

# Capital Area Regional Planning Commission

## Urban and Limited Service Area Policies, Environmental Corridor Policies, and Criteria for the Review of Urban and Limited Service Area Amendments

### CARPC Redline Review Draft 12/14/07

Text presented in strikethrough or underline indicate language proposed by CARPC to be removed or added from current policies and criteria.

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1 **I. Urban Service Area Policies**

2  
3 **1. Planning Requirements**

- 4
- 5 A. Service area boundaries must be delineated for the provision of sewer services with a  
6 20-year planning horizon.
- 7 B. Delineation must be based on the official 20-year population projection for the region  
8 generated by the State DOA.
- 9 C. The regional population projection must be allocated to individual service areas based  
10 on WDOA-approved population projection methodology, and density assumptions  
11 acceptable to the respective municipality.
- 12 D. Service areas must be delineated in a manner to ensure adequate treatment capacity in  
13 wastewater treatment facilities that receive the expected volume of wastewater.
- 14 E. Service areas must be delineated to ensure the cost-effective (as defined in NR 110) and  
15 environmentally sound expansion of public sewerage facilities.
- 16 F. Creation of new service areas must meet the requirements and conditions of NR 110  
17 regarding new treatment facilities to serve new and existing residential and non-  
18 residential development, and the state anti-degradation policy (NR 207, which prevents  
19 the unnecessary creation of new point-sources of wastewater discharge on water  
20 bodies).
- 21 G. Requests for additions to the Central Urban Service Area must be part of a  
22 neighborhood plan that covers a logical planning area as defined by efficient and  
23 effective provision of urban services. The plan shall cover an area large enough to be  
24 considered a logical unit for service provision and to determine compatibility and  
25 consistency of the proposed change with adjacent areas and existing plans. This  
26 neighborhood planning area may be substantially larger than the area of request (and  
27 usually is).
- 28
- 29 H. Service area expansion requests containing over 100 acres of developable land must  
30 include 10-year staging boundaries. Staging boundaries are encouraged in smaller  
31 expansion requests.
- 32
- 33 I. The urban service area boundaries represent the outer limits of planned urban growth  
34 over the long-term planning period—at least 20 years—and include more than enough  
35 land to accommodate anticipated growth. ~~A flexibility margin of 50% of the incremental  
36 growth area is allowed for the Central Urban Service Area; and a flexibility margin of up  
37 to 100% of the incremental growth area is allowed to provide greater flexibility for the  
38 smaller outer urban service areas.~~
- 39
- 40 J. Amendments to service areas must be sponsored by the unit of government planning to  
41 provide the services or by the CARPC, to ensure that designated local management  
42 agencies in charge of pollution prevention (both point- and non-point source) are in  
43 support of the expansion.
- 44 K. Plans should be prepared and adopted with meaningful public participation. A public  
45 hearing will be set for the next CARPC meeting unless more time is needed to address  
46 issues. All affected local units and their respective county board supervisors will be

47 notified by letter at least thirty (30) days prior to the public hearing. The 30-day  
48 notification period may be waived by the CARPC if the supporting unit can demonstrate  
49 that other affected units of government have been consulted and there are no  
50 unresolved issues. The CARPC may at its discretion consider to delay action on any  
51 request for urban service area expansion in areas where annexation law suits are  
52 pending.

- 53 L. Requesting units of government must notify neighboring or affected units of government  
54 of their intent to expand the service area. The CARPC will notify all the units of  
55 government in the Central Urban Service Area and invite them to comment if a request  
56 within the CUSA contains more than 300 developable acres.  
57

## 58 **2. Criteria for the Review of Urban Service Area Amendments**

- 59  
60 A. Additions to the Central Urban Service Area should be contiguous with existing urban  
61 service areas.

### 62 B. Contiguity to urban infrastructure.

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

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

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

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

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

### 84 D. Agricultural loss mitigation.

85 The CARPC desires to promote approaches to mitigate the loss of farmland to urban  
86 development through the use of, for example, intergovernmental agreements,  
87 easements, TDR and PDR programs, etc. to support the economic viability of the  
88 farming industry and protect wildlife habitat, recharge for streams, springs, and  
89 drinking water.

