

# Dane County Rezone & Conditional Use Permit Application

Application Date	Preliminary Application Number	
11/18/10	RECU25799	
Public Hearing Date	Petition Number	C.U.P. Number
01/25/2011	10275	2157

### OWNER INFORMATION

OWNER NAME  
**STOUGHTON FARMS INC**

PHONE with Area Code  
**(608)372-9600**

BILLING ADDRESS (Number, Street)  
**RR 2**

(City, State, Zip)  
**OREGON, WI 53575**

E-MAIL ADDRESS

### AGENT INFORMATION

AGENT NAME  
**DICK ROGERS**

PHONE with Area Code  
**(414)507-3751**

ADDRESS (Number, Street)  
**100 W. HENRY CLAY ST.**

(City, State, Zip)  
**WHITEFISH BAY, WI 53217**

E-MAIL ADDRESS  
**RJRASSOC@HOTMAIL.COM**

### ADDRESS/LOCATION 1

ADDRESS OR LOCATION OF REZONE/CUP:  
**3768 OLD STAGE ROAD**

TOWNSHIP  
**RUTLAND**

SECTION  
**34**

PARCEL NUMBERS INVOLVED

**051034195900**

**051034181500**

**051034190009**

### ADDRESS/LOCATION 2

ADDRESS OR LOCATION OF REZONE/CUP:

TOWNSHIP

SECTION

PARCEL NUMBERS INVOLVED

### ADDRESS/LOCATION 3

ADDRESS OR LOCATION OF REZONE/CUP:

TOWNSHIP

SECTION

PARCEL NUMBERS INVOLVED

### REASON FOR REZONE

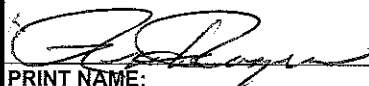
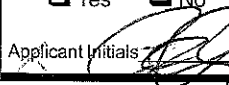
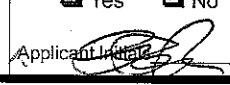
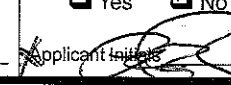
ZONING COMPLIANCE FOR FM RADIO TOWER

### CUP DESCRIPTION

FM RADIO TOWER IN THE A-2(8) ZONING DISTRICT

FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCES SECTION	ACRES
A-1EX	A-2(8)	15.5	10.194	15.5

The undersigned, hereby acknowledges to Dane County Planning & Development that they will pay the modified DATCP conversion fee in the amount of approximately \$15,606, upon approval of the zoning map amendment.

C.S.M. REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	INSPECTOR'S INITIALS <b>ama1</b>	SIGNATURE: (Owner or Agent) 
Applicant Initials 	Applicant Initials 	Applicant Initials 		PRINT NAME: <b>Richard J. Rogers</b>
COMMENTS: ~500 FOOT FM RADIO TOWER IN THE A-2(8) DISTRICT				DATE: <b>11-18-2010</b>

**COMMUNICATION TOWER INFORMATION FORM (CTIF)**

<b>CONTACTS</b>				
Property Owner's Name		Stoughton Farms, Inc.		
Property Owner's Mailing Address	Street 4198 Old Stone Road	City Oregon	State WI	ZIP 53575
Property Owner's Phone Number		(608) 372-9600 (Dave Magnum, Magnum Communications)		
Agent's Name & Affiliation		Dick Rogers, RJR Associates		
Agent's Relationship to Property Owner		None		
Agent's Relationship to the Proposed Tower (e.g. wireless service provider, site acquisition firm, tower builder, etc.)		Site acquisition consultant		
Agent's Mailing Address	Street 100 W. Henry Clay St.	City Whitefish Bay	State WI	ZIP 53217
Agent's Phone Number		(414)507-3751		
<b>PROPOSED ACTION</b>				
Current Zoning	A-1EX	CUP Acres:	15.472	
Proposed Zoning (only if rezoning)	A-2(8)	Rezone Acres (if applicable)	15.472	
Have the property owner and the agent/tower sponsor formally completed a binding letter of intent, option to lease, or lease? Please attach a letter from the property owner(s) consenting to the application. <b>(OPTION TO PURCHASE)</b>			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Check One	
If applicable, does the lease area coincide with the proposed CUP area?			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Check One	
<b>LOCATION</b>				
Town		Rutland		
PLSS location (Township, Range, ¼ ¼ Section)		T5N, R10E, E1/2 and S1/2 of the NE 1/4 section 34		
Parcel Number(s)		0510-341-8150-0; 0510-341-9590-0; 0510-341-9000-0		
Street Address (or Proximity to Nearest Address)		3768 Old Stage Road		
Coordinates in Decimal Degrees (00.000000 Lat., - 00.000000 Long.)		Lat: 42°-51'-15.44" : Long: 89°-17'-41.04" (°/'")		
Is the subject property located in the Height Limitation Zoning Overlay District (HLZO), roughly within three miles of the Dane County Regional Airport (check with Zoning staff)?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
			Check One	

