



Michael Best & Friedrich LLP

Attorneys at Law

One South Pinckney Street

Suite 700

Madison, WI 53703

P.O. Box 1806

Madison, WI 53701-1806

Phone 608.257.3501

Fax 608.283.2275

Michael P. Screnock

Direct 608.283.2245

Email mpscrenock@michaelbest.com

May 22, 2014

VIA E-MAIL

Dane County Zoning & Land Regulation Committee

Rutland Town Board
c/o Town Clerk and Town Chairperson

Rutland Plan Commission
c/o Town Clerk and Commission Chairperson

Re: Petition Nos. Rezone 10672/CUP 2270 – Stoughton Farms Inc.

Enclosed please find a memorandum we have prepared that explains the new provisions of state law that significantly limit local authority to regulate radio broadcast service facilities. In short, with very limited exceptions, neither the Town of Rutland nor Dane County may take any new action or enforce any existing ordinance or resolution to prohibit a radio broadcast service facility. The only exception is if the action or regulation has a reasonable and clearly defined public health or safety objective, reflects the minimum practical regulation that is necessary to accomplish that objective, and reasonably accommodates radio broadcast services in the political subdivision. Wis. Stat. § 66.0406.

These new provisions are directly applicable to Stoughton Farms Inc.'s pending rezone and CUP petitions referenced above, which relate to the proposed Magnum Communications radio broadcast tower. The enclosed memorandum also addresses the interplay between the new statutory provisions and the farmland preservation law. Certain individuals have incorrectly suggested that the new law does not apply to exclusive agriculture districts and related farmland preservation zoning restrictions. As explained in the memorandum, the new law applies to any existing ordinance or resolution, including farmland preservation zoning ordinances, and to any new action that affects the placement or construction of a radio broadcast facility. Moreover, because the legislature explicitly envisioned communication uses in exclusive agriculture districts, there is no conflict between the new limitation on local regulatory authority and the farmland preservation zoning statute.

MICHAEL BEST

& FRIEDRICH LLP

May 22, 2014
Page 2

Thank you for your consideration of the enclosed memorandum as you continue to process the Stoughton Farms rezone and CUP petitions.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP



Michael P. Screnock

MPS:skt

Enclosure

cc: Allen Reuter, Esq.
David Gault, Esq.