

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Maria Gladziszewski, Chair

REGULAR MEETING
May 24, 2011

I. CALLED TO ORDER

Chair Gladziszewski 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 p.m.

Commissioners present: Nathan Bishop, Marsha Bennett, Dennis Watson, Nicole Grewe, Benjamin Haight, Dan Miller, Maria Gladziszewski

Commissioners absent: Frank Rue, Michael Satre

A quorum was present.

Staff present: Dale Pernula, CDD Director; Greg Chaney, Eric Feldt CDD Planners

II. APPROVAL OF MINUTES

May 10, 2011 – Regular Meeting

MOTION: *By Mr. Miller, to approve the May 10, 2011 regular PC minutes, with corrections.*

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT - None

Mr. Doll reported that at the last Assembly meeting a swearing in of appointee Katherine Eldemar took place for the seat Jonathan Anderson vacated. He said Ms. Eldemar will be serving for several months, and then she will have the option to re-run in October 2011.

Chair Gladziszewski requested Mr. Doll to provide a status report of the Assembly action to the PC on the 1st Street project regarding the turnaround and hammerhead options. Mr. Doll said the Assembly approved the project, stating that he has not yet heard feedback, although he realizes the Douglas neighborhood will be unhappy about that decision. Chair Gladziszewski stated that she wants to ensure that all options were reviewed, as when that case was initially presented to the PC there was very little information provided by the applicant at that time. Mr. Doll said he was prepared to separate that project from the ramp and cul-de-sac, although the Assembly chose not to do so, and instead, decided to keep them together when they approved that project.

V. **RECONSIDERATION OF THE FOLLOWING ITEMS** - None

VI. **CONSENT AGENDA** - None

VII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

VIII. **UNFINISHED BUSINESS** - None

IX. **REGULAR AGENDA**

AME2010 0009

Review of New draft flood maps.

Applicant: CBJ

Location: Borough Wide

Staff report

Mr. Feldt said the Commission might wish to provide recommendations to the Assembly on proposed amendments updating the existing 1981 and 1990 Flood Insurance Rate Maps (FIRMs) for compliance with the 2008 Comprehensive Plan (Comp Plan). He noted that no one from the public is in attendance at this PC meeting. He said a “flood” and a “floodplain” are defined by the Federal Emergency Management Agency (FEMA), as follows:

Flood—

A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is the policyholder's property) from:

- Overflow of inland or tidal waters; or*
- Unusual and rapid accumulation or runoff of surface waters from any source; or*
- Mudflow; or*
- Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.*

Floodplain—

- Any land area susceptible to being inundated by floodwaters from any source.*

He said the floodway is defined by how much fill can be placed in the floodplain in the area where the base flood elevation (BFE) rises 1’, which is indicated by the word “surcharge” and up and down arrows. He said this means that if there were a BFE of 10’ and fill is placed in the floodplain then the BFE may be 10’, but in reality should a 100-year flood event occur then the water would rise to nearly 11’, which would be the additional “surcharge.”

He said the National Flood Insurance Program (NFIP)-minimum flood regulations and flood maps/insurance are what communities must adopt to qualify for admittance into the Community Rating System (CRS) program, including adopting the Flood Insurance Study (FIS), the FIRMs, and the FEMA-minimum flood regulations. He said the CBJ currently accomplishes some of the CRS criteria, as they have been participating in FEMA for the last 30 years, although they are not in full compliance with the NFIP due to insufficient code compliance. He noted that consequently, flood insurance is mandated in certain areas of the borough, although it is available to purchase in other locations without a requirement.

He provided a slide titled the "Flood Frequency Chart," noting that it provides statistics, e.g., if a person resides in a floodplain and does not build above the BFE and has a 30-year mortgage on their house, the question would be what are the changes if it were to flood. Therefore, the Land Use Code regulates to a 100-year flood event, so the chance of that property flooding is 26%, which may seem low although over 30 years with this being a large investment it is fairly critical. Chair Gladyszewski said she is confused because the chart states that flood frequency has a 96% chance of flooding within 30 years, as opposed to 26% every 100 years; Mr. Pernula clarified that it is within the 10-year floodplain, located very close to a river.

Mr. Feldt stated that flood insurance covers buildings principally above ground that are permanent and have least two rigid exterior walls, including a secured roof. He said this also covers interior personal property, contents of the building, and post-flood costs (i.e., removal of debris, sandbags, etc.). He said separate policies would be required for buildings versus personal property. He noted that flood insurance does not cover outside structures, i.e., decks, driveways, seawalls, hot tubs, agriculture, etc. He stated that the FIS is the backbone of the FIRMs, which provide hydraulic and hydrologic flood data from significant coastal and riverine areas throughout the borough, which established the 100- and 500-year flood elevations.

