

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: May 3, 2012

TO: Board of Adjustment

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: VAR2012 0007

PROPOSAL: A Variance to the 50-foot no development setback and 25-foot no disturbance zone from Auke Lake for Auke Lake Wayside Recreational Improvements.

GENERAL INFORMATION

Applicant: City & Borough of Juneau

Property Owner: City & Borough of Juneau

Property Address: 11050 Glacier Highway

Legal Description: USS 3832 Lot 2

Parcel Code Number: 4-B23-0-103-008-0

Site Size: 4.63 acres

Zoning: D5

Utilities: CBJ Water and Sewer

Access: Glacier Highway

Existing Land Use: Auke Lake Wayside Boat Launch Ramp and Parking Area

Surrounding Land Use: North - Auke Lake
South - Glacier Highway; D-1 (T) D-3 Residential
East - Pederson Hill; D-1 (T) D-5 Vacant Residential
West - University of Alaska Southeast; D-5 Residential



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

ATTACHMENTS

Attachment 1	Vicinity Map
Attachment 2	Development Permit Application
Attachment 3	Variance Application
Attachment 4	Project Narrative
Attachment 5	Site Plans
Attachment 6	Applicant Supplemental Narrative
Attachment 7	Site plan with setbacks and revegetation
Attachment 8	Site plan demonstrating slope near picnic area
Attachment 9	Picnic area photos
Attachment 10	Wetlands Review Board 4/26/12 Draft Minutes

PROJECT DESCRIPTION

The applicant, CBJ Engineering, requests a Variance for development within the 50-foot no-development setback and 25-foot no-disturbance zone of the Auke Lake for construction of the Auke Lake Wayside Recreational Improvements Plan. A Variance is required in accordance with CBJ Code 49.70.310, as follows:

(a) *Development in the following areas is prohibited:*

(5) *Within 50 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2008 Update.*

(b) *In addition to the above requirements there shall be no disturbance in the following areas:*

(2) *Within 25 feet of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2008 Update.*

The project requires a City Project Review, which is being addressed concurrently as CSP2012 0010. Full details of the development are described in the CSP review. This Variance staff report addresses only project elements within the 50-foot setback and related mitigation efforts.

The Auke Lake Wayside is a heavily used recreational area with several recent improvements including a new boat ramp and new trail on the west side of the lake. The Auke Lake boat ramp was moved to its new location on the west side of the lake, out of the mouth of Auke Creek, in June 2009. This project was reviewed under CSP2009 0004. The Auke Lake Trail was approved in February 2009 with VAR2007-0041 and VAR2008-0002. These variances were required for development within the 330-foot eagle nest buffer and within 50-feet of Auke Lake. The CBJ Assembly approved an early conceptual version of the Auke Lake Wayside Master Plan in 2009.

The current project design is still conceptual but will be finalized following completion of DOT's Environmental Assessment later this year. If the site plan changes between the current proposal and the final version, CDD will need to review the new plan to determine if changes are significant and if

a new Planning Commission hearing is necessary. Staff recommends a project condition to highlight this requirement.

Continued heavy use of the area has led to erosion and the need for new facilities and trails in heavily impacted areas. Because of this, the primary goals of the project are to address existing use patterns at the wayside; to develop areas already used as gathering spots; to minimize disturbance of trees and understory and increase riparian vegetation; to stabilize eroded slopes; and to provide surface stormwater treatment through stormwater ponds and vegetative swales.

The plan includes the following structures and associated grading within the Auke Lake setback, as measured from the Ordinary High Water (OHW) Mark of the lake:

Within 25 feet:

- Concrete stairs to access floating dock
- Permeable pavers in patio area to stabilize soils (12' from OHW)
- Fence in patio area to prevent lake users from jumping off the bank and continuing to erode the steep slope at water's edge (12' from OHW)
- ADA-accessible viewing dock (10' x 10') close to water's edge (12' from OHW)

Within 50 feet:

- Permeable paver pedestrian path and patio (say that fast!) with associated lighting posts and fixtures
- 16' x 20' picnic shelter—steel structure with metal roof and stone seating walls surrounding shelter (closest side is 35' from OHW)
- Firepit – metal cone pit (closest side is 27' from OHW) (Attachments 4, 5, and 7)

Attachment Seven shows the 25-foot no-disturbance zone and 50-foot no development zones on the site plan, and also highlights the extensive re-vegetation efforts in the project, both within the 50-foot setback and outside of it. CBJ Engineering has emphasized that the project design addresses existing user impacts and heavy erosion in the area. Three new stormwater ponds and a network of vegetative swales will significantly improve treatment of stormwater runoff from the site.

Wetlands Review Board Advisory Review

The CBJ Wetlands Review Board, a scientific advisory board appointed by the CBJ Assembly, reviewed the proposal at the April 26, 2012 regular meeting. Draft board minutes are included as Attachment 10. At the meeting the applicant, CBJ, explained that the size of the parking lot has been reduced as much as possible while still meeting the minimum turning radius requirements. The applicant described the erosion on site and the placement of trails, the viewing area, and the picnic shelter and fire pit in areas that have significant bank erosion from user impacts.

The Board expressed appreciation for the opportunity to review the project at an early stage, and asked questions about the purpose and need for various elements of the project within the 50-foot setback. The applicant confirmed that no large trees would be cut for the development, so the buffer of large spruce trees around the lake edge would remain intact. Because the Board has taken a strong position against many other streamside setback variances, it was important to the Board to clearly articulate the reasons why they supported this project. The Board unanimously approved the following motion:

The WRB supports the project because of the reduced erosion potential and because of the extensive restoration efforts both within and outside of the 25-foot no-disturbance zone. The WRB supports the viewing deck within the 25-foot no-disturbance zone because the intent is to reduce erosion. All other project elements should be kept outside of the 25-foot no-disturbance zone if possible, especially the fire pit/picnic shelter and associated grading.

