

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, MARCH 4, 2021, 7:00 P.M.

The YouTube channel “City of Franklin WI” will be live streaming the Plan Commission meeting so that the public will be able to watch and listen to the meeting.

<https://www.youtube.com/c/CityofFranklinWIGov>.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of February 18, 2021.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **OAKWOOD INDUSTRIAL PROPOSED BUILDINGS I AND II AND SITE DEVELOPMENTS; NATURAL RESOURCE FEATURES SPECIAL EXCEPTION AND SPECIAL USE.** Natural Resource Features Special Exception and Special Use applications by WP Property Acquisitions LLC, Wendt Family Trust, property owner, to allow for the development of two industrial buildings totaling approximately 500,000-600,000 square foot in area (potentially up to 600,000 square feet), the Natural Resource Features Special Exception impacting one of the three wetlands on the property (2.167 acres), specifically, grading and filling 0.23 acres (9,784 square feet) of wetland, 0.60 acres (26,132 square feet) of wetland buffer and 0.79 acres (34,466 square feet) of wetland setback, and the development will also remove 39% of young woodland on the site (the City of Franklin Unified Development Ordinance permits impacts up to 50% without requiring an exception) and a Special Use to permit off-street overnight parking (along the west property line behind the proposed industrial buildings) for vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight (which requires Special Use approval per Section 15-3.0444B.D.1.a.iii. (Design Standards, addendum to Ordinance No. 2016-2238) of the Unified Development Ordinance) (tenants have yet to be identified) [proposed Site Plan application for a phased development of the former Wendt Farm will follow at a future date]. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE NATURAL RESOURCE FEATURES SPECIAL EXCEPTION AND SPECIAL USE APPLICATIONS.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **PLEASANT VIEW RESERVE RESIDENTIAL SUBDIVISION DEVELOPMENT.** Preliminary Plat application by Veridian Homes, LLC, Franklin 49th Street LLC and Creative Custom Homes, LLC, property owners, for a 53 lot single-family residential subdivision (which combines two previously proposed subdivision developments, Oak Ridge of Franklin Subdivision and Pleasant View Reserve Subdivision, into a single project (38.66 total acres)), containing two outlots, Outlot 1 containing a stormwater detention pond and Outlot 2 consisting primarily of protected natural resource features, including an additional stormwater pond, also including the extension of Marquette Avenue from its current location westward to South 51st Street, to be completed as part of Phase 1 of 2 of the development which will include 25 home sites, and a trail connecting the cul-de-sac of 49th Court southward and eastward to the City's Pleasant View Park (Phase 2 includes 28 remaining home sites), properties located at 7475 South 49th Street and 7501 South 49th Street, zoned R-6 Suburban Single-Family Residence District; Tax Key Nos. 759-9981-010 and 788-9981-003.

E. Adjournment

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

**Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

Next Regular Plan Commission Meeting: March 18, 2021

**City of Franklin
Plan Commission Meeting
February 18, 2021
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the February 18, 2021, regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Commissioners Patrick Leon and Patricia Hogan and Alderman Mark Dandrea. Excused was City Engineer Glen Morrow and Absent was Commissioner Adam Burckhardt. Also present were Planning Manager Heath Eddy and City Attorney Jesse Wesolowski. Commissioner Kevin Haley participated remotely.

B. Approval of Minutes

- 1. Regular Meeting of February 4, 2021 Alderman Dandrea moved and Commissioner Leon seconded approval of the February 4, 2021 regular meeting minutes. On voice vote, all voted 'aye'. Motion carried (4-0-2).

C. Public Hearing Business Matters

- 1. None.

D. Business Matters

1. THE SHOPPES AT WYNDHAM VILLAGE LAND DIVISION.

Certified Survey Map application in conjunction with a Land Division Variance application, by Franklin-Wyndham, LLC, to create a separate lot for the Pick ‘n Save store at 7780 South Lovers Lane Road (while retaining the remainder of The Shoppes at Wyndham Village on a single lot), without the required public street frontage [the proposed lot will be accessed via reciprocal access easements already approved throughout the development], properties located at 7700-7780 South Lovers Lane Road, zoned CC City Civic Center District and C-1 Conservancy District; Tax Key Nos. 794-9999-006.

Planning Manager Heath Eddy presented the request by Franklin-Wyndham, LLC, to create a separate lot for the Pick ‘n Save store at 7780 South Lovers Lane Road (while retaining the remainder of The Shoppes at Wyndham Village on a single lot), without the required public street frontage [the proposed lot will be accessed via reciprocal access easements already approved throughout the development], properties located at 7700-7780 South Lovers Lane Road, zoned CC City Civic Center District and C-1 Conservancy District; Tax Key Nos. 794-9999-006.

Land Division Variance

Alderman Dandrea moved and Commissioner Hogan seconded a motion to approve a Resolution conditionally approving a Land Division Variance for a 2 lot Certified Survey Map, being a redivision of lot 1 of Certified Survey Map No. 8567, being a redivision of lot 1 of Certified Survey Map No. 8000, parcel 1 of Certified Survey Map No. 5762, Certified Survey Map No. 377 and lands in the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 8, Township 5 North, Range 21 East, in the City of

Franklin, Milwaukee County, Wisconsin (at 7700-7780 South Lovers Lane Road). On voice vote, all voted 'aye'. Motion carried (4-0-2).

Certified Survey Map

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map, being a redivision of lot 1 of Certified Survey Map No. 8567, being a redivision of lot 1 of Certified Survey Map No. 8000, parcel 1 of Certified Survey Map No. 5762, Certified Survey Map No. 377 and lands in the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (at 7700-7780 South Lovers Lane Road). On voice vote, all voted 'aye'. Motion carried (4-0-2).

2. CITY OF FRANKLIN COVID-19 VIRUS VACCINATION CLINIC AT THE MILWAUKEE COUNTY SPORTS COMPLEX.

Temporary Use application by Courtney Day, RN, BSN, Director of Health and Human Services/Health Officer of the City of Franklin Health Department, for a temporary vaccination site (pending a Special Use Amendment application by the County of Milwaukee to address this and other event types in the facility) for the City of Franklin, City of Greendale, City of Greenfield and the Village of Hales Corners Health Departments' vaccination clinic, at the Milwaukee County Sports Complex located at 6000 West Ryan Road, for an estimated three days a week through the summer of 2021 (staff recommending that the Use expire on December 31, 2021), from 8:00 a.m. to 6:00 p.m. [signage to route traffic and additional handicapped and staff parking areas will be established for the clinic] [specific dates of services to be determined by the City Health Officer, dependent upon Plan Commission approval of the Use, County approval of the use of the facility and vaccine supply], property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 852-9999-001 and 882-9987-001.

Planning Manager Heath Eddy presented the request by Courtney Day, RN, BSN, Director of Health and Human Services/Health Officer of the City of Franklin Health Department, for a temporary vaccination site (pending a Special Use Amendment application by the County of Milwaukee to address this and other event types in the facility) for the City of Franklin, City of Greendale, City of Greenfield and the Village of Hales Corners Health Departments' vaccination clinic, at the Milwaukee County Sports Complex located at 6000 West Ryan Road, for an estimated three days a week through the summer of 2021 (staff recommending that the Temporary Use approval expire on December 31, 2021), from 8:00 a.m. to 6:00 p.m. Signage to route traffic and additional handicapped and staff parking areas will be established for the clinic. Specific dates of services to be determined by the City Health Officer in coordination with partner municipalities, dependent upon Plan Commission approval of the Use, County approval of the use of the facility and vaccine supply. The property is zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 852-9999-001 and 882-9987-001.

Alderman Dandrea moved and Commissioner Leon seconded a motion to approve a Resolution imposing conditions and restrictions for the approval of a Temporary Use for a Covid-19 virus vaccination clinic for property located at 6000 West Ryan Road (Milwaukee County Sports Complex). On voice vote, all voted 'aye'. Motion carried (4-0-2).

E. Adjournment

Commissioner Hogan moved and Commissioner Leon seconded a motion to adjourn the Plan Commission meeting of February 18, 2021 at 7:19 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

DRAFT

MEMORANDUM

Date: February 22, 2021

To: Plan Commission

From: Department of City Development

RE: Request to hold over Special Use for 3617 W. Oakwood Road/950-9997-002 (Wendt Family Trust/WP Property Acquisitions LLC) to a future meeting.

The applicant, WP Property Acquisitions LLC, has applied for a Special Use to permit overnight parking of trucks greater than 8,000 pounds manufactured gross vehicle weight for the property at 3617 W. Oakwood Road (TKN 950-9997-002). Similarly, the applicant has further applied for a Natural Resources Special Exception (NRSE) and a Site Plan application.

Due to Wisconsin Department of Natural Resources permit requirements as relates to the NRSE application, the applicant determined that they must alter the design of part of this project to minimize proposed wetland impacts. This discussion is ongoing, and the design is therefore not final. It also carries impacts on the proposed site plan design and location and extent of large truck parking on the site.

As a result, the applicant has requested that the Plan Commission delay review the Special Use application, in addition to the NRSE application and Site Plan application, to a future meeting.

The public hearing for this item has been scheduled for the Plan Commission meeting of Thursday, March 4, 2021. Staff recommends that this hearing be continued until the Plan Commission meeting on Thursday, April 8, 2021.

Heath Eddy, AICP
Planning Manager - Department of City Development

MEMORANDUM

Date: February 22, 2021

To: Plan Commission

From: Department of City Development

RE: Request to hold over Natural Resource Special Exception for 3617 W. Oakwood Road/950-9997-002 (Wendt Family Trust/WP Property Acquisitions LLC) to a future meeting.

The applicant, WP Property Acquisitions LLC, has applied for a Natural Resource Special Exception (NRSE) for the property at 3617 W. Oakwood Road (TKN 950-9997-002) for impacts to wetland, wetland buffer, and wetland setback.

Due to the Wisconsin Department of Natural Resources permit requirements, the applicant determined that they must alter the design of part of this project to minimize these wetland impacts. This discussion is ongoing, and the design is therefore not final.

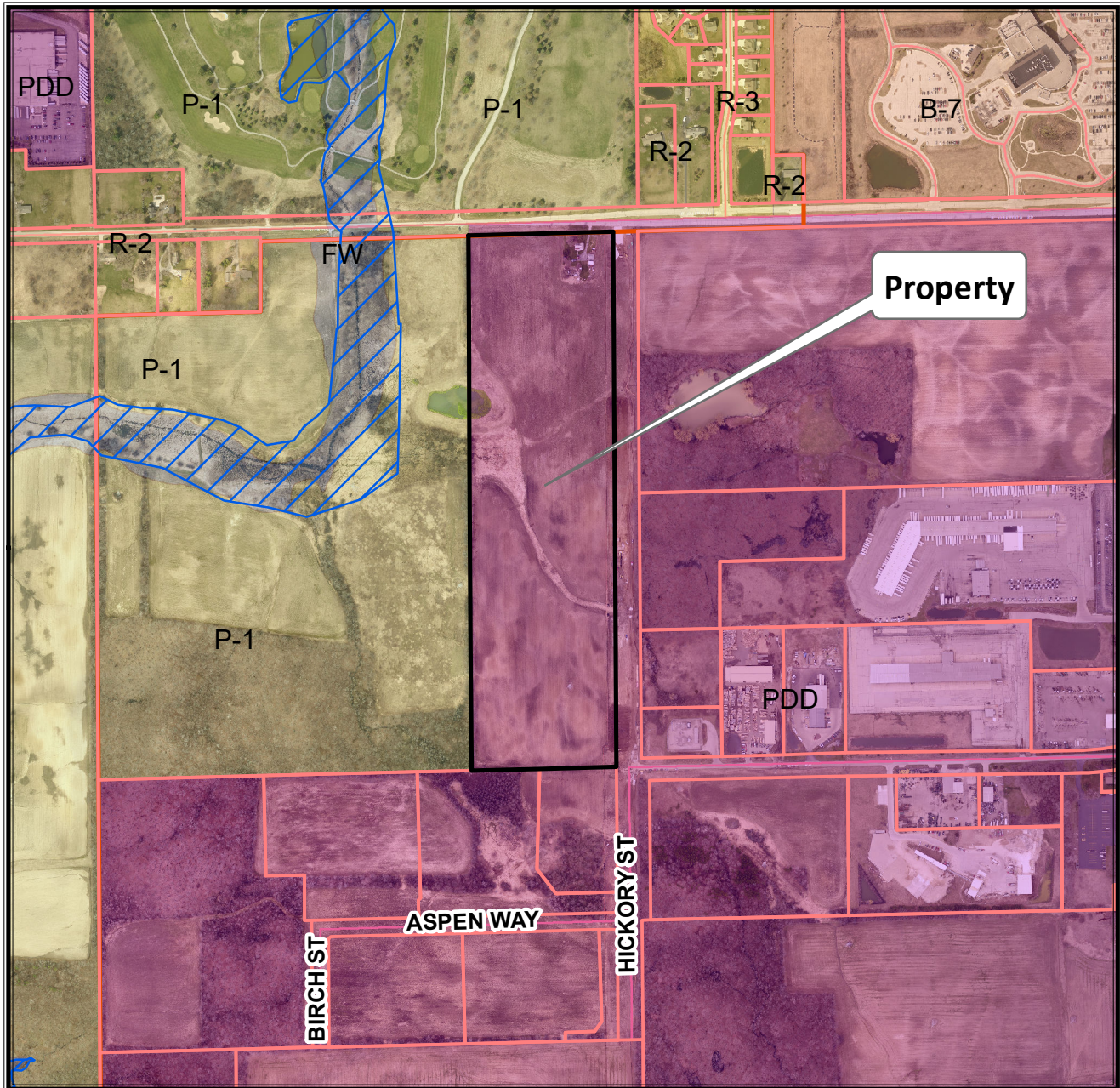
As a result, the applicant was not able to provide a revised Natural Resource Protection Plan or NRSE request for review at the February 24, 2021 Environmental Commission meeting.

The applicant has requested that the Commission review the matter at a future meeting. The next regularly scheduled Environmental Commission meeting is on March 24, 2021.

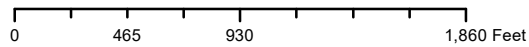
The public hearing for this item has been scheduled for this Plan Commission meeting of Thursday, March 4, 2021. Staff suggests that this hearing be continued until the Plan Commission meeting on Thursday, April 8, 2021.

Marion Ecks
Associate Planner - Department of City Development

3617 W. Oakwood Road
TKN: 950 9997 002



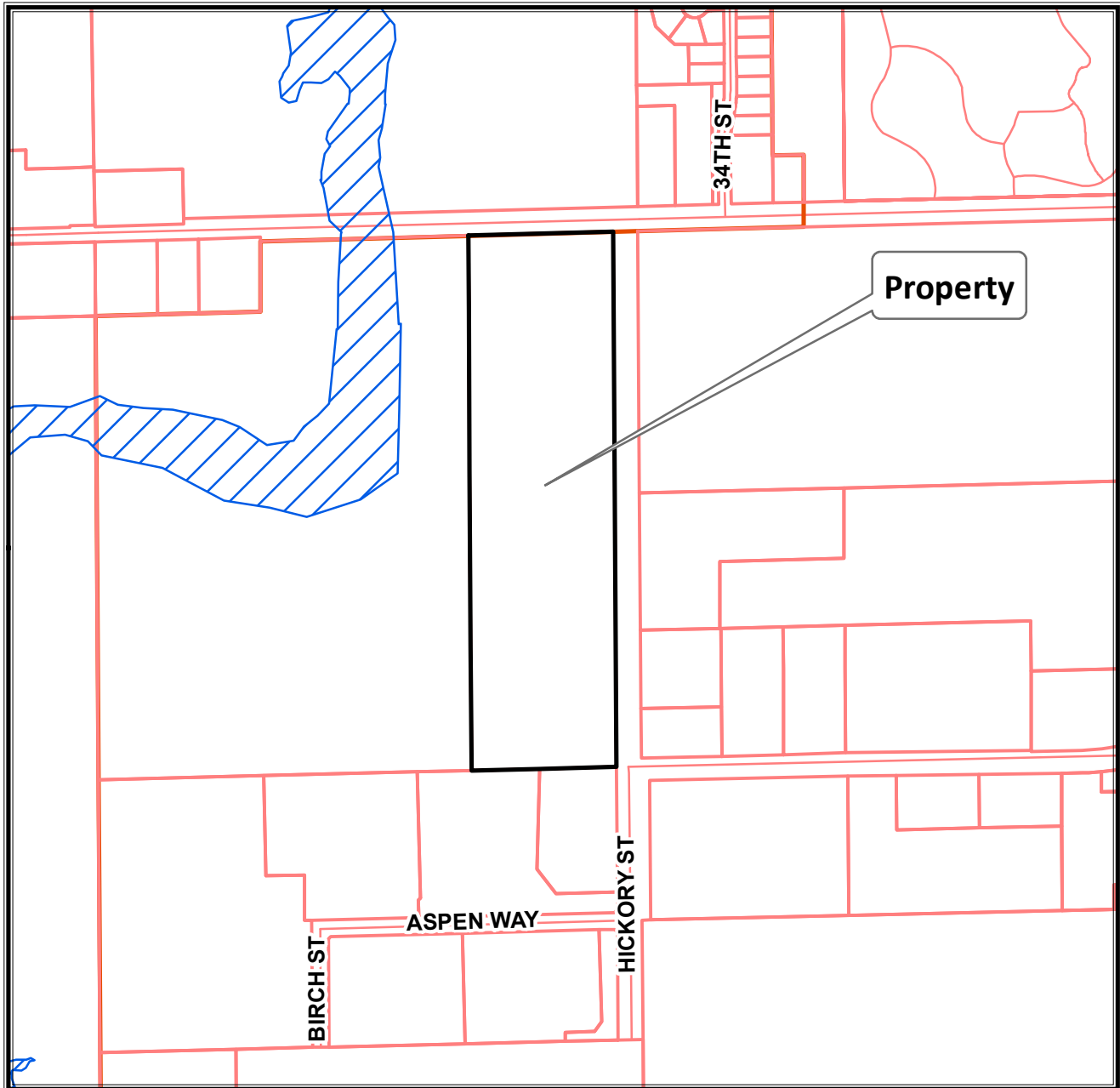
Planning Department
(414) 425-4024



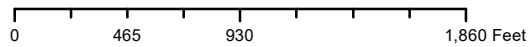
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



3617 W. Oakwood Road
TKN: 950 9997 002



Planning Department
(414) 425-4024



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CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of March 4, 2021

Preliminary Plat

RECOMMENDATION: City Development Staff recommends approval of the Preliminary Plat for the Pleasant View Reserve Subdivision, subject to the conditions as noted in the attached draft resolution.

Project Name:	Pleasant View Reserve Preliminary Plat
Project Location:	Approximately S. 49 th Street and Marquette Avenue (Tax Key No: 788-9981-003 and 759 9981 010)
Property Owner:	Creative Homes Inc. (788-9981-003) and Franklin 49 th St. LLC (759 9981 010)
Applicant:	Matt Cudney, Veridian Homes
Agent:	Grant Duchac, Excel Engineering Inc.
Current Zoning:	R-6 Suburban Single-Family Residence District
2025 Comprehensive Plan:	Residential and Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north, a public school and public park to the east, single family residential to the south, and institutional/senior housing, single family residential, and Payne & Dolan quarry to the west.
Applicant's Action Requested:	Recommendation of approval of the Preliminary Plat for future single-family residential development
Planner:	Marion Ecks, Associate Planner

Introduction:

On January 4, 2021, the applicant submitted an application for a Preliminary Plat for properties located west and south of the intersection of South 49th Street and Marquette Avenue. This preliminary plat is a combination of two previously approved preliminary subdivision plats, the "Pleasant View Estates" subdivision, and the "Oak Ridge" subdivision. Their combined total area for development will be 1,684,039 square feet (38.660 Acres).

Preliminary Plat Project Description/Analysis:

The preliminary plat proposes to subdivide these parcels into 53 single-family residential lots and two (2) outlots.

The zoning for the proposed plat is R-6 Suburban Single-Family Residence District. All lots exceed the R-6 minimum lot size of 11,000 square feet, and meet the requirement for minimum lot width. All lots except Lot Two meet building setback requirements of the district standards (§15-3.0207). All single-family lots have access to a public right-of-way. Site Intensity

calculations have been prepared (§15-3.0500), and that the proposed development meets specifications regarding density and buildable area.

Lot Two does not allow access to S. 51st Street. The frontage on Marquette Avenue is therefore the front yard, and lot setbacks must be revised to depict the required 30' setback on Marquette Avenue, and minimum 19' corner side yard setback on 51st Street (§15-3.0207).

The proposed development will include the completion of Marquette Avenue between 49th and 51st streets, and the improvement of South 50th Street to connect with Marquette Avenue. 49th Street and 50th Street will extend southward from the proposed Marquette Avenue and terminate in cul-de-sacs.

