

Dane County



Minutes

Tuesday, February 27, 2018

6:30 PM

City - County Building, ROOM 354

210 Martin Luther King Jr. Blvd., Madison
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Zoning & Land Regulation Committee

A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members present: Sam Fischer.

Supervisor Miles arrived at 6:40pm.

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and DENNIS O'LOUGHLIN

B. Public comment for any item not listed on the agenda

No comments made by the public.

[2017](#)
[RPT-698](#)

Feb 27th ZLR Committee meeting registrants

C. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

[11240](#)

PETITION: REZONE 11240

APPLICANT: SCOTT B FRANK

LOCATION: 1980 RATHERT ROAD, SECTION 11, TOWN OF COTTAGE GROVE

CHANGE FROM: A-2 Agriculture District TO A-2 (2) Agriculture District

REASON: reduce the size of a residential lot

In favor: Scott Frank

Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. The petition shall be amended to change the zoning of the remaining A-1Ex Exclusive Agriculture lands to the A-4 Small Lot Agriculture Zoning District.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11241](#)

PETITION: REZONE 11241

APPLICANT: PLEASANTIME HOLDINGS LLC

LOCATION: 5052 STATE HIGHWAY 73, SECTION 28, TOWN OF MEDINA

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, R-1 Residence District TO RH-1 Rural Homes District

REASON: shifting of property lines between adjacent land owners

In favor: John Ward

Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandO'LOUGHLIN

Absent: 1 - MILES

[11242](#)

PETITION: REZONE 11242
APPLICANT: SCOTT TRAUTMAN
LOCATION: SOUTH OF SKAALLEN ROAD AND WEST OF PLEASANT HILL ROAD, SECTION
34, TOWN OF PLEASANT SPRINGS
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

In favor: David Bachhuber

Opposed: None

**A motion was made by MILES, seconded by O'LOUGHLIN, that this Zoning
Petition be recommended for approval as amended. The motion carried by the
following vote: 5-0.**

**1. A deed restriction shall be recorded on parcel 0611-353-8500-8 to prohibit
further residential development on the remaining A-1 Exclusive Agriculture
zoned land. The housing density rights for the original farm have been
exhausted.**

**2. A deed restriction shall be recorded on the proposed A-2 lot to prohibit any
land division of the property.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11243](#)

PETITION: REZONE 11243
APPLICANT: CARLA JOY RAATZ
LOCATION: 9854 GREENWALD ROAD, SECTION 26, TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District
REASON: creating one residential lot

In favor: Tim and Carla Raatz

Opposed: None

**A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning
Petition be recommended for approval. The motion carried by the following vote:
5-0.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11244](#)

PETITION: REZONE 11244
APPLICANT: PETE ANDRINGA
LOCATION: RIDGE ROAD, SECTION 23, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: creating one residential lot

In favor: Justin and Sara Lessner
Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcel 0711-231-8500-3 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11245](#)

PETITION: REZONE 11245
APPLICANT: NORMAN STAMM
LOCATION: 6712 RED STONE LANE, SECTION 35, TOWN OF VERONA
CHANGE FROM: A-2 (2) Agriculture District TO RH-1 Rural Homes District
REASON: creating three residential lots from two.

In favor: Norman Stamm
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11246](#)

PETITION: REZONE 11246
APPLICANT: DENNIS G REISDORF
LOCATION: 1190 SUNRISE ROAD, SECTION 9, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In favor: Dennis Reisdorf
Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11247](#)

PETITION: REZONE 11247
APPLICANT: JOHN P ZIEGLER
LOCATION: 1256 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND
CHANGE FROM: LC-1 Limited Commercial District TO R-1A Residence District
REASON: creating one residential lot

In favor: John Ziegler
Opposed: None

A motion was made by BOLLIG, seconded by O'LOUGHLIN, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be recorded on parcel #0510-104-8500-3 (part of sending property) prohibiting residential development.**
- 2. A notice document shall be recorded on the "sending" property - parcels 0510-104-8500-3, 0510-101-9000-9, and 0510-101-8501-5 indicating that one split was transferred from the property leaving only 2 possible splits remaining.**
- 3. A notice document shall be recorded on the subject "receiving" property indicating that the property was established as a new residential lot pursuant to a transfer of development rights.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11248](#)

PETITION: REZONE 11248
APPLICANT: DONALD L PARRELL
LOCATION: 4543 BLUE MOUNDS TRAIL, SECTION 3, TOWN OF VERMONT
CHANGE FROM: RH-4 Rural Homes District TO RH-3 Rural Homes District, RH-4 Rural Homes District TO RH-3 Rural Homes District
REASON: creating two residential lots

