applicant proposes to construct a 335 foot tall, 3 foot wide lattice radio broadcast tower for KDVS and KMJE (Attachment 2). The location of the project is approximately 0.75 miles south of the closest portion of the City (Attachment 3). A tower of this height is required by Federal Aeronautics Administration (FAA) to be either painted orange and white or provide continuous lighting. The applicant has proposed to paint the tower gray rather than orange and white like the tower shown in Attachment 4. In addition, night time lighting is required by the FAA for a tower of this height to provide a continuous fade on and fade off light at the top of the tower and a continuous light at the half way point (Attachment 5). Both lights are required to be red and upward directed so as to be more visible from the air than from the ground.

The tower is proposed to be held in place with 15 guy wires located at varying heights on the tower and on three sides of the triangular shaped structure (Attachments 4 and 6). The guy wires will be anchored at a distance of 240 feet from the base of the tower. The tower is proposed to have an 8-foot cyclone security fence enclosing a 22' x 20' area containing the base of the tower and 150 square foot concrete aggregate equipment structure (Attachment 7). In addition, each guy wire anchor area will contain an 8 foot cyclone security fence to enclose the anchor area (Attachment 7). The applicant has provided a project narrative (Attachment 8). The applicant is required to obtain a conditional use permit for the facility from Yolo County.

Background and Analysis
As part of the Pass Through Agreement between the City and County, all projects that fall within the City's 1987 Planning Area and outside the City's limits are referred to the City and Redevelopment Agency for review and comment. The subject site is within the City of Davis Planning Area. The County has referred the project to the City for comments. The photosimulations provided by the applicant show that the structure will be visible from the south

portions of the City and the El Macero subdivision in addition to Mace Boulevard. The photo simulations provided show how the tower might appear from a variety of locations along the closest locations within the City on Montgomery Avenue (Attachment 9).

General Plan Consistency
The project is consistent with the General Plan in the following ways:

- It helps to expand the infrastructure to further develop a diverse radio communications and education network that would also serve the city. (Policy C & T 1.1, Standard b.)
- The project helps to promote a supportive environment for diverse forms and styles of learning. (Policy Y & E 1.2)
- Use of the existing site does not utilize land that is planned for or in current use for agriculture. (Policy AG 1.1)

Zoning Consistency
As a Yolo County proposal, the project is not subject to City zoning regulations. However, review of the proposal under the City's Wireless Telecommunication Facilities Ordinance, reveals that the project would be classified as a new lattice tower facility, which would require review as a conditional use permit The Wireless Telecommunication Facilities Ordinance requires that lattice tower facilities meet location and design standards. The City prohibits monopoles and towers (except public safety facilities) within 500 feet of residentially zoned properties. This proposal would be located approximately 3,900 feet from the nearest residential property within city limits. The nearest residential use in Yolo County would be located approximately 800 feet to the south of the proposed location.

Redevelopment Agency Review
Since the proposed project is not explicitly allowed staff concluded that the proposal is "urban development" under the provisions of the Pass-Through Agreement. Should Yolo County approve the application without the consent of the Redevelopment Agency, the Agency would have the ability to cease making Pass Through payments. As noted below, staff has concluded that the project would have minimal impact on the City of Davis or its residents, and recommends the Redevelopment Agency Board determine that it does not object to the County issuance of the Use Permit, should it desire to do so.

Staff recommends that the Redevelopment Agency not object to the construction of the radio tower facility cover, based on the following reasons:

1. Photo simulations demonstrate that the proposed monopole will have a negligible impact upon the landscape when viewed from the city limits.
2. The City supports the desire of KMJE/KDVS to improve their ability to broadcast to the community at large.
3. Impacts of the project can be adequately assessed through the County's Conditional Use Permit process.

City Council Review
The Pass-Through Agreement requires the County to submit CUP applications to the City prior to action. The City is given the opportunity to make comments on whether the application is consistent with the purposes of the Agreement. Staff recommends the City Council make

comments to Yolo County in the areas of co-location, aesthetics, wildlife, and community outreach.

Aesthetics
Photo simulations demonstrate that the proposed monopole will have a negligible impact upon the landscape when viewed from the city limits. The visual impacts to the City are minimized for the following reasons:

- The closest location in Davis (the intersection of Mace and Montgomery) is approximately 0.75 miles from the tower.
- The tower is located south of the city. This generally results in the visible portions of the tower being shaded versus having direct sun light upon them. Consequently, the orange and white tower is not likely to be as visible to residents of the city. Furthermore, the choice of painting the tower to provide a visual warning to approaching aircraft during the daylight hours is preferable to having a constant light blinking in the distance. This is a common mitigation practice for radio towers of this type.

Staff further recommends the County consider a requirement for additional tree screening adjacent to Mace Boulevard.

Co-Location
Co-location of wireless telecommunication facilities is critical to minimizing the potential visual, wildlife, and land use impacts. Co-location is strongly encouraged in the City Telecommunications ordinance. Therefore, staff recommends that the County consider whether it is possible to collocate the tower near other towers such as the Pole Line Road location north of the City. If not, staff recommends the County condition the project to encourage the applicant to allow other providers to co-locate their antennas on the proposed tower.

Wildlife
Formal review of the project's impact on wildlife will be conducted by Yolo County as part of its CEQA review of the application. The proposed project is located just north of the Putah Creek channel and approximately 2 miles west of the Yolo Basin Wildlife Area and approximately 0.7 miles north east of the Putah Creek South Fork Preserve (Attachment 3). The City's Wildlife Resource Specialist has provided comments regarding this project (Attachment 10). In his correspondence he identifies the following potential impacts to wildlife in the area:

- Burrowing owl
- Swainson's hawk
- Migratory birds

One of the recommended comments to the County and applicant is to seek an alternative location, but if not feasible, to implement best management practices currently recommended by the US Wildlife Service to mitigate any potential impacts to sensitive wildlife. Mitigation measures recommended for consideration are the following:

- Construct the tower at 199 feet or less in height with no use of guy wires, or if the tower can not be built to this height limit, then provide daytime visual markers on the wires to limit collisions with migratory birds consistent with standards recommended by Avian Power Line Interaction Committee (APLIC). 1994. Mitigating Bird Collisions with

Power Lines: The State of the Art in 1994. Edison Electric Institute, Washington, D.C., 78 pp, and Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines. Edison Electric Institute/Raptor Research Foundation, Washington, D.C., 128 pp

- Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Permit collation upon the facility to limit the need for more towers in the vicinity
- Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.
- If a tower is constructed or proposed for construction, Service personnel or researchers from the Communication Tower Working Group should be allowed access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.

Community Outreach
This City/Agency review is not a public hearing on the Conditional Use Permit application, and the City has not published a notice of the meeting. Staff recommends the County be encouraged to engaging the surrounding community to address the potential visual impacts, prior to the formal hearing before the County Planning Commission. Staff further recommends the County shall keep the City's CDD Director apprised of outreach meetings, changes to project description, and public hearing dates.

Attachments:
1. Vicinity Map
2. Elevation
3. Aerial
4. Photo of Similar Facility
5. Nighttime Photo Simulation
6. Site Plan
7. Fencing Plan
8. Applicant's Project Narrative
9. Photo Simulations
10. Memo from City's Wildlife Resource Specialist

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/FHC/DHC/BFA

Memorandum

To: Regional Directors, Regions 1-7

From: Director ***/s/ Jamie Rappaport Clark*** SEP 14

Subject: Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers

Construction of communications towers (including radio, television, cellular, and microwave) in the United States has been growing at an exponential rate, increasing at an estimated 6 percent to 8 percent annually. According to the Federal Communication Commission's *2000 Antenna Structure Registry,* the number of lighted towers greater than 199' feet above ground level currently number over 45,000 and the total number of towers over 74,000. By 2003, all television stations must be digital, adding potentially 1,000 new towers exceeding 1,000 feet AGL.

The construction of new towers creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. Communications towers are estimated to kill 4-5 million birds per year, which violates the spirit and the intent of the Migratory Bird Treaty Act and the Code of Federal Regulations at Part 50 designed to implement the MBTA. Some of the species affected are also protected under the Endangered Species Act and Bald and Golden Eagle Act.

Service personnel may become involved in the review of proposed tower sitings and/or in the evaluation of tower impacts on migratory birds through National Environmental Policy Act review: specifically, sections 1501.6, opportunity to be a cooperating agency, and 1503.4, duty to comment on federally-licensed activities for agencies with jurisdiction by law, in this case the MBTA, or because of special expertise. Also, the National Wildlife Refuge System Improvement Act requires that any activity on Refuge lands be determined as compatible with the Refuge system mission and the Refuge purpose(s). In addition, the Service is required by the ESA to assist other Federal agencies in ensuring that any action they authorize, implement, or fund will not jeopardize the continued existence of any federally endangered or threatened species.

This is your future. Don't leave it blank. - ***Support the 2000 Census.***

ATTACHMENT B

A Communication Tower Working Group composed of government agencies, industry, academic researchers and NGO's has been formed to develop and implement a research protocol to determine the best ways to construct and operate towers to prevent bird strikes. Until the research study is completed, or until research efforts uncover significant new mitigation measures, all Service personnel involved in the review of proposed tower sitings and/or the evaluation of the impacts of towers on migratory birds should use the attached interim guidelines when making recommendations to all companies, license applicants, or licensees proposing new tower sitings. These guidelines were developed by Service personnel from research conducted in several eastern, midwestern, and southern States, and have been refined through Regional review. They are based on the best information available at this time, and are the most prudent and effective measures for avoiding bird strikes at towers. We believe that they will provide significant protection for migratory birds pending completion of the Working Group's recommendations. As new information becomes available, the guidelines will be updated accordingly.

Implementation of these guidelines by the communications industry is voluntary, and our recommendations must be balanced with Federal Aviation Administration requirements and local community concerns where necessary. Field offices have discretion in the use of these guidelines on a case by case basis, and may also have additional recommendations to add which are specific to their geographic area.

Also attached is a Tower Site Evaluation Form which may prove useful in evaluating proposed towers and in streamlining the evaluation process. Copies may be provided to consultants or tower companies who regularly submit requests for consultation, as well as to those who submit individual requests that do not contain sufficient information to allow adequate evaluation. This form is for discretionary use, and may be modified as necessary.

The Migratory Bird Treaty Act (16 U.S.C. 703-712) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the Act has no provision for allowing an unauthorized take, it must be recognized that some birds may be killed at structures such as communications towers even if all reasonable measures to avoid it are implemented. The Service's Division of Law Enforcement carries out its mission to protect migratory birds not only through investigations and enforcement, but also through fostering relationships with individuals and industries that proactively seek to eliminate their impacts on migratory birds. While it is not possible under the Act to absolve individuals or companies from liability if they follow these recommended guidelines, the Division of Law Enforcement and Department of Justice have used enforcement and prosecutorial discretion in the past regarding individuals or companies who have made good faith efforts to avoid the take of migratory birds.

Please ensure that all field personnel involved in review of FCC licensed communications tower proposals receive copies of this memorandum. Questions regarding this issue should be directed to Dr. Benjamin N. Tuggle, Chief, Division of Habitat Conservation, at (703)358-2161, or

Jon Andrew, Chief, Division of Migratory Bird Management, at (703)358-1714. These guidelines will be incorporated in a Director's Order and placed in the Fish and Wildlife Service Manual at a future date.

Attachment

cc: 3012-MIB-FWS/Directorate Reading File
3012-MIB-FWS/CCU Files
3245-MIB-FWS/AFHC Reading Files
840-ARLSQ-FWS/AF Files
400-ARLSQ-FWS/DHC Files
400-ARLSQ-FWS/DHC/BFA Files
400-ARLSQ-FWS/DHC/BFA Staff
520-ARLSQ-FWS/LE Files
634-ARLSQ-FWS/MBMO Files (Jon Andrew)

FWS/DHCIBFAJRWillis:bg:08/09/00:(703)358-2183
S:\DHC\BFA\WILLIS\COMTOW-2.POL

Attachment

Service Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning

1. Any company/applicant/licensee proposing to construct a new communications tower should be strongly encouraged to collocate the communications equipment on an existing communication tower or other structure (e.g., billboard, water tower, or building mount). Depending on tower load factors, from 6 to 10 providers may collocate on an existing tower.

2. If collocation is not feasible and a new tower or towers are to be constructed, communications service providers should be strongly encouraged to construct towers no more than 199 feet above ground level, using construction techniques which do not require guy wires (e.g., use a lattice structure, monopole, etc.). Such towers should be unlighted if Federal Aviation Administration regulations permit.

3. If constructing multiple towers, providers should consider the cumulative impacts of all of those towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.

4. If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., State or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.

5. If taller (> 199 feet AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights. Red strobe lights have not yet been studied.

6. Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species. (For guidance on markers, see *Avian Power Line Interaction Committee (APLIC).* 1994. *Mitigating Bird Collisions with Power Lines: The State of the Art in* 1994. *Edison Electric Institute, Washington, D.C.,* 78 *pp,* and *Avian Power Line Interaction Committee (APLIC).* 1996. *Suggested Practices/or Raptor Protection on Power Lines. Edison Electric InstituteiRaptor Research Foundation, Washington, D. C;* 128 *pp.* Copies can be obtained via the Internet at http://www.eei.org/resources/pubcat/enviro/, or by calling 1-800/334-5453).

7. Towers and appendant facilities should be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint." However, a larger tower footprint is preferable to the use of guy wires in construction. Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above ground obstacles to birds in flight.

8. If significant numbers of breeding, feeding, or roosting birds are known to habitually use the proposed tower construction area, relocation to an alternate site should be recommended. If this is not an option, seasonal restrictions on construction may be advisable in order to avoid disturbance during periods of high bird activity.

9. In order to reduce the number of towers needed in the future, providers should be encouraged to design new towers structurally and electrically to accommodate the applicant/licensee's antennas and comparable antennas for at least two additional users (minimum of three users for each tower structure), unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.

10. Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.

11. If a tower is constructed or proposed for construction, Service personnel or researchers from the Communication Tower Working Group should be allowed access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.

12. Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use.

In order to obtain information on the extent to which these guidelines are being implemented, and to identify any recurring problems with their implementation which may necessitate modifications, letters provided in response to requests for evaluation of proposed towers should contain the following request:

> "In order to obtain information on the usefulness of these guidelines in preventing bird strikes, and to identify any recurring problems with their implementation which may necessitate modifications, please advise us of the final location and specifications of the proposed tower, and which of the measures recommended for the protection of migratory birds were implemented. If any of the recommended measures can not be implemented, please explain why they were not feasible."

Yolo County Habitat Conservation Plan/Natural Community Conservation Plan JPA and Bird Strike Mitigation

At the request of the County, applicant has been in contact with Maria Wong, Executive Director of the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan JPA and has discussed our participation. Applicant is committed to making the project as environmentally friendly as is practical in accordance with FCC and FAA requirements and in keeping with commitments to mitigate esthetic/visual impact on surrounding communities and will use "best practices" that are feasible in the construction of the project.

Applicant has reviewed materials provided by the US Fish and Wildlife Service, Division of Migratory Bird Management[8], Maria Wong and John McNerney, Wildlife Resource Specialist, City of Davis[9], and makes the following observations:

1. A pre-construction survey will be conducted by a qualified biologist who will determine if Burrowing owl activity exists within 300 feet of the site, and in the event any activity is found, applicant will avoid disturbance by establishing buffers, off breeding work or passive relocation. The survey will also document Swainson's hawk nests within ½ mile of the site and will avoid activities that might disturb them in accordance with recommendations.
2. Neither KMJE nor KDVS can collocate on any existing towers, however they can be collocated together on the proposed tower and with other telecommunications users to reduce the overall number of towers required now and in the future. Verizon Wireless has expressed interest in collocating on the tower once construction is complete.
3. The tower height is the lowest that can be specified under FCC regulations that will meet the criteria delineated in the Alternatives Analysis above. While the FCC will allow a much taller tower, 335 feet is the lowest feasible height that meets the objectives of 47 CFR § 73.315[10].
4. A non-guyed tower is considered not feasible due to the concerns of visual impact caused by a much wider form requiring the lower sections of the tower to be as much as 30 feet wide as opposed to the 2 foot width proposed. To mitigate bird collisions with guy wires, daytime visual markers will be placed on them if recommended by the county.
5. In accordance with FAA-required marking and lighting[11] applicant has chosen to use colored-band painting only for daytime obstruction marking, rather than medium intensity white strobe lighting that is allowed as an alternative. This complies with recommendation numbers 5 and 10 made by John McNerney.

