

October 20, 2018

To: Roger Lane - Dane County Zoning Administrator

Subject: Petition to Deny the Conditional Use Application Filed by Applicant Tyrol Properties LLC dated September 24, 2018

Dear Mr. Lane,

My Husband Jon Norris and I live on 40 acres at 10127 Thumper Rd. As the crow flies, our property is less than one mile from Tyrol Basin. Jon has owned and lived on this property for 22 years. For the past 4 years I have spent 1 to 2 hours hiking or snowshoeing trails on our property approximately 355 days a year. There are very few days that I don't. Because I work during the day, in winter most of my daily outdoor time occurs after sunset. I very much appreciate the solitude, the sounds of nature and the natural light from the moon and stars. It is important to my quality of life and I receive great enjoyment from this. We are incredibly fortunate to live in one of the most beautiful areas of Wisconsin. From several areas of our property, when we look west, we see significant light pollution coming from Tyrol. There are two neighbors whose property borders the proposed "new night time lighted activity area". This entire 30 acres has been a quiet hillside, devoid of recreational activity. Their full time residential properties will be less than 300 feet from the proposed lights. Their enjoyment of outdoor activities and solitude which their properties currently provide will be disrupted significantly day and night as has never before been realized. As citizens of the Town of Vermont, Dane County, and a neighbor of Tyrol Basin, we oppose additional lighted night time activities.

According to the Town of Vermont Comprehensive Plan:

7.5 Lighting: "**The Town may consider instituting limitations on exterior lighting to ensure that residents achieve reasonable lighting objectives without unduly detracting from the Town's rural character and natural beauty.** Residents are to use shielded exterior lighting whenever possible."

Tyrol Basin is the largest source of light pollution in Vermont township.

While I am not a lighting engineer I have observed significant light pollution when I have been outside at night, it is particularly easy to see in the country under a dark sky.

I have been outside at night under various types of lights, stadium lights, halogen lights, flash lights.... They have different properties. The light pollution from Tyrol can be seen for miles – I can see lights in the sky over tyrol from the east boundary of the Town on Highway 78. If Tyrol Basin adds more lights, more light pollution will be produced.

Nathan McGree has asked us to "look up Steamboat Springs Colorado." He has stated that "all of the Steamboat Springs residents and neighbors are really happy with their new LED lighting." I have heard him tell us at three meetings now that "LED lights don't reflect, they are directional and will be shielded and LEDs will reduce light pollution"

I did some research and it is a fact that the new LEDs installed at Steamboat Springs have greatly reduced light pollution from the ski resort. They installed 300 watt Ultra Tech brand

Magnetic induction snow bright lights. The lights are sealed and transfer electrical current via a magnetic field, and are dark sky compliant. They have diffusion deflectors that keep the light from focusing on specific areas, and glow over the snow.

Using these dark sky compliant lights exclusively for any new lighting would really be a great step in the right direction. Ideally, over time Tyrol could change out all of their existing lights to be dark sky compliant. Also - to enable lighting only where needed during snow making at night, or only where people are working or skiing, is something that they will be able to do. This will also reduce the current light pollution to some degree. I believe this requires the lights to be on separate circuits - separate switches.

The planned lighting supplier for Tyrol is Linmore LED company. They don't sell Ultra Tech lights. They don't even sell dark sky compliant lights. They do sell LEDs - and are able to light up any area as bright as a football stadium on homecoming night. These LED lights are highly reflective. In fact I checked the website for Illuminating Engineering Society, the professional association for lighting engineers. When you shine light on a highly reflective surface like snow, 75% of the light will come back. When there is cloud cover - as is often the case during snow making, light bounces and reflects illuminating the night sky.

Based on my research, I have learned that these proposed LED lights from Linmore will actually produce more light pollution than the current lighting. The proposed lights have white light with green and blue bands of radiation, which are more susceptible to scattering than halogen or reds, orange band lights. The proposed lights have 5000K temperatures which results in increased sky glow and illumination. I feel that I, as well as the Town of Vermont have been very misled by Nathan McGree regarding the benefits of LED lighting. I object to the installation of the proposed LED lights.

I request that the Town denies Tyrol their request to instal additional lighting to expand night time recreational areas. I request that Tyrol presents a plan from a lighting engineer, a professional that will help prepare a plan that uses dark sky compliant lights that do not increase light pollution and one that minimizes nuisances on bordering neighbors, and the Town.

Sincerely,  
Caron Sutterlin and Jon Norris  
10127 Thumper Road  
608-347-5435 / 608-516-9196

October 18, 2018

Roger Lane - Dane County Zoning Administrator

**Subject: Petition to Deny the Conditional Use Application (CUP #2441) Filed by Applicant Tyrol Properties LLC**

Dear Mr. Lane:

My wife and I are relatively new citizens to the Town of Vermont. In April of 2018, we purchased approximately 60 acres of land and a home at 3602 Kelliher Road. This new home is our year-round residence. Our property includes a parcel which abuts the parcel 060/0706-2849011-1 owned by Tyrol Properties (Tyrol), upon which Tyrol is seeking a Conditional Use Permit (CUP) to allow lighted, night-time activities. The property boundary we share with the Tyrol parcel is approximately 1,300 feet long. According to the most recent maps released by Tyrol, the facility they plan to build includes a tubing hill and array of lighting poles that ends approximately 270 feet from our property boundary. Our property includes a ravine that would receive the water run-off and sediment from the grading and snow making activity from the new proposed facility. See Attachment #1, attached to this petition for photo detailing the proximity of the proposed facility to our property.

I have remained engaged on the proposed changes at Tyrol. I have attended all of the town planning committee meetings and town board meetings where the matter was scheduled to be discussed. I have also attended the site visits and informational meetings. I have hosted or attended at least four meetings with other concerned neighbors, and I have also had discussions and email correspondence with a Tyrol representative.

I only recently read the proposed changes to the deed restrictions submitted by Tyrol to Dane County in the August 20, 2018 re-zoning application. While we understand the application to amend the deed restrictions has been withdrawn, the changes recorded in that application disclose a great deal about the long range intentions for the business and property. The drafted re-zoning petition makes it clear that the intentions are to transition the operation from a winter, snow-based recreation facility to be an all-season, high-density, entertainment complex with significant night time operations.

Karen and I are placing on record with you this petition to deny the CUP filed by Tyrol as an immediate neighbor to the proposed development and as one of the significantly impacted neighbors. The basis for requesting the denial is that the CUP to allow lighted, night-time recreational activities **does not satisfy the 6 evaluation criteria imposed by Dane County Zoning.**

Specifically:

- A) The ingress and egress into the Tyrol property involves driving on primarily narrow, winding roads including North Road, Bohn Road, and County Road J. A portion of these roads are unstriped and two of which are approached by making blind turns. **Increased traffic on these roads in the winter at night does constitute a higher level of safety risk for the public who share these same roads.** This risk is even higher if, as announced, the applicant serves alcohol in the warming hut that is a proposed part of this facility.
- B) Tyrol is clearly the largest light polluter in the Town of Vermont as demonstrated by the light pollution maps attached (see Attachment #2). The light pollution from Tyrol creates a surrounding glow in the sky near the facility and illuminates neighboring properties with indirect, scattered light.

Tyrol has announced the plan to use LED lighting for the new tubing facility, and they have also announced a plan to change all lights over time to LED lights. They have disclosed the data sheets for the lights they intend to use. The proposed lights are manufactured by Linemore LED (<https://linmoreled.com/pdfs/Site-Lighter-Spec-Sheet.pdf>)

While it is encouraging to understand Tyrol will use less electrical energy by changing to these lights, the proposed lights are not available in dark sky compliant versions (PBA or NBA LEDs) and are only available in white colors with color temperatures from 3500K to 5000K. The radiation spectrums from this lighting technology are more susceptible to 'scattering' and will increase the sky glow and unintended illumination. Refer to the diagram below for the relative impact of the various lighting technologies as well as the two simulations shown in the Attachments #3 included in this petition which contrast the amount of sky glow of the existing lighting technology and the proposed LED lights.

As a dark sky advocacy group in Flagstaff, AZ states on their website: "For sky glow light pollution, the conclusion is unambiguous: research shows that white light – of any kind (CCT) – has substantially greater impact on sky glow than yellow light. Compared to the currently prevalent high-pressure sodium lights, even the lowest-impact white LEDs<sup>1</sup> (though higher-impact LEDs are far more widely used) will increase visible sky glow 2.2x – more than double."

