

**Legal Basis for Approving the Proposed
City of Verona ‘Southwest USA’ amendment
Based On Compliance with the**

Capital Area Regional Planning Commission’s

**“Urban and Limited Service Area Policies, Environmental
Corridor Policies, and Criteria for the Review of Urban and
Limited Service Area Amendments”**

As Adopted 2/28/08

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The proposed ‘Southwest USA Amendment’, as proposed by the City of Verona, complies with CARPC’s adopted “Urban and Limited Service Area Policies, Environmental Corridor Policies, and Criteria for the Review of Urban and Limited Service Area Amendments” as adopted in February of 2008 and approved by the DNR in December of 2008—as follows:

I. Urban Service Area Policies

1. Planning Requirements

- A. Service area boundaries must be delineated for the provision of sewer services with a 20-year planning horizon.

A 20-year planning horizon has been utilized—this requirement is met;

- B. Delineation must be based on the official 20-year population projection for the region generated by the State DOA.

Delineation has been based on official DOA population projections—this requirement is met;

- C. The regional population projection must be allocated to individual service areas based on WDOA-approved population projection methodology, and density assumptions acceptable to the respective municipality.

Population projections were provided by the Wisconsin Department of Administration and by CARPC, and the City of Verona believes that these projections utilized the required methodology. Density assumptions included within this proposal are acceptable to the City of Verona—this requirement is met;

- D. Service areas must be delineated in a manner to ensure adequate treatment capacity in wastewater treatment facilities that receive the expected volume of wastewater.

Adequate treatment capacity is available for anticipate wastewater—this requirement is met;

- E. Service areas must be delineated to ensure the cost-effective (as defined in NR 110) and environmentally sound expansion of public sewerage facilities.

Expansion of sewage treatment facilities (specifically sewer mains within the amendment area...) can be done in both a cost effective and environmentally sensitive manner; services—in the form of existing utilities—are located in the very-near vicinity; and the environment will be protected—this requirement is met;

- F. Creation of new service areas must meet the requirements and conditions of NR 110 regarding new treatment facilities to serve new and existing residential and non-

residential development, and the state anti-degradation policy (NR 207, which prevents the unnecessary creation of new point-sources of wastewater discharge on water bodies).

This proposal does not propose the creation of a new service area, (it proposes an expansion of an existing service area...)—and so this requirement does not apply;

- G. Requests for additions to the Central Urban Service Area must be part of a neighborhood plan that covers a logical planning area as defined by efficient and effective provision of urban services. The plan shall cover an area large enough to be considered a logical unit for service provision and to determine compatibility and consistency of the proposed change with adjacent areas and existing plans. This neighborhood planning area may be substantially larger than the area of request (and usually is).

This proposal is not part of the ‘Central USA’—and so this requirement does not apply;

- H. Service area expansion requests containing over 100 acres of developable land must include 10-year staging boundaries. Staging boundaries are encouraged in smaller expansion requests.

10-year staging boundaries are provided in the larger ‘Southwest Neighborhood Plan’, which encompasses the proposed amendment area *and* the surrounding area—this requirement is met;

- I. Generally, the urban service area boundaries represent the outer limits of planned urban growth over the long-term planning period—at least 20 years—and include more than enough land to accommodate anticipated growth. However, CARPC recognizes that the needs of communities may differ. For this reason, CARPC may approve more land in an urban service area than that called for by the 20-year growth projection where a demonstrated special need for additional land has been established based upon factors such as, but not limited to: inaccurate population projections, previous municipal infrastructure financing plans, displacement of development, intergovernmental agreements, a small USA size, and deficiencies in certain land uses (e.g. inadequate industrial development area). This provision applies until such time as a community and CARPC have adopted the 25-year Future Urban Development plan for the area.

The proposed urban service area boundary represents the extend of planned urban growth for a 20-year time period—this requirement is met;

- J. Amendments to service areas must be sponsored by the unit of government planning to provide the services or by the CARPC, to ensure that designated local management agencies in charge of pollution prevention (both point- and non-point source) are in support of the expansion.

The amendment is proposed by the City of Verona—this requirement is met;

- K. Plans should be prepared and adopted with meaningful public participation. A public hearing will be set for the next CARPC meeting unless more time is needed to address issues. All affected local units and their respective county board supervisors will be notified by letter at least thirty (30) days prior to the public hearing. The 30-day notification period may be waived by the CARPC if the supporting unit can demonstrate that other affected units of government have been consulted and there are no unresolved issues. The CARPC may at its discretion consider to delay action on any request for urban service area expansion in areas where annexation law suits are pending.

