

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **February 28, 2023**

CUP 02583

Zoning Amendment Requested:

TO CUP: 174' Monopole Communication Tower

Town/Section:

DUNN, Section 2

Size: **2 Acres**

Survey Required.

Applicant

**ARIF M KHAN &
SADIA ARIF**

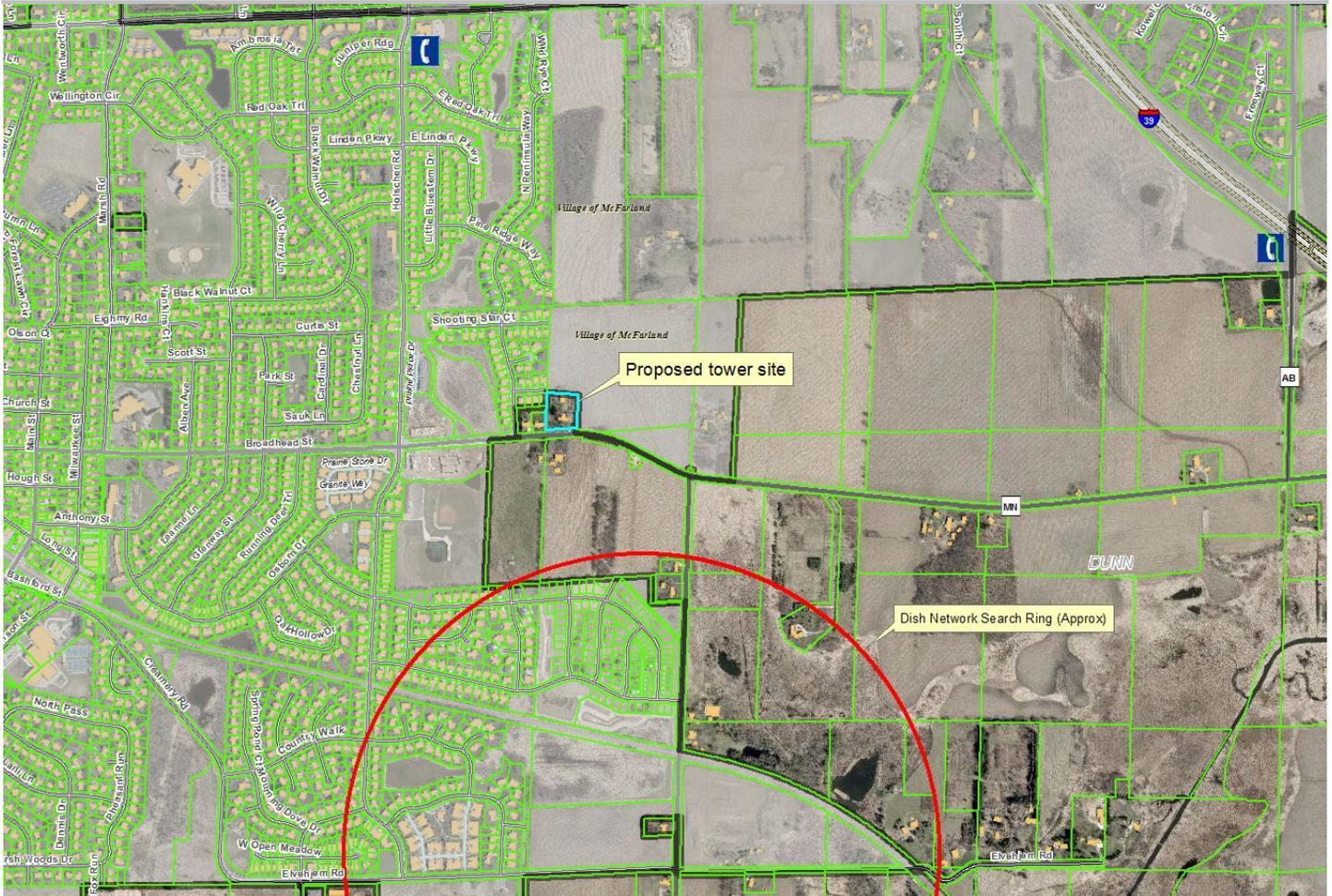
Reason for the request:

