

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>01/09/18</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF THE ROCK SPORTS COMPLEX, LLC, FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</b>	<b>ITEM NUMBER</b> <i>G.5.</i>

At their meeting on November 29, 2017, the Environmental Commission recommended conditional approval of a Special Exception to certain natural resource provisions of the Unified Development Ordinance. The Environmental Commission's Special Exception Application Review and Recommendation form, dated December 12, 2017, is attached.

At the regular meeting of the Plan Commission on December 21, 2017, following a properly noticed public hearing, the following action was approved: move to recommend approval of the Ballpark Commons LLC 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 and staff's recommendations.

#### Public Hearing Summary

A public hearing was held on December 21, 2017, before the City of Franklin Plan Commission to receive public comment on the request by Ballpark Commons LLC for a special exception to certain natural resource provisions of the Unified Development Ordinance. After an introduction by Mayor Olson, and a brief summary by staff, 21 persons spoke on this matter in opposition to, or with concerns about, the proposed changes and revisions. Noted concerns included:

- Loss of wetlands.
- Potential drainage problems.
- The proposed berm may block adjacent property drainage.
- The large amount of natural resource impacts.
- The amount of time needed to replace natural resource features.
- Adjacent properties may be adversely impacted.
- The existing trees along the western boundary of the property north of Rawson Avenue should remain.
- Loss of wildlife.
- Potential contamination from the landfill entering the stormwater pond adjacent to the Root River and then entering the Root River.
- Potential impact upon endangered resources such as the warbler or rusty patched bumble bee.



- Potential erosion problems.
- Other options and alternatives should be studied.
- Potential private well/groundwater contamination.
- All plans should be completed prior to action on this matter.

Staff also received 9 emails in opposition to, or with concerns about, the proposed Ballpark Commons changes, some of which included concerns/opposition to the stadium Special Use and/or the Natural Resource Special Exception.

The City also received from the Village of Greendale a cover letter and “A Resolution Stating the Village’s Position Regarding The Rock Sports Complex/Ballpark Commons (Located in Franklin, Wisconsin) Ordinance Terms and Uses Amendments, Stadium Special Use and Natural Resources Special Exceptions” indicating the Village’s concerns and opposition to additional development in and around The Rock Sports Complex.

#### **COUNCIL ACTION REQUESTED**

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Ballpark Commons, LLC, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.



*Draft 12/22/17*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of Ballpark  
Commons, LLC, applicant, Zim-Mar Properties, LLC, Milwaukee County, Wisconsin  
Department of Transportation and FF & E, LLC property owners, for a Special  
Exception to Certain Natural Resource Provisions of the City of Franklin Unified  
Development Ordinance

Whereas, Ballpark Commons, LLC, applicant, Zim-Mar Properties, LLC, Milwaukee County, Wisconsin Department of Transportation and FF & E, LLC, property owners, having filed an application dated October 20, 2017, with additional information provided on November 2, 10 and 16, 2017, 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 November 29, 2017 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 December 21, 2017 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 October 20, 2017, with additional information provided on November 2, 10 and 16, 2017, by Ballpark Commons, LLC, applicant, Zim-Mar Properties, LLC, Milwaukee County, Wisconsin Department of Transportation and FF & E, LLC, property owners, 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 conditions for a Special Exception were not self-imposed. The impacts are incidental to the overall plan. Many factors went into development of the site plan, including safety, location of landfill, location of utilities, road locations, etc. that necessitated making the site plan what it is today and impacts to natural resources were avoided when possible.*

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: *Not allowing impacts to wetlands on top of the landfill is unreasonable given that they actually pose a potential threat to the integrity of the landfill cap. Impacts to the wetlands south of Rawson are necessary in order to place the new road in a safe manner, and to provide a wooded berm screen on the west side of the property, as was requested by the adjacent property owners; or*

b. unreasonably and negatively impact upon the applicant's 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 area north of Rawson will be an expansion of the existing Rock facility, so it is consistent with the current character of the site. The area south of Rawson will add more high end living units to an area that already contains residential subdivisions; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The proposed project will enhance the City of Franklin and in the end, the majority of people will see why the Special Exception was necessary for the greater good of the community; and*



c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The project is in harmony with the general purpose and intent of the UDO, because we used the UDO to guide our choices when designing the site plan and our mitigation features; 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). We are proposing to preserve and enhance Wetland 13 by expanding it and removing the invasive species, and planting native species that will provide food sources for the bees.*

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: *The project south of Rawson is rerouting the existing road, Old Loomis Road (which is in poor shape) and making it a more attractive and safer feature in the landscape. It is also decommissioning a redundant entryway onto Hwy. 36.*

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: *The land north of Rawson is an exceptional circumstance because it is an existing landfill. This project is repurposing the landfill as a sports facility that will benefit the entire community.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The proposed project has an expected useful life that will last for decades and will transform the City of Franklin and environs for the better.*

4. Aesthetics: *The design of the project includes landscaping that will enhance the overall aesthetics of the project. In addition, redeveloping a landfill can only enhance the aesthetics of the area to a great degree. What was once a blight will be a thriving economic center.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The degree of noncompliance is minimal given the large size of the overall development.*



6. Proximity to and character of surrounding property: *The intersection of Rawson and 76<sup>th</sup> Street have already been developed with commercial buildings, and this development will be an extension of what already exists there.*

7. Zoning of the area in which property is located and neighboring area: *The project has been as a Planned Development District (PDD), which has already been approved by the City of Franklin.*

8. Any negative affect upon adjoining property: *Any negative effects might be noise and light pollution to the residential neighborhoods to the west. These effects will be mitigated by a wooded berm that is up to 150 feet wide along the west edge of the development. In the end, it is likely that the neighbors will find that they like the development much better than the existing landfill that they currently live next to.*

9. Natural features of the property: *The natural features of the property are by no means exceptional. The wetlands are dominated by invasive species. The area north of Rawson is a landfill. The area south of Rawson is an old field with scrubby vegetation.*

10. Environmental impacts: *The environmental impacts are minimized to the extent possible for such a large development.*

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 November 29, 2017 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 Ballpark Commons, LLC, applicant, Zim-Mar Properties, LLC, Milwaukee County, Wisconsin Department of Transportation and FF & E, LLC, property owners, and all other applicable provisions of the Unified Development Ordinance;
- 4) that the applicant shall revise the Restoration Planting Plan, maps, and associated Plant Schedules to replace all aggressive/invasive plants such as the *Pyrus calleryana* with more appropriate native species, for Department of City Development review and approval prior to issuance of any Building Permits;
- 5) that the applicant shall revise the Wetland and Buffer Restoration Plan and associated maps to incorporate additional mitigation to be comprised of existing wetland, wetland buffer, and/or wetland setback enhancement and restoration of Wetland Area E and/or of the adjacent Root River wetland/shore buffer area, for Department of City Development review and approval prior to issuance of any Building Permit;
- 6) that the applicant shall revise the stormwater management plan to incorporate the proposed mitigation, for Engineering Department and Department of City Development review and approval, prior to issuance of any Building Permit;
- 7) that the applicant shall revise the Wetland and Buffer Restoration Plan and associated maps to ensure adequate access to and maintenance of the stormwater management ponds while at the same time ensuring that excessive disturbance of the mitigation areas is not allowed, for review and approval by the Engineering Department and the Department of City Development prior to issuance of any Building Permit;
- 8) that the applicant shall revise the Berm Planting Plan to ensure that all UDO landscape and mitigation planting standards are addressed, for Department of City Development review and approval prior to issuance of any Building Permits;
- 9) that should it be determined that additional plantings are needed but would not be appropriate along the berm, that such additional plantings be placed adjacent to the Root River woodlands within or adjacent to the Primary Environmental Corridor and the Oak Leaf Trail, for Department of City Development review and approval prior to issuance of any Building Permits;
- 10) that the applicant shall revise the Natural Resource Protection Plan maps to identify the location of the Landscape/Conservation Easement, for Department of City Development review and approval prior to issuance of any Building Permits;
- 11) that the applicant shall revise the Berm Planting Plan and other associated plans to reflect an average berm height of 8' south of Rawson Avenue, for Department of City Development review and approval prior to issuance of any Building Permits;
- 12) that the applicant shall include within the Landscape/Conservation Easement documents that the berm and associated landscaping shall be installed simultaneously with grading of the adjacent areas, and maintained in perpetuity, which duration may



*be revised by approval of both the City of Franklin and the subject property owner, for review by City staff and approval by the Common Council prior to recording of the easements and issuance of any Occupancy Permits;*

*13) that all mitigation shall be monitored and maintained for 5 years, and that the applicant shall revise all pertinent plans and documents accordingly, for Department of City Development review and approval prior to issuance of any Building Permits;*

*14) that all non-berm related mitigation practices shall be installed prior to issuance of any Occupancy Permits;*

*15) that the applicant shall provide a Letter of Credit or other financial surety acceptable to the Common Council for the cost of installation and five years monitoring and maintenance of the approved natural resource mitigation, for staff review and Common Council approval, prior to issuance of any Building Permits;*

*16) 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 \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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

ATTEST:

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

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



## City of Franklin Environmental Commission

TO: Common Council  
DATE: November 29, 2017  
RE: Special Exception application review and recommendation  
APPLICATION: Ballpark Commons LLC, Applicant, Zim-Mar Properties, LLC, Milwaukee County, Wisconsin Department of Transportation, and FF & E, LLC property owners, dated: October 20, 2017, with additional information provided on November 2, 10, and 16, 2017 (7900 W. Crystal Ridge Drive and vicinity)

### 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 15-9.0110, Table 15-4.0100 and Section 15-4.0103 B. of the City of Franklin Unified Development Ordinance.*
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):  
*To fill and develop approximately 2.0 acres of Artificial/Exempt wetlands, about 1.35 acres of non-exempt (jurisdictional) wetlands, about 4.27 acres of wetland buffer, about 4.31 acres of wetland setback, about 10.97 acres of mature woodlands, and about 0.18 acre of floodplain.*
2. Applicant's reason for request:  
*To develop the Ballpark Commons, a sports anchored mixed use development consisting of sports facilities, and commercial, retail, and multi-family residential uses. It will take a blighted landfill property and transform it into a thriving downtown destination. Existing wetlands, wetland buffers, wetland setbacks, and mature woodlands will be filled to allow construction of a stadium, baseball fields, commercial buildings, residential buildings, and new roads.*
3. Applicant's reason why request appropriate for Special Exception:  
*Because the project site is an existing landfill, it impacts a relatively small amount of natural resources given the overall size of the proposed development (over 120 acres). The Special Exception is appropriate because it will allow us to transform a blighted property into a vibrant downtown city center for the City of Franklin with very little cost to natural resources compared to other properties that could have been chosen for a similarly sized project.*

### 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:

*The wetlands that are proposed to be impacted are highly disturbed wetlands that formed over the top of a capped landfill. The wetlands contain invasive, pioneer wetland species including cattail, reed canary grass, sandbar will, and cottonwood. The forested wetland north of Rawson is highly disturbed and is dominated by silver maple and common buckthorn. The wetlands to the south of Rawson are also highly disturbed. The wetland to the very south is dominated by common reed (Phragmites), cattail, and reed canary grass. The forested wetland south of Rawson is dominated by box elder, reed canary grass, and green ash trees, most of which are dead or dying.*

2. Storm and flood water storage:

*The small wetland areas are very shallow scrapes and are not providing much in the way of storm and flood storage. The forested wetland (Wetland 8) is providing some flood water storage as it is in a depression that is about 5 feet below grade. However, we are replacing it with a new stormwater pond to the south which has much higher floodwater capacity.*

3. Hydrologic functions:

*The hydrologic functions of the wetlands on top of the landfill to the north of Rawson are very limited. They are shallow scrapes that are mostly isolated from other features. In fact, most landfill managers would indicate that these wetlands pose a threat to the integrity of the landfill cap. The wetlands to the south of Rawson are also mostly isolated, except for Wetland 13 to the south, which receives water from the subdivision to the west and discharges the water into the roadside ditch. This is the wetland that we are protecting and expanding in order to preserve this function.*

4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:

*See above for similar reasoning; shallow scrapes don't do much as far as filtration and storage of sediments. The wetland that does this the most (Wetland 13) is being preserved and expanded.*

5. Shoreline protection against erosion:

*No shorelines will be impacted by this project. Rip rap protection flumes will be used to protect the emergency outlets from the north stormwater pond.*

6. Habitat for aquatic organisms:

*The isolated nature of these wetlands make it unlikely that wildlife will be using these areas. Most of the wetlands are shallow scrapes full of invasive species. Wetland 8 may provide some breeding habitat for amphibians given that it is forested and contains water in the spring.*



7. Habitat for wildlife:

*Again, habitat for wildlife is limited in these open, shallow wetlands. They are not even deep enough to be attractive to geese or ducks. Perhaps some insects may use these areas.*

8. Human use functional value:

*The wetland that is getting the most use by humans is Wetland 1, which is the forested wetland which contains mountain biking trails. Ironically, it is this use that has probably contributed to the decline of the wetland.*

9. Groundwater recharge/discharge protection:

*The wetlands on top of the clay landfill cap have no groundwater recharge function since they are isolated from the ground beneath. The wetlands south of Rawson may have a minimal role in groundwater recharge due to their small size.*

10. Aesthetic appeal, recreation, education, and science value:

*The dominance by invasive species give these wetlands very limited aesthetic, recreational, educational appeal and have very little scientific value.*

11. State or Federal designated threatened or endangered species or species of special concern:

*The project is within a Rusty Patched Bumble Bee High Potential Zone. We are adding native flowering plants to our mitigation areas in order to help mitigate any impacts to this species. State Special Concern species Plains Garter Snake, Butlers Garter snake, Blandings Turtle have the potential to be within the project area. Exclusion fencing will be provided around the wetland areas that are being preserved.*

12. Existence within a Shoreland:

*No shoreland buffers will be impacted by this project.*

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:

*JSD prepared a tree survey detailing the species, size, type, and condition of the mature woodland areas. The northern stormwater pond will impact Primary Environmental Corridor along the Root River.*

**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 conditions for a Special Exception were not self-imposed. The impacts are incidental to the overall plan. Many factors went into development of the*



*site plan, including safety, location of landfill, location of utilities, road locations, etc. that necessitated making the site plan what it is today and impacts to natural resources were avoided when possible.*

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:

*Not allowing impacts to wetlands on top of the landfill is unreasonable given that they actually pose a potential threat to the integrity of the landfill cap. Impacts to the wetlands south of Rawson are necessary in order to place the new road in a safe manner, and to provide a wooded berm screen on the west side of the property, as was requested by the adjacent property owners. or*

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 area north of Rawson will be an expansion of the existing Rock facility, so it is consistent with the current character of the site. The area south of Rawson will add more high end living units to an area that already contains residential subdivisions.; and*

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

*The proposed project will enhance the City of Franklin and in the end, the majority of people will see why the Special Exception was necessary for the greater good of the community.; and*

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

*The project is in harmony with the general purpose and intent of the UDO, because we used the UDO to guide our choices when designing the site plan and our mitigation features.; 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*):

*We are proposing to preserve and enhance Wetland 13 by expanding it and removing the invasive species, and planting native species that will provide food sources for the bees.*



**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:

*The project south of Rawson is rerouting the existing road, Old Loomis Road (which is in poor shape) and making it a more attractive and safer feature in the landscape. It is also decommissioning a redundant entryway onto Hwy. 36.*

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:

*The land north of Rawson is an exceptional circumstance because it is an existing landfill. This project is repurposing the landfill as a sports facility that will benefit the entire community.*

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

*The proposed project has an expected useful life that will last for decades and will transform the City of Franklin and environs for the better.*

3. Aesthetics:

*The design of the project includes landscaping that will enhance the overall aesthetics of the project. In addition, redeveloping a landfill can only enhance the aesthetics of the area to a great degree. What was once a blight will be a thriving economic center.*

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

*The degree of noncompliance is minimal given the large size of the overall development.*

6. Proximity to and character of surrounding property:

*The intersection of Rawson and 76<sup>th</sup> Street have already been developed with commercial buildings, and this development will be an extension of what already exists there.*

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

*The project has been as a Planned Development District (PDD), which has already been approved by the City of Franklin.*

8. Any negative affect upon adjoining property:

*Any negative effects might be noise and light pollution to the residential neighborhoods to the west. These effects will be mitigated by a wooded berm that is up to 150 feet wide along the west edge of the development. In the end,*



*it is likely that the neighbors will find that they like the development much better than the existing landfill that they currently live next to.*

9. Natural features of the property:

*The natural features of the property are by no means exceptional. The wetlands are dominated by invasive species. The area north of Rawson is a landfill. The area south of Rawson is an old field with scrubby vegetation.*

10. Environmental impacts:

*The environmental impacts are minimized to the extent possible for such a large development.*

**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.
3. The Environmental Commission recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a. Receipt of all Wisconsin Department of Natural Resources and Army Corps of Engineers permits.
  - b. Compliance with any changes made by staff prior to the December 21, 2017 Plan Commission meeting.
  - c. Consideration of a maintenance agreement for the woodland and buffer areas mutually agreed between the owner and staff.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 29<sup>th</sup> day of November, 2017.

Dated this 12 day of DEC, 2017.

