

DATE: May 23, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: Agenda Item – EXTENSION OF PRELIMINARY SITE CONDOMINIUM APPROVAL – Oak Forest Site Condominium, South Side of Square Lake Road between Willow Grove and John R Road, Section 11 – R-1C

RECOMMENDATION

City Management recommends a one-year extension of preliminary site condominium approval of Oak Forest Site Condominium.

BACKGROUND

City Council granted preliminary site condominium approval to Oak Forest Site Condominium on April 18, 2005. The preliminary site condominium approval expired April 18, 2006. The petitioner, Dale Garrett of Ladd's Inc., submitted an application for extension on March 13, 2006. City Management requested the petitioner complete a wetland inspection report prior to bringing the item forward to City Council for consideration, consequently the extension deadline has elapsed.

The petitioner is proposing a 76-unit site condominium on a parcel that is approximately 38.43 acres in area. The applicant is utilizing the lot averaging option, which permits a 10% reduction in lot area to 9,450 square feet and a 10% reduction in lot widths, to 76.5 feet. The petitioner is not proposing any changes to the approved preliminary site condominium plan.

The Natural Features Map indicates there are wetlands, woodlands and a drain on the property. The petitioner provided a wetland determination report prepared by Holloway Environmental Planning, Inc., dated December 8, 2004. The applicant provided a wetlands assessment report prepared by the Michigan Department of Environmental Quality (MDEQ) on December 28, 2001. The report indicates that there are a number of wetlands regulated under Part 303 of PA 451 of 1994; however, the findings are not binding after October 17, 2004.

At the request of City Management, the petitioner submitted a revised wetland inspection report dated April 10, 2006. The report indicates the wetland boundaries identified on the MDEQ report is accurate. Note that the petitioner is required to receive a permit from the MDEQ prior to commencing any construction activity such as dredging, filling, or draining within a regulated wetland.

Attachments:

1. MDEQ Wetland Assessment Report 00-63-0006-WA, dated December 28, 2001.
2. Wetland Determination Report, prepared by Holloway Environmental Planning, Inc., dated December 8, 2004.
3. Wetland Inspection Report, prepared by Holloway Environmental Planning, Inc., dated April 10, 2006.
4. Memorandum prepared by the City of Troy Environmental Specialist, dated May 1, 2006.

cc: Applicant
File/ Oak Forest Site Condominium

Prepared by RBS/MFM

G:\SUBDIVISIONS & SITE CONDOS\Oak Forest Site Condo Sec 11\Extension Prelim CC Approval Oak Forest Site Condo 06 05 06.doc



JOHN ENGLER, Governor
DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us
RUSSELL J. HARDING, Director

REPLY TO:
JACKSON DISTRICT OFFICE
STATE OFFICE BUILDING
301 E LOUIS GLICK HWY
JACKSON MI 49201-1556

DEC - 9 2004

December 28, 2001

Mr. Dale E. Garrett
Wattles Square, Inc.
5877 Livernois, Suite 103
Troy, MI 48098

Dear Mr. Garrett:

SUBJECT: Wetland Assessment Report - Wetland Assessment File Number 00-63-0006-WA

The Department of Environmental Quality (DEQ) conducted a Level 3 Wetland Assessment on October 17, 2001 on property (property tax identification number(s) 20-11-201-007, 20-11-201-012, 20-11-201-015, and 20-11-201-018) located in Town 02N, Range 11E, Section 11, City of Troy, Oakland County. The wetland location plan provided to the DEQ indicates the above referenced property is the site of the proposed Oak Forest Subdivision. The assessment was conducted in accordance with Part 303, Wetland Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and Rule 4, Wetland Assessments (R 281.924) of the Administrative Rules for Part 303. This is a report of our findings in response to your wetland assessment application.

The DEQ staff walked the flagged boundaries as requested in your wetland assessment application. Based on our on-site investigation, which included review of plant communities, hydrologic indicators, and soils of the assessment area, and an in-office review of other pertinent information, the DEQ confirms, in part, the wetland boundaries observed during the site inspection. After reviewing staff's field notes in comparison to your consultant's soils data and botanical species list, staff noted a couple of minor errors.

The revised boundaries have been added to the Wetland Location Plan dated as last revised 11-5-01 and a copy of the pertinent areas are attached. The site map of the assessment area was created by combining information from your consultant and the DEQ. The new map identifies the areas containing wetland and upland within the assessment area. A new delineation is not necessary.

