

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 Review Draft 12/14/07

Approved for Release for Public Comment

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1 **I. Urban Service Area Policies**

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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 H. Service area expansion requests containing over 100 acres of developable land must
29 include 10-year staging boundaries. Staging boundaries are encouraged in smaller
30 expansion requests.
- 31 I. The urban service area boundaries represent the outer limits of planned urban growth
32 over the long-term planning period—at least 20 years—and include more than enough
33 land to accommodate anticipated growth.
- 34 J. Amendments to service areas must be sponsored by the unit of government planning to
35 provide the services or by the CARPC, to ensure that designated local management
36 agencies in charge of pollution prevention (both point- and non-point source) are in
37 support of the expansion.
- 38 K. Plans should be prepared and adopted with meaningful public participation. A public
39 hearing will be set for the next CARPC meeting unless more time is needed to address
40 issues. All affected local units and their respective county board supervisors will be
41 notified by letter at least thirty (30) days prior to the public hearing. The 30-day
42 notification period may be waived by the CARPC if the supporting unit can demonstrate
43 that other affected units of government have been consulted and there are no
44 unresolved issues. The CARPC may at its discretion consider to delay action on any

45 request for urban service area expansion in areas where annexation law suits are
46 pending.

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

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

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

56 B. Contiguity to urban infrastructure.

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

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

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

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

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

78 D. Agricultural loss mitigation.

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

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

86 1. public sewage collection and treatment systems (layout, facilities, capacity);

87 2. publicly managed urban storm drainage system layout and standards. Stormwater
88 management measures should be aimed at mitigating to the maximum extent

89 practicable the cumulative and incremental adverse impacts of development on
90 surface water and groundwater quality and quantity and associated ecological
91 functions. Such impacts include, but are not limited to, increases in off site erosion
92 and flooding, increases in pollution, reductions in stream baseflow, reductions in
93 groundwater recharge, lowering of groundwater levels and groundwater quality,
94 reductions in flows to and from springs, drying up of wetlands, and reductions in
95 the ecological health of aquatic habitats. The extent of practicability and likelihood
96 of success of proposed mitigation measures will be determined by CARPC staff
97 based on site specific and land use specific characteristics, in the context of the best
98 possible management practices and technology, and in consultation with municipal,
99 county, and WDNR technical staff and the CARPC Natural Resources Technical
100 Advisory Committee. It is understood that appropriate mitigation of some adverse
101 impacts may require reduced levels of development, a change in the type of
102 development, or off-site mitigation and remediation.

- 103 3. urban transportation systems and facilities, including public street layout and
104 standards, provision for pedestrian and bicycle movement, and provision for mass
105 transit and para-transit and trip reduction measures (carpooling, park/ride lots);
- 106 4. solid waste collection service;
- 107 5. public water supply and distribution system layout and facilities, for both potable
108 water and fire protection (include hydrants and water storage sufficient for fighting
109 fires).

110
111 F. Additional services to be provided within the planning period (not all services may be
112 required or needed in each case):

- 113 1. Higher or urban levels of police protection (local police patrol, or response from a
114 station located within 2-3 miles; this is in addition to normal Sheriff's Dept.
115 coverage and response);
- 116 2. urban levels of fire protection (ISO Fire Insurance Rating of 1 to 6);
- 117 3. urban levels of emergency medical services (EMS);
- 118 4. neighborhood public facilities located no more than two miles away, with a desirable
119 service radius of 1/4-1/2 mile walking distance from main residential areas
120 (neighborhood and community parks, schools, etc.).

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122 G. Applications need to demonstrate consistency with local and regional adopted plans.
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124 **3. Submittal Requirements**

- 125
126 A. Requests for urban service area additions must be accompanied by specific plans for
127 development and provision of urban services to the proposed addition, which include
128 the following elements:
 - 129 1. A plan and description of proposed development, land use and major facilities in the
130 area, which is specific enough in terms of type and densities of land use to enable
131 the determination of long-range urban service needs and impacts of development;
 - 132 2. a description of the relationship of the proposed development with adjacent land
133 uses and urban development, and consistency and conflict with any applicable
134 adopted plans;

- 135 3. identification of environmental corridors and other environmentally sensitive areas,
136 consistent with CARPC and DNR criteria, which are to be protected from urban
137 development, and a description of local policies, ordinances and other measures to
138 protect such areas;
- 139 4. a specific plan for providing the full range of urban services to the area (see E and F
140 in section 2 above);
- 141 5. an analysis of the infill and redevelopment potential in the existing urban service
142 area and a description of the need for the urban service area expansion.
143

