



# 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

### PLANNING COMMISSION STAFF REPORT

OCTOBER 27, 2011

<b>FILE #2011-0048:</b> Appeal of the Zoning Administrator's approval of a one-year extension for a previously approved 365-foot radio tower, located at the Yolo County Landfill in the Agricultural General (A-1) zone (Attachment A).	
<b>OWNER:</b> Yolo County 625 Court Street Woodland, CA 95695	<b>APPLICANT:</b> Eileen Samitz 2015 Renoir Avenue Davis, CA 95618
<b>LOCATION:</b> Yolo County Central Landfill, 44090 County Road 28H, Woodland, CA 95776, approximately 2.5 miles northeast of the City of Davis (APN: 042-140-06) (Attachment B)  <b>ZONING:</b> A-1 (Agriculture General)	<b>SOILS:</b> Clear Lake clay (Class I), Capay silty clay (Class II), Willows clay (Class III), Riz loam (Class IV)  <b>FLOOD ZONE:</b> A (area within the 100-year floodplain)  <b>SUPERVISOR DISTRICT:</b> 4 (Provenza)
<b>ENVIRONMENTAL DETERMINATION:</b> Categorical Exemption	
<b>PREPARED BY:</b>  Jeff Anderson, Associate Planner	<b>REVIEWED BY:</b>  David Morrison, Assistant Director

### RECOMMENDED ACTIONS

That the Yolo County Planning Commission:

1. **RECEIVE** a staff presentation, hold a public hearing, and accept testimony from the appellant, project applicant, as well as members of the public;
2. **ADOPT** the "General Rule" Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment C);
3. **ADOPT** the recommended Findings (Attachment D);
4. **APPROVE** the request to extend the Use Permit for an additional one year; and
5. **DENY** the appeal filed by Ms. Samitz.

AGENDA ITEM 6.1

## **REASONS FOR RECOMMENDED ACTIONS**

Following a public hearing on September 15, 2011, the Zoning Administrator approved a Use Permit extension to allow Results Radio an additional year to commence construction on an approved radio tower. Ms. Samitz filed a timely appeal of that decision. Staff believes that the issues addressed in the notice of appeal have been satisfactorily resolved for the reasons set forth below.

## **BACKGROUND**

On September 14, 2010, the Yolo County Board of Supervisors approved the construction and operation of a 365-foot tall radio tower, located at the Yolo County Central Landfill (APN 042-140-006). The freestanding tower will have a base of approximately 30-feet tapering up. The tower will also be equipped with two white flashing strobes at the 200-foot level and one flashing white strobe at the top of the tower, in accordance with Federal Aviation Administration (FAA) regulations. The tower will also include several bay antenna elements that will add approximately 24 inches to the width of the tower at their specific locations. Please see the September 15, 2011, Zoning Administrator staff report for a detailed project history (Attachment E).

The Conditions of Approval for the project required that the applicant commence construction within one year of project approval. The applicant was not able to commence construction within one year of project approval, due to delays in the processing of the Federal Communications Commission (FCC) application, so they applied for an extension of the Use Permit in accordance with Yolo County Code Section 8-2.3205. The Yolo County Zoning Administrator approved a one year extension of the project on September 15, 2011. Shortly thereafter, an appeal of the Zoning Administrator's decision was filed with the Secretary of the Planning Commission. It should be noted that four days after the Zoning Administrator hearing, on September 19, 2011, Results Radio obtained FCC approval to construct the tower at the landfill location (Attachment F).

## **STAFF ANALYSIS**

Yolo County Code Section 8-2.3205(b) authorizes the Zoning Administrator to extend the term of a use permit for up to two years provided "it is found that circumstances under which the permit was granted have not changed." The Zoning Administrator made this finding in approving a one-year extension of the use permit. As noted, the Zoning Administrator also determined that the extension was exempt from the California Environmental Quality Act (CEQA) based on the "General Rule" exemption (also known as the "common sense" exemption). Only these determinations are properly before the Planning Commission on this appeal.

As indicated in the notice of appeal (Attachment A), Ms. Samitz claims that Results Radio made false statements during the FCC process in order to obtain final approval from the FCC. Yolo County is not concerned with the process involved in obtaining FCC approval—only that the final approval is obtained from all local, state, and federal permitting authorities prior to construction of the tower. Please see Attachment G for the applicant's description of the FCC permitting process.

Altogether, the County has no reason to speculate about the FCC process because it is immaterial as to whether there has been a change in the circumstances under which the original use permit was issued. The Zoning Administrator found that circumstances had not changed for reasons set forth in the staff report (Attachment E hereto) prepared for the hearing on the extension, including the lack of any change in the project or the surrounding

environmental setting. Those reasons remain valid and no substantial evidence exists to support a contrary finding on this appeal.

With regard to CEQA review, Ms. Samitz claims that the documents filed by Results Radio with the FCC constitute material changes to its project, and consequently, the "General Rule" CEQA exemption relied upon by the Zoning Administrator is inappropriate. Staff strongly disagrees with the premise of this argument, as noted above. The proposed tower would be constructed in the location where it was approved by the Board of Supervisors. There have not been any significant changes to the physical environmental setting of the project or other events that could potentially trigger additional environmental review in connection with the one-year extension. The adoption of the "General Rule" exemption was therefore appropriate, as it is properly relied upon whenever "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment . . ." (CEQA Guidelines § 15061(b)(3)).

For the foregoing reasons, the appeal is properly denied.

### **AGENCY COMMENTS**

Agency comments were incorporated into the project action prior to the Board of Supervisors approval on September 14, 2010. Property owners within 1,000 feet of the boundary of the Yolo County Central Landfill were notified of the September 15<sup>th</sup> Zoning Administrator hearing and this appeal hearing.

Staff received letters of support for the Zoning Administrator's decision from the following: Matthew Williams, Landon Scarlett, Hilea and Lance Stanley, Diane and Bruce Warne, and Katherine Hart from the firm of Abbott and Kindermann, representing the Southeast Davis Coalition.

Along with the letter from the appellant, staff received letters in opposition from Lawrence Shweky and Valerie Sheehan, Janet Zwahlen, Coleen Borrego, Charlotte Xanders, Yannis Dafalias, and Mary French. Copies of all correspondence received to date are provided in Attachment H.

The Office of the County Counsel assisted with the preparation of this staff report.

### **APPEALS**

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board of Supervisors within **fifteen (15) days** from the date of the action. A written notice of appeal specifying the grounds for appeal and an appeal fee immediately payable to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify, or overrule this decision.

### **ATTACHMENTS**

Attachment A—Notice of Appeal  
Attachment B—Location Map  
Attachment C—Categorical Exemption  
Attachment D—Findings  
Attachment E—September 15, 2011, Zoning Administrator Staff Report  
Attachment F—Applicant Response to Appeal (Including FCC Approval Notification)  
Attachment G—Applicant Explanation of FCC Process  
Attachment H—Public Comments



APPLICATION FOR APPEAL OF THE  
YOLO COUNTY ZONING ADMINISTRATOR/PLANNING DIRECTOR

FOR OFFICE USE ONLY

RECEIVED BY: <i>J. Anderson</i>	DATE FILED: <i>9/29/11</i> ✓	FILING FEE: \$816.20
CODE REFERENCE:	SUPERVISORIAL DISTRICT: <i>4 - Provenza</i>	RECEIPT NO.: <i>65401</i>

APPLICATION FOR APPEAL

*Please understand that after you have made your application for an appeal, staff will place your appeal on the agenda at the earliest possible legal date and will prepare a brief report to accompany your appeal. The more information you can provide, the more complete your appeal will be at the time it is heard.*

You may submit your appeal to:

Yolo County Planning and Public Works  
292 W. Beamer Street  
Woodland, CA 95695  
Phone: 530-666-8775

YOUR INFORMATION

LAST NAME: SAMITZ	FIRST NAME: EILEEN	MIDDLE INITIAL: M
ADDRESS: 2015 RENOIR AVENUE	CITY/STATE: DAVIS, CA	ZIP CODE: 95618
DAYTIME TELEPHONE NUMBER: (530) 752-9445	EVENING TELEPHONE NUMBER: (530) 756-5165	CELL PHONE: (530) 304-1624

**According to the Yolo County Code, I request my appeal to be heard by the Yolo County Planning Commission (Title 8, Chapter 2).**

Please state requested action:

This appeal is being filed to request that the Yolo County Planning Commission review the September 15, 2011 action of the Zoning Administrator on FILE #2009-001: A Use Permit extension request for a previously approved 365-foot radio tower, located at the Yolo County Central Landfill in the Agricultural General (A-1) zone and take the following actions:

- (1) DENY finding 2(a) in the September 15, 2011 Staff Report.
- (2) DENY the request to extend the Use Permit for an additional year.
- (3) DENY the "General Rule" Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA).

ATTACHMENT A

Revised 9/19/11

Project Location (street address, general location, etc.):

Yolo County Central Landfill located at 44090 County Road 28H, Woodland, CA 95776

Assessor's Parcel Number(s):

State in detail the reason for the appeal. Attach additional information if necessary:

On June 17, 2011 Results Radio (KMJE) withdrew its FCC application for the proposed radio tower at the Yolo County Central Landfill (see Attachment #1). This application was not approved by the FCC because it violated FCC policy §73.215 that prohibits the construction of new radio tower facilities in locations where they would interfere with existing stations (see Attachment #2). In addition, there was significant environmental opposition to the application and letters opposing the project were on file with the FCC.

