



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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January 15, 2009

DNR File No. DC-0128

Mr. 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
Mt. Horeb Urban Service Area Boundary and Environmental Corridors in the
Village of Mt. Horeb, Town of Springdale and Town of Blue Mounds.

Dear Mr. Mesbah:

We have completed our review of the subject amendment request that was submitted to the Department on November 10, 2008 by the Capital Area Regional Planning Commission. The Department hereby approves this amendment request which adds 276.9 acres to the Mt. Horeb Urban Service Area, including 13.5 acres of existing development and 119.7 acres of environmental corridors, with a net developable area of 143.7 acres.

The amendment area is located on the northeast side of Mt. Horeb, south of CTH S and north of CTH ID and includes land in the Town of Springdale, in the Town of Blue Mounds and in the Village of Mt. Horeb. (See Revised Map 1).

The proposed amendment was originally requested by the Village of Mt. Horeb on November 13, 2007 and a revised amendment was submitted on September 16, 2008. The amendment was adopted by the Capital Area Regional Planning Commission per Resolution CARPC No. 2008-17 on September 25, 2008.

This Department approval is subject to the condition that the Village of Mt. Horeb comply with the conditions stated in Resolution CARPC No. 2008-17 as follows:

1. In cooperation with the WDNR, DCL&WRC, CARPC, and the Watershed Association develop an acceptable regional stormwater treatment and management train to be reviewed and approved by CARPC to treat and manage the runoff currently discharging into Schlapbach Creek from the developed portions of the Village of Mount Horeb. This train should capture sediment and attenuate the flow spikes and restore to the extent possible the original hydrologic regime of the stream. Such restoration should be compatible with brook trout habitat to the extent feasible. This regional facility is independent of the proposed development, but should be construction by 2011 and prior to any development on the Lukken parcel.

2. Develop a comprehensive stormwater management plan in collaboration with the WDNR, and include clear, timely, and concrete implementation steps for this plan. The stormwater management plan should be developed with the purpose of assisting in the restoration of receiving streams and their habitats, and preserving the hydrology of the headwater streams with potential for impact by the Village.
3. Develop and implement an aggressive construction erosion plan for the development. For added protection, include the use of polymers and limit the extent of disturbed areas in addition to other erosion control measures.
4. Submit a detailed stormwater management plan for CARPC and DCL&WRD staff review and approval prior to land disturbing activities in the area. The Upper Sugar River Watershed Association will be given the opportunity to review and comment on the plan. The stormwater management plan should include the following:
 - Maintain the pre-development hydrologic regime for all storms up to and including the 100-year event by maximizing infiltration with special attention to clean rooftop runoff infiltration, minimizing impervious surfaces, and through detention.
 - Include thermal sinks in outfall structures to reduce the discharge temperature to levels protective of brook trout.
 - Provide water quality treatment to mitigate the impacts of development to the maximum extent feasible and at a minimum capture of 80% of sediment load for up to a 2 year storm.
 - Prevent increased off-site flooding and erosion.
 - Provide aggressive construction erosion control practices and enforcement through the Village Engineer during land development, and by the Village Building Inspector during lot development.
 - Install stormwater facilities prior to other land disturbing activities in the area.
 - Stormwater facilities to be publicly managed (privately owned facilities to have easements and legally enforceable maintenance agreement with Village).
5. Develop a tree and vegetation protection and restoration plan for the areas in environmental corridors, with special emphasis on stabilizing stream buffer areas and preventing erosion and unstable slopes. Include restoration of disturbed areas to native vegetation.
6. The proposed environmental corridors shall be substantially retained. Any major encroachment into the corridors is presumed to have adverse water quality impacts due to the presence of steep slopes, stream buffers, and woodlands. The minimum stream buffer with native vegetation is 200 feet in the northwest corner of the Schroeder portion of the amendment area.

The Department also strongly supports the CARPC recommendation to initiate a comprehensive ecosystem study of the headwaters areas of the streams surrounding the Mount Horeb Urban Service Area.

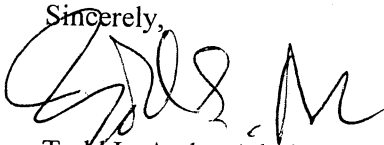
The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

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.

