

Exhibit 6

The Installation Will Not Interfere with a Pacemaker or Other Electronic Equipment

Citizens have asked questions about interference with a heart pacemaker, and other electronic equipment.

You may refer to the "Standard Letter" from Medtronic CDRM Technical Services U.S., Mounds View, MN, entitled: "Radio Frequency Transmission, Rev B, 16-FEB-2009." It is available on request.

The maximum power output for a radio amateur in the U.S. is 1500 watts, or about the same wattage as a kitchen toaster oven, or small room heater. At page 2 of the Medtronic Standard Letter, for power in watts between 1000 to 2000, for ham radio, Medtronic recommends a "Minimum Distance of device from Antenna" of 30 feet. "If the antenna transmits in a very directional pattern, it may be necessary for the patient to be further away from the antenna at the strongest part of the pattern."

Radio signals decrease in power as the square of the distance (the "r-squared law"), therefore, increasing the distance from a radio antenna from 30 feet to 60 feet would mean that the radio emission is only 1/4 of transmitted power that existed at 30 feet.

Bottom line: If you wear a pacemaker, don't climb up to the antennas on Tom's tower -- while he is transmitting. Other than that, you're OK.

As to TV interference, or interference with any other home electronic devices, I attach a copy of a letter written by the Chief of the Private Radio Bureau at the FCC, to the Board of Zoning Appeals in Hempstead, Long Island, NY. He wrote:

I would also like to point out that there is no reasonable connection between requiring [the radio amateur] to reduce the height of his antenna and reducing the amount of interference to his neighbors' home electronic equipment. On the contrary, antenna height is inversely related to the strength, in the horizontal plane, of the radio signal that serves as a catalyst for interference in susceptible home electronic equipment. It is a matter of technical fact that the higher an amateur antenna, the less likely it is that radio frequency interference will appear in home electronic equipment.

Bottom line: If you fear interference, you should encourage Mr. Taormina to put his antennas up as high as possible.

Exhibit 9

Monopoles Preferred

The Existing Situation

At present, there are four towers more than 45 feet in height. In his SUP Application, the applicant has proposed to erect two monopole towers, for a net of six towers exceeding 45' above grade. Of the existing four towers over 45', all are lattice-type.

The Applicant was granted a building permit for the two additional monopoles, for which bases were constructed, then inspected and approved by the building department. These were the subject of the Stop Work Order of July 17, 2008.

The staff report recommended a total of four towers over 45', either two monopoles and two lattice towers, or the existing four lattice towers.

At the hearing, counsel for the Applicant argued that monopole-style towers are preferred by planners nationwide. The matter of choosing monopole vs. lattice towers was not a subject of discussion by the public at the hearing. After the public portion of the hearing was closed, one Commissioner moved to recommend two monopole towers and two existing lattice towers, on the ground that he believed that monopoles were the preferred style. That Commissioner's motion failed.

The Planning Commission voted to recommend that a special use permit for the four existing lattice-type towers be approved by the County Commissioners.

The matter is now before the County Commission for an independent examination of the situation.

The Applicable County Ordinance

The U.S. District Court has declared that the applicable law "specifies that an individual seeking to build a radio antenna over forty-five feet may obtain a special use permit [and] may apply for such a permit under section 17.62.010." *Slip Opinion at 8*. For the purposes of this application, the Court's ruling settles the matter as to what standard the County must apply to this application.

The test for a special use permit in this case was stated by the Court, which five times cited as the applicable ordinance section 17.62.010:

Certain uses may be permitted by the board of county commissioners in zones in which they are not permitted by this title **where such uses are deemed essential or desirable for the public convenience or welfare.**

(Emphasis supplied.)

The only legal question is whether the proposed Amateur Radio use is "deemed essential or desirable for the public convenience or welfare."

Despite the Court's detailed examination of the County Code, it did NOT cite Section 17.12.014 as relevant. This is the section that suggests that the proposed use must be "consistent with and compatible to those other uses permitted within the zone." That test does not apply.

Furthermore, and again despite the Court's detailed examination of the County Code, it did NOT cite Section 17.12.018. This is the section that requires that the proposed use must be "demonstrated by the applicant to be in the best interest of the general public and would not be incompatible with or detrimental to the surrounding area."

Neither of those two tests, which involve (1) compatibility with other uses within the zone, or (2) compatibility with the surrounding area, applies.

If beauty is in the eye of the beholder, be assured that the Applicant thinks of the proposed structures as majestic. But majestic or not, compatible or not, in the BEST interest of the general public or not – none of that is before this Board.

It is the USE, not the architecture style, not the material, not the aesthetics, not the color, that is before the County Commissioners.

Yet without public comment or debate on the style of structure, without the expression of an interest one way or another by the Senior Planner, and for no apparent reason, the Board did not recommend the monopole design towers.

