

**BOARD OF ADJUSTMENT STAFF REPORT
SP-01-11**

Sauk County/Cloud 1, LLC.
Public Hearing Scheduled for: 02/24/11

1. Request

A request for a special exception permit to authorize the construction of a 300 foot cellular communication tower at the site of the closed Sauk County landfill.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is zoned Resource Conservancy District-5, on real estate described as: E8795B Evergreen Ln., part of the SW ¼, NW ¼, section 14, T12N, R5E, Town of Excelsior.	<u>Permits:</u> A permit was issued in 1982 for a shelter for the shooting range and again in 2009 for a new range building with a septic system and a training center.	A special exception permit was granted in 2008 to relocate the Sauk County Officers shooting range.	None found

3. Finding of Fact:

The Sauk County Range Officers Range Association has operated a training facility at this location for approximately thirty years. The county landfill was in operation from 1973 until 2005. The County has close to 340 acres at this location. The nearest existing cell tower is located in the NW ¼, NW ¼ of section 24 approximately mile to the southeast of this site.

When reviewing an appeal of a special exception permit for a wireless communication facility, the Board of Adjustment looks at several criteria, including the performance standards of section 23.08.

The applicant has stated in their letter of intent that the proposed 300 foot tall tower is setback over 1000 feet from all roads and buildings. The site will be accessed with a gated 12 foot wide gravel driveway and secured with a chain link fence. They have also stated that they intend to permit collocation to other carriers and Sauk County. A lease has already been executed with Sauk County for the proposed tower site.

Surrounding Properties		Floodplain/Wetland	Other:
North	Forested and agricultural properties with few residences.	Floodplain map, panel 5511C0250 E, effective date 12-15-09 the existing site is not located in the floodplain. There are no mapped wetlands indicated in this area.	
South	Agricultural and few residential properties.		
East	Forested and agricultural lands.		
West	Residential and agricultural properties.		

4. Plan Commission/Town Recommendation

The Town of Excelsior’s Plan Commission and Town Board approved the request on November 20, 2010.

5. Planning and Zoning Recommendation

Planning and zoning recommends that the following conditions be considered by the Board should the Board grant the special exception permit.

A. All work on and use of the premises shall proceed with the plans and supplemental evidence presented at the hearing. It is the responsibility of the applicant to secure all required Town, State, Federal and County permits within one year of the hearing date.

B. The tower shall be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1K Change 2, Obstruction Marking and Lighting, a med-dual system-- Chapters 4, 8 (M-dual), & 12.

C. Sauk County Planning and Zoning shall be granted permission to view the site to ensure compliance with these conditions and other relevant provisions of Sauk County Ordinances. The power to ensure compliance with these conditions is given to Sauk County Planning and Zoning. If the department finds that any of these conditions have been violated, they are hereby authorized to take corrective action, either through suspension of the permit, citations or by any means of enforcement that is within their power.

D. Failure by the Applicant to follow all of the conditions set forth by the Sauk County Board of Adjustment is grounds for suspension or revocation of the special exception permit and possible enforcement action. In order to have the special exception permit reinstated after suspension, the applicant must comply with all conditions established by the Board of Adjustment, as determined by the Sauk County Planning & Zoning Director or appear in front of the Board of Adjustment. In order to have the special exception permit reinstated after revocation the applicant must appear in front of the Board of Adjustment for a new hearing and comply with all requirements as outlined in this letter.

Report submitted by David D. Lorenz