

APPROVED MINUTES

Agenda

Planning Commission

Committee of the Whole Meeting

CITY AND BOROUGH OF JUNEAU

Mandy Cole, Chair

July 15, 2025

I. LAND ACKNOWLEDGEMENT – Read by Mr. Pedersen.

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

II. ROLL CALL

Mandy Cole, Chairwoman, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:28 p.m.

Commissioners present: Commissioners present in Chambers – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Adam Brown; David Epstein; Lacey Derr; Douglas Salik; Larry Gamez

Commissioners present via video conferencing – Nina Keller; Jessalynn Rintala

Commissioners absent: None

Staff present: Jill Lawhorne, CDD Director; Irene Gallion, Senior Planner; Madeline Carse, CDD Administrative Assistant; Sherri Layne, Attorney III; Forrest Courtney, Senior Planner; Ilsa Lund, Planner II; Minta Montalbo, Senior Planner

Assembly members: Christine Woll

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. REGULAR AGENDA

1. MEMO: FZE2025 0001 – Flood Zone Exception

Nate Rumsey, Deputy Director of Engineering and Public Works for CBJ, gave a presentation on the HESCO Barrier Phase 1 Project and requested consideration for a flood zone exception from the Planning Commission for this work. He specified that the project was conceived of, developed, and intended to mitigate the impacts of an event similar to the 2024 Mendenhall GLOF and other events similar in nature and size. He gave a background of the project, which was directed by the Assembly and supported by around 75% of the affected property owners after extensive engagement with stakeholders and more than six months of CBJ former public processes. He stated that the net impact of the project will vastly reduce impacts to at-risk properties along the Mendenhall River, and special care was taken to prevent unintended impacts to the floodplain. He also discussed the project development, which included flood fighting expert consultations, USACE advance measures, hydrologic and hydraulic modeling, CBJ licensed engineers, manufacturer's recommendations, and USACE/manufacturer's technical advisors. He went over the project permitting process, which consisted of a pre-application conference, submittal of permit applications, received permits, outstanding permits, potential additional regulatory, and requirements. He noted that because CBJ did not follow the typical FEMA prescriptive no-rise certification process for the hydraulic and hydrologic modeling, the CDD Department is prohibited from permitting this project, which is part of the reason they are asking for the exception. He briefly discussed the project timeline and displayed project visuals.

Mr. Rumsey talked about CBJ's specific ask with the flood zone exception request and the different codes that they are requesting exceptions for. He said many of them have to do with the urgent nature of the project and that the traditional methods to go through were not realistic with the timeline they had. He stated that the hydraulic and hydrologic modeling effort was focused on informing decisions about the project and providing the community with updated inundation maps, so it was chosen to make use of the base level engineering model instead of going through FEMA's typical prescriptive process. However, they believe that will give them better and more useable information to understand their flood impacts. He went over the justifications for this exception, such as there being an urgent needs in this case, hydrologic and hydraulic modeling being custom built to support HESCO Barrier installation and developing new inundation maps, the project being developed and executed with oversight by licensed CBJ engineers with support from highly qualified consultants, USACE flood fighting experts, and manufacturer's technical advisors, with the whole purpose of the project being to reduce community flood risk from GLOF events.

Mr. Epstein asked if he was correct in assuming that they are going through this process to get the exception that they would have gotten in a perfect world but were not able to, but it still needs to be done.

Director Lawhorne provided some context for the National Flood Insurance Program (NFIP), which is what this came down to. She explained that in order to participate in the NFIP, each community across the country has to adopt the same regulations from FEMA. She said FEMA drafts the code and we are not permitted to change it, and even though the Floodplain Development Permit is issued by her, the director, her authority is limited to that prescriptive code. She stated that if they cannot meet all the requirements in an orderly fashion, she is not allowed to issue a permit, but FEMA wrote in an exception process similar to a variance, and in this case it is an exception. She voiced that they had been using what they called the no rise policy, that they worked with FEMA to develop, which stops short of having to do the hydraulic and hydrologic modeling, which worked for many years until this most recent GLOF. She expressed that they gave EPW, as the applicant, guidance to proceed using the no rise analysis, but with all the changes that occurred since the GLOF and this new year, it was no longer an option; therefore, they pivoted to the exception process instead. Director Lawhorne explained the reason why it is so critical that EPW receives a permit is because it keeps them compliant with the NFIP Program for the community. She shared they are here to bring the project forward and to fruition, but similar to if they had received the Floodplain Development Permit, a condition would be to receive a letter of map revision from FEMA at the end of the project, which is recommended as a condition. She added that the NFIP program is about mapping the 100-year flood event, and the GLOF is more like a 500-year flood event happening annually or biannually, and going through the CLOMR, mapping process, permit, and then the mapping at the end again, and that at least takes about a year, and they did not have a year.