In relation to flood zones, he said those shown on the FIRMs are magnified sections of the borough called flood panels where it shows significant flooding sources. He explained that those are official borough FIRMs for flood determinations, noting that he provided examples (attachment A-C). He said the A and V Zones are shaded, which are where flood insurance is required to be purchased if a homeowner has federally-backed mortgages or loans for buildings. He said A Zones are primarily riverine and coastal areas with lower than a 3' wave height, and V Zones are typically in coastal areas where the fetch is large enough to produce a wave height of 3' or higher with a much higher degree of flooding capability, dynamic force, and wave action pounding onto the shoreline. He explained that B, C, and X Zones are above and outside the 100-year floodplain where flood insurance is not required to be purchased, although it can be voluntarily. He provided a slide of a 1977 FIRM that shows Downtown Juneau and Douglas denoted as "Approximate Zone A" in the shaded areas because sufficient data was not provided to reflect what the flood elevation actually was. He explained that the newer 1981 FIRMs provided more data, which shows that same area as being classified in the V Zone with a forecasting of wave heights of 3' or greater and an elevation of 23'. He noted that the 2010 draft FIRMs were received last fall, which was the same application presented in early December 2010 that shows segments of the shoreline having different BFEs, but that area is still in the V and VE Zones, which means that BFEs were provided. He noted that the area near the Juneau-Douglas Bridge was designated as an AE Zone. He explained that the hydrologist of the FIS stated that in this particular area wave heights would be less than 3', so the hydrodynamic force will be less in that area. He said it is possible to overlay the newer 2010 draft FIRMs with an aerial photograph using a Geographic Information System (GIS) computer program to provide a different perspective of where the flooding area could reach in terms of buildings, streets, etc. He noted that the next slides are of FIRMs in areas that show predicted changes, including others that have a high chance of flooding, as compared to the current and draft FIRMs. He noted that in Downtown Juneau and Douglas there are new AE Zones, and the BFE was increased by a few feet. He said the North Douglas, Salmon Creek, and Lemon Creek areas have many V Zones, which were changed to AE Zones, and the BFEs were increased by several feet in certain areas. In Auke Bay, he said that area was in the AE Zone, which would be changed to the V Zone, and that will impact insurance premiums. He said the FIS also predicts a greater increase of BFEs in

the Auke Bay area as well. He noted that Duck Creek has a new floodway, which is important because development would not be allowed in such areas unless a No-Rise Certificate is submitted that shows the flood elevation will not increase beyond 1', which is the surcharge he previously mentioned. He explained that the BFE increased 1' to 2' in certain areas, so the Nugget Mall is now shown on the FIRMs as being in an AE Zone, noting that that area is currently in a C Zone outside of the 100-year floodplain. He stated that the areas of Aurora Drive, Cascade Street, and the Sheiye Way neighborhood are now shown with a much higher BFE by almost 5'.

He briefly highlighted a few of the flood regulations. He said all construction in fully enclosed areas below the lowest floors subject to flooding is prohibited. He noted a scenario in which a person building in a floodplain decides to use fill to elevate the starting point of their foundation above the BFE, although they might be inside the floodplain, their house would then be above the BFE. He described another scenario in which the structure would have to be designed to automatically equalize pressure when the 100-year floodwaters inundate the building; since it was constructed in a floodplain with the crawlspace being the lowest floor, the builder would be required to install vents in the foundation located close to the ground to alleviate exterior water pressure from building up and pushing into the crawlspace. He said a second opening is required so water would be allowed to enter through one opening to fill the crawlspace, and then exit through the other. Mr. Miller whether a house that is proposed to be constructed in a floodplain would be required to have a dirt floor in the crawlspace be higher than the BFE, or if the finished floor level height should be above it. Mr. Feldt said it could be either, explaining that in the latter example the crawlspace would be below the starting point and above the BFE, or it is possible to start below the BFE with openings provided. Mr. Miller asked if flood insurance would be required in both situations. Mr. Feldt said yes, noting that applications could be provided to FEMA requesting a specific property to be removed from the floodplain if it is possible to show that a particular structure would be constructed above the BFE, although in these particular situations the structure would never be above it.

He continued with the report, stating that the A zones are for riverine conditions. He said V Zones have 3' or higher wave action and the Land Use Code requires elevating the building by use of pillars or columns; otherwise, waves could create tremendous force on the foundation. If so, he said, the wave action would either erode the foundation away or shift the entire structure off its foundation; therefore breakaway walls must be installed within the enclosure so during a wave forced they will collapse without any effort. They should not be connected to the pillars or columns, as they could force damage. He said uses in the V Zones below BFEs are restricted to storage, parking, or ingress/egress to the building, which offers security against damage. He said another BFE regulation pertaining to building in V Zones allows the use of grade-elevated fill for the foundation. He showed a slide where a developer raised the starting point of the house to place it above the BFE, stating that both methods are permitted, although a critical aspect is that the fill in this particular method must be certified by an engineer or an architect confirming the fill would not be eroded or be undermined by waves.

