

AGENDA
MEETING OF THE PLAN COMMISSION
of the City of Platteville
Monday, January 4, 2021 at 7:00 p.m.

This meeting will be held virtually through ZOOM.
Use the virtual meeting link found at the bottom of this agenda.

1. ROLL CALL
2. APPROVE MINUTES – December 7, 2020
3. CONDITIONAL USE PERMIT – 90 E. Alden Avenue

Consider an application for approval of a 150' tall monopole wireless communication tower to be located at the rear of the Wonder Wash property.

Additional information can be found at - <https://www.platteville.org/bc-pc/page/plan-commission-29>

4. ADJOURN

Join Zoom Meeting

<https://us02web.zoom.us/j/83068012803?pwd=REtrSnhJVldMKytqTnhqeEJXZ2dJZz09>

Meeting ID: 830 6801 2803

Passcode: 059128

888 475 4499 US Toll-free

877 853 5257 US Toll-free

If you have concerns or comments related to an item on this agenda, but are unable to attend the meeting, please send the comments to carrollj@platteville.org or call 608-348-9741 x 2235.

STAFF REPORT

CITY OF PLATTEVILLE

Community Planning & Development Department



Meeting Dates: Plan Commission – December 7, 2020
Common Council – December 8, 2020 (Information)
Common Council – January 12, 2021 (Action)

Re: Conditional Use Permit

Case #: PC20-CUP04-07

Applicant: Tower North Development LLC (Centerline Communications)/Verizon Wireless

Location: 90 E. Alden Avenue

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Wonder Wash	B-2	Mixed Use
North	McGregor Plaza Shopping Center	B-2	Mixed Use
South	Residential/Commercial	R-2/B-3	Medium Density Residential/Business
East	Commercial	B-2	Mixed Use
West	Residential	R-2	Mixed Use

BACKGROUND

The applicant is proposing to construct a wireless communication tower at the rear of the Wonder Wash property at 90 E. Alden Avenue. This tower space will be leased to Verizon Wireless and will be a replacement for the antennas that are currently located on the City's water tower at 330 W. Furnace Street. This use requires the approval of a Conditional Use Permit.

PROJECT DESCRIPTION

Centerline Communications proposes to construct a 145' monopole type tower structure (150' overall with lightning rod) for the immediate use by Verizon Wireless in the northeast corner of the .59-acre property at 90 E. Alden Avenue. This new mobile service structure will be located within a 42' x 58.5' x 16.9' x 30' x 70' (+/-2,871 sf) ground lease area. Verizon Wireless will locate its antennas and equipment upon the tower at the 140' centerline, route its coax/cabling down the inside of the tower to its ground facilities. The Verizon Wireless ground facilities will consist of an 8' x 10' base station equipment cabinet cluster and freestanding diesel fueled backup power generator. Both will be located upon new concrete pad foundations at grade near the base of the tower structure within the Centerline Communications ground lease area. Also, the mobile service support structure and compound is designed to accommodate at least three (3) additional similar wireless telecommunications equipment installations (mobile service facilities) besides the one contemplated by Verizon Wireless.

This project is for the relocation of the existing Verizon Wireless mobile service facilities from their current location upon the City water tower property located at 330 W. Furnace Street. Verizon Wireless

has operated its facilities from this location for 20+ years where it has its antennas and equipment installed upon the top rail of the legged water tower structure, which also hosts the communications equipment of three (3) other wireless carriers. In January of 2019, Verizon Wireless began design work for a needed equipment upgrade as part of the deployment of its PCS technologies to this market. In reviewing the equipment options required to complete this upgrade, Verizon Wireless' engineering consultant had determined that based upon the most recent structure and loading information available, that the governing structural standards would not allow for the water tower to serve as a supporting structure for the updated Verizon Wireless equipment design, and furthermore, that there are no viable structural modifications that could be made to the water tower that would allow it to meet those standards.

With the determination that the water tower structure would no longer be available for use by Verizon Wireless, it's RF Engineering group began evaluating the relocation options for its facilities including the geographic needs required to maintain an equal level of service to its local area network that the existing facilities have provided since 1999.

The center of town location that the water tower provides to Verizon Wireless is the backbone of their local area network. Having these types of facilities embedded in the middle of the local user population allows it not only to support the quality of their services to that population with robust signal strength, but also proportionately spread the local user traffic across all three (3) sectors of the site and maximize the level of traffic (or capacity) through the facility. When defining the acceptable geographic location for the relocation of an operating facility that is already functioning at this level, the search area center begins with the existing site location and the boundary ends where service and functionality start to noticeably degrade moving away from that location.

The other existing communication towers in the Platteville area were analyzed for potential colocation. These towers were determined to be not viable sites because they are too far outside the subject user population to meet Verizon Wireless' engineering needs. Verizon Wireless also solicited the UW System to locate additional facilities on the UWP campus. One of the many proposed concepts presented to the school included the collocation of the Verizon Wireless facilities on their heating plant smokestack. After extended discussions on the matter, the UW system declined to proceed with considering any such proposal in late 2017. The proposed location represents the closest viable location to the existing site and defined search area available for the proposed mobile service structure and facilities.

STAFF ANALYSIS

The site currently contains a self-service car wash with its vacuum and wash bays fronting Alden Avenue to the south. The proposed mobile service support structure and facilities will be at the rear of the property, abutting a retaining wall bordering the McGregor Plaza property parking lot to the north home to the Piggly Wiggly grocery store.

Pursuant to Wis. Stat. Sect. 66.0404(4)(c), Mobile Service Support Structures and Facilities can be contemplated in any local zoning district. The proposed site under this application is located upon a property in the B-2 Central Business Zoning District on a parcel that abuts other B-2 zoned parcels to the north and east, and R-2 One- and Two-Family Residential District zoned properties to the south and west.

The overall height of the tower structure with appurtenances will be 1,081' AMSL, which is +/-69' less than the 1,150' AMSL height limit contained within the Height Limitation Zoning ("HLZO") Map for the Platteville Municipal Airport.

The tower will be designed to maintain its integrity under all applicable federal, state and local engineering standards, and is designed to buckle and fall in place rather than tip over in the event of structural failure, thereby maintaining a 0' fall zone radius. As specified in Wisconsin State Statutes 66.0404(2)(g) and 66.0404(4e)(b)-(d), the 0' fall zone preempts the three times height setback requirement of the City of Platteville zoning ordinance, and automatically reduces the enforceable setback

for the tower structure to the nearest single family zoning district to a distance equal to the 145' tall height of the proposed structure.

Wis. Stats. Section 64.0404 includes a list of limitations on what criteria or concerns the City can use to decide to approve or disapprove a communication tower. The full statute is attached, but below is a summary of the primary limitations. The City may not do any of the following:

1. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
2. Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
3. Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.
4. Disapprove an application based solely on aesthetic concerns.
5. Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
6. Prohibit the placement of emergency power systems.
7. Require that a mobile service support structure be placed on property owned by the political subdivision.
8. Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
9. Limit the duration of any permit that is granted.
10. Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
11. Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.
12. Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
13. Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

RECOMMENDATION

Staff recommends approval of the Conditional Use Permit to allow the communication tower as proposed.

ATTACHMENTS

- Wis. Stats. 66.0404 Mobile tower siting regulations
- Water tower structural opinion letter (existing antenna location)
- Sworn statement regarding lack of other feasible locations
- Location maps
- Site plan and details



Via: USPS Priority Mail

November 17, 2020

Mr. Joe Carrol
Community Development Director
City of Platteville
75 N. Bronson Street
Platteville, WI 53818

Re: Conditional Use Permit Application Submittal/ TowerNorth Development, LLC & Verizon Wireless-New Mobile Service Support Structure and Mobile Service Facility/Three Suds, LLC Property located at 90 E. Alden Avenue, Platteville, WI 53818.

Parcel ID #(s): 271-00615-0010.

Dear Mr. Carrol,

On behalf of our client(s) TowerNorth Development LLC ("Centerline Communications") and Verizon Wireless, enclosed please find the required project information along with a completed City of Platteville Conditional Use Permit application form and a check made payable to the City of Platteville in the amount of \$200.00 for the applicable application fees. This application and its corresponding submittal information have been prepared in accordance with the State of Wisconsin Mobile tower siting regulations found at Wis. Stat. Sect. 66.0404. The application procedures for a new mobile service support structure (tower) and mobile service facility (communications equipment) are found at Wis. Stat. Sect. 66.0404(2)(b) and list six (6) requirements for a completed application.

Below is a narrative on these six (6) requirements, including the specific project information. I have also enclosed a copy of the State of Wisconsin regulations for your reference as you review this submittal.

1. The name and business address of, and the contact individual of, the applicant.

Applicant (s):

TowerNorth Development, LLC
Attn: Liz Rutkowski, Site Development Manager
750 W. Center Street, Floor 3
West Bridgewater, MA 02379

Contact Individual:

Peter Schau
Ton 80 Realty Services, Inc.
8463 Old County K
Harshaw, WI 54529

Verizon Wireless
1515 Woodfield Road
Schaumburg, IL 60173

2. The location of the proposed support structure.

90 E. Alden Avenue, Platteville, WI 53818
Parcel ID #(s): 271-00615-0010.



The location of the proposed 145' monopole tower structure (150' overall with lightning rod) is in the northeast corner of the .59 acre parcel, within a 42' x 58.5' x 16.9' x 30' x 70' (+/-2,871 sf) lease area as depicted in the enclosed survey and construction drawings.

3. The location of the proposed mobile service facility.

90 E. Alden Avenue, Platteville, WI 53818
Parcel ID #(s): 271-00615-0010.

Centerline Communications proposes to construct a 145' monopole type tower structure (150' overall with lightning rod) for the immediate use by Verizon Wireless in the northeast corner of the .59-acre property at 90 E. Alden Avenue, Platteville, WI 53818. This new mobile service structure will be located within a 42' x 58.5' x 16.9' x 30' x 70' (+/-2,871 sf) ground lease area as depicted in the enclosed survey and construction drawings. Verizon Wireless will locate its antennas and equipment upon the tower at the 140' centerline, route its coax/cabling down the inside of the tower to its ground facilities. The Verizon Wireless ground facilities will consist of an 8' x 10' base station equipment cabinet cluster and free-standing diesel fueled backup power generator. Both will be located upon new concrete pad foundations at grade near the base of the tower structure within the Centerline Communications ground lease area. Also, the mobile service support structure and compound is designed to accommodate at least three (3) additional similar wireless telecommunications equipment installations (mobile service facilities) besides the one contemplated by Verizon Wireless.

4. If the application is to substantially modify an existing support structure...

The application is for a new 145' monopole tower (150' overall with lightning rod), therefore the submittal requirements of this section are not applicable.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile services support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

See the enclosed construction drawings depicting the proposed Centerline Communications and Verizon Wireless installations containing the above described information.

6. If the application is to construct a new mobile service support structure, an explanation as to why the application chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has the responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

The Verizon Wireless search ring is depicted in the enclosed Delorme Map labeled "*VZW Search Area Map: DT Platteville Relo*".



As the name implies, this project is for the relocation of the existing Verizon Wireless mobile service facilities from their current location upon the nearby City of Platteville Water Tower property located 330 W. Furnace Street, Platteville, WI 53032. The location of the water tower is denoted on the enclosed map at the center of the defined search area. Verizon Wireless has operated its facilities from this location for 20+ years where it has its antennas and equipment installed upon the top rail of the legged water tower structure, which also hosts the communications equipment of three (3) other wireless carriers. In January of 2019, Verizon Wireless began design work for a needed equipment upgrade as part of the deployment of its PCS technologies to this market. In reviewing the equipment options required to complete this upgrade, Verizon Wireless' engineering consultant had determined that based upon the most recent structure and loading information available, that the governing structural standards would not allow for the water tower to serve as a supporting structure for the updated Verizon Wireless equipment design, and furthermore, that there are no viable structural modifications that could be made to the water tower that would allow it to meet those standards. Copies of their Structural Analysis Report and supplemental Water Tower PE Opinion Letter detailing their findings are enclosed as a part of this application.

With the determination that the water tower structure would no longer be available for use by Verizon Wireless, it's RF Engineering group began evaluating the relocation options for its facilities including the geographic needs required to maintain an equal level of service to its local area network that the existing facilities have provided since 1999.

The center of town location that the water tower provides to Verizon Wireless is the backbone of their local area network. Having these types of facilities embedded in the middle of the local user population allows it not only support the quality of their services to that population with robust signal strength, but also proportionately spread the local user traffic across all three (3) sectors of the site and maximize the level of traffic (or capacity) through the facility. When defining the acceptable geographic location for the relocation of an operating facility that is already functioning at this level, the search area center begins with the existing site location and the boundary ends where service and functionality start to noticeably degrade moving away from that location as illustrated by the enclosed Verizon Wireless Search Area map.

