



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, October 24, 2017

6:30 PM

City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison

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A. Call to Order

Acting Chair Bollig called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Allan, Everson, Lane, and Violante

Youth Governance Members present: Sam Fischer.

Present 4 - JERRY BOLLIG, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

Excused 1 - MARY KOLAR

B. Public comment for any item not listed on the agenda

No comments made by the public.

[2017](#) October 24th ZLR registrants

[RPT-445](#)

Attachments: [Oct 24th meeting registrants](#)

C. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

[11196](#)

PETITION: REZONE 11196

APPLICANT: ZWEIFEL REV TR, FREDERICK & ALICE

LOCATION: WEST OF 7402 WALTER ROAD, SECTION 29, TOWN OF
MONTROSE

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District

REASON: creating one residential lot

Attachments: [11196 Ord Amend](#)

[11196 Staff](#)

[11196 Town](#)

[11196 Splits Agreement](#)

In favor: Frederick Zweifel

Opposed: None

A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on parcels 0508-294-9690-8 and 0508-294-9000-2 to prohibit further residential development on the remaining A-1EX Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 4 - BOLLIG, MATANO, MILES and O'LOUGHLIN

Excused: 1 - KOLAR

[11197](#)

PETITION: REZONE 11197
APPLICANT: JAMES THOMAS BARBER
LOCATION: 1987 BARBER DRIVE, SECTION 26, TOWN OF DUNN
CHANGE FROM: Wetland District TO Non-wetland District
REASON: removal of 7100 square feet of designated wetlands from the adopted wetland inventory maps to allow commercial development

Attachments: [11197 Ord Amend](#)

[11197 Staff](#)

[11197 Site Map](#)

In favor: Robert Brownell, Zachary Waechter.

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

The Committee found that the wetland rezone did not adversely impact the following: (a) Storm and flood water storage capacity; (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland; (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters; (d) Shoreline protection against soil erosion; (e) Fish spawning, breeding, nursery or feeding grounds; (f) Wildlife habitat; or (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

Ayes: 4 - BOLLIG, MATANO, MILES and O'LOUGHLIN

Excused: 1 - KOLAR

[11198](#)

PETITION: REZONE 11198
APPLICANT: JOSHUA F AGATE
LOCATION: 3010 HOPE ROAD, SECTION 19, TOWN OF COTTAGE GROVE
CHANGE FROM: LC-1 Limited Commercial District TO RH-2 Rural Homes District, R-1A Residence District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: expanding existing lot

Attachments: [11198 Ord Amend](#)

[11198 Staff](#)

[11198 Town](#)

[11198 Density](#)

In favor: Josh Agate

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

- 1. The zoning district classification of A-2(4) shall be assigned to the proposed lot.**
- 2. A deed restriction shall be recorded on the proposed lot to prohibit further residential development or division of the property.**
- 3. The road right-of-way shall be dedicated to the public.**

Ayes: 4 - BOLLIG, MATANO, MILES and O'LOUGHLIN

Excused: 1 - KOLAR

[11199](#) PETITION: REZONE 11199
APPLICANT: JOHN C BROWN
LOCATION: 1611 COUNTY HIGHWAY D, SECTION 4, TOWN OF OREGON
CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District
REASON: creating one residential lot

Attachments: [11199 Ord Amend](#)
[11199 Staff](#)
[11199 Town](#)
[11199 Density](#)

In favor: John Brown
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

- 1. A deed notice shall be recorded on parcel 0509-042-8500-1 to prohibit further residential development on the remaining A-1EX Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.**
- 2. A joint driveway agreement shall be recorded on the adjacent lot for the benefit of the proposed lot.**

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

[11200](#) PETITION: REZONE 11200
APPLICANT: GOTHAM LLC
LOCATION: 8161 WINDY OAK LANE, SECTION 24, TOWN OF SPRINGDALE
CHANGE FROM: A-1 Agriculture District TO R-3A Residence District
REASON: Zoning compliance for existing duplex

Attachments: [11200 Ord Amend](#)
[11200 Staff](#)
[11200 Town](#)

In favor: None
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

[11201](#)