In favor: Don Parrell
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MILES, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11249](#)

PETITION: REZONE 11249
APPLICANT: JOSEPH M SCHWARZ & SON LLC
LOCATION: NORTH OF 4473 BLUE MOUNDS TRAIL, SECTION 9, TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In favor: Joseph Schwarz
Opposed: None

A motion was made by MILES, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11250](#)

PETITION: REZONE 11250
APPLICANT: CONTROLLED SURFACE FINISHING, INC
LOCATION: 830 US HIGHWAY 51, SECTION 3, TOWN OF DUNKIRK
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District
REASON: changing zoning from C1 to C2 combining the 2 existing parcels

In favor: Steven Tortarici
Opposed: None

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. Amend the petition to rezone the proposed 1.8 acre parcel around the house and accessory building (lot 2) to A-2(1) Agriculture to provide zoning compliance for the residential use of the property.**
- 2. Applicant shall coordinate with WISDOT staff and comply with any requirements related to safe ingress/egress and/or access restrictions.**
- 3. A deed restriction shall be recorded on the proposed C-2 Commercial lot as follows: Limit commercial uses exclusively to the following: light manufacturing and assembly plants; machine shops; distribution centers; incidental warehousing and indoor storage; offices / office buildings; Prohibit the installation of off-premises advertising signs (billboards).**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11251](#)

PETITION: REZONE 11251
APPLICANT: JOHN G MORSCHAUSER
LOCATION: SOUTHWEST QUADRANT OF BURVE ROAD AND SMITH DRIVE, SECTION 7, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District, A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

In favor: John Morschauser
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[11253](#)

PETITION: REZONE 11253
APPLICANT: SCHROEDER LIVING TR, DALE KENNETH
LOCATION: 7108 LAVINA ROAD, SECTION 34, TOWN OF DANE
CHANGE FROM: A-2 (1) Agriculture District TO LC-1 Limited Commercial District
REASON: zoning to allow for a limited commercial business.

In favor: Gerald Acker
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02406](#)

PETITION: CUP 02406
APPLICANT: TOAD HILL CHILDRENS HOUSE LLC
LOCATION: 4560 RUSTIC DRIVE, SECTION 2, TOWN OF BLOOMING GROVE
CUP DESCRIPTION: child care center and Montessori school in RH-1

In favor: Rebecca Katzenmeyer, Emily Steinwehe, April Netz, Tara Vondollen, Ann Newman, Jody Czaja, Eli Katzenmeyer, Lenni Jenkins, and Kathleen McHugh.
Opposed: None.

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be postponed to the March 13th meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02407](#)

PETITION: CUP 02407
APPLICANT: CAMBRIDGE SCHOOL DISTRICT
LOCATION: 37 OAKLAND ROAD, SECTION 24, TOWN OF CHRISTIANA
CUP DESCRIPTION: charter school

In favor: Michael Rumpf and Bernie Nikolay
Opposed: None

A motion was made by O'LOUGHLIN, seconded by MILES, that this Conditional Use Permit be approved with 5 conditions. The motion carried by the following vote: 5-0.

1. This Conditional Use Permit shall cover the following uses of the property: operation of a Charter School and associated nonprofit / governmental uses.
2. Hours of operation are between 7:00am and 5:00pm.
3. Number of school students shall not exceed fifty (50).
4. Adequate off street parking and interior traffic circulation shall be provided in accordance with section 10.18 of the Dane County zoning ordinance.
5. Special events will be Summer School events only, with such events sanctioned by the Cambridge School District. For such special events, adequate sanitary facilities (temporary and/or permanent) shall be provided to accommodate anticipated number of patrons.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

CUP 02408

PETITION: CUP 02408
APPLICANT: JAMES ACE
LOCATION: 1825 GREEN ROAD, SECTION 34, TOWN OF DUNN
CUP DESCRIPTION: parking of trucks used for hauling ag commodities

In favor: James Ace

Opposed: None

A motion was made by MILES, seconded by O'LOUGHLIN, that this Conditional Use Permit be approved with 5 conditions. The motion carried by the following vote: 5-0.

- 1) This Conditional Use Permit is for an Agricultural Accessory Use – Agricultural Commodities Trucking business;**
- 2) A maximum of 7 trucks may be used for the business;**
- 3) The trucks must continue to be parked amongst the buildings;**
- 4) The business can employ a maximum of 4 full-time equivalent employees;**
- 5) The CUP will expire upon sale or transfer of the property.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

CUP 02409

PETITION: CUP 02409
APPLICANT: BLOOMING GROVE, TOWN OF
LOCATION: 3325 THURBER AVE, SECTION 5, TOWN OF BLOOMING GROVE
CUP DESCRIPTION: park facility, artist studio (art production and education)

In favor: Town Clerk Mike Wolf, Mark Penisten, Cassandra Horstmeier, and Jule Stroick.

Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 6 conditions. The motion carried by the following vote: 5-0.

- 1. Hours of operation shall be 8 am to 9 pm 7 days a week.**
- 2. The artist will have access to the studio 24/7**
- 3. There will be no outdoor storage**
- 4. There will be no outdoor lighting beyond what is already is already present**
- 5. There shall be no outdoor loudspeakers**
- 6. The permit period shall be 10 years from approval date.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02410](#)

PETITION: CUP 02410
APPLICANT: LAURENCE D THIEMANN
LOCATION: EAST OF 3700 OLD MILITARY ROAD, SECTION 26, TOWN OF CROSS PLAINS
CUP DESCRIPTION: kennel/dog park

In favor: Larry Thiemann

Opposed: None

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Conditional Use Permit be approved with 10 conditions. The motion carried by the following vote: 5-0.

- 1. All operations and improvements must conform to the site plan provided with this application.**
- 2. Hours of operation shall be from dawn to dusk.**
- 3. No more than 20 people and their dogs shall be on the premises at any given time.**
- 4. Offsite parking, consistent with s.10.18, Dane County Code, for at least 20 vehicles must be provided.**
- 5. Any materials or supplies associated with the dog park will be stored indoors.**
- 6. Landowners must provide for adequate pet waste removal and appropriate disposal. Copies of any contracts for waste removal services will be provided to the zoning administrator. Covered waste collector bins must be provided near park gates.**
- 7. The landowner shall retain liability insurance for the operation of a dog park on the property.**
- 8. The entire perimeter of the dog park area must be fenced. Fences must be a minimum of 4 feet in height, constructed of durable, scratch-resistant material and maintained in good condition. All gates shall be of double-gated design to reduce risk of pet escape.**
- 9. All dogs on the site must wear collars and ID tags at all times and have all required licenses and inoculations.**
- 10. Signage, conforming to appropriate requirements of the Dane County sign ordinance (Subchapter II, Chapter 10, Dane County Code), shall be posted at each park gate. Signs shall indicate hours of operation, contact telephone numbers for park operators and park rules.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

D. Zoning Map Amendments and Conditional Use Permits from previous meetings

[11221](#)

PETITION: REZONE 11221
APPLICANT: ANDREW J VEUM
LOCATION: 135 HOOPEN ROAD, SECTION 36, TOWN OF CHRISTIANA
CHANGE FROM: A-1EX Agriculture District TO RH-4 Rural Homes District, A-1EX Agriculture District TO RH-4 Rural Homes District, RH-1 Rural Homes District TO RH-4 Rural Homes District
REASON: Expand existing lot

A motion was made by MILES, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

[CUP 02405](#)

PETITION: CUP 02405

APPLICANT: KIRK K EILENFELDT

LOCATION: NORTH OF 2294 US HIGHWAY 12/18, SECTION 27, TOWN OF COTTAGE GROVE

CUP DESCRIPTION: mineral extraction

A motion was made by BOLLIG, seconded by MATANO, to accept submittal items: Opposition Feb 8 supplement, CUP 2405 Applicant supp information, and Opposition Feb 22 supplement into the official record.

The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

A motion was made by MATANO, seconded by MILES, to suspend committee rules to allow one person representing persons in support and one person representing persons in opposition to address the committee for 5 minutes. The motion carried by the following vote: 5-0.

Wade Cattell spoke in support of the conditional use permit.

Attorney Christa Westerberg spoke in opposition of the conditional use permit.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

A motion was made by O'LOUGHLIN, seconded by BOLLIG, to accept the information that was presented at the meeting (petition in opposition and information on Act 67) into the official record. Motion carried, 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that this Conditional Use Permit be approved with 30 conditions. The motion carried by the following vote: 5-0.