Meaningful and comprehensive citizen participation was utilized to prepare the proposed amendment—this requirement is met. Specifically, the proposed amendment was the result of two separate—but overlapping—citizen participation process:

- A 3-year environmental planning process *specific to this area* that included local property owners, a large group of potentially-interested stakeholders, Dane County, CARPC, the Town of Verona, the Madison Metropolitan Sewer District, and the Department of Natural Resources;
 - A 2-year citizen-led comprehensive planning process that included wide public input, community surveys, community open houses, and broad dissemination of draft plans for public comment and review. This process identified multiple future growth areas, including the adoption of a neighborhood plan *specific to this area* after a public hearing.
- L. Requesting units of government must notify neighboring or affected units of government of their intent to expand the service area. The CARPC will notify all the units of government in the Central Urban Service Area and invite them to comment if a request within the CUSA contains more than 300 developable acres.

The City has notified adjoining units of government—this requirement is met.

2. Criteria for the Review of Urban Service Area Amendments

- A. Additions to the Central Urban Service Area should be contiguous with existing urban service areas.

This proposal is not part of the Central USA—this requirement does not apply;

- B. Contiguity to urban infrastructure.

It is the policy of the CARPC to seek the efficient use of existing capacity in urban infrastructure (roads and streets, sewerage systems, water systems, parks and open space, etc.), and to give priority to areas that can best utilize such existing capacity of urban service areas.

This proposal is an excellent example of *contiguity to urban infrastructure*—this requirement is met. Specifically:

- Roads and Streets: The amendment area is adjacent to an expensive and underutilized interchange between U.S.H. 18-151 and State Highway 69. This piece of street infrastructure should be utilized for future urban development. Additionally, no additional arterial streets are required to serve the proposed amendment area—existing arterial streets are sufficient. Only one collector street and local streets will need to be created within the proposed amendment area.
- Sewer System: The amendment area is adjacent to existing sewer system on the east and can be cost-effectively served by an extending an existing sewer line on the west. The City has adopted regional plans for sewer service expansion in this area and the proposed amendment is consistent with those adopted plans.
- Water:
 - The proposed amendment area can be served with existing water towers and water wells. Unlike development to the north or east of the City—NO NEW WATER TOWER IS NECESSARY to serve this area with municipal water.
 - The amendment area is adjacent to existing water service on the east and can be cost-effectively served by extending an existing water main on the west.
 - *Additionally*, by extending water mains to the west—the City can achieve fire protection goals by creating looped water main systems on the City’s already-urbanized west side.
 - The City has adopted regional plans for water service expansion in this area and the proposed amendment is consistent with those adopted plans.
- Parks and Open Space: Portions of the proposed amendment area are included in the ‘Dane County Parks and Open Space Plan’ and the areas designated for environmental corridor are consistent with the County Parks and Open Space Plan. Additionally, the area currently has *no* parks and the city will create parks. Lastly, open space areas will be increased because converted wet-lands that are currently farmed (developed with agriculture...) will be converted to non-developed (non-farmed) open space.

C. Infill, redevelopment, density, and needs assessment.

It is the policy of the CARPC to seek efficient use of land through higher densities of development, mixed use infill development and redevelopment within the urban cores of the region, and the use of existing vacant developable lands within urban service areas prior to expansion into new areas.

Generally, if there is a 20-year supply of developable land in the current USA (or a portion of the USA available to the respective unit of government; this is based on official land demand calculations derived from official population projections without flexibility margins), priority should be given to developing the existing developable lands within the USA. Special consideration would be given to adding developable land for under-represented land uses (such as industrial development in a service area with inadequate industrial development or available land).

Higher densities than the current density of the urban service area are encouraged for USA expansion proposals. Consideration would be given to lower densities in proposed USA expansion areas if such lower densities are more than off-set by higher densities through infill development, redevelopment, and new development in areas within the current USA under the jurisdiction of the requesting unit of government.

