



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

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**Enactment date:** 10/12/2021      **Enactment #:** RES-21-00687

**Title:** Authorizing the Planning Division and City Engineering Division to submit a request to the Capital Area Regional Planning Commission to amend the Environmental Corridor map to remove 4401, 4421 and 4429 Westport Road from the environmental corridor (18th Ald. Dist.)

**Sponsors:** Charles Myadze

**Indexes:**

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Date	Ver.	Action By	Action	Result
10/5/2021	1	COMMON COUNCIL	Adopt	Pass
9/20/2021	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/31/2021	1	COMMON COUNCIL	Referred	
8/25/2021	1	Planning Division	Referred for Introduction	

**Fiscal Note**

No City appropriation required.

**Title**

Authorizing the Planning Division and City Engineering Division to submit a request to the Capital Area Regional Planning Commission to amend the Environmental Corridor map to remove 4401, 4421 and 4429 Westport Road from the environmental corridor (18th Ald. Dist.)

**Body**

PREAMBLE

The Central Urban Service Area (CUSA) was created in December 1969 to regulate the extension of sanitary sewer in Madison and many of the communities bordering it. For the most part, the boundaries of the CUSA are aligned with the boundaries of the Madison Metropolitan Sewerage District, which provides wastewater treatment for the communities within the CUSA. In general, the extension of sanitary sewer systems outside of USAs or the smaller limited service areas (LSAs) is not permitted by Wisconsin law.

Since 2007, implementation of the CUSA has been overseen by the Capital Area Regional Planning Commission (CARPC), which coordinates planning and development among area municipalities, develops and promotes regional plans, and supports local planning efforts in Dane County and the cities, towns, and villages with incorporated areas in Dane County. CARPC is one of nine regional planning commissions in Wisconsin and functions locally to provide areawide water quality management planning and to review sewer extensions on behalf of and in conjunction with the Wisconsin Department of Natural Resources (WDNR).

Urban Service Area planning identifies areas most suitable for sewered development as well as environmental corridors to identify and protect environmentally sensitive areas where development and urbanization would have an adverse impact upon water quality. Regional water quality planning before CARPC was provided by the Dane County Regional Planning Commission (DCRPC), which was dissolved in 2004.

Since the early 1980s, environmental corridors have been mapped for all urban service areas in Dane County. Environmental corridors are mapped based on available information and mapping of environmental resources and open space lands, and include environmentally sensitive lands including but not limited to: water bodies, drainageways, floodplains, wetlands, areas of steep slope, woodlands, areas of unique vegetation or geology, and existing and proposed parks. Environmental corridors perform important environmental functions and are intended to be protected from development and urbanization, and the extension of sanitary sewer to properties located within environmental corridors is not allowed by Wisconsin law.

At the time the Dane County Regional Plan Commission was created back in the early 1980s, DCRPC used wetland and floodplain maps from the WDNR to create the first environmental corridors. The mapped corridors included a large area of wetlands located on both sides of Westport Road west of Green Avenue in the current City of Madison and Town of Westport, including lands owned by the City, which are part of its Cherokee Marsh conservation holdings. The mapped corridor also includes three nearby single-family parcels, including all of 4421 and 4429 Westport Road and a portion of the parcel at 4401 Westport.

The owner of the westernmost single-family parcel at 4429 Westport wishes to construct a residence on the parcel (Lot 1, Certified Survey Map 7246), which is permissively zoned for such a use. However, in order to connect the proposed residence to the City's sanitary sewer system, the parcel must be removed from the environmental corridor in accordance with state law.

Upon review of contemporary WDNR wetland inventory maps, wetlands no longer extend onto the subject parcels. Further, the owner of 4429 commissioned a wetland delineation by a certified delineator that showed no wetlands present on that parcel, which is the closest of the three single-family parcels to the Cherokee Marsh lands to the west. Given that wetlands no longer are present on 4429 and the two parcels to its east further from the marsh, Planning and City Engineering staff believe that it is appropriate to petition CARPC to amend the environmental corridor map to remove them from the environmental corridor so that 4429 may connect to City sewers as part of the construction of a residence on that parcel.

Consistent with guidance provided by CAPRC, any change to an environmental corridor, whether major or minor, shall be initiated by the affected local unit of government (in this case, the City of Madison) by resolution, or through the approval of a plat or development plan. Therefore, the purpose of this resolution is to authorize a request by City staff to CARPC to remove the parcels at 4401, 4421, and 4429 Westport Road from the mapped environmental corridor.

WHEREAS the Capital Area Regional Planning Commission maps environmentally sensitive lands in environmental corridors as part of its urban service area planning functions, including land located in floodplains or with wetlands present; and

WHEREAS the extension of sanitary sewer to properties located in the environmental corridor is prohibited by the statutes and codes of the State of Wisconsin; and

WHEREAS three parcels located at 4401, 4421, and 4429 Westport Road are located wholly or partially within the environmental corridor; and

WHEREAS the parcels at 4401 and 4421 are presently improved with single-family residences connected to the City of Madison's sanitary sewerage system; and

WHEREAS the owner(s) of 4429 Westport wishes to construct a single-family residence on their parcel and

connect the new residence to City sanitary sewer; and

WHEREAS a review of current Wisconsin Department of Natural Resources wetland inventory maps shows that wetlands are not present on the three parcels, as confirmed for 4429 Westport by a delineation performed by a certified delineator at the request of the property owner;

NOW THEREFORE BE IT RESOLVED that the Planning Division and City Engineering Division are hereby authorized to submit a request to the Capital Area Regional Planning Commission for an amendment to the Environmental Corridor map to remove 4401, 4421, and 4429 Westport Road from the environmental corridor.

BE IT FURTHER RESOLVED that the Common Council recognizes and adopts said revised boundaries and any conditions related thereto, which may be imposed by CARPC.