  
Wesley Cannon, Chairman

Attest:

  
Arthur Skowron, Vice-Chairman



**Natural Resource Special Exception Question and Answer Form**

**Section 1: Per Section 15-9.0110, Applications for a Special Exception to stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions, and for improvements or enhancements to a natural resource feature of this Ordinance shall include the following:**

- A. Name and address of the applicant and all abutting and opposite property owners of records.  
*(Please attach supplemental documents as necessary)*
- B. Plat of survey. Plat of survey prepared by a registered land surveyor showing all of the information required under §15-9.0102 of this Ordinance for a Zoning Compliance Permit.  
*(Please attach)*
- C. Questions to be answered by the applicant. Items on the application to be provided in writing by the applicant shall include the following:

- 1. Indication of the section(s) of the UDO for which a Special Exception is requested.  
We hereby request consideration of an exception from various natural resource protection standards as discussed in Section 15-9.0110 of the City of Franklin Unified Development Ordinance.

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

We are requesting approval for the disturbance of multiple wetlands and a portion of a floodplain located on the Ballpark Commons project site. Of the 2.00 acres of jurisdictional wetlands on the site, 1.35 acres will be impacted. Of the 5.52 acres of wetland buffers on the site, 4.27 acres will be impacted. Of the 4.54 acres of wetland setback on the site, 3.98 acres will be impacted. In addition, 9.27 acres of the 12.05 acres of mature woodlands on the site will also be impacted. A total of 0.18 acres of floodplain will be impacted due to the need for riprap emergency overflow flumes for the wet pond which do not decrease the volume of the floodplain region, and by buried sanitary sewer line. We believe that these are permitted uses for Stream Bank Protection per Section 15-3.0605A.5 and for Section 15-3.0605B.3. See the NRPP maps for a breakdown of these areas                      by                      each                      wetland/resource.

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

The requested NRSE is for the purpose of filling the subject natural resource areas to allow for the construction of the Ballpark Commons development. This includes the construction of a stadium, baseball fields, commercial buildings, residential buildings, and                      new                      roads.

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4. 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:

Because the project site is an existing landfill, the proposed project impacts a relatively small amount of natural resources given the overall size of the proposed development (over 120 acres). The Special Exception is appropriate in this case because it will allow us to transform a blighted property into a vibrant downtown city center for the City of Franklin with very little cost to natural resources compared to with other properties that could have been chosen for a similarly sized project.

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a. Background and Purpose of the Project.

- i. Describe the project and its purpose in detail. Include any pertinent construction plans.

The purpose of the project is to construct the Ballpark Commons development which will provide entertainment, housing, and economic growth for the City of Franklin. The current phase of the project includes the construction of a baseball stadium, baseball fields, commercial buildings, residential buildings, adjacent parking lots, and new roads.

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- ii. State whether the project is an expansion of an existing work or new construction.

The portion of the project located north of Rawson Avenue is an expansion of the original Phase I plan for The Rock Sports Complex. The area south of Rawson Avenue is new construction.

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- iii. 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.

Wetlands, wetland buffers, wetland setbacks, floodplains, and woodlands were avoided as much as possible. The project would not be able to be built to the extent intended and provide the same economic and social benefits if all of the wetlands, buffers, and setbacks were left undisturbed. The wetlands are scattered throughout the project site, so the project was unable to avoid them.

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b. Possible Alternatives.

- i. 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.

The project site plan was modified in order to preserve wetlands and woodlands to the extent practical. Earlier versions of the site plan resulted in a greater amount of impact to natural resources.

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- ii. 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.

Because of the existing placement of the wetlands, a project of this scope and size could not be built without any impacts to wetlands, wetland buffers, wetland setbacks or woodlands. Alternative 1 is the No-Build alternative, which means the landfill would remain a blighted property, and any of its development potential would be unrealized.

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

Alternative 2 is an earlier version of the site plan for Ballpark Commons. This alternative has been scaled back in order to reduce the overall impacts to natural resources. Alternative 2 included 5 commercial buildings and 18 multifamily buildings with surface parking. This alternative would impact 2.00 acres of DNR non-exempt wetlands. Alternative 3, the current site plan, reduces the number of commercial buildings to 3 and instead contains 6 larger residential buildings.



Underground parking is provided in Alternative 3 to replace some of the surface parking. Alternative 3 avoids some of the wetland areas in the south side of Rawson, thereby providing more green space and less impact to wetlands (1.35 acres of wetland impact).

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- iv. State what geographic areas were searched for alternative sites.  
The current project location was determined to best suit the needs of the City and the development. Twelve sites were evaluated in the Franklin First economic report, five of which were considered to be suitable for the development. The four other sites considered either had more wetlands than the current site, or have already been developed.
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- v. 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.  
There are no other available parcels of this size that have less wetland or woodland acreage available to develop.
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- vi. State what will occur if the project does not proceed.  
The Ballpark Commons development provides the City of Franklin with economic, entertainment, and housing benefits. The project also provides use for land over a closed landfill. This project will provide approximately 300 units of high demand residential living units and hundreds of jobs both during and after development. Up to \$101 million will be generated by this project. These benefits will not be provided if the project does not proceed.
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c. Comparison of Alternatives.



- i. 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.

Ehlers & Associates conducted a feasibility study that estimated that \$101 million will be created as a result of the Ballpark Commons development, and that the City will need to invest through the TIF \$22 million into the District for the development. Costs associated with Alternative 2 and Alternative 3 are not significantly different. If the project were not to proceed, this economic benefit would be lost to the city. Keeping the site in its current state (Alternative 1) would be a drain on Milwaukee County's finances.

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- ii. State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

The current design, Alternative 3, for the Ballpark Commons development provides the most economic and social benefits to the City of Franklin. While Alternative 2 includes more commercial and residential buildings, it also increases the total wetlands impacted.

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- iii. State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

The majority of the development north of Rawson Avenue will be constructed on a former landfill. This provides technical difficulties for Alternative 2 and 3. However, Alternative 2 has the stadium located further north which would require much deeper excavation into the landfill. Alternative 3 has the stadium moved south and placed on top of the landfill surfaced to prevent excavation. Alternative 3 requires a very steep slope and 20-30 foot drop from the stadium in order to meet the grade near Crystal Ridge Drive.

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- iv. State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

The main factors limiting the alternatives include economic and social benefits to the city as well as technological limitations regarding construction over the landfill.

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- d. 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 project is mitigating natural resource impacts to the extent practicable; however, natural resource impacts are unavoidable in either Alternative 2 or Alternative 3. Considering that the overall project area is approximately 120 acres, there are very few wetlands on the property. There are only 3.82 acres of wetlands (including non-jurisdictional wetlands) within the project area--about 3% of the total land area.

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- e. 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.

K. Sherfinski of JSD Professional Services investigated the wetlands in May 2016, and the wetlands are described in detail in this report. The NRPP maps also detail the precise amounts for each wetland, buffer, or setback area impacted.

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- f. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. 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:

- i. Diversity of flora including State and/or Federal designated threatened and/or endangered species.

The wetlands that are proposed to be impacted are highly disturbed wetlands that formed over the top of a capped landfill. The wetlands are contain invasive, pioneer wetland species including cattail, reed canary grass, sandbar willow, and cottonwood. The forested wetland north of Rawson is highly disturbed and is dominated by silver maple and common buckthorn. The wetlands to the south of Rawson are also highly disturbed. The wetlands to the very south are dominated by common reed (*Phragmites*), cattails, and reed canary grass. The forested wetland south of Rawson is dominated by box elder, reed canary grass, and green ash trees, most of which are dead or dying.

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ii. Storm and flood water storage.

The small wetland areas are very shallow scrapes and are not providing much in the way of storm and flood water storage. The forested wetland (Wetland 8) is providing some flood water storage as it is in a depression that is about 5 feet below grade. However, we are replacing it with a new stormwater pond to the south which has much higher floodwater capacity.

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iii. Hydrologic functions.

The hydrologic functions of the wetlands on top of the landfill to the north of Rawson are very limited. They are shallow scrapes that are mostly isolated from other features. In fact, most landfill managers would indicate that these wetlands pose a threat to the integrity of the landfill cap. The wetlands to the south of Rawson are also mostly isolated, except for Wetland 13 to the south, which receives water from the subdivision to the west and discharges the water into the roadside ditch. This is the wetland that we are protecting and expanding in order to preserve this function.

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iv. Water quality protection including filtration and storage of sediments, nutrients or toxic substances.

See above for similar reasoning, shallow scrapes don't do much as far as filtration and storage of sediments. The wetland that does this the most (Wetland 13) is being preserved and expanded.

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v. Shoreline protection against erosion.

No shorelines will be impacted by this project. Rip rap protection flumes will be used to protect the emergency outlets from the north stormwater pond.

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- vi. Habitat for aquatic organisms.  
The isolated nature of these wetlands make it unlikely that wildlife will be using these areas. Most of the wetlands are shallow scrapes full of invasive species. Wetland 8 may provide some breeding habitat for amphibians given that it is forested and contains water in the spring.
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- vii. Habitat for wildlife.  
Again, habitat for wildlife is limited in these open, shallow wetlands. They are not even deep enough to be attractive to geese or ducks. Perhaps some insects may use these areas.
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- viii. Human use functional value.  
The wetland that is getting the most use by humans currently is Wetland 1, which is the forested wetland which contains mountain biking trails. Ironically, it is this use that has probably contributed to the decline of the wetland.
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- ix. Groundwater recharge/discharge protection.  
The wetlands on top of the clay landfill cap have NO groundwater recharge function since they are isolated from the ground beneath. The wetlands south of Rawson may have a minimal role in groundwater recharge due to their small size.
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- x. Aesthetic appeal, recreation, education, and science value.  
The dominance by invasive species give these wetlands very limited aesthetic, recreational, educational appeal and have very little scientific value.
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- xi. Specify any State or Federal designated threatened or endangered species or species of special concern.

The project is within a Rusty Patched Bumble Bee High Potential Zone. We are adding native flowering plants to our mitigation areas in order to help mitigate any impacts to this species. State Special concern species Plains garter snake, Butler's garter snake, and Blandings turtle have the potential to be within the project area. Exclusion fencing will be provided around the wetland areas that are being preserved.

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- xii. Existence within a Shoreland.

No Shoreland Buffers will be impacted by this project.

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- xiii. 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.

JSD prepared a tree survey detailing the species size, type, and condition for the mature woodland areas (attached). The northern stormwater pond will impact Primary Environmental Corridor along the Root River.

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- g. Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.

The project minimizes the impact to wetlands where possible. Stormwater ponds will be placed in the north and in the south to capture stormwater and treat it before it is released to the environment. Wetland 13 is being preserved and expanded.

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5. Date of any previous application or request for a Special Exception and the disposition of that previous application or request (if any).

JSD submitted the initial Special Exemption request on October 20, 2017. This application is an expansion of that initial document, per the request by the City of Franklin for more information.

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- D. Copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit. *(Please attach accordingly)*

**Section 2: Staff recommends providing statements to the following findings that will be considered by the Common Council in determining whether to grant or deny a Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature, per Section 15-10.0208B.2. of the Unified Development Ordinance.**

- a. 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 conditions for a Special Exception request were not self-imposed. The impacts are incidental to the overall plan. Many factors went into development of the site plan, including safety, location of landfill, location of utilities, road locations, etc that necessitated making the site plan what it is today and impacts to natural resources were avoided when possible.

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- b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

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

Not allowing impacts to wetlands on top of the landfill is unreasonable given that they actually pose a potential threat to the integrity of the landfill cap. Impacts to the wetlands south of Rawson are necessary in order to place the new road in a safe manner, and to provide a wooded berm screen on the west side of the property, as was requested by the adjacent property owners.

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\_\_\_\_\_ *or* \_\_\_\_\_

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

The development south of Rawson provides the economic engine for developing the area north of Rawson. Without being able to create a minimum number of residential living units, the whole project cannot proceed. The units needed for the entire project to proceed will require the Special Exception.

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

- i. be consistent with the existing character of the neighborhood: The area north of Rawson will be an expansion of the existing Rock facility, so it is consistent with the current character of the site. The area south of Rawson will add more high end living units to an area that already contains residential subdivisions.

[illegible]

\_\_\_\_\_; and

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

The proposed project will enhance the City of Franklin and in the end, the majority of people will see why the Special Exemption was necessary for the greater good of the community.

\_\_\_\_\_ ; and

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

The project is in harmony with the general purpose and intent of the UDO, because we used the UDO to guide our choices when designing the site plan and our mitigation features.

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; and



- iv. 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*):

We are proposing to preserve and enhance Wetland 13 by expanding it and removing the invasive species, and planting native species that will provide food sources for the bees.

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- d. In making its determinations, the Common Council shall consider factors such as:

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

The project south of Rawson is rerouting the existing road, Old Loomis Road (which is in poor shape) and making it a more attractive and safer feature in the landscape. It is also decommissioning a redundant entryway onto Hwy 36.

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- ii. 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:

The land north of Rawson is an exceptional circumstance because it is an existing landfill. This project is repurposing the landfill as a sports facility that will benefit the entire community.

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

The proposed project has an expected useful life that will last for decades and will transform the City of Franklin and environs for the better.

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- iv. Aesthetics:

The design of the project includes landscaping that will enhance the overall aesthetics of the project. In addition, redeveloping a landfill can only enhance



the aesthetics of the area to a great degree. What was once a blight will be a thriving economic center.

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

The degree of noncompliance is minimal given the large size of the overall development.

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- vi. Proximity to and character of surrounding property:

The intersection of Rawson and 76<sup>th</sup> Street have already been developed with commercial buildings, and this development will be an extension of already exists there.

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

The project has been as a Planned Development District (PDD), which has already been approved by the City of Franklin.

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- viii. Any negative affect upon adjoining property:

Any negative effects might be noise and light pollution to the residential neighborhoods to the west. These effects will be mitigated by a wooded berm that is up to 150 feet wide along the west edge of the development. In the end, it is likely that the neighbors will find that they like the development much better than the existing landfill that they currently live next to.

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- ix. Natural features of the property:

The natural features of the property are by no means exceptional. The wetlands are dominated by invasive species. The area north of Rawson is a landfill. The



area south of Rawson is an old field with scrubby vegetation.

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- x. Environmental impacts:  
The environmental impacts minimized to the extent possible for such a large development.



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**SECTION 15-9.0110 APPLICATION FOR SPECIAL EXCEPTIONS FOR NATURAL RESOURCES**

- A. Name and address of all adjacent property owners is attached as a separate document.
- B. Plat of survey has been included on the Existing Conditions Plans, attached.
- C. All questions have been answered in the attached, updated application form. An expanded description of the proposed project and project purpose is included below:

**Project Description**

The proposed Ballpark Commons development is an approximately 120-acre project located in Sections 4 and 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. West Rawson Avenue (County Highway BB) divides the property into northern and southern units. The northern unit is bound by Crystal Ridge Rd. and The Rock Sports Complex, and the ski lodge to the north. It is bound by S. 76th Street and W. Loomis Road/Highway 36 to the east and West Rawson Avenue to the south. The western edge is formed by single family lots located on W. Hawthorne Lane. The southern unit of Ballpark Commons is bound by W. Rawson Avenue to the north, W. Loomis Road/ Highway 36 to the east, and the Stonehedge subdivision to the west. A map identifying the project area as defined here can be found in the attached location map. The closest waterbodies to the site are the Root River, which is about 2,500 feet north of the proposed development, and Koepmier Lake, which is 1,800 feet east of the project.

Ballpark Commons is an extension and an expansion of the existing sports facility—The Rock. It is a mixed used development with sports facilities, commercial, retail, and multifamily residential uses. The sports facilities include a minor league baseball stadium, a state-of-the-art digital indoor/outdoor driving range, and an indoor all-seasons sports training facility. A trail system will connect to the existing Oak Leaf Trail to the north and run south through the entire length of the development. The commercial and retail buildings include office space, retail restaurants and shops, and a hotel. Multifamily residential housing includes over 300 units. Ballpark Commons is the downtown city center that the City of Franklin currently lacks. It will bring together Franklin, the community that has been the fastest growing city in the state of Wisconsin with a population that has doubled in the last ten years and has now reached 35,000+ residents. Ballpark Commons will take a blighted landfill property that has been a liability to the City of Franklin and Milwaukee County and transform it into a thriving downtown destination.

The Ballpark Commons site is functionally divided by West Rawson Avenue into northern and southern units. The new stadium, all season sports facility, and the majority of the retail mixed use buildings will be located north of Rawson. This places these uses next to the existing ballfield and skiing facilities. The multifamily residences and three additional commercial buildings, including a hotel, will occur south of Rawson Avenue, which logistically makes sense because it places these uses outside of the limits of the original landfill.

**Identify the Basic Project Purpose and Need for the Project**

Milwaukee County has been struggling to find the funds to maintain the landfill or to find a developer who will take on redevelopment of the Crystal Ridge landfill property. Zimmerman Ventures and Marso Construction has teamed up to provide a solution in the form of Ballpark



Commons LLC. This development solves a problem for the County while at the same time fulfills a need for more retail development in the City of Franklin.