The Verizon Wireless search ring is depicted in the enclosed Delorme Map labeled "*Verizon Wireless Search Area Map: DT Platteville Relo*" and defines the acceptable boundaries for the relocation of the existing facilities at an equal elevation relative to the existing location. A search of these and the immediate surrounding areas was performed, but a viable location within the defined search area proved to be unavailable. The proposed location under this application represents the closest viable location to the existing site and defined search area available for the proposed mobile service structure and facilities. Enclosed in the application materials is a sworn statement from the Verizon Wireless Radio Frequency Engineer assigned to the site attesting to the fact that collocation is not a feasible option for this site, as there are no existing structures of any kind which exist within the Verizon Wireless Search Area that could be utilized for a collocation.

In addition, please know that as a matter of industry best practices, Verizon Wireless always evaluates the closest existing structures to its defined search area to assess their viability prior to seeking approval for a location which will require the construction of a new mobile service support structure as contemplated under this application. One of the nearest existing mobile service support structures to the existing and proposed site location is an existing 180' tall US Cellular owned monopole tower located southwest of the city at 1610 Stumpton Road. This tower is located approximately 1.3 miles southwest of the existing



site location and approximately 1 mile from nearest edge of the Verizon Wireless defined search area. This location was evaluated for use by Verizon Wireless but determined not to be a viable option because it is too far away from the target search area and too far outside of the subject user population to meet Verizon Wireless' engineering needs for the site. For the same reasons, the 250' tall lattice self-support tower structure owned by CenturyTel located at 5988 State Road 80/81 approximately 1.1 miles southeast of the existing site location, and approximately 4,400' mile from nearest edge of the Verizon Wireless defined search area, was also determined not be a viable option to locate the Verizon Wireless facilities.

Furthermore, as part of a previous endeavor, Verizon Wireless also solicited the University of Wisconsin to locate additional facilities on the Platteville campus. One of the many proposed concepts presented to the school included the collocation of the Verizon Wireless facilities on their heating plant smoke stack. After extended discussions on the matter, the U.W. system declined to proceed with considering any such proposal in late 2017.

Though not required by the prevailing Wisconsin state statutes, we felt that providing this additional description of the Verizon Wireless site selection process, including the details of its evaluation of the closest existing collocatable structures to its target search area would be of interest to the City, and therefore worth including in this application.

ADDITIONAL DISCUSSION

This is a joint application for a proposed new mobile service support structure (tower) which will be owned by TowerNorth Development, LLC ("Centerline Communications"), a national owner and operator of wireless communications infrastructure; and a mobile service facility (antennas and equipment) installation upon this new support structure by its proposed tenant Verizon Wireless. It is not uncommon for wireless telecommunications service providers to engage the services of a tower company to construct, own, and operate the infrastructure upon which they desire locate their facilities. In this case, Verizon Wireless needs the site to maintain its service needs for the defined search area, and has engaged Centerline Communications to participate as the tower developer/owner for the project.

As described above, the proposed project is for the construction, installation, and operation of an unmanned mobile service support structure and facilities upon the .59 acre property at 90 E. Alden Avenue, Platteville, WI 53818. This facility will consist of Verizon Wireless antennas and equipment to be mounted at the 140' centerline of a newly constructed Centerline Communications owned 145' monopole tower structure (150' with lightning rod). These tower mounted facilities will also include the associated coaxial/hybrid cable runs down the inside of the structure in their route to the Verizon Wireless ground facilities. The Verizon Wireless ground facilities will consist of an 8' x 10' base station equipment cabinet cluster and free-standing diesel fueled backup power generator. Both will be located upon new concrete pad foundations at grade near the base of the mobile service support structure within the Centerline Communications ground lease area. Also, a 20' wide ingress/egress and a 10' wide utility easement will be utilized to serve the site, both entering the property from the public way Alden Avenue to the south.

This Conditional Use Permit will result in a great benefit for the community, in that it will allow for the continued provision of the highest quality, and most technologically advanced wireless communication services to the nearby resident and visitor populations of the City of Platteville. Besides the services



which will be provided by Verizon Wireless, the tower facility has been designed so it will be available for at least three (3) other comparable antenna and equipment installations, and shall conform to all applicable ANSI/TIA 222-G, FCC, and FAA regulations and standards governing such facilities. Multiple company collocations on its infrastructure is the core of Centerline Communication's business, and it actively markets its portfolio of tower assets for collocation to all communication users nationwide and will do so for this site as well.

The proposed facility will not require any public participation, or result in any public cost for public facilities and services which would be detrimental to the economic welfare of the community. In fact, the wireless communication services offered by Verizon Wireless are desired by both businesses and individuals, and are an economic asset to the community. The enhanced E-911 services provided by facilities such as these will also continue to support the protection of the public health, safety, and welfare of the community.

Similar to their existing location, the equipment will operate continuously at this unmanned facility and will require no additional parking or facilities for employees. Verizon Wireless' cell site technicians will visit the site periodically, typically a couple hours once per month, for the testing and monitoring of the maintenance and security of its equipment. Centerline Communications personnel will also visit the site periodically to monitor the maintenance and security of the facility. The facility will not generate any substantial traffic, and besides the new tower structure, the remainder of the equipment has a minimal visual impact and generates very little noise.

Pursuant to Wis. Stat. Sect. 66.0404(4)(c), Mobile Service Support Structures and Facilities can be contemplated in any local zoning district. The proposed site under this application is located upon a property in the B-2, Central Business Zoning District on a parcel that abuts other B-2 zoned parcels to the north and east, and R-2, One and Two Family Residential District zoned properties to the south and west. The parent parcel currently operates as a self-service car wash with its vacuum and wash bays fronting Alden Avenue to the south. The proposed mobile service support structure and facilities will be located in the rear of the property, abutting a retaining wall bordering the retail/office mall property parking lot to the north home to the Piggly Wiggly grocery store. This location and layout of the facility was chosen carefully with the property owner to best conform with their current and potential future use(s) of the property, completely surround it by commercial structures and uses, and to provide the largest available buffer distance to the closest residentially zoned properties to the south and west. We feel that the compatibility of these attributes makes this site harmonious with the uses of the underlying and surrounding properties.

The location of the proposed improvements upon the property meet all yard setback requirements of the B-2 zoning district. The tower structure itself is setback from the nearest R-2 zoning boundary by 145', a distance less than the three times structure height requirement found in Section 22.10(A)(4) of the City of Platteville Zoning ordinance. However, enclosed please find a stamped engineering letter from Sabre Industries, Inc., Centerline Communications tower manufacturer, ensuring that that the structure will be designed to maintain its integrity under all applicable federal, state and local engineering standards, and is designed to buckle rather than collapse in the event to failure maintaining a 0' fall zone radius. As specified in Wisconsin State Statutes 66.0404(2)(g) and 66.0404(4e)(b)-(d), the enclosed engineering certification of the 0' fall zone preempts the three times height setback requirement of the City of Platteville zoning ordinance, and automatically reduces the enforceable setback for the tower structure to the nearest single family zoning district to a distance equal to the 145' tall height of the structure proposed

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REALTY SERVICES, INC.

with this application. In addition, the overall height of the tower structure with appurtenances will be 1,081' AMSL, which is +/-69' less than the 1,150' AMSL height limit contained within the enclosed Height Limitation Zoning ("HLZO") Map for the Platteville Municipal Airport.

Finally, I believe the above information satisfies the applicable application requirements as defined by the City of Platteville Zoning Ordinance and as preempted by Wis. Stat. Sect. 66.0404; and is ready to be scheduled for consideration by the City of Platteville Planning Commission. I look forward to the public hearing for this request, and will be present at the meeting to address any remaining questions that the commission or members of the public may have regarding the application and proposed use of the site.

Should you have any additional information needs or questions regarding the application, the enclosed materials, or the proposed use of the site, please contact me directly at (773) 919-5112, or by e-mail at pschau@ton80realtyservices.com.

Sincerely,

Peter Schau

Peter Schau
Ton 80 Realty Services, Inc.,
on behalf of Centerline Communications
and Verizon Wireless

Enclosures as described

4. The telephone number, address and office hours of the agency.

5. That any person may request a hearing under sub. (4) within 30 days after receipt of the notice, and the address and procedure for filing the request.

(4) HEARING. Within 30 days after receipt of the notice under sub. (3) (b), any person who has received a notice may file a request for a hearing on the granting of a permit or the agency may determine that a hearing is necessary even if no such request is filed. If a request is filed or if the agency determines that a hearing is necessary, the agency shall conduct a hearing on the application within 90 days after the last notice is delivered. At least 30 days prior to the hearing date, the agency shall notify the applicant, all owners notified under sub. (3) (b) and any other person filing a request of the time and place of the hearing.

(5) PERMIT GRANT. (a) The agency shall grant a permit if the agency determines that:

1. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the municipality;

2. No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice under sub. (3) (b), has expended at least \$500 on planning or designing such a structure or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference; and

3. The benefits to the applicant and the public will exceed any burdens.

(b) An agency may grant a permit subject to any condition or exemption the agency deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include but are not limited to restrictions on the location of the solar collector or wind energy system and requirements for the compensation of persons affected by the granting of the permit.

(6) RECORD OF PERMIT. If an agency grants a permit:

(a) The agency shall specify the property restricted by the permit under sub. (7) and shall prepare notice of the granting of the permit. The notice shall include the identification required under s. 706.05 (2) (c) for the owner and the property upon which the solar collector or wind energy system is or will be located and for any owner and property restricted by the permit under sub. (7), and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector or wind energy system which is the subject of the permit unless the permit affecting the property is terminated under sub. (9) or unless an agreement affecting the property is filed under sub. (10).

(b) The applicant shall record with the register of deeds of the county in which the property is located the notice under par. (a) for each property specified under par. (a) and for the property upon which the solar collector or wind energy system is or will be located.

(7) REMEDIES FOR IMPERMISSIBLE INTERFERENCE. (a) Any person who uses property which he or she owns or permits any other person to use the property in a way which creates an impermissible interference under a permit which has been granted or which is the subject of an application shall be liable to the permit holder or applicant for damages, except as provided under par. (b), for any loss due to the impermissible interference, court costs and reasonable attorney fees unless:

1. The building permit was applied for prior to receipt of a notice under sub. (3) (b) or the agency determines not to grant a permit after a hearing under sub. (4).

2. A permit affecting the property is terminated under sub. (9).

3. An agreement affecting the property is filed under sub. (10).

(b) A permit holder is entitled to an injunction to require the trimming of any vegetation which creates or would create an impermissible interference as defined under sub. (1) (f). If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs and reasonable attorney fees.

(8) APPEALS. Any person aggrieved by a determination by a municipality under this section may appeal the determination to the circuit court for a review.

(9) TERMINATION OF SOLAR OR WIND ACCESS RIGHTS. (a) Any right protected by a permit under this section shall terminate if the agency determines that the solar collector or wind energy system which is the subject of the permit is:

1. Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.

2. Not installed and functioning within 2 years after the date of issuance of the permit.

(b) The agency shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under par. (a).

(c) If the agency terminates a permit, the agency may charge the permit holder for the cost of recording and record a notice of termination with the register of deeds, who shall record the notice with the notice recorded under sub. (6) (b) or indicate on any notice recorded under sub. (6) (b) that the permit has been terminated.

(10) WAIVER. A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the register of deeds, who shall record such copy with the notice recorded under sub. (6) (b).

(11) PRESERVATION OF RIGHTS. The transfer of title to any property shall not change the rights and duties under this section or under an ordinance adopted under sub. (2).

(12) CONSTRUCTION. (a) This section may not be construed to require that an owner obtain a permit prior to installing a solar collector or wind energy system.

(b) This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section.

History: 1981 c. 354; 1983 a. 189 s. 329 (14); 1983 a. 532 s. 36; 1993 a. 414; 1995 a. 201; 1999 a. 50 s. 82; Stats. 1999 s. 66.0403; 2007 a. 97; 2009 a. 40.

The common law right to solar access is discussed. *Prah v. Maretti*, 108 Wis. 2d 223, 321 N.W.2d 182 (1982).

The owner of an energy system does not need a permit under this section. Barring enforceable municipal restrictions, an owner may construct a system without prior municipal approval. This section benefits and protects the owner of the system by restricting the use of nearby property to prevent an interference with the system. *State ex rel. Mumrich v. City of Mequon Board of Zoning Appeals*, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, 00–1643.