Outlot 1 will contain stormwater detention to serve the subdivision and road improvements, and outlot 2 will contain additional stormwater management facilities, natural resource features including wetlands, and a public trail connecting to Pleasant View Park to the east.

The proposed subdivision will be served by municipal water and public sanitary sewer.

Pedestrian Amenities:

The preliminary plat depicts:

- One contiguous sidewalk along the south side of Marquette Avenue, which extends from S. 51st St. to the east to meet with the existing sidewalk on the Pleasant View School property.
- One sidewalk segment along Marquette Avenue on the north side of the street, between S. 50th Street and S. 51st Street.
- One sidewalk along the west side of the 49th Court, connecting to the trail.
- One sidewalk along the east side of the extension of 50th Street.
- A 10' wide trail within a 20' wide access point extending from the 50th Street cul-de-sac between lots 36 and 37, southward along the west edge of the property, then turns eastward across a wetland, to connect to the existing Pleasant View Park. The trail access is included as part of outlot 2. The current site plan for improvements to Pleasant View Park includes a connecting trail.

In addition to these amenities, the applicant must provide a sidewalk along the street for S. 50th Court, as required by §15-8.0107, §15-5.0103, and Table 7.5 of the Comprehensive Master Plan. Sidewalks are not required in the bulb of the cul-de-sac.

Stormwater Management and other Engineering approvals and required improvements:

Stormwater ponds are proposed within both outlots. A Stormwater Management Plan and calculations were submitted to the Engineering Department for review, and will require final Engineering Department approval as part of the review of the Final Plat Application.

Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions. The applicant has provided the Engineering Department with preliminary designs which are also currently under review. This technical review and approval must be completed prior to recording of the final plat.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) has been completed for the development, which contain wetlands, and areas of trees which do not rise to the standard to be considered woodlands. Wetland delineations were completed for both properties by assured delineators. The delineation and field investigation of the former Oak Ridge subdivision is dated October 31, 2017. It was completed by Thompson and Associates Wetland Services, LLC. A new wetland delineation and field investigation survey was completed on September 25, 2020 on the Pleasant view Estates parcel by Evergreen Consultants, LLC.

On April 16, 2019, a Natural Resources Special Exception was obtained for impacts to two wetlands and related setback and buffer on the former Oak Ridge Subdivision Plat parcel. A mitigation plan for these impacts was required as a condition of that approval. The relevant WI DNR permits expired in 2020 without completion of mitigation. The current applicants have obtained both Army Corps and WI DNR exemptions which, under Wisconsin State Statute §281.36 (2019), preclude the City of Franklin from enforcing local natural resource protection standards on these wetlands.

The applicant is aware that a Natural Resource Special Exception (§15-10.0208), or practicable alternatives analysis pursuant to Ordinance. No. 2016-2224 Alternatives Analysis for Public Road Purposes will be necessary for impacts associated with the proposed trail and boardwalk. Conservation easements to protect all-natural resources will also be required prior to recording of the Final Plat.

Signage:

Although signage is not being proposed at this time, should the applicant want a subdivision monument or other similar signage, separate City review and approval will be required.

Other required documents:

§15-7.0603 requires submittal of any Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association prior to approval of the Final Plat.

Improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). If complete construction is not practicable, the applicant may enter into a Subdivider's ("Developer's") agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B). Should the final plat be recorded in two phases, the applicant would need to provide the financial guaranty in the amount required for each phase of the final plat prior to the recording of that phase.

Comprehensive Master Plan Consistency:

- *Consistent with, as defined by Wisconsin State Statute, means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."*

The subject property is designated as Residential on the City's 2025 Future Land Use Map. As such, this Future Land Use Map designation is consistent with the existing zoning and the applicant's proposed single-family residential development.

A note on prior approvals:

As noted earlier, this preliminary plat is a combination of two previously approved preliminary subdivision plats, the “Pleasant View Estates” (Resolution 2019-7494) and “Oak Ridge” (Resolution 2019-7496) subdivisions. These previous plats were reviewed extensively. The combined total area for development will be 1,684,039 square feet (38.660 Acres). Due to the change in area, and some alterations to the overall layout of lots, staff recommended that the applicants request a new preliminary plat. Staff reviewed this new plat for compliance with the requirements of the Unified Development Ordinance (UDO), and incorporated prior conditions of approval and comments into the staff comments and recommended conditions. Amenities such as the trail and general sidewalk configuration were carried over, including the sidewalk on the south side of Marquette Avenue. This preliminary plat will supersede prior approvals.

Staff Recommendation:

Plan Commission must make a recommendation on the preliminary subdivision plat prior to March 5, 2021 (§15-9.0303. D.2) and the Common Council must approve, conditionally approve, or reject the plat prior to the 90-day deadline of April 4, 2021 (§15-9. 0304.B).

City Development Staff recommends approval of the Preliminary Plat for the Pleasant View Estates Subdivision, subject to the conditions as noted in the attached draft resolutions.

RESOLUTION NO. 2021-_____

A RESOLUTION CONDITIONALLY APPROVING A
PRELIMINARY PLAT FOR PLEASANT VIEW RESERVE SUBDIVISION
(AT 7475 SOUTH 49TH STREET AND 7501 SOUTH 49TH STREET)
(VERIDIAN HOMES, LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Pleasant View Reserve Subdivision, such plat being a redivision of part of Parcel 3 of Certified Survey Map No. 6949 recorded in the Milwaukee County Register of Deeds office as Document No. 8064321 and part of the Southwest 1/4 of the Northeast 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the properties located at 7475 South 49th Street and 7501 South 49th Street, bearing Tax Key Nos. 759-9981-010 and 788-9981-003, Veridian Homes, LLC, applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on March 4, 2021, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed preliminary plat is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Pleasant View Reserve Subdivision, as submitted by Veridian Homes, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

VERIDIAN HOMES, LLC – PRELIMINARY PLAT
RESOLUTION NO. 2021-_____

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3. Veridian Homes, LLC, successors and assigns and any developer of the Pleasant View Reserve 53 lot and 2 outlot subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Pleasant View Reserve 53 lot and 2 outlot subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Veridian Homes, LLC and the Pleasant View Reserve 53 lot and 2 outlot subdivision development project for the properties located at 7475 South 49th Street and 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Pleasant View Reserve 53 lot and 2 outlot subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. The applicant must obtain A Natural Resource Special Exception for impacts to protected natural resources prior to recording the Final Plat. Should such impacts be attributable to public streets, public sidewalks, or public trails, a practicable alternatives analysis pursuant to City of Franklin Ordinance No. 2016-2224 may be appropriate.
7. All utility easements shall be located along rear lot lines, and in mid-block locations where necessary, and shown on the face of the plat prior to submittal of the Final Plat.
8. Written conservation easements shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
9. All wetland buffers and all wetland setbacks shall be included within both a Conservation Easement. Those setbacks and buffers not within an Outlot shall have conservation signage to delineate the area(s) as protected and unbuildable. The plat “Conservation Easement Restrictions” shall be depicted on the face of the plat, for Department of City Development review and approval prior to submittal of the Final Plat.

VERIDIAN HOMES, LLC – PRELIMINARY PLAT
RESOLUTION NO. 2021-_____

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10. All necessary approval(s) from the Wisconsin Department of Natural Resources and/or United States Army Corps of Engineers shall be submitted to the City as part of the Final Plat Application.
11. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land uses in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.
12. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
13. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.
14. The pedestrian trail shall be 10' wide, paved, and installed simultaneously with the construction of 49th Court. The connection to point to Pleasant View Park must align with the future park trail.
15. All necessary approvals and required documentation shall be obtained and provided to the City of Franklin to confirm dedication and construction of the remaining right-of-way associated with S. 50th Street, including a complete sidewalk extending to the north edge of the development, prior to submittal of the Final Plat.
16. The applicant shall provide as part of the final plat, a sidewalk along the street for S. 50th Court, as required by §15-8.0107, §15-5.0103, and Table 7.5 of the Comprehensive Master Plan. Sidewalks are not required in the bulb of the cul-de-sac.
17. All necessary approvals and required documentation shall be obtained and provided to the City of Franklin to confirm dedication and construction of the remaining right-of-way associated with Marquette Avenue, including right-of-way dedication along the south side of Marquette Avenue, connecting to the existing school sidewalk, prior to submittal of the Final Plat.
18. The applicant shall revise Lot two (2) to depict the required 30' front yard setback on Marquette Avenue, and minimum 19' corner side yard setback on 51st Street (§15-3.0207).

VERIDIAN HOMES, LLC – PRELIMINARY PLAT
RESOLUTION NO. 2021-_____

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Introduced at a regular meeting of the Common Council of the City of Franklin this
_____ day of _____, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2021.

APPROVED:

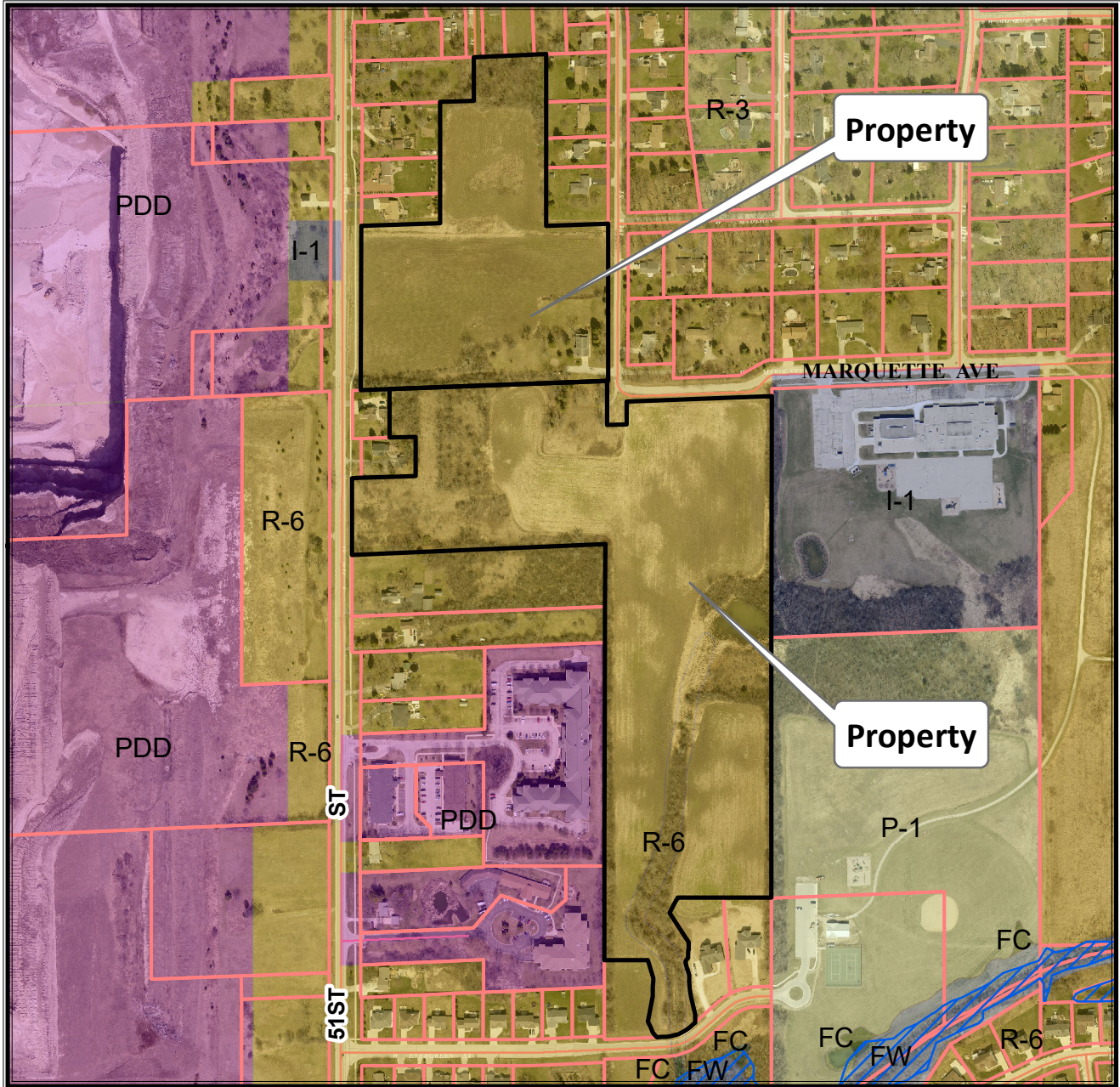
Stephen R. Olson, Mayor

ATTEST:

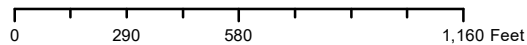
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

7475 S. 49th Street & 7501 S. 49th Street
 TKNs: 759 9981 010 & 788 9981 003

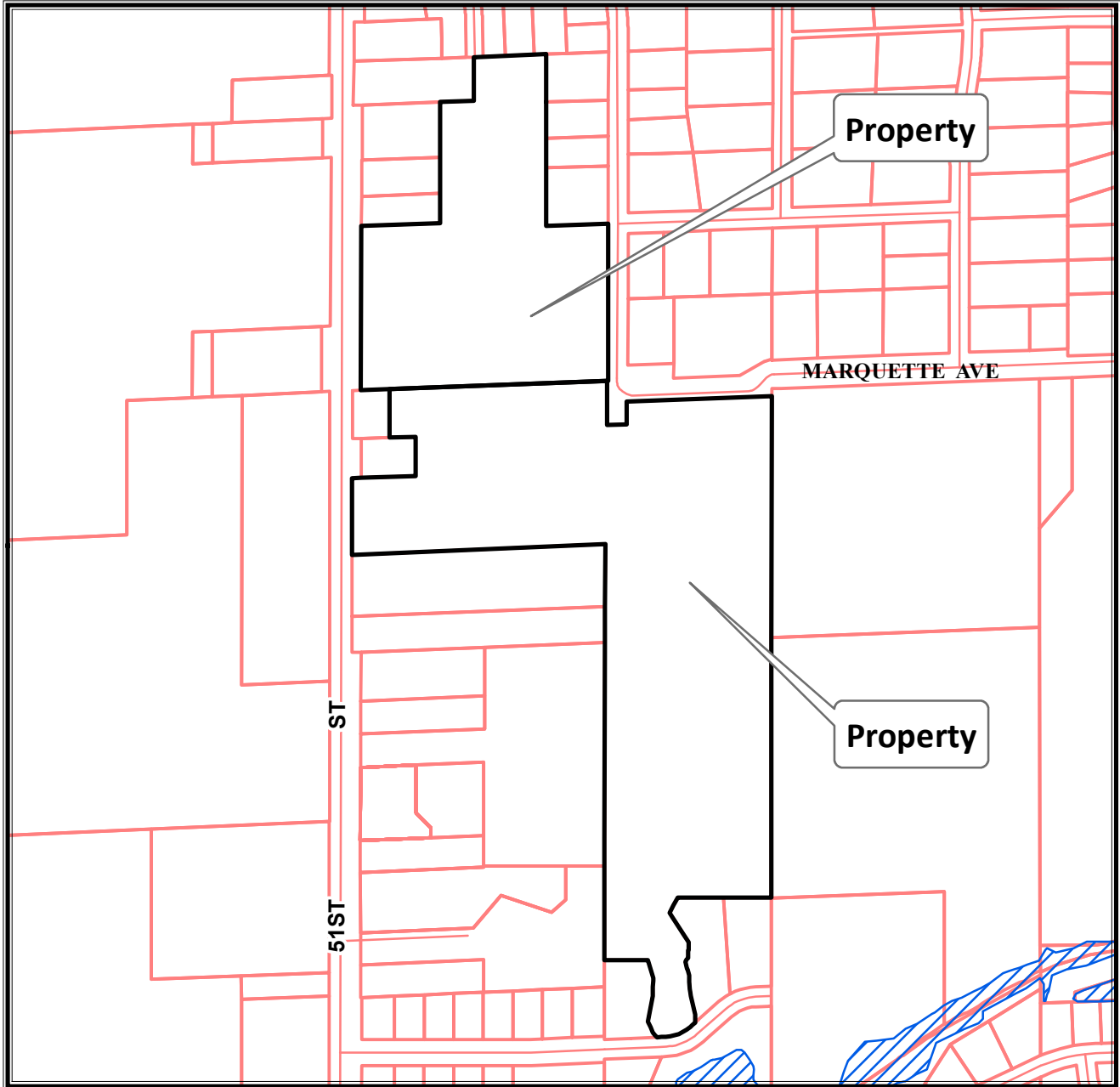


Planning Department
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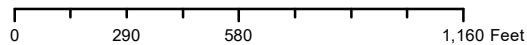


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

7475 S. 49th Street & 7501 S. 49th Street
TKNs: 759 9981 010 & 788 9981 003



Planning Department
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February 12, 2021

City of Franklin
Attn: Marion Ecks
Department of City Development
9229 W Loomis Road
Franklin, WI 53132

Re: Staff Comments for Pleasant View Reserve Preliminary Plat
(TKNs 788 9981 003 and 759 9981 010)

Dear Ms. Ecks,

This letter is in response to comments received on February 5, 2021 the Pleasant View Reserve Preliminary Plat (TKNs 788 9981 003 and 759 9981 010).

Prior Approvals

1. On April 16, 2019, a Natural Resources Special Exception was obtained for impacts to wetlands and related setback and buffer on the former Oak Ridge Subdivision Plat parcel. A mitigation plan for these impacts was required as a condition of that approval. The relevant WI DNR permits expired in 2020 without completion of mitigation. The current applicants have obtained both Army Corps and WI DNR exemptions which, as a result of WI Stat §281.36 (2019) preclude the City of Franklin from enforcing local natural resource protection standards on these wetlands.
 - **Excel Engineering Response: Noted.**

2. Condition no. 12 of Resolution No. 2019-7494 for the preliminary plat for Pleasant View Estates requires that all wetland buffers and all wetland setbacks shall be included within both a Conservation Easement, and those not within an Outlot shall have conservation signage to delineate the area(s) as protected and unbuildable. The plat “Conservation Easement Restrictions” shall be depicted on the face of the plat, for Department of City Development review and approval prior to submittal of the Final Plat.
 - **Excel Engineering Response: Noted. The Conservation Easement will include only the wetland buffer as proposed. The wetland setback will not be included in the Conservation Easement, consistent with previous projects approved by the City. “Conservation Easement Restrictions” will be added to the face of the final plat.**

3. Several prior approvals refer to a paved trail from Marquette Avenue to Pleasant View Park, as a condition of Resolution No. 2016-1206 of the preliminary plat of Evergreen Park Estates, Resolution No. 2018-7375 of the final plat for Evergreen Park Estates, and conditions nos. 6 and 7 of Resolution No. 2019-7494 for the preliminary plat for Pleasant View Estates. The applicants may request that the trail crossing of the wetland area be a boardwalk. Any impacts to wetland, wetland setback, and/or wetland buffer, will require a Natural Resource Special Exception (§15-10.0208), or practicable alternatives analysis pursuant to Ordinance. No. 2016-2224 Alternatives Analysis for Public Road Purposes.
 - **Excel Engineering Response: Noted.**

4. The City's Comprehensive Master Plan identifies Marquette Avenue as a Collector Street, and per Table 15-5.0103 of the UDO, the right-of-way width should be 80 feet. Please also note condition no. 24 of Resolution No. 2018-7375. However, it was concluded during reviews of earlier preliminary plats of these properties, that this portion of Marquette Avenue may be dedicated and constructed as a Minor Street with a right-of-way width of 66 feet. The shown width is therefore acceptable to the Planning Department.

- **Excel Engineering Response: Noted.**

Unified Development Ordinance (UDO) Requirements

Design Standards

5. Zoning for the proposed plat is R-6 Suburban Single-Family Residence District. All proposed lots meet the lot size and building setback requirements of the district standards (§15-3.0207).

- **Excel Engineering Response: Noted.**

6. Please provide utility easements along rear lot lines, and in mid-block locations where necessary, as required by §15-5.0105.D. of the UDO. Please note that these utility easements are required to be shown on the Final Plat. Please coordinate with the Engineering Department on all required utility easements for City review and approval.

- **Excel Engineering Response: Noted. The utility easements will be coordinated with respective utility companies/Franklin Engineering Department and shown on the Final Plat.**

7. Note that the Final Plat must conform to the standards of Section 15-8.0100, subject to the approval of the Engineering Department. See also comments regarding required improvements below.

- **Excel Engineering Response: Noted.**

8. Note that South 50th St. must be improved. Please continue to coordinate with the Engineering Department on the design and construction of S. 50th, and the looping of the water main.