Mr. Bishop recalled that formerly if a building was constructed within the floodplain, even if it was above the BFE, it was still considered to be within the floodplain, and as such would have to acquire flood insurance. He asked if this has changed. Mr. Feldt said this has not, explaining that the property owner could apply for a FEMA application if they were able to prove that the structure is above the BFE even though it may be in the mapped floodplain. Therefore, he stated that if FEMA approves that application, then the flood insurance would be waived. Mr. Bishop

said when he spoke to a FEMA representative regarding this sometime ago, they basically informed him that there was very little chance of actually having an application looked at, whereby he asked if this has changed. Mr. Feldt said the regulations under FEMA prevent fill in velocity flood zones. He provided a chart of the fill for structural support of buildings in a velocity flood zone that experiences large wave action, stating that this is a unique regulation to Juneau where the shoreline is flat. He explained that in terms of fill, velocity flood zones would be susceptible to erosion and undermining, which could eventually compromise structures, noting that Title 49 regulations currently allow what FEMA prohibits in regards to this. Chair Gladziszewski asked if FEMA is aware of this. Mr. Feldt said FEMA has known about CBJ § 49.70.400 (f)(6), listed on page 7 of the report, for many years, although when the new FIRMs are adopted, the borough will have to remove this particular regulation from Title 49.

Chair Gladziszewski requested staff to explain the purpose of this review by the PC regarding the FIS and FIRMs. Mr. Pernula said certain areas in the borough should have been removed from the FIRMs. He noted that part of the reason the Land Use Code allows for this is due to the fact that a lot of the Industrial Boulevard area is in a V Zone even though it is not near the ocean, so it make sense to allow development with fill in that area. Mr. Chaney said he takes some responsibility because he helped the borough initiate this review, but FEMA responded with a much larger project than staff hoped for. He noted that staff requested that FEMA create new FIRMs, which they did, including for the entire borough as a test case for FEMA's new model. He said this is the reason Auke Bay was changed and is now in a V zone, versus a still-water flood zone. Chair Gladziszewski asked what choices the borough may have in terms of the making changes to the FIRMs. Mr. Chaney said the FEMA representative was somewhat startled when they realized that the borough still had CBJ § 49.70.400 (f)(6) in the Land Use Code, which is not allowed anywhere in the country. He said this is when he informed the FEMA representative that the old FIRMs were so inadequate that they basically state that waves are going to break onto the Don Abel property, but the borough is also frozen at the lowest quality flood insurance right now. He said if the borough were to eliminate this particular provision in the Land Use Code, they would have some leeway in terms of the community insurance rating system; it would be an advantage to everyone who pays flood insurance to get rid of this particular borough regulation. Chair Gladziszewski asked if the borough has a say on what the FIRMs state; Mr. Chaney said yes, including holding a public comment period. He said that the most important appeal process is the accuracy of the records of CBJ regarding the FIRMs. He stated that in the early 1990s the CBJ flood map records were not as complete as they should have been, noting that he speaks from experience. He explained that a project was previously turned down by FEMA because of the lack of information from the borough to prove their point. When FEMA came through the representative was surprised to find out that the borough did not participate in that particular instance, although the borough still did so for other mapped areas. He noted the cost of filing applications at that time was around \$1,800 plus other fees to the borough, adding to the frustration of ultimately being turned down by FEMA, and then FEMA representatives telling them not to bother trying to appeal. He explained that part of the FEMA application process is having access to the final plat, applications for fill, etc., which are involved with maintaining borough records on different properties that previously created a problem, and in one instance this happened to involve a fairly large parcel.

Ms. Grewe stated that in Alaska there are 32 communities in the National Flood Insurance Program (NFIP), and Juneau is one of them. Therefore, she said an option is if the borough does not agree with FEMA's terms, they do not have to participate although the residents would not receive federally backed flood insurance. In her experience, she explained that FEMA initially

stated that they were going to map the entire State, as they are currently in the process of updating all the FIRMs around the nation, so they would have done so for this borough sooner or later. She stated that maybe the borough is receiving a thorough work-over by FEMA, which she believes is somewhat of a “post Katrina reaction.” She explained amending the FEMA maps generally results in FEMA turning them down, so it becomes a decision between having the inexpensive FEMA insurance or not. She said she recalls a PC meeting last fall where FEMA placed the burden of proof on property owners, and they tend to be up against hydrologists, etc. with statistical models, so the chance of changing the FIRMs tend to be futile; this is the borough’s current predicament.

Mr. Feldt explained that he is presenting this information to the PC because in November 2011 FEMA will present the final FIS and FIRMs to the borough, and tonight he wanted to present this information to the PC so the Commissioners are aware of this when it is re-presented in final form in the fall. He said this includes what the current regulations stipulate, and what should be changed in terms of the flooding capacity in the borough. Mr. Chaney stated that if the Commissioners believe that the current FIRMs have errors, staff is able to challenge them, and one method to do so is by hiring a hydrologist consultant to review them. Chair Gladziszewski said such a review is unable to take place by the PC tonight, as they cannot do so per the attachments that the Commissioners were provided in the packet because they are illegible. Therefore, in order for the Commissioners to be able to apply their knowledge of the borough regarding this review, they have to be provided further documentation. Mr. Feldt said his intention was not for the PC to perform a complete review tonight, and instead, he provided the attachments solely as an example for the Commissioners, noting that all the current FIRMs are available on the CBJ website under the Community Development Department (CDD) webpage.