Wisconsin recognizes the power of the sun: *Prah v. Maretti* and the solar access act. 1983 WLR 1263.

66.0404 Mobile tower siting regulations. (1) DEFINITIONS. In this section:

(a) “Antenna” means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) “Application” means an application for a permit under this section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

(c) “Building permit” means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision’s building code.

(d) “Class 1 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing sup-

port structure for the facility but does need to engage in substantial modification.

(e) “Class 2 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(f) “Collocation” means class 1 or class 2 collocation or both.

(g) “Distributed antenna system” means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

(h) “Equipment compound” means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(i) “Existing structure” means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

(j) “Fall zone” means the area over which a mobile support structure is designed to collapse.

(k) “Mobile service” has the meaning given in 47 USC 153 (33).

(L) “Mobile service facility” means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(m) “Mobile service provider” means a person who provides mobile service.

(n) “Mobile service support structure” means a freestanding structure that is designed to support a mobile service facility.

(o) “Permit” means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:

1. A class 1 collocation.
2. A class 2 collocation.
3. The construction of a mobile service support structure.

(p) “Political subdivision” means a city, village, town, or county.

(q) “Public utility” has the meaning given in s. 196.01 (5).

(r) “Search ring” means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(s) “Substantial modification” means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(t) “Support structure” means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(u) “Utility pole” means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is

designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

(2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES. (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. 59.69, 60.61, or 62.23 to regulate any of the following activities:

1. The siting and construction of a new mobile service support structure and facilities.

2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.

(b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:

1. The name and business address of, and the contact individual for, the applicant.

2. The location of the proposed or affected support structure.

3. The location of the proposed mobile service facility.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant’s search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision’s building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application.

3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.

(f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

(h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.

(i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.

(3) COLLOCATION ON EXISTING SUPPORT STRUCTURES. (a) 1. A class 2 collocation is a permitted use under ss. 59.69, 60.61, and 62.23.

2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.

3. A political subdivision may regulate a class 2 collocation only as provided in this section.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

(b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.

2. Notify the applicant, in writing, of its final decision.

3. If the application is approved, issue the applicant the relevant permit.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(4) LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

(a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

(b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

(c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.

(d) Charge a mobile radio service provider a fee in excess of one of the following amounts:

1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.

2. For a permit for an activity described in sub. (2) (a), \$3,000.

(e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.

(f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

(g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.

(gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.

(h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

(i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

(j) Prohibit the placement of emergency power systems.

(k) Require that a mobile service support structure be placed on property owned by the political subdivision.

(L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

(m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.

(n) Limit the duration of any permit that is granted.

(o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

(q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

(s) Consider an activity a substantial modification under sub. (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.

(t) Consider an activity a substantial modification under sub. (1) (s) 3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(u) Limit the height of a mobile service support structure to under 200 feet.

(v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

(w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

(4e) SETBACK REQUIREMENTS. (a) Notwithstanding sub. (4) (r), and subject to the provisions of this subsection, a political subdivision may enact an ordinance imposing setback requirements related to the placement of a mobile service support structure that applies to new construction or the substantial modification of facilities and support structures, as described in sub. (2).

(b) A setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel. A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitations in s. 66.0414 (2) (e) 2. and 3.

(c) The setback requirement under par. (b) for a mobile service support structure on a parcel shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use is a permitted use under a zoning ordinance.

(d) A setback requirement must be based on the height of the proposed mobile service support structure, and the setback requirement may not be a distance that is greater than the height of the proposed structure.

(5) APPLICABILITY. If a county enacts an ordinance as described under sub. (2) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. (2) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: 2013 a. 20, 173; 2019 a. 14.

An ordinance that prohibits a mobile service support structure where the structure is not compatible with the adjacent land's current use does not violate sub. (4) (e). *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18–0580.

Denial of a conditional use permit on the basis of lost property values and the detrimental effect on public health and safety and general welfare does not equate to a denial based on aesthetic concerns, which is prohibited by sub. (4) (g) if it is the sole reason. *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18–0580.

66.0405 Removal of rubbish. Cities, villages and towns may remove ashes, garbage, and rubbish from such classes of places in the city, village or town as the board or council directs. The removal may be from all of the places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

History: 1993 a. 246; 1999 a. 150 s. 119; Stats. 1999 s. 66.0405.

66.0406 Radio broadcast service facility regulations.

(1) DEFINITIONS. In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Radio broadcast services" means the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.

(c) "Radio broadcast service facilities" means commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services.

(2) LIMITATIONS ON LOCAL REGULATION. Beginning on May 1, 2013, if a political subdivision enacts an ordinance, adopts a resolution, or takes any other action that affects the placement, construction, or modification of radio broadcast service facilities, the ordinance, resolution, or other action may not take effect unless all of the following apply:

(a) The ordinance, resolution, or other action has a reasonable and clearly defined public health or safety objective, and reflects the minimum practical regulation that is necessary to accomplish that objective.

(b) The ordinance, resolution, or other action reasonably accommodates radio broadcast services and does not prohibit, or have the effect of prohibiting, the provision of such services in the political subdivision.

(3) CONTINUED APPLICATION OF EXISTING REGULATIONS. If a political subdivision has in effect on May 1, 2013, an ordinance or resolution that is inconsistent with the requirements that are specified in sub. (2) for an ordinance, resolution, or other action to take effect, the existing ordinance or resolution does not apply, and may not be enforced, to the extent that it is inconsistent with the requirements that are specified in sub. (2).

(4) DENIAL OF PLACEMENT, CONSTRUCTION, OR MODIFICATION OF FACILITIES. If a political subdivision denies a request by any person to place, construct, or modify radio broadcast service facilities in the political subdivision, the denial may be based only on the political subdivision's public health or safety concerns. The political subdivision must provide the requester with a written denial of the requester's request, and the political subdivision must provide the requester with substantial written evidence which supports the reasons for the political subdivision's action.

History: 2013 a. 20; 2013 a. 173 s. 33.

66.0407 Noxious weeds. (1) In this section:

(a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage.

(b) "Noxious weed" means Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the department of natural resources by rule, and any other weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries.

(3) A person owning, occupying or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands. The highway patrolman on all federal, state or county/trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board is responsible for the destruction of all noxious weeds on the town highways.

(4) The chairperson of each town, the president of each village and the mayor or manager of each city may annually on or before May 15 publish a class 2 notice, under ch. 985, that every person is required by law to destroy all noxious weeds, as defined in this section, on lands in the municipality which the person owns, occupies or controls. A town, village or city which has designated as



624 Water Street
Prairie du Sac, WI 53578

608.644.1449 phone
608.644.1549 fax

November 4, 2020

Danny Perez
Verizon Wireless
1515 E. Woodfield Road
10th floor
Schaumburg, IL 60173

**SUBJECT: WATER TOWER PE OPINION LETTER
DT PLATTEVILLE [198591]
PLATTEVILLE, WISCONSIN
EDGE PROJECT 28031**

Mr. Perez:

This letter summarizes our opinion of adding additional load to the water tower mentioned above. The 500,000-gallon water tower was originally built in the 1950's and as a result the tower was likely not designed with current telecommunications loads in mind.

In the last analysis completed for Verizon, the tower was determined to be capable of safely supporting the proposed loading, but it was near its capacity. When considering the existing loading condition and Verizon's proposed loading along with the loads and member capacities specified by the current AWWA standard (Welded Carbon Steel Tanks for Water Storage, D100-11), our calculations conclude that the tower is overstressed. To carry the proposed loading condition, significant tower modifications would need to be installed.

Since only a main member mapping was conducted and complete original tower and foundation drawings were not available, the full extent of the required modifications could not be determined. Our calculations assumed that all of the structural connections were designed to meet or exceed the capacities of the main structural elements. Therefore, even if the existing overstressed members were replaced with stronger members the water tower would only be able to utilize the capacity of the replacement member equivalent to the capacity of the original connection design.

Given the above, our professional opinion is that modifying the tower to support the proposed loads could result in a larger risk to public safety than if the water tower was allowed to continue to support the existing loads in its current condition. Thus, it is our professional opinion that the water tower may continue to serve its main function as a water

tower but modifying the structure to carry additional telecommunications equipment is not a practical or feasible solution.

Please feel free to contact us if you have any questions or concerns.

Sincerely,

Edge Consulting Engineers, Inc.

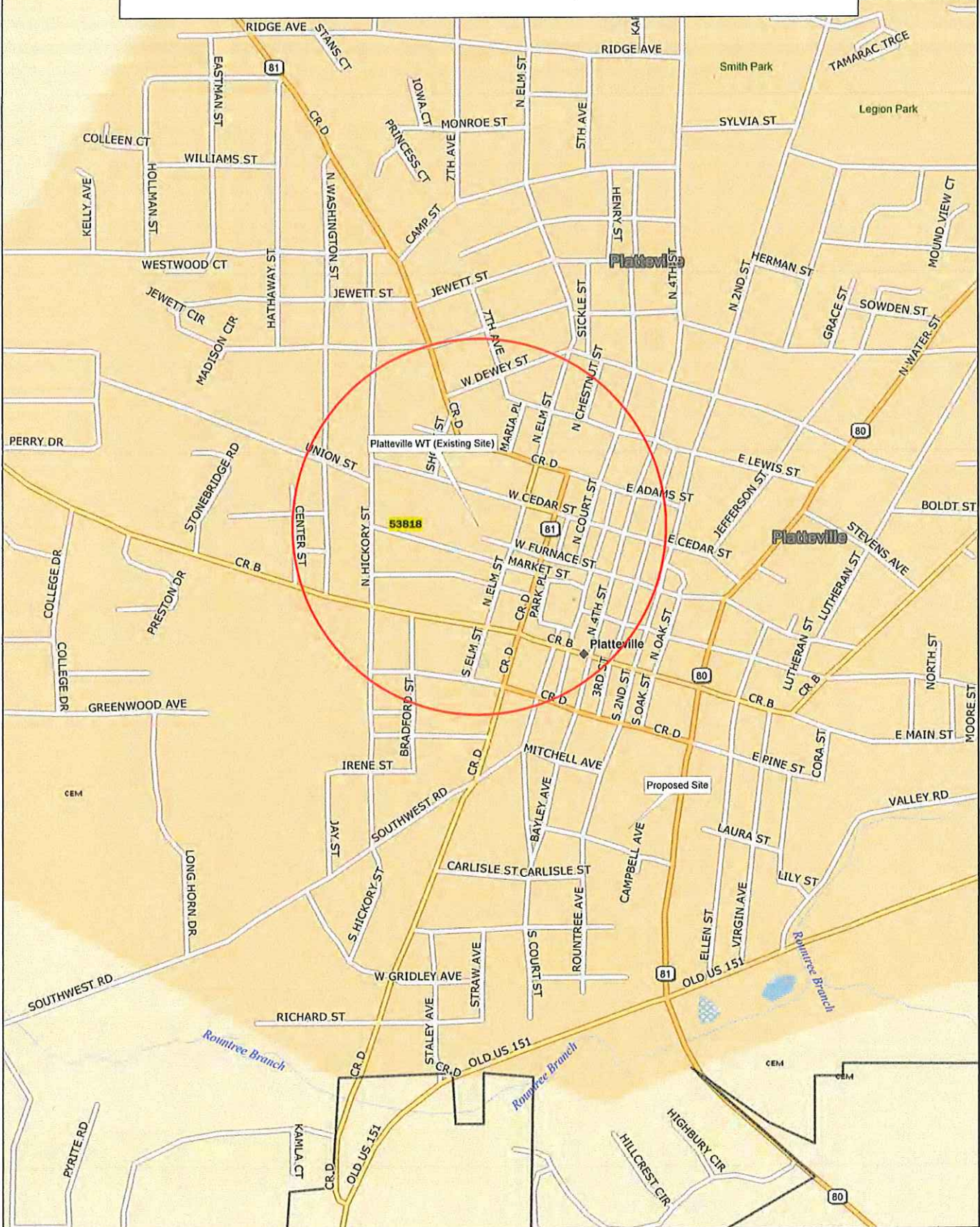


Harrison D. Grittinger
Project Engineer



Kevin T. Scharenbroch, P.E.
Professional Engineer

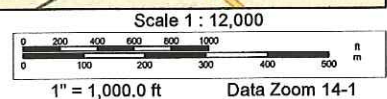
Verizon Wireless Search Area Map: DT Platteville Relo



Data use subject to license.