Following the meeting, CBJ Engineering responded to the Board's concern regarding the position of the fire pit and shelter by providing more detailed information about why development is needed in this particular area. CDD has provided the full text of CBJ Engineering's response below, because it is somewhat difficult to describe why the grading and fence near the shelter and fire pit must be at the proposed location without a site visit to see the erosion. Engineering's response also addresses the need for the footpath adjacent to the boat ramp, which is also within 25' feet of the lake. Here is Engineering's response:

[Engineering] still recommends placing a fence at the top of the undercut slope just beyond the picnic shelter to prevent further erosion caused by people sliding, jumping and climbing the slope. At the base of this slope, there is a deep water hole where boaters nose their boats into shore to access the wayside. They continue to do this because the shoreline is softer material than the concrete boat launch ramp and many of the boats are fiberglass. In the attached photos [Attachment 9] it is clear that many people climb up, slide down or jump down the steep slope to access the parking area. The slope is slightly undercut and eroding from this use. There is a narrow trail leading around the slope and up to the parking area. The plan proposes putting a few inches of gravel on this narrow trail and building stairs to delineate a stable pathway for access to this deep water hole. The fence needs to be close to the edge of the slope so that it presents a vertical impediment to people trying to move up and down the eroded area. If the fence is kept outside of the 25' setback zone, there will be a flat area of approximately 15' between the fence and the slope. This will be inviting to users for additional gathering space and access to move up and down the slope.

We have seen the boat launch ramp in use for over a year now. The boat launch ramp provides a stable concrete plank access for boats and users to access the water. However, people still walk down the steep, rocky slope immediately adjacent to the boat launch ramp to access the water. They have trampled the vegetation and this area will

begin to erode if it is not stabilized. The park users have very defined patterns of use at this site and will continue this pattern if able to do so relatively easily. The plan proposes building stairs along the slope by the boat launch ramp and placing a fence close to the slope by the deep water hole to try and guide and direct water access routes.

Additionally, this plan includes revegetation throughout the wayside. The parking lot size will be decreased and the edges will be revegetated. The swales and the stormwater ponds will be vegetated with native grasses and perennials. There will be some shrubs and grasses along the pathways and understory trees.

The Wetlands Review Board expressed support for development within the 50-foot setback and 25-foot no-disturbance zone in situations which address erosion issues. CBJ Engineering's supplemental information indicates that erosion impacts are also addressed by the location of the picnic shelter, fire pit, grading, and fence, and also by the location of the pathway adjacent to the boat ramp. This information was not fully presented to the Board at the time of the meeting. Staff concludes that the Board's concerns have been addressed, and that all project elements within the 50-foot no-development setback will significantly reduce erosion impacts on site. [As an aside, staff notes that the pathway adjacent to the boat ramp is exempt from the streamside setback ordinance because its purpose is direct access to the lake, per CBJ Code 49.70.950(f).]

ANALYSIS

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The relaxation applied for would allow development of trails, a viewing area, picnic shelter, firepit, and other related amenities within the 50-foot no-development setback from Auke Lake. This would allow the property owner, CBJ, to address erosion impacts and improve recreational opportunities. A lesser relaxation of requirements is not possible because the project must meet minimum standards for the parking radius, and reducing development within the setback would require intrusion into that radius. A lesser relaxation of requirements would also mean that erosion impacts within the 50-foot

setback could not be addressed.

This criterion is met.

2. *That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.*

The intent of Title 49 is established in Section 49.05.100 Purpose and Intent. Those sections, which are applicable to the requested variance, are as follows:

- 1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management program;
- 2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;
- 3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;
- 4) To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;
- 5) To provide adequate open space for light and air; and
- 6) To recognize the economic value of land and encourage its proper and beneficial use.

The proposed Variance meets the intent of Title 49 by allowing construction of a viewing area, picnic shelter, firepit, and other related amenities while protecting heavily-used areas from erosion and revegetating barren or denuded areas to stabilize the lake shoreline. This effort secures beneficial impacts while minimizing negative impacts, and encourages proper and beneficial use of the property, in accordance with intent numbers 3, 4, 5.

This criterion is met.

3. *That the authorization of the Variance will not injure nearby property.*

Authorization of the Variance will allow development of trails, a viewing area, picnic shelter, firepit, and other related amenities within the 50-foot no-development setback from Auke Lake. No evidence indicates that development within this area will injure nearby property.

This criterion is met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

Construction of recreational facilities such as shelters and trails are allowed in the D-5 Zoning District, per Table of Permissible Uses 49.25.300, Category 6.266.

This criterion is met.

5. *That compliance with the existing standards would:*

(A) *Unreasonably prevent the owner from using the property for a permissible principal use;*

Parks are principal uses in the D-5 Zoning District, however the property may be used as a park without violating the standard.

This sub-criterion is not met.

(B) *Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;*

Compliance with the standard would unreasonably prevent the owner from addressing erosion controls and damaging use patterns on the site which are within the 50-foot no-development setback and 25-foot no-disturbance zone, and would prevent the owner from providing recreational amenities which are consistent with similar shoreline or lakeside recreational facilities.

This sub-criterion is met.

(C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;*

The property has unique features such as wetlands and the estuary mouth of Auke Creek, however these features are not a justification for the variance.

This sub-criterion is not met.

or

(D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.*

The Auke Lake Wayside is heavily impacted and includes a large gravel parking lot that has many graded, barren, un-vegetated sections within the 50-foot no-development setback. Because of this pre-existing non-conforming situation, a grant of the Variance would not result in a decrease in overall compliance with the standard. Furthermore, revegetation efforts within the 50-foot no-development setback will bring some areas of the parking lot into greater compliance with the

standard.

This sub-criterion is met.

Because sub-criterion 5b and 5d have been met, this criterion is met.

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

A grant of the Variance would allow development of trails, a viewing area, picnic shelter, firepit, and other related amenities within the 50-foot no-development setback from Auke Lake. These project elements also address erosion impacts from heavy public use, and significant areas of the project site within the no-development setback will be re-vegetated. Therefore the project will result in more benefits than detriments to the neighborhood.

This criterion is met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

Yes. The development includes extensive re-vegetation within the 50-foot no-development setback and addresses significant erosion problems in the site. The development also incorporates three stormwater ponds and vegetative swales to treat stormwater runoff.

