

Introduction:

AT&T appreciates the time and effort that the Committee, its Staff and its consultants have taken to thoroughly consider AT&T’s conditional use permit application. AT&T apologizes to the extent it has not previously provided the information necessary for an informed decision on the application, and appreciates the Committee’s decision to extend the 90-day deadline until January 23, 2018. AT&T has used this time to prepare this submission, which is intended to provide more clarity regarding the need for this new tower at the proposed location.

Background:

On September 12, 2013 AT&T consultant, Creospan submitted a CUP application for a 150’ monopole tower located at 783 County MM in the Town of Oregon to satisfy a cellular coverage deficiency in the central area of the Town (the “Reindahl Stone Site”). Figure 1 is a copy of the search ring that led to the selection of the Reindahl Stone Site (the “2013 Search Ring”), which was supplied with the 2013 application. The Reindahl Stone Site is marked with an “X” in the southwest corner of the 2013 Search Ring.

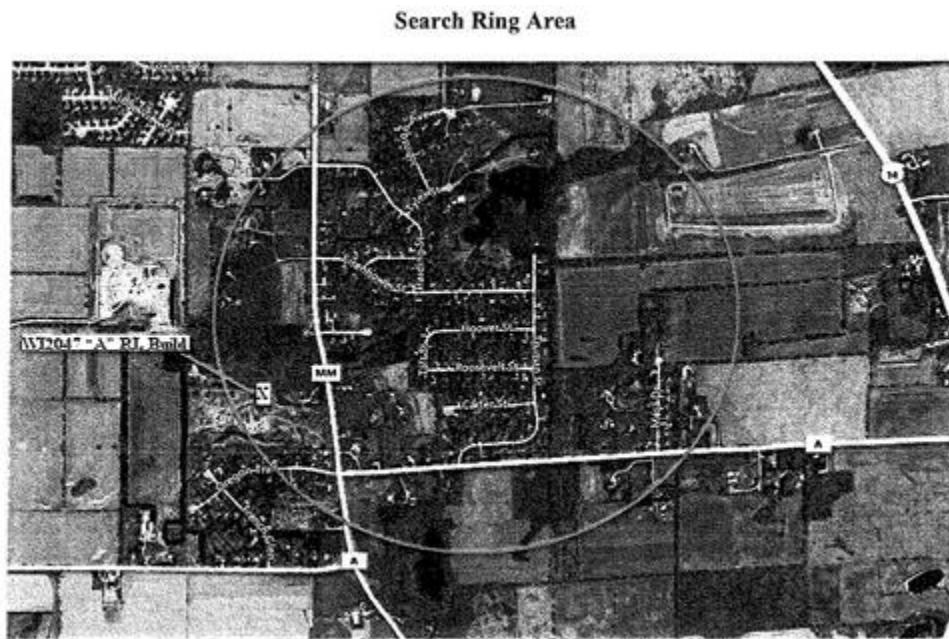


Figure 1

After thorough review by the Dane County Zoning and Land Resolution Committee, staff, and the County’s consultant, the Committee unanimously approved AT&T’s CUP application for the Reindahl Stone Site to place a new tower at 783 County MM (Reindahl Stone Inc.) in order to address a coverage gap in the Town of Oregon. The Committee approved the application during its December 17, 2013 meeting.

PETITION: CUP 2253

APPLICANT: REINDAHL STONE INC

LOCATION: 783 COUNTY HIGHWAY MM, SECTION 24, TOWN OF OREGON

CUP DESCRIPTION: 150' monopole communication tower

TOWN: Approved with no conditions.

Motion by Bollig / Kolar to approve Conditional Use Permit #2253 with 20 conditions; motion carried, 3-0.

Following receipt of the approved CUP on January 16, 2014, AT&T proceeded with pre-construction activity at the Reindahl Stone Site. Unfortunately, soil samples taken from the site revealed that the site was not able to properly support the proposed tower. AT&T was forced to abandon the site and pursue another location.

Current Tower Application (“Martinson SiteMartinson Site”):

Shortly after AT&T discovered that the Reindahl Stone site was unsuitable for construction, the FCC released information on its Connect America Fund II (CAF II) program. The purpose of the CAF II program is to expand broadband services to homes and businesses across areas in the country which lack adequate broadband service. The CAF II program uses support from the Federal Universal Service Fund to help carriers such as AT&T expand coverage in areas where it was otherwise difficult to economically justify deployment of broadband resources. The FCC utilized a cost model to determine geographic areas eligible for CAF II support. The FCC explains that “(a)n area was classified as “eligible” if the average monthly cost-per-location for that census block, as calculated by the Connect America Cost Model (CAM) (version 4.3), was above the \$52.50 funding benchmark but below a \$198.60 extremely high cost threshold, and not served by an unsubsidized competitor, subsidized wireline competitor, or was not subject to specific types of bids in the rural broadband experiments.”¹ Figure 2 below is a map depicting the CAF II-eligible areas across the country.