Mr. Rumsey expressed that Engineering and Public Works are aware of what the typical process would be and have interacted throughout this time, and FEMA had started to maybe look at this situation or scrutinize in a different way about the policies, but at that point we had already made decisions to go about our modeling that would give us the best information. He added that to go through the typical FEMA process, they would have had to go back to the existing model and it uses an older technology and is one dimensional, and what we have now is two-dimensional modeling that provides much more detail and could start with known existing conditions, and they made a decision that this was in our best interest. He shared that Michael Baker International are experts in performing this type of work, letter of map revisions, and certifications.

Garrett Yager, Service Water Manager at Michael Baker International, stated that FEMA's original effective model is outdated, and the river has changed considerably, so

running that model was going to take a lot of new bathymetry, and they need to build this existing conditions model that better reflect the current conditions. He said that through that process, they would have gone through something similar where they would have built out a two-dimensional model and FEMA would have recognized that the two-dimensional model is the preferred technology to simulate flooding in this area and would have followed a similar path, but the exception would have been that they collected more survey information in the channel that could refine some of the results, but when looking at the impacts of existing conditions and proposed conditions, they are looking at the change between those that the HESCO has.

Mr. Epstein asked what the consequences would be if they decide to say no on this.

Director Lawhorne responded that will hopefully not be the outcome, and suggested getting any questions they may have out tonight as best they can, and if they hear anything next week beyond what they have heard already, hopefully questions will be answered then. She added they have the opportunity to continue the public hearing and provide more time to get more information. She commented that if it is denied, there are a couple of paths forward, where the applicant has the ability to appeal that to the Assembly and if she was not quite sure how it would impact their Flood Insurance Program, but she did not feel that FEMA is out to be heavy-handed on this, as they know we are dealing with a different situation here than anyone in the country.

Mr. Gamez thanked Mr. Rumsey for being there, and said his presentation was very informative. He stated that it seems like it going to work, but asked where the water will go by the glacier side by the bridge and south of town by the sewer treatment plant.

Mr. Rumsey responded that Juneau and the Mendenhall River, where they performed this work, only has one side of the river developed. He said that in modeling effort by Michael Baker, one area where it does not increase flood levels at the base flood elevation but does shift some water over to the undeveloped portion on the western side of the river where there is significant capacity to store water for periods of time. He noted that the riprap revetment that was installed would not slow water down because of the undulating nature of a lot of the damaged riprap revetment or sections that did not have revetment, as revetment helps keep water moving and the material is very consistent with the existing riverbank and river bottom. He expressed that the HESCO Barrier is relatively a flat surface, and the alignment of the barrier is setup to ensure it does not hold water up and cause levels to rise upstream in a flood event and does not significantly increase the speed of water. Mr. Rumsey shared they are very confident the water will move west, where there is storage capacity, which will not cause any unanticipated rises in the water level anywhere along the river.

Mr. Pedersen voiced that in looking at the aerial images of the constructed HESCO Barriers, it looks like in certain locations, there may be two HESCO barriers high, two HESCO barriers deep, and in other locations there is just a single HESCO barrier. He asked for an explanation how the thicker and taller sections were picked versus the less width shorter sections.

Mr. Rumsey responded that when they started the development of the path and configuration of the barrier, the best information they had to indicate the height of what the barriers should be was high water marks, information from residents and others in the area, and aerial photography they had. He said their goal was to try to maintain at least one barrier height above the high water marks, but after they completed the modeling and run the analysis, it demonstrated that for phase one, the HESCO barrier would provide protection for up to an 18 feet GLOF. However, for the width or depth of any of those sections, there is a possibility of some energy behind the water and it crests the bank if they have another flood, so they wanted to give themselves an additional width of depth barrier to withstand the force of the water.

Ms. Derr asked what the exception means for the homeowners or if it would be preventing them from doing anything moving forward.

Director Lawhorne answered that she was not aware of any scenario where it would impact the property owners, but there may be a restriction on doing certain things to the barriers, but it would not affect permitting.

Mr. Rumsey stated that this was a hugely challenging project and they really tried to be as communicative as possible and recognize there was no way to get around real world impacts to people's property, but they tried to work with homeowners. He noted that this is now a CBJ piece of infrastructure that they will have to maintain, and if sections of the homeowners existing property becomes a challenge for them, they will continue working with them moving forward on that. However, he could not speak to how this would affect their ability to permit.

Mr. Epstein inquired if the Local Improvement District had any impact on what a property owner can do with their property or if is a funding mechanism for the project.

Director Lawhorne answered that it does not have an impact on the LID.

Mr. Brown stated that he noticed that at 16.5, 17, 17.5, 18 feet, the modeling puts people at risk south of Egan, even though it was referenced earlier that it would not increase any risk at those levels. He asked if there was any projection on how that would take place and what the risk would be regarding the HESCO Barriers and the people south of Egan.