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www.delorme.com



Platteville Quadrangle, Wisconsin (2018)

Contour Interval = 10 Feet

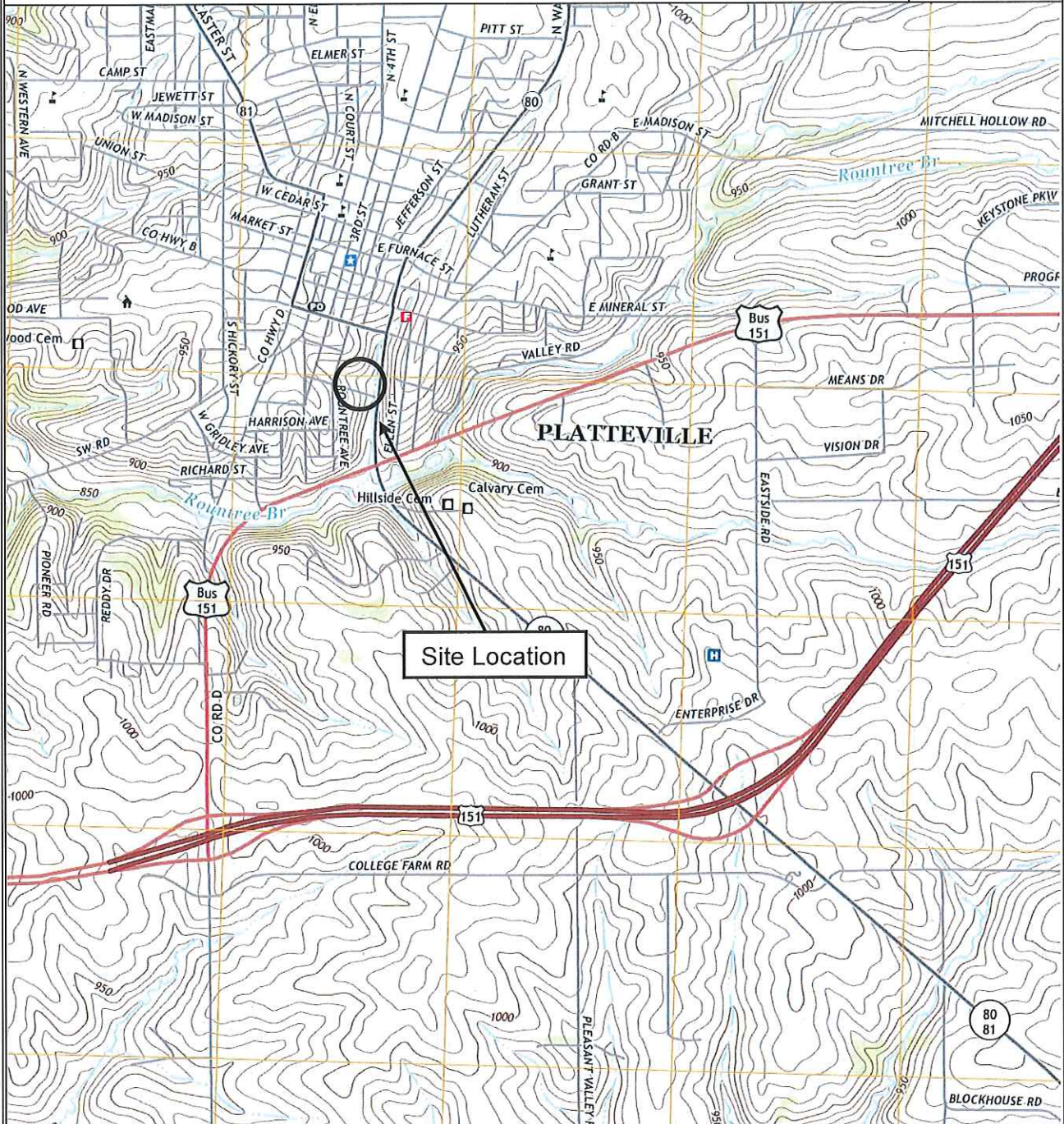
Scale 1 Inch = ~2,000 Feet

Latitude: 42° 43' 50.48" N Longitude: 90° 28' 37.04" W

Township: T3N Range: R1W Section: S15



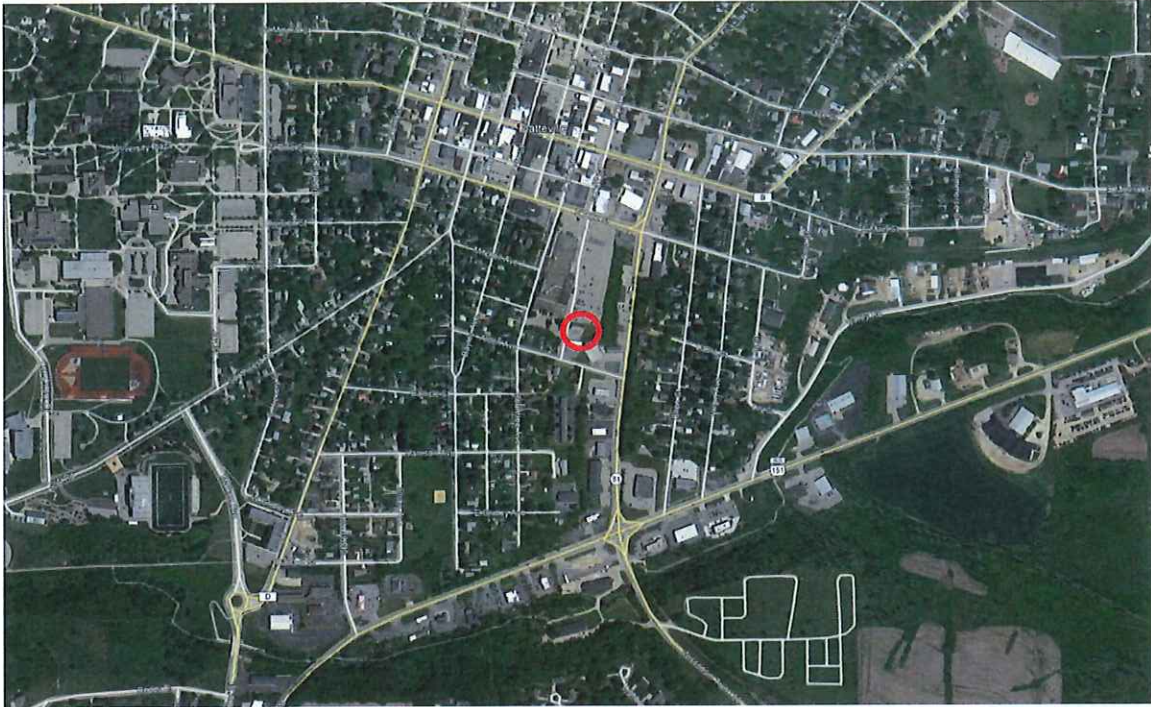
North



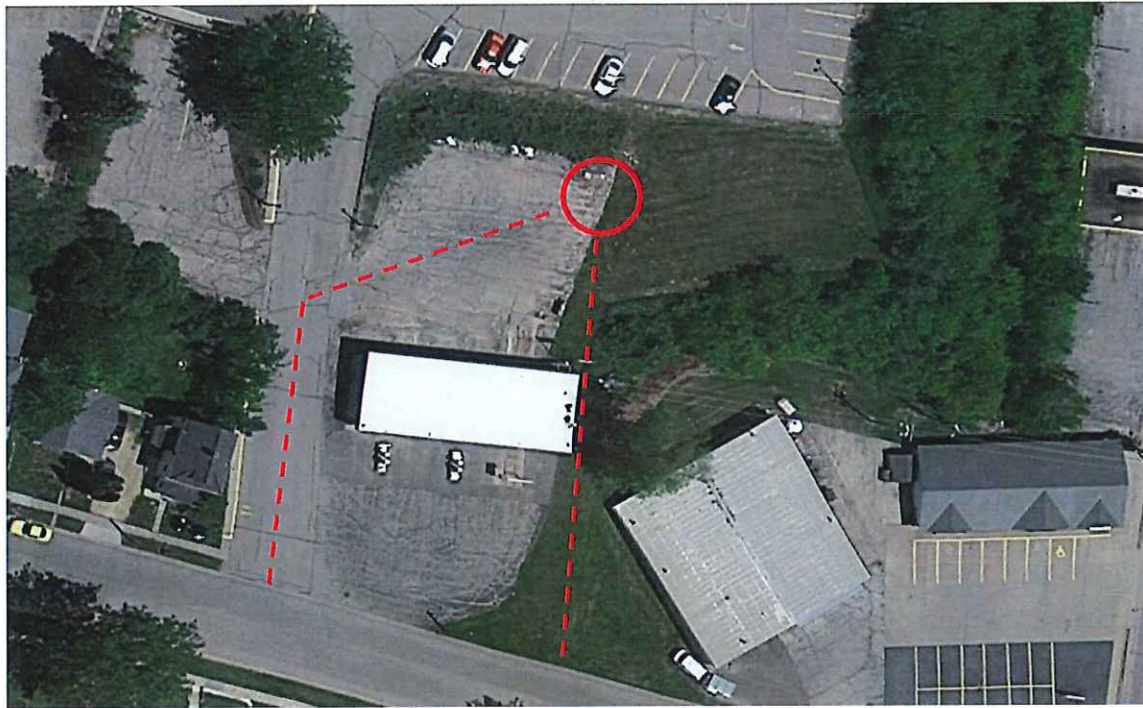
Site Vicinity Map

Centerline Communications LLC – WI-0137 DT Platteville Relo
90 East Alden Avenue
Platteville, WI 53818





Site Location & Surrounding Properties



Site Location



Easement

Aerial Photographs (2015)

Centerline Communications LLC – WI-0137 DT Platteville Relo
90 East Alden Avenue
Platteville, WI 53818



PREPARED FOR
CENTERLINE
 200 W CENTER ST, SUITE 200
 MILWAUKEE, WI 53212
 PHONE: (414) 754-1100
 FAX: (414) 754-1107

PLANS PREPARED BY
TERRA
 1000 W. WISCONSIN AVENUE
 PARK RIDGE, IL 60068
 PH: 815-490-4000
 FAX: 815-490-4001

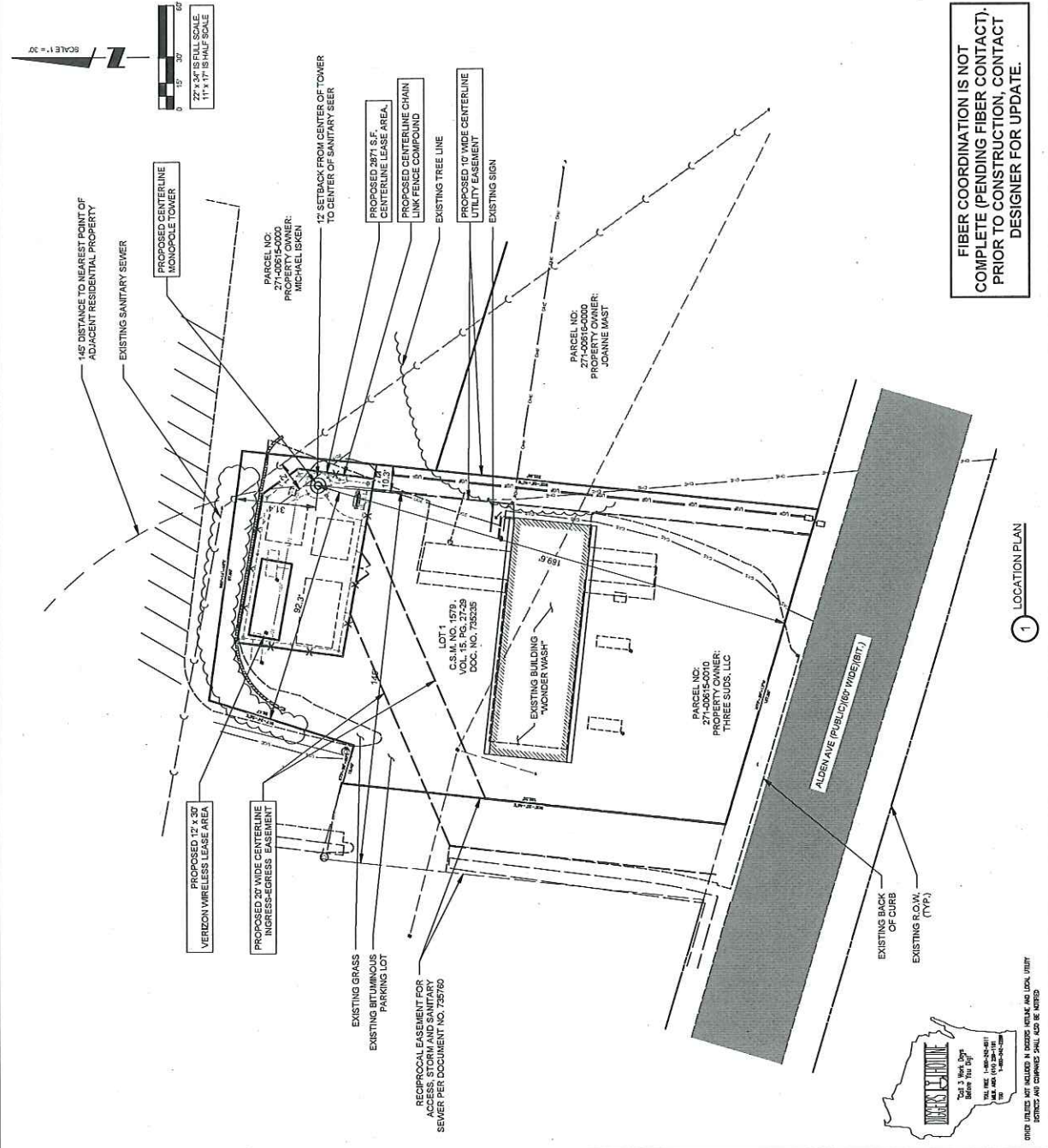
CARRIER
verizon
 1515 WOODFIELD ROAD,
 SUITE 1400
 SCHWAUBURG, IL 60190
 PHONE: (847) 919-5337
 FAX: (847) 706-7415

