

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau Ben Haight, Chair

June 14, 2016
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

A. May 10, 2016 Regular Planning Commission Meeting

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

A. USE2016 0010 Conditional Use Permit for the Re-development of the old Thane Ore House into a restaurant and cultural immersion park.

B. USE2016 0016 Conditional Use permit to establish an asphalt plant at an existing contractor storage and service yard for two construction seasons.

X. BOARD OF ADJUSTMENT

A. VAR2016 0004 Variance request for a reduction of the frontyard setback for an addition to an existing dwelling.

B. VAR2016 0006 Variance to Street Side Yard Setback along Martin Rd.

C. VAR2016 0007 Variance to Side Yard Setback.

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
May 10, 2016

ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Ben Haight, Chairman, Paul Voelckers, Vice Chairman; Bill Peters, Michael LeVine, Nathaniel Dye, Matthew Bell, Carl Greene

Commissioners absent: Percy Frisby

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Jill Maclean, Senior Planner; Chrissy Steadman, Planner II; Tim Felstead, Planner II; Greg Chaney, Lands and Resources Manager; Carl Uchtyl, Port Director, Docks and Harbors

Assembly Members: Debbie White, Loren Jones

I. APPROVAL OF MINUTES

- April 12, 2016 Regular Planning Commission Meeting

MOTION: *by Mr. Peters, to approve the minutes of the April 12, 2016, Planning Commission Regular meeting with any minor changes by Commission members or staff.*

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison to the Planning Commission Debbie White reported that a quorum could not be reached at the Assembly meeting on Monday (May, 9, 2016), to appoint a new Planning Commission member. The Assembly will meet tomorrow night (May 11, 2016) and interview the two finalists, and hopefully appoint a new commissioner at that meeting.

Mr. LeVine asked about the status of the new marijuana ordinance.

Mr. Steedle informed Mr. LeVine that ordinance was approved by the Assembly several weeks ago. That ordinance will go into effect in early June, he added. The ordinance was approved with few changes, said Mr. Steedle.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

USE2016 0006 was pulled for a public hearing at the request of Mr. LeVine and placed under the Regular Agenda.

USE2016 0011:	Conditional Use Permit for expansion of Tyler Rental retail business in the Industrial Zone.
Applicant:	Jensen Yorba Lott, Inc.
Location:	5401 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **grant** the requested Conditional Use permit. The permit would allow the development of a 6,000 square foot retail and warehouse development in the Industrial zoning district.

The approval is subject to the following conditions:

1. One ADA accessible parking space shall be required.
2. Prior to issuance of a temporary certificate of occupancy, 5% of the lot must be planted with vegetation or the installation of vegetation must be bonded for.

MOTION: *by Mr. Peters, to approve USE2016 0011 on the Consent Agenda with staff's findings, analysis and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

USE2016 0003:	A Conditional Use Permit for an asphalt plant at the Alaska Marine Yard
Lines	
Applicant:	Knik Construction Co., Inc.
Location:	0 Jacobsen Drive

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an asphalt plant and related stockpiling at the Alaska Marine Lines yard. The approval is subject to the following conditions:

- 1) *Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.*
- 2) *Prior to the issuance of a building permit, the applicant shall provide the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of adjacent waters.*

Ms. Camery told the Commission they have received new correspondence on this item. They have a letter from the Downtown Business Association, a letter from Alan Cook, Mary Kay Pusich, Larry Spengler on behalf of the Thane Neighborhood Association, another letter from Thane, and a letter from the Douglas Advisory Board, said Ms. Camery. All of these letters are in opposition to the proposed Conditional Use Permit, said Ms. Camery, primarily in opposition to the truck traffic which would be generated by the asphalt plant.

The effect of a reconsideration which is where the Commission left off on this issue at its most recent regular meeting is in effect a “do-over”, said Ms. Camery. A vote to approve or a vote to deny the permit with amended findings would be required from the Commission this evening, she said. The Commission can decide whether or not it would like to receive additional public comment on this issue, but that would require a separate motion with at least six votes in the affirmative, noted Ms. Camery.

Cruise ships tend to arrive either in morning or afternoon times so there does not appear to be a benefit to identifying one time or another for the truck traffic generated by the proposed asphalt plant, said Ms. Camery. Meanwhile, tourist traffic is constant from the time the ships arrive in port, she noted. The most likely time for reduced tourist traffic would be in the evenings after tours for the day had been concluded, said Ms. Camery. However, she noted, allowing asphalt plant operations to occur after 10:00 p.m. would not be in keeping with the CBJ noise ordinance, and would cause additional noise going across the channel to the residents of Douglas.

The Commission could limit days or hours of operation, said Ms. Camery. The staff did discuss both of these potential conditions with the applicant, she said, and the applicant was of the opinion that implementing either of the conditions by itself, or both of the conditions would make their operation untenable.

The application is for one asphalt plant, said Ms. Camery. Some of the individuals providing letters on this issue were mistaken about the number of asphalt plants involved, she said. The operation would be located in the Industrial zone district, and the Comprehensive Plan designation for the site is Waterfront Commercial Industrial, she noted. The hours of operation would be Monday through Friday, 7:00 a.m. to 10:00 p.m., and 9:00 a.m. to 10:00 p.m. on the weekends, said Ms. Camery.

The refined truck traffic estimates from the applicant are from 100 to 210 truck trips per day, said Ms. Camery. The Alaska Department of Transportation (DOT) data shows an overall level of service "A", for the Egan Drive/Main Street intersection, she said.

Mr. Dye asked if Knik identified a different location for its asphalt plant if it would require an additional Conditional Use Permit to truck the aggregate from their current AML site to a site located elsewhere.

Ms. Camery answered that a Conditional Use Permit would just be for the plant. Any aggregate coming through the AML (Alaska Marine Lines) yard to another plant would not require separate review, she said.

MOTION: *by Mr. Peters, that the Commission not accept additional public testimony on this item.*

Mr. LeVine asked if they did not accept further public testimony if they would then be required to ignore the additional correspondence received on this issue.

Mr. Steedle answered he did not feel that the Commission would be able to ignore the additional correspondence received on this issue since they had already read it.

The motion passed with no objection.

MOTION: *by Mr. Peters, that they approve USE2016 0003, and accept staff's findings, analysis and recommendations.*

In support of his motion, Mr. Peters said as he stated at the previous meeting, that while he recognized there is a challenge with the number of trucks that would be traversing the downtown corridor, that whether or not this plant is located at the proposed site or at a different site, that if the aggregate is coming in through AML that there would still be a truck traffic issue with aggregate being trucked through the downtown corridor. Mr. Peters noted that Juneau is a community with limited Industrial zoned sites, that he did not want to hold the application up further, and that he was in favor of granting the permit.

Mr. Dye offered the friendly amendment that the permit be limited to two years, since the term

of the operation was limited to two years by its environmental permit.

Mr. Peters accepted the friendly amendment to his motion.

Speaking against the motion, Mr. Voelckers said the vast majority of the public comment has been opposed to this permit, and he said he felt this opposition had some justification. This is the most constricted transportation corridor in Juneau, noted Mr. Voelckers. The negative impact of 100 to 210 trips a day by trucks carrying hot asphalt through this corridor in the middle of the peak summer season which also coincides with the peak paving season include a number of reasons of why this motion should not be supported, he said. Mr. Voelckers also said there is a difference between trucking gravel materials and hot asphalt. Gravel materials can be hauled any time of the year, he said, and did not have to be hauled during the actual paving season.

Speaking in favor of the motion, Mr. Dye said there are some substantial paving jobs coming up, and that this land has been set aside as Industrial zoned land. Condos located in this area were denied for this reason, he said.

Roll Call Vote:

Yeas: Bell, Peters, Dye, Haight

Nays: Voelckers, Greene, LeVine

The motion failed.

MOTION: *by Mr. Voelckers, that the conditional use for USE2016 0003 be denied with the amended findings that: the addition of asphalt trucks on a heavily congested road would create an additional burden on the traffic load during peak summer periods, and that truck traffic carrying hot asphalt would be negative and detrimental to the quality of the visitor's experience in the key town area.*

Roll Call Vote:

Yeas: Greene, Voelckers, LeVine

Nays: Dye, Bell, Peters, Haight

The motion failed.

Mr. LeVine suggested the Commission wait until its next meeting when they would have an additional Commission member to help decide the vote. He added that it would be very

difficult to come up with conditions for the permit since the applicant was not present to discuss conditions.

Ms. McKibben clarified that while the Commission may not once again reconsider this item according to the rules, that it could continue this item until the next meeting.

MOTION: *by Mr. LeVine, that this item be continued until the next meeting.*

The motion passed with no objection.

IX. REGULAR AGENDA

USE2016 0006: Conditional Use Permit for a marijuana retail establishment in the Mixed Use zoning district.
Applicant: Rainforest Farms, LLC.
Location: 216 2nd Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana retail establishment in the Mixed Use zoning district. The approval is subject to the following conditions:

1. The two lower eastern facing windows and all southeast facing doors and windows shall be shielded with an opaque glass or material that will prevent product from being viewed from outside the premises.
2. Lines waiting for entrance into the retail marijuana establishment may not obstruct the public right-of-way.
3. All windows and doors to the retail establishment shall be armed with an alarm.
4. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
5. Charcoal filters shall be replaced no less than once annually or according to manufacturer specifications, whichever is sooner.
6. Security cameras shall have an unobstructed view of each doorway and loading zone.
7. Security cameras shall have an unobstructed view of the regular activity without sight blockage from fixtures or other displays in the retail area of the establishment.
8. Security cameras shall have a battery back-up system installed capable of recording for 24 hours; all batteries shall be replaced once annually.
9. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
10. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
11. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this

approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0006. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0006 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Explaining why he pulled this item from the Consent Agenda, Mr. LeVine said this is the first Conditional Use Permit (CUP) of this type to come before the Commission. He said he wanted to ascertain that the Commission had the full opportunity to discuss the procedure and whether it was comfortable approving the first retail permit in advance of the ordinance (which has been approved by the Assembly and which will go into effect in early June). He added they may want to amend the last condition.

Ms. Steadman added that none of the changes made by the Assembly for the ordinance applied to retail sales of marijuana. There were a couple of changes made by the Assembly regarding the cultivation of marijuana in a D-1 zoning district, and any uses adjacent to residences, but that these requests are not adjacent to residences, she noted.

Mr. LeVine added this would be with the possible exception of the last condition. He asked if this last condition would no longer be necessary.

Ms. Steadman replied that in her analysis the last condition was still necessary because it still holds the applicant responsible to abide by the new ordinance.

Mr. Peters said he feels comfortable making a motion without the presentation.

MOTION: *by Mr. Peters, to approve USE2016 0006 with the analysis, findings and recommendations by staff.*

Mr. LeVine asked if the staff was aware if anyone had applied for a CUP for a testing facility yet.

Ms. Steadman said that while there are three applications for testing facilities in Anchorage, there are none for Juneau yet.

Mr. LeVine asked how the product would be tested if there was not a testing facility in Juneau, and how the retail product in Juneau could be sold if there was no testing facility.

Ms. Steadman said there is currently a grey area regarding how or if cultivators and manufacturers could get their product legally to Anchorage for testing. Retail licenses will not be issued until September, she added.

The motion to approve USE2016 0006 passed with no objection.

USE2016 0004: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.
 Applicant: Secon, Inc.
 Location: End of Anka Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use permit. The permit would allow extraction of gravels from the Lemon Creek stream bed in the areas shown in the application for a 10 year period.

The approval is subject to the following conditions:

Annual Grading Permit, Bank Protection and Neighboring Property Owners –

1. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the applicant shall submit a bond of \$30,000, sufficient to perform any site remediation necessary to meet the conditions of this permit.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the applicant shall submit evidence that the proposed activities under this permit would not invalidate use of the Upper Lemon Creek explosives storage as permitted by USE 2009-00019.
3. To protect interests of neighboring property owners, the applicant shall provide and maintain safe access to the neighboring properties in accordance with existing easement agreements.
4. Each year, by February 28th, or other date agreed with CDD staff which takes into account the applicant's mining season, the applicant shall submit a draft mining plan. The plan shall be submitted to the CBJ Permit Center as a grading permit application. This is to enable CBJ and other external agencies to understand more specific aspects of the forthcoming operations that are not provided in this Conditional Use permit application although some of the documentation may be repeated. This plan will be reviewed by relevant CBJ departments and external agencies within 28 days of submission.

The mining plan shall take account of comments received regarding the annual inspection report. The plan shall include:

- a. Estimation of material to be removed

- b. Map of area to be worked (showing property lines and buffers)
 - c. Map showing location of proposed screening and gravel wash activities, on-site gravel storage locations, culverts, access roads, bridges, bank stabilizations, berm details (including height, location, material composition and removal plan), stream relocations and other proposed features.
 - d. Map showing designated site parking location for employees and visitors.
 - e. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
 - f. Methods for protecting Lemon Creek from sediment and turbidity both at the extraction site, and to Anka Street along access road.
 - g. Proposed inspection schedule by State of Alaska licensed Engineer and /or professionally recognized Hydrologist as per Conditions 6 and 7.
 - h. Copies of relevant permits from external agencies including, but not limited to, ADFG, ACOE, DNR and ADEC.
5. Recognizing the dynamic environment in the streambed, any major alterations to the agreed mining plan require approval by the Community Development Department and the CBJ Engineering Department.
6. To ensure operations are consistent with the approved annual mining plan, the applicant shall directly hire, or pay permit inspection fees to provide for inspection of the mining area by State of Alaska licensed Engineer.
7. Periodic inspections shall be made as determined by the engineer, sufficient to monitor the operation to ensure operations are consistent with the approved annual mining plan. Such periodic inspections shall include visits during or after high water events.
8. To allow review of conformity of the annual mining plan, an Inspection report by a State of Alaska licensed Engineer shall be submitted annually. The report shall be submitted to the Engineering Department and to the Community Development Department by November 31st each year, or a date agreed with CDD staff, in order for comments to be incorporated into the next annual mining report. The Inspection reports shall include the following information:
 - i. Volume of material removed
 - j. Map of area worked showing required buffers from active stream channel, property boundaries and OHWM banks
 - k. Verification of compliance with mining plan including slope grades
 - l. Report of any OHWM bank destabilizations
 - m. Results of sediment and turbidity monitoring
 - n. Opinion whether bank/property line setbacks are adequately protecting adjacent properties

o. Bank protection/stabilization measures if merited

9. To protect interests of neighboring property owners, the top of excavation slopes shall be prohibited 15 feet of the property lines. Prior to the commencement of mining, the applicant shall verify property line location and physically delineate buffer distance to the extraction area as required.
10. The applicant shall protect the structural integrity of existing OHWM banks and rip-rap banks. A no-disturbance zone of 15 feet horizontal distance from the toe of adjacent rip-rap except as necessary for access points. (This condition is necessary because OHWM rip-rap or bank boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 15 feet from property boundaries.)
11. To support slope stability the applicant shall protect all vegetated slopes outside of the severance zones and maintain a similar non-disturbance buffer identified in Condition 10, unless a location-specific engineering analysis indicates otherwise.
12. To ensure all slopes that are cut or filled as part of the gravel extraction and/or grading operations are safely constructed, they shall be less or equal to 2 horizontal to 1 vertical unless approved by a State of Alaska licensed engineer. This measure shall be integrated into the annual grading permit.
13. Excavated areas within the creek bed in Zone 2 shall be clearly marked with warning signs to discourage users of Lemon Creek trail approaching the site. This is also required if Zone 3 is accessed via Zone 2.
14. As required for all CBJ sand and gravel extraction permits, 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. This measure shall be integrated into the annual grading permit.

Project Expiration and Dates and Times of Operation -

15. Gravel operations shall be permitted year round.
16. As allowed by the CBJ penal code, operating hours shall be limited to 7 am to 10 pm on weekdays and 9 a.m. to 10 p.m. on Saturdays and Sundays (except on State, Federal, or Local Holidays), unless otherwise authorized by a permit from the CBJ Building Official.
17. The permit shall expire after 10 years.

Truck Traffic and Street Maintenance -

18. In the interests of neighborhood harmony, truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.
19. To prevent water or load spillage from trucks, prior to leaving the applicants property, the transport truck bed, with the tailgate locked, shall be raised for a period based on the visual assessment and approval of the applicant's project engineer.
20. The applicant shall inspect the traveled route for escaped material from the haul a minimum of once daily on any day material is hauled from the site.
21. The applicant shall sweep and clean Anka Street at the end of each day if any water or material has escaped, or if a major spill occurs because of hauling from the subject parcel.
22. The applicant shall immediately respond to any reasonable clean-up and mitigation requests during the from the project engineer, CBJ or ADOT.

Habitat Protection -

23. To mitigate against flooding of the extraction zones, the applicant shall maintain dry channel berms during active operations as required by ADFG and ACOE permits. These berms shall be breached as required by ADFG.
24. For the purposes of habitat protection requirements in the CBJ Land Use code, as per the ADFG permit, the top of excavation slopes shall be prohibited within 30' of any active stream channels or as required by the valid ADFG permit. This distance shall be physically delineated by an ADFG biologist prior to the commencement of grading or extraction.
25. To minimize the impact on Lemon Creek water quality, CBJ Stormwater BMPs shall be employed at the site and along the route from the site to Anka Street. Where more restrictive, the ADEC permit requirements shall apply.
26. To protect stream habitat, a suitably sized spill response kit shall be present on site during operations.
27. To encourage gravel bar formation and/or side channel creation, the applicant shall place any large woody debris encountered during excavation activities at the surface of the floodplain, upstream or adjacent to the excavation area. The woody material shall

be partially buried to anchor the material during high flows.

28. To protect stream habitat, there shall be no on-site fueling or equipment maintenance performed within 100 feet of the OHWM. This includes fueling or maintenance of portable equipment such as generators and pumps.
29. To protect stream habitat, there shall be no on-site storage of fuel or other chemicals 100 feet of the OHWM.

Mr. Felstead told the Commission this CUP is requested to extract or mine gravel in the Hidden Valley area of Lemon Creek. The Table of Permissible Uses allows sand and gravel operations to take place in the Rural Reserve zoned area of the district with a Conditional Use Permit, said Mr. Felstead. In addition sand and gravel also require a Specified Use Permit, said Mr. Felstead.

This Rural Reserve land located in the Hidden Valley area of Lemon Creek is surrounded by other Rural Reserve land, said Mr. Felstead. There are existing permits for this parcel, said Mr. Felstead. There are two explosive storage facilities on the same parcel, as well as an existing quarry and gravel operation, he said. Access to the site is from behind the Costco area of Anka Street via a haul road, he said, on CBJ property. There are three proposed severance zones, said Mr. Felstead, with the applicant planning on first developing zone one.

The ordinary high water mark as defined in the Land Use Code is defined as from the drop off from the upland into the riverbed, said Mr. Felstead. Severance zone one would be accessed by a ramp, he said. They intend to create berms as boundaries surrounding the severance zones, said Mr. Felstead, which would prevent any dry channel from being inundated with water while extraction activities occurred, said Mr. Felstead.

In severance zone two, he said, a bridge across the creek is required to access that zone. Severance zone three is located further upstream, said Mr. Felstead, with two proposed access points; one would be to bridge the creek via severance zone two, or to have an access ramp of some sort down from the existing logging road in the upland area of the parcel.

This proposal intends to minimize the movement of gravel downstream through the creation of the severance zones, said Mr. Felstead. Water flowing into the severance zones should cause any sediments to drop and fill in the severance zones, he said.

External agencies involved in this application and their areas of oversight include:

- ✓ Alaska Department of Fish and Game - protection of habitat/stream bed
- ✓ Department of Conservation -water quality/sediment load/stream turbidity
- ✓ Army Corps of Engineers/overseas - addition of fill materials into U.S. waters
(Applicant already has a Corps permit)

- ✓ Department of Natural Resources/permit - required for extraction of water for gravel wash facility
- ✓ Mine and Safety Health Administration/Occupational Safety and Health Administration - actual operation activities on site

The State DOT has no issues with traffic involved with this proposal, said Mr. Felstead. The CBJ General Engineering Department has made a number of recommendations to assure that the roads remain clear of water and any material from the trucks, said Mr. Felstead.

The trucks will exit the haul road at the top of Anka Street an approved trucking route proceeding down the street to Glacier Highway, said Mr. Felstead. For parking and access to the site there is an existing gate, residual from previously active quarry activities. There is no parking required for sand and gravel operations in the land use code, he said. However there is the recommended condition of approval that a designated parking area be included on the plan, said Mr. Felstead.

Heavy machinery operating in the creek bed will create noise, said Mr. Felstead. The closest severance zone is located a mile away from the Lemon Creek Correctional Facility, said Mr. Felstead, and it is located approximately 1.25 miles from other residences, he added. The CBJ Penal Code limits the use of machinery to between 7:00 a.m. and 10:00 p.m. Monday through Friday, and from 9:00 a.m. to 10:00 p.m. on weekends, he said. A condition has been recommended which reflects these hours, although the adjacent quarry in the same parcel has more restrictive hours than these, said Mr. Felstead.

Capital City Fire and Rescue has no issues with the application at this stage, said Mr. Felstead. They have received public comment on the permit request, but it should be noted that a number of the public comments seem to be operating under the wrong assumption that this permit was extending activities that are already occurring under a different permit, on a project directly next to Anka Street, he said.

CBJ General Engineering will require a grading plan, said Mr. Mr. Felstead. All slopes more than two to one are required to be engineered, he added. The applicant will be required to identify the slope grades, said Mr. Felstead. This excludes stockpiles of extracted gravel, he said. An existing explosive storage building is adjacent to one of the access routes to one of the severance zones, said Mr. Felstead. The staff suggests that the applicant produce evidence that the previous use permit for explosives storage will not be invalidated by any activities approved under this use permit, said Mr. Felstead. The applicant will also be required to post a guarantee, which will be handled by the City Engineering Department, said Mr. Felstead.

Lemon Creek is an anadromous stream with a 50 foot setback, said Mr. Felstead. City code allows gravel extractions from within that 50 foot setback, he added. The Alaska Department of Fish and Game has already issued a permit for zone one, said Mr. Felstead. They will be

requiring a 30 foot buffer from within the active stream channel he said. They will also be determining any bridge locations and they have not proposed any limit on the number of days of mining, said Mr. Felstead.

Commission Comments and Questions

Mr. LeVine asked if the Law Department has vetted the conclusion that gravel extraction is actually allowed in the stream beds. They have vetted the similar operation located near Anka Street, said Mr. Felstead.

Ms. McKibben said this type of activity has previously been applied to past gravel extraction permits elsewhere in the Borough.

Mr. Chaney said that the previously approved gravel extraction in Lemon Creek was appealed, and the Law Department reviewed this very carefully. The City Attorney at that time did concur with this current staff analysis, said Mr. Chaney.

The Wetland Review Board has reviewed this application and supports the project, said Mr. Felstead. The Alaska Department of Environmental Conservation has asked to be informed of any high turbidity events as well as requirements from their own permit which will include best management practices, said Mr. Felstead. CBJ storm water best management practices will be required as well, he added.

There is no evidence that property values or neighborhood harmony will be affected by this proposal, said Mr. Felstead. There is a development guideline in the Comprehensive Plan which states that all trucks taking material off-site should be covered, said Mr. Felstead. However, he added, there is nothing within the CBJ codes which requires trucks to be covered.

The recommendation from the CDD staff includes 29 conditions, said Mr. Felstead.

Commission Comments and Questions

Mr. Voelckers asked if other previous operations required that the gravel trucks be covered.

Mr. Felstead responded that he was not aware of any previous operations having the requirement that gravel trucks be covered. He verified Mr. Voelckers' supposition that although the gravel truck coverage requirement was in the Comprehensive Plan it had not been adopted into the regulation.

Mr. Bell asked if the Commission desired if it could include coverage of gravel trucks as a condition for the permit.

Mr. Felstead responded that the Commission could include coverage of gravel trucks as a condition for the permit if it desired. It could be applied to Condition 19, said Mr. Felstead.

Mr. Bell said this is basically a permit for an open pit mine. He asked if there was adequate CBJ staff available to monitor this type of a mining operation. Mr. Bell said that a 10 year gravel extraction permit covers a long period of time.

They are requiring that a yearly mining plan be submitted, said Mr. Felstead. All other agency permits must be submitted with the mining plan, he said, as well as a yearly inspection report which is one of the conditions. The CDD and the CBJ Engineering Department are to provide yearly oversight of the operation, said Mr. Felstead. All of the other agencies will be updated with this information on a yearly basis, he said.

Mr. LeVine asked if the staff had taken the permit requirements for an upland gravel mining operation and extracted the relevant information for the stream operation.

Mr. Felstead answered in the affirmative.

Mr. LeVine said if all of the rules apply to upland gravel operations that potentially they may not apply to stream beds. He asked if this was one of the issues discussed in the previous appeal. He asked if what was within the Table of Permissible Uses was only for upland sand and gravel operations.

Mr. Chaney said the previous sand and gravel extraction permit for operations in a stream bed was very thoroughly reviewed by the staff, including a careful review by the Law Department.

Commission Comments and Questions

Chairman Haight asked the representative from Secon, Inc., Michael Short, if they are containing their operation to the length of 21 days or if it was possible that they would go over 21 days.

It could be more than 21 days depending on demand, replied Mr. Short.

Mr. Haight asked what the effect would be on the sediment in the Anka Street area as a result of the mining in the Lemon Creek area.

Mr. Short replied that hopefully the water in the severance ponds would capture a large share of the sediment. He said they have not done this before but that the intent is to prevent the sediment from traveling downstream.

Chairman Haight asked if it would be an issue for Secon to cover its trucks.

It would be somewhat of an issue, responded Mr. Short. If Secon was required to cover its trucks then it would only be fair for all trucks in Juneau be required to be covered, he said. He

added that most of the duration of the truck trips are not on public roads, unless it was raw product going directly to a job site.

Mr. Greene asked if he sand and gravel operation would be located far enough away so that noise would not be an impact on the condominiums in the area.

Mr. Felstead said the operation is 1.25 miles from the nearest residence other than the prison and that noise should not be a problem. He said he believed the negative comment they have received was mistakenly applied to a current operation located very close to the River Edge Condo residence.

MOTION: *by Mr. Peters, that USE2016 0004 be approved, with the staff's findings, analysis and recommendations.*

The motion passed with no objection.

CSP2016 0004:	A City Project Review for the Disposal of CBJ-Owned Land for Housing
Applicant:	City and Borough of Juneau, Division of Lands & Resources
Location:	1300 West Ninth Street

Chairman Haight told the Commission that he is working on the Bridge Park project, and that neither he nor the City Attorney he consulted see a conflict with this issue, but that he wanted to make sure the Commission had a chance to comment if anyone viewed this as a potential conflict.

No Commission member viewed this as a potential conflict.

Staff Recommendation

Staff recommends that the Planning Commission adopt the above analysis and findings, and recommend that the Assembly DENY CSP2016 0004, as prescribed in CBJ 49.15.580(a). Staff recommends that if the CBJ intends to develop this site, it should consider leasing the land for a mixed-use development, with green space and ground level retail/commercial space as prescribed in the Comp Plan and the Waterfront Plan, with public access and connectivity to the waterfront and future Bridge Park, and with housing or hotel located above. Further consideration may be given to include this site within the "payment in lieu" parking district in order to meet parking requirements while ensuring the highest and best use of CBJ-owned waterfront property.

This request is from the CBJ Division of Lands and Resources to explore the possibility of the disposal of CBJ land adjacent to the bridge for housing, said Ms. Maclean. There are two parcels of land under consideration. The larger parcel, at about 41,000 square feet, could

accommodate 17 units, said Ms. Maclean. The land is zoned Waterfront Commercial, which allows 18 dwelling units per acre, said Ms. Maclean. The land is on CBJ water and sewer and is accessed by Ninth Street, she said. The land is currently vacant, said Ms. Maclean.

The Comprehensive Plan designates this land as “RS” which stands for a Recreation Service park, said Ms. Maclean. That land designation specifies that land such as this should be retained for public use and not be used for residential development, said Ms. Maclean. This land is zoned Waterfront Commercial, she said, because as a small parcel, it takes on the zones surrounding it.

Juneau’s long range waterfront plan was adopted in 2004, said Ms. Maclean. The plan specifies that the area next to the bridge is a Mixed Use district, including a fish market, maritime interpretive center, post office, restrooms, play areas, dog park, open space, and an enhanced picnic area, she said.

In late 2010 the final sea walk design which is now under construction was selected, said Ms. Maclean. The sea walk project was approved by the Assembly in June, 2015, which includes a market fisheries area, a multi-use building consisting of a maritime interpretive center, post office and restrooms, and additional parking, she added.

To the staff’s knowledge, said Ms. Maclean, throughout the public planning process, this site was not identified for housing; therefore, that use was not included in the site design. The larger parcel of land would also include the park land, said Ms. Maclean. This scenario would require the land to be leased, not sold, in order to maximize the density of the park land, said Ms. Maclean. On its own, the 11,000 square foot parcel could only support five units if it was sold off to a developer, said Ms. Maclean.

The development identified for the 41,000 square foot parcel with the park land calls for 17 dwelling units, four stories high, not exceeding the 35 foot maximum, said Ms. Maclean. The units range from 1,100 to 1,300 square feet. The ceiling height on each floor would be 7 ½ feet, she said. Parking will be located on the ground floor with storage units and no other amenities would be provided, she said. If each of the units had two bedrooms then a minimum of 26 parking spaces would be required, two of which must be American Disabilities Act (ADA) compliant, said Ms. Maclean. Since there would only be room for 23 spaces, a piece of the Ninth Street area would need to be used for parking, said Ms. McLean.

The second option also includes 17 dwelling units, but some of those would be a smaller size requiring fewer parking spaces, said Ms. Maclean. For this option, the Ninth Street portion of land would not be required, said Ms. Maclean.

While residential development is permitted on Waterfront Commercial land, said Ms. Maclean, development in the Waterfront Commercial district is to provide both land and water space for uses directly related to or dependent upon the marine environment.

This proposal would not interfere with neighborhood harmony, said Ms. Maclean. However, she noted that the intensity of the proposed single use housing project is out of harmony with the surrounding public uses of the waterfront. The lack of connectivity to the waterfront and the future Bridge Park and the lack of public access to the waterfront conflict with the waterfront plan, said Ms. Maclean.

Residences are allowed to be located above water-dependent uses in Marine Commercial designated lands and prohibits permanent residences, other than caretaker units, in Waterfront Commercial Industrial designated lands, said Ms. Maclean.

The Comprehensive Plan was also reviewed, said Ms. Maclean. Given the discrepancies in zoning definitions of Waterfront Commercial/Industrial and Waterfront Commercial (Title 49), in combination with the RS start designation of the Comprehensive Plan land use maps, the project does not conform to the 2013 Comprehensive Plan, said Ms. Maclean.

The project is consistent with the Table of Permissible Uses (TPU), said Ms. Maclean, and with 17 dwelling units it would be considered a major development and it would require a Conditional Use Permit, she noted.

Since Ninth Street is used extensively during peak tourist season for charter buses, and with construction of the Bridge Park increasing visitors to this area, the Director may not have the discretion to reduce the width of Ninth Street to 40 feet, said Ms. Maclean.

The recently completed, but not yet adopted Housing Action Plan speaks specifically to CBJ owned lands for housing development, said Ms. Maclean. It recommends that the CBJ should develop new policies for the use of CBJ owned lands and assets. Public land should be used not only as a means to encourage a beneficial private economic activity and the guide to a rational growth pattern, but also as a means by which Juneau can achieve key policy goals, said Ms. Maclean. Those goals include making public land available more cheaply for projects that promise to provide affordable or senior housing, said Ms. Maclean. The housing at this site would likely be market rate and would not fulfill the aforementioned housing goals, said Ms. Maclean. Therefore, the proposal would not be in conformance with the Draft Housing Plan, she noted.

Docks and Harbors is not in favor of this permit, saying that it does not allow for development of the waterfront in a holistic manner, said Ms. Maclean. It would also prevent traffic from proceeding under the north side of the bridge where Docks and Harbors plans on constructing a direct sales fisheries dock.

Review of the adopted plans and codes indicates that this proposed disposal of CBJ owned land for housing at the Bridge Park location does not comply with the Comprehensive Plan, Draft Housing Plan, or the 2004 long range Waterfront Plan. This proposal is consistent in part with the Title 49 TPU, but not with the Conditional Use Permit review, said Ms. Maclean.

Commission Comments and Questions

Mr. Voelckers asked if the City has a history of allowing developments to be constructed on a leveraged basis, and how that would affect title and ownership issues. He asked if this would not create an issue where the two properties were linked forever so that the housing could be allowed.

Ms. Maclean said this is why the property would have to be leased and not sold.

Mr. Voelckers asked if this type of land leverage has been done in the past.

Mr. Steedle responded that this has not been done previously.

The genesis of this proposal is that a private developer approached the Assembly and asked if instead of a park they have 40-plus units of residential development, said Mr. Chaney. The concept of using an adjacent parcel as part of the density is not unusual in a private sector development, said Mr. Chaney. This, however, would be unique for the City, he said. There is no way this could be anything but a market rate project, said Mr. Chaney. He said it would be very expensive to build. He said his personal preference would be to wait for the Docks and Harbors Plan which is edging to completion.

If the development were to have commercial space on the bottom and residential space on the top, there would not be space for the required additional parking for that type of development, said Mr. Chaney.

Mr. Uchytel told the Commission that the Docks and Harbors Board and staff could not be more vocal in expressing its opposition to this proposal. He said that they believe that Resolution 2628 gives Docks and Harbors management authority for this site. They are developing a land use master plan from Bridge Park to Norway Point. Apartments in the area would block the free flow access beneath the bridge to the areas planned for development, said Mr. Uchytel.

Public Comment

Juneau resident Dennis Harris said he thoroughly objected to the specious waste of the City's resources in exploring this development proposal. He said this project is not worth the large amount of work that the staff was required to put into it. Mr. Harris said he certainly hoped that both the Commission and then the Assembly would comply with the staff recommendations not to approve this project.

Bob Janes, a member of the Docks and Harbors Board, said that housing along any of the waterfront is not out of the question. He told the Commission that they would like the recommendations from the CDD staff to deny the permit to be followed on this development.

MOTION: *that the Commission deny CSP2016 0004 and adopt the staff's findings, analysis, and recommendations.*

The motion was approved with no objection.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS**

Rules

Mr. Steedle said the Commission has expressed an interest in halting the submission of last minute comments prior to a meeting. They would like a deadline for comments which would give them a chance to adequately study the information prior to a meeting. Mr. Palmer has suggested that the Rules of Order for the Commission be changed so that they can adjust the agenda, said Mr. Steedle. There currently is no provision to adjust an agenda during a meeting, he said. Mr. Steedle suggested that the Commission form an ad hoc rules committee to address areas in the Rules of Order they may want to revise.

MOTION: *by Mr. LeVine, that the Planning Commission establishes an ad hoc committee to address changes in the rules.*

Following his motion Mr. LeVine nominated Mr. Voelckers as chairman of that committee.

The motion passed with no objection.

Mr. Peters and Mr. Bell will join Mr. Voelckers as part of that committee.

XII. **DIRECTOR'S REPORT**

New Lemon Creek Steering Committee Member

Mr. Steedle reported that one member of the Lemon Creek Steering Committee had to resign. He recommended that Tom Chard be appointed to the Lemon Creek Steering Committee to fill that vacancy.

MOTION: *by Mr. Peters, that Tom Chard be appointed to the Lemon Creek Steering Committee.*

The motion passed with no objection.

The first meeting of the Lemon Creek Steering Committee will be Wednesday, May 11, (2016), at 6:00 p.m. at DZ Middle School, said Mr. Steedle.

Mr. Voelckers will be the liaison to the Lemon Creek Steering Committee

City GIS

Mr. Steedle announced that the City's GIS is now publicly available, and that the Commission may find it very helpful. It can be accessed at epv.juneau.org. That can be searched by property address as well as parcel number, he explained.

Committee of the Whole

There will be a Committee of the Whole meeting preceding the Regular Commission Meeting on May 24, at 5:30 p.m., said Mr. Steedle. This meeting will encompass Commission training as well as other items.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Wetlands Review Board

Chairman Haight reported that a Wetlands Review Board meeting was held last week, and that the primary topic was what was on the agenda this evening. They are also continuing compilation of the Wetlands Management Plan, said Chairman Haight.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Commission Attendance

Mr. Peters said that he wanted to note the difficulty for the third time in a row of the Commission making a decision on the asphalt permit. He said he wanted to reinforce the importance of good attendance at the Commission meetings.

Subdivision Review Committee

Ms. McKibben reported that the Subdivision Review Committee meets on May 26, at 3:00 p.m.

Good Job CDD Staff

Chairman Haight wanted to acknowledge and commend the staff on the thorough and well-written staff reports presented to the Commission this evening. The clarity, accuracy and precision of the reports made them much easier to read even given the voluminous amount of material the Commission must review, said Chairman Haight.

XV. ADJOURNMENT

The meeting was adjourned at 8:48 p.m.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: June 6, 2016

TO: Planning Commission

FROM: Allison Eddins, Planner *A Eddins*
Community Development Department

FILE NO.: USE2016 0010

PROPOSAL: Conditional Use Permit for the Re-development of the old Thane Ore House into a restaurant and cultural immersion park.

GENERAL INFORMATION

Applicant: Central Council Tlingit and Haida Indian Association

Property Owner: City and Borough of Juneau Docks and Harbors

Property Address: 4400 Thane Road

Legal Description: ATS 1328 Tracts B1 and B2

Parcel Code Number: 1-B03-0-102-003-0

Site Size: 1.28 acres

Comprehensive Plan Future Land Use Designation: Waterfront Commercial Industrial

Zoning: (WI) Waterfront Industrial

Utilities: On-site water and waste water

Access: Thane Road

Existing Land Use: Vacant Commercial Building & Property

Surrounding Land Use: North - Vacant Waterfront Industrial (AJ Mining Co.)
and Rural Reserve (AJ Mining Co.)

South - Vacant Waterfront Industrial (State of Alaska)
East - Rural Reserve with AEL&P electrical substation
West - Vacant Waterfront Industrial (State of Alaska)

Vicinity Map



ATTACHMENTS

- Attachment A – Conditional Use Permit Application
- Attachment B – Project Narrative
- Attachment C – Proposed Site Plan
- Attachment D – Plat
- Attachment E – Site Photos
- Attachment F – Public Meeting Sign-in Sheet
- Attachment G – Public Notice
- Attachment H – Zoning Inquiry Letter
- Attachment I – Pre Application Notes

Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 3 of 19

PROJECT DESCRIPTION

The applicant, Central Council Tlingit and Haida Indian Tribes of Alaska (CCTHITA), requests a Conditional Use permit for the development of a Native Cultural Immersion Park at 4400 Thane Road, a parcel that is zoned Waterfront Industrial (WI). The development will include a restaurant, a dance floor, a small gift shop and light manufacturing of canoes, totem poles, basket weaving, traditional salves, etc. CCTHITA is also planning to create a paid apprenticeship program where aspiring artists can learn from master craftspeople. The products that are manufactured on-site by the master craftspeople will be sold in the gift shop.

The Thane Ore House building will be re-purposed to resemble a traditional long house. The long house would hold the restaurant, dance floor and gift shop. The cultural experience will begin as guests walk along a foot trail that will be developed. The trail will take guests to an outdoor crafts pavilion where they can visit with master carvers and craftspeople and watch them work. The trail will then lead down to a beachfront canoe exhibit. During ceremonies canoes can be launched from this point. (The beachfront is located on state land and not on the subject site. CCTHITA is in the process of obtaining the proper permit from the Department of Natural Resources for the canoe exhibit and launch.) The foot trail will end at the entrance to the long house where guests will sit down for a salmon-bake style meal with a performance by traditional Tlingit dancers. The experience will end with a walk through the gift shop where guests can purchase handmade goods that will be made on site.

CCTHITA is expecting most of the visitors to be cruise ship passengers. CCTHITA is planning to use two 72 passenger busses to pick-up and drop-off visitors to the park. The park is expected to operate two tours per day, each lasting approximately 2.5 hours. The lunchtime tour is expected to begin at noon and end at 2:30pm. The dinnertime tour will begin at 4:00 and end at 6:30pm, depending on cruise ship schedules.

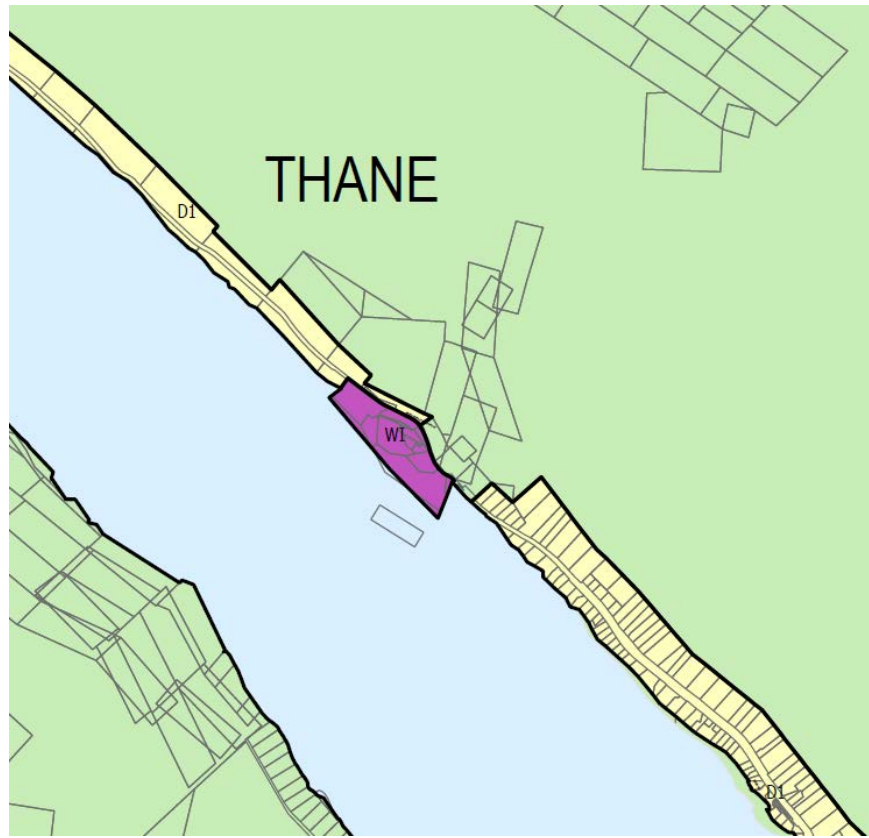
CCTHITA is expecting to employ 24 people at the park. These jobs include kitchen staff, wait staff, cashiers, and tour guides. These 24 employees will be seasonal workers. Employees will be encouraged to commute to the park on a CCTHITA bus that will have scheduled pick-up and drop-off at two locations around town. At this time, CCTHITA is expecting to hire two master carvers and four apprentices. An estimate of four additional employees will be hired to produce hand-woven baskets, traditional masks, etc.

This report will focus solely on the Conditional Use Permit application and whether or not the proposed use is appropriate in a Waterfront Industrial district according to the character, intensity, and size of this use and the surrounding uses. Should the requested Conditional Use Permit be granted, CCTHITA will lease the land from CBJ Docks and Harbors. The process for leasing CBJ owned land is laid out in CBJ Code 53.09.260. The lease agreement will come to the

Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 4 of 19

Planning Commission in the form of a City/State Project case, or CSP case. The Planning Commission will review the CSP case and make a recommendation to the Assembly.

ZONING MAP



BACKGROUND

In 1985, Thane Ore House Corporation approached the Alaska State Department of Natural Resources with a request to lease a portion of Tract B along Thane Road in order to open a restaurant called The Thane Ore House Restaurant. The lease request prompted the State to subdivide a large parcel of land between the road and ordinary high water mark of Gastineau Channel. The survey created lots B-1 through B-5. Although Thane Ore House Corporation began leasing Lots B-1 and B-2 in 1986, the Tideland Survey was not recorded until 1994. (See Attachment D) In 2002, the State deeded ownership of Lots B-1 and B-2 to the City and Borough of Juneau and the property has been managed by CBJ Docks and Harbors. Sales tax records indicate that the restaurant closed sometime around December 2012 and the lease was not renewed.

Planning Commission
 File No.: USE2016 0010
 June 6, 2016
 Page 5 of 19

To the south of Lots B-1 and B-2 is an old AJ Mining office and shop located on Lot B-3. The lot is owned by AJ Mining Company. After the AJ Mining Co. office and shop closed, the building was used as an auto body shop. The body shop is no longer in operation but the old building is still there. The AJ Mining Company currently leases the land to CBJ Docks and Harbors. At this time there has been no discussion of Docks and Harbors buying this land from the AJ Mining Co. or making this lot part of the proposed project. The proposal is only for Lots B-1 and B-2.

Lots B-1 and B-2, as well as the surrounding lots, are zoned Waterfront Industrial (WI). In 2015, Docks & Harbors issued RFP No. DH16-002 inviting interested parties to propose possible uses for Lots B-1 and B-2. CCTHITA responded to the RFP with the idea of a Native Cultural Immersion Park. Docks & Harbors selected CCTHITA's proposal. In October 2015, Central Council filed a formal inquiry request with CDD to explore which uses are allowed with department approval in a WI district, which uses require Conditional Use Permits, and which uses are not allowed in WI (see Attachment H). CBJ 49.25.250 describes the intent of waterfront districts.

CBJ 49.25.250 Waterfront Districts (b)

- *The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline locations. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.*

One of the two principle uses of the site will be the production of hand-carved canoes and totem poles, hand-made woven baskets and other traditional products. Since these activities will not produce noise, vibration, air pollution, fire hazards or noxious emissions that will disturb or endanger neighboring properties, they are considered light manufacturing.

During the tourist season (May through September) master carvers, craftspeople and apprentices will be on-site to demonstrate their craft. This will take place under temporary tents, (See Attachment C for the craft pavilion area) although the majority of the manufacturing will take place during the off season months (October through April). During these months, the restaurant and gift shop will be cleared to free up space for the manufacturing and the apprenticeship program. CBJ 49.25.300 Table of Permissible Uses lists light manufacturing in waterfront industrial districts as follows:

Use Description	Waterfront Industrial
4.050 Light Manufacturing	1N, 3N

The 1N means that if the development is a minor development and is water-related, water-dependent, or water-oriented only departmental approval is required. The 3N means that if the

Planning Commission
 File No.: USE2016 0010
 June 6, 2016
 Page 6 of 19

development is a major development and is water-related, water-dependent, or water-oriented Planning Commission approval through a Conditional Use Permit is required.

CBJ 49.80.120 Definitions

- Water- dependent – a use or activity that can be carried out only on, in or adjacent to water areas because the uses require access to the water body.
- Water-related – a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.
- Water-oriented- uses or mixtures of uses which would benefit from being near the water and are intrinsic to waterfront development, and which meet all of the following criteria:
 - Uses must be part of a larger fully-planned development which also incorporates water-dependent or water-related uses;
 - Uses which are not directly water-dependent or water-related must be necessary to the overall development of the project;
 - Uses must be integrated functionally by architectural and site designs which are sensitive to the waterfront site;
 - Uses must act as economic stimuli and anchor points to enable other forms of development, particularly public access improvements;
 - Uses must contribute to a diverse and healthy downtown core.

Based on the above definition, the light manufacturing component meets the criteria of a water-related use. Although the carving of canoes and totem poles, and the production of other hand-made goods are not directly dependent upon access to the water, the cultural component of their production would be diminished if it were not located near the water. Upon approval from DNR, the canoes will be displayed along the shore on state property and launched during ceremonies. One of the goals of this project is to provide visitors with an experience that is unique to the Tlingit and Haida culture; a culture that is strongly tied to the water.

CBJ 49.80.120 Definitions

- Minor Development in Industrial Districts – non-residential buildings of 15,000 square feet or less, or using less than one acre of land.
- Major Development – all development that is not minor development.

The existing building is less than 15,000 square feet. CCTHITA is planning to add a façade to the building but has no plans to expand the foot print. The bulk of the manufacturing will take place inside the building between October and April. Approximately 3,000 square feet of the building will be dedicated to light manufacturing during this time. During the tourist season, light manufacturing will take place under temporary tents that will be erected on the site. It is estimated that 2,000 square feet of the lot will be dedicated to light manufacturing during this

Planning Commission
 File No.: USE2016 0010
 June 6, 2016
 Page 7 of 19

time of the year. Although the site is 1.2 acres, the space that will be used for light manufacturing will be less than one acre, and therefore a Conditional Use Permit is not needed for the light manufacturing portion of the proposed development.

The second principle use of the site will be the salmon-bake style restaurant that will be open for lunch and dinner during the tourist season, which is typically May through September. The restaurant will be approximately 1,700 square feet of gross floor space. CBJ 49.25.300 Table of Permissible Uses lists restaurants and retail in waterfront industrial districts as follows:

Use Description	Waterfront Industrial
8.100 Restaurant, bars without drive through service	3N
2.120 Sales and merchandise with less than 5,000 sq. ft. and less than 20% of the gross floor area of outside merchandising of goods; Miscellaneous goods	3N

The 3N indicates that the restaurant component of the proposed development requires an approved Conditional Use Permit from the Planning Commission and must be water-dependent, water-related, or water-oriented. Based on the Title 49 definition of water-oriented, the salmon-bake style restaurant component of the park meets the criteria to be considered water-oriented. The restaurant is part of a larger development that is water-dependent. The restaurant will be necessary to the over-all success of the development.

The gift shop is being considered an accessory use to the restaurant and light manufacturing, and therefore will not require a separate Conditional Use Permit. The gift shop will be approximately 1,350 square feet and will account for approximately 28% of the building space. As with the restaurant, the retail portion will only operate from May through September and is expected to have a minimum impact on the neighborhood. Title 49 describes accessory uses as follows:

CBJ 49.25.300 (a) (4)

- *Accessory uses – uses constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.*

On March 24, 2016, CBJ hosted a neighborhood meeting to allow CCTHITA to explain their proposal and hear any concerns that neighbors may have about CCTHITA's proposed development. The meeting was held in the Assembly Chambers. All property owners along Thane Road were invited and approximately 15 people attended the meeting. (See Attachment F) Concerns expressed were about potential traffic impacts to the neighborhood and the

Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 8 of 19

location of the existing driveway so close to a sharp curve in Thane Road. Both of these issues are discussed in more detail in the analysis portion of this report.

Agency Comments – The Alaska Department of Natural Resources provided comments related to the existing water rights. DNR granted water rights of up to 2,500 gallons per day to CBJ Docks and Harbors, as the owners of the land. DNR also provided comments regarding the proposed walking trail and canoe beachfront exhibit. DNR has no objections to this idea but CCTHITA will need to obtain a land use permit from DNR. This will allow CCTHITA to use state land for exhibiting and launching canoes.

DOT will require a driveway permit in order to evaluate the existing driveway location along Thane Road. CCTHITA has applied for that permit and has been in contact with DOT's permitting office.

AEL&P has 23 kilovolt electrical line on Lot B-1 just outside of the Thane Road right-of-way. The electrical line extends to another two utility poles that are directly adjacent to the existing building. In general, AEL&P has no concerns about the project. If there are any changes to the existing roof slope the electrical lines may not meet the clearance requirements of the National Electrical Code. There are no plans to change the roof slope at this time.

The Department of Environmental Conservation provided comments regarding the on-site septic system and the surface water supply. The water rights to 2,500 gallons per day from an unnamed stream nearby have been transferred to CBJ Docks & Harbors. Prior to using the drinking water, DEC will require an approved Approval to Operate permit. If there are any modifications made to the existing water pumps, and the assumption is there will be, DEC approval will be required before any modifications are made.

The CBJ Building Department and Capital City Fire and Rescue have no initial concerns with the project. Before a Certificate of Occupancy is issued for the proposed restaurant and gift shop, the building will have to comply with current building and fire standards. Those standards will be addressed when Central Council is ready to submit building plans.

ANALYSIS

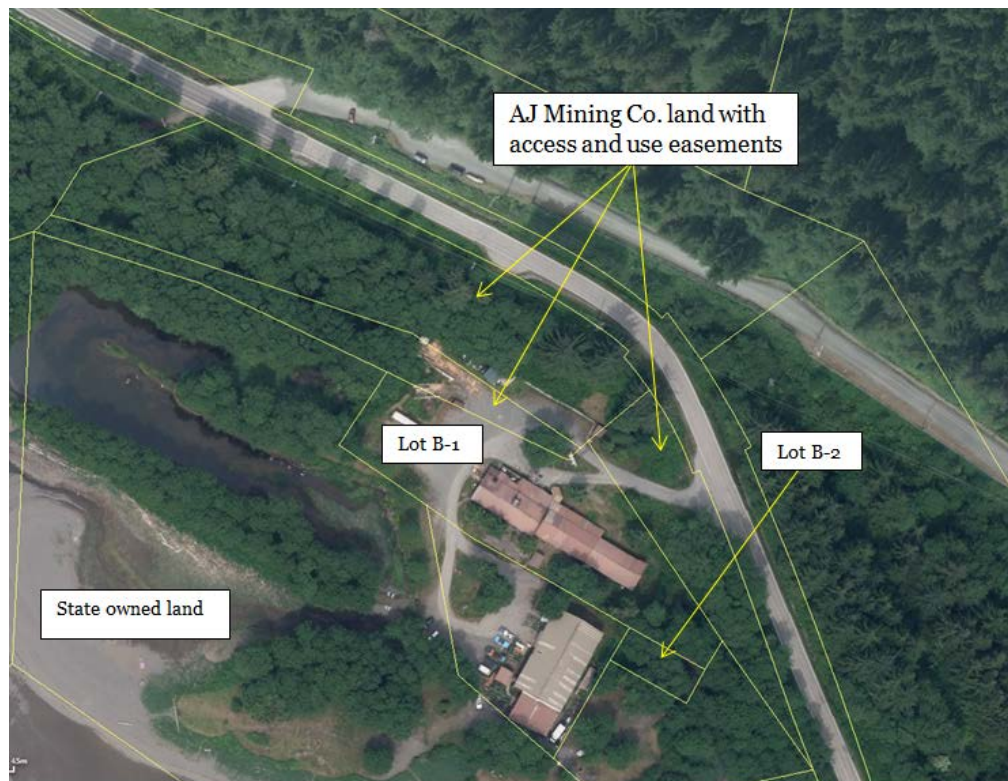
Project Site – The existing site is Lot B-1 and Lot B-2 of Alaska Tidelands Survey 1328. Lot B-1 is 48,677 square feet, or 1.12 acres, and includes the Thane Ore House Restaurant. Lot B-2 is a little over 4,000 square feet, or 0.10 acres, and includes a below grade septic system that served the restaurant. Lot B-1 is where the majority of the Immersion Park activities will take place. Electricity is delivered to the site via overhead AEL&P power lines.

Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 9 of 19

There is no City water or sewer to the site. There is an underground septic system located on Lot B-2 that was installed by Thane Ore House Corporation in 1986 when the restaurant opened. At the time, the septic system met all the requirements and was properly permitted by the Alaska Department of Environmental Conservation (DEC). Staff recommends as a condition of approval that prior to a Certificate of Occupancy being issued the applicant must obtain a new permit from DEC that certifies that the existing septic system is still safe to use and meets current safety and environmental standards.

There is an existing surface water system that uses an unnamed stream near the site with water rights granted by the Alaska Department of Natural Resources for up to 2,500 gallons per day. Earlier this year, those water rights were transferred to CBJ.

To the north of Lot B-1 are three narrow lots that were once part of USMS 979 Homestead Lot No. 3. These narrow pieces of USMS 979 were separated from the rest of the lot when Thane Road was built and the lots are now owned by AJ Mining Company. Access and use easements were granted to the State of Alaska by the AJ Mining Company. When the State deeded ownership of Lots B-1 and B-2 to CBJ the access and use easements transferred to the City.



Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 10 of 19

The area is a popular destination for recreational fishing and most of the surrounding lots are undeveloped. CCTHITA is planning to remove as little vegetation from the site as possible and will reserve parking space for the anglers and other recreational users who currently use the driveway to access the beach.

Project Design – CCTHITA hired Jensen, Yorba, Lott, Inc. to design the facility. JYL staff has been working closely with CCTHITA and CDD staff to develop a proposal that creates the cultural immersion park that CCTHITA envisions, and meets the requirements of the CBJ Land Use Code. CCTHITA is proposing a circular driveway that would allow busses to enter the property, drop visitors off and then exit the site without requiring the buses to reverse. Walking trails will be created using gravel or pavers. The walking trails will take visitors around the site and down to the beach to view the canoe exhibit. Accessing state property for the beach walking trail and the canoe exhibit is pending approval from DNR. Staff recommends as a condition of approval CCTHITA receive an approved land use permit from DNR.

CCTHITA plans to renovate the existing building to resemble a traditional long house. At some point in the past a lean-to shed was added to the building. This will be removed. The entrance to the building will be relocated from the northwest side of the building. Traditional totem poles will be placed to greet visitors as they enter the long house. Cedar siding will be installed on the exterior and the existing windows along the southwest side of the building will be replaced.

The building is approximately 4,900 square feet. The manufacturing component will take up approximately 3,000 square feet of building space. CCTHITA is proposing a restaurant that is 1,700 square feet and a gift shop that will be 1,350 square feet. The remainder of the building will be used for office space and storage associated with the manufacturing and the restaurant.

Traffic – One of the major concerns that Thane residents had about this proposed development was the impact of traffic on the surrounding area. CCTHITA is expecting most guests to be cruise ship passengers. These passengers will be picked-up at the docks and bused to the site. CCTHITA is planning to use two 72 passenger busses to transport guests to and from the site. The intention is to have one lunch tour and one dinner tour. During the months of May through September, the visitor pick-up and drop-off with two busses would result in eight round bus trips per day; two busses making a total of four trips during the lunch tour and four trips during the dinner tour. CCTHITA is planning to transport employees to and from the site using a smaller bus. This will result in two additional round bus trips per day; one to bring the employees to the park and another to drop them off at one of two locations. CCTHITA is expecting the manager and the head chef to drive to work. This will create four additional vehicle trips per day along Thane Road. CCTHITA is expecting to employ two master carvers and four apprentices. The carvers and apprentices will make their own schedule and may not be driving to the site every day. It is expected that the proposed development will create, on

Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 11 of 19

average, 14 vehicle trips per day between May through September. On days that the carvers and apprentices work the total vehicles trips per day is expected to increase to 26 round trips per day.

The number of vehicle trips per day will decrease during the fall and winter months because the restaurant and gift shop will not be operating, therefore the bus that transports these employees to work will not be necessary. The manufacturing and apprenticeship program will operate on the site year round. CCTHTA is expecting the artists and apprentices to drive themselves to and from the site. At this time, CCTHTA is expecting to hire two master carvers and four apprentices. This is estimated to create 12 vehicle trips per day during the fall and winter.

Because the proposed development will generate less than 250 average daily vehicle trips (ADT), a traffic impact analysis will not be required.

CBJ49.40.300 (a) (2) A development projected to generate fewer than 250 ADT shall not be required to have a traffic impact analysis.

Parking and Circulation – The site will have a circular driveway that will allow busses to exit the site without needing to reverse (see Attachment C). As previously mentioned, another major concern of nearby property owners is the location of the existing driveway in relation to Thane Road. When traveling east along Thane the road curves sharply to the south. The driveway is approximately 70 feet from the arc of the curve. The speed limit along Thane Road is 40 mph. According to AKDOT, if vehicles are abiding by the speed limit they would have enough time to slow down when a bus is making a left hand turn out of the driveway. If vehicles are traveling over the posted speed limit this could be a dangerous situation.

CCTHTA has been communicating with the Alaska Department of Transportation (AKDOT) concerning the driveway location and has applied for a driveway permit with AKDOT. The permit will allow AKDOT to examine the geometry of the existing driveway. If the driveway location is determined to be hazardous, the driveway permit will likely allow CCTHTA or Docks and Harbors to relocate the driveway apron within the AKDOT right-of-way. Staff recommends as a condition of approval, CCTHTA meet all AKDOT driveway improvement requirements.

Based on *CBJ 49.40.210 Table of Minimal Parking Standards* a total of 20 parking spaces, including two ADA accessible spaces and one loading space, are required. Minimum parking standards are based on uses and gross floor space. ADA requirements are based on the total number of parking spaces required. When 1 to 25 parking spaces are required Title 49 requires one of those spaces to be ADA accessible.

