



March 11, 2016

DNR File No. DC-0170

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

Subject: Revising the Central Urban Service Area boundary in the City of Middleton

Dear Mr. Steinhoff:

We have completed our review of the amendment request that was submitted to the Department on February 26, 2016 by the Capital Area Regional Planning Commission. The Department hereby approves this request, subject to conditions 1 and 2 in Resolution CARPC 2016-03 (on pages 1-2 of the Resolution).

The amendment totals 4.1 acres, all consisting of developable land. This amendment was requested by the City of Middleton, a public hearing was held on February 11, 2016 and the amendment was adopted by the Capital Area Regional Planning Commission per Resolution No. 2016-03 on February 11, 2016.

This amendment becomes a part of the *Dane County Water Quality Management 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 integrated 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.

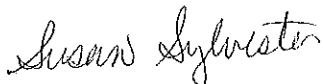
The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

Appeal Rights:

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., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a 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., a party has 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,



Susan Sylvester
Water Quality Bureau Director

cc:

Kurt Sonnentag, Mayor, City of Middleton, 7426 Hubbard Avenue, Middleton, WI 53562
Greg Searle - WDNR – SCR – Fitchburg
Mike Sorge- WDNR- SCR- Fitchburg
Eric Rortvedt- WDNR- SCR- Fitchburg
Lisa Helmuth – WDNR – WQ/3



Resolution CARPC No. 2016-03

**Amending the *Dane County Land Use and Transportation Plan*
and the *Dane County Water Quality Plan* by Revising the Central Urban
Service Area Boundary 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 and limited service areas and environmental corridors as amended through January, 2016; and

WHEREAS, the City 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 Wis. Stats. § 66.0309, 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:

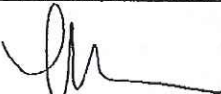
1. Submit a detailed stormwater management plan for CARPC and DCL&WCD staff review and approval prior to any land disturbing activities in the amendment area. The stormwater management plan should include the following:
 - a. Install stormwater and erosion control practices prior to other land disturbing activities. Protect infiltration practices from compaction and sedimentation during land disturbing activities.
 - b. Control peak rates of runoff for the 1-, 2-, 5-, 10-, 25-, and 100-year 24-hour design storms to "pre-development" levels, in accordance with the City of Middleton Stormwater Ordinance.
 - c. Maintain the post development stay-on volume to at least 90% of the pre-development stay-on volume for the one-year average annual rainfall period, in accordance with the City of Middleton Stormwater Ordinance.
 - d. Maintain pre-development groundwater recharge rates from the Wisconsin Geological and Natural History Survey's 2009 report, *Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model* (an average of 9.1 in./yr. for the amendment area) or by a site specific analysis, in accordance with the City of Middleton Stormwater Ordinance.

- e. Provide at least 80% sediment control for the amendment area based on the average annual rainfall record, with a minimum of 60% of that control occurring in a retention pond prior to infiltration, in accordance with the City of Middleton Stormwater Ordinance.
 - f. Treat the first 0.5 inch of runoff from parking lots to control oil and grease, in accordance with the City of Middleton Stormwater Ordinance.
2. Easements should be provided for the stormwater management facilities located on private property. Stormwater practices should have perpetual legal maintenance agreements with the City, to allow the City to maintain facilities if owners fail to do so.

