

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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March 8, 2007

DNR File No. DC-0103

Mr. Michael King
Dane County – Community Analysis and Planning Division
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Amendment of the *Dane County Water Quality Plan*, Revising the
Central Urban Service Area Boundary and Environmental Corridors
Within the City of Middleton (Hidden Oaks Development)

Dear Mr. King:

We have completed our review of the subject amendment request that was submitted to the Department on December 1, 2006 from the Dane County Community Analysis and Planning Division. The Department hereby conditionally approves this amendment request.

The proposed amendment was requested by the City of Middleton. This amendment adds 32.7 acres to the Central Urban Service Area within the City of Middleton. The amendment area includes 9.5 acres of environmental corridor. The amendment area is located on the west side of Middleton, south of Airport road and west of Evergreen road and is known as the Hidden Oaks development. (See attached Map 1)

This Department approval is subject to the conditions stated in the CAPD Staff Analysis of September 22, 2006 which requires the City of Middleton to assure the following:

1. Submit a detailed stormwater management plan for CAPD and DCLCD staff review and approval prior to land disturbance in the area. The stormwater management plan should implement the stormwater management concept plan submitted as part of the amendment request, maximize infiltration, prevent increased off-site flooding and erosion, provide aggressive construction erosion control practices and enforcement, and mitigate the water quality and thermal impacts of the development.
2. Install the stormwater management practices prior to other land disturbing activities in the area.
3. Stormwater management practices to be publicly managed (privately owned facilities to have easements and legally enforceable maintenance agreement with the City).
4. Designate all steep slopes (over 20%) and public stormwater management areas as environmental corridors.

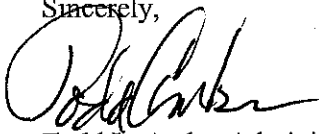
The Department also agrees and supports the CAPD recommendation that a comprehensive study of upper Black Earth Creek Watershed be completed. The Department will be addressing this issue in greater detail in separate correspondence.

The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities. If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., and ch. NR 2, Wis. Adm. Code, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review.

Sincerely,

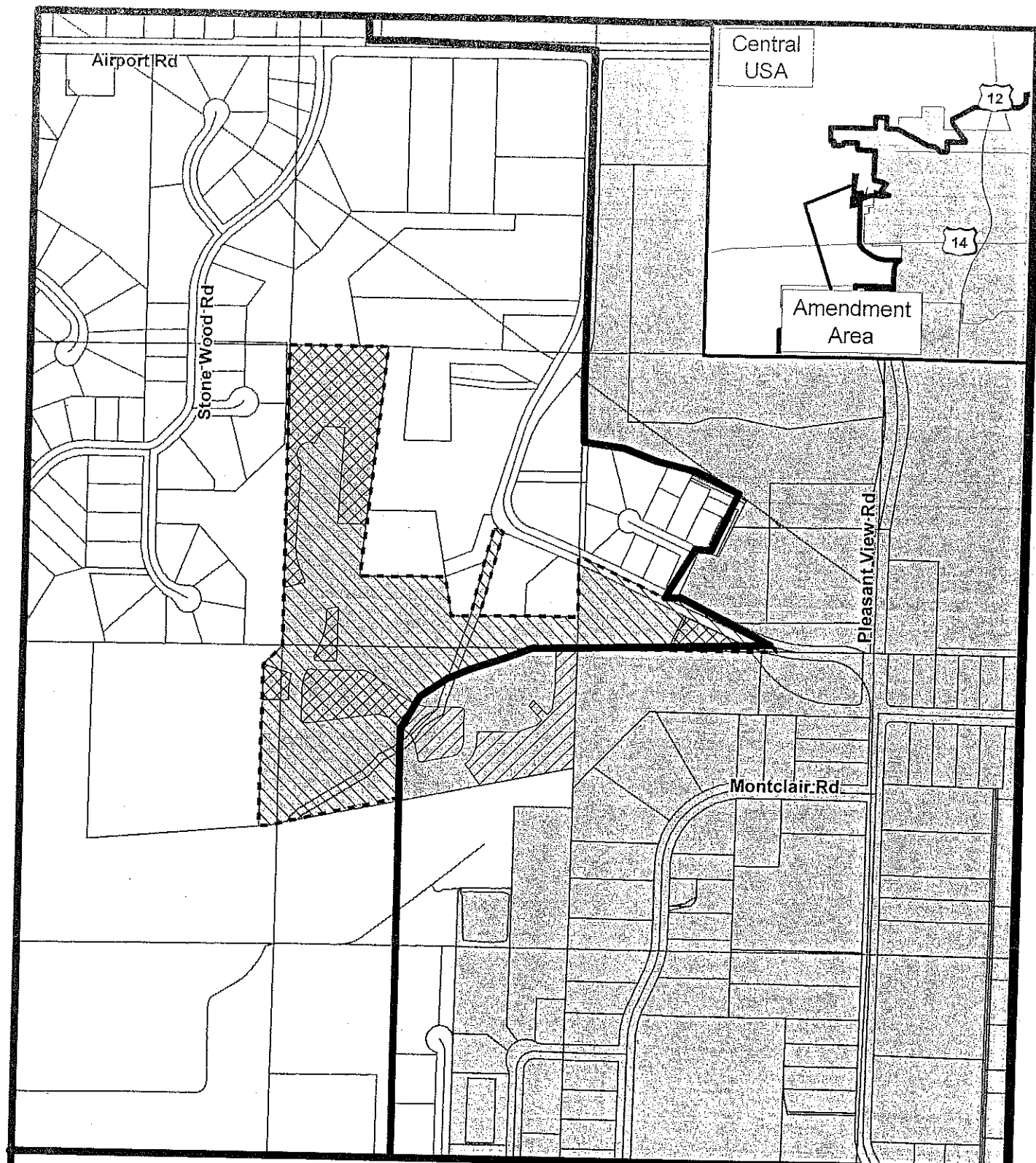


Todd L. Ambs, Administrator
Division of Water

cc:

Douglas Zwank, Mayor; City of Middleton; 7426 Hubbard Ave.; Middleton, WI 53562-3118
Eileen Kelly, City Planner; City of Middleton
Mike Davis, Administrator; City of Middleton
Todd Violante, Director; Dane County Planning and Development
Jon Schellpfeffer, MMSD; 1610 Moorland Road; Madison, WI 53713
Bill White, Attorney; 2708 Lakeland Ave.; Madison, WI 53704
Milo Breunig, Chair; Town of Middleton; 7293 W. Old Sauk Road; Middleton, WI 53562
Elizabeth Kluesner, Dane County Executive Office

Sue Josheff – DNR - SCR – Fitchburg
Ken Johnson – DNR – SCR – Fitchburg
Andy Morton – DNR – SCR - Dodgeville
Larry Benson – DNR – SCR – Fitchburg
Tom Gilbert – DNR - WT/2



Map 1

Amendment
to the Central
Urban Service Area,
City of Middleton

-  Service Area to be added
-  Proposed Environmental Corridor
-  Existing Urban Service Area Boundary
-  Proposed Urban Service Area Boundary



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Prepared by staff
of the CAPD.