PETITION: REZONE 11201
APPLICANT: JOHN C LUBICK
LOCATION: 3593 N FAIR OAK ROAD, SECTION 26, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO A2(8) Agriculture District,
A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

- Attachments:** [11201 Ord Amend](#)
[11201 Staff](#)
[11201 Town](#)
[11201 Density \(Sending Property\)](#)
[11201 Density \(Receiving Property\)](#)
[11201 Map](#)
[11201 Revised App](#)
[11201 APP](#)

In favor: Jim Lowrey
Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the sending farm, parcels 0712-274-9500-8, 0712-274-8000-5, and 0712-263-8640-4 , to prohibit further residential development on the A-1 Exclusive Agriculture zoned land. The housing density rights have been exhausted on the original farm due to the transfer of development rights under Zoning Petition 11201.
2. A deed notice shall be recorded on the proposed lot which identifies that the housing density right which was used to create the lot was transferred from the Lubick Farm in Section 26 & 27 as part of Zoning Petition 11201.

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

[11202](#)

PETITION: REZONE 11202 PETITION WITHDRAWN BY APPLICANT
APPLICANT: PHILIP C ICKE
LOCATION: SOUTHERN TERMINUS OF WAUBESA AVE, SECTION 8, TOWN OF DUNN
CHANGE FROM: R-3 Residence District TO CO-1 Conservancy District
REASON: construction of boathouse

- Attachments:** [11202 Staff](#)
[11202 APP](#)

No action taken by the Committee

[11203](#)

PETITION: REZONE 11203
APPLICANT: JEFFERY S MOERKE
LOCATION: SOUTH OF 4626 STATE HIGHWAY 73, SECTION 4, TOWN
OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating four residential lots

Attachments: [11203 Staff](#)
[11203 Town](#)
[11203 APP](#)
[11203 Density](#)
[11203 Map](#)

In favor: Jeff Moerke
Opposed: None

**A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning
Petition be postponed to allow the applicant time to verify the access point to
Hwy 73. The motion carried by the following vote: 4-0**

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

[11205](#)

PETITION: REZONE 11205
APPLICANT: MCFARLAND MEADOWS LLC
LOCATION: 2247 MCCOMB ROAD, SECTION 7, TOWN OF DUNKIRK
CHANGE FROM: RH-2 Rural Homes District TO C-2 Commercial District
REASON: commercial storage uses

Attachments: [11205 Staff](#)
[11205 concerns](#)
[11205 Map](#)
[11205 APP](#)

In favor: Dan Birrenkott
Opposed: None

**A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning
Petition be postponed at the applicant's request. The motion carried by the
following vote: 4-0.**

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

[11206](#)

PETITION: REZONE 11206
APPLICANT: DENISE M SULLIVAN
LOCATION: 2885 TOWN HALL ROAD, SECTION 8, TOWN OF
SPRINGDALE
CHANGE FROM: A-1 Agriculture District TO RH-3 Rural Homes District
REASON: compliance for new residential accessory building to exceed
height allowed

Attachments: [11206 Ord Amend](#)

[11206 Staff](#)

[11206 Town](#)

[11209 Density](#)

[11206 Map](#)

[11206 APP](#)

In favor: Denise Sullivan

Opposed: None

**A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning
Petition be recommended for approval. The motion carried by the following vote:
4-0.**

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

[11209](#)

PETITION: REZONE 11209
APPLICANT: TROY A GRINDLE
LOCATION: NORTH 11049 RIVER FORK ROAD, SECTION 30, TOWN
OF PERRY
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating two residential lots

Attachments: [11209 Staff](#)

[11209 Density](#)

[11209 Map](#)

[11209 APP](#)

In favor: None

Opposed: None

**A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning
Petition be postponed until Town action is received. The motion carried by the
following vote: 4-0.**

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

[02393](#)

PETITION: CUP 02393

APPLICANT: JAMES R SEABURY

LOCATION: 7097 COUNTY HIGHWAY P, SECTION 22, TOWN OF DANE

CUP DESCRIPTION: owner contractor shop w/ sanitary fixtures

Attachments: [CUP 2393 Staff](#)

[CUP 2393 Town](#)

[CUP 2393 Map](#)

[CUP 02393 APP](#)

[CUP #2393](#)

In favor: Erin Seabury

Opposed: None

A motion was made by O'LOUGHLIN, seconded by MILES, that this Conditional Use Permit be approved with 7 conditions. The motion carried by the following vote: 4-0.

