

**Minutes
Committee of the Whole
City and Borough of Juneau
Mike Satre, Chairman**

May 14, 2013
Marine View Center
4th Floor Conference Room 426
6:00pm

I. ROLL CALL

Chairman, Michael Satre, called the Committee of the Whole meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building to order at 6:10 p.m.

Commissioners present: Jerry Medina, Karen Lawfer, Michael Satre (Chair), Benjamin Haight, and Nathan Bishop.

Commissioners absent: Marsha Bennett, Nicole Grewe, Dennis Watson, and Dan Miller.

A quorum was present.

Staff present: Eric Feldt, Planner; Beth McKibben, Senior Planner; Hal Hart, Director.

II. REGULAR AGENDA

AME2010 0009: Discuss New FEMA Flood Maps
Applicant: City and Borough of Juneau
Location: Boroughwide

Mr. Feldt: I have put an adoption schedule on the table and it's also online, and after tonight I will present what's in your manual tonight and the new flood regulations that will be supplementing the existing flood regulations and I will be presenting an overall recommendation for you to make a decision on whether or not to take it forward to the Assembly.

So, the seven issues and recommended fixes I've discussed during the last Planning Commission COW has not changed and the recommended fixes, which include using new LiDAR, which has been flown a few days ago. We are waiting for the snow level(?) around 500-foot elevation ____ in our contract not to fly it, it was that low. The rain and sunshine helped at that level and getting not only new LiDAR, which provides contour lines at an accuracy of what I was told - a centimeter, which is far more accurate than our previous LiDAR which had an accuracy of about three feet. So, not only do we have more accurate contour lines, we also have a more current aerial photograph, essentially just aerial pictures of parts of the borough in the developed part. So, when a property owner calls saying, my house that was built two years ago is inadvertently

in a flood zone, make them look at the new LiDAR and the new aerial photograph and see the _____ use alliance to our advantage to file a LOMA or a LOMR to FEMA, and then they could approve it or disapprove it.

Mr. Bishop: Eric, were you saying that the elevation was accurate to a quarter inch or the lateral positioning was accurate to a quarter inch?

Mr. Feldt: Those details are beyond me, but it's a lot more accurate than the previous LiDAR.

Mr. Bishop: Thank you.

Mr. Feldt: So, we can use the new LiDAR and we've already entered into agreement with FEMA to use that to our advantage to make map amendments; hopefully, at a neighborhood or multi-lot scale instead of one house or one lot at a time. Of course, FEMA accepts a professional engineer or hydrologist with hydrologic and hydraulic (H&H) studies to come up with either a different base flood elevation or come up with a new base flood elevation where elevations are not known such as approximate A zones or approximate V zones. So, those are the two main data sources that we can use to make maps better or more accurate.

Ms. Lawfer: Can you remind me what's the A zone and what's the V zone?

Mr. Feldt: Those are both special flood hazard areas, and the V zone is a velocity flood zone normally shown on coastlines where you have large open areas and during 100-year storm events, the storm will create waves 3 feet or higher.

Ms. Lawfer: And that's what was mostly affecting Auke Bay, correct?

Mr. Feldt: Right. And then A zone is in areas where the waves are lower than 3 feet in height and in riparian conditions. So, Auke Bay will be mapped into a V zone from an A zone.

Ms. McKibben: So, A's are coastal and inland.

Mr. Feldt: Yes. If there aren't any more questions with the new memo, I guess that's all I have for you today and I will be presenting a full packet for the May 28th meeting.

Ms. Lawfer: I talked about how we are going to hire a hydrologist, what's the cost of something like that?

Mr. Feldt: Well, it can be very expensive, especially if you're looking at a very broad approach like Auke Bay. It might not be as expensive in, say Auke Lake where you may not have as many storm degree details, but certainly there is a varying cost. When I present it for recommendation on the 28th, I'll make sure that it's clear that staff isn't saying we have to do these in certain areas, these are already FEMA approved options that we can do if we want to dedicate resources to fund those projects. So, we can dedicate it through a CIP if we wanted to or through other mechanisms.

Chair Satre: So, given the fact that our friends in the Assembly are closing in on their budget deliberations, what do we need to do, I mean obviously Mr. Carlton is here, so he is hearing this, but how can we make a very strong argument that the last minute addition to next year's budget may need to include the hydrologist or monies to accomplish some of these seven items that we've dealt with to restart that study, because I think if we have to wait for a CIP on the next fiscal year, we are pushing things out. My impression is that we need to hurry through the federally mandated process even though it's not ideal for us, so that we can start these investigations. So, can we put something together that recommends that for our May 28th meeting?