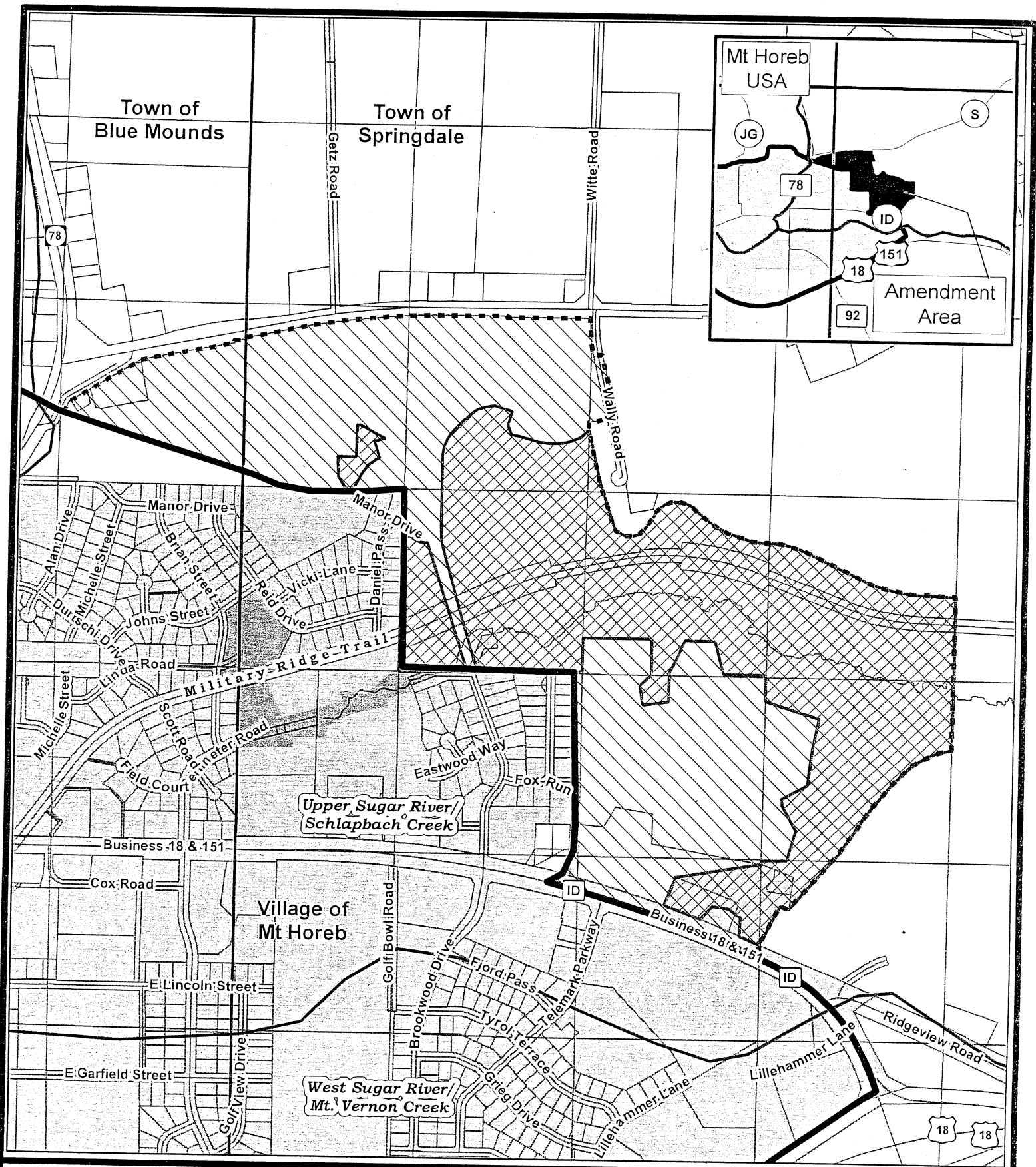
Sincerely,



Todd L. Ambs, Administrator
Division of Water

cc:

Jim Buechner, President, Village of Mt. Horeb, 138 E. Main St., Mt. Horeb, WI 53572
Lawrence Bierke, Administrator, Village of Mt. Horeb, 138 E. Main St., Mt. Horeb, WI 53572
Cheryl Sutter, Clerk, Village of Mt. Horeb, 138 E. Main St., Mt. Horeb, WI 53572
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Vicki Anderson, Clerk, Town of Springfield, 2379 Town Hall Road, Mt. Horeb, Wisconsin 53572
Dennis Jelle, Chair, Town of Blue Mounds,
Helen Kahl, Clerk, Town of Blue Mounds,
Bob Hansis – DNR - SCR – Fitchburg
Jim Amrhein - DNR - SCR – Fitchburg
Larry Benson – DNR – SCR – Fitchburg
Tom Gilbert – WT/3



Map 1 Revision
 Amendment to the
 Mt Horeb Urban Service
 Area in the Village of Mt
 Horeb, Town of Blue
 Mounds and Town of Springdale

- Proposed Urban Service Area Boundary
- Existing Urban Service Area Boundary
- Service Area to be Added (276.8 acres)
- Existing Environmental Corridor
- Environmental Corridor to be Added (136.8 acres)
- Incorporated Area
- Watershed Boundary

19 Sept 2008

0 900
Feet

Prepared by staff
of the CARPC.