

MINUTES
WETLANDS REVIEW BOARD
REGULAR MEETING
June 19, 2014, 5:15 p.m. City Hall room 224

Meeting Summary

Roll Call

Board Members Present: Hal Geiger, Amy Sumner, Jerry Medina, Andrew Campbell, Brenda Wright, Nina Horne

Board Members Absent: Gordon Jackson, Lisa Hoferkamp, Dan Miller

A quorum was present.

Staff Members Present: Teri Camery, CBJ Senior Planner; Chrissy McNally, CBJ Planner; Jonathan Lange, CBJ Planner

Public Present: none

Meeting called to order at 5:21 p.m.

II. May 15, 2014 Regular Meeting minutes approved without edits

III. Agenda was approved

IV. Public Participation on Non-Agenda Items

None

V. Board Comments.

Ms. Horne noted that she did not receive the June board packet in the mail.

Ms. Wright noted that she lives at Mile 18, and DOT has recently stripped the ditches, leaving bare dirt on 95 percent of it. The small section that DOT revegetated seems to have been re-seeded with non-native plants. Ms. Sumner said that she has been talking with John Hudson at the U.S. Fish and Wildlife Service, and John said that invasive plants were taken out of the ditch. She has been working with John and Jane Gendron (Southeast Regional Supervisor at DOT) to see where the invasive species were taken. She will follow-up and let the Board know. She said that reed canary grass is the biggest concern.

Mr. Medina thanked Ms. Sumner for her DOT contact information regarding the roundabout.

VI. Agenda Items

1) USE2014 0009 Conditional Use Permit for a 26-unit modular condominium development that involves wetland fill

Staff Presentation

Ms. Camery explained that the Board is reviewing this project in its advisory role. Because Mr. Lange's staff report is already final, Board comments will be presented to the Planning Commission in the "blue folder" packet that they receive before the meeting. She noted that the proposed development is not within the 50-foot setback of Duck Creek, so no variance is required. The Board is reviewing the project because of the proposed wetland fill. She said that she received the applicant's Corps of Engineer's permit application a few days ago and apologized for not including it in the Board packet. She also referred to a January 2014 Ordinary High Water Mark assessment of the property conducted by the Alaska Department of Fish and Game, at CBJ's request when she first worked with the applicant on the development this past winter.

Mr. Lange provided an overview of the proposed development. He explained that it is zoned D-15, with 36 units for maximum density. It meets all required setbacks. He said there is less than 15,000 square feet of wetland fill proposed. The toe of the wetland fill would be approximately 80-87 feet from the Ordinary High Water Mark of the West Fork of Duck Creek. He said that staff recommends approval of the development with the required CBJ grading permit and an approved Corps of Engineers permit.

Ms. Camery referred to ADF&G's report. She explained that the Church of Nazarene pond was originally an old gravel extraction pond, with the same water quality and iron floc problems that were an issue for the Nancy Street pond before it was restored. The pond was filled and restored in approximately 2003 as part of a large community effort. The restoration effort retained the Duck Creek channel as shown on ADF&G's map. The Ordinary High Water Mark (which is CBJ's 50-foot setback is determined from) is at the creek channel, not at the wetland edge of the restored pond.

She explained that the property has always been privately owned. She researched the issue this past winter and determined that there are no conservation easements or other regulatory measures that provide protection for the restored pond, nor does it have any special status in the Juneau Wetlands Management Plan. It is simply treated the same as any other wetland area.

Staff and the Board carefully reviewed ADF&G's map and determined that the proposed wetland fill would fill approximately half of the width of the former pond, approximately 70-80 feet, and would be 70-80 feet from the Ordinary High Water Mark of the West Fork of Duck Creek. Mr. Campbell noted that the goal of the pond restoration was to reduce the iron floc and flow of heavy metals. He was not sure of the value of the particular part of the wetland where fill was proposed.

Ms. Sumner noted that the pervious concrete parking lot noted in the application would be very beneficial.

Ms. Wright noted that it would be easy to push snow into the wetland and send contaminants into the wetland and into Duck Creek.

Mr. Campbell asked if the estimated fill line shown on the map is the toe of the fill. Mr. Lange checked the application and said yes.

Ms. Camery noted that this project would benefit from the WESPAK wetland assessment method so the Board and other entities would know the functional value of the wetland.

Mr. Lange noted that no comments have been received from resource agencies on the project. He reviewed the avoidance and minimization measures noted in the applicant's Corps of Engineers application, including the following:

Avoidance and Minimization:

- With the exception of the setbacks required by the City and Borough of Juneau, all of the uplands will be used for structures or the required parking areas.
- The buildings were positioned at nearly the minimum Bresee Street setback to minimize the fill in the wetlands.
- The buildings were positioned as close as possible to each other, while meeting the fire code requirements. The reduction in space between the buildings minimized the encroachment into the wetlands.
- Three story structures were chosen over more common two-story structures to minimize the developed footprint. Three story structures are structurally more complex, involve additional manpower effort, and require sprinklers. Two story structures were preferred, but would have required significantly more filling within the wetlands.
- The building foundations (crawlspaces) for the buildings above the current wetlands will be constructed 18" taller than the other buildings. This will allow for the backfill on the wetland sides to start at a lower elevation, while still providing the required frost protection. The 18" lower top of backfill elevation moves the toe of fill 3 feet further towards the uplands.
- The wetland fill has been minimized behind the buildings to provide just enough room for access.