Mr. Feldt: What I'll need to figure out is how quickly the Commission needs to come up with something for the Assembly to act on before they approve the budget. Once we figure that out, then what the next step would likely be is probably talk to Rorie Watt who comes up with the CIPs in addition to Hal Hart and to figure out what avenue we want to essentially place a bookmark to see what the costs are. Certainly, we would have to first hire someone to examine certain areas we want to deal with and come up with costs. So, I think that would be a good start.

Chair Satre: It's extremely late and they are in their final deliberations, this is one of these items that we really should try to place in.

Mr. Medina: So, do we have any ballpark estimate on what the cost would be.

Mr. Feldt: Not yet, because we haven't had a professional engineer look at certain areas of the borough to see where we want to dedicate resources first. Essentially what would likely happen is to create a priority list.

Chair Satre: I'm just guessing, but if we had something in the \$100,000 to \$300,000 range to get an initial study of the priority area that will hold us through until this time next year, when a larger amount of money could be potentially set aside, at least a better scope of work could be put together and the appropriate amount allocated.

Ms. Lawfer: So, we have taken care of the issue with regards to the Mendenhall Mall, correct?

Mr. Feldt: The mall will remain in the flood zone; we have taken out a lot of properties around it, a lot of buildings.

Ms. Lawfer: All right.

Mr. Feldt: So, we can do something similar with the new LiDAR, which we should be getting at the end of this year, hopefully by fall.

Ms. Lawfer: Okay. So, some properties have gone off of that, but the Mendenhall Mall is still in that.

Mr. Feldt: Right.

Ms. Lawfer: Other than that area and then Auke Lake and Auke Bay, were there any other areas that we're concerned – major concern as far as to changes or surprises that homeowners and business owners weren't prepared to know about. I haven't seen any, so I was just wondering.

Mr. Feldt: Yeah, those are the main groups, there might be a few here and there along the coastlines that we haven't identified just because it isn't as conspicuous.

Ms. Lawfer: So, if you were to look at priorities, basically it would be Auke Bay, Auke Lake....

Mr. Feldt: Probably Gold Creek ____based on elevation.

Ms. Lawfer: And then the Mendenhall Mall area....

Mr. Feldt: Yeah, that could be. That list isn't fixed, so we can add to it.

Ms. Lawfer: We're looking at about 20 spots and I am not sure what's involved with the LiDAR, but...

Mr. Feldt: Well, with the LiDAR, that will provide a contour plan for all the areas and it may show areas still in the flood zone because the elevation of the new maps are the same as what the latter shows in some areas. Those other areas may pull back the flood zone.

Mr. Bishop: Eric, you end your report here with a paragraph that says 'FEMA's contractors will send additional flood regulations for staff to incorporate into the Land Use Code'. What's the timeline on that and what are those regulations that we are going to be adding?

Mr. Feldt: FEMA sent us the full regulations that the community has to adopt to be a part of National Flood Insurance Program. I have already gone through that sheet to find out which additional regulations we have to add to our existing regulations and that's what I will bring forward on the 28th.

Mr. Bishop: What's their timeline on that for us having to have them adopted by?

Mr. Feldt: We want to take everything to the Assembly together and have everything adopted at the same time.

Mr. Bishop: So, it will be adopted at the same time they approve these plans.

Mr. Feldt: Correct.

Ms. Lawfer: Yeah, it looks like June 24th.

Mr. Feldt: Yes.

Mr. Bishop: Can you tell us what the big changes are in the regulations?

Mr. Feldt: One big change is when someone develops 5 acres of property or is proposing, I believe, 50 lots of a new subdivision along a flood zone that has not been defined with a base flood elevation, because FEMA has determined that those two scaled thresholds are big enough that it warrants the developer to study that flood zone to come up with a base flood elevation, so that would be an expense that the developer would have to encourage.

Mr. Bishop: Fifty lots or...

Mr. Feldt: Well, I believe its 5 acres.

Mr. Bishop: I know there was still a flood zone issue that we had hanging out there, is that correct?

Mr. Feldt: Right, that will be eliminated and ...

Mr. Bishop: How does that work, what are we eliminating?

Mr. Feldt: We are recommending to eliminate the ability to bring fill into a velocity flood zone to elevate the ground that was once previously below the base flood elevation, so when you bring in this fill and the new surface of the fill is now above the base flood elevation and you put your house on it - FEMA does not allow that because they believe that the fill cannot be engineered to withstand any velocity flood event because of undermining from the wave action.

Mr. Bishop: What if the fill is for forming purposes only rather than for structural purposes.

Mr. Feldt: Then that's very different than what would be allowed such as the Auke Bay parking expansion - that would be when they bring in a building permit, they would essentially be bringing fill-in to the velocity flood zone and they have to engineer the fill to withstand a 100 years storm, so it doesn't get washed away, regardless of if they are putting in new buildings on top of it. So, currently, our code does allow filling velocity flood zone, but you have to submit a letter from a professional engineer ensuring that the fill will withstand a 100-year flood zone.

