

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>08/21/18</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF THE MILWAUKEE COUNTY DEPARTMENT OF ADMINISTRATIVE SERVICES, APPLICANT, BPC COUNTY LAND, LLC, PROPERTY OWNER, FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.6.</i></p>
<p>At their meeting on July 25, 2018, the Environmental Commission recommended approval of the subject Special Exception to certain natural resource provisions of the Unified Development Ordinance. The Environmental Commission's Special Exception Application Review and Recommendation form, dated July 25, 2018, is attached.</p> <p>At the regular meeting of the Plan Commission on August 9, 2018, following a properly noticed public hearing, the following action was approved: move to recommend approval of the Milwaukee County Department of Administrative Services Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission, and Common Council consideration of the Environmental Commission recommendations.</p> <p>A public hearing was held on August 9, 2018, before the City of Franklin Plan Commission to receive public comment on the request by the Milwaukee County Department of Administrative Services for a special exception to certain natural resource provisions of the Unified Development Ordinance. After an introduction and brief summary by staff, Alderman Dandrea read into the record an email received by the City from Mr. Andy Kleist regarding concerns with the subject matter. No other persons spoke during the public hearing.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of the Milwaukee County Department of Administrative Services, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.</p>		

Department of City Development: JED

*Draft 8/15/18*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of Milwaukee County  
Department of Administrative Services, applicant, BPC County Land, LLC, property  
owner, for a Special Exception to Certain Natural Resource Provisions of the City of  
Franklin Unified Development Ordinance

Whereas, Milwaukee County Department of Administrative Services, applicant, BPC County Land, LLC, property owner, having filed an application dated June 6, 2018, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated July 25, 2018 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated August 9, 2018 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at approximately 7900 West Crystal Ridge Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: "The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant."

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated June 6, 2018, by Milwaukee County Department of Administrative Services, applicant, BPC County Land, LLC, property owner, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *But rather, the winter trail will be constructed outside the limits of the winter snow operations with the intention to keep the trail open year round. Keeping the trail open year round is a grant funding source requirement.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: *Alternative routes for the winter trail are very limited due to needing to stay clear of the winter snow operations area, not interrupting other seasonal activities such as the Hills Have Eyes, not causing hydraulic impacts to the Root River floodplain due to construction, and maintaining acceptable standards for trail construction including ADA grades on the trail. The trail was fit into the site to best address the items above and minimize natural area impacts.*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *N/A.*

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *The proposed paved trail provides a winter by-pass route for a longer segment of the Oak Leaf Trail being constructed at The Rock Sports Complex. The existing trail lies at the base of the ski/tubing hill and will not be accessible during the winter due to snow cover.; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The criteria associated with the grant funding used for construction of the original trail and proposed winter trail; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The loss of wetland and buffer, along with loss of wooded area, will be mitigated at the rate required by the City UDO. Review*

*with WDNR and Federal agencies concluded there are no threatened or endangered species or species of special concern at this location, including the Northern Long Eared Bat and the Rusty Patch Bumble Bee.; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *N/A (this finding only applying to an application to improve or enhance a natural resource feature).*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *Alternative routes for the winter trail are very limited due to the need to stay clear of the winter snow operations area, not interrupting other seasonal activities such as the Hills Have Eyes, not cause hydraulic impacts to the Root River floodplain due to construction , and maintain acceptable standards for trail construction including ADA grades on the trail.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *Winter snow operations would need to be halted to allow plowing of the original trail to keep it open year round to meet the Federal funding requirements. If winter snow operations continue, the original trail would be closed for winter due to snow cover which may require the County to pay back the Federal share of the original trail cost.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The longer trail segment started in 2017 was routed outside of the environmental corridor at the base of the tubing/ski hill. This alternative was established to minimize and avoid natural area impacts. Resurgence of the winter snow operation has caused the original trail to be unusable through the winter months. The requirements to keep the trail open year round has resulted in the winter trail route, which has been routed to minimize natural area impacts.*

4. Aesthetics: *The design standard used for bike trail development associated with the Federal funding administered through the WisDOT has minimum standards for vertical and horizontal alignment, clearance from trees, etc. Within the narrow corridor available for the winter trail, these standards further limit the alternatives.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The proposed winter trail alignment is set to minimize natural area impacts within the*

*limited corridor available for the by-pass trail. There are no alternatives within the available corridor that will completely avoid natural area impacts.*

6. Proximity to and character of surrounding property: *The Root River is north of the proposed winter trail route a sufficient distance that puts the trail construction outside the shore buffer and 100 year recurrence interval flood plain. The winter trail will be routed across a narrow upland wetland.*

7. Zoning of the area in which property is located and neighboring area: *Planned Development District No. 37 and FW Floodway District.*

8. Any negative affect upon adjoining property: *Erosion control silt fence will be installed and maintained during construction and until adequate vegetated cover and/or wildlife friendly erosion control matting is placed over disturbed areas. Permanent Turf Reinforcement Matting or riprap will be placed at strategic locations to provide long term protection against erosion where storm/melting snow runoff may concentrate. The proposed winter trail will be paved with asphalt along the sides of the trail which will provide a vegetated buffer for runoff from the paved surface.*

9. Natural features of the property: *Mature woodlands, wetland, wetland buffer, and wetland setback to be impacted. Floodplain and shore buffers immediately adjacent.*

10. Environmental impacts: *Clear, grade, fill and develop approximately 115 square feet of wetland, 1,740 square feet of wetland buffer, and 1,160 square feet of wetland setbacks.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of July 25, 2018 is incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions:*

- 1) that the natural resource features and mitigation areas upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted prior to issuance of any Occupancy Permits;*
- 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;*
- 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Milwaukee County Department of Administrative Services, applicant, BPC County Land, LLC, property owner, and all other applicable provisions of the Unified Development Ordinance.*
- 4) Other...*

*The duration of this grant of Special Exception is permanent.*

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

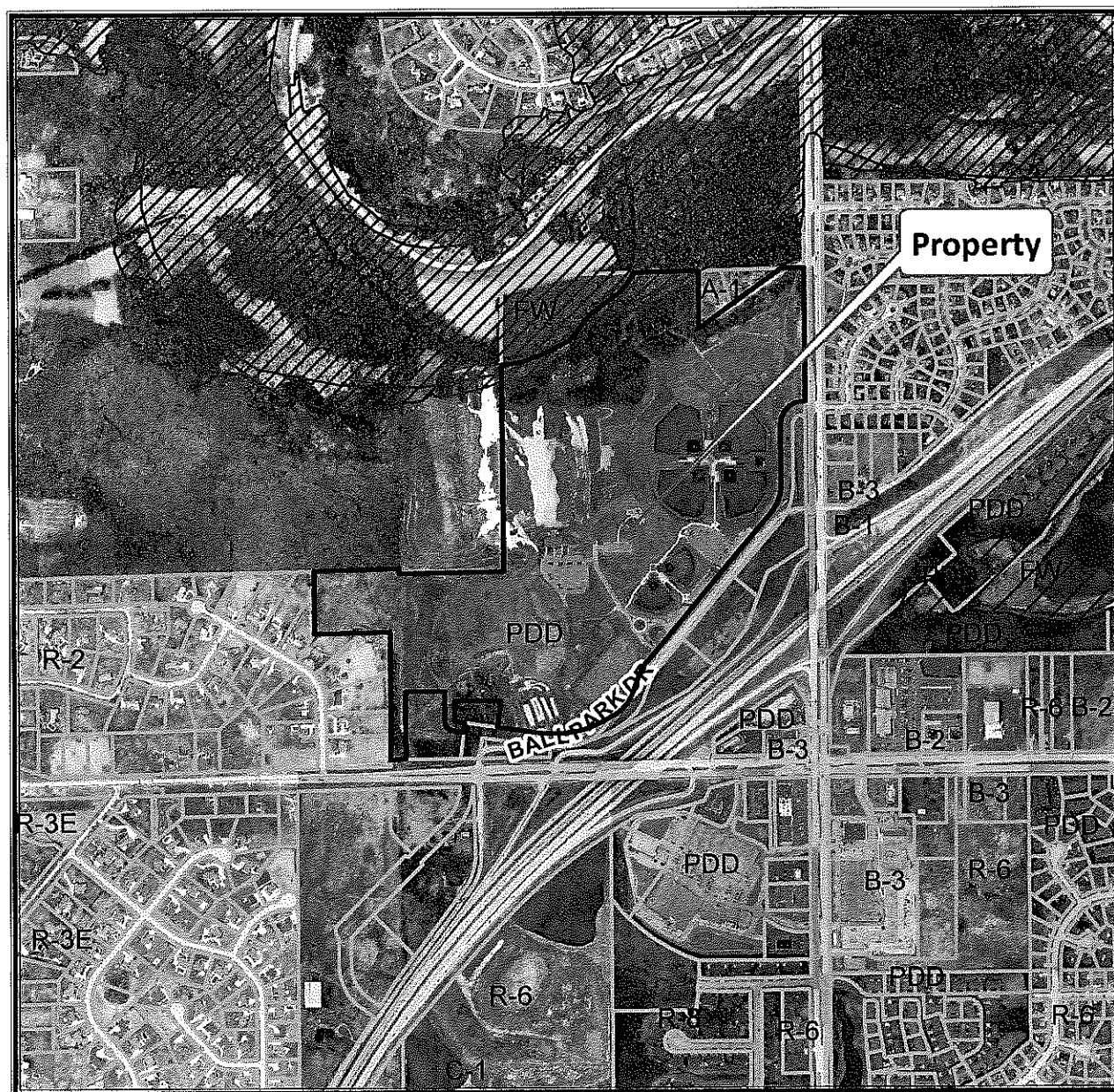
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

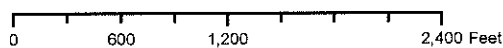
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

7900 W. Crystal Ridge Drive



**Planning Department  
(414) 425-4024**



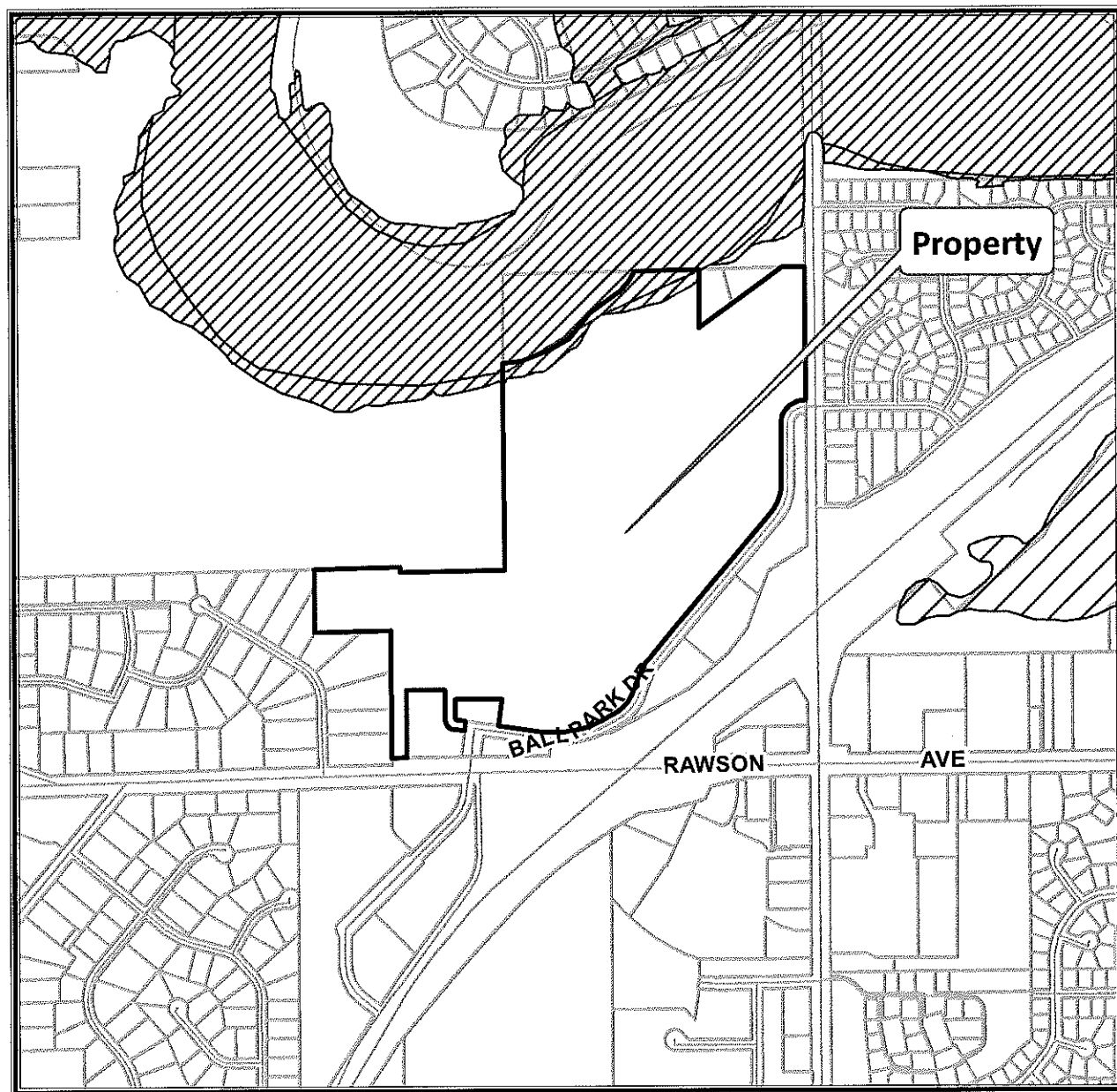
**NORTH**

2017 Aerial Photo

*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.*



## 7900 W. Crystal Ridge Drive



**Planning Department**  
**(414) 425-4024**

0 600 1,200 2,400 Feet



2017 Aerial Photo

*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.*



DEPARTMENT OF ADMINISTRATIVE SERVICES

# Milwaukee County



May 24, 2018  
Revised July 12, 2018

Bike and Ped Connectivity – Root River Parkway & Surrounding Area  
Oak Leaf Trail Construction at The Rock Sports Complex  
County Project No. P492-16618  
State Project ID 2976-00-71

## PROJECT SUMMARY

### Project Description

The project creates an extension of the Oak Leaf Trail (OLT), a non-motorized and multiple-use trail owned and operated by Milwaukee County. This extension will provide non-motorized vehicular access between the Rock Sports Complex and surrounding commercial developments, the City of Franklin Commercial Center, surrounding residential areas, the historic Root River Parkway, and the existing OLT System as well as the proposed Franklin/Muskego bike trail systems. The trail will be constructed on Milwaukee County lands, lands recently acquired by Ball Park Commons and existing public right of way. The trail extension is in both the Village of Greendale and City of Franklin.

