

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

July 3, 2019

Agenda Item 4

Applicant: Brent & Tiffany Gregg

Request: Map amendment (rezone) from Commercial to General Rural

Background: The applicant is proposing to rezone the 2.367 acre property from Commercial to General Rural to enable construction of a residence. Prior to 4-22-2009, the applicants parcel was a part of the adjacent parcel to the east. At that time, a mobile home was on the property as an accessory residence to a commercial use (allowed per 240-40A(1)). After the land was subdivided, the mobile home was no longer accessory to a commercial use and became a preexisting nonconforming use. The applicants have removed the mobile home and the land is currently vacant.



Issues Pertaining to the Request:

- The parcel's address is N8714 250th Street and contains 2.367-acres. The legal description is Lot 1 CSM Vol. 12 Pg. 100 being part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 6, T27N, R15W in the Town of Spring Lake.
- Adjacent land uses are agricultural, commercial, residential, and mining.
- The parcel is currently zoned Commercial. Adjacent zoning districts are Commercial and General Rural.
- Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts states:
General Rural is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land.

Commercial is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors.

- Pierce County’s adopted Comprehensive Plan states: “The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone.”
- The value of land for agricultural use according to the USDA Web Soil Survey is as follows:

Soil Map Unit Name	Slope	% Area	Capability Unit	New Farmland Classification
Vlasaty Silt Loam (816B2)	2-6%	54%	2e	All areas Prime Farmland.
Whalen Silt Loam (823C2)	6-12%	46%	3e	Farmland of Statewide Importance

- The Town of Spring Lake recommended approval of this request on 6-11-2019. They stated, “A residence has been on this site for years and the Town of Spring Lake wants to keep this parcel as a residential site.” They also referenced Objective 8.4.1 in the Land Use section of their Comprehensive Plan to support the recommendation that states, “Promote an organized pattern of development that will minimize conflicting land use and provide for controlled development.”

Staff Recommendation:

Given that the Spring Lake Town Board has determined that this proposed map amendment (rezone) of 2.367-acres from Commercial to General Rural is consistent with their Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) and forward a recommendation to the County Board of Supervisors.

Submitted By: Emily Lund
Assistant Zoning Administrator

Land Management Committee




BRENT & TIFFANY GREGG
(July 3, 2019)

REZONE
Commercial to General Rural

Legend

-  Dwellings
-  Rezone Parcel
-  Contours (10ft)

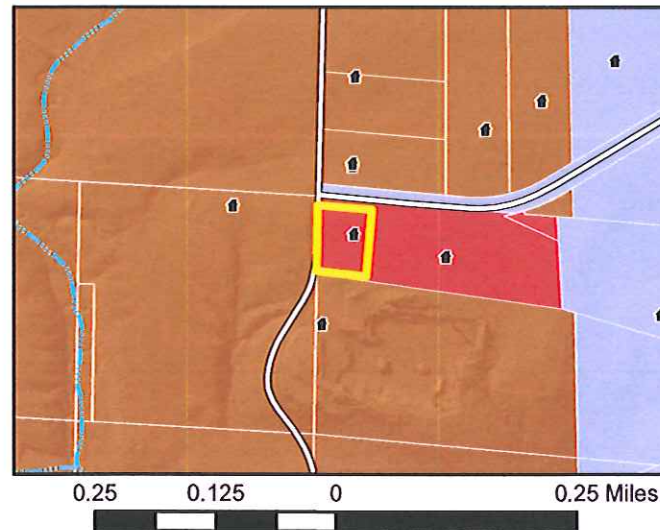
Zoning

-  Commercial
-  General Rural
-  Village of Spring Valley

Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



Site Location
N8714 250TH ST
TOWN OF SPRING LAKE



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

July 3, 2019

Agenda Item 5

Applicant: David Lofgren

Request: Conditional Use Permit - Expansion of a Nonconforming Structure

Background:

The applicant's property is a 102.11 acre parcel located along State Road 72. The existing house is a nonconforming structure with the closest portion of the house located 94' from the center line of State Road 72. The applicant is requesting to build a 6' x 36' deck with a wheel chair accessible entrance ramp off the south side of the existing house.

The road right-of-way along this portion of the property angles from 33' to 45'. The angled right-of-way makes the structure setback somewhere between 110' and 122' feet from the centerline of State Road 72. A survey would be needed to make a final setback determination.

The proposed deck will start approximately 104' from the centerline of the road. The wheelchair ramp will start approximately 109' feet from the centerline of the road. The wheelchair ramp and a 5' x 5' deck landing are exempt from road setbacks per Pierce County Code 240-27(G). However, the rest of the deck is subject to the appropriate road setbacks. Staff presented the applicant with an option so that only the exempted 5' x 5' deck and ramp is within the setback, which would not require a CUP, but the applicant opted to apply for the CUP.

Issues Pertaining to the Request:

- This parcel is located in the NW ¼ of the NE ¼ in Sec. 2, T26N, R15W, Town of Rock Elm. The property is zoned Agriculture Residential.
- PCC § 240-67A.(2) states, "Additions to or extensions of nonconforming structures are permitted, provided that such additions or extensions comply with all the provisions of this chapter or a conditional use permit is granted as provided in § 240-76."
- PCC § 240-76A states "Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to or expansion of a nonconforming structure, or expansion or intensification of a nonconforming use."
- PCC § 240-27(G) states, "The following structures shall be permitted within the required setback of highways, provided that they do not violate any other provisions of this chapter:
(7) Structures, such as ramps and landings, lifts or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people and where no feasible alternative locations exist."
- Pierce County Code (PCC) § 240-27B states, "County highways. Except as provided in Subsection E, the required setback for all structures fronting on all county highways shall be 100 feet from the center line of the road or 67 feet from the edge of the right-of-way, whichever is greater."