Planning Commission
 File No.: USE2016 0010
 June 6, 2016
 Page 12 of 19

Use	Parking per sq. ft. of gross floor space	Gross floor space	Spaces Required
Restaurant	1/200 sq. ft.	1,700 sq. ft.	9
Retail gift shop	1/300 sq. ft.	1,350 sq. ft.	8
Manufacturing	1/1,000 sq. ft.	3,000 sq. ft.	3
Total			20
ADA			1
Roadside Fishing*	*Required by Docks & Harbors		5

Docks and Harbors, through a request from the Alaska Department of Fish and Game, are requiring five parking spaces. These five spaces will be reserved for anglers and recreational users of the beach from May through the end of October. Staff recommends as a condition of approval, that the applicant submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.

Noise – The noise impacts to the surrounding neighborhood will be minimal. The restaurant activity and the dancing will take place inside. All of the carving and product manufacturing will be done using traditional techniques. No loud machinery will be used. Most of the surrounding property is vacant land owned by the Department of Natural Resources or developed land that is owned by AEL&P. The closest residential lot is approximately 1,700 feet to the south. Staff recommends as a condition of approval, any heavy construction associated with the building rehab be limited to 7:00 am to 10:00 pm Monday through Friday, and 9:00 am to 10:00 pm Saturday and Sunday.

Exterior lighting – CCHITA is planning for minimal exterior lighting since most of the activity will occur during the spring and summer when daylight lasts long into evening. The only exterior lighting that is planned for the site will be in the parking area (see Attachment C). Staff recommends as a condition of approval, that the applicant submit a lighting plan showing not only the location, but the type of lighting proposed for the development.

Storage – 04 CBJAC 050.020 establishes performance standards for commercial and industrial uses. Section (g) requires that all open storage, excluding outside merchandising, meet the front yard setbacks of the district. This section also requires open storage to be enclosed by a sight obscuring fence or planting at least six feet high. The front setback for this site is 10 feet. According to information provided by the applicant, all storage will take place inside the existing building. No open storage is planned for this location. Staff would like to recommend as a condition of approval, the applicant's adherence to Title 4 Section (g).

Vegetative cover – CBJ 49.50.300 requires a minimum of five percent vegetative coverage in the Waterfront Industrial zones. Lots B-1 and B-2 are a total of 55,757 square feet and five

Planning Commission
 File No.: USE2016 0010
 June 6, 2016
 Page 13 of 19

percent of this is 2,787 square feet. Therefore, 2,788 square feet of vegetative coverage is required for this project. CCTHITA is planning to remove as little vegetation as possible. Staff would like to recommend as a condition of approval, that all required vegetative cover be maintained and show on the submitted site plan.

Public Health or Safety – The southern and eastern portion of Lot B-1 and all of Lot B-2 are in the AE flood zone, as determined by FEMA. AE flood zones are areas that have a 1% probability of flooding every year. Properties in the AE flood zone are considered to be at high risk of flooding under the National Flood Insurance Program. The northern and western portion of the Lot B-1 is above base flood elevation and is in an X flood zone, which is an area that is at minimal risk of flooding. The majority of the existing building sites on a portion of the lot that is in the X flood zone and is also above base flood elevation.



Title 49 sets requirements for development in flood hazard areas.

CBJ 49.70.400 (D) (1) All new construction and substantial improvements shall be designed, modified, and adequately anchored, to prevent flotation, collapse, or lateral movements of the structure.

Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 14 of 19

Should the Conditional Use Permit be approved, CCTHITA would then apply for a building permit in order to make the needed improvements to the building. A CBJ Building Official will determine if the improvements made to the portion of the building in the AE flood zone qualify as substantial. If it is determined that they are substantial, the building would need to be inspected and certified by a licensed engineer or architect to ensure that the building is safe and is properly anchored.

The on-site septic system is located on Lot B-2 which is completely within the AE flood zone.

CBJ 49.70.400 (D) (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding

When the septic system was installed, Lots B-1 and B-2 were owned by the State and leased to the Thane Ore House Corporation. At the time of installation, the septic system received approval from the Alaska Department of Environmental Conservation (DEC). Prior to issuing any new building permits, CBJ will require CCTHITA receive certification from DEC that the septic system meets current safety and environmental standards. Should DEC not approve the septic system, CBJ would require the installation of a new system that meets current standards and will require the new system to be installed outside of the AE flood zone. Staff recommends as a condition of approval, that prior to the issuance of a Certificate of Occupancy the applicant must obtain the proper permit from DEC.

Habitat – CBJ49.70.310 requires all development to be at least 50 feet from the ordinary high water mark of anadromous streams. The mouth of Sheep Creek, which is classified as anadromous, is a little over 900 feet from the southeast corner of Lot B-1. Title 49 also restricts development within 330 feet of an active eagle's nest. There are no known active eagle's nests within 330 feet of the proposed development.

Neighborhood Harmony – Although the area is zoned Waterfront Industrial, many of the surrounding lots are owned by the Alaska Department of Natural Resources and remain undeveloped. The area is popular with anglers and recreational miners. CCTHITA is willing to allow these users to park on the site and use the site for beach access.

As mentioned above, on March 2016, CDD and CCTHITA held a neighborhood meeting to gather input from nearby property owners. The greatest concern of the neighborhood is the bus traffic. After hearing CCTHITA explain that guests will only be brought to the site during certain times of the day (during the lunch show and dinner show), most of the concerns over heavy traffic were diminished. The impact of traffic to the neighborhood is expected to be minimal.

Planning Commission
 File No.: USE2016 0010
 June 6, 2016
 Page 15 of 19

Conformity with Adopted Plans – Chapter 5 of the 2013 Comprehensive Plan addresses economic development priorities for the Borough. Policy 5.6 specifically addresses tourism as an economic development tool.

POLICY 5.6 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED ACTIVITIES THROUGH THE DEVELOPMENT OF APPROPRIATE FACILITIES AND SERVICES, WHILE PROTECTING JUNEAU’S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

Chapter 10 of the Comprehensive Plan sets policies for land use within the Borough for both residential and commercial uses.

POLICY 10.9 TO ENCOURAGE AND STRENGTHEN JUNEAU’S POSITION AS AN INTERNATIONAL VISITOR DESTINATION BY PROTECTING THE RESOURCES AND ASSESTS THAT MAKE IT ATTRACTIVE TO VISITORS, INCLUDING IT’S NATURAL ENVIRONMENT, SCENIC BEAUTY, CULTURAL DIVERSITY, HISTORIC RESOURCES AND DIVERSITY OF ACTIVITIES AND EXPERIENCES. VISITOR DESTINATIONS SHOULD CONVEY AUTHENTIC JUNEAU WILDERNESS, RECREATION, HISTORY AND CULTURAL ARTS EXPERICENCES WHILE PROTECTING THOSE RESOURCES FROM OVERUSE AND DEPLETION.

According to Chapter 11 of the Comprehensive Plan, the area is designated Waterfront Commercial/Industrial (WCI). The Comprehensive Plan defines WCI as follows:

Land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and process plants, ice plants, marine hatcheries, and marine parks. Residential uses would not be allowed in WCI districts, with the exception of caretaker units.

The two principle uses of the site, which are light manufacturing and a restaurant, are not water-dependent; it was determined by staff that these uses are water-related and water-oriented. The proposed canoe exhibit and launch is a water-dependent use. This water-dependent use is predicated on approval from the Department of Natural Resources.

Chapter 11 breaks up the Borough into 11 subareas and proposes guidelines and considerations for each area. This area is part of Subarea 7: Thane. Guideline 4 states:

Maintain non-motorized recreational access to the Sheep Creek basin, creek and beach areas while minimizing impacts to the existing recreational, fish and wildlife habitat values of the area.

Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 16 of 19

Chapter 16 of the 2013 Comprehensive Plan calls for recognizing and protection Juneau's unique cultural and historic resources.

POLICY 16.1 TO IDENTIFY, PRESERVE AND PROTECT JUNEAU'S DIVERSE HISTORIC AND CULTURAL RESOURCES, AND TO PROMOTE HISTORIC PRESERVATION AND ACCURATELY REPRESENT JUNEAU'S UNIQUE HERITAGE THROUGH PUBLICATIONS, OUTREACH AND HERITAGE TOURISM.

POLICY 16.4 TO PRESERVE AND PROTECT THE UNIQUE CULTURE OF JUNEAU'S NATIVE PEOPLES, INCLUDING BUILDINGS, SITES, ARTIFACTS, TOTEMS, TRADITIONS, LIFESTYLES, LANGUAGES, AND HISTORIES.

16.4 Standard Operating Procedure 1 – Implement programs to educate local residents and visitors to the community about the CBJ's indigenous peoples, through publications, museum outreach, interpretive exhibits, and other measures.

This area is outside the boundaries of the 2004 Long Range Waterfront Plan.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Planning Commission
File No.: USE2016 0010
June 6, 2016
Page 17 of 19

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?

Yes. Prior to submitting a Conditional Use Permit application, CCTHITA had the required pre-application conference. The project and all applicable regulations were discussed with the applicant at that time. Staff finds the application contains the information necessary to conduct full review of the proposed operations and is considered a complete application. CDD followed the review procedures as laid out in CBJ 49.15.330 (d). 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?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The proposed uses are listed in CBJ §49.25.300, Sections 4.050 for light manufacturing, 8.100 for a restaurant/bar, and 2.120 for retail/commercial use in Waterfront Industrial zones.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the June 3, 2016 and the June 13, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the above analysis, there is no evidence that suggests that the development of a cultural immersion park, with the appropriate conditions, will materially endanger the public health or safety. All new development, or substantial redevelopment, on the site must meet current building and fire code standards, as well as any State requirements for environmental protection and safety. AKDOT will review the existing driveway location and in the interest of protecting public health and safety, may require changes to the driveway geometry and/or location.

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

No. Based on the above analysis, there is no evidence to suggest that the development of a cultural immersion park, with the appropriate conditions, will decrease the value of

Planning Commission
 File No.: USE2016 0010
 June 6, 2016
 Page 18 of 19

surrounding property or be out of harmony with the surrounding neighborhood. Much of the neighborhood is undeveloped and the area is popular destination for recreational fishing. CCTHITA is planning to remove as little vegetation from the site as possible and will reserve parking space for roadside fishing purposes.

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

Yes. Based on the above analysis, the proposed development of a Native Cultural Immersion Park is found to be in general conformity with the land use plan and the Comprehensive Plan.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Section of the CBJ Land Use Code?

Yes. Based on the above analysis, it is determined that the proposed development will not negatively impact the shoreline or the surrounding area and complies with *CBJ 49.70.900 Coastal Management*.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a native cultural immersion park on land owned and managed by CBJ Docks and Harbors.

The approval is subject to the following conditions:

1. The applicant will execute a lease with the CBJ. This Notice of Decision does not authorize any development without an executed lease and any required building permits.
2. The applicant will receive an approved land use permit from the Alaska Department of Natural Resources that will allow the canoe exhibit and launch to be located on State property.
3. Any heavy construction activity shall be limited to 7:00 am to 10:00pm Monday through Friday, and 9:00am to 10:00pm Saturday and Sunday.
4. In order to ensure the health and safety of travelers along Thane Road, any driveway

Planning Commission
 File No.: USE2016 0010
 June 6, 2016
 Page 19 of 19

improvements required by the Alaska Department of Transportation must be installed prior to the issuance of a Certificate of Occupancy.

5. Prior to the issuance of a Certificate of Occupancy, the applicant must receive DEC approval for the on-site septic system.
6. Prior to the issuance of a building permit an exterior lighting plan, to be evaluated by the Community Development Department, showing light fixture type and location should be submitted in order to demonstrate that lighting will be directed away from surrounding properties.
7. If substantial improvements to the building are required, an engineer or architect licensed in the State of Alaska must inspect and certify that the building is properly anchored and safe to be in a flood zone.
8. The applicant shall submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.
9. To the greatest extent possible, the existing vegetation should be maintained in order to minimize the visual impact of the project on adjacent State land.
10. Per 04 CBJAC 050.020 all open storage shall conform to the 10 foot front yard setback requirement for a Waterfront Industrial zoning district and shall be enclosed by a sign obscuring fence or vegetation at least six feet high.

DEVELOPMENT PERMIT APPLICATION

Project Number, _____	CITY and BOROUGH of JUNEAU	Date Received: <u>3/9/16</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>Development of existing unused restaurant into a multi-function facility dedicated to culturally enriching activities for tourists, locals and tribal members</u>		
	PROPERTY LOCATION		
	Street Address <u>4400 Thane Road</u>	City/Zip <u>Juneau 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>Tracts B-1 and B-2, Alaska tideland survey 1328</u>		
	Assessor's Parcel Number(s) <u>ADL 103289</u>		
	LANDOWNER/LESSEE		
	Property Owner's Name <u>CBJ / Docks & Harbors</u>	Contact Person: <u>Carl Uchytel</u>	Work Phone: <u>586 0292</u>
	Mailing Address <u>76 Egan Drive, Juneau AK</u>	Home Phone: <u>586 0292</u>	Fax Number:
	E-mail Address <u>Carl.Uchytel@juneau.org</u>	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	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>Carl J. Uchytel</u>		Digitally signed by Carl J. Uchytel DN: cn=Carl J. Uchytel, o=City & Borough of Juneau, ou=Docks & Harbors, email=Carl.Uchytel@juneau.org, c=US Date: 2016.03.01 13:15:50 -0900	Date <u>3/1/2016</u>
X _____			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" and sign and date at X below			
Applicant's Name <u>Jensen Yorbakott.com</u>		Contact Person: <u>Tom Yorbak</u>	Work Phone: <u>789 4520</u>
Mailing Address <u>522 10th Street</u>		Home Phone: <u>209 9946</u>	Fax Number: <u>586 3959</u>
E-mail Address <u>tom@jensenyorbakott.com</u>	Other Contact Phone Number(s):		
X <u>AD-11111</u>		Date of Application <u>2.29.16</u>	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	✓	Permit Type	SIGN	Date Received
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<u>3/9/16</u>
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments:			Permit Intake Initials
			<u>ANE</u>	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

I:\FORMS\2010 Applications Revised November 2009

Attachment A – Conditional Use Permit Application

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number USE20160010	Date Received 3/9/16
----------------	------------------------------	-----------------------------------	--------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☒ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: 4.050 light manufacturing
8.100 Restaurant

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

production of traditional crafts such as candle weaving is an allowable use; the restaurant with accessory gift shop requires an conditional use; see the attached narrative.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S): 8.100 restaurant

PROPOSED USE OF LAND OR BUILDING(S): 8.100 restaurant ; 4.050 light manufacturing for traditional crafts.

UTILITIES PROPOSED: WATER: ☐ Public ☒ On Site SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 1.2 acres square feet Total Area of Existing Structure(s) 6400 square feet
 Total Area of Proposed Structure(s) 6400 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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☐ Site Plan ☐ Floor Plan of proposed buildings ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover	☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
---	---

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>500.00</u>	<u>29399</u>	<u>CND 7-260</u>	<u>3/10/16</u>
	Admin. of Guarantee	\$ _____	↓	↓	↓
	Adjustment	\$ _____	↓	↓	↓
	Pub. Not. Sign Fee	\$ <u>50.00</u>	↓	↓	↓
Pub. Not. Sign Deposit	\$ <u>100.00</u>	↓	↓	↓	
Total Fee	\$ <u>650.00</u>	↓	↓	↓	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



MEMORANDUM

Serving Alaska Since 1935

Date: **January 26, 2016**
 To: **Myrna Gardner**
 From: **Tony Yorba**
 RE: **CCTHITA Immersion Park Permitting Narrative**
 CC:

Executive Summary

This narrative describes the proposal from Central Council Tlingit and Haida Indian Tribes of Alaska (CC) to re-purpose the former Thane Ore House property as a Native Cultural Immersion Park. The Immersion Park project was first proposed in response to an RFP issued by CBJ Docks and Harbors, RFP No. DH16-002. Docks and Harbors after selecting CCTHITA proposal has placed a contingency on our proposal that it be permitted for operation before signing the lease. The Immersion Park would provide tourists an authentic Native culture experience during the summer. In the off season the tourist components of the project would shut down. The light industry component of traditional Native canoe building and other crafts would continue year round. The light industry component would be led by master carvers and craftspeople using traditional skills and tools. A paid apprenticeship program would provide aspiring craftspeople the opportunity to learn under these masters while producing traditional objects for sale in a small gift shop. The majority of activities on site will take place within the existing Thane Ore House Building which would be cleared of appendages and deteriorated elements. The shape of the original building is reminiscent of a traditional long house and that appearance will be further enhanced with simple cedar siding and installation of totem poles flanking and appropriately configured main entry at the west end of the building. Temporary pavilions will be set up for seasonal presentations of various traditional activities including canoe carving, totem design, weaving and traditional foods. Tribal members acting as docents would lead visitors through these pavilions explaining the activities and answering questions, ensuring an enriched learning experience for visitors. During the off season, these pavilions would be disassembled and stored. In the off-seasons these light industry activities would move indoors into the refurbished "Longhouse".

ARCHITECTURE • INTERIOR DESIGN • CONSTRUCTION MANAGEMENT

522 WEST 10TH STREET JUNEAU, ALASKA 99801

(907) 586-1070 FAX (907) 586-3959

www.jensenyorbalott.com

PAGE 1

Attachment B – Project Narrative

Existing Site

The existing site (4400 Thane Road) is Tract B-1 (1.181 acres) and Tract B-2 (.102 acres) of Alaska Tideland Survey ATS 1328. Tract B-1 includes the existing former Thane Ore House and a driveway to Thane Road. Tract B-2 includes a below grade sewer treatment plant.

Tracts B-1,2 border the Thane Road DOT right of way to the north, and is surrounded on the other three sides by Tract B-3 which is under a separate lease. The east corner of tract B-3 includes an existing office shop building currently used as a vehicle repair area. The rest of the properties are undeveloped.

Utilities to the site include electrical power delivered via overhead AEL&P conductors. There is no municipal sewer service. There is an existing surface water system with water rights permitted by AK DNR for up to 2,500 gallons per day. See ADL 100287.

Existing building:

The existing Thane Ore House is a long narrow single story building with a metal roof and rustic vertical wood siding. It is set back from Thane Road approximately 100 feet, and due to the existing topography, is approximately 20 feet lower than Thane Road at its highest point. The interior of the building includes an approximately 2,800sf kitchen/dining area, a dance area associated with the restaurant/bar of 1,700sf, and a gift shop/museum of 1,350 sf. Total area of the building is approximately 6,400 sf. The south side of the building includes a series of windows and operable walls to allow the interior to open to the view to Gastineau Channel to the south.

Project Proposal:

The CC proposes to convert the property to a year round function as a cultural immersion park. The existing building would be renovated reminiscent of a traditional long house. Since the existing building is already resembles the general configuration of a longhouse, actual changes would be limited to stripping deteriorated additions to the original building, and the addition of cedar siding and certain elements consistent with its new tribal identity, including totems and a ceremonial entry at the west end. The existing water and sewer systems would be rejuvenated, and dropoff/pickup area for two school bus size buses developed, as well as any other required parking. The existing site would be developed with walking paths leading to seasonal exhibition tents.

The summertime (May to September) use would revolve around activities for tourists brought to the property in buses for two sessions- a lunchtime session (noon to 2:30pm) and a dinner session (4-6:30pm), depending on cruise ship schedules. The experience would include:

- guided tours of outdoor temporary pavilions exhibiting traditional canoe building, traditional weaving and native foods preparation with master craftsmen and their apprentices.
- Dining in the existing, renovated bar restaurant.
- A 15 minute Native dance celebration.
- If permitted by AKDNR, plans include a beachfront canoe exhibit.
- Opportunities to discuss and purchase items produced on site with local artisans.

During the offseason (October-April) the tourism component of the facility would not operate. Instead, the dance and retail areas of the building would house traditional canoe and other light manufacturing activities (mask and paddle carving, weaving, etc). The manufacturing would include an apprenticeship program for skill development.

The following is our analysis of the project-based on Juneau Land Use Code CBJ 49:

General: the site is zoned Waterfront Industrial, and is a major development due to the size of the property (in excess of 1 acre). The first primary use canoe building and exhibition is water related. The second primary use is restaurant/dance/retail functions. They appear to meet the Land Use code section 49.80.120 definition for a water oriented activity, which is described as follows:

- *Water-oriented* means uses or mixtures of uses which would benefit from being near the water and are intrinsic to waterfront development, and which meet all of the following criteria:

- (1) Uses must be part of a larger fully-planned development which also incorporates water-dependent or water-related uses;
- (2) Uses which are not directly water-dependent or water-related must be necessary to the overall development of the project;
- (3) Uses must be integrated functionally by architectural and site designs which are sensitive to the waterfront site;
- (4) Uses must act as economic stimuli and anchor points to enable other forms of development, particularly public access improvements; and
- (5) Uses must contribute to a diverse and healthy downtown core.

The restaurant/dance/retail uses are a component of the overall goal of a cultural immersion park celebrating traditional SE Native culture which is a predominately water oriented culture. It also supports the canoe building and apprenticeship

program- revenue from the restaurant and sales in the retail space of products manufactured on site will help support the Immersion Park.

The following is a summary of use descriptions and anticipated approval procedures from CBJ 49.25.300 Table of Permissible Uses:

Use	Code Use Description	Code Approval Procedure
Canoe and crafts production	4.050 light manufacturing	Conditional Use (major Development)
Restaurant/dance area	8.100 restaurant/Bar	Conditional Use (water oriented major development)
Retail	2.120 storage or display of goods less than 5,000sf and or 20% of gross floor area of outside merchandizing of goods	Accessory use to restaurant and light manufacturing- per CBJ 49.25.300 (a)(4)

The following describe specific aspects of the project:

CBJ 49.25.400 Setbacks: Front, rear and sideyard setbacks for the lot are 10 feet. Nearest point from the exiting building to a property line is 17 feet.

CBJ 49.25.430 (4)(A) Projections into the rear (south) setback: a roof overhang may project 40 inches into the rear yard setback. This will allow an approximately 10'-6" wide roof overhang to cover an outside activity adjacent to the existing building along the rear, southfacing wall . Seasonal structures may be within 3 feet of property line.

CBJ 49.50.300 vegetative cover: Vegetative cover in excess of 5% of the site area will be provided.

CBJ 49.40.210 Parking: Tabular parking is based on the various used of the building and is calculated as follows, based on the maximum tabular uses:

Use	Parking stall per square foot gross area	Gross Area	Required Stalls
Restaurant/Bar	1/200 sf	1,700 sf	8.5
Retail	1/300 sf	1,350 sf	7.8

Craft pavilions, 2 at 1,000 sf each, (estimated)	1/1000 sf	2,000 sf	2
Fishing stalls*	Required by Docks and Harbors		5
Accessible space			1
Loading stall (30x12)			1
Total Parking			26

Parking count includes 2 accessible parking stalls

While the above is the tabular parking required, CC expects that virtually all visitors will be cruise ship passengers arriving via bus. The facility is being designed based on two- 72 passenger buses at the lunch session, and two -72 passenger buses at the evening session. Bus arrival and departures for each session will be staggered, depending on cruise ship schedules and other factors during each session to minimize traffic, reduce crowding and ensure smooth flow through each of the venues. In light of the above, we believe the required parking can be significantly reduced.

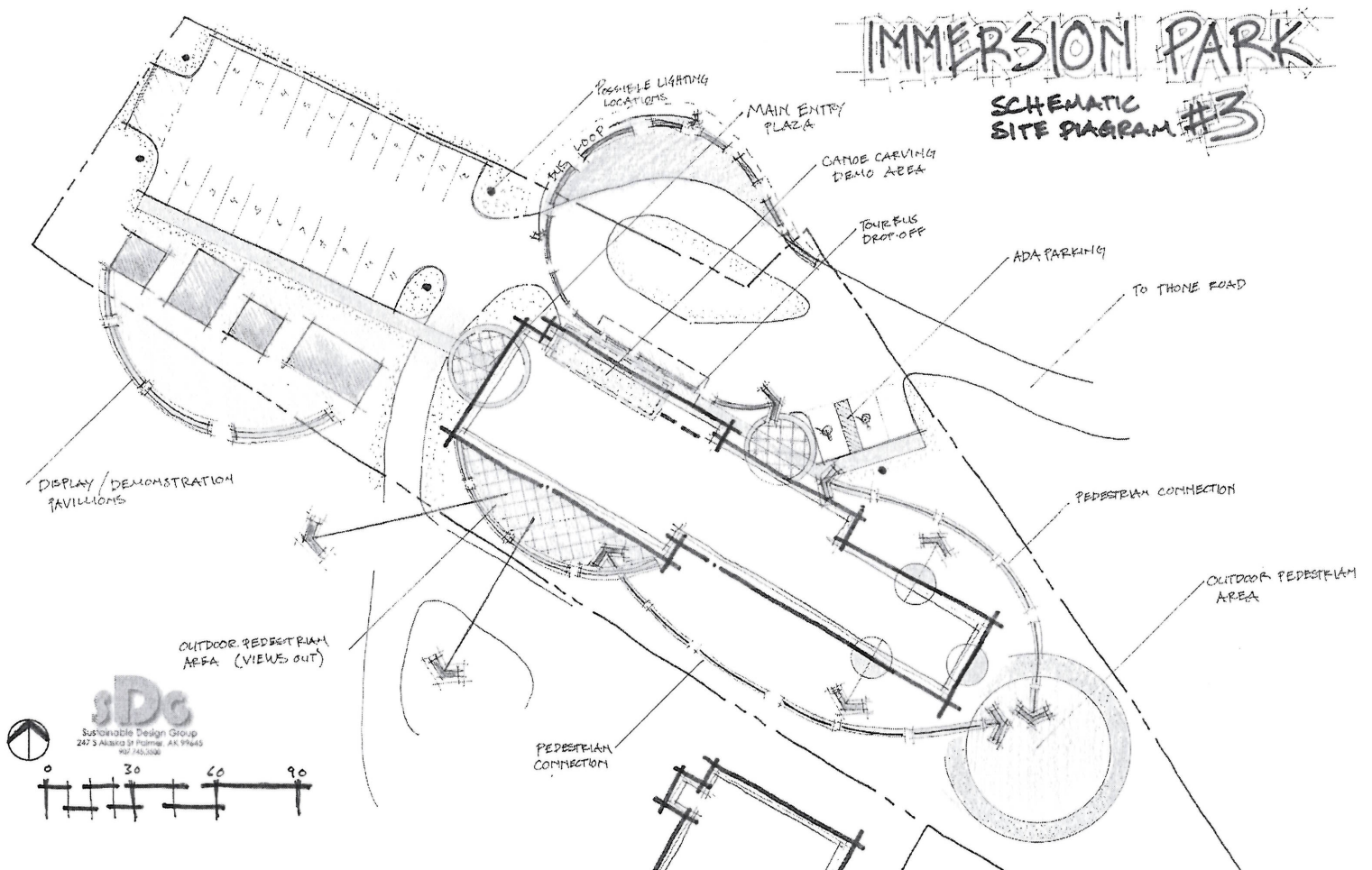
Additional matters:

Property Elevation and Flood Zone: based on the attached flood map provide by CBJ Planning staff, the existing building is outside the 24 foot flood zone elevation. No new enclosed, permanent structures will be located within the mapped flood zone.

On Site Utilities: Existing overhead electrical power is provided to the facility and is suitable for the proposed project. Water rights and a water system is presently on site but will need to be re-habilitated to meet the needs of the planned facility. There is an existing jet pump sewer treatment plant on site. Condition of the system is not known at present time and is assumed to need rehabilitation/replacement.

Site Drainage: Changes to existing topography as a result of this project are anticipated to be minimal. Existing site drainage, primarily sheet flow, is expected to remain largely unchanged as a result of this project.

G:_Projects\15056\1Corr\dcraft narrative CCTHITA Immersion Park.docx



USE 20160010 Attachment C – Proposed Site Plan

LEGEND

- 6.L.O./B.L.M. MONUMENT RECOVERED
- PRIMARY MONUMENT SET THIS SURVEY
- PRIMARY BRASS CAP MONUMENT RECOVERED
- SECONDARY MONUMENT SET THIS SURVEY
- CORNER NOT MONUMENTED
- SURVEYED LINE
- UNSURVEYED LINE

BEARING OBJECT TABLE		
CORNER	BEARING - DISTANCE	OBJECT
ATS 1328 TRACT A	S32°00'00"W - 10.00'	R & M No. 1
C-2 TRACT B-3	S65°00'00"E - 10.00'	R & M No. 2
RMC 10	N23°21'00"E - 55.19'	S.E. COR. CONCRETE FOUNDATION
ATS 1328	S74°56'00"E - 117.12'	N.E. COR. GATE POST OF CYCLONE FENCE
ATS 1328 HOMESTEAD NO. 3	S57°05'00"E - 10.00'	R.M. No. 1
USMS 979	N32°55'00"E - 10.00'	R.M. No. 2
ATS 1328	N74°48'00"E - 26.54'	S.W. COR. PUMP HOUSE
TRACT B-1	S16°41'00"W - 38.77'	S. TRANSFORMER POLE (GROUP OF 3 POLES)
TRACT B-2	S50°32'00"W - 78.91'	W. TRANSFORMER POLE (GROUP OF 2 POLES)
TRACT B-3	N66°20'00"W - 50.15'	N.E. COR. OF RESTAURANT
TRACT B-4	S84°08'30"W - 61.69'	S.E. COR. OF RESTAURANT
TRACT B-5	S57°32'30"W - 79.15'	N.E. COR. FENCE ECHO BAY COMPLEX
TRACT B-6	S28°48'00"W - 10.00'	R.M. No. 1
TRACT B-7	N60°30'00"W - 10.00'	R.M. No. 2
TRACT B-8	N4°39'30"E - 35.51'	S.E. COR. OF RESTAURANT
TRACT B-9	S72°36'30"W - 2.66'	N.E. COR. FENCE ECHO BAY COMPLEX
TRACT B-10	S35°50'00"E - 20.19'	N. COR. JET PLANT
TRACT B-11	S14°58'00"E - 2.91'	N.W. COR. FENCE ECHO BAY COMPLEX
TRACT B-12	N22°38'30"W - 49.28'	BACK ANGLE POINT RESTAURANT
TRACT B-13	S80°35'30"E - 93.79'	S.E. COR. RESTAURANT
TRACT B-14	N9°21'00"E - 33.52'	S.W. COR. RESTAURANT
TRACT B-15	S87°22'30"E - 77.34'	BACK ANGLE POINT RESTAURANT
TRACT B-16	S61°52'00"E - 109.97'	N.W. COR. FENCE ECHO BAY COMPLEX
TRACT B-17	S55°40'00"E - 10.00'	R.M. No. 1
TRACT B-18	N32°00'00"E - 5.00'	R.M. No. 2
TRACT B-19	N84°25'00"E - 1.71'	N. TRANSFORMER POLE (GROUP OF 3 POLES)
TRACT B-20	S37°25'30"E - 7.88'	CTR. TRANSFORMER POLE (GROUP OF 3 POLES)
TRACT B-21	S48°52'30"W - 47.77'	E. TRANSFORMER POLE (GROUP OF 3 POLES)
TRACT B-22	N61°12'00"W - 10.00'	R.M. No. 1
TRACT B-23	N28°48'00"E - 10.00'	R.M. No. 2
TRACT B-24	N26°21'30"E - 43.12'	N.E. COR. FENCE ECHO BAY COMPLEX
TRACT B-25	N20°17'00"W - 25.73'	N.E. COR. ECHO BAY BLDG.
TRACT B-26	N65°16'00"E - 28.53'	W. COR. JET PLANT
TRACT B-27	S77°38'45"W - 10.00'	R.M. No. 1
TRACT B-28	N34°07'00"W - 10.00'	R.M. No. 2
TRACT B-29	N82°00'00"W - 5.00'	R.M. No. 1
TRACT B-30	N77°38'45"E - 5.00'	R.M. No. 2
TRACT B-31	N2°00'00"E - 10.00'	R.M. No. 1
TRACT B-32	S88°00'00"E - 10.00'	R.M. No. 2
TRACT B-33	N10°56'00"W - 21.78'	N.E. COR. BOAT SHED
TRACT B-34	S63°55'00"W - 29.72'	N.W. COR. BOAT SHED
TRACT B-35	N33°46'00"W - 56.90'	N.E. GATE POST OF CYCLONE FENCE

CERTIFICATE OF APPROVAL BY THE DIRECTOR

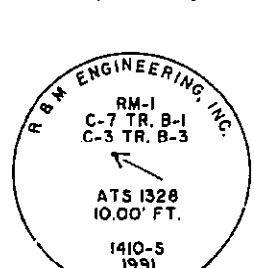
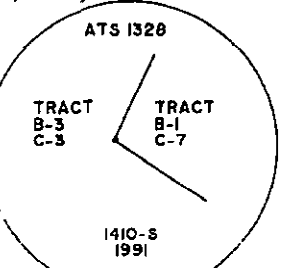
I hereby certify that the plat shown hereon has been found to comply with Title 4 Community Development Regulations and Title 49 of the Code of the City and Borough of Juneau, and is approved by the City and Borough of Juneau, Department of Community Development, for recording in the office of the Juneau Recording District, Juneau, Alaska.

Dated: 1/14, 1994

Attest:
 Director
 City and Borough of Juneau
 Department of Community Development

NOTES

- This survey was accomplished in accordance with Special Survey Instructions No. 1328 and Supplemental Survey Instructions dated 12/22/86, 2/4/88 and 5/21/93.
- All bearings shown are true bearings as oriented to the basis of bearings and distances shown are reduced to horizontal field distances.
- The basis of bearing was the line of sight between USLM No. 2572 and Cor. 2 A.T.S. No. 203 with an accepted bearing of N49°12'19"W As computed from Alaska Tidelands Survey No. 203 (A.S.L. No. 18548) and approved June 12, 1964. Filed in the office of the Juneau Recording District under Plat No. 460 on April 3, 1966.
- Bearings and/or distances shown within parenthesis represent record bearings and/or distances that disagree with those measured or computed this survey.
- The accuracy of this survey is greater than 1:5,000.
- All primary monuments set this survey are witnessed by an orange Carsonite post.



TYPICAL MONUMENTS (ESTABLISHED THIS SURVEY)

WASTEWATER DISPOSAL

No sewer treatment or disposal system shall be permitted on any lot unless such system is located, constructed, and equipped in accordance with the regulations and standards of the State of Alaska, Department of Environmental Conservation, which govern these systems.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Subject to noted restriction, the Alaska Department of environmental conservation approves this subdivision for platting. This approval is based on criteria for single-family residential development. Note restrictions concerning on-lot wastewater treatment and disposal system.

Name and Title of
 Alaska Department of Environmental Conservation
 Approving Official

Date: 12-20-93

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, the undersigned, hereby certify that I am the Director, Division of Land, and that the State of Alaska is the owner of A.T.S. No. 1328 as shown hereon. I hereby approve this survey and plat for the State of Alaska, and dedicate for public or private use as noted, all easements, public utility areas and rights-of-way as shown and described herein.

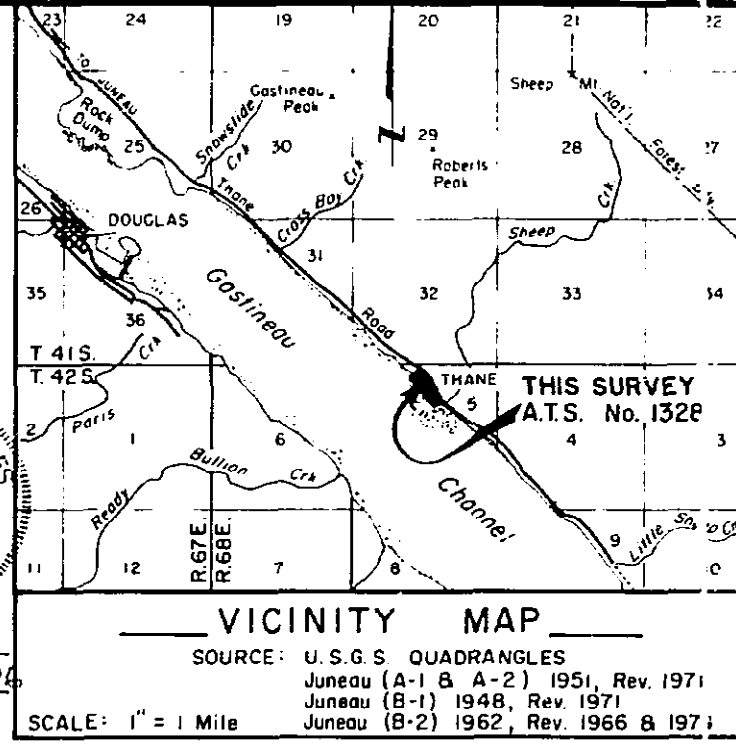
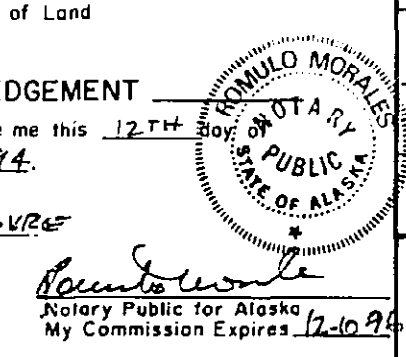
Date: JAN. 12, 1994

Director
 Division of Land

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 12th day of JANUARY, 1994.

For: RICHARD A. LEFEBVRE



CERTIFICATE OF LESSEE (TRACTS B-1 & B-2)

I (we) hereby certify that I am (we are) the legal applicant (s) of the property shown and I (we) hereby approve this plat of survey.

Date: 12/22, 1993

Witnessed by: George A. Jefferson, Lessee

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 12th day of DEC, 1993.

For: GEORGE A. JEFFERSON



CERTIFICATE OF LESSEE (TRACT B-3 & B-6)

I (we) hereby certify that I am (we are) the legal applicant (s) of the property shown and I (we) hereby approve this plat of survey.

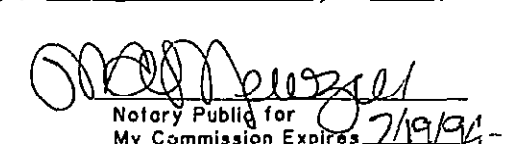
Date: 12-20, 1993

Witnessed by: Rick Frederickson, Lessee

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 20th day of DEC, 1993.

For: RICK FREDERICKSON



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described and that all dimensions and other details are correct.

Date: 10/8/93
 Malcom A. Menzies, L.S. No. 1410-S

APPLICANT TRACTS B-1 & B-2
 George A. Jefferson
 4925 Hummingbird Lane
 Juneau, Alaska 99801
 ADL No. 103289

APPLICANT TRACTS B-3 & B-6
 Echo Bay Alaska, Inc.
 3100 Channel Drive, Suite 2
 Juneau, Alaska 99801
 ADL No. 104789-B-3
 ADL No. 105531-B-6

SCALE: 1" = 100' (30.48 m)

1 Meter = 3.280833 U.S. Survey Feet
 1 Hectare = 0.4047 Acre

BEARING OBJECT TABLE (CONT.)		
CORNER	BEARING - DISTANCE	OBJECT
ATS 1328	N29°37'00"E - 17.38'	POWER POLE
C-2 TRACT B-3	S59°20'30"E - 94.51'	POWER POLE
ATS 1328	S46°39'00"W - 10.00'	R.M. No. 1
TRACT B-5	N46°39'00"E - 10.00'	R.M. No. 1
TRACT B-4	N84°00'00"W - 10.00'	R.M. No. 2
ATS 1328	N48°07'00"E - 10.00'	R.M. No. 1
TRACT B-4	N41°53'00"W - 10.00'	R.M. No. 2
ATS 1328	S48°07'00"W - 10.00'	R.M. No. 1
TRACT B-5	S41°53'00"E - 10.00'	R.M. No. 2

Date of Survey: April, 1986
 April, 1991

Name of Surveyor: R & M ENGINEERING, INC.
 P.O. BOX 34278
 JUNEAU, AK, 99803 9117C3

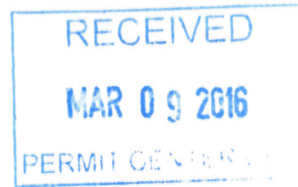
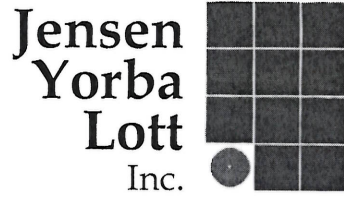
STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF LAND
 Anchorage, Alaska

ALASKA TIDELANDS SURVEY No. 1328

A SUBDIVISION OF
 TRACT B, A.T.S. No. 203
 WITHIN PROTRACTED
 Sec. 5, T.42S., R.68E., C.R.M.,

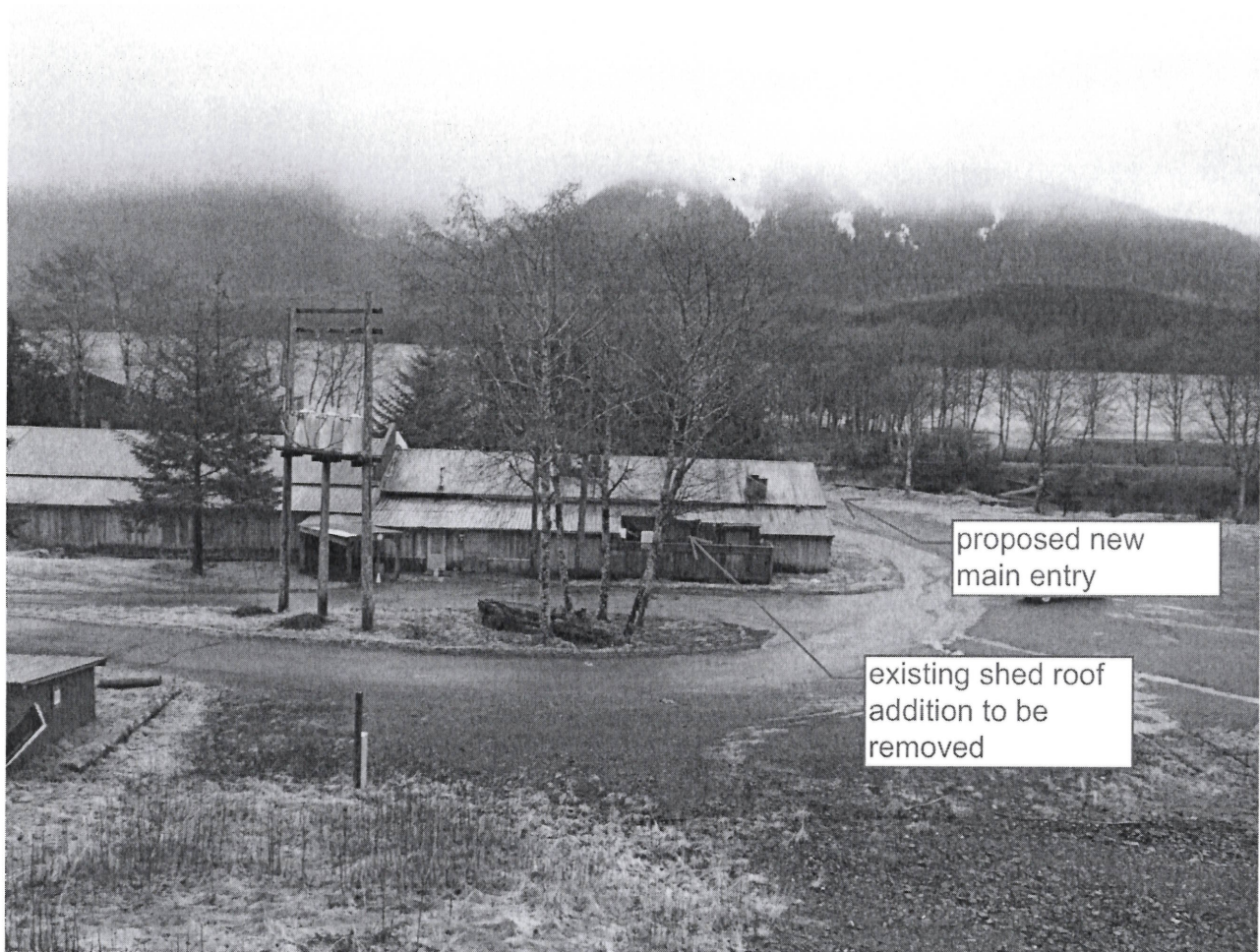
Drawn By: D.S.
 Date: 4-9/13-92/93

Approval Recommended: [Signature]
 STATEWIDE PLATTING SUPERVISOR
 Checked: M.A.M. File No. A.T.S. 1328



EXISTING BUILDING PHOTOS

Serving Alaska Since 1935



Northwest portion of the existing building, Douglas Island in the distance. The deteriorated shed roof additions would be removed, allowing the original building form, reminiscent of a long house, to predominate.

ARCHITECTURE • INTERIOR DESIGN • CONSTRUCTION MANAGEMENT

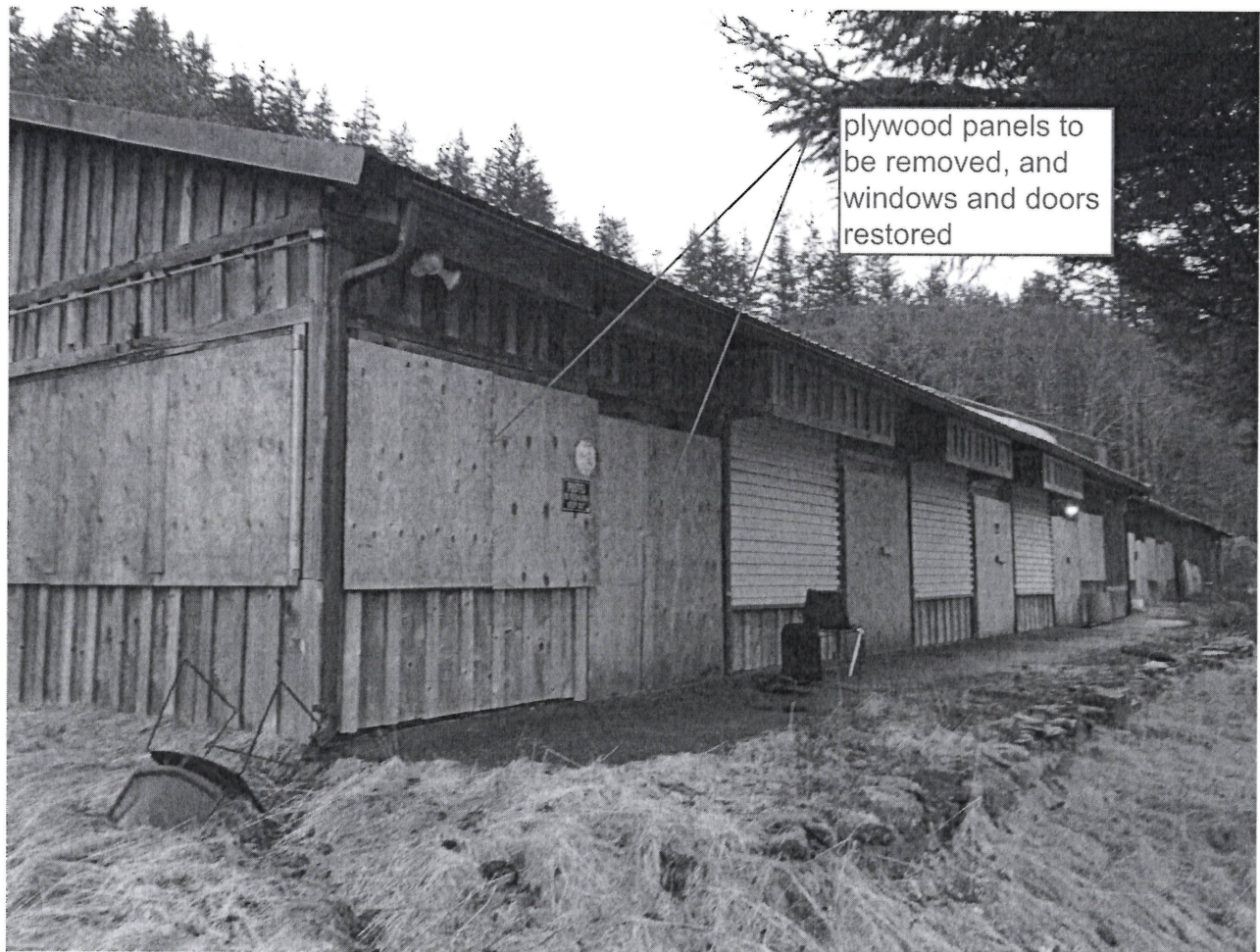
522 WEST 10TH STREET JUNEAU, ALASKA 99801

(907) 586-1070 FAX (907) 586-3959

www.jensenyorbalott.com

PAGE 1

Attachment E – Site Photos



South side of existing building. This side of the building will open to outdoor craft pavilions as well as allow outdoor dining and access to other outdoor activities. The temporary plywood security panels and metal shutters conceal windows and patio doors that would be replaced.



ARCHITECTURE • INTERIOR DESIGN • CONSTRUCTION MANAGEMENT

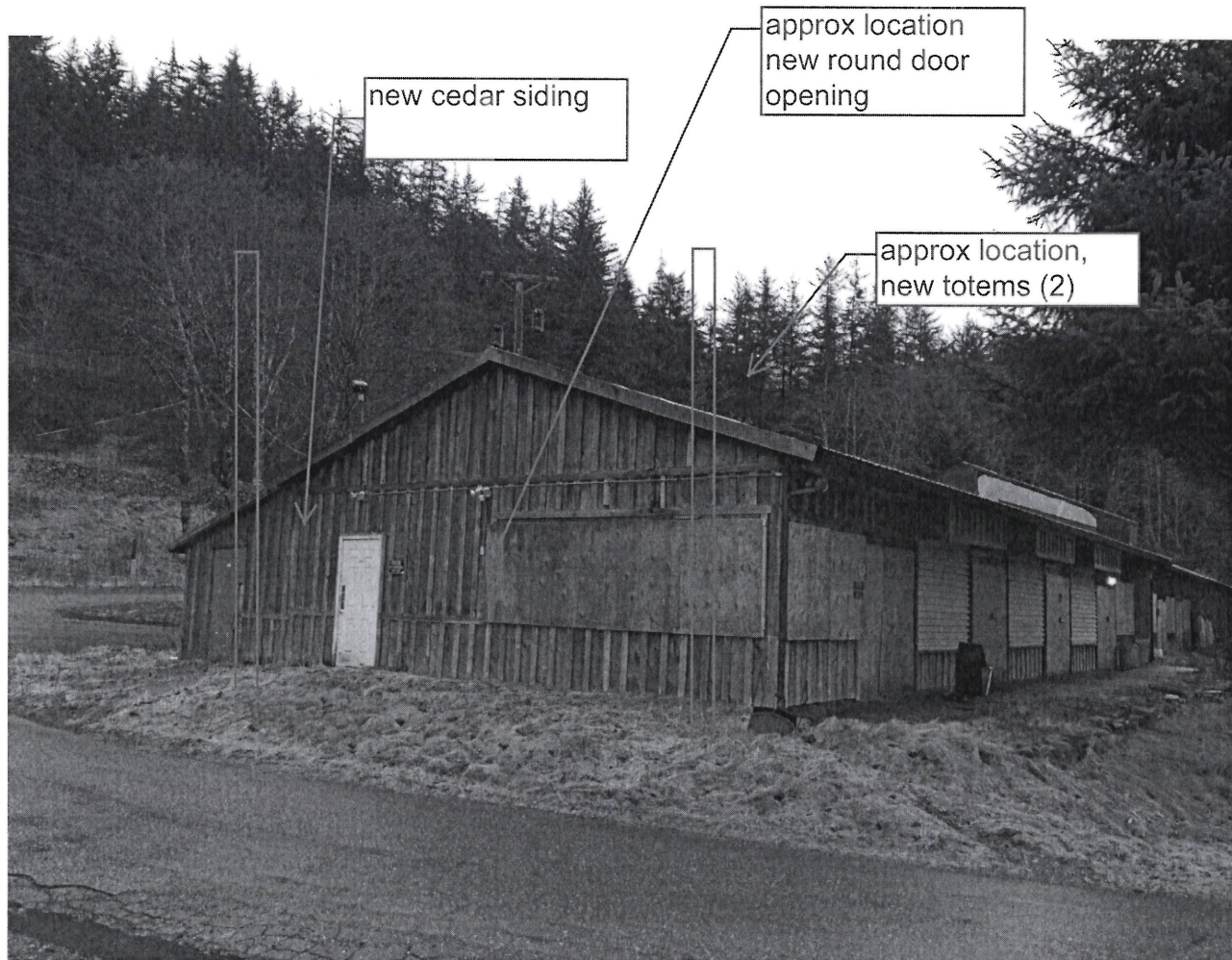
522 WEST 10TH STREET JUNEAU, ALASKA 99801

(907) 586-1070 FAX (907) 586-3959

www.jensenyorbalott.com

PAGE 2

Attachment E – Site Photos



Existing west end of the building. This façade would be reconfigured to reflect the main end wall of a traditional long house, including a round entry door and flanking totems, and new cedar siding.



ARCHITECTURE • INTERIOR DESIGN • CONSTRUCTION MANAGEMENT

522 WEST 10TH STREET JUNEAU, ALASKA 99801

(907) 586-1070 FAX (907) 586-3959

www.jensenyorbalott.com

PAGE 3

Attachment E – Site Photos

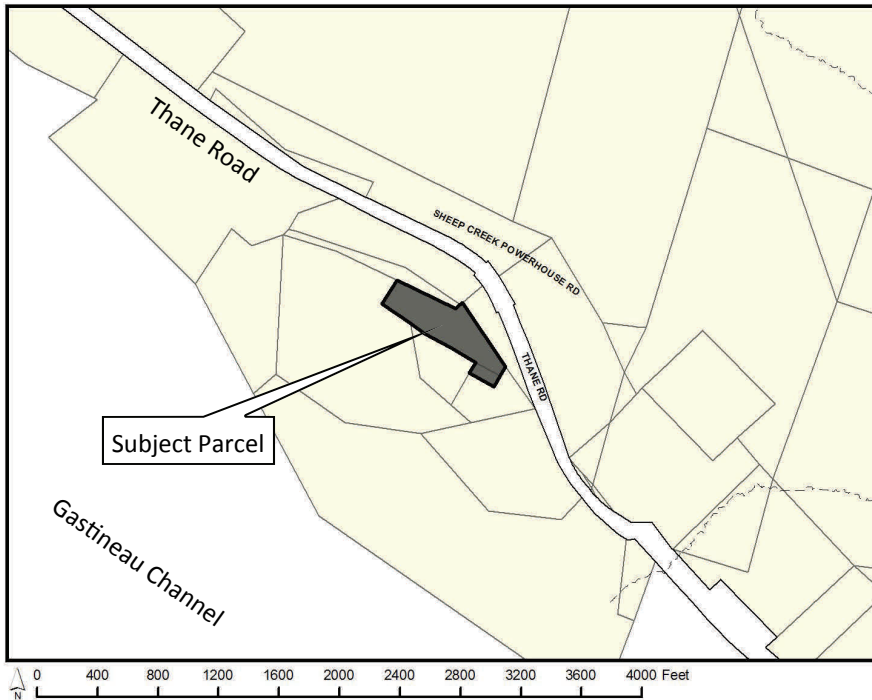
THANE ROAD NEIGHBORHOOD MEETING MARCH 14, 2016

	NAME	ADDRESS	EMAIL
1	Donna Brod Pierce	3281 Nowell Ave Inu	donnabpierce@yahoo.com
2	Gary Gillette	CBJ Docks & Harbors	gary.gillette@junEAU.org
3	KIRK MERTL	4615 THANE ROAD	mertl@alaska.net
4	Patrick Bava	4825 Thane Rd	
5	Larry Spengler	4545 Thane	LSpengler@ak-net
6	Brock MEREDITH	2697 CHANNEL DRIVE, JUNEAU	BRock-MEREDITH@DIPAC.NET
7	William Martin	3800 McInnis Dr.	wmartin@cchite.org
8	Bruce & Charmaine Wea	5100 Thane Road	
9	Joan Walser	5501 Thane Rd	
10	MARK WUMKES	5501 THANE	mwumkes@gmail.com
11	Albert Bixby	5030 THANE	abixby22@yahoo.com
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			



NOTICE OF PUBLIC HEARING

Packet Page 55 of 255



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Conditional Use Permit for the Re-development of the old Thane Ore House into a restaurant and cultural immersion park.

File No:	USE2016 0010	Applicant:	Jensen Yorba Lott Inc.
To:	Adjacent Property Owners	Property PCN:	1-B03-0-102-003-0
Hearing Date:	June 14, 2016	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	55,757 Square Feet
Place:	Assembly Chambers	Zoned:	W-I
	Municipal Building	Site Address:	4400 Thane Road
	155 South Seward Street	Accessed Via:	Thane Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Allison Eddins at allison.eddins@juneau.org or 586-0758



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: May 11, 2016

Parcel Number	Owner	Site Address	Mailing Label with PCN	Mailing Label
1B0301020041	AJT MINING PROPERTIES INC & CITY AND BOROUGH OF JUNEADOCKS AND HARBORS & DOCKS AND HARBORS	4404 Thane Rd	1B0301020041AJT MINING PROPERTIES INC & CITY AND BOROUGH OF JUNEADOCKS AND HARBORS & DOCKS AND HARBORS155 S SEWARD STJUNEAU, AK 99801	AJT MINING PROPERTIES INC & CITY AND BOROUGH OF JUNEADOCKS AND HARBORS & DOCKS AND HARBORS155 S SEWARD STJUNEAU, AK 99801
1B0301020041	AJT MINING PROPERTIES INC & CITY AND BOROUGH OF JUNEADOCKS AND HARBORS & DOCKS AND HARBORS	4404 Thane Rd	1B0301020041AJT MINING PROPERTIES INC & CITY AND BOROUGH OF JUNEADOCKS AND HARBORS & DOCKS AND HARBORS5601 TONSGARD CTJUNEAU, AK 99801	AJT MINING PROPERTIES INC & CITY AND BOROUGH OF JUNEADOCKS AND HARBORS & DOCKS AND HARBORS5601 TONSGARD CTJUNEAU, AK 99801
1B0301020021	ALASKA ELECTRIC LIGHT & POWER CO	3950 Thane Rd	1B0301020021ALASKA ELECTRIC LIGHT & POWER CO5601 TONSGARD CTJUNEAU, AK 99801	ALASKA ELECTRIC LIGHT & POWER CO5601 TONSGARD CTJUNEAU, AK 99801
1B0301050090	ALASKA INDUSTRIAL DEV & EXPORT AUTH CITY AND BOROUGH OF JUNEADOCKS AND HARBORS &	4411 Thane Rd	1B0301050090ALASKA INDUSTRIAL DEV & EXPORT AUTH480 W TUDOR RDANCHORAGE, AK 99503	ALASKA INDUSTRIAL DEV & EXPORT AUTH480 W TUDOR RDANCHORAGE, AK 99503
1B0301020030	DOCKS AND HARBORS STATE OF ALASKADEPARTMENT OF NATURAL RESOURCES &	4400 Thane Rd	1B0301020030CITY AND BOROUGH OF JUNEADOCKS AND HARBORS & DOCKS AND HARBORS155 S SEWARD STJUNEAU, AK 99801	CITY AND BOROUGH OF JUNEADOCKS AND HARBORS & DOCKS AND HARBORS155 S SEWARD STJUNEAU, AK 99801
1B0301050060	DEPARTMENT OF NATURAL RESOURCES STATE OF ALASKADEPT OF NATURAL RESOURCES &		1B0301050060STATE OF ALASKADEPARTMENT OF NATURAL RESOURCES & DEPARTMENT OF NATURAL RESOURCES550 W 7TH AVE STE 1260ANCHORAGE, AK 99501	STATE OF ALASKADEPARTMENT OF NATURAL RESOURCES & DEPARTMENT OF NATURAL RESOURCES550 W 7TH AVE STE 1260ANCHORAGE, AK 99501
1B0301020042	DEPT OF NATURAL RESOURCES		1B0301020042STATE OF ALASKADEPT OF NATURAL RESOURCES & DEPT OF NATURAL RESOURCESPO BOX 111020JUNEAU, AK 99811-1020	STATE OF ALASKADEPT OF NATURAL RESOURCES & DEPT OF NATURAL RESOURCESPO BOX 111020JUNEAU, AK 99811-1020



**City and Borough of Juneau
Community Development Department**

155 South Seward Street

Juneau, Alaska 99801

Telephone: 586-0715 Facsimile: 586-3365

Project Name:

Case Number: PAC2016 0008

Project Description: CCTHITA Immersion Park

Applicant: CCTHITA

Property Owner: CBJ Docks and Harbors

Property Address: 4440 Thane Road

Parcel Code Number:

Site Size: 1.2 acres

Zoning: Waterfront Industrial

Existing Land Use: Vacant

Conference Date:

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.

