

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

---

**CLOUD 1 SERVICES, LLC**, a Wisconsin  
limited liability company

Plaintiff,

v.

**THE BOARD OF ADJUSTMENT OF  
MADISON COUNTY**, an administrative  
body created by the Madison County Board  
of Supervisors

Case No.: 4:20-cv-281

and

**MADISON COUNTY**, a county in the State  
of Iowa,

Defendant.

---

**COMPLAINT**

---

The Plaintiff, Cloud 1 Services, LLC, by its attorneys, Husch Blackwell LLP, for its Complaint against the defendants, the Board of Adjustment of Madison County and Madison County alleges:

**THE PARTIES**

1. Plaintiff, Cloud 1 Services, LLC (“Cloud 1”), is a Wisconsin limited liability company registered to do business in the State of Iowa, with a principal business address of 417 Pine Street, Green Bay, Wisconsin 54301.

2. Defendant, the Board of Adjustment of Madison County, Iowa (the “Board”) is an administrative body created by the Madison County Board of Supervisors with an address of 112 N. John Wayne Drive, Winterset, Iowa 50273.

3. Defendant, Madison County (the “County”) is a municipal body existing under the laws of the State of Iowa with an address of 112 N. John Wayne Drive, Winterset, Iowa 50273.

### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because of federal questions arising under the Telecommunications Act of 1996, 47 U.S.C. § 151 *et seq.*, and specifically 47 U.S.C. § 332(c). This Court has supplemental jurisdiction over the state law claim under 28 U.S.C. § 1367 as the claim is part of the same case or controversy as the federal questions before the Court.

5. This action presents an actual controversy under Article III of the United States Constitution and 28 U.S.C. § 2201 because the County and Board have violated federal law, in particular Cloud 1’s rights granted under the Telecommunications Act of 1996.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action occurred in Madison County, Iowa, which is located in this judicial district.

### **REQUEST FOR EXPEDITED REVIEW**

7. Cloud 1 requests expedited review of this action pursuant to 47 U.S.C. § 332(c)(7)(B)(v), which provides that “court[s] shall hear and decide [actions under the Telecommunications Act of 1996] on an expedited basis.”

### **STATEMENT OF FACTS**

#### **A. Wireless Service Technology**

8. Federally licensed wireless communications carriers work to provide commercial mobile radio services, personal and advanced wireless services, and other telecommunications services, as those terms are defined under federal law, in Iowa, including in the County. These

carriers seek to facilitate the development of wireless telecommunications networks in keeping with the goals of the Telecommunications Act of 1996 and often times employs entities such as Cloud 1 to develop, construct and manage their necessary telecommunications infrastructure, including, among other things, communications towers.

9. Section 151 of the Telecommunications Act of 1996 establishes a national policy to “make available, so far as possible, to all people of the Unites States, without discrimination .... a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of national defense, [and] for the purpose of promoting safety of life and property through the use of wire and radio communications.” 47 U.S.C. § 151.

10. To meet these policy goals, Cloud 1, a provider of wireless infrastructure, works with federally licensed wireless communications carriers to develop wireless networks which offer a myriad of wireless communications services to local businesses, public safety entities, and the general public. To advance national policies enumerated under 47 U.S.C. § 151, wireless communications carriers work with infrastructure providers such as Cloud 1 to create and maintain a network of digital “cell sites” each of which consists of antennas and related electronic communications equipment designed to send and receive radio communications signals.

11. Unlike cellular services using analog-based systems, digital technology converts voice or data signals into a stream of digits to allow a single radio channel to carry multiple simultaneous signal transmissions. This allows wireless communications carriers to offer services unavailable in analog-based systems, such as secured transmissions and enhanced voice, high-speed data and imaging capabilities as well as voice mail, call forwarding and call waiting.

12. Wireless devices utilizing all digital technology operate by transmitting a radio

signal to antennas mounted on a tower, pole, building, or other structure. The antenna feeds the signal to electronic devices housed in a small equipment cabinet, or base station. The base station is connected by microwave, fiber optic cable, or ordinary telephone wire to a base station controller, which subsequently routes calls throughout the world.

13. To provide reliable service to a user, coverage from cell sites must overlap in a grid pattern resembling a honeycomb. If a wireless communications carrier cannot construct a cell site within a specific geographic area, it will not be able to provide service to its consumers within that area.

14. Engineers from the wireless communications carriers use sophisticated, established industry standard computer programs and extensive field testing to complete a propagation study, which shows where cell sites need to be located in order to provide service. The propagation study also considers the topography of the land, the coverage boundaries of neighboring cell sites and other factors. For a wireless network to perform well, cell sites must be located, constructed and operated so reliable coverage can be achieved. Only when the entire wireless network is operational will a mobile user have reliable service and uninterrupted communications throughout a given territory. If there is no functioning cell site within a given area, there will be no mobile wireless service for customers within that area, and mobile customers who travel into that area will experience an unacceptable level of mobile wireless service.

**B. The Macksburg Tower Site**

15. On or about May 05, 2020, Cloud 1, through its agent Michele Roth, submitted an application to the County for a Special Use Permit (the “Macksburg Application”) to install a 300-foot communications tower within a 100 x 100 lease area (the “Macksburg Tower”) with associated ground equipment on the property located in the County along Carver Road in Monroe

Township with a Parcel ID of 660141062040000 (the “Macksburg Property”). One purpose of the Macksburg Tower was to support AT&T’s wireless voice and data communications services including its FirstNet emergency communications network. A true and correct copy of the Macksburg Application is attached hereto and incorporated herein as **Exhibit A**.

16. The Macksburg Property is owned by Sherry L. Corkrean and is zoned “A-Agricultural” per the County’s zoning map.

17. The Macksburg Property was chosen by Cloud 1 after an extensive effort by Cloud 1’s agent, Michele Roth, to identify a property owner who was willing to enter into a lease agreement for a property that was located within the geographic area which met the coverage needs of Cloud 1’s tenants.

**C. The Winterset Tower Site**

18. On or about May 05, 2020, Cloud 1, through its agent Michele Roth, submitted an application to the County for a Special Use Permit (the “Winterset Application”) to install a 300-foot communications tower within a 100’ x 100’ lease area (the “Winterset Tower”) with associated ground equipment on the property located in the County along Burr Oak Avenue in Jackson Township with a Parcel ID of 290053260010000 (the “Winterset Property”). One purpose of the Winterset Tower was to support AT&T’s wireless voice and data communications services including its FirstNet emergency communications network. A true and correct copy of the Winterset Application is attached hereto and incorporated herein as **Exhibit B**.

19. The Winterset Property is owned by William C. and Kathleen Eggers and is zoned “A-Agricultural” per the County’s zoning map.

20. The Winterset Property was chosen by Cloud 1 after an extensive effort by Cloud 1’s agent, Michele Roth, to identify a property owner who was willing to enter into a lease

agreement for a property that was located within the geographic area which met the coverage needs of Cloud 1's tenants.

**D. The County's Zoning Ordinance and Zoning Process.**

21. Per the County's practice and procedure, it is generally held that the terms "Special Use" and "Conditional Use" are synonymous.

22. Conditional Uses are those uses listed by the Madison County Ordinance as being permissible at the discretion of the Board.

23. Pursuant to Section 17-D-1-b of the Madison County Zoning Ordinance, the Board shall have the power and duty "to hear and decide applications for conditional use permits and exceptions upon which the Board is required to address by other sections of this Ordinance."

24. Pursuant to Section 14-F(f) of the Madison County Zoning Ordinance, all applications for conditional use permits shall be submitted to the County Zoning Commission for its review prior to the public hearing before the Board. Each application shall be considered by the Zoning Commission at a public hearing. After the public hearing, the Zoning Commission promptly shall submit a report to the Board on its findings and recommendations regarding the application. No final action shall be taken by the Board on any application for special use permit until such time as the Board has received and reviewed the report of the Zoning Commission.

25. Pursuant to Section 17-D-5 of the Madison County Zoning Ordinance, "Every variance, exception or conditional use permit granted or denied by the Board [of Adjustment] shall be supported by testimony or evidence submitted in connection therewith."

26. Pursuant to Section 9-C of the Madison County Ordinance, no building shall exceed two and one-half (2 ½) stories or thirty five (35) feet in height, except as provided in Section 14 of the Ordinance.

27. Section 14 of the Ordinance contains the listed exceptions, modifications, interpretations and conditional uses that are authorized after approval of the Board. Per the Ordinance, the building height limitations shall be modified for several types of structures, including radio or television towers.

28. Section 14-C-12 of the Ordinance provides that for the placement of structures for the purposes of public communications may be permitted in any zoning district.

29. The County's Zoning Administrator ("Staff") determined that the conditional use applications for the communications towers on the Macksburg and Winterset Properties were similar to the named uses set forth in Section 14-C-12 and conformed to the intent of the Ordinance.

***The July 16, 2020 County Zoning Commission meeting***

30. On July 16, 2020, as required by Section 14-F-f of the County's Zoning Ordinance, the Zoning Commission considered both the Macksburg and Winterset Applications at a public hearing.

31. After concluding the public hearing, the Zoning Commission voted to deny both the Macksburg and Winterset Applications.

32. Per the County's Zoning Ordinance, the action of the Zoning Commission was a recommendation to the Board and not a final action on the Macksburg and Winterset Applications.

33. Per the County's Zoning Administrator, there are no minutes available for the July 16, 2020 Zoning Commission meeting.

***The August 4, 2020 Board of Adjustment hearing.***

34. On August 4, 2020, the Board convened a public hearing (the "Hearing") to consider the Macksburg and Winterset Applications.

35. Prior to the Hearing, the County's Staff reviewed the Macksburg and Winterset Applications and issued reports (the "Staff Reports") providing an overview of each Application, comments and recommendations. True and correct copies of the Staff Reports are attached and incorporated by reference as **Exhibit C.**

36. The Staff Reports offer the following:

(a) The Macksburg and Winterset Applications are consistent with the Madison County Comprehensive Plan and no conflicts have been identified.

(b) Staff has "identified no effects" from the Macksburg and Winterset Applications "which would result in any detrimental impact on adjoining or neighboring properties."

(c) Staff consulted with the Madison County Assessor regarding properties currently located near existing cellular towers to see if she has seen any impact on the value of those properties and the Assessor replied that she has not seen any such effect.

(d) Staff recommended approval of both the Macksburg and Winterset Applications.

37. At the Hearing, the Board took testimony from Cloud 1's representatives and the public.

38. At the conclusion of the Hearing, the Board voted unanimously to deny the Macksburg and Winterset Applications. These decisions were memorialized in written decisions (the "Decisions") signed by the Chairman of the Board, Carrie Larson, on August 4, 2020. True and correct copies of the Decisions are attached hereto and incorporated herein as **Exhibit D.**

39. The Decisions include and further memorialize the Board's ratification of the Board's Findings of Fact and Legal Principles Upon Which the Board Acts (the "Findings of Fact")

for both the Macksburg and Winterset Applications.

40. The Decisions specify that at the Hearing “the Board of Adjustment reviewed the relevant provisions of the Madison County Ordinances, all documents constituting the record, any new documents received from interested parties, heard the statements, remarks and comments by the Zoning Administrator, the applicants, as well as statements, remarks and comments by others in attendance. After all information had been received and all interested parties heard by the Board of Adjustment, the hearing was closed pursuant to the rules of procedure of the Board of Adjustment.”

41. Nowhere within the four corners of the Decisions does the Board of Adjustment offer any reason supported by substantial evidence for the denial of the Macksburg and Winterset Applications.

42. The Findings of Fact adopted by the Board for the Macksburg and Winterset Applications each state “After careful consideration of all the information that has been presented, and for the factual reasons set forth in the above noted Sections 14 & 17 (of the Ordinance), both of which are incorporated by this reference herein, the Board of Adjustment hereby finds: ....the applicant ..... has not met the requirements of the Madison County Zoning Ordinance.”

43. While each Finding of Fact ratifies the Board’s denial of the Macksburg and Winterset Applications, these Findings of Fact lack substantial evidence to support to these denials.

44. Indeed, the record is devoid of substantial, competent evidence sufficient to support the Board’s denial of the Macksburg and Winterset Applications.

**FIRST CLAIM FOR RELIEF**  
**(Violation of 47 U.S.C. § 332(c)(7)(B)(iii) – Substantial Evidence)**

45. Cloud 1 restates and incorporates by reference the allegations above.

46. Subsection 332(c)(7)(B)(iii) of the Telecommunications Act of 1996 requires that

“[a]ny decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.”

47. The Board’s denial of the Winterset and Macksburg Applications violated the Telecommunications Act of 1996 because it was not supported by substantial evidence in a written record.

48. As result of the Board’s decision to deny the Winterset and Macksburg Applications, Cloud 1 has suffered and will continue to suffer irreparable harm.

**SECOND CLAIM FOR RELIEF**  
**(Violation of 47 U.S.C. § 332(c)(7)(B)(i)(II) – Prohibition of Personal Wireless Services)**

49. Cloud 1 restates and incorporates by reference the allegations above.

50. Subsection 332(c)(7)(B)(i)(II) of the Telecommunications Act of 1996 provides, in relevant part, that a state or local government or instrumentality “shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”

51. On September 26, 2018, the Federal Communications Commission (“FCC”) adopted a Declaratory Ruling and Third Report and Order, *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket Nos. 17-79 and 17-84, FCC 18-133 (“FCC Ruling and Order”), available at <http://www.fcc.gov/document/fcc-facilities-wireless-infrastructure-deployment-5g>. The FCC Ruling and Order went into effect on January 14, 2019. *See* Fed. Reg. Vol 83, No. 199, Monday, October 15, 2018, 47 C.F.R. Part 1.

52. The FCC Ruling and Order clarified that under section 332(c)(7)(B)(i)(II) “an effective prohibition [of wireless services] occurs where a state or local legal requirement materially inhibits a provider’s ability to engage in any of a variety of activities related to its

provision of a covered service” including “not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving services capabilities.” FCC Ruling and Order at ¶ 37.

53. The Board’s denial of the Winterset and Macksburg Applications effectively prohibited and materially inhibited the tenants of Cloud 1, which includes AT&T and its related FirstNet Services, from filling a coverage gap and densifying its network to address capacity needs in violation of the Telecommunications Act of 1996.

54. As a result of the Board’s decision to deny the Winterset and Macksburg Applications, Cloud 1 has suffered and will continue to suffer irreparable harm.

**THIRD CLAIM FOR RELIEF**  
**(Certiorari Petition for Violation of Iowa Cell Siting Act)**

55. Cloud 1 restates and incorporates by reference the allegations above.

56. Iowa Code 2020, Chapter 8C, commonly known as the Iowa Cell Siting Act, was enacted to ensure uniformity across the state with respect to the consideration of every application for the development of wireless communications infrastructure including towers.

57. Pursuant to section 8C.4 (1) of the Iowa Cell Siting Act, an authority, such as the County, may exercise zoning, land use, planning, and permitting authority within the authority’s territorial boundaries with regard to the siting of new towers subject to the provisions of the Iowa Cell Siting Act and federal law.

58. Pursuant to section 8C.4 (6) “[a] party aggrieved by the final action of an authority, either by its affirmative disapproval of an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction.”