174' Monopole Communication Tower

Address:

**3486 COUNTY ROAD
MN**

WITHDRAWN



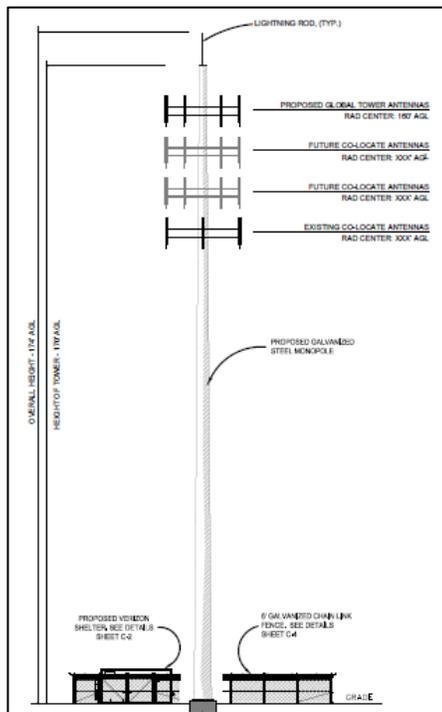
DESCRIPTION: Dish Wireless and Iron Mountain Towers (“TowerKing”) are requesting approval of a Conditional Use Permit (CUP) for a 170’ monopole style communication tower (174’ with lightning rod) that will allow Dish to provide its cellular service to the surrounding area. Applicants have negotiated a lease agreement for a 60’x60’ (3,600 sqft) area in the northeasterly corner of the property of the 2 acre RR-2 zoned parcel owned by Arif Kahn and Sadia Arif at 3486 County Highway MN in section 2 of the town of Dunn.

Applicants provided a sworn statement by an engineer for Dish indicating that the new tower is needed at the proposed location because there are no existing towers or other collocation options within their identified search ring. The tower would be owned and operated by TowerKing, with Dish as the anchor tenant at 160’ on the tower. The tower would include up to 3 additional collocation spots for other providers to potentially utilize.

The proposal has been reviewed by a third party radio frequency engineering firm, CityScope Consultants. CityScope’s review and report focuses primarily on determining if the proposed tower meets the requirements of the county ordinance, applicable state and federal laws, and is justified based on supporting technical documentation. CityScope’s recommendations are summarized below, and the full report is available on the [county’s legislator website](#).

Action on tower CUPs must be completed within a state-imposed 90-day timeframe – in this case by Monday, March 20, 2023 – unless extended by mutual agreement of the applicant and county.

CONDITIONAL USE PERMIT DECISION MAKING: Conditional uses are those uses which, because of their unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review. The zoning ordinance includes specific requirements and standards for review and approval of conditional use permits.



Proposed 174' monopole tower

In order to obtain a Conditional Use Permit, an applicant must provide substantial evidence to demonstrate that the application, and all requirements and conditions established by the county relating to the conditional use, are or shall be satisfied. Substantial evidence means, “*facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.*”

Prior to granting or denying a conditional use, the town board, if it chooses to act, and zoning committee shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- General standards for approval under s. [10.101\(7\)\(d\)](#)
- Any prescribed standards specific to the applicable zoning district – none apply in this case
- Any prescribed standards specific to the particular use under s. 10.103 - in this case, section [10.103\(9\)](#)

The town board and/or zoning committee must deny a conditional use permit if either/both find that the standards for approval are not met, and must approve if either/both find that the standards for approval are met.

The decision to approve or deny a conditional use permit must be supported by substantial evidence. Any conditions imposed must be based on substantial evidence, related to the purpose of the ordinance, reasonable, and, to the extent practicable, measurable.

The town board and zoning committee must review the proposed conditional use against all of the following standards for approval.

