

# Dane County Conditional Use Permit Application

<b>Application Date</b>	<b>C.U.P Number</b>
05/10/2021	DCPCUP-2021-02524
<b>Public Hearing Date</b>	
07/27/2021	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME TYROL PROPERTIES LLC	Phone with Area Code (608) 437-4135	AGENT NAME NICOLE SCHRAM	Phone with Area Code (608) 836-6400
BILLING ADDRESS (Number, Street) 3487 BOHN RD		ADDRESS (Number, Street) 1424 N HIGH POINT ROAD	
(City, State, Zip) MOUNT HOREB, WI 53572		(City, State, Zip) Middleton, WI 53562	
E-MAIL ADDRESS nathan@tyrolbasin.com		E-MAIL ADDRESS schram@pdbusineslaw.com	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF CUP	ADDRESS OR LOCATION OF CUP	ADDRESS OR LOCATION OF CUP
3487 Bohn Road		-
TOWNSHIP VERMONT	SECTION 28 and 33	TOWNSHIP
		SECTION
<b>PARCEL NUMBERS INVOLVED</b>	<b>PARCEL NUMBERS INVOLVED</b>	<b>PARCEL NUMBERS INVOLVED</b>
0706-331-8000-8	0706-331-8501-2, 0706-331-9590-3, 0706-284-9011-1, 0706-284-9840-8, 0706-331-9010-4	

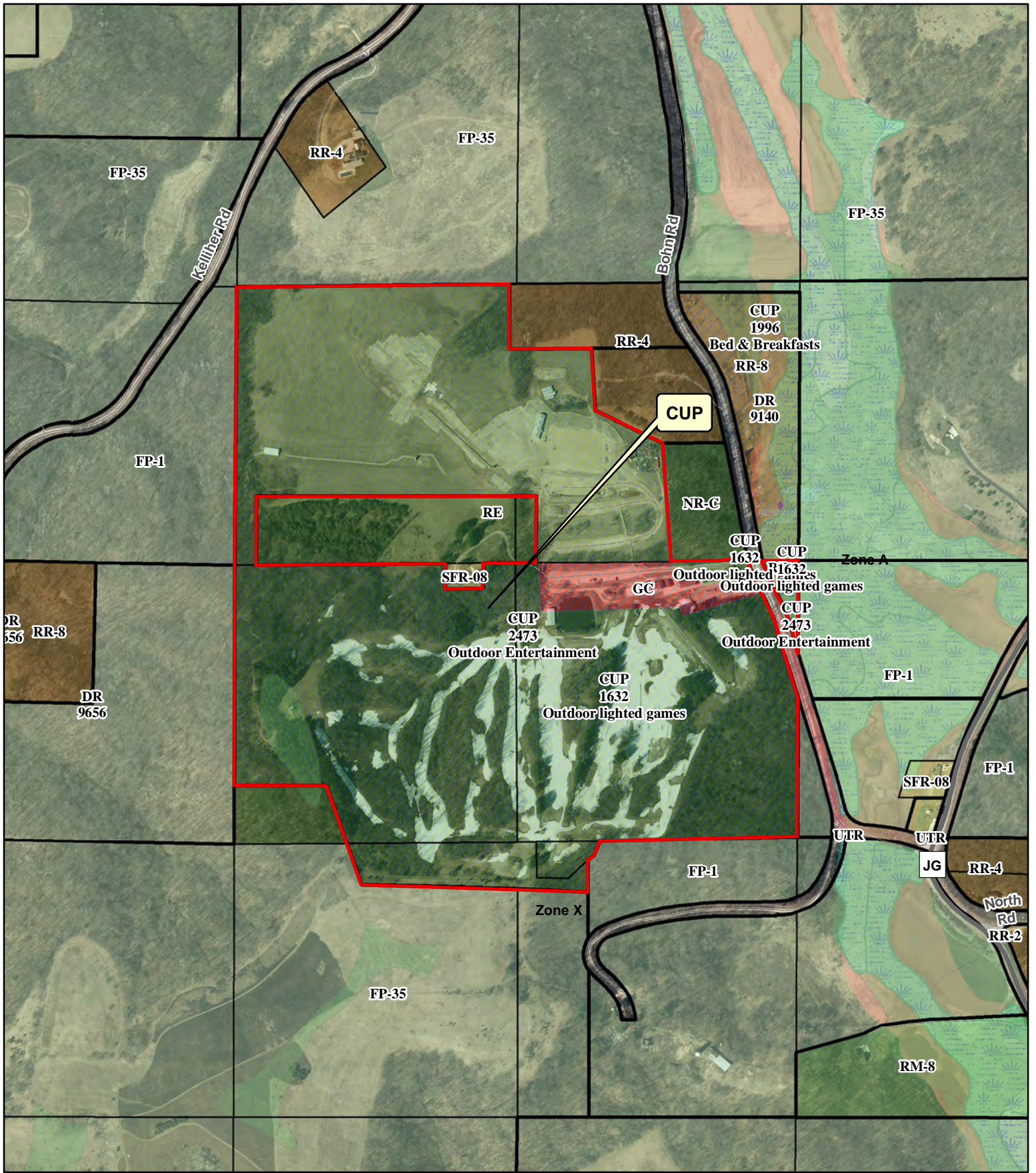
CUP DESCRIPTION
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Outdoor Assembly Events - continuation of Halloween and Christmas events per CUP #2473

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
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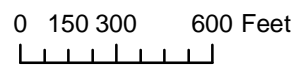
10.212(3), 10.103(16)	122
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Note: Terror@Tyrol haunted tours and Christmas Village tours	<b>DEED RESTRICTION REQUIRED?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  Applicant Initials _____	Inspectors Initials  RWL1	<b>SIGNATURE:(Owner or Agent)</b>  <b>PRINT NAME:</b>  <b>DATE:</b>



**Legend**

-  Wetland
-  Floodplain
- Significant Soils**
-  Class 1
-  Class 2



CUP 02524  
 TYROL PROPERTIES LLC





**Dane County**  
**Department of Planning and Development**  
 Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$495
Mineral Extraction:	\$1145
Communication Tower:	\$1145 (+\$3000 RF eng review fee)
PERMIT FEES DOUBLE FOR VIOLATIONS OR WHEN WORK HAS STARTED PRIOR TO ISSUANCE OF PERMIT	

## CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION			
Property Owner Name:	Tyrol Properties, LLC	Agent Name:	Attorney Nicole S. Schram
Address (Number & Street):	3487 Bohn Road	Address (Number & Street):	1424 N. High Point Road
Address (City, State, Zip):	Mt. Horeb, WI 53572	Address (City, State, Zip):	Middleton, WI 53562
Email Address:	nathan@tyrolbasin.com	Email Address:	schram@pdbusineslaw.com
Phone#:	608-437-4135	Phone#:	608-836-6400

### SITE INFORMATION

Township:	Vermont	Parcel Number(s):	See attached
Section:	28, 33	Property Address or Location:	3487 Bohn Road, Tyrol Basin Ski Area
Existing Zoning:	GC, RE	Proposed Zoning:	same
CUP Code Section(s):	D.C.C. 10.04 (113)		

### DESCRIPTION OF PROPOSED CONDITIONAL USE

<p>Type of conditional use permit (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use):</p> <p>Outdoor assembly events</p>	<p>Is this application being submitted to correct a violation?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Provide a short but detailed description of the proposed conditional use:</p> <p>The Tyrol Basin ski area wishes to continue hosting its annual "Terror @ Tyrol" night-time haunted tour in the month of October after the expiration of CUP #2473. In addition, Tyrol wishes to host a day-time Christmas Village tour with a plan nearly identical to the Terror @ Tyrol plan, but with a Christmas theme.</p> <p>Requesting a CUP identical to existing CUP #2473, but with a perpetual duration. See attached for more information.</p>	

### GENERAL APPLICATION REQUIREMENTS

**Applications will not be accepted until the applicant has met with department staff to review the application and determined that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for particular uses or as may be required by the Zoning Administrator. Applicants for significant and/or potentially controversial conditional uses are strongly encouraged to meet with staff prior to submittal.**

<input checked="" type="checkbox"/> Complete attached information sheet for standards	<input checked="" type="checkbox"/> Site Plan drawn to scale	<input checked="" type="checkbox"/> Detailed operational plan	<input checked="" type="checkbox"/> Written legal description of boundaries	<input checked="" type="checkbox"/> Detailed written statement of intent	<input checked="" type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to Dane County Treasurer
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I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Dane County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.