- 1. Conditional Use Permit #2393 shall be for operation of a contractor's business with a wood working shop and storage of recreational vehicles.**
- 2. Sanitary fixtures shall be permitted in the accessory structure for the contractor's office purposes. Sanitary fixtures shall be removed or terminated upon the expiration of the conditional use permit.**
- 3. All materials and equipment used in the operation of the business shall be stored within the accessory building.**
- 4. The accessory building shall not be used for residential purposes.**
- 5. Hours of operation of the business shall be limited to 5am-10pm daily.**
- 6. No business signage shall be permitted.**
- 7. The Conditional Use Permit shall expire upon sale of the property to an unrelated 3rd party.**

Ayes: 4 - BOLLIG, MATANO, MILES and O'LOUGHLIN

Excused: 1 - KOLAR

[02395](#)

PETITION: CUP 02395

APPLICANT: THOMAS J FISHER

LOCATION: 2122 BRIDGE LANE, SECTION 25, TOWN OF
SPRINGDALE

CUP DESCRIPTION: horse riding and boarding stables, sanitary fixtures in
Ag building

Attachments: [CUP 2395 Staff](#)

[CUP 2395 Town](#)

[CUP 2395 Operations Plan](#)

[CUP 2395 Map](#)

[CUP 02395 APP](#)

[CUP #2395](#)

In favor: Taylor Maurer

Opposed: None

A motion was made by O'LOUGHLIN, seconded by MILES, that this Conditional Use Permit be approved with 16 conditions. The motion carried by the following vote: 4-0.

1. Horse riding and boarding stable shall be limited for up to twenty horses.
2. The hours of operation are 7 a.m. to 10 p.m. seven days a week.
3. The number of employees shall be limited to one employee - full-time/40 hours/week or equivalent, non-family member.
4. Outdoor storage shall be limited to four (4) horse trailers.
5. Adequate off-street parking shall be provided as depicted on the site plan for the proposed addition to an existing horse barn, dated 8/21/17 by Glacier Landscape, Inc.
6. The construction of a 2400 sq. ft. addition to an existing horse facility shall be constructed as depicted on the site plan, dated 8/4/2017 by Glacier Landscape, Inc.
7. Events open to the public are prohibited.
8. Outside loudspeakers and amplified sounds are prohibited.
9. Owner is responsible for instituting a manure management plan approved by Dane County Conservation.
10. Sanitary facilities shall be permitted in the accessory structure, if needed, as depicted on the site plan for the addition to the existing tack room, dated 7/31/17 by Glacier Landscape, Inc. (See separate Motion regarding temporary holding tank)
11. One sign shall be permitted on the property. Off-premise signs or directory signs are prohibited.
12. No residential uses shall be permitted in the horse facilities.
13. Exterior lighting shall be dark-sky lighting and switch-activated for compliance with the Town of Springdale Dark-Sky Lighting Ordinance. Lighting shall be positioned per operations plan.
14. Owner is responsible for instituting a trash management/disposal plan
15. Conditional Use/Zoning expires with the sale of property or horse boarding business to an unrelated third party.
16. Owner shall comply with all information provided as part of the CUP/Zoning application.

Ayes: 4 - BOLLIG, MATANO, MILES and O'LOUGHLIN

Excused: 1 - KOLAR

02396

PETITION: CUP 02396
APPLICANT: THOMAS A MARTINSON
LOCATION: NE OF 4614 COUNTY HIGHWAY A, SECTION 18, TOWN OF RUTLAND
CUP DESCRIPTION: new 199' communication tower

Attachments: [CUP 2396 Staff](#)
[CUP 2396 Map](#)
[CUP 2396 Search Ring](#)
[CUP 2396 Search Ring Verification Letter](#)
[CUP 02396 APP](#)

In favor: Michael Iacopetti, Jim Jerman
Opposed: Martin Kohl stated that the tower would have a negative effect on property values in the area. He also stated that the owner had prior violations on the property and currently is operating an illegal commercial repair business on the property.