[Infill, redevelopment and density needs assessments—this requirement has been met. Specifically:](#)

- [Infill](#). The City of Verona has a proven track-record of promoting and approving infill on vacant lands within the urban core, and the proposed amendment will not change or undermine that tradition. Just a few recent examples include: Relocation of a historic home to North Franklin; Relocation of a historic home to East Verona Avenue, Relocation of a home to South Main Street; approval of high-density residential in-fill development on South Main Street; and approval of high-density residential in-fill development on South Jefferson. Available land for in-fill development is limited, but the City of Verona will continue to enable in-fill development on existing vacant parcels within the current urbanized area.
- [Redevelopment](#). While redevelopment—or taking existing developments and removing them to allow something new—is expensive, complicated, and often controversial—the City of Verona nonetheless has an established tradition of promoting and approving redevelopment within the urban core, and the proposed amendment will not change or undermine that tradition. Just a few recent examples include: Walgreens, Park Bank, Holiday Inn Express, Klinke Cleaners, and high-density mixed-use redevelopment of the former lumber yard. Redevelopment can only occur where the removal of existing development is justified by profits from the proposed new development—or where public subsidies are provided. The City of Verona will continue our strong tradition of promoting and allowing redevelopment of our existing urban core—including use of public subsidies as deemed appropriate by local elected officials.
- [Density](#). The City of Verona has grown more dense over time. The ‘traditional’ residential density of the City—as established by CARPC—is about 4.3 units per acre. [During the last decade—the City’s average density of residential development has increased over 20% to over 5 units per acre.](#) The proposed amendment area

continues this trend by proposing 5.6 residential units per acre. For comparison, residential development in the Verona Area that is *not* served by utilities typically provides only 0.5 units per acre—fully 11 times less dense (5.6 divided by 0.5).

D. Agricultural loss mitigation.

The CARPC desires to promote approaches to mitigate the loss of farmland to development through the use of, for example, intergovernmental agreements, easements, TDR and PDR programs, etc. to support the economic viability of the farming industry and protect wildlife habitat, recharge for streams, springs, and drinking water. Until such time as the Commission adopts a specific proposal about how to use these tools (no later than the adoption of an amended Water Quality Plan), they will be encouraged but not required.

The proposed amendment area includes 104 acres of lands classified as prime farmland. Approximately 50 acres of this prime farmland is proposed to be included in environmental corridor—and so it will not be developed. Of the approximately 54 remaining acres of prime farmland that are proposed for development, about 40 acres are proposed for ‘institutional residential’ development (on the ‘Wingra’ property...) that will create densities of about 8 dwelling units per acre—or approximately 320 units of housing. The remaining 14 acres of prime farmland proposed for development (on the ‘Hoffman’ property...) will create densities of about 6 units per acre—or approximately 84 units of housing. For comparison—residential development of these prime farmlands *without utilities* would result in densities of approximately 0.5 units per acre on all 54 acres—or approximately 27 units of housing. The City of Verona firmly believes that by allowing this area to be developed densely *with utilities*—farmland is preserved by accommodating over 400 units of housing on 54 acres of prime farmland rather than by accommodating only 27 units of housing on this same land. As determined by CARPC—the City of Verona will grow in population, and the City desires to accommodate that growth on as little land as possible. By allowing the proposed amendment area to be served with utilities, farmland *outside of the amendment area* will be preserved by accommodating as much projected population growth *within the amendment area* as planned.

- Additionally, the City of Verona has adopted and enforces a farmland preservation policy that prevents low-density, inefficient urban development in unincorporated areas within the City’s extraterritorial jurisdiction. The City adopted this policy in an effort to insure that urbanization within the Verona Area is directed to urban areas, is dense, and is served by utilities. This policy insures that farmland is preserved by preventing land development that consumes disproportionately high levels of land for relatively small amounts of urban development—typically large lot residential development. This policy also helps prevent conflict and legal disputes between the residents of such low-intensity urban development and the adjacent farmers who are trying to operate their agricultural operations.

For the reasons outlined above—the requirement for Agricultural loss mitigation has been met.