- **Excel Engineering Response: Noted. In good faith, Veridian Homes has agreed to pay for the design of S 50th and water main loop in Minnesota to S 51st. Per the City Engineer, The City of Franklin will be responsible for all construction related costs associated with the public improvements for S 50th and the water main loop in Minnesota to S 51st.**

9. Please continue to coordinate with the Engineering Department regarding the sidewalks on Marquette Avenue. The Planning Department recommends the inclusion of a complete contiguous sidewalk on the south side of the street which extends from S. 51st St. to the east to meet with the existing sidewalk on the Pleasant View School property.

- **Excel Engineering Response: Noted.**

General Plat Data

10. Please include water elevation of any water features including wetlands, the date of the survey and approximate high and low water elevations (§15-7.0502.D)

- **Excel Engineering Response: The water elevation of applicable features has been added to the Preliminary Plat.**

11. Please depict any existing easements for utilities, in addition to their location (§15-7.0502.F, §15-5.0105D, etc.).

- **Excel Engineering Response: All existing easements that were contained in title commitment for the property are shown on the Preliminary Plat.**

12. Please include the radius of curves (§15-7.0502N)

- **Excel Engineering Response: Noted, additional radii dimensions added.**

13. Soils – note that for clarity purposes, this information should be placed on the Master Grading Plan

- a. Identify and label the soil types as required by (§15-7.0502.R.)
- b. Indicate the location of any soil boring tests conducted per the standards of §15-7.0502.S.

- **Excel Engineering Response: The Master Grading Plan has been updated with soil information added. The soil information has been removed from the Preliminary Plat.**

Site Intensity and Capacity Calculations

14. Staff notes that Site Intensity calculations have been prepared according to the standards of Division 15-3.0500, and that the proposed development meets base requirements regarding density and buildable area.

- **Excel Engineering Response: Noted.**

Natural Resources

15. Any impacts to non-exempt wetland, wetland setback, and/or wetland buffer, will require a Natural Resource Special Exception (§15-10.0208), or practicable alternatives analysis pursuant to Ordinance No. 2016-2224 Alternatives Analysis for Public Road Purposes.

- **Excel Engineering Response: Noted. Any impacts to the non-exempt wetland, wetland setback, and/or wetland buffer (proposed trail crossing) will obtain appropriate approvals/exceptions prior to the Phase 2 proposed trail crossing the wetland. Disturbance within the wetland setback will conform to (§15- 4.0102.I.1) and not require a Natural Resource Special Exception for subdivision grading, consistent with previous projects approved in the City.**

16. Please submit conservation easements for areas of preserved natural resources (§15- 4.0103.B.1.d, §15-7.0201.H, §15-5.0109.A, etc.). Staff recommends that no part of a conservation easement be located on an individual parcel, but rather be located entirely within outlots.

- a. If a conservation easement must exist on an individual property, staff recommends marking the location of the conservation easement with signage or boulders
- b. Also note comments No. 2, 33 and 34 regarding conservation easements.

- **Excel Engineering Response: Noted. Conservation Easements will be provided in association with the Final Plat. The conservation easement is shown on the NRPP sheets.**

Natural Resource Protection Plan (NRPP)

17. Please indicate the amount and type of any areas of overlapping natural resource features (§15-4.0102.K).

- **Excel Engineering Response: Noted, there are no overlapping natural resource features.**

18. Please label the adjoining City of Franklin parkland, and include the owner name (§15-7.0201.G).

- **Excel Engineering Response: Preliminary Plat/NRPP has been updated.**
19. Please verify that all easements on (immediately adjacent to) the property line are depicted on the NRPP map (§15-7.0201.H).
- **Excel Engineering Response: All Easements listed in the current title commitment for the subject property have been depicted on the Preliminary Plat and NRPP Map.**
20. Indicate any areas of the site where natural resources are to be mitigated (§15-7.0201.J).
- **Excel Engineering Response: Noted. No areas of the site include proposed mitigation.**
21. Indicate preservation and mitigation areas to be included in conservation easements on the NRPP map (§15-7.0201.K and §15-7.0201.J).
- **Excel Engineering Response: Noted. The Conservation Easement is shown on the NRPP Map.**
22. Staff notes that, while we do not recommend the protection of individual trees via conservation easements, the applicant’s proposal regarding possible tree preservation with input from the City Forrester is noted and has been referred to him for further review.
- **Excel Engineering Response: Noted.**
23. Please graphically and numerically depict all of the natural resource features that will be disturbed and those that will be preserved (§15-7.0201.J). This includes disturbances for public improvements such as the proposed trail.
- **Excel Engineering Response: Noted. The trail is proposed to be a boardwalk with no natural resource impacts. The crossing has been noted on the NRPP Maps and appropriate approvals/exceptions for the trail crossing will be completed prior to Phase 2.**

Required Improvements for Land Divisions

24. Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions. Closely review and incorporate that information onto the Preliminary Plat, or associated plans, as appropriate. Additional information about these requirements, and any questions about them, can be directed to the Engineering Department.
- **Excel Engineering Response: Noted.**
25. Please include a sidewalk on at least one side of S. 50th Court, as required by §15-8.0107
- **Excel Engineering Response: Section §15-8.0107 does not require sidewalks on cul de sacs, this is also consistent with previous developments.**
26. Staff recommends that the trail be constructed at the same time as S. 49th Court.
- **Excel Engineering Response: Noted. This is the intent for the development.**
27. Note that improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). Alternatively, the applicant may enter into a Subdivider’s (“Developer’s”) agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B).
- **Excel Engineering Response: Noted.**

Staff Recommendations

Plat

28. Staff recommends depicting nearby floodplain limits on the plat, in accordance with §15-7.0502.E.

- **Excel Engineering Response: The Preliminary Plat has been updated.**

29. During review of the previous Pleasant View Estates preliminary plat, staff suggested that the 49th St. cul-de-sac be extended southward from Marquette Avenue, up to the full 800' that is allowed by the UDO for cul-de-sacs, to allow the creation of additional lots, and to provide frontage/access opportunities for any future land divisions of the adjacent properties to the west. The previous Preliminary Plat was approved without this feature, however it is noted should current developers wish to pursue it. This may require a Natural Resource Special Exception and/or Alternatives Analysis for Public Road Purposes.

- **Excel Engineering Response: Noted, there is no intent to deviate from the proposed Pleasant View Reserve Preliminary Plat layout.**

30. Staff recommends that Outlot 2 be revised to encompass all wetland setbacks and wetland buffers, and that the adjacent lots be revised accordingly.

- **Excel Engineering Response: Outlot 2 will remain as depicted on the Preliminary Plat with wetland setbacks in private lots, consistent with previous developments.**

31. Staff recommends that all grading and land disturbing activities be kept out of the tree line associated with the Vance Trust property boundary (which appears more likely to be part of a young woodland). Staff suggests that all grading and land disturbing activities be kept out of all tree lines.

- **Excel Engineering Response: Grading will protect the Vance Trust tree line to the maximum extent practicable, as shown on the Master Grading Plan. It is not possible to protect all on-site tree lines per improvements required (asphalt path, stormwater facilities, grading, etc.) in the Preliminary Plat and Master Grading Plan.**

32. As a number of requirements and staff recommendations noted above (in particular comments no. 29 regarding 49th St., and comment no. 30 regarding outlot 2), may affect the layout of the subdivision and the number of lots that can be developed, *staff notes that the applicants may wish to propose a time extension for continued review when a revised Preliminary Plat is submitted, if redesign is proposed.*

- **Excel Engineering Response: A time extension is not requested and no layout changes are proposed.**

Natural Resource Protection Plan (NRPP)

33. In the Conservation Easement Document, please provide individual exhibit(s) for all natural resources that are to be protected as part of this development. This includes but is not limited to wetland buffers and wetlands.

- a. Staff suggests that the wetland setbacks also be included within the conservation easement.
- b. If wetland setbacks would extend into individual lots, staff recommends that the setbacks be included within the conservation easement.

- **Excel Engineering Response: The Conservation Easement will include the wetland buffer as proposed and consistent with previous projects. The Conservation Easement Document will be provided in conjunction with the Final Plat.**

Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowner's

Association

34. Note that §15-7.0603 requires submittal of any Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association prior to approval of the Final Plat. These documents are subject to review by the City Attorney.

- **Excel Engineering Response: Noted, these will be provided in conjunction with the Final Plat.**

Sign Plan

35. If a subdivision monument sign is proposed in the future, it requires a separate application and review and approval by the Plan Commission.

- **Excel Engineering Response: Noted, this will be submitted as a separate item.**

The Preliminary Plat, NRPP, and Project Plans have been revised per your comments above. Please accept for review and approval at Plan Commission on March 4, 2021 and Common Council on March 16, 2021. Please let me know if you have any comments, questions, or need additional information.

Sincerely,

Excel Engineering, Inc.



Grant Duchac, PE

Preliminary Plat Submittal for Pleasant View Reserve Marquette Ave between S 51st Street & S 49th Street

USE STATEMENT

The proposed plan incorporates 53 detached single family home sites on 38.66 acres with more than 38% open space. Each home site will have one single family home and attached garage (with 2 or 3 garage stalls). The net density of the neighborhood is 1.37 homes per acre. The current zoning is R-6 and will remain R-6 for the proposed development. The Future Land Use Map 2025 also shows the property as residential.

PROJECT SUMMARY, MARKET ANALYSIS AND FINANCIAL PLAN

As indicated above in the Use Statement, the proposed neighborhood will have 53 detached single family homes on 38.66 acres. The proposed zoning is consistent with the existing zoning, and the property has been previously approved as two (2) separate preliminary plats; one north of Marquette Ave and one south of Marquette Ave. The proposed Pleasant View Reserve Preliminary Plat combines the entire area into one development and plat.

The minimum home site size allowed with this zoning is 11,000sf. The smallest proposed home site size is 11,330sf and the largest is 28,965sf with an average size of 15,918 sf.

An asphalt path will connect the residential development to the existing Pleasant View Neighborhood Park located to the southeast of the site. The path will connect to the S 49th Street cul de sac and provide greater accessibility for the region to the City Park.

The neighborhood is planned to be built in two (2) phases with an overall development budget of approximately \$3,700,000. Initial construction on Phase 1 will commence in spring of 2021 with completion expected fall of 2021. Phase 1 will be constructed simultaneously with the City of Franklin Marquette Ave project. Phase 2 would follow a similar timeframe in 2022. All infrastructure would be designed and built to the City's standards. Phase 1 will include 25 home sites and Phase 2 will complete the 28 remaining home sites. All site improvements shall be the responsibility of the applicant with no cost to the City of Franklin, excepting the City of Franklin Marquette Ave & N 50th/Minnesota public projects. The cost of improvements dedicated to the City (including streets, sidewalks, storm is expected to approach \$2,200,000.

Home construction would start as soon as possible after the site improvements have been completed, currently estimated as fall 2021. Ranch and 2-story homes ranging from approximately 1,800sf to 3,500sf are planned with base pricing ranging from \$450,000 to \$600,000. The anticipated absorption rate is 26 homes per year which translates into a 2 year sales plan. The average sales price is estimated at \$520,000 which leads to an increase of approximately \$27,560,000 in assessable value to the City as well as more than \$345,242 in impact fees (based on the 5/1/2020 update).

PRELIMINARY PLAT PLEASANT VIEW RESERVE

BEING A REDIVISION OF PART OF PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6949 AND PART OF THE SW 1/4 OF THE NE 1/4, AND PART OF THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF SECTION 11, ALL BEING A PART OF THE SW 1/4 OF THE NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

ARCHITECTS • ENGINEERS • SURVEYORS
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100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com

PROJECT INFORMATION

PRELIMINARY PLAT

PLEASANT VIEW RESERVE

S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53132

PROFESSIONAL SEAL

SHEET DATES

ISSUE DATE DEC. 23, 2020

REVISIONS

FEB. 12, 2021

JOB NUMBER

2044840

SHEET NUMBER

PP-N

TOTAL AREA
38.660 ACRES
1,684,039 SQ. FT.

OWNER:
WALTER R. HABLEWITZ
3408 S. 49TH STREET
FRANKLIN, WI 53132

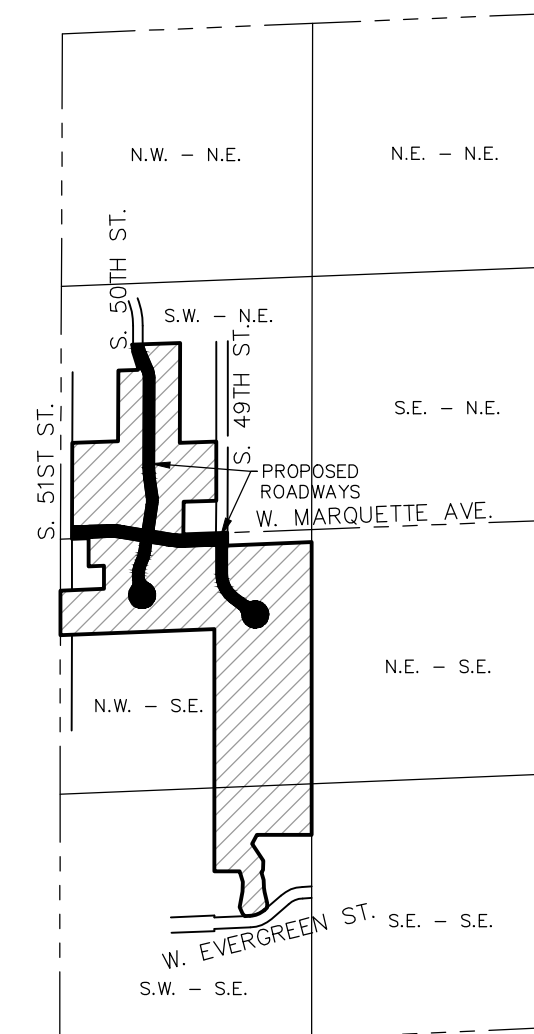
CREATIVE HOMES, INC.
9244 S. 49TH STREET
FRANKLIN, WI 53132

SUBDIVIDER:
VERIDIAN HOMES, LLC
6801 S. TOWNE DRIVE
MADISON, WI 53713

ENGINEER & SURVEYOR:
EXCEL ENGINEERING, INC.
100 CAMELOT DR
FOND DU LAC, WI 54935

TOTAL AREA:
1,684,039 SQ. FT.
38.660 ACRES

LOCATION MAP



E 1/2 OF SECTION 11, TOWNSHIP 5 NORTH,
RANGE 21 EAST, CITY OF FRANKLIN,
MILWAUKEE COUNTY, WISCONSIN

SCALE: 1" = 1000'

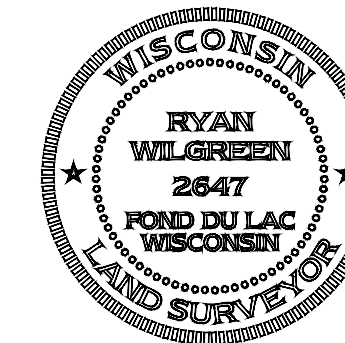
☐ = PLEASANT VIEW RESERVE SUBDIVISION

EXISTING ZONING:
R-6: SUBURBAN SINGLE FAMILY RESIDENCE DISTRICT

PROPOSED ZONING:
R-6: SUBURBAN SINGLE FAMILY RESIDENCE DISTRICT

BUILDING SETBACKS:
FRONT: 30 FEET
SIDE: 10 FEET
STREET SIDE: 19 FEET
REAR: 30 FEET

USE STATEMENT
RESIDENTIAL SINGLE FAMILY DEVELOPMENT
55 LOT SUBDIVISION
53 SINGLE FAMILY-ONE DWELLING LOTS
2 OUTLOTS



I, Ryan Wilgreen, Professional Land Surveyor, hereby certify that such preliminary plat is a correct representation of all existing land divisions and features.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Part 7, Division 15-7.0500 of the City of Franklin Unified Development Ordinance in surveying, dividing and mapping of the same.

Ryan Wilgreen, P.L.S., S-2647
ryan.w@excelengineer.com
Excel Engineering, Inc.
Fond Du Lac, Wisconsin 54935
Project No. 2044840

NOTES:

FLOODPLAIN

-Based upon a review of the Federal Emergency Management Agency Flood Insurance Rate Map community panel 55079C0161 and panel 55079C0163E, with an effective date of September 26, 2008, the property described hereon falls within Zone "X" - Unshaded (areas determined to be outside the 0.2% annual chance floodplain)

OUTLOTS

-Outlots 1 and 2 of the plat of Pleasant View Reserve are owned and shall be maintained by the Pleasant View Reserve Homeowners Association and each individual lot owner shall have an undividable fractional ownership of the outlots and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County or the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency. The Homeowners Association shall maintain said outlots in an unobstructed condition so as to maintain its intended purpose. Construction of any building, grading, or filling in said outlots is prohibited unless approved by the City of Franklin. The Homeowners Association grants to the City the right (but not the responsibility) to enter upon these outlots in order to inspect, repair or restore said outlots to its intended purpose. Expenses incurred by the City for said inspection, repair or restoration of said outlots may be placed against the tax roll for said association and collected as a special charge by the city.

ACCESS

-No Access allowed to S. 51st Street from proposed Lot 2.

WETLANDS

-Wetland lines shown on Parcel 3, CSM No. 6949 of this plat were delineated by Thompson & Associates on October 31, 2017 and have been classified as non-federal exempt per Department of Defense, U.S. Army Corps of Engineers Regulatory File No. 2020-01931-MHK dated October 27, 2020. Wetland lines shown on the unplatted portion of this plat were delineated by Evergreen Consultants, LLC on September 25, 2020.

-At the time of field work, surface water was present in the wetland area delineated by Evergreen Consultants, LLC.

EASEMENTS

- Proposed 30' Conservation Easement, Proposed 30' Wetland Buffer "No Touch", and Proposed 50' Wetland Setback "No Build" Easement around wetland to be created per separate document.

LEGEND:

- | | | | |
|---|----------------------------|---|-------------------------------------|
| ⊗ | EXISTING ROUND CATCH BASIN | ⊗ | WOODED AREA |
| ⊠ | EXISTING CURB INLET | ⊗ | EXISTING CHAINLINK FENCE |
| ⊡ | WATER VALVE IN BOX | ⊗ | EXISTING WOOD FENCE |
| ⊢ | WATER SERVICE VALVE | ⊗ | EXISTING WOVEN WIRE FENCE |
| ⊣ | EXISTING SIGN | ⊗ | EXISTING STORM SEWER AND MANHOLE |
| ⊤ | TELEPHONE PEDESTAL | ⊗ | EXISTING SANITARY SEWER AND MANHOLE |
| ⊥ | ELECTRIC PEDESTAL | ⊗ | EXISTING WATER LINE AND HYDRANT |
| ⊦ | ELECTRIC TRANSFORMER | ⊗ | EXISTING OVERHEAD UTILITY LINE |
| ⊧ | CABLE TV PEDESTAL | ⊗ | EXISTING UNDERGROUND ELECTRIC CABLE |
| ⊨ | UTILITY POLE | ⊗ | EXISTING UNDERGROUND GAS LINE |
| ⊩ | UTILITY POLE WITH GUY WIRE | ⊗ | EXISTING CURB AND GUTTER |
| ⊪ | DECIDUOUS TREE | ⊗ | EXISTING GROUND CONTOUR |
| ⊫ | CONIFEROUS TREE | ⊗ | PROPERTY LINE |
| ⊬ | SHRUB | ⊗ | RIGHT-OF-WAY LINE |
| ⊭ | MONUMENT FOUND | ⊗ | ADJACENT PROPERTY LINE |
| ⊮ | 3/4" REBAR FOUND | ⊗ | PROPOSED GROUND CONTOUR |
| ⊯ | 1" IRON PIPE FOUND | ⊗ | |
| ⊰ | 1-1/4" REBAR FOUND | ⊗ | |
| ⊱ | SOIL BORING | ⊗ | |
- 1" = 80'
SCALE

NOTE:

SURFACE INDICATIONS OF UTILITIES ALONG WITH DIGGER'S HOTLINE MARKINGS ON THE SURVEYED PARCEL HAVE BEEN SHOWN. SIZES AND ELEVATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD MEASUREMENTS OF VISIBLE STRUCTURES IN COMBINATION WITH AVAILABLE DATA PROVIDED TO EXCEL ENGINEERING. EXCEL ENGINEERING MAKES NO GUARANTEE THAT ALL THE EXISTING UTILITIES IN THE SURVEYED AREA HAVE BEEN SHOWN NOR THAT THEY ARE IN THE EXACT LOCATION INDICATED. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES CRITICAL TO CONSTRUCTION.

