



Dane County

Minutes - Final Unless Amended by Committee

Land Conservation Committee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Thursday, March 24, 2022

4:45 PM

Virtual Meeting

The March 24, 2022 Land Conservation Committee is being held virtually. The public can access the meeting with the Zoom application or by telephone.

To join the meeting in Zoom, click the following link (after you fill out the form, the meeting link and access information will be emailed to you):

https://zoom.us/webinar/register/WN_0T7IJlGSsyvmgcx-8uqlg

This link will be active until the end of the meeting.

To join the meeting by phone, dial-in using one of the following phone numbers (note they are not toll-free):

1-301-715-8592

1-312-626-6799

When prompted, enter the following Webinar ID: 942 4497 3704

Interpreters must be requested in advance; please see the bottom of the agenda for more information.

Los intérpretes deben solicitarse con anticipación; consulte el final de la agenda para obtener más información.

Yuav tsuam tau thov txog cov neeg txhais lus hau ntej; thov saib hauv qab kawg ntawm qhov txheej txheem rau cov ntaub ntawv ntxiv.

If you want to submit a written comments for this meeting, or send handouts for committee members, please send them to lwrd@countyofdane.com

PROCESS TO PROVIDE PUBLIC COMMENT: ANY MEMBERS OF THE PUBLIC WISHING TO REGISTER TO SPEAK ON/SUPPORT/OPPOSE AN AGENDA ITEM MUST REGISTER USING THE LINK ABOVE (even if you plan to attend using your phone).

Registrations to provide public comment will be accepted until 30 minutes prior to the beginning of the meeting.

If you join the meeting with Zoom, when the item you have registered for is before the board/committee, you will be promoted to a panelist. Once a panelist, you can turn on your webcam and you will be able to unmute yourself.

If you join the meeting with your phone, when the item you have registered for is before the board/committee, you will be unmuted and hear, "the host would like you to unmute your microphone, you can press *6 to unmute." Please press *6.

If you indicated that you would like to be called if you aren't attending the Zoom meeting when the item you have registered for is before the board/committee, you will be called. Please answer your phone. You will be directed to press 1 to join the meeting and then *6 to unmute yourself.

A. Call To Order

Chair Chawla called the meeting to order at 4:45 pm.

Others present: Tom Mathies

Staff Present: Amy Tutwiler, Rishika Tumula, Brian Standing, Shawn Esser, Steve Ottelien, Laura Hicklin

Present: 7 - PATRICK DOWNING, YOGESH CHAWLA, JEREMY LEVIN, MICHELE RITT, ANTHONY GRAY, HOLLY HATCHER and KATE MCGINNITY

Excused: 1 - KAY HOFFMAN

B. Consideration of Minutes

[2021](#)
[MIN-693](#)

Minutes of the March 10, 2022 Land Conservation Committee Meeting

Attachments: [LCC 03.10.22](#)

A motion was made by RITT, seconded by HATCHER, that the Minutes be approved. The motion carried by a voice vote 7-0.

C. Fund Transfers

D. Referrals (Resolutions & Ordinance Amendments)

E. Items Requiring Committee Action

[2021](#)
[APP-002](#)

HOOKSTEAD FARMS APPEAL

Attachments: [Hookstead Appeal Packet](#)
[Hookstead Appeal Presentation](#)
[PublishedLegalNotice](#)

Shawn Esser, Conservation Specialist with the Dane County Land & Water Resources Department, presented the following background information and facts, including photographs and other documentation, and recommended findings and conclusions pertaining to three manure storage structures located on the Hookstead Farms, LLC property in the Town of York.

BACKGROUND:

Chapter 49, Dane County Code of Ordinances (DCCO), requires all manure storage facilities in Dane County to be covered by a certificate of use in order to operate and be used to store manure or process wastewater. Certificate of use requirement means "no person may operate or use a manure storage facility, or any portion of a manure storage facility constructed without a permit issued by the department or has an expired permit unless the person has a valid certificate of use for the manure storage facility or that portion of the manure storage facility that is being operated or used." s. 49.16(1), DCCO Department means "the Dane County Land & Water Resources Department." s. 49.04(6), DCCO Manure is defined as "livestock excreta and including the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, process wastewater; and runoff collected from barnyards, animal lots, and feed storage areas." s. 49.04(19), DCCO Manure storage facility is defined as "an impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure, process wastewater, or other animal or agricultural waste." s. 49.04(20), DCCO.

