

Regular Planning Commission Meeting
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

October 13, 2015

I. ROLL CALL

Dennis Watson, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

Commissioners present: Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine, Nicole Grewe, Ben Haight, Dan Miller

Commissioners absent: Paul Voelckers, Matthew Bell, Mike Satre, Chairman

Staff present: Rob Steedle, Acting Planning Director and Deputy City Manager; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Jill Maclean, Senior Planner

II. APPROVAL OF MINUTES

- September 8, 2105 – Regular Planning Commission Meeting Minutes
- September 22, 2015 – Regular Planning Commission Meeting Minutes

MOTION: *by Mr. Miller, to approve the minutes for the September 8, 2015 and the September 22, 2015 Regular Planning Commission meetings with any minor modifications by staff or Commission members.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT - None

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

CSP2015 0015: Planning Commission review of the City project to reconstruct the section of Stephen Richards Memorial Drive between Meander Way and Riverside Drive.
Applicant: City and Borough of Juneau
Location: Stephen Richards Memorial Drive

Staff Recommendation

Staff recommends that the Planning Commission adopt the above analysis and findings, and recommend to the Assembly authorization of the reconstruction of Stephen Richards Memorial Drive from Meander Way to Riverside Drive, with the street cross-section provided.

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with staff's findings, analysis and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2015 0014: Planning Commission review of Preliminary Draft Juneau Wetlands Management Plan Update.
Applicant: City and Borough of Juneau
Location: Borough-wide

It was a very helpful meeting with the Wetlands Review Board last Thursday, which provided excellent recommendations, noted Ms. Camery. The Board made two recommendations, said Ms. Camery; the first recommendation was to develop a subcommittee to develop questions for Dr. Adamus regarding the WESPAK – SE methodology used to develop the wetland assessments, and to look at wetland categorization options. This recommendation was approved by the Board with one dissenting vote.

The second recommendation was to approve the document as an additional tool for analysis of wetlands during the planning process, said Ms. Camery. This recommendation met with unanimous consent.

The Board also supported development of goals and objectives for the document, noting that it

was not currently a plan; but rather a wetlands resource inventory, said Ms. Camery. The Board also had a number of questions regarding methodology, noted Ms. Camery.

In response to the Board recommendation, the CDD (Community Development Department) will be developing an additional contract with Dr. Adamus with remaining federal grant funds to address Board questions on the methodology, said Ms. Camery. The CDD will also include investigation of wetland categorization options in a new list of goals and objectives to be added to the document.

Ms. Camery stated that the CDD recommends deferring analysis of wetlands categorization options until the Board's additional training on the wetland methodology is complete, and until they have received more information regarding the Army Corps of Engineers response to the Southeast Alaska Land Trust categorization proposal, which also utilizes the WESPAK-SE methodology.

The CDD agrees with the Board that the document as presented does not have the elements of a plan, such as goals, objectives, and methods of implementation, noted Ms. Camery. The intent is to develop goals and objectives to transform it into a plan during later stages of review, she explained. The CDD recommends adopting the document at this stage as an informational resource and changing the title to: the "Juneau Wetlands Assessment Inventory" or something similar.

The Wetland Review Board minutes also describe the intent of the Board to approve the document as an addition to the current Wetlands Management Plan, because the Board wants management elements to continue, said Ms. Camery. The CDD supports the document as a valuable planning resource, she noted. However, at a later stage the CDD will request repeal of the existing 2008 Wetlands Management Plan. The 2008 Wetlands Management Plan contains the same wetland policies, maps, and categories as the 1992 plan, and contains outdated information and policies that can no longer be enforced because those policies conflict with federal law, explained Ms. Camery.

The goals and objectives in the current document under development will explain this in greater detail and will include a recommendation for the repeal of the 2008 plan, said Ms. Camery.

Providing some history on the project, Ms. Camery explained that in 2009, the CDD conducted an evaluation which was presented to the Planning Commission and Assembly that favored the development of an updated wetlands plan instead of a mitigation bank which had been the formerly long-standing goal in the plan.

In 2012 they received a federal grant award for \$1.6 million, said Ms. Camery. That grant provided funds for new Lidar and imagery as well as new stream mapping, and further

refinement of Dr. Adamus's wetland methodology for Southeast conditions as well as the Wetlands Management Plan assessment work, said Ms. Camery.