[8] Manville, A. M. II. 2000. The ABCs of avoiding bird collisions at communication towers: the next steps. Proceedings of the Avian Interactions Workshop, December 2, 1999, Charleston, SC. Electric Power Research Institute (in press).
[9] City Council Staff Report, Subject: Yolo County referral – 28150 Mace Boulevard May 5, 2009, Attachment 10
[10] Also *See* 47 CFR §73.207, § 73.210 and § 73.211.
[11] FAA Advisory Circular AC 70/7460-1K.

ATTACHMENT C

6. Nighttime lighting is required under FAA Rules, however applicant has committed to using only state-of-the-art 'Accubeam' LED lighting[12] that emits 'light pollution' that is dramatically reduced compared to older incandescent lighting and which meets the U.S. Fish and Wildlife Services recommendations for proposed rules meeting the FCC standards regarding the protection of migratory birds[13].
7. No usable bird habitat will be lost since the area selected for the site has historically, and is still currently used as an active staging area for agricultural purposes. No trees will be removed. Road access and fencing are minimized to prevent habitat fragmentation and disturbance to birds in flight.
8. Security lighting will be down-shielded to keep light within the boundaries of the site.
9. Applicant will allow service personnel or researchers from the Communications Tower Working Group access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the tower but above the ground and to place radar, Global Positioning System, infrared, thermal imagery and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations and lighting systems.
10. If the tower is abandoned, it will be removed within 12 months.

[12] FAA Type L-864 red medium intensity beacon at 335' level and FAA Type L-810 red obstruction light at 175' Both manufactured by Dialight Corporation, 1501 Route 34, Farmingdale, NJ 07727. Specifications at www.dialight.com

[13] WT Docket No 03-187, FCC 06- 164

Alternatives Analysis

Prior to submission of this application, the applicant conducted a thorough investigation of potential locations for KMJE that met with following criteria which are federally mandated by the FCC:

1. Station is fully spaced from nearby stations so as not to cause interference to them or receive interference from them within all protected coverage contours.
2. Allow for a full-facility station on the assigned channel.
3. Provide City Grade signal coverage to the incorporated city area of Woodland, the FCC assigned City of License.

The area where all those criteria are met is depicted in Figure 2 below. Within the allowed area, it was necessary to find a land owner who was willing to allow such a facility to be built. We immediately rejected all possibilities within the incorporated city limits of Davis and the unincorporated areas of El Macero and Willowbank due to the potential visual impact. Within the remaining area, an attempt was made to contact every landowner shown in the Yolo County and Solano County Tax Assessor's offices who owned usable parcels. Only two responded with interest in such a project, and three potential sites were subsequently identified, as shown in Figure 3.

Alternative 1 is located on 157.841 acre parcel in Yolo County (APN 069-010-07) and a spot in the south-west corner was investigated. The property ultimately selected for the proposed facility site is composed of two parcels, one in Yolo County (APN 069-010-08), and a small, contiguous, triangular parcel of some 16 acres located in Solano County (APN 0110-080-020). The parcel in Solano County is identified as Alternative 2 and although this location, and the location of Alternative1 were both perfectly suitable from an engineering prospective, after consideration they were both rejected in favor of the site proposed in this application which the applicant believes is superior for these reasons:

1. Visual mitigation: The chosen site is surrounded by existing trees that help hide a close-up view of the facility from traffic on Mace Blvd. These trees, while considerably shorter than the tower, make for a much less 'stark' appearance than if the tower were located in an area with no trees at all. Both Alternatives 1 and 2 have no significant tree growth to break up the view of the facility. In addition, Alternative 1 is considerably closer to the population of Willowbank and would have a greater visual impact on the community.
2. No lost productive agricultural land: The parcel is zoned for agricultural use, however the specific area selected on the parcel has historically been used as a staging area for the agricultural operations on the rest of the property. The staging consists of vehicle parking, storage for movable irrigation equipment, pipes and various supplies. The presence of the proposed facility would have little or no impact on this use. Both Alternatives 1 and 2 are regularly used growing land, and the tower and guy wires would reduce the amount of acreage that could be productively farmed.

ATTACHMENT D

3. Less dust and mud from vehicles traveling to and from site and during construction: It is anticipated that there will be only two visits per month the facility by station personnel once construction is complete, however any mitigation of dust and tracked mud in the vicinity of Mace Blvd. during construction and subsequent use would certainly be welcomed by the community. The proposed facility site is directly adjacent to Mace Blvd, and will be accessed by a paved driveway approximately 225 feet in length. Alternative 1 requires access by way of a dirt road some 2,500 feet, and Alternative 2 would use a dirt road more than 3,000 feet in total length for access.

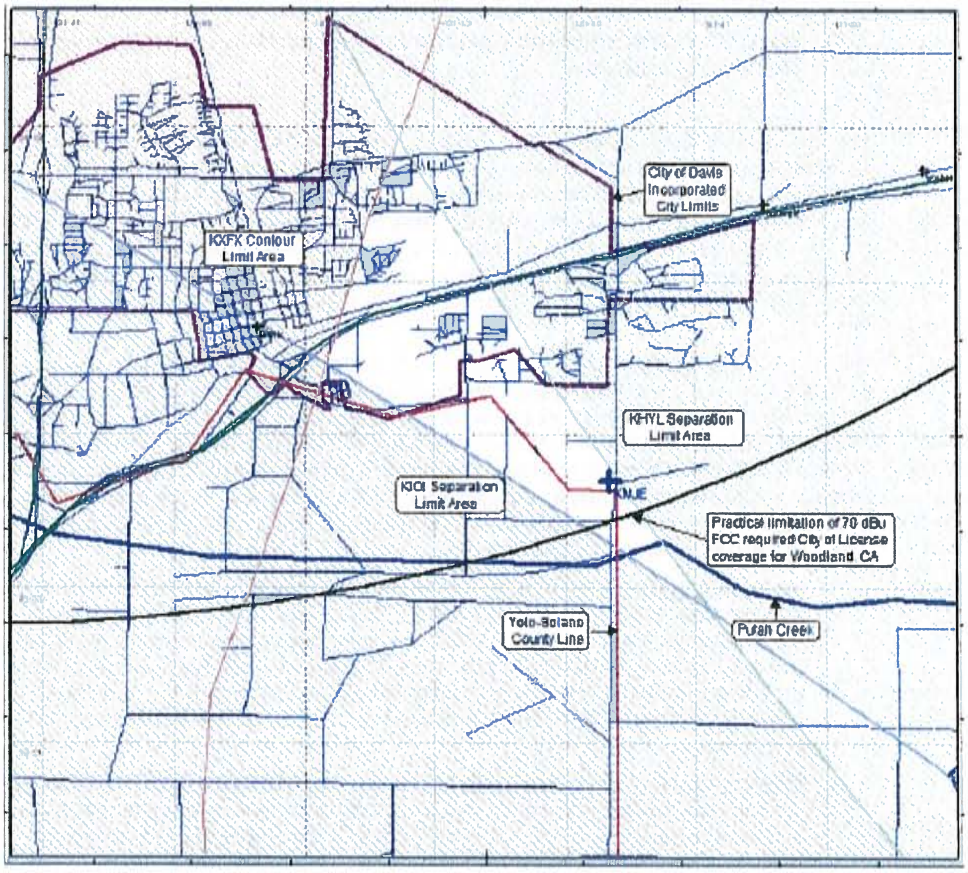


Figure 2

Unshaded area shows placement allowed by the Federal Communications Commission For the location of a full-facility FM station on 101.5 MHz licensed to Woodland, CA.

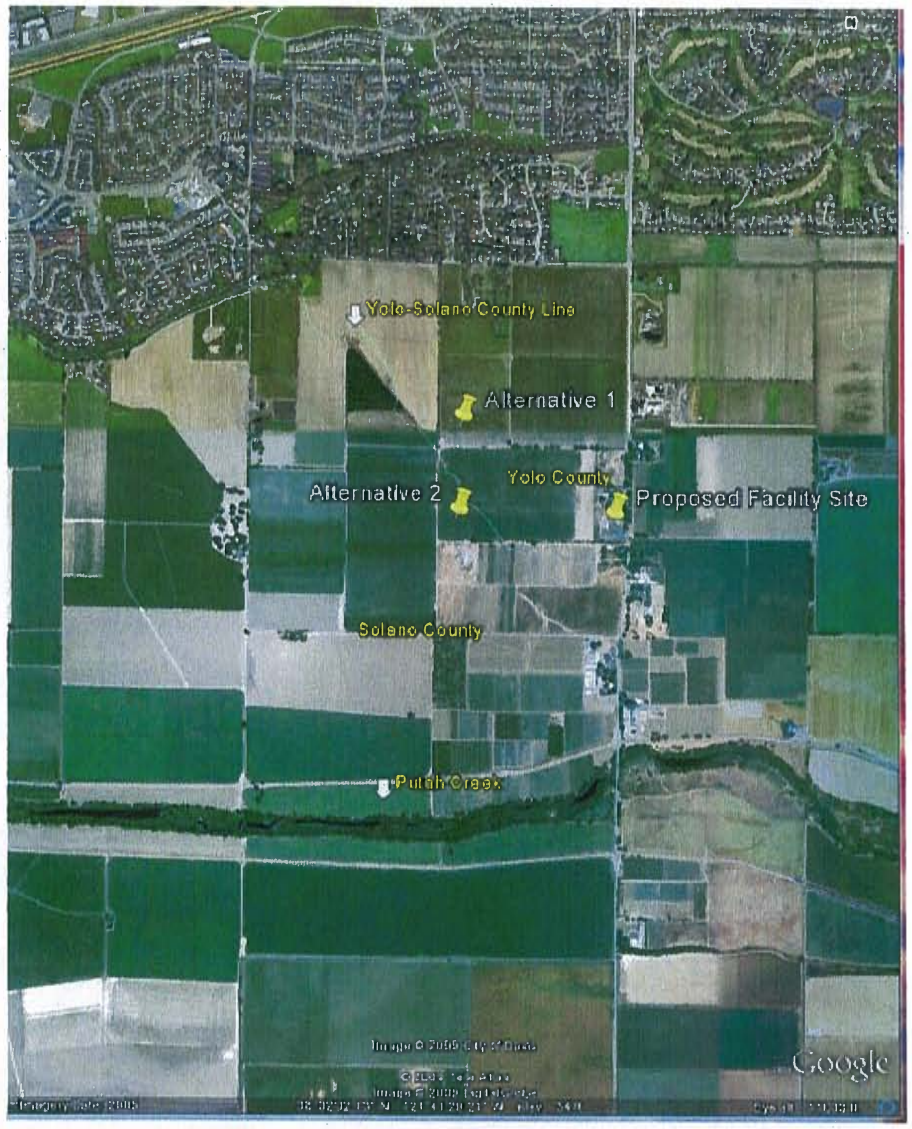
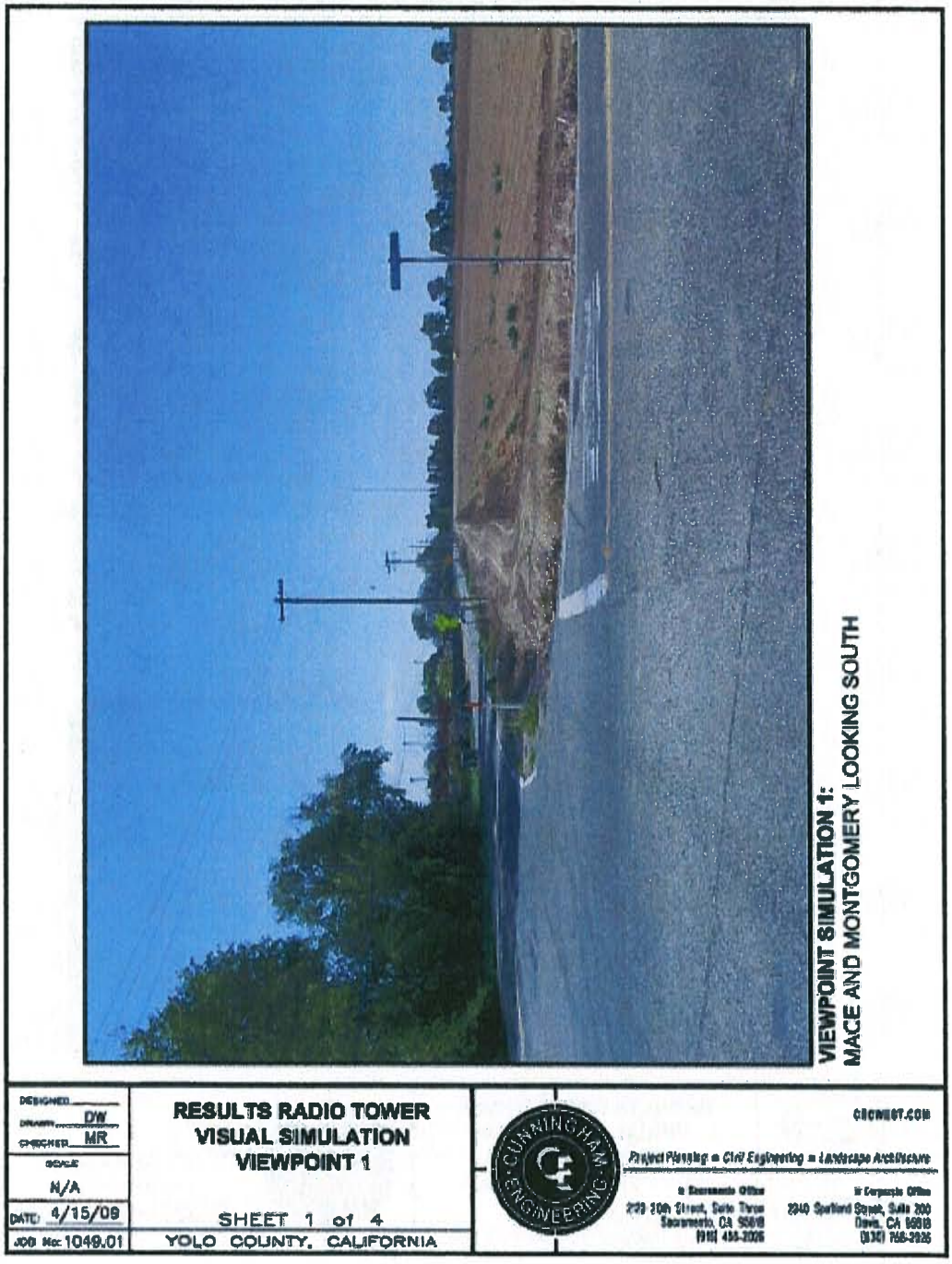
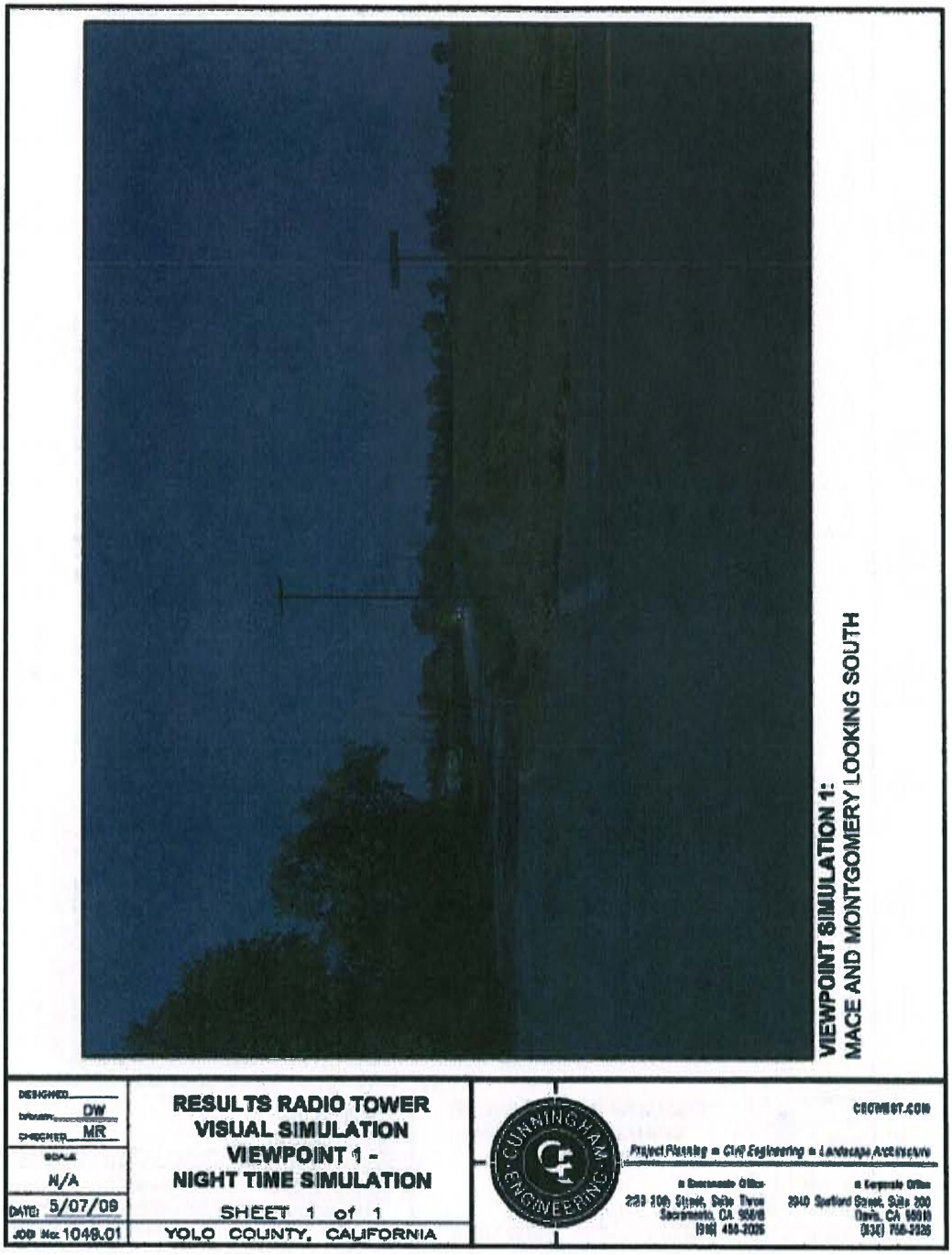