The proposed tower was environmentally unacceptable due to (1) significant bird kills and the proposed tower's close proximity to the Vic Fazio Yolo Wildlife Area and the City of Davis Wetlands Project (both designed to attract birds to the region) and (2) the fact that the highly intrusive white strobe lights on the tower would ruin the agricultural vistas that the City of Davis works so hard to preserve. A tower with similar lighting is located in East Natomas and is clearly visible from the City of Davis at all times of the day and night.

Six days after withdrawing their application for the landfill site, on June 23, 2011, Results Radio applied to move their transmitter to an existing tower northwest of Woodland. This application was granted on June 30, 2011. Shortly thereafter, notification was received from the FCC that the Results Radio application for the landfill site had been withdrawn and that the dispute was over.

However, it is now apparent that the Results Radio plan to relocate to the existing tower northwest of Woodland was "staged" in order to game the system to their advantage. Results Radio took this action in order to sidestep the interference regulation that had disqualified the landfill site. Shortly after "relocating" to the existing tower, Results Radio submitted a new application for the landfill site and fast-tracked it through the system. The new application (BPH-20110824ACL) was submitted on August 24, 2011 and approved on September 19, 2011.

**This action by the FCC will be appealed within the 30-day appeal period.**

It is our contention, in light of the facts outlined above, that the circumstances under which the permit was originally granted HAVE changed, and that under County Code 8-2.3205 the Zoning Administrator does NOT have the authority to authorize an extension. The claim by Results Radio that they are merely experiencing "unanticipated delays in the processing of the request" for a variance from the FCC is false. Accordingly, we ask that the Yolo County Planning Commission DENY finding 2(a) in the September 15, 2011 staff report and DENY the request to extend the use permit for another year.

In addition, we ask that the Yolo County Planning Commission DENY the "General Rule" Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA). Results Radio has made material changes to their project. As a consequence, the prior environmental documents are invalid with respect to their current project. It seems clear that the actions of Results Radio are intended to circumvent CEQA. It is also clear that NEPA analysis needs to be done.

**ATTACHMENT #1**

**COVINGTON & BURLING LLP**

1201 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004-2401  
TEL 202.682.6000  
FAX 202.682.6291  
WWW.COV.COM

BEIJING  
BRUSSELS  
LONDON  
NEW YORK  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
WASHINGTON

**WILLIAM H. FITZ**  
TEL 202.682.5120  
FAX 202.778.6120  
WFITZ@COV.COM

**FILED/ACCEPTED**

**JUN 17 2011**

Federal Communications Commission  
Office of the Secretary

June 17, 2011

**BY HAND DELIVERY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

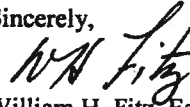
**KMJE(FM) (52516), Woodland, CA  
BMPH-20100304ABF  
Notice of Application Withdrawal**

Dear Ms. Dortch:

On behalf of Results Radio Chico Licensee, LLC, owner of FM radio station KMJE, Woodland, CA, we respectfully withdraw and request that the staff dismiss without prejudice the pending minor modification application, File No BMPH-20100304ABF.

Any questions concerning this matter may be directed to the undersigned.

Sincerely,



William H. Fitz, Esq.  
*Counsel for Results Radio of Chico Licensee, LLC*

cc: James Bradshaw

DC: 4019550-1

**ATTACHMENT #2**

**FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, SW  
WASHINGTON, DC 20554**

**MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)**

**NOV 23 2010**

**ENGINEER: GARY A. LOEHRS  
TELEPHONE: (202) 418-2700  
FACSIMILE: (202) 418-1410/1411  
MAIL STOP: 1800B3  
INTERNET ADDRESS: [Gary.Loehrs@fcc.gov](mailto:Gary.Loehrs@fcc.gov)**

Results Radio of Chico, LLC  
1355 Dutton Avenue, Suite 225  
Santa Rosa, CA 95401

Re: KMJE(FM), Woodland, CA  
Facility ID No. 52516  
Results Radio of Chico, LLC  
File No. BMPH-20100304ABF

Dear Applicant:

This letter is in reference to the above-captioned minor change application to change antenna location.

An engineering review of the application reveals that KMJE's proposed facilities would result in prohibited contour overlap with second-adjacent channel Class B license (BLH-19850512KC) for KHYL(FM), Auburn, CA, in violation of 47 C.F.R. § 73.215. Specifically, the proposed interfering contour (94 dBu) would cause overlap to the protected contour (54 dBu) of KHYL's facility. KMJE recognizes this violation and states that areas of "existing" overlap from a fully-spaced station are permitted to be maintained in a short-spaced application processed under § 73.215 where the area of overlap is not increased. KMJE shows that the amount of existing interference land area, when compared to the fully spaced unbuilt construction permit (BMPH-20090527AFU), would be reduced from 50.6 square kilometers containing a population of 17,176 persons to 50.4 square kilometers containing a population of 236 persons.

Commission policy does not allow a § 73.215 applicant to compare its proposed protected or interfering contour against a hypothetical or unbuilt construction permit's protected or interfering contour; such proposals can only be evaluated against an existing contour, where the contour in question is actually being generated by an operating station.<sup>1</sup>

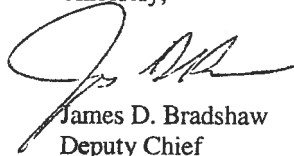
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<sup>1</sup> See Letter from Larry D. Eads, Chief, Audio Services Division to Interstate Broadcasting Systems of Arizona, Inc. (KRDS-FM) dated January 5, 1993.

We conclude that KMJE's unbuilt construction permit contour does not constitute "existing overlap." Therefore, KMJE must amend the application to demonstrate compliance with § 73.215.

Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide an opportunity to submit the requested information. Failure to respond within this time period will result in the dismissal of the application for failure to prosecute pursuant to 47 C.F.R. § 73.3568(a)(1).

Sincerely,



James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

cc: William H. Fitz, Esq.





# ATTACHMENT B

COUNTY RECORDER  
Filing Requested by:

Yolo County, Planning and Public Works  
Name  
292 West Beamer Street  
Address  
Woodland, CA 95695  
City, State, Zip

Attention: Jeff Anderson

## Notice of Exemption



To: Yolo County Clerk  
625 Court Street  
Woodland, CA 95695

To: Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Project Title: ZF# 2009-001 (Results Radio Use Permit Extension)

State Clearinghouse No.: 2009112020

Applicant: Ron Castro  
1355 N. Dutton Ave. Suite 225  
Santa Rosa, CA 95401

Property Owner: Yolo County (Landfill)  
625 Court Street  
Woodland, CA 95695

Project Location: Yolo County Central Landfill, 44090 County Road 28H, Woodland, CA 95776, approximately 2.5 miles northeast of the City of Davis (APN: 042-140-06)

Project Description: A Use Permit extension request for a previously approved 365-foot radio tower, located at the Yolo County Central Landfill in the Agricultural General (A-1) zone. The project was approved by the Board of Supervisors on September 14, 2010. A one year extension was approved by the Zoning Administrator on September 15, 2011. An appeal of the extension was appealed within the 15-day appeal period. The Planning Commission denied the appeal and approved a one-year extension on October 27, 2011.

Exempt Status:

“General Rule” exemption

Reasons why project is exempt:

§ 15061 (3) states that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project was previously approved for the construction and operation of a 365-foot tall radio tower located at the Yolo County Central Landfill. The Mitigation Monitoring and Reporting Plan prepared for the project ensures that the Mitigation Measures created for the project are carried out by the applicant, as per the project’s Conditions of Approval.

Lead Agency Contact Person: Jeff Anderson, Associate Planner

Telephone Number: (530) 666-8036

Signature (Public Agency): \_\_\_\_\_ Date: \_\_\_\_\_

Date received for filing at OPR:

# ATTACHMENT C

FILE #2009-001 FILE NAME: Results Radio Use Permit Extension  
AUTHORIZED SIGNATURE \_\_\_\_\_

RECEIPT #59189  
FEE STATUS \_\_\_\_\_

**FINDINGS FOR A ONE-YEAR EXTENSION OF  
ZONE FILE #2009-001  
RESULTS RADIO USE PERMIT**

*(A summary of evidence to support each FINDING is shown in Italics.)*

Upon due consideration of the facts presented in this staff report and at the public hearing for a request to extend the Use Permit for Zone File #2009-001, the Yolo County Planning Commission finds the following:

**California Environmental Quality Act (CEQA) and Guidelines**

1. That the proposed "General Rule" exemption prepared for the project is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

*The exemption prepared for the project, pursuant to Section 15061(3) of the CEQA Guidelines, has concluded that, a one-year extension for a previously approved Use Permit, which included mitigation in the project's approved conditions of approval, and a determination that there will not be a significant effect on the environment as a result of the project, is covered by the general rule that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The Mitigation Monitoring and Reporting Plan adopted for the previously approved project ensure the project's compliance with the Conditions of Approval.*

**Zoning [County Code Section 8-2.3205]**

2. That the Zoning Administrator may approve extensions of time for use permits, including those approved by the Planning Commission.