PRELIMINARY PLAT PLEASANT VIEW RESERVE

BEING A REDIVISION OF PART OF PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6949 AND PART OF THE SW 1/4 OF THE NE 1/4, AND PART OF THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF SECTION 11, ALL BEING A PART OF THE SW 1/4 OF THE NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



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PROJECT INFORMATION

PRELIMINARY PLAT
PLEASANT VIEW RESERVE
S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53132

PROFESSIONAL SEAL

SHEET DATES

ISSUE DATE DEC. 23, 2020

REVISIONS

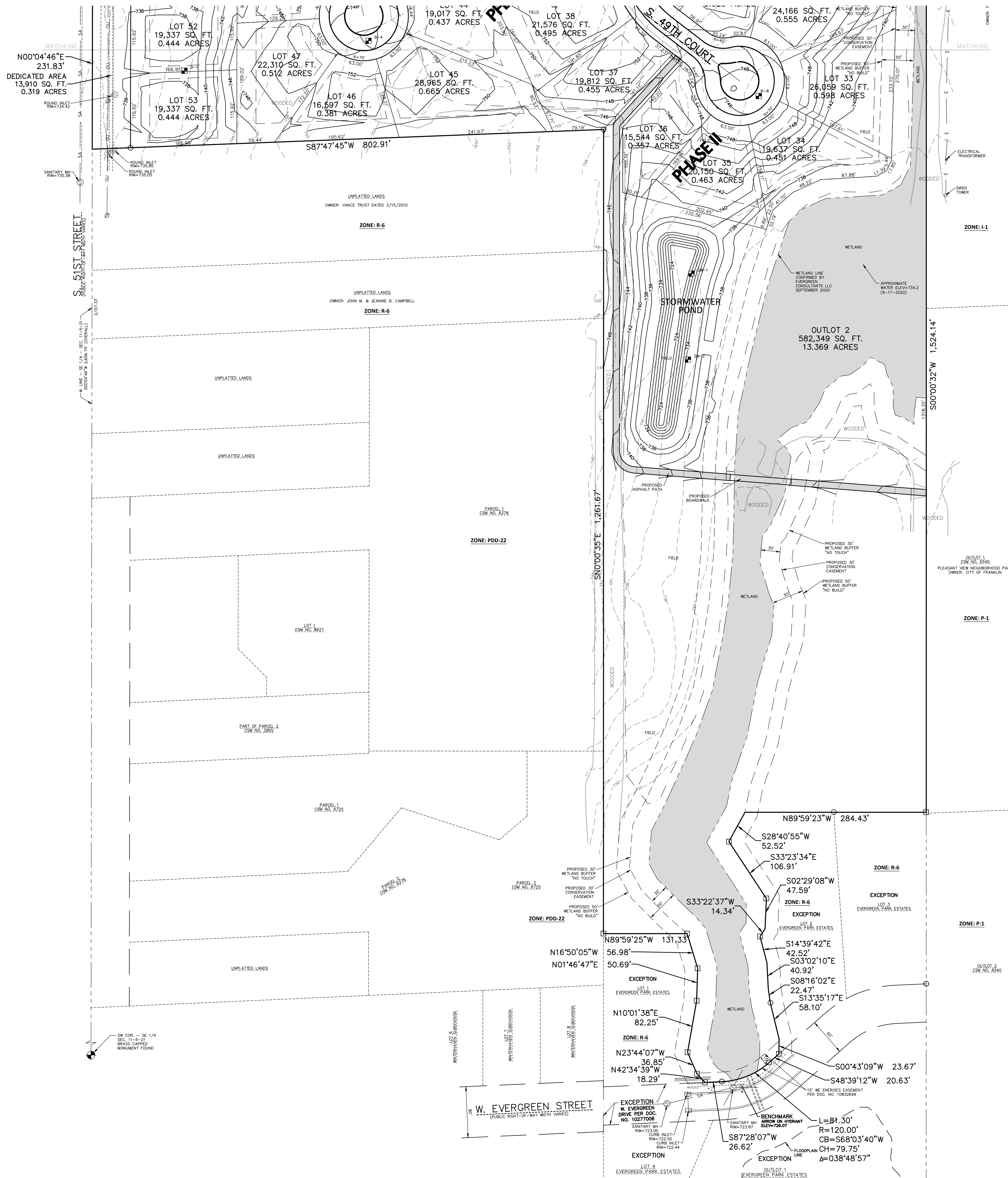
FEB. 12, 2021

JOB NUMBER

2044840

SHEET NUMBER

PP-S



LEGEND:

	EXISTING ROUND CATCH BASIN		WOODED AREA
	EXISTING CURB INLET		EXISTING CHAINLINK FENCE
	WATER VALVE IN BOX		EXISTING WOOD FENCE
	WATER SERVICE VALVE		EXISTING WOVEN WIRE FENCE
	EXISTING SIGN		EXISTING STORM SEWER AND MANHOLE
	TELEPHONE PEDESTAL		EXISTING SANITARY SEWER AND MANHOLE
	ELECTRIC PEDESTAL		EXISTING WATER LINE AND HYDRANT
	ELECTRIC TRANSFORMER		EXISTING OVERHEAD UTILITY LINE
	CABLE TV PEDESTAL		EXISTING UNDERGROUND ELECTRIC CABLE
	UTILITY POLE		EXISTING UNDERGROUND GAS LINE
	UTILITY POLE WITH GUY WIRE		EXISTING CURB AND GUTTER
	DECIDUOUS TREE		EXISTING GROUND CONTOUR
	CONIFEROUS TREE		PROPERTY LINE
	SHRUB		RIGHT-OF-WAY LINE
	MONUMENT FOUND		ADJACENT PROPERTY LINE
	3/4" REBAR FOUND		PROPOSED GROUND CONTOUR
	1" IRON PIPE FOUND		
	1-1/4" REBAR FOUND		
	SOIL BORING		

1" = 80'
SCALE
80' 0 80' 160'
FEET

NOTE:
SURFACE INDICATIONS OF UTILITIES ALONG WITH DIGGER'S HOTLINE MARKINGS ON THE SURVEYED PARCEL HAVE BEEN SHOWN. SIZES AND ELEVATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD MEASUREMENTS OF VISIBLE STRUCTURES IN COMBINATION WITH AVAILABLE DATA PROVIDED TO EXCEL ENGINEERING. EXCEL ENGINEERING MAKES NO GUARANTEE THAT ALL THE EXISTING UTILITIES IN THE SURVEYED AREA HAVE BEEN SHOWN NOR THAT THEY ARE IN THE EXACT LOCATION INDICATED. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES CRITICAL TO CONSTRUCTION.

PROJECT INFORMATION

NATURAL RESOURCES PROTECTION PLAN
VERIDIAN HOMES
S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53132

PROFESSIONAL SEAL

PRELIMINARY DATES
DEC. 18, 2020
FEB. 12, 2021

JOB NUMBER
2044840

SHEET NUMBER
NRPP

OWNER:
WALTER R. HABLEWITZ
3408 S. 49TH STREET
FRANKLIN, WI 53132

CREATIVE HOMES, INC.
9244 S. 49TH STREET
FRANKLIN, WI 53132

SUBDIVIDER/DEVELOPER:
VERIDIAN HOMES, LLC
6801 S. TOWNE DRIVE
MADISON, WI 53713
CONTACT: MATT CUDNEY
P. (608) 226-3016
MCUDNEY@VERIDIANHOMES.COM

ENGINEER & SURVEYOR:
EXCEL ENGINEERING, INC.
100 CAMELOT DR
FOND DU LAC, WI 54935

NRPP:

LEGAL DESCRIPTION: Part of Parcel 3 of Certified Survey Map No. 6949 and part of the SW 1/4 of the NE 1/4, and part of the NW 1/4 and SW 1/4 of the SE 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

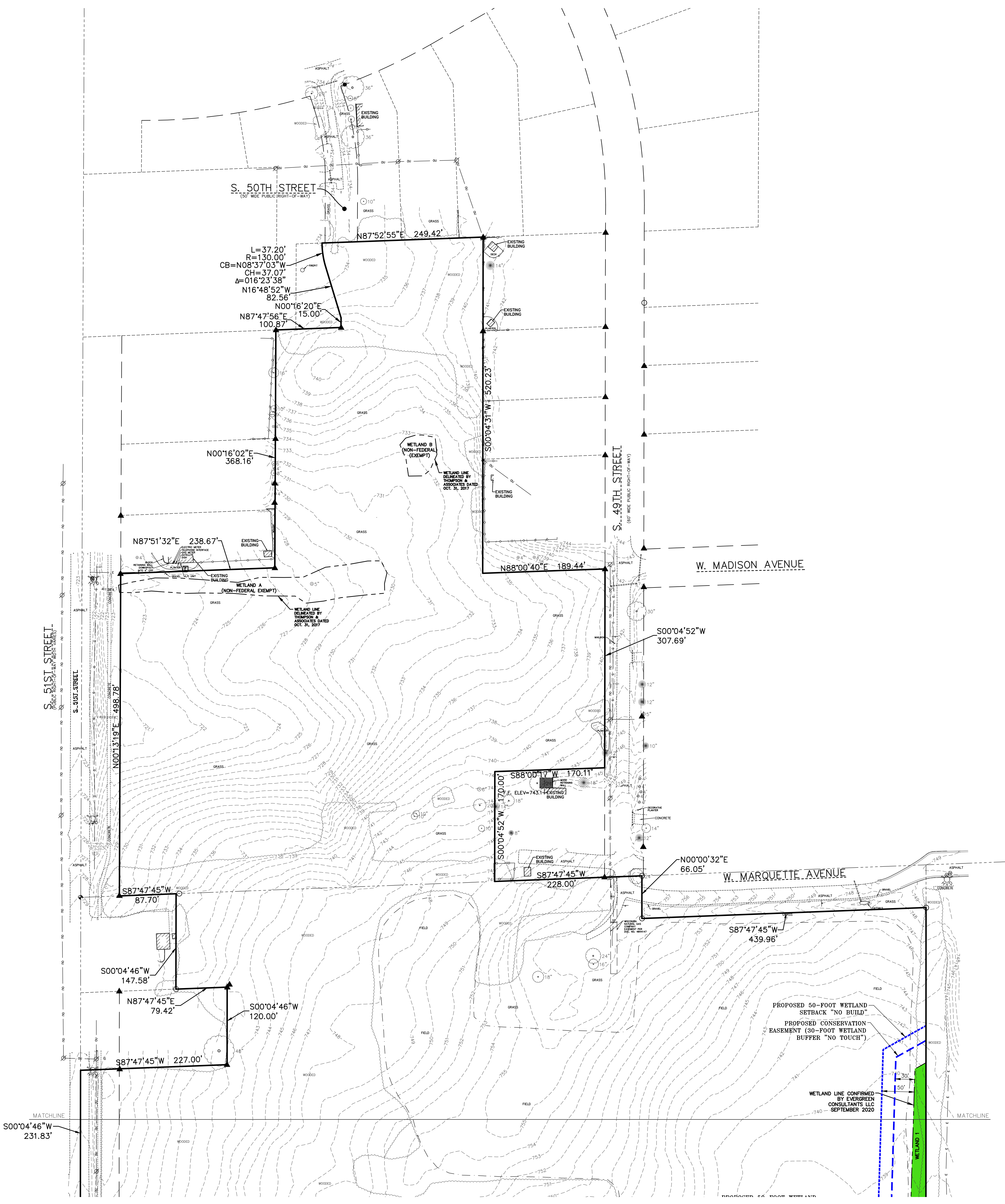
PROPERTY AREA: AREA = 1,684,039 S.F. (38.660 ACRES)

EXISTING ZONING: R-6

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Sleep Slopes:				X	
10-19%	0.00	0.60	0.40	= 0.00	0.00
20-30%	0.65	0.75	0.70	= 0.00	0.00
+ 30%	0.90	0.85	0.80	= 0.00	0.00
Woodlands & Forests:				X	
Mature	0.70	0.70	0.70	= 0.00	0.00
Young	0.50	0.50	0.50	= 0.00	0.00
Lakes & Ponds	1	1	1	= 0.00	0.00
Streams	1	1	1	X	0.00
Shore Buffer	1	1	1	= 0.00	0.00
Floodplains	1	1	1	X	0.00
Wetland Buffers	1	1	1	X	2.32
Wetlands & Shoreland Wetlands	1	1	1	X	3.76
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					6.08

WOODLAND NOTE:
IN CONJUNCTION WITH THE PREVIOUS PRELIMINARY PLATS OF THESE PROPERTIES, TREE SURVEYS WERE COMPLETED; THOSE SURVEYS ARE FOUND IN APPENDIX B OF THIS PLAN. THE SUBJECT SURVEYS INDICATE THERE ARE NO WOODED AREAS WITHIN EITHER PROPERTY THAT MEET THE YOUNG WOODLAND OR MATURE WOODLAND CRITERIA.



LEGEND:

⊗	EXISTING ROUND CATCH BASIN	⋯	WOODED AREA
⊠	EXISTING CURB INLET	—●—	EXISTING CHAINLINK FENCE
⊕	WATER VALVE IN BOX	—●—	EXISTING WOOD FENCE
⊖	WATER SERVICE VALVE	—●—	EXISTING WOVEN WIRE FENCE
⊙	EXISTING SIGN	—●—	EXISTING STORM SEWER AND MANHOLE
⊚	TELEPHONE PEDESTAL	—●—	EXISTING SANITARY SEWER AND MANHOLE
⊛	ELECTRIC PEDESTAL	—●—	EXISTING WATER LINE AND HYDRANT
⊜	ELECTRIC TRANSFORMER	—●—	EXISTING OVERHEAD UTILITY LINE
⊝	CABLE TV PEDESTAL	—●—	EXISTING UNDERGROUND GAS LINE
⊞	UTILITY POLE	—●—	EXISTING UNDERGROUND ELECTRIC CABLE
⊟	UTILITY POLE WITH GUY WIRE	—●—	EXISTING CURB AND GUTTER
⊠	DECIDUOUS TREE	—●—	EXISTING GROUND CONTOUR
⊡	CONIFEROUS TREE		
⊢	SHRUB		
⊣	MONUMENT FOUND		
⊤	3/4" REBAR FOUND		
⊥	1" IRON PIPE FOUND		

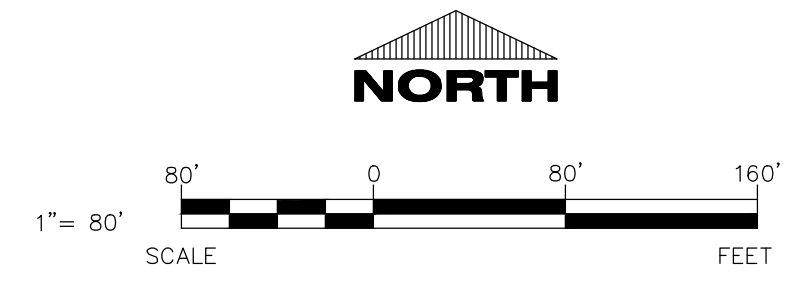
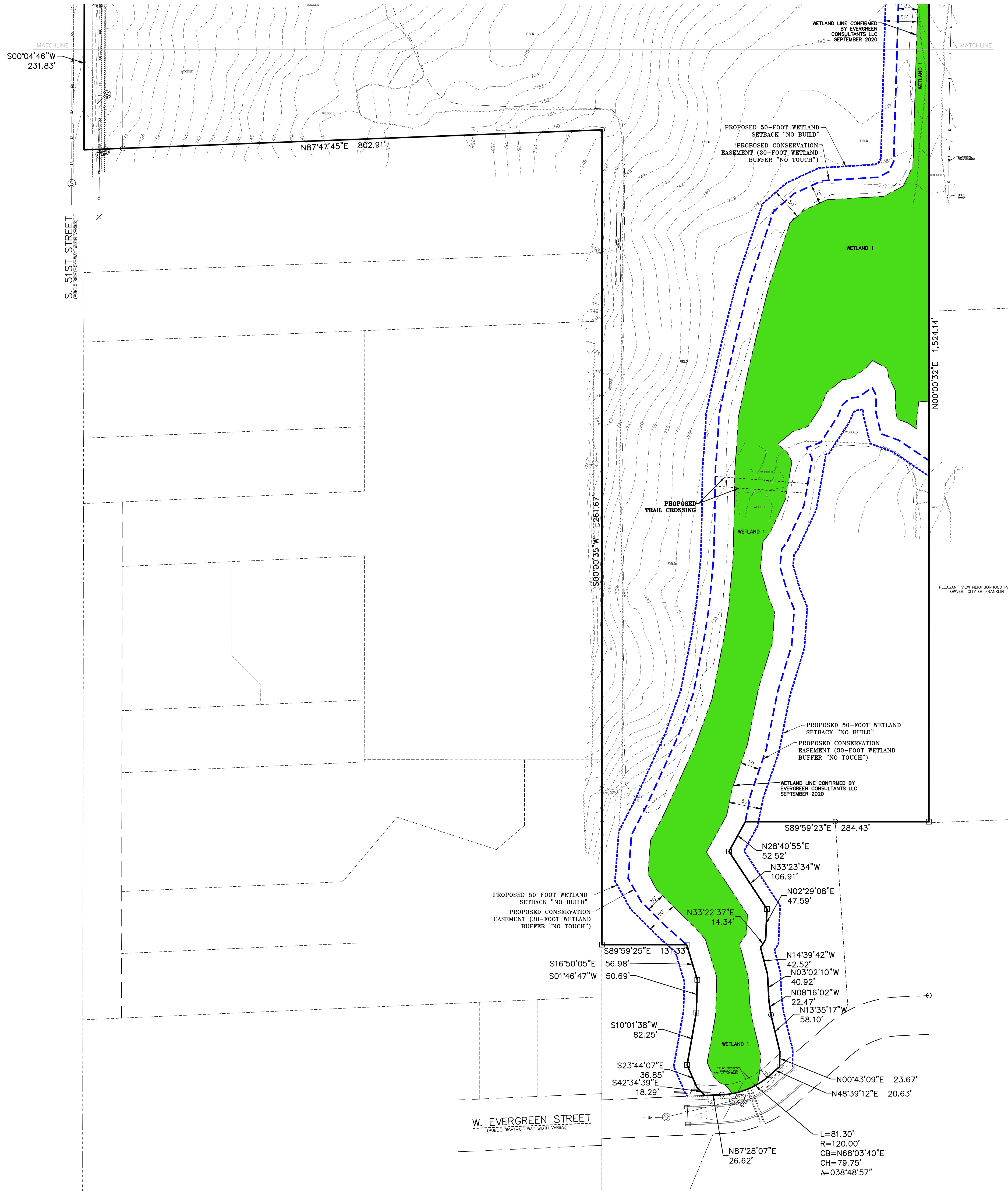


FIGURE 1A
NRPP - NORTH



OWNER:
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3408 S. 49TH STREET
FRANKLIN, WI 53132

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CONTACT: MATT CUDNEY
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MCUDNEY@VERIDIANHOMES.COM

ENGINEER & SURVEYOR:
EXCEL ENGINEERING, INC.
100 CAMELOT DR.
FOND DU LAC, WI 54935

NRPP:

LEGAL DESCRIPTION: Part of Parcel 3 of Certified Survey Map No. 6949 and part of the SW 1/4 of the NE 1/4, and part of the NW 1/4 and SW 1/4 of the SE 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

PROPERTY AREA: AREA = 1,684,039 S.F. (38.660 ACRES)

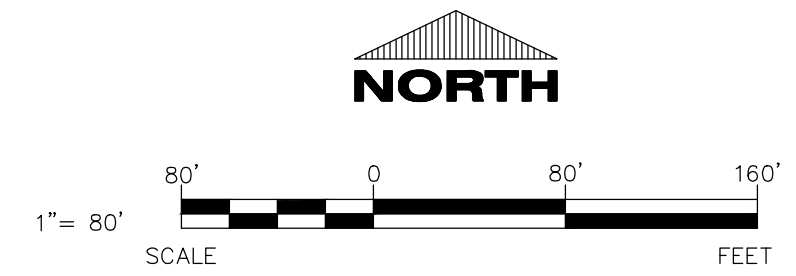
EXISTING ZONING: R-6

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Slopes:					
10-19%	0.00	0.60	0.40	X 0.00	0.00
20-30%	0.65	0.75	0.70	= 0.00	0.00
+30%	0.90	0.85	0.80	= 0.00	0.00
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X 0.00	0.00
Young	0.50	0.50	0.50	= 0.00	0.00
Lakes & Ponds	1	1	1	X 0.00	0.00
Streams	1	1	1	X 0.00	0.00
Shore Buffer	1	1	1	X 0.00	0.00
Floodplains	1	1	1	X 2.32	2.32
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Wetlands & Shoreland Wetlands	1	1	1	X 3.76	3.76
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					6.08

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 - EXISTING OVERHEAD UTILITY LINE
 - EXISTING UNDERGROUND GAS LINE
 - EXISTING UNDERGROUND ELECTRIC CABLE
 - EXISTING CURB AND GUTTER
 - EXISTING GROUND CONTOUR



PROJECT INFORMATION

NATURAL RESOURCES PROTECTION PLAN
VERIDIAN HOMES
S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53132

PROFESSIONAL SEAL

PRELIMINARY DATES

DEC. 18, 2020
FEB. 12, 2021

NOT FOR CONSTRUCTION

JOB NUMBER

2044840

SHEET NUMBER

NRPP

FIGURE 1B
NRPP - SOUTH

NATURAL RESOURCE PROTECTION PLAN

For: Veridian Homes

Located on the future West Marquette Avenue extension between South 51st Street and South 49th Street in Franklin, Wisconsin

The protection plan area contains 38.66 acres within lands to be developed by Veridian Homes located north and south of the future West Marquette Avenue extension between South 51st Street and South 49th Street being a part of Section 11, T 5N, R 21E in the City of Franklin, Milwaukee County, Wisconsin.