Figure 2

Figure 3 below depicts a more granular, local view of the CAF II eligible areas, and shows those areas in green. AT&T’s landline service areas are overlaid on Figure 3 and depicted in blue. AT&T’s CAF II

¹ See FCC web site: <https://www.fcc.gov/reports-research/maps/caf-2-accepted-map/>

funding from the FCC is available only for deployment of broadband service within the CAF II eligible areas that reside within AT&T landline service area (the intersection of the green and blue areas).

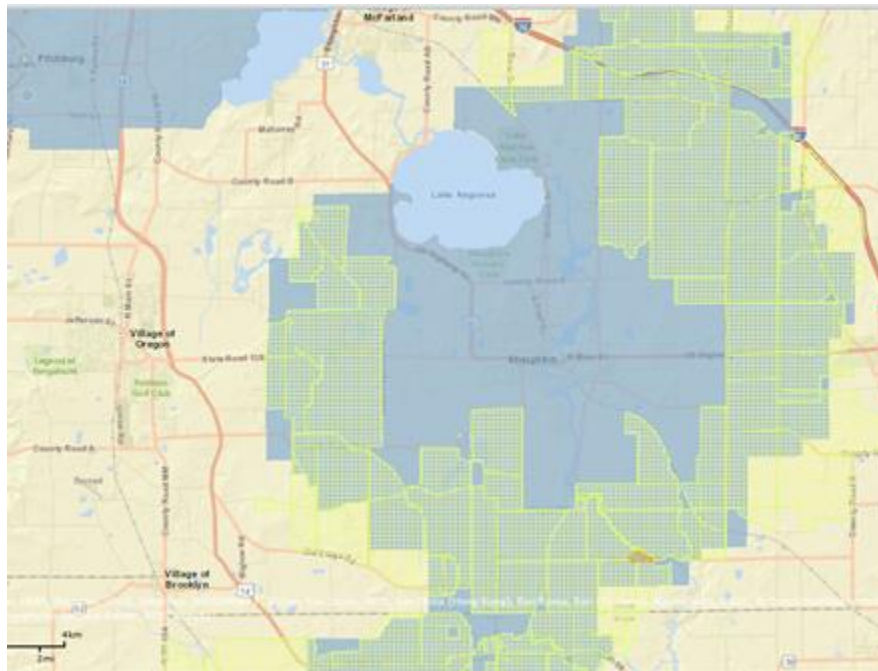


Figure 3

Although the CAF II program was optional, on August 27, 2015 AT&T announced it would accept the FCC CAF II support and committed to deploy broadband to 24,513 living units in Wisconsin, with 912 of those units in Dane County.

Recognizing that each carrier who accepted the CAF II support may have a different approach to meeting its broadband deployment obligations, the FCC gave carriers the flexibility to determine what technology was most appropriate for each area it planned to serve with the CAF II funding. Although AT&T is deploying some fiber and very high speed DSL in some CAF II eligible areas, AT&T chose to meet its obligations in this geographic area using a cellular broadband service known as wireless local loop (WLL). In order to meet the speed and performance requirements established by the FCC, AT&T is allocating specific wireless spectrum dedicated to the WLL customers located within the CAF II eligible areas.

The CAF II program spans a six-year period with certain buildout thresholds. At the end of 2017, each carrier must buildout to 40% of its assigned living units in each state. At the end of 2018, 2019, and 2020, each carrier must buildout to an additional 20% of its living units per year bringing the total at the end of 2020 to 100% of the living units.

Shortly after AT&T agreed in August 2015 to participate in the CAF II program, its radio frequency engineers began to examine the technological requirements for providing WLL to all of the CAF II eligible areas, including Wisconsin. In many cases, towers with sufficient space and structural integrity already existed in areas that could provide adequate WLL coverage to the CAF II eligible areas. However, this was not the case in every area, and in some locations, additional towers would be needed to provide the coverage, speed, and performance required by the CAF II program.

The Town of Dunn, which is located to the east of the currently proposed tower location (the “Martinson Site”) is one of the CAF II-eligible areas for which a new tower must be constructed to ensure that the WLL technology meets FCC requirements. This area is depicted in Figure 4 below.