The City of Franklin has been planning for economic growth for some time. They commissioned the Franklin First Economic Development Strategic Plan in 2000. This study supported the use of tax incremental financing (TIF) to be used to promote economic development. The study was the basis of the "70/30" goal, which is a goal to increase the proportion of non-residential to residential development to 30%, up from the 18% that it has been. The 70/30 Goal was unanimously adopted by the City of Franklin Common Council on June 29, 2005. The rationale behind the goal is that the increase in non-residential development would relieve the tax burden for residential land owners. Other economic development goals of the City of Franklin include promoting high quality and high value development, expanding and stabilizing the current economic base, creating jobs, and attracting new businesses. In pursuit of these goals, the City of Franklin had previously created four TIF districts (or TIDs) in the city. As a testament to the City's support of the Ballpark Commons LLC, they created a new district, TID No. 5, in September of 2016 specifically for the Ballpark Commons project, believing fully that this project will help them achieve their economic development goals. The City did not take it on faith that this particular intersection of W. Rawson Ave. and W. Loomis Rd. would serve these goals—they commissioned a due diligence study for potential economic development by GRAEF, a market study by Melaniphy & Associates, and a TIF feasibility study by Ehlers & Associates. All of these studies concluded that the Ballpark Commons project would help the City reach its economic goals, generating approximately \$100 million as a result of the new development.

The Ballpark Commons development is expected to produce 150-175 full time jobs and 400 seasonal and part time employees and over 300 housing units for these workers. As further evidence of the City of Franklin's commitment to the Ballpark Commons development, they approved an amended Planned Development District (PDD)/ General Development Plan (GDP) for Ballpark Commons. The general purpose of a PDD is to allow more flexibility in site planning and zoning so that the project can benefit from coordinated planning that will allow for mixed uses at the same time as providing for safe pedestrian access and vehicular traffic needs and providing for open space uses.

The Melaniphy market study indicated that the apartment market is currently one of the strongest real estate segments and demand for the units in the City of Franklin will be high, given the fact that there has been little new apartment developments in the City in recent years. They also indicated that the stadium and sports facilities will draw about 250,000 visitors a year. This study also recommended that the stadium, the sports facilities, and the apartments should be constructed first because they will be the economic drivers for the rest of the mixed use retail/commercial space.

D. Copies of all necessary governmental agency permits for the project.

An individual wetland permit has been applied for with the Wisconsin Department of Natural Resources and with the U.S. Army Corps of Engineers. The date the application was accepted by these agencies was August 2, 2017. The U.S. Army Corps of Engineers posted the project for public notice on September 19, 2017. We are still awaiting a response from WDNR.

An artificial exemption request was granted by WDNR for most of the roadside ditches and two of the wetlands on the landfill cap and is attached here.



The Endangered Resources Review was conducted by WDNR and is attached here.

WDNR has not indicated as of yet that an Archeological Review is needed for this project.

#### **ADDITIONAL DETAILS IN SUPPORT OF NRSE APPLICATION:**

##### **Section 15-9.0110C - Proposed Impacts of Natural Resources for the Preferred Alternative**

###### **Section 15-4.0102B - Woodlands and Forests**

A total of 9.27 (10.97 non-overlapping) acres of mature woodlands will be impacted by the proposed project. A total of 12.05 acres of mature woodlands exist on site. At the 0.7 protection standard, this means that 8.44 acres will be required to be preserved. A tree survey was conducted, noting the location, the DBH (diameter at breast height), the species, and the condition of the trees. Only trees 8 inches in DBH or greater were surveyed. All of the trees in the proposed north stormwater pond disturbance area, plus a 25 foot buffer were surveyed, which was a 4.78 acre area (non-overlapping). A total of 601 trees were surveyed. 34% of these trees were dead or dying, most of them green ash trees dying from emerald ash borer. The dominant tree species were box elder and green ash, though most of these ash trees were dead.

The entire mature woodland area near the existing BMX track was also surveyed, which is 3.95 acres in size (non-overlapping). Trees within the delineated wetland were excluded from the survey. A total of 252 trees were located, of which 25% were dead or dying. Many of the dying trees were either green ash, or apple trees from a remnant orchard. The dominant species was box elder.

The entire mature woodland area near the existing homes south of Rawson Ave. was also inventoried, which was 2.24 acres (non-overlapping) in size. Trees within the delineated wetland were excluded. A total of 167 trees were surveyed here, of which 11% were dead or dying. Most of the dying trees were green ash. The dominant species in this woodland were box elder and black walnut.

See attached tree survey documents for detailed results for all three woodlands. It is our opinion that none of the impacted woodland areas were in good health, nor are they good examples of the native woodlands that used to occur in southern Wisconsin. Box elder is a pioneer, early successional tree that has no real value other than to provide cover for wildlife.

###### **Section 15-4.0102E - Shore Buffers**

JSD surveyed the Ordinary High Water Mark (OHWM) of the Root River on September 13-15, 2017. The shore buffer area was determined by offsetting 75 feet from the OHWM of the south bank of the Root River. No shore buffer area will be impacted.

###### **Section 15-4.0102F - Floodplain/Floodway/Floodlands**

The stormwater pond was designed to occur outside of the 100-year floodplain. However, 0.094 acres of impact of floodplain will occur due to rip rap spillways from the stormwater pond. We believe that this is a permitted use within the Floodway District per Section 15-3.0604A.5 Stream



**Bank Protection.** The purpose of the rip rap is to protect the stream bank of the Root River from the erosive forces of water leaving the stormwater pond. An additional 0.086 acres of floodplain will be impacted to place a sanitary sewer connection in. The sanitary line will be buried underground and technically will not raise the floodplain. The system shall be floodproofed to an elevation of at least two feet above the elevation of the 100 year flood, as required by Section 15-3.0604B.3.

**Section 15-4.0102G - Wetlands and Shoreland Wetlands**

The total wetland area found on site on both the north and the south units was 4.00 acres. We asked the DNR to evaluate the wetlands for artificial exemption, as many of the wetlands were roadside ditches and several of the wetlands had formed over the top of the wetland cap. The DNR responded that most of the ditches were indeed exempt, except for portions of Roadside Ditches 8 and 13. Wetlands 5A and 5B on the wetland cap were also determined to be exempt. Of the 4.00 acres of wetland, 2.00 acres are considered to be exempt, leaving 2.00 acres of DNR-jurisdictional wetland. The Army Corps of Engineers has yet to make their determination of jurisdictional wetlands.

Of the 2.00 acres of DNR-jurisdictional wetlands, the unavoidable impact of 1.32 acres is being proposed in order to build the Ballpark Commons project. The break-down of wetland impact by wetland type is 0.40 acres of deep and shallow marshes (emergent), 0.03 acres of sedge meadow, 0.11 acres of fresh (wet) meadow, 0.35 acres of shrub-carr (scrub-shrub), and 0.43 acres of hardwood swamps (forested).

**Section 15-4.0102H - Wetland Buffers**

A total of 4.27 acres of wetland buffer will be impacted by the project.

**Section 15-4.0102I - Wetland Setbacks**

A total of 3.98 acres of wetland setback will be impacted by the project.

**Section 15-9.0110C.4.f. - Impact to Primary Environmental Corridor**

A total of 4.96 acres of Primary Environmental Corridor will be impacted by the project.

**Section 15-9.0110C - Proposed Impacts of Natural Resources for the Early Site Plan Alternative**

**Section 15-4.0102B - Woodlands and Forests**

A total of at least 9.27 acres of mature woodland would be impacted by this site alternative.

**Section 15-4.0102E - Shore Buffers**

No shore buffers would have been impacted by this site alternative.

**Section 15-4.0102F - Floodplain/Floodway/Floodlands**

Even though the north stormwater pond is not shown in the early site plan alternative, it would have had to have been added to this site plan to manage all of the stormwater north of Rawson Avenue. In fact, it would need to be even bigger because of the greater amount of impact planned for this site plan. So, at least 0.18 acres of floodplain impact would have occurred due to rip rap spillways from the stormwater pond and for the sanitary line.



**Section 15-4.0102G - Wetlands and Shoreland Wetlands**

Of the 2.00 acres of DNR-jurisdictional wetland, all 2.00 acres would be impacted by this site plan alternative.

**Section 15-4.0102H - Wetland Buffers**

All 5.52 acres of wetland buffer would be impacted by this site plan alternative.

**Section 15-4.0102I - Wetland Setbacks**

All 4.54 acres of wetland setback would be impacted by this site plan alternative.

**Section 15-9.0110C.4.f. - Impact to Primary Environmental Corridor**

A total of 4.96 acres of Primary Environmental Corridor will be impacted by the project.

**Section 15-9.0110C – Explanation for why the stormwater pond must be adjacent to the Root River**

We have evaluated (and designed) numerous options for stormwater management facilities on the lands north of Rawson Avenue. The basic criteria for the pond(s) is that it be sized for water quality treatment in accordance with Wisconsin DNR standards, water quantity control in accordance with MMSD Chapter 13 standards, and be located off the waste mass. While we have been able to properly size facilities to fit on other parts of the site, this last criterion is what ultimately pushes the pond to the north end of the property. The concern of locating a pond on the waste mass is that the weight of the permanent pool of water could compress the underlying waste and potentially "squeeze" leachate or methane in directions that it didn't previously migrate. The other primary concern is that the pond liner, whether it be natural or synthetic, could rupture and allow infiltration to the waste mass, again potentially causing a change in the current leachate or methane migration patterns. Each of those scenarios creates liabilities that can be avoided by working outside of the waste limits. The Developer would actually much rather put the pond somewhere other than its current location, but this is the only spot available that is off the waste mass.

**Section 15-4.0102I - Proposed Construction Schedule and Sequence of Work**

The proposed project will be completed in three phases, which are described in detail in the PDD. Phase I will include building the stadium and infrastructure to support it in late fall of 2017 with completion occurring by spring of 2018. The infrastructure for the residential area to the south of Rawson Ave., including the new public street and the stormwater pond, would occur during the same time period. The first group of residential multifamily apartments would also be built in this phase. In Phase II, a second set of multifamily residential buildings south of Rawson will be built as well as the three commercial buildings. The remaining sports facilities north of Rawson would be also constructed as part of Phase II, to begin in spring of 2018 and end in spring of 2019. The commercial mixed use retail buildings north of Rawson would be part of Phase III, to begin in spring of 2019 and end by spring of 2021. The entire project will take about 3 to 5 years to complete.

All site grading work and erosion control efforts shall be performed in accordance with best management practices and applicable Wisconsin Department of Natural Resources technical standards. All sediment control and erosion control measures will be in place prior to any site



disturbance. The following sequence of operations will be followed. Install inlet protection and tracking pad at the site entrance. Install silt perimeter control. Temporary sediment trap basins will be used to collect stormwater from building sites during construction. All temporary measures have been accounted for and are included in the calculations for natural resources impacts. Temporary measures will not occur within natural resource areas. Erosion control matting will be installed on all slopes steeper than 4:1 for both temporary and permanent measures. Complete final grading. Disturbed portions of the site shall receive topsoil and be seeded as is practical. All erosion control measures for the entire site will be maintained by the Contractor for the duration of the project.

The wetland perimeters, setbacks, and buffers will be protected with silt fence and with orange indicator fences for high visibility for the duration of the project. The erosion control plan has been modified accordingly. Any spoils, temporary or permanent, will be placed in upland areas only. In this project, spoils from the stormwater pond excavations will be used to create berms for screening the adjacent residential properties along the western edge of the entire project boundary. All areas of disturbed soil will be seeded with a temporary cover crop or an approved lawn seed mix and erosion control matting will be used on all slopes steeper than 4:1.

#### **Section 15-4.0103 - Proposed Mitigation for Natural Resources**

##### **Section 15-4.0102B - Woodlands and Forests**

A total of 9.27 (10.97 non-overlapping) acres of mature woodlands will be impacted by the proposed project. A total of 12.05 acres of mature woodlands exist on site. At the 0.7 protection standard, this means that 8.44 acres will be required to be preserved. With 12.05 acres total, minus 9.27 acres, 2.78 acres of forest is already preserved, and an additional 5.66 acres needs to be mitigated for. The recommended replacement ratio is 1.25 times the impacted area, which would be 7.08 acres. Mitigation for woodlands and forest impacts will be accomplished by planting new trees and shrubs within the buffer zone along the west edge of the development. A total of 8.5 acres of mature woodland is proposed to be planted in this berm area. A dominance of native species have been proposed for this area. However, in order to achieve an effective screen for the buffer, each acre will be planted more densely than is required by Section 15-4.0103B.3. See attached Landscape Plans for the Buffer areas by Durham Hill for species and quantities. We removed the trees and shrubs required for landscaping the bufferyard (Section 15-5.0302C) first (See attached Bufferyard Landscaping Calculations). If you count the number of trees and shrubs by minimum number of plants required per acre, we have actually provided the equivalent of 29 acres of mitigated woodland, even after the bufferyard requirement was accounted for. We excluded all proposed non-native plant species from this calculation. See table below for calculations. A conservation easement will be placed over the buffer areas once approved by the City.



Minimum Mitigation Standard Per Acre	Species Used in Calculations	Total in Category	Total Divided by Minimum (Per Acre Equivalent)
25 canopy trees, minimum 2.5-inch caliper or 6-foot high evergreen trees	<i>Pinus strobus</i> , 6' high <i>Picea glauca</i> , 6' high	206	8.24
100 canopy trees, minimum 5-foot high whips	<i>Acer x freemanii</i> , 2" caliper <i>Gleditsia triacanthos</i> v. <i>inermis</i> , 2" caliper <i>Quercus bicolor</i> , 2" caliper <i>Tilia americana</i> 'Redmond', 2" caliper	61	0.61
35 understory trees, minimum 5-foot high whips	<i>Amelanchier grandiflora</i> , 5' high <i>Carpinus caroliniana</i> , 2" caliper	33	0.94
30 shrubs, minimum 12 inches high	<i>Cornus sericea</i> 'Baihalo', 18" high <i>Hamamelis virginiana</i> , 6' high <i>Ilex verticillata</i> 'Jim Dandy', 18" high <i>Ilex verticillata</i> 'Red Sprite', 18" high <i>Physocarpus opulifolius</i> , 24" high <i>Viburnum dentatum</i> , 24" high	581	19.37
		Total	29.16 acres

#### Section 15-4.0102F - Floodplain/Floodway/Floodlands

0.094 acres of impact due to rip rap spillways from the stormwater pond. We believe that this is a permitted use within the Floodway District per Section 15-3.0604A.4 Stream Bank Protection. The purpose of the rip rap is to protect the stream bank of the Root River from the erosive forces of water leaving the stormwater pond. Because this is a permitted use, no mitigation should be necessary for this impact. An additional 0.086 acres of floodplain will be impacted to place a sanitary sewer connection in. The sanitary line will be buried underground and technically will not raise the floodplain. The system shall be floodproofed to an elevation of at least two feet above the elevation of the 100 year flood, as required by Section 15-3.0604B.3. Again, this is a permitted use and should not require mitigation as long as the system is floodproofed.

#### Section 15-4.0102G - Wetlands and Shoreland Wetlands

A total of 1.35 acres of wetlands is proposed to be disturbed. The recommended ratio for replacement of disturbed wetland is 1.5 times the impacted area. This would require 2.03 acres to replace the impacted wetlands. We are unable to replace all of the wetlands, but we are preserving and enhancing 0.55 acres of wetland south of Rawson, and creating an additional 0.75 acres of wetland by expanding the boundaries of Wetland 13. This is a total of 1.30 acres of wetland to be enhanced and/or created. We are removing all invasive species and planting the area with flowers known to provide food sources for bees. See attached Wetland and Buffer Mitigation Plan for details on how this will be planted, maintained, and monitored.

#### Section 15-4.0102H - Wetland Buffers



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A total of 4.27 acres of Wetland Buffer will be disturbed. This is recommended to be replaced at a ratio of 1.5 times the impacted area by planting a new buffer zone using native plant species, which would be 6.41 acres. This will be accomplished by planting a prairie seed mix on the slopes of the new stormwater ponds as indicated in the Wetland and Buffer Mitigation Plan. We are proposing a total area of 5.50 acres of new buffer to be created. See attached Wetland and Buffer Mitigation Plan for details on how this will be planted and maintained.



### Section 15-4.0103 – Bufferyard Requirements for North and South of W. Rawson Ave

#### Section 15-5.0302B - Bufferyard

Table 15.5.0302 Minimum Number of Standard Plant Units multiplied by 20% was used to determine the quantity of trees and shrubs needed to meet the requirements of the Bufferyard between the residential subdivisions to the west of both the North and South sides of the Ballpark Commons development.

The bufferyard requirements for the area north of Rawson was determined by the number of parking lot spaces in the two parking lots adjacent to the west boundary. This included the overflow parking lot, which has 284 parking spaces, and the golf facility parking lot, which has 660 parking spaces. The total number of parking spaces needed to be buffered was 944. Table 15.5.0302 indicates that one plant unit is needed per 5 parking spaces when a commercial development abuts a residential area. The total of 944 divided by 5 is 189 plant units. Multiplying this by 20%, the total plant units needed would be 227. The following table indicates the plants used to meet the 227 plant units. The minimum size requirements for the plants meets the requirements in Table 15-5.0302.

