



PLANNING COMMISSION REGULAR MEETING AGENDA

September 27, 2022 at 7:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/86811128323> or 1-253-215-8782 Webinar ID: 86811128323

A. LAND ACKNOWLEDGEMENT

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. August 23, 2022 Draft Minutes, Regular Planning Commission - APPROVED

E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

G. ITEMS FOR RECONSIDERATION

H. CONSENT AGENDA

2. SGE2022 0001: A Conditional Use Permit renewal for sand and gravel extraction, with blasting and rock crushing as accessory uses - APPROVED ON THE CONSENT AGENDA

Applicant: City & Borough of Juneau

Location: City & Borough of Juneau's North Lemon Creek Material Source

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Sand and Gravel Extraction Permit. The permit would allow for sand and gravel extraction with blasting and rock crushing as accessory uses at CBJ's North Lemon Creek Material Source. The approval is subject to the following conditions:

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit renewal for sand and gravel extraction, with blasting and rock crushing as accessory uses, at CBJ's North Lemon Creek Material Source. The application is complete and meets all requirements. Resource agencies do not have concerns, and the development has all required state permits. The development is compatible with the surrounding area.

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use Permit with conditions.

3. USE2022 0014: Two modifications of a Conditional Use Permit (USE2022 0005) for a cold weather emergency shelter at Resurrection Lutheran Church. - REMOVED FROM THE CONSENT AGENDA AND APPROVED AS AMENDED ON THE REGULAR AGENDA

Modification #1: Newly proposed hours of 8:00 P.M. - 7:30 A.M. (current hours: 9:00 P.M. - 6:30 A.M.).

Modification #2: Newly proposed operation start date of October 15 (current start date is November 1).

Applicant: Resurrection Lutheran Church

Location: 740 W. Tenth Street

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit with the following modifications to Conditions 5 and 6, and all other conditions remaining the same:

DIRECTOR'S REPORT

The applicant requests two modifications to Conditional Use Permit USE2022 0005 for a cold weather emergency shelter (CWES) at Resurrection Lutheran Church. The applicant is requesting to change the opening time for the CWES to one hour earlier, at 8:00 P.M., to close the CWES one hour later, at 7:30 A.M., and to begin operating the CWES two weeks earlier, on October 15, 2022.

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2022 0014 with the requested modifications.

- I. UNFINISHED BUSINESS**
- J. REGULAR AGENDA**
- K. OTHER BUSINESS**
- L. STAFF REPORTS**
- M. COMMITTEE REPORTS**
- N. LIAISON REPORT**
- O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**
- P. PLANNING COMMISSION COMMENTS AND QUESTIONS**
- Q. EXECUTIVE SESSION**
- R. SUPPLEMENTAL MATERIALS**

[4.](#) Additional Materials for September 27, 2022 Planning Commission

S. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org.

DRAFT MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
August 23, 2022

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Voelckers

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

Michael LeVine, Chairman, called the Regular 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 7:00 p.m.

Commissioners present: Commissioners present in Chambers – Michael LeVine, Chairman; Paul Voelckers, Vice Chair; Travis Arndt, Clerk; Dan Hickok, Deputy Clerk; Joshua Winchell; Erik Pedersen; Mandy Cole; Matthew Bell

Commissioners present via video conferencing – Ken Alper

Commissioners absent: None

Staff present: Jill Maclean, CDD Director; Adrienne Scott, Planner I; Chelsea Wallace, CDD Administrative Assistant II; Sherri Layne, Law Assistant Municipal Attorney

Assembly members: Alicia Hughes-Skandijs

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Chair LeVine noted two changes to the agenda. Swearing in of new Commissioner and the Assembly Liaison report will move to occur before the review of rules for public participation.

- IV. **SWEARING IN OF NEW COMMISSIONER** – Attorney Layne administered the oath of office swearing in new Commissioner Matthew Bell.
- V. **LIAISON REPORTS** – Assembly member Alicia Hughes-Skandijs reported last night’s assembly meeting was cancelled. In other news, the joint Assembly and Bartlett board met and the hospital is moving forward with the purchase of the family practice building in the Valley.
- VI. **APPROVAL OF MINUTES** – None
- VII. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Mr. LeVine explained the rules regarding participating in person and via zoom format.
- VIII. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
- IX. **ITEMS FOR RECONSIDERATION** – None
- X. **CONSENT AGENDA** – (Moved to Regular Agenda by the applicant)
~~PAD2022 0002: A property acquisition and disposal review of land by the City & Borough of Juneau~~
Applicant: Murray Walsh
Location: 4305 North Douglas Highway

Staff Recommendation

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the acquisition and disposal of land by the CBJ.~~

XI. UNFINISHED BUSINESS

Prior to hearing **APL2021 0006**, Mr. LeVine excused himself, Ms. Cole, and Mr. Bell because they did not participate in the Appeal and, therefore, could not participate now. Mr. Arndt chaired this item.

APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD – Continued from the June 28, 2022 Planning Commission Meeting
Applicant: Juneau Cooperative Christian Ministry, dba The Glory Hall
Location: 247 S. Franklin Street

MOTION: *by Mr. Voelckers to accept the final decision on APL2021 0006.*

ROLL CALL VOTE:

YEA: Arndt, Voelckers, Winchell, Hickok, Pedersen

NO: ---

Mr. Alper did not vote due to technical difficulties, but later stated he attempted to vote Yes.

The motion passed 5-0 on Roll Call Vote.

XII. REGULAR AGENDA

PAD2022 0002: A property acquisition and disposal review of land by the City & Borough of Juneau
Applicant: Murray Walsh
Location: 4305 North Douglas Highway

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the acquisition and disposal of land by the CBJ.

STAFF PRESENTATION – Director Maclean explained this is a proposed land swap whereby the applicant will purchase 140,394 square feet of land from the CBJ and sell 105,347 square feet of land to the CBJ in order to subdivide and create buildable residential lots on the purchased land.

APPLICANT PRESENTATION – Murray Walsh explained the planned subdivision of small houses on small lots with shared driveways. He said he will need to come back before the PC to request a rezone from D5 to D18 for a portion of the land.

MOTION: *by Mr. Winchell to accept staff's findings, analysis, and recommendations, and recommend approval to the Assembly of PAD2022 0002.*

The motion passed with no objection.

USE2022 0010: A Conditional Use Permit modification for Juneau Youth Services
Applicant: Juneau Youth Services (JYS)
Location: 10685 Mendenhall Loop Road

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit Modification. The permit would allow for the development of Juneau Youth Services' conversion of Montana Creek House dorm rooms into

administrative offices with USE2022 0010 superseding USE2000-00003, USE2004-00018, and USE2006-00028.

The approval is subject to the following conditions:

1. Maximum number of residents approved on site is ~~29~~ **24**, the total maximum previously approved for Lighthouse and Black Bear House.
2. The applicant shall clear brush and small trees along Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway to the Montana Creek Bridge as required by the Alaska Department of Transportation and Public Facilities. The applicant will be responsible for maintaining safe driveway sight distance ~~as long as the site is occupied~~.
3. **The applicant and CDD shall undertake a nonconforming situation review in accordance with 49.35.272**

STAFF PRESENTATION by Ms. Maclean

Mr. LeVine noted for the record that he, Ms. Maclean, and Ms. Shields had held a discussion regarding the role of DOT in this item and that there was no indication that standards are not being met.

QUESTIONS FOR STAFF

Ms. Cole asked for clarification of the piece of land that connects from Back Loop Road to the properties in question. Ms. Maclean explained under certain circumstances, private drives may be constructed on right of ways.

Mr. Pedersen disclosed a potential conflict of interest as he is an employee of DOT. He had no knowledge of DOT involvement, and has no financial interest in the item. He felt he can remain impartial and was allowed to remain.

Mr. Arndt disclosed he was one of the persons noticed within 500 feet of the project. He had no interest, financial or otherwise, in the project and felt he could remain impartial. He was allowed to remain.

APPLICANT PRESENTATION

Brent Fischer, JYS Facilities Director; Amy Simons-Taylor, JYS Executive Director; Emiliano Reece, JYS Maintenance Coordinator came forward as applicants.

Brent Fischer spoke for the applicant and presented their proposal. The plan includes consolidation of services and converting seven dorm rooms into staff office space.

QUESTIONS FOR APPLICANT

Mr. Voelckers noted one of the conditions was to allow a maximum bed count of 29 but the applicant proposal has 16 beds and asked why the condition was held at 29. Mr. Fischer answered they have narrowed their scope currently but would like to keep the original number as a maximum in case they expand later. Mr. Voelckers asked if growing back to the original 29 would require an additional building and permits. Mr. Fischer speculated that it likely would require a new building. Mr. Voelckers then asked if 16 or 29 is the correct number. Ms. Simons-Taylor responded their current long-term plan is to stick with the 16 residential treatment units. They plan to grow the therapeutic foster care program in the future. This would not require an increase in residential units.

Ms. Cole asked if the consolidation includes moving other properties in or just converting. Mr. Fischer explained they would move the services from the Jordan Avenue property and would sell the Jordan Avenue property.

Mr. Arndt asked what the staff moving from the Jordan Avenue property would be doing. Mr. Fischer explained all staff receive training to be part of the youth treatment program.

Mr. Winchell asked if 'residents' refers to the number of people staying at the facility or the number of units. Mr. Fischer explained 'units' refers to the buildings and 'residents' is the number of participants in residence treatment at the facility.

Ms. Cole wanted clarification how decreasing youth residents and increasing staff would lead to a decrease in traffic to the area. Mr. Fischer told the PC that when they ran three facilities, they maintained a 4:1 staff to resident ratio. Fewer facilities and fewer residents will require fewer staff. Even with the increased staff to resident ratio, they will have a net three fewer staff. Additionally, when there were more residents and facilities, they owned and utilized twenty-three vehicles. That number has been reduced to nine.

Mr. Hickok pointed out there are two entrances to the property. According to Mr. Fischer, that is correct. However, they use it as a one-way drive through so enter on one side and exit the other.

Ms. Cole asked how the road maintenance would be accomplished between them and their neighbor. Mr. Fischer said there is no formal agreement. When there is a snow event, they remove the snow without regard to whose side it is. They just make sure the road is safe.

Mr. Voelckers pointed out the neighbor had expressed some concern about the safety of the driveway direction and asked how they would address that. Mr. Fischer said in the winter they often reverse the direction of the one-way as that is safer in winter conditions. He was not sure it would work to reverse it year-round.

COMMISSIONER DISCUSSION

Mr. Arndt asked staff if there was an access agreement as required in CBJ 49.35.272. Ms. Maclean said there have been several updates to the code and may not apply. She additionally noted JYS was required to make improvements to Black Bear Road in 2006 when they had a development increase. However, the neighbors were not required to make improvement when they developed their property. Mr. Arndt asked if there would be benefits to requiring an agreement. Ms. Maclean said while there may be some benefits, she was not sure there is a legal way to require both parties to sign it. She continued saying if it were the will of the PC to require the agreement, she would recommend the applicant withdraw the application and resubmit it without consolidating all the other permits as this one does.

Mr. Hickok asked who originally developed Black Bear Road? Was it JYS or the private neighbors? Ms. Maclean was uncertain but JYS is the only one that has made improvements to it.

Mr. LeVine asked if this would be considered a nonconforming situation. Ms. Maclean answered the JYS access could potentially be nonconforming but it is a City street. She advised they could condition the applicant receive a nonconforming situation review as part of the permit.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis, and recommendations, and approve **USE2022 0010** with an amendment to Condition #1 to change the maximum number of residents from 29 to 18.*

Mr. Voelckers spoke to his motion saying the applicant was clear that 16 is the maximum they are planning. He felt allowing 2 additional units allows some flexibility without substantially changing the program.

Ms. Cole spoke to say she could not support the motion as amended saying that when the applicant originally opened the CUPs they were for a total of 29 units. They have been combined into a single permit request and she was not comfortable making such a programmatic decision for JYS.

Mr. Winchell also was not supportive of the motion.

MOTION TO AMEND: *by Mr. Pedersen to amend the original motion changing Condition #1 to set the maximum number of residents from 18 to 24.*

Mr. Arndt spoke against the motions saying the applicant had requested 29 and it seemed the motions were arbitrarily choosing numbers without the applicant's agreement.

ROLL CALL VOTE ON MOTION TO AMEND

YES: Pedersen, Hickok, Alper, Voelckers, Bell

NO: Winchell, Cole, Arndt, LeVine

The motion to amend passed 5-4 on Roll Call Vote.

Mr. Arndt spoke saying if the applicant was pursuing a new building or new function then a conditional use permit would be needed. However, they are currently performing the function they are already permitted to do. Therefore, he felt a CUP should not be required.

MOTION TO AMEND: *by Mr. Arndt to amend the amended original motion changing Condition #2 delete the phrase "as long as the site is occupied."*

The motion to amend passed with no objection.

MOTION TO AMEND: *by Mr. Arndt to amend the amended original motion by adding a Condition #3 to require the applicant and CDD to undertake a nonconforming situation review in accordance with 49.35.272*

The motion to amend passed with no objection.

The amended motion passed with no objection on Roll Call Vote.

XIII. OTHER BUSINESS – Juneau Douglas Second Crossing Study

Ms. Maclean reported that due to the work between CBJ Engineering and CDD personnel, especially that of Director Koester and Senior Planner Gallion, they have \$7 Million in funding to support the study.

XIV. STAFF REPORTS

Ms. Maclean reported:

- Breckan Hendricks, CDD Admin Officer has been promoted to Admin Officer II at the Engineering and Public Works department. This will be effective in September
- One of the other admins has submitted resignation
 - Please respond timely and early. Chelsea Wallace is the main contact, but please CC: the Director, too.
- CDD is interviewing for an Admin Assistant and a Planner I/II this week
- The Long-Range Senior Planner position is still vacant
- The pre-joint meeting will be Monday at 6:30 p.m.

XV. COMMITTEE REPORTS

- Mr. Arndt reported Title 49 will meet Thursday at noon
- Mr. Voelckers reported JCOS met and discussed electric vehicle charging throughout the state

XVI. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVII. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine welcomed Mr. Bell to the Planning Commission.

XVIII. EXECUTIVE SESSION – None

XIX. ADJOURNMENT – 8:16 p.m.

Next meeting is scheduled September 13, 2022 at 7:00 p.m.



PLANNING COMMISSION STAFF
SAND & GRAVEL EXTRACTION PERMIT: SGE2022 0001
HEARING DATE: SEPTEMBER 27, 2022

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

DATE: September 20, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Teri Camery, Senior Planner, CFM 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: A Conditional Use Permit renewal for sand and gravel extraction, with blasting and rock crushing as accessory uses, at CBJ's North Lemon Creek Material Source

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

- The application is complete and meets all requirements.
- Resource agencies do not have concerns, and the development has all required state permits.
- The development is compatible with the surrounding area.

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete/ or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting 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 not required for this permit.

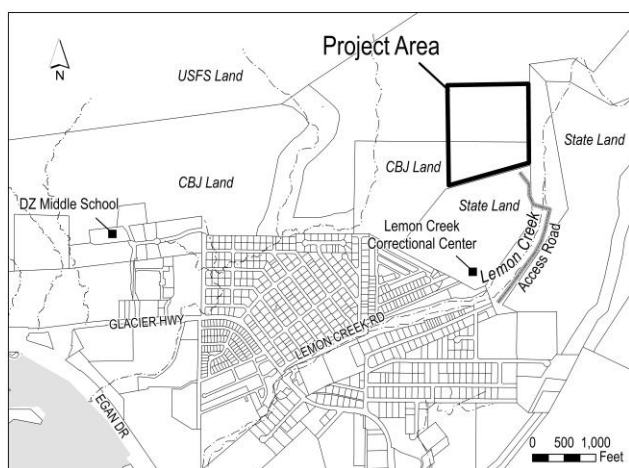
STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o CBJ 49.15.330
 - o CBJ 49.65.200
 - o CBJ 49.80

GENERAL INFORMATION	
Property Owner	City and Borough of Juneau
Applicant	City and Borough of Juneau Engineering and Public Works Department
Property Address	Lemon Creek Haul Road
Legal Description	ASLS 2004-22 Tract B1; Renninger Lot 1, USS 5504, Tract A-1C, Tract A-1B
Parcel Number	5B1401000180; 5B1201340020;
Zoning	Total Site: D-5 and Rural Reserve; Project Area: Rural Reserve
Land Use Designation	Resource Development
Lot Size	Total Acreage 746.55 acres; Project Area 65 acres
Water/Sewer	CBJ water and sewer; or private water and / or private septic
Access	Lemon Creek Haul Road
Existing Land Use	Sand and gravel extraction

The Commission shall hear and decide the case per CBJ 49.15.330(a) Conditional Use Permit and CBJ 49.65.200 Sand and Gravel. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied. The sand and gravel permit procedure includes specific application requirements per CBJ 49.65.210. The Commission may impose restrictions per CBJ 49.65.230. CBJ Section 49.65.235 provides two mandatory permit conditions, and a guarantee must be established per CBJ 49.65.240.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES

North (Rural Reserve)	U.S. Forest Service; vacant land
South (D-5)	Lemon Creek Correctional Center
East (Industrial)	CBJ vacant land
West (D-5)	CBJ vacant land

SITE FEATURES

Anadromous	Lemon Creek
Flood Zone	N/A
Hazard	N/A

BACKGROUND INFORMATION

Project Description – The applicant, the CBJ Engineering and Public Works Department, requests a Conditional Use Permit renewal for sand and gravel extraction, with blasting and rock crushing as accessory uses, at CBJ's North Lemon Creek Material Source (NLCMS) site on CBJ property in North Lemon Creek. Proposed sand and gravel operations include excavation, blasting, rock crushing, screening, and loading. Contractors typically perform mining activities utilizing a front-end loader or excavator to excavate bank material, then load material onto 10- or 20-yard trucks for transportation to project sites. A portable screening plant may be used to separate the bank material into different sizes before loading. Topsoil may be created by blending sand and gravel with organic material, and utilized for on-site or off-site projects. When the mining is complete, the site may be suitable for residential, commercial, or industrial development.

The applicant notes that rock crushing was inadvertently left off the application, and clarified that any blasting and/or rock crushing would occur within the current disturbed footprint or further North. Previous blasting has been 2,000 feet from the nearest residence; any additional blasting or crushing would increase that distance. Some structures at the Lemon Creek Correctional Center are 1,000 feet from previous blasting sites.

That distance would again increase with future activity. Rock crushing would be limited to material that was blasted on site. The applicant would like the ability to widen the existing access at its narrowest point where the road is bounded by a rock outcrop.

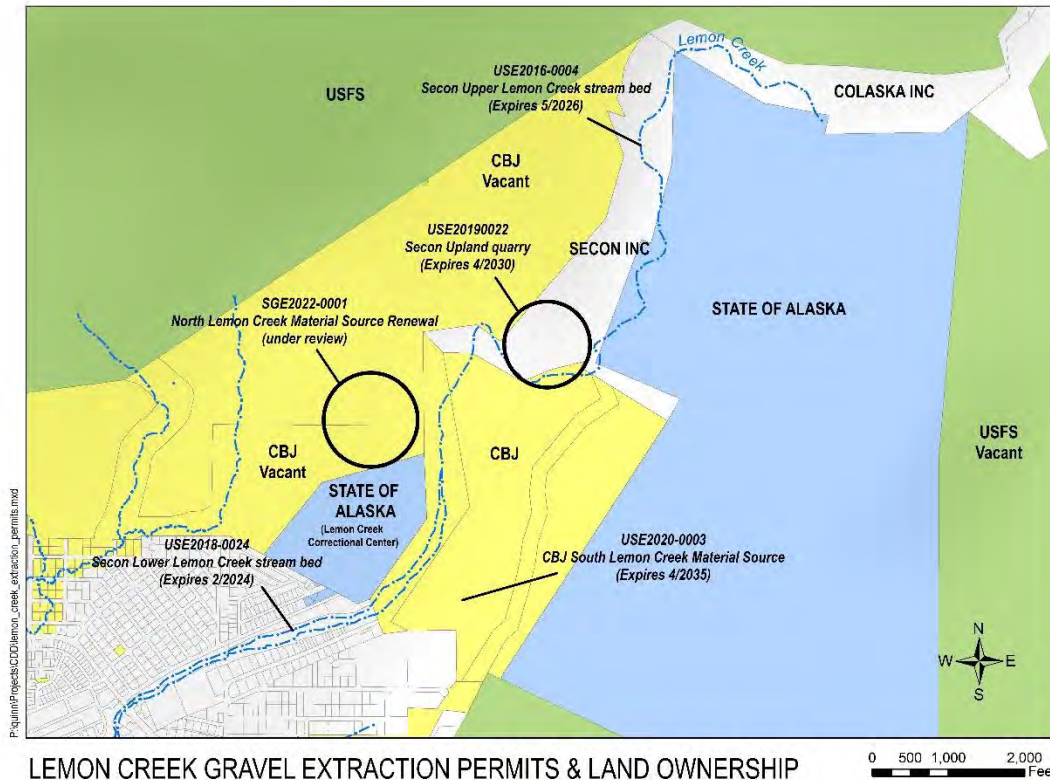
The project affects two CBJ-owned parcels, and these two parcels include the Rural Reserve and D-15 zoning districts. However, the project area is entirely within the Rural Reserve zoning district. Sand and gravel operations are allowed in the Rural Reserve zoning district with an approved Conditional Use Permit, per the CBJ Land Use Code Table of Permissible Uses (TPU) 49.25.300 Category 14.500. Blasting is listed as TPU category 4.100, Heavy Manufacturing, while rock crushing is listed as TPU category 4.150. Blasting and rock crushing have been determined to be accessory uses to the sand and gravel operation and do not require additional permitting.

Background – The table below summarizes relevant history for the lot and proposed development.

Item	Summary
Building permits	Renninger Lot 1, USS 5504, Tract A-1C, Tract A-1B: Building Permits for Dzantik'i Heeni Middle School. ASLS2004-22 TR B1: no Building Permits.
Rezone	ASLS2004-22 TR B1: MAP2003-00002 rezone to change 45 acres from D-5 to Rural Reserve.
Associated cases	USE2007-00051: A Conditional Use Permit for sand and gravel extraction in North Lemon Creek.

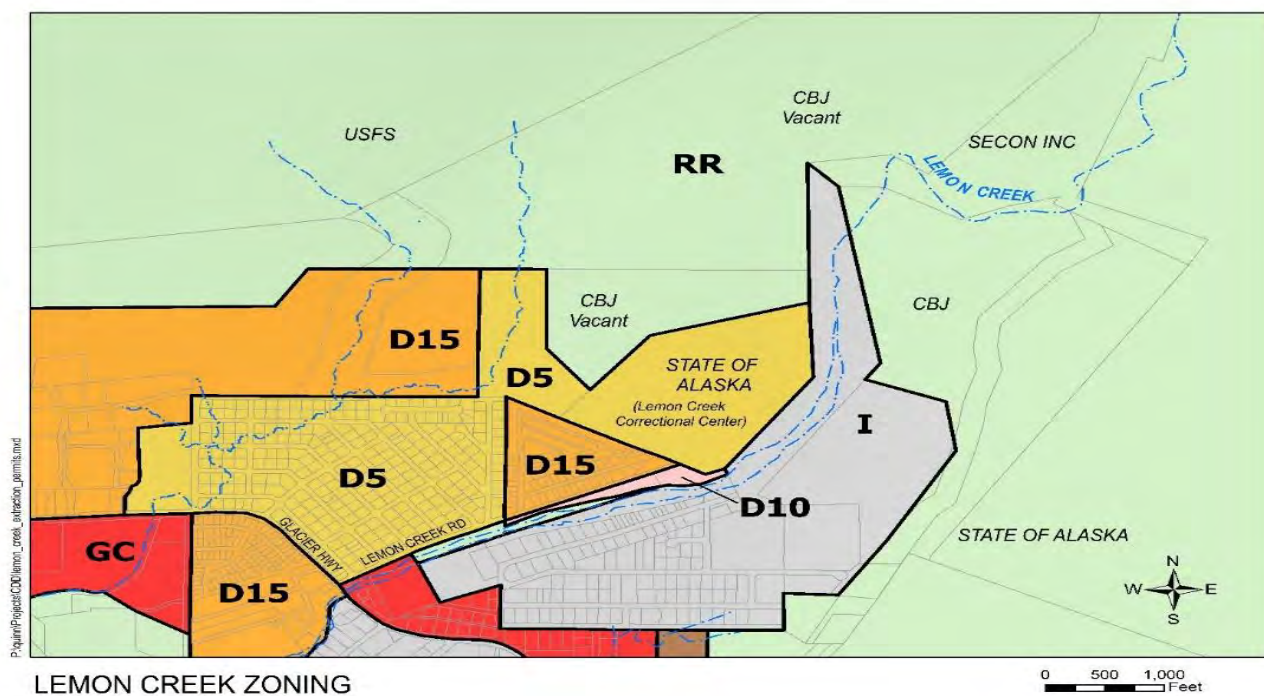
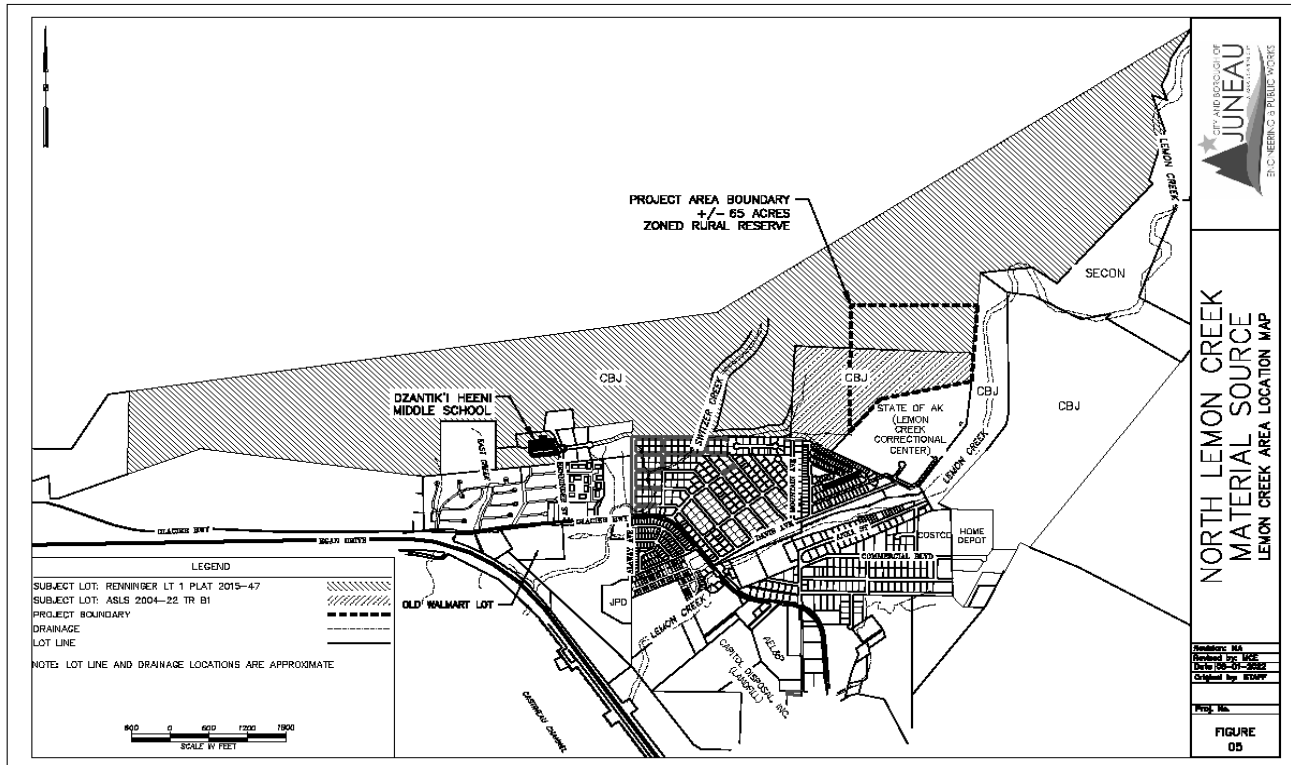
The first Conditional Use Permit for the NLCMS was issued in 2007 and approved for 15 years. Since that time, construction projects have resulted in an access road into the site. The development has included some blasting on the North side of the access road to maintain width and grades. Otherwise, excavation has followed between the State of Alaska property to the South and the bedrock exposure to the North.

Areas adjacent to and near Lemon Creek have been used for sand and gravel since the 1950s. CBJ operates a second sand and gravel operation nearby, the South Lemon Creek Material Source. SECON Inc. has upland and streambed gravel extraction in the vicinity. Extraction permits are shown in the map below:



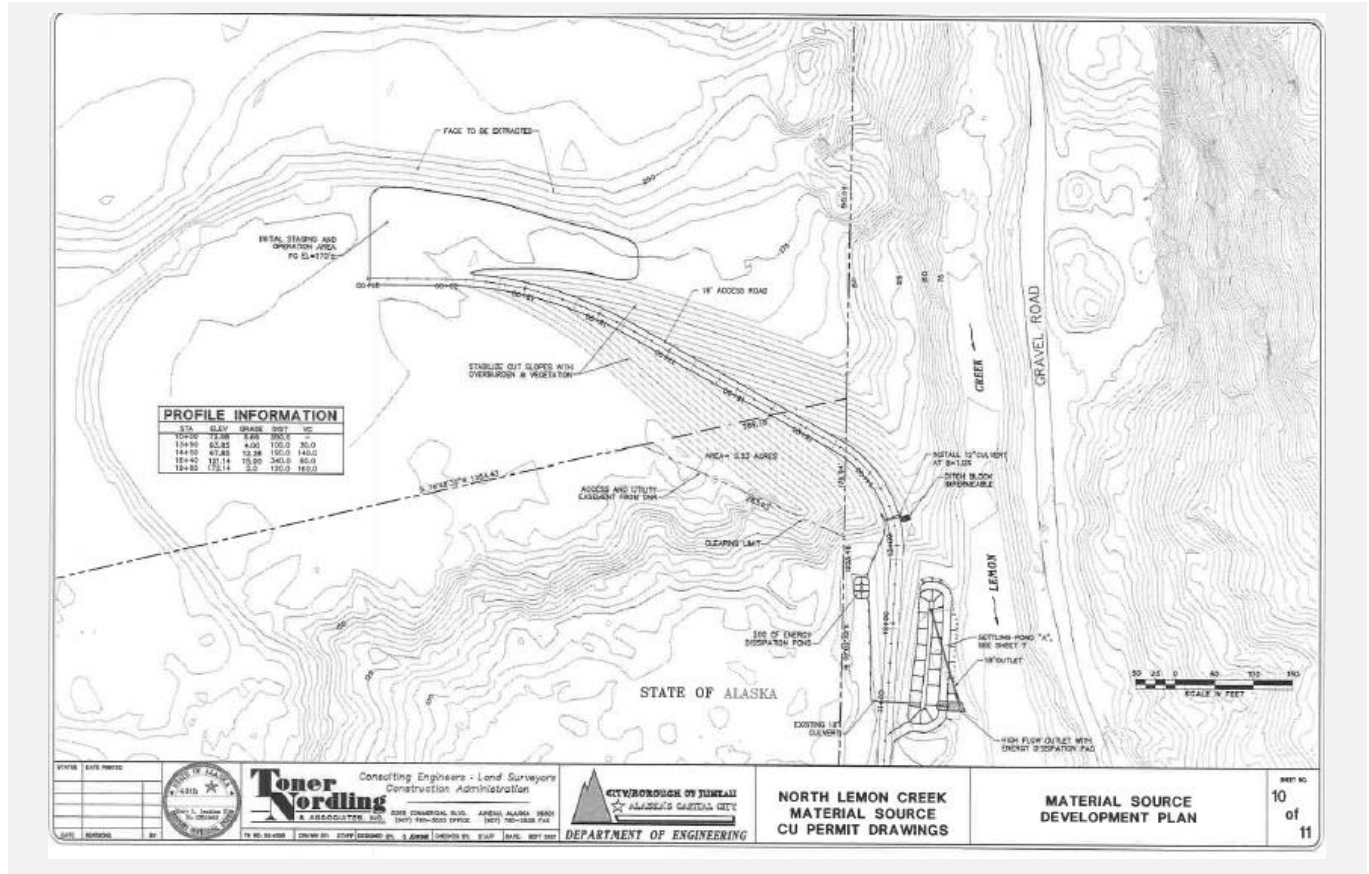
ZONING REQUIREMENTS

The project affects two CBJ-owned parcels, and these two parcels include the Rural Reserve and D-15 zoning districts. However, the project area is entirely within the Rural Reserve zoning district, as shown in project area and zoning maps below:



The subject parcels are 681.57 acres and 64.98 acres respectively, and exceed code requirements for minimum lot size, vegetative cover, and maximum lot coverage. Renninger Lot 1 USS 5504 Tract A-1 includes Dzantik'i Heeni Middle School. The school meets setback and height requirements. The project area is approximately 4,500 feet from the school. Setback and height requirements do not apply on ASLS 2004-22 Tract B1 or within the project area, because there are no existing or proposed structures.

SITE PLAN



SAND AND GRAVEL ANALYSIS CBJ 49.65.200

CBJ 49.65.200 – Extraction permit required.

- (a) *The use of property for the excavation, removal or other extraction of stone, sand, gravel, clay or other natural deposits and formations, including the processing of the materials, may be authorized in any district only under a Conditional Use Permit issued by the Commission under the procedures set forth in CBJ chapter 49.15, article III, as modified by this article. (Emphasis Added)*

CBJ 49.65.210 – Contents of application.

Each person who requires a permit under this article [Article II Sand & Gravel] shall file an application with the department. The application shall contain a plan for the excavation operation, storage, on-site processing if permitted in the district, and site restoration. The plan shall include (see items 1-7 below):

Attachment A includes a project narrative and site plans from the applicant responding to the application criteria listed below.

Conditions will be addressed in section CBJ 49.65.230, Commission Action on Application, and CBJ 49.15.430, Conditional Use Analysis.

Code Reference	Summary	Complies
CBJ 49.65.210(1) A graphic and legal description of the property.	The NLCMS is located in the North Lemon Creek area, to the West of the creek. The Lemon Creek Correctional Center is directly South of the project area. The development is located entirely within CBJ property. Sand and gravel extraction is limited to the property identified as ASLS 2004-22 Tract B1 and extends into Renninger Lot 1, USS 5504, Tract A-1C, and Tract A-1B.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(2) A topographic map showing the existing topography, vegetation, drainage features, ground water level, structures, significant natural and artificial conditions of the land, on-site and off-site geophysical hazards which may affect or be affected by the proposed operation, proposed structures, roads, stockpiling, and operation.	The site plans include all the features listed.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(3) A topographic map and a typical cross section showing the proposed finished contour on the land, vegetation, drainage features, limits of overburden clearing, structures, and significant natural and artificial conditions of the property which will exist upon completion of the site restoration plan.	The site plans show a typical cross section and the final contours. Figure three shows the finished site plan, while sheet 4 of 11 demonstrates the Finished Material Source Plan and Reclamation Plan.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(4) Topographic mapping required in subsections (2) and (3) of this section for areas having a slope of less than five percent shall show spot elevations at all breaks in grade, drainage channels or swales and at selected points not more than 100 feet apart in all directions. For areas having a slope of greater than five percent, contours shall be shown at an interval of no more than five feet where the ground slope is regular; however, contour intervals of not more than two feet may be required where necessary to	The site plans provide topography and drainage documentation, including the final topography after restoration.	☒ Yes ☐ No ☐ N/A

Code Reference	Summary	Complies
adequately show irregular land features or drainage details.		
CBJ 49.65.210(5) The plan shall include a map showing Ingress and Egress points for trucks and other equipment.	As shown in the plans, the site is accessed through a single point on the West side of Lemon Creek. From the site, a bridge crosses Lemon Creek to intersect with the Lemon Creek Haul Road. Traffic follows the Lemon Creek Haul Road to Anka Street and Glacier Highway.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(6) The plan shall include a map showing all buildings and structures to be located on the site.	There are no existing or proposed structures on the project site.	☐ Yes ☐ No ☒ N/A
CBJ 49.65.210(7)(A) A site drainage plan.	Site plans show current and proposed drainage, and the project narrative provides additional explanation. Sheets 6 and 11 provide Erosion and Sediment Control plans. The application also includes a Stormwater Pollution Prevention Plan (SWPPP) as required and approved by the Alaska Department of Environmental Conservation (ADEC). ADEC and other agency comments are provided in Attachment C.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(7)(B) A method of securing the area, including installation of gates at access points, posting, and fencing.	Access to the site is approximately 0.3 miles North on the Lemon Creek Haul Road. The project area is accessed by crossing a bridge to the West side of Lemon Creek. The access point is then immediately North and is secured by a gate. No trespassing signs are posted. Topography and boulders on either side of the access gate prevent easy vehicular access around the site entrance.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(7)(C) Methods to be used to minimize noise pollution and visual blight.	The developments closest to the project area include the Lemon Creek Correctional Center and the Lemon Creek Road D-5 Residential Area. The project boundary is approximately 450 feet from the closest residence in Churchill Park, while the excavation area would be 600 feet away. Mining operations will occur at lower elevations than the pit rim, which will limit noise pollution and visual blight from affecting the surrounding areas. Blasting and rock crushing will be 2,000 feet or farther from the nearest residence. The proposed excavation area is surrounded by a heavily forested area which will remain and serve as a buffer between the site and neighboring properties. No on-site lighting is proposed.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(7)(D) The proposed hours and days of operation during the year.	The material source is available seven days a week year-round. The applicant proposed hours of operation from 7 a.m. to 10 p.m. Monday through Friday and 7 a.m. to 5 p.m.	☒ Yes ☐ No

Code Reference	Summary	Complies
	Saturday and Sunday. However, the Notice of Decision for the previous extraction permit, USE2007-00051 (Attachment D), limited hours to 7 a.m. to 6:30 p.m. Monday through Friday and 7 a.m. to 5 p.m. Saturday and Sunday. The applicant has agreed to follow these hours to minimize potential noise impacts to surrounding areas. The following section will address additional restrictions regarding blasting hours.	☐ N/A
CBJ 49.65.210(7)(E) The estimated amount and general type of material present and to be removed from the site.	The applicant estimates that 3.5 to 4 million cubic yards of marketable sand and gravel remain on the site.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(7)(F) The results of test holes which show the water table level, if any, and the general type and location of materials to be removed.	Test hole information has been provided. No water table was encountered in any of the test holes in the original site plan. As mining has progressed, no significant flows have been encountered. The applicant assumes that the water table is below the limits of excavation planned for the material source.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(7)(G) The date by which it is anticipated the extraction and processing operation will be completed.	Less than 200,000 cubic yards of sand and gravel have been removed from the site since operations began. The demand for sand and gravel for use in public projects will determine how quickly or slowly the resource may be depleted. It is likely that resources will remain at the end of the requested 15-year permit period, and a renewal of the Conditional Use Permit will be requested.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(7)(H) A schedule for completion of necessary site restoration work.	Extraction operations will be conducted to minimize the amount of exposed soil on the rock face. When an area has reached a final configuration, faces will be stabilized and covered with overburden and seeded. Finished pit floor areas will be seeded when no further disturbance is planned for those areas. Figure three shows a conceptual topographic contour map that shows the final mined out pit floor sloped at 2 percent to drain towards a ditch and pond system along the southern pit floor, with slopes reclaimed and laid back to a 2:1 slope. Because the applicant does not have a confirmed end date for sand and gravel operations, a specific schedule for site restoration has not been developed.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(7)(I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may	Each contractor's User Agreement requires compliance with the site's SWPPP, which requires measures to reduce and eliminate tracking of materials from the site and the generation of dust. Further, any material tracked from the Lemon Creek Haul Road onto the Anka Street truck route will need to be removed by a contractor using a sweeper/vacuum	☒ Yes ☐ No ☐ N/A

Code Reference	Summary	Complies
affect areas beyond the site boundaries.	truck. The Haul Road is paved from the end of Anka Street to CBJ's bridge over Lemon Creek. After crossing the bridge, the site access road is surfaced with recycled asphalt (RAP). Interior haul roads are rock or RAP-surfaced, and ditched to provide a dry driving surface. When primary separation of materials is allowed on site, spray bars or other methods may be used as needed to reduce dust generation.	
CBJ 49.65.210(7)(J) The identification of any geophysical hazards which may affect or be affected by the proposed operation. A statement of the possible impact of the hazard on the operation and of the operation on the hazard including methods of reducing the impact shall be included.	There are no identified geophysical hazards on site. The pit floor lies above the mapped Lemon Creek floodplain as shown below: 	☒ Yes ☐ No ☒ N/A
CBJ 49.65.210(7)(K) The date of establishment of the operation and history of adjacent land development.	The date of establishment of the operation and the history of adjacent land development is described in the Background section of this report, and in the applicant's Project Narrative.	☒ Yes ☐ No ☐ N/A
CBJ 49.65.210(7)(L) Such additional relevant information as the Commission or Department may request.	The Department requested additional information regarding blasting and rock crushing. This information has been added to the Project Description section of this report.	☒ Yes ☐ No ☐ N/A

CBJ 49.65.215 – Staff action on application (excerpted).