FINDINGS:

Through a review aerial photographs conducted by Mr. Shawn Esser, Conservation Specialist with the Department, of Mr. Hookstead's farm identified three manure storage facilities on the property; one of the structures appeared to be constructed without a permit through the Department. Mr. Hookstead was notified by Mr. Esser in a letter dated October 20, 2021, regarding the construction of a manure storage facility without a permit between 2014 and 2017 and to schedule a time to conduct a site visit to verify the structure and apply for a certificate of use. Mr. Hookstead responded stating he did not own the property at that time and denied entry to the property without a warrant.

An inspection warrant was obtained and executed by Deputy Garth Blake, Dane County Sheriff's Department, and Mr. Esser. The structure in question was identified as a manure storage facility and two additional structures were also on site. Mr. Hookstead was notified to apply for a certificate of use on three separate occasions including September 29, 2020, March 2021, and again on December 21, 2021 for the three manure storage facilities on the property. No application has been received to date. The Department received a letter on December 29, 2021 where Mr. Hookstead requested an appeal disputing the structures in question are manure storage facilities because they hold three spreader loads of liquid and solids.

CONCLUSION:

Department staff believe the structures in question meet the definition of manure storage facilities under s. 49.04(20), DCCO, and store material that meet the definition of manure under s. 49.04(19), DCCO. As such, in order to operate and use the manure storage facilities, the landowner is required to apply for and obtain a certificate of use from the Department in accordance with s. 49.16, DCCO. The fee for a certificate of use is \$1,000.

Following Esser's presentation, Chawla yielded the Chair to Downing.

A motion was made by CHAWLA, seconded by GRAY, that the Land Conservation Committee believes that the structures in question meet the definition of manure storage facilities under s. 49.04(20), DCCO, and store material that meet the definition of manure under s. 49.04(19), DCCO. As such, in order to operate and use the manure storage facilities, the landowner is required to apply for and obtain a certificate of use from the Department in accordance with s. 49.16, DCCO. The committee affirms the findings and conclusions identified by Shawn Esser and Amy Piaget in a memo dated February 16th, 2022. The Committee determines the structures in question meet the definition of manure storage facility under Chapter 49, DCCO, and that Mr. Hookstead is required to apply for a certificate of use for the three structures. The fee for certificate of use is \$1000 and covers all three structures. The motion carried by the following vote and the appeal is therefore denied:

Ayes: 7 - Vice Chair DOWNING, Chair CHAWLA, Supervisor LEVIN, Supervisor RITT, Supervisor GRAY, Supervisor HATCHER and Supervisor MCGINNITY

Excused: 1 - HOFFMAN

F. Presentations

[2021
PRES-231](#)

DANE COUNTY FARMLAND PRESERVATION PLAN

Attachments: [FPP 2022 Introduction](#)

Downing yielded the Chair back to Chawla.

Brian Standing and Rishika Tumula with the Planning & Development Department presented the process and timeline for updating the Dane County Farmland Preservation Plan.

G. Reports to Committee

[2021
RPT-987](#)

APPROVED COST SHARE CONTRACTS

Attachments: [2021 RPT-987](#)

Hicklin presented cost share payments approved by County Conservationist since the February 24, 2022 meeting.

H. Future Meeting Items and Dates

Next LCC meeting will be called by the Chair.

I. Public Comment on Items not on the Agenda

J. Such Other Business as Allowed by Law

K. Adjourn

A motion was made by LEVIN, seconded by GRAY, that the Meeting be adjourned. The motion carried unanimously.

Meeting adjourned at 5:49 pm.

Minutes respectfully submitted by Laura Hicklin and subject to committee approval.

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.