



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

TO: ZLR Committee
FROM: Majid Allan, Senior Planner
DATE: April 20, 2023
RE: Reconsideration of Conditional Use Permit 2578
CC: Town of Dunkirk

At the ZLR Committee meeting on February 28, 2023, John Matson owner/operator of Matson Airport, spoke under the public comment section of the agenda and expressed concerns with a recently approved conditional use permit, CUP #2578, for a communication tower located at 1576 Spring Road in the Town of Dunkirk. He explained that the tower is located in the direct path of the runway which is less than 1 mile away to the south. He further stated that the airport was not notified of the proposed communication tower.

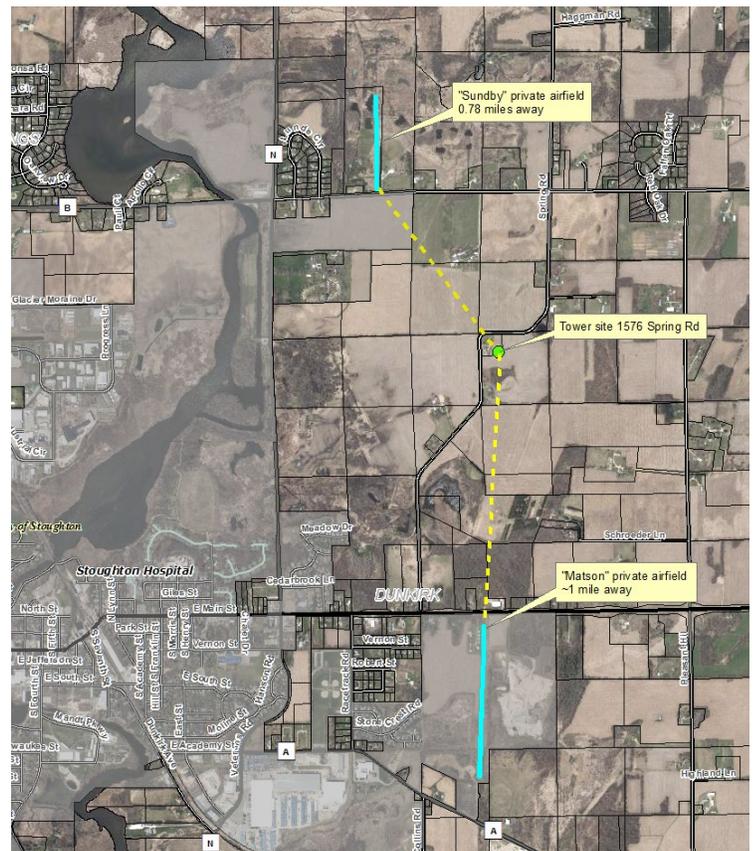
At a meeting on March 14, 2023, the ZLR Committee moved to reconsider its approval of Conditional Use Permit (CUP) 2578 for a 195' communications tower on the RR-2 zoned property owned by Brett Lunde at 1576 Spring Road in 3 of the town of Dunkirk. The motion to reconsider was based upon the applicant's failure to provide the required notification to nearby airports as detailed in section 10.103(9)(b)1.h., "Notification to Nearby Airports. The applicant shall provide written notification to all operators and owners of airports located within 5 miles of the proposed site."

Since that time, the applicant has ceased site preparation activities. In response to the safety concerns, the applicant has recently indicated a willingness to lower the tower height by 20' (to 175' plus ~4' lightning rod), and to install safety lighting. A summary explanation of the proposed safety lighting installation was provided by the applicant and is posted on legistar.

Mr. Matson and a number of pilots who operate out of the private airport have sent emails to staff reiterating their safety concerns, and it is anticipated that they will attend the public hearing to share those concerns directly with the committee. Mr. Matson was informed of the applicant's proposal to lower the tower to 175', and responded that lowering it to 150' would be more appropriate to resolve the concerns. Staff has communicated Mr. Matson's response to the applicant.

There is a second private airfield ("Sundby") located about $\frac{3}{4}$ of a mile to the northwest of the proposed tower site. The owner/operator of the airfield, Tom Fendrick, has been notified of the proposed tower and public hearing on 4/25. Staff's understanding from the owner is that the airfield does not have a user base of other pilots like Matson airfield. The map below shows the location of both private airfields relative to the proposed tower site.

Staff reached out to Wisconsin Bureau of Aeronautics for comment on the concerns raised with the proposal.



Joshua Cothren, Airport Operations and Airspace Safety Program Manager, provided some background information and commentary. Mr. Cothren indicated that no state permitting requirements applied to the proposal, and that many airspace safety measures found in relevant state federal regulations apply only to public use airports. He recommended lighting the tower and continued dialogue between the parties to resolve the safety concerns.

Staff have also been in contact with town of Dunkirk officials and summarized the ongoing discussions and possible options to resolve the concerns that have been raised. At least one or two town officials plan to attend the ZLR hearing to share their perspective.

STAFF RECOMMENDATION: In light of the anticipated opposition and to provide additional time for the parties to explore options to resolve the issues, staff recommends that the committee postpone action until the May 9th work meeting.