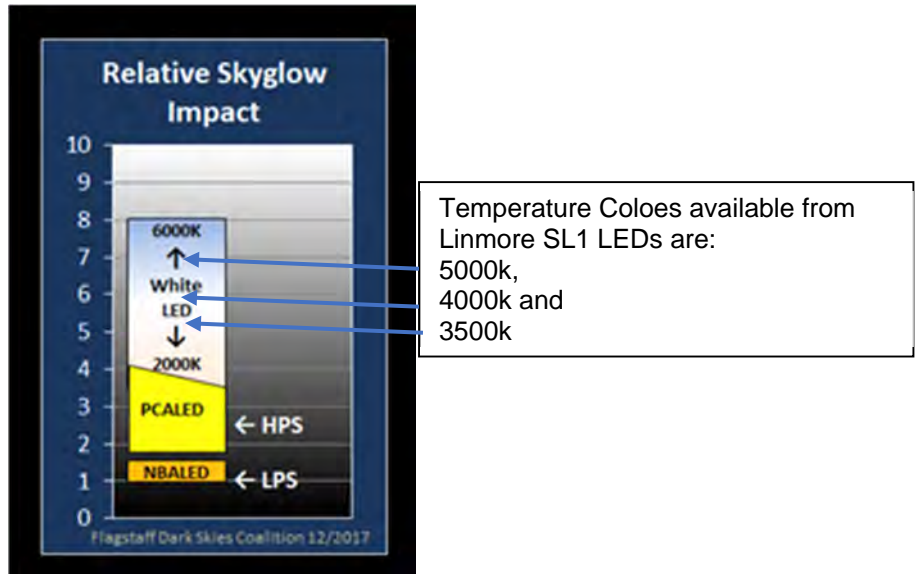


Figure 1. Relative Impact of Flood Lighting Solutions (source: <http://www.flagstaffdarkskies.org/for-wonks/lamp-spectrum-light-pollution/>)

In our case, we currently receive light pollution from Tyrol during the snow season and none during the non-snow season. However, due to the close proximity of the proposed new lights from the tubing facility, the light pollution would increase dramatically. The new facility would create an artificial light horizon on the southern view from our house and will illuminate several acres of our prairie hillside as well a portion of the forest on our property. Please refer to the elevation profile map we have attached to highlight the relative elevations and distances the lights will be from points on our property (Attachment #3).

In addition to the light pollution, there will be a large increase to noise pollution from vehicles, machinery (including but not limited to snowmaking equipment), load speakers and human voices. This noise is expected to be audible late into the night and will destroy the peace and quiet we presently enjoy.

*(Note: The current allowable sound level limit in the deed restrictions is between 85 - 95 dB as measured 10 feet from the source depending on the time of day. The distance to our property may be less than 270 feet from the bottom of the proposed tubing hill. The forecasted noise at our nearest property point when noise is being emitted at maximum allowable levels at the bottom of the tubing facility would be approximately 58 to 68 dB.)*

As a consequence, the increased light and noise pollution would degrade the night sky viewing and lessen the peace and quiet we presently enjoy. Additionally, these disturbances and nuisances can be expected to be detrimental to the wildlife habitat that presently supports populations of coyote, deer, fox and owl on and around our property. The degradation of wildlife habitat from the light pollution will only be

compounded by night time noise from the new operation and the close proximity of people that would be using the facility. **The loss in the quality of the night sky viewing, the loss of wildlife habitat for viewing and hunting opportunities, and the increase in unwanted noise and encroachment by Tyrol's clients would constitute a material loss of enjoyment for our family, as well as other impacted neighbors.**

- C) **The operation of a night-time tubing operation adjacent to our property and adjacent to two other residences will have significant negative implications on the marketability and value of these properties** because of the associated light pollution, noise pollution and the night-time encroachment by the general public to our property boundaries. Please refer to the attached letter (Attachement #5) offered by Julie Bernauer, a real estate professional who marketed our property on behalf of the seller for a period of more than a year. Her statement supports these claims.
- D) **The expansion of Tyrol to having a new high-usage, outdoor, night-time, recreation facility is not consistent with the Town of Vermont's Comprehensive Plan** which calls for the preservation of the rural character of the township, protection of the environment, support of home business and support of agriculture.
- E) **The applicant has not demonstrated that they are prepared to responsibly execute the construction of this facility.** Earlier submittals have not been detailed and are misleading in some regards. The most recent submittals do not contain appropriate details and do not identify the true footprint of the facility (For example: no run-out area is indicated, no walkways are indicated, no staging area above the hill slope is indicated). Further, the only map which provide GPS coordinates is in error by locating the North East corner of the tubing hill on my property. It is clear that from the technical submittals that no professional engineering resources have been engaged, and it is also clear from recent inquiries that the appropriate Department of Natural Resources permits and coordination have not been sought (update as of Oct 5, 2019).

Karen and/or I will attempt to be present to all zoning meetings related to this CUP to defend these views. Please feel free to reach out to either of us if you have questions or need more information.

Sincerely,

Karen and Andy Grimmer  
3602 Kelliher Road  
Cell 608-416-9042



ATTACHMENT #1 – Photo of Abutting Properties

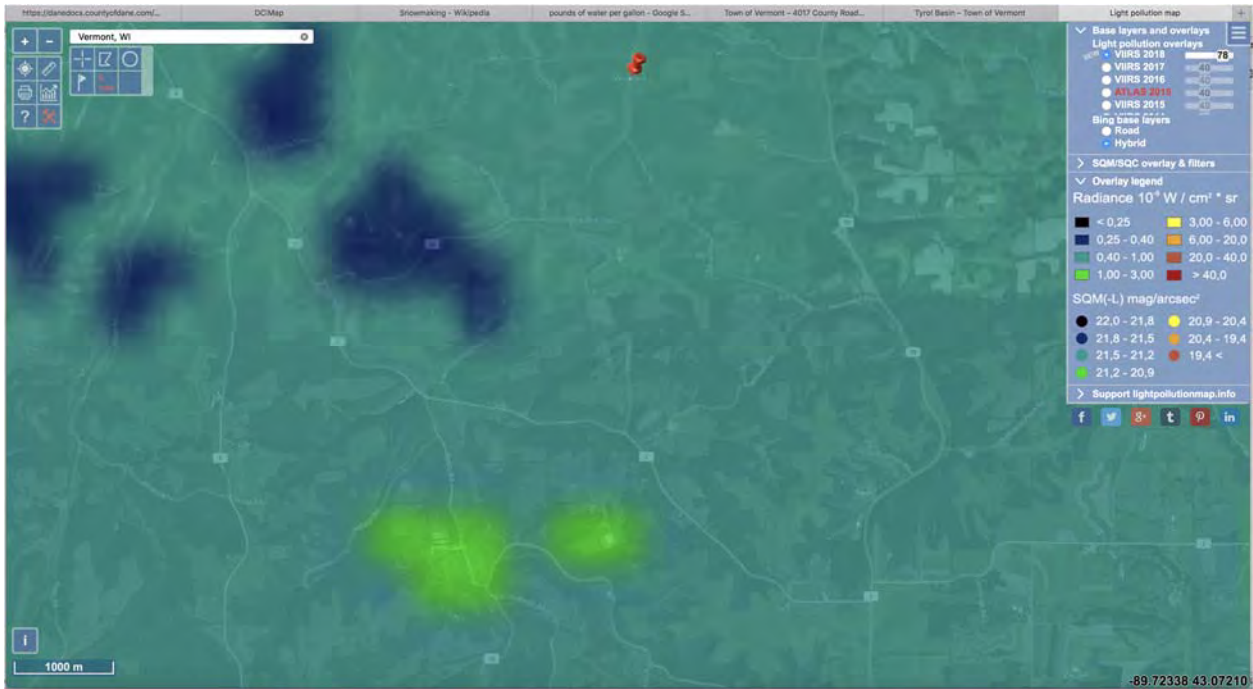


Image 1 – Light Pollution Map (VIIRS Radiance Data from March 2018)