**Tax PIN #'s: 759-9981-010 (a.k.a 7475 South 49th Street)
Part of 759-9980-000
788-9981-003**

**December 18, 2020
*Revised February 12, 2021***

Prepared For:
**Veridian Homes, LLC
Attn: Matt Cudney
6801 S. Towne Drive
Madison, WI 53713**

Prepared By:
**Grant Duchac
Excel Engineering, Inc.
100 Camelot Drive
Fond du Lac, WI 54935**

EXCEL PROJECT # 2041760

Table of Contents

➤ Introduction.....	Section 1
➤ Methodology.....	Section 2
➤ Results.....	Section 3
➤ Natural Resource Disturbance & Protection.....	Section 4
➤ Conclusion.....	Section 5

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FIGURE 1 - Natural Resource Protection Plan

FIGURE 2 - Preliminary Plat

Appendixes

Appendix A - Site Intensity & Capacity Calculations

Appendix B - Tree Surveys

Appendix C - Navigability Determination

Appendix D - Wetland Jurisdictional Determination & Non-Federal Exemption

1. Introduction:

The proposed project is comprised of all or parts of three (3) parcels of land totaling 38.66 acres in the City of Franklin, Milwaukee County, Wisconsin. The property lies north and south of the proposed West Marquette Avenue extension between South 51st Street and South 49th Street. 11.254 acres lie north of the proposed West Marquette Avenue extension and 27.406 acres lie south of the proposed West Marquette Avenue extension.

That part of the property lying north of the proposed West Marquette Avenue extension is bordered by residential homes and South 51st Street to west, residential homes to the north, and residential homes and South 49th Street to the east. The property is vacant with fallow agricultural farmland covering the majority of the land. A preliminary plat of this property (Oak Ridge of Franklin) was previously submitted to and approved by the City of Franklin

That part of the property lying south of the proposed West Marquette Avenue extension is bordered by single and multi-family residential to the west and south; a public park (City of Franklin) and a public school (Pleasant View Elementary School) are to the east of the property. The area contains active and fallow agricultural farmland and shrubby/wooded areas. A preliminary plat of this property (Pleasant View Estates) was previously submitted to and approved by the City of Franklin.

Agricultural farmland has been the historic use of the entire property. The purpose of this plan and investigation is to identify natural resources including steep slopes, woodlands, lakes, ponds, streams, floodlands, wetlands and buffers within the property per the Natural Resource Protection ordinance for the City of Franklin.

2. Methodology:

Wetland delineations, existing conditions topographic surveys, and field investigation surveys were completed on the property.

A wetland delineation and field investigation survey dated October 31, 2017 was completed on the north property by Thompson and Associates Wetland Services, LLC, a Wisconsin Assured Wetland Delineator. A wetland delineation and field investigation survey dated September 25, 2020 was completed on the south property by Ben LaCount, a Wisconsin Assured Wetland Delineator with Evergreen Consultants, LLC.

An existing conditions topographic field survey using a robotic total station was completed by Excel Engineering, Inc. on September 17th of 2020.

Additional supporting information reviewed and utilized included data obtained from the Milwaukee County Geographic Information System (GIS) interactive website, Wisconsin Department of Natural Resources Surface Water Data Viewer Inventory, U.S. Department of Agriculture (USDA) Web Soil Survey, and aerial photography coverage.

3. Results:

Steep Slopes:

There are three defined categories of steep slopes per the City of Franklin's Unified Development Ordinance (UDO). Each category is based on the percentage of slope

(10 to 19%, 20 to 30%, and greater than 30%); all require at least a ten-foot vertical drop and a minimum area of 5,000 square feet.

No areas within the property meet the steep slope criteria as defined by the UDO, consistent with the previously approved NRPP(s).

Woodlands:

There are two defined categories of woodlands per the UDO; young woodland and mature woodland.

A young woodland is an area or stand of trees whose total combined canopy covers an area of one-half acre (0.50) acre or more and at least fifty percent (50%) of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches (3”).

A mature woodland is an area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty percent (50%) of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten inches (10”); or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve inches (12”) whose combined canopies cover at least fifty percent (50%) of the area encompassed by the grove.

In conjunction with the previous preliminary plats of these properties, tree surveys were completed; those surveys are found in Appendix B of this plan. The subject surveys indicate there are no wooded areas within either property that meet the young woodland or mature woodland criteria.

Lakes, Ponds, Streams and Shore Buffers:

No lakes, ponds or streams are located on the property and as a result there are no shore buffers. The waterway/drainage swale at the south end of the property that flows south under Evergreen Street was determined to be non-navigable by the Wisconsin DNR (WDNR) in October of 2016 and is included as Appendix C of this plan.

Floodplain/Floodway:

No floodplains/floodways exist on the property.

Wetlands, Wetland buffers and Wetland Setbacks:

Two (2) wetland complexes were identified within the boundary of that part of the property lying north of West Marquette Avenue; those wetlands are identified as “Wetland A” and “Wetland B” in the wetland delineation report dated October 31, 2017 and completed by Thompson and Associates Wetland Services, LLC. Wetland A is a 0.35-acre fresh wet meadow wetland that is linear in shape and extends east from South 51st Street; Wetland B is a 0.15-acre shallow depression wetland dominated by cattails and located in the northern portion of the property. A request for “Jurisdictional Determination” for these two (2) wetlands was submitted to the US Army Corps of Engineers (Corps). The Corps determined the

review area contains no waters of the United States subject to Corps jurisdiction and the wetlands are therefore not regulated by the Corps; State wetland protection standards do not apply to nonfederal wetland exemptions and, pursuant to ACT 183 Wisconsin Statute 281, a local government's wetland protection ordinance does not apply to nonfederal wetlands (see Appendix D). Upon review by the Wisconsin Department of Natural Resources, "Wetland A" & "Wetland B" meet the criteria of the non-federal wetland exemption.

One (1) wetland complex was identified within the boundary of that part of the property lying south of West Marquette Avenue. The wetland is identified as "Wetland 1" in the wetland delineation report dated September 25, 2020 and completed by Evergreen Consultants, LLC. Wetland 1 is a degraded forested-shrub/scrub-wet meadow wetland infested with reed canary grass and cattail; the wetland is located within a depression and swale (the non-navigable waterway at the south end of the site).

Wetland area 1 as identified above has been marked in the field with wetland boundary flags and is shown with the buffer and setbacks on Natural Resource Protection Plan (Figure 1). The wetland buffers as defined by UDO are undisturbed land within 30' landward of the delineated boundary of any wetland and parallel to the delineated wetland boundary. The wetland buffer area within the site boundaries is 2.32 acres. The wetland setback according to the UDO is all landward areas defined by the minimum required horizontal setback distance of fifty feet from a delineated wetland boundary (or 20' from the buffer area). Due to the size of the wetland reports that are referenced in this plan, they are not included in the appendices but are included as separate bound documents.

4. Natural Resource Disturbance and Protection:

The proposed site development sketch plan is shown on Figure 2. The development will meet all natural resource protection standards. A permanent Natural Resource Conservation Easement will be created for Wetland Area 1. The proposed trail crossing the wetland complex is shown on the NRPP Map and appropriate approvals/exceptions for the trail crossing will be completed prior to Phase 2.

5. Conclusion:

The proposed development will comply with the Natural Resource Protection Standards of the UDO. The worksheets for the Site Intensity and Capacity Calculations are provided in Appendix A. Per the calculations a total of 95.88 dwelling units are the maximum permitted for this property. This calculation was based on all on-site natural resource features present. The proposed number of dwelling units (lots) for the subdivision is 53.

FIGURE 1
NATURAL RESOURCE PROTECTION PLAN

PROJECT INFORMATION

NATURAL RESOURCES PROTECTION PLAN
VERIDIAN HOMES
S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53132

PROFESSIONAL SEAL

PRELIMINARY DATES

DEC. 18, 2020
FEB. 12, 2021

NOT FOR CONSTRUCTION

JOB NUMBER

2044840

SHEET NUMBER

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OWNER:
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FRANKLIN, WI 53132

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100 CAMELOT DR
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NRPP:

LEGAL DESCRIPTION: Part of Parcel 3 of Certified Survey Map No. 6949 and part of the SW 1/4 of the NE 1/4, and part of the NW 1/4 and SW 1/4 of the SE 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

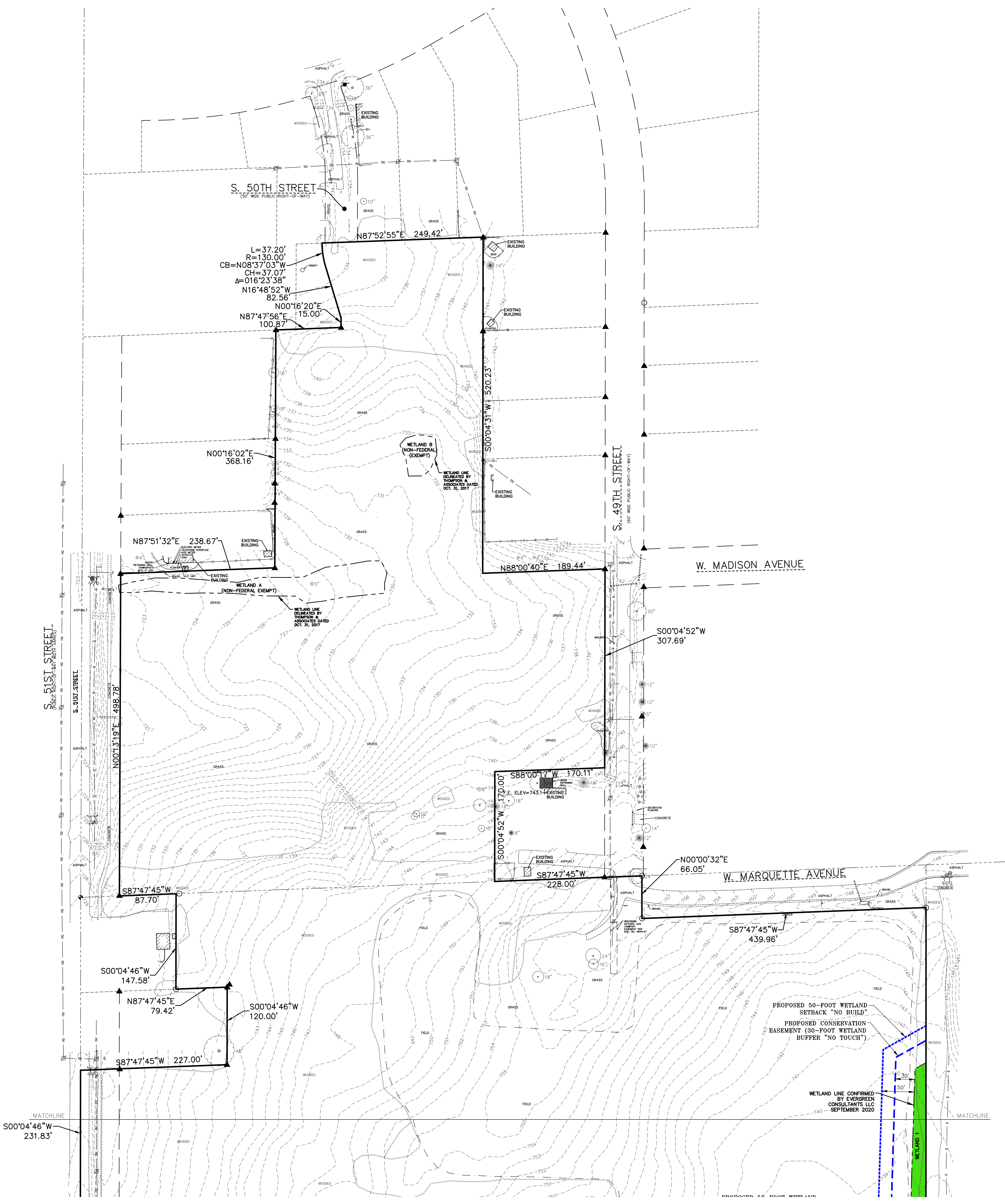
PROPERTY AREA: AREA = 1,684,039 S.F. (38.660 ACRES)

EXISTING ZONING: R-6

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Sleep Slopes:	10-19%	0.00	0.60	0.40	X 0.00 = 0.00 0.00
	20-30%	0.65	0.75	0.70	X 0.00 = 0.00 0.00
	+30%	0.90	0.85	0.80	X 0.00 = 0.00 0.00
Woodlands & Forests:					
	Mature	0.70	0.70	0.70	X 0.00 = 0.00 0.00
	Young	0.50	0.50	0.50	X 0.00 = 0.00 0.00
Lakes & Ponds	1	1	1	X 0.00 = 0.00 0.00	
Streams	1	1	1	X 0.00 = 0.00 0.00	
Shore Buffer	1	1	1	X 0.00 = 0.00 0.00	
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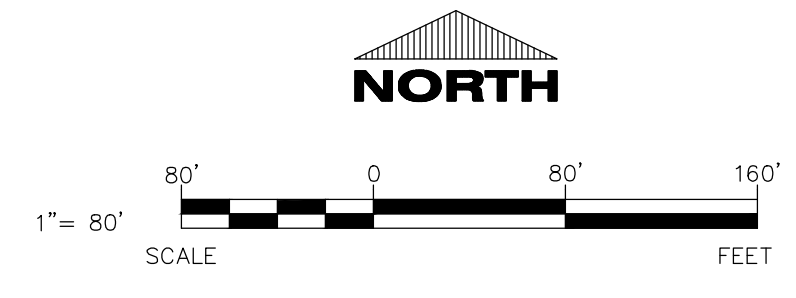
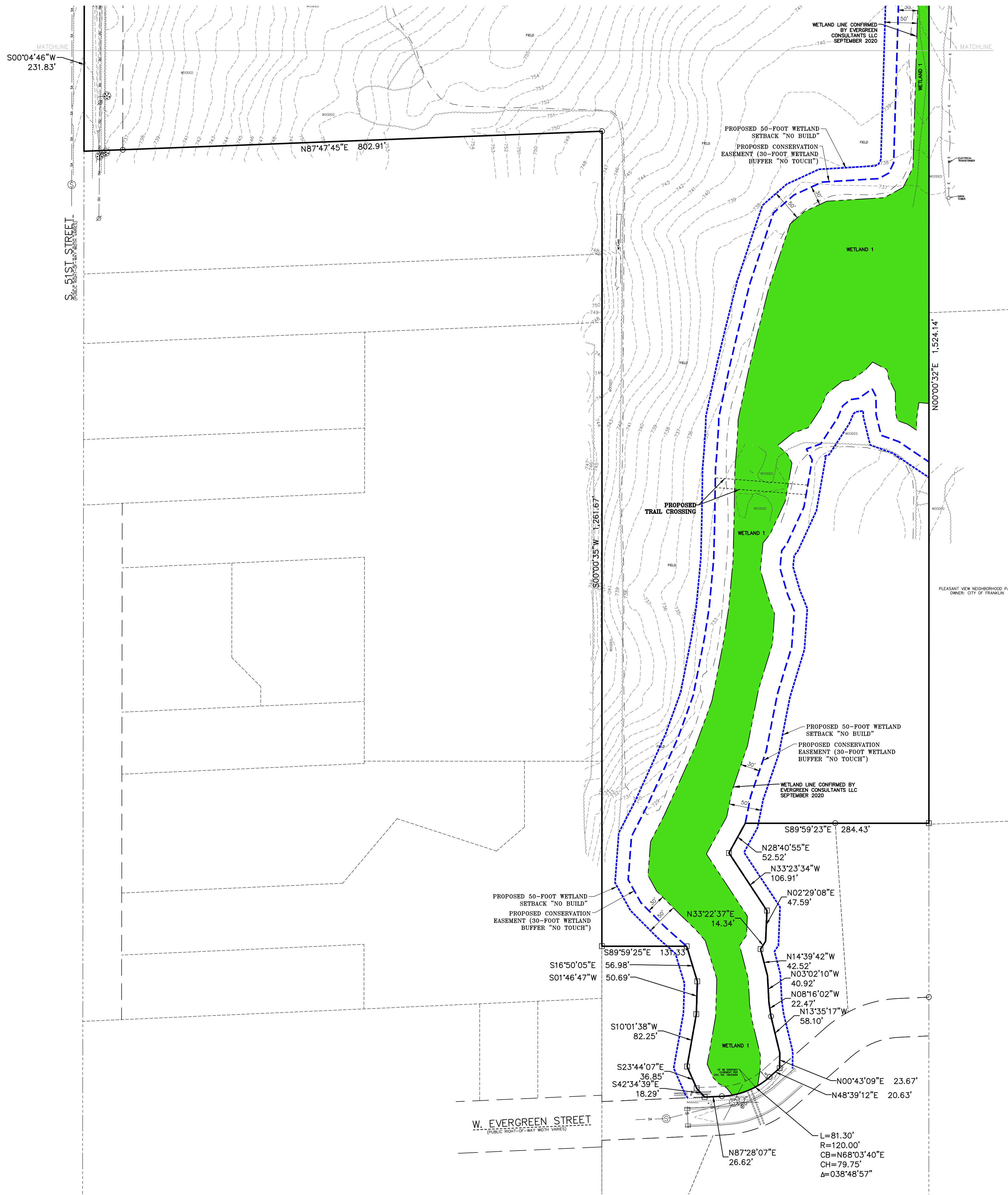


FIGURE 1A
NRPP - NORTH



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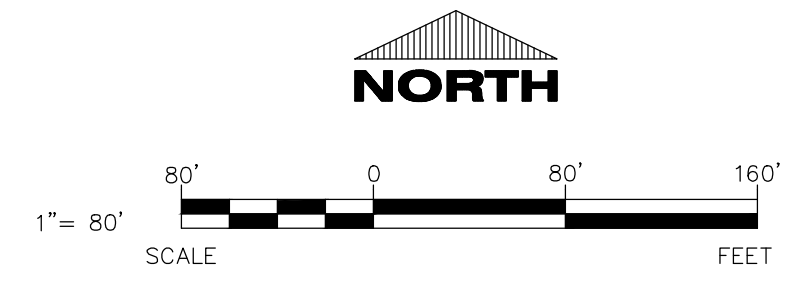


FIGURE 1B
NRPP - SOUTH



PROJECT INFORMATION

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S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53132

PROFESSIONAL SEAL

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JOB NUMBER
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SHEET NUMBER
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FIGURE 2
PROPOSED SITE DEVELOPMENT SKETCH PLAN

PROJECT INFORMATION

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VERIDIAN HOMES
S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53132

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FEB. 12, 2021

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PROPERTY AREA: AREA = 1,684,039 S.F. (38.660 ACRES)

EXISTING ZONING: R-6

PROPOSED ZONING: R-6

PROPOSED USE: RESIDENTIAL SUBDIVISION - PERMITTED USE "CONVENTIONAL SUBDIVISION"

