

Agenda

Planning Commission - Special Meeting City and Borough of Juneau

November 17, 2020
Virtual Meeting Only
6:00 PM

This virtual meeting will be by video and telephonic participation only. To join the webinar, paste this URL into your browser: <https://juneau.zoom.us/j/96297756325>. To participate telephonically, call: 1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-929-436-2866 or 1-301-715-8592 and enter Webinar ID: 962 9775 6325.

- I. ROLL CALL
- II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
- IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION
- V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- VI. ITEMS FOR RECONSIDERATION
- VII. CONSENT AGENDA
- VIII. UNFINISHED BUSINESS
- IX. REGULAR AGENDA
 - A. AME2020 0003: Text amendment to revise and update Title 49 to adopt flood management regulations, maps, and a flood insurance study to meet Federal Emergency Management Agency requirements
- X. BOARD OF ADJUSTMENT
- XI. OTHER BUSINESS
- XII. STAFF REPORTS
- XIII. COMMITTEE REPORTS
- XIV. LIAISON REPORT
- XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XVII. EXECUTIVE SESSION
- XVIII. ADJOURNMENT



PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME2020-0003
HEARING DATE: NOVEMBER 17, 2020

(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

DATE: November 2, 2020

TO: Michael LeVine, Chair, Planning Commission

BY: Teri Camery, Senior Planner, CFM

THROUGH: Jill Maclean, Director, AICP

PROPOSAL: A text amendment to revise and update Title 49 to adopt flood management regulations, maps, and a flood insurance study to meet Federal Emergency Management Agency requirements

STAFF RECOMMENDATION: Forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Minor revisions to CBJ Code 49.70.400; 49.70.410; 49.80.120; and 49.85.100 floodplain management regulations as required by FEMA

GENERAL INFORMATION	
Applicant	City and Borough of Juneau
Initiated By	Community Development Department
Property Affected	Borough-wide

LAND USE CODE AMENDED	
49.70.400 and 49.70.410	Flood Hazard Areas
49.80.120	Definitions
49.85.100	Fee Schedule

WORK SESSION DATES	
Public Meetings	April 4, 2018 August 28, 2019
Assembly Lands Committee	June 1, 2020
Planning Commission Notice of Recommendation on first flood code revision	June 23, 2020
CBJ Assembly ordinance adoption of first flood code revision	August 24, 2020

The Commission shall hear and decide the case per 49.10.170(d) Planning Commission Duties. The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.

Fostering excellence in development for this generation and the next.

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.10.170(d)

INTRODUCTION

To participate in FEMA's National Flood Insurance Program (NFIP), CBJ must adopt and enforce specific floodplain management regulations, FEMA's Flood Insurance Study for the borough, and FEMA's Flood Insurance Rate Map that delineates different flood zones and base flood elevations. The CBJ Land Use Code Flood Hazard Areas floodplain management text is dictated by FEMA requirements.

Federal requirements established that the final pending map, study, and regulations would be effective on September 18, 2020, following CBJ Assembly adoption. On June 23, 2020, the Planning Commission approved a Notice of Recommendation to the CBJ Assembly to adopt the minimum revisions necessary to the floodplain management regulations to meet the September 18, 2020 deadline. The CBJ Assembly approved these revisions and the final ordinance on August 24, 2020. (Attachments A and B)

The ordinance adopted on August 24, 2020 was the minimum necessary to keep CBJ in the National Flood Insurance Program. However, FEMA regulations mandate additional changes to update the regulations to meet minimum federal requirements. These changes are addressed in the second and final revision to the ordinance.

Changes consists of minor clarification on permitting procedures and additional definitions. These changes provide clarity to both CBJ staff and the public regarding the implementation of mandatory regulations. No new regulations are proposed. FEMA floodplain management regulations have not changed since CBJ adopted the last floodplain management ordinance in 2013, and most of the 2013 regulations have been in place since the 1990s. CBJ joined the National Flood Insurance Program in 1981.

TEXT AMENDMENT SUMMARY

The August 23, 2020 adopted ordinance 2020-42 approved the new flood maps effective on September 18, 2020, and established a Floodplain Development Permit to conform with short-term FEMA requirements to remain in the program. The second text amendment, following minimum FEMA requirements that were not addressed in the previous ordinance, would update Title 49 land use code, Sections 49.70.400 and 410, Flood Hazard Areas; Section 49.80.120, Definitions; and Section 49.85.100, Fee Schedule to conform with FEMA requirements. Highlights of the text amendment include the following:

- Updates or amends mandatory FEMA definitions
- Clarifies mandatory Floodplain Development Permit implementation measures
- Eliminates outdated floodplain management terminology
- Establishes the responsibilities of the Floodplain Administrator (CDD), as required by FEMA
- Clarifies enforcement measures

PUBLIC NOTICE

CDD conducted an extensive public process regarding the map revision prior to adoption of the new maps, as documented in the July 23, 2020 staff report to the Planning Commission on the first ordinance revision. Proposed changes to the flood ordinance are required and do not create new regulations, therefore CDD has not held additional public meetings. No additional public comments have been received at the time of this writing.

COMPLIANCE WITH TITLE 49

49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and 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 residents, 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.*

TITLE 49 - The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49.

Code Reference	Item	Summary
49.05.100	Purpose Statement	The proposed text amendment complies with the purpose and intent of Title 49.