A motion was made by O'LOUGHLIN, seconded by MILES, that this Conditional Use Permit be postponed due to public opposition and no Town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, MATANO, MILES and O'LOUGHLIN

Excused: 1 - KOLAR

11220

PETITION: REZONE 11220
APPLICANT: GAUSMAN JT REV TR & TOWN OF DUNN
LOCATION: 4156 COUNTY ROAD B, SECTION 21, TOWN OF DUNN
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: expanding town hall property to the east and north

Attachments: [11220 Ord Amend](#)
[11220 CUP 2400 Staff](#)
[11220 Town](#)
[11220 Map](#)
[11220 Zoning Map](#)
[11220 CUP 2400 App](#)

In favor: Erica Schmitz
Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, MATANO, MILES and O'LOUGHLIN

Excused: 1 - KOLAR

[CUP 2400](#) PETITION: CUP 02400
APPLICANT: GAUSMAN JT REV TR & TOWN OF DUNN
LOCATION: 4156 COUNTY ROAD B, SECTION 21, TOWN OF DUNN
CUP DESCRIPTION: Governmental Use - expansion of Town Hall property

Attachments: [11220_CUP_2400_Staff](#)

[CUP 2400 Map](#)

[11220 CUP 2400 App](#)

[CUP 2400 Town](#)

[CUP #2400](#)

In favor: Erica Schmitz

Opposed: None

A motion was made by MILES, seconded by MATANO, that this Conditional Use Permit be approved with 1 condition contingent upon Zoning Petition 11220 becoming effective. The motion carried by the following vote: 4-0.

1. This conditional use permit is for governmental uses for the Town of Dunn.

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

[2017 OA-030](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of RUTLAND Comprehensive Plan INTO THE DANE COUNTY COMPREHENSIVE PLAN

Sponsors: SALOV and CLAUSIUS

Attachments: [OA-30 Staff Memo](#)

[OA-30 Rutland Amended Future Land Use Map](#)

[2017 OA-030](#)

A motion was made by MILES, seconded by MATANO, that this Ordinance be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,MATANO,MILESandO'LOUGHLIN

Excused: 1 - KOLAR

D. Zoning Map Amendments and Conditional Use Permits from previous meetings

[11194](#)

PETITION: REZONE 11194
APPLICANT: WISCONSIN FUEL LLC
LOCATION: 2763 COUNTY HIGHWAY N, SECTION 9, TOWN OF PLEASANT SPRINGS
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District
REASON: expansion of an existing convenience store

- Attachments:** [11194 Ord Amend](#)
[11194 CUP 2389 Staff Update](#)
[11194 Town](#)
[11194 Revised Site Plan](#)
[Site plan](#)
[stormwater plan](#)
[landscaping plan](#)
[lighting plan](#)
[lighting specs](#)
[grading plan](#)
[11194 CUP 2389 Map](#)
[11194 APP](#)

A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-1 (Matano - No)

1. A deed restriction shall be recorded on the property stating the following:
 - a. Limit C-2 Commercial uses exclusively to: full service gas station / truck stop, including associated dine-in and drive through restaurant, retail sales and service uses, off street parking of motor vehicles. The parking of semi-truck vehicles shall have a designated rest area.
 - b. Residential development is prohibited on the property.
 - c. The installation or erection of off-premises advertising (billboard) signs is prohibited.
 - d. The business may operate 24/7 all year round.
 - e. Prior to the issuance of a zoning permits, the applicant shall: Obtain from approval from Dane County Land and Water Resources regarding site erosion control and storm water management. The owner shall provide a copy of the approved plans to the Town of Pleasant Springs; Obtain final site plan approval from the Town of Pleasant Springs Board. The final site plan shall show all environmental features, traffic circulation and parking, loading / unloading areas, landscaping, easements granted to adjoining property owners, and also include proposed signage and a detailed photometric plan for exterior lighting on the property; Obtain a sanitary permit from Dane County Environmental Health; Provide an emergency response plan for fuel spills to the Town of Pleasant Springs.
2. The landowner shall record a Certified Survey Map with the Register of Deeds combining both lots. The certified survey map shall include the location of the well and all septic systems or easements on the property.
3. A sanitary easement shall be recorded with the Register of Deeds to reflect the revised location of the drainage field for the benefit of the adjacent landowner.