MINIMUM LOT AREA: 11,000 SF

MINIMUM LOT WIDTH: 90' AT FRONT SETBACK LINE

OPEN SPACE RATIO: 0.00

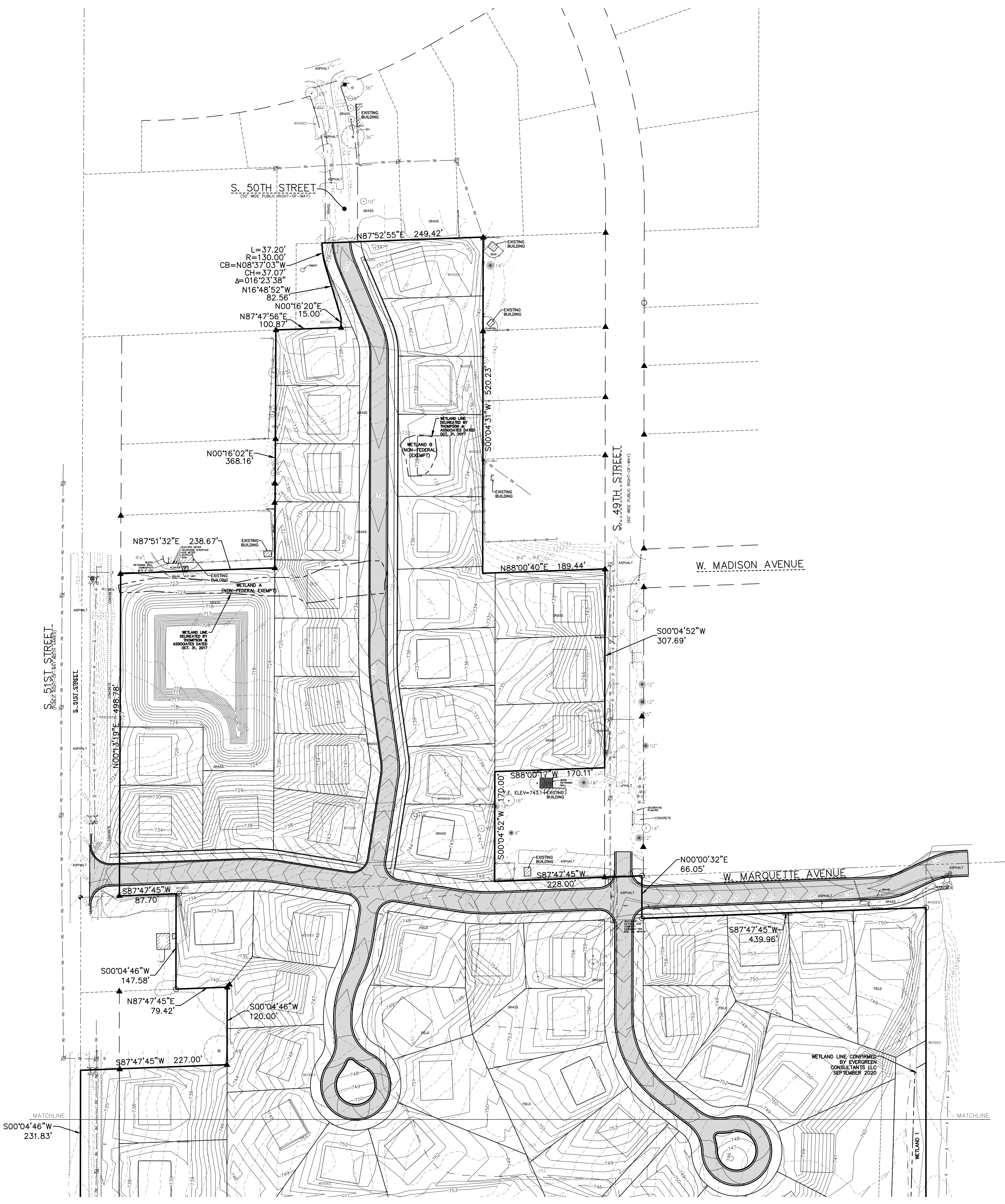
GROSS DENSITY: 2.972

NET DENSITY: 2.972

SETBACKS: FRONT = 30'
SIDE = 10'
SIDE CORNER LOT = 19'
REAR = 30'

PROPOSED SITE DATA

	AREA (AC)	RATIO
PROJECT SITE (BASE SITE AREA)	38.34	
OUTLOTS (OPEN SPACE)	14.86	38.76%



LEGEND:

	EXISTING ROUND CATCH BASIN		WOODED AREA
	EXISTING CURB INLET		EXISTING CHAINLINK FENCE
	WATER VALVE IN BOX		EXISTING WOOD FENCE
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	1" IRON PIPE FOUND		

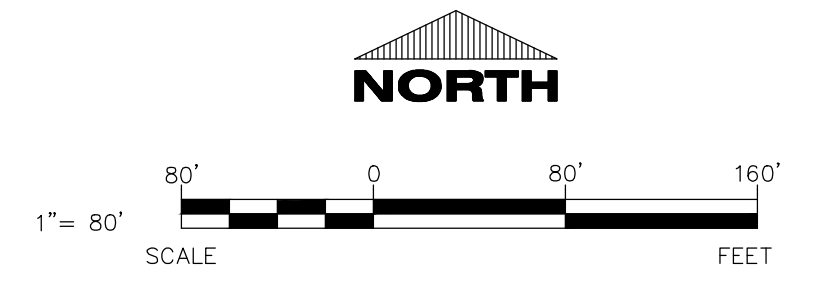
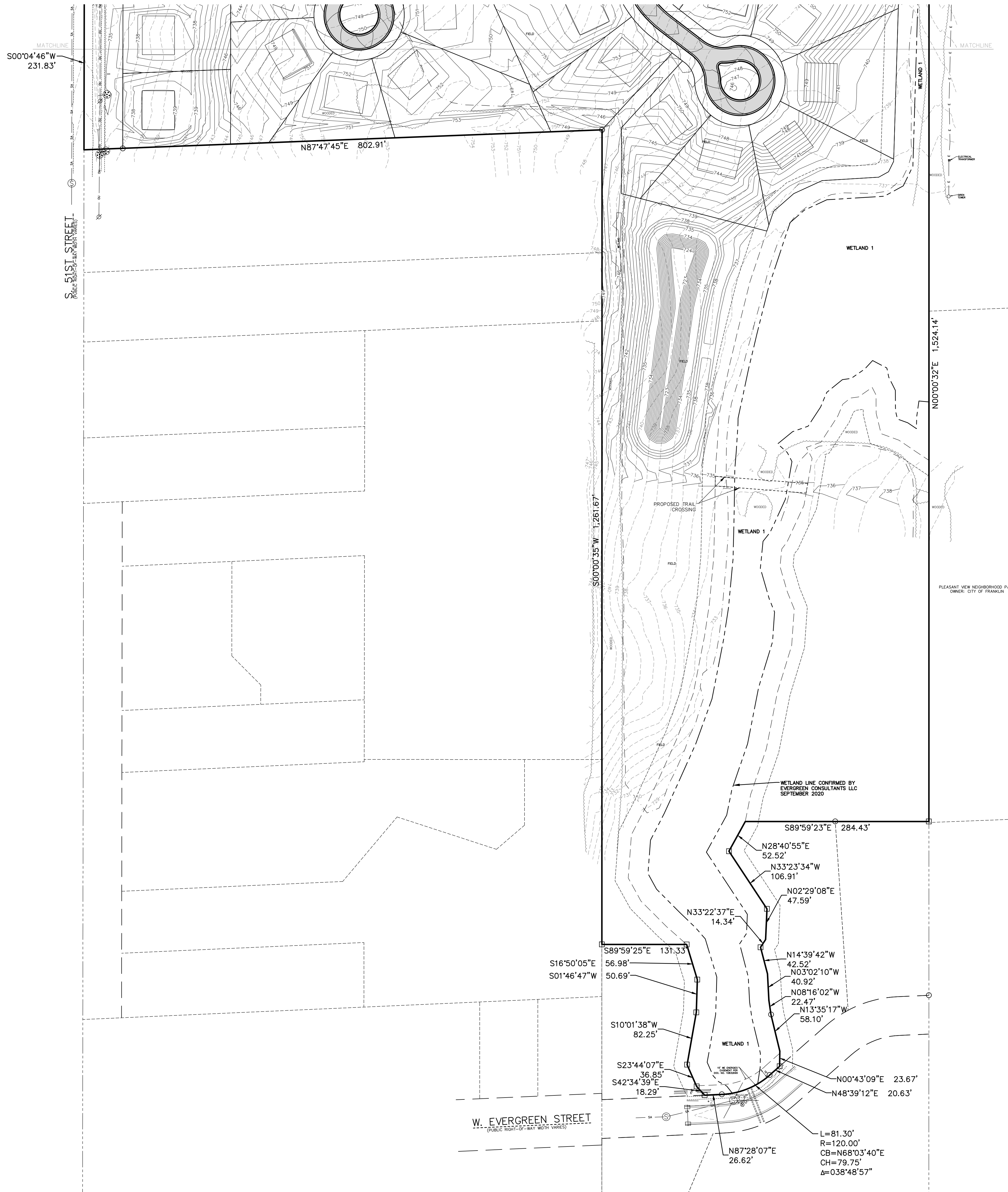


FIGURE 2A
SKETCH PLAN - NORTH



SITE INFORMATION:

LEGAL DESCRIPTION: Part of Parcel 3 of Certified Survey Map No. 6949 and part of the SW 1/4 of the NE 1/4, and part of the NW 1/4 and SW 1/4 of the SE 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

PROPERTY AREA: AREA = 1,684,039 S.F. (38.660 ACRES)

EXISTING ZONING: R-6

PROPOSED ZONING: R-6

PROPOSED USE: RESIDENTIAL SUBDIVISION - PERMITTED USE "CONVENTIONAL SUBDIVISION"

MINIMUM LOT AREA: 11,000 SF
MINIMUM LOT WIDTH: 90' AT FRONT SETBACK LINE
OPEN SPACE RATIO: 0.00
GROSS DENSITY: 2.972
NET DENSITY: 2.972

SETBACKS: FRONT = 30'
 SIDE = 10'
 SIDE CORNER LOT = 19'
 REAR = 30'

PROPOSED SITE DATA

	AREA (AC)	RATIO
PROJECT SITE (BASE SITE AREA)	38.34	
OUTLOTS (OPEN SPACE)	14.86	38.76%

LEGEND:

- ⊗ EXISTING ROUND CATCH BASIN
- ⊕ EXISTING CURB INLET
- ⊖ WATER VALVE IN BOX
- ⊗ WATER SERVICE VALVE
- ⊕ EXISTING SIGN
- ⊖ TELEPHONE PEDESTAL
- ⊗ ELECTRIC PEDESTAL
- ⊕ ELECTRIC TRANSFORMER
- ⊖ CABLE TV PEDESTAL
- ⊗ UTILITY POLE
- ⊕ UTILITY POLE WITH GUY WIRE
- ⊖ DECIDUOUS TREE
- ⊗ CONIFEROUS TREE
- ⊕ SHRUB
- ⊖ MONUMENT FOUND
- ⊗ 3/4" REBAR FOUND
- ⊕ 1" IRON PIPE FOUND
- WOODED AREA
- EXISTING CHAINLINK FENCE
- EXISTING WOOD FENCE
- EXISTING WOVEN WIRE FENCE
- EXISTING STORM SEWER AND MANHOLE
- EXISTING SANITARY SEWER AND MANHOLE
- EXISTING WATER LINE AND HYDRANT
- EXISTING OVERHEAD UTILITY LINE
- EXISTING UNDERGROUND GAS LINE
- EXISTING UNDERGROUND ELECTRIC CABLE
- EXISTING CURB AND GUTTER
- EXISTING GROUND CONTOUR

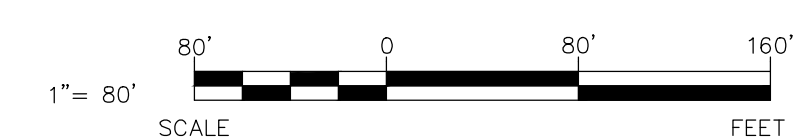


FIGURE 2B
 SKETCH PLAN - SOUTH



PROJECT INFORMATION

NATURAL RESOURCES PROTECTION PLAN
VERIDIAN HOMES
 S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53132

PROFESSIONAL SEAL

PRELIMINARY DATES

DEC. 18, 2020
 FEB. 12, 2021

NOT FOR CONSTRUCTION

JOB NUMBER

2044840

SHEET NUMBER

S

APPENDIX A
SITE INTENSITY & CAPACITY CALCULATIONS

Division 15-3.0500. Site Intensity and Capacity Calculations

§ 15-3.0501. Natural Resource Protection and Site Intensity and Capacity Calculations for Residential and Nonresidential Uses Required.

- A. Recognition of Natural Resource Features. This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.
- B. When Natural Resource Protection and Site Intensity and Capacity Calculations Are Required. Natural resource protection is required for all development and the site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all nonresidential development, and as may be required elsewhere in this Ordinance except as excluded under the provisions of § 15-3.0501C. of the Unified Development Ordinance.
- C. Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required). Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998. A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1 Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property. A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger

surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon

any further development of the "remnant" parcel; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel" For the purposes of this section, the Zoning Administrator shall not require that the "best available" information be a "first source" of information, as identified in § 15-4.0102A., B., C., D., and G. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval. A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required with an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only, provided with regard to such remaining established residential dwelling building use parcel or parcels that: i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remaining established residential dwelling building use parcel or parcels"; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein upon lot[s] [number[s]] are not based upon field surveys. In the event of further land division or development of lot[s] [number[s]] with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel."

§ 15-3.0502. Calculation of Base Site Area.

The base site area shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in § 15-3.0501 of this Ordinance.

Table 15-3.0502			
Worksheet for the Calculation of Base Site Area for Both Residential and Nonresidential Development			
STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.		38.66 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	-	0.32 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	-	0.00 acres
STEP 4:	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	-	0.00 acres
STEP 5:	Equals "Base Site Area"	=	38.34 acres

§ 15-3.0503. Calculation of the Area of Natural Resources to Be Protected.

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the base site area (as defined in § 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective natural resource protection standard (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site

equals the total resource protection land. The total resource protection land shall be calculated as indicated in Table 15-3.0503.

Table 15-3.0503					
Worksheet for the Calculation of Resource Protection Land					
Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X <u>0.00</u>	<u>0.00</u>
20-30%	0.65	0.75	0.70	X <u>0.00</u>	<u>0.00</u>
+ 30%	0.90	0.85	0.80	X <u>0.00</u>	<u>0.00</u>
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X <u>0.00</u>	<u>0.00</u>
Young	0.50	0.50	0.50	X <u>0.00</u>	<u>0.00</u>
Lakes & Ponds	1	1	1	X <u>0.00</u>	0.00
Streams	1	1	1	X <u>0.00</u>	0.00
Shore Buffer	1	1	1	X <u>0.00</u>	0.00
Floodplains	1	1	1	X <u>0.00</u>	0.00
Wetland Buffers	1	1	1	X <u>2.32</u>	2.32
Wetlands & Shoreland Wetlands	1	1	1	X <u>3.76</u>	3.76
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					6.08

Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.

§ 15-3.0504. Calculation of Site Intensity and Capacity for Residential Uses.

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

Table 15-3.0504		
Worksheet for the Calculation of Site Intensity and Capacity for Residential Development		
STEP 1:	<p>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</p> <p>Take Base Site Area (from Step 5 in Table 15- 3.0502): <u>38.34</u></p> <p>Multiple by Minimum Open Space Ratio (OSR) (see specific residential zoning district OSR standard): X <u>0.00</u></p> <p>Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =</p>	0.00 acres
STEP 2:	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take Base Site Area (from Step 5 in Table 15- 3.0502): <u>38.34</u></p> <p>Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required On-Site Open Space (from Step 1 above), whichever is greater:- <u>6.08</u></p> <p>Equals NET BUILDABLE SITE AREA =</p>	32.26 acres
STEP 3:	<p>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</p> <p>Take Net Buildable Site Area (from Step 2 above): <u>32.26</u></p> <p>Multiply by Maximum Net Density (ND) (see specific residential zoning district ND standard): X <u>2.972</u></p> <p>Equals MAXIMUM NET DENSITY YIELD OF SITE=</p>	95.88 D.U.s
STEP 4:	<p>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</p> <p>Take Base Site Area (from Step 5 of Table 15- 3.0502): <u>38.34</u></p> <p>Multiply by Maximum Gross Density (GD) (see specific residential zoning district GD standard): X <u>2.972</u></p> <p>Equals MAXIMUM GROSS DENSITY YIELD OF SITE =</p>	113.95 D.U.s

Table 15-3.0505		
Worksheet for the Calculation of Site Intensity and Capacity for Nonresidential Development		
STEP 1:	<p>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:</p> <p>Take Base Site Area (from Step 5 in Table 15- 3.0502): _____</p> <p>Multiple by Minimum Landscape Surface Ratio (LSR) (see specific zoning district LSR standard): X _____</p> <p>Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE = _____</p>	acres
STEP 2:	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take Base Site Area (from Step 5 in Table 15- 3.0502): _____</p> <p>Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required Landscape Surface (from Step 1 above), whichever is greater: - _____</p> <p>Equals NET BUILDABLE SITE AREA = _____</p>	acres
STEP 3:	<p>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:</p> <p>Take Net Buildable Site Area (from Step 2 above): _____</p> <p>Multiple by Maximum Net Floor Area Ratio (NFAR) (see specific nonresidential zoning district NFAR standard): X _____</p> <p>Equals MAXIMUM NET FLOOR AREA YIELD OF SITE = _____</p>	acres
STEP 4:	<p>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:</p> <p>Take Base Site Area (from Step 5 of Table 15- 3.0502): _____</p> <p>Multiple by Maximum Gross Floor Area Ratio (GFAR) (see specific nonresidential zoning district GFAR standard): X _____</p> <p>Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE = _____</p>	acres
STEP 5:	<p>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:</p> <p>Take the lowest of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above): _____</p> <p>(Multiple results by 43,560 for maximum floor area in square feet): _____</p>	acres (sf)

APPENDIX B
TREE SURVEYS

A Notch Above the Rest, LLC

WOODLAND NATURAL RESOURCE PROTECTION

Woodlands and Forests (mature and young) are defined in Division 15- 11.0100 of the UDO and are to be measured and graphically indicated on the "Natural Resource Protection Plan" to indicate all woodland and forest areas on the property to be developed. The definitions to determine woodland resources required for protection are made as follows:

Woodland, Mature: An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches; or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered mature woodland.

Woodland, Young: An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches.

However, no trees planted and grown for commercial purposes shall be considered young woodland.

QUALIFIED PROFESSIONAL REVIEW

A field survey of trees for the parcel located South of West Minnesota Avenue to Marquette Avenue, South 49th Street to South 51st Street was completed on September 16, 2017 and December 18, 2018 by Jason Collins, a Certified Arborist.

Two areas were identified for woodland verification using aerial photos and on site field surveying as required by the city ordinance. Woodland areas meeting the UDO definition are required to be shown on the Natural Resource Protection Plan.

WOODLAND ANALYSIS AND INSPECTION DETERMINATION

The following factors were used to determine any areas that would require woodland delineation and protection for depiction on the site plan and Natural Resource Protection Plan:

- Aerial photos and on-site review for the presence of trees or woodland areas
- Genus or tree type located on the parcel to be developed


-
- Tree size or wooded area meeting the ordinance definition
 - The health condition of trees or any woodland if present
 - The general health condition of the understory vegetation

Site Conditions: The site was visited during both leaf on and leaf off conditions. Trees meeting the size requirements did not have sufficient canopy cover to qualify as a grove. No mature or young woodlands were present that meet the requirements for protection. Many of the larger trees were either in complete decline or declining due to Emerald Ash Borer, Dutch Elm Disease and condition of the area. The majority of the brush area had sparse declining trees and consisting mostly of common non-native and invasive buckthorn, honey suckle and a few declining apple trees and a few smaller conifer trees that would not be native plant species to the area.

The many down trees had been decaying for some time. Two larger willow trees and a few box elder trees could possibly be protected if outside of the lot grading area but add little to no value as a natural resource. Around the edge at the site there is a significant amount of edge brush piles from past dumping as well as some windblown debris. A second area on the south edge of the property had some possible young woodland qualities but also did not meet the size requirements under city ordinance. Even at stretching the determination, the 50% impact allowed for young woodlands would leave an area that would not provide a significant natural resource under the intent for resource protection.

Conclusion: Due to the low quality, inconsistent canopy cover, insufficient size and species identified on-site, it is my professional opinion that no groves, young or mature woodlands exist on the property, which meet the woodland definitions within the city's ordinance. Therefore, the brush outlines indicated on the plans are for informational purposes only and indicate the non-farmed areas containing some level of vegetated growth with sparse trees and non-native trees and brush.

Sincerely,



Jason Collins, Certified Arborist, WI-0726-A
A Notch Above the Rest, LLC

Note: The developer states they are agreeable to the protection of any existing vegetation or quality trees that would benefit the parcel and if the city's forester determines such need. Prior to site grading protective fencing could be installed as requested by city staff

March 14, 2019

Mr. Rick Przybyla:

This letter serves as a follow up to my 2017 assessment of the woody plant communities on a property at 7501 S. 49th Street, Franklin, WI (Tax Key: 7889981001).

Referencing the photo of the property below, neither the green encircled area, nor the tree line outlined in red constitute a young woodland as defined by the City of Franklin. The green encircled 1.2-acre "woody area" was cleared of invasive Tatarian honeysuckle and Common buckthorn shrubs (most less than 3" diameter) to reveal many dead Green ash trees, dead and dying American elm trees, and a few apple trees that collectively have a canopy coverage of approximately 10% - well below 50% to constitute a young woodland. In looking at historical aerial photographs this area appeared to be previously cultivated as an apple orchard and was not historically a woodland area. Per City of Franklin guidelines, remnant commercially grown apple trees would not be counted in determining young woodland.