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

Yes. The variance meets criteria 1, 2, 3, 4, 5b, 5d, and 6.

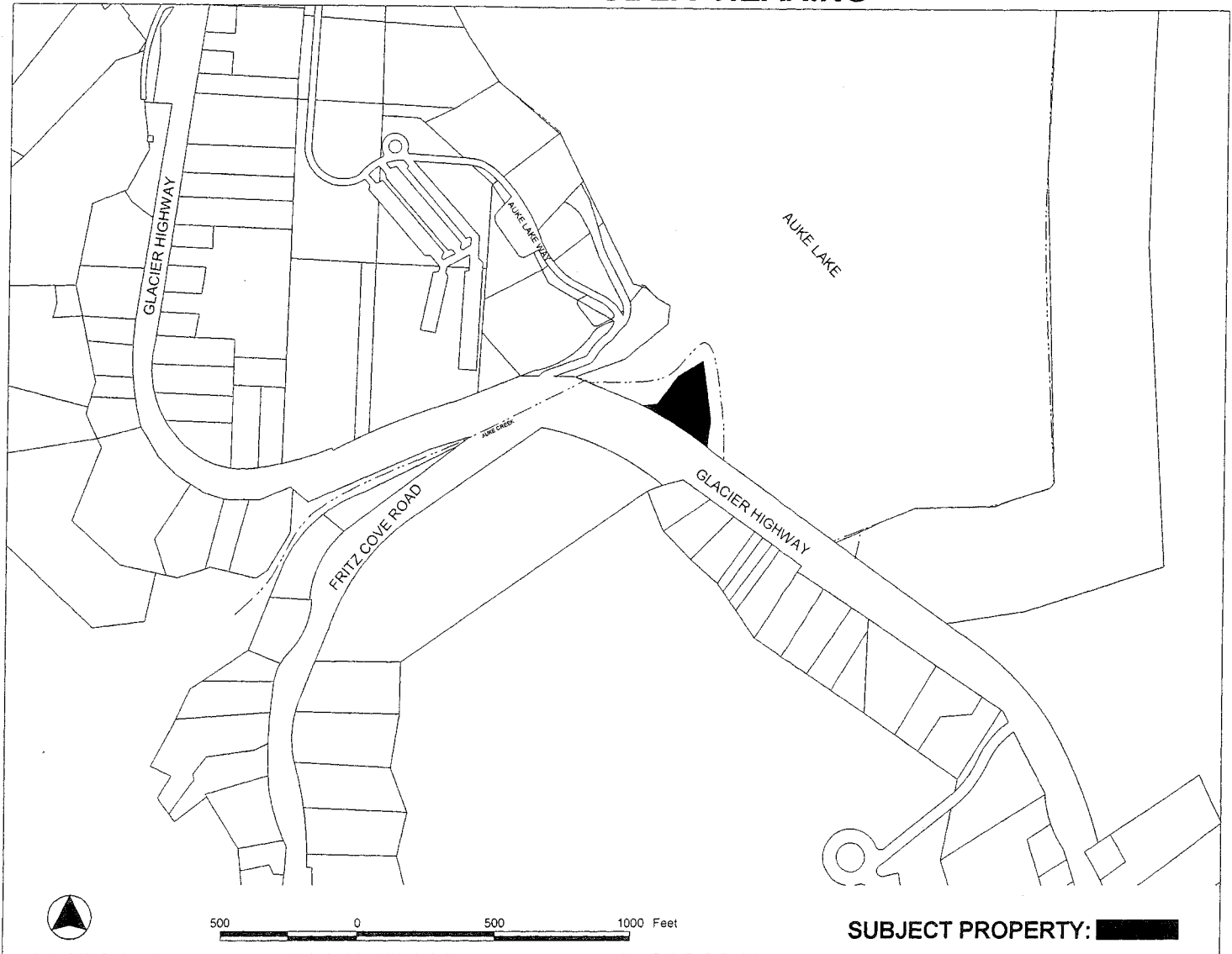
RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2012 0007, which would allow for development of trails, a viewing

area, picnic shelter, firepit, and other related amenities within the 50-foot no-development setback from Auke Lake. The Variance is subject to the following condition:

- 1.) If the project site plan is modified, prior to issuance of a Building Permit, the modified proposal shall be provided to CDD staff to determine if additional Planning Commission review is required.

NOTICE OF PUBLIC HEARING



SUBJECT PROPERTY: [REDACTED]

PROPOSAL: VAR2012 0007 A Variance to the 50-foot lakeside setback from Auke Lake for Auke Lake Wayside recreational improvements
 CSP2012 0010 A City Project Review for recreational improvements to the Auke Lake Wayside

<p>FILE NO: CSP2012 0010 VAR2012 0007</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: May 08, 2012</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: CITY & BOROUGH OF JUNEAU</p> <p>Property PCN: 4-B23-0-103-008-0</p> <p>Owner(s): CITY AND BOROUGH OF JUNEAU & LANDS AND RESOURCES</p> <p>Parcel Size: 4.63 acres</p> <p>Zoned: D5</p> <p>Site Address: 11050 GLACIER HWY</p> <p>Accessed via: GLACIER HWY</p>
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PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Teri Camery at 586-0755 or email at teri_camery@ci.juneau.ak.us

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: April 25, 2012

ATTACHMENT 1

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>4/16/12</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>See attached, same as variance.</u>		
	PROPERTY LOCATION		
	Street Address <u>11050 Glacier Hwy / Anke Lake Wayside</u>	City/Zip <u>Juneau</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>USS 383 & L2 Anke Lake</u>		
	Assessor's Parcel Number(s) <u>4823 01030080</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>CBJ</u>	Contact Person: <u>Michele Eifer</u>	Work Phone: <u>586-0931</u>
	Mailing Address <u>Engineering Dept. ISS S. Seward St. 99801</u>	Home Phone:	Fax Number:
	E-mail Address <u>Michele-eifers@ci.juneau.ak.us</u>	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ***Required for Planning Permits, not needed on Building/ Engineering Permits***		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	<u>Michele Eifer</u> Landowner/Lessee Signature	<u>4/17/12</u> Date	
X	Landowner/Lessee Signature	Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name <u>same</u>	Contact Person:	Work Phone:	
Mailing Address	Home Phone:	Fax Number:	
E-mail Address	Other Contact Phone Number(s):		
X	<u>Michele Eifer</u> Applicant's Signature	<u>4/17/12</u> Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	Application	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)		<u>4/16/12</u>	<u>VAF-202 0007</u>
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials	
				<u>TC</u>	