Mr. Miller stated that perhaps FEMA has gone overboard with the current FIRMs update according to Mr. Chaney, which would create potential hardships upon Juneau residents. Hypothetically, all the property owners in the Auke Bay area would be rezoned from an AE Zone to a V Zone and would have to pay flood insurance when they did not have to before. He would like to know what the possible impacts to residents might entail. He stated that if the PC is privy to this information they might be able to review the impacts and act accordingly, and then pass their recommendation onto the Assembly.

Chair Gladziszewski said in terms of the public process, a neighborhood meeting was held in December 2010 at Thunder Mountain High School. She questions how property owners would be notified should their property be impacted by being placed in a flood zone when it was not previously, and asked how many people actually attended that neighborhood meeting. Mr. Pernula said many people attended. Chair Gladziszewski asked how many of them knew they might be impacted by the changes to the FIRMs. Mr. Feldt said staff did not direct such specifics to individual property owners at that time.

Ms. Grewe asked how many properties are proposed to be impacted by the current FIRMs, noting that at the previous FEMA meeting the representatives did not state exactly who would be impacted in the borough, although she thinks they knew back then, but they were not prepared with the proper documentation to state so. In addition, she recalls as a follow-up to that meeting they planned to figure out how many property owners were going to be negatively impacted, and then they were going to be notified post that meeting, which is what she is concerned about, so she does not need to know other specifics about the FIRMs. Chair Gladziszewski agreed, adding that she questions if borough citizens understand this. Mr. Feldt said staff is able to overlay the

former with the new FIRMs to determine which specific properties will be negatively impacted. He noted that about 400 residents in Juneau currently pay flood insurance, although staff would have to make a new determination after the FIRMs are overlaid. Mr. Miller said the flood insurance rates would change as well, as approximately 400 residents in Juneau might possibly be paying a higher flood insurance rate in the future. He explained that he was involved in constructing a house last year off of the Mendenhall River, and just before closing the homeowners were required to provide proof that their property was not in a floodplain. He said that process ended up delaying the closing on their loan by a week or so, and that the cost of flood insurance was about \$2,800/year. In addition, flood insurance costs could impact the ability for people to afford homes in Juneau and possibly cause property values of homes to fall due to the new required flood insurance.

Chair Gladziszewski said the concern of staff is that somehow the former FIRMs are wrong, so certain property owners might be required to purchase flood insurance for no reason. However, if the current FIRMs are accurate, then there are going to be winners/losers in terms of who has to pay flood insurance in the future. Mr. Feldt stated that all he can say is that they are more up to date, and he is unable to speak to the current FIS or FIRMs accuracy, but the current FIRMs have data that the old ones do not. Chair Gladziszewski stated that Mr. Feldt's statement that he is unable to speak to the accuracy of the current FIRMs is troubling. Mr. Feldt said the accuracy is in the modeling that Northwest Hydraulic Consultants Inc. (NHC) provided to FEMA. Chair Gladziszewski asked if staff knows whether the previous FEMA flood data was better or worse. Mr. Feldt said in both cases he was not the person who performed the modeling for FIS, so he is relying on the professional hydrologists who incorporated the data.

Ms. Grewe stated that at the previous FEMA meeting, it was not good enough to have a resident state that they owned property for 3 generations and it never flooded; instead, they were required to provide scientific data to FEMA if they wanted to be removed from the FIRM. She noted that if the PC does not like the method FEMA has used, the only option is for the borough to opt out. Chair Gladziszewski stated that at this time she does not know whether the PC does or does not agree with the method FEMA incorporated with the current changes to the FIRMs. She asked staff if they have any reason to believe that the FEMA consultants might be right or wrong. Mr. Chaney said staff started this process in 1999, and the borough has the option of challenging the FEMA data that was recently provided. He noted that the borough previously did so in the Mt. Roberts Tram area where they were successful, as that area was previously mapped as a V Zone. He said at that time, FEMA said they were unable to do so, and therefore the borough hired a third-party hydrologist who performed a study, and then FEMA recognized the results as being legitimate. Therefore, he said FEMA can be challenged, and at times accept them, but it is not easy. In this case, he said the current FIRMs are available online, and if there is local knowledge that the changes FEMA made to them are excessive then the borough can hire a consultant if it seems appropriate to collect data to challenge them. In addition, he said the extreme option is for the borough to opt out. Chair Gladziszewski said this is not for the PC to decide. Mr. Chaney clarified that it actually is, as the PC could potentially state that the changes FEMA recently made to the flood maps for the borough are inappropriate, noting that he does not recommend doing so, but it is within the purview of the PC.

