



# Dane County

## Minutes - Final Unless Amended by Committee

### Zoning & Land Regulation Committee

*Consider:*

*Who benefits? Who is burdened?*

*Who does not have a voice at the table?*

*How can policymakers mitigate unintended consequences?*

*This meeting is being conducted on land now known and recognized as Dane County, Wisconsin. We acknowledge that this land is at the same time the ancestral, traditional, & contemporary land of the Ho-Chunk, Sauk & Kickapoo nations.*

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Tuesday, July 9, 2024

6:30 PM

Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

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See below for additional instructions on how to attend the meeting and provide public testimony.

#### A. Call to Order

Chair DOOLAN called the July 9, 2024 ZLR Committee meeting to order at 6:30 PM.

Staff present: Violante, Lane, Holloway, Hilbert, Allan and Everson

**Present** 4 - MICHELE DOOLAN, JEFFREY KRONING, DON POSTLER, and MICHELE RITT

**Excused** 1 - JERRY BOLLIG

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

No comments made by the public.

[2024](#) July 9, 2024 ZLR Registrants

[RPT-151](#)

**Attachments:** [July 9th ZLR registrations](#)

#### C. Consideration of Minutes

[2024](#) June 18, 2024 ZLR Committee Meeting Minutes

[MIN-101](#)

**Attachments:** [06-18-2024 ZLR Public Hearing Minutes](#)

A motion was made by KRONING, seconded by POSTLER, to approve the minutes of the June 18, 2024 ZLR Committee meeting. The motion carried by the following vote: 4-0-0.

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

### [11997](#)

PETITION: REZONE 11997

APPLICANT: GREG DUCKERT IRREV TRUST

LOCATION: 2296 TOWER ROAD, SECTION 24, TOWN OF PLEASANT SPRINGS

CHANGE FROM: RR-16 Rural Residential District TO RM-16 Rural Mixed-Use District

REASON: change zoning district to allow an expanded set of land uses for future buyers

**Attachments:** [11997 Ord Amend](#)

[11997 Staff Update](#)

[11997 Town Action](#)

[11997 Site Buildings Map](#)

[11997 Zoning violation letter](#)

[2296 Tower drive-Compliance letter](#)

[11997 PLEASANT SPRINGS MAP](#)

[11997 APP](#)

**A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 4-0.**

**1. A deed restriction shall be recorded on the lot stating the following:**

**a. No further development (residential development or land division) shall be allowed on the property.**

**Ayes:** 4 - DOOLAN,KRONING,POSTLERandRITT

**Excused:** 1 - BOLLIG

12048

PETITION: REZONE 12048  
APPLICANT: KENNEDY HILLS LLC  
LOCATION: EAST OF 4500 KENNEDY ROAD, SECTION 3, TOWN OF COTTAGE GROVE  
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-08 Single Family Residential District  
REASON: creating 50 additional residential lots for the Kennedy Hills subdivision

**Attachments:**

- [12048 Ord Amend](#)
- [12048 Staff Update](#)
- [12048 Town Action](#)
- [12048 Density Study \(RDU sending prop #1, Duane Skaar\)](#)
- [12048 Density Study \(RDU sending prop #2, Badger Farms LLC\)](#)
- [12048 COTTAGE GROVE MAP](#)
- [12048 APP](#)
- [12048 Concern - Giesfeldt](#)
- [12048 Public comment - Beaudette](#)
- [12048 LWRD Preliminary Ltr Kennedy Hills Ph 2 PRL 2024-06-21](#)
- [12048 Kennedy Hills and private wells July 2024](#)
- [12048 Kennedy Hills nitrate information](#)

A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0.