General Standards for Approval of a Conditional Use Permit

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans.
8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

Dane County communication tower ordinance: Approval of a Conditional Use Permit is required for a new or substantially modified communication tower. In addition to the review procedures and standards for all Conditional Use permits, communication tower applications are subject to the provisions of the Dane County communication tower ordinance, section [10.103\(9\)](#). The purpose of the ordinance is to ensure that facilities are sited in a manner that:

1. Protects and promotes public health, safety, community welfare and the quality of life in Dane County as set forth within the goals, objectives and policies of the Dane County Comprehensive Plan, this ordinance, and s. 66.0404 Wis. Stats;
2. Respects the rights and interests of towns, neighboring property owners, and existing land uses on adjoining properties in the decision making process;
3. Recognizes the public necessity for telecommunication facilities and the numerous benefits and opportunities a robust wireless infrastructure make possible for county residents, including improved public safety, efficient production and distribution of goods and services, access to educational resources, and economic development opportunities;
4. Allows appropriate levels of service to be obtained throughout the County, including expansion to rural areas seeking access to personal communications and broadband internet services;
5. Minimizes the number of transmission towers throughout the County;
6. Encourages the joint use of new and existing telecommunication facilities as a preferred siting option;
7. Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual and environmental impact on the immediate surroundings and throughout the county;
8. Avoids potential damage to adjacent properties from tower failure or ice falls through sound engineering and careful siting of structures; and
9. Provides a public forum to assure a balance between public concerns and private interests in establishing commercial telecommunications and related facilities.

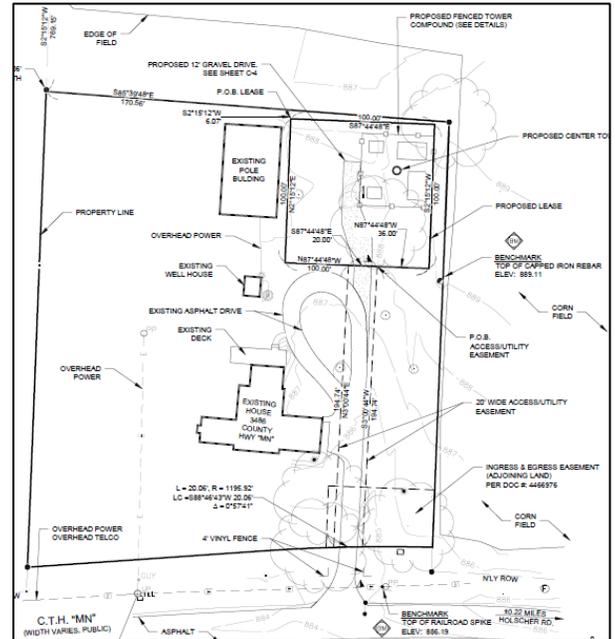
Dane County's ordinance has robust application requirements for communication tower proposals. In addition to providing a detailed statement of intent, site and operations plans, and responses demonstrating how the proposal satisfies the standards for approval of a CUP, applicants must provide technical documentation verifying the need for the tower at the requested height and location. This technical information is provided directly to, reviewed and fact checked by the 3rd party engineering firm, CityScape Consultants.

The application also includes [photo simulations](#) to help decision makers and other interested parties assess the potential aesthetic impact of the proposed tower. Please note that the "before" and "after" annotations on the photosimulations are incorrect. The full [application packet](#) is available on the county's legistar website.

RELEVANT FACTS & INFORMATION

Location, size, existing use and characteristics of subject property: The subject property is a 2.0 acre parcel located at 3486 County Highway MN in section 2 of the town of Dunn. The property abuts the village of McFarland on 3 sides and adjoins the Prairie Place residential subdivision to the northwest. Existing use of the property is residential, including the owner’s residence and a large accessory building. The tower is proposed in the northeastern corner of the property within a 100’x100’ lease area, and smaller 50’x50’ fenced compound. The subject property and surrounding topography is relatively flat and the lease area is at an approximate elevation of 888 feet above mean sea level. The center of the tower would be setback from the rear and easterly property boundary approximately 35’.

Current zoning and applicable district regulations: The property is zoned RR-2 (Rural Residential, 2-4 acres). Communication towers are listed as a conditional use in this district. Conditional uses are subject to the General standards for approval under s. 10.101(7)(d), along with any prescribed standards specific to the particular use under s. 10.103 - in this case, section 10.103(9). The ordinance doesn’t currently specify setbacks for towers, though an amendment is currently in process that would do so. The tower is proposed to be approximately 35’ from the rear and easterly property boundary. The rear yard setback for a primary residence in the RR-2 district is a minimum of 50’ (no less than 10’ for side yard). For accessory buildings, the minimum rear and side yard setback is 10’ for buildings not housing livestock. The height of residential buildings is limited to 35’.