NO.	DATE	DESCRIPTION	DESIGNED FOR
1	11/09/09	ISSUED FOR REVIEW	TLS
2	11/03/10	ISSUED FOR PERMIT	AM

LOC #198591
 SITE # WI 137
 DT
 PLATTEVILLE

90 E. ALDEN AVE
 PLATTEVILLE, WI 53818

DRAWN BY:	TLS
CHECKED BY:	ES
DATE:	11/04/10
PROJECT #:	170403
SHEET TITLE:	LOCATION PLAN
SHEET NUMBER:	LP



FIBER COORDINATION IS NOT COMPLETE (PENDING FIBER CONTACT). PRIOR TO CONSTRUCTION, CONTACT DESIGNER FOR UPDATE.

1 LOCATION PLAN

LEGEND

- #5 REBAR SET
- IRON PIPE/PIPE FOUND
- ▲ STONE MONUMENT
- ▼ RIGHT-OF-WAY MARKER
- ⊗ COTTON GIN SPRINKLE
- ⊙ POST
- TPOB
- TRUE POINT OF BEGINNING
- (M) DISTANCE MEASURED THIS SURVEY
- (PS) DISTANCE PER PLAT RECORD
- (PK) DISTANCE PER DEED RECORD

PROPERTY LINE

- FENCE
- OVERHEAD POWER LINE
- UNDERGROUND TELCO
- UNDERGROUND POWER
- BURIED WATER LINE
- BURIED GAS LINE
- EDGE OF BUSH/TREES

SURVEY PERFORMED BY:
MERIDIAN SURVEYING, LLC
 N9774 Fieldings 1
 Menasha, WI 54952
 Office: 920-993-0881
 Fax: 920-273-8037

- GENERAL SITE NOTES**
- CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING PAVEMENT, UTILITIES OR STRUCTURES. PRIOR TO CONSTRUCTION, ANY DAMAGE CAUSED DURING CONSTRUCTION SHALL BE REPLACED TO EXISTING OR BETTER CONDITION AT NO ADDITIONAL COST.
 - THE CONTRACTOR WILL UPON BECOMING AWARE OF SUBSURFACE OR LATENT CONDITIONS DIFFERING FROM THE INFORMATION PROVIDED BY THE OWNER VERBALLY AND IN WRITING, AS TO THE NATURE OF THE DIFFERING CONDITIONS, NO CLAIM BY THE CONTRACTOR FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE PLANS AND SPECIFICATIONS SHALL BE VALID UNLESS THE CONTRACTOR HAS SO NOTICED THE OWNER VERBALLY AND IN WRITING, AS REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.
 - CONTRACTOR TO PROVIDE APPROXIMATE 50% STAGING AREA AND ANTENNA CONTRACTOR. A STAGING AREA AND TEMPORARY ROAD THAT IS ACCEPTABLE TO THE OWNER, STAGING AREA AND TEMPORARY ROAD SHALL BE PROVIDED BY THE CONTRACTOR AS NECESSARY UPON COMPLETION OF THE PROJECT.
 - BEFORE AND DURING CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE ADEQUATE EROSION CONTROL AS NECESSARY IN THE FORM OF SILT FENCES, SLOTTED CURBS, SLOTTED DITCHES, AND OTHER EROSION CONTROL MEASURES SHALL BE PERIODICALLY INSPECTED TO ENSURE PROPER FUNCTION. EROSION CONTROL SHALL BE REMOVED UPON COMPLETION OF WORK.



OTHER UTILITIES NOT SHOWN IN RECORDS, MANUAL AND LOCAL UTILITY RECORDS AND COMPANIES SHALL ALSO BE NOTED

PREPARED FOR
CENTERLINE
 120 W CENTER ST. SUITE 202
 WILSONVILLE, OR 97150
 PHONE: (503) 261-9121 FAX: (503) 261-9127
 PLANS PREPARED BY

TERRA
 1000 N. WILSONVILLE RD.
 PARK RIDGE, IL 60067
 PHONE: (847) 593-8200
 FAX: (847) 593-8201

verizon
 CARRIER
 1515 WOODFIELD ROAD,
 SUITE 1500 OHS 60173
 SCHALMERS, OH 44884
 PHONE: (847) 619-5337
 FAX: (847) 788-7415

NO.	DATE	DESCRIPTION	DESIGNED FOR REVIEW	DESIGNED FOR PERMIT
1	11/05/09			
2	11/05/09			
3	11/05/09			
4	11/05/09			
5	11/05/09			
6	11/05/09			
7	11/05/09			
8	11/05/09			

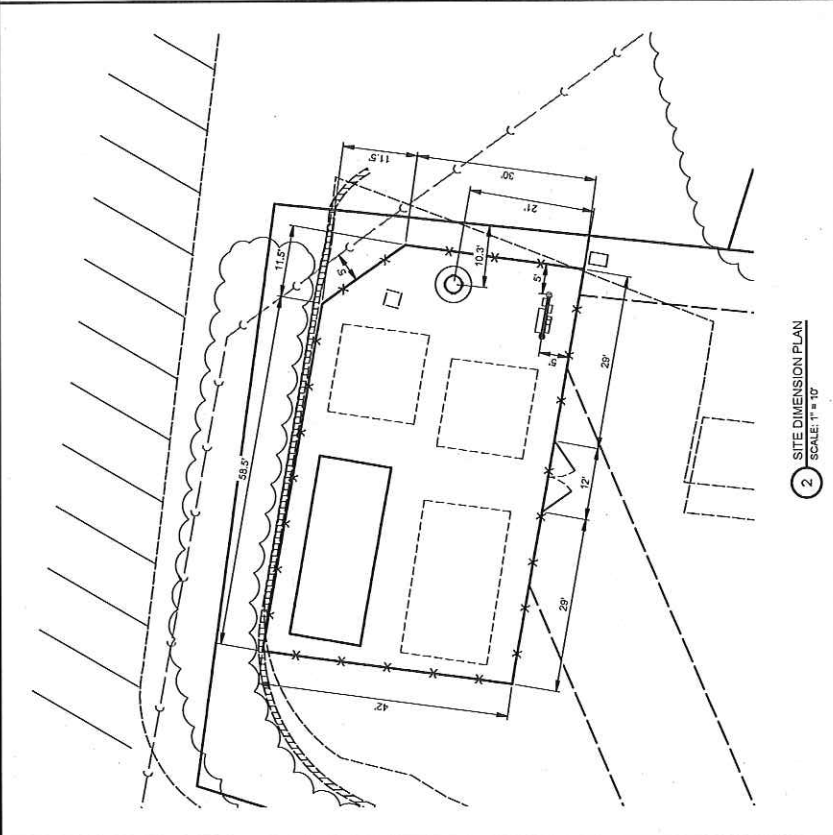
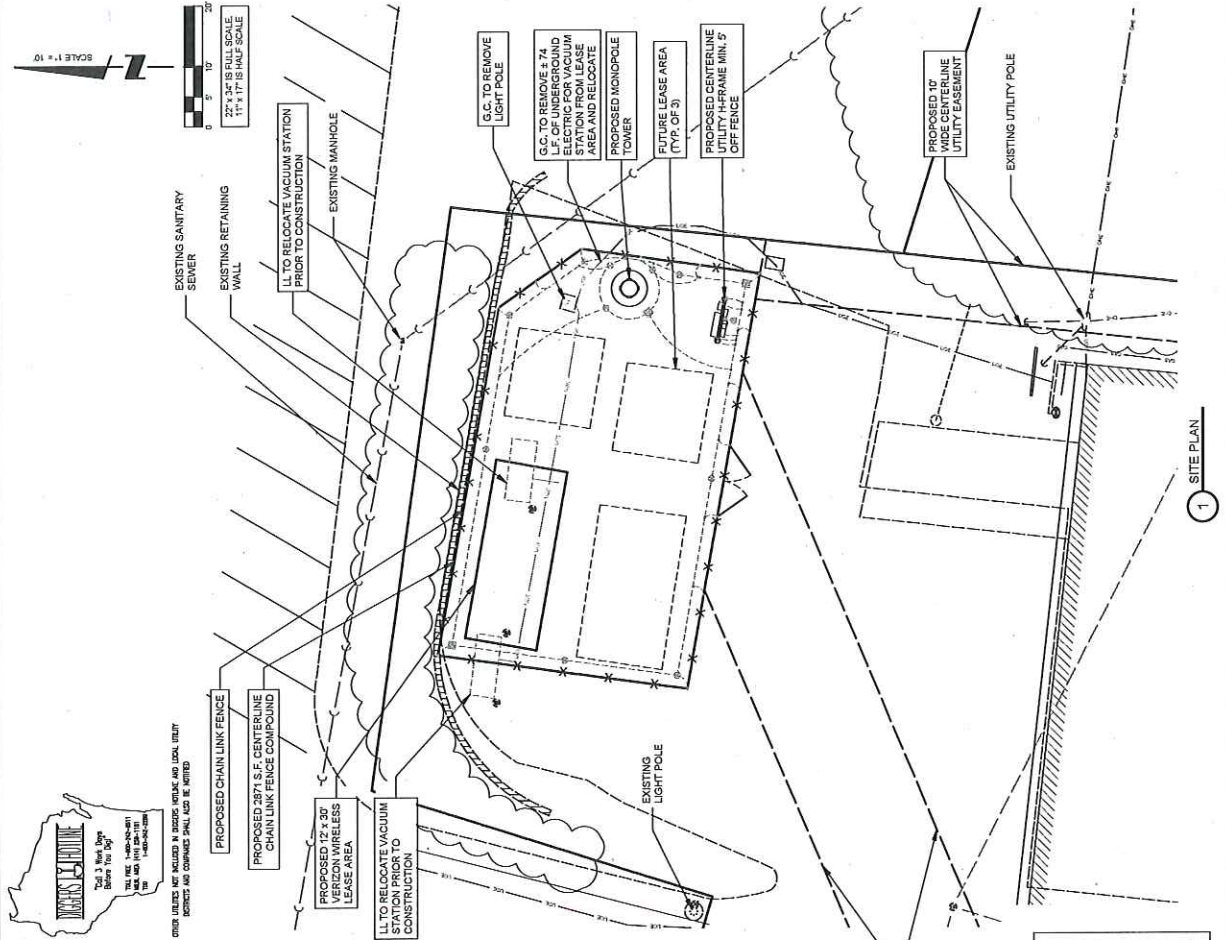
LOC.#198591
 SITE # WI 137
 DT
 PLATTEVILLE

90 E. ALDEN AVE
 PLATTEVILLE, WI 53818

DRAWN BY: TJS
 CHECKED BY: ES
 DATE: 11/05/09
 PROJECT #: 170495

SHEET TITLE
 ENLARGED SITE PLAN

SHEET NUMBER
C-1



2 SITE DIMENSION PLAN
 SCALE: 1" = 10'

SURVEY PERFORMED BY:
MERIDIAN SURVEYING, LLC
 18774 Firelane 1
 Menasha, WI 54952
 Office: 920-953-0881
 Fax: 920-273-6037

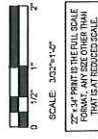
PAVEMENT MATERIAL

ACCESS ROAD (HATCHED)
 3" COMPACTED AGGREGATE BASE COURSE, C46
 6" COMPACTED AGGREGATE BASE COURSE, C46
 1" 300# SUBGRADE GEOTEXTILE FABRIC OR APPROVED EQUAL

LEASE SITE
 3" 5.75" C1
 6" 5.75" C1
 6" 5.75" C1
 300# SUBGRADE GEOTEXTILE FABRIC OR APPROVED EQUAL
 300 L.F. OF FENCING

THE CONTRACTOR SHALL INCLUDE AS PART OF THE BID, THE COST OF REMOVAL OF ANY SURFACE VEGETATION AND ORGANIC SOILS OR ENGINEERED BACKFILL FOR THE AGGREGATE ACCESS DRIVE AND LEASE SITE, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT.