Mr. Miller stated that generally a margin of error is incorporated into projects such as this. He said it is true that a hydrologist could be hired for the borough, and if so, they might or might not be successful in proving that the FIRMs are inaccurate in a certain area, although he is concerned that no one from the public attended the PC meeting tonight. He stated that before the FIS and

FIRMs are presented in final form in November 2011, there might be numerous residents who received notices that are required to purchase flood insurance now when they did not have to before, so they will probably be unhappy and appear before the Assembly. Therefore, to prevent this from happening, he believes the PC should review an overlay of the old versus the new FIRMs, including notifying every resident who might be impacted. He said this might also mean notifying adjacent residents because they might be next. He stated that these aspects should be completed beforehand, and then staff can schedule this FIS and FIRMs review at a subsequent PC meeting. Mr. Pernula stated that impacted residents would not be required to obtain flood insurance immediately, as the triggers would be if the current homeowner refinanced, or if they sold their home to a new owner, or if a property owner built a new structure within a floodplain. He said he assumes many homes were previously constructed in the floodplain, so certain property owners probably are not aware of the 1981 FEMA maps. This does not solely pertain to new properties added to the current FIRMs; instead, there is now a community-wide need to inform people whether their property is within a floodplain.

Mr. Feldt continued with the report, stating that if the CBJ 49.40.700(f)(6) which allows fill as a structural support is removed, the borough could apply for the CRS, which means they would have the opportunity to provide a few more additional steps to protect properties from flooding. He said this might entail additional flood regulations, more public outreach, flood management beyond FEMA minimums, including possibly selecting specific criteria. He noted that if this takes place, then once the borough achieves a certain amount of points within the CRS, they might be rewarded a flood insurance percentage discount. He said the CRS discount would be provided in increments of 5% savings on flood insurance premiums, noting that he would know exactly how many points the borough might achieve by performing certain criteria to reach the first level of 5%, the following 5%, etc. Mr. Pernula said the Idaho community in which he previously worked achieved a maximized CRS discount of about a 30%, although they instituted fairly large requirements. He noted that one requirement entailed constructing the lowest floor 2' above the BFE. In addition, Idaho had another requirement as developers subdivided land; they provided the opportunity to dedicate floodplains generally along streams as parkland as developers did not wish to build in those floodplains anyway. He noted that the State of Idaho purchased quite a bit of land along the floodplain, so many developers were able to reach the CRS requirement. This provided substantial savings to the property owners and entire community. Mr. Feldt added that the borough already does go above and beyond the FEMA minimums, so reaching the 5% step might not be difficult.

He continued with the report, stating that Comp Plan Policy 7.18 generally states that the borough prohibits residential, commercial, and industrial development in floodways, which he believes makes sense because those areas would be inundated more frequently, especially when fill is present in floodplains. He said following a Development Guideline under this Policy in the Comp Plan provides that commercial or industrial storage of toxic chemicals or materials are prohibited in the 100-year floodplain. He explained Implementing Action 7.18IA1 in the Comp Plan under this section also generally states that the GIS and Land Use Code maps show areas within the 100-year floodplain outside of floodways are open /natural space or stream corridor protection areas if the properties are within public ownership. He noted that although this was not adopted as code, it is an aspect that Mr. Pernula previously mentioned when he stated that this might be a criterion that could be considered in regards to the CRS.

He noted that the public commenting period ends in mid-June 2011. He said FEMA and the NHC are the main parties that created the FIS and FIRMs. He explained that in November 2011,

after the reviews and the borough provides comments to FEMA, they would make adjustments where necessary, and then FEMA will submit the final copy of these documents back to the borough. He stated that from the point the borough is able to review them, they will have 6 months to adopt the FIS and FIRMs to retain good status with the NFIP.

Ms. Bennett stated that if the borough incorporates suggestion made by Mr. Pernula after the PC reviews the FIS and FIRMs, and if certain property owners end up being impacted in flood zones, the borough might be able to state that their flood insurance is lower due to the actions that PC recommended to the Assembly. Mr. Feldt said if the CBJ removes CBJ § 49.70.400 (f)(6) and applies credits towards the CRS, including going through a few more steps, then when the new FIRMs are adopted FEMA might incorporate an across-the-board discount of 5%. He said staff could re-present the FIRMs to the PC in November 2011, and then if the PC recommends that the Assembly adopt them, it is possible to discuss what elements of the CRS program the borough might want to take advantage of during that review process. He said another option is to attempt to review all of these at once, which may push adoption of the FIS and FIRMs further into the future. He noted that staff has not yet addressed all the implications of certain CRS options to the PC at this time, so after the FIRMs are adopted, or sometime in November 2011, the PC might wish to review the steps that are essentially “hanging fruit.” He said this could consist of aspects that might be achieved fairly easily and not cost developers a lot of money in terms of contemplating certain criteria of the CRS, which staff could then review and present to the PC after the FIS and FIRMs are approved. At that time, he said staff would be able to provide options to the PC, including listing any potential flood insurance savings. He offered to answer questions of the PC.

Public testimony - None

Staff recommendation: This memorandum serves to present the draft FIS and FIRMs to the Commission. Staff is seeking comments from the general public and the Commission on the draft data.

Commission discussion

Mr. Miller identified a potential issue that could result from omitting CBJ § 49.70.400 (f)(6) in the Land Use Code. If people who own property off of Industrial Boulevard purchased it years ago with the intentions of using it, and all the while their neighbors have been developing property in this area in a certain way, they might be upset that they would be unable to develop their property as anticipated. He said the town of Juneau has been built on these historical development options, i.e., a lot of Juneau land consists of mine tailings, etc., and he asked what might happen to those future developers when the FIS and FIRMs are instituted in the borough. Mr. Chaney said this actually would not be a problem because FEMA would have remapped that area to address such problems. Borough staff requested FEMA to have that specific area remapped from a V to an A Zone. This is a critical element that tremendously helps that neighborhood.