Owner/Agent Signature: 

Date: 5/6/21

**STANDARDS FOR CONDITIONAL USE PERMITS**

Applicants must provide adequate evidence demonstrating to the Town and Dane County Zoning & Land Regulation Committee that the proposed conditional use satisfies the following 8 standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in sections 10.220(1) and 10.103 of the code.

Please explain how the proposed land use will meet the following standards (attach additional pages, if necessary):

<p>1. The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.</p> <p>Please see attached.</p>
<p>2. 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.</p> <p>Please see attached.</p>
<p>3. 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.</p> <p>Please see attached.</p>
<p>4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.</p> <p>Please see attached.</p>
<p>5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.</p> <p>Please see attached.</p>
<p>6. That the conditional use shall conform to all applicable regulations of the district in which it is located.</p> <p>Please see attached.</p>
<p>7. The conditional use is consistent with the adopted town and county comprehensive plans.</p> <p>Please see attached.</p>
<p>8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary.</p> <ul style="list-style-type: none"><li>• Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:</li></ul> <p>N/A</p> <ul style="list-style-type: none"><li>• Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:</li></ul> <p>N/A</p> <ul style="list-style-type: none"><li>• Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:</li></ul> <p>N/A</p> <ul style="list-style-type: none"><li>• Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:</li></ul> <p>N/A</p> <ul style="list-style-type: none"><li>• Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible:</li></ul> <p>N/A</p>



## WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN

Applicants must provide a detailed written statement of intent describing the proposed conditional use along with an operational plan that explains how the conditional use will be operated. Please use the form below and provide responses, as applicable, to your proposed conditional use. Attach additional pages, if necessary.

Describe in detail the proposed conditional use. Provide the specific location of the use(s), type of equipment used, planned property improvements, including description / size of existing or proposed new buildings to be used, and any other relevant information. For existing or proposed commercial operations, provide the name of the business and describe the nature and type of business activity.

\* Tyrol Holdings, LLC (the operating company of Tyrol Basin ski area) will continue to operate the Terror @ Tyrol haunted tour.  
\* During weekend nights in October and the first weekend in November, Terror @ Tyrol customers will take the existing ski lift C chairs up to the top of the Tyrol Basin ski area, then follow a pre- marked path through the ski hill areas and adjacent fields of the Tyrol Basin property. Actors wearing makeup and costumes will attempt to scare the customers along the tour path.  
\* The existing permanent structures, including ski chalet restrooms, tubing chalet restrooms, and parking lots are adequate for the proposed assembly event. Other than two temporary "haunted house" structures and temporary woodchips and ropes marking the tour path, there are no additional improvements necessary for the conditional use.

Please see attached for a thorough description.

List the proposed days and hours of operation.  
Please see attached.

List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.  
During the assembly events, 40-75 part-time employees on site, with two full-time managers. See attached.

List any anticipated noise, odors, dust, soot, runoff or pollution associated with the conditional use, along with any proposed measures that will be taken to mitigate impacts to neighboring properties.  
Noise will be primarily shouts, screams and laughter (similar to ski/snowboard/tubing operations), music played at a reasonable volume, and special effects noises played at a low volume. No odors, dust, soot, runoff or pollution. Please see attached.

Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building.  
Like the primary permitted use of the property (recreational skiing, etc.), the majority of the haunted tour or Christmas Village will take place outside of enclosed buildings. Up to two temporary structures may be placed as haunted house locations. Please see attached.

For proposals involving construction of new facilities and/or infrastructure, describe, as applicable, any measures being taken to ensure compliance with county stormwater and erosion control standards under Chapter 11 of Chapter 14, Dane County Code.

N/A

List and describe existing or proposed sanitary facilities, including adequate private onsite wastewater treatment systems, associated with the proposed conditional use. For uses involving domestic pets or livestock, list and describe measures taken to address manure storage or management.

Permanent tubing chalet and ski chalet have restrooms with septic more than adequate for the number of anticipated guests. See attached.

List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.

Existing dumpsters serviced by Pellitteri. Additional trash cans will be located around the tour route and emptied to dumpsters daily.

Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

Traffic (private vehicles only) is expected to remain below the level of traffic associated with regular permitted use and ski race events.

Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.

N/A

Describe any existing or proposed outdoor lighting along with any measures that will be taken to mitigate light-pollution impacts to neighboring properties. The Zoning Administrator may require submittal of a photometric plan for outdoor lighting if deemed necessary to determine potential impacts to neighbors.  
A haunted tour is intended to be dark, so lights will be less than typical operations. Temporary small LED tour path lights added for safety.

Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in s. 10.800.

Tyrol Basin's existing signs will remain unchanged. See attached.

Briefly describe the current use(s) of the property on which the conditional use is proposed.

Property operates as a recreational skiing, snowboarding and snow tubing hill serviced by chairlifts and moving walkways. See attached.

Briefly describe the current uses of surrounding properties in the neighborhood.

Surrounding properties are agricultural and rural residential. See enclosed Map 1.



## APPLICATION CHECKLIST FOR A CONDITIONAL USE PERMIT

A scaled site plan and detailed operations plan must be submitted with your Conditional Use Permit application. Please use the checklist below to ensure you are submitting all required information applicable to your request. Please attach to your application form the required maps and plans listed below, along with any additional pages.

**SCALED SITE PLAN. Show sufficient detail on 11" x 17" paper. Include the following information, as applicable:**

Scale and north arrow.

Date the site plan was created.

Existing subject property lot lines and dimensions.

Existing and proposed wastewater treatment systems and wells.

All buildings and all outdoor use and/or storage areas, existing and proposed, including provisions for water and sewer.

All dimension and required setbacks, side yards and rear yards.

Location and width of all existing and proposed driveway entrances onto public and private roadways, and of all interior roads or driveways.

Location and dimensions of any existing utilities, easements or rights-of-way.

Parking lot layout in compliance with s. 10.102(8).

Proposed loading/unloading areas.

Zoning district boundaries in the immediate area. All districts on the property and on all neighboring properties must be clearly labeled.

All relevant natural features, including navigable and non-navigable waters, floodplain boundaries, delineated wetland areas, natural drainage patterns, archeological features, and slopes over 12% grade.

Location and type of proposed screening, landscaping, berms or buffer areas if adjacent to a residential area.

Any lighting, signs, refuse dumpsters, and possible future expansion areas.

**NEIGHBORHOOD CHARACTERISTICS. Describe existing land uses on the subject and surrounding properties:**

Provide a brief written statement describing the current use(s) of the property on which the conditional use is proposed.

Provide a brief written statement documenting the current uses of surrounding properties in the neighborhood.

**OPERATIONS PLAN AND NARRATIVE. Describe in detail the following characteristics of the operation, as applicable:**

Hours of operation.

Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.

Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.

Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.

Compliance with county stormwater and erosion control standards under Chapter 11 of Chapter 14, Dane County Code.

Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison and Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.

Facilities for managing and removal of trash, solid waste and recyclable materials.

Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.

Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.

Signage, consistent with section 10.800.

**ADDITIONAL MATERIALS. Additional information is required for certain conditional uses listed in s. 10.103:**

Agricultural entertainment, special events, or outdoor assembly activities anticipating over 200 attendees must file an event plan.

Domestic pet or large animal boarding must provide additional information in site and operations plans.

Communication towers must submit additional information as required in s. 10.103(9).

Farm residences proposed in the FP-35 district must submit additional information as required in s. 10.103(11).

Mineral extraction proposals must submit additional information as required in s. 10.103(15).