59. Under Iowa law, a party may bring a certiorari action “when authorized by a statute or when an ‘inferior tribunal, board, or officer’ exceeded its jurisdiction or otherwise acted illegally

in executing judicial functions.” *Bowman v. City of Des Moines Mun. Hous. Agency*, 805 N.W.2d 790, 796 (Iowa 2011) (quoting Iowa R. Civ. P. 1.1401). “An inferior tribunal commits an illegality if the decision violates a statute, is not supported by substantial evidence, or is unreasonable, arbitrary, or capricious.” *Id.*

60. The Board committed an illegality as its decision to deny the Application was not supported by substantial evidence in a written record in violation of the Iowa Cell Siting Act.

**WHEREFORE**, Cloud 1 respectfully requests the following relief:

A. Expedited review and disposition of this action pursuant to 47 U.S.C. § 332(c)(7)(B)(v);

B. An Order from this Court declaring that the County and Board violated 47 U.S.C. §§ 332(c)(7)(B)(iii) and/or 332(c)(7)(B)(i)(II) by failing to support their denial of the Winterset and Macksburg Applications with substantial evidence in the written record and by prohibiting the provision of personal wireless services;

C. An Order declaring that the County and the Board violated the Iowa Cell Siting Act and otherwise acted illegally and ordering that all approvals necessary for zoning, construction and operation of the Macksburg and Winterset Towers be granted;

D. An injunction directing the County and the Board to grant the Macksburg and Winterset Applications and all necessary permits for zoning, construction and operation of the Macksburg and Winterset Towers;

E. An award of Cloud 1’s costs, including such reasonable attorney’s fees as may be allowable under law; and

F. Such other and further relief as this Court may deem just and proper.

Dated this 3rd day of September, 2020.

CLOUD 1 SERVICES, LLC, Plaintiff,

By: /s/ Quinn R. Eaton  
Quinn R. Eaton AT0013543  
Husch Blackwell LLP  
13330 California Street, Suite 200  
Omaha, Nebraska 68154  
Telephone: (402) 964-5060  
Fax: (402) 964-5050  
Email: quinn.eaton@huschblackwell.com

James C. Remington (WI # 1079773)  
*Pro Hac Vice Forthcoming*  
555 East Wells Street, Suite 1900  
Milwaukee, Wisconsin 53202  
Telephone: (414) 978-5527  
Fax: (414) 223-5000  
Email: jake.remington@huschblackwell.com

*Attorneys for Cloud 1 Services, LLC*

# EXHIBIT A

**Madison County**  
Office of  
Zoning & Environmental Health

## Special Use Permit & Zoning Certificate Application

112 N. John Wayne Dr.  
P O Box 152  
Winterset, IA 50273  
Telephone (515) 462-2636

Application Number	Date Received	Fee Paid	Date of Board Review	Date Recorded	Date Permit Expires	Section/Township
--------------------	---------------	----------	----------------------	---------------	---------------------	------------------

Application must be accompanied by two complete site plans and all required accompanying material, before the special use permit application is accepted. Additional information will be required for structures within flood hazard areas, or upon request of the Board of Adjustment. In addition, please attach any additional information that you believe will be helpful in reviewing your application. Private wastewater treatment must be addressed to the satisfaction of the Environmental Health Officer before any zoning certificate is issued.

*Please Print All Information.*

1. Applicant Information (Customer)			2. Contractor/Developer Information (Customer)		
First Name Sherry L.	Last Name Corkrean		First Name Michele Roth	Last Name Agent to Cloud 1 Services	
Company Name N/A			Company Name Cloud 1 Services, LLC		
Address 2312 Clark Ave.			Address 417 Pine Street, 2nd Floor		
City Ames,	State IA	Zip 50,010	City Green Bay WI	State WI	Zip 54301
Phone Number (area code) (515) 233-4948	Fax or E-mail N/A	Cell Phone N.A	Phone Number (area code) (920) 940-0147 or Michele 402-515-4698	Fax or E-mail	Cell Phone
3. Type of Submittal (Check all that apply). <input checked="" type="checkbox"/> New Special Use <input type="checkbox"/> Now Accessory <input type="checkbox"/> Addition/Expansion <input type="checkbox"/> Floodplain Development <input type="checkbox"/> Use Change <input type="checkbox"/> Revision Previous Permit #:		4. Project Information Location, Number & Street of project (if unknown, indicate nearest road): <u>Carver Rd</u> Legal Description: parcel ID 660141062040000 Section 10-74-28 Proposing a new access off of Carver Rd per the drawings attached. Property owner owns parcel to the south as well.			
5. Zoning District: <u>Madison County</u>		6. Road Frontage (ft):		7. Parcel Area (acres): <u>10 acres</u>	
8. Description of Proposed Structure (Include all dimensions and acreage)			9. Description of Equipment (Include all dimensions and acreage)		
300 ft guyed tower for FirstNet AT&T; BTW1 wireless internet			Crane; concrete trucks, front end loader for construction of tower only.		
10. Employee Information <input checked="" type="checkbox"/> Not Applicable					
Total # of Employees:			Max. # of Employees per Shift:		
11. Proposed Structure/Expansion #1 <input checked="" type="checkbox"/> Not Applicable					
Type:	Structure Width (ft):	Structure Depth (ft):	Structure Height (ft):		
Proposed Use:		Total Area (sq ft):	Est. Cost:		
12. Proposed Structure/Expansion #2 <input checked="" type="checkbox"/> Not Applicable					
Type:	Structure Width (ft):	Structure Depth (ft):	Structure Height (ft):		
Proposed Use:		Total Area (sq ft):	Est. Cost:		
13. Existing Structures <input checked="" type="checkbox"/> Not Applicable					
Structure Type	Current Use	Proposed Use Change <input type="checkbox"/> Not Applicable			
I hereby attest the truth and accuracy of all facts and information presented on this application and site plan, and that such use or structure shall be constructed, reconstructed, modified and/or used in accordance with local, state and federal law.				It is unlawful to start construction, including permanent construction and construction preparation, or change use of an existing structure prior to issuance of a zoning certificate.	
Applicant Signature: <i>[Signature]</i>			Date: <u>5/5/20</u>		
Property Owner Signature: <i>[Signature]</i>			Date:		



© Copyright 2020 Ramaker & Associates, Inc. All Rights Reserved  
 DRAWN BY: B.R. CHECKED BY: SEW

C:\Users\bluender\AppData\Local\Temp\A\CPublish\_1982045966\_Macksbuerg\_LE02.dwg Printed by: Bluender on Mar 13, 2020 - 7:47am



OVERALL SITE PLAN W/ AERIAL PHOTO ①  
 SCALE 1" = 80'



**RAMAKER & ASSOCIATES, INC.**  
 100% EMPLOYEE OWNED  
 855 Community Dr, Sauk City, WI 53583  
 608-643-4100 www.Ramaker.com  
 Sauk City, WI • Willmar, MN  
 Woodcliff Lake, NJ • Bayamon, PR

**cloud1**  
 417 PINE STREET FLOOR 2  
 GREEN BAY, WI 54301  
 PH.: (920) 940-0147

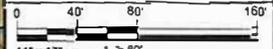
Continuation of Sheet

MARK	DATE	DESCRIPTION
ISSUE NO. 01	03/13/2020	LEASE EXHIBIT

PROJECT TITLE:  
**MACKSBURG FAXXXXXXX**

PROJECT INFORMATION:  
 CARVER ROAD  
 WINTERSSET, IA 50273  
 MADISON COUNTY  
 TAX ID# 660141067040000

OVERALL SITE PLAN WITH AERIAL

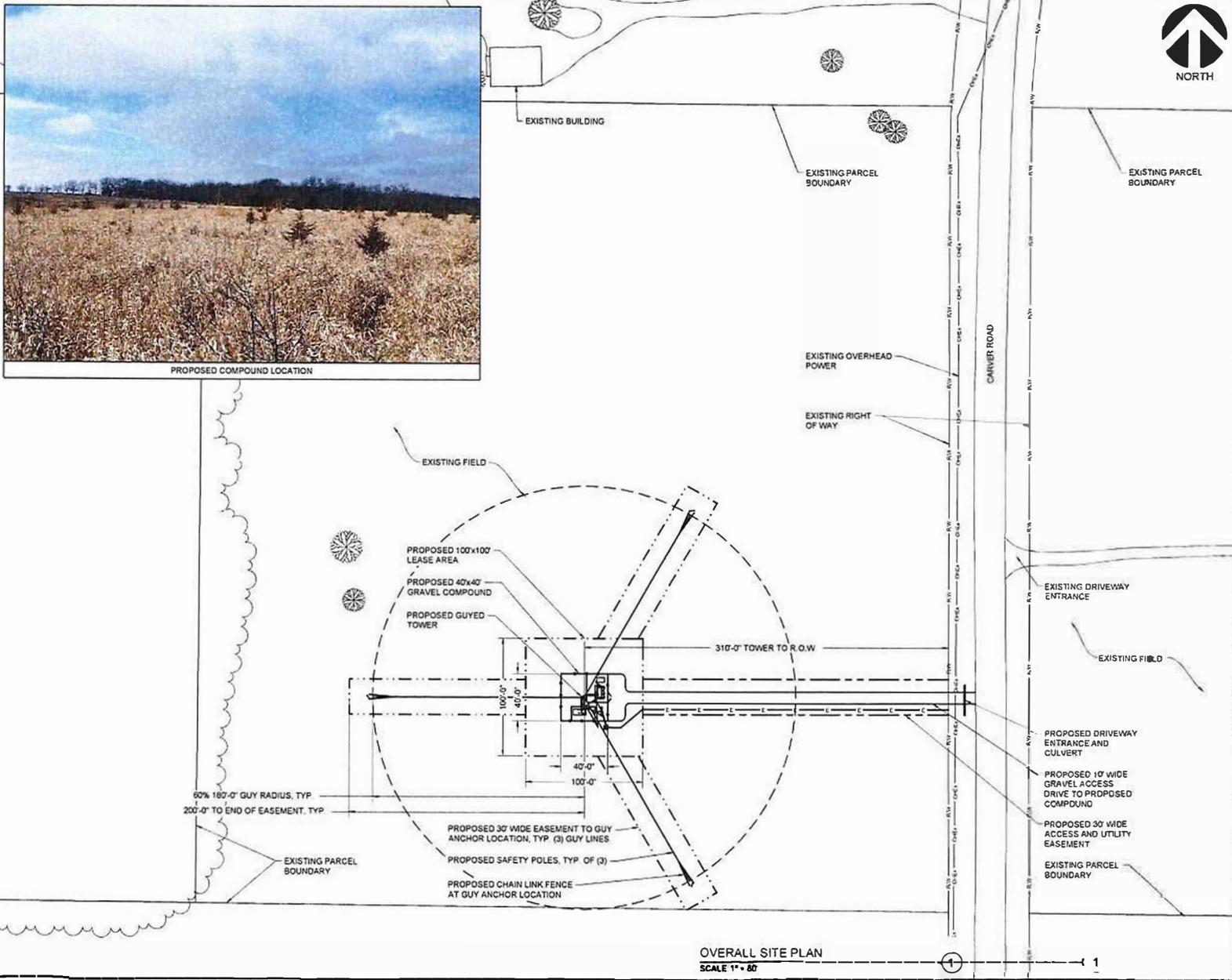
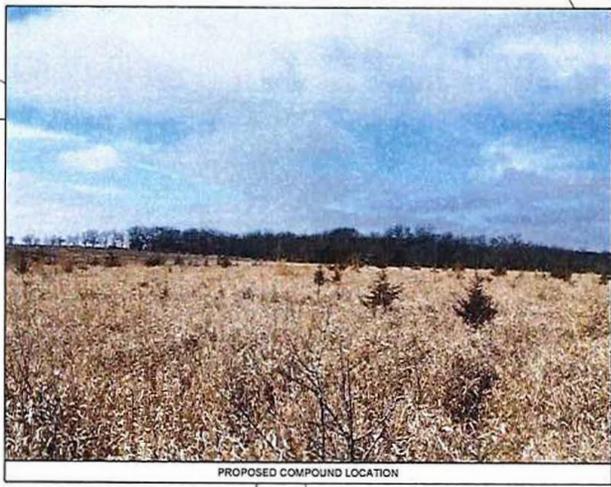


11" x 17" - 1" = 80'  
 22" x 34" - 1" = 40'  
 PROJECT NUMBER: 45968  
 SHEET NUMBER: C-1

This document contains confidential or proprietary information of Ramaker & Associates, Inc. It is to be used only for the project for which it was prepared. It is not to be reproduced, distributed, or otherwise used for any other purpose without the written consent of Ramaker & Associates, Inc.

© Copyright 2020 Ramaker & Associates, Inc. All Rights Reserved  
DRAWN BY: B.R.

C:\Users\bkueender\AppData\Local\Temp\Ac\Pub\1982045868\_Macksburg\_LE02.dwg Printed by: bkueender on Mar 13, 2020 - 7:47am



**RAMAKER & ASSOCIATES, INC.**  
1000 E. 1st St., Green Bay, WI 54301  
855 Community Dr., Sauk City, WI 53583  
608-643-4100 www.Ramaker.com  
Sauk City, WI • Willmar, MN  
Woodcliff Lake, NJ • Baymen, PR

**cloud1**  
417 PINE STREET FLOOR 2  
GREEN BAY, WI 54301  
PH: (920) 940-047

Classification: 4-2020

NO.	DATE	DESCRIPTION	DATE
1	03/13/2020	LEASE EXHIBIT	03/13/2020

**MACKSBURG FAXXXXXXX**

PROJECT INFORMATION  
CARVER ROAD  
WINTERSSET, IA 52273  
MADISON COUNTY  
TAX ID# 000141052040000

**OVERALL SITE PLAN**



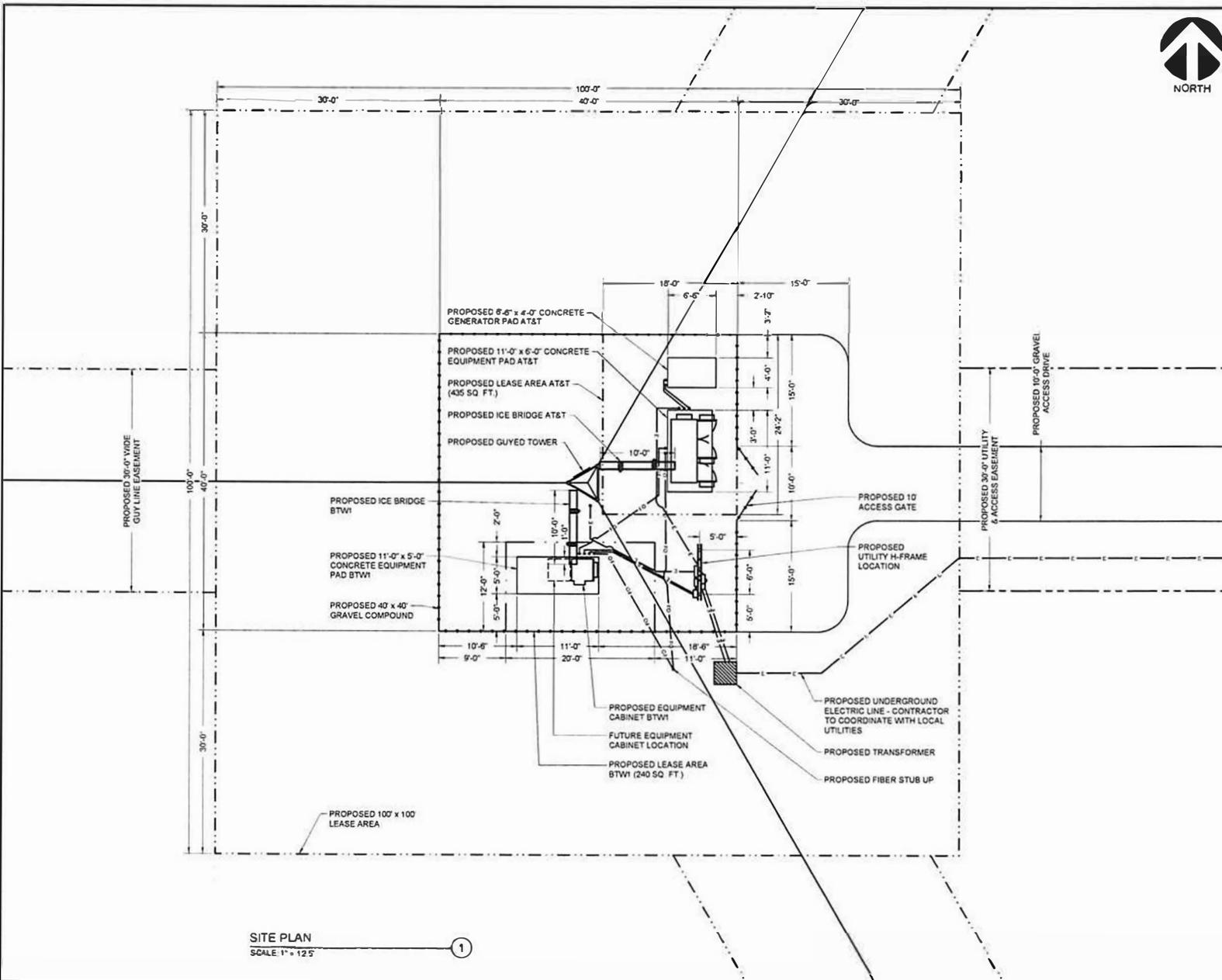
11" x 17" - 1" = 80'  
22" x 34" - 1" = 40'  
45968  
C-2