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>VAP 20120007</i>	Date Received <i>4/16/12</i>
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TYPE OF VARIANCE REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Variance to the Sign Standard (VSG) | <input type="checkbox"/> Variance to Dimensional Standards (VDS) |
| <input checked="" type="checkbox"/> Variance to Habitat Setbacks (VHB) | <input type="checkbox"/> Variance to Parking Requirements (VPK) |
| <input type="checkbox"/> Variance to Setback Requirements (VSB) | |

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

See attached.

Previous Variance Applications? YES NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? YES NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): *See attached*

UTILITIES AVAILABLE: WATER: Public On Site SEWER: Public On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

see attached

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

See attached.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <i>400.00</i>	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Total Fee	\$ <i>400.00</i>	<i>PAC Code</i>	_____	<i>4/16/12</i>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

Auke Lake Wayside Recreational Improvements
Variance Application
April 17, 2012

Description of Activity:

The Auke Lake Wayside is a heavily used recreational area for boaters, swimmers, and hikers. Over the last two years, the University of Alaska constructed a pedestrian bridge over Auke Creek and the City and Borough of Juneau constructed a concrete boat launch ramp at the east side of the wayside. This project proposes additional improvements for recreational users including a picnic shelter, ADA accessible lake viewing deck, one stall bathroom with water and sewer connection, concrete block stair access to a floating dock for boat users and swimmers, pedestrian lighting, permeable paver pedestrian path, asphalt paved bike path and gravel forest paths and a paved parking area. The plan incorporates stormwater improvements through surface treatment of parking lot runoff, stabilization of eroding slopes, and protection and enhancement of riparian vegetation.

The goals of the project are to improve existing recreational uses and minimize impacts to water quality and riparian vegetation. The following are project objectives:

- Address use patterns that already exist at the wayside. Formalize existing paths to minimize disturbance.
- Develop areas used already as gathering spots.
- Minimize disturbance of mature spruce trees and understory. Do not remove any large spruce or hemlock trees and increase riparian vegetation.
- Stabilize eroded slopes.
- Provide surface stormwater quality treatment through best management practices.

The following structures and associated grading are required within lake setbacks:

Within 25' of Ordinary High Water (OHW)

1. concrete stairs to access floating dock
2. Permeable pavers in patio area to stabilize soils (12' from OHW)
3. Fence in patio area to prevent lake users from jumping off bank and continuing to erode the steep slope at water's edge (12' from OHW)
4. ADA accessible viewing deck (10'x10') close to water's edge (12' from OHW)

Within 50' of Ordinary High Water

1. Permeable paver pedestrian path and patio with associated lighting posts and fixtures
2. Picnic Shelter 16' x 20' – steel structure with metal roof and stone seating walls surrounding shelter (closest side 35' from OHW)
3. Firepit – metal cone pit (closest side 27' from OHW)

Unique Characteristics of Land or Buildings:

Auke Lake Wayside is a very beautiful peninsula in Auke Lake. It is easily accessible and the only public boating launch for boats into Auke Lake. It is becoming an access point and stopover for trail users from the University of Alaska and the floating dock trail along the east side of the lake. The Alaska Department of Transportation has plans to construct a multi-use path along Glacier Highway that will make a safe connection to the floating dock trail. The Wayside is already over loved and over used and the new multi use trail will bring more pedestrians and bikers to this recreational spot. Currently, the site boasts large evergreen trees at the water's edge and wonderful views. However, the steep banks along the lake are eroding from users walking and jumping off the banks, picnics frequently occur with pallet fires at the lake side, the forest is crisscrossed with pedestrian paths of people trying to get to the water and different view spots or deep water holes.

The gathering spots, trails and access routes in the proposed plan are already used and have been for years. This plan aims to formalize existing routes by placing stairs, gravel and paved surfaces on unstable or erosive areas, and blocking off access to eroding banks with a fence to try and guide and encourage users away from unstable areas. The viewing deck, patio, fire pit and picnic shelter are located in areas where users currently gather. Stabilizing these areas with decking and permeable pavers will help to prevent continued erosion of soils into the lake and further damage to riparian vegetation.