**CONDITIONAL USE APPLICATION**

**Tyrol Properties, LLC and Tyrol Holdings, LLC  
Tyrol Basin Ski Area  
Town of Vermont, Dane County**

**May 05, 2021**

**Applicant**

Tyrol Properties, LLC (Owner)  
Tyrol Holdings, LLC (Operator)  
3487 Bohn Road  
Mount Horeb, WI 53572  
(608) 437-4135  
[nathan@tyrolbasin.com](mailto:nathan@tyrolbasin.com)

**Agent/Attorney:**

Nicole Schram, Palmersheim Dettmann, S.C.  
1424 N. High Point Road, Suite 202  
Middleton, WI 53562-8005  
608-836-6400  
[schram@pdbusineslaw.com](mailto:schram@pdbusineslaw.com)

**Property Address:** 3487 Bohn Road, Mount Horeb, WI 53572

**Town:** Vermont

**Sections:** 28 and 33

**Parcel Numbers:** 060/0706-284-9011-1, 284-9840-8, 331-8000-8, 331-8501-2, 331-9010-4, 331-9590-3. Together, these six parcels are referred to herein as the "Property." Legal Description is attached as Exhibit A.

**Zoning Districts:** *Existing:* RE (Recreational) and GC (Commercial) with the following conditional use permits (CUPs):

- #1632: outdoor lighting in full RE-zoned area (perpetual, with restrictions);
- #1540: conference center & multiple outdoor sales events in GC area (perpetual, with restrictions); and
- #2473: outdoor assembly events limited to a haunted tour and Christmas village (expires August 27, 2021, with restrictions).

All uses subject to the Deed of Covenants and Restrictions recorded as Document No. 9897746 on April 20, 2021.

**Proposed:** Existing RE and GC zoning, with existing CUPs 1632 and 1540, *plus* re-issuance of a CUP granting outdoor assembly events limited to a haunted tour and Christmas village, *for a perpetual duration*. Subject to the 2021 Deed of Covenants and Restrictions.

## **OVERVIEW**

Tyrol Basin was created as a recreational ski resort in 1966. Over its first 50+ years the geographical footprint of the Tyrol Basin land has changed, the zoning designations have evolved, and the owners of the Tyrol Basin business have changed. Tyrol Basin, however, has consistently operated as a ski hill and recreation area.

In 2018, Tyrol Properties, LLC purchased the Property, and Tyrol Holdings, LLC began operating the business known as Tyrol Basin. (Together, Tyrol Properties, LLC, Tyrol Holdings, LLC, and the Tyrol Basin business operations will be referred to herein as “**Tyrol**.”) Tyrol currently offers recreational skiing, snowboarding and snow tubing nearly every day of the winter snow season. Tyrol also offers disc golf when the ground is clear and dry, and it has hosted a haunted tour called “Terror @ Tyrol” in 2019 and 2020.

**With this application, Tyrol requests the re-issuance of a conditional use permit granting outdoor assembly events limited to the haunted tour (“Terror @ Tyrol”) and Christmas village, under the same conditions as CUP #2473, for a perpetual duration.**

## **CURRENT PERMITTED USES AND CONDITIONAL USES GRANTED**

The Property is currently divided into two zoning areas: the General Commercial “GC”-zoned land and the recreational “RE”-zoned land.

**GC-Zoned Area:** The approximately four-acre GC- zoned area is located at the base of the ski and snowboard hill and includes six permanent building structures currently used for: caretaker residence, bar and restaurant serving food and alcohol by the glass, restroom facilities, lift ticket sales, retail sales of merchandise, business office, ski/snowboard equipment rental and maintenance services, first-aid station, ski and snowboard instruction, and base-area service road and parking.

**CUP 1540,** granted in the year 2000, allows conference and convention centers, more than two outdoor sales events per year, and recreational facilities affiliated with a permitted recreational use lighted to operate at night, all in the GC area. CUP 1540 will remain in place following approval of this application, subject to the restrictions contained in the 2021 Deed of Covenants and Restrictions.

**RE-Zoned Area:** The approximately 122- acre RE area includes the ski/snowboard hills, terrain park, chair lifts, tubing hill, accessory Tubing Chalet and additional parking lots. The Tubing Chalet offers permanent restroom facilities, tubing tickets, snacks, beverages (alcoholic and non-alcoholic), and retail merchandise.



Within the last two years, the Property typically hosted between 800-1200 guests per day to ski, snowboard, tube, and visit the restaurant and bar.

**CUP 1632**, which allows outdoor night lighting on the RE-zoned area, was initially granted in the year 2000 with an erroneous legal description. In 2019, following an order from the Dane County Board of Adjustment, the Dane County Zoning Administrator corrected the ministerial error on CUP 1632 by clarifying that CUP 1632 allows outdoor lighting in the entire RE-zoned area of the Property.

**CUP #2473**, valid from August 28, 2019 to August 27, 2021, allowed for two specified outdoor assembly events: a haunted tour known as “Terror @ Tyrol” and Christmas village. In 2019 and 2020, Tyrol hosted its first haunted tour events, which occurred on most Friday and Saturday nights in October, October 31, and the first weekend in November. Considering it was a brand-new haunted attraction, the Terror @Tyrol event in 2019 was relatively well attended. The Terror @ Tyrol event in 2020 had lower attendance than anticipated because of the COVID-19 pandemic. To Tyrol’s knowledge, there were no neighborhood complaints resulting from operation of the Terror @ Tyrol events in 2019 or 2020. Tyrol has not yet hosted a Christmas village, as allowed pursuant to CUP #2473, but the Christmas village would occur during daytime hours in the month of December, and it would therefore have fewer anticipated neighbor complaints than Terror @ Tyrol.

CUP #2473 expires August 27, 2021.

**Deed of Covenants and Restrictions:** All permitted and conditional uses throughout the RE and GC-zoned areas of the Property are currently subject to the restrictions contained in the Deed of Covenants and Restrictions recorded April 20, 2021. The deed restrictions contain provisions restricting use of the Property, hours of operation, use of outdoor sound and light, service of alcohol, parking and traffic control.

The 2021 Deed of Covenants and Restrictions allows Tyrol to host an unlimited number of outdoor weddings, private parties, and recreational sporting events, and it allows Tyrol to request permits for outdoor events not specified above. Tyrol (through its current and prior owners) has historically hosted weddings, the Town of Vermont picnic, Brewfest, several ski races and various other recreational and non-recreational special events on the Property. Tyrol’s largest event is generally the WIJARA Ski race, which brings approximately 500 junior racers, 1500 spectators and 600 vehicles to the Property on one single snowy day.

**TYPICAL CURRENT RECREATIONAL USE (Skiing/ Tubing/ Snowboarding)**

<b>Hours of Operation for the Winter Season:</b>	Monday-Thursday	10 am- 9 pm
	Friday	10 am- 11 pm
	Saturday	9 am- 9 pm
	Sunday	9 am- 5 pm

- Number of Employees:** 250 (many part-time)
- Estimated Customers:** 85,000 customer visits between November-April  
25,000 customer visits between May-October  
800-1200 guests per day on busy winter weekend  
1500-2000 guests per day during large ski race events
- Outside Storage:** One pole barn, one shipping container, four semi-trailers. Some snow-making equipment and grooming machines are parked in upper parking lots.
- Outdoor Activities:** Snow skiing, snowboarding, snow tubing, snowshoeing, cross country skiing, snow sport race events, mountain biking, hiking/trail running, disc golf, summer race events, archery.
- Outdoor lighting:** Outdoor lighting is allowed throughout the Property, subject to the conditions of the Deed of Covenants and Restrictions.
- Outdoor sound:** Permanent and temporary outdoor amplified sound is allowed in the GC and RE-zoned areas at reasonable levels, as defined in the Deed of Covenants and Restrictions.
- Trash:** Pelliteri contract: one trash dumpster, one recycling dumpster, numerous cans indoors and outdoors.

**Grandfathered Uses following 2019 Zoning Ordinance:** Current buildings and uses which constitute “grandfathered” or permitted nonconforming uses following the Town of Vermont’s adoption of the 2019 zoning ordinance include: One building used as a residence located at the eastern edge of the base area, and the “outdoor active recreation” use in the GC-zoned area.

## **PROPOSED CONDITIONAL USE: OUTDOOR ASSEMBLY EVENTS**

### **Operations Plan: Terror @ Tyrol Haunted Tour<sup>1</sup>**

In addition to Tyrol’s typical recreational offerings, Tyrol intends to continue hosting Terror @ Tyrol on an annual basis every Friday and Saturday night during the month of October, plus Halloween night.

