

FINAL MINUTES
WETLANDS REVIEW BOARD
April 26, 2017, 5:15 p.m. City Hall Room 224

Meeting Summary

I. Roll Call

Board Members Present: Irene Gallion, Amy Sumner, Dan Miller, Lisa Hoferkamp, Percy Frisby, Andrew Campbell

Board Members Absent: Nina Horne, Hal Geiger, Brenda Wright

A quorum was present.

Staff Members Present: Teri Camery, Senior Planner; Chrissy Steadman, Planner II

Public Present: Scott Rinkenberger, Airport Maintenance Supervisor; Tyler Adams, Airport Biologist

Meeting called to order at 5:20 p.m.

II. Minutes approved for the January 19, 2017 Regular Meeting

III. Agenda approved

IV. Public Participation on Non-Agenda Items.

None.

V. Board Comments

Ms. Gallion requested that board meetings be moved to the valley for the summer. Ms. Camery said she would check into it.

Ms. Sumner noted the annual spring clean-up even this Saturday.

VI. Agenda Items

1) AME2017 0001 Anadromous Waterbody Ordinance Revision

Ms. Camery provided the background on development of the ordinance. She described the intention to provide flexibility in code for uses that have minimal harm if conducted with best management practices and a landscaping protocol. Flexibility may no longer be provided

through the variance process, so benign uses must be allowed for in code within certain parameters. Ms. Camery explained CDD's background research and the meetings with the resource agency representatives in the ad-hoc Stream Ordinance Working Group. She said that the first goal in developing the ordinance is to establish a sound scientific foundation with the scientific advice of the Working Group and the Wetlands Review Board. With this scientific basis, CDD will then take the ordinance forward for extensive internal review other planning staff, review by other departments who may be applicants (such as CBJ Lands, the Juneau Airport, Parks and Rec, and more), then to Planning Commission subcommittees, CBJ Law, and final to the full Planning Commission and CBJ Assembly for full public hearings.

Ms. Camery reviewed the Board memo, highlighting key issues to resolve from the existing ordinance.

Mr. Rinkenberger described the Juneau International Airport's issues with criminal activity along the Jordan Creek stream corridor, the past trimming within the 0-25 foot no disturbance zone, and the urgent need to revise the ordinance to allow for more clearing to improve visibility and reduce crime. Mr. Adams referred to ADFG's report on the area, and described how trimming could be done while preserving habitat values.

Ms. Camery noted that the Jordan Creek issue has been discussed extensively by staff and the Stream Ordinance Working Group, and that the issue has been specifically addressed in the draft ordinance.

Mr. Campbell noted that the airport has violated the stream buffer ordinance many times. He said that the cooperative efforts of the current airport staff are necessary and appreciated.

Ms. Gallion noted the need to protect the legitimate interests of stream protection and prevent aggressive developers from doing damage to streams.

Ms. Sumner asked about the application process for the department's Anadromous Waterbody permit. Ms. Camery explained that the application forms would be developed after the ordinance is approved. She explained that the ordinance has been written to provide flexibility for applicants with the understanding that there are many options for addressing habitat. However she noted the criticism of staff and the department for being subjective or inconsistent, so she is trying to find a balance between the two. Mr. Campbell suggested that the criteria for approval of the permit should be very clear. He noted that latitude can make the applicant feel treated unfairly, or make staff feel treated unfairly. Mr. Miller suggested expanding information on the permitting process in the purpose and intent section of the ordinance.

Dr. Hoferkamp asked what "reasonable" means and suggested that this should be defined.

Ms. Gallion suggested two tiers of permit approval regarding vegetation removal that is done for public safety reasons.

Ms. Gallion asked about stormwater management and discharge. Ms. Steadman noted that CDD would clarify this point.

Ms. Camery discussed issues regarding trail development within the 0-25 buffer and 25-50 buffer. Board members discussed wordsmithing options for addressing this issue. Mr. Miller highlighted ordinance language which notes that these allowed uses must be out of the buffer if that is possible. Ms. Sumner noted the need for trail maintenance.

Dr. Hoferkamp suggested prohibition of hazardous materials, rather than “fuel and other contaminants.” She also noted that the ordinance should encourage the use of impervious surfaces.

Board members noted the need for a definitions section.

Mr. Rinkenberger noted that power companies regularly trim within buffers and have done a lot of trimming at the airport. Staff and board members discussed ways that this could be addressed. Mr. Frisby suggested checking with the Regulatory Commission, and noted that they have rules and regulations regarding utility development that may trump city regulations. AEL&P should also be contacted.

Board members noted the need to clarify the difference between parking and storage of vehicles in the prohibited uses section.

Board members noted the need for limbing within the 25-50 buffer to be conducted by an experienced professional. The revision should set a professional standard.

Ms. Sumner explained the background behind development of the Best Management Practices section of code. Mr. Campbell suggested using this section to establish criteria for permit approval.

Mr. Rinkenberger noted the need to clarify whether the limbs or the trunk needed to be within the buffer to be subject to the ordinance. CDD will provide clarification in the ordinance.

Dr. Hoferkamp suggested timelines for vegetation in the Best Management Practices section.

Ms. Steadman noted the need to reference state law regarding toxic pollutants.

Mr. Campbell suggested other public safety measures that the airport might consider for Jordan Creek, such as lighting and/or cameras.

Ms. Gallion asked about the appeal process. Ms. Camery explained that the waterbody development permit would be appealable to Planning Commission as an Appeal of the Director’s Determination.

Ms. Gallion and Dr. Hoferkamp noted the need for enforcement. Ms. Steadman explained the building permit inspection process and how this would improve compliance.

Mr. Campbell asked about the possibility for a larger buffer in undeveloped areas of the borough. Ms. Camery said she would check into this option, looking at low-density areas out the road. This might also be an option for additional city properties.

Board members expressed appreciation for the revised ordinance and the overall approach.

VII. Updates

There were no updates.

VIII. Planning Commission Liaison Update.

Mr. Miller and Mr. Frisby described the tougher approach on variances and the need for extensive code revisions to address this change and provide flexibility within code.

IX. Next meeting:

Regular Meeting. Thursday May 18, 5:15 pm, City Hall room 224.

The meeting was adjourned at approximately 7:10 p.m.