<b>TOWER DETAILS</b>							
Applicant's Intended Purpose of Tower (e.g. coverage, capacity, other). Explain.		FM Radio tower – relocation of WBKY currently in Portage					
Type of Tower (e.g. monopole, self-support lattice, guyed lattice, etc.)			Guyed lattice				
Above Ground Level (AGL) Height (ft.) (i.e. maximum design potential).			488'				
Base/Ground Elevation (ft.)			962'				
What is the "fall-down radius" (ft.) of the proposed tower?			610'				
Technology to be Initially Sited on the Proposed Tower (e.g. Cellular, PCS, Radio, Television, Microwave, etc.) <sup>1</sup>			Radio				
Number & elevation (Feet AGL) of Antenna Arrays to be Accommodated		1 480'	2 470'	3 460'	4	5	6
Is the primary sponsor of this tower a wireless service provider or a tower builder?		FM Radio station / owner		If a wireless service provider, please include FCC license number.			
To the best of the applicant's knowledge, will this tower be lighted?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	If applicable, please explain in the box below to the greatest extent known in what manner the tower will be lighted.			
		Check One					
Lighting Configuration: Total of 4 lighting beacon. Beacons at 1/4 , 1/2, 3/4, and top of tower. Lighting system to follow FAA advisory circular AC 70/7460-1K: Obstruction Marking and Lighting.							
Are there any mitigation measures being taken to minimize the visual impact of this tower? If so, explain. Attach an additional page(s) if necessary. Siting tower on interior of property away from road, nearby residences to the extent possible.							
<b>PRELIMINARY INFORMATION ON OPTIONS FOR COLLOCATION<sup>2</sup></b>							
What search area radius was used to determine the location of the proposed tower?					5 miles		
Are there any existing towers or other potentially suitable structures in excess of 80 feet in height within a 1.5 mile radius? If yes, how many structures <u>total</u> are there?					<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
1 structures. If yes, please attach map showing the location of these structures in proximity to the proposed tower. (Cingular tower on George property – not tall enough)					Check One		
Has the applicant examined each of the structures noted above to determine if an antenna array can or may be located on the structure?					<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
					Check One		

<sup>1</sup> Note that this statement does not preclude future placement of alternative technologies on this structure.  
<sup>2</sup> Note that more detailed information regarding options for collocation and addressing s. 10.194(2) of the Dane County Code of Ordinances is required in the *Written Statement*.

Assign a number to each of the existing structures noted above and briefly explain in the spaces below why each one will not accommodate the proposed antenna array (e.g. structurally incapable, owner unwilling to enter into a lease, etc.). Attach additional pages if necessary.

1. Cingular tower on George property about 1 mile west on Old Stage. Insufficient height for FM tower.
- 2.
- 3.
- 4.

**SUBJECT PROPERTY AND SURROUNDING AREA**

What is the current, primary use of the subject property (e.g. residential, agricultural, commercial, etc.)?	Agricultural / open space	
What are the current, primary uses of all properties adjacent to the subject property?	Agricultural, rural residential	
What is the current zoning of all properties adjacent to the subject property?	A-1EX, RH-1 (adjoining parcel to east)	
How far (in feet) is the proposed tower from the nearest structure on an adjacent property (not on subject property)? What is the current use of the structure?	~3,000' (residence)	
Are there any small, private airports within a 3-mile radius of the proposed tower? If yes, give the name(s) and distance(s) in the box below.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<i>Check One</i>	
<i>Name(s) and Distances of Private Airports:</i>		
If applicable, have the listed private airports within a 3-mile radius of the proposed tower been notified of the petition?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<i>Check One</i>	

**Question 1: explain the reason/necessity for the move, and how this would benefit the listeners of WBKY and the public**