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<sup>1</sup> The Christmas Village Operations plan will be essentially identical to the Terror @ Tyrol plan, with different decoration on the tour path and in the temporary and permanent structures. The Christmas tour path may be modified or slightly shortened, but it will remain at least as distant from surrounding property lines as the Terror @Tyrol tour path indicated on Map 4.



Before becoming the owner and General Manager of Tyrol, Nathan McGree had six (6) years of experience working and managing a large-scale haunted agricultural attraction in the Madison metropolitan area. He applied his very specific knowledge of how to run a safe and organized haunted attraction to Tyrol. In 2019 and 2020, Terror @ Tyrol operated without any significant problems with traffic, parking, alcohol, facilities, lights or sound. To Tyrol's knowledge, there were no complaints to the Town of Vermont.

**Days/Dates of Operation:** Every Friday & Saturday in October, Halloween night, and perhaps November 1 and 2 if they fall on the Friday or Saturday after Halloween and attendance has been strong.

**Hours of Operation:** Ticket Sales: 7 PM-11 PM  
Guests on the Property: 6:30 PM to 12 AM

**Number of Employees:** 40-75 employees: 2-5 parking attendants, 2 ticket sales, 4 concessions, 25-55 actors, 3 makeup artists, 2 managers

**Anticipated Guests:** 500-1200 per night

**Please see Map 4 for a Site Map indicating driveways, parking, and a visual representation of the Terror @ Tyrol tour path.** Guests will flow through the tour as follows:

After parking in the northern-most parking lots, the guests will follow a defined path to the ticketing and waiting tent, where they will form a line. Actors will be performing inside the tent to entertain or scare the guests while they wait. No alcohol will be served in the ticket/waiting tent. Guests enter the tour at the top of the hill after riding the C chairlift from the waiting tent. Guests then hike a haunted forest trail from C Lift Terminal down a hill towards the NW field of the Property, toward Permanent Structure B. Actors are located throughout the trail to scare guests and to maintain order and safety. After touring through Structure B, guests then walk in an easterly direction through a field and a temporary outdoor scene (graveyard, junkyard, etc.) before reaching the final Temporary Structure C. Structure C will be located near the Tubing Chalet, where guests can use the restrooms before heading back to their vehicles in the nearby parking lot.

### **Measures to Mitigate Impact on Neighbors**

Path location: The haunted tour's specific path of travel and temporary structures are strategically located to be as far as possible from neighboring houses while still remaining on terrain and slopes that are passable and safe for guests. All paths are lined with woodchips to provide sure footing and marked by physical barriers, such as ropes or barricades, to keep guests on the guided tour path.

Crowd control: The passage of guests through the tour is automatically paced and spaced by the speed of the chairlift at the beginning of the tour. Guests travel in 6-person groups through the tour and will stay spaced apart. Actors are trained to move guests along the path to avoid

separate groups of guests bunching together. Actors also have walkie-talkies to signal if guests stray from the path or become unruly.

Lighting: Lighting in the parking lots and on permanent buildings will remain the same as Tyrol's normal operations. However, a haunted attraction operates best in a darker atmosphere. All outdoor lighting on the haunted tour path itself will be low-level ambient lighting, likely using LED lanterns pointing down to the path. Lighting will be positioned in a way not to impact neighboring households.

Sound: The haunted tour is designed to be more of a visual and psychological experience, not based on loud startling noises. Amplified sound will be limited to two zones: 1) sound at the ticket and waiting area, and 2) sound in the haunted forest at the top of the hill- limited to a special effect thunder, produced by lower Hz speakers intended to produce the feel of thunder more than the audible sound. Most of the "scares" will be designed to take place in areas where predictable guest screams would have minimal impact on neighboring households.

### **Sanitary Facilities and Waste Removal**

Portable restrooms will be located near the ticket and waiting area at the beginning of the haunted tour, and indoor restrooms will be available in the Tubing Chalet at the end of the tour. Indoor restrooms are also available at the ski and snowboard Chalet area.

Portable restrooms will be emptied weekly by the service provider. Indoor restrooms have a permanent in-ground septic system. Trash receptacles will be located throughout the haunted tour and will be emptied daily. Tyrol's trash removal service provider, Pellitteri, will remove trash from Tyrol on a weekly basis.

### **Traffic and Parking**

In 2019 and 2020, there were far fewer guests for Terror @ Tyrol than there are guests for typical winter skiing. Tyrol expects this trend to remain the same. Even when Terror @ Tyrol becomes more popular, there will still be far fewer guests than Tyrol hosts during its high-attendance ski race events. Tyrol has ample parking for the number of anticipated haunted tour guest vehicles in its upper two parking lots. If the visitor numbers are expected to be high, Tyrol will utilize traffic and parking attendants, and can fill any of the three additional lower parking lots.

In addition, Tyrol is considering offering a shuttle bus from Mount Horeb to transport haunted house guests to the Property. This shuttle bus would further reduce traffic, and it would offer an option for guests who intend to consume alcoholic beverages before or after the haunted tour event.

### **Signage**

Tyrol maintains directional signage on all Town of Vermont roadways directing guest vehicles to the Property. Traffic signage may be placed within the Property as needed to direct guests to the proper parking areas for the haunted tour and other high-attendance events. Temporary signage will direct tour guests from the parking lots through a marked path to the ticketing and waiting



area and restroom facilities. No trespassing signage and physical barriers will be posted at all adjoining property borders and driveways.

**THE FOLLOWING MAPS OF THE PROPERTY ARE ATTACHED:**

\*Maps will be amended as necessary to fulfill Dane County and Town of Vermont requirements.

- Map 1- indicating the current and proposed zoning of the Property and neighboring properties.
- Map 2- indicating the outline of the Property and CUP allowing night lighting. Following approval of this application, the CUP allowing outdoor assembly events would cover the same Property.
- Map 3- A survey map of the entire Property showing existing buildings, chairlifts, parking lots, Tubing Chalet (approximated), driveways, permanent well and septic.
- Map 4- indicating the locations of structures and flow of guests on the proposed haunted tour.

**The Eight Standards of Obtaining a Conditional Use Permit:**

**Criteria 1**    **The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Re-issuing a CUP allowing outdoor assembly events (identical to CUP 2473, but permanent) would permit Tyrol to host the same types of events that are currently permitted. Tyrol has held private parties and public events including weddings, “Brewfest” outdoor beer sales events, and high-attendance ski race events for decades with minimal problem or complaint from neighbors.

Attendance for the Terror @ Tyrol haunted tour has been lower than attendance during busy winter weekends and is expected to continue to be far lower than the attendance of Tyrol’s annual WIJARA ski race event. Tyrol will post temporary signage on Town of Vermont roads to help direct traffic and will post traffic and parking attendants to slow and direct vehicles into its parking lots. Tyrol is also considering offering a shuttle bus from Mount Horeb to the Property to reduce traffic and offer a transportation alternative to those guests who intend to consume alcoholic beverages before or after the haunted tour. No additional road or parking infrastructure will be necessary because the road and parking usage for Terror @ Tyrol has not exceeded and is not expected to exceed usage for typical Tyrol operations.

The Terror @ Tyrol event will use far fewer bright outdoor lights than typical nighttime ski operations. Event-specific lighting will be dim, and it will be limited to the ticketing and queue area and within 5 feet of the tour path. Amplified sound will be limited to the ticketing and queue area and the tour path, and it may consist of low-level music or special effect sounds such as thunder. Sound and lights will continue to be governed by the Deed of Covenants and Restrictions.

**Criteria 2 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.**

According to the Mt. Horeb historical Society, the Property was established as a ski hill in the late 1950s. It has hosted large ski race events, beer festivals and weddings for decades. The Deed of Covenants and Restrictions applicable to the Property contains very specific restrictions on the use of lights and sound, which Tyrol will continue to follow to minimize nuisance to neighboring properties. In the first two years of operating Terror @ Tyrol, crowds have been less than typical weekend snow operations, and lights and sound levels have been and will continue to be lower than typical skiing and tubing operations. Tyrol will post "No Trespassing" signs and construct physical barriers where neighboring property abuts Tyrol's Property for the tours. Events will be held during reasonable hours, with guests on the Property no later than 12 AM.

