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December 3, 2014

Sara Roediger
Department of Planning and
Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033

**Subject: File No. 14-008 Sanctuary at Rivers Edge PUD;
Wetland Use Permit Review #3;
Plans received by the City of Rochester Hills on
November 24, 2014**

Applicant: JM Properties LLC

Dear Ms. Roediger:

The above-referenced project proposes to construct 20 residential units on a 6.163-acre property as a Planned Unit Development (PUD). The site is located on the south side of Helmand Street, east of Livernois Road, south of University Road, and north of Avon Road. The subject site includes wetlands regulated by the City of Rochester Hills and likely the Michigan Department of Environmental Quality (DEQ).

ASTI has reviewed the site plans received by the City on November 24, 2014 (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 King and MacGregor Environmental for the subject property, which was confirmed in the field by ASTI on May 30, 2014. The Current Plans show that the on-site wetlands (Wetland A, B, and C) are within 500 feet of the Clinton River to the south, therefore making these wetlands regulated by the City and likely the DEQ. Based on previously reviewed information from the applicant and ASTI's on-site inspection in May 2014, ASTI agrees with the depiction of the on-site wetland areas on the Current Plans. Additionally, the on-site wetland areas are of medium to low ecological quality and should not be considered a vital natural resource to the City.

The response document associated with the Current Plans from Apex Engineering Group Inc. dated November 20, 2014, state the wetland delineation as shown on the Current Plans was completed in November of 2012 by King & MacGregor Environmental, Inc. This is to ASTI's satisfaction. The applicant should be advised that wetland delineations are only considered valid by the DEQ and the City for a period of three years.

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. The Current Plans indicate that the entirety of Wetland A and Wetland B as shown on the Current Plans will be impacted as part of the project. Additionally, the applicant has added a table stating the impacts to each on-site wetland in acres. Revised plans should also state all wetland impacts in square feet per the City Zoning Ordinance.
- b. The Current Plans show no impacts to Wetland C. Moreover, Wetland C is proposed to be preserved as open space, which is in the spirit of a PUD. This is to ASTI's satisfaction.

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. The following items must be addressed on a revised and dated Wetland Use Permit application and additional documentation submitted for further review:

- a. A DEQ Part 303 Permit and a Wetland Use Permit from the City are required for this project as proposed. Once a DEQ permit is received by the applicant, it must be submitted to the City for review. The Current Plans show 0.20 acres of

DEQ- and City-regulated wetland will be impacted as part of the project. The applicant should be aware that the DEQ can waive wetland mitigation for impacts under 1/3 acres to DEQ-regulated wetland. If the DEQ determines wetland mitigation is applicable to this project, the applicant must supply a detailed mitigation design and planting plan as part of revised plans.

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 submittal 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. Moreover, it is ASTI's opinion that all areas of Natural Features Setback on-site are of low ecological quality and ASTI would recommend any applicable Natural Futures Setback modification for the proposed actions as presented in the Current Plans.
 - b. The Current Plans show that the Natural Features Setback associated with Wetland C is to be preserved as open space. This is within the spirit of a PUD and is to ASTI's satisfaction.

RECOMMENDATION

ASTI recommends the City approve the above-referenced project contingent upon the applicant addressing the items contained in Comment 3.a on revised plans.

Respectfully submitted,

ASTI ENVIRONMENTAL



Kyle Hottinger
Wetland Ecologist



Dianne Martin
Director, Resource Assessment & Mgmt.
Professional Wetland Scientist #1313