Chair Gladziszewski said given that staff reviewed the FIS and FIRMs in more detail, she wondered if certain areas of the borough are going to be impacted, which might surprise people. She stated that those areas should be targeted for outreach before the FIS and FIRMs are adopted. Mr. Feldt stated the neighborhood behind McDonalds in the Jordan Avenue area would be impacted because of the increase in BFE by several feet. Those property owners' flood insurance premiums will increase quite a bit. Mr. Miller asked if staff knows what the first floor

elevations consist of, e.g., for the 10-unit condo off of Jordan Avenue in that area. Mr. Feldt said at the time of construction that structure was not in a floodplain, so the property owners were not required to submit that information. Any new development or owner on that site would be subject to that particular section of the floodplain regulations in the future. Chair Gladziszewski stated that she is not necessarily concerned with whether a property owner is in or out of a floodplain, but instead, whether it is accurate that they be placed in a floodplain in the future. If so, then people have to be notified of the opportunity to comment on the change before the FIS and FIRMs are adopted.

Mr. Bishop asked if the data that the borough provided to the NHC to conduct the FIS was per the borough Light Detection and Ranging (LiDAR) data, and if that was the principle data source used; Mr. Feldt said yes, although he does not know if that data was the principle source used by NHC. Mr. Bishop asked if previous ground surveys had any impact on this review of the FIS and FIRMs, versus aerial surveys with limited ability to select topography elevations. Mr. Feldt said the previous ground surveys were produced from site-specific elevations, which were attached to applications for FEMA to possibly remove parcels out of floodplains that are part of the current FIS and FIRMs, although FEMA did not ground truth every single area. Mr. Bishop confirmed that the information provided to NHC to conduct the FIS for FEMA was produced with much higher quality data than what was provided to them in the past. Mr. Feldt said yes. Mr. Watson said he heard at a previous FEMA meeting that specific areas of the borough were mapped using laser equipment, i.e., the Mendenhall River area where they did so every 100' or so, etc.; Mr. Feldt said this is correct. Mr. Chaney clarified that the current FIS and FIRMs are a conglomeration of several data sources, which are of a higher quality than the original FIRMs when they used aerial photography and FEMA basically drew in flood areas on them. He noted that the problem is that the models that the NHC recently used are more conservative, so certain areas in the borough are now in floodplains. He explained that staff initially thought that FEMA would end up reducing the floodplain areas within the borough because improved drainages were installed, although that was not the case. Mr. Watson said he has had first-hand experience with floods, and then dealing with flood insurance. He explained that he previously purchased a home and when he was waiting to close on a loan, the Platte River in Missouri flooded, but he did not know that the property he purchased adjacent to it was in that flood zone until the banker informed him of this. Therefore, he was required to purchase flood insurance before closing, which was when he found out that there was a 30-day waiting period. There are many aspects about obtaining flood insurance aside from cost.

Mr. Feldt stated that the link to the current FIS and FIRMs can be located on the CBJ website under the CDD webpage at <http://www.juneau.org/cddftp/FloodMaps.php>. Mr. Pernula commented that staff is able to request that these documents be placed on the front page of the CBJ website as well.

Chair Gladziszewski asked what the outreach to impacted property owners might entail because clearly no one attended this PC meeting, so she questions whether they are aware that rezones regarding floodplains are underway in the borough. Mr. Pernula said he instead believes quite a few property owners already know because many attended earlier FEMA meetings and asked rather difficult questions. He noted that most of them were owners of larger properties, so some of the individual property owners behind McDonalds may not know about this FEMA floodplain rezone. Mr. Watson said he said it might not work if the borough held a public meeting on this issue for the entire community, although if certain areas are targeted as being impacted, a series of neighborhood meetings should be scheduled to provide the opportunity to make the citizens

aware. Mr. Haight agreed, adding that the message would also be spread to others via word-of-mouth from those types of neighborhood meetings. Ms. Grewe said staff previously mentioned that about 400 parcels might be impacted, so if the borough were to overlay the old with the new FIRMs, and then provide letters to certain individuals that might be impacted, she asked if this could potentially pose liability issues if certain property owners were missed. Mr. Feldt said there might be some human error, although he does not believe that would pose any liability issues, as they would have undergone a public review process. Mr. Chaney added that he does not foresee any liability issues either, as this FEMA floodplain rezone does not require a notification process as typical use permits do within 500' of adjacent property owners, and if they miss someone it would be a problem, but the message should still disseminate to other neighbors. Chair Gladziszewski stressed that an additional effort has to be provided by staff to notify impacted property owners prior to the adoption of the FIS and FIRMs. Mr. Bishop said when FEMA representatives were previously in Juneau holding meetings, there were radio calls all the time that he heard on a daily basis for a while, so there was a substantial outreach at that time. He stated that he is not sure whether the borough has to go back and revisit doing so at this time, although it is important for the PC to know whether there is going to be a substantial consequence to this community, and if so, where and when that might happen, and what problems does the PC determine could come up. Therefore, he is in support of staff completing the overlay of the old with the new FIRMs now, and then getting feedback on them, including working on the CRS, which should be consecutively pushed forward in the method he just mentioned. He said it is important that the public be informed that there are going to be areas of the borough that would be negatively impacted, although the PC is going to work to reduce flood insurance rates.