Applicant: David Lofgren
July 3, 2019
Expansion of Nonconforming Structure

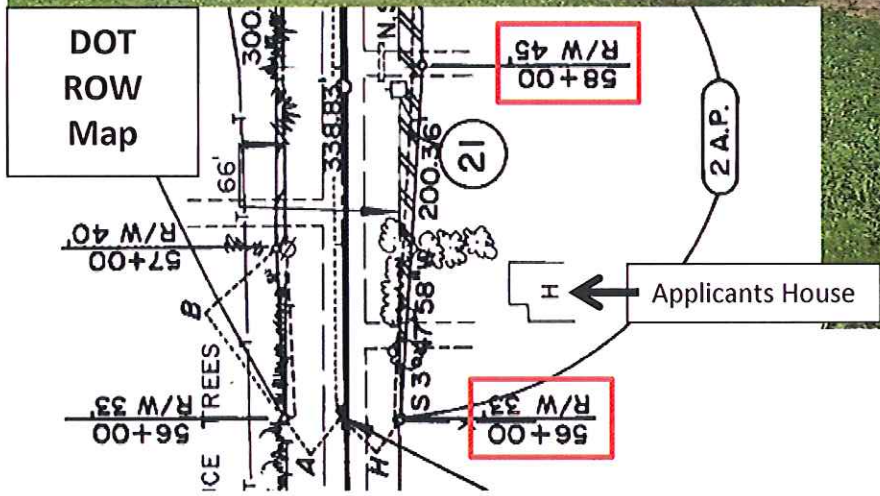
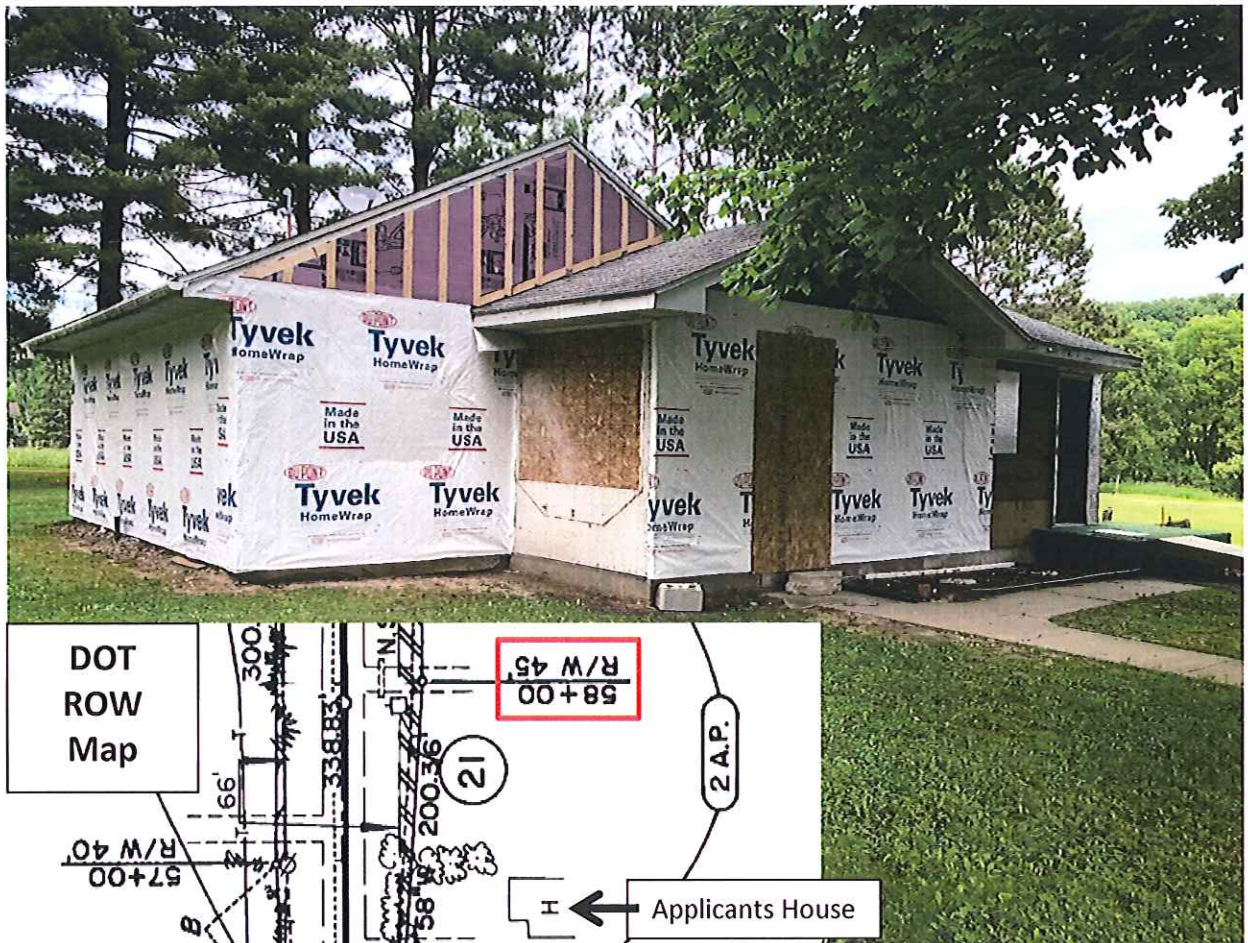
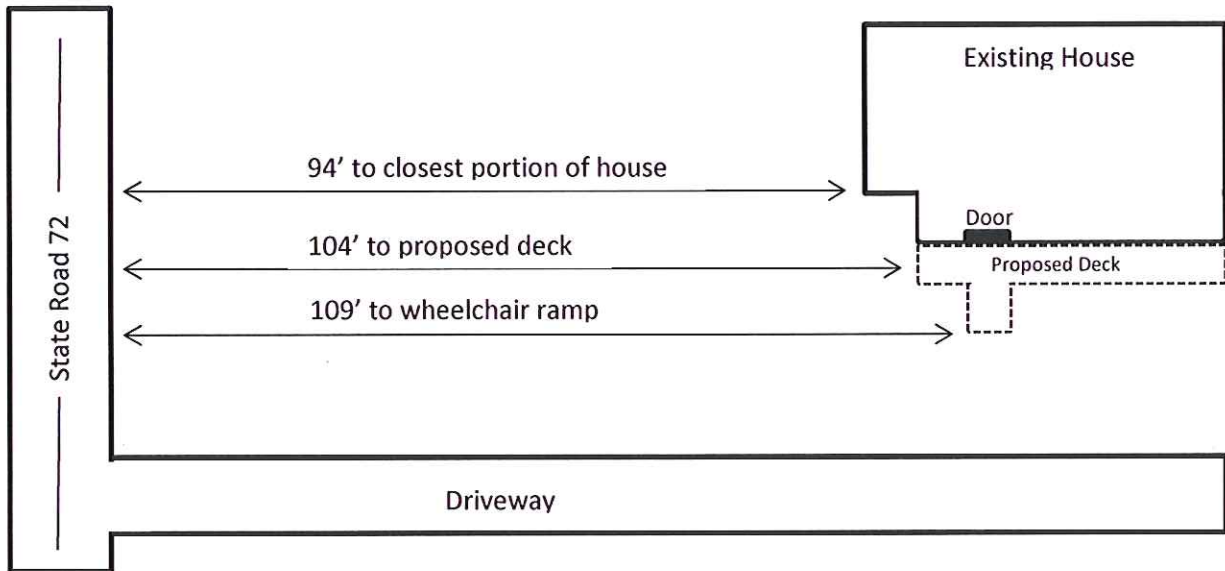
- Adjacent land uses surrounding the property are agricultural, residential, and commercial. The nearest driveway is located approximately 100' to the north of the applicant's driveway.
- The proposed expansion will not result in a reduced line of sight for vehicles traveling along State Road 72.
- The Town of Rock Elm recommended approval of this request on 6-11-2019. The Town did not reference its Comprehensive Plan and had no concerns or suggested conditions.