G.C. TO ADJUST HEIGHT OF MOUNT BY
 TO ADJUST HEIGHT OF MOUNTING
 FACILITIES. G.C. IS NOT TO REMOVE OR
 DAMAGE CLIMBING FACILITIES DURING
 INSTALLATION.



2\"/>

PREPARED FOR
CENTERLINE
 COMMUNICATIONS
 200 CENTER ST. SUITE 201
 WILSONVILLE, IN 46095
 PHONE: (317) 260-8100 FAX: (317) 260-8101

PLANS PREPARED BY
TERRA
 ENGINEERS ARCHITECTS
 1000 W. WASHINGTON ST. SUITE 100
 PARK RIDGE, IL 60068
 PH: (847) 696-6666
 FAX: (847) 696-6671

CARRIER
verizon
 1515 WOODFIELD ROAD,
 SUITE 200
 SCHLAUSSVILLE, ILLINOIS 60173
 PHONE: (847) 519-5337
 FAX: (847) 708-7415

NO.	DATE	DESCRIPTION	ISSUED FOR REVIEW	BY
1	11/02/20			AR
2	11/02/20			TS

LOC.#198591
 SITE # WI 137

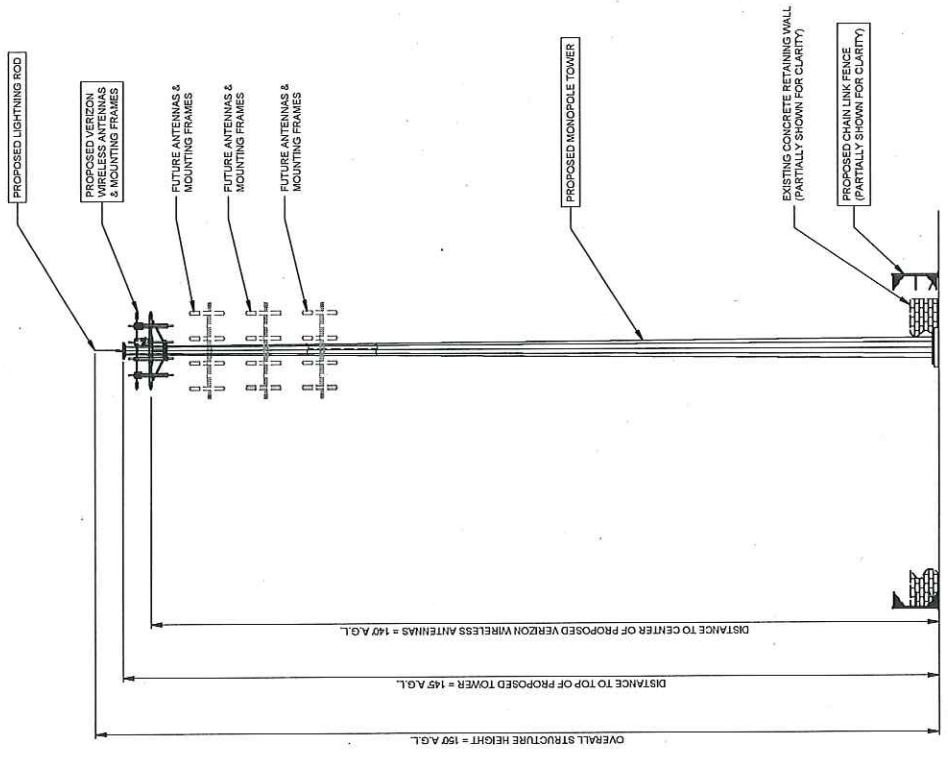
DT
 PLATTEVILLE

90 E. ALDEN AVE
 PLATTEVILLE, WI 53818

DRAWN BY:	TJS
CHECKED BY:	DS
DATE:	11/02/20
PROJECT #:	170015

SHEET TITLE
 SITE ELEVATION

SHEET NUMBER
ANT-1



1 SOUTH ELEVATION
 SCALE: 3/32" = 1'-0"



December 24, 2020

City of Platteville Planning Commission
Platteville City Hall
75 N. Bonson Street
Platteville, WI 53818

Re: Conditional Use Permit Application Submittal/ TowerNorth Development, LLC & Verizon Wireless-New Mobile Service Support Structure and Mobile Service Facility/Three Suds, LLC ("Wonder Wash") Property located at 90 E. Alden Avenue, Platteville, WI 53818.

Dear Planning Commission Members:

Pursuant to your recent questions and request for additional information regarding the Verizon Wireless RF Engineering analysis of the search area and surrounding vicinity leading to the proposed site location that is the subject of the above referenced application, I am respectfully submitting this letter and the enclosed information in hope that it will provide you with the answers you are seeking.

In conformance with Wisconsin State Statutes 66.0404, I previously provided a sworn statement attesting to the fact that a collocation was not feasible for this project as there are no existing structures of any kind within the defined search area available for collocation by Verizon Wireless. This is a fact, and is what lead to the need for the proposed facility featuring the construction of a new mobile service support structure.

In addition to the existing communications tower structures and UW Platteville chimney locations discussed in the application narrative letter, as a part of the search efforts, an analysis was also performed of the downtown area attempting to identify potential rooftop locations that could be targeted for the placement of the Verizon Wireless facilities. Unfortunately, this review did not identify a single building rooftop which could offer enough height to effectively replace the existing site, or that would have provided compatible service to that of the proposed new tower structure at the Wonder Wash property.

To further illustrate, I have prepared the enclosed RF Propagation Maps for your reference. The first map depicts the coverage that the current facility provides to the local area network which the new site location is tasked to replace. The second and third maps depict the anticipated coverage of the two tallest buildings in the downtown area that stood out as the best potential opportunities for a rooftop installation. As the maps denote, these are the Holiday Inn Express and the Jenor Tower Apartments rooftops. The coverage on these maps was modeled using the respective 60' and 85' AGL centerlines for both, which represent the highest estimated available height above the existing rooflines that a ballast frame mount could provide. The fourth and final map is that of the anticipated coverage from the proposed new monopole tower at the Wonder Wash property.

The core need of the existing and replacement facility to the Verizon Wireless local area network is to support service coverage and manage call traffic to and from the center of the City of Platteville. The facility provides reliable indoor coverage to the dense resident populations at the city center, and supports

coverage to the vehicular traffic in and around the heavily traveled State Highways 151, 81, and 80 in and around the city. As the maps depict, facilities located upon the two rooftop locations would offer a substantially smaller footprint of the highest-level signal quality ("Reliable In-Residence") to those target areas than what the proposed replacement site at the Wonder Wash property will provide. Facilities on these rooftops would not nearly meet the local network demands and result in substantially diminished signal and service gaps throughout Platteville. It would also be expected that these coverage gaps and areas of diminished service would continue to increase overtime with the evolution of technology and device demands, resulting in rising impacts to the service quality and/or more frequent service disruptions in these areas. Such a trend would ultimately lead Verizon Wireless to seek additional nearby facilities to achieve the replacement service the proposed site is much better suited to provide.

Finally, as Mr. Schau discussed at the December 7th meeting, one other 'Raw Land' or potential new tower location was evaluated in addition to the proposed location at the Wonder Wash property. This alternate location was on the Village Bikesmith property located at 220 W. Adams Street. Though this candidate was geographically closer to the existing Verizon Wireless facilities which it would replace, it too could not offer an adequate structure height to be considered. Due to the proximity of the available support structure locations on the parcel relative to the surrounding residentially zoned properties, an estimated 70' AGL mounting height is the maximum that can be expected to be achieved. This too was modeled during our evaluation, and returned similar results to the downtown rooftop properties paling in comparison to what the Wonder Wash property could provide.

I am hoping that this additional explanation and the enclosed RF Propagation Maps provide you with the understanding of the review and analysis completed for potential replacement facilities that led to the determination that the proposed new support structure at the Wonder Wash location is the best available option for Verizon Wireless to satisfy its RF Engineering needs for the site, and address the questions raised about these efforts at your most recent meeting.

Sincerely,

Hemal Parikh
RF Engineer
Verizon Wireless



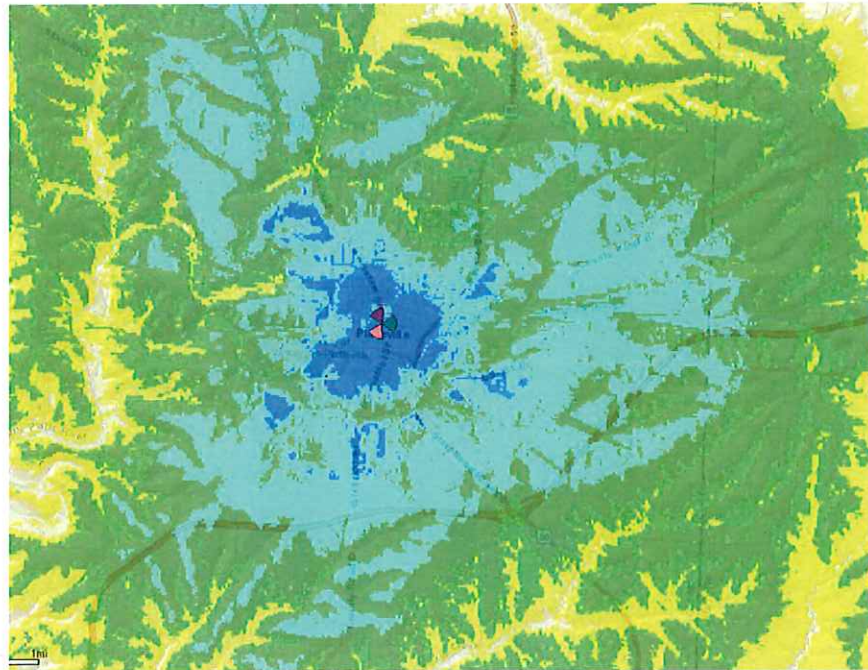
DT Platteville Relo Comparison Coverage Plots

Hemal Parikh, RF Engineer



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Coverage from Existing Site (City Water Tank)



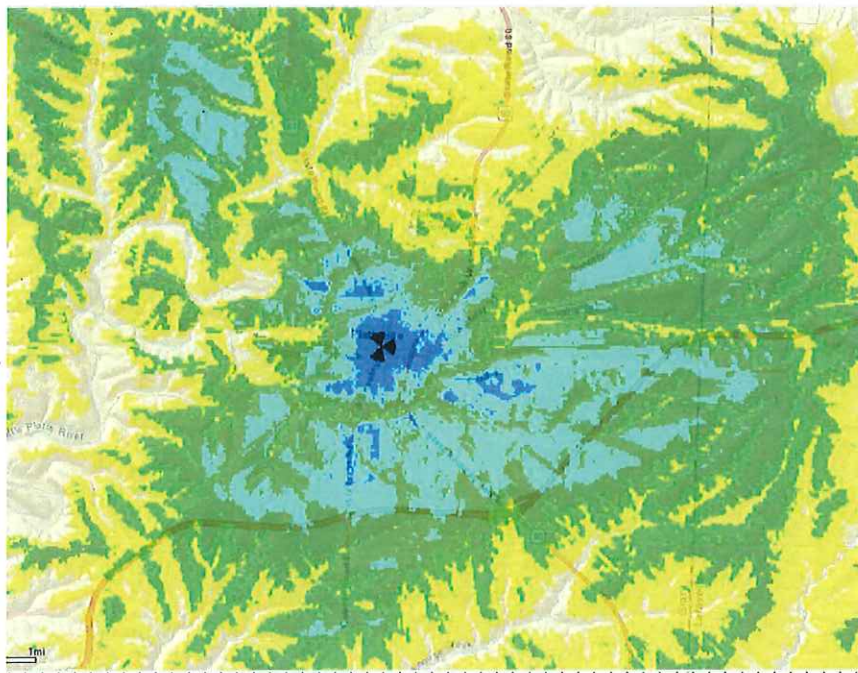
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- RELIABLE ON-STREET

verizon[✓]