- E. The minimum requirement (related to water quality planning) for services which should be provided initially in urban service area expansions are the following:

Minimum requirements for services to be provided within urban service area expansions—this requirement has been met. Specifically:

1. Public sewage collection and treatment systems (layout, facilities, capacity);
Public Sewage collection and treatment facilities have been planned and are feasible and cost-effective;
2. Publicly managed urban storm drainage system layout and standards. Stormwater management measures should be aimed at mitigating to the maximum extent practicable the cumulative and incremental adverse impacts of development on surface water and groundwater quality and quantity and associated ecological functions. Such impacts include, but are not limited to, increases in off site erosion and flooding, increases in pollution, reductions in stream baseflow, reductions in groundwater recharge, lowering of groundwater levels and groundwater quality, reductions in flows to and from springs, drying up of wetlands, and reductions in the ecological health of aquatic habitats. The extent of practicability and likelihood of success of proposed mitigation measures will be determined by CARPC staff based on site specific and land use specific characteristics, in the context of the best possible management practices and technology, and in consultation with municipal, county, and WDNR technical staff and the CARPC Natural Resources Technical Advisory Committee. Any appeal of such a determination would be to the CARPC. It is understood that appropriate mitigation of some adverse impacts may require reduced levels of development, a change in the type of development, or off-site mitigation and remediation.
Stormwater management facilities have been planned and are feasible and cost-effective. The City hired a highly-reputable environmental planning consulting firm to complete a 3-year, \$90,000 study to create appropriate stormwater management plans for this area. This requirement has been met;
3. Urban transportation systems and facilities, including public street layout and standards, provision for pedestrian and bicycle movement, and provision for mass transit and para-transit and trip reduction measures (carpooling, park/ride lots);
Transportation systems have been planned and are feasible and cost-effective.
 - The area will require no new arterial streets—only one new collector street and new local streets. Street requirements have been met;
 - The City requires all new streets to provide sidewalks for pedestrian access. Pedestrian requirements have been met;
 - The City of Verona requires all new *and rebuilt* collector and arterial streets to provide bicycle facilities. Bike facilities requirements have been met;
 - Public Transit has only recently been provided to Verona (starting in 2005...), but the use of this bus service is growing and the bus route has become

established as an important service for the City of Verona. The City will continue supporting this initial public transit service and will work with Madison Metro to expand the service as possible. The proposed amendment area is not specifically planned to be served directly by mass transit—but will benefit from the availability of the existing mass transit services to the City. Whether or not mass transit requirements are ‘met’ or ‘not met’ is indeterminate...

4. Solid waste collection service;

Solid waste collection service will be provided. This requirement is met;

5. Public water supply and distribution system layout and facilities, for both potable water and fire protection (include hydrants and water storage sufficient for fighting fires).

Public water supply and distribution systems—for both potable water and fire protection—have been planned and are feasible and cost-effective. This requirement is met;

- F. Additional services to be provided within the planning period (not all services may be required or needed in each case):

Additional requirements for services to be provided within urban serviced area expansions—this requirement has been met. Specifically:

1. Higher or urban levels of police protection (local police patrol, or response from a station located within 2-3 miles; this is in addition to normal Sheriff’s Dept. coverage and response);

Urban levels of police protection will be provided—this requirement is met;

2. Urban levels of fire protection (ISO Fire Insurance Rating of 1 to 6);

Urban levels of fire protection will be provided—this requirement is met;

3. Urban levels of emergency medical services (EMS);

Urban levels of emergency medical service will be provided—this requirement is met;

4. Neighborhood public facilities located no more than two miles away, with a desirable service radius of 1/4-1/2 mile walking distance from main residential areas (neighborhood and community parks, schools, etc.).

Neighborhood areas such as parks will be provided in close proximity to residential development—this requirement is met.

- G. Applications need to demonstrate consistency with local and regional adopted plans and with the provisions of paragraph 7 of the resolutions petitioning the governor creating the CARPC.

The proposal is consistent with locally-adopted plans, including:

- The adopted Dane County Parks and Open Space Plan;
- The adopted CARPC “Regional Development Plan” Map;
- The adopted City of Verona ‘Southwest Neighborhood Plan’;
- The final draft of the City of Verona ‘Comprehensive Plan’;

Also—The City of Verona has volunteered to be the first Dane County community to comply with the provisions of paragraph 7 of the resolution petitioning the governor to create CARPC. The City of Verona was one of the communities who signed this resolution, and the City has expressed a desire to begin collaborating with CARPC to complete the process described in paragraph 7 of this resolution to create ‘future urban development area’ plans. At the August, 2009 Plan Commission meeting, the City formally began this process with a presentation from CARPC staff about this collaborative planning process.