#### North Side Landscaping Buffer:

SYM	COMMON NAME	QTY.	FORM
AG	Serviceberry	11	Decorative
BN	River Birch	8	Decorative
CE	Eastern Redbud	5	Decorative
IVRS	Holly Female Cultivar	98	Shrub
MPP	Purple Prince Crabapple	7	Decorative
MRJ	Red Jewel Crabapple	6	Decorative
RA	Gro-Low FrAGRant Sumac	92	Shrub

#### North Side Plant Units:

Canopy	0
Decorative	37
Evergreen	0
Shrub	190
Total	227

The bufferyard requirements for the area south of Rawson was determined by the number of living units (Dwelling Units) proposed for the entire development south of Rawson. Table 15.5.0302 indicates a minimum number of plants per Dwelling Unit for a Multi-family development which abuts a residential area, multiplied by 20%. The total number of Dwelling Units is 304. Multiplying this by 20% gives a total of 365 plant units needed. The following table indicates the plants used to meet the 365 plant units. The minimum size requirements for the plants meets the requirements in Table 15-5.0302.



South Side Landscaping Buffer:

SYM	COMMON NAME	QTY.	FORM
BN	River Birch	15	Decorative
BP	Gray Birch	19	Decorative
CC	Thornless Hawthorn	20	Decorative
CE	Eastern Redbud	15	Decorative
MJ	Red Jewel Crabapple	5	Decorative
MPP	Purple Prince Crabapple	12	Decorative
PA	White Spruce	22	Evergreen
PC	Autumn Blaze Pear	14	Decorative
PST	White Pine	75	Evergreen
TD	Bald Cypress	12	Evergreen
IVRS	Holly Female Cultivar	177	Shrub
RA	Gro-Low Fragrant Sumac	39	Shrub
SB	Bloomerang Lilac	109	Shrub
VD	Blue Muffin Arrowwood	86	Shrub
VP	Blackhaw Viburnum	56	Shrub

South Side Plant Units:

Canopy	0	1.5 Per D.U.
Decorative	100	1 Per D.U.
Evergreen	109	1 Per D.U.
Shrub	467	3 per D.U.
Total		365 D.U.

These plants have been removed from the plant list that is being used to satisfy the requirements of the woodland mitigation (Section 15-4.0103B.3).



# Wetland and Buffer Restoration Plan Ballpark Commons

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Prepared for:  
**Ballpark Commons**  
City of Franklin, Wisconsin

Project Number: 14-6548

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## TABLE OF CONTENTS

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1.0 INTRODUCTION .....	1
2.0 SITE ASSESSMENT .....	1
3.0 SITE PREPARATION .....	2
4.0 PLANTING PLAN .....	3
5.0 MAINTENANCE .....	3
6.0 MONITORING .....	4
7.0 REFERENCES.....	5

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## **APPENDICES**

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**APPENDIX 1 - INFILTRATION SWALE MIX SEED MIX**

**APPENDIX 2 - TALLGRASS PRAIRIE FOR MEDIUM SOILS SEED MIX**

**APPENDIX 3 - PLANTING PLAN FOR RESTORATION AREAS**



## 1.0 INTRODUCTION

The proposed Ballpark Commons development is located in Sections 4 and 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. West Rawson Avenue (County Highway BB) divides the property into northern and southern units. The northern unit is bound by Crystal Ridge Rd. and The Rock Sports Complex, and the ski lodge to the north. It is bound by S. 76<sup>th</sup> Street and W. Loomis Road/Highway 36 to the east and West Rawson Avenue to the south. The western edge is formed by single family lots located on W. Hawthorne Lane. The southern unit of Ballpark Commons is bound by W. Rawson Avenue to the north, W. Loomis Road/ Highway 36 to the east, and the Stone Hedge subdivision to the west. The project area is approximately 120 acres in total. The land to the north of W. Rawson Avenue is proposed to be developed into a stadium, an indoor sports venue, mixed-use, and commercial development. The land to the south of W. Rawson Avenue is proposed to be developed into commercial buildings along Rawson and as multi-family housing to the south of that.

The purpose of this restoration plan is to detail the methods, maintenance, and monitoring for restoring wetlands and wetland buffer areas at the Ballpark Commons project.

The subject of the wetland restoration is the wetland labelled as Wetland 13 on the wetland delineation completed by JSD Professional Services on July 18, 2016. The invasive species will be removed from all this wetland and it will be replanted with native wetland seed and plant plugs. Wetland 13 will be expanded by grading adjacent areas to a matching grade in order to create some additional wetland on site.

The wetland buffer restoration will be accomplished by seeding the stormwater ponds both north and south of W. Rawson Avenue with a native prairie seed mix.

## 2.0 SITE ASSESSMENT OF EXISTING CONDITIONS

The south side of Rawson currently is occupied by three single family residences located along Old Loomis Road, and a small horse farm located at the south end of the property. The majority of the undeveloped land is old field. The existing wetland slated for restoration was evaluated for their current conditions.

### Wetland 13

This wetland is a scrub-shrub/emergent wetland dominated by broad-leaf cattail (*Typha latifolia*), common reed (*Phragmites australis*), reed canary grass (*Phalaris arundinacea*), and sandbar willow (*Salix interior*). The wetland has been ditched and drains to the roadside ditch alongside Old Loomis Road. The wetland had 6 inches of standing water and water-stained leaves. Soils are mapped as the hydric Ashkum silty clay loam (AsA).



The main challenges for restoring this site is the dominance by the invasive reed canary grass (*Phalaris arundinacea*), broad-leaf cattail (*Typha latifolia*), and common reed (*Phragmites australis*). These species may crowd out or shade out the planted native species. Seed sources may blow in from off site and reinvade the wetland. The wetland will need to be pre-treated before restoration can begin, and it will need to be spot treated for invasive species as needed during the establishment period.

Therefore, the approach for this restoration will be to choose native species that will be able to outcompete the reed canary grass, in order to introduce some species diversity to the site. Species typical of wet prairies and emergent wetlands will be planted. An emphasis will be placed on including those species that are known to be good nectar sources for the rusty patched bumble bee. In addition, plantings of some scattered wetland shrubs will be added to bring back the scrub-shrub component to the wetland.

### **3.0 SITE PREPARATION**

#### **Wetland**

As soon as site conditions are dry enough and new green growth begins in the spring, pre-treat the entire area by spraying with an aquatic-approved formula of Glyphosate in order to kill the reed canary grass, the cattail, and the common reed. Follow the manufacturer's instructions on the label for applying the herbicide. Complete the site grading for the additional wetland areas. Repeat the herbicide treatment when new growth of the invasive species begins again. Wait the amount of time specified on the label before planting the area to avoid killing the new plants with the herbicide.

Plant the seed following the nursery's instructions. In general, the seed may be applied by manually broadcasting or other method appropriate for small areas. The new seed must be pressed into the ground using a roller to ensure good contact with the soil. Clean, weed-free straw may be used as a light mulch. Plant the plant plugs at 24 inches on center as indicated on the plan. The shrubs shall be planted per plan.

#### **Wetland Buffer**

Once final grading for the stormwater basins has been achieved, plant the seed following the nursery's instructions. Broadcast or drop seed followed by rolling or packing. Seeding must be completed by June 30 in order to avoid drought conditions. If not possible to complete by that date, dormant season seeding may occur from between October 15 through March 15. The natural freeze-thaw action of the soil surface eliminates the need for rolling the seed during this time period.

The new seed must be pressed into the ground using a roller to ensure good contact with the soil. Appropriate erosion control matting should be applied to the side slopes of the basins over the top of the planted seed.



#### 4.0 PLANTING PLAN

The proposed wetland seed mix is the "Infiltration Swale Mix" by Agrecol in Evansville, Wisconsin, or an equivalent seed mix for wetlands. It should be planted at a rate of 9.00 PLS lbs per acre. A cover crop will not be used because the plugged plants will act as an immediate source of cover. The plugged plants shall be planted 24 inches on center, planting each of the three Flowering Perennial Mixes randomly within the areas indicated on the plan. Shrubs shall be planted where indicated on the plan.

The proposed seed mix for the wetland buffers is a native tallgrass prairie mix that contains a variety of wet and dry species that will adapt to the wetter and drier conditions over the entire slope of the basin. The seed mix is called "Tallgrass Prairie for Medium Soils" by Agrecol, or an equivalent seed mix. The plant mix will be planted at a rate of 13.25 PLS lbs per acre. A cover crop of annual rye (*Lolium multiflorum*) is recommended for the wetland buffer areas at a rate of 3 lbs per acre. Erosion control matting shall be placed on all slopes.

#### 5.0 MAINTENANCE

##### **Wetlands and Wetland Buffers**

Watering of the new plantings will be necessary during the first growing season. Supplemental water shall be applied at a rate of 1" per week for at least the first 8 weeks and after that, as needed during drought conditions. Supplemental watering shall occur during drought periods in the second and third years after planting.

Spot treat invasive species with approved herbicide as needed throughout the establishment period. The goal is to treat the invasive species before they flower and set seed, to keep them from spreading. Invasive species to be treated shall include reed canary grass, common reed, cattail, Canada thistle, common buckthorn, and others if deemed necessary during the monitoring period. Avoid treating the planted plugs and planted woody species in the wetland areas.

##### **Wetland Buffers Only**

Mow the site three times during the first growing season with a flail mower, to a height of 6-12 inches. Make sure the first mowing occurs before the reed canary grass seed heads appear (mid-June), and the last mowing occurs at the end of the growing season to reduce thatch for the following spring.

Mow during the second and third growing seasons before reed canary grass seed heads appear (June). Mow a second time at the end of the growing season in order to reduce thatch for the next spring.



Once the establishment period is over, all mowing within the wetland shall be discontinued, but spot treatment of invasive species may be periodically necessary. Mowing of the wetland buffer areas may be done once a year at the end of the growing season or prior to spring emergence in order to mimic a yearly burn.

The Maintenance Contractor may modify the maintenance plan as necessary to enhance the survivorship of the plantings.

## 6.0 MONITORING PLAN

The restoration areas will be monitored for a period of three years with a brief monitoring report to be completed and submitted to the City of Franklin by December 31<sup>st</sup> of each year after planting first occurs. Baseline data shall be collected prior to planting to use for comparative purposes. The purpose of monitoring will be to determine maintenance needs and possible corrective actions at the site.

The performance standards for success will consist of the following:

1. The total cover by native herbaceous perennial species over the seeded areas shall be at least 75%.
2. Areas of bare soil shall not exceed 10%.
3. Survivorship of the planted plugs shall be 75%.
4. Survivorship of the planted woody species shall be 75% at the end of the three-year monitoring period.
5. Species diversity shall increase compared to baseline, as measured by number of species counted and FQA data collected.

These standards will be measured by randomly placing 5-foot radius circular plots throughout the planted areas to measure the percent cover of herbaceous vegetation. This will be done in mid- to late- summer. The site will also be visually inspected for large patches of bare soil. Counts of the woody planted species will be made, counting the number of living and dead shrubs, in order to calculate survivorship. The same will be done for the planted plugs within the 5-foot radius plots.

In addition, a meander transect will be performed over the entire site during the field visit and all plant species encountered will be recorded, in order to get a measurement of the overall diversity at the site. A Floristic Quality Assessment (FQA) will be calculated with this data. A visual estimation of the percent cover by invasive species at the site will also be conducted.

If the vegetation is failing to meet these standards during the monitoring period, corrective actions will be proposed. Corrective actions may consist of reseeding or replanting, control of invasive species, an adjustment to the mowing schedule, or other actions depending on how site conditions evolve.



## 7.0 REFERENCES

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## Infiltration Swale

Swales include ditches, waterways and depressions that see infrequent stormwater runoff. Our Infiltration Swale seed mix combines deep rooted and fibrously rooting plants to protect both the soil surface and deeper soils from erosion. This root complex is also very efficient at moving water down into the soil and minimizing off site flow.

#INSW	Wet Mesic to Mesic	Full Sun to Part Sun	9.00 PLS LBS/Acre	73.00 Seeds/ Sq. Ft
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Wildflowers		Oz/Acre
<i>Alisma subcordatum</i>	Mud Plantain	2.00
<i>Asclepias incarnata</i>	Marsh (Red) Milkweed	6.00
<i>Aster novae-angliae</i>	New England Aster	2.00
<i>Desmodium canadense</i>	Canada Tick Trefoil	4.00
<i>Ratibida pinnata</i>	Yellow Coneflower	3.00
<i>Rudbeckia hirta</i>	Black-Eyed Susan	2.00
<i>Rudbeckia subtomentosa</i>	Sweet Black-Eyed Susan	2.00
<i>Solidago ohioensis</i>	Ohio Goldenrod	1.00
<i>Verbena hastata</i>	Blue Vervain	1.75
<i>Vernonia fasciculata</i>	Ironweed	2.00
Grasses, Sedges, & Rushes		Oz/Acre
<i>Andropogon gerardii</i>	Big Bluestem	10.00
<i>Bromus ciliatus</i>	Fringed Brome	36.00
<i>Carex comosa</i>	Bristly Sedge	5.00
<i>Carex vulpinoidea</i>	Brown Fox Sedge	1.50
<i>Elymus virginicus</i>	Virginia Wild Rye	36.00
<i>Glyceria striata</i>	Fowl Manna Grass	2.00
<i>Panicum virgatum</i>	Switchgrass	3.00
<i>Scirpus atrovirens</i>	Dark-Green Bulrush	0.50
<i>Scirpus cyperinus</i>	Wool Grass	0.25
<i>Sorghastrum nutans</i>	Indian Grass	16.00
<i>Spartina pectinata</i>	Prairie Cordgrass	8.00



## Tallgrass Prairie for Medium Soils

An excellent mix for wildlife conservation. Tall stature grasses such as Big Bluestem and Indian grass provide important nesting habitat and cover for many animals. For full sun plantings with medium to well-drained soils.

#TPM    Wet Mesic to Dry Mesic    Full Sun    13.25 PLS LBS/Acre    89.00 Seeds/ Sq. Ft

Wildflowers		Oz/Acre
Allium cernuum	Nodding Onion	4.00
Amorpha canescens	Leadplant	2.00
Aster azureus	Sky Blue Aster	1.00
Aster novae-angliae	New England Aster	1.00
Baptisia leucantha (alba)	White Wild Indigo	2.00
Coreopsis palmata	Prairie Coreopsis	1.50
Coreopsis tripteris	Tall Coreopsis	1.00
Dalea candida	White Prairie Clover	3.00
Dalea purpurea	Purple Prairie Clover	2.50
Desmodium canadense	Canada Tick Trefoil	2.00
Echinacea pallida	Pale Purple Coneflower	4.00
Echinacea purpurea	Purple Coneflower	6.00
Eryngium yuccifolium	Rattlesnake Master	2.50
Helianthus grosseserratus	Sawtooth Sunflower	0.50
Heliopsis helianthoides	Early Sunflower	8.00
Liatris pycnostachya	Prairie Blazing Star	3.00
Monarda fistulosa	Wild Bergamot	2.00
Penstemon digitalis	Foxglove Beard Tongue	0.50
Potentilla arguta	Prairie Cinquefoil	0.20
Pycnanthemum virginianum	Mountain Mint	0.20
Ratibida pinnata	Yellow Coneflower	2.25
Rudbeckia hirta	Black-Eyed Susan	3.50
Rudbeckia subtomentosa	Sweet Black-Eyed Susan	2.00
Silphium laciniatum	Compass Plant	2.00
Silphium perfoliatum	Cup Plant	2.50
Solidago graminifolia	Grass-Leaved Goldenrod	0.20
Solidago rigida	Stiff Goldenrod	1.25
Verbena hastata	Blue Vervain	1.50
Veronicastrum virginicum	Culver's Root	0.20
Grasses, Sedges, & Rushes		Oz/Acre
Andropogon gerardii	Big Bluestem	24.00
Bouteloua curtipendula	Side Oats Grama	16.00
Carex bicknellii	Copper-Shouldered Oval Sedge	1.50



<i>Elymus canadensis</i>	Canada Wild Rye	32.00
<i>Elymus virginicus</i>	Virginia Wild Rye	32.00
<i>Juncus tenuis</i>	Path Rush	0.20
<i>Panicum virgatum</i>	Switchgrass	8.00
<i>Schizachyrium scoparium</i>	Little Bluestem	12.00
<i>Sorghastrum nutans</i>	Indian Grass	24.00



South Side Landscaping Buffer:

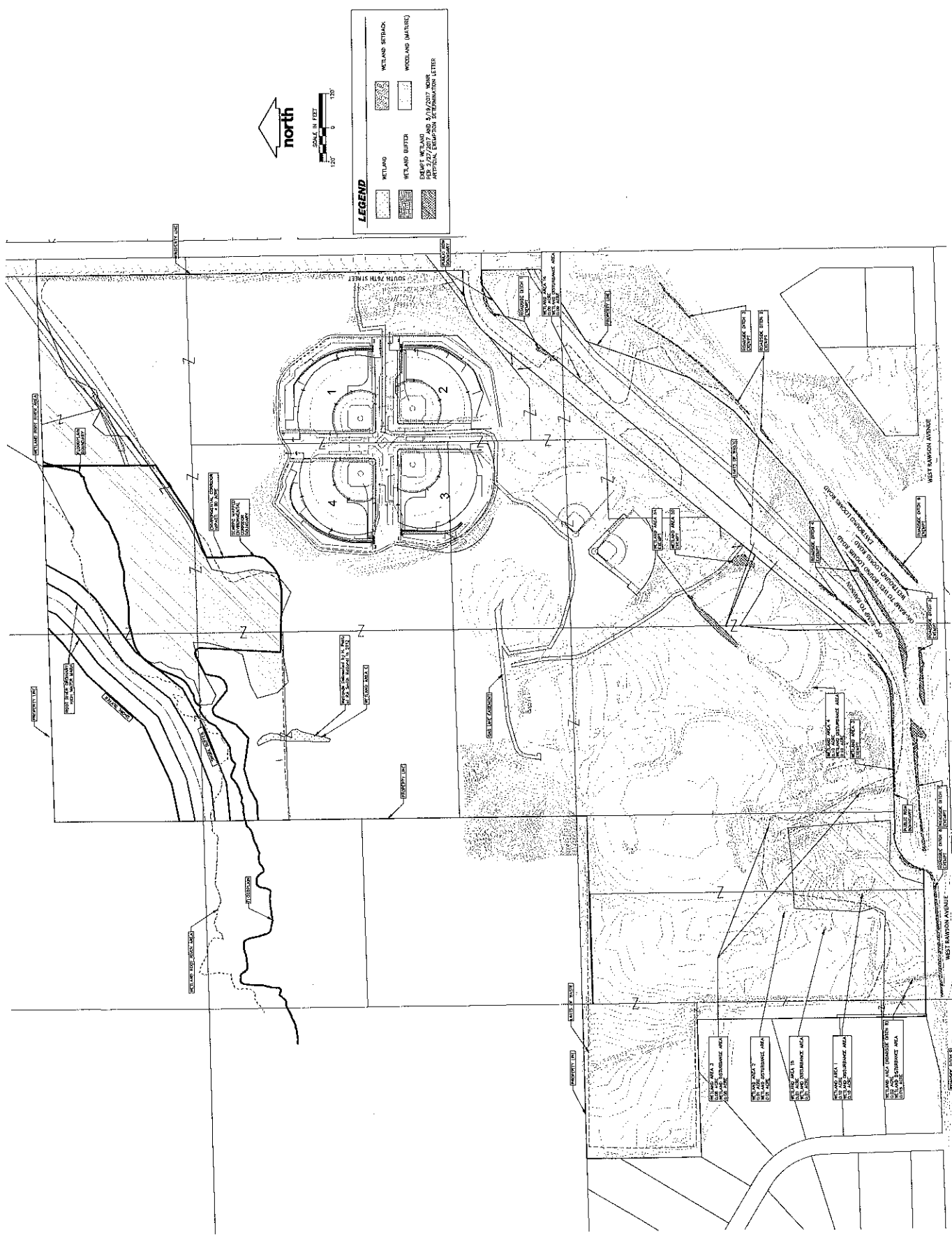
SYM	COMMON NAME	QTY.	FORM
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SB	Bloomerang Lilac	109	Shrub
VD	Blue Muffin Arrowwood	86	Shrub
VP	Blackhaw Viburnum	56	Shrub

South Side Plant Units:

Canopy	0	1.5 Per D.U.
Decorative	100	1 Per D.U.
Evergreen	109	1 Per D.U.
Shrub	467	3 per D.U.
Total		365 D.U.

These plants have been removed from the plant list that is being used to satisfy the requirements of the woodland mitigation (Section 15-4.0103B.3).















[illegible]







1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525
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Species	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400																																																																																								
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[illegible]



MEAN OR OYING THIES 64 (25%)

T 3.0



[illegible]

2. FADING TREES 18 (11%)

[illegible]

**BALLPARK  
COMMONS**  
CHICAGO, IL

**THE**

Toll Free (800) 242-5511

### PLAN MODIFICATIONS

Date \_\_\_\_\_ Grade \_\_\_\_\_

Year	Number of cases	Percentage of cases
1990	10	10.0
1991	15	15.0
1992	20	20.0
1993	25	25.0
1994	30	30.0
1995	35	35.0
1996	40	40.0
1997	45	45.0
1998	50	50.0
1999	55	55.0
2000	60	60.0
2001	65	65.0
2002	70	70.0
2003	75	75.0
2004	80	80.0
2005	85	85.0
2006	90	90.0
2007	95	95.0
2008	100	100.0
2009	105	105.0
2010	110	110.0
2011	115	115.0
2012	120	120.0
2013	125	125.0
2014	130	130.0
2015	135	135.0
2016	140	140.0
2017	145	145.0
2018	150	150.0
2019	155	155.0
2020	160	160.0
2021	165	165.0
2022	170	170.0
2023	175	175.0
2024	180	180.0
2025	185	185.0
2026	190	190.0
2027	195	195.0
2028	200	200.0
2029	205	205.0
2030	210	210.0
2031	215	215.0
2032	220	220.0
2033	225	225.0
2034	230	230.0
2035	235	235.0
2036	240	240.0
2037	245	245.0
2038	250	250.0
2039	255	255.0
2040	260	260.0
2041	265	265.0
2042	270	270.0
2043	275	275.0
2044	280	280.0
2045	285	285.0
2046	290	290.0
2047	295	295.0
2048	300	300.0
2049	305	305.0
2050	310	310.0
2051	315	315.0
2052	320	320.0
2053	325	325.0
2054	330	330.0
2055	335	335.0
2056	340	340.0
2057	345	345.0
2058	350	350.0
2059	355	355.0
2060	360	360.0
2061	365	365.0
2062	370	370.0
2063	375	375.0
2064	380	380.0
2065	385	385.0
2066	390	390.0
2067	395	395.0
2068	400	400.0
2069	405	405.0
2070	410	410.0
2071	415	415.0
2072	420	420.0
2073	425	425.0
2074	430	430.0
2075	435	435.0
2076	440	440.0
2077	445	445.0
2078	450	450.0
2079	455	455.0
2080	460	460.0
2081	465	465.0
2082	470	470.0
2083	475	475.0
2084	480	480.0
2085	485	485.0
2086	490	490.0
2087	495	495.0
2088	500	500.0
2089	505	505.0
2090	510	510.0
2091	515	515.0
2092	520	520.0
2093	525	525.0
2094	530	530.0
2095	535	535.0
2096	540	540.0
2097	545	545.0
2098	550	550.0
2099	555	555.0
2100		

[illegible][illegible][illegible][illegible]

Year	Number of cases	Percentage of cases
1990	10	10.0
1991	15	15.0
1992	20	20.0
1993	25	25.0
1994	30	30.0
1995	35	35.0
1996	40	40.0
1997	45	45.0
1998	50	50.0
1999	55	55.0
2000	60	60.0
2001	65	65.0
2002	70	70.0
2003	75	75.0
2004	80	80.0
2005	85	85.0
2006	90	90.0
2007	95	95.0
2008	100	100.0
2009	105	105.0
2010	110	110.0
2011	115	115.0
2012	120	120.0
2013	125	125.0
2014	130	130.0
2015	135	135.0
2016	140	140.0
2017	145	145.0
2018	150	150.0
2019	155	155.0
2020	160	160.0
2021	165	165.0
2022	170	170.0
2023	175	175.0
2024	180	180.0
2025	185	185.0
2026	190	190.0
2027	195	195.0
2028	200	200.0
2029	205	205.0
2030	210	210.0
2031	215	215.0
2032	220	220.0
2033	225	225.0
2034	230	230.0
2035	235	235.0
2036	240	240.0
2037	245	245.0
2038	250	250.0
2039	255	255.0
2040	260	260.0
2041	265	265.0
2042	270	270.0
2043	275	275.0
2044	280	280.0
2045	285	285.0
2046	290	290.0
2047	295	295.0
2048	300	300.0
2049	305	305.0
2050	310	310.0
2051	315	315.0
2052	320	320.0
2053	325	325.0
2054	330	330.0
2055	335	335.0
2056	340	340.0
2057	345	345.0
2058	350	350.0
2059	355	355.0
2060	360	360.0
2061	365	365.0
2062	370	370.0
2063	375	375.0
2064	380	380.0
2065	385	385.0
2066	390	390.0
2067	395	395.0
2068	400	400.0
2069	405	405.0
2070	410	410.0
2071	415	415.0
2072	420	420.0
2073	425	425.0
2074	430	430.0
2075	435	435.0
2076	440	440.0
2077	445	445.0
2078	450	450.0
2079	455	455.0
2080	460	460.0
2081	465	465.0
2082	470	470.0
2083	475	475.0
2084	480	480.0
2085	485	485.0
2086	490	490.0
2087	495	495.0
2088	500	500.0
2089	505	505.0
2090	510	510.0
2091	515	515.0
2092	520	520.0
2093	525	525.0
2094	530	530.0
2095	535	535.0
2096	540	540.0
2097	545	545.0
2098	550	550.0
2099	555	555.0
2100		

1000

[illegible]

PLATE 1

Year	Population	Population	Population
1990	100	100	100
1991	100	100	100
1992	100	100	100
1993	100	100	100
1994	100	100	100
1995	100	100	100
1996	100	100	100
1997	100	100	100
1998	100	100	100
1999	100	100	100
2000	100	100	100
2001	100	100	100
2002	100	100	100
2003	100	100	100
2004	100	100	100
2005	100	100	100
2006	100	100	100
2007	100	100	100
2008	100	100	100
2009	100	100	100
2010	100	100	100
2011	100	100	100
2012	100	100	100
2013	100	100	100
2014	100	100	100
2015	100	100	100
2016	100	100	100
2017	100	100	100
2018	100	100	100
2019	100	100	100
2020	100	100	100
2021	100	100	100
2022	100	100	100
2023	100	100	100
2024	100	100	100
2025	100	100	100
2026	100	100	100
2027	100	100	100
2028	100	100	100
2029	100	100	100
2030	100	100	100
2031	100	100	100
2032	100	100	100
2033	100	100	100
2034	100	100	100
2035	100	100	100
2036	100	100	100
2037	100	100	100
2038	100	100	100
2039	100	100	100
2040	100	100	100
2041	100	100	100
2042	100	100	100
2043	100	100	100
2044	100	100	100
2045	100	100	100
2046	100	100	100
2047	100	100	100
2048	100	100	100
2049	100	100	100
2050	100	100	100
2051	100	100	100
2052	100	100	100
2053	100	100	100
2054	100	100	100
2055	100	100	100
2056	100	100	100
2057	100	100	100
2058	100	100	100
2059	100	100	100
2060	100	100	100
2061	100	100	100
2062	100	100	100
2063	100	100	100
2064	100	100	100
2065	100	100	100
2066	100	100	100
2067	100	100	100
2068	100	100	100
2069	100	100	100
2070	100	100	100
2071	100	100	100
2072	100	100	100
2073	100	100	100
2074	100	100	100
2075	100	100	100
2076	100	100	100
2077	100	100	100
2078	100	100	100
2079	100	100	100
2080	100	100	100
2081	100	100	100

Age Group	Percentage of Respondents
18-29	65
30-49	75
50-69	85
70+	90

**SHEET TITLE:**

**TREE SURVEY**

S OF RAWSON

1997-1998

[illegible]

UNIT

of

Q14. How many times have you been in the military?









CREATE THE VISION TELL THE STORY

CONCEPT DEVELOPMENT  
ARCHITECTURAL INTERIOR DESIGN

MILWAUKEE REGIONAL OFFICE  
PO BOX 100000  
MILWAUKEE, WI 53210-0000  
P. 414.224.3000



CLIENT ADDRESS



Toll Free (800) 244-8888

DATE: 02/28/2017

BY: [Signature]

CHECKED BY: [Signature]

DATE: 02/28/2017

BY: [Signature]

CHECKED BY: [Signature]

DATE: 02/28/2017

BY: [Signature]

CHECKED BY: [Signature]

DATE: 02/28/2017

BY: [Signature]

CHECKED BY: [Signature]

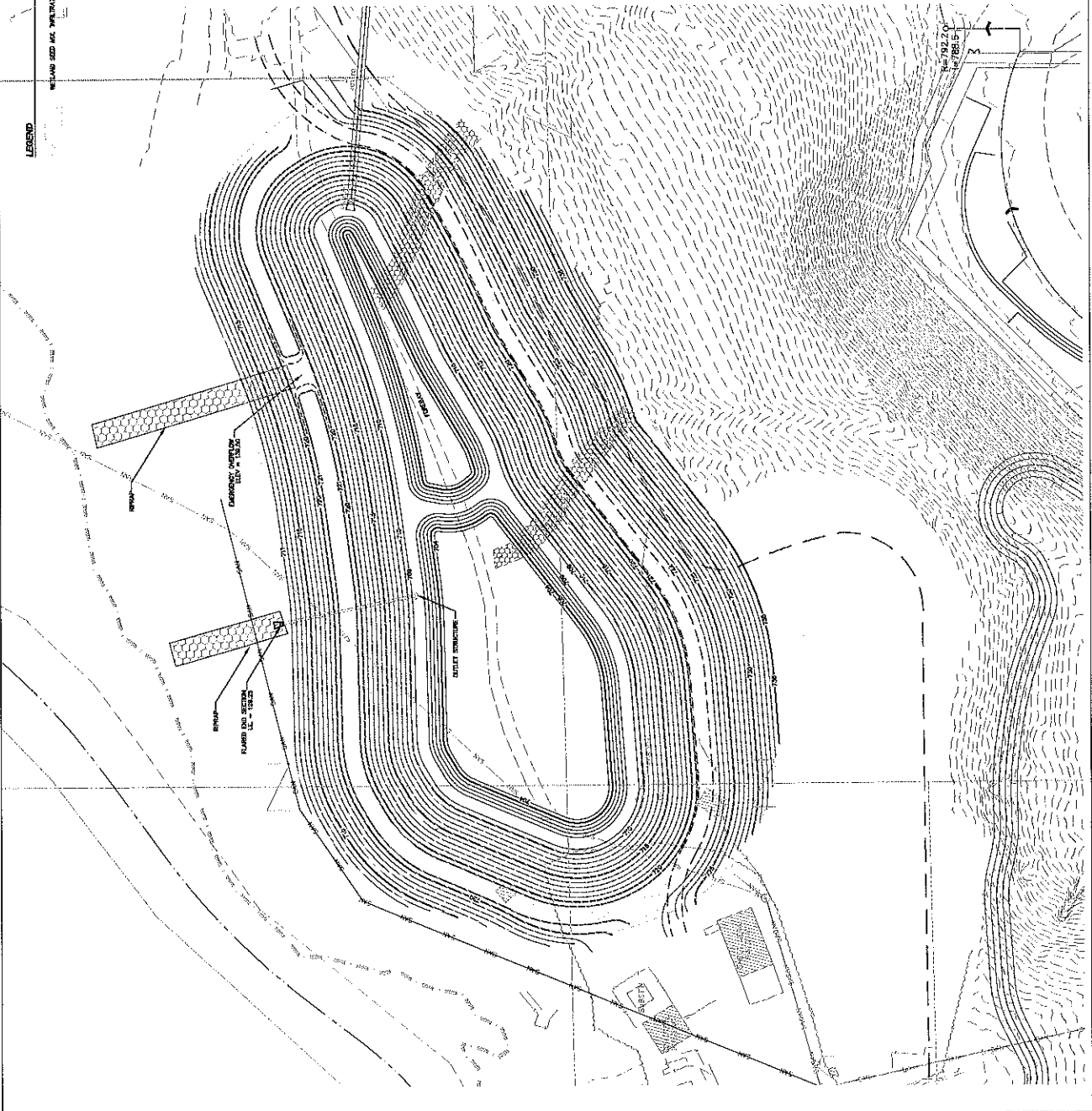
DATE: 02/28/2017

# RESTORATION PLANTING PLAN NORTH

L2.0

## LEGEND

RELAND USED FOR PLANTING SHALL BE AT A MINIMUM OF 10% OF TOTAL PLANTING AREA





City of Franklin - Applicant's BPC Response  
to Staff Comments Dept. of City Development <sup>Excerpt</sup>

- i. Please note that staff has no objection to the proposed stadium use as a special use, but would likely not recommend approval of certain ancillary and accessory uses (tailgating, seasonal themed experience events, food trucks, etc.) until more detailed information about each use can be provided (i.e. hours of operation, size and frequency of these events and uses, parking needs, site/space/structure impacts, infrastructure needs, etc.).

**The special use application and Narrative was submitted to Staff for the Stadium.**

- ii. As further discussed later in these staff comments, staff is recommending that the sound and lighting systems for the proposed stadium be analyzed for compliance with the overall projects noise and light standards as part of the Special Use application.

**At the time the specific stadium plan is brought forward we agree that a photometric plan and sound be compliant with the PDD 37 district objectives & the UDO perimeter boundary plan as defined at the perimeter of the property per the UDO's ordinances.**

- b. Please note that if multiple special use approvals are requested, all such uses could be included within one application, but a separate Special Use Standards and Regulations form must be completed for each Special Use.