Recommendation:

Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends that the LMC approve this conditional use permit with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.
2. The proposed deck shall be located no closer than 104' from the centerline of State Road 72.
3. The applicants shall follow Pierce County Solid Waste Code Ch. 201 and Wisconsin Administrative Code NR 447 for disposal of used and unusable building materials.
4. The proposed expansion shall be completed within 12 months of CUP approval.

Submitted By: Adam Adank
Zoning Specialist



Land Management Committee

DAVID LOFGREN
(July 3, 2019)

CUP - Expansion of a nonconforming structure (deck)

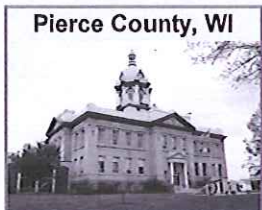
Legend

-  Dwellings
-  CUP Parcel
-  Contours (10ft)

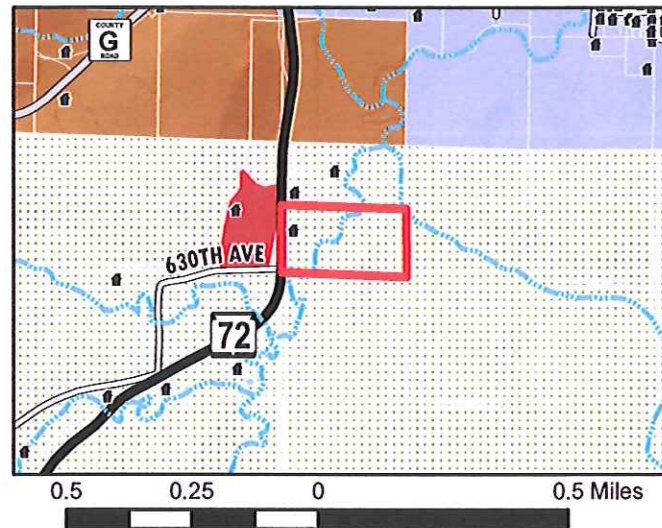
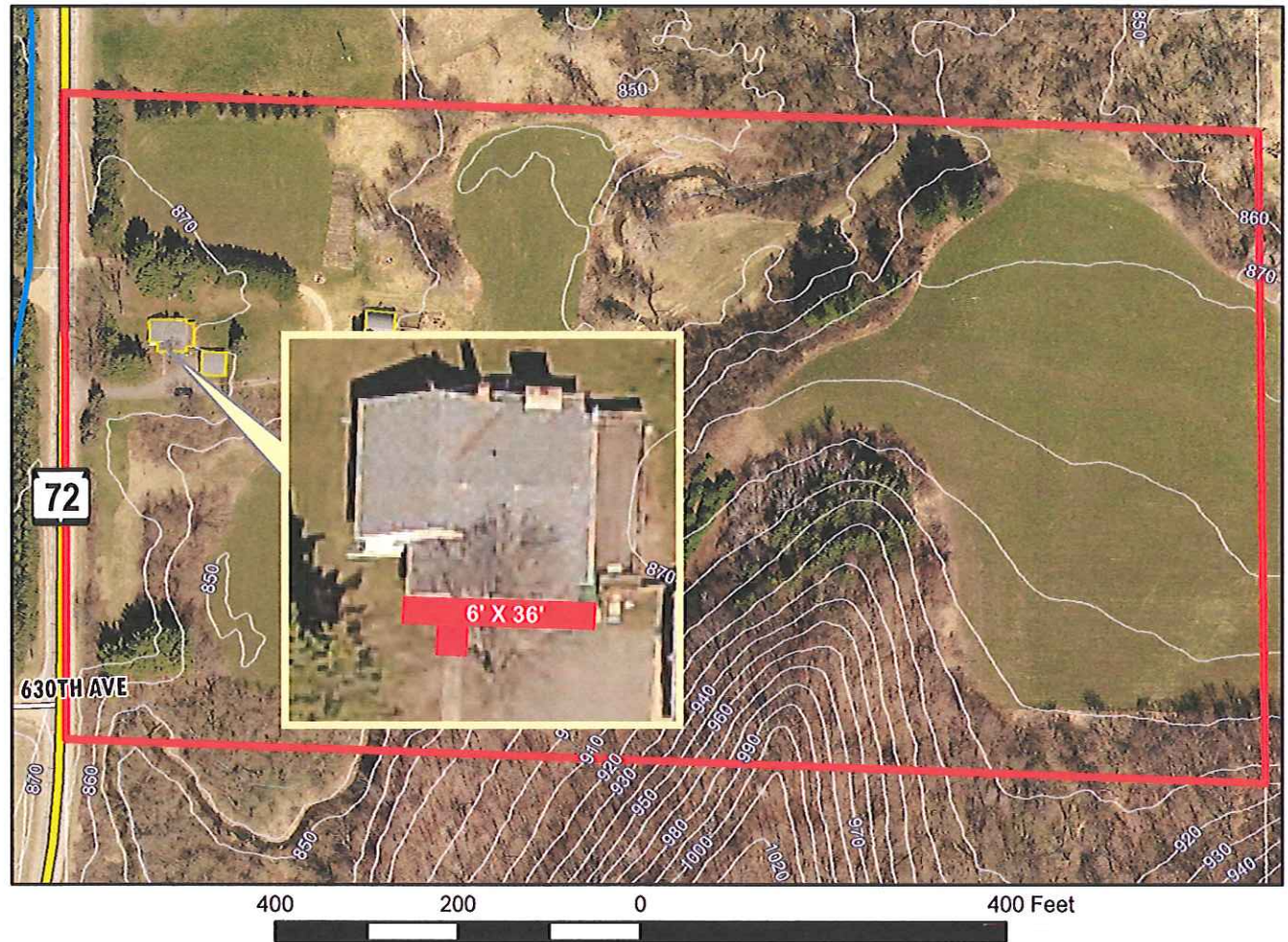
Zoning