OVERALL SITE PLAN  
SCALE 1" = 80'

This document contains confidential and proprietary information and is intended for the use of the recipient only. It is not to be distributed, copied, or otherwise used without the prior written consent of Ramaker & Associates, Inc. If you are not the intended recipient, please notify the sender immediately.

© Copyright 2020 Ramaker & Associates, Inc. All Rights Reserved  
DRAWN BY: B.R.

C:\Users\kluender\AppData\Local\Temp\AcPublish\_19822045963\_Macksbu...\_LE02.dwg Printed by: kluender on Mar 13, 2020 - 7:47am



SITE PLAN  
SCALE 1" = 12.5' 1



**R & ASSOCIATES, INC.**  
 855 Community Dr, Sauk City, WI 53583  
 608-643-4100 www.Ramaker.com  
 Sauk City, WI • Willmar, MN  
 Woodcliff Lake, NJ • Bayamon, PR



417 PINE STREET FLOOR 2  
 GREEN BAY, WI 54301  
 PH: (920) 940-0147

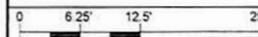
Continuation Sheet

NO.	DATE	DESCRIPTION
REV. 1	03/13/2020	LEASE EXHIBIT

PROJECT TITLE: MACKSBURG FAXXXXXXX

PROJECT INFORMATION:  
 CARVER ROAD  
 WINTERSSET, IA 50273  
 MADISON COUNTY  
 TAX ID# 660141052040000

SHEET TITLE: SITE PLAN



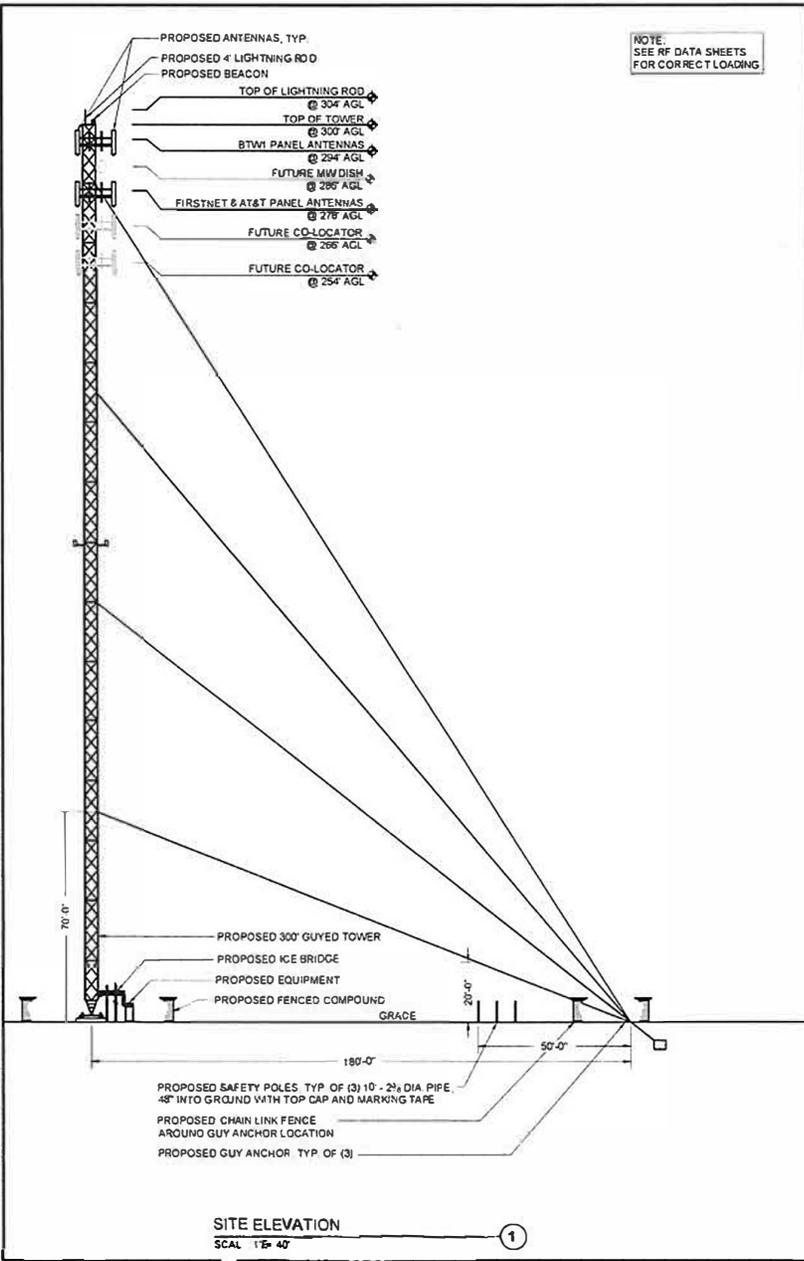
11" x 17" - 1" = 12.5'  
 22" x 34" - 1" = 6.25'

PROJECT NUMBER: 45968  
 SHEET: C-3

This document remains confidential or proprietary information of Ramaker & Associates, Inc. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Ramaker & Associates, Inc.

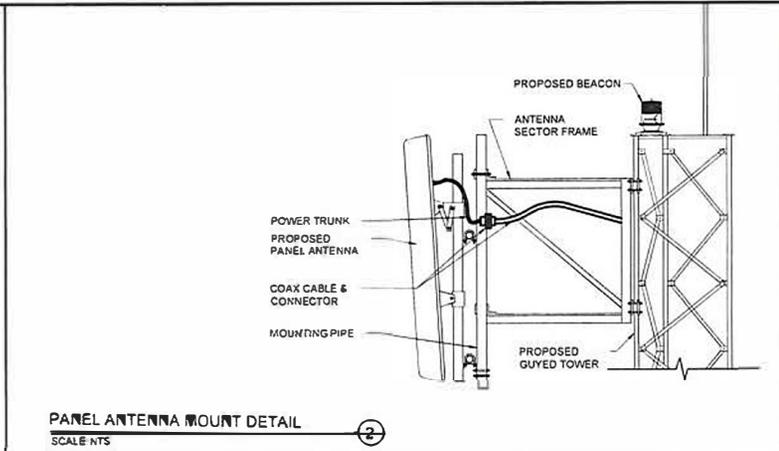
© Copyright 2020 Ramaker & Associates, Inc. - All Rights Reserved  
 DRAWN BY: B.S.R. CHECKED BY: SEV

C:\Users\WJLundev\AppData\Local\Temp\ACPV15151\_19820145988\_18c0cburg\_LED2.dwg Printed by: skneider on Mar 13, 2020 - 7:47am

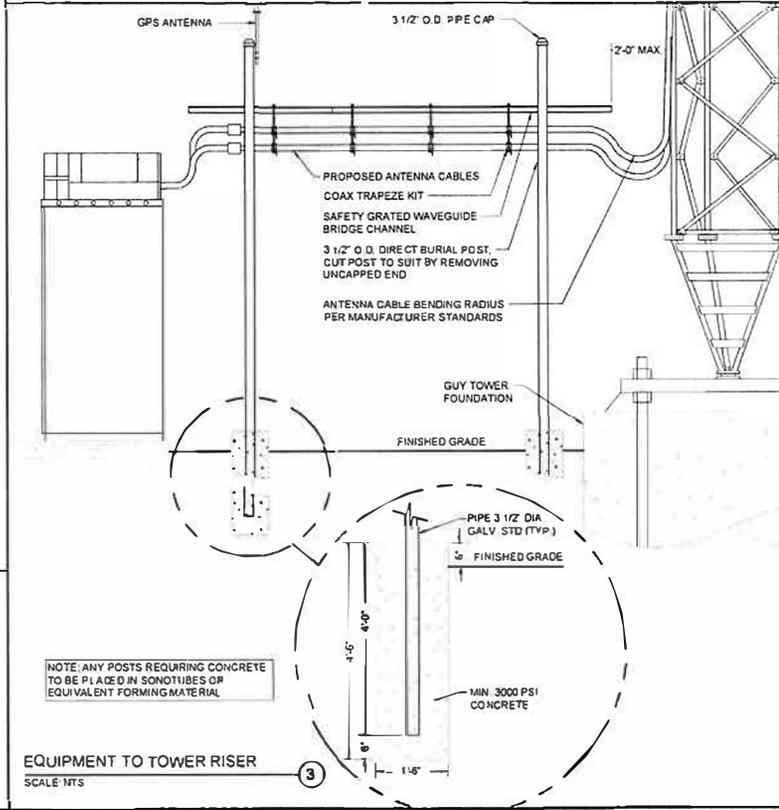


**SITE ELEVATION**  
 SCALE 1" = 40' 1

NOTE:  
 SEE RF DATA SHEETS  
 FOR CORRECT LOADING



**PANEL ANTENNA MOUNT DETAIL**  
 SCALE NTS 2



NOTE: ANY POSTS REQUIRING CONCRETE  
 TO BE PLACED IN SONOTUBES OR  
 EQUIVALENT FORMING MATERIAL

**EQUIPMENT TO TOWER RISER**  
 SCALE NTS 3

**RAMAKER & ASSOCIATES, INC.**  
 100% EMPLOYEE-OWNED  
 855 Community Dr. Sauk City, WI 53583  
 608-643-4100 www.Ramaker.com  
 Sauk City, WI • Willmar, MN  
 Woodcliff Lake, NJ • Boynton, PR

**cloud1**  
 417 PINE STREET FLOOR 2  
 GREEN BAY, WI 54301  
 PH: ( 920 ) 940 -0147

DATE	DESCRIPTION	DATE
03/13/2020	LEASE EXHIBIT	

**MACKSBURG FAXXXXXXX**

PROJECT INFORMATION  
 CARRIER ROAD  
 WINTERSSET, IA 50273  
 MADISON COUNTY  
 TAX JOB 660141062040000

**SITE ELEVATION**

0 20' 40' 80'

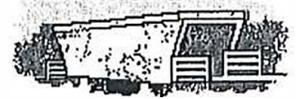
1" = 17' - 1" = 40'  
 2" = 34' - 1" = 20'

45968  
 C-4

THE SOFTWARE CONTAINED HEREIN IS THE PROPERTY OF RAMAKER & ASSOCIATES, INC. NO PART OF THIS SOFTWARE MAY BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF RAMAKER & ASSOCIATES, INC.



**MADISON COUNTY  
SECONDARY ROAD DEPARTMENT**  
1105 E. COURT AVE.  
WINTERSSET, IOWA 50273  
PHONE - (515) 462-1136 / FAX - (515) 462-2506



TODD R. HAGAN, P.E.  
COUNTY ENGINEER

MIKE HACKETT, P.E. & P.L.S.  
ASSISTANT ENGINEER

KERRY STAPLES  
OFFICE ASSISTANT

JOSH JOHNSTON  
MAINTENANCE SUPERINTENDENT

June 9, 2020

Michele Roth  
Cloud 1 Services LLC  
417 Pine Street, 2<sup>nd</sup> Floor  
Green Bay, Wisconsin 54301

RE: Application for Field Entrance or Driveway  
Monroe Township, Section 10  
Madison County Permit No. 20-035, W.O. No. 9697

Michele Roth,

Attached is the approved Application for Field Entrance or Driveway that we received from you on June 2, 2020. Please see the attached Construction Provisions, the Site Plan and Centerline Profile for more information. Construct the entrance with -2.5% slopes for 20-feet from the road shoulder, and do not exceed 12.5% when going up to match the existing grade. Lower the ditch flow line 2-ft at the new pipe location to achieve the 1-ft minimum coverage. Clean the ditch from the new pipe location out approximately 50-ft from the new outlet and 25-ft from the new inlet to maintain the natural flow. Finish with 6-inches of rock in the right of way, and call for an inspection before adding the rock.

Please contact this office for review and inspection of the completed entrance. I would recommend that you call before any rock is put on the driveway and before your contractor leaves the job site. We will be measuring and inspecting the entrances on one (1) day only each week. If you have any questions prior to construction, please contact our office so that we may review how the entrance is to be constructed by you and/or your contractor.

If the entrance is not constructed according to the reviewed application, you may be required to remove and redo the entrance as per the application, and you, not your contractor, are responsible for the proper installation of your field entrance or driveway. If you have any questions regarding this application or the above comments, please contact our office so that we may discuss them with you. Thank you.

Sincerely,

  
TODD R. HAGAN, P.E.  
Madison County Engineer

TRH: kbs  
Enclosures

Permit Number 20 - 035

**APPLICATION FOR FIELD ENTRANCE OR DRIVEWAY**

Madison County Engineer's Office  
1105 E. Court Ave.  
Winterset, Iowa 50273

Telephone - (515) 462-1136 / Fax - (515) 462-2506

**W.O. 9697**

**INSTRUCTIONS TO APPLICANT:**

1. Complete the top portion of the application form. Please print or type.
2. Return the application to Madison County Engineer's Office for review and survey.
3. Mark the center of the proposed entrance at the property line with the orange flagging provided.
4. The applicant may begin construction of the entrance only upon receipt of the approved application, and according to the design provided and the guidelines listed in the "Field Entrance and Driveway Policy" on the back side of this application.
5. If the application site does not meet the safety, hydraulic, or construction criteria specified in this policy, the applicant will be notified in writing that the application for an entrance at that site is denied.
6. After construction is completed and before rock surfacing is applied, notify the Madison County Engineer's Office for inspection of the entrance.
7. Upon inspection approval of the entrance the applicant is released from future maintenance responsibilities for the entrance (excluding surfacing).
8. This permit expires if the entrance is not completed within six (6) months of the application approval.