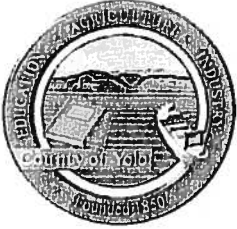
- (a) Such extensions shall be approved only when it is found that circumstances under which the permit was granted have not changed;

*No changes have been made to the project description or the location of the project. The applicant has applied for a variance with the FCC for placing the tower at the landfill but has experienced unanticipated delays in the processing of the request. On September 15, 2011, the Zoning Administrator found that the circumstances under which the permit was granted have not changed, and therefore granted a one-year extension. The Zoning Administrator's decision was appealed; however, the Planning Commission found no substantial evidence to support the appeal. On September 19, 2011, the FCC granted approval for the construction of the radio tower as proposed.*

- (b) Such extensions shall be approved for no more than two (2) years.

*The applicant has requested a one-year extension, consistent with this provision.*

**ATTACHMENT D**



# 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

### ZONING ADMINISTRATOR STAFF REPORT

SEPTEMBER 15, 2011

**FILE #2009-001:** A Use Permit extension request for a previously approved 365-foot radio tower, located at the Yolo County Central Landfill in the Agricultural General (A-1) zone. The project was approved by the Board of Supervisors on September 14, 2010 (Attachment A).

**OWNER:**

Yolo County  
625 Court Street  
Woodland, CA 95695

**APPLICANT:**

Results Radio  
Ron Castro  
1355 N. Dutton Ave., Suite 225  
Santa Rosa, CA 95401

**LOCATION:** Yolo County Central Landfill,  
44090 County Road 28H, Woodland, CA  
95776, approximately 2.5 miles northeast of  
the City of Davis (APN: 042-140-06)  
(Attachment B)

**SOILS:**

Clear Lake clay (Class I), Capay silty clay  
(Class II), Willows clay (Class III), Riz loam  
(Class IV)

**ZONING:**

A-1 (Agriculture General)

**FLOOD ZONE:** A (area within the 100-year  
floodplain)

**SUPERVISOR DISTRICT:** 4 (Provenza)

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

**PREPARED BY:**

  
Jeff Anderson, Associate Planner

**REVIEWED BY:**

  
David Morrison, Assistant Director

### RECOMMENDED ACTIONS

That the Yolo County Zoning Administrator:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the "General Rule" Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment C);
3. **ADOPT** the recommended Findings (Attachment D); and
4. **APPROVE** the request to extend the Use Permit for an additional one year.

## **REASONS FOR RECOMMENDED ACTIONS**

The location of the tower as approved by the Board of Supervisors requires approval by the Federal Communications Commission (FCC). The applicant has applied for a variance with the FCC for placing the tower at the landfill but has experienced unanticipated delays in the processing of the request. The Use Permit extension would allow the applicant additional time to work through the FCC process.

## **BACKGROUND**

The proposed landfill site for the project is the second location identified and reviewed during the application process. Originally, on June 16, 2009, Results Radio ("applicant") submitted a Use Permit application to construct and operate a radio broadcast tower facility, on an Agricultural General (A-1) zoned parcel along Mace Boulevard, approximately 0.75 miles south of the City of Davis. The proposed project consisted of a 335-foot tall, three-foot wide lattice designed radio tower and 400 square foot ground lease area. As originally proposed, this tower would have been located near several rural residences, and approximately 0.8 miles southeast of the Willowbank and El Macero communities.

Several nearby residents and a coalition of El Macero and Willowbank residents submitted letters and spoke in opposition of the proposed project at the December 10, 2009, Planning Commission hearing. Several of the opponents recommended that the applicant consider an alternative site at the landfill for the placement of the radio tower. The Planning Commission granted a continuance at the December 10, 2009, meeting and urged the applicant to examine the possibility of placing the tower at the landfill.

Prior to the December 2009 hearing, the applicant had not seriously considered the landfill site as a feasible location because it did not meet all of the FCC criteria for locating the proposed tower. Those criteria require each station to be served by a tower to be fully spaced from nearby stations so as not to cause interference to them or receive interference from them within all protected coverage contours, and to operate as a full-facility station on the assigned channel. In addition, the applicant had desired to provide City Grade signal coverage to the City of Woodland, the FCC assigned City of License. Attachment J shows the location where these original criteria of the FCC and applicant are met. The majority of this area falls within the City of Davis, a portion falls within Solano County, and the remainder falls in unincorporated Yolo County just south of the City of Davis.

After much discussion with the FCC, however, the applicant opened up its search criteria to include a larger area where the tower could potentially locate, which included the landfill, agricultural land north and south of the City of Davis, and possible collocation opportunities on two nearby 500+ foot radio towers. In order to locate the tower within this expanded search area, the applicant was required to petition the FCC and demonstrate that the location would not cause any new areas of interference to radio station KHYL, which is owned by the applicant and licensed to the City of Auburn. The applicant examined the possibility of collocation on the two nearby 500+ foot towers; however, due to constraints at both tower sites, collocation was not feasible. Within this expanded search area, the applicant favored the landfill location because the property has sufficient access to a public road, the placement of the tower would not require the removal of agricultural land, and the remote location would minimize the potential for visual impact to the surrounding area.

The applicants then amended their original application to substitute the landfill site for the site along Mace Boulevard. The change to the landfill site required only slight changes to

the tower facility, including a minor increase in height (from 335 to 365 feet). The Planning Commission approved the 365-foot guy wired tower at the landfill on May 13, 2010.

Subsequent to project approval by the Planning Commission, the Conaway Preservation group filed a timely appeal, claiming that the certain aspects of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program failed to comply with the requirements of CEQA. The appellant also claimed that radio towers are not a conditional use under the Yolo County Code, and therefore could not be permitted as such in any agricultural zone (or elsewhere in the unincorporated area). County staff responded to the appellant's claims in an August 3, 2010, report to the Board of Supervisors. The Board of Supervisors continued the public hearing to September 14, 2010, in order to allow the applicant and the appellant to discuss project alternatives and environmental issues. The applicant agreed to install a freestanding tower instead of a guy wired tower in an effort to reduce potential bird strikes.

### **PROJECT DESCRIPTION**

The project was approved on September 14, 2010, for the construction and operation of a 365-foot tall radio tower, located at the Yolo County Central Landfill. The freestanding tower will have a base of approximately 30-feet tapering up. The tower will also be equipped with two white flashing strobes at the 200-foot level and one flashing white strobe at the top of the tower, in accordance with Federal Aviation Administration (FAA) regulations. The tower will also include several bay antenna elements that will add approximately 24 inches to the width of the tower at their specific locations. In the future, additional communication equipment may be installed within the lease area and on the proposed tower to accommodate collocation opportunities, including those of the Integrated Waste Management Division.

### **ANALYSIS**

As regulated under Section 8-2.2806 (b) of the Yolo County Code, unless otherwise specified in the project's Conditions of Approval, a Use Permit will expire after one year if the project has not commenced or otherwise vested in improvements. On August 1, 2011, the applicant requested an extension of their Use Permit, approved in September 2010, due to unexpected delays in with the FCC permitting process. As stated in the Conditions of Approval (#23) the applicant is required to provide documentation of FCC approval.

Staff recommends approval of the request for a one-year extension. No other significant issues have been presented. Staff is not aware of any changes made to the project, as approved. The project will be required to comply with all other Conditions of Approval as modified and approved at the September 14, 2010, Board of Supervisors hearing (Attachment E).

### **COMMENTS FROM OTHER AGENCIES**

Agency comments were incorporated into the project action prior to the Board of Supervisors approval on September 14, 2010. The request at this time is for a request to extend the Use Permit for one year, thus local, state, and federal agencies were not solicited for comments. Staff did, however, notify neighbors within 1,000 feet of the parcel boundary that the Zoning Administrator would consider this issue. No comments from neighbors have been received as of the writing of this staff report.

## **APPEALS**

Any person who is dissatisfied with the decisions of this Zoning Administrator may appeal to the Planning Commission by filing with the Planning and Public Works Department within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to Yolo County Planning and Public Works must be submitted at the time of filing. The Planning Commission may sustain, modify, or overrule this decision.

## **ATTACHMENTS**

- Attachment A—Letter requesting extension
- Attachment B—Location Map
- Attachment C—Categorical Exemption
- Attachment D—Findings
- Attachment E—Approved Conditions of Approval

# RESULTS RADIO

July 29, 2011

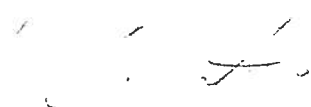
Mr Jeff Anderson  
Yolo County Planning Department  
292 West Beamer St.  
Woodland, CA 95695

Dear Jeff:

This letter is to request that the Yolo County Use Permit, File #2009-001 for the KMJE/KDVS Communications Facility at the Yolo County landfill site be extended for one additional year. An unanticipated delay caused by the lengthy processing time at the Federal Communications Commission is the reason that construction has been delayed, however it is our expectation that work will begin in the near future.

