

DANE COUNTY
CONDITIONAL USE PERMIT #2032

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 #2032 for a Telecommunications Tower subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: November 28, 2006

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

Part of the NW 1/4 SW 1/4 Section 9, Town of Burke, described as follows: Outlot #1, Certified Survey Map #7441, found in Volume 38, Page 185 of Certified Survey Maps, Dane County Register of Deeds Office.

CONDITIONS:

- 1) The primary use of the telecommunication equipment permitted under Conditional Use Permit No. 2032 shall be for the transmission and reception of cellular/PCS wireless telecommunication equipment.
- 2) The communication tower placed, constructed or modified under Conditional Use Permit No. 2032 shall accommodate collocation of a total of fifteen (15) PCS/cellular antenna arrays, including existing antennae permitted under previous CUP #1426. The height of telecommunication antennas shall not exceed the highest point of the water tower.
- 3) Collocation sites required hereunder shall upon request be made available by the holder of Conditional Use Permit No. 2032 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.
- 4) Subject to further conditions set forth herein as to total floor area and location, the holder of Conditional Use Permit No. 2032 and any user collocating on the tower permitted thereunder are each 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.2032, including locational requirements contained in the site plan.

- 5) The holder of Conditional Use Permit No. 2032 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.
- 6) The final site plan(s) and design drawings included in the petition application are fully incorporated herein and continued effectiveness of Conditional Use Permit No. 2032 is expressly conditioned upon compliance with those plans.
- 7) Upon written inquiry by the committee the holder of Conditional Use Permit No. 2032 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. 2032, 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.
- 8) The holder of Conditional Use Permit No. 2032 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.

- 9) If at any time the communication tower permitted under Conditional Use Permit No. 2032 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.
- 10) Failure to comply with any of the aforesaid conditions shall be grounds for the committee to immediately revoke Conditional Use Permit No. 2032.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDING 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.