Mr. Rumsey responded that part of it comes down to when the decision was made to do a near term non-temporary flood fighting effort, they knew they would not be able to capture all portions of the river, so they had to make use of the best information that they had at the time, which was the 16 foot inundation map that existing through NWS. However, from an engineering solution standpoint, he has to make reasonable recommendations to city leadership and the Assembly about potential additional HESCO work that may need to be done. He added their initial argument was to try to provide protection at or around 16 foot, but he has reviewed maps at the 17-18 foot levels and recognized that it would have been better to get more work done. His recommendation was to continue identifying additional locations to perform additional HESCO Barrier work in the future.

Mr. Brown asked if they applied for the Floodplain Development Permit at any point in the process.

Mr. Rumsey answered that there was a Floodplain Development Application submitted in March, which started this process, but through a lot of back and forth, it was determined that coming before this body and putting information out to the public and giving them a chance to weigh in would be the best way to ensure adequate visibility.

Chair Cole asked about a page in the presentation talking about the specific elements of code for the exception. She said the explanation of the prescriptive FEMA process and the timing all made sense to her, but number four said, "Design, modify, and anchor new construction and substantial improvements to prevent floatation collapse or lateral movement of structures." She asked why they needed an exception for that piece.

Mr. Rumsey responded that he imagined that most constructed projects that would otherwise need to adhere to this type of floodplain management rule for a municipality would be a more traditional constructed facility of some sort, but in this case, the HESCO Barrier is intended to sit on the ground and not use any form of an anchor system or construct a traditional foundation. He added that ideally they would set it on vegetative soil but due to the slope and cross-slope, they had to do some light grading or bring in fill material in some places to make sure they had a suitable foundation.

Ms. Derr asked if there was a reason this came before them so close to the next event or if that just how the timing worked out. She also inquired how the updated flood maps would impact their homeowners flood insurance.

Director Lawhorne replied that as far as the inundation maps that were developed by Michael Baker International, they are not the official adopted maps by FEMA. She explained that the National Flood Insurance Program uses the adopted maps by FEMA,

so the inundation maps are for the applicant's mechanical use, and available as public information, but does not impact the flood insurance.

Mr. Rumsey added that they did not do this because the GLOF was coming up, and was just the way the timing worked out.

Ms. Rintala asked about a part in the packet where it specifies that the Commission should grant exceptions only in cases where they understand the exception is the minimum necessary considering the flood hazard to afford relief. She asked Mr. Rumsey to speak to that from his experience and engineering perspective.

Director Lawhorne stated that saying exception shall only be issued a determination when exception is the minimum necessary considering the flood hazard to afford relief, is similar to their variance language, where the variance has to be tailored to the hardship. She suggested Mr. Rumsey speak to how has the HESCO Barrier Project was tailored to have the minimum impact but provide protection and explain why they need to be afforded the relief.

Mr. Rumsey responded that one way to think about it is there were different decision points made when it came to what would the city do in response to what they know to likely be annual GLOF events. He noted that in answering if they did the minimum required to address the underlying issue here, they used the information they had at the time from the 2024 GLOF high water marks as a primary basis for their decision making. He shared that once they decided to make an effort to do a near term non-permanent solution, the project they constructed met the intent to try to afford the protection required to avoid impacts of a similar event. From an engineering perspective, he believed they did the minimum they could to afford the protection intended.

Mr. Brown asked at what point they find out or come to the conclude that filling out the floodplain development application was not the best avenue and coming here was.

Mr. Rumsey answered that there was some initial back and forth within the first several weeks about whether or not the information they provided was acceptable and met the requirements for CDD to be able to authorize a permit, and it took maybe another 4 to 6 weeks to identify whether this would be the appropriate pathway or not. He expressed that it evolved over time through extensive conversation and coordination between engineering, public works, and community development.

Director Lawhorne added that separate from EPW's application, CDD has been doing a lot with FEMA or with floodplain development permitting in general. She said that ever since '23 GLOF, CBJ has been the one out front on permitting without having support from our state agencies, so they are trying to figure out the way through a GLOF but

having to use the floodplain development permit that was not intended for that type of event has been challenging. She shared that they found out in the spring that the no-rise policy that was previously acceptable to FEMA would no longer be, so they have been doing their best to guide all property owners through these events. She expressed that EPW is not the only ones finding out that they cannot use the no rise, so it was really just the timing of all of it, even separate from EPW's application, so they are still learning this process with FEMA as they go forward.

Mr. Brown commented that with the basic timeline of April 9th, with four to six weeks, it looks like they knew they need to go this route in May and now we are in July and trying to push it in rather quickly, so from the outside and public's perspective it seems like they are trying to make it happen quickly now that it is already done versus if it was a private sector coming in. He suggested laying that out when the public is here.

Chair Cole gave a reminder that this was an informational meeting, and thanked Mr. Rumsey and his team for taking time to do this for them. She stated that they will meet back here next week to hear this as a case and open it up to public comment, take public testimony, make decisions about the findings CDD gave them, and make a motion for these exceptions.

V. SUPPLEMENTAL MATERIALS

1. Additional Materials

VI. ADJOURNMENT

The July 15, 2025 Planning Commission Meeting was adjourned at 9:01 p.m.