

MINUTES
WETLANDS REVIEW BOARD
June 16, 2016, 5:15 p.m. City Hall Room 224

Meeting Summary

Roll Call

Board Members Present: Amy Sumner, Brenda Wright, Lisa Hoferkamp, Irene Gallion, Andrew Campbell, Hal Geiger, Percy Frisby, Nina Horne

Board Members Absent: Ben Haight

A quorum was present.

Staff Members Present: Teri Camery, Senior Planner; Eric Feldt, Planner II

Public Present: Greg Chaney, CBJ Lands Manager

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

II. Minutes approved as written for April 21, 2016 Regular Meeting

III. Agenda approved

IV. Public Participation on Non-Agenda Items.
None

V. Board Comments.

Ms. Sumner asked about what appeared to be ATV use on the Mendenhall wetlands near Eagan Drive. Mr. Feldt explained that this area, known as the “Field of Fireweed” near Honsinger Pond, had been recently used for live noise testing for a potential motorcross park in the area. He said that the applicant has not yet filed a Conditional Use application, and that the testing was occurring on uplands, not in wetlands.

VI. **Agenda Items**

1) SMP2016-0002/CSP2016-0006, Pederson Hill Major Subdivision

Staff presentation

Ms. Camery explained that the Board was reviewing this project in its advisory role and that Board minutes and the final Board motion would be included in the Mr. Feldt’s staff report to the Planning Commission.

Mr. Feldt provided an overview of the project. He said that the current review was for the preliminary plat, and the second step would be final plat approval. He described the history of the project and explained that it has been in city plans for a long time, with an intent to provide smaller, affordable lots similar to the Casey-Shattuck neighborhood downtown, approximately 4000-6000 square feet. He said the subdivision would provide 86 units with access onto Glacier Highway and several interior streets. He said the area was chosen for its gentle slopes, lack of sensitive habitat, and access to public roads and city water and sewer. He said that the project affects nine acres of wetlands, and there are few options to avoid the wetlands. This area was reduced from a much larger acreage, to concentrate the development in lower value wetlands, but unfortunately within this much smaller, concentrated footprint, there are few options to avoid wetlands further. He noted that several lots have been retained for preservation. The major wetland mitigation is provided by the Fee-in-Lieu of Mitigation program offered by the Southeast Alaska Land Trust.

Mr. Feldt said that part of the area was mapped in the original 1992 Juneau Wetlands Management Plan (JWMP) as Category B. The current wetland mapping is new, provided under the grant and listed in the new Draft JWMP. Ms. Camery noted that this is another example of how the wetland mapping and assessments in the new draft are being actively used now, even without categories and even before final approval.

Mr. Feldt said that the anadromous sections of Pederson Hill Creek are not affected by the subdivision, however some of the drainages that feed into the creek may be affected. Best Management Practices will be used during construction. The anadromous section of the creek that is within the subdivision is on two lots that will be preserved. Mr. Feldt reviewed the CBJ Land Use Code policies under review for wetlands and also rivers, lakes, and streams, noted in CBJ Code 49.70.950(c)(3) and (c)(7).

Applicant presentation

Mr. Chaney provided more background on the project. He said that the current subdivision footprint was reduced from a much larger area of 23,000 acres, and that the area was recently rezoned to D-10SF to support the subdivision. The area was pulled back from the Auke Lake watershed to further minimize habitat impacts. He said that the new draft wetlands study showed that the wetland study from 1992 was not accurate; wetlands were not where they thought they were, and the 1992 study did not catch the extensive forested wetlands.

Mr. Chaney said that the lower area of the subdivision was being protected as a buffer to the large privately-owned wetland meadow below that. He said that pulling the footprint in from a large area led to clustering the density to reduce impacts; unfortunately this means that the remaining area has a lot of wetlands, though it's low-value wetlands.

Ms. Sumner referred to the staff report and the Corps permit and noted an apparent contradiction in the lots being preserved. Mr. Chaney clarified that the intent of Lot 15 is to leave it in a natural state; however it's not a conservation lot. Mr. Chaney further clarified that Lots 12 and 9 are 2.5 acres, and that Lot 9, Block C, will be conserved as part of Phase I.