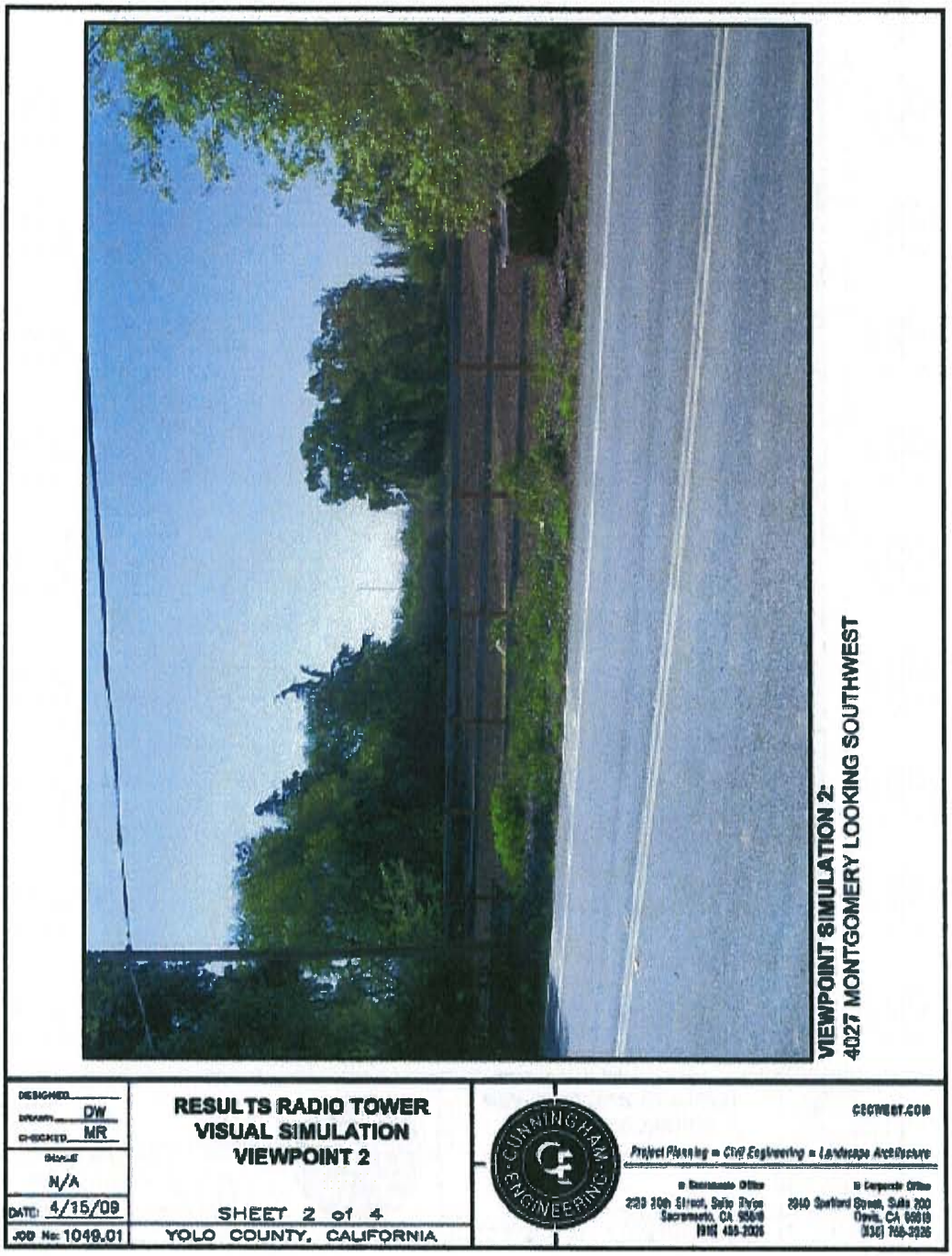
Figure 3

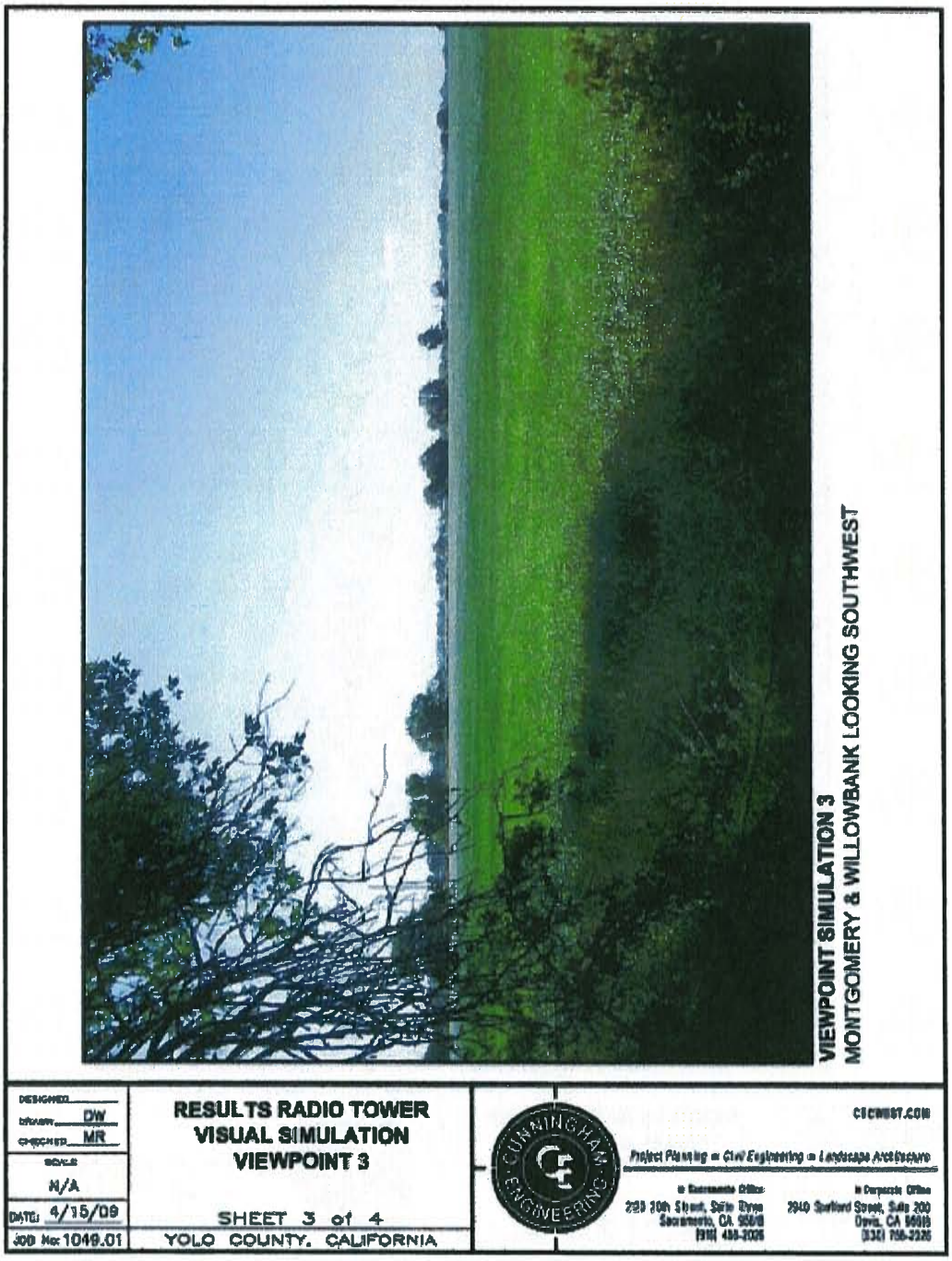
Shows locations of alternative locations considered.

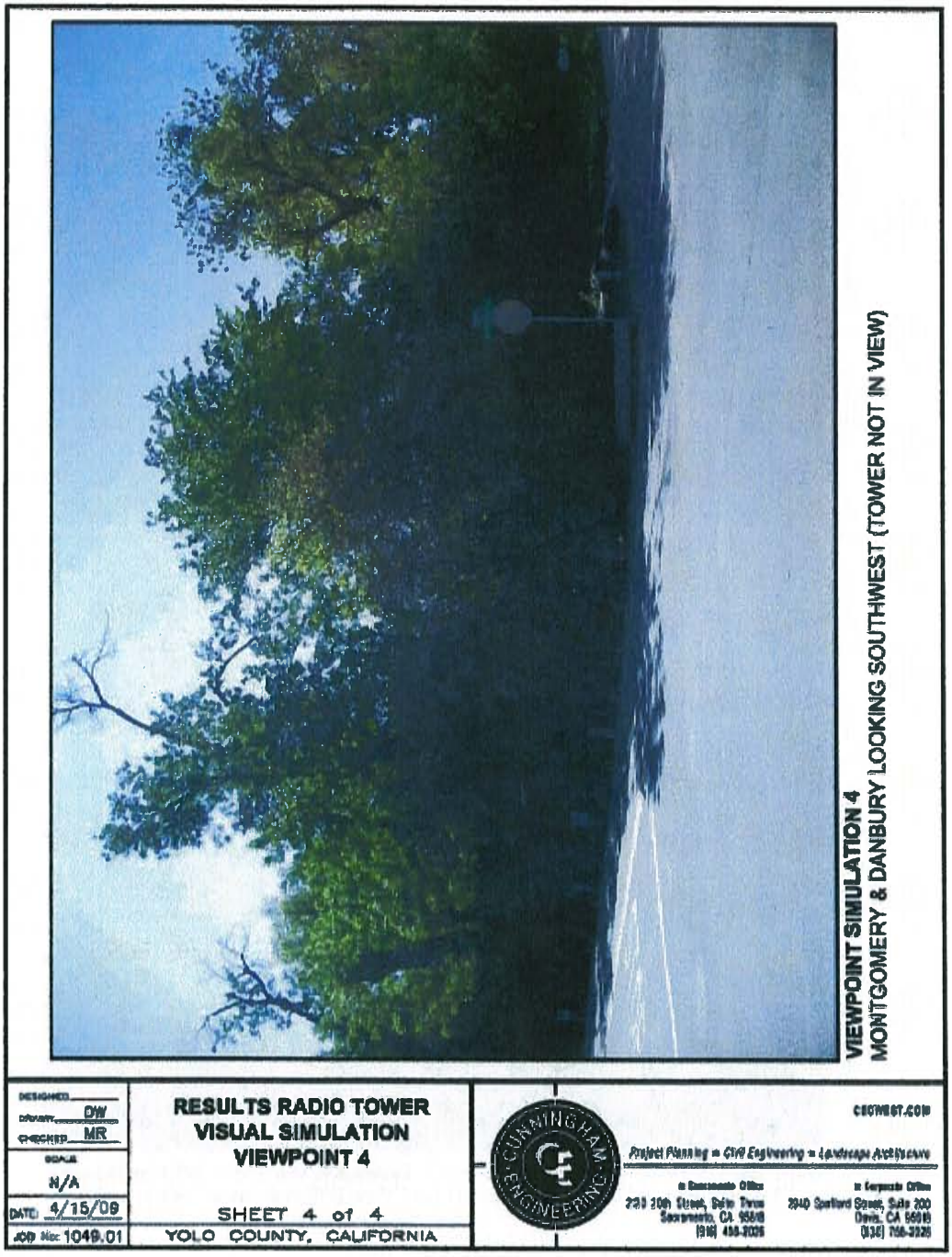
ATTACHMENT E


VIEWPOINT SIMULATION 1:
MACE AND MONTGOMERY LOOKING SOUTH
DESIGNED
DRAWN DW
CHECKER MR
SCALE
N/A
DATE: 4/15/09
JOB No: 1049.01
RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 1
SHEET 1 of 4
YOLO COUNTY, CALIFORNIA
CUNNINGHAM ENGINEERING
CECWEST.COM
Project Planning • Civil Engineering • Landscape Architecture


VIEWPOINT SIMULATION 1:
MACE AND MONTGOMERY LOOKING SOUTH
DESIGNED DW
CHECKED MR
SCALE N/A
DATE 5/07/09
JOB No. 1049.01
RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 1 -
NIGHT TIME SIMULATION
SHEET 1 of 1
YOLO COUNTY, CALIFORNIA
CUNNINGHAM ENGINEERING
CECWEST.COM
Project Planning • Civil Engineering • Landscape Architecture


VIEWPOINT SIMULATION 2:
4027 MONTGOMERY LOOKING SOUTHWEST
DESIGNED
DRAWN DW
CHECKED MR
SCALE N/A
DATE: 4/15/09
JOB No: 1049.01
RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 2
SHEET 2 of 4
YOLO COUNTY, CALIFORNIA
CUNNINGHAM ENGINEERING
CECWEST.COM
Project Planning • Civil Engineering • Landscape Architecture