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
7	99	Policy 7.18	<i>Policy 7.18. TO PROHIBIT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT IN FLOODWAYS, TO REGULATE DEVELOPMENT IN FLOODPLAINS, AND TO MAINTAIN A PROGRAM OF EDUCATION, ASSISTANCE, AND INFORMATION IN ORDER TO MAINTAIN ELIGIBILITY FOR THE NATIONAL FLOOD INSURANCE</i>

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
			<p><i>PROGRAM FOR THE BENEFIT OF LOCAL PROPERTY OWNERS AND THE LENDING INDUSTRY.</i></p> <p>The proposed text amendment supports Policy 7.18 by updating flood management regulations to meet the Federal Emergency Management Agency requirements.</p>

2016 HOUSING ACTION PLAN The proposed text amendment complies with the 2016 Housing Action Plan.			
Chapter	Page No.	Item	Summary
Part 2, Solutions	31	Recommendations	<p>The proposed text amendment is in general compliance with the Housing Action Plan recommendations because it will allow CBJ to remain in the National Flood Insurance Program. Participation in the National Flood Insurance Program allows purchase of homes within Special Flood Hazard Areas with a federally-backed mortgage. This is because federally-backed mortgages require the purchase of flood insurance within Special Flood Hazard Areas, and federal flood insurance is only available to communities who participate in the National Flood Insurance Program.</p>

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the Comprehensive Plan and 2016 Housing Action Plan policies, and is generally consistent with the overall vision.

Finding: Yes. The proposed text amendment conforms to the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed text amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes, specifically sections 49.70.400 and 49.70.410, Flood Hazard Areas.

Finding: Yes. The proposed text amendment conforms to the purpose and intent of Title 49 land use code. Additionally, the proposed text amendment does not create any inconsistencies within the code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings, and make a recommendation to the Assembly to APPROVE the proposed text amendment to revise and update Title 49 to adopt flood management regulations, maps, and a flood insurance study to meet Federal Emergency Management Agency requirements.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	August 24, 2020 adopted flood ordinance, 2020-42
Attachment B	AME20200003 Notice of Recommendation

Presented by: The Manager
Presented: 08/03/2020
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-42

An Ordinance Amending the Land Use Code Relating to Floodplain Maps and Regulations.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.70.400 Floodplain, is amended to read:

49.70.400 Floodplain.

...

(b) *Interpretation.*

(1) In the interpretation and application of this article, all provisions shall be considered as minimum requirements and shall be liberally construed in favor of the governing body.

(2) This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where the provisions of this article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(3) This article shall apply to all areas of special flood hazard areas within the jurisdiction of the City and Borough of Juneau.

(4) The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled the "Flood Insurance Study" and the flood insurance rate maps dated September 18, 2020 for the City and Borough of Juneau, Alaska are adopted. The flood insurance study and flood insurance rate maps shall be on file with the Community Development Department and available to the public at 155 South Seward Street, Juneau, Alaska.

...

(g) *Additional provisions in Zones V1-V30, VE and V.*

(1) All new construction and substantial improvements in Zones V1-V30, VE, and V shall be elevated on pilings and columns so that:

(A) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation;

(B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used shall be those required by applicable state statute and local code. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (g)(1)(A) and (B) of this section; and

(C) The use of fill for structural support of buildings is prohibited.

...

(h) *Floodplain Development Permit required.*

A Floodplain Development Permit is required for any new development located within a special flood hazard area, including placement of manufactured homes, with forms provided by the Department. The Director shall:

(1) Review all Floodplain Development Permit applications for development in the flood hazard area for compliance with the provisions of this chapter, and to determine if other permits may be necessary from local, state, or federal governmental agencies.

(2) Interpret the exact locations of the boundaries of the areas of special flood hazard and regulatory floodway. If there appears to be a conflict between a mapped boundary and actual field conditions, the Director shall determine and interpret the documents. When base flood elevation data has not been provided, the Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, municipal, or any other source in order to administer the provisions of this chapter.

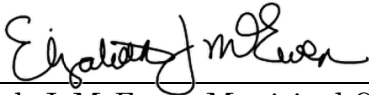
Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 24th day of August, 2020.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk



Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: June 29, 2020

Case No.: AME2020 0003

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to revise and update Title 49 to adopt flood management regulations, maps, and a flood insurance study to meet Federal Emergency Management Agency requirements

Property Address: Borough-wide

Legal Description: N/A

Parcel Code Number: 0

Hearing Date: June 23, 2020

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 15, 2020 as amended, and recommended that the City and Borough Assembly adopt staff's recommendation with revisions as follows:

Findings as Amended:

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the Comprehensive Plan and 2016 Housing Action Plan policies, and is generally consistent with the overall vision.

Finding: Yes. Adopting the proposed text amendment conforms to the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

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2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed text amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes, especially sections 49.70.400 and 49.70.410, Flood Hazard Areas.

Finding: Yes. Adopting the proposed text amendment conforms to the purpose and intent of Title 49 land use code. Additionally, adopting the proposed text amendment would not create any inconsistencies within the code.

RECOMMENDATION AS AMENDED

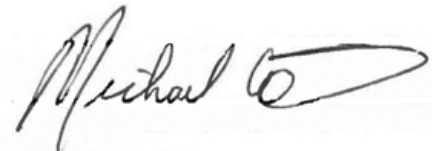
The Planning Commission recommends the Assembly adopt an ordinance updating and revising Title 49 and adopting flood management regulations, maps, and a flood insurance study to meet Federal Emergency Management Agency requirements.

Attachments: June 15, 2020 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME2020 0003.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

Project Planner: _____

Teri Camery, Senior Planner
Community Development Department



Michael LeVine, Chair
Planning Commission



Filed With Municipal Clerk

7/6/2020

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.