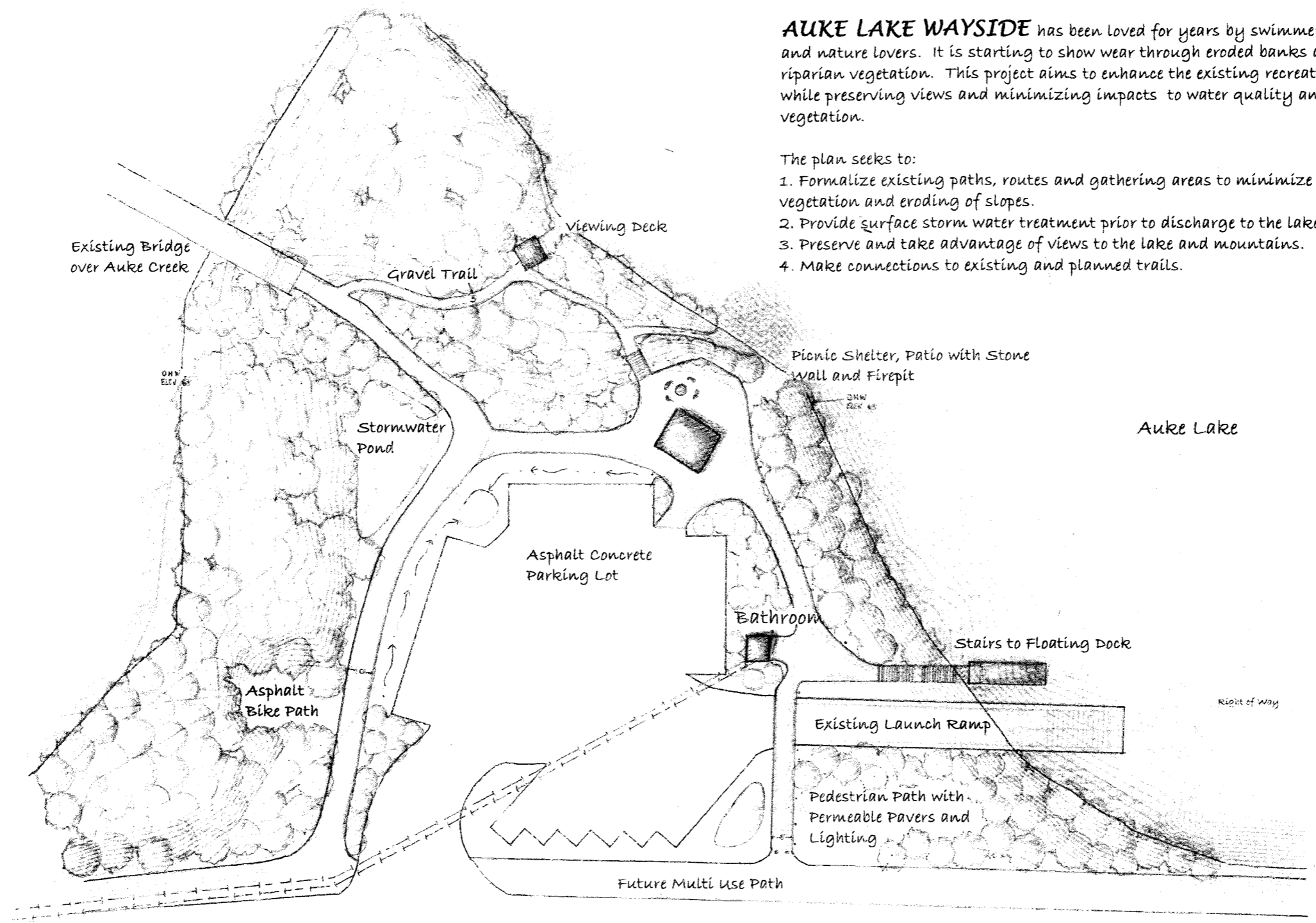
Why would a variance be needed for this property regardless of the owner?

This property is publicly owned and being improved for public use as a park. Any public owner looking to preserve this property for long term use would have to make changes to stabilize banks and protect riparian vegetation. These changes must occur within the lake setback zone as this is where the damage is occurring.

What hardship would result if the variance were not granted?

Usage would continue, banks would erode, riparian vegetation would be compacted and damaged, and lake water quality would be compromised.

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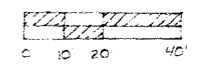
AUKE LAKE WAYSIDE has been loved for years by swimmers, boaters, hikers, and nature lovers. It is starting to show wear through eroded banks and damaged riparian vegetation. This project aims to enhance the existing recreational opportunities while preserving views and minimizing impacts to water quality and riparian vegetation.

- The plan seeks to:
1. Formalize existing paths, routes and gathering areas to minimize disturbance of vegetation and eroding of slopes.
 2. Provide surface storm water treatment prior to discharge to the lake.
 3. Preserve and take advantage of views to the lake and mountains.
 4. Make connections to existing and planned trails.

AUKE LAKE WAYSIDE

CONCEPT PLAN AND DETAILS, April 2012

Alaska Department of Transportation and Public Facilities and City and Borough of Juneau



Teri Camery

From: Michele Elfers
Sent: Monday, April 30, 2012 11:26 AM
To: Teri Camery
Cc: Skye Stekoll
Attachments: Ord2008-26C_Amend_Auke_Lake_Motorized_Boundaries.pdf; section showing setbacks.pdf; 1.JPG; 2.JPG; 3.JPG; 4.JPG; 5.JPG; 6.JPG; 7.JPG

Teri,
Please attach this to the permit application.