The Applicant was astonished by this decision, especially after thousands and thousands of dollars had been spent on purchasing and preparing, including fresh weatherproof paint, then shipping the two monopoles for erection. The applicant had been encouraged to erect the monopoles, and the bases had passed inspection, when the stop work order was initiated by a former Assistant District Attorney.

The reasons that the Applicant was astonished by the decision of the Planning Commissioners to choose lattice design towers are:

- Above 45', the monopoles taper from 10" to as little as 7", whereas the average face of the Rohn 45 triangular lattice-style towers is 18",
- The monopoles will have only one visible set of guy wires (3) while the existing lattice towers have as many as four visible sets of guy wires (12),
- The Planning commission really did not discuss lattice vs. monopole design,
- The Building Department's recommendation to the Planning Commission does not discuss why one design is preferable over the other,
- The Building Department's recommendation provides no rationale as to why tower design was a matter for the Planning Commission at all (and it is not, as mentioned above – see the applicable ordinance). Finally, and perhaps most important of all,
- Nationwide, planners prefer monopoles.

The usual arguments that favor the traditional monopole design are that:

- It is simple,
- It is functional,
- It is minimalistic, and

• The County Commissioners are welcome to listen to the recording of the Planning Commission hearing to confirm for themselves that there was really no meaningful discussion of lattice vs. monopole design.

Cables inside the pole are not visible.

Case law contains confirmation that planning departments prefer monopoles. The “department would prefer to see the existing lattice tower replaced with a monopole tower.” *Preferred Sites, LLC v. Troup County*, 296 F.3d 1210, 1214-15 (11th Cir. 2002).

Preferences for Monopoles Over Lattice Towers Are Found Nationwide

In cellular, monopoles are used much more commonly than lattice towers. Source: Master’s Thesis by Mark Brose, University of Minnesota, <http://freenet.msp.mn.us/people/brose/papers/pcs.html>

But monopoles are not just more common these days, they are preferred. For example:

Chapter 17.82 Wireless Facilities

...

17.82.080 General Development Standards

A. . . . The placement or siting of wireless facilities, wireless transmission

devices, support structures and accessory equipment shall be subject to the following . . . preferences [in this order]:

...

- v. Proposals contemplating the construction of a new **monopole** structure, . . .
- i. Proposals involving the construction of new lattice towers or guyed structures.

Source: El Monte, CA (County of Los Angeles) <http://74.125.155.132/scholar?q=cache:zPeggJ2ysEJ:scholar.google.com/+monopole+preferred+cellular+ordinance&hl=en&asdt=1,22>

The United States Fish and Wildlife Service’s *Interim Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* (September 14, 2000) seeks to reduce the use of guy wires in the interest of protecting birds.

A quick review of zoning ordinances reveals that monopoles are widely preferred. See for example, the zoning ordinances of:

Hackettstown, NJ	Minneapolis, MN	Kenosha, WI
Oswego County, NY	Edina, MN	Boston, MI
Lincoln County, SD	Holmen, WI	Belle Plaine, MN
West St. Paul, MN	Franklin, MO	Lakewood, CO
Caldwell County, NC	Mountain Lake, MN	Mineral Springs, NC
Fitchburg, WI	Medina, OH	Sherburne, MN

Coon Rapids, MN	O'Fallon, IL	Gautier, MS
Napoleon, MI	Champlin, MN	Pepper Pike, OH
Lauderdale, MN	Urbandale, IA	Annandale, MN
Gaston, NC	Sunnyvale, CA	Old Bridge Twp, NJ
Robbinsdale, MN	Granite Falls, NC	Jackson, NC
Henry Co, GA	Menasha, WI	Savage, MN
Montville Twp, WA	Eureka Twp, MN	Appleton, WI
Overland Park, KS	Fostoria, OH	Shoreview, MN
Deep Haven, MN	Springfield Twp, OH	Appleton, WI
Senatobia, MS		

This list is far from exhaustive. For additional jurisdictions that prefer monopoles, do a search on bing.com or google.com for the phrase "towers shall be of a monopole design."

Also, the monopole design has been accepted in the Virginia City Historic District, and the proposed wind farm at the Eastern end of the County will all be constructed using monopoles.

Conclusion

Nationwide, Planners prefer monopole designs when possible. The Storey County Building Department has shown no preference. Above 45', the Applicants' monopoles are smaller than the Rohn 45 towers recommended without discussion by the Planning Commission. The Applicant has already invested thousands of dollars in monopoles, their preparation and shipping, as well as their very special base designs and hardware which have already been installed and passed inspection. The Applicants want monopoles so that they may rotate the entire monopole, instead of erecting big steel rings at each level where a rotating antenna will be mounted – which puts less steel in the sky.

The ordinance speaks only to the use, not the design. The County Commission has no business dictating the design or color, as such controls are not authorized by the ordinance.

The applicant respectfully requests that the County Commissioners reject the Planning Commission recommendation for lattice-type towers and approve instead the monopoles as proposed, present on site, and for which construction of the bases has already been completed and inspected.