Mr. Feldt provided an old slide of an Auke Bay FIRM, stating that the BFE was at 22', and the BFE now shows on the new FIRM that is above that level by several feet. He showed another old FIRM of Statter Harbor area of Auke Bay in the A Zone. But with the new FIRM, it will be in a higher BFE with a rezone to more severe flooding. Mr. Miller asked if the NHC used tsunami data to create the FIS and FIRMs and he questions how they were able to derive 27' BFE in Auke Bay, since the annual highest high tide averages 21.2', which means the highest possible sea level pressure in mid-winter is 5'. Chair Gladziszewski said the previous 1984 Tenakee Thanksgiving Day Storm caused damage to Juneau. Mr. Feldt agreed, as that was the latest 100-year storm event in this area on record and caused a lot of damage not only in Tenakee but also at Auke Bay, the Juneau airport, and downtown. Mr. Chaney said that this might be deemed excessive by a consultant if one was hired, as there is room for common sense, although such a task would not be easy.

Chair Gladziszewski requested staff to immediately focus on the dealing with the public comment period deadline, which should involve outreach by providing an analysis of impacted areas that were previously not included and letters to the impacted property owners and/or through neighborhood associations. She explained that doing so would flag the current FIS and FIRMs for certain impacted residents, noting that if she was not serving on this PC she probably would not know about this issue.

Mr. Miller stated that as Chair Gladziszewski mentioned earlier if staff wants to provide comments to FEMA on this issue, they should gain input from property owners who are going to be financially impacted. He stated that he probably would not have known about this FEMA issue either.

Mr. Doll said a reaction might take place from a single individual in the future who could appear before the PC stating that they did not receive notice about the FEMA floodplain land use action, which might trigger hundreds of people doing the same. Therefore, he encourages a wide and public dissemination of this information, including a vast public comment period to ensure that nobody perceives this as being the result of a PC, Assembly, or City Manager decision. Instead, he said it should be portrayed that this is due to the progress of technology, the ability to address uplifted areas, etc. The rezone of floodplains in the borough is not an aspect the borough chose to impose on the population of Juneau. He said the notification should include the Realtor's Association, the Chambers of Commerce, and anybody else that might be in the position to appear before the different bodies of the borough. Chair Gladziszewski thanked Mr. Doll for his input, stating that any type of letter should state that this action has been stemmed by a comment period instituted from recent changes made by FEMA to the FIS and FIRMs, and this action by the PC is provided as a courtesy to potentially impacted property owners of Juneau, including certain local entities as well. Mr. Miller said he would like notification to also be provided to the Realtor's Board, the Home Builders Association, and all the mortgage lenders and appraisers in Juneau. Mr. Feldt stated that the process staff presented to the PC has been set per FEMA's deadlines, and if the PC held another public meeting after the June 25, 2011 deadline then the FIS and FIRMs would not be able to be changed. Therefore, the PC is in essence providing the Juneau community a choice to maintain a good standing in the NFIP, although the borough is held to FEMA's perimeters and deadlines for this local floodplain rezone review process.

Chair Gladziszewski thanked staff for their work on this FEMA project. Mr. Watson agreed, stating that he was impressed with the due diligence of staff for being on top of this issue. Ms. Grewe said staff provided the PC a good report, as this issue is complex and might be inflammatory to some. Mr. Bishop stated that he has spent quite a bit of time reviewing the FIRMs, as he has property in a floodplain, so he is relieved that the borough would presumably be adopting a new set of FIRMs in the future. He said this should provide the possibility to delineate where particular properties are located on the FIRMs, noting that before it was very ambiguous. Overall this process would provide more certainty in terms of areas of the borough that are buildable, and the repercussions in doing so.

Chair Gladziszewski commented that she has not heard any Commissioners state that the borough should opt out of this FEMA process, so if the new FIS and FIRMs are accurate then they have to move forward by notifying the public prior to the FEMA review deadline.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula said the next PC meeting is scheduled to be held on June 14, 2011, and it already has a fairly full Agenda, which includes the rezone of land in the Wildmeadow Lane area continued from the last PC meeting, as well as the draft noise ordinance, and several other cases. Chair Gladziszewski stated that she would not be able to attend that meeting. Mr. Watson asked if it is possible for staff to rearrange the Agenda, so the PC is able to hear the general public cases as a courtesy prior to re-reviewing the draft noise ordinance. Mr. Pernula said per the bylaws the Consideration of Ordinances and Resolutions is listed prior to the Regular Agenda item, so at the

next PC meeting a Commissioner might wish to take action to re-arrange the Agenda as such at the beginning of that meeting.