Similarly, the canopy of the (red encircled) woody area along the property line has a preponderance of invasive Common buckthorn and Tatarian honeysuckle less than 3" diameter. The scattered mature trees on this property line /crop field edge are primarily dead or dying Green Ash and American elm. Existing live trees that exceed 3" diameter comprise much less than 50% canopy. Therefore, this area is also not young woodland as defined in Franklin's guidelines.

I concur with Franklin's efforts to preserve the community's remaining natural woodlands but in my opinion the above-mentioned areas are of low ecological value, and furthermore fail to meet the definition of young woodland.,

Please let me know if you need any further clarification on this matter.

Respectfully,

A handwritten signature in black ink that reads "Tom Zagar". The signature is stylized with a long horizontal line extending to the right.

Tom Zagar
ISA Certified Arborist
WI-0541A



Pleasant View Development

Tom Riha <TRiha@franklinwi.gov>

Mon 3/4/2019 11:24 AM

To: Joel Dietl <JDietl@franklinwi.gov>

Cc: 'Rick Przybyla' <rickprzybyla@hotmail.com>

Hi Joel,

I had a chance to measure the spruce trees off 49th St. on 3/4/19. I found that the trees don't meet the size or quantity necessary to qualify as a grove. Only 3 of the spruce trees measured over 12in. The UDO states 8 or more over 12 are necessary. In regards to the other trees on the property I will stick with my original findings that no mature or young woodlands exist on the property. The fragmentation and small area doesn't meet the criteria for canopy coverage.

Please let me know if you need any further information from me.

Tom Riha

City Forester

ISA- Certified Arborist/Municipal Specialist



Franklin Logo Final email w text

APPENDIX C
NAVIGABILITY DETERMINATION

State of Wisconsin
DEPARTMENT OF NATURAL
RESOURCES
Waukesha Service Center
141 NW Barstow, Room 180
Waukesha, WI 53188

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



October 3, 2016

Rick Przybyla
9244 W. Grandview Ct
Franklin WI 53132

INF-SE-41-03710

Subject: Navigability Determination

Dear Mr. Przybyla:

This letter follows your request to the Department of Natural Resources (Department) to conduct a navigability determination for a waterway which flows through your property with a tax key number 7889981001, City of Franklin, Milwaukee County. Department staff visited the property on September 7th, 2016 and determined the waterway to be **non-navigable**.

In Wisconsin, the Supreme Court has defined a navigable waterway as one which has a defined bed and banks and carries enough water to float a canoe or other watercraft during high periods of water. Based on this definition, the waterway is non-navigable. While the waterway did have defined bed and bank much of it was either too narrow or not deep enough to float a watercraft. My assessment of the waterway included reviewing historic Department documentation and database records, USGS topographic maps and aerial photographs. The field investigation was conducted on September 7th, 2016, using standard Department protocol regarding the assessment of physical and biological characteristics.

The waterway in question originates in a wetland complex, flows south through a tree line and under Evergreen Ct. See the attached air photo for the location of the non-navigable waterway.

Please contact me if you have any questions.

Sincerely,

Geri Radermacher
Water Management Specialist

Cc: City of Franklin
ACOE
Mike Doble, Lynch & Associates



Non-Navigable tributary to Root River. Site visit 09/07/2016

APPENDIX D
WETLAND JURISDICTIONAL DETERMINATION & NON-FEDERAL EXEMPTION

State of Wisconsin



2017 Assembly Bill 547

Date of enactment: **March 28, 2018**

Date of publication*: **March 29, 2018**

2017 WISCONSIN ACT 183

AN ACT *to repeal* 281.36 (3r) (a) 4. and 281.36 (3s); *to renumber and amend* 23.321 (1) and 23.321 (5); *to amend* 20.370 (9) (bm), 23.0917 (4) (c) 3., 23.321 (4) (a) 3., 281.36 (3b) (b), 281.36 (3m) (a), 281.36 (3n) (d) 1., 281.36 (3r) (a) (intro.), 281.36 (4) (title), 281.36 (6) (a) (intro.), 281.36 (9) (a) (intro.) and 281.36 (13m); and *to create* 15.347 (22), 23.099, 23.321 (1) (am), 23.321 (2) (d), 23.321 (4) (a) 4., 23.321 (5) (b), 281.12 (2), 281.36 (3r) (am), 281.36 (4n), 281.36 (12m) and 281.37 of the statutes; **relating to**: the regulation and study of wetlands; grants for wetland projects; and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.347 (22) of the statutes is created to read:

15.347 (22) **WETLAND STUDY COUNCIL.** (a) There is created in the department of natural resources a wetland study council consisting of the following members, appointed for staggered 6-year terms:

1. One member who is a representative of a statewide organization representing the business community.
2. One member who is a representative of a statewide organization representing waterfowl interests.
3. One member who is a representative of a statewide organization representing real estate and development interests.
4. One member who is a representative of a statewide organization representing municipal interests.
5. One member who is a representative of a statewide organization representing rural and agricultural interests.
6. One member who is a representative of a statewide land conservation group with a specific interest in wetlands.

7. One member who is a statewide wetland delineator.
8. One member who is a statewide wetland consultant.
9. One member who is a department of natural resources biologist or hydrologist and who is a wetland expert, appointed by the secretary of natural resources.
 - (b) The wetland study council shall research and develop recommendations on all of the following:
 1. The implementation and effectiveness of statewide wetland mitigation programs.
 2. Program elements that would be necessary for the department of natural resources to implement if the department assumes from the federal government the authority to administer the state's own individual and general permit program for the discharge of dredged or fill material into the navigable waters of the state under s. 281.12 (2).
 3. Issues related to the analysis of practicable alternatives that avoid and minimize the adverse impacts of a discharge into a wetland on wetland functional values

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

and that will not result in any other significant adverse environmental consequences.

4. Storm water management ponds and their potential to serve a role in wetland mitigation.

5. Statewide incentive programs for creating, restoring, and enhancing wetlands.

6. Statewide wetland trainings for department of natural resources staff, wetland consultants, and wetland delineators.

7. The simplification of regulations associated with creating wetlands on farm drainage ditches for the purpose of phosphorus pollution retention.

8. Ways to improve the in lieu fee subprogram of the wetland mitigation program, under s. 281.36 (3r) (e), including subcontracting the management of a program to a nonprofit organization.

9. The possibility of a professional, whose wetland delineation work is assured under the department of natural resources' wetland delineation professional assurance initiative, performing a wetland delineation confirmation under s. 23.321 on behalf of the department.

10. Methods of financing wetland mitigation requirements for local units of government.

11. Any other item related to wetlands at the discretion of the council.

SECTION 2. 20.370 (9) (bm) of the statutes, as affected by 2017 Wisconsin Act 59, is amended to read:

20.370 (9) (bm) *Wetland restoration — fees; payments.* From the general fund, all moneys received as surcharge fees under s. 281.36 (11), all moneys received as transfers to the in lieu fee subprogram as provided in s. 281.36 (3s) (h), 2015 stats., and all moneys received under the in lieu fee subprogram under s. 281.36 (3r) (e) for the restoration or creation of wetlands, for the wetland mitigation grant program under s. 281.37. and for any other activities authorized under the in lieu fee subprogram.

SECTION 3. 23.0917 (4) (c) 3. of the statutes is amended to read:

23.0917 (4) (c) 3. Grants under ~~s. ss.~~ 23.098 and 23.099.

SECTION 4. 23.099 of the statutes is created to read:
23.099 Grants for property development relating to wetland mitigation. (1) In this section:

(a) "Department land" has the meaning given under s. 281.37 (1) (a).

(b) "Nonprofit organization" means an organization that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

(2) The department shall establish a program to make grants from the appropriation under s. 20.866 (2) (ta) to nonprofit organizations for property development activities relating to wetlands created, restored, or enhanced under a wetland mitigation grant under s. 281.37 on department land. Property development activities for

which a grant under this section may be awarded include those that increase public access to, awareness about, or recreational use of the new, restored, or enhanced wetland, or that improve habitat in, on, or near, the new, restored, or enhanced wetland.

(3) A nonprofit organization that applies for a grant under this section shall submit the application at the same time that it submits an application for a grant under s. 281.37. The department shall make its determination with respect to both grants at the same time, and may only award a grant under this section if it also awards a grant under s. 281.37.

(4) A grant awarded under this section may not exceed 10 percent of the amount of the related grant awarded under s. 281.37. The department may not issue the grant funding under this section to the grantee until the grantee has certified that the project funded by the grant under s. 281.37 is complete.

SECTION 5. 23.321 (1) of the statutes is renumbered 23.321 (1) (intro.) and amended to read:

23.321 (1) **DEFINITION.** (intro.) In this section, "~~wetland~~";

(b) "Wetland" has the meaning given in s. 23.32 (1).

SECTION 6. 23.321 (1) (am) of the statutes is created to read:

23.321 (1) (am) "Nonfederal wetland" has the meaning given in s. 281.36 (1) (br).

SECTION 7. 23.321 (2) (d) of the statutes is created to read:

23.321 (2) (d) 1. In this paragraph, "qualified 3rd person" means an individual who has completed basic and advanced wetland training and has a minimum of one year of field experience in wetland delineation.

2. A wetland confirmation that consists of a written statement, based upon the department's review of the boundaries of a wetland as delineated by a qualified 3rd person and not based upon an on-site inspection of the land by the department, of whether the department concurs with the delineation. The delineation prepared by the qualified 3rd person shall include the exact location and boundaries of the wetland. The department shall concur with the boundaries of a wetland delineated by a qualified 3rd person unless the department determines that the location and boundaries of the wetland identified in the delineation are not accurate based on maps, aerial photographs, surveys, wetland delineations, or hydrophitic soil conditions. If the department concurs with the boundaries of a wetland delineated by a qualified 3rd person, the department's statement under this paragraph shall also include the exact location and boundaries of the wetland. A wetland confirmation under this paragraph is available only with respect to a nonfederal wetland.

SECTION 8. 23.321 (4) (a) 3. of the statutes is amended to read:

23.321 (4) (a) 3. Provide a wetland confirmation not later than 60 days after a person files a request, in the manner and form required by the department, for a wetland confirmation under sub. (2) (c).

SECTION 9. 23.321 (4) (a) 4. of the statutes is created to read:

23.321 (4) (a) 4. Provide a wetland confirmation not later than 15 days after a person files a request, in the manner and form required by the department, for a wetland confirmation under sub. (2) (d).

SECTION 10. 23.321 (5) of the statutes is renumbered 23.321 (5) (a) and amended to read:

23.321 (5) (a) ~~A~~ Except as provided in par. (b), a wetland identification provided by the department under sub. (2) (b) and a wetland confirmation provided by the department under sub. (2) (c) remain effective for 5 years from the date provided by the department.

SECTION 11. 23.321 (5) (b) of the statutes is created to read:

23.321 (5) (b) 1. A wetland identification provided by the department under sub. (2) (b) and a wetland confirmation provided by the department under sub. (2) (c) or (d) remain effective for 15 years from the date provided by the department if all of the following conditions are met:

a. The wetland is a nonfederal wetland.

b. The parcel of land is subject to a storm water management zoning ordinance enacted under s. 59.693, 60.627, 61.354, or 62.234 or a storm water discharge permit issued under s. 283.33.

2. The department may not invalidate or amend an existing wetland delineation, or require a new wetland delineation, for a parcel to which subd. 1. applies until the wetland identification or confirmation expires.

SECTION 12. 281.12 (2) of the statutes is created to read:

281.12 (2) The department, on behalf of and at the direction of the governor, may submit an application to the federal environmental protection agency under 33 USC 1344 (g) seeking the delegation of authority to this state to administer its own individual and general permit program for the discharge of dredged or fill material into the navigable waters of this state. If the federal environmental protection agency delegates this authority to this state, the department may assume that authority.

SECTION 13. 281.36 (3b) (b) of the statutes, as affected by 2017 Wisconsin Acts 58 and 115, is amended to read:

281.36 (3b) (b) No person may discharge dredged material or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the department under this section or the discharge is exempt under sub. (4), (4m) (a), ~~(4n)~~, or (4r). No person may violate any condition contained in a wetland general or individual permit issued by the department under this section. The department may not

issue a wetland general or individual permit under this section unless it determines that the discharge authorized pursuant to the wetland general or individual permit will comply with all applicable water quality standards.

SECTION 14. 281.36 (3m) (a) of the statutes, as affected by 2017 Wisconsin Acts 58 and 115, is amended to read:

281.36 (3m) (a) *When permit required.* Any person wishing to proceed with a discharge into any wetland shall submit an application for a wetland individual permit under this subsection unless the discharge has been authorized under a wetland general permit as provided in sub. (3g) or is exempt under sub. (4), (4m) (a), ~~(4n)~~, or (4r). Before submitting the application, the department shall hold a meeting with the applicant to discuss the details of the proposed discharge and the requirements for submitting the application and for delineating the wetland. An applicant may include in the application a request for a public informational hearing. The application shall be accompanied by the applicable fee specified in sub. (11) or (12) (a).

SECTION 15. 281.36 (3n) (d) 1. of the statutes, as affected by 2017 Wisconsin Act 118, is amended to read:

281.36 (3n) (d) 1. Except as provided in subd. 2., the department shall require mitigation under the program established under sub. (3r) for wetland individual permits it issues under this subsection and for a discharge that is exempt from permitting requirements under sub. (4n) (b) that affects more than 10,000 square feet of wetland or under sub. (4n) (c) that affects more than 1.5 acres of wetland. This subsection does not entitle an applicant to a wetland individual permit or any other approval in exchange for conducting mitigation.

SECTION 16. 281.36 (3r) (a) (intro.) of the statutes is amended to read:

281.36 (3r) (a) (intro.) The department shall establish a mitigation program that applies only to the issuance of wetland individual permits and that allows and, with respect to a discharge that is exempt from permitting requirements under sub. (4n) (b) that affects more than 10,000 square feet of wetland or under sub. (4n) (c) that affects more than 1.5 acres of wetland, the portion of the affected wetland that exceeds 10,000 square feet or 1.5 acres, respectively. Under the mitigation program, subject to par. (am), the department shall allow mitigation to be accomplished by any of the following methods:

SECTION 17. 281.36 (3r) (a) 4. of the statutes is repealed.

SECTION 18. 281.36 (3r) (am) of the statutes is created to read:

281.36 (3r) (am) For a discharge that is exempt from permitting requirements under sub. (4n) (b) or (c), any off-site mitigation, including any mitigation conducted by a mitigation bank or under the in lieu fee subprogram, shall be completed within the same compensation search

area, as defined by the department by rule, as the discharge.

SECTION 19. 281.36 (3s) of the statutes is repealed.

SECTION 20. 281.36 (4) (title) of the statutes is amended to read:

281.36 (4) (title) EXEMPTIONS; CERTAIN ACTIVITIES.

SECTION 21. 281.36 (4n) of the statutes is created to read:

281.36 (4n) EXEMPTIONS; CERTAIN NONFEDERAL WETLANDS AND ARTIFICIAL WETLANDS. (a) In this subsection:

1. "Artificial wetland" means a landscape feature where hydrophitic vegetation may be present as a result of human modification to the landscape or hydrology and for which the department has no definitive evidence showing a prior wetland or stream history that existed before August 1, 1991, but does not include any of the following:

a. A wetland that serves as a fish spawning area or a passage to a fish spawning area.

b. A wetland created as a result of a mitigation requirement under sub. (3r).

2. "Definitive evidence" means documentary evidence such as any of the following:

a. Maps.

b. Aerial photographs.

c. Surveys that use a scale of not more than 100 feet per inch.

d. Wetland delineations.

3. "Rare and high quality wetland" means a wetland that is directly adjacent or contiguous to a class I or class II trout stream or that consists of 75 percent or more of any of the following wetland types:

a. Alder thicket.

b. Calcareous fen.

c. Coniferous swamp.

d. Coniferous bog.

e. Floodplain forest.

f. Hardwood swamp.

g. Interdunal wetland.

h. Open bog.

i. Ridge and swail complex.

j. Deep marsh.

k. Sedge meadow.

4. "Sewerage system" has the meaning given in s. 281.01 (14).

5. "Urban area" means any of the following:

a. An incorporated area.

b. An area within one-half mile of an incorporated area.

c. An area in a town that is served by a sewerage system.

(b) Subject to par. (e), the permitting requirement under sub. (3b) does not apply to any discharge into a nonfederal wetland that occurs in an urban area and to which all of the following apply:

1. The discharge does not affect more than one acre of wetland per parcel.

2. The discharge does not affect a rare and high quality wetland.

3. The development related to the discharge is carried out in compliance with any applicable storm water management zoning ordinance enacted under s. 59.693, 60.627, 61.354, or 62.234 or storm water discharge permit issued under s. 283.33.

(c) Subject to par. (e), the permitting requirement under sub. (3b) does not apply to any discharge into a nonfederal wetland that occurs outside an urban area and to which all of the following apply:

1. The discharge does not affect more than 3 acres of wetland per parcel.

2. The discharge does not affect a rare and high quality wetland.

3. The development related to the discharge is a structure, such as a building, driveway, or road, with an agricultural purpose.

(d) Subject to par. (e), the permitting requirement under sub. (3b) does not apply to any discharge into an artificial wetland.

(e) 1. A person who proposes a project that may affect a wetland or landscape feature under par. (b), (c), or (d) shall notify the department no fewer than 15 working days before initiating the project. The notice shall include one of the following to show that the wetland or landscape feature is eligible for the relevant exemption:

a. A statement issued by a professional who has investigated the wetland and who is qualified to give such an opinion.

b. A wetland delineation prepared by a qualified professional showing the exact location and boundaries of the wetland.

2. Except as provided in subd. 3., if the department receives the notice and information required under subd. 1., the department shall presume that the wetland or landscape feature is eligible for the exemption unless the department, within 15 working days after receiving notification of the proposed project under subd. 1., notifies the person that one of the following conditions applies:

a. The eligibility requirements are not met.

b. The location and boundaries of the wetland identified in a wetland delineation included with the notification under subd. 1. are not accurate.

c. With respect to an exemption under par. (d) only, the department determines that the landscape feature is providing significant functions that either protect adjacent or downstream property or infrastructure from flooding or significantly improve the water quality of an adjacent or downstream water body.

3. If the department receives the notice and information required under subd. 1. but is unable to determine based on that information whether the eligibility require-

ments are met, the department may, within 15 working days after the notification under subd. 1., notify the person one time to request additional information about the parcel of land. The person shall cooperate with the department's efforts to obtain information about the relevant parcel of land and may proceed with the project only upon notification that the department has determined the landscape feature to be eligible for the exemption based on the definitive evidence.

4. If, within 15 working days after the notification is delivered to the department, the department notifies the person that subd. 2. a., b., or c. applies, the person may not proceed with the project unless authorized by, or otherwise exempted from, a wetland general or individual permit under this section.

SECTION 22. 281.36 (6) (a) (intro.) of the statutes, as affected by [2017 Wisconsin Act 115](#), is amended to read:

281.36 (6) (a) (intro.) The department shall promulgate rules to interpret and implement the provisions under subs. (4), [\(4n\)](#), (4r), and (5). In promulgating these rules, the department shall do all of the following:

SECTION 23. 281.36 (9) (a) (intro.) of the statutes, as affected by [2017 Wisconsin Act 115](#), is amended to read:

281.36 (9) (a) (intro.) For purposes of determining whether to issue a wetland individual permit, whether authorization to proceed as authorized under a wetland general permit is appropriate, or whether an exemption under sub. (4), [\(4n\)](#), or (4r) is appropriate, and for purposes of enforcing this section, any employee or other representative of the department, upon presenting his or her credentials, may do any of the following:

SECTION 24. 281.36 (12m) of the statutes is created to read:

281.36 (12m) LOCAL REGULATION OF NONFEDERAL OR ARTIFICIAL WETLANDS. A local government may not enact an ordinance or adopt a resolution regulating a matter regulated under sub. (3n) (d) 1. or (3r) (a) (intro.) or (am), with respect to a discharge exempt from permitting requirements under sub. (4n) (b) or (c), or a matter regulated under sub. (4n). If a local government has in effect on the effective date of this subsection [LRB inserts date], an ordinance or resolution regulating nonfederal wetlands or artificial wetlands, the ordinance or resolution does not apply and may not be enforced.