The trail improvements include construction of a 10-foot wide asphalt path from the historic Root River Parkway with a pedestrian/bicycle bridge over the Root River. The path will be routed along the base (north side) of the ski hill at The Rock Sports Complex. The path will continue to the east and then to the south through the sport complex which is a closed-landfill site, formerly owned by Milwaukee County. All construction will be off-road until reaching Crystal Ridge Drive. The path will continue on existing roads (no construction required) from Crystal Ridge Drive to the northeast until 76<sup>th</sup> Street where it will cross and continue to the east along Old Loomis Road to its end. From there, about 900 feet of ten feet wide asphalt path will be constructed ending at 68<sup>th</sup> and Loomis Road which will complete the path. This trail route was selected because the path would be less steep and safer as it crosses The Rock Sports Complex, and minimize impacts to natural resource areas such as woodlands and wetlands.

The major portion of the OLT extension was under construction in 2017, including the portion of the trail routed along the base of The Rock ski hill. That portion of the trail will be closed during the skiing and tubing season. Trail construction will be completed in 2018 including an additional "winter trail extension" that will provide a route around the base of the ski and tubing hill to allow for year round use of the trail. Year round operation of the trail is a condition of the FHWA Transportation Alternative Program (TAP) grant used to fund the project. Although the grant requires the trail to be open year round, given the grades, curves, side slopes, drainage and

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PHONE NUMBER: Architecture & Engineering 278-4861

FAX NUMBER: Architecture & Engineering 223-1366

low lands along the a large portion of the trail, there may be times when the trail is closed due to safety concerns for staff clearing snow or icy conditions for trail users.

Bicycle facilities play an important role in moving people, many of whom rely on or choose the bicycle for their main or only mode of transportation. Because thousands depend on this mode of transportation for economic, social, and recreational purposes, the goals of promoting bicycle travel opportunities is a high priority in urban areas. Federal, State and Local transportation legislation, goals, and policies highlight the importance of bicycle travel and promoting opportunities and choices that meet the needs of individuals and society as a whole. The proposed trail construction intends to contribute to mobility and accessibility to area recreational facilities, residential units, and commercial districts. The proposed action is intended to enhance and supplement existing transportation systems by providing linkage to a wide array of community resources.

#### Summary of Alternatives

**Alternative #1 – No Build/No Action:** This alternative proposes to do nothing and continue to let pedestrian and bicyclists travel on the parkway drive in close proximity to vehicular traffic. This alternative would not require a capital expense and would not involve environmental impacts. This alternative is considered unacceptable as it does not meet the purpose and need for the project, which is to provide a more direct, primarily off-road access to recreation, business and housing areas. It does serve as a baseline for a comparison of impacts related to the preferred alternative.

**Alternative #2-Route West of the Ski Hill:** This alternative proposes to build a ten foot wide multiple-use asphalt path from the Root River Parkway to the south, including a bike/pedestrian bridge over the Root River, along the western and southern edge of a man-made ski hill at The Rock Sports Complex. Once at The Rock Sports Complex parking lot the trail would be designated on existing roads. This would be accomplished with the use of trail signs. Roadways designated as trail would not be altered (no construction). The trail will exit The Rock Sports Complex and continue to the northwest on Crystal Ridge Drive where it crosses South 76th Street and then follows Old Loomis Road to the east. Construction of about 900ft of trail connecting Old Loomis Road with the existing OLT at the intersection of 68th Street and Loomis Road completes the trail extension. This alternative was not adopted because the northern run of the path on the western edge of the ski hill at The Rock Sports complex would have created a steeper gradient (approximately 9%), which is not within the Outdoor Developed Area ADA guidelines, and the west side of the ski hill is not stable for the type of grading required to construct the trail.

**Alternative #3 Route East of the Ski Hill–Recommended Alternative:** This alternative proposes to build a ten foot wide multiple-use asphalt path from the Root River Parkway to the south identical to Alternative #2 except that at a point north of the ski hill at the Rock Sports Complex the path runs east along the northern edge of the ski hill and then south again on the east side of the ski hill. The remainder of the path is identical. This alternative has been selected because it has a less steep gradient than Alternative #2. There are also less trees that could require removal with this alternative. Both Alternative #2 and #3 allow for the reduction of emissions and traffic congestion, promote opportunities to increase non-motorized travel and improve system and modal linkage by providing a safer alternative to riding bicycles on the existing roadways.

**Alternative #3 Route East - Winter Trail Extension– Recommended Alternative:** This alternative proposes to build a 1,100 foot-long, ten foot wide multiple-use asphalt path bypassing ski

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operations at The Rock Sports Complex. This alternative is preferred because it allows the OLT Root River Extension to remain open during the winter months. Alternative #3 allows for the reduction of emissions and traffic congestion, promote opportunities to increase non-motorized travel and improve system and modal linkage by providing a safer alternative to riding bicycles on the existing roadways, where Alternative 1 does not.

#### Project Costs

The total project cost is estimated at \$1,050,000. The cost includes the 1100 foot long "winter trail" segment that is estimated at \$160,000.

#### Project Schedule

Trail construction was started in 2017 for the majority of the OLT extension. Completion of the portion started in 2017 and construction of the proposed "winter trail" segment will be completed in 2018.

#### Status Agency Permits

A wetland permit application to the WDNR has been submit. A field visit with WDNR staff was held in November 2017 to walk the proposed winter trail route. A USACE permit application was jointly submitted with the WDNR permit. The narrow wetland area within the City of Franklin that the proposed winter trail crosses was determined to be exempt by the WDNR in a letter dated April 9, 2018. A jurisdictional determination has been requested from the USACE, which has not been provided as yet. Should the USACE also determine the wetland is not within their jurisdiction, the City of Franklin natural protection standards would not apply to the narrow wetland, wetland buffer and the wetland setback. However, the County will proceed with mitigating the impacted narrow wetland as discussed below and shown on the mitigation plan.

#### Natural Resource Preservation

The Natural Resources Special Exception (NRSE) Question and Answer Form is attached.

- Please note that this NRSE is separate and in addition to the previous NRSE for the overall Ballpark Commons project, which was approved by the Common Council on January 9, 2018 and amended on June 5, 2018.
- Woodland clearing within City of Franklin tax key parcel 744-8980-001 for development of the winter trail is 0.12 acres. The total area of existing mature woodland within the parcel prior to trail development is 5.44 acres. The percent of the woodland remaining is 97.7 percent. Tree planting mitigation is not required since more than 70% of the mature woodlands will remain. However, coupled with the removal of woodlands for the Ballpark Commons Development, a significant area of mature woodlands will be disturbed. To offset the impact the County will include woodland mitigation planting. The location of the mitigation planting is proposed at Wehr Nature Center. Attachment 4 contains the woodland mitigation calculations to establish the number of trees/shrubs to be planted. The trees being removed for the winter trail are primarily dead or declining ash trees, box elder and cottonwood.
- The segment of proposed winter trail within Franklin will cross a narrow upland wetland. The area of disturbed wetland totals 115 square feet. The wetland has been exempted by the City and WNDNR, as such, wetland mitigation is not required. However, in the spirit of the UDO, approximately 175 square feet ( $115 \text{ sf} \times 150\% = 172.5 \text{ sf}$ ) of wetland mitigation will be implemented at Wehr Nature Center. A small wetland will be constructed at the point a drainage ditch empties into the pond at the Nature Center. The constructed wetland will help filter/clean the runoff in the ditch before entering the pond.
- Endangered species reports were obtained from the WDNR and US Fish & Wildlife

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Service. No required actions were identified. A Rusty Patch Bumble Bee observation was performed in 2017 per direction from the WDNR. No bees were observed. Grass/flowering vegetation will be re-established in disturbed areas along the trail to enhance habitat for bees.

- The mitigation effort – wetland creation and woodland planting – will be performed in Milwaukee County's Wehr Nature Center located within the City of Franklin west of S. 92nd Street and south of W. College Ave. Both Milwaukee County Parks and Wehr Nature Center horticulture staff will be responsible for plant installation, maintenance and management. Wehr Nature Center is on park land established for the preservation and management of natural areas. A two year warranty will be provide for woodland plant materials.

#### Attached Documentation

Attachment 1 Project Location Map

Attachment 2 Natural Resources Special Exception Question & Answer Form

Attachment 3 Natural Resources Protection Plan

Attachment 4 Woodland Mitigation Calculations

Attachment 5 SEWRPC Wetland Delineation – May 2018

Attachment 6 USFWS Endangered Species Coordination

Attachment 7 WDNR Endangered Species Coordination

Attachment 8 OLT - Winter Trail Plan Set

Attachment 9 Mitigation Plan and Spec

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ATTACHMENT 1  
PROJECT LOCATION MAP

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PHONE NUMBER: Architecture & Engineering 278-4861

FAX NUMBER: Architecture & Engineering 223-1366

**Bike and Ped Connectivity  
Root River Parkway & Surrounding Area  
Project ID 2967-00-01/71  
Exhibit A Project Location**

100 Year  
Flood Plain  
Boundary

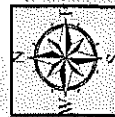
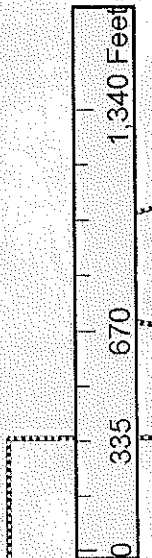
100 Year —  
Flood Plain  
Boundary

Landfill —  
Boundary

Winter-Only Segment

The Rock  
Sports  
Complex

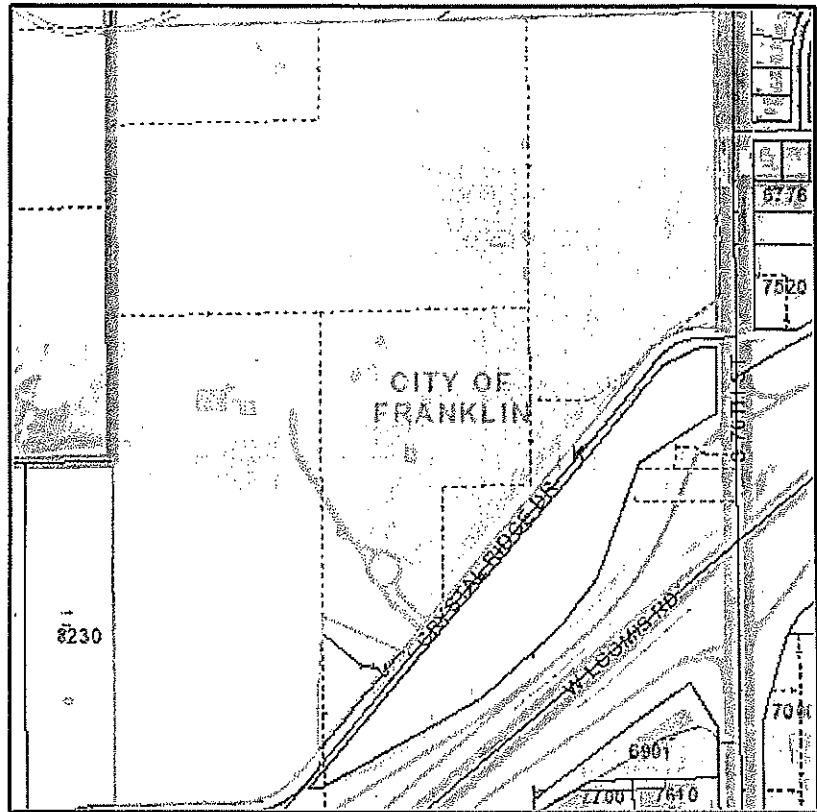
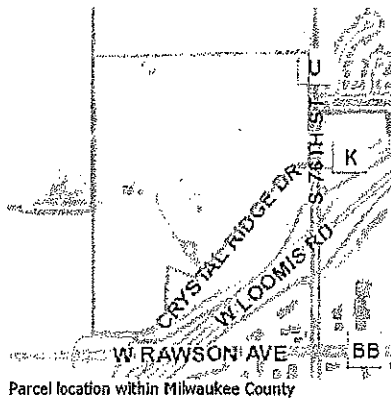
Oak Leaf Trail  
Root River Extension



# Milwaukee County Land Information Parcel Report

TAXKEY: 7448980001

Report generated 6/6/2018 5:20:45 PM



## Parcel Information

TAXKEY: 7448980001

Record Date: 12/31/2016

Owner(s): ~~MILWAUKEE COUNTY~~  
BPC

Selected parcel highlighted

Address: W OLD LOOMIS RD

Assessed Value: \$0

Municipality: Franklin

Land Value: \$0

Acres: 81.48

Improvement Value: \$0

Parcel Description: COUNTY

Zoning Description:

Legal Description: SE 4 5 21 N OF NWLY LI OF LOOMIS RD EXC W HALF OF W HALF OF SD QUAR & EXC COM CL OLD LOOMIS RD 406.47 FT NE OF S LI OF SD QUAR TH NLY 244.20 FT NLY 174.78 FT N 52.21 FT SE 311.87 FT TH SWLY ALG CL OF SD RD TO BEG & EXC E 60 FT FOR RD CONT 81.478 ACS

School District: FRANKLIN PUBLIC SCHOOL DISTRICT

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

ATTACHMENT 2

NATURAL RESOURCES SPECIAL EXCEPTION QUESTION & ANSWER FORM

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## Natural Resource Special Exception Question and Answer Form.

### Questions to be answered by the Applicant

Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C, of the UDO:

- A. Indication of the section(s) of the UDO for which a Special Exception is requested. \_\_\_\_\_  
Section 15-4.0100

1. (Note for item B): Seed mix is a WisDOT Ditch mix approved by WDNR for seeding on the Crystal Ridge landfill cap.

- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.

An 1100 foot long off-road paved ("Winter Trail") trail 10' wide is proposed to be constructed south of the Root River at The Rock Sports Complex. Six hundred feet of the new trail will be in the City of Franklin. Within the City, construction of the trail will disturb approximately 0.12 acres of woodland, 115 sf (4' x 20') of wetland and 1740 sf (30' x 20' x 2 sides) of wetland buffer. Any existing wetland buffer disturbed by construction will be seeded and established with native grassy vegetation matching the existing (1).

- C. Statement of the reason(s) for the request.

The proposed trail segment will be part of Milwaukee County's Oak Leaf Trail (OLT) system. It will be constructed to provide a winter by-pass around the snow hill operations at The Rock. The winter trail is intended to be kept clear of snow for year round use provided safety issues - ice, flooding, etc. - don't require closing the trail. The only available winter trail route is through natural areas.

