

FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from section 10.255(2)(b):

"No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met."

PLEASE INDICATE THE APPROPRIATE FINDING
FOR EACH STANDARD (CHECK ONE / STANDARD)

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| 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare. | 1. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use. | 2. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. | 3. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located. | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

Findings of Fact for CUP 2157 for Amended Town Action Report

At a Rutland Town Board meeting held on May 3, 2011, the Board unanimously voted to accept the Planning Commission unanimous recommendation to submit an updated Town Action Report to reflect the following Findings of Fact. Each standard was voted on separately.

Standard #1 was found to be "not satisfied" because:

- a. The Comprehensive Plan calls for preservation of the Town's rural character, and the tower would conflict with that. At almost 500 feet it is out of scale with everything else in the Town.
- b. The tower would be lighted causing the tower lights to be visible to nearby residents every night.
- c. The Tower would be visible from much of the town, including the nearby wildlife areas.
- d. The Town's assessor estimated a 5% to 15% assessment drop for properties within a half mile of the tower. We have had multiple owners say that they would not have purchased their parcels had the Tower been there or had they known the tower was being proposed.
- e. There have been multiple studies that have shown that lighted towers can have negative impacts on bird populations.
- f. The Town's Communication Tower ordinance calls for the Town to consider the impact of towers on the viewscape from wildlife areas, two of which are very near this proposed tower.

Standard #2 was found to be "not satisfied" for all of the same reasons stated above for Standard #1.

Standard #3 was found to be "not satisfied" for all of the same six reasons stated in Standard #1 and Standard #2.