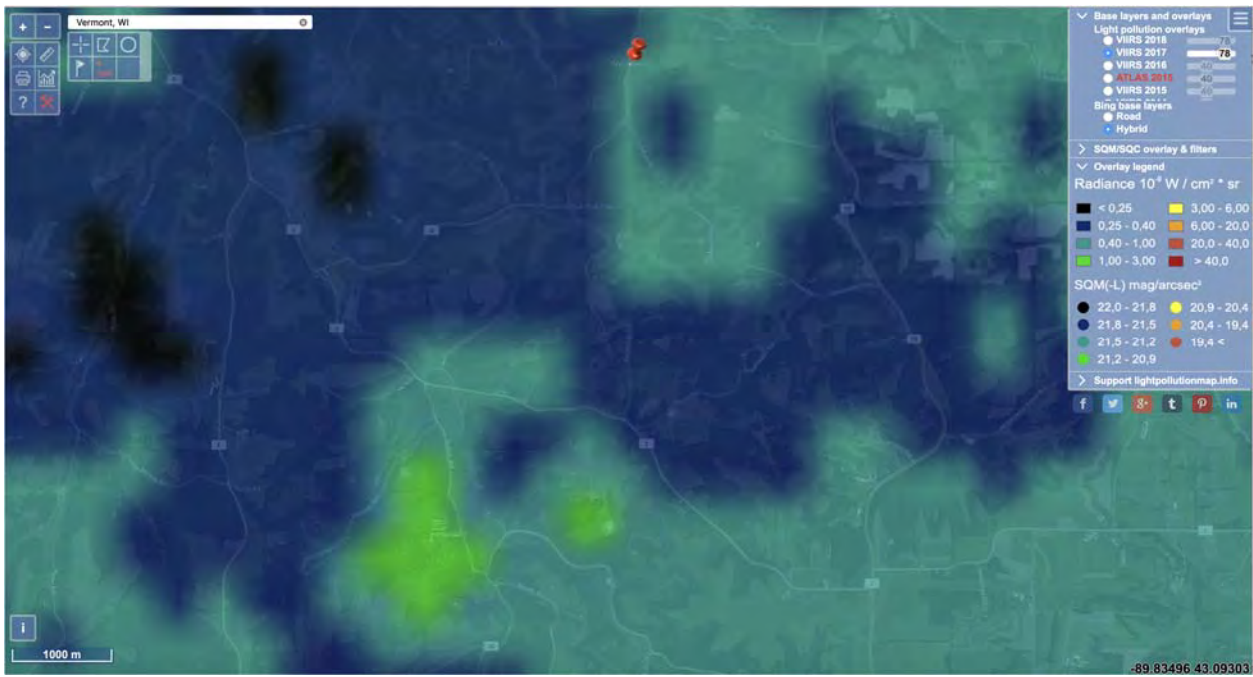
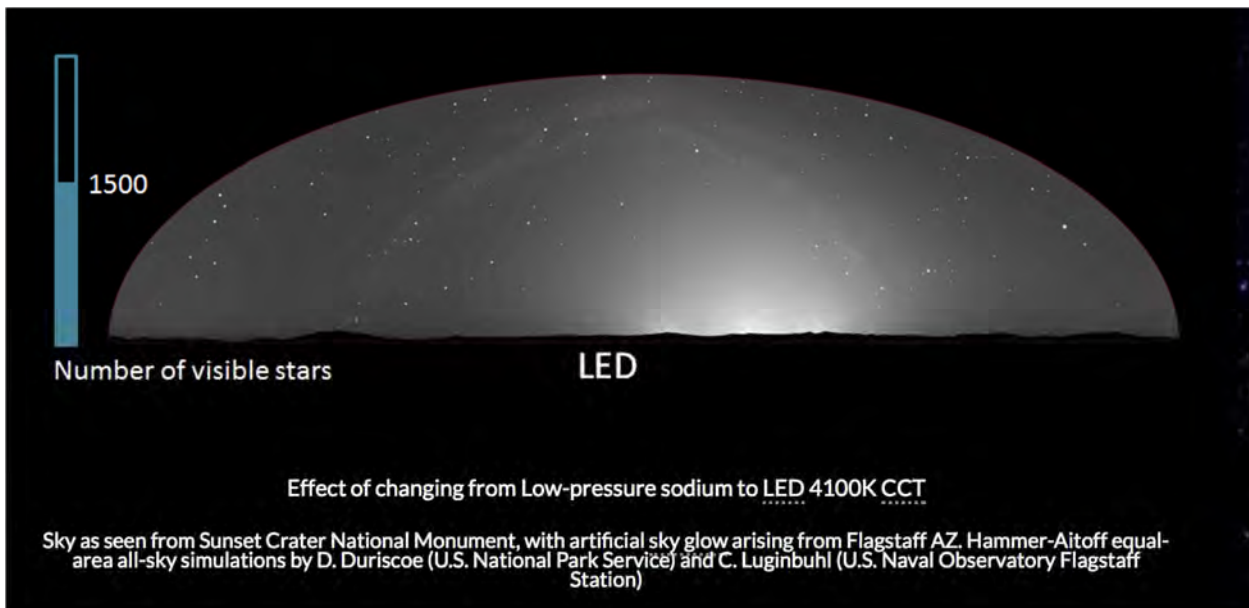
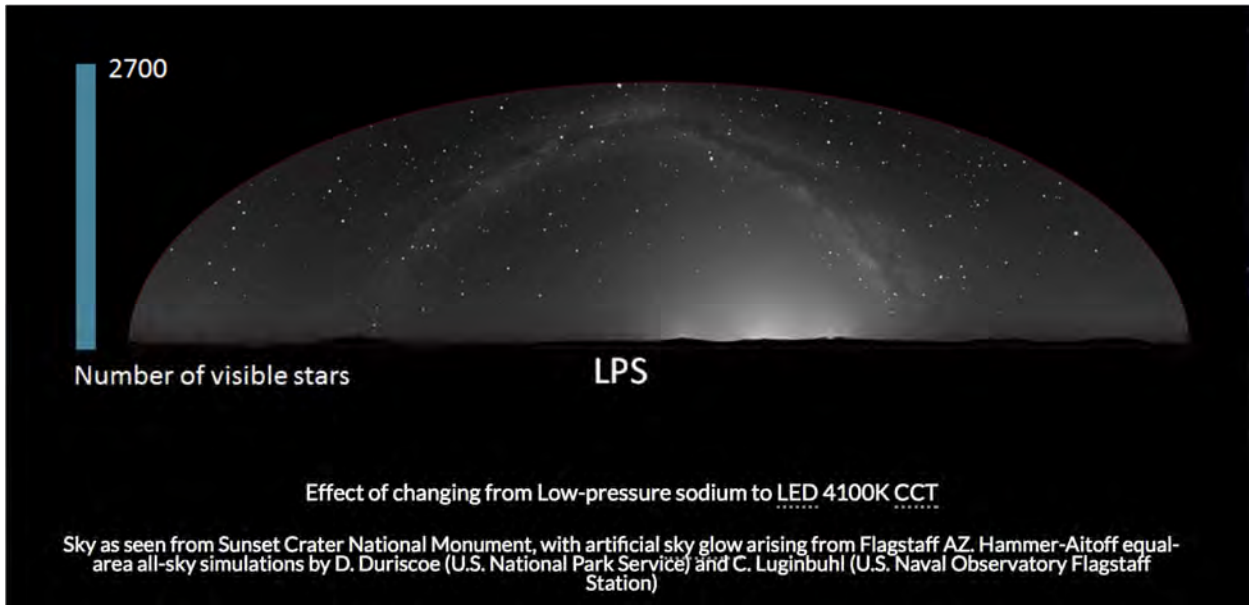