VIEWPOINT SIMULATION 3
MONTGOMERY & WILLOWBANK LOOKING SOUTHWEST
DESIGNED
DRAWN DW
CHECKED MR
SCALE N/A
DATE 4/15/09
JOB No: 1049.01
RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 3
SHEET 3 of 4
YOLO COUNTY, CALIFORNIA
CUNNINGHAM ENGINEERING
CECWEST.COM
Project Planning • Civil Engineering • Landscape Architecture


VIEWPOINT SIMULATION 4
MONTGOMERY & DANBURY LOOKING SOUTHWEST (TOWER NOT IN VIEW)
DESIGNED
DRAWN DW
CHECKED MR
SCALE N/A
DATE 4/15/09
JOB No: 1049.01
RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 4
SHEET 4 of 4
YOLO COUNTY, CALIFORNIA
CUNNINGHAM ENGINEERING
CUNWEST.COM
Project Planning • Civil Engineering • Landscape Architecture
2233 20th Street, Suite Three
Sacramento, CA 95818
(916) 448-2035
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 756-2325

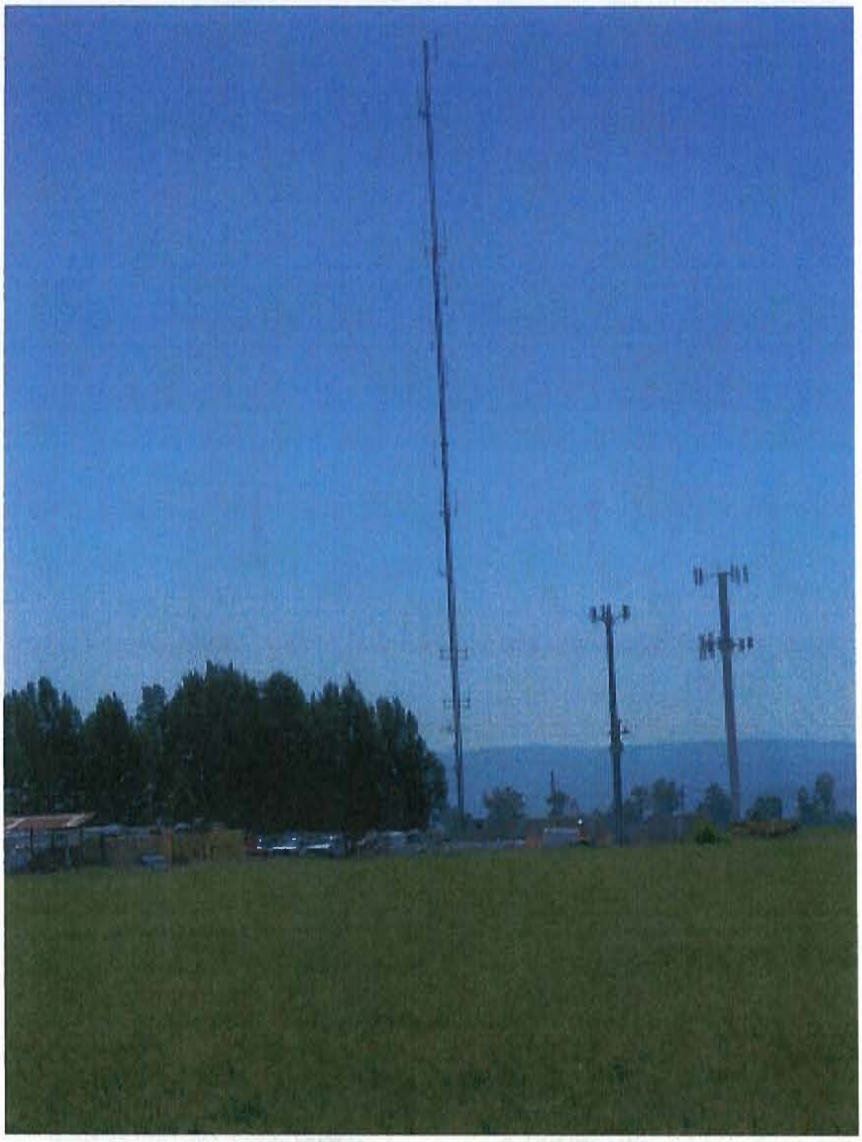
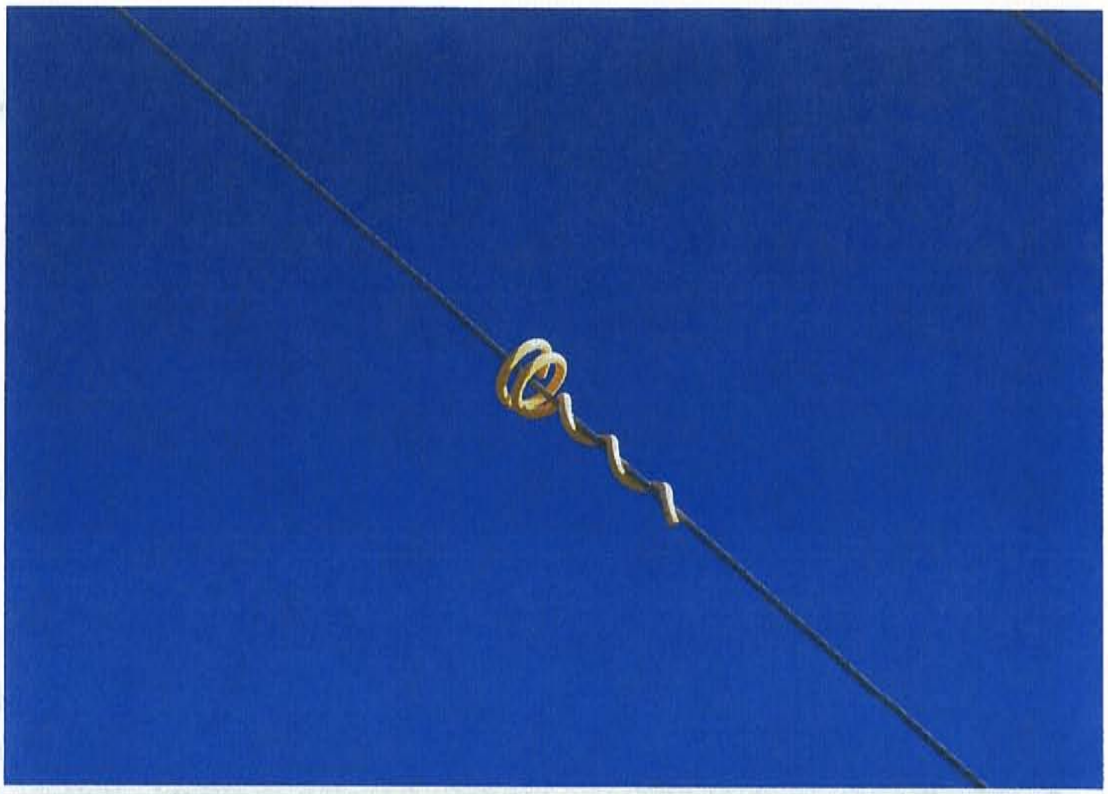
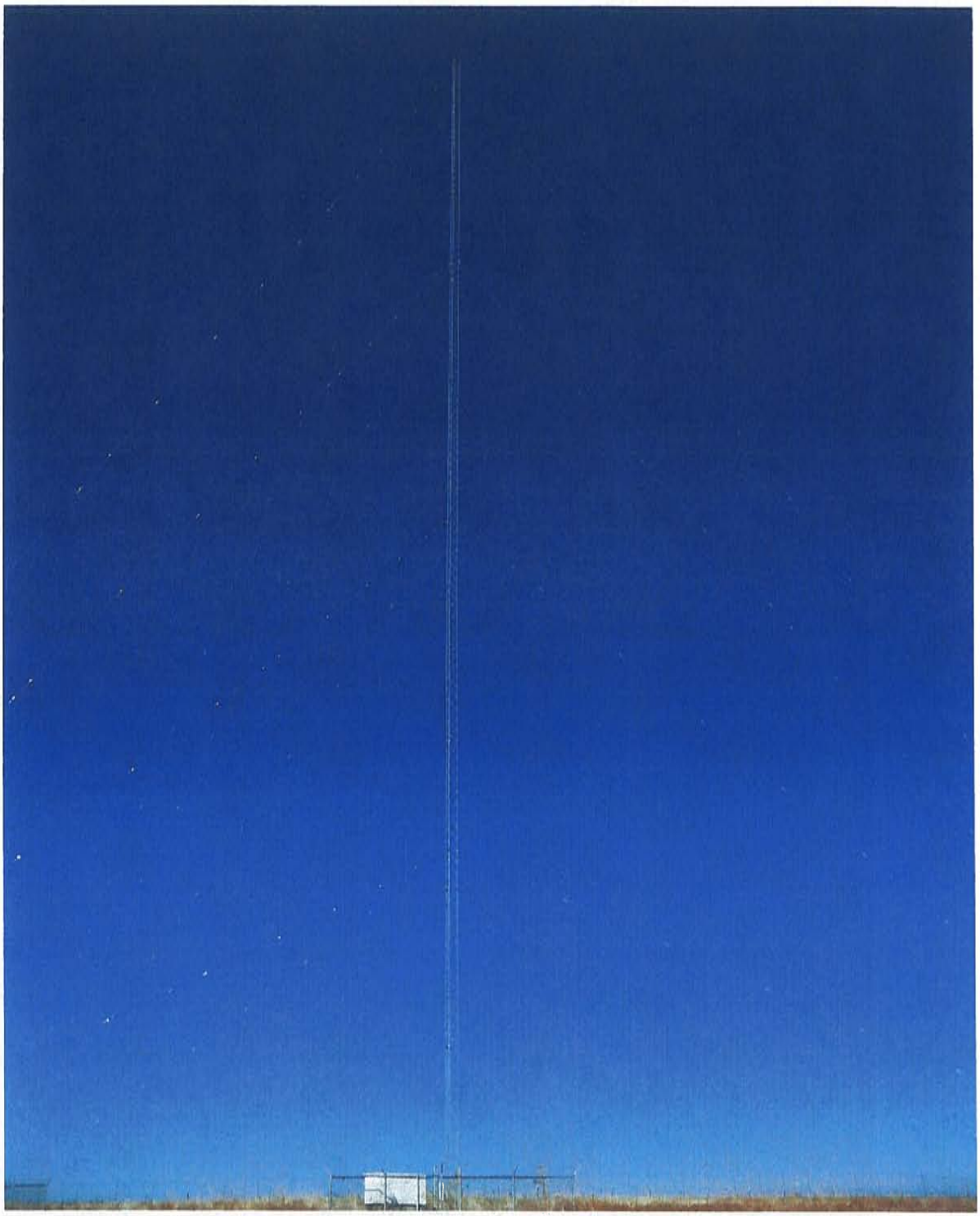


Photo taken by Davis Community Development Department of a similar 300' tower near the Pedrick Road exit of Highway 80 near Dixon. View is from the north, looking south.



ATTACHMENT F



Example of guy wire markers on a tower in Sacramento County. Photo taken at a distance of 150-feet. (Photo provided by applicant)

ATTACHMENT D

PPW PRE-APPLICATION RESPONSE LETTER

County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8156
www.yolocounty.org

February 6, 2009

Attn: Robert Castro
Results Radio of Sacramento, LLC
1355 N. Dutton Ave., Suite 225
Santa Rosa, CA 95401

Re: Zone File #2009-001 (Pre-application for a broadcast tower)

Dear Mr. Castro:

Yolo County has completed its review of your pre-application as submitted on January 5, 2009. The following is a summary of comments received from county and local agencies during the comment review period. These comments are applicable should you choose to submit a formal application to the county for a use permit.

Planning Division: In addition to the standard application requirements for a use permit, we respectfully request detailed photo simulations (both daytime and nighttime) of the broadcast tower at the time of submittal of a formal application. Simulations should display the visual impact from up close and at a significant distance.

Currently the project site (APN: 069-010-08) is located in flood zone "C", as designated by the Federal Emergency Management Agency (FEMA), and is not subject to 100-year or 500-year flood flows. However, the recent preliminary Flood Insurance Rate Maps received from FEMA indicate that the subject property will be in flood zone "A" (areas subject to 100-year flood flows). It is anticipated that these preliminary maps will take effect December 19, 2009. All new construction must be raised at least one foot above the base flood elevation and must meet all other applicable building requirements for construction in a flood zone.

The Willowbank Community Service Area Advisory Committee, which covers a residential subdivision consisting of 87 acres and 115 homes that is adjacent to the City of Davis and borders Montgomery Avenue on the south, has expressed significant interest in the aesthetic impacts of a broadcast tower. As you move forward with the application process, it may be beneficial to work with the committee to discuss potential impacts.

Building Division: After approval of the use permit, the applicant shall obtain building permits for all structures (submit completed permit application, 6 sets of construction drawings, structural calculation, etc.).

Public Works Division: Applicant shall install an asphalt driveway connection to Mace Boulevard per county improvement standards.

Maria Wong, Executive Director of the Yolo County Habitat/Natural Community Conservation Plan JPA: Applicant will be responsible for mitigating for the loss of Swainson's hawk habitat through participation in the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The applicant shall either 1) pay a Swainson's hawk mitigation fee for the area disturbed by development or 2) implement another project specific mitigation plan which is deemed appropriate to the California Department of Fish and Game. The fee is currently set at $8,660 per acre and is subject to change. Also, in an effort to reduce bird strikes, the applicant shall consult Maria Wong to determine appropriate design and color criteria for the tower. Please contact Maria Wong at (530) 406-4885, or e-mail at maria.wong@yolocounty.org for more information.

City of Davis Community Development Department: Before the county can accept a formal application for a use permit, the applicant must gain approval from the City of Davis since the project is within the "Pass-Through Agreement" boundary. Please contact the City of Davis Community Development Department for submittal requirements and fee details (530-757-5610).

PG&E: Please find attached the maps and documents from PG&E.

Should you decide to proceed with a formal application for a use permit, those fees collected at pre-application will be applied upon formal application submittal ($371 remain in work order account #5144).

If you have any further questions with regard to this matter, I may be reached at (530) 666-8036 or jeff.anderson@yolocounty.org. If you would like to schedule a meeting to discuss your pre-application, please let me know.