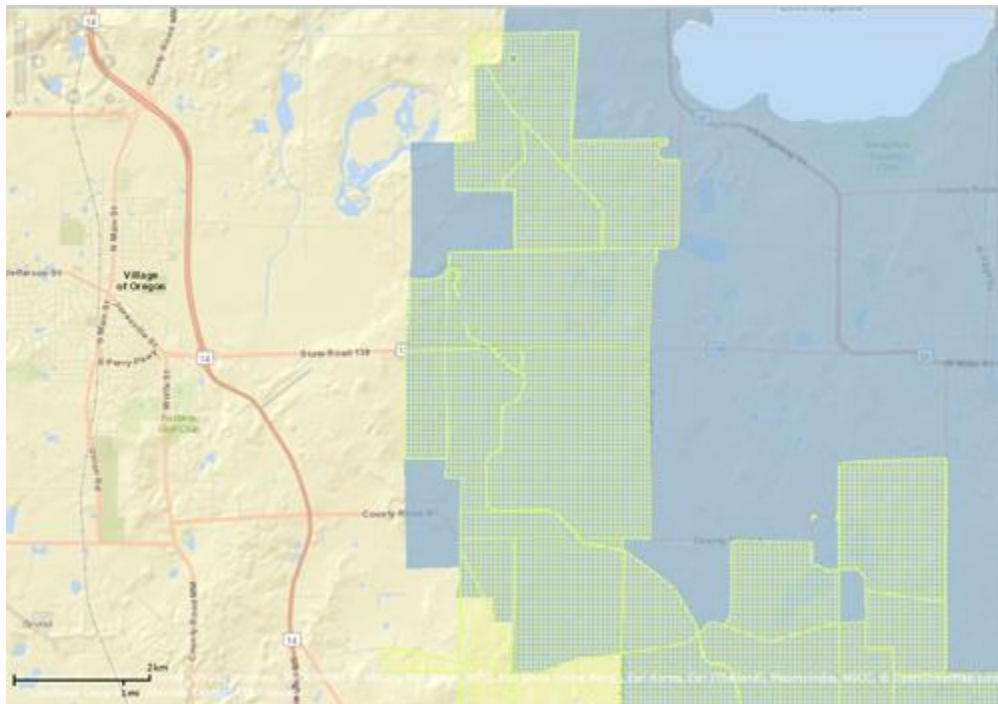


Figure 4

AT&T will use two existing towers, (one just east of Hwy 138 and Hwy 51, and the other just south of Old Stage Rd and west of Union Rd) to serve a portion of the CAF II eligible area in the Town of Dunn. However, using these towers will not permit AT&T to provide WLL to all of the CAF-II eligible living units in the Town of Dunn in compliance with the coverage, speed, and performance required by the FCC. Rather, a new tower to the west of the Town of Dunn would be necessary to achieve these requirements.

In addition to the need for a new tower to adequately serve the Town of Dunn CAF II eligible areas, there remains a need for a new tower to address the coverage deficiency that the Reindahl Stone Site tower was intended to address.

The need to address two coverage deficiencies – the CAF II Town of Dunn deficiency and the Town of Oregon cellular coverage deficiency – gave rise to AT&T’s current application for the Martinson Site . The application for the Martinson Site arises from AT&T’s desire to address both of these coverage deficiencies with one centrally located tower, thus mitigating the number and impact of its towers on the landscape in this area.

When AT&T undertook to identify the best single site for addressing both of these needs, AT&T provided its vendor, SAC Wireless, with a search ring with its center roughly in the area of the Reindahl Stone Site. Shortly thereafter, as a result of some changes in available spectrum as well as to provide site acquisition vendors with a more focused area to investigate, AT&T provided a narrower search ring to SAC. This narrower search ring, which is the search ring AT&T submitted with its application for the Martinson Site, is depicted in Figure 5 below (the “Initial 2017 Search Ring”).