-  Agriculture - Residential
-  Commercial
-  General Rural
-  Village of Elmwood

Orthophotography - 2015 Pierce County

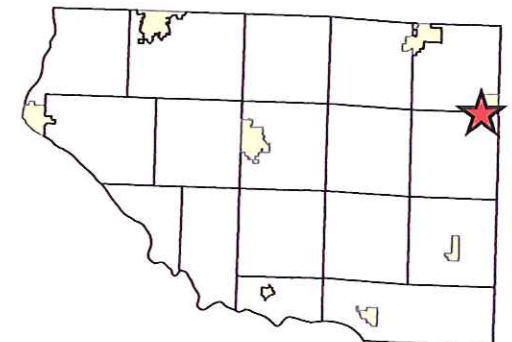


Prepared by the Department of Land Management



Site Location

N6426 STATE ROAD 72
TOWN OF ROCK ELM



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

July 3, 2019

Agenda Item 6

Applicant: Cory & Gena Huppert (owners) and Dan Kugel (agent)

Request: Preliminary plat approval for Hidden Hills of the Kinni.

Background: On 1-2-2019, concept plan approval for the 164.9-acres with 33-lots and 2-outlots was granted by the LMC. The applicants are now requesting preliminary plat approval for the first phase, a 60.7-acre, 13-lot, 1-outlot subdivision.

Issues Pertaining to the Request:

- The property is described as part of the NE ¼ of Sec. 9, T27N, R19W in the Town of Clifton.
- The Huppert's own 164.9-acres of land zoned GRF-8 that allows for the creation of 33 lots and 2 outlots. This is the first phase which would create 13 buildable lots and 1 outlot.
- Cedar Corporation reviewed the Storm Water & Erosion Control Plan on behalf of the Land Conservation Department. On 6-20-2019, the Land Conservation Committee recommended approval to the Land Management Committee with the following conditions:
 1. Storm water runoff models are completed using Atlas-14 precipitation amounts.
 2. Storm water runoff models shall assume pre-development "good hydrologic conditions" for all land covers (consistent with NR 151.24(4)(a), the condition of the 34.5 acres of cropland must be revised in the HydroCAD model.
 3. The preliminary plat must show that no land cover disturbance can occur west of the "drainage easement" as shown in the current storm water modeling. If the development plans are different, the storm water model must be revised to reflect.
 4. A copy of the Cedar Corporation memo regarding 'protective areas' in 'cold water communities' be submitted to Land Management Committee for their review. (*Memo is attached.*)
 5. Contractor and owners of 'Hidden Hills of the Kinni' agree provide construction timelines to Pierce County Land Conservation Department.
 6. Storm water and Erosion Control Plan review fees are received by Land Conservation Department. (*Review fees were paid on 6-20-2019.*)
- Pierce County Code § 237-17C.(4) states, "Before preliminary plat may be approved by the Land Management Committee, it shall be referred to the Land Conservation Department and Committee for review of its erosion control plan, upon whose written comments the Committee shall condition and accept or, where insufficient, reject a preliminary plat as submitted."
- Drainage easements are delineated between Lots 3-4 and Lots 5-9. Storm water retention ponds are located between Lots 3-4, Lots 7-9, and Lot 9-Outlot 1.
- This project's construction site activities are regulated by the WI DNR per chapters NR 151 and 216, Wis. Admin. Code, and ch. NR 283, Wis. Stats. A Wisconsin Pollutant Discharge Elimination System (WPDES) Permit and Notice of Intent (NOI) were submitted to the WI DNR on 4-10-2019. WPDES Permit No. WI-S067831-05 was conditionally approved on 6-3-2019 and expires 3 years from the permit issuance date.

Applicant: Cory & Gena Huppert
Hidden Hills of the Kinni - Preliminary Plat
July 3, 2019

- The WI Dept. of Administration – Plat Review does not object to this preliminary plat and certifies it as complying with requirements of Sec. 236.16 and Sec. 236.20, Wis. Statutes as stated in their letter dated 4-24-2019. They had two comments:
 1. Reference maps indicate a watercourse crossing the west part of the subdivision. If such watercourse exists, it must be shown and identified on the final plat. If the watercourse is a perennial navigable stream, then provisions of s. 236.16(3) and s. 236.20(c) apply.
 2. Streets within the subdivision must be clearly marked “dedicated to the public” on the final plat.
- The estimated the cost of installing erosion control measures to be \$18,500. An irrevocable letter of credit in the amount of 200% (or \$37,000) of the estimated cost of installing and maintaining erosion control measures was submitted on 6-5-2019. The irrevocable letter of credit is currently being reviewed by the Pierce County Corporation Council. The document shall be approved by the Pierce County Corporation Council and shall be renewed if the erosion control measures are not completed.
- Proposed lots meet the slope and frontage requirements.
- Preliminary soil borings which demonstrate the suitability of each lot for a private on-site wastewater treatment system were conducted and evaluated by Mary Jo Huppert.
- Draft covenants were submitted and staff review will be completed before final plat approval.
- Pierce County plat review fees were paid on 6-14-2019.
- Per §237-17B(3), staff reviewed the site to determine if the property was subject to any hazards to life, health, or property; no such hazards were found.
- Traffic control signs and uniform road numbering signs shall be shall be installed at the intersections of 825th Avenue & 1090th Street and 823rd Avenue & 1100th Street.
- All parcels meet the 3-acre minimum lot size for the Town of Clifton. The Clifton Town Board approved (Phase 1) the preliminary plat of “Hidden Hills of the Kinni” showing a new Town Road access onto the existing 1090th Street with the condition “new roads to be built to Town Road Standards and roads must have (4) houses per ½ mile” before being taken over by the Town of Clifton.

The submitted road plans do not appear to comply with the Clifton Town Road Standards.

A Developer’s Agreement between the developer and the Town of Clifton was signed and submitted.

Staff Recommendation:

Staff recommends the Land Management Committee approve this request for preliminary plat approval with the following conditions:

1. Conditions of preliminary plat approval shall be met prior to construction and installation of roads and erosion control measures.