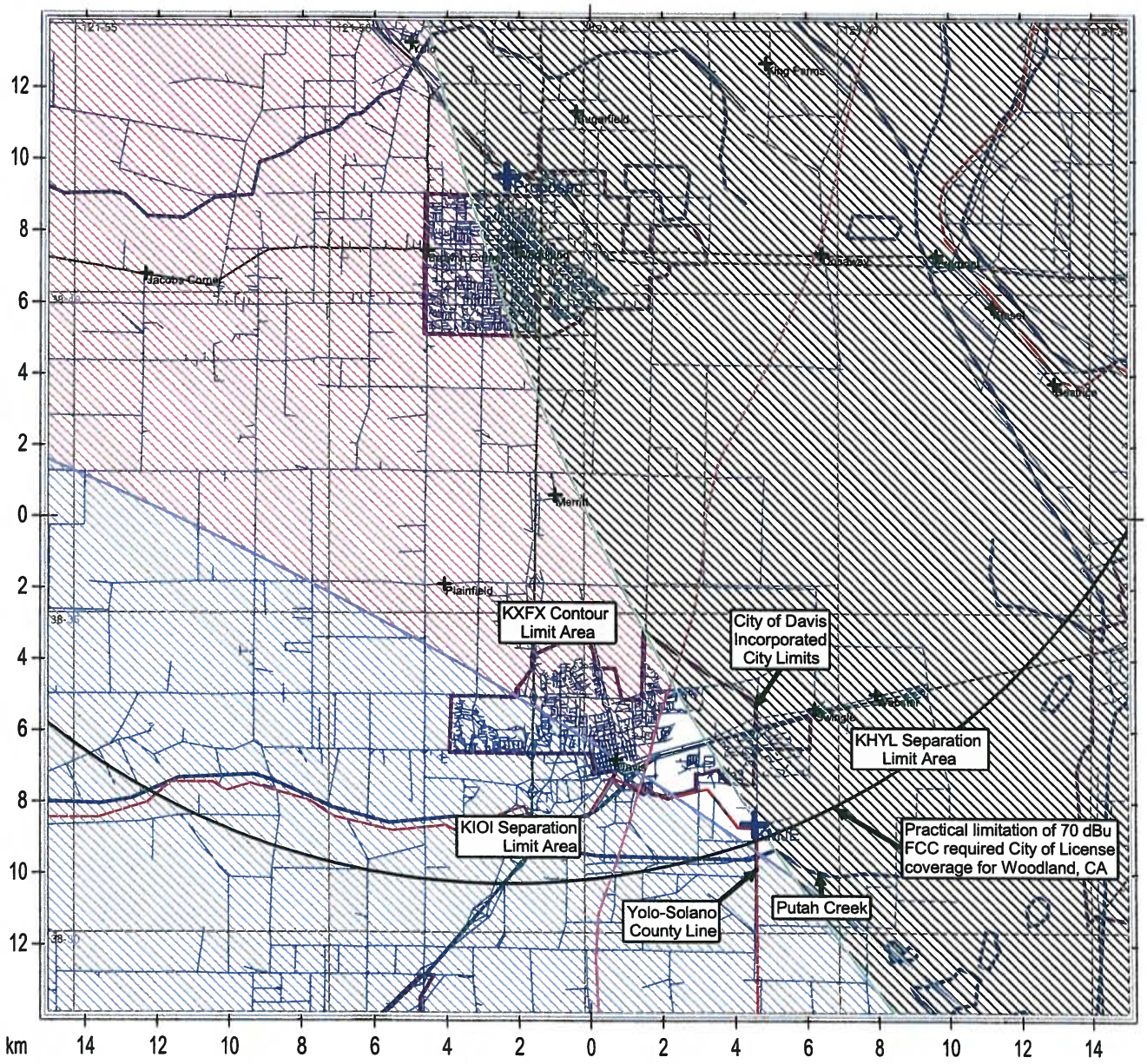
Sincerely,

Jeff Anderson
Assistant Planner

ATTACHMENT E

FEDERAL COMMUNICATION COMMISSION LOCATION LIMITS

Unshaded area depicts FCC location limits for full-facility Class A FM station



KMJE 101.5 MHz, 6 kW @ 100 m HAAT

County Borders | State Borders | City Borders | Highways | Water Features | Streets | Lat/Lon Grid

Map Scale: 1:175502 1 cm = 1.76 km V|H Size: 27.76 x 30.02 km

ATTACHMENT F

VISUAL SIMULATIONS

SIMULATION VIEWPOINT LOCATIONS

Results Radio Tower
Yolo County, California

1800 900 0 1800

SCALE: 1" = 1800'

1 Simulation Viewpoint Location and Direction of View

CEQWEST.COM

Project Planning • Civil Engineering • Landscape Architecture

Sacramento Office
2420 20th Street, Suite 200
Sacramento, CA 95818
(916) 448-3229

Davenport Office
2840 Spotted Street, Suite 200
Davenport, CA 95017
(831) 786-1026

CUNNINGHAM ENGINEERING

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT LOCATIONS EXHIBIT

YOLO COUNTY CALIFORNIA

DESIGNED
DRAWN DW
CHECKED MR

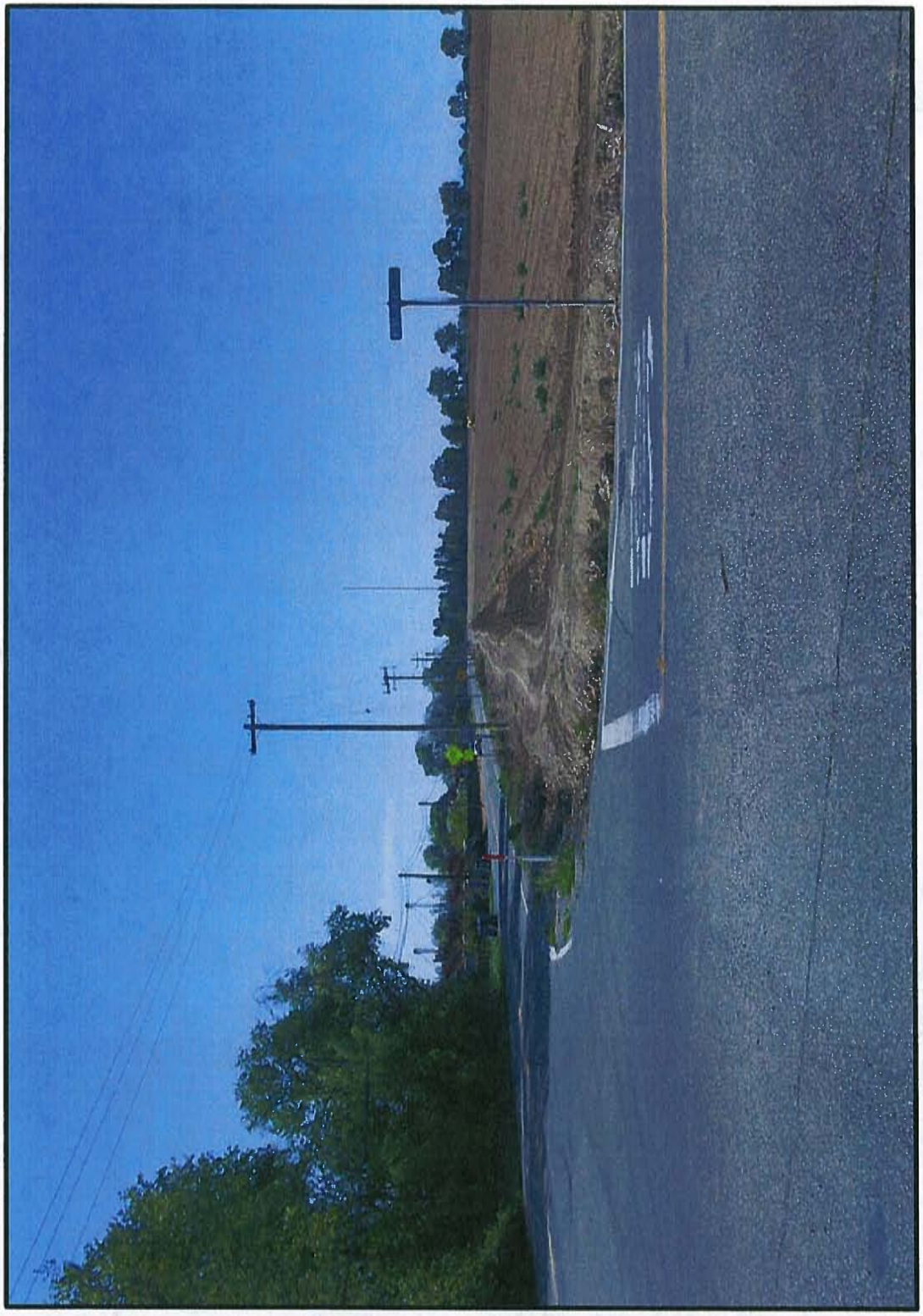
SCALE
1" = 1800'

SHEET
1
OF
1

DATE: 11/20/09

JOB No: 1049.01

S:\Projects\1000\1049 Results Radio Tower\AutoCAD\EXHIBITS\1049-01-Results_Radio_Viewpoints_Exhibit.dwg - 11x17 11/19/2009 - 3:11PM Plotted by: dsnw



VIEWPOINT SIMULATION 1:
MACE AND MONTGOMERY LOOKING SOUTH

DESIGNED
DRAWN DW
CHECKED MR

SCALE
N/A

DATE: 11/20/09

JOB No: 1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 1

SHEET 1 of 10

YOLO COUNTY, CALIFORNIA

CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026

VIEWPOINT SIMULATION 2:
4027 MONTGOMERY LOOKING SOUTHWEST

DESIGNED	**RESULTS RADIO TOWER VISUAL SIMULATION VIEWPOINT 2**	CUNNINGHAM ENGINEERING
DRAWN DW		CECWEST.COM
CHECKED MR		*Project Planning ■ Civil Engineering ■ Landscape Architecture*
SCALE N/A		■ Sacramento Office: 2120 20th Street, Suite Three, Sacramento, CA 95818, (916) 455-2026 ■ Corporate Office: 2940 Spafford Street, Suite 200, Davis, CA 95618, (530) 758-2026
DATE: 11/20/09	SHEET 2 of 10	
JOB No: 1049.01	YOLO COUNTY, CALIFORNIA	

S:\Projects\1000\1049 Results Radio Tower\AutoCAD\EXHIBITS\1049-01-Results_Radio_Viewpoints_Exhibit.dwg - View_2 11/19/2009 - 3:13PM Plotted by: danw

VIEWPOINT SIMULATION 3
MONTGOMERY & WILLOWBANK LOOKING SOUTHWEST

DESIGNED	
DRAWN	DW
CHECKED	MR
SCALE	N/A
DATE:	11/20/09
JOB No:	1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 3

SHEET 3 of 10

YOLO COUNTY, CALIFORNIA

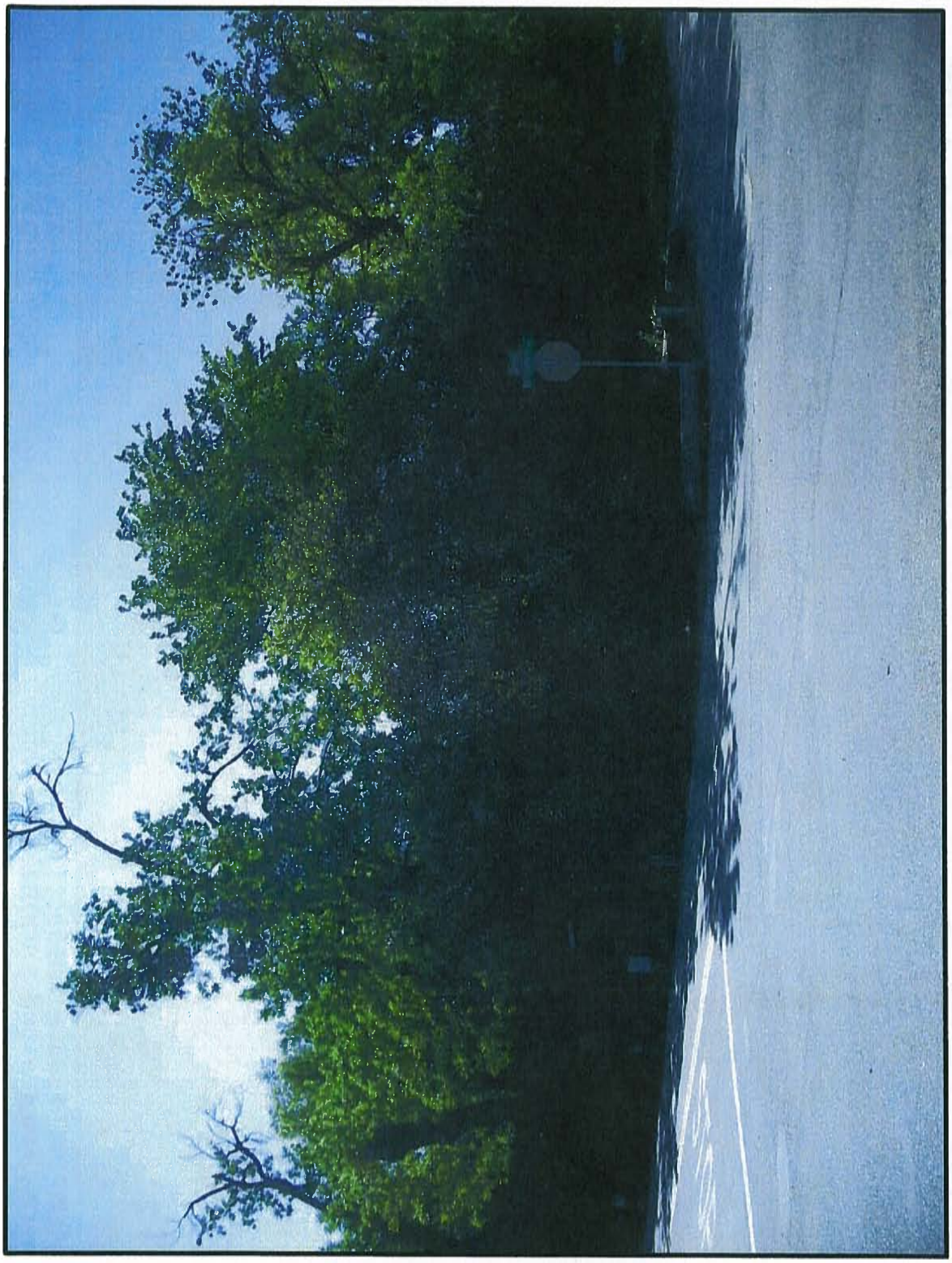
CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026



VIEWPOINT SIMULATION 4
MONTGOMERY & DANBURY LOOKING SOUTHWEST (TOWER NOT IN VIEW)

DESIGNED
DRAWN DW
CHECKED MR

SCALE
N/A

DATE: 11/20/09

JOB No: 1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 4

SHEET 4 of 10

YOLO COUNTY, CALIFORNIA

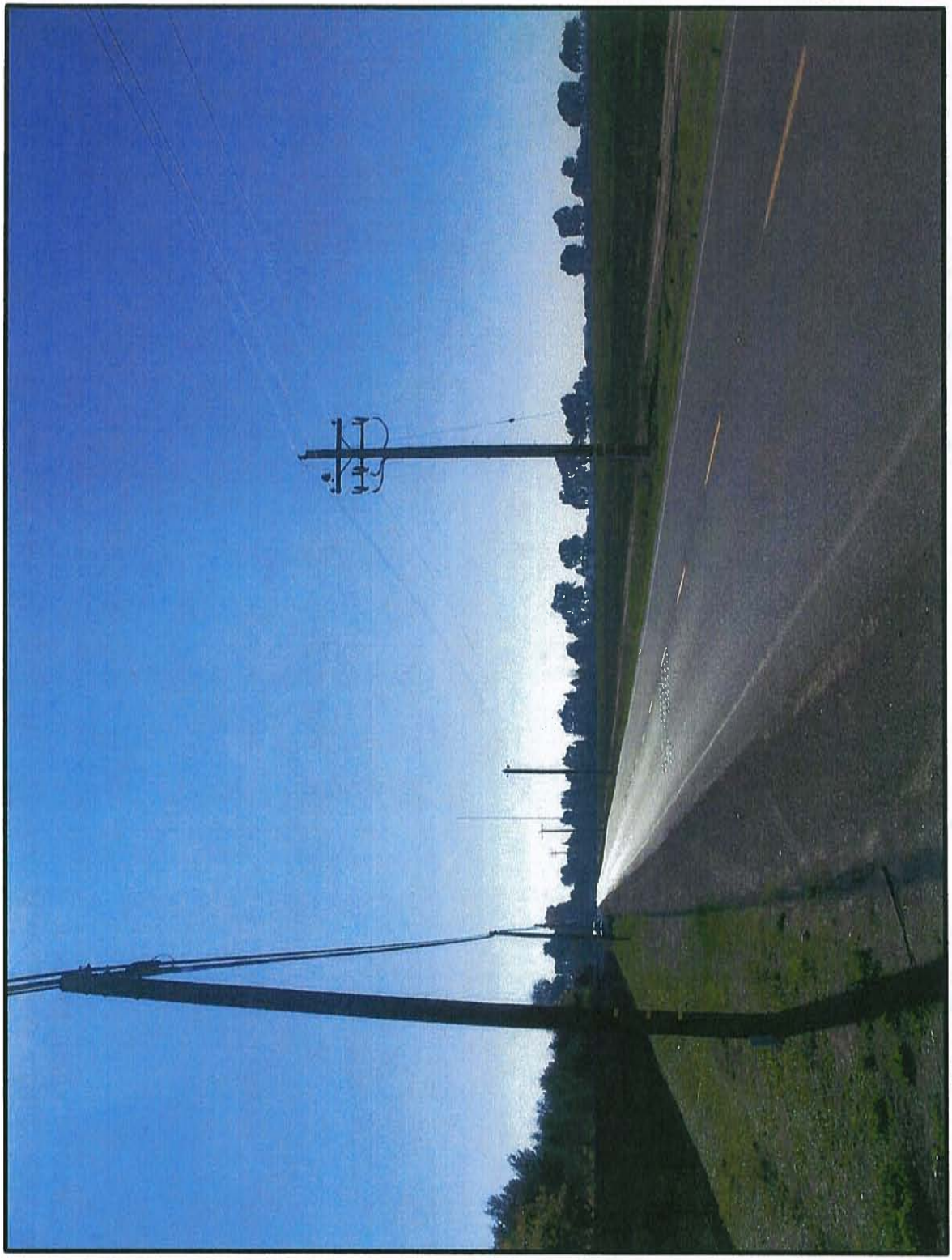
CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026