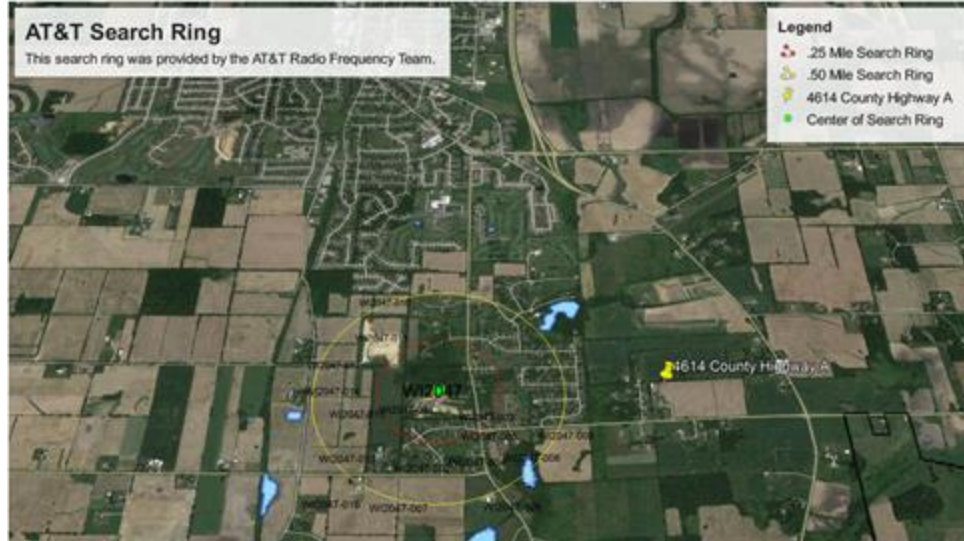


Figure 5

While SAC Wireless was attempting to identify possible willing land owners within the Initial 2017 Search Ring, AT&T's RF engineers continued their work to determine what was necessary to balance the CAF II coverage requirements with the cellular coverage deficiency in the Town of Oregon. AT&T's RF engineers ultimately determined that moving the initially proposed tower location further to the east from the original search ring would not only provide sufficient coverage in the Town of Oregon, but would actually improve the coverage needed within the CAF II designated area in the Town of Dunn. When SAC Wireless was unable to locate a willing land owner within the original search ring, AT&T directed SAC to shift its search to the east, focusing on an area west of Hwy 14, north of Hwy A, and east of the residential area. These boundaries are depicted in see Figure 6 below (the "Updated 2017 Search Ring").



Figure 6

After determining that a modified search ring was desirable for providing the best coverage for both of the coverage challenges AT&T was trying to address, AT&T should have updated its application by replacing the Initial 2017 Search Ring with the Updated 2017 Search Ring. AT&T apologizes for failing to provide the Updated 2017 Search Ring to the County earlier. AT&T understands this oversight has caused a fair amount of confusion in the Committee Staff's review of its application.

After receiving the Updated 2017 Search Ring and associated instructions from AT&T, SAC Wireless began its search for a willing land owner within the modified search ring. It contacted numerous property owners with the goal of submitting several options to AT&T's RF engineers for review and evaluation. Out of all the properties SAC approached in and outside the Updated 2017 Search Ring, three expressed some interest in permitting the placement of a tower on their land. These candidates were submitted to the RF engineers. The Martinson Site was determined to provide the best coverage and performance for the original area in the Town of Oregon as well as the new CAF II designated area in the Town of Dunn.

It's important to note that the proposed Martinson Site is located within the original 2013 Search ring that was associated with the previously approved Reindahl Stone Site (see Figure 7 below).



Figure 7

Collocation Analysis:

State law requires a carrier interested in building a new mobile support structure to provide "an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically

infeasible; or is economically burdensome to the mobile service provider.”² The purpose of this collocation analysis is to clarify that AT&T meets each of these statutory factors with respect to its Martinson Site.

There is an existing tower located approximately 1.4 miles to the east on Hwy A, at the address of 4232 County Hwy A, Rutland, WI 53575 and is owned by SBA Communications Corporation. AT&T’s RF engineers did perform an analysis to determine if this tower would result in the same mobile service functionality, coverage, and capacity, is technically feasible, and is not economically burdensome. Below is a brief summary of the analysis and conclusions made by AT&T’s RF engineer with respect to comparison between the Martinson Site and the SBA Tower.

WIL02047 TOWER INFO (Martinson)

- Ground elevation 1003’
- RAD OF 193’
- Delta between SBA and this proposed site is 73’.
- Mobile service will cover the areas needing mobile coverage most.
- Broadband internet service (WLL) meets the CAF II requirements to the east.

SBA TOWER INFO (Collocation)

- Ground elevation 958’
- RAD OF 160’
- This SBA site would be 73’ lower than the proposed Martinson site.
- Mobile coverage falls short along Highway 14 and County Road MM. This location pulls mobile service away from the area that needs it most to the west.
- Broadband internet service at this location causes radio interference with two other existing towers AT&T is planning to use to assist in serving the designated CAF II area in the Town of Dunn, resulting in a negative impact on the WLL coverage required by the government.

* Both sites are shown using the same antennas and radio equipment to show the difference in coverage and to remove any bias.

The most significant comparative factor is that the SBA Tower is 73’ lower in elevation, which negatively impact the mobile service functionality as described by AT&T’s RF engineer. The results of this degradation in service are evident in the numerous propagation maps included within this document. Figures 7 and 8 depict the projected cellular service coverage utilizing the proposed tower location (image on the left) as well as the existing SBA tower to the east (image on the right). As noted above, mobile coverage falls short of the desired area to the west which the County and its consultant already concluded was needed when it approved AT&T’s CUP 2253. This fact alone demonstrates that the SBA Tower cannot meet the requirement set forth in 66.0404 (2)(b)(6) that collocation yield the “same mobile service functionality, coverage, and capacity...” as the proposed tower.