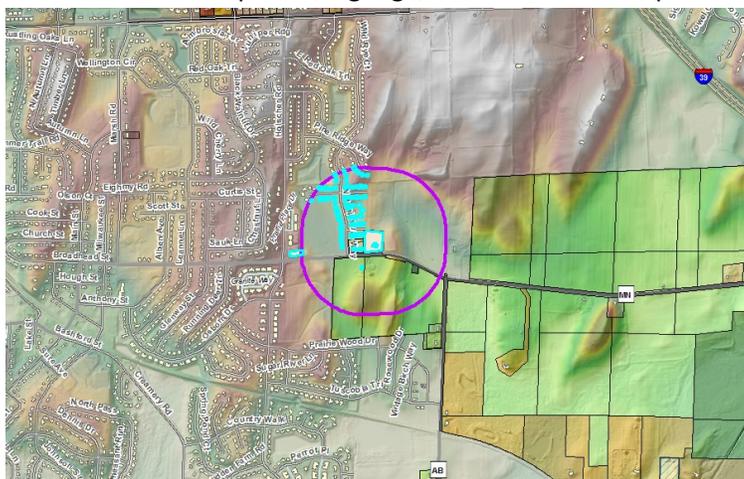


Surrounding land uses / neighborhood: Surrounding land uses include agriculture / open space, and residential. There are 63 residences, including the owner of the subject property, located within 1,000’ of the proposed site. 59 of the 63 residences are in the village of McFarland.

No sensitive environmental features or resource protection areas located on the proposed CUP site.

There are two existing communication towers located within approximately 1.5 miles of the subject property. The applicant has reviewed these sites for possible collocation and deemed them infeasible.

Utilities, access, drainage, and other necessary site improvements: The applicant proposes a 50’ x 50’ fenced compound around the tower site. Access would be via the existing driveway servicing the residence at 3486 County Highway MN. No structural development, signage, or onsite waste disposal is proposed.



Residences within 1,000’ of tower site

Applicable additional standards: In addition to the noted county code standards and requirements, other state and federal regulations apply to siting of communication towers.

TOWN / COUNTY PLAN: The property is within a designated agricultural transition area in the Town of Dunn and Dane County Comprehensive Plans. This planning designation applies to areas east of the village of McFarland’s planned future growth area, and reflects the [inter-governmental agreement \(IGA\)](#) between the town and village. Under the town’s plan, land uses in the area should remain agricultural / low density until such time as they may transition into the city for future development.

It’s worth noting that the county plan comprehensive plan incorporates the municipal plans of cities and villages as required under [state statutes](#). The village of [McFarland comprehensive plan](#) designates the surrounding area as “Neighborhood”.

3rd PARTY ENGINEERING REVIEW: The County relies on a the services of CityScope, a 3rd party radio frequency engineering consultant, to provide an independent and unbiased technical review of communication tower proposals. In addition to evaluating proposals for compliance with local, state, and federal regulations, CityScope also analyzes whether a particular site and tower height is justified based on the provided technical documentation, and if collocation on any existing tower facilities is feasible.

At CityScope’s request, the applicant provided summary confirmation from a Dish network engineer that collocation was not an option on either of two nearby existing mobile service support facilities – a village of McFarland water tower to the NW, and a US Cellular tower to the East. CityScope’s review confirms that collocation on the existing structures is not a viable option.