NAME: Michele Roth-Agent to Cloud 1 Services, LLC (Applicant) DATE: Jun 2, 2020

MAILING ADDRESS: 417 Pine Street 2nd Floor, Green Bay, WI 54301

TELEPHONE DAY: (920) 940-0147 TELEPHONE NIGHT: (920) 940-0205 (cell for Ray Buildings)

LOCATION: NAME OF TOWNSHIP: MONROE SECTION: 10 TOWNSHIP: 74 RANGE: 28

ENTRANCE LOCATION DESCRIPTION: Proposing a new access off of Carver Rd; parcel ID 660141063040000 - see drawings for detail

PURPOSE OF DRIVEWAY (farm, residential, commercial): TOWNS Commercial WIDTH: 10 ft EXISTING OR NEW: NEW

DOES THIS PROPERTY HAVE AN EXISTING ENTRANCE? NO IS THIS ENTRANCE TO BE PAVED? NO

IS THIS PROPERTY IN A SUBDIVISION? NO IF YES, WHAT SUBDIVISION? N/A

CONTRACTOR (name, address, telephone number): Cloud 1 Services, LLC, 417 Pine St. 2nd Floor, Green Bay, WI 54301 (920) 940-0205 (Ray

I have read and understand the provisions of the Madison County Field Entrance and Driveway Policy dated 04-18-05 on the back of this application).

SIGNATURE: [Signature] Michele Roth - Agent to Cloud 1 Services, LLC  
Office use only below this line.

ENGINEERING REVIEW BY: Cory Scott Brian Fairholm DATE: 6/2/20

SIGHT DISTANCE (ft.): 350' @ 24' 350' @ 24' PAVED ROUTE: NO V.P.D.: 60

DRAINAGE AREA (ac.): 0.25 DITCH DEPTH (ft.): Lower 2' STREAM SLOPE (ft./mi.): -

BEDDING CLASS: C COVER OVER PIPE (ft.): 1' METAL THICKNESS (ga.): 16

TOP WIDTH (ft.): 18' LENGTH (ft.): 20' SIDE SLOPES: 2:1 SURFACING ROCK (tons): 13

NON-SPIRAL CORRUGATED METAL PIPE SIZE (to ft.): 18" x 34" COUNTY PRICE (paid for when picked up): 5484.50  
\*18" diameter & below pipe size - can purchase from County, (if available), if pipe above 20" diameter - must be purchased elsewhere

SURVEY NOTES: 5<sup>70</sup> 6<sup>20</sup> 6<sup>50</sup> 5<sup>20</sup> 2<sup>25</sup> 1<sup>20</sup> 1<sup>50</sup>  
0 3' 6' FE 10' 15' fine 21' 50'

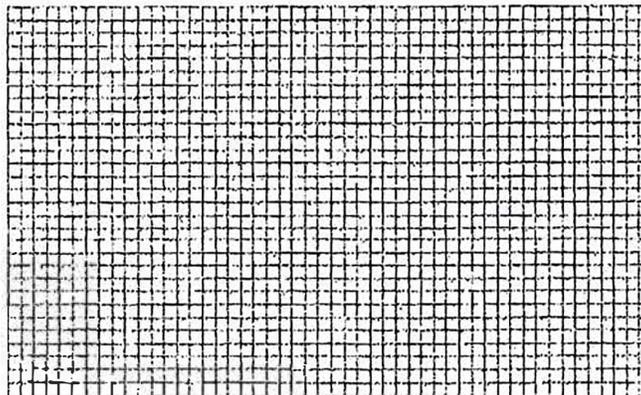
*18" x 34" @ 14.25/ft*

**SITE PLAN:**

**CENTERLINE PROFILE:**

N

SCALE: 1" = \_\_\_\_\_ VERTICAL 1" = \_\_\_\_\_ HORIZONTAL 1" = \_\_\_\_\_



CONSTRUCTION PROVISIONS: \* See attached site plan and construction provisions \*

APPLICATION APPROVED BY: [Signature] DATE: 6/9/2020  
CONSTRUCTION INSPECTION BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**FIELD ENTRANCE AND RESIDENTIAL DRIVEWAY POLICY**

Madison County Engineer's Office/Madison County Secondary Roads Department  
Adopted 07-26-85

Revised - 04-16-90, 03-23-99, 04-16-03, 04-18-05, 03-01-06, 11-2-09

**SECTION I. NEW ENTRANCES OR DRIVEWAYS****A. APPLICATION:**

1. Any property owner desiring a new field entrance or driveway access to any county road shall make written application on the prescribed forms at the Madison County Engineer's Office.
2. If the applicant currently has reasonable access to the property, Madison County reserves the right to limit the number of accesses to a parcel of land and deny an application. Circular driveways utilizing two (2) entrances will not be permitted.
3. All entrances and driveways being installed or modified are subject to Madison County Zoning Ordinances, in addition to this Field Entrance and Driveway Policy.

**B. REVIEW:**

1. Field entrance and residential driveway requests shall be reviewed by the county engineer, or his representative, for location, safety, and drainage.
2. Minimum sight and stopping distance requirements for rock roads are (from centerline of the entrance) 350 feet each direction.
3. Minimum sight and stopping distance requirements for paved roads are (from centerline of the entrance) 350 feet each direction.
4. Entrance applications which do not meet minimum sight and stopping distance requirements will be denied.

**C. CONSTRUCTION:**

1. The minimum top width for field entrances is 18 feet, and for residence driveways it is 24 feet. The maximum top width is 30 feet.
2. Side slopes for entrances on rock roads shall be 2:1, and side slopes on paved roads shall be 6:1.
3. Entrances shall slope away from the road shoulders at a rate of -2.5% (0.25" per foot) for a distance of 20 feet or at least to the center of the road drainage ditch, depending on existing features and right of way. Entrance slope past 20 feet from the shoulder shall not exceed +/-12.5% (1.3" per foot).
4. The applicant is responsible for supplying the contractor with the approved design and specifications, and for ensuring that the entrance is constructed as designed. It is recommended that the owner give the contractor a copy of the approved application.
5. Approved entrances shall be constructed and inspected within 6 months of the engineering review date. Extensions may be granted in some cases, by contacting the Madison County Engineer's Office.
6. Entrances that have not received inspection approval will be removed at the owner's expense.

**D. CULVERT PIPE:**

1. The property owner shall furnish a new riveted non-spiral corrugated metal pipe.
2. Culvert pipe may be purchased from Madison County Secondary Roads Department at cost. Culvert pipe purchased from Madison County must be paid for in full at the time it is obtained.
3. If the new entrance is located on a paved surface or sealcoat, safety aprons must be attached to both ends of the culvert. The specifications for the safety aprons are listed on the IDOT Standard Road Plan (RP-44), and will be provided by the Madison County Engineer. The Madison County Secondary Roads Department does not keep the safety aprons in stock, and they must be purchased elsewhere.

**E. SURFACING:**

1. Crushed rock surfacing shall be required on all field entrances and residence driveways. A six (6) inch deep minimum initial application is required for all field entrances and residence driveways.
2. Paved entrances may be allowed, but require special approval and are subject to additional specifications.

**F. COSTS:**

1. All costs associated with the construction or surfacing of field entrances and residence driveways shall be assumed by the property owner.
2. Madison County shall remove any field entrance or residence driveway, at the owner's expense, if proper application, approval, and inspection acceptance have not been given.

**G. OWNERSHIP:**

1. All field entrances and residence driveways and any associated culvert pipe located in Madison County right-of-way shall become the property of Madison County after inspection acceptance and written acceptance by the Madison County Engineer, with the exception of granular or paved surfacing.

**H. MAINTENANCE:**

1. After ownership has been assumed by Madison County, following the application, construction, and inspection process, Madison County shall assume all required maintenance of the entrance or driveway, except for surfacing.

**I. INTERPRETATION:**

1. This policy shall be interpreted to cover all construction not considered normal maintenance on field entrances or residential driveways.

**SECTION II. EXISTING ENTRANCE OR DRIVEWAY: WIDENING OR PAVING****A. GENERAL:**

1. Property owners desiring to change existing field entrances or residence driveways shall make application for the alteration through the same process as a new entrance or driveway applicant.
2. Second entrances for circular driveways will not be permitted.

**B. WIDENING:**

1. All entrances and driveways to be widened are subject to the design restrictions and requirements stated above for new entrances and driveways, including grading and sight distance standards.
2. If it is necessary to replace the culvert pipe at the time of widening, Madison County will assume the cost of the new culvert pipe equal to the length of the old culvert pipe, with the property owner assuming the cost of the additional length for widening.
3. Determination for the replacement of culvert pipe for widening an entrance will be solely at the discretion of Madison County.

**C. PAVING:**

1. Existing entrances and driveways to be paved are subject to the design restrictions and requirements stated above for new entrances, as well as additional specifications which may be obtained from the Madison County Engineer's Office.
2. Paved entrances shall slope away from the road shoulder at a rate of -4.0% (0.5" per foot) to a distance of at least to the center of the drainage ditch.
3. Madison County will not maintain or fund maintenance for paved entrances and driveways.
4. Madison County will not repair or fund repairs to paved entrances and driveways, which result from work taking place in the right-of-way that requires the removal or excavation of a paved entrance or driveway.

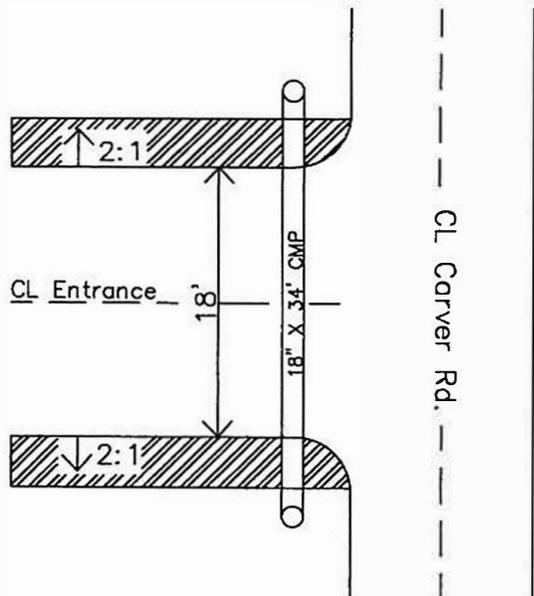
**SECTION III. OVERHEAD AND UNDERGROUND UTILITIES****A. GENERAL**

1. The applicant is responsible for locating all utilities in the highway right-of-way prior to construction.
2. All costs of relocating utilities or repairing damaged utilities for the construction of a new entrance or the modification of an existing entrance are the responsibility of the applicant.

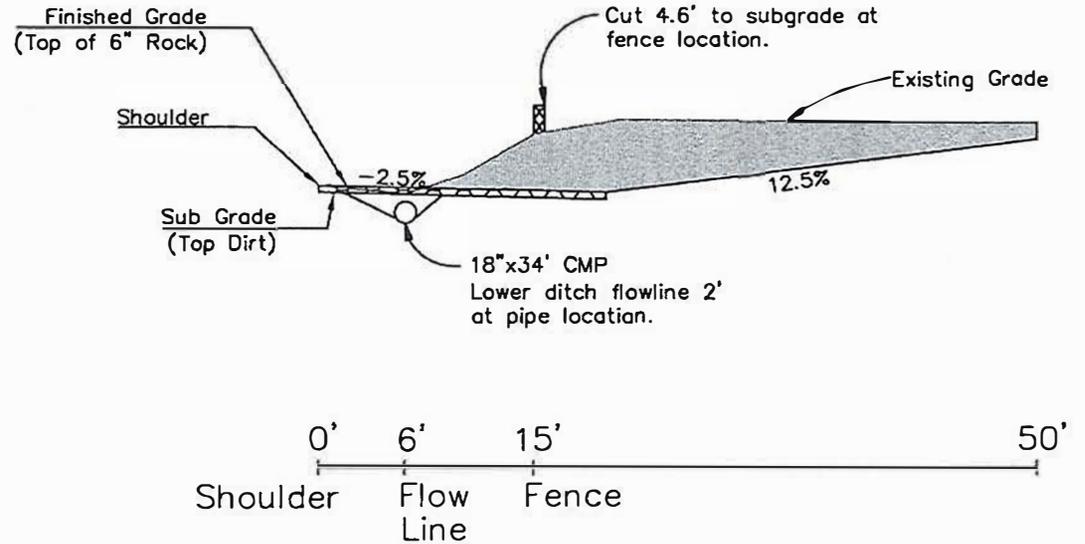


PERMIT NO. 20-035  
W.O. NO. 9697

Site Plan



Centerline Profile



Construction Provisions

Construct entrance with  $-2.5\%$  slope for 20' from road shoulder, do not exceed 12.5% when going up to match the existing grade. Lower the ditch flowline 2' at the new pipe location to achieve the 1' minimum coverage. Clean the ditch from the new pipe location out approximately 50' from the new outlet, and 25' from the new inlet to maintain the natural flow. Finish with 6" of rock in R.O.W., call for an inspection before adding rock.

# EXHIBIT B

Madison County  
Office of  
Zoning & Environmental Health

## Special Use Permit & Zoning Certificate Application

112 N. John Wayne Dr.  
P O Box 152  
Winterset, IA 50273  
Telephone (515) 462-2636

Tranche Number	Date Received	Fee Paid	Date of Last Review	Date Received	Date Permit Expires	Section/Township

Application must be accompanied by two complete site plans and all required accompanying material, before the special use permit application is accepted. Additional information will be required for structures within flood hazard areas, or upon request of the Board of Adjustment. In addition, please attach any additional information that you believe will be helpful in reviewing your application. Private wastewater treatment must be addressed to the satisfaction of the Environmental Health Officer before any zoning certificate is issued.

Please Print All Information.