(a) *Upon receipt of an application and the required filing fee, the department shall review the submission for completeness....Upon receipt of a complete application and the required fee, the department shall submit a copy of the application to the engineering department for a report containing an evaluation of the information in the application and shall include recommendations relating to the effect the proposed extraction and expected traffic will have upon the streets and other improvements of the City and Borough, whether such streets and improvements are existing or projected; the water table, water quality, and drainage; and all properties within the area of influence of the proposed operation.* (emphasis added)

(b) *The department shall review the application and the Engineering Department Report and shall transmit the report along with its own report and recommendations to the commission and the applicant....The department shall comment on the compatibility of the proposed operation with present and future development of the neighborhood, roads, utilities and public services in the surrounding area, and on*

provisions for dealing with traffic congestion, noise, dust, aesthetic deterioration, drainage, geophysical hazards, water pollution and other adverse environmental effects.

The proposed development was first permitted in 2007. The project area is surrounded by vacant and industrial land, and the development is compatible with adjacent roads, utilities, and public services provided that appropriate conditions are in place. These conditions will be addressed in following sections.

CBJ Engineering, in its reviewer role, has stated that there are no known issues affecting streets and traffic, or the water table. No concerns have been raised regarding compatibility of the proposed operation with present and future development of the neighborhood, roads, utilities and public services in the surrounding area, noise, dust, or aesthetic deterioration. Regarding drainage, Engineering has noted that all the work under the Conditional Use Permit and future Grading Permits must adhere to the ADEC SWPPP. There are no known geophysical hazards on site.

CBJ 49.65.230 – Commission Action on Application.

The Commission may grant the permit, but shall first consider each of the following areas (as listed below) and may impose restrictions as may be necessary to protect the public health, safety, and welfare.

Topic and Code Reference	Summary	Condition	Recommended Condition
CBJ 49.65.230(1) The hours, days, and times of year of operation.	The material source is available seven days a week year-round. The applicant proposed hours of operation from 7 a.m. to 10 p.m. Monday through Friday and 7 a.m. to 5 p.m. Saturday and Sunday. However, the Notice of Decision for the previous Extraction Permit, USE2007-00051 (Attachment E), limited hours to 7 a.m. to 6:30 p.m. Monday through Friday and 7 a.m. to 5 p.m. Saturday and Sunday. The applicant has agreed to follow these hours to minimize potential noise impacts to surrounding areas. The previous Conditional Use Permit Notice of Decision for USE2007-00051 placed additional restrictions regarding limiting blasting to daylight hours between 9 a.m. and 5 p.m. and prohibiting blasting on holidays. Staff recommends continuing these conditions as noted.	☒ Yes ☐ No ☐ N/A	Condition: Hours of operation shall be 7 a.m. to 6:30 p.m. Monday through Friday, and 7 a.m. to 5 p.m. Saturday and Sunday. Condition: Blasting operations shall be conducted during daylight hours between 9 a.m. and 5 p.m. Condition: Blasting operations shall be prohibited on Saturdays, Sundays, and official Federal and State holidays.
CBJ 49.65.230(2) Screening, whether natural or artificial,	Forested buffers and the remote location on the Lemon Creek Haul Road limit visibility of the site. The previous	☒ Yes ☐ No	Condition: A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained

Topic and Code Reference	Summary	Condition	Recommended Condition
to reduce or eliminate adverse visual, audible, or other impacts of the operation.	Conditional Use Permit implemented and established the mandatory buffering condition from CBJ 49.65.235, as noted. In addition to the mandatory condition, the previous Conditional Use Permit Notice of Decision listed an additional condition regarding the 20-foot buffer on the site. Staff recommends continuing this condition as noted.	☐ N/A	at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support. Condition: The 20-foot buffer that surrounds the property and a 20-foot buffer with a minimum of a five foot berm on the western project boundary shall be maintained for the life of the pit.
CBJ 49.65.230(3) Measures to protect the public from the dangers of the operation or site, to prevent casual or easy access to the area, or to prevent the operation or area from being an unprotected attractive nuisance.	The applicant has secured the area with a locked gate. No trespassing signs are posted. No additional measures appear to be necessary.	☐ Yes ☒ No ☐ N/A	
CBJ 49.65.230(4) Final and working slope ratios of the face of any extraction area to the extent necessary to protect abutting public and private property, and to protect the future beneficial uses of the property as described in the applicant's plan for development and restoration.	The applicant has provided a final Restoration Plan and Contours. Staff recommends an additional condition, consistent with the conditions on similar extraction projects and with the 2013 Juneau Comprehensive Plan, Policy 7.2 regarding protection from invasive species, as noted.	☒ Yes ☐ No ☐ N/A	Condition: Seed mixes utilized for revegetation in restoration efforts shall be free from non-native, noxious weeds.
CBJ 49.65.230(5) Measures to protect private and public	The operation uses the Lemon Creek Haul Road and Anka Street. These streets are established routes for	☐ Yes ☒ No ☐ N/A	

Topic and Code Reference	Summary	Condition	Recommended Condition
property adjoining the operation and to guarantee orderly and safe traffic circulation both on the public streets and within the permit application area.	industrial truck traffic for the gravel operations in the area. Truck traffic signs are posted in the area. No additional measures appear to be necessary.		
CBJ 49.65.230(6) Measures which will ensure adequate drainage or collection and storage of surface waters to protect surrounding property, eliminate dangers to the public, or to protect the future beneficial use of the property as described in the applicant's plan for development and restoration.	ADEC has reviewed and approved drainage plans with a Multi-Sector General Permit that includes a SWPPP. ADEC has no concerns with the development. CBJ Engineering has provided additional review in its reviewer role and has no concerns (Attachment C). No additional measures appear to be necessary.	☐ Yes ☒ No ☐ N/A	
CBJ 49.65.230(7) Measures to protect the water level and water quality.	ADEC has reviewed and approved drainage plans with a Multi-Sector General Permit that includes a SWPPP. ADEC has no concerns with the development. CBJ Engineering has provided additional review in its reviewer role and has no concerns (Attachment C). No additional measures appear to be necessary.	☐ Yes ☒ No ☐ N/A	
CBJ 49.65.230(8) Measures to minimize or eliminate airborne particulates, visual blight, noise, and other adverse environmental effects.	Airborne particulates have been discussed in the previous section and are not expected to be significant. ADEC has reviewed the development and has no concerns. Noise impacts to the surrounding residential areas have been mitigated with the project design, distance from residences, and maintenance of forested buffers. Impacts have been addressed further	☒ Yes ☐ No ☐ N/A	Condition: The development shall not generate sound levels which exceed 65 dBA at the property line during the day or 55 dBA at night, per CBJ§49.15.330(g)(11).

Topic and Code Reference	Summary	Condition	Recommended Condition
	with recommended conditions regarding hours of operation. In addition, the development must comply with the CBJ Noise Ordinance and Industrial Performance Standards. The CBJ Land Use Code Conditional Use Permit includes a list of specific standards that is slightly more restrictive than the CBJ Noise Ordinance. Therefore, staff recommends an additional condition as follows, consistent with similar gravel extraction operations, as noted.		
CBJ 49.65.230(9) Restoration measures and schedule.	The restoration measures are discussed in the previous section and noted in the Project Narrative and in the Restoration Plan. Item 4 above notes a recommended condition to prohibit the spread of non-native, noxious weeds during restoration efforts. No additional measures appear to be necessary.	☐ Yes ☒ No ☐ N/A	
CBJ 49.65.230(10) Other measures designed to protect the public health, safety, and welfare, including preservation of neighboring property.	Items 1-9 above list recommended conditions regarding hours of operation and noise limitations to protect the public health, safety, and welfare including preservation of neighboring property. Staff also recommends a condition regarding the expiration of sand and gravel operations, consistent with the previous review (USE2007-0051) and the condition on the CBJ South Lemon Creek Material Source, as noted. The USE2007-00051 Notice of Decision listed additional standard conditions regarding blasting and rock crushing. Staff recommends continuing these conditions as noted.	☒ Yes ☐ No ☐ N/A	Condition: The Extraction Permit shall expire fifteen years from the date of Planning Commission approval. Condition: Blasting and rock crushing shall be limited to the development of the access road. Condition: Warning signs with the time and date of the blast shall be posted 24-hours prior to blasting on Anka Street and Davis Road. Condition: Prior to blasting, 24-hour notice shall be provided to the Juneau Flight Station, CBJ Police Department and Fire Departments, and Alaska State Troopers. Condition: Three air horn blasts will be made five minutes prior to blasting.

Topic and Code Reference	Summary	Condition	Recommended Condition
CBJ 49.65.230(11) Present development and past history of the neighboring property.	Present development and past history of the neighboring property has been discussed in the background section of this report. No additional measures appear to be necessary.	☐ Yes ☒ No ☐ N/A	

CBJ 49.65.235 – Mandatory conditions of permit.

Unless specifically waived by the Commission, the requirements of this article shall be a condition of all permits issued. The Commission may not waive or modify any of the following requirements except upon a finding that the requirement would serve no useful purpose. Such finding must be supported by substantial evidence in the record of the hearing before the Commission:

- (1) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain adjacent support.***
- (2) If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.***

These conditions have been added to the staff recommendation, as required by code.

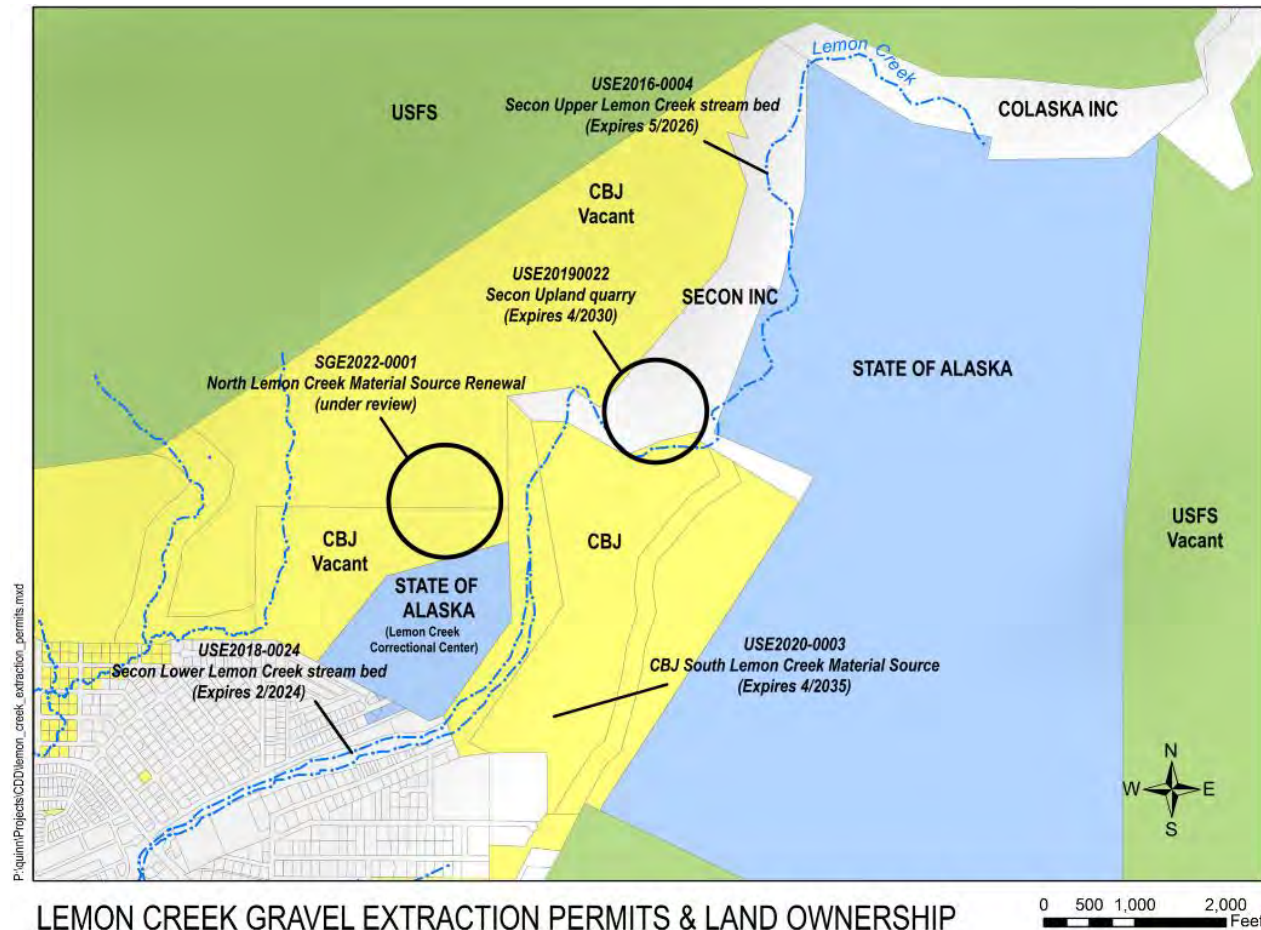
CBJ 49.65.240 – Guarantee.

No permit granted under this article shall become effective until there has been filed with the City and Borough a performance bond or other guarantees such as a cash deposit, royalty deposit, a primary security interest in real property or transfer of real property to the City and Borough, or other instruments approved as to form and type by the city attorney in an amount determined by the Engineering Department to be adequate to cover the cost of site restoration, completion of the project, and the performance of other required work. The amount of the guarantee shall be increased from time to time as determined by the engineering department to take into account inflation. A permit shall terminate if the permittee fails, within 90 days of permit issuance, to provide the guarantee required by this section or fails, within 30 days of notice thereof, to provide the increased coverage required by the Engineering Department. For good cause shown, the manager or the manager's designee may extend the 90-day period. The amount of a guarantee may be reduced to the extent the Engineering Department determines permit conditions have been performed.

This section is not applicable because the property is owned by the City and Borough of Juneau. Restoration plans have been described in the application.

CONDITIONAL USE ANALYSIS CBJ 49.15.430

Project Site – The gravel extraction area is located on the Northwest side of Lemon Creek. The image below shows the surrounding area and adjacent gravel operations:



CBJ 49.65.230, Commission Action on Application, listed proposed conditions to minimize impacts to surrounding properties, including hours of operation, noise limitations, and forested buffers. No additional conditions appear to be necessary.

Condition: None.

Project Design – The project design has been described in detail in previous sections of this report. No additional conditions appear to be necessary.

Condition: None.

Traffic – The applicant has discussed traffic in the Project Narrative. The busiest months in the 2017-2021 period were June 2017 and June 2021. June 2017 experienced a peak average of 11.4 truck roundtrips per day, while June 2021 experienced a peak average of 11.8 truck roundtrips per day.

CBJ Code 49.40.300 establishes the standards for a Traffic Impact Analysis. CBJ Section 49.40.300(2) states that a development projected to generate fewer than 250 Average Daily Trips shall not be required to have a Traffic

Impact Analysis. The proposed development is below this threshold, therefore a Traffic Impact Analysis is not required.

Condition: None.

Vehicle Parking & Circulation – The CBJ Land Use Code does not have a parking requirement for gravel and sand extraction facilities. The staff will park in various locations on the site depending on the area of extraction.

Condition: None.

Noise – CBJ Section 49.65.230, Commission Action on Application, listed proposed conditions to minimize impacts to surrounding properties. Noise impacts have been minimized with the project design, forested buffers, and with recommended conditions regarding hours of operation. No additional conditions appear to be necessary.

Condition: None.

Lighting – No on-site lighting is proposed.

Condition: None.

Vegetative Cover & Landscaping – The Rural Reserve zoning district does not have a vegetative cover requirement.

Condition: None.

Habitat – There are no known habitats regulated by the Land Use Code on this site. The project area is 150 feet from Lemon Creek at its closest point.

Condition: None.

Drainage and Snow Storage – Drainage has been evaluated in previous sections of this report. CBJ Engineering and ADEC have approved the drainage plan and have no concerns. No additional conditions appear to be necessary.

Condition: None.

Hazard Zones – The development is not within any known or mapped hazard zones.

Condition: None.

Public Health, Safety, and Welfare – Based on the previous analysis, no evidence suggests that the proposed development would endanger public health and safety, provided the applicant operates within the constraints of their proposed project description and with the conditions recommended in this analysis. No additional conditions appear to be necessary.

Condition: None.

Property Value or Neighborhood Harmony – The Background and Project Site sections above provide a description of surrounding properties. The area has an established history of industrial use dating back to the 1950s, while the North Lemon Creek Material Source was first permitted in 2007.

In addition to the proposed development, the immediate vicinity has two permitted streambed mining operations and two upland rock quarries. The project boundary is approximately 450 feet from the closest residence in Churchill Park, while the excavation area would be 600 feet away. Mining operations will occur at lower elevations than the pit rim, which will limit noise pollution and visual blight from affecting the surrounding areas. Blasting and rock crushing will be 2,000 feet or farther from the nearest residence. The proposed excavation area is surrounded by a heavily forested area which will remain and serve as a buffer between the site and neighboring properties. No on-site lighting is proposed. Lastly, hours of operations have been limited to minimize any residual impacts on surrounding areas. No additional conditions appear to be necessary.

Condition: None.

AGENCY REVIEW

The Community Development Department conducted an agency review comment period from July 22, 2022 through August 10, 2022. Agency review comments may be found in Attachment C.

Agency	Summary
CBJ Engineering and Public Works	There are no known issues affecting streets and traffic, or the water table. No concerns have been raised regarding compatibility of the proposed operation with present and future development of the neighborhood, roads, utilities and public services in the surrounding area, noise, dust, or aesthetic deterioration. Regarding drainage, all work under the Conditional Use permit and future grading permits must adhere to the ADEC SWPPP. There are no geophysical hazards on the site.
ADEC Division of Water, Non-Point Source Section	No issues with the proposed extraction.
ADEC Solid Waste Program	No issues with the proposed extraction.
ADEC Stormwater Division	Project has an existing Alaska Pollutant Discharge Elimination System Multi-Sector General Permit authorization in effect. No further comments.

PUBLIC COMMENTS

The Community Development Department conducted a public comment period between August 26, 2022 and September 27, 2022. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on site two weeks prior to the scheduled hearing. No public comments have been received at this writing.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan and the 2015 Juneau Economic Development Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	11	158	Map H	Complies with the Resource Development land designation.

PLAN	Chapter	Page No.	Item	Summary
	5	58	Policy 5.11	To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services.
	5	59	Policy 5.13	To support the extraction and processing of mineral resources in an environmentally-sound manner, giving property recognition of the unique values of this community.
2015 Juneau Economic Development Plan	5	43	Economic Development Initiative	Supports initiative to enhance Essential Infrastructure by providing borrow material for road construction

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330(e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Conditional Use Permit complete?

Analysis: No further analysis needed.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Analysis: The application is for sand and gravel extraction, with rock crushing and blasting as accessory uses, in the Rural Reserve zoning district. The use is listed at CBJ 49.25.300, Section 14.500 for the Rural Reserve zoning district.

Finding: Yes. The requested permit is appropriate according to the Table of Permissible Uses.

3. Will the proposed development comply with CBJ 49.65.200, Sand and Gravel, and other requirements of this chapter?

Analysis: No further analysis needed.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting, vegetative cover, noise, sand and gravel extraction requirements, and habitat.

4. Will the proposed development materially endanger the public health, safety, or welfare?

Analysis: No further analysis needed.

Finding: No. No evidence suggests that with recommended conditions, the requested sand and gravel extraction in the Rural Reserve zoning district will materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

Analysis: No further analysis needed.

Finding: No. No evidence suggests that with recommended conditions, the requested sand and gravel extraction in the Rural Reserve zoning district will substantially decrease the value or be out of harmony with the property in the neighboring area.

6. Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?

Analysis: No further analysis needed.

Finding: Yes. The proposed sand and gravel extraction development, with the recommended conditions, will be in general conformity with the 2013 Juneau Comprehensive Plan and 2015 Juneau Economic Development Plan.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Sand and Gravel Extraction Permit. The permit would allow for sand and gravel extraction with blasting and rock crushing as accessory uses at CBJ's North Lemon Creek Material Source. The approval is subject to the following conditions:

1. The Extraction Permit shall expire fifteen years from the date of Planning Commission approval.
2. Hours of operation shall be 7 a.m. to 6:30 p.m. Monday through Friday, and 7 a.m. to 5 p.m. Saturday and Sunday.
3. Blasting operations shall be conducted during daylight hours between 9 a.m. and 5 p.m.
4. Blasting operations shall be prohibited on Saturdays, Sundays, and official Federal and State holidays.
5. Blasting and rock crushing shall be limited to the development of the access road.
6. Warning signs with the time and date of the blast shall be posted 24-hours prior to blasting on Anka Street and Davis Road.
7. Prior to blasting, 24-hour notice shall be provided to the Juneau Flight Station, CBJ Police Department and Fire Departments, and Alaska State Troopers.
8. Three air horn blasts will be made five minutes prior to blasting.
9. The 20-foot buffer that surrounds the property and a 20-foot buffer with a minimum of a five-foot berm on the Western project boundary shall be maintained for the life of the pit.
10. Seed mixes utilized for revegetation in restoration efforts shall be free from non-native, noxious weeds.
11. **MANDATORY CONDITION:** *A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.*
12. **MANDATORY CONDITION:** *If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual*

water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	USE2007-00051 Notice of Decision
Attachment E	Photo of Rock Outcrop at Access Point
Attachment F	Renninger Plat



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address Lemon Creek Haul Road		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) ASLS 2004-22 Tract B-1; Renninger Lot 1, Plat 2015-47, <u>US3 5504 TR A-1C, TR A-1B</u>		
	Parcel Number(s) 5B1201340020; 5B1401000180		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner City and Borough of Juneau Lands and Resources	Contact Person Dan Bleidorn	Phone Number(s) 907-586-5252
	Mailing Address 155 South Seward Street Juneau, AK 99801		907-586-5252
	E-mail Address dan.bleidorn@juneau.org		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Daniel Bleidorn</u> Division of Lands & Resources <u>06/17/2022</u> Landowner/Lessee Signature Date X _____ Landowner/Lessee Signature Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant City & Borough of Juneau Department of Engineering	Contact Person Michael Eich	Phone Number(s) 907-586-0800 x4192	
Mailing Address 155 South Seward Street Juneau, AK 99801		907-586-0800 x4192	
E-mail Address michael.eich@juneau.org			
X <u>[Signature]</u> Applicant's Signature		<u>06/30/2022</u> Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

Attachment A - Application Packet

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

SGE22-01

Intake Initials

JLS

Date Received

7/20/22



EXTRACTION CONDITIONAL USE APPLICATION

(Sand, Gravel, and Quarry)

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY:

Continuation of existing sand and gravel extraction operation at the CBJ's North Lemon Creek Material Source (NLCMS).

Have extraction activities been permitted on this site in the past? ☒ Yes ☐ No

Previous Case Number(s), if known: USE2007-000051

Is this an extension of a previously approved extraction permit? ☒ Yes ☐ No

Previous Case Number(s), if known: USE2007-000051

Total area to be disturbed? +/- 65 acres

Has a financial warranty been established? ☐ Yes ☒ No

Amount \$ TBD Warranty holder _____

Contact information of warranty holder: _____

ALL REQUIRED MATERIALS ATTACHED

☒ Complete application per CBJ 49.65.210

☒ Pre-Application Conference notes including provisions for addressing:

☒ Traffic, Noise, Dust, and drainage

☒ Geophysical hazards

☒ Water

☒ Other

☒ Narrative including all items listed on page 2

☒ Plans (details on page 2)

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

EXTRACTION PERMIT FEE	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1600.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ _____			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<u>586-22-001</u>	<u>7/20/22</u>

Extraction Permit Application Information

Extraction permit applications are outlined in CBJ 49.65.210

Applications for Extraction Permits are reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make decisions tailored to individual applications. The Commission may stipulate conditions to mitigate external adverse impacts from the proposed use. If it is determined that these impacts cannot be satisfactorily overcome, the permit shall be denied.

Pre-Application Conference: A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau (CBJ) staff to discuss the proposed development, the permit procedure, and to determine the application fee. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via email at Permits@juneau.org.

Application: An application for an Extraction Permit will not be accepted by the Community Development Department (CDD) until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Extraction Permit Application and Development Permit Application forms.
2. **Fees:** The fee for an Extraction Permit Application is dependent upon the class of the proposed use. Land Use fees generally range from \$1000 to \$1,600. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the proposed extraction operations, on-site processing, stockpiling, and site restoration shall be included showing:
 - a. Location of proposed extraction;
 - b. A site drainage plan;
 - c. A method of securing the area, including installation of gates at access points, posting, and fencing;
 - d. Methods to be used to minimize noise pollution and visual blight;
 - e. The proposed hours and days of operation during the year;
 - f. The estimated amount and general type of material present and to be removed from the site;
 - g. The results of test holes which show the water table level;
 - h. The date by which it is anticipated the extraction and processing operation will be completed;
 - i. A schedule for completion of necessary site restoration work;
 - j. Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries;
 - k. The identification of any geophysical hazards which may affect or be affected by the proposed operation. A statement of the possible impact of the hazard on the operation and of the operation on the hazard including methods of reducing the impact;
 - l. The date the operation was established and history of adjacent land development;
 - m. Compatibility of the proposed operation with the present and future development, utilities, and public services.
 - n. Unique characteristics of land or buildings; and
 - o. Any additional relevant information as the commission or department may request.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - a. A topographic map showing the existing topography, vegetation, drainage features, ground water level, structures, significant natural and artificial conditions of the land, on-site and off-site geophysical hazards which may affect or be affected by the proposed operation, proposed structures, roads, stockpiling and operation;
 - b. A topographic map and a typical cross section showing the proposed finished contour on the land, vegetation, drainage features, limits of overburden clearing, structures, and significant natural and artificial conditions of the property which will exist upon completion of the site restoration plan;
 - c. Topographic maps required in (A) and (B) for areas having a slope of less than five percent shall show spot elevations at all breaks in grade, drainage channels or swales and at selected points not more than 100 feet apart in all directions. For areas having a slope of greater than five percent, contours shall be shown at an interval of not more than five feet where the ground slope is regular; however, contour intervals of not more than two feet may be required where necessary to adequately show irregular land features or drainage details;
 - d. The plan must include a map showing ingress and egress points for trucks and other equipment;
 - e. The plan must include a map showing all buildings and structures to be located on the site;
 - f. Existing and proposed lighting; and
 - g. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

Document Format: All information that is submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
2. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Permit Center at 586-0770 or via email at Permits@juneau.org.

Application Review and Hearing Procedure: Once the application is determined to be complete, the Community Development Department (CDD) will initiate the review and scheduling of the application. This process includes:

Review: Upon receipt of a complete application and the required filing fee, CDD shall schedule a public hearing to be held within 45-days of the receipt of the completed application. Prior to the hearing CDD shall submit a copy of the application to the Engineering Department for a report containing an evaluation of the information in the application and shall include recommendations relating to the effect the proposed extraction and expected traffic will have upon the streets and other improvements of the City and Borough, whether such streets and improvements are existing or projected; the water table, water quality, and drainage; and all properties within the area of influence of the proposed operation. Also during this time, CDD will send the application out for a 15-day agency review period; CDD will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans; and depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Extraction Permit Applications will be heard by the Planning Commission as a Conditional Use permit. Within 30-days of the hearing, the commission shall take action on the application. After the public hearing on the application, the commission may grant the permit but shall first consider each of the following areas and may impose such restrictions as may be necessary to protect the public health, safety and welfare:

- A. The hours, days, and times of year of operation;
- B. Screening, whether natural or artificial, to reduce or eliminate adverse visual, audible or other impacts of the operation;
- C. Measures to protect the public from the dangers of the operation or site, to prevent casual or easy access to the area, or to prevent the operation or area from being an unprotected attractive nuisance;
- D. Final and working slope ratios of the face of any extraction area to the extent necessary to protect abutting public and private property, and to protect the future beneficial uses of the property as described in the applicant's plan for development and restoration;
- E. Measures to protect private and public property adjoining the operation and to guarantee orderly and safe traffic circulation both on the public streets and within the permit application area;
- F. Measures which will ensure adequate drainage or collection and storage of surface waters to protect surrounding property, eliminate dangers to the public, or to protect the future beneficial use of the property as described in the applicant's plan for development and restoration;
- G. Measures to protect the water level and water quality;
- H. Measures to minimize or eliminate airborne particulates, visual blight, noise, and other adverse environmental effects;
- I. Restoration measures and schedule;
- J. Other measures designed to protect the public health, safety and welfare, including preservation of neighboring property; and
- K. Present development and past history of the neighboring property.

Public Notice Responsibilities: As part of the Extraction Permitting process, all permit requests must be given proper public notice as outlined in CBJ 49.65.225 and CBJ 49.15.230 which consists of the following:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 300-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Attachment A - Application Packet

**City and Borough of Juneau North Lemon Creek Material Source
Conditional Use Permit
February, 2022**

Introduction

The City and Borough of Juneau (CBJ) is applying for a Conditional Use Permit to continue development and operation of its existing sand and gravel resource at the City's North Lemon Creek Material Source (NLCMS). This application requests a new Conditional Use Permit for a 15 year period.

Most of the information contained in the previous Conditional Use Permit USE 2007-000051 application, Staff Report, and Notice of Decision is still relevant. This application will highlight and update the changes that have occurred over the last 15 years of operation.

Purpose

To provide a source of sand and gravel for use in public improvement projects.

Contents of Application as found in CBJ 49.65.210:

(1) Location/Legal Description

The NLCMS is located in the Lemon Creek area, to the west of Lemon Creek. Directly south of the material source is the existing Lemon Creek Correctional Center. The material resource is located entirely within property owned by the CBJ. The existing entrance road crosses a portion of ASLS 2004-22 TR B2 which is owned by the State of Alaska. Extraction operations are limited to fractions of the properties identified as ASLS 2004-22 Tract B-1 and extend into Renninger Lot 1, Plat 2015-47. All of the project area is zoned Rural Reserve. See Figure 01 for project location.

(2) Topographic Map – Existing Conditions

See Figure 02.

(3) Topographic Map – Site Restoration

See Figures 03 and 04.

(4) Map Contents

See Figures 02 and 03.

(5) Ingress & Egress to Site

The site is accessed through a single point on the west side of Lemon Creek. From the site, a bridge crosses Lemon Creek to intersect the Lemon Creek Haul Road. Traffic follows the Lemon Creek Haul Road onto Anka Street, then to the traffic signal at Glacier Highway. See also Figure 01 and Figure 02.

(6) Buildings & Structures

There are no existing structures or lighting on the project site. No new structures or lighting are proposed with this permit renewal.

(7) Narrative

The CBJ makes material available to contractors at the NLCMS, primarily for use in public projects within the CBJ. Contractors typically perform mining activities utilizing a front end loader or excavator to excavate bank material, then load this material onto 10 or 20 yard trucks for transportation to project sites. At times, a portable screening plant may be used to separate the bank material into different size fractions prior to loading onto trucks. Small volumes of topsoil may also be created at site with the present sand and gravel by blending with organics sourced from the overburden on site. Topsoil may be utilized for offsite or onsite projects. Upon completion of these mining and stockpiling activities, the site may be suitable for residential, commercial, or industrial development.

(A) Site Drainage Plan

Clean surface water from uphill, both west and north of the current development is directed around the pit by a series of existing berms and ditches, exiting to the east and south. Water from mining areas either infiltrates due to the natural porosity of the sand or travels by sheet flow and then through a series of ditches and culverts to a permanent on-site settling pond. The pond discharges via culvert and rock lined and vegetated channel into Lemon Creek. See also Figure 02.

As the site is further developed, a diversion ditch will be constructed along the northern perimeter to direct uphill flows around the pit area. The ground surrounding the remaining sides of the project area generally slopes away from the planned excavation and will not require diversion ditching. To collect and handle additional onsite storm water flows as the pit develops, up to two additional ponds will be constructed as described in the original permit submittal. When areas of the pit reach their final extraction limits and elevations, these areas can be fully or partially reclaimed and may lessen the need for additional settling ponds. Following the requirements in the Alaska Department of Environmental Conservation's 2020 Multi-Sector General Permit (MSGP) and future permit renewals, regular testing will document if sedimentation and erosion control are being properly addressed. This testing will help in determining the need for additional settling ponds. Figure 03 shows conceptual final topography including

proposed settling pond locations.

(B) Access Control

Access to the gravel pit is via Glacier Highway, down Anka Street, and approximately 0.3 miles on to the Lemon Creek Haul Road. The material source is accessed by crossing a bridge to arrive at the west side of Lemon Creek. The access point is then immediately north and is secured with a gate. Users are tasked with unlocking and locking the site access gate when utilizing the site. No trespassing/authorized access only signs are in-place at the entrance gate. Site topography and boulders on either side of the access gate prevent easy vehicular access around the site entrance. See Figure 02.

(C) Methods Used to Minimize Noise Pollution and Visual Blight

The closest neighbors include the Lemon Creek Correctional Center and the residential lots on Lemon Creek Road. Mining operations will occur at lower elevations than the pit rim, limiting noise pollution and visual blight from affecting surrounding areas. Heavily forested areas surrounds the proposed excavation limits. This forested area will remain and serve as a buffer between the material site and neighboring properties, including the residential area to the west. This forest will provide screening to limit both noise pollution and visual blight.

(D) Hours of Operation

The material source is currently available for use Monday through Sunday all year. Hours of operation are 7:00 AM to 10:00 PM Monday – Friday and 7:00 AM to 5:00 PM Saturday and Sunday. These hours are consistent with previously permitted hours of operation.

(E) Type and Quantities of Material

The site has been developed primarily for sand and gravel. There are unknown quantities of bedrock on the site, as evidenced by the access road development and gravel extraction to date. It is not the intent of this permit renewal to mine rock. Minor amounts of bedrock may be removed to facilitate gravel extraction, specifically including the development of ramps for access to overburden removal areas during additional site development. Additional rock may be extracted to increase the available pit floor area and to provide materials for hardening site roads and construction of storm water controls. This application requests similar conditions as those contained in the original permit for blasting of rock materials to facilitate access development.

As stated in the original permit application, total quantity of usable sands and gravels are expected to be 3.5 to 4 million cubic yards. During mining area preparation, an organic overburden layer is removed and stored on site in

stockpiles, and may further be utilized in reclamation activity at the South Lemon Creek Material Source, utilized in periodic reclamation at the NLCMS, used in the manufacture of topsoil, or otherwise disposed of at approved fill or waste sites.