In sum, Terror @ Tyrol and the Christmas village tours will not substantially alter the manner in which the Tyrol Basin Property has been used in the past, so the uses will not foreseeably reduce neighboring property values or enjoyment of other properties in the neighborhood. Indeed, permitting the haunted tour and Christmas village events will allow Tyrol to generate greater tax revenue for the Town of Vermont, which could foreseeably increase services to Town neighbors.

**Criteria 3 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.**

The Property is located in an established residential and agricultural neighborhood that, according to the goals of the Town of Vermont Comprehensive Plan, will not experience significant future development.

**Criteria 4 Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.**

Although the Terror @ Tyrol event brings increased visitors during the evening and night hours, the number of users has not been and is not expected to be greater than the number of users during a typical weekend ski day. Tyrol will bring in portable restrooms for Terror @ Tyrol and Christmas village, and permanent restrooms are available at the Tubing Chalet. There have been far fewer guests for Terror @ Tyrol than for the annual WIJARA ski races, and the well and septic utilities, roads and current Tyrol facilities are adequate to handle the WIJARA race events. No site improvements are necessary.

**Criteria 5 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

There is a single two-way driveway entrance to the Property which connects several existing parking lots via two-way roads. These improvements currently provide for adequate parking and reasonable traffic flow on most days without any parking attendants. On days



anticipated to have extraordinary traffic or parking needs, including Terror @ Tyrol, Tyrol will hire parking attendants. The attendants can direct traffic on Bohn Road to facilitate the orderly entry into and exit from the Property when necessary. "No Parking" signs exist on Bohn road near the entrance to the Property.

**Criteria 6** The conditional use shall conform to all applicable regulations of the district in which it is located.

Tyrol currently follows and will continue to follow all Town, County and State regulations, ordinances and statutes regarding its facilities and parking lot. Tyrol's parking facilities meet statutory requirements, Tyrol maintains an active liquor license, and it follows the required inspection and maintenance schedule for all of its chair lifts. Tyrol will file the newly required event operations plans with local authorities, will follow required fire inspection codes, will have all required emergency exits for Terror @ Tyrol and Christmas village tour operations.

**Criteria 7** The conditional use is consistent with the adopted town and county comprehensive plans.

As discussed above, Tyrol was established as a ski resort in the late 1950s. The Town of Vermont Town Plan was created in 1979, with revisions most recently completed in 2011 and 2017, after Tyrol Basin had been hosting large ski race and other events on its Property for decades. The Town Plan does not express a goal of limiting recreational or entertainment uses of properly zoned Town land, but states four primary goals. The haunted tour and Christmas Village events meet these four goals.

- (1) The events will **not change the rural character of the Town** because they will be fully contained within the Tyrol Property, and because they are similar in nature and scale to events Tyrol has hosted since the Town plan was originally created;
- (2) The events will **not reduce agricultural opportunities** because Tyrol Basin never had an agricultural use;
- (3) The events will **not harm the environment** because Tyrol will follow the site plans and operations plans submitted in this application, which require that Tyrol have adequate restroom facilities and trash disposal.
- (4) The events will **not reduce the natural beauty of the Town** because they will be contained within the Tyrol Property and will conform to all applicable hilltop regulations for structures.

Tyrol's proposed event uses also further the following goals included in the Dane County Comprehensive Plan:

- (1) The new events **promote the redevelopment of lands with existing infrastructure and the maintenance and rehabilitation of existing commercial structures.**

- (2) The new events are land uses that **promote efficient development patterns and relatively low municipal, state government and utility costs** because they use existing public and private infrastructure.
- (3) The new events are critical to the continued financial success of Tyrol Basin, a historical landmark in the Town of Vermont. Therefore, the uses **promote preservation of cultural and historical sites.**
- (4) The events are intended to bring significant additional revenue to Tyrol and the Town, thereby **promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.**
- (5) By working closely with the Town of Vermont and Dane County to implement reasonable restrictions on the use, the events **balance individual property rights with community interests and goals.**

Therefore the conditional use is consistent with the goals of the Town of Vermont and Dane County comprehensive plan.

**Criteria 8 If the conditional use is located in a Farmland Preservation Zoning district, the town and zoning committee must also address the findings described in s.10.220(1).**

The Tyrol Property is not located in a Farmland Preservation Zoning district, so this Criteria is inapplicable.



## **Exhibit A- Legal Description of Property**

### **Parcel A**

The North 1/2 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, EXCEPT the following: that part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin more fully described as follows:

Commencing at the North 1/4 corner of said Section 33; thence East along the section line 997.85 feet to the point of beginning; thence South 120.0 feet; thence East 181.50 feet; thence North 120.0 feet; thence West 181.50 feet to the point of beginning of this exception. FURTHER EXCEPTING that part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont Dane County, Wisconsin, more fully described as follows:

Beginning at the Southwest corner of said Northwest 1/4 of the Northeast 1/4; thence North along the West line of said

Northwest 1/4 of the Northeast 1/4, 283 feet; thence East

parallel with the South line of said Northwest 1/4 of the

Northeast 1/4, 437.7 feet; thence South 18° East, 297.5 feet to

the South line of said Northwest 1/4 of the Northeast 1/4; thence West 529.6 feet to the point of beginning of this exception.

Parcel Nos.:

060-0706-331-8000-8

060-0706-331-8501-2

### **Parcel B:**

A part of the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at the Northwest corner of the South 1/2 of the Northeast 1/4; thence East 1,421.0 feet along the North line of said South 1/2 of the Northeast 1/4 to the point of beginning; thence continue East 300.0 feet along said North line; thence South 23° West, 60.00 feet; thence South 54° West, 155 feet; thence West 150 feet; thence North 150 feet to the point of beginning.

Parcel No.: 060-0706-331-9590-3

### **Parcel C:**

Part of the South 1/2 of the Southeast 1/4 of Section 28, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows:

Beginning at the South 1/4 corner of the said Section 28; thence due East along the section line 100.00 feet; thence North 0° 34' 24" West, 330.00 feet to the Northerly line of the South 10 acres of the Southwest 1/4 of the Southeast 1/4; thence due East along said Northerly line 1,320.18 feet; thence South 0° 10' 04" East along a line which is 100 feet East of the Easterly line of the said Southwest 1/4 of the Southeast 1/4, 330.00 feet to the South line of Section 28; thence East 626.43 feet; thence North 3° 55' West, 583.07 feet; thence North 62° 03' 52" West, 328.65 feet; thence North 02° 50' 00" West, 290.40 feet to the Northwest corner of Certified Survey Map 9063, recorded as #3029472; thence North 89° 46' 23" West, 384.91 feet to the Southwest corner of Certified Survey Map

8787, recorded as #2922104; thence North 0° 10' 04" West, 300.00 feet to the Northeast corner of the said Southwest 1/4 of the Southeast 1/4, which is also the Northwest corner of said Certified Survey Map 8787; thence North 89° 46' 23" West, 1,327.30 feet to the Northwest corner thereof; thence South 0° 34' 24" East, 1,332.57 feet to the point of beginning. EXCEPT any part lying within Lot 1 of Certified Survey Map 8787.  
Parcel No.: 060-0706-284-9011-1

**Parcel D:**

A part of the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at

the

Southeast corner of the said Section 28; thence due West along the section line 203.50 feet to the

centerline of Bohn Road and the point of beginning; thence North 10° 14' West along the centerline of

Bohn Road 49.87 feet; thence South 79° 46' West, 33.00 feet; thence South 26° 20' West, 26.35 feet; thence South 81° 28' West, 129.10 feet to the section line; thence due East 180.92 feet along the section line to the point of beginning.