CityScope’s report acknowledges that Dish has demonstrated a need for a mobile service support facility in the vicinity of the proposed tower site. However, the report does not provide conclusive findings and indicates that additional information is needed to validate the requested height:

“While CityScope can confirm DISH’s need for a facility in the area based on the service coverage gap observed in the propagation maps, we cannot validate that the requested height is justified at this site. Being that the site is very near a single-family residential development and a 170-foot tower constructed at the proposed site will have a substantial visual impact, the Applicant should justify the proposed height and demonstrate why a tower of lesser height would not achieve substantially the same coverage as 170 feet of height.” [\(Page 3\)](#)

“CityScope recommends that the Applicant produce additional propagation maps with alternative lower antenna heights of 140 feet and 120 feet, in the same format as the maps already provided to CityScope, except a scale of miles on each map should be included. As before, these requested maps can be sent confidentially to CityScope for examination.” [\(Page 4\)](#)

STAFF ANALYSIS

Dish and its subsidiaries are obligated to provide certain minimum levels of service within the geographic areas covered by their FCC licenses. As indicated in the applicant’s submittal, this site is being proposed because there is no existing tower in the area where Dish Wireless needs a facility to meet its network objectives within the McFarland area.

Common Tower Related Issues. There are a number of issues that are commonly associated with the siting, operation, and maintenance of communication towers. Below is a brief synopsis of these issues in the context of the tower proposed under CUP #2583.

Air navigation. The potential for impacts to air navigation, including nearby private airports, is a concern handled through the FAA. The applicant has provided a copy of the FAA’s “determination of no hazard to air navigation” for this site.

Fall-down and ice-fall. Catastrophic tower collapse as well as ice fall from towers can be a concern for towers located in developed areas or near occupied buildings. The tower would be located approximately 160' from the property owner's residence and approximately 80' from an accessory building on the property. The next closest neighboring residential building is approximately 255' to the west of the tower. While ice fall is a possibility with all towers, the likelihood of damage is relatively low given the rural location and prevailing winds coming from the west.

The applicant has provided an [engineering certification](#) indicating an anticipated fall down radius of 35' or less in the event of wind events in excess of the design standard. The fall radius is the exact distance the tower is proposed from the rear and easterly property boundaries. Concerns have been expressed by residents in the past about potential for catastrophic fall down in the event of a tornado. It's unclear if the design specifications and assumptions underlying the engineering certification would hold in the event of a tornadic event similar to what occurred in August of 2005, including the F3 "Stoughton" tornado which produced wind speeds exceeding 150 mph. Currently, the adjoining property to the north and east is vacant agricultural land.



Photo Location Directly West - ~~(Before)~~

An [amendment](#) to the county zoning ordinance is currently in process that would establish a setback equal to or greater than the height of a tower if the proposed tower is on or adjoining land where single family residences are a permitted use. Notwithstanding the statutory provision that prohibits such a setback if an applicant provides an engineering certification regarding the fall radius of a tower, a greater setback could be required if deemed necessary by the town board and/or ZLR Committee to find the proposal satisfies one or more of the [standards for approval of a CUP](#).

Visual aesthetics. Aesthetics is a highly subjective issue and one of the most significant points of contention often associated with new communication tower requests, particularly those that would involve nighttime lighting. The tower would not be lighted. There are 63 residences within 1,000 feet of the tower site, and 14 within 500' of the site (including the owners' residence). Given the lack of topography and comparatively small site (2 acre lot), the tower will undoubtedly be visible from the surrounding area.

The applicant has submitted [photo simulations](#) that illustrate the potential visual impact from a few locations surrounding the property. As noted above, it is apparent that the annotation accompanying the photosimulations is inaccurate, though in the view of staff this does not substantially impact their utility.



View of subject property from end of Meadowsweet Trail.

As noted during the ZLR public hearing, the applicant did not provide a photosimulation from Meadowsweet Trail where the closest residences are located. The photo at right shows the subject property from the end of Meadowsweet Trail.

Under applicable state law, aesthetics cannot be the *sole* determining factor in denying a new tower proposal. In its review, CityScape noted that the applicant should address the likely aesthetic impact to neighboring residents by demonstrating if a tower of lower height could achieve substantially the same levels of service.

Electromagnetic radiation. The issue of electromagnetic radiofrequency (RF) emissions is commonly raised in response to communication tower proposals. In accordance with the county's application requirements, Dish has provided a letter confirming that the facility will be in compliance with the RF energy human exposure guidelines and FCC rules regarding interference to other communications services.