(F) Test Holes, Water Table

As stated in the original permit application, no water table was encountered in any of the test holes on the original site plan. As mining has progressed, no significant flows have been encountered. Based on this, it has been assumed that the water table is below the limits of excavation planned for the material source.

(G) Date of Extraction and Processing Completion

Completion of mining activity at the NLCMS is difficult to predict. It is estimated that less than 200,000 yards of sand and gravel materials have been removed from site since operations began. In recent years material extraction has begun to shift from the SLCMS to the NLCMS and the majority of gravel used on CBJ projects now comes from the NLCMS. The demand for sand and gravel for use in Public Projects will determine how quickly or slowly the resource may be depleted. Community priorities will determine the type of public projects undertaken in the future, and the type of project will determine the type and quantity of materials needed from the City's material sources. It is likely that some resource will remain at the conclusion of the requested permit period. In this event, a renewal of the conditional permit may be requested.

(H) Schedule and Plan for Site Restoration

Extraction operations will be conducted to minimize the amount of exposed soil face. When an area has reached a final configuration, faces will be stabilized and covered with overburden and seeded. Finished pit floor areas will be seeded when no further disturbance is planned for those areas.

Upon completion of mining activity it is anticipated that the former pit area could be used for commercial or industrial development. The reclamation plan may necessarily be modified to accommodate any further development.

Figure 03 is a conceptual topographic contour map that shows the final mined out pit floor sloped at 2% to drain towards a ditch and pond system along the southern pit floor, with slopes reclaimed and laid back to a 2:1 slope.

(I) Control of Airborne Emissions

Each contractor's User Agreement requires compliance with the material site's Storm Water Pollution Prevention Plan which requires measures to reduce and eliminate tracking of materials from the material site and the generation of dust.

Further, any material tracked on to Anka Street will need to be removed by a contractor using a sweeper/vacuum truck. To ensure compliance a contingent sum bid item for pit restoration/road cleaning is included in City projects that use material obtained from the NLCMS. The Lemon Creek Haul Road is paved from the end of Anka Street to CBJ's bridge over Lemon Creek. Once crossing the bridge, the site access road is RAP surfaced. Interior haul roads/routes are rocked or RAP surfaced, and ditched to promote a dry driving surface. When primary separation of materials is allowed onsite, spray bars or other means of wetting materials may be utilized if needed to reduce any dust generation. This all contributes to reducing tracking of mud/sand out of the pit area and the generation of dust.

(J) Geophysical Hazards

There are no identified geophysical hazards on site. The pit floor lies above the Lemon Creek flood plain.

(K) Operation History:

The initial conditional use permit for the NLCMS was issued in 2007. Since that time, construction projects have resulted in an access road into the site, generally at the expected final floor elevation. The development has included some blasting of bedrock on the north side of the access road to maintain width and grades but has otherwise followed between the State of Alaska property to the south and the bedrock exposure to the north.

Mining of sand and gravel has progressed with the access development, slowly moving west. Sand and gravel materials from the site have been primarily used for bulk fill and pipe bedding, both on public works construction projects throughout Juneau. Material that had in the past been mined from the SLCMS has instead been slowly transitioning to the NLCMS, with most sand and gravel materials for the CBJ's construction projects now being sourced from the NLCMS.

Areas adjacent and near to Lemon Creek have been utilized for sand and gravel resources for many years. The State-owned tract directly south of the NLCMS is the site of the Lemon Creek Correctional Center. Southwest of the material source lies the Lemon Creek neighborhood. No development has taken place immediately north of the material source, and with the exception of the Lemon Creek Correctional Center property, all property adjacent to the project area is currently owned by the CBJ. See Figure 01 – General Location Map.

(L) Additional Relevant Information as Requested

(2) Screening to Reduce Impacts

See (7) (C) Methods Used to Minimize Noise Pollution and Visual Blight.

(3) **Measures to Protect Public**

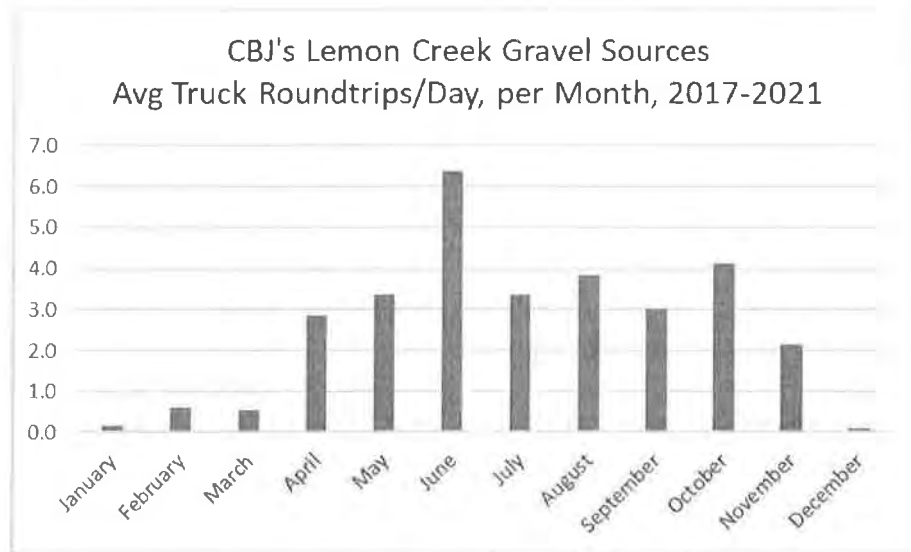
See (7) (B) Access Control and (7) (C) Methods Used to Minimize Noise Pollution and Visual Blight.

(4) **Final & Working Slope Ratios**

Working faces remain at approximately angle of repose for the material mined, or 45 degrees or 1:1. When excavation limits are reached, final cut slopes will be established at 2:1. See also (7) (H) Schedule and Plan for Site Restoration, Figure 03 – Finished Site Map, and Figure 04 – Typical Cross Sections.

(5) **Measures to Ensure Safe Traffic, Protect Surrounding Property**

Trucks using the NLCMS travel on the Lemon Creek Haul Road to Anka Street, following Anka Street on to Glacier Hwy. The mining area has a single gated access point leading to the pit floor. Truck traffic from the NLCMS is not expected to increase over the life of the permit. Because gravel and topsoil operations are transitioning from the SLCMS to NLCMS, combined Lemon Creek gravel source truck counts were evaluated for this permit. Truck counts were derived from scale records for those trucks hauling either gravel materials or topsoil materials from SLCMS or NLCMS. Over the last five calendar years (2017-2021), the number of trucks accessing the Lemon Creek material sites for gravel, rock, or topsoil materials has peaked in the summer months, with June averaging a high of 6.4 truck roundtrips per day. The busiest months during the 2017-2021 period were in June 2017 and June 2021. June 2017 experienced a peak average of 11.4 truck roundtrips per day, while June 2021 experienced a peak average of 11.8 truck roundtrips per day.



See also (7) (B) Access Control, (7) (C) Methods Used to Minimize Noise Pollution and Visual Blight, and (7) (I) Control of Airborne Emissions.

(6) Measures to Ensure Adequate Drainage

The material source is regulated by the Alaska Department of Environmental Conservation (ADEC) through the current 2020 Multi-Sector General Permit. The material site maintains a Storm Water Pollution Prevention Plan as required by the MSGP. The SWPPP details storm water handling on the current site including the installation and regular maintenance of applicable storm water best management practices (BMPs). See also (7) (A) Site Drainage Plan, Figure 02-Existing Conditions Map, Figure 03-Finished Site Plan, and the attached SWPPP.

(7) Measures to Protect Water Level and Quality

Storm water discharges from the material source are authorized by the Alaska Department of Environmental Conservation's Multi Sector General Permit (MSGP) for Industrial Activities. The site maintains a Stormwater Pollution Prevention Plan (SWPPP) as a condition of operating under this permit. The SWPPP details measures taken on site, including the use of various BMPs and water quality monitoring. See also (7) (A) Site Drainage Plan and Figure 02 – Existing Conditions Map, Figure 03-Finished Site Plan, and the attached SWPPP.

(9) Restoration Measures and Schedule

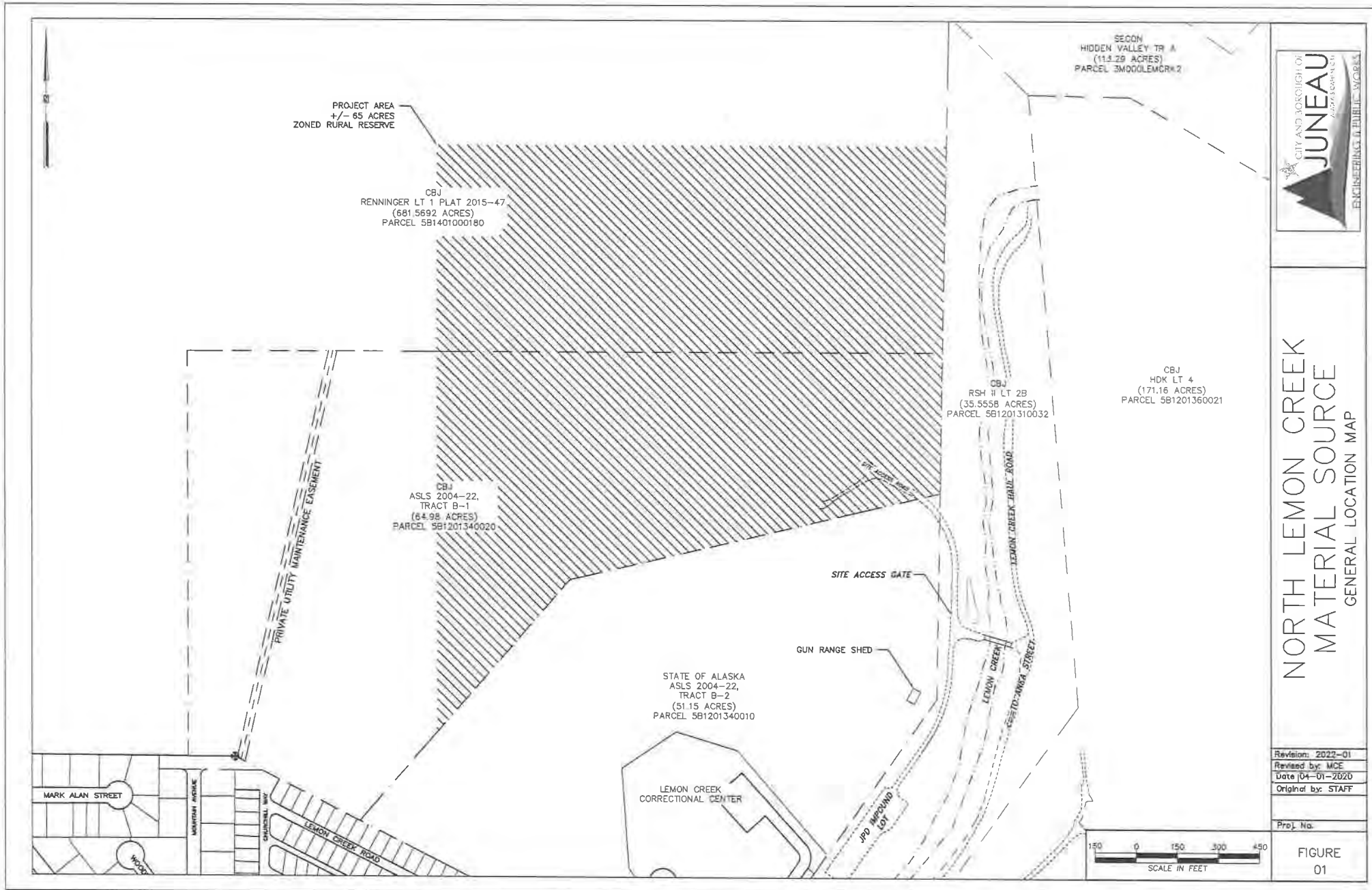
See (7) (H) Schedule and Plan for Site Restoration and Figure 03 – Finished Site Plan.

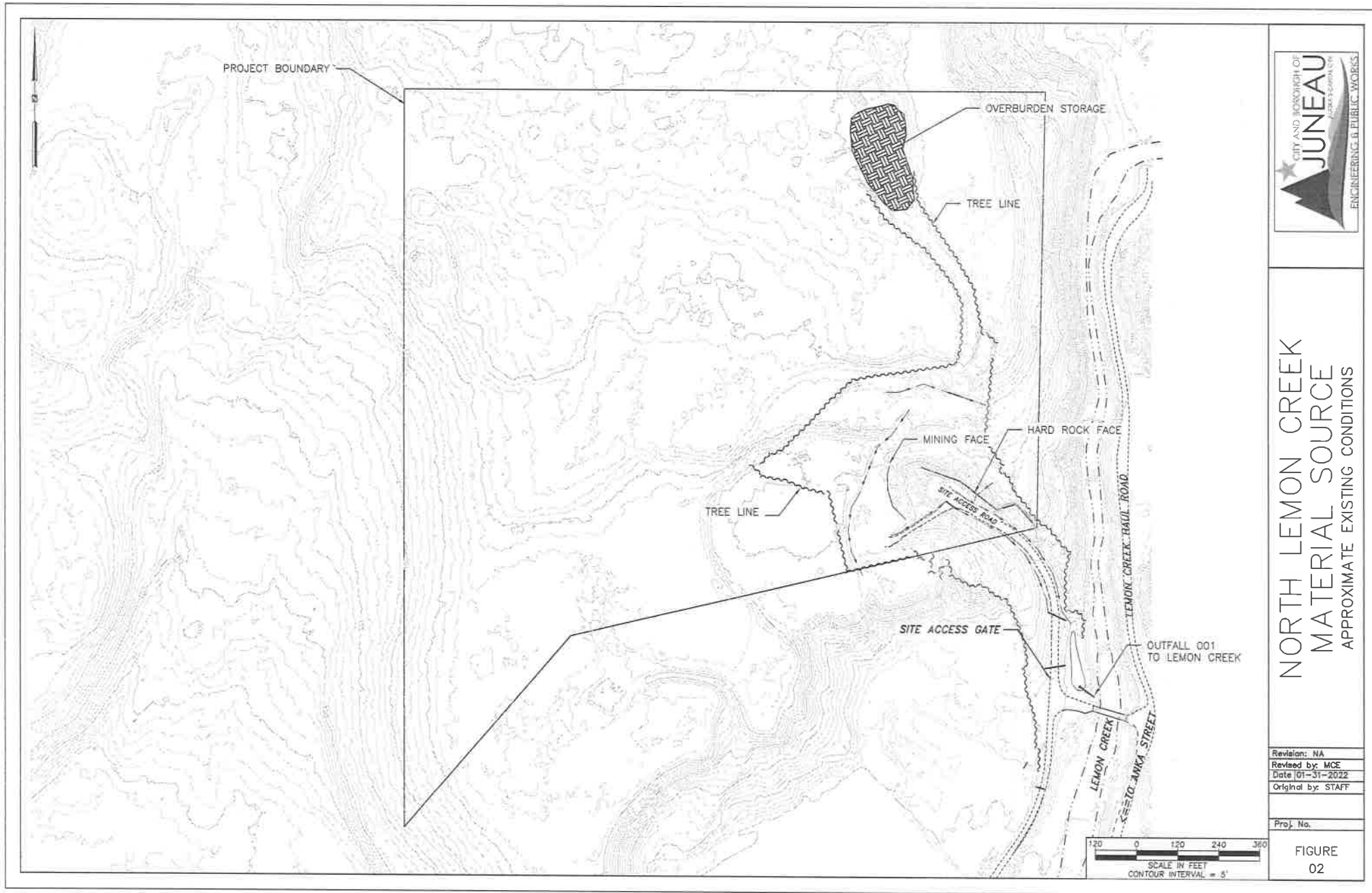
(10) **Other Measures to Protect Public**

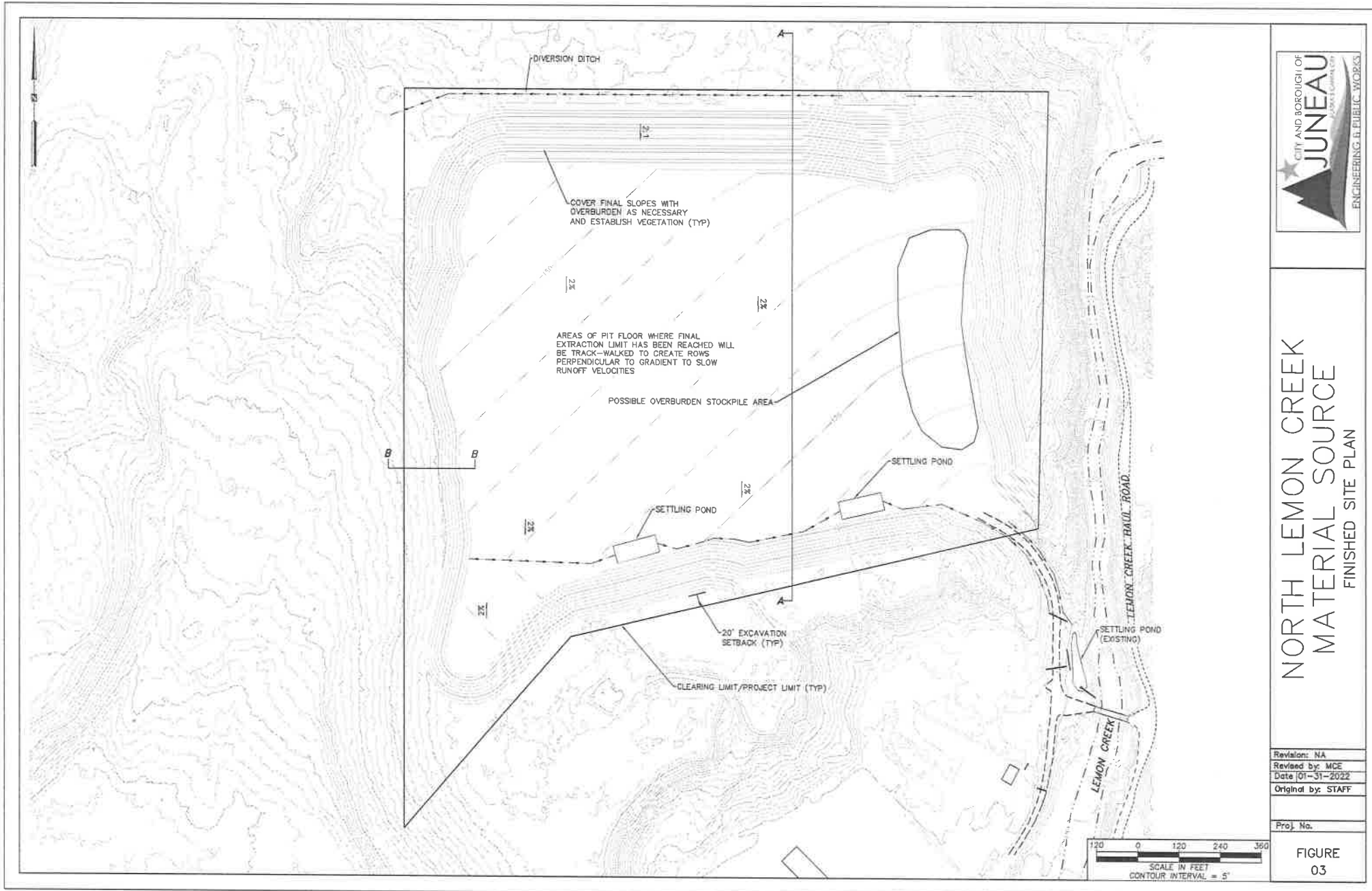
No additional measures are planned.

(11) **Present Development and History of Neighboring Property**

See (7) (K) Operation History.





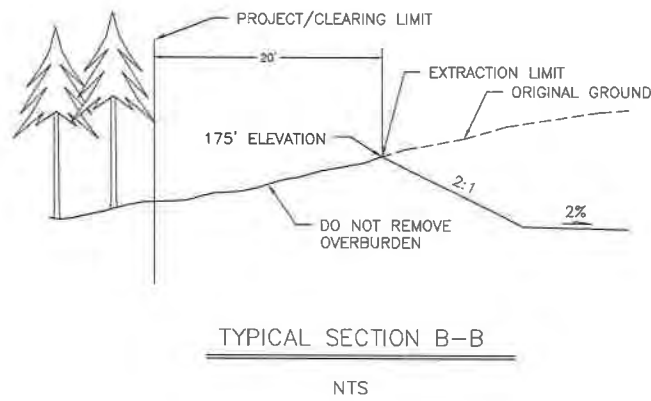
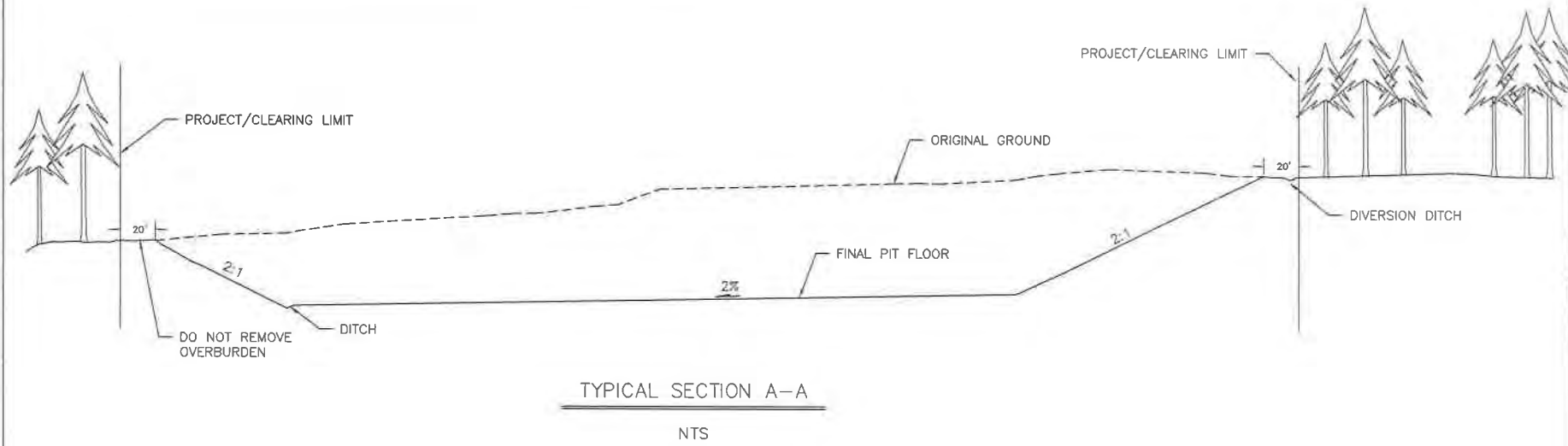


NORTH LEMON CREEK MATERIAL SOURCE FINISHED SITE PLAN

Revisions: NA
 Revised by: MCE
 Date: 01-31-2022
 Original by: STAFF

Proj. No.

FIGURE
03



**NORTH LEMON CREEK
MATERIAL SOURCE
TYPICAL CROSS SECTIONS**

Revision: NA
 Revised by: MCE
 Date 01-31-2022
 Original by: STAFF

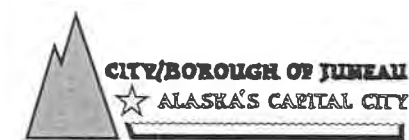
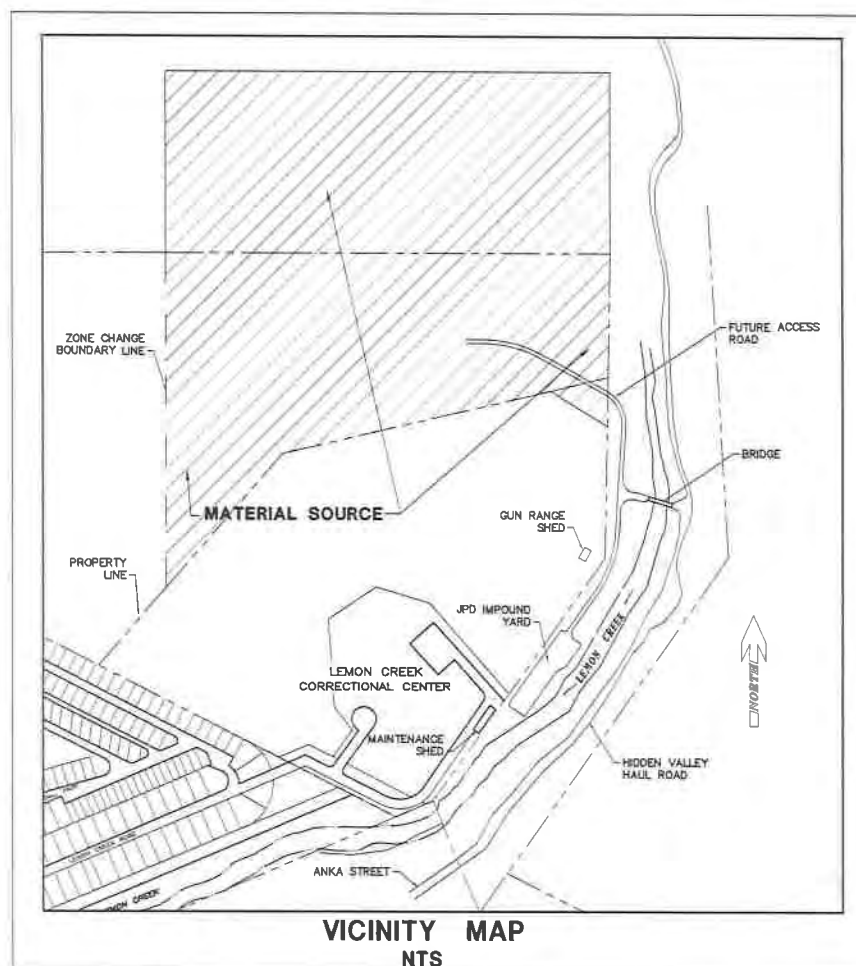
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**FIGURE
04**

NORTH LEMON CREEK MATERIAL SOURCE CU PERMIT DRAWINGS

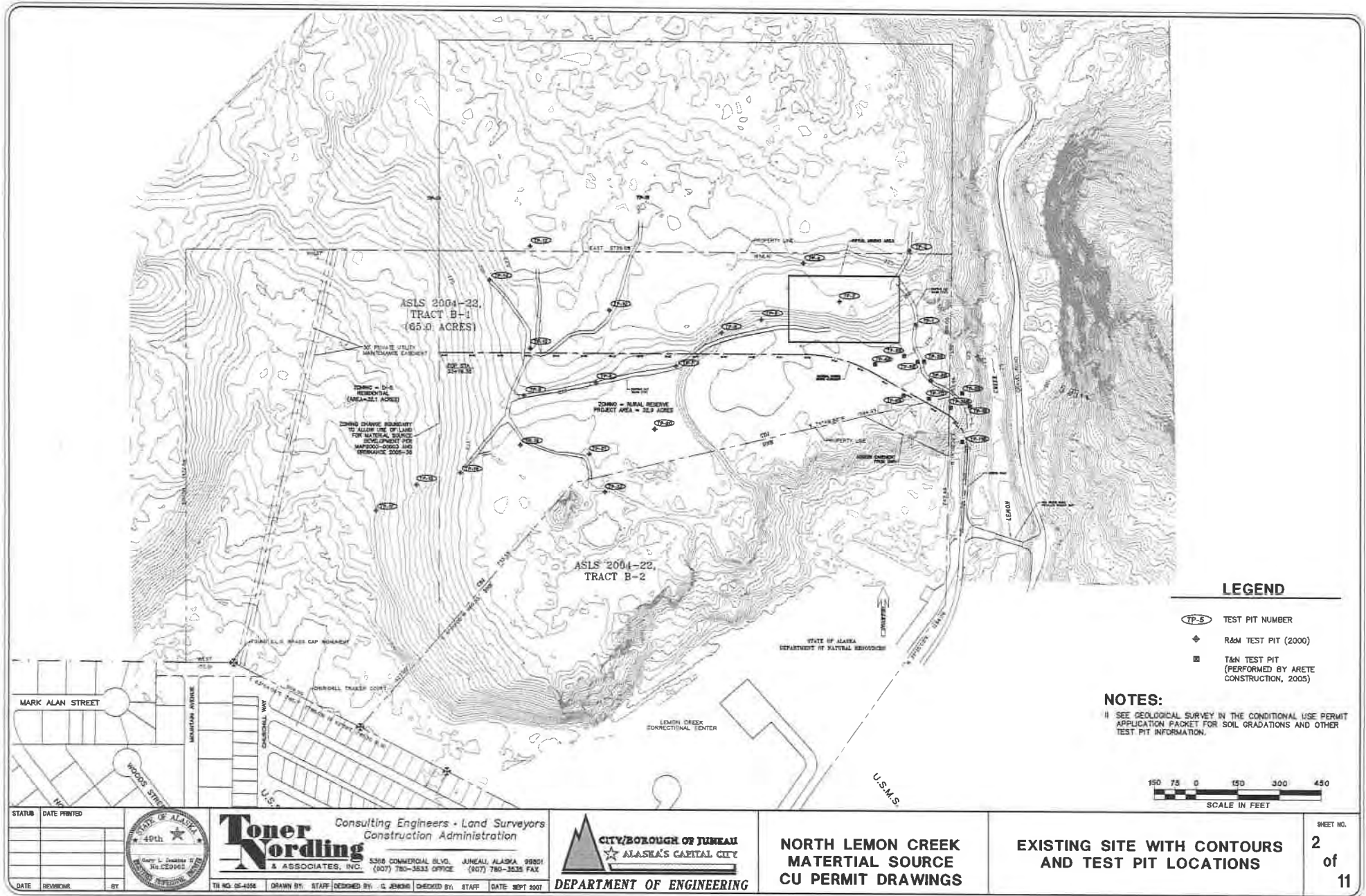
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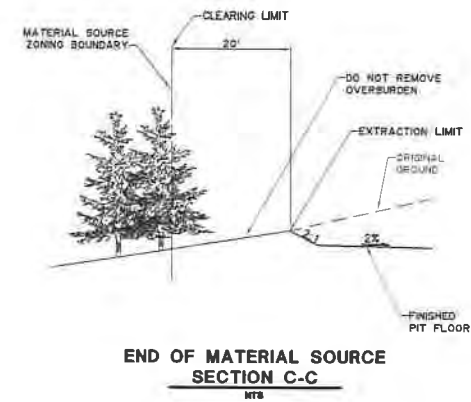
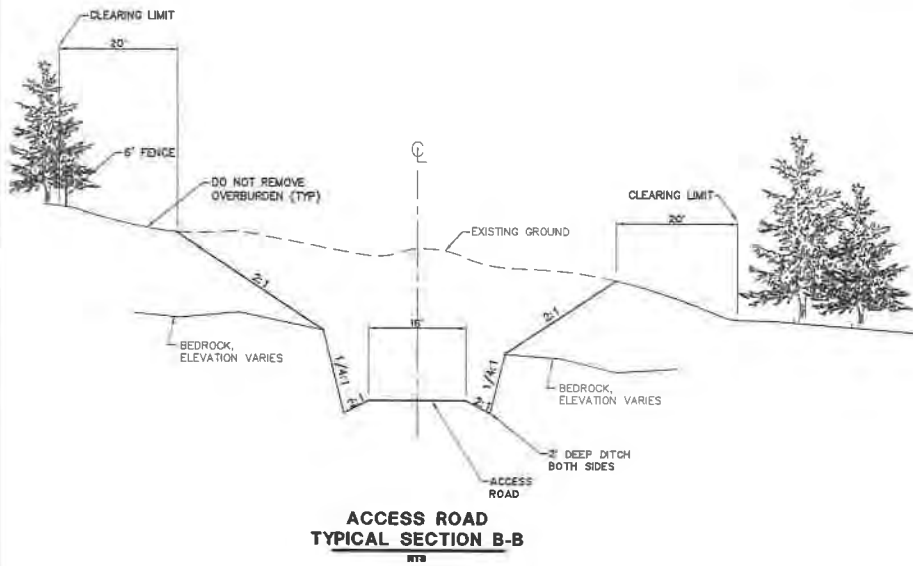
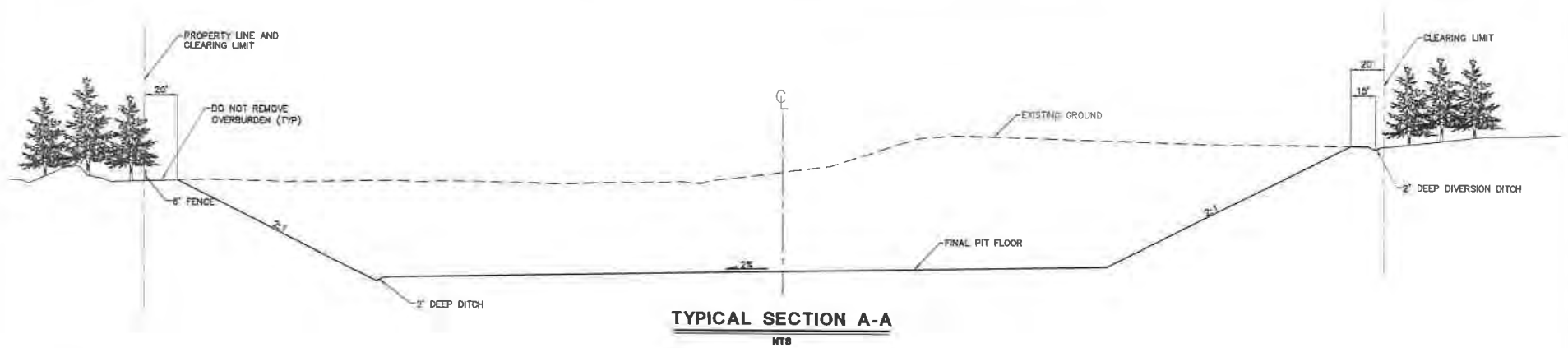
DESCRIPTION	SHEET NO.
COVER SHEET	1
EXISTING SITE WITH CONTOURS AND TEST PIT LOCATIONS	2
TYPICAL SECTIONS	3
FINISHED MATERIAL SOURCE PLAN AND RECLAMATION PLAN	4
LINE-OF-SITE PROFILE FROM CHURCHILL TRAILER COURT	5
EROSION & SEDIMENT CONTROL MASTER PLAN	6
ESCP DETAILS: SETTLING POND "A"	7
ESCP DETAILS: SETTLING PONDS "B" & "C"	8
SAMPLE CITY/STATE NORTH LEMON CREEK MATERIAL SOURCE USAGE PLAN	9
MATERIAL SOURCE DEVELOPMENT PLAN	10
DEVELOPMENT EROSION & SEDIMENT CONTROL PLAN	11