Parcel No.: 060-0706-284-9840-8

**Parcel E:**

Part of the South 1/2 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows:

Commencing at the Northwest corner of the said South 1/2 of the Northeast

1/4; thence East 529.6 feet along the North line of said South 1/2 of the Northeast 1/4 to

the point of beginning; thence continue East 891.4 feet to a parcel previously deeded;

thence South 150 feet; thence East 150 feet; thence North 54° East, 100 feet, more or less, to the Westerly line of the East 3/4 of the Southeast 1/4 of the Northeast 1/4 of said

Section 3.3; thence South 104 feet, more or less to a point which is 195 feet South of the

North line of the said South 1/2 of the Northeast 1/4; thence West 1,058 feet, more or

less, along a line which is 195 feet South of the said North line to a point in a line which

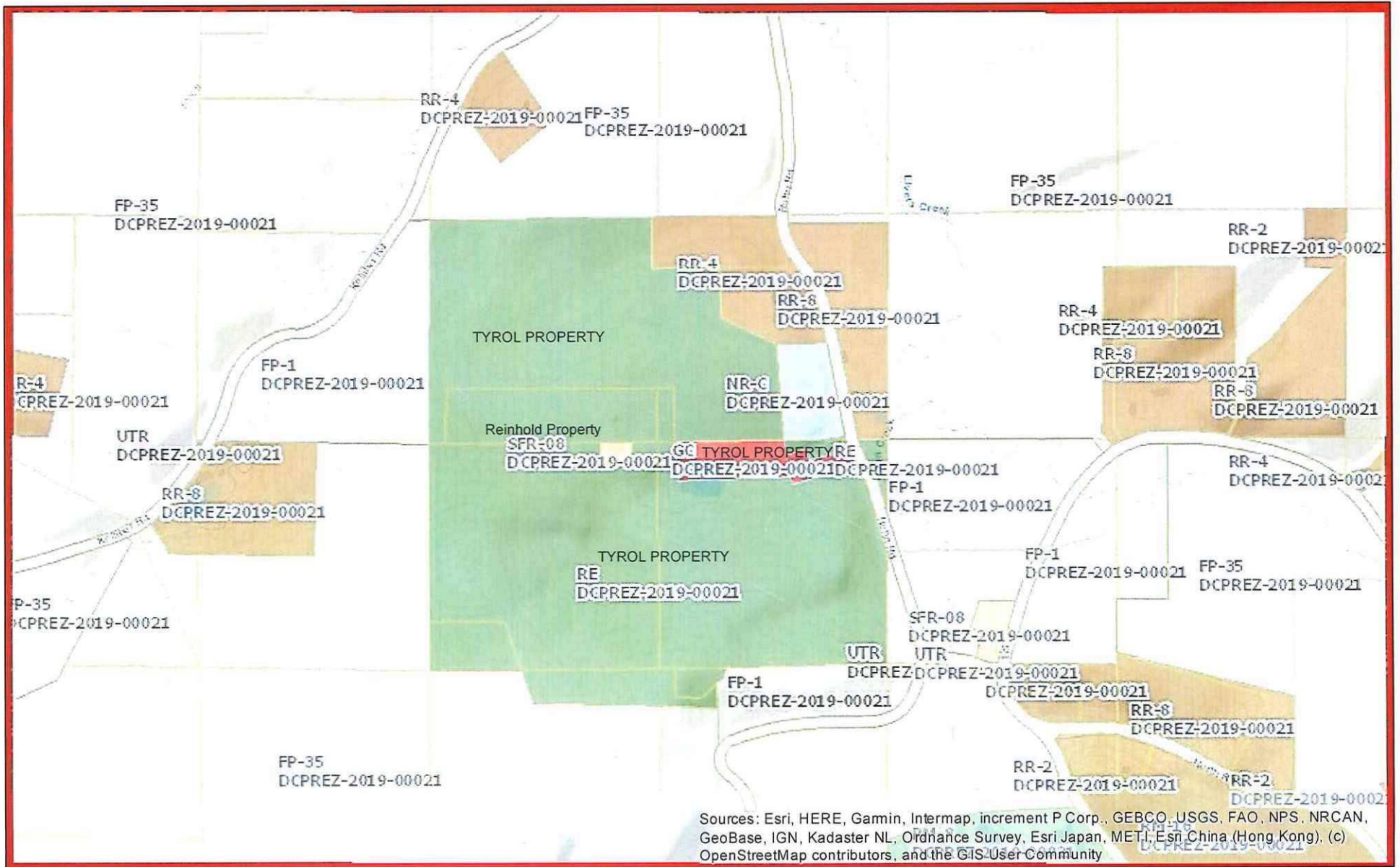
bears South 18° East from the point of beginning; thence North 18° West, 205 feet, more

or less, to the point of beginning.

Parcel No.: 060-0706-331-9010-4



# Map 1- Neighborhood Zoning

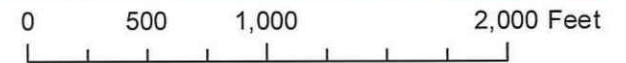


May 3, 2021

## Dane County Mask

Dane County Mask

Parcels



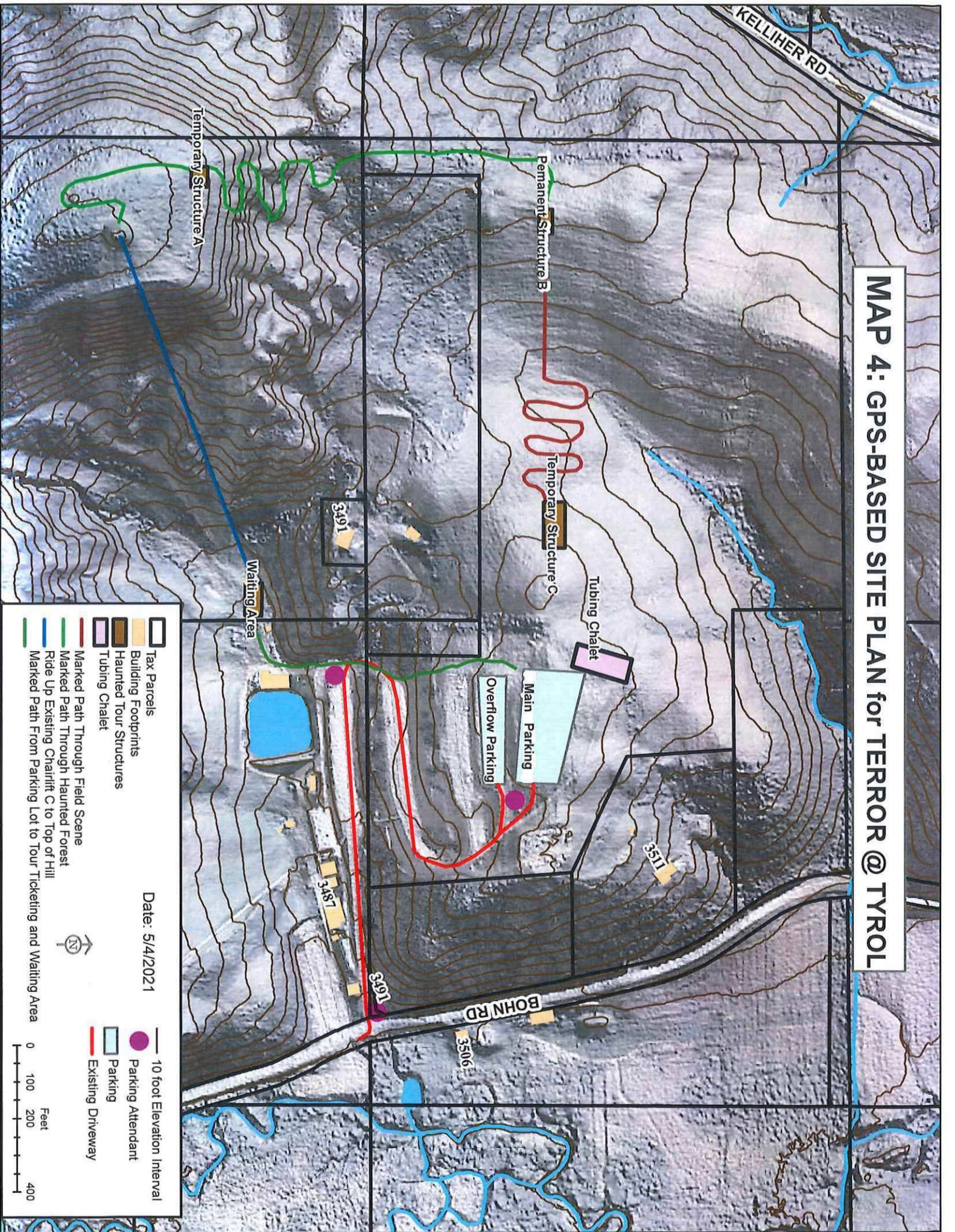


MAP 2-2020 Aerial Image with Existing CUPs





# MAP 4: GPS-BASED SITE PLAN for TERROR @ TYROL



**Legend:**

- Tax Parcels
- Building Footprints
- Haunted Tour Structures
- Tubing Chalet
- Marked Path Through Field Scene
- Marked Path Through Haunted Forest
- Ride Up Existing Chairlift C to Top of Hill
- Marked Path From Parking Lot to Tour Ticketing and Waiting Area