3. Submittal Requirements

A. Requests for urban service area additions must be accompanied by specific plans for development and provision of urban services to the proposed addition, which include the following elements:

1. A plan and description of proposed development, land use and major facilities in the area, which is specific enough in terms of type and densities of land use to enable the determination of long-range urban service needs and impacts of development;

This requirement has been met;

2. A description of the relationship of the proposed development with adjacent land uses and urban development, and consistency and conflict with any applicable adopted plans;

This requirement has been met;

3. Identification of environmental corridors and other environmentally sensitive areas, consistent with CARPC and DNR criteria, which are to be protected from urban development, and a description of local policies, ordinances and other measures to protect such areas;

This requirement has been met;

4. A specific plan for providing the full range of urban services to the area (see E and F in section 2 above);

This requirement has been met;

5. An analysis of the infill and redevelopment potential in the existing urban service area and a description of the need for the urban service area expansion.

This requirement has been met;

II. Limited Service Areas

Note: The proposed ‘Southwest Amendment’ is not part of a Limited Service Area, and so none of the requirements from Section II—Limited Service Areas—apply...

1. Description

- A. Statement of Purpose. To consolidate, clarify and revise the current policies and criteria for Limited Service Areas (LSA) as part of the *Dane County Land Use and Transportation Plan* and *Water Quality Plan*. The intent is for any creation or expansion of an LSA to be consistent with existing plans and to support local and regional planning.

N/A

- B. Definitions. Limited Service Areas are areas where only one or a few urban services, such as sanitary sewer service, are provided to accommodate special or unique facilities or institutional uses which are appropriately located outside urban service areas, or areas of existing development experiencing wastewater disposal or water supply problems.

N/A

- C. Types of Limited Service Areas

1. Special Facilities: including, but not limited to, landfills, park, recreational, and tourist facilities such as park shelters, golf course clubhouses, etc.
2. Institutional Uses: including, but not limited to, schools, correctional facilities, etc.

N/A

3. Existing Development: existing residential or commercial development experiencing wastewater disposal or water supply problems. Existing development means development existing in the local unit of government on the date the application for Limited Service Area establishment or expansion is submitted.

N/A

2. Criteria for Establishing a Limited Service Area

- A. Special Facilities and Institutional Uses

1. The LSA should be limited to the area needed for use/service;
2. Evaluation of alternative means of providing needed services, including cost-effectiveness analyses;
3. Documented agreement from the agencies which will be providing the service(s);

4. If establishment or expansion of an LSA is proposed within one-half mile of an urban service area, a discussion and evaluation of the feasibility of including the proposed LSA in the USA must be submitted.

N/A

B. Existing Development

1. Addressed in and consistent with the local comprehensive plan;
2. The LSA should be limited to existing development including infill;
3. Infill should be limited to vacant lots or parcels contiguous to existing development or permanent open space, or a combination thereof, on at least two sides; and immediately adjacent to and having direct access to sanitary sewer and existing public streets or roads. Any area proposed for infill must contribute to the solution of the stated water quality problem and must be consistent with resolution of the problem as defined in the application for creation of the LSA;
4. Documentation of existing and reasonably anticipated on-site wastewater or water supply problems;
5. Evaluation of alternative means of providing needed services, including cost-effectiveness analyses (cost-effectiveness shall not be the sole determinant of LSA establishment);
6. Documented agreement from the agencies which will be providing the service(s); and
7. If establishment or expansion of an LSA is proposed within one-half mile of an urban service area, a discussion and evaluation of the feasibility of including the proposed LSA in the USA must be submitted.

N/A

3. Criteria for Expansion of a Limited Service Area

A. Special Facilities

Proposals to expand the original use or facility will be evaluated, using the same criteria as for establishing the service area. For expanding the area to include related but different uses or facilities, additional urban services may be required, depending on the specific circumstances and uses proposed. Economic development of an existing facility is not an acceptable criterion for expansion of an LSA. The intent of an LSA is not to support economic expansion.

N/A

B. Institutional Uses

Proposals to expand the original use or facility will be evaluated, using the same criteria as for establishing the area. If the area is to be expanded, an evaluation of the need for additional urban services may be required. These same criteria apply to expanding the area to include related but different uses.