**We have made clear the intent of future uses, the city will need to determine how many public hearings they intend to host.**



#### **Natural Resource Protection Plan (NRPP)**

1. Section 15-7.0201F. of the UDO, please include all existing and proposed lot lines, right-of-ways, and easements on the NRPP map.
  - a. In order to keep the NRPP map legible, additional NRPP maps may be necessary, such as one set of maps to show existing conditions (using the Existing Conditions Map) for the underlying base map features, and a second set of maps to show impacts and proposed conditions (please verify that the most up-to-date site plans are being used).

**JSD has submitted the updated NRPP and passed Franklin's Environmental Commission on 11/29.**

2. Sections 15-7.0201J. and 15-7.0103Q. of the UDO, please correctly identify all disturbance of protected natural resource features.
  - a. Please note that temporary land disturbing activities associated with construction are only allowed within wetland setbacks. Such disturbances are not allowed within wetlands, wetland buffers, or woodlands. In such cases, these activities must be included as part of the Natural Resource Special Exception request.



**JSD has submitted the NRPP and passed Franklin's Environmental Commission on 11/29.**

3. Section 15-7.0201K. of the UDO, please prepare a Conservation Easement for the natural resource features to be preserved, and for any mitigation areas, for review by staff and approval by the Common Council.

**Conservation Easements are planned to overlay the mitigation areas, wetlands and neighborhood buffer setbacks, preliminary documents will be submitted upon completion of the site plan approvals at councils. If city makes additional changes, there is significant legal rework required. City can hold Occupancy Permits contingent upon finishing the easement documents.**

**Natural Resource Special Exception (NRSE)**

1. Sections 15-4.0103, 15-7.0201J., 15-9.0110, and 15-10.0208 of the UDO, please submit a complete NRSE. **Submitted separately from JSD**

**Certified Survey Map (CSM)**

1. Sections 15-7.0700 and 15-9.0309 of the UDO, please submit a complete CSM.
  - a. Please note that as the right-of-ways of both Old Loomis Road and Crystal Ridge are proposed to change, as construction of these roads appears to be proposed during the first phase of construction of the Ballpark Commons project, as separate outlots will likely be needed (stormwater ponds, etc.), and as the subject area is currently comprised of a number of parcels which have not been reflected in the design and layout of the proposed Ballpark Commons development, staff recommends that the CSM (or subdivision plat if appropriate) be prepared for all lands both north and south of Rawson Avenue.

**JSD is preparing CSM maps to break apart general development parcels and dedicate public roads. We anticipate future CSM requests at the time future pads are applied for.**

- b. At a minimum, staff strongly recommends that the CSM includes at least those lands south of Rawson Avenue, and reflect combination of the existing parcels, incorporation of the new public roads, and the further lot divisions based upon the most up-to-date site plans for the proposed apartment development.
  - i. Please note that staff may consider proposed parcel boundaries for the remaining lot divisions both north and south of Rawson Avenue, pending Common Council approval of appropriate easements, outlots, etc. on a temporary basis.

**We are in general agreement however see prior redline comment above for timeline.**



## SECTION 15-3.0502

## CALCULATION OF BASE SITE AREA

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

Table 15-3.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA  
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property. <i>proposed</i>	125.82 + 7.69 + 33.90 167.41 acres
<b>STEP 2:</b>	Subtract ( - ) land which constitutes any <del>existing</del> <i>proposed</i> dedicated public street rights-of-way, land located within the ultimate road rights-of-way of <del>existing</del> <i>proposed</i> roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	6.78 + 3.92 - 10.70 acres
<b>STEP 3:</b>	Subtract ( - ) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0.00 acres
<b>STEP 4:</b>	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a <i>proposed residential use</i> , subtract ( - ) the land proposed for nonresidential uses; or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a <i>proposed nonresidential use</i> , subtract ( - ) the land proposed for residential uses.	- 0.00 acres
<b>STEP 5:</b>	Equals "Base Site Area"	= 156.71 acres

## SECTION 15-3.0503

**CALCULATION OF THE AREA OF NATURAL RESOURCES  
TO BE PROTECTED**

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



# PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature		Acres of Land to be Impacted
	Agricultural District	Residential District	Non-Residential District			
Steep Slopes: 10-19%	0.00	0.60	0.40	X <u>0.00</u> =	<u>0.00</u>	<u>0.00</u>
20-30%	0.65	0.75	0.70	X <u>0.00</u> =	<u>0.00</u>	<u>0.00</u>
+ 30%	0.90	0.85	0.80	X <u>0.00</u> =	<u>0.00</u>	<u>0.00</u>
Woodlands & Forests:						
Mature	0.70	0.70	0.70	X <u>12.05</u> =	<u>8.44</u>	<u>9.27</u>
Young	0.50	0.50	0.50	X <u>0.00</u> =	<u>0.00</u>	<u>0.00</u>
Lakes & Ponds	1	1	1	X <u>0.00</u> =	<u>0.00</u>	<u>0.00</u>
Streams	1	1	1	X <u>0.00</u> =	<u>0.00</u>	<u>0.00</u>
Shore Buffer	1	1	1	X <u>0.00</u> =	<u>0.00</u>	<u>0.00</u>
Floodplains/Floodlands	1	1	1	X <u>11.18</u> =	<u>11.18</u>	<u>0.18</u>
Wetland Buffers	1	1	1	X <u>5.52</u> =	<u>5.52</u>	<u>4.27</u>
Wetlands & Shoreland Wetlands	1	1	1	X <u>2.00</u> =	<u>2.00</u>	<u>1.32</u>
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					27.14	15.04

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

Wetland Setbacks	1	1	1	4.54	4.54	3.88
TOTAL					31.68	19.02



## SECTION 15-3.0505

CALCULATION OF SITE INTENSITY AND CAPACITY FOR  
NONRESIDENTIAL USES

In order to determine the maximum floor area which may be permitted on a parcel of land zoned in a nonresidential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0505 shall be performed.

Table 15-3.0505

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND  
CAPACITY FOR NONRESIDENTIAL DEVELOPMENT

<b>STEP 1:</b>	<b>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:</b> Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>156.71</u> Multiple by Minimum <i>Landscape Surface Ratio (LSR)</i> (see specific zoning district LSR standard): X <u>0.45</u> Equals <b>MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE</b> = <u>70.52</u> acres
<b>STEP 2:</b>	<b>CALCULATE NET BUILDABLE SITE AREA:</b> Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>156.71</u> Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503 or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is greater: - <u>70.52</u> Equals <b>NET BUILDABLE SITE AREA</b> = <u>86.19</u> acres
<b>STEP 3:</b>	<b>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:</b> Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>86.19</u> Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i> (see specific nonresidential zoning district NFAR standard): X <u>0.57</u> Equals <b>MAXIMUM NET FLOOR AREA YIELD OF SITE</b> = <u>49.13</u> acres
<b>STEP 4:</b>	<b>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:</b> Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>156.71</u> Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (see specific nonresidential zoning district GFAR standard): X <u>0.31</u> Equals <b>MAXIMUM GROSS FLOOR AREA YIELD OF SITE</b> = <u>48.58</u> acres
<b>STEP 5:</b>	<b>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:</b> Take the <i>lowest</i> of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above): (Multiple results by 43,560 for maximum floor area in square feet): <u>48.58</u> acres <u>(2,116,145 s.f.)</u>



Table 15-3.0402

**MINIMUM LAND AREA REQUIREMENTS FOR  
PDD PLANNED DEVELOPMENT DISTRICTS BY GENERAL USE TYPE**

General Use Type	Minimum Required Site Area (acres)
Residential	20
R-8 Multiple-Family Residence District	5
Office	3
Commercial, Retail Sales, and Services	3
Industrial	5
Mixed Compatible Uses	3

Table 15-3.0402C

**PDD PLANNED DEVELOPMENT DISTRICT MAXIMUM INTENSITY AND DENSITY MEASURES**

General Use Type	Residential Standards			Non-Residential Standards		
	Minimum Open Space Ratio (OSR)	Maximum Gross Density (GD)	Maximum Net Density (ND)	Minimum Landscape Surface Ratio (LSR) (b)	Maximum Gross Floor Area Ratio (GFAR)	Maximum Net Floor Area Ratio (NFAR)
Residential (a)	0.35	6.10	8.00	N/A	N/A	N/A
Office	N/A	N/A	N/A	0.45	0.23	0.42
Commercial Retail Sales and Service	N/A	N/A	N/A	0.45	0.31	0.57
Industrial	N/A	N/A	N/A	0.45	0.50	0.91
Mixed Compatible Uses	(c)	(c)	(c)	(c)	(c)	(c)

N/A = Not Applicable

- (a) Plan Commission and Common Council may approve of densities over the stated GD or ND with the provision the development meets a community purpose, such as residential housing for older persons.
- (b) See Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E).
- (c) Apply the appropriate standard for each individual land use type and its corresponding site area as listed in this Table.

**SECTION 15-3.0403**

**MINIMUM AREA AND USE REQUIREMENTS AND OTHER  
STANDARDS**

- A. **Minimum Area Requirements.** In order to be approved under the provisions of this Division, proposed PDD Planned Development Districts shall include the minimum area as set forth in Table 15-3.0402.





February 27, 2017

WIC-SE-2016-41-02099

Marso Companies LLC  
Greg Marso  
9120 W. Loomis Road, #400  
Franklin, WI 53132

RE: Artificial/Exempt Wetland Determination Request, Ballpark Commons Project, T05NR21E,  
Portions of Sections 04 and 09, City of Franklin, Milwaukee County.

Dear Mr. Marso:

This letter is in response to your request for an artificial/exempt wetland determination for 15 wetlands delineated within the project area as described above. These 15 wetland areas are depicted as Roadside Ditch 1 to Roadside Ditch 14 and Wetland Area 3 on the attached wetland delineation exhibits. This request was received by the Department on June 16, 2016.

According to NR 103.02(1m), Wis. Adm. Code, an artificial wetland is a landscape feature where hydrophytic vegetation may be present as a result of human modifications to the landscape or hydrology for which there is not prior wetland or stream history. Four types of artificial wetlands are exempt from state wetland water quality standards, **provided they do not provide significant functional values or uses**: 1) Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes; 2) Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds; 3) Actively maintained farm drainage and roadside ditches; and 4) Artificial wetlands within active nonmetallic mining operations.

The Department reviewed the following materials to aid in our exemption determination:

- Historic aerial photography for the project area
- Natural Resources Conservation Service (NRCS) soil mapping and Wisconsin Wetland Inventory (WWI) mapping for the site and surrounding area
- Various submitted materials providing evidence that the areas in question are actively maintained roadside ditches
- July 13 and July 14, 2016 site visits to the project area to concur with the delineated wetland boundaries and document conditions in and around the delineated wetlands

Below is a brief summary of our review process and findings:

### **Step 1 – Wetland/Waterway History**

The first step in the review process is to determine if the areas in question ever exhibited any wetland or waterway history. For clarity, the 15 wetland areas evaluated for this determination will be referred to as Roadside Ditch 1 through Roadside Ditch 14 and Wetland Area 3, as depicted on the attached wetland delineation exhibits.



### Roadside Ditch 1

NRCS soil mapping in and around Wetland 1 includes Ozaukee silt loam (MzdB) and Loamy Land (Lu) map units. Both the Ozaukee and Loamy Land soils are non-hydric but can contain inclusions of hydric (wet) soils which may support wetland conditions if undisturbed. There are no mapped WWI wetlands within or immediately adjacent to Roadside Ditch 1.

Examination of historic aerial photography shows that the western portion of Roadside Ditch 1 was in a row crop field from as early as 1937 through 1963, when at that point the area was graded and disturbed as a part of a large quarry operation. Crystal Ridge Drive was constructed between 1967 and 1970, with the western portion of Roadside Ditch 1 immediately south of the roadway.

The eastern portion of Roadside Ditch 1 was located within and immediately adjacent to a farmhouse, yard, driveway, and associated outbuilding from 1937 through the late 1960's. The farm was removed during the construction of Crystal Ridge Drive between 1967 and 1970 and from that point to the present day this portion of Roadside Ditch 1 is located immediately south of the roadway.

The two portions of Roadside Ditch 1 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction of Crystal Ridge Drive between 1967 and 1970, aside from the current and apparent long-term function of the area as a roadside ditch.

**Therefore, Roadside Ditch 1 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

### Roadside Ditch 2

NRCS soil mapping in and around Roadside Ditch 2 includes the Loamy Land (Lu) map unit. Loamy Land soils are non-hydric but can contain inclusions of hydric (wet) soils which may support wetland conditions if undisturbed. There are no mapped WWI wetlands within or immediately adjacent to Roadside Ditch 2.

Examination of historic aerial photography shows that in 1937 Roadside Ditch 2 was located within active agricultural fields. Between 1937 and 1951, the entire area was disturbed and excavated by a quarry operation. By the early 1960's this operation had ceased, with the eastern portion of Roadside Ditch 2 covered by an entrance ramp to Loomis Road and the western portion presumably containing old field vegetation. Between 1967 and 1970 this entrance ramp was removed, and no activity occurred around Roadside Ditch 2 until a new entrance ramp to Loomis Road was constructed between 1990 and 1995. After this new ramp was completed, conditions within and around Roadside Ditch 2 have remained relatively unchanged until the present day.

The area within and around Roadside Ditch 2 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction of the Loomis Road entrance ramp between 1990 and 1995, aside from the current and apparent long-term function of the area as a roadside ditch.

**Therefore, Roadside Ditch 2 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**



### Roadside Ditch 3

NRCS soil mapping in and around Roadside Ditch 3 includes the Loamy Land (Lu) map unit. Loamy Land soils are non-hydric but can contain inclusions of hydric (wet) soils which may support wetland conditions if undisturbed. There are no mapped WWI wetlands within or immediately adjacent to Roadside Ditch 3.

Examination of historic aerial photography shows that in 1937 Roadside Ditch 3 was located within active agricultural fields. Between 1937 and 1951, the entire area was disturbed and excavated by a quarry operation. By the early 1960's this operation had ceased and the current configuration of Loomis Road had been constructed, along with presumably the rough extent of Roadside Ditch 3. Conditions within and immediately adjacent to Roadside Ditch 3 have remained relatively unchanged since the construction of Loomis Road between 1951 and 1963.

The area within and around Roadside Ditch 3 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction of Loomis Road between 1951 and 1963, aside from the current and apparent long-term function of the area as a roadside ditch.

**Therefore, Roadside Ditch 3 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

### Roadside Ditch 4

NRCS soil mapping in and around Roadside Ditch 4 includes Ozaukee silt loam (MzdB, MzdB2) and Blount silt loam (BIA). Ozaukee and Blount soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is no mapped WWI wetland within or immediately adjacent to Roadside Ditch 4.

In the 1937 aerial photo, the northern portion of Roadside Ditch 4 is located along what is now known as Crystal Ridge Road, while the southern portion is mostly in active agricultural fields. Neither area exhibits signs of wetness.

By the late 1960's/early 1970's Loomis Road had been constructed in roughly its current location and Crystal Ridge Road had been improved. While the northern portion of Roadside Ditch 4 remained relatively unchanged, the southern portion of Roadside Ditch 4 now appears to be old field and not planted with row crops.

From the early 1970's no activity occurs within and around Roadside Ditch 4 until between 1990 and 1995, when an exit ramp from Loomis Road is constructed along with the current configuration of the southern portion of Roadside Ditch 4. Once this construction was completed, conditions have remained relatively unchanged within and around Roadside Ditch 4 up to the present day.

The area within and around Roadside Ditch 4 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction of the current exit ramp for Loomis Road between 1990 and 1995, aside from the current and apparent long-term function of the area as roadside ditch.

**Therefore, Roadside Ditch 4 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**



#### Roadside Ditch 5

NRCS soil mapping in and around Roadside Ditch 5 includes Ozaukee silt loam (MzdB, MzdB2) and Blount silt loam (BIA). Ozaukee and Blount soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is no mapped WWI wetland within or immediately adjacent to Roadside Ditch 5.

In the 1937 aerial photo, the western portion of Roadside Ditch 5 crosses what was then Loomis Road near a house and yard, while the eastern portion of Roadside Ditch 5 is in active agricultural fields. Neither area exhibits signs of wetness.

By the late 1960's/early 1970's Loomis Road had been constructed in roughly its current location and Old Loomis/Crystal Ridge Road had been improved. After this activity, both portions of Roadside Ditch 5 are located in what appears to be disturbed old field upland.

From the early 1970's no activity occurs within and around Roadside Ditch 5 until between 1990 and 1995, when an exit ramp from Loomis Road is constructed along with the current configurations of both portions of Roadside Ditch 5. Once this construction was completed, conditions have remained relatively unchanged within and around Roadside Ditch 5 up to the present day.

The area within and around Roadside Ditch 5 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction of the current exit ramp for Loomis Road between 1990 and 1995, aside from the current and apparent long-term function of the area as roadside ditch.

**Therefore, Roadside Ditch 5 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

#### Roadside Ditch 6

NRCS soil mapping in and around Roadside Ditch 6 includes Ozaukee silt loam (MzdB2) and Blount silt loam (BIA). Ozaukee and Blount soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is no mapped WWI wetland within or immediately adjacent to Roadside Ditch 6.

From 1937 to the late 1960's/early 1970's the area in and around Roadside Ditch 6 was located in active agricultural field which exhibited no signs of wetness. Loomis Road was expanded to four lanes by 1970, with Roadside Ditch 6 now located immediately north of the roadway.