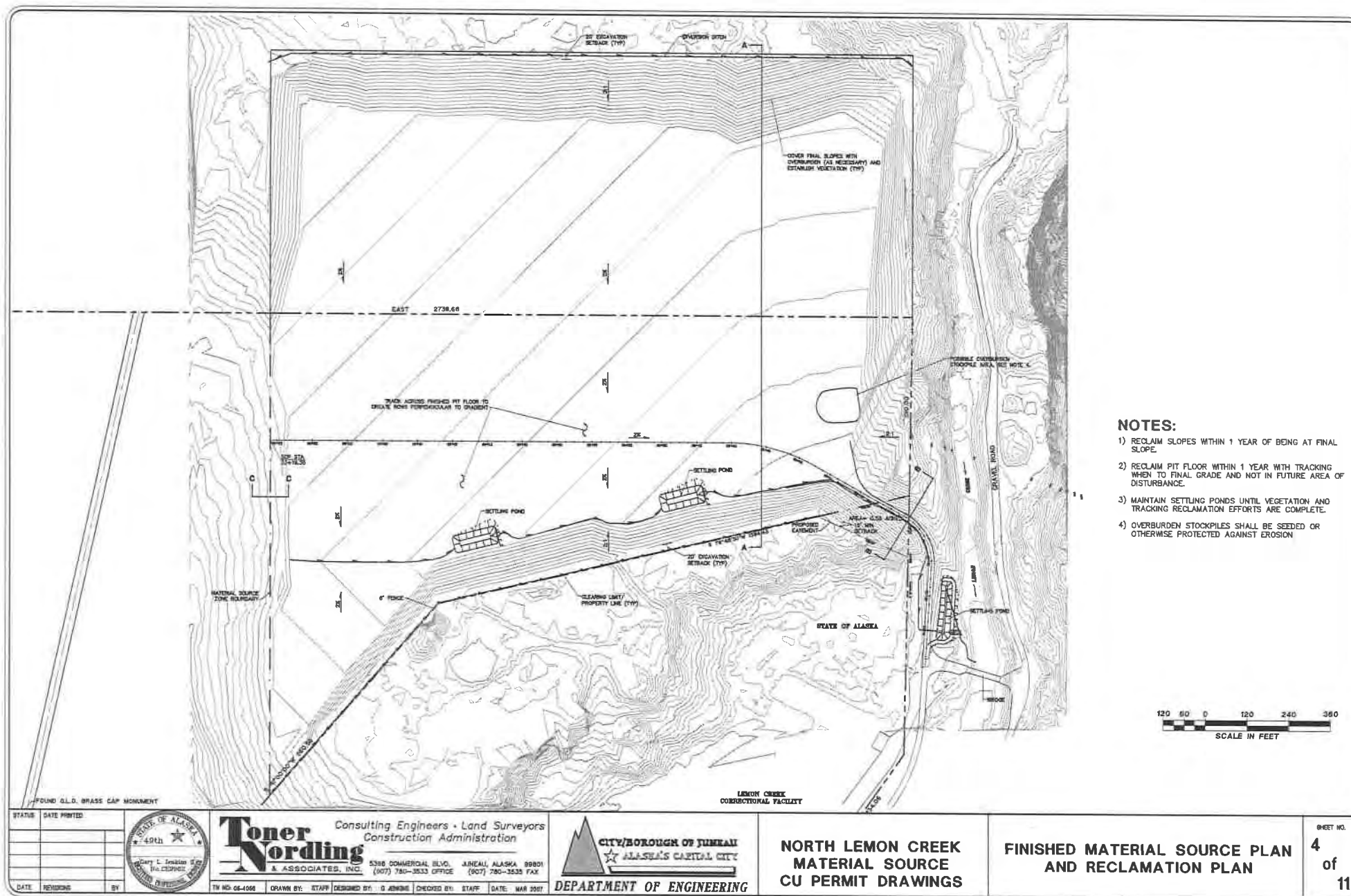
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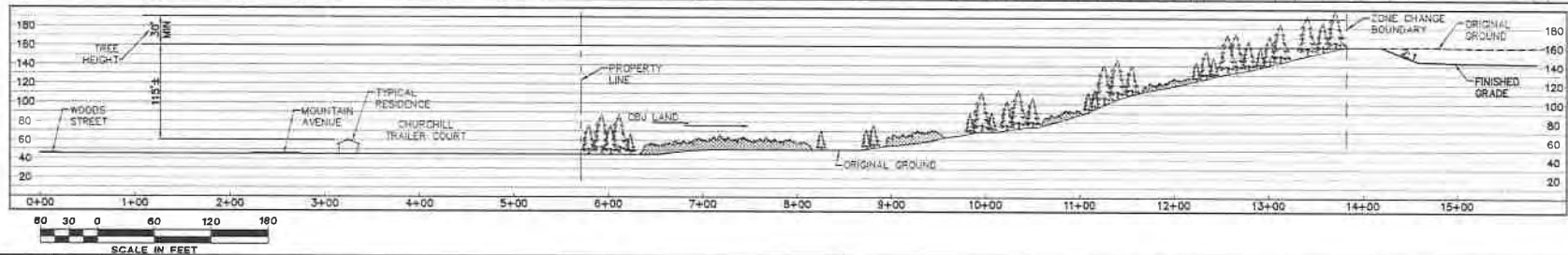
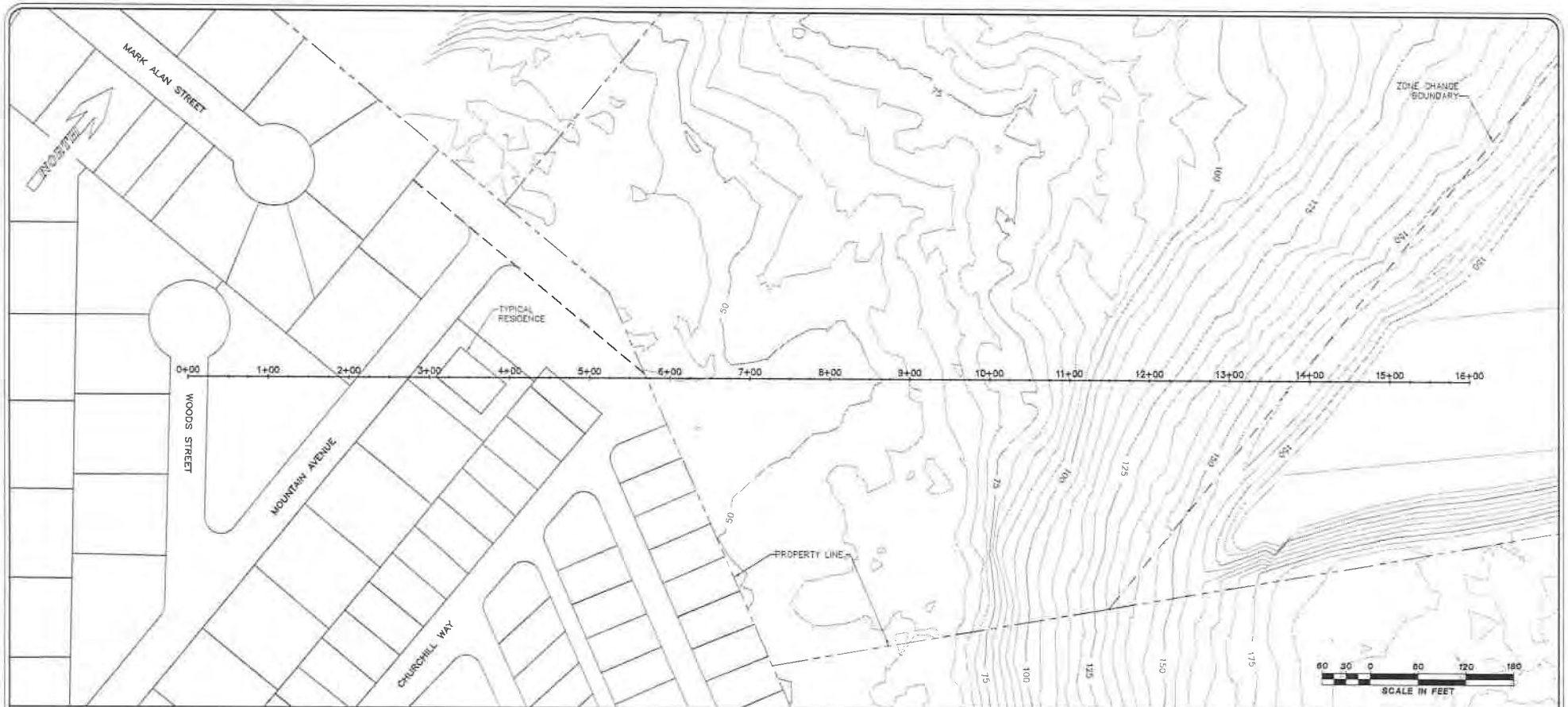
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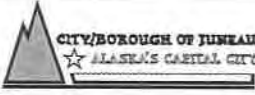


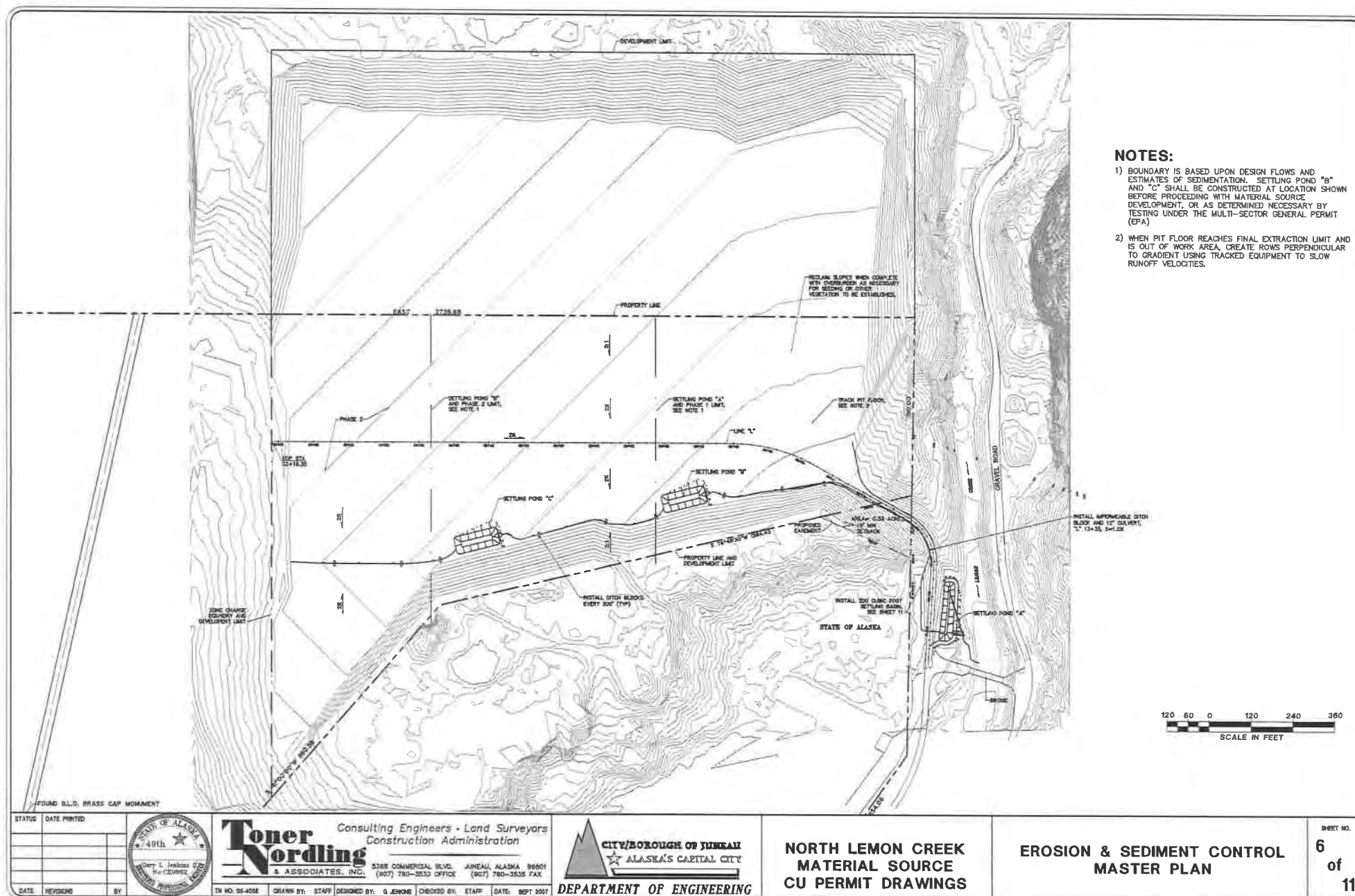


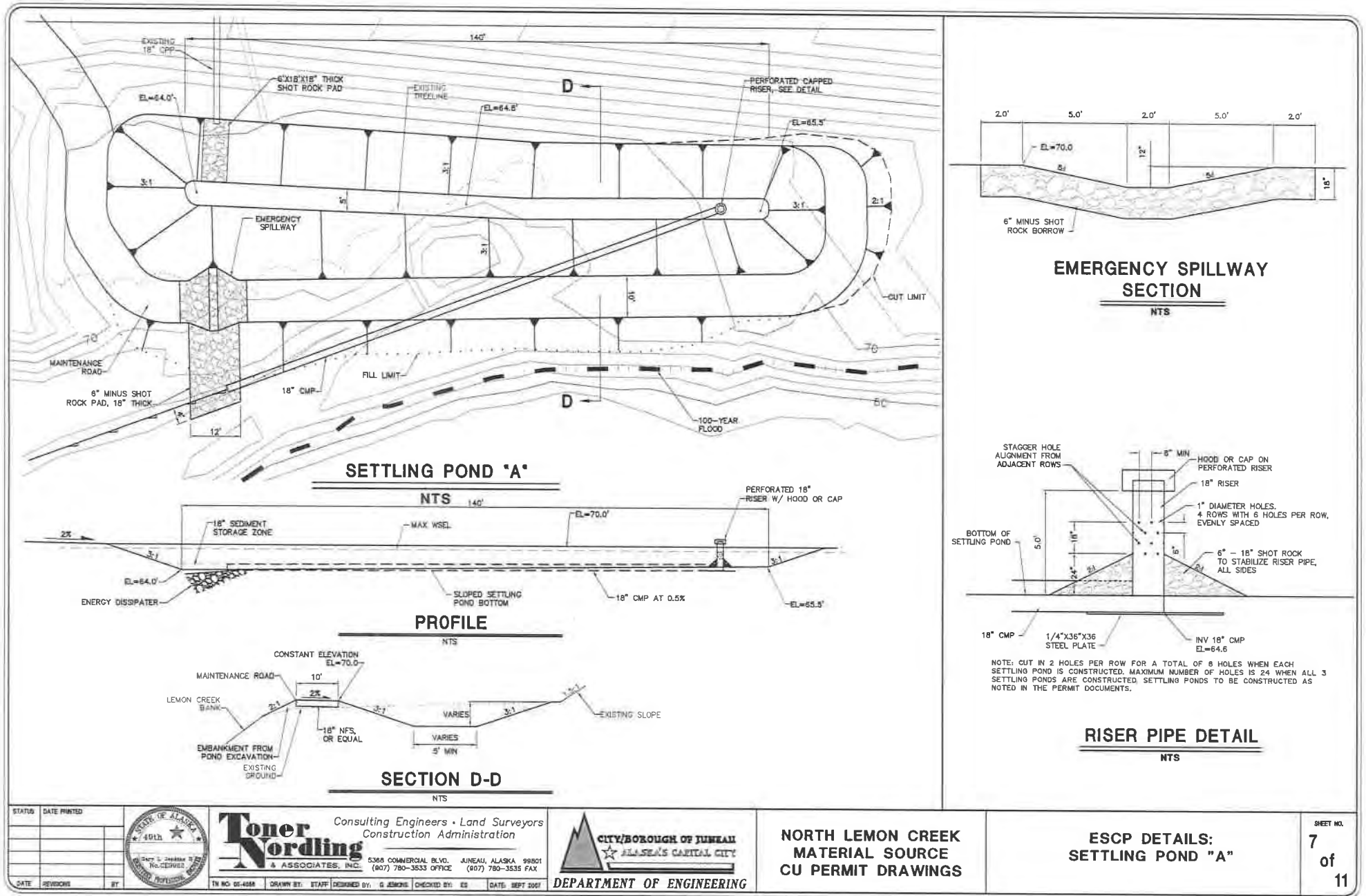
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DATE	REVISIONS							BY
DATE	REVISIONS							BY

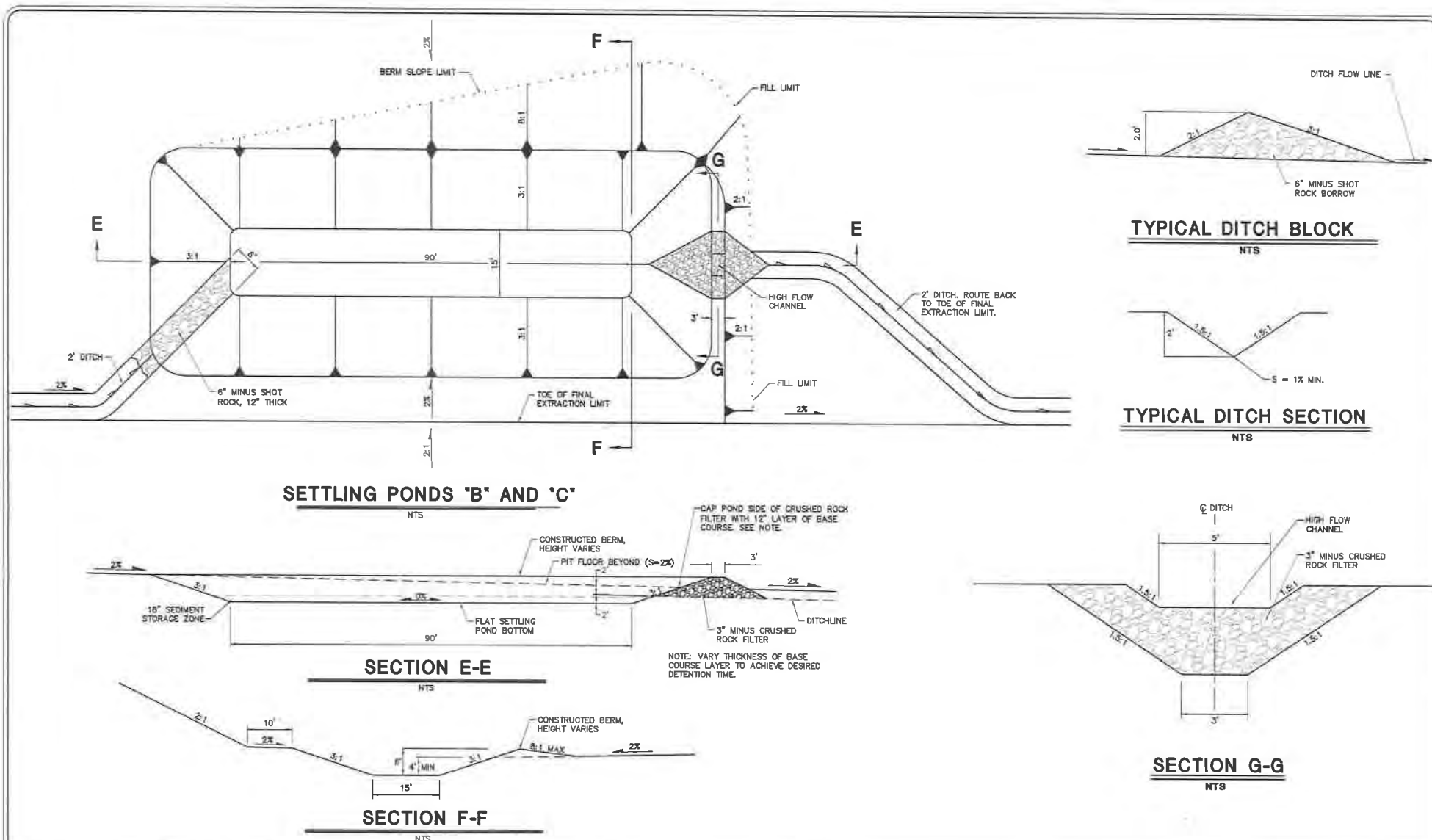




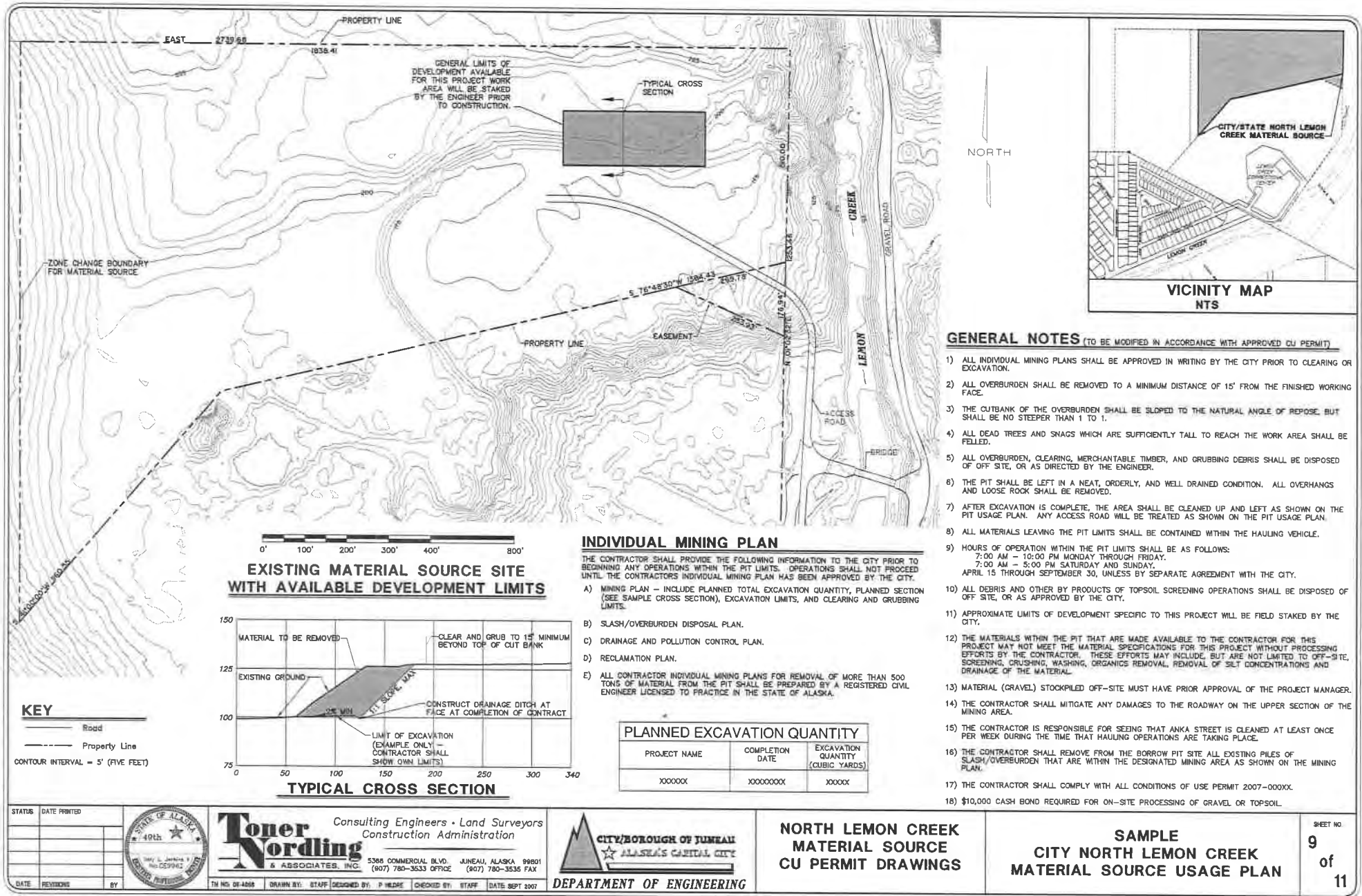
STATUS DATE PRINTED DATE REVISIONS BY	 Toner Nordling Consulting Engineers • Land Surveyors Construction Administration 5365 COMMERCIAL BLVD. JUNEAU, ALASKA 99801 (907) 780-3533 OFFICE (907) 780-3535 FAX	 CITY/BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING	NORTH LEMON CREEK MATERIAL SOURCE CU PERMIT DRAWINGS	LINE-OF-SITE PROFILE FROM CHURCHILL TRAILER COURT	SHEET NO. 5 of 11
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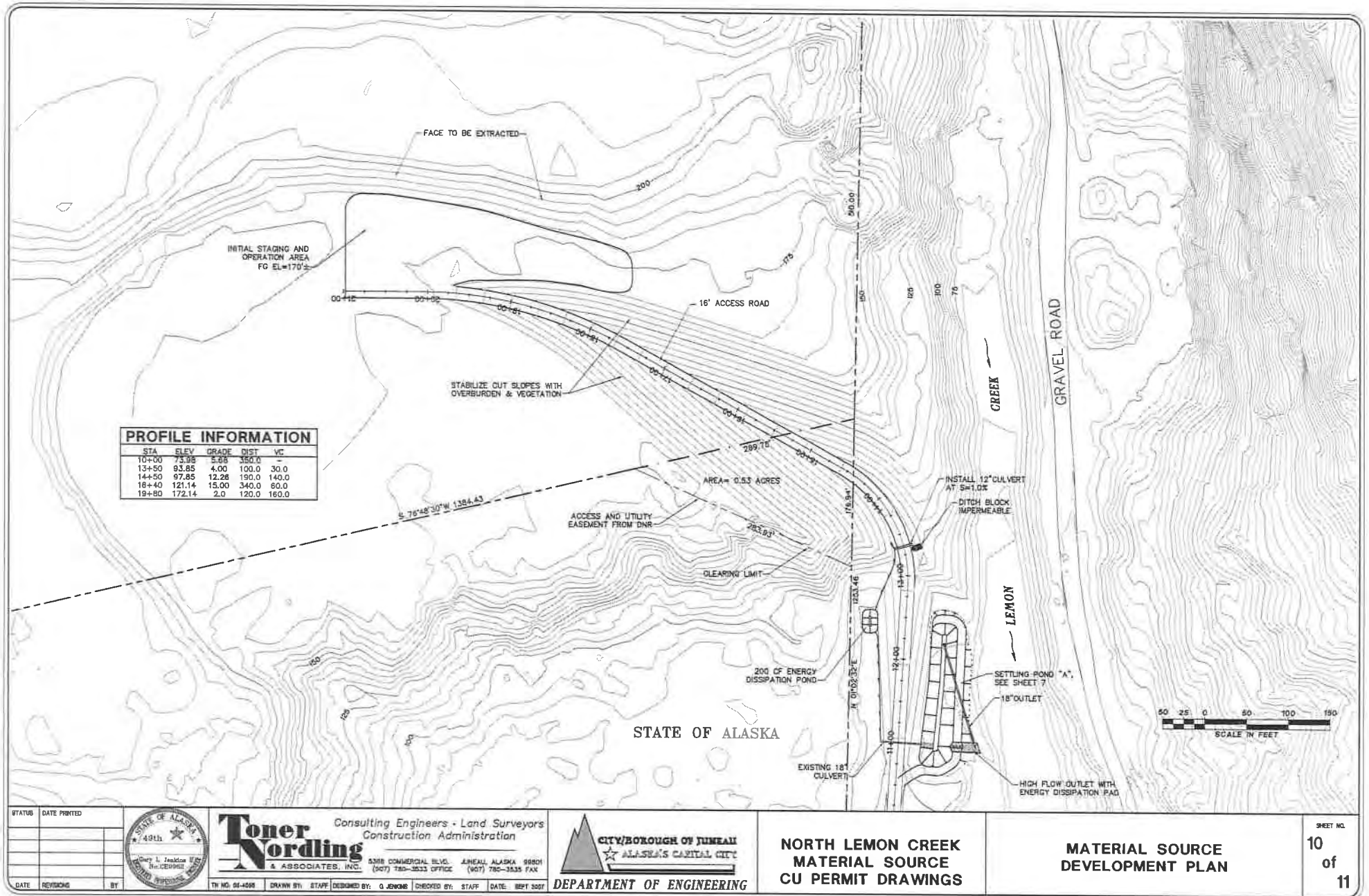


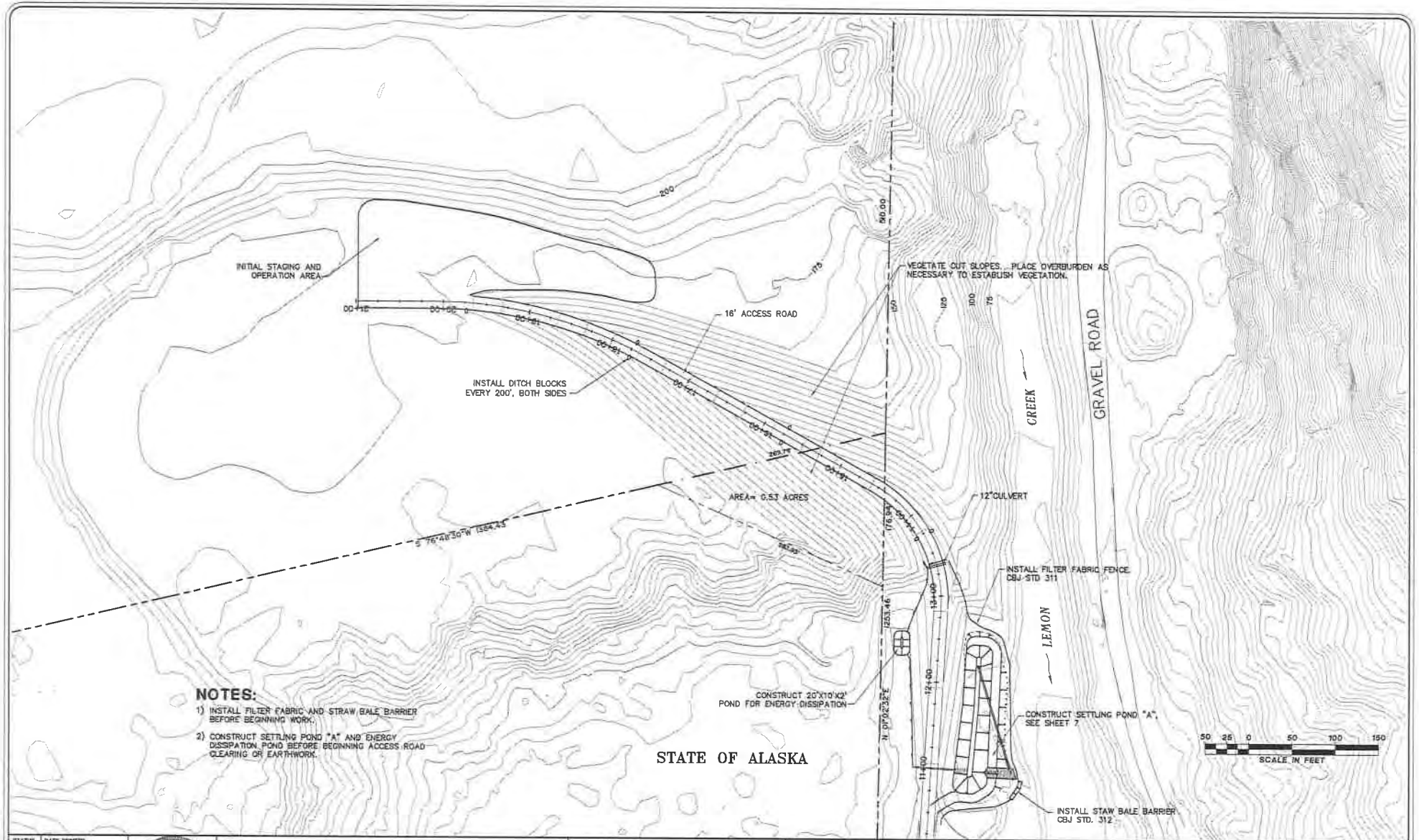




STATUS	DATE PRINTED	 Toner Nordling Consulting Engineers • Land Surveyors Construction Administration 333E COMMERCIAL BLVD. JUNEAU, ALASKA 99801 (907) 780-3533 OFFICE (907) 780-3535 FAX	 CITY/BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING	NORTH LEMON CREEK MATERIAL SOURCE CU PERMIT DRAWINGS	ESCP DETAILS: SETTLING PONDS "B" & "C"	SHEET NO. 8 of 11
DATE	REVISION					
IN NO. 06-0086		DRAWN BY: STAFF	DESIGNED BY: G. JENKINS	CHECKED BY: STAFF	DATE: SEPT 2004	







NOTES:

- 1) INSTALL FILTER FABRIC AND STRAW BALE BARRIER BEFORE BEGINNING WORK.
- 2) CONSTRUCT SETTLING POND "A" AND ENERGY DISSIPATION POND BEFORE BEGINNING ACCESS ROAD CLEARING OF EARTHWORK.

STATUS	DATE PRINTED		Toner Nordling Consulting Engineers • Land Surveyors Construction Administration 5368 COMMERCIAL BLVD. JUNEAU, ALASKA 99901 (907) 780-3533 OFFICE (907) 780-3535 FAX		CITY/BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING	NORTH LEMON CREEK MATERIAL SOURCE CU PERMIT DRAWINGS	DEVELOPMENT EROSION & SEDIMENT CONTROL PLAN	SHEET NO. 11 of 11
DATE	REVISIONS							

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

Storm Water Pollution Prevention Plan

for:

North Lemon Creek Material Source
Lemon Creek Valley
Juneau, AK 99801

SWPPP Contact(s):

City & Borough of Juneau
Michael Eich – Material Sources Manager
155 South Seward Street
Juneau, AK 99801
Phone: 907.586.0800 x4192
michael.eich@juneau.org

SWPPP Preparation Date:

04/ 30 / 2020

APDES Permit Tracking Number: AKR06AD61

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Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

SECTION 1: FACILITY DESCRIPTION AND CONTACT INFORMATION

1.1 Facility Information

Facility Information

Name of Facility: North Lemon Creek Material Source (NLCMS)
 Street: Lemon Creek Valley (end of Anka Street)
 City: Juneau State: AK ZIP Code: 99801
 Borough or Similar Government Subdivision: None
 Permit Tracking Number: AKR06AD61

Latitude/Longitude (Use **one** of three possible formats, and specify method)

Latitude:	Longitude:
1. ___ ° ___ ' ___ " N (degrees, minutes, seconds)	1. ___ ° ___ ' ___ " W (degrees, minutes, seconds)
2. ___ ° ___ . ___ ' N (degrees, minutes, decimal)	2. ___ ° ___ . ___ ' W (degrees, minutes, decimal)
3. 58.3661 ° N (decimal)	3. 134.4815 ° W (decimal)

Method for determining latitude/longitude (check one):

☐ USGS topographic map (specify scale: _____) ☐ EPA Web site ☐ GPS
☒ Other (please specify): Google Earth

Is the facility located in Indian Country? ☐ Yes ☒ No

If yes, name of Reservation, or if not part of a Reservation, indicate "not applicable." Not Applicable

Is this facility considered a Federal Facility? ☐ Yes ☒ No

Estimated area of industrial activity at site exposed to storm water: 15 Acres

Discharge Information

Does this facility discharge storm water into an MS4? ☐ Yes ☒ No

If yes, name of MS4 operator: _____

Name(s) of water(s) that receive storm water from your facility: Lemon Creek

Are any of your discharges directly into any segment of an "impaired" water? ☒ Yes ☐ No

If Yes, identify name of the impaired water (and segment, if applicable): Lemon Creek

Identify the pollutant(s) causing the impairment: Turbidity, Sediment

For pollutants identified, which do you have reason to believe will be present in your discharge? Turbidity, Sediment

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For pollutants identified, which have a completed TMDL? Both pollutants are addressed in a completed TMDL. There is no Wasteload Allocation in the TMDL. Restoring water quality is addressed through a phased approach and incorporation of Control Actions. The applicable Control Actions in the TMDL are 4.b Stormwater Treatment, Measure 3 – Require treatment measures for all new conveyances; and 4.d Best Management Practices, Measure 2 – Implement BMPs through the CBJ development and building permits, and DEC Section 401 federal permit certification authority

Are any of your storm water discharges subject to effluent guidelines? ☐ Yes ☒ No

If Yes, which guidelines apply? _____

Primary SIC Code or 2-letter Activity Code (refer to Appendix D of the 2020 MSGP): 1442 Construction Sand and Gravel, 1422-1429 Crushed and Broken Stone, Including Rip Rap

Identify your applicable sector and subsector: Sector J: Mineral Mining and Dressing; Subsectors J1, J2

1.2 Contact Information/Responsible Parties

Facility Owner & Operator:

Name: City and Borough of Juneau
Address: 155 South Seward Street
City, State, Zip Code: Juneau, AK 99801
Telephone Number: 907.586.0800

SWPPP Contact:

Name: Michael Eich
Telephone number: 907.586.0800 x4192
Mobile number: 907.500.4401
Email address: michael.eich@juneau.org
Fax number: 907.463.2606

1.3 Storm Water Pollution Prevention Team

Staff Names	Individual Responsibilities
Material Sources Manager	Development and oversight of material source activities for compliance, inspections and monitoring.
Engineering Associate	Inspections and monitoring assistance.
Lands Officer	Inspections and monitoring assistance.
Contracted Consultant	Inspections and monitoring assistance.

1.4 Activities at the Facility

Location:

This facility is located in Lemon Creek Valley, a suburb of Juneau, Alaska. The site is accessed via Anka Street, off Glacier Hwy. From the very end of Anka Street continue past the truck scales up the Lemon Creek Haul Road for

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approximately 1/3 mile. Turn left (west) and cross Lemon Creek to access the facility. The North Lemon Creek Material Source (NLCMS) is located north of Lemon Creek Correctional Center.

Operations:

NLCMS is owned by the City & Borough of Juneau (CBJ). It is managed by the CBJ Engineering Department and CBJ Lands Department. Use of the site is governed by the CBJ through Individual Mining Plans (IMPs), which are issued to each material source user and specify a unique area within the facility for their mining operations. The CBJ controls compliance with this SWPPP through the Individual Mining Plans and through a document signed by each user for each use of the facility. Submitting IMPs and signing the document will be required for all facility users. The letter confirms their knowledge and understanding of their responsibility to perform their mining operations in accordance with the requirements of this SWPPP. They are also made responsible for any subcontractors they may use.

Activities at the Facility

1. Site Development:

Equipment Involved: excavators, bulldozers, haul trucks.

Activity: Includes removal of trees and overburden down to bedrock or the sand/gravel layers. Overburden material is stockpiled on the site and seeded until needed for restoration activities.

Location: Development will proceed to the permitted site limits as material is needed by users. The CBJ contracts this work out to others, who will be required to perform the work in accordance with this SWPPP.

2. Blasting:

Equipment Involved: drill rigs

Activity: Includes drilling and loading holes with explosives in accordance with an approved blast plan. The amount shot is controlled by project needs, sound and safety requirements.

Location: Blasting locations vary on the site. Locations are designated on the Blasting Plan and/or Individual Mining Plan (IMP), which is submitted and approved by the CBJ prior to every blast.

3. Sand and Gravel Mining/Rock Extraction:

Equipment Involved: excavators, loaders, haul trucks

Activity: Includes excavating material with a loader and/or excavator, creating stockpiles and surge piles, and loading haul trucks

Location: Extraction operation locations vary on the site. Locations are designated on the IMPs, which are part of the SWPPP by reference as long as the IMP is active.

4. Crushing and Screening:

Equipment Involved: loaders, excavators, crushers, vibratory screens, haul trucks

Activity: Handling material from a stockpile or active mining face into a screen/crusher; stockpiling/loading processed material; developing stockpiles and surge piles of processed material.

Location: Crushing and screening locations vary on the site. Locations are designated by the mining area specified on the IMPs, which are part of the SWPPP as long as the IMP is active.

5. Maintenance & Fueling:

Equipment Involved: excavators, loaders, haul trucks, crushers, screens, fuel trucks, mechanic's shop truck

Activity: Minor maintenance, lubrication and fueling

Location: Maintenance and fueling will be performed at varying locations throughout the site. Fuel vehicles will have spill kits. Portable Spill Containment (PSCs) devices are onsite for spill containment.

6. Drainage Maintenance:

Equipment Involved: excavators, loaders, haul trucks

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Activity: Digging ditches, cleaning settling pond, installing rock check dams, grading/contouring the site, handling waste material, cleaning/repairing erosion controls.

Location: At each stormwater control measure shown on the Site Map.

7. Restoration / Contour Grading:

Equipment Involved: excavators, loaders, dozers, haul trucks, hydro seed sprayer

Activity: Shaping the site for final restoration, vegetating, topsoiling, hydroseeding / mulch

Location: Entire site.

1.5 General Location Map

See Attachment A.

1.6 Site Map(s)

See Attachment B.

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

SECTION 2: POTENTIAL POLLUTANT SOURCES

2.1 Industrial Activity and Associated Pollutants

Industrial Activity	Associated Pollutants
Preparation of New Mining Areas	Woody debris, dust, sediment (TSS), turbidity
Blasting (including drilling)	Dust, sediment (TSS), turbidity
Sand & Gravel Mining/Rock Extraction	Dust, sediment (TSS), turbidity
Crushing & Screening	Dust, sediment (TSS), turbidity
Equipment Maintenance & Fueling	Oil, antifreeze, lubricants, diesel fuel, hydraulic fluid, transmission fluid, cleaning solvents
Drainage Maintenance	Dust, sediment (TSS), turbidity
Restoration/Contour Grading	Dust, sediment (TSS), turbidity

2.2 Spills and Leaks

Areas of Site Where Potential Spills/Leaks Could Occur

Location	Outfalls
Maintenance & Refueling Locations - see above for pollutants	Outfall 001

Description of Past Spills/Leaks

Date	Description	Outfalls
NA	NA	NA

2.3 Non-Storm Water Discharges Documentation

- Date of evaluation: 04/20/2020
- Description of the evaluation criteria used: Walked site and made visual observations. There are no buildings or materials stored on site to produce non-storm water discharges.
- List of the outfalls or onsite drainage points that were directly observed during the evaluation: Outfall 001
- Different types of non-storm water discharge(s) and source locations: There are no non-storm water discharges from the site.
- Action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an APDES permit application was submitted for an unauthorized cooling water discharge: None.

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2.4 Salt Storage

There are no salt storage piles on site.

2.5 Sampling Data Summary

Quarterly Benchmark monitoring was completed in 2016 and again in 2018.

Benchmark Monitoring Results

Sampling Location	Sample Date	TSS (mg/L)	Nitrate plus Nitrite Nitrogen (mg/L)
Settling Pond (No Discharge)	04/28/2016	68	0.17
Outfall 001	07/28/2016	20	0.34
Outfall 001	09/13/2016	54	<0.1
Settling Pond (No Discharge)	11/28/2016	4.0	<0.1
Outfall 001	05/21/2018	<4.0	0.31
Outfall 001	07/11/2018	13	0.17
Outfall 001	09/27/2018	<4.0	0.13
Outfall 001	10/15/2018	33	0.12
Benchmark limits: TSS – 100 mg/L, N + N – 0.68 mg/L			

For Quarterly Visual Assessment inspections during the last permit period, discharge has had no color to a light brown color. The samples have been clear to slightly cloudy. No odor has been noted throughout permit period. No floating solids or settled solids have been noted. Suspended solids noted on two occasions, though individual particles were not visible. No foam or oil sheen was documented with any assessment.

Impaired Waters turbidity measurements have been taken in accordance with the requirements of the Lemon Creek TMDL at Outfall 001 "NLCMS Bridge" since 04-02-2010. For Lemon Creek turbidity at 50 NTU or less, no outlet measurements were made that exceeded 5 NTU above Lemon Creek. For Lemon Creek turbidity more than 50 NTU, no outfall measurements exceeded 10% above the Lemon Creek turbidity or more than 25 NTU.

SECTION 3: STORM WATER CONTROL MEASURES

3.1 *Minimize Exposure*

The following BMPs will be used to minimize exposure of uncontaminated flows to the mining operation:

1. Phasing: The facility development plan involves staged or phased development. Much of the facility area will remain vegetated (generally mature hemlock/spruce forest) until mining progresses to that area. Mature forest intercepts and infiltrates much of the incoming precipitation. The amount of soils exposed will be limited to that necessary for on-going mining operations. As new mining areas are developed and more soil exposed, additional settling ponds will be constructed to deal with the increased runoff and potential sediment transport. As new areas are developed, cleared areas not needed for mining will be reseeded and/or natural regenerating vegetation allowed to grow to provide new interception and infiltration zones/vegetated buffer strips.
2. Diversion berms and ditches are installed along portions of the uphill perimeter of the site where possible to route uncontaminated runoff around the mining areas.
3. Temporary swales shall be constructed to prevent runoff from entering disturbed areas by intercepting and diverting it to a stabilized outlet. This helps minimize exposure of soils to potentially eroding storm water conditions.
4. Portable Spill Containment (PSC) devices are stored in the adjacent weigh station shed and in mobile service vehicles. The devices will be available for use at all maintenance and fueling activities.
5. Long Term Equipment Storage: Mining equipment is not owned by the CBJ. Contractors bring this equipment on site for individual projects / uses and remove the equipment when the project is complete. No long term equipment storage plans are required.

3.2 *Good Housekeeping*

The following BMPs will be incorporated as Good Housekeeping BMPs:

1. Spill cleanup products are kept in mobile service vehicles and in the truck scale shack, located as shown on Attachment A.
2. Each facility user provides their own maintenance and service personnel. They are required to use PSCs, absorbent pads, drip pans, etc. as necessary to collect and contain all equipment leaks or spills.
3. No permanent tanks, drums or other containers containing pollutants are stored on site.
4. Blasting explosives are not stored on site. Only the quantity required for the impending blast are brought to the site a maximum of 24 hours in advance of the planned blast time. All unused explosives are removed from the facility following the blast.
5. All used service containers or products are disposed of at an approved off-site location by the facility users.
6. Fuel fill hoses have spill and overflow protection features.
7. Topping off of fuel tanks is discouraged.
8. Depressions in the mining floor and loading areas that pond runoff will be eliminated by grading to drain. This will help prevent the creation of muddy areas and transporting of sediment through or off site by tracking.
9. The material source entrance road is paved up to and across the bridge. The main access road has been surfaced with RAP. As mining progresses other access roads will be surfaced with crushed rock. Eventually, the stabilized main access will be extended and surfaced with RAP or asphalt pavement. Pavement and compacted RAP surfaced roads can be regularly cleaned to remove tracked sediment.

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10. Haul trucks are required to have means by which to contain all material within the vehicle (tailgates). This is also a condition for the CBJ Conditional Use Permits.
11. All material source users are required to utilize street sweepers and/or vacuum trucks to clean their haul routes as necessary.

3.3 Maintenance

The following BMPs will be incorporated as Maintenance BMPs:

Mining Equipment:

1. Major maintenance and repair of equipment will be performed by material source users at offsite user obtained maintenance facilities that are approved for such activities.
2. On-site equipment maintenance will be limited to re-fueling and minor servicing activities by user personnel, except when further repairs are required due to vehicle breakdown. These activities will be performed with Portable Spill Containment (PSC) devices at all locations.
3. Equipment will be inspected for leaks regularly. Operators will report problems to maintenance personnel.

Control Measures:

1. In the spring (March/April/May), the following maintenance steps will be taken (see Site Map for locations):
 - a. The settling ponds and outlet control structures will be cleaned if needed.
 - b. Rock check dams and sumps will be inspected and cleaned.
 - c. Roadside ditches will be inspected and cleared as needed.
 - d. Silt fencing, wattle barriers, and other sediment traps, if installed, will be inspected, repaired, and cleaned of sediment as needed.
 - e. Areas that can be reclaimed will receive topsoil from the overburden stockpile and seeded as necessary when the weather permits. This will allow a full growing season.
 - f. An overall inspection of the site will be performed to identify new problem areas and to repair any existing drainage features.
2. The items noted in #1 above will be maintained throughout the construction/mining season, as required:
 - a. All sediment trapping devices will be cleaned when sediment has accumulated to 50% of the design storage capacity.
 - b. All BMPs will be inspected for damage or failure to properly function between Routine Site Inspections. Repairs will be made per this SWPPP and MSGP.
 - c. All waste soils produced by cleaning and maintenance activities will be hauled to the overburden and waste soils stockpile area within the facility limits.

3.4 Spill Prevention and Response

Activity: Maintenance and Fueling of Mining Equipment

Pollutants – Oil, fuel, grease, other equipment service products (see 2.1)

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Structural Controls – The control measure implemented for this activity is within BMP 10, Portable Spill Containment (PSC) devices, i.e. the Portable Fuel Spill Containment Pop Up Pool. This BMP will be used to collect and contain any pollutants. Pollutants will be removed from the PSCs with absorbent pads, which will be removed from the site and disposed of by the facility users. The location of maintenance and fueling operations will vary continually depending on where equipment is located within the facility as mining progresses. All mining equipment will be serviced and/or fueled with these devices available. PSCs will be stored in the Scale Shack (see Site Location Map) or in the material source user mobile service vehicles. No pollutants will be stored at the site.

Non-Structural Control – Locations for performing maintenance and refueling will be selected by identifying areas where discharge of pollutants into waters of the United States will not be imminent.

Spill Response Procedures – See Attachment E (6) a. "Spill Response Procedure".

3.5 Erosion and Sediment Controls

Erosion Controls: (See Attachment E (1) "Selected BMPs" for details pertaining to each BMP.)

1. Graded Areas (BMP 2B – Staging Areas) - All active mining areas will be maintained at <5% to minimize runoff velocity, reducing erosion, and will be graded so that all surface runoff is routed through the settling basin.
2. Stabilization of Site Entrance / Exit (BMP 5a) – The entrance and exit to the site is paved to the facility boundary, with a RAP stabilized access road proceeding into the facility. These stabilized road surfaces and pavement minimize tracking of material from the facility onto public roads and provide a cleanable surface. As mining proceeds, the extended access will be periodically upgraded with a durable cleanable surface, i.e. RAP, crushed rock, chip seal, or pavement.
3. Stabilization of Other Site Roads (BMP 5b) – The short haul road within the facility is capped with rock/RAP. The roadside swale between the berm and road is lined with rock to prevent erosion. Temporary haul routes within the facility are hardened as needed using cobbles reclaimed from screening operations.
4. Seeding (BMP 21) – Establish vegetation on finalized benches, areas of facility that are at final grade and on overburden stockpiled for future reclamation.
5. Outlet Protection (BMP 30) - Outlet protection consists of shot or crushed rock placed at outfalls to slow the storm water velocity which protect against erosion and help remove sediment. Outlet protection is placed at culvert outlets or drainage routes as shown on Site Map.
6. Vegetative Buffer Strip (BMP 37) – Sheet flow runoff along the east side of the facility discharges to naturally vegetated flat areas and hillsides which infiltrate and trap sediment before storm water reaches Lemon Creek at the base of hillside. Drainage is also directed to a vegetated buffer strip to the south of the facility. Vegetation is allowed to grow on berms and unused areas of the material source.

Sediment Controls: (See Attachment E (1) "Selected BMPs" for details pertaining to each BMP.)

1. Berm (BMP 2A – Staging Areas) – Used on the uphill sides of the site, generally at edge of clearing and/or areas with overburden removed, to divert uncontaminated runoff and prevent it from entering the site. Also used along some ditch and road edges to keep contaminated runoff from mixing with uncontaminated flow diverted around site.
2. Graded Area (BMP 2B – Staging Areas) – All active mining areas will be maintained at <5% to minimize runoff velocity and will be graded so that all surface runoff is routed through the settling basin.

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3. Check Dams (BMP 32) – Install check dams in ditches, where shown on Site Map.
4. Fiber Rolls (BMP 35) – Installed where shown on map to intercept runoff and trap sediment.
5. Silt Fence (BMP 36) – Installed at boundary areas where shown on map to prevent discharge of contaminated runoff and for areas requiring delineation, as shown on the Site Map.
6. Vegetative Buffer Strip (BMP 37) – Sheet flow runoff will be discharged into vegetated buffer strips where possible in order to infiltrate storm water and trap transported sediment.
7. Sedimentation Basin (BMP 38) – One main sediment basin treats contaminated runoff from the site (see Site Map for location). The sediment basin outlet structure is a perforated concrete manhole draining to Lemon Creek via buried pipe (Outfall 001) and open ditch. As the facility develops and more area is exposed to rainfall, additional sedimentation basins will be installed “upstream” to deal with the increased storm water flows generated.
8. Spray Bar (BMP 56) – Spray bars are installed on secondary crushers for dust abatement and to minimize sediment transport. Spray bars will be incorporated into primary crushing and/or screening operations if conditions warrant.

3.6 Management of Runoff

Storm Water Management BMPs:

1. Berms (BMP 2A – Staging Areas) – Used on the uphill sides of the site, generally at edge of clearing and/or areas with overburden removed, to divert uncontaminated runoff and prevent it from entering the site. Also used along some ditch and road edges to keep contaminated runoff from mixing with uncontaminated flow diverted around site.
2. Graded Area (BMP 2B – Staging Areas) – All active mining floor areas will be maintained at <5% to minimize runoff velocity and will be graded so that all surface runoff is routed through the settling basin.
3. Seeding (BMP 21) – Establish vegetation on finalized benches, areas of facility that are at final grade and on overburden stockpiled for future reclamation. Once established, seeded areas act as a vegetated buffer strip (BMP 37).
4. Outlet Protection (BMP 30) - Outlet protection consists of shot or crushed rock placed at outfalls to slow the storm water velocity which protect against erosion and help remove sediment. Outlet protection is placed at culvert outlets or drainage routes as shown on Site Map.
5. Check Dams (BMP 32) and Controlled Drop Check Dam (BMP 50) – Reduce gradient and/or runoff velocity in ditches and swales, reducing potential for erosion and damage to drainage structures.
6. Vegetative Buffer Strip (BMP 37) – Sheet flow runoff will be discharged into vegetated buffer strips where possible in order to infiltrate storm water and trap transported sediment.
7. Sedimentation Basin (BMP 38) – A sedimentation basin is utilized to buffer runoff discharge. This will reduce the amount of sediment discharged to the receiving waters.

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3.7 Salt Storage Piles or Piles Containing Salt

Not Applicable.

3.8 MSGP Sector-Specific Non-Numeric Effluent Limits

Controls and procedures to be used for Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities: Refer to section 11, Subpart J Sector J – Non-Metallic Mineral Mining and Dressing.

1. **Erosion Control Measures.** Used to minimize soil exposure on-site during construction.
 - a. Delineation of Site: New areas to be cleared shall be delineated by flagging prior to clearing. Perimeter vegetation not flagged to be cleared shall be considered no-cut areas acting as temporary and/or permanent vegetated buffer strips.
 - b. Construction activities shall be phased and sequenced to minimize the extent and duration of exposed soils to the extent possible.
 - c. Maintain 25 ft. (min) wide natural vegetated buffer around the edge of any waters of the U.S. adjacent to construction activities associated with material source development, to the extent possible.
 - d. Control storm water discharges and flow rates by:
 - i. Diverting storm water around the site to the extent possible by use of perimeter diversion berms, and interception ditches or swales.
 - ii. Grade material source floor to 5% or less to disperse and slow the velocity of storm water.
 - iii. Install rock check dams or rock as velocity dissipation devices in roadside ditches or where needed to armor slopes at ditch outlets.
 - e. Protect steep slopes:
 - i. Excavated overburden material moved to the overburden storage area shall be placed at angle of repose or less.
 - ii. Berms/interceptor swales constructed at the top of steep cut slopes to divert water away from disturbed portions of the slope.
 - iii. Placed overburden shall be left with a roughened surface.
 - iv. Seed bare earth slopes.
2. **Sediment Control Measures.** Will be constructed as one of the first steps in grading and must be functional before other land disturbing activities take place.
 - a. *Storm Drain Inlet Protection Measures.* Sediment ponds treat water before it discharges to Lemon Creek. Ponds shall be bailed before sediment has filled one-third of available storage.
 - b. *Water Body Protection Measures.* Maintain vegetated buffer strips as water body protection measures around perimeter of material source and on slopes of perimeter ditches and swales.

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- c. *Down-Slope Sediment Controls.* Maintain vegetation buffer areas as down-slope sediment control measures below and to the side perimeter of disturbed slopes where possible. If area is to be mined, maintain flat-graded floor to slow runoff velocity prior to flow into ditches.
 - d. *Stabilized Site Entrance and Exit Points.* The main material source entrance road is paved to just past the bridge. The internal haul road is rock/RAP surfaced. Rock surfaced roads require periodic grading to direct runoff to adjacent ditches. Paved road requires periodic sweeping to remove tracked material.
 - e. *Dust Generation and Track-Out from Vehicles.* Dust generation shall be minimized by the use of water spray bars on screens, and by the application of water by water truck to internal access roads and the Lemon Creek Haul Road as conditions dictate. Tracking shall be minimized by hardening internal haul roads with cobbles/rock and grading and ditching as needed to keep vehicles from driving through standing water and pumping mud, and by cleaning paved portion of the access road and Haul Road to prevent accumulation of tracked material.
 - f. *Soil Stockpiles.* Excavated overburden material shall be placed in designated overburden storage area or used to form storm water diversion berms at the perimeter of the mining area. Soil placed in overburden storage area shall be placed at angle of repose or less, and roughened slopes seeded as soon as possible.
 - g. *Sediment Basins.* Small temporary sediment basins and sediment traps shall be installed where practicable in the material source floor prior to discharge to ditches. Basins and traps are temporary sediment control measures as locations will change as the material source is developed. A permanent major sediment control basin with outlet structure is located at facility outfall (see maps for locations). Additional permanent sediment control basins will be added as more area is cleared and mining proceeds.
3. **Dewatering.** Not applicable at this facility.
4. **Soil Stabilization.** Cut slopes in organic soils exposed during clearing and stripping, and overburden placed in designated overburden storage area shall be seeded through the growing season. If soil is disturbed out of growing season, soil shall be seeded as soon as possible the following spring. Sand and gravel deposits exposed for mining are generally free draining and require no seeding. Working areas shall be slightly sloped (<5%) to promote positive drainage while limiting runoff velocity.
5. **Treatment Chemicals.** No treatment chemicals are currently used to reduce erosion or treat sediment in storm water discharges at this facility.
6. **Prohibited Discharges.** The following are prohibited from being discharged at the material source:
- a. Wastewater from concrete washout unless managed by an appropriate control measure;
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - d. Soaps or solvents used in vehicle and equipment washing.
7. **Good Housekeeping Measures.** The following housekeeping measures shall be used to prevent and/or minimize the discharge of pollutants at the material source.
- a. *Washing of Equipment and Vehicles and Wheel Wash-Down.* Vehicle and equipment washing does not currently occur at the facility. The facility is not connected to the municipal water supply. However, should

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

equipment or vehicle washing activities be needed, such activities should be located out on the gravel pit floor as far away from the sediment basin as practical. No wheel wash-down equipment is currently installed at the facility. **The discharge of soaps and solvents used in equipment or vehicle washing is prohibited.**

- b. *Fueling and Maintenance Areas.* All fueling and maintenance performed in the facility shall comply with the following requirements:
 - i. Fueling and maintenance of equipment occurs in varying locations throughout the site depending on location of equipment to be fueled.
 - ii. Mobile equipment should be located as far as practical from water channels, and sediment basins during refueling operations.
 - iii. Minimize the exposure to precipitation and storm water or use secondary containment structures designed to eliminate the potential for spills or leaked chemicals.
 - iv. Facility users **MUST**:
 - (1) Clean up spills or contaminated surfaces immediately.
 - (2) Ensure adequate clean up supplies are available at all times to handle spills, leaks, and disposal of used liquids. These supplies shall be kept in the contractor's refueling vehicle or mechanic shop truck. An emergency pop-up pool containment device is kept in the scale house if needed.
 - (3) Use drip pans and absorbents under or around leaky equipment and vehicles.
 - (4) Dispose of liquid wastes or materials used for fueling and maintenance at an offsite location in accordance with all applicable regulations.
8. **Staging and Material Storage Areas.** Surge piles and stockpiles of processed material shall be located in areas designated by the material sources manager, away from water courses and storm drain channels.
9. **Washout of Applicators/Containers used for Paint, Concrete, and Other Materials.** Washout activities not permitted in facility.
10. **Fertilizer or Pesticide Use.** Fertilizers or pesticides not used in facility.
11. **Storage, Handling, and Disposal of Construction Waste.** No construction waste shall be stored, handled, or disposed of in the facility.
12. **Winter Shutdown.** The facility operates seasonally, shutting down each winter due to freezing conditions, typically from mid-November to March 31. Conveyance channels, and disturbed soil slopes shall be stabilized prior to winter shutdown. Erosion and sediment control measures shall be in place prior to winter shut down in anticipation of spring thaw.
13. **Maintenance of Control Measures.** All control measures, good housekeeping measures, and other protective measures shall be maintained in effective operating condition. If site inspections identify control measures, good housekeeping measures, or other protective measures that are not operating effectively, corrective actions must be implemented in accordance with Part 8 of the permit.

If existing control measures need to be modified or if additional control measures are necessary for any reason, corrective action must be completed in accordance with Part 8.3 of the Permit.

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Sediment from silt fences, check dams, berms, or other control measures must be removed before the accumulated sediment reaches one-half (1/2) the distance up the above-ground height (or reaches a lower height based on manufacturer's specifications) of the control measure. For sediment traps or sediment ponds, accumulated sediment must be removed when the design capacity has been reduced by fifty (50%) percent.

14. Inspection of Clearing, Grading, and Excavation Activities, conducted as part of the exploration and construction phases... **NOT MINING ACTIVITIES**

- a. *Inspection Frequency.* Inspections must be conducted either at least once every 7 calendar days or at least once every 14 calendar days and within 24 hours of the end of a measurable storm event. If the entire site is temporarily stabilized, inspection frequency may be reduced to at least once every month and within two business days of the end of a measurable storm event at actively staffed sites which resulted in a discharge from the site. Once active mining has begun, those areas comply with inspections according to 11.J.7.
- b. *Winter Shutdown.* If the exploration and construction phase is undergoing winter shutdown, inspections may stop fourteen (14) calendar days after the anticipated fall freeze-up and must resume at least twenty one (21) calendar days prior to the anticipated spring thaw.
- c. *Location of Inspections.* Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.
- d. *Inspection Reports.* An inspection report must be completed for each inspection required above.

15. Requirements for Cessation of Clearing, Grading, and Excavation Activities.

- a. *Inspections and Maintenance.* Inspections and maintenance of control measures associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of mining must continue until final stabilization has been achieved on all portions of the disturbed area or until commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.
- b. *Temporarily Stabilize Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where clearing, grading, and/or excavation activities have temporarily ceased, but in no case more than 14 days after clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. When initiating perennial vegetative stabilization measures within 14 days after exploration or construction activities has temporarily ceased is not possible due to freezing conditions or snow, temporary vegetative stabilization measures must be initiated as soon as practicable (following actual spring thaw).

Until temporary vegetative stabilization is achieved, interim measures e.g. surface roughening, or a surface cover, must be employed. In areas where exploration and/or construction have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

- c. *Final Stabilization of Disturbed areas.* Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 calendar days after the exploration and/or construction activity in that portion of the site has permanently ceased. When initiating perennial vegetative stabilization measures within 14 days after mining,

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

exploration, and/ or construction activities has permanently ceased is not possible due to freezing conditions or snow, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures must be used.

3.9 *Employee Training*

Employee training will occur in the following manner:

1. Location:

- a. *In office:* new SWPPP team members will read or review the SWPPP documents, including the MSGP. The content of office training is detailed below.
- b. *In field at the facility:* the SWPPP team will make site visits. The content of the field training is detailed below.

2. Content:

a. *Office Training:*

- i. New team members will read the entire SWPPP and MSGP document; existing team members will review these documents each year.
- ii. Review the comprehensive site inspection annual report, noting any changes made to the SWPPP or Site Map.
- iii. Review inspection and monitoring requirements and procedures.
- iv. Develop or review plans for performing inspections, monitoring and sampling.
- v. Review erosion and sediment control concepts.
- vi. Review Good Housekeeping and Maintenance requirements (3.2 and 3.3).
- vii. Review spill response procedures (3.4).

b. *Field Training at Facility:*

- i. Review erosion and sediment control concepts.
- ii. Review Good Housekeeping and Maintenance requirements (3.2 and 3.3).
- iii. Review spill response procedures (3.4).
- iv. Inspect all erosion and sediment control measures of the SWPPP (3.5 – 3.8).
- v. Discuss maintenance evaluation methods and criteria with team members.
- vi. Discuss control measure performance with team members.
- vii. Material Source Manager will train and meet with material source users as necessary.

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

3. Frequency:

- a. Regular training will occur annually in the spring prior to the commencement of operations in the material source.
- b. New team members will be trained when they are added to the team.
- c. Storm water pollution prevention courses will be taken by team members as ongoing training.

3.10 Non-Storm Water Discharges

There are no non-storm water discharges at this facility, as documented in Section 2.3 of this SWPPP. The only potential non-storm water discharge would be from fueling and maintenance activities. This potential discharge is addressed through the use of BMP 10 Spill Prevention and Control and section 3.4 of this SWPPP.

3.11 Waste, Garbage and Floatable Debris

There is no activity at the site that is expected to produce waste, garbage or floatable debris on the site. Any waste from maintenance and servicing of mining equipment will be removed by the material source user service personnel. Users of the facility will be notified to pick up and dispose of their own waste items. Members of the SWPPP Team will remove any such items found at the facility.

3.12 Dust Generation and Vehicle Tracking of Industrial Materials

1. **Dust Generation:** During extended periods of dry weather, dust can be generated on haul roads and at extraction, crushing or screening operations. The following steps have been taken by the CBJ to address dust generation:
 - a. Material source users are required to water haul routes and other related dust generating operations under the conditions specified in the material source Conditional Use permit (USE2007-00051). This condition is mandated for any user of the material source.
 - b. Spray bars (BMP 56) are required to be used on crushing and screening equipment as conditions warrant.
 - c. Vegetative cover (BMP 37) is established on all overburden stockpiles and in areas where mining operations are complete to minimize wind generated dust and vehicle traffic.
2. **Vehicle Tracking:** The following measures are implemented to minimize vehicle tracking.
 - a. The facility's main entrance is paved across the bridge. The facility's established internal haul routes are either rock/RAP surfaced roads or "hardened" haul routes (using scalped cobbles as needed to prevent pumping of the route surface). The paved, rocked or hardened haul routes reduce the amount of tracked material leaving the site. The chip sealed surface of the Lemon Creek Haul Road is watered and/or swept as needed as tracked material collects on its surface.
 - b. It is a requirement of CBJ construction contracts that contractors maintain a clean haul route.

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

- c. A pressure washer is utilized to periodically clean accumulated sediment from the deck of the truck weigh station. Scale runoff water is routed to an adjacent vegetated buffer zone that traps sediment as water infiltrates into the porous sandy soils of the area.
- d. If extreme rainfall and/or high groundwater conditions cause excessive "pumping" to occur along temporary haul routes and result in vehicle tracking out of the facility, haul operations shall cease until conditions improve or the haul route is adequately "hardened".

Storm Water Pollution Prevention Plan (SWPPP)
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SECTION 4: SCHEDULES AND PROCEDURES FOR MONITORING

The following table summarizes the Benchmark Monitoring required for this facility as well as Impaired Waters monitoring required for discharges into Lemon Creek during the first year of permit coverage.

Sample Location	Schedule	Pollutant	Numeric Limit	Procedure
Outfall 001 "NLCMS Bridge"	4 / year: see 2020 MSGP, Part 7.1.6 and 7.1.7 weather modification below	TSS	100 mg/L	One grab sample from a measurable storm event (see MSGP 7.1.3) collected by the Material Source Manager, or appointed personnel. Sample to be delivered to Admiralty Environmental (463-4415). Sample collection and handling will be in accordance with instructions from Admiralty Environmental.
Outfall 001 "NLCMS Bridge"	4 / year: see 2020 MSGP, Part 7.1.6 and 7.1.7 weather modification below	Nitrate plus Nitrite Nitrogen	0.67 mg/L	One grab sample from a measurable storm event (see MSGP 7.1.3) collected by the Material Source Manager, or appointed personnel. Sample to be delivered to Admiralty Environmental (463-4415). Sample collection and handling will be in accordance with instructions from Admiralty Environmental.
Outfall 001 "NLCMS Bridge"	Once per month during open water season (typically April 1 – Nov 30)	Turbidity	Refer to 18 AAC 70.020(b)(12) – see below	Grab sample of discharge at outfall, and of Lemon Creek adjacent to and upstream of outfall in accordance with std analytical methods. Collected by the Material Source Manager, or appointed personnel. Take field measurements of Turbidity using portable Turbidimeter. Record results and keep with SWPPP. Report any exceedance to ADEC as prescribed in the TMDL conformance response letter from William Ashton (dated 2/12/2010).
The turbidity standard numeric limits for Lemon Creek as outlined in the 2/12/2010 letter from DEC's William Ashton are as follows: "... (18 AAC 70.020 (b) (12)) (may not exceed 5 NTU above natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed the maximum increase of 25 NTU)..." Results that exceed numeric limits will be submitted on MDMR (now DMR) forms to TMDL Coordinator, ADEC, 410 Willoughby St, Juneau, AK 99801.				

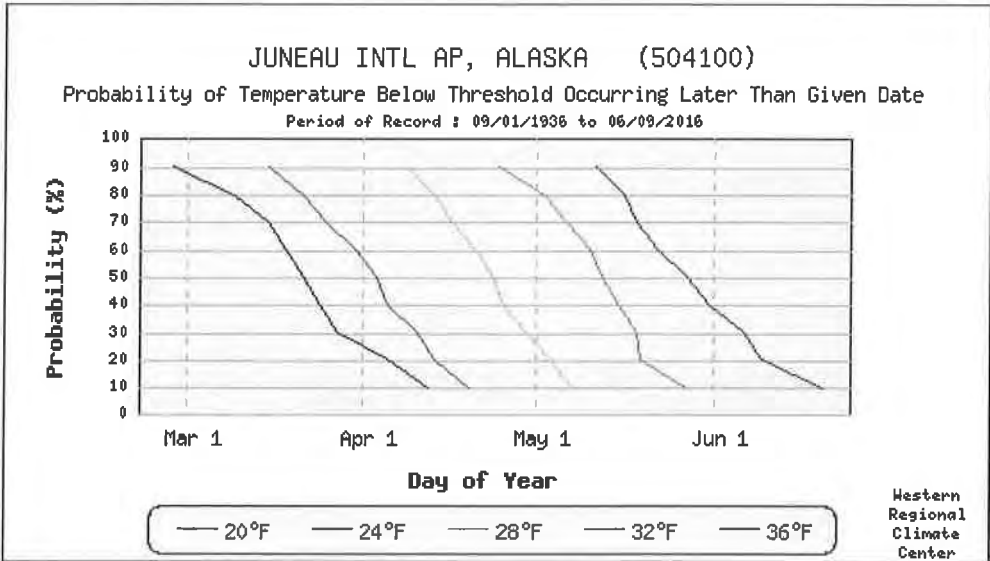
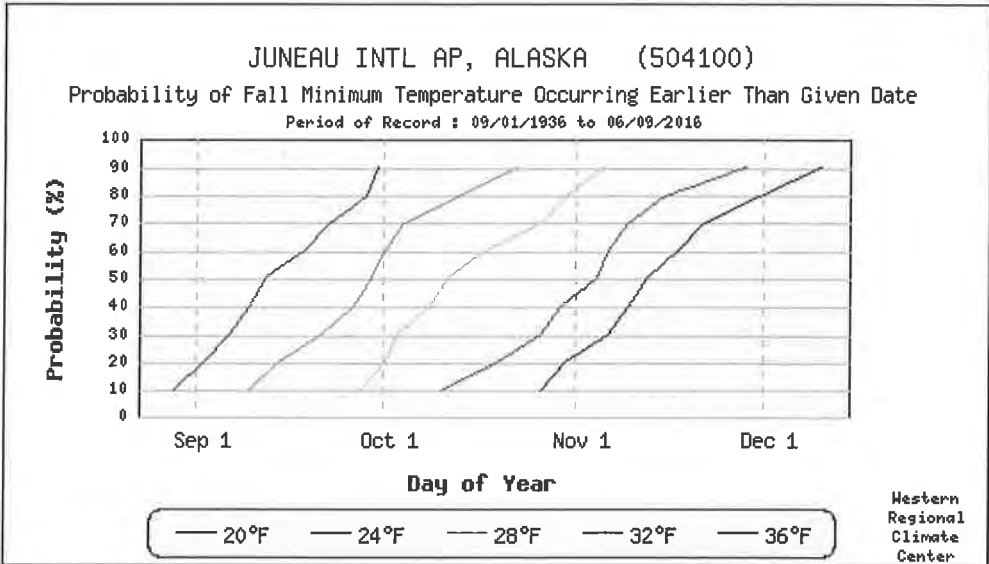
Freezing Weather Schedule Modification (MSGP 7.1.6):

This facility will follow the traditional quarterly monitoring schedule for benchmark samples. This change differs from the original SWPPP submittal and was made on 03/01/2021. The change occurred after repeated attempts to contact Alaska DEC to request an adjusted schedule for netDMR reporting were met with no response. Samples will be obtained during each of the following calendar quarters:

- January 1 – March 31
- April 1 – June 30
- July 1 - September 30
- October 1 – December 31

Anticipated winter shutdown is November 30th, spring start up April 1st.

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020



Storm Water Pollution Prevention Plan (SWPPP)
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SECTION 5: INSPECTIONS

Routine Facility Inspections (2020 MSGP 6.1)

- **Positions of the person(s), responsible for inspection:** Material Sources Manager, Engineering Associate, or a contractor with appropriate SWPPP inspection certification and/or training.
- **Schedule (modified for freezing winter weather):**
 - April 1 – October 31: Monthly
 - November 1 – March 31: once in December and once in February.
 - Note: All inspections will be completed during operational hours and at least one inspection will be made when a discharge is occurring.
- **Locations to be inspected and issues to watch for:**
 - Berms: Failure to divert runoff
 - Ditches: Eroded banks; Flowing freely
 - Culverts: Inlet/outlet open and free flowing; Outlet protection adequate
 - Mining face and loading area: Site grading; Standing water; Pumping of the floor
 - All vegetation areas: disturbed or eroded areas
 - Overall site: new drainages or areas of erosion; dust; trash
 - Sedimentation Basin(s) and outlet control: any signs of failure
 - Stockpiles and Surge Piles: runoff encountering the piles and eroding
 - Screening Operations: contaminated runoff leaving activity
 - Entrance / Exit Approaches: excessive sediment
 - Outfall 001: presence of sediment or turbidity
 - Equipment: Leaks or fuel spills
 - Identification of new control measures needed
 - All other BMPs as noted in the SWPPP

Quarterly Visual Assessments (2020 MSGP 6.2)

- **Positions of the persons responsible for inspection:** Material Sources Manager; Engineering Associate, or a contractor with appropriate SWPPP training or certification.
- **Schedule:** Visual Assessment inspections will be performed on a quarterly schedule as follows:
 - January 1 – March 31
 - April 1 – June 30
 - July 1 - September 30
 - October 1 – December 31
- **Assessment Location:** Outfall 001.

Comprehensive Site Inspections (2020 MSGP 6.3)

- **Positions of the person(s) responsible for inspection:** Material Sources Manager; Engineering Associate, or a contractor with appropriate SWPPP training or certification.

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

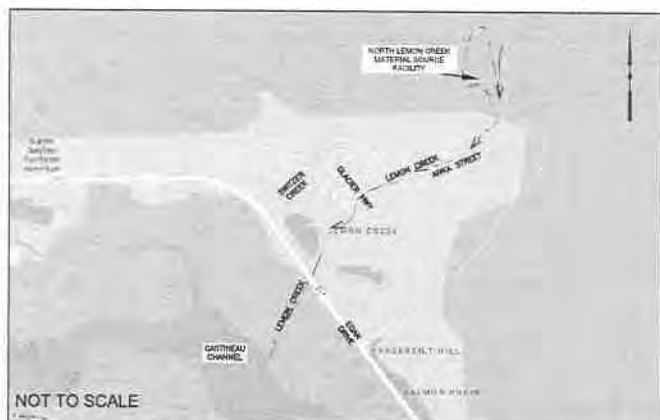
- **Schedule:** Annually in September, October or November (before winter shutdown).
- **Areas to be inspected:** All areas of the facility as delineated on the Annual Comprehensive Site Inspection form.