Consistency with adopted town / county comprehensive plan: To be approved, a proposed conditional use must be found to meet the standards in section 10.101(7)(d)1. This includes a finding that the proposed conditional use is consistent with the adopted town and county comprehensive plans.

As noted above, the property is in a designated agricultural transition area and future expansion area for the village of McFarland. Town / county planning goals, objectives, and policies emphasize the preservation of farmland and rural character as the area transitions away from agricultural use.

The town plan addresses conditional uses in several ways, including [lists of conditional uses](#) in each zoning district that may, depending on the circumstances, potentially be deemed to be consistent with town policies. The plan lists communication towers as potentially appropriate in the RR-2 district.

The town plan includes the following provision specifically addressing towers:

With regard to preserving the rural atmosphere and viewsheds:
"Any new development will be located such that it does not disturb scenic views or impact the Town's rural character. To the extent possible, encourage new communication towers and wind energy systems to locate in areas that minimize viewshed impacts." (Note that there are no town-designated viewshed protection areas near the site.)

Telecommunications

Policies and Programs

1. Encourage Dane County communities to adopt enforceable guidelines for siting and removing telecommunications facilities.
2. Strengthen consideration of aesthetics in the building of towers (e.g., education, design competition, exhibits).
3. Maximize coordination of telecommunication facility needs with existing structures, buildings, water towers, etc.
4. Adopt ordinance requiring feasibility study of alternatives before allowing new tower construction.
5. Because Internet communication has become necessary in the conduct of commerce and provision of services in the county, promote countywide wireless Internet service (WiFi).
6. Encourage exploration of municipally owned telecommunication facilities to furnish wireless service to all areas of the county.

[Dane County Comprehensive Plan Telecommunications Policies](#)

There are additional references to towers and siting of towers in the Appendix of the town plan, but no relevant or applicable policies. More broadly, the town plan includes a [list of factors](#) to be considered for any conditional use permit:

The Town will review conditional uses in each district to determine if all provisions of the Land Use Plan and the Future Land Use Map are addressed and met including, but not limited to consideration of the following factors:

- a. Consistency with the Town Comprehensive Plan.
- b. Whether the use is complementary with adjoining properties.
- c. Compatibility with existing or permitted use on adjacent lands.
- d. Impacts of noise, dust, lights, odor, contamination, parking, traffic, and other changes related to the use on public safety and rural character of the Town.
- e. The productivity of the lands involved.
- f. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- g. The need for public services created by the proposed use.
- h. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- i. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

The county comprehensive plan also includes a number of policies regarding new communication towers, though some of these were rendered inapplicable by state statute 66.0404 enacted in 2013 (see above).

Determining if the proposed conditional use is consistent with the adopted town and county comprehensive plans requires consideration of not just the town plan, but the village of McFarland plan, which is also part of the county’s comprehensive plan. The village of McFarland plan future land use map designates the property as “Neighborhood”.

The village plan provides the following summary for that designation:

Future Land Use Category	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Development Policies (see also Village zoning, subdivision, stormwater management, and other ordinances)
Neighborhood	A carefully planned mix of mostly single-family residential development, with well-designed, limited components of two family and townhouse residential, multiple family residential, institutional, and recreational land uses. All served by public sanitary sewer and water systems.	R-1 Residence District R-2 Single- and Two-Family Residence R-3 General Residence R-E Elderly Residence PD, PD-I Planned Development (Village may also wish to establish a “neighborhood” zoning district)	<ol style="list-style-type: none"> 1. Unless the developer is following the Village’s East Side Neighborhood Growth Area Plan, require preparation of detailed neighborhood plans in advance of development applications in planned Neighborhood areas. Neighborhood development plans specify the arrangement of different land uses, environmentally sensitive areas, roadways, parks and trails, and other major infrastructure investments. 2. Accommodate a mixture of housing types, costs, and densities, while maintaining the predominance of single-family housing in the community. The Village policy is that at least 65% of new housing units in the planned Neighborhood area as a whole should be single family residences. 3. Promote neighborhoods that instill a sense of community with their design – including gathering places, parks, open spaces, pedestrian and bicycle access, schools, and churches. 4. Refer also to policies applicable to Single Family Residential, Two Family and Townhouse Residential, Multiple Family Residential, and other future land use categories that comprise each Neighborhood area.