From the early 1970's no further activity occurs within and around Roadside Ditch 6 until between 1990 and 1995, when entrance/exit ramps and frontage roads along Loomis Road are constructed, completely surrounding Roadside Ditch 6. Once this construction was completed, conditions have remained relatively unchanged within and around Roadside Ditch 6 up to the present day.

The area within and around Roadside Ditch 6 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the expansion of Loomis Road from two to four lanes in the late 1960's, aside from the current and apparent long-term function of the area as roadside ditch.

**Therefore, Roadside Ditch 6 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**



### Roadside Ditch 7

NRCS soil mapping in and around Roadside Ditch 7 includes Ozaukee silt loam (MzdB). Ozaukee soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is a forested wetland (T3K) mapped to the northwest of Roadside Ditch 7.

From 1937 to the late 1960's the area in and around Roadside Ditch 7 was located primarily in active agricultural fields which exhibited no signs of wetness. The western portion of Roadside Ditch 7 was located in what appeared to be planted orchard trees, again with no signs of wetness. Crystal Ridge Drive was improved by 1970, splitting Roadside Ditch 7 into two parts; old field to the east and yard with scattered trees to the west.

From the early 1970's no further activity occurs within and around Roadside Ditch 7 until between 1990 and 1995, when an exit ramp from Loomis Road was constructed immediately east of the feature. Between 1995 and 2000, Crystal Ridge Drive was relocated to the west to its current location. Once Crystal Ridge Drive was relocated, creating the current extent of Roadside Ditch 7, conditions have remained relatively unchanged up to the present day.

The area within and around Roadside Ditch 7 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the relocation of Crystal Ridge Drive to its current location between 1995 and 2000, aside from the current and apparent long-term function of the area as roadside ditch.

**Therefore, Roadside Ditch 7 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

### Roadside Ditch 8

NRCS soil mapping in and around Roadside Ditch 8 includes Ozaukee silt loam (MzdB). Ozaukee soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is a forested wetland (T3K) mapped by the WWI to the north of Roadside Ditch 8.

From 1937 to the early 1960's the area in and around Roadside Ditch 8 was located primarily in active agricultural fields which exhibited no signs of wetness. The eastern portion of Roadside Ditch 8 was located in what appeared to be planted orchard trees, again with no signs of wetness. Rawson Avenue was widened by 1963, and the east-west portion of Roadside Ditch 8 is now more "ditch-like" in nature. Additionally, a quarry access road is in place immediately west of Roadside Ditch 8 at this time. The entire area around and north of Roadside Ditch 8 appears to be cleared and graded in the 1967 photo.

From the late 1960's no obvious further activity occurs within and around Roadside Ditch 8 until between 1995 and 2000, when Rawson Avenue was again expanded and Crystal Ridge Drive relocated, creating the current extent of Roadside Ditch 8. Conditions within and around Roadside Ditch 8 have remained relatively unchanged from the late 1990's up to the present day.

The area within and around Roadside Ditch 8 did not appear to exhibit any obvious or consistent signs of prolonged historic wetness prior to the Rawson Avenue/Crystal Ridge Drive construction



activities between 1995 and 2000, aside from the current and apparent long-term function of the area as roadside ditch.

**Therefore, Roadside Ditch 8 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

#### Roadside Ditch 9

NRCS soil mapping in and around Roadside Ditch 9 includes Ozaukee silt loam (MzdB2) and Blount silt loam (BIA). Ozaukee and Blount soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is no mapped WWI wetland within or immediately adjacent to Roadside Ditch 9.

From 1937 to the early 1960's the area in and around Roadside Ditch 9 was located in active agricultural fields which exhibited no signs of wetness. Rawson Avenue was widened by 1963, and Roadside Ditch 9 is now more "ditch-like" in nature. Between 1970 and 1975 the eastern portion of Roadside Ditch 9 was graded and disturbed. Otherwise, no obvious further activity occurs within and around Roadside Ditch 9 until between 1995 and 2000, when Rawson Avenue was again expanded, creating the current extents of the three portions of Roadside Ditch 9. Conditions within and around Roadside Ditch 9 have remained relatively unchanged from the late 1990's up to the present day.

The area within and around Roadside Ditch 9 did not appear to exhibit any obvious or consistent signs of prolonged historic wetness prior to the Rawson Avenue construction activities in the early 1960's and again between 1995 and 2000, aside from the current and apparent long-term function of the area as roadside ditch.

**Therefore, Roadside Ditch 9 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

#### Roadside Ditch 10

NRCS soil mapping in and around Roadside Ditch 10 includes Ozaukee silt loam (MzdB, MzdB2) and Blount silt loam (BIA). Ozaukee and Blount soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is an emergent wetland (E2K) mapped by the WWI in the southern half of Roadside Ditch 10.

From 1937 to between 1967 and 1970, most of Roadside Ditch 10 was located in active agricultural fields which exhibited no signs of wetness. The southern portion of Roadside Ditch 10 was the roadside ditch of the original Loomis Road, and the far southern tip located over the top of the original road. Between 1967 and 1970 Old Loomis Road was moved to its present location and the present Loomis Road was constructed, the result of which was the general current configuration of Roadside Ditch 10. Aside from the expansion of Rawson Avenue affecting the far northern portions of Roadside Ditch 10 between 1995 and 2000, conditions have changed little within and around Roadside Ditch 10 from the late 1960's to the present day.

The area within and around Roadside Ditch 10 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction activities in the late 1960's which created it, aside from the current and apparent long-term function of the area as roadside ditch.



**Therefore, Roadside Ditch 10 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

#### Roadside Ditch 11

NRCS soil mapping in and around Roadside Ditch 11 includes Ozaukee silt loam (MzdB2). Ozaukee soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is an emergent wetland (E2K) (Roadside Ditch 10) mapped by the WWI to the west of Roadside Ditch 11.

From at least as early as 1937 through the late 1960's the area within and around Roadside Ditch 11 was located in active agricultural fields with no evidence of wetness, somewhat to the south of the location of the original Loomis Road. The current Loomis Road was initially constructed by 1963 and was expanded to its current four lane configuration by 1970. At this time the area within and around Roadside Ditch 11 was disturbed old field upland. Conditions remained unchanged in the area until between 1990 and 1995, when the Loomis Road frontage roads were completed, creating the current extent of Roadside Ditch 11. After this activity, conditions within and around Roadside Ditch 11 have not changed to the present day.

The area within and around Roadside Ditch 11 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction activities in the early 1990's which created it, aside from the current and apparent long-term function of the area as roadside ditch.

**Therefore, Roadside Ditch 11 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

#### Roadside Ditch 12

NRCS soil mapping in and around Roadside Ditch 12 includes Ozaukee silt loam (MzdB2) and Blount silt loam (BIA). Ozaukee and Blount soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is an emergent wetland (E2K) mapped by the WWI to the west of Roadside Ditch 12.

From at least as early as 1937 through the early 1960's the area within and around Roadside Ditch 12 was located in active agricultural fields and through a farmhouse and yard, with no evidence of wetness observed, somewhat to the south of the location of the original Loomis Road. The current Loomis Road was initially constructed by 1963 and was expanded to its current four lane configuration by 1970. In 1963 the area within and around Roadside Ditch 12 was disturbed old field upland, but by 1970 roughly exhibited its present day configuration and conditions. No changes were observed in the area until between 1990 and 1995, when the Loomis Road frontage roads were completed, creating the current extent of Roadside Ditch 12. The expansion of Rawson Avenue between 1995 and 2000 further defined the northern extent of Roadside Ditch 12. After the 1990's activities, conditions within and around Roadside Ditch 11 have remained the same to the present day.

The area within and around Roadside Ditch 12 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction activities in the 1960's which created it and the 1990's construction activities that refined its boundaries, aside from the current and apparent long-term function of the area as roadside ditch.



**Therefore, Roadside Ditch 12 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

#### Roadside Ditch 13

NRCS soil mapping in and around Roadside Ditch 13 includes Ozaukee silt loam (MzdB2) and Blount silt loam (BIA). Ozaukee and Blount soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There are three wetlands mapped by the WWI adjacent to portions of Roadside Ditch 13, but nothing within the feature itself. Roadside Ditch 13 is divided into seven discrete segments on the attached delineation figure.

From at least as early as 1937 through the present day, most (now currently all) of the discrete segments of Roadside Ditch 13 have been directly associated with the original (now called Old) Loomis Road. Up until the late 1960's the far northern segments and a portion of the most southern segment of Roadside Ditch 13 were located in active agricultural fields that exhibited no signs of wetness. By 1970, the current configuration of Old Loomis Road is in place, and conditions within Roadside Ditch 13 have changed little from that point to the present day.

With one notable exception, the areas within and around the various segments of Roadside Ditch 13 did not appear to exhibit any obvious signs of prolonged historic wetness, aside from the current and apparent long-term function of the area as roadside ditch.

However, there is one portion of Roadside Ditch 13 which is currently directly associated with a wetland labeled Wetland Area 13 on the attached delineation exhibits. This wetland is part of what remains from a larger wetland which can be easily seen in the 1951, 1963, 1967, and 1970 aerial photos to the northwest of parts of Roadside Ditch 13, and this wetland appears to extend into a small portion of Roadside Ditch 13. Multiple disturbance events in the 1970's and again in the early 2000's have created the current extents of both Wetland Area 13 and this particular portion of Roadside Ditch 13.

**Therefore, most of Roadside Ditch 13 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status. One portion of Roadside Ditch 13, as shown on the attached wetland delineation figure, exhibits signs of wetland history based on the aerial photography review and is not eligible for consideration for artificial/exempt status.**

#### Roadside Ditch 14

NRCS soil mapping in and around Roadside Ditch 14 includes Ozaukee silt loam (MzdB2) and Blount silt loam (BIA). Ozaukee and Blount soils are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is no WWI mapped wetland within or immediately adjacent to Roadside Ditch 14.

From at least as early as 1937 through the early 1960's the area within and around Roadside Ditch 14 was located immediately south of the location of the original Loomis Road at its northern end, crossing the original Loomis Road to the south, and then ending in what was active agricultural field at the time. No portion of Roadside Ditch 14 exhibited wet conditions at this time. The current Loomis Road was initially constructed by 1963 and was expanded to its four lane configuration by 1970, along with the current location of what is now known as Old Loomis Road. In 1963 the area within and around Roadside Ditch 14 was disturbed old field upland, but by 1970 roughly exhibited



its present day configuration. After the 1960's activities, conditions within and around Roadside Ditch 14 have remained relatively unchanged to the present day.

The area within and around Roadside Ditch 14 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the construction activities in the 1960's which created it, aside from the current and apparent long-term function of the area as roadside ditch.

**Therefore, Roadside Ditch 14 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

#### Wetland Area 3

NRCS soil mapping in and around Wetland Area 3 includes Ozaukee silt loam (MzdB, MzdD2) and Gravel pit (GP). Ozaukee soils and areas mapped as Gravel pit are non-hydric but may contain inclusions of hydric (wetter) soils that are likely to contain wetland under undisturbed conditions. There is a forested wetland (T3K) mapped to the west of Wetland Area 3.

From 1937 to the 1960's the area in and around Wetland Area 3 was located primarily in active agricultural fields which exhibited no signs of wetness. The northern portion of Wetland Area 3 was located in what appeared to be planted orchard trees, again with no signs of wetness. Crystal Ridge Drive was in place by 1970, creating the east-west portion of Wetland Area 3. This portion of Wetland Area 3 has remained relatively unchanged from 1970 until the present day.

Active quarry operations occurred around Wetland Area 3 from the 1960's through the 1990's but did not appear to directly impact the area. The rough extent of the northern portion of Wetland Area 3 appears between 1995 and 2000, and conditions within this portion of Wetland Area 3 have remained relatively unchanged to the present day.

The areas within and around Wetland Area 3 did not appear to exhibit any obvious signs of prolonged historic wetness prior to the activity which resulted in their creation.

**Therefore, Wetland Area 3 does not exhibit any obvious wetland history and is eligible for consideration for artificial/exempt status.**

**In summary, all portions of Roadside Ditches 1 through 14 and Wetland Area 3 (with the exception of a part of Roadside Ditch 13), do not exhibit any obvious long-term wetland history and remain eligible for consideration for artificial/exempt status.**

**A small portion of Roadside Ditch 13, as depicted on the attached wetland delineation figure, does exhibit wetland history and is not eligible for artificial/exempt status.**

#### **Step 2: Satisfaction of Landscape Features as Artificial Wetlands**

The next step in the review process is to determine if Roadside Ditches 1 through 14, along with Wetland Area 3 and the eligible portions of Roadside Ditch 13, qualify as artificial wetlands by meeting the following landscape characteristic: "Actively maintained roadside ditches."

Roadside Ditches 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, and Eligible Portions of Roadside Ditch 13

Aerial photos and visits to the project area conclusively prove that all portions of all of the features listed above are ditch or drainage like in nature (i.e., there is evidence of bed scour in the bottom of



the features, there are "banks" at the edges of the features, and the wetland conditions do not extend beyond these "banks"). Additionally, it can be reasonably assumed that the responsible parties at least periodically maintain the features listed above through mowing or other types of activities.

**Therefore, it does appear that the entirety of Roadside Ditches 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 14, as well as the portions of Roadside Ditch 13 that do not exhibit wetland history, are actively maintained roadside ditches. All of these areas qualify as artificial wetlands under NR 103.02(1m) and remain eligible for exemption.**

#### Roadside Ditch 8

The east-west portion of Roadside Ditch 8, immediately north of Rawson Avenue, is ditch or drainage like in nature and has been maintained as such, while the portion of Roadside Ditch 8 that extends north away from Rawson Avenue is not immediately adjacent to a road and cannot be considered a roadside ditch artificial wetland. No other documentation was provided by the applicant to indicate that this portion of Roadside Ditch 8 meets any of the other categories of artificial wetland.

**Therefore, it does appear that the east-west portion of Roadside Ditch 8 is an actively maintained roadside ditch as defined under NR 103.06(4) and remains eligible for exemption from state wetland regulations. The northern extension of Roadside Ditch 8 does not meet the criteria for any of the four categories of artificial wetland under NR 103.06(4) and is not eligible for exemption from state wetland regulations.** Please refer to the attached map exhibit for the precise extents of these areas.

#### Wetland Area 3

The east-west portion of Wetland Area 3, immediately north of Crystal Ridge Drive, is ditch or drainage like in nature and has been maintained as such, while the portion of Wetland Area 3 that extends north and west away from Crystal Ridge Drive is not immediately adjacent to a road and cannot be considered a roadside ditch artificial wetland. No other documentation was provided by the applicant to indicate that this portion of Wetland Area 3 meets any of the other categories of artificial wetland.

**Therefore, it does appear that the east-west portion of Wetland Area 3 is an actively maintained roadside ditch as defined under NR 103.06(4) and remains eligible for exemption from state wetland regulations. The northern and western extension of Wetland Area 3 does not meet the criteria for any of the four categories of artificial wetland under NR 103.06(4) and is not eligible for exemption from state wetland regulations.** Please refer to the attached map exhibit for the precise extents of these areas.

**In summary, the entirety of Roadside Ditches 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 14, along with Portions of Roadside Ditch 8, Roadside Ditch 13, and Wetland Area 3, are active and maintained roadside ditch artificial wetlands and remain eligible for consideration for artificial/exempt status.**



### Step 3: Significant Wetland Functional Values

The final step in the review process is to determine if Roadside Ditches 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 14, along with the Portions of Roadside Ditch 8, Roadside Ditch 13, and Wetland Area 3 that remain eligible for exemption, provide significant functional values or uses for wildlife, both aquatic and non-aquatic, or provides significant recreational, cultural, educational or scientific uses or natural scenic beauty. The Wisconsin Rapid Assessment Methodology (WRAM) criteria are used as the basis for these determinations.

Evaluating the areas in question based on the WRAM criteria, Roadside Ditches 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 14, along with the Portions of Roadside Ditch 8, Roadside Ditch 13, and Wetland Area 3 that remain eligible for exemption, would likely rate predominantly in the low significance classifications for both aquatic and non-aquatic wildlife and human use values and as such can be exempted from state wetland regulations.

### Conclusion


Based on our review, Roadside Ditches 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 14, along with Portions of Roadside Ditch 8, Roadside Ditch 13, and Wetland Area 3 as depicted on the attached wetland delineation exhibits, are exempt from state wetland and waterway regulations. Other portions of Roadside Ditch 8, Roadside Ditch 13, and Wetland Area 3 as depicted on the attached wetland delineation exhibits, are not exempt from state wetland and waterway regulations. All other wetlands depicted on the exhibits aside from those features listed above have not been evaluated for exemption from state wetland regulations and should be considered non-exempt.

It should be noted that the determination that a wetland is not exempt from state wetland regulations does not preclude proposed wetland impacts through the wetland permitting process or a determination of state regulatory authority through other means.

In addition to contacting DNR, be sure to contact your local zoning office and U.S. Army Corps of Engineers to determine if any local or federal permits may be required for your project. **We strongly recommend that you request a U.S. Army Corps of Engineers jurisdictional determination for the site's wetland features since these are exemptions that do not exist in federal law.** The U.S. Army Corps of Engineers contact for Milwaukee County is April Marcangeli. Ms. Marcangeli can be reached at April.N.Marcangeli@usace.army.mil.