Applicant: Cory & Gena Huppert
Hidden Hills of the Kinni - Preliminary Plat
July 3, 2019

2. Roads shall be built to Town of Clifton Town Road Standards prior to final plat approval. Town road construction shall be coordinated with Town of Clifton's engineer.
3. All required DNR permits (i.e. WPDES & NOI permit) shall be secured and all conditions met.
4. All required DOA-Plat Review conditions shall be met.
5. All conditions recommended by the Pierce County Land Conservation Department and Committee shall be met (1-6).
6. A statement of completion that is signed and stamped by a certified professional engineer that the erosion control and storm water measures have been installed according to approved plans shall be submitted. Any deviation from approved plans shall be noted on as-built plans that shall be submitted with the statement of completion. Any issues requiring follow-up (punch list) should be listed along with a proposed schedule for completion.
7. Erosion control measures shall be installed according to approved plans and associated conditions, and the site stabilized, to the satisfaction of the Land Conservation Department, prior to final plat approval. Applicant understands that final plat approval will not be granted until the Department of Land Management is notified by the Land Conservation Department, in writing, that the project is eligible for final plat approval.
8. Applicant agrees that any unforeseen erosion issues that arise during construction will be addressed to the satisfaction of the county.
9. The irrevocable letter of credit in the amount of 200% (or \$37,000) of the estimated cost of installing and maintaining erosion control measures that was submitted shall be reviewed and approved by Corporation Counsel. The letter of credit shall be renewed if the erosion control measures are not completed prior to the expiration of the letter of credit.
10. Traffic control signage and uniform road numbering signs shall be installed at the intersections of 825th Avenue & 1090th Street and 823rd Avenue & 1100th Street prior to final plat approval.
11. Finalized covenants shall be reviewed and approved by Corporation Counsel prior to final plat approval.
12. Applicant shall obtain all necessary sign permits (i.e. temporary new development signs; on-site construction signs; on-premises residential neighborhood signs).

Submitted By: Emily Lund
Assistant Zoning Administrator

Land Management Committee

Cory & Gena Huppert
(July 3, 2019)

Preliminary Plat for Hidden Hills of the Kinni Hills of the Kinni (revised)

Legend

-  Dwellings
-  Plan Site
-  New Lots

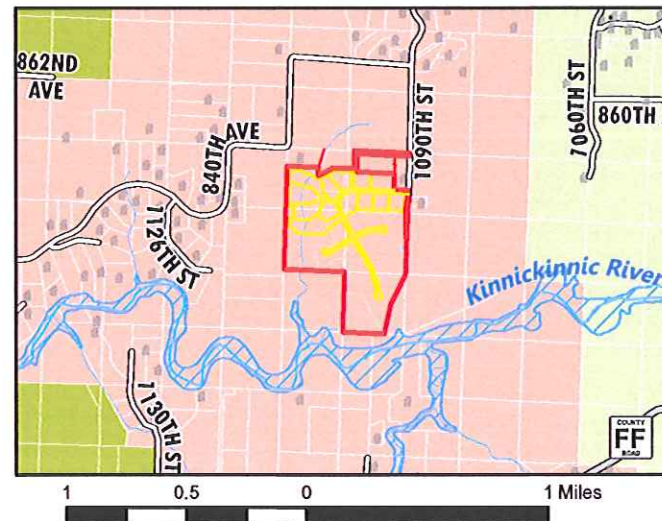
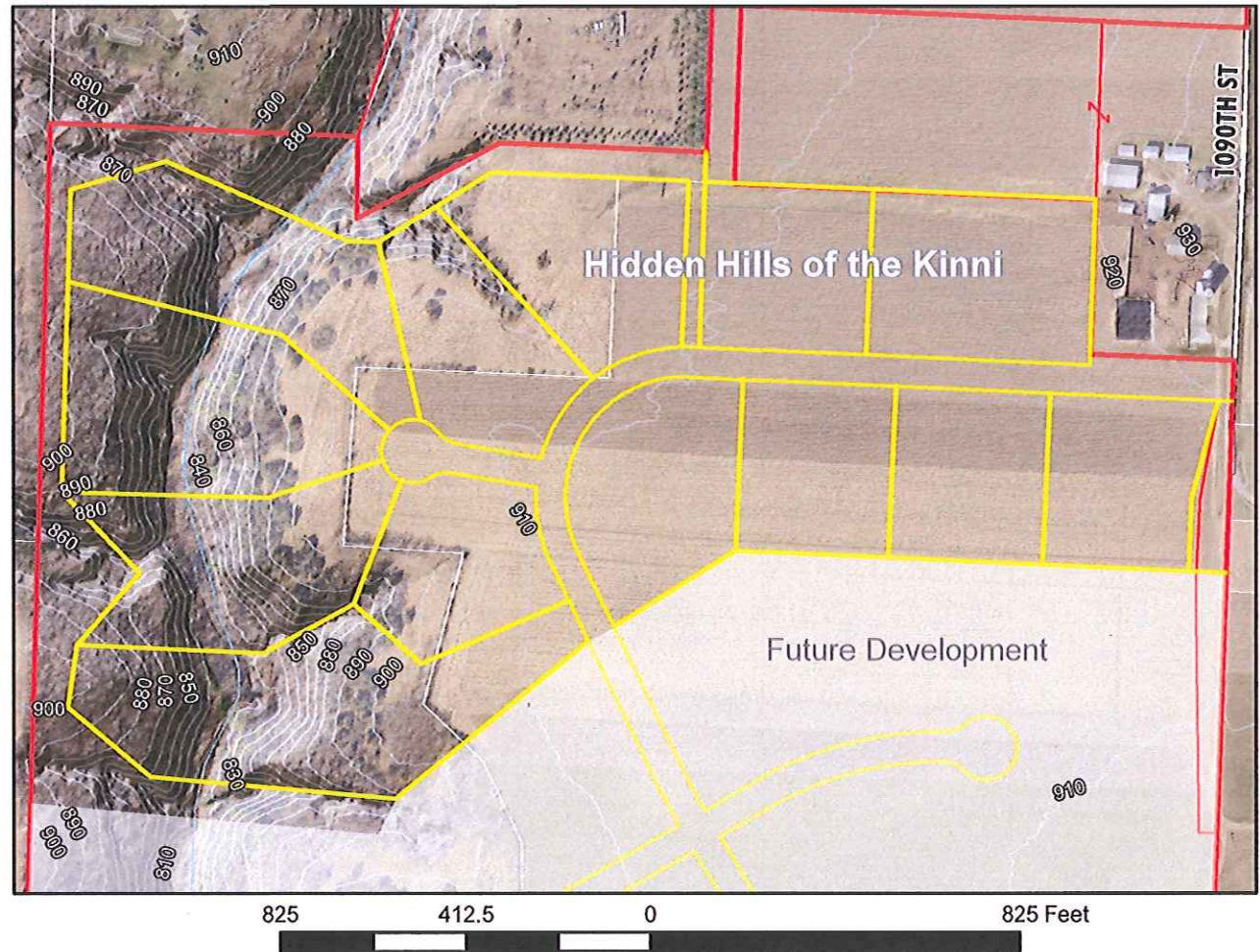
Zoning

