



## Dane County Zoning Division

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# DANE COUNTY CONDITIONAL USE PERMIT #2434

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit # 2434 for a Communication Tower pursuant to Dane County Code of Ordinances Section 10.194, subject to any conditions contained herein:

**EFFECTIVE DATE OF PERMIT: August 29, 2018**

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

LOCATION: 4156 County Highway B, Town of Dunn, Dane County, Wisconsin

### Legal Description:

Located in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec 21, T6N, R10E, Town of Dunn, Dane County, Wisconsin. Commencing at the W  $\frac{1}{4}$  corner of said Sec 21; thence N89°03'31"E (recorded as N89°30'31"E), 1333.32 feet along the south line of the NW  $\frac{1}{4}$  of Sec 21 to the SW corner of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Sec 21 and the point of beginning; thence N0°07'27"W, 626.10 feet (recorded as N00°18'40"E, 625.75 feet) along the west line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec 21; thence S89°11'05"E, 310.79 feet; thence S00°09'01"E, 518.10 feet; thence S89°03'31"W, 127.54 feet; Thence S00°09'01"E, 107.31 feet (recorded as S01°18'40"W, 107 feet) to the south line of the NW  $\frac{1}{4}$  of Sec 21; thence S89°03'31"W (recorded as N89°30'31"W), 183.51 feet along the south line of NW  $\frac{1}{4}$  to the point of beginning. This parcel contains 36.04 acres and is subject to a road right-of-way over the most westerly part thereof.

### **CONDITIONS:**

1. The primary use of the communication tower permitted under Conditional Use Permit No. 2434 shall be for the provision of broadband internet services.
2. The communication tower placed, constructed or modified under Conditional Use Permit No. 2434 shall not exceed a maximum height of 100 feet above ground level. Extension beyond the maximum permitted height of 100 feet above ground level shall require amendment and approval of a new Conditional Use Permit.

3. The minimum of two (2) collocation sites as required under section 10.194 of the Dane County Code is hereby waived.
4. The Town of Dunn and Hoyos Consulting LLC shall sign a Memorandum of Understanding (MOU) detailing the operation and ownership of the tower.
5. The holder of Conditional Use Permit No. 2434 is permitted, if needed, to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Any other user collocating on the tower permitted herein is permitted to construct a building of no more than 14 feet in height (as defined in section 10.01 (8) of the Dane County Zoning Ordinance in effect in March 1997) and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Two or more users of the tower may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower collocators shall be subject to all conditions established for Conditional Use Permit No.2434, including locational requirements contained in the site plan.
6. The holder of Conditional Use Permit No. 2434 shall, through ownership, lease, option or other means, at all times have the right to use the land associated with the permitted tower for uses related to the use of the collocation sites required hereunder, including the construction and use of buildings as permitted under paragraph 4 herein.
7. Final site plan(s) and design drawings for the proposed tower are subject to review and approval by the town of Dunn prior to installation of the tower.
8. No graphic message or advertising may be permitted on the tower. This would not prohibit the use of warning or equipment information signs.
9. Upon written inquiry by the committee, the holder of Conditional Use Permit No. 2434 shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with conditions on Conditional Use Permit No. 2434, all reasonable costs and expenses associated with such consultation shall be borne by the holder of said conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit.
10. The holder of Conditional Use Permit No. 2434 shall within 30 days of any collocation on the permitted tower provide the committee with written notification of the identity of the collocator and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the committee with written notice of the cessation of such use. Any changes due to collocation or otherwise shall be reviewed by the Zoning Administrator prior to implementation to determine if permits are needed and to determine that such changes are in compliance with terms of the CUP and does not significantly alter the appearance or structural integrity of the tower approved and permitted under this CUP.
11. If at any time the communication tower permitted under Conditional Use Permit No. 2434 ceases to be used for the primary use, as identified in paragraph 1 above, for a continuous period of 12 months the permit holder shall, upon notification by the committee, dismantle and remove the tower.
12. The applicant shall file a Notice of Proposed Construction on Form 7460-1 to the FAA to assure that the tower will not impact air traffic.
13. Contact with Wisconsin DOT Bureau of Aeronautics should be made prior to construction, if it has not already been done, to determine whether notification to that agency is required.
14. All tower components, appurtenances and transmission lines should be securely bonded and grounded to prevent RF interference caused by stray signals.
15. A structural report by a Wisconsin professional engineer shall certify that proposed tower will be structurally adequate at the proposed height.

16. If applicable, all feed lines shall be installed within the support structure and antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife.
17. The tower shall be light blue or gray, or other colors that are demonstrated to minimize visibility. The use of mottling as a camouflage is encouraged.
18. The tower and any antennas shall not be lighted except as required by the Federal Aviation Administration or other lawful authority.
19. Applicant shall not begin construction until Federal SHPO/NEPA requirements are met.
20. Applicant shall comply with any and all town of Dunn requirements for landscaping or security fencing around the base of the tower. Fencing and locks must be provided to secure the site. No barbed wire or razor wire fencing is permitted. No trespassing signs shall be posted on any security fencing.
21. Failure to comply with any of the aforesaid conditions may be grounds for the committee to initiate revocation proceedings for Conditional Use Permit No. 2434.

**THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:**

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed 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 will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.

***EXPIRATION OF PERMIT***

In addition to any time limit established as a condition in granting this CUP, Section 10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance.