



Planning Commission

(907) 586-0715

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www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: May 24, 2023
Case No.: AME2021 0008

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 an ordinance amending the land use code related to avalanche and landslide areas, and replacing the avalanche and landslide area maps.

Hearing Date: May 23, 2023

The Planning Commission, at its regular public meeting, amended the analysis and findings listed in the attached memorandum dated May 8, 2023 and recommended the following to the City and Borough Assembly:

Do not adopt the director's analysis and findings, and do not adopt the proposed ordinance amending the code related to landslide and avalanche areas, and do not adopt the landslide and avalanche area maps. Consider a method of public notification based on the 2022 avalanche and landslide area maps for affected property owners.

Attachments: March 8, 2023 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME20210008.

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).

mandy cole

Mandy Cole, Acting Chair
Planning Commission

05/31/23

Date

Ilsa Lund

Filed With City Clerk

5/31/23

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.



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MEMORANDUM

DATE: May 8, 2023
TO: Planning Commission
FROM: Teri Camery, Senior Planner, CFM
SUBJECT: AME2021-0008 Hazard Assessment

At the April 20, 2023 Planning Commission Title 49 Committee meeting, the Committee made the following changes to the proposed hazard ordinance:

- Regulation of moderate and severe avalanche areas, and severe landslide areas;
- Written notice from owners and developers to buyers or renters that a property is located in a moderate or severe avalanche area or severe landslide area;
- Wordsmithing changes to clarify what triggers an increase in density;
- Clarification of mitigation language;
- Clarification of engineering certification; and
- Motion to move the ordinance to a Planning Commission public hearing.

The draft ordinance is attached.

BACKGROUND

The Hazard Assessment has been reviewed on the dates below:

- April 20, 2023- Planning Commission Title 49 Committee;
- April 11, 2023- Planning Commission Committee of the Whole;
- March 14, 2023- Planning Commission Committee of the Whole;
- November 7, 2022- Assembly Committee of the Whole;
- February 14, 2022- Assembly Committee of the Whole;
- September 20, 2021- Assembly Committee of the Whole;
- August 10, 2021- Planning Commission Regular Meeting;
- July 21, 2021- Public meeting hosted by CDD and the contractor;

All staff reports, minutes, and contractor presentations are available on the CDD Special Projects website at [CDD – Project – Landslide and Avalanche Assessment – City and Borough of Juneau](#)

Staff notes that the Technical Memos, added to the assessment in response to public comment, contain supplemental explanation regarding the hazard designations and methodology for specific areas of

concern. Technical Memo 4 is a Guide to Avalanche and Hazard Designations. These memos are highlighted on the webpage under the Final Hazard Assessment heading.

PUBLIC NOTICE

An abutters notice was sent to all property owners within the project area on April 28, 2023. Public notice was also provided in the May 10 and May 17, 2023 Juneau Empire *Your Municipality* section.

PUBLIC COMMENT

Following is a brief summary of public comments received after the April 20, 2023 Title 49 Committee meeting and before the staff report deadline of May 5, 2023.

M. Voelckers	Concern about the negative impact on mortgages and insurance
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RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings, and make a recommendation to the Assembly to ADOPT the proposed ordinance amending the code related to landslide and avalanche areas and replacing the landslide and avalanche area maps.

ATTACHMENTS

Attachment A	Proposed Ordinance
Attachment B	Public Comments

Presented by: The Manager
Presented: 2023
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023 XX

An Ordinance Amending the code related to avalanche and landslide areas and replacing the avalanche and landslide areas maps

WHEREAS, and...

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. CBJC49.70.300 Avalanche and landslide areas is amended to read:

(a) *Generally.*

- (1) Development in mapped moderate and severe avalanche and severe landslide areas shall minimize the risk of loss of life or property due to landslides and avalanches.
- (2) Boundaries of severe avalanche areas will be as shown on the avalanche area maps dated April 27, 2022, as the same may be amended from time to time by the assembly by ordinance.
- (3) Boundaries of severe landslide areas will be as shown on the landslide area maps dated April 27, 2022, as the same may be amended from time to time by the assembly by ordinance.

1
2 (4) Owners and developers shall provide written notice to potential buyers or renters that
3 the property is located in a moderate or severe avalanche area, or a severe landslide
4 area, or both.
5

6 (b) *Moderate and Severe avalanche areas.*

7 (1) Notwithstanding any other provision, subdivision other than a lot line adjustment, or a
8 lot consolidation, or development greater than a single-family dwelling within severe
9 avalanche areas shall require a conditional use permit. Lots platted as Public Use Lot(s)
10 must comply with 49.15.422.
11


12 (2) Notwithstanding any other provision, development greater than a single-family
13 dwelling, within the moderate or severe avalanche areas shall require a conditional use
14 permit with site specific engineering for the following: peak drainage, special foundation
15 or high back wall engineering, and debris flow diversion mechanisms. For the purposes
16 of this section, accessory dwelling units are considered development greater than a
17 single-family dwelling.
18
19
20

21 (3) If a developer disagrees with the boundaries shown on the severe avalanche map, the
22 developer may seek departmental relocation of the boundaries by submitting a site
23 specific study prepared and stamped by a civil engineer licensed in the State of Alaska.
24 Such studies shall include detailed analyses of topography, vegetation, potential snow
25 accumulation, and other factors. The results should indicate actual hazard area
boundaries and potential debris flow direction, time, distance and mass. If, in the

1
2 opinion of the Director of Engineering & Public Works, the studies clearly establish that
3 the map boundaries are inaccurate and the proposed development is outside a moderate
4 or severe avalanche area, the department shall proceed accordingly.