In 2013 they issued a Request for Proposals for the update and hired Bosworth Botanical Consulting with other sub consultants. In 2014 the Wetlands Review Board formally approved the WESPAK wetland assessment methodology, said Ms. Camery. In 2014 through 2015 Bosworth Botanical Consulting completed the wetlands assessment work, said Ms. Camery.

The goal is to develop a long range planning document to assist public land managers and interested private land holders with practical management of their properties, said Ms. Camery. The plan provides a consistent scientific method of identifying and evaluating wetlands so that property owners can make good development decisions, she added.

The CBJ Lands Division has already been using this information for two subdivisions they have been actively working on, noted Ms. Camery. Priority areas for the wetlands management plan were determined by looking at the large vacant land parcels along the road system which would be likely development targets for the City within the next 20 years, explained Ms. Camery. Most of those vacant parcels were City properties, said Ms. Camery.

They also contacted the private property owners with large vacant parcels and offered them free wetlands assessments for their property, said Ms. Camery. Only five property owners took them up on the offer, she noted.

The CDD comments are due to Bosworth Botanical Consulting by November 15, said Ms. Camery. Bosworth Botanical Consulting will then provide the next draft of the plan in February, 2016, she added. It will then be presented once again to the Planning Commission and the other public entities to which it had previously been presented for review. The grant period ends in June, 2016, said Ms. Camery.

The overall document will continue to be updated throughout the public process, noted Ms. Camery. The grant requires only a draft plan, she noted. There will be a second meeting on this draft to enable the Planning Commission to develop comments, said Ms. Camery.

Ms. Camery provided three questions to the Commission to help focus their review: 1) Do we want to use the document strictly as an information resource, or do we want to categorize wetlands? (If we choose to categorize wetlands, there are many different ways to do that, which CDD will evaluate at a later time.); 2) Are there areas of the document that need additional explanation or additional information?; and 3) Are there ways to make the document more user-friendly?

Dr. Paul Adamus, Consultant

Dr. Adamus said he has been involved in the wetland assessment process since the 1985 initial Juneau wetlands management effort. He has assisted the City with deciding which wetlands are the most important, involving wetland categorization. The focus of his career has been

about designating which wetlands are important, said Dr. Adamus. It is understood that they cannot and should not protect all wetlands, he said. He added that priorities need to be established.

Wetlands have a perception problem with the public, said Dr. Adamus, because many of these areas do not look like wetlands. Wetlands are defined by the soils, vegetation, and the hydrology they possess, he said. Construction is not absolutely forbidden within wetlands, he said. However, over the past 40 years most construction within wetlands does require a federal permit, he added, through the Army Corps of Engineers. The Corps of Engineers encourages looking at wetlands in the context in which they reside in a watershed in relationship to other wetlands and other resources, said Dr. Adamus.

In the wetlands management plan they mapped areas which are not wetlands, explained Dr. Adamus, as well as areas that are wetlands, because knowing those areas that are not wetlands provides information on where growth might occur within the community without having to run through numerous permit requirements.

They used the WESPAK assessment tool to assign a rating to each of the functions of the mapped wetlands, explained Dr. Adamus. Wetlands have functions such as water storage, anadromous fish habitat and resident fish habitat; there are many procedures which wetlands do to purify water, he said. Over the years they have attempted to identify which wetlands perform which of these functions, and not all wetlands perform all of these functions, said Dr. Adamus.

Each function is assigned a score of 0 to 10, said Dr. Adamus. That score gets converted to a high, moderate or low rating which indicates how the wetland is performing based upon its soil, vegetation, etc., he explained. Context is also very important as to how wetlands are judged; for example the exact type of wetlands located next to a parking lot are judged differently than those same wetlands located out in the wilderness far from human habitation, explained Dr. Adamus.

Color air photos with infrared imagery and Lidar imagery have been used. Lidar is a laser-based remote sensing tool that can indicate exactly what the ground surface is like even if that land is covered with trees, explained Dr. Adamus. Lidar can also provide the height of almost every tree, he noted. Both aerial imagery and ground level surveys needed to be utilized to assess the wetlands, said Dr. Adamus.

They have a table for each of the 345 identified wetlands, said Dr. Adamus. They filled out standard data forms in the field to identify the habitat within the wetlands, he said. They now have ratings for a large number of Juneau wetlands, said Dr. Adamus, which is very important information if applying for a permit, since the Army Corps of Engineers requires that a functional assessment be made.