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

- 92 1. public sewage collection and treatment systems (layout, facilities, capacity);
- 93 2. publicly managed urban storm drainage system layout and standards. Stormwater
- 94 management measures should be aimed at mitigating to the maximum extent
- 95 practicable the cumulative and incremental adverse impacts of development on
- 96 surface water and groundwater quality and quantity and associated ecological
- 97 functions. Such impacts include, but are not limited to, increases in off site erosion
- 98 and flooding, increases in pollution, reductions in stream baseflow, reductions in
- 99 groundwater recharge, lowering of groundwater levels and groundwater quality,
- 100 reductions in flows to and from springs, drying up of wetlands, and reductions in
- 101 the ecological health of aquatic habitats. The extent of practicability and likelihood
- 102 of success of proposed mitigation measures will be determined by CARPC staff
- 103 based on site specific and land use specific characteristics, in the context of the best
- 104 possible management practices and technology, and in consultation with municipal,
- 105 county, and WDNR technical staff and the CARPC Natural Resources Technical
- 106 Advisory Committee. Any appeal of such a determination would be to the CARPC. It
- 107 is understood that appropriate mitigation of some adverse impacts may require
- 108 reduced levels of development, a change in the type of development, or off-site
- 109 mitigation and remediation.
- 110 3. urban transportation systems and facilities, including public street layout and
- 111 standards, provision for pedestrian and bicycle movement, and provision for mass
- 112 transit and para-transit and trip reduction measures (carpooling, park/ride lots);
- 113 4. solid waste collection service;
- 114 5. public water supply and distribution system layout and facilities, for both potable
- 115 water and fire protection (include hydrants and water storage sufficient for fighting
- 116 fires).
- 117
- 118 F. Additional services to be provided within the planning period (not all services may be
- 119 required or needed in each case):
- 120 1. Higher or urban levels of police protection (local police patrol, or response from a
- 121 station located within 2-3 miles; this is in addition to normal Sheriff's Dept.
- 122 coverage and response);
- 123 2. urban levels of fire protection (ISO Fire Insurance Rating of 1 to 6);
- 124 3. urban levels of emergency medical services (EMS);
- 125 4. neighborhood public facilities located no more than two miles away, with a desirable
- 126 service radius of 1/4-1/2 mile walking distance from main residential areas
- 127 (neighborhood and community parks, schools, etc.).
- 128

129 G. Applications need to demonstrate consistency with local and regional adopted plans.

130

### 131 **3. Submittal Requirements**

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

- 136 1. A plan and description of proposed development, land use and major facilities in the  
137 area, which is specific enough in terms of type and densities of land use to enable  
138 the determination of long-range urban service needs and impacts of development;
- 139 2. a description of the relationship of the proposed development with adjacent land  
140 uses and urban development, and consistency and conflict with any applicable  
141 adopted plans;
- 142 3. identification of environmental corridors and other environmentally sensitive areas,  
143 consistent with CARPC and DNR criteria, which are to be protected from urban  
144 development, and a description of local policies, ordinances and other measures to  
145 protect such areas;
- 146 4. a specific plan for providing the full range of urban services to the area (see E and F  
147 in section 2 above);
- 148 5. an analysis of the infill and redevelopment potential in the existing urban service  
149 area and a description of the need for the urban service area expansion.  
150

## 151 **II. Limited Service Areas**

### 152 **1. Description**

- 153 A. Statement of Purpose. To consolidate, clarify and revise the current policies and  
154 criteria for Limited Service Areas (LSA) as part of the *Dane County Land Use and*  
155 *Transportation Plan* and *Water Quality Plan*. The intent is for any creation or expansion  
156 of an LSA to be consistent with existing plans and to support local and regional  
157 planning.  
158
- 160 B. Definitions. Limited Service Areas are areas where only one or a few urban services,  
161 such as sanitary sewer service, are provided to accommodate special or unique facilities  
162 or institutional uses which are appropriately located outside urban service areas, or  
163 areas of existing development experiencing wastewater disposal or water supply  
164 problems.
- 165 C. Types of Limited Service Areas
- 166 1. Special Facilities: including, but not limited to, landfills, park, recreational, and  
167 tourist facilities such as park shelters, golf course clubhouses, etc.
- 168 2. Institutional Uses: including, but not limited to, schools, correctional facilities, etc.
- 169 3. Existing Development: existing residential or commercial development experiencing  
170 wastewater disposal or water supply problems. Existing development means  
171 development existing in the local unit of government on the date the application for  
172 Limited Service Area establishment or expansion is submitted.  
173

### 174 **2. Criteria for Establishing a Limited Service Area**

- 175 A. Special Facilities and Institutional Uses
- 176 1. The LSA should be limited to the area needed for use/service;
- 177 2. Evaluation of alternative means of providing needed services, including cost-  
178 effectiveness analyses;  
179

- 180 3. Documented agreement from the agencies which will be providing the service(s);  
181 4. If establishment or expansion of an LSA is proposed within one-half mile of an  
182 urban service area, a discussion and evaluation of the feasibility of including the  
183 proposed LSA in the USA must be submitted.