- 5
6 (4) The commission may require mitigating measures certified as effective by a civil
7 engineer licensed in the State of Alaska for development in moderate or severe
8 avalanche areas. Such measures may include dissipating structures or dams, special
9 structural engineering, or other techniques designed for the site. Mitigating measures
10 may also include reduction in the proposed density, occupancy, or development.

11 (c) *Severe landslide areas.*

- 12
13 (1) Notwithstanding any other provision, no subdivision other than a boundary line
14 relocation, a lot line adjustment, or a lot consolidation, shall be approved in a severe
15 landslide area. Applications for all other subdivision types shall not be accepted for filing
16 or shall be rejected by the director.
- 17
18 (2) Notwithstanding any other provision, no development, which is within a severe landslide
19 area shall increase the density of the lot or increase the occupancy of the building;
20 provided, that a single-family dwelling may be constructed on a vacant lot. Accessory
21 dwelling units are not permissible on lots located in a severe landslide area.
- 22
23 (3) Notwithstanding any other provision, development including a single-family dwelling
24 within the severe landslide areas shall require a conditional use permit with site specific
25 engineering for the following: peak drainage, special foundation or high back wall
engineering, and debris flow diversion mechanisms._ 

1
2 (4) The commission may require mitigating measures certified as effective by a civil
3 engineer licensed in the State of Alaska for development in severe landslide areas. Such
4 measures may include dissipating structures or dams, special structural engineering, or
5 other techniques designed for the site. Mitigating measures may also include reduction
6 in the proposed density, occupancy, or development.

7
8 (5) If a developer disagrees with the boundaries shown on the severe landslide map, the
9 developer may seek departmental relocation of the boundaries by submitting a site
10 specific study prepared and stamped by a civil engineer licensed in the State of Alaska.
11 Such studies shall include detailed analyses of topography, vegetation, potential snow
12 accumulation, and other factors. The results should indicate actual hazard area
13 boundaries and potential debris flow direction, time, distance and mass. If, in the
14 opinion of the Director of Engineering & Public Works, the studies clearly establish that
15 the map boundaries are inaccurate and the proposed development is outside a severe
16 landslide area, the department shall proceed accordingly.

17
18 (d) *Warning and disclaimer of liability.* Avalanches and landslides may occur outside hazard
19 areas in excess of engineering expectations. The location and severity of the event may be
20 increased by manmade or natural causes. This article does not imply that land outside of
21 designated hazard areas, or uses permitted within such areas, will be free from danger or
22 damage. This article shall not create liability on the part of the City and Borough of Juneau
23 or any officer or employee thereof for any damages that result from reliance of this article or
24 any administrative decision lawfully made under this article.
25

1
2 **Section 4. Amendment of Section.** CBJC 19.04.R301.9 Geophysical hazards is
3 amended to read:

4 *"301.9 Geophysical hazards.* In Severe geophysical hazard zones as shown in
5 "Downtown Juneau Landslide and Avalanche Hazard Assessment" dated April 27, 2022, and
6 on the "Moderate and Severe Avalanche Maps and Severe Landslide Area Map", ~~both adopted~~
7 ~~by ordinance serial no. 87-49, adopted~~ 2023 or when the building official
8 determines that development is proposed in an area similar in nature to those studied in the
9 above referenced documents, and is located outside of the study area, an engineered
10 structural analysis shall be submitted with the permit application. The building official may
11 waive this requirement upon presentation of more specific studies prepared and stamped by a
12 civil engineer licensed in the State of Alaska showing the proposed site is not likely to be
13 affected by geophysical hazards."
14

15 **Section 5. Amendment of Section.** Hillside Development CBJ 49.70.210(a)(4) is
16 amended to read:

17 Any hazard area identified on the avalanche and landslide area maps dated ~~September~~
18 ~~9, 1987, April 27, 2022~~ consisting of sheets 1—8, as the same may be amended from time to
19 time by the assembly by ordinance or any other areas determined to be susceptible to
20 geophysical hazards.
21

22
23 **Section 6. Amendment of Section.** Definitions CBJ 49.80.120 is amended to read:

24 Accessory dwelling unit (ADU) means a subordinate dwelling unit added to, created
25 within, or detached from a single-family residence, which provides basic requirements for
living, sleeping, cooking, and sanitation. The unit may have a separate exterior entrance or an

entrance to an internal common area accessible to the outside. ADUs are not included in the density calculation for a site.

Density means the amount of development per acre permissible on a parcel under the applicable zoning, measured as dwelling units per acre (du/ac).

Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

From: Matt Voelckers <itsmyalterego@gmail.com>
Sent: Saturday, April 29, 2023 8:41 AM
To: PC_Comments
Subject: Landslide and avalanche zone comment

There were concerns early in this process that these assessments could, potentially, *if adopted* burden a large number of Juneauites with complicated mortgages and insurance.

Well... the cat's out of the bag. A friend of mine just closed on a home in the highlands that's in a moderate landslide/avalanche zone (which is the norm/average for downtown) and her lender required a special review of her case, could not secure landslide insurance (it doesn't exist) and instead required both earthquake AND flood insurance over the top of her typical home insurance.

These maps, with their frightening language have already, without being adopted by the city, been ENTIRELY adopted within the mortgage and insurance industry, and the home-buying process in medium risk zones is severely impacted, and might even be impossible at this point in high to severe-risk zones for anyone unable to make cash offers.

The effect of these maps has made home ownership downtown inaccessible to younger buyers, and even in medium risk zones has saddled them 10's of thousands of weird insurance riders for the lifetime of their mortgages. This is not hyperbole. This is the current state of home buying in Juneau.

Honestly, why not adopt the maps...? The damage is done. Or maybe they can be forgotten if they're rejected? Right now they exist in a limbo that's as good as adopted, so decide fast.

-Matt Voelckers.