Myrna Gardner		
Tony Yorba		
John Young		
Sven Pearson		
Allison Eddins		

Neighborhood Association/Contact:

Conference Summary

Questions/issues/agreements identified at the conference that were not already 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.

1. Zoning – The lot is zoned Waterfront Industrial (WI) and is approximately 2 acres. Proposed uses for this lot include light manufacturing with a small apprenticeship program, retail, and a restaurant. The type of development and the size of the lot require that this project receive a conditional use permit.

The restaurant and the associated gift shop will be open between May and September. The restaurant area will include a 1,700 square foot dance floor where traditional Native dancer will perform for guests.

The light manufacturing is a use that is allowed in the WI district. The manufacturing will include canoe and totem carving. It is expected that there will be two master carvers and a maximum of four apprentices. In the summer most of the carving will take place outside under temporary shelters. This is so tourists can walk around the property and observe the master craftsmen while they work. During the winter months the carving will take place indoors, in the dance floor and gift shop space.

2. Setbacks – Front, rear and side yards have a minimum of 10 foot setbacks. The temporary shelters where the carving will take place during the summer are allowed within three feet of any side lot line. Title 49 does not specify setback exceptions for the type of temporary shelter CCTHITA has in mind, but I think subsection (v) covers this. The specific code reference is:
49.25.430 (C) Structures unheated. The following unheated structures are allowed in required yard setbacks, as provided below, and provided that roof eaves associated with these structures may be no closer than two feet to any side lot line (v) other enclosures, devices, structures or accessories deemed by the director to be similar to a building or to those other items listed in this subsection.
3. Height – The maximum height for structures on a WI lot is 45 feet.
4. Parking – Each parking space should be clearly marked. This can be accomplished with planter boxes designating each space, rope and post fencing, and many other creative and inexpensive ways that will clearly mark each parking space. The following parking calculations are based on CBJ 49.40.200 (2) and 49.40.210.

Use	Parking per gross floor area	Gross Floor Area	Required Spaces
Restaurant	1/200 sf	1,700 sf	8.5
Retail	1/300 sf	1,350 sf	7.8
Light Mfg.	1/1,000 sf	3,000 sf	3
Fishing Stalls	Required by Docks & Harbors		5
Accessible Space			1
Loading Area			1
Total Parking			26

Attachment H – Zoning Inquiry Letter

Pre-Application Conference Final Report

5. Landscaping – WI requires a minimum vegetative coverage of 5%. However, the parking area is required to be nicely landscaped. All vegetative coverage and landscape improvements shall be shown on a site plan that will be provided to the Community Development Department.
6. Building – The building is currently not equipped with a sprinkler system. The building official and architect discussed the possibility and necessity of installing a sprinkler system, fire separation and type of occupancy. These details will be straightened out when the time comes to submit a detailed building plan.
7. Fire District – The Fire Marshal discussed the ingress/egress on the site and believes it to be more than adequate to accommodate a fire engine. Fire protection within the building will need to be discussed more thoroughly after the engineers and architects have had a chance to examine the building.
8. Lighting – The parking area and pedestrian walkways will need to have adequate lighting. All exterior lighting will need to be shown on a site plan.
9. Habitat Issues – There are currently no habitat issues on this lot.
10. Lot Coverage – There is no maximum lot coverage for WI, but Title 49 does require a minimum of 5% vegetative cover and parking areas should be attractively landscaped. This is a slight contradiction in the Code language. I advise the applicant to leave as much of the natural vegetation on site as possible.
11. Traffic – CCTHITA is planning to have two 72 passenger busses arrive at the site for a lunch time tour and dining experience, and the same number of busses and passengers for an evening tour and dining. Traffic coming to the site will minimal since most, if not all, guests will be bussed in from the cruise ship docks. The number of staff members is not known at this time. The flow of traffic in and out of the site should be clearly indicated on the site plan. There should be adequate space for ingress and egress into each parking space. Pedestrian walkways should be clearly marked
12. Engineering – No comments at this point.
13. Noise – The nature of the manufacturing that will be occurring at the site should not produce any noise that nearby property owners would find disruptive.
14. Drainage – If a grading permit is needed, drainage will be addressed at that time.
15. Utilities – No public water or sewer on the site. All existing and proposed utilities should be clearly marked on the site plan.
16. Wetlands – There are currently no wetland issues on this lot.
17. Hazard/Avalanche/Hillside Endorsement – The lot is outside of a mapped hazard area.
18. Flood – A portion of the lot and a small portion of the building is located in a mapped flood zone AE. The base flood elevation in this area is 24 feet and the majority of the building is above the BFE. Any new, enclosed structures must be kept out of the flood zone shown on the FEMA map that is attached.
19. Other Agency Reviews – No additional agency reviews are necessary at this time.

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

Attachment H – Zoning Inquiry Letter

Pre-Application Conference Final Report

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 that was provided at the pre-application conference, as long as there have been no significant changes to the proposal.
3. A detailed site plan that shows the building location, parking, traffic flow into and within the site, exterior lighting and similar features, utilities, and landscaping.

Fee estimates

The fee for a Conditional Use Permit application and review is based on the proposed use, building space and lot space. This will be a commercial use in a building that is less than 10,000 sf and using less than one acre of land, making the fee \$500.00, per CBJ49.85.100 (3) (B) (i).

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

Submit your completed application

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

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-3365
Web: www.Juneau.org



City and Borough of Juneau
Community Development Department
 155 South Seward Street
 Juneau, Alaska 99801
 Telephone: 586-0715 Facsimile: 586-3365

Project Name:

Case Number: PAC2016 0008

Project Description: CCTHITA Immersion Park

Applicant: CCTHITA

Property Owner: CBJ Docks and Harbors

Property Address: 4440 Thane Road

Parcel Code Number:

Site Size: 1.2 acres

Zoning: Waterfront Industrial

Existing Land Use: Vacant

Conference Date:

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.

Myrna Gardner		
Tony Yorba		
John Young		
Sven Pearson		
Allison Eddins		

Neighborhood Association/Contact:

Attachment I – Pre Application Notes

Conference Summary

Questions/issues/agreements identified at the conference that were not already 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.

1. Zoning – The lot is zoned Waterfront Industrial (WI) and is approximately 2 acres. Proposed uses for this lot include light manufacturing with a small apprenticeship program, retail, and a restaurant. The type of development and the size of the lot require that this project receive a conditional use permit.

The restaurant and the associated gift shop will be open between May and September. The restaurant area will include a 1,700 square foot dance floor where traditional Native dancer will perform for guests.

The light manufacturing is a use that is allowed in the WI district. The manufacturing will include canoe and totem carving. It is expected that there will be two master carvers and a maximum of four apprentices. In the summer most of the carving will take place outside under temporary shelters. This is so tourists can walk around the property and observe the master craftsmen while they work. During the winter months the carving will take place indoors, in the dance floor and gift shop space.

2. Setbacks – Front, rear and side yards have a minimum of 10 foot setbacks. The temporary shelters where the carving will take place during the summer are allowed within three feet of any side lot line. Title 49 does not specify setback exceptions for the type of temporary shelter CCTHITA has in mind, but I think subsection (v) covers this. The specific code reference is:
49.25.430 (C) Structures unheated. The following unheated structures are allowed in required yard setbacks, as provided below, and provided that roof eaves associated with these structures may be no closer than two feet to any side lot line (v) other enclosures, devices, structures or accessories deemed by the director to be similar to a building or to those other items listed in this subsection.
3. Height – The maximum height for structures on a WI lot is 45 feet.
4. Parking – Each parking space should be clearly marked. This can be accomplished with planter boxes designating each space, rope and post fencing, and many other creative and inexpensive ways that will clearly mark each parking space. The following parking calculations are based on CBJ 49.40.200 (2) and 49.40.210.

Use	Parking per gross floor area	Gross Floor Area	Required Spaces
Restaurant	1/200 sf	1,700 sf	8.5
Retail	1/300 sf	1,350 sf	7.8
Light Mfg.	1/1,000 sf	3,000 sf	3
Fishing Stalls	Required by Docks & Harbors		5
Accessible Space			1
Loading Area			1
Total Parking			26

Attachment I – Pre Application Notes

Pre-Application Conference Final Report

5. Landscaping – WI requires a minimum vegetative coverage of 5%. However, the parking area is required to be nicely landscaped. All vegetative coverage and landscape improvements shall be shown on a site plan that will be provided to the Community Development Department.
6. Building – The building is currently not equipped with a sprinkler system. The building official and architect discussed the possibility and necessity of installing a sprinkler system, fire separation and type of occupancy. These details will be straightened out when the time comes to submit a detailed building plan.
7. Fire District – The Fire Marshal discussed the ingress/egress on the site and believes it to be more than adequate to accommodate a fire engine. Fire protection within the building will need to be discussed more thoroughly after the engineers and architects have had a chance to examine the building.
8. Lighting – The parking area and pedestrian walkways will need to have adequate lighting. All exterior lighting will need to be shown on a site plan.
9. Habitat Issues – There are currently no habitat issues on this lot.
10. Lot Coverage – There is no maximum lot coverage for WI, but Title 49 does require a minimum of 5% vegetative cover and parking areas should be attractively landscaped. This is a slight contradiction in the Code language. I advise the applicant to leave as much of the natural vegetation on site as possible.
11. Traffic – CCTHITA is planning to have two 72 passenger busses arrive at the site for a lunch time tour and dining experience, and the same number of busses and passengers for an evening tour and dining. Traffic coming to the site will minimal since most, if not all, guests will be bussed in from the cruise ship docks. The number of staff members is not known at this time. The flow of traffic in and out of the site should be clearly indicated on the site plan. There should be adequate space for ingress and egress into each parking space. Pedestrian walkways should be clearly marked
12. Engineering – No comments at this point.
13. Noise – The nature of the manufacturing that will be occurring at the site should not produce any noise that nearby property owners would find disruptive.
14. Drainage – If a grading permit is needed, drainage will be addressed at that time.
15. Utilities – No public water or sewer on the site. All existing and proposed utilities should be clearly marked on the site plan.
16. Wetlands – There are currently no wetland issues on this lot.
17. Hazard/Avalanche/Hillside Endorsement – The lot is outside of a mapped hazard area.
18. Flood – A portion of the lot and a small portion of the building is located in a mapped flood zone AE. The base flood elevation in this area is 24 feet and the majority of the building is above the BFE. Any new, enclosed structures must be kept out of the flood zone shown on the FEMA map that is attached.
19. Other Agency Reviews – No additional agency reviews are necessary at this time.

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

Attachment I – Pre Application Notes

Pre-Application Conference Final Report

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 that was provided at the pre-application conference, as long as there have been no significant changes to the proposal.
3. A detailed site plan that shows the building location, parking, traffic flow into and within the site, exterior lighting and similar features, utilities, and landscaping.

Fee estimates

The fee for a Conditional Use Permit application and review is based on the proposed use, building space and lot space. This will be a commercial use in a building that is less than 10,000 sf and using less than one acre of land, making the fee \$500.00, per CBJ49.85.100 (3) (B) (i).

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

Submit your completed application

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

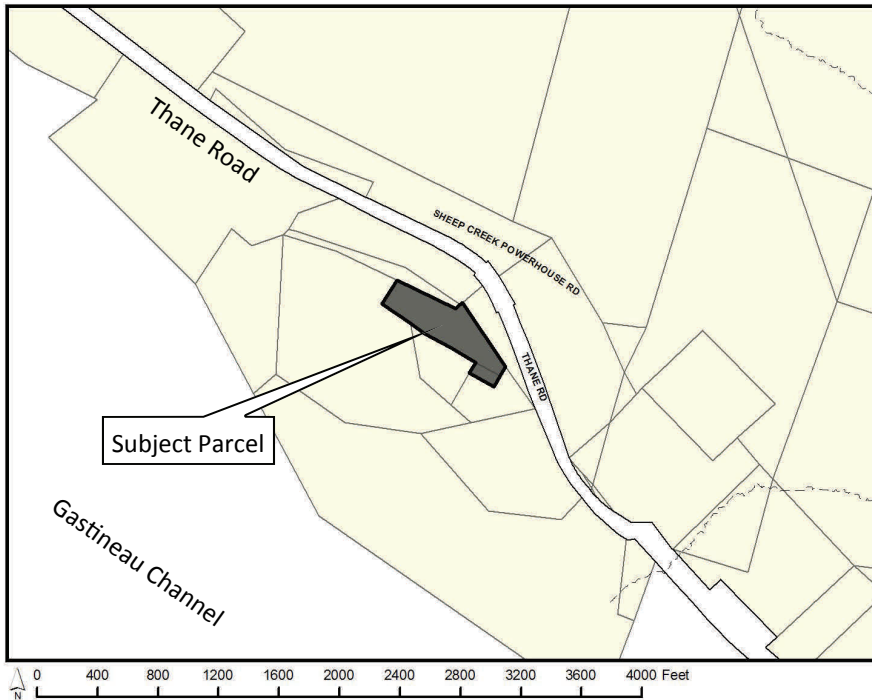
City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-3365
Web: www.Juneau.org



NOTICE OF PUBLIC HEARING

Packet Page 65 of 255



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Conditional Use Permit for the Re-development of the old Thane Ore House into a restaurant and cultural immersion park.

File No:	USE2016 0010	Applicant:	Jensen Yorba Lott Inc.
To:	Adjacent Property Owners	Property PCN:	1-B03-0-102-003-0
Hearing Date:	June 14, 2016	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	55,757 Square Feet
Place:	Assembly Chambers	Zoned:	W-I
	Municipal Building	Site Address:	4400 Thane Road
	155 South Seward Street	Accessed Via:	Thane Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Allison Eddins at allison.eddins@juneau.org or 586-0758



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: May 11, 2016



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION NOTICE OF DECISION

Date: June 15, 2016
File No.: USE2016 0010

Central Council Tlingit-Haida Indian Association
320 W. Willoughby Avenue
Juneau, AK 99801

Application For: Conditional Use Permit for the re-development of the old Thane Ore House into a restaurant and cultural immersion park.

Legal Description: ATS 1328 Tracts B1 and B2
Property Address: 4400 Thane Road
Parcel Code No.: 1-B03-0-102-003-0
Hearing Date: June 14, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 6, 2016, and approved the Conditional Use Permit for a restaurant and cultural immersion park in a Waterfront Industrial district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant will execute a lease with the CBJ. This Notice of Decision does not authorize any development without an executed lease and any required building permits.
2. The applicant will receive an approved land use permit from the Alaska Department of Natural Resources that will allow the canoe exhibit and launch to be located on State property.
3. Any heavy construction activity shall be limited to 7:00 am to 10:00pm Monday through Friday, and 9:00am to 10:00pm Saturday and Sunday.
4. In order to ensure the health and safety of travelers along Thane Road, any driveway improvements required by the Alaska Department of Transportation must be installed prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a Certificate of Occupancy, the applicant must receive DEC approval for the on-site septic system.
6. Prior to the issuance of a building permit an exterior lighting plan, to be evaluated by the Community Development Department, showing light fixture type and location should be submitted in order to demonstrate that lighting will be directed away from surrounding properties.

Central Council Tlingit-Haida Indian Association

File No.: USE2016 0010

June 15, 2016

Page 2 of 2

7. If substantial improvements to the building are required, an engineer or architect licensed in the State of Alaska must inspect and certify that the building is properly anchored and safe to be in a flood zone.
8. The applicant shall submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.
9. To the greatest extent possible, the existing vegetation should be maintained in order to minimize the visual impact of the project on adjacent State land.
10. Per 04 CBJAC 050.020 all open storage shall conform to the 10 foot front yard setback requirement for a Waterfront Industrial zoning district and shall be enclosed by a sight obscuring fence or vegetation at least six feet high.

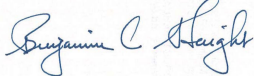
Attachments: June 6, 2016 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2016 0010.

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, June 14, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or December 14, 2017, 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.

Project Planner:	 Allison Eddins, Planner Community Development Department	 Ben Haight, Chair Planning Commission
	 Filed With City Clerk	June 17, 2016 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.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: June 1, 2016

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: USE20160016

PROPOSAL: Conditional Use permit to establish an asphalt plant at an existing contractor storage and service yard for two construction seasons.

GENERAL INFORMATION

Applicant: Walsh Planning & Development Services for Miller Construction, Ltd.

Property Owner: Sherwood Lane Development LLC

Property Address: 2500 Sherwood Lane

Legal Description: Sherwood Estates Block A Lot 3

Parcel Code Number: 4-B17-0-110-003-0

Site Size: 5.2 acres

**Comprehensive Plan
Land Use Designation:** Heavy Industrial

Zoning: Industrial (I)

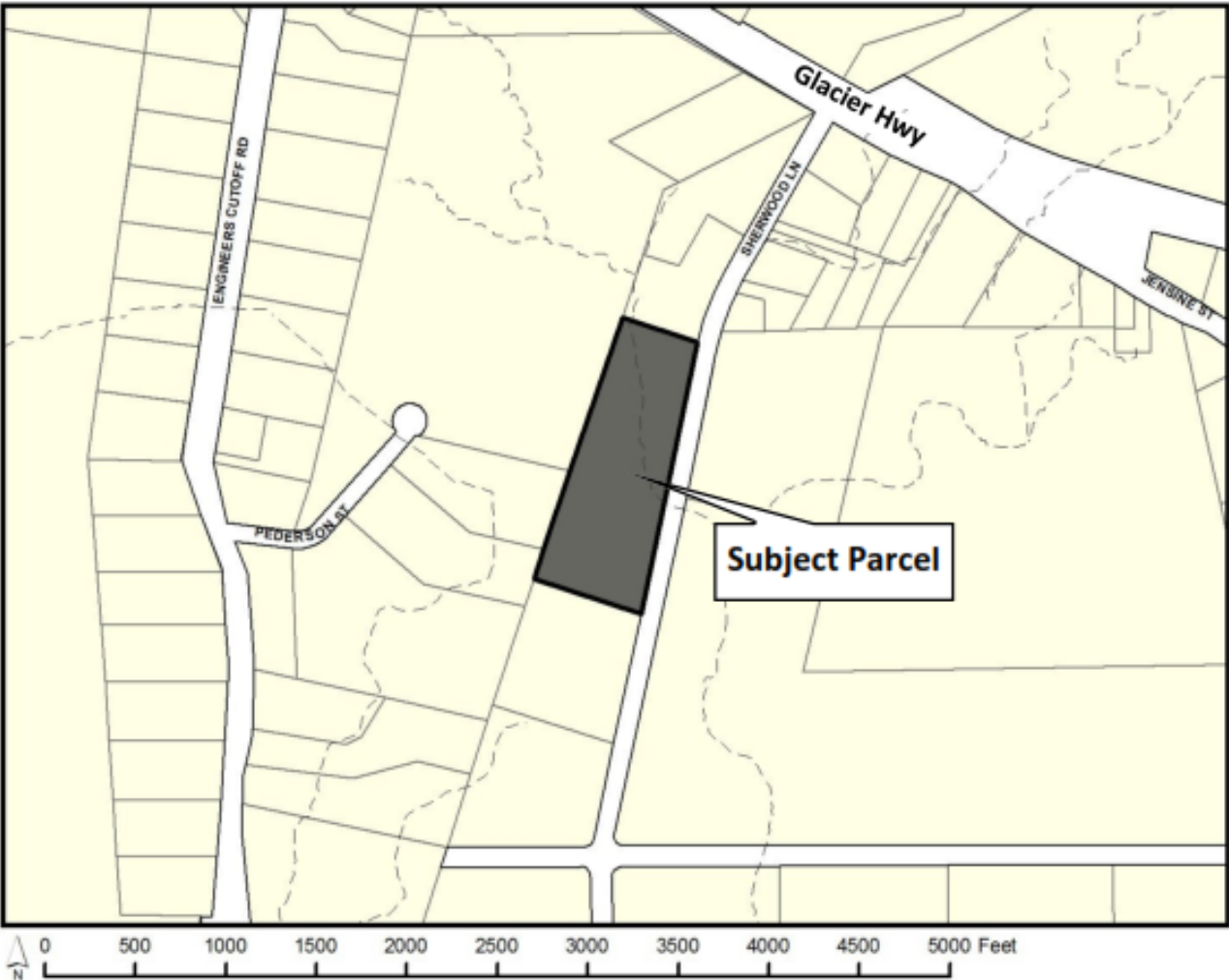
Utilities: CBJ Water and Sewer

Access: Sherwood Lane

Existing Land Use: contractor storage yard and rock crusher

Surrounding Land Use:	North	-	Industrial, State DMV Office Building
	South	-	Industrial, Vacant
	East	-	Industrial, CBJ Fire Training Center; and Industrial, Vacant CBJ property
	West	-	vacant Residential property D-1(T) D-3 (Planning Commission recommended change to D-3(T) D-5 for this portion at the 5/24/16 Planning Commission meeting); and D-1 Single-family Residential

Vicinity Map



Planning Commission
 File No.: USE2016-0016
 June 1, 2016
 Page 3 of 13

ATTACHMENTS

Attachment 1 Development Permit Application
 Attachment 2 Conditional Use Permit Application
 Attachment 3 Project Narrative
 Attachment 4 Alaska Department of Environmental Conservation Air Quality Permit for the asphalt plant, with attachments
 Attachment 5 Revised Site Plan
 Attachment 6 Site Plan showing only the 30-foot buffer requirement
 Attachment 7 Applicant Traffic Mitigation Plan
 Attachment 8 Project Description Additional Information
 Attachment 9 CBJ Engineering Comments
 Attachment 10 CBJ Code 29.20.095 Disturbing the Peace and 104 CBJ AC 50.020 Performance Standards
 Attachment 11 Truck Traffic Clarification 5/31/16
 Attachment 12 Additional Note Regarding Paving to Control Dust 5/28/16
 Attachment 13 Pre-application Conference Meeting Notes
 Attachment 14 Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit to operate an asphalt plant for two years at an existing contractor storage and service yard. No new wetland fill will be needed, and the current pad will not be enlarged. The asphalt plant will occupy about one acre in the southeast corner of the site. Water will be obtained from either an on-site well or from CBJ water. Most of the water for cooling and stack emission capture will be recycled after treatment in settling ponds. A portion will be discharged to groundwater after treatment. Hours of operation will be typically from 7 am to 7 pm, but no later than 8 pm. Days of operation will be Monday through Friday. Operations on Saturday and Sunday would only happen in special circumstances such as public projects that are urgent or delayed by weather. (Attachment 3)

The project site is currently used for storage of wheeled equipment. The applicant states that there is plenty of room, with some rearrangement, for the asphalt plant to be placed on site as shown in the site plan. Miller Construction has two other locations where equipment can be re-located. (Attachment 8)

The plant has an approved air quality permit from the Alaska Department of Environmental Conservation (ADEC) and meets the required 30-foot distance from adjacent occupied structures. This issue will be addressed in the Public Health and Safety Section of this report.

BACKGROUND

Previous Permits: Previous permits issued for the site include the following:

- USE2004-0073. Approved on November 23, 2005. An Allowable Use Permit for crushed rock stockpiles, heavy equipment storage, and a construction business office/shop
- USE2004-0072. Approved on October 12, 2005. An Allowable Use Permit for a driveway in the Sherwood Lane Right-of-way.

Planning Commission
 File No.: USE2016-0016
 June 1, 2016
 Page 24 of 13

- USE2004-0071. A Conditional Use Permit application for a rock crusher, withdrawn prior to the Planning Commission hearing.
- CMR2004-0003. Approved on January 17, 2006. Alaska Coastal Management Program review for discharge of 18,000 cubic yards of clean sand, rock, and gravel into 3.11 acres of wetlands for the construction of a construction yard.

Agency Review

The 15-day agency review period, required by CBJ Code for all Conditional Use Permits, was conducted from May 13 through May 30. The CBJ Building Division, CBJ Fire Department, CBJ Streets Division, and the Alaska Department of Environmental Conservation (ADEC) Division of Water, Non-Point Source section responded with statements that they had no concerns or had no comment.

CBJ Lands Division: The CBJ Lands Division expressed concerns in phone conversations that the development might not comply with the 30-foot ADEC buffer requirement and the 50-foot no-development setback from the anadromous stream on the site. This will be addressed in the Public Safety and Habitat Sections of this report. The Lands Division did not provide any written comments.

Alaska Department of Transportation: The Alaska Department of Transportation and Public Facilities (ADOT&PF) responded specifically to the applicant's traffic mitigation plan. This issue is addressed in the Traffic Section of this report.

Alaska Department of Environmental Conservation (ADEC): The ADEC Division of Water, Wastewater Discharge Authorization Program, commented that the plant would be covered by ADEC's Multi-Sector General Permit, and noted that a new Stormwater Pollution Prevention Plan (SWPPP) would be required. The applicant has prepared a draft SWPPP, as discussed in the Habitat Section of this report. Staff recommends a condition to require a final SWPPP prior to issuance of a grading permit. This issue is addressed further in the Habitat Section of this report.

The ADEC Division of Water responded with questions for the applicant. ADEC's questions and the applicant's response are provided below.

- ADEC: Is the travel route and culverts/bridges existing or proposed?
 - o Applicant: The travel route, culverts and bridges are all existing.
- ADEC: Why is there a proposed oil/water separator within the 50-foot anadromous stream setback?
 - o Applicant: The oil/water separator was proposed in the original 2006 contractor storage yard application. It was not installed because other oil control methods were adopted. It would not have been in the 50-foot setback. It will have it removed from the drawing. We will also refine the drawing to show more clearly where the creek is and where the 50-foot setback line is.
- ADEC: Will the mitigation pond be used as a settling pond, or just the settling pond (demarked as a small square) near the proposed oil/water separator?
 - o Applicant: The pond shown on the east side of the creek and on the northerly end of the site is in fact a pond that was created in 2006 as mitigation for the fill permit obtained

Planning Commission
 File No.: USE2016-0016
 June 1, 2016
 Page 5 of 13

from the Corps of Engineers. So, although it is not designated on the drawing as a mitigation pond, that is what it is. The pond is routinely monitored by ADF&G Habitat and is well-regarded as a habitat enhancement. The creek is far more productive with the addition of that pond, and no, it will not be used as a settling pond or in any other way associated with the current application.

Alaska Department of Fish and Game: ADFG responded with the comment, "This activity will not negatively impact resources for which ADFG is responsible. Thanks for the opportunity to comment." CDD staff followed up to ensure that ADFG did not have any concerns with impact of the activity on the pond on the site, and ADFG replied, "The activity will not affect the pond. That said, if the CBJ is going to require them to do any mitigation, we would be happy to work with them to improve the area surrounding the pond to keep it buffered better and provide more leaf litter and food source into the pond." This issue is addressed further in the Habitat Section of this report.

CBJ Engineering: CBJ Engineering commented that an old building permit, BLD2006-384, had not been finalized, and also noted that a maintenance schedule was still needed for the oil-water separator that was required on site. These issues are not related to the proposed asphalt plant development.

Regarding the proposed plant, Engineering noted that an Erosion and Sedimentation Control Plan would be required, as well as a new grading permit that complies with the CBJ Manual of Stormwater Best Management Practices. Engineering also noted that these are required after the Conditional Use Permit is issued, not before. (Attachment 9)

Engineering further commented that there is an existing Stormwater Pollution Prevention Plan (SWPPP) in place from 2006, and there are currently no erosion issues on site. As noted in comments from ADEC, a new SWPPP will be required for the plant. Consistent with recent asphalt plant reviews in April and May 2016, staff recommends that the new SWPPP be provided to CDD prior to issuance of the required grading permit.

ANALYSIS

Project Site and Design

The project will be located on one acre in the southeast corner of the site. In Attachment Three (3), the applicant explains that the making of asphalt is the process of warming the binding agent, which is a petroleum product, and then mixing it with two or three sizes of aggregate, and then loading it on to delivery trucks, typically dump trucks capable of carrying a 15-ton load of hot mix asphalt. The four key features are:

1. **The binder heating plant:** The plant will be supplied with public utility electricity or by a rented generator. If a generator is used, it will meet the CBJ's noise standards. The hot binder is then piped into the mixing drum simultaneously with the other components of the mix.
2. **The aggregate storage bins:** These are where the aggregate is stored by size and "staged" for mixing. The operator, following the mix instructions from the customer, uses feed conveyors to

Planning Commission
 File No.: USE20160016
 June 1, 2016
 Page 6 of 13

add the aggregate to the mixing drum. All pumps, belts, and other machinery will be electrically powered.

3. The mixing drum: This will also be electrically operated. When the operator determines that the mix is correct, it is then conveyed for loading.
4. The loading tower or "silo" as shown on the drawing: This is an archway under which a truck is driven and stopped for loading. Loading 2.5 ton dump truck takes a little under two minutes.

Staff notes that the first item above refers to a rented generator, while other parts of the application state that only CBJ electricity will be used, not a generator. When staff requested clarification from the applicant, the applicant responded with the following statement:

The Millers will use a genset generator only until AELP can deliver utility power to the site. The temporary nature of the asphalt plant is not a determining factor because the power needs to be brought to the site anyway for downstream use. The generator will be a very quiet one and will probably not be needed for more than a month, but it will get with AELP and narrow that down.

The applicant notes that customers have different needs, however the general plan is to keep three stockpiles of aggregate on the site that will be close to the storage bins, from which the aggregate flows into the mixing drum. The stockpiles will be re-supplied from off-site. The aggregate will also be prepared off-site.

Traffic, Parking and Circulation

Parking Requirements: Parking requirements for commercial and industrial developments, established in CBJ Code 49.40.210(a) are based on gross floor area, which is not applicable to the proposed development. The code does not have an established parking requirement for asphalt plants or similar uses that utilize large outdoor plants and outdoor storage areas.

The development includes five spaces for parking, as noted in the revised site plan, Attachment Five (5). Two of these will be for the two employees that will operate the plant, one will be for supervisor visitation, one will be for customers, and the fifth will be for government officials. Staff notes that one of the five spaces must be accessible, as required by code. Portable restrooms will be placed on site during operations. Trucks used for asphalt hauling will be parked in an equipment staging area when not in use.

Truck Traffic: As noted earlier, the amount of truck traffic will be variable depending on the project. The project narrative, Attachment Three (3), describes predicted truck traffic in two different sections. Those sections appear to give different estimates, without an explanation of whether the numbers are based on a one-way trip, or a round-trip. For the purposes of estimating the number of trips generated by a proposed use, each trip in, and each trip out is counted separately; in other words, each round trip is counted as two trips.

Staff asked for clarification of truck traffic numbers, which the applicant provided in a follow-up email included as Attachment Twelve (12). The applicant's response provides a detailed explanation of the numbers that were provided and why they appeared to be in conflict, as well as information on existing

Planning Commission
 File No.: USE2016-0016
 June 1, 2016
 Page 7 of 13

traffic from the pre-existing contractor storage yard on site. The conclusion of this reply is that the average daily truck traffic from the site is estimated at 170 truck trips per day, plus six employee trips (for three employees), for a total of 176. The maximum truck traffic is estimated at 240 truck trips per day, plus employee trips for a total of 246.

CBJ Code 49.40.300 establishes the standards for a traffic impact analysis (TIA). A traffic impact analysis is not required for a development that is projected to generate fewer than 250 Average Daily Trips. The applicant's average estimate of 176 truck trips per day is well below this amount. The maximum of 246 is also below this amount. Therefore a traffic impact analysis is not required.

Truck Traffic Mitigation: The primary traffic concern with the development will be left turns by trucks from Sherwood Lane onto Glacier Highway. The applicant has provided the following traffic mitigation plan:

The asphalt plant will generate traffic on an intermittent basis as discussed elsewhere in the project narrative. The vast majority of customers and projects will be most commonly served by trucks turning right from Sherwood Lane onto Veterans Memorial Highway at the existing intersection. Returning trucks will use the existing left turn pocket lane that keeps them from blocking outbound traffic. There will be few occasions where asphalt-carrying trucks will need to make a left turn. This will be managed on a job-by-job basis. At the onset of a specific paving project best served by left-turning trucks, the Alaska DOT South Coast Region will be asked for permission to use flaggers to control the highway traffic to allow the trucks to make the left turn with reduced risk. The trucks will be loaded and staged in groups of five or six so that the number of instances where traffic has to be stopped is limited to once or twice a day in most cases. The Alaska DOT has standards and qualifications for how flaggers are to work and the number, size and kind of signs and warning devices that are needed for various types of highway work. Miller Construction has a trained and experienced crew that have had the training needed for this function. (Attachment 7)

Marie Heidemann, DOT Transportation Planner, reviewed the applicant's plan and responded to CDD with the following statement:

"We are okay with this traffic mitigation plan. We will expect them to provide their plans to us in writing in advance of any flagging procedures, as they have outlined below. We also will prohibit this activity during peak hour traffic times."

Noise

The applicant states that the entire plant will be powered with electricity rather than generators, except for a short period estimated at one month before electricity from AEL&P can be secured on site. The generator is not a concern, because the hours of operation and decibel levels will comply with CBJ Noise Ordinance, and because the development is in an established industrial zone. The applicant says that the drum sounds are in the very low frequency range and will meet CBJ Noise Standards. Staff notes that all industrial areas that utilize trucks generate noise from back-up alarms. The CBJ Noise Ordinance, 49.20.095, and CBJ Performance Standards, 4 CBJ AC 50.20, has been included in Attachment 10 for reference.

Planning Commission
 File No.: USE2016-0016
 June 1, 2016
 Page 8 of 13

Public Health or Safety

The CBJ Fire Department was notified of the project during the Agency review period (see Background section) and had no concerns.

The application includes a permit from the Alaska Department of Environmental Conservation (ADEC) for the asphalt plant (Attachment 4). The asphalt plant permit requirements state that the plant may not be operated within 30 feet of the nearest residential or occupied structure for more than two construction seasons. ADEC's definition of "occupied" includes office buildings or any other structure with people routinely in and around it.

The applicant's proposal is to operate the plant for two years; therefore the 30-foot distance applies. (A permanent asphalt plant has a much greater distance requirement of 800 feet from occupied structures.) The point of measurement is from the exhaust pipe. The applicant has provided a separate map that shows the 30-foot radius from the exhaust pipe to surrounding structures (Attachment 5). The closest structure, a single-family residence located to the west, is approximately 345 feet from the exhaust pipe to the nearest corner of the house, according to the applicant's map. CDD staff did a rough measurement of the distance using the CBJ's GIS parcel map, and found a distance of 355 feet. A one hundred percent accurate determination would require a separate survey after the exhaust pipe is in place. CDD accepts that the development meets this requirement based on the information available. Other structures, including the State of Alaska Department of Motor Vehicles building, are well beyond the 30-foot required distance.

Habitat

Habitat issues have been addressed through the Agency review period described in the Background Section of this report. CDD received comments from three divisions of ADEC, from ADFG, and from CBJ Engineering regarding habitat and stormwater management.

The proposed development will maintain the required 50-foot no-development setback from Pederson Hill Creek, an anadromous stream and DEC-classified impaired water body. No new wetland fill is proposed. ADFG commented that they have no concerns with the development, and that the development will not impact the habitat pond on site, which was established as a habitat mitigation condition of the Allowable Use Permit, USE2004-0073, that approved the contractor storage yard.

The ADEC Division of Water, Wastewater Discharge Authorization Program, commented that the asphalt plant would be covered by ADEC's Multi-Sector General Permit, and noted that a new Stormwater Pollution Prevention Plan (SWPPP) would be required. CBJ Engineering noted that an Erosion and Sedimentation Control Plan would be required, as well as a new grading permit that complies with the CBJ Manual of Stormwater Best Management Practices. Consistent with recent asphalt plant reviews in April and May 2016, staff recommends the following condition:

Prior to the issuance of a grading permit, the applicant shall provide CDD with the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of the adjacent stream.

Planning Commission
 File No.: USE2016-0016
 June 1, 2016
 Page 9 of 13

Dust Control

Pages 23, 24, and 26 of the Project Narrative, in Attachment B, address dust control. The applicant states that working surfaces of the site will be misted as needed to prevent fugitive dust. The more significant source of dust will arise from the process of moving aggregate to make asphalt. Aggregate will be deposited in stockpiles from trucks and then moved by loader into the storage/drying bins. Misting heads will be placed to knock down dust from these operations but will not add moisture to the aggregate. The water in the misting process will fall onto impervious surfaces and then flow into the stormwater management system for treatment.

Regarding potential dust from the road, the applicant sent an email dated 5/28/16 (Attachment 12) which states that Miller Construction intends to pave the driveway to the site from where it starts at the Department of Motor Vehicles building all the way into the site. This driveway is currently approved as a driveway in the right-of-way, per USE2004-0072, as listed in the Background Section of this report.

Lighting

The applicant states that nearly all operations will be during daylight; however, any supplemental light will be directed into the facility and not off-site.

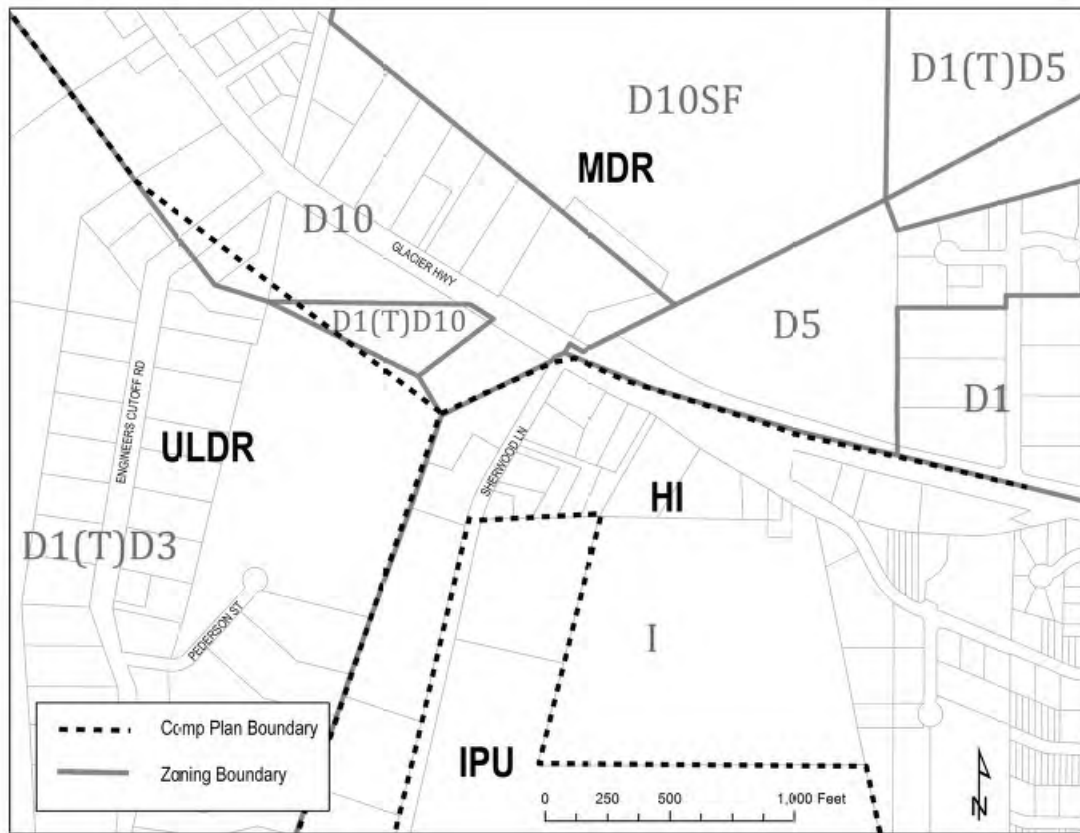
Consistent with recent asphalt plant reviews and similar permits, staff recommends the following standard condition:

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.

Property Value or Neighborhood Harmony

The project site has been approved as a contractor storage yard for industrial use since 2005. The adjacent property to the north is the State of Alaska Department of Motor Vehicles building, located in the Industrial Zoning District. Adjacent properties to the east include the CBJ Fire Training Center and a vacant CBJ parcel, both zoned industrial. An additional vacant industrially-zoned property lies to the south, and other industrial properties lie to the north as shown in the map below. Industrial traffic is well-established on Sherwood Lane.

Planning Commission
 File No.: USE2016-0016
 June 1, 2016
 Page 10 of 13



The most significant impacts of the development may be to the two single-family homes located immediately to the west, in the D-1 zoning district. The large vacant property just north of these two single-family lots is currently zoned D-1(T)D-3. At the May 28, 2016 Planning Commission, the Planning Commission recommended to the Assembly that this southern area of the parcel be changed to a higher density of D-3(T)D-5.

The development lies within an established industrial area, and proposed hours and days of operation conform with the CBJ Noise Ordinance. Truck traffic will follow established routes on Sherwood Lane and Glacier Highway. Near and adjacent properties will have additional noise from the proposed operation; however, this noise is typical and reasonable for industrial areas and is not expected to reduce surrounding property values, particularly as a two-year operation.

Conformity with Adopted Plans

2013 Juneau Comprehensive Plan: As shown in the map in the previous section, the property is designated as Heavy Industrial in the 2013 Comprehensive Plan, the most intensive category of industrial use. The proposed development is consistent with this classification.

Planning Commission
 File No.: USE20160016
 June 1, 2016
 Page 11 of 13

Policy 5.11 of the Comprehensive Plan states:

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.

Implementing Action 5.11-1A4 states:

Create heavy industrial zoning areas appropriate for the basic industry sector, including fisheries, mining support services, forest products, and others.

The proposed development substantially conforms to these designations and policies.

FINDINGS

CBJ § 49.15.330(e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ § 49.15.330(f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of, or be out of harmony with property in the neighboring area; or
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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?

Yes. Staff finds 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.

Planning Commission
 File No.: USE20160016
 June 1, 2016
 Page 12 of 13

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 4.100, Heavy Manufacturing, for the Industrial Zoning District.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided on the June 23, 2016 and June 10, 2016 issues of the Juneau Empire's "Your Municipality" Section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. No evidence indicates that the proposed development will materially endanger the public health or safety. The development meets ADEC distance requirements from the asphalt plant to occupied structures.

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

No. The proposed development is within an established industrial area. Based on the preceding analysis, no evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with 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?

Yes. The proposed development is in general conformity with adopted plans including the 2013 Juneau Comprehensive Plan. The development specifically conforms with Comprehensive Plan policy 5.11 regarding industrial uses.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. The project does not require any new wetland fill and conforms with the 50-foot no-development setback to the anadromous stream on site. A new Stormwater Pollution Prevention Plan will be required prior to issuance of the final grading permit.

Planning Commission
 File No.: USE2016-0016
 June 1, 2016
 Page 13 of 13

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a temporary, two-year asphalt plant at an existing contractor storage and service yard. The approval is subject to the following conditions:

- 1) *Prior to issuance of a building (grading) permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.*
- 2) *Prior to the issuance of a building (grading) permit, the applicant shall provide CDD with the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of the adjacent anadromous stream.*

DEVELOPMENT PERMIT APPLICATION

Project Number		CITY and BOROUGH of JUNEAU		Date Received: <u>5/5/16</u>	
Project Name (City Staff to Assign Name)					

INFORMATION	Project Description Establish a temporary asphalt plant at an existing contractor storage and service yard.				
	PROPERTY LOCATION				
	Street Address 2500 Sherwood Lane			City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Sherwood Estates Bl A Lot 3				
	Assessor's Parcel Number(s) 4B1701100030				
	LANDOWNER/ LESSEE				
	Property Owner's Name Miller Construction		Contact Person: Toby Miller		Work Phone: 789-9514
	Mailing Address P.O. Box 032638		Home Phone:		Fax Number:
	E-mail Address mccldt@gei.net		Other Contact Phone Number(s):		
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****				
PROJECT / APPLICANT	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><i>Toby Miller</i></u> Landowner/Lessee Signature		Date <u>4/20/16</u>		
	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" and sign and date at X below				
	Applicant's Name WPDS for Miller Construction		Contact Person: Murray Walsh		Work Phone: 723-8444
	Mailing Address 2974 Foster Ave., Juneau, AK 99801		Home Phone: 586-1106		Fax Number:
	E-mail Address murray@acsalaska.net		Other Contact Phone Number(s):		
	X <u><i>Murray Walsh</i></u> Applicant's Signature		Date of Application <u>5-5-16</u>		

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE				
	☒	Permit Type Building/Grading Permit	***SIGN	Date Received	Application Number(s)
	☐	City/State Project Review and City Land Action	☐		
	☐	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)	☐		
	☐	Mining Case (Small, Large, Rural, Extraction, Exploration)	☐		
	☐	Sign Approval (If more than one, fill in all applicable permit #'s)	☐		
	☐	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)	☐		
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	☐		<u>USE 2016 0016</u>
	☐	Variance Case (De Minimis and all other Variance case types)	☐		
	☐	Wetlands Permits	☐		
	☐	Zone Change Application	☐		
	☐	Other (Describe)	☐		
	Comments: ****Public Notice Sign Form filled out and in the file.				
					Permit Intake Initials

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

FORMS 2010 Amendments Revised November 2009

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Project Description – Pacific Coast Paving, Inc.

RECEIVED
MAY 05 2016
PERMIT CENTER/CDD

May 5, 2016

Introduction: Pacific Coast Paving, Inc., (co-owned by Miller Construction, LTD and Cutting Edge Development) or Applicant, hereafter, is applying for a Conditional Use Permit from the City and Borough of Juneau. The request is for a two-year temporary establishment of an asphalt plant at an existing Sherwood Estates Block A, Lot 3, also called 2500 Sherwood Lane. The yard currently contains the typical contractor storage items in parking or laydown areas. The site is far from full and there is plenty of space for a portable asphalt plant that would operate for two construction seasons.

This five-acre site has been in use for construction support for since 2006. A Corps of Engineers permit and CBJ grading permit as well as a CU for the original yard were all obtained in that year. No new fill will be need and the current pad will not be enlarged. The asphalt plant will occupy about one acre in the SE corner of the site. It will use raw water from a well on site (or CBJ water if there is sufficient capacity) for cooling and discharge that water into the ground water after treatment in one or more settling ponds. The cooling water will not come into contact with any petroleum products.

The plant has an air emissions permit from ADEC which is enclosed with this application. The permit has setback requirements for permanent and temporary asphalt plant. "Temporary" is defined as two consecutive construction seasons. The setback requires that the plant be no closer than 330 feet of the "nearest occupied structure off the work site" as stated in the ADEC permit. "Occupied structure" has been interpreted by agency staff to include residences, offices and any other building where people live or work. The location proposed herein easily meets this setback requirement.

General Operation: The making of asphalt is a process of warming the binding agent, a petroleum product, and then mixing it with two or three sizes of aggregate, and then loading it on to delivery trucks, typically dump trucks capable of carrying a 15-ton load of hot mix asphalt. So, the four key features are:

1. The binder heating plant. The heat will be supplied with public utility electricity or by a rented generator. If a generator is used, it will meet the CBJ's noise standards. The hot binder is then piped into the mixing drum simultaneously with the other components of the mix.
2. The aggregate storage bins. These are where the aggregate is stored by size and "staged" for mixing. The operator, following the mix instructions from the customer, uses feed conveyors to add the aggregate to the mixing drum. All pumps, belts and other machinery will be electrically powered.

3. The mixing drum. This also will be electrically operated. When the operator determines that the mix is correct, it is then conveyed for loading.
4. The loading tower or “silo” as shown on the drawing. This is an archway under which a truck is driven and stopped for loading. Loading a 15 ton-capable dump truck takes a little under two minutes.

Asphalt recipes vary by need and by customer. The State of Alaska Dept. of Transportation and Public Facilities has very stringent requirements for hardness of the aggregate and other aspects for asphalt used in highway paving. Other customers will have different needs but in general the plan is based on keeping three stockpiles of aggregate on the site that are close to the storage bins from which the aggregate flows into the mixing drum.

The stockpiles will be re-supplied from off-site. The aggregate will also be prepared off-site. The most typical example is the Miller Construction operations at Stablers Point where rock is shot, processed and loaded.

The proposed plant can generate 1700 tons of product per 12-hour day. That is 142 tons per hour or about ten loads per hour. Designing an asphalt-laying project is based on a mix of factors: How big is the job? How many days will it take? How fast can product be laid down? Will more than one paving machine be used? How far from the plant is the job? All these factors will be analyzed to produce a specification for how many trucks will be allocated to the job. The performance requirement for that specification will be that every truck is constantly moving, loading or dumping. If there are trucks sitting at idle waiting to load, then there are too many trucks on the job. There is plenty of room on the site for many trucks, just in case of a delay, but there will not be trucks waiting at idle off the site.

Three aggregate stockpiles are shown on the site plan. Each will be roughly conical with a base diameter of about 40 feet. Of course, there will be additional truck traffic to deliver the prepared aggregate to the plant site. In most cases however, the delivery of aggregate and the export of product will not happen simultaneously. Paving is weather dependent and cannot be done in excessively wet conditions. So, in typical practice, aggregate will be delivered over the course of a day or two and the binding oil will be heated if the weather is anticipated to be acceptable the following day. There is an aggregate-drying feature in the production process. However, efficient production requires aggregate to be as dry as possible *prior* to entry into the dryer. So, the aggregate storage bins have covers and the stockpiles will be covered as well. This is another reason to maintain the stockpiles in sizes to accommodate the immediate need, but to keep them as small as possible otherwise.

A few words should be said about the overall tempo of the operation. The CBJ planning process asks a lot of questions about capabilities and capacities and the answers may be wrongly taken as minimums, not maximums. The plant will not be operating continuously every day during the construction season. It is rated at 1700 tons of asphalt per day but the local demand is nothing approaching that number over the course of the season. One 15-ton load of asphalt will pave about 800 square feet at three inches thick.

The CBJ requires subdivision residential access roads to be paved at 3 inches' thickness. So, a new access road that is 500 feet long and paved at the typical 28-foot width would have a paved surface area of 14,000 square feet. This would require 262.5 tons or about 18 truckloads of asphalt. Most jobs, other than an airport runway or apron or a major highway re-paving job, will be of this size or smaller. The residential street in this example above would only consume about 15 percent of the plant's total daily capacity.

Looking at operational tempo another way, if the plant was to run at full capacity for two days, it would generate 3400 tons of product. In a two-inch thick lift, that would pave *five acres* of surface area. That is the equivalent of two Costco-sized parking lots. It will be good for the company to get a job or two like that, but such jobs will be countable on one hand over the course of a six-month paving season.

Taking the foregoing into a comprehensive analysis, the following points need to be emphasized:

1. Aggregate delivery and product export will not happen at the same time. This means there will not be any truck congestion on the site and that the whole operation will be quieter than would be the case if both activities were happening at the same time.
2. The stockpile covers and just-in-time delivery of aggregate (i.e. no more than needed for the immediate work) will reduce dust emanation.
3. There will not be lines of queued trucks, off-site, waiting to load.
4. The loading process is fast but that does not mean it will be continuous and operating all day, every day, at full capacity. Meeting demand in Juneau will not tax the plant's capacity and it will appear idle rather than active most of the time.

Dust and Water Management: These two subjects are addressed together because water misting and sprinkling are the keys to dust control and the CBJ has regulatory interest in both. The ground under the plant will not have a layer of fine particles on the surface that could be made airborne by disturbance from truck tires. Even so, there is still some potential for fines to rise and so the working surfaces of the site will be sprinkled as needed to prevent fugitive dust.

A second source of dust will arise from the process of moving aggregate to make asphalt. Aggregate will be deposited in stockpiles from trucks and then moved by loader into the storage/drying bins. Misting heads will be placed to knock down dust from these operations but will *not* to add moisture to the aggregate. The water in the misting process will fall as rain on to impervious surfaces and then flow into the stormwater management system for treatment.

The CBJ code, at Section 19.12.120 sets forth standards for erosion control and stormwater quality. That section requires applicants to prepare and submit an erosion and sedimentation control plan as part of the building permit process. This is typically done when a grading permit is requested and that is typically done *after* a Conditional Use Permit is granted. Even so, the planning staff have asked for some indication for how stormwater will be addressed. In this instance, the response is easy because the site has been managed under a Stormwater Pollution Prevention Plan (SWPPP) prepared by Glenn Johns, a consulting engineer, in 2006. That plan is on file at the General Engineering section affiliated with CDD. The plan will be re-examined by Miller Construction's SWPPP expert to see if it needs any modification as a result of adding the asphalt plant and any such modification will be made before operations begin.

In case it is not clear, the water management plan is to control *all* of the water arriving at the site and make sure it meets standards before it is released. There are no current erosion issues to address and certainly none will be created.

Other Matters:

- a. **Water Quality:** On-site water will be used for the dust control system but it will be filtered and recycled. That water, along with stockpile and site runoff, will be eventually discharged using a filtration and settling pond system. Excess water will be discharged, after treatment, into the ground through a sump. The need for a Stormwater Pollution Prevention Plan and Notice of Intent are acknowledged. Miller Construction has prepared many of these and will do so before plant operations begin. As noted above, a Stormwater Pollution Prevention Plan is already in place and the pertinent pages will be posted on the site.
- b. **Existing drainage:** The site is currently managed in accord with a SWPPP prepared in 2006. The features include a ditch along the sides of the filled area with ditch checks to filter the runoff. No new features are anticipated other than the misting and cooling water treatments described elsewhere.
- c. **Noise:** The entire plant will be powered with electricity meaning that there will be no motor noises. The drum sounds are in the very low frequency range and will meet CBJ noise standards.
- d. **Glare:** Nearly all operations will be during daylight hours but any supplemental light will be directed into the facility and not off-site.

- e. Air Quality: There will be no airborne emissions other than truck engines. Likewise, there will be no odors emitted that are detectable off site. The Western Region Climate Center website shows the prevailing wind for Juneau Airport as generally from the east. The plant already has a DEC air permit. The plant originally operated in Soldotna and was permitted there. Attached is a letter dated June 23, 2015 from DEC to the previous and new owners acknowledging the transfer of the plant and the permit. A separate permit for rock crushing will not be needed. The DEC permit specifies that placing this plant on a permanent basis requires a setback of 800 feet from any structure occupied by human beings. A temporary plant, defined as two construction seasons, must be at least 330 feet from occupied structures and this application is indeed for a temporary plant. The drawing shows the exhaust stack and it is more than 330 feet from the two nearest structures.
- f. The model number/name for the plant is X551 CMI Hot Plant. We do not know if a similar plant has been used in Juneau.
- g. Stockpiling of aggregate on site will be minimal. The preparation of aggregate crushing rock and sorting it by size. Aggregate will be brought to the asphalt plant site as needed and loaded almost immediately, if not immediately, into the feed bins. The stockpiles will be located as shown on the site plan. The three stockpiles shown will accommodate about 1800 cubic yards or 2700 tons. This will support about two days of product at full production rate or a week or more at more typical production rates.
- h. Truck traffic consists of trips carrying asphalt product out of the plant and bringing aggregate and binder agents to the plant. The plant capacity is 1700 tons per day. Using 15-ton capacity trucks means that the combined incoming/outgoing traffic could be as high as 170 truck trips per day or 850 trips in a five-day operating week. As a practical matter, there are very few occasions where the plant would operate at that capacity for days at a time, so typical truck traffic will be considerably less, about 50 trips a day and 250 trips a week.
- i. Hours of operation will be typically from 7:00 AM to 7:00 PM but no later than 8:00 PM. Days of operation will be Monday through Friday. Operations on Saturday and Sunday would only happen in special circumstances such as public projects that are urgent and delayed by weather. Months of operation will be April to October, although operations will not begin until there is reasonable assurance that freezing will not occur and operations will end if the threat of freezing arises.
- j. There will be a small vehicle parking need of five spaces, which are shown on the site plan adjacent to the Office/Control room. Two of these will be for the two employees that will operate the plant. One will be for supervisor visitation. One will be for customers who want to observe or spot check the operation and the fifth will be for any government official who wants to visit for whatever reason.

- k. Dust will be managed by misting heads located near the places where dust is generated. The water mist will fall as rain into the water management system and be treated along with site runoff. Treating this water takes some extra effort and that is the reason for the three water management ponds shown on the site plan. The misting heads are built into the system components. They are not outdoor misting nozzles commonly seen at rock crushers or other material processing facilities. The idea is to trap the dust particles inside the machines where they are generated and draw them away from the process. Water is sprayed in a fine mist above (and below for conveyor belts) and the mist is vacuumed away to the treatment system. The system is built into the processing circuit, not an external add-on. Dust control for the external areas of the site will be managed with sprinklers as described above.
- l. Vegetative cover. No existing vegetation will be removed.
- m. Traffic Management. Most of the customers will be located in the Mendenhall Valley or other down-channel locations so most asphalt delivery trucks will be turning right from Sherwood Lane on to the highway. If there is a significant delivery destination out the road that requires a lot of asphalt trucks to turn *left* on to the highway, the applicant will provide State of Alaska-approved traffic controls that include flaggers, cones and warning signs.
- n. The plant is an entirely portable assemblage of equipment. The main components are:
 - 1. The heating plant where the petroleum product binder is heated for mixing;
 - 2. Aggregate storage bins which hold a variety of additives for various grades of product;
 - 3. An electrically-powered mixing drum in which the petroleum binder is mixed with one grade or another of aggregate to the customer's specifications;
 - 4. A loading tower where the mixed asphalt is lifted from the mixing drum and dropped into a waiting truck from overhead. This will be a drive-through facility which means the truck will not have to emit any back-up warning sounds, again reducing noise.
 - 5. A small office and control room housed in a portable structure;
 - 6. One Porta John for on-site staff to use.
 - 7. Dust control equipment that will use on-site water; and,
 - 8. A water quality maintenance system of ponds and filters.
 - 9. Outdoor stockpiles of crushed rock used for aggregate.

This is a picture showing a typical setup of the proposed plant. A service building that includes an office/control room will be incorporated into the plant. The location is shown on the attached drawing but there is no such structure showing in the picture. To meet the CUP application requirements, a picture of another service building is shown herein that will be similar to the building proposed in this application.



The operation consists of heating and mixing the product and then dispensing it to trucks that drive the route shown on the drawing. When loaded, the trucks will then move to the scale that already exists on the site.

Typical Service Building



This description was prepared by the Applicant's Agent, Murray R. Walsh of Walsh Planning & Development Services. Any interested party is welcome to contact Walsh as shown below. Phone: 907-723-8444, e-mail: murray@acsalaska.net or by mail to WPDS, 2974 Foster Ave., Juneau, AK 99801.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF AIR QUALITY
Air Permits Program

410 Willoughby Avenue, Suite 303
PO Box 111800
Juneau, Alaska 99811-1800
Main: 907.465.5100
Toll free: 866.241.2805
Fax: 907.465.5129
<http://www.dec.state.ak.us>

CERTIFIED MAIL: 7014 0150 0000 1163 6430
Return Receipt Requested

June 23, 2015

Terrance J Miller, President
Miller Construction Co. Ltd
PO BOX 32638
Juneau, AK, 99803

Carey Foster, President
North Star Paving & Construction, Inc.
35743 Kenai Spur Highway, Suite A
Soldotna, AK, 99669

Subject: Transfer of Ownership, Administrative Amendment, North Star Paving & Construction Inc.
Asphalt Plant, X551 CMI Hot Plant, Permit No. AQ0176MG301 Revision 2, File #
900.16.115.

Dear Sirs:

The Department of Environmental Conservation (Department) has received correspondence on June 12, 2015 along with affidavits which reflect the transfer of ownership of the North Star Paving & Construction, Inc. Asphalt Plant, X551 CMI Hot Plant, Permit No. AQ0176MG301 Revision 2 to Miller Construction Co. Ltd. The Department finds that the change in the ownership of this stationary source is an administrative amendment as described by 40 C.F.R. section 71.7(d) adopted by reference in 18 AAC 50.040(j) and that no other change to the permit is necessary.

This administrative amendment does not relieve the new Permittee from the responsibility to apply for any other permit or approval required by the Department, the U.S. Environmental Protection Agency (EPA), or local governments. Please be advised that State regulations may differ from federal regulations. If you have any questions regarding compliance with federal regulations, you should contact EPA.