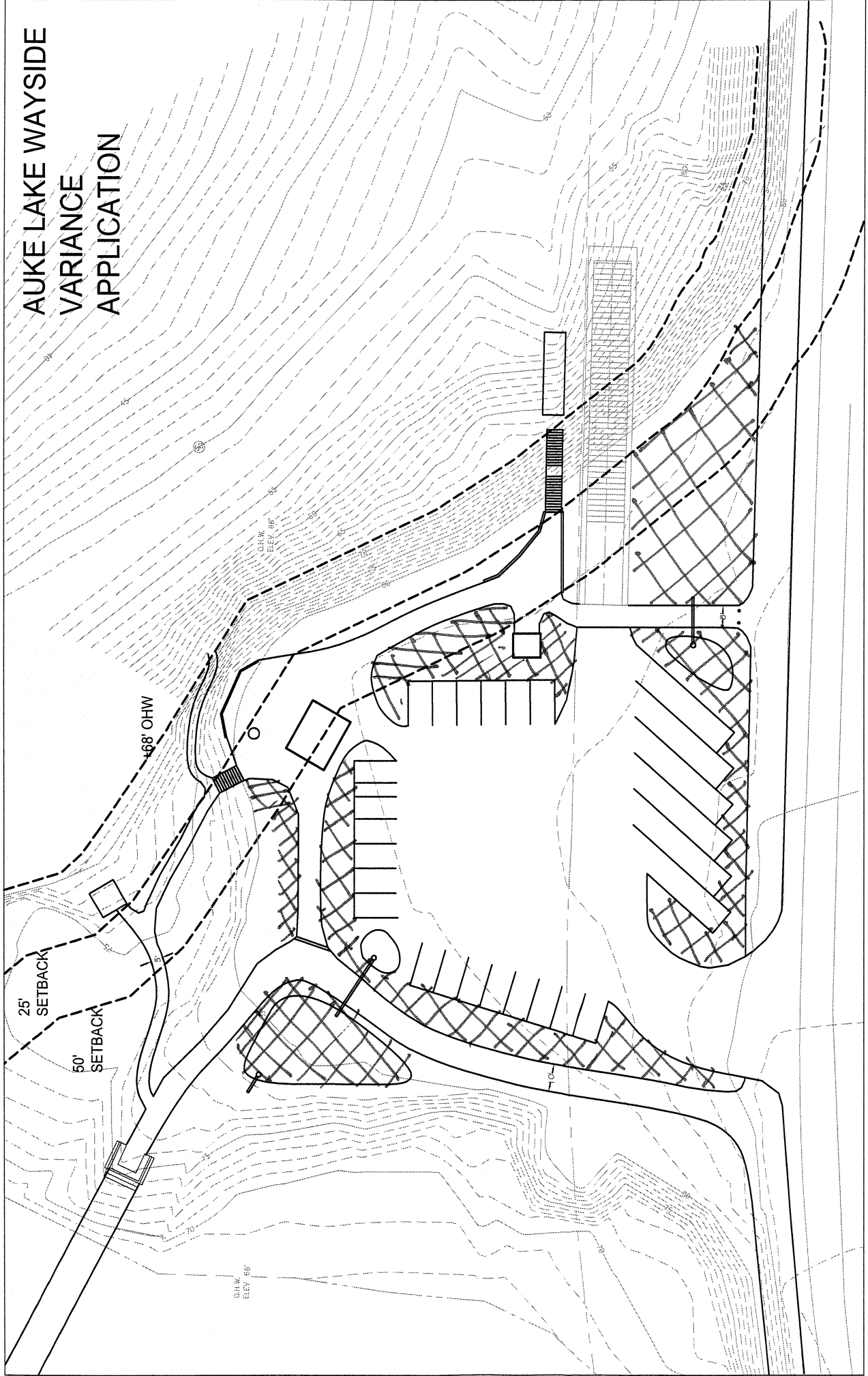
The original master plan has been revised to move the gravel trail between the viewing deck and the stairs to the picnic shelter outside of 25' lake setback zone. Staff still recommends placing a fence at the top of the undercut slope just beyond the picnic shelter to prevent further erosion caused by people sliding, jumping and climbing the slope. At the base of this slope, there is a deep water hole where boaters nose their boats into shore to access the wayside. They continue to do this because the shoreline is softer material than the concrete boat launch ramp and many of the boats are fiberglass. In the attached photos it is clear that many people climb up, slide down or jump down the steep slope to access the parking area. The slope is slightly undercut and eroding from this use. There is a narrow trail leading around the slope and up to the parking area. The plan proposes putting a few inches of gravel on this narrow trail and building stairs to delineate a stable pathway for access to this deep water hole. The fence needs to be close to the edge of the slope so that it presents a vertical impediment to people trying to move up and down the eroded area. If the fence is kept outside of the 25' setback zone, there will be a flat area of approximately 15' between the fence and the slope. This will be inviting to users for additional gathering space and access to move up and down the slope.

We have seen the boat launch ramp in use for over a year now. The boat launch ramp provides a stable concrete plank access for boats and users to access the water. However, people still walk down the steep, rocky slope immediately adjacent to the boat launch ramp to access the water. They have trampled the vegetation and this area will begin to erode if it is not stabilized. The park users have very defined patterns of use at this site and will continue this pattern if able to do so relatively easily. The plan proposes building stairs along the slope by the boat launch ramp and placing a fence close to the slope by the deep water hole to try and guide and direct water access routes.

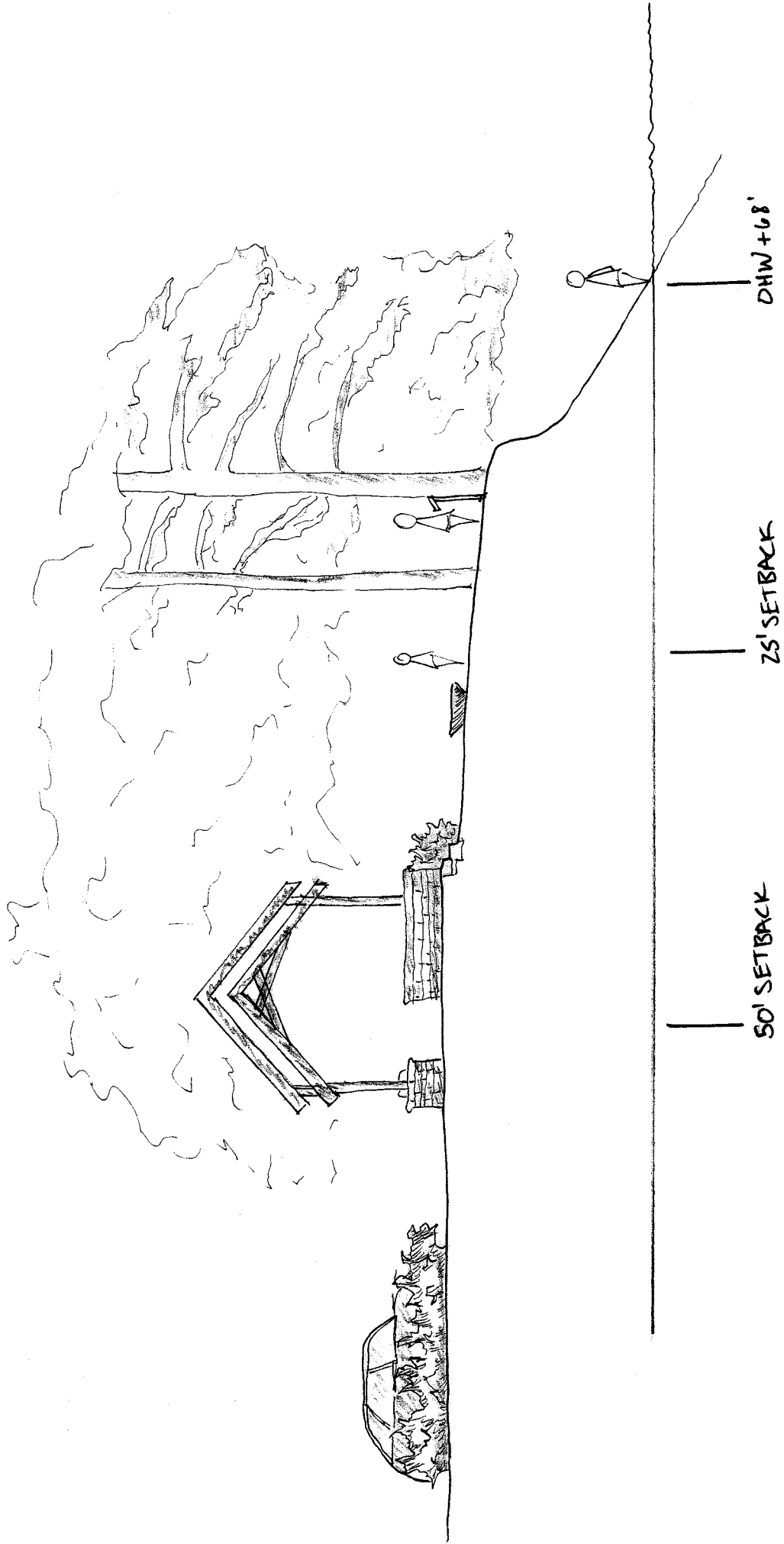
Additionally, this plan includes revegetation throughout the wayside. The parking lot size will be decreased and the edges will be revegetated. The swales and the stormwater ponds will be vegetated with native grasses and perennials. There will be some shrubs and grasses along the pathways and understory trees.