- D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

#### **1) Background and Purpose of the Project.**

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans.

See attached trail plans. The proposed paved trail provides a winter by-pass route for a longer segment of OLT being constructed at The Rock. The existing trail lies at the base of the ski/tubing hill and will not be accessible during the winter due to snow cover. The winter trail will be constructed outside the limits of the winter snow operations with the intention to keep the trail open year round. Keeping the trail open year round is a grant funding source requirement.

- (b) State whether the project is an expansion of an existing work or new construction.

The proposed winter trail will be new construction. It will provide a winter by-pass route to the longer of OLT being constructed at The Rock.

- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

Alternative routes for the winter trail are very limited due to needing to stay clear of the winter snow operations area, not interrupting other seasonal activities such as Hills Have Eyes, not causing hydraulic impacts to the Root River flood plain due to construction and maintain acceptable standards for trail construction including ADA grades on the trail. The trail was fit into the site to best address the items above and minimize natural area impacts.

2) Possible Alternatives.

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

1. Do nothing alternative - the existing trail would be closed for the winter months while snow activities are on-going and until snow has been removed from the trail in the spring. This alternative is not acceptable since Federal funding used to construct the existing trail requires the trail be kept open year round. A winter by-pass trail is needed to meet this criteria.  
2. Any other alternative alignment at The Rock, including the selected alternative, will result in natural area impacts.

- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

The proposed winter trail crosses a narrow strip of wetland that is long enough that it can't be avoided and still accommodate acceptable ADA grades for the trail. The location of the trail alignment has been set to best minimize or avoid natural area impacts.

- (c) State how the project may be made smaller while still meeting the project's needs.

Project has been routed to minimize natural area impacts.

- (d) State what geographic areas were searched for alternative sites.

The longer trail segment started in 2017 was routed outside of the environmental corridor at the base of the tubing/ski hill. This alternative was established to minimize and avoid natural area impacts. Resurgence of the winter snow operation has in the original trail being unusable through the winter months. The requirement to keep the trail open year round has resulted in the winter trail route, which has been routed to minimize natural area impacts.

- (e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.

None available

- (f) State what will occur if the project does not proceed.
1. Winter snow operation would need to be halted to allow plowing of the original trail to keep it open year round to meet the Federal funding requirements.
  2. If winter snow operations continue, the original trail would be closed for winter due to snow cover which may require the County pay back the Federal share of the original trail cost.

3) **Comparison of Alternatives.**

- (a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.
- Only other alternative to the winter trail alignment is "no build", which is a \$0 cost alternative.
- Winter trail alternative is estimated at \$175,000, which includes a cost of \$12,430 for tree removal/clearing, \$5,000 for woodland mitigation and \$7,500 for wetland and wetland buffer mitigation.
- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.
- Alternative routes for the winter trail are very limited due to the need to stay clear of the winter snow operations area, not interrupting other seasonal activities such as Hills Have Eyes, not cause hydraulic impacts to the Root River flood plain due to construction and maintain acceptable standards for trail construction including ADA grades on the trail.
- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.
- The design standard used for bike trail development associated with the Federal funding administered through WisDOT has minimum standards for vertical and horizontal trail alignment, clearances from trees, etc. Within the narrow corridor available for the winter trail, these standards further limit the alternatives.
- (d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.
- Criteria associated with the grant funding used for construction of the original trail and proposed winter trail.

4) **Choice of Project Plan.**

State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

The proposed winter trail alignment is set to minimize natural area impacts within the limited corridor available for the by-pass trail. There are no alternatives within the available corridor that will completely avoid natural area impacts.

5) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.**

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

Within the City of Franklin, the Root River is north of the proposed winter trail route a sufficient distance that puts the trail construction outside the shore buffer and 100 year recurrence interval flood plain. The winter trail will be routed across a narrow upland wetland. SEWRPC delineated the wetland on May 8, 2018. See the attached SEWRPC report for information on the plants, hydrology, soils, etc. The narrow wetland, less than 6' wide at the trail crossing, is a small minimally vegetated drainage ditch. A culvert with riprap energy dissipation will be placed under the trail in the ditch.

6) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.**

- |   |  |  |
|---|--|--|
| a) Diversity of flora including State and/or Federal designated threatened and/or endangered species.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| b) Storm and flood water storage.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| c) Hydrologic functions.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| e) Shoreline protection against erosion.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| f) Habitat for aquatic organisms.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| g) Habitat for wildlife.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| h) Human use functional value.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| i) Groundwater recharge/discharge protection.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| j) Aesthetic appeal, recreation, education, and science value.  | <input type="checkbox"/> Not Applicable            | <input checked="" type="checkbox"/> Applicable |
| k) Specify any State or Federal designated threatened or endangered species or species of special concern.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| l) Existence within a Shoreland.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. | <input type="checkbox"/> Not Applicable            | <input checked="" type="checkbox"/> Applicable |

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

The proposed winter trail will be routed through a wooded environmental corridor. The wooded area to be removed is 0.12 acres consisting of primarily declining/dead ash, cottonwood and box elder trees. Within Franklin, 180 sf of wetland will be filled for the trail construction, and the associated buffer and setback will be impacted. The loss of wetland and buffer, along with loss of wooded area, will be mitigated at the rate required by the City UDO. Review with WDNR and Federal agencies concluded there are no threatened or endangered species or species of special concern at this location, including the Northern Long Eared Bat and the Rusty Patch Bumble Bee.

7) **Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

Erosion control silt fence will be installed and maintained during construction and until adequate vegetated cover and/or wild life friendly erosion control matting is placed over disturbed areas. Permanent Turf Reinforcement Matting or riprap will be placed at strategic locations to provide long term protection against erosion where storm/melting snow runoff may concentrate.  
The proposed winter trail will be paved with asphalt which will provide a hard surface for trail users. Vegetation will be planted along the sides of the trail which will provide a vegetated buffer for runoff from the paved surface.

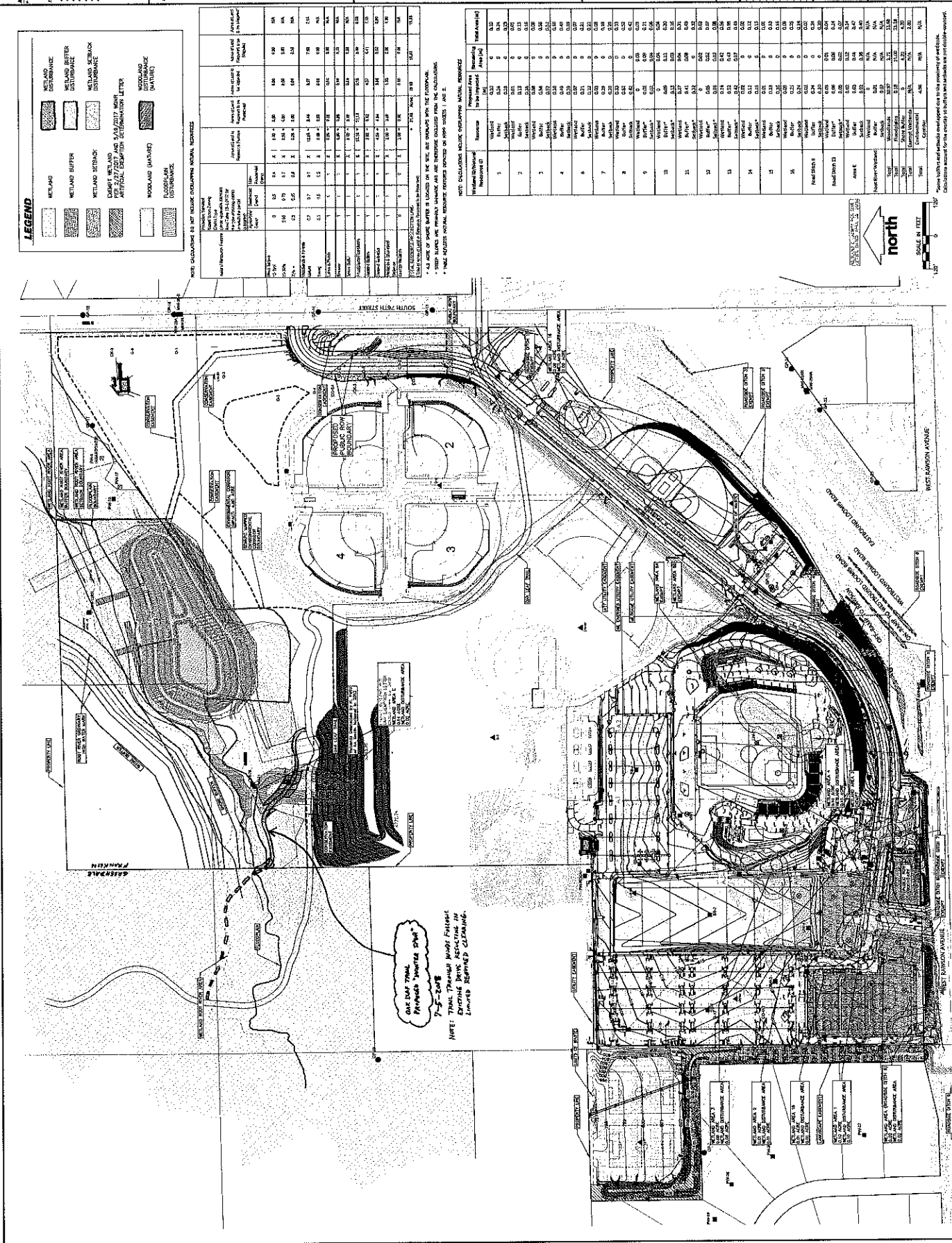
ATTACHMENT 3

NATURAL RESOURCES PROTECTION PLAN

MILWAUKEE COUNTY-CITY CAMPUS • 633 W. WISCONSIN AVENUE, SUITE 1000 • MILWAUKEE, WI 53203

PHONE NUMBER: Architecture & Engineering 278-4861

FAX NUMBER: Architecture & Engineering 223-1366



ATTACHMENT 4  
WOODLAND MITIGATION CALCULATIONS



# Oak Leaf Trail - Winter Spur @ The Rock

Date of Survey: April 2, 2018

Survey completed by: Brian Russart, County Parks Natural Areas Manager  
Survey documented by: Karl Stave, County Project Manager/Designer

Mitigation calculations for cleared woodland area in City of Franklin:				
Area to be cleared for trail construction:		Village = 8300 SF (0.19 Acres)		
		City = 5150 SF (0.12 Acres)		
0.12 Acres Cleared x 1.25 multiplier = .15 Acres Mitigation				
Types of Mitigation Trees	Trees/Acre	Acreage	Total Req	Proposed Total *
Canopy Trees - 4"	10	0.15	1.5	1
Canopy Trees - 2"	25	0.15	3.75	4
Canopy Trees - 5' whip	100	0.15	15	15
Understory Trees - 5' whip	35	0.15	5.25	5
Shrubs - 12"	30	0.15	4.5	4

\* Total number of proposed trees to be planted for mitigation is generally rounded down if not a whole number. Rounding down is based on the impact of tree clearing is diminished due to the number of Ash trees being removed that are in a declining state or dead.

Trees To Be Removed for OLT - Winter Spur - Construction				
Species	Diameter	Greendale	Franklin	Condition
Box Elder	18	x		Uprooted/fallen
Box Elder	18	x		Uprooted/fallen
Box Elder	10	x		
Green Ash	24	x		Dead
American Elm	15.5	x		
Box Elder	7	x		
Box Elder	17	x		
Green Ash	6.5	x		Dead
Buckthorn	6	x		
Buckthorn	7	x		
Green Ash	34	x		Declined
Green Ash	17	x		Declined
Box Elder	8.5	x		
American Elm	16	x		
Box Elder	15	x		
Green Ash	9	x		Declined
Box Elder	11.5	x		
Box Elder	9		x	
Green Ash	12		x	Declined
Green Ash	8		x	Declined
Green Ash	8.5		x	Declined
Green Ash	7		x	Declined
Green Ash	8.5		x	Declined
Green Ash	11		x	Declined
Green Ash	6.5		x	Declined
Cottowood	21		x	
Cottowood	12		x	
Cottowood	34		x	
Cottowood	19		x	
Cottowood	6.5		x	
Green Ash	11		x	Declined
Green Ash	12		x	Declined
American Basswood	36		x	Three 12" trunks
Green Ash	10		x	Dead
Green Ash	9		x	Dead
American Basswood	17		x	
Green Ash	14		x	Dead
Willow	9		x	
Willow	6		x	