As set out in the signed transfer of ownership from you provided, the obligation of all permit conditions, including pending applications associated with the stationary source and financial responsibilities are accepted in the entirety by the new owner or operator.

Potential to Emit (PTE) was calculated by the Department and is listed below. The Permittee stated that the diesel engine is a nonroad engine so the PTE for the engine is not included in the total PTE.

**Attachment 4 Alaska Department of Environmental Conservation
Air Quality Permit for the asphalt plant, with attachments**

Clean Air

Pollutant	Asphalt Plant	Diesel Engine(s)	Total PTE
NO _x	30.1	N/A	31
CO	71.2	N/A	71
SO ₂	6	N/A	0
PM-10	21.9	N/A	22
VOC	17.5	N/A	18

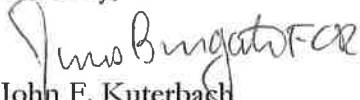
If the engine remains in the same location for more than 12 consecutive months, then it is not a nonroad engine by definition of 40 CFR 89.2, and will be included in total potential and assessable emissions for the stationary source.

This request for administrative amendment indicates the initial location for this plant is 57.104 N, 135.3827 W, Granite Creek Road, Sitka, Alaska 99835. Please note the Permittee obligations to protect air quality per Condition 18 and to submit relocation notifications per Condition 22 if the plant location changes.

A person who has a private, substantive, legally protected interest under state law that may be adversely affected by the permit action, the owner and operator, or, if a public comment process is required or solicited, a person who participated in the public comment process may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 15 days of receipt of the permit decision by email, facsimile, or mail whichever is earlier. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 30 days of issuance of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived. More information on how to appeal a Department decision is available at <http://www.dec.state.ak.us/commish/ReviewGuidance.htm>.

If you have any questions, please contact Daniela Fawcett at (907) 269-7698 or by email at daniela.fawcett@alaska.gov.

Sincerely,


John F. Kuterbach
Program Manager

Enclosures: AQ0176MG302 Revision 2
MG3 Revision 2 TAR

cc: Zeena Siddeek, ADEC/APP/Juneau
Jim Baumgartner, ADEC/APP, Juneau
P. Moses Coss, ADEC/APP, Fairbanks
Elizabeth Nakanishi, ADEC/APP, Anchorage
Doug Hardesty, EPA Region 10, Boise, ID

Patrick Dunn, ADEC/APP/Anchorage
Jim Plosay, ADEC/APP/Juneau
Jeremy Ptak, ADEC/APP, Anchorage
Daniela Fawcett, ADEC / APP, Anchorage

Attachment 4 Alaska Department of Environmental Conservation Air Quality Permit for the asphalt plant, with attachments

ASSIGNMENT OF OWNERSHIP OR DESIGNATION OF NEW OPERATOR AFFIDAVIT OF SOURCE ACCEPTANCE

Stationary Source Name	Asphalt Plant X551	Permit or Approval Number	AQ0176M6301
Stationary Source Location	Hillburt Point Rd	Mile 6	Sitka AK
Effective Date	5/31/15		
New Owner or Operator	Miller Construction Co. Ltd		
Responsible Official	Timothy Miller		
Contact Number	907-789-9514		
Previous Owner or Operator	NorthStar Paving & Construction		
Responsible Official	Carey Foster		
Contact Number	907-262-9139		

RECEIVED

JUN 12 2015

ADEC AQ

As designated above, the new owner/operator hereby accepts the assignment of the above referenced stationary source from the previous owner/operator. The obligation of all permit conditions or approvals to operate, including pending applications associated with the stationary source and financial responsibilities are accepted in the entirety by the new owner/operator, and the parties named below believe that the assignment will not result in an appreciable change in operation of the stationary source under the existing requirements.

For permitted sources, submit a fee for the transfer of ownership administrative amendment as set out by 18 AAC 50.400(i)(1) and (i)(2).

TO	Miller Construction Co Ltd				
	Corporate Name of New Owner or Operator				
	Terrence J Miller President				
	Name, Title	Date			
	PO Box 32638 Juneau AK 99803 907-789-9514				
	Address	City	State	Zip Code	Telephone Number

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Signature: Terrence J Miller Title: President Date: 6/11/15

Subscribed and sworn before me this 11th Day of June 2015

City: Juneau State: Alaska

NOTARY PUBLIC
 MARIEL T. ENRIQUEZ
 STATE OF ALASKA
 My Commission Expires July 27, 2017

Signature: Mariel T. Enriquez
 Notary Public in and for Alaska
 My Commission Expires 07/27/2017

FROM	North Star Paving & Construction, Inc.				
	Corporate Name of Previous Owner or Operator				
	Carey Foster, President 3-26-15				
	Name, Title	Date			
	35743 KSH#A Soldotna AK 99669 907-262-9139				
	Address	City	State	Zip Code	Telephone Number

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Signature: Carey Foster Title: President Date: 3-26-15

Subscribed and sworn before me this 26th Day of March 2015

City: Soldotna State: Alaska

NOTARY PUBLIC
 STATE OF ALASKA

Signature: Sonja Redmond
 Notary Public in and for Alaska
 My Commission Expires 10/22/15

Attachment 4 Alaska Department of Environmental Conservation
 Air Quality Permit for the asphalt plant, with attachments

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AIR QUALITY CONTROL MINOR GENERAL PERMIT**

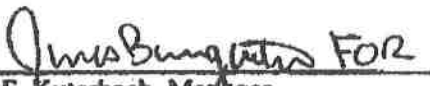
MINOR GENERAL PERMIT 3 FOR HOT-MIX ASPHALT PLANTS

PERMIT NO. AQ0176MG302 Revision 2

Final: April 1, 2015

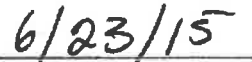
This minor general permit is to be used for the construction, operation, or relocation of the asphalt plant described within, which has a rated capacity of at least five tons per hour of product, as described in 18 AAC 50.502(b)(1), and that is also classified as, or is part of, a minor stationary source, but is not a Title-V stationary source. This minor general permit satisfies the Permittee's obligation to obtain a permit under AS 46.14.120(g). Technical support for permit conditions and an explanation of revisions from the 2009 Minor General Permit 3 can be found in the Technical Analysis Report. This permit authorizes the Permittee to operate any emission unit identified in Table A. This permit is not valid at another source required to have an operating permit. The operator must comply with the applicable requirements at the location where the emission units operate.

This minor general permit does not expire and is valid until the Department terminates, modifies, reopens, or revokes and reissues the permit. The letter of authorization is in effect until withdrawn, modified, revoked and reissued, or if the source no longer qualifies for this permit.


John F. Kuterbach, Manager
Air Permits Program

Application determined complete by:


Signature


Authorization Date


Printed Name

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Table A Facility Information

Permittee:	Miller Construction Co. Ltd.	Plant Name:	X551 CMI Hot Plant, Asphalt Plant
Emissions Unit	Make	Model/Description	Rating/ Capacity
Asphalt Plant:	CMI	X551 / Serial # 732-101	300 tph
Diesel Engines:	Caterpillar	500 SS9E / Serial # 36J1425	500 kW
Control Equipment: ☐ Baghouse ☒ Wet Scrubber			

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

TABLE OF CONTENTS

1. Ambient Air Quality Protection.....	4
2. Relocation Reporting Requirements.....	4
3. General Recordkeeping.....	4
4. General Reporting.....	4
5. Visible Emissions.....	5
6. Particulate Matter Emissions from Asphalt Plants.....	7
7. Sulfur Compound Emissions.....	8
8. Pollution Control Equipment Breakdown.....	8
9. Excess Emissions and Permit Deviations.....	8
10. Air Pollution Prohibited.....	9
11. Non-Road Engines.....	9
12. Change of Ownership.....	9
13. Administrative Fees.....	9
14. Assessable Emissions & Emission Fees.....	9
15. Good Air Pollution Control Practice.....	9
16. Reasonable Precautions to Prevent Fugitive Dust.....	10
17. Equipment Changes.....	10
18. Terms to Make the Permit Enforceable.....	10
19. Source Testing Requirements.....	11
Assessable Emissions Calculations.....	Appendix A
Fugitive Dust Control Plan.....	Appendix B

Required Forms

Relocation Notification Form.....	Form 1
Excess Emissions and Permit Deviation Report Form.....	Form 2
Emission Fee Estimate Report Form.....	Form 3

Sample Forms*

Facility Operating Report Form.....	Form 4
Visible emissions (Method 9) Observations Form.....	Form 5
Smoke/No Smoke Log.....	Form 6
Complaint Log.....	Form 7
Non-road Engine Location Log.....	Form 8
Equipment Changes Report Form.....	Form 9
Asphalt Plant Daily Production Log.....	Form 10

* Online submission of reports may require use of standardized Sample Forms.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

MG3 OPERATING PERMIT CONDITIONS**Table B Emissions Limits**

Emission type	Limit
Opacity (Visible Emissions)	20% for asphalt plant and diesel generators with stack diameters 18 inches or greater 15% for diesel generators with stack diameters smaller than 18 inches
Particulate Matter	0.05 gr/dscf (for plants constructed on or before June 11, 1973) 0.04 gr/dscf (for plants constructed after June 11, 1973)
Sulfur Compounds	500 ppm

LOCATION RESTRICTIONS

1. Ambient Air Quality Protection. Give adequate consideration to siting issues when operating or changing locations of an asphalt plant (see *Note* in Technical Analysis Report).

1.1. Do not operate the Asphalt Plant or a diesel engine within 330 feet of the nearest occupied structure off the work site.

1.2. Do not operate for more than two construction seasons at the same site located:
a. within 800 feet of the nearest residence or other occupied structure off worksite; or
b. within 1,100 feet of the nearest residence or other occupied structure off worksite if the residence or structure is located on terrain that is more than 50 feet above any ground level of the Asphalt Plant aggregate drier or drum mixer.

1.3. Non-road engine location restrictions: A portable engine does not qualify as a non-road engine if it remains in place for 12 consecutive months or is located at a seasonal source and operates during the full annual operating period of the seasonal source.

1.4. *SO₂ Special Protection Area.* If operating in one of the Sulfur Dioxide Special Protection Areas described in 18 AAC 50.025(c) (Unalaska or St. Paul Island areas) you cannot operate diesel engines for electrical power generation unless burning only ULSD; the asphalt plant must use ULSD.

1.5. *Additional Restrictions for Bells Flats (Kodiak).* In any equipment operating at an asphalt plant in the Bells Flats area of Kodiak that burns liquid fuel, you must burn ULSD.

2. Relocation Reporting Requirements. Provide notice to the Department at least 10 days before installing or relocating the Asphalt Plant by using the Relocation Notification form (Form 1). If the location is within one mile of the nearest occupied off-site structure, you must attach a fugitive dust control plan as part of the relocation notice; see Condition 16.

MONITORING, RECORDKEEPING, AND REPORTING

3. General Recordkeeping. Keep copies of all monitoring, recordkeeping, reporting, and all other documents required in this permit for at least five years.

4. General Reporting.

4.1. **Submittals.** Unless otherwise directed by the Department, submit original reports, compliance certifications, or other required documents, by mail, to:

Alaska Department of Environmental Conservation
Air Permits Program
Attn: Compliance Technician
610 University Avenue
Fairbanks, AK 99709-3643

4.2. You may substitute mailed originals by submitting through Department approved electronic reporting methods, if electronic signing methods are available.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

4.3. **Certification:** Certify any permit application, report, affirmations, or compliance certification submitted to the Department and required under the permit by including the signature of a responsible official for the permitted stationary source following the statement: *"Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete."* Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal. See 18 AAC 50.990(93) for the definition of "Responsible Official."

4.4. **Operating Reports.** Submit operating reports as directed by either Condition 4.1 or 4.2, by the dates listed in Table C. The semi-annual Facility Operating Report (FOR) must include all information required by other conditions of this permit. If the facility does not operate during the winter season, you may submit a report early with your summer FOR.

Table C Operating Report Schedule

Report Type	Reporting Period	Due Date
FOR	April 1 – October 31	November 30
FOR	November 1 – March 31	April 30

4.5. **Information Requests.** Furnish to the Department, within a reasonable time, any information that the Department requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit or to determine compliance with the permit. Upon request, furnish to the Department copies of records required to be kept by the permit. The Department may require you to furnish copies of those records directly to the federal administrator.

5. Visible Emissions.

5.1. **Asphalt Plant.** Visible emissions limits are listed in Table B.

Monitor:	- Use EPA Method 9 to determine the opacity of emissions from the asphalt plant. All observations must be at least 18 consecutive minutes. - Identify fugitive emission points capable of producing fugitive emissions. Determine which point has the greatest continuous opacity and use this point for monitoring fugitive emissions. - Observe visible emissions with Method 9 at the baghouse stack or wet scrubber stack AND at the fugitive emission point identified above: - During regular operation loads (not on idle or reduced loads); - Within two days of startup at the beginning of the season or after relocation; - At least once every 30 operating days; and - Within two days of startup following a shutdown of more than 5 days.
Record:	- Keep all observation sheets and summaries for at least five years. - Calculate and record the greatest 6-consecutive-minute averages observed.
Report:	- Submit a list of emission points identified and which point was monitored. This list may be in the form of a simple list, picture with points circled and labeled, or a flow diagram with labeled emissions points. Submit copies of all Method 9 observations in the FOR. - Submit copies of all Method 9 training certificates for all observers in the reporting period. - Report any failure to monitor as a permit deviation according to Condition 9. - If six-minute average opacity is observed as greater than 20%, report as excess emissions under Condition 9 and refer to Condition 15 for Good Air Pollution Control Practices; take corrective actions as appropriate. - Report any excess emissions (If six-minute average opacity is observed as greater than 20%) according to Condition 9.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

5.2. **Diesel Engines.** Visible emissions limits are listed in Table B.

Monitor:	• Use the Smoke/No Smoke Plan or EPA Method 9 to observe emissions from the exhaust stack or port of each diesel engine. • <u>Smoke/No Smoke Plan</u>: Observe each stack for the presence or absence of smoke, excluding water vapor. ○ Initial Frequency: Conduct Smoke/No Smoke observations once every operating day. ○ After monitoring for 30 consecutive operating days, conduct Smoke/No Smoke observations at least once every 30 operating days. ○ If smoke is observed, follow the corrective actions in Condition 5.3. • <u>Method 9</u>: All observations must be at least 18 consecutive minutes. ○ First observation: within two days of the beginning of the operating season or after relocating the plant, or within three days after changing from the Smoke/No Smoke Plan. ○ After the first observation, conduct observations at least once every 30 operating days.
Record:	• Keep all observation sheets, logs, summaries, and Method 9 training certificates for at least five years. • Record date, time, production rate, observer name, and smoke observation in Smoke/No Smoke log.
Report:	• Report which method you used during the reporting period. • Include copies of all Method 9 observations and/or a complete Smoke/No Smoke log for the reporting period in the FOR. • Report if/when you change visible emissions observation methods. • Report any smoke observed under the Smoke/No Smoke Plan and a summary of any corrective actions taken. • If six-minute average opacity is observed as greater than 20%, refer to corrective actions in 5.3.e-5.3.f. • Report any failure to monitor in accordance with Condition 9.

5.3. **Corrective Actions for Smoke Observed in Condition 5.2.** If smoke is observed while conducting Smoke/No Smoke observations:

- a. Do an initial Method 9 observation. If six-minute average opacity is observed as greater than 20%, see corrective actions in Condition 5.3.e or 5.3.f. Continue using Method 9 to monitor visible emissions, following specifications in Condition 5.2. In order to return to Smoke/No Smoke Plan, follow Conditions 5.3.b through 5.3.d.
- b. Initiate actions to eliminate smoke from the engine within 24 hours of the observations;
- c. Keep a written record of the starting date, completion date, and a description of the actions taken to reduce smoke; and
- d. If seven consecutive observations are made of 0% opacity, you may return to the Smoke/No Smoke Plan beginning with initial frequency (Condition 5.2).
- e. If Method 9 observations result in 6-minute average opacity greater than 20%, either:
 - i. Conduct a Particulate Matter source test within 60 days, following the requirements of Condition 19; or
 - ii. Make repairs so that emissions no longer exceed 20% opacity averaged over 6 minutes.
- f. For diesel engines with stack diameter of less than 18 inches, conduct a Particulate Matter source test if Method 9 observations result in 6-minute average opacity greater than 15%.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

6. Particulate Matter Emissions from Asphalt Plant. Do not operate the asphalt plant at a production level greater than the maximum throughput measured during the most recent PM source test that showed compliance, except as provided under Condition 19.2. Particulate matter emissions limits are listed in **Table B**.

6.1. Required Testing and Frequency of Testing. Conduct source tests in accordance with Condition 19 and the following:

- a. If a PM source test has not been approved by the Department for your facility within the last five years, conduct a PM source test within the first 30 operating days after receiving your letter of authorization.
- b. If the source has conducted a PM source test approved by the Department in the last five years, conduct a source test no later than five years after that test or the first operation thereafter.
- c. Conduct a PM source test every five years.
 - i. If results of any PM source test exceed 0.045 gr/dscf for plants constructed on or before June 11, 1973 or 0.036 gr/dscf for plants constructed after June 11, 1973, you must conduct another source test within one year of the date of the most recent PM source test.
 - ii. If the plant does not operate in a calendar year, then the calendar year that the plant did not operate does not count toward the time required to conduct another PM source test in Condition 6.1.c.i.
 - iii. If the plant does not operate in a calendar year, the next source test due date is delayed by one calendar year.

Monitor:	Conduct at least one 18-consecutive-minute set of EPA Method 9 readings during each one hour run of the PM source test.
Record:	- Record the following during each PM source test: - Average asphalt production rate in tons per hour; - Method 9 readings; - Baghouse exit temperature and pressure drop (if applicable); - Wet scrubber pressure drop and water flow rate (if applicable).
Report:	Include records of all visible emissions monitoring, production, and pressure drop or flow rate with the source test report as required under Condition 19.8.

6.2. Asphalt Plant.

Record:	- Keep a daily log of the following: - Daily total asphalt production; - Peak hourly rate of production per day; - Startup and shutdown times with the date for each operating day; - Total hours operated per day; and - Total number of operating hours operated since the last source test. - If you have a baghouse, include the following in your daily log: - Pressure drop across baghouse at beginning and end of each production day; and - Outlet temperature of baghouse at the beginning and end of each production day. - If you have a wet scrubber, include the following in your daily log: - Pressure drop across the scrubber at beginning and end of each production day; - Inlet and outlet temperatures of the scrubber at beginning and end of each production day; and - Daily water flow rate of the scrubber.
Report:	- Include the daily production log for the reporting period in each FOR. - Include a summary of baghouse or scrubber inspections including the information listed in Conditions 15.1.f and 15.2.c.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

7. Sulfur Compound Emissions. Applies to fuel for all engines, including non-road engines. Emissions limits are listed in **Table B**.

Record:	- Keep fuel delivery receipts that specify fuel grade and amount. - If diesel delivery receipts do not show that the diesel is Ultra Low Sulfur Diesel (ULSD) or Low Sulfur Diesel (LSD) test delivered fuel for sulfur content, or get a certification statement or analysis from the supplier that shows fuel sulfur percent by weight. - For liquid fuel from a North Slope topping plant, obtain results of a monthly fuel analysis from the topping plant.
Report:	- If only ULSD or LSD was used for the entire reporting period, submit a statement from the fuel supplier stating only ULSD or LSD was supplied with your semi-annual operating report. - If anything other than ULSD or LSD was used (e.g. used oil fuels), submit a list of fuel deliveries with fuel grades, a certificate from the supplier verifying the sulfur content, or a fuel analysis showing sulfur content. - If natural gas was used during the reporting period, submit a statement certified by the Responsible Official for this time period. - If highline power was used during the reporting period, submit a statement certified by the Responsible Official for this time period. - Include a copy of the fuel analysis from a North Slope topping plant, if applicable. - Report the fuel type, including its sulfur content, used for the asphalt burner.

8. Pollution Control Equipment Breakdowns.

Record:	Keep records of pollution control equipment breakdowns and corrective actions.
Report:	- Notify the Department within two days of a pollution control equipment breakdown as a Permit Deviation in accordance with Condition 9. - Include a summary of each breakdown in the FOR.

9. Excess Emissions and Permit Deviations.

Record:	Keep records of excess emissions, permit deviations, and corrective actions.
Report:	- Report excess emissions that present a potential threat to human health or safety or that the owner, operator, or Permittee believes to be unavoidable as soon as possible. - Report unavoidable emergencies, malfunctions, or non-routine repairs that cause excess emissions within two working days after the event started or was discovered. - Report all other excess emissions or permit deviations, including failure to monitor, within 30 days of the end of the month in which the incident occurs. - Report using the online form at http://www.dec.state.ak.us/air/ap/site.htm or the Excess Emissions and Permit Deviation Form listed as Form 2. - Include a summary of excess emissions and permit deviations in each FOR

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

10. Air Pollution Prohibited.

Record:	- Record the date, time, and nature of all emissions complaints received. - Record the name of the person(s) that complained, if known. - Record a summary of any investigations including reasons you do or do not believe the emissions have caused a violation. - Record any corrective actions taken or planned for complaints
Report:	- Include in FOR for each reporting period: - Number of complaints received. - Number of times you or the Department found corrective action necessary. - Number of times action was taken on a complaint within 24 hours. - Status of corrective actions found necessary that were not taken within 24 hours.

11. Non-road Engines. Defined in 18 AAC 50.990(63) and 40 C.F.R. 89.2.

Record:	Keep a log of the following items for each non-road engine for at least five years: - Date and location of the engine each time it is relocated. - Make, model, serial number, and rated capacity of the engine.
Report:	Include the non-road engine location log in each FOR.

GENERAL CONDITIONS

12. Change of Ownership. If the ownership of the Asphalt Plant is changed, both the new and previous owners must complete a transfer of ownership form and receive authorization to operate from the Department before the plant is operated by the new owner. The Transfer of Ownership form is available from ADEC Air Permits Program staff or on the Department's website. The website address at the time of issuance of this permit is: <http://dec.alaska.gov/air/ap/operatingperapp.html>.

13. Administrative Fees. You are required pay to the Department all assessed permit administrations fees. Administration fee rates are set out in 18 AAC 50.400-405.

14. Assessable Emissions & Emission Fees. You are required to pay to the Department annual emission fees based on the stationary source's assessable emissions as determined by the Department under 18 AAC 50.410. The assessable emission fee rate is set out in 18 AAC 50.410(b). The Department will assess fees per ton of each air pollutant that the stationary source emits or has the potential to emit in quantities great than 10 tons per year. No later than March 31 of each year, you may submit an estimate of the stationary source's assessable emissions to the Department, using the Emission Reporting and Emission Fee Estimate form. Otherwise, emission fees for the next fiscal year will be based on the potential to emit. See Appendix A for calculation of assessable emissions and Form 3 for the Emission Fee Estimate report form.

15. Good Air Pollution Control Practice. For all emission units authorized by this permit, you should perform regular maintenance considering the manufacturer's or the operator's maintenance procedures, keep records of any maintenance that would have a significant effect on emissions, and keep a copy of either the manufacturer's or the operator's maintenance procedures on site.

15.1. If you operate an asphalt plant using a baghouse:

- Operate the baghouse per the manufacturer's recommended operating procedures;
- At the end of each run, operate the baghouse fans until the baghouse has been purged of exhaust gases per the manufacturer's recommendations;
- Ensure the pressure drop across the baghouse and outlet temperature remain within the manufacturer's recommendations or specifications;
- Perform inspections of equipment and complete necessary maintenance prior to startup in a new location, after shutdown of more than five days, and every 30 days of operation at the same location;
- Replace worn or damaged bags within 72 hours of discovery;
- Keep a record of the baghouse inspections showing the following:

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

- i. Date of inspection and name of inspector;
- ii. Number of worn or damaged bags detected;
- iii. Number of bags replaced and date replaced;
- iv. Number of worn or damaged seals/gaskets detected; and
- v. Number of seal/gaskets replaced and the date replaced.

15.2. If you operate an asphalt plant using a wet scrubber:

- a. Inspect every component of the scrubber before beginning operation each season and repair or replace any component that shows signs of deterioration;
- b. Maintain pressure drop across the scrubber, water flow rate, inlet and outlet temperatures within limits recommended by the manufacturer;
- c. Keep a record of scrubber inspections showing the following:
 - i. Date of inspection and name of inspector;
 - ii. Number of components detected that are worn or damaged;
 - iii. Number of components replaced and date replaced.

16. Reasonable Precautions to Prevent Fugitive Dust. A person who causes or permits bulk materials to be handled, transported, or stored, or who engages in an industrial activity or construction project shall take reasonable precautions to prevent the release of airborne PM and fugitive dust from aggregate piles, conveyors and elevators, loading locations, the rotary drum, screens, baghouse ash discharge, vehicle traffic within the stationary source boundaries and other sources of fugitive dust into the ambient air.

16.1. Follow the Fugitive Dust Control Plan (Appendix B) that you included with your minor general permit application or a revised version if submitted to or requested by the Department. A revised or site-specific Fugitive Dust Control Plan must be submitted with each relocation notice if the new location is within one mile of the nearest occupied structure (see Condition 2).

16.2. Reasonable precautions to prevent fugitive dust may include the following:

- a. installation and use of hoods;
- b. fans and dust collectors to enclose and vent dusty materials;
- c. other covers and enclosures;
- d. cleanup of loose material on work surfaces;
- e. minimizing drop distances on the conveyor systems and lowering loader buckets to be in contact with the surface of the soil or ground before dumping;
- f. application of water or dust suppressants;
- g. stopping activity in windy conditions.; and
- h. measures to prevent carryout or tracking of dust or mud by trucks.

17. Equipment Changes. Submit changes in asphalt drums, dryers, baghouses or scrubbers, or diesel engine equipment, if capacity differs from original permitted equipment, to the Department within 30 days.

18. Terms to Make the Permit Enforceable.

18.1. Compliance with permit terms and conditions is considered to be in compliance with those requirements that are

- a. Included and specifically identified in the permit; or
- b. Determined in writing in the permit to be inapplicable.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

- 18.2. Comply with each permit term and condition. Noncompliance with a permit term or condition constitutes a violation of AS 46.14, 18 AAC 50.345, and, except for those terms or conditions designated in the permit as not federally enforceable, the Clean Air Act, and is grounds for
- a. An enforcement action; or
 - b. Permit termination, revocation and reissuance, or modification in accordance with AS 46.14.280.
- 18.3. It is not a defense in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with a permit term or condition.
- 18.4. Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of the permit.
- 18.5. The permit may be modified, reopened, revoked and reissued, or terminated for cause. A request by the Permittee for modification, revocation and reissuance, or termination or notification of planned changes or anticipated noncompliance does not stay any permit condition.
- 18.6. The permit does not convey any property rights of any sort, nor any exclusive privilege.
- 18.7. Allow the Department or an inspector authorized by the Department, upon presentation of credentials and at reasonable times with the consent of the owner or operator to
- a. Enter upon the premises where a source subject to the permit is located or where records required by the permit are kept;
 - b. Have access to and copy any records required by the permit;
 - c. Inspect any stationary source, equipment, practices, or operations regulated by or referenced in the permit; and
- 18.8. Sample or monitor substances or parameters to assure compliance with the permit or other applicable requirements.

SOURCE TESTING REQUIREMENTS

19. Source Testing Requirements.

- 19.1. **General Requirements.** In addition to any source testing explicitly required by the permit, conduct source testing as requested by the Department to determine compliance with applicable permit requirements.
- 19.2. **Operating Conditions.** Unless otherwise specified by an applicable requirement or test method, conduct source testing
- a. At a point or points that characterize the actual discharge into the ambient air; and
 - b. At the maximum rated burning or operating capacity of the emission unit or another rate determined by the Department to characterize the actual discharge into the ambient air.
- 19.3. **Reference Test Methods.** Refer to the Technical Analysis Report for approved reference test methods and details.
- 19.4. **Excess Air Requirements.** Standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific emission unit type, corrected to standard conditions (dry gas at 68°F and absolute pressure of 760 mm of mercury).
- 19.5. **Text Exemption.** You are not required to comply with Conditions 19.6-19.8 when the exhaust is observed for visible emissions by Method 9 Plan or Smoke/No Smoke Plan (Conditions 5.2 and 5.3, for diesel engines only). This does not apply to fugitive emission sources.
- 19.6. **Test Plans.** Before conducting any source tests, submit a plan to the Department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance, and must specify how the emission unit will operate during the test and how you will document that operation.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Submit a complete plan within 60 days after receiving a request under Condition 5.3.e.i or 19.1 and at least 30 days before the scheduled date of any test unless the Department agrees in writing to some other time period. Retesting may be done without resubmitting the plan.

You may request an extension to a source test deadline established by the Department. You may delay a source test beyond the original deadline only if the extension is approved in writing by the Department's appropriate division director or designee.

19.7. Test Notification. At least 10 days before conducting a source test, give the Department written notice of the date and the time the source test will begin.

19.8. Test Reports. Within 60 days after completing a source test, submit a copy of the results in the format set out in the *Source Test Report Outline*, adopted by reference in 18 AAC 50.030. Certify the results in the manner set out in Condition 4.3. If requested in writing by the Department, provide preliminary results in a shorter period of time specified by the Department.

Appendix A: Assessable Emissions Calculation (MG3)

Assessable Emissions differ from a source's Potential to Emit (PTE). PTE is used in calculating a source's permit applicability and classification, i.e. minor or major source. While PTE does not include fugitive particulate emissions, assessable emissions do. A source can be classified as a minor source, yet have emission fees based on a criteria pollutant in excess of 100 tons. Likewise, a major source can have a PTE in excess of 100tpy of a criteria pollutant, yet pay emission fees for that pollutant at a rate far lower. Assessable Emissions use the same calculations as PTE, only operating hours are not based on a maximum potential of 3650 hours (assumed) but instead are based on actual operation for a calendar year. For examples and steps on completing this form to assist in submission of Assessable Emissions, please see the information below.

Equation:

$$E = (EF \times (\text{asphalt produced or hours of operation in a given year} \times RC)) / \text{lbs per ton}$$

Abbreviations:	
tpy	tons per year
tph	tons per hour
EF	emission factor (AP-42)
RC	rated capacity
lbs	pounds
E	emissions
ULSD	Ultra low sulfur diesel

Report using Form 3 Emission Estimates MG3 total emissions for each pollutant in a calendar year. Each emission unit listed in Table A will need a separate calculation using equations provided, where rated capacity is the horsepower for diesel engines.

Emission factors are pollutant/emission unit specific. Fuel assumes use of Ultra Low Sulfur Diesel (ULSD); please, contact the Department for assistance if you used alternative fuels. Please, see the worksheet on the next page for emission factors and further assistance.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Asphalt Plants	CO	NO _x	SO ₂	VOC	PM-10 ¹	PM-10 ²
Batch Mix Asphalt Plant	0.4	0.12	0.088	0.0082	0.027	0.14
Drum Mix Asphalt Plant	0.13	0.055	0.011	0.032	0.023	0.04

Asphalt plant emission factors are given in lbs of pollutant per ton of asphalt produced.

¹: PM-10 EF for use with a baghouse

²: PM-10 EF for use with a wet-scrubber

Diesel Engines	CO	NO _x	SO ₂ ³	VOC	PM-10	
Greater than 600hp	0.0055	0.024	1.2x10 ⁻⁵	0.000705	0.0007	
Less than 600hp	0.00668	0.031	1.2x10 ⁻⁵	.0000247	0.0022	

Diesel engine emission factors are given in lbs of pollutant per horsepower-hour.

³: SO₂ EF for use with ULSD

Asphalt Plant Worksheet: $E = (EF \times \text{tons of asphalt produced}) / 2000$

CO	NO _x	SO ₂	VOC	PM-10

Diesel Engine Worksheet: $E = (EF \times \text{hours of operation} \times RC) / 2000$

CO	NO _x	SO ₂	VOC	PM-10

Total Emissions: add all rows above for listed emission units.

CO	NO _x	SO ₂	VOC	PM-10

Assessable Emissions: for any pollutant total greater than 10 (tons), round to nearest whole number, for any pollutant less than 10 tons, round down to 0. Enter these values on Form 3 and submit as required under Condition 14.

CO	NO _x	SO ₂	VOC	PM-10

Appendix B: Fugitive Dust Control Plan Guidelines

The Fugitive Dust Control Plan (Plan) has the purpose to control the fugitive dust emissions from asphalt plant and crusher related activities. The Plan is required for all Minor General Permit holders in order to ensure that reasonable precautions to prevent fugitive dust are taken (MG3 Condition 16, MG9 Condition 15).

A sample plan is on the following page in Appendix B. This plan may be filled out and used for any Minor General Permitted source. You are not required to use the sample form, but similar information contained in the sample form should be included in your plan. If you already have a plan developed or you wish to develop your own plan, the following items should be addressed:

- Points capable of producing fugitive emissions;
- Control of fugitive dust sources, such as:
 - Water application;
 - Dust suppressants;
 - Wind barriers;
 - Hoods, covers, or enclosures;
 - Cleanup of loose materials;
 - Minimizing drop distances and lowering loader buckets before dumping;
 - Fans;
 - Dust collectors;
- Methods to prevent trackout or carryout, such as:
 - Grizzlies or grates;
 - Gravel pads;
 - Paved surfaces;
 - Wheel washers;
 - Truck washing.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Appendix B: Fugitive Dust Control Plan

Please note, it is the responsibility of the Permittee to ensure that no part of their fugitive dust control plan violates any local, state, or federal law.

Section 1 – General Information

1-A Facility Information	
Company Name:	
Plant Name:	
Permit No.:	
1-B Contacts	
Report the names, address, and phone numbers of persons and owners or operators responsible for the implementation of the Dust Control Plan and responsible for the dust generating operation and dust control applications.	
<i>Responsible Official</i> (authorized under 18 AAC 50.990(93))	
Name:	
Phone Number:	
<i>On-site Manager/Operator or Point of Contact</i> (if different from above)	
Name:	
Phone Number:	
1-C Recordkeeping and Reporting	
Keep copy of Fugitive Dust Control Plan on-site at all times.	
Keep records of deviations from dust plan, reasons for the deviation, and corrective actions taken for at least five years.	

Section 2 – Fugitive Emission Points

2-A Fugitive Emission Points	
Identify the relative locations of actual and potential sources of fugitive dust emissions.	
☐ Bulk material handling and storage areas. ☐ Paved and unpaved access roads, haul roads, traffic areas, and equipment storage yards. ☐ Exit points where carryout and trackout onto paved public roads may occur. ☐ Water supply locations if water application will be used for controlling visible dust emissions. ☐ Rock crushing operations. ☐ Screening ☐ Conveyors ☐ Fines Screening ☐ Asphalt plant operations ☐ Screening ☐ Conveyors ☐ Baghouse Catch ☐ Drum Mixer Discharge ☐ Hot mix storage silo receiving point	
2-B Comments – Fugitive Emission Points	

Section 3 – Control of Fugitive Dust Sources

3-A Control of Fugitive Dust Sources

Check any boxes that apply. Checked boxes represent methods that will be used *as needed*.

Active Operations

- ☐ Water will be applied to dry areas during leveling, grading, trenching, and earthmoving activities.
- ☐ Wind barriers will be constructed and maintained, and water or dust suppressants will be applied to the disturbed surface areas.

Inactive Operations, including after work hours, weekends, and holidays

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Water or dust suppressants will be applied on disturbed surface areas to form a visible crust, and vehicle access will be restricted to maintain the visible crust.

Sites Inactive for Seven or More Days

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Vehicle access will be restricted and water/dust suppressants will be applied at all un-vegetated areas.
- ☐ Vegetation will be established on all previously disturbed areas.
- ☐ Gravel will be applied and maintained at all previously disturbed areas.
- ☐ Previously disturbed areas will be paved.

Unpaved Access and Haul Roads, Traffic and Equipment Storage Areas

- ☐ Not applicable for this project (Please explain why in Section 3-C).
- ☐ Apply water or dust suppressants to unpaved haul and access roads.
- ☐ Post speed limit signs of not more than 15 mph at each entrance, and again every 500 ft.
- ☐ Water or dust suppressants will be applied to vehicle traffic and equipment storage areas.

Wind Events

- ☐ Water application equipment will apply water to control fugitive dust during wind events, unless unsafe to do so. Outdoor construction activities that disturb the soil will cease whenever visible dust emissions cannot be effectively controlled.

3-B Bulk Materials

Check any boxes that apply. Checked boxes represent methods that will be used *as needed*.

Outdoor Handling of Bulk Materials

- ☐ Water or dust suppressants will be applied when handling bulk materials.
- ☐ Wind barriers with less than 50 percent porosity will be installed and maintained, and water or dust suppressants will be applied.

Outdoor Storage of Bulk Materials

- ☐ Water or dust suppressants will be applied to storage piles.
- ☐ Storage piles will be covered with tarps, plastic, or other suitable material and anchored in such a manner that prevents the cover from being removed by wind actions.
- ☐ Wind barriers with less than 50 percent porosity will be installed and maintained around the storage piles and water or dust suppressants will be applied.
- ☐ A three-sided structure (< 50% porosity) will be used that is at least as high as the storage piles.

On-Site Transporting of Bulk Materials

- ☐ Vehicle speed will be limited on the work site.
- ☐ All haul trucks will be loaded such that the freeboard is not less than six inches when transported across any paved public access road.
- ☐ A sufficient amount of water will be applied to the top of the load to limit visible dust emissions.
- ☐ Haul trucks will be covered with a tarp or other suitable cover.

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Section 3 – Control of Fugitive Dust Sources (cont.)

3-B Bulk Materials - continued <i>Off-Site Transporting of Bulk Materials</i> ☐ No bulk materials will be transported to or from the project site. ☐ Materials for transport will be wetted as needed. ☐ Covers will be used, as needed. Some or all of the following will be used as necessary: • The interior of emptied truck cargo compartments will be cleaned or covered before leaving the site. • Spillage or loss of bulk materials from holes or other openings in the cargo compartment's floor, sides, and tailgates will be prevented. • Haul trucks will be covered with a tarp or other suitable cover or will be loaded such that the freeboard is not less than six inches when transported on any paved public access road to or from the project site.
<i>Outdoor Transport using a Chute or Conveyor</i> ☐ No chutes or conveyors will be used. ☐ Chute or conveyor will be fully enclosed. ☐ Water spray equipment will be used to sufficiently wet the materials. ☐ Transported materials will be washed or screened to remove fines (PM-10 or smaller).
3-C Comments – Control of Fugitive Dust Sources

Section 4 – Dust Control Methods

4-A Water Application Complete this section if water application will be used as a control method for limiting visible dust emissions and stabilizing surface areas. Check and answer everything that applies. Checked boxes represent methods that will be used <i>as needed</i> .
<i>Water Application Equipment:</i> ☐ Sprinklers: Describe the activities that will utilize sprinklers: _____ ☐ Water Truck, ☐ Water Trailer, ☐ Water Wagon, ☐ Other: _____ Describe the activities that will utilize this equipment: _____ Water application equipment is available to operate after normal working hours, on weekends, and holiday. After-hours contact: _____ Phone number: _____
<i>Water Supply (as needed):</i> ☐ Fire hydrants. Obtain necessary approval to use specific hydrants. ☐ Storage tanks Number and capacity: _____ ☐ Wells Number and flow rate: _____ ☐ Canal, River, Pond, Lake, etc. Describe: _____ Approval granted by the owner or public agency to use their water source for this project. Owner or Agency: _____ Contact: _____ Phone number: _____ ☐ Other: _____

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Section 4 – Dust Control Methods (cont.)

4-B Dust Suppressant Products

Suppressant materials include, but are not limited to: hygroscopic suppressants (road salts), adhesives, petroleum emulsions, polymer emulsions, and bituminous material (road oils).

Copy this section if more than one dust suppressant product will be used.

☐ Not applicable. Only water application will be the control method used.

☐ Applicable.

Product Name: _____

Application Equipment: _____

Number of Application Equipment Available: _____

Attach each of the following information that fully describes this product. Use the checklist below to make sure all information is submitted with this plan.

☐ Product Specifications (MSDS, Product Safety Data Sheet, etc.).

☐ Manufacturer's Usage Instructions (method, frequency, and intensity of application).

☐ Environmental impacts and approvals or certifications related to the appropriate and safe use for ground application.

4-C Other Dust Control Methods

Check the other types of dust control methods that will be implemented at the construction site.

☐ Physical barriers for restricting unauthorized vehicle access:

☐ Fences ☐ Gates ☐ Posts ☐ Berms ☐ Concrete Barriers

☐ Other: _____

☐ Wind barriers – Describe: _____

☐ Posted speed limit signs meet state and Federal Department of Transportation standards.

☐ Posted at 15 miles per hour, ☐ Posted at _____ miles per hour (less than 15 mph)

☐ Re-establish vegetation for temporarily stabilizing previously disturbed surfaces.

Explain: _____

☐ Apply and maintain gravel:

☐ On haul roads ☐ On access roads ☐ At equipment storage yards

☐ At vehicle traffic areas ☐ For temporarily stabilizing previously disturbed areas.

Explain: _____

☐ Apply pavement – Explain: _____

☐ Other: _____

4-D Comments – Dust Control Methods

Section 5 – Carryout and Trackout

5-A Treatments for Preventing Trackout

Trackout is any material that adheres to vehicle tires and is deposited onto a paved public road or the paved shoulder of a paved public road. Check one or a combination that will apply.

☐ *Grizzly*: Rails, pipes, or grates used to dislodge debris off of vehicles before exiting the site. Extends from the intersection with the paved public road surface for the full width of the unpaved exit surface for the distance of at least 25 feet.

Describe: _____

☐ *Gravel Pad*: A layer of washed gravel at least one inch or larger in diameter, three inches deep, and extends from the intersection with the public paved road surface for the full width of the unpaved exit surface for a distance of at least 50 feet.

Describe: _____

☐ *Paved Surface*: Extends from the intersection with the paved public road surface for the full width of the unpaved access road for at least 100 feet to allow mud and dirt to drop off of vehicles before exiting the site.

Describe: _____

Mud and dirt deposits accumulating on paved interior roads will be removed with sufficient frequency, but not less frequently than once per workday.

Clean-up Frequency: _____

☐ *Wheel Washer*: Uses water to dislodge debris from tires and vehicle undercarriage.

Describe: _____

☐ *Other*: _____

5-B Treatments for Preventing Carryout

Carryout occurs when materials from emptied or loaded haul trucks, vehicles, or trailers falls onto a paved public road or paved shoulder of a paved public road. Check all methods that apply.

☐ No haul trucks will be routinely entering or leaving the project site.

Emptied Haul Trucks:

☐ Interior cargo compartments will be cleaned before leaving the project site.

☐ Cargo compartment will be covered with a tarp or suitable cover before leaving the project site.

Loaded Haul Trucks: Spillage or loss of materials from holes or other opening in the cargo compartment will be prevented when material is transported onto any paved public access road.

☐ Haul trucks will be loaded such that the freeboard is not less than six inches with water applied to the top of the load before leaving the project site.

☐ Cargo compartment and load will be covered with a tarp or suitable cover before leaving the project site.

☐ *Other*: _____

5-C Cleaning up Carryout and Trackout

Clean up Method: Check the method(s) below that will be used for cleaning carryout and trackout.

☐ Manually sweeping and picking up.

☐ Mechanical sweeping with a rotary brush or broom accompanied or preceded by water.

Describe the types of equipment that will be used: _____

☐ Operating a PM10-efficient street sweeper.

Make and Model: _____

☐ Flushing with water – allowed if:

- No curbs or gutters are present.
- Using water will not result as a source of trackout and carryout.
- Using water will not result in adverse impacts on storm water drainage systems.
- Using water will not violate any National Pollutant Discharge Elimination System permit program or Alaska Department of Environmental Conservation, Division of Water Permit.

5-D Comments - Carryout and Trackout

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Form 1: Relocation Notification (Application Addendum)

Submit to the Department at least *10 days before* moving the plant to any new location.

Facility Information:

Permittee Name: _____ Permit No.: AQ _____
 Facility Name: _____
 Contact Person: _____ Telephone: _____
 Make & Model of the Equipment/Stationary Source to be relocated: _____

Attach a complete list of equipment to be operated at the new location.

Estimated Operating Dates:

Estimated start-up date: _____
 Estimated shut-down date: _____

Location Information:

New Plant Location (street address, milepost number, etc. – Include site maps):

Latitude _____ Longitude _____ OR
 UTM Coordinates: Zone _____ Northing _____ Easting _____ Datum _____

Distance from Plant boundary to nearest inhabited structure: _____ ft
 Nearest inhabited structure(s) are on (check one): _____ flat terrain _____ elevated terrain

If this distance is within 2,000 ft (for rock crushers) or 1 mile (for asphalt plants), include with this addendum a dust control plan that is specific to this location and is adequate to prevent violations of Air Pollution Prohibited (MG3 Condition 10, MG9 Condition 9).

If the plant is to be located in a city or borough with zoning restrictions, please attach the location or siting approval documents from that city or borough to this form (optional).

Comments: _____

Certification:

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name: _____ Title: _____ Date: _____
 Signature: _____ Phone Number: _____

Send completed report to: Compliance Technician, ADEC Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643.

**Attachment 4 Alaska Department of Environmental Conservation
 Air Quality Permit for the asphalt plant, with attachments**

ADEC Notification Form

Excess Emissions and Permit Deviation Reporting
State of Alaska Department of Environmental Conservation
Division of Air Quality

Stationary Source (Facility) Name

Air Quality Permit Number

Company Name

When did you discover the Excess Emissions/Permit Deviation?

Date: / / Time: :

When did the event/deviation?

Begin: Date: / / Time: : (please use 24hr clock)

End: Date: / / Time: : (please use 24hr clock)

What was the duration of the event/deviation: : (hrs:min) or days
(total # of hrs, min, or days, if intermittent then include only the duration of the actual emissions/deviation)

Reason for notification: (please check only 1 box and go to the corresponding section)

☐ Excess Emissions Complete Section 1 and Certify

☐ Deviation from Permit Conditions Complete Section 2 and Certify

☐ Deviation from COBC, CO, or Settlement Agreement Complete Section 2 and Certify

Section 1. Excess Emissions

(a) Was the exceedance ☐ Intermittent or ☐ Continuous

(b) Cause of Event (Check one that applies):

☐ Start Up/Shut Down

☐ Natural Cause (weather/earthquake/flood)

☐ Control Equipment Failure

☐ Scheduled Maintenance/Equipment Adjustments

☐ Bad fuel/coal/gas

☐ Upset Condition

☐ Other

(c) Description

Describe briefly what happened and the cause. Include the parameters/operating conditions exceeded, limits, monitoring data and exceedance.

(d) Emission Units Involved:

Identify the emission units involved in the event, using the same identification number and name as in the permit. Identify each emission standard potentially exceeded during the event and the exceedance.

<u>Unit ID</u>	<u>Emission Unit Name</u>	<u>Permit Condition Exceeded/Limit/Potential Exceedance</u>

(e) Type of Incident (please check only one):

Attachment 4. Alaska Department of Environmental Conservation
Standard Permit Condition IV - Notification Form
Revised September 27, 2010
Air Quality Permit for the asphalt plant, with attachments

April 1, 2002

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Form 3: Emission Reporting and Emission Fee Estimate

Submit the following information no later than March 31 of each year to:

ADEC Air Permits Program
610 University Avenue
Fairbanks, AK 99709-3643

Or

FAX to (907) 451-2187

Or

Email to: DEC.AQ.Airreports@alaska.gov

(If emailed, the report must be signed and certified in accordance with 18 AAC 50.345(j).)

Or

Submit emissions online at the following website: <https://myalaska.state.ak.us/deca/air/airtoolsweb/>

Permittee Name: _____

Stationary Source Name: _____

Permit Number: _____ Date: _____

Emission Fee Estimate for: _____ (State fiscal year)

Table 1. Total Emissions & Assessable Emission Fee Estimate

Pollutant	Asphalt Plant	Diesel Generator	Assessable Emissions
NO _x			
CO			
SO ₂			
PM-10			
VOC			

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Signature

Printed Name

Title

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Form 4: Minor General Permit (MG3) – Facility Operating Report Form

Facility Information

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Reporting Period: ☐ 11/1/_____ to 3/31/_____ ☐ 4/1/_____ to 10/31/_____

Did this plant operate during this reporting period?

☐ Yes (please complete form) ☐ No (complete the "Certification" section only)

Certification (Condition 4.3)

☐ Certification Statement Signed by a Responsible Official (at end of form)

Visible Emissions - Asphalt Plant (Condition 5.1)

Emissions Points observed: _____ (First point – baghouse or scrubber)
 _____ (Second point – please describe)

Method 9 Observations Summary:

Number of Observations	
Highest 6-consecutive-minute Average	
Number of Observations >20%	

☐ All Method 9 Observation forms attached

☐ Excess Emissions/Permit Deviation Forms attached for failure to monitor or for observations of six-minute average opacity observed as greater than 20%

Visible Emissions – Diesel Engines (Condition 5.2)

Method used: ☐ Smoke/No Smoke Plan ☐ Method 9 ☐ Both

Smoke/No Smoke Plan Summary:

Number of Observations	
Number of Days Smoke Observed	

☐ Complete Smoke/No Smoke Log attached

☐ Summary of Smoke/No Smoke corrective actions attached

Method 9 Observations Summary:

Number of Observations	
Highest 6-consecutive-minute Average	
Number of Observations >20%	

☐ All Method 9 Observation forms attached

☐ Excess Emissions/Permit Deviation Forms attached for failure to monitor or for observations of six-minute average opacity observed as greater than 20%

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Particulate Matter (PM) Emissions (Condition 6)

Date of most recent PM source test: _____

Control Equipment Used: ☐ Baghouse ☐ Scrubber

☐ Summary of baghouse inspections attached, if applicable (Conditions 6.2 & 15.1(f)).

☐ Summary of scrubber inspections attached, if applicable (Conditions 6.2 & 15.2(c)).

Sulfur Compound Emissions (Condition 7)

Was ULSD or LSD the ONLY fuel used for the entire reporting period?

☐ Yes, statement certified by Responsible Official attached.

☐ No, list of diesel deliveries and fuel analysis or certification from supplier showing fuel sulfur content attached.

☐ Highline power used. Statement certified by Responsible Official attached.

☐ Natural gas used. Statement certified by Responsible Official attached.

☐ North Slope topping plant fuel used. If checked, attach a copy of fuel analysis.

Asphalt Plant fuel type used: _____

Pollution Control Equipment Breakdowns (Condition 8)

Were there any control equipment breakdowns during this reporting period? ☐ Yes ☐ No

If Yes, ☐ Summary of breakdowns attached

Did any control equipment breakdowns during this reporting period require an Excess Emission or Permit Deviation report to be submitted to DEC? ☐ Yes ☐ No

Excess Emissions and Permit Deviations (EE/PD) (Condition 9)

Were there any EE/PDs during this reporting period? ☐ Yes ☐ No

If Yes, ☐ Summary of EE/PD reports sent to DEC during operating period attached

Please Note: Any EE/PD forms not previously sent to DEC should also be attached and included in the summary.

Complaint Summary (Condition 10)

Did you receive any public complaints about emissions during this reporting period? ☐ Yes ☐ No

If Yes, ☐ Complaint summary attached.

Nonroad Engines (Condition 11)

Are there engines classified as nonroad engines at this facility?

☐ Yes, Nonroad Engine Location Log attached. ☐ No.

Equipment Changes (Condition 17)

Was new equipment added or existing equipment removed? ☐ Yes, attach Form 10. ☐ No.

Source Testing (Condition 19)

PM source test conducted during this reporting period? ☐ Yes, on date: _____ ☐ No.

Certification (Condition 4.3)

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name: _____ Title: _____ Date: _____

Signature: _____ Phone Number: _____

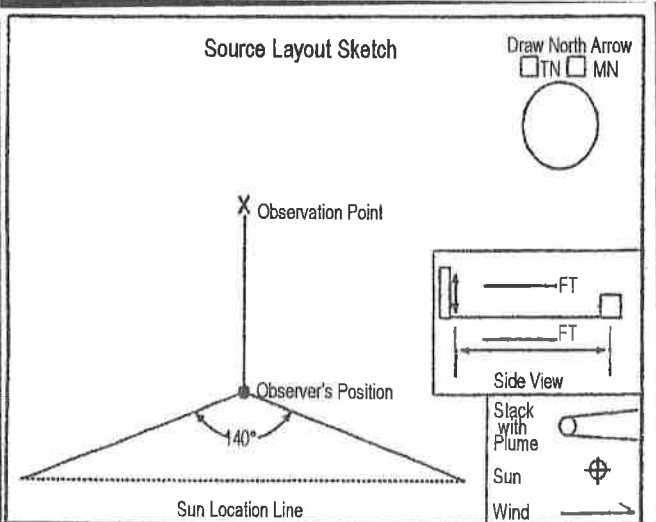
Send completed report to: Compliance Technician, ADEC Air Permits Program, 610 University Avenue, Fairbanks, AK 99709-3643.

EPA METHOD 9 (40 CFR 60 - Appendix A) VISIBLE EMISSION OBSERVATION FORM

COMPANY NAME	
LOCATION	
LOCATION	
CITY	STATE ZIP
PROCESS EQUIPMENT	OPERATING MODE
CONTROL EQUIPMENT	OPERATING MODE
DESCRIBE EMISSION POINT	
HEIGHT OF EMISSION POINT	
HEIGHT OF EMISSION POINT RELATIVE TO OBSERVER	
DISTANCE TO EMISSION POINT	
DIRECTION TO EMISSION PT. (DEGREES (0-360))	
START	END
VERTICAL ANGLE TO OBSERVATION POINT	DIRECTION TO OBSERVATION POINT (DEGREES (0-360))
START	END
DISTANCE & DIRECTION TO OBSERVATION POINT FROM EMISSION POINT	
START	END
DESCRIBE EMISSIONS	
START	END
EMISSION COLOR	WATER DROPLET PLUME
START	END
ATTACHED ☐ DETACHED ☐ NONE ☐	
DESCRIBE PLUME BACKGROUND	
START	END
BACKGROUND COLOR	SKY CONDITIONS
START	END
WIND SPEED	WIND DIRECTION
START	END
AMBIENT TEMP	WET BULB TEMP RH percent
START	END

OBSERVATION DATE	START TIME	END TIME
------------------	------------	----------

MIN	SEC	0	15	30	45	COMMENTS
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						



OBSERVER'S NAME (PRINT)	
OBSERVER'S SIGNATURE	DATE
ORGANIZATION	
CERTIFIED BY	DATE

Permittee Name: _____
Permit No.: AQ _____

Facility Name: _____

[illegible]

Form 7: Complaint Summary Form

Reporting Period: ☐ 11/1/___ to 3/31/___ ☐ 4/1/___ to 10/31/___

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Number of Complaints Received:	
Number of Times Corrective Actions were Found Necessary:	
Number of Times Corrective Action was Taken Within 24 hours:	

Status of corrective actions deemed necessary that were not taken within 24 hours:

Comments:

MG3 – Asphalt Plant Minor General Permit – Final Revision 2

Form 8: Nonroad Engine Location Log

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

Company Equipment ID No.: _____

Engine Manufacturer: _____ Engine Model: _____

Engine Serial No.: _____ Engine Date of Manufacture: _____

Location	Initial Date at Location	Date Moved off Location

Form 9: Equipment Changes Form

Permittee Name: _____ Permit No.: AQ _____
Facility Name: _____

List in the table below the equipment that was installed or removed during the reporting period. Rated capacity must be included. Only list diesel engines, pollution control equipment, and asphalt drum or dryer. Screens, conveyors, and aggregate bins do not need to be listed.

Equipment ID/Name	Equipment Description	Rated Capacity	Date Installed	Date Removed	Comments

Form 10: Asphalt Plant Daily Production Log – For Plants Using Baghouses

Reporting Period: ☐ 1/1/___ to 3/31/___ ☐ 4/1/___ to 10/31/___

Permittee Name: _____ Permit No.: AQ _____

Facility Name: _____

[illegible]

Form 10: Asphalt Plant Daily Production Log – For Plants Using Wet Scrubbers

Reporting Period: 11/1/____ to 3/31/____ 4/1/____ to 10/31/____Permittee Name:
 Permit No.: AQ

Facility Name: _____

[illegible]

Alaska Department of Environmental Conservation
Air Permits Program

TECHNICAL ANALYSIS REPORT

for

Air Quality Control

Minor General Permit 3

for

Asphalt Plants

Prepared by: Jim Plosay, Jason Olds, and Amy Hemenway

Date Issued: December 10, 2013 Final

Revision 1: April 1, 2014

Revision 2 Prepared by Linda Atley

Supervisor Jim Plosay

Revision 2: April 1, 2015

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

INTRODUCTION

This permit is intended for asphalt plants that are required to have a permit because they are classified as needing a minor permit under 18 AAC 50.502(b)(1), i.e. they have a rated capacity of at least five tons per hour of hot-mix asphalt product.

Asphalt plants often include rock crushers to break down the oversize material to be fed into the process, or to recycle asphalt pavement. An applicant must apply for Minor General Permit 9 (MG9) for rock crushers to operate the rock crusher.

The Alaska Department of Environmental Conservation (Department) has restructured the conditions and appearance of this permit, the Minor General Permit 3, Version 3 (MG3 Rev. 1), from the previous Minor General Permit 3 (MG3) in order to improve user accessibility and compliance. Conditions in the MG3 Rev. 1 that have been modified from the MG3 are listed in Table 1.

Changes made to Section 1: Qualifying Criteria in the 2009 MG3 include moving the exclusions section to the Technical Analysis Report (TAR) and moving the Change of Ownership section to Condition 12 of the MG3 Rev. 1. All other information from Section 1 is included on the cover page of the MG3 Rev. 1 permit.

The Excluded Facilities section in the 2009 MG3 TAR was modified in the MG3 Rev. 1. References to federal regulations were removed because minor permits are not required to include New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP). Equipment subject to federal regulations are still required to comply with any applicable rules.

Activities co-located with a major source of air pollution are not covered by this minor general permit because the underlying analysis to protect ambient air quality did not include impacts from nearby emitting activities not covered by this permit.

The Department removed the Alaska Coastal Management Plan (ACMP) provisions from Condition 23 of the 2009 MG3 because the ACMP is no longer in effect.

The MG3 permit does not authorize rock crushers to be located with the asphalt plant. The Permittee would need a separate minor permit or minor general permit for the rock crushing activities.

The Department included a public comment period from 2 June – 2 July 2008 for the 2009 MG3 permit, as required by 18 AAC 50.542(d). The Department received one comment for this permit from Charles Wilkes, Wilder Construction Company. The Department's response to this comment is in the Response to Comments document.