Draft Willoughby District Land Use Plan

Mr. Pernula said he has been working on this plan over the past several months, and a draft was prepared which he would provide to the PC either later this week or the first of next week, and then the PC would start their review process. Ms. Bennett asked if this plan is currently posted on the CDD webpage. Mr. Pernula said he believes so although is not current, as some final edits are still being incorporated into the plan. Once this is done staff will print out final copies to provide to the PC. He noted that one proposal is to adopt 1 of the chapters and 2 figures as part of the Comp Plan similar to what took place with the West Douglas Development Plan. The draft Willoughby District Land Use Plan contains much more detail.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Bishop said the Lands Committee met last week and reviewed leases for cellular towers. He said the committee voiced interested in having the PC work with them on purposes of determining whether it might be necessary to adopt regulations for monitoring and/or developing cellular towers. He said he believes this would be a worthy discussion given the state of cellular services and wireless communications in this community. Chair Gladziszewski said the PC previously reviewed several cellular tower permits, and at that time suggestions were proposed to create a plan and/or ordinance. Mr. Pernula stated that Mr. Feldt has been working on such a project, noting that he drafted a cellular tower ordinance and provided it to the City Attorney. The higher priority has been the draft noise ordinance for quite some time. He said consultants could be used to determine the overall needs of the community, including where cellular towers should be allocated. This is very complex and technical as the technology is changing all the time. He noted that the issue of hiring a consultant was presented to the Assembly about a year ago and they turned down. He said the CBJ Lands and Resources Manager, Heather Marlow, is aware of this. Chair Gladziszewski asked Mr. Doll if he serves on the Lands Committee. Mr. Doll said he does not. He heard the discussion regarding this issue on Monday night, which was inconclusive because nobody wants an unsightly collection of cellular towers, but they also do not want to restrict this type of technology. The Assembly has not yet figured out how to reconcile these two objectives. Chair Gladziszewski asked if those discussions included the work that staff is performing on this topic now. Mr. Doll said it was not. Ms. Bennett said it is her impression that some of the cellular towers are continuing to be installed on industrial properties, although those cases are no longer presented to the PC. Mr. Feldt said a proposal was received by staff for a cellular tower to be installed in the Rock Dump area off of Jacobsen Drive towards the cul-de-sac. Many co-locations of antennas have taken place throughout the borough on existing facilities which have been approved at the staff level. Chair Gladziszewski said the PC previously talked about co-location of antennas as being a good thing. Mr. Pernula said the particular cellular tower proposal that started this discussion one in which a provider is planning on installing a 125' tall cellular tower off of Fish Creek Road in an area near the rock quarry. Mr. Doll stated that the Lands Committee is specifically concerned about proposals of cellular towers being installed on CBJ land. Chair Gladziszewski requested staff to inform the Lands Committee of the work currently being conducted by the CDD on this matter.

Mr. Watson said the Subdivision Review Committee (SRC) attempted to meet prior to the PC meeting tonight, although some of its members have conflicting schedules and were unable to attend, so the SRC has been unable to make any progress lately. He noted that if any

Commissioners are interested in serving on the SRC, they attempt to meet at 5:00 p.m. prior to the PC meetings, or from 12:00 to 1:00 p.m. on certain Fridays. Ms. Bennett said she would be happy to serve on the SRC, noting that she has before. Chair Gladziszewski thanked Ms. Bennett for volunteering. Mr. Watson said the next SRC meeting is scheduled to be held next Friday on June 3, 2011 from 12:00 to 1:00 p.m.

Ms. Grewe said the Juneau Commission on Sustainability (JCOS) recently met. She said the JCOS is developing sustainability indicators, and have now entered what she terms as Phase II because they are now meeting as sub-committees to review different categories. She said former Commissioner Nancy Waterman is the Chair of the Safety Sub-Committee, and they met this week. Other sub-committees of the JCOS have also been meeting nearly every week to work on indicators, which will continue to take place throughout the summer. She said the new Chair has put a lot of energy into organizing the JCOS, including creating a work plan to move forward. She noted that the JCOS consistently tends to experience 2 vacant seats, so it has proven to be difficult to constitute a quorum at times, so if any Commissioners know of anyone that would like to serve, she asks that they contact the Chair of the JCOS. Ms. Bennett stated that last night the Assembly appointed 3 new members to the JCOS; Ms. Grewe thanked Ms. Bennett for that information. Chair Gladziszewski asked if the ordinance in regards to requiring LEEDS was reviewed by the JCOS for CBJ buildings. Ms. Grewe said the JCOS provided a recommendation to the Assembly, which they changed. Mr. Doll said he believes the Assembly adopted the ordinance, noting that it is only applicable to borough construction. Mr. Pernula added that this was presented for the basic level of LEEDS certification, not gold or silver.

[The March 14, April 4, and April 25, 2011 Public Works & Facilities Committee, and April 25, 2011 Lands Committee minutes were provided by staff to the PC for their perusal.]

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

MOTION: *By Mr. Watson, to adjourn the PC meeting.*

There being no objection, it was so ordered and the PC meeting adjourned at 8:45 p.m.