² Wis Stat § 66.0404 (2)(b)(6)

Proposed AT&T Mobile Service Coverage (Satellite View)



**Proposed Site PCS Propagation at 193'
(Martinson)**

**SBA Tower PCS Propagation at 160'
(Collocation to East)**

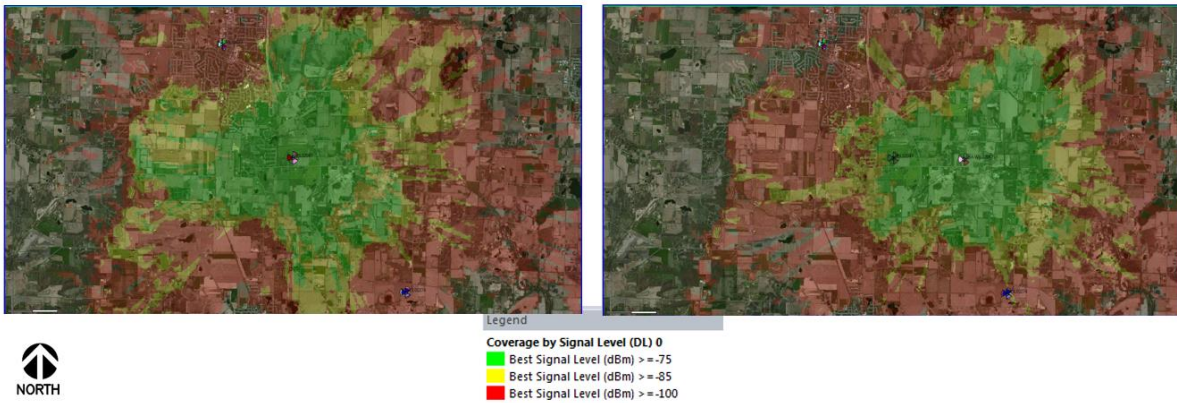


Figure 7

Proposed AT&T Mobile Service Coverage (Street View)



**Proposed Site PCS Propagation at 193'
(Martinson)**

**SBA Tower PCS Propagation at 160'
(Collocation to East)**

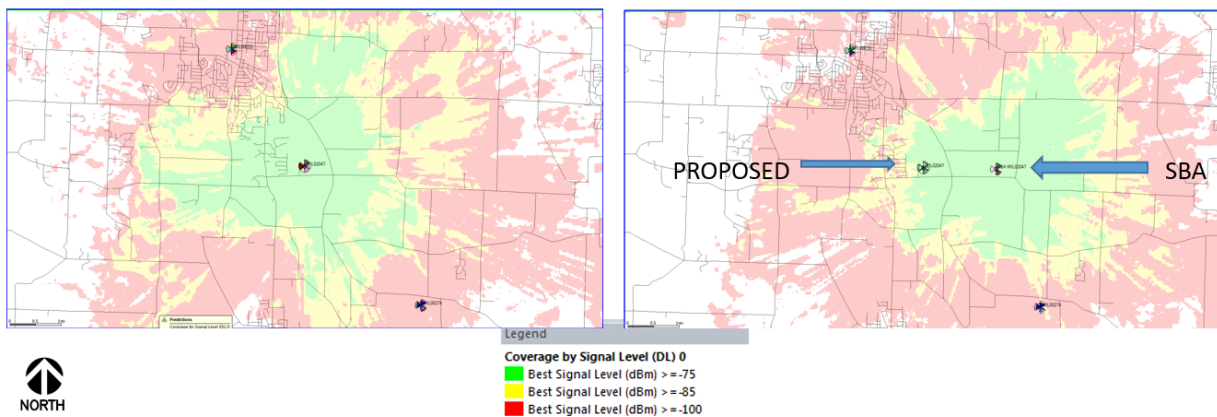


Figure 8

(Figure 8 is propagation maps without the satellite image to help visualize the difference in coverage.)

The existing SBA tower to the east of the Martinson Site is also technically infeasible, because using it to address the coverage deficiencies would cause radio interference with the existing towers located just east of Hwy 138 and Hwy 51, and just south of Old Stage Rd and west of Union Rd. AT&T is planning to use both of these towers, in addition to the proposed Martinson Site tower to assist in serving the designated CAF II area in the Town of Dunn.

Proposed AT&T Wireless Local Loop (WLL) Broadband Coverage



Proposed Site WCS Propagation at 193' WLL (Martinson)

SBA Tower WCS Propagation at 160' WLL (Collocation to East)