1. Owner Information (Customer 1)			2. Contractor/Developer Information (Customer 2)		
First Name William C & Kathleen A	Last Name Eggers		First Name Michele Roth	Last Name Agent to Cloud 1 Services	
Company Name N/A			Company Name Cloud 1 Services, LLC		
Address 1119 220th St.			Address 417 Pine Street, 2nd Floor		
City Winterset	State IA	Zip 50,273	City Green Bay WI	State WI	Zip 54301
Phone Number (area code) (515) 462-1482	Fax or E-mail N/A	Cell Phone N/A	Phone Number (area code) (920) 940-0147 or Michele	Fax or E-mail 402-515-4698	Cell Phone
3. Type of Submittal (Check all that apply):		4. Project Information			
<input checked="" type="checkbox"/> New Special Use <input type="checkbox"/> New Accessory <input type="checkbox"/> Addition/Expansion <input type="checkbox"/> Floodplain Development <input type="checkbox"/> Use Change <input type="checkbox"/> Revision Previous Permit #:		Location, Number & Street of project (If unknown, indicate nearest road): <u>Burr Oak Ave.</u>  Legal Description:  parcel ID 290053260010000 Section 32-76-29 Utilizing the existing access off of Burr Oak Rd, per the drawings attached.			
5. Zoning District: Madison County		6. Road Frontage (ft):		7. Parcel Area (acres): 10 acres	
8. Services or Land Use Changes (List additional services, structures, etc.)			9. Date of Modification (List additional services, structures, etc.)		
300 ft guyed tower for FirstNet AT&T; BTW1 wireless internet			Crane; concrete trucks, front end loader for construction of tower only.		
10. Employee Information <input checked="" type="checkbox"/> Not Applicable					
Total # of Employees:			Max. # of Employees per Shift:		
11. Proposed Structure/Expansion # <input checked="" type="checkbox"/> Not Applicable					
Type:	Structure Width (ft):	Structure Depth (ft):	Structure Height (ft):		
Proposed Use:	Total Area (sq ft):	Est. Cost:			
12. Proposed Structure/Expansion # <input checked="" type="checkbox"/> Not Applicable					
Type:	Structure Width (ft):	Structure Depth (ft):	Structure Height (ft):		
Proposed Use:	Total Area (sq ft):	Est. Cost:			
13. Existing Structures <input checked="" type="checkbox"/> Not Applicable					
Structure Type	Current Use	Proposed Use Change <input type="checkbox"/> Not Applicable			
hereby attest the truth and accuracy of all facts and information presented on this application and site plan, and that such use or structure shall be constructed, reconstructed, modified and/or used in accordance with local, state and federal law.					It is unlawful to start construction, including permanent construction and construction preparation, or change use of an existing structure prior to issuance of a zoning certificate.
Applicant Signature: <i>Michele Roth - Agent to Cloud 1 Services</i>			Date: 5/5/20		
Property Owner Signature:			Date:		

© Copyright 2019 Ramaker & Associates, Inc. All Rights Reserved. D:\MKTG\100

C:\Users\Bramaker\appdata\local\temp\AcP\4649\_1387646973\_Winterse4\_LE.dwg Printed by: Bramaker on Nov 21, 2019 - 9:53 am



**RAMAKER & ASSOCIATES, INC**  
 855 Community Dr, Sauk City, WI 53583  
 608-643-4100 [www.Ramaker.com](http://www.Ramaker.com)  
 Sauk City, WI • Willmar, MN  
 Woodcliff Lake, NJ • Bayamon, PR

**cloud1**  
 417 PINE STREET FLOOR 2  
 GREEN BAY, WI 54301  
 PH.: (920) 940-0147

DATE	DESCRIPTION	BY	DATE

NO.	DATE	DESCRIPTION	BY	DATE

NO.	DATE	DESCRIPTION	BY	DATE

NO.	DATE	DESCRIPTION	BY	DATE

PROJECT INFORMATION:	
BURR OAK AVENUE	
WINTERSET, IA 50273	
MADISON COUNTY	
TAX ID# 290053260010000	
SHEET TITLE	

OVERALL SITE PLAN WITH AERIAL	
SCALE: 1" = 100'	
INDUSTRIAL	45973
PROJECT	
DATE	C-1

This document contains confidential or proprietary information of Ramaker & Associates, Inc. No part of this document may be reproduced, stored, or disseminated in any form or by any means without the prior written consent of Ramaker & Associates, Inc.

© Copyright 2019 Ramaker & Associates, Inc. All Rights Reserved  
DRAWN BY: LUK

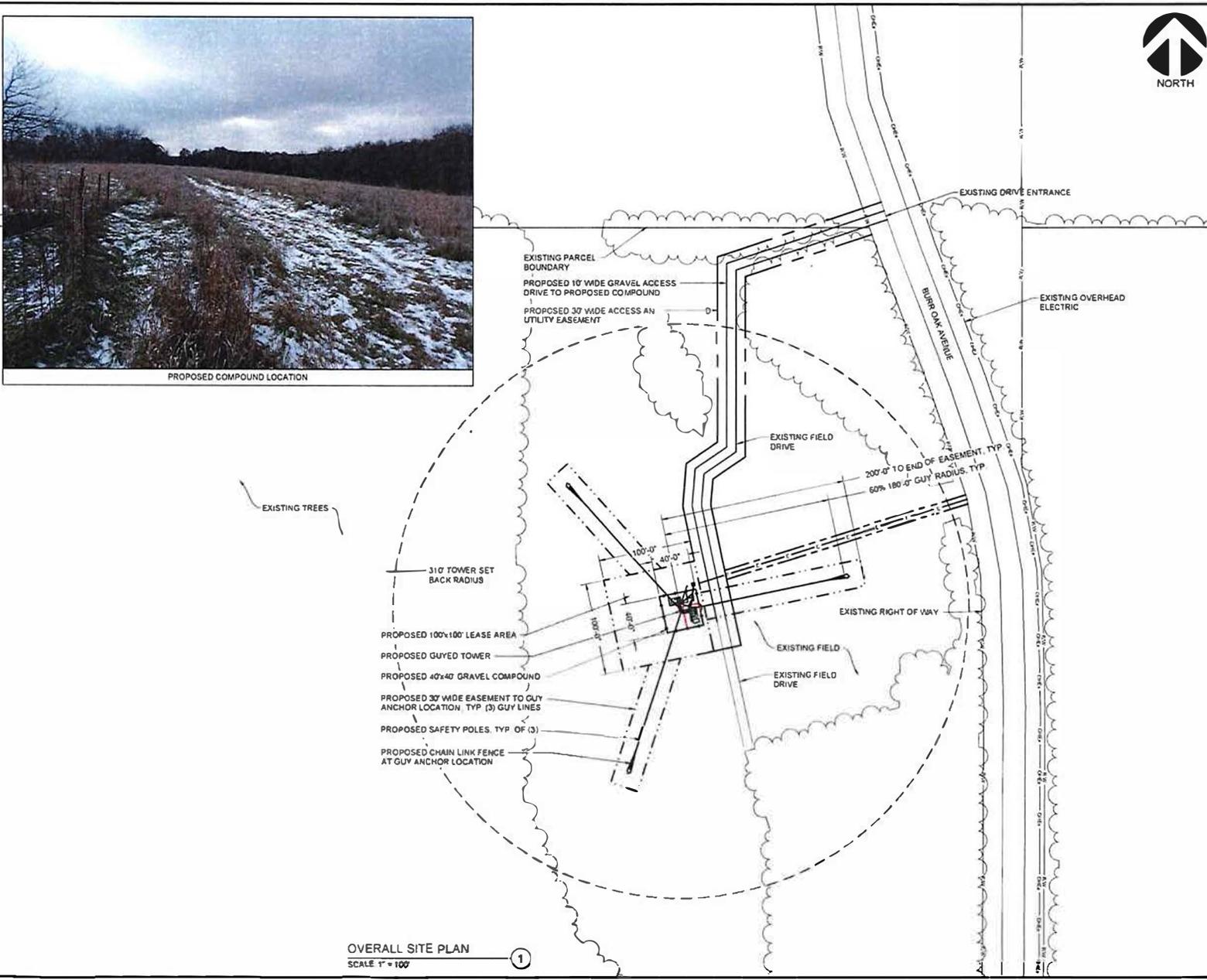
C:\Users\lshuener\appdata\local\temp\AcP\dshuener\_13676x45873\_WinterSet\_LE.dwg Printed by: lshuener on Nov 21, 2019 - 9:51 am



**RAMAKER & ASSOCIATES, INC.**  
 855 Community Dr, Sauk City, WI 53583  
 608-643-4100 www.Ramaker.com  
 Sauk City, WI • Willmar, MN  
 Woodcliff Lake, NJ • Bayamon, PR



417 PINE STREET FLOOR 2  
 GREEN BAY, WI 54301  
 PH : (920) 940-0147



OVERALL SITE PLAN  
 SCALE 1" = 100'

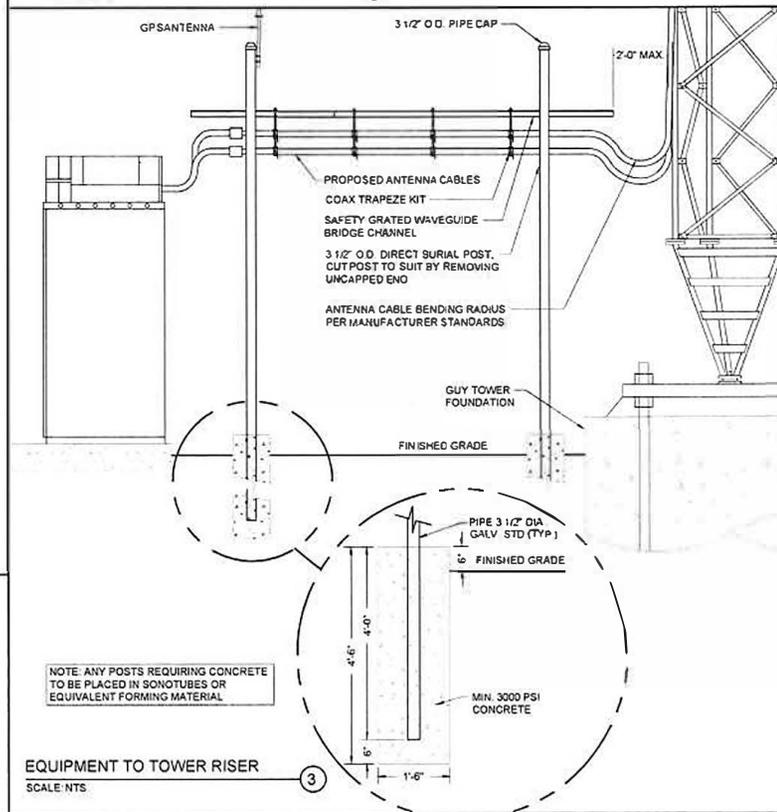
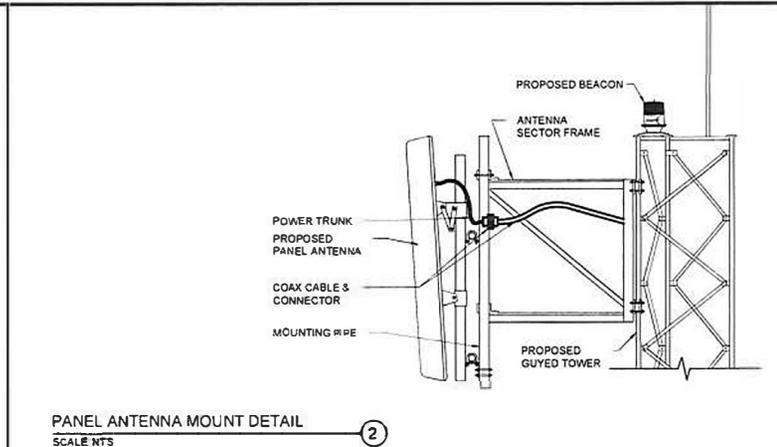
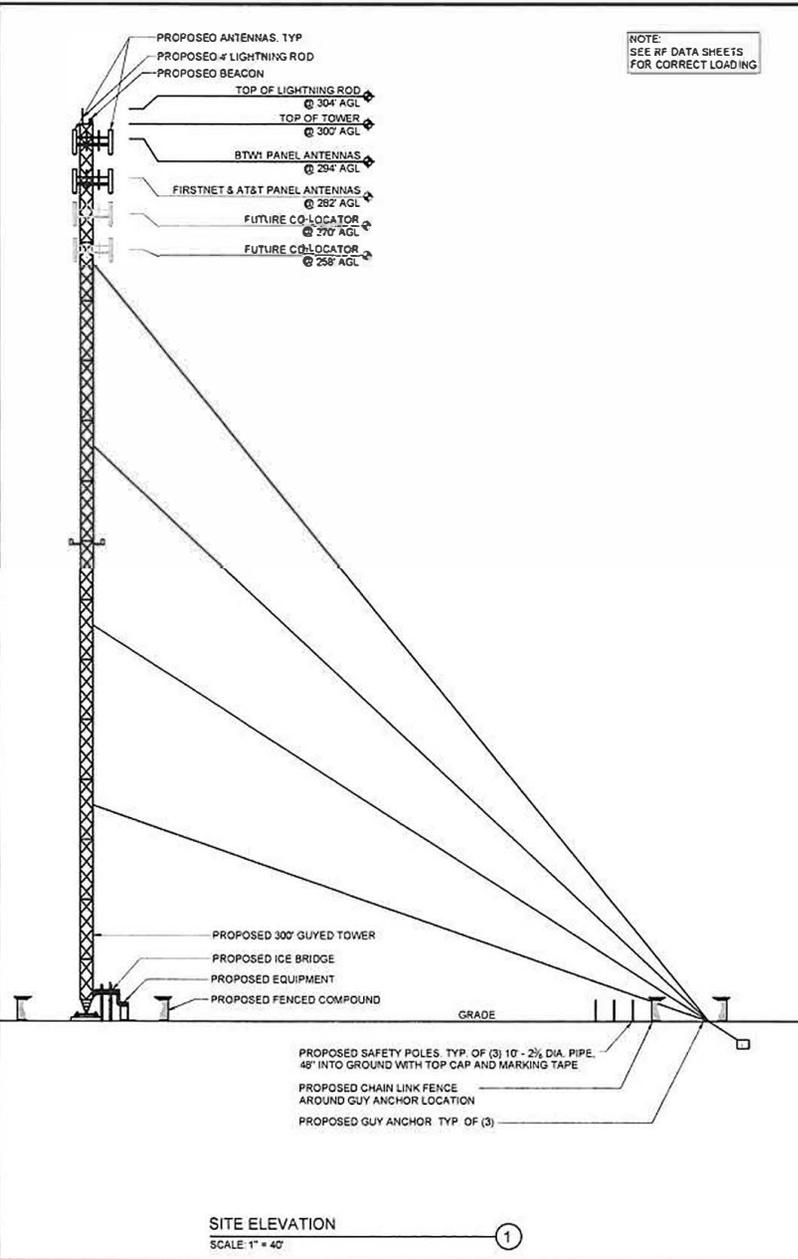
MARK	DATE	DESCRIPTION	DATE
FORM		LEASE EXHIBIT	11/21/2019
PROJECT	WINTERSET		
PROJECT INFORMATION	BURR OAK AVENUE WINTERSET, IA 50273 MADISON COUNTY TAX ID# 28053200010000 SHEET TITLE:		
OVERALL SITE PLAN			
0 50' 100' 200' 1" = 100' 22" x 34" - 1" = 50'			
PROJECT NUMBER	45973		
DATE	C-2		

This document contains confidential information of Ramaker & Associates, Inc. No part of this document is to be reproduced, distributed, used or disclosed in any way without the prior written consent of Ramaker & Associates, Inc.



© Copyright 2019, Ramaker & Associates, Inc. All Rights Reserved.  
 DRAWING BY: LAR

C:\Users\lmuende\appdata\local\temp\appdata\Public\_13876\45973\_WinterSet\_LE.dwg Printed by: blunder on Nov 21, 2019 - 9:51am



100% LAMP OWNED

855 Community Dr. Sauk City, WI 53583  
608-643-4100 www.Ramaker.com

Sauk City, WI • Wilmar, MN  
Woodcliff Lake, NJ • Boynton, FL

417 PINE STREET FLOOR 2  
GREEN BAY, WI 54301  
PH. (920) 940-0147

MARK	DATE	DESCRIPTION	DATE ISSUED
1	11/21/2019	LEASE EXHIBIT	11/21/2019

WINTERSET

PROJECT INFORMATION:  
 BURR OAK AVENUE  
 WINTERSET, IA 50273  
 MADISON COUNTY  
 TAX ID: 250053265010000

SITE ELEVATION

0 20' 40' 80'

11" x 17" - 1" = 40'  
22" x 34" - 1" = 20'

PROJECT NUMBER: 45973  
 SHEET NUMBER: C-4

THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION OF RAMAKER & ASSOCIATES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-ACE-235-OE

Issued Date: 02/07/2020

Alicia Broeren  
Cloud 1, LLC  
417 Pine St.  
Floor 2  
Green Bay, WI 54305

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Winterset - MADI-6353 (45973)  
Location: Winterset, IA  
Latitude: 41-19-58.23N NAD 83  
Longitude: 94-12-52.87W  
Heights: 1195 feet site elevation (SE)  
304 feet above ground level (AGL)  
1499 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

This determination expires on 08/07/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2527, or [marla.wierman@faa.gov](mailto:marla.wierman@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ACE-235-OE.