The Department included a public comment period from 03 April – 03 May 2013 for this revision of the MG3 as required by 18 AAC 50.542(d). The comment period was extended to 24 May 2013 after requests were received by the Department from Permittees. The Department received 17

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

comments from Colaska, Inc., three comments from Brad Quade at Anchorage Sand & Gravel Co., Inc., 14 comments from Shawn Crouse at Granite Construction Company, and 11 comments from other parties. The Department's response to this/these comment is available in the Response to Comments document.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Table 1 Condition changes from MG3 to MG3 Rev. 1

MG3 Permit Condition No.	Description	MG3 Rev. 1 Permit Condition No.	Description of Change
1-4	Visible Emissions Standard Requirements for Asphalt Plants	5.1	Defined emission points to be monitored. Modified monitoring schedule.
5-7	Visible Emissions Standard Requirements for Diesel Engines	5.2-5.3	Modified monitoring schedule.
8-12	Particulate Matter (PM) Standard Requirements	6	Included reporting requirement from original Condition 27.
13-17	Sulfur Compound Emissions Standard Requirements	7	Reporting content changed. Nonroad engine recordkeeping and reporting required.
18-20	Ambient Air Quality Protection	1	Modified restrictions for SO ₂ protection areas.
21	Pollution Control Equipment Breakdown Reporting	8	No change.
22	Relocation and Reporting of Site Selection	2	No change.
23	Alaska Coastal Management Program (ACMP)	Removed	Removed from permit.
24	Administrative Fees	13	No change.
25-26	Assessable Emissions	14	No change.
27	Good Air Pollution Control Practice	15	Moved reporting requirement to Condition 7.
28	Reasonable Precautions to Prevent Fugitive Dust	16	Addition of sample fugitive dust control plan in Appendix B.
29-30	Air Pollution Prohibited	10	No change.
31-39	Source Testing and Monitoring Requirements	20	Reference methods not in permit; moved to TAR.
40	Recordkeeping Requirements	3	No change.
41	Information Requests	4.3	No change.
42	Submittals	4	No change.
43	Certification	4.1	No change.
44	Excess Emissions and Permit Deviation Reports	9	No change.
45	Operating Reports	4.2	Reporting periods changed to April 1-October 31, and November 1-March 31. Report due dates changed to November 30 and April 30.
46	Nonroad Engines	11	Reporting requirement added. Must submit nonroad engine location log with FORs.
47-53	Terms to Make Permit Enforceable	18-19	No change.
None	Transfer of Ownership	12	Moved from Introduction of 2009 MG3 to a permit condition.
None	Equipment Changes	17	New condition.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Table 2: Condition changes from MG3 Rev.1 to MG3 Rev. 2

Condition Number	Change to Condition
Permit	
Condition 5.1 - Monitor	Monitor - Bullet 3 Part 3: Changed VE Method 9 observations to “at least once every 30 operating days”. See Comment 6 in Response to Comments.
	Monitor - Bullet 4: Relocated to the reporting requirement of this condition becoming Bullet 5 for Condition 5.1 Reporting.
Condition 5.1 - Report	Report - Bullet 1: Wording changed describing to match the Response to Comments. See Comment 19 in Response to Comments.
	Reporting - Bullet 5: Relocated from Monitor requirement of Condition 5.1. Reworded condition to clarify that the “six-minute average opacity observed” must be greater than 20% not the individual readings.
Condition 5.2 - Monitor	Monitor - Bullet 2 Smoke/No Smoke Part 2: Changed Smoke/No Smoke observations to “at least once every 30 operating days”. See Comment 7 in Response to Comments.
Condition 5.2 - Monitor	Monitor - Bullet 3 Method 9 Part 2: Changed VE Method 9 observations to “At least once every 30 operating days”. See Comment 7 in Response to Comments.
	Monitor - Bullet 3 Method 9 Part 3: Relocated to the reporting requirement of this condition becoming Bullet 5 for Condition 5.2 Reporting.
Condition 5.2 - Report	Reporting - Bullet 5: Relocated from Monitor requirement of Condition 5.2. Reworded condition to clarify that the “six-minute average opacity observed” must be greater than 20% not the individual readings.
Condition 5.3.a – Corrective Actions for Smoke/No Smoke	Reworded to clarify that the “six-minute average opacity observed must be greater than 20%” not the individual readings
Condition 17 – Equipment Changes	Changed equipment descriptions as described in the response to Comment 44 in RTC document.
All Forms	Added or changed all form headings to include Permittee Name: _____, Permit No.: AQ____ and Facility Name _____, for consistency.
Form 4 : Facility Operating Report re: Conditions 5.1 and 5.2	Reworded to clarify that the “six-minute average opacity observed” must be greater than 20% not the individual readings.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Form 4 : Facility Operating Report re: Condition 7	The Department agreed with the commenter that ULSD or LSD could be used and still meet the sulfur requirements. Added “or LSD” to ULSD fuel as per response to Comment 11.
Form 4 : Facility Operating Report re: Conditions 8 - 9	Reorganized and reworded reporting of Conditions 8 and 9.
Technical Analysis Report	
TAR Introduction	Added Table 2 to show changes between MG3 Revision 1 and MG3 Revision 2
Condition 5 Factual Basis	Corrected monitoring requirements
Condition 7 Factual Basis	The Department agreed with the commenter that ULSD or LSD could be used and still meet the sulfur requirements. Added “or LSD” to ULSD fuel as per response to Comment 11.
Response To Comments	
Comment 12	The Department agreed with the commenter that ULSD or LSD could be used and still meet the sulfur requirements. Added “or LSD” to ULSD fuel as per response to Comment 11.
Comment 19	Grammar correction to emission points.
Comment 32	Typographical error correction--Added space between “and-objectively”
Comment 36	Added “If six-minute average opacity” is observed for clarity
Additional Changes made by ADEC – Draft TAR	The Department agreed with the commenter that ULSD or LSD could be used and still meet the sulfur requirements. Added “or LSD” to ULSD fuel as per response to Comment 11.

EXCLUDED FACILITIES

A stationary source is excluded from using this general minor permit if the following applies.

1. The stationary source is subject to a fuel consumption limit or other stationary source-specific requirement established in a construction permit, or air quality control permit under 18 AAC 50.400 (effective prior to 1/18/97).

This does not include a limit established because a source test was conducted at less than full rated capacity. This exclusion is not applicable if the owner or operator obtains an owner requested limit (ORL) under 18 AAC 50.225, or another general or source-specific permit that covers these requirements.

2. The stationary source is subject to any standard in 18 AAC 50.055(a)-(f) other than standards for fuel burning equipment in (a)(1), (a)(4), (b)(1), (b)(5), and (c).
3. The stationary source contains a gas turbine.

Gas turbines were not modeled or included in the assumptions for asphalt plant dispersion modeling. Therefore, the Department cannot provide a factual basis for assessable emissions or the protection of ambient air quality.

4. The stationary source contains open burning or an incinerator.

Open burning and the operation of incinerators have substantive particulate matter (PM) emissions and ambient impacts, which were not included in the modeling analysis for simplicity.

5. The stationary source emits more than 100 tons per year (tpy) of a regulated air pollutant or is collocated at a TV Major source, i.e. is subject to Title V permitting requirements.

If there is a Title V Major Permit (commonly General Permit 3) for the activities listed above, the stationary source may operate under both permits.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

TECHNICAL ANALYSIS FOR THE PERMIT CONDITIONS**Condition 1 – Ambient Air Quality Protection**

Legal Basis: This condition applies to all asphalt plants unless a stricter condition exists in this permit, State Statutes, or Federal Guidelines. 18 AAC 50.010 establishes the ambient air quality standards in the State of Alaska. The Permittee is required to comply with these requirements.

Condition 1.4 only applies to asphalt plants located in the SO₂ Special Protection Areas (Unalaska and Saint Paul Island areas) established in 18 AAC 50.025(c).

In Condition 1.5, 18 AAC 50.010 establishes the ambient air quality standards in the State of Alaska. This condition only applies to Asphalt Plants that operate at the Bells Flats area of Kodiak Island.

Factual Basis: The Department incorporated the same setback distance requirements detailed in the 2009 MG3. The Department established these distances based on a generic air quality modeling analysis (see Attachment 1).

The Department established the setback distances in Condition 1.1 in order to protect the three hour SO₂ ambient air quality standard.

The setback distances are based on the best information available to the Department as noted in the 2003 GP3. They do not guarantee that an operation cannot violate the ambient air quality standards or increments, or create a public air quality nuisance. Therefore, the Department previously included a note that all complaints attributed to an operation are subject to investigation. The following note lists some of the possible outcomes of an investigation.

Note: The setback distances in Condition 1 are minimum requirements. You should give adequate consideration to local siting issues which may exist within a given area. Poor siting can lead to public complaints regarding dust impacts and/or impacts from other air pollutants. The Department does investigate these types of public complaints. These investigations could result in:

1. *Formal enforcement with punitive damages;*
2. *A formal request under 18 AAC 50.201 that the Permittee demonstrate, by air quality dispersion modeling or other means, that the air quality impacts are not violating State air quality standards or increments; or creating a public nuisance (under 18 AAC 50.110);*
3. *The requirement to reduce emissions or implement another control strategy to reduce the ambient impact of those emissions as necessary to ensure that the concentration of air pollutants does not exceed the State air quality standards or increments; or the concerns listed in 18 AAC 50.110;*
4. *A requirement to install and operate air quality monitoring equipment; or*
5. *The requirement to obtain a site specific permit with which would contain requirements tailored to that exact operation.*

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

In Condition 1.4, the Department previously established the SO₂ Special Protection Areas due to past demonstrations that the ambient SO₂ air quality standards and increments are threatened. While developing the 2003 GP3, the Department conducted a modeling analysis to determine whether additional restrictions were needed to protect the standards and increments in these special protection areas. The analysis showed that the Asphalt Plant would need to operate with fuel-sulfur content not greater than 0.075 percent sulfur by weight and that the plant would need to operate on highline power rather than from its own diesel generator. It also showed that if diesel engines are used for another purpose other than electrical power generation then they could not burn fuel with sulfur content greater than 0.075 percent, by weight. The Department incorporated these restrictions into the 2009 MG3, and is now updating terms in the MG3 Rev. 1 to allow for more flexibility and simplicity. Rev. 1 removed exclusions on operation provided the Permittee certify that only Ultra Low Sulfur Diesel (ULSD) is used in all engines and in the asphalt plant. If a Permittee would like less stringent restrictions when operating in an SO₂ Special Protection Area, they would need to obtain a source-specific permit. The application for a source-specific permit would need to include a case-specific ambient air quality modeling demonstration.

Condition 1.5 represents additional restrictions for the protection of ambient air quality. In response to complaints received from the Bells Flat area of Kodiak in circa-2003, the Department conducted a modeling analysis under 18 AAC 50.201 of Asphalt Plant operations in this area. The analysis showed that Asphalt Plant emissions should not violate the State's air quality standards/increments as long as the sulfur content of the liquid fuel did not exceed 0.4 percent (by weight) and the plant operated no more than 13 hours per day. The Department incorporated these limits in the 2009 MG3, and is now updating terms in the MG3 Rev. 1 to allow for more flexibility and simplicity. Rev. 1 allows operation of liquid-fired equipment provided that the Permittee certify that only ULSD is used in all engines and in the asphalt plant. MR&R requirements are established under this condition.

Condition 2 - Relocation and Reporting Site Selection

Legal Basis: This relocation condition applies to all Asphalts Plants because Alaska Statute (AS) 46.14.210 authorizes the Department to issue a general minor permit that is valid for multiple locations within the state of Alaska. The permit also contains siting requirements that limit the asphalt plant from operating within specified distances to occupied structures, and has monitoring requirements based upon startups at new locations.

This site selection condition applies to all asphalts plants because 18 AAC 50.110 prohibits pollution that is injurious to human health or welfare, animal or plant life or property, or which would unreasonably interfere with the enjoyment of life or property. This condition applies unless a stricter condition exists in this permit, State Statutes, or Federal Guidelines.

Factual Basis: Based on the Department's 2003 modeling, new locations must comply with the setback distances in Condition 1 and provide notification to the Department within 10 days of startup at the new location. See ATTACHMENT 1 for a description of modeling performed.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Condition 3 - General Recordkeeping

Legal Basis: The Permittee is required to keep records to demonstrate compliance with the terms and conditions of the permit and applicable regulations.

Factual Basis: The condition restates the regulatory requirements for recordkeeping and supplements the recordkeeping defined for specific conditions in the permit. The records being kept provide an evidence of compliance with this requirement.

Condition 4 – General Reporting

Legal Basis: Condition 4.1 requires the Permittee to comply with the standardized reporting requirements in 18 AAC 50.326(j) for all Department submittals. Condition 4.3 requires the Permittee to comply with the certification requirement in 18 AAC 50.205 and applies to all Permittees. Condition 4.4, adopted by the Department as Standard Permit Condition VII in 18 AAC 50.346(b)(6), ensures compliance with the applicable requirement in and applies to all permits. Condition 4.5 requires the Permittee to submit requested information to the Department and is a standard condition in 18 AAC 50.345(i).

Factual Basis: Condition 4.1 lists the appropriate submission address for reports and written notices. One original report, with certification in accordance with Condition 4.3, must be submitted by mail to the Department unless an approved electronic method has been implemented by the Department. Under Condition 4.2, the approved electronic method must include an electronic signature to replace the requirement of mailing a paper copy of the report. The Permittee may submit a paper copy and an electronic copy if the electronic version is compatible with Department software (e.g., Adobe PDF). Receipt of the submittal at the correct Department office provides sufficient monitoring for this condition. This condition supplements the standard reporting and notification requirements for the permit.

Condition 4.3 requires the Permittee to certify all reports submitted to the Department. This condition supplements the reporting requirements of this permit.

Condition 4.4 restates the requirements for reports listed in the regulations. This condition also supplements the specific reporting requirements included elsewhere in the permit. The reports themselves provide monitoring for compliance with this condition. The reporting period dates have been modified in the MG3 Rev. 1 to reflect the most common operating season length for rock crushers in Alaska. The former semi-annual operating period of April 1 through September 30 was extended to April 1 through October 31, with its report due a month later on November 30. The former semi-annual operating period of October 1 through March 31 was shortened to November 1 through March 31, with its operating report due a month later on April 30.

Condition 4.5 requires the Permittee to submit information requested by the Department. This condition allows the Department to request any records that the Permittee is required to keep by other permit conditions to be used for compliance determination or cause to modify, revoke and reissue, or terminate the permit. Monitoring consists of receipt of the requested information.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Condition 5: Visible Emissions Requirements

Legal Basis: For a minor permit classified under 18 AAC 50.502(b), in accordance with 18 AAC 50.544(b), the Department will include terms and conditions as necessary to ensure the proposed stationary source will meet the requirements of AS 46.14 and 18 AAC 50. This includes terms and conditions for

- Installation, use, and maintenance of monitoring equipment;
- Sampling emissions according to the methods prescribed by the Department, and at locations, intervals and by procedure specified by the Department;
- Providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;
- Keeping records; and
- Making periodic reports on process operations and emissions.

An asphalt plant¹ constructed or modified after June 11, 1973 may not reduce visibility through the exhaust effluent by 20 percent or greater averaged over any six consecutive minutes as specified in 18 AAC 50.055(a)(4). All other industrial processes and fuel burning equipment at this source may not reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes, as specified in 18 AAC 50.055(a)(1). Asphalt plants are industrial processes while the asphalt drum/dryer and diesel engines are fuel-burning equipment. Therefore the same standard applies to the diesel engines used for power generation for an asphalt plant and to asphalt plants built on or before June 11, 1973.

Condition 5 requires the Permittee to comply with the visible emission standard for asphalt plants and diesel engines, including fugitive emissions from asphalt plants. Condition 5.1 and 5.2 address the visible emissions (VE) monitoring, recordkeeping, and reporting (MR&R) for asphalt plants and (liquid-fired) diesel engines, respectively.

Factual Basis: The VE monitoring, recordkeeping, and reporting (MR&R) requirements for the Asphalt Plant are different from those for diesel engines because asphalt plants may produce VE without smoke, which is typically associated with incomplete combustion. In the case of asphalt plants, VE may also result from loose particulate from the aggregate fed into the mixing drum.

Thus, the MR&R requirements for diesel engines includes the EPA Method 9 and the Smoke/No Smoke plans which are standard permit conditions required under 18 AAC 50.346(c). MR&R requirements for the asphalt plant deviate from those under 18 AAC 50.346(c) by excluding the possibility to monitor visible emissions using the Smoke/No Smoke plan because particulate matter emissions from the aggregate are not considered "smoke."

¹ In this permit, "asphalt plant" means all asphalt plant equipment (including the aggregate dryer and drum mixer), except the diesel engine and vehicles.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

The VE standard applies to stationary diesel engines and does not apply to non-road engines. A non-road engine has the meaning given in 40 C.F.R. 89.2. An engine will not be considered a non-road engine if it remains, or will remain, at a location for more than 12 consecutive months, i.e. an engine used at a specific location for 12 months or longer ceased to be a non-road engine at the time it was placed. Although the VE standard does not apply to non-road engines, the engines must still be monitored as specified under Condition 5.2 to determine compliance if the engine remains in the same location for more than 12 months, or in case there are public complaints issued about the stationary source.

Condition 5 was adopted from Standard Permit Condition IX -Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Sources. The conditions were modified to reflect the mobility of asphalt plants and the seasonal nature of their operations. The condition requires VE readings after startup from periods of shut down and after relocating the plant.

Condition 5.1 was modified from the 2009 MG3 to monitor the baghouse or scrubber stack and to choose one emission point to monitor that is capable of producing fugitive emissions. Instead of monitoring every possible fugitive emission point, because there may be many, the Permittee should identify all possible fugitive emission points and select the one that appears to have the greatest continuous fugitive emissions, based on initial observation. Example fugitive emissions points are at aggregate handling areas, conveyor drop points, baghouse catch, drum mixer discharge, and hot mix storage silo receiving points. The Permittee should observe each point and determine which point continuously creates the most fugitive dust. This emission point should be monitored in accordance with Condition 5.1.

Condition 5.2 MR&R condition for diesel engines is a standard condition adopted into regulation pursuant to AS 46.14.010(e).

Reoccurring monitoring for the diesel engine was preserved from the original MG3 permit after receiving comments during the public notice period. The required VE observations are to be taken within two days of start up at a new location, at least once per 30 operating days at the same location and within 24 hours of startup following a shutdown period of more than 5 days.

The Smoke/No Smoke requirement in Condition 5.2 was preserved from the original MG3 Permit. This requires the Permittee to begin Method 9 observations, or take corrective action, to eliminate smoke when observed. Corrective actions remain unchanged from the 2009 MG3 and are listed under Condition 5.3.

Condition 6.1 – Particulate Matter Emissions – Source Testing

Legal Basis: Under 18 AAC 50.055(b)(5), an asphalt plant constructed or modified after June 11, 1973 may not emit PM in excess of 0.04 grains per dry standard cubic foot of exhaust gas (gr/dscf). Under 18 AAC 50.055(b)(1), all other industrial processes and fuel burning equipment at the asphalt plant may not emit PM in excess of 0.05 gr/dscf. Asphalt plants are both industrial processes and fuel-burning equipment while diesel engines are fuel-burning equipment. Therefore the same standard applies to the diesel engines used for power generation for an asphalt plant and to asphalt plants built on or before June 11, 1973.

Asphalt plants are industrial processes while the asphalt drum/dryers are fuel-burning equipment. Table B of the permit establishes the applicable PM standard for asphalt plants, depending on the date it was constructed, reconstructed, or modified.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Factual Basis: Condition 6.1 covers the source testing requirements to demonstrate compliance with the applicable PM standard for the asphalt drum/dryer.

The Department removed the condition that permitted the one-year PM source test requirement is delayed one year for each calendar year that the plant operated for less than 30 days. The Department replaced this with language consistent with the GP3 for simplicity. This change was made to the MG3 and GP3 to close a loophole allowing plants to operate in Alaska on a limited basis while avoiding testing indefinitely; the Department always had the authority to request a test regardless.

Condition 6.1 also covers the monitoring, recordkeeping, and reporting required during source tests to demonstrate compliance with the applicable PM standard for the asphalt drum/dryer.

Condition 6.2 - Particulate Matter Emissions – Asphalt Plant

Legal Basis: Under 18 AAC 50.544(b), for a minor permit classified under 18 AAC 50.502(b), the Department will include terms and conditions as necessary to ensure the proposed stationary source will meet the requirements of AS 46.14 and 18 AAC 50. This includes terms and conditions for

- installation, use and maintenance of monitoring equipment;
- sampling emissions according to the methods prescribed by the Department, and at locations, intervals and by procedure specified by the Department;
- providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;
- keeping records; and
- making periodic reports on process operations and emissions.

Under 18 AAC 50.990(12), an "Asphalt Plant" means a stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; "Asphalt Plant" includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within the stationary source.

Under 18 AAC 50.055(b)(5), an asphalt plant constructed or modified after June 11, 1973 may not emit PM in excess of 0.04 grains per dry standard cubic foot of exhaust gas (gr/dscf). Under 18 AAC 50.055(b)(1), all other industrial processes and fuel burning equipment at the asphalt plant may not emit PM in excess of 0.05 gr/dscf. Asphalt plants are both industrial processes and fuel-burning equipment while diesel engines are fuel-burning equipment. Therefore the same standard applies to the diesel engines used for power generation for an asphalt plant and to asphalt plants built on or before June 11, 1973.

Asphalt plants are industrial processes while the asphalt drum/dryers are fuel-burning equipment. Table B of the permit establishes the applicable PM standard for asphalt plants, depending on the date it was constructed, reconstructed, or modified. This permit does not include MR&R to demonstrate compliance with this particulate matter standard for fugitive emissions since Reference Method 5 of 40 C.F.R. 60, which is used to determine compliance with this standard, is not applicable to fugitive emissions.

Diesel engines are fuel burning equipment. Condition 6 requires the Permittee to comply with the applicable PM standard(s) for diesel engines, including fugitive emissions from asphalt plants.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Condition 6 establishes MR&R requirements to demonstrate compliance with the PM standard for (liquid-fired) diesel engines.

Factual Basis: The particulate matter standard applies to stationary diesel engines and does not apply to nonroad engines. A nonroad engine has the meaning given in 40 C.F.R. 89.2. An engine will not be considered a nonroad engine if it remains at or will remain at a location for more than 12 consecutive months. An engine used at a single specific location for 12 months or longer ceased to be a nonroad engine when it was placed in that location.

The requirement to report the diesel engine exhaust stack diameter to the Department within 180 days of the letter of authorization was removed because this information should be provided in the MG3 Rev. 1 application.

Recordkeeping and reporting requirements are combined from Conditions 8.4 and 27 of the 2009 MG3. The Permittee is required to keep a daily log of asphalt production parameters listed, as well as the parameters listed for baghouses and scrubbers. These are to be reported in each FOR.

The MR&R conditions are Standard Operating Permit Condition IX under 18 AAC 50.346(c), *Liquid-Fired Fuel Burning Equipment*, adopted into regulation pursuant to AS 46.14.010(e).

Condition 7 - Sulfur Compound Emissions Standard Requirements

Legal Basis: Under 18 AAC 50.544(b), for a minor permit classified under 18 AAC 50.502(b), the Department will include terms and conditions as necessary to ensure the proposed stationary source will meet the requirements of AS 46.14 and 18 AAC 50. This includes terms and conditions for

- installation, use and maintenance of monitoring equipment;
- sampling emissions according to the methods prescribed by the Department, and at locations, intervals and by procedure specified by the Department;
- providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;
- keeping records; and
- making periodic reports on process operations and emissions.

Under 18 AAC 50.055(c) industrial processes and fuel burning equipment may not emit sulfur-compound emissions exceeding 500 parts per million (ppm) averaged over a period of three hours. Asphalt plants are industrial processes while the asphalt drum/dryer and diesel engines are fuel-burning equipment. Condition 7 requires the Permittee to comply with this standard for the asphalt drum/dryer and diesel engines. This does not apply to the other, nonfuel-burning parts of asphalt plants since they don't produce sulfur-compound emissions. Condition 7 establishes MR&R requirements to demonstrate compliance with this standard for (liquid and gas-fired) diesel engines.

Factual Basis: The sulfur-compound emissions standard applies to stationary diesel engines and fuel used in asphalt burners. Although sulfur compound emissions standards do not apply to nonroad engines, all nonroad engines must be monitored to ensure the protection of ambient air quality standards (18 AAC 50.010(2), 18 AAC 50.110).

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

MR&R requirements were modified from the 2009 MG3 to simplify and reduce the amount of information to be reported by the Permittee and reviewed by the Department. Instead of attaching all fuel receipts with each FOR, the Permittee is to keep these records for at least five years and only report the fuel grade used during the reporting period. If only ULSD or LSD was used for the entire reporting period, the Permittee should submit a statement certified by the Responsible Official stating that only ULSD or LSD fuel was purchased. If a fuel type other than ULSD or LSD was used, the Permittee is to submit a list of fuel grades, including sulfur content for each fuel grade used.

The Permittee is also to report the fuel type and sulfur content of fuel used in the asphalt burner. Records of non-distillate fuel or used oil for asphalt burners are to be kept on-site for at least five years.

For liquid-fired fuel burning equipment the MR&R conditions are Standard Operating Permit Conditions XI and XII under 18 AAC 50.346(c), adopted into regulation pursuant to AS 46.14.010(e).

Gas-Fired Fuel Burning Equipment: If a source permitted under an MG3 Rev. 1 uses pipeline quality natural gas, no monitoring terms are needed and reporting should consist of submitting a statement certified by the Responsible Official stating that only natural gas was used.

Highline Power: If a source permitted under an MG3 Rev. 1 uses highline power, no monitoring terms are needed and reporting should consist of submitting a statement certified by the Responsible Official stating that only highline power was used.

Condition 8 - Pollution Control Equipment Breakdown Reporting

Legal Basis: This condition is intended to ensure all EUs operating at the stationary source are in compliance with 18 AAC 50.544(b)(2). These requirements are carried over from Condition 21 of the 2009 MG3.

Factual Basis: The Department included these reporting requirements to better ensure compliance with the permit conditions. Permittees can more effectively meet their compliance obligations by ensuring that all EUs are well maintained and that any pollution control equipment, if used, functions properly. These requirements are an extension of the Good Air Pollution Control Practices of Condition 15.

Condition 9 - Excess Emission and Permit Deviation Reports

Legal Basis: This condition requires the Permittee to comply with the applicable requirement in 18 AAC 50.235(a)(2) and 18 AAC 50.240(c). The Department adopted this condition from Standard Permit Condition III under 18 AAC 50.346(b)(2) pursuant to AS 46.14.010(e). The Department copied Form 2, *ADEC Notification Form* Standard Permit Condition IV under 18 AAC 50.346(b)(3).

Factual Basis: This condition satisfies two state regulations related to excess emissions – the technology-based emission standard regulation and the excess emission regulation. Although there are some differences between the regulations, the condition satisfies the requirements of each regulation.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

The Department adopted this condition as Standard Permit Condition III under 18 AAC 50.346(c) pursuant to AS 46.14.010(e). The Department has determined that the standard condition adequately meets the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate the unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meets the requirements of 40 C.F.R. 71.6(a)(3).

Conditions 10 - Air Pollution Prohibited

Legal Basis: This condition ensures compliance with the applicable requirements in 18 AAC 50.110. The requirements prohibit the Permittee from causing any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property. Air Pollution Prohibited requirements apply to the stationary source because rock crushers produce emissions and because activities at or associated with the stationary source may result in complaints from the public. The Department adopted these requirements as Standard Permit Condition II under 18 AAC 50.346(a) pursuant to AS 46.14.010(e).

Factual Basis: Unforeseen emission impacts can cause violations of the requirements under 18 AAC 50.110. These violations can go undetected in the absence of public complaints. Public complaints are an indication that a violation of 18 AAC 50.110 has occurred. The Permittee is required to investigate and report any complaints and must keep records that detail the date, time, and nature of all complaints received. The Permittee must maintain a record of the investigation and any corrective actions undertaken and submit copies of these records upon request of the Department. Therefore, the Permittee must monitor and respond to complaints to ensure compliance with 18 AAC 50.110

Condition 11 – Non-road Engine Requirements

Legal Basis: Non-road engines are not subject to the standards approved under the State Implementation Plan for the air pollution control for stationary sources. 18 AAC 50.100 states that the PTE from non-road engines does not count towards the classification of a newly constructed or modified stationary source in accordance with AS 46.14.130.

Factual Basis: This condition requires the Permittee to keep records detailing the location and specifications of non-road engine EUs at any location where they operate. The date and location log requested in this condition should be submitted with each Facility Operating Report (FOR). This differs from the 2009 MG3 in that the non-road engine log was to be made available to the Department upon request, and was not required to be submitted with each FOR. The change in the MG3 Rev. 1 condition is to simplify information requests for compliance evaluations. In addition, the Department needs to know if an engine no longer qualifies as a non-road engine so that the proper monitoring, recordkeeping, and reporting for stationary engines are met.

A non-road engine has the meaning given in 40 C.F.R. 89.2, presented as follows, and is adopted by reference in 18 AAC 50. This condition and other conditions in this permit regarding non-road engines only apply to portable non-road engines, not self-propelled non-road engines.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Except as discussed in paragraph (2) of this definition, a nonroad engine is any internal combustion engine:

- *In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or*
- *In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or*
- *That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.*

An internal combustion engine is not a nonroad engine if:

- *The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or*
- *The engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Act; or*
- *The engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.*

This condition provides supplemental information for non-road engines monitored under Conditions 5.2 and 7 and is intended to help ensure the protection of ambient air quality in accordance with 18 AAC 50.010(2) and 18 AAC 50.

Condition 12 – Change of Ownership

Legal Basis: This condition requires new and previous owners of the permitted rock crusher plant to submit the transfer of ownership form and pay the administrative amendment fees in accordance with 18 AAC 50.400(f)(1)-(3) and 40 C.F.R. 71.7(d), adopted by reference in 18 AAC 50.040.

Factual Basis: If owner or operator of a stationary source transfers ownership of the stationary source, both new and previous owners must complete the transfer of ownership form. Once the form is received by the Department, the new owner will receive authorization to operate the stationary source.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Condition 13 - Administration Fees Applicability

Legal Basis: This condition requires the Permittee, owner, or operator to pay administration fees as set out in regulation. Paying administration fees is required as part of obtaining and holding a permit with the Department or as a fee for a Department action.

Factual Basis: The owner or operator of a stationary source who is required to apply for a permit under AS 46.14.130 shall pay to the Department all assessed permit administration fees. The regulations in 18 AAC 50.400-405 specify the amount, payment period, and the frequency of fees applicable to a permit action.

Condition 14 - Emission Fees

Legal Basis: The regulations require all permits to include due dates for the payment of fees and any method the Permittee may use to re-compute assessable emissions. This is Standard Permit Condition I under 18 AAC 50.346(b)(1), adopted into regulation pursuant to AS 46.14.010(e).

Factual Basis: These standard conditions require the Permittee to pay fees in accordance with the Department's billing regulations. The billing regulations set the due dates for payment of fees based on the billing date.

The default assessable emissions are emissions of each air pollutant authorized by the permit (AS 46.14.250(h)(1)(A)). Air pollutant means any regulated air pollutant and any hazardous air pollutant. Therefore, assessable emissions under AS 46.14.250(h)(1)(A) means the potential to emit any air pollutant identified in the permit, including those not specifically limited by the permit.

The conditions also describe how the Permittee may calculate actual annual assessable emissions based on previous actual annual emissions. According to AS 46.14.250(h)(1)(B), assessable emissions are based on each air pollutant. Therefore, fees based on actual emissions must also be paid on any pollutant emitted whether or not the permit contains any limitation of that pollutant.

This standard condition specifies that, unless otherwise approved by the Department, calculations of assessable emission based on actual emissions use the most recent previous calendar year's emissions. Since each current year's assessable emission are based on the previous year, the Department will not give refunds or make additional billings at the end of the current year if the estimated emissions and current year actual emissions do not match. The Permittee will normally pay for actual emissions -just with a one-year time lag.

Projected actual emissions may differ from the previous year's actual emissions if there is a change at the stationary source, such as changes in equipment or an emission rate from existing equipment.

The emission factors in the Asphalt Plant Emission Calculation Guide are taken from US EPA publication AP-42 *Compilation of Air Pollutant Emission Factors. Volume I: Stationary Point and Area Sources. Fifth Edition* as adopted by reference in 18 AAC 50.035. The Permittee may use other emission factors as outlined in Asphalt Plant Emission Calculation Guide and Standard Permit Condition I provided those emission factors have been approved by the Department.

If the Permittee does not choose to annually calculate assessable emissions, emissions fees will be based on "potential to emit" (PTE).

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

The PTE set forth in the condition is based on liquid fuel with a sulfur content of 0.5 percent by weight or fuel gas with a sulfur content of 60 ppm H₂S by volume. If the actual sulfur content of the fuel is greater than these assumptions, the assessable emissions calculations provided by the Permittee should reflect the actual sulfur content. The change in these values may result in SO₂ emissions that could trigger PSD.

The address to submit Emission Fee Estimates was changed from the Standard Permit Condition. This address was changed to reflect the processing center for Emission Fee Estimates.

Condition 15 - Good Air Pollution Control Practices

Legal Basis: This condition ensures compliance with the applicable requirements under 18 AAC 50.346(b)(5) *Standard Operating Permit Condition VI - Good Air Pollution Control Practices* and applies to all emission units, except those subject to federal emission standards. This condition replaces Condition 27 in the prior MG3. Also, under 18 AAC 50.544(b)(2), for a minor permit classified under 18 AAC 502(b), the Department will include a condition requiring the owner to

- perform regular maintenance considering the manufacturer's or the operator's maintenance procedures;
- keep records of any maintenance that would have a significant effect on emissions (the records may be kept in an electronic format); and
- keep a copy of either the manufacturer's or the operator's maintenance procedures.

Factual Basis: The condition requires the Permittee to comply with good air pollution control practices for all emission units. The permit contains the provision exactly as required by regulation. This is the same as 18 AAC 50.346(b)(5) and requires that all permits issued by the State of Alaska contain the provisions of Standard Operating Permit Condition VI - Good Air Pollution Control Practices unless more specific requirements adequately meet the requirements. In this case the Department has included in the permit more specific requirements as stated below for Condition 15.1 and 15.2.

Condition 15.1 - Facilities with a Baghouse

Legal Basis: This condition expands the requirements under 18 AAC 50.346(b)(5) *Standard Operating Permit Condition VI - Good Air Pollution Control Practices* to provide a condition that more adequately meets the requirements under 18 AAC 50.346(b)(5) when the control device is a baghouse. This condition is the same monitoring as Condition 27.2 of the prior MG3 permit, with some of the recordkeeping and reporting moved to Condition 6.2.

Factual Basis: The permit requires the Permittee to demonstrate compliance with the visible emissions and particulate matter standards in 18 AAC 50.055. Some Asphalt Plants may choose to control PM emission using a baghouse. This condition states the minimum frequencies for baghouse inspections, requires that the Permittee monitor the pressure drop across the baghouse, and baghouse outlet temperature, and maintain these parameters within limits recommended by the manufacturer.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

After a run is completed, the baghouse temperature will drop through the range where acid gasses will condense. Corrosion will be minimized if the temperature passes through this range as quickly as possible. Therefore this requirement is to maintain fan operation per the manufacturer's recommendation until the baghouse has been purged. Reducing corrosion will lengthen the life of the baghouse and maintain the integrity of the fabric filter clamps and fasteners.

Ongoing monitoring of the parameters mentioned in this condition such as the pressure drop across the baghouse enables the operators to determine how the baghouse is functioning. For example, a baghouse differential pressure (DP) higher than the manufacturer's maximum recommended values may indicate that the cleaning system is not functioning adequately or a blocked hopper. DP significantly below the manufacturer's specifications could indicate holes in the bags.

MR&R requirements were moved to Condition 6.2 for simplicity and to keep all MR&R requirements for the asphalt plant and control equipment in the same condition.

Condition 15.2 -Facilities with a Wet Scrubber

Legal Basis: This condition expands the requirements under 18 AAC 50.346(b)(5) *Standard Operating Permit Condition VI - Good Air Pollution Control Practices* to provide a condition that more adequately meets the requirements under 18 AAC 50.346(b)(5) when the control device used is a wet scrubber. This condition is the same monitoring as Condition 27.3 of the prior MG3 permit with some of the recordkeeping and reporting moved to Condition 6.2.

Factual Basis: The permit requires the Permittee to demonstrate compliance with the visible emissions and particulate matter standards in 18 AAC 50.055. Some Asphalt Plants may choose to control PM emission using a wet scrubber. This condition states the inspection requirements at the beginning of the operating season if the particulate matter control device is a scrubber.

The Permittee must maintain and operate the scrubber in accordance with the manufacturer's recommendations to include pressure drop, inlet and outlet water temperatures, water flow rate, and water pressure. These conditions are intended to support compliance with opacity and particulate standards by encouraging proper scrubber maintenance and operation. Scrubber efficiency is related to proper operation.

MR&R requirements were moved to Condition 6.2 for simplicity and to keep all MR&R requirements for the asphalt plant and control equipment in the same condition.

Condition 16 - Reasonable Precautions to Prevent Fugitive Dust

Legal Basis: This condition expands the requirements under 18 AAC 50.346(c) *Standard Operating Permit Condition X -Reasonable Precautions to Prevent Fugitive Dust* to provide a Condition that more adequately meets these requirements given the significant sources of fugitive dust that may be generated by the Stationary Source. This condition applies to all Asphalt Plants.

Factual Basis: The condition requires the Permittee to comply with 18 AAC 50.045(d), and take reasonable action to prevent particulate matter (PM) from being emitted into the ambient air. 18 AAC 50.045(d) requires an operator to take reasonable precautions to prevent fugitive dust when handling bulk materials. This condition lists examples of reasonable precautions.

This condition requires the Permittee to use reasonable precautions when handling, storing or transporting bulk materials or engineering in an industrial activity in accordance with the applicable

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

requirement in 18 AAC 50.045(d). Bulk material handling requirements apply to the Permittee because the Permittee will engage in bulk material handling, transporting, or storing; or will engage in industrial activity at the stationary source.

If the Asphalt Plant is to be located within one mile of a business, residence or other occupied structure, the Permittee under this minor general permit must implement the plan under Condition 16 or get the Department's approval to implement a different plan. The plan must be specific to any location named in the application and must be attached to the relocation notice required in Condition 2.

The "one mile" distance requirement came from a circa-2003 dispersion modeling analysis conducted in support of the 2003 General Permit (GP3) for Asphalt Plants. Modeling predicted that during dry conditions, if precautions are not taken to control emissions from fugitive sources, the 24-hour PM-10 ambient air quality standard could be violated up to a mile away.

A sample fugitive dust control plan is provided as Appendix B with the MG3 Rev. 1. This sample plan may be used as is or modified to fit the needs of the Permittee.

Dust Control Plans:

- If a location listed in an application or in an application addendum (see Form 1) is within 2,000 feet of the nearest occupied off-site structure, the applicant or Permittee must attach a fugitive dust control plan as part of that application or addendum. The Permittee must also submit a fugitive dust control plan, or revision to the plan if requested by the Department. The operator must comply with a dust control plan approved by the Department.
- The plan must be specific to any location named in a permit application or application addendum, and must specify the measures that will be taken and under what circumstances the Permittee will use them. If necessary, the plan will identify the frequency with which the measures will be applied. A plan does not fulfill this requirement if it simply mentions the measures that can be taken to control fugitive dust for a particular emission unit.

Condition 17 - Equipment Changes

Legal Basis: This condition applies under 18 AAC 50.200 which allows the Department to request information from the Permittee to determine compliance. This condition also applies under 18 AAC 50.546 to revise a minor permit, either at the request of the permittee or on the Department's own initiative. The request for updated equipment information also applies under AS 46.14 and 18 AAC 50 to determine permit applicability; modification is covered by definition under 18 AAC 50.990(59), provisions not requiring an application are covered under 18 AAC 50.508(6).

Factual Basis: The condition requires the Permittee to notify the Department when equipment listed under the MG3 Rev. 1 permit is changed. This information will be used to aid in compliance determination and permit applicability. If the new equipment has a different PTE, the Department may request a new MG3 Rev. 1 application to reflect the changes in potential emissions or a Title V permit if PTE is greater than 100 tpy for any one regulated pollutant.

Condition 18 – Terms to Make the Permit Enforceable

Legal Basis: These are standard conditions required under 18 AAC 50.345(a)-(c)(2) and (d)-(h) for all minor permits.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Factual Basis: These are standard conditions for compliance required for all minor permits.

Condition 19.1 – General Source Test Requirements

Legal Basis: Applies because this is a standard condition to be included in all permits in accordance with 18 AAC 50.345(k).

Factual Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.220(a) and applies because this is a standard condition to be included in all operating permits under 18 AAC 50.345(k). Monitoring consists of conducting the requested source test.

Condition 19.2, 19.3, & 19.4 - Operating Conditions, Reference Test Methods, Excess Air Requirements

Legal Basis: This condition applies because the Permittee is required to conduct source tests, and also ensures compliance with 18 AAC 50.220(b) - (c).

Factual Basis: This condition supplements the specific monitoring requirements stated elsewhere in this permit. Compliance monitoring with conditions 19.2-19.4 consists of the test reports required by Condition 19.8.

Reference Test Methods: You should use the following as reference test methods when conducting source testing for compliance with this permit:

- Source testing for the reduction in visibility through the exhaust effluent must be conducted in accordance with the procedures set out in Reference Method 9.
- Source testing for emissions of total particulate matter, sulfur compounds, and nitrogen compounds gases must be conducted in accordance with the methods and procedures specified in 40 C.F.R 60, Appendix A.
- Source testing for emissions of any pollutant may be determined using an alternative method approved by the Department in accordance with 40 C.F.R. 63 Appendix A, Method 301.

Condition 19.5 - Test Exemption

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.345(a) and applies when the source exhaust is observed for visible emissions.

Factual Basis: As provided in 18 AAC 50.345(a), the requirements for test plans, notifications and reports do not apply to visible emissions observations by smoke readers, except in connection with required particulate matter testing.

Condition 19.6, 19.7, & 19.8 - Test Plans, Notifications, and Reports

Legal Basis: This condition ensures compliance with the applicable requirement in 18 AAC 50.345(l)-(o) and applies because the Permittee is required to conduct source test by this permit.

Factual Basis: Standard conditions 18 AAC 50.345(l)-(o) are incorporated through this condition. These standard conditions supplement specific monitoring requirements stated elsewhere in this permit. The source test itself monitors compliance with this condition.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

ATTACHMENT 1: ASPHALT PLANT DISPERSION MODELING SUMMARY

Alaska Department of Environmental Conservation
Dispersion Modeling Summary
for Asphalt Plants

Prepared by Bill Walker April 23, 2003

This summary is to support the renewal of general air quality operating permits for Asphalt Plants. The Department specifically requests comment on the assumptions used to characterize these facilities, and on how we should use the information produced by the modeling analysis.

Background

On May 1, 1998 the Department issued permits for transportable or stationary Asphalt Plants. The first round permits were issued under the authority of AS 46.14.215 which requires a demonstration that operations do not cause violations of ambient air quality standards or applicable increments. In support of that permit, the Department did air quality dispersion modeling using SCREEN3².

During the life of that permit, the Department has received a substantial number of complaints about emissions from some of the Asphalt Plants using the General Permit. The complaints involve the potential for adverse impacts on human health and welfare⁶. The complaints were about dust and odors, and specifically questioned whether the Department has evaluated the effects of neighbors being on elevated terrain, and the operation of more than one industrial facility at the same location.

The modeling for the 1998 permits did not look at either elevated terrain or multiple industrial operations at one location. At that time, the Department also did not have a way to estimate emissions from any sources other than the stack emissions from aggregate dryers, drum mixers, or diesel engines used to provide electrical power. Therefore, several important sources of particulate matter were not part of the analysis.

The Department is issuing the renewal permits under the authority of AS 46.14.210, but not AS 46.14.215. However, because of public health concerns that arose during the life of the original permits, I have done additional dispersion modeling as provided by 18 AAC 50.201. This modeling serves as the basis for proposed permit conditions.

Model and Methods Used

For this modeling analysis I used ISCST3. This allowed sources to be distributed over a three dimensional space. [SCREEN3 does not.] The modeling is intended to represent Asphalt Plants operating anywhere in the state. To make the modeling as representative as possible, I used emission rates and stack parameters from 28 Asphalt Plant source test reports. I estimated stack

² SCREEN3 AND ISCSD are EPA computer models for predicting concentrations of pollutants in the air to which the public has access. They use data on weather and on the emission sources to make the calculations.

⁶It is important to note that most plants operating under the general permits did so without public complaints to the Department.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

heights from photographs or visible emission inspection [Method 9] reports. Source test reports show operation at rates both above and below the standard of 0.04 gr/dscf. Emission rates for all stacks modeled were based on operation at that standard.

Fugitive particulate matter emissions were modeled as volume sources as this best approximates how they are released.

Meteorological Data

The meteorological data set was a screening data set similar to the one used in SCREEN3. It was applied to ISCST3 by Pat Hanrahan of the State of Oregon Department of Environmental Quality. The model predicted one hour ambient concentrations. To get 24 hour concentrations, I multiplied the results by 0.4, and for three hour concentrations multiplied by 0.9. This is consistent with EPA guidelines.

Background Concentrations

The background concentrations selected must be applied statewide. It would be far too unwieldy to develop separate conditions for each area of the state based on different background concentrations. I used the highest concentrations measured at Healy. The location of the Healy monitoring site intended to gather background concentrations, not to measure impacts from the Healy power plants. The background concentrations were:

SO₂ 24 hour – 26 µg/m³;
SO₂ three hour – 44 µg/m³;
PM-10 24 hour – 31 µg/m³.

Receptors

Receptors were placed using a polar grid from a few meters from the center of the operation to a maximum of 2000 meters. Receptors were modeled assuming flat terrain, and terrain heights of 10, 15, and 20 meters.

Downwash

Asphalt Plants have several structures that can cause downwash under some circumstances. The modeling used two structures common to any plant. The dryer or drum mixer was represented as a building 30 feet long and 12 feet high. Drum mix plants have a storage silo. Batch plants have a pug mill, and may also have a storage silo. To represent a silo or pug mill, I used a cylindrical structure 40 feet high and 14 feet in diameter.

Earlier modeling done before the public workshops held in January, 2003 relied on only one downwash structure -the drum mixer or dryer. A photograph the Department received of one Asphalt Plant in operation shows apparent downwash from larger structures. Based on that information adding the silo was more realistic and produced changes in the modeling results.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

PM-10

A recent EPA publication³ provided estimates of fugitive emissions for:

- Dust from vehicle traffic, including dump trucks and loaders;
- Receiving new aggregate;
- RAP crushing;
- Screening;
- Load out; and
- For drum mix plants, silo filling.

I combined all modeled sources in three scenarios -high and low moisture for fugitive emissions, and assuming fugitive emissions from mobile sources was controlled well enough that emissions are negligible. Asphalt plant stack emissions were modeled at the NSPS emission limit of 0.04 gr/dscf for each scenario.

The estimated emissions from vehicle traffic, RAP crushing, and screening depend on whether there are emission controls, such as water sprays, and for vehicle traffic, whether the ground is wet or dry and dusty and the soil silt content. Emissions from these sources also depend on the production rates and other source specific factors. I used the emission factors and assumptions in the following table.

³ Hot Mix Asphalt Plant Emission Assessment Report, EPA-454/R-00-019, December 2000.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Table 1 Fugitive Particulate Matter Emission Factors and Assumptions			
Emission Source	PM-10 Emission Factor	Source of Emission Factor	Assumptions
All Sources			12 hours of operation per day 150 tons of HMA per hour
Loaders	$E = 2.6 (s/12)^{0.8} \times (W/3)^{0.4} \times 1/(M/0.2)^{0.3}$ where <i>s</i> is ground silt content <i>W</i> is vehicle weight <i>M</i> is soil moisture <i>E</i> is pounds of PM-10 /vehicle mile traveled	AP-42 Table 13.2.2	Caterpillar 928g Loader 12 ¾ tons 3 yard bucket capacity 20 feet from aggregate pile to inlet hopper Soil Moisture - Uncontrolled operation 0.7% - Controlled operation 20% 10% road silt ⁴
Trucks	Same as Loaders	Same as Loaders	10 ½ tons empty 12 ton capacity 200 meters from gravel source to dryer 50 meters to property boundary Soil Moisture - For uncontrolled operation – 0.7% - No emissions when wet 10% road silt ⁴
Screening	Controlled – 0.00084 Uncontrolled – 0.015 lb/ton	AP-42 11.19.2	
RAP Crushing	Controlled – 0.00059 Uncontrolled – 0.0024	AP-42 11.19.2	Factor for tertiary crushing

Results

The model predicted ambient air quality standards violations for each terrain height. For each model run I found the distance from the center of the operation to the nearest receptor with predicted compliance with the ambient standards. For conclusions based on particulate matter emissions, I subtracted 50 meters, which was the distance from the center to the outer edge of the volume sources representing fugitive emissions.

The distances to compliance were much greater for the model runs with fugitive emission sources uncontrolled. Distances were 1400 -1600 meters – about one mile.

[Modeling filenames: dwas00su, dwas30su]

⁴ Hot Mix Asphalt Plant Emission Assessment Report, EPA-454/R-00-019, December 2000, page 15.

MG3 – Asphalt Plant Technical Analysis Report - Final Revision 2

Conclusions and Recommendations

Because the modeling that was performed relies on estimates of what is a "typical" facility, the conditions in the permit based on this modeling of the results are not as rigorous as would be done for modeling which more accurately represents an individual facility. A General Permit is necessary because of the nature of asphalt production operations in Alaska. Asphalt Plants may have to frequently relocate to be near enough to road or runway paving jobs. By the time a contract is awarded and a location identified, there is typically not enough time to obtain a facility specific permit and still be able to satisfy the contract.

Based on results for SO₂ the permit prohibits locating fuel burning equipment at an asphalt plant within 110 yards of a residence.

The worst case modeling for uncontrolled particulate matter sources predicts violations of the 24 hour ambient PM-10 standard up to a mile away. The permit Condition to address this possibility relies on a fugitive dust control plan. It would not be possible to write conditions that adequately restrict emissions from all sources without being overly stringent in many cases.

Based on results for PSD increments, the permit allows up to two years of operation at a location that is closer than 800 feet to a residence or other occupied structure, or 1100 feet if the structure is on terrain higher than 10 meters above the ground level of the stationary equipment. Construction activities that are in one location for less than two years are considered temporary, and not subject to PSD increments.

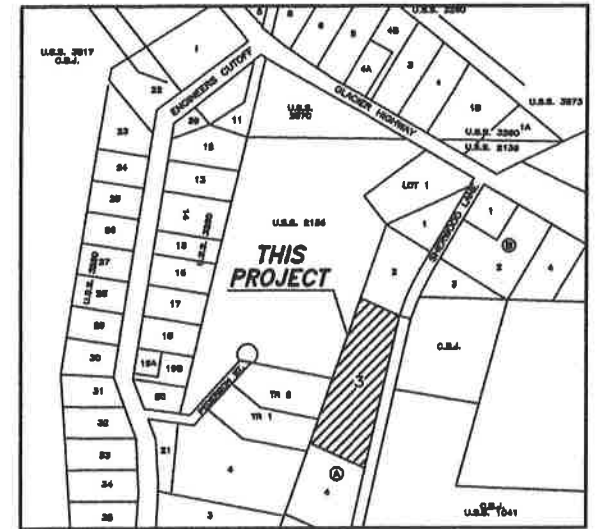
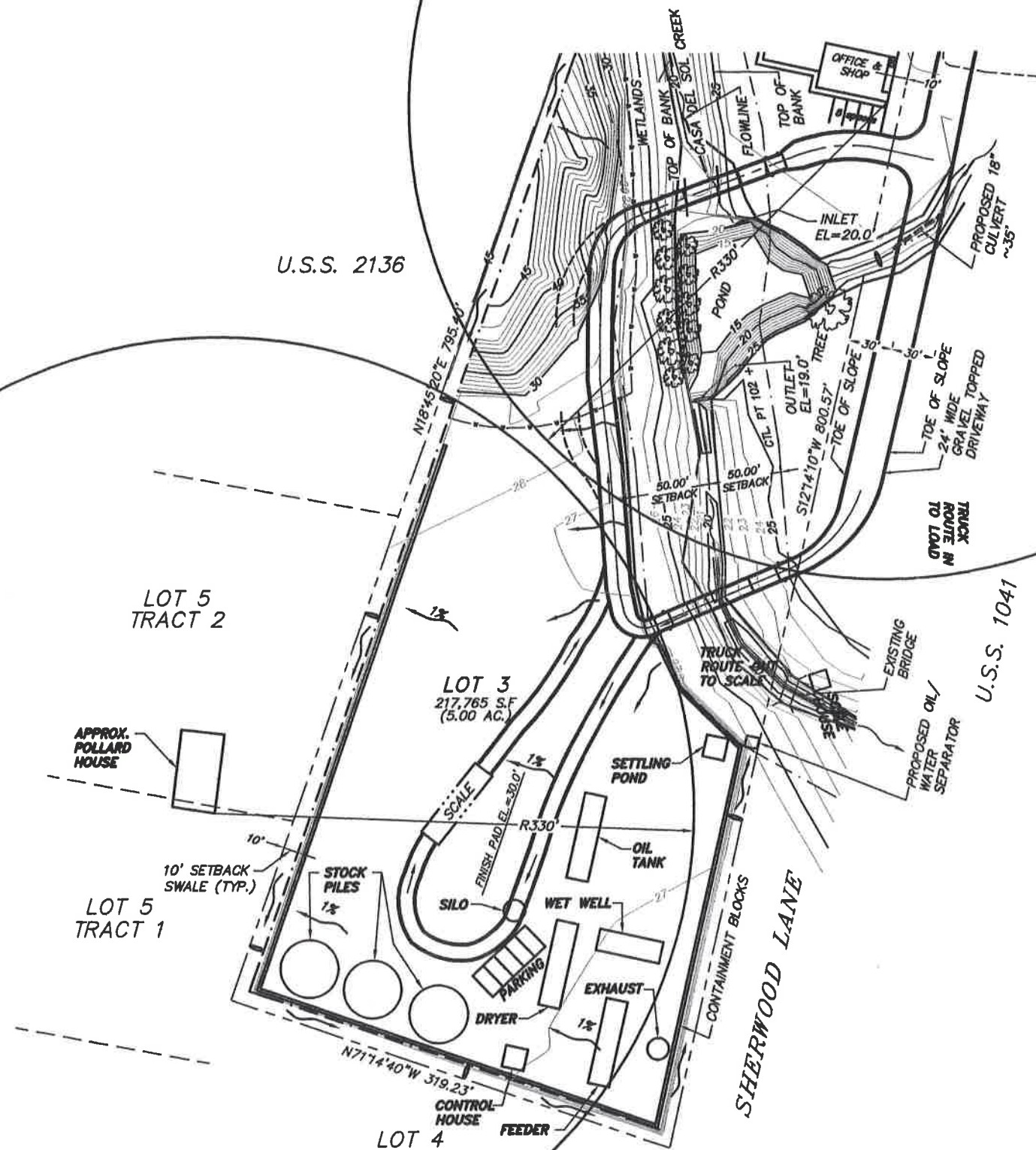
Uncertainties

Each of the assumptions described contributes uncertainty to the results of this analysis. Since there is no one set of assumptions that will fit all operations, the intent was to describe a reasonable worst case-assumptions that would not unreasonably prevent the operation under this permit of asphalt plants that have been operating under the previous permit without problems or complaints.

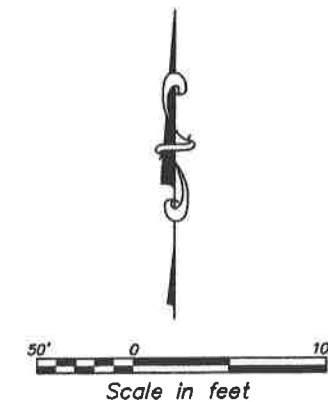
Since the General Permits can be used anywhere in the state, there is no one set of meteorological data that would be appropriate for all operations. This is why I chose a "screening" data set that presents a wide variety of conditions to find the reasonable worst case one hour concentration. The predictions would be appropriate to the extent that these screening conditions fit any actual location for an extended number of hours, the wind direction is toward nearby structures such as businesses or residences, and operation occurs during these conditions for about 12 hours per day. These uncertainties must be considered when applying the modeling results to any applicability criteria or permit conditions for the General Permit.

Odor

The odor from asphalt plants is a common source of concern to nearby residents, especially those with special health problems. However, odor cannot be modeled, so it could not be included in this analysis.



VICINITY MAP
SOURCE: C.B.J. BASEMAP SERIES - SCALE: 1" = 500'

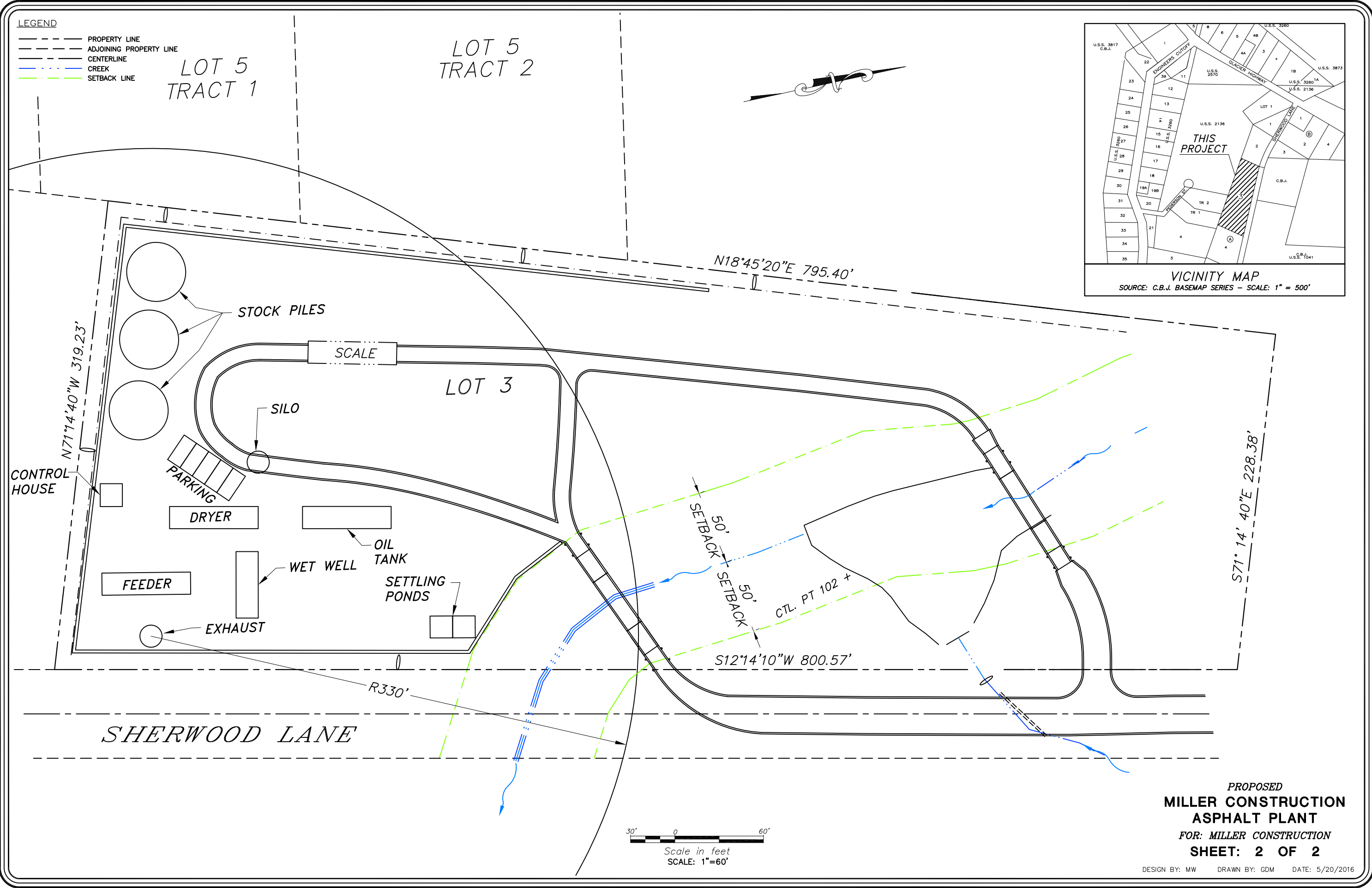


RECEIVED
MAY 05 2016
PERMIT CENTER/CDD

PROPOSED
MILLER CONSTRUCTION
ASPHALT PLANT
FOR: MILLER CONSTRUCTION
SHEET: 1 OF 1

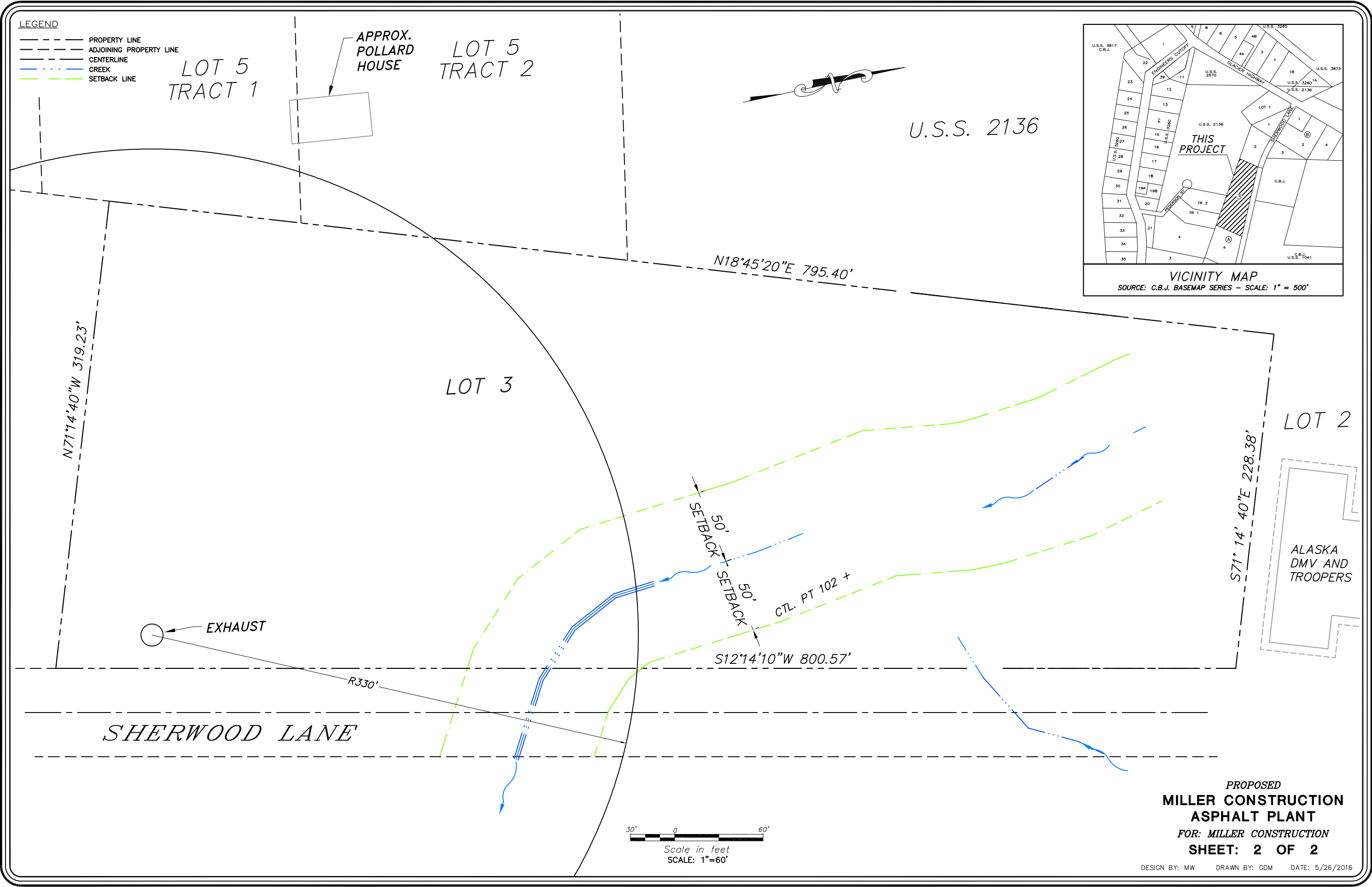
DESIGN BY: MW DRAWN BY: GDM DATE: 5/04/2016

E:\GDM\WALSH\MILLER ASPHALT PLANT\MILLER ASPHALT PLANT.DWG 5/20/2016 12:09:08 PM AST GDM Graphics (907) 789-5798



Attachment 5 Revised Site Plan

E:\GDM\WALSH\MILLER ASPHALT PLANT\MILLER ASPHALT PLANT.DWG 5/26/2016 9:27:08 AM AST GDM Graphics (907) 789-5798



Attachment 6 Site Plan showing only the 330-foot buffer requirement

Bhagavati Braun

From: Murray Walsh <murray@acsalaska.net>
Sent: Friday, May 13, 2016 2:35 PM
To: Teri Camery
Cc: Marie Heidemann
Subject: Left Turns from Sherwood Lane

Hello Teri,

Please include the material below as a supplement to the project narrative I submitted last week for the Miller Construction application to add an asphalt plant to the existing contractors yard at Sherwood Lane.