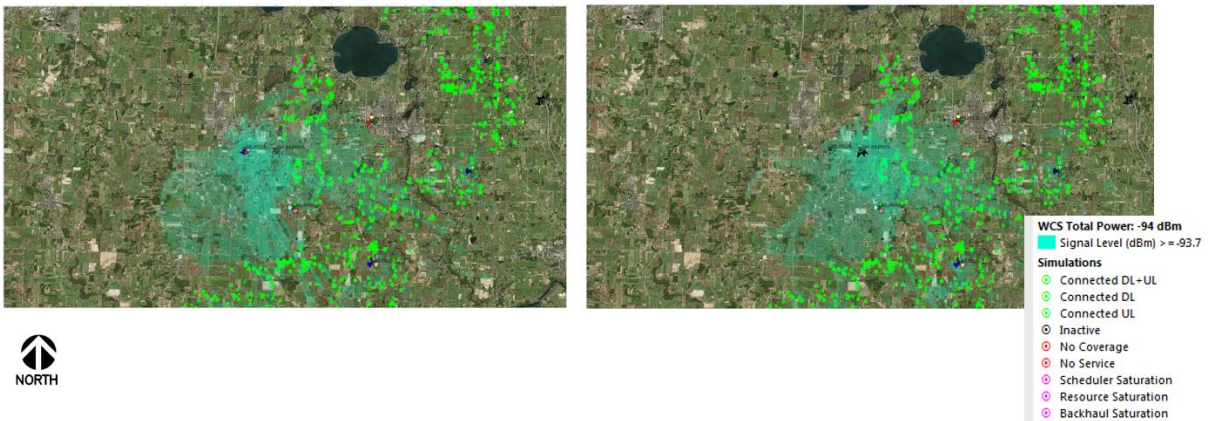


Figure 9

Figure 9 displays the impact of using the existing SBA tower to the east to serve the CAF II eligible area versus the proposed location on the Martinson property. Although the existing SBA tower does extend the wireless local loop (WLL) further to the east which would improve the coverage if there was only one tower available to serve the CAF II eligible area, in this case there are two existing towers (one to the east and one to the south of the CAF II area). In order to maximize the coverage, speed, and performance for the CAF II customers, AT&T must balance the all three towers in order to minimize any interference. Placing a tower further to the west at the Martinson property achieves this requirement.

Economically Burdensome:

Wis. Stat. § 66.0404 (2)(b)(6) requires a carrier to demonstrate only one of the listed criteria in order to avoid a collocation requirement. As demonstrated above, the SBA Tower does not provide the same mobile service functionality, coverage, and capacity and is technically infeasible. AT&T also meets the criteria that use of the SBA Tower would be economically burdensome.

First, there is no debate about the need to improve the cellular coverage in the Town of Oregon. The Town, County, and the County’s consultant all agreed back in late 2013 an additional tower to improve coverage in this area was justified. As documented above, utilization of the existing SBA tower along Highway A will not provide sufficient coverage to meet the original area. Consequently, if AT&T was to

use the existing SBA Tower for its WLL service in the CAF II designated area, (setting aside the interference issues noted above), AT&T would still need to construct a new tower further west to serve the original target area in the Town of Oregon. On the surface, one may conclude this is a like exchange, instead of building a new tower on the Martinson property, AT&T would simply use the existing SBA tower along Highway A for the CAF II area and then place a new tower in the general area of Reindahl Stone Site for the cellular coverage in the Town of Oregon, because like the proposal currently before the Committee, AT&T would only need to build one new tower. However, this line of thinking fails to recognize the significant additional costs deriving from the requirement to both build a tower and collocate facilities on an existing tower. Examples of the collocation costs in addition to new tower construction would include:

- 20 – 30 years of lease payment to the tower owner
- Antennas and antenna array structure on the tower
- Cabling
- Base station equipment
- Base station building
- HVAC equipment for base station
- Backup generator power
- Transport facilities to the tower site

It is conservatively estimated that such costs would exceed \$412,000. In considering these additional costs, it is important to note that collocation alone would not eliminate the need for a new tower further to the west to address the coverage deficiency already acknowledged in the Town of Oregon. Consequently, collocation on the existing SBA tower is undeniably economically burdensome when compared with AT&T's proposal to construct a single tower at the Martinson Site to address all identified coverage deficiencies.

Town Comprehensive Plan Policies:

In its November 23rd report, Dane County staff raised a concern about the fact that the Martinson property is located within town's "medium density residential" planning area. In response to this question, AT&T offers the following:

Wisconsin's Mobile Tower Siting Law

- The Siting Law prohibits local governments from, among other things:
 - enforcing ordinances that prohibit the placement of a mobile service support structure in particular locations³
 - denying an application for a new tower based solely on aesthetic concerns⁴
 - denying an application for a new tower based solely its height⁵
 - denying an application for a new tower based on an assessment of the suitability of other locations⁶

³ Wis. Stat. §66.0404(4)(c).

⁴ Wis. Stat. §66.0404(4)(g).

⁵ Wis. Stat. §66.0404(4)(L).

⁶ Wis. Stat. §66.0404(4)(p).

- limiting the height of a new tower to less than 200 feet⁷

Dane County's Density Controls

- Most towns that have adopted A-1 (exclusive agriculture) zoning set some sort of limit on the number of nonfarm homes or development that can be created in agricultural areas, commonly called "density policies," since they limit the total residential or nonfarm development density permitted in particular areas of the town.⁸
- Density policies vary from town to town, and may be changed by amendments to the Dane County Farmland Preservation Plan approved by the town and county boards.⁹
- Pursuant to Chapter 91 of state statutes (Farmland Preservation), Dane County has developed a farmland preservation plan, which has been formally adopted as part of the Dane County Comprehensive Plan under Chapter 82, Dane County Code.
- Pursuant to sec. 82.55(24) of the Dane County Code, the Town of Rutland Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of May 16, 2007, has been incorporated as part of the County's Comprehensive Plan.
- *Comprehensive planning* is a subject that is regulated by section 66.1001 of the Wisconsin statutes (the "Comp Plan Law").¹⁰
- The Comp Plan Law prescribes the issues that must be covered by a local comprehensive plan,¹¹ which includes, among a number of other things, a discussion of utilities and communications facilities.¹²
- Pursuant to the Comp Plan Law, a local comprehensive plan is intended to guide future development at the local level.¹³ Even when a local comprehensive plan is adopted by ordinance, the Comp Plan Law makes it clear that the plan itself is not a regulation.¹⁴