All the areas of wetland identified on the Wetland Location Plan are regulated pursuant to Part 303 of 1994 PA 451. Please be advised that any of the following activities require a permit under Part 303:

- a) Deposit or permit the placing of fill material in a regulated wetland.
- b) Dredge, remove, or permit the removal of soil or minerals from regulated wetland.
- c) Construct, operate, or maintain any use or development in a regulated wetland.
- d) Drain surface water from a regulated wetland.

Mr. Dale E. Garrett
Wattles Square, Inc.
December 28, 2001
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For those areas identified as upland on the site map, the DEQ lacks jurisdiction under Part 303 for activities occurring in those areas.

You may request the DEQ reassess the subject parcel or any portion of the parcel within 30 days of the date of this report should you disagree with its findings. A written request to reassess the parcel must be accompanied by supporting evidence with regard to wetland vegetation, soils or hydrology different from, or in addition to, the information relied upon by DEQ staff in preparing this report and sent to:

Wetland Assessment Program
Inland Lakes and Wetlands Unit
Land and Water Management Division
Department of Environmental Quality
P.O. Box 30458
Lansing, Michigan 48909-7958

Please be aware that this assessment report does not constitute a determination of the presence of wetland that may be regulated under local ordinances or federal law. The U.S. Army Corps of Engineers (USACE) retains regulatory authority over certain wetlands pursuant to Section 404 of the Clean Water Act (CWA), and specifically those wetlands associated with traditionally navigable waters of the state. Traditionally, navigable waters are generally the Great Lakes, their connecting waters, and river systems and lakes connected to these waters. In other areas of Michigan, the DEQ is responsible for determination of wetland boundaries for purposes of compliance with the CWA under an agreement with the U.S. Environmental Protection Agency.

Your assessment area does not appear to be within those areas also regulated by the USACE. However, should you desire more information, please contact the USACE at 313-226-2218.

This assessment report is limited to findings pursuant to Part 303 and does not constitute a determination of jurisdiction under other DEQ administered programs. Any land use activities undertaken on the assessed parcel may be subject to regulation pursuant to the NREPA under the following programs:

Floodplain Regulatory Authority found in Part 31, Water Resources Protection
Part 91, Soil Erosion and Sedimentation Control
Part 301, Inland Lakes and Streams

The findings contained in this report do not convey, provide, or otherwise imply approval of any governing act, ordinance, or regulation, nor does it waive the obligation to acquire any applicable state, county, local, or federal approval or authorizations necessary to conduct any possible activities. This assessment report is not a permit for any activity that requires a permit from the DEQ.

Mr. Dale E. Garrett
Wattles Square, Inc.
December 28, 2001
Page 3

The findings contained in this report are binding on the DEQ until October 17, 2004; a period of three years from the date of the assessment unless a reassessment is conducted. Please contact me if you have any questions regarding this assessment report.

Sincerely,



Rick Schramm
Jackson District Supervisor
Land and Water Management Division
517-780-7915

Enclosure

cc: Ms. Wendy Veltman, DEQ, Lansing
Mr. Richard A. Powers, DEQ, Lansing
Ms. Mary Vanderlaan, DEQ, Livonia
Mr. Todd Holloway, Holloway Environmental Planning, Inc.

DEC - 9 2004

**HOLLOWAY
ENVIRONMENTAL
PLANNING, Inc.**



Job #00-004
December 8, 2004

Dale Garrett
Wattles Square, Inc.
5877 Livernois Road
Suite 103
Troy, Michigan 48098

Wetland Determinations
Mitigation Design and
Construction
Permit Services

Site Master Planning
Landscape Architecture
Ecological Design

cc: **David Baumhardt (PEA-Troy) via fax @ 248.689-1044**

Re: **Wetland Determination**
"Oak Forest Sub. Site"
Sec. 11; City of Troy, Oakland Co., Michigan

WETLAND DETERMINATION REPORT
Via fax @ 248.826.3573 (4 pages)

Dear Mr. Garrett:

The following items summarize our findings and recommendations concerning wetlands on the above listed property:

Parcel #20-11-201-002 was inspected on July 19, 2004. Upon examination of on-site conditions and the surrounding area, we identified two (2) wetland zones that exists within and/or adjacent to the property. We utilized a copy of the OCPC aerial survey for the site to record our findings. The wetland zones are believed to exist as part of a local surface and groundwater system and associated wetland areas.

Our inspection was conducted in mid-summer. We were able to sample all of the current wetland indicator conditions on the site. The current site wetland indicators include common soil, plant and hydrologic traits indicative of wetland conditions within the wetland boundaries. The wetland flags are easily identified in the field as pink survey ribbons marked "WETLAND BOUNDARY".