Traffic Safety and Management

The asphalt plant will generate traffic on an intermittent basis as discussed elsewhere in the project narrative. The vast majority of customers and projects will be most commonly served by trucks turning right from Sherwood Lane on to Veterans Memorial Highway at the existing intersection. Returning trucks will use the existing left turn pocket lane that keeps them from blocking outbound traffic. There will be a few occasions where asphalt-carrying trucks will need to make a left turn. This will be managed on a job-by-job basis. At the onset of a specific paving project best served by left-turning trucks, the Alaska DOT Southcoast Region will be asked for permission to use flaggers to control the highway traffic to allow the trucks to make the left turn with creating risk. The trucks will be loaded and staged in groups of five or six so that the number of instances where traffic has to be stopped is limited to once or twice a day in most cases. The Alaska DOT has standards and qualifications for how flaggers are to work and the number, size and kind of signs and warning devices that are needed for various types of highway work. Miller construction has a trained and experienced crew that have had the training needed for this function.

Please contact Murray Walsh, agent for Miller Construction, at 907-723-8444 with any questions or concerns.



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Bhagavati Braun

From: Murray Walsh <murray@acsalaska.net>
Sent: Tuesday, May 17, 2016 9:06 AM
To: Teri Camery
Subject: Miller project description additions

Hi Teri,

I will be down shortly with an annotated air photo showing the 330 foot radius. In addition to that, please add the following to the asphalt plant project description:

1. The original permit for a contractor yard was issued in 2006. At that time, the project description included a rock crusher. Since that time, the crusher was re-located to other sites and has not been brought back to the Sherwood location. There is no plan to bring the crusher back to the Sherwood location.
2. Currently, the Sherwood site is primarily used for storage of wheeled equipment which is easy to move around on the site or to other locations. There is plenty of room, with some rearrangement, for the asphalt plant to be placed at the site as shown on the site plan. Miller Construction has two other yards where easily moved equipment can be re-located.



Virus-free. www.avast.com

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

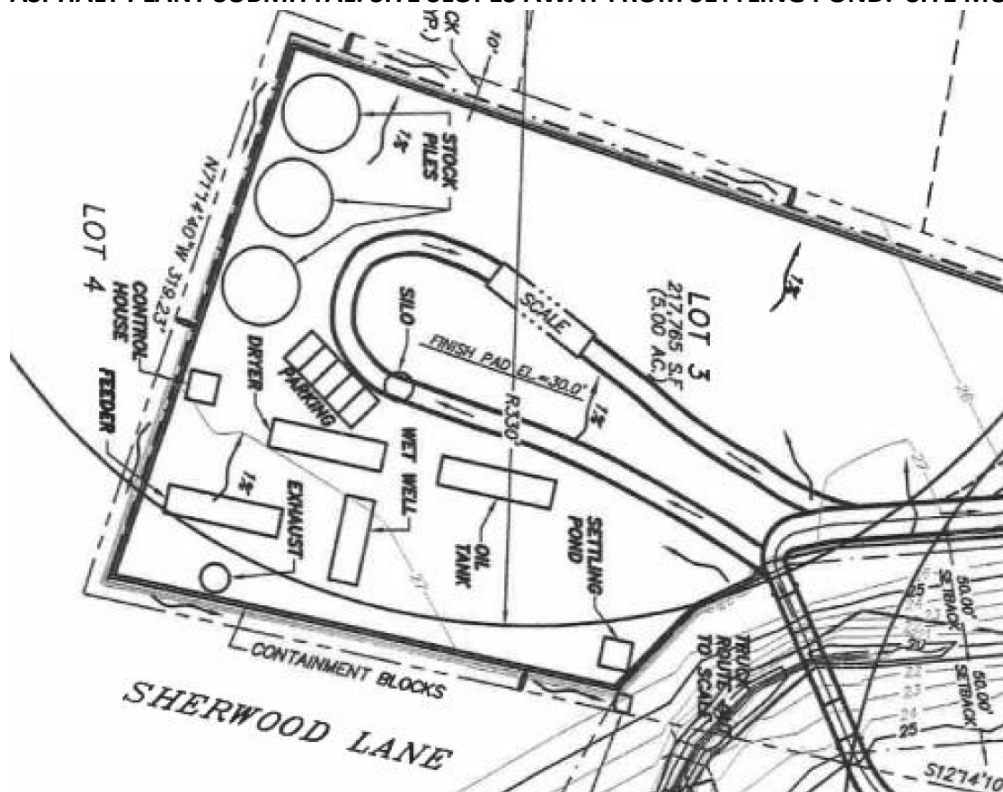
TO: Teri Camery, CDD

DATE: May 24, 2016

FROM: Ron King, General Engineering *RED King*

FILE: AAP USE16-16

ASPHALT PLANT SUBMITTAL: SITE SLOPES AWAY FROM SETTLING POND. SITE MUST BE REGRADED.



DETAILS AND ADEC APPROVAL REQUIRED FOR THE WATER QUALITY MAINTENANCE SYSTEM OF PONDS AND FILTERS. MAY REQUIRE AN ADEC DISCHARGE PERMIT FOR THE POINT SOURCE DISCHARGE.

The CBJ code, at Section 19.12.120 sets forth standards for erosion control and stormwater quality. That section requires applicants to prepare and submit an erosion and sedimentation control plan as part of the building permit process. This is typically done when a grading permit is requested and that is typically done *after* a Conditional Use Permit is granted. Even so, the planning staff have asked for some indication for how stormwater will be addressed. In this instance, the response is easy because the site has been managed under a Stormwater Pollution Prevention Plan (SWPPP) prepared by Glenn Johns, a consulting engineer, in 2006. That plan is on file at the General Engineering section affiliated with CDD. The plan will be re-examined by Miller Construction's SWPPP expert to see if it needs any modification as a result of adding the asphalt plant and any such modification will be made before operations begin.

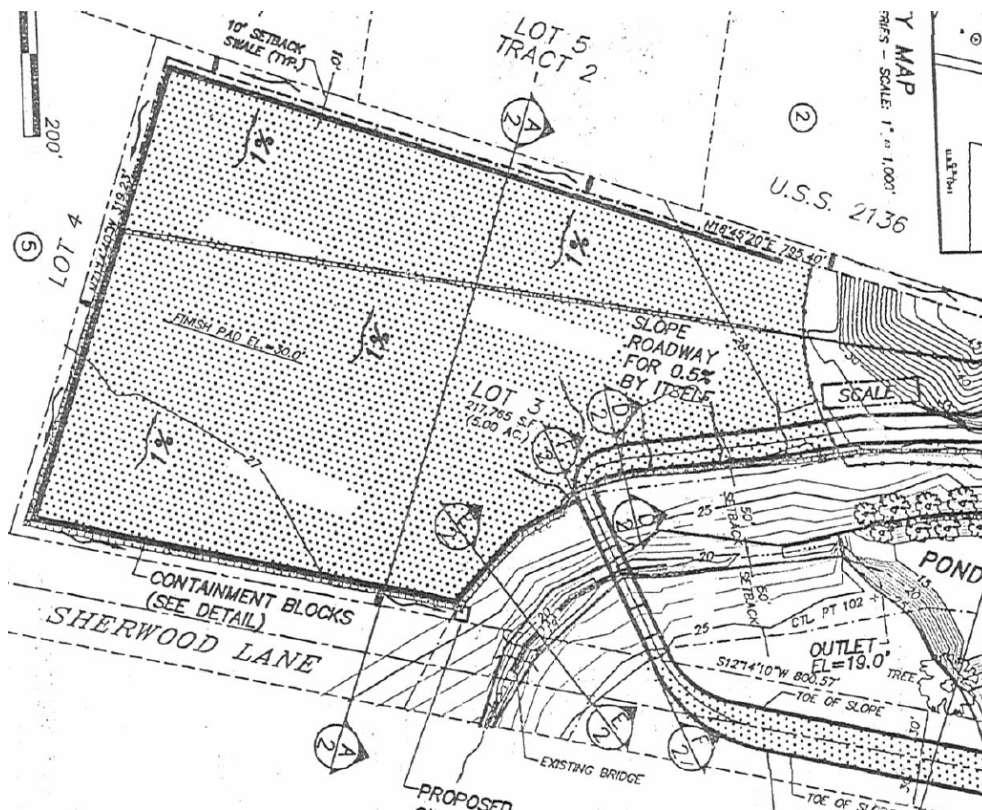
June 1, 2016

In case it is not clear, the water management plan is to control *all* of the water arriving at the site and make sure it meets standards before it is released. There are no current erosion issues to address and certainly none will be created.

Other Matters:

- a. **Water Quality:** On-site water will be used for the dust control system but it will be filtered and recycled. That water, along with stockpile and site runoff, will be eventually discharged using a filtration and settling pond system. Excess water will be discharged, after treatment, into the ground through a sump. The need for a Stormwater Pollution Prevention Plan and Notice of Intent are acknowledged. Miller Construction has prepared many of these and will do so before plant operations begin. As noted above, a Stormwater Pollution Prevention Plan is already in place and the pertinent pages will be posted on the site.
- b. **Existing drainage:** The site is currently managed in accord with a SWPPP prepared in 2006. The features include a ditch along the sides of the filled area with ditch checks to filter the runoff. No new features are anticipated other than the misting and cooling water treatments described elsewhere.

BLD2006-00384 GRADING PERMIT (NOT FINALED) AND SHALL BE COMPLETED PRIOR TO APPROVAL OF CONDITIONAL USE PERMIT.



June 1, 2016

SPECIAL INSPECTION MUST BE COMPLETED WITH A LETTER CERTIFYING THE BRIDGE AND SITE WERE CONSTRUCTED PER THE PLAN AND THE BRIDGE IS ADEQUATE FOR H=20 LOADING. SEE SPECIAL INSPECTION AUTHORIZATION FORM.

MAINTENANCE SCHEDULE FOR THE OIL-WATER SEPERATOR REQUIRED.

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: November 23, 2005

File No.: USE2004-00073

Murray Walsh for Miller Construction
2974 Foster Ave.
Juneau, AK 99801

Application For: Allowable Use permit for crushed rock stockpiles, heavy equipment storage,
and a construction business office/shop.

Legal Description: Sherwood Estates, Block A, Lot 3

Parcel Code No.: 4-B17-0-110-003-0

- 3) An oil water separator shall be installed on the outflow point of the drainage swale and ditch system. The size, location and maintenance schedule for the oil water separator shall be approved by the CBJ Engineering Department prior to installation.

NEAPI

There will be additional items that will become apparent during the building/grading permit process.

42.20.095 Disturbing the peace.

(a)

General.

(1)

It is unlawful for any person willfully to make or continue to make, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include the following:

(A)

The volume of noise;

(B)

The intensity of the noise;

(C)

Whether the nature of the noise is usual or unusual;

(D)

Whether the origin of the noise is natural or unnatural;

(E)

The volume and intensity of the background noise, if any;

(F)

The proximity of the noise to residential sleeping facilities;

(G)

The nature and zoning of the area within which the noise emanates;

(H)

The density of the inhabitation of the area within which the noise emanates;

(I)

The time of the day or night the noise occurs;

(J)

The duration of the noise;

(K)

Whether the noise is recurrent, intermittent or constant;

(L)

Whether the noise is produced by a commercial or noncommercial activity;

(M)

Whether the noise contains pure tones.

(2)

Liability. In a prosecution under this section, it shall be a rebuttable presumption that the owner, tenant, or person in charge of real property from which noise emanates in violation of this section has caused or allowed to be caused the noise which violates this section.

(b)

Construction of buildings and projects. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.

(c)

Noise emanating from vehicles.

(1)

Policy. It is unlawful for any person to play, continue to play, or allow to be played, any sound system from, within, or on any motor vehicle so that any sound, music, or vibration emanating therefrom can be heard at a distance of more than 30 feet between the hours of 10:00 p.m. and 9:00 a.m., unless the vehicle is a sound truck operating pursuant to a permit issued under [section 72.10.150](#)

(2)

Liability. In a prosecution under this section, it shall be rebuttable presumption that the registered owner of a vehicle from which emanates noise in violation of this section has played or allowed to be played the sound system causing the noise.

(d)

[Reserved.]

(e)

Defenses. It is an affirmative defense to a charge under subsection (a) of this section that the noise is a normal result of a kennel authorized in an industrial zone under [title 49](#) of this Code.

(f)

Disturbing the peace is an infraction.

(Serial No. 78-36, § 3, 1978; Serial No. 85-56, § 45, 1985; Serial No. 2000-44am, § 2, 1-22-2001; Serial No. 2006-18(b), § 3, 6-5-2006)

State law reference— Disorderly conduct, AS 11.61.110.

04 CBJAC 050.020 Performance standards.

- (a) The noise emanating from premises used for industrial activities shall be muffled so as to not become objectionable due to rhythm, intensity, pitch, or timbre, and where a use adjoins a residential district, the volume measured at the boundary line shall not exceed 55 dba's between the hours of 11:30 p.m. and 6:00 a.m., and 70 dba's at other hours.
- (b) Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.
- (c) Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from outside of the property.
- (d) Provisions shall be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, electronic and nuclear equipment.
- (e) The emission of obnoxious odors or toxic or corrosive fumes or gases shall not be permitted. Dust or vapor created by an industrial operation shall not be exhausted directly into the atmosphere.
- (f) The storage of liquid or solid waste which attracts vermin or otherwise creates a health hazard is prohibited. No waste products shall be visible from eye level from any property line.
- (g) All open storage, excluding outside merchandising, shall conform to the front yard setback requirement of the zoning district in which it is located and shall be enclosed by a sight obscuring fence or planting at least six feet high.

Bhagavati Braun

From: Murray Walsh <murray@acsalaska.net>
Sent: Tuesday, May 31, 2016 2:07 PM
To: Teri Camery
Subject: Sherwood Asphalt Plant Traffic

Hi Teri,

Thanks for asking for clarification on the traffic we expect to generate on the Sherwood site as a result of operating the asphalt plant. First, there is almost no traffic to or from the site now. It is used primarily to park trucks and other large vehicles and machines as well as to stage materials. There are probably four trips a day. Second, we need to be clear on what a “trip” is. In typical traffic analysis, a trip is a vehicle movement from one place to another. So, a vehicle that takes a load of hot mix to a job site and comes back with another load has taken two trips.

Near the middle of Page 2 of my project description, there is this entry: “The proposed plant can generate 1700 tons of product per 12-hour day. That is 142 tons per hour or about ten loads per hour.” This discussion was part of a larger description of the production process but it does translate to 120 truck trips from the site in a 12 hour period of full-tilt production. Each truck would return for a total of 240 trips all together. Again, this is maximum production and might occur a half dozen days per season. On most days, especially wet days, there will be no traffic or much less. A single 15 ton load will pave 800 square feet at a thickness of three inches. So, to re-pave a typical residential driveway would require one or two truckloads. Commercial re-paves or new-paves, say for the Valley Breeze in, might require five or six. Most of the jobs will be of that nature.

At Item h. in the project description, there is the following:

The plant capacity is 1700 tons per day. Using 15-ton capacity trucks means that the combined incoming/outgoing traffic could be as high as 170 truck trips per day or 850 trips in a five-day operating week. As a practical matter, there are very few occasions where the plant would operate at that capacity for days at a time, so typical truck traffic will be considerably less, about 50 trips a day and 250 trips a week.

Now, to reconcile, the second entry with the first. First, note that the 1700 tons per day describes the rate at which asphalt can be produce in a single 12 hour period. Second, the “170 truck trips” is referring to traffic in and out of the site or 85 trips out per day. What I should have said is that this would be typical of an eight or nine hour day, not 12 hour days. I am sorry for the confusion, but again, these are maximums, so the proposal should be evaluated on average traffic which is estimated at about 25 loads per day and 25 return trips per day as indicated in the excerpt above.

Please let me know if this is sufficient or if you need anything else. Thanks again for your efforts on this.

Murray
 723-8444



Virus-free. www.avast.com

Bhagavati Braun

From: Murray Walsh <murray@acsalaska.net>
Sent: Saturday, May 28, 2016 1:15 PM
To: Teri Camery
Subject: Dust

Hi Teri,

A concern came up about dust from trucks passing on the Millers' driveway. They are going to pave the driveway from where it starts at DMV all the way into the site. Hope all is good with you.

M



Virus-free. www.avast.com



**City and Borough of Juneau
Community Development Department**

155 South Seward Street

Juneau, Alaska 99801

Telephone: 586-0715 Facsimile: 586-3365

Project Name: Temporary Asphalt Plant

Case Number: PAC20160028

Project Description: A temporary asphalt plant at the Miller Construction Sherwood Lane contractor storage yard

Applicant: Murray Walsh

Property Owner: Sherwood Lane Development

Property Address: 2500 Sherwood Lane

Parcel Code Number: 4B1701100030

Site Size: 5 acres

Zoning: Industrial

Existing Land Use: Miller Construction Headquarters yard including an approved rock crusher, rock stockpiling, heavy equipment storage, and office

Conference Date: April 27, 2016

Report Issued: April 28, 2016

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
Murray Walsh	Walsh Services	murray@acsalaska.net
Teri Camery	CDD Senior Planner	teri.camery@juneau.org
Mark Millay	CBJ Engineering	mark.millay@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

Applicant Summary

Mr. Walsh described the existing contractor storage yard which was approved in 2004. He said that no new fill is proposed, the site is not heavily used, there is room for the plant, and the site already has drainage features installed. He said that a Corps permit is not necessary. Miller Construction will do a new Stormwater Pollution Prevention Plan (SWPPP) for the proposed plant. Miller is seeking a two-year, temporary asphalt plant. Mr. Walsh said the site is not large enough for a permanent operation. He noted that traffic from the site may require a special effort for traffic turning left onto the glacier; he suggested possible use of an off-duty police officer to direct traffic.

CBJ Engineering

Mr. Millay asked about the timing of the development, noting that this intersection will be re-done later, but not within the two years currently proposed for the plant. He provided a copy of the former SWPPP prepared for the site back in 2004 for reference. A grading permit will be required.

CBJ Planning

Ms. Camery said that the application would need to address the following issues:

- Lighting plan utilizing downward facing, non-glare lights. This may be submitted with the CU application, or may be a project condition to be met prior to issuance of a building permit.
- A copy of the DEC permit for the plant, and a map that clearly verifies that all structures that meet DEC's specific definition of "occupied structures" are beyond the 330 foot distance requirement.
- A final SWPPP will be required prior to issuance of a building permit.
- Information on the site plan and in the project narrative that demonstrates that the existing uses on the site are compatible with the new proposed use.
- The site plan needs to show:
 - Ingress and egress
 - Stockpiling areas
 - Parking area for trucks and employees
 - All buildings associated with the plant, other buildings/features of the existing operation, and how this is compatible
 - Stormwater treatment features
- The project narrative should address
 - Hours/days/months and seasons of operation
 - Dust control plan
 - Stormwater/drainage features on site, and how they are adequate for both existing and proposed operations

Pre-Application Conference Final Report

- Spill prevention and spill treatment measures
- Traffic information with the average daily trips from the site, maximum daily trips, truck route, and measures for addressing left turns onto Glacier Highway. Truck traffic below 250 trips per day would not require a Traffic Impact Analysis according to code requirements.
- Noise impacts to surrounding properties, and how noise impacts will be addressed
- Written explanation (in addition to the map requested) of DEC distance requirements and how these have been met
- An overall description of the operation: intended uses, where the material is coming from and where it will go, buildings, etc.

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. Copies of state and federal permits
2. Detailed site plans of existing and proposed conditions

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

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

Submit your completed application

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

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Pre-Application Conference Final Report

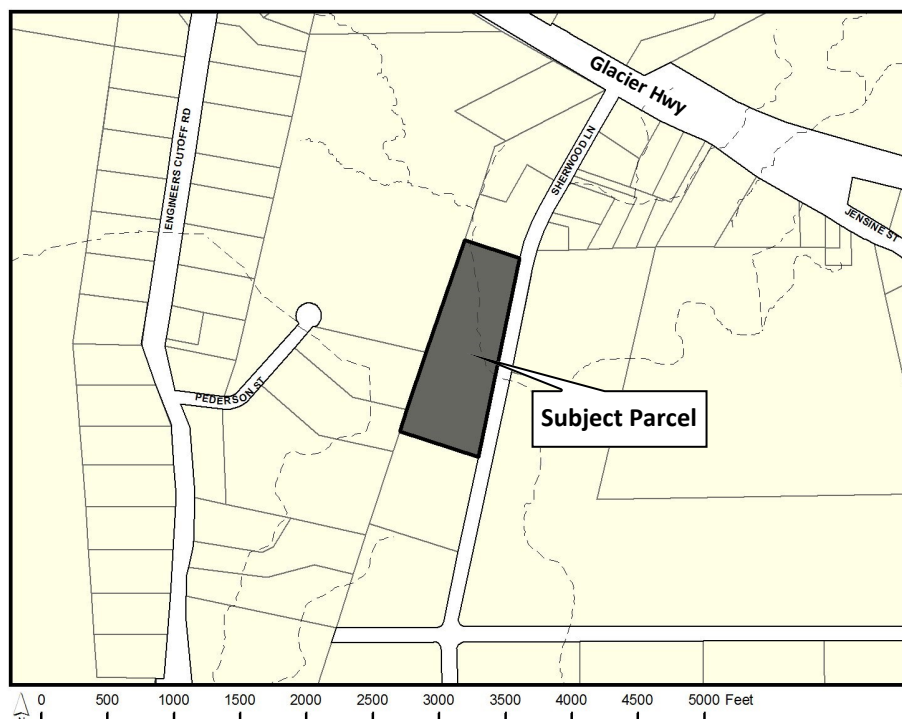
Phone: (907) 586-0715

Fax: (907) 586-3365

Web: www.Juneau.org



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Conditional Use permit to establish an asphalt plant at an existing contractor storage and service yard for two construction seasons.

File No:	USE2016 0016	Applicant:	Walsh Planning & Development
To:	Adjacent Property Owners	Property PCN:	4-B17-0-110-003-0
Hearing Date:	June 14, 2016	Owner:	Sherwood Lane Development LLC
Hearing Time:	7:00 PM	Size:	217,800 Square Feet
Place:	Assembly Chambers	Zoned:	I (Industrial)
	Municipal Building	Site Address:	2500 Sherwood Lane
	155 South Seward Street	Accessed Via:	Sherwood Lane
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Teri Camery at teri.camery@juneau.org or 586-0755.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

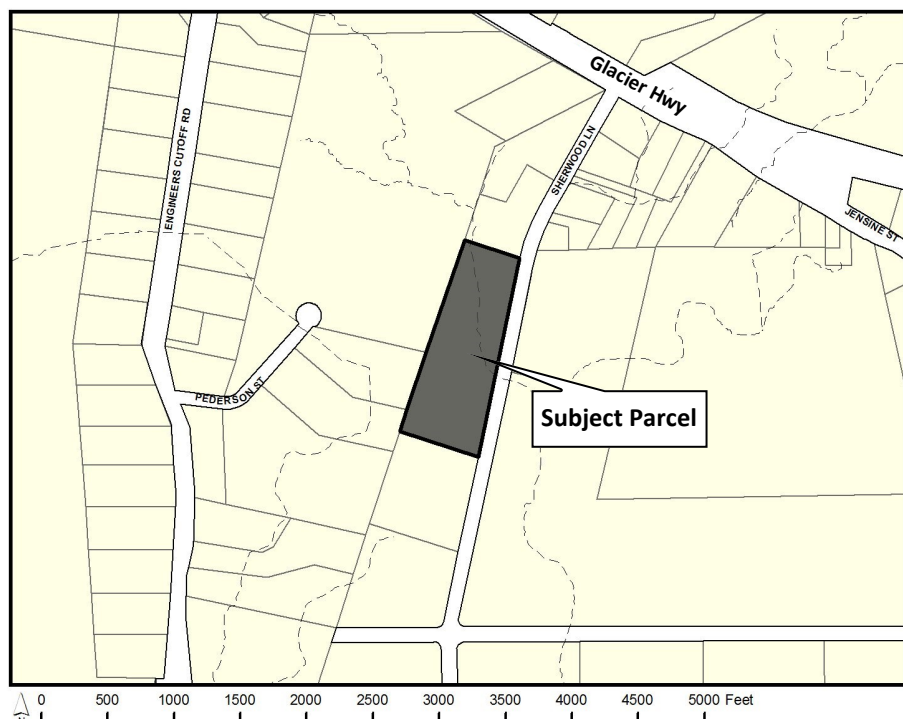
Attachment 14

Public Notice

Date Notice was printed: May 20, 2016



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Conditional Use permit to establish an asphalt plant at an existing contractor storage and service yard for two construction seasons.

File No:	USE2016 0016	Applicant:	Walsh Planning & Development
To:	Adjacent Property Owners	Property PCN:	4-B17-0-110-003-0
Hearing Date:	June 14, 2016	Owner:	Sherwood Lane Development LLC
Hearing Time:	7:00 PM	Size:	217,800 Square Feet
Place:	Assembly Chambers	Zoned:	I (Industrial)
	Municipal Building	Site Address:	2500 Sherwood Lane
	155 South Seward Street	Accessed Via:	Sherwood Lane
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Teri Camery at teri.camery@juneau.org or 586-0755.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: May 20, 2016



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION

NOTICE OF DECISION

Date: June 15, 2016

File No.: USE2016 0016

Walsh Planning & Development Services
2974 Foster Avenue
Juneau, Alaska 99801

Application For: Conditional Use Permit to establish an asphalt plant at an existing contractor storage and service yard for two construction seasons.

Legal Description: SHERWOOD ESTATES BL A LT 3

Property Address: 2500 Sherwood Lane

Parcel Code No.: 4-B17-0-110-003-0

Hearing Date: June 14, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 1, 2016, and approved the Conditional Use Permit to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

- 1) *Prior to issuance of a building (grading) permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.*
- 2) *Prior to the issuance of a building (grading) permit, the applicant shall provide CDD with the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of the adjacent anadromous stream.*

At the hearing the Commission approved the following additional condition:

- 3) *The permit shall expire on December 1, 2017.*

Attachments: June 1, 2016 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2016 0011.

Walsh Planning & Development Services

File No.: USE2016 0016

June 15, 2016

Page 2 of 2

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).

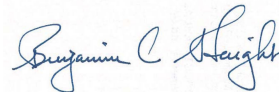
Effective Date: The permit is effective upon approval by the Commission, June 14, 2016.

Expiration Date: The permit will expire on December 1, 2017.

Project Planner:



Teri Camery, Senior Planner
Community Development Department



Ben Haight, Chair
Planning Commission



Filed With City Clerk

June 17, 2016

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.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: May 31, 2016

TO: Board of Adjustment

FROM: Tim Felstead, Planner 
Community Development Department

FILE NO.: VAR2016 0004

PROPOSAL: Variance request for a reduction of the front yard setback for an addition to an existing dwelling.

GENERAL INFORMATION

Applicant: Hollis Handler and Tyson Fick

Property Owner: Hollis Handler and Tyson Fick

Property Address: 9831 Nine Mile Creek Road

Legal Description: USS 3546 Lot 218B

Parcel Code Number: 6-D11-0-103-007-1

Site Size: 36,065 square feet (0.8300 acres)

Comprehensive Plan Future Land Use Designation: RDR (Rural Dispersed Residential)

Zoning: D1

Utilities: Public water, Private sewer

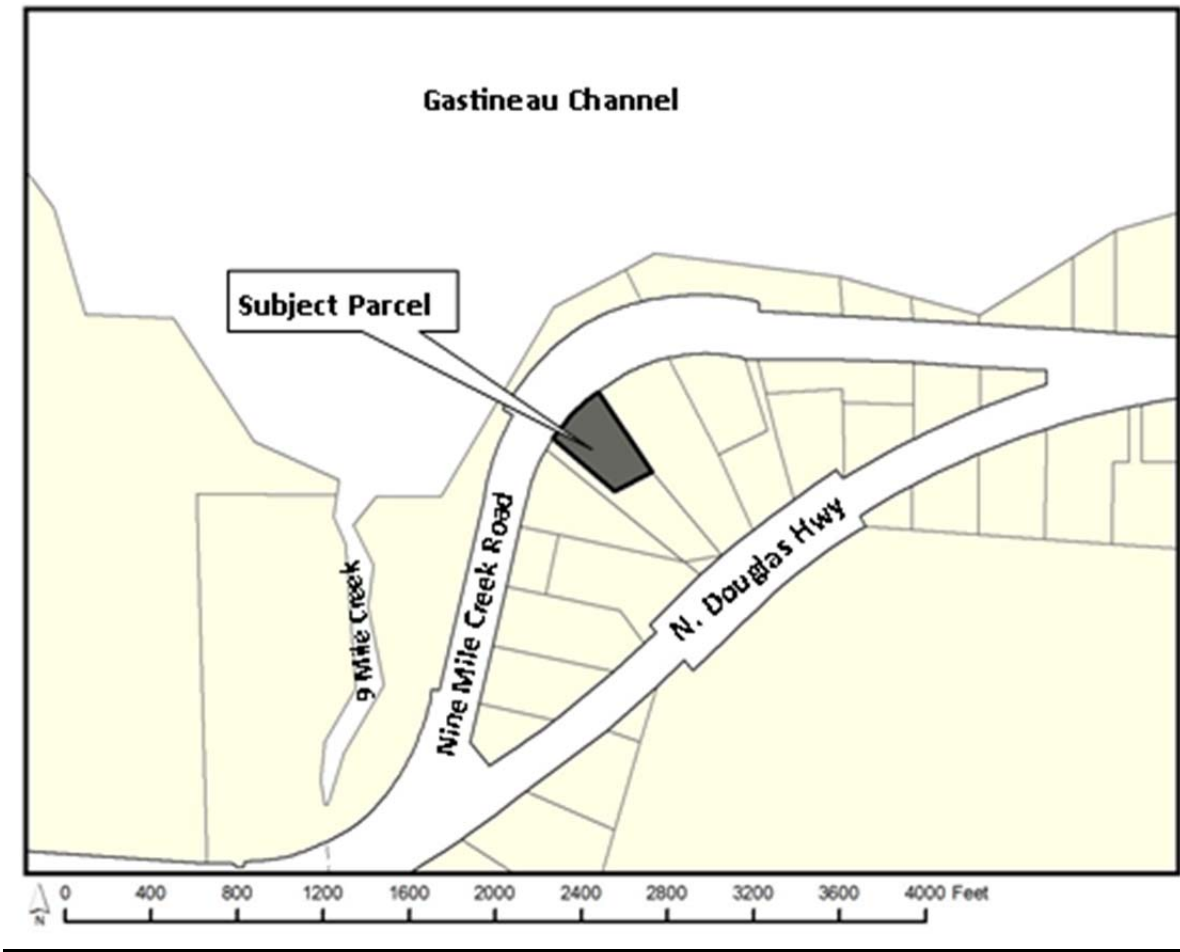
Access: Nine Mile Creek Road via shared driveway on adjacent lot

Existing Land Use: Single Family dwelling

Board of Adjustment
File No.: VAR2016 0004
May 31, 2016
Page 2 of 8

Surrounding Land Use:	North	State Right or Way (Nine Mile Creek Road), D1 (CBJ Public Space (managed by Parks & Recreation))
	South	D1 (Single Family Dwelling)
	East	D1 (Single Family Dwelling)
	West	State Right or Way (Nine Mile Creek Road), D1 (CBJ Public Space (managed by Parks & Recreation))

Vicinity Map



Board of Adjustment
File No.: VAR2016 0004
May 31, 2016
Page 3 of 8

ATTACHMENTS

Attachment A – Application including site plan and narrative
Attachment B – Photographs of property
Attachment C – Contour map of area surrounding existing dwelling
Attachment D – Notice of Decision for de minimis variance to original single story structure
(VAR2000-00005)
Attachment E – Notice of Decision for second story additional to existing single story structure
(USE2008-00003)
Attachment F – Public Notice

PROJECT DESCRIPTION

The applicant is seeking a reduction of the required 25 foot front yard setback to 17 feet. The applicant wishes to add a 14 foot by 14 foot (196 square feet) addition to their existing house. The addition would be used as a dining area adjacent to the existing kitchen and would require removal of an existing deck. The foot print would encroach further into the setback than an existing deck

The current kitchen is located in a single story portion of the home to the west of the 'L' shaped dwelling. The applicant has indicated that building within the setback to the west of the existing kitchen would require relocation of plumbing and of an oil tank. It would also constrain access around this side of the dwelling due to a steep embankment. Placing the addition in a different location will not provide a convenient design in terms of dining room location. The applicant has indicated the proposed location would be the least expensive option for them.

BACKGROUND

The existing single family dwelling was constructed in 1999 (BLD99-00477) and is located in the northern corner of a 72,130 square foot lot. In 2000, the property owner was granted a de minimis variance to account for a minor encroachment of 5.8 feet into the 25 foot front yard setback (VAR2000-00005). The existing lot was created in 2002 as part of a panhandle subdivision (SUB2002-00019). In 2008, a second story was approved on top of the existing building that was subject to the previous de minimis variance. This approval was via an 'upfill' Conditional Use permit (USE2008-00003) and building permit (BLD2008-00005). In 2014, a building permit was issued for a 29 foot x 39 foot garage to the south of the existing house which is still to be given Certificate of Occupancy – this garage was built within the setbacks.

Board of Adjustment
File No.: VAR2016 0004
May 31, 2016
Page 4 of 8

ANALYSIS

The property is zoned D1 which has setback requirements of 25 feet for front and rear yard setbacks, and 15 feet for the side yard setbacks. All structures including decks on the property meet the setback requirements outright or have been granted Variances or Conditional Use permits.

While the existing deck and terrace encroach into the front yard setback, they are allowed to do so because of exceptions to setback requirements for such structures. CBJ 49.25.430(4)(D) allows uncovered porches, terraces or patios, less than 30 inches above grade, to be no closer than 10 feet to the front property line. CBJ 49.25.430(4)(E) allows unenclosed porches or decks no more than six feet into any yard setback provide they are no closer than 5 feet to a lot line.

The use is one single family dwelling and associated accessory structures which are permitted in this zoning district. All parking requirements are met.

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The subject parcel is large although the location and orientation of the existing dwelling unit constrains the size of any addition to the front of the building. The applicant has stated placing the addition in the setback will reduce construction costs. They have indicated that placing the addition elsewhere, outside of the required setbacks, would require relocating plumbing and an oil tank, or provide an inconvenient floorplan. The deck, which the addition would replace, is accessed from a wide sliding door, reducing the need to remove walls. No construction quotes have been provided to support these assertions.

No. The criterion is not met.

Board of Adjustment
 File No.: VAR2016 0004
 May 31, 2016
 Page 5 of 8

2. *That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.*

The purpose and intent of Title 49 is defined in CBJ 49.05.100:

- 1) *To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the coastal management program;*
- 2) *To ensure that future growth and development in the city and borough is in accord with the values of its residents;*
- 3) *To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;*
- 4) *To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- 5) *To provide adequate open space for light and air; and*
- 6) *To recognize the economic value of land and encourage its proper and beneficial use.*

No evidence has been presented indicating that the requested variance will have a negative impact on public safety and welfare. The proposed addition would be approximately 55 feet from the edge of the travel way on Nine Mile Creek Road. The proposed addition would provide no impediment to motorist's vision (see **Attachment B**). Alaska Department of Transportation and Public Facilities, who own the Nine Mile Creek Road Right of Way, do not have any issues with the application.

The location of the proposed addition is approximately 250 feet from the nearest neighboring dwelling. Land on the opposite side of Nine Mile Creek Road is CBJ open space.

CBJ Building division, CBJ General Engineering division and Capital City Fire and Rescue have no issues with the proposal.

Yes. The criterion is met.

3. *That the authorization of the Variance will not injure nearby property.*

There is no evidence that the authorization of the variance will injure nearby property. There have been no concerns raised by neighbors. The addition would be located approximately 250 feet from the nearest dwelling and will not create any obstructions to Nine Mile Creek Road.

Yes. The criterion is met.

Board of Adjustment
File No.: VAR2016 0004
May 31, 2016
Page 6 of 8

4. *That the Variance does not authorize uses not allowed in the district involved.*

The current use is single-family residential. The use is allowed within the D1 district, per CBJ 49.25.300 Table of Permissible Uses, section 1.110.

Yes. The criterion is met.

5. *That compliance with the existing standards would:*

(A) *Unreasonably prevent the owner from using the property for a permissible principal use;*

Compliance with the existing standards would not prevent the owner from using the property for a permissible principle use as a single-family residence.

No. The sub-criterion is not met.

(B) *Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;*

Whilst the current situation is consistent with the surrounding neighborhood, the addition of the dining room would also be would also be consistent. However, there is space around the existing dwelling on which an addition could be located that would not encroach into the setbacks.

No. The sub-criterion is not met.

(C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;*

While the existing lot is higher than Right of Way, up a steep embankment of approximately 20-25 feet, there is flat land immediately adjacent to the existing dwelling that could be used for the addition (see **Attachment C**).

No. The sub-criterion is not met.

or

Board of Adjustment
File No.: VAR2016 0004
May 31, 2016
Page 7 of 8

(D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.*

There are no pre-existing nonconforming situations on the subject parcel.

This sub-criterion is not applicable.

No. Staff finds that criterion 5 is not met because sub-criterion A, B and C are not met.

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

There is no evidence that there would be any detriment or benefits to the neighborhood resulting from granting of this variance.

No. The criterion is not met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. Staff finds 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.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

Not applicable.

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

No. Based on the analysis above, staff has determined that the applicant has not presented an argument that justifies the grounds for this Variance.

Criterion 1, 5 and 6 are not met. Criterion 2, 3 and 4 are met.

Board of Adjustment
File No.: VAR2016 0004
May 31, 2016
Page 8 of 8

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** on the requested Variance, VAR2016 0004.

If approved the variance would allow a reduction in the front yard setback to 17 feet for construction of a 14 foot by 14 foot addition to an existing dwelling unit as per the applicant's site plan.

DEVELOPMENT PERMIT APPLICATION

Project Number VAR20160004	CITY and BOROUGH of JUNEAU	Date Received: 4-8-16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description One room addition to residential home		
	PROPERTY LOCATION		
	Street Address 9831 Nine Mile Creek Rd	City/Zip Juneau AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 218 B, USS 3546		
	Assessor's Parcel Number(s) 6D1101030071		
	LANDOWNER/ LESSEE		
	Property Owner's Name Hollis Handler + Tyson Fick	Contact Person: Tyson Fick	Work Phone: 321-9848
	Mailing Address 9831 Nine Mile Creek Rd	Home Phone: 321-9848	Fax Number: N/A
	E-mail Address tysonfick@gmail.com	Other Contact Phone Number(s): 321-9433	
	PROJECT / APPLICANT	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		4/4/16	
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" and sign and date at X below			
Applicant's Name SAME		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):		
X	4/4/16		
Applicant's Signature	Date of Application		

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	☒	Variance Case (De Minimis and all other Variance case types)		4/8/16	VAR20160004
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
Comments: _____					
Permit Intake Initials ANE					

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
I:\FORMS\2010 Applications Revised November 2009

Attachment A - Application including site plan and narrative

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>VAR20160004</u>	Date Received <u>4-8-16</u>																				
TYPE OF VARIANCE REQUESTED: ☐ Variance to the Sign Standard (VSG) ☐ Variance to Dimensional Standards (VDS) ☒ Variance to Setback Requirements (VSB)																							
DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE: <u>Proposed one-room addition, of 14x14 ft., that would encroach slightly on setback</u>																							
Previous Variance Applications? ☒ YES ☐ NO Date of Filing: <u>2008</u> Previous Case Number(s): _____ Was the Variance Granted? ☒ YES ☐ NO																							
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): <u>The edge of the setback is at the top of a steep slope. The slope separates the land the building is on from the road. There is no sidewalk, and in any case the encroachment would not affect the road or the slope between the road and building.</u>																							
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☐ Public ☒ On Site																							
WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER? <u>The existing building that we purchased was built at the very edge of the setback. There is insufficient room on the other 3 sides to expand this modest sized home, so it would cause a hardship to block a minor expansion on the front side.</u>																							
WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED? <u>Denial of the variance would effectively block any addition to the home.</u>																							
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	VARIANCE FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%;">Fees</th> <th style="width: 15%;">Check No.</th> <th style="width: 15%;">Receipt</th> <th style="width: 15%;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>400⁰⁰</u></td> <td>_____</td> <td>_____</td> <td><u>4/8/16</u></td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ <u>400⁰⁰</u></td> <td><u>644</u></td> <td><u>7907</u></td> <td><u>4/8/16</u></td> </tr> </tbody> </table>				Fees	Check No.	Receipt	Date	Application Fees	\$ <u>400⁰⁰</u>	_____	_____	<u>4/8/16</u>	Adjustment	\$ _____	_____	_____	_____	Total Fee	\$ <u>400⁰⁰</u>	<u>644</u>	<u>7907</u>	<u>4/8/16</u>
	Fees	Check No.	Receipt	Date																			
Application Fees	\$ <u>400⁰⁰</u>	_____	_____	<u>4/8/16</u>																			
Adjustment	\$ _____	_____	_____	_____																			
Total Fee	\$ <u>400⁰⁰</u>	<u>644</u>	<u>7907</u>	<u>4/8/16</u>																			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Variance Approval Criteria

A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined the following criteria are met. Include in your project narrative a detailed description about how your proposal meets each of the criteria listed below:

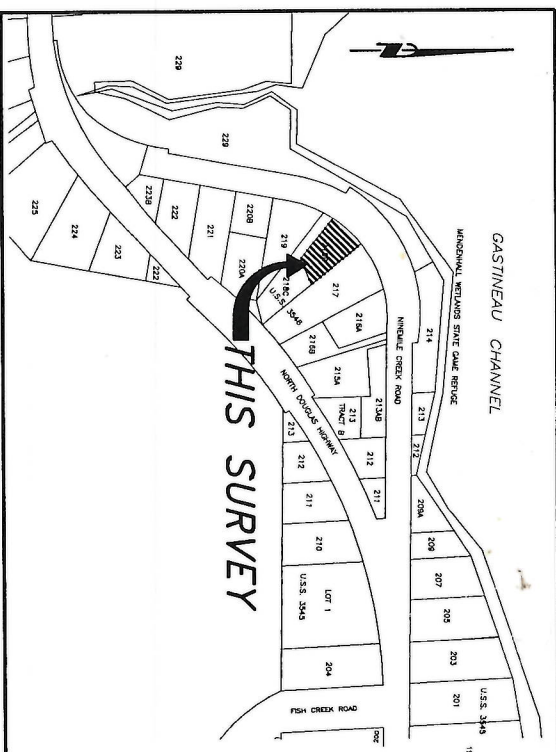
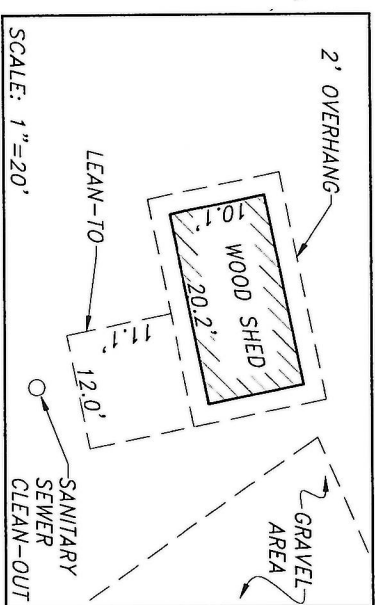
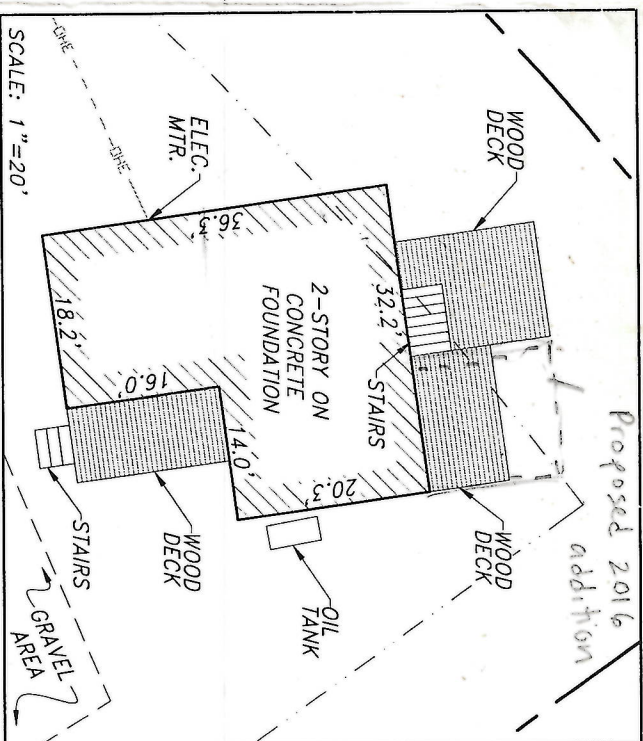
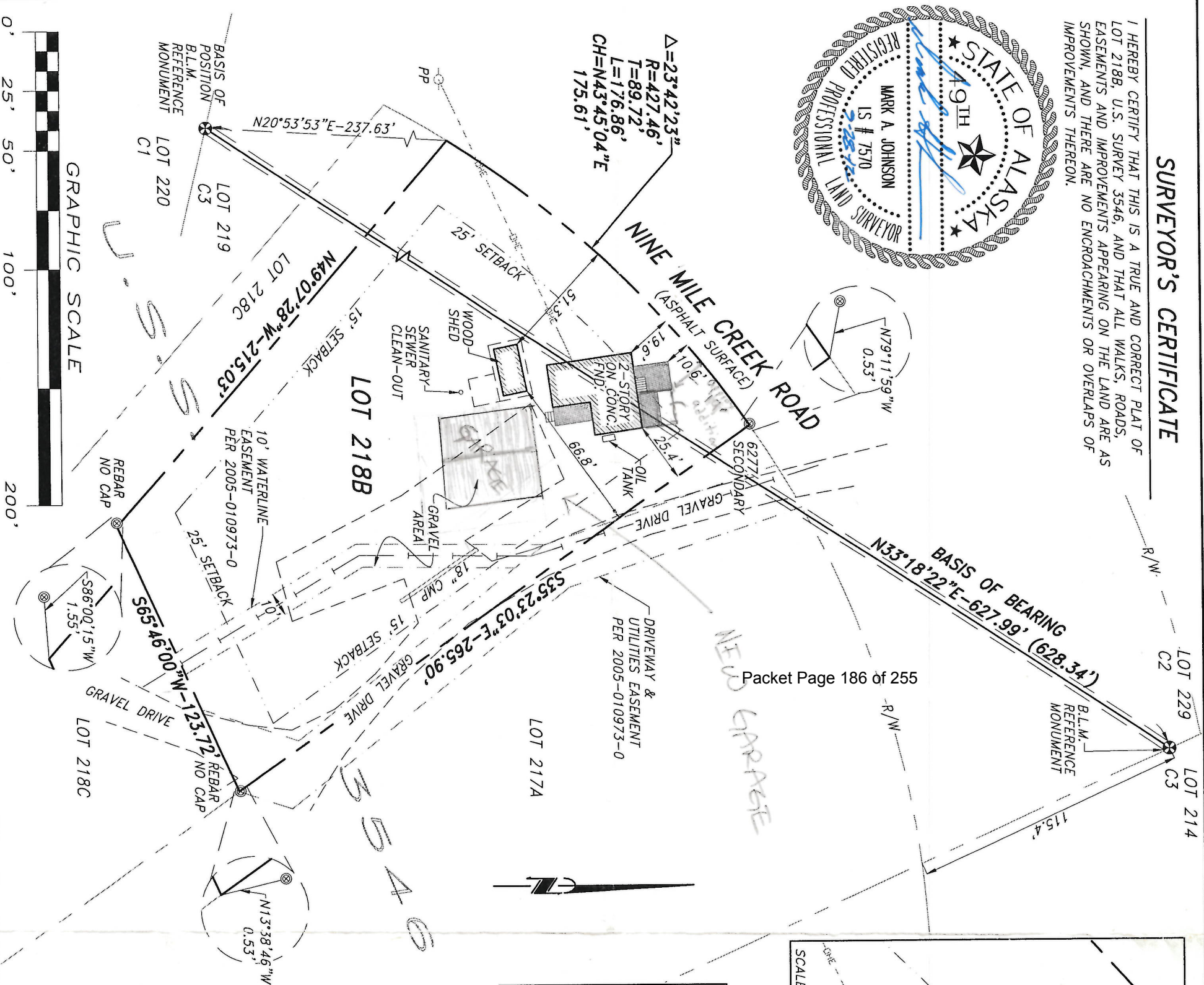
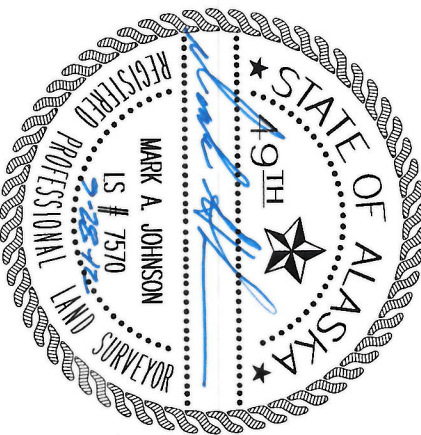
- (1) *The relaxation applied for or a lesser relaxation specified by the board of adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;*
- (2) *Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;*
- (3) *The authorization of the variance will not injure nearby property;*
- (4) *The variance does not authorize uses not allowed in the district involved;*
- (5) *Compliance with the existing standards would:*
 - (A) *Unreasonably prevent the owner from using the property for a permissible principal use;*
 - (B) *Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;*
 - (C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; or*
 - (D) *Because of preexisting nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both; and*
- (6) *A grant of the variance would result in more benefits than detriments to the neighborhood.*

PLEASE NOTE: As provided by CBJ Land Use code section on Variances (CBJ§49.20.200), a Variance may vary any requirement or regulation of this title concerning dimensional and other design standards, but **NOT** those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT OF LOT 218B, U.S. SURVEY 3546, AND THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS APPEARING ON THE LAND ARE AS SHOWN, AND THERE ARE NO ENCROACHMENTS OR OVERLAPS OF IMPROVEMENTS THEREON.



VICINITY MAP

SOURCE: C.B.J. BOROUGH ATLAS
NOT TO SCALE

GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN A RECOVERED B.L.M. REFERENCE MONUMENT FOR LOT 220 C-1 / LOT 219 C-3 AND A RECOVERED B.L.M. REFERENCE MONUMENT FOR LOT 229 C-2 / LOT 214 C-3, AS DELINEATED ON PLAT 2003-7, HAVING A RECORD BEARING OF N33°18'22"E.
2. RECORD INFORMATION DENOTED BY THIS PLAT WAS DERIVED FROM PLAT 2003-7, A SUBDIVISION PLAT OF LOTS 218B & 218C, ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE. THE ORIGINAL PLAT FOR U.S. SURVEY 3546.
3. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD SURVEY COURSE IS SHOWN WITHIN PARENTHESES WHILE THE ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSE IS SHOWN WITHOUT PARENTHESES.
4. WATER SERVICES PROVIDED BY THE CITY & BOROUGH OF JUNEAU PUBLIC UTILITIES. SANITARY SEWER SERVICES PROVIDED BY ON-SITE SEPTIC SYSTEM.
5. PROPERTY SUBJECT TO EASEMENTS OF RECORD DENOTED BY THIS SURVEY OR NOT.
6. SETBACKS ARE BASED ON D-1 ZONING, PER CITY AND BOROUGH OF JUNEAU ZONING MAPS DATED 6-05-06.

AS-BUILT SURVEY OF LOT 218B, U.S. SURVEY 3546 CITY AND BOROUGH OF JUNEAU, ALASKA JUNEAU RECORDING DISTRICT

OWNER:
TYSON C. FICK
9831 NINE MILE CREEK RD.
JUNEAU, ALASKA 99801

SURVEYOR:
MARK A. JOHNSON, L.S.
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: SEPTEMBER 28, 2012 SHEET 1 OF 1 R&M PROJ. NO. 121786

NOTE:
UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR FOR ESTABLISHING BOUNDARY OR FENCE LINES.

Project Description for 9831 Nine Mile Creek Road Setback Variance Request

We are proposing a 14 foot x 14 foot addition at the front of the house facing the street. The encroachment over the setback, because of the angle, would be between one and approximately six feet.

The spot where the addition would go is now mostly covered by a raised wood deck. The space not covered by deck is now a patch of lawn, adjacent to a larger patch of lawn that will remain the same. There is wood decking at ground level next to the existing raised wood deck that extends over the setback and does not cause any inconvenience.

Initially, when we purchased the property in 2006 we were a couple without children and the 650 square foot cabin met our needs. However, with the discovery in 2008 that we were going to have twins, and live-in grandparents to help take care of the kids, we geared up for an expansion to about 1,500 square feet in a hurry. We did not have the time or the money then to consider any work on the small kitchen, or create a separate dining area. We are now looking to add a small square addition to accommodate that, and there is no other part of the building we can add that size room to, even at great expense.

The property is uniquely situated, and the unique physical features of the property render compliance with the setback standards unreasonably expensive. Additionally, the preexisting nonconforming setback encroachment would make this current variance consistent with overall compliance with the land use code.

To explain, the original builder built the home at the front edge of the lot. The top left corner of the house had a 5.4 foot encroachment over the setback. Behind the house is

the sewer and a shed on a concrete foundation. We have added a garage in that area over the past two years. Therefore, the front of the home is the only place to locate an addition.

The house is also unique because it is built on a small bluff adjacent to the road, which is about 20 feet below. Pictures are attached. A steep slope separates the front of the house facing the road from the road itself. That bluff is covered with vegetation so the front of the house is not very visible from the road. Encroaching slightly over the setback will have no effect on the road or on the steep slope. There is no possibility of the addition interfering with any road work including sidewalks, pipes or road-widening.

Because only a portion of the addition would exceed the setback, this may qualify as a *de minimis* variance. However, even if the addition went slightly over 25% of the setback, the addition would meet the factors for a variance under the code:

(1) The relaxation of the setback would give substantial relief to us and not have any negative effect on our neighbors. Instead, the increase in value to our property would positively affect overall property values in the neighborhood and the local property tax base.

(2) Relief can be granted in a way that will have no negative effect on public safety or on the overall purposes of the zoning rules.

(3) The authorization of the variance will not injure nearby property, as the conversion of what is now mostly a raised deck to an enclosed room will have no negative effect.

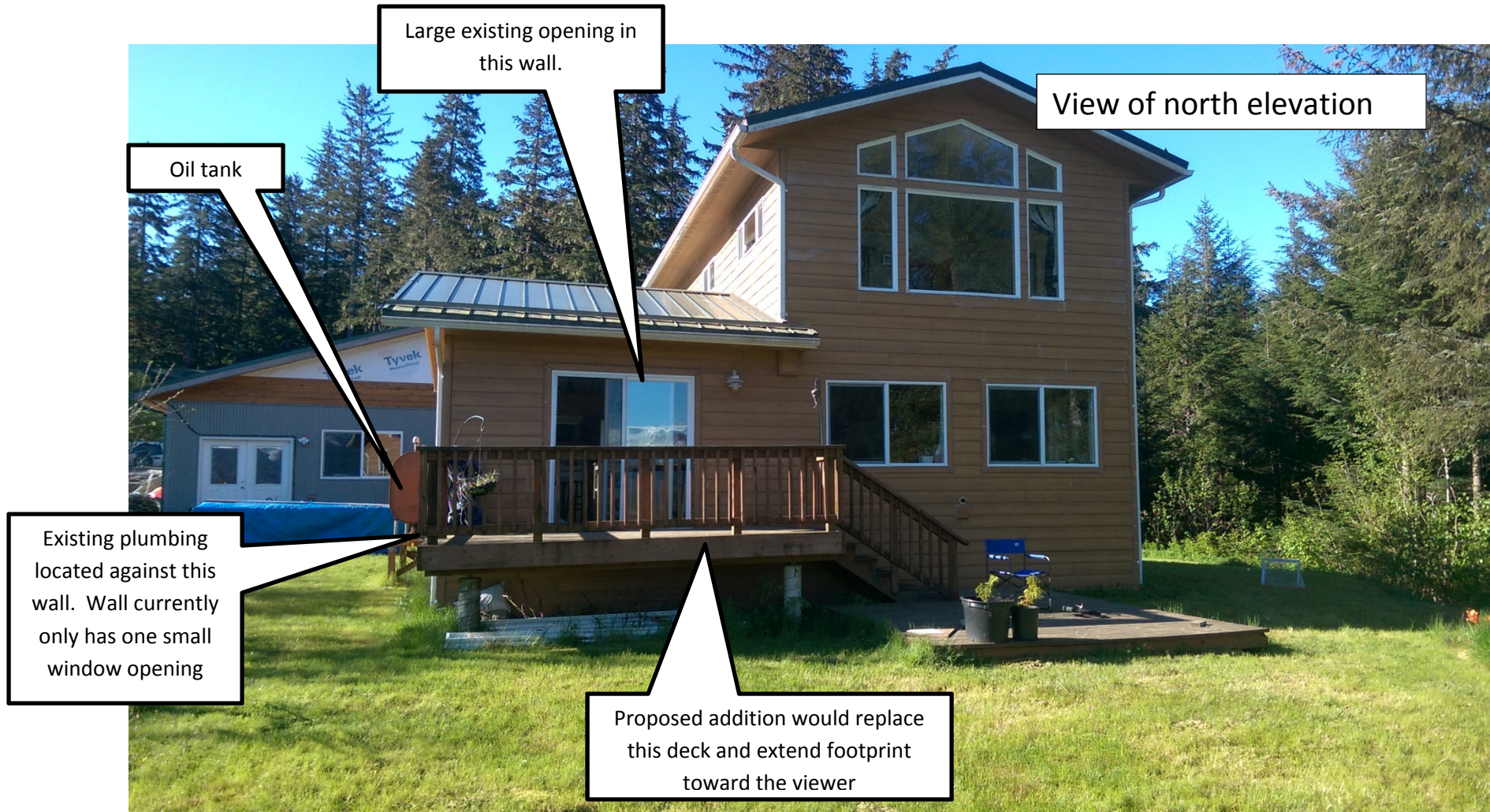
(4) The variance does not authorize any different use of the property; and

(5) Rigid enforcement of the setback to block the addition would unreasonably prevent us from making our home more livable, through addition of storage space, kitchen space, and a dining area. The addition would not affect how our home conforms to the existing development in the neighborhood.