- 1) The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
- 2) The applicant shall apply for and receive all other required local, state and federal permits.
- 3) The operator shall develop and operate the site according to the proposed site operations plan.
- 4) Operations shall cease no later than ten (10) years from the date of CUP approval.
- 5) The applicant will reclaim and seed 6 acres of disturbed land in the existing quarry.
- 6) A maximum of 9 acres can be active at any one time, including all three phases of up to 3 acres each: a) operating, b) dewatering, c) reclamation.
- 7) Reclamation shall be completed as required by Chapter 74 of the DCCO and NR135. The plan shall cover the existing site (NC site) as well as the expansion area, treating it as one overall site and operation. The reclaimed areas must be returned to agricultural use.
- 8) The following are prohibited on this 35 acre site: blasting, drilling, crushing, screening, production of asphalt or concrete, storage of recycled material, permanent structures, additional water wells, lighting, vehicle storage or fuel storage.
- 9) The operator shall use multi-frequency back-up alarms to minimize disturbance to surrounding properties, and trucks will be routed to avoid unnecessary back-ups.
- 10) The property boundaries must be surveyed and the entire property must be surrounded by a perimeter fence.
- 11) Exterior sides of active acres shall have a 7' high berm with 1:1 side slopes, and interior sides of active areas shall have a 5' berm with 1:1 side slopes.
- 12) Berms shall be seeded within 14 days.
- 13) The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads. The operator will follow the Dust Control Plan.
- 14) Haul roads must be maintained for dust control.
- 15) The operator and all haulers shall access the CUP site through the existing access points.
- 16) The access to the driveways shall have gates securely locked when the extraction site is not in operation. The site shall be signed "NO TRESPASSING."
- 17) Hours of operation shall be as follows:
 - a. 6 am to 6 pm Monday through Fridays..
 - b. 6 am to 4 pm on no more than six Saturdays each year, with 7 days prior notice provided to the Town Clerk, and residents at 2252, 2272 and 2292 US Hwy 12&18, 3380 North Star Road, and all others within 500 feet of the new site. Rocky Rights LLC and those receiving notice will define the means of notification.
 - c. No operations shall take place on Sundays or legal holidays
- 18) There shall be a safety fence around the entire extraction area at all times. This fence shall be comprised of a basic farm fence with posts and "NO TRESPASSING" signs at regular intervals of at least 100 ft. around the entire perimeter of the anticipated disturbed area.
- 19) The operator shall use water spray bars in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing.

- The operator shall spray the site with water if and when needed to control dust.
- 20) There shall be no storage of recycled material on the site.
 - 21) There shall be no permanent structures on the site.
 - 22) All of the material extracted on this site shall be taken to the existing batch plant.
 - 23) All vehicles shall be stored on lands three (3) feet above highest water table elevation to prevent against groundwater contamination from leaks or spills.
 - 24) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed current industry standards for noise abatement.
 - 25) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
 - 26) No minerals shall be excavated within 20 feet of the property boundaries with the exception of the south property line.
 - 27) There shall be no alternation of topography within 5 feet of the property line.
 - 28) Dane County and the Town of Cottage Grove shall be listed as additional named insureds on the operator's liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations may commence. The liability insurance policy shall remain in effect until reclamation is complete. Copies of appropriate insurance policies shall be filed with the Town of Cottage Grove.
 - 29) The Zoning Administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.
 - 30) No minerals shall be excavated within 20 feet of the property boundaries with the exception of the south property line.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandO'LOUGHLIN

E. Plats and Certified Survey Maps

[2017 LD-049](#) Klosterman proposed 3-lot CSM
Town of Middleton

A motion was made by O'LOUGHLIN, seconded by BOLLIG, that the Land Division be approved. The motion carried by a voice vote, 5-0

[2017 LD-050](#) Preliminary Plat - Cardinal Prairie
Town of Middleton
Acceptance and schedule for future consideration.

A motion was made by MILES, seconded by MATANO, that the preliminary plat be accepted and schedule for future consideration. The motion carried by a voice vote, 5-0.

[2017 LD-051](#) Preliminary Plat - Parkside Ridge
Village of Cottage Grove
Staff recommends a certification of non-objection.

A motion was made by MILES, seconded by MATANO, that the plat be certified with no objections. The motion carried by a voice vote, 5-0.

F. Resolutions

G. Ordinance Amendment

H. Items Requiring Committee Action

[2017
ACT-615](#) Discussion of written request to revoke Conditional Use Permit #2175 for the operation of a concrete batch plant, Rocky Rights LLC, 2294 US Highway 12/18, Section 34, Town of Cottage Grove

A motion was made by O'LOUGHLIN, seconded by BOLLIG, to take no action on the request. The motion carried by the following vote: 4-1 (Matano: No)

Ayes: 4 - BOLLIG,KOLAR,MILESandO'LOUGHLIN

Noes: 1 - MATANO

I. Reports to Committee

[2017
RPT-681](#) Report of approved Certified Survey Maps

J. Other Business Authorized by Law

K. Adjourn

A motion was made by MILES, seconded by BOLLIG, to adjourn the Zoning and Land Regulation Committee meeting at 7:55pm. The motion carried unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com