



## Dane County Zoning Division

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# DANE COUNTY CONDITIONAL USE PERMIT #2622

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit #2622 to allow a 170' self-support communication tower with 3' lightning rod conditioned upon Dane County Code of Ordinances Section 10.101(7)(d) and subject to the additional conditions listed below:

**EFFECTIVE DATE OF PERMIT: July 9, 2024**

**CUP EXPIRATION DATE: none (see conditions)**

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

LOCATION: South of 3316 Elvehjem Rd, Section 12 Town of Dunn (tax parcel # 0610-122-8000-4)

### LEGAL DESCRIPTION:

PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWN 6 NORTH, RANGE 10 EAST, TOWN OF DUNN, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION; THENCE SOUTH 00°02'41" EAST ALONG THE NORTH-SOUTH 1/4 LINE A DISTANCE OF 14.71 FEET; THENCE SOUTH 89°57'19" WEST A DISTANCE OF 10.44 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF ELVENHJEM ROAD (66' WIDE / PUBLIC); THENCE SOUTH 01°39'48" WEST A DISTANCE OF 188.26 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°39'48" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 88°20'12" WEST A DISTANCE OF 66.21 FEET; THENCE NORTH 46°58'14" WEST A DISTANCE OF 45.02 FEET; THENCE NORTH 01°39'48" EAST A DISTANCE OF 70.24 FEET; THENCE SOUTH 88°20'1" EAST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 9,497 SQUARE FEET OR 0.218 ACRES

### 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, 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 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 lightning 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.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220.

EXPIRATION OF PERMIT

Upon the allowed land use's cessation or abandonment for a period of one year, this conditional use permit will be deemed to have been terminated and any future use shall be in conformity with the ordinance.