**Signature Control No: 428712560-430149383**  
Marla Wierman  
Technician

( DNE )

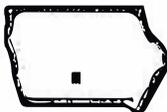
Attachment(s)  
Frequency Data  
Map(s)

cc: FCC

## Frequency Data for ASN 2020-ACE-235-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W





**MADISON COUNTY  
SECONDARY ROAD DEPARTMENT**  
1105 E. COURT AVE.  
WINTERSSET, IOWA 50273  
PHONE - (515) 462-1136 / FAX - (515) 462-2506



TODD R. HAGAN, P.E.  
COUNTY ENGINEER

MIKE HACKETT, P.E. & P.L.S.  
ASSISTANT ENGINEER

KERRY STAPLES  
OFFICE ASSISTANT

JOSH JOHNSTON  
MAINTENANCE SUPERINTENDENT

June 9, 2020

Michele Roth  
Cloud 1 Services LLC  
417 Pine Street, 2<sup>nd</sup> Floor  
Green Bay, Wisconsin 54301

RE: Application for Field Entrance or Driveway  
Jackson Township, Section 32  
Madison County Permit No. 20-034, W.O. No. 9696

Michele Roth,

Attached is the approved Application for Field Entrance or Driveway that we received from you on June 2, 2020. Please see the attached Construction Provisions, the Site Plan and Centerline Profile for more information. Construct the entrance with -2.5% slopes for 20-feet from the road shoulder, and do not exceed 12.5% when going up to match the existing grade. Band on the 18-inch x 14-ft cmp (corrugated metal pipe). Finish with 6-inches of rock in the right of way, and call for an inspection before adding the rock.

Please contact this office for review and inspection of the completed entrance. I would recommend that you call before any rock is put on the driveway and before your contractor leaves the job site. We will be measuring and inspecting the entrances on one (1) day only each week.

If you have any questions prior to construction, please contact our office so that we may review how the entrance is to be constructed by you and/or your contractor. If the entrance is not constructed according to the reviewed application, you may be required to remove and redo the entrance as per the application, and you, not your contractor, are responsible for the proper installation of your field entrance or driveway.

If you have any questions regarding this application or the above comments, please contact our office so that we may discuss them with you. Thank you.

Sincerely,

TODD R. HAGAN, P.E.  
Madison County Engineer

TRH: kbs  
Enclosures

Permit Number 20 - 034

**APPLICATION FOR FIELD ENTRANCE OR DRIVEWAY**

Madison County Engineer's Office  
1185 E. Court Ave.  
Winterset, Iowa 50273

Telephone - (515) 462-1136 / Fax - (515) 462-2506

**W.O. 9696**

**INSTRUCTIONS TO APPLICANT:**

1. Complete the top portion of the application form. Please print or type.
2. Return the application to Madison County Engineer's Office for review and survey.
3. Mark the center of the proposed entrance at the property line with the orange flagging provided.
4. The applicant may begin construction of the entrance only upon receipt of the approved application, and according to the design provided and the guidelines listed in the "Field Entrance and Driveway Policy" on the back side of this application.
5. If the application site does not meet the safety, hydraulics, or construction criteria specified in this policy, the applicant will be notified in writing that the application for an entrance at that site is denied.
6. After construction is completed and before rock surfacing is applied, notify the Madison County Engineer's Office for inspection of the entrance.
7. Upon inspection approval of the entrance the applicant is released from future maintenance responsibilities for the entrance (excluding surfacing).
8. This permit expires if the entrance is not completed within six (6) months of the application approval.

NAME: Michele Roth-Agent to Cloud 1 Services, LLC (Applicant) DATE: Jun 2, 2020

MAILING ADDRESS: 417 Pine Street; 2nd Floor, Green Bay, WI 54301

TELEPHONE DAY: (920) 940-0147 TELEPHONE NIGHT: (920) 940-0205 (cell for Ray Buildings)

LOCATION: NAME OF TOWNSHIP: JACKSON SECTION: 32 TOWNSHIP: 76 RANGE: 29

ENTRANCE LOCATION DESCRIPTION: Existing access off of Burr Oak Ave-see drawings for detail parcel ID 290053260010000

PURPOSE OF DRIVEWAY (farm, residential, commercial): Tower Commercial WIDTH: 10 ft EXISTING OR NEW: existing/widened

DOES THIS PROPERTY HAVE AN EXISTING ENTRANCE? Yes IS THIS ENTRANCE TO BE PAVED? No

IS THIS PROPERTY IN A SUBDIVISION? No IF YES, WHAT SUBDIVISION? N/A

CONTRACTOR (name, address, telephone number): Cloud 1 Services, LLC, 417 Pine St, 2nd Floor, Green Bay, WI 54301 (920) 940-0205 (Ray)

(I have read and understand the provisions of the Madison County Field Entrance and Driveway Policy dated 04-18-05 on the back of this application.)

SIGNATURE: Michele Roth - Agent Cloud 1 Services, LLC

Office use only below this line.

ENGINEERING REVIEW BY: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGHT DISTANCE: N-E (ft.): 350 S-W (ft.): 350 PAVED ROUTE: No V.P.D.: 15

DRAINAGE AREA (ac): 0.9 DITCH DEPTH (ft.): 3.8 STREAM SLOPE (ft./mi.): \_\_\_\_\_

BEDDING CLASS: C COVER OVER PIPES (ft.): 1.8 METAL THICKNESS (ea.): 16

TOP WIDTH (ft.): 10' 26" LENGTH (ft.): 30' SIDE SLOPES: 2:1 SURFACING ROCK (tons): 11

NON-SPIRAL CORRUGATED METAL PIPE SIZE (in./ft.): 18" x 14' COUNTY PRICE (paid for when picked up): \$ 229.50

\*[30" diameter & below pipe size - can purchase from County, (if available), if pipe above 30" diameter - must be purchased elsewhere]

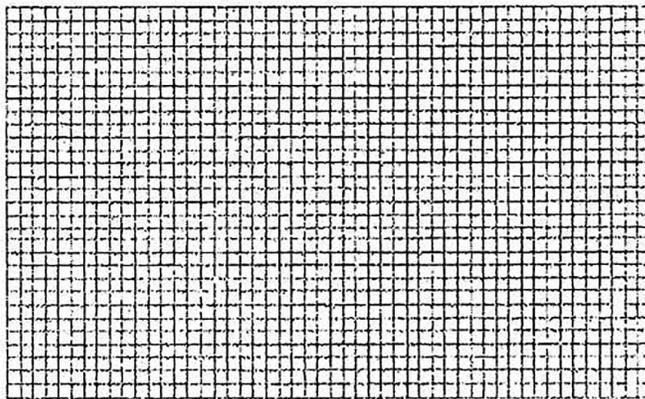
SURVEY NOTES: 6<sup>20</sup> 6<sup>50</sup> 7<sup>50</sup> 10<sup>50</sup> 5<sup>20</sup> 0<sup>50</sup>

0 6' 11' 20' 30' 50'

**SITE PLAN:**

**CENTERLINE PROFILE:**

SCALE: 1" = \_\_\_\_\_ VERTICAL 1" = \_\_\_\_\_ HORIZONTAL 1" = \_\_\_\_\_



CONSTRUCTION PROVISIONS: \* See attached site plan and construction provisions \*

APPLICATION APPROVED BY: [Signature] DATE: 6/9/2020

CONSTRUCTION INSPECTION BY: \_\_\_\_\_ DATE: \_\_\_\_\_

*Handwritten notes on the left side of the page:*  
18" x 30" corrugated  
116' top  
existing top over pipe  
5'  
0'

*Handwritten notes on the right side of the page:*  
18" band = # 30  
18" x 14' C/P @ 14.25 / ft = 199.50

FIELD ENTRANCE AND RESIDENTIAL DRIVEWAY POLICY

Madison County Engineer's Office/Madison County Secondary Roads Department

Adopted 07-26-85

Revised - 04-16-90, 03-23-99, 04-16-02, 04-18-05, 03-01-06, 11-2-09

SECTION I. NEW ENTRANCES OR DRIVEWAYSA. APPLICATION:

1. Any property owner desiring a new field entrance or driveway access to any county road shall make written application on the prescribed forms at the Madison County Engineer's Office.
2. If the applicant currently has reasonable access to the property, Madison County reserves the right to limit the number of accesses to a parcel of land and deny an application. Circular driveways utilizing two (2) entrances will not be permitted.
3. All entrances and driveways being installed or modified are subject to Madison County Zoning Ordinances, in addition to this Field Entrance and Driveway Policy.

B. REVIEW:

1. Field entrance and residential driveway requests shall be reviewed by the County Engineer, or his representative for location, safety, and drainage.
2. Minimum sight and stopping distance requirements for rock roads are (from centerline of the entrance) 350 feet each direction.
3. Minimum sight and stopping distance requirements for paved roads are (from centerline of the entrance) 550 feet each direction.
4. Entrance applications which do not meet minimum sight and stopping distance requirements will be denied.

C. CONSTRUCTION:

1. The minimum top width for field entrances is 18 feet, and for residence driveways it is 24 feet. The maximum top width is 30 feet.
2. Side slopes for entrances on rock roads shall be 2:1, and side slopes on paved roads shall be 6:1.
3. Entrances shall slope away from the road shoulders at a rate of -2.5% (0.25" per foot) for a distance of 20 feet or at least to the center of the road drainage ditch, depending on existing features and right of way. Entrance slope past 20 feet from the shoulder shall not exceed +/-12.5% (1.5" per foot).
4. The applicant is responsible for supplying the contractor with the approved design and specifications, and for ensuring that the entrance is constructed as designed. It is recommended that the owner give the contractor a copy of the approved application.
5. Approved entrances shall be constructed and inspected within 6 months of the engineering review date. Extensions may be granted in some cases by contacting the Madison County Engineer's Office.
6. Entrances that have not received inspection approval will be removed at the owner's expense.

D. CULVERT PIPE:

1. The property owner shall furnish a new riveted non-spiral corrugated metal pipe.
2. Culvert pipe may be purchased from Madison County Secondary Roads Department at cost. Culvert pipe purchased from Madison County must be paid in full at the time it is obtained.
3. If the new entrance is located on a paved surface or sealcoat, safety aprons must be attached to both ends of the culvert. The specifications for the safety aprons are listed on the IDOT Standard Road Plan (RF-44), and will be provided by the Madison County Engineer. The Madison County Secondary Roads Department does not keep the safety aprons in stock, and they must be purchased elsewhere.

E. SURFACING:

1. Crushed rock surfacing shall be required on all field entrances and residence driveways. A six (6) inch deep minimum initial application is required for all field entrances and residence driveways.
2. Paved entrances may be allowed, but require special approval and are subject to additional specifications.

F. COSTS:

1. All costs associated with the construction or surfacing of field entrances and residence driveways shall be assumed by the property owner.
2. Madison County shall remove any field entrance or residence driveway, at the owner's expense, if proper application, approval, and inspection acceptance have not been given.

G. OWNERSHIP:

1. All field entrances and residence driveways and associated culvert pipe located in Madison County right-of-way shall become the property of Madison County after inspection and written acceptance by the Madison County Engineer, with the exception of granular or paved surfacing.

H. MAINTENANCE:

1. After ownership has been assumed by Madison County, following the application, construction, and inspection process, Madison County shall assume all required maintenance of the entrance or driveway, except for surfacing.

I. INTERPRETATION:

1. This policy shall be interpreted to cover all construction not considered normal maintenance on field entrances or residential driveways.

SECTION II. EXISTING ENTRANCE OR DRIVEWAY: WIDENING OR PAVINGA. GENERAL:

1. Property owners desiring to change existing field entrances or residence driveways shall make application for the alteration through the same process as a new entrance or driveway applicant.
2. Second entrances for circular driveways will not be permitted.

B. WIDENING:

1. All entrances and driveways to be widened are subject to the design restrictions and requirements stated above for new entrances and driveways, including grading and sight distance standards.
2. If it is necessary to replace the culvert pipe at the time of widening, Madison County will assume the cost of the new culvert pipe equal to the length of the old culvert pipe, with the property owner assuming the cost of the additional length for widening.
3. Determination for the replacement of culvert pipe for widening an entrance will be solely at the discretion of Madison County.

C. PAVING:

1. Existing entrances and driveways to be paved are subject to the design restrictions and requirements stated above for new entrances, as well as additional specifications which may be obtained from the Madison County Engineer's Office.
2. Paved entrances shall slope away from the road shoulder at a rate of -4.0% (0.5" per foot) to at least to the center of the drainage ditch.
3. Madison County will not maintain or fund maintenance for paved entrances and driveways.
4. Madison County will not repair or fund repairs to paved entrances and driveways, which result from work taking place in the right-of-way that requires the removal or excavation of a paved entrance or driveway.

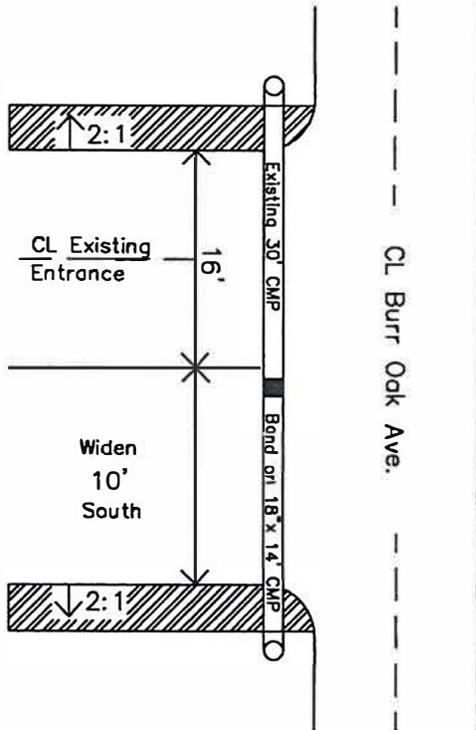
SECTION III. OVERHEAD AND UNDERGROUND UTILITIESA. GENERAL:

1. The applicant is responsible for locating all utilities in the highway right-of-way prior to construction.
2. All costs of relocating utilities or repairing damaged utilities for the construction of a new entrance or the modification of an existing entrance are the responsibility of the applicant.