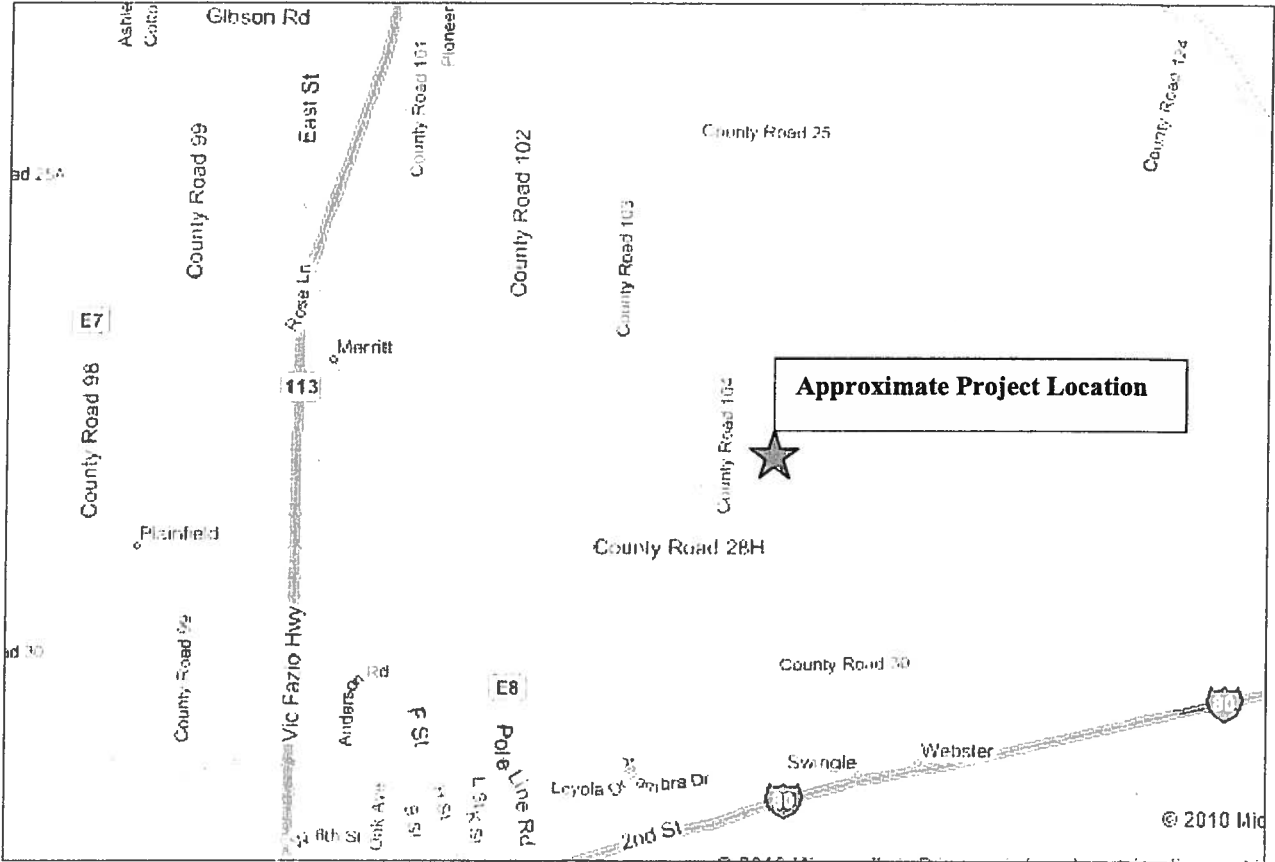
Our thanks go out to you and the rest of the Planning Department for the help on this project and we look forward to finishing the process of obtaining the necessary building permits and the timely completion of the project.

Sincerely,

  
Ronald E. Castro  
Chief Technical Officer  
Results Radio, LLC

~~ATTACHMENT A~~





**ATTACHMENT B**

COUNTY RECORDER

Filing Requested by:

**Yolo County, Planning and Public Works**

**Name**

**292 West Beamer Street**

**Address**

**Woodland, CA 95695**

**City, State, Zip**

**Attention: Jeff Anderson**

**Notice of Exemption**



To: Yolo County Clerk  
625 Court Street  
Woodland, CA 95695

To: Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**Project Title: ZF# 2009-001 (Results Radio Use Permit Extension)**

Ron Castro  
1355 N. Dutton Ave. Suite 225  
Santa Rosa, CA 95401

**Project Location:** Yolo County Central Landfill, 44090 County Road 28H, Woodland, CA 95776, approximately 2.5 miles northeast of the City of Davis (APN: 042-140-06)

**Project Description:** A Use Permit extension request for a previously approved 365-foot radio tower, located at the Yolo County Central Landfill in the Agricultural General (A-1) zone. The project was approved by the Board of Supervisors on September 14, 2010

**Exempt Status:**

**“General Rule” exemption**

**Reasons why project is exempt:**

**§ 15061 (3) states that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project was previously approved for the construction and operation of a 365-foot tall radio tower located at the Yolo County Central Landfill. The Mitigation Monitoring and Reporting Plan prepared for the project ensures that the Mitigation Measures created for the project are carried out by the applicant, as per the project’s Conditions of Approval.**

**Lead Agency Contact Person:** Jeff Anderson, Associate Planner

**Telephone Number:** (530) 666-8036

Signature (Public Agency): \_\_\_\_\_ Date: \_\_\_\_\_

Date received for filing at OPR:

**FILE #2009-001 FILE NAME: Results Radio Use Permit Extension  
AUTHORIZED SIGNATURE \_\_\_\_\_**

**RECEIPT #59189  
FEE STATUS \_\_\_\_\_**

**~~ATTACHMENT C~~**

**FINDINGS FOR A ONE-YEAR EXTENSION OF  
ZONE FILE #2009-001  
RESULTS RADIO USE PERMIT**

*(A summary of evidence to support each FINDING is shown in Italics.)*

Upon due consideration of the facts presented in this staff report and at the public hearing for a request to extend the Use Permit for Zone File #2009-001, the Yolo County Zoning Administrator finds the following:

**California Environmental Quality Act (CEQA) and Guidelines**

1. That the proposed "General Rule" exemption prepared for the project is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

*The exemption prepared for the project, pursuant to Section 15061(3) of the CEQA Guidelines, has concluded that, a one-year extension for a previously approved Use Permit, which included mitigation in the project's approved conditions of approval, and a determination that there will not be a significant effect on the environment as a result of the project, is covered by the general rule that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The Mitigation Monitoring and Reporting Plan adopted for the previously approved project ensure the project's compliance with the Conditions of Approval.*

**Zoning [County Code Section 8-2.3205]**

2. That the Zoning Administrator may approve extensions of time for use permits, including those approved by the Planning Commission.

- (a) Such extensions shall be approved only when it is found that circumstances under which the permit was granted have not changed;

*No changes have been made to the project description or the location of the project. The applicant has applied for a variance with the FCC for placing the tower at the landfill but has experienced unanticipated delays in the processing of the request. The Use Permit extension would allow the applicant additional time to work through the FCC process.*

- (b) Such extensions shall be approved for no more than two (2) years.

*The applicant is requesting a one-year extension, consistent with this provision.*

**CONDITIONS OF APPROVAL  
RADIO BROADCAST TOWER USE PERMIT  
ZONE FILE #2009-001**

**ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:**

PLANNING DIVISION—PPW (530) 666-8808

1. The project shall be developed in compliance with all adopted Conditions of Approval and the Mitigation Monitoring Program for Zone File #2009-001. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval and Mitigation Monitoring Program as contained herein.
2. Development of the site, including construction and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF #2009-001). Any minor modification or expansion of the proposed use shall be in keeping with the purpose and intent of this Use Permit, and shall be administered through Site Plan Review approved by the Director of the Planning and Public Works Department. The facility shall be operated in a manner consistent with the project's approval.
3. Any proposed modification determined to be significant shall require an amendment to this Use Permit with approval from the Planning Commission.
4. Assessment of fees under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4 will be required. The fees (\$2,010.25 plus \$50 Recorder fee) are payable by the project applicant upon filing of the Notice of Determination by the lead agency, within five working days of approval of this project by the Planning Commission.
5. This Use Permit shall commence within one (1) year from the date of the Board of Supervisors approval or said permit shall be null and void. The Director of Planning and Public Works may grant an extension of time; however such an extension shall not exceed a maximum of one year.
6. The applicant shall cooperate with the County in addressing shared usage of the facilities and/or site for future collocation on the radio broadcast tower and shall not be unreasonably opposed to sharing the site and facilities with other service providers.
7. The applicant shall reserve space at a functional height on the tower for wireless network equipment and web-based cameras for the Integrated Waste Management Division.
8. With advance notice of at least 24-hours, 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.

~~**ATTACHMENT E**~~

9. The applicant shall keep the designated leasehold area (site) free from flammable brush, grass, and weeds. Any structures on the leasehold area shall be adequately maintained and free from graffiti.
10. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent properties, public right-of-way, and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures.
11. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control.
12. The project shall be operated in compliance with all applicable federal and state laws and Yolo County Code regulations.
13. During construction or maintenance activity, any open trenches shall be covered overnight to prevent animals from becoming trapped. Any open trenches shall be inspected prior to commencement or continuation of construction activity and any trapped animals shall be allowed to exit on their own ability.
14. Upon termination of the radio broadcast tower use, the tower shall be removed and the project site restored back to its original condition with 12 months of cessation of use, or as described in the lease agreement.

YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT—(530) 757-3650

15. 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.
16. Visible emissions from stationary diesel-powered equipment are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart.
17. Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>) or with the District.
18. Architectural coatings and solvents used at the project shall be compliant with District Rule 2.14, Architectural Coatings.
19. All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

20. The applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health by the time hazardous materials and/or hazardous wastes are present in reportable quantities on-site.

COUNTY COUNSEL—(530) 666-8172

21. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the county or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the county, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The county shall promptly notify the applicant of any claim, action or proceeding and that the county cooperates fully in the defense. If the county fails to promptly notify the applicant of any claim, action, or proceeding, or if the county fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the county harmless as to that action.

The county may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

22. Failure to comply with the Conditions of Approval as approved by the Yolo County Board of Supervisors may result in the following actions:
- non-issuance of future building permits;
  - legal action.

**PRIOR TO ISSUANCE OF BUILDING PERMITS:**

PLANNING DIVISION—PPW (530) 666-8808

23. The applicant shall provide the Director of Planning and Public Works with documentation from the Federal Communications Commission (FCC) approving the tower at the proposed location described in this staff report for this Use Permit (ZF #2009-001).
24. The applicant shall provide the Director of Planning and Public Works with documentation demonstrating compliance with FCC requirements regarding electromagnetic radiation levels. The radio tower shall be maintained and operated in accordance with all applicable FCC rules and regulations with respect to environmental effects of electromagnetic emissions.
25. The applicant shall provide the Director of Planning and Public Works with documentation that Federal Aviation Administration (FAA) Form 7460-1 has been properly filed with the FAA as required by FAR Part 77, Subpart B, 77.13.
26. In accordance with the FAA, the pilot warning and obstruction avoidance lighting on the tower shall consist of two white strobes at the 200-foot level (approximate) of the tower and one white strobe at the 365-foot level (approximate), and shall utilize 20,000 candelas (cd) for day/twilight protection and a reduced brightness of 2,000 cd at night. The lights shall use the minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The applicant shall provide the Director of Planning and Public Works with the exact location of the lights and the proposed number of flashes per minute.

27. Construction details shall be included in construction drawings, submitted concurrent with the building permit application, and are subject to review and approval by the Director of the Planning and Public Works Department.
28. The applicant shall provide the Director of Planning and Public Works with a copy of the signed "Option and Telecommunications Site License Agreement" between the County of Yolo and Results Radio, LLC, to be approved by the Yolo County Board of Supervisors.

PUBLIC WORKS DIVISION—PPW (530) 666-8811

29. Construction disturbance greater than one acre shall require a Storm Water Pollution Prevention Plan (SWPPP).

BUILDING DIVISION—PPW (530) 666-8775

30. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
31. If applicable, the applicant shall obtain the necessary building permits prior to installation of equipment. New installation shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed panel antennas and appurtenances shall be installed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.
32. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the Woodland Joint Unified School District, East Davis Fire District, and County facility fees.

## **MITIGATION MEASURES**

### **PRIOR TO ISSUANCE OF GRADING PERMIT:**

PLANNING DIVISION—PPW (530) 666-8808

33. BIO-1. Swainson's hawk Biological Survey. Prior to any land disturbance activities and/or issuance of a building or grading permit, a biological survey of the project site shall be conducted by a qualified biologist. The qualified biologist shall determine if foraging habitat exists within the project site. If foraging habitat is not determined to exist within the project area, no further mitigation is required.

If Swainson's hawk foraging habitat is determined to exist in the project site, the applicant shall, prior to issuance of a grading or building permit, mitigate for the loss of Swainson's hawk habitat through participation in the Draft Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The qualified biologist, in consultation with the California Department of Fish and Game and/or Yolo HCP/NCCP Joint Powers Agency, shall determine the area of the foraging habitat disturbed by development. The applicant shall either: 1) pay a Swainson's hawk mitigation fee for the area disturbed by development, which is estimated not to exceed 1.7 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.

34. BIO-2. Swainson's hawk Pre-Construction Nest Survey. If any construction work (including clearing and grubbing) is scheduled to occur any time during the raptor nesting season (March 1 through September 15), a survey for raptor nests shall be conducted by a qualified biologist within 14 days prior to the start of construction. A copy of the survey and any agreement with the California Department of Fish and Game or Yolo HCP/NCCP Joint Powers Agency, if applicable, must be submitted to the Planning and Public Works Department no later than 48 hours prior to the start of construction. If no active nests are found during the focused survey, no further mitigation will be required.

If active nests used by a Swainson's hawk are found within 0.25 mile from the construction activities, a qualified biologist shall notify the Department of Fish and Game 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 1 and September 15, unless it is determined by a qualified biologist in coordination with the California Department of Fish and Game that the young have fledged and are feeding on their own, or the nest is no longer in active use.

35. BIO-3. Burrowing Owl. 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 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 breeding season (February 1—August 31), unless approved by the California Department of Fish and Game.

If burrowing owls are detected during pre-construction surveys outside the breeding season (September 1—January 31), passive relocation and monitoring shall be undertaken by a qualified biologist following the California Department of Fish and Game 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.

36. BIO-4. Other Birds of Prey and Migratory Birds

o A preconstruction survey for active nests of migratory birds and birds of prey shall be conducted no more than two weeks prior to construction. If no active nests are found, then no additional avoidance and mitigation measures are necessary.

o If an active nest is located within 250 ft of a construction area, a qualified biologist shall record the location(s) on a site map.



o The biologist shall establish a minimum 250 ft buffer around the nest tree or nest location.

o The biologist shall delimit the buffer zone with yellow caution tape, surveyor's flagging, pin flags, stakes, etc. The buffer zone shall be maintained until the end of the breeding season. No construction activities shall occur within 250 ft of a nest tree or nest location while young are in the nest.

o The biologist shall monitor the nest weekly during construction to evaluate potential disturbance caused by construction activities.

## RESULTS RADIO

October 5, 2011

Mr. Jeff Anderson  
Associate Planner  
Yolo County Planning and Public Works Dept.  
292 West Beamer St.  
Woodland, CA 95695

Dear Jeff:

This letter is to respond to the appeal filed by Ms. Eileen Samitz of the September 15<sup>th</sup> decision of the Zoning Administrator to extend Yolo County Conditional Use Permit (File #2009-001) for an additional year.

At the outset, we note that pursuant to Section 8-2.3301 of the County Zoning Code, the scope of Ms. Samitz's appeal must be limited to the extension granted by the Zoning Administrator and not, as the appeal implies, the Board of Supervisor's unanimous approval of the underlying use permit in September 2010. Understanding this limitation, the balance of this letter addresses Ms. Samitz claims.

First, contrary to the unsupported statement made in Ms. Samitz's appeal, there has been no change in Results Radio LLC's project as described in the Conditional Use Permit application that was given final approval by the Board of Supervisors in September of 2010.

Second, Ms. Samitz's claim that we have somehow circumvented Federal Communications Commission ("FCC") Rules and Regulations is totally without merit and, absent any changes in the project as approved, is irrelevant to the instant proceeding. At all times, we have very carefully complied with long-established FCC procedures. All of Results Radio's actions were taken in full compliance with FCC Rules. In short, Results Radio has done nothing to "game the system" as has been suggested by Ms. Samitz.

Third, as the County is well aware, given the comprehensive environmental review undertaken in conjunction with the approval of the Conditional Use Permit, Ms. Samitz's contention that the proposed tower was "environmentally unacceptable due to significant bird kills" flies in the face of the public record. This issue was fully vetted and publically debated before the Planning Department, the Planning Commission and, ultimately, the Board of Supervisors who unanimously agreed that the provisions of CEQA were met. No one, including Ms. Samitz, challenged the County's determination and the issue is now legally closed. As such, the issue is not germane to the current appeal.

## ATTACHMENT F

Finally, Ms. Samitz misquotes my letter of July 29<sup>th</sup>, 2011 requesting the use permit extension by claiming I stated that the reason for the extension was “unanticipated delays in the processing of the request”. In fact, the sentence was “...unanticipated delay *caused by the lengthy processing time at the Federal Communications Commission...*”. This is an important distinction since the ‘*lengthy processing time*’ was partially a result of several frivolous objections filed with the FCC *including one filed by Ms. Samitz*. Nothing in my statement is false and Ms. Samitz can produce no evidence to the contrary.

With regard to the approved Conditional Use Permit, Condition #23 of the Conditions of Approval require that Results Radio provide documentation of FCC approval of its construction application at the location described in the staff report, and herewith, we attach a copy of the authorized FM Broadcast Construction Permit, File Number BPH-20110824ACL, granted by the Federal Communications Commission on September 19<sup>th</sup>, 2011, authorizing construction of the facility.

To summarize, nothing in the circumstances under which the Conditional Use Permit was originally granted has changed and Ms. Samitz’s claim that we have made “material changes to their project” is categorically false. We have followed all FCC Rules and Regulations and we still intend to build a broadcast facility that will house KMJE, KDVS and the landfill’s communications system as reflected in the Conditional Use Permit formally and unanimously approved by the County Board of Supervisors. The County Zoning Administrator properly granted the extension request pursuant to the requirements of section 8-2.3205 of the County Zoning Code. As such, we respectfully request that Ms. Samitz appeal be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Castro". The signature is fluid and cursive, with the first name "Ronald" being the most prominent part.