We appreciate your consideration of this application. Please let us know if there is any additional information we can provide to assist in your decision. Thank you.







Attachment B – Photographs of property



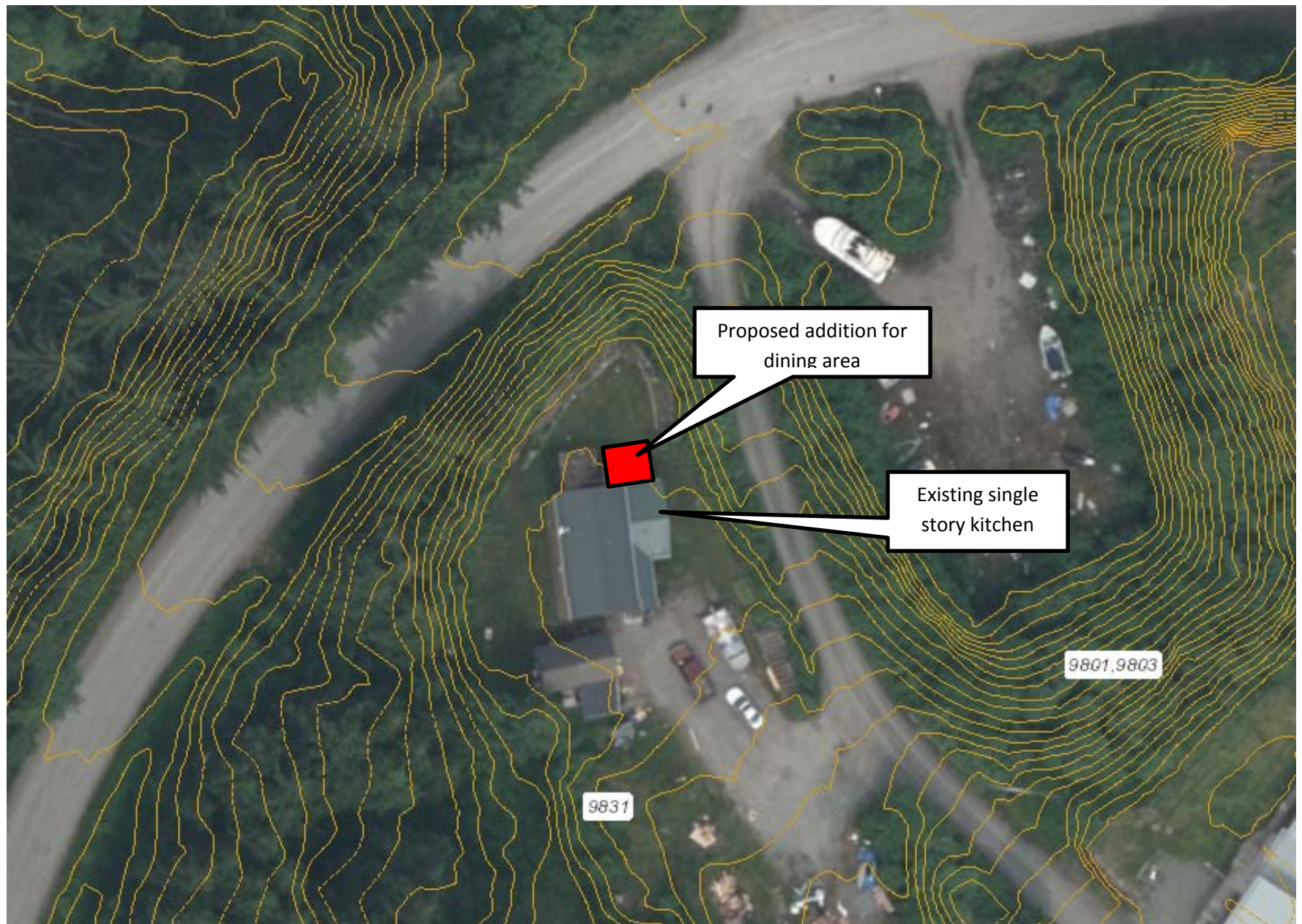
Attachment B – Photographs of property



Attachment B – Photographs of property



Attachment B – Photographs of property



Attachment C – Contour map of area surrounding existing dwelling



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

COMMUNITY DEVELOPMENT DEPT.
NOTICE OF DECISION

DATE: January 28, 2000

FILE NO.: VAR2000-00005

Mike Bellevue
P.O. Box 0947
Douglas, Alaska 99824

Application For: De Minimis Variance

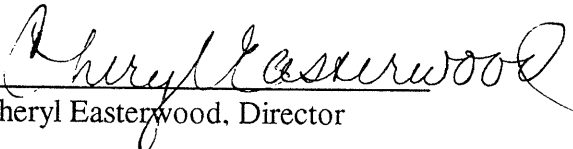
Legal Description: USS 3546, Lot 218

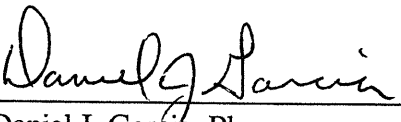
Parcel Code No.: 6-D11-0-103-007-0

The Director of Community Development, based on the analysis and findings in the attached memorandum of January 24, 2000, has granted your request for a de minimis variance to reduce the required front yard setback from 25 feet to 19.2 feet.

Effective Date: The date of the Director's signature below.

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at 586-5230.

Director: 
Cheryl Easterwood, Director

Project Planner: 
Daniel J. Garcia, Planner

Date Signed: 1/28/00

cc: Plan Review
Bldg. File

**Attachment D – Notice of Decision for de minimis variance to original
single story structure**

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: February 13, 2008

File No.: USE2008-00003

Tyson Fick
9831 Nine Mile Creek Road
Juneau, AK 99801

Application For: Conditional use permit for a second story above an existing enclosed structure that projects into a required yard setback.

Legal Description: USS3546 Lot 218B

Parcel Code No.: 6-D11-0-103-007-1

Hearing Date: February 12, 2008

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 5, 2008 and approve the second-story addition to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

- The roof eaves may not extend more than two feet beyond the exterior wall into the front yard setback.

Attachments: February 5, 2008 memorandum from Eric S. Feldt, Community Development to the CBJ Planning Commission regarding USE2008-00003.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

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, February 12, 2008.

Expiration Date: The permit will expire 18 months after the effective date, or July 12th, 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.

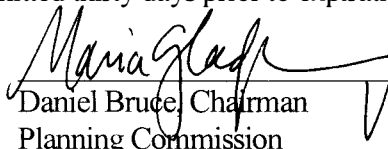
Project Planner:



Eric Feldt, Planner

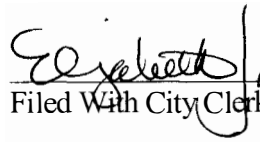
Community Development Department

155 So. Seward Street, Juneau, Alaska 99801-1397


Daniel Bruce, Chairman
Planning Commission


Vice Chairman

Tyson Fick
File No.: USE2008-00003
February 13, 2008
Page 2 of 2

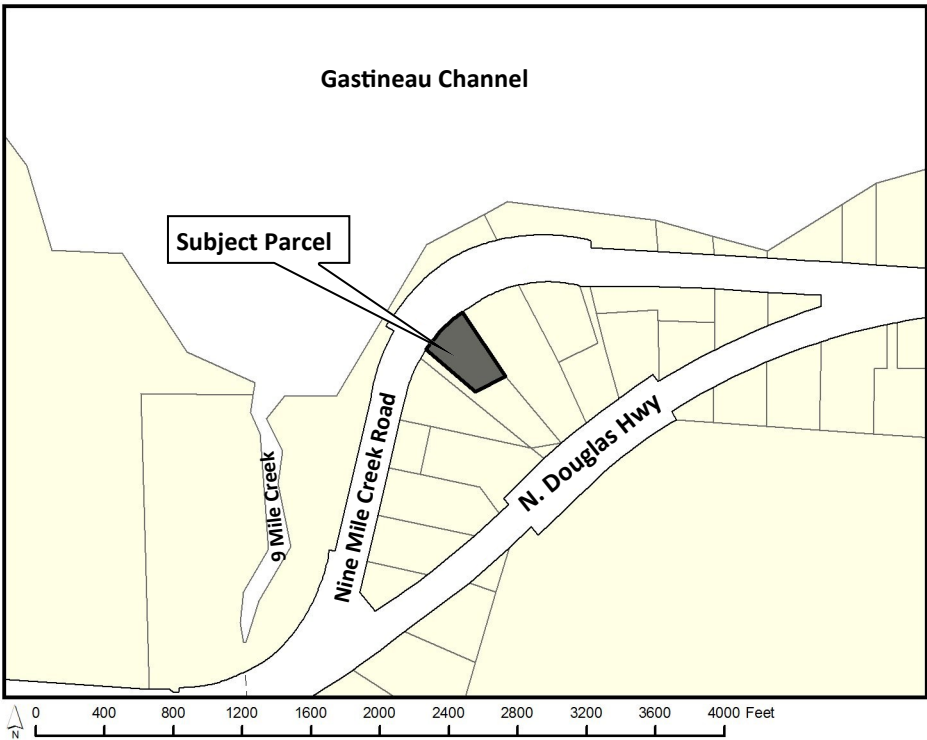
  2/13/08
Filed With City Clerk Deputy Clerk Date

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.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Variance request for a reduction of the frontyard setback for an addition to an existing dwelling.

File No:	VAR2016 0004	Applicant:	Hollis Handler
To:	Adjacent Property Owners	Property PCN:	6-D11-0-103-007-1
Hearing Date:	June 14, 2016	Owner:	Hollis L. Handler
Hearing Time:	7:00 PM	Size:	36,065 Square Feet
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	9831 Nine Mile Creek Road
	155 South Seward Street	Accessed Via:	Nine Mile Creek Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

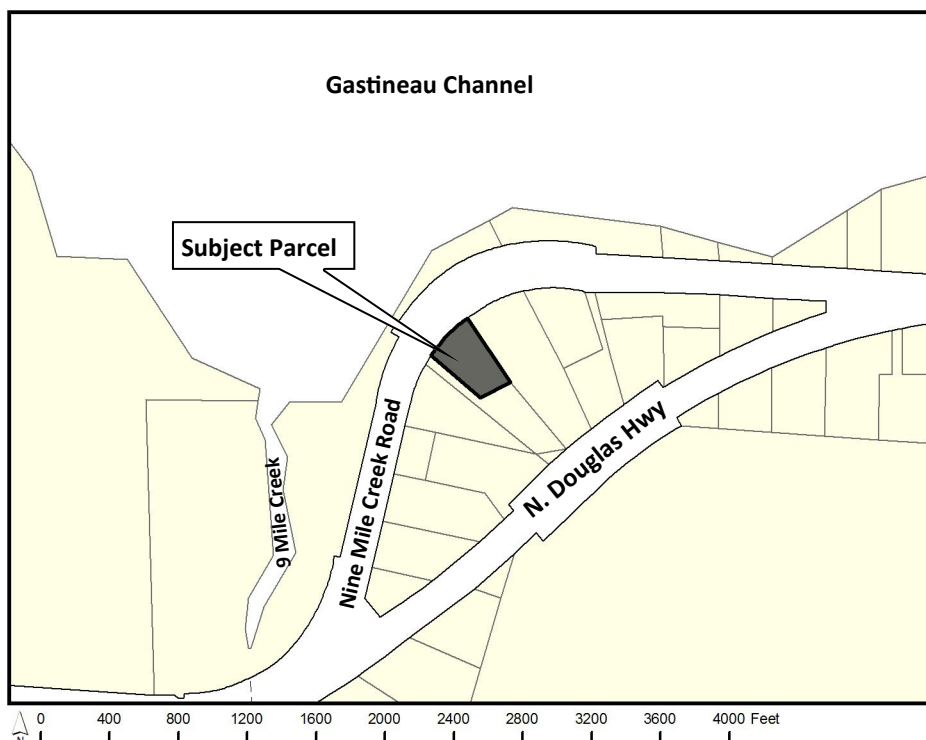
If you have questions, please contact Tim Felstead at tim.felstead@juneau.org or at 586-0466



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Variance request for a reduction of the frontyard setback for an addition to an existing dwelling.

File No:	VAR2016 0004	Applicant:	Hollis Handler
To:	Adjacent Property Owners	Property PCN:	6-D11-0-103-007-1
Hearing Date:	June 14, 2016	Owner:	Hollis L. Handler
Hearing Time:	7:00 PM	Size:	36,065 Square Feet
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	9831 Nine Mile Creek Road
	155 South Seward Street	Accessed Via:	Nine Mile Creek Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Tim Felstead at tim.felstead@juneau.org or at 586-0466



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: May 10, 2016



Community Development

City & Borough of Juneau • Community Development
 155 S. Seward Street • Juneau, AK 99801
 (907) 586-0715 Phone • (907) 586-4529 Fax

DATE: May 31, 2016

TO: Board of Adjustment

FROM: Jill Maclean, Senior Planner
 Community Development Department

FILE NO.: VAR2016 0006

PROPOSAL: Variance to Street Side Yard Setback along Martin Road.

GENERAL INFORMATION

Applicant: Carl Brodersen

Property Owner: Carl Brodersen

Property Address: 1309 Martin Road

Legal Description: Irwin Addition BL 2 LT 8

Parcel Code Number: 1-C03-0-E02-005-0

Site Size: 6,487 sq. ft.

Comprehensive Plan Future Land Use Designation: Medium Density Residential (MDR - urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre)

Zoning: D18 (residential multi-family 18 units per acre)

Utilities: CBJ Water & Sewer

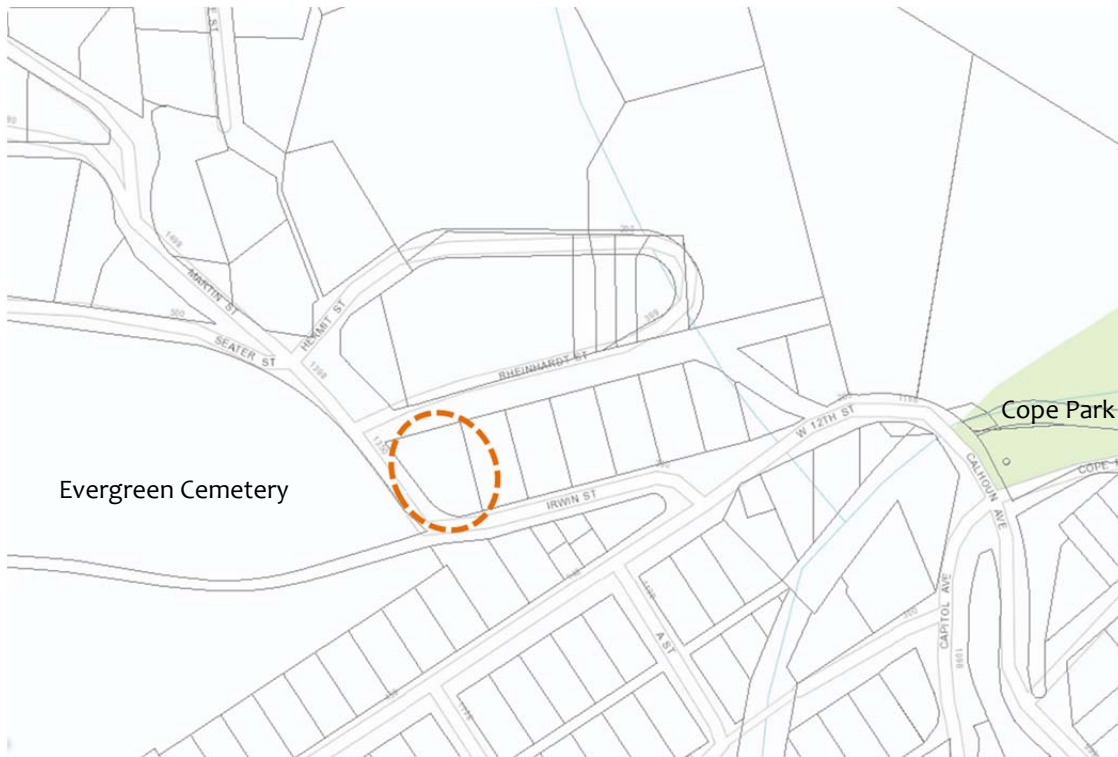
Access: Martin Street

Board of Adjustment
File No.: VAR2016 0006
May 31, 2016
Page 2 of 7

Existing Land Use: Single-Family Residential

Surrounding Land Use: North D5 single-family/duplex & D18 condominiums
South D5 single-family/duplex
East D18 condominiums
West D5 Evergreen Cemetery

Site Map



ATTACHMENTS

Attachment A Application
Attachment B 1913 Plat
Attachment C 1960 Plat
Attachment D Variance VR-26-76
Attachment E Variance VR-24-77
Attachment F As-Built
Attachment G Aerial Map with Property Boundaries
Attachment H Map of Surrounding Variances
Attachment I Public Notice

Board of Adjustment
File No.: VAR2016 0006
May 31, 2016
Page 3 of 7

PROJECT DESCRIPTION

The applicant is requesting a variance for a street side yard setback along Martin Road. The applicant intends to install exterior insulation (“remote wall”) to the existing dwelling (see Attachment A p.3). The purpose of the insulation is to ensure that the condensation is trapped in the insulation, protecting the structure from rot. The applicant also seeks a side yard setback (see VAR2016 0007); all other setbacks and zoning requirements are met.

Additionally, the applicant seeks to rectify a previous survey error from the 1970s, which set a street side yard setback at 8.5 ft. from the property line. This distance was proven inaccurate by a survey completed in April 2016 that determined this setback is actually at 6.6 ft. from the property line. The variance approved the setback distance from the property line to the proposed addition. As the survey was inaccurate, it was not a mistake on the property owner’s part when constructing the approved addition (see Background for more information).

BACKGROUND

This area was platted in 1913 (see Attachment B), and the existing dwelling was constructed in the 1930s. In 1960, this lot and the Martin Road ROW were platted again by the CBJ, which decreased the width of Martin Road and included taking of a portion of this lot (see Attachment C). This platting created the irregular shape of the lot that exists today, and may have added to the discrepancies noted above. The current owner (the applicant) seeks to rectify these inconsistencies, while rehabilitating the dwelling. In the 1970s, the owner at that time attempted to correct the encroachment issue along Martin Road as described in the project narrative.

In 1976, the property under the zoning code at that time was considered to have three front yards (Martin Road, Irwin Street, and Rheinhardt Street). The owner received a variance to construct an enclosed porch, requiring front yard setback reduction along Martin Road from the required 15 ft. to 8.5 ft. The owner also received a variance for a front yard setback along Irwin Street from the required 15 ft. to 13 ft. to construct a garage (Attachment D Variance VR-26-76).

In 1977, the previous property owner was also granted a variance for a side yard setback to construct a two-story addition on the east side of the property with a 5 ft. setback. The code at that time required a 6 ft. setback (Attachment E Variance VR-24-77). This setback relates to case VAR2016-07.

ANALYSIS

The property is zoned D18 and under the current code, is considered to have a front yard along Rheinhardt Street, a side yard to the east, and two street side yards along Martin Road and Irwin Street (see Attachment F). CBJ 49.25.430 (3) Multiple Frontage lots, states that buildings on lots with two or more rights-of-way must meet the front yard setback from one lot line

Board of Adjustment
 File No.: VAR2016 0006
 May 31, 2016
 Page 4 of 7

adjoining the right-of-way, and that setbacks remaining from the other rights-of-way will be considered street side yards.

According to the Table of Dimensional Standards (CBJ 49.25.400), the property at 1309 Martin Road is required to meet the following setbacks:

	Required	Existing	Requested Variance
Front yard (Rheinhardt St.)	20 ft.	20 ft.	
Street Side Yard (Martin Rd.)	13 ft.		13 ft. to 5 ft. varying along Martin Road (minimum needed for remote siding installation – see Attachment D)
Street Side Yard (Irwin St.)	13 ft.	20 ft.	
Side Yard (east side)	5 ft.	5ft.	4ft. (VAR2016 0007)

Variance Requirements

Under CBJ 49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined that:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The relaxation applied for will give substantial relief to the property owner. Given the irregularly shaped lot, and the fact that the dwelling was built in the 1930s and not constructed to today's building standards, reducing the street side yard setback up along Martin Road allows the owner to rehabilitate the existing dwelling, and use it in a manner that is consistent with the neighboring properties (see Attachment G).

Yes. This criterion is met.

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

The intent of Title 49 is to achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan; to provide adequate open space for light and air; and to recognize the economic value of land and encourage its proper and beneficial use.

Board of Adjustment
 File No.: VAR2016 0006
 May 31, 2016
 Page 5 of 7

Based on the 2013 Comprehensive Plan, Chapter 4 – Housing Element, the applicant's intent to rehabilitate the existing dwelling to meet current energy standards would be supported by the Comprehensive Plan. Chapter 4 identifies the need to adopt building and fire code standards for housing rehabilitation that are reasonable in cost and that continue to meet acceptable levels of public health and safety; and to improve the quality of housing and neighborhoods by educating landlords, tenants and property owners about health and safety code requirements, property maintenance Best Management Practices, and by enforcing code compliance when necessary.

As the applicant is requesting the minimum needed to apply siding to the existing dwelling, and as the rooflines and foundation are not altered, the activity does not impede upon vehicular or pedestrian site lines or distances, nor does it impede upon air circulation or sunlight. Therefore, public safety and welfare are preserved if this variance is granted.

Yes. This criterion is met.

3. *That the authorization of the Variance will not injure nearby property.*

The applicant's proposal to install exterior insulation up to 1 ft. in width will not increase the foundation of the existing dwelling nor will it alter the roofline. The remote wall will not noticeably change the views, it does not impact traffic circulation or pedestrian safety, and use of the lot will not change do to the granting of the variance. The remote wall will provide an improved façade for the neighboring properties with better aesthetics and soundproofing. Authorization of the variance will not injure nearby property.

Yes. This criterion is met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

The applicant's proposal is consistent with the surrounding neighborhood. If the variance to the street side yard setback is approved, the use of the lot will remain as a single-family dwelling. The use is allowed within this district per CBJ 49.25.300 Table of Permissible Uses Section 1.110.

Yes. This criterion is met.

5. *That compliance with the existing standards would:*

(A) Unreasonably prevent the owner from using the property for a permissible principal use;

The existing lot is being used as a single-family residence. Without the variance the owner may continue to use the lot in this manner, however, the owner may not be able to sell the dwelling in its current state due to the discrepancy in the setback along

Board of Adjustment
File No.: VAR2016 0006
May 31, 2016
Page 6 of 7

Martin Road. The current dwelling may continue to deteriorate if not insulated and sided appropriately.

No. This criterion has not been met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

The use is consistent with Title 49 Table of Permissible Uses and is consistent with the surrounding uses. The lack of weatherproofing, and the building standards not meeting today's best practices, prevents the owner from using the property in an energy efficient manner. Additionally, upon researching variances granted in the surrounding area, the approval of this variance would allow the applicant to utilize his property in a manner that is consistent with neighboring properties. As the neighborhood developed prior to current zoning regulations, and in some instances prior to zoning, at least 18 variances have been granted for various forms of relief including front yard setback reductions from 15 ft. to 1 ft., and at least two for 15 ft. to 5 ft.; and reductions of side yard setback from 6 ft. to 3 ft. and another from 5 ft. to 3 ft. (see Attachment H).

Yes. This sub-criterion is met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

The property does not have unique physical features that render compliance unreasonably expensive.

No. This sub-criterion has not been met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

The dwelling was originally constructed in the 1930s prior to zoning requirements. The previous owner received variances to reduce the setbacks to allow for additions to the existing structure. Due to the previously permitted variances, the existing structure is considered conforming, and therefore no preexisting nonconforming conditions exist on the parcel.

No. This sub-criterion is not met.

Criterion 5 is met because sub-criterion 5B is met.

Board of Adjustment
 File No.: VAR2016 0006
 May 31, 2016
 Page 7 of 7

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

As previously stated, the applicant's proposal to install the remote wall will not increase the foundation of the existing dwelling nor alter the roofline; it will not noticeably change the views, it does not impact traffic circulation or pedestrian safety, and use of the lot will not change due to the granting of the variance. The exterior insulation and siding will provide an improved façade for the neighboring properties with better aesthetics and soundproofing, and general improvements to a property increase value in a neighborhood.

Yes. This criterion is met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. Staff finds 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.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

N/A

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

Yes. Criteria 1, 2, 3, 4, 5B, and 6 are met; 5A, 5C and 5D are not met. Based on the analysis above, staff finds that the Variance does meet the criteria of CBJ 49.20.250, Grounds for Variances.

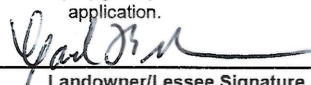
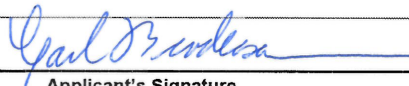
RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2016 0006, to allow for up to 1 ft. of exterior insulation siding to be added to the existing building façade, which would result in a minimum street side yard setback of 5 ft. from the corner of the structure closest to the Martin Road ROW.

DEVELOPMENT PERMIT APPLICATION

Packet Page 209 of 255

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 4/15/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description -(a) Variance to street side setback along Martin Road exterior insulation to be added to existing building but no closer than 5ft to lot line.		
	PROPERTY LOCATION		
	Street Address 1309 Martin Road	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Irwin Addition, Plat 388, Block 2, Lot 8		
	Assessor's Parcel Number(s) 1C030E020050		
	LANDOWNER/ LESSEE		
	Property Owner's Name Carl Brodersen	Contact Person: same	Work Phone: 586-6588
	Mailing Address 16294 Pt. Lena Loop Rd. Juneau, AK 99801	Home Phone: same	Fax Number:
	E-mail Address carlhcb@gmail.com	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	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			4/15/16
		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" and sign and date at X below			
Applicant's Name		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):		
X		4/15/16	
	Applicant's Signature	Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	✓	Variance Case (De Minimis and all other Variance case types)		4/15/16	VAR 2016 0006 / 07
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:					Permit Intake Initials jmn

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

I:\FORMS\2010 Applications

Attachment A – Application

Revised November 2009

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>VAR20160006</u>	Date Received <u>4/15/16</u>
----------------	------------------------------	-----------------------------------	---------------------------------

TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)
 ☐ Variance to Dimensional Standards (VDS)

☒ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
 -(a) Variance to street side setback along Martin Road allowing exterior insulation to be added to existing building but no closer than 5ft to lot line.

Previous Variance Applications? ☒ YES ☐ NO Date of Filing: 1976

Previous Case Number(s): VR-26-76

Was the Variance Granted? ☒ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):
 Lot is irregularly shaped and located in an area prone to early survey inconsistencies, and the original structure dates from the 1930s "wild west" construction era. Further, the house was modified in the '70s with 'extreme efficiency of land use.' -These necessitate a "correction to a correction" to be compliant, as well as a minor allowance setback to take advantage of new building methods that were unforeseeable four decades ago.

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
 Any owner would desire to finally correct an old point of setback non-compliance (a). Additionally, exterior insulation and metal siding (the "REMOTE" wall) have become the gold-standard wall design in terms of fuel efficiency, moisture management, and long-term effectiveness. It is strongly recommended by the Cold Climate Housing Research Center, local housing specialists, architects and engineers. Any owner would desire this wall type (b).

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
 If not granted, an old non-compliance would persist, and a significantly inferior wall type would have to be devised and implemented despite the existence of a vastly superior alternative with no practical impact on the neighbors, who have so far expressed no concerns at all with this proposal.
 -thank you.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	VARIANCE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>400</u>	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Total Fee	\$ <u>400</u>	<u>1615</u>	<u>CDD7945</u>	<u>4/15/16</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Brodersen Request for Variance
1309 Martin Road

RECEIVED
APR 18 2016
PERMIT CENTER/CDD

Project Description

This proposal has two goals: (1) To bring into compliance a setback encroachment by one corner of the house resulting from a decades-old surveying error, and (2) to minimally alter two setbacks to permit the installation of exterior insulation and metal siding (the REMOTE Wall) -which Alaska's Cold Climate Research Council calls "*a superior alternative to standard frame construction*."¹

The following two relaxations of setbacks would accomplish these goals:

- (a) Reduce street side setback along Martin Road to correct 1930 setback non-compliance and allow exterior insulation to be added to existing building but no closer than 5ft to lot line, and
- (b) Variance to side yard setback allowing exterior insulation and siding to be added to existing building but no closer than 4ft to lot line.

In the case of both (a) and (b), 12 inches are being requested for the siding to ensure no future encroachment, however the specific wall type to be employed will only utilize 5-5/8". Thus the actual net change impacting the neighbors will be less than half a foot.

Regarding (a): During a 1970s renovation, an attempt was made to correct the non-compliance of the original 1930s structure at the corner along Martin Road by changing the street side setback to 8.5ft. But this house exists in what R&M unofficially calls "The Irwin Triangle." Their April 2016 survey finds that the 1976 variance granted to correct the non-compliance (which was based on old survey work) was not sufficient. In order to correct the old error and permit the installation of a REMOTE wall, the setback would need to change from 8.5ft to 5.0ft. The corner of the house would actually still be 6ft from the property line, and still 16ft from the street. Impact on visibility to vehicle traffic rounding that corner would be negligible. There is only one neighbor on that side of the house who is not a resident of Evergreen Cemetery, and his letter of support is attached.

Regarding (b): 40 years ago the house was renovated right up to the lot line setback; a proper and efficient maximization of the use of space in a somewhat irregularly-shaped downtown lot. In the nearly half a century since then, building construction technologies have changed with our improved understandings and research (and an increase the the price of heating oil). The REMOTE Wall system adds 4" of exterior insulation to the outside of a building's structure, as well as furring and increasingly ubiquitous metal siding. This wall type is recommended by the CCRC, local architects and engineers, heat-loss and building envelope specialists, and is often seen on new construction and substantial renovations. As well as being extremely thermally

¹REMOTE Walls: <http://www.cchrc.org/remote-walls>

efficient, the REMOTE Wall type ensures that the dew point occurs within the insulation itself, meaning there will be no structure-rotting condensation within the walls. It is "the way to go," as it were, and should be encouraged by CBJ and other organizations concerned with maximizing efficiency, sustainability, and public benefit.

Although adding a REMOTE Wall to this house does not alter its structure or the extent of its foundations, it does change the footprint, according to the definition. To install 5-5/8" of replacement exterior and have room for error, I request that the side setback be changed from 5ft to 4ft. The neighbors this impacts are residents of Highland Terrace Condominiums. The majority of those adjacent to the lot line in question would see the distance between us change from 20.25ft to 19.25ft. Those closest to the house would see an average change from 10.2ft to 9.9ft. In terms of window placement (those who can actually see the wall), this proposal matters most to four Highland Terrace units. Two are owned by out-of-state landlords, a third I have yet to be able to contact, and the person *most* affected by the change has been supportive of the project and his letter to that effect is attached. I do not have a letter from the Condo Association board yet, but through informal contacts with the property manager and some of the board's members, have learned of no objections to the proposed changes.

Additionally, my neighbor up the hill, who drives by the house every day, has no objections and her letter of support is also attached.

Specific CBJ Variance Approval Criteria

- (1) Granting these requests would provide substantial relief, as the optimal way to update the structure and bring it into compliance would not otherwise be possible. Very little lesser relaxation would still address goal (1) [long-standing non-compliance remediation], nor would much less permit the 0.5ft of insulation and siding without decreasing the "wiggle room" margin for error. "Up to a foot" is a safe number, and I'll only use six inches of that. My neighbors are the best judges of what is just, and so far all have supported this change.
 - (2) There will be no negative impact on public safety or welfare, and the intent of the title will be preserved. In terms of dimensions, to anyone just looking at the house or moving past it, "what would be" is nearly indistinguishable from "what is now." The huge benefits come at almost no cost.
 - (3) There will be no changes to nearby property (no dirt will move), and the experience of my property by those adjacent to it will be greatly increased (nice metal panels and extra sound insulation around a garage make for a much nicer experience than old plywood and table-saw noise).
-
- (4) Use of the lot will not change as a result of this variance. I only grow raspberries.
 - (5)(A) In an era of increasing costs and concern for sustainability and efficiency, without the requested variances, I and all future owners of this property would be forced to accept what is,

by comparison, a significantly inferior wall system. Internal insulation wastes valuable inside space and does not create a worry-free vapor-management and dew-point situation. I wouldn't even be able to put up metal siding on the side of the house, as it is 7/8" thick, and the house is exactly 5ft from the side lot line on the south-east corner. The existing plywood siding is not a good option for Southeast. And that other corner, along Martin Road, would probably spend another 70 years out of compliance (1).

(5)(B) Without the variances, it could be difficult to sell the house through a bank, as they would be sure to notice the long-standing non-compliance (1), and without the exterior insulation and siding, the wall facing Highland Terrace would remain a disheveled-looking plywood edifice. They deserve neighbors with a nicer appearance.

(5)(C) This is not a matter of cost, nor a matter of physical features (beyond the shape of the lot having forced the structure right up against the setback in the first place).

(5)(D) These variances would in no way result in non-compliance with any code or title.

(6) These variances do not negatively impact anyone. Views are not substantially altered, uses would not change, traffic and pedestrian safety would not diminish. Every neighbor asked agrees and supports the project. Rather than cause loss, the neighborhood gets a house with much more curb appeal, more fire-resistant exterior cladding, and the world gets a house that will use less energy over its lifetime because of the way it is insulated, and I get a wall that is about as worry-free as we can currently build them in terms of moisture management.

This is a reasonable request.

It's a smart thing to do.

There's no negative impact.

The neighbors support it.

For 12", we have an opportunity to do this right, at the real cost of half a foot.

Thank you kindly for your consideration and service to our community.

Sincerely Yours,



Carl Brodersen

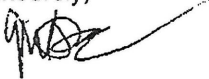
A

April 4, 2016

Dear CBJ,

We have no objection to Mr. Brodersen's project nor the variances needed to accomplish it. Please approve his request for variances.

Sincerely,



Greta Wade

Neighbor

(1401 Martin Rd.)

(B)

Hello,

My name is Patch McLaughlin and I am the owner of Apt 301 at 350 Irwin St. As my unit is in close proximity to Mr. Brodersen's house, he has recently informed me of his intent to redo the siding on his house. I have no objections.

If you have any questions, please feel free to contact me at 253.683.1206.

Patch McLaughlin

A handwritten signature in black ink that reads "Patch McLaughlin". The signature is written in a cursive, flowing style.

C

To whom it May Concern,

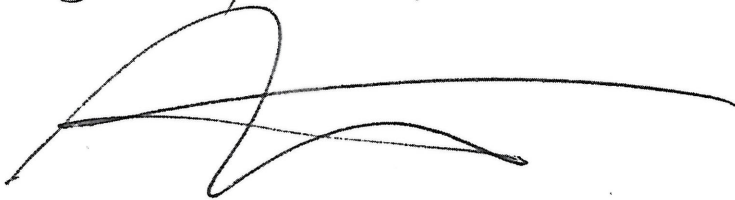
I am Carl Brodersen's neighbor, across Irwin Street. I am aware of his plan to add a few inches of insulation to the outside of his house, and I do not object to any variances he needs to obtain to reasonably accomplish this task.

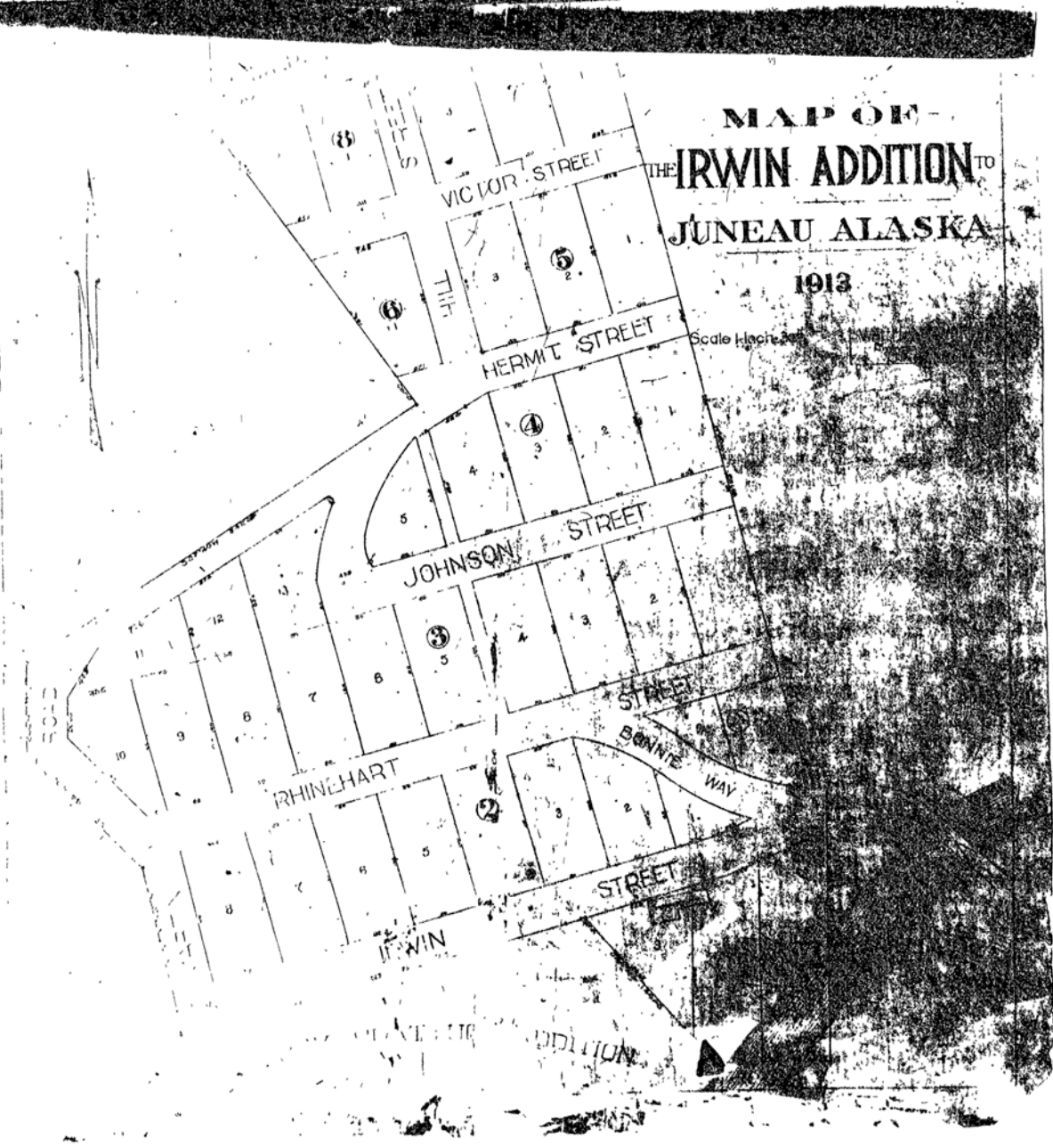
Sincerely,

Andrew Klink

420 W 12TH ST.

Juneau, AK 99801





1913-4
2 of 2

Attachment B – 1913 Plat

September 13, 1976

Board of Adjustment Decision

Mark Brodersen
1309 Martin Road
Juneau, Alaska 99801

Dear Mr. Brodersen:

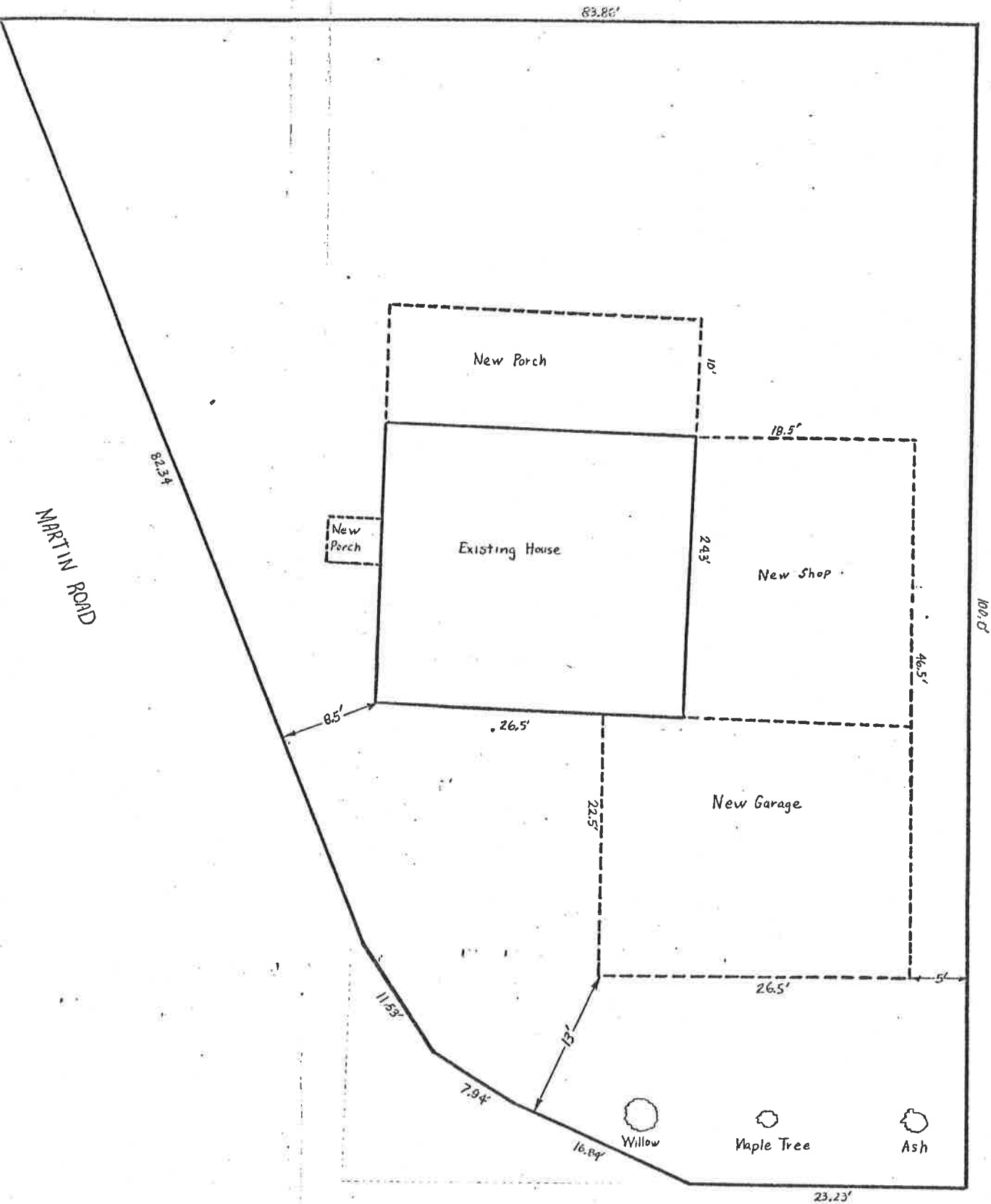
This is to advise you that the Board of Adjustment, at its meeting of September 13, 1976, approved your variance application for specified additions to Lot 8 Block 2 Irwin Addition.

A Building Permit could be applied for anytime at your convenience.

Very Truly yours,

Ron Bolton
Zoning Administrator

RB/kw



ZONING VARIANCE APPLICATION

APPLICANTS NAME: Mark Brodersen

FILE NO. VR-26-76

BUS. ADDRESS: 1309 Martin Road Juneau, Ak. 99801

DATE: _____

PHONE: 465-2667 (day) 586-6593 (evening)

FEE: 20.00 per acre

WHO HOLDS TITLE TO THE PROPERTY?

RECEIPT NO: _____

NAME: as above

PH _____

HEARING DATE: _____

ADDRESS: _____

EXISTING

ZONE: RMM

IF YOU DO NOT HOLD TITLE TO THE PROPERTY, WHAT IS YOUR INTEREST? _____

LOCATION OF PROPERTY: 1309 Martin Road Juneau

U.S. SURVEY NO. Plat No. 427

SUBDIVISION: Irwin Addition

LOT 8 and adjacent portion BLK 2

DIMENSIONS OF PROPERTY: 84' x 100' less one corner

LENGTH: 100'

WIDTH: 84' (top)
23' (bottom)

TOTAL SQ. FT. 6487

PROVISIONS IN THE ORDINANCE FROM WHICH VARIANCE IS REQUESTED: _____

Reduce front setback on two sides.

SPECIFIC RELIEF REQUESTED: Reduce front set back along Martin Road to 8.5' for renovation and addition of a second story on the existing foundation and addition of an enclosed front porch. Reduce front setback along Irwin Street to 13 feet for construction of a garage.

STATE WHAT UNIQUE CIRCUMSTANCE IS PECULIAR TO THE LAND OR BUILDING INVOLVED THAT DISTINGUISH IT FROM OTHER PROPERTIES IN THE SAME VICINITY:

The lot is bordered by streets on 3 sides requiring a front set back on 3 sides. The lot is irregularly shaped. The existing house already has less than a minimum set back. The back portion of the lot is quite steep.

STATE HOW THE DIFFICULTY WOULD APPLY TO THE PARTICULAR LAND OR BUILDING REGARDLESS OF OWNER: _____

The second story could not be rebuilt, a porch could not be added and the garage could not be built.

INDICATE WHAT HARDSHIP WOULD RESULT IF THE ORDINANCE REQUIREMENTS WERE COMPLIED WITH: The second story could not be rebuilt, a porch could not be added and a

garage could not be built. On street parking is not available near the house. Construction of a garage would help relieve the lack of parking space.

Mark Brodersen

Attachment D - Variance VR-26-76

DATE: **August 25, 1977**

FILE NO.

SUBJECT:

**Mark Brodersen
1309 Martin Road
Juneau, Alaska 99801**

Dear Mr. Brodersen:

This is to formally advise that the Board of Adjustment, at it's meeting of August 22, 1977, approved your variance request to reduce the sideyard setback requirement from 6 feet to 5 feet for the proposed addition to your house at 1309 1309 Martin Road.

Sincerely,



**Steve Gilbertson
Zoning Administrator**

SG:cj

ZONING VARIANCE APPLICATION

For Aug 22

APPLICANTS NAME: Mark Brodersen FILE NO. _____

BUS. ADDRESS: 1309 Martin Rd DATE: _____

PHONE: 465-2667 (day) 586-6593 (evening) FEE: _____

WHO HOLDS TITLE TO THE PROPERTY? RECEIPT NO: _____

NAME: as above PH _____ HEARING DATE: _____

ADDRESS: _____ EXISTING ZONE: RMM

IF YOU DO NOT HOLD TITLE TO THE PROPERTY, WHAT IS YOUR INTEREST? _____

LOCATION OF PROPERTY: 1309 Martin Road Juneau

U.S. SURVEY NO. Plat No. 427

SUBDIVISION: Irwin Addition LOT 8 and adjacent portion BLK 2

DIMENSIONS OF PROPERTY: 84' X 100' less one corner

LENGTH: 100' WIDTH: 84' (top) 23' (bottom) TOTAL SQ. FT. 6487

PROVISIONS IN THE ORDINANCE FROM WHICH VARIANCE IS REQUESTED: _____

reduce side set back for two story building

SPECIFIC RELIEF REQUESTED: reduce side set back ^{along the new shop} from 6' to 5' for a two story building. ~~along new shop~~

STATE WHAT UNIQUE CIRCUMSTANCE IS PECULIAR TO THE LAND OR BUILDING INVOLVED THAT DISTINGUISH IT FROM OTHER PROPERTIES IN THE SAME VICINITY:

The lot is bordered by streets on three sides requiring a front set back on 3 sides.

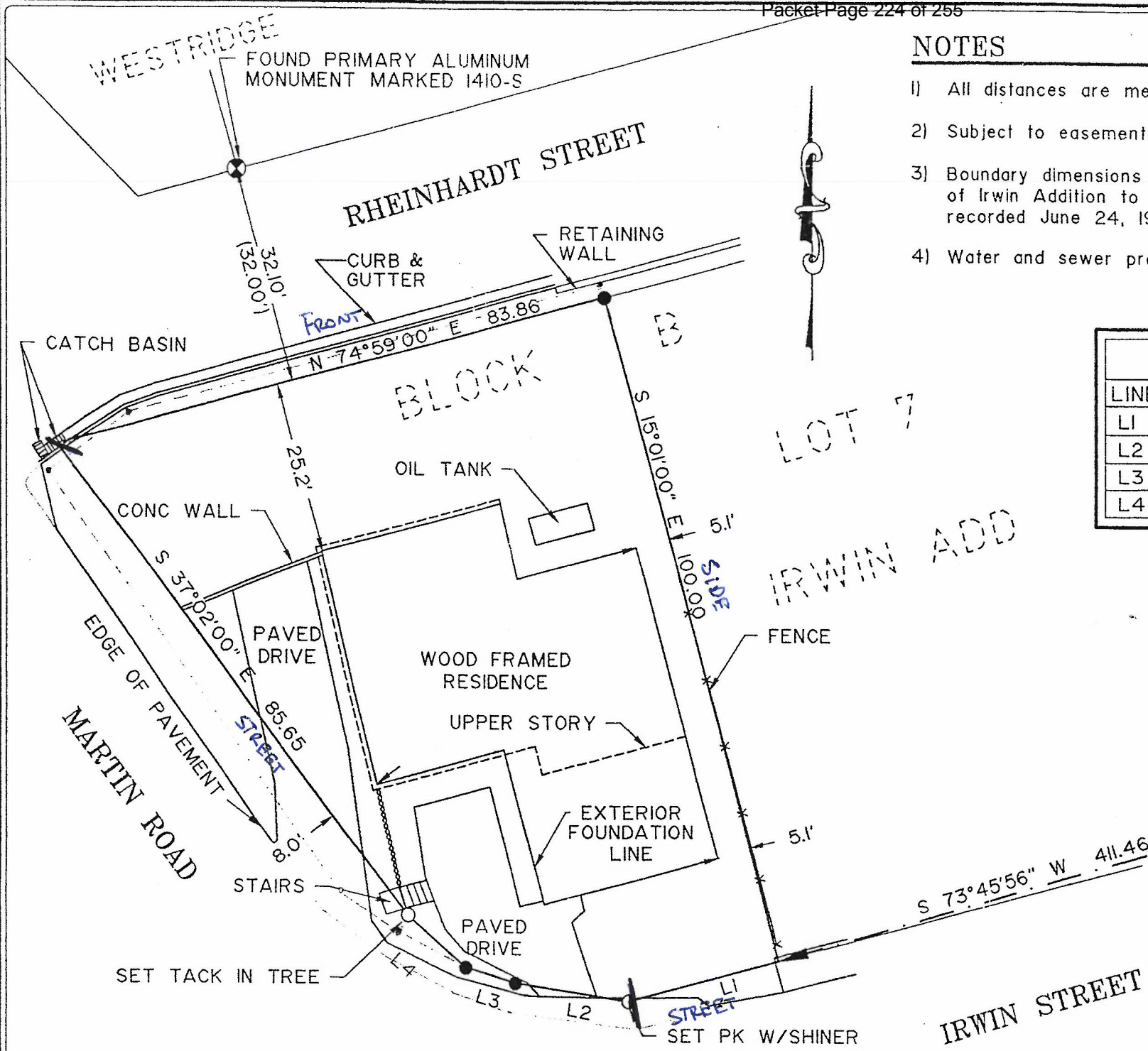
The lot is irregularly shaped. The back portion of the lot is quite steep. Another zoning variance for the ~~existing~~ structure was granted last year. The set back variances requested were predicated on a five foot set back along the side. Later, I discovered a 6' set back was necessary for a two story structure. Rather than go back and redesign everything to comply with the 6' set back, I would like a reduction of set back requirements to 5'.

I did not indicate in the initial variance request that there would be an additional story over the shop.

STATE HOW THE DIFFICULTY WOULD APPLY TO THE PARTICULAR LAND OR BUILDING REGARDLESS OF OWNER: Any one wishing to build a shop in the proposed location would find the available space ~~very~~ narrow without the requested relief from setback requirements.

INDICATE WHAT HARDSHIP WOULD RESULT IF THE ORDINANCE REQUIREMENTS WERE COMPLIED WITH: There would have to be a one foot jog in the wall between the garage and shop which would increase the difficulty in building the structure. Also, both the shop space and the living quarters above the shop space will be too narrow.

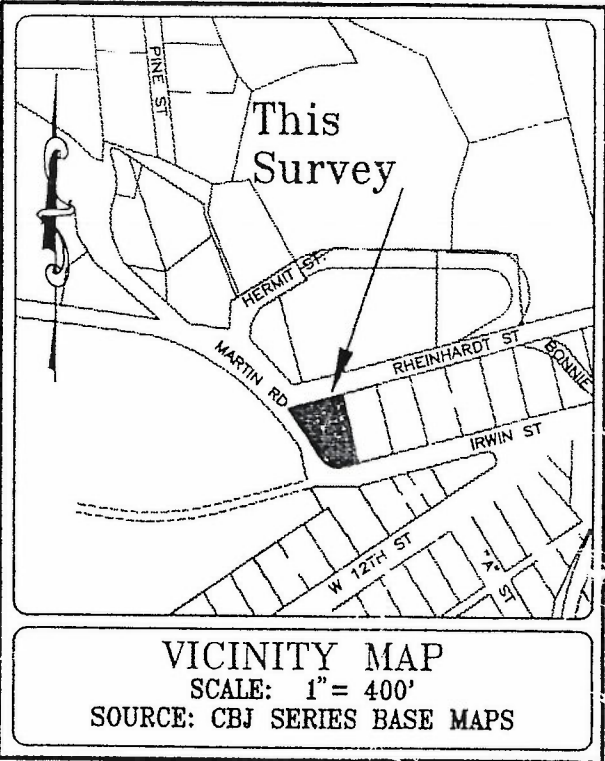
Attachment - Variance VR-24-77



NOTES

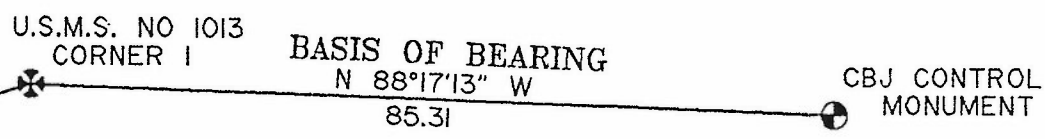
- 1) All distances are measured in U.S. Survey Feet.
- 2) Subject to easements and restrictions of record.
- 3) Boundary dimensions are based on record information from official plat of Irwin Addition to the City of Juneau and Deed Book 117, Page 143, recorded June 24, 1975, Juneau Recording District, Juneau, Alaska.
- 4) Water and sewer provided by CBJ Public Utilities.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 74°57'37" W	23.24
L2	N 81°06'54" W	16.84
L3	N 73°23'11" W	7.94
L4	S 48°28'51" E	11.53



BASIS OF BEARING

The Basis of Bearing for this plat is the bearing N 88°17'13" W between found BLM monument which marks corner 1, U.S.M.S. No. 1013 and City of Juneau control monument as shown.



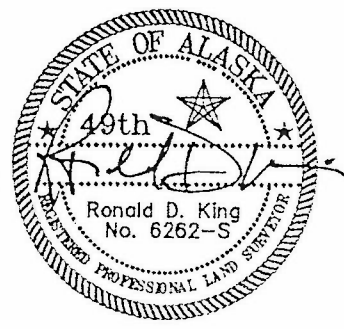
LEGEND

- Found BLM brass cap in sidewalk
- Found CBJ brass cap in sidewalk
- Set 5/8" rebar w/ cap marked 6262-S

CERTIFICATE OF REGISTERED LAND SURVEYOR

I hereby certify that I am a Registered Land Surveyor licensed to practice land surveying in the State of Alaska and that this plat represents a survey made by me or under my direct supervision of the following described property: Lot 8, Block 2 and Vacated Portion of Martin Road, Irwin Addition to the City of Juneau, Deed Book 117, Page 743 and that all walks, roads, improvements, encroachments and overlaps are shown correctly to the best of my knowledge.