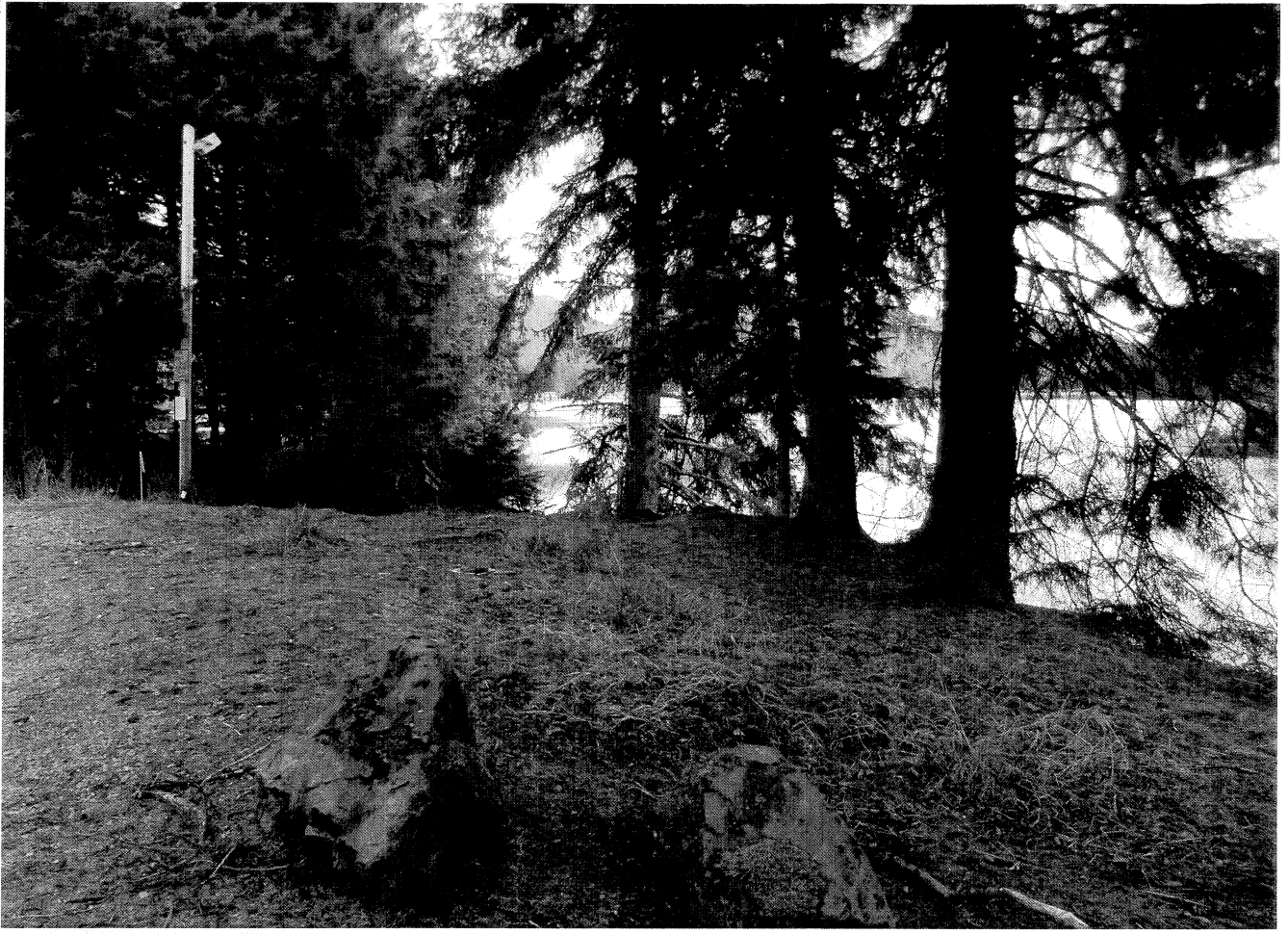
Thanks,
Michele

AUKE LAKE WAYSIDE
VARIANCE
APPLICATION



 *Revegetation Areas*









**DRAFT MINUTES
WETLANDS REVIEW BOARD
REGULAR MEETING**

April 26, 2012, 5:15 p.m. City Hall Room 224

Meeting Summary

Board Members Present: Hal Geiger, Ron Berg, Dan Miller, Andrew Campbell, Brenda Wright, Jerry Medina

Board Members Absent: Mike Mauseth, Lisa Hoferkamp, K Koski

A quorum was present.