Compensation/Mitigation:

- A deed restriction will be recorded on the Mendenhall Loop Road side of the property. The portion covered by the deed restriction will be a 145'-0" deep section along the entire West side of the property. This section includes West Fork Duck Creek and the remainder of the wetlands on the property. The deed restriction will forbid development of the portion of the lot. The restricted area will be approximately .69 acres (twice the filled area).
- The parking area will be paved with pervious concrete. The pervious concrete will minimize the runoff from the parking area into the wetlands. Filtration and infiltration will occur within the current upland area.
- Vegetated slopes will abut the wetlands to provide filtration for other drainage prior to entering the wetlands.

Mr. Geiger questioned whether there would be any benefit from the deed restriction, because there's not much room left to build on. Mr. Lange agreed but noted that the applicant could have built much closer. Ms. Camery stated that wetland fill could be requested for many things besides buildings, such as lawns, parking pads, etc., so the restriction would be beneficial. Mr. Campbell said it was impressive that the applicant volunteered it.

Ms. Sumner said that even with vegetated slopes, the snow could be pushed over into the wetland. She suggested concrete barriers to prevent this from happening.

Mr. Campbell noted that CBJ General Engineering will likely require an oil/water separator for the development, even with the proposed pervious pavement.

Applicant Presentation, Public Testimony, and Applicant Response

The applicant was not in attendance, and there was no public testimony.

Board Motion

The Wetlands Review Board recommends in favor of the development. The Board appreciates the retention of the 80-foot setback from Duck Creek and not maximizing the wetland fill to the 50-foot setback line. The Board also appreciates the deed restriction and use of pervious concrete to minimize current and future impacts. The Board recommends a concrete barrier on the top edge of the fill slope between Buildings C and D to prevent snow from being pushed into the wetlands.

Passed unanimously.

2) Juneau Wetlands Management Plan Update, Discussion of Progress Reports #1 and #2

Ms. Camery reviewed the Scope of Work in the original Request for Proposals for the project, and went through each task to note what has been completed. She said that she will present this task list to the Board at every meeting to keep them advised on the status of the project and what is coming next. She said that at the Habitat Mapping Working Group meeting last week, Koren Bosworth reported that 67 wetland assessments have been completed so far, which is impressive for this early in the first field season.

She explained the requirements of the bi-weekly progress reports, and noted the difference between the written descriptions of the assessment areas in the two reports completed so far. She said that Bosworth Botanical Consulting (BBC) had done an excellent job on both, but she requested significant changes after the first one. She asked BBC to change to the descriptions to focus strictly on what is required to draw the assessment area boundaries according to the requirements of the WESPAK method. She said the second version is much drier, not fun to read, but the goal is to build the plan around strong scientific evidence. She said the BBC has

been excellent to work with, they have been communicating well, and have been accommodating with CBJ's requested changes.

Ms. Camery explained again that the Board does not approve the project deliverables, though Board comments and feedback are welcome and encouraged at all times. She referred to the project timeline and explained that Board comments will specifically be integrated into the review of the Preliminary Draft Juneau Wetlands Management Plan Update next fall. She also noted the required meeting between BBC and the WRB this August for a 2014 Field Plan Discussion, to be held on Thursday August 21, 5:15 p.m. in City Hall room 224. She said this date is firm because Dr. Adamus and Francis Naglich of Ecological Land Services have had to make flight arrangements for the meeting.

She said the CDD is still seeking permission from private property owners to conduct wetland assessments on identified large vacant private parcels. She said that CDD has received permission from the University of Alaska. This is a large acreage so CDD is pleased to have permission. CDD has also received permission from a smaller landowner on North Douglas. She said it will be very important to receive permission from Goldbelt Inc. so the assessment can be conducted along the West Douglas road corridor. Permission is required from Goldbelt's Board of Director's, and CDD hopes to hear soon.

Mr. Campbell asked if there will be any comparison between the assessments of the 1992 Juneau Wetlands Management Plan and the new one. Ms. Camery said that she did not expect much overlap between the two versions, because the new plan is focused on large undeveloped parcels and nearly all of the wetlands in the 1992 plan have been developed to one extent or another. She appreciated the suggestion and thought that this could be done on a parcel by parcel basis for the few properties that would be in both plans, such as some of the Montana Creek wetlands.

VII. Pending Permits and Updates

Stream Mapping

Ms. McNally explained that we need to upgrade our software to handle the data for the stream mapping project. She said the CDD and MIS are adjusting parcel lines and gathering data to get ready for requirements of the software. She said she is coordinating with ADF&G regarding anadromous waters catalog maps.

Ms. Sumner asked if there has been any progress on getting the LiDAR and imagery from last year into the public domain. She said that there are many technologies available and she is surprised that CBJ isn't using these resources. Ms. Camery agreed that it is an ongoing problem and it is difficult because it is within another department's responsibilities. However she noted that the federal grant requires that the data is within the public domain, and as Project Manager for the grant, it ultimately falls on her shoulders. She said it may require pressure from other sources to get the data distributed.

VIII. Planning Commission Liaison Update.

No Planning Commissioners were in attendance.

IX. Next meeting: Regular meeting scheduled for Thursday July 17, 2014, 5:15 p.m. in the Marine View Building 4th floor conference room (moved from room 224). Special note about meeting Thursday August 21, 5:15 p.m., City Hall room 224, Field Season Discussion with Dr. Paul Adamus and Francis Naglich, Ecological Land Services (on contract with Bosworth Botanical Consulting).

The meeting was adjourned at approximately 6:30 p.m.