Storm Water Pollution Prevention Plan (SWPPP)
North Lemon Creek Material Source – April 2020

SECTION 6: SWPPP CERTIFICATION

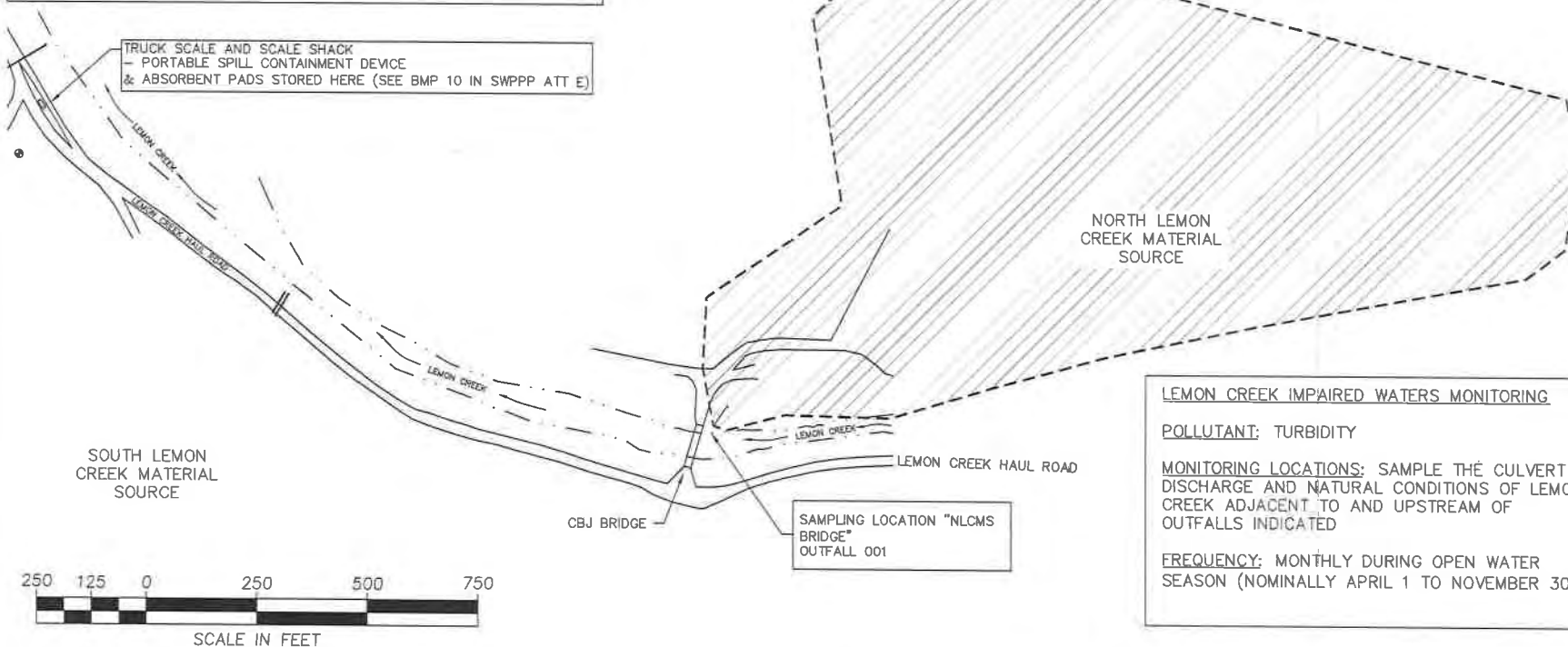
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Michael Eich Title: Material Sources Manager
Signature:  Date: 05/15/2020



NLCMS LOCATION MAP
Lemon Creek Valley, Juneau Alaska

TRUCK SCALE AND SCALE SHACK
- PORTABLE SPILL CONTAINMENT DEVICE
& ABSORBENT PADS STORED HERE (SEE BMP 10 IN SWPPP ATT E)



LEMON CREEK IMPAIRED WATERS MONITORING

POLLUTANT: TURBIDITY

MONITORING LOCATIONS: SAMPLE THE CULVERT DISCHARGE AND NATURAL CONDITIONS OF LEMON CREEK ADJACENT TO AND UPSTREAM OF OUTFALLS INDICATED

FREQUENCY: MONTHLY DURING OPEN WATER SEASON (NOMINALLY APRIL 1 TO NOVEMBER 30)

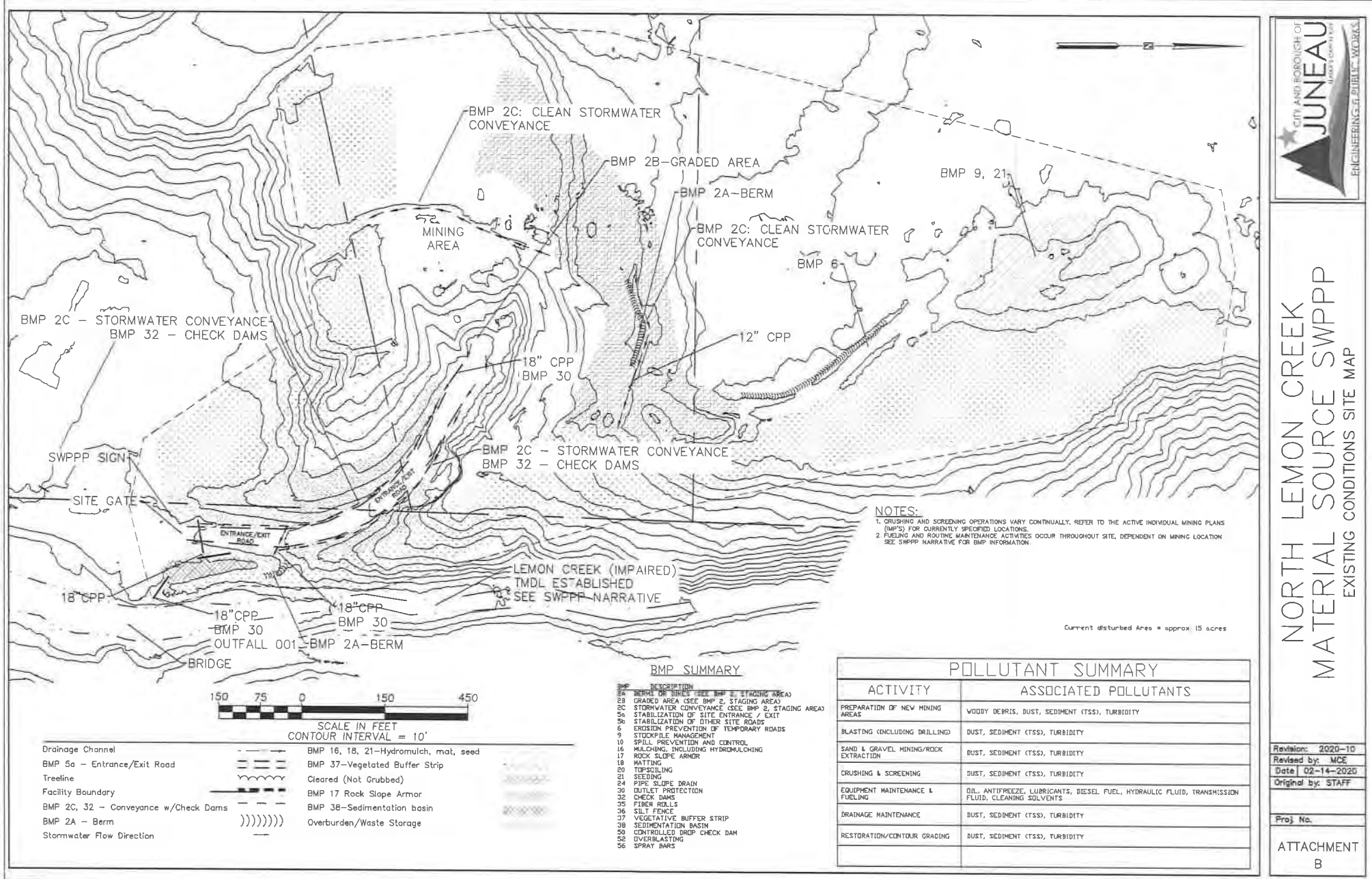


**NORTH LEMON CREEK
MATERIAL SOURCE SWPPP
LEMON CREEK IMPAIRED WATERS MONITORING LOCATIONS
AND GENERAL LOCATION MAP**

Revision: 2020-1
Revised by: MCE
Date 04-01-2020
Original by: STAFF

Proj. No.

**ATTACHMENT
A**



**NORTH LEMON CREEK
MATERIAL SOURCE SWPPP
EXISTING CONDITIONS SITE MAP**

Revision: 2020-10
Revised by: MCE
Date: 02-14-2020
Original by: STAFF

Proj. No.

**ATTACHMENT
B**



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

Renewal of USE2007-0051, CBJ North Lemon Creek Material Site

Case Number: PAC2021 0076

Applicant: CBJ

Property Owner: CBJ

Property Address: Lemon Creek Road

Parcel Code Number: 5B1201340020

Site Size: 64.98 acres

Zoning: Rural Reserve and Industrial

Existing Land Use: gravel pit

Conference Date: December 1, 2021

Report Issued: December 2, 2021

DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Michael Eich	Applicant, CBJ Engineering	michael.eich@juneau.org
Dan Bleidorn	CBJ Lands	Dan.bleidorn@juneau.org
Teri Camery	Building	teri.camery@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Project Overview

The applicant seeks renewal of USE2007-00051, the CBJ Sand and Gravel operation at the North Lemon Creek Materials Site.

Planning Division

1. **Zoning** – Rural Reserve and Industrial
2. **Setbacks** – 25 feet front and rear, 15 feet side
3. **Height** – 35' for the industrial zone, 45' for the rural reserve zone
4. **Access** – Lemon Creek Road
5. **Lot Coverage** – 10 percent permissible uses, 20 percent conditional uses
6. **Vegetative Coverage** – 5 percent
7. **Lighting** – See Additional Submittal Requirements
8. **Noise** – See Additional Submittal Requirements
9. **Flood** –

See Additional Submittal Requirements. Site plans for the development should confirm that the development is outside of the Lemon Creek floodplain.

10. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – See Additional Submittal Requirements.
11. **Habitat** – (Eagle – remind applicant to check with Feds; Riparian, etc.) – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies appear to be within 50 feet of the quarry.
12. **Traffic** – See Additional Submittal Requirements.
13. **Nonconforming situations** – There are no known nonconforming situations on the parcel.

Building Division

14. **Building**
15. **Outstanding Permits** -

General Engineering/Public Works

16. **Engineering** – CBJ Engineering will review the Conditional Use application, including evaluation of drainage the bond amount. Grading permits may be required. Staff encourages submittal of the SWPPP with the USE application. ADEC review will be part of the application review.
17. **Drainage** –
18. **Utilities** – (water, power, sewer, etc.)

Fire Marshal

19. **Fire Items/Access** –

Other Applicable Agency Review

20. n/a

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Conditional Use Permit Application

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. The Project Narrative and site plans should include the following:
 - A point by point response to all requirements of the Sand and Gravel section of the CBJ Land Use Code, CBJ 49.65.210
 - 1) A graphic and legal description of the property;
 - (2) A topographic map showing the existing topography, vegetation, drainage features, ground water level, structures, significant natural and artificial conditions of the land, on-site and off- site geophysical hazards which may affect or be affected by the proposed operation, proposed structures, roads, stockpiling and operation;
 - (3) A topographic map and a typical cross section showing the proposed finished contour on the land, vegetation, drainage features, limits of overburden clearing, structures, and significant natural and artificial conditions of the property which will exist upon completion of the site restoration plan;
 - (4) Topographic mapping required in subsections (2) and (3) of this section for areas having a slope of less than five percent shall show spot elevations at all breaks in grade, drainage channels or swales and at selected points not more than 100 feet apart in all directions. For areas having a slope of greater than five percent, contours shall be shown at an interval of not more than five feet where the ground slope is regular: however, contour intervals of not more than two feet may be required where necessary to adequately show irregular land features or drainage details;
 - (5) The plan shall include a map showing ingress and egress points for trucks and other equipment;
 - (6) The plan shall include a map showing all buildings and structures to be located on the site; and
 - (7) A narrative statement describing the operation, on-site processing, stockpiling, and site restoration shall be included showing: (A) A site drainage plan; (B) A method of securing the area, including installation of gates at access points, posting, and fencing; (C) Methods to be used to minimize noise pollution and visual blight;

Pre-Application Conference Final Report

- (D) The proposed hours and days of operation during the year;
- (E) The estimated amount and general type of material present and to be removed from the site;
- (F) The results of test holes which show the water table level, if any, and the general type and location of materials to be removed;
- (G) The date by which it is anticipated the extraction and processing operation will be completed;
- (H) A schedule for completion of necessary site restoration work;
- (I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries
- (J) The identification of any geophysical hazards which may affect or be affected by the proposed operation. A statement of the possible impact of the hazard on the operation and of the operation on the hazard including methods of reducing the impact shall be included;
- (K) The date of establishment of the operation and history of adjacent land development; and
- (L) Such additional relevant information as the Commission or Department may request
- (2) Screening, whether natural or artificial, to reduce or eliminate adverse visual, audible or other impacts of the operation;
- (3) Measures to protect the public from the dangers of the operation or site, to prevent casual or easy access to the area, or to prevent the operation or area from being an unprotected attractive nuisance;
- 4) Final and working slope ratios of the face of any extraction area to the extent necessary to protect abutting public and private property, and to protect the future beneficial uses of the property as described in the applicant's plan for development and restoration;
- 5) Measures to protect private and public property adjoining the operation and to guarantee orderly and safe traffic circulation both on the public streets and within the permit application area;
- 6) Measures which will ensure adequate drainage or collection and storage of surface waters to protect surrounding property, eliminate dangers to the public, or to protect the future beneficial use of the property as described in the applicant's plan for development and restoration;
- (7) Measures to protect the water level and water quality; SWPP sufficient
- (9) Restoration measures and schedule;
- (10) Other measures designed to protect the public health, safety and welfare, including preservation of neighboring property; and

Pre-Application Conference Final Report

- (11) Present development and past history of the neighboring property.
- When not duplicative to requirements 49.65.20, the narrative should also address a description of site operations and structures; hours of operation; lighting; security; noise; parking and circulation and specifically truck traffic volumes; description of the proposed road corridors; days, hours, and seasons of operation; number of employees; description of noise impacts; description of habitat protection measures for Lemon Creek and/or how any negative habitat impacts will be mitigated; copies of required agency permits including ADFG, ADEC, and others, including a link to the SWPPP; and a description of how the project meets the CBJ Manual of Storm water Best Management Practices. You may wish to use the previous Staff Report as a guide for the things to be considered and addressed in the narrative and site plan.
- Gravel extraction activity within the 50-foot setback would require a Variance.
- Be advised -49.65.235 - Mandatory conditions of permit. (1) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support. (2) If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. n/a

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Class V Conditional Use Permit, \$1600.00
2. Public Notice Sign, \$150 with \$100 refundable sign deposit

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your Completed Application

Pre-Application Conference Final Report

You must submit your application(s) in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/cdd

Attachments:

49.15.330 – Conditional Use Permit

Photo of the public notice sign at the intersection of Ralph's Way and Anna Street is attached.



From: [Augat, Gretchen M \(DEC\)](#)
To: [Teri Camery](#)
Cc: [Rypkema, James \(DEC\)](#); [Buck, Teri A \(DEC\)](#); [Gianotti, Zach T \(DEC\)](#)
Subject: RE: Agency Review period for CBJ North Lemon Creek sand and gravel extraction
Date: Friday, August 12, 2022 8:41:08 AM
Attachments: [Agency Comments Form - DEC DOW NPS 8-22.pdf](#)
[APP_SGE22-01.pdf](#)
[Agency Comments Form.pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good morning, Teri.

The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the Conditional Use Permit for CBJ North Lemon Creek sand and gravel extraction.

The DEC's Solid Waste and Stormwater sections may provide additional review/comments.

Thank you for the review opportunity.

Gretchen Augat, Environmental Specialist 3
 Alaska Department of Environmental Conservation
 Nonpoint Source Water Pollution & Prevention Section
<https://dec.alaska.gov/water/water-quality/>

(907) 465-5023

gretchen.augat@alaska.gov

Mailing address: P.O. Box 111800, Juneau, AK 99811

Physical address: 410 Willoughby Avenue, Suite 303

From: Teri Camery <Teri.Camery@juneau.org>
Sent: Thursday, August 11, 2022 2:09 PM
To: Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>
Subject: FW: Agency Review period for CBJ North Lemon Creek sand and gravel extraction

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Gretchen,

I'm so sorry, I inadvertently left ADEC off the agency review list for this project, and your review is the most important!

Please provide comments by next Friday August 19, if possible. If you need more time or if you have questions, please let me know.

Thanks very much,
Teri

Teri Camery | Senior Planner, CFM

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 extension 4129



From: Teri Camery

Sent: Friday, July 22, 2022 2:41 PM

To: Charlie Ford <Charlie.Ford@juneau.org>; Mary Hammond <mary.hammond@juneau.org>; 'Kanouse, Kate M (DFG)' <kate.kanouse@alaska.gov>; Dan Jager <Dan.Jager@juneau.org>; Greg Smith <Greg.Smith@juneau.org>; 'Bizzarro, Caleb T (DOT)' <caleb.bizzarro@alaska.gov>; 'darrell.wetherall@aelp.com' <darrell.wetherall@aelp.com>; 'Brody, Matthew T CIV USARMY CEPOA (US)' <Matthew.T.Brody@usace.army.mil>

Subject: Agency Review period for CBJ North Lemon Creek sand and gravel extraction

Hello everyone,

CDD has received an application to renew an existing sand and gravel extraction operation at the North Lemon Creek Material Source, applicant CBJ Engineering.

Using the attached agency comments form, please provide comments by Wednesday August 10.

Please let me know if you have questions or need additional information.

Have a great weekend,
Teri Camery

Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 extension 4129



From: [Gianotti, Zach T \(DEC\)](#)
To: [Teri Camery](#)
Cc: [Augat, Gretchen M \(DEC\)](#)
Subject: Re: Agency Review period for CBJ North Lemon Creek sand and gravel extraction
Date: Monday, August 15, 2022 3:32:58 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Teri,

Thanks for the response and the added information. The Solid Waste Program doesn't have any issues with the conditional use permit.

Best,
 Zach

From: Teri Camery <Teri.Camery@juneau.org>
Sent: Monday, August 15, 2022 3:29:52 PM
To: Gianotti, Zach T (DEC) <zach.gianotti@alaska.gov>
Subject: RE: Agency Review period for CBJ North Lemon Creek sand and gravel extraction

Hi Zach,

Thanks for your review and questions. Here is the applicant's response:

I don't foresee significant changes in sand and gravel quantities needed over the next 15 years. Material will continued to be used for pipe bedding and occasional bulk fill. As long as the material remains of reasonable quality (mostly free of silt), I expect another permit renewal will be sought in the future.

Please let me know if you have further questions.

Cheers,
 Teri

Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 extension 4129



From: Gianotti, Zach T (DEC) <zach.gianotti@alaska.gov>
Sent: Friday, August 12, 2022 2:27 PM
To: Teri Camery <Teri.Camery@juneau.org>
Cc: Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>
Subject: RE: Agency Review period for CBJ North Lemon Creek sand and gravel extraction

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good afternoon, Teri:

I don't think that the ADEC Solid Waste Program will have any issues with the Conditional Use Permit for the CBJ North Lemon Creek sand and gravel extraction. Out of curiosity, how long do you estimate it will take to extract all of the gravel and sand from this facility? If I am reading sections 7(E) and 7(G) correctly, on pages 7 and 8 of the pdf, it sounds like there is up to 4 million cubic yards of material present at the site and only 200,000 cubic yards have been removed since operations began 15 years ago. I understand that that demand will determine how long it will take to extract the material. The phrasing of 7(G) appears to suggest that the majority of the material will be used within the next 15 years.

Thank you for your time and for forwarding the project along.

Best,

Zach Gianotti
Environmental Specialist
Alaska Department of Environmental Conservation
[Solid Waste Program](#)
P.O. Box 111800, Juneau, AK 99811
Phone: 907.465-5318 | Fax: 907.465-5362

From: Augat, Gretchen M (DEC) <Gretchen.augat@alaska.gov>
Sent: Friday, August 12, 2022 8:40 AM
To: Teri Camery <Teri.Camery@juneau.org>
Cc: Rypkema, James (DEC) <james.rypkema@alaska.gov>; Buck, Teri A (DEC) <teri.buck@alaska.gov>; Gianotti, Zach T (DEC) <zach.gianotti@alaska.gov>
Subject: RE: Agency Review period for CBJ North Lemon Creek sand and gravel extraction

Good morning, Teri.
The Department of Environmental Conservation, Division of Water, Non-Point Source section

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Gretchen Augat, Environmental Specialist 3
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Subject: Agency Review period for CBJ North Lemon Creek sand and gravel extraction

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From: [Rypkema, James \(DEC\)](#)
To: [Augat, Gretchen M \(DEC\)](#); [Teri Camery](#)
Cc: [Buck, Teri A \(DEC\)](#); [Gianotti, Zach T \(DEC\)](#)
Subject: RE: Agency Review period for CBJ North Lemon Creek sand and gravel extraction
Date: Monday, August 29, 2022 12:54:52 PM
Attachments: [image002.png](#)
[image003.png](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Project proponent has an existing APDES MSGP permit authorization (AKR06AD61) in effect. Current status and copy of the MSGP authorization can be found via the DEC EDMS Map Explorer, see <https://dec.alaska.gov/Applications/Water/EDMS/nsite/map/results/detail/-8550213304507291278/profile>

No further comments.

Jim Rypkema
 Program Manager, Storm Water & Wetlands
 Wastewater Discharge Authorization Program
 Div of Water, Alaska Dept of Environmental Conservation
 555 Cordova St; Anchorage, AK 99501-2617
 (907) 334-2288
james.rypkema@alaska.gov
<http://dec.alaska.gov/water/wastewater/stormwater>
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Subject: RE: Agency Review period for CBJ North Lemon Creek sand and gravel extraction

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Please let me know if you have questions or need additional information.

Have a great weekend,
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Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 extension 4129



From: [John Bohan](#)
To: [Teri Camery](#); [Eric Vogel](#); [Mark Millay](#)
Cc: [Michael Eich](#)
Subject: RE: CBJ Engineering review of CBJ North Lemon Creek Material Source
Date: Thursday, August 11, 2022 2:56:51 PM

Hi Teri,

CBJ Engineering has reviewed the NLCMS application and finds no known issues. —.

There are no known issues affecting streets and traffic, or the water table. No concerns have been raised regarding compatibility of the proposed operation with present and future development of the neighborhood, roads, utilities and public services in the surrounding area, noise, dust, or aesthetic deterioration. Regarding drainage, all work under the Conditional Use permit and future grading permits must adhere to the Alaska Department of Environmental Conservation (ADEC) SWPPP. There are no geophysical hazards on the site.

let me know if you have any questions

Thanks

John Bohan, PE

CBJ Chief CIP Engineer

155 S. Seward St

Juneau AK 99801

(907)586-0800 x-4188

fax 463-2606

From: Teri Camery <Teri.Camery@juneau.org>
Sent: Thursday, August 11, 2022 2:21 PM
To: Eric Vogel <Eric.Vogel@juneau.org>; Mark Millay <Mark.Millay@juneau.org>; John Bohan <John.Bohan@juneau.org>
Cc: Michael Eich <Michael.Eich@juneau.org>
Subject: CBJ Engineering review of CBJ North Lemon Creek Material Source

Hello CBJ Engineering,

CDD is reviewing application materials for SGE2022 0001, the North Lemon Creek Material Source. The applicant is CBJ Engineering, Michael Eich, who is cc-ed.

The Sand and Gravel section of code, CBJ 49.65.200, requires CBJ Engineering to review the application, as follows:

49.65.215 Staff action on application (excerpted)

(a) Upon receipt of an application and the required filing fee, the department shall review the submission for completeness....Upon receipt of a complete application and the required fee, the department shall submit a copy of the application to the engineering department for a report containing an evaluation of the information in the application and shall include recommendations relating to the effect the proposed extraction and expected traffic will have upon the streets and other improvements of the City and Borough, whether such streets and improvements are existing or projected; the water table, water quality, and drainage; and all properties within the area of influence of the proposed operation.

(b) The department shall review the application and the engineering department report and shall transmit the report along with its own report and recommendations to the commission and the applicant....The department shall comment on the compatibility of the proposed operation with present and future development of the neighborhood, roads, utilities and public services in the surrounding area, and on provisions for dealing with traffic congestion, noise, dust, aesthetic deterioration, drainage, geophysical hazards, water pollution and other adverse environmental effects.

Though CBJ Engineering is applicant, the code nonetheless requires CBJ Engineering to address the application objectively in its reviewer role.

The attached staff report for the South Lemon Creek Material Source, USE2020-0003, is an example. CBJ Engineering's independent review is mentioned several times in the staff report, but most specifically on page 11 of the pdf document.

Please provide comments on the application specific to the code section above by Friday August 19. If you have questions or need additional time, please let me know.

Thanks very much for your time,
Teri

Teri Camery | Senior Planner, CFM

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 extension 4129



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: October 24, 2007

File No.: USE2007-000051

CBJ Lands & Resources Division
155 Seward Street
Juneau, AK 99801

Application For: A Conditional Use permit for the development of a sand and gravel operation in Northern Lemon Creek.

Legal Description: ASLS 2004-22 Tract B-1, USS 5504 Lot A-2

Parcel Code No.: 5-B12-0-134-002-0 and 5-B14-0-100-017-0

Hearing Date: October 23, 2007

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum, dated October 17, 2007, and approved the Conditional Use permit for the development of a sand and gravel operation in North Lemon Creek to be conducted as described in the project description and project drawing submitted with the application and with the following conditions as modified by the Planning Commission:

1. A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.
2. If the bank of any extraction area within the permit area is above the High water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the commission may prescribe. If the extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to the depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.
3. This Conditional Use permit for sand and gravel extraction shall be limited to a 15-year time period from the date the Notice of Decision is signed.
4. Project operations shall be limited to the hours of 7am to 6:30pm Monday through Friday and 7am to 5pm Saturday and Sunday.
5. To ensure that all requirements of the Individual Mining Plan are adhered to, all pit operators shall post a \$10,000 bond, or equivalent, for pit reclamation, per CBJ§49.65.240 *Guarantee*.
6. The applicant shall strictly adhere to the proposed reclamation plan submitted in this Conditional Use permit.

7. The proposed project shall not generate sound levels, which exceed 65 dBa at the project's property line during the day or 55 dBa at night, per CBJ§49.15.330(g) (11).
8. No compression braking shall be allowed in the pit except when required for safety purposes.
9. The applicant shall permanently adjust the proposed western project boundary to the 175-foot contour line, as proposed in the attached memorandum, dated October 11, 2007, from Heather Marlow, Lands & Resources Manager.
10. The 20-foot buffer that surrounds the property and a 20-foot buffer with a minimum of a 5-foot berm on the western project boundary shall be maintained for the life of the pit.
11. Blasting and rock crushing will be limited to the development of the access road.
12. Blasting operations shall be conducted by an Alaska Department of Labor certified powder-man and all operations shall conform to MSHA, ATF and OSHA requirements and all other applicable standards.
13. All blasting operations shall be conducted during day light hours between 9am and 5pm.
14. Warning signs with the time and date of the blast shall be posted 24-hours prior to blasting on Anka Rd. and Davis Rd.
15. 24-hour notice shall be provided to the Juneau Flight Service Station, the CBJ Police and Fire Departments and Alaska State Troopers prior to blasting.
16. Public Service Announcements will be broadcast on local radio 24-hours prior to blasting.
17. Three air horn blasts will be made at 5 minutes prior to blasting.
18. No blasting operations will be permitted on Saturday, Sunday or official Federal and State holidays.
19. The applicant shall require a cash deposit be posted from all pit operators too adequately cover the cost of road cleaning from spilled or tracked material from the pit operations. The applicant shall ensure that all spilled materials are immediately removed from the public roadways and that mud and debris tracked onto roads from the pit site be cleaned a minimum of once a week.
20. **Advisory:** No operator shall knowingly allow the load, its fumes or odors, or any containers or coverings from becoming lose or detached or from dropping, blowing away, sifting, leaking, or otherwise escaping or in any manner creating a hazard or nuisance to other users of the highway, per CBJ§36.30.070.
21. CBJ Engineering Department shall incorporate vegetation in the design of the settling pond to maximize the settling of sediment and provide other important functions of riparian vegetation to salmon in Lemon Creek.
22. To minimize sediment, both to the roads and into Lemon Creek, the access road to the pit shall be chip sealed or paved prior to operations.

Attachments: The October 17, 2007 memorandum from Daniel Sexton, Community Development to the CBJ Planning Commission regarding USE2007-00051.

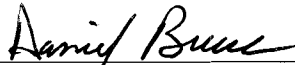
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain required building permits.

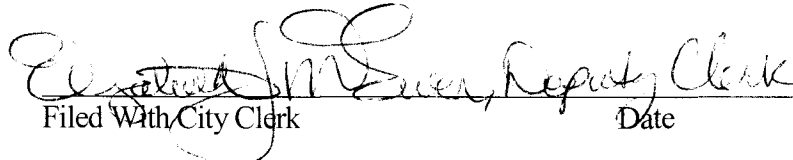
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ Sec. 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, October 23, 2007.

Expiration Date: The permit will expire 18 months after the effective date, or April 23, 2009, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to expiration date.

Project Planner: 
Daniel Sexton, Planner
Community Development Department


Daniel Bruce, Chairman
Planning Commission

 10/25/07
Filed With City Clerk Date

cc: Plan Review

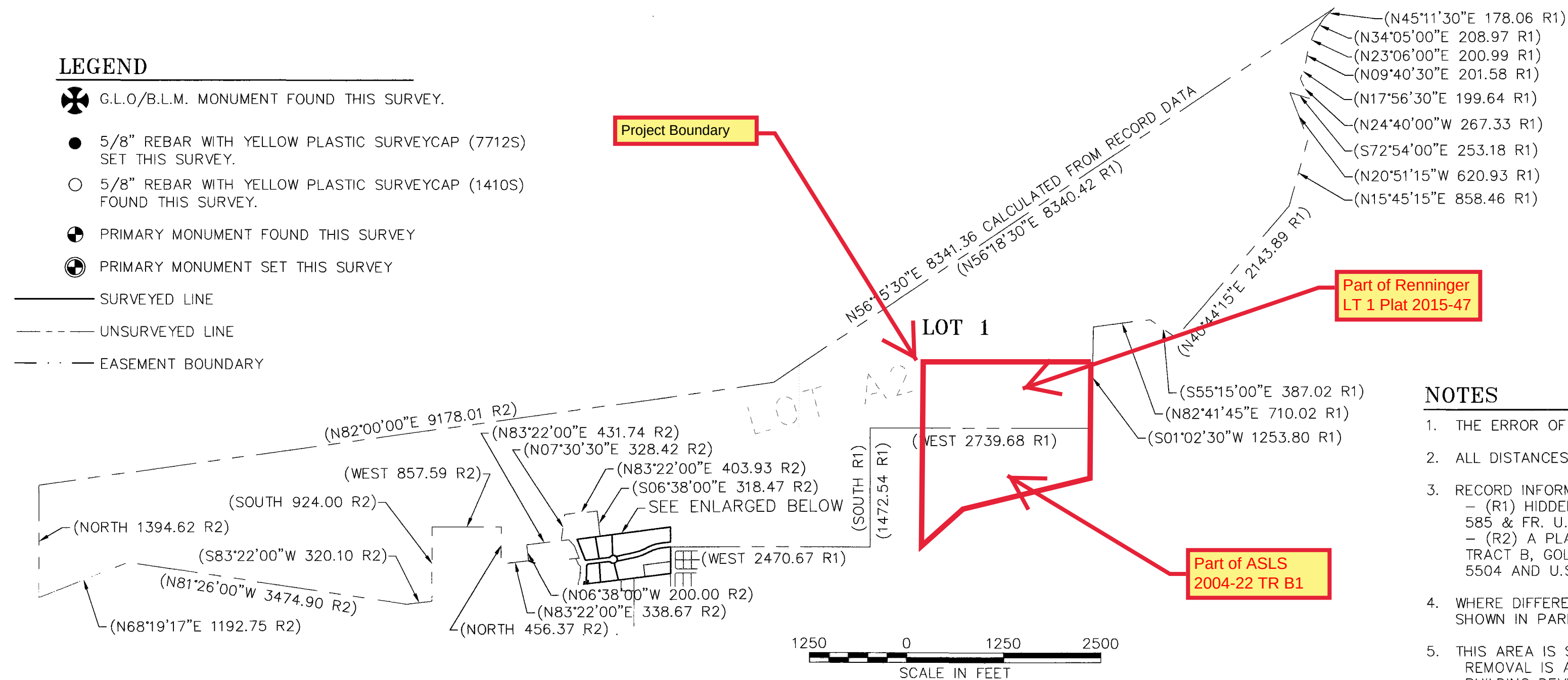
NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect 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 1 (800) 949-4232, or fax (360) 438-3208.



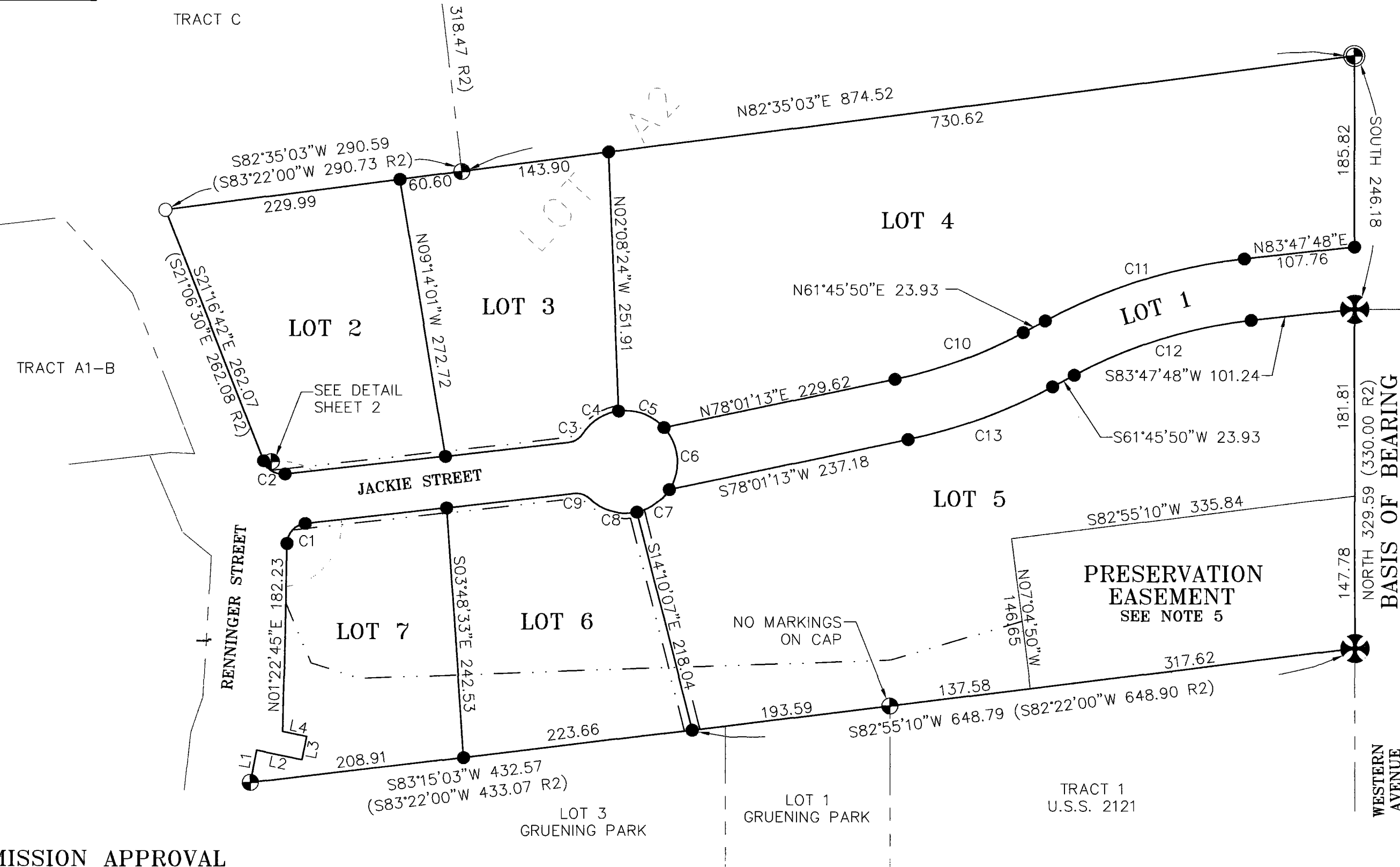
Attachment E - Photo of Rock Outcrop at Access Point

LEGEND

- ✕ G.L.O./B.L.M. MONUMENT FOUND THIS SURVEY.
 ● 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (7712S) SET THIS SURVEY.
 ○ 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (1410S) FOUND THIS SURVEY.
 ⊕ PRIMARY MONUMENT FOUND THIS SURVEY
 ⊕ PRIMARY MONUMENT SET THIS SURVEY
 — SURVEYED LINE
 - - - UNSURVEYED LINE
 - · - EASEMENT BOUNDARY



LINE TABLE	
LINE No.	BEARING & DISTANCE
L1	N11°27'30"E 32.00
L2	S78°32'30"E 45.00
L3	N11°27'30"E 23.00
L4	N78°32'30"W 23.82



PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION No. SMF2015-0007 DATED 11/14/2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

DATED 11/14, 2015.

WITNESSES:

 CLERK
CITY AND BOROUGH OF JUNEAU

 CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION


NOTES

- THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.
- ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
- RECORD INFORMATION DERIVED FROM:
 - (R1) HIDDEN VALLEY SUBDIVISION, JUNEAU PLAT 99-35, WITHIN TRACT A, M.S. 585 & FR. U.S. SURVEY 5504.
 - (R2) A PLAT OF A RESUBDIVISION OF TRACT A1-A U.S. SURVEY 5504 AND TRACT B, GOLDEN HEIGHTS SUBDIVISION, WITHIN PORTIONS OF LOT 3 U.S. SURVEY 5504 AND U.S. SURVEY 3801, JUNEAU PLAT No. 98-27.
- WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESES.
- THIS AREA IS SET ASIDE FOR HABITAT PRESERVATION PURPOSES. NO VEGETATION REMOVAL IS ALLOWED EXCEPT FOR REMOVAL OF INVASIVE SPECIES. NO FILL OR BUILDING DEVELOPMENT IS PERMITTED. BUILDING DEVELOPMENT MEANS CONSTRUCTION OF ANY STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS AND INTENDED FOR THE SHELTER, HOUSING, OR ENCLOSURE OF PERSONS, ANIMALS, EQUIPMENT, MATERIALS, OR ANY SITE WORK IN PREPARATION OR ANTICIPATION OF SUCH CONSTRUCTION. TRAIL CONSTRUCTION THAT DOES NOT REQUIRE FILL IS PERMITTED. INSTALLATION OF A FENCE ALONG THE OUTER PERIMETER OF THE EASEMENT IS PERMITTED USING TECHNIQUES THAT MINIMIZE SOIL AND VEGETATION DISTURBANCE.
- LOTS 2-7 ARE PART OF LOT A-2
- SEE SHEET 2 FOR EASEMENT DETAILS.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH BETWEEN FOUND PRIMARY MONUMENTS NOTED.