ATTACHMENT 5  
SEWRPC WETLAND DELINEATION – MAY 2018

MILWAUKEE COUNTY-CITY CAMPUS • 633 W. WISCONSIN AVENUE, SUITE 1000 • MILWAUKEE, WI 53203

PHONE NUMBER: Architecture & Engineering 278-4861

FAX NUMBER: Architecture & Engineering 223-1366

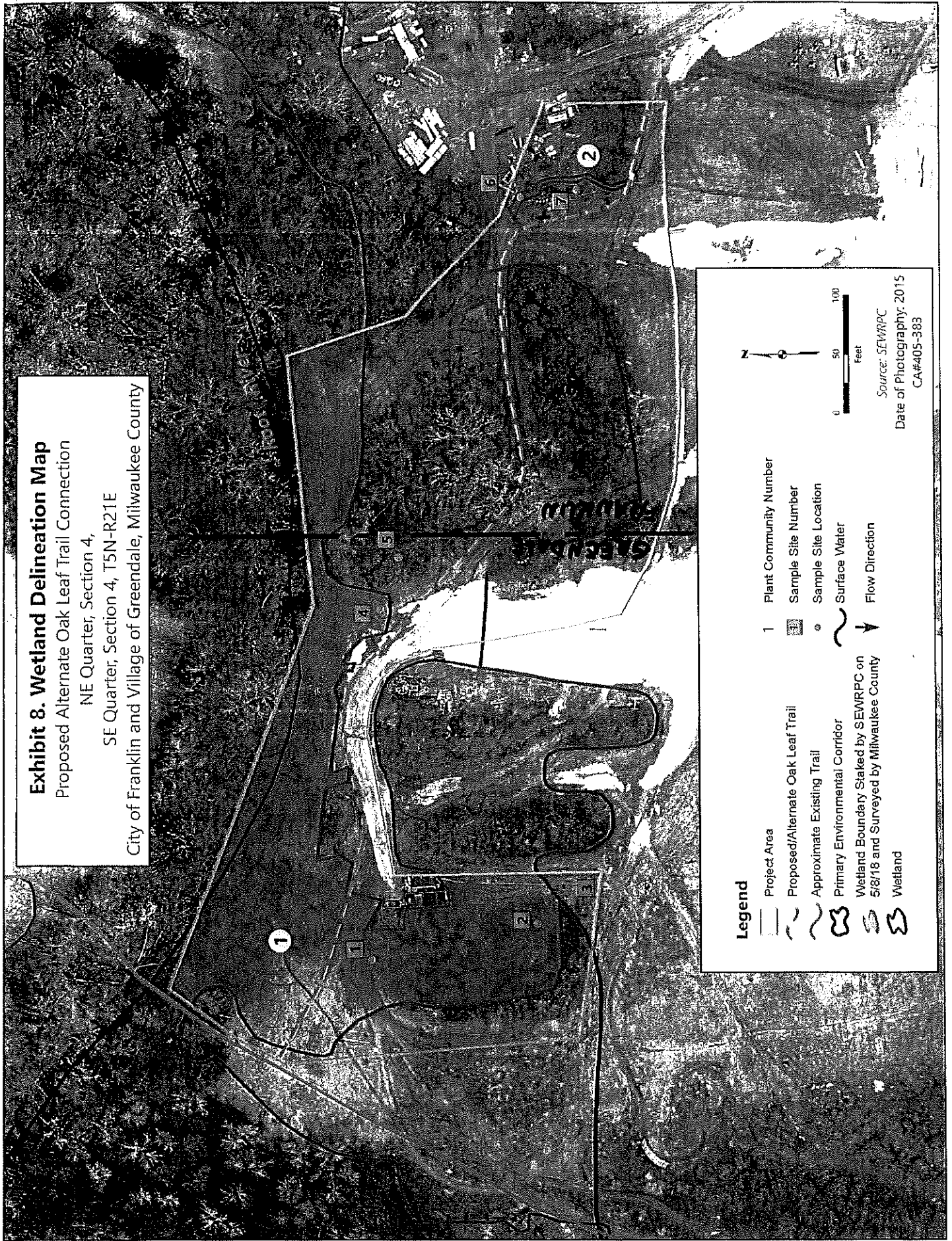
## Exhibit 8. Wetland Delineation Map

Proposed Alternate Oak Leaf Trail Connection

NE Quarter, Section 4,

SE Quarter, Section 4, T5N-R21E

City of Franklin and Village of Greendale, Milwaukee County



ATTACHMENT 6  
USFWS ENDANGERED SPECIES COORDINATION

# Bike and Ped Connectivity Root River Parkway & Surrounding Area

## *IPaC Trust Resources Report*

Generated August 09, 2016 02:52 PM MDT, IPaC v3.0.8

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



# Table of Contents

IPaC Trust Resources Report .....	<u>1</u>
Project Description .....	<u>1</u>
Endangered Species .....	<u>3</u>
Migratory Birds .....	<u>4</u>
Refuges & Hatcheries .....	<u>7</u>
Wetlands .....	<u>8</u>

U.S. Fish & Wildlife Service

## IPaC Trust Resources Report



**NAME**

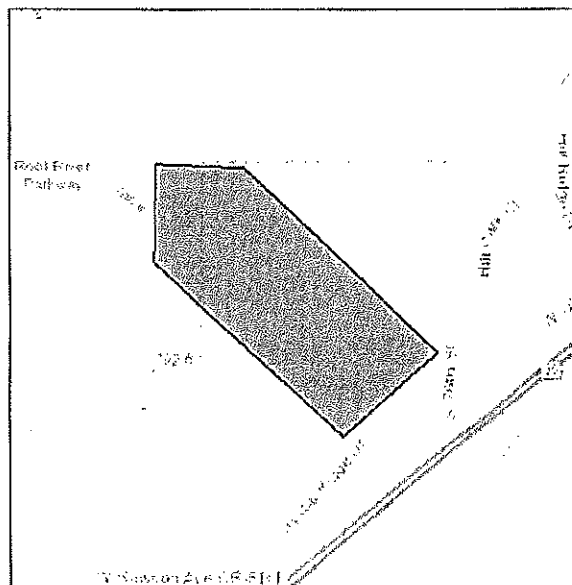
Bike and Ped Connectivity Root River  
Parkway & Surrounding Area

**LOCATION**

Milwaukee County, Wisconsin

**DESCRIPTION**

The project installs approximate 3,300 feet of ten feet wide multi-use-asphalt path from the Root River Parkway through the Rock Sports Complex in Milwaukee County. The proposed path will link Milwaukee County's existing Oak Leaf Trail with the Root River Parkway and the sports complex. The



path will cross the Root River with a pedestrian/bicycle bridge. After the path leaves the Rock Sports Complex it will follow Crystal Ridge Drive to the northeast where it will cross 76th Street. At this point, it will follow Old Loomis Road east until Loomis Road ends at a cul de sac. At this point, an additional 460 feet of ten feet wide path will be constructed to connect with the existing Oak Leaf Trail on 68th and Loomis Road. On Crystal Ridge Drive, the 76th Street crossing and Old Loomis Road there will be no construction as these roads will be designated as part of the trail. Construction is anticipated to occur between June and October 2017.

All construction will occur on Milwaukee County property. The Rock Sports Complex is built on a closed landfill owned by Milwaukee County.

**IPAC LINK**

<https://ecos.fws.gov/ipac/project/PHGGL-DGWNV-B63OM-QTYKJ-CUOSEE>

## U.S. Fish & Wildlife Service Contact Information

Trust resources in this location are managed by:

**Green Bay Ecological Services Field Office**  
2661 Scott Tower Drive  
New Franken, WI 54229-9565  
(920) 866-1717



## Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the Endangered Species Program of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

**A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.**

The list of species below are those that may occur or could potentially be affected by activities in this location:

### Mammals

**Northern Long-eared Bat** *Myotis septentrionalis*

Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=A0JE](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A0JE)

### Critical Habitats

**There are no critical habitats in this location**

## Migratory Birds

Birds are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish & Wildlife Service.<sup>[1]</sup> There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

---

1. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern  
<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds  
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data  
<http://www.birdscanada.org/birdmon/default/datasummaries.jsp>

The following species of migratory birds could potentially be affected by activities in this location:

**American Bittern** *Botaurus lentiginosus*

Bird of conservation concern

Season: Breeding

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=B0F3](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F3)

**Bald Eagle** *Haliaeetus leucocephalus*

Bird of conservation concern

Season: Year-round

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=B008](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B008)

**Black Tern** *Chlidonias niger*

Bird of conservation concern

Season: Breeding

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=B09E](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09E)

**Black-billed Cuckoo** *Coccyzus erythrophthalmus*

Bird of conservation concern

Season: Breeding

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=B0H1](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0H1)

<b>Blue-winged Warbler</b> <i>Vermivora pinus</i> Season: Breeding	Bird of conservation concern
<b>Bobolink</b> <i>Dolichonyx oryzivorus</i> Season: Breeding	Bird of conservation concern
<b>Brown Thrasher</b> <i>Toxostoma rufum</i> Season: Breeding	Bird of conservation concern
<b>Canada Warbler</b> <i>Wilsonia canadensis</i> Season: Breeding	Bird of conservation concern
<b>Cerulean Warbler</b> <i>Dendroica cerulea</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09I">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09I</a>	Bird of conservation concern
<b>Common Tern</b> <i>Sterna hirundo</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09G">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09G</a>	Bird of conservation concern
<b>Dickcissel</b> <i>Spiza americana</i> Season: Breeding	Bird of conservation concern
<b>Golden-winged Warbler</b> <i>Vermivora chrysoptera</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G4">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G4</a>	Bird of conservation concern
<b>Henslow's Sparrow</b> <i>Ammodramus henslowii</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09D">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09D</a>	Bird of conservation concern
<b>Least Bittern</b> <i>Ixobrychus exilis</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09Z">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09Z</a>	
<b>Loggerhead Shrike</b> <i>Lanius ludovicianus</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FY">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FY</a>	Bird of conservation concern
<b>Marsh Wren</b> <i>Cistothorus palustris</i> Season: Breeding	Bird of conservation concern
<b>Peregrine Falcon</b> <i>Falco peregrinus</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU</a>	Bird of conservation concern
<b>Pied-billed Grebe</b> <i>Podilymbus podiceps</i> Season: Breeding	Bird of conservation concern
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> Season: Breeding	Bird of conservation concern
<b>Rusty Blackbird</b> <i>Euphagus carolinus</i> Season: Wintering	Bird of conservation concern

**Short-eared Owl** *Asio flammeus*

Bird of conservation concern

Season: Wintering

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?scode=B0HD](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=B0HD)

**Upland Sandpiper** *Bartramia longicauda*

Bird of conservation concern

Season: Breeding

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?scode=B0HC](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=B0HC)

**Willow Flycatcher** *Empidonax traillii*

Bird of conservation concern

Season: Breeding

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?scode=B0F6](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=B0F6)

**Wood Thrush** *Hylocichla mustelina*

Bird of conservation concern

Season: Breeding

## Wildlife refuges and fish hatcheries

**There are no refuges or fish hatcheries in this location**

## Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

### DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

This location overlaps all or part of the following wetlands:

## Freshwater Forested/shrub Wetland

### PFO1C

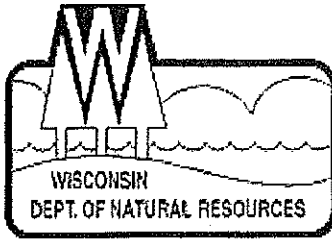
A full description for each wetland code can be found at the National Wetlands Inventory website: <http://107.20.228.18/decoders/wetlands.aspx>

ATTACHMENT 7  
WDNR ENDANGERED SPECIES COORDINATOIN

MILWAUKEE COUNTY-CITY CAMPUS • 633 W. WISCONSIN AVENUE, SUITE 1000 • MILWAUKEE, WI 53203

PHONE NUMBER: Architecture & Engineering 278-4861

FAX NUMBER: Architecture & Engineering 223-1366



State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

Scott Walker, Governor  
Cathy Stepp, Secretary

101 S. Webster St.  
Box 7921  
Madison, WI 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY 608-267-6897

August 22, 2016

Tim Detzer  
Milwaukee County  
633 W. Wisconsin Ave.  
Milwaukee, WI 53203

SUBJECT: Endangered Resources Review (ERR Log # 16-447)  
Proposed Bike Ped Root River Parkway Connection, Milwaukee County, WI (T05N R21E S04, T05N R21E S03)

Dear Tim Detzer,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received August 22, 2016. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 0 species

Recommended Actions: 3 species

No Follow-Up Actions: 11 species

Additional Recommendations Specified: No

This ER Review may contain Natural Heritage Inventory data (<http://dnr.wi.gov/topic/NHI>), including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law. As a result, information contained in this ER Review may be shared only with individuals or agencies that require this information in order to carry out specific roles in the permitting, planning and implementation of the proposed project. **Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.**

The attached ER Review is for informational purposes and only addresses endangered resources issues. **This ER Review does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.**

Please contact me at 608-266-5248 or via email at [lisie.kitchel@wi.gov](mailto:lisie.kitchel@wi.gov) if you have any questions about this ER Review.

Sincerely,

*Lisie Kitchel*

Endangered Resources Review Program

cc: Geri Rademacher - WDNR



**Endangered Resources Review for the Proposed Bike Ped Root River Parkway Connection, Milwaukee County**  
(ER Log # 16-447)

**Section A. Location and brief description of the proposed project**

Based on information provided by in the ER Review Request form and attached materials, the proposed project consists of the following:

Location	Milwaukee County - T05N R21E S04, T05N R21E S03
Project Description	Extension of the Oak Leaf Trail to connect with the Rock Sports Complex and surrounding commercial and residential areas. Approx. 350 ft. will be new asphalt path including installation of a ped-bike bridge over the Root River. The remainder of the trail will be existing ROW and will not require construction.
Project Timing	June-Oct 2017
Current Habitat	Approx 51% of project area is transportation corridor and residential area and will not require construction, 24% is County owned landfill occupied by Rock Sports Complex, and 25 % is Root River Parkway which is partial woods and partial lawns.
Impacts to Wetlands or Waterbodies	A number of lakes, ponds and creeks occur in proximity to the project area. The project will create no new discharges to wetlands or waterbodies. A ped-bike bridge will be installed over the Root River.
Property Type	Public
Federal Nexus	Yes

*It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the ER Review Program whenever project plans change or new details become available to confirm if results of this ER Review are still valid.*

**Section B. Endangered resources recorded from within the project area and surrounding area**

	Group	State Status	Federal Status
Southern Dry-mesic Forest ( <i>Southern dry-mesic forest</i> )	Community	NA	
Emergent Marsh ( <i>Emergent marsh</i> )	Community~	NA	
Shrub-carr	Community~	NA	
Southern Sedge Meadow ( <i>Southern sedge meadow</i> )	Community~	NA	
Northern Wet Forest ( <i>Northern wet forest</i> )	Community~	NA	
Longear Sunfish ( <i>Lepomis megalotis</i> )	Fish~	THR	
Lake Chubsucker ( <i>Emmyzon suetta</i> )	Fish~	SC/N	
Redfin Shiner ( <i>Lythrurus umbrailis</i> )	Fish~	THR	
Least Darter ( <i>Etheostoma microperca</i> )	Fish~	SC/N	
Bluestem Goldenrod ( <i>Solidago caesia</i> )	Plant	END	
Smooth Black-haw ( <i>Viburnum prunifolium</i> )	Plant	SC	
Plains Gartersnake ( <i>Thamnophis radix</i> )	Snake~	SC H	
Butler's Gartersnake ( <i>Thamnophis butleri</i> )	Snake~	SC:H	
Blanding's Turtle ( <i>Emydoidea blandingii</i> )	Turtle~	SC:P	

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit our Biodiversity (<http://dnr.wi.gov/topic/EndangeredResources/biodiversity.html>) page. For further definitions of state and federal statuses (END=Endangered, THR=Threatened, SC=Special Concern), please refer to the Natural Heritage Inventory (NHI) Working List (<http://dnr.wi.gov/topic/nhi/wlist.html>).

### Section C. Follow-up actions

Actions that need to be taken to comply with state and/or federal endangered species laws: None

Actions recommended to help conserve Wisconsin's Endangered Resources:

#### • Plains Gartersnake (*Thamnophis radix*) - Snake~

State Status: SC/H

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing
Description of Recommended Measures	To avoid impacts to this species at the Root River ped-bike bridge, silt fence should be installed according to the Snake Exclusion Fencing guidance; <a href="http://dnr.wi.gov/topic/ereview/documents/amphibianreptilefencingprotocol.pdf">http://dnr.wi.gov/topic/ereview/documents/amphibianreptilefencingprotocol.pdf</a> .
Justification	This species is not known or likely to occur within the project impact area.

