

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

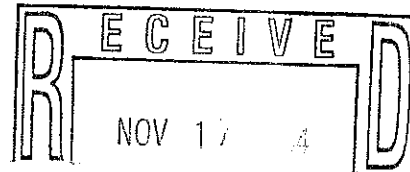
Jim Doyle, Governor
Scott Hassett, Secretary

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November 15, 2004

DNR File No. DC-0070

Mr. Michael King
Dane County – Community Analysis and Planning Division
30 West Mifflin Street
Suite 402
Madison, WI 53703-2558



Subject: Amendment of the *Dane County Water Quality Plan*, Revising the Central Urban Service Area Boundary and Environmental Corridors in the Village of Deforest

Dear Mr. King:

We have completed our review of the subject amendment request that was submitted to the Department on October 11, 2004 from the Dane County Regional Planning Commission. The Department hereby conditionally approves this amendment request that adds 192.0 acres to the Central Urban Service Area, including 45.3 acres of environmental corridors and 126.7 acres of developable land. The amendment area is located adjacent to State Highway 19 on the north and U.S. Highway 51 on the west, within the Village of Deforest. See Map 1 of Attachment.

This Department approval is subject to the condition that the Village of Deforest comply with the condition for a detailed stormwater management plan as stated in the Dane County Regional Planning Commission adopting resolution (see attached Resolution RPC No. 1033, August 26, 2004). The stormwater management plan should be submitted to the Dane County – Community Analysis and Planning Division (CAPD) and the Dane County Land Conservation Department (DCLCD).

The approval of this revision does not constitute approval of any of the following:

- private sewage systems pursuant to Chapter ILHR 83, (WI Admin. Code),
- sewer extension pursuant to Chapter NR 110, (WI Admin. Code),
- authority to alter the bed or banks of any navigable waterway (Chapter 30, WI Stats.),
- certification for any wetland alteration (Section 401, Federal Water Pollution Control Act, and NR 103, 299, WI Admin. Code).
- takings of threatened and endangered resources pursuant to Wisconsin Statutes 29.415

If these approvals are required, they must be obtained separately from the applicable agencies.

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,



Susan L. Sylvester, Chief
Permits Section
Bureau of Watershed Management

cc w attachment:

Jeff Miller, President, Village of Deforest, PO Box 510, Deforest, WI 53532
Jon Schellpfeffer, Director, MMSD, 1610 Moorland Rd., Madison, WI 53713
Kevin Connors, Dane County Land Conservation Department; 1 Fen Oak Ct., Madison, WI 53718
Ruth Johnson – DNR – Horicon Service Center
Tom Gilbert – WT/2

Resolution RPC No. 1033

Amending the *Dane County Land Use and Transportation Plan* and *Water Quality Plan*, Revising the Central Urban Service Area Boundary and Environmental Corridors in the Village of Deforest, Dane County

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

WHEREAS, said plans delineate urban service areas as amended through July 2004; and

WHEREAS, the Village of DeForest has requested an addition to the Central Urban Service Area, and have based the request on the Village of Deforest Master Plan, as amended in 2004; and

WHEREAS, a staff analysis of the proposed amendment has been prepared, which indicates that the amendment is 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 Dane County Regional Planning Commission amends the *Dane County Land Use and Transportation Plan* and *Water Quality Plan* by revising the Central Urban Service Area boundary and environmental corridors as shown on the attached map, based on the following findings and conclusions:

1. The proposal meets DCRPC criteria for urban service area amendments.
2. The amendment supports several of the goals and objectives of the *Dane County Land Use and Transportation Plan*.
3. The water system will not have adequate storage to provide fire flows under ISO standards when all of the past and present additions to the service area are built out; it is recommended that the Joint Utility Service District conduct a comprehensive water system study to clearly identify long-term needs.
4. Plan proposes stormwater management standards and criteria that are consistent with the *Dane County Water Quality Plan*. Details of stormwater management measures should be reviewed and approved by DCRPC and DCLCD staff to ensure adverse impacts of development are mitigated to the maximum extent practicable.
5. The adverse impacts of groundwater diversion and loss of recharge needs to be quantified, and fully mitigated.

Approval of this amendment is based on the land use and urban service plans submitted in support of this amendment, and conditioned on the Village of Deforest pursuing the following:

1. Submit a detailed stormwater plan for DCRPC and DCLCD staff review and approval prior to development. Stormwater measures should include the following:
 - Construction phasing to prevent unnecessarily large areas of exposed and disturbed ground.
 - Stormwater quality management practices to provide 80% sediment removal for up to a 5-year storm event.
 - Infiltration practices to provide 82.6 acre-feet of infiltration per year to mitigate the impacts of groundwater withdrawal and diversion.

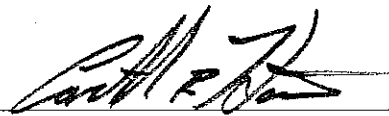
- Infiltration practices to mitigate the impacts of lost recharge due to impervious areas, based on a detailed and quantitative assessment of the extent of groundwater recharge from the site in its present (agricultural) state.
 - Stormwater quantity management practices to maintain pre-development rates of runoff for all storms up to and including the 100-year storm.
 - Install stormwater quality ponds prior to other land disturbance.
 - Protect infiltration areas from compaction and sedimentation.
 - Provide deep tilling of all open space and infiltration areas.
 - Provide mitigation for thermal impacts of stormwater prior to discharge.
 - Stormwater management measures to be publicly managed, or a perpetual legal maintenance agreement finalized with the Village.
 - Place all stormwater management areas, including the open space areas, recharge areas, and infiltration areas, in an easement to be perpetually protected from development, or dedicate to the public for conservation purposes. Changes to the open space area would constitute a "minor change" to the environmental corridors if they meet DCRPC environmental corridor guidelines and maintain the percentage of open space area. The oak knoll in the south portion of the amendment area should remain in environmental corridors unless removed as a "major change."
2. Designate all open space areas, stormwater management areas, 75-foot wetland and shoreland buffer areas, and the buffer for the tributary along the east border of the amendment area as environmental corridors.
 3. Increase the upland buffer for the tributary along the east border of the amendment area to 200 feet, especially where the tributary bows to the west and along the old carp pond.