In 2002 it was determined that WBKY licensed to Portage, could be re-located to Stoughton. The Federal Communication's mission is to serve the public interest to the greatest possible extent by maximizing use of spectrum. WBKY and two other radio stations are licensed to Portage. The FCC determined that it is in the public interest to move WBKY to Stoughton, giving Stoughton one and leaving Portage with two. Further, by licensing WBKY to Stoughton, the 60 dBU contour population coverage will increase from 62,943 to 233,071 persons. Prior to changing the "Table of Allotments" the FCC required Magnum Communications to commit to moving the facility to Stoughton. Magnum Communications made that commitment and is working diligently to honor it.

**Question 2: Why is the tower height of 500 feet necessary? Would a shorter tower accomplish your goals? If the requested height is driven by signal coverage, submit Longley-Rice maps showing present coverage, proposed coverage at the requested height, and coverage at tower heights of 200, 300, and 400 feet at the requested site. All maps should have the community of license clearly marked. On each map show the FCC F(50-50) 70 dBU contour.**

A taller tower will reduce electric consumption to power WBKY. As you lower the tower you must in turn proportionately raise the power to compensate for the loss of height. At the Brooklyn Town meeting there was discussion about WBKY being able to be more "green" by using less electricity in addition to a smaller transmitter. The tower achieves this. There was also discussion of the fact that any tower above 200 ft. must be lit and that differences in height really aren't that discernable to a person on the ground. Further, by building the tower at the FAA approved height of 488 ft., there is the possibility that another hypothetical entity in the future that may need tower space in the area may be able to co-locate on this tower potentially negating the need to build another tower.

**Question 3: Explain all constraints on the siting of this particular facility, including FCC and FAA considerations. Submit a siting map showing your "area-to-locate" and identify each boundary of that area.**

Longley-Rice maps are attached for the current facility in Portage, the proposed 488 ft tower, and tower heights of 400, 300 and 200 ft. Note that the tower heights of 300 and 200 ft would bring the antenna below the prescribed 100 meters above average terrain designated for Class A FM stations.

The three radio stations constraining WBKY's location are shown on the map; WMAD, WLKG, and WRIT. The blue line indicates the boundary in which the station must be located to still provide the required 70 dBU contour over Stoughton. The FAA study determined the height of 488ft.

**Question 4: What other sites have you investigated, and why were they rejected? If the rejection was based on coverage submit a Longley-Rice coverage map for that site.**

**Question 5: Are there any available sites in your siting area that are more compatible with a radio tower (industrial area, sparsely populated agricultural area, etc)? If so, give reasons why the tower can't be located at those sites.**

Numerous other sites were reviewed within a few miles of the current site. Other areas were not available from the land owner, or presented other unwanted issues such as being too close to houses, roads, or not enough space to meet the set-back requirements. After extensive "scouting" it was determined that the proposed site best reflected the "spirit" of the ordinances which strive to have towers placed as inconspicuously as possible. A site was chosen next to a gravel pit tucked into a corner as far away from the road as possible.



United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**FM BROADCAST STATION CONSTRUCTION PERMIT**

Authorizing Official:

Official Mailing Address:

MAGNUM COMMUNICATIONS, INC.  
1021 NORTH SUPERIOR AVE.  
SUITE 5  
TOMAH WI 54660

Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

Facility ID: 39625

Grant Date: November 16, 2010

Call Sign: WBKY

The authority granted herein has no effect on the expiration date of the underlying construction permit.

Permit File Number: BMPH-20100810ABT

This permit modifies permit no.: BPH-20080207APE.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: MAGNUM COMMUNICATIONS, INC.

Station Location: WI-STOUGHTON

Frequency (MHz): 95.9

Channel: 240

Class: A

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 42 deg 51 min 15 sec
West Longitude: 89 deg 17 min 41 sec

Table with 3 columns: Parameter, Horizontally Polarized Antenna, Vertically Polarized Antenna. Rows include Effective radiated power, Height of radiation center above ground, Height of radiation center above mean sea level, and Height of radiation center above average terrain.

Antenna structure registration number: 1276118

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

1 \*\*\*\*\* This is a Section 73.215 contour protection grant \*\*\*\*\*
\*\*\*\*\* as requested by this applicant \*\*\*\*\*

2 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

\*\*\* END OF AUTHORIZATION \*\*\*