SECTION 25. 281.36 (13m) of the statutes is amended to read:

281.36 (13m) REPORT TO LEGISLATURE. No later than January 31, 2003, and no later than January 31 of each subsequent odd-numbered year, the department shall submit to the legislature under s. 13.172 (2) a report that provides an analysis of the impact of the implementation of mitigation on wetland resources and on the issuance of permits or other approvals under ss. 59.692, 61.351, 61.353, 62.231, 62.233, 87.30, 281.11 to 281.47 or 281.49 to 281.85 or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299. The department shall include in its report a

discussion of proposals and projects under the property development grant program under s. 23.099.

SECTION 26. 281.37 of the statutes is created to read:
281.37 Wetland mitigation grant program. (1) In this subsection:

(a) "Department land" means land owned by or under easement to the state that is under the jurisdiction of the department and used for one of the purposes specified in s. 23.09 (2) (d).

(b) "Mitigation program" means the wetland mitigation grant program established under sub. (2).

(c) "Nonprofit organization" means an organization that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

(2) The department shall establish a wetland mitigation grant program under which it awards grants to nonprofit organizations to conduct projects to create, restore, or enhance wetlands under the in lieu fee subprogram in s. 281.36 (3r) (e) on department land as provided in this subsection.

(3) No later than 6 months after the effective date of this subsection [LRB inserts date], the department shall identify department land that is appropriate to include in the mitigation program. The department shall identify no less than 25 percent of department land for this purpose. The land identified shall include land in every watershed in the state.

(4) (a) No later than 3 months after completion of the land identification stage under sub. (3) or at the beginning of the following fiscal year, whichever is earlier, and no later than July 1 of each subsequent year, the department shall issue a request for proposals from nonprofit organizations for grants to conduct wetland mitigation projects on department land identified under sub. (3). The issuance of each new request for proposal begins a new grant cycle.

(b) The department shall require applications for grants under this section to include all of the following:

1. The scope of the proposed project.
2. A project timeline.
3. If possible, a specification of the functional values or uses listed in s. NR 103.03 (1), Wis. Adm. Code, that the project area does not provide or only sparsely provides.

4. A specification of the functional values or uses listed in s. NR 103.03 (1), Wis. Adm. Code, that the proposed project would create, restore, or enhance.

5. All information required to be submitted for approval to the U.S. army corps of engineers under [33 CFR part 332](#) and the Wisconsin Wetland Conservation Trust program instrument.

(c) After issuing the request for proposals under par. (a), the department shall accept grant applications on a rolling basis over the course of a fiscal year. The department shall select and announce grant recipients under this

subsection at the end of each quarter as funds are available.

(5) (a) If an application under sub. (4) is approved, the grantee and the department, in consultation, shall identify all department permits required for the grantee to conduct the project. The department shall waive all permit fees for the grantee in relation to department permits required to conduct the project.

(b) Notwithstanding timelines otherwise established for individual permits, within 60 days of receiving the grantee's application for an individual permit that is required to conduct the project, the department shall render a decision issuing, denying, or modifying the permit, and the department shall adjust all other deadlines relating to the review of the application accordingly.

(7) (a) The department shall pay out a grant under the mitigation program quarterly unless the department determines that more frequent payments are necessary to fulfill the objectives of the grant program. The department shall withhold the final payment until the grantee certifies that the project is complete.

(b) If the grantee fails to certify that the project is complete by the date indicated for completion in its application, the department shall use the remaining unpaid grant amount to either complete the project or contract with or issue a grant to another nonprofit organization to complete the project. An organization that fails to certify completion of a project by the date indicated in its application for completion is not eligible for a new grant under the mitigation program for 2 grant cycles.

(c) The department may agree to a modified deadline for the project if unusual or unforeseen circumstances cause a delay. If the department agrees to a modified deadline, the consequences under par. (b) apply only if the grantee fails to certify that a project is complete by the date indicated in that agreement.

(8) Before 6 months have elapsed after the 5th anniversary of the department's first issuance of a request for proposals under sub. (4), the department shall submit to the legislature under s. 13.172 (2) a report analyzing the effectiveness of the first 5 years of the mitigation program and making recommendations for changes to the program.

SECTION 27. Nonstatutory provisions.

(1) FEDERAL REVIEW OF MITIGATION PROJECTS. The department of natural resources may submit a request to the U.S. army corps of engineers that the U.S. army corps of engineers move up all deadlines relating to its review and approval of wetland mitigation project proposals under the in lieu fee subprogram under section 281.36 (3r) of the statutes so that the time it takes for the U.S.

army corps of engineers to approve such a proposal is shortened. The department of natural resources may submit a request to the U.S. army corps of engineers to approve a modification to the Wisconsin Wetland Conservation Trust program instrument in order to implement the mitigation grant program established under section 281.37 of the statutes.

(2) APPOINTMENT OF MEMBERS OF WETLAND STUDY COUNCIL. The governor shall appoint the members of the wetland study council under section 15.347 (22) (a) 1. to 8. of the statutes and the secretary of natural resources shall appoint the member of the wetland study council under section 15.347 (22) (a) 9. of the statutes no later than 6 months after the effective date of this subsection.

(3) INITIAL TERMS FOR WETLAND STUDY COUNCIL MEMBERS. Notwithstanding section 15.347 (22) of the statutes, of the members of the wetland study council who are appointed as initial members, 3 members shall serve for a 2-year term and 3 members shall serve for a 4-year term.

SECTION 28. Initial applicability.

(1) NONFEDERAL WETLAND DELINEATIONS.

(a) Except as provided in paragraph (b), the renumbering and amendment of section 23.321 (1) and (5) of the statutes and the creation of section 23.321 (1) (am) and (5) (b) of the statutes first apply to a wetland identification provided by the department of natural resources under section 23.321 (2) (b) of the statutes and a wetland confirmation provided by the department of natural resources under section 23.321 (2) (c) of the statutes for a nonfederal wetland on January 1, 2003.

(b) The renumbering and amendment of section 23.321 (1) and (5) of the statutes and the creation of section 23.321 (1) (am) and (5) (b) of the statutes first apply to a wetland identification and wetland confirmation under paragraph (a) even if the wetland identification or wetland confirmation expired prior to the effective date of this paragraph unless a more recent wetland identification or wetland confirmation was provided by the department of natural resources showing a wetland on the parcel and a discharge was carried out in the wetland in compliance with a permit under section 281.36 of the statutes prior to the effective date of this paragraph.

SECTION 29. Effective dates. This act takes effect on the day after publication, except as follows:

(1) PERMIT EXEMPTIONS FOR CERTAIN NONFEDERAL WETLANDS AND ARTIFICIAL WETLANDS. The treatment of section 281.36 (3b) (b), (3m) (a), (3n) (d) 1., (3r) (a) (intro.) and (am), (4) (title), (4n), (6) (a) (intro.), and (9) (a) (intro.) of the statutes takes effect on July 1, 2018.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

October 27, 2020

Regulatory File No. 2020-01931-MHK

Shyann Banker
Evergreen Consultants LLC
2918 Van Hoof Road
Green Bay, Wisconsin 54313

Dear Ms. Banker:

This letter regards an approved jurisdictional determination for the property located at 7475 S. 49th Street in the City of Franklin. The site is in Section 11, Township 5 North, Range 21 East, Milwaukee County, Wisconsin. The review area for our jurisdictional determination for Wetland 1 and 2 is identified on the enclosed figures labeled, 2020-01931-MHK Figure 1 and 2.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

If you have any questions, please contact me in our Brookfield office at (651) 290-5733 or Marie.H.Kopka@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

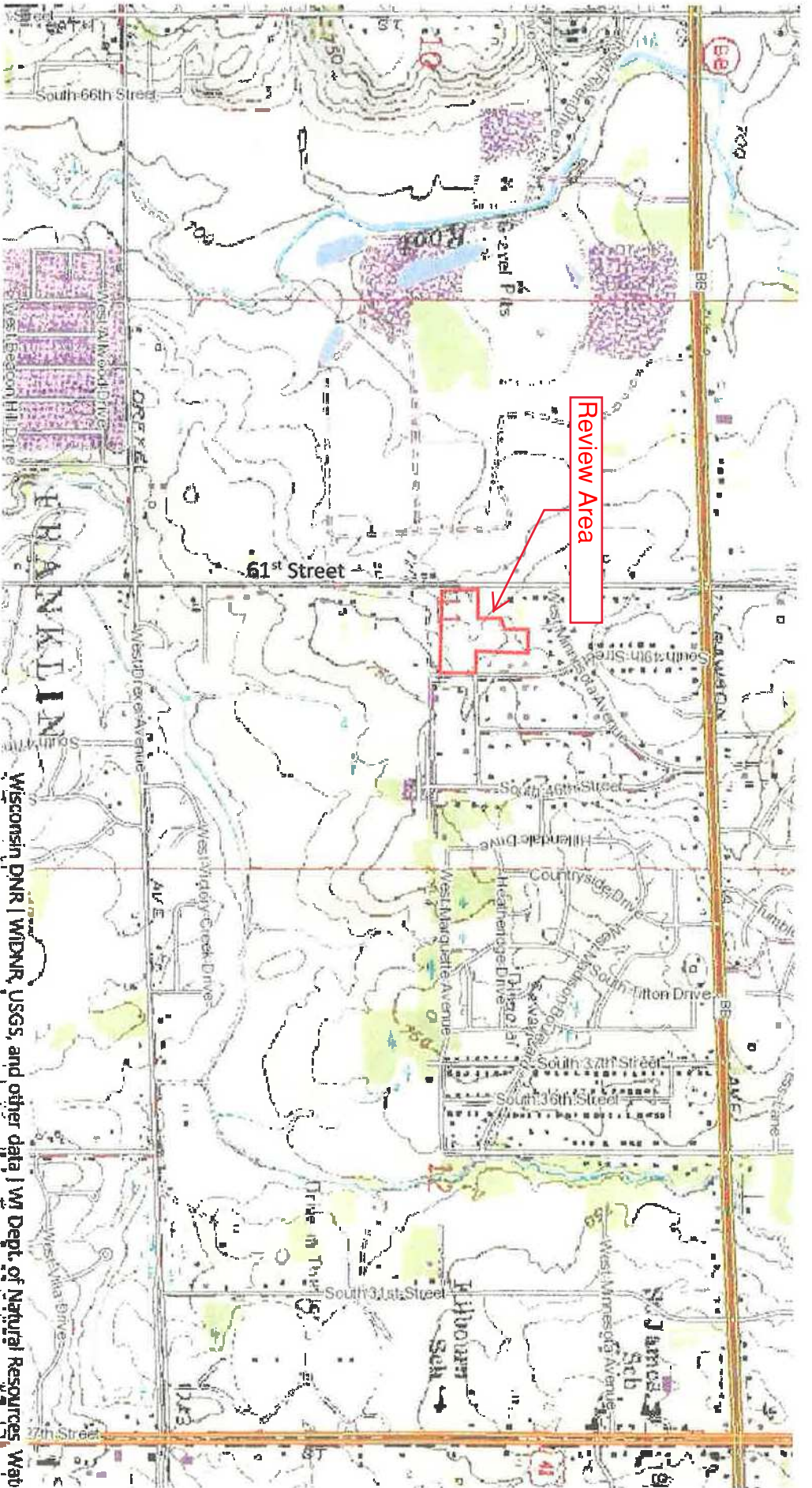
A handwritten signature in black ink that reads "Marie H. Kopka".

Marie H. Kopka
Lead Project Manager

Regulatory Branch (File No. 2020-01931-MHK)

Enclosures

Cc: Ryan Pappas, Wisconsin DNR
Ben LaCount, Evergreen



49th & Marquette Ave., Franklin WI
Location and USGS Topographic Map
Figure 1

 Project
Area in red



Marquette Ave North
 Wetland Map
 7475 S 49th Street
 City of Franklin
 Milwaukee County, WI



Legend

- Site Boundary
- Picture Location
- Wetland Line
- Wetland
- Catch Basin
- Culvert
- Parcels

Project: MIL20-016-06



Note: Wetlands Delineated by Alice Thompson, October 31, 2017 and mapped by Metropolitan Survey Service, Inc.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 10/27/2020
 ORM Number: MVP-2020-01931-MHK (Wetland 1, 2)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: WI City: Franklin County/Parish/Borough: Milwaukee
 Center Coordinates of Review Area: Latitude 42.909788 Longitude -87.978141

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1 Wetland 2	0.29 0.06	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 and 2 do not abut one point or side of an (a)(1)-(3) water. Wetland 2 is within a depressional basin surrounded by upland with no inlets/outlets. Wetland 1 does outlet into a roadside ditch to the west; however, the ditch is not an (a)(1)-(3) water. Based on the U.S. Geological Survey, aerial photos, site photos, and FEMA map, these wetlands would not be flooded by an (a)(1)-(3) water in a typical year. There is no natural or artificial berm, bank, dune or similar feature that is physically separating these wetlands from an (a)(1)-(3) water. The closest (a)(1)-(3) water is the East Branch Root River approximately 2860 linear feet to the south.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Thompson & Associates Wetland Delineation Report dated 10-31-2017](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: 2019 \(Google Earth Street View\); 2017, 2015, 2013, 2010, 2008, 2006, 2005, 2002, 2001, 2000, 1999, 1998, 1997, 1996, 1995 \(NAIP and FSA in delineation report\); 2017 \(site photos from delineation report and JD request\)](#).

Corps site visit(s) conducted on: [Date\(s\)](#).

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Milwaukee County](#)

USFWS NWI maps: [provided within JD request](#)

USGS topographic maps: [1:24K WI-Greendale](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	Wisconsin DNR Surface Water Data Viewer ; Wisconsin Wetland Inventory
Other Sources	FEMA map ; Milwaukee County 1-foot contour map provided with request

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Evergreen Consultants LLC (Shyann Banker)		File No.: 2020-01931-MHK	Date: October 27, 2020
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Marie Kopka
U.S. Army Corps of Engineers
250 Sunnyslope Road, Suite 296
Brookfield, Wisconsin 53005

651-290-5733

If you only have questions regarding the appeal process you may also contact the Division Engineer through:

Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Lisa Van Handel

From: Ben LaCount <ben@evergreenwis.com>
Sent: Monday, November 23, 2020 4:07 PM
To: Grant Duchac
Subject: Fwd: Marquette Ave North, Non-Federal Wetland Exemption Request-HOLD, City of Franklin, Milwaukee County
Attachments: _4286.pdf

{EXTERNAL EMAIL}

Here is the letter we discussed. Let me know if you have any questions.
Thanks,

Benjamin J. LaCount
PLS, Planner
WI Professionally Assured Wetland Delineator
920-265-4105
ben@evergreenwis.com



2918 Van Hoof Road
Green Bay, WI 54313

----- Forwarded message -----

From: Pappas, Ryan J - DNR <Ryan.Pappas@wisconsin.gov>
Date: Mon, Nov 23, 2020 at 4:01 PM
Subject: Marquette Ave North, Non-Federal Wetland Exemption Request-HOLD, City of Franklin, Milwaukee County
To: mcudney@veridianhomes.com <mcudney@veridianhomes.com>, shyann@evergreenwis.com <shyann@evergreenwis.com>, ben@evergreenwis.com <ben@evergreenwis.com>, Pearce, Thomas K - DNR <Thomas.Pearce@wisconsin.gov>, Nedland, Thomas S - DNR <Thomas.Nedland@wisconsin.gov>, Brown, Joshua A - DNR <JoshuaA.Brown@wisconsin.gov>

Good Afternoon Shyann, Ben and Matt,

Thank you for submitting a non-federal wetland exemption request for a wetland area in the City of Franklin. I hope you are doing well. I have reviewed your non-federal wetland exemption request - urban track (**EXE-SE-2020-41-03780**) in the City of Franklin, Milwaukee County which will be impacting 0.352 acres of rudimentary fresh wet meadow wetland on a parcel. Non-federal wetland impacts between 10,000 square feet and 1 acre per parcel are eligible for the exemption, but require the purchase of wetland mitigation credits to compensate for the wetland losses. The review of your application will be placed on HOLD, until the mitigation requirement as described below has been satisfied. These credits may only be held available for you for a specific period of time, and cannot be guaranteed if this requirement isn't satisfied in a timely manner. More details will follow. These impacts will require the following wetland mitigation requirements:

Total non-federal wetland impact = 15,352 square feet – 10,000 square feet (non-federal reduction) = 5,352 square feet (0.12 acres)

0.12 square feet X 1.45: 1 ratio = 0.17 mitigation credits required

Wisconsin DNR has determined that mitigation for the above mentioned wetland impact located in the City of Franklin, Milwaukee County, NW ¼ of the SE ¼ section 11 Township 5N Range 21E, will be accomplished through the purchase of Wisconsin Wetland Conservation Trust (WWCT)(In-Lieu Fee program) mitigation credits. This was determined as there are no private wetland mitigation banks credits available in the SW Lake Michigan service area, and there is ILF credits available within this service area.

Wetland Conservation Trust Credits:

Please contact the Wisconsin DNR Wetland Conservation Trust Program (Tom Pearce, 608-264-8554, Thomas.Pearce@wisconsin.gov) and purchase the following credits to satisfy this mitigation requirement:

0.12 acres X 1.45: 1 ratio = 0.17 mitigation credits

To help facilitate these purchases, Tom Pearce (DNR Wetland Conservation Trust Program) has been copied on this email.

Once you receive an affidavit of purchase from the ILF Program, please forward that information to Tom Nedland and I. Please note that DNR cannot issue our non-federal exemption approval until we receive the affidavit of credit purchases. Therefore our review of your application will be placed on HOLD, until these requirements have been satisfied. Please let me know if you have any questions or concerns regarding this email. Thank you and have a great day,

Ryan

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Ryan Pappas

Water Management Specialist-Waterways and Wetlands
Wisconsin Department of Natural Resources
1155 Pilgrim Road

Plymouth, WI 53073
Phone: (715) 492-0200
Ryan.Pappas@wisconsin.gov



Notice: Pursuant to § 281.36, Wis. Stats., this Mitigation Summary Worksheet (MSS) must be completed in its entirety and submitted to the Department of Natural Resources (DNR) prior to the required pre-application meeting set up by the DNR. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin Open Records law [§§ 19.31 – 19.39, Wis. Stats.]

This MSS is required for Wisconsin Department of Natural Resources Wetland Individual Permit (IP) applications as wetland compensatory mitigation is required for all issued IP projects. The applicant, or authorized representative, shall complete all fields below and submit this MSS along with their required pre-application materials in advance of the mandatory pre-application meeting. A final version of the MSS shall then be re-submitted along with the final IP application following completion of the pre-application meeting reflecting any resulting alterations to the proposed project representing the final wetland compensatory mitigation details.

<input checked="" type="checkbox"/> Preliminary mitigation summary sheet		<input type="checkbox"/> Final mitigation summary sheet		
CONTACT INFORMATION		APPLICANT		AUTHORIZED REPRESENTATIVE
Name (Last, First, Middle Initial)		Matt Cudney		Benjamin J. LaCount
Title		Vice President of Operations		Consultant
Organization / Entity		Veridian Homes		Evergreen Consultants
Mailing Address		N60W21555 Legacy Trail		2918 Van Hoof Road
City, State, Zip Code		Menomonee Falls, WI 53051		Green Bay, WI 54313
Email Address		mcudney.@veridianhomes.com		ben@evergreenwis.com
Phone Number (incl. Area Code)		608-226-3016		920-265-4105
PROJECT INFORMATION				
Project Name		Residential Subdivision Franklin South		
Mitigation Service Area		Lake Michigan - Southeast		
Latitude---Longitude Coordinates		42.91011 -87.97856		
Municipality Location (City, Village, Town)		City of Franklin		
Township --- Range --- Section		Section 11, T05N-R21E		
County Location		Milwaukee		
Project Description (including description of wetland impact)		Construct new subdivision		
PROPOSED UNAVOIDABLE WETLAND IMPACTS BY COVER TYPE AND DELINEATED ACREAGE				
Acreage (to nearest 0.01)		Wetland Cover Type		
		Shallow, Open Water		
		Deep and Shallow Marshes		
		Sedge Meadows		
0.35 Acres - 0.23 Acres = 0.12 Acres		Fresh (Wet) Meadow		
		Wet to Wet-Mesic Prairie		
		Calcareous Fens		
		Bogs (Open or Coniferous)		
		Shrub – Carr or Alder Thicket		
		Hardwood or Coniferous Swamps		
		Floodplain Forests		
		Seasonally Flooded Basins		
CHECK SELECTION	PROPOSED COMPENSATORY MITIGATION	EXPLAIN WHY TYPE WAS CHOSEN / LIST CONTACTED PARTY	EXPLAIN WHETHER CREDITS ARE AVAILABLE	
<input type="checkbox"/>	Credit Purchase: Mitigation Bank		Credits are not available	
<input checked="" type="checkbox"/>	Credit Purchase: WI Wetland Conservation Trust (In-Lieu Fee)	No Credits available in the SW Lake Michigan Service Area		
<input type="checkbox"/>	Permittee Responsible Mitigation			