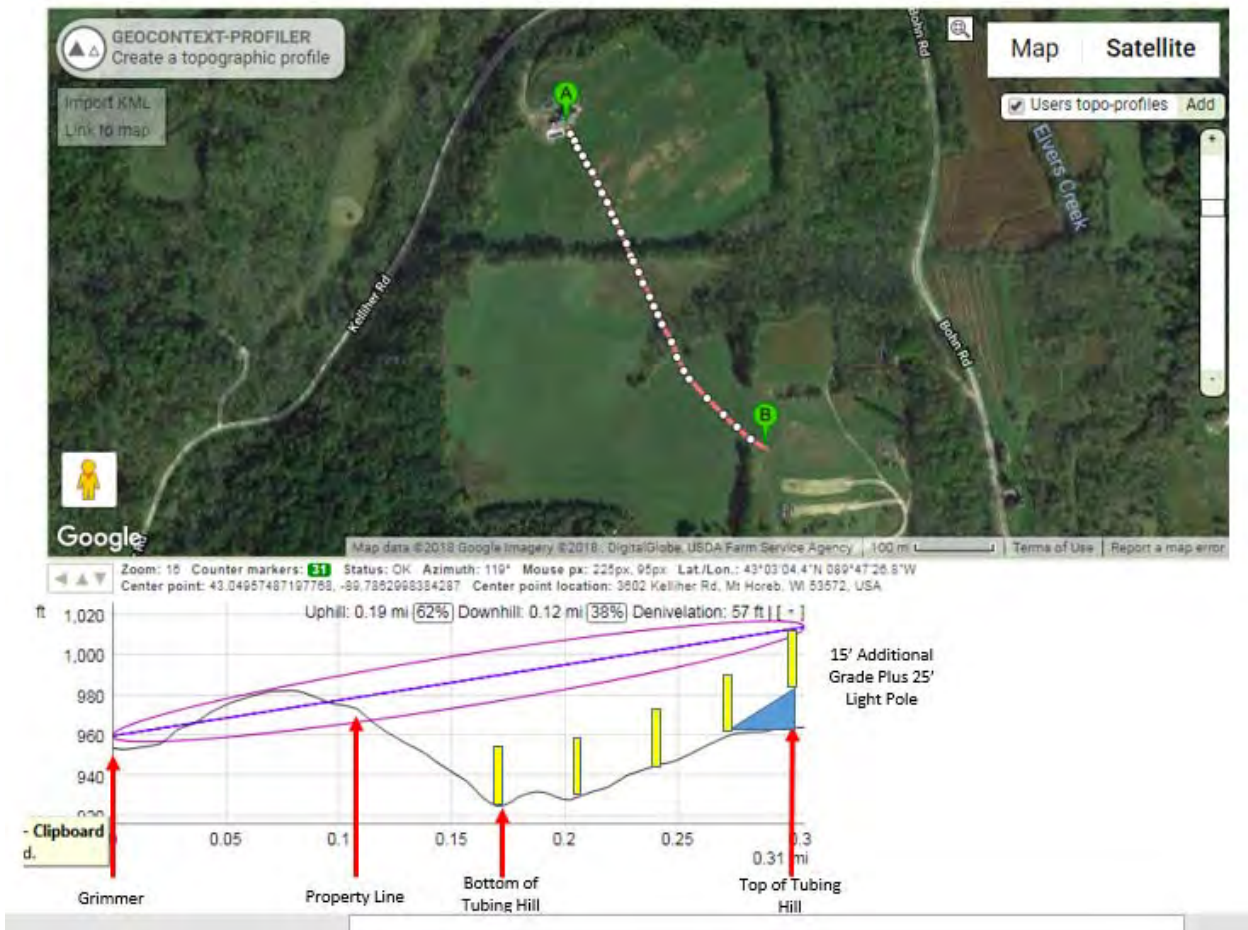
Image 2 – Light Pollution Map (VIIRS Radiance Data from March 2017)

ATTACHMENT #2 – Light Pollution Maps





ATTACHMENT #3 – Lighting Simulations Contrasting Impact of White LED Lighting



ATTACHMENT #4 – Relative Elevation Profile



To Whom it May Concern:

As the listing agent who had the property located at 3602 Kelliher Road listed from February 2017 to April 2018, I can attest to the fact that had there been a lighted nighttime entertainment facility operating adjacent to the above named property it would have made the property less marketable and therefore attracted a lower price. Buyers looking for this type of property are looking for privacy and solitude which would be nullified if a facility as described above were to be built nearby.

Sincerely,

Julie Bernauer, Broker + Owner  
Sprinkman Real Estate  
608-219-6492  
julie@sprinkmanrealestate.com

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Julie Bernauer | 608.219.6492 | Julie@SprinkmanRealEstate.com

ATTACHMENT #5 – Bernauer Letter

October 22, 2018

Roger Lane – Dane County Zoning Administrator

**Subject: Petition to Deny the Conditional Use Application Filed by Applicant Tyrol Properties LLC dated September 24, 2018**

Dear Roger,

My family and I have lived at 3500 Cty Hwy JG since 2015. Our property is approximately 11 acres and is largely a wetland prairie except for the approximate 1-2 acres of wooded hillside which borders Bohn Rd and Tyrol Basin near its south eastern boarder. The purpose of this letter is to formally petition Dane County to deny the CUP filed by Tyrol Basin. The grounds for this denial are outlined below:

- 1) I recently received a letter from Dane County indicating Tyrol Basin's proposal to expand its outdoor lightning and nighttime recreational activities. Oddly enough, no such letter or communication was received by us from the Town of Vermont or Tyrol Basin regarding this proposal. Other citizens I have spoken with have indicated they received a notice from the Town of Vermont but not Dane County. This is concerning because it seems like some citizens may NOT have, at the very least, been made aware of the proposal and what its implications are and thus have not had an opportunity to understand it and provide input.
- 2) The amount of light pollution from Tyrol Basin is at present significant during the winter season. A number of the existing lights appear to not be properly shielded or directed away from adjacent properties. This existing light pollution already illuminates a large portion of our property including the wetland prairie and wooded hillside. Furthermore, I have observed lights on when the slope, area or facilities are also not seemingly in use. It is as if ALL the lights at Tyrol Basin are kept on even when it is not entirely necessary. Tyrol Basin should measurably demonstrate that it can first reduce overall light pollution with its existing operations before considering increasing the amount of lightning and expanding its operations. Furthermore, Tyrol Basin should take steps to better manage lightning at certain times when it has areas that are not in use.
- 3) In addition to the light pollution there is already at present excessive noise pollution during the winter season from Tyrol Basin. I frequently hear shouting, beeping, humming, and noise from vehicles into the late evening hours. I am concerned that any additional noise will contribute to a degradation to the environment and wildlife including but not limited to the deer, owl, and beaver populations.
- 4) Tyrol Basin borders a wetland floodplain environment to the east and south east. I am concerned that additional run-off will impact this neighboring wetland area which includes Bohn and Elver creek. These creeks are already impacted by flooding, erosion, and non-point pollution. An expansion of Tyrol Basin's operations would increase non-point pollution and run-off into these neighboring wetland areas and is a glaring inconsistency with the Town of Vermont's Comprehensive Plan which calls for protecting the environment.
- 5) The roads: North Rd, Bohn Rd, County J and Country JG are all impacted by people traveling to and from Tyrol Basin. Notably, there is a lack of proper signage at the intersection of Bohn Rd and Hwy JG to direct travelers where to go to get back to town or the highway, etc. The public very regularly turns down one road and then stops and turns around to head in the opposite direction, often times in my own driveway (or yard). Increased traffic on these roads is a concern for the people who live nearby.

- 6) The construction of a tubing run on the proposed undeveloped 30 acres also appears to be made with little or no consideration to an alternative approach of transforming an existing slope or area into a tubing run. The use of a net for example could be used to slow/stop tubers from requiring a lengthy runway to stop. It seems that an actual engineer has not been involved with any of the planning around what Tyrol Basin is proposing. The transformation of an existing tubing run would likely minimize impact to the environment, wildlife, neighbors, as well as minimize the need for additional lightning.

Feel free to contact me if you have any questions.

Sincerely,

Josh Kramer  
3500 Hwy JG  
608-769-7485

Mr. Roger Lane  
Dane County Zoning Administrator Dane County  
Planning and Development Dept. City County  
Building, Room 116 Madison, WI 53703

VIA EMAIL: [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)

RE: **Conditional Use Permit #2441 & Petition 11351** and amendment filed on September 24, 2018 by Attorney Nicole Schram

**Parcel Numbers Affected:** 060/0706-284-9011-1, 284-9840-8, 331-8000-8, 331-8501-2, 331-9010-4, 331-9590-3

**Zoning Districts: Current:** RE-1 and B-1 with multiple CUPs, governed by a Deed of Covenants and Restrictions recorded September 20, 2000. **Requested:** RE-1 and B-1, with the existing CUP for B-1 land and a new comprehensive CUP granting lighting at night for all RE-1 zoned land

## STATEMENT OF OPPOSITION TO PROPOSED REQUEST

### Summary:

While the the CUP request is for a “new comprehensive CUP granting lighting at night for all RE-1 zoned land” the only change affects parcel # 060/0706-284-9011-1, a parcel of approximately 30 acres of land in the SW 1/4 of the SE 1/4 of Section 28 Vermont Township, Dane County, Wisconsin. This parcel was recently purchased (August 2018) by Nathan McGree (DBA Tyrol Properties, LLC) as an adjunct to his purchase of Tyrol Basin Ski & Snowboard Area.