#### • Butler's Gartersnake (*Thamnophis butleri*) - Snake~

State Status: SC/H

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing
Description of Recommended Measures	To avoid impacts to this species at the Root River ped-bike bridge, silt fence should be installed according to the Snake Exclusion Fencing guidance; <a href="http://dnr.wi.gov/topic/ereview/documents/amphibianreptilefencingprotocol.pdf">http://dnr.wi.gov/topic/ereview/documents/amphibianreptilefencingprotocol.pdf</a> .
Justification	This species is not known or likely to occur within the project impact area.

#### • Blanding's Turtle (*Emydoidea blandingii*) - Turtle~

State Status: SC/P

Impact Type	Impact possible
Recommended Measures	Exclusion Fencing
Description of Recommended Measures	To avoid impacts to this species at the Root River ped-bike bridge, silt fence should be installed according to the Turtle Exclusion Fencing guidance; <a href="http://dnr.wi.gov/topic/ereview/documents/amphibianreptilefencingprotocol.pdf">http://dnr.wi.gov/topic/ereview/documents/amphibianreptilefencingprotocol.pdf</a> .

Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR

*Stormwater permits, and Forest Certification.*

No actions are required or recommended for the following endangered resources:

• Southern Dry-mesic Forest - Community

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Habitat for this Natural Community does not occur within the project area.

• Emergent Marsh - Community~

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Habitat for this Natural Community does not occur within the project area.

• Shrub-carr - Community~

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Habitat for this Natural Community does not occur within the project area.

• Southern Sedge Meadow - Community~

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Habitat for this Natural Community does not occur within the project area.

• Northern Wet Forest - Community~

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Habitat for this Natural Community does not occur within the project area.

• Longear Sunfish (*Lepomis megalotis*) - Fish~

State Status: THR

Impact Type	No impact or no/low broad ITP/A
Reason	Other - Justification Required
Justification	Direct impact to aquatic species will be avoided. Construction of the ped-bike bridge over the Root River should implement adequate sediment and erosion control measures to ensure impacts to aquatic species are avoided.

• Lake Chubsucker (*Erimyzon sucetta*) - Fish~

State Status: SC/N

Impact Type	No impact or no/low broad ITP/A
Reason	Other - Justification Required
Justification	Direct impact to aquatic species will be avoided. Construction of the ped-bike bridge over the Root River should implement adequate sediment and erosion control measures to ensure impacts to aquatic species are avoided.

• Redfin Shiner (*Lythrurus umbratilis*) - Fish~

State Status: THR

Impact Type	No impact or no/low broad ITP/A
Reason	Other - Justification Required
Justification	Direct impact to aquatic species will be avoided. Construction of the ped-bike bridge over the Root River should implement adequate sediment and erosion control measures to ensure impacts to aquatic species are avoided.

• Least Darter (*Etheostoma microperca*) - Fish~

State Status: SC/N

Impact Type	No impact or no/low broad ITP/A
Reason	Other - Justification Required
Justification	Direct impact to aquatic species will be avoided. Construction of the ped-bike bridge over the Root River should implement adequate sediment and erosion control measures to ensure impacts to aquatic species are avoided.

• Bluestem Goldenrod (*Solidago caesia*) - Plant

State Status: END

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Habitat for this species does not occur within the project impact area.

• Smooth Black-haw (*Viburnum prunifolium*) - Plant

State Status: SC

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Habitat for this species does not occur within the project impact area.

## Section D. Next Steps

1. Evaluate whether the 'Location and brief description of the proposed project' is still accurate. All recommendations in this ER Review are based on the information supplied in the ER Review Request. If the proposed project has changed, please contact the ER Review Program to determine if the information in this ER Review is still valid.
2. Determine whether the project can incorporate and implement the 'Follow-up actions' identified above:
  - 'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available

guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.

- If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.
- 'Actions recommended to help conserve Wisconsin's Endangered Resources' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.

3. No federally-protected species or habitats are involved.

## Section E. Standard Information to help you better understand this ER Review

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**Endangered Resources (ER) Reviews** are conducted according to the protocols in the guidance document *Conducting Proposed Endangered Resources Reviews: A Step-by-Step Guide for Wisconsin DNR Staff*.

**How endangered resources searches are conducted for the proposed project area:** An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. A 1 mile buffer is considered for terrestrial and wetland species, and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

**Categories of endangered resources considered in ER Reviews and protections for each:** Endangered resources records from the NHI database fall into one of the following categories:

- Federally-protected species include those federally listed as Endangered or Threatened and Designated Critical Habitats. Federally-protected animals are protected on all lands; federally-protected plants are protected only on federal lands and in the course of projects that include federal funding (see Federal Endangered Species Act of 1973 as amended).
- Animals (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (s. 29.604, Wis. Stats.).
- Plants listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on public lands and on land that the person does not own or lease, except in the course of forestry, agriculture, utility, or bulk sampling actions (s. 29.604, Wis. Stats.).
- Special Concern species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI database. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes may require or strongly encourage protection of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.
- State Natural Areas (SNAs) are also included in the NHI database. SNAs protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites. Endangered species are often found within SNAs. SNAs are protected by law from any use that is inconsistent with or injurious to their natural values (s. 23.28, Wis. Stats.).

Please remember the following:

1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive; systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.
2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.
3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project.

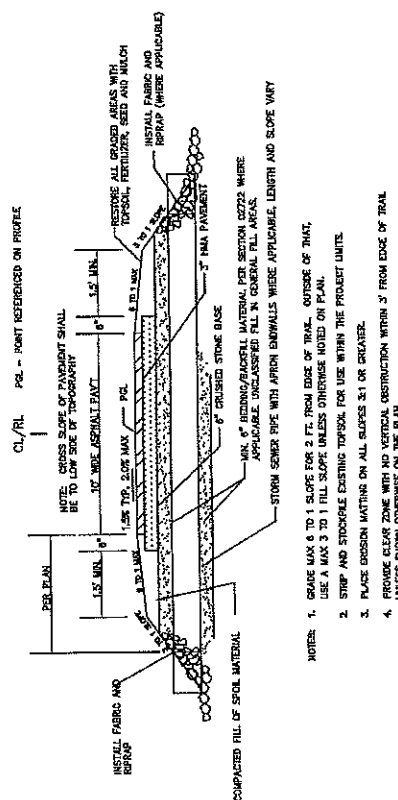
ATTACHMENT 8

OAK LEAF TRAIL – WINTER TRAIL PLAN

MILWAUKEE COUNTY-CITY CAMPUS • 633 W. WISCONSIN AVENUE, SUITE 1000 • MILWAUKEE, WI 53203

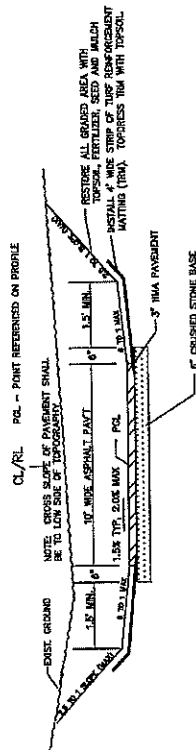
PHONE NUMBER: Architecture & Engineering 278-4861

FAX NUMBER: Architecture & Engineering 223-1366



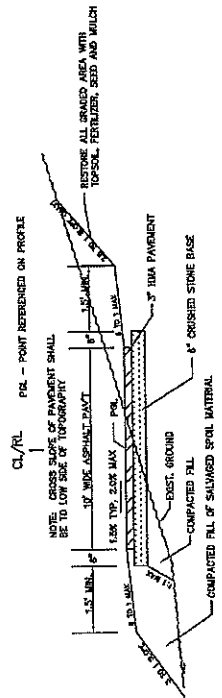
1. GRADE MAX 6 TO 1 SLOPE FOR 2 FT. FROM EDGE OF TRAIL. OUTSIDE OF THAT, USE 3 MAX 3 TO 1 FILL SLOPE UNLESS OTHERWISE NOTED ON PLAN.
2. STRIP AND STOCKPILE EXISTING TOPSOIL FOR USE WITHIN THE PROJECT LIMITS.
3. PLACE EROSION MATTING ON ALL SLOPES 3:1 OR GREATER.
4. PROVIDE CLEAR ZONE WITH NO VERTICAL OBSTRUCTION WITHIN 3' FROM EDGE OF TRAIL.

**TYPICAL TRAIL SECTION IN FILL AREA / APPROACHES OR WITH CULVERT PIPE.**



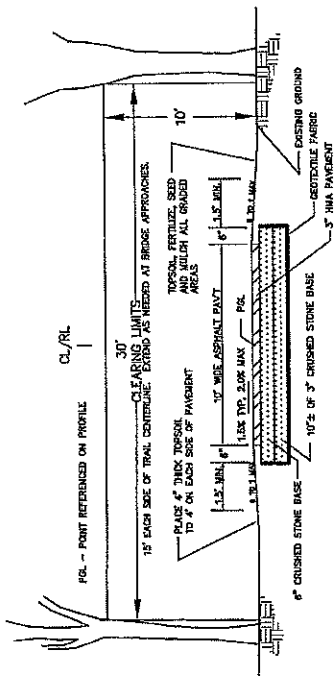
1. GRADE MAX 8 TO 1 BLADE FOR 2 FT. FROM EDGE OF TRAIL OUTSIDE OF THAT.
2. STRIP A MAX 3 TO 1 FILL SLOPE UNLESS OTHERWISE NOTED ON PLAN.
3. STEP AND STOPPLE POSTING TOPSAIL FOR USE WITHIN THE PROJECT LIMITS.
4. PLACE EROSION MATTING ON ALL SLOPES 3:1 OR GREATER.
5. PROVIDE CLEAR ZONE WITH NO VERTICAL CONSTRUCTION WITHIN 3' FROM EDGE OF TRAIL UNLESS OTHERWISE ON THE PLAN.

**TYPICAL SECTION IN CUT - STATION 105+00 TO STATION 105+50±**  
**NO SCALE**



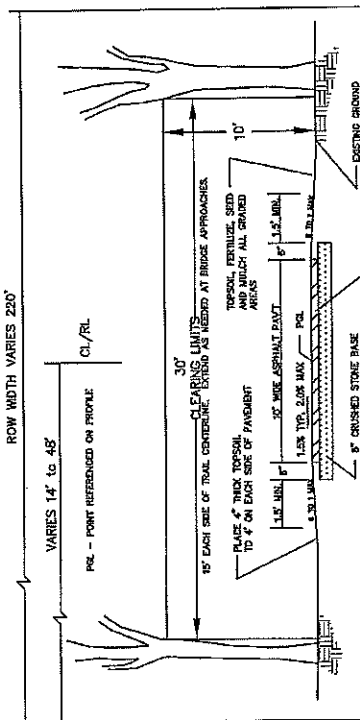
- NOTES:
1. GRADE MAY BE TO 1 SLOPE FOR 2 FT. FROM EDGE OF TRAIL. OUTSIDE OF THAT, USE A MAX. 3 TO 1 FULL SLOPE UNLESS OTHERWISE NOTED ON PLAN.
  2. STRIP AND STOCKPILE EXISTING TOPSOIL FOR USE WITHIN THE PROJECT LIMITS.
  3. PLACE EROSION MATTING ON ALL SLOPES  $\geq 1$  OR GREATER.
  4. PROVIDE CLEAR ZONE WITH NO VERTICAL OBSTRUCTION WITHIN 3' FROM EDGE OF TRAIL. UNLESS SHOWN OTHERWISE ON THE PLAN.

**TYPICAL SECTION ON SIDE SLOPE**  
**NO SCALE**



1. CLEAR UNITS SHOWN APPLY TO ALL TYPICAL SECTIONS. SELECTED TRESS MAY BE SAVED WITHIN THE 30' CLEAR LIMITS AT THE OWNERS REQUEST.
2. PROVIDE CLEARANCE WITH NO VERTICAL CONSTRUCTION WITHIN 5' FROM EDGE OF TRAIL UNLESS SHOWN OTHERWISE ON THE PLAN.
3. UNDERGUT OTHERS DIRECTED BY ENGINEER.
4. CROSS SLOPE OF PAVEMENT SHALL BE TO LOW SIDE OF TOPOGRAPHY.
5. TOPSOIL DEPTH IN ROOT RIVER PARKWAY ESTIMATED AT 18" POCA.

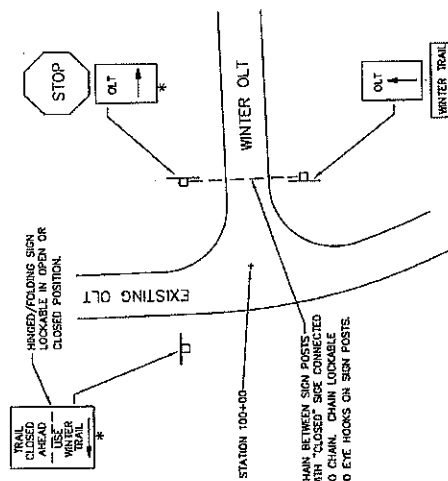
TYPICAL BIKE TRAIL SECTION IN ROOT RIVER PKWY. - STATION 100+00 TO STATION 105+00  
NO SCALE



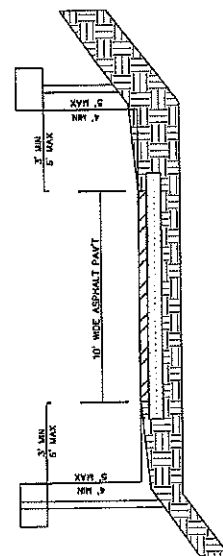
- NOTES
1. CLEAR LIMITS SHOWN APPLY TO ALL TYPICAL SECTIONS. SELECTED TREES MAY BE SAVED WITHIN THE 30' CLEAR LIMITS AT THE OWNER'S REQUEST.
  2. PROVIDE CLEAR ZONE WITH NO VERTICAL OBSTRUCTION WITHIN 3' FROM EDGE OF TRAIL UNLESS SHOWN OTHERWISE ON THE PLAN.
  3. UNDERSTAND ONLY WHERE DIRECTED BY ENGINEER.
  4. CROSS SLOPE OF PAVEMENT SHALL BE TO LOW SIDE OF TOPOGRAPHY.

