September 26, 2018

Mr. Mike Rupiper, PE
Director of Environmental Resources Planning
Capital Area Regional Planning Commission
210 Martin Luther King Jr. Blvd., Room 362
Madison, WI 53703

Subject: Dane County WQM Plan City of Madison (CUSA) - CARPC #1801EC, DNR DC-0196

Dear Mr. Rupiper:

We have reviewed the subject sewer service area amendment request from the city of Madison to revise the environmental corridor boundaries of the Central Urban Service Area (CUSA) submitted in July 2018 as well as the Capital Area Regional Planning Commission (CARPC) staff analysis and recommendations provided to the department in August 2018.

The environmental corridor proposed to be amended in the CUSA is a 2.57-acre property located at 5404 Voges Road in the City of Madison. The city, on behalf of the property owner, TNT of McFarland, LLC, is requesting a variance to the environmental corridor map to allow grading and impervious area within the 75-foot buffer and grading within the 30-foot no-grade portion of the setback. See Map 1. The following actions were proposed by the developer to mitigate for the reduced no grading zone:

- Enhanced native vegetation will be installed by the developer to the buffer zone to mitigate for the reduced buffer width (subject to approval by the City of Madison Engineering Division and CARPC staff).
- Enhanced erosion control will be provided (subject to approval by the City of Madison Engineering Division and CARPC staff).
- No parking be allowed within 75-feet of the wetland.
- No further encroachments of the building or rear patio will be allowed.

The Department finds that the proposed amendment is consistent with water quality standards under section 281.15, Wis. Stats., and is hereby approved with the following conditions as recommended by CARPC in their August 2018 letter titled Water Quality Management Letter for Environmental Corridor Amendment Request #1801EC-CUSA-Madison:

The city of Madison will demonstrate continued commitment to pursue the following:

- Submit a revised site plan for CARPC review maintaining a minimum 75-foot parking lot setback from the delineated wetland edge in accordance with the City's application for this environmental corridor amendment.
- Require the provision of a level spreader or similar practice to spread the flow of water discharging toward the wetland.
- Require that the vegetated buffer be maintained in dense native vegetation at a height of at least 6 inches.
• Require a restoration and native vegetation management plan for the wetland buffer be recorded as part of the stormwater management maintenance agreement.
• Consider requiring/encouraging the use of permeable pavement for the north patio and parking surfaces, where slopes are appropriate.

The Department also supports the recommendation that the City of Madison pursue the following:
• Evaluate and improve the process for reviewing Environmental Corridors and other Water Quality Plan conditions of approval as part of the City's internal development review.

Statewide AWQM Plan Amendment
This amendment is a formal update to the state’s Areawide Water Quality Management Plan and the Dane County WQM 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, Wis. 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,

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:
City of Madison
Mike Sorge – DNR – SD
Greg Searle – DNR WQ/3
Andrew Simek – DNR - LS/8
Lisa Helmuth – DNR – WQ/3
Linnea Rock – DNR – WQ/3
Timothy Parks – City of Madison Planning Division
Larry Palm, CARPC Executive Chairperson
Kris Hampton, CARPC Secretary
Dave Taylor, MMSD Director of Ecosystem Services
Proposed Amendment to the Dane County Water Quality Plan, Requesting a Variance to the Environmental Corridors in the City of Madison.
August 9, 2018

Mr. Timothy R. Asplund
Monitoring Section Chief
WDNR – Bureau of Water Quality
101 S. Webster Street
Madison, WI 53707-7921

Re: Water Quality Management Letter for Environmental Corridor Amendment Request
#1801EC – CUSA - Madison

Dear Mr. Asplund,

On July 6, 2018, the City of Madison submitted an amendment application to the Capital Area Regional Planning Commission requesting a revision to the environmental corridor boundaries of the Central Urban Service Area. The proposed environmental corridor amendment is located at a new commercial building site for Automated Arts, at 5404 Voges Road in the City of Madison. A 2013 wetland delineation identified more extensive wetlands than previously mapped in the Wisconsin Wetland Inventory. The proposed site plan would provide a 30 foot minimum width vegetated buffer for the wetlands, which is less than the 75 foot minimum width adopted in the environmental corridor policies and criteria of the Dane County Water Quality Plan. The City, on behalf of the property owner, is also seeking approval to grade within 30 feet of the wetland. Both requests require a variance to the environmental corridor policies and criteria adopted in the Dane County Water Quality Plan. A public hearing was held on the proposed amendment at the August 9, 2018 meeting of the Capital Area Regional Planning Commission. The City’s application and the Commission staff’s analysis report of the proposed amendment have been submitted to the Department’s Surface Water Integrated Monitoring System.