- It was known at the time of purchase, that two rural residences immediately abut parcel # 060/0706-284-9011-1. Immediately south is the home of Ross & Joanne Reinhold, built in 1977. Immediately north is the home of Andy and Karen Grimmer, built in 2011.
- The 30 acre parcel, while zoned recreational in 1966 when it was formerly attached to the Ski Area (it was detached in 1976), has remained in primary agricultural use for over 100 years and undeveloped.
- While the request is to permit **any** lighted nighttime recreational activity, the specific plan presented is for construction and operation of a 5 acre **nighttime tubing slide ride operation with nighttime snowmaking.**
- The chosen planned **location and orientation** of the nighttime tubing slide ride operation has the **maximum potential nuisance** to the two adjacent residences of all possible locations on the 30 acre parcel of land.
- The planned location of the nighttime tubing slide ride operation is **particularly onerous** to the Reinhold home, the top of the slide ride being located in **clear view of** and approximately 400 feet from their living room windows.
- While 20 years ago a general plan (which was never implemented) for a new “sledding/tubing snow play area” was presented to the Town Board as a possible new

development for this parcel, the size, location, and nature of the operation offered **substantially LESS nuisance and threats to safety and welfare** than the current planned recreational development.

- While the nuisance, safety, and welfare issues are most severe for the Reinhold and Grimmer households, **other neighboring properties are also negatively affected** by the proposed nighttime tubing slide ride operation with nighttime snowmaking.
- The proposal **substantially increases the amount of nighttime traffic** on narrow, winding town and county roads with minimal shoulders. It is an established fact that the accident death rate on roads is substantially higher at night versus day.
- The proposed tubing recreational development also has numerous potential conflicts with the **Town of Vermont Comprehensive Plan**.
- Alternatives exist on the present Ski & Snowboard hill for construction of a tubing operation which would **substantially reduce** the nuisance to neighboring properties and would **not** require a new CUP.

#### **Details of Opposition by Ross & Joanne Reinhold**

While the proposed new recreational development has numerous potential conflicts with the **Town of Vermont Comprehensive Plan**, the following only addresses the request for a **lighted nighttime active recreational activity**.

To follow is a more detailed presentation of evidence of why the current CUP petition fails to satisfy the six standards of Section 10.255(2)(h), of the Dane County Code of Ordinances.

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

The **top** of the proposed tubing hill ride enterprise proposed is located **As Close as Possible** to our house and at the **top** of the hill in **clear view of** and approximately 400 feet from our living room and kitchen windows! Every morning we look out on that hillside and hilltop. Our property line is **only about 10** feet from the current rendition of where is the planned location of the tubing slide! (See attached images 1999-Snowplay.jpg, tube-hill-view.jpg, new-tube-layout.jpg, tubing-contours3.jpg, and worst-location.jpg)

At present on the property immediately north of our home during the evening and night hours there is **Zero noise, Zero lights, and No strangers** roaming around. It is a quiet pastoral environment with no impact at all on our **safety, comfort, or general welfare**. Compared to the present, there will be in the evening and night hours emanating from this enterprise a **substantial increase in noise and light pollution** (from both customer activity and snowmaking operations) **detrimental to our comfort, welfare and well-being**.

In addition to the noise and light pollution, having a large crowd of people milling about **at night** so close to our house up to seven nights a week for several months a year represents a **substantial decrease in our safety and sense of security**.

**Criteria 2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use**

The clear increase in nighttime noise and light nuisance and decrease in nighttime safety and security substantially decreases our **property valuation** and the **enjoyment of our property**. Furthermore, the fact that this tubing operation can be so readily seen, and is so close to our home, affects the aesthetics of the view. Now in the evening we look out our north facing windows we nothing but stars, night sky and darkness. If this tubing operation is run in the evening, what we'll see are people milling about, lights, and a hazy view of the night sky. This is not the type of view desired by people who value a rural living, nor is it consistent with the values stated in the Vermont Town Comprehensive Plan.

**Criteria 3. That 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 depreciation of our property valuation and the comfort, security, and aesthetic degradations resulting from the nighttime entertainment uses of the adjoining property puts a clear damper on the value and desire to improve our property.

From the standpoint of the **Town's Comprehensive Plan**, this new enterprise expands the footprint of non-farm and non-residential development in the Township. This is not the sort of low-impact business the Town Comprehensive Plan favored.

Adding to this issue is the fact the contemplated tubing operation **could be built within the current ski area footprint** which would mitigate many concerns expressed here.

Furthermore, the seat-of-pants and hasty manner in which this development is being pursued is an affront to the Vermont Town Comprehensive Plan, orderly development and to responsible environmental stewardship. It creates a precedent for further high-impact amusement facilities.

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

The track record of the petitioner has among several nearby residents created a trust-gap on adhering to environmental standards, soil erosion, storm-water management, etc. and on being able to deliver on verbal assurances to mediate concerns about details of the site construction raised by citizens. Many factors have contributed to this concern:

- The lack of sophisticated and sufficiently detailed planning documents (minimal text and less-than-artful sketches of plans).
- The lack of professional engineering documents outlining the proposed tubing slide and the associated earth moving and environmental impacts.
- Premature (before actual ownership of the property) attempts to change twenty year old deed covenants.
- Filing for CUP lighting and nighttime operation of a tubing hill even before obtaining



necessary permits to construct the tubing hill for daytime operation.

- Proposing to undertake a new business enterprise (tubing) **before having any experience** operating the core business enterprise: skiing and snowboarding.
- Placing undue pressure on the Town Board to hastily approve his plans.
- Other sundry errors of omission and commissions of the petitioner that have weakened the confidence in the credibility and intentions.

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

Reference has been made by the Dane County Zoning Administrator and petitioner's attorney to prior plan sketches from the year 1999-2000 illustrating a tubing hill on this section 28 parcel that had been acquired a year or two earlier from Sanford Stevenson. Those plans also show a separate driveway going through another acquired parcel that fronted on Bohn Road which would enable tubing customers to have their own entrance and exit and own parking areas separate from ski and snowboard area customers. This frontage road parcel was acquired at the same time as the parcel on which the tubing hill is planned. While Tyrol Basin Corporation had considered developing a tubing operation on those lands, **apparently they abandoned that plan** because they later sold the parcel of land fronting on Bohn Road that would have enabled a separate entrance. Their then general manager, Don McKay built his homestead on the property, which is now owned by Dan Forler.

The sale of the property on Bohn Road effectively eliminated the ability to provide a separate ingress and egress to the contemplated tubing operation. So now customers for the tubing business will be competing with customers for the ski/snowboard business for ingress and egress via the **single entrance** off Bohn Road. Having this **increase in congestion occur at night** adds an **additional public safety risk** over similar congestion occurring during daytime hours.

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

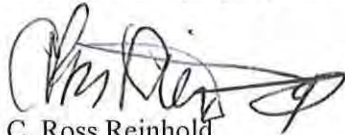
There are numerous standards expressed in the Town of Vermont Comprehensive Plan that need to be reviewed for how they may or may not apply to this proposed tubing enterprise, both the short-term temporary development to get operational as soon as possible and the long-term plan. At present the plan materials are quite sketchy and lack sufficient detail to enable meaningful assessment of the impact of the proposed development on the values and standards implicit in the **Town Comprehensive Plan**.

**Concluding Comments**

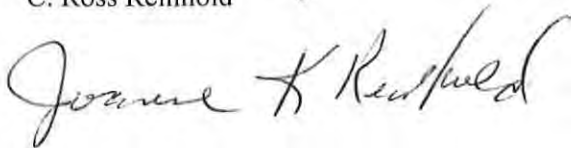
The infringements of the proposed nighttime tubing entertainment on the safety, well-being, comfort, and enjoyment of our property by my wife and I will also be experienced by the neighboring property immediately north of this development parcel: Andy and Karen Grimmer's homestead will also be affected by this nighttime operation. They and we also will experience a diminution of our property values. Another neighbor (Dan Forler) whose residence is adjacent to the property hosting the new event center (aka 4000 square foot "warming house") will also experience some of the same nuisance and property valuation hit that we will experience.

The seller of this parcel of property, Tyrol Basin Corporation, effectively compromised the ability to develop and operate the proposed high-volume new business by selling the adjacent property on Bohn Road (now the residence of Dan Forler) which would have allowed separate ingress and egress. Instead, another homestead was built on the property making three homesteads that are potentially impacted by any high-impact business development on Section 28 lands. The evidence is clear that the former Tyrol Basin Corporation abandoned the idea of any sophisticated development of this parcel.

When this property was separated from the ski area in 1976 and **never developed** to anything other than agricultural use, nor owned by a person operating a recreational business, it should have lost its Recreational Zoning. Since being separated from the ski area in 1976 three personal residences have been constructed immediately adjacent to this property. One of these adjacent residences, ours, has been here 41 years. The current petitioner purchased the property with full knowledge of the existence of these neighboring homesteads. He should be prevented from any development that compromises our safety, well-being, comfort, and enjoyment of our property as well as loss of property value.