1. Up to 50 residential lots may be platted on the SFR-08 zoned land.
2. Two separate agricultural conservation easements prohibiting nonfarm development on a minimum of 35 acres shall be recorded on each of the following two identified sending properties:
  - a. Tax parcel 0711-364-9000-6 (Duane and Linda Skaar)
  - b. Tax parcels 0711-123-8000-9 and 0711-123-9500-2 (Badger Farms LLC)
3. The TDR□S (Sending Area) overlay zoning district shall be applied to tax parcels 0711-123-8000-9 and 0711-123-9500-2 (Badger Farms LLC).
4. The TDR□R (Receiving Area) overlay zoning district shall be applied to the portion of the proposed SFR-08 property corresponding to tax parcel 0711-101-8502-0.
5. Applicant shall record a Notice document on the receiving area property indicating that the SFR-08 zoned property was created as part of a transfer of development rights.

**Ayes:** 4 - DOOLAN, KRONING, POSTLER and RITT

**Excused:** 1 - BOLLIG

[12058](#)

PETITION: REZONE 12058  
APPLICANT: MAIER FARM REAL ESTATE LLC  
LOCATION: 7119 SCHUMACHER RD, SECTION 21, TOWN OF VIENNA  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-35 Farmland Preservation District  
REASON: rezone out of wetland status

- Attachments:** [12058 Ord Amend - DENIAL](#)  
[12058 Staff Update](#)  
[12058 Town Action](#)  
[Maier Non-compliance Notice March 6](#)  
[Maier Violation Notice March 20](#)  
[12058 APP](#)  
[12058 VIENNA MAP](#)  
[12058 NRCSWetland\\_MaierFarms](#)  
[12058 Email from DNR.pdf](#)  
[12058 Public comment - Lynch](#)  
[12058 Applicant Ltr to ZLR Committee 06-17-24](#)  
[12058 KraemerAerialPhotos](#)  
[12058 LWRD Comments Map](#)

**A motion was made by KRONING, seconded by POSTLER, that the Zoning Petition be recommended for denial. The motion carried by the following vote: 4-0**

**Reasons for denial:**

- 1. The applicant provided very little evidence regarding meeting the standards for removing wetlands from the inventory maps. The property can be reasonably used for cropping in low water years without an agricultural drainage system.**
- 2. The property is currently in violation due to the installation of a drain tile system.**
- 3. The wetlands on the property filter stormwater runoff from the Maier Farm cattle barn, located south of the property.**
- 4. The removal conflicts with many environmental policies of the Dane County Comprehensive Plan and Town of Vienna Comprehensive Plan.**

**Ayes:** 4 - DOOLAN,KRONING,POSTLERandRITT

**Excused:** 1 - BOLLIG

02611

PETITION: CUP 02611  
APPLICANT: NATHAN M MOE  
LOCATION: 1896 WILLIAMS DR, SECTION 29, TOWN OF PLEASANT SPRINGS  
CUP DESCRIPTION: 180' self-support communication tower on FP-35 zoned property

- Attachments:** [CUP 2611 Staff Report 070324](#)  
[CUP 2611 Radio Frequency Engineering Report](#)  
[CUP 2611 Agent Email 070324](#)  
[CUP 2611 Final Updated CDs & Landscaping Plan](#)  
[CUP 2611 Density Study](#)  
[CUP 2611 Cell tower fall zone letter \(127.5'\)](#)  
[CUP 2611 Cell tower photo simulations](#)  
[CUP 2611 Site and elevation plans](#)  
[CUP 2611 Verizon engineering affidavit](#)  
[CUP 2611 Verizon tower search ring](#)  
[CUP 2611 Applicant response to CUP standards](#)  
[CUP 2611 Candidate site evaluation](#)  
[CUP 2611 PLEASANT SPRINGS MAP](#)  
[CUP 2611 APP](#)  
[CUP #2611](#)

A motion was made by KRONING, seconded by POSTLER, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0

**CUP 2611 Conditions:**

- Standard Conditions that apply to all conditional uses (from s. 10.101(7)(d)2)
1. Any conditions required for specific uses listed under s. 10.103. (See below)
  2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan.
  3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code.
  4. 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 county zoning administrator upon request.
  5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the county zoning administrator upon request.
  6. 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.

7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

8. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances.

9. If Dane County Highway Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

10. The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

11. 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.