Mr. Bishop: Is this only the velocity flood zone or is it A flood zone as well?

Mr. Feldt: Both, because you do have different storm scenarios, but you still have that 100-year storm force impacting the new fill that you have brought on to the site and that's the same in riparian conditions too.

Ms. Lawfer: So, even if they are in an A zone, they still have to go on pilings?

Mr. Feldt: No. In A zones, which will continue in the new flood maps, you can use fill.

Ms. Lawfer: Okay.

Mr. Feldt: You can use stilts or pilings, if you like, if you think it's better or safer or the design is better for pilings.

Mr. Bishop: So, there is a difference between A and V then in terms of being able to bring fill in.

Mr. Feldt: That's correct.

Ms. Lawfer: Because definitely V is going to need pilings for the structure.

Mr. Feldt: Right.

Chair Satre: And once again we don't have any wiggle room on that. Essentially, we are on a site-by-site basis with inching _____ the new federal regulation is, you just can't do it.

Mr. Feldt: That's correct. In a way, what might end up happening is they'll just push development out of the velocity flood zone, it might be expensive because you have to cut into the hillside, but in the long run, you may not have to pay for flood insurance.

Ms. Lawfer: The Pederson Hill that you've been talking about and all that land development, is that in an A or V zone?

Mr. Feldt: I don't believe so. It's in a zone that is outside of even the 500-year flood zone.

Ms. Lawfer: Okay.

Mr. Feldt: FEMA says every property is in a flood zone – you're either in the 100-year flood or the 500-year flood zone.

Ms. Lawfer: It's actually the 1 percent event, not the 100-year.

Mr. Feldt: It's the same thing, but it seems like people in Juneau understand the 100-year instead of the 1 percent.

Mr. Medina: So, those federal regulations are already in place, right?

Mr. Feldt: Yes.

Mr. Medina: So, that's why your recommendation includes the fill for the 100-year storm?

Mr. Feldt: Correct. Regardless of adopting the new maps or the new regulations, it has to be built to withstand a 100-year storm event.

Mr. Bishop: When do we have to have this approved by?

Mr. Feldt: August 19th.

Mr. Bishop: Okay.

Chair Satre: So, I think we're all in general agreement to help stick to the schedule as much as possible, even though it may not be ideal for our community, but that will also allow us to try and address those issues and then if you could work with Hal and Rorie to find out what we can do to get a proposal for a placeholder in the upcoming fiscal year's budget.

Mr. Haight: Also just talking about what you mentioned earlier, establishing priorities and working out a schedule.

Chair Satre: Yeah. To be able to get placeholder money in, start establishing that scope of work, try to at least assign initial priorities because we're only a couple of months away from fiscal year 2015 submissions.

Ms. Lawfer: My concern is what development will be delayed significantly. We are not even contemplating that now because of the new regs with regards to stilts and all those...

Mr. Feldt: I am not aware of any specific development that is being delayed because of that. There could be people thinking, well, I don't know about this new map and may think, well let's try and get a map revision or map amendment to get more of our property outside the flood zone.

Ms. Lawfer: And you would possibly know by now if people were thinking of building, they would be getting permits and such now.

Mr. Feldt: There isn't a lot of large vacant coastal or riparian land left that's not already – whether on rock bases or wetlands or any other geophysical challenges.

Mr. Smith: This is the first budget cycle that I have been through, but if your idea is to get this to the Assembly before we adopt the budget, my suggestion would be to let the Manager, the Mayor, and the Finance Chairman know about this right now, because we don't have a meeting scheduled tomorrow.

Chair Satre: Hal, for your benefit, I mean the discussion basically has been, yes we got this laid out in front us, but if we want to spend any money between now and next June, we need to get something – unless it's going to be somehow appropriated out of the existing operating budget, but if we are going to hire consultants in priority areas, we should at least propose something to the manager and the finance committee.

Mr. Hart: We'll have to scope that out pretty significantly in the next few days.

Chair Satre: I think Eric's memo from today really starts to lay the groundwork for that and with the idea being this is the rough piece, let's carve something out and then we'd do further scope development down the road. I think there is enough visibility on that flood zone map issue _____ concerns.

Mr. Feldt: We had hired a few years ago, a professional engineer from the Seattle area who was familiar with Juneau's topography and belt environment and had done some previous work for riparian conditions and coastal areas. They analyzed the draft flood insurance study and they already did half the work to figure out that there are some issues that need to be dealt with along the coastal areas. We already have that person kind of in our back pocket to contact for pricing for certain recommended studies.

Mr. Hart: I think that would be the next step then; in order to provide alternatives for the Assembly that they can lock down and say, well, this is realistic, this is something that we can do in the next year and then maybe prioritize those issues, right?

Mr. Feldt: Okay.