VIEWPOINT SIMULATION 5
ALONG MACE LOOKING SOUTH

DESIGNED	
DRAWN	DW
CHECKED	MR
SCALE	N/A
DATE:	11/20/09
JOB No:	1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 5

SHEET 5 of 10

YOLO COUNTY, CALIFORNIA

CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026

VIEWPOINT SIMULATION 6
ALONG MACE (AT SIERRA SOD) LOOKING SOUTH

DESIGNED	
DRAWN	DW
CHECKED	MR
SCALE	N/A
DATE:	11/20/09
JOB No:	1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 6

SHEET 6 of 10

YOLO COUNTY, CALIFORNIA

CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026

VIEWPOINT SIMULATION 7
ALONG ROAD ON ADJACENT PROPERTY LOOKING WEST

DESIGNED	
DRAWN	DW
CHECKED	MR
SCALE	N/A
DATE:	11/20/09
JOB No:	1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 7

SHEET 7 of 10

YOLO COUNTY, CALIFORNIA

CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026

VIEWPOINT SIMULATION 8
ALONG MACE LOOKING NORTH

DESIGNED	
DRAWN	DW
CHECKED	MR
SCALE	N/A
DATE:	11/20/09
JOB No:	1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 8

SHEET 8 of 10

YOLO COUNTY, CALIFORNIA

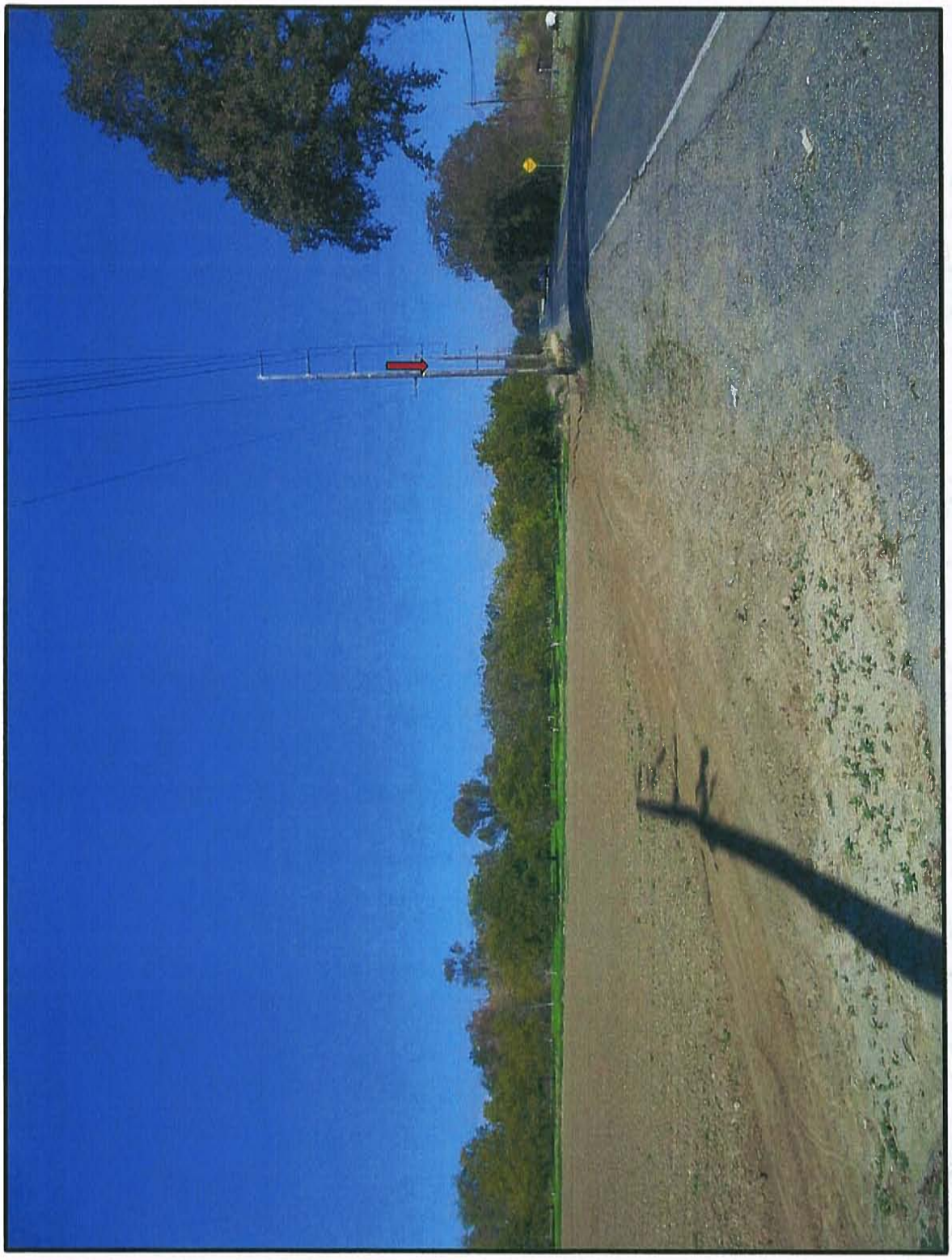
CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026



VIEWPOINT SIMULATION 9
ALONG MACE LOOKING NORTH

DESIGNED	
DRAWN	DW
CHECKED	MR
SCALE	N/A
DATE:	11/20/09
JOB No:	1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 9

SHEET 9 of 10

YOLO COUNTY, CALIFORNIA

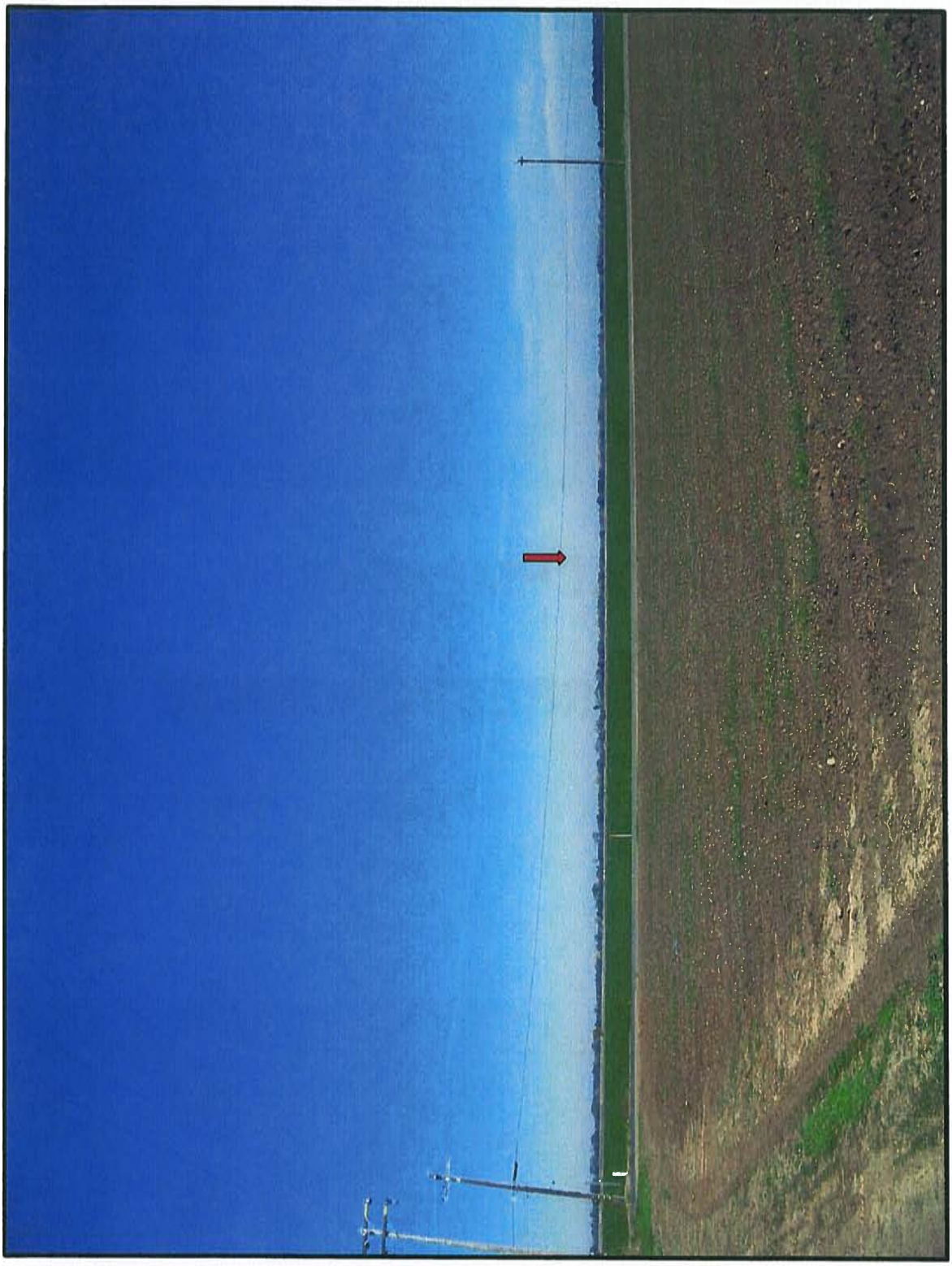
CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026



VIEWPOINT SIMULATION 10
TREMONT & BULKLEY LOOKING NORTHEAST

DESIGNED	
DRAWN	DW
CHECKED	MR
SCALE	N/A
DATE:	11/20/09
JOB No:	1049.01

RESULTS RADIO TOWER
VISUAL SIMULATION
VIEWPOINT 10

SHEET 10 of 10

YOLO COUNTY, CALIFORNIA

CUNNINGHAM ENGINEERING

CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Corporate Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026

ATTACHMENT G

PUBLIC CORRESPONDENCE

WOODLAND
CHAMBER OF COMMERCE

August 28, 2009

Yolo County Planning Commission
David Morrison
292 W. Beamer Street
Woodland, CA 95695

Dear Planning Commission Members,

The Business Issues Committee of the Woodland Chamber of Commerce heard a presentation from Results Radio LLC regarding a proposed radio tower in the southeast portion of Yolo County. Following the presentation a recommendation was made to ask the Chamber Board of Directors to support the towers location.

The full service FM broadcast station will bring many benefits to the citizens of Woodland and the surrounding area. Upon completion of the tower, a local station will be in place which will put our county on the waves; and on the map which will be a benefit to many! Additional positive remunerations include the station being a full participant in the Emergency Alert System (EAS), KDVS - University of California, will be using the tower for transmission; as well as Verizon Wireless, which will afford better coverage for those cell phone users.

The Woodland Chamber Board of Directors voted unanimously to support this project. Thank you for your considering.

Sincerely,

Janet Carrere, Pres.
1st Northern Bank

Jim Hilliard, 1st VP
State Farm Insurance

Tom Galeazzi, 2nd VP
Edward Jones Co.

Christina Blackman, IPP
Yolo Federal Credit Union

Sarah Robinson, CFO
PremeierWest Bank

Kristy Wright, CEO
Woodland Chamber

Barbara Butterfield
PG& E

Phil Hogan
USDA/RCD

cc: Results Radio LLC

Jeff Anderson

From: Teresa Brooks Tanin [tbrooks@capoil.com]
Sent: Monday, November 09, 2009 11:45 AM
To: Jeff Anderson
Subject: RE: ZF# 2009-001 Radio Tower 28150 Mace Blvd. APN 069-010-08

Thank you for the information, however, *no photos were taken from our drive way or front porch just kiddie-corner across the street from the proposed tower location and within a short distance from the site.*

We respectfully request that "alternative 2" be selected.

Where the tower if proposed now would be the first thing you would see before turning into our drive way.
Our family turned this down two years ago because of where they might put the tower and thought of our neighbors at the time---including Mr. John Martin---
"alternative 2" I believe from the site maps would be away from homes and not just off Mace Blvd.

Please take note that we oppose the proposed location directly on Mace Blvd. as it is too close to our residence.

Thank you.

Teresa Brooks for Betty Brooks & Family & Brooks Family Ranch 28287 Mace Blvd.
530-400-8526

Elisa Hough
2733 Donner Way
Sacramento, CA 95818

Jeff Anderson
Yolo County Planning and Public Works
292 W. Beamer St.
Woodland, CA 95695

November 25, 2009

SUBJECT: KDVS transmitter

To Mr. Anderson,

I am writing in support of moving the KDVS transmitter to a new location off Mace Boulevard. While the current location on Kerr Hall is suitable for our role as merely a "college station," KDVS is more than just that. KDVS is a *community* station, home to 200+ volunteers and employees, an estimated half of which are non-student community members from Yolo, Sacramento and surrounding counties. KDVS' broadcast serves the entire Davis community, plus Sacramento, Woodland, Fairfield, the foothills and beyond.

This coverage can only be secured for the future with a new location for our transmitter. With constant renovations on campus, including Kerr Hall, our current location is not guaranteed for the future. A new location will further establish our role in the Davis community.

KDVS strives to be a resource for the city and its surrounding cities. We play local music, promote local events, establish sponsorships with local businesses, highlight notable local people, offer volunteer and internship opportunities for local students, and the list goes on. We have also partnered with the Davis Business Association for entertainment at events. KDVS has earned a permanent place for the transmitter in Yolo County.

Furthermore, I want to stress that coverage beyond Davis is crucial. After living in Davis and working at KDVS for five years, I recently moved to Sacramento. KDVS has a huge listenership here, but our current coverage is spotty. Since KDVS organizes many concerts in Sacramento, it's important that our signal can reach this population. And it breaks my heart to turn on my radio and - even though I'm only 15 miles away - get static.

In closing, KDVS deserves a new location for the transmitter that will allow greater and stronger coverage, and our 46 years of serving the community has proven it. Thank you for your consideration.

Sincerely,
Elisa Hough
KDVS Publicity Director 2006-2009
DJ and volunteer for life

David Ewing
27301 East El Macero Drive
El Macero, CA 95618

November 29, 2009

Sent via Email

Mr. David Morrison
Yolo County Building and Planning Services
292 West Beamer Street
Woodland CA 95696

Re: Proposed 330 foot tall Results Radio, LLC Broadcast Tower on Mace Boulevard

Dear Mr. Morrison:

I attended the Willowbank County Service Area Advisory Committee meeting held on November 23, 2009 to learn more about the proposed Results Radio Tower. As you may have heard, the Mace Fire Station was filled with homeowners from this part of the County who also wanted to learn more about this highly visible orange/white 330' tower and express their concerns to elected and appointed officials and County staff in attendance.