N/A

C. Existing Development

Proposals to expand a Limited Service Area which was established to serve existing development may be considered if the following criteria are met:

1. The local comprehensive plan must address the expansion area, and include policies to control development in the rest of the community and preserve farmland.
2. The additional development should be consistent with the goals and objectives of the *Dane County Land Use and Transportation Plan* and Wisconsin's Comprehensive Planning Legislation.
3. Residential development should meet the definition of Conservation Subdivisions in §66.1027(1)(a) Wis. Stats., with compact lots, common open space and maintenance/protection of natural features. Suggested guidelines include a minimum net density (exclusive of open space) of two dwelling units per acre (which corresponds to a maximum lot size of about 20,000 sq. ft.). It is also recommended that a mix of housing types be included.

N/A

4. Additional Considerations for Limited Service Areas

A. Contiguity to urban infrastructure.

It is the policy of the CARPC to seek the efficient use of existing capacity in exurban and rural infrastructure (roads and streets, sewerage systems, parks and open space, etc.), and to give priority to areas that can best utilize such existing capacity.

N/A

B. Infill, redevelopment, density, and needs assessment.

It is the policy of the CARPC to seek efficient use of land through higher densities of development and the use of existing vacant developable lands within limited service areas prior to expansion into new areas.

N/A

C. Agricultural loss mitigation.

The CARPC desires to promote approaches to mitigate the loss of farmland to development through the use of, for example, intergovernmental agreements, easements, TDR and PDR programs, etc. to support the economic viability of the farming industry and protect wildlife habitat, recharge for streams, springs, and drinking water. Until such time as the Commission adopts a specific proposal about how to use these tools (no later than the adoption of an amended Water Quality Plan), they will be encouraged but not required.

N/A

D. The minimum requirement (related to water quality planning) for services which should be provided initially in limited service area expansions are the following:

1. public sewage collection and treatment systems (layout, facilities, capacity);
2. publicly managed urban storm drainage system layout and standards. Stormwater management measures should be aimed at mitigating to the maximum extent practicable the cumulative and incremental adverse impacts of development on surface water and groundwater quality and quantity and associated ecological functions. Such impacts include, but are not limited to, increases in off site erosion and flooding, increases in pollution, reductions in stream baseflow, reductions in groundwater recharge, lowering of groundwater levels and groundwater quality, reductions in flows to and from springs, drying up of wetlands, and reductions in the ecological health of aquatic habitats. The extent of practicability and likelihood of success of proposed mitigation measures will be determined by CARPC staff based on site specific and land use specific characteristics, in the context of the best possible management practices and technology, and in consultation with municipal, county, and WDNR technical staff and the CARPC Natural Resources Technical Advisory Committee. It is understood that appropriate mitigation of some adverse impacts may require reduced levels of development, a change in the type of development, or off-site mitigation and remediation;
3. solid waste collection service.

N/A

5. Submittal Requirements

- A. An application for establishment or expansion of a Limited Service Area must include a plan describing:
1. The specific proposed land uses and/or facilities to be included in the service area;

2. the services to be provided, including a cost-effectiveness analysis, and a statement from the service provider, if other than the applicant, of the willingness to provide the service(s);
3. delineation of environmental corridors in the service area consistent with CARPC and DNR criteria;
4. a plan for protecting sensitive environmental resources and water quality, including a preliminary stormwater management plan;
5. how the proposal meets the applicable criteria listed under II.2. and 3. above;
6. the relation to and opportunities for coordination and cooperation with other units of government; and
7. any other relevant information needed to evaluate the request.

N/A

- B. Applications must be submitted by the general purpose unit of government (town, village, city, county) having jurisdiction in the proposed service area. CARPC staff will provide assistance in assembling the needed information.

N/A

NOTE—Table A-4 (Updated table from *Dane County Land Use and Transportation Plan for Limited Service Areas...*) has been deleted as it is not necessary for this document...

III. Environmental Corridors

- A. Major areas unsuitable for installation of waste treatment systems because of physical or environmental constraints are to be excluded from the service area (Environmentally Sensitive Areas in NR 121 and known in Dane County as Environmental Corridors). These Environmental Corridors include the following elements and criteria:

1. Wetlands under WDNR jurisdiction.

Wetlands under WDNR jurisdiction have been included in environmental corridors—this requirement is met;

2. Vegetative buffers for wetlands and shorelands (75-foot minimum and excluding impervious surfaces). The minimum width of vegetative buffers for shorelands and wetlands may be increased to up to 300 feet where site specific habitat susceptibility and protection needs make such an increase advisable. CARPC staff will make the determination of needed buffer width in consultation with DNR staff and the Natural Resources Technical Advisory Committee of the CARPC.