Staff’s understanding is that the village plan commission will be considering the proposal and will provide a written position on it following their meeting scheduled for February 20.

STAFF UPDATE: The petition was postponed at the February 28th ZLR Public Hearing due to no town action, public opposition, and to provide time for the applicant to provide additional information to the county’s 3rd party RF engineering consultant. Given the single family residences in close proximity to the tower site, CityScape recommended that the applicant provide an analysis to validate the need for the requested height of the tower and show whether or not a lower tower height would accomplish Dish’s coverage objectives.

CONCERNS AT ZLR PUBLIC HEARING:

There were several registrants who spoke in opposition, including the Village President, Carolyn Clow, and Community and Economic Development Director, Andrew Bremer. The village provided a [written letter of opposition](#) detailing concerns with the proposal, countering information the applicant submitted regarding property value impacts, arguing the proposal fails to satisfy various purposes of the county’s tower ordinance and standards for approval of a Conditional Use Permit, and is inconsistent with the village’s comprehensive plan, which is a component of the Dane County comprehensive plan. Neighboring residents expressed concerns about negative impacts to the uses, enjoyment, and values of their properties, as well as health and safety concerns.

Edward Wreh noted that the photo simulations provided by the applicant failed to show the tower from Meadowsweet Trail, even though the properties along Meadowsweet Trail will be most impacted by the proposal. Kris Krentz, president/CEO of Skaalen Retirement Services, which owns the adjoining property, indicated that the proposal would negatively impact plans underway for a senior housing development on the property. Mr. Krentz expressed safety concerns about the potential for ice-fall from the tower given the close proximity to the property line and the planned future extension of Meadowsweet Trail and associated pedestrian sidewalks. Steve Riecks expressed health and concerns over RF emissions from the tower, noting his discomfort over the many conflicting studies on the issue.

Village president Carolyn Clow noted her disappointment that the applicant did not meet with the neighbors or the village plan commission regarding the proposal, despite the applicant’s stated intent to provide services to village residents and the clear impact to adjacent village residents and future development plans. Written submittals can be reviewed on the county’s [legistar file for CUP 2583](#), and the recording of testimony offered during the public hearing can be accessed [here](#).

PROPERTY VALUES:

The applicant provided two property value “studies” purporting to demonstrate that siting a communication tower in close proximity to residential development does not negatively impact property values. [The first of the submittals](#) centers on a tower built in Greendale, WI in 2018. No address for the tower was provided, nor were any details provided regarding the tower design, height, or the specific circumstances of the site and surrounding neighborhood. Staff researched the addresses provided in the documentation and found that the tower in question is a ~100’ tall monopole located at [6101 S. 51st St, Greendale](#), on a 3 acre property owned by St Stephen the Martyr Lutheran Church. The 3 acre church property is surrounded by 22 acres of Village of Greendale-owned parkland (“College Park”). The closest residential property is approximately 340’ away across County Highway ZZ (“W. College Avenue”), and the tower location is shielded from view of the residential area by a ~2 acre grove of mature trees. The image below depicts the tower location referenced in the applicant’s submittal (red dot = tower location).



The [second document](#) looks at a tower in Waukesha on what is now the Moningstar Golfer's Club immediately south of a residential property at [W256S7670 Prairieside Dr](#). Again, the submittal provides no detail about the tower other than that it was built prior to subsequent residential development. Staff was unable to determine the height of the tower referenced in the submittal, though it's estimated to be approximately 150' in height. While the information demonstrates that residential development occurred near a pre-existing tower, it does not constitute verifiable evidence that communication towers built in close proximity to residential development have no impact on property values. The image below shows the tower location referenced in the applicant's submittal (red dot = tower location).



In both documents provided by the applicant, the information references property value assessments by the respective municipalities for properties in proximity to the towers and falls short of substantial evidence showing towers have no impact on property values for a number of reasons. In the case of the Waukesha example, the tower predated the surrounding development and the information provided did not analyze or control for the myriad factors that make up a property's value, such as size/age/condition of the home, size of the parcel, locational and other comparative amenities – such as the fact that the development abuts a golf course. A more useful analysis for the Waukesha example would have been to compare the market value of neighboring lots sold prior to their development, but this information was not provided.