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Coverage from Holiday Inn Express Rooftop

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- RELIABLE ON-STREET

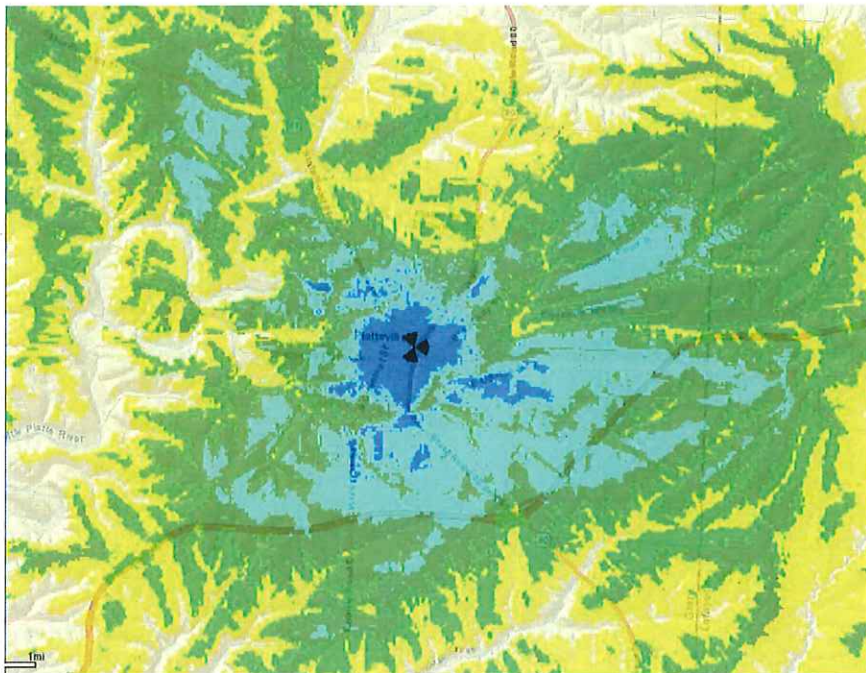


verizon[✓]

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Coverage from Jenor Towers Rooftop

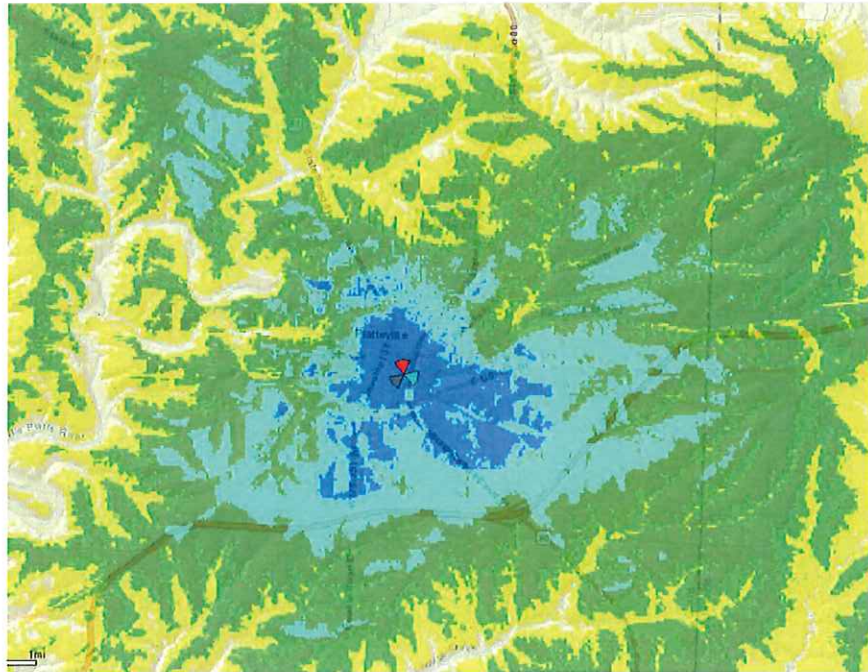
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verizon

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Coverage from Wonder Wash Monopole



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Similar Existing Facilities Report

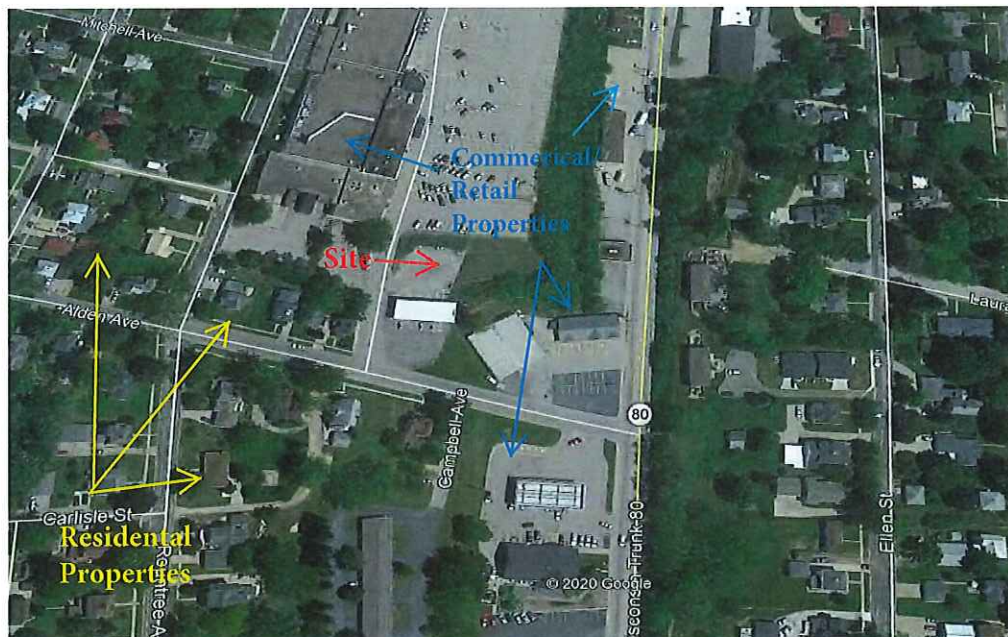
Prepared by: Ton 80 Realty Services, Inc.

Project: DT Platteville Relo

Proposed Structure: New 145' Monopole Tower

Proposed Site Location: Wonder Wash Self Service Car Wash
90 E Alden Street, Platteville, WI

This report has been prepared at the request of the City of Platteville Planning Commission to provide examples of similar existing facilities and locations to the one being proposed by Centerline Communications and Verizon Wireless at the above referenced location. The enclosed report includes existing facilities featuring monopole towers located along and immediately visible to primary arterial commercial corridors serving as an 'entry point' to their respective communities and in direct proximity to bordering residential neighborhoods.





SUMMARY LIST OF EXISTING COMPARABLE FACILITIES

- | | |
|------------------|--|
| Example 1 | VZW Site: Rice Lake South-Rice Lake, WI |
| Example 2 | VZW Site: Wisconsin Avenue-Appleton, WI |
| Example 3 | VZW Site: Gebhardt Road-Brookfield, WI |
| Example 4 | VZW Site: Merrill Relo-Merrill, WI |
| Example 5 | Nsightel Site: DT Shawano-Shawano, WI |

VZW Site Name: Rice Lake South
Tower Type/Height: 95' Monopole Tower
Site Location: 1918 Manwaring Avenue, Rice Lake, WI 54868
Site Coordinates: N45d-28'-52" / W91d-43'-58.51"

Commerical /
Retail /
Restaurant
Properties



Map Description: Tower located in rear yard of self storage facility in S. Main Street Commercial Corridor. Immediately Bordering Rear Yard of Commercial/Retail Properties fronting S Main Street to West, transitioning to office, multifamily, and single family homesites to east.

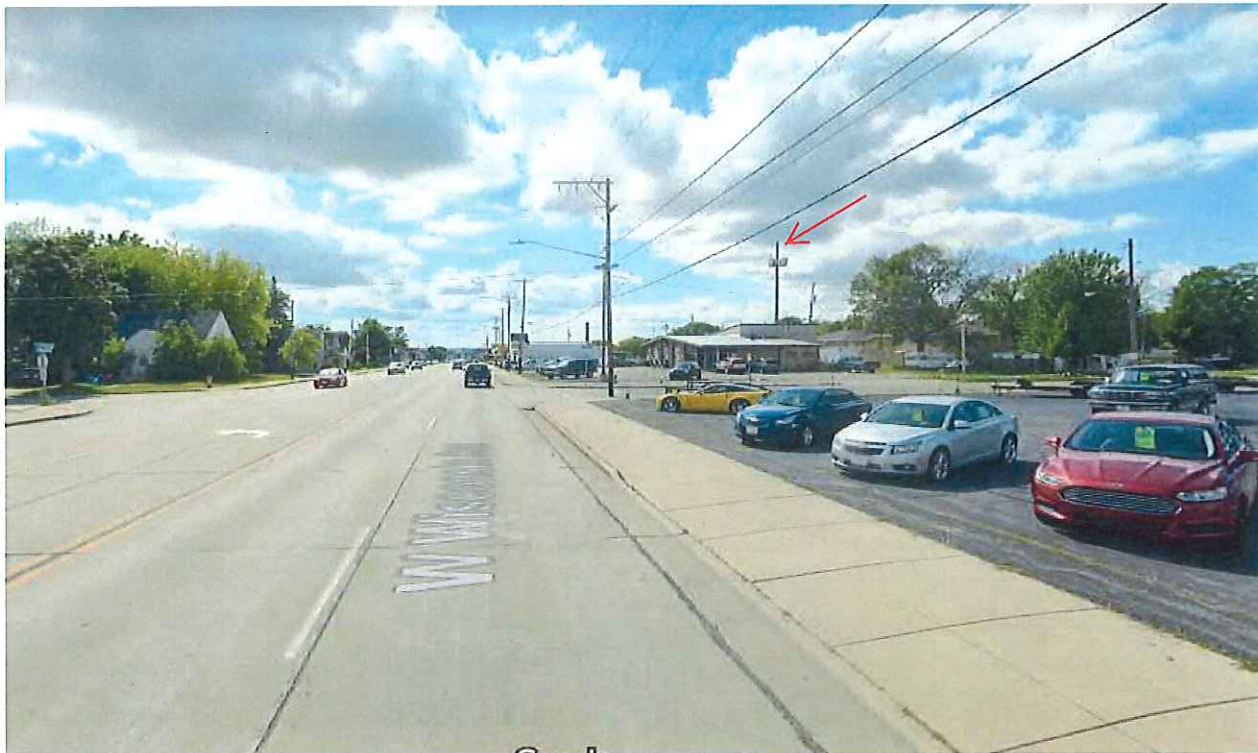


View from S. Main Street

VZW Site Name: Wisconsin Avenue
Tower Type/Height: 100' Monopole Tower
Site Location: 1601 Kamps Avenue, Appleton, WI 54914
Site Coordinates: N44d-16'-25.68" / W88d-25'-50.45"



Map Description: Tower located in rear yard of showroom/auto shop property in W. Wisconsin Avenue Commercial Corridor. Immediately adjacent to multi-family property to east, and interior single family lot and block residential neighborhood to north.