**TYPICAL BIKE TRAIL SECTION ON GRADE AFTER STATION 108+50±  
NO SCALE**





**NOTE: SIMILAR SIGNAGE TO BE INSTALLED AT END OF WINTER TRAIL, INSTEAD OF BEING PLACED ON SIGN INDICATED WITH "A"**



**DESIGN PLACEMENT ON SHARED - USE PATHS**  
**NO SCALE**

GENERAL SILT FENCE NOTES

**GENERAL SILL FENCE NOTES**

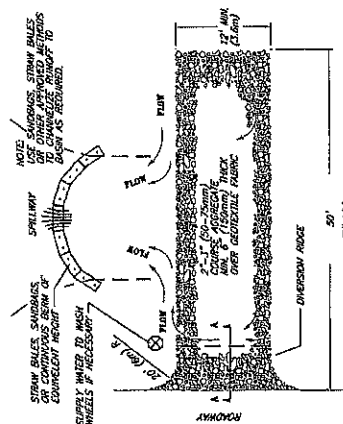
- [illegible]

INVESTIGATE & IF APP. FORM AND EITHER MAY BE USED.

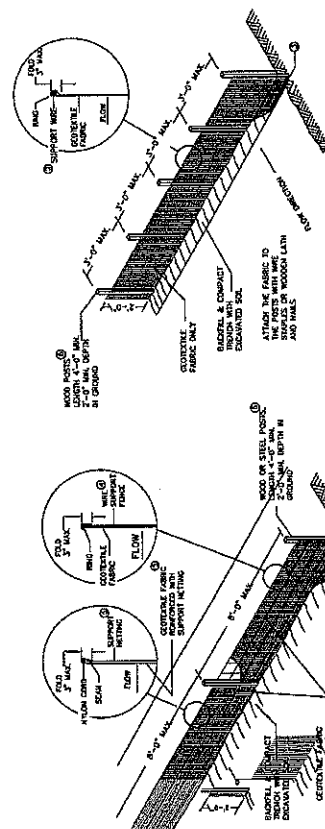


NOTES: 1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANSING OF ANY MEASURES USED TO TRAP SEDIMENT.

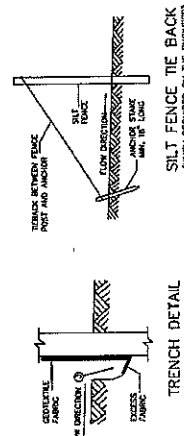
2. WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.



**CONSTRUCTION TRACKING PAD**  
**NOT TO SCALE**



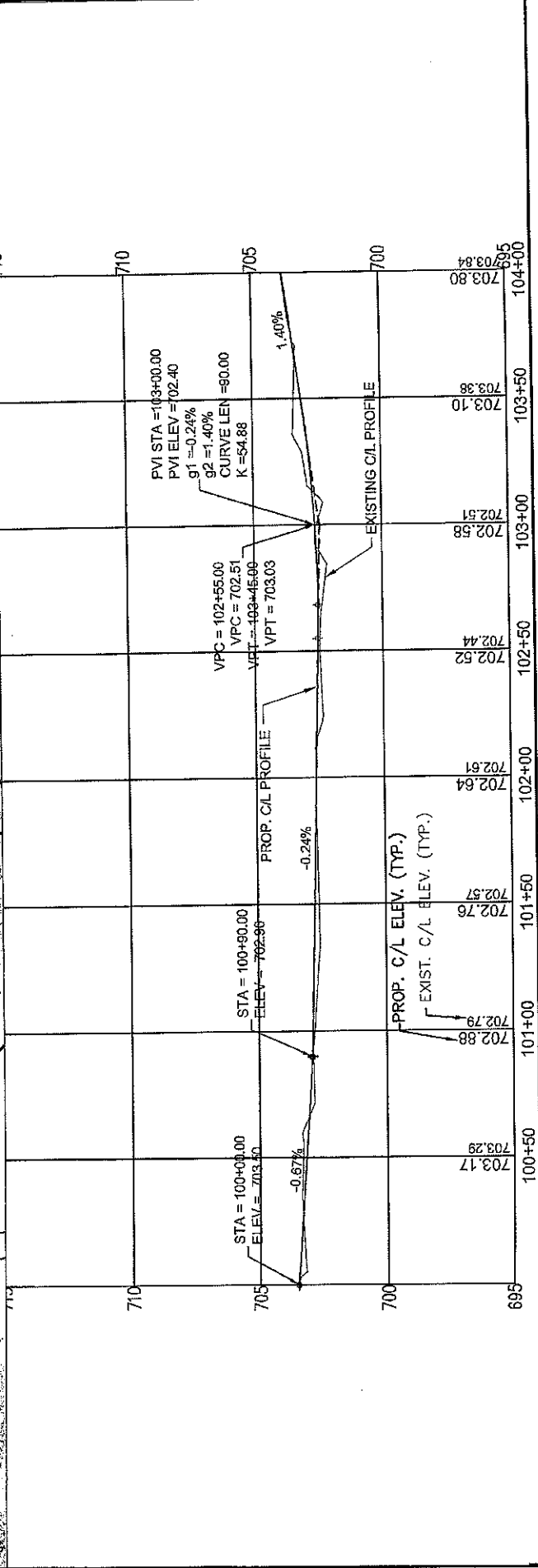
NOTE: ADDITIONAL POST DEPTH ON THE RACKS  
MAY BE PROVIDED BY INCREASING SIZE

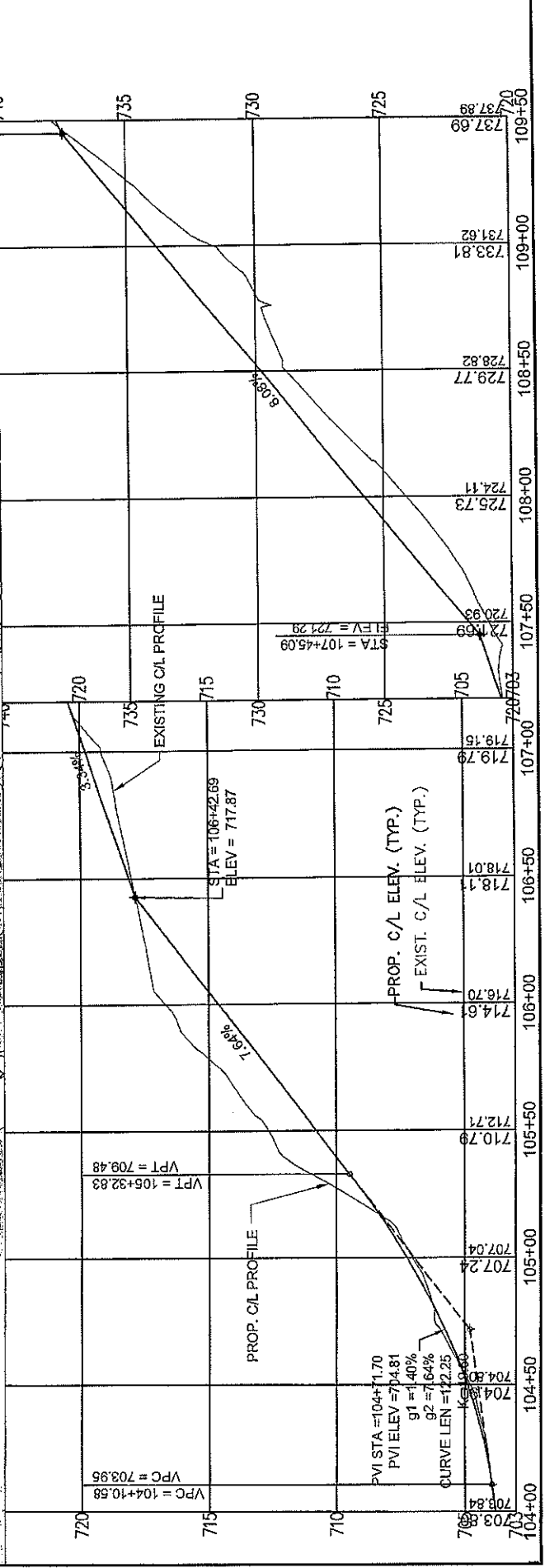


TRENCH DETAIL

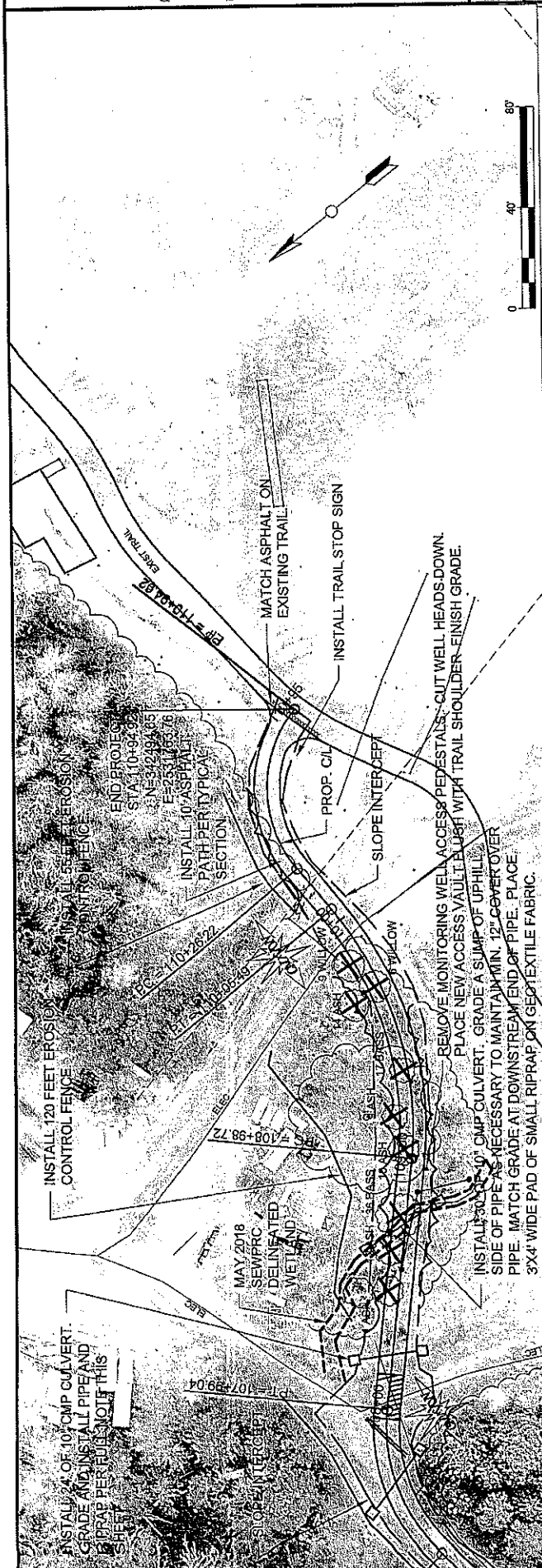
**SILT FENCE TIE BACK**  
WHICH SECURED BY THE ENGINEER

**SILT FENCE**  
**NOT TO SCALE**



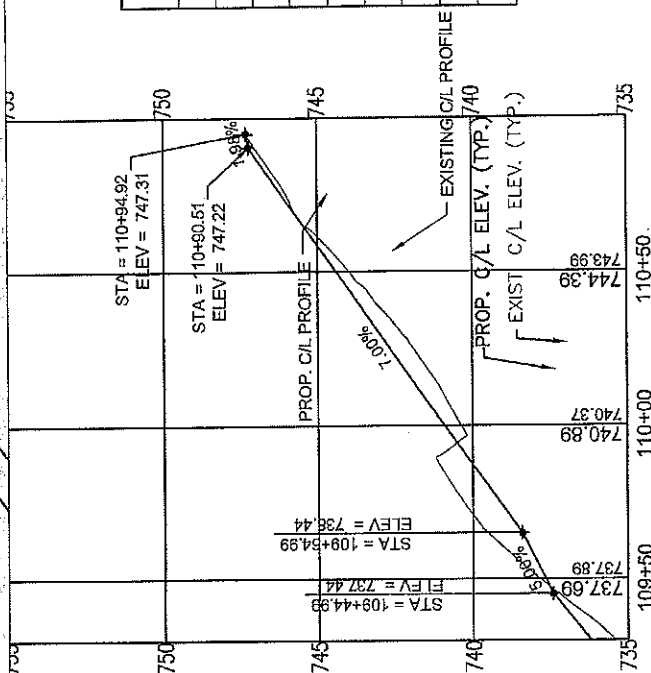


5 OF 16	5	P492-16618
FOUNTAIN NO.		FOUNTAIN NO.



PI CURVE DATA							
	PI	NORTHING	EASTING	L	R	PC STA	PT STA
	CURVE 20	342875.37	253090.23	32.67	200.00	100+75.64	101+08.31
	CURVE 22	342783.24	253119.166	40.71	100.00	103+79.28	104+19.99
	CURVE 23	342736.41	2531260.11	120.23	233.64	104+20.81	105+41.04
	CURVE 25	342637.40	2531314.92	81.67	72.02	105+47.07	106+28.74
	CURVE 26	342663.62	2531500.42	62.32	68.60	107+36.73	107+99.04
	CURVE 27	342531.97	2531636.75	106.77	135.00	108+98.72	110+05.49
	CURVE 28	342534.67	2531754.57	68.40	50.00	110+26.22	110+94.62
	CURVE 29	342817.08	2531018.52	52.97	200.00	101+97.18	102+50.14

NOTE: CURVE 24 NOT USED.



ATTACHMENT 9  
MITIGATION PLAN AND SPECIFICATION

MILWAUKEE COUNTY-CITY CAMPUS • 633 W. WISCONSIN AVENUE, SUITE 1000 • MILWAUKEE, WI 53203

PHONE NUMBER: Architecture & Engineering 278-4861

FAX NUMBER: Architecture & Engineering 223-1366

SECTION 02930  
MITIGATION – WOODLAND AND WETLAND

PART 1- GENERAL

1.1 Summary

- A. Woodland mitigation: Furnish plant materials of the species, varieties and sizes specified. Furnishing tree mats, wrap and protection materials. Digging holes for the 2.5" to 4" trees. Trees to be planted and maintained by others.
- B. Wetland mitigation: Cutting of buckthorn trees and treating the stumps with herbicide. Removal and disposal of woody vegetation. Excavation and removal of soil to water level of pond (approximately 175 SF). Furnishing and place a riprap erosion protection and water spreader at upstream end of wetland excavation. Furnish plant materials of species, varieties, size and number specified. Wetland plants to be planted and maintained by others.

1.2 Unit Price - Measurement and Payment

- A. Woodland Mitigation Plants:
  - 1 Basis of Measurement: Lump Sum
  - 2. Basis of Bid: includes full compensation for all labor, material, equipment, and supervision required for excavating holes for planting 2" to 4" trees at locations designated by owner, disposing of excess excavated materials and furnishing the specified trees/shrubs and accessories.
- B. Wetland Mitigation Construction and Plants:
  - 2 Basis of Measurement: Lump Sum
  - 2. Basis of Bid: includes full compensation for all labor, material, equipment, and supervision required for clearing and treating woody vegetation, excavating the wetland mitigation area, disposing of the excavated material, finish grading the wetland area, furnishing and placing riprap on geotextile fabric, installing erosion mat at disturbed area and furnishing the specified wetland plants and accessories.