184 B. Existing Development

- 185 1. Addressed in and consistent with the local comprehensive plan;  
186 2. The LSA should be limited to existing development including infill;  
187 3. Infill should be limited to vacant lots or parcels contiguous to existing development  
188 or permanent open space, or a combination thereof, on at least two sides; and  
189 immediately adjacent to and having direct access to sanitary sewer and existing  
190 public streets or roads. Any area proposed for infill must contribute to the solution  
191 of the stated water quality problem and must be consistent with resolution of the  
192 problem as defined in the application for creation of the LSA;  
193 4. Documentation of existing and reasonably anticipated on-site wastewater or water  
194 supply problems;  
195 5. Evaluation of alternative means of providing needed services, including cost-  
196 effectiveness analyses (cost-effectiveness shall not be the sole determinant of LSA  
197 establishment);  
198 6. Documented agreement from the agencies which will be providing the service(s); and  
199 7. If establishment or expansion of an LSA is proposed within one-half mile of an  
200 urban service area, a discussion and evaluation of the feasibility of including the  
201 proposed LSA in the USA must be submitted.  
202

203 **3. Criteria for Expansion of a Limited Service Area**

204 A. Special Facilities

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

212 B. Institutional Uses

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

217 C. Existing Development

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

- 220 1. The local comprehensive plan must address the expansion area, and include  
221 policies to control development in the rest of the community and preserve farmland.

- 222 2. The additional development should be consistent with the goals and objectives of  
223 the *Dane County Land Use and Transportation Plan* and Wisconsin's Comprehensive  
224 Planning Legislation.
- 225 3. Residential development should meet the definition of Conservation Subdivisions in  
226 §66.1027(1)(a) Wis. Stats., with compact lots, common open space and  
227 maintenance/protection of natural features. Suggested guidelines include a  
228 minimum net density (exclusive of open space) of two dwelling units per acre (which  
229 corresponds to a maximum lot size of about 20,000 sq. ft.). It is also recommended  
230 that a mix of housing types be included.

#### 231 **4. Additional Considerations for Limited Service Areas**

##### 232 A. Contiguity to urban infrastructure.

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

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

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

##### 240 C. Agricultural loss mitigation.

241 The CARPC desires to promote approaches to mitigate the loss of farmland to urban  
242 development through the use of, for example, intergovernmental agreements,  
243 easements, TDR and PDR programs, etc. to support the economic viability of the  
244 farming industry and protect wildlife habitat, recharge for streams, springs, and  
245 drinking water.

##### 246 D. The minimum requirement (related to water quality planning) for services which should 247 be provided initially in limited service area expansions are the following:

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

267 3. solid waste collection service.

268

269 **5. Submittal Requirements**

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271 A. An application for establishment or expansion of a Limited Service Area must include a  
272 plan describing:

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1. The specific proposed land uses and/or facilities to be included in the service area;

274

2. the services to be provided, including a cost-effectiveness analysis, and a statement  
275 from the service provider, if other than the applicant, of the willingness to provide  
276 the service(s);

277

3. delineation of environmental corridors in the service area consistent with CARPC  
278 and DNR criteria;

279

4. a plan for protecting sensitive environmental resources and water quality, including  
280 a preliminary stormwater management plan;

281

5. how the proposal meets the applicable criteria listed under II.2. and 3. above;

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6. the relation to and opportunities for coordination and cooperation with other units  
283 of government; and

284

7. any other relevant information needed to evaluate the request.