Support has been provided for the WESPAK method by the Army Corps of Engineers, the Department of Fish and Game, the Department of Transportation, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, among others, noted Dr. Adamus. He said he has been approached by the Army Corps of Engineers and other agencies asking if this WESPAK tool can be customized for other areas of Alaska.

In January, 2014, WESPAK and all of its models were unanimously approved by the Wetlands Review Board, said Dr. Adamus. They have been supported by the CDD throughout this process, he noted.

He has found planning categories to be very helpful, said Dr. Adamus. They are helpful because they help facilitate the land use planning process, he explained. The next question would be if the CDD department should create its own procedure to combine these function scores into categories, or should the CDD or the Planning Commission adopt another procedure which is the same procedure that the Southeast Alaska Land Trust (SEAL) has proposed to the federal regulatory agencies.

It could be decided which particular functions for wetlands are important, such as perhaps an amphibian habitat would be less important than a songbird habitat, for example, said Dr. Adamus. This could be accomplished by using weighting factors and a weighted average, he noted. There are different approaches to this which can be considered, he said.

There are now accurate wetland maps for high priority areas, said Dr. Adamus, and ratings of the individual functions of the wetlands within those individual areas. This can result in the reduction of cost and time delays to developers, he noted, increasing the certainty in the permitting process and hopefully promoting more equitable and more consistent planning decisions. He added he feels in the long term this will minimize damages from wetland loss.

Francis Naglich, President and Founder of Ecological Land Services

Ecological Land Services' involvement has been more on the implementation of this resource guide which will be available for the City and Borough of Juneau, said Mr. Naglich. The wetland methodology science, as applied to the management of wetlands, has to be in alignment with the Clean Water Act, he said. In this area wetlands cover 40% to 50% of the ground, he said. This makes development within this area very challenging, he noted.

He said it is better to have a higher impact on the lower functioning wetlands than on the higher functioning wetlands. To mitigate wetlands you have to replace those functions. This was further refined by the Army Corps of Engineers and the Environmental Protection Agency in 2008 which basically addresses how mitigation is going to be performed, said Mr. Naglich. For mitigation the Corps of Engineers would like restoration of previously disturbed wetlands to be a primary consideration, said Mr. Naglich.

The hierarchy of mitigation measures includes: mitigation banks first, fee-in-lieu mitigation second, and the improvement of wetlands on that property which includes financial assurances, and oversight from the agencies which is performance-based last, he noted. Mitigation banks and fee-in-lieu programs take money from development impacts and use it for a consolidated mitigation approach, said Mr. Naglich.

The implementation goals for the plan include the use of science for good land use policy, said Mr. Naglich. They want to meet and comply with federal rules which this project accomplishes, combined with the need for certainty. Clients want to know when they can get an answer to their questions about their wetlands and when their project can be accomplished, said Mr. Naglich. Clients want to know that there is a permit available after they go through the process, he said.

There are basically three options for the wetlands management plan, said Mr. Naglich:

1. They can use this information as a planning and education tool only - the wetland assessments can be used to inform the permit process
2. Army Corps of Engineers general permit - mitigation is planned in advance for identified wetlands
3. A local code option - this approach involves a more aggressive local code in which permits are required not only from the City but also from the Army Corps of Engineers

Commission Comments and Questions

Mr. LeVine asked about the methodology used to rank the functions. He asked if once future parcels are added if that would change the rankings of the currently ranked wetlands.

Dr. Adamus answered that he is not certain that the wetlands provided by the City to be ranked are representative but that they are a large slice of currently undeveloped parcels, some of which have the potential for development. The large sample size of 345 wetlands will enable them to say with fair certainty when applying future wetlands to the categories would result in valid score ranges.

Mr. LeVine asked also asked for assurance from the staff that any variances of opinion on the Plan will be resolved resulting in a solid, dependable document.

Ms. Camery responded that she believed there had been some misunderstandings of some of the definitions of the functions and the way the values are figured in the wetland methodology. Dr. Adamus has followed up on comments from that Wetlands Review Board Meeting and found that the correlations are accurate, explained Ms. Camery. Their intent is to provide the Board with the education which it needs to better understand the methodology, said Ms. Camery.

Dr. Adamus said he was surprised that the Wetlands Review Board is now raising questions about the methodology since they approved it unanimously in January, 2014. He added he was willing to go over it to the extent it was required to educate the Board on how the methodology works, assuming they are not going to undo or redo everything.