Ayes: 3 - BOLLIG,MILESandO'LOUGHLIN

Noes: 1 - MATANO

Excused: 1 - KOLAR

[CUP 02389](#) PETITION: CUP 02389
APPLICANT: WISCONSIN FUEL LLC
LOCATION: 2763 COUNTY HIGHWAY N, SECTION 9, TOWN OF PLEASANT SPRINGS
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District
REASON: expansion of an existing convenience store
CUP DESCRIPTION: DRIVE-IN ESTABLISHMENT

Attachments: [11194 CUP 2389 Staff Update](#)

[CUP 2389 Revised Site Plan](#)

[CUP 2389 Town](#)

[CUP 2389 Map](#)

[CUP 02389 APP](#)

[Site plan](#)

[grading plan](#)

[stormwater plan](#)

[landscaping plan](#)

[lighting plan](#)

[lighting specs](#)

A motion was made by O'LOUGHLIN, seconded by MILES, that this Conditional Use Permit be approved with 5 conditions contingent upon Zoning Petition 11194 becoming effective. The motion carried by the following vote: 3-1 (Matano - No)

1. This Conditional Use Permit is for a drive-thru establishment for a restaurant and fueling stations.
2. The owner shall adhere to the final site plan as approved by the Town of Pleasant Springs.
3. Lighting of the fueling stations shall adhere to the final site plan as approved by the Town of Pleasant Springs.
4. The owner shall provide a copy of the emergency response fuel spill plan to the Town of Pleasant Springs Board and County Zoning.
5. Hours of operation are 24-hour, 7 days a week

Ayes: 3 - BOLLIG,MILESandO'LOUGHLIN

Noes: 1 - MATANO

Excused: 1 - KOLAR

[CUP 02390](#) PETITION: CUP 02390
APPLICANT: BETTY J STIVARIUS
LOCATION: 460' SOUTHWEST OF 2349 SPRING ROSE RD, SECTION
24, TOWN OF SPRINGDALE
CUP DESCRIPTION: 135' monopole communication tower

Attachments: [CUP 2390 Staff Update](#)
[CUP 2390 Town](#)
[CUP 2390 Affidavit Regarding Site Selection Process](#)
[CUP 2390 RF Engineering report](#)
[CUP 2390 staff memo](#)
[CUP 2390 Map](#)
[CUP 02390 APP Map](#)
[CUP 02390 APP](#)
[CUP #2390](#)

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

1. The primary use of the communication tower permitted under Conditional Use Permit No. 2390 shall be for the transmission and reception of cellular/PCS wireless voice / data communications, and related telecommunications equipment.
2. The communication tower placed, constructed or modified under Conditional Use Permit No. 2390 shall accommodate the collocation of telecommunications equipment for at least two (2) additional telecommunications providers. The initial height of the tower shall be 135' above ground level. However, the tower shall be engineered to be extendable to a maximum height of 165 feet above ground level. Extension beyond the maximum permitted height of 165 feet above ground level shall require amendment and approval of a new Conditional Use Permit.
3. The minimum of two (2) collocation sites required hereunder need not be available on the tower as initially placed, constructed, or modified, provided that the tower will support the later addition of the collocation sites as specified in condition #2, above.
4. Collocation sites required hereunder shall, upon request, be made available by the holder of Conditional Use Permit No. 2390 for the mounting of technologically compatible antenna arrays and equipment at the prevailing market rate in the region and upon contractual provisions which are standard in the industry.
5. The holder of Conditional Use Permit No. 2390 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.2390, including locational requirements contained in the site plan.