12. 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 reasonable opportunity to correct any violations prior to revocation.

Conditions Specific to CUP 2611:

13. The communication tower approved under CUP 2611 is intended to support installation of mobile service facility(ies) as defined under sec. 66.0404, Wisconsin Statutes, and shall be designed to support, without substantial modification, at least four users (the primary user and three collocation sites).

14. Prior to construction, the Applicant shall provide a full structural analysis report confirming that the tower will have the structural capacity to safely support Dish's equipment and similar equipment of three (3) future wireless service providers;

15. Final site plan(s) and design drawings for the proposed tower are hereby incorporated into the approval of the CUP, including updated details regarding screening / landscaping. Said final site plan(s) and construction/design drawings for the facility shall be certified by a Wisconsin Professional Engineer and shall include descriptions of the support structure and the electronic and electrical equipment including antennas, transmitters, radios, cabinets, cables, utility components, backup power generator (if proposed) and all related equipment to be installed on or near the support structure.

16. The tower shall not be lighted and shall not exceed a height of 185' above ground level, including lightening rod.

17. If a valid complaint of interference to an authorized County or municipal public safety radio facility is found to be associated with Dish's installation at the proposed facility, the Applicant shall comply with all applicable rules regarding radio-frequency interference as mandated by the Federal Communications Commission (FCC), and in accordance with the FCC's Best Practices Guide.

18. Visual screening and landscaping shall be installed around the fenced tower compound as detailed on the final site and design drawings, and the tower shall be galvanized or painted a color to minimize the aesthetic impact of the tower and compound area. Any trees planted shall be maintained in viable growing conditions.

19. The tower owner shall make the collocation sites required hereunder

available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

20. No lease or deed restriction on property that is proposed for the location of a mobile service support structure or mobile service facility shall preclude the owner or lessee from entering into agreements, leases, or subleases with other providers or prohibit collocation of other providers.

21. Upon written inquiry by the committee, the holder of a Conditional Use Permit issued under this section shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all applicable standards and conditions placed upon the conditional use permit. Failure to establish compliance with the standards and conditions 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 the standards and conditions, all reasonable costs and expenses, except travel 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.

22. Within 90 days of approval of the conditional use permit, or prior to issuance of a zoning permit for construction of the approved communication tower, whichever comes first, the tower owner shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of owner's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 60 days prior to the termination or expiration of the bond required hereunder.

23. If the mobile service facility(ies) to be provided from the communication tower are not installed within 1 year of the date of conditional use permit approval, or if the mobile service facility(ies) are later removed, or cease to be used for a continuous period of 12 months, the county zoning committee may take action to revoke the conditional use permit. In the event the permit is revoked, the tower owner shall remove the tower within 60 days of the county zoning committee action. If the tower is not removed within the 60 days, the county may enter upon the premises and remove the tower at the expense of the tower owner.

**Ayes:** 4 - DOOLAN,KRONING,POSTLERandRITT

**Excused:** 1 - BOLLIG

02618

PETITION: CUP 02618  
APPLICANT: SEVERSON RIDGE LAND LLC (DAVID DYBDAHL JR)  
LOCATION: 4200 BLUE MOUNDS TRAIL, SECTION 16, TOWN OF VERMONT  
CUP DESCRIPTION: transient or tourist lodging (short-term rental)

**Attachments:** [CUP 2618 Staff Update](#)  
[CUP 2618 Town Action](#)  
[CUP 2618 VERMONT MAP](#)  
[CUP 2618 APP](#)  
[CUP #2618](#)

A motion was made by KRONING, seconded by POSTLER, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote:  
4-0

**Standard Conditions for all Conditional Use Permits from 10.101(7):**

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
2. New and existing buildings proposed to house a 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.
3. 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.
4. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking must be provided, consistent with s. 10.102(8).
8. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
9. 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.



10. 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.

11. 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.

Conditions specific to CUP # 2618:

12. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.