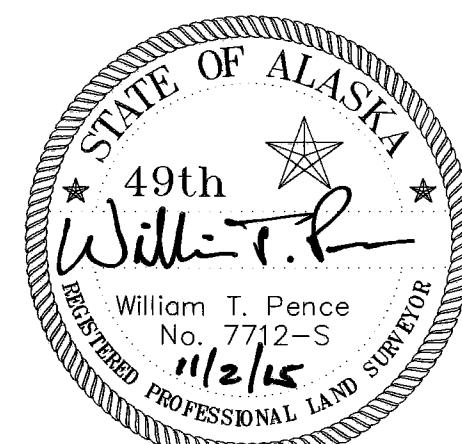
CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS	CHORD
C1	28.72	82°16'53"	20.00	S42°31'11"W 26.32
C2	26.20	75°03'40"	20.00	N58°48'32"W 24.37
C3	17.45	49°59'41"	20.00	S58°39'47"W 16.90
C4	42.30	48°28'05"	50.00	S57°53'59"W 41.05
C5	48.74	55°51'16"	50.00	N69°56'20"W 46.84
C6	64.94	74°25'13"	50.00	S04°48'06"E 60.47
C7	39.13	44°50'08"	50.00	N54°49'35"E 38.14
C8	49.23	56°24'40"	50.00	S74°33'01"E 47.26
C9	17.45	49°59'41"	20.00	N71°20'32"W 16.90
C10	133.35	16°15'23"	470.00	N69°53'32"E 132.91
C11	203.81	22°01'59"	530.00	N72°46'49"E 202.56
C12	180.74	22°01'59"	470.00	S72°46'49"W 179.63
C13	150.38	16°15'23"	530.00	S69°53'32"W 149.87

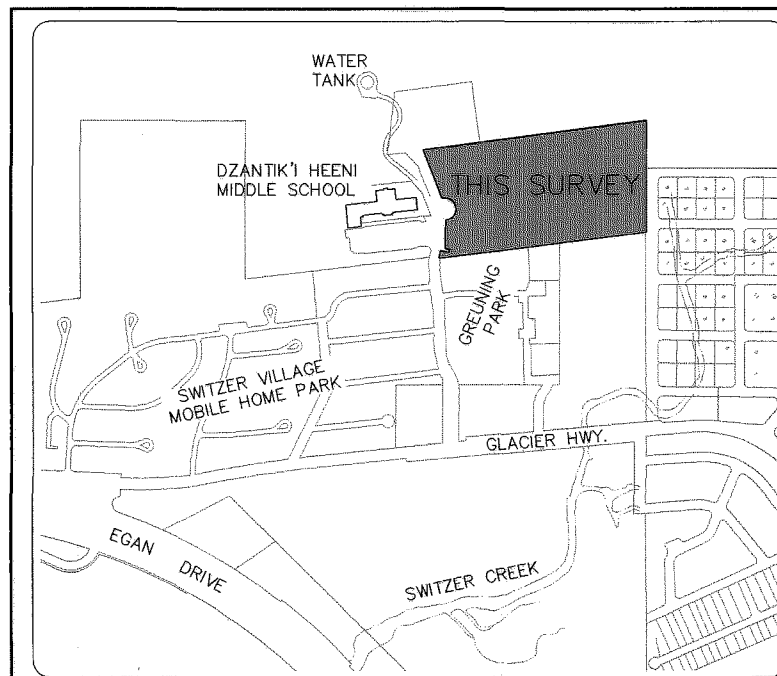
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: NOVEMBER, 2015



Juneau 2015-47

DOWL HKM
7712-S5/8"x36" REBAR WITH
YELLOW PLASTIC CAPTYPICAL PRIMARY
MONUMENT DETAIL
N.T.S.3.25" ALUMINUM CAP
TYPICAL PRIMARY
MONUMENT DETAIL
N.T.S.VICINITY MAP
SCALE: N.T.S.
SOURCE: CBJ BASEMAP SERIES

OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT CITY AND BOROUGH OF JUNEAU, AK IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS LANDS MANAGER, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE: Nov 3 2015, 2015

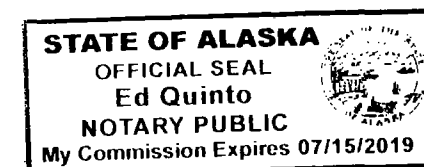
STATE OF ALASKA

FIRST JUDICIAL DISTRICT

NOTARY ACKNOWLEDGMENT

THIS IS TO CERTIFY THAT ON THE 3 DAY OF November, 2015, BEFORE THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED GREG CHANEY TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON HE REPRESENTS HIMSELF TO BE AND THE LANDS MANAGER FOR THE CITY & BOROUGH OF JUNEAU, WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF THE SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

 NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 7/15/19


PLAT OF

 RENNINGER SUBDIVISION
A SUBDIVISION OF
LOT A-2, U.S. SURVEY No. 5504
WITHIN THE CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

DOWL

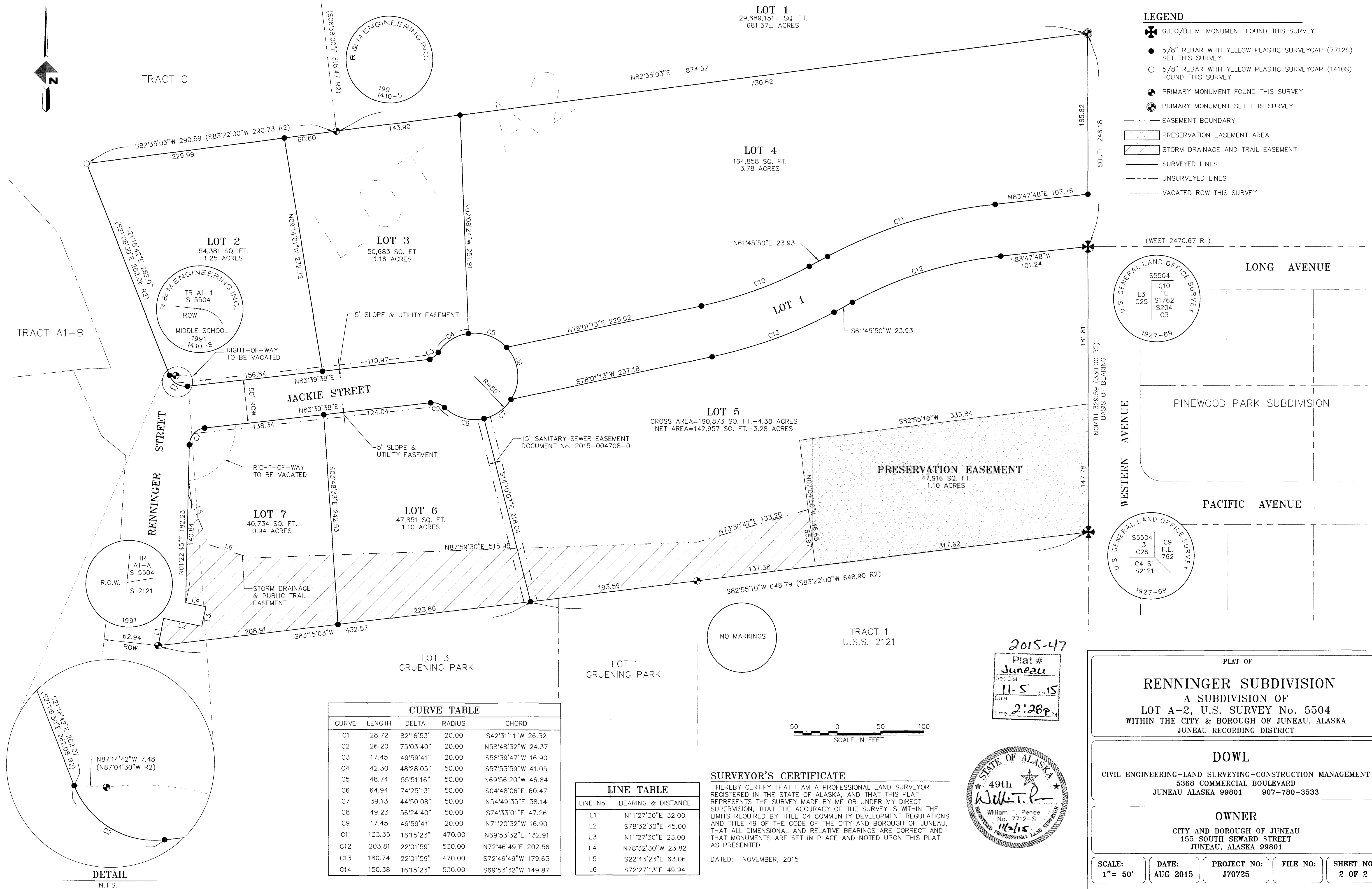
 CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

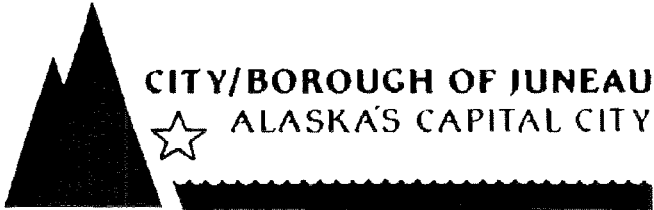
OWNER

 CITY AND BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801
SCALE:
1" = 100'DATE:
AUG 2015PROJECT NO:
J70725

FILE NO:

SHEET NO:
1 OF 2





Treasury Division
155 S. Seward Street
Juneau, AK 99801
(907) 586-0377 Phone
(907) 586-5367 Fax

CERTIFICATION OF TAXES AND ASSESSMENTS PAID

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Judicial District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described real property is carried on the tax records in the name of:

CITY AND BOROUGH OF JUNEAU
LANDS AND RESOURCES

Current Owner

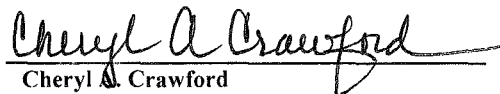
USS 5504 LT A2

Legal Description

5-B14-0-100-017-0

Parcel Code Number

and that, all Real Property taxes and assessments levied by the City and Borough of Juneau against said Real Property have been paid in full. If approval is sought between January 1 and the date of levy, there is on deposit with the Treasury Department an amount sufficient to pay Real Property tax for the current year.


Cheryl A. Crawford

November 4, 2015

Date

This Certification of Payment of Taxes is valid through December 31, 2015



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

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

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: September 29, 2022
File No.: SGE2022 0001

City and Borough of Juneau Engineering and Public Works Department
Attn: Michael Eich
155 South Seward Street
Juneau, AK 99801

Proposal: A Conditional Use Permit renewal for sand and gravel extraction, with blasting and rock crushing as accessory uses, at CBJ's North Lemon Creek Material Source.

Property Address: Lemon Creek Haul Road

Legal Description: ASLS 2004-22 Tract B1; Renninger Lot 1, USS 5504, Tract A-1C, Tract A-1B

Parcel Code No.: 5B1201340020; 5B1401000180

Hearing Date: September 27, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 20, 2022 and approved the Conditional Use Permit renewal for sand and gravel extraction, with blasting and rock crushing as accessory uses, at CBJ's North Lemon Creek Material Source to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The Extraction Permit shall expire fifteen years from the date of Planning Commission approval.
2. Hours of operation shall be 7 a.m. to 6:30 p.m., Monday through Friday, and 7 a.m. to 5 p.m., Saturday and Sunday.
3. Blasting operations shall be conducted during daylight hours between 9 a.m. and 5 p.m.
4. Blasting operations shall be prohibited on Saturdays, Sundays, and official Federal and State holidays.

5. Blasting and rock crushing shall be limited to the development of the access road.
6. Warning signs with the time and date of the blast shall be posted 24-hours prior to blasting on Anka Street and Davis Road.
7. Prior to blasting, 24-hour notice shall be provided to the Juneau Flight Station, CBJ Police Department and Fire Departments, and Alaska State Troopers.
8. Three air horn blasts will be made five minutes prior to blasting.
9. The 20-foot buffer that surrounds the property and a 20-foot buffer with a minimum of a five-foot berm on the Western project boundary shall be maintained for the life of the pit.
10. Seed mixes utilized for revegetation in restoration efforts shall be free from non-native, noxious weeds.
11. *MANDATORY CONDITION: A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.*
12. *MANDATORY CONDITION: If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.*

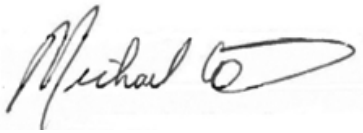
Attachments: September 20, 2022 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding SGE2022 0001.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required Building Permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, September 27, 2022.

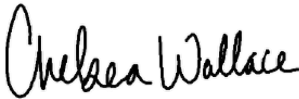
Expiration Date: The permit will expire 18 months after the effective date, or March 27, 2024 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



Michael Levine, Chair
Planning Commission

September 30, 2022

Date



Filed With City Clerk

September 30, 2022

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. 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.



PLANNING COMMISSION STAFF
CONDITIONAL USE PERMIT USE2022 0014
HEARING DATE: SEPTEMBER 27, 2022

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: September 19, 2022

TO: Michael LeVine, Chair, Planning Commission

BY: Jennifer Shields, Planner II *Jennifer L. Shields*

THROUGH: Jill Maclean, AICP, Director

PROPOSAL: Applicant requests two modifications to Conditional Use Permit USE2022 0005 for a cold weather emergency shelter at Resurrection Lutheran Church.

Modification #1: Newly proposed hours of operation of 8:00 P.M. – 7:30 A.M. (current hours: 9:00 P.M. – 6:30 A.M.).

Modification #2: Newly proposed operation start date of October 15 (current start date is November 1).

STAFF RECOMMENDATION: Approval with conditions.

KEY CONSIDERATIONS FOR REVIEW:

- An emergency shelter is a permissible use in the Light Commercial zoning district.
- The applicant has worked with the Juneau Police Department and CBJ staff to mitigate off-site impacts.
- The applicant has received support from other social service agencies and its neighbors, including those initially opposed to the emergency shelter.

GENERAL INFORMATION	
Property Owner	Resurrection Lutheran Church
Applicant	Resurrection Lutheran Church
Property Address	740 West 10 th Street
Legal Description	Casey Shattuck Block 226 Lots 6, 7, & 8
Parcel Number	1C060C260060
Zoning	Light Commercial (LC)
Land Use Designation	Commercial (C)
Lot Size	10,800 square feet
Water/Sewer	City water and sewer
Access	West 10 th Street
Existing Land Use	Church
Associated Applications	USE2021 0011, USE2022 0005

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting 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 not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o CBJ 49.15.330 (Conditional Use Permit)
 - o CBJ 49.80 (Definitions)

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D5)	Residential
South (LC)	Residential
East (D5)	Residential
West (LC)	Commercial

SITE FEATURES	
Anadromous	None
Flood Zone	Zone X, area of minimal risk
Hazard	None known
Hillside	None
Wetlands	None
Parking District	Town Center Parking Area
Historic District	Casey Shattuck Historic Neighborhood
Overlay Districts	Downtown Juneau Alternative Development Overlay District

BACKGROUND INFORMATION

The Planning Commission, at its regular meeting on November 15, 2021, approved USE2021 0011 (Attachment B) for the operation of a cold weather emergency shelter at Resurrection Lutheran Church, subject to the following conditions:

1. Prior to the opening of the facility, smoke detectors must be installed in the sleeping area and in each of the shelter's restrooms. **Complete**
2. Prior to the opening of the facility, an alarm must be installed on the emergency exit door in the shelter's sleeping area. **Complete**
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department. **N/A**
4. Prior to the opening of the facility, exterior security cameras must be installed and functional. **Complete**
5. The shelter facility's operating start time will not be before 9:00 P.M. and will end by 6:30 A.M. the next day. **Ongoing / Requesting Modification**
6. The shelter facility can operate from November 1 to May 1. **Ongoing / Requesting Modification**
7. When the shelter facility is operating, there must be a minimum of two (2) staff present at all times. **Ongoing**
8. The shelter facility will provide a contact number to the surrounding neighbors that will be actively answered during operating hours. The intent of this condition is to provide a way for shelter staff to respond to issues as they arise in the area. **Ongoing**.
9. This permit will expire on May 1, 2022. **Modified**

On April 26, 2022, the Commission approved Conditional Use Permit Modification USE2022 0005 (Attachment C) with the same Conditions 1 through 8, and one modified condition:

1. Condition 9: The permit will **expire on June 1, 2024.**

The applicant is now requesting the following modifications of USE2022 0005:

- Condition 5 Modification:
Proposed hours of operation of 8:00 p.m.—7:30 A.M. (current hours: 9:00 P.M. — 6:30 A.M.).
- Condition 6 Modification:
Proposed operation start date of October 15 (current start date is November 1).

ANALYSIS

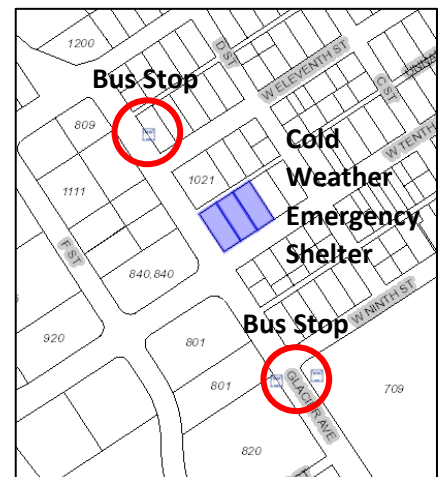
The applicant is requesting modifications to the hours of operation and operation start date in order to address concerns raised at the April 26, 2022 Commission meeting.

Hours of Operation:

The applicant is requesting the ability to open the cold weather emergency shelter one hour earlier, at 8:00 P.M., in case of low temperatures, and in order to discourage patrons from congregating outside of the church building and around the neighborhood prior to opening. The applicant feels that this change will be in the best interest of both their patrons and the neighborhood.

The applicant is also requesting the ability to close the cold weather emergency shelter one hour later, at 7:30 A.M., in order to allow patrons the ability to stay in the shelter until a closer time to when the first transit buses arrive in the area, and to avoid interactions with children attending nearby Harborview Elementary School, which has school hours of 8:00 A.M. to 2:30 P.M.

The majority of cold weather emergency shelter patrons depend upon public transit and walking, and need time to get to a bus stop to travel to and from the shelter. The closest bus stops near the cold weather emergency shelter are at Glacier Avenue/9th Street and Glacier Avenue/12th Street (Federal Building). Capital Transit Route 14 (Mendenhall/Riverside Commuter) arrives at the Federal Building stop at 6:55 A.M. on weekdays. Routes 1 (Douglas) and 3 (Mendenhall Loop Counterclockwise) arrive at the Federal Building stop at 7:15 A.M. on weekdays.



Route 6 (Riverside Express), which is the only route that currently stops at Teal Street Center near the Glory Hall, arrives at the Federal Building stop at 8:00 A.M., with its last stop at 6:00 P.M. The Glory Hall provides a shuttle bus to bring cold weather emergency shelter patrons to the Glory Hall and Teal Street for services, and the shuttle driver cannot leave the Glory Hall until 7:00 A.M.

Operation Start Date:

The applicant is requesting the ability to open the cold weather emergency shelter two weeks earlier, on October 15 instead of November 1, in case of low temperatures for patrons. The earlier start date will also benefit patrons

by coordinating with the closing of the CBJ operated Mill Campground, located on the Mount Roberts hillside near Franklin Dock and Taku Smokeries, which offers tent platforms and accompanying facilities free of charge to patrons.

CBJ and the applicant have executed a new contract for the cold weather emergency shelter that references pending approval from the Commission on hours of operation and operation start date (Attachment D).

AGENCY REVIEW

CDD contacted the Juneau Police Department (JPD) regarding this application and received the following response from Deputy Chief David Campbell on September 1, 2022, "JPD has no issues with these modifications".

CDD also contacted the Parks and Recreation Department regarding this application and received the following response from Deputy Director Michele Elfers on August 16, 2022, "We will plan to close the Mill campground on October 15. Having the shelter open on the 15th will really help us in our closing process. There could be a rare situation with very early freeze and snow or bear disaster where we would have to close earlier, but I think this is unlikely."

PUBLIC COMMENTS

CDD conducted a public comment period between August 29, 2022 and September 5, 2022. Public notice was mailed to property owners within 500 feet of the proposed development (Attachment E). A public notice sign was also posted on site two weeks prior to the scheduled hearing (Attachment F). Public comments submitted at the time of writing this staff report can be found in Attachment G.

Name	Summary
Dale Gosnell	Support
Lise Paradis	Support

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330(e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Conditional Use Permit complete?

Analysis: No further analysis needed.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Analysis: The application is for a cold weather emergency shelter (CBJ 49.80 Assisted living). The use is listed in CBJ 49.25.300, Section 7.200 for the Light Commercial zoning district.

Finding: Yes. The requested permit is appropriate according to the Table of Permissible Uses.

3. Will the proposed development comply with the other requirements of this chapter?

Analysis: The proposed project does comply with the other requirements of Title 49 and the CBJ Building and Fire Code.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49 and the CBJ Building and Fire Code.

4. Will the proposed development materially endanger the public health, safety, or welfare?

Analysis: This finding hinges on the idea of “materially endanger.” “Materially” means “significant or substantial.” “Endanger” means “to bring into danger or peril.” Since approval, the cold weather emergency shelter has mitigated concerns and responded to complaints from the community or neighbors. The cold weather emergency shelter has maintained communication with neighbors and been available as needed. JPD has no concerns with Resurrection Lutheran Church continuing operations of the cold weather emergency shelter.

Finding: No. With appropriate conditions, the requested permit for a cold weather emergency shelter in a Light Commercial zoning district will not materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

Analysis: CBJ Assessor does not consider proximity to an emergency housing shelter when assessing property.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested permit for a cold weather emergency shelter in a Light Commercial zoning district will substantially decrease the value of or be out of harmony with the property in the neighboring area.

6. Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?

Analysis: No further analysis needed.

Finding: Yes. The proposed cold weather emergency shelter, with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit with the following modifications to Conditions 5 and 6, and all other conditions remaining the same:

1. Prior to the opening of the facility, smoke detectors must be installed in the sleeping area and in each of the shelter's restrooms.
2. Prior to the opening of the facility, an alarm must be installed on the emergency exit door in the shelter's sleeping area.
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.
4. Prior to the opening of the facility, exterior security cameras must be installed and functional.
5. The shelter facility's operating start time will not be before 8:00 P.M. and will end by 7:30 A.M. the next day.
6. The shelter facility can operate from October 15 to May 1.
7. When the shelter facility is operating, there must be a minimum of two (2) staff present at all times.
8. The shelter facility will provide a contact number to the surrounding neighbors that will be actively answered during operating hours. The intent of this condition is to provide a way for shelter staff to respond to issues as they arise in the area.
9. The permit will expire on June 1, 2024.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	USE2021 0011 Notice of Decision and Staff Report
Attachment C	USE2022 0005 Notice of Decision and Staff Report
Attachment D	CBJ Contract for a Cold Weather Emergency Shelter
Attachment E	Abutters Notice
Attachment F	Public Notice Sign Photo
Attachment G	Public Comments



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 740 W 10th Street, Juneau, AK, 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Casey Shattuck Block 226 Lots 6, 7, and 8		
	Parcel Number(s) 1C060C260060		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Resurrection Lutheran Church	Contact Person Bradley Perkins	Phone Number(s) 808-782-5795
	Mailing Address 740 W 10th Street, Juneau, AK, 99801		
	E-mail Address manager@warmingshelter.org		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Kausp 16+</u> Pastor Landowner/Lessee Signature		August 11, 2022 Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant SAME	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
X <u>Kausp 16+</u> Applicant's Signature		August 11, 2022 Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

USE22-014

Intake Initials

JLS

Date Received

8/11/22



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

Resurrection Lutheran Church (RLC) proposes allocating space within its facility located at 740 W 10th Street to operate the Cold Weather Emergency Shelter (CWES) for the City and Borough of Juneau (CBJ), assuming the contract abrogated by St. Vincent de Paul (SVdP).

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☐ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE21-11 USE22-05

☐ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 10,800 square feet

Total Area of Existing Structure(s) 5,034 square feet

Total Area of Proposed Structure(s) N/A square feet

EXTERNAL LIGHTING

Existing to remain

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed

☒ No

☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☐ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☒ Notice of Decision and case number
- ☒ Justification for the modification or extension
- ☒ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- ☒ Floor plan(s)
- ☐ Elevation view of existing and proposed buildings
- ☐ Proposed vegetative cover
- ☐ Existing and proposed parking areas and proposed traffic circulation
- ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
Application Fees	\$ <u>250.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>400.00</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<u>USE22-014</u>	<u>8-11-22</u>

Allowable / Conditional Use Permit Application Amendment Narrative

Project

Resurrection Lutheran Church (RLC) proposes an amendment of Conditional Use Permit NOD USE2021 0011 granted November 15, 2021 by the City and Borough of Juneau (CBJ) Planning Commission (PC) ("CUP" - attached) incorporating a November 2, 2021 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2021 0011 ("CD CUP Memorandum" - attached), allocating space within its facility located at 740 W 10th Street to operate the Cold Weather Emergency Shelter (CWES) for the CBJ under CBJ PO # 114413 ("PO" - attached) for CBJ Contract MR 220-198 ("Contract" - attached), as amended by of Conditional Use Permit NOD USE2022 0005 granted April 29, 2021 by the CBJ PC ("CUP Extension" - attached), incorporating a April 18, 2022 memorandum from Jennifer Shields, Community Development Planner, to the CBJ Planning Commission regarding USE2022 0005 ("CD CUP Extension Memorandum" - attached).

Narrative

RLC has been in Juneau since 1926. It has a long and proud history of serving those in need in Juneau and Southeast Alaska, including multiple generations. It is a member of Love INC, Southeast Alaska Food Bank, the Juneau Suicide Prevention Coalition, Family Promise and regularly participates in the Juneau Coalition on Housing and Homelessness and Collaborated Efforts meetings. The Resurrection Quilters donate their handcrafted quilts to those in need locally in Juneau and worldwide. While many churches closed during the COVID-19 pandemic, RLC actually stepped up its operations. The church was one of several churches to open a Safe Space for Schooling (RLC SSS) program to support students attending Zoom classes and was recognized by Juneau School District and its superintendent. NAMI Juneau and the Suicide Prevention Coalition recognized our RLC SSS Program Supervisor, Clarice Bethers, for exceptional work helping children in the community. To accommodate the RLC SSS program, the Downstairs Hall (where RLC operates the CWES) was renovated. Last Fall, when St. Vincent de Paul decided not to complete the last two years of its CWES contract with the CBJ, the congregation stepped-in, realizing there were no other alternatives for the city's homeless individuals.

Current Use of the Facility

RLC's community service programs address immediate needs of refreshing and nourishing the body, mind and soul. RLC worship services nourishes the soul through regular Sunday worship services (9:30 am) in-person and live broadcast (or viewed later) on our YouTube channel (<https://www.youtube.com/c/JuneauLive>), as well as special worship services. The church also broadcasts an abridged version of its prior week's worship service on local radio station KINY on Sunday mornings at 9:30 am. RLC Warming Shelter refreshes the body by operating the CWES – AKA, the RLC Warming Shelter – for the CBJ. The RLC Warming Shelter is a low barrier shelter for adults operating during the winter when the nighttime temperature is predicted to be below freezing. Juneau Live! Studio nourishes the mind by supporting individuals and families in our community who are suffering from seclusion and isolation, and its consequences. Juneau Live! Studio connects this marginalized population to Juneau through live-entertainment, educational and informational, community-access television programming on its Juneau Live! YouTube

channel and KINY radio station. The RLC Food Panty nourishes the body by operating the largest food pantry in Juneau feeding 150 to 200+ individuals and families each week, by allowing patrons to select their own foods in an unique 100' COVID-safe mobile food line (paid for with a Rasmuson grant in 2021). The church believes these community service programs embody its mission to promote spiritual growth in Christ and service to all people.

2021/22 Winter Operation of the CWES under the CUP

In what ended up being a particularly harsh winter for those without stable housing, the RLC Warming Shelter during its 2021/22 operation:

- was open 100% from November 17th through April 15th (expectation was 80%) due to near 32° and below for entire season, opening as early as 9 pm when near 0°;
- provided 3,535 shelter nights for 346 unique patrons at a cost of \$46 per night, where each patron stayed an average of 10 nights and 63% of patrons stayed five or fewer nights;
- hosted 30 to 40 patrons each night (originally planned for 28), providing a hot, freshly prepared, nutritious dinner and breakfast; and
- every patron welcomed to return next night (regardless of prior behavior), while treating each patron in accordance with RLC guest service guidelines (based on Disney Institute).

The CUP Extension

On April 1, 2022, RLC requested an extension of the CUP, set to expire on May 1, 2022. On April 29, 2022, the Planning Commission issue NOD USE2022 005 which amended Condition 9 to read:

1. Condition 9: The permit will expire on June 1, 2024.

Request for Additional Amendments to the CUP / CUP Extension

The CBJ has requested, and RLC has agreed to operate the CWES for the 2022/23 Winter. The parties are in the process of renewing their agreement. RLC will continue to operate the CWES according to these guidelines:

RLC CWES Operational Guidelines

RLC operates the CWES:

- on behalf of the CBJ;
- in the best interest of:
 - CWES patrons;
 - RLC neighbors; and
 - Juneau community, and
- such that the CWES:
 - complies with the CUP (and amendments);
 - meets the requirements of the CBJ contract
 - operating costs do not exceed the fixed-fee paid under the CBJ contract;
 - complies with RLC Warming Shelter:
 - Patron Code of Conduct;
 - Guest Service Guidelines; and
 - Staff operational training, guidelines and policies.

In order to better meet these RLC CWES Operational Guidelines, RLC is requesting two additional amendments. First, that Condition 5 be amended:

5. The shelter facility's operating start time will not be before ~~9:00 P.M.~~ 8:00 P.M. and will end by ~~6:30 A.M.~~ 7:30 A.M. the next day.

to read:

5. The shelter facility's operating start time will not be before 8:00 P.M. and will end by 7:30 A.M. the next day.

Perhaps contrary to a perception of some RLC neighbors and others, RLC does not desire open the CWES as early in the evening as possible or keep it open as late in morning as possible. Each of these situations creates operational and budgetary challenges for RLC. It is actually in RLC's interest, from a staffing, overtime (budget), patron-management, facility-cleaning, food service, etc. perspective, to open at 10:30 P.M. and close the doors as early as possible.

However, when the temperatures were below zero degrees by 8:00 P.M. last January there was no other place for the CWES Patrons go. They in appropriate found places to congregate (at RLC, in the RLC neighborhood, etc.) while waiting for the CWES to open, creating challenges for patrons, staff, and RLC neighbors. Thus, while not regularly in RLC's interest to open as early as 8:00 P.M., RLC is requesting the operational latitude to do so on those days it determines it is in the best interest of the patrons and the RLC neighbors.

As to the CWES closing time of 6:30 A.M. last season, even the PC inquired of the RLC representatives at the last hearing if this time was too early. The PC offered to change this condition but was told by CBJ counsel that such a change was beyond scope of Applicant's amendment application and public notice. The 6:30 A.M. closing time was originally proposed by Commissioner Dye, RLC believes, to protect Harborview Elementary School students (who actually don't start arriving at school until about 8:00 A.M.). However, it inadvertently might have had the opposite effect. Patrons forced out at 6:30 A.M. with nowhere to go, often loiter around the area sometimes falling back asleep. Here are some of the issues with the 6:30 A.M. closing time:

- CBJ buses don't start running until after 7:00 A.M.;
- CWES Patrons need time to get to the bus stop (which might be at the Federal Building) and are often slowed down by carrying all their belongs;
- Glory Hall sends its shuttle bus to bring CWES patrons to the Glory Hall and Teal Street for services, but the shuttle driver cannot leave the Glory Hall until 7:00 A.M.; and
- CWES accepts patrons until 2:00 A.M., in any condition, and getting them up, through the bathrooms and fed (perhaps their only meal for the day) by 6:30 A.M. can be frustrating for patrons and staff.

In actuality, neither the CWES patrons nor Harborview Elementary School students have any interest in interacting, nor do the CWES patrons have any interest in loitering around RLC (there is literally nothing for them to do in the area). It is certainly RLC's desire to manage the CWES closing time to maximize the opportunities for the CWES patrons to get where they want to be. It is counter-productive to push them out at a time where there is nowhere for them to go other

than into the RLC neighborhood. It is explicitly the CWES staffs' responsibility (to the extent they can monitor it) to see that the patrons not only leave the CWES at closing time but minimize the impact on the RLC neighborhood. Having a closing time where the staff knows those patrons are heading onto a bus or shuttle is in everyone's best interest. Thus, RLC is asking for the latitude to set the closing time up to 7:30 A.M.

Second, that Condition 6 be amended:

6. The shelter facility can operate from ~~November 1~~ October 15 to May 1,
to read:
6. The shelter facility can operate from October 15 to May 1.

RLC learned that it is messy and unhealthy the CWES season to close and dump its 40 patrons onto the street with nowhere to go. When closing this last April 15, the CWES staff learned from the patrons that most of them were moving to the CBJ campground and volunteered their own time and vehicles to help patrons make a smooth transition. Unfortunately, the few that had not made plans for a proper home upon the CWES closing created problems for RLC's neighbors and RLC (we learned and will try not to repeat that next year).

Last year, temperatures were already below freezing by mid-October. This earlier possible open date of October 15 will allow RLC to potentially coordinate with CBJ on the closing of the campground (possibly mid-October). This may advert campground residents from moving into downtown or the RLC neighborhood prior to the opening of the CWES. RLC would only open the CWES earlier than the traditional date of November 15 if was in the best interest of the patrons (due to temperatures below freezing and campground closure), RLC neighbors and the Juneau community.

Impact on Parking

RLC has three parking places and one ADA parking place at the church building, and a separate lot at the corner of 10th and D Streets (approximately 15 parking places). Occasional visits by Juneau Police Department (JPD) and Capital City Fire and Rescue (CCFR) vehicles have been accommodated at the existing church lot. As patrons rarely have vehicles, existing parking has been sufficient for CWES staff and other operations, and there has been no adverse impact on street parking.

Impact on Traffic

There has not been any impact on traffic from CWES operations.



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: November 15, 2021
Case No.: USE2021 0011

Resurrection Lutheran Church
Attn: Bradley Perkins
740 W 10th Street
Juneau, AK 99801

Proposal: Conditional Use Permit to operate an emergency cold weather shelter at Resurrection Lutheran Church.

Property Address: 740 W 10th Street

Legal Description: Casey Shattuck Block 226 Lots 6, 7, and 8

Parcel Code No.: 1C060C260060

Hearing Date: November 9, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 2, 2021, and approved the operation of a cold weather emergency shelter to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the opening of the facility, smoke detectors must be installed in the sleeping area and in each of the shelter's restrooms.
2. Prior to the opening of the facility, an alarm must be installed on the emergency exit door in the shelter's sleeping area.
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.
4. Prior to the opening of the facility, exterior security cameras must be installed and functional.
5. The shelter facility's operating start time will not be before 9:00 P.M. and will end by 6:30 A.M. the next day.

6. The shelter facility can operate from November 1 to May 1.
7. When the shelter facility is operating there must be a minimum of two (2) staff present at all times.
8. The shelter facility will provide a contact number to the surrounding neighbors that will be actively answered during operating hours. The intent of this condition is to provide a way for shelter staff to respond to issues as they arise in the area.
9. This permit will expire on May 1, 2022.

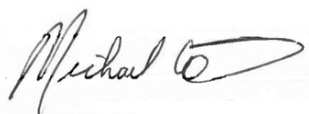
Attachments: November 2, 2021 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2021 0011.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, November 9, 2021.

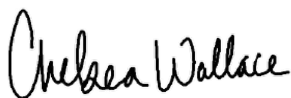
Expiration Date: The permit will expire on May 1, 2022.



Michael Levine, Chair
Planning Commission

November 18, 2021

Date



Filed With City Clerk

November 19, 2021

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. 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.



PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2021 0011
HEARING DATE: NOVEMBER 9, 2021

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

DATE: November 2, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Allison Eddins, Planner II *A. Eddins*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit to operate an emergency cold weather shelter at Resurrection Lutheran Church

STAFF RECOMMENDATION: Approval with conditions.

KEY CONSIDERATIONS FOR REVIEW:

- An emergency shelter is a permissible use in the Light Commercial zoning district.
- Church staff have experience managing shelters in Juneau and San Francisco.
- JPD and CBJ staff will work closely with shelter to mitigate off-site impacts.

GENERAL INFORMATION	
Property Owner	Resurrection Lutheran Church
Applicant	Resurrection Lutheran Church
Property Address	740 W 10 th Street
Legal Description	Casey Shattuck Block 226 Lots 6, 7, & 8
Parcel Number	1C060C260060
Zoning	Light Commercial (LC)
Land Use Designation	Commercial (C)
Lot Size	10,800 square feet
Water/Sewer	City water and sewer
Access	W 10 th Street
Existing Land Use	Church
Associated Applications	N/A

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting 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 not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o 49.15.330
 - o 49.80

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING**SURROUNDING ZONING AND LAND USES**

North (D5)	Residential
South (LC)	Residential
East (D5)	Residential
West (LC)	Commercial

SITE FEATURES

Anadromous	None
Flood Zone	Zone X, area of minimal risk
Hazard	None known
Hillside	None
Wetlands	None
Parking District	No
Historic District	Casey Shattuck Historic Neighborhood
Overlay Districts	Downtown Juneau ADOD

AGENCY COMMENTS

Name, Title	Comment Summary
Scott Ciambor, CBJ Housing Officer	Working with shelter managers to ensure the project runs effectively.
Charlie Ford, Chief Building Inspector	Church is structurally sound. Recommending the installation of smoke detectors.
Ed Mercer, Juneau Police Chief	Working with shelter managers to coordinate public safety efforts.
Dan Jager, Fire Marshal	Recommending the installation of smoke detectors.