-  General Rural Flexible - 8
-  Primary Agriculture
-  River Falls ETZ
-  100 Yr Floodway/
No Base Elev. Det

Orthophotography - 2015 Pierce County

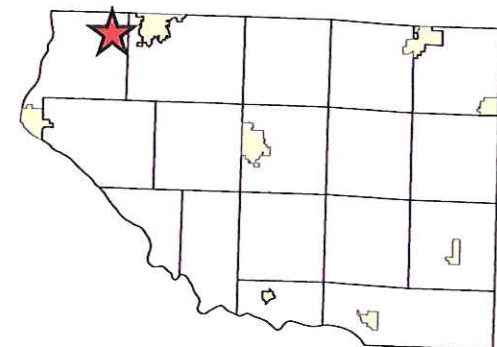


Prepared by the Department of Land Management



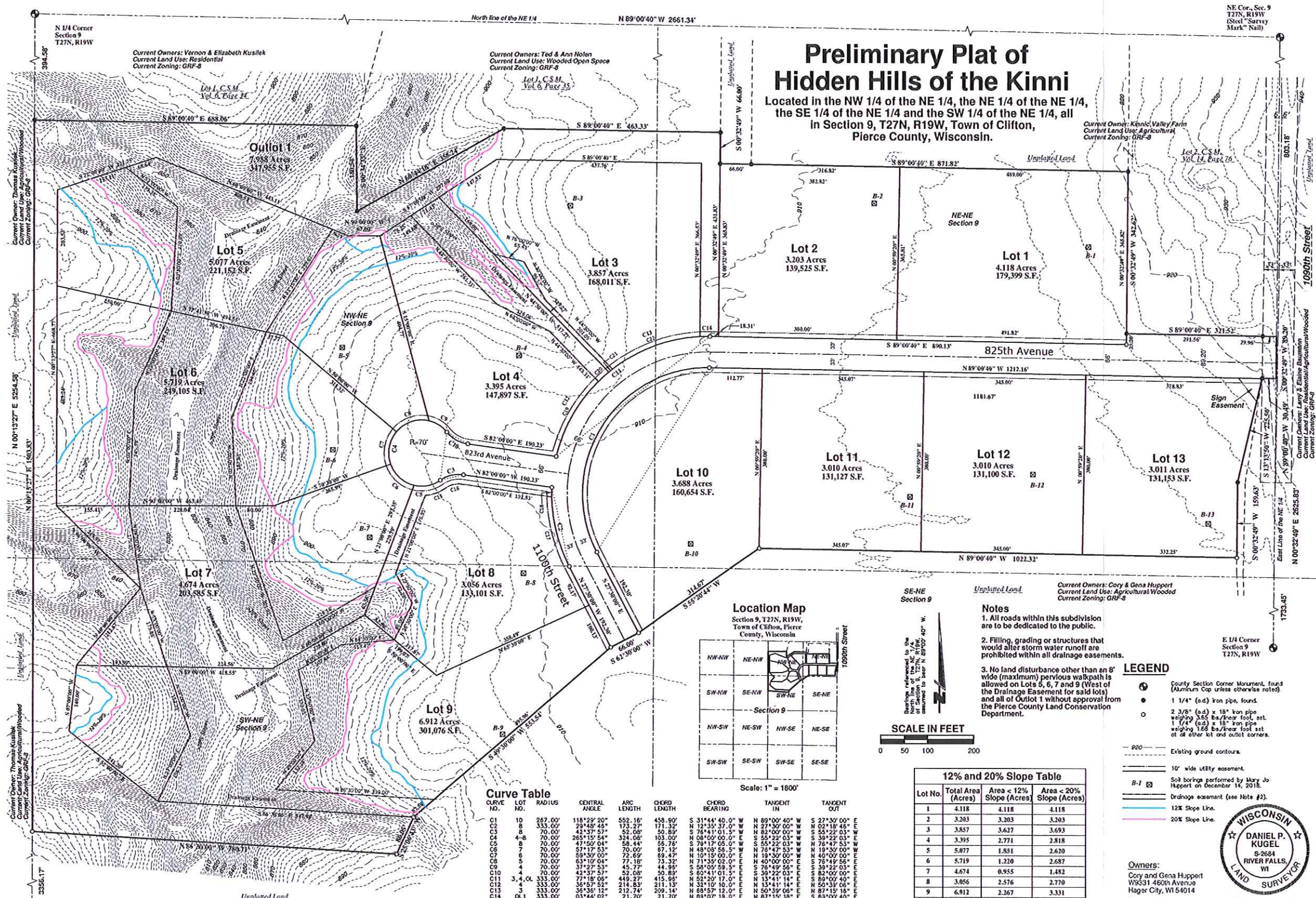
Site Location

TWN: 27 RNG:19 SEC:9
Town of Clifton

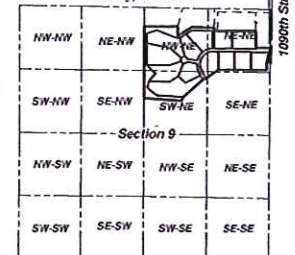


Preliminary Plat of Hidden Hills of the Kinni

Located in the NW 1/4 of the NE 1/4, the NE 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4 and the SW 1/4 of the NE 1/4, all in Section 9, T27N, R19W, Town of Clifton, Pierce County, Wisconsin.

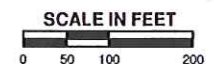


Location Map
Section 9, T27N, R19W,
Town of Clifton, Pierce
County, Wisconsin



SE-NE Section 9

- Notes**
1. All roads within this subdivision are to be dedicated to the public.
 2. Filling, grading or structures that would alter storm water runoff are prohibited within all drainage easements.
 3. No land disturbance other than an 8' wide (maximum) pervious walkpath is allowed on Lots 5, 6, 7 and 9 (West of the Drainage Easement for said lots) and all of Outlot 1 without approval from the Pierce County Land Conservation Department.