I have the following questions for Yolo County Planning Staff and Commissioners:

1. How can a commercial tower of this magnitude be constructed and operated on land that is zoned A1? Is this proposed tower consistent with the County of Yolo General Plan and Zoning Code? If so, please explain how it is possible to allow a purely commercial facility that is not even remotely agriculturally related on agricultural land that is zoned A1.

2. Will the Planning Department meet all of its California Environmental Quality Act (CEQA) compliance study obligations and specifically require a full Environmental Impact Review (EIR) that will include such concerns as:
   - Loss if birds, owls, ducks and geese killed when flying into any one of the 15 or more guy wires which extend to a 550 ft. circle around the tower base.
   - Light pollution from a beacon that flashes 40 times per minute 24/7 and flashes brighter during daylight hours.
   - Electromagnetic radiation from tower operations and its impact on humans who live near the tower.
   - Impact to possible wetlands or sensitive habitat during construction and maintenance of tower.

   Public agencies are entrusted with CEQA compliance and related EIR's. I trust the County Planning staff will diligently study all possible environmental impacts which may result from the construction, operation and maintenance of this tower.

3. Has Results Radio evaluated the impact, if any, to its tower from the nearby Doplar Radar Tower? Local residents say that the Doplar Radar Tower appreciably disrupts the satellite reception for TV and Internet in this same area.

4. Has the County factored in the loss of revenue from devalued residential property within in view of this tower? This would include homes along Mace Blvd, Willowbank and El Macero. You can be assured there will be many homeowners who will ask for a new assessment of their home's value in calculating property taxes owed. There is no question that a home's value will depreciate if the tower and beacon light are visible from the home. Why would anyone want to buy a home and see an orange/white tower blinking 24/7 from their home?

5. Have all other possible tower locations which have less impact on existing residences been evaluated by the County? The County Landfill was suggested as a possible site that will still meet most of Results Radio and FCC needs. The County could also realize a new revenue source if the tower is located on County land. Of course, all locations would have to the same CEQA study requirements.

I close with a reminder of the County Planning Department's Mission Statement as posted on your website which states:

We work with people to protect agriculture, sustain environmental integrity, secure public safety, and enhance the development of distinctive communities, by ensuring the fair, open, and efficient implementation of the General Plan. The Planning Department is charged with implementing local, state and federal policy related to development, land division and related land use processes. Individual development proposals are reviewed for consistency with the County of Yolo General Plan and Zoning Code, California Environmental Quality Act (CEQA), Subdivision Map Act and other State and Federally enacted legislation. Additionally, the Planning Department is responsible for coordinating the dissemination of the above referenced information to the general public, developers and their agents, public officials and governmental agencies.

I thank you in advance for your diligent and complete study of this proposed tower and living up to the spirit of your Mission Statement. Please provide a copy of this letter to each Planning Commissioner no later than December 4, 2009 so they will have an opportunity to read before their next regular scheduled Commissioners Meeting.

Sincerely,

David B. Ewing

Copy via Email to: Mr. Jeffrey Anderson

ADVISORY COMMITTEE OF THE
WILLOWBANK COUNTY SERVICE AREA

43136 MONTGOMERY AVENUE

DAVIS, CALIFORNIA 95618

November 30, 2009

Jeff Anderson
Assistant Planner
Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, CA 95695

Re: Initial Study/Mitigated Negative Declaration Zone File No. 2009-001 – Results Radio, LLC Radio Broadcast Tower Use Permit – November 5, 2009

Dear Mr. Anderson:

By way of introduction, the Willowbank County Service Area is the 87-acre residential area to the south of the City of Davis which has Drummond Avenue as its western boundary, Montgomery Avenue as its southern boundary and the City limits as its northern and eastern boundaries. As explored in greater detail in the discussion that follows, the Willowbank County Service Area Advisory Committee has reviewed the Initial Study/Mitigated Negative Declaration (the "IS/MND") that has been prepared to analyze the environmental impacts of the proposed use permit to construct a 335-foot high radio broadcast tower (the "Proposed Project") and has found it to be seriously flawed for the following reasons:

- The IS/MND erred in finding the Proposed Project to be consistent with existing County zoning (IS/MND at p. 26).

- The IS/MND erred in finding that the impacts of the Proposed Project to the existing visual character or quality of the site and its surroundings are less than significant with Mitigation Measure AES-1 requiring tree and plant screening at selected locations along the project boundary (IS/MND at p. 14).

- The IS/MND erred in its finding that the Proposed Project's impacts with respect to the loss of Swainson's hawk habitat can be mitigated to a less than significant level through Mitigation Measure BIO-1 requiring, in the alternative: (i) participation in a non-existent Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (the "HCP/NCCP") in the event the HCP/NCCP is adopted before development occurs; or (ii) either payment of a Swainson's hawk mitigation fee or implementation of another unspecified project specific mitigation plan deemed appropriate by the California Department of Fish and Game (IS/MND at p. 18).

- The IS/MND erred in its findings that the Proposed Project's impacts with respect to daytime and nighttime bird strikes can be mitigated to a less than significant level through Mitigation Measure BIO-4 requiring that supporting guy wires shall be marked with an industry-accepted visual marker (IS/MND at p. 20).

- The IS/MND erred in failing to address the Proposed Project's compliance with FCC requirements regarding electromagnetic radiation (IS/MND at p. 5).

- The IS/MND erred in failing to adequately explore alternatives for collocating the antenna elements on existing towers or the tower itself in proximity to other towers (IS/MND at p. 4).

The last deficiency of the IS/MND -- the failure to adequately evaluate alternatives -- is of particular note in that public policy strongly favors collocation and a much more aggressive effort in this regard than is reflected in the IS/MND.

1. Zoning Issues. A fundamental finding of the IS/MND is that the use permit would not conflict with any applicable zoning ordinance. (See Section X at p. 26 of the IS/MND.) We believe that such finding is erroneous. (All references below to code sections are to the Yolo County Code.)

The site of the proposed tower is in an Agricultural General Zone (A-1). The Yolo County Code (the "Code") explicitly describes the uses that are allowed pursuant to both minor use permits and major use permits for land that is zoned A-1. Such allowed uses do not include the proposed radio broadcast tower. (See Section 8-2.604 and 8-2.604.5.) It should also be noted that the Planning Commission has the discretionary authority to permit uses in addition to those specified in the Code in some zones, such as the Community Commercial Zone (C-2), the General Commercial Zone (C-3), the Limited Industrial Zone (M-L), the Light Industrial Zone (M-1) and the Heavy Industrial Zone (M-2). (See Sections 8-2.1304(r), 8-2.1402(r), 8-2.1604(g), 8-2.1702(x), 8-2.1802 (at), respectively.) However, the Planning Commission does not have discretionary authority to permit unspecified uses in an Agricultural General Zone (A-1). In short, radio broadcast towers are not a permitted land use, either conditionally by use permit or otherwise, in the Agricultural General Zone (A-1).

Our understanding is that the IS/MND finding that the Proposed Project is consistent with the County zoning ordinances is based not on the sections of the Code governing permitted land uses within the Agricultural General Zone (A-1), but rather on the Wireless Communication Facility Use Permit Criteria set forth in Section 8-2.2417. Our further understanding is that this section is being interpreted to allow any wireless communication facility that meets the criteria set forth therein to be constructed and operated in any zone pursuant to a use permit, whether or not wireless communication facilities are among the uses otherwise allowed within such zone. We view the Wireless Communication Facility Use Permit Criteria quite differently. On its face, Section 8-2.2417 provides the criteria for determining whether or not a use permit should be

granted to a wireless communication facility in those zone districts where wireless communication facilities are an allowed use. In our view, there is nothing in Section 8-2.2417 that can be reasonably interpreted to preempt, override or supplement the allowed uses prescribed by Sections 8-2.604 and 8-2.604.5 for land zoned Agricultural General (A-1), which, as already noted, do not include wireless communication facilities. Consequently, a conditional use permit could not properly be issued for the proposed tower under the rules for Agricultural General Zone A-1 or the Wireless Communication Facility Use Permit Criteria.

Further, the IS/MND presupposes that the Proposed Project would be a "communication tower" within the definition of "wireless communication facility" set forth in Section 8-2.99.27.8. While in a generic sense the proposed radio broadcast tower is a communication tower, the definition of "wireless communication facility" expressly requires any covered facility, including a communication tower, to be for "the transmission and reception of low-power radio signals." This ordinance is clearly designed to deal with towers and facilities for personal wireless services, such as cell phones and pagers. A radio broadcast tower for high-power FM radio signals is not covered by the definition because it does not receive, as well as send, radio signals and it does not involve low-power radio signals.

We have been informed that under Section 8-2.3215, a use that is substantially similar to a listed conditional use may be treated as such by the Zoning Administrator (i.e., the Planning Director) in interpreting the Code. However, we believe it would be an abuse of discretion for the Planning Director to conclude that the Results Radio tower would be substantially similar to the cell phone and similar towers used for personal wireless services contemplated by the definition of wireless communication facility in the Code.

2. Visual and Aesthetic Impacts. Whether from their homes or while walking, biking or driving on Montgomery Avenue or Mace Boulevard and adjacent streets, the residents of Willowbank and nearby neighborhoods enjoy the bucolic ambience of the farmlands and the stands of Valley oak, black walnut and eucalyptus trees to the south. It is one of those very intangible things that can become an important part of our everyday life and taken for granted. At a height of 335 feet, with bright orange and white stripes, flagged guy wires and a white strobe light on its top that would flash 24/7, the Results Radio tower would become both the most prominent and the most eye-catching feature of our southern vistas.

More than any other issue, the adverse visual and aesthetic impacts that would be caused by the tower have generated the most vociferous concerns of our neighbors. One neighbor simply said that she will not feel good whenever she sees the tower. Another neighbor said the tower would permanently pollute our southern landscape. A poster being circulated demonstrates the dismay of many of our neighbors by comparing the silhouette of the Statue of Liberty (with a total height of 305 feet) to that of the tower.

To find that the installation of trees and plants at select locations along the Proposed Project's perimeter will mitigate its impacts to a less than significant level reflects a level of

denial that is disturbing. How can such a tower, constructed on level farmland, not but "substantially degrade the existing visual character or quality of the site and its surrounding?" (Section I at p. 13 of the IS/MND.) Visual simulations and mitigation measures notwithstanding, no reasonable person could conclude that this tower will not have a significant impact on the visual and aesthetic character of the environmental setting in which it is located. To characterize these impacts as less than significant reflects an ill-advised attempt to avoid the requirements of an EIR.

3. Loss of Swainson's Hawk Habitat. First, by limiting the impact of the Proposed Project on Swainson's hawk habitat to the 0.6 acres "disturbed by development," the IS/MND understates the loss of habitat resulting from the presence of a 335 foot high tower which is disruptive to the foraging activities of raptors. Second, loss of habitat for a threatened species such as the Swainson's hawk cannot be mitigated to a less than significant level by participation in a non-existent HCP/NCCP, payment of a fee, or implementation of a yet to be determined mitigation measure. Loss of Swainson's hawk habitat is a significant unavoidable impact of the Proposed Project and should have been acknowledged as such in the IS/MND.

4. Bird Strikes as a Significant Impact. The IS/MND seems to acknowledge that daytime and nighttime bird strike deaths and injuries, without the specified mitigation measures, would constitute a significant environmental impact of the Proposed Project, but finds that with mitigation the impacts are less than significant. Yet, there is no discussion of the extent to which the mitigation measures have been effective in reducing the number of bird strikes and no discussion of the extent to which bird strikes would need to be reduced to warrant a finding that the impacts of the Proposed Project are less than significant. In the absence of demonstrated effectiveness and a standard of significance, bird strikes must be found to be a significant impact. Such a finding is particularly appropriate given the U.S. Department of the Interior Fish and Wildlife Service recommendation against the siting of towers in or near wetlands or other known bird concentration areas or where a high incidence if fog or mist exists. (See item 4 on p. 40 of the IS/MND.) Given that the tower and its guy wire system would be relatively close to the Yolo Wildlife Area and that we often experience fog or mist during our winter months, the likelihood of bird strike deaths would seem to be an impact that would warrant particular concern.

5. Electromagnetic Radiation. The IS/MND acknowledges that electromagnetic radiation exposure is a matter of long standing federal concern and that the project proponent will be required, as a condition of approval, "to demonstrate compliance with FCC requirements regarding electromagnetic radiation." CEQA is designed to facilitate informed debate and decisions concerning projects that require discretionary approvals. A CEQA analysis, whether as part of a Mitigated Negative Declaration or an EIR, that fails to evaluate the extent to which a Proposed Project complies with federal requirements regarding exposure to electromagnetic radiation, is defective and inadequate to support either debate on the merits of the Proposed Project or an informed decision on the project application.

6. Alternative Sites; Co-location Possibilities. One of the requirements imposed by the Code in connection with the approval of a use permit for a wireless communication facility is that "opportunities to co-locate the subject facility on an existing facility have either been exhausted or are not available in the area." (See Section 8-2.2417(b).) Co-location is a common sense policy for minimizing the proliferation of radio towers and the problems they present. Co-location is embraced by many other governmental authorities. For example, in connection with the approval by the City of Davis of the project pursuant to its Pass-Through Agreement with the County, the City's staff report emphatically stated that:

> "Co-location of wireless telecommunications is critical to minimizing the potential visual, wildlife and land use impacts. . . . Therefore, staff recommends that the County consider whether it is possible to collocate the tower near other towers such as the Pole Line Road location north of the City." (See p. 35 of the IS/MND.)

The U.S. Department of the Interior Fish and Wildlife Service has also indicated in its guidelines for the siting of communication towers that an applicant "should be strongly encouraged to collocate the communications equipment on an existing communication tower or other structure." (See item 1 on p. 40 of the IS/MND.)

But the discussion of alternative sites in the IS/MND is abbreviated and indicates that the IS/MND essentially relied upon Result Radio's assertion that it has ruled out other possible sites for the tower. (See p. 4 of the IS/MND.) There is no discussion about possible collocation at other existing towers or any evidence that this has been the subject of independent review. We urge the Department to reexamine this matter, including determining whether or not the existing tower off Pole Line Road near the County landfill could be a co-location possibility and whether or not other suitable sites exist for such a tower.

In any case, the Alternative Analysis needs to be redone to make it clear that no stone has gone unturned in the search of an alternative to the proposed site. Given the Proposed Project's significant visual impacts, as well as the significant impacts relative to bird strike deaths that are in part related to purported siting requirements, collocation may be the only effective measure for mitigating otherwise unavoidable impacts.

The Committee appreciates the opportunity to comment on the IS/MND and the Proposed Project.

Respectfully submitted,

John G. Cooluris
Chair of the Advisory Committee

Jeff Anderson

From: Chris Ferragamo [chrisf@ferragamopackaging.com]

Sent: Monday, November 30, 2009 11:14 AM

To: Jeff Anderson

Cc: David Morrison; yoloplan4@yahoo.com; mary@landbasedlearning.org; jburton@lawburton.com; wintersds@hotmail.com; leroyisfishing@gmail.com; windycorners@calbroadband.net; kcwill@att.net

Subject: Mace Tower

We are opposed to the tower being located 1 mile south of El Macero. Please locate the tower at the Yolo Landfill site.

Chris and Tracy Ferragamo

Ferragamo Packaging, LLC.
44286 Greenview Drive
El Macero, CA 95618
Ph: 530-758-2400
Fx: 530-758-2402

Jeff Anderson

From: Lance Stanley [lhsinvestments@yahoo.com]
Sent: Monday, November 30, 2009 11:30 AM
To: Jeff Anderson
Subject: radio tower- Same letter went out to planning commissioners

To: Jeff Anderson

From: Lance and Hilea Stanley, 44910 S. El Macero Dr. and 27991 Mace Blvd.