Mr. Watson asked when wetlands mitigations are being considered, if when high quality wetlands are displaced that they must then be replaced with wetlands of equal value. He said with the limited land in Southeast Alaska that the costs of this practice are continuing to rise; he asked if there was a way to curtail this trend.

Mr. Naglich answered that this is an issue all around the state. He said there is an ideal place where mitigation prices equal roughly what the costs for land development are expected to be. He said in a lot of cases in Alaska they would be allowed to impact the lower functioning wetlands and that ideally the mitigation costs would not be so exorbitant that it could not be made to work.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Auke Bay Steering Committee

Mr. Steedle said they are requesting that the Commission since it appointed the Auke Bay Steering Committee initially, remove those members with 0% attendance at the meetings from the Steering Committee.

Mr. Haight asked if they would replace these members with new members or if the size of the Committee would simply be reduced.

Mr. Steedle answered that the size of the Committee would be reduced.

Mr. LeVine asked if those individuals have been informed that they were going to be removed from the Steering Committee.

He was told that they were notified.

MOTION: *by Mr. Haight, that the Commission excuse the three members who have been identified at 0% attendance to the Auke Bay Steering Committee meetings.*

The motion passed with no objection.

Private Access through Easements

Members of the community have sent an email expressing their concerns about the work that the planners are doing now identifying those situations in which private access through easements to properties is permissible, said Mr. Steedle. This issue will soon be before the Commission at one of its meetings, said Mr. Steedle.

Planning Commission Committee of the Whole

On October 27, (2015) the Committee of the Whole will go over the Land Management Plan and potentially the road access issue as well, said Ms. McKibben. Agency and public review of the Land Management Plan will be completed on October 15, (2015) said Ms. McKibben, with the exception of its presentation to the Airport Board Operations Committee which takes place the morning of October 27, (2015) she added.

Committee Meetings

The Subdivision Review Committee is scheduled to meet on Friday, October 16, (2015) said Ms. McKibben. The Title 49 Committee is scheduled to meet on November 13, at 11:30 a.m. on the Fourth Floor of the Marine View Building, said Ms. McKibben.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Wetlands Review Board

Mr. Miller said the Wetlands Review Board met and that the Commission has heard the outcome of that meeting this evening. A Board member plotted the functions and values on a graph, and was not satisfied with the correlations, said Mr. Miller. He said the Board is not really questioning the methodology, rather it wanted to give one its members the benefit of the doubt by giving them the opportunity to explain their interpretation of the data.

They did approve the plan unanimously in 2014, said Mr. Miller, based upon a few meetings which were conducted. For a volunteer board that maybe meets once a month to try to dive into the 342 score sheets was a lot of work, commented Mr. Miller. He added that one of their members had taken all of their time to take a hard in-depth look at the data, and the Board wanted to honor his work by agreeing to have a further explanation of the data given to them.

The Board could not really adopt a plan which was not really a plan, said Mr. Miller. This is actually a wetlands assessment of a number of wetlands in Juneau, said Mr. Miller. This is a valuable tool, said Mr. Miller. But they want a comprehensive plan, said Mr. Miller, of which this is not. He said they want to keep working to develop a Wetlands Management Plan.

Ms. Grewe said at this juncture she felt an adequate title for this document would be a *Wetlands Inventory and Assessment*.

She asked if the Board had entertained any discussions about the three options outlined by Mr. Naglich during his presentation this evening.

Mr. Miller, a member of the Wetlands Review Board, responded that he felt this would be set aside for later discussion.

Mr. LeVine added that what comes out of this needs to be made understandable to the public, because otherwise it can be very confusing information.

Mr. Watson asked what the process would be now to permit a project located in wetlands.

Ms. McKibben responded that they no longer have a general permit, so if it is believed that a property has wetlands attached to it or if the owner believes there are wetlands, then they must contact the Army Corps of Engineers. Ordinarily, the property owner would have to have someone go out and do a delineation of their property to identify where the wetlands are located, and what kind of value the wetlands hold, said Ms. McKibben.

Lands Manager Mr. Chaney was able to use some of this information when applying for the Army Corps of Engineers permit for the Reninger Drive Subdivision, noted Ms. McKibben, which she felt saved the City a lot of money.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Watson said he had recently been paid a compliment on planner Eric Feldt and his high quality of work on the floodplains.

XV. ADJOURNMENT

The meeting was adjourned 8:17 p.m.