Date July 1, 1997



AS BUILT PLAT OF

LOT 8, BLOCK 2 AND VACATED

PORTION OF MARTIN ROAD RIGHT OF WAY

IRWIN ADDITION TO THE CITY OF JUNEAU

DEED BOOK 117, PAGE 743

Juneau Recording District, Juneau, Alaska

TONER-NORDLING & ASSOCIATES INC

CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT

5368 COMMERCIAL BOULEVARD

JUNEAU ALASKA 99801 907-780-3533

SCALE: 1" = 20'

DATE: JUL 1997

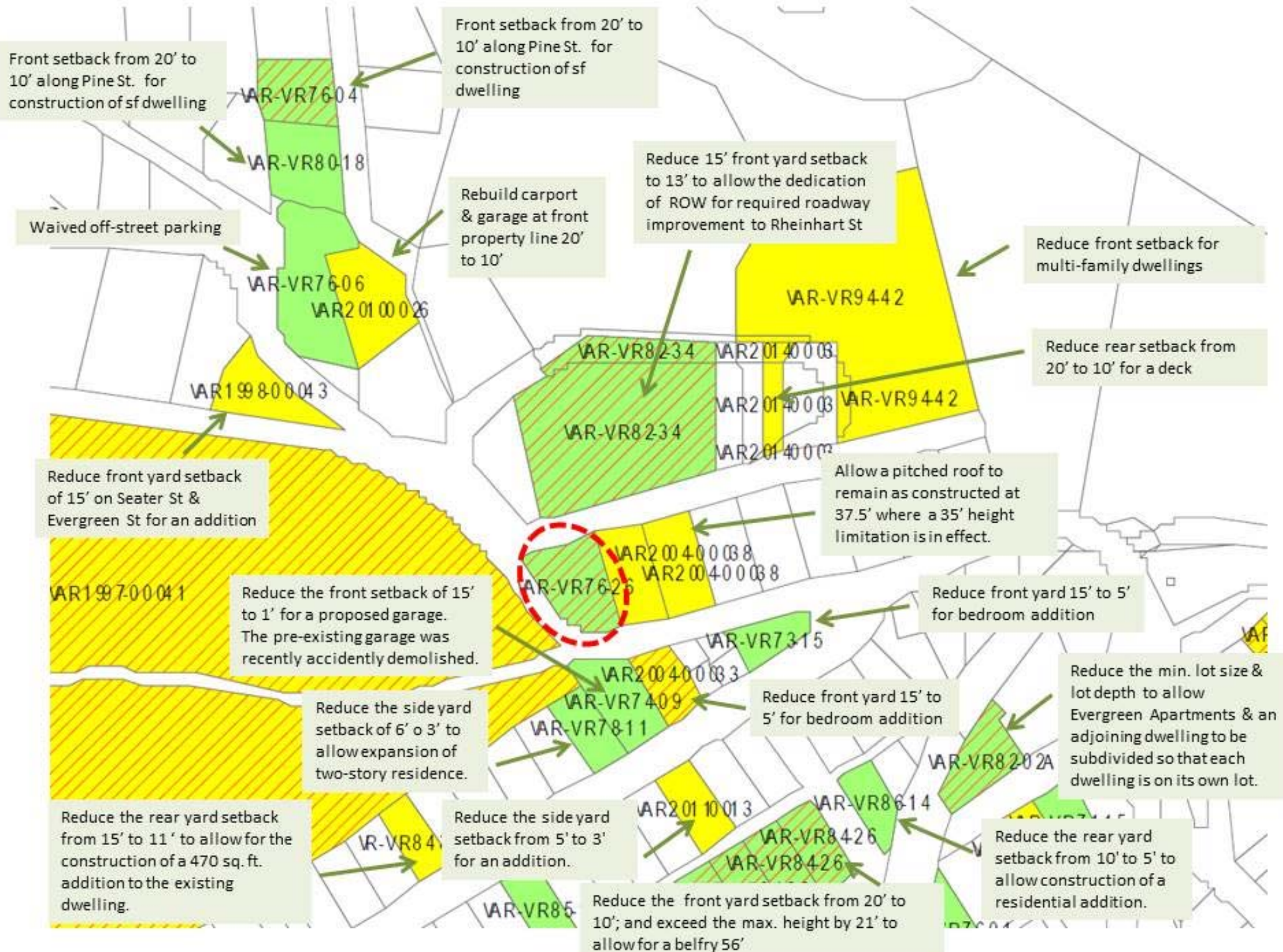
PROJECT NO: 97-3334

FILE NO:

SHEET NO: 1 OF 1



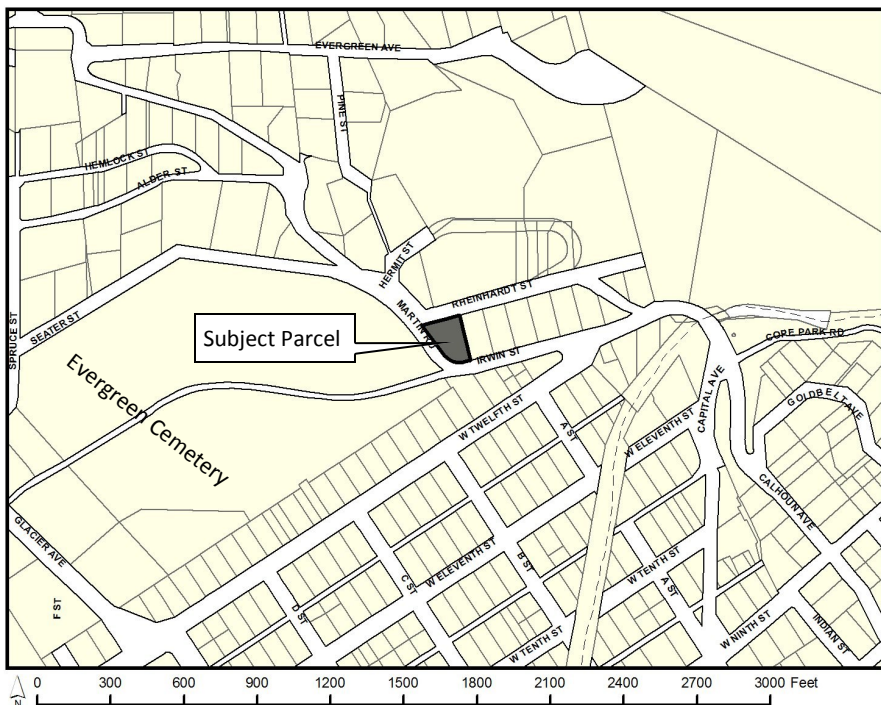
Attachment G – Aerial Map with Property Boundaries



Attachment H – Map of Surrounding Variances



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



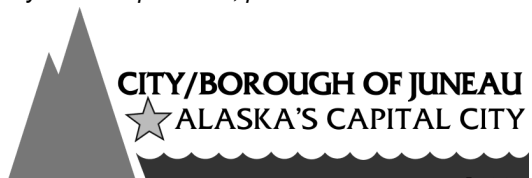
PROPOSAL: VAR2016 0006: Variance to Street Side Yard Setback along Martin Rd
VAR 2016 0007: Variance to Side Yard Setback

File No:	VAR2016 0006 and VAR2016 0007	Applicant:	Carl Brodersen
To:	Adjacent Property Owners	Property PCN:	1-C03-0-E02-005-0
Hearing Date:	June 14, 2016	Owner:	Carl Harold Brodersen
Hearing Time:	7:00 PM	Size:	6487 Square Feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-18
		Site Address:	1309 Martin Road
		Accessed Via:	Martin Road

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

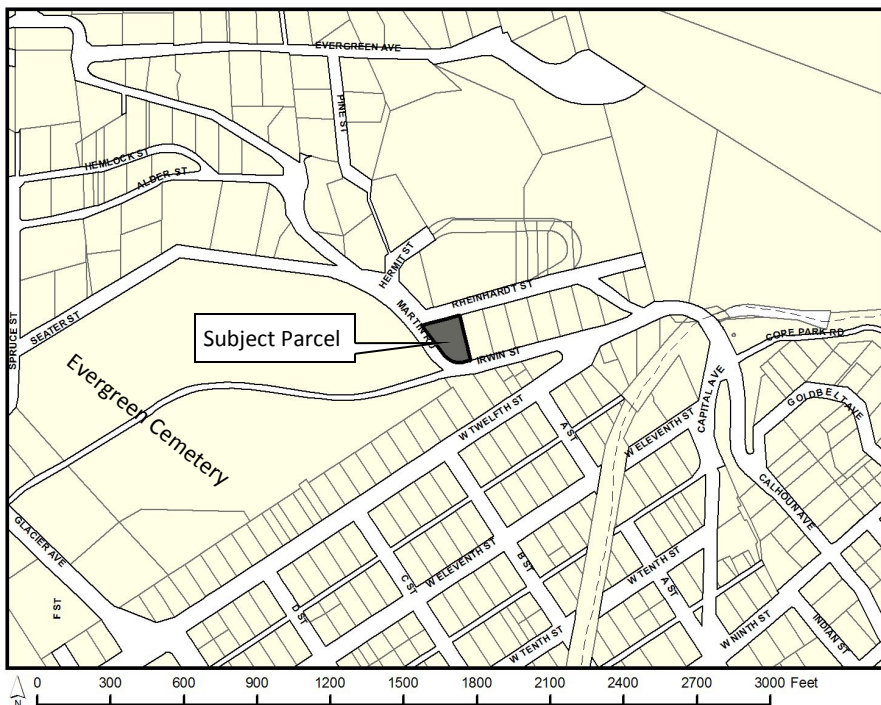
If you have questions, please contact Jill MacLean at jill.maclea@juneau.org or 586-0756.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: VAR2016 0006: Variance to Street Side Yard Setback along Martin Rd

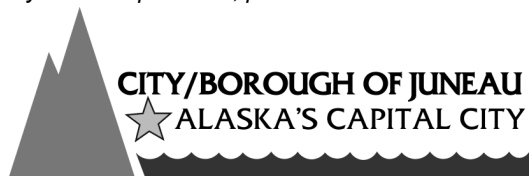
VAR 2016 0007: Variance to Side Yard Setback

File No:	VAR2016 0006 and VAR2016 0007	Applicant:	Carl Brodersen
To:	Adjacent Property Owners	Property PCN:	1-C03-0-E02-005-0
Hearing Date:	June 14, 2016	Owner:	Carl Harold Brodersen
Hearing Time:	7:00 PM	Size:	6487 Square Feet
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	1309 Martin Road
	155 South Seward Street	Accessed Via:	Martin Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jill MacLean at jill.maclea@juneau.org or 586-0756.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Community Development

City & Borough of Juneau • Community Development
 155 S. Seward Street • Juneau, AK 99801
 (907) 586-0715 Phone • (907) 586-4529 Fax

DATE: May 31, 2016

TO: Board of Adjustment

FROM: Jill Maclean, Senior Planner *Jill Maclean*
 Community Development Department

FILE NO.: VAR2016 0007

PROPOSAL: Variance to Side Yard Setback.

GENERAL INFORMATION

Applicant: Carl Brodersen

Property Owner: Carl Brodersen

Property Address: 1309 Martin Road

Legal Description: Irwin Addition BL 2 LT 8

Parcel Code Number: 1-C03-0-E02-005-0

Site Size: 6,487 sq. ft.

Comprehensive Plan Future Land Use Designation: Medium Density Residential (MDR - urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre)

Zoning: D18 (residential multi-family 18 units per acre)

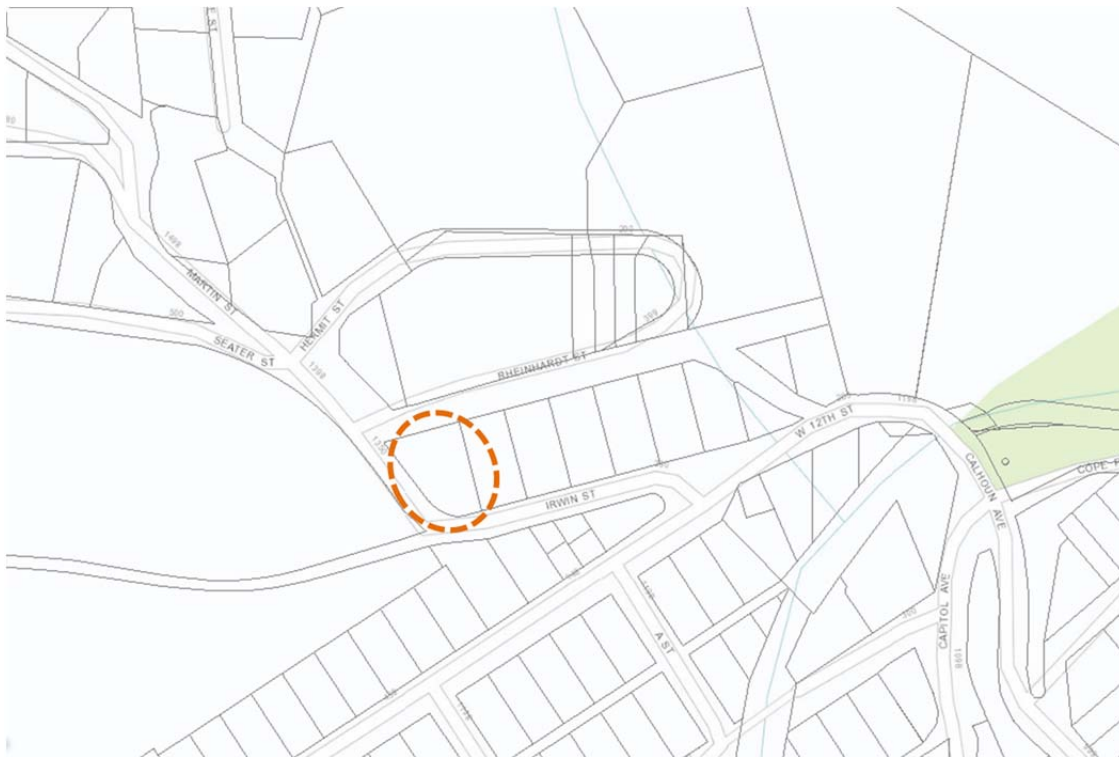
Utilities: CBJ Water & Sewer

Access: Martin Road

Board of Adjustment
File No.: VAR2016 0007
May 31, 2016
Page 2 of 7

Existing Land Use:	Single-Family Residential		
Surrounding Land Use:	North	D5 single-family/duplex & D18 condominiums	
	South	D5 single-family/duplex	
	East	D18 condominiums	
	West	D5 Evergreen Cemetery	

Site Map



ATTACHMENTS

- Attachment A – Application
- Attachment B – 1913 Plat
- Attachment C – 1960 Plat
- Attachment D – Variance VR-26-76
- Attachment E – Variance VR-24-77
- Attachment F – As-Built
- Attachment G – Aerial Map with Property Boundaries
- Attachment H – Map of Surrounding Variances
- Attachment I – Public Notice

Board of Adjustment
File No.: VAR2016 0007
May 31, 2016
Page 3 of 7

PROJECT DESCRIPTION

The applicant is requesting a variance for a side setback along the easterly property line. The applicant intends to install exterior insulation ("remote wall") to the existing dwelling (see Attachment A p.3). The purpose of the insulation is to ensure that the condensation is trapped in the insulation, protecting the structure from rot. The applicant also seeks a street side yard setback along Martin Road (see VAR2016 0006); all other setbacks and zoning requirements are met.

BACKGROUND

This area was platted in 1913 (see Attachment B), and the existing dwelling was constructed in the 1930s. In 1960, this lot and the Martin Road ROW were platted again by the CBJ, which decreased the width of Martin Road and included taking of a portion of this lot (see Attachment C). This platting created the irregular shape of the lot that exists today, and may have added to the discrepancies noted above. The current owner (the applicant) seeks to rectify these inconsistencies, while rehabilitating the dwelling. In the 1970s, the owner at that time attempted to correct the encroachment issue along Martin Road as described in the project narrative.

In 1976, the property under the zoning code at that time was considered to have three front yards (Martin Road, Irwin Street, and Rheinhardt Street). The owner received a variance to construct an enclosed porch, requiring front yard setback reduction along Martin Road from the required 15 ft. to 8.5 ft. The owner also received a variance for a front yard setback along Irwin Street from the required 15 ft. to 13 ft. to construct a garage (Attachment D Variance VR-26-76).

In 1977, the previous property owner was also granted a variance for a side yard setback to construct a two-story addition on the east side of the property with a 5 ft. setback. The code at that time required a 6 ft. setback (Attachment E Variance VR-24-77). This is the setback which the applicant is requesting an additional 1 ft. setback, from 5ft. to 4ft.

ANALYSIS

The property is zoned D18 and under the current code, is considered to have a front yard along Rheinhardt Street, a side yard to the east, and two street side yards along Martin Road and Irwin Street (see Attachment F). CBJ 49.25.430 (3) Multiple Frontage lots, states that buildings on lots with two or more rights-of-way must meet the front yard setback from one lot line adjoining the right-of-way, and that setbacks remaining from the other rights-of-way will be considered street side yards. This section of Code stipulates that corner lots with existing building setbacks shall be established based upon the yard that most closely meets the respective yard setback.

Board of Adjustment
 File No.: VAR2016 0007
 May 31, 2016
 Page 4 of 7

According to the Table of Dimensional Standards (CBJ 49.25.400), the property at 1309 Martin Road is required to meet the following setbacks:

	Required	Existing	Requested Variance
Front yard (Rheinhardt St.)	20 ft.	20 ft.	
Street Side Yard (Martin Rd.)	13 ft.		13 ft. to 5 ft. varying along Martin Road (VAR2016 0006)
Street Side Yard (Irwin St.)	13 ft.	20 ft.	
Side Yard (east side)	5 ft.	5ft.	4ft.

Variance Requirements

Under CBJ 49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined that:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The relaxation applied for will give substantial relief to the property owner. Given the irregularly shaped lot, and the fact that the dwelling was built in the 1930s and not constructed to today's building standards, reducing the side yard setback along the easterly property line allows the owner to rehabilitate the existing dwelling, and use it in a manner that is consistent with the neighboring properties (see Attachment G).

Yes. This criterion is met.

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

The intent of Title 49 is to achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan; to provide adequate open space for light and air; and to recognize the economic value of land and encourage its proper and beneficial use.

Based on the 2013 Comprehensive Plan, Chapter 4 – Housing Element, the applicant's intent to rehabilitate the existing dwelling to meet current energy standards would be supported by the Comprehensive Plan. Chapter 4 identifies the need to adopt building and fire code standards for housing rehabilitation that are reasonable in cost and that continue to meet acceptable

Board of Adjustment
File No.: VAR2016 0007
May 31, 2016
Page 5 of 7

levels of public health and safety; and to improve the quality of housing and neighborhoods by educating landlords, tenants and property owners about health and safety code requirements, property maintenance Best Management Practices, and by enforcing code compliance when necessary.

As the applicant is requesting the minimum needed to apply siding to the existing dwelling, and as the rooflines and foundation are not altered, the activity does not impede upon vehicular or pedestrian site lines or distances. Therefore, public safety and welfare are preserved if this variance is granted.

Yes. This criterion is met.

3. *That the authorization of the Variance will not injure nearby property.*

The applicant's proposal to install exterior insulation up to 1 ft. in width will not increase the foundation of the existing dwelling nor will it alter the roofline. The remote wall will not noticeably change the views, it does not impact traffic circulation or pedestrian safety, and use of the lot will not change do to the granting of the variance. The remote wall will provide an improved façade for the neighboring properties with better aesthetics and soundproofing. Authorization of the variance will not injure nearby property.

Yes. This criterion is met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

The applicant's proposal is consistent with the surrounding neighborhood. If the variance to the side yard setback is approved, the use of the lot will remain as a single-family dwelling. The use is allowed within this district per CBJ 49.25.300 Table of Permissible Uses Section 1.110.

Yes. This criterion is met.

5. *That compliance with the existing standards would:*

(A) *Unreasonably prevent the owner from using the property for a permissible principal use;*

The existing lot is being used as a single-family residence. Without the variance the owner may continue to use the lot in this manner, however, the owner may not be able to sell the dwelling in its current state due to the discrepancy in the setback along Martin Road. The current dwelling may continue to deteriorate if not insulated and sided appropriately.

No. This sub-criterion has not been met.

Board of Adjustment
File No.: VAR2016 0007
May 31, 2016
Page 6 of 7

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

The use is consistent with Title 49 Table of Permissible Uses and is consistent with the surrounding uses. The lack of weatherproofing, and the building standards not meeting today's best practices, prevents the owner from using the property in an energy efficient manner. Additionally, upon researching variances granted in the surrounding area, the approval of this variance would allow the applicant to use his property in a manner that is consistent with neighboring properties. As the neighborhood developed prior to current zoning regulations, and in some instances prior to zoning, at least 18 variances have been granted for various forms of relief including front yard setback reductions from 15 ft. to 1 ft., and at least two for 15 ft. to 5 ft.; and reductions of side yard setback from 6 ft. to 3 ft. and another from 5 ft. to 3 ft. (see Attachment H).

Yes. This sub-criterion is met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

The property does not have unique physical features that render compliance unreasonably expensive.

No. This sub-criterion has not been met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

The dwelling was originally constructed in the 1930s prior to zoning requirements. The previous owner received variances to reduce the setbacks to allow for additions to the existing structure. Due to the previously permitted variances, the existing structure is considered conforming, and therefore no preexisting nonconforming conditions exist on the parcel.

No. This sub-criterion is not met.

Criterion 5 is met because sub-criterion 5B is met.

Board of Adjustment
 File No.: VAR2016 0007
 May 31, 2016
 Page 7 of 7

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

As previously stated, the applicant's proposal to install the remote wall will not increase the foundation of the existing dwelling nor alter the roofline; it will not noticeably change the views, it does not impact traffic circulation or pedestrian safety, and use of the lot will not change due to the granting of the variance. The exterior insulation and siding will provide an improved façade for the neighboring properties with better aesthetics and soundproofing, and general improvements to a property increase value in a neighborhood.

Yes. This criterion is met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. Staff finds 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.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

N/A

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

Yes. Criteria 1, 2, 3, 4, 5B, and 6 are met; 5A, 5D, and 5C are not met. Based on the analysis above, staff finds that the Variance does meet the criteria of CBJ 49.20.250, Grounds for Variances.

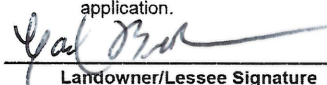
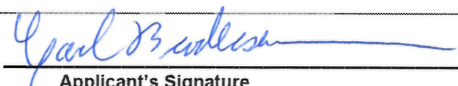
RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2016 0007, to allow for up to 1 ft. of exterior insulation siding to be added to the existing building façade, which would result in a minimum side yard setback of 4 ft. from the easterly property line.

DEVELOPMENT PERMIT APPLICATION

Packet Page 236 of 255

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>4/15/16</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description -(b) Variance to side yard setback allowing exterior insulation and siding to be added to existing building but no closer than 4ft to lot line.		
	PROPERTY LOCATION		
	Street Address 1309 Martin Road		City/Zip Juneau 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Irwin Addition, Plat 388, Block 2, Lot 8		
	Assessor's Parcel Number(s) 1C030E020050		
	LANDOWNER/ LESSEE		
	Property Owner's Name Carl Brodersen		Contact Person: same
	Mailing Address 16294 Pt. Lena Loop Rd. Juneau, AK 99801		Work Phone: 586-6588
	E-mail Address carlhcb@gmail.com		Home Phone: same
			Other Contact Phone Number(s):
PROJECT / APPLICANT	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></u> Landowner/Lessee Signature		<u>4/15/16</u> 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" and sign and date at X below		
	Applicant's Name <u>Same</u>		Contact Person:
	Mailing Address		Home Phone:
	E-mail Address		Fax Number:
			Other Contact Phone Number(s):
PROJECT / APPLICANT	X <u></u> Applicant's Signature		<u>4/15/16</u> Date of Application

OFFICE USE ONLY BELOW THIS LINE				
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	☒	Variance Case (De Minimis and all other Variance case types)		<u>4/15/16</u>
		Wetlands Permits		<u>VAR 2016 0007</u>
	Zone Change Application			
	Other (Describe)			
***Public Notice Sign Form filled out and in the file.				
Comments:				Permit Intake Initials <u>JMM</u>

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>VAR-20160007</u>	Date Received <u>4/15/16</u>
----------------	------------------------------	------------------------------------	---------------------------------

TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)
 ☐ Variance to Dimensional Standards (VDS)

☒ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
 -(b) Variance to side yard setback allowing exterior insulation and siding to be added to existing building but no closer than 4ft to lot line.

Previous Variance Applications? ☐ YES ☐ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): _____
Lot is irregularly shaped and located in an area prone to early survey inconsistencies, and the original structure dates from the 1930s "wild west" construction era. Further, the house was modified in the '70s with 'extreme efficiency of land use.' -This necessitates a minor allowance setback to take advantage of new building methods that were unforeseeable four decades ago.

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
Exterior insulation and metal siding (the "REMOTE" wall) have become the gold-standard wall design in terms of fuel efficiency, moisture management, and long-term effectiveness. It is strongly recommended by the Cold Climate Housing Research Center, local housing specialists, architects and engineers. Any owner would desire this wall type.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
If not granted, a significantly inferior wall type would have to be devised and implemented despite the existence of a vastly superior alternative with no practical impact on the neighbors, who have so far expressed no concerns at all with this proposal.
-thank you.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	VARIANCE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>400</u>	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Total Fee	\$ <u>400</u>	<u>1615</u>	<u>CDD7946</u>	<u>4/15/16</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Brodersen Request for Variance
1309 Martin Road

RECEIVED

APR 18 2016

PERMIT CENTER/CDD

Project Description

This proposal has two goals: (1) To bring into compliance a setback encroachment by one corner of the house resulting from a decades-old surveying error, and (2) to minimally alter two setbacks to permit the installation of exterior insulation and metal siding (the REMOTE Wall) -which Alaska's Cold Climate Research Council calls "*a superior alternative to standard frame construction*."¹

The following two relaxations of setbacks would accomplish these goals:

- (a) Reduce street side setback along Martin Road to correct 1930 setback non-compliance and allow exterior insulation to be added to existing building but no closer than 5ft to lot line, and
- (b) Variance to side yard setback allowing exterior insulation and siding to be added to existing building but no closer than 4ft to lot line.

In the case of both (a) and (b), 12 inches are being requested for the siding to ensure no future encroachment, however the specific wall type to be employed will only utilize 5-5/8". Thus the actual net change impacting the neighbors will be less than half a foot.

Regarding (a): During a 1970s renovation, an attempt was made to correct the non-compliance of the original 1930s structure at the corner along Martin Road by changing the street side setback to 8.5ft. But this house exists in what R&M unofficially calls "The Irwin Triangle." Their April 2016 survey finds that the 1976 variance granted to correct the non-compliance (which was based on old survey work) was not sufficient. In order to correct the old error and permit the installation of a REMOTE wall, the setback would need to change from 8.5ft to 5.0ft. The corner of the house would actually still be 6ft from the property line, and still 16ft from the street. Impact on visibility to vehicle traffic rounding that corner would be negligible. There is only one neighbor on that side of the house who is not a resident of Evergreen Cemetery, and his letter of support is attached.

Regarding (b): 40 years ago the house was renovated right up to the lot line setback; a proper and efficient maximization of the use of space in a somewhat irregularly-shaped downtown lot. In the nearly half a century since then, building construction technologies have changed with our improved understandings and research (and an increase the the price of heating oil). The REMOTE Wall system adds 4" of exterior insulation to the outside of a building's structure, as well as furring and increasingly ubiquitous metal siding. This wall type is recommended by the CCRC, local architects and engineers, heat-loss and building envelope specialists, and is often seen on new construction and substantial renovations. As well as being extremely thermally

¹REMOTE Walls: <http://www.cchrc.org/remote-walls>

efficient, the REMOTE Wall type ensures that the dew point occurs within the insulation itself, meaning there will be no structure-rotting condensation within the walls. It is "the way to go," as it were, and should be encouraged by CBJ and other organizations concerned with maximizing efficiency, sustainability, and public benefit.

Although adding a REMOTE Wall to this house does not alter its structure or the extent of its foundations, it does change the footprint, according to the definition. To install 5-5/8" of replacement exterior and have room for error, I request that the side setback be changed from 5ft to 4ft. The neighbors this impacts are residents of Highland Terrace Condominiums. The majority of those adjacent to the lot line in question would see the distance between us change from 20.25ft to 19.25ft. Those closest to the house would see an average change from 10.2ft to 9.9ft. In terms of window placement (those who can actually see the wall), this proposal matters most to four Highland Terrace units. Two are owned by out-of-state landlords, a third I have yet to be able to contact, and the person *most* affected by the change has been supportive of the project and his letter to that effect is attached. I do not have a letter from the Condo Association board yet, but through informal contacts with the property manager and some of the board's members, have learned of no objections to the proposed changes.

Additionally, my neighbor up the hill, who drives by the house every day, has no objections and her letter of support is also attached.

Specific CBJ Variance Approval Criteria

(1) Granting these requests would provide substantial relief, as the optimal way to update the structure and bring it into compliance would not otherwise be possible. Very little lesser relaxation would still address goal (1) [long-standing non-compliance remediation], nor would much less permit the 0.5ft of insulation and siding without decreasing the "wiggle room" margin for error. "Up to a foot" is a safe number, and I'll only use six inches of that. My neighbors are the best judges of what is just, and so far all have supported this change.

(2) There will be no negative impact on public safety or welfare, and the intent of the title will be preserved. In terms of dimensions, to anyone just looking at the house or moving past it, "what would be" is nearly indistinguishable from "what is now." The huge benefits come at almost no cost.

(3) There will be no changes to nearby property (no dirt will move), and the experience of my property by those adjacent to it will be greatly increased (nice metal panels and extra sound insulation around a garage make for a much nicer experience than old plywood and table-saw noise).

(4) Use of the lot will not change as a result of this variance. I only grow raspberries.

(5)(A) In an era of increasing costs and concern for sustainability and efficiency, without the requested variances, I and all future owners of this property would be forced to accept what is,

by comparison, a significantly inferior wall system. Internal insulation wastes valuable inside space and does not create a worry-free vapor-management and dew-point situation. I wouldn't even be able to put up metal siding on the side of the house, as it is 7/8" thick, and the house is exactly 5ft from the side lot line on the south-east corner. The existing plywood siding is not a good option for Southeast. And that other corner, along Martin Road, would probably spend another 70 years out of compliance (1).

(5)(B) Without the variances, it could be difficult to sell the house through a bank, as they would be sure to notice the long-standing non-compliance (1), and without the exterior insulation and siding, the wall facing Highland Terrace would remain a disheveled-looking plywood edifice. They deserve neighbors with a nicer appearance.

(5)(C) This is not a matter of cost, nor a matter of physical features (beyond the shape of the lot having forced the structure right up against the setback in the first place).

(5)(D) These variances would in no way result in non-compliance with any code or title.

(6) These variances do not negatively impact anyone. Views are not substantially altered, uses would not change, traffic and pedestrian safety would not diminish. Every neighbor asked agrees and supports the project. Rather than cause loss, the neighborhood gets a house with much more curb appeal, more fire-resistant exterior cladding, and the world gets a house that will use less energy over its lifetime because of the way it is insulated, and I get a wall that is about as worry-free as we can currently build them in terms of moisture management.

This is a reasonable request.

It's a smart thing to do.

There's no negative impact.

The neighbors support it.

For 12", we have an opportunity to do this right, at the real cost of half a foot.

Thank you kindly for your consideration and service to our community.

Sincerely Yours,


Carl Brodersen

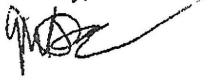
A

April 4, 2016

Dear CBJ,

We have no objection to Mr. Brodersen's project nor the variances needed to accomplish it. Please approve his request for variances.

Sincerely,



Greta Wade

Neighbor

(1401 Martin Rd.)

B

Hello,

My name is Patch McLaughlin and I am the owner of Apt 301 at 350 Irwin St. As my unit is in close proximity to Mr. Brodersen's house, he has recently informed me of his intent to redo the siding on his house. I have no objections.

If you have any questions, please feel free to contact me at 253.683.1206.

Patch McLaughlin



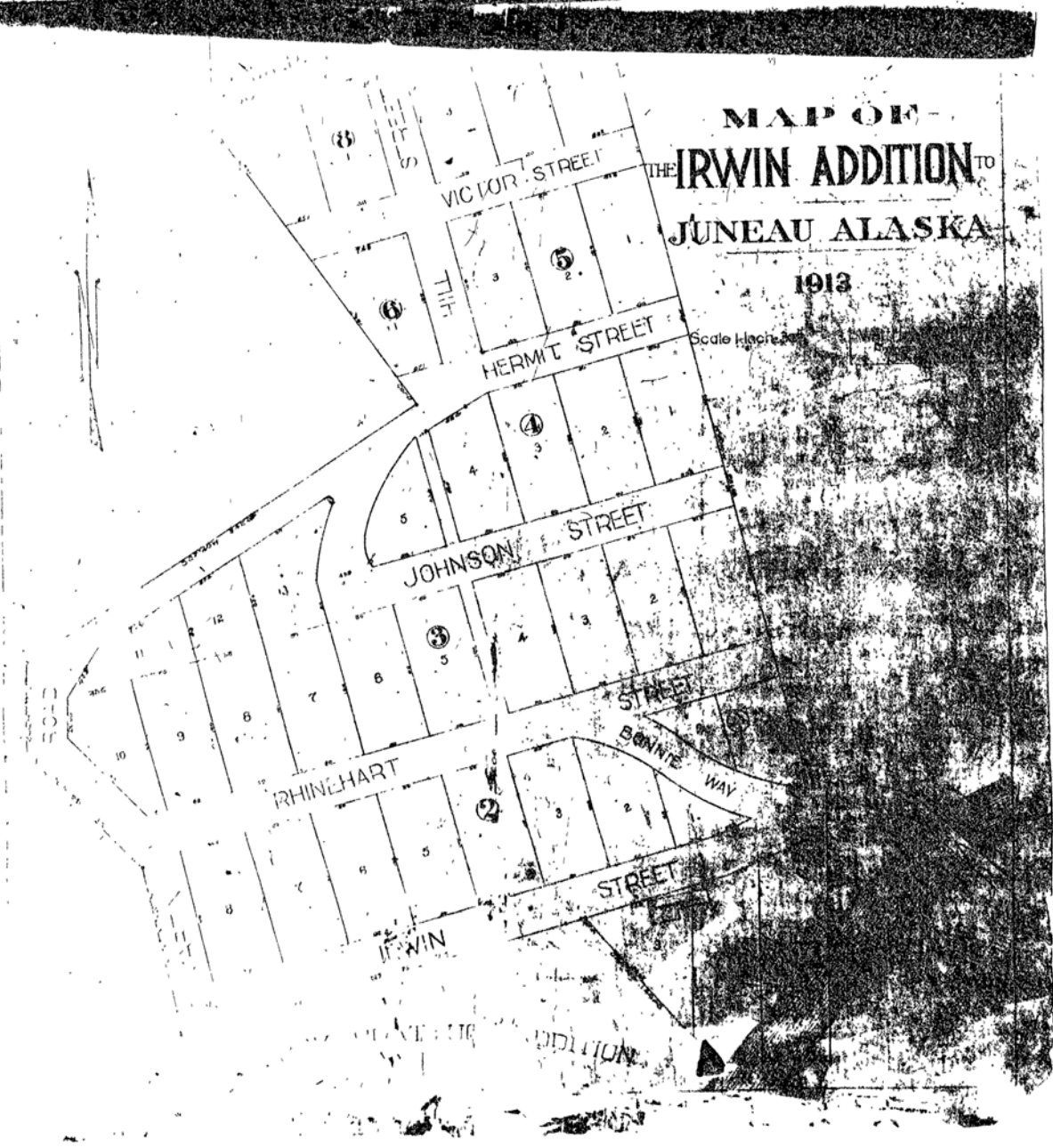
To whom it May Concern,

I am Carl Brodersen's neighbor, across Irwin Street. I am aware of his plan to add a few inches of insulation to the outside of his house, and I do not object to any variances he needs to obtain to reasonably accomplish this task.

Sincerely,

Andrew Kline
420 W 12TH ST.
Juneau, AK 99801

A handwritten signature in blue ink, appearing to be 'Andrew Kline', with a long horizontal flourish extending to the right.



1913-4
2 of 2

Attachment B – 1913 Plat

September 13, 1976

Board of Adjustment Decision

Mark Brodersen
1309 Martin Road
Juneau, Alaska 99801

Dear Mr. Brodersen:

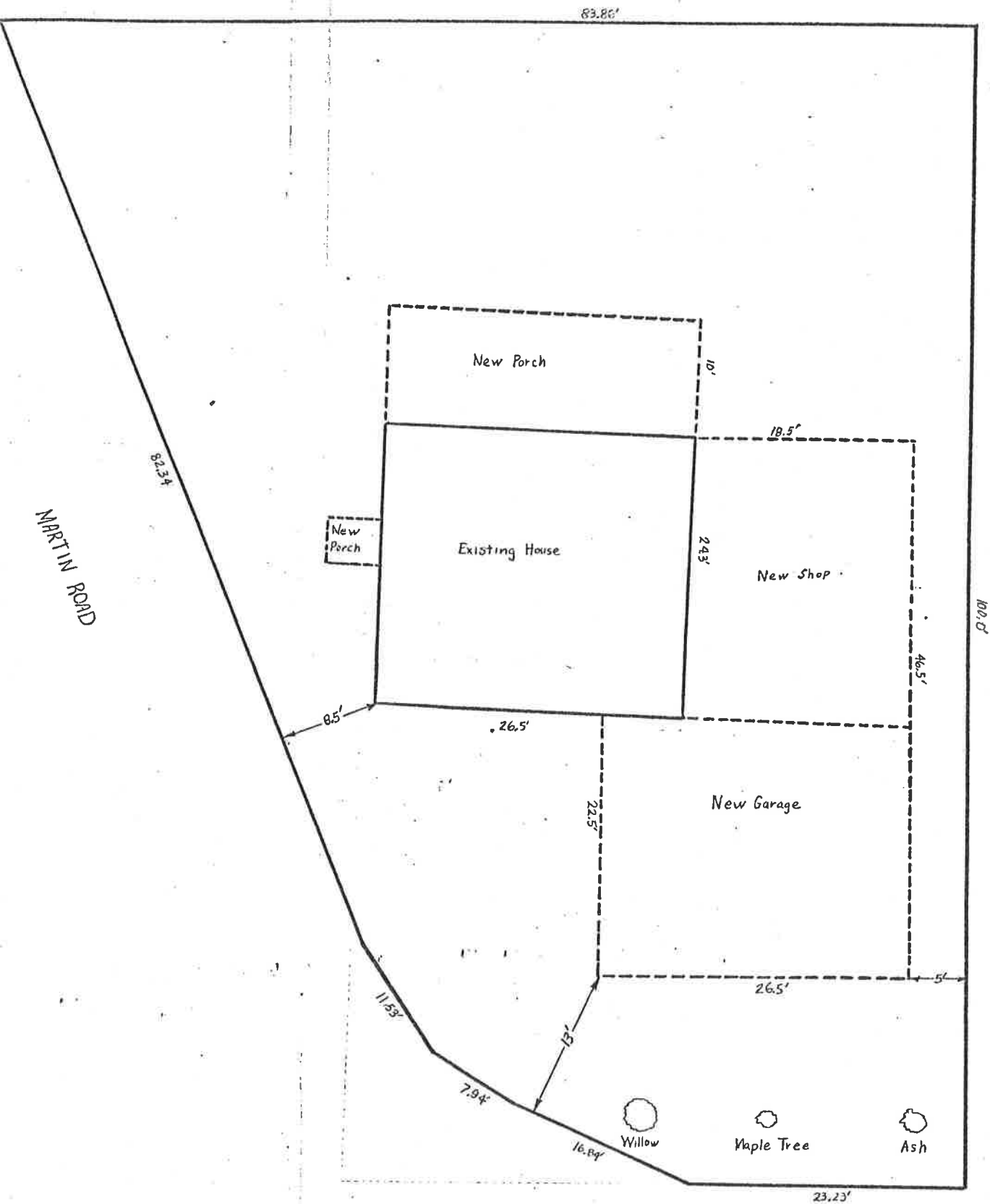
This is to advise you that the Board of Adjustment, at its meeting of September 13, 1976, approved your variance application for specified additions to Lot 8 Block 2 Irwin Addition.

A Building Permit could be applied for anytime at your convenience.

Very Truly yours,

Ron Bolton
Zoning Administrator

RB/kw



ZONING VARIANCE APPLICATION

APPLICANTS NAME: Mark Brodersen

FILE NO. VR-26-76

BUS. ADDRESS: 1309 Martin Road Juneau, Ak. 99801

DATE: _____

PHONE: 465-2667 (day) 586-6593 (evening)

FEE: 20.00 per acre

WHO HOLDS TITLE TO THE PROPERTY?

RECEIPT NO: _____

NAME: as above

PH _____

HEARING DATE: _____

ADDRESS: _____

EXISTING

ZONE: RMM

IF YOU DO NOT HOLD TITLE TO THE PROPERTY, WHAT IS YOUR INTEREST? _____

LOCATION OF PROPERTY: 1309 Martin Road Juneau

U.S. SURVEY NO. Plat No. 427

SUBDIVISION: Irwin Addition

LOT 8 and adjacent portion BLK 2

DIMENSIONS OF PROPERTY: 84' x 100' less one corner

LENGTH: 100'

WIDTH: 84' (top)
23' (bottom)

TOTAL SQ. FT. 6487

PROVISIONS IN THE ORDINANCE FROM WHICH VARIANCE IS REQUESTED: _____

Reduce front setback on two sides.

SPECIFIC RELIEF REQUESTED: Reduce front set back along Martin Road to 8.5' for renovation and addition of a second story on the existing foundation and addition of an enclosed front porch. Reduce front setback along Irwin Street to 13 feet for construction of a garage.

STATE WHAT UNIQUE CIRCUMSTANCE IS PECULIAR TO THE LAND OR BUILDING INVOLVED THAT DISTINGUISH IT FROM OTHER PROPERTIES IN THE SAME VICINITY:

The lot is bordered by streets on 3 sides requiring a front set back on 3 sides. The lot is irregularly shaped. The existing house already has less than a minimum set back. The back portion of the lot is quite steep.

STATE HOW THE DIFFICULTY WOULD APPLY TO THE PARTICULAR LAND OR BUILDING REGARDLESS OF OWNER: _____

The second story could not be rebuilt, a porch could not be added and the garage could not be built.

INDICATE WHAT HARDSHIP WOULD RESULT IF THE ORDINANCE REQUIREMENTS WERE COMPLIED WITH: The second story could not be rebuilt, a porch could not be added and a

garage could not be built. On street parking is not available near the house. Construction of a garage would help relieve the lack of parking space.

Mark Brodersen

Attachment D - Variance VR-26-76

DATE: **August 25, 1977**

FILE NO.

SUBJECT:

**Mark Brodersen
1309 Martin Road
Juneau, Alaska 99801**

Dear Mr. Brodersen:

This is to formally advise that the Board of Adjustment, at it's meeting of August 22, 1977, approved your variance request to reduce the sideyard setback requirement from 6 feet to 5 feet for the proposed addition to your house at 1309 1309 Martin Road.

Sincerely,



**Steve Gilbertson
Zoning Administrator**

SG:cj

ZONING VARIANCE APPLICATION

For Aug 22

APPLICANTS NAME: Mark Brodersen FILE NO. _____

BUS. ADDRESS: 1309 Martin Rd DATE: _____

PHONE: 465-2667 (day) 586-6593 (evening) FEE: _____

WHO HOLDS TITLE TO THE PROPERTY? RECEIPT NO: _____

NAME: as above PH _____ HEARING DATE: _____

ADDRESS: _____ EXISTING ZONE: RMM

IF YOU DO NOT HOLD TITLE TO THE PROPERTY, WHAT IS YOUR INTEREST? _____

LOCATION OF PROPERTY: 1309 Martin Road Juneau

U.S. SURVEY NO. Plat No. 427

SUBDIVISION: Irwin Addition LOT 8 and adjacent portion BLK 2

DIMENSIONS OF PROPERTY: 84' X 100' less one corner

LENGTH: 100' WIDTH: 84' (top) 23' (bottom) TOTAL SQ. FT. 6487

PROVISIONS IN THE ORDINANCE FROM WHICH VARIANCE IS REQUESTED: _____

reduce side set back for two story building

SPECIFIC RELIEF REQUESTED: reduce side set back ^{along the new shop} from 6' to 5' for a two story building. ~~along new shop~~

STATE WHAT UNIQUE CIRCUMSTANCE IS PECULIAR TO THE LAND OR BUILDING INVOLVED THAT DISTINGUISH IT FROM OTHER PROPERTIES IN THE SAME VICINITY:

The lot is bordered by streets on three sides requiring a front set back on 3 sides.

The lot is irregularly shaped. The back portion of the lot is quite steep. Another zoning variance for the ~~existing~~ structure was granted last year. The set back variances requested were predicated on a five foot set back along the side. Later, I discovered a 6' set back was necessary for a two story structure. Rather than go back and redesign everything to comply with the 6' set back, I would like a reduction of set back requirements to 5'.

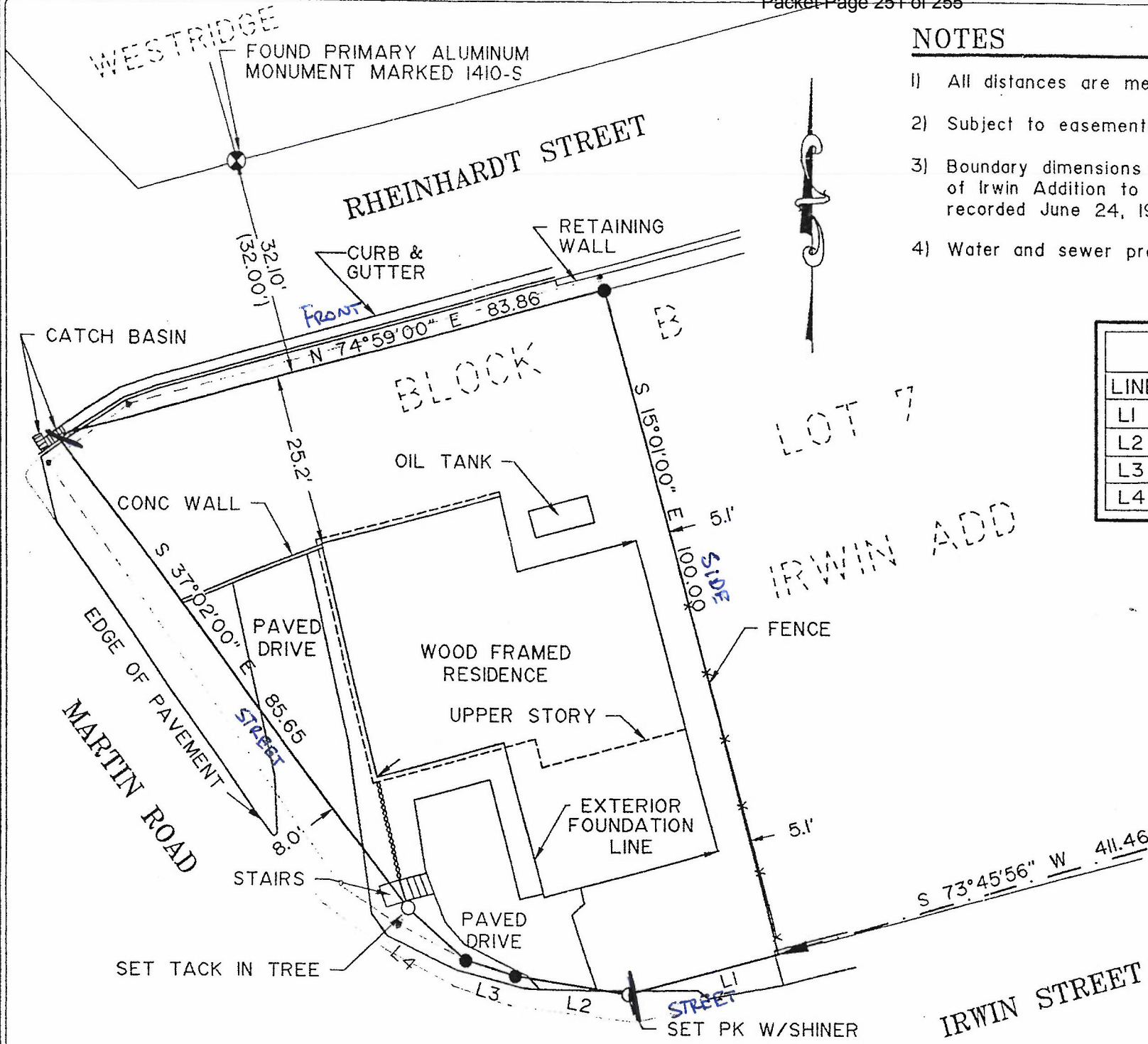
I did not indicate in the initial variance request that there would be an additional story over the shop.

STATE HOW THE DIFFICULTY WOULD APPLY TO THE PARTICULAR LAND OR BUILDING REGARDLESS OF OWNER: Any one wishing to build a shop in the proposed location would find the available space ~~very~~ narrow without the requested relief from setback requirements.

INDICATE WHAT HARDSHIP WOULD RESULT IF THE ORDINANCE REQUIREMENTS WERE COMPLIED WITH:

There would have to be a one foot jog in the wall between the garage and shop which would increase the difficulty in building the structure. Also, both the shop space and the living quarters above the shop space will be too narrow.

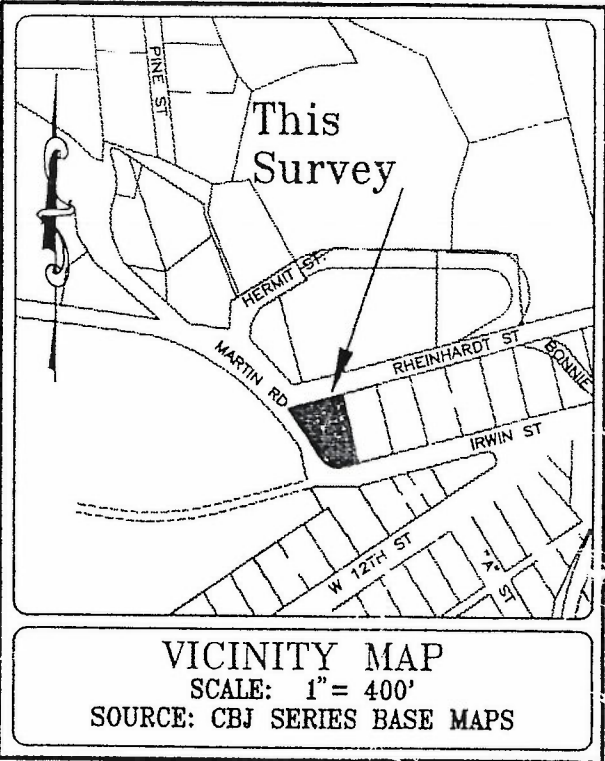
Attachment - Variance VR-24-77



NOTES

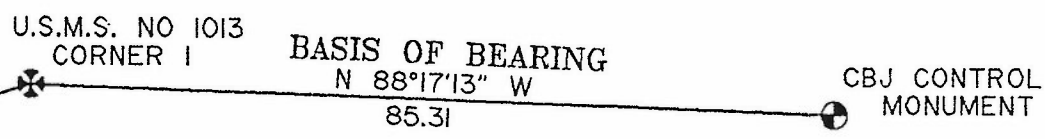
- 1) All distances are measured in U.S. Survey Feet.
- 2) Subject to easements and restrictions of record.
- 3) Boundary dimensions are based on record information from official plat of Irwin Addition to the City of Juneau and Deed Book 117, Page 143, recorded June 24, 1975, Juneau Recording District, Juneau, Alaska.
- 4) Water and sewer provided by CBJ Public Utilities.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 74°57'37" W	23.24
L2	N 81°06'54" W	16.84
L3	N 73°23'11" W	7.94
L4	S 48°28'51" E	11.53



BASIS OF BEARING

The Basis of Bearing for this plat is the bearing N 88°17'13" W between found BLM monument which marks corner 1, U.S.M.S. No. 1013 and City of Juneau control monument as shown.



LEGEND

- ✕ Found BLM brass cap in sidewalk
- Found CBJ brass cap in sidewalk
- Set 5/8" rebar w/ cap marked 6262-S

CERTIFICATE OF REGISTERED LAND SURVEYOR

I hereby certify that I am a Registered Land Surveyor licensed to practice land surveying in the State of Alaska and that this plat represents a survey made by me or under my direct supervision of the following described property: Lot 8, Block 2 and Vacated Portion of Martin Road, Irwin Addition to the City of Juneau, Deed Book 117, Page 743 and that all walks, roads, improvements, encroachments and overlaps are shown correctly to the best of my knowledge.

Date July 1, 1997



AS BUILT PLAT OF

LOT 8, BLOCK 2 AND VACATED

PORTION OF MARTIN ROAD RIGHT OF WAY

IRWIN ADDITION TO THE CITY OF JUNEAU

DEED BOOK 117, PAGE 743

Juneau Recording District, Juneau, Alaska

TONER-NORDLING & ASSOCIATES INC

CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT

5368 COMMERCIAL BOULEVARD

JUNEAU ALASKA 99801 907-780-3533

SCALE: 1" = 20'

DATE: JUL 1997

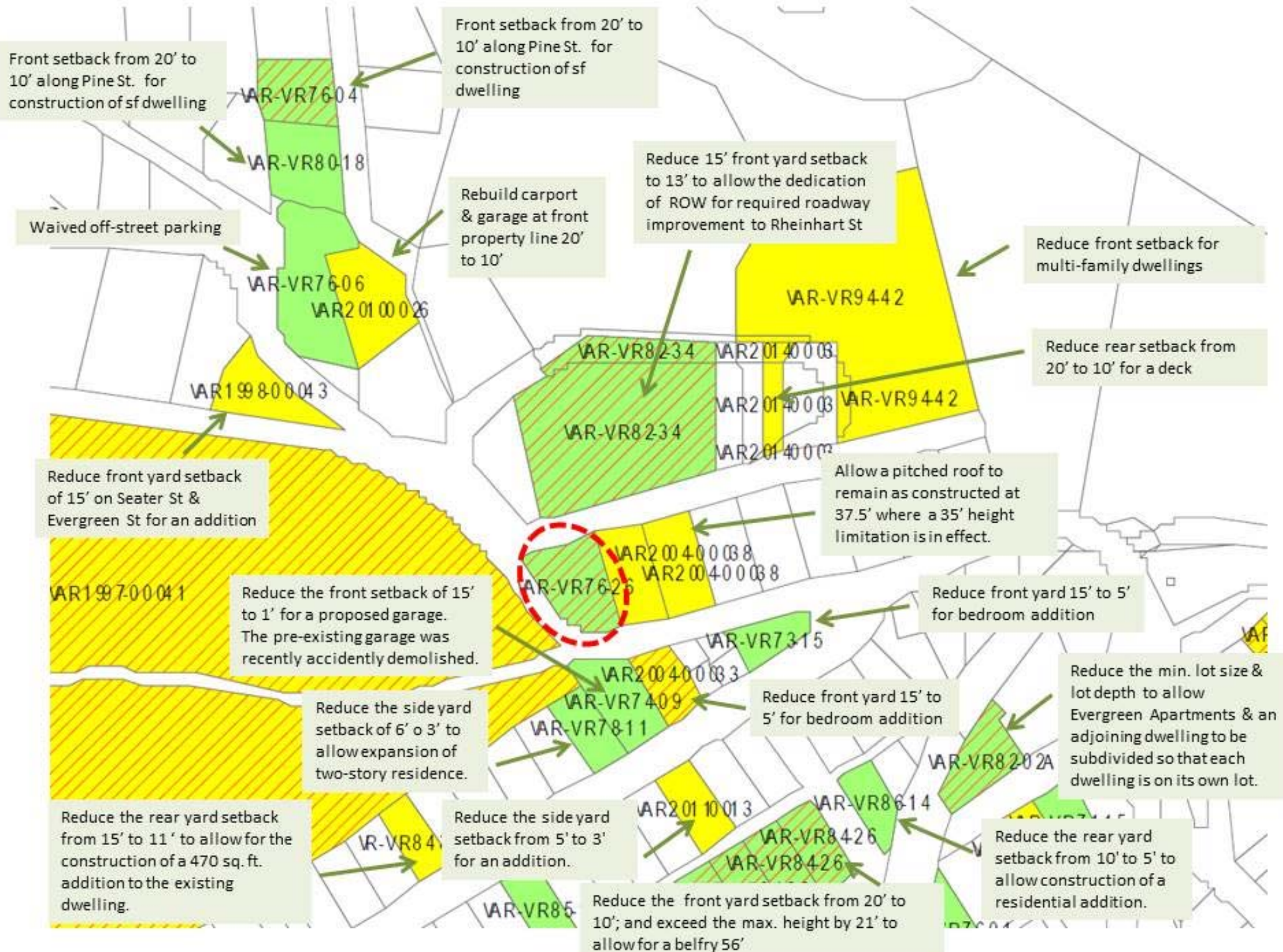
PROJECT NO: 97-3334

FILE NO:

SHEET NO: 1 OF 1



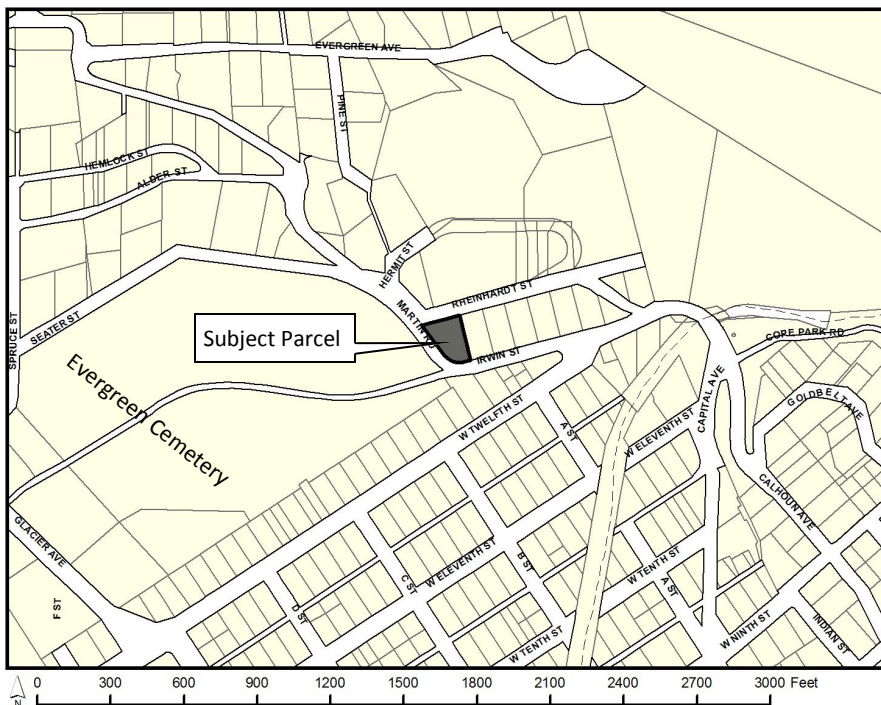
Attachment G – Aerial Map with Property Boundaries



Attachment H – Map of Surrounding Variances



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



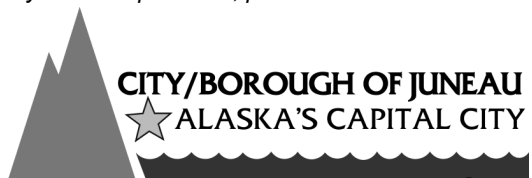
PROPOSAL: VAR2016 0006: Variance to Street Side Yard Setback along Martin Rd
VAR 2016 0007: Variance to Side Yard Setback

File No:	VAR2016 0006 and VAR2016 0007	Applicant:	Carl Brodersen
To:	Adjacent Property Owners	Property PCN:	1-C03-0-E02-005-0
Hearing Date:	June 14, 2016	Owner:	Carl Harold Brodersen
Hearing Time:	7:00 PM	Size:	6487 Square Feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-18
		Site Address:	1309 Martin Road
		Accessed Via:	Martin Road

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

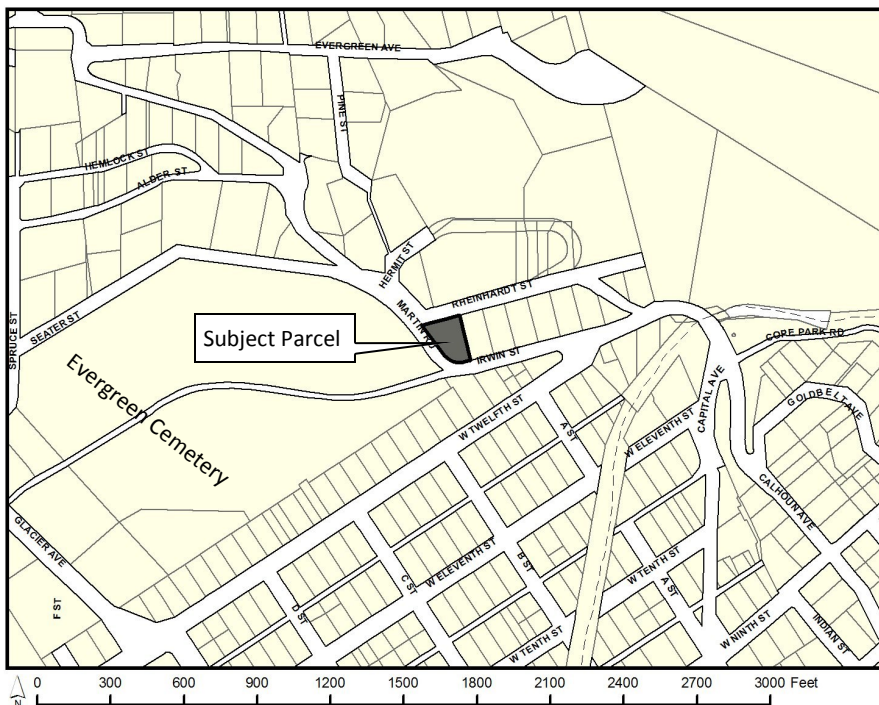
If you have questions, please contact Jill MacLean at jill.maclea@juneau.org or 586-0756.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: VAR2016 0006: Variance to Street Side Yard Setback along Martin Rd

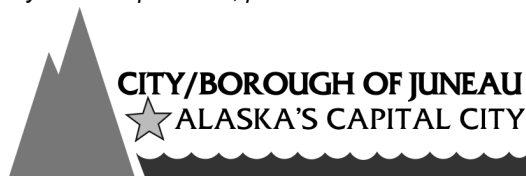
VAR 2016 0007: Variance to Side Yard Setback

File No:	VAR2016 0006 and VAR2016 0007	Applicant:	Carl Brodersen
To:	Adjacent Property Owners	Property PCN:	1-C03-0-E02-005-0
Hearing Date:	June 14, 2016	Owner:	Carl Harold Brodersen
Hearing Time:	7:00 PM	Size:	6487 Square Feet
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	1309 Martin Road
	155 South Seward Street	Accessed Via:	Martin Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jill MacLean at jill.maclea@juneau.org or 586-0756.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>