12% and 20% Slope Table

Lot No.	Total Area (Acres)	Area < 12% Slope (Acres)	Area < 20% Slope (Acres)
1	4.118	4.118	4.118
2	3.203	3.203	3.203
3	3.857	3.627	3.693
4	3.395	2.771	2.818
5	5.877	1.851	2.620
6	5.719	1.230	2.687
7	4.674	0.955	1.482
8	3.856	2.576	2.770
9	6.912	2.267	3.331
10	3.688	3.688	3.688
11	3.010	3.010	3.010
12	3.010	3.010	3.010
13	3.011	3.011	3.011

LEGEND

- ⊕ County Section Corner Monument, found (Aluminum Cap unless otherwise noted)
- 1 1/4" (o.d.) iron pipe, found
- 2 3/8" (o.d.) x 18" iron pipe weighing 3.65 lbs./linear foot, est.
- 1 1/4" (o.d.) x 18" iron pipe weighing 1.65 lbs./linear foot, est. of all other lot and outlot corners.
- Existing ground contours.
- 10' wide utility easement.
- B-1 Soil borings performed by Mary Jo Huppert on December 14, 2018.
- Drainage easement (see Note #2).
- 12% Slope Line.
- 20% Slope Line.

Owners:
Cory and Gena Huppert
W931 460th Avenue
Hager City, WI 54014

Surveyor:
Daniel P. Kugel
Ogden Engineering Co.
1234 S. Wasson Lane
River Falls, WI 54022



Date: 4-5-19
Revised: 5-23-19
Revised: 6-24-19
Job No. 18-3457

Curve Table

CURVE NO.	LOT NO.	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	10	287.00'	118°29'20"	552.16'	458.90'	S 31°44'40.00" W	N 89°00'40" W	S 27°30'00" W
C2	8	333.00'	29°48'48"	173.27'	171.32'	N 12°35'37.00" W	N 27°30'00" W	N 02°18'46" W
C3	8	70.00'	42°37'57"	52.08'	50.89'	S 78°41'01.50" W	N 82°00'00" W	S 55°22'03" W
C4	4-5	70.00'	26°15'54"	324.08'	103.00'	N 08°00'00.00" E	S 63°22'03" W	S 55°22'03" W
C5	8	70.00'	47°50'04"	58.44'	56.76'	S 79°17'05.00" W	S 55°22'03" W	N 76°47'53" W
C6	7	70.00'	57°17'53"	70.00'	67.12'	N 48°08'56.50" W	N 76°47'53" W	N 19°30'00" W
C7	6	70.00'	59°30'00"	72.69'	69.47'	N 10°15'00.00" W	N 19°30'00" W	N 40°00'00" W
C8	5	70.00'	63°10'04"	77.18'	73.32'	N 71°35'02.00" W	N 40°00'00" W	N 76°48'56" W
C9	4	70.00'	37°27'53"	45.77'	44.98'	S 58°05'59.50" E	S 59°22'03" W	S 82°00'00" W
C10	4	70.00'	42°37'57"	52.08'	50.89'	S 60°41'01.50" W	S 59°22'03" W	S 82°00'00" W
C11	3, 4, 10	333.00'	77°18'08"	449.27'	415.98'	N 52°20'17.00" E	N 13°41'14" W	S 89°00'00" W
C12	4	333.00'	36°47'52"	214.33'	211.13'	N 33°10'10.00" E	N 13°41'14" W	N 50°39'06" W
C13	3	333.00'	36°38'12"	212.74'	209.14'	N 68°57'12.00" E	N 50°39'06" W	N 87°15'18" W
C14	06, 1	333.00'	05°44'02"	21.70'	21.70'	N 89°07'19.00" E	N 87°15'18" W	S 89°00'00" W
C15	8	90.00'	29°38'04"	46.50'	45.88'	N 70°10'05.00" E	N 84°58'07" W	N 51°09'48" W
C16	8	50.00'	42°37'57"	37.20'	36.35'	N 78°41'01.50" E	N 55°22'03" W	N 51°09'48" W
C17	8	333.00'	26°50'51"	153.10'	151.75'	N 14°18'44.50" E	N 27°30'00" W	N 02°18'46" W
C18	8	333.00'	05°28'15"	20.17'	20.17'	N 00°34'58.50" E	N 11°09'48" W	N 02°18'46" W
C19	4	333.00'	31°47'45"	184.79'	182.43'	N 23°35'08.50" E	N 13°41'14" W	N 45°28'59" W
C20	4	333.00'	08°10'07"	30.04'	30.03'	N 48°04'02.50" E	N 45°28'59" W	N 50°39'06" W
C21	3	333.00'	01°43'48"	10.09'	10.08'	N 51°31'00.50" E	N 50°39'06" W	N 52°22'55" W
C22	3	333.00'	34°52'23"	202.68'	199.57'	N 84°49'05.50" E	N 52°22'55" W	N 87°15'18" W

OGDEN ENGINEERING CO.
Civil Engineering & Land Surveying
1234 S. Wasson Lane, River Falls, WI 54022
(715) 425-7631

Current Owners: Cory & Gena Huppert
Current Land Use: Agricultural/Wooded
Current Zoning: GRF-8

Current Owners: Vernon & Elizabeth Kusilek
Current Land Use: Residential
Current Zoning: GRF-8

Current Owners: Ted & Ann Nolan
Current Land Use: Wooded Open Space
Current Zoning: GRF-8

Current Owner: Kinnic Valley Farm
Current Land Use: Agricultural
Current Zoning: GRF-8

NE Cor., Sec. 9
T27N, R19W
(Steel "S" Survey
Mark" Nail)

N 1/4 Corner
Section 9
T27N, R19W

S 1/4 Corner
Section 9
T27N, R19W
(Computed Position,
due to no monument)

STAFF REPORT**LAND CONSERVATION COMMITTEE**

Land Conservation Committee Meeting

June 20, 2019

Applicant: Cory & Gena Huppert

Request: Approval of erosion control and storm water plan for Hidden Hills of the Kinni Preliminary Plat

Background: Cory & Huppert purchased this property in 2018 and are applying for a Pierce County ordinance permit to develop a platted subdivision. Ogden Engineering has prepared the engineering plans for the subdivision which include details on the erosion & storm water controls that will be installed to protect the nearby resources including the Kinnickinnic River.

