

**BOARD OF ADJUSTMENT STAFF REPORT
SP-15-11**

U.S. Cellular Operating Company, LLC./ Alan Albers
Public Hearing Scheduled for: 07/28/11

1. Request

A request for a special exception permit to authorize the construction of a 300 foot cellular communication tower in the Town of Honey Creek.

2. History

Location/Zoning	Permits Issued	Previous Appeals	Citations
Property is zoned Exclusive Agricultural, on real estate described as: part of the SE ¼, NE ¼, section 24, T10N, R4E, Town of Honey Creek.	<u>Permits:</u> None found	None found	None found

3. Finding of Fact:

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 600 feet from property lines of adjacent owners. The site will be accessed with a 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. An agreement has been provided by the owner to permit U. S. Cellular to act on his behalf to secure the permits required for this facility.

Surrounding Properties		Floodplain/Wetland	Other:
North	Agricultural and residential properties	Floodplain map, panel 5511C0504 E, effective date 12-15-09 the proposed site is not located in the floodplain. There are no mapped wetlands indicated in this area.	
South	Agricultural properties.		
East	Agricultural and few residential properties..		
West	Agricultural and few residential properties.		

4. Plan Commission/Town Recommendation

The Town of Honey Creek has not yet responded to this request.

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 Conservation, 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 Conservation, 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 Conservation, 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