

Bollen

**CONDITIONAL USE PERMIT
U. S. CELLULAR PERSONAL WIRELESS SERVICE ANTENNAS**

A petition having been filed by Peter A. Bradley, On behalf of U. S. Cellular, Inc., for permission to allow the installation of two 12-foot wood poles upon which three panel cellular communication antennas will be mounted near of the Olde Highlander ski hill, and requesting a conditional use permit, upon which there has been the following proceedings:

- Preapplication meetings between the owner, the Zoning Administrator and appropriate City staff to discuss the general concept, etc. (§17.905(2)(b)).
- Zoning Administrator determination that the application is complete as required by §17.905(4)(a).
- City Planner/Zoning Administrator evaluation of the written justification for the conditional use and determination if the proposed conditional use is in harmony with the Master Plan of the City as required by §17.905(4)(b).
- After due notice, a public hearing was held before the Plan Commission on May 9, 2001.
- Plan Commission has adopted the memorandum report of the City Planner as the Plan Commission's report and has, in general, adopted the findings of fact set forth therein (Exhibit A).
- Plan Commission has, by motion duly made, seconded and carried, at its regular Plan Commission meeting of May 9, 2001, recommended to the Common Council of the City of Oconomowoc that a conditional use be granted to U. S. Cellular, Inc., to install two 12-foot wood poles with three antennas near the top of the ski hill, and related equipment in the equipment cabinet to be built at the top of the Olde Highlander ski hill.
- Plan Commission has forwarded its report and recommendation to the Common Council for final action by the Council.
- Common Council has reviewed the Plan Commission's recommendations and the proposed written conditional use permit.

The Common Council hereby accepts the Plan Commission's recommendation.

The Common Council of the City of Oconomowoc does hereby make the following findings of fact and does hereby grant a conditional use to U. S. Cellular, Inc. for the installation of communication antennas near the top of the Olde Highlander ski hill and an equipment cabinet next to the Sprint/PrimeCo cabinet monopole at the base of the existing 40-foot monopole on the ski hill, subject to the conditions set forth below.

FINDINGS OF FACT

The findings of fact listed on pages 1, 2 and 3 of City of Oconomowoc Planning Staff Report No. 01-29 adopted as the City Plan Commission's report are hereby incorporated herein by reference. See Exhibit A.

CONDITIONS

1. Plan of Operation. The plan of operation submitted by the applicant and on file in the Office of the City Clerk is hereby approved and is incorporated herein by reference. If any terms of the plan of operation conflict with provisions of this conditional use permit, the provisions of the conditional use permit shall control.
2. Site Plan. The site plan submitted by the applicant and on file in the Office of the City Clerk is hereby approved and incorporated herein by reference.
3. Subject Property. The conditional use permit issued to U. S. Cellular, Inc., hereafter referred to as the "applicant," shall be limited to the property described in the application.
4. Initially Approved Activities. The applicant may install two 12-foot wood poles, one on the west side of the ski hill and one on the east side of the hill, with one 8-foot antenna attached to the west pole and two 8-foot antennas attached to the east wood pole. The antennas shall not extend above the wood poles or above the top of the ski hill
5. Landscaping and Color. The U. S. Cellular antennas shall be screened with evergreen trees to minimize the view of the antennas from off-site. In addition, the antennas and poles shall be painted a soft earth tone color.
6. Cables and Wiring. All cables and wiring to and from the antennas and equipment to operate the site shall be contained within the U. S. Cellular equipment cabinet.

7. Other Activities. The applicant shall provide to the City a list of activities for which the property and facilities are to be used. The list shall be kept current and no change in the activities shall be permitted without prior approval of the City Plan Commission.

8. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the City Plan Commission.

9. Network Master Plan. A master plan for the communication network operated by the applicant in the City of Oconomowoc shall be prepared and filed that represents the current and future needs of U. S. Cellular, Inc., in the Oconomowoc area, and shows anticipated additional antenna sites in the area.

10. Removal. All antennas and/or other communication equipment shall be removed from the site within 45 days after the termination of use by U. S. Cellular, Inc.

11. Interference. Antennas shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport. The telecommunications antennas shall not interfere with radio and television reception in the area based upon applicable Federal Communication Commission (FCC) regulations.

12. Annual Report. An annual field report to verify compliance with all accepted federal standards, including the project's cumulative field measurements of radio frequency power densities, quantification of total radio frequency exposures, and comparisons of these exposures with the accepted American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) standards, and any subsequently adopted federal standards, shall be submitted to the City. The report(s) shall be prepared by an engineer who shall qualify the project's radio frequency exposures and compare them with the ANSI/IEEE standards.

13. Signage. No form of advertising shall be allowed on the antennas, buildings or grounds associated with the antenna use.

14. Outdoor Storage. No outdoor storage shall be permitted on the subject property.

15. Junk. No junk shall be accumulated or stored on the subject property. No burying or burning of junk is permitted on the subject property.

16. Licenses. The applicant shall be required to obtain any and all required licenses and permits from the City, County,

State and Federal government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of the conditional use permit.

17. Lawful Operation. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in the conditional use permit shall be deemed to authorize any public or private nuisance or constitute a waiver, exemption or exception of any law, ordinance, order, or rule of the City of Oconomowoc or other duly constituted authorities. The conditional use permit shall not be deemed to constitute a building permit, nor shall the conditional use permit constitute any other license or permit required by law or City ordinance.

18. Federal, State, and Local Regulations. The applicant shall comply with all federal, state, and local regulations in the construction, operation, and maintenance of the proposed facilities.

19. Acceptance. The applicant, upon the granting of the conditional use permit, shall agree to accept the same in writing.

20. Fees and Expenses. The applicant, upon issuance of the conditional use permit, shall reimburse the City for all expenses incurred in issuing the permit, including but not limited to, expenses for the City Engineer in approving and granting the conditional use permit.

21. Noise. No activity shall be conducted or operated that would result in noise levels equal to or in excess of 54 dB(A) measured at the property line of the subject property.

22. Plans. The applicant is required and must have all plans current, approved by the Plan Commission, and on file with the City Planner. The applicant shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to approval by the Common Council after review by the Plan Commission. Any amendment and/or change in any plan will require review and a public hearing in accordance with Section 17.905 of the City of Oconomowoc Zoning Ordinance.

23. Review. The Plan Commission reserves the right to review the operation and amend the conditional use permit as the Plan Commission deems appropriate.

24. Effective Date. The conditional use shall not become effective until the Network Master Plan, referred to in Paragraph 9 of these conditions has been filed with the City Planner.

DATED: May 15, 2001

CITY OF OCONOMOWOC

By: J. Thomas Foti
J. Thomas Foti, Mayor

Attest: Ardyce Senfleben
Ardyce Senfleben, Clerk

ACCEPTANCE

This conditional use is accepted, and applicant/permittee agrees to abide by the terms thereof.

U. S. CELLULAR, INC

By: [Signature]