It is the Capital Area Regional Planning Commission staff’s opinion that the proposed amendment is consistent with water quality standards under Wis. Stat. § 281.15, with the conditions of approval identified below. Additional actions have also been recommended below to further improve water quality and environmental resource management.
At our August 9, 2018 meeting, the Capital Area Regional Planning Commission voted to recommend approval of this amendment to the Wisconsin Department of Natural Resources, based on the City’s submittal, and conditioned on the continued commitment of the City of Madison to pursue the following:

1. Submit a revised site plan for CARPC review maintaining a minimum 75-foot parking lot setback from the delineated wetland edge in accordance with the City’s application for this environmental corridor amendment.

2. Require the provision of a level spreader or similar practice to spread the flow of water discharging toward the wetland.

3. Require that the vegetated buffer be maintained in dense native vegetation at a height of at least 6 inches.

4. Require a restoration and native vegetation management plan for the wetland buffer be recorded as part of the stormwater management maintenance agreement.

5. Consider requiring/encouraging the use of permeable pavement for the north patio and parking surfaces, where slopes are appropriate.

It is also recommended that the City of Madison pursue the following:

1. Evaluate and improve the process for reviewing Environmental Corridors and other Water Quality Plan conditions of approval as part of the City’s internal development review.

If you have any questions regarding this matter, please do not hesitate to contact Mike Rupiper, the Commission’s Director of Environmental Resources Planning.

Sincerely,

Larry Palm
Executive Chairperson

Kris Hampton
Secretary

cc: Mr. Timothy Parks, City of Madison Planning Division
VIA E-MAIL ONLY

July 6, 2018

Mike Rupiper, PE
Director of Environmental Resources Planning
Capital Area Regional Planning Commission
210 Martin Luther King Jr. Blvd., Room 362
Madison, Wisconsin 53703

RE: Environmental corridor on 5404 Voges Road, City of Madison

Dear Mr. Rupiper,

At the request of the property owner, TNT of McFarland, LLC, the City of Madison is hereby requesting to amend the Dane County Water Quality Plan Environmental Corridor Map to allow grading and impervious area within the 75-foot wetland buffer as mapped on a 2.57-acre property located at 5404 Voges Road in the City of Madison, and for grading to occur within the 30-foot “no-grade” portion of the setback.

The property owner has requested permits from the City to construct an 8,000 square-foot commercial building on the subject property. The proposed building, a rear patio space, and detention facility are proposed within 75 feet of a wetland delineated by Stantec on the subject property and an adjoining parcel addressed as 5302 Voges Road in April 2013. A grading plan submitted with the permit application calls for grading for the project to encroach within 30 feet of the wetland. Copies of the relevant sheets from the submitted plans are attached for reference.

The 75-foot setback requirement was established as a condition of the Marsh Road neighborhood being added to the Central Urban Service Amendment by Dane County Regional Planning Commission Resolution No. 208 on February 24, 2000, which specified that all wetland areas and a 75-foot setback be included in environmental corridors. The Wisconsin Department of Natural Resources approved the CUSA expansion in a letter dated April 28, 2000.

To mitigate for the reduced no grading zone, an enhanced native vegetation will be installed by the developer in the buffer zone to mitigate for the reduced buffer width. Enhanced erosion control will also be provided. Both mitigation measures will be subject to the approval of the City of Madison Engineering Division and CARPC staff. Also, no parking will be allowed within 75 feet of the wetland, and no further encroachments of the building or rear patio will be allowed. At the direction of the Secretary of the Plan Commission, an affidavit of correction will also be recorded to Certified Survey Map 13840 to correctly reflect the 75-foot setback requirement from the delineated setback (a 30-foot offset was incorrectly included on the recorded version).
If you have any questions about the above request, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Greg Fries, City Engineering Division
    Phil Gaebler, City Engineering Division
    Heather Stouder, Planning Division
    Tim Neitzel, TNT of McFarland, LLC
    John Bieno, on behalf of TNT of McFarland, LLC
PROPOSED FACILITY FOR:

AUTOMATION ARTS

5404 Voges Road
Madison, Wisconsin

TJK Design Build
822 W. Main St. Suite 202
Madison, WI 53703
608-781-1050  FAX 608-781-1059