**Other Symbols:**

- 10 foot Elevation Interval
- Parking Attendant
- Parking
- Existing Driveway

**Map Information:**

Date: 5/4/2021

Scale: 0, 100, 200, 400 Feet

North Arrow:





## Dane County Zoning Division

City-County Building  
210 Martin Luther King, Jr., Blvd., Room 116  
Madison Wisconsin 53703  
(608) 266-4266/266-9083  
Fax (608) 267-1540

# DANE COUNTY CONDITIONAL USE PERMIT #2473

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 # 2473 for Outdoor Entertainment pursuant to Dane County Code of Ordinances Section 10.244 (3)(h), subject to any conditions contained herein:

**EFFECTIVE DATE OF PERMIT: August 28, 2019**

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

LOCATION: 3487 Bohn Road, Town of Vermont, Dane County, Wisconsin.

Legal Description:

The North 1/2 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, EXCEPT the following: that part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin more fully described as follows: Commencing at the North 1/4 corner of said Section 33; thence East along the section line 997.85 feet to the point of beginning; thence South 120.0 feet; thence East 181.50 feet; thence North 120.0 feet; thence West 181.50 feet to the point of beginning of this exception. FURTHER EXCEPTING that part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont Dane County, Wisconsin, more fully described as follows: Beginning at the Southwest corner of said Northwest 1/4 of the Northeast 1/4; thence North along the West line of said Northwest 1/4 of the Northeast 1/4, 283 feet; thence East parallel with the South line of said Northwest 1/4 of the Northeast 1/4, 437.7 feet; thence South 18° East, 297.5 feet to the South line of said Northwest 1/4 of the Northeast 1/4; thence West 529.6 feet to the point of beginning of this exception.

A part of the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at the Northwest corner of the South 1/2 of the Northeast 1/4;



thence East 1,421.0 feet along the North line of said South 1/2 of the Northeast 1/4 to the point of beginning; thence continue East 300.0 feet along said North line; thence South 23° West, 60.00 feet; thence South 54° West, 155 feet; thence West 150 feet; thence North 150 feet to the point of beginning.

Part of the South 1/2 of the Southeast 1/4 of Section 28, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Beginning at the South 1/4 corner of the said Section 28; thence due East along the section line 100.00 feet; thence North 0°34'24" West, 330.00 feet to the Northerly line of the South 10 acres of the Southwest 1/4 of the Southeast 1/4; thence due East along said Northerly line 1,320.18 feet; thence South 0°10'04" East along a line which is 100 feet East of the Easterly line of the said Southwest 1/4 of the Southeast 1/4, 330.00 feet to the South line of Section 28; thence East 626.43 feet; thence North 3°55' West, 583.07 feet; thence North 62°03' 52" West, 328.65 feet; thence North 02°50'00" West, 290.40 feet to the Northwest corner of Certified Survey Map 9063, recorded as #3029472; thence North 89°46'23" West, 384.91 feet to the Southwest corner of Certified Survey Map 8787, recorded as #2922104; thence North 0° 10' 04" West, 300.00 feet to the Northeast corner of the said Southwest 1/4 of the Southeast 1/4, which is also the Northwest corner of said Certified Survey Map 8787; thence North 89°46'23" West, 1,327.30 feet to the Northwest corner thereof; thence South 0°34'24" East, 1,332.57 feet to the point of beginning. EXCEPT any part lying within Lot 1 of Certified Survey Map 8787.

A part of the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at the Southeast corner of the said Section 28; thence due West along the section line 203.50 feet to the centerline of Bohn Road and the point of beginning; thence North 10° 14' West along the centerline of Bohn Road 49.87 feet; thence South 79° 46' West, 33.00 feet; thence South 26° 20' West, 26.35 feet; thence South 81°28' West, 129.10 feet to the section line; thence due East 180.92 feet along the section line to the point of beginning.

Part of the South 1/2 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at the Northwest corner of the said South 1/2 of the Northeast 1/4; thence East 529.6 feet along the North line of said South 1/2 of the Northeast 1/4 to the point of beginning; thence continue East 891.4 feet to a parcel previously deeded; thence South 150 feet; thence East 150 feet; thence North 54° East, 100 feet, more or less, to the Westerly line of the East 3/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 3.3; thence South 104 feet, more or less to a point which is 195 feet South of the North line of the said South 1/2 of the Northeast 1/4; thence West 1,058 feet, more or less, along a line which is 195 feet South of the said North line to a point in a line which bears South 18" East from the point of beginning; thence North 18° West, 205 feet, more or less, to the point of beginning.

**CONDITIONS:**

1. Outdoor assembly events in the RE zoning district are limited to:
  - a. A "haunted tour" occurring Fridays and Saturdays in October, October 31, and the first

Friday and first Saturday of November, and;

- b. A "Christmas village" occurring the third and fourth Friday and Saturday in November and the first and second Friday and Saturday in December.
2. Hours of operation for the haunted tour use are limited to 6:30 p.m. to midnight, with all guests out of the facility by midnight.
3. Hours of operation for the Christmas Village are limited to noon to 5:00 p.m.
4. No more than 1,200 guests shall be onsite at any one time for either new outdoor assembly event.
5. Guests for the haunted tour shall travel in groups no larger than 6 people, monitored by employees to keep groups spread out, and to keep them moving through the site. Employees will have communication equipment to notify supervisors of emergencies or concerns.
6. Outdoor event-specific amplified speakers or sound equipment are limited to the areas indicated on the preapproved event operations plan. For the haunted tour, outdoor amplified sound is limited to (1) the ticket and waiting area as shown on the approved site plan, and (2) to low-volume "special effect" sounds (e.g. to simulate thunder) within five (5) feet of the tour path. Under no circumstances should noise levels for either of the events exceed 77 db(a), as measured at any of the property's boundaries.
7. Outdoor lighting associated with events shall be as indicated on the preapproved event operations plan. Outdoor event-specific lighting for the haunted tour will be limited to low-level pathway lighting, shielded to direct light downward, not to exceed 1 lux intensity and amber or yellow (not blue or white) in color. Lighting will be turned off after guests depart.
8. The physical development and operation of the haunted tour, including tour routes, temporary tent or building locations, portable restrooms, designated parking and temporary or permanent signage, must conform, in all respects, to the approved site plan, operational plan and phasing plan.
9. Event plans:
  - a. At least thirty days prior to the start of any outdoor assembly events in each calendar year, the landowner shall file an event plan, approved by the zoning administrator, addressing, at a minimum the following issues:
    - the number of events proposed each year
    - the maximum expected attendance at each event
    - off-street parking, to meet standards in s. 10.102(8)
    - days and hours of operation
    - ingress and egress
    - sanitation
    - trash / recycling collection and disposal
    - proposed signage
    - other public safety issues
  - b. Event plans must be filed with the following:
    - the zoning administrator,
    - town clerk,
    - servicing fire department,
    - emergency medical service provider,
    - Dane County Sheriff's Department and
    - any local law enforcement agency.
10. New and existing permanent buildings proposed to house the conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.



11. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
12. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements, including town liquor licenses. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
13. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
15. Off-street parking must be provided, consistent with s.10.102(8).
16. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
17. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
18. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
19. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
20. This conditional use permit shall expire two years after the effective date. An operations review with the Town of Vermont shall take place November 2019 to review the Haunted Tour Event. Continued operation of the conditional use after the permit expiration date will require approval of a new conditional use permit by the Town of Vermont and Dane County.
21. The landowner may, at their own initiative, apply for a new conditional use permit to revise or extend the use, at any time. Such application will go through the same process, including public notice and hearing, as any new conditional use permit.
22. The cost of a traffic study shall be shared between the Town of Vermont and Tyrol if requested by the Town of Vermont.

**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.

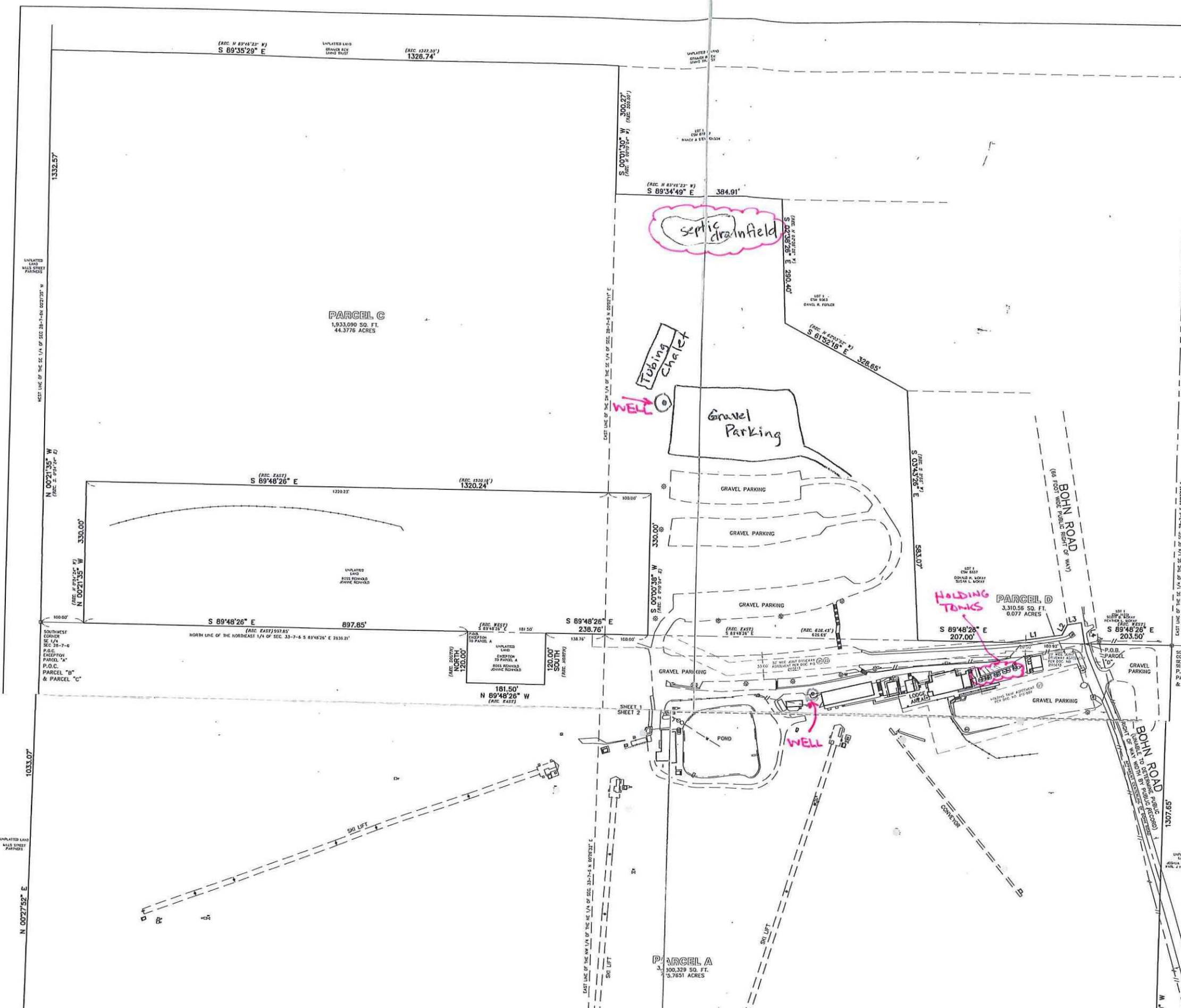
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will 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.



# MAP 3



**Parcel A:**  
The North 1/2 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, EXCEPT the following: that part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin more fully described as follows: Commencing at the North 1/4 corner of said Section 33; thence East along the section line 997.85 feet to the point of beginning; thence South 120.0 feet; thence East 181.50 feet; thence North 120.0 feet; thence West 101.50 feet to the point of beginning of this exception. FURTHER EXCEPTING that part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Beginning at the Southwest corner of said Northeast 1/4 of the Northeast 1/4; thence North along the West line of said Northeast 1/4 of the Northeast 1/4, 283 feet; thence East parallel with the South line of said Northeast 1/4 of the Northeast 1/4, 437.7 feet; thence South 18' East, 297.5 feet to the South line of said Northeast 1/4 of the Northeast 1/4; thence West 529.6 feet to the point of beginning of this exception.

**Parcel B:**  
A part of the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at the Northwest corner of the South 1/2 of the Northeast 1/4; thence East 1,421.0 feet along the North line of said South 1/2 of the Northeast 1/4 to the point of beginning; thence continue East 300.0 feet along said North line; thence South 23' West, 60.00 feet; thence South 54' West, 155 feet; thence West 150 feet; thence North 150 feet to the point of beginning.

**Parcel C:**  
Part of the South 1/2 of the Southeast 1/4 of Section 28, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Beginning at the South 1/4 corner of the said Section 28; thence due East, 330.00 feet to the Northern line of the South 10 acres of the Southwest 1/4 of the Southeast 1/4; thence due East along said Northern line 1,320.18 feet; thence South 0' 10" 04" East along a line which is 100 feet

**Parcel D:**  
A part of the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 7 North, Range 6 East, in the Town of Vermont, Dane County, Wisconsin, more fully described as follows: Commencing at the Southeast corner of the said Section 28; thence due West along the section line 203.50 feet to the point of beginning; thence North 10' 14" West along the centerline of Bohn Road 49.87 feet; thence South 79' 45" West, 33.00 feet; thence South 26' 20" West, 26.35 feet; thence South 81' 28" West, 129.10 feet to the section line; thence due East 160.92 feet along the section line to the point of beginning.

- THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, ON INFORMATION FURNISHED BY THE UTILITY COMPANIES, DIGGERS HOTLINE AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.
- NO ZONING INFORMATION PROVIDED BY INSURER AT THE TIME OF SURVEY.
- THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON CONTAINS 5,453,167 SQUARE FEET OR 125.1875 ACRES.
- THE ADDRESS OF THE ABOVE DESCRIBED PROPERTY, 3587 BOHN ROAD, MOUNT HOREB, WI 53572, AS SHOWN, WAS OBSERVED IN THE FIELD AT THE TIME OF THE SURVEY.
- ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD.
- SUBJECT PROPERTY HAS DIRECT ACCESS TO BOHN ROAD, WHICH IS A DEDICATED PUBLIC STREET.
- THE TOTAL NUMBER OF STRIPED PARKING SPACES ON THE PROPERTY IS 0, OF WHICH 0 ARE REGULAR PARKING SPACES AND 0 ARE DESIGNATED DISABLED SPACES, AND TO THE EXTENT POSSIBLE, ARE GRAPHICALLY SHOWN HEREON.
- SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOOD PLAIN (NO BASE FLOOD ELEVATION DETERMINED) PER INFORMATION FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 55025C0450, WITH A DATE OF IDENTIFICATION OF 01/02/2009, IN COMMUNITY NO. 550077, DANE COUNTY, WHICH IS THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS SITUATED.
- THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE PROPERTY AT TIME OF SURVEY.
- THERE IS NO INFORMATION AVAILABLE FROM DANE COUNTY OR THE CITY OF MOUNT HOREB REGARDING PROPOSED CHANGES IN STREET RIGHT OF WAY LINES ADJOINING THE PROPERTY AT THE TIME OF SURVEY.