In the Greendale example, the primary land use of the 3 acre host property is institutional (church) which is surrounded by a large 22 acre publicly owned open space property. In addition, the tower is only 100' tall, concealed by trees, and located across a street from the closest residential development.

By contrast, the proposal under CUP 2583 is on a 2 acre residential property surrounded on 3 sides by a different municipality whose plans call for expansion of development on the immediately surrounding property. The village's future transportation map calls for extension of Meadowsweet Trail to the east along the northerly boundary of the subject property. This is evident not only from the village's plans, but also from the layout of Meadowsweet Trail and associated curb/gutter/sidewalk and public sewer. Meadowsweet currently dead-ends at the property line with the boundary with the currently undeveloped Venevoll/Skaalen parcel. The existing and planned pattern of development is at a comparatively high density (<1/4 acre lots).

The 174' tower is proposed to be 35' from the rear and easterly side lot line and there are no topographic or other features that would serve to conceal the tower from the neighboring development. The scale of the facility is out of character and incompatible with the existing and planned pattern of development.

The village of McFarland in its written opposition noted several studies purporting to document that towers have a negative impact on neighboring residential properties. Staff did not review those studies in detail, but can confirm that they contained detailed information about the methodologies used to arrive at their findings as well as citations to other studies. The applicant's information not only contained no such documentation about the methods used to arrive at the stated claims, but failed to even provide basic information about the location, design, and characteristics of the tower sites and surrounding neighborhoods.

CITYSCAPE RF ENGINEERING UPDATE

CityScape provided a supplemental report regarding evaluation of possible lower tower heights based on RF information provided by Dish Wireless. The findings of the report indicate that a height of 140' would yield virtually the same coverage as 160' (Dish's proposed height on the tower).

UPDATE ON TOWER SETBACK REQUIREMENTS UNDER OA 57

At the February 28th ZLR Committee meeting, proposed ordinance amendment 57 regarding setbacks for communication towers was recommended for approval to the county board. The recommended amendment will be on the March 16 county board agenda. As noted earlier in this report, while the ordinance change has not taken effect, staff believes this does not preclude the imposition of greater setbacks than currently specified in the code if deemed necessary by the zoning committee to find that the proposal meets one or more standards for approval of a conditional use permit.

STAFF RECOMMENDATION (3-14-23)

Staff have asked the applicant to agree to an extension of the 90 day timeframe for action so as to provide sufficient time for the town and all interested parties to review the proposal, along with additional/updated information that's been submitted since the February 28th public hearing. Pending the applicant's response to this request, staff recommends postponement. If the applicant does not agree to extend the timeframe for action, staff will provide a supplemental memo with detailed recommendations for the committee's consideration at the March 14th meeting.

STAFF UPDATE (3-28-23)

The proposal was postponed at the March 14th ZLR Committee meeting, pending town action and to provide time for the applicant and Village of McFarland to consider the findings of the CityScape supplemental memo that a shorter tower height would yield essentially the same coverage for Dish Wireless. The town of Dunn is scheduled to hold a meeting on March 27th to possibly take action. The applicant has indicated a willingness to lower the tower height to 140' (145' with lightning rod), and to an additional 14' of setback (total of 49').

The village has provided another letter indicating they are still opposed to the tower, and that the decrease in height and additional 14' of setback have not resolved their concerns. They indicate that a setback equal to, or greater than, the height of the tower would be required to address the concerns.

STAFF RECOMMENDATION (3-28-23): Staff is recommending denial of the CUP application and have provided a supplemental memo which includes a summary and recommended findings for the committee's consideration.

TOWN ACTION: The town is holding a special meeting on Monday, March 27th to consider the proposal. Town staff are suggesting that the town board take no action and to forward the application to the ZLR Committee with no recommendation. Staff will provide an update to the committee at the ZLR meeting on March 28th.

Any questions about this petition or staff report please contact Majid Allan at (608) 267-2536 or allan@countyofdane.com), or Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com.

