

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

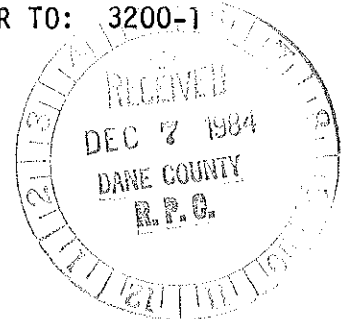
Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

December 6, 1984

IN REPLY REFER TO: 3200-1

Mr. William Lane
Dane County Regional Planning Commission
Room 523 City-County Building
Madison, WI 53709



Dear Mr. Lane:

The Wisconsin Department of Natural Resources has reviewed the proposed changes to the Limited Service Area at the interchange of USH51 and I90/94 as detailed in your submittal of August 20, 1984. These changes include:

1. the addition of 143 acres in sections 8 and 9, T8N, R10E,
2. the deletion of 10 acres of wetland in section 8, T8N, R10E.

At this time, the Department is only approving the deletion of the 10 acre wetland. The 143 acre addition is not approved. The reasons for this decision are explained below.

The purpose of a Limited Service Area (LSA), as used by the Dane County Regional Planning Commission, is to solve an existing wastewater treatment problem. This concept has been successfully applied in the Village of Oregon and Town of Windsor areas to provide sewers to a state institution and a large commercial enterprise, respectively, without encouraging increased residential and commercial development. The existing LSA at the interchange of USH51 and I90/94 was also set up to serve this purpose -- namely to ameliorate the wastewater problems at several truck stops.

This proposal adds about 143 acres to the existing 101-acre limited service area. Sixty-one of the 143 acres are vacant with the remaining 87 acres developed in a mixture of uses including residential, commercial, and industrial. According to the RPC staff analysis, this proposal would "provide for additional commercial development at the interchange area, potentially solve the current or potential sewage disposal problems in the Acker Road area, remove a 10 acre wetland from the service area, plus add a 25 acre potentially developable area south of CTH CV."

The reasons for not approving the addition of 143 acres to the limited service area are as follow:

1. There has been no documentation provided to indicate that there are existing wastewater disposal problems in this area. Reference is made to

shallow bedrock resulting in severe limitations for the proper functioning of septic tank absorption fields and that septic tank failures may occur in the Acker Road area. There is no indication, however, that any of these septic tank systems are actually failing. The DNR Madison Area office is not aware of any wastewater disposal problems in this area. Further identification of the wastewater disposal problem(s) to be solved should be provided.

2. It appears that alleviating existing wastewater problems is not the sole purpose of this proposed addition to the LSA. This proposal would provide for additional commercial development in the interchange area and add more developable area south of CTH CV. As it is now, 58 of the 101 acres in the existing LSA are vacant. This proposal would add another 61 acres of vacant, developable land. Providing for new development is contrary to the concept of LSAs.

3. This proposal does not seem to be consistent with the Dane County Water Quality Plan or Dane County RPC policy. In the Dane County Water Quality Plan, as amended, LSAs are designated only to solve existing wastewater problems. In this particular instance, the LSA should include only the immediate interchange area and only highway oriented commercial uses should be included.

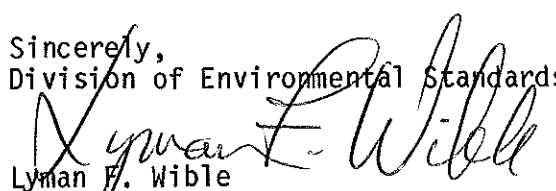
The Department will reconsider this proposed addition to the LSA at the interchange of USH51 and I90/94 if the following conditions are met.

1. Existing wastewater disposal problems are documented;
2. The size of the proposed addition is decreased, including the removal of some of the vacant lands;
3. The proposed addition is limited, if possible to the immediate interchange area; and
4. Environmental corridors are delineated within the proposed LSA.

If this decision is appealed, Wisconsin Statutes and Administrative Code establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to s. 227.15 and 227.16 Stats., a petition for review must be filed within 30 days after service of the decision. The respondent in an action for judicial review is the Department of Natural Resources. This notice is provided pursuant to s. 227.11(2) Stats.

If you have any questions, please contact Steven Skavroneck of the Bureau of Water Resources Management at 267-9352.

Sincerely,
Division of Environmental Standards


Lyman F. Wible
Administrator

LW:KK:dr/5114A

cc: DNR Southern District
Municipal Wastewater Section
- WWM/2

Daniel Jones, Chairman, Town of Burke
James Nemke, MMSD
Steve Skavroneck - WRM/2