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September 10, 2018

Ms. Kristen Kapelanski
Planning Manager
Department of Planning &
Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

**Subject: File No. 18-016 - Rochester Hills Trio PUD;
Wetland Use Permit Review #1;
Plans received by the City of Rochester Hills on
August 28, 2018**

Applicant: OYK Engineering and Construction

Dear Ms. Kapelanski:

The above referenced project proposes to develop approximately 5.96 acres of land into a mixed use Planned Unit Development (PUD). The site is located in the northeast quadrant of the intersection of Auburn Road and Livernois Road. The site includes one wetland not regulated by the City of Rochester Hills and not likely the Michigan Department of Environmental Quality (DEQ).

ASTI has reviewed the site plans received by the City on August 28, 2018 (Current Plans) for conformance to the Wetland and Watercourse Protection Ordinance and the Natural Features Setback Ordinance and offers the following comments for your consideration. Please note that ASTI has not reviewed a draft PUD agreement between the applicant and the City prior to publication of this wetland review.

COMMENTS

1. **Applicability of Chapter (§126-500).** The Wetland and Watercourse Protection Ordinance is applicable to the subject site because the subject site is not included within a site plan which has received final approval, or a preliminary subdivision plat which received approval prior to January 17, 1990, which approval remains in effect and in good standing and the proposed activity has not been previously authorized.

2. **Wetland and Watercourse Determinations (§126-531).** This Section lists specific requirements for completion of a Wetland and Watercourse Boundary Determination.

- a. This review has been undertaken in the context of a Wetland and Watercourse Boundary Determination previously completed by the applicant's wetland consultant, King and MacGregor Environmental (KME), which was verified in the field on February 9, 2016 by ASTI and the DEQ during a DEQ pre-application meeting. ASTI and the DEQ inspected the wetland delineation during this pre-application meeting and agreed with the on-site flagging. Subsequently, the DEQ issued a letter regarding the 2016 inspection and stated the DEQ would not take jurisdiction of the on-site wetland because it was less than five acres in size and was not within 500 feet of a DEQ-regulated inland lake, stream, or pond as defined in Part 303, Wetlands Protection and Part 301, Inland Lakes and Streams. ASTI also issued an electronic mail to the City stating the on-site wetland was less than two acres in size and, as stated above, not within 500 feet of an inland lake, stream, or pond and thus, not regulated by the City.

KME completed an additional inspection of the on-site wetland on May 8, 2018, which is detailed in their letter dated July 18, 2018, which was included with the Current Plans. ASTI completed an additional site inspection on September 5, 2018, which confirmed the earlier findings described above.

ASTI recommends the applicant obtain a current determination of jurisdiction from the DEQ because the letter from the DEQ is older than two years, which was the stated timeline of the determination delivered by the DEQ per their letter dated February 10, 2016.

b. **City Wetland Quality Assessments**

The on-site wetland is small and totals approximately 0.7 acres (32,670 square feet). The on-site wetland was mainly emergent and scrub/shrub wetland. Vegetation within the emergent portion was dominated by the invasive species *Phragmites (Phragmites australis)*. Vegetation in the scrub/shrub portion was dominated by the invasive species of glossy buckthorn (*Frangula alnus*) and the common native species of box elder (*Acer negundo*). Vegetation coverage was thick and robust throughout the wetland. No obvious signs of detrimental contaminants were observed within the on-site wetlands other than common residential waste. The on-site wetlands were dominated by invasive species in both the herbaceous and shrub layers and have very low potential to provide anything but limited habitat for common suburban wildlife. The on-site wetlands

are not contiguous to any watercourses or water bodies and very small. Therefore, they offer little ability to detain significant amounts of storm water or ground water recharge. Review of readily available historical aerial photography indicated the on-site wetlands appear to be a relic of historic agricultural drainage activities. Based on these factors, it is ASTI's opinion that the on-site wetlands are of low ecological quality and should not be considered a valuable natural resource to the City.

3. **Use Permit Required (§126-561).** This Section establishes general parameters for activity requiring permits, as well as limitations on nonconforming activity. This review of the Current Plans has been undertaken in the context of those general parameters, as well as the specific requirements listed below.
 - a. No City- or likely DEQ-regulated wetlands are present on the property. Neither a Wetland Use Permit from the City or likely a Part 303 permit from the DEQ are required for this project.
4. **Use Permit Approval Criteria (§126-565).** This Section lists criteria that shall govern the approval or denial of an application for a Wetland Use Permit.
 - a. No City-regulated or likely DEQ-regulated wetlands are present on the property. On-site wetland is less than two acres in size and not within 500 feet of an inland lake, stream or pond as defined by Part 301. The on-site wetland is not of significant ecological value or a valuable natural resource to the City. Thus, the on-site wetland is not regulated by the City or likely the DEQ. Therefore, neither a Wetland Use Permit from the City or likely a Part 303 permit from the DEQ are required for this project.
5. **Natural Features Setback (§21.23).** This Section establishes the general requirements for Natural Features Setbacks and the review criteria for setback reductions and modifications.
 - a. Should the City accept the applicant's proposal to develop the subject property as a PUD, subject to final review and approval as part of the site plan review process, the on-site Natural Features Setback regulations can be waived by the City at its discretion. The applicant should note that upon the request of the City, ASTI will re-evaluate any Natural Features Setback impacts if the City does not waive Natural Feature Setback regulations.

The Current Plans indicate that approximately 1,000 linear feet of Natural Features Setback will be permanently impacted from the proposed

development. The on-site Natural Features Setback area was shrubby with scattered trees and were dominated by the invasive species of autumn olive (*Elaeagnus umbellata*), glossy buckthorn, Tartarian honeysuckle (*Lonicera tatarica*), Amur honeysuckle (*Lonicera maackii*), and Siberian elm (*Ulmus pumila*). Native species observed in lesser numbers in the Natural Features Setback included cottonwood (*Populus deltoides*), gray dogwood (*Cornus racemosa*), and box elder. The Natural Features Setback areas on-site are of poor floristic quality and have low ecological value.

RECOMMENDATIONS

ASTI recommends the City approve the Current Plans.

Respectfully submitted,

ASTI ENVIRONMENTAL



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