Wetlands on the remainder of the property (comprised of parcels 20-11-201-012, 015, 017, 018 and 20-11-236-006) were previously delineated by this office and confirmed in the field by representatives of the Michigan Department of Environmental Quality in 2001.

A wetland map exhibit is attached to this report as prepared by Professional Engineering Associates, Inc. identified as **Existing Wetland Areas Oak Forest (Figure 1)**. The wetlands as shown were surveyed from our delineation.

Methodology

The criteria we used to make our determination are based on current Michigan Department of Environmental Quality practices and evaluation methodology. This involves developing a correlation

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Pleasant Ridge, MI. 48069
Phone: (248) 546-9480
Fax: (248) 544-9449
hollowayenv@sbcglobal.net

Wetland Determination Report *via fax*

Job #00-004

Ladds/"Oak Forest Sub. Site"-Sec. 11; Troy.

December 8, 2004

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between vegetation¹, hydric soils² and hydrology³ to determine at what point a given area contains a predominance of wetland characteristics. This system is the generally accepted approach within the wetland determination industry.

Soil Conditions

The NRCS Soil Survey for Oakland County indicates that #27-Houghton, #41B-Aquents and #52A-Selfridge series soils exist in the vicinity of parcel 20-11-201-002. The Houghton soil type is considered "hydric" and is listed as hydric wetland soil on state soils lists. Our general observation of site soil conditions in the area of wetlands (conducted using a hand soil probe) revealed surface soils that were highly depleted gray sandy-loams. Upland areas contained bright to medium brown sandy-loams. The mapping of soils on the NRCS map had a general correlation with the location of uplands on the site, with no direct correlation to existing wetlands. A copy of the NRCS Soil Survey Map is not attached.

MDEQ Wetland Inventory Maps

The MDEQ(MDNR) MIRIS Wetland Inventory Map for Troy was reviewed to determine if remote sensing evaluations indicate wetlands on or near the subject property. Review of this map indicates that no wetlands were identified near the subject parcel. These maps are used by various regulating authorities as a general guide to project review. They may or may not indicate the physical presence of jurisdictional wetlands or their accurate boundaries. A copy of this map for the site is not attached to this report.

Description of Wetlands

ZONE A (comprised of areas labeled A, B and D)

Groundwater and storm water drainage features in the form of a shallow ditch transmit water through a wetland that is classed as scrub/scrub wetland. Units A, B and D are connected just off-site to the west to define the zone which possesses long-term intermittent soil saturation and exposure to intermittent ponding. The zone's soil conditions are comprised primarily of heavy loams. It is dominated by mixed herbaceous ground cover and mature medium age deciduous shrubs and small trees. Species common within this area include sandbar willow, American elm, red ash, red-osier dogwood, boxelder, cattail and mixed carex sedges. This wetland zone follows the surface drainage features of the surrounding area, and is connected to other systems lying off-site to the north, west and east. Collectively, the overall wetland system falls within 500 feet of the Fetterly Drain.

ZONE C

This small and isolated wetland pocket is classed as a scrub and wet-meadow wetland. It is separated from Zone A by a raised agricultural trail that parallels the west property line. Plant species are similar to those found in Zone A.

¹ National List of Plant Species That Occur in Wetlands (Region 3-1996 Revision USFWS)

² Field Indicators of Hydric Soils in the United States-Version 4.0. March 1998. USDA

³ Field Guide to Wetland Delineation. USACE 1987 Manual. USACE

Wetland Determination Report *via fax*

Job #00-004

Ladds/"Oak Forest Sub. Site"-Sec. 11; Troy.

December 8, 2004

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This area, although small, also falls within 500 feet of the Fetterly Drain.

Jurisdiction and Regulation

Wetland Zones A (units A, B and D) and C will be regulated by the Michigan Department of Environmental Quality (MDEQ) under Michigan's Natural Resources Protection Act; P.A. 451, (1994), Part 303, under the definitions of size as part of wetlands that exceed 5.0 acres and connected by recurring surface water connections, and/or fall within 500 feet of a regulated inland lake or stream. All other related wetlands have been coded on the attached **Figure 1** to reflect MDEQ regulation status and are labeled as **Wetland Areas E through Z and AA to CC**. The MDEQ has final jurisdiction over the determination of all wetland areas regulated under state authority.

Due to trespass restrictions, we did not physically sample wetland conditions on properties other than the subject parcel.