Ms. Wright asked about the plan for drainages that aren't anadromous. Mr. Chaney explained that CBJ intended to keep as many of these drainages as open channels as possible, and to establish property lines that roughly follow the drainages. With the drainages along property lines, there would be a building setback that would automatically protect the drainages. He said this is not in the final design stage yet.

Board/staff discussion

Several board members noted the difficulty of providing full support of the project without the final details. Ms. Camery explained that major subdivisions come to the board at the preliminary plat stage for conceptual approval, when changes may still be made if necessary. CDD does not typically take major subdivisions to the Board twice, for both the preliminary and final plats.

Mr. Campbell said he supports fee-in-lieu of mitigation and was curious about the amount. Mr. Chaney said that the amount is not yet known. Mr. Frisby asked about the Corps of Engineers timeline, and Mr. Chaney said this is highly variable. Mr. Chaney and Ms. Camery explained the 2008 Corps of Engineers Federal Mitigation Rule, which establishes a hierarchy of mitigation preferences. Mitigation Banks are first in line, followed by fee-in-lieu. Permittee-responsible mitigation, such as the on-site preservation proposed in this subdivision, is last in the hierarchy. CBJ is not getting any mitigation credit for the lots preserved in this subdivision. Ms. Camery reminded the board that this why CDD cannot use the existing JWMP, because these regulations conflict with the federal rule. Category A wetlands, for example, require on-site, in-kind mitigation.

The Board considered conditions and further discussed possible measures to protect the side drainages.

Dr. Geiger, with a friendly amendment from Ms. Wright, proposed the following motion, which was approved unanimously:

While we feel it is unfortunate that this project requires the fill of wetlands, the wetland review board notes that this project reduces wetland effects by (1) proposing high-density construction, which minimizes the total acreage affected, and (2) proposing the nearby conservation of high-value wetlands. We ask that as more details are developed that CBJ planners take steps to preserve the quality of stream flow through the development. Specifically, we support the preservation of open-channel stream water flow. The CBJ Wetland Review Board has no specific concerns at this time.

VII. Pending Permits and Updates

Wetlands Management Plan Update and Wetlands Methodology

Ms. Camery updated the Board on the status of the draft JWMP. She reminded the Board that the contract and grant ended on June 1, and said she is completing final grant reports. She said that she would revise the document internally from here. She said that she did not receive any comments from the CBJ Assembly Lands Committee, Planning Commission, or Habitat

Mapping Working Group members at the final presentations. She said that a previous email to the Board had made a comment deadline of June 3, but she would continue accepting comments for a few weeks, noting that she has already received comments from Ms. Sumner. She clarified that she is not asking for formal comments from the Board itself, and comments from individual board members would be very helpful but are not required.

She said that the latest draft includes a goals and policies section that establishes the intent to develop wetland categories, but the actual categorization effort would be delayed for some time. She said that the first priority is to complete the revisions so that the document can be approved as it is, noting that it is being actively used right now even though it has not been adopted. She said she has a backlog of other projects to address, such as the streamside setback revision, and that the CDD Director would establish the priorities.

She updated the Board on SEAKFTP's technical review of the wetland methodology and the day-long meeting that summarized the results, which Ms. Wright and Dr. Geiger attended. She said that Dr. Geiger and others had put tremendous effort into evaluating the methodology and potential methods of ranking wetlands, and that this was extremely useful information that would be integrated into the next draft of the JWMP and in future wetland categorization efforts. She said that the review team supported the methodology with just a few minor suggested tweaks, particularly a change that would eliminate the downgrading of glacial anadromous streams.

Dr. Geiger elaborated on the depth of the review and said that the team unambiguously endorsed the WESPAK functional analysis as an adequate measure of wetland services. He said that he previously had serious concerns with the methodology, however now the methodology has had broad review and consensus and his concerns are alleviated. He said the Summarization Team of the technical review does not approve of SEALTrust's approach of averaging wetland functions, and that functions need to be addressed one at a time. He said that values should not be addressed in the overall score. He recommends a function by function analysis based on ranks, so unique functions are preserved. He said that his team is still working on the final report.

VIII. Planning Commission Liaison Update.

Mr. Frisby described the recent asphalt plant hearing.

IX. Next meeting:

Regular Meeting. Thursday July 21, 5:15 pm, City Hall room 224. Dr. Hoferkamp and Ms. Wright noted that they will not be here on that date.

The meeting was adjourned at approximately 6:50 p.m.