If you have any questions regarding this letter, please call me at (608) 261-6430 or email Neil.Molstad@wisconsin.gov.

Sincerely,



Neil Molstad  
Wetland Identification Specialist



cc: April Marcangeli, Project Manager, U.S. Army Corps of Engineers  
Joel Dietl, Planning Manager, City of Franklin  
Kristi Sherfinski, JSD Professional Services, Inc.  
Geri Radermacher, DNR Water Management Specialist  
Kristina Betzold, DNR/DOT Environmental Analyst and Review Specialist  
Intake, DNR Stormwater SE Region  
Chris Jors, SEWRPC

Attachments:

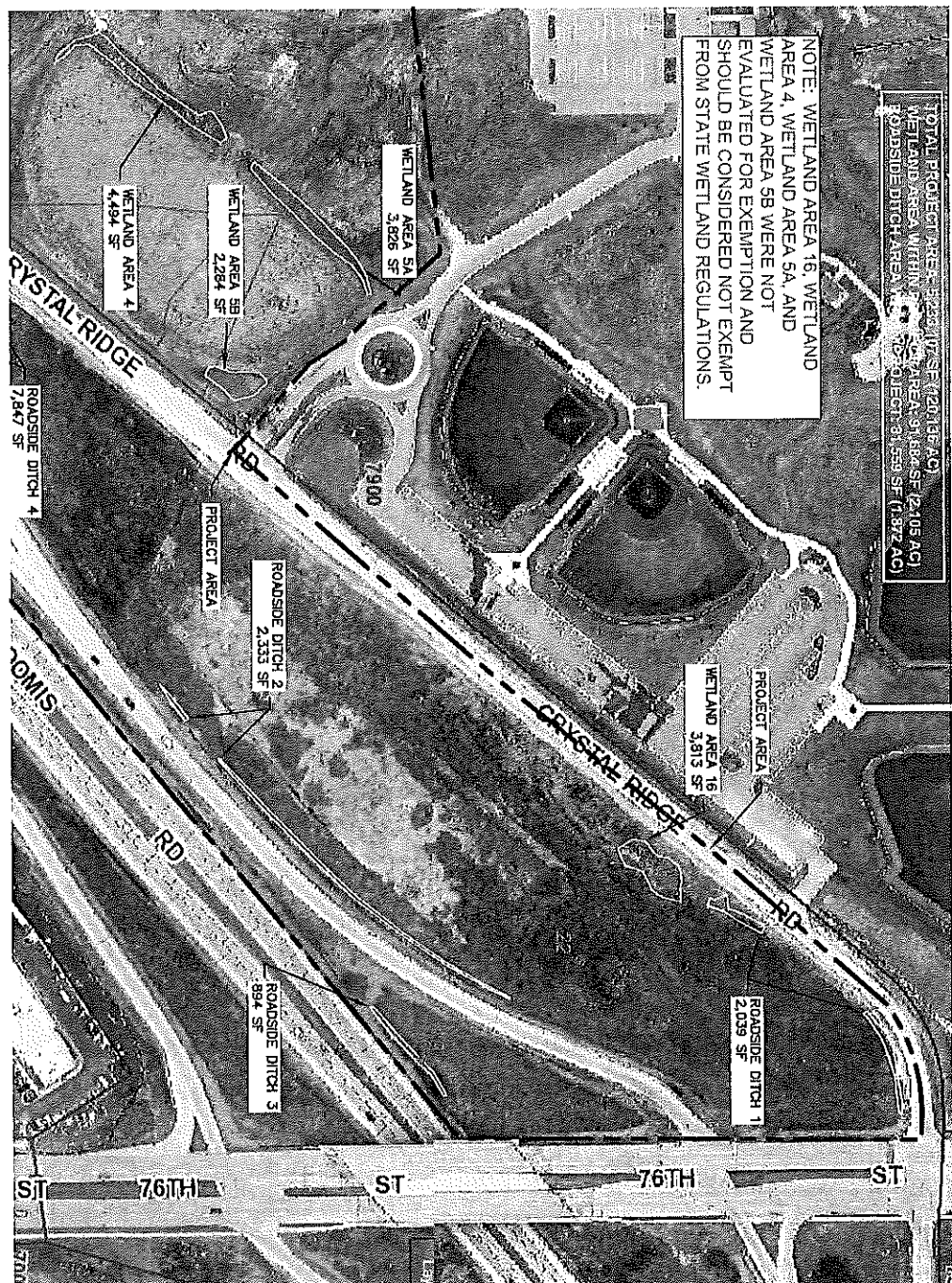
Project Area Location Map  
Wetland Delineation Exhibits for the Project Area Showing Wetlands Exempt from State  
Regulation





## APPENDIX 1. LOCATION MAP

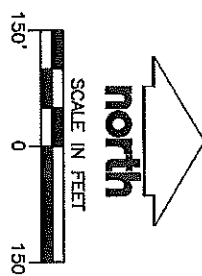




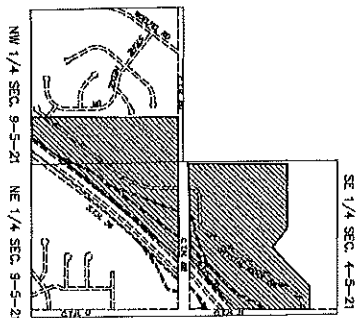
TOTAL PROJECT AREA: 31,259 SF (0.720136 AC)  
WETLAND AREA WITHIN PROJECT AREA: 91,684 SF (2.105 AC)  
ROADSIDE DITCH AREA: 12,039 SF (0.276 AC)  
PROJECT: 81,559 SF (1.872 AC)

NOTE: WETLAND AREA 16, WETLAND AREA 4, WETLAND AREA 5A, AND WETLAND AREA 5B WERE NOT EVALUATED FOR EXEMPTION AND SHOULD BE CONSIDERED NOT EXEMPT FROM STATE WETLAND REGULATIONS.

MADISON | MILWAUKEE | KENOSHA | APPLETON



WETLAND DELINEATED BY KRISTI SHERBINSKI OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 29, 2016 AND MAY 3, 2016.



<p><b>JSD</b> Professional Services, Inc. "Regulate • Restore • Preserve" JANIS J. SHERBINSKI, P.E. WETLAND DELINEATION 2016 8700 SHOREVIEW BLVD. #200 MILWAUKEE, WI 53227-1222 FAX WWW.JSDINC.COM</p>	<p>PROJECT: <b>BALLPARK COMMONS</b></p>	<p>SHEET TITLE: <b>WETLAND MAP EXHIBIT SHEET 1 OF 4</b></p>	<p>JSD PROJECT NUMBER: 14-6548 DRAWN BY: CHECKED BY: SJK/KAS DATE: 5-16-16/07-18-16</p> <p>SHEET NUMBER: <b>EX-1A</b></p>
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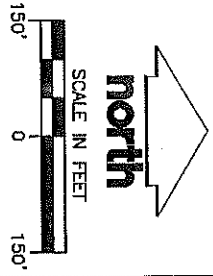


THIS PORTION OF WETLAND AREA 3 NOT ELIGIBLE FOR EXEMPTION FROM STATE WETLAND REGULATIONS.

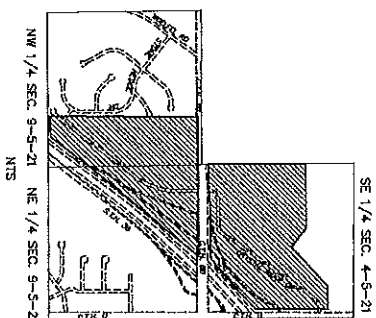
NOTE: WETLAND AREA 4, WETLAND AREA 5A, AND WETLAND AREA 5B WERE NOT EVALUATED FOR EXEMPTION AND SHOULD BE CONSIDERED NOT EXEMPT FROM STATE WETLAND REGULATIONS.

TOTAL PROJECT AREA: 5,233,107 SF (120.136 AC)  
WETLAND AREA WITHIN PROJECT AREA: 91,084 SF (2.05 AC)  
ROADSIDE DITCH AREA WITHIN PROJECT: 81,559 SF (1.87 AC)

MADISON | MILWAUKEE | KENOSHA | APPLETON



WETLAND DELINEATED BY KRISTI SHEPHERD OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 23, 2016 AND MAY 3, 2016.



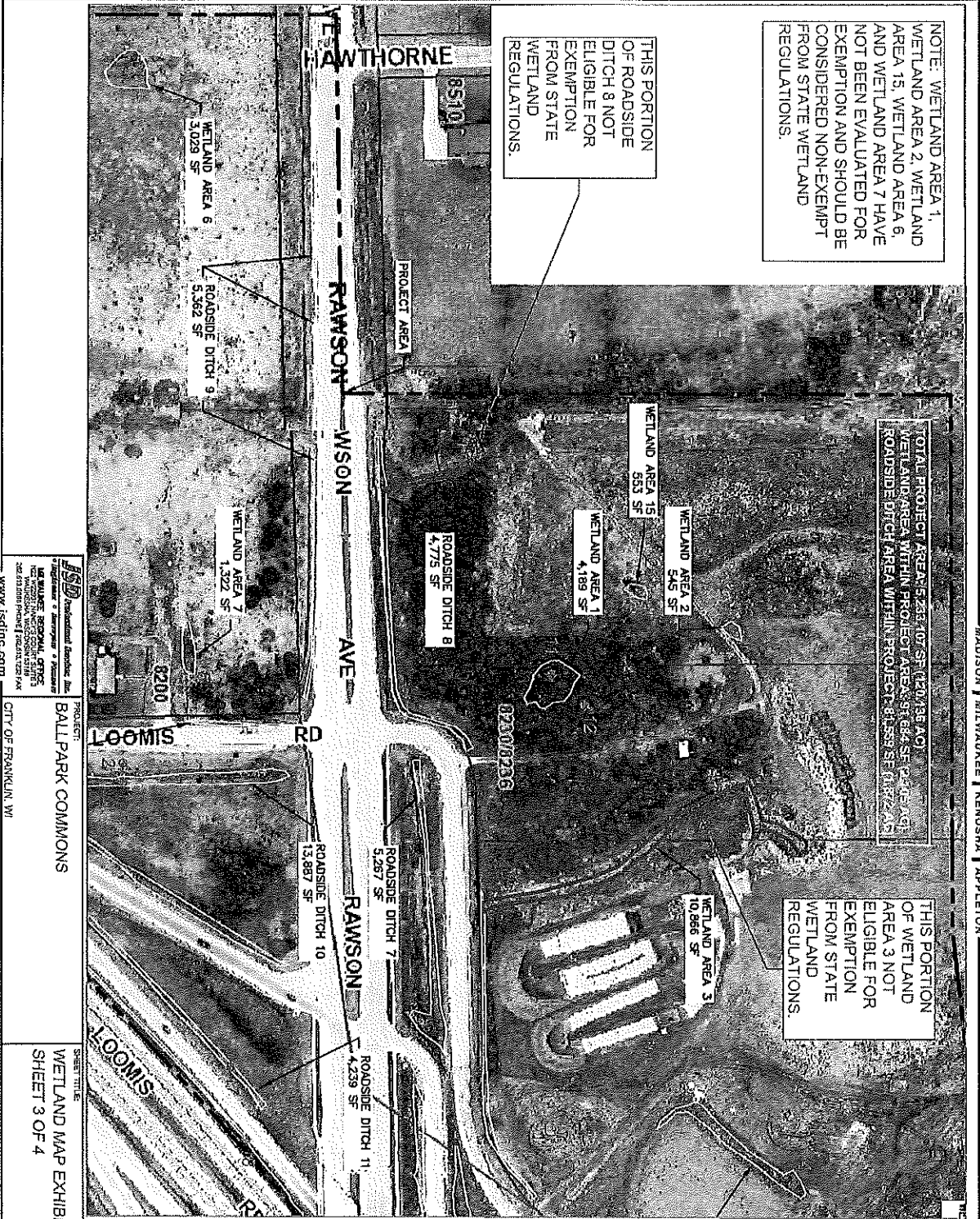
JSD Professional Services, Inc.  
14C6548  
RAWSON, NEWMAN, DITCHES  
MILWAUKEE, WISCONSIN 53219  
262.532.0607 PHONE | 262.532.0604 FAX  
www.jsdinc.com

PROJECT: BALLPARK COMMONS  
CITY OF FRANKLIN, WI

SHEET TITLE: WETLAND MAP EXHIBIT  
SHEET 2 OF 4

JSD PROJECT NUMBER: 14C6548  
DRAWN BY: S.JOVAS  
DATE: 5-18-16/07-18-16  
SHEET NUMBER: EX-1B



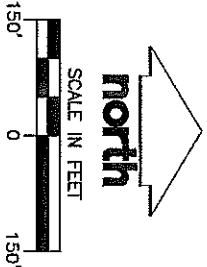


NOTE: WETLAND AREA 1, WETLAND AREA 2, WETLAND AREA 6, WETLAND AREA 7 HAVE NOT BEEN EVALUATED FOR EXEMPTION AND SHOULD BE CONSIDERED NON-EXEMPT FROM STATE WETLAND REGULATIONS.

THIS PORTION OF ROADSIDE DITCH 8 NOT ELIGIBLE FOR EXEMPTION FROM STATE WETLAND REGULATIONS.

THIS PORTION OF WETLAND AREA 3 NOT ELIGIBLE FOR EXEMPTION FROM STATE WETLAND REGULATIONS.

TOTAL PROJECT AREA: 5,233,107 SF (120,198 AC)  
WETLAND AREA WITHIN PROJECT AREA: 91,684 SF (2,095 AC)  
ROADSIDE DITCH AREA WITHIN PROJECT: 81,539 SF (1,872 AC)



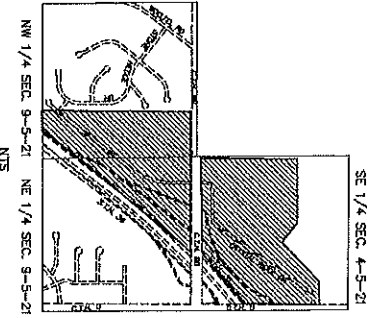
WETLAND DELINEATED BY KRIST SHERENSKI OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 29, 2016 AND MAY 3, 2016.

JSD Professional Services, Inc.  
1406548 Ballpark Commons  
WETLAND EXHIBIT  
SHEET 3 OF 4  
WWW.JSDINC.COM

PROJECT: BALLPARK COMMONS  
CITY OF FRANKLIN, WI

SHEET TITLE: WETLAND MAP EXHIBIT  
SHEET 3 OF 4

JSD PROJECT NUMBER: 14-06548  
DRAWN BY: CHEROKEE  
DATE: 5-18-10/7-18-16  
SHEET NUMBER: EX-1C



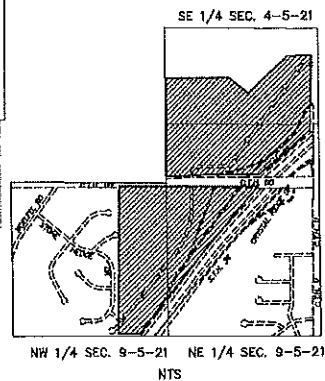
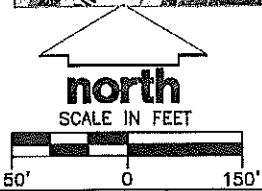




NOTE: WETLAND AREA 8, WETLAND AREA 9, WETLAND AREA 10, WETLAND AREA 11, WETLAND AREA 12, WETLAND AREA 13, AND WETLAND AREA 14 WERE NOT EVALUATED FOR EXEMPTION AND SHOULD BE CONSIDERED NOT EXEMPT FROM STATE WETLAND REGULATIONS.

TOTAL PROJECT AREA: 120,136 SF (2.76 AC)  
WETLAND AREA WITHIN PROJECT AREA: 91,684 SF (2.105 AC)  
ROADSIDE DITCH AREA WITHIN PROJECT: 81,559 SF (1.872 AC)

THIS PORTION OF  
ROADSIDE DITCH  
13 IS NOT  
EXEMPT FROM  
STATE WETLAND  
REGULATIONS.



WETLAND DELINEATED BY KRISTI  
SHERPINSKI OF JSD PROFESSIONAL  
SERVICES, INC. ON APRIL 29, 2016  
AND MAY 3, 2016.

**JSD** Professional Services, Inc.  
a Division of JSD Group, Inc.  
MILWAUKEE REGIONAL OFFICE  
1020 WISCONSIN AVENUE, SUITE 300  
MILWAUKEE, WISCONSIN 53219  
202.515.0666 PHONE | 202.515.1222 FAX  
www.jsdino.com

PROJECT:  
**BALLPARK COMMONS**  
CITY OF FRANKLIN, WI

SHEET TITLE:  
**WETLAND MAP EXHIBIT  
SHEET 4 OF 4**

JSD PROJECT NUMBER:  
**14-5548**  
DRAWN BY: CHECKED BY:  
**SJK/KAS**  
DATE:  
**5-16-16/07-18-16**

SHEET NUMBER:  
**EX-1D**

Continued