C. Ross Reinhold



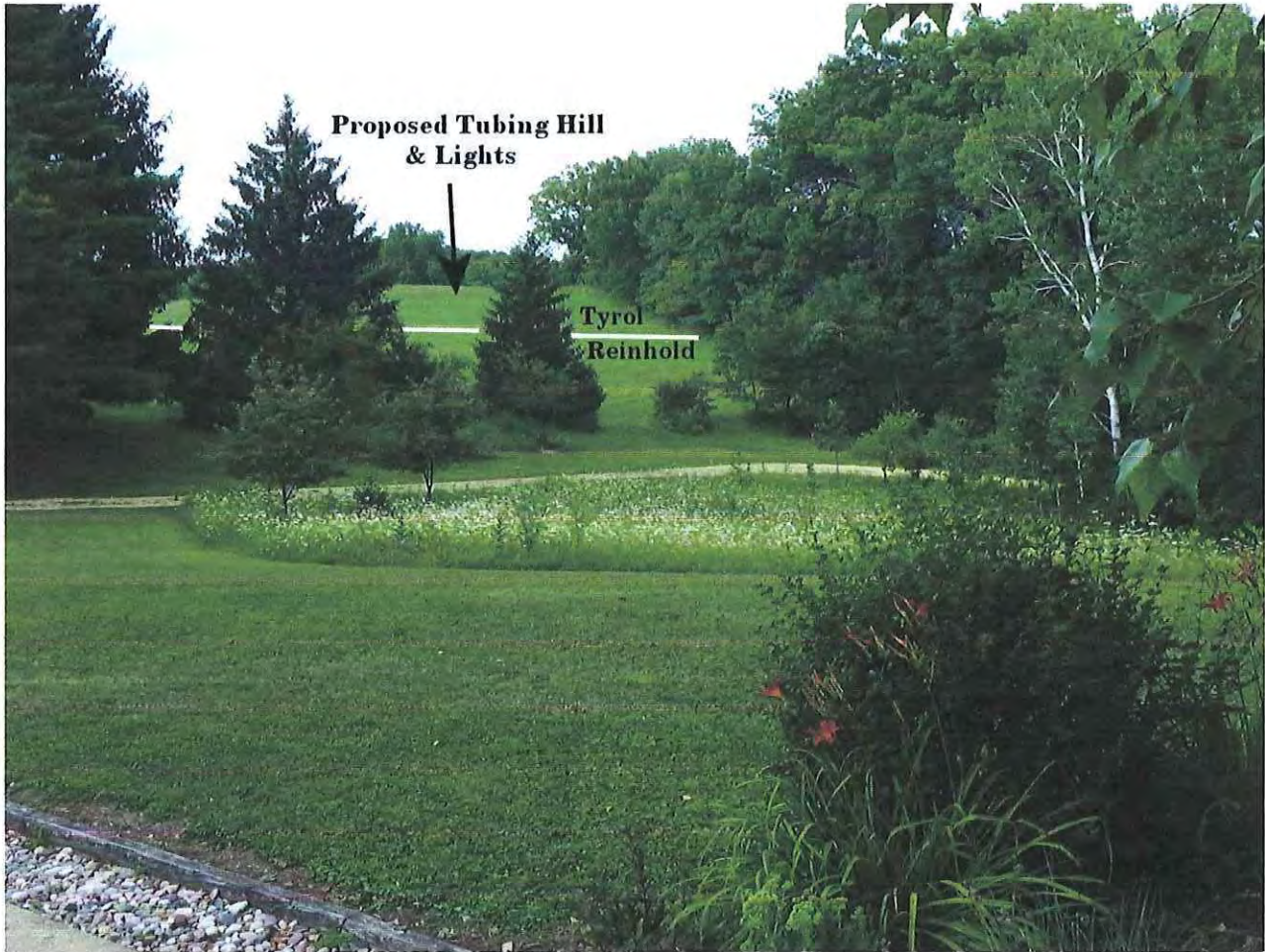
Joanne K. Reinhold

3491 Bohn Road

Mount Horeb, Wisconsin 53572

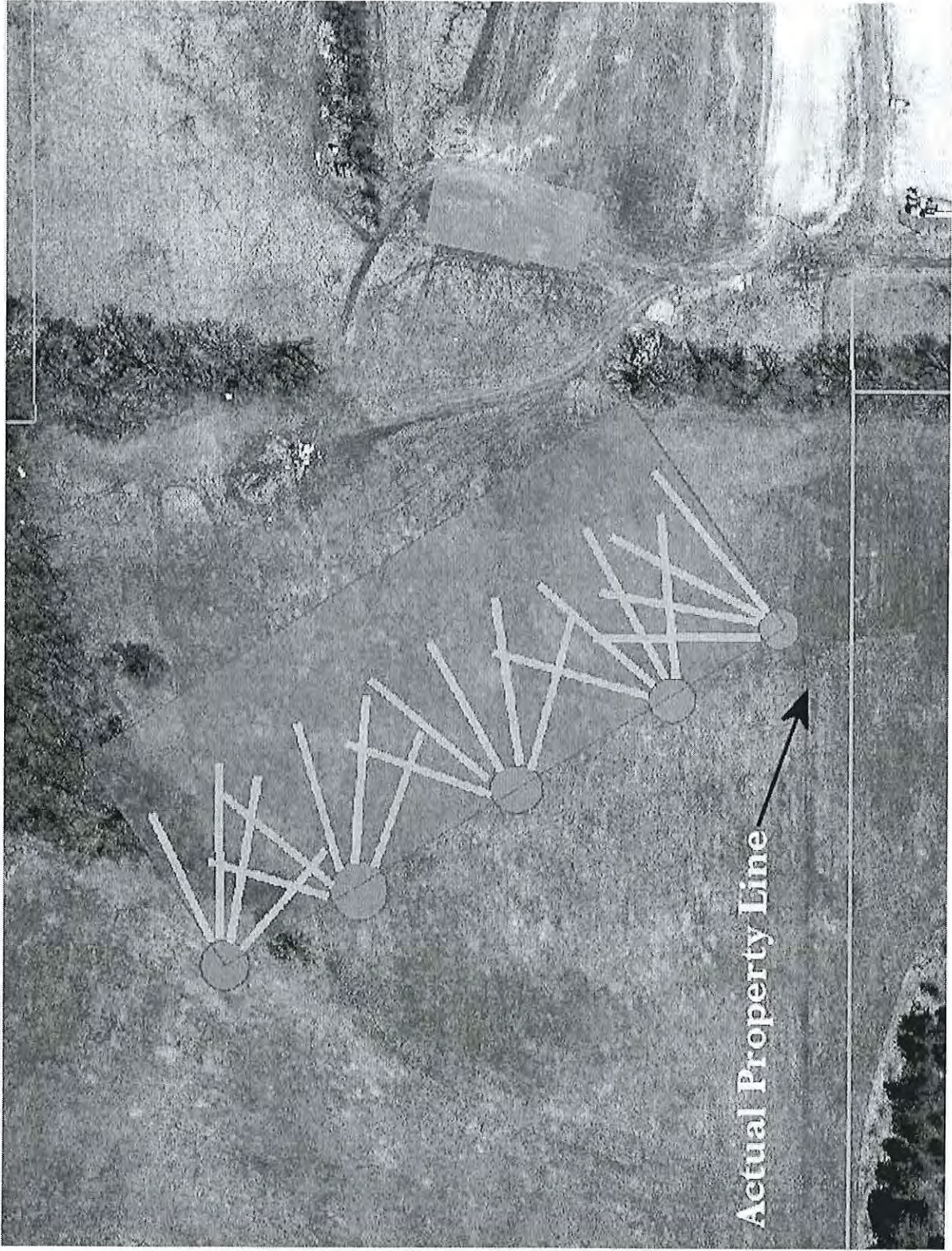
October 18, 2018

attachments:



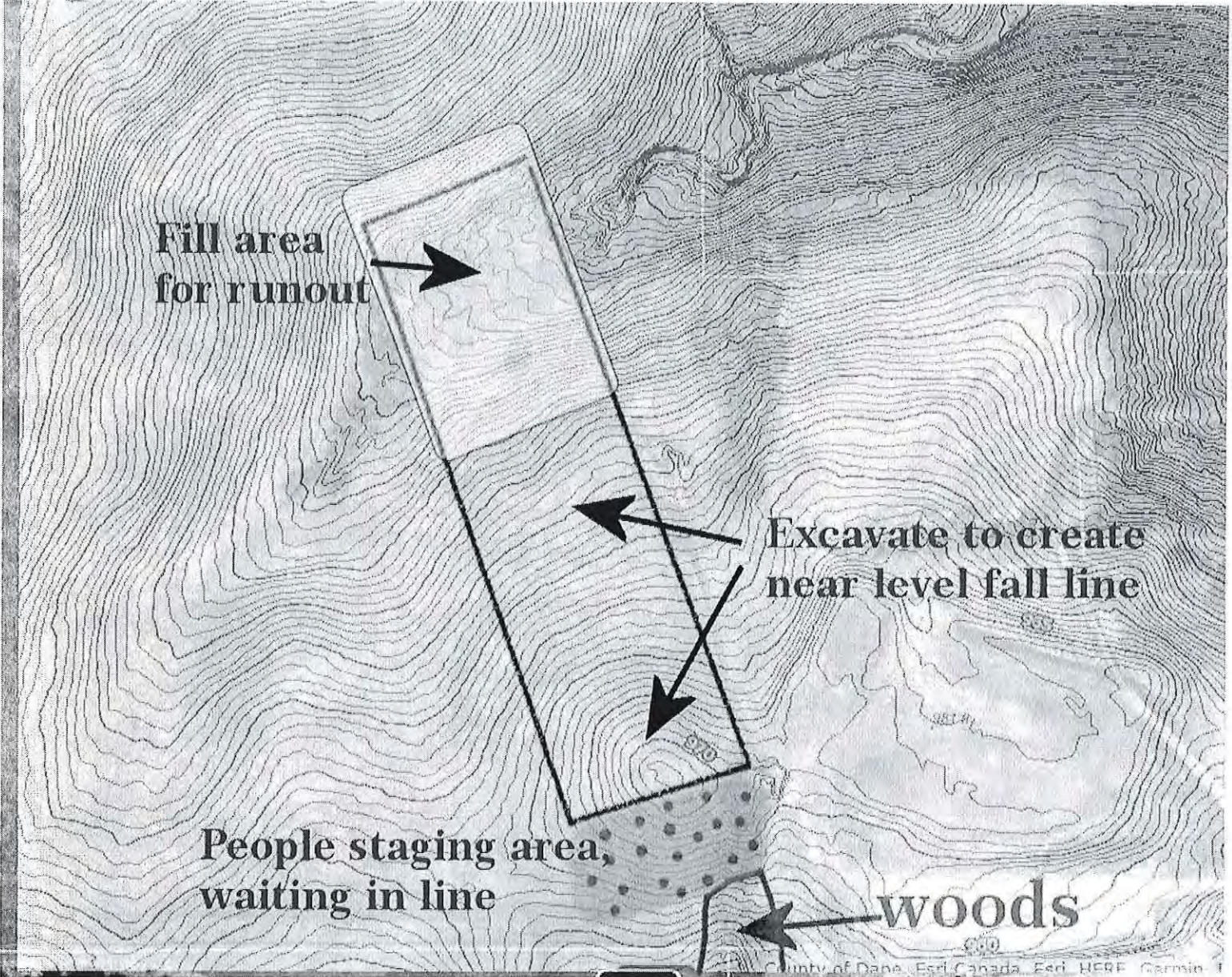
**Proposed Tubing Hill  
& Lights**

**Tyrol  
Reinhold**



Actual Property Line





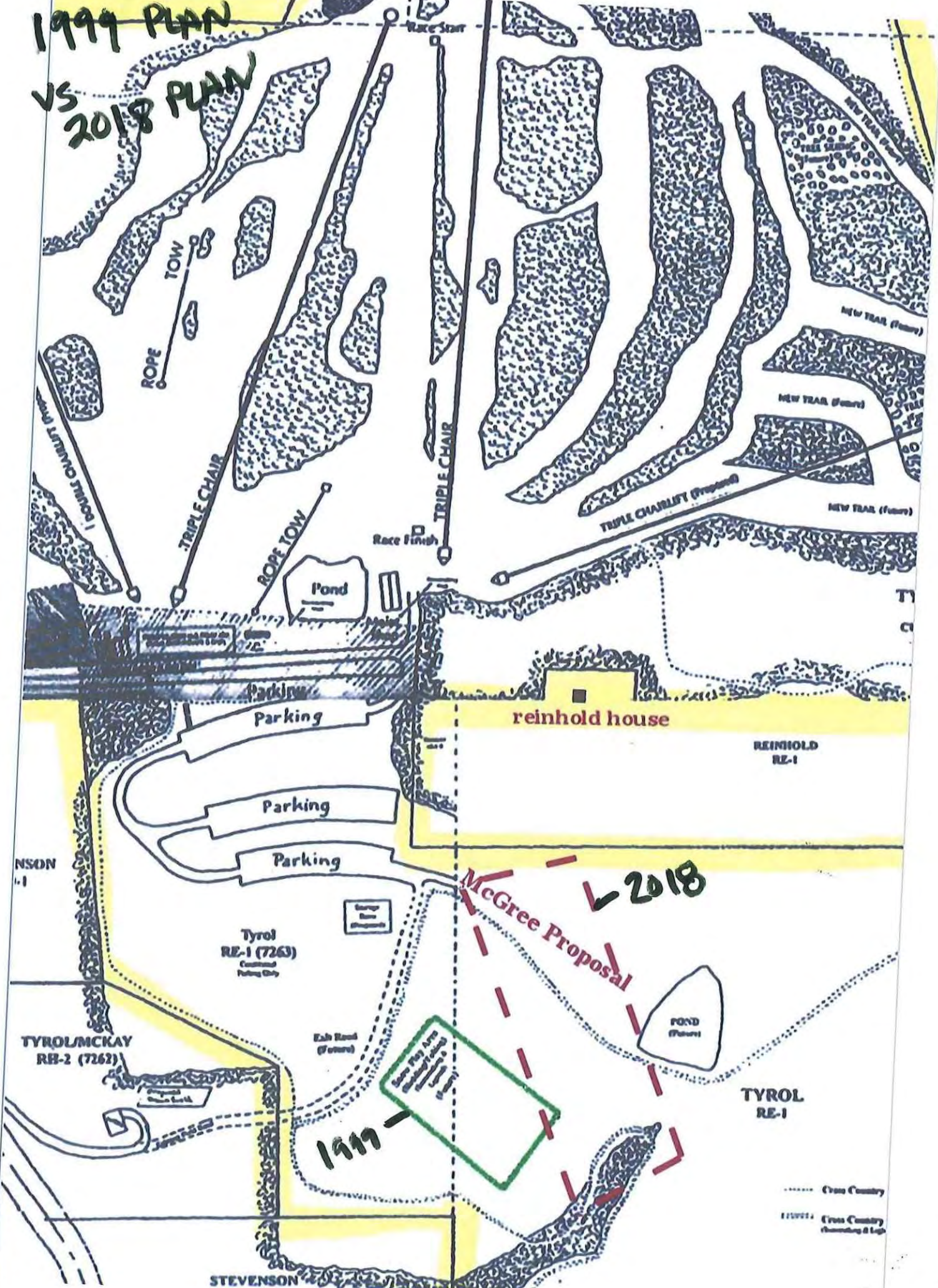
**Fill area  
for runoff**

**Excavate to create  
near level fall line**

**People staging area,  
waiting in line**

**woods**

1999 PLAN  
VS  
2018 PLAN



ROPE TOW

TRIPLE CHAIR

ROPE TOW

TRIPLE CHAIR

TRIPLE CHAIRLIFT (Proposed)

NEW TRAIL (Future)

NEW TRAIL (Future)

NEW TRAIL (Future)

Pond

reinhold house

REINHOLD RE-1

NSON #1

Tyrol RE-1 (7263)  
Controlled Parking Only

McGree Proposal  
2018

TYROL/MCKAY RB-2 (7262)

Est Road (Future)

POND (Future)

TYROL RE-1

1999

STEVENSON

..... Cross Country  
..... Cross Country (Mounting & Log)

Jon C Norris

10127 Thumper Rd  
Blue Mounds , WI  
608-516-9196  
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October 22, 2018

Officials of the Town of Vermont  
Black Earth, WI

I have lived in the town of Vermont for the past 22 years , and live just off of North road approximately one mile from Tyrol Basin. Please note , that North road is ,and will be the major conduit to arrival and departure from the Tyrol Basin Development.