285

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

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288 Updated table from *Dane County Land Use and Transportation Plan*  
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**Table A-4  
 Sewer Service Limitations For Limited Service Areas**

Limited Service Areas	2000 Resident* Population	Sewer service is limited to the following:
BFI (Landfill)	0	landfill
Rodefeld (Landfill)	0	landfill
Municipal Golf Course (Yahara Hills)	0	a public recreational facility
Cave of the Mounds (T. Blue Mounds)	2	a special private facility and existing development
Albion	342	existing development and infill
Kegonsa (T. Dunn & T. Pleasant Sprgs)	2,228	existing development and infill
Fox Bluff (T. Westport)	240	existing development and infill
Waubesa (T. Dunn)	2,027	existing development and infill
Windsor Prairie (T. Vienna)	163	existing development and infill
Westport (Riverview)	134	existing development and infill
River Road (T. Westport)	243	special private institution, existing development and infill
Wisconsin Heights (T. Black Earth)	693	a public school complex
Badger Prairie (T. Verona)	117	a public institution and landfill
Oak Hill (C. Fitchburg)	705	a public correctional institution
Thompson (T. Deerfield)	122	a public correctional institution

\* Population for Wisconsin Heights is school enrollment

Revised 11/07

Source: U.S. Census Bureau, Dane County Regional Planning Commission & CAPD

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292 **III. Environmental Corridors**

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

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1. Wetlands under WDNR jurisdiction.

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.

3. 100-year floodplains and floodways.

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.

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

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).

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).

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

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

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

11. Archaeological sites on the National Register.

12. Endangered and sensitive habitats based on DNR determination.

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

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

- 335 C. Local units of government are in charge of the local implementation and protection of  
336 environmental corridors, and shall have programs to ensure the integrity of the  
337 corridors based on the criteria of the Dane County Water Quality Plan (zoning, plat  
338 design review, building permitting and inspections, conservation design requirements,  
339 etc.).
- 340 D. The minimum criteria for delineating environmental corridors represent a basic  
341 skeleton, and local units of government are encouraged to build upon this skeleton and  
342 expand it.
- 343
- 344 E. Higher minimum standards for environmental corridors will be considered where site  
345 specific habitat susceptibility and protection needs make such higher standards  
346 advisable (based both on current habitat quality and potential habitat quality if  
347 rehabilitative measures are undertaken). CARPC staff will make the determination if  
348 higher corridor standards are needed in consultation with DNR staff and the CARPC  
349 Natural Resources Technical Advisory Committee.

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351 To maintain a flexible but principled administration of the environmental corridor concept,  
352 the *Water Quality Plan* includes provisions for changes to these corridors as follows:  
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- 354 F. “Major changes” to the environmental corridors are those changes that have the  
355 potential for significant adverse impacts on water quality (determined through a  
356 technical analysis by the RPC staff). These changes require the approval of the RPC  
357 after a public hearing, staff analysis of the impacts of the encroachment and the  
358 likelihood that the mitigation measures will be successful, and the approval of the  
359 WDNR. These “major changes” include the following:
- 360 1. Removing any mapped wetland area unless exempted by state administrative rules  
361 or state-approved rezoning.
  - 362 2. Any change that would remove any area below the ordinary high water mark of a  
363 stream, pond, or lake.
  - 364 3. Any change resulting in the elimination or interruption in the continuity of any  
365 corridor segment which includes woodlands with significant ecological or water  
366 resources functions, floodplains, wetlands, shoreland buffer strips or steep slopes  
367 adjacent to water bodies.
  - 368 4. Any change that reduces the width of vegetated shoreland buffer strips along  
369 streams, wetlands, and drainageways below minimum guidelines.
  - 370 5. Grading in a wetland vegetative buffer and within 30 feet of the wetland edge, where  
371 the buffer has been delineated in environmental corridors, unless the grading is  
372 intended to re-establish natural grades or to restore wetland habitat.
- 373
- 374
- 375 G. “Minor changes” to the environmental corridors are changes that do not have the  
376 potential for significant adverse impacts on water quality (as determined by the RPC  
377 staff). These changes do not require RPC approval, though they are reviewed by the RPC  
378 staff to ensure that they meet the definition of a “minor change.”  
379
- 380 “Minor changes” include the following:
- 381 1. Changes resulting from DNR-approved changes in floodplain or wetland  
382 delineations, or DNR-approved rezoning.  
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2. Relocation or shortening of a corridor based solely on intermittent streams and drainageways, or adjustment of the buffer strip width within the guidelines.
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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.
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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.)
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- 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.