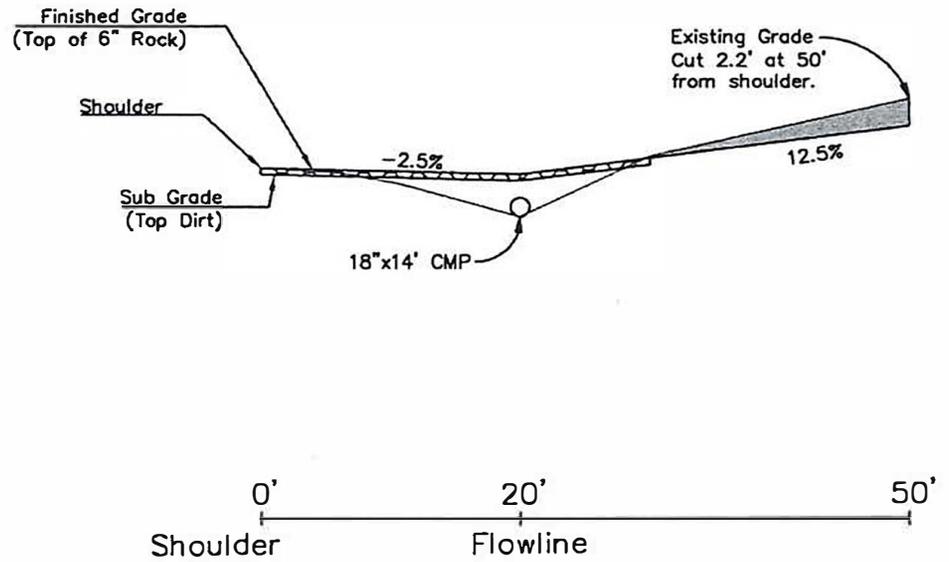


PERMIT NO. 20-034  
W.O. NO. 9696

Site Plan

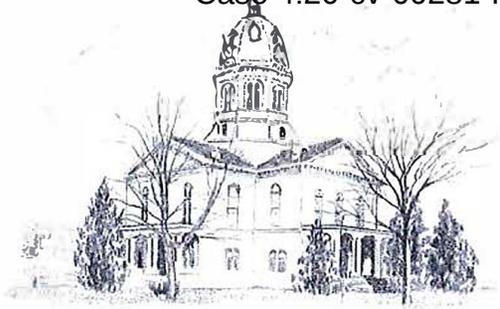


Centerline Profile



Construction Provisions

Construct entrance with  $-2.5\%$  slope for 20' from road shoulder, do not exceed 12.5% when going up to match the existing grade. Band on 18" x 14' CMP. Finish with 6" of rock in R.O.W., call for an inspection before adding rock.



Courthouse at Winterset  
Madison County, Iowa  
Built in 1876 of native limestone.

## Madison County Zoning Department

C.J. (Jeff) Nicholl, Zoning Administrator

### ZONING ADMINISTRATOR REPORT

**APPLICANT:** FirstNet/AT&T on behalf of Sherry L. Corkrean

**PROJECT LOCATION:** SE NE SW Section 10 T74N R28W-Monroe Township,

**REQUEST:** Conditional Use Permit request and associated height approval

**CURRENT ZONING:** A-Agricultural

#### SITE MAP – Corkrean Location for FirstNet Communication Tower





**BACKGROUND/PROJECT DESCRIPTION:**

- This request is for construction of a cellular tower. Included with the request is a site plan including detailed drawings of the proposed tower location.
- Applicant is FirstNet network in partnership with AT&T, FirstNet is a first responder network granted the authority to build, operate and maintain a high-speed nationwide broadband network dedicated to first responders and public safety.
- The request is for a 300 ft guyed tower with a 4ft lightning rod for a total height of 304 feet.
- The lease area is 100 x 100 on a 10 acre parcel.
- The site is zoned “A” agricultural.
- Access is from an existing location on Carver Road as depicted in the maps.
- Consideration has been given that a qualified/certified engineer has determined the most suitable location and researched any co-location opportunities.
- The Madison County Zoning Ordinance requires a Conditional Use Permit and associated height approval as authorized by the Madison County Board of Adjustment.  
(see ordinance excerpts below)

**ANALYSIS / STAFF COMMENTS:**

- **COMPREHENSIVE PLAN:** The request is consistent with the Madison County Comprehensive Plan and no conflicts have been identified.
- **TRAFFIC AND ACCESS:** Access to the subject property is an existing entrance on Burr Oak Ave. with no additional access points required.

**GENERAL COMMENTS:**

The terms Special Use and Conditional Use are synonymous. Zoning has two use categories, principle permitted uses are those listed by the ordinance as being allowed by right in a zoning district. Conditional Use is a term used to describe those uses listed by the ordinance as being permissible after consideration and approval by the Board of Adjustment. Although Section 14 - C #12 does not specifically identify “cellular towers”, the Madison County Zoning Ordinance contains the following:

*Any use, which is interpreted by the Zoning Administrator to be a similar use to one of the above named uses, and, in his opinion, conforms to the intent of this section.*

I have interpreted a cellular tower to be a similar use as those items identified in Section 14 -C #12 and in my opinion it conforms to the intent of the ordinance.

**STAFF RECOMMENDATIONS:**

After reviewing all documents and conducting a review of the site, giving consideration to the scope of the project and the need for emergency personnel to have access to communication, recognizing this tower is part of a nationwide effort to provide a single interoperable platform for emergency and daily public safety communications that will assist emergency professionals during times of disaster and other emergency situations with uninterrupted communication access it is determined that:

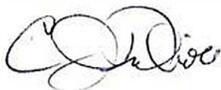
This request meets the requirements of the Madison County Zoning Ordinance, therefore staff recommends approval of the Conditional Use Permit for the cellular tower as proposed. Staff also recommends the request include that the tower and antenna are approved to be erected to a height up to 304 feet.

Building Permits will be required for each structure and all improvements must meet the rules and regulations of all local, state and federal requirements including any FAA regulations.

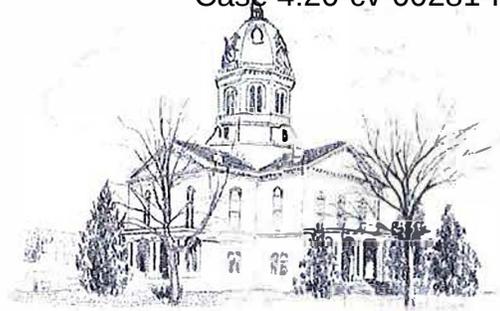
**REASON FOR STAFF RECOMMENDATION:**

As proposed, the request is consistent with the Madison County Comprehensive Plan and conforms to the applicable Madison County Zoning regulations. Staff has identified no effects from the proposal which would result in any detrimental impact on adjoining or neighboring properties. Staff consulted with the Madison County Assessor regarding properties currently located near existing cellular towers to see if she has seen any impact on the value of those properties. The Assessor stated she has not seen any effect.

Respectfully submitted,



Zoning Administrator  
Flood Plain Manager  
9-1-1 Addressing Coordinator



Courthouse at Winterset  
Madison County, Iowa  
Built in 1876 of native limestone.

## Madison County Zoning Department

C.J. (Jeff) Nicholl, Zoning Administrator

### ZONING ADMINISTRATOR REPORT ADMINISTRATIVE REVIEW/APPROVAL

**APPLICANT:** William & Kathleen Eggers

**PROJECT LOCATION:** Section 32 T76N R29W-Jackson Township,

**REQUEST:** Conditional Use Permit request and related height approval

**CURRENT ZONING:** A-Agricultural

#### **SITE MAP – Eggers Location for FirstNet Communication Tower**





**BACKGROUND/PROJECT DESCRIPTION:**

- This report is an administrative review for construction of an emergency communications tower. Included with the request is a site location plan including detailed drawings of the proposed tower.
- Applicant is FirstNet network which is a first responder network granted the authority to build, operate and maintain a high-speed nationwide broadband network dedicated to first responders and public safety.
- The request is for a 300ft guyed tower with a 4ft lightning rod for a total height of 304 feet.
- The lease area is 100 x 100.
- The site is zoned “A” agricultural.
- Access is from an existing location on Burr Oak Ave as depicted in the maps.
- The Madison County Zoning Ordinance requires a Conditional Use Permit and approval for the height.

**ANALYSIS / STAFF COMMENTS:**

- **COMPREHENSIVE PLAN:** The request is consistent with the Madison County Comprehensive Plan and no conflicts have been identified.
- **TRAFFIC AND ACCESS:** Access to the subject property is an existing entrance Burr Oak Ave. with no additional access points required.

**GENERAL COMMENTS:**

The terms Special Use and Conditional Use are synonymous. Zoning has two use categories, principle permitted uses are those listed by the ordinance as being allowed by right in a zoning district. Conditional Use is a term used to describe those uses listed by the ordinance as being permissible after consideration and approval by the Board of Adjustment. Although Section 14 - C #12 does not specifically identify “cellular towers”, the Madison County Zoning Ordinance contains the following:

*Any use, which is interpreted by the Zoning Administrator to be a similar use to one of the above named uses, and, in his opinion, conforms to the intent of this section.*

I have interpreted a cellular tower to be a similar use as those items identified in Section 14 -C #12 and in my opinion it conforms to the intent of the ordinance.

**STAFF RECOMMENDATIONS:**

After reviewing all documents and conducting a review of the site, giving consideration to the scope of the project and the need for emergency personnel to have access to communication, recognizing this tower is part of a nationwide effort to provide a single interoperable platform for emergency and daily public safety communications that will assist emergency professionals during times of disaster and other emergency situations with uninterrupted communication access it is determined that:

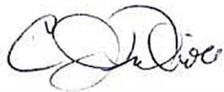
This request meets the requirements of the Madison County Zoning Ordinance, therefore staff recommends approval of the Conditional Use Permit for the cellular tower as proposed. Staff also recommends the request include that the tower and antenna are approved to be erected to a height up to 304 feet.

Building Permits will be required for each structure and all improvements must meet the rules and regulations of all local, state and federal requirements including any FAA regulations.

**REASON FOR STAFF RECOMMENDATION:**

As proposed, the request is consistent with the Madison County Comprehensive Plan and conforms to the applicable Madison County Zoning regulations. Staff has identified no effects from the proposal which would result in any detrimental impact on adjoining or neighboring properties. Staff consulted with the Madison County Assessor regarding properties currently located near existing cellular towers to see if she has seen any impact on the value of those properties. The Assessor stated she has not seen any effect.

Respectfully submitted,



Zoning Administrator  
Flood Plain Manager  
9-1-1 Addressing Coordinator

**BOARD OF ADJUSTMENT FINDINGS OF FACT AND LEGAL PRINCIPLES UPON WHICH THE BOARD ACTS:**

The terms Special Use and Conditional Use are synonymous. Zoning has two use categories. permitted uses are those listed by the ordinance as being allowed by right in a zoning district. Special Use or Conditional Use are terms used to describe those uses listed by the ordinance as being permissible at the discretion of the Board of Adjustment.

Section 14 of the Madison County Zoning Ordinance defines the Exceptions, Modifications, Interpretations and Conditional Uses that are permitted when authorized by the granting of a conditional use permit by the Board of Adjustment.

***Section 14 Exceptions, Modifications, Interpretations and Conditional Uses***

***E. Conditional Uses.***

*The development and administration of a comprehensive zoning ordinance is based upon the division of the County into zoning districts with uniform regulations defining permitted uses of land and structures within each district. It is recognized, however, that there are occasions when in addition to the principal permitted uses, conditional uses may be allowed after careful consideration of the impact of the particular uses upon the neighborhood and public facilities therein. The following uses may be authorized by a conditional use permit granted by the Board of Adjustment. Under no conditions shall the sum or any part thereof be refunded for failure of said application to be approved.*

Section 6-2(a) of the Madison County Zoning Ordinance states the following regarding height:

**SECTION 6 – APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, as hereinafter provided:

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located except agricultural uses are exempt.
2. ***No building or other structure shall hereafter be erected or altered:***
  - a. ***To exceed the height;***
  - b. To accommodate or house a greater number of families;
  - c. To occupy a greater percentage of lot area;
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;
  - e. In any other manner contrary to the provisions of this Ordinance.

Section 9-(C) of the Madison County Zoning Ordinance states the following regarding height:

**SECTION 9 – AGRICULTURAL DISTRICT REGULATIONS**

***C. Height Regulations.***

***No building shall exceed two, and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in Section 14.***

Section 14 of the Madison County Zoning Ordinance contains the listed exceptions, modifications, interpretations and conditional uses that are authorized after approval of the Madison County Board of Adjustment.

**SECTION 14 EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS AND CONDITIONAL USES**

C. Structures Permitted Above Height Limits

The building height limitations of this Ordinance shall be modified as follows:

12. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, penthouses, stacks, silos, tanks, water towers, ornamental towers and spires, radio or television tower or necessary mechanical appurtenances may be erected to a height approved by the Board of Adjustment.

E. Conditional Uses.

The development and administration of a comprehensive zoning ordinance is based upon the division of the County into zoning districts with uniform regulations defining permitted uses of land and structures within each district. It is recognized, however, that there are occasions when in addition to the principal permitted uses, conditional uses may be allowed after careful consideration of the impact of the particular uses upon the neighborhood and public facilities therein. The following uses may be authorized by a conditional use permit granted by the Board of Adjustment Under no conditions shall the sum or any part thereof be refunded for failure of said application to be approved.

12. Any structure or land used by public or private utility service company or corporation for public utility purpose, including sewage lagoons, or for purposes of public communication may be permitted in any district. The basis for such permit shall be public convenience.

F. General Requirements and Conditions Applicable to All Special Use Permits.

In granting any special use permit, the Board of Adjustment may prescribe such restrictions and conditions with respect to the permitted use as the Board deems reasonable to further the objectives of this Ordinance. The following general requirements are applicable to all special use permits that may be granted by the Board:

- a. Required Findings. No special use permit shall be granted by the Board of Adjustment unless the Board first finds that all of the following conditions exist:
  - i. Surrounding Area. The value and qualities of the area (or neighborhood) surrounding the conditional use are not substantially injured, and the establishment of a special use will not impede the normal and orderly development and improvement of surrounding undeveloped property for uses predominant in the area. In reviewing and acting upon each application for a special use permit, the Board shall each give due consideration to the proximity of the proposed use to public parks, schools, licensed day care facilities, dwellings and residential districts.
  - ii. Infrastructure. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
  - iii. Intent of Ordinance. The special use is consistent with the intent and purpose of this Ordinance to promote public health, safety, and general welfare.
  - iv. Nuisance Factors. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

- v. Comprehensive Plan. The special use is not inconsistent with the comprehensive plan and land use policies of the County.
  - vi. Cumulative Impact. The Board shall make a determination that the proposed use would not cause a significant adverse cumulative impact when considered together with other uses previously permitted by special use permit. While the impact of a single use permitted by conditional use permit may be deemed acceptable by the Board, the location of more than one conditional use in close proximity to another conditional use may have the potential of causing a significant adverse cumulative impact in the neighborhood.
- b. Conditions on Use. In granting any special use permit, the Board of Adjustment may set minimum requirements, and/or specify conditions and restrictions on the proposed use. Violations of such conditions and requirements, when made a part of the terms under which the special use is granted, shall be deemed a violation of this Ordinance and punishable under Section 16 of this Ordinance. In addition, the Board is authorized to revoke any special use permit under circumstances where the special use is being conducted in violation of the conditions and restrictions of the permit or of any other applicable legal requirements.
  - c. Time. The Board shall determine whether or not the conditional use shall be limited in duration and/or hours of operation. The terms of the conditional use permit shall specify any such limitation.
  - d. Landscaping. Appropriate landscaping berms and buffers are included if necessary to minimize the impact of the conditional use on adjacent property.
  - e. Financial Guarantees. The Board shall determine whether or not the special use permit applicant should be required to submit a plan to rehabilitate the subject tract once the special use has terminated and provide for the funding of said restoration. If the Board requires such a plan, then the special use permit may not be granted until such time as the plan as the plan has been submitted to the Board and approved.
  - f. Review by County Zoning Commission. All applications for special use permit shall be submitted to the County Zoning Commission for its review prior to the public hearing before the Board of Adjustment. Each application shall be considered by the Zoning Commission at a public hearing. After the public hearing, the Zoning Commission promptly shall submit a report to the Board of Adjustment on its findings and recommendations regarding the application. No final action shall be taken by the Board of Adjustment on any application for special use permit until such time as the Board has received and reviewed the report of the Zoning Commission.
  - g. Report by Conservation Department. All applications for conditional use permit shall be submitted to the Conservation Department for review. The Conservation Department shall submit a report on the impact of the proposed use on the environment and on conservation issues prior to the public hearings before the County Zoning Commission and Board of Adjustment. The Board shall consider all recommendations included in the report before determining appropriate environmental protections. The Board shall require reasonable measures to control noise, odor, and dust adequately and to prevent the operation from posing an environmental risk for neighboring properties or waterways. The terms of the conditional use permit shall specify any such required measures.