At the end of the summer I became aware of plans for a new recreational and entertainment complex to be located on land owned by Tyrol LLC

I have attended several meetings relating to the new Tyrol development that is planned , and have felt frustrated by the mind set of many in our town government. It appears that in an effort to save this “legacy business” , our town government has allowed itself to be blinded to the VERY REAL impacts such a development would have to the rural character of our township. Let me draw an analogy , of a small grocery store, that theoretically operates in a rural township , and decides that in order to survive they need to build a Walmart in its place. Would town government ignore all of the tenets of the comprehensive plan, and allow a huge expansion ignoring the very real issues that would change the character of the township.?? I would certainly hope not!!

We have a comprehensive plan with goals for a reason , do we not???

Let me be absolutely clear, there is nothing in the new plan to “save” Tyrol Basin that is in compliance with the Town of Vermont’s Comprehensive Plan! Yet when presented with the proposed Deed of Covenants , the town approved it ! The New Covenant , now on the “back burner” would allow Tyrol to basically have carte blanche regarding the use of its land! The deed allows for more hours, more noise , more people , more alcohol. It is not hard to imagine the impacts to our rural township this would mean.

So .. fast forwarding to the present for a moment , and forgetting how this “ordeal” marched quietly through our planning commission and town board.

It would appear that what is being proposed for the Tyrol Basin property , **Are Very large changes** . This is a **Very well funded , entirely new enterprise!** It is by design intended to transform what has been for many years a **Winter sports venue,**



***to a year round entertainment facility!!! Complete with outdoor music venues, restaurants and bars.***

Make No mistake , we have been told that these are small changes to Tyrol operations , when the facts , as we learn them are anything But small!! It is only through the efforts of town residents that the project has been slowed , and instead of going for the entire pie , the Tyrol group is now willing to take baby steps , in hopes of making this goliath look like a mere change in the areas to be given lights. A tubing hill , in order to “save the business”. While these changes by design seem small .. The ***Trojan Horse*** will continue to move forward . We can look forward to many many meetings , and no doubt many legal proceedings before the issues that are before us are done. If we as the residents closest to Tyrol lose , the town of Vermont will be changed forever . The full bore commercial development that will become the “new Tyrol” will eclipse everything that the town of Vermont has stood for in all of its planning , goals and objectives.

***I urge you as members of the town planning commission and officials on our Town Board to reject this CUP ... and to reject the ambitions of a LARGE corporation to usurp the rights of the residents of the town of Vermont!***

Sincerely ,

Jon C Norris

10127 Thumper Rd

Blue Mounds, WI 53517

To the Dane County Zoning Commission

Re: Denial of Tyrol Basin Conditional Use Permit (CUP)

I am writing to request the petition by Tyrol Basin LLC be summarily denied. I will address and rebut attorney Nicole Schram in points below , but wanted to add a few words about the process..

Last night at the Town of Vermont Planning Commission , there was a meeting that was held regarding Lighting for the New Development at Tyrol, specifically the "tubing Hill". Public input was denied, and only allowed when a member of the commission asked that I be recognized over the objections of the chair, Doug Meier.

Tyrol Basin et al have been asked repeatedly for an engineered drawing of the particulars of the tubing hill, and repeatedly they HAVE SHOWN LITTLE REGARD FOR THE PROCESS.

I want to say that Tyrol Basin LLC has wasted many hours of residents and town officials time because they have not submitted a engineered drawing.. No one as of this writing knows for sure where the project will be placed on the property. NO ONE KNOWS WHAT THE SIZE WILL BE, OR ANYTHING MORE THAN A "TUBING HILL" will apparently be built!

Comments on Nicole Schrams (Tyrol properties LLC) Conditional Use permit>

Narrative>> On the application dated September 24, 2018 Ms Schram and Tyrol propose that the tubing Hill lighting be allowed. There is NO REASON GIVEN . It is proposed that in addition to the "lights" , for the tubing hill without any specific location , that a warming hut , and facilities be allowed to serve "hot and cold" alcoholic beverages. It is also noted that on this proposal dated September 24, 2018 that lighting be allowed for "snow tubing , tubing buildings, and "special events" AGAIN .. I DO NOT BELIEVE THERE IS JUSTIFICATION TO LIGHT A TUBING HILL THAT DOES NOT EXIST.... AND ALLOWING A 'WARMING' HUT THAT WILL SERVE ALCOHOL IS IN MY MIND A CONTRAINDICATION TO THE CUP. And it would appear that by the words chosen by Attorney Schram there is an attempt to "slip in other events"

**To the Six standards of obtaining a conditional use permit:**

1. Expansion of there conditional Uses will not be detrimental to or endanger the public health , safety , or general welfare.

**I submit that Tyrol and its attorneys have willingly mislead the town planning and Town of Vermont Board about exactly what , where , and when their intentions are. Providing nebulous hand drawn**

maps , and then "declaring that I have an engineered drawing" is unfair to both the boards and the residents of the town of Vermont. In Addition .. because we know nothing about the plans or intentions of Tyrol LLC. .. allowing night time lighting , and following the 2000 Deed of Covenants would allow for many more vehicles to traverse the narrow, hilly , and dangerous at night town roads.

2. Expansion of the conditional uses will not substantially impair or diminish neighboring property .

Ms Schram ignores that at minimum three properties that border the New Developments will be GREATLY affected. The area under consideration has been open space land for ever .. houses have been built that adjoin the property closely .. and specifically Ross and Joanne Reinhold have lived in their house that they built for the past 41 years. It should be noted that Mr McGree has offered to purchase the house that Ross and Joanne built , and raised their children in , but his offers and conversation has not been of a serious and or courteous manner. Thus adding significant stress to their lives .

3. Expansion of the conditional Uses will not impede the orderly development of the neighborhood. per Ms Schram .. "the property is located in an established residential and agricultural neighborhood

that according to the VERMONT COMPREHENSIVE PLAN , will to experience significant development”

Tyrol Basin's stated and then retracted plan includes a major change to the area that it occupies.. this development will alter the future decisions in this part of the town . One can speculate about an urban corridor building off of an expanded Tyrol Development.

4. There are adequate utilities and roads:: Perhaps the most egregious misinformation stated by Ms Schram is that there are adequate roads to provide access .. No one knows the answer to this VERY IMPORTANT QUESTION. IN THE MEETING MINUTES FROM THE TOWN OF VERMONT PROVIDED LAST NIGHT TO SUBSTANTIATE APPLYING THE 2000 CUP .. THERE WAS MENTION OF HEAVY AND UNSAFE TRAFFIC ON NORTH ROAD.. THAT WAS ALMOST 20 YEARS AGO... IT HAS ONLY GOTTEN WORSE ... (TRAFFIC STUDY NEEDED) AND IF IMPROVEMENTS ARE NEEDED TO ALLOW TYROL TO OPERATE ACCORDING TO THE TOWN OF VERMONT LAND USE PLAN TYROL BASIN SHOULD BE REQUIRED TO PAY FOR THE NECESSARY ROAD CHANGES.. It should also be noted there have been two deaths in the past ten years on north road.

5. TRAFFIC INGRESS AND EGRESS .. SEE ABOVE.. AND IN ADDITION THERE ARE NO CURRENT PLANS PROPOSED BY TYROL TO ADDRESS TRAFFIC ON PUBLIC STREETS.. BOHN ROAD AND NORTH ROAD ARE

IN ESSENCE TOO NARROW TO ALLOW ROOM ON EACH SIDE OF THE PROPOSED STRIPING ... AND IN WINTER IT WOULD BE INEFFECTUAL ANYWAY!

6.CONDITIONAL USE WILL CONFORM TO APPLICABLE REGULATIONS OF THE TOWN OF VERMONT.

THE TOWN BOARD RESCINDED THAT PRELIMINARY APPROVAL AT THE LAST TOWN BOARD MEETING .. IT WAS ONLY APPROVED PRELIMINARILY BECAUSE OF LACK OF PUBLIC NOTIFICATION OF THE INTENTIONS OF TYROL BASIN .. IT SHOULD BE STRESSED , THAT NOTHING IN THE PLANS THAT TYROL BASIN HAS DISCUSSED .. AND THE PALTRY INFORMATION PROVIDED THAT IS IN ANY WAY COMPLIANT WITH THE TOWN OF VERMONT COMPREHENSIVE PLAN!

thank you so much for giving me and my neighbors the opportunity to right this egregious plan submitted by Tyrol Basin,

jon norris

10127 thumper rd

Blue Mounds , Wi 53517

Neighbor living one mile from Tyrol Basin. for 22 years.