Vegetative buffers for wetlands and shorelands have been created and designated as environmental corridors. The City of Verona has proposed to exceed current Dane County minimum requirements for vegetative buffers for wetlands within this proposed USA expansion—this requirement is met;

3. 100-year floodplains and floodways.

100 year flood plains and flood ways have been placed in environmental corridors—this requirement has been met;

4. Steep wooded slopes (12% gradient and higher in the glaciated portions of the county; 20% gradient and higher for the driftless portion of the county) within 75 feet of the ordinary high water mark of water bodies or from the top of each bank. Steep slopes between 12% and 20% in the driftless portion of the county and adjacent to water bodies receive conditions for stringent site plan review and inspection by the local unit of government aimed at maintaining the stability of the slope. Steep slopes (12%—20%) in the driftless portion of the county that are not adjacent to water bodies receive recommendations for stringent site plan review and inspection by the local unit of government.

Steep wooded slopes have been placed in environmental corridors—this requirement has been met;

5. Navigable water bodies based on DNR determination of navigability (plus the 75-foot shoreland buffer).

Navigable water bodies plus buffers have been placed in environmental corridors—this requirement has been met;

6. Non-navigable streams based on DNR determination of navigability (within a 75-foot wide corridor, and maintaining at least 25-feet from the edge of the corridor to the ordinary high water mark or top of bank).

Non-navigable streams plus corridors have been placed in environmental corridors—this requirement has been met;

7. Open drainageways (within a 75-foot wide corridors and maintaining at least 25-feet from the edge of the corridor to the ordinary high water mark or top of bank).

Open drainage way locations have not yet been determined and so have not been placed in environmental corridors. Any open drainage ways that are created within the amendment area will be placed in environmental corridors. This requirement will be met;

8. Public lands, parks, and conservancy areas (related structures can receive sewer service), except isolated (small) neighborhood parks.

Public lands, parks, and conservancy areas are—or will be if they are not yet located—located within environmental corridors—this requirement is met;

9. Proposed public parks and conservancy areas; except isolated (small) neighborhood parks.

Parks and conservancy areas are—or will be if they are not yet located—located within environmental corridors—this requirement is met;

10. Problem soil areas and unique geologic formations (such as Karst features and known critical recharge areas).

Preliminary site analysis and a review of available data sets have outlined the locations of problem soil areas and unique geological features within the proposed amendment area and they have been placed into environmental corridors. If additional features are discovered during site work—they will also be placed in environmental corridors—this requirement is met;

11. Archaeological sites on the National Register.

Archeological sites have been identified within the amendment area and will be placed within environmental corridors *after* a plan has been created to insure that these valuable resources can be protected from plundering—this requirement will be met;

12. Endangered and sensitive habitats based on DNR determination.

Endangered and sensitive species habitats have been identified by the DNR and the City of Verona will implement the DNR recommendations for protecting and

enhancing these habitats, including the placement of habitats within environmental corridors as appropriate—this requirement is met;

13. Stormwater facilities (stormwater facilities should be located outside environmentally sensitive areas when feasible).

Stormwater management facilities will be designed and constructed outside of environmentally-sensitive areas when feasible—this requirement is met;

14. Known or documented significant or sensitive groundwater recharge areas.

Levels of ground-water recharge *greater than Dane County ordinance minimums* are proposed for this amendment area through greater requirements for the infiltration of storm-water run-off. Infiltration areas will be located so as to not negatively impact sensitive groundwater recharge areas. This requirement is met;

- B. Existing development (impervious area) is exempted from inclusion in corridors.

This requirement will be met;

- C. Local units of government are in charge of the local implementation and protection of environmental corridors, and shall have programs to ensure the integrity of the corridors based on the criteria of the Dane County Water Quality Plan (zoning, plat design review, building permitting and inspections, conservation design requirements, etc.).