6. The holder of Conditional Use Permit No. 2390 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 5 herein.

7. The final site plan(s) and design drawings submitted with the CUP #2390 application materials, are fully incorporated herein and continued effectiveness of Conditional Use Permit No. 2390 is expressly conditioned upon compliance with those plans.

8. Upon written inquiry by the committee, the holder of Conditional Use Permit No. 2390 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. 2390, 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.

9. The holder of Conditional Use Permit No. 2390 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.

10. If at any time the communication tower permitted under Conditional Use Permit No. 2390 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. If the tower is not removed within 30 days of such notification, Dane County may enter upon the premises and remove the tower at the expense of the holder of the conditional use permit.

11. Prior to issuance of the requested conditional use permit, and as a condition of its continued validity, applicant shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of applicant's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other

equipment or structure placed or erected pursuant to the conditional use permit no less than 30 days prior to the termination or expiration of the bond required hereunder.

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 Wisconsin-licensed Structural Engineer will approve and stamp the tower design, and certify that the tower can support up to three additional cellular/PCS voice / data antenna arrays.

16. 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 proposed tower shall be galvanized and not painted any other color without approval of the town and county.

18. Applicant shall not begin construction until Federal SHPO/NEPA requirements are met.

19. Prior to construction, the tower manufacturer letter should be revised to indicate the tower will be designed to accommodate three (3) total antenna arrays (of like design to the Applicant's)

20. The tower lease area shall be surrounded by a security fence and landscaped screening which shall consist of a planted evergreen screen at least six (6) feet in width and initially landscaped with six (6) foot tall evergreens to ultimately form a continuous hedge that reaches to a height of at least 20 feet and maintained with healthy shrubs. The screening should be on all sides. If not currently possible on the east side, because of an existing unused structure, then, Verizon agrees to plant comparable screening where the structure is removed.

21. Failure to comply with any of the aforesaid conditions shall be grounds for the committee to initiate revocation proceedings for Conditional Use Permit No. 2390.

Ayes: 4 - BOLLIG, MATANO, MILES and O'LOUGHLIN

Excused: 1 - KOLAR

E. Plats and Certified Survey Maps

[2017 LD-038](#) Final Plat - Park Crossing
Village of DeForest
Staff recommends a certification of non-objection.

Attachments: [map](#)

[27744 Park Crossing](#)

[20171006150841476](#)

A motion was made by MILES, seconded by MATANO, that the final plat be certified with no objections. The motion carried by the following vote: 4-0

[2017 LD-039](#) Final Plat - Leeward Addition to Bergamont
Village of Oregon
Staff recommends a certification of non-objection.

Attachments: [27749 Leeward Addn to Bergamont](#)
[Untitled](#)

A motion was made by MILES, seconded by MATANO, that the final plat be certified with no objections. The motion carried by the following vote: 4-0

F Resolutions

G. Ordinance Amendment

[2017 OA-030](#) AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES, INCORPORATING AMENDMENTS TO THE Town of
RUTLAND Comprehensive Plan INTO THE DANE COUNTY
COMPREHENSIVE PLAN

Sponsors: SALOV and CLAUDIUS

Attachments: [OA-30 Staff Memo](#)
[OA-30 Rutland Amended Future Land Use Map](#)
[2017 OA-030](#)

See motion above.

H. Items Requiring Committee Action

I. Budget Discussion and Amendments

[2017](#)
[ACT-401](#) ZONING AND LAND REGULATION COMMITTEE AMENDMENTS TO
THE PROPOSED 2018 OPERATING BUDGET

Attachments: [2017 RES-252](#)
[ZLR OPERATING 10-24-17](#)

Moved by O'loughlin, seconded by Matano, to recommend approval of ZLR-0-1 amendment to the 2018 County Budget, motion carried, 4-0.

J. Other Business Authorized by Law

[2017](#)
[RPT-439](#) Report of approved Certified Survey Maps

Attachments: [Oct_2017](#)

K. Adjourn

A motion was made by MILES, seconded by MATANO, to adjourn the October 24th Zoning and Land Regulation Committee at 7:50pm. The motion carried unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com