

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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July 2, 2015

DNR File No. DC-0167

Kamran Mesbah, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd
Madison WI 53703

Subject: Amendment to the *Dane County Water Quality Plan*, Revising the Central Urban Service Area and Environmental Corridors in the City of Middleton

Dear Mr. Mesbah:

We have completed our review of the subject amendment request submitted to the Department on June 30, 2015 by the Capital Area Regional Planning Commission. The Department hereby approves the sewer service area amendment request to add one single-family residential lot to the Central Urban Service Area. The amendment area is located on the west side of the City of Middleton, south of Airport Road and north of Evergreen Road, contiguous on two sides to the Central Urban Service Area.

The amendment area is approximately 0.4 acre. The amendment area is in the Wisconsin River watershed and the Black Earth Creek sub-watershed for both surface water and groundwater. There are no wetlands or floodplains in the proposed amendment area. The area drains to an intermittent tributary of the Upper Black Earth Creek.

The amendment was requested by the City of Middleton. The amendment was approved by the Middleton Common Council on December 16, 2014. The Capital Area Regional Planning Commission adopted Resolution CARPC No. 2015-09 approving the amendment at its June 11, 2015 meeting following a public hearing. Please note the local conditions listed in the resolution.

The plan amendment becomes part of the *Dane County Water Quality Plan*, and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the federal regulations 40 CFR, part 35.

This review is an equivalent analysis action under s. NR 150.20(2)(a)3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats.

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 that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats, 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. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

Sincerely,



Tim Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:

Kurt Sonnentag, Mayor, City of Middleton, 7426 Hubbard Ave., Middleton, WI 53562
Eileen Kelly, Director, City of Middleton Planning, 7426 Hubbard Ave., Middleton, WI 53562
Bill Kolar, Chair, Town of Middleton, 7555 W. Old Sauk Rd, Verona, WI 53593
David Shaw, Administrator, Town of Middleton, 7555 W. Old Sauk Rd, Verona WI 53593
Greg Searle, WDNR South Central Office
Michael J. Sorge, WDNR South Central Office
Lisa Helmuth, WDNR WQ/3
Josie Lathrop, WDNR WQ/3

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JUN 30 2015



WT/3 - WY/3 - OGL/3

210 Martin Luther King Jr. Blvd. Room 362 Madison, WI 53703 Phone: 608-266-4137 Fax: 608-266-9117 www.CapitalAreaRPC.org info@CapitalAreaRPC.org

Wednesday, June 24, 2015
Mr. Thomas Mugan, PE
Bureau of Watershed Management
Wisconsin Department of Natural Resources
101 S. Webster, WT/3
Madison, WI 53707

RE: Recommended amendment to the *Dane County Water Quality Plan*, Revising the Central Urban Service Area Boundary and Environmental Corridors for "Grove Parcel" Located in the City of Middleton

Dear Mr. Mugan:

We are submitting a proposed amendment to the *Dane County Water Quality Plan*, revising the Central Urban Service Area boundary and environmental corridors in the City of Middleton for Department review and approval. The Capital Area Regional Planning Commission adopted Resolution CARPC No. 2015-09 at its June 11, 2015 meeting. This resolution recommends approval based on the land uses and services proposed and the conditions of approval indicated in the adopting Resolution.

This amendment was requested by the City of Middleton, and adds approximately 0.4 acres to the Central Urban Service Area; the amendment area consists of one single-family residential lot and its associated right-of-way; there are no proposed environmental corridors.

Enclosed, please find a copy of the following supporting materials: (1) Email from the City of Middleton dated March 12, 2015 indicating the amendment request, and supporting application materials; (2) public hearing notice dated May 11, 2015; (3) CARPC staff analysis of the proposed amendment dated June 4, 2015; (4) agenda item Cover Sheet /Executive Summary of the June 11, 2015 public hearing; and (5) Signed Resolution CARPC No. 2015-09. No public comments were received regarding this amendment. *Please note that the minutes of the June 11, 2015 meeting will be forwarded to the WDNR following their approval at the July 9, 2015 CARPC meeting.*

We appreciate your review and approval of this amendment to the *Dane County Water Quality Plan*. If you have questions or need additional information or assistance in reviewing this amendment, please do not hesitate to contact me at 283-1267.

Sincerely,

Per pro. Sean Higgins, AICP

Kamran Mesbah, PE, AICP
Deputy Director, and Director of Environmental Resources Planning

cc: Kurt Sonnentag, Mayor, City of Middleton
Eileen Kelly, Director, City of Middleton Planning
Bill Kolar, Chair, Town of Middleton
David Shaw, Administrator, Town of Middleton

cc/enc.: Greg Searle, WDNR South Central Office (minutes and resolution only)
Michael J. Sorge, WDNR South Central Office (minutes and resolution only)
Lisa Helmuth, WDNR Bureau of Watershed Management (minutes and resolution only)
Fran Keally, WDNR (minutes and resolution only)
Josie Lathrop, WDNR Central Office

"Grove Parcel," City of Middleton Proposed Amendment (Approx. 0.40 Acres)



Legend

 Urban Service Area Boundary  Amendment Area

0 65 130 260 390 520 Feet





210 Martin Luther King Jr. Blvd. Room 362 Madison, WI 53703 Phone: 608-266-4137 Fax: 608-266-9117 www.CapitalAreaRPC.org info@CapitalAreaRPC.org

Resolution CARPC No. 2015-09

**Amending the *Dane County Land Use and Transportation Plan*
and the *Dane County Water Quality Plan* by Revising the Central Urban
Service Area Boundary and Environmental Corridors in the City of Middleton**

WHEREAS, the Capital Area Regional Planning Commission has adopted, amended and reaffirmed the *Dane County Land Use and Transportation Plan* and *Water Quality Plan*; and

WHEREAS, said plans delineate urban service areas and environmental corridors as amended through December 2014; and

WHEREAS, the Town of Middleton has requested an addition to the Central Urban Service Area; and

WHEREAS, a staff analysis of the proposed amendment has been prepared, which indicates that the amendment is generally consistent with adopted regional plans and policies.

NOW, THEREFORE, BE IT RESOLVED that in accordance with §66.0309, Wis. Stats., and Sec. 208 of Public Law 92-500, the Capital Area Regional Planning Commission amends the *Dane County Land Use and Transportation Plan* and recommends the amendment of the *Dane County Water Quality Plan* by revising the Central Urban Service Area and environmental corridors boundaries as shown on the attached map.

Adoption of this amendment is based on the land use and urban service plans submitted in support of this amendment, and conditioned on the City of Middleton pursuing the following:

1. Submit a detailed bioretention design for the residential lot for CARPC and DCL&WCD staff review and approval prior to any land disturbing activities in the amendment area or approval of a building permit. The bioretention facility should provide adequate capacity to infiltrate the average annual precipitation series as defined by WDNR.

It is also recommended that the City pursue the following:

1. Conduct a limited archaeological survey of the amendment area, focusing on those areas matching the topography and landforms matching those suggested by WSHS. Send three copies of the survey report to CARPC.
2. Consult with the WDNR Bureau of Endangered Resources to determine whether the proposed development would have adverse impacts on any such resources.

June 11, 2015
Date Adopted


Larry Palm, Chairperson