Ronald E. Castro  
Chief Technical Officer  
Results Radio, LLC



United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**FM BROADCAST STATION CONSTRUCTION PERMIT**

Authorizing Official:

Official Mailing Address:

RESULTS RADIO OF CHICO LICENSEE, LLC  
1355 N. DUTTON AVENUE  
SUITE 225  
SANTA ROSA CA 95401

Edna V. Prado  
Supervisory Engineer  
Audio Division  
Media Bureau

Facility ID: 52516

Grant Date: September 19, 2011

Call Sign: KMJE

This permit expires 3:00 a.m.  
local time, 36 months after the  
grant date specified above.

Permit File Number: BPH-20110824ACL

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: RESULTS RADIO OF CHICO LICENSEE, LLC

Station Location: CA-WOODLAND

Frequency (MHz): 101.5

Channel: 268

Class: A

Hours of Operation: Unlimited

Callsign: KMJE

Permit No.: BPH-20110824ACL

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 38 deg 35 min 47 sec

West Longitude: 121 deg 40 min 49 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	5.7	5.7
Height of radiation center above ground (Meters):	103	103
Height of radiation center above mean sea level (Meters):	109	109
Height of radiation center above average terrain (Meters):	100	100

Antenna structure registration number: 1279949

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

1 \*\*\*\*\* This is a Section 73.215 contour protection grant \*\*\*\*\*  
 \*\*\*\*\* as requested by this applicant \*\*\*\*\*

2 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

\*\*\* END OF AUTHORIZATION \*\*\*

**Jeff Anderson**

---

**From:** Ron Castro [ronc@sonic.net]  
**Sent:** Tuesday, October 11, 2011 3:44 PM  
**To:** Jeff Anderson  
**Cc:** Jack Fritz II  
**Subject:** FCC procedure

Jeff:

To elaborate on the FCC proceedings, after having procured a Construction Permit to locate our tower on Mace Blvd., we agreed with neighbors and the county to attempt to locate the tower at the Landfill. FCC rules (FCC Rule 73.215) allow for locating at the Landfill if the tower had already been constructed, however since it became clear that we could not construct a tower at Mace Blvd., even on a temporary basis, we asked the FCC to allow us to locate at the Landfill subject to an associated request that the requirement to first build at Mace Blvd. be waived.

After months of internal deliberation, the FCC denied the waiver but provided 30 days to cure or dismiss the application. We determined that the FCC rules could be accommodated if we applied for an existing tower that was fully spaced from KHYL. However, since the FCC does not allow two mutually exclusive applications from the same applicant to be on file at the same time (FCC Rule 73.3517), we were required to dismiss the Landfill application before we could file an application for the existing tower. Since that tower was already built, the rules permitted us to file a new application to locate at the Landfill, which the FCC approved. This fulfilled all of the FCC's requirements.

If you need more information, please let me know.

Thanks,  
Ron Castro  
Chief Technical Officer  
Results Radio, LLC  
N6IE  
[www.N6IE.com](http://www.N6IE.com)



**ATTACHMENT G**

Public Correspondence received through 12:00pm on October 20, 2011

The following public correspondence is organized in the following order:

In support of extension

Matthew Williams  
Landon Scarlett  
Lance and Hilea Stanley  
Diane and Bruce Warne  
Kate Hart, Abbott & Kindermann

In opposition of extension

Lawrence Shweky  
Janet Zwahlen  
Coleen Borrego  
Charlotte Xanders  
Yannis Dafalias  
Mary French

**ATTACHMENT H**

**Jeff Anderson**

---

**From:** Matthews Williams [mattwill@pacbell.net]  
**Sent:** Wednesday, October 19, 2011 12:45 PM  
**To:** Jeff Anderson  
**Subject:** October 27th Yolo County Planning Commission Meeting – Public Input

Planning Commissioners, as a Yolo County resident, I

- Support the good decision made by the Planning Commission approving the Landfill site.
- Commend the Planning Department Staff on their thorough, responsive handling of the Results Radio application.
- Believe Results Radio will be a good addition to the Yolo County economic community.
- See considerable good in the annual stream of tax revenue and site rental revenue that Yolo County will receive from Results Radio.
- Support the Supervisors' unanimous decision to certify and adopt the Planning Commission decision approving the Landfill site in the best interests of the citizens of Yolo County.
- Support the good decision made by Edna V. Prado Supervisory Engineer at the FCC in issuing FM Broadcast Station Construction Permit Number BPH-20110824ACL on September 19, 2011
- Believe that the first paragraph one of the "reason for appeal" section on page two of the Application for Appeal is not supported by the facts and is completely without merit. Results Radio did not withdraw its FCC application, and the FCC did approve the application as evidenced by the attached September 19, 2011 FM Broadcast Station Construction Permit Number BPH-20110824ACL.
- Appreciate Results Radio's decision to build a guy wireless tower in order to substantially mitigate any bird strikes.
- Thank the Planning Commission for their consideration of the Results Radio Use Permit Extension request for the Landfill site.
- Support adoption of the recommended actions as outlined in the Zoning Administrator Staff Report dated September 15, 2011.

Thank you for your consideration of this input from a Yolo County resident to the Planning Commission decision. Sincerely,

Matthews Williams, Jr.  
44811 South El Macero Drive  
El Macero, CA



**Jeff Anderson**

---

**From:** Landon Scarlett [lscarl@pacbell.net]  
**Sent:** Wednesday, October 19, 2011 12:42 PM  
**To:** Jeff Anderson  
**Subject:** Fwd: October 27th Yolo County Planning Commission Meeting – Public Input

As a Yolo County resident, I

- Support the good decision made by the Planning Commission approving the Landfill site.
- Commend the Planning Department Staff on their thorough, responsive handling of the Results Radio application.
- Believe Results Radio will be a good addition to the Yolo County economic community.
- See considerable good in the annual stream of tax revenue and site rental revenue that Yolo County will receive from Results Radio.
- Support the Supervisors' unanimous decision to certify and adopt the Planning Commission decision approving the Landfill site in the best interests of the citizens of Yolo County.
- Support the good decision made by Edna V. Prado Supervisory Engineer at the FCC in issuing FM Broadcast Station Construction Permit Number BPH-20110824ACL on September 19, 2011
- Believe that the first paragraph one of the "reason for appeal" section on page two of the Application for Appeal is not supported by the facts and is completely without merit. Results Radio did not withdraw its FCC application, and the FCC did approve the application as evidenced by the attached September 19, 2011 FM Broadcast Station Construction Permit Number BPH-20110824ACL.
- Thank the Planning Commission for their consideration of the Results Radio Use Permit Extension request for the Landfill site.
- Support adoption of the recommended actions as outlined in the Zoning Administrator Staff Report dated September 15, 2011.

Thank you for your consideration of my opinion on the matter of the Results Radio Tower permit extension application.

Sincerely,

Landon Scarlett  
44811 S El Macero Dr.  
El Macero, CA 95618

10/20/2011

**Jeff Anderson**

---

**From:** Lance Stanley [lhsinvestments@yahoo.com]  
**Sent:** Monday, October 10, 2011 1:18 PM  
**To:** Jeff Anderson  
**Subject:** results radio

Dear Planning Commissioners:

We are writing to you regarding the Results Radio application. We urge you to grant the necessary extensions etc. so that Results Radio can acquire the final entitlements to construct the radio tower at the Yolo Landfill.

We believe that the Yolo landfill is an excellent location for the radio tower. With the county's economic situation being so dire, we like that the county will be receiving a revenue stream from this public/private agreement. If this works out for the county, perhaps this will be an impetus for more public/private ventures that benefit the county financially. We believe that approving the radio tower for the landfill site is in the best interest of Yolo County's citizens and believe that this will be a win-win for all parties.

We commend the planning commissioners, board of supervisors and zoning administrator for recommending and/or approving this project and encourage all parties to move forward and grant Results Radio the entitlements it needs to construct the tower.

Sincerely

Lance and Hilea Stanley

**Jeff Anderson**

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**From:** D Warne [newsong40-3@sbcglobal.net]

**Sent:** Monday, October 10, 2011 10:27 AM

**To:** Jeff Anderson

**Subject:** Results Radio Use Permit Extension

We are homeowners in Yolo County who support a one-year extension of Results Radio's Use Permit for construction of a radio tower at the Yolo County Landfill.

We believe that Yolo County Planning Commission acted in the best interests of the county's residents when they approved the Landfill site, and that Yolo County's Supervisors also acted in the residents' best interests when they approved the Planning Commission's decision. The FCC issued an FM Broadcast Station Construction Permit BPH-20110824ACL to Results Radio for construction of the radio tower, on Sept. 19, 2011.

We thank the Yolo County Planning Commission's consideration of the Results Radio Use Permit Extension.