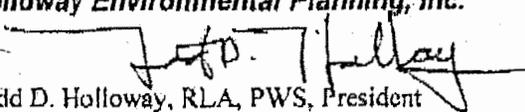
Permit Requirements

A Wetland Use Permit will likely be required from the MDEQ for any regulated activities proposed within the boundaries of jurisdictional wetlands. Activities covered under their jurisdiction include dredging, drainage or filling of wetland and storm water discharge.

If you have any questions concerning this information, please contact me by phone at (248) 546-9480, or by electronic mail at hollowayenv@sbcglobal.net

Thank you for the opportunity to assist you in this project.

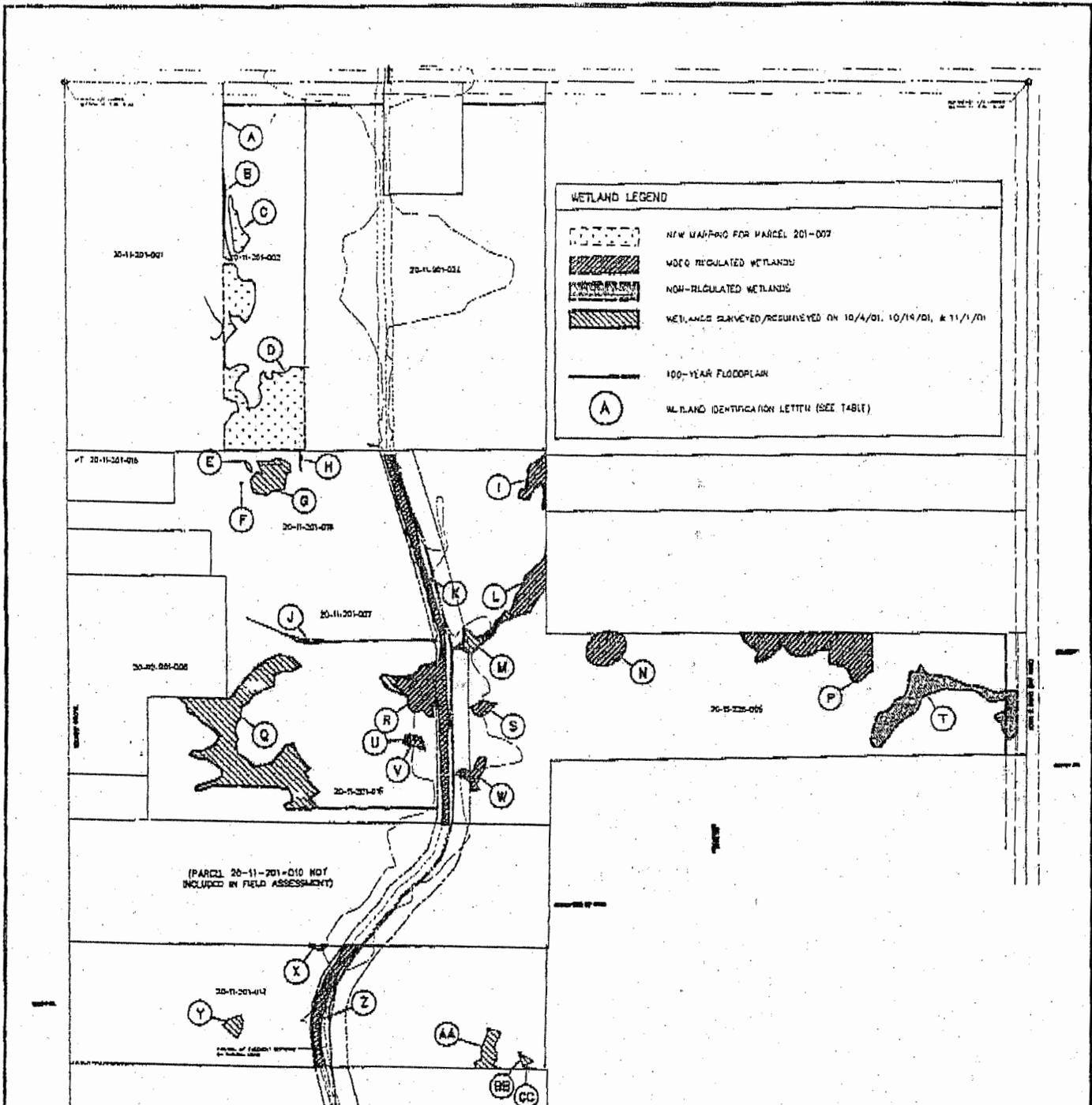
Sincerely,

Holloway Environmental Planning, Inc.

