



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, April 15, 2021

4:45 PM

Virtual Zoom Meeting: See top of agenda for
instructions on how to join the webinar or call in by
phone.

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.

The April 15, 2021 meeting of the 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://us02web.zoom.us/webinar/register/WN_9NH-tDMjRUGzOZy78ZOIHg

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

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1-833-548-0276

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When prompted, enter the following Webinar ID: 884 8138 0723

If you want to submit a written comment for this meeting, or send handouts for board 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).

In order to testify (provide public comment), you must be in attendance at the meeting via Zoom or phone. You will then either be unmuted or promoted to a panelist and provided time to speak to the body.

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

Zoom settings will be adjusted during the meeting to allow registrants the opportunity to speak by video or phone.

A. Call To Order

Chair Chawla called the meeting to order at 4:48 pm.
Gray was not present at the beginning of the meeting but arrived as noted below.

Youth Governance member present: Aarush Jain
Youth Governance member excused: Claire Hovland

Others present: Gregory Thompson
Staff present: Marcia MacKenzie, Jess Starks, Jeremy Balousek, Shawn Esser,
Steve Ottelien, Amy Piaget, Laura Hicklin

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

Excused: 1 - ANTHONY GRAY

B. Public Hearing on Appeal After Court Order of Shoreland Erosion Control Permit Requirements

Supervisor Gray arrived at 4:56 pm.

Attorney Mackenzie provided an overview of the Memorandum and Order, Case No. 2020CV001296 issued by Judge Conway, Circuit Court Branch 17, Dane County and instructions for the committee relating to the appeal.

Chawla read page 17 of court order to the committee members reviewing the findings of the Court.

Chawla reviewed the Land and Water Resources Department Findings of Fact and Conclusions of Law for the Appeal of Land & Water Resources Department decision that land disturbance within 300 feet of a navigable stream requires a shoreland erosion control permit asking if any member of the committee had objections to the Findings of Fact and Conclusions as presented.

Mr. Thompson objected to the adding the Land and Water Resources Department Findings of Fact and Conclusions of Law as the document was not part of original material presented to committee during appeal on May 26, 2020.

Chawla noted Mr. Thompson's objection.

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

A motion was made by CHAWLA, seconded by GRAY, to adopt the findings of fact and conclusions of law by the Land & Water Resources Department in the appeal of the Land & Water Resource Department decision that land disturbance within 300 feet of a navigable stream requires a shoreland erosion control permit. The motion carried by the following vote:

YGP: Jain - Aye

Ayes: 8 - Vice Chair DOWNING, Chair CHAWLA, HOFFMAN, Supervisor LEVIN, Supervisor RITT, Supervisor GRAY, Supervisor HATCHER and Supervisor MCGINNITY

A motion was made by CHAWLA, seconded by HATCHER, that based on the findings of fact and conclusions of law submitted by the Land & Water Resources Department, the appellant engaged in land disturbing activity on the property requiring a shoreland erosion control permit. The motion carried by the following vote:

YGP: Jain - Aye

Ayes: 8 - Vice Chair DOWNING, Chair CHAWLA, HOFFMAN, Supervisor LEVIN, Supervisor RITT, Supervisor GRAY, Supervisor HATCHER and Supervisor MCGINNITY

A motion was made by CHAWLA, seconded by GRAY, that based on the findings of fact and conclusions of law submitted by the Land & Water Resources Department, that the area of land disturbance exceeded 2,000 square feet requiring a shoreland erosion control permit prepared by a professional engineer as required by DCO § 11.05(2)(c), (4)(a) and (4)(c)14. DCO. The motion carried by the following vote:

YGP: Jain - Aye

Ayes: 8 - Vice Chair DOWNING, Chair CHAWLA, HOFFMAN, Supervisor LEVIN, Supervisor RITT, Supervisor GRAY, Supervisor HATCHER and Supervisor MCGINNITY

[2020 APP-003](#) THOMPSON APPEAL AFTER COURT ORDER_SHORELAND EROSION CONTROL

Attachments: [LWRD Findings Appeal Order Thompson Vs DaneCounty](#)

[2020 APP-001](#) THOMPSON APPEAL_SHORELAND EROSION CONTROL

Attachments: [2020 APP-001](#)

[2020 PRES-009](#) THOMPSON APPEAL INFORMATION

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

- 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

C. Fund Transfers - None

D. Referrals (Resolutions & Ordinance Amendments) - None

E. Items Requiring Committee Action - None

F. Presentations - None

G. Reports to Committee - None

H. Future Meeting Items and Dates

Next Meeting: April 29, 2021 at 4:45 pm

I. Public Comment on Items not on the Agenda

J. Such Other Business as Allowed by Law

K. Adjourn

A motion was made by RITT, seconded by MCGINNITY, that the meeting be adjourned. The motion carried unanimously 8-0, YGP 1-0. Meeting adjourned at 5:50 pm.

Minutes respectfully submitted by staff of the Land & Water Resources Department subject to Committee approval.

[2021](#)
[RPT-018](#)

EANR & LCC Registrations, April 15, 2021

Attachments: [EANR LCC 4 15 21](#)

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.

Land & Water Resources Department 608-224-3730 TTY: Call WI Relay 711