Issues Pertaining to the Request:

- Hidden Hills of the Kinni is located in 8400 1090th Street, Section 9, Town of Clifton, Pierce County, Wisconsin
- Current uses are row crops on cultivated areas and forest land
- Kinnickinnic River (Class II trout stream) is the receiving water from this proposed plat
- Proposed plat includes 121.8 acres and will be developed in 3 phases, first phase will cover approximately 52.7 acres in 13 lots
- Erosion control and storm water management plan has been reviewed by Cedar Corporation for consistency Pierce County Storm Water and Erosion Control Plan Checklist, WDNR Administrative Code NR151 and WDNR technical standards
- WDNR has issued a WPDES general permit (#WI-S067831-05) for storm water runoff
- Storm water modeling conducted on 42 of the total 52.7 acres to be included in phase 1. Un-modeled areas have no planned disturbances.
- Storm water modeling used 100 year rainfall event amounts per PC checklist instead of current WDNR recommendations of Atlas-14 Precipitation Frequency Estimates
- WDNR identifies areas on this property as "Areas of Special Natural Resources Interest" (ASNRI) see attached document from Cedar Corporation
- Invoice for Storm Water and Erosion Control Review fees has been mailed to owners.

Recommendation: Land Conservation Department recommends approval of the Storm Water and Erosion Control Plan and recommends forwarding the approval to Land Management Committee with the following conditions:

1. Storm water runoff models are completed using Atlas -14 precipitation amounts
2. Storm water runoff models shall assume pre-development "good hydrologic conditions" for all land covers (consistent with NR151.24 (4)(a), the condition of the 34.5 acres of cropland must be revised in the HydroCAD model

3. The preliminary plat must show that no land cover disturbance can occur west of the "drainage easement" as shown in the current storm water modeling. If the development plans are different, the storm water model must be revised to reflect.
4. A copy of the Cedar Corporation memo regarding "protective areas" in "cold-water communities" be submitted to Land Management Committee for their review.
5. Contractor and owners of "Hidden Hills of the Kinni" agree provide construction timelines to Pierce County Land Conservation Department to facilitate erosion control installation and maintenance inspections before construction commences
6. Storm water and Erosion Control Plan review fees are received by Land Conservation Department

Submitted by: Rod Webb, Land Conservation Director



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MEMO

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DATE: June 18, 2019
TO: Rodney Webb
FROM: Robert Jones
REGARDING: Hidden Hills of the Kinni – Stormwater Management Review

PROJECT # 1907-0023

We have completed a review of the revised documents submitted on June 3, 2019 for Hidden Hills of the Kinni project located in the Town of Clifton, Pierce County.

1. Road and Erosion Control Plan, May 29, 2019
2. Storm Water Management Plan and Runoff Calculations, May 27, 2019
3. Grading Plan for Hidden Hills of the Kinni-Phase 1, May 29, 2019
4. Preliminary Plat of Hidden Hills of the Kinni, May 29, 2019

We have investigated the proposal for compliance with the following regulations:

1. Pierce County Land Conservation Department Storm Water Management Plan, and Erosion Control Plan Checklist
2. Wisconsin DNR Administrative Code NR 151
3. Wisconsin DNR Technical Standards

The revisions have addressed many of the comments listed in our May 22, 2019 memo. However, we feel the following items need additional consideration:

Stormwater Modeling:

1. NR 151.24(4)(a) specifies that pre-development conditions shall assume “good hydrologic conditions” for appropriate land covers. The condition of the 34.5 acres row crops should be revised in the HydroCAD model.
2. DNR Guidance Document #3800-2015-04 requires that modeling utilize Atlas-14 Precipitation Frequency Estimates with a MSE 3 precipitation distribution. The HydroCAD model should be revised to analyze the resulting design storms.

Site Plan:

1. The stormwater model assumes that there will be no structures constructed or grading work west of the “drainage easement” area. However, the plat shows no formal building restrictions and labels Outlot-1 as intended for a walking trail. We recommend that either the model be revised to reflect what is allowable in the development or the plat list use restrictions that match the assumptions in the model.
2. NR 151.12(5)(d) requires that cold water communities including all trout streams and their tributaries maintain a 75-foot protective area from the top of the channel landward. This designation will apply to the “drainage easement” area (Creek 9-15b T27n R19w) running north to south along the west side of the project. See “Setback Discussion” for details.

Setback Discussion:



Creek 9-15b T27n R19w, in the Kinnickinnic River Watershed, is a 1.11 mile river that falls in Pierce County. This river is a Class II Trout Water under the Fisheries Program. This river is managed for fishing and swimming and is currently not considered impaired.

Creek 9-15b T27n R19w is considered a Coldwater under the state's Natural Community Determinations.

It is identified as Areas of Special Natural Resources Interest (ASNRI)

NR 103.04(1)

Cold water communities as defined in s. NR 102.04 (3) (a), including all trout streams and their tributaries and trout lakes;

NR 102.04(3)(a)

Cold water communities. This subcategory includes surface waters capable of supporting a community of cold water fish and other aquatic life, or serving as a spawning area for cold water fish species. This subcategory includes, but is not restricted to, surface waters identified as trout water by the department of natural resources (Wisconsin Trout Streams, publication 6-3600 (80)).

NR 151.12(5)(d)
 (Post Construction for New Development)

1. In this paragraph, "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface

a. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in s. NR 103.04, 75 feet.

4. Exemptions. This paragraph does not apply to:

e. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note: A vegetated protective area to filter runoff pollutants from post-construction sites described in subd. 4. e. is not necessary since runoff is not entering the surface water at that location. Other practices necessary to meet the requirements of this section, such as a swale or basin, will need to be designed and implemented to reduce runoff pollutants prior to runoff entering a surface water of the state.

Thus, it appears NR 151 may require a 75-foot protective area from the top of channel of the ravine. This protective area begins when the slope becomes flatter than 12% (blue line shown on the grading plan). The building restrictions would include that no runoff from impervious surfaces would be allowed to enter the adjacent surface water without an otherwise approved special zoning permission.

NR 151 is a State of Wisconsin Administrative Code. It is within the DNR enforcement jurisdiction; however, some practices ensuring compliance (e.g. plat approval and building permits) fall into County and Local Municipal Government's purview.

The County may deem it appropriate to show this protective area and detail building restrictions on the approved plat.