Staff Members Present: Nicole Jones, Teri Camery, CBJ Planners

Public Present: George Schaaf, CBJ Parks and Recreation; Skye Stekoll, CBJ Engineering; Greg Patz, State of Alaska Department of Transportation

Meeting called to order at 5:18 p.m.

II. March 15, 2012 Regular Meeting minutes were approved with the suggestion that either board concerns be written as a list or that individual member comments be cited.

III. Agenda was approved.

IV. No public participation on non-agenda items.

V. No Board Comments.

VI. Agenda Items

Ditch Maintenance Discussion with DOT. Greg Patz, DOT Southeast Alaska Maintenance Supervisor, described DOT's continuation of last summer's efforts to reduce sedimentation during ditch maintenance operations. Mr. Patz said that DOT experimented with leaving a section of the ditch undisturbed so water could filter through vegetation, but this resulted in standing water and complaints from the public. DOT is now looking at other options such as "scalping," where the sod is cleared off, the sediment is removed from beneath it, and the sod is replaced with intact vegetation. DOT will continue to use Best Management Practices including digging back to the original ditch dimensions, conducting maintenance during dry periods when possible, utilizing check dams, hydro-seeding, and other measures. Check dams will be maintained until new vegetation is established and will be removed the next time that ditch

maintenance in the area occurs. DOT will be working on the ditches on Glacier Highway from the Ferry Terminal to Point Lena Loop Road this summer.

The Board requested information on ditch maintenance successes from last year. Mr. Patz agreed to provide this information to staff who will then pass it to the board. Staff also agreed to re-visit the CBJ ditch locations where photos were taken last year to monitor progress, and report back to the Board.

VAR2012 0007. The Board reviewed VAR2012 0007, a Variance review to encroach into the 50' setback of Auke Lake for recreational improvements to the Auke Lake Wayside. Applicant, CBJ.

Staff Presentation

Ms. Camery explained why the project requires a Variance, and explained that the components of the project whose purpose is direct access to the lake, such as the floating dock next to the boat ramp, meet the exemption criteria under the streamside/lake setback ordinance. Ms. Camery explained that the site is heavily impacted, and the project has been designed to address erosion impacts from current uses on the site.

Applicant presentation

Mr. Stekoll and Mr. Schaaf provided an overview of the project and described the specific elements of the project that are within the 25-foot no-disturbance zone and within the 50-foot no-development setback. They noted that the parking lot has been reduced as much as possible while meeting the minimum requirements for the turning radius. Another driving factor in the design is that no structures are allowed within the DOT right-of-way, which runs parallel to the boat ramp. They noted that the bathroom will be connected to city sewer, and is outside of the 50-foot setback. The design includes three stormwater ponds to provide a natural filtration system. The ponds will be seeded with native species. This design was chosen because oil/water separators are high maintenance, and if an oil/water separator failed it would concentrate the waste and discharge it into Auke Lake or Auke Creek. Several areas will be re-vegetated, including the area along the highway next to the launch ramp.

Board members expressed concern over areas that are within the 25-foot no-disturbance zone. Mr. Stekoll and Mr. Schaaf explained that the viewing deck, which is in the no-disturbance area, is a hang-out area where roots have been exposed. The viewing deck is a necessary feature to provide an ADA-accessible viewing area and to address erosion. They noted that the project is in the conceptual stage. Board members expressed appreciation for the opportunity to review the project at an early stage. Ms. Camery explained that the variance and city-project review will be heard at the next Planning Commission meeting. If the site plan changes "significantly" (a determination that will be made by the Community Development Department Director) after it has been approved the Planning Commission, it will need to come back to the WRB and Planning Commission for a new review.

Mr. Medina inquired about whether snow would be stored at the site. Mr. Stekoll said that the launch ramp will be closed during the winter, but the parking lot will be plowed. Only snow from the parking lot, not from other areas, will be stored on the lot and will be filtered through the stormwater ponds.

Mr. Stekoll and Mr. Schaaf confirmed that no trees would be cut for the development, and pervious pavement would be used on the trails. The development will include interpretive signs. The paths, shelter, and restroom will be lit with small scale pedestrian lighting. Upcoming projects in the area include a new bus stop and multi-use trail on the edge of the lake along the highway. These will be separate reviews.

MOTION:

The Board unanimously approved the following motion:

The WRB supports the project because of the reduced erosion potential and because of the extensive restoration efforts both within and outside of the 25-foot no-disturbance zone. The WRB supports the viewing deck within the 25-foot no-disturbance zone because the intent is to reduce erosion. All other project elements should be kept outside of the 25-foot no-disturbance zone if possible, especially the fire pit/picnic shelter and associated grading.

Mr. Stekoll and Mr. Schaaf agreed to provide a revised drawing by Monday which shows the 25-foot no-disturbance zone and a modified design which pulls the fire pit/picnic shelter outside of the zone. The revised drawing will also show the areas that will be revegetated, because board members believe this provides mitigation for impacts within the 25-foot and 50-foot zones and therefore should be specifically noted on the plans.

VII. Pending Permits and Updates

1. **Airport Update.** Ms. Jones spoke with Tom Carson and said that airport projects will be completed during the last week of May. Mr. Carson is open to hosting a site visit with the Board at any time. After a discussion about board availability, Ms. Jones said she would check with Mr. Carson about having a site visit on June 21 or June 28, and would report back to the board.
2. **Board Vacancy.** Ms. Camery announced that Mr. Mauseth is leaving the board, and this was to be his last meeting. A vacancy announcement will be posted on the CBJ website soon.

VIII. Planning Commission Liaison Update.

Mr. Medina described the Commission's action on the Auke Bay Elementary Bay Creek Streamside Setback Variance. Mr. Medina said that the Commission was upset about the project coming to them at such a late stage, just as the WRB was. He said the Commission appreciated the WRB's input and adopted all the Board's recommended conditions as written.

IX. Next meeting: Thursday May 17, 2012, 5:15 p.m. City Hall Conference room #224

The meeting was adjourned at approximately 6:40 p.m.