1.3 References

- A. *American Standard for Nursery Stock, ANSI Z60.1* - most current edition. American Association of Nurserymen, Inc., 1250 I Street NW, Suite 500, Washington DC 20005.
- B. *American National Standard for Tree Care Operations, ANSI A300* - most current edition. International Society of Arboriculture, PO Box 3129, Champaign, IL 61826-3129.
- C. *Index of Garden Plants: The New Royal Horticultural Society Dictionary*, by Mark Griffiths, 1994, Timber Press, Inc., Portland, OR. and *Hortus Third*, by the Staff of the L.H. Bailey Hortorium, 1976. MacMillan Publishing Co., New York, NY.
- D. Fossett, N.C. 1975 A manual of Aquatic Plants, UW Press
- E. Fossett, N.C. 1976 Fossett, NC 1976, Spring Flora of Wisconsin, UW Press

1.5 Submittals

A. Related Sections:

- 1. Section 01330 - Submittal Procedures: Requirements for submittals. Submittals for this Section (02930 - Furnishing and Planting Plant Materials) shall be submitted to the Landscape Architect/Engineer for approval.

2. Product Data: Submit samples that are typical of the lot of material to be delivered to the site and provide an accurate indication of color, texture and organic makeup of the material. Submit representative samples of all staking and guying materials and tree protection materials.
3. Nursery Sources: submit a list of all nurseries that will supply plants, per "Verification of Compliance with all Project Requirements Pertaining to Furnishing and Planting Trees and Shrubs" Submittal Form.

B. Certificates:

1. Certificates of inspection shall accompany the invoice for each shipment of plants as may be required by law for transportation. The certificate shall bear the name and address of the source of the stock.
2. File certificates with the Landscape Architect prior to acceptance of the material. Inspection by federal, state or local authorities at place of growth does not preclude rejection of the plants at the site.

1.6 Delivery, Storage and Handling

A. Related Sections:

1. Section 01600 - Product Requirements: Product storage and handling requirements.
- B. All plant stock shall be handled with care and skill to prevent injuries to the trunk, branches and roots, and shall be packed in an approved manner to ensure arrival at the project site in good condition. The plant stock shall be transported in enclosed vehicles, or in lieu of enclosed vehicles, the plant tops shall be suitably protected from sun and drying wind. Plants shall not be bound with wire or rope at any time so as to damage the bark or break tree branches. Plants shall be lifted with suitable support of the soil ball to avoid damaging it. Plant material damaged as a result of delivery, storage or handling will be rejected.
- C. At least three days prior to each delivery of plant material to the project site, the Contractor shall notify the Landscape Architect of such contemplated delivery. Insofar as possible, deliver plant materials immediately prior to placement. Keep plants moist. Those plants that cannot be planted immediately shall be kept in the shade, well protected with soil, wet mulch, or other suitable material and kept well watered. Plants shall not remain unplanted any longer than three days after delivery.

1.7 Warranty Period

- A. Provide minimum 12 month warranty for replacement of all dead or declined plant materials.

Part 2 - PRODUCTS

2.1 Plant Materials

- A. Plants shall be true to species and variety and nursery-grown in accordance with good horticultural practices under climatic conditions similar to those in the locality of the project. They shall have been dug during the most recently favorable harvest season.
1. All plant names and descriptions shall be as defined in *Index of Garden Plants* or *Hortus Third*.
  2. All plants shall be grown and harvested in accordance with *The American Standard for Nursery Stock*.

- B. All plants shall be of high quality and shall be sound, healthy and vigorous. They shall be free of disease and insects and shall have healthy, well-developed root systems. They shall be well proportioned and free from physical damage or other conditions that would prevent vigorous growth. Trees with multiple leaders, unless specified, will be rejected. Plants shall conform to the measurements specified, except plants larger than those specified may be used if approved by the Landscape Architect. Use of larger plants shall not increase the contract price. If larger plants are approved, the root ball shall be increased in proportion to the size of the plant.

1. Contractor shall provide a written list of the sources from which the Contractor proposes to obtain plant materials for the project as outlined in the "Verification of Compliance with all Project Requirements Pertaining to Furnishing and Planting Trees and Shrubs" Submittal Form.
2. All plants will be subject to the approval of the Landscape Architect. Plants may be inspected at the grower's nursery. Representative plants may be tagged at the grower's nursery. Approval of plants at the source does not alter the right of rejection at the project site.
3. All rejected plant materials must be replaced with acceptable plants of the same species, variety and size, unless otherwise directed by the Landscape Architect. All field-grown deciduous trees shall be marked to indicate the tree's north orientation in the nursery (see Tree Planting Detail). Place a one- inch diameter spot of white paint on the north side of the trunk within the bottom 12-inches of the trunk.
4. Contractor shall verify that all plant materials shown on the drawings are accounted for in the Bid.
5. All plant materials must be labeled by plant name. Labels shall be securely attached to all plants, bundles and containers of plant materials when delivered. Plant labels must be durable and legible, with information given in weather-resistant ink or embossed process lettering.

A. NATIVE WETLAND PLANTINGS PLUGS

The Contractor shall provide 1 flat of each of the following species to be installed by the owner. All plugs shall be at least one (1) year old and a minimum plug size of 2 ½ x 3 inches. Provide number of specified plants of each species. One (1) flat equals 32 plants.

<u>Botanical Name</u>	<u>Common Name</u>	
<i>Iris virginica shrevei</i>	Blue Flag Iris	0.5 flat
<i>Caltha palustris</i>	Marsh Marigold	0.5 flat
<i>Asclepias incarnata</i>	Swamp Milkweed	0.5 flat
<i>Acorus calamus</i>	Sweet Flag Iris	0.5 flat
<i>Carex stricta</i>	Tussock Sedge	1.0 flat
<i>Carex Lacustris</i>	Lake Sedge	1.0 flat
<i>Scirpus validus</i>	Soft-stemmed Bulrush	0.5 flat
<i>Lobelia siphilitica</i>	Great Blue Lobelia	0.5 flat



- B. NATIVE TREE / SHRUB PLANTING The Contractor shall provide the following species shown below to be installed by the owner. Contractor may seek owner approval for substitutions of plants listed below. Any changes in the plant list must be approved by Owner prior to installation.

**TREES:**

<u>Botanical Name</u>	<u>Common Name</u>
<i>Platanus occidentalis</i>	American Sycamore five (5) – 5' whips
<i>Salix nigra</i>	Black Willow two (2) – 2" dia
<i>Quercus macrocarpa</i>	Bur Oak two (2) – 2" dia
<i>Celtis occidentalis</i>	Hackberry five (5) – 5' whips
<i>Carpinus caroliniana</i>	Musclewood five (5) – 5' whips
<i>Quercus bicolor</i>	Swamp White Oak one (1) – 4" dia

**SHRUBS/UNDERSTORY:**

<u>Botanical Name</u>	<u>Common Name</u>
<i>Salix discolor</i>	Pussy Willow five (5) – 5' whips
<i>Sambucus canadensis</i>	American Elderberry two (2) – 3 gal
<i>Cornus stolonifera</i>	Redoiser Dogwood two (2) – 3 gal

## 2.2 Soil Amendment Materials

## A. Fertilizer:

- Test and apply fertilizer for only area designated Type 1 Seeding and as specified in 02923 (per soil test results). Furnish minimum 20 pounds of granular, slow release type, 1-1-1 ratio, meeting the following requirements:

Nitrogen	10% min.
Phosphoric Acid	10% min.
Potash	10% min.

## 2.3 Erosion Mat at Wetland mitigation area

- A. Erosion control fabric type North American Green SC 150 BN with biodegradable stakes.

## 2.4 Accessories

## A. Bracing and Guying Materials:

- Stakes: shall be non-flanged metal or two-inch by two-inch hardwood, six- feet in length (see Staking/Guying Details on drawings or in these specifications).
- Support Ties: shall be two inches or wider bands of polypropylene, or elasticized or webbed strapping (see Staking/Guying Details on drawings or in these specifications).
- Cable, Wire, Eye-Bolts: non-corrosive, of strength sufficient to withstand wind pressure and resulting movement of trees (see Staking/Guying Details on drawings or in these specifications).
- Anchors: shall be 32-inch long, two-inch by two-inch hardwood stakes or other as approved by Landscape Architect.

B. Wrapping:

1. Tree Wrap: where specified, shall be "Breathable Fabric Tree Wrap" as manufactured by the DeWitt Company, Inc., Sikeston, MO, or approved equal. Submit manufacturer's literature and sample to Landscape Architect for approval.
2. Tree wrap shall be secured to the tree using biodegradable tape suitable for nursery use and which is expected to degrade in sunlight in less than two years after installation.

C. Rodent Protection: where specified, shall consist of aluminum or other metal commercial window screening material.

C. Tree Mat: Furnish round, heavy duty, breathable tree mat capable of providing weed protection for 2 years. Furnish 24" mats for 2.5" or large trees and 18" mats for trees less than 2.5".

D. Riprap: Light riprap on geotextile fabric. Fabric spec per original project specifications.

2.5 Herbicides

- A. Vegetation Control Herbicide: vegetation control herbicide, when specified, shall be a post-emergence herbicide which, when applied to leaves and stems of vegetation is absorbed and translocated to all parts of the plant including roots and underground stems and thereby capable of killing the entire plant. It shall be water-soluble and deactivate upon contact with soil, leaving no harmful residue.

*PART 3 - EXECUTION*

3.1 Delivery and Temporary Storage of Plant Materials

- A. Coordinate delivery and storage of plant material and accessories with owner.

3.2 Planting Season

- A. Planting to be accomplished by owner. Timing of planting will be at owners discretion.

3.3 Layout

- A. Layout and planting to be accomplished by owner.
- B. Locations of tree holes to be dug and wetland mitigation excavation to be laid out by owner.

3.4 Excavation for Woody Plant Material

A. Excavations for Individual Trees and Shrubs:

1. The hole shall be a minimum of two (2) times the diameter of the root ball.
2. The soil pad on which the root ball will be placed shall be undisturbed soil. The depth of the pad shall correspond to the distance from the bottom of the root ball to the root collar, or slightly less. In areas of poorly draining soils, the root collar will be set two-inches above the ground level after planting.

3. Slope the sides of the excavation at a 45 degree angle up and away from the bottom of the excavation. Glazed planting hole surfaces shall be roughened prior to backfilling.
4. On steep slopes, the depth of the excavation shall be measured at the center of the hole.
5. Subgrade soils shall be separated from the topsoil. Remove subgrade soil from the area.
6. Where soil conditions or below ground obstructions which cannot be remedied are encountered, the owner shall designate alternate planting locations. The owner shall bear any costs associated with relocation.
7. Excavated planting holes that will be left open when work is not in progress or pose an immediate and considerable hazard to pedestrians or vehicles shall be adequately barricaded with appropriate warning devices.

### 3.5 Installation of plant material

- A. Owner to plant the trees and wetland plant materials.
- B. Owner to install accessories such as tree mats, staking & guying, wrap and protection

### 3.6 Application of Herbicide

- A. Vegetation Control Herbicide: when required, prior to installation of plant materials or during guarantee period, vegetation control herbicide shall be applied according to manufacturer's instructions to unwanted vegetation (weeds) and in plant bed areas as designated on the plans. A minimum of 10 days shall be allowed between application and disturbance of the area. Use of herbicides must first be approved by the Landscape Architect.
- B. Contractor to apply herbicide to remaining buckthorn stumps at wetland mitigation area.

### 3.7 Cleanup

- A. Soil, branches, binding and wrapping material, rejected plants, or other debris resulting from the contractor's portion of the work shall be promptly cleaned up and removed. The work area shall be kept safe and neat at all times until the project is completed. Under no condition shall the accumulation of soil, branches, or other debris be allowed upon a public property in such a manner as to result in a public hazard.

## PART4 - MAINTENANCE, GUARANTEE AND ACCEPTANCE

### 4.1 Maintenance of Planted Material

- A. Owner shall maintain plant material.

### 4.2 Warranty Period and Replacements

- A. Warranty period for plant materials provided in this contract shall begin at the date of completion of the planting. The warranty does not include vandalism or damage unrelated to contractor activities or lack of maintenance and care from the owner.
- B. Contractor shall warranty all plant materials to be in healthy and flourishing condition for a minimum of 12 months from the date of completion of the planting.

- C. Contractor shall provide replacement plants, without cost, for all plants not in a healthy and flourishing condition as determined jointly by the owner and contractor at any time during the warranty period. Replacements shall be subject to requirements stated in this specification.

4.3 Final Inspection and Acceptance

- A. At the end of the 12 month warranty period and upon written request of the Contractor, the owner will inspect all warrantied work for final acceptance. The request shall be received at least 10 calendar days before the anticipated final inspection. Upon completion and re-inspection of all repairs or replacement plantings necessary in the judgement of the owner at that time, the owner shall certify, in writing, that the project has received final acceptance.

END OF SECTION.

