



# 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?*

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Tuesday, May 26, 2020

5:15 PM

Remote Meeting: Call 1-866-899-4679

Access Code: 531-154-341

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**Remote Meeting: Call 1-866-899-4679 - Access Code: 531-154-341**

#### A. Call To Order

**Present:** 8 - PATRICK DOWNING, YOGESH CHAWLA, KAY HOFFMAN, JEREMY LEVIN,  
MICHELE RITT, ANTHONY GRAY, HOLLY HATCHER and KATE MCGINNITY

*Staff Present: Jeremy Balousek, Shawn Esser, Laura Hicklin, Steve Ottelien*

*Others Present: Greg Thompson (owner TMS Investments LLC)*

*Chair Chawla called the meeting to order at 5:15 pm.*

#### B. Consideration of Minutes

[2020](#) LCC MINUTES\_5-14-20  
[MIN-031](#)

**Attachments:** [2020 MIN-031](#)

A motion was made by RITT, seconded by LEVIN, that the minutes of May 14, 2020 be approved. The motion carried by a voice vote: 8/0

#### C. Public Hearing on Appeal of Shoreland Erosion Control Permit Requirements

- Owner: TMS Investments LLC
- Tax Parcel: 0810-234-9850-5
- Appeal of Land & Water Resource Department decision that land disturbance within 300 feet of a navigable stream requires a shoreland erosion control permit

[2020  
APP-001](#)

## THOMPSON APPEAL\_SHORELAND EROSION CONTROL

**Attachments:** [2020 APP-001](#)

*Hicklin reviewed requirements of Dane County Shoreland Erosion Control Ordinance and the appeals process as set forth in Dane County Code of Ordinances.*

*Balousek discussed county staff's inspection process, determination of shoreland zone and the definition of land disturbance under county ordinance. Balousek stated two items are being appealed:*

- 1. Was the action taken a land disturbance activity?*
- 2. Is the property within the shoreland zone?*

*(See attachment 2020 APP-001)*

*Thompson stated he did not believe the actions taken on the property were a land disturbance activity as trees were removed using a grinder attached to a bobcat. As the trees were removed, the material was immediately mulched back on the site and the only land disturbance was from the tracks of the bobcat due to wet conditions. Thompson said he was not disputing the area was within the shoreland zone. (See attachment 2020 PRES-009)*

**A motion was made by DOWNING, seconded by LEVIN, that the actions taken by Mr. Thompson did not constitute a land disturbance activity. The motion failed by the following vote: 3/5 (CHAWLA, RITT, GRAY, HATCHER, MCGINNITY no)**

**Ayes:** 3 - Vice Chair DOWNING, HOFFMAN and Supervisor LEVIN

**Noes:** 5 - Chair CHAWLA, Supervisor RITT, Supervisor GRAY, Secretary HATCHER and Supervisor MCGINNITY

**A motion was made by RITT, seconded by HATCHER, that if Mr. Thompson applies for the appropriate permit and pays fees as is required by Dane County Code of Ordinances the Land & Water Resources Department consider rescinding the citation issued to TMS Investments LLC. The motion carried by voice vote: 8/0**

[2020  
PRES-009](#)

## THOMPSON APPEAL INFORMATION

**Attachments:** [2020 PRES-009 Thompson Appeal Support Docs.pdf](#)  
[2020 PRES-009 Thompson Appeal Photos.pdf](#)

**D. Fund Transfers - None**

**E. Referrals (Resolutions & Ordinance Amendments)- None**

**F. Items Requiring Committee Action- None**

**G Presentations- None**

**H. Reports to Committee - None**

**I. Announcements**

*None*

**J. Future Meeting Items and Dates**

*The next meeting is scheduled for Thursday, June 25th at 4:45 pm.*

**K. Public Comment on Items not on the Agenda**

*none*

**L. Such Other Business as Allowed by Law**

*none*

**M. Adjourn**

**A motion was made by LEVIN, seconded by MCGINNITY, that the meeting be adjourned. The motion carried by a voice vote: 8/0**

*Meeting adjourned at 6:26 pm.*

*Respectfully submitted by Steven Ottelien. Minutes are subject to committee approval.*