Sincerely,

Diane Warne  
Bruce Warne  
44467 S. El Macero Dr.  
El Macero, CA 95618

October 17, 2011

VIA U.S. AND ELECTRONIC MAIL

Yolo County Planning Commission  
c/o Secretary of the Planning Commission  
292 W. Beamer Street  
Woodland, CA 95695

Re: Appeal of Zoning Administrator's Extension of Results Radio Use Permit  
County Planning File No. 2009-001

Dear Chair Reed and Planning Commission Members:

This office represents the Southeast Davis Coalition, a group of citizens who live in the City of Davis and who support the location of the Results Radio tower at the landfill. We are in receipt of the appeal filed by Eileen Samitz of the Zoning Administrator's determination to extend the use permit issued to Results Radio in September 2010 by one year. As discussed in this letter, the Commission should deny the appeal.

Background on Use Permit

On May 13, 2010, this Commission considered and adopted a Mitigated Negative Declaration and approved conditional use permit to allow Results Radio, LLC to construct a 365-foot radio tower at the County landfill. The Board of Supervisors affirmed your decision and denied an appeal of the project approvals and affirmed the Commission's actions on September 14, 2010. Since its approval, nothing about the project's ultimate location, its surroundings or environmental effects has changed. Recently, the County's Zoning Administrator considered and granted an extension of the conditional use permit to permit the Federal Communication Commission (FCC) to consider the location of the proposed tower. Now, an appellant who never once objected during the local permitting process is attempting to stop a project that was approved over a year ago, and which would greatly benefit the County, as well as its citizenry.

Discussion

The Appellant's claims are faulty and do not justify denial of the one-year extension as granted by the County Zoning Administrator.

First, the appellant argues that Finding 2(a) in the Zoning Administrator's Staff Report dated September 15, 2011 should be denied. Section 8-2.3205 of the County's Zoning Code states that the Zoning Administrative may approve extensions of time for use permits, including those approved by the Planning Commission, but that such extensions shall only be approved when the Zoning Administrator finds that circumstances under which the permit was granted have not changed.

Attachment D to the Zoning Administrator's Staff Report contains Finding 2(a) and states as follows:

"No changes have been made to the project description of the location of the project. The applicant has applied for a variance with the FCC for placing the tower at the landfill but has experienced unanticipated delays in the processing of the request. The Use Permit extension would allow the application additional time to work through the FCC process."

This finding is accurate and fully documented by the County. The radio tower project is slated to be constructed in *exactly* the same place as considered by the County over a year ago now. Further, the project would have been built by now if the applicant were it not for the delays caused by obtaining a waiver from the FCC. The fact that the FCC has not completed its process has no bearing on whether the circumstances at the County level have changed. To be clear, they have not. Specifically, there has been no change in the setting of the project or the environmental impacts of the project. As such, the Zoning Administrator properly issued the one-year extension to the conditional use permit.

Second, the appellant requests that Zoning Administrator's decision to grant the one-year extension of the use permit be overturned. The Zoning Administrator provided valid reasons, based on substantial evidence, for granting the extension. In doing so, the burden shifts to Appellant to prove otherwise. However, appellant provides no rationale, facts or legal authority to support her proposition other than she believes the statements regarding FCC delays are false. Without more, such conclusory statements do not justify the denial of a use permit extension. In fact, if the Zoning Administrator had refused to extend the use permit, such action would likely have been arbitrary and capricious.

Finally, the appellant requests that the Commission "deny the 'general rule' exemption" on the grounds that environmental review is required due to changes in the project. Also known as the "common sense exemption," CEQA Guidelines section 15061, subdivision (b)(3), states that a project is exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..." Here the project in question – the discretionary action – is the granting of a one-year extension to the project as approved – without any changes having been made to the project. Thus, the only question before the Commission is whether granting the extension of the use permit would have an impact

Yolo County Planning Commission  
c/o Secretary of the Planning Commission  
October 17, 2011  
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that in any way varies from the environmental impacts already assessed, studied, and which can no longer be challenged given the statute of limitations has passed. (See CEQA Guidelines, § 15162, subdivision (a).)

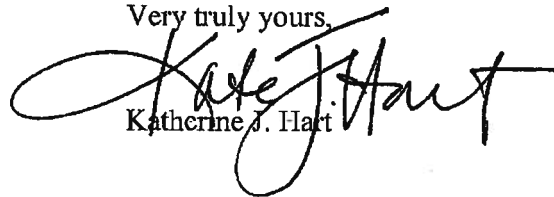
The Mitigated Negative Declaration dated April 8, 2010 (MND), identified and discussed each of the issues now being raised by appellant, including the aesthetic, biological resources, and land use consistency issues. The Board held two public hearings on the MND and project. On September 14, 2010, the Board certified the MND and approved the tower subject to 36 conditions of approval, as well as a Mitigation, Monitoring and Reporting Program to ensure the mitigation identified would be satisfied. A Notice of Determination was properly filed and posted on September 15, 2010. No CEQA challenge was ever filed.

CEQA does not require that a subsequent or supplemental EIR or MND be prepared *unless* the lead agency determines, on the basis of substantial evidence in light of the whole record, that (1) substantial changes are proposed to the project which will result in new environmental impacts or increase the severity of previously identified impacts; (2) substantial changes occur with respect to the circumstances under which the project is undertaken due to the involvement of new significant environmental impacts or an increase thereof; (3) new substantial information, which was not known at the time the MND was certified, shows that the project will have a significant environmental impact not previously discussed, will be more severe than originally contemplated, that certain mitigation measures or project alternatives once believed to be infeasible are now feasible, or that new mitigation measures or alternatives different from those previously analyzed would significantly reduce impacts. (CEQA Guidelines, § 15162, subdivision (a).) As noted above, there is no indication that any aspect of the project originally permitted has substantively changed. As such, no such substantial changes or new information have been shown here. Thus, the County cannot require subsequent or supplemental environmental review in this instance.

#### Conclusion

Based on the foregoing, the Planning Commission should deny the appeal, and affirm the Zoning Administrator's grant of the one-year extension of Results Radio's use permit. If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,



Katherine J. Hart

cc: Clients  
David Morrison, Planning Director  
Jeff Anderson, Planner

**Jeff Anderson**

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**From:** Lawrence Shweky [lshweky@yahoo.com]

**Sent:** Tuesday, October 18, 2011 5:53 AM

**To:** Jeff Anderson

**Subject:** radio tower

Jeff, I am outraged to hear about the proposed radio tower on the Yolo landfill site. Please do not approve Results Radio's application for an extension to build this tower.

Thanks,

Lawrence Shweky and Valerie Sheehan

1931 Renoir Ave., Davis, CA 95618

**Jeff Anderson**

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**From:** Janet Zwahlen [jz1613@gmail.com]  
**Sent:** Thursday, October 20, 2011 6:36 AM  
**To:** Jeff Anderson  
**Subject:** Do not build the Strobe Tower

To: Mr. Jeff Anderson  
From: Janet Zwahlen (Davis resident)

About: The enormous STROBE TOWER ---- Do not build the enormous strobe tower that will greatly impact out neighborhoods and WETLANDS. What is wrong with the planning commission? DON'T DO IT! I live on Monarch Ln. and am aware of the impact that would come from the direction of the landfill.  
Thank you for letting me have my say. jz



**Jeff Anderson**

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**From:** C Borrego [cborrego@sbcglobal.net]  
**Sent:** Thursday, October 20, 2011 4:58 AM  
**To:** Jeff Anderson  
**Subject:** OPPOSE Results Radio plan for Yolo County

Dear Mr. Anderson,

I am writing to let you know that I firmly OPPOSE the Results Radio plan to place a radio tower at the Yolo County landfill. Not only will the blinking tower be an eyesore visible for miles around, but it will be in the Pacific Flyway flight path and endanger many migratory birds. As I understand it, Results Radio will also base their operations in Sacramento, so Davis will end up with the environmental damage while Sacramento ends up with the jobs.

This plan is bad for Davis and I am OPPOSED.

Sincerely,  
Coleen Borrego  
Davis, CA

10/20/2011

**Jeff Anderson**

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**From:** Xanders, Charlotte C [xanders@csus.edu]  
**Sent:** Thursday, October 20, 2011 11:29 AM  
**To:** Jeff Anderson; yoloplan4@yahoo.com; syndey.vergis@gmail.com; mary@landbaselearning.org; info@lawburton.com; kcwill@att.net; leroyisfishing@gmail.com; jackkasbergen@aol.com  
**Subject:** FW: RED ALERT: PLEASE E-MAIL AND CALL IN YOUR OPPOSITION TO THIS ENORMOUS FLASHING STROBE RADIO TOWER

Dear Planning Commissioners:

I heartily concur with all the Ms. Samitz reports below and strongly urge you to protect then local Davis environment, our night sky, and the birds of the flyway by preventing this from occurring at the landfill site or anywhere in Davis.

Charlotte Xanders  
 218 Sandpiper Drive  
 Davis, CA 95616

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**From:** Eileen M. Samitz [mailto:emsamitz@dcn.davis.ca.us]  
**Sent:** Wednesday, October 19, 2011 11:25 PM  
**Subject:** RED ALERT: PLEASE E-MAIL AND CALL IN YOUR OPPOSITION TO THIS ENORMOUS FLASHING STROBE RADIO TOWER

Dear Neighbor,

This is an EMERGENCY ALERT that a Santa Rosa radio company is trying to build a new radio tower only 2 miles north of our neighborhoods at the Yolo County landfill. This tower will have EXTREMELY BRIGHT (i.e. 3 lights, **EACH ONE** is 20,000 candle lights daytime and 2,000 candle lights nighttime) BLINKING WHITE STROBE LIGHTS at TWO LEVELS (top and mid-tower) UNLIKE ANY RADIO TOWER IN THIS AREA. The strobe lights will be VERY INTRUSIVE, blinking 40 times per minute 24 hours a day, 7 days a week, and 365 days a year. This is unacceptable VISUAL BLIGHT that will RUIN the agricultural vista to the north and east of Davis -- vistas that the community has worked very hard to preserve.