Town of Rutland Comprehensive Plan

- Pursuant to the Comp Plan Law, the Town of Rutland has adopted a comprehensive plan (the "Town's Comp Plan").¹⁵
- Chapter 2 of the Town's Comp Plan, titled *Goals, Objectives, Policies and Plan Implementation*, is intended to "help put the vision statement into bite-sized pieces and provide additional guidance for decision-makers."¹⁶
- "Goal 6" of the Town's Comp Plan deals with the Agricultural Preservation District.¹⁷

⁷ Wis. Stat. §66.0404(4)(u).

⁸ See Dane County Planning & Development, *Planning Notes No. 3* newsletter, May 25, 2006, available at: https://plandev.countyofdane.com//planning/pdf/2006/plan_notes/density_policies_farmland_preservation.pdf.

⁹ *Id.*

¹⁰ Wis. Stat. § 66.1001 et. seq.

¹¹ Wis. Stat. § 66.1001(2).

¹² Wis. Stat. § 66.1001(2)(d).

¹³ Wis. Stat. § 66.1001(1)(a).

¹⁴ Wis. Stat. § 66.1001(2m).

¹⁵ Town of Rutland *Comprehensive Plan: 2005-2024 Policy Document*, adopted March 6, 2007, available at: https://danedocs.countyofdane.com/webdocs/PDF/plandev/Rutland_Plan.pdf.

¹⁶ *Id.*, p. 2-2.

¹⁷ *Id.* at p. 2-5.

- The objectives of this Goal 6 are to “preserve existing farm operations,” permit development that enhances the growth of agriculture in the town,” and “preserve the rural character of the Town.”¹⁸
- For many years, towns in Dane County had enforced “density policies” intended to preserve agricultural land by limiting residential development.¹⁹
- The Town of Rutland’s density policies are reflected under Goal 6 of the Town’s Comp Plan.²⁰
- According to these policies, the number of “splits” (which are the unit of permitted residential development) are based on the number of acres within the “original farm.”²¹
- Inexplicably, the Town’s residential density policy indicates that “a communication tower established on or after January 1, 2006, and which has not been removed” constitutes a “split.”
- When the allowable number of “splits” for a given property has been reached, the Town’s policy is to require that a deed restriction be placed on the remaining land “to prohibit further divisions or splits for residential development.”²²
- The intent of this policy is to alert property owners and public officials that further land divisions are not allowed unless the plan and the deed restriction or conditional rezoning are amended.²³

Observations/Analysis

- The Town’s “density policy,” which is contained within the Town’s Comp Plan, does not have the force of law. Rather, it is a policy that is intended to guide future land use decisions.
- Even if the Town’s density policy has the force of law (e.g. if it was adopted by the Town as part of a town zoning ordinance (see Wis. Stat. § 60.61) or if it was adopted by the County as part of the County’s general zoning ordinance (see Wis. Stat. § 59.69) or if it was adopted by the county as part of its Farmland Preservation Ordinance), enforcement of this local ordinance would be in conflict with the Tower Siting Law, which is, in effect, a “prohibit[ion on] the placement of a mobile service support structure in particular locations.”²⁴
- Accordingly, neither Dane County nor the Town of Rutland have the legal authority to enforce its “splits” policy in a manner that prohibits the siting of the proposed tower on the Martinson property.

Conclusion:

In its November 22, 2017 memo, Staff raises six concerns with AT&T tower application.

1. The need to site the proposed tower at the requested location and height has not been validated. AT&T believes this whitepaper and supporting document provide the necessary justification for the proposed tower location and height.

2. The selected site is located outside of the search ring submitted by the applicant. Although the tower was outside the original narrower search ring provided to SAC in order to focus its investigation within a narrower area, unwilling land owners and additional information regarding the CAF II coverage and performance requirements caused a slight shift to the east. As documented above,

¹⁸ *Id.*

¹⁹ *See* Note 13 *supra*.

²⁰ *See* “Policies”, p. 2-6.

²¹ Policies, #5.

²² Policies, #13.

²³ *Id.*

²⁴ *See* Wis. Stat. §66.0404(4)(c).

the proposed Martinson location does reside within the original search ring presented in support of the County's unanimous decision to approve the placement of a tower at the Reindahl Stone facility.