144 **II. Limited Service Areas**

145 **1. Description**

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

167 **2. Criteria for Establishing a Limited Service Area**

- 168 A. Special Facilities and Institutional Uses
- 169 1. The LSA should be limited to the area needed for use/service;
- 170 2. Evaluation of alternative means of providing needed services, including cost-
171 effectiveness analyses;
- 172 3. Documented agreement from the agencies which will be providing the service(s);
- 173 4. If establishment or expansion of an LSA is proposed within one-half mile of an
174 urban service area, a discussion and evaluation of the feasibility of including the
175 proposed LSA in the USA must be submitted.
176
- 177 B. Existing Development
- 178 1. Addressed in and consistent with the local comprehensive plan;

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

196 3. Criteria for Expansion of a Limited Service Area

197 A. Special Facilities

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

205 B. Institutional Uses

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

210 C. Existing Development

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

- 213 1. The local comprehensive plan must address the expansion area, and include
214 policies to control development in the rest of the community and preserve farmland.
- 215 2. The additional development should be consistent with the goals and objectives of
216 the *Dane County Land Use and Transportation Plan* and Wisconsin's Comprehensive
217 Planning Legislation.
- 218 3. Residential development should meet the definition of Conservation Subdivisions in
219 §66.1027(1)(a) Wis. Stats., with compact lots, common open space and
220 maintenance/protection of natural features. Suggested guidelines include a
221 minimum net density (exclusive of open space) of two dwelling units per acre (which

222 corresponds to a maximum lot size of about 20,000 sq. ft.). It is also recommended
223 that a mix of housing types be included.

224 **4. Additional Considerations for Limited Service Areas**

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A. Contiguity to urban infrastructure.

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

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

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

234 C. Agricultural loss mitigation.

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

240

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

243

1. public sewage collection and treatment systems (layout, facilities, capacity);

244

2. publicly managed urban storm drainage system layout and standards.

245

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

261

3. solid waste collection service.

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263 **5. Submittal Requirements**

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

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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.
- 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.

282 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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285 **III. Environmental Corridors**

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

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

- 329 C. Local units of government are in charge of the local implementation and protection of
330 environmental corridors, and shall have programs to ensure the integrity of the
331 corridors based on the criteria of the Dane County Water Quality Plan (zoning, plat
332 design review, building permitting and inspections, conservation design requirements,
333 etc.).
- 334 D. The minimum criteria for delineating environmental corridors represent a basic
335 skeleton, and local units of government are encouraged to build upon this skeleton and
336 expand it.
- 337
- 338 E. Higher minimum standards for environmental corridors will be considered where site
339 specific habitat susceptibility and protection needs make such higher standards
340 advisable (based both on current habitat quality and potential habitat quality if
341 rehabilitative measures are undertaken). CARPC staff will make the determination if
342 higher corridor standards are needed in consultation with DNR staff and the CARPC
343 Natural Resources Technical Advisory Committee.
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345 To maintain a flexible but principled administration of the environmental corridor concept,
346 the *Water Quality Plan* includes provisions for changes to these corridors as follows:
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- 348 F. “Major changes” to the environmental corridors are those changes that have the
349 potential for significant adverse impacts on water quality (determined through a
350 technical analysis by the CARPC staff). These changes require the approval of the
351 CARPC after a public hearing, staff analysis of the impacts of the encroachment and the
352 likelihood that the mitigation measures will be successful, and the approval of the
353 WDNR. These “major changes” include the following:
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- 355 1. Removing any mapped wetland area unless exempted by state administrative rules
356 or state-approved rezoning.
 - 357 2. Any change that would remove any area below the ordinary high water mark of a
358 stream, pond, or lake.
 - 359 3. Any change resulting in the elimination or interruption in the continuity of any
360 corridor segment which includes woodlands with significant ecological or water
361 resources functions, floodplains, wetlands, shoreland buffer strips or steep slopes
362 adjacent to water bodies.
 - 363 4. Any change that reduces the width of vegetated shoreland buffer strips along
364 streams, wetlands, and drainageways below minimum guidelines.
 - 365 5. Grading in a wetland vegetative buffer and within 30 feet of the wetland edge, where
366 the buffer has been delineated in environmental corridors, unless the grading is
367 intended to re-establish natural grades or to restore wetland habitat.
- 368
- 369 G. “Minor changes” to the environmental corridors are changes that do not have the
370 potential for significant adverse impacts on water quality (as determined by the CARPC
371 staff). These changes do not require CARPC approval, though they are reviewed by the
372 CARPC staff to ensure that they meet the definition of a “minor change.”
373
- 374 “Minor changes” include the following:
375
- 376 1. Changes resulting from DNR-approved changes in floodplain or wetland
377 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.