Why are we facing this issue? Because a Sonoma County Radio station (Results Radio – KMJE) wants to dump their enormous, flashing strobe radio tower to Yolo County, but wants to move their headquarters and the associated jobs to Sacramento County. So the result will be that Davis takes the blight of CONSTANTLY FLASHING BRIGHT STROBE LIGHTS, while the jobs go to Sacramento County!

Another consequence is that if this 365 foot (taller than the Statue of Liberty ) monstrous radio tower is located on the Yolo Landfill site IT WOULD BE IN THE DIRECT FLIGHT PATH OF THE VIC FAZIO WILDLIFE AREA , THEREFORE, MANY THOUSAND SO OF BIRDS WILL BE KILLED TRYING TO MAKE THEIR WAY THROUGH THE PACIFIC FLYWAY!!! We invite birds from all over the world to migrate through this area and then place a monstrous radio tower in their path to kill thousands of them.

How did this happen? Originally Results Radio tried to put the new tower in South Davis. There was an uproar from the neighbors in El Macero and Willowbank, and the County unwisely moved the tower site to the landfill, dumping it on north Davis. The environmental community (Yolano Group Sierra Club, Yolo Audubon Society, Tuleyome , and others) continued to fight the proposed North Davis tower at FCC level on the grounds that it was in an ENVIRONMENTALLY SENSITIVE LOCATION (since the landfill site is adjacent to the Davis Wetlands Project, the Vic Fazio Wildlife Area, and the

Pacific Flyway) and should have required a National Environmental Protection Act (NEPA) analysis. The objection included a long expert opinion report by Dr. Sean Smallwood, Ph.D., documenting how these tall radio towers cause extensive bird kills. The environmental challenge, together with the fact that they were seeking to relocate to a site that interfered with an existing station, was sufficient to stop the application from getting FCC approval. The FCC was not willing to grant the controversial application an exemption to the interference rules.

After a lengthy stalemate, Results Radio withdrew their application and immediately re-applied to relocate to an existing tower about 6 miles north-west of Woodland to an entirely different site "piggybacking" onto an existing antenna. Since this was on an existing tower and on the edge of the valley creating no environmental issues we thought this issue was resolved.

As is turned out, this was just a DECEPTIVE BAIT-AND-SWITCH TACTIC by Results Radio.

Shortly after they were granted approval by the FCC to broadcast from NW of Woodland they quietly resubmitted the same application that they had previously withdrawn, and quickly flew it in UNDER THE RADAR. The FCC apparently did not recognize the "bait and switch" routine pulled by Results Radio and gave an approval.

**YOUR HELP IS NEEDED NOW TO SAVE THE THOUSANDS OF BIRDS FROM BEING KILLED BY THIS ENORMOUS RADIO TOWER AND TO SAVE OUR NEIGHBORHOODS FROM A BLINDING STROBE LIGHT BLINKING CONSTANTLY 40 TIMES A MINUTE! CONSTANTLY**

We SO need your help by attending the Yolo County Planning Commission hearing on October 27th (more details to follow on time and location) to make clear your strong your opposition to Results Radio trying to build an enormous and glaring tower on the nearby Yolo Landfill site . Results Radio is trying to get an extension on their approval to build at the north Davis site at the Yolo Landfill. The county Planning Staff has approved this extension and we have appealed the decision to the county Planning Commission. We need you to also write a letter now to this staff member at [Jeff.Anderson@yolocounty.org](mailto:Jeff.Anderson@yolocounty.org).

The County appears to have been KEPT IN THE DARK about the fake relocation to an existing tower and stealth reapplication for the North Davis site at the Yolo Landfill. They also do not seem to be aware that Results Radio has informed the FCC that their main operations will be in Sacramento County (EXPLOITING ANOTHER TECHNICALITY TO MANIPULATE YOLO COUNTY). These facts provide the many reasons why we need to fight to have the County REJECT the Results Radio application for an extension. NONE OF THIS WILL HAPPEN WITHOUT YOUR HELP TO E-MAIL AND CALL IN YOUR OBJECTION, AND TO ATTEND THE YOLO COUNTY PLANNING COMMISSION MEETING ON THURSDAY, OCT 27<sup>TH</sup> at 8am at the Yolo County Supervisors Chambers at 625 Court St. room 205.

**TIME IS SHORT TO STOP THIS MONSTEROUS TOWER. YOUR HELP IS NEEDED TODAY!**

**HOW TO HELP:**

1) Email your strong opposition to the extension of the Results Radio's application to locate on the Yolo Landfill site and send it to Yolo County staff member Jeff Anderson at

[Jeff.Anderson@yolocounty.org](mailto:Jeff.Anderson@yolocounty.org).

(2) Email and call the Yolo County Planning Commissioners (see contact information below) and ask them to REJECT THE EXTENSION.

3) Come to the Yolo County Planning Commission meeting on Thursday, Oct.27 and testify your opposition to locating the monstrous Result Radio tower on the Yolo Landfill site due to the enormous impacts of the bright strobe and the impacts on the thousands of birds using the Pacific Flyway.

(4) SPREAD THE WORD by calling friends and neighbors to help email and call in their opposition . Please refer anyone interested to me by my email at [emsamitz@dcn.org](mailto:emsamitz@dcn.org) and my phone number at (530) 756-5165 .

**SEND AN EMAIL TO STAFF MEMBER JEFF ANDERSON AND ALL THE YOLO COUNTY**

**PLANNING COMMISSIONERS AT:**

**Yolo County Staff member on this issue: Jeff Anderson at: [Jeff.Anderson@yolocounty.org](mailto:Jeff.Anderson@yolocounty.org)**

**YOLO COUNTY PLANNING COMMISSIONERS at:**

Richard Reed, Chair (530) 902-7733 email: [yoloplan4@yahoo.com](mailto:yoloplan4@yahoo.com)

Sydney Vergis (530) 752-7132 email: [sydney.vergis@gmail.com](mailto:sydney.vergis@gmail.com)

Mary Kimball(530) 795-1520 (Wk)(530) 666-3616 (Hm) EMAIL [mary@landbaselearning.org](mailto:mary@landbaselearning.org)

Jeb Burton (916) 570-2740 (Wk) email: [info@lawburton.com](mailto:info@lawburton.com)

Keith Williams (530) 724-3323 email: [kewill@att.net](mailto:kewill@att.net)

Leroy Bertolero (530) 758-9105 (Hm); (530) 277-9105 (Cell) email: [leroyisfishing@gmail.com](mailto:leroyisfishing@gmail.com)

Jack Kasbergen (530) 304-0170 (Hm) email: [jackkasbergen@aol.com](mailto:jackkasbergen@aol.com)

**Please help on this important issue which will greatly impact our neighborhoods and the wetlands if it proceeds.**

Take care, and please contact with any questions at 756-5165 or [emsamitz@dcn.org](mailto:emsamitz@dcn.org)

- Eileen

**Jeff Anderson**

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**From:** Yannis F. Dafalias [yfdafalias@central.ntua.gr]  
**Sent:** Thursday, October 20, 2011 1:33 AM  
**To:** Jeff Anderson; yoloplan4@yahoo.com; sydney.vergis@gmail.com; mary@landbaselearning.org; info@lawburton.com; kcwill@att.net; leroyisfishing@gmail.com; jackkasbergen@aol.com  
**Subject:** Result Radio Tower

Dear Yolo County Planning Commissioners and Staff Members

I am vehemently opposed to locating the monstrous Result Radio tower on the Yolo Landfill site due to the enormous impacts of the bright strobe and the impacts on the thousands of birds using the Pacific Flyway. It may also be harmful to humans in many other ways since recent findings on electromagnetic radiations confirm long time exposure health effects. I sincerely hope you will REJECT the application for location of this tower.

Yannis Dafalias  
Professor of Civil and Environmental Engineering  
U C Davis

**Jeff Anderson**

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**From:** Shelledy%2FFrench%20Family [shelledy@comcast.net]  
**Sent:** Thursday, October 20, 2011 11:59 AM  
**To:** Jeff Anderson  
**Subject:** radio tower in North Davis area near Yolo landfill

Dear Mr. Anderson,

I write to oppose the placement of a radio tower with strobe lights in the north Davis area near or on the Yolo landfill. For the same reasons that this tower was not appropriate in the South Davis area, it is not a good fit for the north Davis area. I am particularly concerned about the height of this tower as well as the lights that will mar the area. There are additional concerns about the impact of the tower on the wildlife in the vicinity.

This particular structure should be placed in another location. Thanks for your consideration.

Sincerely,

Mary M. French  
352 Sandpiper Dr.  
Davis, CA 95616  
(resident of north Davis)

10/20/2011