13. The rental shall be limited to 6 overnight guests.

**Ayes:** 4 - DOOLAN,KRONING,POSTLERandRITT

**Excused:** 1 - BOLLIG

02621

PETITION: CUP 02621  
APPLICANT: ROCK CROP LLC  
LOCATION: 5626 COUNTY HWY V, SECTION 16, TOWN OF VIENNA  
CUP DESCRIPTION: 10.222(3)(d) temporary concrete batch plant for public road projects

**Attachments:** [CUP 2621 Staff Update](#)  
[CUP 2621 Town Action](#)  
[CUP 2621 APP](#)  
[CUP 2621 VIENNA MAP](#)  
[CUP 2621 Public comment - Lynch](#)  
[CUP #2621](#)

A motion was made by KRONING, seconded by POSTLER, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0

**Standard Conditions for all Conditional Use Permits from 10.101(7):**

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, and phasing plan.
2. New and existing buildings proposed to house a 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.
3. 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.
4. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state, and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking must be provided, consistent with s. 10.102(8).
8. If the Dane County Highway, Transportation, and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
9. 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.

10. 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.

11. 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.

Conditions specific to CUP # 2621

12. The hours of operation shall be between 6:00am to 6:00pm, Monday through Friday. Intermittent operations during weekends or outside normal operating hours may occur only if contractually required by the Wisconsin DOT road project. The Town of Vienna shall be notified of the operations one week prior to occurrence.

13. The installation and operation of the temporary concrete batch plant shall be limited exclusively to public road projects. The batch plants shall be removed from the site after the project has been completed. The temporary concrete batch plant shall not be used for any purpose other than the specific public road project. Using the batch plant for general construction projects shall render the CUP null and void and cause for the immediate removal of the batch plant.

14. The Conditional Use Permit shall be terminated 10 years after the date of approval.

**Ayes:** 4 - DOOLAN, KRONING, POSTLER and RITT

**Excused:** 1 - BOLLIG

02622

PETITION: CUP 02622  
APPLICANT: DANIEL L GAULRAPP  
LOCATION: SOUTH OF 3316 ELVEHJEM RD, SECTION 12, TOWN OF DUNN  
CUP DESCRIPTION: 170' self-support communication tower with 3' lightning rod

**Attachments:** [CUP 2622 Staff Report 062824](#)

[CUP 2622 Town action](#)

[CUP 2622 CityScape RF Engineering Report](#)

[CUP 2622 Site Plan](#)

[CUP 2622 Dish Search Ring Map](#)

[CUP 2622 Photo Simulations](#)

[CUP 2622 Map of residences within .5 mile](#)

[CUP 2622 Applicant RF Sworn Statement](#)

[CUP 2622 Tower fall zone engineering certification](#)

[CUP 2622 Applicant Property Value Study](#)

[CUP 2622 FAA Determination of No Hazard](#)

[CUP 2622 Dish FCC RF Exposure Compliance](#)

[CUP 2622 FULL APP](#)

[CUP 2622 DUNN MAP](#)

[CUP #2622](#)

A motion was made by KRONING, seconded by POSTLER, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0

**Standard Conditions for all Conditional Use Permits from 10.101(7):**

1. Any conditions required for specific uses listed under s. 10.103. (See below)
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan, including any modifications that may be required by the town of Dunn or ZLR Committee as part of their respective actions on the CUP.
3. New and existing buildings proposed to house a 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.
4. 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.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
6. 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

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new development of the state plumbing code and Chapter 46, Dane County Code.

7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

8. Off-street parking must be provided, consistent with s. 10.102(8).

9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

10. 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.

11. 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.

12. 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.

Conditions of approval specific to communications towers (includes town conditions and those required under zoning code section 10.103(9)(d)):

13. The communication tower approved under CUP 2622 is intended to support installation of mobile service facility(ies) as defined under sec. 66.0404, Wisconsin Statutes, and shall be designed to support, without substantial modification, at least four users (the primary user and three collocation sites).

14. One collocation site on the tower must be reserved for a company that provides broadband wireless internet to residents in the vicinity of the tower.