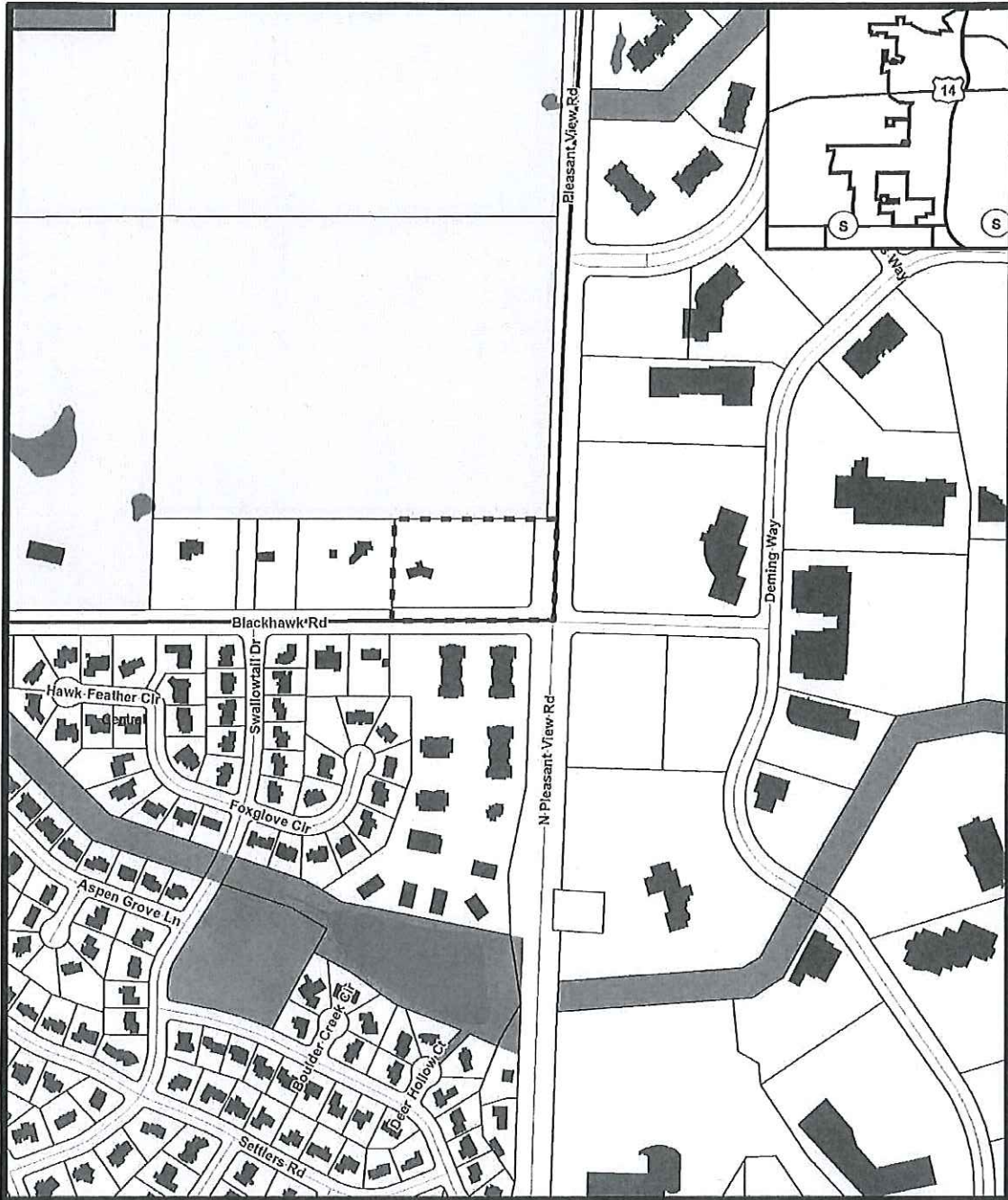
It is also recommended that the City of Middleton pursue the following measures:

1. Consider amending the City's stormwater ordinance to require maintaining 100% of the pre-development stay-on volume for the one-year average annual rainfall period, as a means of contributing to a reduced potential for Yahara Lakes flooding in the face of climate change. The effectiveness of this approach will ultimately depend on the collaboration of other municipalities within the watershed to adopt the same standard.
2. Request a formal Endangered Resources review by the WDNR (<http://dnr.wi.gov/topic/erreview/review.html>) or one of their certified reviewers and take necessary habitat protection measures if species are found.
3. If anyone suspects that a Native American burial mound or an unmarked or marked burial is present in an area, the Wisconsin Historical Society should be notified. If human bone is unearthed during any phase of a project, **all work must cease**, and the Wisconsin Historical Society **must be contacted** at 1-800-342-7834 to be in compliance with Wis. Stat. 157.70 which provides for the protection of all human burial sites. **Work cannot resume until the Burial Sites Preservation Office gives permission.** Please contact Mr. Chip Brown, 608-264-6508, with questions or for further information.
4. Implement short-term traffic control recommendations for the Pleasant View Road intersections identified in the Traffic Impact Assessment, and coordinate them with the planned design for the Pleasant View Road reconstruction project.
5. The site plan for the apartment building does not appear to show any sidewalks/pedestrian paths on the property. It is recommended that direct pedestrian connections be provided to Pleasant View Road to connect to the planned shared-use path along the west side of the roadway and to and along Blackhawk Road. Pedestrian crossing improvements, including sidewalk ramps, at the Blackhawk Road/Pleasant View Road intersection should be incorporated into the Pleasant View Road reconstruction project.
6. Attempt to maintain the post development stay-on volume to 100% of the pre-development stay-on volume for the one-year average annual rainfall period, as defined by WDNR.

February 11, 2016
Date Adopted




Larry Palm, Chairperson

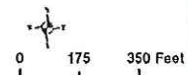
Revised 02/11/16



Map 1 Amendment Area
11 Jan. 2016

Proposed Amendment to the Dane County
Land Use and Transportation Plan and Dane
County Water Quality Plan, Revising the Central
Urban Service Area Boundary in the City of Middleton

 Existing Urban Service Area Boundary
 Proposed Urban Service Area Boundary



Prepared by staff
of the CARPC.