Todd D. Holloway, RLA, PWS, President
Certified Professional Wetland Scientist
TDH/tt

attm: Existing Wetland Areas Oak Forest-Figure 1 (1 page, PEA, Inc.10/28/04),

cc: David Baumhardt (PEA-Troy) *via fax @ 248.689-1044*
file



SCALE: 1" = 400'	JOB No: 2000250
DATE: 10-28-04	DWG. No: 1 of 1
EXISTING WETLAND AREAS OAK FOREST FIGURE 1	

PROFESSIONAL
ENGINEERING
ASSOCIATES

2430 Rochester Ct, Suite 100
Troy, MI 48063-1872
(248) 689-9090

**HOLLOWAY
ENVIRONMENTAL
PLANNING, Inc.**

Job #00-004
April 10, 2006

Dale Garrett
Wattles Square, Inc.
5877 Livernois Road
Suite 103
Troy, Michigan 48098

REC'D

APR 11 2006

PLANNING DEPT Via fax @ 248.828.3573

Wetland Determinations
Mitigation Design and
Construction
Permit Services

Site Master Planning
Landscape Architecture
Ecological Design

Re: **Wetland Determination**
"Oak Forest Sub. Site"
Sec. 11; City of Troy, Oakland Co., Michigan

WETLAND INSPECTION REPORT

Dear Mr. Garrett:

The following items summarize our findings and recommendations concerning wetlands on the above listed property known as Oak Forest Subdivision:

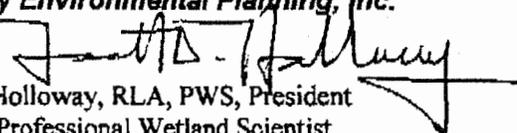
Wetlands on the majority of the property (comprised of parcels 20-11-226-006 and 007, 20-11-201-007, 015 and 018) were previously delineated by this office and confirmed in the field and in writing by Richard Schramm District Supervisor-Jackson Office of the Michigan Department of Environmental Quality Wetland Assessment Program in 2001. This state approval of the wetland boundaries was supported by extensive sampling of plants, soils and hydrology by separate highly experienced wetland professionals, one specializing in wetland botany, another in soil science, and third in overall wetland delineation. Detailed plant lists and soil boring records were provided to the MDEQ to support the delineation as shown on your site plans. Parcel 20-11-201-002 was flagged by my office in July of 2004 and has not yet been reviewed by the MDEQ.

The property was walked on April 6, 2006 to assess whether or not field conditions had changed over time that may influence the historic wetland delineation for the site. No evidence of climatic or regional change was observed on the site or surrounding areas. Plant composition for the site was also unchanged, as were soil indicators. The wetland boundaries shown on your site plans reflect the accurate delineation of wetlands as recognized by the state.

If you have any questions concerning this information, please contact me by phone at (248) 546-9480, or by electronic mail at hollowayenv@sbcglobal.net

Thank you for the opportunity to assist you in this project.

Sincerely,
Holloway Environmental Planning, Inc.


Todd D. Holloway, RLA, PWS, President
Certified Professional Wetland Scientist
TDH/tt

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Phone: (248) 546-9480
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Email: hollowayenv@sbcglobal.net

MAY 1 - 2006

TO: Mark Miller, Planning Director
Steven J. Vandette, City Engineer

FROM: Jennifer Lawson, Environmental Coordinator 

SUBJECT: Oak Forest & Oak Forest South Wetlands Assessment

DATE: May 1, 2006

As per the City of Troy's letter dated March 29, 2006 requesting a Wetland Determination, Holloway Environmental submitted a "Wetland Inspection Report" on April 10, 2006 for parcels:

20-11-226-006
20-11-226-007
20-11-201-007
20-11-201-015
20-11-201-018
20-11-201-012

This letter states that the wetlands boundaries shown for these parcels have not changed since the Michigan Department of Environmental Quality's assessment in 2001. Please note that the State's 2001 determination only assessed:

20-11-201-007
20-11-201-015
20-11-201-018
20-11-201-012

Please note, the wetlands assessment for MDEQ file No. 00-63-0006-WA, dated December 28, 2001, expired on October 17, 2004.

If any concerns are raised, the City of Troy will have an opportunity to comment during the Public Comment Period, as a part of the MDEQ permitting process, when the property owner applies for any wetlands permit.

If you have questions, please let me know.