3. The applicant has failed to provide information that demonstrates that the facility will satisfy stated rural broadband service provision obligations and objectives.

AT&T believes the additional information provided in this document explains the CAF II program, how the eligible areas were identified by the FCC, and how AT&T is proposing to serve the residents and businesses that reside within these areas.

4. The applicant has not evaluated the feasibility of collocation to achieve its rural broadband service obligations and objectives in the federally designated area located over 1.5 miles to the east of the site. There is an existing 180' tall communications tower located at 4232 County Highway A which is approximately 1/2 mile from the federally designated rural broadband service area.

AT&T offers the additional information set forth in this document as evidence that the existing tower to the east on Highway A does not provide the same mobile service functionality, is technically infeasible, and economically burdensome.

5. The proposed conditional use appears to be inconsistent with town comprehensive plan policies. AT&T addresses this concern with its analysis included above.

Even if the Town's density policy has the force of law (e.g. if it was adopted by the Town as part of a town zoning ordinance (see Wis. Stat. § 60.61) or if it was adopted by the County as part of the County's general zoning ordinance (see Wis. Stat. § 59.69) or if it was adopted by the county as part of its Farmland Preservation Ordinance), enforcement of this local ordinance would be in conflict with the Tower Siting Law, which is, in effect, a "prohibit[ion on] the placement of a mobile service support structure in particular locations."

6. Based on the initial application materials, staff concluded that the applicant did not demonstrate compliance with several standards that must be met in order for Dane County to issue a conditional use permit. The specific standards called out by staff are reproduced in italics below, followed by AT&T's response in bold.

10.255(2)(h)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.

While several property owners in a nearby residential subdivision have expressed concerns about the tower's aesthetics and about potential adverse impacts on property values, no evidence has been submitted to substantiate these concerns. Moreover, concern about aesthetics and speculation about property values would not rise to the level of a *substantial* impairment or diminishment. As noted above, Wisconsin's Mobile Tower Siting Law prohibits a decision on the siting of a new tower based solely on aesthetic concerns. In addition, industry studies have long confirmed that there is no consistent market evidence indicating a negative impact on improved residential properties in view of cell towers. (See Dorin and Smith, *The Impact of Communication Towers on Residential Property Values*, RIGHT OF WAY, Mar/Apr 1999). For these reasons, AT&T believes the application materials demonstrate that the use value and

enjoyment of neighboring property will not be substantially impaired or substantially diminished.

10.255(2)(h)6: That the conditional use shall conform to all applicable regulations of the district in which it is located. The subject property is located in the A-1EX Exclusive Agriculture zoning district. The A-1EX district requires that any conditional use conform to the additional standards found at 10.123(5)a-e:

(a) The use and its location in the A-1 Exclusive Agriculture zoning district are consistent with the purposes of the district.

The A-1Ex district is, intended to “[p]rovide for a wide range of agriculture and agricultural accessory uses ... [and to] allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.” This purpose statement explicitly recognizes that compatible uses, such as mobile communications towers, can serve the public good by improving mobile communications coverage, while also providing supplemental income to farm owners in the A-1Ex district. In addition, the proposed tower will meet the service needs of the agricultural community in which the tower will be located.

(b) The use and its location in the A-1 Exclusive Agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

The proposed tower on the Martinson site will serve the immediate vicinity, much of which is zoned A-1 Ex, and will remedy deficiencies in rural coverage. Other sites were evaluated and this site was ultimately selected for the reasons discussed at length above. The siting of the proposed tower at this location is consistent with Wisconsin’s Mobil Tower Siting Law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

A mobile communications tower and related equipment does not utilize much land, leaving the balance of the farm property to be left to a productive agricultural use. As evidenced by the plans submitted with this application, the site has been designed to utilize only the minimum amount of land necessary to accomplish the intended objective.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

The siting of the proposed tower on the Martinson site will in no way impair or limit the current or future agricultural use of surrounding parcels of land because the tower will not have any direct impact on those neighboring agricultural properties (e.g. no significant traffic generation, etc.) and, for the reasons discussed above, the proposed tower is not inconsistent with agricultural uses.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

As noted above, only the minimum amount of land will be disturbed; the balance of the property will remain available for agricultural use. AT&T is committed to restoring any construction damage and will require its contractors to do so.

Approval of this Conditional Use Permit accomplishes two important objectives. First, this proposed tower on the Martinson property addresses the coverage deficiency the Town of Oregon, Dane County, and Dane County's consultant all acknowledged when it approved AT&T CUP # 2253 in late 2013. Second, this proposed tower on the Martinson property serves a very important need to the east in the Town of Dunn. This proposed tower will provide broadband access to homes and businesses that reside within the FCC's documented CAF II eligible area. Throughout the country, the FCC identified areas in need of broadband access. Placement of a new tower on the Martinson property will bring broadband services to homes and businesses that lack coverage today.