15. Prior to construction, the Applicant shall provide a full structural analysis report confirming that the tower will have the structural capacity to safely support Dish's equipment and similar equipment of three (3) future wireless service providers;

16. Final site plan(s) and design drawings for the proposed tower are subject to review and approval by the Town of Dunn prior to installation of the tower. Said final site plan(s) and construction/design drawings for the facility shall be certified by a Wisconsin Professional Engineer and shall include descriptions of the support structure and the electronic and electrical equipment including antennas, transmitters, radios, cabinets, cables, utility components, backup power generator (if proposed) and all related equipment to be installed on or near the support structure.

17. The tower shall not be lighted, unless required by the FAA or other lawful authority, and shall not exceed a height of 173' above ground, including lightening rod.

18. Visual screening and/or landscaping shall be installed around the fenced tower compound and the tower shall be galvanized or painted a color to minimize the aesthetic impact of the tower and compound area. The permit holder must obtain town approval of the fencing, visual screening and/or landscaping, and tower paint color prior to installation. Any trees planted shall

be maintained in viable growing conditions.

19. Fencing and locks must be provided to secure the site. No barbed wire or razor wire fencing is permitted. No trespassing signs shall be posted on any security fencing.

20. If a valid complaint of interference to an authorized County or municipal public safety radio facility is found to be associated with Dish's installation at the proposed facility, the Applicant shall comply with all applicable rules regarding radio-frequency interference as mandated by the Federal Communications Commission (FCC), and in accordance with the FCC's Best Practices Guide.

21. The tower owner shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

22. No lease or deed restriction on property that is proposed for the location of a mobile service support structure or mobile service facility shall preclude the owner or lessee from entering into agreements, leases, or subleases with other providers or prohibit collocation of other providers.

23. Upon written inquiry by the committee, the holder of a Conditional Use Permit issued under this section shall have the burden of presenting to the committee credible evidence establishing to a reasonable certainty the continued compliance with all applicable standards and conditions placed upon the conditional use permit. Failure to establish compliance with the standards and conditions 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 the standards and conditions, all reasonable costs and expenses, except travel 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.

24. Within 90 days of approval of the conditional use permit, or prior to issuance of a zoning permit for construction of the approved communication tower, whichever comes first, the tower owner shall provide Dane County with a bond, or evidence of an existing bond, in the amount of \$20,000 ensuring performance of owner's obligation to remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit, including payment for such removal by Dane County or its agent, in the event the permit is revoked or the use permitted thereunder ceases for a continuous period of 12 months. Said bond shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides Dane County written notification of expiration or termination of the surety's obligation under the bond. Applicant shall remove any communication tower, array or any other equipment or structure placed or erected pursuant to the conditional use permit no less than 60 days prior to the termination or expiration of the bond required hereunder.

25. If the mobile service facility(ies) to be provided from the communication tower are not installed within 1 year of the date of conditional use permit approval, or if the mobile service facility(ies) are later removed, or cease to be used for a continuous period of 12 months, the county zoning committee may take action to revoke the conditional use permit. In the event the permit is revoked, the tower owner shall remove the tower within 60 days of the county zoning committee action. If the tower is not removed within the 60 days, the

county may enter upon the premises and remove the tower at the expense of the tower owner.

**Ayes:** 4 - DOOLAN,KRONING,POSTLERandRITT

**Excused:** 1 - BOLLIG

## E. Plats and Certified Survey Maps

[2024 LD-011](#) Final Plat - Timber Lane Preserve  
Town of Middleton  
Staff recommends conditional approval

**Attachments:** [conditional approval](#)

[2024-07-03 Timber Lane Preserve - Final Plat](#)

[TimberLanePreserveMiddletonSection31](#)

[Town Board- Preliminary Plat to Conditionally Approve 5 20 2024](#)

A motion was made by KRONING, seconded by POSTLER, that the plat be approved with conditions. The motion carried by the following vote: 4-0.