The City of Verona has programs to insure the integrity of environmental corridors according to the Dane County Water Quality Plan—this requirement is met. Specifically:

1. Plat design review and approval—including the location of environmental corridors and stormwater management facilities;
2. Storm water management plan review and approval procedures;
3. Pre-annexation agreements;
4. Building permit review and approval procedures;
5. Parks and Recreation programs that accomplish environmental protections goals within environmental corridors such as along Badger Mill Creek within the City;;
6. City-maintenance and repair of public storm water management facilities to insure their proper functioning;
7. Enforcement of private ‘Management and Maintenance Agreements’ for stormwater management facilities that are *not* publicly-owned;
8. Public Education conducted through the city’s utility to educate people about storm water management, flood protection, environmental protection efforts such as rain gardens;

- D. The minimum criteria for delineating environmental corridors represent a basic skeleton, and local units of government are encouraged to build upon this skeleton and expand it.

This requirement is met. Specifically—as noted above—the City has proposed wetland buffers that exceed current minimums for environmental corridors;

- E. Higher minimum standards for environmental corridors will be considered where site specific habitat susceptibility and protection needs make such higher standards advisable (based both on current habitat quality and potential habitat quality if rehabilitative measures are undertaken). CARPC staff will make the determination if higher corridor standards are needed in consultation with DNR staff and the CARPC Natural Resources Technical Advisory Committee.

The City of Verona has worked closely with CARPC staff, the DNR, Dane County staff, the Town of Verona, and the Madison Metropolitan Sewer District to plan for environmental protections—including environmental corridors—within the proposed amendment area. Should CARPC staff recommend higher minimum standards for environmental corridors within the amendment area—in consultation with the DNR and the Natural Resources Technical Advisory Committee—the City of Verona is prepared to accept any imposed higher standards so long as they respect the land-use authority of local elected officials of the City of Verona, including the authority of local elected officials (and not appointed regional commissioners...) to decide where the City of Verona will grow. This requirement is met;

To maintain a flexible but principled administration of the environmental corridor concept, the *Water Quality Plan* includes provisions for changes to these corridors as follows:

- F. “Major changes” to the environmental corridors are those changes that have the potential for significant adverse impacts on water quality (determined through a technical analysis by the RPC staff). These changes require the approval of the RPC after a public hearing, staff analysis of the impacts of the encroachment and the likelihood that the mitigation measures will be successful, and the approval of the WDNR. These “major changes” include the following:
1. Removing any mapped wetland area unless exempted by state administrative rules or state-approved rezoning.
 2. Any change that would remove any area below the ordinary high water mark of a stream, pond, or lake.
 3. Any change resulting in the elimination or interruption in the continuity of any corridor segment which includes woodlands with significant ecological or water resources functions, floodplains, wetlands, shoreland buffer strips or steep slopes adjacent to water bodies.
 4. Any change that reduces the width of vegetated shoreland buffer strips along streams, wetlands, and drainageways below minimum guidelines.
 5. Grading in a wetland vegetative buffer and within 30 feet of the wetland edge, where the buffer has been delineated in environmental corridors, unless the grading is intended to re-establish natural grades or to restore wetland habitat.

The City of Verona acknowledges this requirement and will comply with it.

- G. “Minor changes” to the environmental corridors are changes that do not have the potential for significant adverse impacts on water quality (as determined by the RPC staff). These changes do not require RPC approval, though they are reviewed by the RPC staff to ensure that they meet the definition of a “minor change.”

“Minor changes” include the following:

1. Changes resulting from DNR-approved changes in floodplain or wetland delineations, or DNR-approved rezoning.
2. Relocation or shortening of a corridor based solely on intermittent streams and drainageways, or adjustment of the buffer strip width within the guidelines.
3. Addition to or removal from the corridors of public or private lands which do not include water bodies, floodplains, wetlands, minimum buffer strips, or steep slopes adjacent to water bodies.
4. Changes resulting from utility or roadway maintenance or construction which meet the criteria set in NR 117 (this chapter of Wisconsin Administrative Code outlines the state shoreland-wetland protection program and includes permitted uses within the shoreland zone). (It is not the intent of the environmental corridors to prevent or obstruct necessary maintenance, expansion or construction of transportation or utility facilities intended to serve areas outside of the corridors, needed to maintain or improve the continuity of those systems, or designed to serve compatible uses in the corridors, such as park shelters or facilities. Facilities intended to serve new residential, commercial or industrial development in the corridors are not permitted.)

[The City of Verona acknowledges this requirement and will comply with it.](#)

- H. Grading or the installation of stormwater management measures and practices in an environmental corridor should not appreciably reduce or harm the ecological functions of the environmental corridor.

[The City of Verona acknowledges this requirement and will comply with it.](#)