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## DANE COUNTY PLANNING & DEVELOPMENT

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March 7, 2023

Attn: Derek McGrew  
Iron Mountain Towers  
103 Wilshire Court  
Noblesville, IN 46062

### **RE: Concerns raised regarding Conditional Use Permit #2578**

Dear Mr. McGrew,

The Dane County Zoning and Land Regulation Committee held a meeting on February 28, 2023. Under the public comment section of the agenda, safety concerns were raised by John Matson, Matson Airport, regarding a recently approved conditional use permit, CUP #2578, for a communication tower located at 1576 Spring Road in the Town of Dunkirk. He explained that the tower is located in the direct path of the runway and is located less than 1 mile away from the end of the airstrip. He stated that the airport was not notified of the proposed communication tower.

Under Dane County Code of Ordinances Section 10.103(9), applicants for communication towers are required to submit specific information in order for the proper review of the application. Under Section 10.103(9)(b)1.h., *"Notification to Nearby Airports. The applicant shall provide written notification to all operators and owners of airports located within 5 miles of the proposed site."*

In review of the application materials submitted by Iron Mountain Towers for Conditional Use Permit #2578, no documentation was provided showing that airports within 5 miles were notified of the proposed location of a communication tower at 1576 Spring Road. The only documentation supplied was the FAA determination.

Given this absence of information, the application for Conditional Use Permit #2578 is found to be defective. The lack of notification to airports within 5 miles of the proposed communication tower poses a significant safety issue and hinders the potential of important public testimony that may have been received at the public hearing.

Please be aware that the approval of Conditional Use Permit #2578 has been placed on the March 14, 2023 Zoning and Land Regulation Committee (ZLR) for discussion and possible reconsideration at a future meeting. The ZLR Committee will be alerted to the fact of the deficient application. The basis of the potential reconsideration is due to the failure to notify a nearby airport, Matson Airport, as part of the requirements of obtaining a conditional use permit for a communication tower.

Attached is the preliminary agenda for the meeting.

Regards,

Roger Lane  
Dane County Zoning Administrator

CC Town of Dunkirk Clerk  
Attorney Jake Remington, Husch Blackwell LLP  
Brett Lunde