Ms. Lawfer: When we send in what we consider our flood maps and FEMA approves them, when do homeowners have to begin purchasing insurance?

Mr. Feldt: Well, the mechanisms for that is when you re-mortgage, sell the house and the new buyer, they say federally-backed mortgage or if the banks get audited and then their lenders are notified.

Mr. Hart: A refinance might kick them into it.

Mr. Feldt: Yes, refinancing. In the past four years, people have been refinancing because of the low APR and that's been kind of when it triggers that. So, if they own their house outright and they are not selling in the near future, then the new map wouldn't force them to get flood insurance, because they do not have a lender, they do not have a mortgage telling them that you need to get flood insurance now.

Ms. Lawfer: But it would behoove them to have flood insurance, correct?

Mr. Feldt: Right.

Ms. Lawfer: If we adopted these, let's say August 1st, does that mean homeowners better start purchasing flood insurance as of August 1st or...

Mr. Feldt: Once they buy flood insurance, it takes a full month to become active, unless they refinance or get a new loan.

Mr. Bishop: Just a little aside, I think the point that we missed is that being included in a flood zone is sometimes a good thing. If you want to try and buy flood insurance without being in a flood zone, you can't, you are going to even pay through the nose and you probably won't be able to do it. So, I think it's important that when we have this discussion to make that point. This is a good thing in many ways. People are going to have to pay for it, but the costs are nominal compared to what the costs are if something does happen. So, in a flood zone, being left out would be a bad thing.

Mr. Feldt: For those people who have approved map amendments and map revisions that take them out of the flood zone, they can still get flood insurance and it would be far cheaper, but they can still get it.

Ms. McKibben: But they aren't required.

Mr. Feldt: Right.

Mr. Bishop: What are you saying?

Mr. Feldt: If someone gets a map revision approved or a map amendment approved by FEMA, that removes the structure from a 100-year flood zone and they feel that they still need some comfort by needing flood insurance, they can get what is called the Preferred Rate Policy. That policy is for areas outside of the 100-year flood zone, it's far cheaper than the standard flood insurance policy because...

Mr. Bishop: I heard something contrary to that. That's different from what I heard. I heard that if you're outside of the flood zone and you're trying to buy insurance, you're paying through your nose.

Mr. Feldt: That shouldn't be true.

Ms. McKibben: I think what Eric is saying is, if you have a Letter of Map Amendment, then your particular piece of property is removed from the map flood area, but you are not required to have insurance, but if you choose to get it, you get it at a lower rate. Anybody can buy FEMA flood insurance.

Mr. Feldt: In any zone. Remember 'everyone is in a flood zone'.

Mr. Haight: I see a lot of misinterpretations of the code going on. Our personal property is way on the edge of the flood zone and we are being made to buy flood insurance, though we are well outside the area for our buildings just because we are refinancing....

Ms. Lawfer: So, in other words, the bank is just

Mr. Haight: The big banks dictate regardless of

Mr. Bishop: I've had arguments with them about that. Basically, they back up once they recognize that CDD is the only one who can determine who is in and outside of the flood zone. Banks have no regulatory authority on that whatsoever. They try to, but they will back down if

Mr. Hart: The banks still call our staff and do flood zone checks?

Mr. Feldt: The banks will contract that out to the underwriters.

Mr. Hart: Sure and there is somebody else on behalf of the bank that will....

Mr. Feldt: Right. They will call our office because we have new aerial photography and we have better maps, we have maps that we can magnify to a sharper level whereas the maps online, they are the same ones that we have, but they may be in different multimedia, where it's more coarse or they can't overlay it on to the aerial image.

Mr. Hart: That's what I'm thinking what may have happened in the case of your property, that whoever they were doing the checking through, did not have a really good map resource or doesn't have access to a good map. So, they are just approximating the location and it is making a decision that impacts you.

Mr. Haight: I suspect that's true, even though we have given them the maps to look at.

Ms. Lawfer: You said they have been out there mapping with LiDAR, what's the turnaround on that?

Mr. Feldt: Well, I heard that we should get it by the end of the year, where it's in our computers and we can use it. Now, the existing maps are very crude, they are difficult to get an accurate flood zone determination. With the new ones, we can lay that map on to an aerial photograph and actually see where the building is or see where the more current street_____ map is, because the way it was drawn in 1981 or 1990, it's not as accurate as it was drawn recently.

Ms. McKibben: So, if I understood you, you said the new LiDAR is going to be accurate within centimeters.

Mr. Feldt: Yes.

Ms. McKibben: So that when you overlay that over the new map, over the aerial, and you will know exactly where your house is, it is not going to be 3 feet over, it's going to be centimeters.

Mr. Feldt: Yes, 3 centimeters.

III. OTHER BUSINESS

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES

V. ADJOURNMENT

Chair Satre adjourned the meeting at 6:45 pm