1. The final plat is to be completed in accordance with S.236.34, Wisconsin State Statutes.
2. All owners of record are to be included in the owner's certificate. A certificate of consent by all mortgagees/vendors shall be included and satisfied if relevant. County records indicate the following owners:
  - 4-D PROPERTIES LLP
3. The required approval certificates are to be executed.
  - Town of Middleton
  - Dane County Treasurer
  - Dane County Zoning and Land Regulation Committee
4. The recordable document is to be submitted for review and approval once the conditions have been satisfied. The Dane County Zoning and Land Regulation Committee chair will sign the plat at a future meeting.

**Ayes:** 4 - DOOLAN,KRONING,POSTLERandRITT

**Excused:** 1 - BOLLIG

[2024 LD-010](#) Final Plat - Mount Vernon Hills  
Town of Springdale  
Staff recommends conditional approval

**Attachments:** [conditional approval](#)  
[Mount Vernon Hills - Final Plat 2024.06.03](#)  
[24-09 Mount Vernon Hills II](#)  
[12042 SPRINGDALE](#)

A motion was made by KRONING, seconded by POSTLER, that the Land Division be approved with conditions. The motion carried by the following vote: 4-0.

1. The final plat is to be completed in accordance with S.236.34, Wisconsin State Statutes.
2. Rezone Petition #12042 is to become effective and all conditions are to be satisfied prior to the recording of the CSM. (County Board approved the Petition on June 20, 2024)
  - A deed restriction shall be recorded on the balance of the property remaining in AT-35 (tax parcels 060734490020, 060734485008, 060734380611, 060734380022, 060734328508, 060734326206, 060734310991, 060734295017, 060734283119, and 060734190611) stating the following:
    - a. Further residential/nonfarm development is prohibited on the remaining AT-35 zoned land.

The housing density rights for the former Louis H. and Cynthia A. Heitke farm have been exhausted per the Town Comprehensive Plan density policies.
  - The applicant shall submit a preliminary plat and final plat for the proposed lots to Dane County for review and approval, and shall record the final plat with the Dane County Register of Deeds.
  - The rezone will not become effective until a final plat is approved and fully executed by the Town of Springdale.
  - The subdivision plat shall restrict access onto County Highway G subject to Dane County Highway requirements.
3. Comments from the Highway department are to be recognized:
  - CTH G is a controlled access highway.
  - No access to be designated (visually shown) across the frontage of CTH G along Lot 1, 2, and 3.
    - Access easement required through Lot 1 and 2 to access Lot 2 and 3.
    - Right of way appears to be correct.
4. Label the right-of-way width, each side of centerline.
  - CTH G
  - Sand Court
  - Davis Street
  - Ben Franklin Street
5. All owners of record are to be included in the owner's certificate. A certificate of consent by all mortgagees/vendors shall be included and satisfied if relevant. County records indicate the following owners:
  - MOUNT VERNON HILLS II LLC
6. The required approval certificates are to be executed.
  - Town of Springdale
  - Dane County Treasurer



• Dane County Zoning and Land Regulation Committee

7. The public right-of-way vacation shall be satisfied and the recorded document number added to the final plat prior to recording.

8. The recordable document is to be submitted for review and approval once the conditions have been satisfied. The Dane County Zoning and Land Regulation Committee chair will sign the plat at a future meeting.

Ayes: 4 - DOOLAN, KRONING, POSTLER and RITT

Excused: 1 - BOLLIG

## F. Resolutions

## G. Ordinance Amendment

## H. Items Requiring Committee Action

## I. Reports to Committee

## J. Other Business Authorized by Law

1. Chair Doolan noted that the County Board office has requested that no county meetings be held on August 13th due to the primary election. She asked to cancel the August 13th ZLR Work Meeting date. There were no objections.

2. Supervisor Postler noted that the Executive Committee met in June and discussed program evaluations, and requested that this topic be discussed at the August 27th ZLR meeting.

## K. Adjourn

A motion was made by KRONING, seconded by POSTLER, to adjourn the meeting at 7:28 PM. The motion carried unanimously.