- h. Report by County Engineer. All applications for conditional use permit shall be submitted to the County Engineer for review. The County Engineer shall submit a report on the impact of the proposed use on roads and other infrastructure matters prior to the public hearings before the County Zoning Commission and Board of Adjustment. The Board may require reasonable measures to be taken by the applicant to address the impact on roads and other infrastructure matters. The terms of the conditional use permit shall specify any such required measures.
- i. Proximity to City Limits. In determining whether to allow or deny a conditional use permit, the Board of Adjustment shall consider the proximity of the subject property to the corporate limits of any city or town.

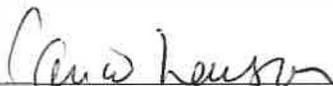
**SECTION 17 D JURISDICTION AND POWERS OF THE BOARD OF ADJUSTMENT**

D. Jurisdiction and Powers of the Board of Adjustment.

- 1. The Board of Adjustment shall have the following powers and duties.
  - b. To hear and decide applications for conditional use permits and exceptions upon which the Board is required to address by other sections of this Ordinance.

After careful consideration of all the information that has been presented, and for the factual reasons set forth in the above noted Sections 14 & 17 both of which are incorporated by this reference herein, the Board of Adjustment hereby finds:

The applicant Michele Roth on behalf of Sherry L. Corkrean for FirstNet-AT&T request for Conditional Use Permit has \_\_\_\_ / has not  met the requirements of the Madison County Zoning Ordinance.

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Secretary

Original Filed with the Secretary of the Board of Adjustment on August 4, 2020.

## MADISON COUNTY BOARD OF ADJUSTMENT

Application for Conditional Use  
FirstNet/AT&T- Sherry L. Corkrean property  
SE NE SW Section 10, Monroe Township

### DECISION

Date: 04-04-20

On August 4, 2020 at 7:00 p.m., pursuant to the rules of procedure of the Board Adjustment, a public hearing was held on the application for Conditional Use filed on May 5, 2020 by Michele Roth on behalf of Sherry L. Corkrean regarding property located in Section 10, Monroe Township as shown on the attached map. At the hearing the Board of Adjustment reviewed the relevant provisions of the Madison County Ordinances, all documents constituting the record, any new documents received from interested parties, heard the statements, remarks and comments by the Zoning Administrator, the applicants, as well as statements, remarks and comments by others in attendance. After all information had been received and all interested parties heard by the Board of Adjustment, the hearing was closed pursuant to the rules of procedure of the Board of Adjustment.

At the close of the hearing a motion was made by William to approve \_\_\_ deny X the request for the Conditional Use application. The motion was seconded by RANDAL. A roll call vote was conducted with the following votes:

Fred Howell -	<u>Aye</u>
Mindy Nelson -	<u>Aye</u>
Randall Johnson -	<u>Aye</u>
Carrie Larson -	<u>Aye</u>
William Manning -	<u>Aye</u>

The Conditional Use request was approved \_\_\_ denied X

A motion was made by RANDAL to approve as written the "Board of Adjustment Findings of Fact and Legal Principals Upon Which the Board Acts," which is attached hereto and incorporated herein by its reference. The motion was seconded by FRED. A roll call vote was conducted with the following votes

Fred Howell -	<u>Aye</u>
Mindy Nelson -	<u>Aye</u>
Randall Johnson -	<u>Aye</u>
Carrie Larson -	<u>Aye</u>
William Manning -	<u>Aye</u>

The "Board of Adjustment Findings of Fact and Legal Principles Upon Which the Board Acts" was adopted by the Board of Adjustment YES  NO

DECISION:

The request for Conditional Use are hereby approved  denied

Dated this 4th day of August 2020

Acknowledged as to Accuracy:

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Secretary

Original Filed with the Secretary of the Board of Adjustment on August 4, 2020.

**BOARD OF ADJUSTMENT FINDINGS OF FACT AND LEGAL  
PRINCIPLES UPON WHICH THE BOARD ACTS:**

The terms Special Use and Conditional Use are synonymous. Zoning has two use categories, permitted uses are those listed by the ordinance as being allowed by right in a zoning district. Special Use or Conditional Use are terms used to describe those uses listed by the ordinance as being permissible at the discretion of the Board of Adjustment.

Section 14 of the Madison County Zoning Ordinance defines the Exceptions, Modifications, Interpretations and Conditional Uses that are permitted when authorized by the granting of a conditional use permit by the Board of Adjustment.

***Section 14 Exceptions, Modifications, Interpretations and Conditional Uses***

***E. Conditional Uses.***

*The development and administration of a comprehensive zoning ordinance is based upon the division of the County into zoning districts with uniform regulations defining permitted uses of land and structures within each district. It is recognized, however, that there are occasions when in addition to the principal permitted uses, conditional uses may be allowed after careful consideration of the impact of the particular uses upon the neighborhood and public facilities therein. The following uses may be authorized by a conditional use permit granted by the Board of Adjustment. Under no conditions shall the sum or any part thereof be refunded for failure of said application to be approved.*

Section 6-2(a) of the Madison County Zoning Ordinance states the following regarding height:

**SECTION 6 – APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, as hereinafter provided:

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located except agricultural uses are exempt.
2. ***No building or other structure shall hereafter be erected or altered:***
  - a. ***To exceed the height;***
  - b. To accommodate or house a greater number of families;
  - c. To occupy a greater percentage of lot area;
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;
  - e. In any other manner contrary to the provisions of this Ordinance.

Section 9-(C) of the Madison County Zoning Ordinance states the following regarding height:

**SECTION 9 – AGRICULTURAL DISTRICT REGULATIONS**

***C. Height Regulations.***

***No building shall exceed two, and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in Section 14.***

Section 14 of the Madison County Zoning Ordinance contains the listed exceptions, modifications, interpretations and conditional uses that are authorized after approval of the Madison County Board of Adjustment.

**SECTION 14 EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS AND CONDITIONAL USES**

C. Structures Permitted Above Height Limits

The building height limitations of this Ordinance shall be modified as follows:

12. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, penthouses, stacks, silos, tanks, water towers, ornamental towers and spires, radio or television tower or necessary mechanical appurtenances may be erected to a height approved by the Board of Adjustment.

E. Conditional Uses.

The development and administration of a comprehensive zoning ordinance is based upon the division of the County into zoning districts with uniform regulations defining permitted uses of land and structures within each district. It is recognized, however, that there are occasions when in addition to the principal permitted uses, conditional uses may be allowed after careful consideration of the impact of the particular uses upon the neighborhood and public facilities therein. The following uses may be authorized by a conditional use permit granted by the Board of Adjustment Under no conditions shall the sum or any part thereof be refunded for failure of said application to be approved.

12. Any structure or land used by public or private utility service company or corporation for public utility purpose, including sewage lagoons, or for purposes of public communication may be permitted in any district. The basis for such permit shall be public convenience.

F. General Requirements and Conditions Applicable to All Special Use Permits.

In granting any special use permit, the Board of Adjustment may prescribe such restrictions and conditions with respect to the permitted use as the Board deems reasonable to further the objectives of this Ordinance. The following general requirements are applicable to all special use permits that may be granted by the Board:

- a. Required Findings. No special use permit shall be granted by the Board of Adjustment unless the Board first finds that all of the following conditions exist:
  - i. Surrounding Area. The value and qualities of the area (or neighborhood) surrounding the conditional use are not substantially injured, and the establishment of a special use will not impede the normal and orderly development and improvement of surrounding undeveloped property for uses predominant in the area. In reviewing and acting upon each application for a special use permit, the Board shall each give due consideration to the proximity of the proposed use to public parks, schools, licensed day care facilities, dwellings and residential districts.
  - ii. Infrastructure. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
  - iii. Intent of Ordinance. The special use is consistent with the intent and purpose of this Ordinance to promote public health, safety, and general welfare.
  - iv. Nuisance Factors. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

- v. Comprehensive Plan. The special use is not inconsistent with the comprehensive plan and land use policies of the County.
  - vi. Cumulative Impact. The Board shall make a determination that the proposed use would not cause a significant adverse cumulative impact when considered together with other uses previously permitted by special use permit. While the impact of a single use permitted by conditional use permit may be deemed acceptable by the Board, the location of more than one conditional use in close proximity to another conditional use may have the potential of causing a significant adverse cumulative impact in the neighborhood.
- b. Conditions on Use. In granting any special use permit, the Board of Adjustment may set minimum requirements, and/or specify conditions and restrictions on the proposed use. Violations of such conditions and requirements, when made a part of the terms under which the special use is granted, shall be deemed a violation of this Ordinance and punishable under Section 16 of this Ordinance. In addition, the Board is authorized to revoke any special use permit under circumstances where the special use is being conducted in violation of the conditions and restrictions of the permit or of any other applicable legal requirements.
  - c. Time. The Board shall determine whether or not the conditional use shall be limited in duration and/or hours of operation. The terms of the conditional use permit shall specify any such limitation.
  - d. Landscaping. Appropriate landscaping berms and buffers are included if necessary to minimize the impact of the conditional use on adjacent property.
  - e. Financial Guarantees. The Board shall determine whether or not the special use permit applicant should be required to submit a plan to rehabilitate the subject tract once the special use has terminated and provide for the funding of said restoration. If the Board requires such a plan, then the special use permit may not be granted until such time as the plan as the plan has been submitted to the Board and approved.
  - f. Review by County Zoning Commission. All applications for special use permit shall be submitted to the County Zoning Commission for its review prior to the public hearing before the Board of Adjustment. Each application shall be considered by the Zoning Commission at a public hearing. After the public hearing, the Zoning Commission promptly shall submit a report to the Board of Adjustment on its findings and recommendations regarding the application. No final action shall be taken by the Board of Adjustment on any application for special use permit until such time as the Board has received and reviewed the report of the Zoning Commission.
  - g. Report by Conservation Department. All applications for conditional use permit shall be submitted to the Conservation Department for review. The Conservation Department shall submit a report on the impact of the proposed use on the environment and on conservation issues prior to the public hearings before the County Zoning Commission and Board of Adjustment. The Board shall consider all recommendations included in the report before determining appropriate environmental protections. The Board shall require reasonable measures to control noise, odor, and dust adequately and to prevent the operation from posing an environmental risk for neighboring properties or waterways. The terms of the conditional use permit shall specify any such required measures.

- h. Report by County Engineer. All applications for conditional use permit shall be submitted to the County Engineer for review. The County Engineer shall submit a report on the impact of the proposed use on roads and other infrastructure matters prior to the public hearings before the County Zoning Commission and Board of Adjustment. The Board may require reasonable measures to be taken by the applicant to address the impact on roads and other infrastructure matters. The terms of the conditional use permit shall specify any such required measures.
- i. Proximity to City Limits. In determining whether to allow or deny a conditional use permit, the Board of Adjustment shall consider the proximity of the subject property to the corporate limits of any city or town.

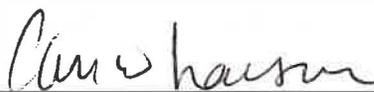
**SECTION 17 D JURISDICTION AND POWERS OF THE BOARD OF ADJUSTMENT**

**D. Jurisdiction and Powers of the Board of Adjustment.**

- 1. The Board of Adjustment shall have the following powers and duties.
  - b. To hear and decide applications for conditional use permits and exceptions upon which the Board is required to address by other sections of this Ordinance.

After careful consideration of all the information that has been presented, and for the factual reasons set forth in the above noted Sections 14 & 17 both of which are incorporated by this reference herein, the Board of Adjustment hereby finds:

The applicant Michele Roth on behalf of William & Kathleen A. Eggers for FirstNet-AT&T request for Conditional Use Permit has  / has not  met the requirements of the Madison County Zoning Ordinance.

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Secretary

Original Filed with the Secretary of the Board of Adjustment on August 4, 2020.

## MADISON COUNTY BOARD OF ADJUSTMENT

Application for Conditional Use

FirstNet/AT&T- William C. & Kathleen A. Eggers property

S ½ SW EX. 19.34A S PT SW SW Section 32, Jackson Township

### DECISION

Date: 04-04-20

On August 4, 2020 at 7:00 p.m., pursuant to the rules of procedure of the Board Adjustment, a public hearing was held on the application for Conditional Use filed on May 5, 2020 by Michele Roth on behalf of William C. & Kathleen A. Eggers regarding property located in Section 32, Jackson Township as shown on the attached map. At the hearing the Board of Adjustment reviewed the relevant provisions of the Madison County Ordinances, all documents constituting the record, any new documents received from interested parties, heard the statements, remarks and comments by the Zoning Administrator, the applicants, as well as statements, remarks and comments by others in attendance. After all information had been received and all interested parties heard by the Board of Adjustment, the hearing was closed pursuant to the rules of procedure of the Board of Adjustment.

At the close of the hearing a motion was made by William to approve \_\_\_ deny  the request for the Conditional Use application. The motion was seconded by Mindy. A roll call vote was conducted with the following votes:

Fred Howell -	<u>Aye</u>
Mindy Nelson -	<u>Aye</u>
Randall Johnson -	<u>Aye</u>
Carrie Larson -	<u>Aye</u>
William Manning -	<u>Aye</u>

The Conditional Use request was approved \_\_\_ denied

A motion was made by RANDAL to approve as written the "Board of Adjustment Findings of Fact and Legal Principals Upon Which the Board Acts," which is attached hereto and incorporated herein by its reference. The motion was seconded by WILLIAM. A roll call vote was conducted with the following votes

Fred Howell -	<u>Aye</u>
Mindy Nelson -	<u>Aye</u>
Randall Johnson -	<u>Aye</u>
Carrie Larson -	<u>Aye</u>
William Manning -	<u>Aye</u>

The "Board of Adjustment Findings of Fact and Legal Principles Upon Which the Board Acts" was adopted by the Board of Adjustment YES  NO

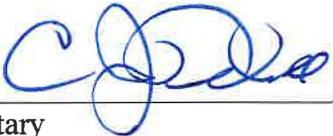
DECISION:

The request for Conditional Use are hereby approved  denied

Dated this 4th day of August 2020

Acknowledged as to Accuracy:

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Secretary

Original Filed with the Secretary of the Board of Adjustment on August 4, 2020.