It is also recommended that the Village pursue the following:

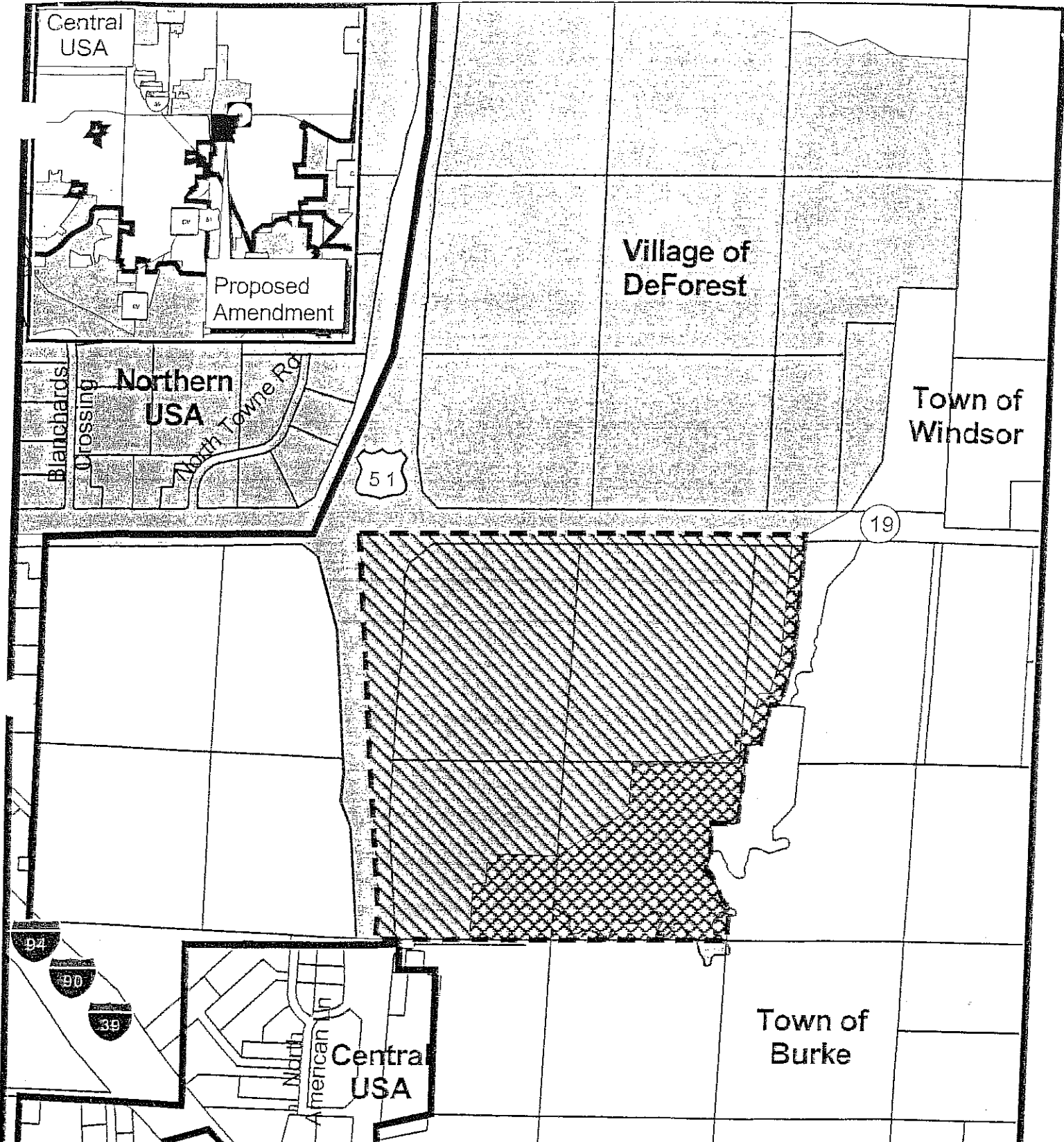
1. Work closely with the Wisconsin Department of Transportation to determine the need for intersection improvements on USH 51 and STH 19 and any future capacity expansion needs on STH 19.
2. Include sidewalks on both sides of all public streets in the development, if not already planned.
3. Pursue construction of the park-and-ride lot on the southwest corner of the property, regardless of whether grants are available as mentioned in the submittal.
4. Require that an archaeological survey be performed for the site by a qualified archaeologist, and two copies of the report submitted to the SHS.
5. Explore transportation demand management as a method of reducing single-occupant motor vehicle trips.

Aug. 24, 2004






Date Adopted

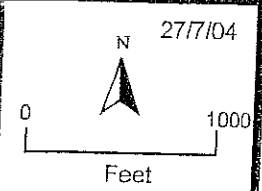


Carlton Hamre, Secretary



**Map 1 Amendment
to the Central
Urban Service Area,
Village of DeForest**

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



Prepared by staff
to the DCRPC.