PUBLIC COMMENTS

CDD conducted a public comment period between October 19, 2021 and November 1, 2021. Property owners within 500 feet of the proposed shelter site were mailed an abutters' notice with instruction on how to comment. A public notice sign was posted on site two weeks prior to the November 9, 2021 public hearing. Resurrection Lutheran Church hosted a neighborhood meeting on Wednesday, October 27, 2021. The meeting was held in the church sanctuary and was a hybrid of virtual and in person. Public comments submitted at the time of writing this staff report can be found in Attachment C.

Name	Comment Summary	Type of Comment
Judy and Jay Crondahl, Parkshore Condo residents	No objection. Welcome the cold weather emergency shelter (CWES) into the neighborhood.	Email to pc_comments@juneau.org

Barbara Frank, Parkshore Condo resident	No objection. Applauds the church's efforts.	Email to pc_comments@juneau.org
Renee Guerin, Parkshore Condo resident	No objection. In favor of the CWES in her neighborhood.	Email to pc_comments@juneau.org
Jetta Whittaker, Flats resident	No objection. Believes Resurrection Lutheran Church will manage the CWES with compassion and efficiently.	Email to pc_comments@juneau.org
Will Ellis, Parkshore Condo resident	Anticipates increased crimes of opportunity. CWES should be located in an area with a greater police presence.	Email to pc_comments@juneau.org
Bobby Lee, Parkshore Condo resident	No objection. Encourages shelter at this location. Church has experience with people who may use the shelter.	Email to pc_comments@juneau.org
Rob Steedle, Flats resident	No objection. The church is an appropriate location for a CWES. Has not seen negative impacts of the food pantry operated at the church.	Email to pc_comments@juneau.org
Tom Sullivan, First National Bank Manager	Concerned about the close proximity to the ATM and after hours deposit box. Concern for bank customers' safety.	October 27, 2021 neighborhood meeting
Miguel Rohrbacher, Flats resident and direct neighbor	Concerned about shelter staff capacity and the likelihood that a shelter may operate at this location year-round.	October 27, 2021 neighborhood meeting
Emily Kane, Juneau resident	No objection. Supports the warming shelter.	Email to pc_comments@juneau.org
Betsy Lawer, Board Chair and CEO of First National Bank	Concerned about CBJ's lack of a comprehensive plan to address homelessness, the safety of bank customers and employees and the likelihood of vandalism.	Email to pc_comments@juneau.org

BACKGROUND INFORMATION

CBJ Land Use Code (Title 49) – A CWES is considered an "assisted living facility". This is a permissible use in the Light Commercial (LC) zoning district with an approved Conditional Use Permit.

CBJ 49.80 Definitions.

Assisted Living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services and emergency shelter. Assisted living use that occurs within a single-family dwelling is regulated as a single-family dwelling use.

ANALYSIS

Project Description – Resurrection Lutheran Church is proposing to operate a CWES at 740 W 10th Street. The shelter will primarily serve homeless adults who cannot participate at the Glory Hall or AWARE shelters. Entry to these shelters is typically denied due to intoxication. The CWES is contractually obligated to operate from 11:00 P.M. to 6:30 A.M. November 15 to April 15 on nights when the predicted temperature is 32 degrees or below. These are the minimum requirements. The contract does allow for flexibility on the hours and days of operation. Depending on need and staff availability, the shelter may open early and on days when temperatures are above freezing. Illuminated signs will be posted at the church, City Hall, the Downtown Transit Center, in the Valley, and Lemon Creek letting patrons know when the shelter is open.

The shelter will be managed by Pastor Karen Perkins and Mr. Bradley Perkins. Pastor Perkins has over 25 years of experience operating shelters in San Francisco and Juneau. Mr. Perkins recently served as the General Manager of St. Vincent de Paul and managed the Juneau CWES for the past three years.

Project Design – The church is proposing to run the shelter out of the church social hall. The space is approximately 2,000 square feet providing space for 28 sleeping areas in addition to two restrooms, and a commercial kitchen. Each sleeping area will have a single cot, space for personal belongings and a privacy partition. Sleeping areas will be spread out as a COVID precaution, and COVID testing will be available with assistance from Capital City Fire and Rescue (CCFR). The space has an emergency exit and a manual fire alarm. The CCFR Fire Marshal has requested that smoke detectors be installed in the sleeping area and in the restrooms.

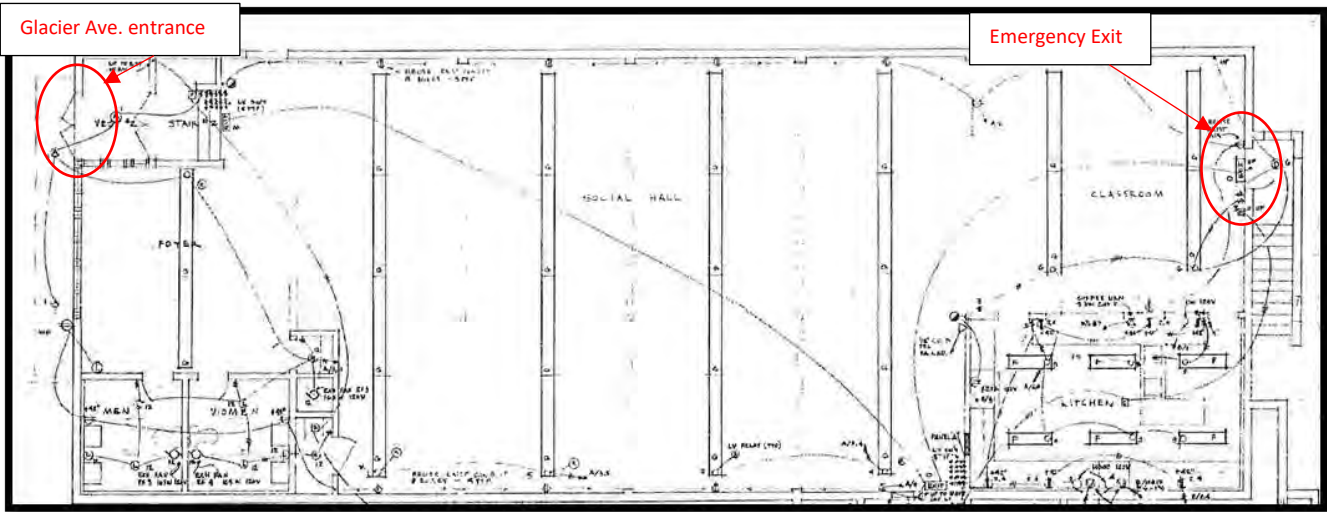


Figure 1: Floor plan of proposed shelter space

Condition #1: Prior to opening the facility, smoke detectors must be installed in the sleeping area and in each of the church restrooms used by the shelter.



Figure 3: Shelter entrance w/ public notice sign at the corner of Glacier Ave and the alley

All CWES patrons will enter and exit the facility through the Glacier Avenue entrance that is pictured above. Up until recently, the church owned the lot and single-family home next door. The lot is fenced in and was used as a playground for the church daycare. The church sold the property this summer and is currently in communications with the new owners to reconstruct and relocate the fence entirely onto the private property. The social hall does have one emergency exit and this exit leads directly into the private yard next door. The property owners are concerned that patrons will use the exit to leave and re-enter the facility throughout the night. This is a valid concern considering the emergency exit door is currently not alarmed. Church staff has spoken with CBJ staff and the concerned neighbor about installing an alarm on the emergency exit door to help ensure that it is only used in an emergency situation. This is recommended as a condition of approval.



Condition #2: Prior to opening the facility, an alarm must be installed on the emergency exit door in the CWES sleep area.

The CWES will operate as a shelter of last resort for patrons who are not permitted to sleep at the Glory Hall or AWARE. This is usually due to intoxication. The CWES will permit intoxicated patrons, but will not allow violent patrons to enter. Upon encountering a violent person, shelter staff will call JPD to deal with the individual. In the past, operators of the CWES have worked closely with CBJ staff and JPD to maximize the health and safety of the patrons and minimize impacts to neighbors. Patrons will be provided with a hot meal before bed, and breakfast in the morning.

Project Site – Resurrection Lutheran Church is located on the northeast corner of W. 10th Street and Glacier Avenue in the Flats neighborhood. The church is located a short distance from multiple bus stops and the downtown fire station. It is located near Harborview Elementary School, First National Bank, downtown businesses, and residences.



Figure 2: Aerial image and surrounding uses

CBJ staff and CWES staff will coordinate efforts to ensure the CWES patrons are safely moved to another shelter location after the CWES shelter closes in the morning. JPD will increase patrols in the area before and during shelter hours, and if needed, officers will help patrons up and out in the morning. CWES staff will provide patrons with bus tokens or cab fare in the morning. Patrons will be encouraged to head to the Glory Hall campus where they will find food and shelter amenities like showers and laundry facilities. Depending on availability, the CWES staff may be able to transport patrons to the Glory Hall in a passenger van leased from St. Vincent de Paul.

The church intends to contract with a cleaning service to sanitize the sleeping space after every use, and to clean up litter and other debris that may accumulate around the site. The church acknowledges that open and frequent communication with the neighbors will be key to the shelter's success at this location and plans to use social media as the primary communication tool.

Traffic – According to CBJ 49.40.300(a)(2), a traffic impact analysis is not required for a project that generates less than 250 average daily trips (ADT). The table below illustrates the estimated ADT based on the Institute of Transportation Engineers *Trip Generation Manual*. Based on the CWES operations of previous years, the only anticipated traffic will be from CWES staff and JPD and CCFR vehicles.

Use	Metric	Trips Generated	Total Trips
Assisted Living	per bed	2.6 trips	73
Total ADTs:			73

Condition: None recommended.

Vehicle Parking & Circulation – The church provides 18 parking spaces and one ADA space. The church does not have a parking requirement since it was constructed in the 1950s, and pre-dates minimum parking requirements. However, the Americans with Disabilities Act does require the church to meet the ADA parking requirement of one space. According to CBJ 49.40, 11 off-street parking spaces are required for the assisted living facility including one ADA space. CBJ 49.40 allows for joint use parking when daytime and nocturnal uses occupy the same or adjacent buildings. This allows the church and the CWES to share the one ADA space. No additional parking is required.

Use	Metric	Spaces Required	Total Spaces
Assisted Living	per bed	0.4 spaces per bed	11
Total Parking Requirement:			11
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			1

Condition: None recommended.

Proximity to Transit and Non-motorized Transportation – The majority of CWES patrons depend on transit and walking to get around. The church is located within walking distance of numerous bus stops and is on the transit line that serves the Glory Hall neighborhood. The area around the church has well developed pedestrian infrastructure with 5-foot wide sidewalks along both sides of the surrounding right-of-ways.

Condition: None recommended.

Noise – The church is located along a major commercial corridor that abuts a residential neighborhood. Patrons will not be allowed to be disruptive inside or outside of the church. Any noise disruptions will be addressed swiftly, first by CWES or church staff, and if necessary, by JPD.

Condition: None recommended.

Lighting – The church has lights installed along the exterior perimeter of the site. The right-of-ways around the church, including the alley, have streetlights. All exterior lights are required to be full cut-off so as not to produce glare onto surrounding properties. Based on need, new lights may be added.

Condition #3: If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.

Public Health, Safety, and Welfare – The following paragraphs were taken from the staff report written by Planner Gallion for the Conditional Use Permit for the new Glory Hall facility (USE2020 0008):

It is difficult to procure reliable statistics on crime in the area of Emergency Housing Shelters. Whatever your position, you can find the statistics to bear it out. The Juneau Police Department does not keep statistics on crimes involving people experiencing homelessness. This mindful decision on their part mitigates classism in law enforcement. A victim is a victim, and a perpetrator is a perpetrator, regardless of their socioeconomic conditions.

A survey of literature indicates agreement that the crimes associated with homelessness tend to be nuisance crimes, among them panhandling, loitering, trespass, shoplifting, and public intoxication. Some such crimes can be mitigated through Emergency Housing Shelter accommodations. For instance, day shelter operations can reduce loitering complaints. Note that while an Emergency Housing Shelter might establish “good neighbor” rules aiming to reduce impacts on neighbors, such rules can run afoul of the Fair Housing Act (Title VIII of the Civil Rights Act). Good neighbor rules cannot set terms, conditions or privileges for the provision of housing that would not apply to a citizen at large. For instance, you cannot deny housing to an individual if they go to an establishment (say, a neighboring bar) that the rest of the population can go to without jeopardizing their housing. Another example might regard loitering. If the population at large may stand in front of a downtown business, a shelter patron cannot be denied housing for doing just that.

Another challenge for neighbors is untreated mental illness. An individual cannot be forced into treatment unless a danger to themselves or others, or unable to function independently. While a social worker can convince someone to go in for a mental health evaluation, and JPD can compel someone to go in, neither can force a mental health hold. A mental health professional must make that determination, and have approval of a judge [AS 47.30.700]. The length of an involuntary hold is narrowly tailored in favor of the individual’s civil liberties. A 1975 Supreme Court ruling (O’Connor v. Donaldson) had established standards for involuntary committal. There was another landmark case in 1987 helped establish the stringent standards for involuntary committal that we have today.

The public has expressed concerns about the CWES in the neighborhood. CWES managers and CBJ staff are aware of these concerns. Chief Mercer and Deputy Chief Campbell with JPD have spoken with the CWES managers and are confident that the CWES can be effectively managed. Open and frequent communication with the public will be key to the CWES's success in this location. Social media will be the primary method of communication.

As mentioned previously, the church will install cameras along the perimeter of the building and these cameras

will be monitored in real time by CWES staff during operating hours. The church will also contract with a cleaning service to clean up any litter or debris that is left outside.

The structure has been inspected by the CBJ Building Official and Fire Marshal. The structure has been found to be safe for human occupation. The Fire Marshal is requesting that smoke detectors be installed in the sleeping area and restrooms. Staff is recommending that as Condition #1.

Staff anticipates the general welfare and safety of the CWES patrons to increase once the CWES is operational.

Condition: None recommended.

Property Value or Neighborhood Harmony – CBJ and the CWES managers are committed to working with and communicating frequently with the neighborhood businesses and residents. Some have expressed concern that property crime, theft, and robbery may increase with the CWES opening. JPD has been and will continue to be in communication with the CWES managers to address any criminal or neighborhood disturbance issues. Staff does anticipate calls from the neighborhood to JPD to increase once the CWES is open. Staff anticipates increase police patrols in the neighborhood.

CBJ's Assessor's Office does not consider proximity to Emergency Housing Shelters in property assessments. Locating the shelter in the area cannot be assumed to have negative impacts on property values.

Condition: None recommended.

CONFORMITY WITH ADOPTED PLANS

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	4	36	Policy 4.1	To facilitate the provision and maintenance of safe, sanitary, and affordable housing for CBJ Residents.
	4	36	4.1 – SOP 1	Fund, or assist in securing funding for, emergency shelters, transitional housing, permanent supportive housing, and appropriate supportive services for people who are homeless or near homeless or rent overburdened, particularly families and unaccompanied youth, and an increasing aging population.
	4	37	4.1 – IA7	Facilitate the provision of special needs and adaptive housing and supportive services in residential neighborhoods that are readily accessible to public transit, shopping, public amenities, and supportive services.
	13	213	Policy 13.3	To promote quality medical and social services in the CBJ to ensure the safety, health, well-being, and self-sufficiency of its residents.

PLAN	Chapter	Page No.	Item	Summary
	13	213	13.3 SOP1	Provide public funds for programs for the indigent and for high-risk groups such as youth, the elderly, disabled persons, and homeless persons and families.
	13	213	13.3 – IA3	Provide transportation assistance to homeless clients, including high school students, to support transport for job search efforts, to shelter, and for medical and social service care.

Note that Juneau's Housing Action Plan (2016) focus was "workforce housing" rather than homelessness.

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Conditional Use Permit complete?

Analysis: No further analysis needed.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Analysis: The application is for a Cold Weather Emergency Shelter (CBJ 49.80 *Assisted living*). The use is listed at CBJ 49.25.300, Section 7.200 for the Light Commercial zoning district.

Finding: Yes. The requested permit is appropriate according to the Table of Permissible Uses.

3. Will the proposed development comply with the other requirements of this chapter?

Analysis: The proposed project does comply with the other requirements of Title 49 and the CBJ Building and Fire Code.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, the CBJ Building Code and the CBJ Fire Code.

4. Will the proposed development materially endanger the public health, safety, or welfare?

Analysis: This finding hinges on the idea of "materially endanger." "Materially" means "significant or substantial." "Endanger" means "to bring into danger or peril."

Staff does anticipate the number of police interactions in the neighborhood to increase. The number of police patrols in the neighborhood is expected to increase. It is anticipated that the safety and welfare of the CWES users will increase.

Finding: No. With appropriate conditions, the requested permit for a CWES in a Light Commercial zoning district will not materially endanger the public health or safety.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

Analysis: CBJ Assessor does not consider proximity to an emergency housing shelter when assessing property.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested permit for a CWES in a Light Commercial zoning district will substantially decrease the value of or be out of harmony with the property in the neighboring area.

6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Analysis: No further analysis needed.

Finding: Yes. The proposed cold weather emergency shelter, with the recommended conditions, will be in general conformity with the 2013 CBJ Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of a cold weather emergency shelter to be located at Resurrection Lutheran Church.

The approval is subject to the following conditions:

1. Prior to opening the facility, smoke detectors must be installed in the sleeping area and in each of shelter restrooms.
2. Prior to opening the facility, an alarm must be installed on the emergency exit door in the cold weather emergency shelter sleep area.
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Agency Comment
Attachment C	Public Comments
Attachment D	Abutters Notice



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

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

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: April 29, 2022
Case No.: USE2022 0005

Resurrection Lutheran Church
Attn: Bradley Perkins
740 W. 10th Street
Juneau, AK 99801

Proposal: Modification (extension) of Conditional Use Permit USE2021 0011 for a cold weather emergency shelter at Resurrection Lutheran Church.

Property Address: 740 W. 10th Street

Legal Description: Casey Shattuck Block 226 Lots 6, 7, & 8

Parcel Code No.: 1C060C260060

Hearing Date: April 26, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 18, 2022, and approved a modification to Conditional Use Permit USE2021 0011 to be conducted as described in the project description and project drawings submitted with the application as amended:

1. Condition 9: The permit will expire on June 1, 2024.

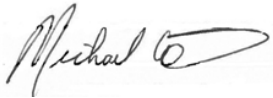
Attachments: April 18, 2022, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2022 0005.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, April 26, 2022.

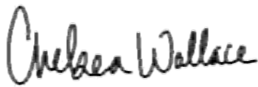
Expiration Date: The permit will expire on June 1, 2024.



Michael LeVine, Chair
Planning Commission

May 1, 2022

Date



Filed With City Clerk

May 2, 2022

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. 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.



PLANNING COMMISSION STAFF
CONDITIONAL USE PERMIT USE2022 0005
HEARING DATE: APRIL 26, 2022

Section H, Item 3.

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

DATE: April 18, 2022

TO: Michael LeVine, Chair, Planning Commission

BY: Jennifer Shields, Planner II *Jennifer L. Shields*

THROUGH: Jill Maclean, AICP, Director

PROPOSAL: Applicant requests a modification (extension) of Conditional Use Permit USE2021 0011 for a cold weather emergency shelter at Resurrection Lutheran Church.

STAFF RECOMMENDATION: Approval with original conditions #1 through #8, and repealing condition #9.

KEY CONSIDERATIONS FOR REVIEW:

- An emergency shelter is a permissible use in the Light Commercial zoning district.
- Church staff have experience managing shelters in Juneau and San Francisco.
- Juneau Police Department and CBJ staff have worked closely with the shelter to mitigate off-site impacts.
- Received praise and support from other social service agencies and its neighbors, including those initially opposed to the Conditional Use Permit.

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting 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 not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o 49.15.330 (CUP)

GENERAL INFORMATION	
Property Owner	Resurrection Lutheran Church
Applicant	Resurrection Lutheran Church
Property Address	740 W 10 th Street
Legal Description	Casey Shattuck Block 226 Lots 6, 7, & 8
Parcel Number	1C060C260060
Zoning	Light Commercial (LC)
Land Use Designation	Commercial (C)
Lot Size	10,800 square feet
Water/Sewer	City water and sewer
Access	West 10 th Street
Existing Land Use	Church
Associated Applications	USE2021 0011

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES

North (D5)	Residential
South (LC)	Residential
East (D5)	Residential
West (LC)	Commercial

SITE FEATURES

Anadromous	None
Flood Zone	Zone X, area of minimal risk
Hazard	None known
Hillside	None
Wetlands	None
Parking District	No
Historic District	Casey Shattuck Historic Neighborhood
Overlay Districts	Downtown Juneau ADOD

BACKGROUND INFORMATION

The Planning Commission, at its regular meeting on November 15, 2021, approved USE2021 0011 (**Attachments B and C**) for the operation of a cold weather emergency shelter at Resurrection Lutheran Church, subject to the following conditions:

1. Prior to the opening of the facility, smoke detectors must be installed in the sleeping area and in each of the shelter's restrooms. **Complete.**
2. Prior to the opening of the facility, an alarm must be installed on the emergency exit door in the shelter's sleeping area. **Complete.**
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department. **N/A.**
4. Prior to the opening of the facility, exterior security cameras must be installed and functional. **Complete.**
5. The shelter facility's operating start time will not be before 9:00 P.M. and will end by 6:30 A.M. the next day. **Ongoing.**
6. The shelter facility can operate from November 1 to May 1. **Ongoing.**

7. When the shelter facility is operating, there must be a minimum of two (2) staff present at all times. **Ongoing.**
8. The shelter facility will provide a contact number to the surrounding neighbors that will be actively answered during operating hours. The intent of this condition is to provide a way for shelter staff to respond to issues as they arise in the area. **Ongoing.**

This permit will expire on May 1, 2022. (Requesting modification to repeal).

Since the Conditional Use Permit is set to expire, the applicant is requesting a modification of USE2021 0011. The applicant may seek further changes in the future, however, at this time prefers a modification to keep this USE permit in good standing.

ANALYSIS

Following approval of USE2021 0011 last November, CBJ executed a cold weather emergency shelter and Operations contract with the applicant (**Attachment D**). Since that time, the applicant has met the conditions of approval and reports the following as detailed in their application narrative (**Attachment A**) and briefly summarized below:

- Operated continuously.
- No negative feedback received from community or neighbors.
- Usage is generally at capacity.
- Staffing has remained consistent and will be returning.
- Received praise and support from other social service agencies and its neighbors, including those who initially opposed the Conditional Use Permit.

AGENCY REVIEW

CDD contacted the Juneau Police Department (JPD) regarding this application and received the following response from Deputy Chief David Campbell on April 18, 2022: "JPD has no concerns with Resurrection Lutheran Church maintaining its conditional use permit to operate the warming shelter. Let me know if there is anything specific you need on my end."

PUBLIC COMMENTS

CDD conducted a public comment period between April 13, 2022 and April 22, 2022. Property owners within 500 feet of the proposed shelter site were mailed an abutters notice with instructions on how to comment (**Attachment E**). In addition, a public notice sign was posted on site two weeks prior to the April 26, 2022 public hearing (**Attachment F**). No public comments have been received as of the date of this staff report.

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. *Is the application for the requested Conditional Use Permit complete?*

Analysis: No further analysis needed.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Analysis: The application is for a cold weather emergency shelter (CBJ 49.80 Assisted living). The use is listed at CBJ 49.25.300, Section 7.200 for the Light Commercial zoning district.

Finding: Yes. The requested permit is appropriate according to the Table of Permissible Uses.

3. *Will the proposed development comply with the other requirements of this chapter?*

Analysis: The proposed project does comply with the other requirements of Title 49 and the CBJ Building and Fire Codes.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, the CBJ Building Code and the CBJ Fire Code.

4. *Will the proposed development materially endanger the public health, safety, or welfare?*

Analysis: This finding hinges on the idea of “materially endanger.” “Materially” means “significant or substantial.” “Endanger” means “to bring into danger or peril.” Since approval, the cold weather emergency shelter has mitigated concerns and promptly responded to complaints from the community or neighbors. The cold weather emergency shelter has maintained communication with neighbors and been available as needed. JPD has no concerns with Resurrection Lutheran Church continuing operations of the cold weather emergency shelter.

Finding: No. With appropriate conditions, the requested permit for a cold weather emergency shelter in a Light Commercial zoning district will not materially endanger the public health or safety.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

Analysis: CBJ Assessor does not consider proximity to an emergency housing shelter when assessing property.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested permit for a cold weather emergency shelter in a Light Commercial zoning district will substantially decrease the value of or be out of harmony with the property in the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Analysis: No further analysis needed.

Finding: Yes. The proposed cold weather emergency shelter, with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan.

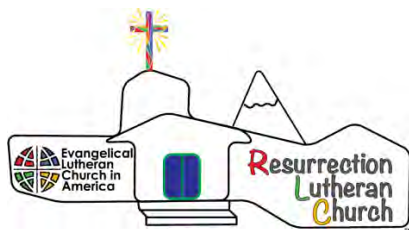
RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit modification repealing condition #9:

1. This permit will expire on May 1, 2022. (Condition #9).

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	USE2021 0011 Notice of Decision
Attachment C	USE2021 0011 Staff Report with Attachments
Attachment D	CBJ Contract for a Cold Weather Emergency Shelter
Attachment E	Abutters Notice
Attachment F	Public Notice Sign



Resurrection Lutheran Church
740 West Tenth Street
Juneau, Alaska 99801
office (907) 586 2380
fax (907) 586 6225
office email rlcoffice@ak.net
website www.rlcjuneau.org

August 28, 2022

City & Borough of Juneau
Attn: Scott Ciambor, Planning Manager
Community Development Department
55 S. Seward St.
Juneau, AK 99801

Regarding: AMENDMENT 1 TO MR#22-198 CONTRACT FOR COLD WEATHER EMERGENCY SHELTER AND OPERATIONS

Invoice

As per PART III: CONTRACT AMENDMENT

3. Compensation & Terms of Payment (Section 3 of Appendix A the original Contract) is amended to read as follows:

- a. In consideration for the scope of services identified in the original Contract as hereby amended, CBJ will pay Contractor in an amount not to exceed two hundred thousand dollars (\$200,000). Any requests for additional funding must be requested through the CBJ Chief Housing Officer and approved in writing prior to the expenditure.
- b. CBJ shall provide Contractor one hundred thousand dollars (\$100,000) upon execution of this Amendment.

Sincerely,

Bradley Perkins
Manager, [RLC Warning Shelter](#)
[Resurrection Lutheran Church](#)
740 W 10th Street, Juneau, AK 99801
808 782 5795 direct | 907 586 2380 church office
manager@warmingshelter.org | [Zoom](#)

cc: Rev. Karen Perkins, RLC Pastor
Randy Sutak, RLC President
Kristin Cadigan McAdoo, RLC Treasurer

AMENDMENT 1 TO CONTRACT MR 22-198 FOR COLD WEATHER EMERGENCY SHELTER & OPERATIONS

PART I: PARTIES

This contract amendment is between the City and Borough of Juneau, Alaska, a municipal corporation in the State of Alaska, hereafter “City” or “CBJ,” and Resurrection Lutheran Church, a nonprofit corporation organized under the laws of the State of Alaska with its principal place of business in Juneau, Alaska, and licensed to do business in the State of Alaska, hereafter “Contractor.”

PART II: CONTRACT BEING AMENDED

This is Amendment No. 1 to the underlying, original Contract MR 22-198, with an effective date of November 23, 2021. The November 23, 2021 Contract and all attachments thereto are incorporated by this reference. Except for the modifications set forth below, the November 23, 2021 Contract remains unchanged and in full force and effect.

PART III: CONTRACT AMENDMENT

This amendment shall take effect upon signature by CBJ.

The contract is amended as follows:

1. Scope of Work (Section 1 of Appendix A of the original Contract) is amended to read in pertinent part as follows:

Planning

- Contractor may operate the cold weather emergency shelter from the date of the closure of the CBJ homeless campground in the late fall/early winter 2022 to its opening in late winter/early spring 2023, if Contractor deems in the best interests of clients, staff, neighbors and community, but only to the extent Contractor has received a further amended Conditional Use Permit from the CBJ Planning Commission allowing it to do so.

Operations

- Contractor may operate the cold weather emergency shelter before 9:00 pm and later than 6:30 am, if it deems in the best interests of clients, staff, neighbors and community, but only to the extent it has received a further amended Conditional Use Permit from the CBJ Planning Commission allowing it to do so.

2. Term (Section 2 of Appendix A of the original Contract) is amended to read as follows:

The term of this contract is extended from its original expiration date of June 30, 2022, and shall hereby be in effect until June 30, 2023. This Amendment extending the term

of Contract MR 22-198 is contingent upon Contractor having received an amended Conditional Use Permit from the CBJ Planning Commission as the previous permit No. USE2021-0011 expired on May 1, 2022.

3. Compensation & Terms of Payment (Section 3 of Appendix A the original Contract) is amended to read as follows:
 - a. In consideration for the scope of services identified in the original Contract as hereby amended, CBJ will pay Contractor in an amount not to exceed two hundred thousand dollars (\$200,000). Any requests for additional funding must be requested through the CBJ Chief Housing Officer and approved in writing prior to the expenditure.
 - b. CBJ shall provide Contractor one hundred thousand dollars (\$100,000) upon execution of this Amendment. Contractor shall provide CBJ with proper documentation of services provided as part of the scope of work and expenses incurred under USE2021-0011. The remaining funds will be paid in monthly installments of thirty-three thousand, three hundred thirty-three dollars and thirty-three cents (\$33,333.33) on February 15, 2023, March 15, 2023, and April 15, 2023. A final report will be provided to the CBJ within 30 days after shelter operations cease. Documentation in the final report must include:
 - Dates the shelter was open.
 - Staffing information - dates and hours worked
 - HMIS data reflecting shelter attendance
 - Training documentation - reimbursement will be for cost of training and hourly wages for staff attending. Training must be approved and complete prior to reimbursement.

Contractor has provided an updated Certificate of Insurance indicating Contractor has obtained the required insurance, including one million dollars (\$1,000,000) in Workers Compensation & Employers Liability, attached hereto as Exhibit 1.

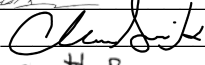
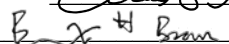
PART IV: CONTRACT EXECUTION

CBJ and Contractor agree and sign below. This Amendment is not effective until signed by CBJ. Contractor represents that the person signing below on its behalf has the authority to do so and that it is a valid and binding contract enforceable in accordance with its terms.

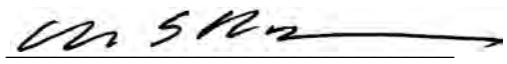
CBJ:

by: 
for Duncan Rorie Watt
City & Borough of Juneau Manager

Date: August 26, 2022

Content Approved by: 
Risk Management Review: 
Form Approved by:  26 August 2022

Contractor:

by: 
Bradley Perkins
Warming Shelter Manager
Resurrection Lutheran Church

Date: August 25, 2022

Robert Barr, Deputy City Manager
Chelsea Swick, Risk Management
Benjamin Brown, Law Department



CERTIFICATE OF LIABILITY INSURANCE

Section H, Item 3.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Northern Advantage Insurance Leaders, LLC P.O. Box 870253 Wasilla AK 99687		CONTACT NAME: Jennifer Adams PHONE (A/C, No, Ext): (907) 357-6245 FAX (A/C, No): E-MAIL ADDRESS: jadams@northernadvantageinsurance.com	
INSURED Resurrection Lutheran Church Of Juneau Alaska 740 W 10TH ST JUNEAU AK 99801-1822		INSURER(S) AFFORDING COVERAGE INSURER A: CHURCH MUTUAL INSURANCE CO INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 18767	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y	Y	0310921-02-435364	09/19/2022	09/19/2023	EACH OCCURRENCE \$ 2,000,000	
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000							
	MED EXP (Any one person) \$ 10,000							
	PERSONAL & ADV INJURY \$ 2,000,000							
							GENERAL AGGREGATE \$ 5,000,000	
							PRODUCTS - COMP/OP AGG \$ 2,000,000	
							\$	
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			0310921-02-435364	09/19/2022	09/19/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000	
	BODILY INJURY (Per person) \$							
	BODILY INJURY (Per accident) \$							
	PROPERTY DAMAGE (Per accident) \$							
							\$	
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$	
							AGGREGATE \$	
							\$	
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N	N / A	Y	0310921-07-435797	09/19/2022	09/19/2023	PER STATUTE OTH-ER
	E.L. EACH ACCIDENT \$ 1,000,000							
	E.L. DISEASE - EA EMPLOYEE \$ 1,000,000							
	E.L. DISEASE - POLICY LIMIT \$ 1,000,000							

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of Liability Insurance for Cold Weather Emergency Shelter Operations from October 15, 2022 through April 15, 2023 at Resurrection Lutheran Church of Juneau Alaska, 740 W 10th Ave, AK 99801-1822. Commercial General Liability Additional Insured = City and Borough of Juneau, subject to the coverage provided by the referenced policy. A220 A2029 WC 00 0313

CERTIFICATE HOLDER

CANCELLATION

City and Borough of Juneau 155 S Seward St Juneau AK 99801	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the General Liability Coverage Part.

The following is added to the General Liability Additional Provisions Form.

A. ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

1. Paragraph C, Who Is An Insured, is amended to include as an insured the person or organization shown in the applicable schedule in the Declarations Page but only with respect to "bodily injury," "property damage," "personal injury," or "advertising injury" liability arising out of your operations or premises owned by or rented to you.

Refer to the Declarations Page to determine the insured person or organization.

Attachment D - CBJ Contract for a Cold Weather Emergency Shelter

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the **GENERAL LIABILITY COVERAGE PART**.

The following change is added to the GENERAL LIABILITY Conditions, but only for the organizations this endorsement applies to.

SCHEDULE

Name Of Person Or Organization:	City and Borough of Juneau 155 S Seward St Juneau, AK 99801
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

The following is added to Paragraph **8. Transfer Of Rights Of Recovery Against Others To Us of Section G – Conditions:**

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make

for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.

Attachment D - CBJ Contract for a Cold Weather Emergency Shelter



TO:

Attachment E - Abutters Notice



Attachment F - Public Notice Sign Photo

From: Dale Gosnell <bert.silvestris@gmail.com>
Sent: Friday, September 2, 2022 7:48 PM
To: PC_Comments
Subject: Cold weather emergency shelter modifications

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To the planning commission:

I live on D Street, two blocks from the Resurrection Lutheran Church.

I support the two modifications for the operation of the cold weather emergency shelter. It only makes sense that the shelter opens on October 15, the same day that the CBJ Parks and Recreation operated Mill Campground closes. The new start date would provide a secure and safe place for the campers just as the cold rains of fall are in full force.

Expanding the hours of operation to 8:00 pm -7:30 am would provide welcome refuge for people who are unsheltered and have nowhere else to go during the long, cold winter nights.

Thank you.

Sincerely,

Dale Gosnell

From: Lise Paradis <liseparadis58@gmail.com>
Sent: Monday, September 5, 2022 9:33 AM
To: PC_Comments
Subject: Invitation to comment

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I reside on D St. in the flats close to the Resurrection Lutheran church where the cold weather emergency shelter will be operating as a winter shelter for a second year.

I am in favor of both 1) and 2) modifications increasing the hours of operation and the start date.

I read in this weekend's Juneau Empire an excellent detailed description of the summer shelter at the Mill campground. I learned that the campground closes on October 15th.

Modification 2 would align with the ending date.

And I am in favor of increasing the hours as it seems only fair in the winter weather to give the residents as much time indoors as reasonable.

Sincerely
Lise Paradis



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

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

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: September 29, 2022

Case No.: USE2022 0014

Resurrection Lutheran Church

Attn: Bradley Perkins

740 W. Tenth Street

Juneau, AK 99801

Proposal: Two modifications to Conditional Use Permit USE2022 0005 for a cold weather emergency shelter at Resurrection Lutheran Church.

Property Address: 740 W. Tenth Street

Legal Description: Casey Shattuck Block 226 Lots 6, 7, and 8

Parcel Code No.: 1C060C260060

Hearing Date: September 27, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 19, 2022, and approved two modifications to Conditional Use Permit USE2022 0005 to be conducted as described in the project description and project drawings submitted with the application with the following amendments:

1. Condition 5:
Proposed hours of operation of 8:00 P.M. — 7:30 A.M.
2. Condition 6:
The shelter facility can operate through May 1, 2024.

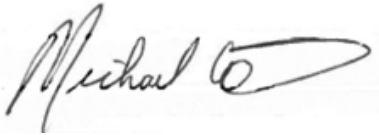
Attachments: September 19, 2022, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2022 0014.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required Building Permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, September 27, 2022.

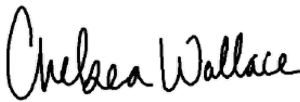
Expiration Date: The permit will expire on June 1, 2024.



Michael Levine, Chair
Planning Commission

September 30, 2022

Date



Filed With City Clerk

September 30, 2022

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. 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.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers

7:00 p.m.

Meeting Date: September 27, 2022

1. USE2022 0014:

- a. Public Comment – Jay Nelson, received 9-13-22 (page 2)

From: Jay Nelson <jaywnelson2@hotmail.com>
Sent: Tuesday, September 13, 2022 2:40 PM
To: PC_Comments
Subject: USE20220014 - Resurrection Lutheran Church

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Friends,

I strongly support the proposal to extend the hours and dates for the Resurrection Lutheran Church cold weather emergency shelter. The times for the shelter need to be extended to provide clients with a safe, warm and decent night and morning out of the cold. The later time proposed for the morning closure is especially important. 6:30 is far too early to put people out on the street into a Juneau winter.

Thank you.

Jay Nelson
819 Goldbelt Avenue