## City of Franklin Environmental Commission

TO: Common Council  
DATE: July 25, 2018  
RE: Special Exception application review and recommendation  
APPLICATION: Milwaukee County Department of Administrative Services;  
Applicant, dated: June 6, 2018  
(approximately 7900 West Crystal Ridge Drive (Ballpark Commons))

### **I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:**

1. Unified Development Ordinance Section(s) from which Special Exception is requested:

*Section 15-4.0100*

2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

*A 1,100 foot long off-road paved ("Winter Trail") trail 10' wide is proposed to be constructed south of the Root River at The Rock Sports Complex. 600 feet of the new trail will be in the City of Franklin. Within the City, construction of the trail will disturb approximately 0.12 acres of woodland, 115 sf (4' x 29') of wetland and 1,740 sf (30' x 29' x 2sides) of wetland buffer. Any existing wetland setback disturbed by construction will be seeded and established with native grassy vegetation matching the existing. Seed mix is a WisDOT ditch mix approved the WDNR for seeding on the Crystal Ridge landfill cap.*

3. Applicant's reason for request:

*The proposed trail segment will be part of Milwaukee County's Oak Leaf Trail (OLT) system. It will be constructed to provide a winter bypass around the now hill operations at The Rock. The winter trail is intended to be kept clear of snow for year round use provided safety issues – ice, flooding, etc., don't require closing the trail.*

4. Applicant's reason why request appropriate for Special Exception:

*The only available winter trail route is through natural resources.*

**II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:**

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species:  
*None*
2. Storm and flood water storage:  
*None*
3. Hydrologic functions:  
*None*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:  
*None*
5. Shoreline protection against erosion:  
*None*
6. Habitat for aquatic organisms:  
*None*
7. Habitat for wildlife:  
*None*
8. Human use functional value:  
*None*
9. Groundwater recharge/discharge protection:  
*None*
10. Aesthetic appeal, recreation, education, and science value:  
*None*
11. State or Federal designated threatened or endangered species or species of special concern:  
*None*
12. Existence within a Shoreland:  
*None*

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time:

*The proposed winter trail will be routed through a wooded Primary Environmental Corridor. The wooded area to be removed is 0.12 acres, consisting primarily of declining/dead ash, cottonwood, and box elder trees.*

**III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:**

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):

*The winter trail will be constructed outside the limits of the winter snow operations with the intention to keep the trail open year round. Keeping the trail open year round is a grant funding source requirement.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

- a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:

*Alternative routes for the winter trail are very limited due to needing to stay clear of the winter snow operations area, not interrupting other seasonal activities such as Hills Have Eyes, not causing hydraulic impacts to the Root River floodplain due to construction, and maintaining acceptable standards for trail construction including ADA grades on the trail. The trail was fit into the site to best address the items above and minimize natural area impacts.*

- b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

3. The Special Exception, including any conditions imposed under this Section will:

- a. be consistent with the existing character of the neighborhood:

*The proposed paved trail provides a winter by-pass route for a longer segment of OLT being constructed at The Rock. The existing trail lies at the base of the ski/tubing hill and will not be accessible during the winter due to snow cover.*

*; and*

- b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:

*The criteria associated with the grant funding used for construction of the original trail and proposed winter trail.*

*; and*

- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:

*The loss of wetland and buffer, along with loss of wooded area, will be mitigated at the rate required by the City UDO. Review with WDNR and Federal agencies concluded there are no threatened or endangered species or species of special concern at this location, including the Northern Long Eared Bat and the Rusty Patch Bumble Bee.*

*; and*

- d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

**IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:**

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:

*Alternative routes for the winter trail are very limited due to the need to stay clear of the winter snow operations area, not interrupting other seasonal activities such as Hills Have Eyes, not cause hydraulic impacts to the Root River floodplain due to construction and maintain acceptable standards for trail construction including ADA grades on the trail.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

*Winter snow operations would need to be halted to allow plowing of the original trail to keep it open year round to meet the Federal finding requirements. If winter snow operations continue, the original trail would be closed for winter due to snow cover which may require the County to pay back the Federal share of the original trail cost.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

*The longer trail segment started in 2017 was routed outside of the environmental corridor at the base of the tubing/ski hill. This alternative was established to minimize and avoid natural area impacts. Resurgence of the winter snow operation has in the original trail being unusable through the*



winter months. The requirement to keep the trail open year round has resulted in the winter trail route, which has been routed to minimize natural area impacts.

4. Aesthetics:

*The design standard used for bike trail development associated with the Federal funding administered through WisDOT has minimum standards for vertical and horizontal alignment, clearances from trees, etc. Within the narrow corridor available for the winter trail, these standards further limit the alternatives.*

5. Degree of noncompliance with the requirement allowed by the Special Exception:

*The proposed winter trail alignment is set to minimize natural area impacts within the limited corridor available for the by-pass trail. There are no alternatives within the available corridor that will completely avoid natural area impacts.*

6. Proximity to and character of surrounding property:

*The Root River is north of the proposed winter trail route a sufficient distance that puts the trail construction outside the shore buffer and 100 year recurrence interval flood plain. The winter trail will be routed across a narrow upland wetland.*

7. Zoning of the area in which property is located and neighboring area:

*Planned Development District No. 37 and FW Floodway District.*

8. Any negative affect upon adjoining property:

*Erosion control silt fence will be installed and maintained during construction and until adequate vegetated cover and/or wildlife friendly erosion control matting is placed over disturbed areas. Permanent Turf Reinforcement Matting or riprap will be placed at strategic locations to provide long term protection against erosion where storm/melting snow runoff may concentrate. The proposed winter trail will be paved with asphalt which will provide a hard surface for trail users. Vegetation will be planted along the sides of the trail which will provide a vegetated buffer for runoff from the paved surface.*

9. Natural features of the property:

*Mature woodlands, wetland, wetland buffer, and wetland setback to be impacted. Floodplain and shore buffers immediately adjacent.*

10. Environmental impacts:

*Clear, grade, fill and develop approximately 115 square feet of wetland, 1,740 square feet of wetland buffer, and 1,160 square feet of wetland setbacks.*


## V. Environmental Commission Recommendation:

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth in Sections III. and IV. above are incorporated herein.
2. The Environmental Commission recommends approval] of the Application upon the aforesaid recommendations for the reasons set forth therein.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 25th day of July, 2018.

Dated this 1<sup>st</sup> day of AUGUST, 2018.

  
Arthur Skowron, Chairman

Attest:

  
Wesley Cannon, Vice-Chairman

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of August 9, 2018****Natural Resource Special Exception**


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**RECOMMENDATION:** City Development staff recommends approval of the Natural Resource Special Exception, subject to the conditions of approval in attached draft Standards, Findings, and Decision.

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<b>Project Name:</b>	Oak Leaf Trail (Winter Extension) Natural Resource Special Exception (NRSE)
<b>Project Address:</b>	7900 W. Crystal Ridge Drive and vicinity
<b>Applicant:</b>	Milwaukee County Department of Administrative Services
<b>Property Owner:</b>	BPC County Land LLC
<b>Current Zoning:</b>	Planned Development District No. 37 and FW Floodway District
<b>2025 Comprehensive Plan:</b>	Mixed Use and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Root River Parkway (Village of Greendale) to the north, S. 76 <sup>th</sup> Street and single-family residential to the east, The Rock Sports Complex and Loomis Road (State Highway 36) to the south, and the Crystal Ridge Ski Hill and the Village of Greendale to the west.
<b>Applicant's Action Requested:</b>	Recommendation to the Plan Commission and Common Council for approval of the proposed Natural Resource Special Exception (NRSE)

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**INTRODUCTION:**

The Milwaukee County Department of Administrative Services is requesting approval to impact a wetland, wetland buffer, wetland setback, and mature woodlands, in order to construct an approximately 1,100 foot long (of which approximately 500 feet is located within the Village of Greendale) Winter Trail Extension for the recently constructed Oak Leaf Trail located in the northern portion of the Ballpark Commons development.

**PROJECT DESCRIPTION:**

On June 8, 2018, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions to the Department of City Development. The applicant is requesting approval to impact approximately 8,240 square feet of protected natural resource features on property located at 7900 W. Crystal Ridge Drive and vicinity.

More specifically, Milwaukee County is proposing to:

- Construct an approximately 600 foot long and 10 foot wide portion of the Oak Leaf Trail (Winter Trail Extension) within the City of Franklin.

- It can be noted that the remaining 500 feet of the proposed trail would be located within the Village of Greendale and is not part of this NRSE application.
- Clear, grade, fill and develop approximately 8,240 square feet of protected natural resource features comprised of the following:
  - Approximately 115 square feet of wetland (which has received an Artificial/Exempt Wetland Determination from the Wisconsin Department of Natural Resources).
  - Approximately 1,740 square feet of wetland buffers.
    - In addition, staff calculates that approximately 1,160 square feet of wetland setbacks would also be impacted.
  - Approximately 5,225 square feet of mature woodlands.

#### Natural Resource Mitigation

The applicant is also proposing approximately 8,610 square feet of mitigation for these impacts, consisting of:

- Creation of approximately 175 square feet of new wetland at the Wehr Nature Center.
- Restoration of the areas disturbed by construction of this project, by re-establishing grass/flowering vegetation to enhance the habitat for bees.
  - Staff calculates that this would include restoration of approximately 1,140 square feet of wetland buffer and approximately 760 square feet of wetland setback areas.
- Planting of approximately 6,535 square feet of new woodlands at the Wehr Nature Center.

#### Additional Information

It is important to note that the wetland proposed to be impacted has been exempted from regulation/protection by the Wisconsin Department of Natural Resources. Should the Army Corps of Engineers also determine that they have no jurisdiction over this particular wetland, the City of Franklin's natural resource protection standards would not apply, and mitigation of this wetland (and associated buffer and setback) would not be required. However, the applicant has indicated that the proposed mitigation will still proceed in either event.

The applicant has provided the attached Natural Resource Special Exemption Application, Project Summary, Natural Resource Special Exception Question and Answer Form, and associated information, and indicates in those documents:

- The wetland delineation was conducted by the Southeastern Wisconsin Regional Planning Commission in May 2018.
- The Wisconsin Department of Natural Resources exempted the subject wetland (as part of an Artificial/Exempt Wetland Determination) by letter dated April 9, 2018 (based upon an earlier wetland delineation conducted by R.A. Smith National in 2012).
- A significant portion of the mature woodlands are comprised of Ash, Boxelder, and Cottonwood trees, many of which are dead or dying.
- Offsite mitigation (at the Wehr Nature Center) would be comprised of:
  - new wetland creation located east of the Nature Center building, along an existing drainage ditch, before it enters into an existing pond; and
  - woodland plantings (of the quantity and type set forth in Section 15-4.0103B. of the UDO) adjacent to the proposed wetland mitigation area.
- Onsite mitigation would be comprised of restoration of areas disturbed by construction of the trail with a DOT seed mix as approved by the DNR for the landfill.

**ENVIRONMENTAL COMMISSION:**

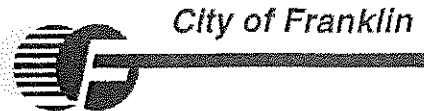
Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation. Attached is a document titled, "City of Franklin Environmental Commission" that the Environmental Commission has completed and must forward to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

The Environmental Commission, at its July 25, 2018 meeting, has recommended approval of the NRSE as presented at their meeting.

**CONCLUSION:**

City Development staff recommends approval of the Natural Resource Special Exception, subject to the conditions of approval in attached draft Standards, Findings, and Decision.

Planning Department  
522P West Loomis Road  
Franklin, Wisconsin 53132  
Email: [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)



Phone: (414) 425-4024  
Fax: (414) 427-7691  
Web Site: [www.franklinwi.gov](http://www.franklinwi.gov)

Date of Application: \_\_\_\_\_

## NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

Complete, accurate and specific information must be entered. Please Print.

### Applicant (Full Legal Name[s]):

Name: Karl Stave  
Company: Milwaukee County Dept of Administrative Services  
Mailing Address: 633 W. Wisconsin Avenue, Suite 1006  
City / State: Milwaukee, WI Zip: 53208  
Phone: 414-278-4863  
Email Address: karl.stave@milwaukeecountywi.gov

### Project Property Information:

Property Address: 7900 W. Crystal Ridge Drive, Franklin WI 53132  
Property Owner(s): BPC County Land LLC  
  
Mailing Address: 510 W. Kilbourn Avenue, Floor 2  
City / State: Milwaukee, WI Zip: 53203  
Email Address: \_\_\_\_\_

### Applicant is Represented by (contact person) (Full Legal Name[s]):

Name: Karl Stave  
Company: same  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Tax Key Nos: 651 9988 002  
  
Existing Zoning: PPD  
Existing Use: Recreation  
Proposed Use: Recreation  
Future Land Use Identification: \_\_\_\_\_

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

### Natural Resource Special Exception Application submittals for review must include and be accompanied by the following:

(See Section 15-10.0208 of the Unified Development Ordinance for review and approval procedures.)

<http://www.franklinwi.gov/Home/Planning/UnifiedDevelopmentOrdinanceUDO.htm>

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☒ Application Filing Fee, payable to City of Franklin: ☒ \$500
- ☒ Legal Description for the subject property (WORD.doc or compatible format).
- ☒ Seven (7) complete collated sets of Application materials to include:
  - ☒ One (1) original and six (6) copies of a written Project Narrative.
  - ☐ Three (3) folded full size, drawn to scale copies (at least 24" x 36") of the Plat of Survey (as required by Section 15-9.0110(B) of the Unified Development Ordinance).
  - ☐ Three (3) folded full size, drawn to scale copies (at least 24" x 36") of the Natural Resource Protection Plan (See Sections 15-4.0102 and 15-7.0201 for information that must be denoted on or included with the NRPP).
  - ☒ Four (4) folded reduced size (11"x17") copies of the Plat of Survey and Natural Resource Protection Plan.
  - ☐ Three copies of the Natural Resource Protection report, if applicable. (see Section 15-7.0103Q of the UDO).
- ☒ One copy of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit.
- ☒ Email (or CD ROM) with all plans/submittal materials. *Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).*

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Natural Resource Special Exception requests require review by the Environmental Commission, public hearing at and review by the Plan Commission, and Common Council approval prior to recording with Milwaukee County Register of Deeds.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Signature - Property Owner  
Thomas Johns  
Name & Title (PRINT)

Date: 6/6/18

Signature - Property Owner  
\_\_\_\_\_  
Name & Title (PRINT)

Date: \_\_\_\_\_

Signature - Applicant  
Karl Stave  
Name & Title (PRINT)

Date: 6/6/18

Signature - Applicant's Representative  
\_\_\_\_\_  
Name & Title (PRINT)

Date: \_\_\_\_\_

**From:** Andy and Becky Kleist  
**To:** Joel Dietl; Nick Fuchs; Sandi Wesolowski; Steve Olson; aburckhardt@franklinwi.gov; phogan@franklinwi.gov; Glen Morrow  
**Subject:** 8/9/18 Plan Commission Meeting (Public Comment - read into record tonight)  
**Date:** Thursday, August 09, 2018 3:46:01 PM

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Good afternoon,

I am unable to attend Franklin's planning commission meeting tonight (8/9/18) and I would like my note below read into the record. Please reply to confirm that you have received and will be reading my letter into the record tonight. Thank you -- Andy

To:  
Mayor Olson and the Franklin Plan Commission

From:  
Andy Kleist  
6025 Parkview Rd.

I would like this letter read into the record tonight (8/9/18) at Franklin's Plan Commission Meeting.

While I am unable to attend the planning commission meeting this evening, I would AGAIN like to express my opposition and disappointment regarding Ballpark Commons request to remove even more mature woodlands and fill in more wetlands. The constant change in plans and all the amendments and exceptions that have been made in the past 6 months continue to negatively impact the surrounding neighborhoods in Franklin and Greendale. It needs to stop. The wooded areas and parkland in this development have already been significantly altered for the worse. I ask tonight that the planning commission **does not** approve the winter trail extension, but rather, leave the mature woodlands and wetlands in place.

Thank you for your time tonight,

Andy Kleist  
6025 Parkview Rd.

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