Re: Proposed 337 ft. radio tower

Dear Jeff:

As the property owner of the parcel directly across the street from the proposed radio tower, we are vehemently opposed to this radio/radiation tower. Having bought this parcel in March of 2009 to farm and to build a home for our family, we were shocked to hear about this proposal and we are hopeful that you will be sensitive to our view points and vote to deny this proposal. We are opposed for the following reasons:

1. When we bought this parcel our plan was to plant 60 acres of pistachio trees, 20 acres of French plums and to build our dream home. As a matter of fact, our property has already been surveyed and staked for our home site. If this tower were to be approved, our front door would be 733 ft. from the tower. This 337 ft tower looming above us right out our front door would be a giant nuisance.
2. When we bought this parcel, we understood our zoning and the surrounding parcel's zoning to be A-1, agricultural use. There is no way that a 337 ft. radio tower is an agricultural use. Nor would it be reasonable to grant a conditional use permit for a radio tower which would be surrounded by families, farm workers and farm animals. The radio tower would never fit into our neighborhood.
3. We are also concerned about the property value of our parcel. There is already an 80 ft. cell tower across the street and one parcel norht of this proposed tower. We are concerned that this area is going to become a dumping ground for all of these electronic uses. These types of uses do not fit into the neighborhood and should be located somewhere else where there are not homes right underneath and where property values won't be affected. This tower would definitely affect the property value of our parcel. We would never have paid the amount of money that we did for this parcel had this radio tower existed. Actually, we would never have bought the parcel at all!
4. We are very concerned about the health risks. We know that the FCC says radio towers and their emitted radio waves are not harmful. However, there are many national and international studies completed that clearly point to the very real health dangers that these same radio towers pose. Specifically, the Swiss government, the German city of Naila, and Isreal's Tel Aviv University are studies we encourage you to research for yourselves. We don't want to live near yet another source of radiation which some say is perfectly safe, only to discover in ten years that we were, in fact, grossly affected. As we all know, standards change as science evolves. The standard may be that what the FCC claims to be safe, but who is to say that the standard

won't be changed in the future? We already know that electromagnetic rays may cause health problems. That is reason enough to deny this application.

When considering this application. Please ask yourself if you would want to live so close to a radio tower. Please ask yourself if you would be concerned about the harmful affects of electromagnetic rays. Please ask yourself if you would be concerned about property values. Please ask yourself if a 337 ft. radio tower fits in our neighborhood.

Your attention to our concerns is appreciated.

Sincerely,
Lance and Hilea Stanley
530-400-0472

Jeff Anderson

From: David Morrison
Sent: Monday, November 30, 2009 2:13 PM
To: Jeff Anderson
Subject: FW: radio tower in South Davis

From: Joseph Silva <joseph.silva@ucdmc.ucdavis.edu>
To: PPW
Cc: mattwill@pacbell.net <mattwill@pacbell.net>
Sent: Mon Nov 30 11:17:05 2009
Subject: radio tower in South Davis

I strongly disagree with the plans for a really tall tower in such a sirene area which is unspoiled.....real estate values will drop.....and, do we really know the full effects of the emitted radiation.....as a physcian and medical researcher for nearly 40 years, there are insuffient data to support that it does not present health hazards.....I will read the full document and will probably comment further.....J. Silva MD, professor of internal medicine, UC Davis School of Medicine

Jeff Anderson

From: Julie Maxwell [jmax95618@yahoo.com]

Sent: Monday, November 30, 2009 2:36 PM

To: Jeff Anderson

Cc: David Morrison; yoloplan4@yahoo.com; mary@landbasedlearning.org; jburton@lawburton.com; wintersds@hotmail.com; leroyisfishing@gmail.com; windycorners@calbroadband.net; kcwill@att.net; Yoloplan4@yahoo.com

Subject: Radio Tower - Mace Blvd - Davis

Hello, I am a resident of El Macero, and I have recently become aware of the proposal before the planning commission to build a 335 foot radio tower off Mace Boulevard in South Davis.

My husband and I both strongly object to a tower of this height, with flashing lights that run 24-7, at this location. It will be an eyesore to say the least, but I am also concerned about the EMF exposure this tower would bring to our area.

It has been suggested that perhaps this tower could be built near the Yolo County landfill, which seems a much more appropriate alternative, as it does not affect populated housing areas.

I urge the commission to look further into alternative sights for this radio tower.

Thank you,

Julie Maxwell

Julie Maxwell
M2 Media
27187 E. El Macero Drive
El Macero, CA 95618

530 297-1001
530 297-7479 fax
jmax95618@yahoo.com

Greater Willowbank Improvement Association

27343 Meadowbrook Drive
Davis, CA 95618

November 30, 2009

Jeff Anderson
Assistant Planner
Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, CA 95695

Re: Initial Study/Mitigated Negative Declaration Zone File No. 2009-001 – Results Radio, LLC Radio Broadcast Tower Use Permit – November 5, 2009

Dear Mr. Anderson:

By way of introduction, the Greater Willowbank Improvement Association represents adult persons owning property in the area bounded on the North by the South Boundary of the El Macero Drainage Assessment District #105, on the South by Montgomery Avenue, on the West by the East Boundary of El Macero Drainage Assessment District #105, and on the East by Mace Boulevard excluding areas annexed by the City of Davis. The purpose of the association is to promote and sustain the quality of life enjoyed by residents of Willowbank.

The elected board members of the association have read and support the findings presented in the letter, dated November 30, 2009, prepared by John G. Cooluris, Chair of the Advisory Committee of the Willowbank County Service Area.

Respectfully submitted,

Donald E. Gueffroy
Vice President,
Greater Willowbank Improvement Association

Jeff Anderson

From: Timothy M. Cronan [tcronan@hsmlaw.com]
Sent: Monday, November 30, 2009 9:43 AM
To: 'Jeff.Anerson@yolocounty.org'
Cc: 'David.'; 'yolopla4@yahoo.com'
Subject: Radio Tower Proposal South Davis

Mr. Anderson: My wife and I have been residents of Davis, California for approximately 35 years and have lived in the South Davis area since 1980. We have recently learned of the proposed construction of a 335 foot radio tower one mile south of El Macero along Mace Boulevard. I have also been provided with a copy of the Willowbank CSA Advisory Committee's comments/findings concerning the tower. Specifically, that the tower would: violate zoning, create a significant adverse visual impact, result in the generation of electromagnetic radiation creating a very hazardous risk to residents and animals, and result in excessive loss of migrating and nocturnal birds. We cannot believe that the County is considering approving this tower which will be so close to residences when alternative sites are available that are far from homes, notably at the County Landfill. Not only will such a location avoid the negative impacts described above, but would produce income for the County at a time such revenue is so desperately needed. We strongly support the WCSA Advisory Committee's findings and urge you to deny the application to construct the tower on Mace Boulevard.

Tim and Diane Cronan
44909 S. El Macero Drive
El Macero, CA 95618

Jeff Anderson

From: PAUL GUYER [jpguyer@pacbell.net]

Sent: Tuesday, December 01, 2009 7:06 AM

To: Jeff Anderson

Cc: David Morrison; yoloplan4@yahoo.com; mary@landbasedlearning.org; jburton@lawburton.com; wintersds@hotmail.com; leroyisfishing@gmail.com; windycorners@calbroadband.net; kcwill@att.net

Subject: Proposed Mace Boulevard radio tower

I am opposed to construction of the proposed radio tower on Mace Boulevard.

J. Paul Guyer
44240 Clubhouse Drive
El Macero, CA 95618
jpguyer@pacbell.net
(530) 758-6637
www.paulguyersacramentoart.com

Jeff Anderson

From: Katherine Shipley [kmbs1@sbcglobal.net]

Sent: Tuesday, December 01, 2009 8:36 PM

To: Jeff Anderson; David Morrison; D Winters; windycorners@calbroadband.net; kewill@att.net; mary@landbasedlearning.org; jburton@lawburton.com; yoloplan4@yahoo.com; commissioner Bertolero

Subject: Proposed Radio Tower off of Mace Blvd.

To the Yolo County Planning Commission:

I am a homeowner and resident in El Macero, Yolo County. I am writing to express my opposition to the proposed 335 foot tall radio tower near Mace Blvd. This tower would have a significant visual impact on the residents living nearby. It is taller than the Statue of Liberty, will be painted orange and white, and will have continuously flashing lights (which are needed for airplane safety - due to the extreme height). This would adversely affect the quality of life for residents in South Davis and the surrounding Yolo County area.

The proposed location is agricultural land, zoned A-1, and I don't believe this is an approved use for that type of zoning.

A tower in this location would interfere with the migratory pattern of local birds, and the electromagnetic fields could be harmful to residents and animals living in the area.

There is really no way to effectively mitigate the visual impact of such a large tower. It has to be made even more visible to airplanes - so would be a large, permanent eyesore to everyone around it. The flashing lights must be seen from a long distance (for the safety of air traffic) - so they would also be very intrusive to the peaceful character of the area.

A tower the size of a 20 story high rise (such as this) is much better suited to a location away from residences - alongside other existing towers. I believe that the area of the Yolo County Landfill already contains some big towers. It would make more sense to put this type of tower there. The county would then have the opportunity to gain another revenue stream from the rent of the tower space to the radio station in question.

Please vote "no" on the Results Radio application #2009-001.

Sincerely,

Katherine Shipley
44204 Lakeview Drive
El Macero, CA 95618

THE COLE LAW FIRM

3410 INDUSTRIAL BOULEVARD, SUITE 100
WEST SACRAMENTO, CALIFORNIA 95691
TELEPHONE: (916) 376-0486
FAX: (916) 376-0478
WWW.COLENETLAW.COM

December 2, 2009

Via US Mail

Ana Morales
Clerk of the Board
Erwin W. Meier Administration Building
625 Court Street
Woodland, California 95695

Dear Ms. Morales:

I would like to register my opposition to the planned location of the Radio Towers on Mace Boulevard.

The property is not zoned for such. In addition, it is a grievous intrusion on the homeowners of El Macero and area.

In addition, there is no compelling reason to locate the Radio Tower on Mace Boulevard, as opposed to at the Yolo County Landfill.

Although I am the President of the El Macero Homeowners Association, and believe I speak for the association, I am also speaking as a property owner, as I live on East El Macero Drive.

Sincerely,

THE COLE LAW FIRM

STEPHEN N. COLE
Office: (916) 376-0486 Fax: (208) 693-2460
scole@colenetlaw.com

SNC:rg

Jeff Anderson

From: David Morrison
Sent: Wednesday, December 02, 2009 10:07 AM
To: Jeff Anderson
Subject: FW: Proposed radio tower on Mace Blvd - Davis

-----Original Message-----
From: Henry Spoto [mailto:hspoto@yolo.com]
Sent: Wednesday, December 02, 2009 10:04 AM
To: David Morrison
Subject: Proposed radio tower on Mace Blvd - Davis

Hi David,
We are very much against the construction of the proposed radio tower on Mace Blvd. for the following reasons:

- incompatible use in an ag/residential zoning.
- adversely affects the environment and esthetics of the area.
- Potential health issues due to electromagnetic fields.
- Too close to residentially populated areas.
- Could be harmful to animals in the area.
- Should be located in an industrial area.
- Consider other more compatible areas such as at the Yolo county dump.

Thank you for your consideration on this issue.
Henry and Lenore Spoto
El Macero, Ca.

Jeff Anderson

From: D Warne [newsong40-3@sbcglobal.net]
Sent: Wednesday, December 02, 2009 11:44 AM
To: Jeff Anderson
Cc: David Morrison; yoloplan4@yahoo.com
Subject: application by Results Radio for radio tower

Dear Mr. Anderson,

I am a resident of El Macero in Yolo County and I strongly oppose the location of a 335 foot radio tower, as proposed by Real Radio, in south Davis. My objections are as follows:

1. The zoning for the parcel where the radio tower would be located is A-1, and the proposed commercial usage isn't appropriate for an agricultural parcel.

2. The proposed radio tower would be a visual blight on the landscape and horizon. In the daytime, residents who live within several miles of the proposed location, would see a 335 foot orange and white striped tower. At nighttime, the 24/7 bright strobe light flashing 40 times per minute would be annoyingly visible. I disagree with County staff's opinion that day or nighttime views in the area would not be significantly impacted by the tower's bright strobe light.

My husband and I cycle daily in this area and the agricultural aesthetics are its best asset. The commercial non-aesthetics of a 335 foot tower are at visual odds with the rural, agricultural and pastoral scenery of the area in question.

3. A better location for the tower is the Yolo County Landfill, for the following reasons: 1) visual and light polution for nearby neighborhood residents is eliminated because there are no residents nearby; 2) Landfill is already zoned such that a broadcast tower would be a permitted usage; 3) would result in a revenue stream for Yolo County, 4) Landfill location would reduce the number of incidents where migrating and nocturnal birds collide with the 15 guy wires with a maxiumum radius of 249 feet around the tower.

Respectfully,

Diane Warne
44467 S. El Macero Drive

Jeff Anderson

From: Wegner, Lynne [lwegner@golyon.com]

Sent: Wednesday, December 02, 2009 2:35 PM

To: Jeff Anderson; David Morrison; yoloplan4@yahoo.com; mary@landbasedlearning.org

Cc: jburton@lawburton.com; wintersds@hotmail.com; leroyisfishing@gmail.com; windycorners@calbroadband.net; kcwill@att.net

Subject: 335 foot radio tower proposed for Mace Blvd

As a homeowner in El Macero and a member of the El Macero Advisory Committee, I wish to express my opposition to the proposed 335 tower and agree with the WSAAC motion dated November 23, 2009. Lynne Wegner, 44558 N. El Macero Drive, El Macero, CA 95618, 530-304-9553

Jeff Anderson

From: Barbara McNurlin [barbara@mcnurlin.com]
Sent: Wednesday, December 02, 2009 8:54 PM
To: Jeff Anderson
Cc: David Morrison; yoloplan4@yahoo.com; mary@landbasedlearning.org; jburton@lawburton.com; wintersds@hotmail.com; leroyisfishing@gmail.com; windycorners@calbroadband.net; kcwill@att.net
Subject: Planned 335-foot radio tower on Mace Blvd.

Dear Mr. Anderson, et al

I reside in El Macero and attended the Willowbank Service Area Advisory Committee meeting on November 23rd - the first time I'd done so - because of my huge concern about the proposed radio tower within 1 mile of my house. I was impressed with the professionalism of the Willowbank advisory committee and the thorough airing it and the attendees gave the issues surrounding this tower.

I presume you have been sent a copy of the minutes of that meeting so you can see the discussion for yourself.

I FULLY SUPPORT the advisory committee's concerns about this tower. I was therefore delighted to hear that a a site further from homes is available near the Davis dump. I presume that area is also zoned properly.

I am, of course, concerned with the visual impacts of such a humungous tower, and with a forever-flashing bright light. Who would want to buy my home near such an eyesore? And besides being zoned for agricultural purposes only, this location on Mace Blvd. is along migrating birds' flyway, and in direct line with the causeway. Migrating birds pass over my house. I know this is a flyway. This is not a good site for such a tall tower with 15 guy wires that the birds are likely to fly into and be injured or killed.

Finally, I am terribly concerned about the effect of the electromagnetic radiation that will be generated by this tower. Not a week goes by now that I don't read about the dangers of this radiation to our bodies and the bodies of animals. In fact, today I read another post from Dr. Joseph Mercola. I have copied it below.

I hope you take my concerns and those of my neighbors into consideration during your deliberations on this serious issue. Please do not issue a conditional permit on this property when there is a much more suitable location near the dump that would not impact so many residents, animal, and birds.

Thank you for your attention.

Barbara C. McNurlin

Attachment. From http://emf.mercola.com/sites/emf/archive/2009/12/01/Leading-Experts-Give-Advice-on-How-to-Reduce-Your-EMF-Risk.aspx. You can hear the video (mentioned below) at this URL if you cannot access it from this email.