View from W. Wisconsin Street

VZW Site Name: Gebhardt Road
Tower Type/Height: 130' Monopole
Site Location: 11742 W. Bluemound Road, Brookfield, WI 53035
Site Coordinates: N43d-02'-16.36" / W88d-08'-01.61"



Map Description: Tower located in rear yard of powersports dealership in W. Bluemound Road Commercial Corridor. Immediately bordering single family residential and condominium homesites to the north



View from W. Bluemound Road

VZW Site Name: Merrill Relo
Tower Type/Height: 190' Monopole Tower
Site Location: 401 S. Kyes Street, Merrill, WI 54452
Site Coordinates: N45d-10'-39.98" / W89d-40'-17.28"

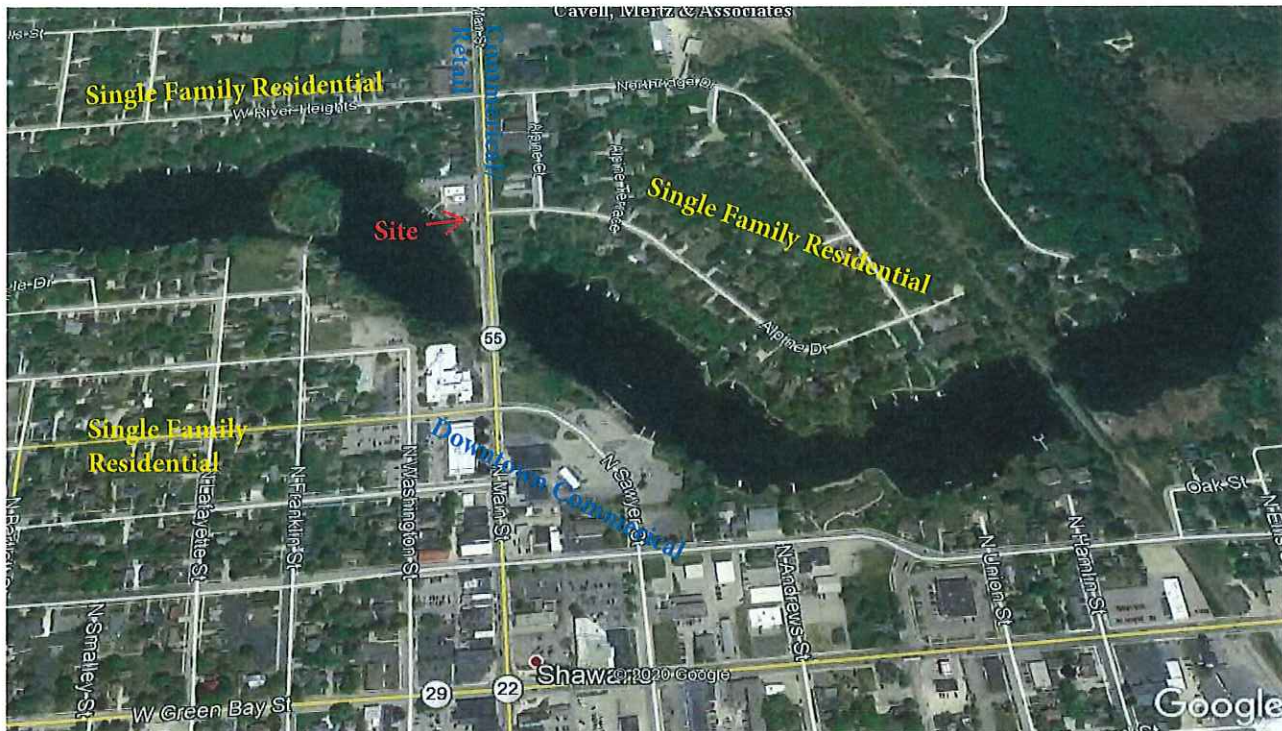


Map Description: Tower located on reclaimed Industrial parcel immediately south of single family residential neighborhood and East Main Street Corridor.



Views from E. Main Street

NSightel Site Name: DT Shawano
Tower Type/Height: 110' Monopole Tower
Site Location: 511 N. Main Street, Shawano, WI 54166
Site Coordinates: N44d-36'-35.4" / W88d-36'-35.4"



Map Description: Tower located in side yard of SR 55/N. Main Street throughfare. Immediately bordering N. Main Street and the Shawano Lake Outlet shoreline to east and south, in direct proximity to single family residential block housing on north side of river transitioning to DT Commercial Corridor on south side of river.



View from N. Main Street



WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

New Law Relating to Local Regulation of Cell Phone Transmission Towers

The 2013 Biennial Budget Act modified the regulatory powers of local governments in regard to cell phone towers. The new law specifies the manner in which a political subdivision can use zoning to regulate cell phone towers and lists specific regulations that a political subdivision may not apply.

OVERVIEW

The primary tool used by political subdivisions of the state to regulate the siting and construction of cell phone transmission towers, and other land uses, is zoning. Zoning serves to separate incompatible land uses by segregating them in zones, such as residential, commercial, and industrial zones. A typical zoning ordinance identifies land uses that are prohibited in a particular zone, those that are permitted, and those that are permitted subject to a conditional use permit. For example, cell phone towers are a land use that, under prior law, might have been prohibited in a residential zone but allowed, subject to a conditional use permit, in other zones. Note that not all political subdivisions have zoning ordinances, and those with zoning ordinances vary considerably in how they regulate various land uses.

Two other tools available to political subdivisions to regulate cell phone towers are building codes and other, non-zoning police-power regulations, such as license requirements. Again, not all political subdivisions require building permits; it is not known how many have enacted other police-power regulations, but it is presumed to be very few.

The new law created in 2013 Act 20 states specifically that a political subdivision may regulate cell phone towers under a zoning ordinance, but places strict limits on how it may do so. It specifies the procedures and standards a political subdivision must use in reviewing applications for permits to construct or modify towers. It also lists specific limitations or regulations that a political subdivision may not impose on the construction or modification of a tower. Significant among these, it specifies that a political subdivision may not prohibit the placement of cell phone towers in particular locations within the political subdivision, meaning essentially that it may not designate cell phone towers as a prohibited use in any zone.

The new law does not disturb existing building code requirements, but it expressly prohibits any regulation of cell phone towers except by zoning ordinances, as specified in the law, and building codes.

APPLICABILITY

The new law applies to local regulation of three types of projects, all for the installation of various types of cell phone transmission facilities:

- Projects requiring construction of a new tower.
- Projects requiring substantial modification of an existing tower and facilities, but not construction of a new tower. Projects of this type are referred to as “class 1 collocations.”
- Projects requiring neither construction of a new tower nor substantial modification of an existing tower and facilities. Projects of this type are referred to as “class 2 collocations.”

The new law defines “substantial modification” as a project that does any of the following:

- For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
- Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

The law defines “permit” as “a permit, other than a building permit, or other approval required by a political subdivision” for one of these types of projects. It defines “political subdivision” as a city, village, town, or county.

The new law specifies that a county ordinance to regulate the construction of a new tower or a class 1 collocation applies only in the unincorporated areas of the county, but not in any town that has such an ordinance in effect. It does not include a parallel provision regarding the applicability of county ordinances regulating class 2 collocations.

PERMITTED REGULATIONS AND REQUIRED PROCESSES

The new law specifies the regulations a political subdivision may impose on cell phone transmission towers and facilities, and the process a political subdivision must follow in reviewing an application for a permit.

PROJECTS REQUIRING NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATIONS

The new law treats a project requiring substantial modification of an existing tower and facilities the same as a project requiring construction of a new tower.

Permitted Regulations

The new law specifies that a political subdivision may enact a zoning ordinance to regulate any of the following:

- The construction of cell phone towers.

- The substantial modification of existing towers and facilities (class 1 collocations).

However, it specifies that a political subdivision may only regulate these activities as provided in the law, and that any ordinance in effect on the effective date of the law that is inconsistent with the law does not apply to the activities and may not be enforced against them.¹

Required Processes

The new law requires that an ordinance prescribe the application process for obtaining a permit or approval. The ordinance must require that an application include all of the following:

- The name and business address of, and the contact individual for, the applicant.
- The location of the proposed or affected tower.
- The location of the proposed facilities.
- A construction plan that describes the proposed new tower and facilities or the proposed modifications to the existing tower and facilities.
- If an application is to construct a new tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement attesting to one of the following regarding collocation within the area in which the applicant needs to site the new facilities (termed the applicant's "search ring"):
 - Collocation would not result in the same mobile service functionality, coverage, and capacity.
 - Collocation is technically infeasible.
 - Collocation is economically burdensome to the mobile service provider.

The new law specifies that an application is complete if it contains all the information described above; by implication, a political subdivision may not require any additional information from an applicant. If a political subdivision does not believe that an application is complete, it must notify the applicant of this in writing, within 10 days of receiving the application. The notice must specify in detail the information that was lacking from the application. The applicant may refile the application as many times as is needed to complete it.

Within 90 days of receiving a complete application, a political subdivision must do all of the following:

- Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in the new law, zoning ordinances.
- Make a final decision whether to approve or disapprove the application.

¹ The law appears to contemplate that a political subdivision will require a person engaging in one of these activities to obtain a conditional use permit, since the language does not allow treating them as prohibited uses. However, a political subdivision could elect to treat them as permitted uses.

- Notify the applicant, in writing, of its final decision.
- If the decision is to disapprove the application, include with the written notification substantial evidence that supports the decision.

If the political subdivision fails to comply with these requirements by the 90-day deadline, the application is considered approved, except that the political subdivision and the applicant may agree to extend the deadline.

A political subdivision may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within its "search ring" and to provide the sworn statement required in the application.

A party that is aggrieved by the political subdivision's final decision may appeal the decision to the circuit court for the county in which the project was proposed. This appears to allow the aggrieved party to appeal to circuit court without first exhausting administrative reviews at the level of the political subdivision.

Limitations

The new law specifies that a zoning ordinance does not apply to a particular structure if the applicant provides the political subdivision with an engineering certification showing that the structure is designed to collapse in a smaller area than the setback or fall zone area required in the ordinance. However, the political subdivision may apply the ordinance to the structure if it provides the applicant with substantial evidence that the engineering certification is flawed.

PROJECTS REQUIRING NEITHER NEW CONSTRUCTION NOR SUBSTANTIAL MODIFICATIONS

As noted earlier, the new law refers to projects that involve neither new construction nor substantial modifications of towers as "class 2 collocations."

Permitted Regulations

The new law specifies that a class 2 collocation is a permitted use under a zoning ordinance. It also provides that class 2 collocations are subject to the same building permit requirements as other commercial development or land use development.² Again, the law specifies that a political subdivision may only regulate class 2 collocations as provided in the law, and that any ordinance in effect on the effective date of the law that is inconsistent with the law does not apply to class 2 collocations and may not be enforced against them.

Required Processes

The new law specifies a process for the review of "an application for a permit to engage in a class 2 collocation."³ The process is a simplified version of the process for other projects, described above. It differs from that process in the following ways:

² The provisions of the new law relating to construction of a new tower or a class 1 collocation do not include a similar statement, but the review process does require the political subdivision to determine whether the proposed project complies with its building code.

³ As noted above, a class 2 collocation is a permitted use under a zoning ordinance, so there can be no conditional use permit to apply for. Further, building permits are excluded from the definition of "permit," so the procedures described here do not apply to a building permit application. Consequently, it appears that the new law contemplates that a political subdivision may require a person engaging in a class 2 collocation to apply for a

- Only the first three items of information (identifying the business and the location of the project) are required for an application.
- The political subdivision must inform the applicant of deficiencies in the application within five days of receiving the application, rather than 10 days.
- The political subdivision must complete its actions within 45 days of receiving a complete application as opposed to 90 days, and the list of actions it must complete is slightly different:
 - Make a final decision whether to approve or disapprove the application.
 - Notify the applicant, in writing, of its final decision.
 - If the decision is to approve the application, issue the applicant the relevant permit.
 - If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- The application is not considered automatically approved if the political subdivision does not take final action within the specified time frame.

LIMITATIONS ON POLITICAL SUBDIVISIONS' ACTIONS

Under the new law, a political subdivision may not do any of the following with regard to the construction of a new cell phone tower or a class 1 or class 2 collocation:

- Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
- Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
- Enact an ordinance prohibiting the placement of a cell phone tower in particular locations within the political subdivision.
- Charge a cell phone service provider a fee in excess of one of the following amounts:
 - For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by the political subdivision for a building permit for any other type of commercial development or land use development.
 - For a permit for construction of a new tower or a class 1 collocation, \$3,000.
- Charge a cell phone service provider any recurring fee for a project covered by the law.
- Permit third-party consultants to charge the applicant for any travel expenses incurred in the consultant's review of cell phone service permits or applications.

determination that the activity is, in fact, a class 2 collocation; that is to say, a determination that the political subdivision will not require a conditional use permit for the activity. This Information Memorandum assumes that it is an application for this type of approval to which the process described here applies.

- Disapprove an application based solely on aesthetic concerns.
- Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
- Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. The law is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this limitation.
- Prohibit the placement of emergency power systems.
- Require that a cell phone tower be placed on property owned by the political subdivision.
- Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- Condition approval of such activities on the agreement of the owner of the facilities to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.
- Limit the duration of any permit that is granted.
- Require an applicant to construct a distributed antenna system instead of either constructing a new tower or using collocation.
- Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.
- Require that a mobile cell phone tower or facilities have or be connected to backup battery power.
- Impose a setback or fall zone requirement for a cell phone tower that is different from a requirement that is imposed on other types of commercial structures.
- Consider a project to be a substantial modification if the project adds more than 20 feet to the height of a tower that is not more than 200 feet tall but the greater height is necessary to avoid interference with an existing antenna.
- Consider a project to be a substantial modification if the project adds 20 feet or more to the diameter of the tower but the greater diameter is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- Limit the height of a cell phone tower to under 200 feet.
- Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.
- Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the

applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by David L. Lovell, Principal Analyst, on December 9, 2013.

WISCONSIN LEGISLATIVE COUNCIL

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